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EXPLANATION

Mounting production problems and the ever-increasing volume of the daily issue have caused delays in the issuance of our regular monthly subject indexes.

In a continuing effort to publish finding aids to the Federal Register on a more timely basis, this monthly index is a consolidation of the table of contents entries published in the daily issues during this month.

In addition to the new monthly index format (consolidated table of contents) an Annual Subject Index is planned.

Users and subscribers are invited to send their comments and suggestions to the Director, Office of the Federal Register, National Archives and Records Service, Washington, D.C. 20408.

Fred J. Emery
Director, Office of the
Federal Register

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Titles 1–16: Changes published January through November 1974.
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LIST OF CFR SECTIONS AFFECTED

WHAT IT IS

The List of CFR Sections Affected is designed to lead users of the Code of Federal Regulations to amendatory actions published in the Federal Register. It should be shelved with current Code volumes. Entries indicate the nature of the changes. Certain terms used are defined in the glossary below. Proposed rules are listed at the end of appropriate titles.

HOW TO USE THIS FINDING AID

The Code of Federal Regulations may be brought up to immediate date by the following steps:

1. Consult this List of CFR Sections Affected for any changes, deletions, or additions published after the revision date of the volume you are using.
2. Check the "Cumulative List of Parts Affected" appearing at the front of the latest issue of the Federal Register for changes published after the last date covered by this issue of the List of CFR Sections Affected.
3. If you do not have the *latest edition* of the Code of Federal Regulations, use the previous edition, and bring it up to date as follows:

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For an explanation of the structure and numbering of the Code, see 1 CFR Part 21.

GLOSSARY

Amended—A typographical unit of the CFR was partially set forth.
Recodified—Major portions of CFR were restructured or rearranged, or both.
Redesignated—A typographical unit or larger was renumbered and transferred from one place to another place in the CFR with no change in text.
Removed—A typographical unit was removed from the CFR.
Revised—A typographical unit of the CFR was set forth in full.
Superseded—An existing CFR unit was replaced by regulations appearing under another CFR unit.
Suspended—The entire CFR unit was not in effect for the period of time indicated.
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Technical amendment—General amendment that may have no substantive effect on regulations.

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365 Removed ---- 7579
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370.2 (a)(4) revised ---- 10557
370.6 Introductory text revised; (e) added ---- 10557
370.10 (f)(2) and (3)(i) revised ---- 10557
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371.2 (c)(9) added ---- 10557
372.1 (e) added ---- 35131
372.11 (g) amended ---- 39034
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373.3 (b)(4) added ---- 3672
373.4 (c)(4), (d)(1) and (2) and (e)(2) revised ---- 18432
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375.1 (c)(2) and (f)(2) revised ---- 1749
375.2 (b)(2)(ii) and (e)(6) revised ---- 1749
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376.3 Added ---- 40279
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376.14 Added ---- 26719
376 Supplement 1 added (redesignated from 377 Supplement 2) ---- 18434
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1030 Authority citation revised 30481
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211 Interpretative releases 14588, 31894, 36578
230.134 (a)(3)(iii) revised 39869
230.146 Added 15266
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240.0–1—240.24b–3 (Subpart A) Heading added 15402
240.0–3 Revised 12861
240.3a12–4 Added 19945
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(j)(21) removed 36334
(i)(5) added 39040
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117.441 Removed 26154
117.446 (a) and (b) revised; (c) removed 36335
117.446c (a) through (c) redesignated as (b) through (d); new (c)(3) amended; new (a) added 39040
117.536 Added 40156
117.553 Added 27649
117.641 (f)(3) and (4) revised 33671
117.645 Revised 27901
117.707 Heading and (a) and (b) revised 32986
117.709 Added 28435
117.711 (b)(1) revised 33671
117.740 Revised 32986
117.755 (a)(2) amended 34529
117.759b (f)(4) removed; (f)(10)—(15) added 32986
117.775 (b)(2) removed 26154
117.790 (b)(2)(i)(*a*), (ii), and (iv) amended 33798
117.795 (b)(1)(i), (ii), (iii), (iv), (v), and (vi) amended 33798
127.314 Added 36963
127.1701 Added 29355
128 Authority citation revised 32133
128.05 (c) added 32133
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128.501 Added 32133
128.1401 Authority citation added 32134
135.25 (b) revised; (c), (e), (f), and (g) amended; (d) added 41363
135.35 Removed 41363

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135.50 (b) removed; (d) and (f) amended 41363
151.50—151.53 Undesignated center heading added 30125
151.50 Added 30125
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151.53 Added 30126
Subchapter P (Part 161) Established 25431
161 Added 25431

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204.202a (b)(2) and (3) revised 32912
204.230 (a) and (b)(1) revised 27133
204.232 Removed 27133
204.234 Added 27133
209.145 Added 26636
341 Added 29540

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(c)(4) and (5) revised 32559
213 Added 32134
232 Appendix A revised 41250
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233 Added 37367
253.6 Revised 24632
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5.24 Amended 31631
5.26 Amended 31632
5.48 Amended 31632
5.61 Amended 31632
5.62 (a) amended 31632
115.2 (a) and (b) amended 31529
119.141 Amended 37636
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(g)(3) revised 25653
(l)(1)(iv) and (3) added 33313
7.43 (c)(1) and (4) revised; (c)(5), (6), and (7) and (d) added 30833
7.65 (b) revised 31633
7.75 (a), (b), and (e) revised 40156
7.94 Added 24230

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211.2 Added 30916
211.23 (a) amended 30917
211.37 Revised 30917
212.9 (c) revised 27650
212.10 (b) removed 27650
212.11 (d) and (f) revised 27650
231.6 (c) added 25653
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252 Added 31317
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1.955—1.970 Added 26399
2.70 Revised 32987
2.88 Removed 26403
2.89 Removed 26403
3.3 (d)(3) revised 34529
3.4 (a), (b)(2) and (c) revised; (d) removed 34529
3.5 (a), (b) introductory text, (d) and (e) revised 34529
3.7 (t) and cross reference revised 41252
3.261 (a)(33) revised 28527
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3.304 (a) and (b)(3) revised 34530
3.305 Heading and (a) revised 34530
3.307 Heading and (a)(1) and (2) revised 34530
3.308 Revised 34530
3.309 (a) and (c) revised 34530
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3.321 (b)(2) and (3) revised 32988
3.350 Introductory text, (d), (h), and (l) revised; (a), (b), (c), (e) and (f) amended 34531
3.358 (c)(5) and (6) revised 34531
3.371 Heading revised 34532
3.400 Introductory text and (b)(1) revised; (b)(2)(iii) and (c)(3)(iv) removed 32988
3.500 (r) revised 34533
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3.552 (g) and (h) revised 34532

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3.556 (a)(1) revised 34532
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17.300—17.306 Removed 26403
17.404 (d) revised 31901
17.405 (a)(2), (b)(1), and (c)(1) amended 31901
17.408 (a) revised 31901
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21.268 Introductory text and (b) revised 28630
21.274 (a) revised 28630
21.278 Revised 28630
21.279 (a), (b)(3) and introductory text of (c) revised 28630
21.1041 (a)(3) and (4) revised; (d) introductory text revised 38227
21.1042 Revised 38227
21.1045 (a)(5) and (b)(2) revised; (f) and (g) added 31902
21.3040 (c) and (d) revised 38227
21.3041 (d) introductory text, (1), (5), and (8) revised 38228
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21.3046 Heading and introductory text, (a) heading and (2), (b) heading, and (c) revised 31902
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21.4102 Revised 37986
21.4106 Revised 37986
21.4135 (h) revised 31902
21.4137 (g)(2) and (3) revised 31902
21.4203 (b) introductory text and (b)(1) and (f) revised 31903
21.4204 (a) and (e) revised 31903
21.4205 (a) introductory text revised 31903
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22.3 Revised 27458
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22.5 (d)(1) revised 27462
23.3 (b) (1) and (d) amended; (b)(2) revised 27462
24.1 (a) (1) and (5)(ii), (b)(1), (c), and (f)(1) amended; (f)(5) added 27462
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FEDERAL REGISTER PAGES AND DATES—NOVEMBER

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rules and regulations

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Title 1—General Provisions

CHAPTER 1—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1974 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1974. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

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CFR Unit (Rev. as of Jan. 1, 1974):

Title	Price
1	$1.10
2 [Reserved]	
3	3.15
3A 1973 Compilation	2.40
4	1.75
5	3.55
6 (Rev. Feb. 1, 1974)	4.45
7 Parts:	
0–45	4.65
46–51	3.45
52	4.80
53–209	5.10
210–699	4.10
700–749	3.55
750–899	2.35
900–944	3.60
945–980	1.80
981–999	2.00
100–1059	3.55
1060–1119	3.65
1120–1199	2.80
1200–1499	3.80
1500–end	5.00
8	2.05
9	4.75
10 Parts 0–199	3.90
11	1.10
12 Parts:	
1–299	5.10
300–end	4.95
13	2.50
14 Parts:	
1–59	4.80
60–199	4.95
200–end	5.90
15	3.90
16 Parts:	
0–149	5.05
150–end	4.45

CFR Unit (Rev. as of April 1, 1974):

Title	Price
17	$5.10
18 Parts:	
1–149	3.80
150–end	3.70
19	4.50
20 Parts:	
01–399	1.95
400–end	6.30
21 Parts:	
1–9	1.95
10–129	5.10
130–140	2.40
600–1299	1.75
1300–end	1.55
22	3.90
23	1.80
24	6.10
25	3.60
26 Parts:	
1 (§§ 1.0–1–1.169)	4.85
1 (§§ 1.170–1.300)	3.05
1 (§§ 1.301–1.400)	2.35
1 (§§ 1.401–1.500)	2.90
1 (§§ 1.501–1.640)	3.35
1 (§§ 1.641–1.850)	3.65
1 (§§ 1.851–1.1200)	4.40
1 (§§ 1.1201–end)	5.70
2–29	2.70
30–39	2.85
40–169	4.40
170–299	5.90
300–499	2.95
500–599	3.15
600–end	1.40
27	1.30
45 Parts 100–199	3.95

CFR Unit (Rev. as of July 1, 1974):

Title	Price
28	$2.20
29 Parts:	
0–499	4.50
500–1899	5.50
31	4.35
32 Parts:	
1–8	5.95
9–39	4.05
40–399	4.85
400–589	4.10
590–699	1.95
700–799	5.65
800–999	4.40
1000–1399	1.70
1400–1599	3.05
1600–end	1.65
33 Parts:	
1–199	4.85
200–end	3.65
34	1.10
35	3.25
36	2.70
37	1.75
38	5.90
40 Parts:	
0–49	2.20
41 Chapters:	
1–2	5.20
10–17	3.10
19–100	2.60
101–end	5.00

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE ADMINISTRATION

[Docket No. FI387]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Houston	Gordon, town of	H 010105 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Gordon, Ala. 36343.	Oct. 25, 1974.
Do	Macon	Notasulga, town of.	H 010149 01 through H 010149 02	do	Mayor, City Hall, Notasulga, Ala. 36866.	Do.
Arkansas	Clay	Knobel, town of	H 050032 01	Division of Soil and Water Resources, State Department of Commerce, 1020 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Power Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Knobel, Ark. 72435.	Do.
Do	Lafayette	Buckner, city of	H 050115 01	do	City Council, Buckner, Ark. 71827	Do.
California	Colusa	Unincorporated areas.	H 060022 01 through H 060022 07	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Chairman, Colusa County Board of Supervisors, County Courthouse, Colusa, Calif. 95932.	Do.
Do	Sutter	Unincorporated area.	H 060394 01 through H 060394 03	do	Chairman, Sutter County Board of Supervisors, County of Sutter Office Bldg., Yuba City, Calif. 95991.	Do.
Colorado	Pueblo	do	H 080147 01 through H 080147 10	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Pueblo County Regional Planning Commission, 1 City Hall Place, Pueblo, Colo. 81003.	Do.
Connecticut	Fairfield	Norwalk, city of	H 090012 01 through H 090012 13	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Department of Public Works, Mathews Park, West Ave., Norwalk, Conn. 06556.	Do.
Georgia	Upson	Flowery Branch, city of.	H 130245 01	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City of Flowery Branch, Ga. 30542.	Do.
Illinois	Marshall	LaRose, village of.	H 170458 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, LaRose, Ill. 61541	Do.
Kansas	Johnson	Westwood Hills, city of.	H 200180 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 4735 Adams, Shawnee Mission, Kans. 66205.	Do.
Do	Shawnee	Auburn, city of	H 200332 01	do	Mayor, City Hall, Auburn, Kans. 66402.	Do.
Kentucky	Ohio	McHenry, town of.	H 210233 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, McHenry, Ky. 42354	Do.
Louisiana	Livingston	French Settlement, village of.	H 220117 01 through H 220117 04	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Mayor, Village of French Settlement, French Settlement, La. 70733.	Do.
Do	Harrison	Little Sioux, town of.	H 220145 01	do	Mayor, Town of Little Sioux, Little Sioux, La.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Jackson	Green Island, town of.	H 220159 01	do	Mayor, Town of Green Island, Green Island, La.	Do.
Do	Washington	Varnado, village of.	H 220234 01	do	Mayor, Village of Varnado, Varnado, La. 70467.	Do.
Maine	Lincoln	Jefferson, town of.	H 230085 01 through H 230085 07	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	1st Selectman, Town of Jefferson, Jefferson, Maine 04348.	Do.
Do	Sagadahoc	Phippsburg, town of.	H 230120 01 through H 230120 04	do	Chairman Selectman George Ames, Jr., Phippsburg, Maine 04562.	Do.
Do	Washington	Jonesport, town of.	H 230138 01 through H 230138 09	do	1st Selectman, Jonesport, Maine 04649.	Do.
Massachusetts	Middlesex	Chelmsford, town of.	H 250188 01 through H 250188 09	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Town Clerk's Office, Town Hall, Chelmsford, Mass. 01824.	Do.
Minnesota	Chicago	Stacy, city of	H 270074 01	Division of Water, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210, State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Stacy, Stacy, Minn. 55079.	Do.
Do	Lac Qui Parle	Boyd, city of	H 270240 01	do	Mayor, Municipal Bldg., Boyd, Minn. 56218.	Do.
Do	Morrison	Bowlus, city of	H 270293 01	do	Mayor, City of Bowlus, Bowlus, Minn. 56314.	Do.
Do	do	Upsala, city of	H 270306 01 through H 270306 02	do	Mayor, City of Upsala, Upsala, Minn. 56384.	Do.
Do	Norman	Perley, city of	H 270326 01	do	Mayor, City Hall, Perley, Minn. 56574.	Do.
Do	Otter Tail	Richville, city of	H 270341 01	do	Mayor, City of Richville, Richville, Minn. 56576.	Do.
Do	Pine	Askov, city of	H 270345 01	do	Mayor, City of Askov, Askov, Minn. 55704.	Do.
Do	do	Sturgeon Lake, city of.	H 270352 01 through H 270352 02	do	Mayor, Sturgeon Lake, Minn. 55783	Do.
Do	Pope	Long Beach, city of.	H 270371 01 through H 270371 02	do	Robert R. Schnoder, Mayor, Long Beach City, Long Beach, Minn. 56384.	Do.
Do	Rice	Dundas, city of	H 270403 01	do	Mayor, Dundas, Minn. 55019	Do.
Do	Stearns	New Munich, city of.	H 270451 01	do	Mayor, New Munich, Minn. 56356	Do.
Do	Pine	Brook Park, city of.	H 270537 01	do	Mayor, City of Brook Park, Brook Park, Minn. 55007.	Do.
Do	Todd	Burtrum, city of	H 270558 01	do	Mayor, City of Burtrum, Burtrum, Minn. 56318.	Do.
Do	Redwood	Delhi, city of	H 270563 01	do	Mayor, City of Delhi, Delhi, Minn. 56234.	Do.
Do	St. Louis	Iron Junction, city of.	H 270580 01	do	Mayor, City of Iron Junction, Iron Junction, Minn.	Do.
Do	Wadena	Verndale, city of	H 270607 01	do	Mayor, City of Verndale, Verndale, Minn. 56481.	Do.
Do	Traverse	Wheaton, city of	H 270611 01	do	City Hall, City of Wheaton, Wheaton, Minn. 56296.	Do.
Mississippi	Benton	Hickory Flat, town of.	H 280010 01	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, Hickory Flat, Miss. 38633	Do.
Do	Bolivar	Alligator, village of.	H 280012 01	do	Mayor, Alligator, Miss. 38720	Do.
Do	do	Pace, town of	H 280021 01	do	Mayor, Pace, Miss. 38764	Do.
Do	Leake	Lena, town of	H 280196 01	do	Mayor, Lena, Miss. 39094	Do.
Missouri	Bollinger	Zalma, village of	H 290033 01	Department of Natural Resources, Division of Program and Policy, Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Missouri Insurance Commission, Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Zalma, Mo. 63787	Do.
Do	Boone and Howard.	Rocheport, city of.	H 290038 01	do	Mayor, City Hall, Rocheport, Mo. 65279.	Do.
Do	Camden	Linn Creek, city of.	H 290053 01	do	Mayor, Linn Creek, Mo. 65052	Do.
Do	Clark	Alexandria, city of.	H 290080 01	do	Office of the Mayor, Town Hall, Market and Des Moines Sts., Alexandria, Mo. 63430.	Do.
Do	Gasconade	Gasconade, city of.	H 290140 01	do	Mayor and City Council, Gasconade, Mo. 65036.	Do.
Do	Greene	Springfield, city of.	H 290149 01 through H 290149 46	do	Department of Planning and Public Works, City Hall, 830 Boonville Ave., Springfield, Mo. 65801.	Do.
Do	Miller	Tuscumbia, village of.	H 290228 01	do	Mayor, City Hall, Tuscumbia, Mo. 65082.	Do.
Do	Buchanan	Lewis and Clark, village of.	H 290481 01	do	Lewis and Clark Firehouse, Lewis and Clark Village, Rushville, Mo. 64484.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Nebraska	Butler	Linwood, village of.	H 310028 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Linwood, Nebr. 68036	Do.
Do	Pawnee	Pawnee City, city of.	H 310170 01	do	Mayor, Pawnee City, Nebr. 68420	Do.
New Jersey	Salem	Mannington, township of.	H 340417 01 through H 340417 11	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, Township of Mannington, Town Hall, Salem-Woodstown Rd., Salem, N.J 08079.	Do.
Do	Morris	Jefferson, township of.	H 340522 01 through H 340522 06	do	Mayor, Township of Jefferson, Jefferson, N.J.	Do.
New Mexico	Los Alamos	Unincorporated areas.	H 350035 01 through H 350035 03	State Engineers Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	County Manager, P.O. Box 30, Los Alamos, N. Mex. 87544.	Do.
Do	Rio Arriba	do	H 350049 01 through H 350049 58	do	Chairman, Rio Arriba County Commission, P.O. Box 123, Tierra Amarilla, N. Mex. 87575.	Do.
New York	Cattaraugus	Franklinville, town of.	H 360072 01 through H 360072 14	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Franklinville, Franklinville, N.Y. 14737.	Do.
Do	Otsego	Gilbertsville, village of.	H 360455 01	do	Mayor, Village of Gilbertsville, Gilbertsville, N.Y. 13776.	Do.
Do	Warren	Johnsburg, town of.	H 360875 01 through H 360875 24	do	Adirondack Park Agency, P.O. Box 99, Town of Johnsburg, Ray Brook, N.Y. 12977.	Do.
Do	Cheming	Veteran, town of.	H 361057 01 through H 361057 12	do	Mayor, Town of Veteran, Veteran, N.Y.	Do.
Do	Jefferson	Cape Vincent, town of.	H 361062 01 through H 361062 06	do	Supervisor, Town of Cape Vincent, Cape Vincent, N.Y. 13618.	Do.
Do	Cattaraugus	Little Valley, town of.	H 361066 01 through H 361066 04	do	Supervisor, Town of Little Valley, Little Valley, N.Y. 14755.	Do.
Do	Chautauqua	Ellington, town of.	H 361074 01 through H 361074 11	do	Town Board, Town Hall, Ellington, N.Y. 14732.	Do.
Do	do	Villenova, town of.	H 361102 01 through H 361102 03	do	Town Bd., Town Hall, Villenova, N.Y.	Do.
Do	Genessee	Oakfield, town of.	H 361119 01 through H 361119 07	do	Mayor, Town of Oakfield, Oakfield, N.Y. 14125.	Do.
Do	do	Elba, town of.	H 361120 01 through H 361120 10	do	Mayor, Town of Elba, Elba, N.Y. 14058.	Do.
Do	Franklin	Waverly, town of.	H 361126 01 through H 361126 32	do	Mayor, Town of Waverly, Waverly, N.Y. 14892.	Do.
Do	Fulton	Johnstown, town of.	H 361131 01 through H 361131 09	do	Mayor, City Bldg., Johnstown, N.Y. 12095.	Do.
Do	Essex	St. Armand, town of.	H 361157 01 through H 361157 18	do	Mayor, Town of St. Armand, St. Armand, N.Y.	Do.
Do	do	Ticonderoga, town of.	H 361159 01 through H 361159 22	do	Mayor, Town of Ticonderoga, Ticonderoga, N.Y. 12883.	Do.
Do	St. Lawrence	Massena, town of.	H 361182 01 through H 361182 15	do	Town Hall, Massena, N.Y. 13662	Do.
Do	Schenectady	Duanesburg, town of.	H 361191 01 through H 361191 18	do	Mayor, Town of Duanesburg, Duanesburg, N.Y. 12056.	Do.
Do	Schuyler	Reading, town of.	H 361205 01 through H 361205 04	do	Mayor, Town of Reading, Reading, N.Y. 14876.	Do.
Do	Steuben	Thurston, town of.	H 361213 01 through H 361213 05	do	Mayor, Town of Thurston, Thurston, N.Y. 14619.	Do.
Do	do	Tuscarora, town of.	H 361214 01 through H 361214 05	do	Mayor, Town of Tuscarora, Tuscarora, N.Y. 14562.	Do.
Do	Washington	Cambridge, town of.	H 361223 01 through H 361223 10	do	Mayor, Cambridge, N.Y. 12816	Do.
Do	Wyoming	Java, town of.	H 361244 01 through H 361244 11	do	Mayor, Town of Java, Java, N.Y. 14083.	Do.
Do	Ontario	Victor, town of.	H 361249 01 through H 361249 11	do	Mayor, Town of Victor, Victor, N.Y. 14564.	Do.
Do	Orleans	Barre, town of.	H 361252 01 through H 361252 07	do	Mayor, Town of Barre, Barre, N.Y.	Do.
Do	do	Albion, town of.	H 361252 01 through H 361252 08	do	Mayor, Albion, N.Y. 14411	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Oswego	Orwell, town of.	H 361262 01 through H 361262 11	do	Mayor, Town of Orwell, Orwell, N.Y. 13426.	Do.
Do	Otsego	Hartwick, town of.	H 361271 01 through H 361271 11	do	Mayor, Town of Hartwick, Hartwick, N.Y. 13348.	Do.
Do	do	Pittsfield, town of.	H 361277 01 through H 361277 05	do	Mayor, Town of Pittsfield, Pittsfield, N.Y.	Do.
Do	do	Westford, town of.	H 361282 01 through H 361282 10	do	Mayor, Town of Westford, Westford, N.Y. 13488.	Do.
Do	Westebester	Ossining, town of.	H 361291 01 through H 361291 06	do	Mayor, Town of Ossining, Ossining, N.Y. 10562.	Do.
Do	Madison	Nelson, town of.	H 361293 01 through H 361293 05	do	Mayor, Town of Nelson, Nelson, N.Y.	Do.
Do	do	Smithfield, town of.	H 361294 01 through H 361294 06	do	Mayor, Town of Smithfield, Smithfield, N.Y.	Do.
Do	Ontario	Farmington, town of.	H 361299 01 through H 361299 12	do	Zoning Inspector, Town of Farmington, Town Clerks Office, Collett Rd., R.D., Victor, N.Y. 14564.	Do.
Do	Columbia	Gallatin, town of.	H 361316 01 through H 361316 12	do	Mayor, Town of Gallatin, Gallatin, N.Y.	Do.
Do	do	Kinderhook, town of.	H 361322 01 through H 361322 09	do	Mayor, Town of Kinderhook, Kinderhook, N.Y. 12106.	Do.
Do	Dutchess	Pawling, town of.	H 361341 01 through H 361341 06	do	Mayor, Town of Pawling, Pawling, N.Y. 12564.	Do.
Oklahoma	Caddo	Lookeba, town of.	H 400025 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Lookeba, Okla. 73053	Do.
Pennsylvania	Bucks	Richland, township of.	H 421095 01 through H 421095 08	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Township of Richland, Richland, Pa. 17087.	Do.
Do	Union	Kelly, township of.	H 421236 01 through H 421236 06	do	Chariman, Board of Supervisors, Township of Kelly, Rural Delivery Number 3, Lewisburg, Pa. 17837.	Do.
Do	Bradford	Franklin, township of.	H 421398 01 through H 421398 05	do	Chairman, Board of Supervisors, Township of Franklin, Rural Delivery 1, Monroeton, Pa. 18832.	Do.
Do	Chester	Schuylkill, township of.	H 421489 01 through H 421489 03	do	Chairman, Board of Supervisors, Township of Schuylkill, 801 Valley Park Rd., Phoenixville, Pa. 19460.	Do.
Do	Columbia	Stillwater, borough of.	H 421546 01 through H 421546 03	do	Mrs. Kline, Box 23, Stillwater, Pa. 17878.	Do.
Do	Crawford	Richmond, township of.	H 421569 01 through H 421569 03	do	Chairman, Board of Supervisors, Township of Richmond, Rural Delivery 1, Townville, Pa. 16360.	Do.
Do	Delaware	Aston, township of.	H 421602 01 through H 421602 03	do	Mayor, Township of Aston, Aston, Pa. 19014.	Do.
Do	Greene	Center, township of.	H 421668 01 through H 421668 07	do	Chairman, Board of Supervisors, Township of Center, Cameron Star Route, Waynesburg, Pa. 15370.	Do.
Do	Montgomery	Schwenksville, borough of.	H 421905 01 through H 421905 02	do	Mayor, Rural Delivery 2, Schwenksville, Pa. 19473.	Do.
Do	do	Upper Pottsgrove, township of.	H 421910 01 through H 421910 04	do	Mayor, Township of Upper Pottsgrove, Upper Pottsgrove, Pa.	Do.
Do	do	Perkiomen, township of.	H 421915 01 through H 421915 05	do	Chairman, Board of Supervisors, Township of Perkiomen, 674 Church Rd., Graterford, Pa. 19426.	Do.
Do	Montour	Cooper, township of.	H 421920 01	do	Chairman, Board of Supervisors, Rural Delivery 5, Danville, Pa. 17821.	Do.
Do	Schuylkill	Mt. Carbon, borough of.	H 421995 01	do	Mayor and President of Council, 874 South Center St., Mount Carbon, Pottsville, Pa. 17901.	Do.
Do	do	New Ringgold, borough of.	H 421996 01 through H 421996 02	do	Mayor, New Ringgold, Pa. 17960	Do.
Do	Butler	Brady, township of.	H 422241 01 through H 422241 02	do	Chairman, Board of Supervisors, Rural Delivery 1, Slippery Rock, Pa. 16057.	Do.
South Carolina	Aiken	Burnettown, town of.	H 450004 01	South Carolina Water Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Langley, S.C. 29834. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	James M. Smith, Mayor, Town of Burnettown, P.O. Box 125, Langley, S.C. 29834.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Allendale	Sycamore, town of.	H 450011 01 through H 450011 02	do	R. F. Allen, Mayor, Sycamore, S.C. 29846.	Do.
Do	Charlestown	McClellanville, town of.	H 450030 01	do	Robert Ashley, Mayor, McClellanville, S.C. 29458.	Do
Do	do	Meggett, town of	H 450040 01	do	Bagot Searson, Mayor, Meggett, S.C. 29460.	Do.
Do	Florence	Coward, town of	H 450077 01 through H 450077 02	do	John Larry Miles, Mayor, Box 67, Coward, S.C. 29530.	Do.
Do	Lexington	Gilbert, town of	H 450132 01	do	H. Ray Price, Mayor, P.O. Box 71, Gilbert, S.C. 29054.	Do.
South Dakota	Pennington	Box Elder, city of.	H 460089 01 through H 460089 03	South Dakota Planning Agency, Office of Executive Management, State Capitol Bldg., Pune, S. Dak. 57501. South Dakota Department of Insurance, Insurance Bldg., Pierre, S. Dak. 57501.	Chairman, Board of Trustees, Box Elder, S. Dak. 57719.	Do.
Texas	Colorado	Unincorporated areas.	H 480144 01 through H 480144 05	Texas Water Development Board, P.O. Box 13087, County Courthouse, Columbus, Tex. 78934. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	County Judge, Colorado County, Commissioners' Court, Capitol Station, Austin, Tex. 78711.	Do.
Do	Comal	Garden Ridge, city of.	H 480148 01 through H 480148 02	do	Mayor, Route 3, Box 922, City of Garden Ridge, San Antonio, Tex. 78130.	Do.
Do	Henderson	Malakoff, city of	H 480329 01 through H 480329 03	do	Mayor, City Hall, Malakoff, Tex. 75148.	Do.
Do	Hill	Hillsboro, city of	H 480351 01 through H 480351 04	do	Mayor, Hillsboro, Tex. 76645	Do.
Do	Jackson	Unincorporated areas.	H 480379 01 through H 480379 06	do	County Judge, Jackson County, Edna, Tex. 77957.	Do.
Do	Willacy	San Perlita, city of.	H 480667 01	do	Mayor, San Perlita, Tex. 78590	Do.
Vermont	Addison	New Haven, town of.	H 500009 01 through H 500009 12	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Board of Selectmen, Town of New Haven, New Haven, Vt. 05472.	Do.
Do	Orange	Bradford, village of.	H 500234 01 through H 500234 02	do	Chairman, Bradford Board of Selectmen, c/o Town Clerk, Bradford, Vt. 05033.	Do.
Do	do	Newbury, town of	H 500237 01 through H 500237 06	do	Town Clerks Office, Mr. A. S. Wells, Administrator, Chapel Street, Newbury, Vt.	Do.
Washington	Pacific	Unincorporated areas.	H 530126 01 through H 530126 05	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Public Works Department, Pacific County, P.O. Box 66, Courthouse, South Bend, Wash. 98586.	Do.
Do	Skagit	do	H 530131 01 through H 530131 11	do	Chairman, Skagit County Board of County Commissioners, 120 West Kincaid, Courthouse Annex II, Mount Vernon, Wash. 98273.	Do.
Do	Yakima	Harrah, town of	H 530330 01	do	Harrah City Council, Harrah, Wash. 98933.	Do.
West Virginia	Mercer	Oakvale, town of	H 540127 01 through H 540127 02	Office of Federal-State Relations, Room West 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, Town Hall, Oakvale, W. Va. 24739.	Do.
Do	Monongalia	Blacksville, town of.	H 540140 01	do	Mayor, Blacksville, W. Va. 26521	Do.
Do	Preston	Albright, town of.	H 540161 01	do	Charles Metheny, Mayor, Albright, W. Va. 26519.	Do.
Do	Tucker	Hendricks, town of.	H 540193 01	do	Mayor, City Hall, Hendricks, W. Va. 26271.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 23, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: October 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25234 Filed 10-31-74;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amdt. 1]

PART 20—EXPORT SALES REPORTING REQUIREMENTS

Certain Agricultural Commodities

Correction

In FR Doc. 74-24608, appearing on page 37355 in the issue for Monday, October 21, 1974, in the first paragraph, between the third and fourth lines from the bottom, insert the following: "suant to this provision, and to refer to".

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 664]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Nov. 3–9, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.964 Lemon Regulation 664.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons so far this week is somewhat weaker, and auction supplies are more than adequate. Average f.o.b. price was $6.05 per carton the week ended October 26, 1974, compared to $6.75 per carton the previous week. Track and rolling supplies at 150 cars were down 2 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 29, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 3, 1974, through November 9, 1974, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 30, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-25695 Filed 10-31-74;11:52 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Wheat Supplement, Amdt. 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1970 and Subsequent Crops Wheat Loan and Purchase Program; Warehouse Receipts

The regulations issued by the Commodity Credit Corporation published in the FEDERAL REGISTER at 35 FR 8204, 9106, and 11690, as amended, containing provisions for price support loans and purchases applicable to the 1970 and subsequent crops of wheat are further amended as follows:

Section 1421.464(d) is amended to provide that a warehouseman may have a lien only for warehouse handling charges at not to exceed the Uniform Grain Storage Agreement rates.

§ 1421.464 Warehouse receipts.

* * * * *

(d) *Liens.* Warehouse receipts and the wheat represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges at not to exceed the UGSA rates. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the wheat when CCC is holder of the warehouse receipt.

* * * * *

Since this amendment is necessary to carry out the wheat loans and purchase program more effectively, compliance with the notice or proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended, 15 U.S.C. 714 b and c; secs. 107, 401, 63 Stat. 1051, as amended, 7 U.S.C. 1445a, 1421)

Effective date. November 1, 1974.

Signed at Washington, D.C., on October 22, 1974.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-25388 Filed 10-31-74;8:45 am]

PART 1464—TOBACCO

Tobacco Loan Program; 1974 Crop—Burley Tobacco, Loan Rate Schedule

On September 25, 1974, there was published in the FEDERAL REGISTER (39 FR 34421) a notice of proposed rule making setting forth the proposed price support grade loan rates for 1974 crop burley tobacco. Interested parties were given the opportunity to submit, not later than October 20, 1974, data, views and recommendations pertaining to the grade loan rates.

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No unfavorable comments have been received and the proposed loan rates are hereby adopted without change and are set forth below. The material previously appearing under § 1461.21 remains applicable to the crop to which it refers.

Effective date. November 1, 1974.

Signed at Washington, D.C., on October 22, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

§ 1464.21 1974 Crop Burley Tobacco, Type 31, Loan Schedule.[1]

[Dollars per hundred pounds, farm sales weight]

Grade	Loan rate	Grade	Loan rate
B1F	91	T5GF	72
B2F	90	T4GR	70
B3F	89	T5GR	67
B4F	88	C1L	91
B5F	87	C2L	90
B1FR	90	C3L	89
B2FR	89	C4L	88
B3FR	88	C5L	87
B4FR	87	C1F	91
B5FR	85	C2F	90
B1R	88	C3F	89
B2R	87	C4F	88
B3R	86	C5F	87
B4R	85	C3K	86
B5R	84	C4K	84
B4D	77	C5K	79
B5D	73	C3M	87
B3K	86	C4M	85
B4K	84	C5M	81
B5K	79	C3V	88
B3M	86	C4V	86
B4M	84	C5V	82
B5M	78	C4G	76
B3VF	88	C5G	72
B4VF	85	X1L	91
B5VF	82	X2L	90
B3VR	81	X3L	89
B4VR	80	X4L	88
B5VR	77	X5L	87
B3GF	82	X1F	91
B4GF	80	X2F	90
B5GF	77	X3F	89
B3GR	75	X4F	88
B4GR	73	X5F	87
B5GR	70	X4M	85
T3F	87	X5M	79
T4F	84	X4G	80
T5F	81	X5G	74
T3FR	85	M1F	90
T4FR	83	M2F	89
T5FR	80	M3F	88
T3R	81	M4F	86
T4R	78	M5F	83
T5R	74	M3FR	85
T4D	73	M4FR	81
T5D	70	M5FR	77
T4K	72	N1L	83
T5K	71	N2L	76
T4VF	82	N1F	78
T5VF	77	N1R	72
T4VR	75	N2R	67
T5VR	71	N1G	70
T4GF	76	N2G	66

[1] Only the original producer is eligible to receive advances. Tobacco graded "U" (unsound), "W" (wet), "No.-G" (no grade), or scrap will not be accepted. Cooperatives are authorized to deduct $1 per hundred pounds to apply against overhead costs.

[FR Doc.74-25389 Filed 10-31-74;8:45 am]

PART 1474—FARM STORAGE FACILITIES

Farm Storage and Drying Equipment Loan Program Regulations

In order to incorporate amendments and program changes, the farm storage and drying equipment loan program regulations issued by Commodity Credit Corporation, published in the FEDERAL REGISTER of July 1, 1967 (32 FR 9510), and amended, are hereby revised to read as set forth below.

This revision contains numerous editorial changes for clarification, but no substantial changes have been made in program provisions except for the changes regarding interest, which will conform these interest provisions with the provisions of the Commodity Credit Corporation interest rate announcement published in the FEDERAL REGISTER. In view of the fact that these interest rate changes were effective October 1, 1974, it is hereby found and determined that compliance with the notice of proposed rulemaking procedure provided for in the statement of policy issued by the Secretary on July 20, 1971 (36 FR 13804), is impracticable and contrary to the public interest. Accordingly, this revision is issued without following such procedure.

Sec.

1474.1 General statement.
1474.2 Administration.
1474.3 Availability of loans.
1474.4 Eligible borrowers.
1474.5 Eligible storage or drying equipment.
1474.6 Term of loan.
1474.7 Security for loan.
1474.8 Amount of loan and loan application approvals.
1474.9 Downpayment.
1474.10 Interest rate.
1474.11 Repayment of loan and acceleration of maturity date.
1474.12 Taxes.
1474.13 Maintenance and liability.
1474.14 Disbursement of loan.
1474.15 (Reserved).
1474.16 Sale or conveyance of security and assumption of loan indebtedness.
1474.17 Death, incompetency, or disappearance.
1474.18 Forms.

AUTHORITY: The provisions of this subpart issued under secs. 4 and 5, 62 Stat. 1070, as amended, 15 U.S.C. 714b, 714c.

§ 1474.1 General statement.

This subpart sets forth the policies, procedures, and requirements governing loans by the Commodity Credit Corporation (hereinafter referred to as "CCC"), under the Farm Storage and Drying Equipment Loan Program, for the purchase, construction, erection, or installation of either farm storage or drying equipment, or both. Interested persons should also consider related procedures and forms adopted by each State ASC Committee to assure compliance with State law.

§ 1474.2 Administration.

(a) The Grain Division, Agricultural Stabilization and Conservation Service (hereinafter referred to as "ASCS"), will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, Programs, ASCS. On matters involving individual loans which would otherwise require approval or other action by the Executive Vice President, the Deputy Administrator, Programs, is authorized to give such approval or take such other action as may be necessary. The program will be carried out through Agricultural Stabilization and Conservation State and county committees (hereinafter referred to as "State committee" and "county committee").

(b) Forms will be available in ASCS county offices.

(c) State and county committees and employees thereof do not have authority to waive any of the provisions of this subpart or any amendment thereto. Forms and procedures may be modified to the extent necessary to conform to any requirements of State law.

(d) No delegation herein to a State or county committee shall preclude the Executive Vice President, CCC, or his designee, from determining any question arising under the program or from reversing or modifying any determination made by a State or county committee.

(e) Except for Forms CCC–185, all documents required to be signed on behalf of CCC in connection with loans or other related actions under the Farms Storage and Drying Equipment Loan Program shall be signed by the chairman or a member of the county committee, or by the county executive director if he has the written authorization of the county committee to do so: *Provided*, That all approvals required for loans or other related actions have been given in accordance with the provisions of this subpart. Forms CCC–185 on loans approved by the county committee shall be signed by the chairman or a member of the county committee. Forms CCC–185 on loans approved by the State committee shall be signed by the chairman or a member of the State committee.

§ 1474.3 Availability of loans.

(a) *Time.* Loan applications may be submitted pursuant to this subpart beginning with the date of publication hereof.

(b) *Applications for loan.* An application for a loan shall be submitted to the county office of the county in which are maintained the records of the farm or farms to which the application relates. Upon request, the applicant shall furnish such information and documents as the State or county committee deem necessary to support the application. This may include but is not limited to financial statements, receipted bills, invoices, purchase orders, specifications, drawings or plats. The county office will be responsible for taking appropriate action on the application. Loan disbursements will be made by sight drafts drawn on CCC by the county offices.

§ 1474.4 Eligible borrowers.

(a) *Basic requirements.* The term "eligible borrower" means any person who as landowner, landlord, tenant, or sharecropper (1) produces one or more of the following eligible commodities: Corn, oats, barley, grain sorghum, wheat, rye, soybeans, flaxseed, rice, dry edible beans, peanuts (hereinafter called "price support commodities") and sunflower seed, and (2) needs farm storage and drying equipment for the storage or conditioning of one or more such eligible commodities. If two or more eligible borrowers join together in the purchase and erection, installation, or construction of eligible farm storage or drying equipment, each such borrower shall sign all documents and shall be liable jointly and severally for payment of the loan. The term "person" means any individual or individuals competent to enter into a binding contract, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof.

(b) *Need for storage or equipment.* At the time any loan application is being considered, the county committee shall determine if the proposed farm storage or drying equipment is needed for the storage or conditioning of eligible commodities produced on the farm(s) to which the loan application relates: *Provided, however*, That in making this determination (1) production of a price support commodity on a farm shall not be included unless the applicant either is or indicates he will be eligible for price support on the commodity, (2) one year's estimated production of eligible commodities shall be used in determining whether the proposed drying equipment is needed, (3) the maximum storage space for which a loan may be made shall be the amount by which the total capacity of existing storage on the farm(s) which is suitable for storage of eligible commodities is less than the storage capacity necessary to store one year's production (computed on the basis of estimated yields) of all eligible commodities produced on the farm(s) to which the loan application relates. If the capacity of the storage to be purchased or erected by the applicant exceeds the need as determined above, the application may be approved, but the amount of such loan shall not exceed the maximum authorized in § 1474.8(b).

§ 1474.5 Eligible storage or drying equipment.

(a) *Basic Requirements.* Loans will be made only for the purchase, construction, erection, or installation of farm storage and drying equipment meeting the requirements of this section. The term "farm storage" means new or newly constructed conventional-type cribs, bins, or buildings designed for dry storage or used storage structures (including the real estate upon which such structures are located, if any), to be purchased from CCC. The term "farm storage" also means multipurpose (dry storage) structures provided that the area or space to be used for storage is isolated or closed off from other use areas, and provided further that only the cost of the portion or space used for storage will be included in determining the amount of the loan. The term "farm storage" shall not mean oxygen-limiting and other silo-type structures. The term "drying equipment" means new continuous-flow type dryers, or new drying systems with wagons, or trailers as integral parts thereof, or new batch or in-store drying systems (including integral parts and equipment) using heated or unheated air, equipment which conditions or facilitates drying by aerating, circulating, or stirring the commodity, or used drying equipment (including the real estate upon which such equipment is located, if any) to be purchased from CCC. For the purposes of this program, used farm storage and used drying equipment sold by CCC under the provisions of its security documents may be considered to be "purchased from CCC."

(b) *Additional requirements or provisions.* (1) If the farm storage or drying equipment is purchased from a source other than CCC, the supplier must be approved under Supplier's Agreement, Form CCC–398, before the loan is approved. CCC may also require the supplier to certify to the costs of the items and amounts paid and unpaid before the loan is disbursed.

(2) Farm storage or drying equipment shall not be delivered to the farm more than 30 days prior to the date of the application for the loan.

(3) Loans may be approved to cover the net cost of new materials and off-farm labor to be used in constructing new storage or drying equipment.

(4) Loans may be approved for the purchase of used farm storage or drying equipment only when it is purchased from CCC.

(5) Farm storage shall not be of a type (such as bags, snow fences, etc.) which requires the weight or bulk of the commodity stored to maintain its shape.

(6) Farm storage must, in the opinion of the county committee, have a usable life of at least 10 years.

(7) Loans for storage and drying equipment may include the conditioning, handling, and operating equipment considered essential to the practical operation of the proposed storage or drying unit. Loans may also be approved to add individual items of equipment to an existing storage or drying unit when the equipment is considered necessary to make the existing unit more practical and efficient: *Provided, however*, That any conditioning, handling, or operating equipment to be eligible for a loan or for inclusion in a loan shall not be for use with oxygen-limiting or other silo-type structures.

(8) Farm storage or drying equipment must include such ladders and simple safety devices as the county committee may require.

(c) *Loan proceeds not available.* Loan proceeds shall not be available to provide storage or drying equipment for commercial use or for the storing or drying of commodities which the borrower intends to purchase or to store or condition for others. Any farm storage or drying equipment which is located in working proximity to any commercial storing or drying operation shall be deemed to be a part of such operation. The foregoing does not preclude a borrower, who has qualified for a loan for drying equipment to dry his own commodities, from drying commodities for his neighbor.

§ 1474.6 Term of loan.

The maximum term of the loan shall be 5 years from the date of the note. The term of an individual loan, however, may be extended and reextended for terms of not to exceed one year each if the approving State or county committee determines in writing that the borrower is unable to meet the current payment when due because of conditions beyond his control.

§ 1474.7 Security for loan.

(a) *All States except Louisiana.* All loans shall be secured by a promissory note and security agreement covering the farm storage and drying equipment and granting CCC a security interest in the collateral which shall be perfected in the manner specified by the Uniform Commercial Code adopted in each State. CCC's security interest in the farm storage or drying equipment shall constitute the sole security interest in the collateral, except for prior liens on the underlying realty which by operation of law attach to the collateral if it is or will become a fixture. If any such prior lien on the realty does attach to the collateral, CCC may require that a subordination agreement or a disclaimer of any interest in the farm storage or drying equipment as fixtures be obtained in writing from each person, other than the borrower, having any interest in the real estate on which the farm storage or drying equipment is placed.

(b) *Louisiana.* All loans shall be secured by a chattel mortgage covering the farm storage or drying equipment, which shall be filed or recorded as required by State law and shall constitute the sole lien on such property, except for prior liens on the underlying realty which by operation of law attach to the collateral if it is or will become a fixture. If any such prior lien on the realty does attach to the collateral, CCC may require that a severance agreement be obtained from each person, other than the borrower, having any interest in the real estate on which the farm storage or drying equipment is placed.

(c) *First lien on real estate.* As additional security, a first lien, except as provided in paragraph (c) (1) of this section, on real estate shall be required for any loan of $10,000 or more, and may be required for any other loan in the discretion of the approving State or county committee. Such first lien shall be in the form of a real estate mortgage, deed of trust, or other form of security instrument approved by CCC. It shall attach to the borrower's farm or other real estate on which the farm storage or

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drying equipment is to be located or on such acreage thereof as will, in the judgment of the county committee, make the site easily accessible for the use of other farmers, and, in the event of foreclosure will constitute a salable unit.

(1) Where the real estate is subject to a prior lien, the State committee may accept a second lien provided the borrower owns the land on which the farm storage or drying equipment is located and the State committee determines that the borrower has sufficient equity in the land to adequately protect CCC's interest.

(2) Where the real estate is subject to any other lien and a second lien is not acceptable under the provisions of paragraph (c)(1) of this section, the priority of CCC's lien must be obtained through a consent and subordination agreement which shall be filed or recorded with the lien on the real estate.

(d) *Fees.* Fees for filing or recording financing and continuation statements or chattel mortgages and any extensions thereof shall be paid by CCC. All other filing or recording fees, including those involving real estate liens, shall be paid by the borrower.

§ 1474.8 Amount of loan and loan application approvals.

(a) *Cost basis.* (1) The loan shall be based on the "net cost" which is the actual cost to the applicant, after deduction of any discount or rebate. "Net cost" may include the purchase price, local sales taxes payable by purchasers, and costs for transportation, delivery, and erection or installation of the farm storage or drying equipment: *Provided, however,* That "net cost" shall not include the costs of material and labor for concrete work and electrical wiring, the cost of used or second-hand material to be used in the proposed construction of otherwise new farm storage, or costs for labor performed by the applicant or other labor usually employed on the farm.

(b) *Amount of loan.* The amount of any loan, when added to the outstanding balance of any previous loan for farm storage and drying equipment, shall not result in an aggregate outstanding balance in excess of $25,000 and shall not exceed (1) 70 percent of the net cost of the applicant's needed farm storage and drying equipment or (2) the prorated cost for the applicant's farm storage which is needed and suitable for the storage of the eligible commodities when a farm storage structure has a larger capacity than the applicant's needed farm storage.

(c) *Loan application approvals.* (1) The county committee may approve or disapprove loan applications for amounts less than $10,000 without concurrence of the State committee: *Provided,* That no application may be so approved by the county committee if the amount thereof, plus the outstanding balance of any previous loan, would create for the applicant an aggregate outstanding balance of $15,000 or more.

(2) The State committee shall approve or disapprove all other loan applications.

(3) A loan application for $10,000 or more shall not be approved unless the applicant will provide the additional security in accordance with § 1474.7(c).

(4) A loan application shall not be approved where the approving authority determines that approval would not be in the best interest of the program.

(d) *Expiration of approvals.* If there has been no disbursement of the loan 4 months after the date the loan application was approved, the approval shall become null and void unless it is extended in writing by the approving State or county committee for a stated period not to exceed an additional 4 months: *Provided,* That the Executive Vice President, CCC, or his designee, may extend the approval for such additional periods of time as he may deem justified by the circumstances.

§ 1474.9 Downpayment.

A minimum downpayment of the difference between the amount of the loan determined pursuant to § 1474.8(b) and the net cost of the farm storage or drying equipment shall be made by the loan applicant to the supplier or contractor before the loan is disbursed. The minimum downpayment shall be in cash except that a reasonable trade-in allowance for farm equipment or other tangible property may be considered as cash. If the reasonable trade-in allowance of such equipment or property is in excess of the required minimum downpayment, the amount of the loan shall be reduced by the amount of such excess. If the trade-in allowance is in excess of a reasonable market value, only the reasonable market value may be counted toward the minimum downpayment. Any additional amount required to equal the minimum downpayment shall be paid in cash by the applicant to the supplier or contractor before the loan is disbursed. A downpayment shall not include any discount, rebate, credit, deferred payment, post-dated check, or promissory note to the supplier or contractor.

§ 1474.10 Interest rate.

(a) *Loans based on applications filed before October 1, 1974.* (1) Loans which have been disbursed before October 1, 1974, shall continue to bear interest at the rate set forth in the applicable "Promissory Note and Security Agreement."

(2) Loans which have not been disbursed before October 1, 1974, shall bear interest at the per annum rate of 8¾ percent.

(b) *Loans based on applications filed on or after October 1, 1974.* Loans shall bear interest at the per annum rate in effect on the date of disbursement: *Provided, however,* That CCC shall have the right to increase or decrease such interest rate semiannually and, upon such increase or decrease, the unpaid balance shall bear such adjusted rate of interest as published in a separate FEDERAL REGISTER.

§ 1474.11 Repayment of loan and acceleration of maturity date.

(a) The principal of the loan shall be repayable in equal annual installments with interest as provided for in § 1474.10 on the unpaid balance from the date of disbursement of the loan or date of the last repayment, whichever is later, to but not including the date of repayment. The first installment plus interest on the unpaid balance, shall be payable during the 12-month period beginning on the first anniversary date of the note. A like installment shall be similarly payable during the 12 months following each anniversary date thereafter until the principal, together with the interest thereon, has been paid in full. Payment of each installment may be by cash, check, or money order: *Provided, however,* That any installment, due and payable, which has not been paid in cash, or by check or money order, shall be paid by deduction from any amounts due the borrower from price support loans and purchases, reseal storage payments, deficiency payments, or set-aside payments: *Provided, further,* That any such deductions shall not be made until after service charges and amounts due prior lienholders have been deducted. Payments shall be applied first to accrued interest and then to principal.

(b) Each installment must be paid not later than the end of the applicable 12-month period. Upon failure to pay any installment by the end of such period, the loan may be declared delinquent and, at the option of the approving State or county committee, the loan may be called and the entire unpaid amount of the loan shall become immediately due and payable. Any delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture or any other agency of the United States. Upon breach by the maker of the note of any covenants, agreements, terms, or conditions on his part to be performed under §§ 1474.1 to 1474.17 or under the loan application, promissory note, chattel mortgage, or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the farm storage or drying equipment is used in connection with any commercial operation including, but not limited to, elevators, warehouses, dryers, or processing plants, during the life of the loan, CCC may declare the entire indebtedness immediately due and payable.

(c) The loan may be paid in full or in part by the borrower at any time before maturity.

(d) Upon payment of a loan, the county committee shall release or obtain the release of security instruments, upon request therefor by the borrower, or as otherwise required by State law. The chairman or a member of the county committee or the county executive director is authorized to act as agent of CCC in releasing or obtaining the release of security instruments.

§ 1474.12 Taxes.

The borrower must covenant to pay all real and personal property taxes which may affect CCC's security interest in all collateral securing the note evidencing the loan. To protect its interests, CCC may pay any unpaid taxes and add the amount of such payments to the borrower's indebtedness. CCC may provide in the loan instruments for increasing the lien on the collateral by the amount of such payments.

§ 1474.13 Maintenance and liability.

The borrower shall maintain the collateral in good condition and available for the storage or conditioning of one or more of the price support commodities named in § 1474.4(a). Until the loan has been repaid, the borrower shall be liable for all damages to or destruction of the farm storage or drying equipment.

§ 1474.14 Disbursement of loan.

Disbursement will be made when the farm storage or drying equipment has been delivered, erected, constructed, assembled, or installed, and (at the option of the county committee), has been inspected and approved by the county committee, or a representative of the county committee. Disbursement will be made only if the borrower furnishes satisfactory evidence of and certification as to the (a) total cost of the farm storage or drying equipment and (b) payment of all debts on the facility in excess of the amount of the loan. Disbursement shall be made jointly to the borrower and to the contractor(s) or supplier(s): *Provided, however,* That disbursement may be made to the borrower alone if the borrower submits to the county committee satisfactory evidence that he has paid any amounts due to the contractor(s) or supplier(s).

§ 1474.15 [Reserved].

§ 1474.16 Sale or conveyance of security and assumption of loan indebtedness.

(a) The collateral securing a loan shall be sold by CCC when a loan has been called and not repaid or when the borrower requests the county committee to sell the collateral before repaying the loan. When the borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to the county committee for approval of the sale or conveyance on behalf of CCC.

(b) Assumptions of the loans may be approved by CCC in the case of a sale of the farm storage or drying equipment by CCC or the borrower under paragraph (a) of this section or in the event of the death, incompetency, or disappearance of the borrower. Requests for approval of such assumptions shall be made to the county committee by the borrower or the successors or representatives of a borrower. If such approval is granted, the borrower or his successors or representatives shall execute an assumption agreement with the purchaser or the party assuming the loan. The assumption agreement shall be in the form prescribed by CCC. Such agreements may provide for the assumption of the unpaid balance of both the principal amount of the loan and the interest computed to the date of the assumption and any other charges which may be provided for in the loan application and approval and in the security instruments furnished by the borrower pursuant to § 1474.7.

§ 1474.17 Death, incompetency, or disappearance.

If a person who is entitled to the payment of any sum due in connection with a farm storage or drying equipment loan dies, disappears, or is declared incompetent, either before CCC has issued a draft in payment therefor or after CCC has issued a draft in payment but before the draft is negotiated, payment shall be made to his successors or representatives authorized to receive such payment. The order of precedence for payment is set forth in Part 707 of this title. Payment shall be made upon their proper application therefor on Form ASCS–325 to the office of the county committee which made the loan.

§ 1474.18 Forms.

The following forms shall be used in connection with the Farm Storage and Drying Equipment Loan Program: CCC–185 Loan Application and Approval, CCC–186 Promissory Note and Security Agreement, CCC–187 Disbursement, Repayment and Inspection Record, CCC–298 Assumption Agreement, CCC–299 Certificate of Title, CCC–308 Supplier's Agreement, CCC–401 Bill of Sale, CCC–500 Repayment Record. These forms, as well as any form required by State law, may be obtained in the ASCS State and county offices. The reporting and record-keeping requirements contained herein have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

Effective date. This amendment is effective with respect to loan applications filed on or after October 1, 1974.

Signed at Washington, D.C. on October 22, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74–25390 Filed 10–31–74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74–1055]

PART 555—BOARD RULINGS

Amendment Relating to Communications Between Members of Federal Associations

OCTOBER 9, 1974.

The following summary of the amendment adopted by this Resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution and the amended regulations set forth below.

I. *Regulations Prior to Present Amendments.* No specific provision stating that if an association has adopted the Board approved permissive bylaw regarding communications with members, the members are not entitled to obtain, inspect or copy the association's membership list.

II. *Amended Regulations.* Adds a Board Ruling, reaffirming a prior Board opinion, specifically stating that if an association has adopted the Board approved permissive bylaw regarding communications with members, the bylaw constitutes the sole and exclusive means of communication between members of the association and no member of the association is entitled to obtain, inspect or copy the membership list.

III. *Reason for Changing the Regulations.* To codify a prior opinion of the Board relating to communications between members of certain Federal associations.

The Federal Home Loan Bank Board considers it desirable to amend Part 555 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 555) for the purpose of adding a ruling relating to communications between members of certain Federal savings and loan associations. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 555 by adding a new § 555.16, immediately following § 555.15 thereof, to read as set forth below, effective November 1, 1974.

Since the above amendment relates to an interpretative rule, notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

§ 555.16 Permissive bylaw (g).

(a) Numerous Federal savings and loan associations have adopted permissive bylaw (g) governing communications between association members. Authority to adopt this bylaw amendment by Federal associations was granted by formal action of the Federal Home Loan Bank Board, effective January 28, 1966. See § 544.6(g) of this chapter.

(b) On November 21, 1968, this Board issued an opinion explaining its intent and purpose in authorizing Federal associations to adopt bylaw (g). Such opinion, in pertinent part, stated:

It was the purpose of the Board in authorizing this bylaw amendment to provide a fair, effective and orderly means of communication between members of a Federal savings and loan association. It was intended that such bylaw, if adopted by a Federal association, provide the sole authorized means by which a member of the association may communicate in writing with the membership. In particular, the bylaw is intended to provide for proxy solicitations by members, thus obviating any need which otherwise might exist for a membership list or for copying

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such information from the association's records. Further, the bylaw provision enables the solicitation of proxies to be carried out without the risk of harm to the association which might be caused by members who seek the identity of other members under the guise of proxy solicitation, but with the intention of utilizing the information thus obtained for improper purposes.

(c) The Board hereby reaffirms its November 21, 1968, opinion. It has been and still is the Board's position that when a Federal savings and loan association has adopted the bylaw set forth in § 544.6(g), said bylaw provides the sole and exclusive means of communication between members of the association, and no member of such association is entitled to obtain, inspect or copy the membership list. The Board considers that the release or disclosure of the membership list, even though such list does not reflect the amount of savings of each member, could cause substantial harm to the association and/or its members, and would violate the privacy of the members. Further, the Board believes that individual members of the association have no need to obtain, inspect or copy the membership list, so long as the association is complying with bylaw (g). In this regard, it has been the Board's experience that bylaw (g) provides a fair and effective means of proxy solicitation by members.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–25538 Filed 10–31–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–SW–25; Amdt. 39–1999]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 204B and 205A–1 Helicopters

Amendment 39–1963 (39 FR 34054), AD 74–20–06, superseded Amendment 39–1860 (39 FR 19448), AD 74–12–05 and required replacement of chains P/N 205–001–721–1, manufactured prior to June 1, 1974, prior to or upon attaining 50 hours total time in service, and required replacement of chains, P/N 205–001–721–1, manufactured on or after June 1, 1972 and chains, P/N 205–001–748–1, regardless of manufacturing date, prior to or upon attaining 150 hours total time in service. In addition, Amendment 39–1963 required tail rotor rigging in accordance with Bell Service Bulletin No. 205–05–74–1, Rev. A, and retained the repetitive inspections of Amendment 39–1860 on Bell Model 204B and 205A–1 helicopters. After issuing Amendment 39–1963 Bell Helicopter Company issued a message dated September 25, 1974, concerning a 50 hour retirement life on chains P/N 205–001–721–1 manufactured prior to June 20, 1974. Bell Helicopter Company had allegedly been notified that a small quantity of chains manufactured June 1 through June 19, 1974, did not receive all the required heat treat cycles. Therefore the Airworthiness Directive is being superseded by a new Airworthiness Directive that requires replacement of chains, P/N 205–001–721–1, manufactured prior to June 20, 1974, prior to or upon attaining 50 hours total time in service and that requires replacement of chains, P/N 205–001–721–1, manufactured on or after June 20, 1974, and chains, P/N 205–001–748–1, regardless of manufacturing date, prior to or on attaining 150 hours total time in service and that retains the tail rotor rigging requirements of Amendment 39–1963 and the repetitive inspection requirements of Amendment 39–1860.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive.

BELL. Applies to Bell Model 204B and 205A–1 helicopters certificated in all categories

Compliance required as indicated.

To detect cracks in the tail rotor pitch change link segments and to prevent possible failure of the tail rotor pitch change chains accomplish the following repetitive inspections on chains, P/N 205–001–721–1 and 205–001–748–1.

(a) Within five hours time in service after June 7, 1974, unless already accomplished, and thereafter at intervals not to exceed 25 hours time in service from the last inspection, accomplish the following inspections:

(1) Remove the chain or chains from the helicopter in accordance with the applicable maintenance manual.

(2) Clean each chain with solvent and stiff bristle brush and air dry.

(3) Roll each chain into a tight flat disc and inspect the links' outer segments, both sides, for cracks, using a light and a ten-power or higher magnifying glass. Unroll the chain and with teeth up inspect inner segments of the links at the radius between the teeth. Turn each chain over and inspect the opposite side of the link segments.

(4) Replace chains with cracked segments before further flight.

(5) Install chains with uncracked link segments in accordance with the pertinent maintenance manual and rig tail rotor controls in accordance with the pertinent maintenance manual. If 212–010–701 Tail Rotor Hub and Blade Assembly is installed on the Model 205A–1, rig the controls in accordance with the maintenance manual and as specified in Bell Helicopter Company Service Bulletin No. 205–05–74–1, Rev. A, dated June 24, 1974, or later approved revision.

(b) Before the first flight of each day after June 7, 1974, accomplish the following repetitive inspections.

(1) Remove the cover from the chain assembly.

(2) Inspect each chain assembly for cracks in the link segments using a three-power or higher magnifying glass. Particular attention should be placed on the portion of each chain that travels over each sprocket and that extends three inches each side of this area or portion.

(3) Remove chains with cracked segments before further flight in accordance with the applicable maintenance manual.

(4) Install chains with uncracked segments in accordance with the applicable maintenance manual and rig the controls as specified in paragraph (a)(5) of this airworthiness directive.

(c) Replace chains, P/N 205–001–721–1 having manufacturing dates of June 20, 1974, or later etched on the clevis, as follows:

(1) Replace chains with more than 140 hours total time in service on the effective date of this Airworthiness Directive within ten hours time in service.

(2) Replace chains with less than 140 hours total time in service on the effective date of this Airworthiness Directive prior to attaining 150 hours total time in service.

(d) Replace chains, P/N 205–001–721–1 having manufacturing dates prior to June 20, 1974, as follows:

(1) Replace chains with more than 40 hours total time in service on the effective date of this Airworthiness Directive within ten hours time in service.

(2) Replace chains with less than 40 hours total time in service on the effective date of this Airworthiness Directive prior to attaining 50 hours total time in service.

(e) Replace chains, P/N 205–001–748–1, with more than 140 hours total time in service on the effective date of this Airworthiness Directive within ten hours total time in service. Replace chains, P/N 205–001–748–1, with less than 140 hours total time in service on the effective date of this Airworthiness Directive prior to attaining 150 hours total time in service.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Service Manager, Bell Helicopter Company, P.O. Box 482, Fort Worth, Texas 76101. These documents may also be examined at the Office of the Regional Counsel, Southwest Region, FAA, 4400 Blue Mound Road, Fort Worth, Texas, and at FAA Headquarters, 800 Independence Avenue, SW., Washington, D.C. A historical file on this Airworthiness Directive which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at the FAA Southwest Regional Office, Fort Worth, Texas.

(Bell telefax messages dated May 10, 1974; June 15, 1974; August 2, 1974; and September 25, 1974, pertain to this subject, and Information Letter to all Bell 204B/205A–1 operators, 35:WJD:jge-3152 dated August 12, 1974, also pertains to this subject.)

This supersedes Amendment 39–1963 (39 FR 34054), A.D. 74–20–06.

This amendment becomes effective November 3, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Texas, on October 18, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

(The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.)

[FR Doc.74–25484 Filed 10–31–74;8:45 am]

[Airspace Docket No. 74–RM–12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airway

On August 21, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 30164) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation regulations that would designate a north alternate to V–4 from Denver, Colo., to Thurman, Colo.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the NPRM, a recomputation of the radials required to overlie the Byers intersection indicated that the V–8S radial from Akron, Colo., must be amended by one degree to 241°T (228°M) and the V–4 radial from Thurman, Colo., must be amended by one degree to 274°T (262°M). Since the required corrections are minor in nature but necessary for the respective radials to intersect precisely at the Byers intersection, action is taken herein to make the corrections.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

§ 71.123 (39 FR 307, 30346, 38 FR 33393) is amended as follows:

1. In V–4: "INT Denver 103° and Thurman, Colo., 275° radials; Thurman, Colo.;" 50 miles, 65 MSL, Goodland, Kans.;" is deleted and "INT Denver 103° and Thurman, Colo., 274° radials; Thurman, Colo.; including a north alternate via INT Denver 088° and Thurman 292° radials; 50 miles, 65 MSL, Goodland, Kans.;" is substituted therefor.

2. In V–8: "Akron, Colo.; including a south alternate via Denver 103° and Akron 242° radials;" is deleted and "Akron, Colo.; including a south alternate via Denver 103° and Akron 241° radials;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on October 25, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–25483 Filed 10–31–74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8948]

PART 13—PROHIBITED TRADE PRACTICES

Beacon Oil Co.

Subpart—Shipping merchandise, etc., in excess of/or without order: § 13.2195 Shipping merchandise, etc., in excess of/or without order.[1]

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605.) [Cease and desist order, Beacon Oil Company, Hanford, Calif., Docket 8948, Sept. 3, 1974.]

In the matter of Beacon Oil Company, a corporation. Consent order requiring a Hanford, Calif., seller and distributor of petroleum and related products, among other things to cease issuing credit cards without specific request or application.

The Decision and Order, including further order requiring report of compliance therewith is as follows:[2]

It is ordered, That respondent Beacon Oil Company, a corporation, its successors and assigns, and its officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the issuance of credit cards, as "credit card" is defined in Regulation Z (12 CFR 226) of the Truth in Lending Act, as amended, (Pub. L. 90–321, 15 U.S.C. 1601 et. seq.), shall forthwith cease and desist from:

Issuing any credit card, other than a credit card issued in renewal of or in substitution for an accepted credit card, as "accepted credit card" is defined in § 226.13(a) of Regulation Z, unless:

1. In response to the recipient's separate, signed, affirmative and specific written request or written application therefor. Or:

2. In response to the recipient's specific oral request obtained pursuant to a telephone solicitation, *provided,* That the following procedures are employed:

A. The person making the oral solicitation must state the following, or words of similar meaning and import, at the very outset of the conversation with the person being solicited:

> The purpose of this telephone call is to find out if you would like to have a Beacon Oil Company [or other specific name, as applicable] credit card.

And:

B. A detailed log of all oral solicitations is maintained for a period of at least two years, such a log to include:

(1) The name of the individual who made the oral solicitation;

(2) The name of the person with whom the solicitor spoke;

(3) The time and date of the solicitation; and

(4) Whether or not a credit card was requested. Or:

3. In response to recipient's specific oral request obtained pursuant to an oral solicitation at any of its own service stations or those operated by its independent dealers or distributors, *provided,* That the following procedures are employed:

A. The person making the oral solicitation must state the following, or words of similar meaning and import, at the very outset of the conversation with the person being solicited:

> The purpose of this conversation is to find out if you would like to have a Beacon Oil Company [or other specific name, as applicable] credit card.

And:

B. A detailed log of all oral requests is maintained for a period of at least two years, such a log to include:

(1) The name of the individual who made the oral solicitation;

(2) The name and address of the person who requested the credit card;

(3) The date and place of the solicitation; and

(4) The nature and number of the credit identification used. And:

C. The following notice captioned "IMPORTANT NOTICE" printed on at least 4¼" x 5½" paper in type not smaller than eleven point shall be given to each person requesting a credit card immediately after the request:

> IMPORTANT NOTICE
>
> Thank you for requesting a Beacon Oil Company [or other specific name, as applicable] credit card. This card will be mailed to you in the near future, if approved. If you reconsider your need for this card, contact us by telephoning [Beacon Oil Company's telephone number including area code] or write Beacon Oil Company [Beacon Oil Company's address].

It is further ordered, That respondent shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondent or other persons engaged in the solicitation for or issuance of respondent's credit cards, whether or not employed by respondent, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

[1] Revised.

[2] Copies of the complaint, decision and order, filed with original document.

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It is further ordered, That respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The decision and order was issued by the Commission September 3, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25447 Filed 10-31-74;8:45 am]

[Docket No. C-2535]

PART 13—PROHIBITED TRADE PRACTICES

Consolidated Chemical Corp., Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.50 *Dealer or seller assistance;* § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.135 *Nature of product or service;* § 13.143 *Opportunities;* § 13.170 *Qualities or properties of product or service;* 13.170–30 Durability or permanence; § 13.195 *Safety;* 13.195–30 Investment. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–10 Accurate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1608 *Dealer or seller assistance;* § 13.1615 *Earnings and profits;* § 13.1663 *Individual's special selection or situation;* § 13.1685 *Nature;* § 13.1697 *Opportunities in product or service;* § 13.1710 *Qualities or properties.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1889 *Risk of loss;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.1935 *Earnings and profits;* § 13.1985 *Individual's special selection or situation;* § 13.2015 *Opportunities in product or service;* § 13.2045 *Sales assistance.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Consolidated Chemical Corporation, Inc., et al., Houston, Tex., Docket C-2535, Sept. 5, 1974.]

In the Matter of Consolidated Chemical Corporation, Inc., a Corporation, and David E. Worthington, William F. Wilson, and Judyann Duffala, Individually and as Officers of Said Corporation, and Harold L. Thornton and Thomas Norton, Individually and as Former Officers of Said Corporation

Consent order requiring a now bankrupt Houston, Tex., seller and distributor of hot beverage dispensing machines and dried beverage cartridges, routes, licenses, franchises and distributorships, among other things to cease misrepresenting the nature of franchises or distributorships, the security of investment, earnings and profits a prospective purchaser may expect, and the quality or durability of its machines or product. Further respondents are required to furnish prospects with full particulars on the franchise operation in writing at the first contact, and allow future purchasers a 10-day cooling-off period to cancel the contract with full refund rights.

The Decision and Order, including further order requiring report of compliance therewith is as follows: [1]

I. *It is ordered*, That respondents Consolidated Chemical Corporation, Inc., a corporation, and its officers, David E. Worthington, William F. Wilson, and Judyann Duffala, individually and as officers of said corporation and its successors and assigns and Harold L. Thornton and Thomas Norton, individually and as former officers of said corporation, and respondents' representatives, agents and employees directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of hot beverage dispensing machines and dried beverage cartridges and routes, licenses, franchises, or distributorships in relation thereto, or any other route, franchise, license, distributorship, or product or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing directly or by implication, orally, in writing or visually, that:

1. Exclusive franchises or distributorships are being offered for established retail accounts or misrepresenting, in any manner, the nature of the franchises or distributorships.

2. Any amount invested is secured by an inventory worth the amount invested and there is no risk of losing all or any part of the investment or misrepresenting, in any manner, the amount of security provided by the inventory or the risk of losing all or any part of the investment.

3. Profitable accounts and routes are established or misrepresenting, in any manner, the profitability of the accounts and routes.

4. Persons who purchase any such products or services and engage in business can or will derive any stated amount of sales, profits or earnings, or representing directly or by implication, the past or present sales, profits or earnings of purchasers of any such products or services, routes, licenses, franchises or distributorships unless in fact the past sales, or the profits and earnings represented, are those of a substantial number of purchasers and accurately reflect the average sales, profits or earnings of such purchases under circumstances similar to those of the francisee or distributor or prospective franchisee or distributor to whom the representation is made or misrepresenting, in any manner, the past, present, or future sales, profits or earning from the engagement in business and resale of any such products or services.

5. Persons who purchase any such products or services to engage in business must be specially selected to qualify for purchases of any such products and engagement in business, or misrepresenting, in any manner, the qualifications for purchasing any such products or services and engaging in business.

6. Continuing assistance and advice to their franchisees or distributors is offered, or misrepresenting, in any manner, the nature, amount and duration of assistance and advice offered.

7. Any such machines are well constructed and are durable, or misrepresenting, in any manner, the quality and durability of the machines.

8. Any such products are top quality merchandise and have a long life, or misrepresenting, in any manner, the quality and durability of the products.

It is further ordered, That respondents maintain accurate records which substantiate that the past or present sales, profits or earnings represented are accurate and are those of a substantial number of franchisees or distributors and accurately reflect the average sales, profits or earnings, of such franchisees or distributors under circumstances similar to those of the franchisee or distributor or prospective franchisee or prospective distributor to whom the representation is being made.

II. *It is further ordered*, That the respondents named in the preamble to section I of this order shall furnish any prospective purchaser of its routes, licenses, franchises or distributorships, at the time when contact is first established between such prospective purchaser and such respondents, a written statement in a clear, permanent and straightforward form with the following information and none other in the indicated order:

1. A distinctive and conspicuous cover sheet with the following notice and none other in bold face type of not less than 12 point size:

INFORMATION FOR PROSPECTIVE PURCHASERS REQUIRED BY FEDERAL TRADE COMMISSION DECISION AND ORDER

This information is provided for your own protection. It is in your best interest to study it carefully before making any commitment. If you do sign a contract, you may cancel it, and obtain a full refund of any money paid, for any reason, within ten business days after either signing such contract or receiving this disclosure statement, whichever occurs later. Details appear on the contract itself.

2. A factual description of the route, license, franchise or distributorship offered or to be sold.

3. The business experience, stated individually, of each of the respondents' directors, stockholders owning more than ten percent of the stock, and the chief executive officers for the past ten years; and biographical data concerning all such persons.

4. The business experience of the respondents, including the length of time the respondents have conducted a business of the type to be operated by the purchaser; has granted routes, licenses, franchises or distributorships for such business, and has granted routes, licenses, franchises or distributorships in other lines of business.

5. Where such is the case, a statement that the respondents or any of their directors or stockholders owning more than ten percent of the stock, or chief executive officers:

a. Have been held liable in a civil action, convicted of a felony, or pleaded nolo contendere to a felony charge in any case involving fraud, embezzlement, fradulent conversion, or misappropriation of property; or

b. Are subject to any currently effective injunctive or restrictive order or ruling relating to business activity as a result of action by any public agency or department; or

c. Have filed bankruptcy or been associated with management of any company that has been involved in bankruptcy or reorganization proceedings; or

d. Are, or have been, a party to any cause of action brought by purchasers against the respondent.

Such statement shall set forth the identity and location of the court, date of conviction or judgment, any penalty imposed or damages assessed, and the date, nature, and issuer of each such order or ruling.

6. The financial history of the respondent, including balance sheets and profit and loss statements for the most recent five-year period; and a statement of any material changes in the financial condition of the respondent since the date of such financial statements.

7. A description of the fee to be paid by the purchaser; and a statement indicating whether all or part of the fee may be returned to the purchaser and the conditions under which the fee will be refunded.

8. The formula by which the amount of such fee is determined if the fee is not the same in all cases.

9. A statement of the number of routes, licenses, franchises or distributorships presently operating and the number proposed to be sold, indicating which existing routes, licenses, franchises or distributorships, if any, are company owned and their addresses.

10. A statement of the number of franchises, if any, that operated at a loss during the previous year.

11. A statement that the prospective purchaser may inspect the profit and loss statements of all existing operators. (The names and addresses of the operators may be deleted from these profit and loss statements.)

12. A statement whether, by the terms of the agreement or by other device or practice, the purchaser is required to purchase or lease from the respondent or affiliated persons or their designee, services, supplies, products, signs, fixtures, or equipment relating to the establishment or operation of the business.

13. A statement of the amount and basis for any revenue received by the respondent from suppliers to its operators during the past 12 months.

14. A statement of the conditions under which the agreement may be terminated or renewal refused or repurchased at the option of the respondent, and a statement of the number of routes, licenses, franchises or distributorships that fell into each of these categories during the past 12 months.

15. A statement of the conditions and terms under which the respondents allow the operator to sell, lease, assign, or otherwise transfer his interests, or any part therein.

16. A statement whether, by the terms of the agreement or other device or practice, the purchaser is limited in the goods or services he may offer for sale.

17. A statement whether the respondent requires the purchaser to participate personally in the direct operation of the business.

18. A statement of the terms and conditions of any financing arrangement offered directly or indirectly by the respondents or affiliated persons, and a description of any payments received by the respondents from any persons for the placement of financing with such persons.

19. A list of at least ten representative operators with addresses and telephone numbers, similarly situated to the interests offered and located in the same geographic area, if possible.

20. A statement of the territorial protection granted by the respondents, in which the respondents will not establish another operator who is permitted to use the same trade name or trademark; in which the respondents will not establish a company-owned outlet using the same trade name or trademark; and in which the respondents or its parent will not establish other operators or company-owned outlets selling or leasing similar products or services under a different trade name or trademark.

21. If the respondents use the name of a "public figure", a statement of the promotional assistance the "public figure" is committed to provide to the respondents for the next year and the promotional assistance that the "public figure" will provide specifically to the new purchaser, and a description of any fees or conditions attendant upon such assistance.

22. A statement of the average length of service of personnel who are responsible for assisting the purchaser at his location, and average number of hours such personnel spent during the past year with each purchaser that was in business for less than one year.

23. If the respondents inform the prospective purchaser that they intend to provide him with training, the respondents must state the number of hours of instruction and furnish the prospective purchaser with a brief biography of the instructors who will conduct the training.

24. A statement explaining clearly the terms and effects of any covenant not to compete which a purchaser may be required to enter into.

III. *It is further ordered*, That the respondents named in the preamble to Section I of this Order shall not make any representations, directly or indirectly:

1. In any advertising, promotional material, or disclosure statement, or in any oral sales presentation, solicitation, or discussion between respondents' representatives and prospective purchasers, for which the respondents do not have substantiation in its possession, which substantiation shall be made available to prospective purchasers upon demand. This provision applies, but is not limited, to statements concerning the experience or qualifications, or lack of experience or qualifications, needed for success as an operator.

2. In any advertising or promotional material, or in any oral sales presentation, solicitation, or discussion between a respondents' representatives and prospective purchasers which contradicts or exceeds any of the statements required to be disclosed by Section II of this Order.

IV. *It is further ordered*, That the respondents named in the preamble to Section I of this order, in connection with the sale of routes, licenses, franchises or distributorships, shall:

1. Inform orally all persons to whom solicitations are made and provide in writing immediately above and on the same page as the purchaser's signature line or any contract establishing or confirming a route, license, franchise or distributorship, the following statement in bold face print at least 50 percent larger than any other print in the body of such contract, or in bold face print of a contrasting color:

NOTICE: You are entitled to certain important information concerning this transaction entitled, "Information for prospective purchasers required by Federal Trade Commission Decision and Order". It is in your best interest to demand and study such information. *You may cancel this contract for any reason within ten business days after either signing this contract or receiving the required information, whichever occurs later.* If you do choose to cancel, you will be entitled to receive a full refund within ten business days after the seller receives notice of your cancellation. You may use any reasonable method to notify him of your cancellation within the grace period. For your own protection you may wish to use certified mail with return receipt requested, or a telegram, either of which should be sent to the address below. (Respondent will insert here the address and telephone number to which such notices should be sent.)

2. Cancel any contract for which a notice of cancellation was sent by any reasonable means within ten business days after either the contract's execution, or the purchasers' receipt of all required information, whichever occurs later, and refund any money paid by the purchasers within ten business days after the date of receipt of such notice of cancellation.

3. Furnish the prospective purchaser upon request at any time, and in the absence of any request, before consummation of any agreement, with a copy of the agreement proposed to be used.

V. *It is further ordered*, That the respondents named in the preamble to Section I of this Order shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the

[1] Copies of the complaint, decision and order, filed with original document.

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manner and form in which they have complied with this order.

It is further ordered, That such individual respondents promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That such respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

Notwithstanding any other provision contained herein, Daniel E. O'Connell, Trustee in re Consolidated Chemical Corporation, Inc., Bankrupt, Bankruptcy No. 73–H–134, United States District of Texas, Houston Division, is executing this order as Trustee on behalf of Consolidated Chemical Corporation under authority of an Order entered in said Bankruptcy No. 73–H–134, and nothing in this order shall limit or restrict his activities as Trustee or individually nor shall anything in this order broaden his obligations individually or as Trustee.

The decision and order was issued by the Commission September 5, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25451 Filed 10-31-74;8:45 am]

[Docket No. C-2562]

PART 13—PROHIBITED TRADE PRACTICES

Silhouette National Health Spas, Inc., et al.

Subpart—Advertising falsely or misleading: § 13.10 *Advertising falsely or misleading;* 13.10–1 Availability of merchandise, services and/or facilities; [1] § 13.15 *Business status, advantages or connections;* 13.15–165 International nature; 13.15–270 Size and extent; § 13.125 *Limited offers or supply;* § 13.240 *Special or limited offers.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1420 *Foreign status, branches, operations, etc;* § 13.1555 *Size, extent, or equipment;*—Goods: § 13.1572 *Availability of advertised merchandise, service and/or facilities;* [1] § 13.1747 *Special or limited offers.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1857 *Instruments' sale to finance companies;* § 13.1876 *Notice of third party sale of contract;* § 13.1892 *Sales Contract right-to-cancel provision;* § 13.1905 *Terms and conditions;* 13.1905–50 Sales contract.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Silhouette National Health Spas, Inc., et al., Indianapolis, Ind., Docket C–2562, Aug. 26, 1974.]

In the Matter of Silhouette National Health Spas, Inc., a Corporation, and Donald E. Gilman, Individually and as an Officer of Said Corporation

Consent order requiring an Indianapolis, Ind., operator of physical fitness and/or health salons, among other things to cease misrepresenting the efficacy of its facilities in weight reduction without regard to dietary considerations; the availability of memberships; their size; the extent, terms and conditions of special offers; and availability of facilities. Further, respondent is required to allow patrons to terminate programs within five business days and obtain a refund by delivering a letter from their physicians, stating that participation would be hazardous to their health.

The Decision and Order, including further order requiring report of compliance therewith is as follows: [2]

It is ordered, That respondents Silhouette National Health Spas, Inc., a corporation, its successors and assigns, and its officers, and Donald E. Gilman, individually and as an officer of said corporation, and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, and sale of health club memberships or other services or products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing, that purchasers of memberships in respondents' physical fitness and/or health salon facilities will lose weight as a result of using the facilities of respondents' physical fitness and/or health salons without regard to dietary habits.

2. Representing, directly or by implication, orally or in writing, that health club memberships are available for any period of time less than the shortest period for which a significant number of memberships are in fact sold to the public.

3. Representing, directly or by implication, orally or in writing, that respondents operate physical fitness and/or health salons in more than one state in the United States or in other countries.

4. Representing, directly or by implication, orally or in writing, that the availability of any service, specially-priced program, free treatments or other inducement for membership is limited in time or otherwise when they are not a bona fide limited period sale; or failing to disclose completely and accurately in immediate conjunction with any represented promotional inducement all conditions and limitations on its availability.

5. Representing, directly or by implication, orally or in writing, that any facilities are available at all clubs referred to in any particular advertisement unless they are, in fact, available at all facilities, and are available to persons of either sex at all said clubs during all of said clubs' business hours. If the facilities are not available to all members at all hours at each club referred to in such advertisement, such representation shall be qualified by a clear and conspicuous disclosure in immediate conjunction therewith providing that "such facilities and hours may differ at each location."

6. Failing to provide each purchaser a copy of each contract, note or other instrument of indebtedness executed by or on behalf of such customer; and failing to include, clearly and conspicuously, on the face of all such documents:

(a) A statement that the document is a contract and will become legally binding on said purchaser upon its acceptance by respondents.

(b) All terms and conditions of such document.

(c) The following statement:

NOTICE

If you are obtaining credit in connection with this purchase, you will be required to sign a promissory note, a sales contract or other instrument of indebtedness which may be purchased from the seller by a bank, finance company or any other third party. If such is the case, you will be required to make your payments to someone other than the seller. You should be aware that if this happens, you will have to pay the note, contract or other instrument of indebtedness in full to its new owner even if your purchase contract is not fulfilled.

7. Failing to disclose clearly, conspicuously, completely and accurately, both orally and in writing, before enrolling any person in any program:

(a) That prospective patrons with health problems or who are under a doctor's care should consult their physician to be sure that respondents' programs are not incompatible with figure control or other health plans prescribed by such physician.

(b) That the patron may terminate his program, cancel any indebtedness in connection with said program and obtain a refund of any monies paid to respondents by delivering a letter from his physician, stating clearly that participation in respondents' program would be hazardous to his health and setting forth the medical reasons for such opinion, to respondents within five (5) business days from the date of execution of said contract.

8. Failing to terminate the contract of any patron who requests termination pursuant to Subparagraph b of Paragraph 7, and failing to mail, within ten (10) business days of receipt of said request, a refund in accordance with said Subparagraph.

It is further ordered, That respondents herein deliver by registered mail a copy of this Decision and Order to each of the present and future employees, salesmen, agents, solicitors, independent contractors, advertising agent, or to any other person who promotes, offers for sale, sells or distributes any health club membership or any other product or service offered by respondents.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The decision and order issued by the Commission August 26, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25450 Filed 10-31-74;8:45 am]

[Docket No. C-2536]

PART 13—PROHIBITED TRADE PRACTICES

Tom Pogue Studios

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 *Business status advantages or connections;* 13.15–10 Authorized distributor; 13.15–30 Connections or arrangements with others; § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13.155 *Prices;* 13.155–5 Additional charges unmentioned; 13.155–10 Bait; § 13.160 *Promotional sales plans.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1395 *Connections and arrangements with others.* —Goods: § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation.* —Prices: § 13.1778 *Additional costs unmentioned;* § 13.1779 *Bait;* § 13.1785 *Comparative.* —Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Price;* 13.1882–10 Additional costs unmentioned; [1] § 13.1905 *Terms and conditions.* Subpart—Offering unfair, improper and deceptive inducements to purchase or deal: § 13.2013 *Offers deceptively made and evaded.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising.*

(Sec. 6, 38 Stat. 721, 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, Thomas L. Pogue, t/a Tom Pogue Studios, Tuscaloosa, Ala., Docket C–2536, Sept. 5, 1974.]

In the Matter of Thomas L. Pogue, an Individual Trading as Tom Pogue Studios

Consent order requiring a Tuscaloosa, Ala., photographer, among other things to cease using bait advertisements; misrepresenting goods as free, promotional sales plans, connections or arrangements with others, and prices.

The Decision and Order, including further order requiring report of compliance therewith is as follows: [2]

It is ordered, That respondent Thomas L. Pogue, an individual trading as Tom Pogue Studios, his sucessors and assigns, and respondent's agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, and sale of portraits, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent is making an offer to specially selected persons; or misrepresenting, in any manner, the class or numbers of persons to whom such offers are being made.

2. Representing, directly or by implication, that respondent will give any product free or as a gift or without charge, or that any product can be obtained free or as a gift or without charge in connection with the purchase of, or agreement to purchase, any product or service, or in connection with the testing programs of any product or service, unless the product "given" or tendered "without charge" may be retained separate and apart from a request for refund for the product "charged for."

3. Representing, directly or by implication, that respondent is conducting a testing service or program on any product as the representative of any manufacturer, distributor, or other person or entity unless respondent is properly authorized to conduct tests as advertised or represented in writing and in fact is conducting or participating in such advertised testing or product evaluation program and maintains adequate records for a period of three (3) years which disclose the factual basis for any representations or statements as to a testing or product evaluation program of any product, to include copies of all customer correspondence, customer evaluation submissions and respondent's test report submissions to party authorizing such tests.

4. Using, in any manner, any market, performance, or other testing scheme, or any advertising, sales plan, scheme or device wherein false, misleading, or deceptive statements or representations are made in order to obtain leads or prospects for the sale of other merchandise or services.

5. Making representations purporting to offer merchandise for sale when the purpose of the representation is not to sell the offered merchandise but to obtain leads or prospects for the sale of other merchandise at higher prices.

6. Discouraging the purchase of or disparaging any merchandise or services which are advertised or offered for sale.

7. Representing, directly or by implication, that any merchandise or services are offered for sale when such offer is not a bona fide offer to sell such merchandise or services.

8. Refusing or failing upon request to tender a refund when the representation has been made directly or by implication that a refund will be initiated upon request, and further failing to honor such refund requests and tender refund within twenty (20) days of notice of refund request.

9. Failing, clearly, emphatically, and unqualifiedly to disclose in all advertising, initial sales contact, and all subsequent sales solicitations of purchasers or prospective purchasers the amount of any charge for mailing and/or handling or any other element of cost in connection with the purchase of any portrait or other product or service.

10. Failing, clearly, emphatically and unqualifiedly to disclose in all advertising and initial sales contact the time at which any product, which is offered "without charge" to customers or prospective customers in connection with a sale or prospective sale of any product or service, is to be tendered or delivered by the respondent to customers or prospective customers.

11. Representing, directly or by implication, that competing merchandise of like grade and quality is customarily offered at a retail price of fifty dollars ($50), or misrepresenting in any manner, the price at which competing merchandise of like grade and quality is customarily offered for sale or sold.

12. Failing to maintain adequate records, for a period of three (3) years from the time of any representation, (a) which disclose the fact upon which any value claim, including comparative value claims discussed in Paragraph 11 of this Order are based; and (b) from which the validity of any value claim and similar representations of the type described in Paragraph 11 of this Order can be determined.

It is further ordered, That respondent deliver a copy of this Order to cease and desist to all present and future personnel

[1] Revised.

[2] Copies of the complaint, decision and order, filed with original document.

[1] Added.

[2] Copies of the complaint, decision and order, filed with the original document.

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employed or engaged by respondent in the advertising and sale of respondent's products and services, and that respondent secure a signed statement acknowledging receipt of a copy of said Order and containing an agreement to be bound by the terms of said Order from each such person.

It is further ordered, That respondent promptly notify the Commission of the discontinuance of his present business, incorporation or other change in business structure and of his affiliation with a new business or employment or any other change in business organization which may affect compliance obligations arising out of this Order. Such notice shall include respondent's current business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondent shall, for a period of three (3) years from the date hereof, establish and maintain a record of all business and customer complaints, oral and written, relating to proscriptions of this Order, and which record will be made available for Commission inspection upon reasonable notice.

It is further ordered, That respondent shall, within sixty (60) days after service upon him or this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

The decision and order was issued by the Commission September 5, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25446 Filed 10-31-74;8:45 am]

[Docket No. C-2534]

PART 13—PROHIBITED TRADE PRACTICES

Transworld Hairmakers, Etc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170–24 Cosmetic or beautifying; § 13.190 *Results;* § 13.195 *Safety;* 13.195–60 Product; § 13.205 *Scientific or other relevant facts.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time: [1] § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1885 *Qualities or properties;* § 13.1890 *Safety;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat 719, as amended; 15 U.S.C. 45, 52.) [Cease and desist order, Mr. Hairmaker, Inc., t/a Transworld Hairmakers, Etc., et al., Philadelphia, Pa., Docket C-2534, Aug. 28, 1974.]

In the Matter of Mr. Hairmaker, Inc., a Corporation, Trading Also as Transworld Hairmakers and The Hairmakers, and Edward Sacks, Individually and as an Officer of Said Corporation

Consent order requiring a Philadelphia, Pa., operator of salons for and promoter of an implant hair replacement system, among other things to cease deceptively advertising its implant hair replacement system and to disclose the risks involved in the procedure. Further, respondent is required to offer a three-day cooling-off period during which time customers may cancel their contracts with full refund of monies paid.

The Decision and Order, including further order requiring report of compliance therewith is as follows: [2]

It is ordered, That respondent Mr. Hairmaker, Inc., a corporation, trading also as Transworld Hairmakers and The Hairmakers or under any other name or names, its successors and assigns and its officers, and Edward Sacks, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device or through franchisees or licensees, in connection with the advertising, offering for sale, sale, or distribution of the implant replacement system or other hair replacement product or process involving surgery (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12(a)(1) of the Federal Trade Commission Act do forthwith cease and desist from representing, directly or by implication:

1. That the System does not involve wearing a device or cosmetic which is like a hairpiece or toupee;

2. That after the System has been applied, the hair applied becomes part of the anatomy like natural hair, and has the following characteristics of natural hair.

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where care involves possible pulling on the hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

3. That after the system has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the system, and that the customer will not incur maintenance costs over and above the cost of applying the System.

It is further ordered, that respondents, in advertising, offering for sale, selling or distributing the system, disclose clearly and conspicuously that:

1. The system involves a surgical procedure resulting in the implantation of synthetic sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of synthetic sutures in the scalp, and by virtue of the synthetic suture remaining in the scalp, there is risk of discomfort, pain, infection, scarring, and other skin disorders.

3. Continuing special care of the system is necessary to minimize the probabilities and risks referred to in subparagraph two of this paragraph, and such care may involve additional costs for medications and assistance.

4. The purchaser is advised to consult with his personal physician about the system before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale, or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures. *Provided, however*, That in advertisements which consist of less than ten column inches in newspapers and periodicals, and in radio and television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

WARNING: This application involves surgery whereby synthetic sutures are placed in the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15 percent of such advertisements shall be devoted to this disclosure such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least eleven point type.

It is further ordered, That respondents, in connection with the sale of the system, provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding paragraph of this Order, subparagraphs one (1) through four (4) thereof, and that respondents require that, prior to executing any contract to purchase said system, such prospective purchasers, sign and date the disclosure sheet after the sentence, "I have read the foregoing disclosures and understand what they mean," and that Mr. Hairmaker, Inc. provide a copy of said disclosure sheet to the customer and retain such signed disclosure sheet for at least three years.

It is further ordered, That, in connection with the sale of the System, no contract for application of the System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the System was executed, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instrument executed by the purchaser in connection with the sale of the system, that the purchaser may rescind or cancel any obligation incurred by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day on which said contract for application of the system was executed.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the fifth day, excluding Sundays and legal holidays, after the day on which said contract for application of the system was executed.

It is further ordered, That respondents, in connection with the advertising, offering for sale, sale, or distribution of the system, serve a copy of this Order upon each present and every future licensee or franchisee, and upon each physician participating in application of respondents' system, and obtain written acknowledgment of the receipt thereof; and that respondents obtain from each present and future licensee or franchisee an agreement in writing, (1) to abide by the terms of this order, and (2) to cancellation of their license or franchise for failure to do so; and that respondents cancel the license or franchise of any licensee or franchisee that fails to abide by the terms of this order. Respondents shall retain such acknowledgments and agreements for so long as such persons or firms continue to participate in the application or sale of respondents' system.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this Order; *provided* that if said respondent wishes to present to the Commission any reason why said Order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That the individual respondent Edward Sacks promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission August 28, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25449 Filed 10-31-74;8:45 am]

[Docket No. C-2537]

PART 13—PROHIBITED TRADE PRACTICES

William Fisher

Subpart—Advertising falsely or misleadingly: § 13.175 *Quality of product or service;* § 13.185 *Refunds, repairs and replacements.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1725 *Refunds.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1895 *Scientific or other relevant facts.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, William Fisher, Moorestown, N.J., Docket C-2537, Sept. 5, 1974.]

In the Matter of William Fisher, an Individual and as a Former Officer of Camera Hut, Ltd., Inc.

Consent order requiring a former officer of Camera Hut, Ltd., a now-bankrupt, corporate mail order seller of cameras and photographic equipment, located in Moorestown, N.J., among other things to cease misrepresenting the quality, performance or characteristics of photographic lenses or the quality or grade of photographic equipment or supplies; failing to make refunds as advertised; and failing to maintain records of transactions.

The Decision and Order, including further order requiring report of compliance therewith is as follows: [1]

It is ordered, That respondent William Fisher individually and respondent's agents, representatives, and employees directly or through any corporation, subsidiary, division or other device in connection with the advertising, offering for sale, sale or distribution of photographic equipment and supplies in commerce, as "commerce" is defined in the Federal Trade Commission Act, as amended, do forthwith cease and desist from:

1. Representing by any means, directly or by implication, that respondent's lenses possess sharpness of focusing characteristics which in fact they do not possess or which do not perform in the manner or to the extent represented; or misrepresenting in any manner the quality, performance, or characteristics of photographic lenses and other photographic equipment.

2. Misrepresenting by any means, directly or by implication, that photographic equipment is of the same grade and quality as other comparative photographic equipment and supplies; or in any other manner misrepresenting the grade and quality of photographic equipment and supplies.

3. Representing by any means, directly or by implication, that pictures or depictions used in connection with respondent's advertising are accurate demonstrations of advertised items where such is not the case; or misrepresenting in any manner through pictures, drawings, depictions or sketches the qualities, characteristics, or performance of photographic equipment and supplies.

4. Failing to make, without prior demand, a prompt refund to the buyer of all moneys paid for merchandise ordered by mail when the merchandise is not shipped within twenty-one (21) days from receipt of payment; *Provided*, That nothing in this pargaraph (4) is intended to preclude the respondent from shipping merchandise at a later time without having made a refund if:

(a) A clear and conspicuous disclosure of the estimated time required for shipment has been made in all advertisements, catalogs, and other materials soliciting orders; or

(b) The respondent obtains the express written consent of the buyer to a specified delay.

5. Failing to make, without prior demand, a prompt refund to the buyer of all moneys paid for merchandise ordered by mail when the merchandise is not shipped within that time stated in the advertisement, catalogs or other materials soliciting orders, or within that time expressly agreed to by the buyer, as provided in paragraph (4) (a) and (b).

6. Failing to disclose clearly and conspicuously in all advertisements, catalogs and other materials soliciting orders, the following statement:

[1] Revised.

[2] Copies of the complaint, decision and order, filed with the original document.

[1] Copies of the complaint, decision and order, filed with original document.

FEDERAL REGISTER, VOL. 39, NO. 212—FRIDAY, NOVEMBER 1, 1974

V 39 212 NOV 1 74 XUM

NOTICE: All merchandise will be shipped within 21 days or all money will be refunded without prior demand.

This statement must appear in all materials soliciting orders unless such materials contain a clear and conspicuous disclosure of the estimated time required for shipment.

7. Failing to maintain for a period of one (1) year with regard to each and every transaction between the respondent and his customers, the nature of merchandise ordered, the date the order was received, and the date the merchandise was shipped.

It is further ordered, That nothing contained in this order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondent from complying with agreements, orders or directives of any kind obtained by any other agency or act as a defense to actions instituted by municipal or state regulatory agencies.

Nothing in this Order shall be construed to imply that any past or future conduct of respondent is subject to and complies with the rules and regulations of, or the statutes administered by the Federal Trade Commission.

It is further ordered, That the individual respondent named herein promptly notify the Commission in the event that he discontinues his present business or employment, and becomes affiliated with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged, as well as a description of his duties and responsibilities.

It is further ordered, That respondent herein shall forthwith distribute a copy of this Order to each of his operating officers, agents and representatives.

It is further ordered, That the respondent herein shall within sixty (60) days after service upon him of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which he has complied with this Order.

The decision and order was issued by the Commission September 5, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-25448 Filed 10-31-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Correction

In FR Doc. 74-23913, appearing at page 36858, in the issue for Tuesday, October 15, 1974, the last line of the first paragraph should read, "comments on the proposal within 60 days of publication in the FEDERAL REGISTER."

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

N-(Mercaptomethyl) Phthalimide S-(O,O-Dimethyl Phosphorodithioate)

Correction

In FR Doc. 74-20447 appearing at page 32025 in the issue of Wednesday, September 4, 1974, the table in § 135a.14 (c) was set incorrectly. A correction document was issued at 39 FR 34520, September 26, 1974.

The table should read, however, as set forth below, and supersedes this portion of both of the previously issued documents:

§ 135a.14 N-(Mercaptomethyl) phthalimide S-(O,O-dimethyl phosphorodithioate) emulsifiable liquid.

* * * * *

(c) * * *

To control:	*Method of use*
Grubs	Dip, pour-on, or spray.
Lice	Dip, pour-on, or spray.
Hornflies	Spray.
Cattle ticks	Dip or spray.
Southern cattle ticks.	Dip or spray.

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Bacitracin-Polymyxin B-Neomycin, Sterile Ophthalmic Ointment, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (65-114V) filed by the Upjohn Co., Kalamazoo, MI 49001, proposing safe and effective use of bacitracin-polymyxin B-neomycin, sterile ophthalmic ointment, veterinary, for the treatment of superficial bacterial infections of the eyelid and conjuctiva in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135a.45 is amended by revising the section heading, paragraphs (a), and (b) to read as follows:

§ 135a.45 Bacitracin-polymyxin B-neomycin ophthalmic ointment, veterinary; zinc bacitracin-polymyxin B-neomycin ophthalmic ointment, veterinary.

(a) *Specifications.* The drug conforms to the provisions of § 448.510e of this chapter.

(b) *Sponsor.* To firm(s) as sponsor(s) and identified by code numbers in § 135.501(c) of this chapter, approvals of drugs as specified:

(1) To 037: approval of a drug which contains in each gram 500 units of bacitracin, 3.5 milligrams of neomycin base, and 5,000 units of polymyxin B.

(2) To 082: approval of a drug which contains in each gram 400 units of zinc bacitracin, 3.5 milligrams of neomycin base, and 5,000 units of polymyxin B.

* * * * *

Effective date. This order shall be effective November 1, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: October 24, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74-25423 Filed 10-31-74;8:45 am]

PART 135a—NEW ANIMAL DRUGS FOR OPHTHALMIC AND TOPICAL USE

Flurandrenolide With Neomycin Sulfate Ointment

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (13-133V) filed by Elanco Products Co., Post Office Box 1750, Indianapolis, IN 46206, proposing the safe and effective use of flurandrenolide with neomycin sulfate ointment for treatment of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), and under authority delegated to the Commissioner (21 CFR 2.120), Part 135a is amended by adding the following new section:

§ 135a.17 Flurandrenolide with neomycin sulfate ointment.

(a) *Specifications.* Each gram of flurandrenolide with neomycin sulfate ointment contains: 0.5 milligram of flurandrenolide and 5 milligrams of neomycin sulfate (equivalent to 3.5 milligrams of neomycin base) in a bland hydrophilic ointment base.

(b) *Sponsor.* See code No. 014 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is recommended for use on dogs for the topical management of allergic dermatitis, otitis externa, and superficial pyoderma which may be expected to respond to corticosteroids and which may be threatened or complicated by bacterial infections. The drug is applied to the affected areas 2 or 3 times daily until all evidence of infection has disappeared.

(2) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective November 1, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: October 24, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74-25424 Filed 10-31-74;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Oxytetracycline Hydrochloride With Lidocaine Injection

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (49-946V) filed by Rachelle Laboratories, Inc., Long Beach, CA 90801, proposing safe and effective use of an additional concentration of oxytetracycline in oxytetracycline hydrochloride with 2 percent lidocaine injection, for the treatment of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.93 Oxytetracycline hydrochloride with lidocaine injection is amended in paragraph (a) by changing the phrase "50 mgs" to read "50 or 100 mgs."

Effective date. This order shall be effective November 1, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: October 24, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74-25422 Filed 10-31-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 246-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLAN

California Parking Review Regulations; Correction

This action corrects paragraph references which appeared in the FEDERAL REGISTER of January 15, 1974. (39 FR 1848).

The following corrections are made in the regulatory section:

1. "c. Subpart F—paragraphs (c), (d), and (g) of § 52.251" is changed to read: "c. Subpart F—paragraphs (c), (d), and (j) of § 52.251"; and:

2. "5. In Subpart F, paragraph (j) of § 52.251 is amended by changing 'March 31, 1974' to 'October 15, 1974'," is changed to read:

"5. In Subpart F, paragraph (1) of § 52.251 is amended by changing 'March 31, 1974' to 'October 15, 1974'."

Dated: October 25, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-25383 Filed 10-31-74;8:45 am]

[FRL 263-2]

PART 120—WATER QUALITY STANDARDS

Navigable Waters of State of Missouri

On September 20, 1973 (38 FR 26358), notice was published announcing the adoption by the State of Missouri and approval by the Environmental Protection Agency (EPA) of water quality standards for the State of Missouri pursuant to section 303(a) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1313(a)). It was erroneously indicated in that notice that Missouri was one of several States for which no water quality standards changes were requested. The purpose of this notice is to correct that notice, rescinding it insofar as it refers to Missouri Water Quality Standards, and superseding it by the material contained herein.

Regulations adopted by the State of Missouri on June 17, 1973, setting forth standards of water quality to be applicable to the navigable waters of the State are contained in the document entitled, "Missouri Water Quality Standards, Missouri Clean Water Commission, June 1973". The criteria and use elements of the standards are consistent with the Federal Water Pollution Control Act, as amended. The standards are such as to protect the public health and welfare, enhance the quality of water, and serve the purposes of the Federal Act. With one exception, these regulations shall hereafter be the standards applicable to the waters for which adopted.

One portion of section IV of the regulations refers to the application of a "no-discharge" policy for the Big Piney River and its tributaries. EPA is taking no action with respect to that portion. EPA has reservations on the "no-discharge" provision included in water quality standards for the Big Piney because of the potential that a more serious pollution condition may occur as a result of a "no-discharge" policy. Since it may not be cost effective to pipe the wastes out of the basin, it has been proposed by Missouri that wastes be disposed of by irrigation although such irrigation in the Big Piney area might contaminate water supply wells. EPA has no regulatory control over land disposal procedures in this instance.

EPA does support no-discharge goals and requirements where they are feasible. Effluent limitations guidelines and standards being developed by EPA include some "no-discharge" limitations, and several other States have adopted "no-discharge" requirements for selected waters. Such a requirement is appropriate for other waters in Missouri, such as the Big Blue River Basin, where it is an integral element in achieving water quality criteria and uses on the Big Blue River and will not cause other adverse environmental impacts.

EPA has suggested that the "no-discharge" policy on the Big Piney River should be contingent on a more complete examination of the need for such a policy and a more comprehensive review of its possible consequences. EPA believes upon examination of the total environmental situation within the Big Piney basin that adequate effluent limitations other than "no-discharge" can be established for discharge into the Big Piney River while still supporting the Class A classification.

Waste treatment and control requirements for point sources are reviewed at the time that specific effluent limitations necessary to meet water quality criteria and uses, or antidegradation provisions are incorporated into the discharge permit.

The EPA position of exempting from our consideration that portion of Section IV which refers to the application of a "no-discharge" policy to the Big Piney River and its tributaries is to indicate that the effects of alternative courses need to be more intensively studied. The position taken by the EPA does not alter the status of the federally approved use classification of the Big Piney River and its tributaries or the federally approved water quality criteria established for those waters. The EPA is not disapproving any of the water quality criteria and uses approved by the Missouri Clean Water Commission. Thus, it is not necessary for EPA to promulgate additional criteria or use classification as a result of its exempting from consideration the "no-discharge" effluent limitation for the Big Piney River Basin.

Accordingly, it has been determined that public notice and comment are not necessary and that the notice can become effective upon publication.

In consideration of the foregoing, § 120.10 of 40 CFR Part 120 is amended by substituting the following for the paragraph entitled "Missouri":

§ 120.10 Standards adopted.

* * * * *

MISSOURI

Water quality standards established by Missouri on May 25, 1973, and approved by the Environmental Protection Agency on July 13, 1973, contained in the document entitled, "Missouri Water Quality Standards, Missouri Clean Water Commission, June 1973", hereafter will be the water quality standards for the State of Missouri, except that EPA exempts from consideration that portion of Section IV which refers to the application of a "no-discharge" policy to the Big Piney River and its tributaries. The use classification and water quality criteria established for the Big Piney River in the referenced standards are approved.

* * * * *

Effective date: November 1, 1974.

(Sec. 303 of the Federal Water Pollution Control Act, as amended; Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1313(a))

Dated: October 24, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-25417 Filed 10-31-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

PART 7-7—CONTRACT CLAUSES

PART 7-15—CONTRACT COST PRINCIPLES AND PROCEDURES

Implementaion of Policy Determination Requiring Prior Written Approval of International Travel

AIDPR Notice 75-2 implements Policy Determination (PD) No. 59 of July 15,

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1974. PD 59 formalized the Agency's practice of requiring prior written approval of international travel directly and identifiably financed by AID, and established a requirement that a contractor notify the cognizant AID Mission before commencing approved international travel. This Notice modifies the contract General Provisions in AIDPR 7–7, and the cost principles in AIDPR 7–15.2 as required to implement PD 59.

1. The Contents of Part 7–7 are amended to add § 7–7.5402 International Travel Approval and Notification Requirements.

Subpart 7–7.50—Clauses for Cost Reimbursement Type Contracts

2. § 7–7.5002–3 is amended to add the following language immediately following the heading "(a) International Travel":

§ 7–7.5002–3 Travel and transportation expenses.

* * * * *

(a) *International travel.* Prior written approval by the contracting officer is required for all international travel directly and identifiably funded by AID under this contract. The Contractor shall therefore present to the contracting officer an itinerary for each planned international trip, showing the name of the traveler, purpose of the trip, origin/destination (and intervening stops), and dates of travel, as far in advance of the proposed travel as possible, but in no event less than three weeks before travel is planned to commence. The contracting officer's prior written approval may be in the form of a letter or telegram or similar device, or may be specifically incorporated into the Schedule of the Contract. At least one week prior to commencement of approved international travel, the Contractor shall notify the cognizant Mission, with a copy to the contracting officer, of planned travel, identifying the travellers and the dates and times of arrival.

* * *

Subpart 7–7.54—Clauses for Fixed Price Type Contract for Technical Services

3. A new § 7–7.5402–9 is added as follows:

§ 7–7.5402–9 International travel approval and notification requirements.

Prior written approval by the contracting officer is required for all international travel directly and identifiably funded by AID under this contract. The Contractor shall therefore present to the contracting officer an itinerary for each planned international trip, showing the name of the traveler, purpose of the trip, origin/destination (and intervening stops), and dates of travel, as far in advance of the proposed travel as possible, but in no event less than three weeks before travel is planned to commence. The contracting officer's prior written approval may be in the form of a letter or telegram or similar device, or may be specifically incorporated into the Schedule of the Contract. At least one week prior to commencement of approved international travel, the Contractor shall notify the cognizant Mission, with a copy to the contracting officer, of planned travel, identifying the travellers and the dates and times of arrival.

4. The Contents of Part 7–15 are amended to add § 7–15.205–46.53 International Travel.

Subpart 7–15.2—Principles and Procedures for Use in Cost Reimbursement Type Supply and Research Contracts With Commercial Organizations

5. Add a new § 7–15.205–46.53 as follows:

§ 7–15.205–46.53 International travel.

International travel costs are allowable only when the travel has received the specific prior approval of the contracting officer. For purposes of this provision, international travel is defined as any travel outside of the United States, or its territories and possessions. (See AIDPR 7–7.5002–3.)

Filing. This Notice should be filed in front of the main text of the AIDPR.

Authority. This AIDPR Notice No. 75–2 is an interim procurement instruction and is issued pursuant to AIDPR 7–1.104–4.

Effective date. This notice is effective immediately.

Dated: October 7, 1974.

WILLARD H. MEINECKE,
Acting Assistant Administrator for Program and Management Services.

[FR Doc.74–25477 Filed 10–31–74;8:45 am]

Title 43—Public Lands: Interior

[P.L.O. 5439]

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

ALASKA

Amendment of Public Land Order No. 5169

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority vested in the Secretary of the Interior by section 11(a)(3) of the Alaska Native Claims Settlement Act of December 18, 1971 (hereinafter referred to as the Act), 43 U.S.C. 1610(a)(3), it is ordered as follows:

1. Public Land Order No. 5169 of March 9, 1972, as amended by Public Land Order No. 5191 of March 17, 1972, Public Land Order No. 5256 of September 12, 1972, and Public Land Order No. 5428 of July 25, 1974, withdrawing certain lands for selection by the Arctic Slope Regional Corporation under section 12 of the Act, is hereby modified to add the following described land to paragraph 1c (Point Hope) of said order:

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTION

T. 32 N., R. 32 W.,
Sec. 8.

The area described contains approximately 5 acres.

2. The purpose of this order is to add lands which should have been included in the previous orders but were inadvertently omitted.

3. Subject to valid existing rights, all of the lands described in paragraph 1 of this order immediately become subject to all of the terms and conditions of Public Land Order No. 5169.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 25, 1974.

[FR Doc.74–25474 Filed 10–31–74;8:45 am]

[P.L.O. 5438]

ALASKA

Amendment of Public Land Order No. 5175

By virtue of the authority vested in the Secretary of the Interior in section 11(a)(3) of the Alaska Native Claims Settlement Act, 85 Stat. 688, 696 (hereinafter called the "Act"), it is ordered as follows:

1. Public Land Order No. 5175 of March 9, 1972, which withdrew lands for selection by village corporations and regional corporations in the Aleut League Region, is hereby amended to add the following described land to paragraph 1 of said order:

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 52 S., Rs. 74, 75 W., (S½).

2. The above described lands are hereby made subject to all of the terms and conditions of Public Land Order No. 5175, and its amendments, Public Land Order No. 5191 of March 17, 1972, and Public Land Order No. 5394 of September 14, 1973.

3. Paragraph 4 of Public Land Order No. 5175 is hereby amended to read as follows:

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority vested in the Secretary of the Interior in section 17(d)(1) of said Act, it is ordered as follows:

Subject to valid existing rights, the lands described in Public Land Order No. 5175, and its amendments, including this order, are hereby withdrawn from all forms of appropriation under the public land laws, including sections by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. sections 181–287 (1970), but not from selection pursuant to section 12 of said Act by corporations formed pursuant to section 7 or section 8 of said Act, and are hereby reserved for study and review by the Secretary of the Interior for the purpose of classification or reclassification of any lands not conveyed pursuant to section 14 of said Act, or for possible addition to the refuge system pursuant to section 22(e).

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 24, 1974.

[FR Doc.74–25478 Filed 10–31–74;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[General Order No. 33; Docket No. 72–62]

PART 506—REGULATION TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE OF THE UNITED STATES

The Merchant Marine Act of 1920, was enacted to provide for the promotion and maintenance of the American merchant marine. The act in section 19(1)(b), authorized and directed the United States Shipping Board:

To make rules and regulations affecting shipping in the foreign trade not in conflict with the law and order to adjust or meet general or special conditions unfavorable to shipping in the foreign trade, whether in any particular trade or on any particular route or in commerce generally, which arise out of or result from foreign laws, rules, or regulations or from competitive methods or practices employed by owners, operators, agents, or masters of vessels of a foreign country.

The functions of making rules and regulations to adjust or meet conditions unfavorable to shipping in the foreign trade under the provisions of section 19 of the Merchant Marine Act of 1920 were vested in the Federal Maritime Commission under the provisions of Reorganization Plan No. 7 of 1961 (75 Stat. 840).

The Federal Maritime Commission, in January of 1961, established General Order No. 8 which announced the broad general intention to promulgate offsetting regulations if and when discriminatory practices against vessels documented under the law of the United States are found (46 CFR 506 et seq.). Those regulations proved to be insufficient to promptly and adequately deal with quickly changing conditions which were unfavorable to shipping in the foreign trade of the United States. Therefore, the Federal Maritime Commission instituted this proceeding, by notice of proposed rule making published in the FEDERAL REGISTER on December 19, 1972, to promulgate rules and regulations to implement the provisions and to accomplish the purpose of section 19, Merchant Marine Act of 1920.

In response to the notice of proposed rulemaking, comments were submitted by or on behalf of a variety of interested parties. Replies to these comments have been filed by the Commission's hearing counsel and replies thereto have been received. The Commission has carefully considered the position of all of the parties and the final rules promulgated herein have been drafted with the parties' comments and arguments in mind. A section-by-section discussion of the rules and major comments thereon is appropriate. In the issuance of these final regulations the order of the sections has been arranged in a more logical progression. Reference from the proposed rules may be made by use of this table:

CROSS REFERENCE TABLE

Revised section	*Original section*
506.1	506.1
506.2	506.2
506.3	506.3
506.4	506.8
506.5	506.11
506.6	506.12
506.7	506.9
506.8	506.13
506.9	506.4
506.10	506.6
506.11	506.6
506.12	506.5
506.13	506.7
506.14	506.10
506.15	506.14

The following section-by-section discussion is made with reference to the numbering of the final rules. The major comments to the proposed rules are likewise discussed under the corresponding revised section.

Section 506.1 *Purpose*, declares the intention to implement and give effect to the authority granted under section 19 of the Merchant Marine Act of 1920. It was suggested that language should be added to clearly indicate that the full authority of the Act to countervail both the actions of foreign nations and the competitive methods or practices of owners, operators, agents, or masters of vessels of a foreign country was being implemented. This suggested revision is consistent with the intent of the Commission and the purpose of the enabling legislation. It is therefore being adopted into our final rules.

The suggestion was also made that the regulations be restricted to protecting U.S. flag ships by substituting the words "U.S. ships" for the word "shipping" wherever used in this and the other sections of the regulation. It was also proposed that other shipping interests in the foreign trade of the United States be protected in separate regulations. The intent of the Commission is not, however, so narrow. It is shipping in the foreign trade which is to be protected. These suggested changes have therefore not been adopted into the final rules.

Section 506.2 *Scope*, sets forth the general conditions which will precipitate actions and regulations of the Commission under this part. Language has been added to this section to limit the scope of this regulation to shipping in the foreign trade of the United States rather than to shipping in foreign trade generally.

A proposal was made to enlarge the conditions which will precipitate actions and regulations to actions permitted by foreign governments as well as actions by foreign governments. Since it is the clear purpose of the Act and the intent of the Commission to remove the conditions unfavorable to shipping in the foreign trade of the U.S. wherever originating, this section has been amended to fully implement the authority granted in the Act.

Reference to diplomatic resolutions has been dropped as being duplicative of § 506.8.

Section 506.3 *Conditions unfavorable to shipping in the foreign trade of the United States*, sets forth the conditions which, if found to exist, are unfavorable to shipping in the foreign trade of the United States per se. This section was amended to encompass the private as well as governmental acts which are unfavorable to shipping in the foreign trade of the United States as authorized by section 19 of the Merchant Marine Act of 1920.

Section 506.3 (a), (b) and (c) originally applied only to conditions affecting vessels "documented under the laws of the United States." The interests of the United States are much broader, however, than the conditions affecting U.S. flag ships. Therefore, these rules have been amended to broaden the application to conditions affecting shipping in the foreign trade of the United States which are unfavorable.

Changes have been made to broaden the application of paragraph (a) to include restrictions as well as other unequal burdens placed on the vessels in the trade of the United States.

The preclusion or intention to preclude vessels from competing on an equal basis has been changed also. The intentions of a party are actually irrelevant to the discriminations. The regulations deal with the effects of fees, charges, requirements, or restrictions not the mens rea of the persons enacting or enforcing them.

Reference to the standard of a "reasonable economic basis" has been dropped as being too vague and restrictive and paragraph (a) has been changed to clearly apply an equal treatment requirement.

The concept of equal treatment is also manifested in several other changes to the final rules. Reservation of cargo to national flag or any other vessels without equal access is unfavorable under the amended paragraph (b).

Reference to unjust discrimination in paragraphs (c) and (d) has been dropped because of the vagueness of the term "unjust." The final rules clearly indicate that any discrimination in the foreign trade of the U.S. is unfavorable and is subject to action or regulations by the Commission. Language has also been changed to indicate that the public whose interests the Commission is protecting is that of the United States.

Paragraph (e) has been dropped as an unnecessary duplication of paragraph (c).

Section 506.4 *Petitions for section 19 relief—General—Who may file*, sets out the parties who may petition the Commission for findings of conditions unfavorable to shipping in the foreign trade of the United States and/or may petition the Commission for relief of such conditions. The regulations, as proposed, allow persons to file for relief who have been harmed by existing conditions or who can reasonably expect to be harmed by impending conditions. Amendments were suggested to grant standing to persons who can reasonably expect to be harmed by existing conditions as well. Since the amendment is within the original inten-

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tion of the Commission and the class of persons is clearly entitled to protection under section 19 of the Act, this suggestion has been incorporated into the final rules.

The existing or impending conditions required for standing to petition relief or action by the Commission must not only have caused actual or impending harm to the petitioner but must also be conditions unfavorable to shipping in the foreign trade of the United States.

A by no means all-inclusive enumeration of interests which may seek relief or action from the Commission has been included in the final rules. Bulk and transport carriers are specifically included for protection under these regulations. Specific reference to third-flag operators was also urged. Third-flag operators may, however, be included in the classes enumerated and therefore no specific reference is felt to be necessary.

Section 506.5 *Petitions—How filed*, sets forth the filing requirements under this regulation. The requirement of a written petition was added to this section.

Section 506.6 *Petitions—Contents*. This section specifies the allegations which need to be set out in the petition for a finding of conditions unfavorable to shipping in the foreign trade of the United States. Because of possible disputes concerning the accuracy of translations, certified copies in the original language are required in addition to a certified English translation. Language has also been added to this section to allow documents and other evidence of conditions unfavorable to shipping in the foreign trade of the United States to be introduced as evidence in any proceeding. This section has been amended further by annexing the requirement of proposed section 506.11 *Petitions—For specific relief* into this section. Paragraph § 506.6 (d) (3) is a requirement (which has been added to the final rules) for a statement of support of the representativeness of the period chosen as the representative period for a showing of harm.

Section 506.7 *Petitions—Amendment or dismissal of*. Procedure of notification for failure of a petitioner to comply with the requirements established in this regulation is set out in this section. Opportunity for amendment is provided before dismissal occurs. No substantive changes in this section have been made.

Section 506.8 *Initial action to meet apparent conditions unfavorable—Resolution through diplomatic channels*. It is the feeling of the Commission that the utilization of diplomatic channels may be desirable at any stage of a proceeding under the rules of this part, not just subsequent to a finding of conditions unfavorable to shipping in the foreign trade of the United States. The final rules have been amended to achieve this result.

Section 506.9 *Actions to meet conditions unfavorable to shipping in the foreign trade of the United States*, sets forth the actions and regulations contemplated by the Commission after a finding of unfavorable conditions. The listing of possible actions by the Commission serves both to put all potentially affected parties on notice of the possible consequences of their actions and indicates that the Commission will be guided by the concept of prompt retaliation "in kind" to discriminations which unfavorably affect shipping in the foreign trade of the United States.

Section 506.10 *Participation of interested persons*, sets out the circumstances under which a public proceeding will be allowed. This section has been amended to provide for participation by interested parties only when it is deemed necessary by the Commission.

Section 506.11 *Production of information*, has been amended to a considerable extent. The circumstances under which information may be ordered furnished to the Commission have been broadened. The Commission may order information to be furnished in order to aid in the determination of whether conditions unfavorable to shipping in the foreign trade of the United States exist and/or in order to aid in the formulation of appropriate regulations to offset unfavorable conditions in foreign trade of the United States.

Section 506.12 *Production of information—Failure to produce*. Provides sanctions for failure to produce any information requested under the provisions of § 506.11. Certain comments point out that this section may bring about conflict of laws, situations in which foreign carriers might be required to produce evidence to the Commission and, at the same time, are prohibited from doing so by the laws of another country. In the opinion of the Commission this is the very situation in which sanctions are required. The activities of nations or persons which are unfavorable to shipping in the foreign trade of the United States should not be allowed to continue merely because a party refuses to make information available to the Commission. This section would not necessarily apply, however, to situations where there is a finding of a bona fide effort to comply.

Reference to the regulation of sailings has been dropped as such power is one of those enumerated under § 506.9, which may be used as a sanction for failure to produce information ordered by the Commission.

This section has also been amended to provide that a failure to produce information ordered by the Commission under § 506.11 will be deemed as an admission by that party that conditions unfavorable to the foreign trade of the United States do exist.

Section 506.13 *Postponement, suspension or discontinuance of action*, provides for suspension of the actions taken by the Commission under the provisions of these rules upon its own motion or upon petition. This section has been amended to incorporate postponement, discontinuance, or suspension of action for reasons of foreign policy or national security.

Section 506.14 *Content and effective date of regulation*. Actions taken by the Commission shall be printed in the FEDERAL REGISTER and, except where conditions warrant and for good cause, they shall not become effective until thirty days after publication.

Other nonsubstantive changes were made to these final rules to conform with the amendments discussed herein. This discussion has not dealt with those comments which were either irrelevant or immaterial.

Therefore, pursuant to the authority of section 19(1) (b) of the Merchant Marine Act, 1920 (46 U.S.C. § 876(1)(b)), section 4 of the Administrative Procedure Act (5 U.S.C. § 553), sections 21 and 43 of the Shipping Act, 1916 (46 U.S.C. 820, 841(a)), and Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. § 483(a)), and Reorganization Plan No. 7 of 1961 (75 Stat. 840), Part 506 of Title 46 CFR is hereby revised to read as follows:

Sec.
- 506.1 Purpose.
- 506.2 Scope.
- 506.3 Findings—Conditions unfavorable to shipping in the foreign trade of the United States.
- 506.4 Petitions for section 19 relief—General—Who may file.
- 506.5 Petitions—How filed.
- 506.6 Petitions—Contents.
- 506.7 Petitions—Amendment or dismissal of.
- 506.8 Initial action to meet apparent conditions unfavorable — Resolution through diplomatic channels.
- 506.9 Actions to meet conditions unfavorable to shipping in the foreign trade of the United States.
- 506.10 Participation by interested persons.
- 506.11 Production of information.
- 506.12 Production of information—Failure to produce.
- 506.13 Postponement, suspension, or discontinuance of action.
- 506.14 Content and effective date of regulation.

AUTHORITY: Sec. 19(1)(b) of the Merchant Marine Act, 1920 (46 U.S.C. § 876(1)(b)), section 4 of the Administrative Procedure Act (5 U.S.C. § 553), sections 21 and 43 of the Shipping Act, 1916 (46 U.S.C. § 820, 841(a)), and Title V of the Independent Offices Appropriation Act of 1952 (31 U.S.C. § 483(a)), and Reorganization Plan No. 7 of 1961 (75 Stat. 840).

§ 506.1 Purpose.

It is the purpose of the regulations of this part to declare certain conditions resulting from governmental actions by foreign nations or from the competitive methods or practices of owners, operators, agents, or masters of vessels of a foreign country unfavorable to shipping in the foreign trade of the United States and to establish procedures by which persons who are or can reasonably expect to be adversely affected by such conditions may petition the Federal Maritime Commission for the issuance of regulations under the authority of section 19 of the Merchant Marine Act of 1920. It is the further purpose of the regulations of this part to afford notice of the general circumstances under which the authority granted to the Commission under section 19 will be invoked and the nature of the regulatory actions contemplated.

§ 506.2 Scope.

Regulatory action will be taken when the Federal Maritime Commission finds, on its own motion or upon petition, that a foreign government has promulgated and enforced or intends to enforce laws, decrees, regulations or the like, or has engaged in or intends to engage in practices which presently have or prospectively could create conditions unfavorable to shipping in the foreign trade of the United States, or when owners, operators, agents or masters of foreign vessels engage in or intend to engage in, competitive methods which have created or could create such conditions.

§ 506.3 Findings—Conditions unfavorable to shipping in the foreign trade of the United States.

For the purposes of this part, conditions created by governmental action or competitive methods of owners, operators, agents, or masters of foreign vessels which:

(a) Impose upon vessels in the foreign trade of the United States fees, charges, requirements, or restrictions different from those imposed on other vessels competing in the trade, or which preclude or tend to preclude vessels in the foreign trade of the United States from competing in the trade on the same basis as any other vessel;

(b) Reserve substantial cargoes to the national flag or other vessels and fail to provide, on reasonable terms, for effective and equal access to such cargo by vessels in the foreign trade of the United States;

(c) Are otherwise discriminatory or unfair to vessels in the foreign trade of the United States;

(d) Are discriminatory or unfair as between carriers, shippers, exporters, importers, or ports or between exporters from the United States and their foreign competitors and which cannot be justified under generally-accepted international agreements or practices and which operate to the detriment of the foreign commerce or the public interest of the United States;

are found unfavorable to shipping in the foreign trade of the United States.

§ 506.4 Petitions for section 19 relief—General—Who may file.

Any person, importer, exporter, shipper, consignee, or owner, operator or charterer of a liner, bulk, or tramp vessel, who has been harmed by, or who can reasonably expect harm from existing or impending conditions unfavorable to shipping in the foreign trade of the United States, may file a petition for the relief under the provisions of this part.

§ 506.5 Petitions—How filed.

All requests for relief from conditions unfavorable to shipping in the foreign trade shall be by written petition. An original and fifteen copies of a petition for relief under the provisions of this part shall be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573.

§ 506.6 Petitions—Contents.

Petitions for relief from conditions unfavorable to shipping in the foreign trade of the United States shall set forth the following:

(a) A concise description and citation of the foreign law, rule, regulation, practice or competitive method complained of;

(b) A certified copy of any law, rule, regulation or other document involved and, if not in English, a certified English translation thereof;

(c) Any other evidence of the existence of such practice or competitive method;

(d) A clear description, in detail, of the harm already caused or which may reasonably be expected to be caused petitioner, including:

(1) Statistics for the representative period showing a present or prospective cargo loss if harm is alleged on that basis, such statistics shall include figures for the total cargo carried or projected in the trade for the period;

(2) Statistics or other evidence for the representative period showing increased costs, inferior service or other harm to cargo interest if injury is claimed on that basis; and

(3) A statement as to why the period is representative.

(e) A recommended regulation, the promulgation of which will in view of the petitioner, adjust or meet the alleged conditions unfavorable to shipping in the foreign trade of the United States.

§ 506.7 Petitions—Amendment or dismissal of.

Upon the failure of a petitioner to comply with the provisions of this part, the petitioner will be notified by the Secretary and afforded reasonable opportunity to amend his petition. Failure to timely amend the petition will result in its dismissal. For good cause shown additional time for amendment may be granted.

§ 506.8 Initial action to meet apparent conditions unfavorable—Resolution through diplomatic channels.

Upon the filing of a petition, or on its own motion when there are indications that conditions unfavorable to shipping in the foreign trade of the United States may exist, the Commission may notify the Secretary of State that such conditions apparently exist, and request he seek resolution of the matter through diplomatic channels. The Commission will give every assistance in such efforts, and the Commission may request the Secretary to report the results of his efforts at a specified time.

§ 506.9 Actions to meet conditions unfavorable to shipping in the foreign trade of the United States.

Upon a submission of a petition filed under the rules of this part, or upon its own motion, the Commission may find that conditions unfavorable to the foreign trade of the United States do exist, and may, without further proceeding, issue regulations. Such regulations may effect the following:

(a) Imposition of equalizing fees or charges;

(b) Limitation of sailings to and from United States ports or of amount or type of cargo during a specified period;

(c) Suspension, in whole or in part, of any or all tariffs filed with the Commission for carriage to or from United States ports; and

(d) Any other action the Commission finds necessary and appropriate in the public interest to adjust or meet any condition unfavorable to shipping in the foreign trade of the United States.

§ 506.10 Participation of interested persons.

In the event that participation of interested persons is deemed necessary by the Commission, notice will be published in the FEDERAL REGISTER and interested persons will then be allowed to participate in this procedure by the submission of written data, views or arguments, with or without opportunity to present same orally.

§ 506.11 Production of information.

In order to aid in the determination of whether conditions unfavorable to shipping in the foreign trade of the United States exist, or in order to aid in the formulation of appropriate regulations subsequent to a finding that conditions unfavorable to shipping in the foreign trade of the United States exist, the Commission may, when it deems necessary or appropriate, and without further proceedings, order any owner, operator, or charterer in the affected trade to furnish any or all of the following information:

(a) Statistics for a representative period showing cargo carried to and from the United States in the affected trade on vessels owned, operated or chartered by him by type, source, value and directions;

(b) Information for a representative period on the activities of vessels he owns, operates, or charters, including sailings to and from United States ports, costs incurred, taxes or other charges paid to authorities, and subsidies or other payments received from foreign authorities;

(c) Information for a specified future period on the prospective activities of vessels which he owns, operates or charters or plans to own, operate or charter, to and from United States ports, including projected sailings, anticipated costs, taxes or other charges to be paid to authorities, and expected subsidies or other payments to be received from foreign authorities.

§ 506.12 Production of information—Failure to produce.

Failure to produce any information ordered by the Commission to be produced under § 506.11 will be deemed an admission that conditions unfavorable to shipping in the foreign trade of the United States do exist.

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§ 506.13 **Postponment, discontinuance, or suspension of action.**

The Commission may, on its own motion or upon petition, postpone, discontinue, or suspend any and all actions taken by it under the provisions of this part. The Commission shall postpone or discontinue any or all such actions if the President informs the Commission that postponement, discontinuance, or suspension is required for reasons of foreign policy or national security.

§ 506.14 **Content and effective date of regulation.**

The Commission shall incorporate in any regulations adopted under the rules of this part a concise statement of their basis and purpose. Regulations shall be published in the FEDERAL REGISTER. Except where conditions warrant and for good cause, regulations promulgated under the rules of this part shall not become effective until 30 days after the date of publication.

Effective date. The provisions of this Part 506 will become effective December 2, 1974.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-25521 Filed 10-31-74;8:45 am]

[FCC 74-1149]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

RADIO AND TELEVISION BROADCASTING

Order

1. As a result of the continuing study by its Task Force on Re-regulation of broadcasting, the Commission has under consideration the matter of amending certain provisions in Parts 1, 73 and 74 of its rules and regulations.

2. These amendments up-date certain rules, delete parts of others which are no longer applicable, and eliminate various requirements which are no longer necessary.

3. The following rule changes are made for the reasons indicated:

(a) We have received comments regarding the headnote of § 1.526, which reads "Records to be maintained locally for public inspection by applicants, permittees and licensees." When the headnote is literally interpretated, it seems to some to say, "why must licensees publicly inspect their own records?" The headnote is amended to read "Records of applicants, permittees, and licensees to be maintained locally for public inspection."

(b) Section 73.39(c) states that a thermocouple type ammeter "shall be permanently installed in the antenna circuit" or, that "a suitable jack and plug arrangement may be made to permit removal of the meter from the antenna circuit." If the latter installation is used by the licensee, he must, among other requirements, store the meter "in a suitable housing at the base of the tower in which it is used." Many comments direct from licensees and through the Field Operations Bureau state that storage in such housing is undesirable because it subjects these sensitive instruments to probability of serious damage. Damage, in such housing, results from humidity, lightning, insects, temperature variations and the like. To avoid such damage, the rule is revised to simply require the meter to be "readily available" to the tower for normal measurements. Such rule revision allows the licensee to store the meters in a more protective area than the housing at the tower, such as the transmitter building. Licensees are reminded that great care must be exercised in handling and moving the meters to prevent damage which would impair their accuracy. Meters, moved from tower-base housings to more protective areas, should be clearly labeled to identify the tower in which they are used.

(c) When §§ 73.113 and 73.114 were revised in November 1973, one of the goals was to move from operating log requirements (§ 3.113) to mainteance log requirements (§ 73.114), all log entry rules for the recording of any function which a first class radiotelephone operator must exclusively perform. At that time § 73.39, Indicating instruments—specifications, should have been amended accordingly. Paragraph (d)(1)(vii) of § 73.39 requires the results of meter calibrations be entered in the operating log, and this should have been changed to an entry in the maintenance log, but was not. Change in § 73.39(d)(1)(vii) directing log entries in the maintenance log and not the operating log, for meter calibrations, is made.

(d) When the operator rules were amended in June, 1972 (Docket 18930), it was intended to extend to first class radiotelegraph operators and to second class radiotelephone and radiotelegraph operators the same limited broadcast operating authority granted to operators with radiotelephone and radiotelegraph third class permits endorsed for broadcast use. It was believed that these higher class operators had the technical knowledge to assume limited broadcast operating duties, and that it did not seem practical or necessary to require these operators to obtain the broadcast endorsement. While §§ 73.93(c), 73.265(c) and 73.565(c) do extend the limited authority to the higher class operators as intended, review of §§ 73.93(d), (e), 73.265(d), and 73.565(d) reveals that the limited authority was inadvertently omitted for first class radiotelegraph operators. Corrective amendments are made to remove this discrepancy. Clarification is made in §§ 73.93(c), 73.265(c) and 73.565(c) at the same time to clearly state that "operators" as stated in these sections means radiotelegraph and radiotelephone operators.

(e) In paragraph (d) of § 73.295, Operation under Subsidiary Communications Authorizations, reference is made to "• • • requirements imposed by §§ 73.282, 73.283, 73.284, 73.287, 73.288 and 73.289 • • •". Section 73.288 has been deleted from the rules and regulations, and per Commission Order dated December 15, 1972, the contents and requisites thereof were incorporated into Subpart H, Part 73 in § 73.1208. Change and correction is made in § 73.295(d) by deleting references to § 73.288 and changing reference to the regulation formerly contained therein to § 73.1208.

(f) § 73.595(c) of the noncommercial educational FM rules directs licensees with subchannel leasing arrangements to reduce them to writing and "file with the Commission pursuant to § 1.613 • • •". Section 1.613, Filing of contracts, was modified on December 15, 1972, and licensees were directed to reduce subchannel leasing arrangements to writing and keep them at the station, and make them available for inspection upon request by the FCC. Section 73.595(c) is amended to conform to this modification of § 1.613.

(g) Section 73.595(d)—Operation under Subsidiary Communications Authorizations—refers, in paragraph (d), to "• • • requirements imposed by §§ 73.582, 73.583, 73.584, 73.587 and 73.588 • • •". Section 73.588 was deleted from the rules and per Commission order dated December 15, 1972, the requisites therein were incorporated into § 73.1208—Subpart H of Part 73. Change and correction is made in § 73.595(d) by deleting references to § 73.588 and changing reference to the regulation formerly contained therein to § 73.1208.

(h) § 73.595(g) requires all noncommercial educational FM stations (whatever their power authorizations) to measure SCA subcarrier frequencies at least once each 40 days. For noncommercial educational FM stations with authorized power of 10 watts or less, this is a more stringent requirement than that prescribed for main carrier frequency measurements for such low power stations. The rule is amended to conform with the less stringent main carrier frequency measurements required for such stations.

(i) Paragraph (b) of § 73.596, Stereophonic broadcasting, sets forth the requirement that licensees of noncommercial educational FM stations, engaging in stereophonic broadcasting, shall measure stereo-pilot subcarrier frequencies at least once every 40 days. As written, the rule includes stations with authorized transmitter power of 10 watts or less. This requisite is, then, stricter than that set forth for main carrier frequency measurements of such stations. The rule is amended and clarified to conform with the less stringent main carrier frequency measurement requirements for such stations.

(j) When certain equipment changes are made in TV broadcast translator stations, formal applications for authority must be made to the Commission on FCC Form 346. One of the changes now requiring such formal application is "any change in the location of the transmitter except a move within the same building or upon the same pole or tower". (§ 74.751(b)(4).) This requirement is changed to permit such transmitter moves be reported via written notification to the F.C.C. in Washington and to the Engineer in Charge of the district in which the translator is located. This change will reduce the administrative detail and work load of the staff incurred when filings on FCC Form 346 are made. Also it makes the change of location notification much simpler for the licensee and the Commission.

(k) Under existing TV broadcast translator station rules, failure of a TV translator to operate for a period of 30 days or more, except for causes beyond the licensee's control, is considered to be a discontinuance of operation, and the station license will be cancelled. This same proviso exists in the FM broadcast translator station rules. Use of the mandatory expression "will be cancelled", has brought about a lack of flexibility. The staff's procedures and general operating policies clearly indicate a less mandatory word than "will". Further, the public interest will, no doubt, be better served if the subject translator can become operative even after the passage of the thirty day period. Finally, the staff should be allowed to make their decisions on the merits of each case and render them accordingly. The sentence in §§ 74.763(c)—TV translators, and 74.1263(c)—FM translators, stating that a station's license will be cancelled if inoperative for 30 days or more, is changed to "may be cancelled at the discretion of the Commission."

4. We conclude that, for the reasons set forth above, adoption of these amendments will serve the public interest. Prior notice of rule making, effective date provisions, and public procedure thereon are unnecessary, pursuant to the Administrative Procedure and Judicial Review Act provisions of 5 U.S.C. 533(b)(3)(b), inasmuch as the amendments are minimal in nature, conform to accepted good broadcasting practices, impose no additional burdens and raise no issue upon which comments would serve any useful purpose.

5. Therefore, *it is ordered*, That, pursuant to sections 4(i) and 303 (j) and (r) of the Communications Act of 1934, as amended, Parts 1, 73 and 74 of the Commission's rules and regulations are amended, as set forth below, effective November 5, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 22, 1974.
Released: October 29, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS, *Secretary.*

PART 1—PRACTICE AND PROCEDURE

1. The heading of § 1.526 is amended to read as follows:

§ 1.526 Records of applicants, permittees, and licensees to be maintained locally for public inspection.

• • • • •

PART 73—RADIO BROADCAST SERVICES

2. In § 73.39, paragraph (c) and (d)(1)(vii) are amended to read as follows:

§ 73.39 **Indicating instruments—specifications.**

• • • • •

(c) A thermocouple type ammeter meeting the requirement of paragraph (b) of this section shall be permanently installed in the antenna circuit or a suitable jack and plug arrangement may be made to permit removal of the meter from the antenna circuit so as to protect it from damage by lightning. Where a jack and plug arrangement is used, contacts shall be made of silver and capable of operating without arcing or heating, and shall be protected against corrosion. Insertion and removal of the meter shall not interrupt the transmissions of the station. When removed from the antenna circuit, the meter shall be labelled to clearly identify the tower in which it is used, and shall be stored in a location which is readily available to that tower. Care shall be exercised in handling the meter to prevent damage which would impair its accuracy. Where the meter is permanently connected in the antenna circuit, provision may be made to short or open the meter circuit when it is not being used to measure antenna current. Such switching shall be accomplished without interrupting the transmission of the station.

(d) • • •

(1) • • •

(vii) Using indications of remote control equipment, provided that the indicating instruments are capable of being connected directly into the antenna circuit at the same point as, but below (transmitter side), the antenna ammeter. The meter(s) in the remote control equipment may utilize an arbitrary scale division provided a calibration curve showing the relationship between the arbitrary scale and the scale of the antenna ammeter is maintained at the remote control point. The meter(s) in the remote control equipment must be calibrated once a week against the regular meter and the results thereof entered in the maintenance log.

• • • • • •

3. In § 73.93, paragraph (c), (d), and the introductory text to paragraph (e) and (f) are amended to read as follows:

§ 73.93 **Operator requirements.**

• • • • • •

(c) A station using a non-directional antenna with nominal power of 10 kilowatts or less may employ first-class radiotelegraph operators, second-class radiotelegraph or radiotelephone operators, or operators with third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation for routine operation of the transmitting system if the station has at least one first-class radiotelephone operator readily available at all times. This operator may be in full-time employment or, as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission.

(d) A station using a non-directional antenna, during periods of operation with authorized power in excess of 10 kilowatts, may employ first-class radiotelegraph operators, second-class radiotelegraph or radiotelephone operators, or radiotelegraph or radiotelephone operators with third-class permits endorsed for broadcast station operation of the transmitting system if the station has in full-time employment at least one first-class radiotelephone operator and complies with the provisions of paragraphs (f) and (g) of this section.

(e) A station using a directional antenna system, which is required by the station authorization to maintain the ratio of the currents in the elements of the system within a tolerance which is less than 5 percent or the relative phases of those currents within a tolerance which is less than 3 degrees shall, without exemption, employ first-class radiotelephone operators who shall be on duty and in actual charge of the transmitting system as specified in paragraph (a) of this section during hours of operation with a directional radiation pattern. A station whose authorization does not specifically require therein the maintenance of phase and current relationships within closer tolerances than above specified shall employ first-class radiotelephone operators for routine operation of the transmitting system during periods of directional operation: *Provided, however,* That holders of first-class radiotelegraph licenses, second-class radiotelegraph or radiotelephone licenses, or third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation, may be employed for routine operation of the transmitting system, if the following conditions are met:

• • • • •

(f) Subject to the conditions set forth in paragraphs (c), (d) and (e) of this section, the routine operation of the transmitting system may be performed by an operator holding a first-class radiotelegraph license, a second-class radiotelegraph or radiotelephone license, or a third-class radiotelegraph or radiotelephone permit endorsed for broadcast operation. Unless, however, performed under the immediate and personal supervision of an operator holding a first-class radiotelephone license, an operator holding a first-class radiotelegraph license, second-class radiotelegraph or radiotelephone license, or third-class radiotelegraph or radiotelephone permit endorsed for broadcast station operation, may make adjustments only of external controls, as follows:

• • • • •

4. In § 73.265, paragraphs (c) and (d) and the introductory text to paragraph (e) are amended to read as follows:

§ 73.265 **Operator requirements.**

• • • • •

(c) A station with authorized transmitter output power of 25 kilowatts or

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less may employ first-class radiotelegraph operators, second-class radiotelegraph or radiotelephone operators, or operators with third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation for routine operation of the transmitting system if the station has at least one first-class radiotelephone operator readily available at all times. This operator may be in full-time employment or, as an alternative, the licensee may contract in writing for the services on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission.

(d) A station with authorized transmitter output power in excess of 25 kilowatts may employ first-class radiotelegraph operators, second-class radiotelegraph or radiotelephone operators, or operators with third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation for routine operation of the transmitting system if the station has in full-time employment at least one first-class radiotelephone operator and complies with the provisions of paragraph (e) of this section and the following:

• • • • • •

(e) Subject to the conditions set forth in paragraphs (c) and (d) of this section, routine operation of the transmitting system may be performed by an operator holding a first-class radiotelegraph or radiotelephone license, a second-class radiotelegraph or radiotelephone license, or a third-class radiotelegraph or radiotelephone permit endorsed for broadcast station operation. Unless, however, performed under the immediate and personal supervision of an operator holding a first-class radiotelephone license, an operator holding a first-class radiotelegraph license, a second-class radiotelegraph or radiotelephone license, or a third-class radiotelegraph or radiotelephone permit endorsed for broadcast station operation, may make adjustment only of external controls, as follows:

• • • • • •

5. In § 73.295, paragraph (d) is amended to read as follows:

§ 73.295 Operation under subsidiary communications authorizations.

• • • • • •

(d) The logging announcement, and other requirements imposed by §§ 73.282, 73.283, 73.284, 73.287, 73.289 and 73.1208 are not applicable to material transmitted on authorized subcarrier frequencies.

• • • • • •

6. In § 73.565, paragraph (c) and the introductory text to paragraphs (d) and (e) are amended to read as follows:

§ 73.565 Operator requirements.

• • • • • •

(c) A noncommercial educational FM station with authorized transmitter output power not in excess of 25 kilowatts may employ first-class radiotelegraph or radiotelephone operators, second-class radiotelegraph or radiotelephone operators or operators with third-class radiotelegraph or radiotelephone permits endorsed for broadcast station operation, for the routine operation of the transmitting system, if the station has at least one operator of a class specified for this station's power category in paragraph (b) of this section, readily available at all times. This operator may be in full-time employment or, as an alternative, the licensee may contract in writing for the services, on a part-time basis, of one or more such operators. Signed contracts with part-time operators shall be kept in the files of the station and shall be made available for inspection upon request by an authorized representative of the Commission.

(d) A station with authorized transmitter output power in excess of 25 kilowatts may employ first-class radiotelegraph operators, second-class radiotelegraph or radiotelephone operators, or operators with third-class radiotelephone or radiotelegraph permits endorsed for broadcast station operation for routine operation of the transmitting system if the station has in full-time employment at least one first-class radiotelephone operator and complies with the provisions of paragraph (e) of this section and the following:

• • • • • •

(e) Subject to the conditions set forth in paragraphs (c) and (d) of this section, routine operation of the transmitting system may be performed by an operator holding a first-class radiotelegraph or telephone license, a second-class radiotelegraph or radiotelephone license, or a third-class radiotelegraph or radiotelephone permit endorsed for broadcast station operation. Unless, however, performed under the immediate and personal supervision of an operator holding a first-class radiotelephone license, an operator holding a first-class radiotelegraph license, a second-class radiotelegraph or radiotelephone license, or a third-class radiotelegraph or radiotelephone permit endorsed for broadcast station operation, may make adjustments only of external controls, as follows:

• • • • • •

6. In § 73.595, paragraph (c), (d), and (g) are amended to read as follows:

§ 73.595 Operation under subsidiary communications authorizations.

• • • • • •

(c) In all arrangements entered into with outside parties affecting SCA operation, the licensee or permittee must retain control over all material transmitted over the station's facilities, with the right to reject any material which it deems inappropriate or undesirable. Subchannel leasing arrangements shall be reduced to writing, kept at the station, and made available for inspection upon request from the Commission.

(d) The logging, announcement, and other requirements imposed by §§ 73.582, 73.583, 73.584, 73.587, and 73.1208 are not applicable to material transmitted on authorized subcarrier frequencies.

• • • • • •

(g) The frequency of each SCA subcarrier shall be measured as often as necessary to ensure that it is kept at all times within 500 Hz of the authorized frequency. In any event, however, SCA subcarrier frequencies shall be measured in accordance with the following schedule:

(1) For stations authorized to operate with transmitter power in excess of 10 watts, each SCA subcarrier frequency shall be measured at least once each calendar month with not more than 40 days expiring between successive measurements.

(2) For stations authorized to operate with transmitter power of 10 watts or less, each SCA subcarrier frequency will be measured:

(i) When the SCA subcarrier generator is initially installed;

(ii) At any time the frequency determining elements of the SCA subcarrier generator are changed:

(iii) At any time the licensee may have reason to believe the SCA subcarrier frequency is not within the frequency tolerance prescribed by the Commission's rules.

• • • • • •

8. In § 73.596, paragraph (b) is amended to read as follows:

§ 73.596 Stereophonic broadcasting.

• • • • • •

(b) Each licensee or permittee engaging in stereophonic broadcasting shall measure the pilot subcarrier frequency as often as necessary to ensure that it is kept at all times within 2 Hz of the authorized frequency. In any event, however, the stereo-pilot subcarrier frequency shall be measured in accordance with the following schedule:

(1) For stations authorized to operate with transmitter power in excess of 10 watts, the pilot subcarrier frequency shall be measured at least once each calendar month with not more than 40 days expiring between successive measurements.

(2) For stations authorized to operate with transmitter power of 10 watts or less, the pilot subcarrier frequency shall be measured:

(i) When the stereo-pilot subcarrier generator is initially installed;

(ii) At any time the frequency determining elements of the stereo-pilot subcarrier generator are changed;

(iii) At any time the licensee may have reason to believe the stereo-pilot subcarrier frequency is not within the frequency tolerance prescribed by the Commission's rules.

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

9. In § 74.751, paragraphs (b) (4) through (7) are amended, subparagraph (8) deleted, and paragraph (c) is amended to read as follows:

§ 74.751 Equipment changes.

• • • • • •

(b) • • •

(4) Any horizontal change of the location of the antenna structure which would (i) be in excess of 500 feet, or (ii) require notice to the Federal Aviation Administration pursuant to § 17.7 of this chapter.

(5) A change in frequency assignment.

(6) A change in the primary TV station being retransmitted.

(7) A change of authorized operating power.

(c) Any change in the location of the transmitter, except a move within the same building or upon the same pole or tower must be reported to the FCC in Washington, D.C., and the Engineer in Charge of the District in which the translator is located within 30 days after the move. Other equipment changes not specifically referred to herein may be made at the discretion of the licensee, provided that the Engineer in Charge of the District in which the translator is located and the FCC in Washington, D.C. are notified in writing upon completion of such changes, and that the changes are appropriately reflected in the next application for renewal of license of the television broadcast translator station.

10. In § 74.763, paragraph (c) is amended to read as follows:

§ 74.763 Time of operation.

• • • • • •

(c) Failure of a television translator station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the station may be cancelled at the discretion of the Commission.

• • • • • •

11. In § 74.1263, paragraph (c) is amended to read as follows:

§ 74.1263 Time of operation.

• • • • • •

(c) Failure of an FM translator station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the station may be cancelled at the discretion of the Commission.

• • • • • •

[FR Doc. 74-25508 Filed 10-31-74;8:45 am]

[Docket No. 19906 RM-1786; FCC 74-1150]

PART 73—RADIO BROADCAST SERVICES

Extension Metering of Broadcast Transmitters; Report and Order

1. In its continuing effort concerning the re-regulation of the broadcasting services the Commission released a notice of proposed rule making in this proceeding on December 28, 1973. The closing dates for comments and reply comments were March 5, 1974, and March 26, 1974, respectively. Publication was made in the FEDERAL REGISTER on January 4, 1974 (39 FR 1070).

2. Comments were filed by parties listed in Appendix A[1]. No reply comments were filed.

3. This proceeding was instituted to consider rule amendments which would permit the use of extension meters. Without exception, the parties filing comments urged favorable consideration of the concept embodied in the proposal but more than two-thirds of the parties recommended that one or more of the conditions be adopted in a revised form. Many of the parties urged that the Commission not require that the transmitter location be confined to the same building as, and within one floor of, the normal operating location and that the path from the normal operating location to the transmitter not be limited to 100 feet. In lieu of these limitations it was urged that the rules should permit locating the transmitter in an adjoining building; locating the transmitter on the same property or on the same premises or within the same complex; locating the transmitter 300-400 feet from the normal operating location; using some time standard rather than a distance standard, such as, access in 30 seconds and access in 5 minutes; and that the relative location of the transmitter and normal operating location be determined solely on the basis of operating convenience.

4. A number of parties additionally urged that the Commission not require that modulation monitors and antenna monitors be co-located with extension meters and that extension metters for plate voltage and plate current of the visual transmitter at television stations not be required. The parties suggest that the modulation and antenna monitors are better located at the transmitter for use when testing or performing maintenance on that equipment and that indications provided by the monitors may reliably be extended to the normal operating location. The parties oppose adoption of a requirement that extension meters for the plate voltage and current of visual transmitters be installed, contending that it would be unnecessarily burdensome since there is no corresponding requirement that these parameters be logged.

5. Some parties suggested that, if extension meters are employed, it should be required that the operating location be equipped with an on-off switch so that the transmitter may be activated and deactivated from that location. It is suggested that: in an emergency situation the output of the transmitter could be interrupted immediately from the operating location without the delay of an operator having to go to the location of the transmitter; it would facilitate interrupting the transmitter carrier in connection with EBS tests and alerts; it would facilitate timely switch-overs in connection with operation of share-time stations; and, it would permit the operator to be at the operating location at all times when the transmitter is supplying power to the antenna.

6. Finally, parties have urged that the Commission not specify that all required meters be extended and indicate continuously. These parties contend that, since the transmitter will be readily accessible it should be sufficient to extend only the meter indicating antenna power, with other parameters set to give a visual or audible alarm to alert the operator if tolerance limits are approached or exceeded. Alternatively, it has been suggested that use of a digital meter to sample specified parameters sequentially or on command would provide adequate surveillance of station performance.

DISCUSSION

7. This proceeding was instituted for the very limited purpose of providing relief for those licensees who, pursuant to existing requirements regarding transmitter visibility from the operator's location, have found it necessary to take such measures as installing a window in a studio wall or resorting to mirrors or a closed-circuit TV system. The alternative is to apply for authority to operate by remote control.

8. That aspect of the Commission's proposal which drew the greatest number of comments was its proposal to require that the transmitter be located in the same building as, and no more than one floor above or below, the operator's location and that the path from the operator's location to the transmitter be no greater than 100 feet. Parties variously urged that the rules permit installing the transmitter in a separate building, or on the same premises, or within the same complex, or within the confines of the same building. Additionally, some parties urged that a standard specifying a distance in excess of 100 feet or a standard in terms of time rather than distance be adopted. In developing its proposal the Commission considered, at great length, standards precisely in line with these suggestions and found them unacceptable. It concluded that standards less restrictive than those set out in the Notice would not be in keeping with the limited purpose, for which this proceeding was instituted and would not strike the proper balance between affording greater flexibility in regard to designing station facilities and installing equipment, and retaining the operator's capability to exercise transmitter control with minimum delay. Upon considering the comments submitted, the Commission is not persuaded that its earlier conclusion should be modified. Accordingly, the pertinent rules will be adopted as proposed.

9. Upon weighing those comments questioning the proposed requirement that antenna monitors be installed at the extension meter location, the Commission is persuaded that its proposal

[1] Appendix A filed as part of the original document.

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should be modified. Accordingly, the rules adopted herein will not specify that the antenna monitor be installed at the same location as extension meters. The location of such monitors will therefore be governed by § 73.69, which requires that they be installed at the transmitter. Pursuant to this requirement, operators at a number of stations employing extension meters will be required to visit the transmitter location at intervals not exceeding 3 hours in order to observe and log readings of phase and antenna current ratios. While many licensees may view this as a highly desirable exercise, others may view it as an inconvenience to be avoided, if possible. The rules being adopted will accommodate both viewpoints, in that, while they continue to require that the antenna monitor be installed at the transmitter, they will additionally provide that stations equipped with a type approved antenna monitor may, at the licensee's option, employ external meters installed at the extension meter location if such external meters meet the specifications for accuracy and repeatability prescribed for the monitor itself, and, when connected to the monitor, do not adversely affect its performance.

10. A number of parties urged that the Commission not require that a stations' modulation monitor be installed at the extension meter location. The Commission's proposal in this regard was designed to make available to the operator indications provided by the monitor's peak flasher. Because of its response characteristics, the flasher is a better indicator of modulation excesses than the percent modulation meter and is the more useful tool for observing instances of overmodulation. As some parties have noted, most modulation monitors readily adapt to providing indications on an external meter without loss of reliability. The same is not true however, in regard to extending indications of the peak flasher. Since the Commission's concern is that the peak flasher be available to the operator, the rules adopted herein will meet this objective. This can be achieved, however, while still providing a degree of flexibility. Accordingly, the rules will prescribe that stations employing extension meters shall install modulation monitors at the extension meter location, except that, the modulation monitor may be installed at the transmitter if the extension meter location is equipped with a percent modulation meter and peak flasher (for aural transmitters) and apparatus for monitoring visual signals to determine that such signals comply with Commission requirements (for video transmitters), and such equipment provides continuous and accurate indications of pertinent modulation characteristics.

11. The Commission concurs in the view expressed by some parties concerning the proposed requirement that extension meters for the plate voltage and current of visual transmitters be installed. Accordingly, the rules adopted will not require extension meters for these parameters.

12. The Commission is not persuaded that the rule amendments adopted herein should include a requirement that the extension meter location be equipped with a transmitter on-off switch. The thrust of this proceeding is to develop standards which provide for the use of extension meters while retaining an adequate monitoring capability. On-off control of the transmitter involves an activity distinctly apart from the monitoring function and inclusion of the suggested requirement is not necessary to satisfactory resolution of this proceeding. The Commission is further persuaded that a substantial plus factor accrues to having the operator at the transmitter controls when the "on" switch is activated so that any necessary adjustments can be made without delay.

13. In its consideration of comments urging that the rules not specify that all required meters be extended and indicate continuously, the Commission again directs attention to the limited purpose for which this proceeding was instituted, i.e., to relax the "transmitter visibility" requirement. In keeping with that purpose, proposals to modify existing monitoring capabilities must be regarded as beyond the scope of this proceeding. This becomes even more apparent when one considers that the question of what constitutes adequate surveillance of station performance has application for all modes of station operation and is not confined to operations employing extension meters. Under these circumstances, the Commission is persuaded that the rules set out in its Notice should be adopted, essentially in the form proposed. The one respect in which the final rules reflect a change is in regard to installing extension meters to monitor base currents of each antenna element. As adopted, the rules will substitute therefore a requirement that the antenna current for nondirectional operations be monitored.

14. As a final matter, the rules adopted include several editorial revisions required to conform related rules sections with changes effected herein.

15. Having considered all of the information before it, and in accordance with the foregoing discussion, *it is ordered*, That, effective February 5, 1975, Part 73 of the Commission's rules and regulations is amended as set forth below.

16. Authority for the action taken herein is contained in sections 4(i), and 303 (j) and (r) of the Communications Act of 1934, as amended.

17. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 22, 1974.

Released: October 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

1. In § 73.56, Paragraph (a) is amended to read as follows:

§ 73.56 Modulation monitors.

(a) Each station shall have in operation, either at the transmitter or the extension meter location, or at the place the transmitter is controlled, a modulation monitor of a type approved by the Commission.

NOTE.—Approved modulation monitors are included on the Commission's "Radio Equipment List". Copies of this list are available for inspection at the Commission's offices in Washington, D.C., and at each of its field offices.

* * * * *

2. The undesignated heading "Remote Control" preceding the line, 73.66 Remote Control Authorizations, is deleted.

3. Section 73.70 is added new to read as follows:

§ 73.70 Extension meters.

The extension of specified meters and monitoring devices is permitted, without prior authorization of the Commission, upon compliance with each of the following:

(a) That the transmitter is in the same building as the normal operating location of the station's licensed operator and is no more than one floor above or below the normal operating location.

(b) That the path from the normal operating location to the transmitter is no longer than 100 feet and provides the operator with ready access to the transmitter.

(c) That the required extension meters and monitoring devices are sufficiently close to the operator's normal operating location that deviations from normal indications of such instruments can be observed from that location.

(d) That extension meters shall be installed for monitoring the DC plate circuit current and voltage of the last radio frequency amplified stage, and the antenna current for non-directional operation or common point current for directional operation. The installation and operation of these meters shall be in accordance with requirements prescribed for their corresponding regular meters.

(e) That each of the extension meters required in paragraph (d) of this section shall continuously sample the parameter for which it is installed and constantly indicate that parameter.

(f) That, for each mode of operation, the extension meters required pursuant to paragraph (d) of this section are calibrated against their corresponding regular meters as often as necessary to insure their accuracy, but in no event less than once a week and:

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension or remote meter.

(3) Each extension meter shall be accurate within 2 percent of the value read on its corresponding regular meter.

(g) That the station's modulation monitor is installed at the extension meter location: Provided that, the modulation monitor may be installed at the transmitter if the extension meter location is equipped with a percentage modulation meter and peak indicating device which provide continuous and accurate indications of pertinent modulation levels.

(h) That, if the station is equipped with a type approved antenna monitor, external meters meeting the specifications for accuracy and repeatability prescribed for the monitor itself may be installed at the extension meter location.

(i) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter. If a malfunction results in inaccurate extended indications of the antenna monitor, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters incorporated in the antenna monitor. If a malfunction affects extended indications of the modulation monitor, the licensee shall, pending repair or replacement, employ a cathode ray oscilloscope or other suitable means for monitoring modulation at the extension meter location. When a malfunction is detected, an appropriate entry shall be made in the station's maintenance log, showing the date of occurrence and identifying the indicating device(s) affected. An entry, appropriately dated, shall also be made when repair or replacement is completed. If a malfunctioning component cannot be repaired or replaced within 60 days from the date faulty operation is detected, the Engineer in Charge of the radio district in which the station is located shall be notified and request shall be made for such additional time as is needed to complete the necessary repair or replacement.

(j) That the transmitter is so installed and protected that it is not accessible to persons other than those duly authorized by the licensee.

4. Section 73.92(b) is amended to read as follows:

§ 73.92 Station and operator licenses; posting of.

* * * * *

(b) The operator license, or Form 759 (Verification of Operator License or Permit), of each station operator employed full-time, part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the licensee.

(1) The operator licenses shall be posted:

(i) Either at the transmitter or extension meter location; or

(ii) At the principal remote control point, if the station license authorizes operation by remote control.

(2) Posting of operator licenses shall be accomplished by affixing the license to the wall at the posting location, or enclosing in a binder, or inserting in folder and retaining at the posting location so that the licenses will be readily available and easily accessible at that location.

5. Section 73.93(a) is amended to read as follows:

§ 73.93 Operator requirements.

(a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty at the transmitter location, or at an authorized remote control point, or the position at which extension meters, as authorized pursuant to § 73.70 of this Subpart are located. The transmitter and required monitors and metering equipment, or the required extension meters and monitoring equipment and other required metering equipment, or the controls and required monitoring and metering equipment in an authorized remote control operation, shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

* * * * *

6. Section 73.114 is amended by adding a new paragraph (a)(1)(iii) to read as follows:

§ 73.114 Maintenance log.

(a) * * *

(1) * * *

(vii) A notation of the results of calibration of each extension meter against its corresponding regular meter, as required by § 73.70. The entry shall include a showing of each meter reading observed prior to recalibration of the extension meters.

* * * * *

7. Section 73.253(a) is amended to read as follows:

§ 73.253 Modulation monitors.

(a) Each station shall have in operation either at the transmitter or the extension meter location, or at the place where the transmitter is controlled, a modulation monitor of a type approved by the Commission for non-multiplex operation: Provided, That: (1) If the station is engaged in stereophonic operation as contemplated by § 73.297, the licensee shall have in operation a modulation monitor of a type approved by the Commission for monitoring stereophonic operation, and (2) if the station is engaged in operation with a Subsidiary Communications Authorization, as contemplated by § 73.295, the licensee shall have in operation a modulation monitor of a type approved by the Commission for monitoring SCA operation.

NOTE: Approved modulation monitors (non-multiplex, stereophonic, and SCA) are included on the Commission's "Radio Equipment List". Copies of this list are available for inspection at the Commission's offices in Washington, D.C., and at each of its field offices.

* * * * *

8. Section 73.264(b) is amended to read as follows:

§ 73.264 Station and operator licenses; posting of.

* * * * *

(b) The operator license, or Form 759 (Verification of Operator License or Permit), of each station operator employed full-time, part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the licensee.

(1) The operator licenses shall be posted:

(i) Either at the transmitter or extension meter location; or

(ii) At the principal remote control point, if the station license authorizes operation by remote control.

(2) Posting of operator licenses shall be accomplished by affixing the license to the wall at the posting location, or enclosing in a binder, or inserting in folder and retaining at the posting location so that the licenses will be readily available and easily accessible at that location.

9. Section 73.265(a) is amended to read as follows:

§ 73.265 Operator requirements.

(a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty at the transmitter location, or at an authorized remote control point, or the position at which extension meters, as authorized pursuant to § 73.276 of this Subpart, are located. The transmitter and required monitors and metering equipment, or the required extension meters and monitoring equipment, or the controls and required monitoring and metering equipment in an authorized remote control operation, shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

* * * * *

10. Section 73.276 is redesignated Section 73.277 and a new Section 73.276 is added to read as follows:

§ 73.276 Extension meters.

The extension of required meters is permitted, without prior authorization of the Commission, upon compliance with each of the following:

(a) That the transmitter is in the same building as the normal operating location of the station's licensed operator and is no more than one floor above or below the normal operating location.

(b) That the path from the normal operating location to the transmitter is no longer than 100 feet and provides the operator with ready access to the transmitter.

(c) That the required extension meters and monitoring devices are sufficiently close to the operator's normal operating location that deviations from normal indications of such instruments can be observed from that location.

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(d) That extension meters shall be installed for monitoring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage, or power. The installation and operation thereof must comply with the same requirements prescribed by the rules for their corresponding regular meters.

(e) That each of the extension meters required in paragraph (d) of this section shall continuously sample the parameter for which it was installed and constantly indicate that parameter.

(f) That the extension meters required pursuant to paragraph (d) of this section are calibrated against their corresponding regular meters as often as necessary to insure their accuracy, but in no event less than once a week and;

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension or remote meter.

(3) Each extension meter shall be accurate within 2 percent of the value read on its corresponding regular meter.

(g) That the station's modulation monitor is installed at the same location as the extension meters: Provided that, the modulation monitor may be installed at the transmitter if the extension meter location is equipped with a percentage modulation meter and peak indicating device which provide continuous and accurate indications of pertinent levels of total modulation.

(h) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter. If a malfunction affects extended indications of the modulation monitor, the licensee shall, pending repair or replacement, provide other suitable means for monitoring modulation at the extension meter location. When a malfunction is detected, an appropriate entry shall be made in the station's maintenance log, showing the date of occurrence and identifying the indicating device(s) affected. An entry, appropriately dated, shall also be made when repair or replacement is completed. If a malfunctioning component cannot be repaired or replaced within 60 days from the date faulty operation is detected, the Engineer in Charge of the radio district in which the station is located shall be notified and request made for such additional time as is needed to complete the necessary repair or replacement.

(i) That the transmitter is so installed and protected that it is not accessible to persons other than those duly authorized by the licensee.

11. Section 73.284 is amended by inserting a new paragraph (a)(4) and renumbering the present paragraphs (a)(4), (5), (6) and (7) as (5), (6), (7) and (8), to read as follows:

§ 73.284 Maintenance log.

(a) • • •

(4) A notation of the results of calibration of each extension meter against its corresponding regular meter, as required by § 73.276. The entry shall include a showing of each meter reading observed prior to recalibration of the extension meters.

• • • • •

12. Section 73.553(a) is amended to read as follows:

§ 73.553 Modulation monitors.

(a) The licensee of each station licensed for transmitter power output above 10 watts shall have in operation, either at the transmitter or the extension meter location, or at the place the transmitter is controlled, a modulation monitor of a type approved by the Commission for non-multiplex operation: Provided, That: (1) If the station is engaged in stereophonic operation, as contemplated by § 73.596, the licensee shall have in operation a modulation monitor of a type approved by the Commission for monitoring stereophonic operation, and (2) if the station is engaged in operation with a Subsidiary Communications Authorization, as contemplated by § 73.595, the licensee shall have in operation a modulation monitor of a type approved by the Commission for monitoring SCA operation.

NOTE: Approved modulation monitors (non-multiplex, stereophonic, and SCA) are included on the Commission's "Radio Equipment List". Copies of this list are available for inspection at the Commission's offices in Washington, D.C., and at its field offices.

• • • • •

13. Section 73.564(b) is amended to read as follows:

§ 73.564 Station and operator licenses; posting of.

• • • • •

(b) The operator license, or Form 759 (Verification of Operator License or Permit), of each station operator employed full-time, part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the licensee.

(1) The operator licenses shall be posted:

(i) Either at the transmitter or extension meter location; or

(ii) At the principal remote control point, if the station license authorizes operation by remote control.

(2) Posting of operator licenses shall be accomplished by affixing the license to the wall at the posting location, or enclosing in a binder, or inserting in folder and retaining at the posting location so that the licenses will be readily available and easily accessible at that location.

14. Section 73.565(a) is amended to read as follows:

§ 73.565 Operator requirements.

(a) One or more operators holding a radio operator license or permit of a grade specified in this section shall be in actual charge of the transmitting system, and shall be on duty at the transmitter location, or at an authorized remote control point, or the position at which extension meters, as authorized pursuant to § 73.574 of this Subpart, are located. The transmitter and required monitors and metering equipment, or the required extension meters and monitoring equipment or the controls and required monitoring and metering equipment in an authorized remote control operation, shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

• • • • •

15. Section 73.574 is added new to read as follows:

§ 73.574 Extension meters.

The extension of required meters is permitted, without prior authorization of the Commission, upon compliance with each of the following:

(a) That the transmitter is in the same building as the normal operating location of the station's licensed operator and is no more than one floor above or below the normal operating location.

(b) That the path from the normal operating location to the transmitter is no longer than 100 feet and provides the operator with ready access to the transmitter.

(c) That the required extension meters and monitoring devices are sufficiently close to the operator's normal operating location that deviations from normal indications of such instruments can be observed from that location.

(d) That, for stations licensed for transmitter power output greater than 10 watts, extension meters shall be installed for monitoring the direct plate voltage and current of the last radio stage and the transmission line radio frequency current, voltage, or power. The installation and operation thereof must comply with the same requirements prescribed by the rules for their corresponding regular meters.

(e) That each of the extension meters required in paragraph (d) of this section shall continuously sample the parameter for which it was installed and constantly indicate that parameter.

(f) That the extension meters required pursuant to paragraph (d) of this section are calibrated against their corresponding regular meters as often as necessary to insure their accuracy, but in no event less than once a week and:

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension or remote meter.

(3) Each extension meter shall be accurate within 2 percent of the value read on its corresponding regular meter.

(g) That, for stations licensed for transmitter output greater than 10 watts,

the station's modulation monitor is installed at the same location as the extension meters: Provided, that, the modulation monitor may be installed at the transmitter if the extension meter location is equipped with a percentage modulation meter and peak indicating device which provide continuous and accurate indications of pertinent levels of total modulation. Stations licensed for transmitter power output of 10 watts or less shall have in operation at the extended operating location, a percent modulation indicator or a calibrated program level meter from which a satisfactory indication of the percentage of modulation of the transmitter can be determined.

(h) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter. If a malfunction affects extended indications of the modulation monitor, the licensee shall, pending repair or replacement, provide other suitable means for monitoring modulation at the extension meter location. When a malfunction is detected, an appropriate entry shall be made in the station's maintenance log, showing the date of occurrence and identifying the indicating device(s) affected. An entry, appropriately dated, shall also be made when repair or replacement is completed. If a malfunctioning component cannot be repaired or replaced within 60 days from the date faulty operation is detected, the Engineer in Charge of the radio district in which the station is located shall be notified and request made for such additional time as is needed to complete the necessary repair or replacement.

(i) That the transmitter is so installed and protected that it is not accessible to persons other than those duly authorized by the licensee.

16. Section 74.584 is amended by inserting a new paragraph (a)(4) and renumbering present paragraphs (a)(4), (5), (6) and (7) as (5), (6), (7) and (8) to read as follows:

§ 73.584 Maintenance log.

(a) • • •

(4) A notation of the results of calibration of each extension meter against its corresponding regular meter, as required by § 73.574. The entry shall include a showing of each meter reading observed prior to recalibration of the extension meters.

• • • • •

17. Section 73.660(b) is amended to read as follows:

§ 73.660 Station and operator licenses; posting of.

• • • • •

(b) The operator license, or Form 759 (Verification of Operator License or Permit), of each station operator employed full-time, part-time or via contract, shall be permanently posted and shall remain posted so long as the operator is employed by the licensee.

(1) The operator licenses shall be posted:

(i) Either at the transmitter or extension meter location; or

(ii) At the principal remote control point, if the station license authorizes operation by remote control.

(2) Posting of operator licenses shall be accomplished by affixing the license to the wall at the posting location, or enclosing in a binder, or inserting in a folder and retaining at the posting location so that the licenses will be readily available and easily accessible at that location.

18. Section 73.661 is amended to read as follows:

§ 73.661 Operator requirements.

One or more operators holding a valid radiotelephone first-class operator license shall be on duty at the place where the transmitting apparatus is located; or where extension meters and monitoring devices for monitoring critical parameters of the transmitter are located, as provided by § 73.678 of this Subpart; or at an authorized remote control point established pursuant to the provisions of § 73.677 of this Subpart; and shall be in actual charge thereof whenever the transmitter is delivering power to the transmitting antenna. The licensed operator on duty and in charge of the television broadcast transmitter may, at the discretion of the licensee, be employed for other duties or for operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such other stations. However, such other duties shall in nowise impair or impede the required supervision of the television broadcast transmitter. The transmitter and required monitors and metering equipment, or the required extension meters and monitoring equipment and other required metering equipment, or the controls and required monitoring and metering equipment in an authorized remote control operation, shall be readily accessible to the licensed operator and located sufficiently close to the normal operating location that deviations from normal indications of required instruments can be observed from that location.

19. Section 73.672 is amended by inserting a new paragraph (a)(3) and renumbering present paragraphs (a)(3), (4), (5), (6), (7) and (8) as (4), (5), (6), (7), (8) and (9), and as amended, will read as follows:

§ 73.672 Maintenance log.

(a) • • •

(3) A notation once each week indicating results of calibration of each extension meter against its corresponding regular meter, as required by § 73.678. The entry shall include a showing of each meter reading observed prior to recalibration of the extension meters.

• • • • •

20. Section 73.678 is redesignated Section 73.633 and a new Section 73.678 is added to read as follows:

§ 73.678 Extension meters.

The extension of required meters is permitted, without prior authorization of the Commission, upon compliance with each of the following:

(a) That the transmitter is in the same building as the normal operating location of the station's licensed operator and is no more than one floor above or below the normal operating location.

(b) That the path from the normal operating location to the transmitter is no longer than 100 feet and provides the operator with ready access to the transmitter.

(c) That the required extension meters and monitoring devices are sufficiently close to the operator's normal operating location that deviations from normal indications of such instruments can be observed from that location.

(d) That extension meters shall be installed for monitoring the direct plate voltage and current of the last radio stage of the aural transmitter and the transmission line radio frequency current, voltage, or power of both the aural and the visual transmitters. The installation and operation thereof must comply with the same requirements prescribed by the rules for their corresponding regular meters.

(e) That each of the extension meters required in paragraph (d) of this section shall continuously sample the parameter for which it was installed and constantly indicate that parameter.

(f) That the extension meters required pursuant to paragraph (d) of this section are calibrated against their corresponding regular meters as often as necessary to insure their accuracy, but in no event less than once a week and:

(1) The results of such calibration shall be entered in the station's maintenance log.

(2) In no event shall an extension meter be calibrated against another extension meter or remote meter.

(3) Each extension meter shall be accurate within 2 percent of the value read on its corresponding regular meter.

(g) That the station's modulation monitor for the aural transmitter and visual monitoring equipment used to determine that the visual signal is maintained in accordance with the requirements of this subpart are installed at the same location as the extension meters: Provided, that, these monitoring devices may be installed at the transmitter if the extension meter location is equipped with: (1) Percentage modulation meter and peaking indicating devices which provide continuous and accurate indications of pertinent levels of aural modulation, and (2) suitable equipment for monitoring the visual signal so that it may be maintained in accordance with Commission requirements.

(h) That in the event a malfunction of any component of the extension meter system causes inaccurate readings, the pertinent entries required in the station's operating log must be read and logged at the specified intervals from the meters located at the transmitter. If a malfunction affects extended indications

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of the aural modulation monitor or the visual monitoring equipment, the licensee shall, pending repair or replacement, provide other suitable means for monitoring modulation at the extension meter location. When a malfunction is detected, an appropriate entry shall be made in the station's maintenance log, showing the date of occurrence and identifying the indicating device(s) affected. An entry, appropriately dated, shall also be made when repair or replacement is completed. If a malfunctioning component cannot be repaired or replaced within 60 days from the date faulty operation is detected, the Engineer in Charge of the radio district in which the station is located shall be notified and request made for such additional time as is needed to complete the necessary repair or replacement.

(i) That the transmitter is so installed and protected that it is not accessible to persons other than those duly authorized by the licensee.

21. Section 73.691(a) is amended to read:

§ 73.691 Modulation monitors.

(a) The licensee of each television broadcasting station shall have in operation, at the transmitter or extension meter location, an approved modulation monitor for the aural transmitter and sufficient monitoring equipment for the visual signal to determine that the signal complies with the requirements of this subpart.

NOTE: Approved aural modulation monitors are included on the Commission's "Radio Equipment List". Copies of this list are available for inspection at the Commission's offices in Washington, D.C., and at each of its field offices.

* * * * *

[FR Doc.74-25505 Filed 10-31-74;8:45 am]

[FCC 74-1137]

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Solid State Transmitters; Measurement of Output Power

1. By this order, it is intended to amend § 83.484(d)(2) to include the provision for the measurement of the output power of solid state transmitters at their characteristic nominal output impedance of 50 ohms.

2. The Commission, in its Order, FCC 73-1132, released November 5, 1973, amended Subparts T and U of Part 83 to make provision for use of an artificial antenna of 50 ohms nominal impedance to match the output impedance of solid state transmitters. This amendment improved the accuracy of the output power measurement by eliminating the need for matching the transmitter output impedance of 50 ohms to that of the prescribed artificial antenna of 10 ohms effective resistance and 200 picofarads capacitance and compensating for any losses in the matching network. At that time, the need to amend Subpart S, which contained identical requirements, was inadvertently overlooked.

3. Authority for this amendment is contained in sections 4(i), 303 (f) and (r) of the Communications Act of 1934, as amended. Since the amendment is minor in nature and one in which the public is not particularly interested, the prior notice and procedure provisions of 5 U.S.C. 553 are unnecessary.

4. Accordingly, Part 83 of the Commission's rules is amended as shown below, effective December 6, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: October 22, 1974.

Released: October 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 83 of Chapter I of title 47 of the Code of Federal Regulations is amended as follows:

1. In § 83.484, paragraph (d)(2) is amended to read as follows:

§ 83.484 Radiotelephone transmitter.

* * * * *

(d) * * *

(2) The transmitter has been demonstrated, or is of a type which has been demonstrated, to the satisfaction of the Commission as capable, with normal operating voltages applied, of delivering not less than 25 watts carrier power for A3 emission or 50 watts peak envelope power for A3H emission on each of the frequencies 2182 and 2638 kHz into either an artificial antenna consisting of a series network of 10 ohms effective resistance and 200 picofarads capacitance or an artificial antenna of 50 ohms nominal impedance; Provided, however, That an individual demonstration of the power output capability of the transmitter, with the radiotelephone installation normally installed on board ship, may be required whenever in the judgment of the Commission this is deemed necessary.

* * * * *

[FR Doc.74-25507 Filed 10-31-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 70-12; Notice 21]

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Universal Registration Format

This notice amends 49 CFR Part 574 to provide that the Universal Registration Forms supplied by dealers must conform in size and be similar in format to Figure 3 of the regulation.

On June 2, 1974, 49 CFR Part 574 was amended to require a Universal Registration Format when tire registration forms are supplied by manufacturers to dealers (39 FR 19482). Three petitions for reconsideration were received in response to this notice. All three, Michelin Tire Corporation, Rubber Manufacturers Association, and the Firestone Tire and Rubber Company, requested that the regulation be amended to require that dealer-supplied registration forms also conform in size and be similar in format to Figure 3 of the regulation. The petitioners pointed out that registration handling methodology has been standardized throughout the industry, and that the use of different sizes and formats would be costly and inefficient. The NHTSA concurs in this assessment, and therefore amends 49 CFR 574.7(a) to require that the dealer-supplied forms must conform in size and be similar in format to Figure 3.

In addition, Firestone petitioned to revise Figure 3 slightly and to extend the effective date of the amendment to 120 days after the response to the petitions for reconsideration. Since 49 CFR 574.7 currently requires only that the forms be "similar" to Figure 3, Firestone's proposed modification is authorized by the regulation and no amendment to the standard is needed. Firestone's request to extend the effective date of the standard is denied, as NHTSA has determined sufficient lead time was available from the date the amendment was issued to prepare forms.

In consideration of the foregoing, the last sentence of 49 CFR 574.7(a) is amended to read as follows:

§ 574.7 Information requirements—tire manufacturers, brand name owners, retreaders.

(a) * * * Forms conforming in size and similar in format to Figure 3 shall be provided to those dealers who request them, or if a dealer prefers, he may supply his own form as long as it contains the required information, conforms in size, and is similar in format to Figure 3.

* * * * *

Effective date. November 1, 1974.

(Secs. 103, 112, 113, 119, 201, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1402, 1407, 1421; delegation of authority at 49 CFR 1.51)

Issued on October 29, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-25510 Filed 10-31-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2nd Rev. S.O. No. 1186]

PART 1033—CAR SERVICE

Distribution of Privately Owned Coal Cars

At a General Session of the Interstate Commerce Commission, held in Washington, D.C., on the 23rd day of October 1974.

It appearing, that an acute shortage of hopper cars exists in certain sections of the country; that shippers are being deprived of such cars required for loading coal to electric utility generating stations, steel plants and other industries vital to the nation's economy; that coal stockpiles of several of the aforementioned are being depleted; that certain car distribution regulations prescribed by the Commission in Docket 12530 (80 ICC 520, 93 ICC 701, and 346 ICC 327) limit the use of privately-owned freight cars used for the transportation of coal; and that fuller utilization of shipper-owned or receiver-owned coal cars in unit-train service will substantially assist in relieving the existing emergency and advance the public interest by contributing to a steady and ample supply of fuel to electric utility generating stations, steel plants and other industries vital to the nation's economy.

It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1186 Service Order No. 1186.

(a) *Distribution of privately owned coal cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Place promptly in a position, for loading coal for transportation in unit-train service to electric utility generating stations, steel plants or other industries vital to the nation's economy, (see part (2) herein), without regard to the provisions of the Commission's Order in Docket 12530 (80 ICC 520, 93 ICC 701 and 346 ICC 327), all coal cars owned by the shipper or consignee which are available for placement for loading and which are ordered placed by the car owner.

(2) Other industries vital to the nation's economy shall be specifically designated by the Railroad Service Board, Interstate Commerce Commission, Washington, D.C.

(3) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any privately owned coal cars furnished under the provisions of paragraph (1) herein, unless loaded in unit-train service for ultimate delivery, within the United States, to electric utility generation stations, steel plants or other industries designated as being vital to the nation's economy.

(b) Industries seeking to designation under the provisions of (a)(2) of this order as being "Other Industries Vital to the Nation's Economy" shall make application to R. D. Pfahler, Director, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423.

(c) The term "Unit-Train Service" used in this order means the movement of a single shipment of coal of not less than 1,700 tons, tendered to one carrier, on one bill-of-lading, at one origin, or concentration point, on one day and destined to one consignee, at one plant, at one destination, via one route.

(d) The term "Privately Owned Coal Cars" used in this order means any open top freight car listed in the Official Railway Equipment Register, ICC R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having a mechanical designation "GA," "GB," "GD," "GH," "GS," "GT," "HK," "HM," or "HT," and which are owned or leased by either the coal shipper, electric utility company, steel plant or other industries vital to the nation's economy.

(e) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(f) *Effective date.* This order shall become effective at 11:59 p.m., October 31, 1974.

(g) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., June 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4) and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25515 Filed 10-31-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Moosehorn National Wildlife, Maine

The following special regulation is issued and is effective during the period December 1, 1974 through April 15, 1975.

§ 28.7 Special regulations; operation of vehicles.

MAINE

MOOSEHORN NATIONAL WILDLIFE REFUGE

The use of snowmobiles is permitted on the Baring and Edmunds Units subject to the following special conditions:

(1) Use is restricted to the period December 1, 1974 through April 15, 1975.

(2) Use shall be in accordance with all applicable State laws and regulations governing snowmobiles.

(3) Use is permitted 24 hours a day limited to designated roads delineated on maps available at refuge headquarters or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective during the period specified herein.

WILLIAM C. ASHE,
Acting Regional Director,
U.S. Fish and Wildlife Service.

OCTOBER 22, 1974.

[FR Doc.74-25462 Filed 10-31-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 77]

MANDATORY SAFETY STANDARDS FOR SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Refuse Piles and Water, Sediment or Slurry Impoundments; Notice of Findings of Fact

Background. Pursuant to the authority contained in section 101(a) of the Federal Coal Mine Health and Safety Act of 1969, as amended (83 Stat. 745; 30 USC 811 (a)), there was published in the FEDERAL REGISTER for January 16, 1974 (39 FR 2004) a notice of proposed rulemaking which set forth requirements for the construction of refuse piles and extinguishment of fires; reporting pertinent information on refuse piles; certifying its stability; abandonment; and identification of the refuse pile. The proposal also set forth requirements for developing and approval of plans for construction of impounding structures; inspection of impoundments; notification of potentially hazardous conditions; and identification of impoundments.

Written objections were timely filed with the Mining Enforcement and Safety Administration stating the grounds for objections and requesting a public hearing on the proposed amendments. In accordance with section 101 (f) of the Act, a notice of objections filed and hearing requested was published in the FEDERAL REGISTER for May 14, 1974 (39 FR 17234).

Following this notice, there was published in the FEDERAL REGISTER for June 7, 1974 (39 FR 20213), a notice of public hearing to be held for the purpose of receiving relevant evidence on issues raised in the written comments.

The public hearing was held on July 23, 1974 in the House Chamber, State Capitol Building, Charleston, West Virginia. Information was submitted by the following organizations and individuals: Mining Enforcement and Safety Administration, American Mining Congress, Bituminous Coal Operator's Association, United Mine Workers of America, Mr. Paul Kaufman, Citizens for Environmental Protection, Inc., Campaign for Clean Water, Mr. James Summerville, U.S. Environmental Protection Agency, Appalachian Research and Defense Fund of Kentucky, Appalachian Research and Defense Fund of West Virginia, Gates Engineering Co., E. D'Appolonia Consulting Engineers, Inc., National Mines Corp., W. A. Wahler Associates, West Virginia Coal Association, West Virginia Surface Mining and Reclamation Association, Zapata Coal Corp., Harlan County Coal Association, Peabody Coal Co., Millburn Colliery Co., and Mr. Curt Seltzer. The record was held open until August 29, 1974, to permit submission of additional data and information.

The transcript of the hearing and data and information submitted for the record are available for public inspection in the Office of the Assistant Administrator, Coal Mine Health and Safety, MESA, United States Department of the Interior, Washington, D.C. 20240.

Findings. Section 101(g) of the Act (83 Stat. 747; 30 USC 811(g)) provides, in part, that within 60 days after completion of any public hearing on proposed mandatory safety standards, the Secretary of the Interior shall make findings of fact which shall be public. The findings of fact are based on relevant evidence submitted in written comments, statements, and data received in response to the proposed rulemaking and the public hearing. Wherever appropriate, the findings which are set forth below have been identified with the issues listed in the notice of public hearing (39 FR 20213, June 7, 1974) or raised at the hearing. The findings follow:

1. *General findings.* Coal refuse piles and structures used to impound water, sediment or slurry in connection with coal mining operations can present a hazard to health and safety. The proposed standards, modified to the extent required to comport with these findings of fact, will improve the mandatory safety standards for the protection of life fecting coal miners on coal mine property.

2. *Issue.* Whether the regulations should specifically state that they cover only refuse piles and impoundments affecting coal miners on coal mine property.

Finding. The Federal Coal Mine Health and Safety Act of 1969 limits the authority of the Secretary to the promulgation of regulations protecting coal miners on coal mine property, and such limitation is implicit in all the regulations.

3. *Issue.* Whether the regulations should be limited to refuse piles and impoundments which actually present a danger or whether the regulations should extend coverage to refuse piles and impoundments which can present a danger.

Finding. To prevent the occurrence of hazardous conditions the regulatory body must have authority over each refuse pile and impounding structure that can potentially present a hazard to miners.

4. *Issue.* Whether refuse piles and impoundments located below natural surface drainage, such as in mined-out strip pits, should be exempted from the regulations.

Finding. Some refuse piles and impounding structures located below natural drainage can present a hazard to men working on or below them, therefore no blanket exemption is warranted.

5. *Issues.* Whether the requirement for a maximum lift of two feet before compaction for refuse piles should be set at a greater height depending upon material compacted, location, and disposal pattern; and whether the requirement for maintaining a maximum slope of 27 degrees for refuse piles is too restrictive and slopes of a greater degree should be permitted depending upon the material, base soil conditions, and climate. And whether a standard safety factor should be used for refuse piles rather than the lift thickness and slope limitations.

Finding. Absent unusual circumstances, unsaturated refuse piles with slopes of 27 degrees and compacted lifts of 2 feet will be stable. If refuse piles are constructed in layers greater than 2 feet in thickness and/or with slopes greater than 27 degrees, the stability is questionable. Safety factors can be useful for determining the stability of a given refuse pile. If constructing the refuse piles in greater than 2 ft. lifts and/or with slopes greater than 27 degrees can achieve a safety factor greater than 1.5 which is substantiated by valid engineering data, then the refuse pile will have an acceptable level of stability.

6. *Issue.* Whether inert material should be deposited between compacted lifts.

Finding. Inert material placed between compacted lifts of a refuse pile will usually reduce stability of the refuse pile due to undesirable effects resulting from changes in permeability characteristics of the material and hydrostatic pressures at various locations within the pile.

7. *Issue.* Whether the extinguishing of burning refuse piles should be permitted by methods other than sealing or excavation of the burning material.

Finding. Burning refuse piles present a health and safety hazard, and that hazard will be decreased or eliminated when the burning pile is extinguished by any safe and effective means. Technology associated with refuse piles is rapidly advancing, and by not specifying the extinguishing technique new and improved methods are encouraged.

8. *Issue.* Whether a plan for extinguishing refuse pile fires should be submitted to the District Manager for approval; such plan would include training of miners, supervision, procedures for

eliminating potentially hazardous conditions, and procedures for removing miners from potentially hazardous conditions.

Finding. A comprehensive plan for extinguishing refuse pile fires, approved by MESA, will provide reasonable assurance that fires will be extinguished in a safe and effective manner. The decision as to whether the plan should include training of miners, supervision, procedures for eliminating potentially hazardous conditions and procedures for removal of miners from those conditions should be made by the District Manager who can best evaluate the need for such procedures in light of the size and nature of the particular fire.

9. *Issue.* Whether a standardized reporting form should be adopted by MESA.

Finding. Standardized reporting forms for impounding structure plan approval and refuse pile monitoring will reduce confusion as to what information is required from the operator, and it will facilitate the review process.

10. *Issue.* Whether the 180 day reporting requirement for both refuse piles and impoundments should be longer because of limited numbers of qualified engineers or whether no extension of time should be granted.

Finding. 180 days is an adequate and reasonable time in view of the availability of qualified engineers for completion of the surveying and reporting requirements of the proposed regulations as listed below:

(a) placement of identification markers on refuse piles and impounding structures,

(b) survey and submission of the survey report for refuse piles,

(c) after notification by MESA that a refuse pile can present a hazard, certification or submission of a report stating what additional work is required before a certification can be made,

(d) submission of a plan for the continued use or abandonment of impounding structures including the necessary certification, and

(e) preparation of an inspection, maintenance and emergency action plan for impounding structures.

11. *Issue.* Whether the determination that a refuse pile or impoundment can present a danger should be made by MESA, a registered engineer or the operator.

Finding. The responsibility for determining which refuse piles and impounding structures can present a hazard and are thus subject to the requirements of the regulations properly belongs to the regulatory authority (MESA) as a primary function of the exercise of its jurisdiction.

12. *Issue.* Whether the District Manager should be required to respond in writing within specified time limits to operators who have submitted required information.

Finding. MESA has the responsibility to respond in writing to the written submissions of required information from the operator within 60 days to ensure effective enforcement.

13. *Issue.* Whether the perimeter survey requirement for refuse piles should be less than 500 feet.

Finding. To adequately evaluate site conditions, perimeter surveys for refuse piles must show all physical features which may affect the refuse pile regardless of distance from the refuse pile. Such features include, but are not limited to, significant drainage patterns, location of impounding structures, fault lines and ridge lines.

14. *Issue.* Whether the "largest (map) scale available" referred to in §§ 77.215 (a)(1) and 77.216–1(a)(2) should be specified.

Finding. U.S.G.S. quadrangle maps of 7½ or 15 minutes will adequately show the location of refuse piles or impounding structures. However, some coal producing areas have not been mapped adequately for this purpose by U.S.G.S. In those cases, topographic maps of comparable scale must be found or drawn to adequately locate the refuse pile or impounding structure and pertinent surrounding features.

15. *Issue.* Whether the terms "active," "abandoned" and "final abandonment" when used with reference to refuse piles and impoundments should be defined.

Finding. In light of the technical nature of the proposed regulations, definitions of those terms susceptible to various meanings are necessary to prevent confusion.

16. *Issue.* Whether the requirement in § 77.215–1(a)(6) for reporting the proximity of the nearest stream should also include reporting proximity and location of any other stream which potentially could adversely affect the stability of the pile.

Finding. Any stream that can adversely affect the stability of the refuse pile should be reported in order to adequately apprise MESA of the total site conditions.

17. *Issue.* Whether the periodic certification reports required for refuse piles and impoundments are necessary.

Finding. Periodic certification of refuse piles and impounding structures is necessary to ensure that the stability of the structure is maintained.

18. *Issue.* Whether the Coal Mine Health and Safety District Manager should have the discretion, provided for by §§ 77.215–1(a)(8) and 77.216–1(a)(18), to require "other information" concerning refuse piles and impoundments.

Finding. Refuse piles and impounding structures have many similar characteristics that are amenable to general regulations. However, individual refuse piles and impounding structures may have individual characteristics pertaining to their stability which must be known in order to make a proper evaluation.

19. *Issue.* Whether a registered engineer should be required to certify a refuse pile or impoundment as "safe."

Finding. It is not reasonable from an engineering practice point of view to require that a registered engineer unconditionally certify a refuse pile or impounding structure as "safe." It is reasonable to require a registered engineer to attest to the stability of the structure and that the structure was constructed in accordance with the applicable regulations.

20. *Issue.* Whether a registered engineer should be required to design and supervise construction of refuse piles as well as impounding structures in accordance with specified requirements.

Findings. It is not necessary for a registered engineer to design and supervise construction of refuse piles in all cases in order to attain an acceptable level of safety. Small refuse piles constructed of material with well known physical properties in lifts of 2 ft. or less and with slopes of less than 27 degrees need not be designed or have construction supervised by a registered engineer to ensure stability.

21. *Issue.* Whether abandonment planning should be required to be undertaken during initial evaluation or design of refuse piles and impoundments.

Finding. A competent design plan for refuse piles and impounding structures requires consideration of the end result during initial planning. Such consideration need not entail a comprehensive plan that would not allow for deviation. A summary plan to apprise MESA of the operator's intentions and the alternatives for safe abandonment is necessary.

22. *Issue.* Whether abandoned and inactive refuse piles should be required to be sealed, covered with topsoil and revegetated to insure stability.

Finding. Sealing and revegetating abandoned and inactive refuse piles may be necessary to attain stable conditions including the prevention of fires and erosion.

23. *Issue.* Whether abandonment plans required by §§ 77.215–3 and 77.216–1(d) should contain provisions to "preclude future impoundment" of water or silt, or major slope instability or whether the provision should preclude "probable future impoundment" or some other alternatives.

Finding. Abandonment plans for refuse piles must have provisions to prevent future impoundment of water in order to ensure their stability. Abandonment plans for impounding structures must have provisions to either prevent future impoundment or in the alternative prevent major slope instability in order to ensure their stability.

24. *Issue.* Whether there is a purpose and need for identification markers on refuse piles and impoundments, and if so, what information should they contain.

Finding. Identification markers containing the site name, the name of the operator and the site identification number for all refuse piles and impounding structures are necessary for adequate physical identification on sites that can be related to existing records.

25. *Issue.* Whether impounding structures should be eliminated.

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Finding. Impounding structures can be designed, constructed, and maintained so as to be stable, and elimination of them is therefore unwarranted.

26. *Issue.* Whether impounding structures made of refuse materials should be immediately drained.

Finding. Impounding structures made of coal refuse material can be designed, constructed, and maintained so as to be stable, and immediate draining of all such structures is therefore unwarranted.

27. *Issue.* Whether the term "silt" should be replaced by other terms such as, "sediment" or "fine refuse."

Finding. In order to include all types of fine material the term "sediment" is preferable to the term "silt."

28. *Issue.* Whether the depth of impounded water and silt should be measured from the upstream toe of the impoundment.

Finding. Measurement of the depth of impounded water, sediment or slurry from the upstream toe of the impounding structure will yield information necessary to evaluate the quantity of the impoundment and is needed as a reference in order to achieve uniformity in the submitted information.

29. *Issue.* Whether the height of the impoundment should be measured from the upstream toe or downstream toe of the impoundment.

Finding. Measurement of the height of the impounding structure from the downstream toe of the impounding structure will yield information necessary to evaluate the size of the structure and is needed as a reference in order to achieve uniformity in the submitted information.

30. *Issue.* Whether storage volume of 20 acre feet or impoundment of water or silt to a height of 20 feet warrants an assumption of a hazardous condition.

Finding. Neither storage volume of 20 acre feet nor impoundment of water, sediment or slurry to a height of 20 feet warrants an assumption of a hazardous condition; however, these values represent a reasonable cut-off point for those impoundments with which MESA should be concerned.

31. *Issue.* Whether the phrase "maximum probable flood" in 77.216–1(a)(8) should be changed to "100 year storm" or other term.

Finding. The runoff attributable to the probable maximum precipitation over a 6 hour period must be considered in design planning for impounding structures in order to obtain the highest degree of protection against loss of life. Probable maximum precipitation over a 6 hour period is a standard figure available from the Weather Bureau for areas throughout the country and for the purposes of these regulations will provide a more relevant and realistic criteria than "100 year storm." By relating the runoff attributable to the probable maximum precipitation over a 6 hour period, confusion over the term "maximum probable flood" is also avoided.

32. *Issue.* Whether the reporting requirements of downstream conditions in §§ 77.216–1(a) (14) and (15) should be replaced by a discussion of analyses and design considerations of downstream conditions or whether the requirements should be deleted.

Finding. The information required by these two paragraphs of the proposed regulation is either redundant or unnecessary for MESA to fulfill its responsibility of evaluating impounding structures and adopting measures to ensure their stability.

33. *Issue.* Whether any changes or modifications in impounding structures should be required to be reported to the District Manager or whether only those changes "adversely affecting the stability of the impoundments" should be required to be reported.

Finding. MESA must be aware of all changes in the impounding structure in order to evaluate the effect of those changes on the stability of the structure. Seemingly minor changes can have an adverse cumulative effect.

34. *Issue.* Whether abandonment plans required by § 77.216–1(d) for impoundments should be limited to those impoundments required to be reported under § 77.216.

Finding. Abandonment plans are necessary to ensure safety only for those impounding structures which can present a hazard. In determining which structures can present a hazard MESA must consider the maximum extent of possible impoundment and other pertinent factors.

35. *Issue.* Whether all water and silt impoundments should be inspected weekly.

Finding. Inspections, by the operator, conducted at least on a weekly basis, of impounding structures that can present a hazard is necessary to ensure quick recognition of any hazardous or unstable condition.

36. *Issue.* Whether provision should be made for issuance of administrative variances from methods and requirements specified in the regulations.

Finding. Refuse piles and impounding structures have individual characteristics that may require different regulatory measures than those specified in the general regulations, and administrative variances to take care of those instances is provided for in the Act and should be provided for in the regulations.

37. *Issue.* Whether refuse material should be required to be disposed of underground.

Finding. The development of technology for the underground storage of refuse material must continue to be pursued as an alternative to surface dumping of this material. At the present time, the disadvantages with regard to health and safety outweigh the advantages of requiring underground storage through regulations of general applicability.

38. *Issue.* Whether foundation sites for refuse piles should be required to be cleared of vegetation and other material.

Finding. Preparation of foundation sites for refuse piles by removing undesirable overburden material and vegetation is essential in order to assure stability of the pile.

39. *Issue.* Whether periodic reports are necessary for abandoned refuse piles and impounding structures.

Finding. Once a coal waste disposal site is abandoned in accordance with an approved abandonment plan which assures the stability of the site, periodic reports should not be necessary.

JACK W. CARLSON,
Assistant Secretary of the Interior.

OCTOBER 25, 1974.

[FR Doc.74–25392 Filed 10–31–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 993]

DRIED PRUNES PRODUCED IN CALIFORNIA

Proposed Amendment of Administrative Rules and Regulations Size Tolerances for Undersized Prunes

Notice is hereby given of a proposal to establish tolerances for deviations from the size of the prunes (i.e., undersized prunes) that pass through the applicable openings established pursuant to § 993.49(c) of the marketing agreement, as amended, and Order No. 993, as amended (7 CFR Part 993), regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal was unanimously recommended by the Prune Administrative Committee.

Section 993.49(c) of the order authorizes the Secretary, upon recommendation of the Committee, to establish a size regulation with respect to undersized prunes. Such a regulation has been established for the 1974–75 crop year (§ 993.401; 39 FR 32733). Pursuant to §§ 993.49(c) and 993.401, undersized prunes are any prunes which pass freely through a round opening as follows: For French prunes $^{23}/_{32}$ inch in diameter; for non-French prunes, $^{28}/_{32}$ inch in diameter.

Section 993.50(g) prohibits handlers from shipping or disposing of undersized prunes for human consumption. However, paragraph (g) permits handlers, under the direction and supervision of the Committee, to dispose of undersized prunes in nonhuman consumption outlets. Prunes so disposed of must be of the same variety as, and reasonably comparable in size to, the undersized prunes received by the handler. Paragraph (g) provides that in making the determination with respect to comparability in size, the inspection service shall apply a tolerance permitting a deviation from the applicable opening established pursuant to § 993.49 (c).

A tolerance is authorized because normal commercial size grading practices cannot duplicate the measurement of the quantity of undersized prunes in a lot by inspection methods. In commercial size grading, the movement of prunes over the various screens is at such a rate and in such volume that some of the undersized prunes may not be removed by the applicable screen, but may override this screen and fall through screens with larger openings. The removal of the exact quantity of undersized prunes, as determined by inspection analysis, would be costly and impractical.

Thus, paragraph (g) provides for disposition of prunes which are reasonably comparable in size with undersized prunes received by a handler. Consistent with this, the Committee recommended the following tolerances: For any quantity of French prunes disposed of by a handler in compliance with § 993.50 (g), the quantity shall not contain more than 15 percent by weight of prunes which do not pass freely through a round opening $^{24}/_{32}$ of an inch in diameter; and for any quantity of non-French prunes so disposed of, the quantity shall not contain more than 10 percent by weight of prunes which do not pass freely through a round opening $^{30}/_{32}$ of an inch in diameter. These tolerances would be included as a new paragraph (g)(3) of § 993.150 of Subpart—Administrative Rules and Regulations (7 CFR 993.101–993.174).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 20, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is to amend § 993.150 of Subpart—Administrative Rules and Regulations by adding a new paragraph (g)(3) reading as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(g) * * *

(3) *Tolerances permitting a deviation in prune sizes from applicable undersized openings.* (i) *Undersized French prunes.* Any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 15 percent by weight of prunes which do not pass freely through a round opening $^{24}/_{32}$ of an inch in diameter; and

(ii) *Undersized non-French prunes.* Any quantity of non-French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 10 percent by weight of prunes which do not pass freely through a round opening $^{30}/_{32}$ of an inch in diameter.

Dated: October 25, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74–25386 Filed 10–31–74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 553]

EMPLOYEES OF PUBLIC AGENCIES ENGAGED IN FIRE PROTECTION OR LAW ENFORCEMENT ACTIVITIES (INCLUDING SECURITY PERSONNEL IN CORRECTIONAL INSTITUTIONS

Proposed Definitions and Rules for Determining Hours Worked and What Constitutes a Work Period

The Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), as amended by the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259, 88 Stat. 55), extends the Act's minimum wage, overtime, equal pay and recordkeeping requirements to most public agency employees. It provides, however, a partial overtime exception in section 7(k) for public agency employees who are engaged in fire protection and law enforcement activities (including security personnel in correctional institutions), and a complete overtime exemption in section 13(b)(20) for these employees if they are employed by a public agency which has, during the workweek, less than five employees engaged in fire protection or law enforcement activities, as the case may be.

Pursuant to the authority contained in sections 7(k) and 13(b)(20) of the Fair Labor Standards Act, as amended (29 U.S.C. 207(k) and 213(b)(20)), in 29(b) of the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259; 88 Stat. 55, 60, 61, 76) and in Reorganization Plan No. 2 of 1946 (60 Stat. 1095, 5 U.S.C. Appendix) and No. 6 of 1950 (64 Stat. 1263, 5 U.S.C. Appendix), I propose to issue a new 29 CFR Part 553, defining employees engaged in fire protection and law enforcement activities and prescribing the rules for determining hours worked and what constitutes a work period.

Interested persons may submit written comments, suggestions, data, or arguments in regard to this proposal on or before December 2, 1974. Such comments should be directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Constitution Avenue and 14th Street, NW., Washington, D.C. 20210. In addition, a further public hearing on this proposal will be conducted on November 18, 1974, beginning at 9 a.m., in Conference Room B of the Departmental Auditorium between 13th and 14th Streets on Constitution Avenue, NW., Washington, D.C., at which time oral presentations may be made. Persons wishing to participate in this hearing should notify the Administrator of that fact on or before November 15, 1974.

New Part 553 reads, in its proposed form, as follows:

PART 553—EMPLOYEES OF PUBLIC AGENCIES ENGAGED IN FIRE PROTECTION OR LAW ENFORCEMENT ACTIVITIES (INCLUDING SECURITY PERSONNEL IN CORRECTIONAL INSTITUTIONS); DEFINITIONS AND RULES FOR DETERMINING HOURS WORKED AND WHAT CONSTITUTES A WORK PERIOD

Sec.

553.1 Statutory provisions.
553.2 Purpose and scope.

EMPLOYEES ENGAGED IN FIRE PROTECTION AND LAW ENFORCEMENT ACTIVITIES (INCLUDING SECURITY PERSONNEL IN CORRECTIONAL INSTITUTIONS)

553.3 Fire protection activities.
553.4 Law enforcement activities.
553.5 Public agency employees engaged in both fire protection and law enforcement activities.
553.6 Employees attending training facilities.
553.7 Ambulance and rescue service employees.
553.8 Fire protection or law enforcement employees who perform unrelated work for another public agency or private employer.
553.9 Mutual aid agreements.
553.10 Fire enforcement and law enforcement volunteers.

RULES FOR DETERMINING HOURS WORKED AND WHAT CONSTITUTES A WORK PERIOD

553.11 General statement.
553.12 Tour of duty.
553.13 Work period.
553.14 Sleeping and meal time as compensable hours of work.
553.15 Early relief.
553.16 Trading time.
553.17 Compensatory time.

AUTHORITY: The provisions of this Part 553 are issued under sections 7(k) and 13(b)(20) of the Fair Labor Standards Act, as amended (29 U.S.C. 207(k) and 213(b)(20); 88 Stat. 60–61) and section 29(b) of the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259, 88 Stat. 76).

§ 553.1 Statutory provisions.

(a) In extending protection to certain public agency employees, the Fair Labor Standards Act (hereafter the Act), by virtue of section 13(b)(20), provided a complete overtime exemption for any employee of a public agency who is engaged in fire protection or law enforcement activities (including security personnel in correctional institutions) during the period between the effective date of the 1974 Amendments to and through December 31, 1974. Beginning January 1, 1975, this complete overtime exemption may be claimed only with respect to "any employee of a public agency who in any workweek is employed in fire protection activities or any employee of a public agency who in any workweek is employed in law enforcement activities (including security personnel in correctional institutions), if the public agency employs during the workweek less than five employees in fire protection or law enforcement activities, as the case may be."

(b) Beginning January 1, 1975, public agencies not qualifying for the complete overtime exemption provided in section 13(b)(20) will be required to pay overtime compensation to their fire protection and law enforcement employees on a workweek basis as required by section 7(a) of the Act unless they elect to take

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advantage of the partial overtime exemption provided in section 7(k) which applies, not on a workweek basis, but on a work period basis as follows:

"• • • No public agency shall be deemed to have violated subsection (a) with respect to the employment of any employee in fire protection activities or any employee in law enforcement activities (including security personnel in correctional institutions) if—

(1) In a work period of 28 consecutive days the employee receives for tours of duty which in the aggregate exceed 240 hours; or

(2) In the case of such an employee to whom a work period of at least 7 but less than 28 days applies, in his work period the employee receives for tours of duty which in the aggregate exceed a number of hours which bears the same ratio to the number of consecutive days in his work period as 240 hours bears to 28 days, compensation at a rate not less than one and one-half times the regular rate at which he is employed.

(B) Effective January 1, 1976, section 7(k) is amended by striking out "240 hours" each place it occurs and inserting in lieu thereof "232 hours".

(C) Effective January 1, 1977, such section is amended by striking out "232 hours" each place it occurs and inserting in lieu thereof "216 hours".

(D) Effective January 1, 1978, such section is amended—

(1) By striking out "exceed 216 hours" in paragraph (1) and inserting in lieu thereof "exceed the lesser of (A) 216 hours, or (B) the average number of hours (as determined by the Secretary pursuant to section 6(c)(3) of the Fair Labor Standards Amendments of 1974) in tours of duty of employees engaged in such activities in work periods of 28 consecutive days in calendar year 1975"; and

(ii) By striking out "as 216 hours bears to 28 days" in paragraph (2) and inserting in lieu thereof "as 216 hours (or if lower, the number of hours referred to in clause (B) of paragraph (1)) bears to 28 days • • •.

(c) These statutory provisions, as is apparent from their terms, are limited to public agencies and do not apply to any private organization engaged in furnishing fire protection or law enforcement services, and this is so even if the services are provided under contract with a public agency.

(d) In determining whether a public agency qualifies for the section 13(b)(20) exemption after January 1, 1975, the fire protection and law enforcement activities are considered separately. Thus, for example, if a public agency employs less than five employees in fire protection activities but five or more employees in law enforcement activities (including security personnel in a correctional institution), it may claim the exemption for the fire protection employees but not for the law enforcement employees. No distinction is made between full-time and part-time employees, and both must be counted in determining whether the exemption applies. Bona fide volunteers may be excluded. This determination of the number of employees engaged in each of the two named activities must be made on a workweek basis.

§ 553.2 Purpose and scope.

The purpose of this Part 553 is to define the pertinent statutory terms used in sections 7(k) and 13(b)(20) and to set forth the rules for determining hours worked and what constitutes a work period.

Employees Engaged in Fire Protection and Law Enforcement Activities (Including Security Personnel in Correctional Institutions)

§ 553.3 Fire protection activities.

(a) As used in sections 7(k) and 13(b)(20) of the Act, the term "any employee in fire protection activities" refers to any employee (1) who is employed by an organized fire department or fire protection district and who, pursuant to statute or local ordinance, has been trained and has the legal authority and responsibility to engage in the prevention, control or extinguishment of a fire, and (2) who performs activities which are required for, and directly concerned with, the prevention, control or extinguishment of a fire of whatever type. The term would include all such employees, regardless of their status as "trainee," "probationary," or permanent employee, or of their particular speciality (e.g., fire fighter, engineer, hose or ladder operator, fire specialist, fire inspector), or of their job title (e.g., lieutenant, captain, inspector, fire marshal, battalion chief, deputy chief, or chief), and regardless of their assignment to support activities of the type described below. The term would also include rescue and ambulance service personnel if such personnel form an integral part of the public agency's fire protection activities. See § 553.7.

(b) Not included in the term "employee in fire protection activities" are the so-called "civilian" employees of a fire department or fire district who engage in such support activities as dispatcher, alarm operator, apparatus and equipment repair and maintenance, bulldozer operator, tractor driver, fire control laborer, clerk, stenographer, etc.

§ 553.4 Law enforcement activities.

(a) As used in sections 7(k) and 13(b)(20) of the Act, the term "any employee in law enforcement activities" refers to any employee (1) who is a sworn, uniformed or plainclothed member of a body of trained officers and subordinates who are empowered by statute or local ordinance to enforce various laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes, (2) who has the power of arrest, and (3) who has undergone a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics. Employees meeting these three tests would typically include, for example, city police; district or other local police; sheriffs, under sheriffs or deputy sheriffs who are regularly employed and paid as such; court marshals or deputy marshals; constables and deputy constables who are regularly employed and paid as such; state troopers or highway patrol officers; and criminal investigative agents assigned to the office of a district attorney, an attorney general, a solicitor general or any other law enforcement agency concerned with keeping public peace and order and protecting life and property. These employees would be engaged in law enforcement activities regardless of their rank or status as "trainee," "probationary" or permanent employee and regardless of their assignment to support activities of the type described in paragraph (d) of this section. The term would also include rescue and ambulance service personnel if such personnel form an integral part of the public agency's law enforcement activities. See § 553.7.

(b) Employees who meet some but not all of the criteria listed in paragraph (a) of this section are not engaged in "law enforcement activities," as that term is used in sections 7(k) and 13(b)(20). Such employees would include, for example, (1) fish and game wardens, (2) building inspectors (other than those defined in § 53.3(a)), (3) health inspectors, (4) animal control personnel, (5) sanitarians, (6) civilian or unsworn traffic control employees who direct vehicular and pedestrian traffic at specified intersections or other control points, (7) civilian or other unsworn parking checkers who patrol assigned areas for the purpose of discovering parking violations and issuing appropriate warnings or appearance notices, (8) wage and hour compliance officers, (9) equal employment opportunity compliance officers, (10) tax compliance officers, (11) coal mining inspectors, and (12) building guards whose primary duty is to protect the lives and property of persons within the limited area of the building.

(c) The term "any employee in law enforcement activities" also includes, by express reference, "security personnel in correctional institutions." A correctional institution is any government facility maintained as part of a penal system for the incarceration or detention of persons suspected or convicted of having breached the peace or committed some other crime. Typically, such facilities include penitentiaries, prisons, prison farms, county, city and village jails, precinct house lock-ups, and reformatories. Employees of correctional institutions who qualify as "security personnel" are those who have been sworn and who perform potentially dangerous duties involving the direct supervision, custody and safeguarding of inmates whether inside the correctional institution or outside the institution as in the case of road gangs, probationers, or parolees.

(d) Not included in the term "employee in law enforcement activities" are the so-called "civilian" employees of law enforcement agencies or correctional institutions who have not been sworn and who engage in support activities relating to law enforcement (e.g., dispatchers, radio operators, apparatus and equipment maintenance and repair workers, janitors, clerks, and stenographers) or to the general administration or housekeeping of a correctional institution (e.g., maintenance and repair workers, janitors, clerks, stenographers, kitchen help, and clinical employees).

§ 553.5 Public agency employees engaged in both fire protection and law enforcement activities.

Some public agencies have employees (sometimes referred to as public safety officers) who engage in both law enforcement and fire protection activities, depending upon agency needs at the time. This dual assignment does not defeat either the section 7(k) or 13(b)(20) exemption, provided that each of the activities performed meets the appropriate tests set forth in §§ 553.3(a), 553.4(a), and 553.4(c), and this is so regardless of how the employees divide their time between the two types of activities. If, however, the fire protection or law enforcement activities do not meet the tests of § 553.3(a) or §§ 553.4 (a) and (c), and if such non-qualifying activities, standing alone or in conjunction with some other nonexempt activity, exceed 20 percent of the employee's total hours of work, neither exemption would apply. See Section 553.8.

§ 553.6 Employees attending training facilities.

Employees of a public agency who are attending a bona fide fire or police academy or similar training facility operated by a public agency for the purpose of training or further training employees in fire protection or law enforcement activities, are engaged in such activities for purposes of sections 7(k) and 13(b)(20) of the Act.

§ 553.7 Ambulance and rescue service employees.

(a) Ambulance and rescue service employees of a public agency other than a fire protection or law enforcement agency may be treated as employees engaged in fire protection or law enforcement activities of the type contemplated by section 7(k) and by section 13(b)(20) if their services are substantially related to fire fighting or law enforcement activities in that (1) the ambulance and rescue service employees have received special training in the rescue of fire victims or fire fighters injured in the performance of their firefighting duties, and (2) the ambulance and rescue service employees are regularly dispatched to fires, riots, natural disasters, and accidents.

(b) Ambulance and rescue service employees of a public agencies subject to the Act prior to the 1974 amendments do not come within the section 7(k) or section 13(b)(20) exemptions, since it was not the purpose of those amendments to deny the Act's protection of previously covered employees. This would include employees of public agencies engaged in the operation of a hospital; an institution primarily engaged in the care of the sick, the aged, the mentally ill or defective who reside on the premises of such institution; a school for mentally or physically handicapped or gifted children; an elementary or secondary school; an institution of higher education; a street, surburban, or interurban electric railway; or local trolley or motor bus carrier.

(c) Ambulance and rescue service employees of private organizations do not come within the section 7(k) or section 13(b)(20) exemptions even if their activities are substantially related to the fire protection and law enforcement activities performed by a public agency.

§ 553.8 Fire protection or law enforcement employees who perform unrelated work for another public agency or private employer.

(a) Where fire protection or law enforcement employees work for two or more public agencies of the same State or political subdivision, their employment for the several agencies constitutes a single employment for determining both their hours of work and their exempt or non-exempt status under section 7(k). If the employees spend more than 20 percent of their time in any given work period in activities other than those described in § 553.3(a), § 553.4(a), and § 553.4(c), the exemption is defeated and such employees must be compensated for all weekly overtime hours in the manner prescribed by section 7(a) of the Act. Moreover, even if the 20 percent tolerance is not exceeded, overtime compensation must be paid for all of the combined hours which exceed the maximum permitted by section 7(k).

(b) The principles set forth in paragraph (a) of this section also apply where fire protection or law enforcement employees are jointly employed by a fire protection or law enforcement agency and by a public agency of some other State or political subdivision or by a private organization (as in the case of a city police officer who also works either as a State highway toll collector or as a private security guard). Rules for determining the existence or non-existence of a joint employment relationship are set forth in 29 CFR Part 791.

§ 553.9 Mutual aid agreements.

The fire protection and law enforcement agencies of two or more jurisdictions frequently enter into agreements for mutual aid in the case of disasters. These agencies generally do not charge for any aid rendered pursuant to the mutual agreement. Nonetheless, all hours worked by their employees in rendering such aid must be added to their regular hours of work, and overtime compensation paid if the combined hours exceed the maximum permitted by section 7(k).

§ 553.10 Fire protection and law enforcement volunteers.

(a) Individuals who volunteer to perform fire protection or law enforcement activities, usually on a part-time basis, as a public service and without contemplation of pay, are not considered to be employees of the public agency which receives their services. Such individuals do not lose their volunteer status because they are reimbursed for approximate out-of-pocket expenses incurred incidental to answering a call or to the cost of replacing clothing or other items of equipment which may have been consumed or damaged in responding to a call. Nor is the volunteer status of such individuals lost where the only material recognition afforded them is the holding of an annual party, the furnishing of a uniform and related equipment, or their inclusion in a retirement or relief fund. If, however, individuals who perform fire protection or law enforcement activities on a part-time basis are compensated on a per-call basis, a flat monthly fee basis (with or without board, lodging, or other facilities), or other paid basis, in an amount greater than required for reimbursement purposes, they will be considered employees for purposes of the Act.

(b) Volunteers engaged in fire protection and law enforcement activities may include individuals who are employed in some other capacity by the same or a related public agency. For example, a civilian PBX operator of a public agency engaged in law enforcement activities may also be a volunteer member of the local police reserve force. Similarly, an employee of a village Department of Parks and Recreation may serve as a volunteer fireman in his local community.

Rules for Determining Hours Worked and What Constitutes a Work Period

§ 553.11 General statement.

In extending the Act's coverage to public agency employees engaged in fire protection and law enforcement activities, Congress was aware that the work schedule of these employees vary from the work schedules of other employees, and clearly recognized that some adjustment would have to be made in the usual rules for determining hours of work in their case. Congress, in section 7(k), also adopted a new work period concept which may be used in lieu of the usual workweek basis for determining overtime hours.

§ 553.12 Tour of duty.

(a) The term "tour of duty," as used in section 7(k), means the period during which an employee is on duty. It may be a scheduled or unscheduled period. Scheduled periods refer to shifts, i.e., the period of time which elapses between scheduled arrival and departure times, or to scheduled periods outside the shift, as in the case of a special detail involving crowd control during a parade or other such event. Unscheduled periods refer to time spent in court by police officers, time spent handling emergency situations, or time spent after a shift in order to complete required work. When an employee actually works fewer hours than those scheduled, the employee's tour of duty is reduced accordingly.

(b) Under section 7(k), employers may not establish any work period of less than 7 days or more than 28 consecutive days. For those employees who have a work period of at least 7 but less than

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28 consecutive days, no overtime compensation is required until the ratio between the number of days in the work period and the hours worked during such work period exceeds the ratio between a work period of 28 days and 240 hours, at which point all additional hours are paid for at one and one-half times the employee's regular rate of pay.

(c) The ratio of 240 hours to 28 days is 8.57143 hours per day (8.6 hours rounded). Overtime compensation at a rate of not less than one and one-half times the employee's regular rate of pay must be paid during calendar year 1975 for all hours worked in excess of the following maximum hours standards:

Work period (days)	Ratio	Maximum hours standard
28	8.6	240
27	8.6	232
26	8.6	224
25	8.6	215
24	8.6	206
23	8.6	198
22	8.6	189
21	8.6	181
20	8.6	172
19	8.6	163
18	8.6	155
17	8.6	146
16	8.6	138
15	8.6	129
14	8.6	120
13	8.6	112
12	8.6	103
11	8.6	95
10	8.6	86
9	8.6	77
8	8.6	69
7	8.6	60

§ 553.13 Work period.

Neither the Act nor its legislative history indicates any particular method for establishing a work period, provided that it is at least 7 and no more than 28 consecutive days. Thus, the employer is not restricted by any work cycle applicable to his employees. So, for example, if the employees work three 24-hour shifts followed by 48 hours, the employer is not required to establish a work period based on some multiple of 3.

§ 553.14 Sleeping and meal time as compensable hours of work.

(a) Sleep and meal time will not be excluded from hours worked in the case of any public agency employee engaged in fire protection or law enforcement activities when such employee is required to be on duty for 24 hours or less.

(b) Sleep and meal time may, however, be excluded in the case of fire protection or law enforcement employees who are on duty for more than 24 hours, but only if the employer and the employee have agreed to exclude such time. In the absence of any such agreement, sleep and meal time will constitute hours of work. If, on the other hand, the agreement provides for the exclusion of sleep time, the amount of such time shall, in no event, exceed 8 hours, which is also the amount of time permitted when the agreement fails to specify the duration of sleep time. If such sleep time is interrupted by a call to duty, the interruption must be counted as hours worked, and if the period is interrupted to such an extent that the employee cannot get a reasonable night's sleep (which, for enforcement purposes, means at least 5 hours), the entire time must be counted as hours of work.

(c) 29 CFR Part 785, which prescribes the general rules for determining hours of work, remains, except insofar as modified above, in full force and effect.

§ 553.15 Early Relief.

It is a common practice among employees engaged in fire protection or law enforcement activities to relieve employees on the previous shift or tour of duty prior to the scheduled starting time. Such early relief may occur pursuant to employee agreement, either expressed or implied. This practice will not have the effect of increasing the number of compensable hours of work where it is voluntary on the part of the employees and does not result, over a period of time, in their failure to receive proper compensation for all hours actually worked.

§ 553.16 Trading time.

Another common practice or agreement among employees engaged in fire protection or law enforcement activities is that of substituting for one another on regularly scheduled tours of duty in order to permit an employee to absent himself or herself from work to attend to purely personal pursuits. This practice is commonly referred to as "trading time." Although the usual rules for determining hours of work would require that the additional hours worked by the substituting employee be counted in computing his or her total hours of work, the legislative history makes it clear that Congress intended the continued use of "trading time" "both within the tour of duty cycle • • • and from one cycle to another within the calendar or fiscal year without the employer being subject to [additional overtime compensation] by virtue of the voluntary trading of time by employees" (Congressional Record, March 28, 1974, page S4692). Accordingly, the practice of "trading time" will be deemed to have no effect on hours of work if the following criteria are met: (a) The trading of time is done voluntarily by the employees participating in the program and not at the behest of the employer; (b) The reason for trading time is due, not to the employer's business operations, but to the employee's desire or need to attend to personal matters; (c) A record is maintained by the employer of all time traded by his employees; (d) The period during which time is traded and paid back does not extend beyond the calendar year or the fiscal year.

§ 553.17 Compensatory time.

It has been the Department's longstanding position that section 7(a) of the Act does not permit employers to give employees compensatory time off in lieu of cash for weekly hours over 40. Section 7(k) creates an exception to this general rule by allowing employers to establish work periods up to 28 days in duration throughout which time extra hours worked in one week may be balanced against fewer hours worked in subsequent weeks in the same work period. This statutory exception for fire protection and law enforcement employees establishes the outer limits within which overtime hours worked in one week may be offset against hours worked in another but shorter week, and overtime performed in one work period may not be averaged over subsequent work periods.

Signed at Washington, D.C. this 30th day of October 1974.

BETTY SOUTHARD MURPHY,
Administrator.

[FR Doc.74-25608 Filed 10-31-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

VOCATIONAL EDUCATION CURRICULUM

Additional Criteria

Pursuant to the authority contained in section 191 of Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1391, notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 103 of Title 45 of the Code of Federal Regulations by adding an Appendix C to read as set forth below. The proposed Appendix C would contain additional criteria for selection of applications under the program of support for Vocational Education Curriculum projects for fiscal year 1975.

1. *Program purpose.* Section 191 of Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1391, provides for federally administered grants or contracts for programs and projects for the development of curriculums for new and changing occupations, and for coordination of improvements in, and dissemination of, existing curriculum materials. The purposes of these projects are to: (a) Promote the development and dissemination of vocational education curriculum materials for use in teaching occupational subjects, including curriculums for new and changing occupational fields, and including those in public service; (b) develop standards for curriculum development in all occupational fields; (c) coordinate efforts of the States in the preparation of curriculum materials and also in the preparation of current lists of curriculum materials available in all occupational fields; (d) survey curriculum materials produced by other agencies of Government, including the Department of Defense; (e) evaluate vocational-technical education curriculum materials and their uses; and (f) train personnel in curriculum development.

2. *Other program information.* The projects are conducted under grants or contracts awarded by the Commissioner of Education, in accordance with the provisions of Part I of the Act and with the applicable Federal regulations (45 CFR Part 103). Eligible applicants may include local educational agencies, State Boards for vocational education, and public and private agencies, institutions or organizations. Under departmental policy profit-making applicants will be awarded a contract.

In fiscal year 1975 two projects will be supported. These project awards will initiate a rotation plan whereby six curriculum coordination centers will constitute a national network for curriculum coordination in vocational and technical education and will be placed on a competitive basis.

3. *Regulations and criteria.* Regulations for the vocational education discretionary programs were published in the FEDERAL REGISTER on August 15, 1974, 39 FR 29361. Regulations published in the FEDERAL REGISTER on November 6, 1973, 38 FR 30654 relate to general fiscal and administrative provisions for all Office of Education programs. These general regulations contain general criteria for the review of applications under Office of Education project type programs (45 CFR 100a.26) and are applicable to the programs under Part I of the Act.

In addition to the criteria for review of applications already published in the FEDERAL REGISTER, as described above, it is proposed that the additional criteria set forth in the proposed Appendix C to the regulations in 45 CFR Part 103 will be applicable in connection with the review of applications for grants to be awarded in fiscal year 1975.

4. *Written comments.* Interested persons are invited to submit written comments, suggestions, or objections regarding such proposed additional criteria to the Division of Research and Demonstration, U.S. Office of Education, 7th and D Streets, SW., Room 5002–ROB#3, Washington, D.C. 20202, on or before December 2, 1974. Comments received shall be available for public inspection at the above office, Monday through Friday between the hours of 8:30 a.m. and 4 p.m. All relevant materials received not later than December 2, 1974, will be considered.

(Catalog of Federal Domestic Assistance Program Number 13.496: Vocational Education—Curriculum)

Dated: September 16, 1974.

T. H. BELL,
Commissioner of Education.

Approved: October 25, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

APPENDIX C—VOCATIONAL EDUCATION CURRICULUM FISCAL YEAR 1975

The Office of Education contemplates supporting two project grants in fiscal year 1975 from funds available for the Vocational Education Curriculum program. The awards will be made to begin January 1, 1975, with a two-year multi-year approval and will be funded on a non-competing annual basis. The applicants will submit their project goals and activities over a two-year period. Multi-year approval is intended to offer a project a reasonable degree of stability over time and to facilitate long-range planning. Approval of a multi-year project shall not commit the Office of Education to provide financial assistance from appropriations not currently available.

A. *Awarded applicants' obligations.* One award will provide leadership for the following geographic area: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee. The other award will provide leadership for the following geographic area: American Samoa, Arizona, California, Guam, Hawaii, Nevada, Trust Territory of the Pacific Islands. Each awardee will be the catalyst in bringing these States to: (1) Share information and plans regarding curriculum materials and needs in order to reduce duplication of efforts, and (2) plan for cooperation in development, testing, evaluation, dissemination and implementation of materials.

In addition each awardee will become a member of the national network for curriculum coordination in vocational and technical education; and as a member awardee will (1) share information regarding materials available and under development; (2) develop and recommend guidelines for curricula and curriculum development that will enhance effectiveness and transportability; (3) establish and maintain a system for determining curriculum needs in vocational and technical education and for reporting conclusions to the field; and (4) coordinate and implement development, diffusion, and utilization activities that will improve the use and acceptance of curriculum products.

The Office of Education will entertain requests for these grants to support travel and travel-related activities necessary for coordination with the consortium States and the national network for curriculum coordination and to facilitate communications and concerted planning on a quarterly basis. Key staff time to be committed to coordination efforts will require a minimum of 15 percent full-time equivalent.

B. *Application Review Criteria.* Criteria will be utilized by the Federal and non-Federal reviewers in reviewing formally transmitted applications in fiscal year 1975. These criteria are consistent with section 100a.26, Review of Applications, in the Office of Education's General Provisions for Programs, published in the FEDERAL REGISTER at 38 FR 30654 on November 6, 1973. Segments or a segment of the application must address each criterion area. Each criterion is weighted and includes the minimum acceptable score and the maximum score that can be given to a segment of an application in relation to the criteria. Each criterion and the maximum and minimum points therefor are as follows:

Criteria	Score range
1. *Need and Problem*—Application clearly defines the need for the project and delineates the problem rather than symptoms of the problem	5–15
2. *Objectives*—Objectives are clearly stated, capable of being attained by the proposed procedures, and capable of being measured	5–15
3. *Plan*—The management plan shows services to be provided; and procedures for accomplishing each objective are proposed	5–15
4. *Results*—Proposed outcomes are identified and described in terms of impact at State and local levels, Part I program purposes, and cost effectiveness and efficiency	5–15
5. *Institutional Capability*—The application sets forth clearly current curriculum strengths and capability of the applicant to immediately initiate liaison functions with consortium States, and provides assurances of support from cooperating institutions and agencies necessary for project success	7–20
6. *Personnel*—The qualifications and experience of key staff are appropriate for the project	3–10
7. *Budget*—The estimated cost is reasonable in relation to anticipated results and the geographic area, scope, and duration of the project	3–10

[FR Doc.74-25490 Filed 10-31-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 57]

WELDING AND BRAZING

Proposed Adoption of the 1974 Edition, Section IX, ASME Code

Correction

In FR Doc. 74-22398, appearing at page 34565 in the issue for Thursday, September 26, 1974, in § 57.03-1(b)(4), the table should be changed to read as set forth below:

TABLE 57.03-1(b).—*Low temperature weld procedure qualification thickness ranges*

Thickness, "t" of test plate or pipe as welded (inches)	Range of thickness of materials qualified by test plate or pipe (inches)	
	Minimum	Maximum
1/16 to 3/4, inclusive	1/16	3/4
Over 3/4 but less than 3/4	*3/4	3/4
3/4 to 3, inclusive	3/4	**t

*For thicknesses less than 3/4 inch, the thickness of the test plate or pipe is the minimum thickness qualified.
**Where "t" is the thickest material over 3/4 inch to be used in production.

Federal Aviation Administration

[14 CFR Parts 21, 43, 45, 65, 91]

[Docket No. 13954; Notice 74-29A]

SPECIAL CERTIFICATES

Extension of Comment Period

The Federal Aviation Administration proposed in Notice 74-29, published in the FEDERAL REGISTER on August 14, 1974 (39 FR 29189), to amend Part 21 of the Federal Aviation Regulations to limit the issuance of experimental certificates to aircraft engaged in genuine experimental operations, except for certain amateur-built aircraft, and to establish new special certificate classifications for other aircraft that are currently issued experimental certificates. Amendments to Parts 43, 45, 65, and 91 that are considered necessary to the implementation of the Part 21 proposal were also proposed in Notice 74-29.

The Experimental Aircraft Association has requested a 60-day extension of time for the submission of comments.

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The extension is requested to enable the Experimental Aircraft Association, many of whose members would be directly affected by rule making based on the Notice, to receive additional comments from its members and to permit additional time for the development of comments on the proposed amendment.

I find that the petitioner has shown a substantive interest in the proposed rule, that good cause exists for the extension, and that the extension is consistent with the public interest.

Therefore, pursuant to the authority delegated to me by the Administrator (14 CFR 11.45), the time within which comments on Notice 74-29 will be received is extended to January 6, 1975.

Issued in Washington, D.C. on October 25, 1974.

R. P. SKULLY,
Director,
Flight Standards Service.

[FR Doc.74-25567 Filed 10-31-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-EA-60]

BENDIX

Airworthiness Directive

The Federal Aviation Administration is considering amending § 39.13 of Part 39 of the Federal Aviation regulations so as to issue an airworthiness directive applicable to Bendix S-20, S-200 and S-1200 series magnetos.

There have been reports of failure of the sintered iron bushing which causes the failure of other engine parts by disintegration of the bushing. Since this deficiency can exist or develop in aircraft incorporating the same series magnetos, it is proposed to issue an airworthiness directive which will require replacement of the iron bushing.

Interested parties are invited to participate in the making of the proposed rule by submitting written data or views. Communications should identify the docket number and be submitted in duplicate to the Office of Regional Counsel, FAA, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430.

All communications received on or before December 2, 1974, will be considered before taking action upon the proposed rule. The proposals contained in this Notice may be changed in the light of comments received. All comments will be available in the Office of Regional Counsel for examination by interested parties.

In consideration of the foregoing, it is proposed to issue a new airworthiness directive as hereinafter set forth:

BENDIX ELECTRICAL COMPONENTS DIVISION: Applies to certain Bendix (Scintilla) S-20, S-200 and S-1200 Series Magnetos listed on Bendix Service Bulletin No. 556B.

a. Red nameplate magneto models listed in the Equipment Affected section, excepting those with change designations as shown in Table No. 1 or later.

b. Blue nameplate (Bendix remanufactured) magneto models listed in the Equipment Affected section excepting those having serial number 349001 or higher.

c. Black nameplate magnetos bearing a part number listed in the Equipment Affected section.

Compliance required as indicated unless already accomplished. Within 200 hours in service or 90 days after the effective date of this AD, whichever occurs first, insure that the affected magnetos incorporate a solid steel drive shaft bushing by complying with all provisions, except the compliance paragraph, of Bendix Electrical Components Division Service Bulletin No. 556B or subsequent FAA approved revision or an equivalent procedure approved by the Chief, Engineering & Manufacturing Branch, FAA, Eastern Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to the Bendix Electrical Components Division, Sidney, New York 13838. These documents may also be examined at FAA Eastern Region, Federal Building, John F. Kennedy International Airport, Jamaica, New York 11430, and at FAA headquarters, 800 Independence Avenue SW., Washington, D.C. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its headquarters in Washington, D.C. and at the Eastern Region.

As permitted by FAR's 21.197 and 21.199, aircraft may be flown to a base where maintenance required by this Airworthiness Directive can be accomplished.

This amendment is made under the authority of section 313(a), 601 and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421 and 1423], and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Jamaica, N.Y., on October 18, 1974.

ROBERT H. STANTON,
Director, Eastern Region.

[FR Doc.74-25485 Filed 10-31-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 120]

[FRL 286-2]

WATER QUALITY STANDARDS

Navigable Waters, State of Illinois; Withdrawal of Notice of Proposed Rulemaking

The purpose of this notice is to withdraw notice of proposed rulemaking published in the FEDERAL REGISTER, (38 FR 32822) on November 28, 1973 in which the Environmental Protection Agency (EPA) proposed to amend 40 CFR Part 120 to set out water quality standards for the State of Illinois.

The November 28, 1973 notice of proposed rulemaking was issued pursuant to section 303 of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251 et seq., the "Act"), which provides for Federal promulgation of water quality standards where a State fails to adopt water quality standards meeting the requirements of the Act. The EPA is required to promulgate standards within 190 days of the proposal, unless by such time the State shall have adopted water quality standards which are found to be in accordance with the requirements of the Act.

The Illinois Pollution Control Board adopted amendments to the water quality standards on January 31, 1974 in response to the directives of the Act. Although the State did not meet the law's time schedule which required initiation of Federal promulgation procedures, the standards revision was completed prior to termination of the Federal Register comment period required by the promulgation. The Illinois standards were approved by EPA in their entirety on June 6, 1974 obviating the need for process. Therefore, EPA has decided by completing the Federal promulgation the action to withdraw the notice of proposed rulemaking published on November 28, 1973 (38 FR 32822).

In consideration of the foregoing, the notice of proposed rulemaking published in the FEDERAL REGISTER (38 FR 32822) on November 28, 1973, entitled "Water Quality Standards, Navigable Waters for the State of Illinois", is hereby withdrawn.

This withdrawal is issued under the authority of section 303 of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251 et seq.).

Dated: October 24, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-25418 Filed 10-31-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[FCC 74-1151, Docket No. 20215]

CALIBRATION OF REMOTE CONTROL INSTRUMENTS

Notice of Proposed Rule Making

1. As a result of its Task Force study on the re-regulation of broadcasting, the Commission proposes to amend certain of its rules in Part 73, to clarify its requirements regarding calibration of remote control instruments.

2. Rules of the AM service require licensees to calibrate the indicating instruments of the remote control equipment against the instruments at the transmitter to assure accuracy of the indications at the remote control point. This calibration check must be performed weekly and an entry made in the maintenance log as stated in § 73.114(a)(1)(vi).

3. In the TV rules (in Subpart E of Part 73) there is stated in § 73.676—Remote Control Operation, the calibration requirement concerning TV remote control instruments. The rule requires that inspection, calibration and testing must be done:

(1) At least 5 days each week, with an interval of not less than 12 hours, or

(2) If the station is equipped with additional transmitting and/or switching facilities, which will insure continued operation at a transmitter power output level of not less than 20% of the authorized output power of the malfunctioning transmitter, calibration, testing and inspection may be made at successive times no longer than one week apart (§ 73.676(g)). The results of such calibration, testing and inspection must be entered in the maintenance log (per § 73.676(h)).

4. While the TV remote control operation rules contain precise directions regarding calibration and the requirement to note the results in the maintenance log, no calibration logging requirement is stated in the maintenance log section of the TV rules (§ 73.672). In the AM service, where the maintenance log contains the requirement to log on a weekly basis "the calibration check of indicating instruments at each remote control point against the instruments at the transmitter", there are no precise calibrating requirements in § 73.67—Remote Control operation. § 73.67(a)(4) does state "Control and monitoring equipment shall be installed so as to allow the licensed operator at the remote control point to perform all the functions in a manner required by the Commission's rules." Citations for infraction of remote instrument calibration checks refer to this rule as well as § 73.114(a)(1)(vi), Maintenance log requirements.

5. In Subpart B—FM broadcast stations, and Subpart C, Noncommercial Educational FM Broadcasting Stations, the remote control rules (§§ 73.275 and 73.573, respectively) state the requirements pertaining to "control and monitoring equipment" just as stated in § 73.67(a)(4) for the AM service (see para. 4 above). As in the TV rules, there is no reference to logging a calibration check after making it, in either of these services' maintenance log sections.

6. It becomes obvious that these requirements need "pulling together". Clearer, more precise statements are required for proper licensee guidance in the Remote Control operation sections of the AM and FM rules; and in the maintenance log sections of the FM and TV rules. A licensee using remote control must assure the accurate calibration of his remote control instruments. Throughout the industry, this technical housekeeping exercise is a standard of good engineering practice for remotely controlled stations. How else can the licensee conform to the remote control requirement stating that "control and monitoring equipment shall be installed so as to allow the licensed operator at the remote control point to perform all the functions in a manner required by the Commission's rules"? (In the FM rules [§ 73.275(a)(4)], the sentence ends "• • • in a manner required by the provisions of this part").

7. Clarity is also needed in the matter of the "accuracy range" of indicating instruments at the remote control point. Much confusion exists. Questions to the staff and observations in the field by the Field Operations Bureau reveal many misinterpretations and great puzzlement on the part of licensees' technical staffs. These questions and observations reveal that some licensees interpret the 2 percent accuracy range of the full scale reading, as stated in § 73.39, indicating instruments, specifications, as applicable to remote control instrument readings. Others assert that, since remote reading antenna ammeters (which must be calibrated at least once a week against the regular meter) shall be "calibrated to indicate within 2 percent of the regular meter over the entire range above one-third or one-fifth full scale", the same must apply to remote control indicating meters. The proposed rule will provide that the remote indicating meter shall be calibrated to read within 2 percent of the corresponding regular meter. Example: If an ammeter scale is calibrated from 0 to 6, and the reading is 5.2 amperes, the remote meter must be calibrated within 2 percent of the 5.2 amperes. This will be a relaxation of one interpretation of the rule to the extent that it is now, at times, thought to require that remote indications of the transmitter meter readings must be on a one-to-one or exact reading basis. Accordingly, we will clarify the rule, as written for the remote control sections of the separate services.

8. Therefore, we issue this notice proposing to amend our rules to clarify the matter of remote meter calibration and to clearly state the rules regarding accuracy range of remote control indicating instruments.

9. Amendment to the rules as proposed herein are set forth in the attached Appendix. These amendments are:

Clarification of the requirements for calibrating remote control indicating instruments against the transmitter instruments will be provided for in the "Remote Control Operation sections of the AM, FM and noncommercial educational FM service. §§ 73.67, 73.275, 73.573.

This will provide these services with precise rules such as those stated in the TV service, § 73.676 (g) and (h).

The maintenance log sections for FM (§ 73.284) and for noncommercial educational FM (§ 73.584) will clearly state the requirements for logging the results of calibration checks in the maintenance log.[1]

The maintenance log section for TV (§ 73.672) will be revised to carry the requirement to note the remote control and monitoring equipment calibration and testing requirements in § 73.676 (g) and (h).[1]

The remote control operation section for AM, FM, noncommercial educational FM and TV will be revised to include, with clarity, the requirements regarding the accuracy range of remote control instruments.

[1] The numbering of §§ 73.284(a)(5); 73.584(a)(5); and 73.672(a)(4) and the change in the numbering of the succeeding subparagraphs, as shown in this Appendix, takes cognizance of the change in these Maintenance Log rules as adopted in the Report and Order in Docket 19906—Extension metering.

10. Since each licensee using remote control operation must assure himself of constant, accurate calibration between the transmitter and the remote control point, and since these amendments are, after all, simply designed to clarify practices which are deeply ingrained in good station operation procedures, they could, we feel, have been made via an Order. However, we are inviting comments on these proposals via the rule making process, to aid in finalizing our clarifications.

11. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before December 6, 1974, and reply comments on or before December 16, 1974. All relevant and timely comments will be considered by the Commission before final action is taken. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

12. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished to the Commission. However, in an effort to obtain the widest possible response to this proceeding, especially from small market stations, informal comments (without extra copies) will be accepted. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters in Washington, D.C.

Adopted: October 22, 1974.

Released: October 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

1. Amend § 73.67 to read as follows:

§ 73.67 Remote control operation.

(a) • • •

(5) Calibration of indicating instruments at each remote control point shall be made against the corresponding instruments at the transmitter. Not more than 7 days shall elapse between calibrations. Results of calibrations shall be entered in the maintenance log. Remote control point meters shall be calibrated to read within 2 percent of the instrument reading at the transmitter.

• • • • • •

2. Amend § 73.114(a)(1)(vi) to read as follows:

§ 73.114 Maintenance log.

(a) • • •

(1) • • •

(vi) A notation of the results of calibration of indicating instruments at each remote control point against the corresponding instruments at the transmitter, as required by § 73.67(a)(5). The entry shall include a showing of each meter reading observed prior to

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recalibration of the remote control point meters.

• • • • •

3. Amend § 73.275 to read as follows:

§ 73.275 Remote control operation.

(a) • • •

(5) Calibration of indicating instruments at each remote control point shall be made against the corresponding instruments at the transmitter. Not more than 7 days shall elapse between calibrations. Results of calibration shall be entered in the maintenance log. Remote control point meters shall be calibrated to read within 2 percent of the corresponding instrument reading at the transmitter.

• • • • •

4. In § 73.284, a new paragraph (a) (5) is added, present paragraph (a) (5) (i), (ii), (iii) & (iv) redesignated paragraph (a) (6) (i), (ii), (iii) & (iv), and present paragraph (a) (6) through (8) redesignated paragraph (a) (7) through (9).

§ 73.284 Maintenance log.

(a) • • •

(5) A notation of the results of calibration of indicating instruments at each remote control point against the corresponding instruments at the transmitter, as required by § 73.275(a)(5). The entry shall include a showing of each meter reading observed prior to recalibration of the remote control point meters.

• • • • •

5. In § 73.573, paragraph (a) (5) is amended to read as follows:

§ 73.573 Remote control operation.

(a) • • •

(5) Calibration of indicating instruments at each remote control point shall be made against the corresponding instruments at the transmitter. Not more than 7 days shall elapse between calibrations. Results of calibration shall be entered in the maintenance log. Remote control point meters shall be calibrated to read within 2 percent of the corresponding instrument reading at the transmitter.

• • • • •

6. In § 73.584, paragraph (a) (5) is added, present (a) (5) (i), (ii), (iii), & (iv) redesignated (a) (6) (i), (ii), (iii) & (iv), and present paragraph (a) (6) through (8) redesignated paragraph (a) (7) though (9).

§ 73.584 Maintenance log.

(a) • • •

(5) A notation of the results of calibration of indicating instruments at each remote control point against the corresponding instruments at the transmitter, as required by § 73.573(a)(5). The entry shall include a showing of each meter reading observed prior to recalibration of the remote control point meters.

• • • • •

7. In § 73.672, new paragraph (a) (4) is added, present paragraph (a) (4) redesignated paragraph (a) (5), present (a) (5) (i), (ii), (iii) & (iv) redesignated paragraph (a) (6) (i), (ii), (iii) & (iv), and present paragraph (a) (6) through (9) redesignated paragraph (a) (7) through (10).

§ 73.672 Maintenance log.

(a) • • •

(4) A notation of the results of calibration of indicating instruments at each remote control point against the corresponding instruments at the transmitter, as required by § 73.676 (g) and (h). The entry shall include a showing of actual meter readings observed prior to recalibration of remote control point meters. The remote control point meters shall be calibrated to read within 2 percent of the corresponding instrument reading at the transmitter.

• • • • •

[FR Doc.74-25506 Filed 10-31-74;8:45 am]

SELECTIVE SERVICE SYSTEM

Office of the Director

[32 CFR Parts 1602, 1603, 1604, 1622, 1623, 1624, 1625, 1631, 1632, 1641, 1643, 1661, 1680]

SELECTIVE SERVICE REGULATIONS

Proposed Amendments

Pursuant to the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.), and Executive Order Number 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.).

The proposed revision of §§ 1602.1 and 1602.10 would correct the citation of the Military Selective Service Act. The proposed deletion of §§ 1602.4 and 1602.6 would eliminate the definition of words unused in the regulations.

The proposed revision of § 1603.3 reflects the revision of § 1604.31. The proposed revision of § 1604.31 would establish a medical specialty advisor to the State Director for each of the medical specialties for which the Secretary of Defense places a call for the induction of men into the Armed Forces. Such advisor would furnish advice regarding the deferment of registrants in his respective medical specialty at the request of the State Director.

Section 1622.2 would be revised to eliminate the listing of the various classes established in Part 1622.

Section 1622.14 would be amended to provide that registrants who had been separated from the Armed Forces by reason of conscientious objection to participation in both combatant and noncombatant training and service in the Armed Forces would be classified in Class 1–O.

Section 1622.15(a) would be revised to eliminate the reference to a provision of the Military Selective Service Act that has expired.

Section 1622.17 would be added to establish Class 1–A–OM: Medical, dental, or allied specialist available for noncombatant military service instead of identifying such personnel in Class 1–A–O in accord with the present section 1622.11 (b). Section 1624.1(b), Part 1661, and § 1680.11 would be modified to reflect this change.

Section 1622.19 would be added to establish Class 1–OM: Medical, dental, or allied specialist available for alternate service instead of identifying such personnel in Class 1–O in accord with the present § 1622.14(b). Section 1624.1(b), Part 1661, and § 1680.9 would be modified to reflect this change.

The proposed revision of § 1622.26(a) would restrict Class 2–M to registrants pursuing their first professional degree in the medical, dental, or allied specialist category.

Section 1622.40 would be revised to remove duplicative provisions, archaic date references, and the distinction in result of discharges for the convenience of the Government and other discharges from the Armed Forces.

Section 1622.42 would be revised to give specific recognition to the treaty provisions respecting dual nationals for purposes of classification into Class 4–C. The proposed revision would also exempt from classification in Class 4–C an alien registrant who had left the country while under an order for induction or alternate service. Section 1625.14 would also be modified to reflect this change.

Section 1622.47 would be added to establish Class 4–FM: Medical specialist registrant not qualified for military service and § 1622.44 would be modified to reflect this change. Medical specialists are evaluated under different criteria than regular registrants, and being disqualified as a regular registrant does not disqualify the registrant from service as a medical specialist. To remove confusion, we should have separate disqualified classes for these two groups, just as we have separate available classes for the two groups. The last paragraph of each of §§ 1622.44 and 1622.47 will permit local boards to classify registrants into Class 4–F if they are incarcerated. This has been a problem in the past, as there was no way to find the registrant disqualified for service without sending them to the Armed Forces Examining and Entrance Stations which for obvious reasons could not be done.

The proposed revision of § 1622.46 provides for a minimum of six months of satisfactory alternate service in order to qualify for Class 4–W.

Section 1623.2 would be revised to reflect the creation of Class 1–A–OM, Class 1–OM, and Class 4–FM; to place Class 2–M below Class 1–H and Class 4–F; and to place Class 4–G above Class 1–H. These changes will facilitate the maintaining of an inventory of medical specialist students and medical specialists and conserve, in time of peace, the time of local boards in classifying registrants entitled to classification in Class 4–G: Registrant exempted from service during peace.

The proposed revocation of § 1623.7 reflects that one card serves both purposes of evidencinig registration and classification.

Section 1631.6(b) would be amended to authorize the ordering prior to January 1 of a registrant to report for induction after January 1 when he has been identified as a member of one of the categories eligible for induction after January 1. "Unsatisfactory reservists" would not be inducted under the revised regulation.

Section 1632.1 would be amended to add paragraph (e) to contain the material formerly in § 1622.42(a) dealing with the computation of time of residence of an alien in the United States.

The proposed revision of § 1632.12 would eliminate references to specific forms used by the United States Army Recruiting Command and the warning that a reservist who ceases to serve satisfactorily may be inducted.

The proposed revocation of §§ 1632.15, 1632.20, and 1632.21 would eliminate administrative details not appropriate for regulations. Section 1632.30 would be revoked because its subject matter is dealt with in §§ 1622.12, 1622.44, and 1625.2(a). Section 1632 31 would be revoked because it is inconsistent with the provisions of § 1632.12 which should govern.

Section 1641.1 would be amended to require a registrant to notify his local board of his entry into medical or other medical specialist school.

The proposed revision of § 1641.6 would eliminate the requirements a registrant have certain documents in his personal possession except when he is on active duty and that he surrender such documents when he is inducted or enters upon active duty in the Armed Forces.

Part 1643, Parole, would be revoked because it is misleading in view of the fact that there is no authority to induct parolees at the present time.

The proposed revocation of section 1641.7 would eliminate the requirement that a registrant obtain documents that he would no longer be required to have in his personal possession.

Section 1680.5 would be revised to clarify the definition of the year of prime vulnerability of medical and allied specialists, particularly for aliens.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the Director, Selective Service System, Attn: General Counsel, 1724 F Street Northwest, Washington, D.C. 20435. Comments received on or before December 2, 1974, will be considered.

The proposed amendments follow:

1. Section 1602.1 is amended to read as follows:

§ 1602.1 Definitions to govern.

The definitions contained in section 16 of the Military Selective Service Act, and the definitions contained in this part shall govern in the interpretation of the regulations in this chapter.

2. Section 1602.10 is amended to read as follows:

§ 1602.10 Selective service law.

The term "selective service law" includes the Military Selective Service Act, and all rules and regulations issued thereunder.

3. Sections 1602.4 and 1602.6 are revoked.

§ 1602.4 [Revoked]

§ 1602.6 [Revoked]

4. Section 1603.3 is amended to read as follows:

§ 1603.3 Uncompensated services.

The services of registrars (except as the Director of Selective Service may otherwise provide), members of local boards, members of appeal boards, medical specialty advisors to the State Directors of Selective Service, advisors to registrants, and all other persons volunteering their services to assist in the administration of the selective service law shall be uncompensated, and no such person serving without compensation shall accept remuneration from any source for services rendered in connection with selective service matters.

5. Section 1604.31 is amended to read as follows:

§ 1604.31 Medical specialty advisors to the State Directors of Selective Service.

The Director of Selective Service may appoint, upon the recommendation of the State Director of Selective Service, as a Medical Specialty Advisor to such State Director of Selective Service a licensed practitioner in the field of each of the medical specialties for which the Secretary of Defense places a call for the induction of men into the Armed Forces. It shall be the duty of each advisor to furnish advice regarding the deferment of registrants in his respective medical specialty at the request of the State Director of Selective Service.

6. Section 1622.2 is amended to read as follows:

§ 1622.2 Classes.

Each registrant shall be classified in one of the classes established in this Part. • • •

7. Section 1622.11 is amended to read as follows:

§ 1622.11 Class 1–A–O: Conscientious objector available for noncombatant military service only.

In Class 1–A–O shall be placed every registrant who would have been classified in Class 1–A but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the Armed Forces.

8. Section 1622.14 is amended to read as follows:

§ 1622.14 Class 1–O: Conscientious objector available for alternate service.

In Class 1–O shall be placed every registrant

(a) Who has been found, by reason of religious, ethical, or moral belief to be conscientiously opposed to participation in war in any form and to be conscientiously opposed to participation in both combatant and noncombatant training and service in the armed forces; or

(b) Who has been separated from the armed forces (including their reserve components) by reason of conscientious objection to participation in both combatant and noncombatant training and service in the armed forces.

§ 1622.15 Class 1–AM: Medical, dental or allied specialist.

9. Paragraph (a) of section 1622.15 is amended to read as follows:

(a) In Class 1–AM shall be placed every registrant who is or becomes a doctor of medicine, dentist, a doctor of optometry, a doctor of osteopathy, a doctor of podiatry, a veterinarian, or a registered nurse.

10. Section 1622.17 is added to read as follows:

§ 1622.17 Class 1–A–OM: Medical, dental, or allied specialist available for noncombatant military service.

(a) In Class 1–A–OM shall be placed every registrant who would have been classified in Class 1–AM but for the fact that he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in combatant training and service in the Armed Forces.

(b) A registrant classified in Class 1–A–OM shall be identified as follows: Class 1–A–OMM for doctor of medicine; Class 1–A–OMD for dentist; Class 1–A–OME for doctor of optometry; Class 1–A–OMO for doctor of osteopathy; Class 1–A–OMP for doctor of podiatry; Class 1–A–OMV for veterinarian; and Class 1–A–OMN for registered nurse.

11. Section 1622.19 is added to read as follows:

§ 1622.19 Class 1–OM: Medical, dental, or allied specialist available for alternate service.

(a) In Class 1–OM shall be placed every registrant who would have been classified in Class 1–AM but for the fact that (1) he has been found, by reason of religious, ethical, or moral belief, to be conscientiously opposed to participation in both combatant and noncombatant training and service in the Armed Forces; (2) has been separated from the Armed Forces (including their reserve components) by reason of conscientious objection to participation in both combatant and noncombatant training and service in the Armed Forces.

(b) A registrant classified in Class 1–OM shall be identified as follows: Class 1–OMM for doctor of medicine; Class 1–OMD for dentist; Class 1–OME for doctor of optometry; Class 1–OMO for doctor of osteopathy; Class 1–OMP for doctor of podiatry; Class 1–OMV for veterinarian; and Class 1–OMN for registered nurse.

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12. Paragraph (a) of § 1622.26 is amended to read as follows:

§ 1622.26 Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.

(a) In Class 2–M shall be placed any registrant other than a registrant who is in a medical, dental or allied specialist category, who is satisfactorily pursuing a full-time course of study leading to a professional degree in medicine, dentistry, optometry, osteopathy, podiatry, veterinary medicine, or licensure as a registered nurse.

13. Section 1622.40 is amended to read as follows:

§1622.40 Class 4–A: Registrant who has completed military service.

(a) In Class 4–A shall be placed any registrant other than a registrant eligible for classification in Class 1–C or Class 1–D who is within any of the following categories:

(1) A registrant who was discharged after having served honorably on active duty for a period of not less than 6 months in the Army, the Air Force, the Navy, the Marine Corps, or the Coast Guard.

(2) A registrant who has served on active duty for a period of not less than twenty-four months as a commissioned officer in the National Oceanic and Atmospheric Administration or in the Public Health Service, provided that such period of active duty in the Public Health Service as a commissioned Reserve officer commencing after June 30, 1967, shall have been performed by the registrant while assigned to staff any of the various offices and bureaus of the Public Health Service including the National Institutes of Health, or while assigned to the Coast Guard, or the Bureau of Prisons of the Department of Justice, or the National Oceanic and Atmospheric Administration or the Environmental Protection Agency.

(3) A registrant who while an alien has served on active duty for a period of not less than 12 months in the armed forces of a nation determined by the Department of State to be a nation with which the United States is associated in mutual defense activities and which grants exemption from training and service in its armed forces to citizens of the United States who have served on active duty in the Armed Forces of the United States for a period of not less than 12 months: *Provided*, That all information which is submitted to the local board concerning the registrant's service in the armed forces of a foreign nation shall be written in the English language.

(4) A registrant who has completed six years of satisfactory service as a member of one or more of the Armed Forces including the Reserve components thereof.

14. The title and paragraphs (a) and (c) of § 1622.42 is amended to read as follows:

§ 1622.42 Class 4–C: Aliens or Dual Nationals.

(a) In Class 4–C shall be placed any registrant who establishes that he is a national of the United States and of a country with which the United States has a treaty or agreement that provides that such person is exempt from liability for military service in the United States.

* * * * *

(c) In Class 4–C shall be placed any registrant who is an alien and who has departed from the United States prior to being issued an order to report for induction or alternate service that has not been canceled. If any registrant who is classified in Class 4–C pursuant to this paragraph returns to the United States his classification shall be reopened and he shall be classified anew."

15. Section 1622.44 is amended to read as follows:

§ 1622.44 Class 4–F: Registrant not qualified for military service.

(a) In Class 4–F shall be placed any registrant, other than a registrant who is a medical, dental, or allied specialist, who is found by an Armed Forces Examining and Entrance Station, under applicable physical, mental or administrative standards, to be not qualified for service in the Armed Forces; except that no such registrant whose further examination or re-examination is determined by AFEES to be justified shall be placed in Class 4–F until such further examination has been accomplished and such registrant continues to be found not qualified for military service.

(b) In Class 4–F shall be placed any registrant other than a registrant who is a medical, dental, or allied specialist, who is confined in a prison, mental institution, or recognized drug rehabilitation center.

16. Section 1622.46 is amended to read as follows:

§ 1622.46 Class 4–W: Registrant who has completed alternate service in lieu of induction.

In Class 4–W shall be any registrant who subsequent to being ordered by the local board to perform alternate service in lieu of induction has been released from such service by the local board after satisfactorily performing the work for a period of 24 months, or has been granted an early release by the Director or State Director of Selective Service after completing at least 6 months of satisfactory service as prescribed in § 1660.10 of this Chapter.

17. Section 1622.47 is added to read as follows:

§ 1622.47 Class 4–FM: Medical specialist registrant not qualified for military service.

(a) In Class 4–FM shall be placed any registrant who is found by an Armed Forces Examining and Entrance Station, under standards applicable to medical, dental, and allied specialists, to be not qualified for service in the Armed Forces; except that no such registrant whose further examination or re-examination is determined by AFEES to be justified shall be placed in Class 4–FM until such further examination has been accomplished and such registrant continues to be found not qualified for military service.

(b) In Class 4–FM shall be placed any registrant in the medical, dental, and allied specialist categories who has applied for an appointment as a Reserve officer in one of the Armed Forces in any of such categories and has been rejected for such appointment on the sole ground of a physical disqualification.

(c) In Class 4–FM shall be placed any registrant in a medical, dental, or allied specialist category, who is confined in a prison, mental institution, or recognized drug rehabilitation center.

18. Section 1623.2 is amended to read as follows:

§ 1623.2 Consideration of classes.

Every registrant shall be placed in Class 1–A under the provisions of § 1622.10 of this chapter, except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with Class 1–AM considered the highest class and Class 1–C considered the lowest class, according to the following table:

Class 1–AM: Registrant in any of the specified medical, dental, and allied specialist categories.
Class 1–A–O: Conscientious objector available for noncombat military service only.
Class 1–A–OM: Medical, dental, or allied specialist available for noncombatant military service.
Class 1–O: Conscientious objector available for alternate service.
Class 1–OM: Medical, dental, or allied specialist available for alternate service.
Class 2–AM: Medical, dental, or allied specialist deferred because of community essentiality.
Class 2–C: Registrant deferred because of activity in study.
Class 2–D: Registrant deferred because of study preparing for the ministry.
Class 3–A: Registrant deferred because of dependency of others.
Class 4–B: Officials deferred by law.
Class 4–C: Aliens or dual nationals.
Class 4–D: Minister of religion.
Class 4–G: Registrant exempted from service during peace.
Class 1–H: Registrant not currently subject to processing for induction.
Class 4–F: Registrant not qualified for military service.
Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.
Class 4–FM: Medical specialist registrant not qualified for military service.
Class 4–W: Conscientious objector who has completed alternate service in lieu of induction.
Class 4–A: Registrant who has completed military service.
Class 1–D: Member of Reserve component or student taking military training.
Class 1–W: Conscientious objector performing alternate service in lieu of induction.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.

19. Section 1623.7 is revoked.

§ 1623.7 [Revoked]

20. Paragraph (b) of § 1624.1 is amended to read as follows:

§ 1624.1 Opportunity for personal appearance.

* * * * *

(b) Registrant who has filed a claim for classification in Class 1–A–O, Class 1–O, Class 1–A–OM, Class 1–OM, or Class 3–A, upon his written request, shall be afforded an opportunity to appear in person before the local board before his classification is determined by the local board. Should such registrant appear in person before the local board in advance of this classification being determined, the provisions of § 1624.4 shall apply, and he shall not be afforded an opportunity to appear concerning such classification after such determination.

21. Section 1625.14 is amended to read as follows:

§ 1625.14 Cancellation of order to report for induction or for alternate service by reopening of classification.

The reopening of the classification of a registrant by the local board shall cancel any order to report for induction or alternate service which may have been issued to him.

22. Paragraph (b) of § 1631.6 is amended to read as follows:

§ 1631.6 Action by local board upon receipt of allocation.

* * * * *

(b) Registrants shall be selected and ordered to report for induction in the following categories and in the other indicated: *Provided*, That a registrant who has been identified, in accord with procedures prescribed by the Director of Selective Service, as one who will become a member of one of the following categories on the next January 1, may, prior to January 1, be selected and ordered to report for induction on a date after January 1 as a member of such category:

(1) Volunteers who have not attained the age of 26 years in the sequence in which they have volunteered for induction.

(2) Nonvolunteers in the Extended Priority Selection Group who have not attained the age of 26 years in the order in which their random sequence number had been reached.

(3) Nonvolunteers in the First Priority Selection Group for the current calendar year in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(4) Nonvolunteers who have not attained the age of 26 years in each of the lower priority selection groups, in turn, within the group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(5) Nonvolunteers who have attained the age of 19 years during the calendar year but who have not attained the age of 20 years, in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1.

(6) Nonvolunteers who have attained the age of 26 years and each year thereafter in turn, most recent year first, within the year group in the order of their random sequence number established by random selection procedures prescribed in accordance with § 1631.1: *Provided*, That the random sequence number established on December 1, 1969, will apply to any registrant born prior to January 1, 1944.

(7) Nonvolunteers who have attained the age of 18 years and 6 months and who have not attained the age of 19 years in the order of the random sequence number established by random selection procedures prescribed in accordance with § 1631.1 for registrants who during the current calendar year have attained the age of 19 years but who have not attained the age of 20 years.

23. Paragraph (e) of § 1632.1 is added to read as follows:

§ 1632.1 Order to report for induction.

* * * * *

(e) No local board shall issue an order to report for induction or alternate service to a registrant who is an alien unless he shall have resided in the United States for one year. When such a registrant has been within the United States for two or more periods (including periods before his registration) and the total of such periods equals one year, he shall be deemed to have resided in the United States for one year. In computing the length of such periods, any portion of one day shall be counted as a day.

24. Section 1632.12 is amended to read as follows:

§ 1632.12 Enlistment of registrants ordered for induction.

Whenever a local board receives official notification that one of its registrants to whom an induction order has been issued has been enlisted or appointed in the Armed Forces of the United States, including the Reserve components thereof, and the date of enlistment or appointment is at least 10 days prior to his scheduled reporting date for induction it shall reopen his classification and classify him anew.

25. Sections 1632.15, 1632.20, 1632.21, 1632.30 and 1632.31 are revoked.

§§ 1632.15, 1632.20, 1632.21, 1632.30, 1632.31 [Revoked]

26. Section 1641.1 is amended to read as follows:

§ 1641.1 Reporting by registrants of their current status.

(a) It shall be the duty of every registrant, so long as his file is actively maintained by his local board, to keep his local board currently informed in writing of the address where mail will reach him.

(b) It shall be the duty of every registrant until his liability for training and service has terminated, to inform his local board in writing of his entrance into a professional course of study leading to a professional degree in a medical, dental or allied specialist category, together with his current address, and to inform his local board in writing of the receipt of any such professional degree, together with his current address.

(c) It shall be the duty of every registrant to submit to his local board information concerning his status within ten days after the date on which the local board mails him a request therefor, or within such longer period as may be fixed by the local board.

27. Section 1641.6 is amended to read as follows:

§ 1641.6 Effect of failure to have unaltered documents in personal possession.

The failure of any person to have his registration certificate (SSS Form 2) or status card (SSS Form 7) in his personal possession shall be prima facie evidence of his not having registered.

28. Section 1641.7 is revoked.

§ 1641.7 [Revoked]

29. Part 1643 is revoked.

§ 1643 Parole.

30. Paragraphs (a) and (b)(4) of § 1661.1 are amended to read as follows:

§ 1661.1 Purpose; definitions.

(a) The provisions of this part govern the consideration of a claim by a registrant for classification in Class 1–A–O (§ 1622.11 of this chapter), Class 1–A–OM (§ 1622.17 of this chapter), Class 1–O (§ 1622.14 of this chapter, of Class 1–OM (§ 1622.19 of this chapter).

* * * * *

(b) * * *

(4) Prima Facie Claim. A nonfrivolous claim, which, if true, would be sufficient on its face to warrant granting classification in Class 1–A–O, Class 1–A–OM, Class 1–O, or Class 1–OM.

§ 1661.2 The claim of conscientious objection.

31. Section 1661.2 is amended to read as follows:

A claim to classification in Class 1–A–O, Class 1–A–OM, Class 1–O, or Class 1–OM may be made by the registrant in writing, such document shall be placed in his File Folder.

32. The title of § 1661.3 is amended to read as follows:

§ 1661.3 Basis for Classification in Class 1–A–O or Class 1–A–OM.

33. The title of § 1661.4 is amended to read as follows:

§ 1661.4 Basis for Classification in Class 1–O or Class 1–OM.

34. The title of § 1661.5 is amended to read as follows:

§ 1661.5 Exclusion from Class 1–A–O, Class 1–A–OM, Class 1–O, and Class 1–OM.

35. Section 1661.6 is amended to read as follows:

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§ 1661.6 Analysis of religious training and belief.

(a) A registrant claiming conscientious objection is not required to be a member of a "peace church" or any other church, religious organization, or religious sect to qualify for a 1–A–O, 1–A–OM, 1–O, or 1–OM classification; nor is it necessary that he be affiliated with any particular group opposed to participation in war in any form.

36. Paragraph (i) of § 1661.9 is amended to read as follows:

§ 1661.9 Considerations relevant to granting or denying a prima facie claim for classification as a conscientious objector.

• • • • •

(i) The registrant may submit letters of reference and other supporting statements of friends, relatives and acquaintances to corroborate the sincerity of his claim, although such supplemental documentation is not essential to approval of his claim. A finding of insincerity based on these letters or supporting statements must be carefully explained in the board's decision, specific mention being made of the particular material relied upon for denial of classification in Class 1–A–O, Class 1–A–OM, Class 1–O, or Class 1–OM.

37. Section 1661.10 is amended to read as follows:

§ 1661.10 Types of decisions.

(a) The following are the types of decisions which may be made by the local and appeal board when a prima facie claim of conscientious objection has been stated.

(1) Decision to grant a claim for classification in Class 1–A–O, Class 1–A–OM, Class 1–O, or Class 1–OM, as requested, based on a determination that the truth or sincerity of the registrant's prima facie claim is not refuted by any information contained in the registrant's file or obtained during his personal appearance.

(2) Decision to deny a claim for classification in Class 1–A–O, Class 1–A–OM, Class 1–O or Class 1–OM, finding on the basis of all information before the board, that the claim fails to meet the tests specified in §§ 1661.3 and 1661.4. If supported by evidence in the file the board may find that the facts presented by the registrant in support of his claim are untrue.

(3) Decision to grant classification in Class 1–A–O or Class 1–A–OM to a registrant even though he requested reclassification in Class 1–O or Class 1–OM. It should be noted that the registrant who requests classification in Class 1–O or Class 1–OM should be classified in Class 1–A–O or Class 1–A–OM only when the information presented demonstrates clearly that the registrant is opposed only to bearing arms and that he does not subject to noncombatant service.

§ 1680.5 [Amended]

38. Paragraph (b) of § 1680.5 is amended by revoking the text that follows the first sentence of subparagraph (6).

39. Paragraph (c) of § 1680.5 is added to read as follows:

• • • • •

(c) As used in paragraph (b) of this section, the year of prime vulnerability for an alien who enters the United States after he has completed the professional training described in § 1622.15(c) of this chapter will begin when he completes one year of residence in the United States: *Provided*, That the year of prime vulnerability for an alien who has resided in the United States in a nonpermanent resident status will begin when he completes one year of residence in the United States, or when he registers for Selective Service, whichever is later. The year of prime vulnerability for all other persons will begin upon attainment of the first appropriate professional degree or diploma, or upon completion of one year of internship or equivalent training, whichever is later. The one year of internship or equivalent training must follow immediately upon the attainment of the appropriate professional degree.

40. Section 1680.9 is amended to read as follows:

§ 1680.9 Alternate service.

A registrant in Class 1–OM will be ordered to alternate service in lieu of induction in accord with Part 1660 of his chapter at the time that he would be called for induction if he were in Class 1–AM.

41. Section 1680.11 is amended to read as follows:

§ 1680.11 Noncombatant military service.

A registrant classified in Class 1–A–OM will be ordered for induction at the time that he would be ordered for induction if he were in Class 1–AM.

BYRON V. PEPITONE,
Director.

OCTOBER 29, 1974.

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[32 CFR Parts 1604, 1608, 1613]

SELECTIVE SERVICE REGULATIONS

Proposed Amendments

Pursuant to the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.) and § 1604.1 of Selective Service Regulations (32 CFR 1604.1), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations. These Regulations implement the Military Selective Service Act, as amended (50 U.S. Code App., sections 451 et seq.).

Section 1604.25 would be amended to provide for the disqualification of an appeal board member instead of the appeal board in certain cases. Section 1604.26 is amended to add a sentence to provide that an appeal board may continue to function so long as a quorum of the prescribed membership is present at each official meeting.

Section 1604.55 would be amended to provide for the disqualification of a local board member instead of the local board in certain cases. Section 1604.56 is amended to add a sentence to provide that a local board may continue to function so long as a quorum of the prescribed membership is present at each official meeting.

Section 1608.6 would be revoked because it is obsolete in its references to a medical advisor. Sections 1608.12(d) and 1608.13(b) would be amended to delete obsolete references to the Office of Public Information. Section 1608.12(f) (1) would be revised to delete an obsolete citation. Section 1608.17 would be revised to reflect the new procedures for processing demands of courts or other authorities for information protected by regulations in view of the closing of the Regional Counsel offices.

Section 1613.4 would be revised to reflect the use of a new form in registrant processing. The issuance of a replacement card would be conditional upon a representation that the card last issued to the registrant had been lost, stolen or destroyed.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the Director, Selective Service System, Attn.: General Counsel, 1724 F Street, Northwest, Washington, D.C. 20435. Comments received on or before December 2, 1974 will be considered.

The proposed amendments follow:

1. Section 1604.25 is amended to read as follows:

§ 1604.25 Disqualification.

(a) No member of an appeal board shall act on the case of a registrant who is the member's first cousin or closer relation, either by blood, marriage, or adoption, or who is the member's employer, employee, or fellow employee, or stands in the relationship of superior or subordinate of the member in connection with any employment, or is a partner or close business associate of the member, or is a fellow member or employee of the appeal board.

(b) A member of an appeal board may disqualify himself in any matter in which he would be restricted for any reason in making an impartial decision.

(c) Whenever a quorum of the appeal board cannot act on the case of a registrant, and there is no panel of the appeal board to which the case may be transferred, the appeal board shall transmit such case to the State Director of Selective Service for transfer to another appeal board.

2. Section 1604.26 is amended to read as follows:

§ 1604.26 Organization and meeting.

Each appeal board or panel shall elect a chairman and a secretary. A majority of the members of an appeal board or panel when present at any meeting shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on a question or classification, the board shall postpone action on the question until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the board, the chairman, a member or employee of the board or panel concerned shall recommend to the State Director of Selective Service that such member be removed and a new member appointed. If, through death, resignation, or other cause, the membership of a appeal board of panel thereof, falls below the prescribed number of members, the board or panel shall continue to function, provided a quorum of the prescribed membership is present at each official meeting.

3. Section 1604.55 is amended to read as follows:

§ 1604.55 Disqualification.

(a) No member of a local board shall act on the case of a registrant who is the member's first cousin or closer relation, either by blood, marriage, or adoption, or who is the member's employer, employee, or fellow employee, or stands in the relationship of superior or subordinate of the member in connection with any employment, or is a partner or close business associate of the member, or is a fellow member or employee of the local board.

(b) A member of the local board may disqualify himself in any matter in which he would be restricted, for any reason, in making an impartial decision.

(c) Whenever a quorum of a local board cannot act on the case of a registrant, the local board shall transmit such case to the State Director of Selective Service for transfer to another local board."

4. Section 1604.56 is amended to read as follows:

§ 1604.56 Organization and meeting.

Each local board shall elect a chairman and a secretary. A majority of the membership of the local board shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question or classification. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board shall postpone action on the question or classification until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the local board, the chairman, a member, or employee of the local board shall recommend to the State Director of Selective Service that such member be removed and a new member appointed. If through death, resignation or other cause, the membership of a local board falls below the prescribed number of members it shall continue to function provided a quorum of the prescribed membership is present at each official meeting.

5. Section 1608.6 *Disclosure or furnishing of information relating to physical or mental condition of registrants* is revoked.

§ 1608.6 [Revoked]

6. Paragraphs (d) and (f)(1) of § 1608.12 are amended to read as follows:

§ 1608.12 Available information.

• • • • •

(d) The Registrants Processing Manual may be inspected at the office of any local board, the office of the State Director of Selective Service for any State or at the National Headquarters, Selective Service System.

• • • • •

(f) • • •

(1) The names, positions, titles, grades, salaries and duty station of employees of the Selective Service System are public information.

7. Paragraph (b) of § 1608.13 is amended to read as follows:

§ 1608.13 Places where information may be obtained.

(b) Requests for information concerning the national administration of the Military Selective Service Act shall be addressed to the National Headquarters, Selective Service System, 1724 F Street NW., Washington, D.C. 20435.

8. Section 1608.17 is amended as follows:

§ 1608.17 Demands of courts or other authorities for records or information protected by these regulations.

No officer or employee of the Selective Service System will comply with a request, demand or order of a court or other authority to produce information the disclosure of which is prohibited or restricted by the provisions of this part without the prior aproval of the Director of Selective Service.

9. Section 1613.4 is amended to read as follows:

§ 1613.4 Issuing replacement Status Card.

A replacement Status Card (SSS Form 7) will be issued to a registrant by the local board with which he is registered upon its receipt of his written request therefor, and statement that the Status Card last issued to him has been lost, stolen or destroyed.

BYRON V. PEPITONE,
Director.

OCTOBER 29, 1974.

[FR Doc.74–25512 Filed 10–31–74;8:45 am]

[32 CFR Part 1660]

SELECTIVE SERVICE REGULATIONS

Proposed Amendments

Pursuant to sections 6(j) and 13(b) of the Military Selective Service Act, as amended (50 App. U.S. Code, sections 451 et seq.), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service Regulations constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations. These Regulations implement section 6(j) of the Military Selective Service Act, as amended (50 App. U.S. Code, 456(j)).

Section 1660.9(e) would be amended to eliminate the requirement that a registrant traveling to his alternate service assignment request travel, meal and lodging before they will be provided. Sections 1660.9(b), (c), (d), and (f) would be revised to remove the detailed instructions to the State Director in conducting an investigation when a registrant performing alternate service leaves his job. The State Director would be given clear authority to report a registrant for prosecution or to reassign him to a job. Hardship, medical or other bona fide reasons are prescribed as the criteria for approving a registrant's request for reassignment.

Sections 1660.10 and 1660.11 would be revised to make clear the registrant's entitlement to classification in Class 4–W and a certificate of release if he is released after six months of satisfactory service.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the Director, Selective Service System, Attn: General Counsel, 1724 F Street Northwest, Washington, D.C. 20435. Comments received on or before December 2, 1974 will be considered.

The proposed amendments follow:

1. Paragraphs (b) through (f) of § 1660.9 are amended to read as follows:

§ 1660.9 Administration of Alternate Service.

• • • • • •

(b) Whenever the State Director has reason to believe that a registrant was refused employment, or the registrant refused or constructively refused employment or was relieved for cause or left his job without authority he will determine whether the registrant was at fault. If he determines that the registrant was at fault, he may report the registrant for prosecution or he may request the registrant's local board to order the registrant to an appropriate job by issuing an Amendment to Order to Report for Alternate Service (SSS Form 153A). Time not spent on an approved job will not be creditable toward completion of his alternate service obligation.

(c) If the State Director finds no failure of the registrant to perform satisfactorily, he will request the registrant's local board to order the registrant to an appropriate job by issuing an Amendment to Order to Report for Alternate Service (SSS Form 153A). If the registrant complies with the order, the intervening time between jobs will not

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constitute a break in the required period of alternate service.

(d) The State Director may reassign a working registrant at any time he determines (1) that the job to which the registrant is assigned ceases to be acceptable as alternate service as defined in Section 1660.6, or (2) that there is a hardship, medical, or other bona fide basis for such reassignment. To reassign the registrant, the State Director shall request the registrant's local board to issue an Amendment to Order to Report for Alternate Service (SSS Form 153A). Prior to the issuance of an Amendment to Order to Report for Alternate Service (SSS Form 153A) in accord with this paragraph, the registrant is required to continue in the alternate service to which he had been ordered most recently.

(e) The Director of Selective Service or the State Director of Selective Service will issue travel orders, tickets or transportation requests and meal and lodging requests to the registrant for his travel (1) from the office of his local board or local board nearest the place of his residence at the time he is selected for alternate service to the place of performance of the alternate service to which he is ordered within the United States, (2) for his return travel from such place to the office of the local board from which he traveled to the place of performing alternate service upon his satisfactorily completing his period of work or his travel to any other place upon his satisfactorily completing his period of alternate service whenever the cost of such transportation would not exceed the cost of travel to the local board from which he traveled, and (3) for his travel from one place of employment to another when his employment is transferred under the provisions of paragraph (c) or (d) of this section.

(f) No action shall be required of a registrant by an Amendment to Order to Report for Alternate Service (SSS Form 153A) without his consent within 10 days after the issuance of such form.

2. Section 1660.10 is amended to read as follows:

§ 1660.10 Release from Alternate Service.

The State Director of the State in which a registrant is working or the Director may release a registrant prior to his completion of 24 months of service upon a determination of hardship, medical, or other bona fide basis for such early release. If the registrant is working outside the State in which he is registered, the decision should be made in consultation with the State Director of the State in which the registrant is registered.

3. Section 1660.11 is amended to read as follows:

§ 1660.11 Completion of Alternate Service.

When a registrant's local board is informed by the State Director that the registrant has been released from alternate service after six months or more of satisfactory service, the local board shall classify the registrant in Class 4–W and issue a Certificate of Release from Alternate Service (SSS Form 154).

BYRON V. PEPITONE,
Director.

OCTOBER 29, 1974.

[FR Doc.74–25513 Filed 10–31–74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

[AFR No. 127]

FROM THE ASSISTANT ADMINISTRATOR FOR AFRICA TO THE DIRECTOR, OFFICE OF CENTRAL AND WEST AFRICAN REGIONAL AFFAIRS

Redelegation of Authority

1. Pursuant to the authority delegated to me as Assistant Administrator for Africa under the Administrator's Delegation of Authority No. 96, I hereby redelegate to the Director, Office of Central and West African Regional Affairs ("Director"), located in Washington, D.C., with respect to the administration of foreign assistance programs for The Gambia, Guinea, Mali, Mauritania, Senegal, Dahomey, Ivory Coast, Niger, Togo, Upper Volta, Cameroon, Central African Republic, Chad, Gabon, Equatorial Guinea, and Congo (Brazzaville), with authority to redelegate, in whole or in part, to those officials identified in paragraph 2, the following authorities, subject to the limitations applicable to the exercise of such authority by A.I.D. Mission Directors:

(a) The authority delegated to the Directors of Missions of the Agency for International Development (A.I.D.) in the unpublished Delegation of Authority of January 10, 1955.

(b) The authority delegated to me by Delegation of Authority 99, § 1(b)(2), to sign or approve project implementation orders-technical services (PIO/T).

In addition to the foregoing, there is hereby delegated to the aforesaid official, with authority to redelegate to the officials designated in paragraph 2, the authority delegated to A.I.D. Mission Directors in A.I.D. manual orders, regulations (published or otherwise), policy directives, policy determinations, memoranda and other instructions as they may be amended, supplemented or superseded from time to time.

2. The Director shall have the power to redelegate, in whole or in part, those powers specified in paragraph 1, to the following A.I.D. officials, for their respective areas or countries of responsibility:

(a) Regional Development Officers (RDO):
(1) RDO in Dakar, Senegal: Senegal, The Gambia, and Guinea.
(2) RDO in Niamey, Niger: Niger, Ivory Coast, Togo, and Dahomey.
(3) RDO in Yaounde, Cameroon: Cameroon, Gabon, Central African Republic, Congo (Brazzaville), and Equatorial Guinea.
(b) Country Development Officers (CDO):
(1) Nouakchott, Mauritania.
(2) Bamako, Mali.
(3) Ouagadougou, Upper Volta.
(4) Ndjamena, Chad.
(c) Such other officials as the Director may from time to time designate.

3. There are hereby rescinded the following Redelegations of Authority to the Director of the Regional USAID for Africa:

(1) Africa Redelegation of Authority No. 62, dated June 30, 1964;
(2) Africa Redelegation of Authority No. 68, dated September 21, 1964;
(3) Africa Redelegation of Authority No. 75, dated January 4, 1965;
(4) Africa Redelegation of Authority No. 78, dated February 24, 1965; and
(5) Africa Redelegation of Authority No. 100, dated July 3, 1967;

4. There is hereby rescinded Redelegation of Authority No. 125 to the Director.

5. This Redelegation of Authority shall be effective as of October 21, 1974, and includes ratification of all acts taken prior hereto which are consistent with the terms and scope of this Redelegation of Authority.

Dated: October 22, 1974.

SAMUEL C. ADAMS, Jr.,
Assistant Administrator for Africa.

[FR Doc.74–25472 Filed 10–31–74;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE THIRD NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Third National Bank Region will be held Wednesday, December 4, 1974, in the Board Room of The Philadelphia National Bank, Philadelphia, Pennsylvania, beginning at 10:30 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(d) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a) (1) and (3) of the Act (Pub. L. 92–463) relating to open meeting and public participation therein.

Dated: October 25, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–25421 Filed 10–31–74;8:45 am]

Customs Service

[T.D. 74–280]

MICROPAQUE

Tariff Classification

OCTOBER 21, 1974.

A notice was published in the FEDERAL REGISTER of August 7, 1974 (39 FR 28448) that the United States Customs Service was reviewing the existing uniform and established practice of classifying Micropaque, a barium sulfate product used in obtaining roentgenograms, which contains a benzenoid sweetener, under the provision for other drugs, including synthetic drugs, in item 439.50, Tariff Schedules of the United States (TSUS).

On review of all the evidence submitted, and in the light of Headnote 1, Part 1C, Schedule 4, TSUS, defining benzenoid chemical products, the Customs Service is of the opinion that Micropaque is classifiable under the provision for mixtures in whole or in part of any of the (benzenoid) products provided for in this subpart (c), in item 409.00, TSUS.

Since this ruling will result in the assessment of duties at a rate higher than that previously assessed on Micropaque, the higher rate will be applied only to such merchandise as may be entered, or withdrawn from warehouse, for consumption after the expiration of 90 days after the date of the publication of this notice in the weekly Customs Bulletin.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: October 21, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74–25537 Filed 10–31–74;8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Navy

BOARD OF VISITORS, U.S. NAVAL ACADEMY

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Board of Visitors, U.S. Naval Academy, will hold a meeting at the U.S. Naval Academy, Annapolis, Maryland, on December 4 and 5, 1974. The agenda will consist of such inquiry as the Board shall deem necessary into the state of morale and discipline, the curriculum, instruction, physical equipment, fiscal affairs, and academic methods of the Navy Academy.

Dated: October 25, 1974.

MERLIN H. STARING,
Rear Admiral, JAGC, U.S. Navy,
Judge Advocate General of the Navy.

[FR Doc.74-25486 Filed 10-31-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DRAFT ENVIRONMENTAL STATEMENT

Public Meetings

The Bonneville Power Administration hereby gives notice of a series of public meetings to be held to discuss BPA's Fiscal Year 1976 Draft Environmental Statement. The purpose of the meetings is twofold: to present to the public BPA's proposed Fiscal Year 1976 Program, and to elicit comments from the public with respect to the environmental impact of BPA's proposed program. The dates, hours, and place of these meetings are as follows: December 2, 1974, 1:30 p.m., Clallam County PUD Office, Port Angeles, Washington; December 3, 1974, 7:30 p.m., Veradale Irrigation District Office, Veradale, Washington; December 4, 1974, 7 p.m., Wilsonville Grade School, Wilsonville, Oregon; December 5, 1974, 7:30 p.m., Kent Memorial Park, Kent, Washington; December 9, 1974, 3 p.m., Mason County PUD Office, Shelton, Washington; December 10, 1974, 7 p.m., Mari-Lynn Elementary School, Lyons, Oregon; December 11, 1974, 7:30 p.m., Lone Pine Grange Hall, Wapinitia, Oregon; December 11, 1974, 7:30 p.m., Cheney City Hall, Cheney, Washington; December 12, 1974, 7 p.m., Rainier Elementary School, Rainier, Oregon; December 12, 1974, 7:30 p.m., Aberdeen Federal Savings Building, Aberdeen, Washington; December 12, 1974, 7:30 p.m., Arlington City Hall, Arlington, Oregon; December 16, 1974, 7:30 p.m., Whitman County Library, Colfax, Washington; December 17, 1974, 7:30 p.m., Franklin County PUD Auditorium, Pasco, Washington; December 17, 1974, 2 p.m., Garfield County Courthouse, Pomeroy, Washington.

Additional or clarifying information may be obtained by writing or calling the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208; Area Code 503-234-3361.

Dated: October 29, 1974.

WILLIAM H. CLAGETT,
Assistant Administrator.

[FR Doc.74-25492 Filed 10-31-74;8:45 am]

Bureau of Land Management

BOISE DISTRICT ADVISORY BOARD

Change of Meeting Dates

The Bureau of Land Management Boise District Advisory Board will meet November 25 and 26, 1974, at 9:30 am, at the Boise District Office, 230 Collins Road, Boise, Idaho.

This is a change from the originally scheduled dates of November 14 and 15, as published in the FEDERAL REGISTER of October 24, 1974, on page 37785.

WILLIAM L. MATHEWS,
State Director.

[FR Doc.74-25461 Filed 10-31-74;8:45 am]

BURNS DISTRICT GRAZING ADVISORY BOARD

Meeting

The Burns District Grazing Advisory Board, Oregon 2, will meet at 9 a.m. on November 19, 1974, at the Bureau of Land Management District Office, 74 S. Alvord, Burns, Oregon. Items which will be discussed at this meeting are: grazing applications and transfers of grazing privileges, proposed change in the licensing of horse use, exchange-of-use agreements, wild horses, as well as any other topics of interest.

Also, the Burns Grazing District will hold a protest meeting on December 18, 1974 at 9 a.m. at the Burns District Office. Purpose of this meeting will be to hear any protests resulting from action taken at the November 14, 1974 meeting. These meetings are open to the public. Interested persons may make oral or written presentations to the committee or file written statements. Such requests should be made to the official listed below at least one day prior to the meetings.

Further information concerning these meetings may be obtained from L. Christian Vosler, District Manager, Bureau of Land Management, 74 S. Alvord, Burns, Oregon 97720, telephone 503-573-2071. Minutes of the meetings will be available for public inspection and copying two weeks after the meetings, at the Burns District Office, 74 S. Alvord, Burns, Oregon.

Dated: October 22, 1974.

L. CHRISTIAN VOSLER,
District Manager.

[FR Doc.74-25484 Filed 10-31-74;8:45 am]

COLORADO DISTRICT ADVISORY BOARD NO. 3A

Notice of Meeting

OCTOBER 16, 1974.

Notice is hereby given that the Colorado Grazing District Board No. 3A will hold its meeting on Tuesday, November 19, 1974, at the San Juan Resource Headquarters of the Montrose District, 1211 Main Street, Durango, Colorado, starting at 10 a.m. in the Resource Area Manager's room.

The agenda for the meeting will include a discussion of the organization of the Advisory Board. Other items to be brought before the Board: grazing applications for the 1975 grazing year, applications to transfer grazing privileges and Range Improvement Program.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, James Suckla, prior to the meeting of the Board. Oral statements will be heard at 1 p.m. Any interested person may file a written statement with the Board for its consideration. Written statements should be submitted to James Suckla, c/o District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401.

MARLYN V. JONES,
District Manager.

[FR Doc.74-25463 Filed 10-31-74;8:45 am]

COLORADO DISTRICT ADVISORY BOARD NO. 3

Notice of Meeting

OCTOBER 16, 1974.

Notice is hereby given that the Colorado Grazing District Board No. 3 will hold its meeting on Wednesday, November 20, 1974, at the District Office, Highway 550 South, Montrose, Colorado, starting at 9 A.M. in the conference room.

The agenda for the meeting will include a discussion of the organization of the Advisory Board. Other items to be brought before the Board: grazing applications for the 1975 grazing year, applications to transfer grazing privileges and Range Improvement Program.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, Lawrence E. Phelps, prior to the meeting of the Board. Oral statements will be heard at 11 a.m.

Any interested person may file a written statement with the Board for its consideration. Written statements should be submitted to Lawrence E. Phelps, c/o District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401.

MARLYN V. JONES,
District Manager.

[FR Doc.74-25502 Filed 10-31-74;8:45 am]

GRAND JUNCTION DISTRICT ADVISORY BOARD

Meeting

OCTOBER 24, 1974.

Notice is hereby given that the Grand Junction District Advisory Board will hold a regular meeting November 14, 1974, beginning at 9:30 a.m. in Room 201, U.S. Post Office Building, Glenwood Springs, Colorado.

The agenda for the meeting will be the consideration of grazing applications, base property transfers, exchange of use applications and licenses, and range line agreements.

The meeting will be open to the public. Those members of the public wishing to make an oral statement should advise the Co-Chairman prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Board by sending it to the Co-Chairman, Grand Junction District Manager, P.O. Box 1509, Grand Junction, Colorado 81501.

DALE R. ANDRUS,
State Director.

[FR Doc.74-25432 Filed 10-31-74;8:45 am]

SHOSHONE DISTRICT ADVISORY BOARD

Meeting

OCTOBER 25, 1974.

Notice is hereby given that the Shoshone District Grazing Advisory Board will hold a regular meeting November 26, 1974, beginning at the District Office, 122 Cherry Street, Shoshone, Idaho, at 9:30 a.m.

The agenda for the meeting will be to make recommendations on all types of grazing applications, agreements, transfers of base property qualifications, and other miscellaneous matters.

The meeting will be open to the public. Any interested person wishing to meet with the Advisory Board should inform the Advisory Board Chairman, Allen Bauscher, Fairfield, ID 83327, prior to the meeting. Written statements may also be filed for consideration with Mr. Bauscher.

CHARLES J. HASZIER,
District Manager.

[FR Doc.74-25454 Filed 10-31-74;8:45 am]

[Serial No. I-3378]

IDAHO

Partial Termination of Proposed Withdrawal and Reservation of Land

OCTOBER 23, 1974.

Notice of an application Serial No. I-3378, for withdrawal and reservation of lands, was published as FEDERAL REGISTER Document No. 70-2376 on page 3827 of the issue for February 27, 1970. The Bureau of Reclamation has cancelled its application insofar as it involved the lands described below. Therefore, pursuant to the regulations contained in 43 CFR Part 2300, such lands will be at 10 am on November 27, 1974 relieved of the segregative effect of the above-mentioned application.

The lands involved in this notice of termination are:

BOISE MERIDIAN, IDAHO

T. 1 N., R. 44 E.,
Sec. 17, W½SE¼NE¼SE¼SE¼, E½SW¼NE¼SE¼SE¼, S½NW¼SE¼SE¼, NE¼SW¼SE¼SE¼, E½NW¼SW¼SE¼SE¼, S½SW¼SE¼SE¼, W½SE¼SE¼SE¼, W½NW¼SW¼SE¼, S½NE¼SW¼SE¼, E½NW¼NE¼SW¼SE¼, NE¼NE¼SW¼SE¼.

The area described aggregates 55 acres.

VINCENT S. STROBEL,
Chief, Branch of L&M Operations.

[FR Doc.74-25433 Filed 10-31-74;8:45 am]

[NM 23444]

NEW MEXICO

Notice of Application

OCTOBER 22, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½ inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 32 E.,
Sec. 15, SE¼NW¼ and E½SW¼.

This pipeline will convey natural gas across .445 mile of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, New Mexico 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-25459 Filed 10-31-74;8:45 am]

[NM 23358]

NEW MEXICO

Notice of Application

OCTOBER 23, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 31 N., R. 10 W.,
Sec. 14, Lot 5

This pipeline will convey natural gas across .179 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-25460 Filed 10-31-74;8:45 am]

WESTERN SLOPE GAS CO.

Pipeline Application

OCTOBER 24, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a right of way for two four inch natural gas gathering pipelines across the following lands:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 6 S., R. 104 W.,
Section 27: S½SE¼;
Section 34: E½NE¼, NE¼SE¼.

The pipelines will connect Fuelco wells 1-26 and 1-27 to applicant's Carbonera Natural Gas Gathering System, thence to the West Douglas to Grand Junction Natural Gas Transmission Line. The purpose of this project is to meet continuing and increasing demands for adequate supplies of natural gas in the Grand Junction market area.

The purposes of this notice are: To inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, by December 3, 1974.

EVERETT K. WEEDIN,
Chief, Branch of Land Operations.

[FR Doc.74-25475 Filed 10-31-74;8:45 am]

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[Wyoming 066847]

WYOMING

Notice of Application

OCTOBER 22, 1974.

Notice is hereby given that pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Amoco Production Company has applied to amend oil pipeline right-of-way grant W-066847 to relocate the pipeline on the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING
T. 50 N., R. 101 W.,
Sec. 28, lots 3 and 4.

The pipeline will affect 0.395 miles of national resource lands.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 119, Worland, Wyoming 82401.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-25479 Filed 10-31-74;8:45 am]

[Wyoming 47613]

WYOMING

Proposed Withdrawal and Reservation of Lands

OCTOBER 25, 1974.

The Bureau of Land Management, United States Department of the Interior, has filed an application, Serial Number Wyoming 47613, for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws, except the mining and mineral leasing laws, pursuant to authority of Executive Order 10355.

The applicant wishes to assure tenure of the lands to facilitate their orderly classification under the Desert Land Entry Laws, where appropriate.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than December 5, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, 2120 Capitol Avenue, Cheyenne, Wyoming 82001.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, WYOMING

WASHAKIE COUNTY

T. 48 N., R. 92 W.,
Sec. 18, lots 2 and 4;
Sec. 19, lot 1.
T. 47 N., R. 92½ W.,
Sec. 1, lot 1.
T. 48 N., R. 92½ W.,
Sec. 1, lots 1 to 6, inclusive, SW¼NE¼, and W½SE¼;
Sec. 12, lots 1 to 4, inclusive, and W½E½;
Sec. 13, lots 1 to 4, inclusive, NW¼NE¼, S½NE¼, and SE¼;
Sec. 24, all;
Sec. 25, lots 1 to 4, inclusive, W½NE¼, and SW¼SE¼.
T. 47 N., R. 93 W.,
Secs. 1 to 4, inclusive;
Sec. 5, lot 5, SE¼NE¼, and E½SE¼;
Sec. 8, NE¼NE¼;
Secs. 9 to 11, inclusive;
Sec. 12, lots 1 to 6, inclusive, NW¼NE¼, NW¼, NE¼SW¼, and W½SW¼;
Sec. 13, lots 1 to 4, inclusive, and W½W½;
Secs. 14 and 15, inclusive;
Sec. 22, NE¼, and NE¼SE¼;
Sec. 23, lots 1 to 5, inclusive, NE¼, SW¼NW¼, NW¼SW¼, and NW¼SE¼;
Sec. 24, lots 1 to 4, inclusive;
Sec. 26, lot 1.
T. 48 N., R. 93 W.,
Secs. 1 to 6, inclusive;
Sec. 8, E½;
Secs. 9 to 15, inclusive;
Sec. 21, NE¼NE¼;
Secs. 22 to 26, inclusive;
Sec. 27, NE¼NE¼;
Sec. 32, SE¼SE¼;
Sec. 33, S½S½;
Sec. 34, S½S½;
Secs. 35 and 36, inclusive.
T. 48 N., Rs. 92½, 93 W., W½ of Tract 37

BIG HORN COUNTY

T. 49 N., R. 93 W.,
Sec. 1, SW¼SW¼;
Sec. 2, lot 8, S½NW¼, and S½;
Secs. 3 to 11, inclusive;
Secs. 14 to 23, inclusive;
Secs. 26 to 35, inclusive.
T. 50 N., R. 93 W.,
Sec. 4, lots 1 to 5, inclusive, lot 10, SW¼NW¼, and NW¼SW¼;
Secs. 5 to 8, inclusive;
Sec. 9, lots 1 to 4, inclusive, and lot 6;
Sec. 17, NE¼NE¼, W½E½, and W½;
Secs. 18 to 20, inclusive;
Sec. 21, lot 1, W½W½, and SE¼SW¼;
Sec. 28, NW¼NE¼, SW¼NE¼, lot 2, W½, and W½SE¼;
Secs. 29 to 32, inclusive;
Sec. 33, W½NE¼, NW¼, and S½;
Sec. 34, NW¼SW¼, S½S½.
T. 51 N., R. 93 W.,
Sec. 5, lot 4;
Secs. 6 to 7, inclusive;
Sec. 8, lots 1 to 3, inclusive, and SW¼SW¼;
Sec. 17, lot 1, W½W½, SE¼NW¼, and NE¼SW¼;
Secs. 18 and 19, inclusive;
Sec. 20, NE¼NW¼, W½W½, and SE¼SW¼;
Sec. 28, lot 4;
Sec. 29, NW¼NE¼, S½NE¼, NW¼, and S½;
Secs. 30 to 32, inclusive;
Sec. 33, W½W½, lots 3, 4.
T. 52 N., R. 93 W.,
Sec. 30, lots 5, 7, 8, 11, 12, 13, and 14;
Sec. 31, lots 1 to 4, inclusive, W½NE¼, and E½W½.
T. 49 N., R. 94 W.,
Sec. 1, all;
Sec. 12, all;
Sec. 13, E½;
Sec. 25, E½;
Sec. 36, E½.
T. 50 N., R. 94 W.,
Secs. 1 to 12, inclusive;
Sec. 13, N½N½, SE¼NE¼, SW¼NW¼, NW¼SW¼, S½S½, and NE¼SE¼;
Secs. 14 to 15, inclusive;
Sec. 17 to 20, inclusive;
Sec. 33, N½;
Sec. 34, N½;
Sec. 35, all.
T. 51 N., R. 94 W.,
Sec. 1, lots 1 to 5 inclusive, S½NE¼, SW¼SW¼, E½SW¼, and SE¼;
Sec. 2, lots 2 and 3;
Sec. 11, E½NE¼, S½SW¼, and SE¼;
Secs. 12 to 14, inclusive;
Sec. 15, lots 2 to 4, inclusive, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 16, lots 1 to 4, inclusive;
Sec. 19, lots 2, 6, 7, SE¼SW¼, and SE¼;
Sec. 20, E½NE¼, SW¼NE¼, and S½;
Secs. 21 to 35, inclusive;
Sec. 36, lots 1 and 2.
T. 52 N., R. 94 W.,
Sec. 36, lots 1 and 2.

The areas described aggregate a total of 94,648.73 acres of public lands.

DANIEL P. BAKER,
State Director.

[FR Doc.74-25458 Filed 10-31-74;8:45 am]

[OR 10035]

OREGON

Proposed Withdrawal and Reservation of Lands

OCTOBER 24, 1974.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 10035, for withdrawal of the lands described below, from all forms of appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws nor the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601, 604), subject to valid existing rights.

The applicant desires the lands for the granting of easements for road rights-of-way.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing no later than November 29, 1974, to the undersigned officer of the Bureau of Land Management, Department of the Interior, (729 NE. Oregon Street), P.O. Box 2965, Portland, Oregon 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination by the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

FREMONT NATIONAL FOREST

WILLAMETTE MERIDIAN

River Road No. 330

T. 33 S., R. 18 E., W.M., Oregon,
Sec. 27; SE¼NE¼, E½SW¼, N½SE¼;
Sec. 33: Lots 1, 2, 4, 5, 9;
Sec. 34: N½NW¼, SW¼NW¼.
T. 34 S., R. 18 E., W.M., Oregon,
Sec. 4: Lots 5, 10, W½SW¼.

A strip of land 100 feet in width, being 50 feet in width on each side of the centerline of the River Road No. 330, over and across said subdivisions.

The area described aggregates approximately 30 acres in Lake County, Oregon.

LELAND D. MORRISON,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-25500 Filed 10-31-74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Mr. James A. H. Smith, Owner
Hubert Castle International Circus
1960 Peavy Road
Dallas, Texas 75228
Re: Hubert Castle International Circus
Mr. C. R. Bavin,
Chief, Division of Law Enforcement,
United States Department of the Interior,
Fish and Wildlife Service,
Bureau of Sport Fisheries and Wildlife,
Washington, D.C. 20240

AUGUST 27, 1974.

DEAR MR. BAVIN: The undersigned is making application for permit under section 10A of the Endangered Species Act of 1973. The following information is submitted pursuant to §§ 13.12 and 17.23 of Volume 39, No. 3, Part III of the FEDERAL REGISTER.

Section 13.12. 1 Applicant's name, mailing address and telephone number:
James A. H. Smith D/B/A Hubert Castle International Circus, 1960 Peavy Road, Dallas, Texas 75228, 214 Area Code 321-5568.

2. Where applicant is an individual, his date of birth, height, weight, color of hair, color of eyes and sex; and business or institutional affiliation, if any, having to do with the wildlife to be covered by the permit.
Date of Birth—April 8, 1912
Height—5' 11½"
Weight—176 lbs.
Color of hair—Brown
Color of eyes—Blue
Sex—Male

Applicant is the owner of the Hubert Castle International Circus.

3. Where the applicant is a corporation, firm, partnership, institution or agency, either private or public, the name and address of the president or principal officer.
Not applicable.

4. Location where the permitted activity is to be conducted.
Applicant's circus will be engaged in the cities and on the dates as set forth in Exhibit A—Entitled "Official Route" attached hereto and made a part thereof.

Section 17.23. 1. Common and scientific names of the species or subspecies, number, age and sex of the wildlife to be covered in the permit.
Common name—Bengal Tigers
Scientific name—Panthera Tigris (Felis Tigris)
Two males—Approximately 8 years old
One female—approximately 8 years old
One female—21 months old
One male—21 months old

2. Copy of the contract or other agreement under which such wildlife is to be imported, showing the country of origin, names and address of the seller or consignor, date of the contract, number and weight (if available), and description of the wildlife.
Not applicable.

3. A full statement of justification for the permit, including details of the project or other plans for utilization of the wildlife in relation to zoological, educational, scientific or propagational purposes as appropriate and the planned disposition of the wildlife upon termination of the project.

All of these tigers are domestic, having been born here in the U.S.A. To the best of my knowledge—All their ancestors for at least ten generations were born in captivity in the U.S.

While these tigers are utilized as performers in the circus—their utilization is educational in that the public has an opportunity to view a wild animal in a controlled environment—especially in those cities which are not fortunate enough to have zoos. In addition these animals are fed and watered, when not performing, in a place visible to the public. Many times entire classrooms view these animals as part of their school program and the undersigned furnishes an attendant who is instructed to answer all questions regarding these animals. This type of visit, whether by school children or other groups, is encouraged by the undersigned.

Any of the above animals and their offspring, not used as circus performers, will be made available to zoos or other approved organizations interested in the propagation of the species.

A permit is justifiable as the undersigned is engaged, among other things, in a project to enhance the survivorship of the species in the following manner:

The applicant is engaged in a breeding program with regard to these animals in order to enhance survivorship of the species. As a matter of fact—two of the tigers for which applicant requests a permit are the result of a breeding program wherein the mother (Goldie) and the father (Taber) are two of the tigers above mentioned—for which a permit is requested. The remaining tiger is a brother of the father of the two offspring. Goldie will be bred again in September in order to enhance the survival of the species.

4. A description and address of the institution or other facility where the wildlife will be used or maintained.

See Exhibit "A"—Attached hereto.

5. A statement that at the time of application the wildlife to be imported is still in the wild, was born in captivity, or has been removed from the wild.

None removed from the wild. All born in captivity in the U.S.A. See paragraph 3—Under Section 17.23.

6. A resume of the applicant's attempts to obtain the wildlife to be imported from sources which would not cause the death or removal of additional animals from the wild, if appropriate.
Not applicable.

7. If wildlife is to be imported.
Wildlife is Not to be imported.

Certification. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts of sub-chapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

JAMES A. H. SMITH.

Official Route. August/September/October, 1974. Earlier schedule on file in office of Fish & Wildlife Service.

AUGUST

1—Columbus, Nebraska.
7—Springdale, Arkansas.
8, 9 and 10—Joplin, Missouri.
12—Ft. Smith, Arkansas.
14—Great Bend, Kansas.
15, 16 and 17—St. Joseph, Missouri.
19, 20 and 21—Crown Point, Indiana.

SEPTEMBER

6, 7 and 8—London, Ontario (Great Western Fair).
10, 11—Allegan, Michigan.
14, 15 and 16—Minot, North Dakota.
25—Yuma, Arizona.
27, 28 and 29—Phoenix, Arizona.
30—Globe, Arizona.

OCTOBER

2 thru 6—El Paso, Texas.
9 thru 13—Colorado Springs, Colorado.
18 thru 20—Chattanooga, Tennessee.
23 thru 26—Utica, New York.

Crown Point, Indiana, and Allegan, Michigan, are sponsored by the fairs in these cities.

Our performance in Yuma, Arizona, is sponsored by the Optimists Club.

All other cities listed are sponsored by the Shriners.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 2, 1974, will be considered.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-25405 Filed 10-31-74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Noxubee National Wildlife Refuge
Route 1, Box 84
Brooksville, Mississippi 39739
Travis H. McDaniel, Refuge Manager

V 39 I 212 NOV 1 74 XUM

To: Director (FWS/LE), USFWS, U.S. Dept. of the Int., DATE: 9/11/74, Washington, D.C. 20240.

From: Refuge Manager, Noxubee National Wildlife Refuge, Rt. #1, Box 84, Brooksville, Mississippi 39739.

Subject: Permit application—endangered species.

Below is the information requested by § 13.12, Part 13, and § 17.23, Part 17, Title 50, Code of Federal Regulations, for applications relating to endangered fish and wildlife.

Applicant. Noxubee National Wildlife Refuge, Route #1, Box 84, Brooksville, Mississippi 39739, Phone A/C 601 323-5548.

Principal officer. Travis H. McDaniel, Refuge Manager, 2309 McArthur Drive, Starksville, Miss. 39759, Phone A/C 601 323-60616.

Location. With the exception of shipping or transporting animals to a scientific or educational institution, all activities would be limited to the confines of Noxubee National Wildlife Refuge. The refuge is located in the following Mississippi counties: Noxubee, Oktibbeha and Winston.

Additional information. Noxubee National Wildlife Refuge provides year round or seasonal habitat for the following endangered species:

1. Red-cockaded woodpecker (*Dendrocopos borealis*.

2. Southern Bald Eagle (*Haliaeetus leucocephalus*).

In the past, refuge personnel have found and kept dead endangered species until they could be placed with a scientific or educational institution. Therefore, please issue a permit to allow the possession, transportation, shipment, of dead specimens of the above mentioned endangered species, any parts thereof, and their eggs.

Effective date. From issue date until revoked.

Certification. I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated: September 11, 1974.

TRAVIS H. MCDANIEL,
Refuge Manager.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 2, 1974, will be considered.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-25410 Filed 10-31-74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Atlanta Zoological Park
800 Cherokee Avenue, SE.
Atlanta, Georgia 30316

R. Howard Hunt,
Curator, Herpetology

SEPTEMBER 3, 1974.

I would like to send by air freight (to leave the United States from New York), ten live Morelet's crocodiles, *Crocodylus moreleti*. The specimens are 12-30 inches in length, 6 months to 2 years old, and are unsexed. These animals would be sent to the Herpetological Station, 165 00 Prague 6-Suchdol, Olsova 6, Czechoslovakia, telephone 344464, by March 15, 1975.

These young animals were captive-hatched at the Atlanta Zoological Park from Mexican parents, and I need to reduce my inventory of *C. moreleti* or a number of them will die in fights because of overcrowding. I will keep as many as possible, including the young in the large solarium, for release by Professor Del Toro. I will tag all *C. moreleti* leaving the Atlanta Zoo.

Professor Zdenek Vogel, director of the Herpetological Station, is a world famous zoologist and is competent at keeping crocodilians in captivity. His attached letter states his intentions for these animals and his facilities for keeping them.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Sincerely yours,

R. HOWARD HUNT,
Curator, Herpetology.

AUGUST 8, 1974.

MR. R. HOWARD HUNT,
Atlanta Zoological Park,
Atlanta, Georgia

DEAR MR. HUNT, Thank you for your letter of 2nd July, regarding the Morelet's Crocodiles (Crocodylus moreleti) and American Crocodiles (Crocodylus acutus). We would need both species, first of all, the Morelet's Crocodiles which so far we haven't had the opportunity to study. According to your letter they are juvenile, born in your Zoological Park, the length of which is now about 12 to 18 inches. This is very important to us, as we are doing mostly ecology and ethology of crocodiles so that we become thoroughly acquainted with the changes of their nourishment during their growth, mutual relations, optimal temperature, exchange of teeth, as well as we can do a research of their diseases and parasites. Animals born in captivity are for our purposes especially suitable.

The results of our scientific work are serving above all to the International Office for the Protection of Nature in Morges (Switzerland) and to countries, where animals are threatened with extinction. For modern protection of animals it is necessary to know precisely all their needs, so that they may in protected areas live their normal life and increase.

For the young Morelet's Crocodiles we have two terrarias 12 foot long and 5 foot wide with water basins and sandy banks. Into the tanks the sun can shine from above during the warm season directly, otherwise will the reptiles be irradiated by special bulbs. Next year during June, July and August the crocodiles could be placed in a natural basin which is doing them well. If necessary, there is also a possibility of letting down an artificial rain. We are giving the young crocodiles manifold food—mice, young rats, hamsters, young rabbits, chicken, sparrows, various kinds of fish and crickets. We are keeping now about 12 species of crocodiles/also very rare: Cuban Crocodiles, Orinoco-Crocodiles, Gavials/—when they reach the age of sexual maturity, we usually send them into their native country. When necessary, their food is enriched by vitamins and hormonal extracts. All our crocodiles are under a permanent sanitary attention carried out by the States Veterinary Institution.

Detailed datas of our work's results are being published in specialized periodicals and books. We can send you regular reports about the animals condition. We should appreciate if you let us know which Central American country your Morelet's Crocodiles are coming from so that we get thoroughly acquainted with their life condition in the nature.

Yours sincerely,

PROF. Z. VOGEL,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 2, 1974, will be considered.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-25411 Filed 10-31-74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Wayne C. Hanson
Los Alamos Scientific Laboratory
Los Alamos, New Mexico 87544
DIRECTOR (FWS/LE)
U.S. Fish and Wildlife Service,
U.S. Department of the Interior,
Washington, D.C. 20240

SEPTEMBER 20, 1974.

DEAR SIR: Pursuant to 50 CFR 13.12, and 50 CFR 17.23, I hereby apply for a permit to engage in activities involving an endangered wildlife species for scientific purposes.

General information is as follows, per § 13.12(a):

(1) *Name.* Wayne C. Hanson.
Mailing Address. Environmental Studies, Group H-8, Los Alamos Scientific Laboratory, M.S. 490, Los Alamos, New Mexico 87544.
Telephone. (505) 667-5021.
(2) *Date of Birth.* 5 September 1923.
Height. 5'8".
Weight. 165.
Color of Hair. Gray.
Color of Eyes. Hazel.
Sex. Male.
Institutional Affiliation. Environmental Studies, Group H-8, Los Alamos Scientific Laboratory, Los Alamos, New Mexico.
(3) *Institutional Principal Officer.* Dr. Harold M. Agnew, Director, Los Alamos Scientific Laboratory, Los Alamos, New Mexico 87544.
(4) *Location Where Permitted Activity is to be Conducted.* Los Alamos County, New Mexico.
(5) Appropriate additional information, § 17.23, per Subpart C of 50 CFR 17:
(i) Common name of species involved: American Peregrine Falcon.
Scientific name of species involved. *Falco peregrinus anatum.*
Number and ages of animals involved: ≥2 adults + young.
Sex of animals involved: Adult males and females + young.
(ii) No importation contemplated.
(iii) Justification: Continuous records have been kept of peregrine falcon aeries in the vicinity of Los Alamos over the past 11 years by a local person who has conducted cooperative information exchanges with Dr. James Enderson of Colorado State College at Colorado Springs. With the establishment of an Ecology Section within Los Alamos Scientific Laboratory (LASL) in June 1973, and subsequent proposal to designate the LASL as a National Environmental Research Park, the individual volunteered his records and services as a part of the ecological studies to be conducted. With the past data it is possible to map the aeries by years and to investigate the remains of eggshell fragments from 1964-1974 nesting attempts. These would be removed during the period October-February when the falcons are not occupying the aerie and would be measured for eggshell thickness and analyzed for pesticides through the efforts of Dr. Enderson.

The land immediately adjacent to the aerie habitat was unfortunately declared surplus by the Los Alamos Area Office of the U.S. Atomic Energy Commission and sold by the GSA to a private bidder in October 1973.

Considerable political effort was necessary to correct the situation and return the property to the AEC on the basis that an endangered species occupied the area and that subsequent development of the area by intry would probably cause the desertion of the aerie.

We hope to include the aerie within the LASL National Environmental Research Park for the purposes of (1) affording the birds maximum sanctuary without undue publicity; (2) to further monitor the reproductive performance of the known pair of nesting peregrines; and (3) evaluate other habitats of the Los Alamos area for the presence of other peregrines. A total of 30 young perregrines were fledged from the aerie of record during 1964-1973; however, the birds were unsuccessful this year. All studies will be conducted under U.S. Atomic Energy Commission sponsorship.

At some future time we would consider cooperating in a program to exchange fragile eggs for fledglings raised in an attempt to propagate the species, if such a program were approved. Our immediate objective is to secure the future of the birds through scientific research into possible causes of decreasing reproduction.

(iv) Address of Institution Maintaining the Species:

The birds are free and unconfined within the immediate area of the Los Alamos Scientific Laboratory, Los Alamos, New Mexico.

(v) At the time of this application the wildlife is free and unconfined and will remain so.

(vi) Not appropriate (import sources).

(vii) Not appropriate (import plans).

Section 13.12(a)(6) Not applicable (foreign import plans).

(7) *Certification.* I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) *Desired effective date.* From earliest possible date to continue indefinitely. We would like to have the permit in time to examine the eleven aeries before snowfall makes rockclimbing too hazardous.

(9) *Dated.* 20 September 1974.

(10) *Signature of Applicant.* W. C. Hanson.

(11) *Other relevant information.*

(a) I have conducted scientific ecological studies involving wildlife for 26 years, including a 21-year study of a Columbia River Canada goose population and other studies from New Mexico to Alaska. During that time I have held scientific banding and collector's permits in several states as well as Federal permits, and have never been faulted for my performance.

I currently hold New Mexico Department of Game and Fish Scientific Collecting Permit No. 862 authorizing me to remove eggshells from peregrine falcon aeries for pesticide analysis by Colorado State College and USFWS Bird Banding Permit No. 20184.

Sincerely yours,

WAYNE C. HANSON,
H-8 Associate Group Leader,
Environmental Studies.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 2, 1974, will be considered.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-25409 Filed 10-31-74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

Mr. Tommy Hanneford
Osprey, Florida 33559
MR. C. R. BAVIN,
U.S. Department of the Interior,
Fish and Wildlife Service,
Washington, D.C.

DEAR SIR: I hereby make application for a permit for the transportation of endangered species consisting of the following below named animals across the state lines in the United States of America:

One (1) female Bengal tiger, Jaipur, 1 year old, 150 lbs.
One (1) male Bengal-Siberian tiger, Obie, 1 year old, 300 lbs.
One (1) male Bengal-Siberian tiger, Chyack, 10 mo. old, 150 lbs.
One (1) male Bengal-Siberian tiger, Pasha, 1 year old, 400 lbs.
One (1) male black panther, Roma, 15 years old, 150 lbs.

I respectfully request a breeder's permit for these animals. Presently, with the exception of the black panther, they are too young to be bred. As soon as they reach breeding age I do intend and will breed these animals. The black panther is a proven breeder and he has fathered many litters.

My name is Tommy Hanneford, Hanneford Motel, Osprey, Florida 33559. My telephone number is area code 613-966-3212. I was born September 18, 1927 in Ozone Park, New York. My height is 5' 10" and I weigh 170 lbs. I am a male with black hair, brown eyes. I am self-employed as a circus performer and I am a United States citizen.

My breeding facilities for these animals consists of one holding cage for each, four feet high, four feet wide, and seven feet long; together with a thirty foot in diameter exercise arena. I transport the above described animals across state lines for the purpose of exhibiting them and when transporting them I have them in an enclosed van type vehicle. During the winter months I winter-quarter in Osprey, Florida at the address shown above.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13 of the code of Federal Regulations and the other applicable parts in Sub-chapter B of Chapter 1 of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statements herein may subject me to the criminal penalties of 18 U.S.C. 1001.

Yours truly,

TOMMY HANNEFORD.

P.S. I am enclosing a check for $50.00 for the permit fee. If there is any additional information that you desire from me or if you require further funds, would you please contact my attorney, Richard M. Rhodes, 25 Court Street, Peru, Indiana 46970.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or

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before December 2, 1974, will be considered.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-25408 Filed 10-31-74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:

B. G. Whiteside, Ph.D.,
Aquatic Station
Biology Department
Southwest Texas State University
San Marcos, Texas 78666

AUGUST 29, 1974.

DIRECTOR (FWS/LE)—Permits,
U.S. Fish & Wildlife Service,
U.S. Department of the Interior,
Washington, D.C. 20240

DEAR SIR: Enclosed is a copy of a letter that I sent to you on June 14, 1974 and the additional information that you requested.

Applicant's Name. Bobby Gene Whiteside.
Address. Aquatic Station, Biology Department, Southwest Texas State University, San Marcos, Texas 78666.
Phone. 512-245-2284.
Birth Date. June 16, 1940.
Height. 5 ft. 11 inches.
Weight. 150 lbs.
Color of hair. Black.
Color of eyes. Blue.
Sex. Male.
Institutional affiliation. Southwest Texas State University.
Name and address of President of Institution. Lee H. Smith, President, Southwest Texas State University, San Marcos, Texas 78666.
Location where the permitted activity is to be conducted. The upper part of the San Marcos River, Hays County, San Marcos, Texas and the Comal River, Comal County, New Braunfels, Texas.
Permit Requested. under Part 17:
17.12 Endangered native wildlife, Darter, fountain; *Etheostoma fonticola.*
17.23 Scientific and educational permit.

I am requesting this permit to enable me to finish a research project that was begun before the passing of the Endangered Species Act of 1973. I would like permission to continue the work as stated on page 7 and 8 of the attached grant proposal (underlined in red). Based on previous work we have estimated the San Marcos River population of fountain darters at approximately 100,000. Therefore, if *E. fonticola* is not found to be present in the Comal River, the specimens needed from the San Marcos River to restock this river would not endanger the San Marcos population.

Pages 18-21 of the attached grant proposal will give you additional background information about myself.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Desired effective date. To start as soon as possible and to be effective for a one-year period.
Dated. 8-29-74
Signature of the applicant.

BOBBY GENE WHITESIDE.

OFFICE OF ENDANGERED SPECIES AND INTERNATIONAL ACTIVITIES
Bureau of Sport Fisheries and Wildlife,
U.S. Department of Interior,
Washington, D.C. 20240

JUNE 14, 1974.

DEAR SIR: I am seeking a collecting permit which will enable Mr. John Schenck (a graduate student of mine) and myself to collect specimens of an endangered species of fish, *Etheostoma fonticola* from the San Marcos and Comal Rivers. We have some preserved specimens on hand that were previously collected from the San Marcos River as part of a master's thesis. In order to complete a study of the ecology of *Etheostoma fonticola,* we will need to collect a limited number of specimens each month for a one-year period. Only a few of the specimens collected each month will be sacrificed and the remainder will be counted and returned to the river. The San Marcos River supports a population of this species which numbers into the thousand, thus, their limited removal would not further endanger the population. On the other hand, there is a strong possibility that habitat modification, destruction, or lessened flow of springs in the river would exterminate this species. Thus, it is imperative that the ecology of this species be studied.

Further information will be supplied upon request.

The issuing of this permit would be appreciated.

The following is a list of a few people who are prominent in the field of fisheries that, I am sure, would be willing to write me a letter of recommendation: Dr. George A. Moore, Oklahoma State University, Stillwater, Oklahoma; Bobby Gene Grinstead, Oklahoma Fisheries Research Lab., North Campus, University of Oklahoma, Norman, Oklahoma; Robert M. Jenkins, National Reservoir Research Program, 113 S. E. St., Fayetteville, Arkansas,

Sincerely,

B. G. WHITESIDE,
Associate Professor of Biology.

THE FOUNTAIN DARTER (ETHEOSTOMA FONTICOLA)

We plan an additional 200 man-hours of sampling in the fall of 1974 to further evaluate the status of this species in the Comal River. If it is determined that *E. fonticola* is no longer present in the Comal River, a program will be initiated to reintroduce this species utilizing specimens from the San Marcos River. If *E. fonticola* are found in the Comal River, no attempt will be made to introduce additional specimens in order to avoid crossing the different genetic stocks. If a reintroduction program becomes necessary, it will be performed by a series of introductions. We feel that a series of introductions in which each introduction contains a small number of *E. fonticola* instead of a single introduction containing a large number of specimens would insure that the San Marcos River population would not be significantly reduced. Strawn (1955) indicated that *E. fonticola* spawns yeararound, thus this type of reintroduction program would allow the San Marcos River population to maintain its numbers. The Comal River would be periodically checked to evaluate the status of the introduced specimens and to note any signs of reproduction.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 2, 1974, will be considered.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-25407 Filed 10-31-74;8:45 am]

MARINE MAMMALS

Issuance of Permit

On September 10, 1974, a notice was published in the FEDERAL REGISTER (39 FR 32635-32636) that an application had been filed with the Fish and Wildlife Service by Jack W. Lentfer, U.S. Fish and Wildlife Service, 813 D Street, Anchorage, Alaska, for a permit to monitor movements of instrumented polar bears, for scientific research purposes.

Notice is hereby given that on October 22, 1974, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407), the Fish and Wildlife Service issued a permit to Jack W. Lentfer, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street NW., Washington, D.C. 20240.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-25406 Filed 10-31-74;8:45 am]

Geological Survey

OUTER CONTINENTAL SHELF OIL AND GAS LEASES

Payment of Certain Royalties

On June 28, 1974, Notices were sent to lessees and operators of Outer Continental Shelf (OCS) Oil and Gas leases setting forth procedures for the payment of royalties on oil and gas lost during drilling and producing operations. Since that time, a reexamination of pertinent lease terms indicates a modification of those requirements should be made. Therefore, the following Notice will be issued to lessees and operators in the Gulf of Mexico OCS Area which permits the use of gas for lease purposes without the payment of royalty on those leases which provide that "gas used for purposes of production from and operations upon the leased area or unavoidably lost" is not subject to royalty. However, this is subject to possible change after review of this provision by the Comptroller General. A similar Notice will be issued to lessees and operators in the Pacific OCS Area.

JACK W. CARLSON,
Assistant Secretary of the Interior.

OCTOBER 25, 1974.

ROYALTY PAYMENT ON OIL AND GAS LOST

LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES ON THE OUTER CONTINENTAL SHELF, GULF OF MEXICO AREA

This Notice supersedes the notice issued June 28, 1974, concerning the payment of royalties on oil and gas lost.

Effective June 1, 1974, royalty will be due on all oil and gas produced from all OCS leases, except gas production as provided in paragraph 3. of this Notice. The production subject to royalty, except as provided in paragraph 3., includes that oil and gas which is lost in spills, blowouts, and fires, gas which is vented or flared, and oil and gas used on such leases, all of which are referred to as lost oil and gas in this Notice.

The amount of oil and gas lost and the royalty value accruing to the United States as a result of these losses shall be reported monthly on Form 9-153. Payment of royalty shall be made on these amounts of oil and gas subject to the determination by the Oil and Gas Supervisor that such royalty value is properly calculated pursuant to 30 CFR 250.20. Additional measurement equipment shall be required where present methods are inadequate to satisfy the purposes of this notice.

The operator shall comply with the following specific requirements:

1. Volume Determination.

A. Oil and Gas Lost After Measurement. When the amount of oil and gas produced has been measured pursuant to 30 CFR 250.60 and 250.61, prior to any loss of such oil and gas, that measurement shall be the basis for the volume determination.

B. Oil and Gas Lost Prior to Measurement. The volume of oil and gas lost prior to the point of measurement shall be determined as follows:

(1) Emergencies. During emergency situations, the volume of oil and gas lost shall be estimated by comparison with the last measured throughput from the production facilities on the lease or unitized area where the loss occurs considering factors such as the duration of the emergency, individual well tests, daily lease production rates, historical production data, or by such other methods as may be approved by the Supervisor.

(2) Well Purging and Evaluation Tests. The results of previous production tests and the duration of the test period shall form the basis for determining the volume of oil and gas lost during well evaluation tests. The volumes of oil and gas lost as a result of well purgings shall be similarly determined.

2. Value Determination for Royalty Purposes.

A. Gas. In the absence of a sales contract or other agreement, gas which is lost shall be valued at no less than the highest price then provided by existing contracts for gas for the same lease or unitized area, field, or general area or at the prevalent area or other rate established by the Federal Power Commission in accordance with 30 CFR 250.64.

B. Oil. In computing the royalty due on oil which is lost, the value of such oil shall be computed in the same manner as the Supervisor calculates the value of other oil sold from the lease or unitized area, field, or general area in accordance with 30 CFR 250.64.

3. Gas Production on Which Royalty Shall Not Accrue.

A. Royalty shall accrue on all gas produced under leases which are issued pursuant to section 8 of the OCS Lands Act (43 U.S.C. section 1337) and which provide that "gas used for purposes of production from and operations upon the leased area or unavoidably lost" is not subject to royalty, except as provided below. All lessees are advised, however, that on August 26, 1974, the Chairman, Conservation and Natural Resources Subcommittee of the House Committee on Government Operations requested the Comptroller General to determine the validity of this provision which has been included in section 8 leases. Accordingly, the Department will consider the opinion of the Comptroller General when issued and decide subsequently whether the payment of additional royalty may be required of these lessees. Therefore, all lessees whose leases are subject to paragraph 3A are required to keep records of all gas volumes excluded under paragraph 3A so that the amount of royalty may be determined if the lease provision is ultimately found to be invalid.

(1) Reinjected Gas. Gas which is produced pursuant to a lease or unit agreement, and which is reinjected into a well or formation subject to that lease or unit agreement to aid in the recovery of oil and gas in a manner which renders that gas reasonably subject to later extraction, will not be subject to the payment of royalty until finally produced and not so reinjected. However, the operator shall report monthly to the Supervisor on Form 9-152 the volume of gas so produced and reinjected.

(2) Other Lease Use. Gas produced pursuant to a lease or unit agreement and used for operations or production activities pursuant to that same lease or unit agreement as a fuel or otherwise in the operation of machinery or equipment shall not be subject to royalty, unless it is a use which the Supervisor has prohibited.

(3) Gas Vapor Losses. Gas vapors which are released from storage tanks or other low-pressure production vessels and which are not collected by a vapor recovery unit or similar system when the Supervisor determines that such vapors may not feasibly be collected shall not be subject to royalty.

(4) Other Lost Gas. Gas which is lost in blowouts, fires, or otherwise exclusive of subparagraph 3.A.(3) above shall be considered unavoidably lost and not subject to royalty unless (i) there has been negligence on the part of the lessee or operator, or (ii) the lessee or operator has failed to take all reasonable precautions against such loss, or (iii) there has been a violation of the applicable regulations or OCS Orders. Where gas is intentionally flared or vented, the gas shall not be considered unavoidably lost and royalty shall accrue.

B. Royalty shall accrue on all gas produced under leases which are issued pursuant to section 8 of the OCS Lands Act and which do not provide that "gas used for purposes of production from and operations upon the leased area or unavoidably lost" is not subject to royalty, and under leases maintained pursuant to section 6 of the Act, except as provided below.

(1) Reinjected Gas. Gas which is produced pursuant to a lease or unit agreement, and which is injected into a well or formation subject to that lease or unit agreement to aid in the recovery of oil and gas in a manner which renders that gas reasonably subject to later extraction, will not be subject to the payment of royalty until finally produced and not so reinjected. However, the operator shall report monthly to the Supervisor on Form 9-152 the volume of gas so produced and reinjected.

(2) Gas Vapor Losses. Gas vapors which are released from storage tanks or other low-pressure production vessels and which are not collected by a vapor recovery unit or similar system when the Supervisor determines that such vapors may not feasibly be collected, shall not be subject to royalty.

[FR Doc.74-25476 Filed 10-31-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 75-52]

BISHOP COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. Section 861(c) (1970), Bishop Coal Company has filed a petition to modify the application of 30 CFR 75.1704-2(e) to its Bishop No. 34 Mine, Pocahontas, Virginia.

30 CFR 75.1704-2(e) provides:

Practice escapeway drills shall be conducted so that all miners are kept informed of the route of escape, any necessary ventilation changes, the location of fire doors, check curtains, or smoke-retarding doors, and plans for diverting smoke from escapeways. Such practice drills shall ensure that each miner travels the escapeways through his respective working section up to the main escapeways at least once every 90 days, and that at least two miners, including the supervisor, on each producing section travel through the main escapeways up to the portal at least once every six weeks.

In support of its petition, Petitioner states:

Petitioner has purchased a large number of reflector signs, made of masonite with white reflective paint and taped arrows—green for intake escapeway and red for return—which measure approximately 2 feet by 1 foot.

Petitioner has installed said signs in the center of each intersection and at every turn and at frequent intervals in the straight roadbeds of the Bishop No. 34 Mine. These signs are visible for fourteen breakthroughs. The number of signs installed in this mine varies according to the length of the road and the number of turns.

Petitioner is of the opinion that the installation of said signs is a safer method of ensuring the miners' knowledge about the escapeways since the signs are almost constantly in view of the miners while they are working. The proposed alternative achieves the result intended by § 75.1704-2(e) and will at all times guarantee no less than the same measure of protection afforded the miners in said mine by such standard.

PETITIONER'S PLAN FOR AN ALTERNATIVE SYSTEM

Petitioner proposes to install and maintain reflective signs at the center

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of each intersection and at every turn and at frequent intervals on the straight roadbed in lieu of conducting escapeway drills for all miners.

Petitioner respectfully requests that the Secretary modify the application of 30 CFR 75.1704–2(e) by eliminating the requirement of escapeway drills for all miners and granting the modification to permit use of petitioner's proposed alternative method of ensuring the miners' knowledge of the escapeways.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 23, 1974.

[FR Doc.74–25444 Filed 10–31–74;8:45 am]

[Docket No. M 75–41]

EASTERN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Eastern Coal Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Stone No. 7 Mine, Pike County, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

The mine cars involved are used for hauling men and supplies and are one hundred and twenty-five in number. These are Sanford-Day cars and their ages range considerably, representing the capital expenditures for additional or replacement by Petitioner over the years. All of the mine cars are fitted with standard pin-and-link coupling devices.

Investigation of the possibility of installation of automatic couplers on the coal cars had been conducted, but serious safety problems have been presented which suggest a diminution of safety over the present method. Many of the haulage rail switches leading from the main line into the working areas of the mine were installed when the mine was first being developed and are of shorter radius than those which would be needed to accommodate cars joined together with automatic couplers. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support. The relative lack of flexibility of automatic couplers both vertically and horizontally could cause derailments and require that workers position themselves between mine cars to retrack and recouple affected mine cars.

In recent weeks, mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and which achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler. (See March 14, 1974, decision by Administrative Law Judge Kennedy in Docket No. MORG 74–22).

It is Petitioner's understanding that the Mining Enforcement and Safety Administration has further interpreted the phrase "regularly coupled and uncoupled" as excluding mine cars which are coupled together with pin and link arrangements provided the pin, when in coupling position, is secured by a suitable lock pin, nut or other locking device so that the cars thus coupled cannot be uncoupled simply by lifting the pin. Thus, a string of coal cars which have been coupled together by link and fixed pin arrangements are not required to have automatic couplers except on the end of the exterior car of the string which is from time to time (irregularly) coupled to some other piece of haulage equipment. This interpretation has not been published.

Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations and interpretations, if applied to Petitioner's mine, would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in said mine, Petitioner proposes an alternate method, as set forth hereinafter.

ALTERNATE METHOD

Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A. All cars in use at the captioned mine for transporting supplies will be coupled together in units or strings of cars using pin and link couplings and each pin will be fixed in position by welding a stop on the mine car to prevent the link from being disengaged. The coupling end of all haulage electric locomotives and the rear end of the last car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operating to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed hand link aligner tool which shall be part of the equipment on all haulage crews. (Attachment A contains the detailed specifications for the coupling lever on mine cars and the hand link aligners.) The front end of the haulage locomotives (that is the end opposite the deck end) will be fitted with similar coupling levers.

B. All employees at the captioned mine will be trained and instructed in the proper operation and use of the coupling levers and the hand link aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will be instructed on the function and use of the coupling lever and hand link aligners.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the coupling lever and hand link aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. Employees absent from work during the normal reinstruction period will be reinstructed after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and reinstruction.

(5) The requirement that, upon conversion of supply haulage mine cars at this mine, coupling and uncoupling be done by means of coupling levers and hand link aligners shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular company and union bulletin boards at the mine.

(6) Should the alternative methods be approved, as each electric haulage locomotive and as each multiple mine car unit is converted and placed into operation, such locomotive and multiple car unit will be subject to the modified standard set forth in this petition and such haulage locomotive or multiple car units will be coupled and uncoupled by use of the coupling lever and hand link aligner in accord with the modified standard. Effective upon a date agreeable with all of the parties hereto, all electric haulage locomotives and all multiple mine car units in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an Administrative Law Judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by such agreed upon date, Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension.

Failing such agreement, Petitioner may request from the Office of Hearings and Appeals the assignment of an Administrative Law Judge and conduct of a hearing for the purposes of determining whether an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned Administrative Law Judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

SAFETY CONSIDERATIONS

The alternate method set forth above will provide no less than the same measure of protection to miners at the Stone No. 7 mine than that sought to be afforded by section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used, because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted, the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a serious and overriding cause of concern in underground coal mines.

2. Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic couplers have been designed as part of the car chassis. The prospect of derailments and runaway cars, with attendant dangers to employees, is less likely if pin-and-link couplings are used.

3. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, which pose the danger of derailments and runaway cars. Furthermore, dips occur along the main haulageway which could possibly cause uncoupling of automatic couplers. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

4. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 22, 1974.

[FR Doc.74–25437 Filed 10–31–74;8:45 am]

[Docket No. M 75–42]

EASTERN COAL CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Eastern Coal Corporation has filed a petition to modify the application of 30 CFR 75.1405 to its Stone No. 8 Mine, Pike County, Kentucky.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.1405 is 30 CFR 75.1405–1 which provides:

The requirement of § 75.1405 with respect to automatic couplers which applies only to track haulage cars are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

The mine cars involved are used for hauling men and supplies and are one hundred and twenty-five in number. These are Sanford-Day cars and their ages range considerably, representing the capital expenditures for additional or replacement by Petitioner over the years. All of the mine cars are fitted with standard pin-and-link coupling devices.

Investigation of the possibility of installation of automatic couplers on the coal cars had been conducted, but serious safety problems have been presented which suggest a diminution of safety over the present method. Many of the haulage rail switches leading from the main line into the working areas of the mine were installed when the mine was first being developed and are of shorter radius than those which would be needed to accommodate cars joined together with automatic couplers. These switches cannot be replaced with wider-radius switches without removing portions of the adjacent coal pillars which help provide roof support. The relative lack of flexibility of automatic couplers both vertically and horizontally could cause derailments and require that workers position themselves between mine cars to retrack and recouple affected mine cars.

In recent weeks, mine management has become aware of the existence of an alternate method which does not possess the disadvantages of the automatic coupler and which achieves the same measure of protection to miners sought to be achieved by use of the automatic coupler. (See March 14, 1974, decision by Administrative Law Judge Kennedy in Docket No. MORG 74–22).

It is Petitioner's understanding that the Mining Enforcement and Safety Administration has further interpreted the phrase "regularly coupled and uncoupled" as excluding mine cars which are coupled together with pin and link arrangements provided the pin, when in coupling position, is secured by a suitable lock pin, nut or other locking device so that the cars thus coupled cannot be uncoupled simply by lifting the pin. Thus, a string of coal cars which have been coupled together by link and fixed pin arrangements are not required to have automatic couplers except on the end of the exterior car of the string which is from time to time (irregularly) coupled to some other piece of haulage equipment. This interpretation has not been published.

Petitioner submits that the application of the foregoing provision of the Act and the foregoing regulations and interpretations, if applied to Petitioner's mine, would result in a diminution of safety over the present system in effect. Beyond this, however, in order to better achieve the purposes sought to be achieved by the Act and regulations and thus to provide a standard which provides a better measure of protection to the miners in said mine, Petitioner proposes an alternate method, as set forth hereinafter.

ALTERNATE METHOD

Approval of this alternate system as a satisfactory replacement of the standard which otherwise would become effective in mandating automatic couplers on mine cars at this mine is subject to the following understandings and conditions which are incorporated as parts of the alternate system:

A. All cars in use at the captioned mine for transporting supplies will be coupled together in units or strings of cars using pin and link couplings and each pin will be fixed in position by welding a stop on the mine car to prevent the link from being disengaged. The

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coupling end of all haulage electric locomotives and the rear end of the last car of each string will be fitted with a coupling lever so designed as to permit an employee to lift or drop the pin through the car bumper to secure or release a link that has been inserted from another haulage unit and to do this without the necessity of positioning himself between the units being coupled or uncoupled. If it becomes necessary in the coupling operation to position the link, this also will be done without the employee positioning himself between the units—he will effectuate this alignment by using a specially designed hand link aligner tool which shall be part of the equipment on all haulage crews. (Attachment A contains the detailed specifications for the coupling lever on mine cars and the hand link aligners). The front end of the haulage locomotives (that is the end opposite the deck end) will be fitted with similar coupling levers.

B. All employees at the captioned mine will be trained and instructed in the proper operation and use of the coupling levers and the Hand Link Aligners and their proper use will be mandatory requirements for coupling and uncoupling of all mine car haulage units at this mine. More specifically in this regard:

(1) All present employees at this mine will be instructed on the function and use of the coupling lever and hand link aligners.

(2) Thereafter, any new employee hired at this mine will be given instruction on the function and use of the coupling lever and hand link aligners as part of his orientation before he commences actual work.

(3) This instruction of all employees will again be repeated at six month intervals. Employees absent from work during the normal reinstruction period will be reinstructed after they return to work.

(4) The Company will maintain a permanent record of the names and dates when each mine employee received this instruction and reinstruction.

(5) The requirement that, upon conversion of supply haulage mine cars at this mine, coupling and uncoupling be done by means of coupling levers and hand link aligners shall be a mandatory safety rule at this mine and a notice to this effect shall be posted on the regular company and union bulletin boards at the mine.

(6) Should the alternative methods be approved, as each electric haulage locomotive and as each multiple mine car unit is converted and placed into operation, such locomotive and multiple car unit will be subject to the modified standard set forth in this petition and such haulage locomotive or multiple car units will be coupled and uncoupled by use of the coupling lever and hand link aligner in accord with the modified standard. Effective upon a date agreeable with all of the parties hereto, all electric haulage locomotives and all multiple mine car units in operation at this mine must have been converted and the modified standard will become fully operative except as an extension of time has been provided by stipulation of all the parties or by order of an Administrative Law Judge of the Interior Department Office of Hearings and Appeals. In the event shortages and/or unavailability of materials or other conditions beyond the control of management prevent completion of full conversion by such agreed upon date, Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such agreement, Petitioner may request from the Office of Hearings and Appeals the assignment of an Administrative Law Judge and conduct of a hearing for the purposes of determining whether an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned Administrative Law Judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension if the circumstances make it reasonable to do so.

SAFETY CONSIDERATIONS

The alternate method set forth above will provide no less than the same measure of protection to miners at the Stone No. 8 mine than that sought to be afforded by section 314(f) of the Act and Interior Department Regulations 30 CFR 75.1405 and 75.1405–1. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if automatic couplers were used, because:

1. Automatic couplers lack the flexibility of permitting mine cars to negotiate some of the rail curves in this mine. If this were attempted, the result would be derailments with possible roof falls and other sources of injury to mine personnel. The radii of these rail curves cannot be enlarged without removing some of the coal from the adjacent coal pillars. Such removal would reduce the protection from roof falls, a serious and overriding cause of concern in underground coal mines.

2. Any modification of the present mine cars with automatic couplers would have to be accomplished by affixing coupler units to the bumpers of the present cars. The point where such couplers are affixed to the present chassis would be subject to severe strain and stress that would be much more likely to cause coupling misalignment and failure than in the case of the pin-link arrangement or in the case of new car units where the automatic couplers have been designed as part of the car chassis. The prospect of derailments and runaway cars, with attendant dangers to employees, is less likely if pin-and-link couplings are used.

3. The type of mine car, particularly under the haulage layout at this mine, requires a much more flexible coupler arrangement than is possible with the relatively rigid automatic couplers, which pose the danger of derailments and runaway cars. Furthermore, dips occur along the main haulageway which could possibly cause uncoupling of automatic couplers. The coupling arrangement proposed in this alternate system, involving the flexible pin and link coupling, with safeguards, provides a much safer operation.

4. No imminent danger is presently involved. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the use of automatic couplers.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 22, 1974.

[FR Doc.74-25435 Filed 10-31-74;8:45 am]

[Docket No. M 75-48]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. Section 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.521 to its Virginia Pocahontas No. 3 Mine, Buchanan, Virginia.

30 CFR 75.521 provides:

Each ungrounded, exposed power conductor • • • that leads underground shall be equipped with suitable lightning arresters of an approved type within 100 feet of the point where the circuit leaves the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

In support of its petition, Petitioner states:

1. The Coal Mine Safety Inspection Manual for Underground Mines as issued by the U.S. Department of the Interior, Bureau of Mines, in September 1972, section 75.521, provides:

Conductors that are provided with metallic shields or that are jacketed by a grounded metal covering or enclosure, installed under grounded metal framework, or are buried in the earth, are not considered exposed for the length so protected • • •.

To comply with this section, alternating-current circuits shall be provided with lightning protection for each ungrounded phase conductor. Three-phase circuits shall be provided either with separate lightning arresters in one case having a common ground terminal. Lightning arresters installed in the primary circuit of a transformer do not provide lightning protection in the secondary circuit.

Lightning arrester ground fields shall be separated from neutral ground fields by at least 25 feet. This distance prevents lightning surges from being transmitted to the neutral ground field where it could cause the frames of equipment grounded to the neutral field to become momentarily energized.

When the grounding connection on lightning arresters is connected to a ground field, the ground field shall be maintained with as low a resistance to earth as possible, preferably less than 3 ohms and never more than 25 ohms resistance • • •. The only way that the resistance of a ground rod or ground field can be determined is to measure it.

2. During the week of November 30, 1973, MESA informed the Petitioner that the Bureau was going to enforce 30 CFR 75.521 of the regulations at its Virginia Pocahontas No. 3 Mine.

3. The Petitioner asserts that the safety of the grounding system would be diminished by modification of the grounding hook up because of the nature of the way in which the grounding system is installed and connected.

4. The Petitioner has secured the services of a neutral party, Appalachian Power Company, to ascertain the resistance of the grounding medium at its Virginia Pocahontas No. 3 Mine's substation site. The results fall within the accepted standards for a good grounding system established by the IEEE.

5. The Petitioner asserts that the grounding resistance falls within the "preferred" resistance range indicated by the MESA's manual for coal mine inspectors.

6. Furthermore, the Petitioner presents and asserts that the subject grounding system represents as safe or safer a grounding medium as would result from modification of said ground system. The subject ground system consists not only of a substation ground mat but also includes steel pilings to bedrock in all major surface plant structures including preparation plant, hoist, aerial trams, and associated yard buildings. The Petitioner asserts that the accumulated grounding surface is sufficient to render this ground capable of dissipating any conceivable lightning surges in the incoming Appalachian Power Company's static wire.

7. The Petitioner maintains and asserts that the secondary medium voltage circuits used for mine power do not require lightning arresters (although such arresters are provided) because said power conductors are installed so as to be considered "covered" by the definition used in the Act.

8. The Petitioner asserts that the section of the law pertaining to lightning arresters and grounding was written so as to provide a reliable standard against which ground techniques could be compared. Many mining operations have been undertaken with little thought given to grounding or lightning protection. Many systems have been found to possess marginal or inadequate grounding presenting a definite hazard to the miners. The subject grounding system was installed according to the best engineering practices of the day and is characterized by the attention paid to the safety of personnel and to efficient operation. A system such as proposed by MESA was considered at the time these miners were installed and rejected in favor of the present system.

Wherefore, Petitioner respectfully requests that the Secretary modify the Application of section 308(b) by relieving Petitioner of the obligations to make the changes as more specifically provided in 30 CFR 75.521 in the above mentioned mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 23, 1974.

[FR Doc.74-25441 Filed 10-31-74;8:45 am]

[Docket No. M 75-50]

ISLAND CREEK COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. Section 861(c) (1970), Island Creek Coal Company has filed a petition to modify the application of 30 CFR 75.521 to its Virginia Pocahontas No. 4 Mine, Buchanan, Virginia.

30 CFR 75.521 provides:

Each ungrounded, exposed power conductor • • • that leads underground shall be equipped with suitable lightning arresters of an approved type within 100 feet of the point where the circuit leaves the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

In support of its petition, Petitioner states:

1. The Coal Mine Safety Inspection Manual for Underground Mines as issued by the U.S. Department of the Interior, Bureau of Mines, in September 1972, section 75.521, provides:

Conductors that are provided with metallic shields or that are jacketed by a grounded metal covering or enclosure, installed under grounded metal framework, or are buried in the earth, are not considered exposed for the length so protected • • •.

To comply with this section, alternating-current circuits shall be provided with lightning protection for each ungrounded phase conductor. Three-phase circuits shall be provided either with separate lightning arresters in one case having a common ground terminal. Lightning arresters installed in the primary circuit of a transformer do not provide lightning protection in the secondary circuit.

Lightning arrester ground fields shall be separated from neutral ground fields by at least 25 feet. This distance prevents lightning surges from being transmitted to the neutral ground field where it could case the frames of equipment grounded to the neutral field to become momentarily energized.

When the grounding connection on lightning arresters is connected to a ground field, the ground field shall be maintained with as low a resistance to earth as possible, preferably less than 3 ohms and never more than 25 ohms resistance • • •. The only way that the resistance of a ground rod or ground field can be determined is to measure it.

2. During the week of November 30, 1973, MESA informed the Petitioner that the Bureau was going to enforce 30 CFR 75.521 of the regulations at its Virginia Pocahontas No. 3 Mine.

3. The Petitioner asserts that the safety of the grounding system would be diminished by modification of the grounding hook up because of the nature of the way in which the grounding system is installed and connected.

4. The Petitioner has secured the services of a neutral party, Appalachian Power Company, to ascertain the resistance of the grounding medium at its Virginia Pocahontas No. 3 Mine's substation site. The results fall within the accepted standards for a good grounding system established by the IEEE.

5. The Petitioner asserts that the grounding resistance falls within the "preferred" resistance range indicated by the MESA's manual for coal mine inspectors.

6. Furthermore, the Petitioner presents and asserts that the subject grounding system represents as safe or safer a grounding medium as would result from modification of said ground system. The subject ground system consists not only of a substation ground mat but also includes steel pilings to bedrock in all major surface plant structures including preparation plant, hoist, aerial trams, and associated yard buildings. The Petitioner asserts that the accumulated grounding surface is sufficient to render this ground capable of dissipating any conceivable lightning surges in the incoming Appalachian Power Company's static wire.

7. The Petitioner maintains and asserts that the secondary medium voltage circuits used for mine power do not require lightning arresters (although such arresters are provided) because said power conductors are installed so as to be considered "covered" by the definition used in the Act.

8. The Petitioner asserts that the section of the law pertaining to lightning arresters and grounding was written so as to provide a reliable standard against which ground techniques could be compared. Many mining operations have been undertaken with little thought given to grounding or lightning protection. Many systems have been found to possess marginal or inadequate grounding presenting a definite hazard to the miners. The subject grounding system was installed according to the best engineering practices of the day and is characterized by the attention paid to the safety of personnel and to efficient operation. A system such as proposed by MESA was considered at the time these

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miners were installed and rejected in favor of the present system.

Wherefore, Petitioner respectfully requests that the Secretary modify the Application of section 308(b) by relieving Petitioner of the obligations to make the changes as more specifically provided in 30 CFR 75.521 in the above mentioned mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director,
Office of Hearings and Appeals.

OCTOBER 23, 1974.

[FR Doc.74-25453 Filed 10-31-74;8:45 am]

[Docket No. M 75-51]

MATHIES COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Mathies Coal Company has filed a petition to modify the application of 30 CFR 75.305 to its Mathies Mine, Washington County, Pennsylvania.

30 CFR 75.305 provides:

In addition to the pre-shift and daily examinations required by this Subpart, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. Any hazardous condition shall be corrected immediately.

In support of its petition, Petitioner states:

Mathies Coal Company seeks modification of that portion of 30 CFR 75.305 which requires a certified person to make a weekly examination in each return split of air with respect to the return air course between the pitmouth and 17 Face.

The subject mine is an extensive mining operation located in Washington County, Pennsylvania. Coal from the Pittsburgh Seam, measuring about 64" in thickness is mined from under an average of three hundred feet of cover. Ventilation of and access to the coal seam is provided by five shafts, three of which are also equipped with portal facilities, and one set of drift entries through which coal is hauled to the preparation plant via the main haulage system. Since the opening of the mine in 1944, mining has progressed underground to a distance of over seventeen miles from the preparation plant. Presently, over 550 people are employed by the Mathies Coal Company with about 480 of these making up the underground work force. Ten coal producing units operate on three shifts for an average of 27 machine shifts daily. Even at this great rate of coal extraction, Mathies Mine is projected for 60 more years. Retreat mining employs the pocket and fender system. All sections are ventilated using a two split ventilation system.

Weekly Examination. At the subject mine, over 50 miles of primary return air courses are used to ventilate the haulage roads and active sections. Of this length, approximately 25 miles of return air courses must be examined weekly in accordance with section 303(f) of the Federal Coal Mine Health and Safety Act of 1969.

The mine entries from the pitmouth to 17 Face (a distance of 6.2 miles) were driven in the period from 1944, when the mine opened, to 1954. Most of the development was done before roof bolts were used at this mine for roof support, and timbers were used for support as part of the mining cycle. These timbers have long since deteriorated due to adverse conditions (moisture, roof pressure, etc.) leaving most of the roof unsupported. Even in the areas where roof bolts were used, the roof has deteriorated above the anchorage point and fallen, leaving the roof unsupported. Only the haulage road entries have been rebolted. As the roof weathered and deteriorated numerous falls have occurred, filling the entries and leaving little clearance in most areas. High, tight falls have also come in numerous places. Travel through this area is extremely difficult, following a zig-zag path, and extremely dangerous in some areas due to the deteriorated ribs and flaking roof that could fall when disturbed. Water also forms an impassable barrier in several places.

Due to the poor conditions (roof falls, deteriorated roof and ribs, and water) in the return air course between the pitmouth and 17 Face, weekly examinations for hazardous conditions were considered, in themselves, too hazardous to be performed. As a result, these examinations were not performed in violation of both the old Federal Code and the Health and Safety Act of 1969. Only the mainline haulage (empty and loaded track) is located in this area. Mingo Fan, the only fan in this area, handles approximately 90,000 cubic feet per minute of air at .05 percent methane. Only 8,000 c.f.m. of air from this area comes to Thomas Fan, located above 17 Face and handling several active sections. No escapeways travel and no air returns from active workings through this area. The air returning to Mingo Fan and the small amount returning to Thomas Fan comes from bleeder entries and leaking stoppings along the motor road.

To attempt to rehabilitate the 6.25 miles of return air courses would be a difficult task requiring tremendous expenditures of labor and money with years until completion. No mechanical equipment would be used in the return air course to aid in the rehabilitation work so all work would have to be performed by hand. The entire rehabilitation work would be hazardous and would be exposing workmen to unnecessary danger that would exist despite safety precautions or actions taken by the company. In addition, access to the return is limited due to falls and places where the roof has been shot down to grade the haulage, forcing needed material to be hauled long distances in the return air course. Since the required rehabilitation is neither practical or feasible, an alternate method is proposed that would guarantee the miners at Mathies Mine no less than the same measure of protection afforded by the mandatory standard.

ALTERNATE METHOD

Despite the condition existing in the return air course, at certain points air and methane readings can be made to assure that methane accumulations have not occurred and to assure the air flow in its proper course and usual volume. The alternate method proposed is based on this and would satisfy all criteria outlined in section 303(f) of the Federal Health and Safety Act of 1969. Five air measuring stations would be established underground. One would be located at 7 Face, one at the Old Shop, one at Bryant Shaft, one at 13 Face Bleeders, and one at 17 Face. These locations and an air flow diagram for this area are shown on the attached map. In addition, the air reading taken at Mingo Fan will be kept on record and supplement the data from the measuring stations.

Guidelines for the establishment of air measuring stations would be as follows:

1. Methane and air readings will be made by a certified, competent person.
2. Methane will not be permitted to accumulate in the return air course, as determined at the underground measuring stations, beyond legal limits.
3. Both access to and the vicinity of the measuring stations will be kept in travelable and safe conditions.
4. A date board will be located at each measuring station and air quantity and methane readings will be taken and recorded along with the certified person's initials, date, and time.
5. A map showing the area around the measuring station along with the air flow directions will be posted at each station.
6. Examinations will be made at each measuring station daily or as required by section 303(f) of the Act.
7. All employees required to perform measurements at the underground stations will be certified for such work on the basis of state examinations.

MEASURE OF PROTECTION

The proposed measuring stations will satisfy all criteria of section 303(f) of the Federal Coal Mine Health and Safety Act of 1969. Use of the measuring stations would also eliminate all the hazards involved in the rehabilitation of the return air course. The net effect of the proposed measuring stations would be the same as if the returns were capable of being traveled and will provide an accurate and knowledgeable picture of conditions in the return air course from the pitmouth to 17 Face. The proposed alternative will provide an equal measure of protection to all miners at Mathies Mine as would be provided by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

OCTOBER 23, 1974.

[FR Doc.74-25443 Filed 10-31-74;8:45 am]

[Docket No. M 75-47]

MID-CONTINENT COAL AND COKE CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Mid-Continent Coal and Coke Company has filed a petition to modify the application of 30 CFR 75.-1405 to its Dutch Creek No. 2 Mine, Carbondale, Colorado.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

To be read concurrently with § 75.-1405 is 30 CFR 75.1405-1 which provides:

The requirement of § 75.1405 with respect to automatic couplers applies only to track haulage cars which are regularly coupled and uncoupled.

In support of its petition, Petitioner states:

The above standard should be declared inapplicable or else waived as to track haulage cars used in Petitioner's Dutch Creek No. 2 Mine for the following reasons:

(a) Cars hauling supplies and personnel are so constructed that they may be coupled and uncoupled without exposing personnel between the contacting ends of the equipment to injury.

(b) The alternative method of manual coupling and uncoupling of these supply cars can be accomplished with greater safety than would be provided by the use of automatic couplers for the following reasons:

(1) These cars are never in motion while being coupled and uncoupled. One car is always blocked and the other car is held stationary by the slope hoist.

(2) The cars are equipped with safety chains or cables in addition to the main coupling. These safety devices must necessarily be coupled and uncoupled manually.

(3) The track equipment is required to negotiate a sharp radius (50-foot) 180° curve. Derailments occur periodically due to the short curve radius, and the greater flexibility of a pin and link connection will reduce the number of derailments and the possibility of the cars becoming uncoupled during the derailment or while being reralied. The hazard of attempting to use automatic couplers under these conditions would be greater than for the existing manual couplings.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Departmental Hearings Branch, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84138. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

OCTOBER 22, 1974.

[FR Doc.74-25438 Filed 10-31-74;8:45 am]

[Docket No. M 75-54]

POCAHONTAS FUEL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Pocahontas Fuel Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Matthews Mine, Claiborne County, Tennessee.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner asks that § 77.1605(k) be waived for the subject mine, with the result that Petitioner no longer be required to provide berms or guards on the outer bank of the elevated roadway. A waiver of this requirement will provide no less effective means of maintaining safety for several reasons:

(1) The haulroad runs along the stream valley and has virtually no grade.

(2) The berm would take up roadway width which could better be used for passing.

(3) Berms interfere with the normal drainage of a roadbed which increases the probability of pot holes and ruts thus increasing the possibilities of an accident.

(4) Berms are not effective in stopping trucks and haulage units which have large open wheels.

Such a modification has been granted to several other operators under similar conditions, see Docket Nos. M 73-38, M 73-74, M 73-76, M 73-77, M 73-78, and M 73-79.

PETITIONER'S PLAN FOR AN ALTERNATIVE SYSTEM

Petitioner proposes to provide such other safeguards as necessary to meet the specific road conditions at the Matthews Mine in lieu of providing berms or guards on the outer banks of elevated roadways.

Petitioner respectfully requests that the Secretary waive the requirement for berms or guards on the outer banks of the roadways at the Matthews Mine. Petitioner's proposed alternative will provide a no less effective means of maintaining safety than that provided in 30 CFR 77.1605(k).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of
Hearings and Appeals.

OCTOBER 22, 1974.

[FR Doc.74-25439 Filed 10-31-74;8:45 am]

[Docket No. M 75-49]

VIRGINIA POCAHONTAS CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Virginia Pocahontas Company has filed a petition to modify the application of 30 CFR 75.521 to its Virginia Pocahontas No. 2 Mine, Buchanan, Virginia.

30 CFR 75.521 provides:

Each ungrounded, exposed power conductor • • • that leads underground shall be equipped with suitable lightning arresters of an approved type within 100 feet of the point where the circuit leaves the mine. Lightning arresters shall be connected to a low resistance grounding medium on the surface which shall be separated from neutral grounds by a distance of not less than 25 feet.

In support of its petition, Petitioner states:

1. The Coal Mine Safety Inspection Manual for Underground Mines as issued

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by the U.S. Department of the Interior, Bureau of Mines, in September 1972, section 75.521, provides:

Conductors that are provided with metallic shields or that are jacketed by a grounded metal covering or enclosure, installed under grounded metal framework, or are buried in the earth, are not considered exposed for the length so protected * * *.

To comply with this section, alternating-current circuits shall be provided with lightning protection for each ungrounded phase conductor. Three-phase circuits shall be provided either with separate lightning arresters in one case having a common ground terminal. Lightning arresters installed in the primary circuit of a transformer do not provide lightning protection in the secondary circuit.

Lightning arrester ground fields shall be separated from neutral ground fields by at least 25 feet. This distance prevents lightning surges from being transmitted to the neutral ground field where it could case the frames of equipment grounded to the neutral field to become momentarily energized.

When the grounding connection on lightning arresters is connected to a ground field, the ground field shall be maintained with as low a resistance to earth as possible, preferably less than 3 ohms and never more than 25 ohms resistance * * *.

The only way that the resistance of a ground rod or ground field can be determined is to measure it.

2. During the week of November 30, 1973, MESA informed the Petitioner that the Bureau was going to enforce 30 CFR 75.521 of the regulations at its Virginia Pocahontas No. 3 Mine.

3. The Petitioner asserts that the safety of the grounding system would be diminished by modification of the grounding hook up because of the nature of the way in which the grounding system is installed and connected.

4. The Petitioner has secured the services of a neutral party, Appalachian Power Company, to ascertain the resistance of the grounding medium at its Virginia Pocahontas No. 3 Mine's substation site. The results fall within the accepted standards for a good grounding system established by the IEEE.

5. The Petitioner asserts that the grounding resistance falls within the "preferred" resistance range indicated by the MESA's manual for coal mine inspectors.

6. Furthermore, the Petitioner presents and asserts that the subject grounding system represents as safe or safer a grounding medium as would result from modification of said ground system. The subject ground system consists not only of a substation ground mat but also includes steel pilings to bedrock in all major surface plant structures including preparation plant, hoist, aerial trams, and associated yard buildings. The Petitioner asserts that the accumulated grounding surface is sufficient to render this ground capable of dissipating any conceivable lightning surges in the incoming Appalachian Power Company's static wire.

7. The Petitioner maintains and asserts that the secondary medium voltage circuits used for mine power do not require lightning arresters (although such arresters are provided) because said power conductors are installed so as to be considered "covered" by the definition used in the Act.

8. The Petitioner asserts that the section of the law pertaining to lightning arresters and grounding was written so as to provide a reliable standard against which ground techniques could be compared. Many mining operations have been undertaken with little thought given to grounding or lightning protection. Many systems have been found to possess marginal or inadequate grounding presenting a definite hazard to the miners. The subject grounding system was installed according to the best engineering practices of the day and is characterized by the attention paid to the safety of personnel and to efficient operation. A system such as proposed by MESA was considered at the time these miners were installed and rejected in favor of the present system.

Wherefore, Petitioner respectfully requests that the Secretary modify the Application of section 308(b) by relieving Petitioner of the obligations to make the changes as more specifically provided in 30 CFR 75.521 in the above mentioned mine.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

OCTOBER 23, 1974.

[FR Doc.74-25442 Filed 10-31-74;8:45 am]

[Docket No. M 75-43]

YOUNGSTOWN MINES CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Youngstown Mines Corporation has filed a petition to modify the application of 30 CFR 75.1105 to its Dehue Mine, Logan County, West Virginia.

30 CFR 75.1105 provides:

Underground transformer stations, battery-charging stations, substations, compressor stations, shops, and permanent pumps shall be housed in fireproof structures or areas. Air currents used to ventilate structures or areas enclosing installations shall be coursed directly into the return. Other underground structures installed in a coal mine as the Secretary may prescribe shall be of fireproof construction.

In support of its petition, Petitioner states:

This petition applies specifically to the area of the mine known as the Dabney Corridor and to an underground shop and three underground transformer stations for belt conveyor drives located in the corridor. The main haulage belt and a parallel usable mine track pass through the corridor.

Three separate belt drives are necessary to operate the approximately 4,200 feet of haulage belt that passes through the corridor. Each belt drive requires the input of electrical power from a transformer, thus, there are three separate transformers located in the Dabney Corridor. The three transformers are identical and are described as a Silpak Power Center Model No. K-150. The manufacturer's general description is as follows:

The Power Center is enclosed in a steel enclosure, mounted on a skid base with rubber tired wheels, and is equipped with removable top and side panels. It is designed for use as a portable power supply for underground mining.

The underground shop is a small maintenance and welding area located only approximately 1,400 feet from the mine portal.

Investigation of the possibility of development of another entry in the Dabney Corridor has been conducted, but very serious safety problems have been presented which suggest a diminution of safety over the proposed alternate method. In order to develop another entry the Petitioner and the mine employees would encounter dangerous top conditions, serious ventilation problems and a lengthy development period of one to two years. Thus, it is asserted that development of a return air entry through the Dabney Corridor would cause lengthy exposure to safety hazards and would not necessarily provide as safe an area as now exists with the proposed alternative safety precautions.

In recent weeks mine management has become aware of the existence of an alternate method which does not pose the disadvantages of development of another entry and which achieves the same measure of protection to miners sought to be achieved by use of the return air entry. (See June 4, 1974, decision by Administrative Law Judge Steffey in Docket No. M 74-49).

ALTERNATE METHOD

Approval of this alternate system as a satisfactory replacement of the standard is subject to the following understandings and conditions which are incorporated as components of the proposed alternate system:

(1)(a) Each of the transformers located in the Dabney Corridor shall be encased in a one-eighth inch noncombustible steel enclosure.

(b) An approved McJunkin automatic fire alarm and heat sensor device shall be placed adjacent to each transformer. This alarm, in the event of heat discharge, emits a sharp audible warning and automatically cuts off the conveyor belt and causes water to be poured onto the entire conveyor belt.

(c) An approved transformer power switch shall be connected to each transformer and shall operate so as to switch all power to such transformer in the event of a power overload.

(d) An approved failsafe ground shall be connected to and maintained for each transformer.

(e) An approved mine telephone shall be located in proximity to each transformer.

(f) Two dry chemical fire extinguishers shall be placed adjacent to each transformer.

(g) Two hundred and forty pounds of rock dust in bags shall be placed near each transformer.

(h) No combustible materials will be stored near the transformers.

(i) Daily inspections of each transformer shall be made.

(j) An approved fire and heat sensoring device shall be placed directly above each transformer and such device shall be connected to a panel board in the dispatcher's office. Such panel board will operate so as to emit a warning signal should any heat discharge from the transformers occur. The dispatcher will monitor the above described panel board.

(2)(a) The underground shop shall have seals in the appropriate places and shall be ventilated with an air flow of not less than 3,000 cubic feet per minute of air.

(b) Three separate means of communication will be provided at the underground shop as follows:

1. An approved mine paging system capable of transmission and receipt of oral messages connected to the dispatcher's office and other areas of the mine; and

2. An approved telephone system that is connected to the C. and P. Telephone Company's regular lines and to the dispatcher's office; and

3. An approved mine telephone system connected to the dispatcher's office and other points in the mine.

(c) Four hundred and eighty pounds of rock dust in bags shall be maintained in the underground shop.

(d) Four dry chemical fire extinguishers shall be located in the shop.

(e) Personnel working in the shop shall be provided at all times with transportation that may be used for evacuating the area.

(f) An approved fire and heat sensoring device shall be placed in the underground shop and such device shall be connected to a panelboard in the dispatcher's office. Such panelboard will operate so as to emit a warning signal should any heat inappropriately occur in the shop. The dispatcher will monitor the above described panelboard.

The above proposed alternate system will be implemented in the Dabney Corridor of the Dehue Mine within 30 days after approval of the above discussed alternate system. In the event that material shortages and/or the unavailability of materials necessary to implement the proposed alternate system or other conditions beyond the control of management prevent completion of the alternate system by January 1, 1975, the Petitioner will endeavor to arrange by stipulation with the other parties for a mutually agreeable period of extension. Failing such stipulated agreement the Petitioner may request from the Office of Hearings and Appeals the assignment of an administrative law judge and conduct of a hearing for the purpose of determining whether an extension of time should be granted and, if granted, the duration of such extension. The parties by stipulation, or the assigned administrative law judge by order following notice to all parties and conduct of hearing, shall have authority to provide for an appropriate extension.

SAFETY CONSIDERATIONS

The alternate method set forth above will provide no less than the same measure of protection to miners at the Youngstown Mines Corporation, Dehue Mine, than that sought to be afforded by section 311(c) of the Act and Interior Department regulations 30 CFR 75.1105. Under the circumstances at this mine it will actually provide greater protection and thus avoid the diminution of safety that would result if an attempt were made to course the air flowing through the underground shop into a return. A diminution of safety would likewise exist if an attempt were made to course the air flowing over the transformers into a return. This is because:

1. The Dabney Corridor, a single entry, was opened in 1968 and it passes through the abandoned workings of the old Hutchinson Mine. Since the corridor has a single entry there are no available return air courses through which to vent air flowing through the underground shop nor the air that passes over the transformers. The old Hutchinson Mine has been abandoned for several decades and the precise conditions in that worked out mine are unknown.

2. Any attempt to develop a return air course through the old Hutchinson Mine would involve entry into these abandoned workings and tampering with the present air flow which could cause dangers to arise in the Dehue Mine. Methane, block damp, and a loose roof are known to exist in the Old Hutchinson Mine creating extremely dangerous conditions for anyone exposed to this area.

3. Should an attempt be made to develop return air courses through the old Hutchinson Mine (despite the grave dangers) the extremely poor roof conditions and large amounts of water due to proximity to the Guyandotte River existing in that area could present insurmountable difficulties that would prevent proper flow of return air through this area.

4. No imminent danger is presently involved in the Dabney Corridor. Petitioner proposes his alternate method in the sincere conviction that it provides a safer method than the dangerous attempt to develop a return air course.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 2, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

OCTOBER 23, 1974.

[FR Doc.74-25440 Filed 10-31-74;8:45 am]

National Park Service

GULF ISLANDS NATIONAL SEASHORE, FLORIDA-MISSISSIPPI

Public Hearings Regarding Wilderness Proposal

Notice is hereby given in accordance with section 8 of the Act of January 8, 1971 (84 Stat. 1969 (16 U.S.C. 459h-7)), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that public hearings will be held beginning at 9:00 a.m. Central Standard Time on December 2, 1974, in Biloxi Community Center, 500 East Howard Avenue, Biloxi, Mississippi, and at 1:00 p.m. Eastern Standard Time on December 3, 1974, in the National Seashore Headquarters, Fort Pickens, Santa Rosa Island, Florida, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness comprising about 1,510 acres within the Gulf Islands National Seashore, Florida and Mississippi.

A packet containing a preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Park Manager, Gulf Islands National Seashore, P.O. Drawer T, Ocean Springs, Mississippi 39564, or from the Regional Director, Southeast Region, National Park Service, 3401 Whipple Avenue, Atlanta, Georgia 30344.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1210 of the Department of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer, in care of the Park Manager, Gulf Islands National Seashore, P.O. Drawer T, Ocean Springs, Mississippi 39564, by November 30, 1974, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer at that address for inclusion in the official record which will be held open for written statements until January 2, 1975.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the

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presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearings shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: October 22, 1974.

RICHARD C. CURRY,
Associate Director,
National Park Service.

[FR Doc.74-25490 Filed 10-31-74;8:45 am]

HISTORIC AMERICAN BUILDINGS SURVEY ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Historic American Buildings Survey (HABS) Advisory Board will be held on November 15 and 16 at the Henry Francis Du Pont Winterthur Museum and the Hagley Museum, Wilmington, Delaware.

The HABS Advisory Board was established by the Secretary of the Interior on November 17, 1933, to render advice on matters related to the task of preserving records of the historic architectural monuments of the United States.

The present membership of the Advisory Board is as follows:

Mr. D. O. Davies, New Castle, Pennsylvania.
Dr. John Douglas Forbes, Charlottesville, Virginia.
Dr. Richard W. Hale, Jr., Boston, Massachusetts (Secretary).
Mr. John D. Henderson, AIA, San Diego, California.
Mrs. Victorine Du Pont Homsey, FAIA, Wilmington, Delaware.
Dr. Barclay G. Jones, AIA, AIP, Ithaca, New York (Vice-Chairman).
Mr. William Bodley Lane, AIA, St. Louis, Missouri (ex officio).
Mr. George McMath, AIA, Portland, Oregon.
Dr. L. Quincy Numford, Washington, D.C. (ex officio).
Prof. F. Blair Reeves, AIA, Gainesville, Florida (Chairman).
Miss Barbara Wriston, Chicago, Illinois.

Times and places of meeting, and significant agenda items are as follows:

NOV. 15, 9:15 A.M., WINTERTHUR MUSEUM

Reports on HABS 1974 activities and individual staff reports on measured drawings program, photographic recording, and exhibitions.

NOV. 15, 1:15 P.M., WINTERTHUR MUSEUM

HABS reports on certificates, and publications program. Discussion of professional architectural standards for measured drawings program. Report on extent of State donations to HABS program.

NOV. 16, 9:15 A.M., HAGLEY MUSEUM

Library of Congress report on HABS Archives. Report on AIA Committee on Historic Resources. Report of Sub-committees.

The meeting is open to the public, and any person may file with the Board a written statement concerning the matters being discussed; however, facilities and space for accommodating members of the public are limited.

Further information concerning these meetings may be obtained from the Historical and Architectural Surveys Division, Office of Archeology and Historic Preservation, National Park Service, Washington, D.C. (202) 523-5295.

A. R. MORTENSEN,
Director, Office of Archeology and Historic Preservation.

[FR Doc.74-25489 Filed 10-31-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE MEETINGS

Public Meetings

Pursuant to the provisions of section 10(a)(2) of the Federal Advisory Committee Act (86 Stat. 770), notice is hereby given of meetings of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will hold meetings on November 19, November 26, and December 3, 1974, at 10:30 a.m. in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida.

The meetings will be open to the public and a brief period will be set aside at each meeting for public comments and questions. The agenda of each meeting includes analysis of current information concerning market supply and demand factors, and consideration of recommendations for regulation of shipments of the named fruits.

The names of committee members, agenda, and other information pertaining to each meeting may be obtained from Frank D. Trovillion, Manager, Growers Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813-682-3103.

Dated: October 25, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-25540 Filed 10-31-74;8:45 am]

Farmers Home Administration

[Notice of Designation Number AO80]

ILLINOIS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Illinois:

Clay	Morgan
Edwards	Richland

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall and flooding December 1, 1973, through June 30, 1974, in Clay County; excessive rainfall April 1 through June 30, 1974, in Edwards and Richland Counties; and heavy rains, flooding, windstorms, and hailstorms beginning about May 16 through July 1, 1974, in Morgan County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 16, 1974, for physical losses and July 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of October, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25425 Filed 10-31-74;8:45 am]

[Notice of Designation Number AO81]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Iowa:

Adair	Madison
Appanoose	Marion
Audubon	Mills
Boone	Monona
Cass	Monroe
Clay	Montgomery
Crawford	O'Brien
Dallas	Osceola
Davis	Page
Delaware	Polk
Dickinson	Pottawattamie
Fremont	Shelby
Greene	Taylor
Guthrie	Union
Harrison	Warren
Lucas	Woodbury
Lyon	

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall May 1 through June 9, 1974, in Boone County; excessive rainfall May 1 through July 3 followed by drought through August 18, 1974, in Appanoose, Davis, Lucas, Monroe, and Union Counties; a hailstorm and tornado August 12, 1974, in Delaware County; hailstorms August 18 and drought June 1 through August 18, 1974, in O'Brien and Osceola Counties; and drought June 1 through August 15, 1974, in the remaining 24 counties.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 16, 1974, for physical losses and July 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C. this 25th day of October, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25426 Filed 10-31-74;8:45 am]

[Notice of Designation Number AO78]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Mississippi:

Tallahatchie

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall and flooding from April 21 through August 22, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 16, 1974, for physical losses and July 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of October, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25427 Filed 10-31-74;8:45 am]

[Notice of Designation Number AO79]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Nebraska:

Butler	Seward
Dakota	Thurston
Dodge	Washington

The Secretary has found that this need exists as a result of a natural disaster consisting of drought from June 1 through August 5, 1974, in all of these counties and also damaging frost September 3, 1974, in Butler and Seward Counties.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 16, 1974, for physical losses and July 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of October, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25428 Filed 10-31-74;8:45 am]

[Notice of Designation Number AO77]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas:

Baylor
Borden

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought in Baylor County from December 1973 through August 9, 1974, and from

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September 15, 1973, through August 20, 1974, in Borden County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 16, 1974, for physical losses and July 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 25th day of October, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25429 Filed 10-31-74;8:45 am]

Forest Service

CARIBOU NATIONAL FOREST GRAZING ADVISORY BOARD

Public Meeting

The Caribou National Forest Grazing Advisory Board will meet at 1:30 p.m. November 26, 1974, at the Pocatello Public Library in Pocatello, Idaho.

The purpose of the meeting is to discuss local and national policies concerning the management of the Forests as it relates to Forest grazing permittees. Some subjects that could be discussed are: what implications will more grass-fat livestock for market have on demands for Forest grazing; impact of increased phosphate mining activity on grazing allotments; condition of big game winter ranges and trends of game populations; and permittee input needs on planning and implementation of off-road vehicle use on National Forest lands. The current bylaws for the Board should also be approved and signed during the meeting.

The meeting will be open to the public. Persons who wish to attend should notify the Caribou National Forest, P.O. Box 4189, Pocatello, Idaho, 83201, or phone 232-1142. Written statements may be filed with the Board before or after the meeting. Public participation will be scheduled following the close of the regular schedule of business.

Dated: October 21, 1974.

D. A. SCHULTZ,
Forest Supervisor.

[FR Doc.74-25457 Filed 10-31-74;8:45 am]

SALMON RIVER-ROARING RIVER PLANNING UNITS; MT. HOOD NATIONAL FOREST, OREGON

Availability of Final Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for the Salmon River-Roaring River Planning Units (USDA-FS-R6-FES (Adm)-74-7).

The environmental statement concerns a proposed land use management plan for the Salmon River and Roaring River Planning Units, Zigzag, Estacada, Bear Springs and Clackamas Ranger Districts, Mt. Hood National Forest in Clackamas County, Oregon. The proposed plan applies to approximately 81,669 acres within the National Forest Boundary. The proposed action includes one area of 23,500 acres to be classified as a Special Interest Zone-Scenic, 734 acres as a Special Interest Zone-Geologic, and an 18,560 acre area to be managed for backcountry recreation. The remaining 38,875 acres will be managed for a variety of uses including timber production, water, recreation and wildlife.

The Final Environmental Statement was transmitted to CEQ on October 24, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg, Room 3231
12th Street and Independence Avenue, SW
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, OR 97204

USDA, Forest Service
Mt. Hood National Forest
2440 S.E. 195th
Portland, OR 97233

A limited number of single copies are available upon request to Forest Supervisor, Wright T. Mallery, Mt. Hood National Forest, 2440 SE. 195th, Portland, OR 97233.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the CEQ guidelines.

Dated: October 24, 1974.

WRIGHT T. MALLERY,
Forest Supervisor.

[FR Doc.74-25473 Filed 10-31-74;8:45 am]

Soil Conservation Service

HONOLUA WATERSHED PROJECT, HAWAII

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the Honolua Watershed Project, Maui County, Hawaii, USDA-SCS-EIS-WS-(ADM)-75-1(D)-HI.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, 8 desilting basins, about 0.8 mile of floodwater diversions, and about 0.7 mile of floodwater channels.

A limited supply of the draft EIS is available at the following location to fill single copy requests.

Soil Conservation Service, USDA, 440 Alexander Young Building, Honolulu, Hawaii 96813

Copies of the draft EIS have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Francis C. H. Lum, State Conservationist, Soil Conservation Service, 440 Alexander Young Building, Honolulu, Hawaii 96813.

Comments must be received on or before December 4, 1974, in order to be considered in the preparation of the final environmental impact statement.

Dated: October 17, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

EUGENE C. BUIE,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-25431 Filed 10-31-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL INDUSTRIAL ENERGY CONSERVATION COUNCIL

Public Meeting

A meeting of the National Industrial Energy Conservation Council will be held on Wednesday, December 18, 1974, from 10 a.m. to 12 noon in Room 4830, Main Commerce Building, 14th & Constitution Avenue, NW., Washington, D.C. 20230.

The Council will report and advise the Secretary of Commerce on programs and problems within the industrial and commercial sectors relating to energy conservation; provide a forum for the exchange of views on conservation between government and the industrial-commercial sectors; advise on policies, plans, and actions of government agencies involving energy use and conservation. The Council may identify and evaluate current and potential energy conservation plans within industry.

Secretary of Commerce Dent will make a statement to the Council. In addition, the agenda will include reports and discussions by Council members regarding the Project Independence Blueprint.

The public will be permitted to attend and a limited number of seats will be available for that purpose. To the extent that time permits, members of the public may present oral statements to the Council. Interested persons are also invited to file written statements with the Council before or after the meeting.

Persons who wish to attend the meeting should contact Edward Blecksmith at the Office of Energy Programs, Room 2204, U.S. Department of Commerce, 14th & Constitution Avenue, NW., Washington, D.C. 20230—(202) 967-2757.

HERBERT K. SCHMITZ,
Executive Director, National Industrial Energy Conservation Council.

[FR Doc.74-25481 Filed 10-31-74;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS TASK GROUP 15 COMPUTER SYSTEMS SECURITY

Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. II, 1972), notice is hereby given that the Federal Information Processing Standards Task Group 15 (FIPS TG-15), "Computer Systems Security," will hold a meeting from 10:00 a.m. to 4:00 p.m. on Tuesday, December 10, 1974, in Room B-255, Building 225, of the National Bureau of Standards at Gaithersburg, Maryland.

The purpose of this meeting is to discuss a plan of work to be undertaken by the Task Group and to initiate specific efforts for the development of guidelines and standards in the area of computer systems security.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Dr. Dennis K. Branstad, Institute for Computer Sciences and Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301-921-3861).

Dated: October 25, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-25403 Filed 10-31-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the National Advisory Council on Equality of Educational Opportunity will convene at 9 a.m. on Friday, December 6 until 4 p.m. and reconvene at 9 a.m. on Saturday, December 7 until 1 p.m. at the Channel Inn, 650 Water Street, SW., Washington, D.C.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Pub. L. 92-318, Title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the Act, and to review the operation of such programs.

The meeting of the Council shall be open to the public. The proposed agenda includes subcommittee reports from the curriculum subcommittee, the legal and interagency subcommittee, and the state departments of education subcommittee. The report writing committee will submit its second interim report for final approval. There will be a special report on Puerto Rican concerns and their involvement in the Emergency School Aid Act. There will also be a report by staff of the U.S. Office of Education on the status of Emergency School Aid Act.

Signed at Washington, D.C. on October 24, 1974.

HERMAN R. GOLDBERG,
Associate Commissioner for Equal Educational Opportunity.

[FR Doc.74-25470 Filed 10-31-74;8:45 am]

FEDERAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN CRITICAL SUBJECTS

Allotment Ratios

Notice is hereby given that pursuant to section 302 of the National Defense Education Act of 1958 (20 U.S.C. 442), the following ratios for the several States of the Union and the District of Columbia are hereby promulgated for each of the two fiscal years in the period beginning July 1, 1975, and ending June 30, 1977 for financial assistance under Title III-A of the Act (20 U.S.C. 441-45) for strengthening instruction in science, mathematics, modern foreign languages, and other critical subjects. The ratios are computed on the basis of the income per child of school age in each of the States of the Union and the District of Columbia in relation to the whole of the United States for the calendar years 1971, 1972, and 1973, being the three most recent consecutive years for which satisfactory data were available as of August 21, 1974 from the Department of Commerce.

Alabama	0.6184
Alaska	.4159
Arizona	.5314
Arkansas	.6244
California	.4448
Colorado	.4983
Connecticut	.4045
Delaware	.4242
Florida	.5182
Georgia	.5661
Hawaii	.4367
Idaho	.5795
Illinois	.4291
Indiana	.5139
Iowa	.5120
Kansas	.4946
Kentucky	.6012
Louisiana	.6085
Maine	.5959
Maryland	.4520
Massachusetts	.4696
Michigan	.4554
Minnesota	.5103
Mississippi	.6527
Missouri	.5226
Montana	.5479
Nebraska	.4983
Nevada	.4257
New Hampshire	.5303
New Jersey	.4122
New Mexico	.5148
New York	.4218
North Carolina	.5786
North Dakota	.5146
Ohio	.4966
Oklahoma	.5745
Oregon	.5230
Pennsylvania	.5022
Rhode Island	.5087
South Carolina	.6169
South Dakota	.5733
Tennessee	.5947
Texas	.5503
Utah	.5921
Vermont	.5905
Virginia	.5189
Washington	.4929
West Virginia	.6049
Wisconsin	.5281
Wyoming	.5342
District of Columbia	.3645

Dated: October 24, 1974.

(Catalog of Federal Domestic Assistance Number 13.483; Strengthening Instruction Through Equipment and Minor Remodeling)

Certified to be a true copy of the original document

T. H. BELL,
Commissioner of Education.

[FR Doc.74-25494 Filed 10-31-74;8:45 am]

SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS PROGRAM, COLLEGE WORK-STUDY, AND NATIONAL DIRECT STUDENT LOAN PROGRAM

Extended Closing Date for Receipt of Application

Notice is hereby given that, pursuant to the authority contained in sections 413D(B), 446, and 463(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1070-3(b), 42 U.S.C. 2753, and 20 U.S.C. 1070b-3(b), 42 U.S.C. 2753, and 20 accordance with the provisions of Paragraph B below, submit applications for participation, during the academic year 1975-76, in the Supplemental Educational Opportunity Grants Program, the College Work-Study Program, and the National Direct Student Loan Program (Title IV, Part A-2, Title IV, Part C and Title IV, Part E of the Higher Education Act, respectively). Such applications must be received by the Regional Office of the Office of Education serving the area in which the applicant institution is located on or before November 13, 1974.

A. *Background.* On September 13, a Notice of Closing Date was published in the FEDERAL REGISTER stating that, in

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order to receive consideration for these programs, applications must be received by the Office of Education on or before October 18. This information was also printed, in bold-face type, in the application materials that were mailed to potential applicants, beginning in August. In addition, the Office of Education sought to remind all potential applicants of the firmness of this closing date, through letters, telegrams and telephone calls. The National Association of Student Financial Aid Administrators also assisted the Office of Education in emphasizing to its constituents the need to meet this deadline. Nonetheless, several institutions failed to submit applications on time.

The applications already submitted could not be fairly and properly reviewed if there were a general extension of the earlier published deadline. It is also apparent, however, that needy students attending those institutions which did not submit applications on time will be severely disadvantaged if those institutions are not permitted to participate in these programs. Consequently, the policy set forth in Paragraph B below has been adopted as the best means of affirming the published closing date, providing full and fair review for all applications that were filed on time, and avoiding delays in the review process, while still avoiding the hardships that would befall students at institutions which did not submit applications on time.

B. *Form of applications received after October 18.* The following policy will be applied to all applications which are received by the Office of Education after the previously published October 18 deadline and on or before the closing date published herein:

(1) *Applications from institutions which received approved funding requests for these programs for the academic year 1973–74 or the academic year 1974–75.* The application review process does not permit that applications in this category be given full review. Consequently, only short form applications—as described in the Application to Participate in Federal Student Financial Aid Programs, July 1, 1975 through June 30, 1976 (OE Form 1036, 6/74)—will be reviewed for such institutions. Institutions which received an approved funding request for any of these programs for either of the academic years stated, irrespective of whether or how large a grant was received, may either submit a short form at this time or, if a complete application has already been submitted, may have that application treated as a short form application. Thus, all institutions in this category will receive consideration for the academic year 1975–76 at the same level as their most recent approved funding request.

(2) *Applications from institutions which have not received approved funding requests for the academic year 1973–74 or the academic year 1974–75.* The number and complexity of any applications received in this category is not expected to cause as serious a problem for the review process as those in the category set forth in subparagraph (1). Since institutions in this category have not received recent review of the financial aid needs of their students, there is no equitable way to treat their applications for this year other than full review. Consequently, such institutions may submit the regular application form.

C. *Addresses and procedures for filing applications.* The addresses of the Regional Offices are as follows:

Office of Education, DHEW, Region I
JFK Federal Building
Boston, Massachusetts 02203

Office of Education, DHEW, Region II
26 Federal Plaza
New York, New York 10007

Office of Education, DHEW, Region III
P.O. Box 13716 (3535 Market Street)
Philadelphia, Pennsylvania 19101

Office of Education, DHEW, Region IV
50 Seventh Street, N.E., Room 507
Atlanta, Georgia 30323

Office of Education, DHEW, Region V
300 South Wacker Drive
Chicago, Illinois 60606

Office of Education, DHEW, Region VI
1114 Commerce Street
Dallas, Texas 75202

Office of Education, DHEW, Region VII
601 East 12th Street
Kansas City, Missouri 64106

Office of Education, DHEW, Region VIII
9017 Federal Office Building
19th and Stout Streets
Denver, Colorado 80202

Office of Education, DHEW, Region IX
50 Fulton Street
San Francisco, California 94102

Office of Education, DHEW, Region X
Arcade Plaza Building
1321 Second Avenue—M.S. 621
Seattle, Washington 98101

(1) *Applications sent by mail.* An application sent by mail will be considered to be received on time in the Regional Office of the Office of Education serving the area in which the institution is located if:

(a) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(b) The application is received on or before the closing date in the mail room of the Regional Office of the Office of Education serving the area in which the institution is located. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(2) *Hand delivered applications.* An application to be hand delivered must be taken to the Regional Office of the Office of Education serving the area in which the institution is located. Hand delivered applications will be accepted daily between the hours of 9:00 a.m. and 4:00 p.m. in the appropriate Regional Office except Saturdays, Sundays, or Federal holidays. Applications will not be accepted in the appropriate Regional Office after 4:00 p.m. on the closing date.

(20 U.S.C. 1070b–3(b), 42 U.S.C. 2753, and 20 U.S.C. 1087(b))

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grants Program; No. 13.463, College Work-Study Program; and 13.471, National Direct Student Loan Program)

Dated: October 29, 1974.

T. H. BELL,
Commissioner of Education.

[FR Doc.74–25498 Filed 10–31–74;8:45 am]

VOCATIONAL EDUCATION CURRICULUM

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 191 of Part I of the Vocational Education Act of 1963, as amended, 20 U.S.C. 1391, applications are being accepted for two vocational education grant awards for the fiscal year 1975.

Applications must be received by the U.S. Office of Education Application Control Center on or before December 10, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue SW., Washington, D.C. 20202, Attention: 13.496. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be delivered to the Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th & D Streets SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturday, Sunday, or Federal holiday. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Research and Demonstration, Bureau of Occupational and Adult Education, Office of Education, Room 5002, 7th & D Streets SW., Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100a) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and the Vocational Education Regulations, Parts C, D and I (45 CFR, Part 103) published in the FEDERAL REGISTER on August 15, 1974 at 39 FR 29361).

(20 U.S.C. 1391)

Dated: September 25, 1974.

(Catalog of Federal Domestic Assistance Number 13.496; Vocational Education—Curriculum)

T. H. BELL,
Commissioner of Education.

[FR Doc.74–26495 Filed 10–31–74;8:45 am]

ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

1975 CODE OF FEDERAL REGULATIONS

Proposed Issuance of Supplements; Decision

The purpose of this notice is to announce the results of our request for comments on a proposed conversion to a supplement system for the Code of Federal Regulations (CFR). The notice requesting comments appeared at 39 FR 9568, March 12, 1974.

Commenters opposing a supplement system outnumbered those in favor of such a system by a substantial majority. Generally, those favoring supplements did so on the basis of the anticipated cost savings and earlier availability of CFR material which were both mentioned in the notice requesting comments.

The most frequently stated reasons given by those opposed to a supplement system were:

(1) It would simply add another step to an already complex research process;

(2) Savings gained through reduction of production costs would be negated by the greater amount of time required for research;

(3) Multi-titled supplement volumes would greatly restrict the usefulness of individual volumes. Commenters pointed out that this would be particularly a problem in libraries where a CFR set must be shared by all users.

Not surprisingly, the one area in which there was a consensus was in the need for speedier availability of CFR volumes whether the present system is retained or revised in some manner. A number of suggestions advocated alternative systems, most focusing on some form of loose-leaf system.

Therefore, the Office of the Federal Register has concluded that there is not sufficient support to warrant conversion to a supplement system at this time. However, the comments received have convinced us that the present system does not, and that the proposed supplement system would not, meet all of the needs of CFR subscribers. In an effort to meet these needs, we propose to undertake a thorough study of various alternative approaches, including possible new systems and the latest techniques of printing and reproduction.

We would like to invite users of the CFR to submit their ideas, comments, and suggestions on what a new CFR system should encompass. As well as being rapid and efficient, a new system should be designed to serve as many user requirements as possible. Comments should be submitted to the following address on or before December 16, 1974:

Office of the Federal Register
National Archives and Records Service
General Services Administration
Washington, D.C. 20408

Dated: October 29, 1974.

For the Administrative Committee.

FRED J. EMERY,
Secretary.

[FR Doc.74–25503 Filed 10–31–74;8:45 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

INTERNATIONAL CENTRE COMMITTEE

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act (Pub. L. 92–463) that the regular meeting of the International Centre Committee of the Advisory Council on Historic Preservation will be held on November 19, 1974, at 10 a.m. in Room 2010 of the New Executive Office Building, Washington, D.C. This meeting will be open to the public.

The International Centre Committee coordinates United States membership and participation in the International Centre for the Study of the Preservation and the Restoration of Cultural Property in Rome, Italy. The Committee identifies special preservation problems in the United States, arranges for International Centre assistance in solving them, reviews American applicants for Centre training courses, convenes meetings of experts, and makes recommendations on American criteria and standards for preservation and restoration. The Committee's membership includes representatives of 28 national institutions and Federal agencies interested in the Centre's activities.

The agenda is as follows:

Call to Order
Chairman's Welcome
Review of March, 1974, Meeting Minutes
I. Committee Administrative Matters
II. Selection of U.S. delegation to attend the International Centre General Assembly, April 23–26, 1975.
III. Report on the Polish-American Cultural Exchange Seminar, October 8–23, 1974
IV. Studying preservation in Rome—Comments by U.S. students on the training courses offered by the International Centre
V. Follow-up reports on International Centre Committee projects

Additional information is available from the Executive Director, International Centre Committee, Suite 430, 1522 K Street NW., Washington, D.C. 20005.

ANN WEBSTER SMITH,
Executive Director.

[FR Doc.74–25501 Filed 10–31–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–452, 50–453]

DETROIT EDISON CO.

Order; Hearing

OCTOBER 25, 1974.

In the matter of Greenwood Energy Center, Units 2 and 3.

We have decided to hear oral argument on the Licensing Board's ruling respecting its jurisdiction (1) to consider the environmental effects of off-site transmission lines associated with a nuclear power plant; and (2) to impose conditions concerning the routing, design, and construction of such lines.[1] The argument will be held at 10:00 a.m. on Friday, November 22, 1974, in the Appeal Panel hearing room, fifth floor, East West Towers, 4350 East-West Highway, Bethesda, Maryland. Counsel should arrange to be present in the hearing room no later than 9:45 a.m.

The applicant is allotted one hour for its argument. The AEC regulatory staff and the Michigan Nature Association (MNA) are allotted a total of one hour for their arguments, which is to be equally divided between them unless they agree upon some other division of the time. The Secretary of this Board should be advised by letter, no later than November 15, 1974, of the name(s) of counsel who will present argument on behalf of each of the respective parties.

In their preparation and presentation of oral argument, counsel may assume that the Board will have carefully examined all briefs on file with it and will therefore be familiar with the positions of the respective parties.

Under the schedule established in the Board's order of October 7, 1974, the briefs of the regulatory staff and MNA are due for filing on or before November 8, 1974. The applicant may, if it so desires, file a reply brief on or before November 15, 1974.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74–25420 Filed 10–31–74;8:45 am]

[1] That ruling was referred to us on October 1, 1974 and the reference was accepted in our order of October 7, 1974.

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[Docket No. 50-282]

NORTHERN STATES POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-42, issued to Northern States Power Company, which revised the license for operation of the Prairie Island Nuclear Generating Plant, Unit 1 (the facility), located in Goodhue County, Minnesota. The amendment is effective as of its date of issuance.

The amendment revised the license to incorporate broad possession and use limits for byproducts and special nuclear materials, and the technical specifications to provide clarification necessitated by operating experience during the past year.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 24, September 3, and October 4, 1974; (2) Amendment No. 6 to License No. DPR-42, with any attachments; and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Environmental Library of Minnesota, 1222 S.E. 4th Street, Minneapolis, Minnesota 55414.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 25th day of October 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-25336 Filed 10-31-74;8:45 am]

[Docket Nos. STN 50-508, 50-509]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice and Order for Special Prehearing Conference

In the matter of WPPSS Nuclear Project, Nos. 3 and 5.

Notice is hereby given that, pursuant to the Atomic Energy Commission's notice of hearing on application for construction permits, dated August 9, 1974, and published in the FEDERAL REGISTER on August 23, 1974 (39 FR 30535), and in accordance with § 2.751a of the Commission's rules of practice, 10 CFR Part 2, a special prehearing conference will be held at the Thruston County Courthouse, Eleventh and Capitol Way, Courtroom No. 1, Olympia, Washington 98501, commencing at 1 p.m., local time, on Tuesday, November 19, 1974.

This special prehearing conference will deal with the following matters:

1. Pending petitions for intervention and oppositions and responses thereto filed in this proceeding;
2. Identification of the key issues;
3. Consideration of a schedule for further action; and
4. Such other matters as may aid in the orderly and expeditious conduct of the hearing.

At the special prehearing conference, the Board will entertain oral argument on the pending petition to intervene by Donald F. X. Finn. In connection with said oral argument, the petitioner and counsel for the parties shall address themselves to the matters regarding the basis for intervention, including the matters set forth in § 2.714 of the Commission's regulations.

Members of the public are invited to attend this special prehearing conference, as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this special prehearing conference, but oral or written statements to be presented by limited appearance will not be received at this Conference. The Board will receive such statements at the aforementioned evidentiary hearing.

It is so ordered.

Dated at Bethesda, Maryland, this 25th day of October 1974.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.74-25351 Filed 10-31-74;8:45 am]

[Docket Nos. STN 50-518, etc.]

TENNESSEE VALLEY AUTHORITY

Receipt of Application for Construction Permits and Facility Licenses; Availability of Environmental Report; Submission of Views on Antitrust Matters

The Tennessee Valley Authority (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 13, 1974, for authorization to construct and operate four generating units utilizing four boiling water reactors. The application was tendered on July 1, 1974. Following a preliminary review for completeness, the application [environmental report and site suitability information required for an authorization to conduct certain onsite work in accordance with 10 CFR 50.10(e)] was found to be acceptable for docketing. Docket Nos. STN 50-518, STN 50-519, STN 50-520, and STN 50-521 have been assigned to the application and they should be referenced in any correspondence relating to the application. The Preliminary Safety Analysis Report (PSAR) was also tendered on July 1, 1974. However, it was determined that additional information was required prior to initiation of the review. It is anticipated that the PSAR will be resubmitted by November 11, 1974.

The proposed nuclear facilities designated by the applicant as the Hartsville Nuclear Plant A, Units 1 and 2; and B, Units 1 and 2, are to be located approximately 5 miles southeast of Hartsville in Trousdale and Smith Counties, Tennessee. Each unit is designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1220 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 26, 1974. The request should be filed in connection with Docket Nos. STN 50-518-A, STN 50-519-A, STN 50-520-A, and STN 50-521-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, dated September 10, 1974. The report, which discusses environmental consideration related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Mid-Cumberland Council of Governments, 226 Capitol Boulevard Building, Nashville, Tennessee 37219; and Upper Cumberland Development District, Box 5076, Tennessee Technological University, Cookeville, Tennessee 38501.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 11th day of October, 1974.

ATOMIC ENERGY COMMISSION,
DENNIS M. CRUTCHFIELD,
Acting Chief, Light Water Reactors Projects Branch 2-1, Directorate of Licensing.

[FR Doc.74-24745 Filed 10-24-74;8:45 am]

[Docket Nos. STN 50-502 and STN 50-503]

WISCONSIN ELECTRIC POWER CO., ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report; Submission of Views on Antitrust Matters

Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, and Madison Gas and Electric Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed August 9, 1974, for authorization to construct and operate two nuclear generating units utilizing two pressurized water reactors (the facilities). The application was tendered on May 28, 1974. Following a preliminary review for completeness, the application was found to be acceptable for docketing on July 9, 1974. Docket Nos. STN 50-502 and STN 50-503 have been assigned to the application and should be referenced in any correspondence relating to the application. The proposed nuclear facilities, designated by the applicants as Koshkonong Nuclear Plant, Units 1 and 2, are to be located in Jefferson County, Wisconsin, and each is designed for initial operation at 2785 megawatts thermal with a net electric output of 900 megawatts. The application was filed and is being processed pursuant to the "Duplicate Plant" approach of the Commission's standardization policy for nuclear power plants.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 24, 1974. The request should be filed in connection with Docket Nos. STN 50-502-A and STN 50-503-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Dwight Foster Public Library, 102 Milwaukee Avenue, East, Fort Atkinson, Wisconsin 53538.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, and environmental report dated September 6, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the State Clearinghouse, Bureau of Planning and Budget, Department of Administration, 1 West Wilson, State Office Building, Madison, Wisconsin 53702.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 10th day of October, 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-24637 Filed 10-24-74;8:45 am]

[Docket No. 50-315]

INDIANA AND MICHIGAN ELECTRIC CO. INDIANA AND MICHIGAN POWER CO.

Issuance of a Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-58 to Indiana and Michigan Electric Company and Indiana and Michigan Power Company authorizing fuel loading and subcritical testing of the Donald C. Cook Nuclear Plant, Unit 1, in accordance with the provisions of the license and the Technical Specifications. The Donald C. Cook Nuclear Plant, Unit 1, is a pressurized water nuclear reactor, designed for operation at 3250 megawatts thermal, and located at the licensee's site in Berrien County, Michigan.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire one year from date of issuance.

A copy of (1) Facility Operating License No. DPR-58, complete with Technical Specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated October 17, 1973; (3) the Directorate of Licensing's Safety Evaluation dated September 20, 1973, and supplements thereto; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicant's Environmental Report dated February 1971, and supplements thereto; (6) the Draft Environmental Statement dated December 1972; and (7) the Final Environmental Statement dated August 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the St. Joseph Public Library, 500 Market Street, St. Joseph, Michigan 49085. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 25th day of October 1974.

For the Atomic Energy Commission.

KARL KNEIL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-25493 Filed 10-31-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-10-128; Docket 27044; Docket 22859]

FLYING TIGER LINE, INC.

Order of Suspension Regarding Proposed Increased Air Freight Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of October, 1974.

By tariff revisions marked to become effective November 3, 1974, The Flying Tiger Line Inc. (Tiger) proposes to increase its bulk and container rates and charges typically as follows:

[In percent]

Mileage Block	General commodity rates		Specific commodity rates
	Westbound	Eastbound	
Under 1,000	11.1	11.1	10
1,000 to 1,800	7.4	10.2	10
1,801 and over	5.0	8.8	10

Bulk minimum charges per shipment are to be increased in general according to the above percentages. The carrier is also proposing to cancel certain specific commodity rates, most of which are alleged to account for little traffic.

In support of its proposal, Tiger asserts, inter alia, that the proposed rates will generate an estimated $6.4 million over the following 12 months, but will result in an operating profit of only $7.8

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million, which would still be more than $3.1 million short of that required to earn a 10.7 percent after-tax return on calendar year 1974 investment; that the purpose of the proposal is to obtain needed revenues to offset fuel and other inflationary costs; that the carrier has a serious and immediate need for additional air freight revenues underscored by the fact that its domestic net operating profit for the 12 months ended June 30, 1974, dropped to only $862,000, as compared to the 12 months ended December 31, 1973, when it earned $9.1 million; and that it has been seriously hurt by the Board's suspension of earlier proposed increases which have cost it as much as $4.5 million in otherwise obtainable revenues.

The carrier adds that it has reexamined the Bureau of Economics' costing formula, as submitted in Docket 22859, to determine the scope of rate increases which should be properly permitted on the assumption that the Board will rely upon such formula. Tiger states that in doing so it is guided by the Board's prior practice under similar circumstances in regulation of passenger fares in Order 73–11–93; that the costing formula underlying the Board's freight rate decisions has been based upon carrier 1974 forecasts in Docket 22859 adjusted only for experienced fuel cost increases; and that these 1974 forecasts grossly understate the cost increases actually experienced by the carriers in 1974.

A complaint has been filed by the Western Growers Association[1] (WGA) requesting that the proposed increases be "denied or in the alternative that it be modified to a minimum pending reconsideration." The complainant alleges, inter alia, that the method of application by use of a sliding scale on general commodities and a flat percentage on specific commodities sets apart these classes of shippers; that the increased rates represent an undue and unreasonable burden upon eastbound shippers, particularly shippers of perishable commodities; that air freight charges constitute a large percentage of the delivered price of fresh produce and this increase will also be passed on to the consumer; and that past increases, coupled with the increasing difficulty shippers experience in locating sufficient available air cargo space for fresh produce, have resulted in and will continue to result in the diversion of this traffic from air freight to surface transport.

In answer to the complaint, Tiger asserts that there is no reference anywhere in the complaint to particular specific commodity rates complained against; that the complainant takes no account that Tiger exempted numerous produce rates from the instant increase; that because the percentage increases adopted for specifics are applied to rates lower than the general commodity level, the actual dollar amount of the increase per weight unit is considerably less than the increases applied to general-commodity-rated traffic; that strawberries and other perishable commodities already move at rates significantly below those applicable to other commodities; that, absent any specific data with respect to the actual effect of increased air freight rates on the delivered price of produce, air freight volumes, or shipper profit margins, no weight can be given to WGA's impact arguments in light of the historical record; and that it would not be in the public interest for air carriers to continue to absorb cost increases applicable to costs of carrying produce when shippers of other commodities are required to bear their share of the increased burden.

The proposed rates come within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The chief thrust of Tiger's argument, as indicated above, is that the Board's cost standards, used as a basis for its suspension actions, do not properly reflect recent cost increases particularly in capacity costs other than fuel.[2] The carrier supports this contention by presenting data purporting to show increases in capacity costs other than fuel for domestic all-cargo services of the major cargo carriers. These data indicate an average increase in unit non-fuel capacity costs of 17.3 percent between those forecasted by the carriers in the Domestic Air Freight Rate Investigation (DAFRI) for 1974 (used as a basis for the determination of rates) and those based on reported costs for the first six months of 1974.

The cost schedule advocated by Tiger would exceed the costs relied upon by the Board, reflecting fuel prices as of August 1974, by varying amounts, depending upon the size of shipment as well as the length of haul. For a 100-pound shipment, for example, the increases would range between 2.5 percent for a 100-mile haul and 4.8 percent for a 2,700-mile haul. For a 1,000-pound shipment, Tiger's proposed cost schedule would exceed the Board's cost standards by percentages ranging from 3.4 percent at a haul of 100 miles to 5.4 percent at a 2,700-mile haul. At an average freight haul of approximately 1,100 miles, Tiger's proposed costing would exceed the Board's cost standards by between 3.8 percent for a 100-pound shipment and 4.6 percent at 1,000 pounds.

Tiger's analysis, however, gives no weight to improvements in productivity recently enjoyed by the carriers. Thus, load factors have increased significantly in the past several years. The average load factor in domestic all-cargo operations for all carriers in 1972, 51.7 percent, rose to 55.8 percent in 1973 and reached over 57 percent for the first six months of 1974. Load factors in the cargo compartments for wide-bodied aircraft have similarly risen substantially. For example, the belly-load factors for B–747 aircraft (assuming baggage capacity excluded on an actual load-factor basis) rose from 16.2 for calendar 1972 to 19.5 percent for the 12 months ended March 31, 1974, an increase of over 20 percent. These increases, by spreading capacity costs over more ton-miles, tend to offset higher material prices and wage rates.

In addition, the carriers have been able to produce more available ton-miles for each gallon of fuel consumed. For example, for all types of aircraft in domestic operations, the trunks reported 4.71 available ton-miles per gallon of fuel consumed, 6.6 percent above the figure for the comparable period for 1973. For all-cargo aircraft alone, the available ton-miles reported for the first quarter of 1974 amounted to 8.68 per gallon of fuel, 9.7 percent above the first quarter of the previous year.

Furthermore, Tiger's analysis gives no consideration to the operations of other than all-cargo aircraft in spite of the fact that approximately half of the total freight ton-miles transported domestically are carried on mixed-service aircraft. Many communities do not and have never received all-cargo service.

The cost standard used by the Board in evaluating, pending the decision in the DAFRI, the rate increases recently proposed by the carriers, consider both all-cargo and mixed-service aircraft. We do not intend to depart from these standards in evaluating Tiger's current proposal.

In considering Tiger's proposal, the Board has estimated the domestic costs of transporting freight during the first six months of 1974 from data reported by the carriers to the Board in their Form 41 reports. These indicate that freight operating expenses per revenue ton-mile exceeded those forecast by the carriers for 1974 in the DAFRI by only 4.2 percent.[2a] It should be noted, however, that the Board's suspension actions have been based upon the carrier's 1974 forecast costs increased by the latest fuel costs available, in addition to an adjustment for additional expenses for on-line connections amounting to approximately 2 percent. These increases, including the latter adjustment, have resulted in raising the forecast costs for 1974 by varying amounts, depending upon distance and size of shipment. At approximately the average haul of 1,100 miles, the increase reflecting the August 1974 fuel price was 8.4 percent for a 100-pound shipment and 10.3 percent for a 1,000-pound shipment. For a 100-pound shipment, the increases including the average fuel price as of August 1974 range from 3.2 percent at a 100-mile haul to 12.9 percent at 2,700 miles. For a 1,000-pound shipment, the increases vary between 4.3 percent at 100 miles and 14.8 percent at 2,700 miles. Inasmuch as the average cost increase of 4.2 percent referred to above reflects the average increase in fuel prices during the first half of 1974, it is not inconsistent with the average percentage increases in costs above 1974 considered by the Board.

Among the contentions presented by Tiger is that the carriers' 1974 forecast unit costs represented only an increase of 1.5 percent over the 1972 base period, while both the wholesale and consumer price indices rose by 30.1 and 16.2 percent, respectively, between 1972 and 1974. It appears to us, however, that such a comparison is of little validity. As the Board stated in its decision in Docket 25315, Airport Security Charges Proposed by Various Scheduled Air Carriers, "Price indices which show the overall inflationary trends in the economy are simply not probative of airline costs in general or of specific areas of airline costs" (footnote omitted), Order 74–9–82, September 23, 1974, at pages 7 and 8.

In sum, the Board has reviewed the cost criteria used in evaluating suspension issues,[3] including on-line connecting costs and recent fuel price increases, and a full return on investment, in the light of the most recent reported domestic carrier costs. The Board concludes that such costs reasonably approximate the current costs of carrying domestic freight, giving consideration to increased productivity. Based upon these criteria, a significant number of Tiger's proposed rates and charges are excessive in relation to costs. The rates found to exceed costs are both eastbound and westbound and vary by market, weight-break, or container type. In addition, all increases in premium rates on human remains should be suspended.

With respect to WGA's complaint, it has not advanced any valid reason for our differentiating between the carrier's proposals for the commodities of interest to WGA and other commodities.[4] The rates for fruits and vegetables, especially eastbound, have been, and will continue to be, lower than those for most other commodities. Furthermore, the Board has stated that it normally leaves the offering and justification of specific commodity rates to the carriers' initiative.[5]

In dismissing the WGA complaint in this instance, we note that the proposed increases for fruits and vegetables amount to 10 percent, only slightly above the 8.8 percent increase proposed for eastbound general commodity rates for hauls above 1,800 miles. (Eastbound increases for shorter-haul general commodity rates would amount to between 10.2 and 11.1 percent, depending upon length of haul.) Furthermore, most fruit and vegetable rates will continue to enjoy discounts of between 30 and 50 percent below general commodity rates.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it applies to such rates as set forth in detail in Appendix A, should be suspended. The remaining portions of the proposal, including the increased bulk minimum charges per shipment and the cancellation of numerous specific commodity rates and charges, appear sufficiently related to costs that the Board will permit them to become effective.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered that: 1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A hereto are suspended and their use deferred to and including January 31, 1975, unless otherwise ordered by the Board, and that no change be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of the Western Growers Association in Docket 27044 is dismissed; and

3. Copies of this order shall be filed with the tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

APPENDIX A

TARIFF CAB NO. 169, ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

1. All increased general commodity (GEN) rates from the point in Column A to the point(s) in Column B subject to the minimum weight(s) in pounds shown in Column C on the pages listed in Paragraph 4.

Column A	Column B	Column C
BGM	BOS, BUF, ORD, CLE, DET, BDL, MKE, NYC, PHL, SYR.	100.
BGM	LAX, PDX	100, 1000, 2000, 3000.
BGM	SFO	3000.
BGM	SEA	100, 2000, 3000.
BOS	BGM, BUF, CLE, DET, BDL, NYC, PHL, SYR	100.
BOS	ORD, MKE	100, 200, 1000, 2000, 3000.
BOS	LAX	2000, 3000.
BOS	PDX	100.
BOS	SFO, SEA	3000.
BUF	BGM, ORD, CLE, DET, BDL, MKE, NYC, PHL, SYR.	100.
BUF	LAX, PDX, SFO, SEA	100, 1000, 2000, 3000.
ORD	BGM, BUF, CLE, DET, MKE, SYR	100.
ORD	BOS	100, 200, 1000, 2000, 3000.
ORD	BDL, NYC	100, 200, 1000, 2000.
ORD	LAX, PDX, SFO, SEA	100, 1000, 2000, 3000.
ORD	PHL	1000.
CLE	BGM, BOS, BUF, ORD, DET, BDL, MKE, NYC, PHL, SYR.	100.
CLE	LAX, PDX, SFO, SEA	100, 1000, 2000, 3000.
DET	BGM, BOS, BUF, ORD, CLE, BDL, MKE, PHL, SYR.	100.
DET	LAX, PDX, SFO	100, 1000, 2000, 3000.
DET	SEA	100, 1000, 2000.
BDL	BGM, BOS, BUF, CLE, DET, NYC, PHL, SYR	100.
BDL	ORD, MKE	100, 200, 1000, 2000.
BDL	LAX, PDX	100, 2000, 3000.
BDL	SFO, SEA	3000.
LAX	BGM, MKE, SYR	100, 200, 1000, 2000.
LAX	BOS, BUF, ORD, CLE, BDL, NYC, PHL, PDX, SEA	100, 200, 1000, 2000, 3000.
LAX	DET	100, 1000, 2000.
MKE	BGM, BUF, ORD, CLE, DET	100.
MKE	BOS	100, 200, 1000, 2000, 3000.
MKE	BDL, NYC, SYR	100, 200, 1000, 2000.
MKE	LAX, PDX, SFO, SEA	100, 1000, 2000, 3000.
MKE	PHL	100, 200, 1000.
LAX	SFO	100.
NYC	BGM, BOS, BUF, CLE, DET, BDL, PHL, SYR	100.
NYC	ORD, MKE	100, 200, 1000, 2000.
NYC	LAX	100, 2000, 3000.
NYC	PDX, SEA	100, 1000, 2000, 3000.
NYC	SFO	3000.
PHL	BGM, BOS, BUF, CLE, DET, BDL, NYC, SYR	100.
PHL	ORD, MKE	100, 200, 1000.
PHL	LAX, PDX, SEA	100, 1000, 2000, 3000.
PHL	SFO	100, 2000, 3000.
PDX	BGM, BUF, ORD, CLE, DET, LAX, MKE, SYR	100, 200, 1000, 2000.

[1] The Western Growers Association is an association of growers and shippers of fresh fruits and vegetables including strawberries. The commodities grown and marketed by WGA members are shipped from origins in the States of California and Arizona to destinations throughout the country.

[2] Tiger asserts that fuel prices increased by 93.6 percent between the average for the year ended June 1973 and the month of June 1974. This is precisely the figure used by the Board in adjusting costs for recent fuel prices through the latter month. In fact, the Board increased the costs to reflect August 1974 fuel prices, which reflect even larger increases. Tiger asserts that no recent increases in non-capacity costs should be considered, inasmuch as management controls should keep such costs from rising.

[2a] See Appendix B.

[3] In Order 74–7–120, dated July 26, 1974, the Board sets forth in some detail the bases for use of the costing methodology in evaluating tariff increases pending final decision in the DAFRI. These bases are equally applicable herein and will not be repeated.

[4] We are suspending, however, certain eastbound rates on fruits and vegetables inasmuch as they exceed our cost criteria.

[5] In its decision in Docket 22157, United Air Lines, Inc., Specific Commodity Rates on Periodicals, Floral Products, and Seafood, Order 72–11–78, November 20, 1972, the Board stated, "Because of their inherently preferential nature, the Board does not normally require carriers to publish SCR's, but leaves the offering and justification of SCR's to the carriers' initiative. Once a carrier institutes a particular SCR, it is still afforded a fairly broad area of discretion in revising such rates between the parameters of fully-allocated and incremental costs, subject to the Board's review."

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Column A	Column B	Column C
PDX	BOS, BDL, NYC, PHL	100, 200, 1000, 2000, 3000.
PDX	SFO, SEA	100.
SFO	BGM	100, 2000, 3000.
SFO	BOS, BDL, PHL	100, 1000, 2000, 3000.
SFO	BUF, ORD, CLE, MKE	100, 200, 1000, 2000.
SFO	DET	100, 1000, 2000.
SFO	NYC, SYR	100, 200, 1000, 2000, 3000.
SFO	LAX, PDX	100.
SFO	SEA	100, 200, 1000.
SEA	BGM, BUF, CLE, DET, LAX, MKE	100, 200, 1000, 2000.
SEA	BOS	100, 1000, 2000, 3000.
SEA	ORD, BDL, NYC, PHL	100, 200, 1000, 2000, 3000.
SEA	PDX	100.
SEA	SFO	100, 200, 1000.
SEA	SYR	200, 1000, 2000.
SYR	BOS, BUF, ORD, CLE, DET, BDL, NYC, PHL	100.
SYR	LAX, PDX	100, 1000, 2000, 3000.
SYR	MKE	100, 200, 1000, 2000.
SYR	SFO	1000, 2000, 3000.
SYR	SEA	100, 2000, 3000.

2. All increased rates stated to apply from the point in Column A to the point(s) in Column B on the "SCR" number shown in Column C subject to the minimum weight(s) in pounds shown in Column D on the pages listed in Paragraph 4.

Column A	Column B	Column C	Column D
BOS	ORD	3661000	500.
ORD	LAX	3651216	100, 1000.
ORD	LAX, SFO	3661000	500, 1000, 2000, 3000, 5000, 10000.
LAX	BOS	0120000	500, 1000.
LAX	BOS	0122310, 0123003, 0130000, 2741000, 3678000	500.
LAX	BOS	3300000	500, 1000, 2000, 3000, 5000, 10000.
LAX	BOS	3641000	500, 1000, 3000.
LAX	BOS	3651100, 3651200, 3651300	500.
LAX	ORD	0123100, 2300000, 3300000, 3589000, 3630000, 3678000, 3861315, 3941000, 3949000.	500.
LAX	CLE	2389000, 3141000, 3300000, 3589000, 3678000, 3949000.	500, 1000, 2000.
LAX	CLE	2831000	500.
LAX	CLE	3941000	500, 2000.
LAX	DET	0120000	500.
LAX	NYC	0122310, 0123100, 0123003, 0130000, 0139800, 2999500, 3611000.	500.
LAX	NYC	3071000, 3300000	500, 1000, 2000, 3000, 5000.
LAX	NYC	3589000, 3652132, 3861315, 3949000	500, 1000, 2000, 3000.
LAX	PHL	0122000, 0122310, 0123003, 2831000, 3678000	500.
LAX	PHL	2741000, 3300000, 3428173, 3500000, 3600000	500, 1000, 2000.
LAX	PHL	3574111	500, 1000.
PHL	LAX, SFO	4111700	2000.
PDX	BOS	0661400	1000.
PDX	BOS	3641000	500.
SEA	BOS	019115	1000, 2000.
SEA	ORD	2389000, 3141000	500.

3. All increased rates and provisions applicable thereto on the pages listed in Paragraph 4 below insofar as they would be used in determination of rates and minimum charges in conjunction with exception ratings to general commodity rates named in Item No. 340 on behalf of "FT."

4. Pages which contain rates and charges and provisions suspended in Paragraphs 1, 2 and 3 above:

20th, 21st, and 22d revised pages 614-A
20th, 21st, and 22d revised pages 618-B
25th and 26th revised pages 619
25th and 26th revised pages 620
31st, 32d, and 33d revised pages 621
31st, 32d, and 33d revised pages 622
24th, 25th, and 26th revised pages 623
24th, 25th, and 26th revised pages 624
30th, 31st, and 32d revised pages 625
30th, 31st, and 32d revised pages 626
37th, 38th, 39th, 40th, and 41st revised pages 627
37th, 38th, 39th, 40th, and 41st revised pages 628
27th, 28th, and 29th revised pages 629
27th, 28th, and 29th revised pages 630
30th revised page 631
30th revised page 632
26th and 27th revised pages 633
26th and 27th revised pages 634
29th and 30th revised pages 635
29th and 30th revised pages 636
28th and 29th revised pages 637
28th and 29th revised pages 638
25th, 26th, and 27th revised pages 639
25th, 26th and 27th revised pages 640
32d and 33d revised pages 641
32d and 33d revised pages 642
30th and 31st revised pages 643
30th and 31st revised pages 644
27th, 28th, 29th, 31st and 32d revised pages 645
27th, 28th, 29th, 31st, and 32d revised pages 646
29th, 30th, and 31st revised pages 647
29th, 30th, and 31st revised pages 648

All rates and charges on the following pages which are reissues of rates and charges suspended on the pages above:
33d revised page 645
33d revised page 646

TARIFF C.A.B. NO. 227, ISSUED BY AIRLINE TARIFF PUBLISHERS, INC., AGENT

1. All increased general commodity (GEN) rates and charges from the point in Column A to the point(s) in Column B on the container type(s) specified in Column C on the pages listed in Paragraph 3. (MW 3200) used in Column C denotes minimum weight 3200 pounds only.

Column A	Column B	Column C
BGM	BUF, ORD, MKE, SYR	D
BGM	LAX	B, D
BGM	PDX	A1, A2, A3, B, B2, D
BGM	SFO, SEA	B, B2, D
BOS	ORD	A1, A2, A3, B, B2, D
BOS	DET, BDL	D
BOS	LAX, PDX, SFO, SEA	B, B2, D
BOS	MKE	A1, A2, A3, B, B2, D
BUF	BGM, SYR	D.
BUF	LAX, PDX, SEA	B, B2, D
BUF	SFO	B2, D
ORD	BGM, BDL, MKE, PHL	D
ORD	BOS, SFO, SEA	A1, A2, A3, B, B2, D
ORD	LAX	A1 (MW3200), A2 (MW3200), A3 (MW3200), B, B2, D
ORD	PDX	A1, A2 (subject to NOTE "a" only), A3, B, B2, D
CLE	DET, LAX, PDX, SFO, SEA	B, B2, D
DET	BOS, CLE, SFO, SEA	D
DET	LAX, PDX	B, B2, D
BDL	BOS, ORD, MKE, NYC	D
BDL	LAX, SFO	B, B2, D
BDL	PDX, SEA	B, B2, D, FTC
LAX	BGM, CLE, NYC, PHL, PDX, SEA, SYR	D
LAX	BOS, BDL	B, B2, D
MKE	BGM, ORD, BDL, PHL, SYR	D
MKE	BOS, LAX, SFO	A1, A2, A3, B, B2, D
MKE	PDX	A1, A2, A3, B, B2, D, FTC
MKE	SEA	D, FTC
NYC	ORD, BDL, PHL	D
NYC	LAX, SFO, SEA	B, B2, D
NYC	PDX	B, B2, D, FTC
PHL	ORD, MKE, NYC	D
PHL	LAX, SFO, SEA	B, B2, D
PHL	PDX	B, B2, D, FTC
PDX	BGM, LAX, PHL, SEA, SYR	D
PDX	BOS, BDL, NYC	B, B2, D
SFO	BGM, BOS, BDL, NYC	B, B2, D
SFO	ORD, CLE, SEA, SYR	D
SFO	MKE	A1, A2, A3, B, B2, D
SFO	PHL	B, B2
SEA	BGM, BOS, BUF, BDL, NYC, PHL, PDX, SFO, SYR.	D
SYR	BGM, BUF, ORD, MKE, SFO	D
SYR	LAX	B, D
SYR	PDX	A1, A2, A3, B, B2, D
SYR	SEA	B, B2, D

2. All increased rates and charges stated to apply from the point in Column A to the point in Column B on the "SCR" number shown in Column C on the container type specified in Column D on the pages listed in Paragraph 3.

COLUMN A	COLUMN B	COLUMN C	COLUMN D
BOS	ORD	0192940	A2
BOS	ORD	3671725	D
ORD	NYC	3652130	D
LAX	BOS, ORD	2389900	LN
LAX	PHL	2831192	A2
LAX	PDX	2741742	A2
PHL	LAX, SFO	4111700	A2
SEA	BOS	3585721	A2
SEA	ORD, BDL, NYC, PHL	3339972	A2

3. Pages which contain rates and charges suspended in Paragraphs 1 and 2 above:

7th revised page 159.
7th revised page 160.
9th revised page 161.
9th revised page 162.
7th revised page 163.
7th revised page 164.
8th and 9th revised pages 165.
8th and 9th revised pages 166.
7th revised page 167.
7th revised page 168.
9th, 10th, and 11th revised pages 169.
9th, 10th, and 11th revised pages 170.
9th and 11th revised pages 171.
9th, 10th, and 11th revised pages 172.
6th and 7th revised pages 173.

EXPLANATION OF ABBREVIATIONS USED IN THIS APPENDIX

BGM	Binghamton	MKE	Milwaukee
BOS	Boston	NYC	New York/Newark
BUF	Buffalo	PHL	Philadelphia
ORD	Chicago	PDX	Portland, Oregon
CLE	Cleveland	SFO	San Francisco/Oakland
DET	Detroit	SEA	Seattle/Tacoma
BDL	Hartford	SYR	Syracuse
LAX	Los Angeles		

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APPENDIX B
TOTAL OPERATING EXPENSES AND EXPENSES ASSIGNED TO FREIGHT DOMESTIC SCHEDULED OPERATIONS, TRUNKS AND FLYING TIGER FORECAST 1974 AND ACTUAL JANUARY–JUNE 1974

Item	Forecast Calendar 1974 [1]	Actual Jan.–June 1974	Percent change over forecast 1974 (percent)
Total traffic:			
Capacity Costs ($000):			
Passenger Combination:			
Actual	$5,152,659		
Adjusted for standard LF [2]	$4,763,727		
All cargo	$217,924		
Total	$4,981,651		
Non-capacity Costs ($000)	$3,128,220		
Total Operating Costs ($000)	$8,109,871	[3] $4,422,418	
Total RTM's (000,000)	14,503	[3] 7,610	
Total Operating Costs per RTM (cents)	55.92 (cents)	58.11 (cents)	+3.92
Total Operating Costs Assigned to Freight ($000)	$700,028	[3] $340,084	
Percent of Costs Assigned to Freight	8.63%	[4] 7.69%	−10.90
Freight RTM's (000,000)	2,703	[3] 1,302	
Freight Operating Cost per RTM (cents)	25.07	26.12	+4.19
Freight as Percent of Total RTM's	19.26%	17.11%	−11.16

[1] Includes both scheduled and unscheduled operations. The latter comprised only 1.93 percent of total revenue ton-miles of all types of traffic, and 0.17 percent for freight alone.
[2] Adjustment for standard load factor, −7.55% (BE–D–4003).
[3] Obtained by multiplying total operating costs by 7.69 percent, the percent of total operating costs assigned to freight.
[4] Percent of costs assigned to freight in forecast 1974, 8.63%, reduced by the percent reduction in the percent of freight revenue ton-miles between forecast 1974 and actual first 6 months of 1974, 17.16 percent, as compared to 19.26 percent, or a reduction of 10.9 percent.
* Source: BE exhibits in Docket 22859.
** Source: Form 41 reports.

[FR Doc.74-25239 Filed 10-31-74;8:45 am]

[Order 74-10-106; Docket 26494; Agreement C.A.B. 24623 R-1 through R-40]

NORTH AND MID-ATLANTIC PASSENGER FARES

Notice of Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of October, 1974.

By Order 74-9-21, the Board established procedural dates for the receipt of carrier justification, comments and/or objections by interested persons, and reply comments, on an agreement of the carrier members of the International Air Transport Association (IATA) which would establish North and Mid-Atlantic passenger fares for the period November 1, 1974 through March 31, 1976.

Generally speaking the agreement would increase all current fares by amounts ranging from 3.6 percent for the shoulder-season normal economy fare to more than 19 percent for the winter affinity-group fare. The 14/21-day and 22/45-day excursion fares would be increased on the order of 7.5 percent and 18.0 percent, respectively.[1] The agreement also proposes a new, advance-purchase excursion (APEX) fare at levels essentially at the present 22/45-day excursion fare. Reservations and full payment (subject to a 25 percent charge for cancellation prior to departure) would be required two calendar months before departure; a minimum/maximum stay of 22/45 days would apply; no stopovers would be permitted; and sales would be limited to 20 percent of each carrier's weekly economy-class capacity between any two points.[2]

The agreement includes, as a recommended practice rather than a binding agreement, the minimum charter rate structure tentatively agreed to at the Ft. Lauderdale meeting of North Atlantic Charter Fare Conference this June.[3] This agreement has not been finalized and the agreement on fares for scheduled service here before us includes an escape clause providing for a special IATA meeting to determine whether the package should become effective in this event.

Certain amendments in conditions applicable to various fares are also proposed. The minimum group size for the all-year 14/21-day group inclusive tour (GIT) fare would be reduced from 15 to 10 persons, and the minimum tour price increased from $100 to $120 for the first 14 days, and from $7 to $10 per day thereafter.[4] Youth fares from Canada to Europe would be retained, but a new residence requirement would exclude holders of U.S. passports from use of these fares during the peak season (with the exception of those who present either an official Canadian Immigrant Visa or Student Visa, or documentary evidence of at least three months' residence in Canada). Finally, the agreement includes a new 4/9-day incentive group fare to Israel at New York/Boston-Tel Aviv levels of $461 winter, and $517 shoulder, applicable for groups of at least 80 passengers.

With respect to Mid-Atlantic fares, the agreement proposes a general increase of five percent effective November 1. Fares between the Western Hemisphere and Traffic Conference 3 (Asia/Australia/Pacific) via Europe, Africa or the Middle East are proposed to be increased seven percent.

Statements of justification and supporting data have ben submitted by National Airlines, Inc. (National), Pan American World Airways, Inc. (Pan American) and Trans World Airlines, Inc. (TWA). Comments and/or objections to the agreement have been filed by Northwest Airlines, Inc. (Northwest), member carriers of the National Air Carrier Association (NACA),[5] Saturn Airways, Inc. (Saturn), Overseas National Airways, Inc. (ONA), and by Donald L. Pevsner, Esq. The Department of Transportation (DOT) submitted a motion to file an otherwise unauthorized document to which it attaches its comments.[6] Reply comments have been filed by TWA.

Carrier justification. All three U.S. carriers project significant increases in passenger revenue for 1975 under the proposed agreement compared with the results anticipated if status quo fares were retained. National, Pan American, and TWA indicate that the proposed agreement would bring about an improvement in operating results of $.3 million, $22.8 million, and $26.4 million, respectively, and would produce rates of return on investment of 19.4 percent, 1.0 percent and (0.4) percent. Traffic, on the other hand, is expected to decline (1.5 percent, 2.3 percent and 2.8 percent) under the proposed fares compared with the anticipated results under status quo fares.

In their accompanying comments, Pan American and TWA both contend that the agreement generally meets the objectives of the Board as stated in its policy statement issued prior to the Fort Lauderdale IATA Conference in June 1974. The agreement would introduce a new 22/45-day advance-purchase excursion fare for individual travel, whereas historically the lowest fares have been available only for group travel, the level of which is higher than the present 22/45-day excursion fare and the availability

[1] Present and proposed fares for New York-London travel are detailed in Appendix A.

[2] Sales would additionally be limited to 50 percent of the economy class capacity of the aircraft, or 80 seats, whichever is greater.

[3] For U.S.-originating charters, the minimums (net price to carrier) range from 2.8 cents to 4.1 cents per seat-mile depending on the season and particular aircraft configuration. The public selling price would be based on a 5.26 percent markup in the case of affinity/own use/incentive type charters, and a 25 percent markup based on the rate for aircraft having less than 230 seats in the case of ABC/TGC charters.

[4] In the case of the 7/8-day Winter GIT, the maximum-stay period would be extended to 10 days for traffic originating at U.S. west coast points.

[5] On behalf of Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc. and World Airways, Inc.

[6] DOT's motion will be granted.

of which is so restricted that fewer passengers will use the fare than has been the case in the past with the lowest promotional fare. Increases in other fares in the structure, the carriers contend, comply with the Board's objectives in terms of being more cost related while at the same time reducing significantly the spread between normal economy fares and discount fares.

TWA indicates that experiments such as merger of the 14/21-day and 22/45-day excursion fares and elimination of the group inclusive tour fares as mentioned in the Board's policy statement would severely handicap the U.S.-flag carriers' efforts to improve their financial position since a significant portion of the traffic would be subjected to very large fare increases with a consequent adverse impact on the market.

Pan American alleges that the revenue improvement which would result from this agreement represents the maximum amount of profit improvement feasible at the present time. Approval of the agreement will permit Pan American to make important strides in reducing its operating loss, although it will still fall short of enabling the carrier to reach an operating breakeven result. In view of the overall economic situation, prior fare increases this year, the charter-scheduled carrier competitive environment, and recent disappointing declines in traffic, additional relief through fare increases is not a realistic possibility in the immediate future on the Atlantic. Further profit improvement, the carrier contends, must come from the elimination of excess capacity and discriminatory practices against U.S.-flag carriers.

Comments. Northwest suggests that the ticketing and reservations procedures associated with the APEX fare will require special handling and expense for the domestic carriers selling this fare. Because there are no provisions for the pro-ration of the 25 percent nonrefundable deposit, the domestic-selling carrier could be involved in a great deal of time and expense with no reimbursement in the event of passenger cancellation. Northwest urges the Board to condition approval of the agreement so that carriers not engaged in transatlantic air travel be precluded as the ticketing or reservation-making carrier. Under the terms of the Northwest proposal, the passenger would make his reservation and be ticketed by a travel agent or a transatlantic carrier, and the latter would in turn make the reservation on the domestic carrier. Such a procedure, Northwest contends, would insure that the domestic market does not incur expenses attributable to transatlantic carriage.

Donald L. Pevsner opposes the agreement. Mr. Pevsner contends that the significant increase in the 22/45-day excursion fare cannot begin to be justified by the rising cost of fuel. The net result of the agreement, Mr. Pevsner alleges, is to limit the passenger who cannot afford high transatlantic fares to an extremely restrictive APEX fare at essentially the level of today's 22/45-day excursion fare. It is therefore highly probable that a large percentage of this market will simply forego transatlantic travel. Mr. Pevsner poses the question as to whether an empty seat is preferable to the present uneconomic 22/45-day excursion fares. With reference to the residence requirement proposed for youth fares out of Canada, Mr. Pevsner contends that this is a noxious and unwarranted interference with the freedom of a U.S. air traveler who otherwise meets the requirements of these fares. If the carriers believe these fares to be uneconomic, they should be wholly discontinued. The carriers are obviously making money with these fares, Mr. Pevsner contends; since they are being continued and accordingly they should not be denied to U.S. residents. Mr. Pevsner concludes that if the desired economic turnaround is not produced by raising the fares again and again, the entire fare structure should be revised to achieve uniform equity.

NACA directs its comments to the inclusion of passenger charter rates in an IATA fare agreement albeit on a recommended basis and principally for the purpose of establishing an escape resolution. NACA urges that the Board make clear that approval of the resolutions would not in any respect constitute a precedent for the adoption of charter rate agreements at IATA traffic conferences, from which charter-only airlines are excluded.

Saturn is concerned with any attempt by the Board, through approval of the IATA agreement or by other means, to impose upon the supplemental carriers the charter rates contained in the Recommended Practice. This concern is heightened by the proposed level and conditions on the APEX fares, which are designed to compete directly with charters and which Saturn contends smack strongly of "part charters." It is contended that the low level of these fares (which are discounted from 43 to 46 percent below economy fares), coupled with capacity limitations which will permit substantial use, could lead to unfair competitive practices through various merchandising techniques, violations of the Federal Aviation Act, and extreme damage to the supplementals.[1] ONA expresses similar concern about the capacity aspects of the proposed APEX fares.

DOT recommends the agreement be approved by the Board as it should improve both TWA's and Pan American's financial posture. DOT has reservations as to whether stopover charges properly reflect carrier costs for such service pointing out the failure of the carriers to address this question. DOT suggests that the Board condition its approval to require that, where applicable, stopover charges be increased to $30 in order to compensate carriers more appropriately for the cost of providing service.

Replies. TWA has replied to the comments of NACA, ONA, Saturn, and Donald L. Pevsner, urging that the Board reject the relief requested. In responses to NACA's comments, TWA indicates that the agreement is premised on the establishment of a meaningful charter floor, in the absence of which scheduled carriers will be forced to lower promotional fares to preclude further traffic diversion to the supplemental charter carriers and minimize financial losses during 1975. Saturn's assertion that the APEX fares smack strongly of "part charter," TWA contends, is utterly false. TWA states that the APEX fares are not group fares but individual fares, established at higher levels than the 1974 22/45-day excursion fares and more restrictive in their application than previous promotional fares. With reference to the employment of "bait and switch" tactics by IATA carriers, TWA contends that illegal practices can develop under any fare structure and be pursued by any class of carriers. If, in fact, such practices did develop, the Board has at its disposal the power to correct the situation. Regarding the question of APEX capacity to be made available, TWA reiterates that the 20 percent seat limitation restricts availability to significantly fewer passengers than have historically used the lowest promotional fares. Finally, TWA contends in response to Mr. Pevsner that the increased fares merely reflect cost increases to which the carriers have been subjected in the past year, and that the residence requirement attached to the Canadian youth fares is required to reduce the severe diversion the U.S. carriers suffered during the past year.

Findings. Prior to the June 1974 meeting of the IATA carriers to negotiate North Atlantic air fares for the period commencing November 1, 1974, the Board detailed a list of nine priorities which it considered necessary to arrive at an economic fare structure. We had hoped that similar views, at least with regard to obtaining a cost-oriented fare structure although not necessarily complying with all of our suggestions, would be shared by other governments. However, the ultimate agreement reached and the conference documents available to the Board appear to indicate that once again the diverse views of carriers with varying interests were such as to create an agreement which is essentially designed to meet low-priced charter competition and does not provide for the major restructuring of fares that this government seeks to achieve—fares responsive to the costs of providing the service. The agreement before us does accomplish in small measure some of our stated objectives. But simplification of the fare structure, reasonable stopover charges on economy-class fares, elimination of discounts for inclusive tour travel not justified by demonstrated cost savings, and elimination of group-travel

[1] Saturn alleges that the scheduled carriers have the ability to use bait and switch tactics (switching charter groups to discount scheduled fares) to the detriment of the supplementals.

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discounts where carriers undertake formation of the group, remain to be accomplished.

Both Pan American and TWA argue that the Board's suggestions, if adopted in toto, would have a severe adverse effect on traffic because of the very large price increase to passengers heretofore using low promotional fares. We agree that this argument has merit in today's economic climate, particularly in the face of the sharp decline in transatlantic traffic this past summer. However, we are nevertheless concerned with the added complexity of the structure stemming from introduction of the APEX fare without elimination of several of those promotional fares already offered, and the continued offering of stopovers either without charge or with an insufficient charge. We are also not fully convinced by the carriers' justification of the generative nature of the GIT fares, nor do we agree as to the measure of their economic worth.

In these circumstances, the basic question arises of whether the Board should now stand its ground and disapprove the resolutions before it or whether it should approve them. In determining the course which we should follow, we must make an assessment of the benefits which may be expected from the instant agreement as contrasted to the alternatives of disapproval. We are again faced with problems akin to those before us with respect to the 1973 North Atlantic passenger fares in which our selection of alternative led to judicial reversal (Pilial v. C.A.B., 485 F.2d 1018 (D.C. Cir 1973), and our Order 73–10–55 on remand which detailed the consequences to the public and the carriers of an open-rate situation and noted that the power to suspend rates in foreign air transportation is not an adequate tool for resolution by the United States of rate problems in international air transportation The basic considerations there noted continue to exist. Further, the diverse views of the carriers as reflected in the conference documents provide no assurance that an agreement embodying our objectives will be forthcoming if the instant agreement is disapproved. While this nation has not conducted the round of diplomatic negotiations which preceded our approval of the 1973 agreement, we have no basis for assurance that we will be able to obtain United States objectives through use of the suspension power and diplomatic negotiations. Rather, as before, we are faced yet again with a choice of alternatives in the face of essentially unprovable levels of risk.[8]

Absent the unusual circumstances which prevail in today's economic climate, we would be disposed to disapprove the agreement out of hand. However, we are faced with a critical and overriding consideration, namely the risk that disapproval of the agreement will create a further deterioration in the already serious financial condition of our major U.S.-flag international carrier and in the unsatisfactory operating results of the other U.S.-flag North Atlantic carriers. In these regards, the facts are stark indeed. Worldwide monetary fluctuations and continuing inflation in the United States, the United Kingdom, and Western Europe have contributed to a significant decline in traffic. This traffic declined, combined with spectacular increases in the cost of fuel and other cost escalations has precipitated a financial crisis for Pan American. This crisis has led the carrier to seek subsidy from the United States government in amounts approaching $200,000,000 annually. We need not document the full scope of that carrier's plight. TWA is also incurring substantial losses on its international operations which in turn cause a severe drain on its resources.

As detailed in Appendix D, both carriers have sustained signficant operating losses in the year ended June 30, 1974. But even these operating losses understate the magnitude of the current problem since they do not reflect the major fall off in traffic which occurred in the 1974 peak summer season. Nor are these unsatisfactory operating results peculiar to the U.S. carriers. As indicated elsewhere, the U.S.- and foreign-flag carriers as a group are currently incurring enormous losses in North Atlantic operations.

We are thus faced with an immediate critical situation which must take precedence over our long-term goal of achieving a more cost-oriented fare structure. Any attempt to achieve that goal now would necessitate disapproval of the agreement before us resulting in an immediate open-rate situation. As previously indicated, there is no way to predict how that open-rate situation would be resolved. It is almost certain, however, that disapproval at a minimum would throw the Atlantic fare structure into a period of uncertainty which would last several months. This, in turn, would jeopardize the improvements in yield which are anticipated from the instant agreement and thus deprive the carriers of revenues which may be vital to their continued viability.[9] We are unwilling to accept this risk notwithstanding our disappointment with the agreement before us.

Pan American and TWA project rates of return of 1.0 percent and (0.4) percent respectively. However, these returns are predicated on anticipatory fuel costs and a decline in the traffic level for 1975 compared with the result anticipated under status quo fares. We are not persuaded that given a stable competitive market, charter versus scheduled, and the low level of the APEX fares there will in fact be such a decline in traffic. Our adjustment of the traffic levels to those expected for 1975 at status quo fares and use of the latest fuel price data brings the estimated rate of return under the proposed fares to 5.8 percent and 5.7 percent for Pan American and TWA, respectively (see Appendix G).

The Board has considered it of cardinal importance that the 22/45-day excursion fare, if retained, be substantially increased. This is accomplished by the new agreement, the discount from normal economy fares being reduced from 40 to 33 percent in the peak season. The increases proposed in the normal economy, 14/21-day excursion, and GIT fares are more moderate, but would appear consistent with the increased cost of doing business. The new APEX fare is established at essentially the level of today's 22/45-day excursion fares and is, in our mind, of somewhat questionable economic validity. On the other hand, the significant restrictions on its availability in contrast to the 22/45-day excursion fare should forestall excessive use of the fare despite its relatively low level. The carriers argue and we are inclined to agree in today's circumstances, that the APEX fare is necessary if they are to retain traffic which would otherwise be lost due to the substantial increases in other promotional fares, particularly the 22/45-day excursion fare. By the same token, the restrictive features of the fare should preclude significant diversion from higher-fare services, and/or a total loss of price discretionary traffic to charter operations. Pan American projects a net contribution to revenue improvement of $3.5 million from the APEX fare. While the Board would think a more stringent limitation on capacity allotted to this service desirable, we are nevertheless prepared to accept the 20 percent of total weekly capacity as an experimental first step with this new service concept.[10]

Recommended Practice 1045 sets forth the rules and minimum rates for charters between the United States and Europe upon which the fares agreed for scheduled service are predicated. The resolutions relating to fares for scheduled service are, in turn, subject to an escape clause providing that the total agreement may fall if the Recommended Practice does not come into effect. In the absence of an inter-carrier agreement on minimum charter rates, the Board is

[8] We have considered the alternative of selective disapproval of particular resolutions. However, the resolutions before us are essentially presented as an overall "package" not readily severable, and we have no assurance that our objectives would be advanced to any greater degree through selective disapproval if indeed any such disapproval did not have the consequence of terminating the entire package. It may be that a disapproval of the fare resolutions insofar as they relate to points on National's system would not cause the total agreement to fall. However, the agreement is not so easily severable and the effect of precluding fare increases to National could cause adverse competitive impact upon Pan American and TWA as well as the foreign carriers.

[9] Additionally this would create a situation of uncertainty regarding the future traveling plans of the public and the overall sale of air transportation.

[10] Pan American and TWA project that 12 and 20 percent of the traffic, respectively, will use APEX fares in 1975, compared with 28 and 33 percent of the passengers who would use the 22/45-day excursion fares at status quo.

issuing a statement establishing minimum-charter-rate guidelines for purposes of evaluating individual carrier tariff filings.[11] While Recommended Practice 1045 does not have the force of an agreement, it indicates a majority view that a penalty of 50 percent of the total charter price should be imposed if the cancellation occurs within 30 days of departure. For the reasons stated in Order 74–9–72, the Board considers a penalty of this magnitude unjustifiable and would not be disposed to permit tariffs to this effect to become effective for U.S.-originating charters.

We will not condition our approval of the agreement, as DOT suggests, by requiring that the price for stopover charges, where applicable, be increased to $30 each. Although we share DOT's concern, we would point out that our policy statement related to stopover charges associated with all economy fares in the structure, not just those where optional stopovers are available at additional cost. Of all the public fares proposed only the GIT fares allow limited additional stopovers at a price of $10 each. Normal economy fares, on the other hand, permit unrestricted free stopovers while two free stopovers in each direction are permitted in conjunction with the 14/21-day excursion fare. Accordingly, we believe it more appropriate to deal with this significant issue on an overall basis, rather than on a piecemeal basis as DOT suggests.

With respect to Northwest's comments concerning sale of the APEX fare, we can appreciate that domestic carriers will incur additional expense as the originating carrier and that a considerable volume of business may be involved. On the other hand, there is nothing to require a carrier's participation in the sale of this transportation if it is felt that the associated expense is too great; a request need only be referred to a transatlantic carrier or a travel agent.

As for Mr. Pevsner's request that increases in the 22/45-day excursion fares and affinity fares be disapproved, the Board has made clear its opinion that fares at these low levels, particularly the virtually unrestricted excursion fare, are largely responsible for today's uneconomic operation on the North Atlantic. The Board would prefer to see elimination of the 22/45-day excursion fare; but, failing that, a significant increase is essential. The alternative is an industry unable to meet its costs and continuation of a situation in which higher-rated passengers bear more than their share of these costs in a discriminatory manner. As for continuation of youth fares from Canada, this involves an area beyond the Board's primary jurisdiction. Insofar as transportation to/from the United States is concerned, we have found such fares unjustly discriminatory under our law, a decision not changed by their availability from a contiguous country.

Upon consideration of foregoing, the carrier justifications, the comments and responses, we have decided to approve the scheduled-fare package. Our analysis indicates that the fares proposed will increase carrier revenues and produce some limited measure of profitability. Suffice it to say that this is the first priority in the present economic climate.[12]

[11] Since the Board is issuing a Policy Statement on minimum charter rate guidelines, we need not reach the issue raised by NACA.

[12] IATA sources indicate that carriers on the North Atlantic route suffered operating losses of $130 million in 1973, and a loss of $300 million is anticipated in 1974.

We approve the agreement, however, with considerable misgivings about the apparent lack of attention to those changes which must be made to achieve a realistically cost based, and nondiscriminatory transatlantic fare structure over the longer term.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412 and 1002 of the Act, makes the following findings:

1. It is not found that the following resolutions set forth in Agreement C.A.B. 24623 are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24623:			
R-1	001aa	Special Escape Resolution—North Atlantic (New)	1/2; N. Atlantic.
R-2	001cc	Special Amending and Escape Resolution—North Atlantic (New)	1/2; N. Atlantic.
R-3	001w	North Atlantic Escape—Discount Percentages (New)	1/2; N. Atlantic.
R-5	001b	North Atlantic Special Effectiveness Resolution (Tie-In)	1/2; N. Atlantic.
R-6	001dd	North Atlantic Escape for Normal and Special Fares (Revalidating and Amending).	1/2; N. Atlantic.
R-7	001jj	Duration of North Atlantic Agreement (New)	1/2; N. Atlantic.
R-8	002	Standard Revalidation Resolution	1/2; 1/2/3; N. Atlantic.
R-9	003g	General Increases in Passenger Fares (New)	1/2/3; N. Atlantic.
R-12	022z	Special Rules for Sales of Passenger Air Transportation from TC2 to TC1 (Revalidating and Amending).	1/2; N. Atlantic.
R-13	054a	North Atlantic First-Class Fares	1/2; N. Atlantic.
R-14	064a	North Atlantic Economy-Class Fares	1/2; N. Atlantic.
R-15	070d	North Atlantic 14/21- and 14/45-Day Excursion Fares (Revalidating and Amending).	1/2; N. Atlantic.
R-16	070t	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Teheran (Revalidating and Amending).	1/2; N. Atlantic.
R-17	070x	North Atlantic 14/21-Day Excursion Fares—Amman, Baghdad, Beirut, Cairo, Damascus, Jerusalem, Kuwait, Nicosia, Teheran, (Revalidating and Amending).	1/2; N. Atlantic.
R-19	071g	North Atlantic 22/45-Day Excursion Fares (Revalidating and Amending).	1/2; N. Atlantic.
R-33	084x	Travel at Group Fares within Scandinavia (Revalidating and Amending).	1/2; N. Atlantic.
R-36	095b	North Atlantic Fares for U.S. and Canadian Military Personnel and Dependents (Revalidating and Amending).	1/2; N. Atlantic.
R-37	002	Standard Revalidating Resolution	1/2; 1/2/3; Mid-Atlantic.
R-38	003h	General Increases in Passenger Fares (New)	1/2/3; Mid-Atlantic.
R-40	022y	JT12 (Mid-Atlantic) Special Rules for Sales of Passenger Air Transportation from TC2 to TC1 (Amending).	1/2; Mid-Atlantic.

2. It is not found that the following resolutions set forth in Agreement C.A.B. 24623 are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24623:			
R-10	015	North Atlantic Proportional Fares North American (Revalidating and Amending).	1/2; N. Atlantic.
R-11	016	North Atlantic Fare Development Program (Revalidating and Amending).	1/2; N. Atlantic.
R-20	075hh	North Atlantic 30-Day Winter Group Fares—Middle East (Revalidating and Amending).	1/2; N. Atlantic.
R-21	075i	North Atlantic Group Fares—Israel (Revalidating and Amending)	1/2; N. Atlantic.
R-22	075r	North Atlantic 8/21-Day Group Fares—Israel (Revalidating and Amending).	1/2; N. Atlantic.
R-23	075rr	North Atlantic 21-Day Group Fares—Amman, Beirut, Cairo, Damascus, Jerusalem, Nicosia (Revalidating and Amending).	1/2; N. Atlantic.
R-24	076e	North Atlantic Affinity Group Fares (Revalidating and Amending)	1/2; N. Atlantic.
R-26	076m	North Atlantic Bulk Affinity and Incentive Group Fares—Portugal/Spain (Revalidating and Amending).	1/2; N. Atlantic.
R-28	084a	North Atlantic 21- and 28-Day Inclusive Tour Fares (Revalidating and Amending).	1/2; N. Atlantic.
R-29	084c	North Atlantic Winter Group Inclusive Tour Fares to Israel (Revalidating and Amending).	1/2; N. Atlantic.
R-30	084cc	North Atlantic Winter Group Inclusive Tour Fares to Middle East (Revalidating and Amending).	1/2; N. Atlantic.
R-31	084p	North Atlantic 7/8-, 7/10- and 7/13-Day Winter Group Inclusive Tour Fares—Europe (Revalidating and Amending).	1/2; N. Atlantic.
R-32	084pp	North Atlantic 6/16-Day Winter Group Inclusive Tour Fares—Africa (Revalidating and Amending).	1/2; N. Atlantic.
R-39	013a	Mid-Atlantic Fare Development Program (New)	1/2; Mid-Atlantic.

3. It is not found that the following resolutions set forth in Agreement C.A.B. 24623 are adverse to the public interest or in violation of the Act, provided that approval is subject to the following conditions;

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Agreement CAB	IATA No.	Title	Application
24623: R-18	071p	North Atlantic Advance-Purchase Excursion Fares (new)	1/; N. Atlantic.

Provided with respect to Resolution 071p:

1. In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit toward the purchase of transportation at the applicable fare calculated from the original point of origin.

2. Full refund shall be made in the event of death or illness of the passenger or of a member of the passenger's immediate family prior to travel.

Agreement CAB	IATA No.	Title	Application
24623: R-25	076b	North Atlantic 17-Day Incentive Group Fares to Israel (new)	1/2; N. Atlantic.
R-27	076p	North Atlantic 14-Day Incentive Group Fares (Revalidating and Amending).	1/2; N. Atlantic.

Provided with respect to Resolutions 076h and 076k:

1. The provision which at departure time would permit a lesser number of passengers than that prescribed by the Resolution to travel shall not be limited to situations caused by circumstances beyond the control of the passengers dropping out of the group and the balance of the group may travel at no added costs.

2. In the event a passenger discontinues his journey en route for any reason, the amount of the fare paid may be applied as a credit towards the purchase of transportation at the applicable fare calculated from the original point of origin.

3. The amount of the forfeiture to be imposed in the event of cancellation by the group or members of the group prior to or at departure time for any reason shall not exceed 25 percent of the fare paid and after departure the forfeiture shall not exceed 25 percent of the excess of the price of the group-fare ticket over the cost of normal-fare transportation from the point of origin to the point of cancellation.

4. Full refund of the group fares paid shall be made in the event of cancellation of travel arrangements by a carrier on the ground that the group or any member of the group is ineligible for the group fares.

5. The travel group shall be formed only for own use of one person (which expression shall include an individual person or a legal entity such as an association, partnership, company, or corporation) provided that the purchaser shall not, wholly or partially, directly or indirectly, share the cost of the air transportation with other persons interested in obtaining such transportation including the passengers carried.

4. It is not found that the following resolution set forth in Agreement C.A.B. 24623 affects air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
24623: R-34	092f	North Atlantic Individual Youth Fares (Revalidating and Amending 092).	1/; N. Atlantic.
R-35	092g	North Atlantic Group Youth Fares (Revalidating and Amending)	1/; N. Atlantic.

5. It is not found that Recommended Practice 1045 incorporated in Agreement C.A.B. 24623, R–4, is a binding resolution requiring Board action.

Accordingly, *It is ordered that:* 1. Those portions of Agreement C.A.B. 24623 set forth in paragraph 1 above be and hereby are approved;

2. Those portions of Agreement C.A.B. 24623 set forth in paragraph 2 above be and hereby are approved subject to conditions previously imposed by the Board;

3. Those portions of Agreement C.A.B. 24623 set forth in paragraph 3 above be and hereby are approved subject to the conditions stated therein;

4. Jurisdiction is disclaimed with reference to those portions of Agreement C.A.B. 24623 set forth in paragraph 4 above;

5. Tariffs implementing Agreement C.A.B. 24623 shall be marked to expire March 31, 1976; and

6. The motion of the United States Department of Transportation to file on otherwise unauthorized document is hereby granted.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board: [2]

[SEAL]

EDWIN Z. HOLLAND,
Secretary.

[2] Minetti and West, members, will issue a concurring and dissenting statement at a later date.

APPENDIX A.—*New York-London round-trip fares* [1]

Fare category	Present	Proposed	Percent change
First class	$1,084	$1,156	6.6
Normal economy:			
Winter	538	583	8.4
Shoulder	604	626	3.6
Peak	726	764	5.2
14/21-day excursion:			
Basic	472	509	7.8
Peak	553	594	7.4
22/45-day excursion:			
Winter	317	374	18.0
Shoulder	339	403	18.9
Peak	433	509	17.6
Affinity group:			
Winter	285	340	19.3
Shoulder	312	371	18.9
Peak	408	477	16.9
Group inclusive tour (GIT):			
Basic	334	366	9.6
Peak	418	462	10.5
Winter GIT	305	329	7.9
APEX (new):			
Winter		313	
Shoulder		339	
Peak		435	

[1] Includes 6-percent devaluation-related surcharge on U.S.-originating dollar fares.

APPENDIX B.—*U.S. North Atlantic carriers, capacity and carriage statistics, scheduled services*

	National [1]	PAA	TWA
1970:			
Available seat-miles (thousands)		13,631,284	10,846,563
Revenue passenger-miles (thousands)		7,287,223	5,598,720
Load factor (percent)		53.5	51.6
1971:			
Available seat-miles (thousands)	409,459	15,169,718	12,097,686
Change from previous period (percent)		11.3	11.5
Revenue passenger-miles (thousands)	211,486	7,512,438	6,116,796
Change from previous period (percent)		3.1	9.3
Load factor (percent)	51.7	49.5	50.6
Change from previous period (pts.)		−4.0	−1.0
1972:			
Available seat-miles (thousands)	582,886	14,860,048	13,018,118
Change from previous period (percent)	42.4	−2.0	7.6
Revenue passenger-miles (thousands)	321,308	8,663,083	7,665,975
Change from previous period (percent)	51.9	15.3	25.3
Load factor	55.1	58.3	58.9
Change from previous period (pts.)	3.4	8.8	8.3
1973:			
Available seat-miles (thousands)	774,112	16,692,492	12,681,719
Change from previous period (percent)	32.8	12.3	−2.6
Revenue passenger-miles (thousands)	395,509	9,131,005	7,196,481
Change from previous period (percent)	23.1	5.4	−6.1
Load factor (percent)	51.1	54.7	56.7
Change from previous period (pts.)	−4.0	−3.6	−2.2
12 months ended June 30, 1974:			
Available seat-miles (thousands)	882,265	15,801,818	12,638,224
Change from previous period (percent)	14.0	−5.3	−.3
Revenue passenger-miles (thousands)	443,189	8,603,269	6,711,971
Change from previous period (percent)	12.1	−5.8	−6.7
Load factor (percent)	50.2	54.4	53.1
Change from previous period (pts.)	−.9	−.3	−3.6

[1] Commenced service June 15, 1970.

Source: CAB form 41 reports.

APPENDIX C.—*U.S. North Atlantic carriers, revenue and yield statistics, scheduled services*

	National [1]	PAA	TWA
1970:			
Passenger revenue (thousands)		$367,952	$263,484
Revenue passenger miles (thousands)		7,287,223	5,598,720
Yield (cents)		5.05	4.71
1971:			
Passenger revenues (thousands)	$10,968	$387,310	$288,782
Change from previous period (percent)		5.3	9.6
Revenue passenger miles (thousands)	211,486	7,512,438	6,116,796
Change from previous period (percent)		3.1	9.3
Yield (cents)	5.19	5.16	4.72
Change from previous period (percent)		2.2	.2
1972:			
Passenger revenues (thousands)	$15,842	$439,216	$338,745
Change from previous period (percent)	44.4	13.4	17.3
Revenue passenger-miles (thousands)	321,308	8,663,083	7,665,975
Change from previous period (percent)	51.9	15.3	25.3
Yield (cents)	4.93	5.07	4.42
Change from previous period (percent)	−5.0	−1.7	−6.4
1973:			
Passenger revenues (thousands)	$20,542	$495,716	$340,508
Change from previous period (percent)	29.7	12.9	.5
Revenue passenger-miles (thousands)	395,509	9,131,005	7,196,481
Change from previous period (percent)	23.1	5.4	−6.1
Yield (cents)	5.19	5.43	4.73
Change from previous period (percent)	5.3	7.1	7.0
12 months ended June 30, 1974:			
Passenger revenues (thousands)	$24,570	$508,604	$352,703
Change from previous period (percent)	19.6	2.6	3.6
Revenue passenger-miles (thousands)	443,189	8,603,269	6,711,971
Change from previous period (percent)	12.1	−5.8	−6.7
Yield (cents)	5.54	5.91	5.25
Change from previous period (percent)	6.7	8.8	11.0

[1] Commenced Service June 15, 1970.

Source: CAB form 41 reports.

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APPENDIX D.—*U.S. North Atlantic carriers, cost and profit statistics*

	National [1]	PAA	TWA
1970:			
Revenues (thousands)		$476,746	$332,652
Operating expenses (thousands)		$506,362	$316,551
Operating profit (thousands)		−$29,616	$16,101
1971:			
Operating revenues (thousands)	$12,202	$516,537	$371,705
Change from previous period (percent)		8.1	11.7
Operating expenses (thousands)	$9,649	$551,174	$345,150
Change from previous period (percent)		8.8	9.0
Operating profit (thousands)	$2,553	−$35,637	$26,554
Change from previous period (percent)		−20.2	64.9
1972:			
Operating revenues (thousands)	$17,358	$580,937	$440,604
Change from previous period (percent)	42.3	12.7	18.6
Operating expenses (thousands)	$14,015	$603,443	$417,175
Change from previous period (percent)	45.2	9.5	20.9
Operating profit (thousands)	$3,343	−$22,506	$23,429
Change from previous period (percent)	30.9	36.8	−11.8
1973:			
Operating revenues (thousands)	$22,560	$678,208	$462,982
Change from previous period (percent)	30.0	16.7	5.1
Operating expenses (thousands)	$16,892	$685,236	$429,665
Change from previous period (percent)	20.5	13.6	3.0
Operating profit (thousands)	$5,668	−$7,019	$33,317
Change from previous period (percent)	69.5	68.8	42.2
12 months ended June 30, 1974:			
Operating revenues (thousands)	$27,598	$725,654	$486,270
Change from previous period (percent)	22.3	7.0	18.6
Operating expenses (thousands)	$19,878	$732,410	$489,944
Change from previous period (percent)	17.7	6.9	14.0
Operating profit (thousands)	$7,720	−$6,756	−$3,674
Change from previous period (percent)	36.2	3.7	−111.0

[1] Commenced operations June 15, 1970.

Source: CAB form 41 reports.

APPENDIX E.—*U.S. North Atlantic carriers, rate of return on corporate investment*

[In percent]

	12 months ended June 30, 1973	12 months ended June 30, 1974
National	14.63	25.26
Pan American	.51	2.26
Trans World	6.85	3.97

Source: CAB form 41 reports.

APPENDIX F.—*U.S. North Atlantic carriers, selected economic indicators, 2d quarter 1973 compared with 2d quarter 197*

	2d quarter 1973				2d quarter 1974							
	National	PAA	TWA	Total	National	Change (percent)	PAA	Change (percent)	TWA	Change (percent)	Total	Change (percent)
Available seat-miles (thousands)	215,997	4,376,886	3,712,461	8,305,244	253,224	17.3	3,716,128	−15.1	3,645,127	−1.8	7,614,479	−8.3
Revenue passenger-miles (thousands)	104,871	2,382,312	2,251,169	4,738,352	132,156	26.0	1,972,287	−17.2	1,961,459	−12.0	4,065,902	−13.8
Load factor (percent)	48.6	54.4	60.6	57.1	52.2	[1] 3.6	53.1	[1] −1.3	54.4	[1] −6.2	53.7	[1] −3.4
Passenger revenues (thousands)	$5,452	$128,163	$102,524	$236,141	$8,049	47.6	$134,363	4.8	$112,409	9.6	$254,821	7.9
Yield	[2] 5.20	[2] 5.38	[2] 4.55	[2] 4.98	[2] 6.09	17.1	[2] 6.81	26.6	[2] 5.67	24.6	[2] 6.24	25.3
Operating revenues (thousands)	$5,938	$177,868	$131,296	$315,102	$9,254	55.8	$201,996	13.6	$146,932	11.9	$358,182	13.7
Operating expenses (thousands)	$4,586	$172,405	$110,171	$296,162	$6,160	34.3	$192,248	11.5	$147,463	23.7	$345,871	16.8
Operating profit (thousands)	$1,352	$5,463	$12,125	$18,940	$3,094	128.8	$9,748	78.4	−$531	−104.4	$12,311	−35.0
Revenue aircraft-miles—passenger service (thousands)	793	18,840	17,228	36,861	792	−.1	15,813	−16.1	14,635	−15.1	31,240	−15.2

[1] Pts.
[2] Cents.

Source: CAB form 41 reports.

APPENDIX G.—*Pan American and TWA's forecasts for 1975 under the proposed fares and board adjustments*

[Dollar amounts in thousands]

	Pan American			TWA		
	As presented	Fuel adjusted [1]	Fuel and traffic adjusted [2]	As presented	Fuel adjusted [1]	Fuel and traffic adjusted [2]
Total operating revenues	$583,895	$583,895	$595,121	$644,400	$644,400	$657,700
Total operating expenses	593,311	565,311	568,702	656,900	627,200	635,100
Operating profit (loss)	(9,416)	18,584	26,429	(12,500)	17,200	22,600
Interest expense	18,429	18,429	18,429	10,800	10,800	10,800
Net income before Federal income tax	(27,845)	155	8,000	(23,300)	6,400	11,800
Tax at 48 percent	13,366	74	3,840	11,200	3,072	5,664
Net income	(14,479)	81	4,160	(12,100)	3,328	6,136
Return element	3,950	18,510	22,589	(1,300)	14,128	16,936
Investment	392,102	392,102	392,102	294,700	294,700	294,700
Return on investment (percent)	1.0	4.7	5.8	(0.4)	4.8	5.7

[1] The carrier uses anticipatory fuel prices. This adjustment reflects the actual August 1974 cost of fuel in North Atlantic operations.
[2] Reflecting the higher traffic anticipated for 1975 under status quo.

[FR Doc.74-25236 Filed 10-31-74;8:45 am]

[Docket No. 25659; Order 74-10-126]

LOCAL SERVICE CLASS SUBSIDY RATE

Investigation; Class Rate VII; Order

By Order 74-9-65 the Board, inter alia, issued a revised and updated Table VI to replace the original Table VI which was issued as a part of Appendix P to Order 74-1-123. Table VI contains instructions for distributing passenger revenues by city-pair segment as well as formulas that are used to develop yields for beyond-segment traffic by each carrier.

Texas International Airlines, Inc., filed exceptions to Order 74-9-65 indicating disagreement with the mileages used in determining its beyond-segment yield formula. The carrier also noted that error was introduced into the regression estimates by virtue of duplication of several markets in the formula calculations. No exceptions were received from any other carrier.

The mileages used in revisions of the beyond-segment yield formulas issued as part of Order 74-9-65 are identical to those used for this purpose in the instructions in Appendix P to Order 74-1-123 and those used throughout Class Rate VII. Furthermore, they are consistent with mileages used for developing revenue formulas since 1969. (Class Rates V and VI.) Because the mileages—obtained from on-line origin-destination data reported to the Board—have endured for some five years in subsidy determination, we are not disposed to change them at this time. We have no evidence, and the carrier has presented none, that would convince us that substitution of official C.A.B. miles as requested by Texas International would materially affect payments under the formula. Consequently, we will deny Texas International's exception relating to this matter.

On the other hand, we will grant Texas International's exception applying to duplication of some nine markets in the final regression analysis used to determine beyond-segment yield formulas. In markets where use of pure-jet and propeller or prop-jet equipment was evenly divided, duplicate data were used in the regression techniques to test whether or not beyond-segment yields are associated with equipment types. Such a relationship provided valid only for Frontier Airlines and equipment type was discarded in the final regressions to determine yield formulas for the other six local carriers. However, as pointed out by Texas International, data inputs to final regressions incorrectly contained duplicate data cards. Although such duplication does not, as alleged by Texas International, necessarily introduce error in the regression analysis,[1] statistical convention dictates that they should have been removed when equipment was discarded as an independent variable. Accordingly a corrected page 7 of Revised Table VI will be issued as an attachment to this order. This corrected page should be substituted for the corresponding page attached to Order 74-9-65.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302,

It is ordered, That: 1. The exception of Texas International Airlines, Inc., to Order 74-9-65 relating to the mileages used in determining beyond-segment yield formulas be and it hereby is dismissed.

2. The exception of Texas International Airlines, Inc., to Order 74-9-65 relating to duplication of markets in determination of beyond-segment yield formulas, be and it hereby is granted. Therefore, the corrected page 7 of Revised Table VI attached to this order should be substituted for the corresponding page attached to Order 74-9-65.

3. This order shall be served upon all parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX P

CORRECTION

This page replaces page 7 of Table VI attached to Order 74-9-65.

LOCAL SERVICE CARRIERS
DILUTION FACTORS, HOP-HAUL RELATIONSHIPS
FORMULAS FOR BEYOND-TRAFFIC YIELDS [1]

III. Yield per Revenue Passenger-Mile—Beyond Traffic (Undiluted).

[1] Based on fares in effect as of July 1, 1974.
[2] Because of the finding that equipment and yield were relatively closely associated for Frontier Airlines, Inc., formulas in Order 74-9-65 will remain unchanged as they apply to Frontier.

[1] In the case of North Central, which had the greatest incidence of duplication, the revenue formula was virtually unchanged when duplicated data was removed. In fact, it appears the changes will produce slight effects in most cases. For example, in the Austin-Houston city-pair with beyond revenues of over $327,000—using Texas International's traffic data for the year ended March 31, 1974—the total undiluted beyond revenues computed with a formula without duplicated markets were only $130 different from the results obtained using the formula contained in Order 74-9-65.

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	Jet	Prop
Frontier	$\frac{12.18+(0.07146 * X_2)}{X_1}$	$\frac{15.70+(0.07146 * X_2)}{X_1}$
Hughes Airwest	$\frac{12.06+(0.07576 * X_2)}{X_1}$	$\frac{12.06+(0.07576 * X_2)}{X_1}$
North Central	$\frac{13.33+(0.07691 * X_2)}{X_1}$	$\frac{13.33+(0.07691 * X_2)}{X_1}$
Ozark	$\frac{15.11+(0.06996 * X_2)}{X_1}$	$\frac{15.11+(0.06996 * X_2)}{X_1}$
Piedmont	$\frac{14.20+(0.07367 * X_2)}{X_1}$	$\frac{14.20+(0.07367 * X_2)}{X_1}$
Southern	$\frac{13.96+(0.06966 * X_2)}{X_1}$	$\frac{13.96+(0.06966 * X_2)}{X_1}$
Texas International	$\frac{13.81+(0.07242 * X_2)}{X_1}$	$\frac{13.81+(0.07242 * X_2)}{X_1}$

[FR Doc.74-25363 Filed 10-31-74;8:45 am]

[Order 74-10-137, Docket Nos. 27092, 19923]

TRANS WORLD AIRLINES, INC.

Liability and Claim Rules and Practices Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 29th day of October, 1974.

By tariff revisions issued September 30 and marked to become effective October 30, 1974, Trans World Airlines, Inc. (TWA) proposes to eliminate the $5,000 minimum declared value on the acceptance of articles of extraordinary value[1] subject to special requirements.

The current provisions governing the acceptance of articles of extraordinary value, applicable to shipments with a declared value of $5,000 or more, provide, among other things, that (1) advance arrangements must be made; (2) the shipper must tender the shipment at an area designated by the carrier not more than three hours prior to scheduled departure; (3) the shipper shall state in writing that the consignee will accept delivery at the destination airport within three hours of arrival; and (4) if the consignee fails to pick up the shipment as required, the carrier will make necessary arrangements for delivery or storage, and all such charges incurred by the carrier shall be added to the transportation bill. TWA's proposal extends these requirements of shippers or consignees to all articles of extraordinary value regardless of declared value.

A complaint requesting suspension of the proposed revision has been filed by the American Watch Association, Inc. (AWA).[2] The complaint alleges, inter alia, that the proposal is contrary to the position of the Bureau of Economics in the Liability and Claim Rules and Practices Investigation, Docket 19923; that the Board should not permit an interim change in a rule currently under investigation; that the proposal would subject relatively low-valued shipments to the more stringent conditions previously applicable only to shipments valued $5,000 or more; and that the support is silent as to the carrier's claim experience with shipments less than $5,000 declared value and has failed to make a definite showing of need to expand the current $5,000 limitation.

In support of its proposal, TWA asserts, inter alia, that this change is instituted in order to reduce the number of claims experienced for the loss of or damage to shipments of articles of extraordinary value where the declared value of such shipments was less than $5,000; that while the proposed action will result in an added burden upon the shipping public, a similar burden exists for the carrier in administering these added security measures; that requiring all shipments of articles of extraordinary value to be subject to the qualified acceptance provisions will greatly reduce their exposure to damage and loss owing to the added security such shipments are afforded under the proposal; that the very nature of these commodities makes them more susceptible to loss, regardless of the value of the shipment; that the claims payments for articles of $5,000 or more in 1974 were 55 percent below those for the six months of 1973; and that amending the provisions to cover all shipments regardless of value is expected to result in further reductions in TWA's claims payments.

The proposed rule is already within the scope of the Liability and Claim Rules and Practices Investigation, Docket 19923, and its lawfulness will be determined in that proceeding, which is awaiting Board decision. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending that decision.

This proposal, applicable to relatively inexpensive items, places a requirement upon shippers which appears unduly burdensome. The carriers are required to exercise a reasonable degree of care and security over all shipments, regardless of value or other special required conditions of acceptance.

In our opinion, TWA does not adequately support its proposal. The carrier fails to indicate what the current claims experience is with respect to shipments of such articles valued less than $5,000 or, for that matter, any shipments not covered by the current special provisions applicable to articles of extraordinary value. As the complainant indicates, many of the named articles of extraordinary value may in fact have relatively little value, while many commodities not named as such may be far more valuable. Under these circumstances, the Board will suspend TWA's proposal.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. Pending hearing and decision by the Board, the addition of "(Not applicable to TW)" in Rule No. 23(B)(1) on 80th, 81st, and 82nd 12-B of Airline Tariff Publishers, Inc., Agent's C.A.B. No. 96, is suspended and its use deferred to and including January 27, 1975, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of the American Watch Association, Inc. in Docket 27092 is dismissed; and

3. Copies of this order shall be filed with the tariff.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

Adopted: October 29, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25535 Filed --.--74;8:45 am]

[1] Articles of extraordinary value are defined in Rule 2 of the Airlines' Rules Tariff, C.A.B. No. 96. For TWA, these are the following:
Art Works
Bills of Exchange
Bonds
Bullion or Precious Metals
Clocks, watches and parts thereof
Currency
Deeds
Dore Bullion
Evidences of Debt
Furs
Gems, cut or uncut
Gold Bullion, Coined, Uncoined, Cyanides, Dust or Sulfides
Jewelry (Other than costume jewelry)
Money
Pearls
Platinum
Promissory Notes
Securities, Negotiable
Silver Bullion, Coined, Uncoined, Concentrates, Cyanides, Precipitates or Sulfides
Stamps, Postage or Revenue
Stock Certificates

[2] The American Watch Association is a trade organization of U.S. companies engaged in the importation of watches and watch movements for assembly and sale in the U.S. and world markets. The members of AWA import and distribute throughout the U.S. annually over $100 million worth of watches.

COMMISSION ON THE ORGANIZATION OF THE GOVERNMENT FOR THE CONDUCT OF FOREIGN POLICY

CONGRESSIONAL-EXECUTIVE RELATIONS, INTERNATIONAL ECONOMIC POLICY

Public Hearings

Notice is hereby given that the Commission on the Organization of the Government for the Conduct of Foreign Policy will hold public hearings, on the subject areas noted below, in Chicago, Illinois, on December 3, 1974, at 9:30 a.m., in the U.S. District Courthouse, 219 S. Dearborn Street. The hearings are held in furtherance of the Commission's mandate, as stated in section 603(a) of Public Law 93-352 (92nd Congress, H.R. 14734):

Section 603(a). The Commission shall study and investigate the organization, methods of operation, and powers of all departments, agencies, independent establishments, and instrumentalities of the United States Government participating in the formulation and implementation of United States foreign policy and shall make recommendations which the Commission considers appropriate to provide improved governmental processes and programs in the formulation and implementation of such policy, including, but not limited to, recommendations with respect to—

(1) The reorganization of the departments, agencies, independent establishments, and instrumentalities of the executive branch participating in foreign policy matters;

(2) More effective arrangements between the executive branch and Congress, which will better enable each to carry out its constitutional responsibilities;

(3) Improved procedures among departments, agencies, independent establishments, and instrumentalities of the United States Government to provide improved coordination and control with respect to the conduct of foreign policy;

(4) The abolition of services, activities, and functions not necessary to the efficient conduct of foreign policy; and

(5) Other measures to promote peace, economy, efficiency, and improved administration of foreign policy.

The hearing will focus upon two specific subject areas:

1. *Congressional-Executive Relations.* The Commission is seeking views of informed persons on the Congressional-Executive relationship in the formulation and implementation of U.S. foreign policy, views offering specific criticism and recommendations for improving Congressional-Executive organization in the following areas:

Operational Congressional Reforms: Staffing and Support Systems
Institutional Congressional Reforms: Committee Roles and Jurisdictions
Congressional Oversight Over the Executive Branch and Foreign Policy
Congressional-Executive Organization: Role of Congress and Executive Branch
Congressional-Executive Organization: The Constitutional Framework

A partial listing of some issues raised which testimony should focus upon include the organization of committee jurisdictions for efficient consideration of foreign policy issues; the utilization of staff and support to give expertise to the Congress in its partnership with the Executive on foreign policy matters; the Congressional oversight of foreign policy, including military, programs and policies and the intelligence agencies; Congress' access to timely information, the classification system, secrecy in foreign policy; Congress' role in the treaty-making process, and the use of Executive Agreements; the issue of constitutional primacy in foreign affairs between Congress and the Executive; use of force policies, war powers, and the Commander-in-Chief authority; the constitutional and practical aspects of Congress' power of the purse in foreign policy.

Testimony need not be limited to the above issues. The only restriction is that witnesses confine themselves to organizational, structural, and procedural matters and not to substantive policy matters.

2. *International Economic Policy.* The objective of the Commission in soliciting testimony from private sector witnesses on the subject of international economic policy organization is to receive suggestions, comments and criticisms aimed at improving governmental organization in the following specific functional areas:

International Trade
International Investment and Multinational Corporations
International Finance, Monetary Policy and Taxation
Economic Assistance to Less Developed Countries
Raw Materials and Natural Resource Availability
Labor

Testimony should be directed at identifying problem areas and suggesting improvements in the organization, procedures, and personnel in the manner in which the Federal Government formulates, implements, and conducts international economic policy and maintains relations with the domestic business community. The Commission is interested in compiling a detailed perspective of the private sector's experiences in dealing with the Government in the field of international economic policy. Specifically, we hope that testimony would touch on such issues as the ability to make private sector attitudes known and understood in the Government, the ability to receive explanations of governmental policies and intentions, policy inconsistencies and shifting jurisdictional responsibilities among governmental agencies, and comparisons of organizational and procedural techniques with those of foreign governments. Testimony need not be limited to such issues; the only restriction is that witnesses confine themselves to organizational, procedural and personnel matters and not to substantive policy matters.

Interested persons are encouraged to present information and views in the course of the Commission hearing, subject to the following conditions and procedures:

(1) Any person wishing to present information and views to the Commission shall submit a request in writing, specifying the date of the hearing for which the request is made, a concise summary of the proposed presentation, and the amount of time requested for oral testimony (if any). Such request must be received at the offices of the Commission no less than 14 days prior to the proposed hearing date.

(2) The Chairman shall, within three (3) days from receipt of any such request, notify the requesting person whether the proposed presentation is consistent with the legislative mandate of the Commission, and how much time (if any) can be allotted for oral testimony.

(3) Two (2) typewritten copies of all material to be presented to the Commission shall be filed with the Commission no less than two (2) business days prior to the hearing to which it relates. Any statement or material for which no time for oral presentation has been allotted or is available shall be included in the official hearing record.

(4) Any person who takes exception to any determination of the Commission may present in writing to any Commissioner the basis for such exception and thereafter the decision of the Chairman shall be considered by the Commission and may be overruled by a majority vote. Such person shall be notified by certified mail of the decision of the Commission, which shall be final.

Requests for further information, questions, and other communications should be addressed to the Executive Director, Commission on the Organization of the Government for the Conduct of Foreign Policy, 2025 M Street, NW., Washington, D.C. 20506, Suite 3002, Telephone 202-254-9850 or to The Chicago Council on Foreign Relations, 116 South Michigan Avenue, Chicago, Illinois 60603, Telephone 312-726-3860.

By the Commission.

FRANCIS O. WILCOX,
Executive Director.

[FR Doc.74-25452 Filed 10-31-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

ARCHITECTURAL GLASS

Extension of Standard Development Period

The purpose of this notice is to announce that the Commission has granted the Consumer Safety Glazing Committee's request for an extension of time from October 25, 1974 until January 24, 1975 for the development of a safety standard for architectural glass.

By notice in the FEDERAL REGISTER of May 28, 1974 (39 FR 18502), the Commission commenced a proceeding under section 7 of the Consumer Product Safety Act (15 U.S.C. 2056) for the development of a consumer product safety standard applicable to architectural glass. On August 15, 1975, the Commission accepted the offer of the Consumer Safety Glazing Committee to develop a standard and

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published a notice in the FEDERAL REGISTER (39 FR 30191) on August 21, 1974 announcing the acceptance. The Commission agreed to contribute $14,175 toward the offeror's cost in developing the standard. These funds were to be used only in connection with certain consumer participation costs. The expiration period for the development of the standard was specified in the notice as October 25, 1974. However, section 7(e)(3) of the Act (15 U.S.C. 2056(e)(3)) and the regulations issued under section 7 (16 CFR 1105) provide that the Commission may extend the development period of good cause is shown and the reasons for such extension are published in the FEDERAL REGISTER.

A review of the status of work leading to the development of a recommended standard for architectural glass shows diligent technical and administrative efforts on the part of the offeror; this, accompanied by the presence of unanticipated problems, both technical and administrative, has led the Commission to determine the Consumer Safety Glazing Committee has shown good cause for extending the period of development of a recommended standard. The Commission has, therefore, extended the development period until January 24, 1975. In addition, the Commission has provided additional support funds for consumer participation in the amount of $15,480. A request for funds to cover additional administrative expenses was denied.

The Commission believes the additional period for development is justified for the reasons listed below:

(1) Due to an initial delay by the Commission in accepting an offer to develop a standard, Consumer Safety Glazing Committee had only 71 days from the date of acceptance of the offer until the expiration of the development period in which to develop a standard, rather than the 90 day period anticipated.

(2) The extension was believed to be necessary in order to afford all interested persons an adequate period of time in which to comment on the draft standard prepared by Consumer Safety Glazing Committee, and in order to allow Consumer Safety Glazing Committee to tabulate and summarize the comments received. In this connection, a greater number of persons than anticipated by the offeror responded to its mailings of announcements and questionnaires.

(3) The Commission's policy of openness and affording all interested persons an opportunity to participate in the proceedings apparently increased the work and time requirements of the offeror. In this regard, numerous inquiries and responses were received from consumers and other interested persons; and increased reproduction and communication efforts were necessary to keep all persons informed of the development process.

(4) The project manager for Consumer Safety Glazing Committee found it necessary to resign for personal health reasons and some delay was encountered in securing a qualified replacement.

(5) In order to develop energy levels and test procedures for windows, it was necessary for the offeror to determine the cause of injury; product location; product type and description; and product thickness and size. In order to accurately determine these factors, there was a need to obtain additional technical information. This has resulted in additional delay in the development of the standard.

For the reasons specified above, the Commission has found that an extension until January 24, 1975 as requested by Consumer Safety Glazing Committee is justified and in the public interest.

Dated: October 29, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-25488 Filed 10-31-74;8:45 am]

COUNCIL ON WAGE AND PRICE STABILITY

SHELF INVENTORY REPRICING PRACTICES

Meeting

Notice is hereby given under Public Law 93-387 of a hearing called by the Council on Wage and Price Stability concerning shelf inventory repricing practices in supermarkets and other retail stores, to be held at 9:30 a.m., November 13, 1974, in Room 2008 of the New Executive Office Building, 17th and H Sts. NW., Washington, D.C. Co-chairpersons will be Albert Rees, Council Director, and Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs.

The hearing will consist of an inquiry into justification and impact of the practice on the part of some retail stores of changing the price of merchandise already on the shelf. It will consist of testimony by representatives of major food chains, consumer groups, and other interested person.

Attendance is open to the interested public but is limited to the space available. Persons wishing to testify should contact JoAnne Kilday, Office of Consumer Affairs, (202) 245-6268, at least one day in advance of the meeting. Any member of the public may file a written statement with the Council before, during, or after the meeting.

ALBERT REES,
Director, Council on Wage and Price Stability.

[FR Doc.74-25687 Filed 10-31-74;10:29 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 289-2]

ANTIMICROBIAL PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 707), notice is hereby given that a meeting of the Antimicrobial Program Advisory Committee will be held at 8:30 a.m., November 19, and 20, 1974. The meeting will be held in Conference Room 1112 Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Virginia.

This will be the seventh meeting of the Committee. The Agenda will allow a maximum time of one hour for public participation at the beginning of each session, provided the procedures established by the Committee for public participation have been followed. Any member of the public who desires to present an oral statement must: (1) Notify the Executive Secretary or the Chairman at least 48 hours prior to the meeting; (2) Identify himself by name and affiliation; (3) Identify the subject of the statement; (4) Estimate the time that will be required to present the statement; and (5) Limit the statement to the agenda of the meeting, as published in the FEDERAL REGISTER.

The Agenda will be restricted solely to the methodology currently available to evaluate disinfectant-type products, and the recent progress which has been made in the development of new methodology, and the interpretation of results by some of the older methods. Tentatively, it is anticipated that a member of the staff of the office of the Deputy General Counsel will attend the meeting and discuss with the membership some of the legal issues involved, and those which must be considered in any recommendations by the Committee.

The meeting will be open to the public. Any member of the public wishing to participate or present written or oral views should contact Dr. William G. Roessler, Executive Secretary, Antimicrobial Program Advisory Committee (703-557-7351), at least 48 hours prior to the meeting.

Dated: October 25, 1974.

JOHN T. RHETT,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-25414 Filed 10-31-74;8:45 am]

[FRL 288-6]

CIBA-GEIGY CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5H5057) has been filed by CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the herbicide procyazine (2-[[4 - chloro - 6 -(cyclopropylamino) - 1,3,5 - triazin - 2 - yl]amino]-2-methyl-propanenitrile) in sweet corn cannery waste at 0.2 part per million. This herbicide is to be used in an experimental program involving application to growing corn.

Dated: October 23, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-25415 Filed 10-31-74;8:45 am]

[FRL 290-2; OPP-180025]

WYOMING DEPARTMENT OF PUBLIC HEALTH

Rabid Bat Control Program; Denial of Application To Use DDT

Pursuant to the provisions of section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), notice is hereby given that the Environmental Protection Agency (EPA) has denied an application from the Wyoming Department of Public Health (hereafter referred to as the "Applicant") for a specific exemption to use DDT in a rabid bat control program near Moose, Wyoming (Teton County). The application did not meet the criteria set forth in 40 CFR Part 166, issued December 3, 1973 (38 FR 33303), which prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

All interested parties are referred to the application on file in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Room 347, East Tower, Washington, D.C. 20460. The statements contained in the application and other relevant facts are briefly summarized below, followed by a discussion of the basis for the denial of a specific exemption by EPA.

Discussion. According to the application the emergency is caused by a single colony of little brown bats (Myotis lucifugus) at a guest ranch near Moose, Wyoming. A single bat flew several times into a swimming pool in the daytime; it was subsequently killed, sent to a diagnostic laboratory and tested positive for rabies. A local veterinarian inspected the ranch and confirmed a bat roost in a barn. Reports from people at the ranch indicate that bats may also be roosting in sheds and states that use of DDT is necessary to protect humans and other animal life.

The registration for DDT, the only toxicant ever registered for bat control, has been cancelled for this use except "For use by the distribution to only U.S. Public Health Service Officials or for distribution by or on approval by the U.S. Public Health Service to other Health Service Officials for control of vector diseases" (37 FR 13376).

According to criteria in 40 CFR Part 166:

> An emergency will be deemed to exist when: (a) A pest outbreak has or is about to occur and no pesticide registered for the particular use, or alternative method of control, is available to eradicate or control the pest, (b) significant economic or health problems will occur without use of the pesticide • • • Section 166.1.

Evaluation against these criteria show:

1. The little brown bat is endemic to Wyoming as well as other States and is probably a reservoir of the rabies disease. Therefore, a pest outbreak would mean an increase either in the number of bats or an increase in the incidenoe of rabies among little brown bats or an increase of rabies in other animals having contact with bats. The data submitted by Wyoming did not, however, support any of these conclusions. No increased incidence of rabies in bats or an increased incidence of rabies in animals in contact with bats has occurred or is about to occur. In a recent approval to use DDT in controlling bats in Massachusetts (37 FR 13369) on little and big brown bats, the bats were roosting in the attics of occupied homes in which case the normal incidence of rabies among these species of bats posed an unacceptable risk to human occupants of the homes. In the Wyoming case, the bats occupy a barn and other remote outbuildings. There is no information that the remoteness is overcome by an increased incidence of rabies among bats or an increase of rabies among animals having contact with bats. We must conclude, therefore, that the threat to humans in the case of Wyoming is remote.

2. A direct method of control is available: Properly immunized personnel can shoot the bats with birdshot and can repeat this control method as often as necessary until cooler weather causes the bats to migrate. In the Massachusetts case this alternative was not an acceptable means of control in residential homes. The open nature of the unoccupied buildings in the Wyoming case does not lend itself easily to modifications to prevent reinfestation. The alternative of shooting bats with birdshot is not only practical but is preferable to the use of DDT since control is more positive and immediate and poses less risk to the environment.

3. The applicant has not suggested that any significant economic loss has or will result from non-use of DDT. The threat to human health from rabid bats near the Wyoming guest ranch appears remote for the reasons discussed in 1. above.

Conclusions. EPA has discussed the Wyoming application with personnel of the Rabies Control Unit Center, Communicable Disease Center, Lawrenceville, Georgia, and has found independent agreement in all material respects with our own conclusions that an emergency does not exist within the meaning of 40 CFR Part 166. The application of the Wyoming Department of Public Health is, therefore, denied.

If new or additional facts become available which the Wyoming Department of Public Health feels demand reconsideration of this denial, EPA will reconsider the Wyoming application without prejudice.

Dated: October 23, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-25416 Filed 10-31-74;8:45 am]

[OPP-180028; FRL 289-6]

ARMY CORPS OF ENGINEERS

Receipt of Application for Specific Exemption To Control Alligatorweed and Water Hyacinth

On October 2, 1974, the Army Corps of Engineers applied to the Environmental Protection Agency (EPA) for a specific exemption to use Silvex and 2,4-D to control alligatorweed and water hyacinth, respectively. The locations involved are the following: Town Bluff Dam-B.A. Steinhagan Lake, Neches River, Texas, and the Sam Rayburn Dam and Reservoir, Angelina River, Texas. This specific exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice does not indicate a decision by this Agency on the application. Interested parties may review the application in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: October 25, 1974.

JOHN T. RHETT,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-25568 Filed 10-31-74;8:45 am]

[FRL 289-3]

PRESIDENT'S AIR QUALITY ADVISORY BOARD

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the President's Air Quality Advisory Board, which is established under section 117 of the Clean Air Act, will hold a meeting November 20-22, 1974, in the auditorium of the Environmental Protection Agency (EPA) Training Center, National Environmental Research Center, Research Triangle Park,

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North Carolina 27711. The Board will address itself to: a) EPA's performance in communicating and working with external organizations, b) the problem of sulfur oxides air pollution, and c) EPA's proposed "no significant deterioration" regulations.

The meetings will be open to the public as observers. Any member of the public desiring additional information should contact the Executive Secretary, Mr. Robert Perman, U.S. Environmental Protection Agency, Washington, D.C. 20460. The telephone number is (202) 245–3029.

Dated: October 25, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74–25384 Filed 10–31–74;8:45 am]

[FRL 286–4; OPP–32000/135]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before December 31, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 31, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 12512–G. Acco Products Co., 520 E. Mary St., Bristol VA 24201. ACCO PINE ODOR DISINFECTANT COEF. 13. Active Ingredients: Isopropanol 9.50%; Pine Oil 7.90%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 3.95%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5481–RTA. Amvac Chemical Corp., 4100 E. Wash. Blvd., Los Angeles CA 90023. ALCO VAPAM. Active Ingredients: Sodium methyldithiocarbamate (anhydrous) 32.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6308–OE. The Ansul Co., 1 Stanton St., Marinette WI 54143. SUCKER-PLUCKER CONCENTRATE. Active Ingredients: Fatty Alcohols (C6 0.42%, C8 38.68%, C10 45.90%) 85%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185–ETA. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-KLEEN LBC–103. Active Ingredients: Hydrogen Chloride 7.20%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.50%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185–ETL. Bio-Lab, Inc. BIO-GUARD CLC CALCIUM HYPOCHLORITE. Active Ingredients: Calcium hypochlorite 65.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5185–118. Bio-Lab, Inc. GUARD-ALL X–185. Active Ingredients: Cresylic acid 30.0%; Soap 17.8%; Isopropanol 16.0%; Sodium dodecylbenzene sulfonate 5.1%; 4- and 6-chloro-2-phenylphenol 4.0%; o-benzyl-p-chlorophenol 3.0%; Tributyltin neodecanoate 0.5%; para-tertiary-amylphenol 0.2%; 2,2'-methylene bis (3,4,6-trichlorophenol) 0.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34969–E. Central Solvents & Chem. Co., 7601 S. 190th St., Kent WA 98031. YARMOR 302 PINE OIL. Active Ingredients: Pine oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34969–G. Central Solvents & Chem. Co. HERCO PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34969–R. Central Solvents & Chem. Co. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2 (b) of interim policy.

EPA File Symbol 7478–RA. Chem Pak Co., PO Box 757, Miami FL 33143. LEAFY VEGETABLE DUST. Active Ingredients: Maneb Manganese Ethylene Bisdithiocarbamate 2.000%; Zineb (Zinc Ethylene Bisdithiocarbamate) 4.000%; Malathion 5.000%; Bacillus thuringiensis, Berliner, 0.048%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7478–RT. Chem-Pak Co., PO Box 757, Miami FL 33143. WORMEX A HOME GARDEN BIOLOGICAL INSECTICIDE. Active Ingredients: Bacillus thuringiensis, Berliner 0.86%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34970–E. Chemical Services, Inc., PO Box 82918, Atlanta GA 30354. YARMOR 302W PINE OIL. Active Ingredients: Pine oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34970–R. Chemical Services, Inc. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34970–G. Chemical Services, Inc. HERCO PINE OIL FOR FORMULATION OF DISINFECTANTS. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7173–RLG. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. CHEMPAR MULTI PURPOSE FLYING AND CRAWLING INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2 - dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.200%; Related compounds 0.030%; Aromatic petroleum hydrocarbons 0.265%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100–LTN. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. AQUAZINE ALGICIDE. Active Ingredients: Simazine: 2-chloro-4,6-bis (ethylamino)-s-triazine 80%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 9444–GT. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. PURGE TOTAL RELEASE INSECTICIDE WITH VAPONA AND CHLORPYRIFOS. Active Ingredients: 2,2-Dichlorovinyl Dimethyl Phosphate 6.50%; related compounds 0.50%; Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 1.00%; Epichlorohydrin 0.25%; petroleum distillates 6.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9444–GI. Cline-Buckner, Inc. PURGE CONCENTRATED HOSPITAL STRENGTH DETERGENT DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.250%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 6.250%; Tetrasodium ethylenediamine tetraacetate 3.600%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9444–GO. Cline-Buckner, Inc. PURGE HOSPITAL STRENGTH DISINFECTANT CLEANER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.250%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.250%; Sodium Carbonate 3.000%; Tetrasodium ethylenediamine tetraacetate 1.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1544–AG. Frank J. Curran Co., 8101 S. Lemont Rd., Downers Grove IL 60515. ZOREX PARA SWEET PINE MOTH KILLER DEODORIZER. Active Ingredients: Paradichlorobenzene 98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1544–AE. Frank J. Curran Co., 8101 S. Lemont Rd., Downers Grove IL 60515. ZOREX PARA SWEET ROSE MOTH KILLER DEODORIZER. Active Ingredients: Paradichlorobenzene 98%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 464–LRR. The Dow Chemical Co., PO Box 1706, Midland MI 43640. DOW TELONE II SOIL FUMIGANT. Active Ingredients: 1,3-Dichloropropene 92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279–EOOE. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. STREPTOMYCIN 3000 DUST BACTERICIDE. Active Ingredients: Streptomycin 0.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764–UA. FMC Corp., Citrus Machinery Div., PO Box 552, Riverside CA 92502. STA-FRESH 404 FUNGICIDAL FRUIT COATING. Active Ingredients: sec-Butylamine 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4584–OG. Gem Inc., One Gem Blvd., Byh Alla MS 38611. AEROCOS SPACE SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.332%; Petroleum distillate 99.124%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11275–A. Guth Corp., PO Box 302, Naperville IL 60540. KALZATE 'A' WEED KILLER. Active Ingredients: Potassium 2-Methyl-4-Chlorophenoxyacetate 47.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10107–RL. Harris Serum & Supply Co., Inc., PO Box 410, McCook NB 69001. DIAZINON 6000 GRANULAR TURF INSECT CONTROL. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10107–RA. Harris Serum & Supply Co., Inc., PO Box 410, McCook NB 69001. DIAZINON GRANULAR TURF INSECT CONTROL. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1658–EE. Hillyard Chemical. Co., 302 N. 4th St., St. Joseph MO 64502. PINE-O-CIDE PINE ODOR DISINFECTANT, DETERGENT, DEODORANT. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%; C16 28%; C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 407–GIU. Imperial, Inc., PO Box 423, Shenandoah IA 51601. IMPERIAL READY TO USE 1% VAPONA. Active Ingredients: Dichlorvos: 2,2-dichlorovinyl dimethyl phosphate 0.93%; Related Compounds 0.07%; Deodorized Kerosene 49.50%; Mineral Seal Oil 49.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2693–RNN. International Paint Co., Inc., PO Box 386, Union NJ 07083. TROPEX ANTIFOULING PAINT 1600. Active Ingredients: Cuprous Oxide 38.7%; Bis(Tri-n-Butyltin) Oxide 1.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2693–RNN. International tories Inc., 2214 6th St., Berkeley CA 94710. INSTRUMENT GERMICIDE. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 0.133%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7601–RR. Libby Laboratories Inc., 2214 6th St., Berkeley CA 94710. GERMICIDAL SOLUTION ALCOHOLIC. Active Ingredients: Isopropyl Alcohol 50.000%; Alkyl (C14 50%, C12 40%, C16 10%) Dimethyl Benzyl Ammonium Chloride 0.133%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279–EOOE. FMC Corp., Agricultural Warehouse Co., 200 S. Main, Fremont NB 68025. CLEAN CROP ATRAZINE 80W. Active Ingredients: Atrazine (2-chloro-4-ethylamino-6-isopropylamino - s - triazine) 76%; Related Compounds 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2831–UU. Napasco International, Inc., PO Box 1219, Thibodaux LA 70301. NAPASCO STEROLITE DISINFECTANT—SANITIZER—DEODORIZER. Active Ingredients: Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chloride 10.00%; Ethanol 2.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34971–E. Texas Solvents & Chemicals Co., PO Box 24335, Houston TX 77029. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34971–R. Texas Solvents & Chemicals Co. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34971–G. Texas Solvents & Chemicals Co. HERCO PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34972–G. Texas Solvents & Chemicals Co., PO Box 23188, San Antonio TX 78223. HERCO PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34972–E. Texas Solvents & Chemicals Co. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34972–R. Texas Solvents & Chemicals Co. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2 (b) of interim policy.

EPA File Symbol 34966–R. Toledo Solvents & Chemicals Co., 4051 South Ave., Toledo OH 43615. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34966–E. Toledo Solvents & Chemicals Co. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34966–G. Toledo Solvents & Chemicals Co. HERCO PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34760–R. 3 P Co., Div. of Weber Consumable Products, 3444 De La Cruz, Santa Clara CA 95050. SEPTIC SOAK. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

REPUBLISHED ITEMS

The following items represent a correction in the list of Applications Received published in the Federal Register of October 15, 1974 (39 FR 36898).

EPA File Symbol 34894–G. Amsco Solvents & Chemicals Co., 4619 Reading Rd., Cincinnati OH 45229. HERCULES YARMOR 302W PINE OIL. Method of Support: Application proceeds under 2(b) of interim policy rather than 2(1) as published.

EPA File Symbol 1021–RGET. McLaughlin Gormley King Co., 8810 Tenth Ave., N. Minneapolis MN 55427. PYROCIDE FORMULA 7228. Originally published as EPA File Symbol 1021–RGE. T. McLaughlin Gormley King Co.

EPA File Symbol 34889–E. Missouri Solvents & Chemicals Co., 419 DeSota Ave., St. Louis MO 63147. HERCULES YARMOR 302 PINE OIL. Originally published as EPA File Symbol 34888–R.

Dated: October 22, 1974.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.74–25110 Filed 10–31–74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ALLOCATION OF FEEDSTOCKS TO SYNTHETIC NATURAL GAS FACILITIES

Petitions for Assignment or Adjustment of Base Period Volumes

On July 31, 1974, the Federal Energy Administration issued a Statement of Policy and Special Rule governing the allocation of petroleum feedstocks to synthetic natural gas (SNG) plants (39 FR 27910). The special rule sets forth the criteria which are to be considered by the FEA in granting or denying the petition of an SNG manufacturer for assignment or adjustments of its base period volume under § 211.29 of FEA's Mandatory Petroleum Allocation Regulations. In the introduction to its statement of policy, the FEA indicated that such petitions would generally be considered on a case-by-case basis: The case-by-case approach was adopted in order to develop fully the information necessary to ascertain the effects on competing energy users of an allocation decision respecting a given SNG facility.

The Statement of Policy further provided that "in specific cases, opportunity will be afforded interested parties to challenge or support the implementation of this policy through factual or legal presentation." FEA has determined that personal service of notice on all persons who might be aggrieved by the issuance of a decision and order on an SNG petition is impracticable since such persons are not, at this point, readily identifiable. Therefore, in accordance with the July 31 statement and pursuant to the provisions of 10 CFR §§ 205.23 and 205.33, the FEA hereby provides notice of all petitions recently filed under § 211.29. The specific information on each petition is set forth in the Appendix to this notice.

A complete file containing all information and data filed in conjunction with the petitions listed in the Appendix, other

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than confidential business information which FEA has determined to be exempt from the disclosure requirements of 5 U.S.C. 552, will be made available for public inspection and copying at the Administrator's Reception Area of the FEA, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

Written comments regarding the petitions summarized in the Appendix to this notice will be accepted and considered if filed on or before November 11, 1974. Any person submitting written comments with respect to a petition summarized in this notice should comply with the requirements of § 205.23 or § 205.33 of the FEA procedural regulations, as appropriate. Comments should be submitted to the Office of Specialty Fuels and Products, Federal Energy Administration, Room 6222B, 2000 M Street, NW., Washington, D.C. 20036. Comments should be identified on the outside envelope and on documents submitted to FEA with the designation "Allocation of Petroleum Products to Synthetic Natural Gas Plants." Five copies should be submitted.

Issued in Washington, D.C., October 25, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

APPENDIX

Petitioner	Feedstock (specific chemical content)	Annual capacity (millions of cubic feet/day)	Assignment or adjustment of base period volumes requested (barrels for each base period)	Supplier	Status [1]
Algonquin SNG, Inc.	Naphtha	120	2,475,200	Exxon	B
Columbia LNG Corp.	Natural gas liquids, liquid petroleum gas, naphtha.	250	6,370,000	Dome Petroleum, La Gloria, Sohio.	A
Consumers Power	Liquid petroleum gas, natural gas liquids.	200	4,595,500	Dome, Amoco, Michigan Consolidated.	A
Northern Illinois Gas Co.	Liquid petroleum gas, natural gas liquids, naphtha.	166	4,340,800	UPG, Inc., ARCO, San Juan Oil Co.	A

[1] A—petition received; B—filing complete.

[FR Doc.74-25369 Filed 10-29-74;10:38 am]

CONSUMER AFFAIRS AND SPECIAL IMPACT ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Consumer Affairs and Special Impact Advisory Committee will meet Monday, November 18, 1974, at 9 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

This Committee was established to provide the Federal Energy Administration with diversified knowledge and experiences possessed by a wide range of highly qualified individuals who have been extensively involved in planning, development, and implementation of programs to remedy the problems of the consumer, the poor, the elderly, and the handicapped persons in rural and urban America.

The Agenda for the meeting is as follows:

1. Organizational Matters.
2. Project Independence Blueprint.
3. Conservation—Voluntary vs. Mandatory.
4. Price Issue—Energy Tax and Deregulation.

The meeting is open to the public; however, space and facilities are limited.

The chairman of the committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on October 29, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel.

[FR Doc.74-25436 Filed 10-29-74;11:58 am]

FEDERAL MARITIME COMMISSION

[FMC-142]

NEW YORK PASSENGER TERMINAL USERS' ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 11, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed For Approval By:

Donald L. Wallace, Esq.
Whitman & Ransom
522 Fifth Avenue
New York, New York 10036

Agreement No. 9851-2 by and between the members of the New York Passenger Terminal Users' Association (NYPTUA) modifies paragraph 2(c) of Agreement No. 9851 to read as follows:

"(c) A majority of the members shall constitute a quorum. No business other than the selection of an Acting Chairman and the adjournment of the meeting to a date certain shall be conducted in the absence of the quorum."

Presently nine members shall constitute a quorum.

By Order of the Federal Maritime Commission.

Dated: October 25, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25391 Filed 10-31-74;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE NO. 1356; ALBARCO INTERNATIONAL (P.R.), INC.

Order of Revocation

By letter dated September 12, 1974, Albarco International (P.R.), Inc., P.O. Box 3248, Old San Juan, Puerto Rico 00904 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1356 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 8, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Albarco International (P.R.), Inc. has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated 9/15/73);

It is ordered, that Independent Ocean Freight Forwarder License No. 1356 of Albarco International (P.R.), Inc. be returned to the Commission for cancellation.

It is further ordered, that Independent Ocean Freight Forwarder License No. 1356 be and is hereby revoked effective October 8, 1974.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon Albarco International (P.R.), Inc.

WM. JARREL SMITH, JR.,
Deputy Managing Director.

[FR Doc.74-25520 Filed 10-31-74;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE NO. 879-R; WTC INTERNATIONAL, INC.

Order of Revocation

On October 15, 1974, WTC International, Inc., 5959 West Century Boulevard, Los Angeles, California 90045 voluntarily surrendered its Independent Ocean Freight Forwarder License No. 879-R for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(f) (dated 9/15/73);

It is ordered, that Independent Ocean Freight Forwarder License No. 879-R be and is hereby revoked effective October 15, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, that a copy of this Order be published in the FEDERAL REGISTER and served upon WTC International, Inc.

WM. JARREL SMITH, JR.,
Deputy Managing Director.

[FR Doc.74-25518 Filed 10-31-74;8:45 am]

LEONARD J. BUCK ET AL.

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 21, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. Ralph E. Casey, Poor & Havens
Federal Bar Building
1815 H Street, N.W.
Washington, D.C. 20006

Agreement No. T-2994, among Leonard J. Buck, Incorporated (Buck), Olin Corporation (Olin) and Ormet Corporation (Ormet), is a 5-year operating agreement whereby Buck, as an independent contractor responsible to the management of Ormet, will act as terminal operator, providing all services and supervision relating to the handling of liquid, bulk and general cargo, such as receiving, loading, discharging, stevedoring, transferring, transshipping, and storing, at the Burnside Terminal, Louisiana. As compensation, Ormet will reimburse Buck all actual costs incurred plus a sum of $30,000 per annum to cover all overhead, general and administrative expense, and other indirect costs. In addition, Ormet will pay Buck an additional fee of $.40 per ton of cargo handled at the Terminal for the first 2,500,000 net tons, exclusive of Olin's, Revere's, Ormet's, or any of their subsidiaries' or affiliates' tonnage. Buck shall collect, for the account of Ormet, all rates and charges due for the use of the Terminal pursuant to a tariff issued to all users of the Terminal. Buck shall make no change or modification in said tariff without the prior written approval of Ormet.

Agreement No. T-2994-1, among the same parties, modifies the basic Agreement No. T-2994. The purpose of the modification is to provide for Buck's maximum compensation of $300,000 per annum based on (1) a base fee of $90,000 per annum, (2) 4 percent of the Terminal's revenue less operating costs, up to a maximum amount equivalent to 4 percent of the Terminal rent and depreciation, and (3) 20 percent of the Terminal's revenue in excess of the total costs.

By Order of the Federal Maritime Commission.

Dated: October 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25517 Filed 10-31-74;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA; JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 21, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreements Filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreements Nos. 150-59, filed by the Trans-Pacific Freight Conference of Japan/Korea, and 3103-55, filed by the Japan/Korea-Atlantic and Gulf Freight Conference, are identical in language and provide that Conference members shall be "jointly and severally liable for the payment of [Conference] expenses as the Conference(s) from time to time determines, provided the period of liability does not exceed three years following the date of the Member's withdrawal from, and/or termination of this Agreement."

By Order of the Federal Maritime Commission.

Dated: October 29, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25519 Filed 10-31-74;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2232]

DUKE POWER CO.

Application for Change in Land Rights

OCTOBER 25, 1974.

Public notice is hereby given that application for Conveyance of Interests in

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Project Lands has been filed under the Federal Power Act (16 U.S.C. 791a—825r) by Duke Power Company of North Carolina (correspondence to Mr. George W. Ferguson, Jr., Associate General Counsel, Duke Power Company, Power Building, Box 2178, Charlotte, North Carolina) for Project 2232 (Catawba Wateree Project) located on the Catawba River in North Carolina and the Catawba and Wateree Rivers in South Carolina in Alexander, Burke, Caldwell, Catawba, Gaston, Iredell, Lincoln, McDowell, and Mecklenburg Counties, North Carolina and Chester, Fairfield, Kershaw, Lancaster, and York Counties, South Carolina. The Project lands to be conveyed are located on Paw Creek, an arm of Lake Wylie, and are located in Mecklenburg County, North Carolina.

Applicant is seeking Commission approval to grant a 30 foot wide easement to the City of Charlotte, North Carolina for use as a right-of-way for a sanitary sewer line. Approximately 1300 feet of the right-of-way would be totally or partially within the project boundary surrounding Paw Creek. The sewer line would be constructed of 24 inch diameter reinforced concrete pipe and would be buried a minimum of one foot below the ground.

The sewer line would cross a 25 foot wide portion of Paw Creek (by means of an inverted siphon pipe buried three feet below the creek bottom) and then parallel the creek. No sewage effluent would be discharged into Paw Creek within the Project Boundary.

Any person desiring to be heard or to make protest with reference to said application should on or before December 2, 1974, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-25550 Filed 10-31-74;8:45 am]

[Docket Nos. RP72-110, PGA 75-1-A]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

OCTOBER 25, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas) on October 11, 1974, tendered for filing Substitute Twelfth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

Algonquin states that this sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1 and that the change in Algonquin's rates proposed by this filing reflects a reduction in the November 1, 1974, rates proposed by Algonquin Gas in its September 27, 1974, PGA filing. Algonquin further states that this reduction is occasioned by a decrease in the rates previously proposed by Texas Eastern's September 17, 1974, PGA filing to be effective November 1, 1974, to reflect a decrease in its cost of gas purchased from United Gas Pipe Line Company as reflected in United's Motion in Docket No. RP74-83.

The proposed effective date of the substitute revised tariff sheet is November 1, 1974, the same date as the proposed effective date of the related rate change of Texas Eastern.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-25549 Filed 10-31-74;8:45 am]

[Docket No. RP72-122; PGA 75-1-A]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates Pursuant to Commission Order Dated September 26, 1974

OCTOBER 24, 1974.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on October 10, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, all pursuant to ordering paragraph (F) of the Commission's Order, issued on September 26, 1974, in the above docket.

CIG states that pursuant to said Commission order such filing reflects rates which exclude increased purchased gas costs associated with small producer and emergency purchases at rates in excess of the rates established by Opinion No. 699. As authorized by the above order, the adjusted rates are proposed to be effective for one day, October 1, 1974.

Copies of the filing have been served upon the company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties in the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25558 Filed 10-31-74;8:45 am]

[Docket No. RP72-122; PGA 75-2]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates Under Purchased Gas Adjustment Clause Provisions

OCTOBER 24, 1974.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on October 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 4.21 cents per Mcf.

The filing is made pursuant to the provisions of section 21 of CIG's FPC Gas Tariff, Second Revised Volume No. 1, which authorizes the company to change its rates coincident with a pipeline supplier rate change, and is solely for the purpose of compensating CIG for increased costs from one of its pipeline suppliers, Northwest Pipeline Corporation. The filing is proposed to be effective on November 1, 1974, the anticipated date of the Northwest increase to CIG, or on such other date the Northwest increase is permitted to go into effect.

Copies of the filing have been served upon the company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25553 Filed 10-31-74;8:45 am]

[Docket No. RP72-157, PGA 75-2]

CONSOLIDATED GAS SUPPLY CORP.

Deferment of Rate Revision

OCTOBER 25, 1974.

Take notice that on October 10, 1974, Consolidated Gas Supply Corporation (Consolidated) filed a request for permission to defer a second revision of its September 16, 1974 Purchased Gas and R&D adjustment filing under Sections 12 and 13 of its tariff. The proposed effective date of Consolidated's original filing in this docket is November 1, 1974. On September 25, 1974 Consolidated revised that filing after it became aware of a proposed increase by Texas Eastern Transmission Corporation (Texas Eastern), which was also to become effective November 1, 1974. Consolidated states that it has just been advised that Texas Eastern proposes to revise its earlier filing which will have the effect of reducing Texas Eastern's November 1st proposed rates by 0.35 cents per Mcf.

In order to avoid another revision in its rates to become effective November 1, 1974, Consolidated now proposes to defer reflecting this latest change until its next anticipated filing to be effective on December 1, 1974. Consolidated alleges that the impact of the Texas Eastern reduction for the month of November will be approximately $59,200. This amount is to be reflected in Consolidated's deferred account. Consolidated further alleges that its unrecovered purchase gas costs have been averaging in excess of $200,000 per month so that the inclusion of the Texas Eastern reduction in the deferred account will be an off-set to such unrecovered costs.

Consolidated states that it has mailed copies of this proposal to each of its jurisdictional customers and to the interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-25548 Filed 10-31-74;8:45 am]

[Docket No. E-7984]

CONSUMERS POWER CO. AND DETROIT EDISON CO.

Certification to the Commission

OCTOBER 22, 1974.

Take notice that on October 12, 1973, Presiding Administrative Law Judge Levant certified to the Commission (1) a proposed settlement agreement drawn and submitted by Consumers Power Company, Detroit Edison Company and Commonwealth Edison Company with the concurrence of all parties to the proceeding, and (2) a motion to accordingly terminate this proceeding and certify the record to the Commission, offered by Staff Counsel at the October 12, 1973 prehearing conference conducted herein. The proposed settlement agreement involving Detroit Edison sale of portions of the Ludington Pumped Storage Plant to Commonwealth Edison Company over the first fifteen years of plant operation was transcribed in the October 12, 1973 prehearing conference record.

Any person desiring to make comments or suggestions for the Commission's consideration with respect to the certification should submit the same in writing on or before November 1, 1974, to the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25542 Filed 10-31-74;8:45 am]

[Docket No. E-8047]

DELMARVA POWER AND LIGHT CO. AND ITS SUBSIDIARIES

Order Denying Rehearing Motions, Filing Requirements Waiver; and for Rejection, and Accepting for Filing and Suspending Proposed Rate Increase; Hearing, Procedures, and Interventions

OCTOBER 24, 1974.

On August 1, 1974, Delmarva Power & Light Company and its subsidiaries (Delmarva) tendered for filing a proposed change in its FPC Electric Tariff,[1] and Rate Schedule FPC No. 35 of Delmarva Power & Light Company. Delmarva contends that the proposed increase results in an estimated increase of $4,188,340 for the period ending September 30, 1975, and a realized rate of return of 9.41%.

In support, Delmarva contends that the increased revenues are necessary to offset increased operating expenses and to provide sufficient earnings to permit the Company to obtain necessary financing, at a reasonable cost, to continue its construction program and meet its obligation to provide its customers with adequate and dependable electric service.

Notice of Delmarva's filing was issued on August 12, 1974, with comments, protests, or petitions to intervene due on or before August 23, 1974. Timely protests and petitions to intevene were filed by the cities of Dover, Newark, Seaford, Milford, Delmarva, the Town of Smyra, Delaware and Accomack-Northampton Electric Cooperative, Choptank Electric Cooperative, Inc., Delaware Electric Cooperative, Inc. and the Delmarva Electric Cooperative, Inc. Untimely protests and petitions to intervene were filed by the Town of Middletown, Delaware and the Board of Public Works of the City of Lewes, Delaware.

Petitioners request that the proposed increase be suspended for five months and set for hearing and that the petitioners be given additional time within which to plead and prepare proof and evidence. Petitioners who have filed timely shall be permitted to intervene. As to those petitioners who have filed untimely, their participation may be in the public interest and will not delay these proceedings, therefore, they also shall be permitted to intervene.

On September 24, 1974, Delmarva Power and Light Company (Delmarva) filed a motion for rehearing of the letter sent to them by the Secretary of the Commission dated August 30, 1974, which assessed the deficiencies in Delmarva's August 1, 1974, filing in this docket. In the alternative, Delmarva moved for waiver of the filing requirements of the Commission's Regulations in order that their August 1, 1974, filing be made effective as originally proposed on October 1, 1974.

The letter from the Secretary dated August 30, 1974, stated that Delmarva's August 1, 1974, filing, which proposed rate schedule changes for service to certain utility customers at wholesale for resale, failed to meet certain filing requirements as set forth in the Commission's regulations. Specifically, the Secretary's letter stated that Delmarva had failed to file budgets, forecasts and working papers showing the derivations of the projected Period II data and the demand data for Periods I and II that are required in section 35.13(b)(4)(iii) of the Commission's regulations. Finally, the Secretary's letter stated that a filing date would not be assigned to Delmarva's submittal pending receipt of the requested information.

Delmarva alleged in its motion for rehearing that to require the volumes of work behind the budget and forecasts showing the derivation of projected Period II data as a filing requirement is "prohibitively burdensome." As to the demand data required, Delmarva contended that such information was irrelevant because the type of data required was not used in their allocation method. Delmarva further states that it could not provide the non-coincident and coincident demand data, including date and hour for the system and for the service, for Period II because it has no way of making such projections. Finally, Delmarva states that the demand data for Period I, which is required by § 35.13(b)(4)(iii) of the Commission's regulations, refers to the composite of customers comprising the service and not the individual figures for each separate customer as requested in the Secretary's letter.

Delmarva concluded that the information filed with its new rate schedule was adequate to provide the Commission with information from which it can decide whether Delmarva's proposed rate increase should be permitted to go into effect on its proposed effective date, or

[1] FPC Electric Tariff Volume Nos. 4 & 5 of Delmarva Power & Light Co., FPC Electric Tariff Volume Nos. 4 & 5 of Delmarva Power & Light Company of Maryland and FPC Electric Tariff Volume No. 2 of Delmarva Power & Light Company of Virginia.

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to suspend the rate for up to five months. Delmarva submitted that the action of the Secretary was arbitrary and capricious and beyond his discretionary authority under § 35.2(c) of the Commission's regulations. Delmarva also argued, that compliance with the Secretary's letter will cause a delay in the proposed effective date of October 1, 1974, since under § 35.3 of the Commission's regulations the proposed changes could not become effective until 30 days after the deficiencies are cured, and to defer the effective date beyond October 1, 1974, without a suspension, exceeded the authority of the Commission under the Federal Power Act and was unlawful.

We fail to find any merit in Delmarva's contention that the filing requirements of the Commission's regulations are overly burdensome and require the filing of irrelevant information and data which may be difficult to obtain. The information required to be filed under the Commission's regulations is necessary for a complete evaluation of Delmarva's proposed rate increase.

Delmarva's allegation that the Secretary's action was arbitrary and capricous is unfounded. Delmarva's motion for rehearing indicates that it was fully aware of the filing requirements in the Commission's regulations, and these requirements are consistently applied and constitute the standard for determining the adequacy of electric rate filings. Delmarva's argument that the demand data for Period I, required by § 35.13(b)(4)(iii) of the Commission's regulations, refers to composite customers comprising the service is also unfounded. This regulation was intended to refer to the individual figures for each separate customer, as the Secretary's August 30, 1974, letter pointed out.

Delmarva's argument that the Secretary's letter exceeded the authority of the Commission under the Federal Power Act is without merit. As Delmarva correctly points out, section 205(d) of the Federal Power Act provides that no rate change shall be made "except after thirty days' notice to the Commission and to the public". The filing requirements set forth in § 35.13(b)(4)(iii) of the Commission's regulations set forth in detail a portion of what is required to constitute "notice to the Commission and to the public" and fully complies with section 205(d) of the Federal Power Act. It follows that if the filing requirements are not met, the thirty days' notice, as required in section 205(d) of the Federal Power Act, does not begin to run until the deficiencies have been cured. For these reasons we shall deny Delmarva's motion for rehearing of the Secretary's August 30, 1974, letter. Also, we shall deny Delmarva's motion for waiver of the filing requirements as good cause has not been shown.

On September 24, 1974, the intervening tariff customers of Delmarva Power and Light Company[3] (Intervenors) filed a motion to reject the proposed rate schedules tendered for filing on August 1, 1974. Intervenors stated that the proposed rate schedules should be rejected for the reason that Delmarva's filing failed to meet the requirements of section 35.13 of the Commission's regulations. Intervenors stated that in the absence of an outright rejection by the Commission, "the matter will become embroiled in protracted and expensive litigation regarding the procedural aspects of the case and the Commission's authority to take further action regarding the Commission's proposed tariff changes." As previously noted, we believe that the Secretary's letter did not exceed the authority of the Commission under the Federal Power Act, and the Commission has full authority to take further action regarding Delmarva's filing. Therefore, we shall deny Intervenor's motion to reject.

Our review of Delmarva's filing and the issues raised therein indicates that the proposed changes have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Accordingly, we shall suspend the proposed changes for one day and establish hearing procedures to determine the justness and reasonableness of Delmarva's filing.

On September 25, 1974, the deficiency in Delmarva's filing was cured by the submission of additional information sufficient to comply with the requisite filing requirements, and we shall therefore assign that date as the filing date for Delmarva's proposed changes.

The Commission finds: (1) The assignment of error and grounds for rehearing set forth in the motion for rehearing filed by Delmarva on September 24, 1974, present no facts or legal principles which would warrant any change in or modification of the Secretary's letter dated August 30, 1974.

(2) Good cause does not exist to grant Delmarva's motion for waiver of the filing requirements of the Commission's Regulations.

(3) Good cause exists to deny Intervenors' motion to reject.

(4) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Delmarva's revised rate schedule proposed in this docket and that the tendered rate schedules be suspended as hereinafter provided.

The Commission orders: (A) The motion for rehearing filed by Delmarva in this proceeding on September 24, 1974, is denied.

(B) The motion for waiver of the filing requirements of the Commission's Regulations is denied.

(C) The motion to reject filed by Intervenors on September 24, 1974, is denied.

(D) Pending a hearing and a decision thereon, Delmarva's proposed changes in its rates and charges, tendered on August 1, 1974, are accepted for filing, as of September 25, 1974, and suspended for one day and the use thereof deferred until October 26, 1974, subject to refund.

(E) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges in Delmarva's FPC Rate Schedule, as proposed to the amended herein shall be held commencing on February 25, 1975, at 10 a.m., EST in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(F) On or before January 10, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before January 24, 1975. Any rebuttal evidence by Delmarva shall be served on or before February 7, 1975.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(H) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) Nothing contained herein shall be construed as limiting the rights of parties to this proceeding regarding the convening of conferences of offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25554 Filed 10-31-74;8:45 am]

[3] The City of Dover, Delaware, the City of Newark, Delaware, the City of Seaford, Delaware, the Town of Smyrna, Delaware, the Town of Middletown, Delaware, the City of Milford, Delaware, and the Board of Public Works of Lewes, Delaware.

[Docket No. E-8911]

GULF POWER CO.

Extension of Procedural Dates

OCTOBER 24, 1974.

On October 11, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by Order issued August 13, 1974, in the above-designated matter. The motion states that the company and intervenors do not oppose the motion.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Evidence, January 31, 1975.
Service of Intervenor Evidence, February 28, 1975.
Service of Company Rebuttal, March 31, 1975.
Hearing, April 29, 1975 (10:00 a.m., EDT).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25557 Filed 10-31-74;8:45 am]

[Docket No. E-7468]

ILLINOIS POWER CO.

Fourth Supplemental Application

OCTOBER 24, 1974.

Take notice that on October 17, 1974, Illinois Power Company (Applicant) filed a fourth supplement to its application in Docket No. E-7468 seeking a supplemental order pursuant to Section 204 of the Federal Power Act authorizing the extension of the final maturity date on the short-term notes that may be issued by Applicant to December 31, 1976 from that previously authorized by the supplemental order of the Commission issued January 11, 1974 in Docket No. E-7468.

Applicant is incorporated under the laws of the State of Illinois and operates as an electric and gas public utility therein. The notes proposed to be issued pursuant to this fourth supplemental application will be unsecured promissory notes with maturity dates not more than 360 days after their respective dates of issue, and in any event will be payable on or before December 31, 1976. The notes will be issued in an aggregate principal amount of not to exceed $125,000,000 outstanding at any one time, either to (1) commercial banks under the provisions of revolving credit agreements or otherwise, (2) commercial paper dealers, or (3) regular purchasers of commercial paper for their own account. With respect to such of the notes as are issued to commercial banks, the interest rate applicable to the notes shall be at the prime commercial rate of the Continental Illinois National Bank and Trust Company of Chicago in effect on the date of each borrowing and adjusted to the prime commercial rate in effect on the first date of each calendar quarter thereafter, and with respect to such notes as are issued to commercial paper dealers or to regular purchasers of commercial paper for their own account, the interest rate applicable to the notes will be the market rate (or discount rate) on the date of issuance for commercial paper of comparable quality and of the particular maturity sold.

The net proceeds from the issuance of the notes will be added to working capital for ultimate application toward the cost of gross additions to utility properties and/or to reimburse applicant's treasury for construction expenditures. Applicant's construction program, as now scheduled, calls for expenditures of approximately $905,000,000 for the five-year period of 1974-78.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25555 Filed 10-31-74;8:45 am]

[Docket No. E-8995]

IOWA POWER AND LIGHT CO.

Renotice of Proposed Rate Increase

OCTOBER 25, 1974.

On August 5, 1974 Iowa Power and Light Company (Iowa Power) tendered for filing proposed changes in its FPC Rate Schedule Nos. 9, 10 and 13 affecting the municipalities of Carlisle, Imogene and Neola, Iowa.

The proposed changes would increase revenues from jurisdictional sales and service by a total of $37,377.82 for the three cities based on the twelve month period ended May, 1974. Iowa Power's filing also included a cost of fuel adjustment clause.

Iowa Power's August 5, 1974 filing was noticed on September 10, 1974 with comments, protests and petitions to intervene due on or before September 23, 1974.

By letters received October 15, 1974 Iowa Power completed its filing by submitting cost justification for its proposed rate increase and also requested the Commission to allow a modification of the August 5, 1974 filing by withdrawing its cost of fuel adjustment clause tendered therein.

Any person desiring to be heard or to protest said application and change in application and who has not already filed a petition to intervene or protest should file a petition to intervene and protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before November 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-25545 Filed 10-31-74;8:45 am]

[Docket No. E-8615]

LOUISIANA POWER AND LIGHT CO.

Further Extension of Procedural Dates

OCTOBER 24, 1974.

On September 3, 1974, Louisiana Power and Light Company filed a motion to defer the procedural dates fixed by notice issued July 23, 1974, in the above-designated matter, in order to suspend proceedings while a proposed settlement agreement is considered by the Commission. A notice granting an extension of the above procedural dates was issued September 13, 1974.

Upon consideration, notice is hereby given that a further extension of the above-mentioned procedural dates is granted as follows:

Service of Intervenor's Evidence, November 25, 1974.
Service of Rebuttal evidence by Company, December 9, 1974.
Hearing, December 17, 1974 (10 a.m., EST).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25556 Filed 10-31-74;8:45 am]

[Docket No. E-7671]

MISSISSIPPI RIVER BASIN

Further Extension of Time

OCTOBER 25, 1974.

On October 21, 1974, Bladin Paper Company, Northwest Paper Division of Potlach Corporation, and Minnesota Power and Light Company filed a joint motion to extend the time in which to respond to the Annex to the March, 1973 Supplemental Report of the Commission's Bureau of Power dated April, 1974; on the Investigation of Headwater Benefits 1925-1965 which was transmitted by letter dated July 4, 1974. The present deadline was fixed by notice issued July 26, 1974, which extended an earlier date.

Upon consideration, notice is hereby given that the date for responding in the above matter is extended to and including January 27, 1975.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-25546 Filed 10-31-74;8:45 am]

[Docket Nos. RM74-22, E-8589; E-8550]

NEW ENGLAND POWER POOL PARTICIPANTS, ET AL.

Order Granting Rehearing for Purposes of Further Consideration

OCTOBER 25, 1974.

On August 26, 1974, we issued an order in these proceedings in which we permitted the New England Power Pool Participants to withdraw the petition for emergency relief that they had earlier filed with us, and in which we accepted certain rate schedules that had been the subject of a settlement agreement. Two parties to the proceedings have filed timely applications for rehearing—Richmond Power & Light of the City of

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Richmond, Indiana, and Congressman Michael J. Harrington of Massachusetts. Each had objected to the settlement agreement, and each now alleges that we erred in several particulars in our order of August 26.

That order contained, in ordering paragraph (G), a requirement that within 20 days from the August 26 issuance date, certain public utilities must file rate schedules, as well as other data and reports described in that paragraph. Our experience in connection with this requirement has indicated to us that the 20-day filing period was too brief. Not all of the necessary filings have been made, and a number of utilities have requested extensions of time. We therefore conclude that that period should be extended, and we shall extend it through November 4, 1974. At the same time, the reports to be filed pursuant to paragraph (G) and the rehearing applications deal in part with the same subject, so we cannot give consideration to the applications for rehearing until there has been full compliance with paragraph (G). Accordingly, we shall grant the applications for rehearing, solely for the purpose of affording us an opportunity to give consideration to the applications after the pertinent material (including rate schedule concurrences), that is required by our August 26 order, is filed with us. We shall direct our Secretary to give prompt notice of this order to each affected utility that has not yet complied fully with paragraph (G).

In a letter to us dated September 13, 1974, the Appalachian Power Company has purported to comply with our order of August 26 in these proceedings. In addition, Appalachian attaches to its letter a number of proposed changes that it contends are errata. We shall speak to the bulk of those changes in our order upon rehearing, but we think it may be helpful at this time if we state that the changes proposed by Appalachian to ordering paragraph (G) of the August 26 order (set forth as item No. 9 on page 2 of the attachment to its letter) constitute substantive changes which we are unwilling to accept. We shall speak further to the point in our order on rehearing. At this time we are undertaking to state only that we shall expect full compliance with paragraph (G) by all affected parties to these proceedings.

The Commission finds: In order to afford further time for the pertinent public utilities to comply with paragraph (G) of the order of August 26, 1974, and to afford further time for the consideration of these matters, it is appropriate in the administration of the Federal Power Act that rehearing of such order, for purposes of further consideration, be granted.

The Commission orders: (A) The deadlines set forth in paragraph (G) of the order issued on August 26, 1974, in these proceedings, are, in each instance, extended to November 4, 1974.

(B) The applications for rehearing filed by Richmond Power & Light of the City of Richmond, Indiana, and Congressman Michael J. Harrington of Massachusetts with respect to our order in these proceedings issued on August 26, 1974, are granted in order to permit us, following the filings described in paragraph (G) of such order, to consider further the issues raised in such applications.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25560 Filed 10-31-74;8:45 am]

[Docket No. RP73-46]

NORTHERN NATURAL GAS CO.

Request for Delayed Effective Date

OCTOBER 25, 1974.

Take notice that on October 3, 1974, Northern Natural Gas Company (Northern) tendered for filing a request for delay in the effective date of their PGA increase.

On August 22, 1974, Northern Natural Gas Company (Northern) had submitted for filing a First Substitute Fifth Revised Sheet No. 3a to become part of Northern's FPC Gas Tariff, Original Volume 4. This gas tariff reflected the net effect of Colorado Interstate's rate settlement at Docket No. RP73-93, their general rate increase filing at Docket No. RP74-77 and a PGA increase which was filed to become effective October 1, 1974.

Northern states that on September 26, 1974 it was informed Colorado Interstate's general rate increase was approved to become effective October 1, 1974, pending the filing of revised tariff sheets and that the PGA increase would be suspended to become effective October 2, 1974 subject to refund.

Northern has determined that the additional expense required to prepare special billing to its customers to recover the portion of Colorado Interstate's increase accepted for the one day of October 1, 1974 would exceed the additional revenues that might be gained by Northern.

Accordingly, Northern proposes to delay effectuation of the entire 3.46¢ per Mcf PGA increase until October 2, 1974, and agrees to make such refunds as may be required pending the Commission's final decision regarding Colorado Interstate's October 2, 1974 rates.

Northern also requests that the FPC waive whichever of its Regulations may be required and accept the First Substitute Fifth Revised Sheet No. 3a to become effective October 2, 1974.

Northern states that copies of these requests have been served upon Felt Water Development Company, Clayton, New Mexico, Southern Union Gas Company, Dallas, Texas, New Mexico State Corporation Commission, Santa Fe, New Mexico and the Oklahoma Corporation Commission, Oklahoma City, Oklahoma.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-25544 Filed 10-31-74;8:45 am]

[Docket No. E-8882]

PUBLIC SERVICE CO. OF COLORADO

Filing of Supplement to Service Agreement

OCTOBER 25, 1974.

Take notice that on August 30, 1974, the Public Service Company of Colorado (PSCC) tendered for filing a supplement to its service agreement with the Home Light and Power Company, designated FPC Rate Schedule No. 9. PSCC originally filed the service agreement with the Commission on July 1, 1974, and by order issued August 30, 1974, the Commission suspended the proposed service agreement for five months and set the matter for hearing.

Any person desiring to be heard or to protest said supplement should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this supplement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25562 Filed 10-31-74;8:45 am]

[Docket Nos. E-8586 and E-8587]

PUBLIC SERVICE CO. OF INDIANA, INC.

Order Granting Late Petition To Intervene

OCTOBER 25, 1974.

On October 4, 1974, Hoosier Energy Division of Indiana Statewide Rural Electric Cooperative, Inc. (Hoosier) filed a motion to intervene out of time in these dockets, which have been consolidated by order issued March 7, 1974. A timely protest and petition to intervene was filed by Indiana Municipal Electric Association and certain municipalities (IMEA Cities), which alleges among other things that the proposed rate for firm service to IMEA Cities is substantially higher than the rate filed by Public Service Company of Indiana, Inc. (PSCI) for service to Hoosier, and that PSCI's realized rate of return from service to IMEA Cities is substantially higher than the realized rate of return from PSCI's service to Hoosier, thus unduly discriminatory and unlawful. Hoosier now alleges that although it does not contest the reasonableness of the rates which PSCI proposes for services to Hoosier, it did not until recently recognize that it had a direct and substantial interest in the contention advanced by IMEA Cities. Hoosier further states that its untimely intervention will not delay the administrative process.

The Commission finds: Participation by Hoosier in this proceeding may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above mentioned petitioner is hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in its petition to intervene; and *Provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the Federal Register.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25559 Filed 10-31-74;8:45 am]

[Docket No. E-9062]

PUBLIC SERVICE CO. OF NEW MEXICO

Agreement for Service

OCTOBER 25, 1974.

Take notice that on October 15, 1974, the Public Service Company of New Mexico (PSCNM) tendered for filing an agreement to provide power transmission service for the State of Nevada, Division of Colorado River Resources (DCRR) for a period of one year.

PSCNM states that the contract was negotiated to permit DCRR to obtain capacity from the Department of the Interior, Bureau of Reclamation, by enabling DCRR to return energy associated therewith to the Bureau from PSCNM. PSCNM further states that the Bureau of Reclamation required DCRR to contract to receive its energy during specified time periods commencing October 1, 1974, and therefore DCRR was required to enter into an agreement for return of Bureau energy by October 1, 1974. PSCNM therefore requests the Commission to waive its notice requirements and permit the Agreement between PSCNM and DCRR to become effective October 1, 1974.

PSCNM states that the proposed rate for service has been agreed upon by the parties and that copies of the filing have been mailed to DCRR, and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-25543 Filed 10-31-74;8:45 am]

[Docket No. E-9038]

SOUTHERN CALIFORNIA EDISON CO.

Order Accepting Rate Increase for Filing Subject to Refund, Proposed Effective Date, and Granting Waiver of Notice Requirement

OCTOBER 25, 1974.

On September 26, 1974, Southern California Edison Company (Edison) tendered for filing a proposed extension of its Power Supply Agreement with Sierra Pacific Power Company (Sierra). The agreement, FPC Rate Schedule No. 49, which according to Edison terminated by its own terms on September 30, 1974, was proposed to be extended until December 1, 1974. Under the terms of the extension agreement, Edison would substitute the rates charged under its wholesale-for-resale rate R-2[1] for the rates previously in effect. Edison also requested a waiver of the 30 day prior notice requirement set forth in section 205(d) of the Federal Power Act in order to allow the establishment of an October 1, 1974 effective date.

A brief discussion of the chronological development in this docket will be helpful. By letter dated February 21, 1974, Sierra informed Edison of the former's status regarding construction of interconnection and distribution systems as Sierra planned to discontinue the service received by Edison and to generate its own power. Being uncertain as to a precise date the facilities would be available, Sierra requested an extension of service for the short period necessary to complete the facilities. In a letter dated April 9, 1974, Edison agreed to the requested possible extension but stated that the extension service would be at increased rates.

By letter dated August 27, 1974, Sierra replied that it would need service from Edison until December 1, 1974[2] and requested a finalization of this date. As a consequence of the above letter, the instant submittal for increased rates was filed September 26, 1974. A telegram dated September 30, 1974, was received by the Commission from Sierra protesting Edison's requested waiver of the 30-day prior notice requirement as Sierra had no comparable waiver provision available under the regulations of the Nevada Public Service Commission. Further, Sierra stated that it now anticipated an extension of service from Edison until October 18, 1974, as opposed to their previous indications of December 1, 1974.

The Nevada Public Service Commission forwarded a telegram dated October 1, 1974 to the Commission wherein they objected to Edison's proposed waiver of the prior notice requirement. A telegram was sent to the Commission from Edison, dated October 3, 1974, the substance of which was that Sierra had ample time to inform the Nevada Public Utilities Commission as Sierra was given more than four months prior notice of the terms of the extension agreement. Yet another telegram, dated October 18, 1974, was received by the Commission from Sierra stating, among other things, that Sierra was no longer purchasing power from Edison and that the present rate increase application would cover purchases from October 1, 1974 to October 18, 1974.

Our review of the filing and correspondence indicates that the proposed change in rates for service to Sierra should be accepted for filing and made effective October 1, 1974, subject to refund pending resolution of the proceeding in Docket No. E-8570.

The Commission finds: (1) Good cause exists to accept for filing the instant submittal by Edison effective October 1, 1974.

(2) Rate R-2 for service to Sierra should be subject to such refund as may be required in Docket No. E-8570.

(3) Good cause exists to grant the requested waiver of the notice requirement.

The Commission orders: (A) Edison's instant submittal is hereby accepted for filing.

(B) October 1, 1974 is hereby established as the effective date for service to Sierra under Rate R-2.

(C) The Rate R-2 for service to Sierra shall be subject to such refund as may be required in Docket No. E-8570.

(D). The requested waiver of the prior notice requirement set forth in Section 205(d) of the Federal Power Act is hereby granted.

[1] Wholesale-for-resale rate R-2, which is Supplement No. 1 to FPC Rate Schedule No. 49, is currently being charged subject to refund to Edison's other large resale customers.

[2] The service through December 1, 1974 would be rendered at Tonopah.

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(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25561 Filed 10-31-74;8:45 am]

[Docket No. RP74-39-13]

TEXAS EASTERN TRANSMISSION CORP., PENN FUEL GAS, INC.

Order Granting Temporary Extraordinary Relief, Providing for Hearing, and Establishing Procedures

OCTOBER 24, 1974.

On October 21, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for emergency relief pursuant to section 1.7 (b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order requiring Texas Eastern Transmission Corporation TETCO) to deliver a minimum of 8,957 Mcf per day to Penn Fuel's subsidiary, Lewistown Gas Company (Lewistown), for the use of Standard Steel (Division of Titanium Metals Corporation of America, Inc.)

Penn Fuel is a public utility holding company having several affiliated gas distribution companies in Eastern Pennsylvania. Several of these distribution companies including Lewistown[1] purchase their entire supply of natural gas from Texas Eastern.

Standard Steel purchases its entire supply from Lewistown under a contract providing for a maximum demand of 14,000 Mcf per day. Standard Steel, a manufacturer of specialty steels, is Lewistown's only large industrial customer and accounts for approximately 90 percent of Lewistown's contract demand. It also bears the brunt of Lewistown's curtailment. Standard Steel has been curtailed in widely varying degrees since January, 1971, but in the last year curtailments have substantially increased. For two weeks in January, 1974, half of Standard Steel's supply was curtailed. On October 21, 1974, Standard Steel was curtailed by 100 percent. Six other industrial customers served by members of the Pottsville Group were also curtailed by 100 percent on that day.

Several of the uses Standard Steel makes of its gas supply appear to be high priority industrial uses. Thus it appears that Lewistown is being forced to curtail 100 percent of Standard's priority 2 load as end-use priorities are defined in TETCO's FPC Gas Tariff, Fourth Revised Volume No. 1.

Standard Steel manufactures specialty steel components for nuclear, gas, and steam powered electric generating facilities; railroad and rapid transit applications; jet engines and missile systems; and oil and gas production.

[1] Lewistown is listed under Pottsville Gas Company, et al. (Pottsville Group), in TETCO's Index of Purchasers.

The complete curtailment of Standard Steel on October 21, 1974 forced the company to cease its operations. It immediately laid off 560 people and expects that lay-offs will exceed 1000 by October 25 1974.

Standard Steel began converting its facilities to alternate fuel in 1971 and by last year it had reduced its minimum gas requirements by 30 percent even while it increased production. The company claims that it is continuing to study conversion techniques, but that most of the remaining natural gas applications cannot be converted.

Standard claims that to maintain full production it must have no less than 8,957 Mcf per day, a 37 percent reduction of its contract demand.

Penn Fuel has provided a breakdown of the minimum gas required by Standard Steel as follows:

	Mcf/Day
Heat treating plant	1,900
Bay 30 heat treating	450
Ring mill furnace (heat treating)	270
Melt shop	650
Steel preparation center	450
Automatic forging machine	1,500
Open die forge shop	400
Preheating and heat treating furnaces, burning torches, etc	635
Upper ring mill	1,200
Machine shop No. 2	50
Boilers	50
Miscellaneous	200
Seasonal weather adjustment	388
10 percent Meter adjustment	814
Total	8,957

The Commission believes that Penn Fuel has demonstrated a need for an immediate grant of relief pending notice, hearing and decision. We are concerned, however, with several of the figures provided in the breakdown of Standard Steel's uses of natural gas displayed above. Explanatory footnotes at page 15 of the petition describe adjustments to the actual requirements of the plant, i.e., 200 Mcf/day for miscellaneous requirements, 388 Mcf per day for a seasonal weather adjustment, and 814 Mcf/day for a 10 percent meter adjustment. We believe that none of these three above volumes is supported in sufficient detail to include them in a grant of relief at this time. Thus, we shall at this time, reduce this temporary grant of relief by 1402 Mcf/day from the amount sought by petitioners without prejudice to the filing of additional support therefor.

Penn Fuel has appended to its petition 40 affidavits, letters, and telegrams in support of its request.

Under these circumstances, good cause has been shown to authorize and direct TETCO to supply Penn Fuel with sufficient volumes of natural gas so that its affiliate Lewistown can supply Standard Steel with 7,555 Mcf per day, such gas to be placed in TETCO's end-use priority one, pending notice, hearing and decision on the merits of the Penn Fuel petition. Accordingly, we grant Penn Fuel temporary extraordinary relief on the basis of sworn allegations made pending hearing and decision on its petition. All or part of this relief may be subject to payback as provided in 18 CFR 2.78(a)(ii). The relief shall extend for 60 days or until a final decision is issued in this proceeding, whichever first occurs.

The Commission finds: (1) The grant of Penn Fuel's petition on a temporary basis, as hereinafter ordered, is in the public interest and is consistent with the purposes of the Natural Gas Act.

(2) Good cause exists to set the proceedings initiated by Penn Fuel's petition for formal hearing.

The Commission orders: (A) The relief requested by Penn Fuel in its petition filed October 21, 1974, is hereby granted in the amount of 7,555 Mcf/day on a temporary basis pending hearing and decision on the merits of the petition. The grant of relief shall extend for 60 days from the date of this order or until a final decision is issued in this proceding, whichever first occurs.

(B) Pending hearing and decision, all of the relief hereby granted may be subject to payback.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's Rules of Practice and Procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on November 18, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the Penn Fuel petition.

(D) On or before November 12, 1974, petitioners and all parties supporting or opposing petitioner's request shall serve with the Commission and upon all parties to the proceeding including Commission Staff their testimony and exhibits in support of their position.

(E) As part of its case in chief Penn Fuel and Standard Steel shall provide evidence of any contact between itself and the Federal Energy Administration (FEA) and any assistance provided by FEA.

(F) As part of its case in chief Penn Fuel shall provide evidence regarding availability of gas supply on all of its systems from all sources, intrastate and interstate.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(H) The Presiding Administrative Law Judge shall render his initial decision within 45 days of the close of the record.

(I) Briefs on exceptions must be filed within 10 days of the date on which the Initial Decision is issued. No briefs Opposing Exceptions will be accepted for filing.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25551 Filed 10-31-74;8:45 am]

[Docket No. RP75-16-2]

TRANSCONTINENTAL GAS PIPE LINE CORP. (FARMERS CHEMICAL ASSOCIATION, INC.)

Petition for Extraordinary Relief

OCTOBER 18, 1974.

Take notice that on October 16, 1974, Farmers Chemical Association, Inc. (FCA) filed a petition for extraordinary relief, pursuant to § 1.7(b) of the Commission's rules of practice and procedure. FCA requests that the Commission issue an order directing Transcontinental Gas Pipe Line Corporation (Transco) between November 16, 1974 through April 15, 1975, to deliver to North Carolina Natural Gas Corporation (NCNG) for FCA an average of 32,700 Mcf per day of gas for a total of 4,937,700 of gas for the entire 151 day period with daily peak requirements not exceeding 35,000 Mcf per day. FCA further requests that, pending a hearing, the Commission grant interim relief pendente lite.

FCA states that it employs natural gas in the manufacture of nitrogen fertilizer at its Tunis, North Carolina facility, that FCA's gas is entirely provided by NCNG with whom FCA has a firm twenty-year contract, and that NCNG is a resale customer of Transco, which is NCNG's sole supplier.

FCA claims that on October 16, 1974, Transco informed NCNG that it would not be able to provide the winter volumes set forth in its interim settlement agreement filed September 30, 1974. At the volumes now estimated by Transco, the interim plan imperils all of FCA's production during the 1974–75 winter.

In support of its petition, FCA alleges that there is a serious fertilizer shortage in the United States and claims that the area it serves—the Southeast—faces an especially critical situation in obtaining adequate fertilizer supplies. FCA states that it is a major fertilizer supplier to the farmers of the Southeast, accounting for over one-third of the nitrogen fertilizer production in Georgia, South Carolina and North Carolina. FCA alleges that Transco 1974–75 winter curtailments place in extreme peril FCA's continued production with the resulting risk of a dangerous additional shortfall of fertilizer for the 1975 planting season in the Southeast. Accordingly, FCA states that expected curtailments will cause FCA, the farmers served by FCA, and the general public irreparable injury since each day's reduction or cessation of fertilizer production is lost forever.

FCA requests that the Commission order Transco to provide NCNG up to a total of 35,000 Mcf per peak day for the 1974–75 winter period (November 16, 1974 through April 15, 1975) for FCA's fertilizer operations. However, because FCA expects a small amount of lost production time during the 151 day winter period, FCA states that its anticiapted average consumption is estimated at 32,700 Mcf per day, or a total of 4,937,700 Mcf for the entire winter period, and therefore FCA requests relief to this extent. FCA states that it expects to use the purchased gas for the following purposes:

(a) 40 percent would fall into Order No. 467–B Priority 2 as firm industrial requirements for feedstock;

(b) 38 percent would fall into Order No. 467–B Priority 2 as process gas for which alternative fuels are not technically feasible.

(c) 22 percent would fall into Order No. 467–B, Priority 5 as firm industrial requirements for boiler fuel use of more than 3,000 Mcf per day.

FCA claims that because NCNG is expected to be curtailed by Transco at a level in excess of 35 percent in the 1974–75 winter under the interim plan filed on September 30, 1974, NCNG is unable to assure FCA that it will be able to provide FCA's Priority 2 (feedstock and process) needs. Moreover, FCA alleges that none of FCA's Priority 5 needs (boiler fuel) will be provided. FCA states that the North Carolina Utilities Commission will impose a curtailment plan effective November 16, 1974, which is generally similar to the Order 467–B priorities. Under the plan during the 1974–75 winter, at anticipated Transco curtailment levels, NCNG will be unable to provide minimum volumes to maintain existing production levels or even to keep the Tunis plant in operation.

A shortened notice period in this matter may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should, on or before November 1, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All protests filed with the Commission will be considered by it in determining the proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to particiapte as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25541 Filed 10-31-74;8:45 am]

[Docket No. RP74-83 and RP74-20]

UNITED GAS PIPE LINE CO.

Extension of Time

OCTOBER 25, 1974.

On October 24, 1974, Consolidated Gas Supply Corporation and Columbia Gas Transmission Corporation filed a motion to extend the date for service of intervenors' testimony fixed by Notice issued Sept. 27, 1974, in the above-designated matter. The motion states that Alabama Gas Corporation, Algonquin Gas Transmission Corporation, Florida Gas Transmission Company, Laclede Gas Company, Memphis Light, Gas and Water Division, Mississippi Valley Gas Company, Mobile Gas Service Corporation, Natural Gas Pipeline Company of America, Public Service Commission of New York, Southern Natural Gas Company, Texas Gas Transmission Corporation, The Brooklyn Union Gas Company, United Municipal Distributors Group and United Gas Pipe Line Company and the Commission Staff Counsel, were contacted and do not object to the extension.

Upon consideration, notice is hereby given that the date for serving intervenors' evidence is extended to November 4, 1974.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-25547 Filed 10-31-74;8:45 am]

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEE ON FINANCE

Meeting Cancellation Notice

The meeting of the National Power Survey Technical Advisory Committee on Finance, announced for November 4, 1974, is cancelled.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25603 Filed 10-31-74;8:45 am]

FEDERAL RESERVE SYSTEM

COMMUNITY FINANCIAL SERVICES, INC.

Order Approving Acquisition of Shares of Bank

Community Financial Services, Inc., Salt Lake City, Utah, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of Community Bank & Trust Company, Salt Lake City, Utah ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is a recently organized corporation formed for the purpose of becoming a bank holding company through the purchase of Bank's shares. Bank is to be located in the Salt Lake City banking market. Since Applicant has no operating subsidiaries and Bank is a proposed new bank, consummation of the proposed transaction would not have adverse effects on competition in any relevant area. Therefore, the Board concludes that the competitive considerations are consistent with approval of the application.

The future prospects of Applicant are entirely dependent upon the financial resources of Bank. Although Bank has no operating history, its proposed capitalization and management appear satisfactory, and Bank's future prospects appear favorable. Applicant will incur some debt

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in connection with this proposal, however, it appears that applicant would be able to service the debt while maintaining adequate capital at Bank. Thus, the banking factors are consistent with approval. The entry of a new bank into the Salt Lake City area would provide area residents with an additional source of banking services. Therefore, the considerations relating to the convenience and needs of the community to be served lend some weight to approval of the application. It is the Board's judgment that consummation of the proposal would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this order or (b) later than three months after that date, and (c) Community Bank & Trust Company, Salt Lake City, Utah, shall be opened for business not later than six months after the effective date of this order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco, pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 23, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25469 Filed 10-31-74;8:45 am]

LEVY BANCORP

Order Approving Retention of Thielscher Mortgage and Investment Co.

Levy Bancorp, Oxnard, California, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of Thielscher Mortgage and Investment Company, Oxnard, California ("TMIC"), a company that engages in the activities of making or acquiring, and servicing mortgage loans for its own account or for the account of others. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 29054). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant controls one bank, Bank of A. Levy, Oxnard, California ("Bank"), with aggregate deposits of $120 million, representing 0.2 percent of the total deposits in commercial banks in California, and thereby ranks as the 33rd largest banking organization in the State.[2]

Applicant acquired TMIC in October of 1970, prior to becoming subject to the provisions of the Bank Holding Company Act. Applicant now seeks to retain TMIC under section 4(c)(8) of the Act.[2] The Board regards the standards under section 4(c)(8) for the retention of a nonbanking company to be the same as the standards for a proposed section 4(c)(8) acquisition. Accordingly, the Board must find that the proposed retention can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. TMIC was acquired one month after its formation by Applicant. Since TMIC was essentially a de novo company, its acquisition by Applicant had no adverse effects on competition.

At present, TMIC (total assets of approximately $69 thousand) engages primarily in the origination of conventional and second mortgage loans for other lenders through three offices located in Oxnard, Thousand Oaks and Encino, California, respectively. In 1973 TMIC originated a total of $3.5 million in real estate loans in Ventura and Los Angeles Counties, which approximate the relevant geographic markets. Bank also engages in conventional mortgage lending on real estate. However, in Ventura County, TMIC and Bank each hold less than one-half of one percentage point of the total mortgage loans outstanding. In Los Angeles County, TMIC and Bank each hold less than one-tenth of one percentage point of the total mortgage loans outstanding. In view of the relatively insignificant market shares held by TMIC and Bank in the relevant markets, and the size and number of competitors in such markets, it does not appear that the retention of TMIC by Applicant would have any significant adverse effects on existing or potential competition. Moreover, there is no evidence in the record indicating that Applicant's retention of TMIC would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of San Francisco.

By order of the Board of Governors,[3] effective October 23, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25464 Filed 10-31-74;8:45 am]

PITTSBURGH NATIONAL CORPORATION

Order Approving Retention of The Kissell Co.

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to retain all of the voting shares of The Kissell Company, Springfield, Ohio ("Kissell"),[1] a company that engages in the activities of a mortgage banker, including originating, selling, and servicing mortgage loans for its own account or for the accounts of others. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 27191). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, a one-bank holding company, controls the Pittsburgh National Bank ("PNB"), Jeanette, Pennsylvania, the fifth largest commercial bank in Pennsylvania, with deposits of $2.0 billion, representing approximately 5 per cent of total deposits in commercial banks in the State.[1] PNB operates 92 banking offices throughout the Pittsburgh metropolitan area and is the second largest commercial bank in that area. Applicant engages in mortgage banking activities through PNB and two other direct subsidiaries, Pittsburgh National Mortgage Corporation ("PNMC") with an office in Pittsburgh, Pennsylvania, and Kissell.

Kissell is the nation's tenth largest mortgage banking company based on its mortgage servicing portfolio of approximately $1.3 billion (as of December 31, 1973) and engages in a full range of mortgage banking activities including the origination, sale, and servicing of all types of mortgage loans through 28 offices located in 14 States. Kissell has three wholly-owned subsidiaries which are presently active: Kissell Development Company, Inc., Springfield, Ohio, which services pools of mortgages which it arranged and marketed prior to 1969 and also services a small volume of land contracts which it arranged on property prior to 1968; Kissell Virginia, Inc., Springfield, Ohio, which engages in mortgage banking and brokerage; and National Community Advisors, Inc., Springfield, Ohio, which serves as trustee under deeds of trust given to secure loans made by Kissell in California.[4] Kissell's mortgage servicing portfolio has increased approximately 57 per cent since 1968, the last full year of its operation as an independent mortgage company.

The Board regards the standards under section 4(c)(8) for retention of shares to be the same as the standards for a proposed acquisition. In 1968, the last full year preceding the acquisition, the total originations of Kissell's Pittsburgh office were $300,000 of 1-4 family residential mortgages while Applicant, through PNB,[4] originated $10.9 million of 1-4 family residential mortgages, all from within the Pittsburgh SMSA. Thus, although both PNB and Kissell were originating 1-4 family mortgages in the Pittsburgh SMSA at the time of Applicant's acquisition of Kissell, it does not appear that any significant amount of existing competition was eliminated as a result of the acquisition. While it also appears that Applicant had sufficient resources to enter some of the local 1-4 family residential mortgage markets that were served by Kissell at the time of the acquisition, it does not appear that this acquisition eliminated any significant amount of potential competition with respect to residential mortgages in view of the large number of alternative sources for such mortgages in virtually all of the residential mortgage markets in which Kissell operated.

On a regional or national basis, Kissell originated $26 million of construction loans and $6.5 million of mortgages on income-producing property in 1968 while PNB originated $73 million of construction loans and $1.2 million of mortgages on income-producing property. Also, it appears that Applicant had sufficient resources to compete with Kissell on a larger scale in the markets for construction loans and loans on income-producing property. However, these markets are at least regional in scope and neither Kissell nor PNB had a significant share of the market in 1968. Further, there are a large number of firms competing in such markets and many potential entrants. On this basis, it does not appear that a significant amount of existing or potential competition with respect to these loans was eliminated by this acquisition.

Affiliation with Applicant has provided Kissell with a readily accessible lower cost source of funds, principally through the operations of Applicant's commercial paper subsidiary, Pittsburgh National Discount Corporation. Funds advanced to Kissell by Applicant have increased from $7 million in 1968 to $100 million in 1973. Since affiliating with Applicant, Kissell has expanded its operations into five additional states and has established seven de novo offices. Kissell's servicing of an increasingly large volume of mortgages through a central facility has resulted in operating efficiencies which have enabled Kissell to reduce the servicing fees it charges its investors. On the basis of these and other facts of record, the Board concludes that the benefits to the public resulting from Applicant's acquisition of Kissell outweigh any adverse effects on competition that could have resulted, or did result, from the affiliation. Further, it is the Board's view that approval of Applicant's retention of Kissell can reasonably be expected to continue to produce benefits to the public that would outweigh possible adverse effects.

Kissell's subsidiary, National Community Advisors, Inc., still retains title to Florida real estate acquired for development in 1962. However, Applicant has committed itself to dispose of this property as soon as practicable.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that the application should be approved. This determination is subject to the condition that Applicant dispose of the above-mentioned Florida real estate at the earliest practical time, but in accordance with the provisions of section 4(a)(2) of the Act, no later than December 31, 1980, and keep the Board advised of progress with respect thereto. This determination is further subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

By order of the Board of Governors,[5] effective October 23, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25465 Filed 10-31-74;8:45 am]

POLO BANCORP, INC.

Formation of Bank Holding Company

Polo Bancorp, Inc., Polo, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.2 percent or more of the voting shares of Polo National Bank, Polo, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 5, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25468 Filed 10-31-74;8:45 am]

WORCESTER BANCORP, INC.

Acquisition of Bank

Worcester Bancorp, Inc., Worcester, Mass., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares of The Peoples National Bank of Marlborough, Marlborough, Mass. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 25, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25467 Filed 10-31-74;8:45 am]

INTERNATIONAL JOINT COMMISSION UNITED STATES AND CANADA

REGULATION OF RICHELIEU RIVER AND LAKE CHAMPLAIN

Public Hearings

The Governments of the United States and Canada last year requested the In-

[1] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

[1] All financial data are as of December 31, 1973, and reflect all holding company acquisitions and formations approved through August 31, 1974.

[2] Under the provisions of section 4(a)(2) of the Act, Applicant would be required to divest TMIC before January 1, 1981.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

[1] Such shares were acquired by Applicant's lead bank on November 24, 1969, and were subsequently transferred to Applicant on December 30, 1970. Under the provisions of section 4(a)(2) of the Act, Applicant may not retain the shares of Kissell beyond December 31, 1980, without Board approval.

[2] Banking data are as of December 31, 1973.

[3] This subsidiary also holds Florida real estate. Applicant has committed to divest this property at the earliest practical time. In any event, this property may not be retained after December 31, 1980.

[4] PNB was Applicant's only mortgage-granting subsidiary prior to its acquisition of Kissell.

[5] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland, and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

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ternational Joint Commission to investigate and report upon the feasibility and desirability of regulating the Richelieu River in the Province of Quebec for the purpose of alleviating extreme water conditions in the River and in Lake Champlain. The Commission's inquiry has entered its final phase with receipt of the Final Report of its International Champlain-Richelieu Engineering Board. Before preparing its own report and recommendations to the two Governments, the International Joint Commission will conduct hearings to obtain the public's views concerning regulation of the Richelieu River and Lake Champlain and its reactions to the Board's Report.

Copies of the Board's Final Report may be obtained without charge from the Secretary of either Section of the Commission. Copies of a French translation of the report are similarly available, without charge. The hearings are international in nature and irrespective of the location in which they are being held, the citizens of both the United States and Canada are invited to attend and participate. At the hearings, information, statements and opinions may be presented orally or in writing. If written statements are to be submitted, it is requested that if possible, thirty (30) copies be provided ten (10) days before the hearing for the Commission's use. Additional copies may be deposited with the Secretaries at the hearings for the use of the news media and others present.

TIMES AND PLACES OF HEARINGS

Tuesday, December 3, 1974, 10:00 a.m., Ramada Inn, 1117 Williston Road, South Burlington, Vermont

Wednesday, December 4, 1974, 10:00 a.m., State University-Plattsburgh Hawkins Hall, Large Auditorium, Beckman Street, Plattsburgh, New York.

Thursday, December 5, 1974, 10:30 a.m., Auditorium, Ecole Polyvalante Chanoine Armand Racicot, 940 Normandie Boulevard, St. Jean, Quebec

W. A. BULLARD,
Secretary, United States Section, International Joint Commission.

OCTOBER 24, 1974.

EDITORIAL NOTE: D. G. CHANCE, *Secretary, Canadian Section, International Joint Commission,* also signed as Canadian representative.

[FR Doc.74-25471 Filed 10-31-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

INTERNATIONAL DECADE OF OCEAN EXPLORATION PROPOSAL REVIEW PANEL

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the International Decade of Ocean Exploration Proposal Review Panel to be held at 8:30 a.m. on November 20-22, 1974, in Room 704, 1800 G Street, NW., Washington, D.C.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel, please contact Mr. Feenan Jennings, Head, International Decade of Ocean Exploration, Rm. 710, National Science Foundation, Washington, D.C. 20550, telephone 202-632-7356.

FRED K. MURAKAMI,
Committee Management Officer.

OCTOBER 18, 1974.

[FR Doc.74-25419 Filed 10-31-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 29, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Questionnaire on the Revision of the Standard Certificate of Fetal Death, Form HRANCHS 1003, Single time, Hall (395-4697), State vital statistics officers.

REVISIONS

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration: Development of Power Requirements Studies, Forms REA 4, 4a, 5, 156, 341, 341a, 342, 343, 344, 345, 733a, 736, 802a Occasional, Lowry (395-3772), Weiner (395-4890), REA electric borrowers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health: Hypertension Detection and Follow-up Program, Form OS# NIH HL 13, Occasional, Reese (395-5630), Hypertensive study participants.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service: Warehouseman's Report of Space Availability, Form MP 140, Occasional, Evinger (395-3648), Processed commodity warehouses.

DEPARTMENT OF THE INTERIOR

Geological Survey:

Alaska Coal Lease Report, Form 9-519, Monthly, Evinger (x) (395-3648).

Application for Financial Assistance in Minerals Exploration Pursuant to Public Law 85-701 Defense Production, Form MME-40, Occasional, Evinger (x) (395-3648).

RAILROAD RETIREMENT BOARD

Certificate of Guardian-in-fact or Person in Loco Parentis, Form G-469, Occasional, Evinger (x) (395-3648).

Husband's Certification, Form G-346, Occasional, Evinger (x) (395-3648).

Supplemental Doctor's Statement, Form SI-7, Occasional, Evinger (x) (395-3648).

Husband's Statement in Connection with Wife's Election to Have her Future Wife's Annuity Reduced, Form G-340, Occasional, Evinger (x) (395-3648).

Claim for Credit for Military Service (RUI Act), Form UI44, Occasional, Evinger (x) (395-3648).

Certification Regarding Rights to Unemployment Benefits, Form UI45, Occasional, Evinger (x) (395-3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-25643 Filed 10-31-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

WINNER INDUSTRIES, INC.

Suspension of Trading

OCTOBER 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 25, 1974 through November 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25532 Filed 10-31-74;8:45 am]

[70-5259]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Post-Effective Amendment Regarding Line of Credit Between Bank and Nonutility Subsidiary Company To Finance Fuel Procurement for Owner Associate Utility Companies

OCTOBER 25, 1974.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), (280 Park Avenue, New York, New York, 10017), a registered holding company, its public-utility subsidiary companies, Arkansas Power & Light Company ("Arkansas"), (Ninth and Louisiana Streets, Little Rock, Arkansas, 72203), Louisiana Power & Light Company ("Louisiana"), (142 Delaronde Street, New Orleans, Louisiana, 70174), Mississippi Power & Light Company ("Mississippi"), (Electric Building, Jackson, Mississippi, 39205), and New Orleans Public Service Inc. ("NOPSI"), (P.O. Box 60340, New Orleans, Louisiana, 70160), (collectively referred to as "Operating Companies"), and System Fuels, Inc. ("SFI"), (P.O. Box 61532, New Orleans, Louisiana, 70161), a jointly-owned nonutility subsidiary company of Operating Companies, have filed with this Commission a post-effective amendment to the declaration in this proceeding pursuant to sections 6(a), 7, and 12(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 45 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated December 8, 1972, and September 17, 1973 (HCAR Nos. 17797 and 18097), the Commission authorized SFI to issue and sell its unsecured promissory notes, in an aggregate amount not exceeding $25,090,000 outstanding at any one time, to Hibernia National Bank in New Orleans ("Hibernia") from time to time for a period of two years from the date of a loan agreement (December 8, 1972) among Hibernia, SFI, Operating Companies, and Middle South. Under the loan agreement, nine other banks are participating to the extent of $21,590,000 or 86.1 percent of the borrowings. It is stated that as of October 1, 1974, SFI had issued notes under the line of credit in the aggregate principal amount of $25,090,000, the proceeds of which were applied by SFI toward the purchase of oil for use as fuel by Arkansas, Louisiana, Mississippi, NOPSI, and Arkansas-Missouri Power Company.

It is now proposed that the period of the borrowings be extended for two years so that notes issued pursuant to the loan agreement will be payable on or before December 8, 1976. The companies state that section 6(b) of the loan agreement, relating to the restriction on SFI's repayment of any existing or future indebtedness of SFI to Arkansas, Louisiana, Mississippi, NOPSI, or all of them, will also be amended to except from such restriction repayment by SFI of advances made by said companies to SFI pursuant to a certain Advance Agreement, dated as of September 9, 1974, among the companies. All the other terms and conditions related to the borrowings remain the same.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than November 20, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25530 Filed 10-31-74;8:45 am]

[70-5566]

WISCONSIN GAS CO.

Competitive Bidding; Exceptions in Issue and Sale of Notes to Banks, Borrowings from Trust Departments

OCTOBER 25, 1974.

Notice is hereby given that Wisconsin Gas Company ("Wisconsin Gas") (626 East Wisconsin Avenue, Milwaukee, Wisconsin, 53201), a gas subsidiary company of American Natural Gas Company, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 of the Act and rules 42(b)(2), 50(a)(2), 50(a)(5) and 70(b)(2) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Wisconsin Gas proposes to borrow from commercial banks on its promissory notes ("Notes") under lines of credit aggregating $28 million; to borrow from the Trust Department of M&I Marshall and Ilsley Bank ("Trust Department") up to $5 million; or, to issue and sell up to $10 million of its commercial paper through a dealer. The total of all such borrowings will not exceed $28 million at any one time.

Accordingly, Wisconsin Gas has arranged lines of credit with five commercial banks providing for the borrowing of up to $28 million on its Notes maturing November 27, 1975. The banks and their respective commitments are as follows:

Name of bank:	*Amount of commitment*
First Wisconsin National Bank of Milwaukee, Wis.	$12,000,000
M&I Marshall & Ilsley Bank Milwaukee, Wis.	6,000,000
First National City Bank, New York	4,000,000
Manufacturers Hanover Trust Company, New York	3,000,000
Marine National Exchange Bank Milwaukee, Wis.	3,000,000
Total	$28,000,000

Each Note will be dated as of the date of issuance and will bear interest at the prime rate in effect at the lending bank on the date of each borrowing, which interest rate will be adjusted to the prime rate effective with any change in said rate. Interest shall be payable at the end of each 90-day period subsequent to the date of the first borrowing and at maturity. There is no commitment fee, closing or other related charges payable to the banks, and the Notes may be prepaid at any time without penalty. In connection with the lines of credit, Wisconsin Gas is required to maintain compensating balances with the banks, the effect of which is to increase the effective interest cost by approximately 2¼ percent above the prevailing prime rate of 11¾ percent.

Wisconsin Gas also proposes that it may, in lieu of the issuance and sale of promissory notes to the above listed banks, issue and sell its promissory notes, to the extent funds are available, up to a maximum of $5 million outstanding at any one time to the Trust Department of the M&I Marshall & Ilsley Bank, Milwaukee, Wisconsin. It is stated that the Trust Department has a continuous flow of funds from its internal operations and follows a practice of pooling these funds for loans to various corporations.

The interest rate on the proposed notes with the Trust Department will be equivalent to the highest rate paid daily by General Telephone & Electronics Corporation on its commercial paper with a maturity of 180 days. Wisconsin Gas will be notified by the Trust Department of any change in the interest rate. The notes issued from January 1 to June 30 will mature July 1 of the same year and those issued July 1 to December 31 will mature January 1 of the following year. The Trust Department

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will have the right, however, to demand payment at any time of all or any part of the principal of the note or notes outstanding. Wisconsin Gas will have the right to prepay the notes at any time without penalty.

Wisconsin Gas anticipates, under the proposed arrangement with the Trust Department, that it will be able to borrow money at a lower cost than borrowing from banks under lines of credit. It states as an example, that borrowings from the Trust Department during the period from January, 1973 to October, 1974 have been at interest rates ranging from 5½ percent to 9⅝ percent, whereas the prime rate ranged from 6 percent to 12 percent.

Wisconsin Gas further proposes, in lieu of the issuance and sale of its Notes to the above-listed banks, to issue and sell from time to time, commercial paper up to a maximum of $10 million outstanding at any one time to Goldman, Sachs & Co., New York, New York, a dealer in commercial paper. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $50,000 and not more than $2 million directly to Goldman, Sachs & Co. at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and like maturities. Wisconsin Gas proposes to sell commercial paper only so long as the discount rate or the effective interest cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks (after taking into consideration compensating balances) on the date of sale, except for commercial paper of maturity not exceeding 90 days issued to refund outstanding commercial paper, if in the judgment of Wisconsin Gas, it would be impractical to borrow from commercial banks to refund such outstanding commercial paper.

Goldman, Sachs & Co., as principal, will reoffer such commercial paper at a discount not to exceed ⅛ of 1 percent per annum less than the prevailing discount rate to Wisconsin Gas. Such commercial paper will be reoffered to not more than 200 identified and designated customers in a list (non-public) prepared in advance by Goldman, Sachs & Co., and no additions will be made to the customer lists without approval of the Commission. It is anticipated that the commercial paper will be held by customers to maturity; however, if any commercial paper is repurchased by Goldman, Sachs & Co., such paper will be reoffered to others in the group of 200 customers. No commission or fee will be payable by Wisconsin Gas in connection with the issue and sale of such commercial paper notes.

Wisconsin Gas intends to use the amounts borrowed to repay notes outstanding on November 28, 1974 (estimated to aggregate $25 million) and to partially finance its 1974 construction program (estimated at $13,308,000). It is anticipated that funds required to retire the notes and commercial paper will be obtained from long-term financing and funds generated internally.

Wisconsin Gas also requests authority to file certificates of notification required by rule 24 on a quarterly basis with respect to the proposed transactions with the Trust Department and Goldman, Sachs & Company. Wisconsin Gas submits that the issuance of its commercial paper should be excepted from the competitive bidding requirements of rule 50 by reason of clause (a) (5) thereof since it is not practical to invite competitive bids for commercial paper.

Fees and expenses incident to the proposed transactions are estimated at $3,900, including counsel fees of $1,400. It is stated that no approval or consent of any regulatory body other than this Commission is necessary for the consummation of the proposed transactions.

Notice is further given that any interested person may, not later than November 21, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25531 Filed 10-31-74;8:45 am]

[File No. 500-1]

BBI, INC.

Suspension of Trading

OCTOBER 25, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 26, 1974 through November 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25522 Filed 10-31-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

OCTOBER 24, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a) (4) and 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from October 25, 1974 through November 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25528 Filed 10-31-74;8:45 am]

[70-5564]

DELMARVA POWER & LIGHT CO.

Proposal to Issue and Sell Common Stock Through Dividend Reinvestment and Common Share Purchase Plan

OCTOBER 25, 1974.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), (800 King Street, Wilmington, Delaware 19899), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6 and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell 200,000 shares of its common stock, par value $3.37½ per share, to the holders of record of its outstanding common stock. Such new shares will be issued through a voluntary dividend reinvestment and common share purchase plan ("Plan"), under which shareholders may elect to invest regular cash dividends and/or optional cash payments of between $25 and $3,000 per quarter in such additional shares. It is stated that the purchase price will be the average of the highest and lowest prices on the New York Stock Exchange on the pricing date, which will normally be the dividend payment date. The net proceeds from the sale of shares pursuant to the Plan, assuming all shares are sold at $8.50 per share, will amount to $1,700,000 and will be applied to Delmarva's construction program.

The Plan will be administered by BT Bradford Stock Service, Inc., an affiliate of Bankers Trust Company of New York ("Bank"), which will serve as agent for the Plan participants. All shares purchased will be held for the exclusive benefit of the Plan participants. All record holders of Delmarva's outstanding common stock are eligible to participate in the Plan and may join by executing an authorization form and returning it to the Bank. A participant may withdraw from the Plan at any time upon giving written notice to the Bank. Upon withdrawal, certificates for whole shares credited to a participant's account will be issued and a cash payment will be made for any fractional shares so credited.

It is stated that all costs for administering the Plan will be paid by Delmarva and that there will be no brokerage fees when shares are purchased under the Plan. However, if a participant withdrawing from the Plan requests the Bank to sell all whole and fractional shares credited to his account, there will be brokerage commissions and transfer taxes.

The Bank will not vote any shares held by it under the Plan. Participants will receive a single proxy with respect to full shares which they own of record or which are credited to their accounts under the Plan.

The fees, commissions, and expenses incurred or to be incurred in connection with the proposed transaction will be in an aggregate amount of $40,500, which includes printing and engraving costs of $25,200 and legal fees of $5,000. It is stated that The Public Service Commission of Delaware has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 18, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25529 Filed 10-31-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. AMERICA

Suspension of Trading

OCTOBER 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 29, 1974 through November 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25525 Filed 10-31-74;8:45 am]

[70-5565]

INDIANA & MICHIGAN ELECTRIC CO.; AMERICAN ELECTRIC POWER CO., INC.

Sale of Utility Assets

OCTOBER 24, 1974.

Notice is hereby given that American Electric Power Company, Inc. ("AEP"), (2 Broadway, New York, N.Y., 10004), a registered holding company, and its electric utility subsidiary company, Indiana & Michigan Electric Company ("I&M"), (2101 Spy Run Ave., Fort Wayne, Ind., 46801), have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and rule 44 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

I&M proposes to sell three mobile gas turbine generating units ("the units"), presently located at I&M's Breed Plant, Sullivan, Indiana, to Pacific Gas & Electric Company ("PG&E"), which is in no manner affiliated with either I&M or AEP. The units proposed to be sold consist of three 17,000 kilowatt Pratt & Whitney Mobile Power Pac gas turbine generating units which were acquired and installed by I&M in 1968. After concluding that these units should not be retained as long-term installations, I&M has actively sought to sell these units.

PG&E has offered to purchase, and I&M has agreed to sell, all three units for a total cash consideration of $3,000,000, subject to all regulatory approval. The purchase price will constitute payment for the three gas turbine generating units and all associated equipment and spare parts as well as the trailers upon which the units are mounted (but not including the tractors and fuel supply facilities). The three units to be sold had a total original cost to I&M of $4,637,378 and had a net depreciated value, as of September 1, 1974, on I&M's books of account of $2,887,509.

The fees and expenses to be incurred by I&M and AEP in connection with the proposed transaction are estimated at $128,000, including a brokerage fee of $125,000. It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 18, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules

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20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25528 Filed 10-31-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

OCTOBER 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

THEREFORE, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 29, 1974 through November 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25524 Filed 10-31-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

OCTOBER 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 26, 1974 through November 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25534 Filed 10-31-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

OCTOBER 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 25, 1974 through November 3, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25527 Filed 10-31-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

OCTOBER 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 29, 1974 through November 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25523 Filed 10-31-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

OCTOBER 25, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 29, 1974 through November 7, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-25533 Filed 10-31-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 02/02-5309]

BANECO VENTURE CAPITAL CORPORATION

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Baneco Venture Capital Corporation (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1974).

The officers, directors and stockholders of the applicant are as follows:

Jose Luis Garcia, No. 288 Jesus T. Pinero Avenue, Hyde Park, Hato Rey, Puerto Rico 00927, Chairman of the Board.

Jobino de Jesus, E-2 Santiam Street, Town Park, Rio Piedras, Puerto Rico 00924, President, Director.

Enrique Vila, Fourth Street, No. 20, Villas de Parana, Cupey, Puerto Rico 00926, Treasurer.

Juan E. Rodriquez-Diaz, Calle 6 F-3, Parkside, Caparra Heights, Puerto Rico 00920, Secretary, Director.

Luis A. Martinez-Almodovar, Condominium Montecielo, Penthouse Norte, No. 831, Calle Marti, Miramar, Santurce, Puerto Rico 00907, Director.

Luis Benitez-Carle, Penthouse C-61, Pine Grove Condominium, Isla Verde, Puerto Rico 00913, Director.

William de la Cruz, No. 272, Calle 19 Extension, San Agustin, Rio Piedras, Puerto Rico 00923, Director.

Robert Kogan, No. 26, Washington Street, Santurce, Puerto Rico 00908, Director.

Juan Martinez-Echevarria, 911 Fordham Street, University Gardens, Rio Piedras, Puerto Rico 00927, Director.

Julio Cesar Mirabal, No. 113, H. P. Hanting Street, Garden Hills, Bayamon, Puerto Rico 00619, Director.

Oscar Prieto Morgado, No. 781, Harvard Street, University Gardens, Rio Piedras, Puerto Rico 00927, Director.

Jorge Colon Nevares, E-1, Garfield Street, Parkville, Guaynabo, Puerto Rico 00657, Director.

Sebastian Maso Presas, No. 815, Calle Jose Marti, Miramar, Santurce, Puerto Rico 00907, Director.

Joaquin Rodriquez, Jr., No. 517, Benavente Street, Purple Tree, Rio Piedras, Puerto Rico 00926, Director.

Ricardo Antonio Viejo, C-13 Parklane, Garden Hills, Bayamon, Puerto Rico 00619, Director.

Banco Economias, No. 221, Ponce De Leon Avenue, GPO Box BV, San Juan, Puerto Rico 00936, 40% Ownership.

Union Industrial Bancaris, S.A. (BANK-UNION), c/o Sebastian Maso Presas, No. 815, Calle Jose Marti, Miramar, Santruce, Puerto Rico 00907, 40% Ownership.

First Diversified Investment Corporation, Suite 1501, Banco Economias Building, Hato Rey, Puerto Rico 00918, 20% Ownership.

The applicant, a Puerto Rico Corporation with its principal place of business located at Suite 1504, Banco Economias Building, Hato Rey, Puerto Rico 00918, will begin operations with $500,000 of paid-in capital and paid-in surplus, derived from the sale of 200,000 shares of common stock to Banco Economias, 200,000 shares of common stock to BANKUNION and 100,000 shares of common stock to First Diversified Investment Corporation.

Banco Economias is a large publicly owned bank having its principal office located in Hato Rey, Puerto Rico. BANKUNION is a large publicly owned industrial bank having its principal office located in Madrid, Spain. First Diversified Investment Corporation is a venture capital and management consulting firm located in Hato Rey, Puerto Rico.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA rules and regulations.

Any person may, on or before November 18, 1974, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in San Juan, Puerto Rico.

Dated: October 25, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-25456 Filed 10-31-74;8:45 am]

SPOKANE DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Spokane District Advisory Council will meet at 10 a.m., Pacific Standard Time, Friday, November 22, 1974, at the Black Angus Motel in Walla Walla, Washington, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write William S. Schumacher, Small Business Administration, 651 U.S. Courthouse, P.O. Box 2167, Spokane, Washington 99210, (509) 456-3777.

Dated: October 25, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-25455 Filed 10-31-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

Office of Hearings

[Notice No. 621]

ASSIGNMENT OF HEARINGS

OCTOBER 29, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35831, Container Interchange Contracts—Petition for Investigation; No. 35835, American Export Lines, Inc., et al. v. The Alabama Great Southern Railroad Company, et al, and No. 35843, Maritime Administration, United States Department of Commerce v. Seaboard Coast Line Railroad Company, et al, now being assigned for continued hearing on November 12, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FF 426 Sub 1, Express Forwarding and Storage Co., Inc., now being assigned for continued hearing on November 19, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130228, Moreno Tours, Inc., now being assigned hearing December 5, 1974, at New York, N.Y.

MC 114273 Sub 164, Cedar Rapids Steel Transportation, Inc., now assigned November 1, 1974, at Omaha, Nebr., is postponed to December 4, 1974, at Washington, D.C.

MC 127042 Sub 145, Hagen, Inc., now assigned November 7, 1974, at Denver, Colo., is cancelled and the application is dismissed.

W-1275, Hovertransport, Inc., now assigned December 5, 1974, at New Haven, Conn., is cancelled, and transferred to Modified Procedure.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25514 Filed 10-31-74;8:45 am]

Fourth Section Application for Relief

OCTOBER 29, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 18, 1974.

FSA No. 42892—*Rubber to Pedricktown, N.J.* Filed by Southwestern Freight Bureau, Agent (No. B-495), for interested rail carrier. Rates on rubber, in carloads, as described in the application, from points in Louisiana and Texas, to Pedricktown, N.J.

Grounds for relief—Rate relationship and water competition.

Tariff — Supplement 98 to Southwestern Freight Bureau, Agent, tariff 13-E, I.C.C. No. 4982. Rates are published to become effective on November 28, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25516 Filed 10-31-74;8:45 am]

[Notice No. 86]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

OCTOBER 25, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of of opposition and participation in the proceeding. A protest under these rules should comply with § 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of § 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 531 (Sub-No. 298), filed September 30, 1974. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Mulberry, Fla., to points in Arkansas, Georgia, Illinois, Iowa, Mississippi, North Carolina, Tennessee, Texas, Alabama, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 531 (Sub-No. 299), filed September 30, 1974. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Harris County, Tex., to points in the United States (except Alabama, Alaska, Florida, Georgia, Hawaii, Kentucky, Louisiana, and Mississippi).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 730 (Sub-No. 373), filed October 3, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Des Moines, Iowa, as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. Applicant states that it has been serving the Des Moines Commercial Zone since January, 1973 under an interpretation of the Commission's Superhighway Rules Title 49 CFR 1042. If a hearing is deemed necessary, the applicant requests it be held at Des Moines, Iowa, San Francisco, Calif., and Cleveland, Ohio.

No. MC 1824 (Sub-No. 69), filed September 19, 1974. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Thomas M. Auchincloss, Jr., 700 World Center Building, 918 16th Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Hagerstown, Md., and Pittsburgh, Pa., serving all intermediate and off-route points in Maryland west of Interstate Highway 81, and intermediate points on Pennsylvania Highway 51 between Uniontown and Pittsburgh, Pa.: From Hagerstown over U.S. Highway 40 to junction Interstate Highway 70, thence over Interstate Highway 70 to Hancock, Md., thence over U.S. Highway 40 to Uniontown, Pa., thence over Pennsylvania State Highway 51, to Pittsburgh, and return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 2368 (Sub-No. 45), filed September 9, 1974. Applicant: BRALLEY-WILLETT TANK LINES, INC., PO Box 495, 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry plastic granules and pellets*, in bulk, from Hopewell, Va., to points on and east of a line beginning at the Gulf of Mexico following the Mississippi River to its intersection with the western boundary of Itasca County, Minn., thence northerly along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada, and (2) *chemicals*, in bulk, from Hopewell, Va., to points in North Carolina and South Carolina.

NOTE.—Applicant states that the requested authority in (2) above can be tacked with its existing authority (A) in Sub-No. 22 at Hopewell, Va. to provide a through service from points in Virginia, to points in North Carolina and South Carolina; and (B) tacking in Sub-No. 22 with pending authority in Sub-No. 44 and the authority requested herein at Richmond, Va., to provide a through service from Louisville, Ky., to points in North Carolina and South Carolina. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or Richmond, Va.

No. MC 3468 (Sub-No. 165), filed October 9, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., 705 South Dort Highway, P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Harry C. Ames, Jr., 805 McLachlen Bank Bldg., 666 11th St. NW. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, trucks, and chassis*, in initial movements, by truckaway, from Detroit, Mich., to points in Massachusetts, restricted to traffic originating at General Motors Corporation plants.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 8535 (Sub-No. 51), filed October 7, 1974. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferroalloys and silicon metal* (except commodities in bulk), from Brilliant and Philo, Ohio, to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 14702 (Sub-No. 65), filed October 1, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad St., Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel, and iron and steel articles*, from Centerville, Iowa, to points in Illinois, Indiana, Ohio, Michigan, Pennsylvania, West Virginia, Virginia, Kentucky, Maryland, Delaware, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia; and (2) *equipment, materials, and supplies*, used in the manufacture of iron and steel, and iron and steel articles, from the destination points named in (1) above, to Centerville, Iowa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 204), filed September 19, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plant site and storage facilities of Chaparral Stell Co., Inc., in Ellis County, Tex., to points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee; and (2) *scrap iron and steel*, including scrap automobile bodies, from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to the plant site and storage facilities of Chaparral Steel Co., in Ellis County, Tex.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 22229 (Sub-No. 90) (Correction), filed September 3, 1974, published in the FEDERAL REGISTER issue of October 10, 1974, and republished as corrected this issue. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Raoph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Louisville, Ky., and St. Louis, Mo.: From Louisville, Ky., over U.S. Highway 150 to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, Mo., and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points.

NOTE.—The purpose of this correction is to show that the proper route sought is from Louisville, Ky., over U.S. Highway 150 (instead of U.S. Highway 50), to junction U.S. Highway 50, thence over U.S. Highway 50 to St. Louis, Mo. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 29910 (Sub-No. 149), filed September 30, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Bldg., Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden and wirebound box and crating material*, from the plantsite of the Chicago Mill and Lumber Company located at West Helena, Ark., to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Little Rock, Ark.

No. MC 29910 (Sub-No. 150), filed October 3, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and scrap metal* for recycling, from points in Arkansas, Missouri, and Tennessee, to the Chicago, Ill., Commercial Zone, including Gary and Hammond, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn., or Dallas, Tex.

No. MC 30237 (Sub-No. 27), filed September 30, 1974. Applicant: YEATTS TRANSFER COMPANY, a Corporation, Box 666, Altavista, Va. 24517. Applicant's representative: J. J. Eller, Jr., Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of furniture, from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Delaware, New York, New Jersey, Rhode Island, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Florida, and the District of Columbia, to the plantsites of The Lane Company, Inc., located at Altavista and Rocky Mount, Va., Thomasville Furniture Industries, located at Appomattox, Va., Keller Manufacturing Co., located at Culpeper, Va., Henkel-Harris, Co., Inc., located at Winchester, Va., and Bridgewater Manufacturing Co., located at Bridgewater, Va.; and (2) *Refused, returned, or rejected shipments* of new furniture, from points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Delaware, New York, New Jersey, Rhode Island, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Florida, and the District of Columbia, to Altavista, Rocky Mount, Culpeper, Winchester, and Bridgewater, Va.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 31809 (Sub-No. 10), filed October 1, 1974. Applicant: CLAY'S TRANSFER CO., INC., P.O. Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles*, from the plantsite of Evans Products Company at or near Chesapeake, Va., to points in Delaware, Maryland, Pennsylvania, New Jersey, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 35628 (Sub-No. 363), filed October 1, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Granville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of General Motors Corporation, Fisher Body Division, located at Tecumseh, Mich., as an off-route point in connection with applicant's regular route operations between Toledo, Ohio and Lansing, Mich.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Detroit or Lansing, Mich.

No. MC 36509 (Sub-No. 24) (amendment), filed August 16, 1974, published in the FEDERAL REGISTER, issue of September 19, 1974, and republished as amended this issue. Applicant: LOOMIS ARMORED CAR SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear material*, between Richland, Wash., and Hanford Works U.S. Atomic Energy Commission Reservation, at or near Richland, Wash., on the one hand, and, on the other, points in the Seattle, Wash., Commercial Zone, restricted to shipment having an immediate prior or subsequent interstate movement, under a continuing contract, or contracts, with Edlow International Company of Washington, D.C., and the Atlantic Richfield Hanford Company.

NOTE.—The purpose of this republication is to include the Atlantic Richfield Hanford Company as a contracting shipper. Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 42261 (Sub-No. 117), filed September 30, 1974. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets and dry chemicals*, in bulk, from Selkirk, N.Y., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Albany, N.Y.

No. MC 43593 (Sub-No. 5), filed October 2, 1974. Applicant: JUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, Pa. 19114. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the facilities of F. W. Woolworth Co. located in Denver, Pa., on the one hand, and, on the other, Yonkers, New Rochelle, Garden City, Freeport, and New York, N.Y., Baltimore, Md., and points in Delaware, New Jersey, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

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No. MC 48213 (Sub-No. 39), filed September 27, 1974. Applicant: C. E. LIZZA, INC., P.O. Box 447, Latrobe, Pa. 15601. Applicant's representative: William A. Gray, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fiber yarn and materials, equipment and supplies* used or useful in the manufacture and distribution thereof, between Painesville, Ohio, on the one hand, and, on the other, Shelbyville, Tenn., under a continuing contract or contracts with IRC Fibers Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 61403 (Sub-No. 229), filed October 3, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., P.O. Box 969, Highway 11W, Kingsport, Tenn. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Methyl ethyl ketone*, in bulk, in tank vehicles, from Smithfield, Ky., to Brownwood (Brown County), Tex., and (2) *Scrap methyl ethyl ketone*, in bulk, in tank vehicles, from Brownwood (Brown County), Tex., to Smithfield, Ky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 325), filed September 24, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61256. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal pipe, metal sheets*, and *fittings and supplies* used in the installation thereof, from the plantsite of Hall Signs, Inc., at or near Bloomington, Ind., to points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Maine Massachusetts, Minnesota, Nevada, New Hampshire, New Mexico, Oklahoma, Rhode Island, South Dakota, Utah, and Vermont; and (2) *materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in Alabama, Arizona, California, Connecticut, Delaware, Florida, Maine, Massachusetts, Minnesota, Nevada, New Hampshire, New Mexico, Oklahoma, Rhode Island, South Dakota, Utah, and Vermont, to the plantsite of Hall Signs, Inc., at or near Bloomington, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 326), filed October 1, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Burial crypts*, from points in Winnebago County, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 328), filed September 30, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refrigerated dressing, spices, and breakfast cereals*, from points in Cook County, Ill., to points in Kentucky, Tennessee, Alabama, Georgia, and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 63973 (Sub-No. 15), filed September 30, 1974. Applicant: KALER FREIGHT LINES, INC., 504 12th Street SE., Mason City, Iowa 50401. Applicant's representative: Gerald Kaler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving Lake Mills, Iowa, as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 64600 (Sub-No 44), filed September 16, 1974. Applicant: WILSON TRUCKING CORPORATION, P.O. Drawer 2, Fishersville, Va. 22939. Applicant's representative: William J. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Lynchburg, Va., and Riverville, Va., serving all intermediate points: (a) From Lynchburg, over U.S. Highway 29 to junction U.S. Highway 60, thence over U.S. Highway 60 to junction Virginia Highway 600, thence over Virginia Highway 600 to Riverville and return over the same route; and (b) From Lynchburg, over U.S. Highway 29 to junction Virginia Highway 622, thence over Virginia Highway 622 to junction Virginia Highway 600, thence over Virginia Highway 600 to Riverville and return over the same route; (2) Between George's Tavern, Va., and Cartersville, Va., serving all intermediate points: From George's Tavern over Virginia Highway 45 to junction Virginia Highway 649, thence over Virginia Highway 649 to Cartersville and return over the same route; and (3) Between Mount Jackson, Va., and Orkeny Springs, Va., serving all intermediate points: From Mount Jackson over Virginia Highway 263 to Orkeny Springs and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Richmond, Va.

No. MC 64932 (Sub-No. 538), filed September 30, 1974. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products, and blends containing corn products*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 73165 (Sub-No. 355), filed September 30, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd Street, Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refined copper and materials and supplies* used in the manufacturing and distribution of refined copper, between Amarillo, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 74321 (Sub-No. 105), filed September 23, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17–B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections; (2) *building sections and building panels;* (3) *parts and accessories* used in the installation thereof; and (4) *metal prefabricated structural components and panels;* from Portland, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Memphis, Tenn., or Denver, Colo.

No. MC 76065 (Sub-No. 25), filed September 6, 1974. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 505 West 37th Street, New York, N.Y. 10018. Applicant's representative: Michael R. Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers and in containers, and *materials, supplies, and equipment* used in the manufacture of wearing apparel (except commodities in bulk), between New York, N.Y., and points in New Jersey, on the one hand, and, on the other, Bridgewater, Christianburg, Clifton Forge, Dublin, Elkton, Fairfield, Harrisonburg, Independence, Manassas, Parnassas, Staunton, Suffolk, and Wytheville, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 82918 (Sub-No. 1), filed September 18, 1974. Applicant: E & M TRUCKING INC., doing business as DELLA ROSA TRUCKING COMPANY, P.O. Box 150, Martinez, Calif. 94533. Applicant's representative: Reginald G. Hearn, 100 Calif. St., San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vanadium catalyst*, in bulk, package, or drums and *flued coke*, between points in Contra Costa, Alameda, San Francisco, Santa Clara, and San Joaquin Counties, Calif.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Martinez or San Francisco, Calif.

No. MC 83835 (Sub-No. 119), filed October 2, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnerwood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated metals products;* and (2) *pallets*, from Jonesburg, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Dallas, Tex.

No. MC 85788 (Sub-No. 9), filed September 26, 1974. Applicant: JACOBSEN TRANSFER, INC., P.O. Box 47, Fairmont, Nebr. 68354. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts* (except hides and commodities in bulk), as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (1) from Lexington, Nebr., to points in Illinois (except Rockford and Chicago), Ohio, Michigan, and Wisconsin; and (2) from Minden, Nebr., to points in Tennessee, restricted to traffic originating at the named origin points and destined to the named destination states.

NOTE.—Applicant holds contract carrier authority in MC 129720, and Sub 3 thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 95540 (Sub-No. 915), filed September 16, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, meats, and meat products* (except hides and commodities in bulk), from points in Colorado, to points in the United States in and east of Ohio, Kentucky, Tennessee, Mississippi, and Louisiana (except Maine, New Hampshire, and Vermont).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 99780 (Sub-No. 46), filed September 20, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such mechandise* as is dealt in by wholesale and retail grocers, (1) from the plantsite and storage facilities of Lever Brothers Co. located at Hammond, Ind., and Gary, Ind., to points in Illinois, and that portion of Iowa bounded on the west by U.S. Route 218 including all of Waterloo and all of Cedar Rapids, Iowa, and the state line on the north, south, and east and Kenosha, Milwaukee, Racine, and Waukesha Counties, Wis., and (2) from the plantsite and storage facilities of Lever Brothers Co., located at Chicago, Ill., and Chicago Commercial Zone to that portion of Iowa bounded on the west by U.S. Route 218 including all of Waterloo, and all of Cedar Rapids, Iowa, and Kenosha, Milwaukee, Racine, and Waukesha Counties, Wis., restricted to the transportation of traffic originating at the above named origins and destined to the above named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 103926 (Sub-No. 48), filed September 26, 1974. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a Corporation, 1560 Bankhead Highway NW., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning, air filtration, refrigeration and humidifying equipment*, the transportation of which, because of size or weight, requires the use of special equipment or handling, from Winston-Salem, Rockingham, and Greensboro, N.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, Ohio, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Greensboro or Charlotte, N.C.

No. MC 103926 (Sub-No. 44), filed September 27, 1974. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a Corporation, 1560 Bankhead Highway NW., P.O. Box 947, Mableton, Ga. 30059. Applicant's representative: K. Edward. Wolcott, Suite 1600, First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed and precast concrete products*, from points in Bibb County, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta or Macon, Ga.

No. MC 104430 (Sub-No. 41) (Clarification), filed August 28, 1974, published in the FEDERAL REGISTER issue of October 10, 1974, and republished as clarified this issue. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39648. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicle, from New Orleans and Good Hope, La., to points in Mississippi, Alabama, Florida, Georgia, Kentucky, Tennessee, and Arkansas.

NOTE.—The purpose of this republication is to indicate the applicant's representative which was inadvertently omitted in the previous publication. If a hearing is deemed necessary, the applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 105269 (Sub-No. 59), filed October 1, 1974. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. 986, Kalamazoo, Mich. 49005. Applicant's representative: Tom Woodworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper products, paper mill products, and paper mill materials and supplies*, between Kalamazoo, Mich., and points in Kentucky.

NOTE.—Applicant states that it intends to tack the requested authority at Kalamazoo, Mich., to provide service between points in Wisconsin and Kentucky. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 105501 (Sub-No. 12), filed October 3, 1974. Applicant: TERMINAL WAREHOUSE COMPANY, a Corporation, 498 1st St. NW., P.O. 2767, New Brighton, Minn. 55112. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Bldg., Saint Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and material and supplies*, used in the fabrication of iron and steel articles, between St. Paul, Minn. (plantsite of Paper Calmenson & Co.), and La Crosse, Wis. (plantsite of Paper Calmenson & Co.); (2) *fabrications of iron and steel, sheet and plate*,

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from La Crosse, Wis. (plantsite of Paper Calmenson & Co.), to Fargo, N. Dak.; and (3) *rejected iron and steel articles*, from Fargo, N. Dak., to La Crosse, Wis. (plantsite of Paper Calmenson & Co.), under contract with Paper Calmenson & Co., restricted to transportation under a continuing contract with Paper Calmenson & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 107295 (Sub-No. 713), filed April 25, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building and construction materials, and related materials, supplies, and accessories* incidental thereto and the manufacture thereof, between points in Arkansas, Idaho, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oregon, Pennsylvania, Tennessee, Virginia, Washington, West Virginia, and Wisconsin, on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Minnesota, Michigan, Missouri, Ohio, Tennessee, Pennsylvania, Virginia, West Virginia, and Wisconsin, restricted such that shipments originating in Idaho, Oregon, and Washington are restricted to traffic originating at the plantsite and warehouse facilities of Boise Cascade Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boise, Idaho, Denver, Colo., or Kansas City, Mo.

No. MC 107295 (Sub-No. 743), filed September 26, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards of ground wood* with decorative facing, and *particle board*, from points in the St. Louis, Mo.-St. Louis, Ill., Commercial Zone, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 107403 (Sub-No. 920), filed October 3, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: Harry C. Ames, Jr., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor fuel antiknock compound*, from Baton Rouge, La., to Seattle, Wash.; and (2) *liquid detergents*, in bulk, in tank vehicles, from Lima, Ohio, to Danville, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107818 (Sub-No. 69), filed September 27, 1974. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., and Bettendorf and Davenport, Iowa, to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, and Kentucky, restricted to traffic originating at said origins and destined to said destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107818 (Sub-No. 70), filed September 27, 1974. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and facilities of Shurtenda Foods, Inc., located at or near Cedartown, Ga., to points in the United States in and east of Mississippi, Tennessee, Missouri, Iowa, and Minnesota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla., or Atlanta, Ga.

No. MC 108169 (Sub-No. 20), filed September 27, 1974. Applicant: K & W BOAT TRANSPORT, INC., P.O. Box 116A, Drumore, Pa. 17518. Applicant's representative: Charles Ephraim, 1250 Connecticut Ave., N.W., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boats and parts and equipment* thereof, from Lancaster, Pa., to points in Alabama, Florida, Georgia, Louisiana, Maine, Massachusetts, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and Wisconsin; (2) *Boats*, from Lancaster, Pa., to points in Arkansas, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, New Hampshire, Oklahoma, Texas, and Vermont; (3) *Boats*, from Lancaster, Pa., to points in Delaware, West Virginia, and the District of Columbia; (4) *Boats and parts and equipment* thereof, from Dundalk, Md., to points in New Jersey; and (5) *Boats*, from Dundalk, Md., to points in Delaware, New Jersey, West Virginia, and the District of Columbia.

NOTE.—Common control may be involved. Applicant may presently perform the requested authority via circuitious movement, the purpose of this application is to eliminate existing gateways. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 109294 (Sub-No. 21), filed October 2, 1974. Applicant: COMMERCIAL TRUCK COMPANY LTD., 230 Brunette Street, New Westminster, B.C., Canada. Applicant's representative: Joseph O. Earp, 607 3rd Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials, plastic pipe, iron and steel articles, and nails*, between points in Washington and Oregon, on the one hand, and, on the other, ports of entry on the International Boundary line between the United States and Canada at or near Blaine, Sumas, Oroville, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 110144 (Sub-No. 14), filed September 13, 1974. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Paper Mill Road, P.O. Box 10234, Knoxville, Tenn. 37919. Applicant's representative: Warren A. Goff, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between points in Polk County, Tenn., and their commercial zones, on the one hand, and, on the other, points in Tennessee on and east of U.S. Highway 27.

NOTE.—Common control may be involved. Applicant intends to tack its requested authority with its regular route authority in Sub-No. 7 at Chattanooga, Tenn., to provide service between points in Polk County, Tenn., and Memphis, Tenn. If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Tenn.

No. MC 110144 (Sub-No. 15), filed September 26, 1974. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Paper Mill Road, P.O. Box 10234, Knoxville, Tenn. 37919. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Loudon and Roane Counties, Tenn., on the one hand, and, on the other, Knoxville, Tenn.

NOTE.—Common control was approved in MC-FC-68951. If a hearing is deemed necessary, the applicant requests it be held at Knoxville, Tenn.

No. MC 112713 (Sub-No. 173), filed September 25, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Schneider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Electrical transformers and parts*, from the plant sites of RTE Corporation, at Waukesha, Wis., to points in Indiana, Pennsylvania, New Jersey, Delaware, Connecticut, Ohio, New York, Maryland, Massachusetts, and Rhode Island.

If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis., or Chicago, Ill.

No. MC 112822 (Sub-No. 351), filed September 23, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Greenville, Miss., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New Mexico, Oklahoma, South Carolina, Tennessee, and Texas; and (2) from the facilities used and owned by Vlasic Foods, located in Bridgeport, Imlay City, and Memphis, Mich., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Little Rock, Ark.

No. MC 113545 (Sub-No. 15), filed September 23, 1974. Applicant: CORMETT FORWARDING CO., INC., P.O. Box 38, Jersey City, N.J. 07303. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, and medical isotopes*, from the Miami Airport at Miami, Fla., to points in Florida, under a continuing contract or contracts with Medi-Physics, Inc., restricted to traffic having a prior movement by air in interstate commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 113855 (Sub-No. 298), filed September 30, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled mechanical lifting devices, and parts* and *attachments* of self-propelled mechanical lifting devices, from the plantsite and warehouse facilities of Mark Industries, Inc., at Long Beach, Calif., to points in the United States, including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 113981 (Sub-No. 10), filed September 20, 1974. Applicant: VEGAS TRUCKING AND MOVING, INC., 2853 Cedar Street, Las Vegas, Nev. 89104. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as define by the Commission, petroleum products in bulk, and those requiring special equipment), between Los Angeles, California, and Pahrump and Lathrop Wells, Nev., serving all intermediate points in Nevada, and serving points in Los Angeles, Orange, and San Bernardino counties, Calif., and those points in Nevada within an area southeast of Nevada Highway 58, south of U.S. Highway 95 and west of the Nye and Clark county line as off-route points: (a) From Los Angeles over Interstate Highway 10 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction of California Highway 127, thence over California Highway 127 to junction of California Highway 178, thence over California Highway 178 to the California-Nevada State Boundary line, thence over Nevada Highway 52 to Pahrump, and return over the same route, and (b) From Los Angeles over Interstate Highway 10 to junction Interstate Highway 15, thence over Interstate Highway 15 to junction of California Highway 127, thence over California Highway 127 to the California-Nevada State Boundary line, thence over Nevada Highway 29 to Lathrop Wells, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Pahrump or Las Vegas, Nev.

No. MC 114004 (Sub-No. 149), filed September 27, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial movements and *buildings* in sections, from points in Woodbury County, Iowa, to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114004 (Sub-No. 150), filed October 1, 1974. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, from Crawfordsville, Ind., to poinnts in North Dakota, South Dakota, Wisconsin, Minnesota, Nebraska, Iowa, Illinois, Indiana, Missouri, Tennessee, Kentucky, Georgia, Alabama, Ohio, and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 114045 (Sub-No. 405), filed October 3, 1974. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* in containers, in vehicles equipped with mechanical refrigeration, from Houston, Tex., to Los Angeles, Calif., Chicago, Ill., and Philadelphia, Pa.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Houston, Tex.

No. MC 114194 (Sub-No. 178), filed October 1, 1974. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. 62201. Applicant's representative: Ernest A. Brooks II, 1301–02 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products, and blends containing corn products*, in bulk, from Indianapolis, Ind., to points in the United States (except Alaska and Hawaii); and (2) *dry corn products*, in bulk, from Mt. Vernon, Ind., to points in Illinois, Kentucky, Louisiana, Michigan, Missouri, Ohio, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Indianapolis, Ind.

No. MC 114457 (Sub-No. 207), filed October 7, 1974. Applicant DART TRANSIT COMPANY, a corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Ottawa and Columbus Grove, Ohio, and Hoopeston, Ill., to points in North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 114569 (Sub-No. 111), filed September 30, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities utilized by American Beef Packers, Inc. at or near Cactus (Moore County), Tex., to points in Maryland, the District of Columbia, Delaware, New Jersey, New York, Pennsylvania, Ohio, North Carolina, Virginia, West Virginia, and points in Tennessee on and east of U.S. Highway 45, restricted to traffic originating at the

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above named origin points, and destined to the above named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 114725 (Sub-No. 67), filed September 19, 1974. Applicant: WYNNE TRANSPORT SERVICE, INC., 2606 North 11th Street, Omaha, Nebr. 68110. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from Blair, Nebr., to points in Arizona and California.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 115162 (Sub-No. 300), filed September 12, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, between points in Alabama, Florida, Georgia, Louisiana, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala., or Atlanta, Ga.

No. MC 116544 (Sub-No. 153), filed September 27, 1974. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 2619 "N" Street, P.O. Box 7364, South Omaha, Nebr. 68107. Applicant's representative: Roland Rice, Suite 618 Perpetual Bldg., 1111 E. Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities*, as defined in Section 203(b)(6) of the Interstate Commerce Act, as amended, when transported at the same time and in the same vehicle with bananas, from Mobile, Ala., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Miami, Fla., (2) Mobile, Ala.

No. MC 117883 (Sub-No. 198), filed September 27, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration (except in bulk), from Allegheny, Beaver, Butler, Lawrence, Mercer, Washington, and Westmoreland Counties, Pa., to points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, Rhode Island, Vermont, Virginia, Wisconsin, and the District of Columbia, restricted to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 117883 (Sub-No. 199), filed September 27, 1974. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), between Wagner, S. Dak., and Sioux City, Iowa, on the one hand, and, on the other, points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Arizona, California, Nevada, New Mexico, Oregon, Texas, Washington, and the District of Columbia, restricted to traffic originating at or destined to, the plantsites and storage facilities of Yankton Sioux Industries, located at Wagner, S. Dak., and Sioux City, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Omaha, Nebr.

No. MC 117993 (Sub-No. 3), filed September 27, 1974. Applicant: FRUIT BELT PRODUCE TRUCKING LIMITED, 12 Smith Street, St. Catharines, Ontario, Canada L2P 3H9. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsites and facilities utilized by Kitchens of Sara Lee located at or near New Hampton, Iowa, to ports of entry on the International Boundary Line between the United States and Canada located in Michigan, restricted to traffic moving in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118806 (Sub-No. 39), filed September 30, 1974. Applicant: ARNOLD BROS. TRANSPORT, LTD., 739 Lagimodiere Boulevard, Winnipeg, Manitoba, Canada. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural implements and machinery*, and *attachments and equipment* designed for use with such articles when moving in mixed loads therewith, from Rock Island and East Moline, Ill., to ports of entry on the International Boundary line between the United States and Canada located in New York, Maine, Michigan, and Vermont, restricted to traffic originating at the facilities of International Harvester Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119175 (Sub-No. 2), filed September 12, 1974. Applicant: DOUGLAS S. WHYTE and TONY I. CENBRANO, doing business as MOLASSES TRUCK SERVICE, 7077 Redwood Road, Stockton, Calif. 95201. Applicant's representative: Richard E. Macey, 1122 North El Dorado Street, Stockton, Calif. 95202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Natural spring water*, potable, in bulk, in tank vehicles, from Millcreek, Calif., to Las Vegas, Henderson, and Boulder City, Nev., under a continuing contract or contracts with Five Springs Water Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Stockton or San Francisco, Calif., or Las Vegas, Nev.

No. MC 119489 (Sub-No. 38), filed September 30, 1974. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Norfolk, Nebr., to points in Iowa, Kansas, Minnesota, North Dakota, South Dakota, Colorado, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Lincoln, Nebr. (2) Omaha, Nebr., or (3) Chicago, Ill.

No. MC 119489 (Sub-No. 39), filed September 30, 1974. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68701. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Colorado, Wyoming, Oklahoma, Arizona, and California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Lincoln, Nebr., Omaha, Nebr., or Chicago, Ill.

No. MC 119493 (Sub-No. 129), filed October 1, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr., P.O. Box 1196, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A)(1) *Roofing and roofing material, and materials and supplies* used in the manufacture and installation of roofing and roofing materials, and (2) *Petroleum lubricating grease not*, other than axle, in containers (except in bulk in tank vehicles), (A) above, from Olathe, Kans., to points in Missouri, Iowa, Nebraska, Oklahoma, and Arkansas; and (B) *Roofing and roofing materials, and materials and supplies* used in the manufacture and installation of roofing and roofing materials, from Wichita, Kans., to points in Missouri, Oklahoma, Illinois, Arkansas, Iowa, and Nebraska.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wichita, Kans., or Kansas City, Mo.

No. MC 119777 (Sub-No. 308), filed October 4, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, plywood, and particleboard*, from Silsbee, Tex., to points in the United States (except Alaska and Hawaii); and (2) *plywood*, from Bon Wier, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119789 (Sub-No. 221), filed September 27, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drugs and toilet preparations*, from Momence, Ill., to points in California and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J., or Chicago, Ill.

No. MC 119789 (Sub-No. 222), filed September 30, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers, from Plymouth, Ind., and points in Allegan County, Mich., to points in Arizona, California, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at South Bend, Ind., or Dallas, Tex.

No. MC 119792 (Sub-No. 45), filed October 2, 1974. Applicant: CHICAGO SOUTHERN TRANSPORTATION CO., a Corporation, 3215 South Hamilton Avenue, Chicago, Ill. 60608. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed shipments with bananas, from New Orleans, La., to points in Iowa, Illinois, Indiana, Kansas, Kentucky, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Chicago, Ill.

No. MC 119789 (Sub-No. 224), filed October 7, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass seed*, in containers, *fertilizer compounds*, in containers, *fertilizer and seed distributors, grass catchers, weed killing compounds*, in containers, *agricultural pesticides*, in containers, *mowers and mower parts, agricultural implements, turf aerators, rubber or plastic products, lawn sprinklers, and electric metal signs and advertising displays and matter*, from the facilities of O. M. Scott & Sons at Marysville, Ohio, to points in Arizona, Utah, Idaho, Nevada, Washington, Oregon, and California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 121450 (Sub-No. 8), filed September 25, 1974. Applicant: McCOMAS TRUCK LINES, INC., 604 North 2nd Street, Chickasha, Okla. 73018. Applicant's representative: Robert A. Miller, 2505 City National Tower, Oklahoma City, Okla. 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, Between Duncan, Okla., and Wichita Falls, Tex.: From Duncan, Okla., over U.S. Highway 81 to Waurika, Okla., thence over U.S. Highway 70 to junction Oklahoma Highway 79, thence over Oklahoma Highway 79 to the Texas-Oklahoma State Boundary line, thence over Texas Highway 79 to Wichita Falls, Tex., and return over the same route, serving Comanche and Waurika, Okla., as intermediate points.

NOTE.—By the instant application, applicant seeks authority to convert its rights held as Certificates of Registration in MC 121450 (Sub-No. 1 and other subs) to Certificates of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Wichita Falls, Tex., or Duncan or Oklahoma City, Okla.

No. MC 123407 (Sub-No. 264), filed September 26, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Lawrence County, S. Dak., to points in North Dakota, Nebraska, and Wyoming.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr., or Washington, D.C.

No. MC 123872 (Sub-No. 38), filed September 25, 1974. Applicant: W & L MOTOR LINES, INC., State Road 1148, P.O. Drawer 2607, Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Furniture parts, gas grill casings, lawnmower frames, and street light hoods and parts* (except in bulk), from Grafton, Wis., to points in Arkansas, Colorado, Louisiana, Oklahoma, and Texas; and (2) *furniture parts, furniture, furniture material and furniture packaging material and supplies*, used in the manufacture of furniture (except in bulk), from Little Rock, Ark., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Texas, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Hickory or Charlotte, N.C.

No. MC 124004 (Sub-No. 28), filed October 9, 1974. Applicant: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, and animal and poultry feed ingredients and cracklings*, from points in Iowa, Nebraska, Illinois, Indiana, Ohio, Minnesota, Wisconsin, and Michigan, to points in Pennsylvania, Delaware, Maryland, Virginia, North Carolina, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, New York, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 124947 (Sub-No. 33), filed September 30, 1974. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74097. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 NW. 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bottle handling equipment, packaging machinery, soil stabilizers, rotary tillers, bituminous distributors, cement haulers, road rollers, compactors, and parts and accessories* for the commodities named above, from points in Waukesha County, Wis., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Milwaukee, Wis., or Chicago, Ill.

No. MC 124964 (Sub-No. 20), filed September 24, 1974. Applicant: JOSEPH

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M. BOOTH, doing business as J. M. BOOTH TRUCKING, P.O. Box 907, Eustis, Fla. 32726. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Juices, drinks, and concentrates*, not frozen, and *equipment, materials, and supplies*, used in the manufacture and sale of juices, drinks, and concentrates (except in bulk); and (2) *fruit salads*, in mixed loads with the commodities described in (1) above, between the facilities of Doric Foods Corporation, at Anaheim, Calif., on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming, under contract with Doric Foods Corporation, restricted to the transportation of shipments originating at or destined to the facilities of Doric Foods Corporation at Anaheim, Calif., and limited to a transportation service to be performed under a continuing contract, or contracts with Doric Foods Corporation, at Mount Dora, Fla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Jacksonville or Tampa, Fla.

No. MC 125114 (Sub-No. 6), filed October 3, 1974. Applicant: COMMERCIAL TRANSPORT, INC., 2413 Lakeside Drive, P.O. Box 2295, Lynchburg, Va. 24501. Applicant's representative: Frank B. Hand, P.O. Box 187, Berryville, Va. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and motor vehicles), (1) between Lynchburg, Va., and the plant site of Virginia Fibre Corporation, located at Riverville (Amherst County), Va.; and (2) between the plant site of Virginia Fibre Corporation, located at Riverville, Va., on the one hand, and, on the other, the ports of Norfolk, Newport News, and Portsmouth, Va., restricted to traffic having an immediately prior or subsequent movement by rail or by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 126196 (Sub-No. 10), filed September 23, 1974. Applicant: LUVERNE CHRISTENSEN, doing business as CHRISTENSEN TRUCK LINE, 206 West 11th Street, Redwood Falls, Minn. 56283. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery and agricultural equipment* and *attachments, parts, and accessories* for agricultural machinery and agricultural equipment: (1) from the plantsites, storage facilities, and experimental farms of Deere and Company in Rock Island County, Ill., and Polk, Wapello, Dubuque, and Black Hawk Counties, Iowa, to points in Yellow Medicine, Renville, Lyon, Redwood, Kandiyohi, McLeod, Swift, Lac qui Parle, Watonwan, Brown, Cottonwood, Nobles, Murray, Sibley, Lincoln, and Chippewa Counties, Minn.; and (2) from the plantsites, storage facilities, and experimental farms of International Harvester Company in Rock Island and Fulton Counties, Ill., to points in Yellow Medicine, Renville, Lyon, Redwood, Kandiyohi, McLeod, Swift, Lac qui Parle, Watonwan, Brown, Cottonwood, Nobles, Murray, Sibley, Lincoln, and Chippewa Counties, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Sioux Falls, S. Dak.

No. MC 126246 (Sub-No. 6), filed September 25, 1974. Applicant: AMERICAN TRANSFER AND STORAGE COMPANY, a Corporation, 2665 Villa Creek Drive, P.O. Box 34410, Dallas, Tex. 75234. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Arkansas, Baxter, Cleburne, Conway, Faulkner, Fulton, Garland, Grant, Hot Springs, Independence, Izard, Jefferson, Lonoke, Marion, Perry, Prairie, Pulaski, Saline, Searcy, Sharp, Stone, Van Buren, and White Counties, Ark., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., or Dallas, Tex.

No. MC 126276 (Sub-No. 104), filed September 30, 1974. Applicant: FAST MOROR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, and metal container ends* (except refuse containers), from Perrysburg, Ohio, to points in Michigan, Illinois, Indiana, Wisconsin, Missouri, Minnesota, Pennsylvania, Tennessee, Kentucky, Iowa, and Ohio, under contract with Owens-Illinois, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 126305 (Sub-No. 64), filed October 2, 1974. Applicant: BOYD BROTHERS TRANSPORTATION CO., INC., RD 1, Clayton, Ala. 36016. Applicant's representative: George A. Olsen, 60 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Spheres, highway marking strip glass, ballotini and glass, crushed, ground, or powdered*, from the facilities of Potters Industries, Inc., located at Brownwood, Tex., to points in California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming; and (2) *materials and supplies* used in the manufacture and sale of glass spheres and glass spheres (except in bulk, in tank vehicles), from the above named destination points, to the facilities of Potters Industries, Inc., located at Brownwood, Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 127042 (Sub-No. 150), filed August 30, 1974. Applicant: HAGEN, INC., 3232 Highway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: R. L. Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products, and meat, meat products, and articles distributed by meat packinghouses, and foodstuffs* (except commodities in bulk), from Bettendorf, Iowa, to points in Iowa, Wisconsin, Minnesota, Illinois, Ohio, Indiana, Michigan, Missouri, and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 127834 (Sub-No. 105), filed October 21, 1974. Applicant: CHEROKEE HAULING AND RIGGING, INC., 540–542 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: K. Edward Wolcott, 1600 First Federal Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, crane attachments and accessories, and parts of such commodities, and materials and supplies* used in the construction thereof, between the plant and warehouse facilities of The Grove Manufacturing Co., a Division of Walter Kidde, located at Horry County, S.C., on the one hand, and, on the other, points in and east of Louisiana, Arkansas, Missouri, Iowa, and Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga., or Charleston, S.C.

No. MC 128030 (Sub-No. 79), filed August 9, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, (1) From Allentown, Pa., to Terre Haute, Ind., (2) from Atlanta, Ga., to Bloomington and Lincoln, Ill., (3) from Baltimore, Md., to Lawrenceville, Ill., and Vincennes, Ind., (4) from Belleville, Ill., to Lawrenceville, Ill., and Frankfort and Terre Haute, Ind., (5) from Cincinnati, Ohio, to Terre Haute, Ind. (6) from Cleveland, Ohio, to Bloomington, Lawrenceville, and Lincoln, Ill., and Terre Haute, Ind., (7) from Columbus, Ohio, to Lebanon and Vincennes, Ind., and Waukegan, Ill., (8) from Cumberland, Md., to Lafayette, Ind., (9) from Detroit, Mich., to Lawrenceville, Ill., and Vincennes, Ind., and (10) from Evansville, Ind., to Carterville, Jerseyville, Lawrenceville, and Streator, Ill., (11) from Fort Wayne, Ind., to Batavia, Highwood, and Mount Vernon, Ill., and Louisville, Ky., (12) from Frankenmuth, Mich., to Bloomington, Lawrenceville, and Lincoln, Ill., and Frankfort and Terre Haute, Ind., (13) from Kansas City, Mo., to Loda, Olney, and Streator, Ill., and Terre Haute, Ind., (14) from LaCrosse, and Sheboygan, Wis., to Lafayette, Terre Haute, and Vincennes, Ind., and Lawrenceville, Ill., (15) from LaTrobe, Pa., to Lafayette, Ind., (16) from Longview, Tex., to Loda, Olney, and Streator, Ill., and Terre Haute, Ind., (17) from Milwaukee, Wis., to Frankfort, Lafayette, Lebanon, and Vincennes, Ind., and Jerseyville, Ill., (18) from Memphis, Tenn., to Loda, Olney, and Streator, Ill., and Terre Haute, Ind., (19) from Louisville, Ky., to Frankfort and Lebanon, Ind., (20) from Minneapolis-St. Paul, Minn., to Batavia and Lawrenceville, Ill., and Frankfort, Lafayette, Lebanon, and Terre Haute, Ind., (21) from Newport, Ky., to Carterville, Danville, Jerseyville, Lawrenceville, Paris, Streator and Taylorville, Ill., and Lafayette, Lebanon, and Vincennes, Ind., (22) from Peoria-Peoria Heights, Ill., to Frankfort, Lafayette, Lebanon, and Vincennes, Ind., (23) from St. Louis, Mo., to Batavia, Champaign, Highwood, Mount Vernon, Waukegan, and Taylorville, Ill., and Lafayette, Lebanon, and Vincennes, Ind., and Louisville, Ky., (24) from Trenton, N.J., to Terre Haute, Ind.

NOTE.—Applicant holds contract carrier authority in MC 5352, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Springfield or Chicago, Ill.

No. MC 128073 (Sub-No. 4), filed September 25, 1974. Applicant: BANANA SHIPPING SERVICE, INC., P.O. Box 1345, Montgomery, Ala. 36102. Applicant's representative: Jack H. Blanshan, 29 S. La Salle St., Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and agricultural commodities, exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Michigan, Minnesota, and Wisconsin, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 128095 (Sub-No. 11), filed September 25, 1974. Applicant: PARKER TRUCK LINE, INC., Westmoreland Drive, P.O. Box 1402, Tupelo, Miss. 38801. Applicant's representative: Fred W. Johnson, Jr., 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane and urethane products*, from points in Lee County, Miss., to points in Florida, Georgia, Alabama, Louisiana, Texas, Arkansas, Tennessee, Kentucky, Missouri, Indiana, Illinois, Iowa, Oklahoma, and Kansas; and (2) *damaged or rejected shipments of such commodities* on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Tupelo, Miss., Memphis, Tenn., or Jackson, Miss.

No. MC 128220 (Sub-No. 13), filed September 30, 1974. Applicant: RALPH LATHAM, doing business as LATHAM TRUCKING COMPANY, P.O. Box 508, Burnside, Ky. 42517. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Charcoal, charcoal briquettes, wood chips, vermiculite, lighter fluid, fireplace logs, paper bags, and spices and sauces used in outdoor cooking*, (a) from Parsons, West Virginia, and Burnside, Ky., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and Wisconsin, and (b) between the plantsites and storage facilities of the Kingsford Company located at or near Burnside, Ky.; Parsons, W. Va.; Dothan, Ala.; and Belle, Mo.; and (2) *materials, supplies, and equipment* used in the manufacture, processing, and distribution of the commodities in (1) above, (a) from points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and Wisconsin, to points in Burnside, Ky., and Parsons, W. Va.; (b) between the plantsites and storage facilities of the Kingsford Company located at or near Burnside, Ky.; Parsons, W. Va.; Dothan, Ala.; and Belle, Mo.; (c) from points in Alabama, Florida, Georgia, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Virginia, West Virginia, and Michigan (except points in the Upper Peninsula of Michigan), to the plantsite and storage facilities of the Royal Oak Charcoal Company located at or near Cookeville, Tenn.; and (d) from points in Pulaski County, Tenn.; and (3) *fireplace logs*, from Dothan, Ala., to points in Florida, Georgia, South Carolina, and Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 128297 (Sub-No. 3), filed October 3, 1974. Applicant: S & T MOTORS, INC., 6381 South Kostner Avenue, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, and classes A and B explosives), between Burns Harbor, Ind., on the one hand, and, on the other, points in Cook, DuPage, Kane, Kankakee, Lake, and Will Counties, Ill., restricted to traffic having a prior or subsequent movement by water.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 128981 (Sub-No. 7) (Amendment), filed October 24, 1973, and published in the FEDERAL REGISTER issue of December 20, 1973, and republished as amended this issue. Applicant: LAND-AIR DELIVERY, INC., 1736 North 79th, Kansas City, Kans. 66112. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities which require special equipment, and automobiles, trucks, and buses as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), between Kansas City International Airport and Kansas City Municipal Airport, Kansas City, Mo., and Fairfax Airport, Kansas City, Kans., and points in Arizona, California, Nevada, and New Mexico on and West of Interstate Highway 25, restricted to traffic moving from, to, or between Air Lines and Air Freight Forwarders.

NOTE.—The purpose of this amendment is to restrict the commodity description. Hearing on the instant application was commenced on October 10, 1974, at Kansas City, Mo., and has been postponed indefinitely pending publication of the above amendment in the FEDERAL REGISTER.

No. MC 128988 (Sub-No. 54), filed October 2, 1974. Applicant: JO/KEL, INC., 159 South Seventh Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper wire*, from Abingdon, Va., to points in California, restricted against the transportation of commodities which by reason of size or weight require the use of special equipment and commodities in bulk and further restricted to a transportation service to be performed under a continuing contract or contracts with Westinghouse Electric Corporation of Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 129350 (Sub-No. 50), filed October 3, 1974. Applicant: CHARLES E. WOLFE, doing business as EVERGREEN EXPRESS, 15 South 21st Street, Box 212, Billings, Mont. 59103. Applicant's representative: Clayton Brown (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and tubes*, from Dayton, Ohio, to Philip and Spearfish, S. Dak., Dickinson, N. Dak., and Lewiston, Idaho.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 129600 (Sub-No. 19), filed October 1, 1974. Applicant: POLAR TRANSPORT, INC., 176 King Street, Hanover, Mass. 02339. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packing houses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, under a continuing contract or contract with Iowa Beef Processors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 129749 (Sub-No. 3), filed September 30, 1974. Applicant: FOUNDRY SERVICE CORPORATION, 11 South 3rd Street, P.O. Box 499, Hammonton, N.J. 08037. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from South Vineland, N.J., to points in Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, Maryland, Virginia, and the District of Columbia, under a continuing contract or contracts with Jesse S. Morie and Son, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Philadelphia, Pa.

No. MC 133139 (Sub-No. 3), filed September 26, 1974. Applicant: MADISON RIVER TERMINAL, INC., 140 Vaughn Drive, Madison, Ind. 47250. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from Jackson, Rockcastle, Lee, Owsley, Leslie, Laurel, Knox, and Breathitt Counties, Ky., to river terminals located at or near Madison, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 133233 (Sub-No. 33), filed September 30, 1974. Applicant: CLARENCE L. WERNER, an individual doing business as WERNER ENTERPRISES, 805—32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (unfrozen) in containers, from Stockton, Modesto, Pittsburg, and Antioch, Calif., to points in Missouri, Oklahoma, Kansas, Texas, Wisconsin, Ohio, Arkansas, Kentucky, Tennessee, Indiana, and Michigan, service to be performed under a continuing contract with Tillie Lewis Foods, Inc.

NOTE.—Applicant holds common carrier authority in MC 138328 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 133324 (Sub-No. 3), filed September 30, 1974. Applicant: CAR CARRIERS, INC., 13101 So. Torrence Ave., Chicago, Ill. 60633. Applicant's representative: Daniel C. Sullivan, 327 South La Salle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, bodies, cabs, and chassis*, in secondary movements, in truckaway service, from Mattawan, Mich., to points in Cook, Dupage, Lake, McHenry, Kane, Kendall, and Will Counties, Ill., and Lake and Porter Counties, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 133646 (Sub-No. 13), filed September 27, 1974. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., P.O. Box 404, Billings, Mont. 59103. Applicant's representative: William E. O'Leary, P.O. Box 225, Helena, Mont. 59601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, and *beet pulp pellets*, (1) from Billings and Sidney, Mont., to points in Idaho, Nebraska, North Dakota, South Dakota, and Wyoming; (2) from Lovell and Worland, Wyoming, to points in Idaho, Montana, Nebraska, North Dakota, and South Dakota; and (3) from Torrington, Wyo., to points in Idaho and Montana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont., Lovell or Worland, Wyo.

No. MC 133796 (Sub-No. 24), filed September 30, 1974. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motorcycles, and accessories thereto*, (1) from Long Beach, Vernon, West Los Angeles, and Gardena, Calif., to points in New York, Pennsylvania, Ohio, and New Jersey; (2) from Columbus, Ohio, to points in New York, Pennsylvania, New Jersey, and West Los Angeles, Calif.; and (3) from Port Facilities in New York and New Jersey within the New York, New York Harbor area, as defined by the Commission in Ex Parte No. 140, *Determination of the limits of New York Harbor and Harbors contiguous thereto*, to Columbus, Ohio, and Gardena, Long Beach, Vernon, and West Los Angeles, Calif.

NOTE.—Applicant holds contract carrier authority in MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 133796 (Sub-No. 25), filed September 30, 1974. Applicant: GEORGE APPEL, 249 Carverton Road, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Peg board and metal accessories*, used in connection therewith; *automobile bicycle carrying racks, bicycles, and their accessories;* and *skis and ski paraphernalia*, from Shelburne, Vt., to Sparks, Nev.; and Los Angeles and San Francisco, Calif.; (2) *peg board and metal accessories*, used in connection therewith; *automobile bicycle carrying racks, and bicycles and their accessories*, from Shelburne, Vt., to Toledo, Ohio; Oconomowoc, Wis.; Denver, Colo.; and Seattle and Takoma, Wash.; and (3) *bicycles and accessories*, and *automobile bicycle carrying racks*, (a) from Tacoma and Seattle, Wash., to Oconomowoc, Wis., Toledo, Ohio, and Schaghticoke, N.Y.; and (b) from Schaghticoke, N.Y., to Oconomowoc, Wis., Toledo, Ohio, and Seattle and Tacoma, Wash.

NOTE.—Applicant holds contract carrier authority in MC 129239, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134145 (Sub-No. 52), filed September 23, 1974. Applicant: NORTH STAR TRANSPORT, INC., Rt. 1, Hwy. 1 & 59 West, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, computing machine* (except commodities in bulk), (1) from Mayville, Wis., to points in Campton, Ky.; and (2) from Beaver Dam, Wis., to points in Rochester, and Mount Clemens, Mich., Campton, Ky., and Nashville, Tenn., under a continuing contract with Computers Peripherals, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 134838 (Sub-No. 11) (Clarification), filed September 6, 1974, published in the FEDERAL REGISTER issue of October 10, 1974, and republished as clarified this issue. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., P.O. Box 39236, Bolton Station, Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, Suite 246, 1252 West Peachtree St. NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, and machinery parts* when moving in the same vehicle with machinery, *road construction machinery, contractors equipment, iron and steel articles, and commodities* which because of size or weight require special equipment or handling, between points in Georgia.

NOTE.—The purpose of this republication is to clarify the commodity description. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 135422 (Sub-No. 4), filed September 27, 1974. Applicant: B & W TRUCKING CO., a Corporation, 1625 Earl Drive, Dubuque, Iowa 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, Iowa 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Used lift trucks and parts thereto*, between points in Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin, under a continuing contract or contracts with Wickes Lumber and Building Supplies, Division of the Wickes Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 135556 (Sub-No. 4), filed September 30, 1974. Applicant: RAYMOND R. CARPENTER AND JAMES E. CARPENTER, a partnership, doing business as CARPENTER BROS. TRUCKING, Rt. #2, Box 2005, Bucyrus, Ohio 44820. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), in trailers-on-flat-car service and having an immediate prior or subsequent movement by rail, between Bucyrus, Ohio, on the one hand, and, on the other, points in Ohio, under a continuing contract with Bucyrus Steel Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 135732 (Sub-No. 8), filed October 1, 1974. Applicant: AUBREY FREIGHT LINES, INC., 625 Grove Street, P.O. Box 503, Elizabeth, N.J. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except commodities in bulk), from the facilities of Paeco, Inc., at Perth Amboy, N.J., to points in California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nevada, New Mexico, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin, restricted to shipments originating at the above facilities and destined to the above named points.

NOTE.—Applicant holds contract carrier authority in MC 110884 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136008 (Sub-No. 42), filed October 1, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third St. P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd St., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bulk, open top self-unloading vehicles, between points in Oklahoma, Kansas, Texas, and Louisiana.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136008 (Sub-No. 43), filed September 30, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, 2400 Northwest 23rd Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone and mixed road asphalt*, in open top dump trucks, from points in Atoka County, Okla., to points in Bowie, Camp, Cass, Delta, Ellis, Fannin, Franklin, Harrison, Henderson, Hopkins, Hunt, Johnson, Kaufman, Lamar, Marion, Morris, Navarro, Panola, Rains, Red River, Rockwall, Rusk, Shelby, Smith, Titus, Upshur, Van Zandt, and Wood Counties, Tex.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Tulsa, Okla.

No. MC 136647 (Sub-No. 18), filed September 16, 1974. Applicant: GREEN MOUNTAIN CARRIERS, INC., P.O. Box 1319, Albany, N.Y. 12201. Applicant's representative: Gordon Sands, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceuticals, and materials* used in the manufacture thereof (except in bulk), in vehicles equipped with mechanical temperature control units: (1) from points in Georgia, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, and Wisconsin, to the plant of Ayerst Laboratories at Rouses Point, N.Y.; (2) from Beecham Pharmaceuticals at Clifton, N.J., to the warehouse sites of Ayerst Laboratories at Cleveland, Ohio, Niles, Ill., and Chamblee, Ga.; (3) from Atlanta, Ga., to the warehouse sites of Ayerst Laboratories at Little Falls, N.J., Cleveland, Ohio, and Niles, Ill.; (4) from Ayerst Laboratories at Rouses Point, N.Y., to Baltimore, Md., Clifton, Newark, Little Falls, and Lakewood, N.J., and Detroit, Mich.; (5) from Baltimore, Md., and Lakewood, N.J., to the warehouse sites of Ayerst Laboratories at Little Falls, N.J., Chamblee, Ga., Cleveland, Ohio, and Niles, Ill.; and (6) from Chicago, Ill., to the warehouse sites of Ayerst Laboratories at Cleveland, Ohio, Chamblee, Ga., and Little Falls, N.J.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., or Burlington or Montpelier, Vt.

No. MC 136775 (Sub-No. 2), filed September 30, 1974. Applicant: ERKEL TRANSFER, INC., P.O. Box 6, Le Center, Minn. 56057. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the construction and building of precut homes and garages, and *parts, floor coverings, and accessories* installed at the time of construction (except commodities in bulk, in tank vehicles), from Jordan, Minn., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming; and (2) *refused, rejected, or returned shipments* on return, under a continuing contract or contracts with Martin Homes, Inc.

NOTE.—Applicant holds motor common carrier authority in MC 56863 (Sub-No. 2 and other subs), therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Paul or Minneapolis, Minn.

No. MC 138164 (Sub-No. 4), filed June 28, 1974. Applicant: CAN-AM MARINE TRANSIT LTD., P.O. Box 145, Hudson Heights, Quebec, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon-Provost Street, Repentigny, Quebec, Canada J6A-1H5. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sailboats*, from ports of entry on the International Boundary Line, between the United States and Canada, located in Minnesota, Michigan, New York, Vermont, and Maine, to points in West Virginia, South Carolina, Georgia, Florida, Tennessee, Mississippi, and Alabama, restricted to traffic having an immediate prior movement in foreign commerce originating in the Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Montpelier, Vt., or Albany, N.Y.

No. MC 138359 (Sub-No. 3), filed October 2, 1974. Applicant: LENNEMAN TRANSPORT, INC., 116 Erie Street South, Hutchinson, Minn. 55350. Applicant's representative: Thomas H. Lenneman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Peoria, Ill., to Hutchinson, Minn., under a continuing contract or contracts with Lenneman Beverage Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 138770 (Sub-No. 3), filed September 19, 1974. Applicant: BOYD

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TRUCKING COMPANY, INC., P.O. Box 901, Dalton, Ga. 30720. Applicant's representative: Frank D. Hall, Suite 713, 3384 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet, carpeting, rugs, tufted textile products, yarn, jute, and burlap*, between points in Bartow, Whitfield, Murray, Catoosa, and Gordon Counties, Ga., on the one hand, and, on the other, points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—Applicant states that the requested authority will be tacked: (a) at Chatsworth, Ga., to provide service from the states named above to Winchester, Tenn.; (b) at points in Bartow, Whitfield, Murray, Catoosa, and Gordon Counties, Ga., to provide service from Decatur, Tenn., to the states named above; and (c) at Dalton and Ringgold, Ga., to provide service from Winchester, Tenn., to the states named above. If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga., or Washington, D.C.

No. MC 138941 (Sub-No. 2), filed September 25, 1974. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from points in Wayne, Ontario, and Monroe Counties, N.Y., to points in Illinois, under a continuing contract with Mobil Chemical Company, Plastics Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y., or Los Angeles, Calif.

No. MC 139064 (Sub-No. 1) (Amendment), filed May 3, 1974, published in the FEDERAL REGISTER issue of June 13, 1974, and August 22, 1974, and republished, as amended this issue. Applicant: BRADBERRY FARMS, INC., 192 East Maine Street, Piggot, Ark. 72454. Applicant's representative: Lance L. Hanshaw, 1433 Donaghey Building, Little Rock, Ark. 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients* in bulk (except tank vehicles and except in bags, barrels, or boxes), (1) from Springfield, Joplin, Blackwater, and Kennett, Mo., Memphis, Tenn.; Decatur and Gibson City, Ill.; and points in Arkansas; Mississippi; and Louisiana, to Peoria, Lincoln, Mendota, Rock Falls, Pitchfield, Fairberry, Ipava, Greenville, Effingham, Springfield, Beardstown, Danville, Monmouth, Vandalia, Gibson City, Jacksonville, and Moline, Ill.; Ottumwa, West Branch, Clinton, Olin, Iowa City, Belmond, Des Moines, Muscatine, Iowa; New Paris, Plymouth, Indianapolis, Napanee, and Decatur, Ind.; Janesville and Madison, Wis.; Kansas City, Moberly, Springfield, and Dexter, Mo.; Park City, Ky.; Montgomery, Ala.; Washington and Warsaw, Ind.; Abilene and Hutchinson, Kans.; Portland, Mich.; Hastings, Nebr.; Monroe and Wilson, N.C.; Marion, Ravenna, and Cincinnati, Ohio; Newberry, Spartanburg, and Orangeburg, S.C.; Chattanooga and Memphis, Tenn.; Athens and Tifton, Ga.; points in Arkansas and Mississippi; and (2) from Chicago, Ill., to points in Arkansas, (1) and (2) above, under a continuing contract or contracts with Wilbur-Ellis, Central Soya, I. H. French & Co., and Mid-South Milling.

NOTE.—The purpose of this republication is to correct the commodity description by indicating that applicant seeks to perform bulk transportation. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn., or Springfield, Mo.

No. MC 139193 (Sub-No. 19), filed September 30, 1974. Applicant: ROBERT & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street, NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co. located at East St. Louis, Ill., to points in the United States (except Alaska and Hawaii); and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii), to East St. Louis, Ill., restricted to traffic transported under continuing contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 139468 (Sub-No. 4), filed September 30, 1974. Applicant: INTERNATIONAL CONTRACT CARRIERS, INC., 14628 Hempstead Highway, Houston, Tex. 77040. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete*, knocked down, and in sections; (2) *building sections and building panels;* (3) *parts and accessories*, used in the installation and completion of the commodities in (1) and (2) above, and (4) *pre-fabricated structural components and panels, and accessories*, used in the installation and completion thereof, from the plantsites and storage facilities of Stran-Steel Corporation, at or near LaGrange, Ga., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, under contract with Stran-Steel Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 139565 (Sub-No. 1), filed September 27, 1974. Applicant: PETRY EXPRESS AND STORAGE CO., a Corporation, 2870 Brunswick Pike, Trenton, N.J. 08638. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exhibit animals*, in cages, and *empty cages*, between Jackson Township, N.J., on the one hand, and, on the other, New York and Newburgh, N.Y., Philadelphia, Pa., Baltimore, Md., and Washington, D.C.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Trenton, N.J.

No. MC 139619 (Sub-No. 1), filed September 30, 1974. Applicant: ANDOR TRUCKING, INC., 117 Weller Street, Elk Grove, Ill. 60007. Applicant's representative: Philip A. Lee, 120 West Madison Street, Suite 618, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting and related floor and wall covering materials*, from points in Cook County, Ill., to points in Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 139673 (Sub-No. 3) (Correction), filed July 16, 1974, published in the FEDERAL REGISTER issue of October 17, 1974, and republished as corrected this issue. Applicant: JAMES H. STEGER, doing business as STEGER BUS LINES, 4150 Aldebaran Way, Mobile, Ala. 36609. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Naval Air Station employees and workers*, between Mobile, Spanish Fort, Robertsdale, Point Clear, and Fairhope, Ala., on the one hand, and, on the other, Forrest Sherman Naval Air Station, Mainside, Saufley Naval Air Station, Whiting Naval Air Station and Ellyson Naval Air Station, located in Escambia County, Fla.

NOTE.—The purpose of this republication is to indicate the correct Docket Number assigned to this proceeding in MC 139673 (Sub-No. 3). If a hearing is deemed necessary, applicant requests it be held at either Mobile or Montgomery, Ala.

No. MC 139772 (Sub-No. 2), filed September 27, 1974. Applicant: ROBERTS TRUCKING, INC., Rt. 1, Eldorado, Wis. 54932. Applicant's representative: John J. Keller, 145 W. Wisconsin Ave., Neenah, Wis. 54956. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese, and cheese and supplies* used in pizza making, from Van Dyne, Wis., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Pennsylvania, and (2) *equipment and supplies* used in the manufacture and distribution of cheese and cheese supplies used in pizza making, from points in Illinois, Indiana, Michigan, Minnesota, Ohio, and Pennsylvania, to Van Dyne, Wis., under contract with Lone Elm Cheese Factory, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 139811 (Sub-No. 1), filed September 12, 1974. Applicant: SCARR MOVING & STORAGE, INC., 1359 Dayton Street, P.O. Box 8, Salinas, Calif. 93901. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, between points in Monterey, Santa Cruz, San Benito, San Luis Obispo, and Santa Clara Counties, Calif., restricted to the transportation of shipments having a prior or subsequent movement in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salinas, Calif.

No. MC 139867 (Sub-No. 1), filed October 2, 1974. Applicant: ARTHUR CROWDER, 1115 East Washington Street, Pittsfield, Ill. 62363. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, in bulk or bags, from points in Arkansas, Iowa, Kansas, Missouri, Minnesota, Mississippi, Nebraska, Ohio, South Dakota, Tennessee, and Wisconsin, to the plantsite of Webel Feed Mill at or near Pittsfield, Ill., under a continuing contract or contracts with Webel Feed Mill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 139964 (Sub-No. 2), filed September 3, 1974. Applicant: SECURITY TRANSPORT AND DELIVERY SERVICE, INC., Route 419 Avenham Ext., Roanoke, Va. 24014, P.O. Box 6037, Roanoke, Va. 24017. Applicant's representative: Richard E. Mabry (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by wholesale and retail drug business houses, from Roanoke, Va., to points in that part of North Carolina on, west, and north of a line beginning at the Virginia-North Carolina State line and extending along U.S. Highway 501 to Durham, N.C., thence along U.S. Highway 70 through Greensboro, Salisbury, and Statesville, N.C., to Hickory, N.C., thence along U.S. Highway 321 to Boone, N.C., thence along U.S. Highway 421 to the North Carolina-Virginia State line; points in Washington, Sullivan, Carter, and Johnson Counties, Tenn., and points in McDowell, Wyoming, and Mercer Counties, W. Va.; points in Raleigh County, W. Va., on and east of West Virginia Highway 16, and points in that part of West Virginia on and north of a line beginning at the West Virginia State line and extending along the northern boundary of Mercer County to the intersection with Raleigh County; thence along the northern boundary of Raleigh County to the intersection of U.S. Highway 19, thence on and east of a line extending along U.S. Highway 19 to the intersection of U.S. Highway 60, thence on and south of a line extending along U.S. Highway 60 from its intersection with U.S. Highway 19 to the West Virginia State line, under a continuing contract or contracts with McKesson & Robbins Drug Company, at Roanoke, Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Washington, D.C.

No. MC 140029 (Sub-No. 2), filed October 3, 1974. Applicant: CLIFFORD H. HALL, INC., Bliss, N.Y. 14024. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, between Arcade, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 140123 (Sub-No. 2), filed September 27, 1974. Applicant: J. C. BEASLEY, Route 3, Linden, Tenn. 37096. Applicant's representative: A. O. Buck, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Railroad cross ties, switch ties, crossing blanks, and related rail tiles*, from points in Dickson, Hickman, Humphreys, Lawrence, Lewis, Perry, Wayne, and Williamson Counties, Tenn., and Trigg County, Ky., to points in Kentucky, Illinois, Indiana, Mississippi, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 140191 (Correction), filed September 9, 1974, published in the FEDERAL REGISTER issue of October 3, 1974, and republished as corrected this issue. Applicant: TEX-PACK EXPRESS OF DALLAS, a corporation, 2001 Irving Blvd., Dallas, Tex. 75247. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within the Dallas, Tex., Commercial Zone, restricted against service provided in the transportation of packages and articles weighing in the aggregate more than 100 pounds, from one consignor located at one location to one consignee at one location on any one day.

NOTE.—The purpose of this republication is to (1) indicate that applicant seeks to perform operations at the Dallas, Tex., Commercial Zone in lieu of the Houston, Tex., Commercial Zone; and (2) correct the service restriction. Common control was approved in MC-FC-72144 and MC-FC-72456. If a hearing is deemed necessary, the applicant requests it be held at either Dallas or Fort Worth, Tex.

No. MC 140192 (Correction), filed September 9, 1974, published in the FEDERAL REGISTER issue of October 3, 1974, and republished as corrected this issue. Applicant: TEX-PACK EXPRESS OF HOUSTON, a corporation, 1203 McKee St., Houston, Tex. 77002. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Tex. 18701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the Houston, Tex., Commercial Zone, restricted against service in the transportation of packages and articles weighing in the aggregate more than 100 pounds from one consignor located at one location to one consignee at one location on any one day.

NOTE.—The purpose of this republication is to correct the service restriction. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston or Dallas, Tex.

No. MC 140202, filed September 11, 1974. Applicant: SEA & SHORE ENTERPRISES, INC., P.O. Box 101, Quinby, Va. 23423. Applicant's representative: W. M. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk and Classes A and B explosives), between Quinby, Va., and points in Accomack County, Va., on the one hand, and, on the other, points in Delaware, Florida, Maryland, New Jersey, New York, North Carolina, and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Quinby, Painter, or Exmore, Va.

No. MC 140207 (Sub-No. 2), filed September 20, 1974. Applicant: INCOME BENEFITS, INC., doing business as DUVAL TRANSPORTATION COMPANY, 1010 Lake Adair Boulevard, Orlando, Fla. 32804. Applicant's representative: John J. Duval (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in the Tampa International Airport at Tampa, Fla., on the one hand, and, on the other, points in Pasco, Hillsboro, Polk, Osceola, Seminole, Lake, Marion, Orange, and Alachua Counties, Fla., under a continuing contract or contracts with Stromberg-Carlson Corporation, restricted to shipments having a prior or subsequent movement in interstate commerce by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 140245, filed September 30, 1974: Applicant: PROFESSIONAL DRIVER SERVICES, INC., 1631 Lebanon

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Road, Nashville, Tenn. 37210. Applicant's representative: **Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street NW., Washington, D.C. 20005.** Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles and motor vehicle chassis* (except automobiles), in initial and secondary driveaway and truckaway service, and *bodies, cabs and parts of and accessories* for such vehicles, between Birmingham, Ala., Bryan and Columbus, Ohio, Hickory and Wilson, N.C., Mitchell, Ind., Buffalo, N.Y., Hayward, Calif., Allentown and Macungie, Pa., Milwaukee, Wis., and Knoxville, Memphis, and Nashville, Tenn., under a continuing contract or contracts with Knoxville Mack Truck Sales, Inc., Knoxville, Tenn., Tri-State Mack Truck Sales, Inc., Memphis, Tenn., and Neely Cable Company, Nashville, Tenn.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 140250, filed September 27, 1974. Applicant: SCOTT TRANSPORT SYSTEMS, Bldg. A–1, Air Cargo Complex, Baltimore-Washington International Airport, Baltimore, Md. 21240. Applicant's representative: Louis G. Omansky, 25 South Calvert Street, Baltimore, Md. 21202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, food supplements, vitamins, cosmetics, plastic and printed literature*, intended for household use, from Shaklee Corporation Warehouse located at or near Bellmawr, N.J., to Shaklee representatives, distributors, and customers located in Maryland, Virginia, and the District of Columbia, under a continuing contract or contracts with Shaklee Marketing Corp.

NOTE.—Common control and dual operaapplicant requests it be held at Baltimore, Md., or Washington, D.C.

No. MC 140251, filed October 1, 1974. Applicant: KNUDSEN TRUCKING, INC., 1320 West Main Street, Red Wing, Minn. 55066. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Edible nuts, such products* as are distributed by processors of edible nuts, and *materials, equipment, and supplies* utilized in the manufacture of edible nuts, between points in the United States (except Alaska and Hawaii), under a continuing contract with Fisher Nut Company, Division of Beatrice Foods Company.

NOTE.—Applicant holds common carrier authority in No. MC 105159, Sub-No. 17 and other Subs, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 140255, filed September 20, 1974. Applicant: DELBERT DEWEY, doing business as DEWEY'S TRUCKING, 1227 F Street, Fairbury, Nebr. 68352. Applicant's representative: Duane L. Stromer, 605 South 14 Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from the plantsite of Swan Enterprises, Inc., located at or near Hebron, Nebr., to points in California, Michigan, New Jersey, New York, and Pennsylvania, restricted to a transportation service to be performed under a continuing contract or contracts with Swan Enterprises, Inc., of Hebron, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 140261, filed September 30, 1974. Applicant: JOHN E. SHUMAN, doing business as AIR FREIGHT DELIVERY AND PICK-UP, Box 65, Montoursville, Pa. 17754. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Williamsport-Lycoming County Airport in the Borough of Montoursville (Lycoming County), Pa., on the one hand, and, on the other, points in Lycoming, Clinton, Union, Northumberland, and Montour Counties, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 140262, filed September 20, 1974. Applicant: VIKING TRANSPORT, INC., 1384 East F Street, Oakdale, Calif. 95361. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude and concentrated mine ores and minerals* (except coal or salt); *volcanic cinders, volcanic rock and volcanic ash; lime; soda ash; and potash, in bulk*, in dump vehicles, between points in California and Nevada.

NOTES —If a hearing is deemed necessary, the applicant requests it be held at (1) San Francisco, Calif., or (2) Stockton, Calif.

No. MC 140263, filed September 26, 1974. Applicant: JERRY L. WHITE, doing business as J. L. W. TRUCKING, 5200 South Washington, Saginaw, Mich. 48601. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aquariums*, and *materials, accessories, and supplies* used in the installation and operation thereof, from Saginaw, Mich., to points in Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wisconsin; and (2) *materials and supplies* used in described in (1) above, from points in Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, to Saginaw, Mich., under a continuing contract or contract with O'Dell Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich., or Chicago, Ill.

PASSENGER APPLICATIONS

No. MC 61599 (Sub-No. 141), filed October 1, 1974. Applicant: CONTINENTAL SOUTHEASTERN LINES, INC., 417 West Fifth Street, Charlotte, N.C. 28201. Applicant's representative: Lawrence E. Lindeman, 425 13th Street NW., Suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between Atlanta, Ga., and Greenville, S.C.; From Atlanta, Ga., over Interstate Highway 85 to Greenville, S.C., and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Greenville, S.C.

No. MC 116212 (Sub-No. 7), filed September 30, 1974. Applicant: EYRE'S BUS SERVICE, INC., Union Chapel Road, Woodbine, Md. 21797. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Columbia, Md., and Frederick, Md., serving all intermediate points: From Columbia over U.S. Highway 29 to junction Interstate Highway 70N, thence over Interstate Highway 70N to Frederick, Md., and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Frederick, Md.

No. MC 129644 (Sub-No. 6), filed September 27, 1974. Applicant: C & J TRAVEL, INC., 163 Central Avenue, Dover, N.H. 03820. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in special operations; and (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), beginning and ending at points in Carroll County, N.H., and extending to Logan International Airport located at Boston, Mass., restricted to the transportation of packages or articles weighing not more than 200 pounds in the aggregate from one consignor at one location, to one consignee at one location during a single day.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Portsmouth, N.H.

No. MC 139774 (Sub-No. 2), filed October 7, 1974. Applicant: AMBASSADOR CHARTER EXPRESS, LTD., 216 39th Avenue NE., Calgary, Alberta, Canada T2E2M5. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., 404 North 31st St., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between points on the International Boundary line between the United States and Canada, located in Washington, Idaho, and Montana, and points in Washington, Oregon, Idaho, Montana, California, and Nevada.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Billings, Mont., or Seattle, Wash.

No. MC 140078 (Sub-No. 1), filed September 16, 1974. Applicant: JAMES F. STRASSER, JAMES A. STRASSER, HOWARD B. CONKEY, ALLEN L. MOORE, AND MARK Q. MOORE, a Partnership, doing business as TRAVELERS LIMOUSINE SERVICE, 2222 West Sixth, Lawrence, Kans. 66044. Applicant's representative: D. S. Hults, Box 225, Lawrence, Kans. 66044. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) Between Lawrence, Kans., and the Kansas City International Airport at Kansas City, Mo.: From Lawrence, Kans., easterly over U.S. Highways 24–40 to junction Kansas Highway 32, thence easterly over Kansas Highway 32 to the Kansas Turnpike extension, thence easterly over Interstate Highway 70 to Kansas City, Mo., thence northerly over Broadway Street in Kansas City, Mo., to Interstate Highway 29, thence northerly over Interstate Highway 29 to the Kansas City International Airport, and return over the same route, serving the intermediate point of Kansas City Municipal Airport, Kansas City, Mo.; and (2) Between Lawrence, Kans., and Kansas City International Airport at Kansas City, Mo.: From Lawrence, Kans., easterly over Kansas Turnpike to Kansas City, Mo., thence northerly over Broadway Street in Kansas City, Mo., to junction Interstate Highway 29, thence northerly over Interstate Highway 29 to Kansas City International Airport, and return over the same route, as an alternate route, operating convenience only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 140094 (Correction), filed August 5, 1974, published in the FEDERAL REGISTER, issue of September 12, 1974, and republished as corrected this issue. Applicant: LATIN EXPRESS SERVICE, INC., 5353 N.W. 36th Street, Suite 3A, Miami Springs, Fla. 33166. Applicant's representative: John P. Bond, 2766 Douglas Road, Miami, Fla. 33133. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers*, and their baggage, Between Miami, Fla., and Union City, N.J., serving no intermediate points: From Miami over the Florida Sunshine State Parkway to Fort Pierce, Fla., thence over Interstate Highway 95 to the Delaware Memorial Bridge, thence over the Delaware Memorial Bridge to the New Jersey Turnpike, thence over the New Jersey Turnpike to Union City, and return over the same route.

NOTE.—The purpose of this republication is to indicate the regular routes over which applicant intends to perform its operations. If a hearing is deemed necessary, the applicant requests it be held at Miami, Fla.

No. MC 140113 (Sub-No. 2) (Correction), filed September 16, 1974, and published in the FEDERAL REGISTER, issue of October 18, 1974, as MC 138828 (Sub-No. 6) and republished as corrected this issue. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a Corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, between the premises of American Book Stratford Press, Inc., at Saddle Brook, N.J., and the George Washington Bridge Bus Terminal of the Port Authority of New York and New Jersey at New York, N.Y., under a continuing contract or contracts with American Book Stratford Press, Inc.

NOTE.—The purpose of this correction is to indicate that the correct docket number assigned to this application is MC 140113 (Sub-No. 2), in lieu of MC 138828 (Sub-No. 6). Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

BROKERAGE APPLICATION

No. MC 130270, filed September 20, 1974. Applicant: TAYLOR TRAVEL & TOURS, INC., 5709 Friendly Avenue, Greensboro, N.C. 27410. Applicant's representative: Benjamin S. Marks, Jr., 304 Southeastern Bldg., Greensboro, N.C. 27401. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at Greensboro, N.C., to sell or offer to sell transportation by motor common carrier of *passengers and their baggage* in the same vehicle with passengers, in special operations, in all expense roundtrip camping tours, beginning and ending at points in Guilford, Randolph, Davidson, and Forsyth Counties, N.C., and extending to points in the United States, including Alaska, but excluding Hawaii, restricted to the transportation of teenagers.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Raleigh or Charlotte, N.C. or Washington, D.C.

FREIGHT FORWARDER APPLICATION

No. FF 459, filed September 27, 1974. Applicant: RICHARDSON FORWARDING COMPANY, a Corporation, 922 East Artesia Boulevard, Long Beach, Calif. 90805. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor, water, and express, in the transportation of (1) *Used household goods and unaccompanied baggage*, and (2) *Used automobiles*, between points in the United States including Hawaii but excluding Alaska; (2) above, restricted to traffic having a prior or subsequent movement in foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

WATER CARRIER APPLICATION

No. W 104 (Sub-No. 28), filed September 27, 1974. Applicant: UNION MECHLING CORP., One Oliver Plaza, Pittsburgh, Pa. 15222. Applicant's representative: S. S. Elsen, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier*, by water in the transportation of *general commodities*, (A) by non-self propelled vessels with the use of separate towing vessels and by towing vessels in the performance of general towage, between the following points: (1) Missouri River from Kansas City, Kans., to and including Sioux City, Iowa; (2) Mississippi River below and including Minneapolis, Minn.; the St. Croix River below and including Stillwater, Minn.; the Minnesota River below its headwaters; (3) Tennessee River below and including Knoxville, Tenn., and its tributaries, including the Barkley Canal; (4) Cumberland River and its tributaries below and including Celina, Tenn., including the Barkley Canal; (5) Green River and its tributaries below its headwaters; (6) Yazoo River and its tributaries below its headwater; (7) Gulf Intracoastal Waterway from St. Marks, Fla., to New Orleans, La., and all tributaries and connecting ship channels including the Alabama, Coosa, Mobile, Tombigbee, Warrior, and Black Warrior Rivers, including the Locust and Mulberry Forks of the Black Warrior River, and Short Creek, and their tributaries, and the Apalachicola, Chattahoochee, and Flint Rivers and their tributaries; and (8) Port Inglis, Fla., Fort Meyers, Fla., Miami, Fla.; Fort Lauderdale, Fla., and Port Everglades, Fla.; and (B) by towing vessels in the performance of general towage, between Port Arthur, Tex., and Brownsville, Tex., including tributary and connecting waterway.

NOTE.—Common control may be involved. Applicant intends to join the requested authority with his existing and pending authority, to provide service between the requested authority, on the one hand, and, on the other, ports and points generally along the Gulf of Mexico, Atlantic and Pacific Coasts and tributary waterways, Alabama, Coosa, Mobile, Tombigbee, Warrior, and Black Warrior Rivers. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–25373 Filed 10–31–74;8:45 am]

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PART II

DEPARTMENT OF THE TREASURY

Monetary Offices

FOREIGN PORTFOLIO INVESTMENT STUDY REGULATIONS; FORMS

Notice of Proposed Rulemaking

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DEPARTMENT OF THE TREASURY

Monetary Offices

[31 CFR Part 129]

FOREIGN PORTFOLIO INVESTMENT STUDY REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given that the Department of the Treasury proposes to add a new Part 129 to Title 31 of the Code of Federal Regulations which will include the Foreign Portfolio Investment Study Regulations. The reporting requirements prescribed under 31 CFR Part 128 are not affected by these provisions. The proposed regulations are promulgated under the authority of the Foreign Investment Study Act (Pub. L. 93–479) which directs the Secretary of the Treasury "to conduct a comprehensive, overall study" of foreign portfolio investment and authorizes the Secretary to issue such rules as he deemes necessary to carry out his functions under the Act. The study, which will be the first complete survey of foreign portfolio investment in the United States since 1941, will provide complete statistics on such investment as of year-end 1974 and supply a data base from which estimates of annual balance-of-payments figures for later years may be extrapolated.

The proposed regulations define foreign portfolio investment for purposes of the study, set forth recordkeeping and reporting requirements with respect to such investment applicable to United States issuers and United States holders of record, outline confidentiality provisions applicable to reports, describe reporting forms available, and specify penalties for violation of the regulations. These regulations shall become effective when published in final form in the FEDERAL REGISTER. Prior to the adoption of these regualtions, consideration will be given to any comments, data, views, arguments, or suggestions pertaining thereto which are submitted in writing by November 22, 1974. Such comments or suggestions should be directed to the Foreign Portfolio Investment Project, Office of the Assistant Secretary for International Affairs, Room 5064, Department of the Treasury, Washington, D.C. 20220.

The proposed regulations are as follows:

PART 129—FOREIGN PORTFOLIO INVESTMENT STUDY REGULATIONS

Subpart A—Definitions

Sec.
129.1 United States.
129.2 Person.
129.3 United States person.
129.4 United States issuer.
129.5 United States holder of record.
129.6 Foreign person.
129.7 Foreign official institution.
129.8 The Act.
129.9 The Secretary.

Subpart B—Recordkeeping and Reporting Requirements

129.10 Determination by the Secretary.
129.11 Reports.
129.12 Exemptions.
129.13 Records.
129.14 Protection of information.

Subpart C—Description of Forms Prescribed Under this Part

129.20 Copies.
129.21 Form FPI–1. Reporting Form for United States Issuers.
129.22 Form FPI–2. Reporting Form for United States Holders of Record.
129.23 Special reports.

Subpart D—Penalties

129.30 Civil and criminal penalties.
129.31 Fraudulent reporting.

AUTHORITY: Sec. 7, 88 Stat. 1450.

Subpart A—Definitions

§ 129.1 United States.

The term "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and all territories and possessions of the United States.

§ 129.2 Person.

The term "person" means an individual, partnership, association, trust, corporation, or other organization, including the Federal, State, and local governments and any agencies, corporations, financing institutions, or other instrumentalities thereof.

§ 129.3 United States person.

The term "United States person" means any individual resident in the United States or any other person organized or created under the laws of the United States, including the Federal, State, and local governments and any instrumentalities thereof.

§ 129.4 United States issuer.

The term "United States issuer" means any United States person who issues, through public or private distribution, any security or other evidence of ownership, participation, or indebtedness, including the following:

(a) Stocks or investment company shares, including rights, warrants, and scrip;

(b) Debt obligations having an original maturity of more than one year, including such obligations as bonds, debentures, notes, mortgages, bank and other long-term loans and other obligations, certificates of deposit, and certificates of participation;

(c) Business or investment trust certificates or shares;

(d) Limited partnership interests; transferable shares in a business venture, association, or syndicate; or any fractional interest in oil and gas, real estate, crops, or other investment property.

§ 129.5 United States holder of record.

The term "United States holder of record" means any person subject to the jurisdiction of the United States who is carried on stock transfer records or other ownership records as having title to any security or other evidence of ownership, participation, or indebtedness of a United States person which he is holding on behalf of another person. The term "United States holder of record" may include such persons as nominees, custodians, agents, trustees, other fiduciaries, banks, brokers, or other intermediaries, who hold title to investments on behalf of the beneficial owners.

§ 129.6 Foreign person.

The term "foreign person" includes:

(a) Any individual, including a citizen of the United States, resident outside the United States.

(b) Any partnership, association, corporation, or other organization created or organized under the laws of a foreign country, excepting branches and agencies thereof located in the United States.

(c) Any branch, subsidiary, or other allied organization within a foreign country of a partnership, association, corporation, or other organization, created or organized under the laws of a foreign country or of the United States. A branch of an American broker or dealer located outside the United States, including a branch of a person subject to the reporting requirements of these regulations, should be regarded as a foreign person. In addition, overseas head offices of branches, subsidiaries, and agencies which are located in the United States, as well as other branches of such head offices which are located outside the United States, should be regarded as foreign persons.

(d) Any government of a foreign country and any subdivision, agency, or instrumentality thereof, including all foreign official institutions, even if located in the United States.

(e) Any official international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states, even though located in the United States; and any private relief, philanthropic or other organization of an international or regional character with headquarters abroad and with a membership of organizations from more than one country.

(f) Any person in the United States to the extent such person is acting on behalf of, for the account of, or for the benefit of, a foreign person, except for a holder of record as defined in § 129.5 of this part.

§ 129.7 Foreign official institution.

The term "foreign official institution" includes central governments of foreign countries and their possessions and recognized central banks of issue, including the following:

(a) The treasuries, including ministries of finance, or corresponding departments of national governments; central banks, including all departments thereof; stabilization funds, exchange control offices, or other governmental exchange authorities; and fiscal agents of the national governments which have as an important part of their functions, activities similar to those of a treasury, central bank, or stabilization fund, *Provided*, That branches or agencies of foreign official banking institutions which are located in the United States shall not be regarded as foreign official institutions for purposes of these regulations.

(b) Diplomatic and consular establishments and other departments and agencies of national governments, such as army and navy departments, purchasing commissions, and state trading organizations.

(c) Any international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states. *Provided*, That the term "foreign official institution" shall not include the following: (i) Nationalized or other government-owned banks or corporations (Nationalized or other government-owned banks should be regarded as "foreign banks" and nationalized or other government-owned corporations should be included in the category "other foreign holders" unless such banks or corporations fall within one of the categories set forth in paragraph (a) of this section), and (ii) personal accounts of foreign diplomatic and other official representatives of foreign countries.

§ 129.8 The Act.

The purposes of this part, "the Act" means the Foreign Investment Study Act of 1974 (Public Law 93–479, 88 Stat. 1450).

§ 129.9 The Secretary.

The term "the Secretary" means the Secretary of the Treasury.

Subpart B—Recordkeeping and Reporting Requirements

§ 129.10 Determination by the Secretary.

The Secretary hereby determines that the recordkeeping and reporting provisions of this subpart are necessary to enable him to carry out his functions under the Act.

§ 129.11 Reports.

(a) *United States Issuers.* A report is required on Form FPI–1 (described in § 129.21 of this part) from United States issuers as follows:

(1) *Routine Large Issuer Reporters; Assets Test.* A report is required on Form FPI–1 from every United States issuer, irrespective of whether it has evidence of foreign investment, which, as of the latest available closing date of its books, had:

(i) Total consolidated assets of more than $20 million, if it is a nonbanking organization;

(ii) Total consolidated assets of more than $50 million, if it is a banking organization;

(2) *Selective Small Issuer Reporters; Foreign Ownership Test.* Except as provided in section 129.12(a) of this part, a report on Form FPI–1 is required from every United States issuer which is not a routine reporter under paragraph (a) (1) of this section, which has evidence of foreign ownership of any of its securities or other evidences of ownership or indebtedness. This requirement applies without regard to the size of the issuer's assets determined under paragraphs a(1) (i) or (ii) of this section.

(3) *Ackowledgment Required.* Copies of Form FPI–1 and general and special instructions will be mailed to certain issuers. These issuers will be selected on the basis of information indicating that they have or have had foreign ownership, or may be of special interest to foreign investors on account of size, industry, international operations, or other factors. Each such issuer is required to submit an acknowledgement of receipt as provided in special instructions pertaining to Form FPI–1, even if it is not required to submit a report under paragraph (a) (2) of this section or if it falls within the exemption of § 129.12(a) of this part. This requirement is necessary to insure the compcompliance with the reporting, requirements, and efficient administration of the study.

(b) *United States Holders of Record.* Except as provided in § 129.12(b) of this part, a report is required on Form FPI–2 from every United States holder of record who holds on behalf of a foreign person any security or any other evidence of ownership, participation, or indebtedness of a United States issuer. Included among holders of record who must report are trustees holding investments for revocable trusts organized under the laws of the United States where the trustor is a foreign person.

(1) *Consolidated Reporters.* Where several nominees, trustees, or other holders of record are affiliated with or under the common control of a single bank, broker, or other institution, such parent institution shall submit a consolidated Form FPI–2 on behalf of all such holders of record.

(2) *Acknowledgment Required.* Copies of Form FPI–2 and general and special instructions will be mailed to certain nominees and other holders of record or their parent institutions. These holders of record will be selected based on the 1974 Nominee List published by the American Society of Corporate Secretaries, Inc. and other information indicating that such institutions either offer their services to the public as nominees or may be acting on behalf of foreign investors. Each such holder of record is required to submit an acknowledgment of receipt as provided in special instructions pertaining to Form FPI–2 even if it is not required to file a report under paragraph (b) of this section or if it falls within the exemption of § 129.12 (b) of this part. This requirement is necessary to insure the completeness and accuracy of reporting, compliance with the reporting requirements, and efficient administration of the study.

(c) *Time and Place of Filing Reports* Reports on Forms FPI–1 and FPI–2 should be filed not later than March 1, 1975 with the Foreign Portfolio Investment Project, Office of the Assistant Secretary for International Affairs, Room 5100, Department of the Treasury, Washington, D.C. 20220.

§ 129.12 Exemptions.

(a) *United States Issuers.* A report on Form FPI–1 is not required from any United States issuer, irrespective of whether it has knowledge of foreign ownership, which, as of the latest available closing date of its books, had:

(1) Total annual sales or revenues of less than $1,000,000; and

(2) Total consolidated assets of less than $1,000,000.

(b) *United States Holders of Record.* A report on Form FPI–2 is not required from the following holders of record: (1) Holders of record which held for foreign customers investments in United States issuers aggregating $25,000 or less based on market value of stocks or face value for debt obligations as of December 31, 1974. This exemption does not apply to holders of record under management or control of a single bank, broker, or other parent institution, except where the aggregate holdings of holders of record under a single parent institution equal $25,000 or less.

(2) Parents acting as custodians for minors.

(3) Estates or trusts where the foreign heirs, legatees, or beneficiaries do not have full control of the management or disposition of the assets of the estate or trust.

(c) *Special Exemption.* The Secretary or his delegate may by written order or authorization grant additional exemptions, in whole or in part, from the requirements of this part, which may apply to particular persons or classes of persons, and which shall be revocable in the discretion of the Secretary or his delegate.

§ 129.13 Records.

(a) Every person subject to the provisions of this part, whether or not such person is exempt from the reporting requirements of this part, shall maintain a full record of any information which the Secretary directs (including worksheets, journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) as being germane to his functions in carrying out the foreign portfolio investment study.

(b) Such information shall be maintained for such period as the Secretary directs, but shall not be required to be maintained beyond the date fixed by Section 10 of the Act for final submission of the study to Congress.

§ 129.14 Protection of Information.

(a) *Confidentiality.* In addition to the Secretary, the only individuals who may have access to information furnished under the provisions of this part are those sworn employees, including consultants, of the Department of the Treasury designated by the Secretary. Neither the Secretary nor any such employee may—

(1) Use any information furnished under this part except for analytical or statistical purposes within the United States government; or

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(2) Publish, or make available to any other person in any manner, any such information in a manner that the information furnished under this part by any person can be specifically identified with such person except for purposes of an enforcement proceeding under the Act: *Provided*, That the Secretary may exchange information furnished under the provisions of this part with the Secretary of Commerce in order to prevent any duplication or omission in the studies conducted by each Secretary pursuant to the Act.

(b) *Notification of Customers.* (1) Section 7(b)(2) of the Act provides that:

> Whenever an order under clause (2) of this subsection requires a person to produce information which can be specifically identified as being part of the records of its customers, the Secretary shall, upon being provided the names and addresses of such customers, send a notice to such customers that information from their records will be disclosed pursuant to this Act; • • •

Notice to customers is not required under the Act where a reporter is "directly involved in the ownership or management of assets for the customer as nominee, agent, partner, fiduciary, trustee, or in a similar relationship."

(2) Should any person be required to submit, pursuant to the provisions of the Act or any amendment to this part, information which can be specifically identified as being part of the records of its customers where such person is not directly involved in the ownership or management of assets for the customers as a nominee, agent, partner, fiduciary, trustee, or in a similar relationship, the Secretary, upon being provided the names and addresses of such customers, shall send a notice to such customers that information from their records will be disclosed pursuant to the Act. Any reporter having submitted names of customers pursuant to the provisions of this paragraph shall be required to submit a report on its due date or within 10 days of being notified by the Secretary that notice to such customers has been given, whichever is later.

Subpart C—Description of Forms Prescribed Under this Part

§ 129.20 Copies.

Copies of the forms described in this subpart may be obtained from the Foreign Portfolio Investment Project, Office of the Assistant Secretary for International Affairs, Department of the Treasury, Washington, D.C. 20220.

§ 129.21 Form FPI–1. Reporting Form for United States Issuers.

On this form, United States issuers of securities or other evidences of ownership, participation, or indebtedness are required to report foreign ownership, by country and issue, of stocks and debt obligations issued by them which were held by foreign persons as of December 31, 1974, and to supply certain information relating the ownership distribution of outstanding issues, and information regarding foreign placement of securities, stock-for-stock or stock-for-assets exchanges with foreign persons, conversions of debt obligations held by foreign persons, and foreign representation on the issuer's board of directors.

§ 129.22 Form FPI–2. Reporting Form for United States Holders of Record.

On this form, United States holders of record are required to report foreign ownership, by country and issue, of those stocks and debt obligations which they held on behalf of foreign persons as of December 31, 1974.

§ 129.23 Special reports.

Any person subject to the provisions of this part may be required to submit a special report which the Secretary deems necessary to supplement information supplied by such person on Forms FPI–1 or FPI–2 or which may otherwise be necessary to enable the Secretary to carry out his functions under the Act.

Subpart D—Penalties

§ 129.30 Civil and Criminal Penalties.

In accordance with section 8 of the Act, the penalties and enforcement procedures described in paragraphs (a), (b), and (c) of this section shall apply to violations of this part and any reporting requirement imposed hereunder or any other rule, regulation, order, or instruction promulgated by the Secretary under the authority of the Act.

(a) *Civil penalty.* Attention is directed to section 8(a) of the Act which provides:

> Whoever fails to furnish any information required pursuant to the authority of this Act, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instructions promulgated pursuant to the authority of this Act may be assessed a civil penalty not exceeding $10,000 in a proceeding brought under subsection (b) of this section. (---- Stat. ----).

(b) *Civil proceeding; injunction.* Attention is directed to section 8(b) of the Act which provides:

> Whenever it appears to either the Secretary of the Treasury or the Secretary of Commerce that any person has failed to furnish any information required pursuant to the provisions of this Act, whether required to be furnished in the form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act, such Secretary may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, seeking a mandatory injunction commanding such person to comply with such rule, regulation, order, or instruction, and upon a proper showing by such Secretary of the relevance to the purposes of the Act of such rule, regulation, order, or instructions, a permanent or temporary injunction or restraining order shall be granted without bond, and such person shall also be subject to the civil penalty provided in subsection (a) of this section if the judge finds that such penalty is necessary to obtain compliance with such injunction or restraining order.

(c) *Criminal penalties.* Attention is directed to section 8(c) of the Act which provides:

> Whoever willfully fails to submit any information required pursuant to this Act, whether required to be furnished in the form of a report or otherwise, or willfully violates any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act shall, upon conviction, be fined not more than $10,000 or, if a natural person, may be imprisoned for not more than one year or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both. (---- Stat. ----).

§ 129.31 Fraudulent reporting.

Attention is also directed to section 1001 of the United States Criminal Code which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. (18 U.S.C. 1001)

Dated: October 25, 1974.

[SEAL] CHARLES A. COOPER,
Assistant Secretary.

[FR Doc.74-25412 Filed 10-31-74;8:45 am]

DEPARTMENT OF THE TREASURY

Monetary Offices

FOREIGN PORTFOLIO INVESTMENT STUDY

Notice of Proposed Forms

Notice is hereby given that the Department of the Treasury proposes to promulgate forms and instructions to implement the proposed Foreign Investment Study Regulations (see notice of proposed rulemaking in today's FEDERAL REGISTER, p. 38772). The proposed forms and instructions are promulgated under the authority of the Foreign Investment Study Act of 1974 (Pub. L. 93–479) which directs the Secretary of the Treasury "to conduct a comprehensive, overall study" of foreign portfolio investment, and which authorizes the Secretary to require from any person the submission of reports which he determines are necessary to carry out the study.

The proposed forms include Form FPI–1, which is required of United States issuers, and Form FPI–2, which is required of United States holders of record. Also promulgated herewith are general instructions and special instructions applicable to both forms. These forms and instructions shall become effective when published in final form in the FEDERAL REGISTER. Prior to the adoption of these forms and instructions, consideration will be given to any comments, data, views, arguments, or suggestions pertaining thereto which are submitted in writing by November 22, 1974. Such comments or suggestions should be directed to the Foreign Portfolio Investment Project, Office of the Assistant Secretary for International Affairs, Room 5064, Department of the Treasury, Washington, D.C. 20220.

Dated: October 25, 1974.

[SEAL] CHARLES A. COOPER,
Assistant Secretary.

SURVEY OF FOREIGN PORTFOLIO INVESTMENTS IN THE UNITED STATES AS OF DECEMBER 31, 1974 GENERAL INSTRUCTIONS

PART I. INTRODUCTION

This survey is being conducted by the Treasury Department pursuant to the Foreign Investment Study Act of 1974 (Public Law 93–479, October 26, 1974), which directs the Secretary of the Treasury "to conduct a comprehensive, overall study" of foreign portfolio investment in the United States. A parallel study of foreign direct investment in the United States is being conducted by the Secretary of Commerce under the same law.

Section 7 of the Foreign Investment Study Act authorizes the Secretary of the Treasury to establish by regulation whatever rules he deems necessary to carry out his functions under the Act. The Secretary of the Treasury, having published regulations governing the study, as well as the following instructions and forms, in the FEDERAL REGISTER on ---- ----, 1974 (---- Fed. Reg. ----), and having consulted with the Director of the Office of Management and Budget, has determined that the following instructions and forms are necessary to carry out the foreign portfolio investment study authorized and directed by Congress in the Act. The filing of these forms is therefore mandatory under section 7 of the Act.

Information furnished in these forms will be held in confidence by the Secretary of the Treasury in accordance with section 7(c) of the Act which states:

> In addition to the Secretary of Commerce and the Secretary of the Treasury, the only individuals who may have access to information furnished under subsection (b)(2) are those sworn employees, including consultants, of the Department of Commerce or Department of the Treasury designated by the Secretary of either such Department. Neither such Secretary nor any such employee may—
>
> (1) Use any information furnished under subsection (b)(2) except for statistical or analytical purposes provided by this Act; or
>
> (2) Publish, or make available to any other person in any manner, any such information in a manner that the information furnished under subsection (b)(2) by any person can be specifically identified, except for the purposes of a proceeding under section 8 [an enforcement proceeding under the Act].

Such Secretaries may exchange any such information furnished under subsection (b)(2) in order to prevent any duplication or omission in the studies compiled by each such Secretary.

PART II. GENERAL INSTRUCTIONS

A. *Who Must Report.*

1. *United States Issuers.* The reporting obligations of United States corporations, partnerships, investment companies, joint stock associations, joint ventures, and other organizations or groups of persons subject to the jurisdiction of the United States, which issue shares, certificates, or other evidence of ownership, participation, or indebtedness, are governed by the following classifications:

a. *Routine Large Issuer Reporters—Assets Test.* A report is required on Form FPI–1 from every United States issuer, irrespective of whether it has evidence of foreign investment which, as of the latest available closing date of its books, had:

(1) Total consolidated assets of more than $20 million, if it is a nonbanking organization;

(2) Total consolidated assets of more than $50 million, if it is a banking organization;

b. *Selective Small Issuer Reporters—Foreign Ownership Test.* Except as otherwise provided in these instructions, a report on Form FPI–1 is required from every United States issuer which is not a routine reporter under subparagraph a. above, which has evidence of foreign ownership, participation, of any of its securities or other evidences of ownership or indebtedness. This requirement applies without regard to the size of the issuer's assets determined under subparagraphs a. (1) or (2) above.

c. *Exempted Issuers—Annual Sales/Assets Tests.* A report on Form FPI–1 is not required from any United States issuer, irrespective of whether it has knowledge of foreign ownership, which, as of the latest available closing date of its books, had:

(1) Total annual sales or revenues of less than $1,000,000; and

(2) Total consolidated assets of less than $1,000,000.

d. *Acknowledgement Required.* The Treasury will mail copies of Form FPI–1 and general and special instructions to certain issuers. These issuers will be selected on the basis of information indicating that they have or have had foreign ownership, or may be of special interest to foreign investors on account of size, industry, international operations, or other factors. Each such issuer of foreign investment is required to submit an acknowledgement of receipt as provided in specific instructions pertaining to Form FPI–1, even if it is not required to submit a report under subparagraphs (b) and (c) above. This requirement is deemed necessary to insure the completeness and accuracy of reporting, compliance with the reporting requirements, and efficient administration of the study.

2. *United States Holders of Record.* Except as otherwise provided by these instructions, a report is required on Form FPI–2 from any person subject to the jurisdiction of the United States who acts on behalf of a foreign person as a holder of record of any security or any other evidence of ownership, participation or indebtedness of a United States issuer. Included among holders of record who must report are trustees holding investments for revocable trusts organized under the laws of the United States where the trustor is a foreign person.

a. *Consolidated Reporters.* Where several nominees, trustees, or other holders of record are affiliated with or under the common control of a single bank, broker, or other institution, such parent institution should file a consolidated Form FPI–2 on behalf of all such holders of record.

b. *Exempted Holders of Record.* A report on Form FPI–2 is not required from the following holders of record:

(1) Holders of record which held for foreign customers investments in United States issuers aggregating $25,000 or less based on fair market value as of December 31, 1974. This exemption does not apply to holders of record under common management or control as described in subparagraph (a) above, except parent institution equal $25,000 or less.

(2) parents acting as custodians for minors.

(3) Estates or trusts where the foreign heirs, legatees, or beneficiaries do not have full control of the management or disposition of the assets of the estate or trust.

(c) *Acknowledgment Required.* The Treasury will mail copies of Form FPI–2 and general and special instructions to certain nominees and other holders of record or their parent institutions. These holders will be selected based on the 1974 Nominee List published by the American Society of Corporate Secretaries, Inc. and other information indicating that such institutions either offer their services to the public as nominees or may be acting on behalf of foreign investors. Each such holder is required to submit an acknowledgment of receipt as provided in specific instructions pertaining to Form FPI–2 even if it is not required to submit a report under Paragraph 2.b. above. This requirement is deemed necessary to insure the completeness and accuracy of reporting, compliance with the reporting requirements, and efficient administration of the study.

B. *What must be reported?*

1. *Inclusions.* Except as otherwise provided in these instructions, reporters must report on both Forms FPI–1 and Form FPI–2 ownership by a foreign person of any of the following interests in a United States issuer:

a. Stocks or investment company shares, including rights, warrants, and script (But see the direct investment exclusion, paragraph 2.b. (1) below)

b. Debt obligations having an original maturity of more than one year. (Portions of obligations having an original maturity of more than one year which will fall due in the current year must be reported even if carried on an issuer's books as current obligations.) Include such obligations as bonds, debentures, notes, mortgages, bank and other long-term loans, and, in the case of financial institutions, certificates of deposit, and certificates of participation. In addition to private obligations, the survey also covers foreign holdings of debt obligations of the Federal, State and local governments including any agencies, corporations, financing institutions, or other instrumentalities thereof.

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c. Business or investment trust certificates or shares.

d. Limited partnership interests; transferable shares in a business venture, association, or syndicate; or any fractional interest in oil and gas, real estate, crops, or other investment property.

2. *Exclusions:* Certain foreign investments should be excluded from reports as follows:

a. *Form FPI–1 and Form FPI–2:*

Mutual Insurance Companies. Equity interests in mutual insurance companies arising from insurance policies.

b. Form FPI–1 only (See also specific instructions on Form FPI–1):

(1) *Direct Investment.* Data should not be filed on Schedules A or B of Form FPI–1 on investment by a foreign person in a United States issuer, if the holdings of such foreign person amount to 10 percent or more of the total voting power to the United States issuer. A foreign person who owns such a 10 percent or greater interest is defined as a "direct investor" in the issuer. In such a case, holdings by the direct investor in that issuer should be reported to the Bureau of Economic Analysis, Department of Commerce. However, holdings by foreign persons other than a direct investor in the United States issuer should be reported to the Treasury on Form FPI–1.

(2) *Investment by Foreign Affiliates.* Investment in the equity or debt of a United States parent company by a foreign subsidiary should not be reported. For purposes of the survey, a foreign subsidiary is defined as a foreign enterprise in which a United States corporation owns at least 10 percent of the voting stock or equivalent ownership interest.

c. *Form FPI–2 only (See also specific instructions on Form FPI–2):*

Certain United States Trusts. Assets of a revocable or irrevocable non-business inter vivos or testamentary trust, where the trustor is a United States person, even if a beneficiary is a foreign person; or of an irrevocable non-business inter vivos or testamentary trust, even if the trustor is a foreign person.

C. *Space on Form Insufficient.*

When space does not permit a full answer to any question on the form, the information required should be submitted on supplementary sheets appropriately labeled and incorporated by reference under the question. To assist respondents in fulfilling this requirement, continuation sheets have been provided. All supplementary sheets, including continuation sheets, should be attached to the form to which they pertain.

D. *Industry Classification of Reporter.*

The Enterprise Standard Industrial Classification (SIC) will be used to identify reporters by the kind of economic activity in which they are engaged. The code for use in this survey consists of two digits, which breaks economic activity down into seventy-five major groups. The code is reproduced in Annex A of these instructions and should be entered in item 1e of Part I in reporting Forms FPI–1 or FPI–2. For those companies involved in several different types of economic activity, use the code number that describes the major activity of the company.

E. *Country Detail.*

Information on Schedules A and B has to be prepared in accordance with the country list shown in Annex B. For convenience of use, countries are listed in alphabetical sequence. Please note that the country identification to be used in the report should include both the name of the country and the code number provided for each country.

F. *Cusip Number.*

Each stock, debt obligation, and instrument reportable in Part II, in item 15 of Part III, and on Schedules A, B, and C, of Form FPI–1 or on Schedule C of Form FPI–2 must be identified by its Cusip number in the space provided. If a particular stock or debt obligation does not have a Cusip number, no entry should be made in this space.

G. *Foreign Currency Securities.*

All amounts requested for security issues denominated in foreign currency should be given in that foreign currency only and should not be converted into U.S. dollars. This applies particularly to items 12 and 15 and to Schedule B of Form FPI–1, and to Schedule C of Form FPI–2.

H. *Dollar Conversions.*

Amounts that have to be converted to U.S. dollars should be converted in agreement with standard accounting principles prescribed by the APB Accounting Principles Board.

If the company uses different conversion procedures, these may be used but a statement should be appended describing these accounting practices or procedures.

I. *Required Information Not Available.*

All reasonable efforts should be made to obtain the required information. When actual information cannot be obtained, estimates will be acceptable but should be so marked with the notation "Est." whenever used. If any information not available at the time of reporting is obtained thereafter, a supplementary report should be filed promptly with a full explanation. Reporters must answer every question on the appropriate reporting form. However, lines and columns on attached schedules which are not applicable to a particular reporter (e.g. certain country lines) should be left entirely blank.

J. *Number of Copies.*

A single original copy of the report shall be filed. In addition, each person reporting shall retain a copy of his report.

K. *Time and Place of Filing Reports.*

Reports shall be filed no later than March 1, 1975, or 60 days after final publication of reporting requirements in the FEDERAL REGISTER, whichever is later. Reports shall be mailed to: U.S. Department of Treasury, Office of the Assistant Secretary for International Affairs, Foreign Portfolio Investment Project, Room ____, Washington, D.C. 20220.

L. *Extension of the Reporting Deadline.*

If a report cannot be filed within the time allotted, an application for an extension of the filing date should be submitted to the Treasury at least one week prior to the original filing date (see Paragraph K. above) stating the reason for the anticipated delay and the time required to submit an accurate report. Upon receipt of an application, additional time for filing may be granted for good cause shown.

M. *Information Regarding Preparation of Reporters.*

Anyone desiring information concerning preparation of reports or copies of forms or instructions, or requiring an extension of the reporting period (see Paragraph L above) should direct inquiries to the U.S. Department of the Treasury, Office of the Assistant Secretary for International Affairs, Foreign Portfolio Investment Project, Washington, D.C. 20220, or he may call Area Code (202) 964–____, or 964–____

PART III. DEFINITIONS

1. "United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the Panama Canal Zone, and all territories and possessions of the United States.

2. "Person" means an individual, partnership, association, trust, corporation, or other organization, including the Federal, State, and local governments and any agencies, corporations, financing institutions, or other instrumentalities thereof.

3. "United States person" means any individual resident in the United States or any other person organized or created under the laws of the Federal, State, and local governments and any instrumentalities thereof.

4. "United States issuer" means any United States person who issues, through public or private distribution, any security or other evidence of ownership, participation, or indebtedness, including the following:

(a) Stocks or investment company shares, including rights, warrants, and scrip;

(b) Debt obligations having an original maturity of more than one year, including such obligations as bonds, debentures, notes, mortgages, bank and other long-term loans and other obligations, certificates of deposit, and certificates of participation;

(c) Business or investment trust certificates or shares;

(d) Limited partnership interests; transferable shares in a business venture, association, or syndicate; or any fractional interest in oil and gas, real estate, crops, or other investment property.

5. "United States holder of record" means any person subject to the jurisdiction of the United States who is carried on stock transfer records or other ownership records as having title to any security or other evidence of ownership, participation or indebtedness of a United States issuer which he is holding on behalf of another person. The term "United States holder of record" may include such persons as nominees, custodians, agents, trustees, other fiduciaries, banks, brokers, or other intermediaries, who hold title to investments on behalf of the beneficial owners.[1]

6. "Foreign person" includes:

(a) Any individual, including a citizen of the United States, resident outside the United States.

(b) Any partnership, association, corporation, or other organization created or organized under the laws of a foreign country, excepting branches and agencies thereof located in the United States.

(c) Any branch, subsidiary or other allied organization within a foreign country of a partnership, association, corporation or other organization created or organized under the laws of a foreign country or of the United States. Thus, for example, branches of American brokers and dealers (including a reporter's own branches) located in foreign countries should be considered as foreign persons. Branches, subsidiaries, and agencies located in the United States of foreign brokers and dealers should consider their overseas head offices and other overseas branches of such head offices as foreign persons.

(d) Any government of a foreign country and any subdivision, agency or instrumentality thereof, including all foreign official institutions, even though located in the United States.

(e) Any official international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states, even though located in the United States; and any private relief, philanthropic or other organization of an international or regional character with headquarters abroad and with a membership of organizations from more than one country.

(f) Any person in the United States to the extent such person is acting on behalf of, or for the account of, or for the benefit of a foreign person except for a holder of a record. 7. "Foreign official institution" means central governments of foreign countries and their possessions and recognized central banks of issue, including the following:

(a) The treasuries, including ministries of finance, or corresponding departments of national governments; central banks, including all departments thereof; stabilization funds, including official exchange stabilization funds, exchange control offices, or other governmental exchange authorities; and fiscal agents of the national governments which have as an important part of their functions, activities similar to those of a treasury, central bank or stabilization fund. *Provided,* That branches or agencies of foreign official banking institutions which are located in the United States shall not be considered foreign official institutions for purposes of these instructions.

(b) Diplomatic and consular establishments and other departments and agencies of national governments, such as army and navy departments, purchasing commissions and state trading organizations.

(c) Any international or regional organization, or subordinate or affiliated agency thereof, created by treaty or convention between sovereign states.

Provided, That the term "foreign official institution" shall not include the following: (i) Nationalized or other government-owned banks or corporations (Nationalized or other government-owned banks should be regarded as "foreign banks" and nationalized or other government-owned corporations should be included in the category "other foreign holders" unless such banks or corporations fall within one of the categories set forth in subparagraph (a) above); and (ii) personal accounts of foreign diplomatic and other official representatives of foreign countries.

8. "Employer's identification number" means the unique taxpayer's identification number assigned to the employer by the Internal Revenue Service (This is the number which should be entered in Part I, Item 1 (Identification of Reporter) on Form FPI–1 and FPI–2).

9. "Consolidated financial data" means the financial data regarding an issuer, developed in accordance with standard accounting concepts used by the issuer, shown in the consolidated report to stockholders included in its annual 10K report to the Securities and Exchange Commission (SEC).

ANNEX A:

ENTERPRISE STANDARD INDUSTRIAL CLASSIFICATION

A: Agriculture, Forestry, and Fishing:
- 01—Agricultural production—crops
- 02—Agricultural production—livestock
- 07—Agricultural services
- 08—Forestry
- 09—Fishing, hunting and trapping

B: Mining:
- 10—Metal mining
- 11—Coal mining
- 13—Oil and gas extraction
- 14—Nonmetallic minerals, except fuels

C: Construction:
- 15—General building contractors
- 16—Heavy construction contractors
- 17—Special trade contractors

D: Manufacturing:
- 20—Food and kindred products
- 21—Tobacco manufactures
- 22—Textile mill products
- 23—Apparel and other textile products
- 24—Lumber and wool products
- 25—Furniture and fixtures
- 26—Paper and allied products
- 27—Printing and publishing
- 28—Chemicals and allied products
- 29—Petroleum and coal products
- 30—Rubber and miscellaneous plastics products
- 31—Leather and leather products
- 32—Stone, clay and glass products
- 33—Primary metal industries
- 34—Fabricated metal products
- 35—Machinery, except electrical
- 36—Electrical and electronic equipment
- 37—Transportation equipment
- 38—Instruments and related products
- 39—Miscellaneous manufacturing industries

E: Transportation and Public Utilities
- 40—Railroad transportation
- 41—Local and interurban passenger transit
- 42—Trucking and warehousing
- 43—U.S. postal service
- 44—Water transportation
- 45—Transportation by air
- 46—Pipe Lines, except natural gas
- 47—Transportation services
- 48—Communication
- 49—Electric gas, and sanitary services

F: Wholesale Trade
- 50—Wholesale trade—durable goods
- 51—Wholesale trade—nondurable goods

G: Retail Trade
- 52—Building materials and garden supplies
- 53—General merchandise stores
- 54—Food stores
- 55—Automotive dealers and services stations
- 56—Apparel and accessory stores
- 57—Furniture and home furnishing stores
- 58—Eating and drinking places
- 59—Miscellaneous retail

H: Finance, Insurance, and Real Estate
- 60—Banking
- 61—Credit agencies other than banks
- 62—Security, commodity brokers and services
- 63—Insurance carriers
- 64—Insurance agents, brokers and service
- 65—Real estate
- 66—Combined real estate, insurance, etc.
- 67—Holding and other investment companies

I: Services
- 70—Hotels and other lodging places
- 72—Personal services
- 73—Business services
- 75—Auto repair, services and garages
- 76—Miscellaneous repair services
- 78—Motion pictures
- 79—Amusement and recreation services
- 80—Health services
- 81—Legal services
- 82—Educational services
- 83—Social services
- 86—Membership organizations
- 89—Miscellaneous services

J: Public Administration
- 90—Public administration

K: Nonclassifiable Enterprises
- 99—Nonclassifiable enterprises

ANNEX B:

LISTING OF COUNTRIES AND COUNTRY CODES

The foreign holdings of U.S. securities are required to be reported in the country detail listed below. Insert in schedules A and B on additional lines, the respective country names and codes that are needed in addition to those already printed on the report forms.

Name of country:	Country code
Afghanistan	AF–4040–1
Albania	AL–1510–5
Algeria	AG–5010–5
Argentina	AR–3010–4
Australia	AS–6008–9
Austria	AU–1018–9
Bahamas	BF–3531–9
Bahrain	BA–4070–3
Bangladesh	BG–4074–6
Barbados	BB–3015–5
Belgium	BE–1021–9
Belize (British Honduras)	BH–3571–8
Bermuda	BD–3560–2
Bhutan	BT–4081–9
Bolivia	BL–3030–1
Botswana	BC–5050–4
Brazil	BR–3030–9
British West Indies[1]	BW–3600–5
British Oceania	BO–6020–9
British West Africa	WA–5070–9
Brunei	BX–4100–9
Bulgaria	BU–1520–2
Burma	BM–4110–6
Burundi	BY–5080–6
Cambodia	CB–4120–3
Brunei	BX–4100–9
Bulgaria	BU–1520–2
Burma	BM–4110–6
Burundi	BY–5080–6
Cambodia	CB–4120–3
Cameroon	CM–5100–4
Canada	CA–2999–8
Canary Islands	CR–5110–1
Central African Republic	CT–5130–6
Chad	CD–5140–3
Chile	CI–3040–6
China, Peoples Republic of (Mainland China)	CH–4140–8
China, Republic of (Taiwan)	TW–4630–2
Colombia	CO–3050–3
Comoro Islands	CN–5151–9
Congo (Brazzville)	CF–5160–8
Costa Rica	CS–3058–9
Cuba	CU–3070–8
Cyprus	CY–1040–5
Czechoslovakia	CZ–1528–8
Dahomey	DM–5180–2
Denmark	DA–1050–2
Dominican Republic	DR–3080–5
Ecuador	EC–3100–3
Egypt	EG–5700–2
El Salvador	ES–3108–9
Equitorial Guinea (Fernando Po and Rio Muni)	EK–5194–2
Estonia	EN–1540–7
Ethopia, including Eritrea	ET–5210–8
Falkland Islands	FA–3630–7
Fiji	FJ–6060–7
Finland	FI–1070–7
France	FR–1080–4
French Polynesia	FP–6070–4
French West Indies and Guiana	FG–3660–9
F.T.A.I. (French Somaliland)	FT–5230–4
Gabon	GB–5241–8
Gambia	GA–5250–7
German Democratic Republic	GC–1600–4
Germany, Federal Republic of	GE–1100–2
Ghana	GH–5260–4
Gibraltar	GI–1108–8
Goa	GO–4171–8
Greece	GR–1120–7
Grenada	GJ–3570–6
Guatemala	GT–3120–8
Guinea	GV–5270–1
Guyana	

Footnotes at end of table.

[1] Section 7(b)(2) of the Act provides that whenever any person is required to submit information which may be specifically identified as having been obtained from the records of its customers, the Secretary, after having been provided names and addresses of such customers, shall send a notice to such customers that information from their records will be disclosed pursuant to the Act. This notification requirement does not apply where a reporter is "directly involved in the ownership or management of assets for the customer as nominee, agent, partner fiduciary, trustee, or in a similar relationship."

Form FPI–2 is required only of holders of record who stand in one of the foregoing named relationships to a foreign customer. While the regulations promulgated pursuant to the Act provide for notice to customers that information derived from their records will be reported in situations where notice is required by the Act, the survey does not, under the provisions of these regulations, extend to such situations.

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Name of country:	Country code
Haiti	HA–3140–2
Honduras	HO–3148–8
Hong Kong	HK–4200–5
Hungary	HU–1550–4
Iceland	IC–1130–4
India	IN–4210–2
Indonesia	ID–4221–8
Iran	IR–4230–7
Iraq	IZ–4240–4
Ireland	EI–1140–1
Israel	IS–4250–1
Italy	IT–1150–9
Ivory Coast	IV–5300–7
Jamaica	JM–3160–7
Japan	JA–4260–9
Jordan	JO–4270–6
Kenya	KE–5310–4
Korea, Republic of	KS–4300–1
Kuwait	KU–4310–9
Laos	LA–4330–3
Latvia	LV–1560–1
Lebanon	LE–4341–9
Lesotho	LT–5315–5
Liberia	LI–5320–1
Libya	LY–5230–9
Lithuania	LH–1570–9
Luxembourg	LU–1160–6
Macao	MC–4350–8
Malagasy Republic (Madagascar)	MA–5340–6
Malawi	MI–5350–3
Malaysia	MY–4360–5
Maldive Islands	MV–4370–2
Mali	ML–5358–9
Malta, including Gozo	MT–1181–9
Mauritania	MR–5370–8
Mauritius	MP–5380–5
Mexico	MX–3170–4
Monaco	MN–1200–9
Mongolia	MG–4381–8
Morocco	MO–5400–3
Mozambique	MZ–5408–9
Nauru	NR–6130–1
Nepal	NP–4420–2
Netherlands	NL–1210–6
Netherlands Antilles and Surinam	NA–3730–1
New Caledonia	NC–6140–9
New Zealand	NZ–6168–9
Nicaragua	NU–3180–1
Niger	NG–5420–8
Nigeria	NI–5430–5
Northern Korea	KN–4440–7
North Viet-Nam	VN–4450–4
Norway	NO–1220–3
Oman (Muscat and Oman)	MU–4410–5
Other Western Europe [2]	OE–1790–6
Pakistan	PK–4470–9
Panama	PN–3188–7
Paraguay	PA–3210–7
Peru	PE–3220–4
Philippines	RP–4480–6
Poland	PL–1576–8
Portugal	PO–1231–9
Portuguese Timor	PT–4500–4
Portuguese West Africa	PW–5448–8
Qatar	QA–4510–1
Reunion Island	RE–5460–7
Rhodesia (Southern)	RH–5470–4
Romania	RO–1580–6
Rwanda	RW–5501–8
St. Pierre and Miquelon Islands	SB–6221–9
Saudi Arabia	SA–4560–8
Senegal	SG–5530–1
Seychelles	SE–5540–9
Sierra Leone	SL–5550–6
Singapore	SN–4601–9
Somalia	SO–5560–3
South Africa	SF–5571–9
Spain	SP–1250–5
Spanish Sahara	SS–5600–3
Sri Lanka (Ceylon)	CE–4131–9
Sudan	SU–5610–3
Swaziland	WZ–5621–9
Sweden	SW–1260–2
Switzerland	SZ–1268–8
Syria	SY–4620–5
Tanzania	TZ–5640–5
Thailand	TH–4641–8
Togo	TO–5620–2
Tonga	TN–6244–8
Trinidad and Tobago	TD–3240–9
Tunisia	TS–5670–7
Turkey	TU–1280–7
Uganda	UG–5680–4
United Arab Emirates	TC–4660–4
United Kingdom	UK–1300–5
United States Trust Territory of the Pacific Islands	TT–6205–2
Upper Volta	UV–5711–8
Uruguay	UY–3260–3
U.S.S.R.	UR–1610–1
Vatican City	VT–1310–2
Venezuela	VE–3271–9
Viet-Nam, Republic of	VS–4680–9
Western Samoa	WS–6261–8
Yemen (Aden)	YS–4708–2
Yemen (San'a)	YE–4710–4
Yugoslavia	YO–1321–8
Zaire	CG–5170–5
Zambia	ZA–5720–7
International and Regional:	
African regional organizations [3]	AZ–7690–2
Asian regional organizations [4]	AX–7590–6
Bank for International Settlements	BS–1330–7
European Fund	EF–1340–4
European regional organizations [5]	EO–7390–3
International organizations [6]	IL–7290–7
Latin American regional organizations [7]	LR–7491–8

[1] Includes Anguilla, Antigua, British Virgin Islands, Caicos Islands, Cayman Islands, Dominica, Montserrat, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and Turk Islands.

[2] Includes Andorra and San Marino.

[3] Includes Food and Agriculture Organizations, International Atomic Energy Agency, International Bank for Reconstruction and Development, International Children's Emergency Fund, International Development Association, International Finance Corporation, International Labor Organization, International Monetary Fund, International Refugee Organization, United Nations and its Specialized Agencies and Commissions, Universal Postal Union, and World Health Organizations.

[4] Includes European Atomic Energy Community (Euratom), European Coal and Steel Community, European Economic Community; European Investment Bank, North Atlantic Treaty Organization, and Organization for Economic Cooperation and Development.

[5] Includes Central American Bank for Economic Integration, Inter-American Development Bank, Organization of American States (Pan American Union) and affiliated organizations.

[6] Includes Asian Development Bank and Southeast Asia Treaty Organization.

[7] Includes African Development Bank.

ANNEX C: LOCATION CODE FOR STATES, TERRITORIES & POSSESSIONS

State and Region	Code No.
New England States:	
Connecticut	110
Maine	120
Massachusetts	130
New Hampshire	140
Rhode Island	150
Vermont	160
Middle Atlantic States:	
New Jersey	210
New York	220
Pennsylvania	230
South Atlantic States:	
Delaware	310
Florida	320
Georgia	330
Maryland	340
North Carolina	350
South Carolina	360
Virginia	370
West Virginia	380
East North Central States:	
Indiana	410
Illinois	420
Michigan	430
Ohio	440
Wisconsin	450
East South Central States:	
Alabama	510
Kentucky	520
Mississippi	530
Tennessee	540
West North Central States:	
Iowa	610
Kansas	620
Minnesota	630
Missouri	640
Nebraska	650
North Dakota	660
South Dakota	670
West South Central States:	
Arkansas	710
Louisiana	720
Oklahoma	730
Texas	740
Mountain States:	
Arizona	810
Colorado	820
Idaho	830
Montana	840
Nevada	850
New Mexico	860
Utah	870
Wyoming	880
Pacific States:	
Alaska	910
California	920
Hawaii	930
Oregon	940
Washington	950
Territories and Possessions:	
Canal Zone	010
Commonwealth of Puerto Rico	020
District of Columbia	030
Guam	040
Virgin Islands	050
Other Islands in the Pacific (American Samoa, Midway and Wake Islands)	060

ANNEX D:

CODE OF STOCKS AND LONG-TERM DEBT OBLIGATIONS

Type of security or obligation:	Code No.
Voting common stock	A1
Non-voting common stock	A2
Warrants, rights or transferable stock options	A3
Voting preferred stock	B1
Non-voting preferred stock, cumulative	B2
Non-voting preferred stock, noncumculative	B3
Registered bonds	C1
Bearer bonds	C2
Convertible debentures	D1
Non-convertible debentures	D2
Notes to banks	E1
Notes to others	E2
Bank loans	F1
Other long-term loans	F2
Mortgages	G1
Certificates of participation	H1
Certificates of deposit	I1
Commercial paper	J1
Other ownership shares or certificates	K1
Other long-term debt obligations	L1

Footnotes at end of table.

The data furnished on this report will be held in strict confidence

Treasury Form FPI-1

REPORTING FORM FOR U.S. ISSUERS OF SECURITIES

NOTE: Mail completed form to:

U.S. Treasury Department
Office of the Assistant Secretary for International Affairs
Foreign Portfolio Investment Project
Washington, D.C. 20220

Give name, title and telephone number of person to be consulted concerning any question regarding this report.

Name: _____ Title: _____

Telephone: Area Code ( ) Number: _____

Part I: Information Relating to the Reporting Company: (Entries with arrows should be made directly in the "code spaces" column)

Code Spaces

1. Identification of reporter:

a. Employer's Identification Number ----> | | | | | | | | | |

b. Name of company _____

c. Address _____ ----> Zip Code | | | | | |

_____

d. Type of organization (check box) ----> Corporation ☐ 1; Partnership ☐ 2; Business or investment trust ☐ 3; Other ☐ 4

e. Principal business of reporter (use Enterprise SIC Code, in annex A) ----> | | |

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2. Trading of Securities:

	Code Spaces			
a. Check the appropriate box (boxes) to identify the exchanges on which your securities are listed in the United States.	Common (Voting) Stock	Other Stock	Bonds or debentures	Other Debt
(1) New York Stock Exchange ---------->	☐	☐	☐	☐
(2) American Stock Exchange ---------->	☐	☐	☐	☐
(3) Pacific Stock Exchange ---------->	☐	☐	☐	☐
(4) Midwest Stock Exchange ---------->	☐	☐	☐	☐
(5) Other U.S. stock exchanges ---------->	☐	☐	☐	☐
(6) NASDAQ ---------->	☐	☐	☐	☐
(7) None of the above ---------->	☐	☐	☐	☐
b. Check the appropriate box (boxes) to identify the exchanges on which your securities are listed outside the United States:				
(1) London Stock Exchange ---------->	☐	☐	☐	☐
(2) Amsterdam Stock Exchange ---------->	☐	☐	☐	☐
(3) Frankfurt Stock Exchange ---------->	☐	☐	☐	☐
(4) Zurich Stock Exchange ---------->	☐	☐	☐	☐
(5) Paris Bourse ---------->	☐	☐	☐	☐
(6) Tokyo Stock Exchange ---------->	☐	☐	☐	☐
(7) Other (identify)_____ ---------->	☐	☐	☐	☐

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3. Consolidated financial data:

(make entries in code spaces provided in right hand margin)

	Code Spaces: bill.	(Dollars) million	thousand
a. Total assets ---------->	/	///	///
b. Total liabilities (excl. net worth) ->	/	///	///
c. Total net worth (lines a-b) ---------->	/	///	///
d. Total net sales or revenues ---------->	/	///	///
e. Total net earnings (after taxes) ---->	/	///	///

	Actual amounts: dollars	cents
f. Earnings per share of common stock -->	///	/
g. Cash dividends declared per share of common stock ---------->	///	/

4. If a foreign person(s) holds an interest in your company's voting stock of 10 percent or more, give extent of combined ownership, in percent, of such foreign holder(s) ----------> Ownership percent: / /

Certification: The undersigned official executing this certification on behalf of the company hereby certifies that the information contained in this report, including any addenda, schedules or statements attached hereto, is correct and complete to the best of his knowledge and belief.

Name of company_____

Signature of authorized official _____

Title of official_____ Date _____

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Part II: Information concerning ownership of reporter's security issues as of 12/31/74
Common (voting) stock, warrants, rights, etc., and other stock having voting privileges.
(Fill in required detail on an issue by issue basis.
Use extra sheet for additional issues, if needed).

Item	Voting common stock (with one vote per share voting power) Cusip No.	Warrants, rights or transferable stock options for common stock (no voting power) Cusip No.	Other voting stock (describe and state voting power) Cusip No.
5. Number of shares, warrants, rights or transferable stock options issued and still outstanding, total --->			
a) Held by U.S. persons excluding U.S. holders of record acting as nominees, custodians, fiduciaries, or brokers for other owners --->			
b) Held by U.S. holders of record acting as nominees, custodians, fiduciaries, or brokers for other owners --->			
c) Held by foreign persons --->			
6. Value per share of stock, or per warrant, right or transferable stock option:			
a) Market value per share, or unit of warrant, right, etc. as of 12/31/74 --->			
b) Bookvalue as of 12/31/74 per share of stock, or other value (identify_____, per unit of warrant, right etc., based on company books --->			
7. Cash dividends declared per share for 12-month period to 12/31/74 --->			

If, based on your records, any portion of the company's voting stocks were held by foreign residents (see item 5c above) give detail by country and by issue as requested on Schedule A.

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Capital stock other than voting stock, such as preference stock or non voting issues of common stock as of 12/31/74
(Fill in required detail on an issue-by-issue basis
Use extra sheet for additional issues, if needed).

Item	Describe each issue below: 1) Cusip No.	2) Cusip No.	3) Cusip No.	4) Cusip No.
8. Number of shares issued and still outstanding, total ->				
a) Held by U.S. persons excluding U.S. holders of record acting as nominees, custodians, fiduciaries, or brokers for other owners --->				
b) Held by U.S. holders of record acting as nominees, custodians, fiduciaries, or brokers for other owners --->				
c) Held by foreign persons--->				
9. Value per share of stock:				
a) Market value as of 12/31/74--->				
b) Bookvalue as of 12/31/74 based on company books--->				
10. Cash dividends declared per share for the twelve-month period to 12/31/74--->				

If, based on your records, any portion of these securities were held by foreign residents (see item 8c above) give detail by country and by issue as requested on Schedule A.

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Bonds, debentures, notes and other long-term debt obligations as of 12/31/74
(Fill in required detail on an issue by issue basis.
Use extra sheet for additional issues, if needed).

	1) Cusip No:	2) Cusip No:	3) Cusip No:	4) Cusip No:
11. Description of issue				
a) Type of issue or nature of loan or other obligation. (Identify each individual issue or other long-term obligation by code number; see special instruction for code references).-->				
b) Year of original offering date. -->				
c) Year of maturity date. -->				
d) Interest rate (in percent). Give rate on a 2 digit decimal basis. (Example: 6 1/4% show as 6.25) -->				
e) Interest payment date. Give months of scheduled interest payments. (Example: June and December show as 6-12; March and September show as 3-9) -->				
f) Convertibility. Identify issues that are convertible into stock as (1); those that are not convertible as (2) -->				
g) Market value as of 12/31/74. Give price per $100 face amount on a 2 digit decimal basis. (Example: 64 1/8 show as 64.12) -->				
h) Currency in which the issue is denominated, if other than U.S. dollars. Use country code from Annex (B) of the General Instruction to designate currency -->				
12. Face amount of issue outstanding, total-->				
a) Held by U.S. persons excluding U.S. holders of record acting as nominees, custodians, fiduciaries, or brokers for other owners -->				
b) Held by U.S. holders of record acting as nominees, custodians, fiduciaries, or brokers for other owners -->				
c) Held by foreign persons -->				

If, based on your records, any portion of these debt obligations were held by foreign persons (see item 12c above) give detail by country and by issue as requested in Schedule B.

13. Give list of U.S. nominees, custodians, fiduciaries, or brokers who are registered as holders of record for 1,000 shares or more of your company's stocks, or $100,000 face amount or more of one of your company's debt issues, except for names listed in the 1974 issue of "Nominee List" published by the American Society of Corporate Secretaries, Inc.

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Part III: Additional Information on Reporters.

14 Show if foreign stockholders had special or separate representation on your Board of Directors (check box) ----------> [/] Yes No

15(a) Did you make primary placements or sales of your securities (including securities of your financing and other U.S. subsidiaries) in foreign countries since 1965? (Check box)--> [/] Yes No

(b) Did you issue your company's stock in exchange for stock of foreign companies, for tangible foreign assets, for intangible items such as patents, know-how, manufacturing rights, etc., or for conversion of your own obligations held by foreigners into your company's stock since 1965?(Check box) ----------> [/] Yes No

(c) If the answer to either item (a) or (b) above is "yes", fill out the following schedules below as applicable:

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Schedule to item 15. (a):

Give description of issue (1)	Cusip No. (2)	Year of transaction (3)	Value of primary placement or spin off's	
			Debt issues (including U.S. subsidiaries) (4)	Stock (including U.S. subsidiaries) (5)

Schedule to item 15. (b):

Give description of your stock (1)	Cusip No. (2)	Year of transaction (3)	Value of your stock exchanged for:			
			Foreign corporate stock (4)	Foreign tangible assets (5)	Foreign intangible assets (6)	Your own Obligations (7)

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*16. Relationship to Treasury Foreign Exchange Forms	Code Spaces
(a) Did you engage on your own behalf, or on behalf of your customers, in transactions in long-term securities with foreigners during the year 1974? (Check box) →	Yes No
If your answer to (a) above is yes, do you now file reports with the Treasury, through a Federal Reserve Bank, on Form S-1 (Purchases and Sales of "Long-Term" Securities by Foreigners)? (Check box) →	Yes No
(b) Are you a banking firm (check box) →	Yes No
If your answer to (b) above is yes, did you have liabilities to, or claims on, foreigners for your own account or for the account of your domestic customers during the year 1974? →	Yes No
If your answer to (b) above is yes, do you now file reports with the Treasury, through a Federal Reserve Bank, on Form B-1? (Check box) →	Yes No
On Form B-2? →	Yes No
On Form B-3? →	Yes No
(c) Are you a non banking firm? (Check box) →	Yes No
If your answer to (c) above is yes, did you have liabilities to, or claims on, non affiliated foreigners during the year 1974 (Check box) →	Yes No
If your answer to (c) above is yes, do you now file reports with the Treasury, through the Federal Reserve Bank of New York, on Form C-1/2? (Check box) →	Yes No
(d) Are you a brokerage firm or security dealer? (Check box) →	Yes No
If your answer to (d) above is yes, did you have debit or credit balances for account of, or with, foreigners during the year 1974? (Check box) →	Yes No
If your answer to (d) above is yes, do you now file reports with the Treasury, through a Federal Reserve Bank, on Form S-4? (Check box) →	Yes No

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Schedule A.

Reporting Form for U.S. Issuers of Securities

Breakdown of Foreign Ownership in U.S. Stocks and Other Equity Interests, by Country 1/

Report filed by:
Name:
E.I. No.

This is page ___ of ___ pages

Identify stock issue: _____ Cusip No. / / / / / / / / / Code No. _____

Foreign countries (1)	Code No. (2)	Number of shares held by foreign persons as of 12/31/74: Total (Columns (4) to (9)) (3)		Individuals Residing Abroad: U.S. nationals residing in foreign countries (4)		Individuals Residing Abroad: Foreign nationals residing in foreign countries (5)		All Other Foreign Persons: Foreign official institutions (6)		All Other Foreign Persons: Foreign banks, brokers and nominees (7)		All Other Foreign Persons: Investment companies, insurance companies, pension funds & other employee benefit funds or trusts (8)		All Other Foreign Persons: Other foreign holders such as corporations partnerships, etc. 2/ (9)	
		No. of holders (3a)	No. of shares (3b)	No. of holders (4a)	No. of shares (4b)	No. of holders (5a)	No. of shares (5b)	No. of holders (6a)	No. of shares (6b)	No. of holders (7a)	No. of shares (7b)	No. of holders (8a)	No. of shares (8b)	No. of holders (9a)	No. of shares (9b)
Grand Total	9999-6														
Canada	2999-8														
United Kingdom	1300-5														
Switzerland	1268-4														
Belgium	1021-9														
France	1080-4														
Germany	1100-2														
Italy	1150-9														
Luxembourg	1160-6														
Netherlands	1210-6														
Hong Kong	4200-5														
Japan	4260-9														
Bahamas	3531-9														
Panama	3188-7														
Other countries: (See Instructions)															

1/ Exclude direct and indirect holdings in U.S. securities by foreign direct investors. A foreign direct investor is any foreign person owning 10% or more of the voting stock of the U.S. company. (See paragraph B.2.b. of the General Instructions.)

2/ Include foreign holders whose identity is unknown.

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Schedule B

Reporting Form for U.S. Issuers of Securities

Breakdown of Foreign Ownership in U.S. Long-Term Debt Obligations, By Country 1/

(Give all amounts shown below in the currency of issue)

Identify debt issue or obligation _____

Cusip No. / / / / / / / / /

Code No. _____

If this is a foreign currency issue, identify currency of issue _____

Report filed by:
Name:
E.I. No.

This is page ___ of ___ pages

Foreign countries (1)	Code No. (2)	Face Amount of Issue Held by Foreign Persons as of 12/31/74: Total (Columns (4) to (9)) (3)		Individuals Residing Abroad: U.S. nationals residing in foreign countries (4)		Individuals Residing Abroad: Foreign nationals residing in foreign countries (5)		All Other Foreign Persons: Foreign official institutions (6)		All Other Foreign Persons: Foreign banks, brokers and nominees (7)		All Other Foreign Persons: Investment companies, insurance companies, pension funds & other employee benefit funds or trusts (8)		All Other Foreign Persons: Other foreign holders such as corporations partnerships, etc. 2/ (9)	
		No. of holders (3a)	Face amount (3b)	No. of holders (4a)	Face amount (4b)	No. of holders (5a)	Face amount (5b)	No. of holders (6a)	Face amount (6b)	No. of holders (7a)	Face amount (7b)	No. of holders (8a)	Face amount (8b)	No. of holders (9a)	Face amount (9b)
All countries, total	9999-6														
Canada	2999-8														
United Kingdom	1300-5														
Switzerland	1268-4														
Belgium	1021-9														
France	1080-4														
Germany	1100-2														
Italy	1150-9														
Luxembourg	1160-6														
Netherlands	1210-6														
Hong Kong	4200-5														
Japan	4260-9														
Bahamas	3531-9														
Panama	3188-7														
Other countries: (See Instructions)															

1/ Exclude direct and indirect holdings of U.S. debt obligations by foreign direct investors. A foreign direct investor is any foreign person owning 10% or more of the voting stock of the U.S. company. (See paragraph B.2.b. of the General Instructions.)

2/ Include foreign holders whose identity is unknown.

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SPECIFIC INSTRUCTIONS RELATING TO FORM FPI–1

1. *Who must report.* Form FPI–1 is required only of United States issuers. For information as to which types of issuers are required to submit Form FPI–1, as well as the exemption level for certain small issuers, please refer to Paragraph A.1. of Part II of the General Instructions.

2. *What must be reported.* General information as to what must be reported by United States issuers filing Form FPI–1 may be found in Paragraph B.1. of Part II of the General Instructions.

3. *Acknowledgment Required.* The regulations and General Instructions require selected issuers receiving copies of Form FPI–1 from the Treasury to submit an acknowledgment of receipt. Form FPI–1, when published in final form and reproduced for distribution, will include a tearoff sheet, reply card, or checkoff entry to be used for this purpose.

4. *Instructions pertaining to specific items on Form FPI–1:*

Item 1.a. For a definition of "Employer's Identification Number", refer to Paragraph 8 of Part III of the General Instructions.

Item 1.c. See Annex C to the General Instructions for the code number of the State or territory listed in the issuer's address.

Item 3. Consolidated financial data should be stated for the latest available year-end or closest 12-month period. Information should be based on consolidations used in reports to stockholders or to the Securities and Exchange Commission.

Item 3.f. If the reporter is not a corporation, enter here the closest equivalent of per-share earnings for other units of ownership.

Item 3.g. This item applies only to corporations.

Items 4. If a foreign person(s) holds an interest in the reporter's voting stock of 10 percent or more, enter the extent of combined foreign ownership by such foreign holder(s).

Items 5(a)(b), 8(a)(b), and 12(a)(b). For a definition of the term holder of record as used in these items, refer to Paragraph 5 of Part III of the General Instructions.

Items 6(a), 9(a), and 11(g). Enter market value as of December 31, 1974. If no transactions in these securities occurred in the market on December 31, 1974, enter market value as of the latest available preceding date when such transactions occurred.

Items 6(b) and 9(b). This information should be supplied as of December 31, 1974. However, if the reporter does not ordinarily close its books as of that date, enter book value as of the nearest available closing date.

Item 7. Stock dividends or dividends in kind should be included in this item.

Item 11(h). If an issue is denominated in a currency other than United States dollars, it must be reported in that currency. For purposes of making this entry, use the country code from Annex B of the General Instructions to designate the currency.

Schedule to Item 15 (a), col. 4. State amounts in this column at face value rather than market value.

Schedule to Item 15(a), col. 5. Enter number of shares and market value at time of placement or sale.

Schedule to Item 15(b), cols. 4, 5, and 6. Give value of stock exchanged at market value at the time of the exchange.

Schedules A and B:

Code Number. Where an interest in an issuer, whether equity or debt, does not have a Cusip Number (e.g. private placements, certificates of deposit), enter the appropriate classification code for the investment from Annex D of the General Instructions.

Country detail. Complete country detail must be entered in columns 1 and 2. If an applicable country is not listed on the form, enter the additional country or countries, including code number, in columns 1 and 2. Use continuation sheets if necessary.

Column 7. If a foreign holder engages in multiple activities, list it under the column representing its primary activity. Example: A foreign bank which operates an investment company should be listed in column 7.

General Note: Neither the number of holders nor the number of shares or amounts should be rounded. Enter actual figures, including fractional shares.

The data furnished on this report will be held in strict confidence

Treasury Form FPI-2

REPORTING FORM FOR U.S. HOLDERS OF RECORD

Note: Mail completed form to:

U. S. Department of the Treasury
Office of the Assistant Secretary
for International Affairs
Foreign Portfolio Investment Project
Washington, D.C. 20220

Give name, title and telephone number of person to be consulted concerning any question regarding this report.

Name: _____ Title: _____

Telephone number: Area Code ( ) Number _____

Part I. Information Relating to the Reporting Firm (entries with arrows should be made directly in the "Code Spaces" column.)

Code Spaces

1. Identification of reporter.

a. Employer's Identification Number ----------→ | | | | | | | | | |

b. Name of company _____

c. Address _____ ⟶ Zip Code | | | | | |

_____

d. Type of organization (Check box) ----------→ Corporation ☐ Other ☐

e. Principal business of reporter (use Enterprise SIC code in Annex A of the instructions)----------→ | |

Part II. Information Relating to U.S. corporate securities, including debt obligations, held for foreign accounts or customers.

2. Are you a holder of record, directly or indirectly, of shares of stock or of any debt obligations for foreign persons? (Check one) ----------→ ☐ Yes ☐ No

If yes, file the necessary Schedules C, one each for each foreign person.
Number of Schedules C submitted ----------→ | | | |

Certification: The undersigned official executing this certification on behalf of the company hereby certifies that the information contained in this report, including any addenda, schedules or statements attached hereto, is correct and complete to the best of his knowledge and belief.

Name of Company _____

Signature of authorized official _____

Title of official _____ Date _____

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FPI-2
Schedule C

BREAKDOWN OF INVESTMENTS HELD FOR FOREIGN PERSONS

Name of reporter: _____

1. Total number of foreign accounts in your filing: _____
2. This is the report for account No. ____
3. This is sheet No. ____ of ____ sheets for report covered in item 2 above.
4. Country of foreign owner_____ Country code _____

5. Kind of foreign owner (check box)
   - a. U.S. national residing abroad ☐
   - b. Foreign national residing abroad ☐
   - c. Official institution ☐
   - d. Bank, broker or nominee ☐
   - e. Investment company, insurance company, pension funds and other employee benefit funds or trusts ☐
   - f. Other business firms ☐
   - g. Identity unknown ☐

Stocks and long-term debt obligations held for foreign person as of 12/31/74

Identification of investment (Name of issuer and type of stock or non corporate ownership interest, type of debt issue or other obligation) (1)	Cusip No. (2)	Stocks: No of shares (3)	Debt obligations (4): Code (See instruction) (4a)	Face amount (in dollars or foreign currency (4b)	Foreign currency code (See instruction) (4c)

SPECIFIC INSTRUCTIONS RELATING TO FORM FPI-2

1. *Who Must Report:*

Form FPI-2 is required only of United States holders of record. For information as to which holders of record are required to submit Form FPI-2, as well as the exemption level, and the requirement of consolidated reports from multiple holders under a single parent institution, please refer to Paragraph A.2. of the General Instructions.

2. *What Must be Reported:*

General information as to what must be reported by United States holders of record filing Form FPI-2 may be found in Paragraphs B. 1. and 2. of the General Instructions.

3. *Acknowledgment Required:*

The regulations and General Instructions require selected holders of record receiving copies of Form FPI-2 from the Treasury to submit an acknowledgment of receipt. Form FPI-2, when published in final form and reproduced for distribution, will include a tearoff sheet, reply card, or checkoff entry to be used for this purpose.

4. *Instructions pertaining to specific items on Form FPI-2:*

Item 1a. For a definition of "Employer's Identification Number" refer to Paragraph 8 of Part III of the General Instructions.

Item 1c. Enter both address and code reference. See Annex C to the General Instructions for the code number of the State or territory listed in your address.

Item 1e. Enter the appropriate code from Annex A of the General Instructions.

Schedule C:

Submit Schedule C for each account held for a foreign person.

Item 2. Assign an arbitrary identifying number to each foreign account in sequential order from 1 to the total number of accounts reported. Do not use actual internal account numbers. Enter the appropriate identifying number in this item.

Item 4. Enter the appropriate country code from Annex B of the General Instructions.

Item 5. If the foreign person falls into several categories enter only the category for its major activity. Example: A foreign bank which operates an investment company should be identified only as a "bank".

Column 2. The Cusip number must be listed for any security that has such a Cusip number assigned to it. If an issue has no Cusip number, enter "N.C." (No Cusip).

Column 3. Enter the number of shares of stock certificates, or other units of ownership. Enter actual numbers; do not round.

Column 4. Enter face amount of debt obligations in column 4.b. in the currency of the issue. Do not convert foreign currency amounts into U.S. dollars, and do not round.

Column 4.a. Enter the appropriate classification by inserting the proper code from Annex D of the General Instructions.

Column 4.c. Enter the country code in Annex B of the General Instructions as means of indentification of currency for foreign currency items.

[FR Doc.74-25413 Filed 10-31-74;8:45 am]

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federal register

FRIDAY, NOVEMBER 1, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 212

PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions; Index

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DEPARTMENT OF LABOR

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553, and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and supersedeas decisions to general wage determination decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia	AR–4051
Iowa	AR–73
	AR–74
	AR–75
Nebraska	AR–75
Texas	AR–72

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AR–4020	Aug. 23, 1974
Colorado:	
AR–1022	Do.
AR–1032; AR–1033; AR–1034; AR–1035.	Sept. 27, 1974
Delaware:	
AR–2031	Aug. 30, 1974
Iowa:	
AR–19; AR–26; AR–27	Sept. 20, 1974
AR–57; AR–58; AR–61; AR–62; AR–64; AR–65; AR–66; AR–67.	Oct. 11, 1974
Kentucky:	
AQ–4101	Apr. 19, 1974
AR–4016	Aug. 9, 1974
Maryland:	
AR–2023	Aug. 23, 1974
Massachusetts:	
AR–3132; AR–3136; AR–3139; AR–3140.	Aug. 30, 1974
Minnesota:	
AR–3053	July 12, 1974
Mississippi:	
AR–4030	Sept. 6, 1974
Nebraska:	
AR–14	Aug. 16, 1974
New Jersey:	
AQ–2090	Mar. 29, 1974
AQ–2105	Apr. 26, 1974
New York:	
AR–2064; AR–2068	Oct. 11, 1974
New Mexico:	
AR–34	Do.
Ohio:	
AR–3041	Aug. 23, 1974
Pennsylvania:	
AQ–2085	Apr. 19, 1974
AQ–2121	May 24, 1974
AR–2002; AR–2003; AR–2004; AR–2005; AR–2006.	July 12, 1974
Tennessee:	
AR–4007	July 5, 1974
AR–4021; AR–4022	Aug. 30, 1974
AR–4035; AR–4036	Sept. 13, 1974
Texas:	
AR–39; AR–40; AR–41	Sept. 20, 1974
AR–69	Oct. 18, 1974
Virginia:	
AR–2025	Aug. 23, 1974
Washington, D.C.:	
AR–2026	Do.
Wisconsin:	
AR–3146	Sept. 27, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Alaska:	
AR–1000 (AR–1042)	July 5, 1974
Kentucky:	
AQ–4020 (AR–4047)	Oct. 12 ,1973
New York:	
AQ–2126 (AR–2069)	June 7, 1974
AR–2061 (AR–2071)	Oct. 11, 1974
Texas:	
AQ–113 (AR–70)	June 21, 1974

Signed at Washington, D.C., this 25th day of October 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION
STATE: IOWA
DECISION NUMBER: AR-73
DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION
COUNTY: APPANOOSE, DAVIS, JEFFERSON, VAN BUREN AND WAPELLO
DATE: DATE OF PUBLICATION

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
CARPENTERS	$5.50				
CEMENT MASONS	4.15				
LABORERS:					
COMMON	3.14				
RAKER	4.65				
STRIKEMAN	3.15				
POWER EQUIPMENT OPERATORS:					
CRANE	5.00				
DISTRIBUTOR	4.00				
FRONT END LOADER	3.00				
MECHANIC	4.83				
MOTOR PATROL	6.30	.40	.30		.03
PAVER, ASPHALT	4.65				
POWER SHOVEL	5.25				
FARM TRACTOR W/ATTACHMENTS	3.25				
ROLLER	4.25				
SCRAPER, SELF LOAD	6.30	.40	.30		.03
SCRAPER, 10 c.y. and OVER	6.30	.40	.30		.03
TRACTOR, BULLDOZER	6.30	.40	.30		.03
TRACTOR, PUSHER	6.30	.40	.30		.03
TRUCK DRIVER	3.43				

NEW DECISION
STATE: Georgia
DECISION NUMBER: AR-1051
DESCRIPTION OF WORK: Heavy Construction
COUNTY: *See Below
DATE: Date of Publication

31-GA-2-A

*Counties: Clayton, Cobb, Dekalb, Fulton, & Gwinnett

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	Apr. Tr.
Bricklayers	4.50				
Carpenters	5.23				
Cement masons	4.65				
Electricians	9.55	6%	7% + 7%		½ of 7%
Ironworkers	6.40				
Laborers:					
Unskilled	3.32				
Pipelayers	4.06				
Line Construction:					
Lineman	7.11				
Groundman	3.84				
Painters	5.00				
Power Equipment Operators					
Asphalt Distributor Opr.	5.10				
Backfill	5.32				
Bulldozer	4.85	.30	.15		.07
Cranes, Derricks, Draglines	7.85				
Loader	4.15				
Mechanics	5.00				
Motor Graders, Motor Patrol	5.41				
Oiler	5.58	.35	.20		.07
Scraper	4.00				
Trenching Machines	5.69				
Truck Drivers to 2½ tons	3.56				
Truck Drivers over 2½ tons	3.75				

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NEW DECISION

STATE: IOWA

COUNTY: BENTON, IOWA, JOHNSON, KEOKUK MAHASKA, POWESHIEK, TAMA & WASHINGTON

DECISION NUMBER: AR-74

DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: HIGHWAY CONSTRUCTION

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS:					
Zone I-Keokuk	$6.55	.31			
Zone II -Benton, Iowa, Johnson, Mahaska, Poweshiek, Tama & Washington	5.25				
CEMENT MASONS	4.49				
LABORERS:					
Unskilled:					
Zone I-Keokuk	3.59				
Zone II-Benton, Iowa, Johnson, Mahaska, Poweshiek, Tama & Washington	5.10				
POWER EQUIPMENT OPERATORS:					
Asphalt plants	3.00				
Bulldozers, cranes, derricks, draglines	6.30	.40	.30		.03
Backhoes	5.17				
Front end loaders	4.58				
Mechanics	5.13				
Motor patrols, finish	5.71				
Motor patrols, rough	4.60	.40	.20		.01
Scrapers, self-loading	4.72				
Slip-form paver	4.80	.40	.20		.01
TRUCK DRIVERS:					
Single axle	3.80	.20			
Tandem	3.90	.20			

NEW DECISION

STATE: Iowa & Nebraska

COUNTIES: That portion of Missouri River in Nebraska & Iowa down stream to the Kansas-Missouri Line

DECISION NO.: AR-75

DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Channel stabilization work including dredging and rockfilled pile dikes and revetments.

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Derrick; dragline, clam bucket, or orange peel or crane; sideboom, towboat operator	6.575	.35	.20		
Dredge operator of leverman, engineer on dredge (18" and over)	6.075	.35	.20		
Pile driver, (or Engine Man)	6.025	.35	.20		
Mechanic or welder, engineer on dredge (12" up to 18")	5.775	.35	.20		
Dozer, front end loader or high lift, scoop or similar equipment	5.725	.35	.20		
Winch or boom truck, winch (power operator)	5.475	.35	.20		
Boiler (or fireman), oiler	5.375	.35	.20		
LABORERS:					
Piledriver deckhands and pile-driver leadsman	5.25	.35	.20		
Laborers and deckhands unloading barge, piledriver, towboat deckhand	5.05	.35	.20		

NEW DECISION

STATE: Texas

COUNTY: Taylor

DECISION NO.: AR-72

DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories). (See General Wage Determination AR-36 for Paving & Utilities Incidental to Building Construction).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
AIR CONDITIONING MECHANICS	$4.00				
ASBESTOS WORKERS	7.98	.30	.51		.025
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS	7.20				
CARPENTERS	6.00	.25	.30		
CEMENT MASONS	5.41				
ELECTRICIANS	6.95	.30	1%		1/4%
GLAZIERS	4.50				
IRONWORKERS	6.65	.55	.50		.10
LABORERS:					
Laborers	3.20				
Mason tenders	3.80				
PAINTERS:					
Brush, tape & bedding, paperhanger	5.75				
Stage work	6.00				
Spray	6.625				
PLASTERERS	6.60				
PLUMBERS & PIPEFITTERS	7.05		.40		.03
POWER EQUIPMENT OPERATORS:					
Backhoes	4.75				
Cranes, derricks, draglines	5.575				
Drilling	5.575				
Oilers	4.65				
ROOFERS	3.94				
SHEET METAL WORKERS	6.26				
SOFT FLOOR LAYERS	3.75				
TILE SETTERS	4.00				
TRUCK DRIVERS	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

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DECISION #AR-4020 - Mod. #4 (39 FR 30671 - August 23, 1974) Mobile County, Alabama	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Painters:					
Brush	$7.88	.30		d	.01
Industrial	8.13	.30		d	.01
Hazardous	8.38	.30		d	.01
Spraying bituminous coatings	8.88	.30		d	.01

DECISION NO. AR-1022 - Mod. #2 (39 FR 30673 - August 23, 1974) Statewide, Colorado	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians					
Archuleta, Baca, Bent, Cheffee, Crowley, Custer, Fremont, Huerfano, Kiowa, Las Animas, Mineral, Otero, Prowers, Pueblo, and Rio Grande Counties					
Zone 1 (within 12 miles of Pueblo Main P.O.)					
Electricians	$9.25	.42	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone 2 (12 to 20 miles from Pueblo Main P.O.) and (0 to 12 miles from P.O. in Canon City)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone 3 (20 to 40 miles from Pueblo Main P.O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
Zone 4 (40 miles and over from Pueblo Main P.O.)					
Electricians	10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electricians on electrical contracts less than $5,000 in Zones 3 and 4	6.91	.42	1%+.25		1/10%
DECISION #AR-1032 - Mod. #1 (39 FR 34957-September 27, 1974) Adams, Arapahoe, Boulder, Clear Creek, Denver, Douglas, Eagle, Elbert, Gilpin, Grand, Jefferson, Lake, Larimer, Morgan, Park, Summit and Weld Counties, Colorado					
Change:					
Building Construction:					
Sheet Metal Workers	9.12	.30	.90		.07

DECISION NO. AR-1033 - Mod. #1 (39 FR 34967-September 27, 1974) Garfield, Gunnison, Mesa, Montrose and Pitkin Counties, Colorado	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Change:					
Building Construction:					
Sheet Metal Workers	$9.12	.30	.90		.07
DECISION #AR-1034 - Mod. #1 (39 FR 34970-September 27, 1974) Las Animas and Pueblo Counties, Colorado					
Change:					
Building Construction:					
Electricians:					
Zone I (0-12 miles from P.O.)					
Electricians	9.25	.42	1%+.25		1/10%
Cable Splicers	10.18	.42	1%+.25		1/10%
Zone II (12-20 miles from P.O.)					
Electricians	9.65	.42	1%+.25		1/10%
Cable Splicers	10.58	.42	1%+.25		1/10%
Zone III (20-40 miles from P.O.)					
Electricians	10.00	.42	1%+.25		1/10%
Cable Splicers	10.93	.42	1%+.25		1/10%
Zone IV (Over 40 miles from P.O.)					
Electricians	10.75	.42	1%+.25		1/10%
Cable Splicers	11.68	.42	1%+.25		1/10%
Electrical contracts less than $5,000 in Zone III and IV	6.91	.42	1%+.25		1/10%
Sheet Metal Workers	9.12	.30	.90		.07
DECISION #AR-1035 - Mod. #1 (39 FR 34976-September 27, 1974) El Paso County, Colorado					
Change:					
Building Construction:					
Sheet Metal Workers	9.12	.30	.90		.07

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2031 - Mod. #4 (39 FR 31787 - August 30, 1974) Statewide Delaware					
Change:					
Boilermakers (New Castle Co.)	10.20	.65	1.00		.01
Elevator Constructors	10.23	.44	.29	2%+a&b	.02
Elevator Constructors' helpers	7.16	.44	.29	2%+a&b	.02
Elevator Constructors' helpers (probationary)	5.115				
Lathers	8.35	.20	.15		.01

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MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-62--MOD. #1 (39-FR-36736--October 11, 1974) Dubuque County (City of Dubuque & abutting municipalities), Iowa						
CHANGE: BUILDING CONSTRUCTION:						
Asbestos Workers	$9.00	.30	.25		.10	
CARPENTERS:						
Carpenters	7.55		.37			
Piledrivermen	7.95		.37			
Millwrights	8.05		.37			
Electricians	8.37	.30	1%		.01	
Roofers	7.35		(.20)			
DECISION #AR-27--MOD. #1 (39-FR-33950--September 20, 1974) Johnson County (City of Iowa City & abutting municipalities), Iowa						
CHANGE: BUILDING CONSTRUCTION:						
Asbestos Workers	$9.00	.30	.25		.10	
Electricians	9.10	.33	1%		1%	
DECISION #AR-57--MOD. #1 (39-FR-36724--October 11, 1974) Linn County, Iowa						
CHANGE: BUILDING CONSTRUCTION:						
Asbestos Workers	$9.00	.30	.25		.10	
DECISION #AR-61--MOD. #1 (39-FR-36733--October 11, 1974) Polk County, Iowa						
CHANGE: BUILDING CONSTRUCTION:						
PAINTERS:						
Brush,roller,drywall,finisher	$8.14			(.25)	.03	
Paperhangers	8.39			(.25)	.03	
Spray,struc.steel,sandblasting	8.64			(.25)	.03	
Tower work over 100',stack	9.24			(.25)	.03	
ADD: BUILDING CONSTRUCTION:						
Marble, Terrazzo, Tile setters	7.60					
Marble, Tile setters', Terrazzo Helpers	7.28					

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-65--MOD. #1 (39-FR-36745--October 11, 1974) Black Hawk County (City of Waterloo & abutting municipalities), Iowa						
CHANGE: BUILDING CONSTRUCTION:						
Asbestos Workers	$9.00	.30	.25		.10	
Plumbers, Steamfitters	9.29	.42	.50		.08	
DECISION #AR-66--MOD. #1 (39-FR-36748--October 11, 1974) Cerro Gordo County (City of Mason City Iowa						
CHANGE: BUILDING CONSTRUCTION:						
PAINTERS:						
Brush	$6.37		.20			
Tapers	6.47		.20			
Spray	6.87		.20			
DECISION #AR-64--MOD. #1 (39-FR-36742--October 11, 1974) Clinton County (City of Clinton & abutting municipalities), Iowa						
CHANGE: BUILDING CONSTRUCTION:						
Asbestos Workers	$9.00	.30	.25		.10	
Carpenters	7.74	.35	.35			
Piledrivermen	8.14	.35	.35			
DECISION #AR-58--MOD. #1 (39-FR-36727--October 11, 1974) Des Moines County (City of Burlington & abutting municipalities and Burlington Ordnance Plant), Iowa						
CHANGE: BUILDING CONSTRUCTION:						
Asbestos Workers	$9.00	.30	.25		.10	
Plumbers,Steamfitters	8.05	.30	.60		.05	

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-67--MOD. #1 (39-FR-36751--October 11, 1974) Pottawattamie County (City of Council Bluffs & the area within 3 miles from the city limits)						
CHANGE: BUILDING CONSTRUCTION:						
Bricklayers:Stonemasons	$8.375	.35	.30		.60	
DECISION #AR-19--MOD. #1 (39-FR-33926--September 20, 1974) Scott County, Iowa						
CHANGE: BUILDING CONSTRUCTION:						
Asbestos Workers	$9.00	.30	.25		.10	
Plumbers-Steamfitters	9.00	.40	.35		.10	
DECISION #AR-26--MOD. #1 (39-FR-33948--September 20, 1974) Woodbury County (City of Sioux City & abutting municipalities), Iowa						
CHANGE: BUILDING CONSTRUCTION:						
Bricklayers-Stonemasons	$8.56		.20		.01	

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4016 - Mod. #1 (39 FR 28833 - August 19, 1974) Hardin, Jefferson & Meade Counties Kentucky					
Change:					
Asbestos Workers	9.71	.35	.40		
Millwrights	9.70	.30	.30		.02
Omit:					
Groundmen:					
Zone 1	5.82	.29	1%+.40		½ of 1%
Zone 2	6.17	.29	1%+.40		½ of 1%
DECISION #AO-4101 - Mod. #2 (39 FR 14113 - April 19, 1974) Franklin County, Kentucky					
Change:					
Cement Masons	8.45				
Electricians	10.00	.40	7%		½ of 7%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2023 - Mod. #3 (39 FR 30761 - August 23, 1974) Baltimore City and Baltimore County, Maryland					
Change: Footnote "j" to read: Holidays A through F plus the employee's birthday, Good Friday and Christmas Eve (providing the employee has worked one day and has been available for work during the holiday week).					
DECISION #AR-3132 - Mod. #3 (39 FR 31810 - August 30, 1974) Essex County, Massachusetts					
Change:					
Painters:					
Brush; Taper	8.76	.62	.85		.04
Spray	9.76	.62	.85		.04
Steel	10.88	.62	.85		.04
Plumbers; Steamfitters: Lynn, Lynnfield, Nahant, Saugers, & Swampscott Plumbers	10.25	.70	.60		.03
Sheet metal workers	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3136 - Mod #3 (39 FR 31827 - August 30, 1974) Middlesex County, Massachusetts					
Change:					
Painters:					
Arlington, Belmont, Cambridge, Malden, Medford, Melrose, Somerville, Stoneham, Wakefield, Winchester, Woburn, Reading & N. Reading					
New Construction:					
Brush, Taper	8.76	.62	.85		.04
Spray	9.76	.62	.85		.04
Steel	10.88	.62	.85		.04
Repaint, Alternation & Residential					
Brush	8.01	.62	.85		.04
Spray	9.01	.62	.85		.04
Steel	10.88	.62	.85		.04
Ashby, Ayer, Groton, Pepperell Shirley & Townsend:					
Brush	8.98	.75	.50		.02
Sandblasting, spray	9.98	.75	.50		.02
Steel	11.10	.75	.50		.02
Repaint	8.01	.75	.50		.02
Plumbers:					
Arlington, Cambridge, Everett, Malden, Medford, Melrose, N. Reading, Reading, Somerville,, Stoneham, Wakefield, Watertown, Winchester & Woburn	10.25	.70	.60		.03
Sheet metal workers	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3139 - Mod. #3 (39 FR 31840 - August 30, 1974) Suffolk County, Massachusetts					
Change:					
Painters:					
New Construction:					
Brush	$ 8.76	.62	.85		.04
Steel	10.88	.62	.85		.04
Spray	9.76	.62	.85		.04
Repaint, alterations & Residential					
Brush	8.01	.62	.85		.04
Steel	10.88	.62	.85		.04
Spray	9.01	.62	.85		.04
Plumbers	10.25	.70	.60		.03
Sheet metal workers	9.63	.71	.75		.06
DECISION #AR-3140 - Mod. #3 (39 FR 31844 - August 30, 1974) Worcester County, Massachusetts					
Change:					
Carpenters; Soft floor layers: Blackstone, Millville	8.44	.60	.40		
Lathers: Clinton, Lancaster, Leominster, Southboro & Uxbridge	8.72	1.35	.25		.01
Painters:					
Remainder of County:					
Brush	8.98	.75	.50		.02
Steel	11.10	.75	.50		.02
Sandblasting, Spray	9.98	.75	.50		.02
Sprinkler fitters	9.63	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3053 - Mod. #2 (39 FR 25873 - July 12, 1974) Aitkon, Anoka, Benton, Blue Earth, Carlton, Carver, Chisago, Cook, Crow Wing, Dakota, Dodge, Fairbault, Fillmore, Freeborn, Goodhue, Hennepin, Houston, Isanti, Itaska, Jackson, Kanabec, Koochiching, Lake, LeSueur, Martin, Meeker, McLeod, Mille Lacs, Morrison, Mower, Nicollet, Nobles, Olmsted, Pine, Ramsey, Rice, Rock, Scott, Sherburne, Sibley, Stearns, Steele, St. Louis, Wabasha, Wasaca, Washington, Winona & Wright Counties, Minnesota						
CHANGE:						
Laborers and Truck Drivers:						
Laborers:						
Zone 1						
Class 1	$6.75	.40	.35	.40		
Class 2	6.85	.40	.35	.40		
Class 3	6.90	.40	.35	.40		
Class 4	7.00	.40	.35	.40		
Class 5	7.05	.40	.35	.40		
Class 6	7.05	.40	.35	.40		
Class 7	7.15	.40	.35	.40		
Class 8	7.18	.40	.35	.40		
Class 9	7.20	.40	.35	.40		
Class 10	7.38	.40	.35	.40		
Class 11	7.43	.40	.35	.40		
Zone 2						
Group I	6.93	.25	.15	.25		
Group II	7.03	.25	.15	.25		
Group III	7.18	.25	.15	.25		
Group IV	7.23	.25	.15	.25		
Group V	7.28	.25	.15	.25		
Group VI	7.33	.25	.15	.25		
Group VII	7.43	.25	.15	.25		
Group VIII	7.53	.25	.15	.25		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-3053 - Mod. #2 (Cont'd)						
Zone 3						
Class I	$6.83	.20	.15	.25		
Class II	6.88	.20	.15	.25		
Class III	7.08	.20	.15	.25		
Class IV	7.13	.20	.15	.25		
Class V	7.18	.20	.15	.25		
Class VI	7.23	.20	.15	.25		
Class VII	7.33	.20	.15	.25		
Class VIII	7.43	.20	.15	.25		
Zone 4						
Class I	6.10	.40	.35	.40		
Class II	6.20	.40	.35	.40		
Class III	6.45	.40	.35	.40		
Class IV	6.24	.40	.35	.40		
Class V	6.50	.40	.35	.40		
Class VI	6.55	.40	.35	.40		
Class VII	6.60	.40	.35	.40		
Zone 5						
Class I	6.90	.20	.15			
Class II	7.00	.20	.15			
Class III	7.05	.20	.15			
Class IV	7.15	.20	.15			
Class V	7.30	.20	.15			
Class VI	7.35	.20	.15			
Class VII	7.40	.20	.15			
Zone 6						
Class 1	5.85	.20	.15			
Class 2	5.95	.20	.15			
Class 3	6.10	.20	.15			
Class 4	6.20	.20	.15			
Class 5	6.25	.20	.15			
Class 6	6.30	.20	.15			
Class 7	6.35	.20	.15			
Class 8	6.00	.20	.15			
Truck Drivers:						
Zone 1						
Group 1	$7.75	.35	.30			
Group 2	7.45	.35	.30			
Group 3	7.35	.35	.30			
Group 4	7.15	.35	.30			
Zone 2						
Group 1	7.22	.35	.30			
Group 2	6.92	.35	.30			
Group 3	6.82	.35	.30			
Group 4	6.62	.35	.30			

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1030 - Mod. #1 (39 FR 32454 - September 6, 1974) Hinds County, Mississippi					
Change:					
Boilermakers	7.50	.40	.90		.02
Bricklayers	6.92				.02
Stonemasons	6.92				.02
DECISION NO AR-14 - Mod. #4 (39 FR 29835 - August 16, 1974) Douglas and Sarpy Counties, Nebraska					
OMIT:					
Classifications applicable to Channel Stabilization work including Dredging and Rockfilled Pile Dikes and Revetments:					

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AO-2090 - Mod. #5 (39 FR 11822 - March 29, 1974) Hudson County, New Jersey					
Change:					
Electricians	$11.23	3%	6%+.58		1½%
DECISION #AO-2105 - Mod. #5 (39 FR 11873 - April 26, 1974) Bergen County, New Jersey					
Change:					
Electricians	11.23	3%	6%+.58		1½%

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2064 - Mod. #1 (39 FR 36799 - October 11, 1974) Albany County, New York					
Change:					
Laborers, Building:					
West side of Hudson River, extending westerly along the north side of 1st St., Watervliet, to half-mile of Rt., 9 to Shaker Road to Rt., 9 northerly to the N. of the Line of Albany Co.:					
Laborers	$7.60	.55	.70		.02
Pipelayers (2 man team) hod carriers mortar mixers (hand or machine), jackhammer op., well pointing, all air or gas driven tools, vibrators, power driven buggies	7.75	.55	.70		.02
Asphalt rakers	7.60	.55	.70		.02
Demolition	7.85	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02
Wagon drill operator	7.625	.55	.70		.02
Acetylene burners	7.875	.55	.70		.02
Blasters	8.075	.55	.70		.02
Change:					
Building, Heavy & Highway Construction:					
Line Construction:					
Linemen	$9.79	.50	1%+.50	d	3/8%
Cable splicer	10.54	.50	1%+.50	d	3/8%
Groundman digging machine Op.	8.81	.50	1%+.50	d	3/8%
Groundman mobile equipment Op.	8.30	.50	1%+.50	d	3/8%
Groundman truck driver	7.90	.50	1%+.50	d	3/8%
Groundman dynamite man	8.30	.50	1%+.50	d	3/8%
Omit:					
Building Construction power equipment operators schedule originally issued.					
Add:					
Building Construction power equipment operators schedule attached.					

XUM

AR-2064 Mod. #1

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BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, automated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.60	.45	.45+.30	a	.10
GROUP 2	8.66	.45	.45+.30	a	.10
GROUP 3	8.76	.45	.45+.30	a	.10
GROUP 4	8.94	.45	.45+.30	a	.10
GROUP 5	9.24	.45	.45+.30	a	.10
GROUP 6	9.37	.45	.45+.30	a	.10
GROUP 7	9.54	.45	.45+.30	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

MODIFICATIONS P. 18

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR 2068 - Mod. #1 (39 Fr 36818 - October 11, 1974) Rensselaer County, New York					
Change:					
Laborers, Building:					
Begin at Hudson River extending easterly along Washington Ave., Rensselaer to West Sand Lake to Cherry Plains into the Mass., Line:					
Laborers	$7.60	.55	.70		.02
Pipelayers (2 man team), hod carriers, mortar mixers (hand or machine) jackhammer op., well pointing, all air or gas driven toolls, vibrators, power driven buggies	7.75	.55	.70		.02
Demolition	7.85	.55	.70		.02
Form setters (curb)	7.775	.55	.70		.02
Wagon drill operator	7.825	.55	.70		.02
Acetylene burners	7.875	.55	.70		.02
Blasters	8.075	.55	.70		.02

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DECISION NO. AR-34 - Mod. #2
(39 FR 36762 - October 11, 1974)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Omit:					
PLUMBERS-PIPEFITTERS:					
Zone 1-F	$9.50	.42	.75		.09
Zone 1-F Definition					
CHANGE:					
PLUMBERS-PIPEFITTERS ZONE I					
Zone 1-A	9.34	.42	.75		.12
Zone 1-B	9.74	.42	.75		.12
Zone 1-C	10.19	.42	.75		.12
Zone 1-D	10.64	.42	.75		.12
Zone 1-E	11.09	.42	.75		.12
Plumbers-Pipefitters Zone Definition to read:					
Zone 1-D - shall extend a distance of ten miles inclusive beyond the outer perimeter of zone 1-c					
Zone 1-E - shall apply to all areas not within zones 1-A, 1-B, 1-C or 1-D					
Plumbers-pipefitters - Zone II	9.97	.42	.75		.12
BRICKLAYERS-Stonemasons:					
Zone IV	7.09	.43			
CEMENT MASONS:					
Dwelling houses and apartments not to exceed two stories in height:					
Cement masons	6.37	.43	.30		
Dwelling: houses and apartments over two stories in height:					
Cement masons	6.57	.43	.30		
Composition or mastic	6.82	.43	.30		
ELECTRICIANS:					
Zone I					
Zone 1-A	8.40	.30	1%+.70		1/7%
Zone 1-B	8.99	.30	1%+.70		1/7%
Zone 1-C	9.49	.30	1%+.70		1/7%
Zone 1-D	10.08	.30	1%+.70		1/7%
Zone II	9.49	.30	1%+.70		1/7%
Zone III	5.80	.30	1%		1/4%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CHANGE:					
CABLE SPLICERS					
ZONE I					
Zone 1-A	$9.24	.30	1%+.70		1/7%
Zone 1-B	9.83	.30	1%+.70		1/7%
Zone 1-C	10.33	.30	1%+.70		1/7%
Zone 1-D	10.92	.30	1%+.70		1/7%
ZONE II	10.33	.30	1%+.70		1/7%
IRONWORKERS:					
Zone I	7.99	.50	.75		
Zone II	7.99	.55	.60		.10
Zone III	8.99	.55	.60		.10
LABORERS:					
General Building, Heavy Engineering and Residential Construction (Dwelling Houses and Apartments over two stories in height):					
Group I	5.07	.30	.25		
Group II	5.37	.30	.25		
Group III	5.47	.30	.25		
Group IV	5.675	.30	.25		
Group V	5.825	.30	.25		
Residential Construction(Dwelling houses and apartments not to exceed two stories in height					
Group I	4.52	.30	.25		
Group II	4.92	.30	.25		
Group III	5.02	.30	.25		
Group IV	5.225	.30	.25		
Group V	5.375	.30	.25		
LATHERS:					
Zone I	7.045	.43		.50	.02
POWER EQUIPMENT OPERATORS: (Residential and General Building Construction)					
Group 1	5.88	.30	.30		.08
Group 2	6.42	.30	.30		.08
Group 3	6.50	.30	.30		.08
Group 4	6.56	.30	.30		.08
Group 5	6.62	.30	.30		.08
Group 6	6.72	.30	.30		.08
Group 7	6.82	.30	.30		.08
Group 8	7.00	.30	.30		.08
Group 9	7.90	.30	.30		.08

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MODIFICATIONS P. 21

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DECISION NO AR-34

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
CHANGE:					
POWER EQUIPMENT OPERATORS:					
(Heavy Engineering Construction)					
Group 1	$5.78	.30	.30		.08
Group 2	6.32	.30	.30		.08
Group 3	6.40	.30	.30		.08
Group 4	6.46	.30	.30		.08
Group 5	6.52	.30	.30		.08
Group 6	6.62	.30	.30		.08
Group 7	6.72	.30	.30		.08
Group 8	6.90	.30	.30		.08
Group 9	7.70	.30	.30		.08
SPRINKLER FITTERS	9.05	.50	.70		.08
TRUCK DRIVERS:					
(General Building and Residential Construction - Dwelling houses and apartments over two stories in height)					
Group 1	5.00	.43	.30		
Group 2	5.12	.43	.30		
Group 3	5.20	.43	.30		
Group 4	5.32	.43	.30		
Group 5	5.37	.43	.30		
Group 6	5.47	.43	.30		
Group 7	5.57	.43	.30		
Group 8	5.71	.43	.30		
Group 9	5.86	.43	.30		
(Residential Construction-Dwelling houses and apartments not to exceed two stories in height)					
Group 1	4.70	.43	.30		
Group 2	4.82	.43	.30		
Group 3	4.90	.43	.30		
Group 4	5.02	.43	.30		
Group 5	5.07	.43	.30		
Group 6	5.17	.43	.30		
Group 7	5.27	.43	.30		
Group 8	5.41	.43	.30		
Group 9	5.56	.43	.30		

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DECISION NO AR-34

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
CHANGE:					
TRUCK DRIVERS:					
(Heavy Engineering Construction)					
Group 1	$5.20	.43	.25		
Group 2	5.32	.43	.25		
Group 3	5.40	.43	.25		
Group 4	5.52	.43	.25		
Group 5	5.57	.43	.25		
Group 6	5.67	.43	.25		
Group 7	5.77	.43	.25		
Group 8	5.91	.43	.25		
Group 9	6.06	.43	.25		
SHEET METAL WORKERS:					
Zone 1	9.06	.48	.40		.02
OMIT:					
Los Alamos County from Zone 1 Sheet metal workers Definition					
ADD:					
SHEET METAL WORKERS:					
Zone 4	10.06	.48	.40		.02
Sheet metal worker's Definition Zone 4 - Los Alamos County					
PLASTERERS	7.25	.43	.30		.06
DECISION #AR-3041 - Mod. #1 (39 FR 30788 - August 23, 1974) Lucas and Fulton Counties, Ohio					
Change:					
Bricklayers & Stonemasons	$10.335	.55	.40		.01
Marble setters	10.335	.55	.40		.01
Ironworkers	10.32	.55	7½%		.04

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MODIFICATIONS P. 23

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2085 - Mod. #4 (39 FR 14115 - April 19, 1974) Warren County, Pennsylvania					
Change:					
Painters:					
Townships of Spring Creek, Southwest Triump and Eldred					
Commercial					
Brush	7.70	.40	.50		.01
Roller	8.00	.40	.50		.01
Spray	8.70	.40	.50		.01
Industrial					
Brush	8.40	.40	.50		.01
Roller	8.70	.40	.50		.01
Spray	9.40	.40	.50		.01
Plumbers & Steamfitters: Remainder of County	9.53	.30	.50		.04
Laborers (See Below)					
Omit:					
Truck Drivers Schedule Issued in Mod. #3					

MODIFICATIONS P. 24

DECISION No. AQ-2085 - Mod. # 4

PA-62-Lab-1-j

PA-62-Lab-1-j

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
Laborers:						
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (loading and Unloading), concrete pitman, puddler, mason tender.	7.02	.40	.40		½%	
Mechanical tampers (power) powered wheelbarrows and buggies & work-lifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (Includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryayable pumps, chain saw operator, pipe layers, all material conveyors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool dresser (cable tools	7.27	.40	.40		½%	
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, walder, driller (cable tools)	7.82	.40	.40		½%	

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MODIFICATIONS P. 25

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-2121 - Mod. #4 (39 FR 18398 - May 24, 1974) Forest & McKean Counties, Pennsylvania					
Change:					
Painters:					
Forest County:					
Brush	$7.70	.40	.50		.01
Roller	8.00	.40	.50		.01
Spray	8.70	.40	.50		.01
Plumbers & Steamfitters					
Forest County					
Contracts Under $10,000	8.29	.44	.45		.04
Contracts Over $10,000	8.80	.44	.45		.04
Laborers (See Below)					
Omit:					
Truck Drivers Schedule issued in Mod. #3					

MODIFICATIONS P. 26
PA-42-Lab-1-j

DECISION NO. AQ-2121 - Mod. # 4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
BUILDING CONSTRUCTION						
Laborers:						
Common laborer, carpenter tender, scaffold builder for masons, window cleaner, form stripper and mover, scaffold and runways, building materials handlers (Loading and Unloading), concrete pitman, puddler, mason tender.	7.02	.40	.40		1%	
Mechanical tampers (power) powered wheelbarrows and buggies & work-lifts, sweepers and similar, mortar mixer, bell bottom man on furnaces and stacks, jackhammer man, concrete buster, wagon drill helper, concrete saw operator, blaster's helper, drill runner's helper (Includes drill mounted truck, track or similar) sheeters and shores, vibrator operators, power tamper operators, y-gun, burner-cutting torch, carryayable pumps, chain saw operator, pipe layers, all material convayors and elevators, signal man, walk behind fork lift or similar, whacker, sand blaster, maintenance man, west brick buggies or similar, scaffold builder for plasterers' regardless of height, hod carrier, plaster tender, form cleaning machine operator, plaster applicating and/or pump machine operator, paving breaker, asphalt raker, lancer, berfix cutting tool, gunnite potman, blacksmith, tool dresser (cable tools	7.27	.40	.40		1%	
Blasters, wagon drill operator, drill runner, gunnite nozzle man, grout machine operator, walk behind power roller and tamper, welder, driller (cable tools)	7.82	.40	.40		1%	

MODIFICATIONS P.27

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2002 - Mod. #2 (39 FR 25692 - July 12, 1974) Delaware County, Pennsylvania					
Change:					
Asbestos Workers	$10.52	.50	.50		
Boilermakers	10.20	.65	1.00		.01
Bricklayers:					
Randnor & Haverford Twps.	9.50	.80	.68		.01
Cement Masons	8.83	.91	1.00		
Drywall finishers	8.54	.85	.25	.85	.03
Elevator Constructors	10.23	.44	.29	2%+a+b	.02
Elevator Constructors Helpers	7.16	.44	.29	2%+a+b	.02
Elevator Constructors Helpers (prob.)	5.115				
Ironworkers:					
Structural & Ornamental	10.22	.64	1.06		.04
Reinforcing	9.97	.64	1.06		.04
Tile Setters	8.445	.80	.40		
Sheet Metal Workers	10.69	.52	.50		.01
Steamfitters	10.42	.52	.92		.08
DECISION #AR-2003 - Mod. #2 (39 FR 25695 - July 12, 1974) Chester County, Pennsylvania					
Change:					
Asbestor Workers	$10.52	.50	.50		
Boilermakers	10.20	.65	1.00		.01
Bricklayers & Stonemasons	9.50	.80	.68		.01
Cement Masons:					
Remainder of County	8.83	.91	1.00		
Drywall finishers	8.54	.85	.25	.85	.03
Elevator Constructors	10.23	.44	.29	2%+a+b	.02
Elevator Constructors Helpers	7.16	.44	.29	2%+a+b	.02
Elevator Constructors Helpers (prob.)	5.115				
Ironworkers	9.85	.64	1.06		.05
Tile Setters	8.445	.80	.40		
Sheet Metal Workers	10.69	.52	.50		.01

MODIFICATIONS P. 28

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2004 - Mod. #3 (39 FR 25699 - July 12, 1974) Montgomery County, Pennsylvania					
Change:					
Asbestos Workers	$10.52	.50	.50		
Boilermakers	10.20	.65	1.00		.01
Cement Masons:					
Remainder of County	8.83	.91	1.00		
Drywall finishers	8.54	.85	.25	.85	.03
Elevator Constructors	10.23	.44	.29	2%+a+b	.02
Elevator Constructors Helpers	7.16	.44	.29	2%+a+b	.02
Elevator Constructors Helpers (prob.)	5.115				
Ironworkers:					
Structural & Ornamental	10.22	.64	1.06		.04
Reinforcing	9.97	.64	1.06		.01
Bricklayers:					
Lower Marion, Abington, Upper Moreland and Cheltenham	9.50	.80	.68		.01
Plumbers:					
Lower Marion, Horsham, Upper Dublin, Moreland, Lower Moreland, Abengton, Springfield and Cheltenham	10.42	.57	.92		.08
Steamfitters:					
Lower Marion, Springfield, Moreland, Horsham, Upper Dublin and Abington Twps.	10.42	.57	.92		.08
Sheet Metal Workers	10.69	.52	.50		.01
Tile Setters	8.445	.80	.40		
Glaziers:					
Pottstown, Lower Pottsgrove, Upper Pottsgrove, Limvick, Lower Frederick, Upper Salford, Sounderton, Greenland, Upper Hanover, New Hanover, Douglas, Marlboro Twps.	8.14	.35	.10		.01

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MODIFICATIONS P. 29

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR 2005 - Mod. #2 (39 FR 25902 - July 12, 1974) Philadelphia County, Pennsylvania					
Change:					
Asbestos Workers	$10.52	.50	.50		
Boilermakers	10.20	.65	1.00		.01
Bricklayers	9.50	.80	.68		.01
Cement Masons	8.83	.91	1.00		
Drywall finishers	8.54	.85	.25	.85	.03
Elevator Constructors	10.23	.44	.29	2%a+b	.02
Elevator Constructors Helpers	7.16	.44	.29	2%a+b	.02
Elevator Constructors Helpers (prob.)	5.115				
Ironworkers:					
Structural & Ornamental	10.22	.64	1.06		.04
Reinforcing	9.97	.64	1.06		.01
Tile Setters	8.445	.80	.40		
Sheet Metal Workers	10.69	.52	.50		.01
Plumbers & Steamfitters	10.42	.57	.92		.08
DECISION #AR-2006 - Mod. #2 (39 FR 25905 - July 12, 1972) Bucks, Chester, Delaware, Montgomery & Philadelphia Counties, Pennsylvania					
Change:					
Asbestos Workers	$10.52	.50	.50		
Boilermakers	10.20	.65	1.00		.01
Bricklayers	9.50	.80	.68		.01
Cement Masons	8.83	.91	1.00		
Drywall finishers	8.54	.85	.25	.85	.03
Elevator Constructors	10.23	.44	.29	2%a+b	.02
Elevator Constructors Helpers	7.16	.44	.29	2%a+b	.02
Elevator Constructors Helpers (prob.)	5.115				
Ironworkers:					
Structural & Ornamental	10.22	.64	1.06		.04
Reinforcing	9.97	.64	1.06		.01
Tile Setters	8.445	.80	.40		
Sheet Metal Workers	10.69	.52	.50		.01
Steamfitters & Plumbers	10.42	.57	.92		.08

MODIFICATIONS P. 30

DECISION #AR-4007 - Mod. #4
(39 FR 24806 - July 5, 1974)
Anderson and Roane Counties, Tennessee

Change:

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP A	$4.78	.15	.15		.01
GROUP B	4.93	.15	.15		.01
GROUP C	4.93	.15	.15		.01
GROUP D	4.96	.15	.15		.01
GROUP E	5.08	.15	.15		.01
GROUP F	5.58	.15	.15		.01
GROUP G	5.28	.15	.15		.01
Tunnel Construction:					
GROUP H	4.78	.15	.15		.01
GROUP I	5.18	.15	.15		.01
GROUP J	5.33	.15	.15		.01
GROUP K	5.48	.15	.15		.01
GROUP L	5.58	.15	.15		.01

GROUP A - Construction laborers

GROUP B - Mortar mixer, plasterers' tenders

GROUP C - Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, Asphalt raker, jackhanner op., air tool op., vibrator op., chain saw op., barco tamp op., all power driven tool ops.

GROUP D - Acetlyene burner

GROUP E - Wagon drill operator

GROUP F - Caisson hole man

GROUP G - Powderman

Tunnel Construction:

GROUP H - Outside laborer

GROUP I - Tunnel laborer

GROUP J - Chuck tender

GROUP K - Concrete gun op., nozzleman

GROUP L - Tunnel miner

MODIFICATIONS P. 31

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4021 - Mod. #1 (39 FR 31868 - August 30, 1974) Davidson County, Tennessee					
Change:					
Bricklayers	$8.00				

DECISION #AR-4022 - Mod. #1
(39 FR 31869 - August 30, 1974)
Knox County, Tennessee

Change:

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP A	$4.78	.15	.15		.01
GROUP B	4.93	.15	.15		.01
GROUP C	4.93	.15	.15		.01
GROUP D	4.96	.15	.15		.01
GROUP E	5.08	.15	.15		.01
GROUP F	5.58	.15	.15		.01
GROUP G	5.28	.15	.15		.01
Tunnel Construction:					
GROUP H	4.78	.15	.15		.01
GROUP I	5.18	.15	.15		.01
GROUP J	5.33	.15	.15		.01
GROUP K	5.48	.15	.15		.01
GROUP L	5.58	.15	.15		.01

GROUP A - Construction laborers

GROUP B - Mortar mixer, plasterers' tenders

GROUP C - Hod carriers, power buggies, yarner, potman, grademan, snake man, form setter & strippers, pipelayers, Asphalt raker, jackhanner op., air tool op., vibrator op., chain saw op., barco tamp op., all power driven tool ops.

GROUP D - Acetlyene burner

GROUP E - Wagon drill operator

GROUP F - Caisson hole man

GROUP G - Powderman

Tunnel Construction:

GROUP H - Outside laborer

GROUP I - Tunnel laborer

GROUP J - Chuck tender

GROUP K - Concrete gun op., nozzleman

GROUP L - Tunnel miner

MODIFICATIONS P. 32

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4035 - Mod. #3 (39 FR 33191 - September 13, 1974) Hamilton County, Tennessee					
Change:					
Plasterers	$7.25				
DECISION #AR-4036 - Mod. #3 (39 FR 33193 - September 13, 1974) Shelby County, Tennessee					
Change:					
BUILDING CONSTRUCTION					
LABORERS:					
GROUP A	$4.95	.20	.20		.05
GROUP B	5.05	.20	.20		.05
GROUP C	5.10	.20	.20		.05
GROUP D	5.30	.20	.20		.05
GROUP E	5.50	.20	.20		.05
GROUP F	5.15	.20	.20		
GROUP G	5.25	.20	.20		

GROUP A : General and common laborers, concrete laborers, track laborers-walkers, cement finisher helpers, plumber helpers, carpenter tenders, asphalt rakers-tampers, form strippers, roofing helpers.

GROUP B : Well driller helpers, storm and sanitary pipe layers, mat weavers, motor buggie operators.

GROUP C : Chain saw operators, jackhammer, vibrator and electric hammers and all air tool and pneumatic tools.

GROUP D : Deep hole man

GROUP E : Powdermen, toolroom attendant, torchman on demolition and salvage, sand hog (free air).

GROUP F : Hod carriers, mason tenders and plasterer tenders.

GROUP G : Mortar mixers

MODIFICATIONS P. 33

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-39 - Mod. #1 (39 FR 34002 - September 20, 1974) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change: Electricians:					
Electrical contracts under $300,000	$6.21	.35	1%		1/2%
Electrical contracts $300,000 & over	7.85	.35	1%		1/2%
DECISION #AR-40 - Mod. #1 (39 FR 34004 - September 20, 1974) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change: Electricians:					
Electrical contracts under $300,000	6.21	.35	1%		1/2%
Electrical contracts $300,000 & over	7.85	.35	1%		1/2%

MODIFICATIONS P. 34

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-41 - Mod. #3 (39 FR 34005 - September 20, 1974) Galveston & Harris Counties, Texas					
Change: Bricklayers & Stonemasons (Galveston County)	$8.69	.325	.30		.05
DECISION #AR-69 - Mod. #1 (39 FR 37352 - October 18, 1974) El Paso County, Texas					
Change: Elevator constructors	6.72	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
DECISION #AR-2025 - Mod. #4 (39 FR 30763 - August 23, 1974) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the City of Alexandria and Dulles International Airport, Virginia					
Change: Plumbers	$ 9.43	.58	.55		.18
Stone Masons	10.10	.35	.30		

MODIFICATIONS P. 35

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2026 - Mod. #4 (39 FR 30814 - August 23, 1974) Washington, D. C.					
Change: (Sewer & Water Lines & Building):					
Plumbers	$ 9.43	.58	.55		.18
Stone Masons	10.10	.35	.30		
DECISION #AR-3116 - Mod. #2 (39 FR 35092 - September 27, 1974) Statewide, Wisconsin					
Change: Electricians:					
Zone 10 - Ashland, Bayfield, Douglas & Iron & the remainder of Burnett, Price Sawyer and Washburn Counties	$ 8.45	1%	1%	1%	3%
Zone 15 - Racine County	9.16	.38	1%	7%	3/4%

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SUPERSEDEAS DECISION

STATE: Alaska — STATEWIDE
DECISION NUMBER: AR-1042 — DATE: Date of Publication
Supersedes Decision No. AR-1000 dated July 5, 1974, in 39 FR 24788
DESCRIPTION OF WORK: Building (Including Residentail Construction consisting of single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction and Dredging

AREA I (North of the 63rd Parallel) AREA II (South of the 63rd Parallel and West of the 141st Meridian) AREA III (East of the 141st Meridian)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$12.17	.51	.65		
BOILERMAKERS	9.56	.65	1.00	.50	.02
BRICKLAYERS; Blocklayers; Stonemasons	11.43	.40	1.00		.09
CARPENTERS:					
Area I					
Carpenters	11.78	.60	1.50		.15
Powder actuated tool operator	12.00	.60	1.50		.15
DeWalt or similar type Saw Operator; Marlite and Acoustical; Fire or Flood Repair work Applicators; Nailing Machine Operator; Saw Filer	12.06	.60	1.50		.15
Millwrights	12.17	.60	1.50		.15
Piledrivermen	10.22	.60	1.50		.15
Areas II and III					
Journeyman Carpenters	11.21	.60	1.50		.15
Acoustical and Marlite Applicators; Floor Workers; Radial Air Saw Operators; Fire and Flood Workers	11.59	.60	1.50		.15
Millwrights	11.74	.60	1.50		.15
Piledrivermen	10.22	.60	1.50		.15
CEMENT MASONS:					
Cement Masons	8.50	.35	1.00		.06
Power Machine	8.80	.35	1.00		.06
Composition, Mastic and colored cement; Hand power grinders	8.96	.35	1.00		.06
CULINARY WORKERS:					
Barkers of combination cook-baker					
Head Cook; Working camp manager	9.48	.40	1.00		
Cook	9.12	.40	1.00		
Butcher	9.06	.40	1.00		
Head waiter or Head waitress	8.57	.40	1.00		
Camp worker (waiter, waitress, bullcook, general helper, miscellaneous worker); Bartender	8.47	.40	1.00		
	8.31	.40	1.00		

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS (Cont'd)					
Electricians; Equipment Operators	$11.91	.50	1%+1.00		.10
Cable Splicers	13.16	.50	1%+1.00		.10
ELEVATOR CONSTRUCTORS	11.17	.395	.26	2%	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2%	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS:					
Area I	10.53	.50			
Areas II and III	10.04	.45	.10		.10
IRONWORKERS:					
Bender Operator; Bridge; Fence Erector; Machinary Mover; Ornamental; Reinforcing Sheeters; Structural	12.60	.55	1.25		.13
LATHERS	10.81	.45		1.08	
LINE CONSTRUCTION:					
Groundmen	9.91	.50	1%+1.00		.10
Equipment Operators; Linemen; Technicians	11.91	.50	1%+1.00		.10
Cable Splicers	13.16	.50	1%+1.00		.10
MARBLE SETTERS; Terrazzo Workers	11.43	.40	1.00		.09
PAINTERS					
Area I					
Zone 1 (Within a 10 mile radius of the Fairbanks P. O. including Ft. Wainwright)					
Zone 2 (Beyond 10 miles and up to 40 miles radius of the Fairbanks P.O. including Eielson Air Force Base & all the Sites within this territory)					
Zone 3 (Beyond 40 miles radius of the Fairbanks P. O.)					
Zones 1 and 3:					
Brush; Paperhangers	11.00	.50	1.00		.05
Carpet and Tile	11.02	.50	1.00		.05
Swing Stage, Sign Painters; Utilidors	11.25	.50	1.00		.05
Hand Tapers	11.27	.50	1.00		.05
Structural Steel; Sand Blasters; Spray Painters	11.50	.50	1.00		.05
Buffer Operator	11.53	.50	1.00		.05
Machine Tapers	11.77	.50	1.00		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Zones 1 and 3: (Cont'd)					
Hardwood Floor Finishers	$11.75	.50	1.00		.05
Epoxy Applicators and Spray Steel	12.00	.50	1.00		.05
Swing and Boom Spray	12.25	.50	1.00		.05
Zone 2:					
Brush; Paperhangers	11.85	.50	1.00		.05
Swing Stage; Sign Painters; Utilidors	12.10	.50	1.00		.05
Tapers, Hand	12.12	.50	1.00		.05
Structural Steel, Sand Blesters; Spray Painters	12.35	.50	1.00		.05
Hardwood Floor Finishers	12.60	.50	1.00		.05
Tapers, Machine	12.62	.50	1.00		.05
Spray Steel; Epoxy Applicator	12.85	.50	1.00		.05
Swing and Boom Spray	13.10	.50	1.00		.05
Buffer Operators	12.38	.50	1.00		.05
Areas II and III					
Hardwood Floor Sander or Finisher; Paperhanger; Sign, Brush, and Roller Painters	10.80	.50	1.00		.10
Swing Stage	11.05	.50	1.00		.10
Structural Steel; Tapers and Drywall Sander	11.20	.50	1.00		.10
Pot Tenders; Sandblasters; Spray	11.40	.50	1.00		.10
Epoxy and Tar Applicator	11.80	.50	1.00		.10
Steeplejack; Towers Painter	12.60	.50	1.00		.10
PLASTERERS	9.46	.35	1.00		.06
PLUMBERS; Steamfitters:					
Area I	10.57	.85	1.30		.03
Area II	13.00	.73	1.00		.10
Area III	11.95				
ROOFERS:					
Area I	10.10	.45	.50		.10
Areas II and III	9.80	.45	.50		.10

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS:					
Area I	$ 14.76	.52	.50		
Areas II and III	11.82	.41	.50		.07
SOFT FLOOR LAYERS:					
Area I					
Zones 1 and 3	10.02	.70	.68		.05
Zone 2	10.87	.70	.88		.05
Areas II and III	11.00	.45	.50	4%	.10
SPRINKLER FITTERS	11.74	.50	.70		.08
TERRAZZO WORKERS' & TILE SETTERS' HELPERS	8.59	.40	1.00		.09
TILE SETTERS	10.77	.40	1.00		.09
RIGGERS; Welder: Receive rates for craft performing operation to which rigging or welding is incidental.					
LABORERS					
Group 1	8.58	.45	1.25		.14
Group 2	8.74	.45	1.25		.14
Group 3	8.78	.45	1.25		.14
Group 4	8.80	.45	1.25		.14
Group 5	8.84	.45	1.25		.14
Group 6	8.85	.45	1.25		.14
Group 7	8.90	.45	1.25		.14
Group 8	8.97	.45	1.25		.14
Group 9	9.21	.45	1.25		.14
Group 10	9.24	.45	1.25		.14
Group 11	9.31	.45	1.25		.14
Group 12	9.33	.45	1.25		.14
Group 13	9.34	.45	1.25		.14
Group 14	9.38	.45	1.25		.14
Group 15	9.45	.45	1.25		.14
Group 16	9.56	.45	1.25		.14
Group 17	9.68	.45	1.25		.14
Group 18					
Class A:	8.58	.45	1.25		.14
Class B:	8.76	.45	1.25		.14
Class C	9.05	.45	1.25		.14
Class D:	9.24	.45	1.25		.14
Class E:	9.58	.45	1.25		.14
Class F:	9.72	.45	1.25		.14
Class G:	9.95	.45	1.25		.14

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
Group 1	$10.83	.70	2.00		.10
Group 2	11.72	.70	2.00		.10
Group 3	10.76	.70	2.00		.10
Group 4	10.89	.70	2.00		.10
Group 5	11.78	.70	2.00		.10
Group 6	12.56	.70	2.00		.10
Group 7	11.15	.70	2.00		.10
Group 8	10.32	.70	2.00		.10
Group 9	11.21	.70	2.00		.10
Group 10	11.48	.70	2.00		.10
Group 11	10.97	.70	2.00		.10
Group 12	13.31	.70	2.00		.10
Group 13	10.84	.70	2.00		.10
Group 14	11.24	.70	2.00		.10
Group 15	10.74	.70	2.00		.10
Group 16	11.27	.70	2.00		.10
Group 17	11.57	.70	2.00		.10
Group 18	9.66	.70	2.00		.10
Group 19	10.21	.70	2.00		.10
Group 20	11.16	.70	2.00		.10
Group 21	10.48	.70	2.00		.10
Group 22	9.81	.70	2.00		.10
Group 23	10.25	.70	2.00		.10
Group 24	10.42	.70	2.00		.10
Group 25	14.08	.70	2.00		.10
Group 26	14.75	.70	2.00		.10
Group 27	11.41	.70	2.00		.10
POWER EQUIPMENT OPERATORS DREDGING					
Group 1	9.58	.45	1.00		
Group 2	9.71	.45	1.00		
Group 3	10.64	.45	1.00		
Group 4	10.70	.45	1.00		
Group 5	10.76	.45	1.00		
Group 6	11.27	.45	1.00		
Group 7					
(a)	12.05	.45	1.00		
(b)	12.80	.45	1.00		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
Group 1	9.50	.68	1.60		.04
Group 2	9.18	.68	1.60		.04
Group 3	9.24	.68	1.60		.04
Group 4	8.71	.68	1.60		.04
Group 5	9.56	.68	1.60		.04
Group 6	9.96	.68	1.60		.04
Group 7	10.27	.68	1.60		.04
Group 8	10.56	.68	1.60		.04
Group 9	10.87	.68	1.60		.04
Group 10	9.70	.68	1.60		.04
Group 11	8.43	.68	1.60		.04
Group 12	8.86	.68	1.60		.04
Group 13	9.54	.68	1.60		.04
Group 14	9.80	.68	1.60		.04
Group 15	10.07	.68	1.60		.04
Group 16	10.34	.68	1.60		.04
Group 17	10.51	.68	1.60		.04
Group 18	9.48	.68	1.60		.04
Group 19	8.60	.68	1.60		.04

LABORERS

Group 1: Brush cutters; Building laborers; Carpenter tenders; Ditch diggers; Dryer man; Dump man; Form strippers; General laborer; Hook tenders; Material handlers; Monolithic workers (sewer); Pit man; Sandblast pot tenders; Signal man

Group 2: Base and floor machine men

Group 3: Choke setters

Group 4: Asphalt - general crew; Concrete labor (including Vibratorman, Power buggy, and Concrete power saw); Curb and gutter man

Group 5: Pneumatic or power tools

Group 6: Grademen; Stake hopper; Steam point or waterman jet operator

Group 7: Tank cleaners

Group 8: Chuck tender (wagon and air tract drills); Jackhammer and pavement breakers

Group 9: Mason tender and mud mixer

Group 10: Cement or lime dumper or handler (sack or bulk); Gunnite operator; High scaler; Monolithic crews (tunnel-all); Pipe builders; Pipe layers, culvert and multiplate (including sewer); Sandblaster; Sewer caulker; Slope (over 20 feet); Timber faller, bucker, chain and other power saws; Timberman

Group 11: Asphalt raker

Group 12: Burning and cutting torch (except intermittent torch work)

Group 13: Wagon driller (except air tract)

Group 14: Tenders to plasterers, bricklayers, and cement finishers

Group 15: Air tract wagon driller

Group 16: Chain saw filer

Group 17: High rigger and the topper; Powderman

Group 18: TUNNEL OR SHAFT

Class A: Brakeman; Topman and bull gang
Class B: Muckers and laborers; Nippers
Class C: Chuck tenders
Class D: Maintenance man
Class E: Miners; Retimberman
Class F: Miners, shaft and raises
Class G: Powderman

POWER EQUIPMENT OPERATORS

Group 1: Batch Plant Operator: Batch and Mixer, 200 yards per hour and under; Loader; Elevating - Athey, Barber Greene and similar types; Over - head and Front-end under 2- yards; Mixers: Concrete Mixers and Batch, 200 yards per hour and under; Pumps: Fuller Kenyon, Pumpcrete and Concrete, Rollers, Tampers and Vibrators: On Plant or Road Mix Materials; Tractors, Farmall type, 50 h.p. and over; Trenching Machines: Under 16 inches

Group 2: Batch Plant Operator: Batch and Mixer, over 200 yards; Derrick all, Drilling Machines, Core, Cable Rotary and Exploration; Mixers: Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield

Group 3: Brooms, Power Wayne, Saginew and similar types; Bulldozers: Under D6 or similar; Post Hole Diggers, Mechanical; Saws, Concrete; Scrapers: Carryall type, single

Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concut Christenson or similar types); Conveyors

Group 5: Bulldozers: TC 12, Quad 9, Pay Dozers, Linked Pusher, H.D. 41 and/or similar; Bulldozers engaged in Yo Yo Operation; Cableways and Highlines: 3 yards and under; Cranes: "A" Frame Trucks, Deck Winches, single power drum; "A" Frame Trucks Helicopter (Deck Winches, double power drum); Crawler, Truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydralifts or Transporter, Hyster Cat Cranes and attachments, Sidebooms 45 tons and under; Loaders: Overhead and Front End 2½ yards and under 4 yards; Motor Patrol Graders: Over Model 14 or similar types; Piledrivers Engineers, L. B. Foster Puller or similar Paving Breaker; Power Plant Turbine Operators; 300 K.W. on highway or airfield construction projects or Quarry Operations); Sauerman-Bagley; Shovels: Crawler and truck type, all attachments, 3 yards and under; Sub Grader (Curries, C.M.I. and similar types); Tractors Farmall type, used as Backhoes, Rubber-tired (Ford, Ferguson, Case and similar types); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards; Hover Craft, Flex Craft, Loadmaster, Air Cushion, Terrain Vehicle, Helicopter Transporter, Cableways, Rollagon, Dredge Barge Cable, Highline or Cable Car, Camp Maintenance Engineer, Boat Coxswains

Group 6: Cableways and Highlines: Over 3 yards; Cranes: Crawler, Truck type, Floating, Locomotive, Whirley, either over 3 yards and under 6 yards, or over 150' boom, including jibs of over 45 tons; Tower Cranes, Pecos, Lorraine, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms over 45 tons thru 100 tons; Loader: Overhead and Front-end 4 yards up to and including 10 yards; Shovels: Crawler and Truck type, all attachments, 3 yards and under, 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C.M.I. and similar types

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	$10.83	.70	2.00		.10
Group 2	11.72	.70	2.00		.10
Group 3	10.76	.70	2.00		.10
Group 4	10.89	.70	2.00		.10
Group 5	11.78	.70	2.00		.10
Group 6	12.56	.70	2.00		.10
Group 7	11.15	.70	2.00		.10
Group 8	10.32	.70	2.00		.10
Group 9	11.21	.70	2.00		.10
Group 10	11.48	.70	2.00		.10
Group 11	10.97	.70	2.00		.10
Group 12	13.31	.70	2.00		.10
Group 13	10.84	.70	2.00		.10
Group 14	11.24	.70	2.00		.10
Group 15	10.74	.70	2.00		.10
Group 16	11.27	.70	2.00		.10
Group 17	11.57	.70	2.00		.10
Group 18	9.66	.70	2.00		.10
Group 19	10.21	.70	2.00		.10
Group 20	11.16	.70	2.00		.10
Group 21	10.48	.70	2.00		.10
Group 22	9.81	.70	2.00		.10
Group 23	10.25	.70	2.00		.10
Group 24	10.42	.70	2.00		.10
Group 25	14.08	.70	2.00		.10
Group 26	14.75	.70	2.00		.10
Group 27	11.41	.70	2.00		.10
POWER EQUIPMENT OPERATORS DREDGING					
Group 1	9.58	.45	1.00		
Group 2	9.71	.45	1.00		
Group 3	10.64	.45	1.00		
Group 4	10.70	.45	1.00		
Group 5	10.76	.45	1.00		
Group 6	11.27	.45	1.00		
Group 7					
(a)	12.05	.45	1.00		
(b)	12.80	.45	1.00		

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Group 1	9.50	.68	1.60		.04
Group 2	9.18	.68	1.60		.04
Group 3	9.24	.68	1.60		.04
Group 4	8.71	.68	1.60		.04
Group 5	9.56	.68	1.60		.04
Group 6	9.96	.68	1.60		.04
Group 7	10.27	.68	1.60		.04
Group 8	10.56	.68	1.60		.04
Group 9	10.87	.68	1.60		.04
Group 10	9.70	.68	1.60		.04
Group 11	8.43	.68	1.60		.04
Group 12	8.86	.68	1.60		.04
Group 13	9.54	.68	1.60		.04
Group 14	9.80	.68	1.60		.04
Group 15	10.07	.68	1.60		.04
Group 16	10.34	.68	1.60		.04
Group 17	10.51	.68	1.60		.04
Group 18	9.48	.68	1.60		.04
Group 19	8.60	.68	1.60		.04

LABORERS

Group 1: Brush cutters; Building laborers; Carpenter tenders; Ditch diggers; Dryer man; Dump man; Form strippers; General laborer; Hook tenders; Material handlers; Monolithic workers (sewer); Pit man; Sandblast pot tenders; Signal man

Group 2: Base and floor machine men

Group 3: Choke setters

Group 4: Asphalt - general crew; Concrete labor (including Vibratorman, Power buggy, and Concrete power saw); Curb and gutter man

Group 5: Pneumatic or power tools

Group 6: Grademan; Stake hopper; Steam point or waterman jet operator

Group 7: Tank cleaners

Group 8: Chuck tender (wagon and air tract drills); Jackhammer and pavement breakers

Group 9: Mason tender and mud mixer

Group 10: Cement or lime dumper or handler (sack or bulk); Gunnite operator; High scaler; Monolithic crews (tunnel-all); Pipe builders; Pipe layers, culvert and multiplate (including sewer); Sandblaster; Sewer caulker; Slope (over 20 feet); Timber faller, bucker, chain and other power saws; Timberman

Group 11: Asphalt raker

Group 12: Burning and cutting torch (except intermittent torch work)

Group 13: Wagon driller (except air tract)

Group 14: Tenders to plasterers, bricklayers, and cement finishers

Group 15: Air tract wagon driller

Group 16: Chain saw filer

Group 17: High rigger and the topper; Powderman

Group 18: TUNNEL OR SHAFT

Class A: Brakeman; Topman and bull gang
Class B: Muckers and laborers; Nippers
Class C: Chuck tenders
Class D: Maintenance man
Class E: Miners; Retimberman
Class F: Miners, shaft and raises
Class G: Powderman

POWER EQUIPMENT OPERATORS

Group 1: Batch Plant Operator: Batch and Mixer, 200 yards per hour and under; Loader; Elevating - Athey, Barber Greene and similar types; Over - head and Front-end under 2- yards; Mixers: Concrete Mixers and Batch, 200 yards per hour and under; Pumps: Fuller Kenyon, Pumpcrete and Concrete, Rollers, Tampers and Vibrators: On Plant or Road Mix Materials; Tractors, Farmall type, 50 h.p. and over; Trenching Machines: Under 16 inches

Group 2: Batch Plant Operator: Batch and Mixer, over 200 yards; Derrick all, Drilling Machines, Core, Cable Rotary and Exploration; Mixers: Mobile type with hoist combination; Mucking Machines, Mole, Tunnel Drill and/or Shield

Group 3: Brooms, Power Wayne, Saginaw and similar types; Bulldozers: Under D6 or similar; Post Hole Diggers, Mechanical; Saws, Concrete; Scrapers: Carryall type, single

Group 4: Bulldozers: D6 through D9 or similar; Bump Cutter (Concut Christenson or similar types); Conveyors

Group 5: Bulldozers: TC 12, Quad 9, Pay Dozers, Linked Pusher, H.D. 41 and/or similar; Bulldozers engaged in Yo Yo Operation; Cableways and Highlines: 3 yards and under; Cranes: "A" Frame Trucks, Deck Winches, single power drum; "A" Frame Trucks Helicopter (Deck Winches, double power drum); Crawler, Truck type, Floating Locomotive, Whirley, either 3 yards and under or 150 boom including jibs and under 45 tons and under; Hydralifts or Transporter, Hyster Cat Cranes and attachments, Sidebooms 45 tons and under; Loaders: Overhead and Front End 2½ yards and under 4 yards; Motor Patrol Graders: Over Model 14 or similar types; Piledrivers Engineers, L. B. Foster Fuller or similar Paving Breaker; Power Plant Turbine Operators; 300 K.W. on highway or airfield construction projects or Quarry Operations); Sauerman-Bagley; Shovels: Crawler and truck type, all attachments, 3 yards and under; Sub Grader (Curries, C.M.I. and similar types); Tractors Farmall type, used as Backhoes, Rubber-tired (Ford, Ferguson, Case and similar types); Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 25 yards through 40 yards; Hover Craft, Flex Craft, Loadmaster, Air Cushion, Terrain Vehicle, Helicopter Transporter, Cableways, Rollagon, Dredge Barge Cable, Highline or Cable Car, Camp Maintenance Engineer, Boat Coxswains

Group 6: Cableways and Highlines: Over 3 yards; Cranes: Crawler, Truck type, Floating, Locomotive, Whirley, either over 3 yards and under 6 yards, or over 150' boom, including jibs of over 45 tons; Tower Cranes, Pecos, Lorraine, Bucyrus and similar types; Hyster Cat Cranes and attachments, Sidebooms over 45 tons thru 100 tons; Loader: Overhead and Front-end 4 yards up to and including 10 yards; Shovels: Crawler and Truck type, all attachments, 3 yards and under 6 yards; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 40 yards through 55 yards; Slip Form Paver, C.M.I. and similar types

POWER EQUIPMENT OPERATORS (Cont'd)

Group 7: Cement Hogs; Locomotives: Rod and Geared Engines

Group 8: Compressors: Excavating; Locomotives: Dinkey (air, steam, gas, and electric) Speeders

Group 9: Compressors: Steel Erection including Sand Blasting, Painting of same, Pile Driving, Hoists on Steel Erection; Loaders: Fork Lifts with Tower; Scrapers: Carryall type, Tandem

Group 10: Conveyors, Beltcrete with power pack and similar types; Loaders: Elevating Belt type, Euclid and similar types

Group 11: Cranes: "A" Frame Trucks, Deck Winches, single power drum; Crushers, rock, washing and screening plants; Hoist Air Tuggers, Elevators; Motor Patrol Graders: Model 14 or similar types and under; Power Plant Turbine Operators: under 300 K.W.; Shovels; Tournapulls, Caterpillar, Euclid, Scrapers and similar type equipment 25 yards and under

Group 12: Cranes: Crawler, truck type, Floating, Locomotive, Whirley, either 6 yards or over 200' of boom including Jibs or over 150 tons; Hyster Cat Cranes and attachments, Sidebooms over 100 tons; Loaders: Overhead and Front-end over 10 yards; Shovels: Crawler and Truck type, all attachments, 6 yards and over; Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 55 yards through 70 yards

Group 13: Finishing Machine Operator, Concrete Paving, Sidewalk Curb and Gutter Machine; Screen Man or Slurry Operator; Spreaders - Blaw Knox, Cedarapids, Barber Greene, Railroad Wing Spreader or similar types

Group 14: Loaders: Elevating Grader type, Dumor and similar types

Group 15: Loaders: Fork Lifts or Lumber Carrier (on construction job site)

Group 16: Mechanics, Welders, Machinists, heavy duty

Group 17: Mechanic, Leadman

Group 18: Mechanics' Helpers, heavy duty shop, Stake Hopper, Grademan

Group 19: Mechanic, light duty; Rollers, Tampers and Vibrators: Others than plants or road mix (where towed, to pay rate of equipment used to pull); Tractors, Farmall type less than 50 h.p.

Group 20: Mixers: Asphalt Mixer

Group 21: Oil, Blower Distributors

Group 22: Safety Observer or Oiler Rigger

POWER EQUIPMENT OPERATORS (Cont'd)

Group 23: Journeyman Equipment Service Oilers and Firemen; Oiler, either over 3 yards or over 150' boom or over 45 tons

Group 24: Pumps: Water

Group 25: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 70 yards through 85 yards

Group 26: Tournapulls, Caterpillar, Euclid Scrapers and similar type equipment over 85 yards through 100 yards

Group 27: Trenching Machines: 16 inches and over or Remote Controlled Underwater Trenching

POWER EQUIPMENT OPERATORS - DREDGING

Group 1: Assistant Mate (Deckhand)

Group 2: Fireman; Oiler

Group 3: Assistant Engineer (electric, diesel, steam of booster pumps); Mates and Boatmen

Group 4: Engineer Welder; Craneman

Group 5: Assistant Engineer (electric generator operator for primary pump, power barge, or dredge)

Group 6: Leverman, Hydraulic

Group 7: Leverman, Dipper
(a) 5 yards and under
(b) Over 5 yards

TRUCK DRIVERS

Group 1: Rockbuggy

Group 2: Buggymobile; Hyster Operators (handling bulk aggregate); Lumber Carriers

Group 3: Semi or Truck and Trailer; Dumpsters; Batch Trucks over 5 yds.; Batch Trucks over 5 yds. up to and incl. 10 yds.; Greaser, tire service men; Flat Beds, dual rear axle; Ready Mix; Over 3 yds. up to and including 5 yds.; Water Wagon, Semi; Water Wagon, Dual axle; Winch truck, flat bed including "A" Frame manufactured rating over 5 tons; Bull Lifts and Fork Lifts over 5 tons; Partsman and Outside Expeditor; Bus Operators, over 30 passengers

TRUCK DRIVERS (Cont'd)

Group 4: Batch Trucks up to and including 5 yds.; Dump trucks up to and including 5 yds.; Flat Beds, single rear axle; Water Wagon, single axle; Winch Truck, flat bed, including "A" Frame manufactured rating 5 tons and under; Bull Lifts and Fork Lifts up to and including 5 tons; Bus Operators, up to 30 passengers

Group 5: Dumpsters: Over 10 yds. up to and including 20 yds.; Lowbed Heavy Duty Trailer; Oil Distributor Driver; Ready Mix: Compactor (when pulled by rubber tired equipment)

Group 6: Dumpsters: Over 20 yds. up to and including 30 yds.

Group 7: Dumpsters: Over 30 yds. up to and including 40 yds.

Group 8: Dumpsters: Over 40 yds. up to and including 50 yds.

Group 9: Dumpsters: Over 50 yds.

Group 10: Turn-O-Wagon or DW-10 when not self loading

Group 11: Gravel Spreader box operator on truck; Pickup; Swapers and Riggers

Group 12: Ready Mix: Up to and including 3 yds.

Group 13: Ready Mix: Over 5 yds. up to and including 7 yds.

Group 14: Ready Mix: Over 7 yds. up to and including 9 yds.

Group 15: Ready Mix: Over 9 yds. up to and including 12 yds.

Group 16: 13 yards and over

Group 17: Semi with double bowl mixer

Group 18: Water Wagon, when pulled by Euclid or similar type equipment

Group 19: Warehousemen

XUM

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AR 4047
COUNTY: Boyd
DATE: Date of Publication
Supersedes Decision No. AQ-4020 dated October 12, 1973 in 38 FR 28516
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

10-KY-1-P

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$8.65	.25	.25		.02
Boilermakers-Blacksmiths	7.95	.30	.60		.01
Boilermakers-Blacksmiths' helpers	7.70	.30	.60		.01
Bricklayers:					
Bricklayers	9.13				
Stone masons	9.13				
Carpenters:					
Carpenters	8.18	.40	.50		.03
Millwrights	8.70	.30	.37		.02
Piledrivermen	8.45	.40	.50		.03
Cement masons	8.93				
Electricians:					
Electricians	8.90	.30	1% + .32	1.02	.04
Cable splicers	9.79	30	1% + .32	1.02	.04
Linemen	8.31	.25	1% + .27	1.02	.02
Groundmen	6.65	.25	1% + .27	1.02	.02
Cable splicers	9.14	.25	1% + .27	1.02	
Elevator constructors	8.08	.17	.185	½a&b	.005
Elevator constructors helpers	70%JR	.17	.185	½a&b	.005
Elevator constructors helpers (prob.)	50%JR				
Ironworkers:					
Structural	9.66	.55	.55		.01
Ornamental	9.66	.55	.55		.01
Reinfrocing	9.66	.55	.55		.01
Lathers	7.05		.10		
Leadburners	8.25	.30		d	.01
Painters:					
Commercial:					
Brush	6.23				
Spray	6.78				
Industrial:					
Brush	7.24				
Spray	7.44				
Plasterers	8.93				
Plumbers and steam fitters:					
Within a 5 mile radius of 17th Street & Winchester Ave., Ashland	7.40	.35	.60	c+1.00	.10
Over 5 mi. & within a 15 mile radius of 17th Street & Winchester Ave., Ashland	7.60	.35	.60	c+1.00	.10
Over 15 & within 30 mi. radius of 17th & Winchester Ave., Ashland	7.80	.35	.75	c+1.00	.10
Over 30 miles radius of 17th St. & Winchester Ave., Ashland	7.90	.35	.60	c+1.00	.10

10-KY-1-P

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Roofers	8.82	.45	.30		
Sheet metal workers	9.21	.45	.40		.05
Soft floor layers	8.18	.40	.50		.03
Sprinkler fitters	9.10	.50	.70		.08
Welders-Receive rate prescribed for craft performing operation to which welding is incidental					

Footnotes:

a. Six paid holidays: A through F

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who worked in business less than 5 years.

c. Two paid holidays: C and F.

d. Nine paid holidays: A through F, plus Washington's Brithday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

PAID HOLIDAYS

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

KY-10-LAB-1-M (1-1)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	5.86	.25	.25		
GROUP II	6.01	.25	.25		
GROUP III	6.03	.25	.25		
GROUP IV	6.06	.25	.25		
GROUP V	6.11	.25	.25		
GROUP VI	6.36	.25	.25		
GROUP VII	6.56	.25	.25		
GROUP VIII	7.06	25	.25		

GROUP I
Laborers, carpenters' helpers, concrete men, wreckers, wall men, handlers of empty oxygen and acetylene bottles

GROUP II
Hod carriers, mortar men, cement finishers' helpers, lathers and plasterers' tenders

GROUP III
Wrapping, heating and applying hot and cold tar on all pipes, applying tape on pipes and operating of tester

GROUP IV
Deck hand and scow men

GROUP V
Jackhammer and electrical, gas or air power driven tools, burning torch, wagon drill operators and tile layers, handling of all creosote material, signal man, tool room men, asphalt raker and sandblastere

GROUP VI
Rock and powdermen

GROUP VII
Sand hog or mucker, tunnel miners

GROUP VIII
Caisson workers

KY-1-PEO-1-I

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS A	7.75	.25	.25		
CLASS B	6.11	25	.25		
CLASS C	6.67	.25	.25		

CLASS A
Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant, Clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, dredge operator, dredge engineer, elevating grader and all typss of loaders, hoetype machine, hoisting engine (2 or more drums) locomotive, motor scraper, carry-all scoop, bulldozer, heavy duty welder, mechanic, orangepeel bucket, pile driver, power blade, motor grader, roller (bituminous), ecarifier, shovel, tractor shovel, truck crane, winch truck, push dozer, highlift, forklift (regardless of lift height), all types of boom cats, core drill, hopto, tow or push boat, A-Frame winch truck, concrete paver, gradeall, hoist, hyster, pumpcrete, ross carrier, side boom, tail boom rotary drill, hydro hammer, mucking machine, rock spreader attached to equipment, scoopmobile, KeCal loader, tower cranes (French, German and other types), hydro crane, backfiller, gurries, sub-grader

CLASS B
All air compressors, (600 cu. ft. per min. or greater capacity), bituminous mixer, joint sealing machine, concrete mixer (under 21 cu. ft.), form grader, roller (rock), tractor (50 H. P. and over) bull float, finish machine outboard motor boat, flexoplane, fireman, boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, self propelled compactor, tractair and road widening trencher and farm tractor with attachments except backhoe, highlift and end loader, elevator (regardless of ownership when used for hoisting any building material), hoisting engine (one drum or buck hoist), well points, grout pump, throttle-valve man, tugger, electric vibrator compactor

CLASS C
Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, roller (earth), tamping machine, tractors (under 50 HP), vibrator, oiler, concrete saw, burlap and curing machine, hydro-seeder, power form handling equipment, deckhand oiler, hydraulic post driver, and drill helper

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10-KY-1-I

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	6.60	a	b	c	
GROUP II	6.70	a	b	c	
GROUP III	6.85	a	b	c	
GROUP IV	6.90	a	b	c	
GROUP V	7.25	a	b	c	
GROUP VI	7.00	a	b	c	
GROUP VII	6.95	a	b	c	

GROUP I
Warehousemen, yardmen, truck helpers, pick-ups, station wagons,, panel trucks, Flatbody material trucks (straight jobs), greasers, washers, firemen, gas pump attendants, dump trucks (up to 5 cu. yds.)

GROUP II
Tank Trucks (straight)

GROUP III
Dump trucks (5 cu. yds. or over), semi-dump trucks, semitrailers whether flat, rack or pole & hauling or pushed by trucks or tractors, agitator or mixer trucks (up to 5 cu. yds.), farm type tractors, tank trucks (semi)

GROUP IV
Lowboys trailers, winch trucks, fork trucks, distributors trucks (front and back end), truck cranes, momorail

GROUP V
Euclids, dumpsters, Turnarockers, Ross carriers, Athey wagons or similar equipment, A-Frame, Hydro-lifts, dual purpose trucks & mechanics

GROUP VI
Agitators or mixer trucks (5 cu. yds. & over)

GROUP VII
Material checkers and receivers machanics helpers

FOOTNOTES:
a. $28.50 per month for employees employed over 30 days or more.
b. $26.00 per month for employees employed ovet 30 days or more.
c. Employees working a minimum of 480 hours receive 1 hour pay for each 40 hours worked with limit to 52 hours pay.

SUPERSEDEAS DECISION

STATE: NEW YORK
COUNTY: STEUBEN

DECISION NO.: AR-2069
DATE: DATE OF PUBLICATION

Supersedeas Decision No. AQ-2126 dated June 7, 1974 in 39 FR 20303
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

51-NY-1-2-3-Y 1 of 4

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestor workers	$10.31	.73	.35		.03
Boilermakers	9.45	.50	.85		.02
Bricklayers, cement masons, marble setters, plasterers, stone masons, terrazzo workers, tile setters:					
Twps. of Wayne, Bradford, Campbill, Hornby, Erwin, Corning, Caton, Lindley, Tuscaroo, Thurston, Addison and the eastern portion of Bath Twps., Rathbone and Borden	8.35		.50		
Remainder of County	8.40		.95	a	
Carpenters: Building					
Village of Hammondsport, Pleasent Valley to Reheims, Village of Prattsburgh, Tyrone to Watkins Glen:					
Carpenters	8.30	.40	100+.30		.005
Millwrights and piledrivermen	8.40	.40	100+.30		.005
Heavy and Highway:					
Carpenters and piledrivermen	7.52	.40	100+.25		.025
Building:					
Twps. of Troupsburg, Hartsville, Fremont, Wayland, Jasper, Hornell, City of Hornell, Avoca, Cohocton, Canisteo, Dansville, Howard, Greenwood, W. Union:					
Carpenters, soft floor layers	7.92	.50	.85		.05
Millwrights, piledrivermen	8.17	.50	.85		.05
Heavy and Highway:					
Carpenters	7.87	.50	.85		.025
Building:					
Remainder of County:					
Carpenters and soft floor layers	7.91	.40	.85		.02
Millwrights and piledrivermen	8.16	.40	.85		.02
Heavy and Highway:					
Carpenters	7.97	.40	.85		.025

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cement Masons, heavy & highway:					
Twps. of Wayne, Bradford, Campbell, Hornby, Erwin, Corning, Caton, Lindley, Tuscarora, Thurston, Addition and eastern portion of Bath Twps., Rathbone and Borden	$ 8.20		.30		
Remainder of County	8.35	.25	.50		
Electricians	10.00	.50	1% + .50	b	.05
Glaziers	6.83	.35	.30		.01
Ironworkers, structural, ornamental and reinforcing:					
Twps. of Wayland, Chocton, Atlantic and S. Dansville	9.63	.52	.57		
Remainder of County	8.68	.45	.57		.03
Laborers, Building:					
Laborers	5.85	.35	.25		
Mortar mixer (hand or machine for 3 or more men), jackhammer, pavement breakers, pipelayers (over 6"), gin buggy, work on scaffold, chain saw op., and all other gas, electric and air tools	6.05	.35	.25		
Lathers	8.33		.20		.01
Lead burners	9.25	.35		o	.01
Line Construction:					
Linemen	9.33	.50	1% + .40	d	3/8%
Cable splicer	10.08	.50	1% + .40	d	3/8%
Groundman digging machine op.	8.80	.50	1% + .40	d	3/8%
Groundmen mobile equipment op.	8.30	.50	1% + .40	d	3/8%
Groundmen truck drivers & machine	7.90	.50	1% + .40	d	3/8%
Groundmen dynamite man	8.30	.50	1% + .40	d	3/8%

XUM

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Fr.
Painters:					
Twps. of Cameron, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison and Rathbone:					
Painters	$ 5.45	.25	.25		
Swing scaffold, boatswain chair, bridges, structural steel under 35'	5.80	.25	.25		
Structural steel over 35' and spray	6.15	.25	.25		
Remainder of County:					
Painters	8.655	.325	.75		.10
Swing stage, sandblasting, spray, scaffold work, bosun chair	8.905	.525	.75		.10
Steel, tanks, towers, stacks, flag poles and radio-TV-towers	9.515	.525	.75		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.75		.10
Plumbers and Steamfitters:					
Twps. of Corning, Addison, Cameron, Mills, Horby, Caton, Lindley, Tuscarora, Rathbone, Thurston, Campbell, Bradford, part of Wayne, Reuka, Urbana, Bath including the Veterans facility Hornell and vicinity	7.32	.30	.20	25+e	.03
Remainder of County	7.69	.31	.45		.05
Roofers	8.00	.44	.59		
Sheet metal workers	8.14	.46	.60		
Sprinkler fitters	9.60	.50	.70		.08
Truck drivers, Building:					
Twps. of Wayland	7.67	.30	.25		
Twps. of Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Camero, Thurston, Campbell, Urbana, Hornley, Bradford and Wayne	5.40	f		g	
Welders - receive rate prescribed for craft performing operation to which welding is incidential					

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays, A through F providing the employee works the day before and after the holiday.

b. Four hours with pay Christmas Day providing the employee has worked the previous four hours.

c. Paid Holidays, A through F, Washington's Birthday, Good Friday and Christmas Eve providing the employee has worked 45 full days during the 120 calendar day year prior to the holiday and the regular scheduled work days immediately preceding and following the holiday

d. Paid Holidays A through F, Washington's Birthday; Election Day for the President of the U. S. and Governor of New York State (provided the employee works the day before and after the holiday.

e. Paid Holidays A through F and two hours off with pay on Election Day for the President of the U. S. and Governor of New York State.

f. Employer contributes $2.40 per day to a combined Heath, Welfare and Pension fund.

g. Paid Holidays A through F.

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
REMAINDER OF COUNTY:						
TRUCK DRIVERS:						
Warehouse, yardmen, truck helper, pickups, panel trucks, flatboy, material trucks (straight jobs), single axel, dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic-helpers, parts chaser	$7.48	.45	.40	a		
Tandems and batch trucks, mechanics, dispatcher	7.53	.45	.40	a		
Semi-trailers, lowboy trucks, asphalt distributor trucks and agitator, mixer trucks, dumpcrete type vehicles, truck mechanic	7.58	.45	.40	a		
Specialized earth moving equipment-euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier	7.73	.45	.40	a		
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self-loaded	7.92	.45	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employee who have worked 150 days or more in the first contract year receive 2 weeks with pay at classification at which they worked the greatest number of days, second year of employment the employee is required to work 100 days in the contract year to receive 2 weeks vacation.

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I: Cranes:
A. 121 ft. & under
B. Between 121 - 151 ft.
C. Between 151 - 201 ft.
D. Between 201 - 251 ft.
E. Between 251 - 301 ft.
F. Between 301 - 351 ft.
G. Between 351 - 401 ft.
H. Betweeb 401 - 451 ft.

GROUP II: Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use.),

GROUP III: "A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity, three (3) or less with more than 1200 c.f.m., but not to exceed 200 c.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less), (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), Motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone orusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system,

GROUP IV: Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, Fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F; providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the holiday.

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Twps. of Camerton, Bath, Thurston, Bradford, Campbell, Erwin, Lindley, Hornby, Corning City, Caton, Addison and Rathbone:					
Painters	$ 5.45	.25	.25		
Swing scaffold, boatswain chair, bridges, structural steel under 35'	5.80	.25	.25		
Structural steel over 35' and spray	6.15	.25	.25		
Remainder of County:					
Painters	8.655	.325	.75		.10
Swing stage, sandblasting, spray, scaffold work, bosun chair	8.905	.525	.75		.10
Steel, tanks, towers, stacks, flag poles and radio-TV-towers	9.515	.525	.75		.10
Bridges 35' high or in depth of 35' from road level	10.32	.525	.75		.10
Plumbers and Steamfitters:					
Twps. of Corning, Addition, Cameron, Mills, Horby, Caton, Lindley, Tuscarora, Rathbone, Thurston, Campbell, Bradford, part of Wayne, Reuka, Urbana, Bath including the Veterans facility Hornell and vicinity	7.32	.30	.20	25+e	.03
Remainder of County	7.69	.31	.45		.05
Roofers	8.00	.44	.59		
Sheet metal workers	8.14	.46	.60		.08
Sprinkler fitters	9.60	.50	.70		
Truck drivers, Building:					
Twps. of Wayland	7.67	.30	.25		
Twps. of Addison, Corning, Bath, Hammondsport, Caton, Lindley, Tuscarora, Woodhull, Erwin, Rathbone, Camero, Thurston, Campbell, Urbana, Hornley, Bradford and Wayne	5.40	f		8	
Welders - receive rate prescribed for craft performing operation to which welding is incidental					

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Paid Holidays, A through F providing the employee works the [illegible] after the holiday.

b. Four hours with pay Christmas Day if [illegible] previous four hours.

c. Paid Holidays A through E, [illegible] Five percent for employees who worked [illegible] days year prior to the holiday [illegible] preceding and [illegible] the [illegible].

d. Paid Holidays A through E, [illegible] President of the U.S. and [illegible] employee works the day before and [illegible].

e. Paid Holidays A through E and two [illegible] the President of the U.S. and Governor [illegible].

f. Employer contributes $2.40 per day to [illegible] fund.

g. Paid Holidays A through E.

NOTICES

NY-6-TD-1-A

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
REMAINDER OF COUNTY:						
TRUCK DRIVERS:						
Warehouse, yardmen, truck helper, pickups, panel trucks, flatboy, material trucks (straight jobs), single axel, dump trucks, dumpsters, material checkers and receivers, greasers, truck tiremen, mechanic-helpers, parts chaser	$7.48	.45	.40	a		
Tandems and batch trucks, mechanics, dispatcher	7.53	.45	.40	a		
Semi-trailers, lowboy trucks, asphalt distributor trucks and agitator, mixer trucks, dumpcrete type vehicles, truck mechanic	7.58	.45	.40	a		
Specialized earth moving equipment-euclid type or similar off-highway equipment, where not self loaded, and straddle (ross) carrier	7.73	.45	.40	a		
Off-highway tandem back-dump, twin engine equipment and double hitched equipment where not self-loaded	7.92	.45	.40	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employee who have worked 150 days or more in the first contract year receive 2 weeks with pay at classification at which they worked the greatest number of days, second year of employment the employee is required to work 100 days in the contract year to receive 2 weeks vacation.

NEW YORK-25-PSO-1-A 1 of 2

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS

GROUP I: Cranes:
A. 121 ft. & under
B. Between 121 - 151 ft.
C. Between 151 - 201 ft.
D. Between 201 - 251 ft.
E. Between 251 - 301 ft.
F. Between 301 - 351 ft.
G. Between 351 - 401 ft.
H. Between 401 - 451 ft.

GROUP II: Air tugger, backhoe, clamshell, dragline, shovel and similar machines over three eighths (3/8) cu. yd. capacity (factory rating), big generator plant, bridge crane (all types), cableway, caisson auger & similar type machine, climbing and/or tower crane (all kinds and all types), derrick, dredge, forklift (with factory rating of fifteen (15) ft. or more of lift) hoist (on steel erection), mucking machine, Ross Carrier (and similar types), three drum hoist (when all drums are in use.),

GROUP III: "A" Frame truck, back filling machine, Barber Green and similar type loader, belt crete and similar type machine, bituminous spreading machine, bulldozer, carry-all type scraper, compressors; four (4) not to exceed 2000 c.f.m. combined capacity, three (3) or less with more than 1200 c.f.m., but not to exceed 200 o.f.m., concrete mixer, concrete pump, core drill, crane-hoe-shovel (3/8 yd. capacity or less), (factory rating), dinky locomotive (all types), elevating type grader, elevator, fine grade machine (all kinds), front end loader, forklift (with factory rating of less than (15) fifteen ft. of lift.), high pressure boiler (over 15 pounds pressure), hoist (1 or 2 drums), Motor grader, maintenance engineer post hole digger, sheepsfoot roller, side boom, stone crusher, submersible Electric Pump, when used in lieu of well point system, tandem roller, Tournedozer and similar types, tournapull, tower mobile and similar kinds trenching machine, vibratory type roller and similar equipment of all kinds, welder, well drill, well point system,

GROUP IV: Any combination (not to exceed three (3) pieces of equipment) pumps, welding machines or mechanical conveyors, (over 12 ft. in length), belt crete generator, compressors - 3 or less not to exceed 1200 c.f.m. combined capacity, Fireman, longitudinal float, mechanical heater, roller (fill and grade), rubber tired tractor, oilers

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays A through F; providing employee works the working day immediately preceding the Holiday, or on the scheduled work day immediately following the [illegible].

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NEW YORK-25-PEO-1-A 2 of 2

BUILDING CONSTRUCTION, POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$ 9.57	.40	.70	a	.10
A	9.85	.40	.70	a	.10
B	10.12	.40	.70	a	.10
C	10.40	.40	.70	a	.10
D	10.95	.40	.70	a	.10
E	11.51	.40	.70	a	.10
F	12.05	.40	.70	a	.10
G	12.61	.40	.70	a	.10
H	9.57	.40	.70	a	.10
GROUP II	9.38	.40	.70	a	.10
GROUP III	8.245	.40	.70	a	
GROUP IV					

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N.Y.-13-LAB-2-3-H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Laborers and driller helpers	$6.85	.45	.45	a	
Concrete aggregate-bin, mortar mixer, hand or machine vibrator gin buggy, mason tenders, concrete toothmen, chain saw, jackhammer, pavement breaker and all other gas, electric oil and air-tool operators, bull float tamper, pipelayers	7.05	.45	.45	a	
Drillers, asphalt rakers, stone or granite curb setters and acetylene torch operator	7.25	.45	.45	a	
Blasters, form setters, stone or granite curb setters	7.45	.45	.45	a	

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays A through F, providing the employee works the day before and after the holiday.

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NY-23-PEO-2-3-A
1 of 2

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or male, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 165), concrete pump (under 8"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean sorsen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/ welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (165 and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power hoaterman, revinius widener, shell winder, steam cleaner, tractor

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NY-23-PEO-2-3-A
2 of 2

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to a Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

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N.Y. 1-TD-2-3 - H

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVER:						
Warehouse, yardmen, truck helpers, pick-ups, panel trucks, flatbody material trucks (straight jobs), single axle dump, dumpsters, material checkers and receivers, greasers, fireman, mechanic helpers and parts chaser	$ 6.90	.50	.45	a		
Tandems and batch trucks, mechanics dispatcher	6.95	.50	.45	a		
Semi-trailers, lowboy trucks asphalt distributor, agitator, mixer trucks and dumpcrete type vehicles	7.00	.50	.45	a		
Specialized earth moving equipment, Euclid type or similar off-highway equipment, where not self-loaded	7.15	.50	.45	a		
Off-highway tandem back dump, twin engine equipment and double hitched equipment where not self-loaded	7.30	.50	.45	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, provided employee has worked the working day before and the working day after the holiday.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO.: AR-2071
COUNTY: NIAGARA
DATE: Date of Publication
Supersedes Decision No. AR-2061 dated October 11, 1974 in 39 FR 36784
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction.

32-New York-1-2-3-Y 1 of 3

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.21	.67	.55		.04
Boilermakers	9.45	.50	.85		.02
Bricklayers:					
North Tonawanda:					
Bricklayers & stone masons	9.79	.55	1.00		.01
Terrazzo workers & tile setters	9.41	.55	1.00		
Marble setters	9.505	.55	1.00		
Remainder of County:					
Bricklayers & stone masons	9.57	.42	.52		
Marble masons, terrazzo works & tile setters	9.33	.42	.52		
Carpenters: Building					
North Tonawanda:					
Carpenters and millwrights	8.78	1.25	1.10		
Soft floor layers	8.20	1.25	1.10		
Remainder of County:					
Carpenters & soft floor layers	8.95	1.10	.70		.02
Millwrights	9.05	1.10	.70		.02
Carpenters, Heavy & Highway					
North Tonawanda:					
Carpenters, piledrivermen	6.87	1.25	1.10		.025
Remainder of County:					
Carpenters & Piledrivermen	7.42	1.10	.70		.02
Cement masons	9.07		.25+.56		
Electricians:					
Electricians	10.78	.35+.20	1%+.30		½ of 1%
Cable splicers	11.28	.35+.20	1%+.30		½ of 1%
Elevator constructors	10.215	.445	.29	3%+a+b	.02
Elevator constructors' helpers	7.15	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	5.11				
Glaziers	8.64	.50	.90		.05
Ironworkers:					
Structural, ornamental & reingorcing	9.16	.51	.40		.01
Lathers	9.625		.20		.01
Lead burners	9.25	.35		c	.01

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32-New York-1-2-3-Y 2 of 3

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Linemen:					
Linemen	$ 9.79	.50	1%+.50	d	3/8%
Groundman digging machine operator	9.17	.50	1%+.50	d	3/8%
Groundman mobile equipment op operator	8.30	.50	1%+.50	d	3/8%
Groundman truck driver and mechanic	7.90	.50	1%+.50	d	3/8%
Groundman dynamite man	8.30	.50	1%+.50	d	3/8%
Cable splicer	10.54	.50	1%+.50	d	3/8%
Marble, tile and terrazzo workers' helpers	7.36	.40	1.40		
Painters:					
Twps., of Somerset, Hartland, Royalton, Newfane, Lockport, Pendleton and the eastern half of Cambria and Wilson:					
Brush	8.125	.525+.45	.30		.10
Steel, tanks, towers, stacks, flag poles, radio TV towers	8.625	.525+.45	.30		.10
Sandblasting, swing stage spray, bosun chair	8.375	.525+.40	.30		.10
Bridges 35' high or in depth of 35' from road level	9.71	.525+.40	.30		.10
Remainder of County:					
Brush	6.945	.525+.40	.30		.10
Spray, steel steeple jack, swing scaffold	7.345	.525+.40	.30		.10
Bridge-crossing the Niagara River	9.86	.525+.40	.30		.10
Piledrivermen:					
Piledrivermen, dick carpenters and drovers' tenders	8.50	1.05	1.00		
Drivers	15.84	1.05	1.00		
Plasterers	9.91				
Plumbers and Steamfitters	10.30	.575	.60		.025
Roofers:					
Composition, damp, waterproofers sprayers, asphalt mastic, wood block floor workers, steen roofers & siders	8.12	1.09	1.10		.02

MICROFILMED BY UNIVERSITY MICROFILMS INC. ANN ARBOR MICHIGAN

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Slate, tile, asbestos & pre-cast	$ 8.27	1.09	1.10		.02
Sheet metal workers, commercial	9.98	.40	.95		.08
Sprinkler fitters	10.34	.50	.70		.06
Truck Drivers:					
Building, heavy & highway:					
Contractor drivers	8.695	.50	.55	e + f	
Ready mix	7.965	.50	.55	e + f	
Dump	7.925	.50	.55	e + f	
Welders-Craft Rate					

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F.

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% basic hourly rate after 6 months to 5 years of service as Vacation Pay Credit.

c. Holidays: A through F; Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

d. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York State (provided employee works the day before and after the holiday.

e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 years, 7 days vacation; up to 2 weeks maximum vacation after completion of the 5th year. full vacations are earned by a driver who works 1040 hours or more in the calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.

f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Building, Heavy, Highway & Airport Construction:					
Laborers	$7.03	.60	1.45		
Form setter, wagon drill opr., road finishers, blasters, gunite nozzlemen, operator of concrete saw burning torch	7.53	.60	1.45		
Pipelayers, pavement breakers or busters, jackhammer operators, Barco rammers, chain-saw, powder monkey, black top rakers, scalers, drill helpers mortar mixers, swing scaffold, bosun chair, suspended cage or bucket, caissons below 8 ft. concrete motor buggy, all other operators of mechanical tools, including vibrators regardless of type of power	7.23	.60	1.45		
Rock Tunnel Free Air:					
Driller, shaft driller	7.38	.60	1.45		
Chucker, mucking machine tender, shaft mucker	7.28	.60	1.45		
Nipper, car pusher-tramer, -track gang, bull gang, cage man, concrete gang, powder monkey	7.23	.60	1.45		
Blasters, burning torch on demolition	7.53	.60	1.45		
Rodman	7.63	.60	1.45		

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Road rollers (over 7 tons) when used on blacktop, crane work, shovels, derricks, steel erection, overhead or bridge cranes and clam buckets, all excavating machines, trenchers, backfillers, cableways, draglines, backhoes, piledriving rigs, post drivers (except truck mounted), concrete mixer one yard and over, tunnel mucking machines, all tractors used in connection with scoper wagons, snowloader, all repair work or maintenance work under the supervision of a master mechanics, lubrication engineers, winch tractors, bulldozers, graders, blacktop spreaders, air-hoist commonly known as air tuggers when hoisting materials provided an engineer operates both machines and also provided the compressor and tugger are not separated by more than one hundred feet, front and back loaders (except small types), power driver stone spreaders, portable stone crushers, crawler or rubber tire tractor with blade or bucket and crane boom or hoe boom or shovel boom attached (except farm typed crawler or rubber tire tractor unless used with hydraulic backhoe), compressor with paving breaker attached, graders with bulldozer blades, multiple drum hoist with air compressor when used simultaneously and for any make portable concrete batching machine, automatic batch plant op., concrete spreader op., finishing machine op., form puller, self propelled rollers if on blacktop, scraper, either double or single bowl, CMI grading machine, truck mounted concrete pump, self-propelled riding vibrators, hydraulic concrete joint jammer, Rolman loaders, concrete planers, mechanic, wilder, euclid type belt loaders, mechanical and hydraulic pipe pushing machine, scoop-mobiles, fortlifts and hoist which lift higher than 25 feet.

GROUP II: Elevators, material hoist, road rollers except as prescribed in group I, tractors, pavement busters, jeep trenches, pumps over 4 inches, concrete blowers, air compressors over 165 cubic ft., compressors when used in banks of (2) and not over (3) within a 50 foot radius if such is possible, but atleast within a 100 foot radius, and if fuel is stored it will be stored within the same radius, gunite machines, locomotives, scoop-mobiles (when used as a stationary hoist or one which does not lift over twenty five feet, concrete pumps, conveyors, gas or diesel driven temporary lighting and power systems of 25 kilowatt capacity or over, stone crushers and winch hoist mounted on trucks, all earth drills, le tourneau turnatrailers, highlift hoist which does not lift over 25 feet, gasoline heaters used in banks of (2) and not over (3) within an area of 100 foot radius, and for (2) but not over (3) gasoline or diesel driven welding machines, trenchers on the back of a jeep, small trenchers which excavate to a depth of not more than 4 feet, truck mounted post drivers, snow-go, small front and back loaders, small type crawler or rubber tire tractor with blade or bucket not to exceed ½ yd. capacity, single drum hoist for hoisting materials other than steel, pug machine, pin puller, self propelled rollers not on blacktop and under 7 tons, bobcat loader or forklift which does not lift over twenty five feet.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP III: Oilers on (shovels, cranes, draglines, backhoes (over 3/4 cu. yds.) dredges, derrick boats, pavers (excluding stationary set-ups), trenching machines, pile drivers, quarry master (or its equivalent), hydrcranes, automated batch plants (wet or dry mix plants), compressors (165 cu. ft. per minute or under), pumps up to and including 4 inches.

GROUP IV: A truck crane oiler will be provided on rubberized equipment, when there is a separate cab to the house

GROUP V: Steam Boiler Operator

Building, Heavy & Highway Construction Power Equipment Operators	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.47	.40	.40+.40	a	.10
GROUP II	8.90	.40	.40+.40	a	.10
GROUP III	7.96	.40	.40+.40	a	.10
GROUP IV	8.15	.40	.40+.40	a	.10
GROUP V	8.60	.40	.40+.40	a	.10

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F; (providing employee works the day before and the day after the holiday.

MXUM

SUPERSEDEAS DECISION

STATE: Texas

COUNTIES: Dimmit, Jim Hogg, LaSalle, Maverick, Webb, Zapata & Zavala

DECISION NO.: AR-70

DATE: Date of Decision

Supersedes Decision No. AQ-113, dated June 21, 1974, in 39 FR 22361.

DESCRIPTION OF WORK: Building (Including Residential) Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
AIR CONDITIONING MECHANIC	$4.45				
BRICKLAYERS	4.85				
CARPENTERS	3.70				
CEMENT MASONS	3.20				
ELECTRICIANS	4.20				
GLAZIERS	3.14				
IRONWORKERS	2.60				
LABORERS:					
Laborers	2.00				
Asphalt rakers	2.25				
Mason tenders	2.70				
PAINTERS, BRUSH	4.30				
PLUMBERS & PIPEFITTERS	4.35				
ROOFERS:					
Roofers	4.00				
Kettlemen	2.90				
SHEET METAL WORKERS	4.33				
SOFT FLOOR LAYERS	4.30				
TRUCK DRIVERS	2.90				
POWER EQUIPMENT OPERATORS:					
Asphalt finishers	2.50				
Backhoes	2.50				
Bulldozers	2.50				
Cranes	2.70				
Front end loaders	2.50				
Motor graders	2.75				
Rollers	2.40				
Scrapers	3.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

[FR Doc.74-25348 Filed 10-31-74;8:45 am]

Employment Standards Administration

INDEX TO GENERAL WAGE DETERMINATION DECISIONS AND MODIFICATIONS AS OF OCTOBER 4, 1974

There is set forth below an index to general wage determination decisions and modifications as published in the FEDERAL REGISTER pursuant to the Davis-Bacon and related Acts. The index lists general wage determination decisions and modifications by State and county. An updated index is published on the first Friday of each month.

The index is published for the convenience of the public and the Department of Labor will endeavor to keep it accurate and up to date. In the event the data in the index and published general decisions do not coincide, the published general decisions shall control.

ABBREVIATIONS

(B)—Building Construction
(D)—Dredging Construction
(F)—Flood Control Construction
(H)—Heavy Construction
(Hw)—Highway Construction
(R)—Residential Construction
Mod.—Modification
(HE)—Heavy Engineering
(LE)—Light Engineering
(U)—Utility
(S)—Streets
(W&S)—Water and Sewer Lines

Signed at Washington, D.C., this 25th day of October 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

ALABAMA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4088 (Hw)(Excluding Airport Construction)
39 FR 10085 - 3/15/74
AUTAUGA COUNTY
(D) - See Statewide
(Hw) - See Statewide
BALDWIN COUNTY
Decision #AQ-4060 (R)
39 FR 3374 - 1/25/74
(Hw) - See Statewide
BARBOUR COUNTY
(D) - See Statewide
(Hw) - See Statewide
BIBB COUNTY
(D) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
Decision #AM-448 (R)
36 FR 16359 - 8/20/71
(D) - See Statewide
(Hw) - See Statewide
BULLOCK COUNTY
(D) - See Statewide
(Hw) - See Statewide
BUTLER COUNTY
(D) - See Statewide
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(D) - See Statewide
CHAMBERS COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHEROKEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHILTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
CHOCTAW COUNTY
(D) - See Statewide
(Hw) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

CLAY COUNTY
(D) - See Statewide
(Hw) - See Statewide
CLEBURNE COUNTY
(D) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
COLBERT COUNTY
Decision #AR-4015 (B)
39 FR 28772 - 8/9/74
Mod. #1 - 39 FR 33147 - 9/13/74
(Hw) - See Statewide
(D) - See Statewide
CONECUH COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Baldwin County
COOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
COVINGTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
CRENSHAW COUNTY
(D) - See Statewide
(Hw) - See Statewide
CULLMAN COUNTY
(D) - See Statewide
(Hw) - See Statewide
DALE COUNTY
(D) - See Statewide
(Hw) - See Statewide
DALLAS COUNTY
(D) - See Statewide
(Hw) - See Statewide
DE KALB COUNTY
(D) - See Statewide
(Hw) - See Statewide
ELMORE COUNTY
(D) - See Statewide
(Hw) - See Statewide
ESCAMBIA COUNTY
(D) - See Statewide
(Hw) - See Statewide
ETOWAH COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

FAYETTE COUNTY
(D) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(Hw) - See Statewide
GENEVA COUNTY
(D) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(D) - See Statewide
(Hw) - See Statewide
HALE COUNTY
(D) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(Hw) - See Statewide
JEFFERSON COUNTY
Decision #AR-4043 (B)
39 FR 35918 - 10/4/74
(D) - See Statewide
(R) - See Blount County
(Hw) - See Statewide
LAMAR COUNTY
(D) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(B) - See Colbert County
(D) - See Statewide
(Hw) - See Statewide
LAWRENCE COUNTY
Decision #AR-4033 (B)
39 FR 33145 - 9/13/74
Mod. #1 - 39 FR 35903 - 10/4/74
(D) - See Statewide
(Hw) - See Statewide
LEE COUNTY
(D) - See Statewide
(Hw) - See Statewide
LIMESTONE COUNTY
(B) - See Lawrence County
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (cont'd)

LOWNDES COUNTY
(D) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(D) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARENGO COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(Hw) - See Statewide
MARSHALL COUNTY
(D) - See Statewide
(Hw) - See Statewide
MOBILE COUNTY
Decision #AR-4020 (B)
39 FR 30671 - 8/23/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 35903 - 10/4/74
(Hw) - See Statewide
(D) - See Statewide
(R) - See Baldwin County
MONROE COUNTY
(D) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
Decision #AP-184 (B)
38 FR 11244 - 5/4/73
Mod. #1 - 38 FR 13103 - 5/18/73
Mod. #2 - 39 FR 24781 - 7/5/74
Decision #AQ-4082 (R)
39 FR 8100 - 3/1/74
(D) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(B) - See Lawrence County
(D) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(D) - See Statewide
(Hw) - See Statewide
PICKENS COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALABAMA (Cont'd)

PIKE COUNTY
(D) - See Statewide
(Hw) - See Statewide
RANDOLPH COUNTY
(D) - See Statewide
(Hw) - See Statewide
RUSSELL COUNTY
(D) - See Statewide
(Hw) - See Statewide
SAINT CLAIR COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
SHELBY COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
SUMTER COUNTY
(D) - See Statewide
(Hw) - See Statewide
TALLADEGA COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Blount County
TALLAPOOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
TUSCALOOSA COUNTY
(D) - See Statewide
(Hw) - See Statewide
Decision #AQ-4125 (B)
39 FR 20911 - 6/14/74
Mod. #1 - 39 FR 33147 - 9/13/74
WALKER COUNTY
(D) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Statewide
(Hw) - See Statewide
(R) - See Baldwin County
WILCOX COUNTY
(D) - See Statewide
(Hw) - See Statewide
WINSTON COUNTY
(D) - See Statewide
(Hw) - See Statewide

ALASKA

STATEWIDE
Decision #AR-1000 (B,H,Hw,D,R)
39 FR 24788 - 7/5/74

ARIZONA

STATEWIDE
Decision #AR-1008 (B,H,Hw)
39 FR 28773 - 8/9/74
Mod. #1 - 39 FR 33147 - 9/13/74
Mod. #2 - 39 FR 35903 - 10/4/74
APACHE COUNTY
Decision #AQ-1086 (R)
(Navajo and Hopi Indian Reservations Only)
39 FR 6987 - 2/22/74
(B,H,Hw) - See Statewide
COCHISE COUNTY
(B,H,Hw) - See Statewide
COCONINO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
GILA COUNTY
(B,H,Hw) - See Statewide
GRAHAM COUNTY
(B,H,Hw) - See Statewide
GREENLEE COUNTY
(B,H,Hw) - See Statewide
MARICOPA COUNTY
(B,H,Hw) - See Statewide
Decision #AR-1009-(R)
39 FR 28781 - 8/9/74
Mod. #1 - 39 FR 31772 - 8/30/74
Mod. #2 - 39 FR 33148 - 9/13/74
MOHAVE COUNTY
(B,H,Hw) - See Statewide
NAVAJO COUNTY
(B,H,Hw) - See Statewide
(R) - See Apache County
PIMA COUNTY
Decision #AR-1010 (R)
39 FR 28787 - 8/9/74
Mod. #1 - 39 FR 33149 - 9/13/74
(B,H,Hw) - See Statewide
PINAL COUNTY
(B,H,Hw) - See Statewide
SANTA CRUZ COUNTY
(B,H,Hw) - See Statewide
YAVAPAI COUNTY
(B,H,Hw) - See Statewide
YUMA COUNTY
(B,H,Hw) - See Statewide

ARKANSAS

STATEWIDE
Decision #AQ-89 (Construction, Alteration, and/or repair of streets, highways, runways, and Water & Sewer Utilities)
39 FR 11822 - 3/29/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARKANSAS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15603 - 5/3/74
ASHLEY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BAXTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
BENTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
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BOONE COUNTY
(H,Hw) - See Statewide
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BRADLEY COUNTY
(H,Hw) - See Statewide
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CALHOUN COUNTY
(H,Hw) - See Statewide
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CARROLL COUNTY
(H,Hw) - See Statewide
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CHICOT COUNTY
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ARKANSAS (Cont'd)

CLARK COUNTY
(H,Hw) (D) - See Statewide
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CLAY COUNTY
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CLEBURNE COUNTY
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CLEVELAND COUNTY
(H,Hw) - See Statewide
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(F) - See Arkansas County
COLUMBIA COUNTY
(H,Hw) - See Statewide
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CONWAY COUNTY
(H,Hw) - See Statewide
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CRAIGHEAD COUNTY
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CRAWFORD COUNTY
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CRITTENDEN COUNTY
(H,Hw) - See Statewide
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GROSS COUNTY
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(F) - See Arkansas County
DALLAS COUNTY
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DESHA COUNTY
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ARKANSAS (Cont'd)

DREW COUNTY
(H,Hw) - See Statewide
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(F) - See Arkansas County
FAULKNER COUNTY
(H,Hw) - See Statewide
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FRANKLIN COUNTY
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FULTON COUNTY
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GARLAND COUNTY
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GRANT COUNTY
(H,Hw) - See Statewide
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GREENE COUNTY
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HEMPSTEAD COUNTY
(H,Hw) - See Statewide
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HOT SPRING COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
HOWARD COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
INDEPENDENCE COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County
IZARD COUNTY
(H,Hw) (D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd.)

JACKSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
JEFFERSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LAFAYETTE COUNTY
(H,Hw) - See statewide
(D) - See Statewide
(F) - See Arkansas County
LAWRENCE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LEE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LINCOLN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LITTLE RIVER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LOGAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
LENOKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MADISON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MARION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (Cont'd)

MILLER COUNTY
(H,Hw) - See Statewide
(D) - see Statewide
(F) - See Arkansas County
MISSISSIPPI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONROE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
MONTGOMERY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
NEVADA COUNTY
(D) - See Statewide
(H,Hw) - See Statewide
(F) - See Arkansas County
NEWTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - Arkansas County
OUACHITA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PERRY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PHILLIPS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PIKE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POINSETT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
POLK COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

ARKANSAS (CONT'D)

POPE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PRAIEIE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
PULASKI COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
Decision #AR-33 (B)
39 FR 31784 - 8/30/74
Decision #AP-356 (R)
37 FR 23489 - 11/3/72
RANDOLPH COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
ST. FRANCIS COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SALINE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SCOTT COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEARCY COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SEBASTIAN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
SEVIER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
SHARP COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

XUM

ARKANSAS (CONT'D)

STONE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
UNION COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
Decision #AQ-110 (B)
39 FR 18410 - 5/24/74
Mod. #1 - 39 FR 20913 - 6/14/74
Mod. #2 - 39 FR 31772 - 8/30/74
Mod. #3 - 39 FR 34910 - 9/27/74
VAN BUREN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WASHINGTON COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WHITE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
WOODRUFF COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County
YELL COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Arkansas County

CALIFORNIA

ALAMEDA COUNTY
Decision #AR-1037 (B,H,Hw,D)
39 FR 34930 - 9/27/74
Mod. #1 - 39 FR 35916 - 10/4/74
Decision #AR-1038 (R)
39 FR 34945 - 9/27/74
Mod. #1 - 39 FR 35917 - 10/4/74
ALPINE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
AMADOR COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
BUTTE COUNTY
(B,H,Hw,D) - See Alameda County
CALAVERAS COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
COLUSA COUNTY
(B,H,Hw,D) - See Alameda County
CONTRA COSTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
DELNORTE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
EL DORADO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
FRESNO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
GLENN COUNTY
(B,H,Hw,D) - See Alameda County
HUMBOLDT COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
IMPERIAL COUNTY
Decision #AQ-1094 (B,H,Hw,D)
39 FR 11004 - 3/22/74
Mod. #1 - 39 FR 13409 - 4/12/74
Mod. #2 - 39 FR 16985 - 5/10/74
Mod. #3 - 39 FR 17651 - 5/17/74
Mod. #4 - 39 FR 24781 - 7/5/74
Decision #AQ-1095 (R)
39 FR 11013 - 3/22/74
Mod. #1 - 39 FR 13409 - 4/12/74
Mod. #2 - 39 FR 16986 - 5/10/74
Mod. #3 - 39 FR 17652 - 5/17/74
Mod. #4 - 39 FR 24781 - 7/5/74
INYO COUNTY
(B,H,Hw,D) - See Imperial County
KERN COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

KING COUNTY
(B,H,Hw,D) - See Alameda County
LAKE COUNTY
(B,H,Hw,D) - See Alameda County
LASSEN COUNTY
(B,H,Hw,D) - See Alameda County
LOS ANGELES COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
MADERA COUNTY
(B,H,Hw,D) - See Alameda County
MARIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MARIPOSA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MENDOCINO COUNTY
(B,H,Hw, D) - See Alameda County
MERCED COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
MODOC COUNTY
(B,H,Hw,D) - See Alameda County
MONO COUNTY
(B,H,Hw,D) - See Imperial County
MONTEREY COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NAPA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
NEVADA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
ORANGE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
PLACER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
PLUMAS COUNTY
(B,H,Hw,D) - See Alameda County
RIVERSIDE COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SACRAMENTO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BENITO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN BERNARDINO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN DIEGO COUNTY
Decision #AQ-1092 (B,H,Hw,D)
39 FR 10086 - 3/15/74
Mod. #1 - 39 FR 17651 - 5/17/74

CALIFORNIA (Cont'd.)

SAN DIEGO COUNTY (Cont'd.)
Decision #AQ-1093 (R)
39 FR 10092 - 3/15/74
Mod. #1 - 39 FR 17651 - 5/17/74
SAN FRANCISCO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN JOAQUIN COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SAN LUIS OBISPO COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SAN MATEO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA BARBARA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County
SANTA CLARA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SANTA CRUZ COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SHASTA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SIERRA COUNTY
(B,H,Hw,D) - See Alameda County
SISKIYOU COUNTY
(B,H,Hw,D) - See Alameda County
SOLANO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
SONOMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
STANISLAUS COUNTY
(B,H,Hw,D) - See Alameda County
SUTTER COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TEHAMA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
TRINITY COUNTY
(B,H,Hw,D) - See Alameda County
TULARE COUNTY
(B,H,Hw,D) - See Alameda County
TUOLUMNE COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
VENTURA COUNTY
(B,H,Hw,D) - See Imperial County
(R) - See Imperial County

CALIFORNIA (Cont'd)

YOLO COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County
YUBA COUNTY
(B,H,Hw,D) - See Alameda County
(R) - See Alameda County

COLORADO

STATEWIDE
Decision #AR-1022 (Hw)
39 FR 30673 - 8/23/74
Mod. #1 - 39 FR 34910 - 9/27/74
ADAMS COUNTY
Decision #AR-1032 (B,H)
39 FR 34957 - 9/27/74
(Hw) - See Statewide
Decision #AQ-1099 (R)
39 FR 14123 - 4/19/74
ALAMOSA COUNTY
(Hw) - See Statewide
ARAPAHOE COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
ARCHULETA COUNTY
(Hw) - See Statewide
BACA COUNTY
(Hw) - See Statewide
BENT COUNTY
(Hw) - See Statewide
BOULDER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
CHAFFEE COUNTY
(Hw) - See Statewide
CHYENNE COUNTY
(Hw) - See Statewide

COLORADO (cont'd)

CLEAR CREEK
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
CONEJOS COUNTY
(Hw) - See Statewide
COSTILLA COUNTY
(Hw) - See Statewide
CROWLEY COUNTY
(Hw) - See Statewide
CUSTER COUNTY
(Hw) - See Statewide
DELTA COUNTY
(Hw) - See Statewide
DENVER COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
DOLORES COUNTY
(Hw) - See Statewide
DOUGLAS COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EAGLE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
EL PASO COUNTY
(Hw) - See Statewide
Decision #AR-1033 (B,H)
39 FR 34976 - 9/27/74
FREMONT COUNTY
(Hw) - See Statewide
GARFIELD COUNTY
Decision #AR-1033 (B,H)
39 FR 34964 - 9/27/74
(Hw) - See Statewide
GILPIN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
(R) - See Adams County
GRAND COUNTY
(B,H) - See Statewide
(Hw) - See Statewide
GUNNISON COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
HINDSDALE COUNTY
(Hw) - See Statewide
HUERFANO COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide

COLORADO (Cont'd)

JEFFERSON COUNTY
(Hw) - See Statewide
(B,H) - See Adams County
(R) - See Adams County
KIOWA COUNTY
(Hw) - See Statewide
KIT CARSON COUNTY
(Hw) - See Statewide
LAKE COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LA PLATA COUNTY
(Hw) - See Statewide
LARIMER COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
LAS ANIMAS COUNTY
Decision #AR-1034 (B,H)
39 FR 34970 - 9/27/74
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
MESA COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MINERAL COUNTY
(Hw) - See Statewide
MOFFAT COUNTY
(Hw) - See Statewide
MONTEZUMA COUNTY
(Hw) - See Statewide
MONTROSE COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
MORGAN COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
OTERO COUNTY
(Hw) - See Statewide
OURAY COUNTY
(Hw) - See Statewide
PARK COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
PHILLIPS COUNTY
(Hw) - See Statewide
PITKIN COUNTY
(B,H) - See Garfield County
(Hw) - See Statewide
PROWERS COUNTY
(Hw) - See Statewide
PUEBLO COUNTY
(Hw) - See Statewide
(B,H) - See Las Animas County

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COLORADO (Cont'd)

RIO BLANCO COUNTY
(Hw) - See Statewide
RIO GRANDE COUNTY
(Hw) - See Statewide
ROUTT COUNTY
(Hw) - See Statewide
SAGUACHE COUNTY
(Hw) - See Statewide
SAN JUAN COUNTY
(Hw) - See Statewide
SAN MIGUEL COUNTY
(Hw) - See Statewide
SEDGWICK COUNTY
(Hw) - See Statewide
SUMMIT COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
TELLER COUNTY
(Hw) - See Statewide
WASHINGTON COUNTY
(Hw) - See Statewide
WELD COUNTY
(B,H) - See Adams County
(Hw) - See Statewide
YUMA COUNTY
(Hw) - See Statewide

CONNECTICUT

FAIRFIELD COUNTY
Decision #AR-3094 (B,H,Hw,R)
39 FR 29730 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
HARTFORD COUNTY
Decision #AR-3095 (B,H,Hw)
39 FR 29735 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
Decision #AQ-3096 (R)
39 FR 5961 - 2/15/74
(D) - See FAirfield County
LITCHFIELD COUNTY
Decision #AR-3096 (B,H,Hw,R)
39 FR 29739 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
MIDDLESEX COUNTY
Decision #AR-3097 (B,H,Hw)
39 FR 29743 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35904 - 10/4/74
(D) - See Fairfield County
NEW HAVEN COUNTY
Decision #AR-3098 (B,H,Hw)
39 FR 29747 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
(D) - See Fairfield County
NEW LONDON COUNTY
Decision #AR-3099 (B,H,Hw,R)
39 FR 29752 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
(D) - See Fairfield County
TOLLAND COUNTY
Decision #AR-3100 (B,H,Hw)
39 FR 29756 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35905 - 10/4/74
WINDHAM COUNTY
Decision #AR-3101 (B,H,Hw,R)
39 FR 29760 - 8/16/74
Mod. #1 - 39 FR 31773 - 8/30/74
Mod. #2 - 39 FR 35906 - 10/4/74

DELAWARE

STATEWIDE
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Decision #AR-2031 (B,H,Hw)
39 FR 31787 - 8/30/74
Mod. #1 - 39 FR 34910 - 9/27/74
KENT COUNTY
(B,H,Hw,D) - See Statewide
NEW CASTLE COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide
SUSSEX COUNTY
(D) - See Statewide
(B,H,Hw) - See Statewide

FLORIDA

ALACHUA COUNTY
Decision #AR-4026 (B)
39 FR 31791 - 8/30/74
Decision #AQ-4031 (Hw)
38 FR 31092 - 11/9/73
BAKER COUNTY
Decision #AQ-4004 (Hw)
38 FR 22841 - 8/24/73
BAY COUNTY
Decision #AQ-4107 (B)
39 FR 15638 - 5/3/74
Mod. #1 - 39 FR 26558 - 7/19/74
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AQ-4030 (Hw)
38 FR 29727 - 10/26/73
Mod. #1 - 38 FR 31098 - 11/9/73
BRADFORD COUNTY
(Hw) - See Alachua County
BREVARD COUNTY (Cape Kennedy Kennedy Space Flight Center & Patrick AFB only)
Decision #AQ-4121 (B,H,Hw)
39 FR 20300 - 6/7/74
Decision #AQ-4067 (D)
39 FR 5069 - 2/8/74
(Remainder of County)
Decision #AQ-4006 (Hw)
38 FR 22842 - 8/24/73
Mod. #1 - 39 FR 5047 - 2/8/74
BROWARD COUNTY
Decision #AQ-4003 (Hw)
38 FR 22841 - 8/24/73
Decision #AQ-4091 (B)
39 FR 10991 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 26557 - 7/19/74
(D) - See Brevard County
CALHOUN COUNTY
(Hw) - See Bay County
CHARLOTTE COUNTY
Decision #AQ-4019 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
CITRUS COUNTY
Decision #AR-4000 (R)
39 FR 24775 - 7/5/74
Decision #AQ-4039 (Hw)
38 FR 33203 - 11/30/73
(D) - See Brevard County
CLAY COUNTY
(Hw) - See Baker County
COLLIER COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
COLUMBIA COUNTY
(Hw) - See Alachua County

FLORIDA (cont'd)

DADE COUNTY
Decision #AQ-4115 (B)
39 FR 17659 - 5/17/74
Mod. #1 - 39 FR 26558 - 7/19/74
(D) - See Brevard County
(Hw) - See Broward County
DESOTO COUNTY
Decision #AQ-4017 (Hw)
38 FR 27718 - 10/5/73
DIXIE COUNTY
(D) - See Brevard County
(Hw) - See Alachua County
DUVAL COUNTY
Decision #AR-4027 (B)
39 FR 31793 - 8/30/74
(D) - See Brevard County
(Hw) - See Baker County
ESCAMBIA COUNTY
Decision #AQ-4055 (B)
39 FR 3388 - 1/25/74
Mod. #1 - 39 FR 12583 - 4/5/74
Mod. #2 - 39 FR 22366 - 6/21/74
Mod. #3 - 39 FR 26557 - 7/19/74
Decision #AP-178 (R)
38 FR 11259 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(D) - See Bay County
Decision #AQ-4005 (Hw)
38 FR 22842 - 8/24/73
FLAGLER COUNTY
(D) - See Brevard County
(Hw) - See Baker County
FRANKLIN COUNTY
(D) - See Bay County
(Hw) - See Bay County
GADSDEN COUNTY
Decision #AP-179 (R)
38 FR 11260 - 5/4/73
Mod. #1 - 39 FR 15604 - 5/3/74
(Hw) - See Bay County
GILCHRIST COUNTY
(Hw) - See Alachua County
GLADES COUNTY
(Hw) - See Charlotte County
GULF COUNTY
(D) - See Bay County
(Hw) - See Bay County
HAMILTON COUNTY
(Hw) - See Alachua County
HARDEE COUNTY
Decision #AQ-4040 (R)
38 FR 34565 - 12/14/73
(Hw) - See De Soto County
HENDRY COUNTY
(Hw) - See Charlotte County
HERNANDO COUNTY
(D)-See Brevard County
HIGHLANDS COUNTY
(Hw) - See De Soto County

FLORIDA (cont'd)

HILLSBOROUGH COUNTY
Decision #AR-4040 (B)
39 FR 34982 - 9/27/74
Decision #AQ-4018 (Hw)
38 FR 27703 - 10/5/73
(D) - See Brevard County
(R) - See Citrus County
HOLMES COUNTY
(Hw) - See Bay County
INDIAN RIVER COUNTY
(D) - See Brevard County
(Hw) - See Brevard Co. (Remainder of Co.)
JACKSON COUNTY
(Hw) - See Bay County
JEFFERSON COUNTY
(D) - See Bay County
(R) - See Gadsden County
(Hw) - See Bay County
LAFAYETTE COUNTY
(Hw) - See Alachua County
LAKE COUNTY
Decision #AR-4033 (R)
39 FR 33157 - 9/13/74
Mod. #1 - 39 FR 34910 - 9/27/74
(Hw) - See Brevard Co. (Remainder of Co.)
LEE COUNTY
(D) - See Brevard County
(Hw) - See Charlotte County
LEON COUNTY
Decision #AR-4028 (B)
39 FR 31795 - 8/30/74
(Hw) - See Bay County
(R) - See Gadsden County
LEVY COUNTY
(D) - See Brevard County
(Hw) - See Citrus County
LIBERTY COUNTY
(Hw) - See Bay County
MADISON COUNTY
(R) - See Gadsden County
(Hw) - See Alachua County
MANATEE COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
MARION COUNTY
(Hw) - See Citrus County
MARTIN COUNTY
Decision #AQ-4092 (B)
39 FR 10993 - 3/22/74
Mod. #1 - 39 FR 17652 - 5/17/74
Mod. #2 - 39 FR 26558 - 7/19/74
(D) - See Brevard County
(Hw) - See Broward County

FLORIDA (cont'd)

MONROE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
NASSAU COUNTY
(D) - See Brevard County
(Hw) - See Baker County
OKALOOSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
Decision #AP-180 (R)
38 FR 11260 - 5/4/74
Mod. #1 - 39 FR 15604 - 5/3/74
OKEECHOBEE COUNTY
(Hw) - See DeSoto County
ORANGE COUNTY
Decision #AQ-4127 (B)
39 FR 24190 - 6/28/74
Mod. #1 - 39 FR 26558 - 7/19/74
Mod. #2 - 39 FR 31774 - 8/30/74
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
OSCEOLA COUNTY
(Hw) - See Brevard Co. (Remainder of Co.
(R) - See Lake County
PALM BEACH COUNTY
(D) - See Brevard County
(B) - See Martin County
(Hw) - See Broward County
PASCO COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
PINELLAS COUNTY
Decision #AQ-4100 (B)
39 FR 13425 - 4/12/74
Mod. #1 - 39 FR 26558 - 7/19/74
(R) - See Citrus County
(D) - See Brevard County
(Hw) - See Hillsborough County
(R) - See Citrus County
POLK COUNTY
(Hw) - See DeSoto County
(R) - See Hardee County
PUTNAM COUNTY
(Hw) - See Baker County
ST. JOHNS COUNTY
(D) - See Brevard County
(Hw) - See Baker County
ST. LUCIE COUNTY
(D) - See Brevard County
(Hw) - See Broward County
SANTA ROSA COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Escambia County
(R) - See Okaloosa County

XUM

FLORIDA (Cont'd)

SARASOTA COUNTY
(D) - See Brevard County
(Hw) - See Hillsborough County
SEMINOLE COUNTY
(Hw) - See Brevard Co. (Remainder of Co.)
(R) - See Lake County
SUMTER COUNTY
(Hw) - See Citrus County
(R) - See Citrus County
SUWANNEE COUNTY
(Hw) - See Alachua County
TAYLOR COUNTY
(D) - See Brevard County
(R) - See Gadsden County
(Hw) - See Alachua County
UNION COUNTY
(Hw) - See Alachua County
VOLUSIA COUNTY (Except Cape Kennedy, Kennedy Space Flight Center & Patrick Air Force Base only and including Melabar Radar Site)
Decision #AR-4001 (B)
39 FR 24776 - 7/5/74
Mod. #1 - 39 FR 26558 - 7/19/74
Mod. #2 - 39 FR 27391 - 7/26/74
Mod. #3 - 39 FR 31774 - 8/30/74
(B,H,Hw) - See Brevard Co. (Cape Kennedy,Etc)
(D) - See Brevard County
(Hw) - See Brevard County (Remainder of Co.)
WAKULLA COUNTY
(D) - See Bay County
(Hw) - See Bay County
WALTON COUNTY
(B) - See Escambia County
(D) - See Bay County
(Hw) - See Bay County
(R) - See Okaloosa County
WASHINGTON COUNTY
(Hw) - See Bay County

GEORGIA

STATEWIDE
Decision #AR-4018 (Hw)
39 FR 34986 - 9/27/74
APPLING COUNTY
(Hw) - See Statewide
ATKINSON COUNTY
(Hw) - See Statewide
BACON COUNTY
(Hw) - See Statewide
BAKER COUNTY
Decision #AQ-4089 (R)
39 FR 10067 - 3/15/74
(Hw) - See Statewide
BALDWIN COUNTY
(Hw) - See Statewide
BANKS COUNTY
(Hw) - See Statewide
BARROW COUNTY
Decision #AQ-4108 (R)
39 FR 14841 - 4/26/74
(Hw) - See Statewide
BARTOW COUNTY
(Hw) - See Statewide
BEN HILL COUNTY
(Hw) - See Statewide
BERRIEN COUNTY
(Hw) - See Statewide
BIBB COUNTY
(Hw) - See Statewide
BLECKLEY COUNTY
(Hw) - See Statewide
BRANTLEY COUNTY
(Hw) - See Statewide
BROOKS COUNTY
(Hw) - See Statewide
BRYAN COUNTY
(Hw) - See Statewide
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
BULLOCH COUNTY
(Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4085 (R)
39 FR 9333 - 3/8/74
(Hw) - See Statewide
BUTTS COUNTY
(Hw) - See Statewide
CALHOUN COUNTY
(Hw) - See Statewide
(R) - See Baker County
CAMDEN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
CANDLER COUNTY
(Hw) - See Statewide
CARROLL COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

CATOOSA COUNTY
(Hw) - See Statewide
CHARLTON COUNTY
(Hw) - See Statewide
CHATHAM COUNTY
Decision #AQ-4069 (B)
39 FR 5979 - 2/15/74
Mod. #1 - 39 FR 9345 - 3/8/74
Mod. #2 - 39 FR 15605 - 5/3/74
Mod. #3 - 39 FR 34910 - 9/27/74
Decision #AQ-4058 (R)
39 FR 3394 - 1/25/74
(D) - See Bryan County
CHATTAHOOCHEE COUNTY
Decision #AQ-4086 (R)
39 FR 9334 - 3/8/74
(Hw) - See Statewide
CHATTOOGA COUNTY
(Hw) - See Statewide
CHEROKEE COUNTY
(Hw) - See Statewide
CLARKE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
CLAY COUNTY
(R) - See Baker County
(Hw) - See Statewide
CLAYTON COUNTY
(B) - See Fulton County
(Hw) - See Statewide
CLINCH COUNTY
(Hw) - See Statewide
COBB COUNTY
(B) - See Fulton County
(R) - See Fulton County
(Hw) - See Statewide
COFFEE COUNTY
(Hw) - See Statewide
COLQUITT COUNTY
(Hw) - See Statewide
COLUMBIA COUNTY
(R) - See Burke County
(Hw) - See Statewide
COOK COUNTY
(Hw) - See Statewide
COWETA COUNTY
(Hw) - See Statewide
CRAWFORD COUNTY
(Hw) - See Statewide
CRISP COUNTY
(Hw) - See Statewide
DADE COUNTY
(Hw) - See Statewide
DAWSON COUNTY
(Hw) - See Statewide
DECATUR COUNTY
(Hw) - See Statewide
(R) - See Baker County

GEORGIA (Cont'd.)

DEKALB COUNTY
(B)(R) - See Fulton County
(Hw) - See Statewide
DODGE COUNTY
(Hw) - See Statewide
DOOLY COUNTY
(Hw) - See Statewide
DOUGHERTY COUNTY
(Hw) - See Statewide
(R) - See Baker County
DOUGLAS COUNTY
(Hw) - See Statewide
EARLY COUNTY
(Hw) - See Statewide
(R) - See Baker County
ECHOLS COUNTY
(Hw) - See Statewide
EFFINGHAM COUNTY
(Hw) - See Statewide
ELBERT COUNTY
(Hw) - See Statewide
(R) - See Barrow County
EMANUEL COUNTY
(Hw) - See Statewide
EVANS COUNTY
(Hw) - See Statewide
FANNIN COUNTY
(Hw) - See Statewide
FAYETTE COUNTY
(Hw) - See Statewide
FLOYD COUNTY
(Hw) - See Statewide
FORSYTH COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
FULTON COUNTY
Decision #AR-4029 (B)
39 FR 32445 - 9/6/74
Mod. #1 - 39 FR 34910 - 9/27/74
Decision #AQ-4052 (R)
39 FR 2328 - 1/18/74
(Hw) - See Statewide
GILMER COUNTY
(Hw) - See Statewide
GLASCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
GLYNN COUNTY
(D) - See Bryan County
(Hw) - See Statewide
GORDON COUNTY
(Hw) - See Statewide
GRADY COUNTY
(Hw) - See Statewide
(R) - See Baker County
GREENE COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

GWINNETT COUNTY
(Hw) - See Statewide
HABERSHAM COUNTY
(Hw) - See Statewide
HALL COUNTY
(Hw) - See Statewide
HANCOCK COUNTY
(Hw) - See Statewide
(R) - See Burke County
HARALSON COUNTY
(Hw) - See Statewide
HARRIS COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
HART COUNTY
(Hw) - See Statewide
(R) - See Barrow County
HEARD COUNTY
(Hw) - See Statewide
HENRY COUNTY
(Hw) - See Statewide
HOUSTON COUNTY
(Hw) - See Statewide
IRWIN COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
JASPER COUNTY
(Hw) - See Statewide
JEFF DAVIS COUNTY
(Hw) - See Statewide
JEFFERSON COUNTY
(Hw) - See Statewide
(R) - See Burke County
JENKINS COUNTY
(Hw) - See Statewide
(R) - See Burke County
JOHNSON COUNTY
(Hw) - See Statewide
JONES COUNTY
(Hw) - See Statewide
LAMAR COUNTY
(Hw) - See Statewide
LANIER COUNTY
(Hw) - See Statewide
LAURENS COUNTY
Decision #AQ-4124 (B)
39 FR 20912 - 6/14/74
(Hw) - See Statewide
LEE COUNTY
(Hw) - See Statewide
(R) - See Baker County
LIBERTY COUNTY
(D) - See Bryan County
(Hw) - See Statewide
LINCOLN COUNTY
(Hw) - See Statewide
(R) - See Burke County

GEORGIA (Cont'd.)

LOWNDES COUNTY
(Hw) - See Statewide
LUMPKIN COUNTY
(Hw) - See Statewide
MCDUFFIE COUNTY
(Hw) - See Statewide
(R) - See Burke County
McINTOSH COUNTY
(D) - See Bryan County
(Hw) - See Statewide
MACON COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MADISON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MARION COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
MERIWETHER COUNTY
(R) - See Chattahoochee County
(Hw) - See Statewide
MILLER COUNTY
(Hw) - See Statewide
(R) - See Baker County
MITCHELL COUNTY
(Hw) - See Statewide
(R) - See Baker County
MONROE COUNTY
(Hw) - See Statewide
MONTGOMERY COUNTY
(Hw) - See Statewide
MORGAN COUNTY
(Hw) - See Statewide
(R) - See Barrow County
MURRAY COUNTY
(Hw) - See Statewide
MUSCOGEE COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
NEWTON COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OCONEE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
OGLETHORPE COUNTY
(Hw) - See Statewide
(R) - See Barrow County
PAULDING COUNTY
(Hw) - See Statewide
PEACH COUNTY
(Hw) - See Statewide
PICKENS COUNTY
(Hw) - See Statewide
PIERCE COUNTY
(Hw) - See Statewide
(R) - See Ware County
PIKE COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

POLK COUNTY
(Hw) - See Statewide
PULASKI COUNTY
(Hw) - See Statewide
PUTNAM COUNTY
(Hw) - See Statewide
QUITMAN COUNTY
(Hw) - See Statewide
(R) - See Baker County
RABUN COUNTY
(Hw) - See Statewide
RANDOLPH COUNTY
(Hw) - See Statewide
(R) - See Baker County
RICHMOND COUNTY
Decision #AQ-4106 (B)
39 FR 15601 - 5/3/74
Mod. #1 - 39 FR 17653 - 5/17/74
Mod. #2 - 39 FR 22366 - 6/21/74
(Hw) - See Statewide
(R) - See Burke County
ROCKDALE COUNTY
(Hw) - See Statewide
SCHLEY COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SCREVEN COUNTY
(Hw) - See Statewide
SEMINOLE COUNTY
(Hw) - See Statewide
(R) - See Baker County
SPALDING COUNTY
(Hw) - See Statewide
STEPHENS COUNTY
(Hw) - See Statewide
STEWART COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
SUMTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALBOT COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TALIAFERRO COUNTY
(Hw) - See Statewide
(R) - See Burke County
TATTNALL COUNTY
(Hw) - See Statewide
TAYLOR COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TELFAIR COUNTY
(Hw) - See Statewide
TERRELL COUNTY
(Hw) - See Statewide

(R) - See Baker County
THOMAS COUNTY
(Hw) - See Statewide

GEORGIA (Cont'd.)

TIFT COUNTY
(Hw) - See Statewide
TOOMBS COUNTY
(Hw) - See Statewide
TOWNS COUNTY
(Hw) - See Statewide
TREUTLEN COUNTY
(Hw) - See Statewide
TROUP COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
TURNER COUNTY
(Hw) - See Statewide
TWIGGS COUNTY
(Hw) - See Statewide
UNION COUNTY
(Hw) - See Statewide
UPSON COUNTY
(Hw) - See Statewide
WALKER COUNTY
(Hw) - See Statewide
WALTON COUNTY
(Hw) - See Statewide
(R) - See Barron County
WARE COUNTY
Decision #AP-155 (B)
38 FR 4073 - 2/9/73
Mod. #1 - 38 FR 5088 - 2/23/73
Decision #AR-4037 (R)
39 FR 33919 - 9/20/74
(Hw) - See Statewide
WARREN COUNTY
(Hw) - See Statewide
(R) - See Burke County
WASHINGTON COUNTY
(Hw) - See Statewide
(R) - See Burke County
WAYNE COUNTY
(Hw) - See Statewide
WEBSTER COUNTY
(Hw) - See Statewide
(R) - See Chattahoochee County
WHEELER COUNTY
(Hw) - See Statewide
WHITE COUNTY
(Hw) - See Statewide
WHITEFIELD COUNTY
(Hw) - See Statewide
WILCOX COUNTY
(Hw) - See Statewide
WILKES COUNTY
(Hw) - See Statewide
WILKINSON COUNTY
(Hw) - See Statewide
WORTH COUNTY
(Hw) - See Statewide

GUAM

GUAM
Decision #AR-1029 (B,H,Hw,R)
39 FR 32443 - 9/6/74

HAWAII

STATEWIDE
Decision #AQ-1096 (B,H,Hw,D,R)
39 FR 14124 - 4/19/74

IDAHO

STATEWIDE
Decision #AR-1011 (B,H,Hw)
39 FR 34985 - 9/27/74
ADA COUNTY
Decision #AQ-1029 (R)
38 FR 24513 - 9/7/73
Mod. #1 - 38 FR 26543 - 9/21/73
(B,H,Hw) - See Statewide
ADAMS COUNTY
(B,H,Hw) - See Statewide
BANNOCK COUNTY
(B,H,Hw) - See Statewide
BEAR LAKE COUNTY
(B,H,Hw) - See Statewide
BENEWAH COUNTY
(B,H,Hw) - See Statewide
BINGHAM COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BOISE COUNTY
(B,H,Hw) - See Statewide
BONNER COUNTY
(B,H,Hw) - See Statewide
BONNEVILLE COUNTY
(B,H,Hw) - See Statewide
BOUNDARY COUNTY
(B,H,Hw) - See Statewide
BUTTE COUNTY
(B,H,Hw) - See Statewide
CAMAS COUNTY
(B,H,Hw) - See Statewide
CANYON COUNTY
(B,H,Hw) - See Statewide
CARIBOU COUNTY
(B,H,Hw) - See Statewide
CASSIA COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
(B,H,Hw) - See Statewide
CLEARWATER COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
ELMORE COUNTY
(B,H,Hw) - See Statewide
FRANKLIN COUNTY
(B,H,Hw) - See Statewide

IDAHO (Cont'd)

FREMONT COUNTY
(B,H,Hw) - See Statewide
GEM COUNTY
(B,H,Hw) - See Statewide
GOODING COUNTY
(B,H,Hw) - See Statewide
IDAHO COUNTY
(B,H,Hw) - See Statewide
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JEROME COUNTY
(B,H,Hw) - See Statewide
KOOTENAI COUNTY
(B,H,Hw) - See Statewide
LATAH COUNTY
(B,H,Hw) - See Statewide
LEMHI COUNTY
(B,H,Hw) - See Statewide
LEWIS COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MINIDOKA COUNTY
(B,H,Hw) - See Statewide
NEZ PERCE COUNTY
(B,H,Hw) - See Statewide
ONEIDA COUNTY
(B,H,Hw) - See Statewide
OWYHEE COUNTY
(B,H,Hw) - See Statewide
PAYETTE COUNTY
(B,H,Hw) - See Statewide
POWER COUNTY
(B,H,Hw) - See Statewide
SHOSHONE COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TWIN FALLS COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

ILLINOIS

ADAMS COUNTY
Decision #AR-3059 (H,Hw)
39 FR 28030 - 8/2/74
ALEXANDER COUNTY
Decision #AR-3062 (H,Hw)
39 FR 28041 - 8/2/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOND COUNTY
Decision #AR-3061 (H,Hw)
39 FR 28037 - 8/2/74
BOONE COUNTY
Decision #AR-3055 (H,Hw)
39 FR 28014 - 8/2/74
Mod. #1 - 39 FR 33148 - 9/13/74
BROWN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
BUREAU COUNTY
Decision #AR-3056 (H,Hw)
39 FR 28018 - 8/2/74
CALHOUN COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
CARROLL COUNTY
(H,Hw) - See Bureau County
CASS COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
CHAMPAIGN COUNTY
Decision #AR-3063 (B)
39 FR 28798 - 8/9/74
Decision #AR-3058 (H,Hw)
39 FR 28022 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
CHRISTIAN COUNTY
(H,Hw) - See Adams County
CLARK COUNTY
(H,Hw) - See Champaign County
CLAY COUNTY
Decision #AR-3060 (H,Hw)
39 FR 28033 - 8/2/74
CLINTON COUNTY
(H,Hw) - See Bond County
COLES COUNTY
(H,Hw) - See Champaign County
COOK COUNTY
Decision #AR-3064 (B,H,Hw,R)
39 FR 28800 - 8/9/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74

ILLINOIS

CRAWFORD COUNTY
(H,Hw) - See Clay County
CUMBERLAND COUNTY
(H,Hw) - See Champaign County
DEKALB COUNTY
(H,Hw) - See Boone County
DEWITT COUNTY
(H,Hw) - See Champaign County
DOUGLAS COUNTY
(H,Hw) - See Champaign County
DU PAGE COUNTY
Decision #AR-3065 (B,R)
39 FR 28803 - 8/9/74
(H,Hw) - See Boone County
EDGAR COUNTY
(H,Hw) - See Champaign County
EDWARDS COUNTY
(H,Hw) - See Clay County
EFFINGHAM COUNTY
(H,Hw) - See Clay County
FAYETTE COUNTY
(H,Hw) - See Clay County
FORD COUNTY
None
FRANKLIN COUNTY
(H,Hw) - See Alexander County
FULTON COUNTY
Decision #AQ-3057 (H,Hw)
39 FR 28022 - 8/2/74
GALLATIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
GREENE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
GRUNDY COUNTY
None
HAMILTON COUNTY
(H,Hw) - See Clay County
HANCOCK COUNTY
(H,Hw) - See Fulton County
HARDIN COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County
HENDERSON COUNTY
(H,Hw) - See Fulton County
HENRY COUNTY
(H,Hw) - See Bureau County
IROQUIS COUNTY
None
JACKSON COUNTY
(H,Hw) - See Alexander County
(D) - See Alexander County

ILLINOIS (Cont'd)

JASPER COUNTY
(H,Hw) - See Clay County
JEFFERSON COUNTY
(H,Hw) - See Clay County
JERSEY COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
JO DAVIESS COUNTY
(H,Hw) - See Bureau County
JOHNSON COUNTY
(H,Hw) - See Alexander County
KANE COUNTY
Decision #AR-3066 (B,R)
39 FR 28805 - 8/9/74
(H,Hw) - See Boone County
KANKAKEE COUNTY
None
KENDALL COUNTY
(H,Hw) - See Boone County
KNOX COUNTY
(H,Hw) - See Fulton County
LAKE COUNTY
Decision #AR-3067 (B,R)
39 FR 28807 - 8/9/74
Mod. #1 - 39 FR 33149 - 9/13/74
(D) - See Cook County
(H,Hw) - See Boone County
LA SALLE COUNTY
None
LAWRENCE COUNTY
(H,Hw) - See Clay County
LEE COUNTY
(H,Hw) - See Bureau County
LIVINGSTON COUNTY
None
LOGAN COUNTY
(H,Hw) - See Adams County
MCDONOUGH COUNTY
(H,Hw) - See Fulton County
MCHENRY COUNTY
(H,Hw) - See Fulton County
MCCLEAN COUNTY
None
MACON COUNTY
(H,Hw) - See Champaign County
MACOUPIN COUNTY
(H,Hw) - See Bond County
MADISON COUNTY
Decision #AR-3068 (B,R)
39 FR 28809 - 8/9/74
(H,Hw) - See Bond County

ILLINOIS (Cont'd)

MARION COUNTY
(H,Hw) - See Clay County
MARSHALL COUNTY
None
MASON COUNTY
(H,Hw) - See Adams County
MASSAC COUNTY
(H,Hw) - See Alexander County
MENARD COUNTY
(H,Hw) - See Adams County
MERCER COUNTY
(H,Hw) - See Fulton County
MONROE COUNTY
(H,Hw) - See Bond County
(D) - See Alexander County
MONTGOMERY COUNTY
(H,Hw) - See Bond County
MORGAN COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
MOULTRIE COUNTY
(H,Hw) - See Champaign County
OGLE COUNTY
(H,Hw) - See Bureau County
PEORIA COUNTY
Decision #AR-3069 (B,R,D)
39 FR 28813 - 8/9/74
(H,Hw) - See Fulton County
PERRY COUNTY
(H,Hw) - See Alexander County
PIATT COUNTY
(H,Hw) - See Champaign County
PIKE COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
POPE COUNTY
(H,Hw,D) - See Alexander County
PULASKI COUNTY
(H,Hw,D) - See Alexander County
PUTNAM COUNTY
None
RANDOLPH COUNTY
(H,Hw,D) - See Alexander County
RICHLAND COUNTY
(H,Hw) - See Clay County
ROCK ISLAND COUNTY
Decision #AR-3070 (B)
39 FR 28817 - 8/9/74
(H,Hw) - See Bureau County
SAINT CLAIR COUNTY
Decision #AR-3071 (B,R)
39 FR 28819 - 8/9/74
(H,Hw) - See Bond County
(D) - See Alexander County

ILLINOIS (Cont'd)

SALINE COUNTY
(H,Hw) - See Alexander County
SANGAMON COUNTY
Decision #AR-3072 (B,R)
39 FR 28822 - 8/9/74
(H,Hw) - See Adams County
SCHUYLER COUNTY
(H,Hw) - See Adams County
SCOTT COUNTY
(H,Hw) - See Adams County
(D) - See Alexander County
SHELBY COUNTY
(H,Hw) - See Champaign County
STARK COUNTY
(H,Hw) - See Fulton County
STEPHENSON COUNTY
(H,Hw) - See Bureau County
TAZEWELL COUNTY
(B,R,D) - See Peoria County
(H,Hw) - See Fulton County
UNION COUNTY
(H,Hw,D) - See Alexander County
VERMILLION COUNTY
Decision #AR-3073 (B)
39 FR 28824 - 8/9/74
(H,Hw) - See Champaign County
WABASH COUNTY
(H,Hw) - See Clay County
WARREN COUNTY
(H,Hw) - See Fulton County
WASHINGTON COUNTY
(H,Hw) - See Bond County
WAYNE COUNTY
(H,Hw) - See Clay County
WHITE COUNTY
(H,Hw) - See Clay County
WHITESIDE COUNTY
(H,Hw) - See Bureau County
WILL COUNTY
Decision #AR-3075 (B,R)
39 FR 28828 - 8/9/74
(H,Hw) - See Boone County
WILLIAMSON COUNTY
Decision #AR-3074 (B)
39 FR 28826 - 8/9/74
(H,Hw) - See Alexander County
WINNEBAGO COUNTY
Decision #AR-3076 (B)
39 FR 28831 - 8/9/74
(H,Hw) - See Bureau County
WOODFORD COUNTY
None

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INDIANA

ADAMS COUNTY
Decision #AR-3123 (H,Hw)
39 FR 30739 - 8/23/74
Mod. #1 - 39 FR 34913 - 9/27/74
ALLEN COUNTY
Decision AR-3080 (B)
39 FR 30698 - 8/23/74
Mod. #1 - 39 FR 34911 - 9/27/74
Decision #AQ-3000 (R)
39 FR 22341 - 8/17/73
(H,Hw) - See Adams County
BARTHOLOMEW COUNTY
Decision #AR-3081 (B)
39 FR 30701 - 8/23/74
Mod. #1 - 39 FR 33149 - 9/13/74
Decision #AR-3127 (H,Hw)
39 FR 30755 - 8/23/74
Mod. #1 - 39 FR 33152 - 9/13/74
BENTON COUNTY
Decision #AQ-3082 (B)
39 FR 30703 - 8/23/74
Mod. #1 - 39 FR 33149 - 9/13/74
Decision #AR-3124 (H,Hw)
39 FR 30744 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
Mod. #2 - 39 FR 34913 - 9/27/74
BLACKFORD COUNTY
Decision #AR-3125 (H,Hw)
39 FR 30748 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
BOONE COUNTY
Decision #AM-668 (R)
38 FR 13247 - 5/18/74
Decision #AR-3126 (H,Hw)
39 FR 30752 - 8/23/74
Mod. #1 - 39 FR 33152 - 9/13/74
BROWN COUNTY
(H,Hw) - See Bartholomew County
CARROLL COUNTY
(H,Hw) - See Benton County
CASS COUNTY
(H,Hw) - See Benton County
CLARK COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Bartholomew County
CLAY COUNTY
(H,Hw) - See Boone County
CLINTON COUNTY
(H,Hw) - See Benton County
CRAWFORD COUNTY
Decision #AR-3128 (H,Hw)
39 FR 30759 - 8/23/74
(D) - See Clark County
DAVIESS COUNTY
(H,Hw) - See Boone County
DEARBORN COUNTY
Decision #AR-3083 (B)
39 FR 30706 - 8/23/74

INDIANA (cont'd)

DECATUR COUNTY
(H,Hw) - See Bartholomew County
DEKALB COUNTY
(H,Hw) - See Adams County
DELAWARE COUNTY
Decision #AR-3084 (B)
39 FR 30708 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
(H,Hw) - See Blackford County
DUBOIS COUNTY
(H,Hw) - See Crawford County
ELKHART COUNTY
(H,Hw) - See Adams County
FAYETTE COUNTY
(H,Hw) - See Blackford County
FLOYD COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
FOUNTAIN COUNTY
(H,Hw) - See Boone County
FRANKLIN COUNTY
(H,Hw) - See Bartholomew County
FULTON COUNTY
(H,Hw) - See Benton County
GIBSON COUNTY
(H,Hw) - See Crawford County
GRANT COUNTY
Decision #AR-3085 (B)
39 FR 30711 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
(H,Hw) - See Blackford County
GREENE COUNTY
(H,Hw) - See Boone County
HAMILTON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
HARRISON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
HENDRICKS COUNTY
(H,Hw) - See Boone County
(R) - See Boone County
HENRY COUNTY
(H,Hw) - See Blackford County
HOWARD COUNTY
(H,Hw) - See Benton County
HUNTINGTON COUNTY
(H,Hw) - See Adams County
JACKSON COUNTY
(H,Hw) - See Bartholomew County
JASPER COUNTY
(H,Hw) - See Benton County
JAY COUNTY
(H,Hw) - See Blackford County

INDIANA (Cont'd)

JEFFERSON COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
JENNINGS COUNTY
(H,Hw) - See Bartholomew County
JOHNSON COUNTY
(H,Hw) - See Blackford County
(R) - See Boone County
KNOX COUNTY
(H,Hw) - See Boone County
KOSCIUSKO COUNTY
(H,Hw) - See Adams County
LAGRANGE COUNTY
(H,Hw) - See Adams County
LAKE COUNTY
Decision #AR-3086 (B,H,Hw)
39 FR 30714 - 8/23/74
Mod. #1 - 39 FR 34911 - 9/27/74
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
LAPORTE COUNTY
Decision #AR-3087 (B,H,Hw)
39 FR 30717 - 8/23/74
Mod. #1 - 39 FR 34912 - 9/27/74
(D) - See Lake County
LAWRENCE COUNTY
(H,Hw) - See Bartholomew County
MADISON COUNTY
(H,Hw) - See Blackford County
MARION COUNTY
Decision #AR-3088 (B)
39 FR 30721 - 8/23/74
Mod. #1 - 39 FR 33150 - 9/13/74
(R) - See Boone County
(H,Hw) - See Blackford County
MARSHALL COUNTY
(H,Hw) - See Adams County
MARTIN COUNTY
(H,Hw) - See Bartholomew County
MIAMI COUNTY
(H,Hw) - See Benton County
MONROE COUNTY
Decision #AR-3089 (B)
39 FR 30723 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
(H,Hw) - See Bartholomew County
MONTGOMERY COUNTY
(H,Hw) - See Boone County
MORGAN COUNTY
(R) - See Boone County
(H,Hw) - See Boone County
NEWTON COUNTY
(H,Hw) - See Benton County
NOBLE COUNTY
(H,Hw) - See Adams County

INDIANA (Cont'd.)

OHIO COUNTY
(D) - See Clark County
(H,Hw) - See Bartholomew County
ORANGE COUNTY
(H,Hw) - See Bartholomew County
OWEN COUNTY
(H,Hw) - See Boone County
PARKE COUNTY
(H,Hw) - See Boone County
PERRY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PIKE COUNTY
(H,Hw) - See Crawford County
PORTER COUNTY
Decision #AR-3090 (B,H,Hw)
39 FR 30726 - 8/23/74
Mod. #1 - 39 FR 34912 - 9/27/74
(D) - See Lake County
POSEY COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
PULASKI COUNTY
(H,Hw) - See Benton County
PUTNAM COUNTY
(H,Hw) - See Boone County
RANDOLPH COUNTY
(H,Hw) - See Blackford County
RIPLEY COUNTY
(H,Hw) - See Bartholomew County
RUSH COUNTY
(H,Hw) - See Blackford County
SAINT JOSEPH COUNTY
Decision #AR-3091 (B,H,Hw)
39 FR 30730 - 8/23/74
Mod. #1 - 39 FR 34913 - 9/27/74
SCOTT COUNTY
(H,Hw) - See Bartholomew County
SHELBY COUNTY
(R) - See Boone County
(H,Hw) - See Blackford County
SPENCER COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
STARKE COUNTY
(H,Hw) - See Adams County
STEUBEN COUNTY
(H,Hw) - See Adams County
SULLIVAN COUNTY
(H,Hw) - See Boone County
SWITZERLAND COUNTY
(D) - See Bartholomew County
(H,Hw) - See Bartholomew County

INDIANA (Cont'd)

TIPPECANOE COUNTY
(B,H,Hw) - See Benton County
TIPTON COUNTY
(H,Hw) - See Benton County
UNION COUNTY
(H,Hw) - See Blackford County
VANDERBURGH COUNTY
Decision #AR-3092 (B)
39 FR 30734 - 8/23/74
(D) - See Clark County
(H,Hw) - See Crawford County
VERMILLION COUNTY
(H,Hw) - See Boone County
VIGO COUNTY
Decision #AR-3093 (B)
39 FR 30736 - 8/23/74
Mod. #1 - 39 FR 33151 - 9/13/74
(H,Hw) - See Boone County
WABASH COUNTY
(H,Hw) - See Benton County
WARREN COUNTY
(H,Hw) - See Boone County
WARRICK COUNTY
(D) - See Clark County
(H,Hw) - See Crawford County
WASHINGTON COUNTY
(H,Hw) - See Bartholomew County
WAYNE COUNTY
(H,Hw) - See Blackford County
WELLS COUNTY
(H,Hw) - See Adams County
WHITE COUNTY
(H,Hw) - See Benton County
WHITLEY COUNTY
(H,Hw) - See Adams County

IOWA

ADAIR COUNTY
None
ADAMS COUNTY
None
ALLAMAKEE COUNTY
None
APPANOOSE COUNTY
None
AUDUBON COUNTY
None
BENTON COUNTY
None
BLACK HAWK COUNTY
Decision #AR-25 (B,H,Hw) (City of Waterloo & abutting Municipalities
39 FR 33945 - 9/20/74
BOONE COUNTY
None
BREMER COUNTY
None
BUCHANAN COUNTY
None
BUENA VISTA COUNTY
None
BUTLER COUNTY
None
CALHOUN COUNTY
None
CARROLL COUNTY
Decision #AM-6,712 (H,Hw)
37 FR 7429 - 4-14-72
CASS COUNTY
(H,Hw) - See Carroll County
CEDAR COUNTY
None
CERRO CORDO COUNTY (MASON CITY)
Decision #AR-21 (B,H,Hw)
39 FR 33932 - 9/20/74
CHEROKEE COUNTY
None
CHICKASAW COUNTY
None
CLARKE COUNTY
None

IOWA (Cont'd)

CLAY COUNTY
(H,Hw) - See Carroll County
CLAYTON COUNTY
None
CLINTON COUNTY (City of Clinton and abbutting municipalities)
Decision #AR-24 (B,H,Hw)
39 FR 33942 - 9/20/74
CRAWFORD COUNTY
(H,Hw) - See Carroll County
DALLAS COUNTY
None
DAVIS COUNTY
None
DECATUR COUNTY
None
DELAWARE COUNTY
None
DES MOINES COUNTY (City of Burlington and Abutting Municipalities; and Burlington Ordnance Plant)
Decision #AR-22 (B,H,Hw)
39 FR 33935 - 9/20/74
DICKINSON COUNTY
None
DUBUQUE COUNTY (City of Dubuque and abutting municipalities)
Decision #AR-29 (B,H,Hw)
39 FR 33956 - 9/20/74
EMMET COUNTY
None
FAYETTE COUNTY
None
FLOYD COUNTY
None
FRANKLIN COUNTY
None
FREMONT COUNTY
None
GREENE COUNTY
None
GRUNDY COUNTY
None

IOWA (Cont'd)

GUTHRIE COUNTY
None
HAMILTON COUNTY
None
HANCOCK COUNTY
None
HARDIN COUNTY
None
HARRISON COUNTY
None
HENRY COUNTY
None
HOWARD COUNTY
(H,Hw) - See Carroll County
HUMBOLDT COUNTY
None
IDA COUNTY
None
IOWA COUNTY
None
JACKSON COUNTY
None
JASPER COUNTY
None
JEFFERSON COUNTY
None
JOHNSON COUNTY (City of Iowa City and abutting municipalities)
Decision #AR-27 (B,H,Hw)
39 FR 33950 - 9/20/74
JONES COUNTY
None
KEOKUK COUNTY
None
KOSSUTH COUNTY
None
LEE COUNTY
None
LINN COUNTY (City of Cedar Rapids and Abutting Municipalities)
Decision #AR-28 (B,H,Hw)
39 FR 33953 - 9/20/74
Mod. #1 - 39 FR 35906 - 10/4/74
LINN COUNTY (Except City of Cedar Rapids and Abutting Municipalities)
Decision #AP-536 (H,Hw)
38 FR 18139 - 7/6/73

IOWA (Cont'd)

LOUISA COUNTY
None
LUCAS COUNTY
None
LYON COUNTY
None
MADISON COUNTY
None
MAHASKA COUNTY
None
MARION COUNTY
None
MARSHALL COUNTY
None
MILLS COUNTY
None
MITCHELL COUNTY
None
MONONA COUNTY
(H,Hw) - See Carroll County
MONROE COUNTY
None
MONTGOMERY COUNTY
None
MUSCATINE COUNTY
None
O'BRIEN COUNTY
(H,Hw) - See Carroll County
OSCEOLA COUNTY
(H,Hw) - See Carroll County
PAGE COUNTY
None
PALO ALTO COUNTY
None
PLYMOUTH COUNTY
None
POCAHONTAS COUNTY
None
POLK COUNTY (City of Des Moines and Abutting Municipalities)
Decision #AR-20 (B,H,Hw)
39 FR 33929 - 9/20/74
POLK COUNTY (Except City of Des Moines and Abutting Municipalities)
Decision #AP-215 (H,Hw)
37 FR 16266 - 8-11-72
Mod. #1 - 39 FR 17653 - 5/17/74
Mod. #2 - 39 FR 18406 - 5/24/74
Mod. #3 - 39 FR 20284 - 6/7/74

IOWA (Cont'd)

POTTAWATTAMIE COUNTY (City of Council Bluffs and the area within 3 miles from the City limits)
Decision #AR-18 (B,H,Hw)
39 FR 33923 - 9/20/74
POWESHIEK COUNTY
None
RINGGOLD COUNTY
(H,Hw) - See Carroll County
SAC COUNTY
None
SCOTT COUNTY
Decision #AR-19 (B,H,Hw)
39 FR 33926 - 9/20/74
SHELBY COUNTY
None
SIOUX COUNTY
None
STORY COUNTY (City of Ames and abutting municipalities)
Decision #AR-23 (B,H,Hw)
39 FR 33939 - 9/20/74
TAMA COUNTY
None
TAYLOR COUNTY
(H,Hw) - See Carroll County
UNION COUNTY
None
VAN BUREN COUNTY
(H,Hw) - See Carroll County
WAPELLO COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
None
WEBSTER COUNTY (FORT DODGE)
Decision #AQ-102 (B,H,Hw)
39 FR 33920 - 9/20/74
Mod. #1 - 39 FR 16988 - 5/10/74
WINNEBAGO COUNTY
None
WINNESHIEK COUNTY
None

IOWA (Cont'd.)

WOODBURY COUNTY (City of Sioux City and abutting municipalities)
Decision #AR-26 (B)
39 FR 33948 - 9/20/74
WORTH COUNTY
None
WRIGHT COUNTY
None

KANSAS

ALLEN COUNTY
Decision #AP-519 (Hw, W&S)
38 FR 7732 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
ANDERSON COUNTY
(Hw, W&S) - See Allen County
ATCHISON COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(Hw, W&S) - See Allen County
BARBER COUNTY
Decision #AP-521 (Hw, W&S)
38 FR 7734 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
BARTON COUNTY
(Hw, W&S) - See Barber County
BOURBON COUNTY
(Hw, W&S) - See Allen County
BROWN COUNTY
(Hw, W&S) - See Allen County
BUTLER COUNTY
(Hw, W&S) - See Allen County
CHASE COUNTY
(Hw, W&S) - See Allen County
CHAUTAUQUA COUNTY
(Hw, W&S) - See Allen County
CHEROKEE COUNTY
(Hw, W&S) - See Allen County
CHEYENNE COUNTY
(Hw, W&S) - See Barber County
CLARK COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd.)

CLAY COUNTY
(Hw, W&S) - See Allen County
CLOUD COUNTY
(Hw, W&S) - See Allen County
COFFEY COUNTY
(Hw, W&S) - See Allen County
COMANCHE COUNTY
(Hw, W&S) - See Barber County
COWLEY COUNTY
(Hw, W&S) - See Allen County
CRAWFORD COUNTY
(Hw, W&S) - See Allen County
DECATUR COUNTY
(Hw, W&S) - See Barber County
DICKINSON COUNTY
(Hw, W&S) - See Allen County
DONIPHAN COUNTY
(D) - See Atchison County
(Hw, W&S) - See Allen County
DOUGLAS COUNTY
Decision #AP-503 (Hw)
37 FR 17349 - 8/25/72
Mod. #1 - 37 FR 20389 - 9/29/72
Mod. #2 - 38 FR 6523 - 3/9/73
Mod. #3 - 38 FR 9389 - 4/13/73
Mod. #4 - 38 FR 20164 - 7/27/73
Mod. #5 - 38 FR 22850 - 8/24/73
EDWARDS COUNTY
(Hw, W&S) - See Barber County
ELK COUNTY
(Hw, W&S) - See Allen County
ELLIS COUNTY
(Hw, W&S) - See Barber County
ELLSWORTH COUNTY
(Hw, W&S) - See Barber County
FINNEY COUNTY
(Hw, W&S) - See Barber County
FORD COUNTY
(Hw, W&S) - See Barber County
FRANKLIN COUNTY
(Hw, W&S) - See Allen County
GEARY COUNTY
Decision #AQ-88 (R)
39 FR 11791 - 3/29/74
(Hw, W&S) - See Allen County
GOVE COUNTY
(Hw, W&S) - See Barber County
GRAHAM COUNTY
(Hw, W&S) - See Barber County
GRANT COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd)

GRAY COUNTY
(Hw, W&S) - See Barber County
GREELEY COUNTY
(Hw, W&S) - See Barber County
GREENWOOD COUNTY
(Hw, W&S) - See Allen County
HAMILTON COUNTY
(Hw, W&S) - See Barber County
HARPER COUNTY
(Hw, W&S) - See Allen County
HARVEY COUNTY
(Hw, W&S) - See Allen County
HASKELL COUNTY
(Hw, W&S) - See Barber County
HODGEMAN COUNTY
(Hw, W&S) - See Barber County
JACKSON COUNTY
(Hw, W&S) - See Allen County
JEFFERSON COUNTY
(Hw) - See Douglas County
JEWELL COUNTY
(Hw, W&S) - See Barber County
JOHNSON COUNTY
Decision #AQ-44 (B,H,Hw)
38 FR 31780 - 11/16/73
Mod. #1 - 39 FR 26559 - 7/19/74
Decision #AQ-62 (R)
38 FR 32388 - 11/23/73
KEARNY COUNTY
(Hw, W&S) - See Barber County
KINGMAN COUNTY
(Hw, W&S) - See Allen County
KIOWA COUNTY
(Hw, W&S) - See Barber County
LABETTE COUNTY
(Hw, W&S) - See Allen County
LANE COUNTY
(Hw, W&S) - See Barber County
LEAVENWORTH COUNTY
Decision #AQ-36 (B)
38 FR 28511 - 10/24/73
Mod. #1 - 38 FR 31754 - 11/16/73
Mod. #2 - 39 FR 33911 - 9/20/74
(Hw) - See Douglas County
(D) - See Atchison County
LINCOLN COUNTY
(Hw, W&S) - See Barber County
LINN COUNTY
(Hw, W&S) - See Allen County
LOGAN COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd)

LYON COUNTY
(Hw, W&S) - See Allen County
McPHERSON COUNTY
(Hw, W&S) - See Allen County
MARION COUNTY
(Hw, W&S) - See Allen County
MARSHALL COUNTY
(Hw, W&S) - See Allen County
MEADE COUNTY
(Hw, W&S) - See Barber County
MIAMI COUNTY
(Hw) - See Douglas County
MITCHELL COUNTY
(Hw, W&S) - See Barber County
MONTGOMERY COUNTY
(Hw, W&S) - See Allen County
MORRIS COUNTY
(Hw, W&S) - See Allen County
MORTON COUNTY
(Hw, W&S) - See Barber County
NEMAHA COUNTY
(Hw, W&S) - See Allen County
NEOSHO COUNTY
(Hw, W&S) - See Allen County
NESS COUNTY
(Hw, W&S) - See Barber County
NORTON COUNTY
(Hw, W&S) - See Barber County
OSAGE COUNTY
(Hw, W&S) - See Allen County
OSBORNE COUNTY
(Hw, W&S) - See Barber County
OTTAWA COUNTY
(Hw, W&S) - See Allen County
PAWNEE COUNTY
(Hw, W&S) - See Barber County
PHILLIPS COUNTY
(Hw, W&S) - See Barber County
POTTAWATOMIE COUNTY
(Hw, W&S) - See Allen County
PRATT COUNTY
(Hw, W&S) - See Barber County
RAWLINS COUNTY
(Hw, W&S) - See Barber County

KANSAS (Cont'd)

RENO COUNTY
(Hw, W&S) - See Allen County
REPUBLIC COUNTY
(Hw, W&S) - See Allen County
RICE COUNTY
(Hw, W&S) - See Barber County
RILEY COUNTY
(Hw, W&S) - See See Allen County
(R) - See Geary County
ROOKS COUNTY
(Hw, W&S) - See Barber County
RUSH COUNTY
(Hw, W&S) - See Barber County
RUSSELL COUNTY
(Hw, W&S) - See Barber County
SALINE COUNTY
(Hw, W&S) - See Allen County
SCOTT COUNTY
(Hw, W&S) - See Barber County
SEDGWICK COUNTY
Decision #AP-533 (R)
38 FR 16573 - 6/22/73
Decision #AP-532 (B)
38 FR 13922 - 5/25/73
Mod. #1 - 38 FR 20166 - 7/27/73
Mod. #2 - 38 FR 27163 - 9/28/73
Decision #AP-520 (Hw, W&S)
38 FR 7733 - 3/23/73
Mod. #1 - 38 FR 22313 - 8/17/73
SEWARD COUNTY
(Hw, W&S) - See Barber County
SHAWNEE COUNTY
Decision #AQ-32 (B)
38 FR 27169 - 9/28/73
Mod. #1 - 39 FR 26559 - 7/19/74
Decision #AQ-33 (R)
38 FR 27172 - 7/19/74
(Hw) - See Douglas County

KANSAS (Cont'd)

SHERIDAN COUNTY
(Hw, W&S) - See Barber County
SHERMAN COUNTY
(Hw, W&S) - See Barber County
SMITH COUNTY
(Hw, W&S) - See See Barber County
STAFFORD COUNTY
(Hw, W&S) - See Barber County
STANTON COUNTY
(Hw, W&S) - See Barber County
STEVENS COUNTY
(Hw, W&S) - See Barber County
SUMNER COUNTY
(Hw, W&S) - See Allen County
THOMAS COUNTY
(Hw, W&S) - See See Barber County
TREGO COUNTY
(Hw, W&S) - See See Barber County
WABAUNSEE COUNTY
(Hw, W&S) - See Allen County
WALLACE COUNTY
(Hw, W&S) - See Barber County
WASHINGTON COUNTY
(Hw, W&S) - See Allen County
WICHITA COUNTY
(Hw, W&S) - See Barber County
WILSON COUNTY
(Hw, W&S) - See Allen County
WOODSON COUNTY
(Hw, W&S) - See Allen County
WYANDOTTE COUNTY
(B,H,Hw) - See Johnson County
(R) - See Johnson County
(D) - See Atchison County

WUX

KENTUCKY

ADAIR COUNTY
Decision #AQ-4075 (H,Hw)
39 FR 5983 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74
Mod. #2 - 39 FR 20913 - 6/14/74
Mod. #3 - 39 FR 29705 - 8/16/74
ALLEN COUNTY
Decision #AQ-4084 (H,Hw)
39 FR 8118 - 3/1/74
Mod. #1 - 39 FR 14849 - 4/26/74
Mod. #2 - 39 FR 20913 - 6/14/74
Mod. #3 - 39 FR 29706 - 8/16/74
ANDERSON COUNTY
Decision #AQ-4116 (H,Hw)
39 FR 17661 - 5/17/74
Mod. #1 - 39 FR 20914 - 6/14/74
Mod. #2 - 39 FR 29706 - 8/16/74
BALLARD COUNTY
Decision #AQ-4002 (D)
38 FR 21037 - 8/3/73
Mod. #1 - 39 FR 4264 - 2/1/74
Mod. #2 - 39 FR 15603 - 5/3/74
(H,Hw) - See Allen County
BARREN COUNTY
(H,Hw) - See Adair County
BATH COUNTY
(H,Hw) - See Anderson County
Decision #AQ-4066 (R)
39 FR 4305 - 2/1/74
BELL COUNTY
(H,Hw) - See Adair County
Decision #AQ-4126 (B)
39 FR 22359 - 6/21/74
BOONE COUNTY
Decision #AR-4034 (B)
39 FR 33158 - 9/13/74
Decision #AQ-4036 (H,Hw)
38 FR 32349 - 11/23/73
Mod. #1 - 38 FR 33879 - 12/7/73
Mod. #2 - 39 FR 1189 - 1/4/74
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
BOURBON COUNTY
(Hw,H) - See Anderson County
(R) - See Bath County
BOYD COUNTY
Decision #AQ-4020 (B)
38 FR 28516 - 10/12/73
(H,Hw) - See Anderson County
(D) - See Boone County
BOYLE COUNTY
(H,Hw) - See Anderson County
BRACKEN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
BREATHITT COUNTY
Decision #AQ-4076 (H,Hw)
39 FR 5987 - 2/15/74
Mod. #1 - 39 FR 8102 - 3/1/74

KENTUCKY (Cont'd)

BRECKINRIDGE COUNTY
Decision #AR-183 (R)
38 FR 11278 - 5/4/73
(H,Hw) - See Anderson County
(D) - See Boone County
BULLITT COUNTY
(D) - See Boone County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
BUTLER COUNTY
(H,Hw) - See Allen County
CALDWELL COUNTY
(H,Hw) - See Allen County
CALLAWAY COUNTY
(H,Hw) - See Allen County
CAMPBELL COUNTY
(R,H,D,Hw) - See Boone County
CARLISLE COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
CARROLL COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
CARTER COUNTY
(H,Hw) - See Anderson County
CASEY COUNTY
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(H,Hw) - See Allen County
CLARK COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
CLAY COUNTY
(H,Hw) - See Adair County
CLINTON COUNTY
(H,Hw) - See Adair County
CRITTENDEN COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
CUMBERLAND COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
Decision #AO-4122 (B)
39 FR 20281 - 6/7/74
(H,Hw) - See Allen County
(D) - See Boone County
EDMONSON COUNTY
(H,Hw) - See Allen County
ELLIOTT COUNTY
(H,Hw) - See Anderson County
ESTILL COUNTY
(H,Hw) - See Adair County

KENTUCKY (Cont'd)

FAYETTE COUNTY
Decision #AR-4018 (B)
39 FR 28836 - 8/9/74
Mod. #1 - 39 FR 324?? - 9/6/74
(H,Hw) - See Anderson County
(R) - See Bath County
FLEMING COUNTY
(H,Hw) - See Anderson County
FLOYD COUNTY
Decision #AR-4002 (B)
39 FR 24777 - 7/5/74
(H,Hw) - See Breathitt County
FRANKLIN COUNTY
Decision #AQ-4101 (B)
39 FR 14113 - 4/19/74
Mod. #1 - 39 FR 30665 - 8/23/74
(H,Hw) - See Anderson County
FULTON COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
GALLATIN COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
GARRARD COUNTY
(H,Hw) - See Adair County
GRANT COUNTY
(H,Hw) - See Anderson County
GRAVES COUNTY
(H,Hw) - See Allen County
GRAYSON COUNTY
(H,Hw) - See Anderson County
GREENE COUNTY
(H,Hw) - See Adair County
GREENUP COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
HANCOCK COUNTY
(H,Hw) - See Allen County
(D) - See Boone County

KENTUCKY (Cont'd)

HARDIN COUNTY
(B) - See Jefferson County
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
HARLAN COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
HART COUNTY
(H,Hw) - See Adair County
HENDERSON COUNTY
Decision #AR-4025 (B)
39 FR 31796 - 8/30/74
(H,Hw) - See Allen County
(D) - See Boone County
HENRY COUNTY
(H,Hw) - See Anderson County
HICKMAN COUNTY
(D) - See Ballard County
(H,Hw) - See Allen County
HOPKINS COUNTY
(H,Hw) - See Allen County
JACKSON COUNTY
(H,Hw) - See Adair County
JEFFERSON COUNTY
Decision #AR-4016 (B)
39 FR 28833 - 8/9/74
(D) - See Boone County
(R) - See Breckinridge County
(H,Hw) - See Anderson County
JESSAMINE COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

KENTUCKY (Cont'd)

JOHNSON COUNTY
Decision #AQ-4080 (H,Hw)
39 FR 7033 - 2/22/74
Mod. #1 - 39 FR 14848 - 4/26/74
Mod. #2 - 39 FR 20913 - 6/14/74
Mod. #3 - 39 FR 29705 - 8/16/74
KENTON COUNTY
(B,H,Hw,D) - See Boone County
KNOTT COUNTY
(H,Hw) - See Breathitt County
KNOX COUNTY
(H,Hw) - See Adair County
LARUE COUNTY
(H,Hw) - See Anderson County
LAUREL COUNTY
(H,Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Johnson County
LEE COUNTY
(H,Hw) - See Adair County
LESLIE COUNTY
(H,Hw) - See Adair County
LETCHER COUNTY
(H,Hw) - See Breathitt County
LEWIS COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
LINCOLN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
LOGAN COUNTY
(H,Hw) - See Allen County
LYON COUNTY
(H,Hw) - See Allen County
McCRACKEN COUNTY
Decision #AR-4014 (B)
39 FR 28044 - 8/2/74
Mod. #1 - 39 FR 30665 - 8/23/74
(D) - See Boone County
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

McCREARY COUNTY
(H,Hw) - See Adair County
McLEAN COUNTY
(H,Hw) - See Allen County
MADISON COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MAGOFFIN COUNTY
(H,Hw) - See Breathitt County
MARION COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
MARSHALL COUNTY
(H,Hw) - See Allen County
MARTIN COUNTY
(H,Hw) - See Breathitt County
MASON COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
MEADE COUNTY
(H,Hw) - See Anderson County
(B) - See Jefferson County
(R) - See Breckinridge County
(D) - See Boone County
MENIFEE COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Anderson County
METCALFE COUNTY
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
MORGAN COUNTY
(H,Hw) - See Anderson County
MUHLENBERG COUNTY
(H,Hw) - See Allen County

KENTUCKY (Cont'd)

NELSON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
NICHOLAS COUNTY
(H,Hw) - See Anderson County
OHIO COUNTY
(H,Hw) - See Allen County
OLDHAM COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
(D) - See Boone County
OWEN COUNTY
(H,Hw) - See Anderson County
OWSLEY COUNTY
(H,Hw) - See Adair County
PENDLETON COUNTY
(B)(D) - See Boone County
(H,Hw) - See Boone County
PERRY COUNTY
(H,Hw) - See Breathitt County
PIKE COUNTY
(B) - See Floyd County
(H,Hw) - See Breathitt County
POWELL COUNTY
(H,Hw) - See Adair County
PULASKI COUNTY
(H,Hw) - See Adair County
ROBERTSON COUNTY
(H,Hw) - See Anderson County
ROCKCASTLE COUNTY
(H,Hw) - See Adair County
ROWAN COUNTY
(H,Hw) - See Anderson County
RUSSELL COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County
SHELBY COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County

KENTUCKY (Cont'd.)

SIMPSON COUNTY
(H,Hw) - See Allen County
SPENCER COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
TAYLOR COUNTY
(H,Hw) - See Allen County
TODD COUNTY
(H,Hw) - See Allen County
TRIGG COUNTY
(H,Hw) - See Allen County
TRIMBLE COUNTY
(H,Hw) - See Anderson County
(D) - See Boone County
UNION COUNTY
(H,Hw) - See Allen County
(D) - See Boone County
WARREN COUNTY
Decision #AR-4023 (B)
39 FR 32449 - 9/6/74
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Anderson County
(R) - See Breckinridge County
WAYNE COUNTY
(H,Hw) - See Adair County
WEBSTER COUNTY
(H,Hw) - See Allen County
WHITLEY COUNTY
(H,Hw) - See Adair County
WOLFE COUNTY
(H,Hw) - See Adair County
WOODFORD COUNTY
(H,Hw) - See Anderson County
(R) - See Bath County

LOUISIANA

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AR-56 (B (Including R in Bossier, Caddo & Calcasieu Parishes), Hw, Roads, Streets, Parking Area (except those let with a building contract)
39 FR 35920 - 10/4/74
ACADIA PARISH
(D) - See Statewide
(Hw) - See Statewide
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
(B) - See Statewide
ALLEN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASCENSION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ASSUMPTION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
AVOYELLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BEAUREGARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BIENVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
BOSSIER PARISH
(B,R) - See Statewide
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
CADDO PARISH
(D) - See Statewide
(B,R) - See Statewide
(Hw) - See Statewide
CALCASIEU PARISH
(D) - See Statewide
(F) - See Acadia Parish
(Hw) - See Statewide
(B,R) - See Statewide

LOUISIANA (Cont'd)

CALDWELL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CAMERON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CATAHOULA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CLAIBORNE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
CONCORDIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
DE SOTO PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST BATON ROUGE PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
EAST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EAST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
EVANGELINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
GRANT PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
IBERIA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

IBERVILLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JEFFERSON PARISH
Decision #AR-3 (R)
39 FR 25777 - 7/12/74
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
JEFFERSON DAVIS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LAFAYETTE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LAFOURCHE PARISH
(D) - See Statewide
(F) - See Acadia Paris
(B)(Hw) - See Statewide
LA SALLE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LINCOLN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
LIVINGSTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
MADISON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
MOREHOUSE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
NATCHIOTOCHES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ORLEANS PARISH
(D) - See Statewide
(B)(Hw) - SEe Statewide
(R) - See Jefferson Parish
QUACHITA PARISH
(D) - See Statewide
Decision #AQ-116 (R)
39 FR 22397 - 6/21/74
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

PLAQUEMINES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
POINTE COUPEE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
RAPIDES PARISH
(D) - See Statewide
(B)(Hw) - See Statewide
RED RIVER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
RICHLAND PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
SABINE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. BERNARD PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
(R) - See Jefferson Parish
ST. CHARLES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. HELENA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. JAMES PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. JOHN THE BAPTIST PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. LANDRY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. MARTIN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
ST. MARY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

LOUISIANA (Cont'd)

ST. TAMMANY PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TANGIPAHOA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TENSAS PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
TERREBONE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
UNION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERMILLION PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
VERNON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WASHINGTON PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEBSTER PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST BATON ROUGE PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST CARROLL PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WEST FELICIANA PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide
WINN PARISH
(D) - See Statewide
(F) - See Acadia Parish
(B)(Hw) - See Statewide

MAINE

ANDROSCOGGIN COUNTY
None
AROOSTOOK COUNTY
None
CUMBERLAND COUNTY
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
FRANKLIN COUNTY
None
HANCOCK COUNTY
(D) - See Cumberland County
KENNEBEC COUNTY
None
KNOX COUNTY
(D) - See Cumberland County
LINCOLN COUNTY
(D) - See Cumberland County
OXFORD COUNTY
None
PENOBSCOT COUNTY
None
PISCATAQUIS COUNTY
None
SAGADAHOC COUNTY
(D) - See Cumberland County
SOMERSET COUNTY
None
WALDO COUNTY
(D) - See Cumberland County
WASHINGTON COUNTY
(D) - See Cumberland County
YORK COUNTY
(D) - See Cumberland County

MARYLAND

ALLEGANY COUNTY
Decision #AR-2022 (H,Hw)
39 FR 30661 - 8/23/74
ANNE ARUNDEL COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
Decision #AR-2050 (B,H,Hw)
39 FR 32451 - 9/6/74
Mod. #1 - 39 FR 35906 - 10/4/74
BALTIMORE CITY & BALTIMORE COUNTY
Decision #AR-2052 (Hw)
39 FR 34904 - 9/27/74
Decision #AR-2053 (Hw)
39 FR 34905 - 9/27/74
Decision #AR-2023 (B,H)
39 FR 30761 - 8/23/74
Mod. #1 - 39 FR 35906 - 10/4/74
Decision #AQ-2072 (R)
39 FR 8122 - 3/1/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
CALVERT COUNTY
(D) - See Anne Arundel County
CAROLINE COUNTY
None
CARROLL COUNTY
None
CECIL COUNTY
(R) - See Baltimore County
CHARLES COUNTY
(D) - See Anne Arundel County
DORCHESTER COUNTY
(D) - See Anne Arundel County
FREDERICK COUNTY
Decision #AQ-2076 (R)
39 FR 10069 - 3/15/74
GARRETT COUNTY
(H,Hw) - See Allegany County
HARFORD COUNTY
(R) - See Baltimore County
(D) - See Anne Arundel County
HOWARD COUNTY
(R) - See Baltimore County
KENT COUNTY
(D) - See Anne Arundel County

MARYLAND (Cont'd.)

MONTGOMERY COUNTY
Decision #AR-2025 (B)
39 FR 30763 - 8/23/74
Mod. #1 - 39 FR 32441 - 9/6/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
PRINCE GEORGES COUNTY
(B) - See Montgomery County
(R) - See Montgomery County
(D) - See Anne Arundel County
QUEEN ANNES COUNTY
(D) - See Anne Arundel County
ST. MARYS COUNTY
(D) - See Anne Arundel County
SOMERSET COUNTY
(D) - See Anne Arundel County
TALBOT COUNTY
(D) - See Anne Arundel County
WASHINGTON COUNTY
None
WICOMICO COUNTY
Decision #AQ-2075 (R)
39 FR 10068 - 3/15/74
Mod. #1 - 39 FR 14849 - 4/26/74
(D) - See Anne Arundel County
WORCESTER COUNTY
(D) - See Baltimore County
Decision #AR-2012 (B)
39 FR 27991 - 8/2/74

MASSACHUSETTS

BARNSTABLE COUNTY
Decision #AR-3129 (B,H,Hw, & MArine)
39 FR 31798 - 8/30/74
Mod. #1 - 39 FR 34913 - 9/27/74
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
BERKSHIRE COUNTY
Decision #AR-3130 (B,H,Hw)
39 FR 31802 - 8/30/74
Mod. #1 - 39 FR 34914 - 9/27/74
BRISTOL COUNTY
Decision #AR-3131 (B,H,Hw,R, & Marine)
39 FR 31806 - 8/30/74
Mod. #1 - 39 FR 34914 - 9/27/74
(D) - See Barnstable County
DUKES COUNTY
(D) - See Barnstable County
ESSEX COUNTY
Decision #AR-3132 (B,H,Hw, & Marine)
39 FR 31810 - 8/30/74
Mod. #1 - 39 FR 34915 - 9/27/74
(D) - See Barnstable County
FRANKLIN COUNTY
Decision #AR-3133 (B,H,Hw)
39 FR 31815 - 8/30/74
Mod. #1 - 39 FR 34915 - 9/27/74
HAMPDEN COUNTY
Decision #AR-3134 (B,H,Hw)
39 FR 31819 - 8/30/74
Mod. #1 - 39 FR 34916 - 9/27/74
Decision #AQ-3032 (R)
39 FR 30361 - 11/2/73
HAMPSHIRE COUNTY
Decision #AR-3135 (B,H,Hw)
39 FR 31823 - 8/30/74
Mod. #1 - 39 FR 34916 - 9/27/74
MIDDLESEX COUNTY
Decision #AR-3136 (B,H,Hw,R, & Marine)
39 FR 31827 - 8/30/74
Mod. #1 - 39 FR 34917 - 9/27/74
(D) - See Barnstable County
NANTUCKET COUNTY
(D) - See Barnstable County
NORFOLK COUNTY
Decision #AR-3137 - (B,H,Hw,R)
39 FR 31833 - 8/30/74
Mod. #1 - 39 FR 34918 - 9/27/74
(D) - See Barnstable County
PLYMOUTH COUNTY
Decision #AR-3138 (B,H,Hw,R)
39 FR 31836 - 8/30/74
Mod. #1 - 39 FR 34918 - 9/27/74
SUFFOLK COUNTY
Decision #AR-3139 (B,H,Hw,D,R, & Marine)
39 FR 31840 - 8/30/74
Mod. #1 - 39 FR 34918 - 9/27/74
WORCESTER COUNTY
Decision #AR-3140 (B,H,Hw,R)
39 FR 31844 - 8/30/74
Mod. #1 - 39 FR 34919 - 9/27/74

MICHIGAN

STATEWIDE
Decision #AR-3141 (Hw, W&S)
39 FR 30765 - 8/23/74
ALCONA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(Hw, W&S) - See Statewide
ALGER COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ALLEGAN COUNTY
Decision #AR-3102 (B,H)
39 FR 29784 - 8/16/74
Mod. #1 - 39 FR 33152 - 9/13/74
Mod. #2 - 39 FR 33911 - 9/20/74
Mod. #3 - 39 FR 34920 - 9/27/74
Decision #AM-398 (R)
36 FR 15891 - 8/18/71
(Hw, W&S) - See Statewide
(D) - See Alcona County
ALPENA COUNTY
Decision #AR-3103 (B,H)
39 FR 29784 - 8/16/74
Mod. #1 - 39 FR 33153 - 9/13/74
Mod. #2 - 39 FR 33911 - 9/20/74
Mod. #3 - 39 FR 34921 - 9/27/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
ANTRIM COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ARENAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARAGA COUNTY
Decision #AR-3104 (B,H)
39 FR 29790 - 8/16/74
Mod. #1 - 39 FR 33153 - 9/13/74
Mod. #2 - 39 FR 35907 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
BARRY COUNTY
(Hw, W&S) - See Statewide
BAY COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
BENZIE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

BERRIEN COUNTY
Decision #AR-3105 (B,H)
39 FR 29793 - 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74
Mod. #2 - 39 FR 33911 - 9/20/74
Mod. #3 - 39 FR 34921 - 9/27/74
Decision #AM-399 (R)
36 FR 15892 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
BRANCH COUNTY
Decision #AM-401 (R)
36 FR 15894 - 8/18/71
(Hw, W&S) - See Statewide
CALHOUN COUNTY
Decision #AR-3106 (B,H)
39 FR 29797 - 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
Decision #AM-400 (R)
36 FR 15892 - 8/18/71
(Hw, W&S) - See Statewide
CASS COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
CHARLEVOIX COUNTY
Decision #AR-3122 (B,H)
39 FR 29850 - 8/16/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 33916 - 9/20/74
Mod. #3 - 39 FR 34922 - 9/27/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHEBOYGAN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
CHIPPEWA COUNTY
Decision #AR-3107 (B,H)
39 FR 29801 - 8/16/74
Mod. #1 - 39 FR 31774 - 8/30/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 35907 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
CLARE COUNTY
(Hw, W&S) - See Statewide
CLINTON COUNTY
(Hw, W&S) - See Statewide
CRAWFORD COUNTY
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

DELTA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
DICKINSON COUNTY
(Hw, W&S) - See Statewide
EATON COUNTY
Decision #AM-8041 (R)
36 FR 24027 - 12/17/71
(Hw, W&S) - See Statewide
EMMET COUNTY
Decision #AR-3108 (B,H)
39 FR 29803 - 8/16/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 33912 - 9/20/74
Mod. #3 - 39 FR 35908 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
GENESEE COUNTY
Decision #AR-3109 (B,H)
39 FR 29807 - 8/16/74
Mod. #1 - 39 FR 33912 - 9/20/74
Mod. #2 - 39 FR 35908 - 10/4/74
(Hw, W&S) - See Statewide
GLADWIN COUNTY
(Hw) - See Statewide
GOGEBIC COUNTY
Decision #AR-3110 - (B,H)
39 FR 29811 - 8/16/74
Mod. #1 - 39 FR 31774 - 8/30/74
Mod. #2 - 39 FR 33913 - 9/30/74
Mod. #3 - 39 FR 35909 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRAND TRAVERSE COUNTY
Decision #AR-3111 (B,H)
39 FR 29814 - 8/16/74
Mod. #1 - 39 FR 33913 - 9/20/74
Mod. #2 - 39 FR 35909 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
GRATIOT COUNTY
(Hw, W&S) - See Statewide
HILLSDALE COUNTY
(Hw, W&S) - See Statewide
HOUGHTON COUNTY
(B,H) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide
HURON COUNTY
Decision #AR-3112 (B,H)
39 FR 29817 - 8/16/74
Mod. #1 - 39 FR 31774 - 8/30/74
Mod. #2 - 39 FR 33913 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

INGHAM COUNTY
Decision #AR-3113 (B,H)
39 FR 29820 - 8/16/74
Mod. #1 - 39 FR 33154 - 9/13/74
Mod. #2 - 39 FR 33914 - 9/20/74
Mod. #3 - 39 FR 35910 - 10/4/74
(Hw, W&S) - See Statewide
(R) - See Eaton County
IONIA COUNTY
(Hw, W&S) - See Statewide
IOSCO COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
IRON COUNTY
(Hw, W&S) - See Statewide
ISABELLA COUNTY
(Hw, W&S) - See Statewide
JACKSON COUNTY
(Hw, W&S) - See Statewide
KALAMAZOO COUNTY
Decision #AR-3114 (B,H)
39 FR 29823 - 8/16/74
Mod. #1 - 39 FR 33914 - 9/20/74
Mod. #2 - 39 FR 35910 - 10/4/74
(Hw, W&S) - See Statewide
(R) - See Branch County
KALKASKA COUNTY
(Hw, W&S) - See Statewide
KENT COUNTY
Decision #AR-3054 (B,H)
39 FR 25858 - 7/12/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34920 - 9/27/74
Decision #AM-402 (R)
36 FR 15895 - 8/18/71
(Hw, W&S) - See Statewide
KEWEENAW COUNTY
(B,H) - See Baraga County
(Hw, W&S) - See Statewide
LAKE COUNTY
(Hw, W&S) - See Statewide
LAPEER COUNTY
(B,H) - See Genessee County
(Hw, W&S) - See Statewide
LEELANAU COUNTY
(B,H) - See Grand Traverse County
(Hw, W&S) - See Statewide
LANAWEE COUNTY
(Hw, W&S) - See Statewide
LIVINGSTON COUNTY
(Hw, W&S) - See Statewide
LUCE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MACKINAC COUNTY
(B,H) - See Chippewa County
(Hw, W&S) - See Statewide
MACOMB COUNTY
Decision #AR-3121 (B,H,R)
39 FR 29846 - 8/16/74
Mod. #1 - 39 FR 33916 - 9/20/74
Mod. #2 - 39 FR 35913 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

MANISTEE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MARQUETTE COUNTY
Decision #AR-3115 (B,H)
39 FR 29827 - 8/16/74
Mod. #1 - 39 FR 31175 - 8/30/74
Mod. #2 - 39 FR 33914 - 9/20/74
Mod. #3 - 39 FR 35911 - 10/4/74
(D) - See Alcona County
(Hw, W&S) - See Statewide
MASON COUNTY
Decision #AR-3116 (B,H)
39 FR 29830 - 8/16/74
Mod. #1 - 39 FR 33914 - 9/20/74
Mod. #2 - 39 FR 35911 - 10/4/74
(D) - See Alcona County
MECOSTA COUNTY
(Hw) - See Statewide
MENOMINEE COUNTY
(D) - See Alcona COunty
(Hw, W&S) - See Statewide
MIDLAND COUNTY
(Hw, W&S) - See Statewide
MISSAUKEE COUNTY
(Hw, W&S) - See Statewide
MONROE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
MONTCALM COUNTY
(Hw, W&S) - See Statewide
(R) - See Kent County
MONTMORENCY COUNTY
(Hw, W&S) - See Statewide
MUSKEGON COUNTY
Decision #AR-3117 (B,H)
39 FR 29833 - 8/16/74
Mod. #1 - 39 FR 33915 - 9/20/74
Mod. #2 - 39 FR 35912 - 10/4/74
Decision #AM-403 (R)
36 FR 15896 - 8/18/71
(D) - See Alcona County
(Hw, W&S) - See Statewide
NEWAYGO COUNTY
(Hw, W&S) - See Statewide
OAKLAND COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OCEANA COUNTY
(B,H,R) - See Muskegon County
(D) - See Alcona County
(Hw, W&S) - See Statewide
OGEMAW COUNTY
(Hw, W&S) - See Statewide
ONTONAGON COUNTY
(B,H) - See Baraga County
(D) - See Alcona County
(Hw, W&S) - See Statewide

MICHIGAN (Cont'd.)

OSCEOLA COUNTY
(Hw, W&S) - See Statewide
OSCODA COUNTY
(Hw, W&S) - See Statewide
OTSEGO COUNTY
(Hw, W&S) - See Statewide
OTTAWA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
(R) - See Allegan County
PRESQUE ISLE COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
ROSOCOMMON COUNTY
(Hw, W&S) - See Statewide
SAGINAW COUNTY
Decision #AR-3118 (B,H)
39 FR 29837 - 8/16/74
Mod. #1 - 39 FR 31775 - 8/30/74
Mod. #2 - 39 FR 33915 - 9/20/74
Mod. #3 - 39 FR 35912 - 10/4/74
(Hw, W&S) - See Statewide
SAINT CLAIR COUNTY
Decision #AR-3119 (B,H,R)
39 FR 29840 - 8/16/74
Mod. #1 - 39 FR 33915 - 9/20/74
Mod. #2 - 39 FR 35912 - 10/4/74
(Hw, W&S) - See Statewide
SAINT JOSEPH COUNTY
(Hw, W&S) - See Statewide
(R) - See Branch County
SANILAC COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SCHOOLCRAFT COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
SHIAWASSEE COUNTY
(B,H) - See Genessee County
(Hw, W&S) - See Statewide
TUSCOLA COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
VAN BUREN COUNTY
(D) - See Alcona County
(Hw, W&S) - See Statewide
WASHTENAW COUNTY
Decision #AR-3120 (B,H)
39 FR 29843 - 8/16/74
Mod. #1 - 39 FR 33916 - 9/20/74
Mod. #2 - 39 FR 35913 - 10/4/74
WAYNE COUNTY
(B,H,R) - See Macomb County
(D) - See Alcona County
(Hw, W&S) - See Statewide
WEXFORD COUNTY
(Hw, W&S) - See Statewide

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MINNESOTA

AITKIN COUNTY
(H,Hw) - See Anoka County
ANOKA COUNTY
Decision #AR-1049 (B,R)
39 FR 25861 - 7/12/74
Decision #AR-3053 (H,Hw)
39 FR 25873 - 7/12/74
Mod. #1 - 39 FR 31775 - 8/30/74
BECKER COUNTY
Decision #AQ-3104 (H,Hw)
39 FR 9369 - 3/8/74
BELTRAMI COUNTY
None
BENTON COUNTY
(H,Hw) - See Anoka County
BIG STONE COUNTY
Decision #AQ-3105 (H,Hw)
39 FR 9370 - 3/8/74
BLUE EARTH COUNTY
(H,Hw) - See Anoka County
BROWN COUNTY
None
CARLTON COUNTY
(H,Hw) - See Anoka County
CARVER COUNTY
Decision #AR-3050 (B,R)
39 FR 25864 - 7/12/74
Mod. #1 - 39 FR 27394 - 7/26/74
(H,Hw) - See Anoka County
CASS COUNTY
(Hw) - See Becker County
CHIPPEWA COUNTY
(Hw) - See Big Stone County
CHISAGO COUNTY
(H,Hw) - See Anoka County
CLAY COUNTY
(Hw) - See Becker County
CLEAR WATER COUNTY
None
COOK COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Anoka County
COTTONWOOD COUNTY
Decision #AQ-3124 (H,Hw)
39 FR 9335 - 3/8/74
CROW WING COUNTY
(H,Hw) - See Anoka County
DAKOTA COUNTY
Decision #AR-3051 (B,R)
39 FR 25867 - 7/12/74
(H,Hw) - See Anoka County

MINNESOTA (Cont'd.)

DODGE COUNTY
(H,Hw) - See Anoka County
DOUGLAS COUNTY
(H,Hw) - See Big Stone County
FAIRBAULT COUNTY
(H,Hw) - See Anoka County
FILLMORE COUNTY
(H,Hw) - See Anoka County
FREEBORN COUNTY
(H,Hw) - See Anoka County
GOODHUE COUNTY
(H,Hw) - See Anoka County
GRANT COUNTY
(H,Hw) - See Big Stone County
HENNEPIN COUNTY
(B,R) - See Carver
(H,Hw) - See Anoka County
HOUSTON COUNTY
(H,Hw) - See Anoka County
HUBBARD COUNTY
(H,Hw) - See Becker County
ISANTI COUNTY
(H,Hw) - See Anoka County
ITASKA COUNTY
(H,Hw) - See Anoka County
JACKSON COUNTY
(H,Hw) - See Anoka County
KANABEC COUNTY
(H,Hw) - See Anoka County
KANDIYOHI COUNTY
(H,Hw) - See Big Stone County
KITTSON COUNTY
None
KOOCHICHING COUNTY
(H,Hw) - See Anoka County
LAC QUI PARLE COUNTY
(H,Hw) - See Big STone County
LAKE COUNTY
(H,Hw) - See Anoka County
(D) - See Cook County
LAKE OF THE WOODS COUNTY
None
LE SHUEUR COUNTY
(H,Hw) - See Anoka County
LINCOLN COUNTY
(H,Hw) - See Cottonwood County

MINNESOTA (Cont'd.)

LYON COUNTY
(H,Hw) - See Cottonwood County
MCLEOD COUNTY
(H,Hw) - See Anoka County
MAHNOMEN COUNTY
None
MARSHALL COUNTY
None
MARTIN COUNTY
(H,Hw) - See Anoka County
MEEKER COUNTY
(H,Hw) - See Anoka County
MILLE LACS COUNTY
(H,Hw) - See Anoka County
MORRISON COUNTY
(H,Hw) - See Anoka County
MOWER COUNTY
(H,Hw) - See Anoka County
MURRAY COUNTY
(H,Hw) - See Cottonwood County
NICOLLET COUNTY
(H,Hw) - See Anoka County
NOBLES COUNTY
(H,Hw) - See Anoka County
NORMAN COUNTY
None
OLMSTEAD COUNTY
(H,Hw) - See Anoka County
OTTER TAIL COUNTY
(H,Hw) - See Becker County
PENNINGTON COUNTY
None
PINE COUNTY
(H,Hw) - See Anoka County
PIPESTONE COUNTY
(H,Hw) - See Cottonwood County
POLK COUNTY
None
POPE COUNTY
(H,Hw) - See Big Stone County
RAMSEY COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County
RED LAKE COUNTY
None
REDWOOD COUNTY
(H,Hw) - See Cottonwood County
RENVILLE COUNTY
None
RICE COUNTY
(H,Hw) - See Anoka County
ROCK COUNTY
(H,Hw) - See Anoka County

MINNESOTA (Cont'd.)

ROSEAU COUNTY
None
SAINT LOUIS COUNTY
(D) - See Cook County
(H,Hw) - See Anoka County
CITY OF DULUTH
Decision #AR-3052 (B,R)
39 FR 25870 - 7/12/74
SCOTT COUNTY
(H,Hw) - See Anoka County
(B,R) - See Carver County
SHERBURNE COUNTY
(H,Hw) - See Anoka County
SIBLEY COUNTY
(H,Hw) - See Anoka County
STEARNS COUNTY
(H,Hw) - See Anoka County
STEELE COUNTY
(H,Hw) - See Anoka County
STEVENS COUNTY
(H,Hw) - See Big Stone County
SWIFT COUNTY
(H,Hw) - See Big Stone County
TODD COUNTY
(Hw) - See Becker County
TRAVERSE COUNTY
(H,Hw) - See Big Stone County
WABASHA COUNTY
(H,Hw) - See Anoka County
WADENA COUNTY
(H,Hw) - See Becker County
WASECA COUNTY
(H,Hw) - See Anoka County
WASHINGTON COUNTY
(B,R) - See Dakota County
(H,Hw) - See Anoka County
WATONWAN COUNTY
None
WILKIN COUNTY
(H,Hw) - See Becker County
WINONA COUNTY
(H,Hw) - See Anoka County
WRIGHT COUNTY
(H,Hw) - See Anoka County
YELLOW MEDICINE COUNTY
(H,Hw) - See Cottonwood County

MISSISSIPPI

STATEWIDE
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15603 - 5/3/74
Decision #AQ-4113 (H,Hw)
39 FR 17664 - 5/17/74
Mod. #1 - 39 FR 34923 - 9/27/74
ADAMS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ALCORN COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
AMITE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ATTALA COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
BENTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
BOLIVAR COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
CALHOUN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CARROLL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CHICKASAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CHOCTAW COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CLAIBORNE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
CLARKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (cont'd)

CLAY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
COAHOMA COUNTY
Decision #AR-4024 (R)
39 FR 31771 - 8/30/74
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
COPIAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
COVINGTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
DE SOTO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
FORREST COUNTY
Decision #AM-8264 (R)
37 FR 13017 - 6/30/72
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
FRANKLIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
GEORGE COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
(R) - See Harrison County
GREENE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
GRENADA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
HANCOCK COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
HARRISON COUNTY
Decision #AR-4041 (B,H,Hw,W&S)
39 FR 34996 - 9/27/74
Decision #AP-174 (R)
38 FR 10584 - 4/27/73
Mod. #1 - 39 FR 8102 - 3/1/74
(D,F) - See Statewide

MISSISSIPPI (cont'd)

HINDS COUNTY
Decision #AR-4030 (B)
39 FR 32454 - 9/6/74
Decision #AQ-4120 (R)
39 FR 20302 - 6/7/74
(D,F) - See Statewide
(H,Hw) - See Statewide
HOLMES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
HUMPHREYS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ISSAQUENA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
ITAWAMBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
JASPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JEFFERSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JEFFERSON DAVIS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
JONES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Forest County
KEMPER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAFAYETTE COUNTY
(D) - See Statewide
(R) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (cont'd)

LAMAR COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LEAKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
LEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LEFLORE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LINCOLN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
LOWNDES COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MADISON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MARSHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

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MISSISSIPPI (Cont'd)

NESHOBA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
NEWTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
NOXUBEE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
OKTIBBEHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PANOLA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PEARL RIVER COUNTY
(D) - See Statewide
(F) - See Statewide
(B,H,Hw,W&S) - See Harrison County
(R) - See Harrison County
PERRY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PIKE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PONTOTOC COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
PRENTISS COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
QUITMAN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
RANKIN COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County

MISSISSIPPI (Cont'd)

SCOTT COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
SHARKEY COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
SIMPSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
SMITH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Hinds County
STONE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Harrison County
SUNFLOWER COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Coahoma County
TALLAHATCHIE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TATE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TIPPAH COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TISHOMINGO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
TUNICA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
UNION COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide

MISSISSIPPI (Cont'd)

WALTHALL COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WARREN COUNTY
Decision #AQ-4112 (B)
39 FR 16978 - 5/10/74
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Coahoma County
WASHINGTON COUNTY
Decision #AQ-4072 (B)
39 FR 5933 - 2/15/74
(D) - See Statewide
(F) - See Statewide
(R) - See Coahoma County
(H,Hw) - See Statewide
WAYNE COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WEBSTER COUNTY
(H,Hw) - See Statewide
(D) - See Statewide
(F) - See Statewide
WILKINSON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
WINSTON COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
YALOBUSHA COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
YAZOO COUNTY
(D) - See Statewide
(F) - See Statewide
(H,Hw) - See Statewide
(R) - See Statewide

MISSOURI

ADAIR COUNTY
Decision #AQ-85 (H,Hw)
39 FR 9371 - 3/8/74
Mod. #1 - 39 FR 11815 - 3/29/74
Mod. #2 - 39 FR 15607 - 5/3/74
Mod. #3 - 39 FR 30666 - 8/23/74
ANDREW COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(H,Hw) - See Adair County
ATCHISON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
AUDRAIN COUNTY
(H,Hw) - See Adair County
BARRY COUNTY
(H,Hw) - See Adair County
BARTON COUNTY
(H,Hw) - See Adair County
BATES COUNTY
(H,Hw) - See Adair County
BENTON COUNTY
(H,Hw) - See Adair County
BOLLINGER COUNTY
(H,Hw) - See Adair County
BOONE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUCHANAN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
BUTLER COUNTY
(H,Hw) - See Adair County
CALDWELL COUNTY
(H,Hw) - See Adair County
CALLAWAY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CAMDEN COUNTY
(H,Hw) - See Adair County
CAPE GIRARDEAU COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Adair County
CARROLL COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CARTER COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd.)

CASS COUNTY
Decision #AQ-44 (B,H,Hw)
38 31780 - 11/16/73
Mod. #1 - 39 FR 26559 - 7/17/74
Decision #AQ-62 (R)
38 FR 32388 - 11/23/73
(H,Hw)-See Statewide
CEDAR COUNTY
(H,Hw) - See Adair County
CHARITON COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CHRISTIAN COUNTY
(Hw) - See Adair County
CLARK COUNTY
(H,Hw) - See Adair County
CLAY COUNTY
(B,H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
CLINTON COUNTY
(H,Hw) - See Adair County
COLE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
COOPER COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
CRAWFORD COUNTY
(H,Hw) - See Adair County
DADE COUNTY
(H,Hw) - See Adair County
DALLAS COUNTY
(H,Hw) - See Adair County
DAVIESS COUNTY
(H,Hw) - See Adair County
DE KALB COUNTY
(H,Hw) - See Adair County
DENT COUNTY
(Hw) - See Adair County
DOUGLAS COUNTY
(Hw) - See Adair County
DUNKLIN COUNTY
(Hw) - See Adair County
FRANKLIN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GASCONADE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
GENTRY COUNTY
(H,Hw) - See Adair County
GREENE COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

GRUNDY COUNTY
(H,Hw) - See Adair County
HARRISON COUNTY
(H,Hw) - See Adair County
HENRY COUNTY
(H,Hw) - See Adair County
HICKORY COUNTY
(H,Hw) - See Adair County
HOLT COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWARD COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
HOWELL COUNTY
(Hw) - See Adair County
IRON COUNTY
(Hw) - See Adair County
JACKSON COUNTY
(B,H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
JASPER COUNTY
None
JEFFERSON COUNTY
(D) - See Cape Cirdeau County
(H,Hw) - See Adair County
JOHNSON COUNTY
(H,Hw) - See Adair County
KNOX COUNTY
(H,Hw) - See Adair County
LACLEDE COUNTY
(Hw) - See Adair County
LAFAYETTE COUNTY
(D) - See Andrew County
(Hw) - See Adair County
LAWRENCE COUNTY
(H,Hw) - See Adair County
LEWIS COUNTY
(H,Hw) - See Adair County
LINCOLN COUNTY
(H,Hw) - See Adair County
LINN COUNTY
(H,Hw) - See Adair County
LIVINGSTON COUNTY
(H,Hw) - See Adair County
MC DONALD COUNTY
(H,Hw) - See Statewide
MACON COUNTY
(H,Hw) - See Adair County
MADISON COUNTY
(H,Hw) - See Adair County
MARIES COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

MARION COUNTY
(H,Hw) - See Adair County
MERCER COUNTY
(H,Hw) - See Adair County
MILLER COUNTY
(H,Hw) - See Adair County
MISSISSIPPI COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
MONITEAU COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MONROE COUNTY
(H,Hw) - See Adair County
MONTGOMERY COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
MORGAN COUNTY
(H,Hw) - See Adair County
NEW MADRID COUNTY
(Hw) - See Adair County
NEWTON COUNTY
(H,Hw) - See Adair County
NODAWAY COUNTY
(H,Hw) - See Adair County
OREGON COUNTY
(Hw) - See Adair County
OSAGE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
OZARK COUNTY
(Hw) - See Adair County
PEMISCOT COUNTY
(Hw) - See Adair County
PERRY COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
PETTIS COUNTY
(H,Hw) - See Adair County
PHELPS COUNTY
(H,Hw) - See Adair County
PIKE COUNTY
(H,Hw) - See Adair County
PLATTE COUNTY
(B,H,Hw) - See Cass County
(D) - See Andrew County
(R) - See Cass County
POLK COUNTY
(H,Hw) - See Adair County

MISSOURI (Cont'd)

PULASKI COUNTY
(H,Hw) - See Adair County
PUTNAM COUNTY
(H,Hw) - See Adair County
RALLS COUNTY
(H,Hw) - See Adair County
RANDOLPH COUNTY
(H,Hw) - See Adair County
RAY COUNTY
(B,R) - See Cass County
(H,Hw) - See Cass County
(D) - See Andrew County
REYNOLDS COUNTY
(Hw) - See Adair County
RIPLEY COUNTY
(Hw) - See Adair County
ST. CHARLES COUNTY
Decision #AQ-91 (B)
39 FR 14157 - 4/19/74
(D) - See Andrew County
Decision #AQ-94 (R)
39 FR 15649 - 5/3/74
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
ST. CLAIR COUNTY
(H,Hw) - See Adair County
ST. FRANCOIS COUNTY
(H,Hw) - See Adair County
ST. LOUIS COUNTY
(B,R) - See St. Charles County
(D) - See Cape Girardeau County
(D) - See Andrew County
(H,Hw) - See Adair County
STE. GENEVIEVE COUNTY
(D) - See Cape Girardeau County
(H,Hw) - See Adair County
SALINE COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
SCHUYLER COUNTY
(H,Hw) - See Adair County
SCOTLAND COUNTY
(H,Hw) - See Adair County
SCOTT COUNTY
(D) - See Cape Girardeau County
(Hw) - See Adair County
SHANNON COUNTY
(Hw) - See Adair County
SHELBY COUNTY
(H,Hw) - See Adair County
STODDARD COUNTY
(Hw) - See Adair County

MISSOURI (Cont'd)

STONE COUNTY
(Hw) - See Adair County
SULLIVAN COUNTY
(H,Hw) - See Adair County
TANEY COUNTY
(Hw) - See Adair County
TEXAS COUNTY
(Hw) - See Adair County
VERNON COUNTY
(H,Hw) - See Adair County
WARREN COUNTY
(D) - See Andrew County
(H,Hw) - See Adair County
WASHINGTON COUNTY
(H,Hw) - See Adair County
WAYNE COUNTY
(Hw) - See Adair County
WEBSTER COUNTY
(Hw) - See Adair County
WORTH COUNTY
(H,Hw) - See Adair County
WRIGHT COUNTY
(Hw) - See Adair County

MONTANA

STATEWIDE
Decision #AR-1039 (B)
39 FR 34999 - 9/27/74
Decision #AR-1017 (H,Hw)
39 FR 29853 - 8/16/74
Mod. #1 - 39 FR 31776 - 8/30/74
Mod. #2 - 39 FR 34923 - 9/27/74
BEAVERHEAD COUNTY
(B,H,Hw) - See Statewide
BIG HORN COUNTY
(B,H,Hw) - See Statewide
BLAINE COUNTY
(B,H,Hw) - See Statewide
BROADWATER COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
CARTER COUNTY
(B,H,Hw) - See Statewide
CASCADE COUNTY
Decision #AR-1012 (R)
39 FR 28838 - 8/9/74
Mod. #1 - 39 FR 31776 - 8/30/74
(B,H,Hw) - See Statewide
CHOUTEAU COUNTY
(B,H,Hw) - See Statewide
CUSTER COUNTY
(B,H,Hw) - See Statewide
DANIELS COUNTY
(B,H,Hw) - See Statewide
DAWSON COUNTY
(B,H,Hw) - See Statewide
DEERLODGE COUNTY
(B,H,Hw) - See Statewide
Decision #AR-1013 (R)
39 FR 28848 - 8/9/74
Mod. #1 - 39 FR 34923 - 9/27/74
FALLON COUNTY
(B,H,Hw) - See Statewide
FERGUS COUNTY
(B,H,Hw) - See Statewide
FLATHEAD COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
GALLATIN COUNTY
(B,H,Hw) - See Statewide
(R) - See Deerlodge County
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GLACIER COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

GOLDEN VALLEY COUNTY
(B,H,Hw) - See Statewide
GRANITE COUNTY
(B,H,Hw) - See Statewide
HILL COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
JEFFERSON COUNTY
(B,H,Hw) - See Statewide
JUDITH BASIN COUNTY
(B,H,Hw) - See Statewide
LAKE COUNTY
(B,H,Hw) - See Statewide
LEWIS & CLARK COUNTY
(B,H,Hw) - See Statewide
LIBERTY COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
MC CONE COUNTY
(B,H,Hw) - See Statewide
MADISON COUNTY
(B,H,Hw) - See Statewide
MEAGHER COUNTY
(B,H,Hw)- See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
MISSOULA COUNTY
(B,H,Hw) - See Statewide
MUSSELSHELL COUNTY
(B,H,Hw) - See Statewide
PARK COUNTY
(B,H,Hw) - See Statewide
PETROLEUM COUNTY
(B,H,Hw) - See Statewide
PHILLIPS COUNTY
(B,H,Hw) - See Statewide
PONDERA COUNTY
(B,H,Hw) - See Statewide
POWDER RIVER COUNTY
(B,H,Hw) - See Statewide
POWELL COUNTY
(B,H,Hw) - See Statewide
PRAIRIE COUNTY
(B,H,Hw) - See Statewide
RAVALLI COUNTY
(B,H,Hw) - See Statewide

MONTANA (Cont'd)

RICHLAND COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
ROSEBUD COUNTY
(B,H,Hw) - See Statewide
SANDERS COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
SHERIDAN COUNTY
(B,H,Hw) - See Statewide
SILVERBOW COUNTY
(R) - See Deerlodge County
(B,H,Hw) - See Statewide
STILLWATER COUNTY
(B,H,Hw) - See Statewide
SWEETGRASS COUNTY
(B,H,Hw) - See Statewide
TETON COUNTY
(B,H,Hw) - See Statewide
TOOLE COUNTY
(B,H,Hw) - See Statewide
TREASURE COUNTY
(B,H,Hw) - See Statewide
VALLEY COUNTY
(B,H,Hw) - See Statewide
(R) - See Cascade County
WHEATLAND COUNTY
(B,H,Hw) - See Statewide
WIBAUX COUNTY
(B,H,Hw) - See Statewide
YELLOW STONE COUNTY
(B,H,Hw) - See Statewide

NEBRASKA

STATEWIDE (Except Douglas & Sarpy)
Decision #AQ-119 (Constr., alteration & repair of streets, roads, highways (excluding bridges across navigable waterways), runways, and water and sewer utilities, SCS Floodwater retarding structures
39 FR 22398 - 6/21/74
Mod. #1 - 39 FR 31777 - 8/30/74
Mod. #2 - 39 FR 32442 - 9/6/74
ADAMS COUNTY
(H,Hw) - See Statewide
ANTELOPE COUNTY
(H,Hw) - See Statewide
ARTHUR COUNTY
(H,Hw) - See Statewide
BANNER COUNTY
Decision #AQ-79 (B)
39 FR 5933 - 2/15/74
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BOONE COUNTY
(H,Hw) - See Statewide
BOX BUTTE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
BOYD COUNTY
(H,Hw) - SEe Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BUFFALO COUNTY
(H,Hw) - See Statewide
BURT COUNTY
(H,Hw) - See Statewide
BUTLER COUNTY
(H,Hw) - See Statewide
CASS COUNTY
(H,Hw) - See Statewide
CEDAR COUNTY
Decision #AQ-93 (B)
39 FR 15653 - 5/3/74
(H,Hw) - See Statewide
CHASE COUNTY
(H,Hw) - See Statewide
CHERRY COUNTY
(H,Hw) - See Statewide
CHEYENNE COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
CLAY COUNTY
(H,Hw) - See Statewide
COLFAX COUNTY
(H,Hw) - See Statewide
CUMING COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

CUSTER COUNTY
(H,Hw) - See STatewide
DAKOTA COUNTY
(H,Hw) - See Statewide
DAWES COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DUEL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
DIXON COUNTY
(H,Hw) - See Statewide
DODGE COUNTY
(H,Hw) - See Statewide
DOUGLAS COUNTY
Decision #AR-14 (B,H,Hw)
39 FR 29885 - 8/16/74
Mod. #1 - 39 FR 32443 - 9/6/74
Decision #AR-13 (R)
39 FR 29884 - 8/16/74
Mod. #1 - 39 FR 32442 - 9/6/74
DUNDY COUNTY
(H,Hw) - See Statewide
FILLMORE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FRONTIER COUNTY
(H,Hw) - See Statewide
FURNAS COUNTY
(H,Hw) - See Statewide
GAGE COUNTY
(H,Hw) - See Statewide
GARDEN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GOSPER COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREELEY COUNTY
(H,Hw) - See Statewide
HALL COUNTY
Decision #AQ-24 (B)
38 FR 24486 - 9/7/73
Mod. #1 - 38 FR 30330 - 11/2/73
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

HAMILTON COUNTY
(H,Hw) - See Statewide
HARLAN COUNTY
(H,Hw) - See Statewide
HAYES COUNTY
(H,Hw) - See Statewide
HITCHOCK COUNTY
(H,Hw) - See Statewide
HOLT COUNTY
(H,Hw) - See Statewide
HOOKER COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(H,Hw) - See Statewide
KEARNEY COUNTY
(H,Hw) - See Statewide
KIETH COUNTY
(H,Hw) - See Statewide
KEYAPAHA COUNTY
(H,Hw) - See Statewide
KIMBALL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LANCASTER COUNTY
Decision #AQ-65 (B)
38 FR 34597 - 12/14/73
Mod. #1 - 39 FR 22367 - 6/21/74
Mod. #2 - 39 FR 26560 - 7/19/74
Mod. #3 - 39 FR 27394 - 7/26/74
Mod. #4 - 39 FR 31777 - 8/30/74
Decision #AM-6140 (R)
36 FR 21736 - 11/12/71
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
LOGAN COUNTY
(H,Hw) - See Statewide
LOUP COUNTY
(H,Hw) - See Statewide
MC PHERSON COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MERRICK COUNTY
(H,Hw) - See Statewide

NEBRASKA (Cont'd.)

MORRILL COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
NANCE COUNTY
(H,Hw) - See Statewide
NEMAHA COUNTY
Decision #AQ-21 (D)
38 FR 23647 - 8/31/73
(H,Hw) - See Statewide
NUCKOLLS COUNTY
(H,Hw) - See Statewide
OTOE COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PERKINS COUNTY
(H,Hw) - See Statewide
PHELPS COUNTY
(H,Hw) - See Statewide
PIERCE COUNTY
(B) - See Cedar County
(H,Hw) - See Statewide
PLATTE COUNTY
(H,Hw) - See Statewide
POLK COUNTY
(H,Hw) - See Statewide
RED WILLOW COUNTY
(H,Hw) - See Statewide
RICHARDSON COUNTY
(D) - See Neemaha County
(H,Hw) - See Statewide
ROCK COUNTY
(H,Hw) - See Statewide
SALINE COUNTY
(H,Hw) - See Statewide
SARPY COUNTY
(B,H,Hw) - See Douglas County
SAUNDERS COUNTY
(H,Hw) - See Statewide
SCOTTS BLUFF COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SEWARD COUNTY
(H,Hw) - See Statewide
SHERIDAN COUNTY
(B) - See Banner County
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
SIOUX COUNTY
(B) - See Banner County
(H,Hw) - See Statewide

NEBRASKA (Cont'd)

STANTON COUNTY
(B) - See Cedar County
(Hw) - See Adams County
THAYER COUNTY
(Hw) - See Adams County
THOMAS COUNTY
(Hw) - See Adams County
THURSTON COUNTY
(Hw) - See Adams County
VALLEY COUNTY
(Hw) - See Adams County
WASHINGTON COUNTY
(Hw) - See Adams County
WAYNE COUNTY
(B) - See Cedar County
(Hw) - See Adams County
WEBSTER COUNTY
(Hw) - See Adams County
WHEELER COUNTY
(Hw) - See Adams County
YORK COUNTY
(Hw) - See Adams County

NEVADA

STATEWIDE (Excluding the Nevada Test Site & Tonopah Test Range)
Decision #AQ-1080 (B,H,Hw)
39 FR 5131 - 2/8/74
Mod. #1 - 39 FR 22369 - 6/21/74
Mod. #2 - 39 FR 24178 - 6/28/74
CHURCHILL COUNTY
(B,H,Hw) - See Statewide
CLARK COUNTY
Decision #AQ-1081 (R) (Excluding the Nevada Test Site)
39 FR 5992 - 2/15/74
Mod. #1-39 FR 22369 - 6/21/74
(B,H,Hw) - See Statewide
Decision #AQ-1083 (B,H,Hw)(Nevada Test Site including the Tonopah Test Range
39 FR 6001 - 2/15/74
Mod. #1 - 39 FR 22369 - 6/21/74
Mod. #2 - 39 FR 24178 - 6/28/74
DOUGLAS COUNTY
(B,H,Hw) - See Statewide
ELKO COUNTY
(B,H,Hw) - See Statewide
ESMERALDA COUNTY
(B,H,Hw) - See Statewide
EUREKA COUNTY
(B,H,Hw) - See Statewide
HUMBOLDT COUNTY
(B,H,Hw) - See Statewide
LANDER COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LYON COUNTY
(B,H,Hw) - See Statewide
MINERAL COUNTY
(B,H,Hw) - See Statewide
NYE COUNTY
(B,H,Hw) - See Clark County (Nevada Test Site)
(B,H,Hw) - See Statewide
ORMSBY COUNTY
(B,H,Hw) - See Statewide
PERSHING COUNTY
(B,H,Hw) - See Statewide
STOREY COUNTY
(B,H,Hw) - See Statewide
WASHOE COUNTY
Decision #AQ-1082 (R)
39 FR 5996 - 2/15/74
Mod. #1 - 39 FR 22369 - 6/21/74
(B,H,Hw) - See Statewide
WHITE PINE COUNTY
(B,H,Hw) - See Statewide

NEW HAMPSHIRE

BELKNAP COUNTY
None
CARROLL COUNTY
None
CHESHIRE COUNTY
None
COOS COUNTY
None
GRAFTON COUNTY
None
HILLSBORO COUNTY
Decision #AR-3142 (B,H,Hw,R & Marine)
39 FR 35021 - 9/27/74
MERRIMACK COUNTY
Decision #AR-3143 (B,H,Hw, & Marine)
39 FR 35024 - 9/27/74
ROCKINGHAM COUNTY
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
Decision #AR-3144 (B,H,Hw, & Marine)
39 FR 35027 - 9/27/74
STRAFFORD COUNTY
Decision #AR-3145 (B,H,Hw,R & Marine)
39 FR 35031 - 9/27/74
SULLIVAN COUNTY
None

NEW JERSEY

ATLANTIC COUNTY
Decision #AQ-2094 (B,H,Hw)
39 FR 12657 - 4/5/74
Mod. #1 - 39 FR 14120 - 4/19/74
Mod. #2 - 39 FR 19397 - 5/31/74
Mod. #3 - 39 FR 28003 - 8/2/74
Decision #AQ-2125 (D)
39 FR 19143 - 5/31/74
BERGEN COUNTY
Decision #AQ-2105 (B,H,Hw)
39 FR 14873 - 4/26/74
Mod. #1 - 39 FR 19403 - 5/31/74
Mod. #2 - 39 FR 24179 - 6/28/74
Mod. #3 - 39 FR 28764 - 8/9/74
Mod. #4 - 39 FR 29716 - 8/16/74
(D) - See Atlantic County
BURLINGTON COUNTY
Decision #AQ-2098 (B,H,Hw)
39 FR 13491 - 4/12/74
Mod. #1 - 39 FR 14851 - 4/26/74
Mod. #2 - 39 FR 19399 - 5/31/74
Mod. #3 - 39 FR 28755 - 8/9/74
(D) - See Atlantic County
CAMDEN COUNTY
Decision #AQ-2093 (B,H,Hw)
39 FR 12651 - 4/5/74
Mod. #1 - 39 FR 14120 - 4/19/74
Mod. #2 - 39 FR 19396 - 5/31/74
Mod. #3 - 39 FR 28745 - 8/9/74
(D) - See Atlantic County
CAPE MAY COUNTY
(B,H,Hw,D) - See Atlantic County
CUMBERLAND COUNTY
Decision #AQ-2097 (B,H,Hw)
39 FR 13485 - 4/12/74
Mod. #1 - 39 FR 20291 - 6/7/74
Mod. #2 - 39 FR 28750 - 8/9/74
(D) - See Atlantic County
ESSEX COUNTY
Decision #AQ-2102 (B,H,Hw)
39 FR 14161 - 4/19/74
Mod. #1 - 39 FR 19400 - 5/31/74
Mod. #2 - 39 FR 24782 - 7/5/74
Mod. #3 - 39 FR 28760 - 8/9/74
GLOUCESTER COUNTY
(B,H,Hw) - See Camden County
(D) - See Atlantic County
HUDSON COUNTY
Decision #AQ-2090 (B,H,Hw,R)
39 FR 11823 - 3/29/74
Mod. #1 - 39 FR 14850 - 4/26/74
Mod. #2 - 39 FR 19393 - 5/31/74
Mod. #3 - 39 FR 28741 - 8/9/74
Mod. #4 - 39 FR 29706 - 8/16/74
(D) - See Atlantic County
HUNTERDON COUNTY
None

NEW JERSEY (Cont'd.)

MERCER COUNTY
Decision #AQ-2104 (B,H,Hw)
39 FR 14168 - 4/19/74
Mod. #1 - 39 FR 19402 - 5/31/74
Mod. #2 - 39 FR 29712 - 8/16/74
(D) - See Atlantic County
MIDDLESEX COUNTY
Decision #AR-2040 (B,H,Hw)
39 FR 33164 - 9/13/74
Mod. #1 - 39 FR 34923 - 9/27/74
(D) - See Atlantic County
MONMOUTH COUNTY
Decision #AQ-2096 (B,H,Hw)
39 FR 13478 - 4/12/74
Mod. #1 - 39 FR 20290 - 6/7/74
Mod. #2 - 39 FR 29707 - 8/16/74
(D) - See Atlantic County
MORRIS COUNTY
Decision #AR-2041 (B,H,Hw)
39 FR 33172 - 9/13/74
Mod. #1 - 39 FR 34924 - 9/27/74
(D) - See Atlantic County
OCEAN COUNTY
Decision #AQ-2106 (B,H,Hw)
39 FR 14880 - 4/26/74
Mod. #1 - 39 FR 20293 - 6/7/74
Mod. #2 - 39 FR 29717 - 8/16/74
(D) - See Atlantic County
PASSAIC COUNTY
Decision #AR-2042 (B,H,Hw,R)
39 FR 33179 - 9/13/74
(D) - See Atlantic County
SALEM COUNTY
(D) - See Atlantic County
SOMERSET COUNTY
Decision #AR-2043 (B,H,Hw)
39 FR 32456 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
(D) - See Atlantic County
SUSSEX COUNTY
None
UNION COUNTY
Decision #AR-2044 (B,H,Hw)
39 FR 32464 - 9/6/74
Mod. #1 - 39 FR 34925 - 9/27/74
(D) - See Atlantic County
WARREN COUNTY
None

NEW MEXICO

STATEWIDE
Decision #AQ-18 (Streets, Highways, Utilities and Light Engineering Construction)
38 FR 21714 - 8/10/73
Mod. #1 - 38 FR 22853 - 8/24/73
Mod. #2 - 39 FR 32443 - 9/6/74
Decision #AR-6 (Building, including residential in McKinley, Santa Fe, San Juan & Bernalillo Cos.) and Heavy engineering construction.
39 FR 25880 - 7/12/74
Mod. #1 - 39 FR 27395 - 7/26/74
Mod. #2 - 39 FR 28768 - 8/9/74
Mod. #3 - 39 FR 31778 - 8/30/74
Mod. #4 - 39 FR 32443 - 9/6/74
Mod. #5 - 39 FR 34926 - 9/27/74
BERNALILLO COUNTY
(B,H,Hw,R) - See Statewide
CATRON COUNTY
(B,H,Hw) - See Statewide
CHAVES COUNTY
(B,H,Hw) - See Statewide
COLFAX COUNTY
(B,H,Hw) - See Statewide
CURRY COUNTY
(B,H,Hw) - See Statewide
DE BACA COUNTY
(B,H,Hw) - See Statewide
DONA ANA COUNTY
(B,H,Hw) - See Statewide
Decision #AP-340 (R)
37 FR 19869 - 9/22/72
EDDY COUNTY
(B,H,Hw) - See Statewide
GRANT COUNTY
(B,H,Hw) - See Statewide
GUADALUPE COUNTY
(B,H,Hw) - See Statewide
HARDING COUNTY
(B,H,Hw) - See STatewide
HIDALCO COUNTY
(B,H,Hw) - See Statewide
LEA COUNTY
(B,H,Hw) - See Statewide
LINCOLN COUNTY
(B,H,Hw) - See Statewide
LOS ALAMOS COUNTY
(B,H,Hw) - See Statewide
LUNA COUNTY
(B,H,Hw) - See Statewide
McKINLEY COUNTY
(B,H,Hw,R) - See Statewide
MORA COUNTY
(B,H,Hw) - See Statewide

NEW MEXICO (Cont'd)

OTERO COUNTY
(B,H,Hw) - See Statewide
QUAY COUNTY
(B,H,Hw) - See Statewide
RIO ARRIBA COUNTY
(B,H,Hw) - See Statewide
ROOSEVELT COUNTY
(B,H,Hw) - See Statewide
SANDOVAL COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw,R) - See Statewide
SAN MIGUEL COUNTY
(B, H,Hw) - See Statewide
SANTA FE COUNTY
(B,H,Hw,R) - See Statewide
SIERRA COUNTY
(B,H,Hw) - See Statewide
SOCORRO COUNTY
(B,H,Hw) - See Statewide
TAOS COUNTY
(B,H,Hw) - See Statewide
TORRANCE COUNTY
(B,H,Hw) - See Statewide
UNION COUNTY
(B,H,Hw) - See Statewide
VALENCIA COUNTY
(B,H,Hw) - See Statewide

XUM

NEW YORK

ALBANY COUNTY
Decision #AR-2054 (H,Hw,B)
39 FR 35034 - 9/27/74
ALLEGANY COUNTY
None
BRONX COUNTY
Decision #AQ-2107 (B,H,Hw)
39 FR 14887 - 4/26/74
Decision #AQ-2120 (R)
39 FR 17670 - 5/17/74
Mod. #1 - 39 FR 20918 - 6/14/74
Decision #AQ-2125 (D)
39 FR 19143 - 5/31/74
BROOME COUNTY
Decision #AR-2017 (B,H,Hw)
39 FR 29888 - 8/16/74
CATTARAUGUS COUNTY
None
CAYUGA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
CHAUTAUQUA COUNTY
Decision #AR-2014 (B,H,Hw)
39 FR 28735 - 8/9/74
(D) - See Cayuga County
CHEMUNG COUNTY
None
CHENANGO COUNTY
None
CLINTON COUNTY
None
COLUMBIA COUNTY
None
CORTLAND COUNTY
None
DELAWARE COUNTY
None

NEW YORK (Cont'd)

DUTCHESS COUNTY
Decision AQ-2028 (B,H,Hw)
36 FR 31135 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(D) - See Bronx County
ERIE COUNTY
Decision #AR-2051 (B,H,Hw)
39 FR 33185 - 9/13/74
Mod. #1 - 39 FR 35913 - 10/4/74
(D) - See Cayuga County
ESSEX COUNTY
None
FRANKLIN COUNTY
(D) - See Cayuga County
FULTON COUNTY
None
GENESEE COUNTY
None
GREENE COUNTY
None
HAMILTON COUNTY
None
HERKIMER COUNTY
None
JEFFERSON COUNTY
Decision #AR-2013 (B)
39 FR 28708 - 8/2/74
(D) - See Cayuga County
KINGS COUNTY
(B,H,Hw,R,D) - See Bronx County
LEWIS COUNTY
None
LIVINGSTON COUNTY
None
MADISON COUNTY
None

NEW YORK (Cont'd)

MONROE COUNTY
Decision #AR-2024 (B,H,Hw)
39 FR 30768 - 8/23/74
Mod. #1 - 39 FR 34926 - 9/27/74
(D) - See Cayuga County
MONTGOMERY COUNTY
None
NASSAU COUNTY
Decision #AQ-2001 (B,H,Hw)
38 FR 18845 - 7/13/73
Mod. #1 - 38 FR 24491 - 9/7/73
Mod. #2 - 39 FR 5950 - 2/15/74
(D) - See Bronx County
NEW YORK COUNTY
(B,H,Hw,R,D) - See Bronx County
NIAGARA COUNTY
Decision #AQ-2048 (B,H,Hw)
39 FR 4368 - 2/1/74
(D) - See Cayuga County
ONEIDA COUNTY
Decision #AR-2019 (B,H,Hw)
39 FR 29897 - 8/16/74
ONONDAGA COUNTY
Decision #AR-2118 (B,H,Hw)
39 FR 29893 - 8/16/74
ONTARIO COUNTY
None
ORANGE COUNTY
Decision #AP-845 (B,H,Hw)
38 FR 15346 - 6/8/73
Mod. #1 - 38 FR 18820 - 7/13/73
Mod. #2 - 39 FR 5950 - 2/15/74
Mod. #3 - 39 FR 25787 - 7/12/74
(D) - See Bronx County
ORLEANS COUNTY
(D)- See Cayuga County
OSWEGO COUNTY
(D) - See Cayuga County
OTSEGA COUNTY
None

NEW YORK (Cont'd)

PUTNAM COUNTY
None
QUEENS COUNTY
(B,H,Hw,R,D) - See Bronx County
RENSSELAER COUNTY
Decision #AR-2010 (B,H,Hw)
39 FR 27398 - 7/26/74
RICHMOND COUNTY
(B,H,Hw,R,D) - See Bronx County
ROCKLAND COUNTY
(D) - See Albany County
ST LAWRENCE COUNTY
(D) - See Cayuga County
SARATOGA COUNTY
Decision #AR-2020 (B,H,Hw)
39 FR 29903 - 8/16/74
SCHENECTADY COUNTY
Decision #AR-2011 (B,H,Hw)
38 FR 27402 - 7/26/74
Mod. #1 - 38 FR 21028 - 8/3/73
SCHOHARIE COUNTY
None
SCHUYLER COUNTY
None
SENECA COUNTY
None
STEUBEN COUNTY
Decision #AQ-2126 (B,H,Hw,R)
39 FR 20303 - 6/7/74
Mod. #1 - 39 FR 24783 - 7/5/74
SUFFOLK COUNTY
Decision #AQ-2112 (B,H,Hw)
39 FR 15673 - 5/3/74
Mod. #1 - 39 FR 22369 - 6/21/74
(D) - See Bronx County
SULLIVAN COUNTY
None
TIOGA COUNTY
None

NEW YORK (cont'd)

TOMPKINS COUNTY
None
ULSTER COUNTY
None
WARREN COUNTY
None
WASHINGTON COUNTY
None
WAYNE COUNTY
Decision #AQ-2128 (B,H,Hw)
39 FR 24163 - 6/28/74
(D) - See Cayuga County
WESTCHESTER COUNTY
Decision #AR-2021 (B,H,Hw)
39 FR 33979 - 9/20/74
(D) - See Bronx County
WYOMING COUNTY
None
YATES COUNTY
None

NORTH CAROLINA

STATEWIDE
Decision #AQ-4064 (H,Hw)
39 FR 4371 - 2/1/74
Mod. #1 - 39 FR 7018 - 2/22/74
Mod. #2 - 39 FR 15609 - 5/3/74
Decision #AP-156 (Sewer & Water)
38 FR 4618 - 2/16/73
ALAMANCE COUNTY
Decision #AQ-4078 (R)
39 FR 7010 - 2/22/74
(Sewer & Water, H,Hw) - See Statewide
ALEXANDER COUNTY
(Sewer & Water, H,Hw) - See Statewide
ALLEGHANY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd.)

ANSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ASHE COUNTY
(Sewer & Water, H,Hw) - See Statewide
AVERY COUNTY
Decision #AR-4017 (B)
39 FR 28739 - 8/9/74
(Sewer & Water, H,Hw) - See Statewide
BEAUFORT COUNTY
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
(Sewer & Water, H,Hw) - See Statewide
BERTIE COUNTY
Decision #AQ-4079 (R)
39 FR 7010 - 2/22/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
BLADEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
BRUNSWICK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
Decision #AR-4031 (R)
39 FR 32441 - 9/6/74
BUNCOMBE COUNTY
Decision #AR-4005 (B)
39 FR 24778 - 7/5/74
(Sewer & Water, H,Hw) - See Statewide
BURKE COUNTY
Decision #AQ-4105 (B)
39 FR 14842 - 4/26/74
Decision #AQ-4117 (R)
39 FR 18397 - 5/24/74
(Sewer & Water, H,Hw) - See Statewide
CABARRUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CALDWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CAMDEN COUNTY
(Sewer & Water, H,Hw) - See Statewide
CARTERET COUNTY
Decision #AQ-4083 (R)
39 FR 8101 - 3/1/74
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
CASWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
CATAWBA COUNTY
(R) - See burke County
(Sewer & Water, H,Hw) - See Statewide
CHATHAM COUNTY
(Sewer & Water, H,Hw) - See STatewide
CHEROKEE COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

CHOWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
CLAY COUNTY
(Sewer & Water, H,Hw) - See Statewide
CLEVELAND COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
COLUMBUS COUNTY
(Sewer & Water, H,Hw) - See Statewide
CRAVEN COUNTY
(R) - See Carteret County
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
CUMBERLAND COUNTY
Decision #AQ-4087 (R)
39 FR 9337 - 3/8/74
(Sewer & Water, H,Hw) - See Statewide
CURRICTUCK COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DARE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
DAVIDSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
DAVIE COUNTY
(Sewer & Water, H,Hw) - See Statewide
DUPLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
DURHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
EDGECOMBE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
FORSYTH COUNTY
Decision #AR-4019 (R)
39 FR 29702 - 8/16/74
(Sewer & Water, H,Hw) - See Statewide
FRANKLIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
GASTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
GATES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
GRAHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
GRANVILLE COUNTY
(Sewer & Water, H,Hw) - See Statewide
GREENE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
GUILFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County

NORTH CAROLINA (Cont'd.)

HALIFAX COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
HARNETT COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HAYWOOD COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HENDERSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
HERTFORD COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
(R) - See Bertie County
HOKE COUNTY
(R) - See Cumberland County
(Sewer & Water, H,Hw) - See Statewide
HYDE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(D) - See Beaufort County
IREDELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
JACKSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
JOHNSTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
JONES COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LEE COUNTY
(Sewer & Water, H,Hw) - See Statewide
LENOIR COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
LINCOLN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Burke County
MCDOWELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
MACON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MADISON COUNTY
(Sewer & Water, H,Hw) - See Statewide
MARTIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
MECKLENBURG COUNTY
Decision #AP-161 (R)
38 FR 5753 - 3/2/73
Mod. #1 - 38 FR 7166 - 3/16/73
Mod. #2 - 38 FR 31770 - 11/16/73
(Sewer & Water, H,Hw) - See Statewide
MITCHELL COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Avery County

NORTH CAROLINA (Cont'd)

MONTGOMERY COUNTY
(Sewer & Water, H,Hw) - See Statewide
MOORE COUNTY
(Sewer & Water, H,Hw) - See Statewide
NASH COUNTY
(Sewer & Water, H,Hw) - See Statewide
NEW HANOVER COUNTY
(R) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
NORTHAMPTON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
ONSLOW COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
ORANGE COUNTY
(Sewer & Water, H,Hw) - See Statewide
PAMLICO COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
PASQUOTANK COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
PENDER COUNTY
(B) - See Brunswick County
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
(R) - See Brunswick County
PERQUIMANS COUNTY
(D) - See Beaufort County
PERSONS COUNTY
(Sewer & Water, H,Hw) - See Statewide
PITT COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
POLK COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide
RANDOLPH COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
RICHMOND COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROBESON COUNTY
(Sewer & Water, H,Hw) - See Statewide
ROCKINGHAM COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Alamance County
ROWAN COUNTY
(Sewer & Water, H,Hw) - See Statewide
RUTHERFORD COUNTY
(R) - See Burke County
(Sewer & Water, H,Hw) - See Statewide

NORTH CAROLINA (Cont'd)

SAMPSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Cumberland County
SCOTLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
STANLY COUNTY
(Sewer & Water, H,Hw) - See Statewide
STOKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
SURRY COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Forsyth County
SWAIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
TRANSYLVANIA COUNTY
Decision #AR-4042 (B)
39 FR 34906 - 9/27/74
(Sewer & Water, H,Hw) - See Statewide
TYRRELL COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(Sewer & Water, H,Hw) - See Statewide
VANCE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WAKE COUNTY
Decision #AQ-4032 (B)
38 FR 31093 - 11/9/73
Mod. #1 - 39 FR 5066 - 2/8/74
(Sewer & Water, H,Hw) - See Statewide
WARREN COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
WASHINGTON COUNTY
(D) - See Beaufort County
(Sewer & Water, H,Hw) - See Statewide
WATAUGA COUNTY
(B) - See Avery County
(Sewer & Water, H,Hw) - See Statewide
WAYNE COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Carteret County
WILKES COUNTY
(Sewer & Water, H,Hw) - See Statewide
WILSON COUNTY
(Sewer & Water, H,Hw) - See Statewide
(R) - See Bertie County
YADKIN COUNTY
(Sewer & Water, H,Hw) - See Statewide
YANCEY COUNTY
(Sewer & Water, H,Hw) - See Statewide

NORTH DAKOTA

STATEWIDE
Decision #AQ-1000 (Hw)
38 FR 1B849 - 7/13/73
Mod. #1 - 38 FR 33800 - 12/7/73
ADAMS COUNTY
(Hw) - See Statewide
BARNES COUNTY
(Hw) - See Statewide
BENSON COUNTY
(Hw) - See Statewide
BILLINGS COUNTY
(Hw) - See Statewide
BOTTINEAU COUNTY
(Hw) - See Statewide
BOWMAN COUNTY
(Hw) - See Statewide
BURKE COUNTY
(Hw) - See Statewide
BURLEIGH COUNTY
(Hw) - See Statewide
Decision #AR-1036 (B)
39 FR 35038 - 9/27/74
CASS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
CAVALIER COUNTY
(Hw) - See Statewide
DICKEY COUNTY
(Hw) - See Statewide
DIVIDE COUNTY
(Hw) - See Statewide
DUNN COUNTY
(Hw) - See Statewide
EDDY COUNTY
(Hw) - See Statewide
EMMONS COUNTY
(Hw) - See Statewide
FOSTER COUNTY
(Hw) - See Statewide
GOLDEN VALLEY COUNTY
(Hw) - See Statewide

NORTH DAKOTA (Cont'd)

GRAND FORKS COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
GRANT COUNTY
(Hw) - See Statewide
GRIGGS COUNTY
(Hw) - See Statewide
HETTINGER COUNTY
(Hw) - See Statewide
KIDDER COUNTY
(Hw) - See Statewide
LAMOURE COUNTY
(Hw) - See Statewide
LOGAN COUNTY
(Hw) - See Statewide
McHENRY COUNTY
(Hw) - See Statewide
McINTOSH COUNTY
(Hw) - See Statewide
McKENZIE COUNTY
(Hw) - See Statewide
McLEAN COUNTY
(Hw) - See Statewide
MERCER COUNTY
(Hw) - See Statewide
MORTON COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
MOUNTRAIL COUNTY
(Hw) - See Statewide
NELSON COUNTY
(Hw) - See Statewide
OLIVER COUNTY
(Hw) - See Statewide
PEMBINA COUNTY
(Hw) - See Statewide
RANSOM COUNTY
(Hw) - See Statewide
RENVILLE COUNTY
(Hw) - See Statewide
RICHLAND COUNTY
(Hw) - See Statewide
(B) - See Burleigh County

NORTH DAKOTA (Cont'd)

BOLETTE COUNTY
(Hw) - See Statewide
SARGENT COUNTY
(Hw) - See Statewide
SHERIDAN COUNTY
(Hw) - See Statewide
SIOUX COUNTY
(Hw) - See Statewide
SLOPE COUNTY
(Hw) - See Statewide
STARK COUNTY
(Hw) - See Statewide
STEELE COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
STUTSMAN COUNTY
(Hw) - See Statewide
TOWNER COUNTY
(Hw) - See Statewide
TRAILL COUNTY
(Hw) - See Statewide
WALSH COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WARD COUNTY
(Hw) - See Statewide
(B) - See Burleigh County
WELLS COUNTY
(Hw) - See Statewide
WILLIAMS COUNTY
(Hw) - See Statewide

OHIO

STATEWIDE
Decision #AR-3048 (H,Hw)
39 FR 27992 - 8/2/74
Mod. #1 - 39 FR 29722 - 8/16/74
Mod. #2 - 39 FR 34927 - 9/27/74
ADAMS COUNTY
Decision #AQ-3094 (D)
39 FR 5070 - 2/8/74
(H,Hw) - See Statewide
ALLEN COUNTY
(H,Hw) - See Statewide
ASHLAND COUNTY
(H,Hw) - See Statewide
ASHTABULA COUNTY
Decision #AQ-3095 (D)
39 FR 5982 - 2/15/74
(H,Hw) - See Statewide
ATHENS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
AUGLAIZE COUNTY
(H,Hw) - See Statewide
BELMONT COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
BUTLER COUNTY
Decision #AR-3033 (B)
39 FR 30774 - 8/23/74
Decision #AP-683 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CARROLL COUNTY
(H,Hw) - See Statewide
CHAMPAIGN COUNTY
(H,Hw) - See Statewide
CLARK COUNTY
Decision #AR-3034 (B)
39 FR 30776 - 8/23/74
DEcision #AP-684 (R)
38 FR 14049 - 5/25/73
(H,Hw) - See Statewide
CLERMONT COUNTY
Decision #AM-685 (R)
38 FR 14050 - 5/25/73
(B) - See Hamilton County
(D) - See Adams County
(H,Hw) - See Statewide

OHIO (Cont'd)

CLINTON COUNTY
(H,Hw) - See Statewide
COLUMBIANA COUNTY
(H,Hw) - See Statewide
COSHOCTON COUNTY
(H,Hw) - See Statewide
CRAWFORD COUNTY
(H,Hw) - See Statewide
CUYAHOGA COUNTY
Decision #AR-3035 (B,R)
39 FR 30778 - 8/23/74
(H,Hw) - See Statewide
DARKE COUNTY
(H,Hw) - See Statewide
DEFIANCE COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
Decision #AM-420 (R)
36 FR 15963 - 8/18/71
Mod. #1 - 38 FR 4630 - 2/16/73
(H,Hw) - See Statewide
ERIE COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
FAIRFIELD COUNTY
(R) - See Delaware County
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
FRANKLIN COUNTY
Decision #AR-3036 (B)
39 FR 30780 - 8/23/74
(D) - See Delaware County
(H,Hw) - See Statewide
FULTON COUNTY
(B) - See Lucas County
(H,Hw) - See Statewide
GALLIA COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
GEAUGA COUNTY
(H,Hw) - See Statewide
GREENE COUNTY
Decision #AR-3037 (B)
39 FR 30782 - 8/23/74
Decision #AM-422 (R)
36 FR 15965 - 8/18/71
Mod. #1 - 37 FR 8619 - 4/28/72
(H,Hw) - See Statewide
GUERNSEY COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-303B (B)
39 FR 30784 - 8/23/74
(D) - See Adams County
(R) - See Clermont County
(H,Hw) - See Statewide

OHIO (Cont'd)

HANCOCK COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HENRY COUNTY
(H,Hw) - See Statewide
HIGHLAND COUNTY
(H,Hw) - See Statewide
HOCKING COUNTY
(H,Hw) - See Statewide
HOLMES COUNTY
(H,Hw) - See Statewide
HURON COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
KNOX COUNTY
(H,Hw) - See Statewide
LAKE COUNTY
(B,R) - See Cuyahoga County
(D) - See Ashtabula County
(B,H,Hw) - See Statewide
LAWRENCE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
LICKING COUNTY
Decision #AR-3039 (B)
39 FR 30786 - 8/23/74
(H,Hw) - See Statewide
(R) - See Delaware County
LOGAN COUNTY
(H,Hw) - See Statewide
LORAIN COUNTY
Decision #AR-3040 (B,R)
39 FR 30663 - 8/23/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
LUCAS COUNTY
Decision #AR-3041 (B)
39 FR 30788 - 8/23/74
(D) - See Ashtabula County
(H,Hw) - See Statewide
MADISON COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide

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OHIO (Cont'd)

MAHONING COUNTY
Decision #AR-3042 (B,R)
39 FR 30790 - 8/23/74
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MEIGS COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MERCER COUNTY
(H,Hw) - See Statewide
MIAMI COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
MONROE COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(B) - See Greene County
(R) - See Greene County
(H,Hw) - See Statewide
MORGAN COUNTY
(H,Hw) - See Statewide
MORROW COUNTY
(H,Hw) - See Statewide
MUSKINGUM COUNTY
Decision #AR-3043 (B)
39 FR 30792 - 8/23/74
(H,Hw) - See Statewide
NOBLE COUNTY
(H,Hw) - See Statewide
OTTAWA COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
PAULDING COUNTY
(H,Hw) - See Statewide
PERRY COUNTY
(H,Hw) - See Statewide
PICKAWAY COUNTY
(B) - See Franklin County
(R) - See Delaware County
(H,Hw) - See Statewide
PIKE COUNTY
(H,Hw) - See Statewide
PORTAGE COUNTY
Decision #AR-3044 (B,R)
39 FR 30794 - 8/23/74
(H,Hw) - See Statewide

OHIO (Cont'd.)

PREBLE COUNTY
(R) - See Greene County
(H,Hw) - See Statewide
PUTNAM COUNTY
(H,Hw) - See Statewide
RICHLAND COUNTY
(H,Hw) - See Statewide
ROSS COUNTY
(H,Hw) - See Statewide
SANDUSKY COUNTY
(D) - See Ashtabula County
(H,Hw) - See Statewide
SCIOTO COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
SENECA COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
STARK COUNTY
Decision #AR-3045 (B,R)
39 FR 30796 - 8/23/74
(H,Hw) - See Statewide
SUMMITT COUNTY
Decision #AR-3046 (B,R)
39 FR 30798 - 8/23/74
Mod. #1 - 39 FR 34927 - 9/27/74
(H,Hw) - See Statewide
TRUMBULL COUNTY
Decision #AR-3047 (B,R)
39 FR 30800 - 8/23/74
(H,Hw) - See Statewide
TUSCARAWAS COUNTY
(H,Hw) - See Statewide
UNION COUNTY
(H,Hw) - See Statewide
VAN WERT COUNTY
(H,Hw) - See Statewide
VINTON COUNTY
(H,Hw) - See Statewide
WARREN COUNTY
(R) - See Butler County
(H,Hw) - See Statewide
WASHINGTON COUNTY
(D) - See Adams County
(H,Hw) - See Statewide
WAYNE COUNTY
(H,Hw) - See Statewide
WILLIAMS COUNTY
(H,Hw) - See Statewide
WOOD COUNTY
(H,Hw) - See Statewide
WYANDOT COUNTY
(H,Hw) - See Statewide

OKLAHOMA

STATEWIDE (Except the City of Muskogee)
Decision #AQ-124 (Constr., alteration, and/or repair of streets, highways, runways, erosion control structures, well drilling, and water and sewer utilities)
39 FR 24194 - 6/28/74
ADAIR COUNTY
(H,Hw) - See Statewide
ALFALFA COUNTY
(H,Hw) - See Statewide
ATOKA COUNTY
(H,Hw) - See Statewide
BEAVER COUNTY
(H,Hw) - See Statewide
BECKHAM COUNTY
(H,Hw) - See Statewide
BLAINE COUNTY
(H,Hw) - See Statewide
BRYAN COUNTY
(H,Hw) - See Statewide
Decision #AP-341 (R)
37 FR 19870 - 9/22/72
CADDO COUNTY
(H,Hw) - See Statewide
CANADIAN COUNTY
(H,Hw) - See Statewide
(B) - See Oklahoma County
(R) - See Oklahoma County
CARTER COUNTY
(H,Hw) - See Statewide
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHOCTAW COUNTY
(H,Hw) - See Statewide
CIMARRON COUNTY
(H,Hw) - See Statewide
CLEVELAND COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
COAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
Decision #AP-741 (R)
38 FR 18164 - 7/6/73
COTTON COUNTY
(H,Hw) - SEe Statewide
CRAIG COUNTY
(H,Hw) - See Statewide
CREEK COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

CUSTER COUNTY
(H,Hw) - See Statewide
DELAWARE COUNTY
(H,Hw) - See Statewide
DEWEY COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(H,Hw) - See Statewide
GARFIELD COUNTY
(H,Hw) - See Statewide
GARVIN COUNTY
(H,Hw) - See Statewide
GRADY COUNTY
(H,Hw) - See Statewide
GRANT COUNTY
(H,Hw) - See Statewide
GREER COUNTY
(H,Hw) - See Statewide
HARMON COUNTY
(H,Hw) - See Statewide
HARPER COUNTY
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HUGHES COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
(H,Hw) - See Statewide
JOHNSTON COUNTY
(H,Hw) - See Statewide
KAY COUNTY
(H,Hw) - See Statewide
KINGFISHER COUNTY
(H,Hw) - See Statewide
KIOWA COUNTY
(H,Hw) - See Statewide
LATIMER COUNTY
(H,Hw) - See Statewide
LEFLORE COUNTY
(H,Hw) - See Statewide
LINCOLN COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
LOGAN COUNTY
(H,Hw) - See Statewide
LOVE COUNTY
(H,Hw) - See Statewide
McCLAIN COUNTY
(H,Hw) - See Statewide
McCURTAIN COUNTY
(H,Hw) - See Statewide

OKLAHOMA (cont'd)

MCINTOSH COUNTY
(H,Hw) - See Statewide
MAJOR COUNTY
(H,Hw) - See Statewide
MARSHALL COUNTY
(H,Hw) - See Statewide
MAYES COUNTY
(H,Hw) - See Statewide
MURRAY COUNTY
(H,Hw) - See Statewide
MUSKOGEE COUNTY
Decision #AR-35 (B,H,Hw)
39 FR 35043 - 9/27/74
NOBLE COUNTY
(H,Hw) - See Statewide
NOWATA COUNTY
(H,Hw) - See Statewide
OKFUSKEE COUNTY
(H,Hw) - See Statewide
OKLAHOMA COUNTY
Decision #AR-15 (B)
39 FR 29907 - 8/16/74
Mod. #1 - 39 FR 33917 - 9/20/74
Mod. #2 - 39 FR 34928 - 9/27/74
Decision #AP-304 (R)
37 FR 15789 - 8/4/72
Mod. #1 - 37 FR 28799 - 12/28/72
Mod. #2 - 38 FR 4078 - 2/9/73
OKMULGEE COUNTY
(H,Hw) - See Statewide
OSAGE COUNTY
(H,Hw) - See Statewide
(R) - See Tulsa County
OTTAWA COUNTY
(H,Hw) - See Statewide
PAWNEE COUNTY
(H,Hw) - See Statewide
PAYNE COUNTY
(H,Hw) - See Statewide
PITTSBURG COUNTY
(H,Hw) - See Statewide
PONTOTOC COUNTY
(H,Hw) - See Statewide
POTTAWATOMIE COUNTY
(H,Hw) - See Statewide
(R) - See Oklahoma County
(B) - See Oklahoma County
PUSHMATAHA COUNTY
(H,Hw) - See Statewide
ROGER MILLS COUNTY
(H,Hw) - See Statewide

OKLAHOMA (Cont'd)

ROGERS COUNTY
(H,Hw) - See Statewide
SEMINOLE COUNTY
(H,Hw) - See Statewide
SEQUOYAH COUNTY
(H,Hw) - See Statewide
STEPHENS COUNTY
(H,Hw) - See Statewide
TEXAS COUNTY
(H,Hw) - See Statewide
TILLMAN COUNTY
(H,Hw) - See Statewide
TULSA COUNTY
Decision #AR-50 (B)
39 FR 35046 - 9/27/74
(H,Hw) - See Statewide
Decision #AP-320 (R)
37 FR 17899 - 9/1/72
Mod. #1 - 38 FR 5099 - 2/23/73
WAGONER COUNTY
(H,Hw) - See Statewide
WASHINGTON COUNTY
(H,Hw) - See Statewide
WASHITA COUNTY
(H,Hw) - See Statewide
WOODS COUNTY
(H,Hw) - See Statewide
WOODWARD COUNTY
(H,Hw) - See Statewide

OREGON

STATEWIDE
Decision #AR-1019 (B,H,Hw,D)
39 FR 30802 - 8/23/74
Mod. #1 - 39 FR 33155 - 9/13/74
Mod. #2 - 39 FR 34928 - 9/27/74
BAKER COUNTY
(B,H,Hw,D) - See Statewide
BENTON COUNTY
(B,H,Hw,D) - See Statewide
CLACKAMAS COUNTY
Decision #AR-1016 (R)
39 FR 29910 - 8/16/74
(B,H,Hw,D) - See Statewide
CLATSOP COUNTY
(B,H,Hw,D) - See Statewide
COLUMBIA COUNTY
(B,H,Hw,D) - See Statewide
COOS COUNTY
(B,H,Hw,D) - See Statewide
CROOK COUNTY
(B,H,Hw,D) - See Statewide
CURRY COUNTY
(B,H,Hw,D) - See Statewide
DESCHUTES COUNTY
(B,H,Hw,D) - See Statewide
DOUGLAS COUNTY
(B,H,Hw,D) - See Statewide
GILLIAM COUNTY
(B,H,Hw,D) - See Statewide
GRANT COUNTY
(H,Hw,B,D) - See Statewide
HARNEY COUNTY
(B,H,Hw,D) - See Statewide
HOOD RIVER COUNTY
(H,Hw,B,D) - See Statewide
JACKSON COUNTY
(H,Hw,B,D) - See Statewide
JEFFERSON COUNTY
(B,H,Hw,D) - See Statewide
JOSEPHINE COUNTY
(B,H,Hw,D) - See Statewide
KLAMATH COUNTY
(B,H,Hw,D) - See Statewide
LAKE COUNTY
(B,H,Hw,D) - See Statewide
LANE COUNTY
Decision #AR-1015 (R)
39 FR 29702 - 8/16/74
(B,H,Hw,D) - See Statewide
LINCOLN COUNTY
(B,H,Hw,D) - See Statewide
LINN COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Lane County

OREGON (Cont'd.)

MALHEUR COUNTY
(B,H,Hw,D) - See Statewide
MARION COUNTY
(R) - See Lane County
(B,H,Hw,D) - See Statewide
MORROW COUNTY
(B,H,Hw,D) - See Statewide
MULTNOMAH COUNTY
(R) - See Clackamas County
(B,H,Hw,D) - See Statewide
POLK COUNTY
(B,H,Hw,D) - See Statewide
SHERMAN COUNTY
(B,H,Hw,D) - See Statewide
TILLAMOOK COUNTY
(B,H,Hw,D) - See Statewide
UMATILLA COUNTY
(B,H,Hw,D) - See Statewide
UNION COUNTY
(B,H,Hw,D) - See Statewide
WALLOWA COUNTY
(B,H,Hw,D) - See Statewide
WASCO COUNTY
(B,H,Hw,D) - See Statewide
WASHINGTON COUNTY
(B,H,Hw,D) - See Statewide
(R) - See Clackamas County
WHEELER COUNTY
(B,H,Hw,D) - See Statewide
YAMHILL COUNTY
(B,H,Hw,D) - See Statewide

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PENNSYLVANIA

ADAMS COUNTY
Decision #AR-2029 (H,Hw)
39 FR 31853 - 8/30/74
Decision #AQ-2042 (B)
39 FR 5044 - 2/8/74
Mod. #1 - 39 FR 14121 - 4/19/74
Mod. #2 - 39 FR 24785 - 7/5/74
Mod. #3 - 39 FR 29725 - 8/16/74
Mod. #4 - 39 FR 31780 - 8/30/74
ALLEGHENY COUNTY
Decision #AR-2033 (B)
39 FR 35048 - 9/27/74
Decision #AQ-2049 (R)
39 FR 5043 - 2/8/74
(H,Hw) - See Beaver County
ARMSTRONG COUNTY
Decision #AQ-2058 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 2237 - 6/21/74
Mod. #2 - 39 FR 33918 - 9/20/74
Decision #AR-2034 (B)
39 FR 35051 - 9/27/74
BEAVER COUNTY
Decision #AQ-2059 (H,Hw)
39 FR 6004 - 2/15/74
Mod. #1 - 39 FR 22370 - 6/21/74
Mod. #2 - 39 FR 26562 - 7/19/74
Mod. #3 - 39 FR 28008 - 8/2/74
Mod. #4 - 39 FR 33918 - 9/20/74
Decision #AQ-2057 (B)
39 FR 5943 - 2/15/74
Mod. #1 - 39 FR 11002 - 3/22/74
Mod. #2 - 39 FR 31780 - 8/30/74
BEDFORD COUNTY
Decision #AQ-2060 (H,Hw)
39 FR 9410 - 3/8/74
Mod. #1 - 39 FR 22372 - 6/21/74
Mod. #2 - 39 FR 33918 - 9/20/74
Decision #AQ-2084 (B)
39 FR 11808 - 3/29/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
BERKS COUNTY
Decision #AR-2027 (B)
39 FR 31850 - 8/30/74
(H,Hw) - See Adams County
BLAIR COUNTY
Decision #AQ-2083 (B)
39 FR 12578 - 4/5/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
Mod. #3 - 39 FR 29725 - 8/16/74

PENNSYLVANIA (Cont'd)

BLAIR COUNTY (Cont'd.)
(H,Hw) - See Armstrong County
BRADFORD COUNTY
(H,Hw) - See Adams County
BUCKS COUNTY
Decision #AR-2006 (R)
39 FR 25905 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Decision #AR-2028 (H,Hw)
39 FR 33984 - 9/20/74
BUTLER COUNTY
Decision #AR-2036 (B)
39 FR 33988 - 9/20/74
Decision #AQ-2062 (H,Hw)
39 FR 6011 - 2/15/74
Mod. #1 - 39 FR 14121 - 4/19/74
Mod. #2 - 39 FR 22373 - 6/21/74
Mod. #3 - 39 FR 33918 - 9/20/74
CAMBRIA COUNTY
Decision #AQ-2081 (B)
39 FR 11805 - 3/29/74
Mod. #1 - 39 FR 20919 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
(H,Hw) - See Butler County
CAMERON COUNTY
(H,Hw) - See Bedford County
CARBON COUNTY
(H,Hw) - See Adams County
CENTRE COUNTY
Decision #AQ-2061 (H,Hw)
39 FR 6008 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
Mod. #2 - 39 FR 14121 - 4/19/74
Mod. #3 - 39 FR 22373 - 6/21/74
Mod. #4 - 39 FR 33918 - 9/20/74
CHESTER COUNTY
(H,Hw,R) - See Bucks County
Decision #AR-2003 (B)
39 FR 25895 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
CLARION COUNTY
(H,Hw) - See Bedford County
CLEARFIELD COUNTY
(H,Hw) - See Centre County
CLINTON COUNTY
(H,Hw) - See Bedford County
COLUMBIA COUNTY
(H,Hw) - See Adams County
CRAWFORD COUNTY
Decision #AQ-2123 (B)
39 FR 19379 - 5/31/74
Mod. #1 - 39 FR 28008 - 8/2/74
Mod. #2 - 39 FR 29725 - 8/16/74
(H,Hw) - See Armstrong County

PENNSYLVANIA (Cont'd)

CUMBERLAND COUNTY
Decision #AR-2009 (B)
39 FR 26619 - 7/19/74
Mod. #1 - 39 FR 29725 - 8/16/74
(H,Hw) - See Adams County
DAUPHIN COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
DELAWARE COUNTY
Decision #AR-2002 (B)
39 FR 25892 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
(R,H,Hw) - See Bucks County
ELK COUNTY
Decision #AQ-2046 (B)
39 FR 9338 - 3/8/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
(H,Hw) - See Bedford County
ERIE COUNTY
Decision #AQ-2067 (B)
39 FR 6030 - 2/15/74
(H,Hw) - SEe Butler County
FAYETTE COUNTY
(B) - See Butler County
(H,Hw) - See Butler County
FOREST COUNTY
Decision #AQ-2121 (B)
39 FR 18398 - 5/24/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
(H,Hw) - See Bedford County
FRANKLIN COUNTY
Decision #AQ-2001 (B)
39 FR 24803 - 7/5/74
Mod. #1 - 39 FR 26562 - 7/19/74
Mod. #2 - 39 FR 28010 - 8/2/74
(H,Hw) - See Bedford County
FULTON COUNTY
(H,Hw) - See Bedford County
GREENE COUNTY
(H,Hw) - See Centre County
HUNTINGDON COUNTY
(H,Hw) - See Bedford County
INDIANA COUNTY
Decision #AR-2037 (B)
39 FR 31859 - 8/30/74
(H,Hw) - See Armstrong County
JEFFERSON COUNTY
(H,Hw) - See Centre County
JUNITA COUNTY
(H,Hw) - See Adams County
(B) - See Cumberland County
LACKAWANNA COUNTY
Decision #AQ-2092 (B)
39 FR 13499 - 4/12/74
Mod. #1 - 39 FR 30667 - 8/23/74

PENNSYLVANIA (Cont'd)

LANCASTER COUNTY
Decision #AR-2030 (B)
39 FR 31857 - 8/30/74
(H,Hw) - See Adams County
LAWRENCE COUNTY
Decision #AQ-2068 (B)
39 FR 6034 - 2/15/74
Mod. #1 - 39 FR 18409 - 5/24/74
Mod. #2 - 39 FR 31780 - 8/30/74
(H,Hw) - See Butler County
LEBANON COUNTY
Decision #AQ-2080 (B)
39 FR 12571 - 4/5/74
Mod. #1 - 39 FR 24785 - 7/5/74
Mod. #2 - 39 FR 26564 - 7/19/74
LEHIGH COUNTY
Decision #AQ-2099 (B)
39 FR 14175 - 4/19/74
Mod. #1 - 39 FR 30667 - 8/23/74
(H,Hw) - See Adams County
LUZERNE COUNTY
Decision #AR-2008 (B)
39 FR 27406 - 7/26/74
(H,Hw) - See Adams County
LYCOMING COUNTY
Decision #AQ-2079 (B)
39 FR 11803 - 3/29/74
Mod. #1 - 39 FR 30667 - 8/23/74
(H,Hw) - See Adams County
MC KEAN COUNTY
(H,Hw) - See Adams County
(B) - See Forest County
MERCER COUNTY
Decision #AQ-2066 (B)
39 FR 6026 - 2/15/74
Mod. #1 - 39 FR 13411 - 4/12/74
Mod. #2 - 39 FR 18409 - 5/24/74
Mod. #3 - 39 FR 31780 - 8/30/74
(H,Hw) - See Butler County
MIFFLIN COUNTY
(H,Hw) - See Adams County
MONROE COUNTY
(H,Hw) - See Adams County
MONTGOMERY COUNTY
Decision #AR-2004 (B)
39 FR 25898 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
(H,Hw,R) - See Bucks County
MONTOUR COUNTY
(H,Hw) - See Adams County
NORTHAMPTON COUNTY
Decision #AQ-2016 (B)
39 FR 22356 - 8/17/74
Mod. #1 - 39 FR 4289 - 2/1/74
Mod. #2 - 39 FR 30666 - 8/23/74
(H,Hw) - See Adams County
NORTHUMBERLAND COUNTY
Decision #AQ-2044 (B)
39 FR 7014 - 2/22/74
Mod. #1 - 39 FR 10079 - 3/15/74

PENNSYLVANIA (Cont'd.)

NORTHUMBERLAND COUNTY (Cont'd.)
Mod. #2 - 39 FR 16990 - 5/10/74
Mod. #3 - 39 FR 24785 - 7/5/74
Mod. #4 - 39 FR 30666 - 8/23/74
(H,Hw) - See Adams County
PERRY COUNTY
(H,Hw) - See Adams County
PHILADELPHIA COUNTY
Decision #AR-2005 (B)
39 FR 25902 - 7/12/74
Mod. #1 - 39 FR 28012 - 8/2/74
Decision AQ-2125 (D)
39 FR 19143 - 5/31/74
(H,Hw,R) - See Bucks County
PIKE COUNTY
(H,Hw) - See Adams County
POTTER COUNTY
(H,Hw) - See Bedford County
SCHUYKILL COUNTY
Decision #AQ-2050 (B)
39 FR 5938 - 2/15/74
Mod. #1 - 39 FR 10079 - 3/15/74
Mod. #2 - 39 FR 16990 - 5/10/74
Mod. #3 - 39 FR 30667 - 8/23/74
(H,Hw) - See Adams County
SNYDER COUNTY
(H,Hw) - See Adams County
SOMERSET COUNTY
(H,Hw) - See Butler County
SULLIVAN COUNTY
Decision #AQ-2070 (B)
39 FR 10070 - 3/15/74
Mod. #1 - 39 FR 26562 - 7/19/74
(H,Hw) - See Adams County
SUSQUEHANNA COUNTY
(H,Hw) - See Adams County
TIOGA COUNTY
(H,Hw) - See Adams County
UNION COUNTY
(H,Hw) - See Adams County
VENANGO COUNTY
Decision #AQ-2043 (B)
39 FR 7011 - 2/22/74
Mod. #1 - 39 FR 18408 - 5/24/74
Mod. #2 - 39 FR 20919 - 6/14/74
Mod. #3 - 39 FR 28008 - 8/2/74
(H,Hw) - See Armstrong County
WARREN COUNTY
Decision #AQ-2085 (B)
39 FR 14115 - 4/19/74
Mod. #1 - 39 FR 20920 - 6/14/74
Mod. #2 - 39 FR 28008 - 8/2/74
(H,Hw) - See Armstrong county
WASHINGTON COUNTY
Decision #AR-2039 (B)
39 FR 35054 - 9/27/74
(H,Hw) - See Butler County
WAYNE COUNTY
(H,Hw) - See Adams County

PENNSYLVANIA (Cont'd.)

WESTMORELAND COUNTY
Decision #AR-2038 (B)
39 FR 31862 - 8/30/74
(H,Hw) - See Butler County
WYCOMING COUNTY
(H,Hw) - See Adams County
YORK COUNTY
(B,H,Hw) - See Adams Co. (Excluding New Cumberland Depot)
(B) - See Cumberland County (New Cumberland Depot)
(H,Hw) - See Adams County (New Cumberland Depot)

PUERTO RICO

PUERTO RICO
Decision #AR-2016 (R)
39 FR 28859 - 8/9/74
Decision #AQ-2052 (B)
39 FR 5161 - 2/8/74
Decision #AQ-2019 (H,Hw)
38 FR 24847 - 9/14/73
Mod. #1 - 39 FR 27395 - 7/26/74

RHODE ISLAND

STATEWIDE
Decision #AQ-2125 (D)
39 FR 19413 - 5/31/74
BRISTOL COUNTY
(D) - See Statewide
(B,H,Hw, & Marine) - See Providence Co.
KENT COUNTY
(B,H,Hw, & Marine) - See Providence Co.
(D) - See Statewide
NEWPORT COUNTY
Decision #AR-3073 (B,H,Hw,R, & Marine)
39 FR 28087 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
(D) - See Statewide
PROVIDENCE COUNTY
Decision #AR-3077 (B,H,Hw,R, & Marine)
39 FR 28083 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
Mod. #2 - 39 FR 34929 - 9/27/74
(D) - See Statewide
WASHINGTON COUNTY
Decision #AR-3079 (B,H,Hw,R, & Marine)
39 FR 28090 - 8/2/74
Mod. #1 - 39 FR 29726 - 8/16/74
(D) - See Statewide

SOUTH CAROLINA (Cont'd.)

RICHLAND COUNTY
(Sewer & Water, H,Hw) - See Statewide
(B) - See Lexington County
SALUDA COUNTY
(Sewer & Water, H,Hw) - See Statewide
SPARTANBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
SUMTER COUNTY
Decision #AQ-4097 (B)
39 FR 12581 - 4/5/74
(Sewer & Water, H,Hw) - See Statewide
UNION COUNTY
(B) - See Abbeville County
(Sewer & Water, H,Hw) - See Statewide
WILLIAMSBURG COUNTY
(Sewer & Water, H,Hw) - See Statewide
YORK COUNTY
(Sewer & Water, H,Hw) - See Statewide

SOUTH DAKOTA

STATEWIDE
Decision #AP-908 (Hw)
38 FR 15807 - 6/15/73
AURORA COUNTY
(Hw) - See Statewide
BEADLE COUNTY
Decision #AR-1028 (H)
39 FR 31867 - 8/30/74
(Hw) - See Statewide
BENNETT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BON HOMME COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROOKINGS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BROWN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BRULE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUFFALO COUNTY
(H) - See Beadle County
(Hw) - See Statewide
BUTTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CAMPBELL COUNTY
(Hw) - See Statewide
CHARLES MIX COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLAY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CLARK COUNTY
(Hw) - See Statewide
CODINGTON COUNTY
(Hw) - See Statewide
(H) - See Beadle County
CORSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
CUSTER COUNTY
(H) - See Statewide
(Hw) - See Statewide
DAVISON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
DAY COUNTY
(Hw) - See Statewide
DEUEL COUNTY
(Hw) - See Statewide
DEWEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

DOUGLAS COUNTY
(Hw) - See Statewide
EDMUNDS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FALL RIVER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
FAULK COUNTY
(Hw) - See Statewide
GRANT COUNTY
(H) - See Beadle County
(Hw) - See Statewide
GREGORY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAAKON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HAMLIN COUNTY
(Hw) - See Statewide
HAND COUNTY
(Hw) - See Statewide
HANSON COUNTY
(Hw) - See Statewide
HARDING COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUGHES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
HUTCHINSON COUNTY
(Hw) - See Statewide
HYDE COUNTY
(Hw) - See Statewide
JACKSON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
JERAULD COUNTY
(Hw) - See Statewide
JONES COUNTY
(H) - See Beadle County
(Hw) - See Statewide
KINGSBURY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAKE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LAWRENCE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LINCOLN COUNTY
(H) - See Beadle County
(Hw) - See Statewide
LYMAN COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd)

Mc COOK COUNTY
(Hw) - See Statewide
Mc PHERSON COUNTY
(Hw) - See Statewide
MARSHALL COUNTY
(Hw) - See Statewide
MEADE COUNTY
Decision #AR-1027 (B)
39 FR 31866 - 8/30/74
(H) - See Beadle County
(Hw) - See Statewide
MELLETTE COUNTY
(H) - See Beadle County
(Hw) - See Statewide
MINER COUNTY
(Hw) - See Statewide
MINNEHAHA COUNTY
Decision #AQ-1091 (R)
39 FR 8146 - 3/1/74
Mod. #1 - 39 FR 14856 - 4/26/74
Decision #AR-1026 (B)
39 FR 31865 - 8/30/74
(H) - See Beadle County
(Hw) - See Statewide
MOODY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
PENNINGTON COUNTY
(B) - See Meade County
(H) - See Beadle County
(Hw) - See Statewide
PERKINS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
POTTER COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ROBERTS COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SANBORN COUNTY
(Hw) - See Statewide
SHANNON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SPINK COUNTY
(H) - See Beadle County
(Hw) - See Statewide
STANLEY COUNTY
(H) - See Beadle County
(Hw) - See Statewide
SULLY COUNTY
(H) - See Beadle County
(Hw) - See Statewide

SOUTH DAKOTA (Cont'd.)

TODD COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TRIPP COUNTY
(H) - See Beadle County
(Hw) - See Statewide
TURNER COUNTY
(Hw) - See Statewide
UNION COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WALWORTH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
WASHABAUGH COUNTY
(H) - See Beadle County
(Hw) - See Statewide
YANKTON COUNTY
(H) - See Beadle County
(Hw) - See Statewide
ZIEBACH COUNTY
(H) - See Beadle County
(Hw) - See Statewide

TENNESSEE

STATEWIDE
Decision #AP-1107 (F)
38 FR 17358 - 6/29/73
Mod. #1 - 39 FR 15602 - 5/3/74
Decision #AQ-4049 (Hw)
39 FR 1712 - 1/11/74
Mod. #1 - 39 FR 3373 - 1/25/74
Mod. #2 - 39 FR 25788 - 7/12/74
Mod. #3 - 39 FR 35914 - 10/4/74
ANDERSON COUNTY
Decision #AR-4007 (B) (Oak Ridge and Atomic Energy Commission)
39 FR 24806 - 7/5/74
Mod. #1 - 39 FR 26564 - 7/19/74
Mod. #2 - 39 FR 28013 - 8/2/74
Mod. #3 - 39 FR 31782 - 8/30/74
(Hw) - See Statewide
(F) - See Statewide
BEDFORD COUNTY
(F) - See Statewide
(Hw) - See Statewide
BENTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLEDSOE COUNTY
(F) - See Statewide
(Hw) - See Statewide
BLOUNT COUNTY
(F) - See Statewide
(Hw) - See Statewide
BRADLEY COUNTY
(F) - See Statewide
(Hw) - See Statewide
CAMPBELL COUNTY
(F) - See Statewide
(Hw) - See Statewide
CANNON COUNTY
(F) - See Statewide
(Hw) - See Statewide
CARROLL COUNTY
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
(F) - See Statewide
(Hw) - See Statewide
CARTER COUNTY
Decision #AP-104 (B)
37 FR 13915 - 7/14/72
Decision #AQ-4128 (R)
39 FR 24198 - 6/28/74
(F) - See Statewide
(Hw) - See Statewide
CHEATHAM COUNTY
Decision #AQ-4061 (R)
39 FR 3426 - 1/25/74
(F) - See Statewide
(Hw) - See Statewide
CHESTER COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd.)

CLAIBORNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CLAY COUNTY
(F) - See Statewide
(Hw) - See Statewide
COCKE COUNTY
(F) - See Statewide
(Hw) - See Statewide
COFFEE COUNTY
(F) - See Statewide
(Hw) - See Statewide
CROCKETT COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
CUMBERLAND COUNTY
(F) - See Statewide
(Hw) - See Statewide
DAVIDSON COUNTY
Decision #AR-4021 (B)
39 FR 31868 - 8/30/74
(R) - See Cheatham County
(F) - See Statewide
(Hw) - See Statewide
DECATUR COUNTY
(F) - See Statewide
(Hw) - See Statewide
DEKALB COUNTY
(F) - See Statewide
(Hw) - See Statewide
DICKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
DYER COUNTY
Decision #AQ-4073 (B)
39 FR 5947 - 2/15/74
Mod. #1 - 39 FR 9357 - 3/8/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FAYETTE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
FENTRESS COUNTY
(F) - See Statewide
(Hw) - See Statewide
FRANKLIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
GIBSON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
(B) - See Dyer County

TENNESSEE (Cont'd)

GILES COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRAINGER COUNTY
(F) - See Statewide
(Hw) - See Statewide
GREENE COUNTY
(F) - See Statewide
(Hw) - See Statewide
GRUNDY COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMBLEN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAMILTON COUNTY
Decision #AR-4035 (B,H)
39 FR 33191 - 9/13/74
Mod. #1 - 39 FR 34929 - 9/27/74
(F) - See Statewide
(Hw) - See Statewide
HANCOCK COUNTY
(F) - See Statewide
(Hw) - See Statewide
HARDEMAN COUNTY
(D) - See Carroll County
(Hw) - See Statewide
(F) - See Statewide
HARDIN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAWKINS COUNTY
(F) - See Statewide
(Hw) - See Statewide
HAYWOOD COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HENDERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HENRY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
HICKMAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
HOUSTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
HUMPHREYS COUNTY
(F) - See Statewide
(Hw) - See Statewide
JACKSON COUNTY
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (CONT'D)

JEFFERSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
JOHNSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
KNOX COUNTY
Decision #AR-4022 (B)
39 FR 31869 - 8/30/74
Decision #AQ-4051 (R)
39 FR 2321 - 1/18/74
(F) - See Statewide
(Hw) - See Statewide
LAKE COUNTY
Decision #AQ-4074 (R)
39 FR 5947 - 2/15/74
(F) - See Statewide
(Hw) - See Statewide
LAUDERDALE COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
LAWRENCE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
LEWIS COUNTY
(F) - See Statewide
(Hw) - See Statewide
LINCOLN COUNTY
(F) - See Statewide
(Hw) - See Statewide
LOUDON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC MINN COUNTY
(F) - See Statewide
(Hw) - See Statewide
MC NAIRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MACON COUNTY
(F) - See Statewide
(Hw) - See Statewide
MADISON COUNTY
Decision #AQ-4094 (B)
39 FR 10997 - 3/22/74
Mod. #1 - 39 FR 34929 - 9/27/74
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
MARION COUNTY
(D) - See Statewide
(F) - See Statewide
(Hw) - See Statewide

TENNESSEE (Cont'd)

MARSHALL COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MAURY COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
MEIGS COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONROE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MONTGOMERY COUNTY
(F) - See Statewide
(Hw) - See Statewide
MOORE COUNTY
(F) - See Statewide
(Hw) - See Statewide
MORGAN COUNTY
(F) - See Statewide
(Hw) - See Statewide
OBION COUNTY
(R) - See Lake County
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
OVERTON COUNTY
(F) - See Statewide
(Hw) - See Statewide
PERRY COUNTY
(F) - See Statewide
(Hw) - See Statewide
PICKETT COUNTY
(F) - See Statewide
(Hw) - See Statewide
POLK COUNTY
(F) - See Statewide
(Hw) - See Statewide
PUTNAM COUNTY
(F) - See Statewide
(Hw) - See Statewide
RHEA COUNTY
(F) - See Statewide
(Hw) - See Statewide
ROANE COUNTY
(B) - See Anderson County (Oak Ridge and Atomic Energy Commission)
(F) - See Statewide
(Hw) - See Statewide
ROBERTSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (Cont'd)

RUTHERFORD COUNTY
Decision #AO-4114 (B)
39 FR 16980 - 5/10/74
Mod. #1 - 39 FR 28013 - 8/2/74
Mod. #2 - 39 FR 29726 - 8/16/74
Mod. #3 - 39 FR 31782 - 8/30/74
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
SCOTT COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEQUATCHIE COUNTY
(F) - See Statewide
(Hw) - See Statewide
SEVIER COUNTY
(F) - See Statewide
(Hw) - See Statewide
SHELBY COUNTY
Decision #AR-4036 (B,H, & Utility)
39 FR 33193 - 9/13/74
Mod. #1 - 39 FR 34929 - 9/27/74
Decision #AP-152 (R)
38 FR 4176 - 2/9/73
(D) - See Carroll County
(Hw) - See Statewide
(F) - See Statewide
SMITH COUNTY
(F) - See Statewide
(Hw) - See Statewide
STEWART COUNTY
(F) - See Statewide
(Hw) - See Statewide
SULLIVAN COUNTY
Decision #AM-8623 (B)
37 FR 12013 - 6/16/72
Mod. #1 - 37 FR 23065 - 10/27/72
Mod. #2 - 39 FR 11815 - 3/29/74
Mod. #3 - 39 FR 17655 - 5/17/74
(F) - See Statewide
(Hw) - See Statewide
(R) - See Carter County
SUMNER COUNTY
(Hw) - See Statewide
(F) - See Statewide
(R) - See Cheatham County
TIPTON COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
TROUSDALE COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County

TENNESSEE (cont'd)

UNICOI COUNTY
(F) - See Statewide
(Hw) - See Statewide
UNION COUNTY
(F) - See Statewide
(Hw) - See Statewide
VAN BUREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WARREN COUNTY
(F) - See Statewide
(Hw) - See Statewide
WASHINGTON COUNTY
Decision #AP-100 (B)
37 FR 13419 - 7/7/72
Mod. #1 - 37 FR 17316 - 8/25/72
Mod. #2 - 37 FR 22708 - 10/20/72
(R) - See Carter County
(F) - See Statewide
(Hw) - See Statewide
WAYNE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WEAKLEY COUNTY
(D) - See Carroll County
(F) - See Statewide
(Hw) - See Statewide
WHITE COUNTY
(F) - See Statewide
(Hw) - See Statewide
WILLIAMSON COUNTY
(F) - See Statewide
(Hw) - See Statewide
(R) - See Cheatham County
WILSON COUNTY
(R) - See Cheatham County
(Hw) - See Statewide
(F) - See Statewide

TEXAS

STATEWIDE (Excluding Dallas-Fort Worth Regional Airport)
Decision #AR-36 (H (Excluding tunnels and dams), Hw
Incidental shore work, and paving and utilities incidental to general building construction)
39 FR 33992 - 9/20/74
ANDERSON COUNTY
(H,Hw) - See Statewide
ANDREWS COUNTY
(H,Hw) - See Statewide
ANGELINA COUNTY
(H,Hw) - See Statewide
ARANSAS COUNTY
(H,Hw) - See Statewide
Decision #AR-4013 (D)
39 FR 27397 - 7/26/74
ARCHER COUNTY
(H,Hw) - See Statewide
ARMSTRONG COUNTY
Decision #AR-52 (B)
39 FR 35066 - 9/27/74
(H,Hw) - See Statewide
Decision #AR-53 (R)
39 FR 35069 - 9/27/74
ATASCOSA COUNTY
(H,Hw) - See Statewide
AUSTIN COUNTY
(H,Hw) - See Statewide
BAILEY COUNTY
(H,Hw) - See Statewide
Decision #AP-352 (R)
37 FR 21786 - 10/13/72
BANDERA COUNTY
(H,Hw) - See Statewide
BASTROP COUNTY
Decision #AR-1 (R)
39 FR 24809 - 7/5/74
(H,Hw) - See Statewide
BAYLOR COUNTY
(H,Hw) - See Statewide
BEE COUNTY
Decision #AR-16 (R)
39 FR 29703 - 8/16/74
(H,Hw) - See Statewide
BELL COUNTY
(H,Hw) - See Statewide
Decision #AR-54 (B)
39 FR 35071 - 9/27/74

TEXAS (Cont'd)

BEXAR COUNTY
Decision #AR-45 (B)
39 FR 34015 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
(H,Hw) - See Statewide
Decision #AR-44 (R)
39 FR 34013 - 9/20/74
BLANCO COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
BORDEN COUNTY
(H,Hw) - See Statewide
BOSQUE COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
BOWIE COUNTY
Decision #AR-55 (B)
39 FR 35901 - 10/4/74
(H,Hw) - See Statewide
BRAZORIA COUNTY
(H,Hw) - See Statewide
Decision #AR-11 (R)
39 FR 29910 - 8/16/74
(D) - See Aransas County
BRAZOS COUNTY
(H,Hw) - See Statewide
BREWSTER COUNTY
(H,Hw) - See Statewide
BRISCOE COUNTY
(H,Hw) - See Statewide
BROOKS COUNTY
(H,Hw) - See Statewide
BROWN COUNTY
(H,Hw) - See Statewide
BURLESON COUNTY
(H,Hw) - See Statewide
BURNETT COUNTY
(H,hw) - See Statewide
CALDWELL COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
CALHOUN COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CALLAHAN COUNTY
(H,Hw) - See Statewide
CAMERON COUNTY
Decision #AR-40 (B)
39 FR 34004 - 9/20/74
(D) - See Aransas County
(H,Hw) - See Statewide
Decision #AR-39 (R)
39 FR 34002 - 9/20/74
CAMP COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

CARSON COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CASS COUNTY
(H,Hw) - See Statewide
CASTRO COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CHAMBERS COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
CHEROKEE COUNTY
(H,Hw) - See Statewide
CHILDRESS COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
CLAY COUNTY
(H,Hw) - See STatewide
COCHRAN COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
COKE COUNTY
(H,Hw) - See Statewide
COLEMAN COUNTY
(H,Hw) - See Statewide
COLLIN COUNTY
Decision #AR-43 (B-excluding Dallas-Fort Worth Regional Airport)
39 FR 34009 - 9/20/74
Mod. #1-39 FR 35915 - 10/4/74
Decision #AQ-87 (R)
39 FR 10106 - 3/15/74
(H,Hw) - See Statewide
COLLINGSWORTH COUNTY
(B) - See Armstrong County
(H,Hw) - See Statewide
(R) - See Armstrong County
COLORADO COUNTY
(H,Hw) - See Statewide
COMAL COUNTY
(H,Hw) - See Statewide
COMANCHE COUNTY
(H,Hw) - See Statewide
CONCHO COUNTY
(H,Hw) - See STatewide
COOKE COUNTY
(H,Hw) - See Statewide
CORYELL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
COTTLE COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

CRANE COUNTY
(H,Hw) - See Statewide
Decision #AP-347 (R)
37 FR 20499 - 9/29/72
CROCKETT COUNTY
(H,Hw) - See Statewide
CROSBY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
CULBERSON COUNTY
(H,Hw) - See Statewide
DALLAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DALLAS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DAWSON COUNTY
(H,Hw) - See Statewide
DEAF SMITH COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DELTA COUNTY
(H,Hw) - See Statewide
DENTON COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
DE WITT COUNTY
(H,Hw) - See Statewide
DICKENS COUNTY
(H,Hw) - See Statewide
DIMMIT COUNTY
(H,Hw) - See Statewide
DONLEY COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
DUVAL COUNTY
(H,Hw) - See Statewide
EASTLAND COUNTY
(H,Hw) - See Statewide
ECTOR COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
EDWARDS COUNTY
(H,Hw) - See Statewide
ELLIS COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
EL PASO COUNTY
Decision #AR-49 (B)
39 FR 35062 - 9/27/74
(H,Hw) - See Statewide
ERATH COUNTY
(H,Hw) - See Statewide

XUM

TEXAS (Cont'd)

FALLS COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
FANNIN COUNTY
(H,Hw) - See Statewide
FAYETTE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
FISHER COUNTY
(H,Hw) - See Statewide
FLOYD COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
FOARD COUNTY
(H,Hw) - See Statewide
FORT BEND COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
FRANKLIN COUNTY
(H,Hw) - See Statewide
FREESTONE COUNTY
(H,Hw) - See Statewide
FRIO COUNTY
(H,Hw) - See Statewide
GAINES COUNTY
(H,Hw) - See Statewide
GALVESTON COUNTY
Decision #AR-41 (B)
39 FR 34005 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
GARZA COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
GILLESPIE COUNTY
(H,Hw) - See Statewide
GLASSOCK COUNTY
(H,Hw) - See Statewide
GOLIAD COUNTY
(H,Hw) - See Statewide
GONZALES COUNTY
(H,Hw) - See Statewide
GRAY COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
GRAYSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
GREGG COUNTY
Decision #AQ-112 (B)
39 FR 22360 - 6/21/74
Mod. #1 - 39 FR 28769 - 8/9/74
Mod. #2 - 39 FR 34929 - 9/27/74
(H,Hw) - See Statewide

TEXAS (Cont'd)

GRIMES COUNTY
(H,Hw) - See Statewide
GUADALUPE COUNTY
(H,Hw) - See Statewide
HALE COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HALL COUNTY
(H,Hw) - See Statewide
HAMILTON COUNTY
(H,Hw) - See Statewide
HANSFORD COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HARDEMAN COUNTY
(H,Hw) - See Statewide
HARDIN COUNTY
(H,Hw) - See Statewide
HARRIS COUNTY
(B) - See Galveston County
(R) - See Brazoria County
(D) - See Aransas County
(H,Hw) - See Statewide
HARRISON COUNTY
(H,Hw) - See Statewide
HARTLEY COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HASKELL COUNTY
(H,Hw) - See Statewide
HAYS COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
HEMPHILL COUNTY
(R&B) - See Armstrong County
(H,Hw) - See Statewide
HENDERSON COUNTY
(H,Hw) - See Statewide
HIDALGO COUNTY
(R&B) - See Cameron County
(H,Hw) - See Statewide
HILL COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
HOCKLEY COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
HOOD COUNTY
(B) - See Collin County
Decision #AP-301 (R)
37 FR 15232 - 7/28/72
Mod. #1 - 37 FR 20395 - 9/29/72
(H,Hw) - See Statewide

TEXAS (Cont'd)

HOPKINS COUNTY
(H,Hw) - See Statewide
HOUSTON COUNTY
(H,Hw) - See Statewide
HOWARD COUNTY
(H,Hw) - See Statewide
HUDSPETH COUNTY
(H,Hw) - See Statewide
HUNT COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
HUTCHINSON COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
IRION COUNTY
(H,Hw) - See Statewide
JACK COUNTY
(H,Hw) - See Statewide
JACKSON COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
JASPER COUNTY
(H,Hw) - See Statewide
JEFF DAVIS COUNTY
(H,Hw) - See Statewide
JEFFERSON COUNTY
Decision #AR-48 (B,R)
39 FR 35060 - 9/27/74
(D) - See Aransas County
(H,Hw) - See Statewide
JIM HOGG COUNTY
(H,Hw) - See Statewide
JIM WELLS COUNTY
(H,Hw) - See Statewide
JOHNSON COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
JONES COUNTY
(H,Hw) - See Statewide
KARNES COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

KAUFMAN COUNTY
(R&B) - See Collin County
(H,Hw) - See Statewide
KENDALL COUNTY
(H,Hw) - See Statewide
KENEDY COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
KENT COUNTY
(H,Hw) - See Statewide
KERR COUNTY
(H,Hw) - See Statewide
KIMBLE COUNTY
(H,Hw) - See Statewide
KING COUNTY
(H,Hw) - See Statewide
KINNEY COUNTY
(H,Hw) - See Statewide
KLEBERG COUNTY
Decision #AR-38 (B)
39 FR 34000 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
KNOX COUNTY
(H,Hw) - See Statewide
LAMAR COUNTY
(H,Hw) - See Statewide
LAMB COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
LAMPASAS COUNTY
(H,Hw) - See Statewide
LA SALLE COUNTY
(H,Hw) - See Statewide
LAVACA COUNTY
(H,Hw) - See Statewide
LEE COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County

TEXAS (Cont'd)

LEON COUNTY
(H,Hw) - See Statewide
LIBERTY COUNTY
(H,Hw) - See Statewide
LIMESTONE COUNTY
(H,Hw) - See Statewide
LIPSCOMB COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
LIVE OAK COUNTY
(H,Hw) - See Statewide
LLANO COUNTY
(H,Hw) - See Statewide
LOVING COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
LUBBOCK COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
Decision #AR-47 (B)
39 FR 35059 - 9/27/74
LYNN COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
McCULLOCH COUNTY
(H,Hw) - See Statewide
McLENNAN COUNTY
(B) - See Bell County
(H,Hw) - See Statewide
McMULLEN COUNTY
(H,Hw) - See Statewide
MADISON COUNTY
(H,Hw) - See Statewide
MARION COUNTY
(H,Hw) - See Statewide
MARTIN COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

MASON COUNTY
(H,Hw) - See Statewide
MATAGORDA COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
(D) - See Aransas County
MAVERICK COUNTY
(H,Hw) - See Statewide
MEDINA COUNTY
(H,Hw) - See Statewide
MENARD COUNTY
(H,Hw) - See Statewide
MIDLAND COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
MILAM COUNTY
(H,Hw) - See Statewide
MILLS COUNTY
(H,Hw) - See Statewide
MITCHELL COUNTY
(H,Hw) - See Statewide
MONTAGUE COUNTY
(H,Hw) - See Statewide
MONTGOMERY COUNTY
(R) - See Brazoria County
(H,Hw) - See Statewide
MOORE COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
MORRIS COUNTY
(H,Hw) - See Statewide
MOTLEY COUNTY
(H,Hw) - See Statewide
NACOGDOCHES COUNTY
(H,Hw) - See Statewide
NAVARRO COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd.)

NEWTON COUNTY
(H,Hw) - See Statewide
NOLAN COUNTY
(H,Hw) - See Statewide
NUECES COUNTY
(B) - See Kleberg County
(D) - See Aransas County
(H,Hw) - See Statewide
(R) - See Bee County
OCHILTREE COUNTY
(R) (B) - See Armstrong County
(H,Hw) - See Statewide
OLDHAM COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
ORANGE COUNTY
(R)(B) - See Jefferson County
(Hw) - See Statewide
(D) - See Aransas County
PALO PINTO COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
PANOLA COUNTY
(H,Hw) - See Statewide
PARKER COUNTY
(H,Hw) - See Statewide
(R) - See Hood County
PARMER COUNTY
(H,Hw) - See Statewide
PECOS COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
POLK COUNTY
(H,Hw) - See Statewide
POTTER COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
PRESIDIO COUNTY
(H,Hw) - See Statewide
RAINS COUNTY
(H,Hw) - See Statewide
RANDALL COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
REAGAN COUNTY
(H,Hw) - See Statewide
REAL COUNTY
(H,Hw) - See Statewide
RED RIVER COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

REEVES COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
REFUGIO COUNTY
(D) - See Aransas County
(H,Hw) - See Statewide
ROBERTS COUNTY
(H,Hw) - See Statewide
(B) (R) - See Armstrong County
ROBERTSON COUNTY
(H,Hw) - See Statewide
ROCKWALL COUNTY
(R)(B) - See Collin County
(H,Hw) - See Statewide
RUNNELS COUNTY
(H,Hw) - See Statewide
RUSK COUNTY
(H,Hw) - See Statewide
SABINE COUNTY
(H,Hw) - See Statewide
SAN AUGUSTINE COUNTY
(H,Hw) - See Statewide
SAN JACINTO COUNTY
(H,Hw) - See Statewide
SAN PATRICIO COUNTY
(R) - See Bee County
(D) - See Aransas County
(H,Hw) - See Statewide
SAN SABA COUNTY
(H,Hw) - See STatewide
SCHLEICHER COUNTY
(H,Hw) - See Statewide
SCURRY COUNTY
(H,Hw) - See Statewide
SHACKELFORD COUNTY
(H,Hw) - See Statewide
SHELBY COUNTY
(H,Hw) - See Statewide
SHERMAN COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
SMITH COUNTY
(H,Hw) - See Statewide
SOMERVELL COUNTY
(H,Hw) - See Statewide
STARR COUNTY
(H,Hw) - See Statewide
(B)(R) - See Cameron County
STEPHENS COUNTY
(H,Hw) - See Statewide

TEXAS (Cont'd)

STERLING COUNTY
(H,Hw) - See Statewide
STONEWALL COUNTY
(H,Hw) - See Statewide
SUTTON COUNTY
(H,Hw) - See Statewide
SWISHER COUNTY
(H,Hw) - See Statewide
(B)(R) - See Armstrong County
TARRANT COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
Decision #AQ-117 (R)
39 FR 22400 - 6/21/74
TAYLOR COUNTY
(H,Hw) - See Statewide
TERRELL COUNTY
(H,Hw) - See Statewide
TERRY COUNTY
(H,Hw) - See Statewide
(R) - See Bailey County
THROCKMORTON COUNTY
(H,Hw) - See Statewide
TITUS COUNTY
(H,Hw) - See Statewide
TOM GREEN COUNTY
(H,Hw) - See Statewide
TRAVIS COUNTY
Decision #AR-42 (B)
39 FR 34007 - 9/20/74
Mod. #1 - 39 FR 35915 - 10/4/74
(R) - See Bastrop County
(H,Hw) - See Statewide
TRINITY COUNTY
(H,Hw) - See Statewide
TYLER COUNTY
(H,Hw) - See Statewide
UPSHUR COUNTY
(H,Hw) - See Statewide
UPTON COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
UVALDE COUNTY
(H,Hw) - See STatewide
VAL VERDE COUNTY
(H,Hw) - See Statewide
VAN ZANDT COUNTY
(H,Hw) - See Statewide
VICTORIA COUNTY
(H,Hw) - See Statewide
(D) - See Aransas County
WALKER COUNTY
(H,Hw) - See Statewide
(R) - See Brazoria County

TEXAS (Cont'd.)

WALLER COUNTY
(H,Hw) - See Statewide
WARD COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WASHINGTON COUNTY
(H,Hw) - See Statewide
WEBB COUNTY
Decision #AQ-113 (B)
39 FR 22361 - 6/21/74
(H,Hw) - See STatewide
WHARTON COUNTY
(H,Hw) - See Statewide
WHEELER COUNTY
(R)(B) - See Armstrong County
(H,Hw) - See Statewide
WICHITA COUNTY
Decision #AR-51 (R)
39 FR 35064 - 9/27/74
Decision #AR-46 (B)
39 FR 35057 - 9/27/74
(H,Hw) - See Statewide
WILBARGER COUNTY
(H,Hw) - See Statewide
WILLACY COUNTY
(R)(B) - See Cameron County
(H,Hw) - See Statewide
(D) - See Aransas County
WILLIAMSON COUNTY
(H,Hw) - See Statewide
(R) - See Bastrop County
WILSON COUNTY
(H,Hw) - See Statewide
WINKLER COUNTY
(H,Hw) - See Statewide
(R) - See Crane County
WISE COUNTY
(B) - See Collin County
(H,Hw) - See Statewide
(R) - See Hood County
WOOD COUNTY
(H,Hw) - See Statewide
YOAKUM COUNTY
(R) - See Bailey County
(H,Hw) - See Statewide
YOUNG COUNTY
(H,Hw) - See Statewide
ZAPATA COUNTY
(H,Hw) - See Statewide
ZAVALA COUNTY
(H,Hw) - See Statewide

UTAH

STATEWIDE
Decision #AR-1040 (B,H,Hw)
39 FR 35940 - 10/4/74
BEAVER COUNTY
(B,H,Hw) - See Statewide
BOX ELDER COUNTY
(B,H,Hw) - See Statewide
CACHE COUNTY
(B,H,Hw) - See Statewide
CARBON COUNTY
(B,H,Hw) - See Statewide
DAGGETT COUNTY
(B,H,Hw) - See Statewide
DAVIS COUNTY
(B,H,Hw) - See Statewide
DUCHESNE COUNTY
(B,H,Hw) - See Statewide
EMERY COUNTY
(B,H,Hw) - See Statewide
GARFIELD COUNTY
(B,H,Hw) - See Statewide
GRAND COUNTY
(B,H,Hw) - See Statewide
IRON COUNTY
(B,H,Hw) - See Statewide
JUAB COUNTY
(B,H,Hw) - See Statewide
KANE COUNTY
(B,H,Hw) - See Statewide
MILLARD COUNTY
(B,H,Hw) - See Statewide
MORGAN COUNTY
(B,H,Hw) - See Statewide
PIUTE COUNTY
(B,H,Hw) - See Statewide
RICH COUNTY
(B,H,Hw) - See Statewide
SALT LAKE COUNTY
(B,H,Hw) - See Statewide
SAN JUAN COUNTY
(B,H,Hw) - See Statewide
SANPETE COUNTY
(B,H,Hw) - See Statewide
SEVIER COUNTY
(B,H,Hw) - See Statewide
SUMMIT COUNTY
(B,H,Hw) - See Statewide
TOOELE COUNTY
(B,H,Hw) - See Statewide
UNITAH COUNTY
(B,H,Hw) - See Statewide
UTAH COUNTY
(B,H,Hw) - See Statewide
WASATCH COUNTY
(B,H,Hw) - See Statewide
WASHINGTON COUNTY
(B,H,Hw) - See Statewide

UTAH (Cont'd)

WAYNE COUNTY
(B,H,Hw) - See Statewide
WEBER COUNTY
(B,H,Hw) - See Statewide

VERMONT

Statewide (Except Rutland County)
Decision #A0-3184 (Hw)
39 FR 24203 - 6/28/74
Mod. #1 - 39 FR 27397 - 7/26/74
ADDISON COUNTY
(Hw) - See Statewide
BENNINGTON COUNTY
(Hw) - See Statewide
CALEDONIA COUNTY
(Hw) - See Statewide
CHITTENDEN COUNTY
(Hw) - See Statewide
ESSEX COUNTY
(Hw) - See Statewide
FRANKLIN COUNTY
(Hw) - See Statewide
GRAND ISLE COUNTY
(Hw) - See Statewide
LAMOILLE COUNTY
(Hw) - See Statewide
ORANGE COUNTY
(Hw) - See Statewide
ORLEANS COUNTY
(Hw) - See Statewide
RUTLAND COUNTY
None
WASHINGTON COUNTY
(Hw) - See Statewide
WINDHAM COUNTY
(Hw) - See Statewide
WINDSOR COUNTY
(Hw) - See Statewide

VIRGINIA

ACCOMACK COUNTY
Decision #AP-805 (Hw)
38 FR 11279 - 5/4/73
Mod. #1 - 38 FR 13127 - 5/18/73
Decision #AQ-2039 (D)
39 FR 3395 - 1/25/74
ALBERMARLE COUNTY
Decision #AM-1874 (Hw)
36 FR 16342 - 8/20/71
ALEXANDRIA CITY
Decision #AR-2025 (B)
39 FR 30763 - 8/23/74
Mod. #1 - 39 FR 32444 - 9/6/74
Mod. #2 - 39 FR 35916 - 10/4/74
Decision #AP-450 (R)
37 FR 25117 - 11/25/72
ALLEGHANY COUNTY
Decision #AM-1875 (Hw)
36 FR 16343 - 8/20/71
Mod. #1 - 37 FR 5169 - 3/10/72
AMELIA COUNTY
Decision #AR-2032 (Hw) -
39 FR 31871 - 8/30/74
AMHERST COUNTY
Decision #AQ-2032 (Hw)
38 FR 32259 - 11/30/73
APPOMATTOX COUNTY
(Hw) - See Amherst County
ARLINGTON COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
AGUSTA COUNTY
Decision #AM-9320 (R)
37 FR 10267 - 5/19/72
(Hw) - See Alleghany County
BATH COUNTY
(Hw) - See Alleghany County
BEDFORD CITY
(Hw) - See Bedford County
BEDFORD COUNTY
Decision #AQ-2021 (Hw)
38 FR 27744 - 10/5/73
BLAND COUNTY
Decision #AQ-2020 (Hw)
38 FR 27744 - 10/5/73
BOTECOURT COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

BRISTOL CITY
(Hw) - See Bland County
BRUNSWICK COUNTY
(Hw) - See Amelia County
BUCHANAN COUNTY
(Hw) - See Bland County
BUCKINGHAM COUNTY
(Hw) - See Amherst County
BUENA VISTA COUNTY
(Hw) - See Alleghany County
CAMPBELL COUNTY
(Hw) - See Amherst County
CAROLINE COUNTY
Decision #AQ-2031 (Hw)
38 FR 33258 - 11/30/73
CARROLL COUNTY
(Hw) - See Bedford County
CHARLES CITY COUNTY
(Hw) - See Amelia County
CHARLOTTE COUNTY
(Hw) - See Amherst County
CHARLOTTSVILLE CITY
(Hw) - See Albermarle County
CHESAPEAKE CITY
Decision #AR-2047 - (B)
39 FR 32472 - 9/6/74
Decision #AP-494 (Hw)
38 FR 7693 - 3/23/73
(D) - See Accomack County
CHESTERFIELD COUNTY
(Hw) - See Amelia County
CLARK COUNTY
Decision #AP-406 (R)
37 FR 15234 - 7/28/72
(Hw) - See Alleghany County
CLIFTON FORGE CITY
(Hw) - See Alleghany County
COLONIAL HEIGHTS CITY
(Hw) - See Amelia County
COVINGTON CITY
(Hw) - See Alleghany County
CRAIG COUNTY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

CULPEPER COUNTY
(Hw) - See Albermarle County
CUMBERLAND COUNTY
(Hw) - See Amherst County
DANVILLE CITY
(Hw) - See Amherst County
DICKENSON COUNTY
(Hw) - See Bland County
DINWIDDIE COUNTY
(Hw) - See Amelia County
EMPORIA CITY
(Hw) - See Accomack County
ESSEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
FAIRFAX COUNTY
(B) - See Alexandria City
(R) - See Alexandria City
(D) - See Accomack County
FAIRFAX CITY
(B) - See Alexandria City
(R) - See Alexandria City
FALLS CHURCH CITY
(B) - See Alexandria City
(R) - See Alexandria City
FAUQUIER COUNTY
(Hw) - See Albermarle County
FLOYD COUNTY
(Hw) - See Bedford County
FLUVANNA COUNTY
(Hw) - See Albermarle County
FORT MONROE CITY
(Hw) - See Accomack County
FRANKLIN CITY
(Hw) - See Accomack County
FRANKLIN COUNTY
(Hw) - See Bedford County
FREDERICK COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County

VIRGINIA (Cont'd)

FREDERICKSBURG CITY
(Hw) - See Caroline County
GALAX CITY
(Hw) - See Bedford County
GILES COUNTY
(Hw) - See Bedford County
GLOUCESTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
GOOCHLAND COUNTY
(Hw) - See Amelia County
GRAYSON COUNTY
(Hw) - See Bland County
GREENE COUNTY
(Hw) - See Albermarle County
GREENSVILLE COUNTY
(Hw) - See Accomack County
HALIFAX COUNTY
(Hw) - See Amherst County
HAMPTON CITY
Decision #AQ-2103 (R)
39 FR 14119 - 4/19/74
Mod. #1 - 15612 - 5/3/74
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
HANOVER COUNTY
(Hw) - See Amelia County
HARRISONBURG CITY
(Hw) - See Alleghany County
HENRICO COUNTY
Decision #AR-2048 (B)
39 FR 32474 - 9/6/74
(Hw) - See Amelia County

NOV 1 1974
XUM

VIRGINIA (Cont'd.)

HENRY COUNTY
(Hw) - See Bedford County
HIGHLAND COUNTY
(Hw) - See Alleghany County
HOPEWELL CITY
(Hw) - See Amelia County
ISLE OF WIGHT COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
JAMES CITY COUNTY
Decision #AP-407 (R)
37 FR 15235 - 7/28/72
(Hw) - See Accomack County
(D) - See Accomack County
KING AND QUEEN COUNTY
(Hw) - See Caroline County
KING GEORGE COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
KING WILLIAM COUNTY
(Hw) - See Caroline County
LANCASTER COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
LEE COUNTY
(Hw) - See Bland County
LOUDOUN COUNTY
(Hw) - See Albermarle County
LOUISA COUNTY
(Hw) - See Albemarle County
LUNENBURG COUNTY
(Hw) - See Amelia County
LYNCHBURG CITY
(Hw) - See Amherst County
MADISON COUNTY
(Hw) - See Alemarle County
MARTINSVILLE CITY
(Hw) - See Bedford County

VIRGINIA (Cont'd)

MATHEWS COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MECKLENBURG COUNTY
(Hw) - See Amelia County
MIDDLESEX COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
MONTGOMERY COUNTY
(Hw) - See Bedford County
NANSEMOND COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NELSON COUNTY
(Hw) - See Amherst County
NEW KENT COUNTY
(Hw) - See Amelia County
NEWPORT NEWS CITY
(B,H,W&S) - See York County
(Hw) - See Chesapeake City
(D) - See Accomack County
(R) - See Hampton County
NORFOLK CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
NORTHAMPTON COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
NORTON CITY
(Hw) - See Bland County
NORTHUMBERLAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
NOTTOWAY COUNTY
(Hw) - See Amelia County
ORANGE COUNTY
(Hw) - See Albemarle County

VIRGINIA (Cont'd)

PAGE COUNTY
(Hw) - See Alleghany County
PATRICK COUNTY
(Hw) - See Bedford County
PETERSBURG CITY
(Hw) - See Amelia County
PITTSYLVANIA COUNTY
(Hw) - See Amherst County
PORTSMOUTH CITY
(Hw,B) - See Chesapeake City
(D) - See Accomack County
POWHATAN COUNTY
(Hw) - See Amelia County
PRINCE EDWARD COUNTY
(Hw) - See Amherst County
PRINCE GEORGE COUNTY
(Hw) - See Amelia County
PRINCE WILLIAM COUNTY
(Hw) - See Albermarle County
(D) - See Accomack County
PULASKI COUNTY
(Hw) - See Bedford County
RADFORD CITY
(Hw) - See Bedford County
RAPAHANNOCK COUNTY
(Hw) - See Albermarle County
RICHMOND CITY
(B) - See Henrico County
(Hw) - See Amelia County
RICHMOND COUNTY
(Hw) - See Caroline County
ROANOKE CITY
(Hw) - See Bedford County
ROANOKE COUNTY
(Hw) - See Bedford County
ROCKBRIDGE COUNTY
(Hw) - See Alleghany County
ROCKINGHAM COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
RUSSELL COUNTY
(Hw) - See Bland County
SALEM CITY
(Hw) - See Bedford County
SCOTT COUNTY
(Hw) - See Bland County
SHENANDOAH COUNTY
(Hw) - See Alleghany County
(R) - See Clarke County
SMYTH COUNTY
(Hw) - See Bland County
SOUTHAMPTON COUNTY
(Hw) - See Accomack County

VIRGINIA (Cont'd.)

SOUTH BOSTON CITY
(Hw) - See Amherst County
SPOTSYLVANIA COUNTY
(Hw) - See Caroline County
STAUNTON CITY
(Hw) - See Alleghany County
STAFFORD COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
SUFFOLK CITY
(Hw) - See Accomack County
SURRY COUNTY
(Hw) - See Accomack County
(D) - See Accomack County
SUSSEX COUNTY
(Hw) - See Accomack County
TAZEWELL COUNTY
(Hw) - See Bland County
VIRGINIA BEACH CITY
Decision #AM-9321 (R)
37 FR 10266 - 5/19/72
(Hw,B) - See Chesapeake City
(D) - See Accomack County
WARREN COUNTY
(R) - See Clarke County
(Hw) - See Alleghany County
WASHINGTON COUNTY
(Hw) - See Bland County
WAYNESBORO CITY
(Hw) - See Alleghany County
WESTMORELAND COUNTY
(Hw) - See Caroline County
(D) - See Accomack County
WILLIAMSBURG CITY
(Hw) - See Accomack County
WINCHESTER CITY
(Hw) - See Alleghany County
WISE COUNTY
(Hw) - See Bland County
WYTHE COUNTY
(Hw) - See Bland County
YORK COUNTY
Decision #AR-2049 (B,H,S&W)
39 FR 32476 - 9/6/74
(R) - See James County
(Hw) - See Accomack County
(D) - See Accomack County

WASHINGTON

STATEWIDE
Decision #AR-1031 (B,H,Hw,D)
39 FR 35074 - 9/27/74
ADAMS COUNTY
(B,H,Hw,D) - See Statewide
ASOTIN COUNTY
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39 FR 34017 - 9/20/74
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(B,H,Hw,D) - See Statewide
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39 FR 18416 - 5/24/74
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WASHINGTON, D. C.
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37 FR 25117 - 11/25/72
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39 FR 7112 - 2/22/74
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39 FR 27415 - 7/26/74
Mod. #1 - 39 FR 30670 - 8/23/74
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[FR Doc.74-25349 Filed 10-31-74;8:45 am]

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As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

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First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We beljeve this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

- -

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences; ☐ preamble did not contain a clear and concise explanation of the document's purpose; ☐ other (explain) _____

_____

_____

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A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

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federal register

November 4, 1974—Pages 38887–39015

MONDAY, NOVEMBER 4, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 213

Pages 38887–39015

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

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Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES) DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

BASIS FOR CHANGES

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee. The Act requires such fees to be reasonable and, as nearly as possible, to cover the cost of rendering the service.

STATEMENT OF CONSIDERATIONS LEADING TO AMENDMENT OF REGULATIONS

The rising costs of maintaining the inspection service in destination markets have made it necessary to increase inspection fees charged for most categories of inspections. The current base fee for peanuts, pecans or other nuts will remain unchanged.

In order to more nearly recover costs of rendering the service the following adjustments have been made in the inspection schedule of fees and charges applicable in destination markets:

1. For quality and condition inspections: Fees are raised from $21 to $24 when more than a half-carlot equivalent is involved, from $18 to $20 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from $42 to $48.

2. For condition only inspections: Fees are raised from $18 to $20 when more than a half-carlot equivalent is involved, from $16 to $18 for a half-carlot equivalent or less, and the maximum fee per carlot equivalent, when more than one kind of product is involved, is raised from $36 to $40.

3. The regular hourly rate, where applicable, is increased from $11 to $12.

4. The additional hourly charge for overtime or holiday work is increased from $5 to $6.

5. The fees for small lots (such as for export to Canada or delivery to institutions) depending upon size of lot is increased from: $3.25 to $4.00; $4.25 to $5.00; $6.00 to $7.00; and, $9.00 to $11.00.

Pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U.S.C. 1621 et seq.), § 51.38 Basis for Charges of the Subpart—Regulations governing inspection, certification and standards for fresh fruits, vegetables, and other products, is hereby amended to read as follows:

§ 51.38 Basis for charges.[3]

(a) The fee for each lot of products inspected by an inspector acting exclusively for the Department, except for peanuts, pecans or other nuts, shall be on the following basis:

(1) Quality and condition inspections:

(i) $24.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $20.00 for each half-carlot equivalent or less of an individual product.

(iii) $48.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(2) Condition inspection only:

(i) $20.00 for each over one-half carlot equivalent of an individual product up to a full carlot.

(ii) $18.00 for each half-carlot equivalent or less of an individual product.

(iii) $40.00 maximum for inspection of each carlot equivalent when more than one kind of product is involved.

(3) When any lot involved is in excess of a carlot equivalent, the quantity shall be calculated in terms of carlot and fractions thereof of the customary carlot quantity for such carlots and carlot inspection fee rates: *Provided*, That such fractions shall be calculated in terms of fourths, or next higher fourths.

(b) The base fee for peanuts (shelled), pecans or other nuts shall be 90 cents per ton: *Provided*, That the minimum fee shall be $12.00 per lot, the different grades and varieties of peanuts shall be considered separate lots, and the fee for Farmers' Stock peanuts (unshelled) shall be $1.80 per ton.

(c) When inspections are made and the products inspected cannot readily be calculated in terms of carlots, or when the services rendered are such that a charge on the carlot or other unit basis would be inadequate or inequitable, charges for inspections may be based on the time consumed by the inspector in connection with such inspections, computed at the rate of $12.00 per hour.

(d) Notwithstanding the fee rates prescribed in the preceding paragraphs, fees and charges for the inspection of small lots where detailed reports of inspection are not normally required,[4] the following rates may be applied:

1 to 25 packages inclusive	$4
26 to 50 packages inclusive	5
51 to 150 packages inclusive	7
151 to ½ customary carlot equivalent	11

(e) Whenever inspections are performed at the request of the applicant during periods which are outside the inspector's regular scheduled workweek, a charge for overtime or holiday work shall be made at the rate of $6 per hour or portion thereof in addition to the regular commercial lot or hourly fees specified in this subpart. Holidays are those specified in title 5, U.S.C., section 6103(a).

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action later than December 8, 1974 (5 U.S.C. 553) are impracticable, unnecessary, and contrary to the public interest in that (1) the Agricultural Marketing Act of 1946 provides that the fees charged shall be reasonable and, as nearly as possible, cover the cost of the service rendered; (2) the increases in fee rates set forth herein are necessary to more nearly cover such cost including, but not limited to, Federal employee salary adjustments; (3) it is imperative that these increases in fee rates become effective in time to cover such increased costs; and (4) additional time is not required by users of the inspection service to comply with this amendment.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended, 7 U.S.C. 1622, 1624)

Dated October 29, 1974, to become effective at 12:01 a.m., December 8, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-25605 Filed 11-1-74;8:45 am]

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

[3] Carlot equivalent shall be based on the customary quantity of a product loaded in common carrier rail cars.

[4] For example, the inspection of small lots for export to Canada or delivery to private and public institutions.

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CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Avocado Reg. 16, Amdt. 5]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Maturity Requirements

This amendment to Avocado Regulation 16 reduces currently specified minimum weight or diameter requirements for individual fruit of the Booth 7 variety of avocados during the period October 28 through November 11, 1974. Weight, diameter, and picking dates are indices used at harvest to assure that avocados will ripen satisfactorily after picking. Recent studies have indicated that Booth 7 avocados are maturing at lower weights and smaller diameters this season. This amendment permits shipment of fruit meeting such weight or diameter specifications.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the maturity requirements for the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amended regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida avocados are currently regulated pursuant to Avocado Regulation 16 (39 FR 20801; 30105; 33505; 36319; 37631) and, unless sooner modified or terminated, will continue to be so regulated until April 30, 1975. The recommendation and supporting information for amendment of the regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Avocado Administrative Committee on October 23, 1974; such meeting was held to consider recommendations for regulations, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; it is necessary, in order to effectuate the declared policy of the act, to make this amended regulation effective during the period and in the manner hereinafter set forth so as to provide for appropriate regulation of the handling of such avocados; and it relieves restrictions by permitting shipment of smaller Booth 7 avocados during the period October 28 through November 11, 1974.

The need for the amendment stems from the current avocado crop maturity situation. Weather conditions in the production area have recently included unseasonally high temperatures and lower than normal amounts of rainfall. Some avocado varieties are, therefore, maturing at a smaller size than in prior seasons. Maturity studies on the Booth 7 variety completed recently indicate that avocados of such variety are maturing at lower weights and smaller diameters than those currently specified in Avocado Regulation 16. Booth 7 avocados of the specified weights or diameters for the periods hereinafter set forth will be mature, and, fruit meeting such specifications is acceptable in the markets.

Order. The provisions of subparagraph (a)(2) of § 915.316 (Avocado Regulation 16; 39 FR 20801; 30105; 33505; 36319; 37631) are amended by changing in Table I the dates and minimum weights applicable to the Booth 7 variety, so that after such changes the portion of Table I relating to the Booth 7 variety reads as follows:

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Booth 7	9-30-74	18 oz. 2 13/16 in.	10-14-74	16 oz. 3 1/16 in.	10-28-74	12 oz. 3 5/16 in.	11-11-74

(Secs. 1–19, 48 Stat. 31, as amended, 7 U.S.C. 601–674)

Dated October 25, 1974, to become effective October 28, 1974.

CHARLES R. BRADER,
Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–25385 Filed 11–1–74;8:45 am]

PART 971—LETTUCE GROWN IN LOWER RIO GRANDE VALLEY IN SOUTH TEXAS

Handling Regulation

This regulation, designed to promote the orderly marketing of lettuce grown in the Lower Rio Grande Valley in South Texas imposes pack, container and inspection requirements to standardize the pack of lettuce being shipped to consumers.

Notice of rule making on a proposed handling regulation, to be made effective under Marketing Agreement No. 144 and Order No. 971 (7 CFR Part 971) regulating the handling of lettuce grown in the Lower Rio Grande Valley in South Texas was published in the FEDERAL REGISTER October 11, 1974 (39 F.R. 36591). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to file written exceptions not later than October 25, 1974. None was filed.

After consideration of all relevant matters, including the proposal set forth in the notice, it is found that the handling regulation will tend to effectuate the declared policy of the act.

This regulation is in accord with the committee's recommendations and marketing policy and reflects its appraisal of the 1974–75 lettuce crop and marketing prospects for the season.

The South Texas lettuce industry as well as other lettuce shipping areas are accustomed to operating on a six day shipping week. The experience has been that a six day shipping week is adequate for five days distribution in terminal markets. Therefore, "packaging holidays" on Sundays and Christmas Day will promote more orderly marketing.

The pack and container requirements are in accord with the generally accepted commercial practices of the South Texas lettuce industry of packing specified numbers of heads of lettuce in specific sized containers limited to those found acceptable to the trade for safe transportation of the lettuce, and will prevent deceptive practices.

No purpose would be served by regulating the pack or requiring the inspection and assessment of insignificant quantities of lettuce. Therefore quantities up to two cartons of lettuce per day may be handled without regard to such requirements.

Provisions with respect to special purpose shipments, including export, are designed to meet the different requirements for other than commercial channels of domestic trade. Because of the production area's proximity to the Mexican border, Mexican buyers have been accustomed to acquiring small lots of production area lettuce for their home market. These buyers can utilize lettuce which fails to meet the pack and container regulations. Inasmuch as such shipments have a negligible effect on the domestic market, they should be permitted provided certain safeguard requirements are met.

It is further found that good cause exists for not postponing the effective date of this section 30 days after its publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of lettuce grown in the production area are expected to begin about the effective

date specified herein, (2) to maximize benefits to producers, the effective period of this regulation should be set to cover as many shipments as possible during the shipping season, (3) information regarding the provisions of this regulation has been made available to producers and handlers in the production area, and (4) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective date.

The regulation is as follows:

§ 971.315 Handling regulation.

During the period November 25, 1974, through March 31, 1975, no person shall handle any lot of lettuce grown in the production area unless such lettuce meets the requirements of paragraphs (a), (b), (c), and (d) of this section, or unless such lettuce is handled in accordance with paragraphs (e) or (f) of this section. Further, no person may package lettuce during the above period on any Sunday or on Christmas Day.

(a) [Reserved]

(b) *Pack.* (1) Lettuce heads, packed in container Nos. 7303, 7306, or 7313, if wrapped may be packed only 18, 20, 22, 24, or 30 heads per container; if not wrapped, only 18, 24, or 30 heads per container.

(2) Lettuce heads in container No. 85–40 may be packed only 24 or 30 heads per container.

(c) *Containers.* Containers may be only the following depth, width and length respectively:

(1) Cartons with inside dimensions of 10 inches x 14-¼ inches x 21-5/16 inches (designated as carrier container No. 7303), or

(2) Cartons with inside dimensions of 9-¾ inches x 14 inches x 21 inches (designated as carrier container No. 7306), or

(3) Cartons with inside dimensions of 14 inches x 9-¾ inches by 21 inches (designated as carrier container No. 7313), or

(4) Cartons with inside dimensions of 10-¾ inches x 16-⅛ inches x 21-½ inches (designated as carrier container No. 85–40—flat pack).

(d) *Inspection.* (1) No handler shall handle lettuce unless such lettuce is inspected by the Texas-Federal Inspection Service and an appropriate inspection certificate has been issued with respect thereto, except when relieved of such requirement pursuant to paragraph (e) or (f) of this section.

(2) No handler may transport, or cause the transportation of, any shipment of lettuce by motor vehicle for which inspection is required unless each such shipment is accompanied by a copy of an appropriate inspection certificate or shipment release form (SPI–23) furnished by the inspection service verifying that such shipment meets the current grade, pack and container requirements of this section. A copy of such inspection certificate or shipment release form shall be available and surrendered upon request to authorities designated by the committee.

(3) For administration of this part, such inspection certificate or shipment release form required by the committee as evidence of inspection is valid for only 72 hours following completion of inspection, as shown on such certificate or form.

(e) *Minimum quantity.* Any person may handle up to, but not to exceed two cartons of lettuce a day without regard to inspection, assessment, grade, and pack requirements. This exception may not be applied to any shipment of over two cartons of lettuce.

(f) *Special purpose shipments.* The pack, container, and inspection requirements of this section shall not be applicable to shipments as follows:

(1) For relief, charity, experimental purpose, or export to Mexico, if, prior to handling, the handler pursuant to §§ 971.120–971.125 obtains a Certificate of Privilege applicable thereto and reports thereon; and

(2) For export to Mexico, if the handler of such lettuce loads and transports it only in a vehicle bearing Mexican registration (license).

(g) *Definitions.* (1) "Wrapped" heads of lettuce refers to those which are enclosed individually in parchment, plastic, or other commercial film and then packed in cartons or other containers.

(2) Other terms used in this section have the same meaning as when used in Marketing Agreement No. 144 and this part.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1974, to become effective November 25, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–25606 Filed 11–1–74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—GUARANTEED LOANS

[FmHA Instructions 449.1 and 449.5]

PART 1845—EMERGENCY LIVESTOCK LOANS

Section 1845.10(b), Part 1845, Title 7, Code of Federal Regulations (39 FR 27685, 29581) is amended to clarify the definition of "bona fide farmer or rancher" as it relates to loan eligibility.

In accordance with 5 U.S.C. 553 this amendment is not published for notice of proposed rulemaking inasmuch as: (1) the change reflects an amendment made in response to public comments received from FmHA's publication in 39 FR 27685 dated July 31, 1974, and (2) the amendment only clarifies existing agency procedure. Postponing the effective date of this emergency program amendment until after receipt of comments would not be in the public interest. Therefore, this amendment is effective November 4, 1974.

Section 1845.10(b) is amended to read:

§ 1845.10 EL eligibility requirements.

To be eligible for an EL loan the applicant must:

* * * * * * *

(b) *Bona fide farmer or rancher.* Be (1) an established *bona fide* farmer or rancher (owner-operator, or tenant) doing business in the United States either as an individual, corporation or partnership, (2) recognized in the community as one whose chief occupation is farming or ranching, and (3) primarily and directly engaged in agricultural production for the purpose of breeding, raising, fattening, or marketing livestock (hereinafter referred to as a livestock operation). In the case of an individual loan applicant, the phrase "primarily and directly engaged in a livestock operation" means that he derives a majority of his gross income from his own livestock operation(s) *or* devotes a majority of his time to such operation(s). In the case of a corporation or partnership loan applicant, the term "primarily and directly engaged in a livestock operation" means that the corporation or partnership derives a majority of its gross income from the livestock operation and that the shareholders or partners owning or controlling a majority interest in such corporation or partnership derive a majority of their gross income from their own and/or the corporation's or partnership's livestock operation(s) *and* devote a majority of their time to such operation(s).

(Section 10 of Pub. L. 93–357; delegation of authority by the Secretary of Agriculture (7 CFR 2.23); delegation of authority by the Assistant Secretary for Rural Development (7 CFR 2.70))

Dated: October 31, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74–25752 Filed 11–1–74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Nonimmigrant Documentary Waiver

By order of the Administrator, Bureau of Security and Consular Affairs, Department of State, dated October 21, 1974, concurred in by the Acting Commissioner, Immigration and Naturalization Service, 22 CFR 41.6(e)(1) is being amended to include the German Democratic Republic among the list of countries the nationals of which may, on a basis of reciprocity, transit the United States without a visa or passport under conditions specified in that section.

In the light of the aforementioned order of the Department of State, and pursuant to the provisions of section 552

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of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1, a corresponding amendment to § 212.1 (e)(1), in Part 212, Chapter I of Title 8 of the Code of Federal Regulations is hereby prescribed:

In § 212.1(e)(1), the third sentence thereof is amended by deleting the German Democratic Republic from the list of countries the citizens of which may not transit the United States without a visa and passport and by adding the German Democratic Republic to the list of countries the nationals of which may, on a basis of reciprocity, transit the United States without a visa or passport under specified conditions. A technical amendment is also made in the third sentence by changing the reference to Outer Mongolia to read Mongolian People's Republic. As amended, § 212.1(e)(1) reads as follows:

§ 212.1 Documentary requirements for nonimmigrants.

* * * * *

(e) *Direct transits*—(1) *Transit without visa.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Service under the provisions of section 238(d) of the Act on Form I–426 to insure such immediate and continous transit through, and departure from, the United States en route to a specifically designated foreign country: *Provided*, That such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Cuba. This waiver of visa and passport requirements is not available to an alien who is a citizen of North Korea ("Democratic Peoples' Republic of Korea") or North Viet Nam ("Democratic Republic of Viet Nam"), and is a resident of one of said countries, and is, on a basis of reciprocity, available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Service on Form I–426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

* * * * *

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to § 212.1(e)(1) confer benefits on the persons affected thereby and conform Service regulations to corresponding regulations promulgated by the Department of State.

Effective date. The amendments made in this order shall become effective on November 4, 1974.

Dated: October 25, 1974.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.74–25651 Filed 11–1–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–GL–20, Amdt. 39–2001]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Aircraft Corp.; Bellanca Model 8KCAB (Decathlon)

Pursuant to the authority delegated to me by the Administrator, an Airworthiness Directive was adopted on August 20, 1974, and made effective immediately as to all known United States operators of Bellanca Model 8KCAB (Decathlon) airplanes. The Directive requires an inspection, prior to further flight, to visually inspect the wing ribs for evidence of fatigue cracks and/or distortion of the rib flanges.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the Airworthiness Directive effective immediately as to all known United States operators of Bellanca Model 8KCAB airplanes by individual air mail letters dated August 20, 1974. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation regulations to make it effective as to all persons.

The inspection section of the telegraphic Airworthiness Directive issued and effective (August 20, 1974) is now incorporated in this amendment and is now effective November 7, 1974. The telegraphic Airworthiness Directive of August 20, 1974, called for an inspection and repair of wing ribs showing evidence of fatigue cracks and/or distortion of rib flanges as per standard procedures as outlined in Advisory Circular 43–13–1A. Inspection requirements were every 50 hours of normal flight or every 10 hours of acrobatic flight.

This Airworthiness Directive issued and effective as stated below stipulates repair and reinforcement of the left and right hand wing ribs. A total of 30 ribs, 15 ribs in the right hand wing and 15 ribs in the left hand wing as per Bellanca Aircraft Corporation Service Letter #113, beginning with the first wing rib outboard of the wing fuel tank to the last outboard full structural wing tip rib. All items needed for this alteration are contained in Bellanca's Service Kit #243. Now the inspection is to be conducted each 25 hours of flight without regard to the type of flight.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697 and 14 CFR 11.89) § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BELLANCA. Applies to Bellanca Models 8KCAB aircraft S/N's 4–71 thru 159–74.

To detect evidence of fatigue cracks and/or distortion of rib flanges, accomplish the following before further flight:

A. Visually inspect the wing ribs for evidence of fatigue cracks and/or distortion of the rib flanges as follows:

1. Remove fabric from each of four doped-on round reinforcing rings located on lower surface of each wing adjacent to front spar. Use a sharp knife.

2. Using a flashlight (and mirror as necessary) inspect all ribs beginning at first rib outboard of fuel tank and each other rib outboard, to and including last outboard full rib, for general condition.

3. Examine particularly the area approximately 2" aft of front spar (just aft of rib reinforcing gusset) on rib top flange for evidence of cracks, distortion, and fabric holdown rivet looseness.

B. If, as a result of inspection per Paragraph A, cracks, distortion or fabric rivet looseness are found in any of the inspected ribs, repair and reinforce all 30 ribs, 15 ribs per wing, per Ballanca Kit No. 243. Equivalent repairs are to be approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region, before further flight.

C. If, as a result of inspection per Paragraph A, no evidence of any cracks, distortion or fabric rivet looseness is found, repeat the required inspection after every 25 hours of flight.

D. The inspection required by Service Letter #113 may be discontinued after installation of Bellanca Kit No. 243.

This amendment is effective November 7, 1974. The telegraphic inspection portion was effective August 20, 1974; for all recipients of the air mail letter of August 20, 1974, which is contained in this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on October 24, 1974.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.74–25572 Filed 11–1–74;8:45 am]

[Docket No. 74–NW–6–AD, Amdt. 39–2002]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707–300, –300B/C and –400 Series Airplanes

Amendment 39–1829, 39 FR 15027, AD 74–09–07 requires inspection of the upper wing skin splice plate and repair, as necessary, on Boeing 707–300, –300B/C and –400 series airplanes. After issuing Amendment 39–1829 the agency has established the basis for reinspection intervals and terminating action, and the AD is being amended accordingly.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations, Amendment 39–1829, 39 FR 15027, AD 74–09–07 is amended as follows:

(1) Replace the applicability statement as follows:

BOEING: Applicable to all Boeing 707–300, –300B/C, and –400 series airplanes listed in Boeing Service Bulletin No. 3157, upon accumulation of the following number of landings since new, unless hole oversizing in accordance with Part IV of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions has been accomplished, in which case compliance is not required until accumulation of the following number of landings since oversizing:

Models:	*Since new or oversizing*
707–300, 707–400.	13,000 or more landings.
707–300B	11,000 or more landings.
707–300C	8,000 or more landings.

Compliance required as indicated. To detect cracks in the upper wing skin, upper wing skin splice plate and upper rib cap at wing station 360, accomplish the following:

(2) Replace paragraph (C) with the following:

(C) If cracks are found, repair prior to further flight in accordance with Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. Airplanes with cracks repaired with local doublers in accordance with Part VII of Service Bulletin No. 2510, Revision 3, which additionally have had accomplished the hole oversizing per Part IV or, the complete external doubler installation per Part VIII of Revision 3 of Service Bulletin No. 2510, need not be reinspected until the thresholds called out in the applicability statement have been reached.

(3) Add new paragraphs as follows:

(E) After the accomplishment of the inspections of (D) above, within the next 400 landings, unless accomplished within the last 400 landings, and at intervals thereafter not to exceed 800 landings, X-Ray inspect the upper wing skin, upper wing skin splice plate and upper rib cap at wing station 360 in accordance with the instructions in Boeing Service Bulletin No. 3157, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region. If cracks are found repair as necessary prior to further flight in accordance with paragraph (C) above.

(F) The inspections required by this AD may be terminated when the following is accomplished:

(1) Splice plate, skin and rib cap fastener holes are oversized to remove fatigued material and complete external doublers are installed in accordance with Parts IV and VIII of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, or

(2) Cracked splice plates are replaced, holes oversized, and complete external doublers are installed in accordance with Parts IV and VIII of Boeing Service Bulletin No. 2510, Revision 3, or later FAA approved revisions, or

(3) Other modifications are made in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(G) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the airplane type.

(H) Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA Northwest Region may adjust the repetitive inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the change for that operator.

This amendment becomes effective on November 8, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington on October 25, 1974.

C. B. WALK, Jr.,
Director, Northwest Region.

NOTE.—The incorporation by reference provisions in this document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74–25578 Filed 11–1–74;8:45 am]

[Docket No. 74–NW–20–AD; Amdt. 39–2003]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727–100 and –200 Series Airplanes

There have been two incidents of inadvertent simultaneous automatic trips of the air conditioning packs on the 727–200 series airplanes. It has been determined that a single failure resulted in the rapid loss of pressurization while at cruise altitude. This single failure could endanger the occupants of the aircraft.

Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require modification of the Auto Pack Trip System on the Boeing Model 727–100 and 727–200 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to all Model 727 Series Airplanes certificated in all categories and equipped with the Auto Pack Trip System.

Compliance required as indicated unless already accomplished.

To prevent the inadvertent trip of both air conditioning packs and the subsequent rapid loss of cabin pressurization, accomplish the following:

(A) Within one calendar day after the effective date of this AD, as an interim action, during the first flight and on all subsequent flights until the action specified in paragraph (B) and (C) of this AD has been accomplished, control the Auto Pack Trip system in accordance with the information and procedures contained in Boeing 727 "Operations Manual Bulletin" Number 74–7 dated September 5, 1974; and

(B) Within 100 hours time in service after the effective date of this AD, unless paragraph (C) is already accomplished, collar the Auto Pack Trip circuit breaker on the P6 panel and install one placard adjacent to the circuit breaker and one adjacent to the Auto Pack Trip Switch which reads, "Auto Pack Trip Inoperative."

(C) As terminating action of this AD, within the next 900 hours time in service after the effective date of this AD, modify the Auto Pack Trip System in accordance with the information contained in the following documents as applicable, or a method approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region:

(1) Boeing Alert Service Bulletin 727–36–21 dated September 20, 1974, or later FAA approved revisions, applies to 727–200 series airplanes.

(2) Boeing Service Bulletin 727–36–17, Revision 2, dated October 4, 1974, or later FAA approved revisions, applies to the following 727–100 series airplanes if Boeing Service Bulletin 727–36–17 original issue and Revision 1 have been incorporated:

727–116	S/N 19611.
727–116C	S/N 19813 and 19814.
727–21	S/N 18992 through 18999.
727–21	S/N 19006 through 19007.
727–21	S/N 19035 through 19038.
727–21	S/N 19257 through 19262.
727–21C	S/N 19134 through 19137.

(3) Boeing Service Bulletin 727–36–18, Revision 1, dated October 4, 1974, or later FAA approved revisions, applies to the following 727–100 series airplanes if Boeing Service Bulletin 727–36–18 has been incorporated:

727–155C S/N 19619.

(4) Boeing Service Bulletin 727–36–22 dated October 4, 1974, or later FAA approved revisions, applies to the following 727–100 series airplanes:

727–17	S/N 20327 and 20328; S/N 20512 and 20513.
727–41	S/N 20422 through 20426.
727–118C	S/N 20343.
727–1E2	S/N 20533.
727–1F8	S/N 20421.
727–C3	S/N 20418 through 20420.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this Directive who have not already received these documents from the manufacturer, may obtain copies upon request to The Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective November 8, 1974.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))).

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Issued in Seattle, Washington on October 25, 1974.

C. B. WALK, JR.,
Director,
Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-25574 Filed 11-1-74;8:45 am]

[Docket No. 14110, Amdt. No. 940]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAPs, *effective December 12, 1974.*

Beaumont, Tex.—Beaumont Municipal Arpt., VOR/DME Rwy 30, Orig.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR Rwy 11, Amdt. 4.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR-A, Amdt. 3.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR-B, Amdt. 3.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR-C, Amdt. 2.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VOR/DME Rwy 16, Orig.
Beaumont/Port Arthur, Tex.—Jefferson County Arpt., VORTAC Rwy 34, Amdt. 3.
Bloomington, Ind.—Monroe County Arpt., VOR Rwy 35, Amdt. 5.
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., VOR-A, Amdt. 6.
Clinton, Iowa—Clinton Municipal Arpt., VOR Rwy 3, Amdt. 4.
Clinton, Iowa—Clinton Municipal Arpt., VORTAC Rwy 21, Amdt. 1.
Columbus, Miss.—Columbus-Lowndes County Arpt., VOR-A, Amdt. 8.
Darlington, S.C.—Darlington Co. Arpt., VOR/DME-A, Amdt. 4.
Hancock, Mich.—Houghton County Memorial Arpt., VOR Rwy 13, Amdt. 7.
Hancock, Mich.—Houghton County Memorial Arpt., VOR Rwy 25, Amdt. 9.
Hancock, Mich.—Houghton County Memorial Arpt., VOR Rwy 31, Amdt. 6.
Havre, Mont.—Havre City-County Arpt., VOR Rwy 7, Amdt. 3.
Havre, Mont.—Havre City-County Arpt., VOR Rwy 25, Amdt. 3.
Ionia, Mich.—Ionia County Arpt., VOR Rwy 27, Amdt. 2.
Marquette, Mich.—Marquette County Arpt., VOR Rwy 6, Amdt. 10.
Marquette, Mich.—Marquette County Arpt., VOR Rwy 26, Amdt. 9.
Pompano Beach, Fla.—Pompano Beach Airpark, VOR Rwy 14, Amdt. 1.
Reedsburg, Wisc.—Reedsburg Municipal Arpt., VOR-A, Orig.
Wharton, Tex.—Wharton Municipal Arpt., VORTAC-A, Amdt. 1.

• • • *effective November 7, 1974*

Port Clinton, Ohio—Carl R. Keller Field, VOR/DME-A, Orig.
Sandusky, Ohio—Griffing Sandusky, VOR Rwy 27, Orig.

• • • *effective October 16, 1974*

Las Vegas, Nev.—McCarran Int'l. Arpt., VOR-A, Amdt. 4.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF-LOC-LDA SIAPs, *effective December 12, 1974.*

Beaumont/Port Arthur, Tex.—Jefferson County Arpt. LOC(BC) Rwy 29, Amdt. 11.
Hancock, Mich.—Houghton County Memorial Arpt., LOC/DME(BC) Rwy 13, Amdt. 2.
Marquette, Mich.—Marquette County Arpt., LOC(BC) Rwy 26, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, *effective December 12, 1974.*

Beaumont, Tex.—Beaumont Municipal Arpt., NDB(ADF) Rwy 30, Orig., cancelled.
Beaumont/Port Arthur, Tex.—Jefferson County, NDB Rwy 11, Amdt. 10.
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., NDB Rwy 10, Amdt. 1.
Clinton, Iowa—Clinton Municipal Arpt., NDB Rwy 3, Amdt. 2.
Clinton, Iowa—Clinton Municipal Arpt., NDB Rwy 14, Amdt. 2.
Gainesville, Tex.—Gainesville Municipal Arpt., NDB Rwy 17, Amdt. 1.
Hancock, Mich.—Houghton County Memorial Arpt., NDB Rwy 31, Amdt. 3.
Lafayette, Ind.—Purdue University Arpt., NDB Rwy 10, Amdt. 5.
Orr, Minn.—Orr Public Arpt., NDB Rwy 13, Amdt. 1.
Penn Yan, N.Y.—Penn Yan Arpt., NDB Rwy 28, Orig.

• • • *effective November 14, 1974*

Laurel, Miss.—Laurel Municipal Arpt., NDB Rwy 13, Orig.
Little Falls, Minn.—Little Falls Municipal Arpt., NDB Rwy 30, Orig.

• • • *effective November 7, 1974*

Elk City, Okla.—Elk City Municipal Arpt., NDB Rwy 17, Orig.
Port Clinton, Ohio—Carl R. Keller Field, NDB Rwy 26, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, *effective December 12, 1974.*

Beaumont/Port Arthur, Tex.—Jefferson County, ILS Rwy 11, Amdt. 12.
Cape Girardeau, Mo.—Cape Girardeau Municipal Arpt., ILS Rwy 10, Amdt. 1.
Hancock, Mich.—Houghton County Memorial Arpt., ILS Rwy 31, Amdt. 3.
Lafayette, Ind.—Purdue University Arpt., ILS Rwy 10, Amdt. 3.
Marquette, Mich.—Marquette County Arpt., ILS Rwy 8, Amdt. 1.
New Haven, Conn.—Tweed-New Haven Arpt., ILS Rwy 2, Amdt. 4.

• • • *effective November 7, 1974.*

Denver, Colo.—Stapleton Int'l. Arpt., ILS (BC) Rwy 8R, Amdt. 2.
Denver, Colo.—Stapleton Int'l. Arpt., ILS Rwy 26L, Amdt. 36.

• • • *effective October 16, 1974.*

Las Vegas, Nev.—McCarran Int'l Arpt., ILS Rwy 25, Amdt. 7.

CORRECTION

In Docket Nr. 14024, Amendment Nr. 935 to Part 97 of the Federal Aviation regulations published in the FEDERAL REGISTER, dated September 27, 1974, on page 35129, under Sections 97.23, 97.25, and 97.29, effective November 7, 1974—Destroy Iron Mountain/Kingsford, Mich.—Ford Arpt., VOR Rwy 1, Amdt. 6 VOR Rwy 19, Amdt. 2, VOR Rwy 31, Amdt. 9, ILS Rwy 1, Amdt. 2, and LOC/DME(BC) Rwy 19, Amdt. 2. Under Section 97.27 effective November 7, 1974—Destroy Defiance, Ohio—Defiance Memorial Arpt., NDB Rwy 12, Amdt. 4.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, Sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1))

Issued in Washington, D.C. on October 24, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-25575 Filed 11-1-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 4]

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Quarters of Coverage and Insured Status; Disability Insured Status

On May 7, 1974, there were published in the FEDERAL REGISTER (39 FR 16152), a notice of proposed rulemaking and proposed amendments to Regulations No. 4 of the Social Security Administration, reflecting sections 104, 116, and 117 of Public Law 92-603, which related to disability insured status. The proposed amendments provided that an individual disabled by reason of blindness (as defined in section 216(i)(1) of the Social Security Act; as amended) may qualify for a period of disability and/or disability insurance benefits if he has fully insured status. Prior to the enactment of section 117 of Public Law 92-603, such individual had to meet, in addition to the fully insured status test, one of two other insured status tests involving substantial recent covered work. (Insured status relates to the amount of covered work required to qualify for social security benefits.) Also, because section 116 of Public Law 92-603 reduced from 6 months to 5 months the disability "waiting period" (that continuous period of time beginning with the first month of an individual's disability and ending with the month of his entitlement to disability insurance benefits), § 404.115 of the proposed amendments incorporated the appropriate changes in the points in time at which an individual may have disability insured status. New § 404.118 reflected the liberalized age computation point for men enacted by section 104 of Public Law 92-603. This computation point has been reduced from age 65 to age 62 after a 2 year phase-in period. Thereafter, men and women will receive the same treatment in determining the number of quarters of coverage required for a fully insured status.

Interested parties were given 30 days within which to submit their data, views, and comments. Only two comments were received, and they approved of the amendments as proposed. Accordingly, the amendments were adopted without change, and are set forth below.

(Secs. 205, 216, 223, and 1102, 53 Stat. 1368, as amended, 68 Stat. 1080, as amended, 70 Stat. 815, as amended, 49 Stat. 647, as amended; 42 U.S.C. 405, 416, 423, and 1302.

Effective date. These amendments shall be effective on November 4, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.802, Social Security—Disability Insurance.)

Dated: October 16, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: October 29, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Regulations No. 4 of the Social Security Administration, as amended (20 CFR 404.1 et seq.), are further amended to read as follows:

1. Paragraph (b) of § 404.115 is revised to read as follows:

§ 404.115 When disability insured status must be met.

• • • • • •

(b) *Disability insurance benefits.* To become entitled to a disability insurance benefit, in addition to meeting certain other requirements (see section 223(a) of the Act), an individual must meet the insured status requirement for disability insurance benefits as of the first full month that he was under a disability (as defined in § 404.1501(a)), or, if later,

(1) For benefits payable for months before January 1973, as of the 18th month (the 12th month, where no "waiting period" is required—see section 223(a) of the Act) prior to the month in which the application for disability insurance benefits is filed; or

(2) For benefits payable for months beginning January 1973 or later, as of the 17th month (the 12th month, where no "waiting period" is required—see section 223(a) of the Act) prior to the month in which the application for disability insurance benefits is filed, provided the application is filed:

(i) After September 1972; or

(ii) Before October 1972, and

(A) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(B) Notice of the final decision of the Secretary was given to the applicant before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

If the individual does not meet the insured status requirement at such times, he will be insured for disability insurance benefit purposes as of the first month thereafter in which he acquires such insured status provided that at such later time he meets all other requirements for disability insurance benefits.

2. Section 404.116 is revised as follows:

§ 404.116 Disability insured status.

(a) *Period of disability, general.* For the purpose of establishing a period of disability, an individual has disability insured status as of a calendar quarter if such individual:

(1) Would have been fully insured had the individual filed application for old-age insurance benefits on the first day of such calendar quarter (see § 404.118 for requirement regarding the point in time when fully insured status must be met); and

(2) (i) Had not less than 20 quarters of coverage during the 40-quarter period (see paragraph (e) of this section) which ends with such quarter, or

(ii) Effective with respect to applications for disability determinations filed after December 1967;

(A) Such quarter ends before the individual attains (or would attain) age 31, and

(B) Not less than one-half of the quarters during the period ending with such quarter and beginning with the quarter after he attained the age of 21 were quarters of coverage (when the number of quarters in a period is an odd number, such number is reduced by one). If the number of quarters in such period is less than 12, at least six of the quarters (including quarters prior to age 21) in the 12-quarter period ending with such quarter must have been quarters of coverage.

(b) *Period of disability—individual who is statutorily blind.* For the purpose of establishing a period of disability, an individual, who is disabled by reason of blindness (as defined in section 216(i)(1) of the Act), has disability insured status as of a calendar quarter if such individual:

(1) Meets the requirements in paragraphs (a)(1) and (a)(2)(i) of this section, or

(2) With respect to applications filed after June 1965, meets the requirements of paragraphs (a)(1), (a)(2)(ii)(A), and (a)(2)(ii)(B) of this section, or

(3) Would have been fully insured (see § 404.118) had the individual filed application for old-age insurance benefits on the first day of such quarter provided an application for a period of disability is filed

(i) After September 1972; or

(ii) Before October 1972, and

(A) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(B) Notice of the final decision of the Secretary was given before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

(c) *Disability insurance benefits, general.* For the purpose of entitlement to disability insurance benefits, an individual has disability insured status in a month if:

(1) He would have been fully insured (see § 404.118) had the individual filed application for old-age insurance benefits on the first day of such month; and

(2) (i) Had not less than 20 quarters of coverage during the 40-quarter period (see paragraph (e) of this section) which ends with the quarter in which such month occurred, or

(ii) Effective with respect to benefits for months after January 1968 on the basis of an application filed after December 1967:

(A) Such month ends before he attains (or would attain) age 31, and

(B) Not less than one-half of the quarters during the period ending with the quarter in which such month occurred and beginning with the quarter after he attained the age of 21 were quarters of coverage (when the number of quarters in a period is an odd number, such number is reduced by one). If the number of quarters in such period is less than 12, at least six of the quarters (including quarters prior to age 21) in the 12-quarter period ending with such quarter must have been quarters of coverage.

(d) *Disability insurance benefits—individual who is statutorily blind.* For the purpose of entitlement to disability insurance benefits, an individual, who established a period of disability on the basis of blindness (as defined in section 216(i)(1) of the Act), has disability insured status in a month if such individual:

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(1) Meets the requirements in paragraphs (c) (1) and (c) (2) (i) of this section, or

(2) Effective with respect to benefits for months after August 1965 on the basis of an application filed after June 1965, meets the requirements of paragraphs (c) (1), (c) (2) (ii) (A) and (c) (2) (ii) (B) of this section, or

(3) Would have been fully insured (see § 404.118) had such individual filed an application for old-age insurance benefits on the first day of such quarter provided an application for disability insurance benefits is filed

(i) After September 1972; or

(ii) Before October 1972; and

(A) Notice of the final decision of the Secretary was not given to the applicant before October 1972; or

(B) Notice of the final decision of the Secretary was given before October 1972 but a civil action with respect to such final decision is commenced under section 205(g) of the Act (whether before, in, or after October 1972) and the decision in such civil action did not become final before October 1972.

For purpose of this paragraph, no monthly benefits under Title II of the Social Security Act shall be payable or increased by reason of this subparagraph (3) for months before January 1973.

(e) *Determining 40-quarter or other period.* In determining the 40-quarter or other period for the purpose of paragraphs (a) (2) or (c) (2) of this section, any quarter which is not a quarter of coverage, all or any part of which is included in a period of disability established for the individual, is not counted as part of such 40-quarter period or such other period. (See §§ 404.103 and 404.104.)

3. A new § 404.118 is added to read as follows:

§ 404.118 Quarters of coverage requirement for period of disability and/or disability benefits—fully insured status.

(a) The period for determining the number of quarters of coverage needed to satisfy the fully insured status requirement (see §§ 404.108–404.113) for a female will end as of:

(1) The year of attainment of age 62; or, if earlier

(2) The year in which:

(i) The period of disability begins or disability benefits are payable

(ii) The waiting period (see § 404.308) for disability benefits begins, or if there is no waiting period

(iii) Entitlement to disability benefits begins.

(b) The period for determining the number of quarters of coverage needed to satisfy the fully insured status requirement (see §§ 404.108–404.113) for a male born January 1, 1913, or earlier will end as of:

(1) The year 1975; or, if earlier

(2) The year in which:

(i) The period of disability begins or disability benefits are payable

(ii) The waiting period (see § 404.308) for disability benefits begins, or, if there is no waiting period.

(iii) Entitlement to disability benefits begins.

(c) The period for determining the number of quarters of coverage needed to satisfy the fully insured status requirement (see §§ 404.109–404.113) for a male born January 2, 1913, or later will end as of:

(1) The year of attainment of age 62; or, if earlier

(2) The year in which:

(i) The period of disability begins or disability benefits are payable

(ii) The waiting period (see § 404.308) for disability benefits begins; or, if there is no waiting period

(iii) Entitlement to disability benefits begins.

[FR Doc.74–25668 Filed 11–1–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

An order published in the FEDERAL REGISTER of June 5, 1973 (38 FR 14751) amending § 121.2526(a)(5) (21 CFR 121.2526(a)(5)) provides for the use of acrylonitrile polymer with styrene, reaction product with ethylenediamine, acetate, as a sizing material at a level not to exceed 0.25 percent by weight of the dry paper and paperboard, and was promulgated on the basis of an evaluation of the data submitted in two petitions (FAP's 2B2748 and 2B2768) and other relevant material. The data indicated that the additive is intended as a "surface sizing" material, for application after the sheet-forming operation in the manufacture of paper and paperboard in such amount that the final product would contain the additive at a level not in excess of 0.25 percent by weight of the dry paper and paperboard.

A subsequent petition (FAP 4B2938) was submitted proposing amendment of § 121.2526(a)(5) to broaden the use of the additive. The data indicated that the additive would be applied prior to the sheet-forming operation, as an "internal sizing" material, in such amount that the final product would contain the additive at a level not in excess of 1.0 percent by weight of the dry paper and paperboard. The higher level of use of the additive is required for "internal" as opposed to "surface" application to achieve the sizing effect. However, there are no changes in the levels of extractives as a result of an increase in the use level from 0.25 percent to 1.0 percent.

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 4B2938) filed by American Cyanamid Co., Wayne, NJ 07470, and other relevant material, concludes that the food additive regulations should be amended as set forth below (1) to clarify the present regulation by making explicit the intended condition of use therein of the additive, acrylonitrile polymer with styrene, reaction product with ethylenediamine, acetate; namely, as a "surface sizing" material to be applied after the sheet-forming operation; and (2) to provide for the broadened use of the additive as an "internal sizing" material to be applied prior to the sheet-forming operation, in the manufacture of paper and paperboard for use in contact with food.

Published elsewhere in this issue of the FEDERAL REGISTER is a proposal to promulgate an interim regulation to provide safe conditions of use for all acrylonitrile copolymers pending further studies on the safety of acrylonitrile monomer and evaluation of the various acrylonitrile copolymer systems currently being marketed. Upon promulgation of the final interim order, § 121.2526 will be cross-referenced to the interim order and subject to the provisions contained therein. In the meantime, the Commissioner concludes that the "virtually nil" level of acrylonitrile monomer extractives possible to food from the uses listed in the subject regulation will result in no harm to the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2526(a)(5) is amended by revising the text in the limitation column for the item "Acrylonitrile polymer with styrene, reaction product with ethylenediamine, acetate" to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

• • • • • •

(a) • • •

(5) • • •

List of substances	Limitations
• • •	• • •
Acrylonitrile polymer with styrene, reaction product with ethylenediamine, acetate, having a nitrogen content of 7.4–8.3 percent (Kjeldahl dry basis) and containing no more than 0.25 percent monomer as ethylenediamine. • • •	1. For use only as a sizing material applied after the sheet-forming operation in the manufacture of paper and paperboard in such amount that the paper and paperboard will contain the additive at a level not in excess of 0.25 percent by weight of the dry paper and paperboard. 2. For use only as a sizing material applied prior to the sheet-forming operation in the manufacture of paper and paperboard in such amount that the paper and paperboard will contain the additive at a level not in excess of 1.0 percent by weight of the dry paper and paperboard. • • •

Any person who will be adversely affected by the foregoing order may at any time on or before December 4, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 4, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: October 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–25588 Filed 11–1–74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ACRYLONITRILE/STYRENE COPOLYMER MODIFIED WITH BUTADIENE/STYRENE ELASTOMER

Notice was given by publication in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391), that a petition (FAP 3B2926) had been filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, to provide for safe use of acrylonitrile/styrene copolymers modified with butadiene/styrene in the manufacture of bottles intended to hold soft drinks.

The notice of filing stated that Food and Drug Administration actions on substances used or intended for use in the fabrication of plastic bottles for carbonated beverage and beer use will have a significant effect on the quality of the human environment and, therefore, will require an environmental impact statement. The environmental impact analysis report submitted by the petitioner for the subject additive as a component of soft drink bottles is currently being evaluated as part of the overall consideration of the environmental impact of all plastic bottles for carbonated beverages and beer use as announced by FDA in a notice, published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391), to manufacturers and distributors of plastic bottles. A draft environmetnal impact statement is currently being prepared.

Published elsewhere in this issue of the FEDERAL REGISTER is a proposal which discusses a previously unknown migration problem of acrylonitrile monomer, which may be common to many food-contact articles containing acrylonitrile copolymers, and the absence of toxicological data to establish a definitive "no-effect" level for acrylonitrile monomer. The proposal would define the prior sanctions for acrylonitrile copolymers under a new § 121.2010 (21 CFR 121.2010), and it would establish an interim food additive regulation § 121.4010 (21 CFR 121.4010) for such copolymers to allow their continued use for a limited period of time while the questions raised are being resolved by further study. The proposed regulations include a tolerance of 0.3 part per million (ppm) as maximum amount of acrylonitrile monomer which can migrate from the food-contact article, and it requires the submission of certain chemical and toxicological data.

The Commissioner has evaluated data in the food additive petition (FAP 3B2926), and other relevant material, and concludes that the food additive regulations should be amended as set forth below to provide for safe use of the petitioned additive subject to the limitation on migration of proposed interim food additive regulation § 121.4010 when promulgated. To ensure compliance with the proposed acrylonitrile monomer tolerance, an accelerated extraction end test for acrylonitrile monomer is included in this regulation. The subject additive, yielding not more than 0.4 ppm acrylonitrile monomer when tested at 150° F for a period of 8 days, will be in compliance with the 0.3 ppm limitation of the proposed interim regulation when the subject additive is used in accordance with the more restrictive room temperature filling and storage conditions prescribed in this order. Upon adoption of the interim food additive regulation, this regulation will be amended to cross-reference the requirements of § 121.4010.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788; 21 U.S.C. 321(s), 348, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2625 Acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer.

Acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer identified in this section may be safely used as a component of bottles intended for use with foods identified in table I of § 121.2526(c) as type VI–B under conditions for use E, F, or G described in table 2 of § 121.2526(c).

(a) *Identity.* For the purpose of this section, acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer consists of a blend of:

(1) 82–88 parts by weight of a matrix copolymer produced by polymerization of 77–82 parts by weight of acrylonitrile and 18–23 parts of styrene; and

(2) 12–18 parts by weight of a grafted rubber consisting of (i) 8–12 parts of butadiene/styrene elastomer containing 77–82 parts by weight of butadiene and 18–23 parts by weight of styrene and (ii) 4–6 parts by weight of a graft copolymer consisting of 70–77 parts by weight of acrylonitrile and 23–30 parts by weight of styrene.

(b) *Adjuvants.* The modified copolymer identified in paragraph (a) of this section may contain adjuvant substances required in its production. Such adjuvants may include substances generally recognized as safe in food, substances used in accordance with prior sanction, substances permitted under applicable regulations in this part, and the following:

Substances	Limitations
n-Dodecylmercaptan	The finished copolymer shall contain not more than 500 parts per million (ppm) dodecylmercaptan as dodecylmercaptopropionitrile as determined by a method available upon request from the Commissioner of Food and Drugs.

(c) *Specifications.* (1) Nitrogen content of the modified copolymer is in the range of 17.7–19.8 percent.

(2) Intrinsic viscosity of the matrix copolymer in butyrolactone is not less than 0.5 deciliter/gram at 35° C, as determined by a method available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF–330), 200 C St. SW., Washington, D.C. 20204.

(3) Residual acrylonitrile monomer content of the modified copolymer articles is not more than 11 ppm as determined by a gas chromatographic method available upon request from the Commissioner of Food and Drugs.

(d) *Extractives limitations.* The following extractives limitations are determined by an infrared spectrophotometric method, available upon request from the Commissioner of Food and Drugs, and are applicable to the modified copolymers in the form of particles of a size that will pass through a U.S. Standard Sieve No. 6 and that will be held on a U.S. Standard Sieve No. 10:

(1) The extracted copolymer shall not exceed 2.0 ppm in aqueous extract obtained when a 100-gram sample of copolymer is extracted with 250 milliliters of freshly distilled water at reflux temperature for 2 hours.

(2) The extracted copolymer shall not exceed 0.5 ppm in *n*-heptane when a 100-gram sample of the basic copolymer is extracted with 250 milliliters spectral grade *n*-heptane at reflux temperature for 2 hours.

(e) *Accelerated extraction end test.* The modified copolymer shall yield

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acrylonitrile monomer not in excess of 0.4 ppm when tested as follows:

(1) The modified copolymer shall be in the form of eight strips ½ inch by 4 inches by .03 inch.

(2) The modified copolymer strips shall be immersed in 225 milliliters of 3 percent acetic acid in a Pyrex glass pressure bottle.

(3) The pyrex glass pressure bottle is then sealed and heated to 150° F in either a circulating air oven or a thermostat controlled bath for a period of 8 days.

(4) The Pyrex glass pressure bottle is then removed from the oven or bath and cooled to room temperature. A sample of the extracting solvent is then withdrawn and analyzed for acrylonitrile monomer by a gas chromatographic method available upon request from the Commissioner of Food and Drugs.

Any person who will be adversely affected by the foregoing order may at any time on or before December 4, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 4, 1974.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1788; 21 U.S.C. 321(s), 348, 371(a))

Dated: October 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–25589 Filed 11–1–74;8:45 am]

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

CITRIC ACID

Correction

In FR Doc. 74–21188 appearing at page 34188 in the Monday, September 23, 1974 issue, under § 121.1259, make the following change:

On page 34190 in the second line of the last paragraph under the center heading "Reagents and Materials" in the second column, delete "Laboratories, Inc., Muskegan, Mich., or" and insert instead "Coleman and Bell, East Rutherford, N.J." so that the corrected italicized material in that paragraph reads "1,2-Dichloroethane, spectrograde (Matheson, Coleman and Bell, East Rutherford, N.J., or equivalent)."

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirements of Tolerances

LOCUST (CAROB) BEAN GUM; AFFIRMATION OF GRAS STATUS WITH LIMITATIONS AS DIRECT HUMAN FOOD INGREDIENT AND AFFIRMATION OF GRAS STATUS FOR INDIRECT HUMAN FOOD USE

Correction

In FR Doc. 74–21183 appearing at page 34181 of the Monday, September 23, 1974 issue, make the following changes:

1. On page 34182 in the 14th line of item 1 in the first column delete "compositive" and insert "competitive" so that the corrected line reads "create a competitive hardship on cur-".

2. On page 34184 in the 16th line of item 1 in the first column "carbo" should read "carob" so that the corrected line reads "taining locust (carob) bean gum. Several".

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirements of Tolerances

SORBITOL; AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENT

Correction

In FR Doc. 74–21182 appearing at page 34180 of the Monday, September 23, 1974 issue in the next to the last line of item 3 in the third column of page 34180 insert "platinum," after "palladium,".

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food Additives From the Requirements of Tolerances

METHYLPARABEN AND PROPYLPARABEN AFFIRMATION OF GRAS STATUS AS DIRECT HUMAN FOOD INGREDIENTS

Correction

In FR Doc. 74–21186 appearing at page 34176 in the Monday, September 23, 1974 issue § 121.104(f) should read: "The label and labeling of the ingredient and any intermediate mix of the ingredient for use in finished food shall bear, in addition to the other labeling required by the act:".

PART 121—FOOD ADDITIVES

Substances Prohibited From Use in Human Food

Correction

In FR Doc. 74–21189 appearing at page 34172 of the Monday, September 23, 1974 issue, make the following changes:

1. On page 34172 in the fifth line of § 121.106(d)(5) the formula "$(C_6H_{12}NO_3S)NA$" should read "$(C_6H_{12}NO_3S)Na$."

2. On page 34173 in the third line of § 121.106(d)(7) the formula "$C_2H_2ClO_2$" should read "$C_2H_3ClO_2$".

3. On page 34173 in the second line of § 121.106(d)(8)(iii) the word "thioureau" should be spelled "thiourea."

4. On page 34173 in the third line of § 121.106(d)(9) the formula "$CoSo_4$" should read "$CoSO_4$."

PART 135—NEW ANIMAL DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

Correction

In FR Doc. 74–21842 appearing at page 34030 of the Monday, September 23, 1974 issue the third column of the table appearing under § 436.205(c) on page 34032 now reads "Final concentration in milligrams per milliliter of standard solution." It should read "Final concentration in milligrams per milliliter of sample."

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application (96–273V) filed by Protein Blenders, Inc., Iowa City, IA 52240, proposing safe and effective use of tylosin premix in the manufacture of swine feed. The application is approved.

To facilitate referencing, the firm is being assigned a sponsor code number and placed in the list of firms in 21 CFR 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 135, § 135.501(c) is amended by adding a new sponsor as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

Code No.	Firm name and address
• • •	• • •
122	Protein Blenders, Inc., Box 631, 2420 Highway 218 South, Iowa City, Iowa 52240.

2. In Part 135e, § 135e.10 is amended by adding a new paragraph (b)(19) to read as follows:

§ 135e.10 Tylosin.

• • • • • •

(b) • • •

(19) To 122: 0.8 gram per pound; item 4.

• • • • • •

Effective date. This order shall be effective November 4, 1974.

(Sec. 512(i), 82 Stat. 1786; 21 U.S.C. 360b(i))

Dated: October 24, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74–25595 Filed 11–1–74;8:45 am]

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated new animal drug applications filed by Vita Plus Corp., 1508 W. Badger Rd., P.O. Box 926, Madison, WI 53701 (97–287V) and The O. A. Cooper Co., Humboldt, NE 68376 (96–779V), proposing safe and effective use of tylosin premix in the manufacture of swine feed. These applications are approved.

To facilitate referencing, the firms are being assigned sponsor code numbers and placed in the list of firms in 21 CFR 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 135c, § 135.501(c) is amended by adding new sponsors as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

• • • • • •

(c) • • •

Code No.	Firm name and address
• • •	• • •
123	Vita Plus Corp., 1508 West Badger Rd., P.O. Box 926, Madison, Wis. 53701.
124	The A. O. Cooper Co., Humboldt, Nebr. 68376.

• • • • • •

2. In Part 135e, § 135e.10 is amended by adding new paragraph (b)(20) and (21) to read as follows:

§ 135e.10 Tylosin.

• • • • • •

(b) • • •

(20) To 123: 0.4 and 0.8 gram per lb., item 4.

(21) To 124: 2.0 grams per lb., item 4.

• • • • • •

Effective date. This order will be effective November 4, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: October 24, 1974.

C. D. Van Houweling,
Director, Bureau of Veterinary Medicine.

[FR Doc.74–25594 Filed 11–1–74;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 149b—AMPICILLIN FOR VETERINARY USE

Sterile Ampicillin Suspension, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (55–064V) filed by E. R. Squibb & Sons, Inc., Georges Rd., New Brunswick, NJ 08902 proposing safe and effective use of sterile ampicillin suspension for the treatment of bacterial enteritis in calves. The application is approved.

The drug is subject to the batch certification provisions of section 512(n) of the Federal Food, Drug, and Cosmetic Act. This order provides for appropriate amendments to the antibiotic drug certification regulations for veterinary use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135b and 149b are amended as follows:

1. Part 135b is amended by adding a new section as follows:

§ 135b.104 Sterile ampicillin suspension, veterinary.

(a) *Specifications.* Sterile ampicillin suspension, veterinary, contains 200 milligrams of ampicillin (as ampicillin trihydrate) per milliliter of nonaqueous vehicle and conforms to the requirements of § 149b.27 of this chapter.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Related tolerances.* See § 135g.83 of this chapter.

(d) *Conditions of use.* (1) The drug is administered intramuscularly to calves for the treatment of bacterial enteritis caused by *E. coli* susceptible to ampicillin.

(2) It is administered at a dose of 3 milligrams per pound of body weight, once or twice daily, for up to 3 days.

(3) It is not for use in other animals raised for food production.

(4) Treated animals must not be slaughtered for food use during treatment or for 9 days after the last treatment.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. Part 149b is amended by adding a new section as follows:

§ 149b.27 Sterile ampicillin trihydrate suspension, veterinary.

(a) *Requirements for certification—(1) Standards of identity, strength, quality, and purity.* Sterile ampicillin trihydrate suspension, veterinary, is ampicillin trihydrate in a suitable and harmless oil base. It may contain one or more suitable and harmless preservatives, antioxidants, and complexing or suspending agents. It contains, in each milliliter, an amount of ampicillin trihydrate equivalent to 200 milligrams of ampicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. It is sterile. Its moisture content is not more than 4.0 percent. The ampicillin trihydrate used conforms to the requirements of § 440.7a(a)(1) of this chapter.

(2) *Labeling.* It shall be labeled in accordance with the requirements of §§ 135b.104 and 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) The results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, crystallinity, and identity.

(*b*) The batch for potency, sterility, and moisture.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 5 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay—(1) Potency.* Use either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed in accordance with § 436.105 of this chapter, preparing the sample as follows: Using a 22-gage hypodermic needle and suitable syringe, place an accurately measured representative portion of the sample (usually 1 milliliter) into a high-speed glass blender jar. Add 1.0 milliliter of polysorbate 80 and sufficient 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3) to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Further dilute with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter.

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Using a suitable syringe and needle, transfer a 2.5-milliliter portion of the sample to a separatory funnel containing 100 milliliters of diethyl ether. Extract twice with 150 milliliters of 0.2*N* hydrochloric acid, collecting the extracts in a 500-milliliter volumetric flask. Bring to volume with distilled water to obtain a concentration of 1 milligram per milliliter (estimated).

(2) *Sterility.* Proceed as directed in § 436.20 of this chapter, using the method described in paragraph (e)(2) of that section, except use medium B in lieu of medium A.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

Effective date. This order shall be effective on November 4, 1974.

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(Sec. 512 (i), and (n), 82 Stat. 347, 350–351; 21 U.S.C. 360b (i), and (n))

Dated: October 24, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74–25592 Filed 11–1–74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin and Sulfamethazine

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (94–402V) filed by Hubbard Milling Co., Mankato, MN 56001, proposing an alternate source of drug ingredients used in the manufacture of a premix containing tylosin and sulfamethazine. The supplemental application has been approved; however, it is concluded that amendment of the corresponding regulation regarding the source of drug used in the manufacture of the premix is not required for the purpose of section 512(i) of the act. A provision previously published including such information is being deleted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.36 is amended by revising paragraph (b)(2) to read as follows:

§ 135e.36 Tylosin and sulfamethazine.

• • • • • •

(b) • • •

(2) Premix levels of 10 grams of tylosin (as tylosin phosphate) per pound and 2.2 percent sulfamethazine have been granted to code No. 101 in § 135.501(c) of this chapter.

• • • • • •

Effective date. This order shall be effective November 4, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: October 25, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74–25591 Filed 11–1–74;8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

[Departmental Reg. 108.706]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Crew-List Visas

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to simplify the procedure required in issuing crew-list visas provided by § 41.127(e)(4).

Section 41.127(e)(4) is amended to read:

§ 41.127 Crew-list visas.

• • • • • •

(e) *Procedure in issuing.* • • • (4) The consular officer shall sign the visa and indicate his title. The impression seal of the consular office shall be affixed on the visa stamp only when the visa has been stamped by a rubber hand-stamp.

• • • • • •

Effective date. Compliance with the provisions of Section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to §41.127(e)(4) is merely a technical change designed to simplify the process of issuing crew-list visas. The amendment becomes effective on November 8, 1974.

Dated: September 26, 1974.

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

[FR Doc.74–25652 Filed 11–1–74;8:45 am]

[Departmental Reg. 108.707]

PART 41—VISAS: DOCUMENTATION OF NONIMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

Nonimmigrant Documentary Waivers

Part 41, Chapter I, Title 22 of the Code of Federal Regulations is amended to include the German Democratic Republic in the list of countries the nationals of which may, on a reciprocal basis, transit the United States without a visa or passport under certain conditions as provided in § 41.6(e)(1).

Paragraph (e)(1) of § 41.6 is amended to read:

§ 41.6 Nonimmigrants not required to present passports, visas, or border crossing identification cards.

• • • • • •

(e) *Aliens in immediate transit.*—(1) *Aliens in bonded transit.* A passport and visa are not required of an alien who is being transported in immediate and continuous transit through the United States in accordance with the terms of an agreement entered into between the transportation line and the Immigration and Naturalization Service under the provisions of section 238(d) of the Act on Form I–426 to insure such immediate and continuous transit through and departure from, the United States en route to a specifically designated foreign country, provided that such alien is in possession of a travel document or documents establishing his identity and nationality and ability to enter some country other than the United States. This waiver of visa and passport requirements is not available to an alien who is a citizen of Cuba. This waiver of visa and passport requirements is not available to an alien who is a citizen of North Korea ("Democratic Peoples' Republic of Korea") or North Viet-Nam ("Democratic Republic of Viet-Nam"), and is a resident of one of the said countries, and is on a basis of reciprocity, available to a national of Albania, Bulgaria, Czechoslovakia, Estonia, the German Democratic Republic, Hungary, Latvia, Lithuania, Mongolian People's Republic, People's Republic of China, Poland, Romania, or the Union of Soviet Socialist Republics resident in one of said countries, only if he is transiting the United States by aircraft of a transportation line signatory to an agreement with the Immigration and Naturalization Service on Form I–426 on a direct through flight which will depart directly to a foreign place from the port of arrival.

• • • • • •

Effective date. Compliance with the provisions of Section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendment to § 41.6(e)(1) does not adversely affect anyone's rights or privileges. The amendment will become effective on November 4, 1974.

For the Secretary of State.

[SEAL] BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs, Department of State.

OCTOBER 21, 1974.

JAMES F. GREENE,
Acting Commissioner, Immigration and Naturalization Service, Department of Justice.

OCTOBER 25, 1974.

[FR Doc.74–25653 Filed 11–1–74;8:45 am]

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

SUBCHAPTER U—ELECTRIC POWER SYSTEM

PART 233—SAN CARLOS INDIAN IRRIGATION PROJECT, ARIZONA

Revision and Rates

OCTOBER 25, 1974.

This notice is published in the exercise of rulemaking authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The authority to issue regulations is vested in the Secretary of the Interior by 5 U.S.C. 301 and sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9).

Beginning on page 29372 of the FEDERAL REGISTER of August 15, 1974 (39 FR 29372–29375), there was published a notice of proposed rulemaking to amend Part 233 of Title 25 of the Code of Federal Regulations. The regulations were proposed pursuant to 5 U.S.C. 301 (1970 ed.), section 5 of the Act of June 7, 1924 (43 Stat. 475, 476), and the Act of March 7, 1928 (45 Stat. 200, 210–211).

The purpose of the proposed amendment is to provide additional power revenue to meet the increased cost of operating and maintaining the power system of the San Carlos Indian Irrigation Project, Arizona, and to revise the regulations to make them compatible with prevailing practices, as follows:

Eliminate the subheading "Interim Regulations and Rates" under the heading of Part 233.

§ 233.1—Eliminate reference to Part 231.

§ 233.5—Eliminate provisions for allowing property owners exemption from posting deposit.

§ 233.6—Change extension policy so that length of extension at Government expense is not tied to amount of monthly minimum.

§ 233.7—Eliminate provision for repaying customer for construction costs.

§ 233.9—Raise requirement for 3-phase service from 5 HP motor to 7½ HP and eliminate requirement for written approval for other than 115 or 230 volt single phase service.

§ 233.10—Lower the minimum meter height requirement for underground service.

§ 233.21—Change date of delinquency to 10 days after date of issue of arrears, and increase in reconnection charge to $10.00.

Interested persons were given 30 days in which to submit written comments, suggestions or objections regarding the proposed amendments.

No comments, suggestions, or objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Because the additional power revenue is urgently needed to provide adequate and proper operation and maintenance of the San Carlos Indian Irrigation Project power system, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(3) of 5 U.S.C. 553 (1970). Accordingly, these regulations will become effective on November 4, 1974.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

Sec.
233.1 Effective date; changes.
233.2 Authority of Project Engineer.
233.3 Disputes.
233.4 Applications; contracts.
233.5 Deposits.
233.6 Extensions.
233.7 Installation or extension financed by consumer.
233.8 Temporary service.
233.9 Type of service.
233.10 Service connections.
233.11 Connection methods.
233.12 Multiple meter installations.
233.13 Consumer responsibility.
233.14 Change of equipment.
233.15 Apparatus detrimental to service.
233.16 Motor starting equipment.
233.17 Service discontinued.
233.18 Bills for service.
233.19 Special bills.
233.20 Connect, reconnect, and accounting charges.
233.21 Delinquent bills.
233.22 Discontinuance by consumer.
233.23 Fraud; tampering.
233.24 Compensation of employees.
233.25 Hardship cases.
233.26 Interruptions to service.
233.27 Contingent upon appropriations.
233.51 Rate Schedule No. 1—Residential rate.
233.52 Rate Schedule No. 2—General rate.
233.53 Rate Schedule No. 3—Irrigation and commercial pumping rate.
233.54 Rate Schedule No. 4—Street and area lighting.
233.55 Rate Schedule No. 5—Commercial rate.

AUTHORITY: Sec. 5, 43 Stat. 476; 45 Stat. 210, 211; 5 U.S.C. 301.

§ 233.1 Effective date; changes.

The regulations in this part are approved for the conduct of the electric power system of the San Carlos Project, Arizona, referred to in this part as the Project. The regulations in this part shall become effective with the first billings made after the first day of the second calendar month which begins after the date of publication in the FEDERAL REGISTER. The regulations in this part are subject to change by the proper authority and such changes shall apply to all contracts then and thereafter in effect.

§ 233.2 Authority of Project Engineer.

The Project Engineer is responsible for the operation of the electric power system and the enforcement of the regulations in this part. He is authorized to carry out and enforce the regulations either directly or through the Power Manager or other Project employees designated by him.

§ 233.3 Disputes.

Any aggrieved party may file with the Project Engineer a written complaint regarding the application of the regulations. Within fifteen days after its receipt, the Project Engineer shall render a written decision thereon and serve a copy thereof on the aggrieved party. Within fifteen days from receipt of such decision, the aggrieved party may take an appeal to the Commissioner of Indian Affairs who shall render his decision within sixty days and his decision shall be final. Pending the determination of an appeal, electric service shall be continued, except in cases in which the question of the existence of dangerous conditions on the premises of the consumer is involved: *Provided*, The consumer pays the amount of each bill for electric service prior to the time when it becomes delinquent. If the question of the amount of the bill is involved in an appeal, the consumer shall be deemed to have paid the bill under protest and the payment shall be held in a special deposit account until the final decision has been made.

§ 233.4 Applications; contracts.

In order to contract for the delivery of power, a written application for service under this part accompanied by the required cash deposit and guarantee of the required minimum revenues to the Project, shall be filed with the Project Engineer. Upon acceptance by him, the application will become a contract. In general, such application will be accepted where service lines exist. When special terms and conditions are involved in contracting for service, the Project Engineer shall require the execution of a form of contract in which such terms and conditions are fully set forth. Each contract involving the construction of a new extension shall be for a period of at least one year, but if the consumer vacates the premises, he shall be liable for the unpaid guaranteed revenue only to the extent that it is not liquidated by the succeeding occupant of the premises. The Project Engineer is authorized to reject applications which he deems to be adverse to the best interests of the Project.

§ 233.5 Deposits.

A cash deposit in an amount equal to twice the estimated monthly bill, but in no case less than $30.00 will be required from each applicant. Any cash deposit, less the amount of any unpaid bills, shall be refunded after the termination of service. Before extensions are constructed each applicant must deposit an amount sufficient to cover his portion of the required minimum charges for a period of not less than one year, and must otherwise establish his credit and satisfy the Project Engineer of his intention to take service and his ability to meet the guarantee.

§ 233.6 Extensions.

(a) The length of an extension constructed at the expense of the Project shall not exceed the following:

	Feet
In urban areas:	
Single phase extensions	100
Three phase extensions	80
In rural areas:	
Single phase extensions	330
Three phase extensions	210

(b) The length of an extension shall include the horizontal length of both the primary and secondary circuits exclusive of the service drops. Insofar as practicable, all extensions shall be constructed along established highways. The prospective consumer, or consumers, shall furnish or procure satisfactory rights-of-way necessary for the lines and other facilities of the Project incidental to the furnishing of service. The Project Engineer may decline to construct any extension which, in his opinion, will be excessive in cost, or detrimental to the best interest of the Project, or for which funds are not available.

§ 233.7 Installation or extension financed by consumer.

If funds, material or labor are not otherwise available for an installation or extension, or if an extension to a prospective consumer will require new construction beyond the distances specified in § 233.6, the consumer or prospective consumer may, after executing an appropriate contract satisfactory to the Project Engineer, construct the needed installation or extension, or deposit funds estimated to be sufficient to pay for the construction. Such installations or extensions shall be built in accordance with suitable plans and specifications approved by the Project Engineer. All extensions when constructed shall be and remain the property of the United States.

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§ 233.8 Temporary service.

Temporary service refers to service to circuses, bazaars, fairs, construction works, and other activities or businesses of such a nature that service to the premises occupied by them will probably be discontinued within five months. An applicant for temporary service shall be required to deposit with the Project Engineer a sum of money equal to the estimated cost of installing and removing the necessary facilities and also an additional sum equal to the estimated bill for electrical service: *Provided, however,* That such additional sum need not be greater than three times the estimated monthly bill. After termination of service, there shall be refunded any amount remaining on deposit, in excess of the actual cost of installing and removing facilities, plus the unpaid amount of bills for electric power and energy, as determined by the Project Engineer.

§ 233.9 Type of service.

Service for lights and the usual domestic and other appliances, including motors of less than seven and one-half horsepower shall be single phase, nominally 115 or 230 volts and two or three wire, except when special approval for another type of service has been obtained from the Project Engineer. Three-phase service at suitable voltage may be furnished for motor installations of seven and one-half horsepower and over, provided a three-phase circuit of the required voltage and capacity is available where the service is desired. All service will be sixty cycle.

§ 233.10 Service connections.

On each new service the consumer shall provide and maintain a service entrance at a location convenient to the lines of the project, and all connections from the service entrance to the meter base and from the meter base to the main line circuit breaker or distribution center. The meter will be furnished by the United States. The meter socket will be furnished and installed by the consumer and in a suitable location, preferably on the outside of the building, or service pole, where the meter will be accessible to the meter reader at all times. Except for underground service installations, the meter socket shall not be more than 7 feet nor less than 5 feet above the ground or floor. For underground service installations, the meter shall be mounted a minimum of 3 feet above the ground or floor. The entire service installation must be satisfactory to the project engineer and must conform to the provisions then in force of the National Electrical Code of the National Board of Fire Underwriters for Electric Wiring and Apparatus. When alterations of a consumer's premises make it necessary to move an existing meter loop, the consumer may be required to install a meter socket in the new loop, located in conformity with the stipulations of this section. When an inspection is required by municipal ordinance, the project engineer shall require a certificate of inspection and approval by the municipal inspector before connecting a new service.

§ 233.11 Connection methods.

Service to a consumer's premises will ordinarily be supplied by means of overhead conductors. A consumer may at his own expense provide for an underground service. Such an underground service must be installed in accordance with the provisions of the National Electrical Code and shall be terminated on the pole at a location and in the manner directed by the Project Engineer. No connection from the circuits of the Electrical Power System to a consumer's service entrance shall be made except by the Project or its agents.

§ 233.12 Multiple meter installations.

In the case of new installations in multiple-occupancy buildings such as apartment houses in connection with which more than one meter in a building is required, the meters shall be assembled at one central location. Each meter shall be clearly marked so as to make it possible to identify the consumer.

§ 233.13 Consumer responsibility.

The consumer shall furnish, install and maintain at his own risk and expense in good and safe condition all protective devices, electric wires, lines, machinery, apparatus, and appliances which may be required or used for receiving and consuming electric energy obtained from the Project. The consumer shall be responsible for conforming to the regulations of the National Board of Fire Underwriters and to any other regulations applicable to his installation.

§ 233.14 Change of equipment.

In the event that a consumer proposes to make any material change in the amount, size or character of the electrical equipment installed on his premises, he shall immediately give written notice of his intention to the Project Engineer.

§ 233.15 Apparatus detrimental to service.

The Project Engineer may refuse to supply loads of a character detrimental to the system, or to service to other consumers, and he may require the installation of suitable corrective devices.

§ 233.16 Motor starting equipment.

Motors having a rated capacity of three horsepower or more shall be provided with such starting and overload equipment as may be required by the Project Engineer.

§ 233.17 Service discontinued.

The Project Engineer may discontinue electric service to any consumer who shall continue to use appliances or apparatus detrimental to the Electric Power System after he has been notified to correct the condition and has failed to do so within a reasonable time.

§ 233.18 Bills for service.

Meters will normally be read and bills for electric service will be rendered at regular intervals. Payments by consumers should be made in person or remitted by check or money order, payable to the order of the Treasurer of the United States, and mailed to the designated office of the Project.

§ 233.19 Special bills.

Special bills, removal bills, bills for temporary service, bills rendered when premises are vacated or bills rendered to persons discontinuing services are due on presentation.

§ 233.20 Connect, reconnect, and accounting charges.

A nonrefundable service establishment fee of $7.50 will be charged each time the Project is requested to establish or reestablish electric service to the customer's delivery point. The charge will be included in and rendered with the first month's bill for electricity after connection or reconnection service. An accounting charge of $5 will be made when a check is returned unpaid by a bank because of insufficient funds or other reasons. This charge will be in addition to any other applicable charges and will appear on the next month's bill for electricity.

§ 233.21 Delinquent bills.

Bills for electric service will be delinquent if not paid on or before the tenth day following the date of issue of a bill showing arrears. When such delinquency occurs, the Project Engineer shall discontinue service and service shall not be restored until the consumer has paid all bills then due plus a reconnection charge of $10.00 and has made the deposit required under § 233.5. Discontinuance of service for delinquency shall not relieve the consumer of liability for minimum monthly payments guaranteed by him under his contract.

§ 233.22 Discontinuance by consumer.

Notice of his desire to have service disconnected shall be given by the consumer at least two days in advance. In the absence of such notice the consumer will be held liable for payment of all electrical energy furnished to such vacated premises until service is discontinued. Final bills may be paid by application of the consumer's guarantee deposit to the extent that they are covered thereby. Any surplus remaining in the deposit will be returned to the consumer after the contract is terminated. Where the deposit is insufficient, the consumer will be billed for the difference which shall be immediately due and payable.

§ 233.23 Fraud; tampering.

Service shall be discontinued to any consumer, or to any premises at any time when, in the opinion of the Project Engineer, such action is necessary to protect against abuse, fraud, or theft. Tampering or in any way interfering with meters, transformers, poles, conductors, or any part of the property of the Project is prohibited and is subject to prosecution pursuant to law.

§ 233.24 Compensation of employees.

All employees are strictly forbidden to demand or accept any personal compensation for services rendered to a consumer, or any gratuity by reason of rendition of services.

§ 233.25 Hardship cases.

The Project Engineer may relax temporarily strict enforcement of a regulation when in his judgment such enforcement would work undue hardship upon a consumer, but all such cases shall be reported promptly to the Commissioner of Indian Affairs with an explanation by the Project Engineer of the reason for taking such action. The Commissioner of Indian Affairs may cancel the action taken by the Project Engineer.

§ 233.26 Interruptions to service.

The United States will furnish energy continuously so far as reasonable diligence will permit. But the United States, its officers, agents or employees, assume no liability for damages due to interruptions of service to the consumer.

§ 233.27 Contingent upon appropriations.

All contracts are subject to appropriations made by Congress from year to year of monies sufficient to perform the work or render the service provided therein. No liability shall accrue against the United States by reason of the lack of appropriations.

§ 233.51 Rate Schedule No. 1—Residential rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service for residences and small, noncommercial users. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) Four dollars, which includes the use of 50 kilowatt hours.

(2) 4 cents per kilowatt hour for the next 100 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 100 kilowatt hours.

(4) 2 cents per kilowatt hour for the next 250 kilowatt hours.

(5) 1.4 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be $4 per month except when a higher minimum bill is stipulated in the contract.

§ 233.52 Rate Schedule No. 2—General rate.

(a) This schedule is applicable to three-phase electric service for all purposes and is especially suitable for larger commercial and industrial concerns. Unless specifically permitted by the contract, use must be limited to the consumer's premises and the power supplied must not be resold. If more than one meter is required by the customer's installation, or for the customer's convenience, bills will be independently calculated for each meter.

(b) Monthly rate. (1) 2.6 cents per kilowatt hour for the first 25 kilowatt hours per kilowatt of billing demand.

(2) 1.7 cents per kilowatt hour for the next 50 kilowatt hours per kilowatt of billing demand.

(3) 1.25 cents per kilowatt hour for all additional kilowatt hours.

(c) Minimum bill. The minimum bill shall be 75 cents per month per kilowatt of billing demand.

(d) Contract demand. Each contract shall state the number of kilowatts which the customer expects to require and desires to have reserved for his service. This quantity is called the contract demand.

(e) Actual demand. The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable, the actual demand shall be connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected lights, appliances, and equipment, or from check metering.

(f) Billing demand. The billing demand for a month shall be the contract demand or the actual demand for the month, whichever is greater.

§ 233.53 Rate Schedule No. 3—Irrigation and commercial pumping rate.

(a) *Application of schedule.* This schedule is applicable to three-phase electric service for irrigation or commercial pumping loads of 25 kilowatts demand or more. The necessary metering equipment will be supplied and maintained by the Project for all installations. Each service will be at one point of delivery and measured through one meter. This schedule is not applicable to temporary, breakdown, standby, supplementary, nor resale service.

(b) *Monthly rate.* The sum of demand and energy charges as follows:

(1) Demand charges of 75 cents per kilowatt of billing demand, and

(2) Energy charges of 7.5 mills per kilowatt hour for the first 200 kilowatt hours per kilowatt of billing demand, and

(3) Energy charges of 10 mills per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be 75 cents per month per kilowatt of billing demand.

(d) *Billing demand.* The billing demand for a month shall be the contract demand or the actual demand for that month, whichever is the greater.

(e) *Contract demand.* Each customer shall state the number of kilowatts which the customer expects to require and desires to reserve for his service. This quantity is called the contract demand.

(f) *Actual demand.* The actual demand for any month shall be the average amount of power used during the period of 15 consecutive minutes when such average is the greatest for the month as determined by suitable meters, or, if meters are unavailable or inoperable, the actual demand shall be the connected load or such portion of the connected load as the Project Engineer may determine to be appropriate based on available information as to the customer's use of connected load or from check metering.

§ 233.54 Rate Schedule No. 4—Street and area lighting.

(a) *Application.* This rate schedule applies to service for lighting public streets, alleys, thoroughfares, public parks, schoolyards, industrial areas, parking lots, and similar areas where dusk-to-dawn service is desired. The Project will own, operate, and maintain the lighting system including normal lamp and globe replacements.

(b) *Monthly rate.* (1) Lamps:

	Per lamp
200 watts or less, incandescent (2,800 lumens or less)	$2.80
175 watts mercury vapor (approximately 6,500 lumens)	4.50
250 watts mercury vapor (approximately 10,000 lumens)	5.40
400 watts mercury vapor (approximately 18,000 lumens)	7.00

The minimum term of a service contract will be 12 months, payable in advance. The advance payment may be waived in special cases by the Project Engineer. Installation charges, the cost of wood poles or special steel, aluminum, or other supports, special fixtures, and the cost of underground service, will be charged as determined by the Project Engineer.

§ 233.55 Rate Schedule No. 5—Commercial rate.

(a) *Application of schedule.* This schedule is applicable to single-phase or three-phase service to commercial users, including but not limited to stores, garages, service stations, taverns, motels, mobile home parks, light manufacturing and industrial plants, and installations with similar load characteristics having normal load factors and maximum demands of less than 50 kilowatts. Unless specifically permitted by the contract, use must be limited to the consumer's own premises and power supplied must not be resold. If more than one meter is required by the customer's installation or for the customer's convenience, bills will be independently calculated for each meter.

(b) *Monthly rate.* (1) Four dollars, which includes the use of 50 kilowatt hours.

(2) 4 cents per kilowatt hour for the next 200 kilowatt hours.

(3) 3 cents per kilowatt hour for the next 300 kilowatt hours.

(4) 2 cents per kilowatt hour for the next 450 kilowatt hours.

(5) 1.5 cents per kilowatt hour for all additional kilowatt hours.

(c) *Minimum bill.* The minimum bill shall be $4 per month except when a higher minimum bill is stipulated in the contract.

[FR Doc.74-25650 Filed 11-1-74;8:45 am]

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Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 233—COVERAGE AND CONDITIONS OF ELIGIBILITY IN PUBLIC ASSISTANCE PROGRAMS

Community Work and Training Program; Revocation

Part 233, Chapter II, Title 45 of the Code of Federal Regulations is amended by revoking § 233.140. This regulation was adopted to implement the provisions of section 204(c)(2) of P.L. 90–248 (the Social Security Amendments of 1968), which made inapplicable the provisions of section 409 of the Act.

The regulation language which limited Federal financial participation with respect to "payments for work performed" has proved confusing now that, under *New York Department of Social Services* v. *Dublino*, States have the option of requiring participation in a community work program as a condition for receipt of assistance.

Part 233 of Chapter II Title 45, of the Code of Federal Regulations is amended by revoking § 233.140.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date. This regulation shall be effective on November 4, 1974.

Dated: October 11, 1974.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: October 29, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.74-25669 Filed 11-1-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19880; FCC 74-1156]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 89—PUBLIC SAFETY RADIO SERVICES

Communications for Emergency Medical Services

Memorandum opinion and order. In the matter of amendments of Parts 2 and 89 of the Commission's rules and regulations relating to communications for Emergency Medical Services. Docket No. 19880; FCC 74-1156.

1. On July 2, 1974, the Commission adopted a Report and Order in the above-entitled proceeding that was published in the FEDERAL REGISTER on July 16, 1974, (39 FR 137). The action amended Parts 2 and 89 of the Commission's rules to provide frequency allocations and general regulatory provisions for the licensing and operation of medical services radio communication systems in the Special Emergency Radio Service.

REQUESTS FOR RECONSIDERATION

2. Petitions for reconsideration as to certain of the new medical services rules have been submitted by the Land Mobile Section of the Communications Division of the Electronic Industries Association (EIA), and by the Division of Communications State of Florida, and by the Division of Communication State of Colorado. Primarily, the EIA and Florida petitions, and in part the Colorado petition, concern the requirement for multi-channel equipment capability which is imposed under the new rules for use of medical services frequencies in the 463/468 MHz band. The applicable amendment in § 89.525(f)(2) states:

> Licensees operating on the paired 463/468 MHz frequencies in this block must utilize equipment that is type-accepted for eight-channel capacity i.e., capability for all respective transmit or receive frequencies in either the 463 or 468 MHz band.

3. Issues raised by the petitioners regarding this equipment requirement relate to cost factors, to impact on flexibility in system design, and to availability of necessary equipment. Each of these problems has already been considered in the rule-making proceeding. However, new industry studies and other information developed since adoption of the medical services rules indicate factors that warrant partial reconsideration of the multi-channel equipment requirements. To this extent, therefore, we have determined to grant the petitioners' requests for reconsideration.

4. Florida also urges reconsideration action in two other areas. It requests that the Commission re-evaluate the need for a nationwide "scene-of-action" or "networking" channel for medical services and designate a common calling frequency for this purpose. However, consideration has already been given in the proceeding to arguments concerning dedication of a channel for "national calling". Objections to this proposal, contending the allocation would be of little practical purpose, were noted in the Report and Order and it was determined that requirements for common calling should be met on a voluntary local basis on frequencies already allocated for medical services. To this end, in the VHF band, the frequency 155.340 MHz is widely assigned and has been made available to be used locally as an intersystem mutual aid channel; in the UHF band, the paired 460/465 MHz frequencies are available for dispatch operations, but may also be used for intersystem common calling. The Florida petition does not present any new facts to justify a different approach and the request will be denied.

5. The 460/465 MHz band dispatch frequencies are also involved in Florida's other reconsideration request. Here, Florida asks that we consider an exchange of these frequencies for two Police Radio Service channels at 462/467 MHz, which would be contiguous to the 463/468 MHz medical services frequencies. The purpose is to enable the combined use of the eight paired 463/468 MHz channels and the two paired 462/467 MHz channels on the same radio equipment. We appreciate Florida's desire to be able to operate on all ten channels with the same equipment, although in many situations separate facilities for dispatch and common calling may be desirable.[1] However, the two 462/467 MHz frequencies, allocated to the Police Radio Service, are already assigned to and are used by several licensees and the two 460/465 pairs have also been extensively assigned and are in use. Thus, before reallocating these pairs we will need to consider, in context of a separate rule making proceeding, among other things, the impact of such change to existing users and to those who may have gone ahead in planning radio systems on these frequencies. This process takes time and would further delay implementation of planned medical communication systems which have been awaiting completion of this proceeding. For these reasons, we will deny Florida's request. However, its suggestion will be considered further in a proceeding we plan concerning the two 462/467 MHz Police Radio Service frequency pairs.

6. The State of Colorado discussed a number of additional points, some of which are beyond the scope of this proceeding (e.g., rule limitations on the number of portables authorized to rescue squads; assignment restrictions imposed by footnotes 15 and 16 in § 89.525). It also discusses points previously considered regarding coordination of frequencies, and operations in the 155 MHz VHF frequency band, and no new arguments have been presented to require reconsideration. Thus, reconsideration in these respects is being denied.

RECONSIDERATION OF MULTI-CHANNEL EQUIPMENT REQUIREMENT

7. It is apparent to the Commission that the necessity for reconsideration as to the multi-channel equipment requirement results in part from a need for greater clarification. In the Report and Order, the Commission stated:

> • • • the rules will require licensees to employ multi-channel equipment that is designed for use of any of these frequencies, or all of them, if necessary. This will contribute to greater efficiency in selection and utilization of channels, and will enable licensees to be compatible for participation in the development of common systems under medical communication plans • • •

[1] The Commission did not contemplate that a total radio communication system, designed to respond to the complexities of today's medical services needs, could always be met effectively in one frequency band. The variety of requirements simply renders such a possibility unrealistic. One example of the limiting factors is the problem in many systems of conducting the dispatch function on the same frequencies and equipment that are utilized for medical instruction or biomedical telemetry. Paging is another example since it is not allowed on any UHF frequencies and separate equipment for this function will be necessary. Thus, we anticipate that a complete medical radio system will necessarily often employ a number of stations operating in different frequency bands to meet many kinds of communication requirements.

8. The requirement is intended to assure that every licensee who chooses to operate on the eight pairs of UHF frequencies in the 463/468 MHz bands can change from one channel to another as needed. For example, in intrasystem operations, when a channel for a telemetry transmission is required and a frequency normally used for this type of operation is being utilized within the system or by another licensee, a different frequency can be immediately employed for the emergency. Similarly, in an inter-system operation requiring networking capability, all medical elements in any area will be assured of having a frequency in common since each can change to the appropriate channel. The important point of clarification is that we do not here impose a requirement that a licensee have the ability to simultaneously transmit on more than one frequency—only that there be capability, consistent with the flexibility concept for operation of UHF medical radio systems, to operate on any of the eight frequency pairs. It seems obvious, therefore, that a licensee should be allowed to meet the equipment requirement by utilizing any combination of type-accepted single and/or multi-channel equipment that can achieve the required channel capability. If a licensee requires for its own operational objectives to transmit simultaneously on more than a single channel, it may so design its facilities. But, this is not a requirement. Language to this effect is recommended by EIA in a supplement to its petition and we agree that the rule should be modified in this manner. One effect of this rule change would be to alleviate any important difficulty in obtaining requisite equipment, a major concern expressed in the Florida petition.

9. Another issue concerns distinctions to be made in requirements for multi-channel capability for mobile (vehicular or portable), base, and control stations. Vehicular mobile stations for medical radio systems are primarily operated in ambulance vehicles, and we believe that the necessity for flexibility in the potentially wide-ranging emergency activities for most ambulances mandates full eight-channel capability. There is little dispute as to this requirement by the petitioners, although Florida advocates an exception for users in sparsely populated areas. However, Florida's argument does not adequately consider the intersystem communication requirements that can result from common or multiple-incident emergencies that occur anywhere within or without any given community. In our view, the expansion and proliferation of medical radio operations which can be anticipated in the next few years should leave few, if any, areas which would not require this coordination capability. Accordingly, insofar as these stations are concerned, the request that we modify our multi-channel capability requirement will be denied.

10. EIA has asked that we permit licensees to determine the actual number of crystals to be present in each mobile unit. We consider this to be inconsistent with the intent of the multi-channel requirement and the rules specify that mobile units are to be both "wired and equipped" (crystalled) for all eight channels.[2]

11. In portable operations, EIA has suggested an exception to the multi-channel requirement for hand-held portable units that operate on the 463 MHz band frequencies. We think this request has merit and we have included a provision to this effect to cover portable units that are operated with a limitation of 2.5 watts output power.

12. We are also persuaded to modify multi-channel requirements for base and control station operations. Here, we agree with the petitioners that the flexibility requirements for these stations are not as significant as they are for mobile stations. Base stations are not moved from area to area so as to require extensive intersystem capability from community to community. The more relevant needs for these stations are that systems have the ability to handle separately the many different medical communication requirements, and that there be sufficient channels available to assure a "clear channel" for emergencies. For these purposes we find that four channels, when bio-medical telemetry is employed in the system, and three channels, when telemetry is not used, are the minimum requisite number of channels which should be available at base and control stations. The rule changes for multi-channel equipment incorporate these standards.[3] As previously noted, these requirements may be met in a single piece of equipment or by employment of any combination of equipment suitable to the licensee's operation.

13. One additional matter noted by the petitioners relates to the August 15, 1974, effective date for meeting multi-channel requirements in new systems. EIA states that many new EMS systems have been planned and/or funded under the Commission's rules that previously covered the operation of bio-medical telemetry systems in the 460–468 MHz band. They note that a substantial amount of equipment is available for these operations. To permit these systems to be licensed, and to utilize presently available equipment that does not meet multi-channel requirements, the petitioners ask for an extension of time for filing of applications under the former rules. The Commission finds that a reasonable period of time for continued licensing under the former rules will not unduly prejudice full development of medical services radio communication systems. Accordingly, upon a showing by an applicant of a commitment made prior to August 15, 1974, to a medical system planned for operation under the former rules, extensions may be granted to cover filing of applications until January 1, 1975 for operations that do not meet the new multi-channel equipment requirements.

ADDITIONAL MEDICAL SERVICES RULES CHANGES

14. The Commission has provided that the paired frequencies in the 463/468 MHz band will be "block-assigned" to facilitate their utilization in medical services radio communication systems. For ease and uniformity in reference to these particular frequencies, we are providing that they may be referred to by channel name rather than by frequency as MED ONE, MED TWO etc.

15. Rule § 89.525(e)(14) permits the use of the frequencies 150.775 and 150.790 MHz for transmitting from a portable (hand-held) unit to an ambulance or other emergency vehicle for automatic re-transmission (mobile-repeater) on a regular mobile frequency to a base station facility. The output power for use of this frequency is five watts. However, this type of operation is consistently limited in the Land Mobile services, including the Special Emergency Radio Service, under § 89.12(e)(1), to 2.5 watts power. We believe that the use of these frequencies should be conformed to the 2.5 watts power limitation and have modified the rules accordingly. Also, we are prohibiting use of these frequencies for airborne operations, to minimize potential interference to adjacent channels which are used for U.S. Government military operations.

16. There are a number of corrections and clarifications to the rule changes which we are including in the attached Appendix on our own motion. These include specification of a definite date (January 1, 1980), for conversion of paging systems to paging frequencies, incorporation of rules to govern control stations in mobile-relay operations in the 460–470 MHz band, addition of the F2 and F9 emissions to cover authorization of bio-medical telemetry on a secondary basis on frequencies primarily designated for voice, and other changes of a correctional or clarifying nature.

CONCLUSION

17. In consideration of the foregoing, the Petitions for Reconsideration submitted by EIA, Florida and Colorado are granted to the extent indicated herein, and are denied in all other respects.[4]

[2] In areas near the Canadian border we may not be able to obtain coordination for, and assign all of, the eight pairs of frequencies. In these areas, above Line A, as defined in § 1.955(e) of the rules, licensees will be required to be equipped to operate only on the frequencies which can be assigned to them when these are less than the number normally required to be used.

[3] See footnote 2, supra.

[4] Reconsideration requests were submitted by the Emergency Medical Services Administrators Association (erceived October 16, 1974); the Department of Health of the State of New York (received September 26, 1974); and by the Town of Colonie, New York, Fire Protection Committee (received September 3, 1974). The statutory period for filing petitions for reconsideration in this proceeding expired on August 15, 1974. It appears, however, that these parties discussed substantially the same issues raised in the timely filed petitions so that the substance of their filing have been considered by the Commission. In addition, comments were filed by the New Jersey Hospital Association generally supporting the ESA's petition (received on August 29, 1974). Although its comments were filed late, they have been considered.

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18. Accordingly, pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, *it is ordered*, That Parts 2 and 89 of the Commission's rules are amended, effective December 6, 1974, as shown in the attached Appendix. *It is further ordered*, That this proceeding is terminated.

Adopted: October 22, 1974.

Released: October 29, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

FEDERAL COMMUNICATIONS COMMISSION,[a]
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

Parts 2 and 89 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. In Part 2, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations:

§ 2.106 [Amended]

1. In § 2.106, footnote US216 is amended to read as follows:

US216—The frequencies 150.775 and 150.790 MHz and the bands 152–152.0150, 162.6500–162.6750, 460.5125–460.5625, 462.9875–463.1875, 465.5125–465.5625, and 467.9875–468.1875 MHz are authorized for Government/non-Government operations in medical radio communications systems.

B. In Part 89, Public Safety Radio Services:

1. Section 89.519(d) is revised to read as follows:

§ 89.519 Emergency repair of public communication facilities.

* * * * *

(d) Permissible communications. Except for test transmissions as permitted by § 89.151(e), stations authorized under the eligibility provisions of this Section may be used only, when no other means of communication is readily available, for the transmission of messages relating to the safety of life and property and messages which are necessary for the efficient restoration of the public communications facilities which have been disrupted.

2. Section 89.523(d) is revised to read as follows:

§ 89.523 Station limitations.

* * * * *

(d) Effective August 15, 1974, paging operations may be authorized in the Special Emergency Radio Services only on frequencies assigned under the provisions of § 89.525(f)(12). Paging operations on other frequencies, authorized prior to August 15, 1974, may be continued for the balance of the license term then effective. In addition, such operation may be renewed for one additional license term until January 1, 1980, subject to the condition that harmful interference is not caused to regularly authorized operations in the Special Emergency Radio Service.

3. In § 89.525, the table in paragraph (e) is amended with respect to the frequencies 463.000–463.050 MHz and 465.525–468.175 MHz; paragraph (f)(4) is deleted and shown as reserved; (f)(2), (5), (14) and (19) are revised and (f)(22) is added to read as follows:

§ 89.525 Frequencies available to the Special Emergency Radio Service.

(e) * * *

Frequency or band (MHz)	Class of Station(s)	Limitations
*	*	*
463.000	Base and Mobile	1, 2, 5, 20
463.025	do	1, 2, 5, 20
463.050	do	1, 2, 5, 20
*	*	*
465.525	Mobile Only	1, 2, 8, 22
465.550	do	1, 2, 8, 22
468.000	do	1, 2, 5, 20, 22
468.025	do	1, 2, 5, 20, 22
468.050	do	1, 2, 5, 20, 22
468.075	do	1, 2, 5, 20, 22
468.100	do	1, 2, 5, 20, 22
468.125	do	1, 2, 5, 20, 22
468.150	do	1, 2, 5, 20, 22
468.175	do	1, 2, 5, 20, 22
*	*	*

(f) * * *

(2) For applications for new radio systems received after August 15, 1974, the eight frequency pairs listed below will be assigned in a block for shared operations under § 89.503(a) subject to the following:

(i) For uniformity in usage, these frequency pairs may be referred to by channel name, as follows:

Frequencies (MHz) base and mobile	Mobile only	Channel name
463.000	468.000	MED-ONE
463.025	468.025	MED-TWO
463.050	468.050	MED-THREE
463.075	468.075	MED-FOUR
463.100	468.100	MED-FIVE
463.125	468.125	MED-SIX
463.150	468.150	MED-SEVEN
463.175	468.175	MED-EIGHT

(ii) Except as provided in paragraph (f)(2)(v) and (vi) of this section mobile or portable stations must employ equipment which is both wired and equipped to transmit/receive, respectively, on each of these eight frequency pairs.

(iii) Except as provided in paragraph (f)(2)(vi) of this section, base or control stations must employ equipment which is both wired and equipped to transmit/receive, respectively, on at least four (three, if bio-medical telemetry operation is not employed in the system) of these eight frequency pairs.

(iv) Multi-channel equipment requirements for use of these frequency pairs are intended to afford capability for alternating use of the individual frequencies, and ability to conduct simultaneous operations is not required. These requirements may be met in a single equipment unit or in any combination of equipment units suitable to a licensee's operations.

(v) Portable (hand-held) units operated with a maximum output power of 2.5 watts are exempted from the multi-channel equipment requirements specified in paragraph (f)(2)(iii) of this section.

(vi) Stations located in areas above line A, as defined in § 1.955(e) of this chapter, will be required to meet multi-channel equipment requirements only for those frequencies up to the number specified in paragraph (f)(2)(ii) and (iii) of this section which have been assigned to the licensee after coordination with Canada in accordance with the applicable US-Canada agreement.

NOTE: Notwithstanding the provisions of this paragraph, upon a showing by an applicant of a commitment made prior to August 15, 1974, for establishment of a bio-medical telemetry system in the 460–468 MHz band under applicable rules in effect at that time, an extension may be granted to permit filing of applications under such former rules until January 1, 1975.

* * * * *

(4) [Reserved]

(5) This frequency is primarily authorized for use under § 89.503(a), for operations in bio-medical telemetry systems. F2, F3, and F9 emissions may be authorized. On a secondary basis, subject to non-interference to bio-medical telemetry systems, this frequency may be utilized for any other permissible communications consistent with § 89.503(d).

* * * * *

(14) This frequency may be authorized only for voice transmission from a portable (hand-held) unit, that is not airborne, to an ambulance or other emergency vehicle for automatic retransmission (mobile-repeater) on a regular mobile frequency to a base station facility. Operation on this frequency is limited to 2.5 watts output power.

* * * * *

(19) This frequency is primarily authorized for use under § 89.503(a) for communications between medical facilities, vehicles, and personnel related to medical supervision and instruction for treatment and transport of patients in the rendition or delivery of medical services. F2 and F3 emissions are authorized. On a secondary basis, subject to non-interference to the foregoing types of operations, this frequency may be utilized for any other permissible communications consistent with § 89.503(d), including bio-medical telemetry transmissions, and F9 emission may be additionally authorized.

* * * * *

(22) This frequency may be assigned to a control station associated with a mobile relay system if it is also assigned to the associated mobile station. Control stations operating on this frequency shall comply with the following requirements if they are located within 75 miles of the center of urbanized areas of 200,000 or more population.

(i) If the station is used to control one or more mobile relay stations located within 45 degrees of azimuth, a directional antenna having a front-to-back ratio at least 15 dB shall be used at the control station. For other situations where a directional antenna cannot be used, a cardioid, bidirectional or omnidirectional antenna may be employed. In each case, the antenna used must, consistent with reasonable design, produce a radiation pattern that provides only the coverage necessary to permit satisfactory control of each mobile relay station and limit radiation in other directions to the extent feasible.

(ii) The strength of the signal of a control station, controlling a single mobile relay station, may not exceed by more than 6 dB, at the antenna terminal of the mobile relay receiver, the signal strength produced there by a unit of the associated mobile station. When the station controls more than one mobile relay station, the 6 dB control-to-mobile signal difference need be verified at only one of the mobile relay station sites. The measurement of the signal strength of the mobile unit must be made when such unit is transmitting from the control station location or, if that is not practical, from a location within one-fourth mile of the control station site.

(iii) Each application for a control station to be authorized under the provisions of this paragraph shall be accompanied by a statement certifying that the output power of the proposed station transmitter will be adjusted to comply with the foregoing signal level limitation. Records of the measurements used to determine the signal ratio shall be kept with the station records and shall be made available for inspection by Commission personnel upon request.

(iv) Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, Vol. 1, table 23, Page 50. The centers of urbanized areas are determined from the Appendix, page 226 of the U.S. Commerce publication "Air Line Distance Between Cities in the United States."

[FR Doc.74-25509 Filed 11-1-74;8:45 am]

[a] Chairman Wiley concurring in the result.

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER [FEDERAL HOUSING ADMINISTRATION]

[Docket No. R-74-235]

SUBCHAPTER B—MORTGAGE AND LOAN INSURANCE PROGRAMS UNDER NATIONAL HOUSING ACT

PART 201—PROPERTY IMPROVEMENT AND MOBILE HOME LOANS EXTENSION OF EFFECTIVE DATE

Factory Inspection of Mobile Homes

On September 4, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 23803) by the Department of Housing and Urban Development proposing a new system for third party factory inspection of mobile homes financed with loans insured under this part.

Interested persons were given 30 days in which to submit written comments or suggestions. Comments and suggestions were received from trade associations, state agencies, mobile home manufacturers, testing laboratories, and other interested parties.

Comments germane to the proposal were favorable. Some respondents suggested clarification and improvements in the text. A final rule was published on Friday, March 29, 1974 (39 FR 1152) and an effective date of April 29, 1974 was specified. The effective date was postponed to October 29, 1974 (39 FR 17440). It has been determined that administrative requirements necessitate a further delay of three months in implementing the regulations. Therefore, the effective date of the regulations is amended as follows:

1. The October 29, 1974 effective date of the regulations is changed to read as follows:

Effective date. This amendment is effective January 29, 1975.

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703))

Dated at Washington, D.C., October 29, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner for Housing Production and Mortgage Credit.

[FR Doc.74-25811 Filed 11-1-74;9:44 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitations on Carryovers of Unused Credits and Capital Losses

Correction

In the document with the above headings appearing at page 36968 of the issue for Wednesday, October 18, 1974, make the following changes:

1. In the file line at the very end of the document, "FR Doc. 74-23998" should read "FR Doc. 74-23948".

2. In § 1.383 on page 36969, in the fourth line of the material quoted from section 383(2), the phrase "then the limitations provided" should be on a new line, flush with the left. margin.

3. In § 1.383-3(b)(2) on page 36970 the citation in the second line reading "382(d)(1)" should read "382(b)(1)".

4. In the middle column of page 36971, the last 18 lines, of the document, beginning with "PARAGRAPH 1. Section 1.305-3(b) is", should be deleted.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN CERTAIN STATES

Proposed Expenses and Rate of Assessment

This notice invites written comments relative to the proposed expenses of $60,842 and the assessment rate of $0.03 per barrel of cranberries to support the activities of the Cranberry Marketing Committee during the 1974-75 fiscal period under Marketing Order No. 929. This is a regulatory program effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

Consideration is being given to the following proposals submitted by the Cranberry Marketing Committee, established under the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), as the agency to administer the terms and provisions regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York:

(a) That the expenses that are reasonable and likely to be incurred by said committee, during the fiscal period September 1, 1974, through August 31, 1975, will amount to $60,842.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 929.41, be fixed at $0.03 per barrel or equivalent quantity of cranberries.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments, in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112A, Washington, D.C. 20250, not later than November 20, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: October 30, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-25679 Filed 11-1-74;8:45 am]

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Proposed Marketing Percentages for 1974-75 Crop Year

Notice is hereby given of a proposal to establish, for the 1974-75 crop year, free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, for marketable Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The crop year began October 1, 1974. The proposed percentages and withholding factors would be established in accordance with the provisions of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The free percentages, restricted percentages, and withholding factors are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on the California Date Administrative Committee's estimates for the current crop year of supply and trade demand adjusted for handler carryover and other available information. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States.

In determining the percentages for each of the four varieties, the Committee considered the following data, estimates and information for the crop year beginning October 1, 1974:

	1,000 pounds			
	Deglet Noor	Zahidi	Halawy	Khadrawy
1. Production of marketable dates (1974-75 crop)	33,858	1,843	198	589
2. Plus: Noncertified handler carryover as of Sept. 30, 1974, of marketable dates	6,348	57	40	124
3. Total marketable supply	40,206	1,900	238	713
4. Trade demand for free whole and pitted dates (continental United States and Canada)	15,000	1,000	100	350
5. Plus: Desirable handler carryover as of Sept. 30, 1975, to assure date supplies for early demand	8,400	400	75	175
6. Less: Certified handler carryover as of Sept. 30, 1974, of free dates	1,676	14	10	23
7. Adjusted trade demand	21,721	1,386	165	502

It is estimated that the amounts in excess of adjusted trade demands for these four varieties will be utilized in products and export markets. Hence, no volume regulation is proposed.

Consideration will be given to any written data, views, or arguments in connection with the aforesaid proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 13, 1974. All written submissions made pursuant to this notice should be in quadruplicate and will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.222 Free and restricted percentages and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1974, and ending September 30, 1975, as follows: (a) Deglet Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

Dated: October 24, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74-25387 Filed 11-1-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

BENZOIC ACID AND SODIUM BENZOATE

Proposed Affirmation of GRAS Status as Direct Human Food Ingredients

Correction

In FR Doc. 74-21203 appearing at page 34197 in the Monday, September 23, 1974 issue make the following change:

On page 34198 the first word of the tenth line of the seventh complete paragraph in the second column should read "bisulfite."

[21 CFR Part 121]

GUM GHATTI

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient

Correction

In FR Doc. 74-21201 appearing at page 34205 in the Monday, September 23, 1974 issue, make the following change:

On page 34206 in the ninth line of the second complete paragraph in the first column delete the word "tet" and insert "test" so that the corrected line reads "sues of the fetuses in the test group did not".

[21 CFR Part 121]

GUM TRAGACANTH

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredient

Correction

In FR Doc. 74-21204 appearing at page 34207 of the Monday, September 23, 1974 issue, make the following change:

On page 34207 in the eighth line of the fifth complete paragraph in the second column delete "checks" and insert "chicks" so that the corrected line reads "tragacanth. After 3 weeks, the chicks receiv-".

[21 CFR Part 121]

OIL OF RUE

Proposed Affirmation of GRAS Status With Specific Limitations as Direct Human Food Ingredients

Correction

In FR Doc. 74-21198 appearing at page 34215 in the Monday, September 23, 1974 issue make the following change:

On page 34216 in the second line after the first table in the first column insert "ment" at the end of the line so that the corrected line reads "in microfiche form. Microfiche document".

[21 CFR Part 121]

ACRYLONITRILE COPOLYMERS INTENDED FOR USE IN CONTACT WITH FOOD

Notice of Proposed Rule Making

Acrylonitrile is a chemical which is polymerized in the presence of other chemicals to form copolymers which may be used as articles or components of articles intended to contact food. Acrylonitrile-butadiene and acrylonitrile-butadiene-styrene copolymers were used as components of food-packaging films prior to the pasage of the Food Additive Amendment of 1958. Since that time, these and other acrylonitrile copolymers have been authorized for additional uses under the food additive regulations.

The use of acrylonitrile-butadiene copolymer and acrylonitrile-butadiene-styrene copolymer as food-packaging film was sanctioned by the Food and Drug Administration prior to the passage of the Food Additives Amendment of 1958. Reference to these sanctions appeared in the following published articles:

1. "Food Packaging", by A. J. Lehman, Chief of the Division of Pharmacology, Food and Drug Administration (retired), *Association of Food and Drug Officials of the United States*, Vol. XX, No. 4, October 1956.

2. "Chemicals in Foods: A Report to the Association of Food and Drug Officials on Current Developments" by A. J. Lehman, *Association of Food and Drug Officials of the United States*, Vol. XV, No. 3, July 1951.

The Lehman articles are the basis of the prior sanction. This approval of acrylonitrile copolymer formulations for use as films in contact with food was based on analytical data available at that time which indicated there was no migration of these resins to food under the conditions of use.

Since 1958, the following uses of acrylonitrile copolymers in food-contact articles have been approved by the issuance of food additive regulations in 21 CFR Part 121, Subparts D and F: §§ 121.1148 *Ion-exchange resins;* 121.2507 *Cellophane;* 121.2514 *Resinous and polymeric coatings;* 121.2520 *Adhesives;* 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods;* 121.2536 *Filters, resin-bonded;* 121.2543 *Packaging materials for use during the irradiation of prepackaged foods;* 121.2562 *Rubber articles intended for repeated use;* 121.2569 *Resinous and polymeric coatings for polyolefin films;* 121.2571 *Components of paper and paperboard in contact with dry food;* 121.2577 *Pressure-sensitive adhesives;* 121.2591 *Semirigid and rigid acrylic and modified acrylic plastics;* 121.2597 *Polymer modifiers in semi-rigid and rigid vinyl chloride plastics;* 121.2599 *Vinylidene chloride copolymer coatings for nylon film;* 121.2600 *Vinylidene chloride copolymer coatings for polycarbonate film;* and 121.2614 *Nitrile rubber modified acrylonitrilemethyl acrylate copolymers.*

The Commissioner of Food and Drugs intends to amend each of these regulations listing acrylonitrile copolymers as permitted resins in food-contact articles by cross-referencing the limitations to be established in the interim food additive regulation proposed herein, when the final order is promulgated.

In a petition (FAP 3B2926) filed by E. I. du Pont de Nemours & Co., Wilmington, DE 19898, notice of which was published in the FEDERAL REGISTER of September 7, 1973 (38 FR 24391), a delayed extraction problem with acrylonitrile-butadiene-styrene (ABS) copolymer bottles stored at elevated temperatures for an extended period of time was reported. It was found that acrylonitrile in formulations utilizing mercaptan as chain transfer agents reacts with the mercaptan during polymerization to form a complex which reverses itself to release acrylonitrile monomer. This reversal appears to be favored by conditions of sustained elevated temperature, extended storage time, and an acidic pH. The petition data showed that soft drinks stored in ABS copolymer bottles under extreme conditions (i.e. desert temperatures for 3 years) could extract up to 0.24 part per million (ppm) acrylonitrile monomer. The available information is insufficient to determine whether substances other than mercaptans form similar reversible complexes with acrylonitrile. Additionally, the Commissioner is unaware of data indicating whether significant migrations would occur in other food systems (e.g., fatty and alcoholic foods).

Prior sanctions and food additive regulations for the use of acrylonitrile copolymers have been premised on the belief that there was no significant migration of acrylonitrile to food. For situations involving no significant migration of acrylonitrile monomer, the available toxicological studies were considered adequate. The development of improved analytical procedures for determining acrylonitrile monomer in food-simulating solvents and the recognition of delayed extraction problems caused by the formation of reversible complexes in certain acrylonitrile formulations precipitated a complete review by the Food

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and Drug Administration of all safety data available on acrylonitrile.

Review of laboratory data from the primary safety reference, an unpublished 2-year rat feeding study entitled "The Pharmacology and Toxicity of Acrylonitrile and Acrylon," by P. E. Tullar, George Washington University, November 1, 1947, found the study inadequate to define accurately a no-effect level for acrylonitrile because of the use of animals of a single sex (male) and the small number of animals fed. The possibility, raised by the investigator, that acrylonitrile monomer may be a carcinogen is unsupported because of the inadequacy of this study and the lack of dose relationship. In addition, the fact the tumors were of different kinds suggests no relationship to the agent fed.

Two-year feeding studies utilizing rats and dogs were subsequently carried out by the U.S. Public Health Service at the Taft Santitary Engineering Center, Cincinnati, OH, in the late 1950's on acrylonitrile, adiponitrile, and β,β'-oxydipropionitrile. No final report was prepared on these studies and the incomplete data are not adequate to establish a no-effect level for acrylonitrile monomer. Data from the study do have a limited usefulness in determining that there was no increased incidence of tumors in the animals administered acrylonitrile. There was some evidence, although again inconclusive, of a progressive weakening of the hind legs of pregnant rats fed acrylonitrile monomer at a level of 500 ppm in drinking water.

The World Health Organization has reviewed available toxicological data on acrylonitrile and concluded that available data are not adequate to set an acceptable daily intake of acrylonitrile for man.

Copies of the reports referenced above are on file at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852.

Substances having a history of use in food or in food-contact surfaces may at any time have their safety brought into question by new information that in itself is not conclusive. The provisions of § 121.4000 (21 CFR 121.4000) permit the establishment of an interim food additive regulation for the use of such substances with whatever limitations are deemed appropriate and safe under the circumstances for a limited period of time while the question raised is being resolved by further study. In the case of prior-sanctioned substances, § 121.2000(b) (21 CFR 121.2000(b)) provides that based on scientific data or information showing that use of a prior-sanctioned substance may be injurious to health, and thus in violation of section 402 of the Federal Food, Drug, and Cosmetic Act, an applicable regulation will be established to impose whatever limitations or conditions are necessary for safe use of the substance or to prohibit use of the substance.

The Commissioner, having considered all available data, concludes that it is possible to provide for safe use of acrylonitrile copolymers in food-contact articles with certain restrictions for an interim period of time while the safety questions recently raised about migration of acrylonitrile monomer to food are being resolved by further study. Consequently, the Commissioner proposes to establish an interim food additive regulation in accordance with § 121.4000 and a regulation in accordance with § 121.2000 for prior-sanctioned substances.

The proposed regulations would restrict to 0.3 ppm the amount of acrylonitrile monomer that could be extracted by food-simulating solvents and would mit continued use of acrylonitrile copolymer only as long as toxicological studies, which will serve as an adequate basis for the establishment of a no-effect level, are being undertaken.

Toxicological data from the Tullar chronic feeding studies indicate a tentative no-effect level of 38 ppm in the diet of the animals tested. Considering a 100-fold safety factor, this indicates an acceptable level of migration of approximately 0.3 ppm acrylonitrile monomer to food. On this basis, a maximum migration value of 0.3 ppm acrylonitrile monomer to food is included in the proposed regulation.

The proposed regulation requires that animal feeding studies to determine the safety of low levels of acrylonitrile copolymers upon ingestion be conducted as a condition of continued use of these substances. Such data may be submitted by one or more persons. If the accumulated information received does not meet the proposed requirements, the interim food additive regulation would be withdrawn and use of acrylonitrile copolymers thereby prohibited.

In the future, regulations permitting the use of acrylonitrile copolymers as food additives or prior-sanctioned substances will be revised to specify limitations on mercaptans or other substances used in production that form reversible complexes with acrylonitrile monomer. The regulations for acrylonitrile/styrene copolymer modified with butadiene/styrene elastomer, published elsewhere in this issue of the FEDERAL REGISTER, is an example of such a regulation. For each use sought to be approved, the Commissioner proposes to require submission of data. The Commissioner proposes to permit only those formulations for which adequate testing has been submitted in accordance with the requirements of this regulation.

In order to evaluate fully the use of acrylonitrile copolymers, the Commissioner hereby requests information on the use of such substances. Such information includes data concerning the extent of usage of acrylonitrile copolymer food-contact articles and analytical studies concerning the migration of the acrylonitrile monomer therefrom, according to the type of packaging material used, time-temperature conditions of exposure, and other pertinent considerations. Such information is requested to be sent, as soon as possible, to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204.

For the foregoing reasons, the Commissioner concludes that a proposal should issue (1) to specify the terms of the prior sanction for acrylonitrile copolymers; (2) to prescribe on an interim basis conditions of safe use for all applications of acrylonitrile copolymers in food-contact articles; and (3) to require submission of chemical and toxicological data to support the continued interim use of acrylonitrile copolymers in food-contact articles.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 402, 409, 701(a), 52 Stat. 1046–1047 as amended, 1055, 72 Stat. 1784–1788; 21 U.S.C. 321(s), 342, 348, 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 121 be amended as follows:

1. By adding the following new section to Subpart E:

§ 121.2010 **Acrylonitrile-butadiene and acrylonitrile-butadiene-styrene resins.**

(a) Acrylonitrile-butadiene resin is produced by the polymerization of acrylonitrile and butadiene, and acrylonitrile-butadiene-styrene resin by the polymerization of acrylonitrile, butadiene, and styrene. These resins are the subject of prior sanctions for use in films for wrapping foods. These approvals were based on analytical data available at that time which indicated that there was no migration of the resins to food under the conditions of use.

(b) Acrylonitrile monomer may present a hazard to health when ingested. Accordingly, any food-contact article containing these resins that yields acrylonitrile monomer extractives in excess of those provided for in § 121.4010(a) shall be deemed to be adulterated in violation of section 402 of the act.

2. By adding the following new section to Subpart H:

§ 121.4010 Acrylonitrile copolymers.

Acrylonitrile copolymers may be safely used on an interim basis as articles or components of articles intended for use in contact with food, in accordance with the following prescribed conditions:

(a) The finished food-contact article shall yield not more than 0.3 part per million (ppm) acrylonitrile monomer when extracted to equilibrium at 120° F with each of the following substances: distilled water, 50 percent ethanol, 3 percent acetic acid, and *n*-heptane. A method of analysis is available upon request from the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204.

(b) Regulations permitting the use of acrylonitrile copolymers as additives or prior-sanctioned substances will be revised to specify limitations on mercaptans or other substances used in production that form reversible complexes with acrylonitrile monomer. Each use of acrylonitrile copolymers that utilizes mercaptans or other substances that form reversible complexes with acrylonitrile monomer which is sought to be approved shall require testing adequate to determine the identity of the complex and the level of the complex present in the food-contact article. Such testing shall include determination of the rate of decomposition of the complex, to equilibrium acrylonitrile monomer levels, at temperatures of 100° F, 160° F, and 212° F using 3 percent acetic acid as the hydrolytic agent. A description of the analytical method used to determine the complex shall be submitted together with a description of the extraction method and validation of the analytical methods used to determine acrylonitrile monomer. Quarterly progress reports shall be submitted. Final results shall be submitted within 360 days following the effective date of this regulation to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives, 200 C St. SW., Washington, DC 20204, unless an extension is granted by the Food and Drug Administration for good cause shown.

(c) On or before (90 days after effective date of the final order), any interested person shall satisfy the Commissioner that toxicological feeding studies adequate and appropriate to establish safe conditions for the use of acrylonitrile copolymers have been, or soon will be, undertaken. Toxicity studies of acrylonitrile monomer shall include (1) chronic (lifetime) oral administration in a mammalian species, preferably with animals exposed in-utero to the chemical, (2) studies of multigeneration reproduction with oral administration of the test material, (3) assessment of teratogenic and mutagenic potentials, (4) subchronic (1 year) oral administration in a no-rodent mammal, and (5) tests to determine any synergistic toxic effects between acrylonitrile and cyanide ion. Protocols of testing should be submitted to the Food and Drug Administration, Bureau of Foods, Division of Food and Color Additives (HFF–330), 200 C St. SW., Washington, DC 20204, for review.

(d) In addition to the requirements of this section, the use of acrylonitrile copolymers shall comply with all applicable requirements in other regulations in this part.

Interested persons may, on or before January 3, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 29, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–25590 Filed 11–1–74;8:45 am]

[21 CFR Part 135]

NEW ANIMAL DRUG APPLICATIONS

Notice of Proposed Rulemaking

Section 135.4a of the new animal drug regulations (21 CFR 135.4a) provides that folders for the binding and submission of new animal drug applications may be obtained from the Food and Drug Administration. Due to the current shortage of paper, the Food and Drug Administration no longer has such folders available for distribution, and the Commissioner of Food and Drugs proposes to amend § 135.4a to delete this provision from the regulation.

Section 135.4a also provides that the pages of new animal drug applications shall be numbered. Applications which are sometimes submitted with the pages numbered at the left are difficult to read after the applications have been bound, and the Commissioner proposes to amend § 135.4a further to provide that each page of the application shall be numbered in the upper righthand corner sequentially.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343–351; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 135 be amended in Subpart A by revising paragraph (b) (15) of § 135.4a to read as follows:

§ 135.4a New animal drug applications.

* * * * * *

(b) * * *.

(15) *Assembling and binding the application.* Assemble and bind three copies of the original application as follows:

(i) Bind the original or ribbon copy of the application as copy No. 1. This should be a complete copy.

(ii) Bind two identical copies as copy No. 2 and copy No. 3.

(iii) Identify each front cover with the name of the applicant and the name of the new animal drug.

(iv) Each page of the application should be numbered in the upper righthand corner sequentially and the application organized consistent with paragraph (b) (1) through (12) of this section. Each copy should bear the same page numbering.

(v) The labeling should be distributed in the three copies of the application as follows: One set of labeling in copy No. 1, one set in copy No. 2, and one set in copy No. 3.

(vi) Submit separate applications for each different dosage form of the drug proposed. Repeating in each application basic information pertinent to all dosage forms is unnecessary if reference is made to the application containing such information. Include in each application information applicable to the specific dosage form, such as labeling, composition, stability data, and method of manufacture.

(vii) Forward amendments, supplements, reports, and other correspondence submitted after the original application in folders and in this format if they contain sufficient material. The front cover of these submissions should be identified with the name of the applicant, the name of the new animal drug, and the new animal drug application number, if known.

Interested persons may, on or before January 3, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 25, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–25596 Filed 11–1–74;8:45 am]

[21 CFR Part 328]

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Proposed Establishment of Product Class Standard for Detection or Measurement of Glucose

Correction

In FR Doc. 74–23533 appearing at page 36348 in the issue of Wednesday, October 9, 1974, in the second line of item 9 in the first column of page 36349 insert "(v)" between "(3)" and "(b)".

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Equal Opportunity

[24 CFR Part 115]

[Docket No. R–74–152]

CALIFORNIA

Recognition of Substantially Equivalent Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of California, has heretofore been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred for processing, to the California Fair Employment Practice Commission.

In accordance with Part 115 of 24 CFR (37 FR 16540 (August 16, 1972)), which implements section 810(c) and concerns recognition of substantially equivalent laws, notice is hereby given to the State of California, and all interested persons and organizations that the U.S. Department of Housing and Urban Development is in the process of evaluating the California fair housing law, in accordance with §§ 115.2a, 115.3 and 115.8 of Part 115. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The state agency, interested persons and organizations may, on or before November 19, 1974, file written comments regarding this matter. Comments

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should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street S.W., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.74-25610 Filed 11-1-74;8:45 am]

[24 CFR Part 115]

[Docket No. R-74-152]

INDIANA

Recognition of Substantially Equivalent Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Indiana, has heretofore been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred for processing, to the Indiana Civil Rights Commission.

In accordance with Part 115 of 24 CFR (37 FR 16540 (August 16, 1972)), which implements section 810(c) and concerns recognition of substantially equivalent laws, notice is hereby given to the State of Indiana, and all interested persons and organizations that the U.S. Department of Housing and Urban Development is in the process of evaluating the Indiana fair housing law in accordance with §§ 115.2a, 115.3 and 115.8 of Part 115. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The state agency, interested persons and organizations may, on or before November 19, 1974, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street SW., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.74-25611 Filed 11-1-74;8:45 am]

[24 CFR Part 115]

[Docket No. R-74-152]

OHIO

Recognition of Substantially Equivalent Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Ohio, has heretofore been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred for processing to the Ohio Civil Rights Commission.

In accordance with Part 115 of 24 CFR (37 FR 16540 (August 16, 1972)), which implements section 810(c) and concerns recognition of substantially equivalent laws, notice is hereby given to the State of Ohio, and all interested persons and organizations that the U.S. Department of Housing and Urban Development is in the process of evaluating the Ohio fair housing law in accordance with §§ 115.2a, 115.3 and 115.8 of Part 115. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The state agency, interested persons and organizations may, on or before November 19, 1974, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street S.W., Washington, D.C. 20410.

(Sec. 7(d), Department of HUD Act; 42 U.S.C. 3535(d))

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.74-25609 Filed 11-1-74;8:45 am]

[Docket No. R-74-152]

WISCONSIN

[24 CFR Part 115]

Recognition of Substantially Equivalent Fair Housing Laws

Pursuant to section 810(c) of Title VIII of the Civil Rights Act of 1968, the fair housing law of the State of Wisconsin, has heretofore been recognized, on a tentative basis, as providing rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in Title VIII, and Title VIII complaints, during this period of time, have been referred for processing to the Wisconsin Department of Industry, Labor and Human Relations, Equal Rights Division.

In accordance with Part 115 of 24 CFR (37 FR 16540 (August 16, 1972)), which implements section 810(c) and concerns recognition of substantially equivalent laws, notice is hereby given to the State of Wisconsin, and all interested persons and organizations that the U.S. Department of Housing and Urban Development is in the process of evaluating the Wisconsin fair housing law in accordance with §§ 115.2a, 115.3 and 115.8 of Part 115. This evaluation is being undertaken in order to make a determination as to whether the Department should (1) recognize said law as substantially equivalent by amending § 115.11 or (2) deny recognition as provided in § 115.7 by amending § 115.12.

The state agency, interested persons and organizations may, on or before November 19, 1974, file written comments regarding this matter. Comments should be forwarded to Dr. Gloria E. A. Toote, Assistant Secretary for Equal Opportunity, U.S. Department of Housing and Urban Development, Attention: Mr. Kenneth F. Holbert, 451 7th Street S.W., Washington, D.C. 20410.

(Sec. 7(d) of the Department of HUD Act; 42 U.S.C. 3535(d))

GLORIA E. A. TOOTE,
Assistant Secretary for Equal Opportunity.

[FR Doc.74-25612 Filed 11-1-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-SO-102]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would designate the Oak Grove, N.C., temporary control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 4, 1974, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 645, 3400 Whipple Street, East Point, Ga.

The Oak Grove control zone would be designated as:

Within a 5-mile radius of Oak Grove HOLF (Navy), N.C. (Lat. 35°01'15" N., Long. 77°15'12" W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The Oak Grove transition area would be designated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Oak Grove HOLF (Navy), N.C. (Lat. 35°01'15" N., Long. 77°15'12" W.), excluding the portion within New Bern, N.C., transition area. This transition area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The proposed designations are required to provide controlled airspace protection for IFR operations at Oak Grove HOLF (Navy). Prescribed instrument approach procedures, utilizing Oak Grove TACAN and Oak Grove GCA, are proposed in conjunction with the designation of the control zone and transition area. These designations will be effective May 22 through June 9, 1975, with the specific times to be designated by the required Notice to Airmen.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on October 23, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc.74-25570 Filed 11-1-74;8:45 am]

Federal Highway Administration

[23 CFR Part 630]

[FHWA Docket No. 74-15]

PROGRAM AND PROJECT PROCEDURES

Notice of Proposed Rulemaking

Notice is given that the following regulations are proposed on Federal Highway Administration programming procedures pursuant to 23 U.S.C. 105. It simplifies the programming process currently in FHWA Policy and Procedure Memorandum 21-1. It starts with the basic requirements set forth in 23 U.S.C. 105 and attempts to make the programming process conform to these requirements and any other requirements in Title 23 which referred to section 105.

The program will include only those projects (phases of work) where the State expects to request authorization to proceed within the next year. The actual program amount should be the amount which will be obligated in that year within a particular phase of a project (preliminary engineering, right-of-way or construction).

Authorization to proceed with the work constitutes the contractual obligation of FHWA for the payment of costs to be incurred on the project. In other words, the authorization is the point of obligation of Federal-aid funds. There will no longer be Stage I or Stage II programs. It follows that there will no longer be Stage I authorizations for preliminary engineering and right-of-way as were permitted in the past.

There is no fiscal transaction at the programming stage unless a concurrent authorization is requested. Once a program item is approved and work authorized, no further program action for that phase of work is needed.

The objective of the Federal-aid programming process is to select high priority projects for utilization of available funds which are so related that their accomplishment will contribute to achieving transportation planning goals. Review of State program proposals by FHWA will be aimed at an analysis of the total program content to:

(1) Assure maximum impact of the program on transportation goals, and,

(2) Determine basic eligibility of individual project for Federal-aid funding in the immediate future.

Notwithstanding exemptions in 5 U.S.C. 553(a)(2) interested persons are invited to submit comments on this proposed regulation. All comments should refer to Docket 74-15 and should be submitted in three copies to the Federal-Aid Division of the Office of Engineering (HNG-10) of the Federal Highway Administration, Washington, D.C. 20590. Comments received before the close of business on November 30, 1974, will be considered.

It is proposed to amend 23 CFR Part 630 by adding Subpart A, reading as follows:

Subpart A—Program and Project Procedures

Sec.
630.101 Purpose.
630.102 Definitions.
630.103 Policy.
630.104 Program submissions.
630.105 General requirements and supporting data.
630.106 Approval of programs.
630.107 Authorization to proceed.

AUTHORITY: 23 U.S.C. 105, 106, 134 and 315.

Subpart A—Program and Project Procedures

§ 630.101 Purpose.

The purpose of this regulation is to prescribe policies and procedures for preparation and submission of programs for utilization of all classes of funds provided under the provisions of Title 23, United States Code.

§ 630.102 Definitions.

(a) The term "Federal-aid Program" means a listing of projects proposed by a State for utilization of apportioned and allocated Federal funds and approved by the Federal Highway Administration (FHWA).

(b) Except as provided otherwise, other terms are as defined in 23 U.S.C. 101(a).

§ 630.103 Policy.

(a) Development of a transportation facility involves a continuing sequence of events spanning several years. It is necessary that transportation programs be prepared to reflect the continuous nature of the project development process starting with determination of a transportation need and followed by location, design, acquisition of right-of-way and construction of individual physical improvements.

(b) The State highway department of any State desiring to avail itself of Federal-aid funds authorized in highway legislation shall submit to the FHWA a detailed program or programs of proposed projects for the utilization of funds apportioned or allocated to it. Each State shall submit its statewide Federal-aid program to the FHWA as soon as practicable after the Federal fund apportionments have been made for any fiscal year.

(c) Projects included in the Federal-aid program shall be based on an appropriate planning effort which supports the determination of need, the type of improvement selected and the priority of each project.

(d) In developing the Federal-aid program each State shall take into account those projects which support national goals and objectives as set forth in Title 23, U.S.C., including but not limited to:

(1) Projects recommended as important to the national defense by the Secretary of Defense or other official authorized by the President to make such recommendation.

(2) Projects which incorporate improved standards and features with safety benefits, and benefits for the safe and convenient movement of physically handicapped persons.

(3) Projects providing direct and convenient public access to public airports and public ports for water transportation.

(4) Projects which will expedite the completion of the Federal-aid primary system and provide an adequate and connected system of highways interstate in character.

(5) Projects which provide optimum utilization of existing highway transportation systems and require little or no additional right-of-way or expenditure of capital resources such as:

(i) Traffic operations and public transportation improvement projects designed to reduce traffic congestion and to facilitate the flow of traffic and movement of people in urban areas.

(ii) Highway safety improvement projects designed to reduce the number or severity of accidents.

(e) An item on a Federal-aid program may provide for phases of work such as preliminary engineering (PE), right-of-way (ROW), or construction individually or in any combination.

§ 630.104 Program submissions.

(a) Each State desiring to avail itself of the benefits of Title 23, U.S.C. shall prepare and submit annually a program for utilization of each class of apportioned Federal funds. Approved program may be supplemented or revised.

(b) The program shall include only those projects or phases thereof where the State expects to request authorization to proceed with work during the program period.

(c) A program submission must identify each separate class of funds and be submitted in a form and at times mutually agreeable to the FHWA division engineer and the State.

§ 630.105 General requirements and supporting data.

(a) Except as noted below, only those projects which are located on a Federal-

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aid system shall be considered for inclusion in the State's Federal-aid program. Projects for determining the acceptable location of Federal-aid routes are exceptions to this requirement, as are projects which are legislatively mandated for off-system roads such as under 23 U.S.C. 151 and 405 or for public mass transit as in 23 U.S.C. 142.

(b) Except where all public roads and highways are under the control and supervision of the State highway department, projects on the secondary system shall be selected by the State highway department and the appropriate local officials in cooperation with each other.

(c) Projects in urban areas of more than 50,000 population shall be based on a planning process as set forth in 23 U.S.C. 134.

(d) Projects on the urban system shall be selected by appropriate local officials with the concurrence of the State highway department. Projects developed in accordance with the planning process required under 23 U.S.C. 134, and included in the Transportation Improvement Program meet the requirement for this selection.

(e) Projects to be administered under Certification Acceptance must indicate any proposed exceptions to approved standards or procedures.

(f) Special categories of work such as correction of hazards, traffic control devices, billboard removal, or other such minor items, may be combined as a single project in the program without the detail of supporting data, outlined above for each location.

(g) Programs involving special fund authorizations shall be supporting and programmed as required by implementing directives issued to cover such funds and shall be generally consistent with this section unless specifically provided for otherwise.

§ 630.106 Approval of programs.

(a) The FHWA shall notify the State of its action on the program submission indicating approval in whole or in part with any qualifications or conditions it may consider necessary.

(b) Program approval indicates FHWA agreement with the State's selection of program items for utilizing apportioned funds. It is an initial determination of eligibility of program items (projects) for Federal funding.

(c) Program approval is not a commitment of funds nor does it establish an eligibility date.

§ 630.107 Authorization to proceed.

(a) Authorization to proceed with the work on any phase of a project including those under Certification Acceptance shall be in response to a request from the State and may be concurrent with program approval. The initial authorization to proceed must be based on an approved current year annual program item for the particular phase of the work.

(b) Authorization to proceed with work is deemed to be the contractual obligation of the Federal Government under 23 U.S.C. 106 and will require that appropriate funds are available for full Federal participation in the cost of the work.

Issued on October 24, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-25642 Filed 11-1-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 582]

[Docket No. 74-40; Notice 1]

INSURANCE COST INFORMATION REGULATIONS

Notice of Proposed Rulemaking

The purpose of this notice is to propose insurance cost information regulations pursuant to the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1901 et seq.).

Section 201(e) of the Motor Vehicle Information and Cost Savings Act (15 U.S.C. 1941(e)) provides that:

> The Secretary, not later than February 1, 1975, shall by rule establish procedures requiring automobile dealers to distribute to prospective purchasers information developed by the Secretary and provided to the dealers which compares differences in insurance costs for different makes and models of passenger motor vehicles based upon differences in damage susceptibility and crashworthiness.

Accordingly, NHTSA hereby proposes a regulation requiring automobile dealers to distribute to prospective purchasers information which compares differences in the cost of collision coverage (reflecting damage susceptibility) and medical payment coverage (reflecting crashworthiness) for different makes and models of passenger motor vehicles. The distribution procedure is patterned generally after that established for consumer information dissemination under section 112(d) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1401(d)) and found in 49 CFR 575. The regulation would require that every dealer in new or used automobiles make the insurance cost information developed by the NHTSA under section 201(e) available for inspection and retention by prospective purchasers.

Information gathered from the insurance industry under section 205(e) of the Cost Savings Act has led NHTSA to conclude that current insurance premium rates do not reflect differences in damage susceptibility and crashworthiness to a significant degree. Of much greater significance to the current rate structure are the characteristics of the drivers and the geographic area of vehicle use. Despite the beginnings of vehicle-related rates in the case of one or two models, a general reflection of vehicle characteristics is not expected until damage susceptibility and crashworthiness studies being conducted by NHTSA under section 201(a) of the Cost Savings Act (15 U.S.C. 1941) are completed and the results of such studies disseminated to the insurance industry.

In the absence of insurance cost information that reflects damageability and crashworthiness, the distribution of other cost information at this time would not carry out the purposes of the Cost Savings Act. NHTSA does not anticipate the development of distributable information before late 1975. In the meantime the agency has research efforts underway that will assist it in devising a readily understandable format for insurance cost dissemination. Comments are invited as to the best means of presenting comparative costs.

At such time as the insurance costs do reflect differences in damage susceptibility and crashworthiness, that information would be made available to the automobile dealers for dissemination as outlined in the proposed regulation. The format for the information will be incorporated as § 582.5 of the regulation. The information so provided will be revised periodically to reflect changing insurance costs.

Written comments on the issues set forth in this notice should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW., Washington, D.C. 20590. To speed the distribution of comments, 10 copies are requested, but are not required. Comments should identify the individual docket number and notice number. Comments should be submitted to the National Highway Traffic Safety Administration, Attention: Docket Section, Rm. 5108, U.S. Department of Transportation, Washington, D.C. 20590.

All comments received before the close of business December 16, 1974, will be considered by the Administration before issuing a final regulation. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at anytime after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material in the docket after the closing date, and recommends that interested persons continue to examine the docket for new material. The comments will be considered together with other sources of information available to NHTSA in the issuance of the final regulation.

Proposed effective date: Although the final rule will be issued by February 1, 1975, as specified in the Cost Savings Act, the dates at which insurance cost information developed by NHTSA will be required to be distributed by automobile dealers are uncertain at this time and will be published at a later date in the FEDERAL REGISTER.

(Sec. 201(e), P.L. 92-513, 86 Stat. 947; 15 U.S.C. 1941(e); delegations at 49 CFR 1.51 and 501.8(c))

Issued on October 29, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

PART 582—INSURANCE COST INFORMATION REGULATIONS

§ 582.1 Scope.

The regulations contained in this part require automobile dealers to make insurance cost information available to prospective purchasers, pursuant to section 201(e) of the Motor Vehicle Information and Cost Savings (15 U.S.C. 1941 (e)), herein "the Cost Savings Act."

§ 582.2 Purpose.

The purpose of this part is to enable prospective purchasers to compare differences in auto insurance costs for the various makes and models of passenger motor vehicles, and to realize any savings in property damage insurance resulting from differences in damageability, and any savings in medical payment insurance resulting from differences in crashworthiness.

§ 582.3 Definitions.

(a) *Statutory definitions.* All terms used in this part which are defined in section 2 of the Cost Savings Act are used as so defined.

(b) *Definitions used in this part.* (1) "Automobile dealer" means any person who engages in the retail sale of new or used automobiles as a trade or business.

(2) "Collision insurance" means insurance that reimburses the insured party for physical damage to his property resulting from automobile crashes.

(3) "Insurance cost" means the insurance premium rate for collision and medical payment insurance.

(4) "Medical payment insurance" means insurance that reimburses the insured party for injuries sustained by himself, his family, and his passengers in automobile crashes.

§ 582.4 Requirements.

(a) Each automobile dealer shall provide the insurance cost information specified in § 582.5 for examination by prospective purchasers at each location where he offers vehicles for sale.

(b) The information shall be provided without charge and in sufficient quantity to have it available for retention by prospective purchasers, within 30 days after its publication in the FEDERAL REGISTER.

(c) The information shall be in English and, if a significant portion of the prospective purchasers do not speak English, in the non-English language most widely spoken by prospective purchasers.

§ 582.5 Insurance cost information form.

The insurance cost information provided pursuant to § 582.4 shall be presented as follows: [Form to be specified.]

[FR Doc.74-25600 Filed 11-1-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 74-1114]

FEDERAL SAVINGS AND LOAN SYSTEM

Mobile Facilities

OCTOBER 24, 1974.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.14-4(c)(2) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14-4(c)(2)) for the purpose of allowing for Board exceptions to the current requirement that a mobile facility be at least ten miles from the locations of any home or branch office or agency of any institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation.

Accordingly, the Board hereby proposes to amend said § 545.14-4 by revising paragraph (c)(2) to read as set forth below. Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW, Washington, D.C. 20552, by December 6, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.14-4 Mobile facility.

* * * * * *

(c) *Action by the Board.* Each application by a Federal association which is an eligible association under the provisions of paragraph (b) of this section will be considered or processed pursuant to the provisions of this section. The Board's approval of any such application will be subject to the following provisions and any other conditions, requirements, and limitations the Board may specify in a particular case:

* * * * * *

(2) The mobile facility shall be established and operated at two or more locations, each of which, at the time of filing of the application for permission to establish and operate the mobile facility, shall be more than 10 miles from the locations of any home or branch office or agency of any other institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, unless the applicant establishes to the satisfaction of the Board that a shorter distance is justified;

* * * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MELLARD, Jr.,
Assistant Secretary.

[FR Doc.74-25597 Filed 11-1-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Meeting

Pursuant to Executive Order 11686 and the provisions of section 10(a), Public Law 92–463, Federal Advisory Committee Act, notice is hereby given of the meetings of the Advisory Committee on Voluntary Foreign Aid which will be held on November 11, 1974, from 2:00 pm to 5:00 pm, and November 12, from 9:00 am to 12:30 pm, in Room 5951, New State Building, 21st and Virginia Avenue, NW., Washington, D.C.

The purpose of the meetings will be to consider formulation of the content of the agenda for 1975–1976 (including a consideration of the responses to the Advisory Committee Report "A Look to the Future" and the identification of appropriate Committee follow-up actions); to receive a report on and discuss the October 22 Grant Procedures Workshop and the emerging plans for the Overseas Development Council sponsored Track II and III Workshops and Seminars; to review and discuss developments regarding the World Food Conference and the world food situation, and to take up any other matters related to the foreign assistance activities of the voluntary agencies.

These sessions will be open to the public. Any interested person may attend, appear before, or file statements with the Committee in accordance with procedures established by the Committee, and to the extent time available for the meetings permits. Written statements may be filed before or after the meetings.

Dr. Jarold A. Kieffer will be the A.I.D. representative at the meetings. Information concerning the meetings may be obtained from Mr. Robert S. McClusky, Telephone: AC 202–632–9110. Persons desiring to attend the meetings should enter the New State Building through the 21st Street.

Dated: October 29, 1974.

ALLAN R. FURMAN,
Acting Assistant Administrator, for Population and Humanitarian Assistance.

[FR Doc.74–25686 Filed 11–1–74;8:45 am]

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE TWELFTH NATIONAL BANK REGION

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Twelfth National Bank Region will be held on Friday, November 22, 1974, at The Tubac Country Club, Tubac, Arizona, beginning at 9 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Pub. L. 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (3) of the Act (Pub. L. 92–463) relating to open meeting and public participation therein.

Dated: October 30, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74–25614 Filed 11–1–74;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON REFORM OF THE INTERNATIONAL MONETARY SYSTEM

Renewal

Pursuant to the Federal Advisory Committe Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776, 5 U.S.C. App. I, Supp. II) the Department of the Treasury announces the renewal of the following advisory committee:

Title: The Advisory Committee on Reform of the International Monetary System.

Purpose: The Committee, composed of representatives from industry and banking, as well as former government officials, discusses major issues in the negotiations on reform of the international monetary system and advises the Secretary of the Treasury on U.S. strategy and substantive positions in the negotiations.

Statement of Public Interest: While the formal negotiations on monetary reform conducted within the International Monetary Fund's Committee of Twenty were concluded in June, 1974, with recommendations made at that time for action on several measures of immediate relevance in the present situation, numerous issues involved in longer-term reform were left for further negotiation. It is important that the Secretary of the Treasury continue to be able to receive the advice and recommendations of the Advisory Committee in the course of these negotiations. The depth and breadth of the members' experience in international monetary affairs cannot be duplicated from sources within the Treasury nor from another existing advisory committee.

Authority for this committee will expire August 21, 1976, unless the Secretary of the Treasury formally determines that continuance is in the public interest.

Dated: October 29, 1974.

[SEAL] JACK F. BENNETT,
Under Secretary for Monetary Affairs.

[FR Doc.74–25604 Filed 11–1–74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Meeting

In accordance with Public Law 92–463, dated 6 October 1972, notice is given of a meeting of the Army Advisory Panel on ROTC Affairs, as follows:

Date of Meeting. 20–21 November 1974.
Place. Room 2E 667, the Pentagon, Washington, D.C. 20310.
Time. From 1330–1700 hours on 20 November 1974 and from 0830–1230 hours on 21 November 1974.

PROPOSED AGENDA

20 NOVEMBER 1974

1330–1345—Opening remarks and introduction by the Chairman, Dr. Owen.
1345–1350—Remarks ASA(M&RA), Mr. Lowe.
1350–1420—ROTC Accessions Study Briefing, GEN Stevenson.
1420–1445—OPMS Briefing, COL Louisell.
1445–1500—Break.
1500–1530—Curriculum/POI Briefing, Dr. Treblas, TRADOC.
1530–1600—Curriculum Research, Dr. Duffy, ARI.
1600–1700—Discussion (Curriculum), Dr. Owen.

21 NOVEMBER 1974

0830–0900—Update on Status of Volunteer Army, COL Tharp.
0900–0930—Status of ROTC Enrollments and Institutions on Probation/Proposed Legislation, LTC Radu.
0930–1230—Discussion, Dr. Owen.

PROPOSED DISCUSSION TOPICS

1. Senior ROTC Curriculum.
2. Assistance to Military Colleges.
3. Designation of fields of study for ROTC scholarship students.
4. Withdrawal of administrative and financial support from ROTC by host institutions.
5. Improving ROTC retention.
6. Human Relations Instruction in ROTC Curriculum.
7. State Support for ROTC Programs.

This meeting is open to the public.

CLINTON A. FIELDS,
Major, GS, Executive Secretary, Army Advisory Panel on ROTC Affairs.

[FR Doc.74–25480 Filed 11–1–74;8:45 am]

DEPARTMENT OF JUSTICE

KEMPER COUNTY, MISS.

Certification Regarding Appointment of Election Examiners

In accordance with section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d (Supp. V), I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Kemper County, Mississippi. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

ROBERT H. BORK,
Acting Attorney General of the United States.

OCTOBER 31, 1974.

[FR Doc.74–25839 Filed 11–1–74;9:49 am]

TALLADEGA COUNTY, ALABAMA

Certification Regarding Appointment of Election Examiners

In accordance with Section 6 of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973d (Supp. V), I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the Fifteenth Amendment to the Constitution of the United States in Talladega County, Alabama. This county is included within the scope of the determination of the Attorney General and the Director of the Census made on August 6, 1975, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 FR 9897).

ROBERT H. BORK,
Acting Attorney General of the United States.

OCTOBER 31, 1974.

[FR Doc.74–25840 Filed 11–1–74;9:49 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

HOWARD W. CAMPBELL

Issuance of Permit for Marine Mammals

On August 26, 1974, a notice was published in the FEDERAL REGISTER (39 FR 30848–30849) that an application had been filed with the Fish and Wildlife Service by Howard W. Campbell, National Fish and Wildlife Laboratory, U.S. Fish and Wildlife Service, Gainesville, Florida, for a permit to take dead manatees for scientific purposes.

Notice is hereby given that on October 22, 1974, as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the Fish and Wildlife Service issued a permit to Howard W. Campbell, subject to certain conditions set forth therein. The permit is available for public inspection during normal business hours at the Fish and Wildlife Service's office in Suite 600, 1612 K Street, NW, Washington, D.C. 20240.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74–25617 Filed 11–1–74;8:45 am]

DR. FRANCIS H. FAY

Notice of Receipt of Application for Marine Mammal Permit

Notice is hereby given that the following application for a permit has been received under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407).

APPLICANT

Dr. Francis H. Fay
Associate Professor of Marine Science
Institute of Marine Science
University of Alaska
Fairbanks, Alaska 99701

SEPTEMBER 23, 1974.

Mr. C. R. BAVIN,
Chief, Division of Law Enforcement, Bureau of Sport Fisheries and Wildlife, U.S. Fish and Wildlife Service, Washington, D.C. 20240

DEAR MR. BAVIN: I enclose herewith an application and supporting documents for a Marine Mammals Scientific Research Permit, under provision of the Marine Mammals Protection Act of 1972 and based on the protocol indicated in the FEDERAL REGISTER, Vol. 39, No. 3 of Friday, January 4, 1974, and Vol. 39, No. 38 of Monday, February 25, 1974. I trust that I have included all of the information needed for processing. However, if further details are needed, I shall be happy to supply them.

Sincerely yours,

FRANCIS H. FAY,
Associate Professor of Marine Science.

APPLICATION FOR SCIENTIFIC RESEARCH PERMIT

UNDER PROVISION OF THE MARINE MAMMAL PROTECTION ACT OF 1972

(Protocol from FEDERAL REGISTER 39(3): No. 13.12 and 39(38): No. 18.31)

No. 13.12 (1) Applicant: Dr. Francis H. Fay, Associate Professor of Marine Science, Institute of Marine Science, University of Alaska, Fairbanks, Ak 99701. (907) 479–7027.

(2) Personal data: Date of Birth: 18 Nov 1927, Height: 6 ft. Weight: 165 lb. Color of Hair: Gray-brown, Color of Eyes: Brown, Sex: Male.

(3) (Does not apply).

(4) Location where permit activity is to be conducted: Coast and territorial waters of Alaska and international waters of the North Pacific and Arctic Oceans, including the Bering, Chukchi, and Beaufort Seas.

(5) Permit requested under: Subpart D—Special Exceptions, No. 18.31 *Scientific Research Permit*, information on which is as follows:

No. 18.31 (1) Purpose, date, location, and manner of taking: This application is for permission to take walruses, to purchase parts of walruses taken by Eskimos for subsistence, and to salvage parts from walruses found dead, during calendar year 1975, with options requested for renewal by letter in succeeding years and for delegation of authority to co-workers affiliated with the projects outlined.

The purpose of these collections will be primarily to obtain new information on (a) the reproductive cycle, (b) the causes and rates of natural morbidity and mortality, and (c) the feeding habits of the Pacific walrus. Secondarily, they will provide further information on growth, productivity, and physical condition, as well as a wide variety of tissue samples for use in physiological, biochemical, cytological, and anatomical studies by co-workers at the University of Alaska and colleagues at other institutions.

The dates and locations of these collections, insofar as they can be predicted (see attached documents), will be as follows: (a) some animals will be taken and some dead animals may be salvaged during a proposed 6-week icebreaker cruise in February to April, 1975, in the Bering Sea, and (b) stomachs and their contents will be purchased from Eskimos at Gambell and Savoonga on St. Lawrence Island, and at King and Little Diomede Islands during April to June, 1975. The taking, especially of moribund animals, the purchase, especially of reproductive organs and stomach contents, and the salvage of parts from animals found dead may take place at other times and in other places, as the opportunity and the need arise, and cannot be anticipated at this time.

The manner of taking will depend on the circumstances of accessibility and the tissue sampling requirements. Insofar as possible, the animals will be killed by means of an overdose of immobilizing drugs or, if necessary, they will be shot with a high-powered rifle.

(2) Description of animals and products to be taken:

V 39 213 NOV 4 74 XUM

Name: Pacific Walrus, *Odobenus rosmarus divergens*.

Population Stock: That inhabiting the Bering and Chukchi Seas and ranging eastward into the Beaufort Sea and Westward into the East Siberian Sea, rarely straggling to the Gulf of Alaska and to Kamchatka. Recent estimates by the U.S. and Soviet governments and by the State of Alaska place its numbers at more than 100,000 animals.

Number of Specimens or products: In any calendar year, probably no more than 15 animals will be taken, 300 parts purchased, and 50 carcasses salvaged.

Anticipated Age, Sex, Size, and Condition: Not more than 10 of the animals taken in each year will be sexually mature females, and these will be taken at a time (February–March) and under circumstances (mating aggregations) when they can be expected to be in estrus. The remaining animals taken will be of any age and either sex, and will be selected on the basis that they are either moribund or show signs of some major pathological condition. Insofar as possible, all taking will be limited to animals that are neither pregnant nor nursing.

The majority of parts purchased will be stomachs and their contents from weaned (2 yrs.) and older animals of either sex, taken in the normal course of subsistence hunting by Eskimos. Additional parts, to include only reproductive organs, pathological specimens, and one cheek tooth for age determination from each animal, will also be purchased.

Carcasses of animals found dead may be of any age and either sex.

(3) (Does not apply).

(4) Description of research program: The goals of the University of Alaska's Marine Mammal Program are: (a) to contribute to understanding of the role of marine mammals in the ecosystem of northern seas through basic research, (b) to contribute to the solution of current problems arising from human interaction with the marine environment through consultation and applied research, and (c) to provide for professional training in marine mammalogy, and wide dissemination of public information on marine mammal affairs in Alaska. In each of its phases, this program is closely coordinated with the research, management, and information programs of Federal and State agencies, the intent being to cooperate with and complement the latter.

The collections for which permission is requested here will provide raw materials needed for successful completion of two current projects under this program, which are:

Ethology and productivity of the Pacific Walrus (Sea Grant/University of Alaska). Duration—3 years (1972–75). PI—F. H. Fay.

Objectives: (1) to describe the individual and social behavior of the Pacific walrus, with emphasis on breeding behavior, cow-calf relations, activity budgets and rhythms, and responses to weather, (2) to estimate the age and sex composition of the population and the distribution of its major segments in time and space, and (3) to determine the extent of the mating season and the modal time of ovulation. In conjunction, (4) further information on age-specific rates of success in pregnancy and rearing of young and on the causes and rates of natural mobidity and mortality will be acquired.

A principal field activity on this project in 1975 will be a 6-week icebreaker cruise in the Bering Sea, beginning in February. This presents an unparalleled opportunity to take selectively several specimens needed for fulfillment of the third objective and for contribution to the final one. Such material cannot be obtained by any other means at this time, since the subsistence hunters do not have access to animals in estrus (as shown by all previous efforts to obtain them from that source since 1956) and selectively avoid taking moribund or "sick" animals.

The basic importance of the reproductive information to be obtained from these specimens lies in the fact that we do not yet know when the mating season occurs, and that, if provisions are to be made for protection of the breeding animals from harassment during that critical period, we must first determine its limits. From the PI's previous work on the reproductive cycle of the males, the peak of fertility seems to be in February–March (rather than in May and June, as formerly supposed), and while the reproductive condition of the three females taken in that period tend to support that finding, a much larger series of females will be needed eventually, in order to confirm it fully. Similarly, the causes and rates of natural morbidity and mortality are virtually unknown and can only be determined through selective taking of sick and dying animals and salvage of those found dead. Acquisition of materials and data from such animals is a long-term undertaking, since we shall probably have access to only a few specimens in any given year.

The role of the Pacific Walrus in the trophic system of the Bering Sea (Marine Mammal Commission/Institute of Marine Science, University of Alaska). Duration—2 years (1974–76). PI—F. H. Fay.

Objectives: (1) to identify the prey species utilized by the Pacific walrus along the Alaskan Bering Sea coast and to assess the relative importance of each in the diet, (2) to compare these findings with the standing crop and trophic structure of the benthos in the same localities, in order to evaluate the extent to which the walrus is selective of the foods available and to identify the major pathways of nutrient and energy flow through this segment of the food chain, and (3) to relate these findings to the general distribution, standing stocks, and productivity of walruses and benthos over the entire Bering Sea shelf, in an effort to develop a better estimate of the dependence and impact of the walrus on the invertebrate fauna of the region.

The best, most efficient way in which to obtain a large volume of information on the feeding habits of the Pacific walrus is to obtain stomachs from those taken during the annual spring harvest by subsistence hunters in the St. Lawrence Island-Bering Strait area. About 60 percent of the 1600 animals taken each year is harvested there at that time. From previous experience, we know that one-fourth to one-third of those animals have food in the stomach when killed, and we propose to purchase those stomachs that contain food. Most of our present knowledge of the walrus' feeding habits is based on the examination of a few such stomachs in the past, but that information is very incomplete and fragmentary and wholly inadequate to meet present requirements. Knowledge of the marine food web, of which the walrus is a major part in the Bering Sea, is certainly pertinent to the objectives set forth by the Marine Mammal Protection Act, and it is to that end that this study is directed.

Copies of the proposals for these two projects are attached.

(5) (Does not apply).

(6) (Does not apply).

No. 13.12 (6) (Does not apply).

(7) Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit: 1 February 1975.

(9) Date: 23 September 1974.

(10) Signature of applicant:

FRANCIS H. FAY.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 4, 1974, will be considered.

Dated: October 25, 1974.

MARSHALL L. STINNETT,
Acting Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-25618 Filed 11-1-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Louisiana Inspection Point

Notice is hereby given pursuant to § 26.99 of the regulations (7 CFR 26.99) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on September 17, 1974, there was published in the FEDERAL REGISTER (39 FR 33382) a notice announcing a request by the Louisiana Department of Agriculture that its assignment of inspection points be amended to add Alexandria, Louisiana, as a designated inspection point. Interested persons were given until October 17, 1974, to submit written views and comments with respect to the proposed amendment of assignment.

No comments were received with respect to the September 17 notice in the FEDERAL REGISTER. After due consideration of market needs and circumstances and other material available to the Department, the assignment of the Louisiana Department of Agriculture is amended to add Alexandria, Louisiana, as a designated inspection point.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28404 and 28476.)

Effective date. This notice shall become effective November 4, 1974.

Done in Washington, D.C. on: October 29, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74-25607 Filed 11-1-74;8:45 am]

Soil Conservation Service

LOWER RED ROCK CREEK WATERSHED

Notice of Negative Declaration Regarding Environmental Statement

Pursuant to section 192(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the remaining planned elements of work in the Lower Red Rock Creek Watershed project, Noble and Pawnee Counties, Oklahoma.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection and flood prevention. This negative declaration covers the remaining 23 single-purpose floodwater retarding structures and land treatment measures.

The environment assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until November 19, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: October 24, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-25578 Filed 11-1-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet Tuesday, December 10, 1974, at 9:30 a.m., in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on the Licensing Procedures Subgroup meeting of December 5, 1974.
4. Report on the work programs.
5. Executive Session: a. Continuation of discussion of report on the work programs.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited numbers of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, effective May 1, 1974, a Notice of Determination approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce, on May 16, 1974 and May 17, 1974, respectively, to close a portion of the meeting to the public, was included in the published (39 FR 35403) Notice of Meeting of the Licensing Procedures Subgroup of the Computer Systems Technical Advisory Committee.

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967–4196).

Dated: October 30, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.74-25665 Filed 11-1-74;8:45 am]

SEMICONDUCTOR TECHNICAL ADVISORY COMMITTEE

Meeting

The Semiconductor Technical Advisory Committee of the U.S. Department of Commerce will meet on Wednesday, December 18, 1974 at 9:30 a.m. in Room 6802 of the Main Commerce Building, 14th and Constitution Avenue, NW., Washington, D.C.

Members advise the Office of Export Administration, Bureau of East-West Trade, with respect to questions involving technical matters, world-wide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to semiconductor products, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Review of prior work.
4. Discussion of integrated circuits.
5. Executive Session: a. Continuation of review of prior work. b. Continuation of discussion of integrated circuits.

The public will be permitted to attend the discussion of agenda items 1–4, and a limited number of seats will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

In accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I (Supp. II, 1972)) and Office of Management and Budget Circular A–63 (Revised), Advisory Committee Management, effective May 1, 1974, a Notice of Determination approved by the Assistant Secretary of Commerce for Administration and the delegate of the General Counsel of the Department of Commerce, on May 10, 1974 and May 17, 1974, respectively, to close a portion of the meeting to the public, was included in the published (39 FR 35827) Notice of Meeting of the Semiconductor Technical Advisory Committee.

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202/967–4196).

Dated: October 30, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade.

[FR Doc.74-25666 Filed 11-1-74;8:45 am]

LOWELL TECHNOLOGICAL INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00010–33–46040. Applicant: Lowell Technological Institute, 1 Textile Avenue, Lowell, Massachusetts 01854. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for training undergraduate and graduate students primarily in the biological sciences in the use of the electron microscope.

Comments: No comments have been received with respect to this application.

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Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (October 25, 1973).

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy for undergraduates in biological sciences. The foreign article is a relatively simple, medium resolution electron microscope (7 Angstroms resolution point to point and 60 KV accelerating voltage) designed for confident use [through ease of operation] by beginning students with a minimum of detailed programming. Domestic instruments available at the time the article was ordered were the Model EMU-4C available from the Adam David Company and the Model ETEM-101, a relatively simple low resolution instrument, manufactured by Elektros Incorporated. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 26, 1974 that the resolution, simplicity and ease of operation of the article are pertinent to the applicant's educational purposes which involve sectioning, negative staining and the preparation of quality micrographs by the students. HEW also advised that (1) the Model EMU-4C is too complex for the intended educational purposes and (2) the Model ETEM-101 has lower resolution [10 Angstroms point-to-point] than the article and 40 kilovolts maximum accelerating voltage that limits a student ability to obtain good or useable micrographs from imperfect specimens. We, therefore, find that neither the Model EMU-4C nor the Model ETEM-101 is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25640 Filed 11-1-74;8:45 am]

PRESBYTERIAN-UNIVERSITY OF PENNSYLVANIA MEDICAL CENTER, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before November 25, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00132-33-46500. Applicant: Presbyterian-University of Pennsylvania Medical Center, Scheie Eye Institute, 51 North 39th Street, Philadelphia, Pa. 19104. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use or article: The article is intended to be used in investigations to reveal at the ultrastructural level the structural bases of transport of viral macromolecules to cell membranes. Application received by Commissioner of Customs: September 24, 1974.

Docket number: 75-00133-33-90000. Applicant: Swedish Medical Center, 501 East Hampden Avenue, Englewood, Colorado 80110. Article: EMI Scanner with High Resolution Option and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of patients with neurological disorders. Patient phantom models (simulated cranium brain contents with known characteristics) will also be studied to determine the article's accuracy for localization of diagnostic changes that would be seen with calcium, tumor, cysts, liquid, fat, blood (liquid or clotted) in brain and skull disorders. Other research includes: (1) the study of the brain injured patients and other clinical population in the usual scanning method after injection of a radioisotope into the circulating blood and/or spinal fluid, and (2) the investigation of methods of patient immobilization during study with the article. Planned educational programs will involve (1) presentation of data developed from the brain injury unit, (2) dissemination of information of the value of EMI study and value of the diagnostic material obtained, and (3) training of technology personnel. Application received by Commissioner of Customs: September 24, 1974.

Docket number: 75-00134-01-74600. Applicant: University of Montana, Chemistry Department, Missoula, Montana 59801. Article: Malvern K7023 High Speed Correlator and RR102 Spectrometer. Manufacturer: Precision Devices & Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of ribosomal subunits, proteins and ribonucleoprotein fragments. Light scattering from solutions containing these macromolecules will be studied to determine the translational diffusion coefficients of each. Application received by Commissioner of Customs: September 24, 1974.

Docket number: 75-00135-33-46040. Applicant: University of California—Los Angeles, Department of Neurology, Los Angeles, California 90024. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used to examine human and animal brain tissue at very high resolution in investigations of certain human diseases (e.g. Parkinson's disease, Huntington's Chorea, and dystonia musculorum deformans). Application received by Commissioner of Customs: September 24, 1974.

Docket number: 75-00136-33-46040. Applicant: Veterans Administration Hospital, 42nd Avenue and Clement Street, San Francisco, California 94121. Article: Electron Microscope, Model EM 201C. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for the following investigations:

(1) Hepatic lipid metabolism: effects of lipid-lowering drugs.

(2) Structure and growth requirements of human breast dysplasias and tumors.

(3) Hormonal control of hepatocyte membrane development and maintenance. The article will also be used to train students from the graduate, dental and medical schools of the University of California Medical Center as well as technicians, staff, research fellows and other personnel at the VA Hospital. Application received by Commissioner of Customs: September 26, 1974.

Docket number: 75-00137-33-90000. Applicant: St. Vincent Medical Center, 2131 West Third Street, Los Angeles, California 90057. Article: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of patients with posterior fossa brain tumors especially cerebello-pontine angle tumors. The studies will be clinically oriented so that the information gathered would be of potential benefit to the patients themselves as well as to future patients. The areas of study will include, among others, surgical planning in relation to tumor size, surgical planning in relation to ventricular size and ventricular size in post-operative course with respect to complications. Application received by Commissioner of Customs: September 26, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25641 Filed 11-1-74;8:45 am]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00021-33-46040. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Conn. 06520. Article: Electron Microscope, Model EM 10 with Goniometer Stage, Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used to examine the ultrastructural characteristics of a variety of transporting epithelia. The tissues which will be studied will include kidney tubules from rats, and tubules and urinary bladders of several species of amphibians and several species of fish. The structural characteristics of various transporting epithelia will be studied in a variety of normal and pathologic states and it is intended to correlate the ultrastructure with function at the cellular level and to approach renal physiology and pathology from an integrated standpoint. Of particular interest from the ultrastructural standpoint are the characteristics of the cell membranes, the junctional complexes between cells, the basal labyrinthine spaces and the structure of intracellular organelles. The article will also be used in the postgraduate training of pathologists, physiologists, and cell biologists preparing for a career in the investigation of transporting epithelia. Residents and trainees will be familiarized with the methods and techniques of electron microscopy as applied to the study of transporting epithelia.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (May 13, 1974).

Reasons: The foreign article provides a guaranteed resolving capability of 3.5 Angstroms point-to-point without a goniometer stage and 5 Angstroms point-to-point with a goniometer stage.

The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope supplied by the Adam David Company. At the time of order the Model EMU-4C had a guaranteed resolving capacity of 5 Angstroms point to point without a goniometer stage and 8 Angstroms with a goniometer stage. (The lower the numerical rating in terms of Angstrom units, the better the resolving power.) The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated September 26, 1974 that the best resolution available, with and without a goniometer stage, is pertinent to the purposes for which the article is intended to be used. HEW also advised that domestic instruments do not provide equivalent resolution.

We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used at the time of order.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-25639 Filed 11-1-74;8:45 am]

National Oceanic and Atmospheric Administration

JOHN D. HALL

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to John D. Hall, University of California at Santa Cruz, on September 26, 1974 is modified in the following manner:

The two Pacific white-sided dolphins to be lavaged while in captivity shall be included in the total of 30 dolphins authorized to be lavaged rather than using the two dolphins authorized to be taken and held during the metabolic study portion of the research.

This modification is effective on November 4, 1974.

The permit, as modified, and documentation pertaining to the modification, is available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 29, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-25657 Filed 11-1-74;8:45 am]

GERALD L. KOOYMAN

Modification of Permit

Notice is hereby given that, pursuant to the provisions of § 216.33(d) and (e) of the regulations Governing the Taking and Importing of Marine Mammals (39 FR 1851, January 15, 1974), the Scientific Research Permit issued to Gerald L. Kooyman on June 4, 1974, is modified in the following manner.

The six authorized California sea lions may be either from stranded animals placed in the care of the Permit Holder for the purpose of nursing them back to health, or taken, as was initially specified in the Permit, from the wild population of this species on the California Channel Islands. In order to provide the broadest possible flexibility in selecting the sea lions, while ensuring that only sub-adult sea lions are taken, the following condition is specified. Wild sea lions, if male, are not to weight less than 30 nor more than 200 pounds, and, if female, are not to weight less than 30 nor more than 100 pounds.

This modification is effective on November, 4, 1974.

The permit, as modified, and documentation pertaining to the modification are available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235 and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: October 29, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-25660 Filed 11-1-74;8:45 am]

NORTHWEST FISHERIES CENTER

Notice of Public Hearing

Notice is hereby given that a hearing will be held at 10 a.m. on November 20, 1974, in the Penthouse Conference Room, National Marine Fisheries Service, Page Building No. 1, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20007. The purpose of the hearing is to consider applications from the Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington 98112 for a scientific research permit under the Marine Mammal Protection Act of 1972 and for a scientific purposes permit under the Endangered Species Act of 1973, to mark by tagging up to fifty (50) fin whales (*Balaenoptera physalus*), seventy-five (75) sei whales (*Balaenoptera borealis*), and two hundred (200) sperm whales (*Physeter catodon*), and to take and/or import specimen materials of scientific value, if any of these animals are accidentally killed. In addition, the permit application submitted for a scientific research permit under the Marine Mammal Protection Act also requested to mark by tagging up to fifty (50) Bryde's whales (*Balaenoptera edeni*), and one hundred (100) minke whales (*Balaenoptera acutorostrara*) and to take and/or import specimen materials of scientific value, if any of these animals are accidentally killed.

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Since Bryde's and minke whales are not listed on the U.S. Endangered Species List, the information that is obtained at this hearing relating exclusively to the proposed importing of specimen materials and/or taking of these species will not be considered under the provisions of the Endangered Species Act of 1973.

The applicant will be participating in a whale-marking cruise sponsored by the All-Union Research Institute of Marine Fisheries and Oceanography of the Soviet Union. No cetaceans (whales) will be intentionally killed. If any cetaceans are accidentally killed, parts of scientific value will be deposited in the collections of the cooperating governments.

The application for the Marine Mammal Protection Act permit will be considered under the existing Marine Mammal Protection Act regulations. The application for the Endangered Species Act permit will be considered under the Endangered Species Act final regulations governing permit issuance which will be promulgated before November 20, 1974.

It is the desire of the National Marine Fisheries Service to receive public comments on the specific applications outlined above. Individuals and organizations may express their views or opinions by appearing at this hearing, or by submitting written comments for inclusion in the record between the date of publication of this notice (11–4–74) and 15 days following the hearing. Written comments should be submitted, and inquiries with respect to the hearing directed, either to the Director, National Marine Fisheries Service, Washington, D.C. 20235, or the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: October 30, 1974.

JACK W. GEHRINGER,
Director,
National Marine Fisheries Service.

[FR Doc.74-25659 Filed 11-1-74;8:45 am]

NORTHWEST FISHERIES CENTER

Receipt of Applications for Scientific Research and Scientific Purposes

Notice is hereby given that the following applicant has applied for permits to take marine mammals and/or import marine mammal specimen materials for the purpose of scientific research under the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and for scientific purposes under the Endangered Species Act of 1973 (16 U.S.C. 1531–43).

Marine Mammal Division, Northwest Fisheries Center, National Marine Fisheries Service, Seattle, Washington, 98112, to mark, by tagging, up to fifty (50) fin whales (*Balaenoptera physalus*), seventy-five (75) sei whales (*Balaenoptera borealis*), and two hundred (200) sperm whales (*Physeter catodon*), and to take and/or import specimen materials of scientific value, if any of these animals are accidentally killed. In addition, the permit application submitted for a scientific research permit under the Marine Mammal Protection Act also requested to mark, by tagging, up to fifty (50) Bryde's whales (*Balaenoptera edeni*), and one hundred (100) minke whales (*Balaenoptera acutorostrata*) and to take and/or import specimen materials of scientific value, if any of these animals are accidentally killed.

The Applicant will be participating in a whale-marking cruise sponsored by the All-Union Research Institute of Marine Fisheries and Oceanography of the Soviet Union. No cetaceans will be intentionally killed.

If any cetaceans are accidentally killed, parts of scientific value will be deposited in the collections of the cooperating governments. The United States would deposit specimens in the Marine Mammal Division collections and with the Smithsonian Institution.

This research will be conducted under an Agreement on Cooperation in the Field of Environmental Protection, signed by President Nixon and Chairman Podgorny on May 23, 1972, which calls for collaboration in 11 subject areas. Protection and Management of Marine Mammals comes under subject area number V of the agreement, "Conservation of Rare and Endangered Species of Animals and Plants and General Wildlife Conservation and Management." The National Oceanic and Atmospheric Administration, National Marine Fisheries Service, has been given the responsibility for coordinating U.S. participation in the Marine Mammal Working Group Program. Proposed cooperative research projects resulting from the December 1973 Working Group meeting held in Washington, D.C., included a Soviet-sponsored whale tagging expedition in the eastern Pacific Ocean. Tagging and observations will provide information on distribution, abundance, and movements needed to formulate rational international conservation and management regulations, particularly for commercial species of whales.

Two American scientists have been invited to participate in the Soviet-sponsored whale marking expedition in the eastern Pacific Ocean, primarily in the area of the Galapagos Islands, as part of the cooperative program of the U.S.-U.S.S.R. U.S. participation in this research program will begin on or about January 2, 1975 and terminate on or about February 28, 1975.

Information will be obtained on geographical limits, seasonal movements, growth rates, and sizes of whale stocks, and is essential for proper international regulation of whaling activities and the determination of the U.S. position in the International Whaling Commission (IWC). Only commercial species of whales will be marked. Sighting data, however, will be collected on all cetaceans. Discovery marks will be used since these are the only available, dependable means of marking whales and retrieving the data through commercial harvest. The marks are recovered when the whales are processed and the information is collected by international observers aboard the whaling vessels or sent to the IWC by the recovering whaling company.

The application for the Marine Mammal Protection Act permit will be considered under the existing Marine Mammal Protection Act regulations. The application for the Endangered Species Act permit will be considered under the Endangered Species Act final regulations governing permit issuance which will be promulgated before November 20, 1974.

Documents submitted in connection with these applications are available in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Office of the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue, North, Seattle, Washington 98109.

Concurrent with the publication of this notice in the FEDERAL REGISTER (11–4–74), the Secretary of Commerce is sending copies of the application submitted under the Marine Mammal Protection Act to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this data on or before December 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

Dated: October 30, 1974.

JACK W. GEHRINGER,
Director,
National Marine Fisheries Service.

[FR Doc.74-25661 Filed 11-1-74;8:45 am]

SHIPWRECK, INC.

Application for Marine Mammal Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Shipwreck, Incorporated, 1938 Buhne Drive, Eureka, California 95501, to take three (3) Pacific harbor seals (*Phoca vitulina richardii*) for the purpose of public display.

The harbor seals would be taken from southern Humboldt Bay, in Humboldt County, California. The animals would be taken by Shipwreck, Incorporated personnel, who have been collecting harbor seals in this area for thirteen years.

Harbor seals are normally taken in Humboldt Bay during the months of April, May and June. The animals are captured by means of a nylon net, 20 feet high and 100 feet long with seven inch mesh. The net is anchored in shallow water at low tide, and the harbor seals are entrapped as they move towards deep water with the outgoing tide. The seals are then transferred to tube-like traveling nets and transported by boat to the Shipwreck holding facilities.

The harbor seals will be maintained in a free-form concrete pool, 90 feet long, and averaging 15 feet in width and 4 feet in depth.

Filtered sea water is supplied from Humboldt Bay at the rate of 75 gallons per minute. The pool is surrounded by a 4-foot high chain link fence.

The seal pool is viewed by approximately 100,000 persons annually. Visitors may purchase smelt from a vending machine.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above described application have been inspected by a licensed veterinarian who has certified that such arrangements and facilities are adequate to provide for the well-being of the marine mammals involved.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235, telephone 202–343–9445, and the Office of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–548–2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before December 4, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: October 29, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74-25658 Filed 11-1-74;8:45 am]

[Docket No. Sub-B-62]

McCORMACK TRAWLING CORP.

Notice of Change of Hearing Date

NOVEMBER 1, 1974.

Whereas, on September 26, 1974, there was published at 39 FR 34593 a notice of hearing in the above entitled matter to be held in Washington, D.C., on November 4, 1974;

Whereas such notice of hearing provided that any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as proscribed in CFR Part 257 at least 10 days prior to the date set for hearing;

Whereas several persons have filed petitions for leave to intervene and/or have expressed in writing their interests in this matter (such persons hereinafter referred to as putative intervenors);

Whereas these putative intervenors have expressed the desire to have a hearing in this matter at a location other than in Washington, D.C.; and

Whereas the undersigned Administrative Law Judge assigned to hear and adjudicate the application herein has taken the foregoing matters under advisement and has concluded that the establishment of a different hearing date would facilitate a determination of this matter and be in the interest of the public:

It is accordingly hereby ordered, that the hearing in this matter originally scheduled for November 4, 1974, in Washington, D.C., be, and is rescheduled to be held December 3, 1974. At 10 a.m., e.s.t., in the Penthouse of Page Building No. 1, 2001 Wisconsin Avenue NW., Washington, D.C. This hearing will be consolidated with the hearing of a similar application from McCormack Trawling Corporation since the same fishery is involved.

I am at this time reserving the right to schedule the location of the hearing at a place other than Washington, D.C. If the decision is made to reschedule the hearing location, all parties will receive advance notification of the change.

FREDERICK W. DENNISTON,
Administrative Law Judge.

[FR Doc.74-25865 Filed 11-1-74;11:37 am]

[Docket No. Sub-B-49]

OLD COLONY TRAWLING CORP.

Notice of Change of Hearing Date

NOVEMBER 1, 1974.

Whereas, on September 26, 1974, there was published at 39 FR 34593 a notice of hearing in the above entitled matter to be held in Washington, D.C., on November 4, 1974;

Whereas such notice of hearing provided that any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for hearing;

Whereas several persons have filed petitions for leave to intervene and/or have expressed in writing their interests in this matter (such persons hereinafter referred to as putative intervenors);

Whereas these putative intervenors have expressed the desire to have a hearing in this matter at a location other than in Washington, D.C.; and

Whereas the undersigned Administrative Law Judge assigned to hear and adjudicate the application herein has taken the foregoing matters under advisement and has concluded that the establishment of a different hearing date would facilitate a determination of this matter and be in the interest of the public:

It is accordingly hereby ordered, that the hearing in this matter originally scheduled for November 4, 1974, in Washington, D.C., be, and is rescheduled to be held December 3, 1974. At 10 a.m., e.s.t., in the Penthouse of Page Building No 1, 2001 Wisconsin Avenue NW., Washington. D.C. This hearing will be consolidated with the hearing of a similar application from Old Colony Trawling Corporation since the same fishery is involved.

I am at this time reserving the right to schedule the location of the hearing at a place other than Washington, D.C. If the decision is made to reschedule the hearing location, all parties will receive advance notification of the change.

FREDERICK W. DENNISTON,
Administrative Law Judge.

[FR Doc.74-25866 Filed 11-1-74;11:38 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration

NATIONAL ADVISORY MENTAL HEALTH COUNCIL

Notice of Meeting

The Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration announces the meeting dates and other required information for the following National Advisory body scheduled to assemble the month of December 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Mental Health Council.	Dec. 2–4, 9:30 a.m., conference room 14–105, Parklawn Bldg., Rockville, Md. 20852.	Open—Dec. 2, closed—Dec. 3–4. Contact Mrs. Zella Diggs (301) 443–4333, Parklawn Bldg., room 9C–05 5600 Fishers Lane, Rockville, Md. 20852.

Purpose: The National Advisory Mental Health Council advises the Secretary, Department of Health, Education, and Welfare, regarding the policies and programs of the Department in the field of mental health. The Council reviews applications for grants-in-aid relating to research, training, and services in the field of mental health and makes recommendations to the Secretary with respect to approval of applications for, and the amount of, these grants.

Agenda: December 2 will be devoted to discussion of NIMH policy issues. These will include current administrative, legislative, and program developments. On December 3–4, the Council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public, in accordance with the determination by the Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration, pursuant to provisions set forth in Section 552(b)(4) and 552(b)(6), Title 5, U.S. Code, and Section 10(d) of Pub. L. 92–463.

Substantive information may be obtained from the contact person listed above.

The NIMH Information Officer who will furnish summaries of the meeting and a roster of the committee members is Mr. Edwin Long, Deputy Director, Di-

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vision of Scientific and Technical Information, National Institute of Mental Health, Room 15–105, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852, telephone no. (301) 443–3600.

Dated: October 25, 1974.

JAMES D. ISBISTER,
Acting Administrator, Alcohol, Drug Abuse, and Mental Health Administration.

[FR Doc.74–25645 Filed 11–1–74;8:45 am]

Food and Drug Administration

GRAS OR PRIOR-SANCTIONED DIRECT HUMAN FOOD INGREDIENTS

Availability of Information

Correction

In FR Doc. 74–21207 appearing at page 32418 in the Monday, September 23, 1974 issue, make the following change:

On page 34218 in the fourth line of the first paragraph under the tables in the second column insert the word "prefix" after "FDABF" so that the corrected line reads "order numbers having an FDABF prefix or AS".

MANUFACTURERS AND DISTRIBUTORS

Certain Dermatologic Anti-Infective-Containing Prescription Drugs for Human Use Affected by Drug Efficacy Study Implementation

Correction

In FR Doc. 74–23535 appearing at page 36365 in the issue of Wednesday, October 9, 1974, in the first line of the third column on page 36366, the telephone number should read "301–443–4960".

Office of the Secretary

NATIONAL COMMISSION FOR PROTECTION OF HUMAN SUBJECTS OF BIOMEDICAL AND BEHAVIORAL RESEARCH

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the first meeting of the National Commission for Protection of Human Subjects of Biomedical and Behavioral Research on December 3 and 4, 1974, in the Snow Room, Room 5051, HEW North Building.

The entire meeting will be open to the public from 2 p.m. to 5 p.m. on December 3, 1974, and from 9 a.m. to 5 p.m. on December 4, 1974. The agenda includes orientation of Commission members, election of a chairman, and general planning. Attendance by the public will be limited to space available. Members of the public who wish to participate in this meeting must file a written request with the Executive Director 30 days before the date of the meeting, giving the name and address of the person to be contacted, and summarizing the nature of the proposed participation.

Rosters of the Commission members may be obtained from Mr. William Pinder (202–245–6867), Room 5072, HEW North Building, 330 Independence Avenue, SW., Washington, D.C. 20201, until November 10; thereafter all requests for information should be directed to Ms. Anne Ballard (301–496–7526), Room 125, Westwood Building, 9000 Rockville Pike, Bethesda, Maryland 20014.

Substantive program information will be provided by Dr. Charles U. Lowe, Executive Director of the Commission (301–496–5035), Building 31, Room 4B–59, 9000 Rockville Pike, Bethesda, Maryland 20014.

Dated: October 29, 1974.

C. U. LOWE,
Executive Director.

[FR Doc.74–25667 Filed 11–1–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N–74–254]

PROCEDURES FOR PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY

Miscellaneous Amendments

HUD is amending the Departmental Handbook 1390.1 which was published July 18, 1973 (Docket No. N–73–182, 38 FR 19182) to change certain procedures with respect to protection and enhancement of environmental quality. These changes are essentially three-fold:

1. Clearances for project level actions involving HUD-insured projects, subdivisions, or low-rent housing projects are conducted on a different form from other project clearances,

2. A new form (included as appendix C–5) is provided for both normal and special clearance for subdivision and multifamily projects, and

3. Certain threshold criteria for ascertaining whether a special environmental clearance is required are revised upward, and thresholds for preparing EIS' are provided.

These changes are designed to expedite processing of various housing project applications while at the same time maintaining effective environmental review for every project. For this reason, the Department finds that it is impracticable and contrary to the public interest to defer adoption of these changes until after public procedure and comment can be completed, and good cause also exists for waiving postponement of the effective date pursuant to 5 USC 553(d). Accordingly, this amendment is being made effective upon publication in the FEDERAL REGISTER. However, interested persons are invited to submit written data, views and suggestions with respect to this interim rule, and all relevant comments received on or before Nov. 29, 1974 will be considered before adoption of a final rule. Submittals should be filed in triplicate with the Rules Docket Clerk, Room 10245, Office of General Counsel, HUD Building, 451 7th Street, SW., Washington, D.C. 20410. Copies of all comments received will be available for public examination during regular business hours at the above address.

1. Paragraph 5.a(7) of the Regulations set forth at 38 FR 19182 et seq. is hereby deleted in its entirety and replaced by the following:

(7) *Environmental clearance forms*—a. Project level actions involving other than HUD insured projects, subdivisions and low-rent housing projects. The environmental clearance forms in Appendix C–1, 2 and 3 shall be used in conducting the required environmental clearance(s) for project level actions involving other than HUD insured projects, subdivisions and/or low-rent housing projects. Form ECO–1, completed by the applicant, shall be used by HUD principally as a source of factual information. An independent environmental assessment and evaluation shall be conducted by HUD on Form ECO–2 or Form ECO–3 or an Environmental Impact Statement shall be prepared for such project level actions. The completed clearances shall become part of the application file and shall accompany the proposal through the review and decision-making process.

The Applicant's Environmental Information, Form ECO–1 (Appendix C–1), shall be required of applicants for all project proposals except those exempted in paragraph 5.a(1) and those covered in paragraph 7b. The applicant shall be provided with Form ECO–1 along with the required program application forms, and the environmental clearance requirements shall be explained in the earliest stages of contact and application preparation. HUD shall indicate to the applicant the initial level of environmental clearance required for the proposed project, using Appendix B–1. The completed Form ECO–1 shall accompany A–95 notification where required (see paragraph 5.a(8)).

It shall be submitted to HUD with the completed application. After obtaining information from other sources, HUD shall evaluate and verify the information provided by the applicant on Form ECO–1. HUD may begin preparing the appropriate clearance worksheet at this time or may await the resolution of problems. The applicant shall be asked to modify or supplement Form ECO–1 as appropriate: if there is adequate information, the applicant shall be asked to supplement Form ECO–1 with documentation as necessary; if there are environmental problems, the applicant shall be asked to present solutions, modify the project, include measures to enhance environmental quality or reduce adverse environmental impacts, provide assurances and documentation as necessary, and amend or revise Form ECO–1 accordingly. HUD shall then complete the appropriate environmental clearance worksheet, Form ECO–2 for Normal Clearance or Form ECO–3 for Special Clearance (Appendices C–2 and C–3), or shall prepare the Draft Environmental Impact Statement.

b. HUD insured projects, subdivisions and low-rent housing projects. The environmental clearance form in Appendix C–5, shall be used in conducting the required environmental clearance(s) for project level actions involving HUD insured projects, subdivisions and/or low-rent housing projects. For these project level actions, submission of Form ECO–1 by the applicant shall not be required. Processing of the required clearance will be initiated in every instance by the HUD appraiser assigned to the project. The appraiser shall analyze the site and shall utilize environmental criteria in preparing the Normal and Special Clearance. The appraiser shall obtain interdisciplinary assistance from other HUD staff as needed. Additional information may also be requested of the sponsor but such requests shall generally be limited to information not obtainable by HUD technical personnel. If environmental problems are ascertained, the sponsor may be asked to present solutions, modify the project, include measures to enhance environmental quality or reduce adverse environmental impacts and provide related assurances and documentation. The burden of assessing environmental impact is with the HUD office which shall

prepare the worksheet shown in Appendix C–4 or shall prepare the draft Environmental Impact Statement.

2. The last two sentences of Paragraph 5.a(8)(a) of said Regulations are deleted and replaced by the following:

"Any ECO–1 prepared by the applicant shall accompany the A–95 submission", when required.

3. Paragraph 5.c(1) of said Regulations is deleted in its entirety and replaced by the following:

(1) *Project level actions.* Special Environmental Clearance for project level actions is a preliminary version of the analysis required in the Environmental Impact Statement. It provides the HUD official with a factual basis for determining whether the proposed action has a significant environmental impact and hence, whether it should be approved, rejected, or modified, or whether an Environmental Impact Statement is required. Information required shall be requested from the applicant and/or gathered from other sources as appropriate. After modifications to the proposal to mitigate environmental impacts as necessary, HUD shall conduct an independent assessment and evaluation using the Forms shown as Appendix C–3 or C–5, as appropriate. On the basis of this assessment an environmental finding shall be made and accompany the application through the review process (see Appendix C–4 or C–5, as appropriate).

(a) ***Responsibility for clearance.*** Special Environmental Clearance shall be conducted by the Area/Insuring Office Technical Staff and concurred in by the Area/Insuring Office Environmental Clearance Officer.

(b) *Action resulting from clearance.* (i) Even after appropriate modifications to the proposal, there exist environmental impacts which are unavoidable, and, based on HUD environmental policies and standards, such impacts are also considered unacceptable. The proposal shall be rejected.

(ii) There is no significant environmental impact. A Finding of Inapplicability shall be made on the Special Environmental Clearance Worksheet. Processing may proceed; conditions or safeguards found to be necessary to protect and enhance environmental quality or minimize adverse environmental impacts shall be set forth in the contract, grant, or comparable document, as set forth in paragraph 3.b.

(iii) Even after appropriate modifications to the proposal to mitigate environmental impacts, there remains significant or potentially significant environmental impact. An Environmental Impact Statement is required.

4. That portion of Appendix A–1 of said Regulations, dealing with "Housing Assistance or Insurance" is deleted in its entirety (except for Property Disposition) and replaced by the following:

Program	Decision points	Thresholds
Housing Assistance or Insurance:[1]		
New Construction or substantial rehabilitation of[2]		
– one-to-four family structures.	Issuance of feasibility letter or major change in letter or project (ASP–6).	100 lot subdivision where typical lot size is 6000 sq. ft. or greater; 200 lot subdivision where typical lot size is under 6000 sq. ft.
– multifamily structures	Issuance of SAMA letter or major change in letter or project. Reservation of contract authority to State and local agencies for interest reduction assistance and rent supplement payments for uninsured projects.[4]	200-unit multifamily project (including scattered sites), or requested mortgage amount exceeds $5,000,000.
– public housing	Letter of notification of tentative site approval or approval of major change.	200-unit public housing project (including scattered sites).
– college housing	Approval of fund reservation for college housing or major amendatory.	200-student project.
– mobile homes	Issuance of SAMA letter or major change in letter or project.	200-unit mobile home park.
– nursing homes	Issuance of SAMA letter or major change in letter or p oject.	200-bed nursing home.
– hospitals [3]	Issuance of SAMA letter or major change in letter or project.	200-bed hospital.
– group practice facilities	Issuance of SAMA letter or major change in letter or project.	Facilities with site acreage of 50,000 sq. ft., or gross floor area of 30,000 sq. ft.
– Section 8 Housing Assistance Payments Program.	Notification of selection of preliminary proposals.	200-unit project.

[1] Project selection criteria are not a substitute for environmental clearance.
[2] Phase three Breakthrough housing projects are subject to environmental clearance procedures in the same way as other housing projects.
[3] This Handbook shall also apply to HUD approval of interest subsidy on existing properties. However, the environmental assessment does not have to address the impact of the construction of the project on the environment since it has already taken place. All other environmental factors must be assessed.
[4] HEW has the lead role in environmental evaluation and clearance of proposed hospitals. HUD has responsibility for clearance and conformance with Departmental policies and standards to the extent that such clearance is not conducted by HEW.

5. In that portion of Appendix A–2 of said regulations dealing with "other HUD Actions with Special Requirements," delete Title X, "Mortgage Insurance for Land Development" and add "Multifamily Projects of 500 Units or More and Subdivisions of 500 Units or More".

Add footnote at the end of Appendix A–2 "It is recognized that in high density areas, size alone need not necessarily imply a significant impact on the quality of the human environment. Therefore, special exemption to this threshold may be granted by the Assistant Secretary for CPD where typical densities in the immediate environs of the proposed multifamily project exceeds 50 units per acre (LUI of 5.2 to 7.3). Area wide waivers may be granted for large dense urban areas or sections thereof having such densities and meeting criteria established by the Assistant Secretary. Delegations of authority to approve such waivers may be granted to the Regional Offices at the discretion of the Assistant Secretary."

6. The following is inserted in said Regulations as Appendix C–5:

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APPENDIX C-5

NORMAL AND SPECIAL ENVIRONMENTAL CLEARANCE FOR SUBDIVISION AND MULTIFAMILY PROJECTS

Department of Housing and Urban Development

A. *Project Identification:*
Applicant's Name: _____ Street Address: _____
City or County: _____ State: _____ Zip: _____
Phone: _____ Project Name: _____ FHA File #: _____
Project/Subdivision Location: _____
Number of lots or units proposed: __ Size of tract (acres/sq. ft.): _____
Demand for housing in this area: adequate—reject—If reject, go to Section I.
For Subdivision Only:
Has work started? Yes __ No __. If work has started: Grading is __% completed;
Street improvements are __% completed. Number of homes under construction: __
Number of homes completed: __

ENVIRONMENTAL ANALYSIS

Evaluate project and assign a rating: A, B, C or Na. (See instructions.)

B. *Compliance with Standards:*
1. Have A–95 review requirements been met? Yes __ No __ In process __
2. Is the project in compliance with the local and regional comprehensive plans? Yes __ No __
3. Is the project in compliance with local zoning ordinances? Yes __ No __
4. Compliance with applicable standards:

	Rating	Source/Documentation		Rating	Source/Documentation
a. Historic Properties			e. Wetlands		
b. Noise			f. Air Quality		
c. Flood plain			g. Other (Specify)		
d. Coastal Zone					

Is the project in violation of applicable standards? Yes __ No __
Should the project be rejected? Yes __ No __
If reject, go to Section I. If not, continue the environmental assessment (Section C).

C. *Site Suitability Analysis:*

	Rating	Source/Documentation		Rating	Source/Documentation
1. Slope stability			6. Natural hazards		
2. Foundation conditions			7. Man-made hazards		
3. Terrain			8. Nuisances		
4. Soil permeability			9. Compatibility in use and scale with environment.		
5. Ground water					

Services and Facilities	Rating (Access)	Rating (Adequacy)	Source/Documentation
11. Elementary school			
12. Junior and senior high school			
13. Employment			
14. Shopping			
15. Park, playground and open space			
16. Police and fire			
17. Health care/social services			
18. Transportation			
19. Other services:			

Utilities	Rating	Source/Documentation	*Utilities*	Rating	Source/Documentation
20. Water supply system			23. Solid waste disposal		
21. Sanitary sewer system			24. Other utilities		
22. Storm sewer system			25. Paved access to site		

D. Does project size exceed special clearance size thresholds? Yes _____ No _____
If yes, continue review (Section E). If not, go to Section F. (See Chapter 8, Handbook 4010.1)

E. *Impacts on the environment (special clearance)*

	Rating	Source/Documentation
1. Impact on unique geological features or resources		
2. Impact on rock and soil stability		
3. Impact on soil erodability		
4. Impact on ground water (level, flow and quality)		
5. Impact on open streams and lakes		
6. Impact on plant and animal life		
7. Impact on energy resources		
8. Impact on social fabric and community structures		
9. Displacement of persons or families		
10. Impact on aesthetics and urban design		

	Rating	Source/Documentation
11. Impact on existing or programmed community facilities		
a. Schools		
b. Parks, playgrounds and open spaces		
c. Health care and social services		
d. Community services		
e. Transportation		
f. Water supply system		
g. Sanitary sewer system		
h. Storm sewer system		
i. Solid waste disposal system		

F. Will the project have notable impacts on the environment? Yes __ No __. If yes, is further analysis necessary? Yes __ No __. Are there alternative site designs that can be considered? Yes __ No __.
Comment:

G. Assess the following conditions: (a) Does the project form part of a larger development pattern? Yes __ No __. (b) Is the project likely to stimulate additional development? Yes __ No __. (c) Are there other developments planned which are, or will be impacted by the project? Yes __ No __.
If any of the above area is answered "Yes" indicate how the cumulative environmental impact of the larger development will be addressed. EIS _____ Special Environmental Clearance _____ 701 planning funds _____ other _____. Should this project be delayed until the cumulative impacts are accounted for? Yes __ No __.
Comment:

H. Location and market:
1. Marketability is: Acceptable _____ Reject _____
If reject, go to Section I.
2. Most marketable price or rental range is $_____ to $_____.
3. Most marketable units 0-2 BR _____.
3 BR _____.
4 or more _____.
4. For Subdivisions:
Estimated market price of typical lot $_____ to $_____.
Typical lot size _____.
Local Authorities:
1. Local authorities have __ have not __ approved tentative map.
2. Local officials contacted:
Name: _____ Title: _____ Phone: _____
Name: _____ Title: _____ Phone: _____
3. Information and Date Obtained: _____

I. *Environmental Findings:* (Check applicable items)
_____ Reject
_____ EIS Required
_____ No EIS required. Project is consistent with HUD environmental policies and requirements and is not a major Federal action significantly affecting the quality of the human environment.
_____ Further environmental review is required. Backup material is appended. Yes __ No __
Comment:

For Subdivisions only
_____ Issue Interim Form ASP-5.
Special problems involve:
Sanitary engineering _____
Site engineering _____
Site planning _____
Architecture _____
_____ Issue ASP-6
VA has been contacted. Yes __ No __

Field Inspection and Assessment made by: _____

Name	Title	Date
Name	Title	Date
Name	Title	Date
Name	Title	Date

J. *Review and comment of Environmental Clearance Officer:*

Environmental Clearance Officer Date

K. *Instructions by Chief Underwriter:*

Date

Effective date. This amendment is effective on November 4, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74-25487 Filed 11-1-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-306]

NORTHERN STATES POWER CO.

Issuance of a Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-60 to Northern States Power Company, authorizing operation of the Prairie Island Nuclear Generating Plant, Unit 2, at steady state reactor core power levels not in excess of 1650 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. The Prairie Island Nuclear Generating Plant, Unit 2, is a pressurized water nuclear reactor located at the licensee's site in Goodhue County, Minnesota.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on June 25, 2008.

A copy of (1) Facility Operating License No. DPR-60; (2) the report of the Advisory Committee on Reactor Safeguards, dated April 18, 1973; (3) the Directorate of Licensing's Safety Evaluation dated September 28, 1972, and supplements thereto; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicant's Environmental Report dated November 5, 1971, and supplements thereto; (6) the Draft Environmental Statement dated January 1973; and (7) the Final Environmental Statement dated May 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street, N.W., Washington, D.C., and the Environmental Library of Minnesota, 1222 SE 4th Street, Minneapolis, Minnesota. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 29th day of October 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-25646 Filed 11-1-74;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued two new guides in its Regulatory Guide Series. The Regulatory Guide Series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 9.2, "Information Needed by the AEC Regulatory Staff in Connection With Its Antitrust Review of Construction Permit Applications for Nuclear Power Plants," describes information needed at the construction permit stage by the Office of Antitrust and Indemnity to (1) expedite antitrust reviews in accordance with section 105c of the Atomic Energy Act, as amended; (2) assist in the selection and recommendation of appropriate license conditions as required to remedy antitrust concerns; and (3) assist in the implementation of compliance programs as required to enforce license conditions. This guide supplements, mainly through documents easily available to the applicant, the information provided to answer the Attorney General's list of twenty questions.

Regulatory Guide 9.3, "Information Needed by the AEC Regulatory Staff in Connection With Its Antitrust Review of Operating License Applications for Nuclear Power Plants," applies to the operating license stage and is the counterpart to Regulatory Guide 9.2, which applies to the construction permit stage as described above. There are no Attorney General questions relating to operating license applications as there are for construction permit applications. The two regulatory guides have the same purpose but apply to different stages of the licensing process.

Comments and suggestions in connection with improvements in any published

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guides are encouraged at any time. Public comments on Regulatory Guides 9.2 and 9.3 will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of the guides. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a))

Dated at Rockville, Maryland this 24th day of October 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-25647 Filed 11-1-74;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CORPORATION

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 9 to Facility Operating License No. DPR-28 issued to Vermont Yankee Nuclear Power Corporation which revised Technical Specifications for operation of the Vermont Yankee Nuclear Power Station, located near Vernon, Vermont. The amendment is effective as of its date of issuance.

The amendment incorporates (1) the limiting conditions for operation of the off-gas system isolation instrumentation and the associated surveillance requirements, (2) the limiting conditions for operation of the condenser low vacuum level trip on the primary containment isolation instrumentation and the associated surveillance requirements, and (3) clarification of the intent for the limiting conditions for operation of the core and containment cooling systems availability during refueling and the associated surveillance requirements.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated August 23, 1974, (2) Amendment No. 9 to License No. DPR-28, with Change No. 20, and (3) the Commission's concurrently issued related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Brooks Memorial Library at 224 Main Street, Brattleboro, Vermont 05301. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 23d day of October 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.74-25699 Filed 11-1-74;8:45 am]

[WPPSS Hanford No. 1 and No. 4; Docket Nos. 50-460, 50-513]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Order for Special Prehearing Conference

Notice is hereby given that, pursuant to the Atomic Energy Commission's "Notice of Receipt of Amended Application for Construction Permits and Facility Licenses and Notice of Hearing on Amended Application for Construction Permits; Time for Submission of Views on Antitrust Matters" (Notice of Hearing) published in the FEDERAL REGISTER on September 18, 1974 (39 FR 33588), and in accordance with § 2.751a of the Commission's Rules of Practice, 10 CFR Part 2, a special prehearing conference will be held in the above-captioned proceeding on December 5, 1974, at 10 a.m. local time in the Columbia Room, Hanford House, 804 George Washington Way, Richland, Washington. This prehearing conference will be held before the Atomic Safety and Licensing Board (the Board) established in the Notice of Hearing and composed of Dr. Donald P. deSylva and Dr. Marvin M. Mann as technical members, and Daniel M. Head as Chairman.

The application which is the subject matter of this proceeding has been made by the Washington Public Power Supply System (WPPSS) for construction permits for two pressurized water nuclear power plants (the facilities) which are identified as WPPSS Nuclear Power Project Nos. 1 and 4. Each of the plants will be designed for operation at approximately 3600 megawatts thermal with a net electrical output of 1206 megawatts. The proposed facilities are to be located at the Applicant's site 17 miles southeast of the Hanford No. 1 site, on the Hanford reservation in Benton County, near Richland, Washington.

This special prehearing conference shall deal with the following matters:

1. Identification of the key issues;
2. Any steps necessary for further identification of the issues;
3. Outstanding petitions for intervention;
4. All pending motions;
5. The need for discovery, and the time required therefor;
6. Establishment of a schedule for further action;
7. Disposition insofar as is possible of all matters that were pending before the Board prior to the amendment relocating the site for WPPSS Nuclear Project No. 1 and the amendment adding the application for a construction permit for WPPSS Nuclear Project No. 4; and
8. Such other matters as may aid in the orderly disposition of the proceeding.

At the special prehearing conference, the Board will entertain oral argument on the outstanding petitions to intervene. The petitioners, as well as the parties, will be heard in this regard. The Board will expect to be advised on issues relating both to the interest and to the contentions of the various petitioners.

Members of the public are invited to attend this prehearing conference as well as the evidentiary hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances pursuant to § 2.715 (a) of the Commission's Rules of Practice, 10 CFR Part 2, may identify themselves at this prehearing conference but oral or written statements to be presented by limited appearances will not be received at this conference. The Board will receive such statements at the aforementioned evidentiary hearing.

The attorneys for the respective parties and any petitioners for intervention are directed to confer in advance of this special prehearing conference, in such manner as they may deem appropriate, and report to the Board at said conference on any stipulations regarding interest and/or matters in controversy, and on any other mutually agreeable procedures to expedite this proceeding.

Issued at Bethesda, Maryland, this 29th day of October 1974.

By Order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.74-25648 Filed 11-1-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-10-147; Docket Nos. 25911, 26262]

HUGHES AIRWEST

Order To Show Cause and Granting Temporary Exemption

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of October 1974.

In the matter of application of Hughes Airwest for amendment of its certificate of public convenience and necessity for Route 76F and application of Hughes Airwest for temporary exemption authorizing service to Edmonton, Alberta, Canada on Route 76F.

By Order 74-4-31, dated April 4, 1974, the Board authorized Hughes Airwest (Airwest) to serve Edmonton, Alberta, Canada, on Route 76F (Spokane-Calgary). The authority was to be effective until October 31, 1974, to coincide with the duration of the Spokane World's Fair.

On July 29, 1974, Airwest applied for an extension of the exemption granted in Order 74-4-31 for a period of one year or until final action is taken on its certificate amendment application (Docket 25911). Concurrently, the carrier filed a petition for an order to show cause why its certificate for Route 76F should not be amended by adding Edmonton as a coterminal point with Calgary, as requested by Airwest's application in Docket 25911.

In support of its requests, Airwest states that the Air Transport Agreement between the United States and Canada names Edmonton as a coterminal with Calgary on the route to Spokane; that, since Airwest holds a certificate authorizing nonstop service between Calgary and Spokane, only it can be granted authority to serve Edmonton on this route; that, since Airwest is already serving Edmonton pursuant to its exemption authority, it would be an undue burden to require it to suspend its service for the period during which the Board is processing its certificate amendment application; that the services it has been providing at Edmonton have been more successful than anticipated, resulting in a monthly profit of $7,350; and that the show cause procedure is appropriate for awarding the authority requested, especially in view of the lack of objections to the original exemption request and the simple extension of Airwest's existing Spokane-Calgary route involved in this request.

No answers have been filed to Airwest's applications or to its petition.

Upon consideration of Airwest's pleadings and all relevant facts, we have decided (a) to extend the authority granted in Order 74-4-31 until 60 days after Board action on the carrier's certificate amendment application in Docket 25911, and (b) to issue an order to show cause which proposes to grant the requested amendment to Route 76F. We note that no person has objected either to the exemption request or to the petition for an order to show cause. Moreover, the carrier's services to Edmonton pursuant to its exemption authority have provided significant public benefits with revenues in excess of those anticipated and its request for an extension of exemption authority is for a limited time. Accordingly, we find that enforcement of section 401 of the Act, to the extent that it would otherwise prevent the carrier from providing not more than two daily round trips beyond Calgary to Edmonton, Alberta, Canada, on Route 76F, would be an undue burden on the carrier by reason of the limited extent of and unusual circumstances affecting its operations, and is not in the public interest.

In addition, we tentatively find and conclude that the public convenience and necessity require the amendment of Airwest's certificate for Route 76F so as to add Edmonton, Alberta, Canada, as a coterminal point with Calgary on said route. In support of our ultimate conclusion, we make the following tentative findings and conclusions. The new bilateral agreement between the United States and Canada provides for the addition of Edmonton on the Spokane-Calgary route, and Airwest is the only United States carrier authorized to provide service between Spokane and Calgary. Further, the authority requested involves simply the extension of Airwest's existing Spokane-Calgary route to Edmonton, thus requiring only a limited expenditure of additional resources. Finally, the grant of Airwest's application will permit the carrier to provide improved service to the traveling public,[1] while providing increased revenue for Airwest,[2] without an adverse impact on any other carrier.[3] The authority will be subsidy-ineligible.

Interested persons will be given twenty days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Hughes Airwest, be and it hereby is temporarily exempted from the provisions of section 401 of the Act, insofar as they would otherwise prevent Airwest from providing not more than two daily round trips beyond Calgary to Edmonton, Alberta, Canada, on Route 76F;
2. The portion of the flights between Calgary and Edmonton shall be ineligible for subsidy;
3. The authority granted in 1 above shall be effective on the service date of this order, and shall continue in effect until 60 days after final Board decision in Docket 25911;
4. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Hughes Airwest's certificate of public convenience and necessity for Route 76F (United States-Canada route) so as to add Edmonton, Alberta, Canada, as a coterminal point thereto;
5. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 8 below a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [4]
6. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;
7. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;
8. A copy of this order shall be served on Hughes Airwest; Northwest Airlines; Western Air Lines; Mayor, City of Spokane; and Governor, State of Washington; and
9. The exemption authorized herein may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25654 Filed 11-1-74;8:45 am]

[1] Data submitted by Airwest indicates that during June, July, August, and the first 14 days of September, it transported 7,438 passengers on its Edmonton services, or approximately 70 passengers per day. This level of traffic exceeded the expectations of the carrier by a substantial margin.

[2] The carrier indicates that the services provided during the month of June, the first full month of operations, produced a profit of $7,350 after allowance for full economic return. This result is to be contrasted with earlier forecasts of an economic loss for the first year of operations.

[3] We further tentatively find that Airwest is a citizen of the United States within the meaning of the Act and is fit, willing and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations and requirements thereunder. We also tentatively find that the proposed new authority should be granted on a subsidy-ineligible basis.

[4] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

[Order 74-10-140; Docket 25280]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority October 29, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 16, 1974.

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Specific commodity item No.:
Description and rate
9009..... Imitation jewelry, fancy novelties, personal ornaments—excluding cloth, wearing apparel, textile articles, watches and clocks; 333 cents per kilogram, minimum weight 100 kg; 249 cents per kilogram, minimum weight 500 kg; from Johannesburg to New York/Montreal.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24726 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25656 Filed 11-1-74;8:45 am]

[Order 74-10-139; Docket 26494]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Passenger Fare Matters

Issued under delegated authority October 29, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements were adopted at the Composite Passenger Traffic Conference in San Diego during September 1974.

By Order 74-8-117, August 29, 1974, the Board disapproved an IATA agreement proposing increases in U.S. west coast-Mexico fares. Agreement C.A.B. 24680 now before us would re-establish the affected fares at the levels specified prior to conclusion of the disapproved agreement.

Agreement C.A.B. 24682 would amend existing IATA resolution 014g (Special Construction Rule South West Pacific—TC1), which permits combination of certain TC3 (Asia/Australasia) and JT31 (Transpacific) promotional fares, to prohibit use of the constructed fares in reduced fare concessions for travel agents. The amendments would also prohibit absorption of passenger expenses en route, but would allow application of children's discounts. Resolution 014g, which has been approved by the Board, has no direct application in air transportation as defined by the Act.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions which are incorporated in the agreements indicated are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24680:			
R-1	051	(Expedited) Special Fares Adjustment Resolution (New)	1
R-2	061	(Expedited) Special Fares Adjustment Resolution (New)	1
R-3	070aa	(Expedited) Special Fares Adjustment Resolution (New)	1
R-4	084ee	(Expedited) Special Fares Adjustment Resolution (New)	1
24682	014g	Special Construction Rule South West Pacific—TC1 (Amending)	3/1

Accordingly, it is ordered, That:

Agreements C.A.B. 24680, R-1 through R-4, and C.A.B. 24682 be and hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25655 Filed 11-1-74;8:45 am]

CIVIL SERVICE COMMISSION

POLICEMAN, HINES, ILLINOIS

Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11721, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

Occupational Coverage. GS-083 Policeman.
Geographic Coverage. Hines, Illinois.
Effective Date. First day of the first pay period beginning on or after November 10, 1974.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$8,355	$8,608	$8,861	$9,114	$9,367	$9,620	$9,873	$10,126	$10,379	$10,632
GS-5	9,006	9,349	9,632	9,915	10,198	10,481	10,764	11,047	11,330	11,613

Under provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25482 Filed 11-1-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

OHIO STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commisison on Civil Rights, that a planning meeting to the Ohio State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on November 23, 1974, at the Academy for Contemporary Problems, 1501 Neil Avenue, Columbus, Ohio 43201.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to begin planning for the release of the Ohio prison report.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-25576 Filed 11-1-74;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on December 2, 1974, at the John Marshall Hotel, Fifth and Franklin Streets, Richmond, Virginia 23220.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, NW., Washington, D.C. 20037.

The purpose of this meeting shall be to discuss activities to be undertaken by the Virginia SAC during the remainder of FY 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., October 29, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-25577 Filed 11-1-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[289-4; OPP-32000/186]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, S.W., Washington, D.C. 20460.

On or before January 3, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under Section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the Federal Register of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired (January 3, 1974). If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 3, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 1029-REN. Aidex Corp., 1024 N. 17th St., Omaha NB 68102. COPPEX EMULSIFIABLE LIQUID COPPER FUNGICIDE. Active Ingredients: Copper salts of fatty and rosin acids 48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8773-RG. American Fertilizer & Chem. Co., PO Box 98, Henderson CO 80640. AQUA KLEER WEED KILLER FOR SUBMERGED WEEDS. Active Ingredients: Xylene 98.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10932-I. Aqua-Serv Engineers, Inc., 2431 E. 56th St., Los Angeles CA 90058. A-109 MICROBIOCIDE. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 34%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185-ETT. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. BIO-KLEEN LBC—101. Active Ingredients: Hydrogen Chloride 7.20%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 0.50%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10806-GO. Contact Industries, Inc., 850 S. Oyster Bay Rd., Hicksville NY 11801. CONTACT POWER ROACH KILLER SPRAY. Active Ingredients: Silica Gel 4.5%; Pyrethrins 0.1%; Technical Piperonyl Butoxide 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34882-E. Diall Chemical Corp., PO Box 14347, Orlando FL 32807. SUPER DI-ALL ADVACIDE 340-A. Active Ingredients: Bis (Tri-n-butyltin) Oxide 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 14800-I. Echol Chemical Formulators, Inc., PO Box 1765, Lakeland FL 33802. MICRONIZED DUSTING SULPHUR. Active Ingredients: Sulphur 93%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 14800-2. Echol Chemical Formulators, Inc., P.O. Box 1765, Lakeland, FL 33802. MICRONIZED COPPER SULPHUR. Active Ingredients: Sulphur 85.0%; Copper 4.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-1392. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. KOLODUST 50 THIODAN 3 DUST. Active Ingredients: Endosulfan (Hexachlorohexahydromethano-2,4,3 - benzodioxathiepin oxide) 3.3%; Sulphur 42.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8764-GA. FMC Corp., Citrus Machinery Div., PO Box 552, Riverside CA 92502. HYPO-CLOR 16. Active Ingredients: Sodium hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2124-778. W. R. Grace & Co., Agricultural Chem., PO Box 277, Memphis TN 38101. NACO DIAZINON 5 DUST. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9573-R. Harbor Chemical & Engr. Corp., 100 W. Monroe St., Ste. 706, Chicago IL 60603. HARBCO CT 85 POWDER. Active Ingredients: Disodium Phosphate 79%; Sodium Bisulphite 8%; Sodium pentachlorophenate 3.95%; Sodium salts of other chlorophenols 0.55%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34130-E. Leahchem Industries, Inc., PO Box 5504, Titusville FL 32780. LEAHCHEM'S KILLTEX -G-3. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide. Technical 1.0%; Petroleum distillate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34130-R. Leahchem Industries, Inc., PO Box 5504, Titusville FL 32780. LEAHCHEM'S KILLTEX -G-1 CONCENTRAT FLY & INSECT SPRAY. Active Ingredients: Pyrethrins 0.1%; Piperonyl Butoxide, Technical 0.5%; Petroleum Distillate 99.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 802-LEL. The Chas. H. Lilly Co., 109 S.E. Alder, Portland OR 97214. MILLER'S TOMATO BLOSSOM SET. Active Ingredients: Parachlorophenoxyacetic Acid 0.0050%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34871-R. C. E. McMurdo Co., PO Box 11081, Portland OR 97211. CEMCOCIDE. Active Ingredients: Orthophenylphenol, Sodium Salt 23%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34856-R. Monroe Chemical Co., Inc., 36 Draffin Rd. PO Box 810, Hilton NY 14468. THE ENFORCER A BACTERICIDE AND FUNGICIDE. Active Ingredients: Hexahydro-1,3,5,-tris (2-hydroxethyl)-s-triazine 39.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 359-ATI. Rhodia Inc., Chipman Div., 23 Belmont Dr., Somerset NJ 08873. RONSTAR. Active Ingredients: 2-tert-butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ-1,3,4-oxadiazolin-5-one 24.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34900-R. Universal Chemical Products, 1935 S. Main St., Suite 407, Salt Lake City UT 84115. BUG OUT GRAIN FUMIGANT. Active Ingredients: Carbon Tetrachloride 78.2%; Carbon Disulfide 19.5%; Petroleum Ether 1.2%; Sulfur Dioxide 1.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7923-U. Webfoot Fertilizer Co., Inc., 201 S.E. Washington St., Portland

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OR 97214. WEBFOOT BRAND MOSS KILLER & LAWN FOOD 6–0–0. Active Ingredients: Ferrous Sulphate 65.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 20954–E. Zoecon Corp., 975 California Ave., Palo Alto CA 94304. ALTOSID CP–10 (CATTLE PREMIX 10%). Active Ingredients: [Isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate] 10.0%. Method of Support: Application proceeds under 2(b) of interim policy.

Dated: October 25, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–25564 Filed 11–1–74;8:45 am]

FEDERAL MARITIME COMMISSION

CONTINENTAL/U.S. GULF FREIGHT ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

EXTENSION OF AGREEMENT

Notice of Agreement Filed by:
Howard A. Levy, Esquire
Suite 727
17 Battery Place
New York, New York 10004

Agreement No. 9988–4, among the members of the above-named rate agreement, extends the effective period of the Agreement's inland European authority for an unlimited period or for such period as the Commission may deem appropriate.

Dated: October 30, 1974.

By Order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–25664 Filed 11–1–74;8:45 am]

[Docket No. 74–48]

COPPER DEVELOPMENT ASSOCIATION INC. AND NORTH ATLANTIC CONTINENTAL FREIGHT CONFERENCE, ET AL.

Filing of Complaint

OCTOBER 29, 1974.

Notice is hereby given that a complaint filed by the Copper Development Association, Inc. against the North Atlantic Continental Freight Conference, the North Atlantic United Kingdom Freight Conference and the North Atlantic French Atlantic Freight Conference and their members, alleging violation by respondents of sections 16, 17 and 18(b)(5) of the Shipping Act, 1916 in connection with assessment of rates for the transport of copper was served October 29, 1974.

Hearing in this proceeding shall commence on or before May 4, 1975.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–25662 Filed 11–1–74;8:45 am]

K. C. AIR FREIGHT SERVICE

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to Section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Kennith M. Coak d/b/a K. C. Air Freight Service, 863 Malcolm Road, Burlingame, California 94010.

Trygve H. Bernhardsen d/b/a Norse Shipping Service Company, 160 Broadway, New York, New York 10038.

Janel International Forwarding Co., Inc., c/o Harold Sacks, Esq., 19 West 44th Street, Room 1509, New York, New York 10036.

Janel International Forwarding Co., Inc., Officers: James N. Jannello, President; Joseph F. Ryan, Vice President; Karl H. Roessner, Secretary/Treasurer.

Dated: October 30, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–25663 Filed 11–1–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI74–196]

AMOCO PRODUCTION CO.

Order Setting Date for Hearing

OCTOBER 24, 1974.

On March 29, 1974, Amoco Production Company (Amoco) filed a petition for special relief seeking a rate increase in excess of the applicable area ceiling set in Opinion No. 586, Area Rate Proceeding, et al., Hugoton-Anadarko Area, Docket No. AR64–1, et al. By order issued August 12, 1974, the application was dismissed and interventions were granted to Mobil Oil Corporation (Mobil), Phillips Petroleum Company (Phillips), City of Norwich, Kansas, Public Service Company, Inc., Union Gas Systems, Inc., Midwest Industrial and Commercial Gas Users Association and Armco Steel Corporation, Missouri Public Service Company, Cities Service Gas Company (Cities), City Group Gas Defense Association, and Gas Service Company. The State Corporation Commission of the State of Kansas filed a notice of intervention.

Following the issuance of our August 12, 1974, order dismissing the application, petitions for rehearing or motions in support thereof were submitted by Amoco and intervenors Cities, Gas Service Company, Union Gas Systems, Inc., Midwest Gas Users Association, and the State Corporation Commission of Kansas. On October 4, 1974, we issued an order that granted the applications for rehearing for the purposes of further consideration. After such consideration we have determined to rescind our prior order dismissing the application, and to set this matter for hearing for the reasons expressed below. A proper understanding of the basis for our decision in this proceeding requires that we reiterate the factual predicate of the Amoco petition as first expressed in our order of August 12, 1974.

Amoco entered into a March 1, 1974, agreement amending its base June 23, 1950, contract with Cities Service Gas Company (Cities) for gas sold from the Hugoton Field, Kansas, pursuant to Amoco's FPC Gas Rate Schedule No. 84. Under the agreement the rate for gas produced from the Panoma-Council Grove Field would be increased from 18.50325 to 38.50325 cents per Mcf and gas from all other formations would be sold at a base rate of 33.5 cents per Mcf instead of the currently effective base rate of 13.5 cents per Mcf. Amoco will realize approximately $23 million in annual additional revenue should the rate increases be permitted.

In consideration for the rate increases Amoco entered into an Exploration and Development Agreement dated March 1, 1974, with Cities. This agreement provides that a portion of the additional revenue from the rate increase will be used to accelerate Amoco's drilling program in the Council Grove Formation of the Hugoton Field. Additionally, part will be expended in the exploration of over one million acres of land in the State of Wyoming presently under lease to Amoco. Amoco avers that the Wyoming acreage is expected to produce an estimated 2 trillion cubic feet of gas for the Cities system from new wells.

The March 1, 1974, agreement commits Amoco to spend $8 million for exploration in Wyoming during 1974 regardless of Commission action, and certain additional sums in 1975 and 1976 provided the Commission approves the Hugoton rate increase. The initial price of the gas to be sold to Cities in Wyoming is the higher of the best price obtainable at the time of purchase in the area, or 50 cents per Mcf.

The essence of the Amoco proposal is that a certain portion of the requested rate increases for flowing gas from the Hugoton Field paid by Cities will be used to develop acreage in the State of Wyoming already leased by Amoco. Provided certain conditions set forth in the March 1, 1974 agreement are met, the Wyoming gas will be sold to Cities pursuant to the terms set forth previously. Nowhere in the original application nor the material submitted by Amoco in support thereof is there any assurance by it that gas produced as a result of the expenditure of funds provided by the interstate consumers of Cities will be sold in interstate commerce. Additionally, it will be necessary for Amoco, in order to demonstrate that its application is in the public interest, to show by convincing evidence exactly what the relationship is or will be between the Cities consumers who are supplying the funds for the Wyoming exploration program and the benefits to be derived by those consumers from the money thus expended.

To the extent that the customers of Cities Service would be providing the financing for a prospective exploration and development program, the Amoco proposal resembles earlier applications filed before this Commission by Panhandle Eastern Pipe Line Company and Pan Eastern Exploration Company in Docket Nos. CP71–237 and CI71–714,[1] Natural Gas Pipeline Company of America in Docket No. RP73–63,[2] and by Colorado Interstate Gas Company and CIG Exploration, Inc. in Docket Nos. CP73–184 and CI73–485.[3] Because of the similarities between these pipeline production cases and the Amoco application, in the instant proceeding Amoco should be prepared to demonstrate either its willingness to abide by the requirements set forth by this Commission in those earlier cases, where applicable, or, by clear and convincing proof, show how the circumstances in this particular case differ sufficiently from those in the pipeline production cases so to warrant a deviation by the Commission from established policy.

In this regard, specific attention should be paid by the proponents of the Amoco application to the fact that the Commission will judge the instant proposal in its entirety. Contrary to the assertion of Amoco, it is difficult to sever consideration of the Hugoton flowing gas rate increase and development program from an examination of the proposal for the exploration of the Wyoming acreage and the commitment of the gas produced therefrom. Therefore, it is incumbent upon the applicant to express in detail the costs of both the further development of the Council Grove Formation and of the Wyoming exploration and development.[4]

Another of the primary considerations in the analysis of the Amoco application is the price at which both the Hugoton and Wyoming gas will be sold. The Acomo proposal with regard to the Hugoton flowing gas rate increase postulates rates of 33.5 and 38.50325 cents per Mcf until such time as the Commission issues its decision in Docket No. R–478, Nationwide Rulemaking To Establish Just And Reasonable Rates For Natural Gas Produced From Wells Commenced Before January 1, 1973. On September 12, 1974, in that docket, was issued a Notice Issuing Staff Rate Recommendation And Prescribing Procedures which proposed a rate of 24.5 cents per Mcf as the just and reasonable rate that would apply in the instant proceeding. Admittedly this proposal by our staff is not a final Commission determination. Nevertheless, Amoco should be prepared at the hearing to prove that its proposed rates are just and reasonable in the circumstances presented and more in the overall public interest than the 24.5 cents per Mcf figure, with specific reference to the potential impact of the rate proposed upon Cities' customers.

With respect to the production, if any, from the Wyoming program, the March 1, 1974 agreement states that Cities will pay either 50 cents per Mcf or the highest price then being paid in the area, whichever is higher. Since, as we have previously stated, the Amoco application will be considered in its entirety, a more definite understanding of the price to be paid by Cities for the Wyoming gas is necessary for us to judge whether or not the Amoco program is in the public interest. In this regard, Amoco should be aware prior to making its presentation that, in the absence of clear and convincing proof to the contrary, the Commission considers that the Wyoming production will be sold in the interstate market at the price determined pursuant to the provisions of Opinion No. 699,[5] as such may be modified in the future.

The deficiencies of information in the material submitted thus far as outlined above with regard to cost data, the commitment of the gas from the Wyoming program, the impact of the rate increases on the Cities' customers, the disposition by Amoco of the funds derived from those rate increases, and the exact amount of both the rate increases and the price for the new gas production in Wyoming require that this application be set for hearing to provide a forum within which Amoco and all parties may present evidence on these issues and on any other matters considered by them to be relevant to this proceeding. A further reason for our decision to set this case for hearing is the uniqueness of the Amoco proposal, which is to use part of a rate increase in one area to explore for and develop reserves in another area. We hope that the parties will address themselves to this point and that there will be testimony and evidence presented as to whether or not such a proposal as Amoco has made is in the overall public interest.

All the interventions granted by the Commission in its August 12, 1974 order are considered to be still in full force and effect.

The Commission finds: It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14, and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), Docket No. RI74–196 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on December 10, 1974, 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission,

[1] Opinion No. 626, 48 FPC 518 (issued September 20, 1972), *rehearing denied*, Opinion No. 626–A, 48 FPC 1192 (issued November 17, 1972).

[2] Order Adopting Settlement Proposal, Authorizing Sale Of Gas At Applicable Area Rates, Authorizing Amendments Of Purchase Gas Adjustment Clause, and Terminating Proceedings, 50 FPC 368 (issued August 3, 1973).

[3] Order Approving Settlement Proposal, Authorizing Sales Of Natural Gas At Applicable Area Rates, And Terminating Proceedings, 50 FPC — (issued January 7, 1974).

[4] *See* George Mitchell & Assoc., Docket No. RI73–60, Opinion No. 649, 49 FPC 424, Opinion No. 649–A, 49 FPC 1434, *rev'd sub nom.*, MacDonald v. F.P.C., — F. 2d —, No. 73–1715 (D.C. Cir. September 19, 1974). The time for filing a petition for certiorari has not yet expired.

[5] Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Opinion No. 699, Docket No. R–389–B, — FPC — (issued June 21, 1974), *as amended*, Opinion No. 699–A, — FPC — (issued August 2, 1974), *rehearing granted*, — FPC — (issued August 2, 1974), Opinion And Order On Rehearing Reinstating And Amending The Emergency Sales Provisions Of Section 157.29 (18 CFR § 157.29)) And The Limited Term Certificate Authority Of Section 2.70(b)(3) (18 CFR § 2.70(b)(3)) And Reserving Decision On The Merits Of All Other Issues Raised By Petitions For Rehearing Of Opinion No. 699 For Further Consideration, Opinion No. 699–B, Docket No. R–389–B, — FPC — (issued September 9, 1974), *as amended*, Declaratory Order On Petition For Clarification Of Opinion And Order On Rehearing, Opinion No. 699–C, — FPC — (issued September 26, 1974), *as amended*, Declaratory Order On Petition For Clarification, Opinion No. 699–D, — FPC — (issued October 9, 1974).

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825 North Capitol Street, NE, Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR § 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Amoco and any intervenor supporting the application shall file their direct testimony and evidence on or before November 12, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before November 26, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before December 3, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all parties to the proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25634 Filed 11-1-74;8:45 am]

[Docket No. CP74-329]

ATLANTA GAS LIGHT CO. AND SOUTHERN NATURAL GAS CO.

Notice of Advancement of Hearing Date

OCTOBER 29, 1974.

On October 23, 1974, Atlanta Gas Light Company and Columbia Nitrogen Corporation filed a motion for advancement of the hearing date fixed by Order Issued September 23, 1974, in the above-designated matter. The motion states that none of the parties oppose the change.

Upon consideration, notice is hereby given that the hearing date is rescheduled for November 4, 1974, at 10 a.m., e.s.t.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25619 Filed 11-1-74;8:45 am]

[Docket No. E-9037]

BOSTON EDISON CO.

Notice of Rate Schedule Filing

OCTOBER 25, 1974.

Take notice that on September 3, 1974, the Boston Edison Company (Edison) tendered for filing its proposed initial rate schedule for subtransmission service to the New England Power Company (NEPCO) on Edison's existing 14/24 kv subtransmission facilities which connect NEPCO's Quincy-Weymouth Service Area with Edison's higher voltage power supply transmission facilities.

Subtransmission service for NEPCO is scheduled to commence on November 1, 1974, and accordingly, that date is the proposed effective date of the tendered rate schedule.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-25632 Filed 11-1-74;8:45 am]

[Docket No. E-8810]

BOSTON EDISON CO.

Notice of Further Extension of Procedural Dates

OCTOBER 29, 1974.

On October 21, 1974, Boston Edison Company filed a motion to extend the procedural dates fixed by order issued June 21, 1974, as modified by notice issued September 9, 1974, in the above-designated matter. The motion states that the other parties concur.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Company's Rebuttal testimony, November 19, 1974.
Hearing, November 25, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25628 Filed 11-1-74;8:45 am]

[Docket No. CP75-121]

CITIES SERVICE GAS CO.

Notice of Application

OCTOBER 29, 1974.

Take notice that on October 16, 1974, Cities Service Gas Company (Applicant), P.O. Box 25128, Oklahoma City, Oklahoma 73125, filed in Docket No. CP75-121 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continued operation of pipeline, measuring, regulating and appurtenant facilities and the sale of natural gas to the Mulhall Natural Gas Company for resale in and about the city of Mulhall, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that this sale commenced in 1931 to Mulhall Gas Company for resale in and about the city of Mulhall, Oklahoma. Mulhall Gas Company has now sold its natural gas distribution system interests in Mulhall, Oklahoma, to Mulhall Natural Gas Company, which will operate the local distribution system.

The application states that Mulhall, Oklahoma, is a community with a population of 250, located on Applicant's Oklahoma City 20-inch pipeline in Logan County, Oklahoma. Applicant requests authorization to continue the sale of natural gas to the Mulhall Natural Gas Company for distribution in and about the city of Mulhall under Applicant's FPC Rate Schedules F-1, C-1 and I-1. Applicant states further that the original cost of the facilities to it was $1,850.94 and that no new facilities are required for such sale. The application states that no new sales are proposed through these facilities and their continued operation will not materially affect Applicant's overall system operation.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25625 Filed 11-1-74;8:45 am]

[Docket No. RP75-8]

COMMERCIAL PIPELINE COMPANY, INC.

Notice of PGA Filing

OCTOBER 29, 1974.

Take notice that on October 15, 1974 Commercial Pipeline Company, Inc. (Commercial) tendered for filing Revised Sheet No. 3A reflecting a current adjustment of 1.37¢ per Mcf and a cumulative adjustment of 1.37¢ per Mcf. Commercial states that this revision was prepared as quickly as possible after filing Revised Sheet No. 7A requiring tariff changes under PGA clause to be filed 45 days prior to the effective date of such changes. Commercial requests waiver of said waiting period as they assert this would eliminate irreparable harm caused by such delay in cost recovery. Commercial requests the earliest possible effective date.

Any person desiring to be heard or to protests said filing should file a petition to intervene or protest with the Federal Power Commission, 824 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25633 Filed 11-1-74;8:45 am]

[Docket No. E-9065]

CONNECTICUT LIGHT & POWER CO.

Notice of Amendment To Purchase Agreement

OCTOBER 29, 1974.

Take notice that on October 17, 1974, the Connecticut Light and Power Company (CL&P) tendered for filing an amendment to the Northfield Mountain Purchase Agreement (Agreement) dated October 1, 1971. The Agreement is between (1) CL&P, The Hartford Electric Light Company (HELCO) and Western Massachusetts Electric Company (WMECO) and (2) Montaup Electric Company. The amendment changes the Purchaser's Entitlement Percentage from 2.4 percent to 3.34 percent for the month of October. CL&P states that the previously filed Agreement is unchanged in all other respects.

CL&P states that the purpose of the change is to permit the Purchaser of service under the Agreement to increase the Purchaser's overall entitlement in the Northfield Project during the month of October from 24,000 kilowatts to 33,400 kilowatts.

Certificates of concurrence by HELCO and WMECO were attached to this filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25631 Filed 11-1-74;8:45 am]

[Docket No. RI75-46]

EXXON CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

OCTOBER 23, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI75-46	Exxon Corp.	357	41	Columbia Gas Transmission Corp. (Garden City et al. Fields, Vermilion *et al.* Parishes, Southern and offshore Louisiana).	$5,765,828	9-23-74		11-28-74	¹ 25.375	¹ 27.3766	
					562,614	9-23-74		11-26-74	³ ² 21.262	³ ² 23.0203	

*Pressure base is 15.025 lb/in²a.
¹ Applicable to acreage subject to Louisiana taxing jurisdiction.
² Applicable to acreage in Federal domain.
³ Weighed average price inclusive of price adjustment factors allegedly pursuant to Sept. 19, 1972, amendment.

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While Exxon's proposed rates do not exceed the applicable just and reasonable ceiling established in Opinion No. 598 on a weighted average basis, there is a question presented here as to whether Exxon is entitled contractually under the September 19, 1972 amendment to its basic contract to file for the proposed rates. Accordingly, we shall suspend Exxon's filing for one day from the date it would otherwise become effective under Opinion No. 598 [1] pending resolution of the contract issue.

[FR Doc.74-25552 Filed 11-1-74;8:45 am]

[Docket No. CP66-110, *et al.*]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Petition To Amend

OCTOBER 29, 1974.

Take notice that on September 30, 1974, Great Lakes Gas Transmission Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP66-110, et al., a petition to amend the orders issued in said dockets pursuant to section 3 of the Natural Gas Act by authorizing Petitioner to pay to TransCanada PipeLines Limited (TransCanada) $1.00 per Mcf of gas imported from Canada at a point near Emerson, Manitoba, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

Petitioner states that its sole source of gas supply is that gas it is authorized to import from Canada, which it purchases from TransCanada, and that, as a result of the policy announced by the Canadian government on September 19, 1974, the price of said gas will increase to $1.00 per Mcf, effective January 1, 1975, or, in the alternative, deliveries of said gas will cease two years after January 1, 1975, if United States importers were to exercise an option to continue to import under existing pricing conditions. Petitioner asserts that the offered option is not a viable alternative and that if the $1.00 per Mcf price is not authorized by the Commission the supply of gas thus lost will result in the cutting off of supplies to numerous communities and consumers, with catastrophic consequences.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25629 Filed 11-1-74;8:45 am]

[Docket No. E-9063]

MISSOURI POWER AND LIGHT CO.

Notice of Application for Rate Increase

OCTOBER 29, 1974.

Take notice that on October 15, 1974 Missouri Power and Light Company (Missouri) tendered for filing its proposed Municipal Electric Service Wholesale Rate (designated as MESWR). The proposed effective date is as soon as possible after August 20, 1974, and is intended to supersede FPC Electric Service Tariff No. 35.

It is Missouri's intent to apply the proposed MESWR tariff to its municipal customers when their current contracts expire. The City of Centralia, Missouri has approved of the aforementioned new rate in a contract dated August 20, 1974.

Missouri states that FPC Rate No. 49, under which it purchases approximately 90 percent of its power requirements, was changed substantially in regard to both price and rate design as a result of the decision rendered in Docket No. E-8215. The proposed MESWR rate is intended, in part, to reflect those changes. Missouri summarizes the most significant provisions of the proposed MESWR rate as follows:

(1) Demand charge (80 percent ratchet), $2.50 per Kva.

(2) Energy charge (Fuel adjustment, 56 cents per M/Btu), $.00879.

(a) 1 cent ($.01) for actual Kwh usage to 300,000 Kwh or the first 100 Kwh per Kva billing demand, whichever is greater.

(b) .85 cents ($.0085) for additional Kwh usage.

The proposed changes would increase revenues from Centralia, Missouri sales and service by $35,263 based on the 12-month period ending August 31, 1973.

Copies of this filing have been served upon the City of Centralia, Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25622 Filed 11-1-74;8:45 am]

[Docket No. E-8586 and E-8587]

PUBLIC SERVICE COMPANY OF INDIANA INC.

Notice of Extension of Time

OCTOBER 29, 1974.

On October 23, 1974, Public Service Company of Indiana, Inc., filed a motion for extension of time in which to serve their rebuttal testimony as fixed by notice issued August 16, 1974, in the above-designated matter. The motion states that all parties have been notified and have no objections.

Upon consideration, notice is hereby given that the date for filing the rebuttal testimony is extended to and including November 4, 1974. The hearing date will remain as scheduled, November 6, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25620 Filed 11-1-74;8:45 am]

[Docket No. E-9073]

PUBLIC SERVICE COMPANY OF NEW MEXICO

Notice of Filing of Rate Change and Petition for Waiver of Notice Requirement

OCTOBER 29, 1974.

Take notice that on October 21, 1974 Public Service Company of New Mexico (PNM) tendered for filing a proposed change to its FPC Transmission Rate Schedule No. 8, Supplement 1, under which service is supplied to Western Colorado Power Company (WCP). PNM states that the proposed changes would increase revenues from jurisdictional services by $11,640 over a 12 month period.

PNM alleges that the proposed increase in revenues is necessary to reflect changes in the income tax rates and the method of their application as well as changes in PNM's fixed charge rate. PNM further states that inasmuch as the parties have agreed to an effective date of May 1, 1974, and no other purchaser would be affected thereby, it requests a waiver of the notice requirements of § 35.11, FPC regulations.

Copies of this filing have been mailed to WCP and the New Mexico Public Service Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25630 Filed 11-1-74;8:45 am]

[Docket No. E-8492; Project No. 1835]

SIERRA CLUB AND NEBRASKA PUBLIC POWER DISTRICT

Order to Cease and Desist Construction, To Show Cause, and Consolidating Proceedings

OCTOBER 25, 1974.

(1) On November 5, 1973, the Sierra Club filed a complaint pursuant to section 306 of the Federal Power Act alleging that the construction of the Gerald Gentleman steam electric generating plant and associated facilities within the project boundary for North Platte-Sutherland Project No. 1835 was "a violation of the Federal Power Act and this Commission's orders and regulations in the absence of an amendment to the license for Project No. 1835." Sierra Club further requested that the Commission issue an order directing Nebraska Public Power District (NPPD) to show cause why it should not be ordered to cease and desist construction pending action by the Commission on an application for amendment to license.

(2) On December 21, 1973, NPPD filed an answer to the complaint denying that construction of the steam electric generating plant was a violation of the license for Project No. 1835. Licensee also stated that the water needed to cool the plant was obtained pursuant to new appropriations acquired under state law and alleged that these new appropriations were vested under section 27 of the Federal Power Act.

(3) While this complaint and answer were being filed, NPPD filed an Application for Approval of Non-Project Uses of Project Lands and Waters and A Revised Project Boundary on November 21, 1973. NPPD requested approval of revised exhibits for Project No. 1835 consisting of the following: (1) Exhibit K, Sheet 44, showing the recent relocation of a 115 kv transmission line and a proposed revision of the project boundary to exclude land needed for the steam electric generating plant; and (2) Exhibit K, Sheet 45, showing the location of the steam electric generating facilities, including those facilities to be used to provide cooling water from the Sutherland Reservoir, and a recently constructed 400-foot meteorology tower. The applicant further requested "any other approval as may be required to permit use of Project No. 1835 for non-project uses described in this application."

(4) On December 21, 1973, before public notice was given, the Sierra Club filed a timely petition to intervene in the matter of NPPD's application. Sierra Club's petition incorporated by reference their November 5, 1973, complaint, raised factual and legal environmental issues related to the National Environmental Policy Act, the Federal Power Act, and the provisions of the license for Project No. 1835, and requested consolidation of the application and the complaint proceedings.

(5) The answer of NPPD filed on January 7, 1974, denied that the Sierra Club had an interest in intervening or would be aggrieved by any order issued in the application proceeding and restated arguments set out in their answer to the Sierra Club's complaint. With these exceptions NPPD stated it did not oppose consolidation of the two proceedings.

(6) By order issued April 23, 1974, we granted the intervention of the Sierra Club in the application proceeding.

(7) On March 28, 1974, the Sierra Club filed an "Emergency Motion for Immediate Issuance Of Order to Cease And Desist Construction Pending Review By the Commission." In its motion the Sierra Club restated arguments contained in its earlier filings. These arguments are here set out in detail.

Article 6 of the license for this project states:

> Before starting the construction of any works related to the project, whether included in the license or not, the Licensee should file an application for amendment of license to include such works therein, and the Licensee shall not start the construction of any such works until the Commission shall have approved the plans therefor and shall have authorized the amendment of license.

Sierra Club contends that the steam electric generating facilities are "works related to the project" since they will be built within the project boundary, will utilize project water, and will involve common transmission lines.

The Sierra Club further alleges that § 5.1 of the Commission's rules of practice and procedure requires an application for amendment of license and, therefore, compliance with the preliminary environmental review criteria of § 2.81(a) of the Commission's rules of practice and procedure.

Finally, the Sierra Club states that the Commission has the "authority and duty to regulate licensees in the interest of protecting the recreational benefits which exist in connection with existing hydroelectric facilities."

On the basis of the above-noted recitals, Sierra Club requested that the Commission enter an order directing NPPD to cease and desist construction of the Gerald Gentleman steam electric generating plant pending our review of this matter.

(8) On April 16, 1974, NPPD filed its answer to the Sierra Club's motion along with a motion for leave to file the answer out of time.

In its answer NPPD alleges that Article 6 of the license only applies to "project works." Since the Commission lacks jurisdiction to license steam electric generating facilities, Article 6 is inapplicable to the construction of these facilities.

NPPD further asserts that they have the right to make minor changes in or divergence from the approved maps, plans, specifications and statements where these changes will not result "in decrease in efficiency, in material increase in cost, or in impairment of the general scheme of development" without Commission approval under the provisions of Article 4 and to submit revised exhibits reflecting these minor changes for Commission approval.

Based on its interpretation of these articles, NPPD asserts that no amendment of the license is required, that § 5.1 of the Commission's rules of practice and procedure is inapplicable, and that no environmental impact statement is required for approval or disapproval of revised exhibits because such Commission action would not be a major federal action and would have no effect on the quality of the human environment.

Finally, NPPD asserts that the Sierra Club has not made a sufficient showing to warrant issuance of an order enjoining the construction of the Gerald Gentleman steam electric generating plant pending Commission review.

(9) By letter dated April 11, 1974, the Secretary requested that NPPD file revised Exhibit K drawings and an Exhibit W to include heat budget studies of the reservoir. NPPD on May 7, 1974, filed the revised Exhibit K drawings requested but stated that the question of whether an Exhibit W must be filed is now before the Commission for decision.

(10) By letter motion dated August 5, 1974, the Sierra Club requested that the Commission act on the Emergency Motion or the Complaint in Docket No. E-8492 without further delay.

(11) By letter dated August 27, 1974, NPPD stated that the Sierra Club has failed to show that it is entitled to emergency relief and that, since there are no disputed factual issues, the Commission should rule on the disputed legal issues.

Having considered all of the above filings, we believe that the construction of these steam electric generating facilities which affect project lands and waters should be stayed pending further order of the Commission. We are, therefore, issuing an Order to Cease and Desist Construction to preserve Commission jurisdiction over the project. As long ago as October 16, 1972, NPPD was informed that an application to utilize project waters and lands must be filed along with an environmental impact statement. Yet until the Sierra Club filed its complaint on November 5, 1973, no application was filed by NPPD.

We believe such an order is necessary and appropriate within the meaning of Section 309 of the Act, 16 U.S.C. § 825h, to preserve our jurisdiction and carry out our responsibilities under the Federal Power Act and the National Environmental Policy Act of 1969.

These responsibilities are delineated by the license for the project. Article 2 of the license notes that the Sutherland Reservoir is a project work. It appears that in June, 1973, NPPD commenced site preparation work, including water diversion facilities. We believe these water diversion facilities constitute a substantial alteration or addition to a project work within the meaning of Article 4 of the license. The canal and related facilities also appear to be sub-

[1] If there were no contractual issue, the filing would become effective as of November 27, 1974, sixty five days from the date of filing.

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stantial additions to the Sutherland Reservoir. All substantial alterations or additions require prior Commission approval.

Article 6 of the license for this project has been previously noted. Prior Commission approval of plans for "works related to the project" is required before construction. NPPD alleges that "works related to the project" are the proposed project works noted in the license as distinguished from constructed project works in existence at the time of licensing. While "works related to the project" clearly applies to those proposed project works, it appears to us that this phrase in Article 6 cannot be limited to proposed project works alone. The Order Authorizing Issuance of License (Major), 3 F.P.C. 947, 948 (1943), notes that "the project was constructed without approval by this Commission of any of the plans." Indeed, the high seepage rates of the Sutherland Reservoir noted by both Sierra Club and NPPD are indicative of the lack of effective Commission review of this project before construction. Article 6 was apparently designed to insure that prior approval of unconstructed "works related to the project," not Commission approval of constructed "works related to the project," would be the norm not the exception.

NPPD was on notice that Article 6 may be interpreted as we have interpreted it. In response to a telephone inquiry by NPPD on October 19, 1972, the Chicago Regional Office by letter dated October 20, 1972, quoted Article 6 and noted that "other articles of the license may be applicable."

Article 12 of the license provides that:

> The United States specifically retains and safeguards * * * the right to require operation by the Licensee of the project works of this project, so far as such operation involves the use, storage, and discharge from storage of waters affected by this license, under such regulations * * * as the Federal Power Commission may prescribe for the protection of life, health, and property and in the interests of the fullest practicable conservation and utilization of such waters for power purposes, for irrigation and for other beneficial public uses, including recreational purposes (emphasis added).

It appears NPPD would have us approve their application for revised exhibits and later submit an application for approval of "non-project" uses. We believe the time for effective environmental review of the use of project lands and waters for cooling a steam electric generating plant is before construction. We cannot allow the construction of this facility to continue when NPPD may not be allowed to use project waters to operate and maintain the steam electric generating plant pursuant to Article 12.

We also believe that the construction, operation, and maintenance of the steam electric generating plant and related facilities constitutes an amendment to the license within the meaning of § 5.1 of our rules and regulations. 18 CFR § 5.1 (1974). For this reason, it also appears that compliance with § 2.81 of our rules and regulations is also required.

Therefore, it appears to the Commission that:

(a) The construction of the steam electric generating plant and related facilities within the project boundary is a substantial alteration or addition to a project work within the meaning of Article 4 of the license.

(b) The steam electric generating plant and related facilities are "works relating to the project" requiring prior Commission approval before construction and an application for amendment of license pursuant to Article 6 of the license.

(c) Construction, operation, and maintenance of the steam electric generating plant and related facilities within the project boundary will affect the use of project lands and waters within the meaning of Article 12. NPPD has not submitted data sufficient to show that the use of such project water for cooling purposes will lead to the "fullest practicable conservation and utilization of such water for power purposes, for irrigation and for other beneficial public uses, including recreational purposes" within the meaning of Article 12.

(d) The construction, operation, and maintenance of the steam electric generating plant and related facilities within the project boundary would constitute an amendment to the license within the meaning of § 5.1 of the Commission's rules and regulations. 18 CFR § 5.1 (1974).

(e) The construction, operation, and maintenance of the steam electric generating plant and related facilities requires compliance with § 2.81 of the Commission's Rules and Regulations 18 CFR § 2.81 (1974).

The Commission finds: (1) The construction, operation, and maintenance of steam electric generating facilities affects project lands and waters.

(2) It is appropriate and in the public interest that NPPD cease and desist construction of steam electric generating facilities within the project boundary pending further order of the Commission.

(3) It is appropriate and in the public interest that the proceedings in Project No. 1835 and Docket E-8492 be consolidated.

The Commission orders: (A) NPPD shall cease and desist any construction of steam electric generating facilities within the project boundary pending further order of the Commission.

(B) NPPD shall under oath show cause, if any there be, on or before November 15, 1974, why:

(1) The use of project lands and waters for the construction of the steam electric generating plant and related facilities within the project boundary does not require Commission approval.

(2) Section 2.81 of the Commission's rules and regulations, 18 CFR § 2.81 (1974), does not require the filing of an Exhibit W prepared in accordance with the Commission's rules and regulations.

(C) The proceedings in Project No. 1835 and Docket No. E-8492 are hereby consolidated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25627 Filed 11-1-74;8:45 am]

[Docket No. RP74-76]

SOUTHERN NATURAL GAS CO.

Order Accepting for Filing and Approving Research and Development Expenditure Clause and Permitting Interventions

OCTOBER 29, 1974.

On March 22, 1974, Southern Natural Gas Company (Southern) tendered for filing tariff sheets containing a proposed Research and Development Expenditure Adjustment Clause to be included in its FPC Gas Tariff, Sixth Revised Volume No. 1.[1] On August 22, 1974, Southern tendered for filing revised sheets to replace the sheets filed on March 22, 1974.[2] The clause is intended to track increased research and development expenditures on a current basis. Southern proposes that rate changes filed pursuant to this clause will coincide with rate changes filed pursuant to the purchased gas adjustment clause of its FPC Gas Tariff. Order No. 483, issued April 30, 1973, provided that jurisdictional companies may file a clause that provides for tracking of such expenditures.

Notice of the March 22, 1974 filing was issued on April 3, 1974, with protests or petitions to intervene due on or before April 15, 1974. Timely petitions to intervene were filed by Alabama Gas Corporation, Atlanta Gas Light Company, and South Carolina Electric and Gas Company. Notice of the August 22, 1974 filing was issued October 3, 1974, with protests or petitions to intervene due on or before October 15, 1974. No such protests or petitions to intervene have been received.

None of the petitioners requested a hearing with respect to this proposed clause. Atlanta Gas Company (Atlanta Gas), however, recommended certain changes (1) to insure that research and development expenditures chargeable to operations or given rate base treatment are actually incurred; (2) to eliminate working capital associated with this research and development; and (3) to eliminate vagueness with regard to rate of return to be used to determine the rate effect of those expenditures given rate base treatment. We believe that the revised sheets appropriately resolves the problems raised by Atlanta Gas.

Since Southern's March 22, 1974 filing, we have issued several orders approving research and development cost adjustment clauses.[3] In Consolidated, we stated "We do, however, reserve the right to reject any proposed R&D rate adjustments which do not meet the Order No. 483 definition of R&D as detailed below, or which track expenditures of the type previously disallowed by the Commission in other cases."[4] We believe that a similar reservation is required with regard to Southern's R&D tracking clause to insure protection of the consumer of natural gas.

Southern has requested an effective date of April 22, 1974 for its proposed tariff sheets. Since Order No. 483 provides that no R&D adjustment provision shall become effective until authorized by the Commission and since Southern's PGA clause provides for rate changes to be filed on January 1 and July 1, we believe that the effective date of these tariff sheets should be the date of issuance of this order. Southern, as a result of this action, will have the opportunity to adjust its rates pursuant to these tariff sheets at the first opportunity for such adjustment, January 1, 1975.

The Commission finds: (1) Good cause exists to accept for filing Southern's proposed R&D adjustment clause, tendered for filing August 22, 1974, and permit it to become effective the date of the issuance of this order: *Provided, however,* That the Commission reserves the right to reject any R&D rate adjustment filings which track expenditures of the type that do not meet the definition of R&D as we set out in the Uniform System of Accounts, Definitions 28.B, or which the Commission has previously disallowed in other cases.

(2) Good cause exists to permit the intervention of the above mentioned petitioners to intervene.

The Commission orders: (A) Southern's proposed tariff sheets, Substitute Original Sheet Nos. 45F, 45G and 45H, are hereby accepted for filing and permitted to become effective on the date of the issuance of this order; *Provided, however,* That the Commission reserves the right to reject any R&D rate adjustment filings which track expenditures of the type that do not meet the definition of R&D as set out in the Uniform System of Accounts, Definition 28.B, or which the Commission has previously disallowed in other cases.

(B) The above mentioned petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

[1] Original Sheet Nos. 45F, 45G, and 45H.

[2] Substitute Original Sheet Nos. 45F, 45G, and 45H.

[3] Michigan-Wisconsin Pipe Line Company, Docket No. RP73-102, issued June 26, 1974; Tennessee Gas Pipeline Company, Docket No. RP74-73, issued July 9, 1974; Consolidated Gas Supply Corporation, Docket No. RP75-6, issued September 24, 1974.

[4] See also Michigan-Wisconsin, *supra*, mimeo at 10.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25624 Filed 11-1-74;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Order Permitting Late Intervention

OCTOBER 29, 1974.

On October 2, 1974, the Florida Public Service Commission (FPSC) filed a petition to intervene in the above captioned docket. Southern Services, Inc. (Southern) tendered its filing in this docket on November 23, 1973. The filing was noticed by the Commission on December 3, 1973, wherein the Commission stated that protests or petitions to intervene should be filed on or before December 19, 1973. In support of its petition to intervene FPSC alleges that the rates and charges sought to be approved by the Federal Power Commission in this proceeding may have an impact upon the rates and charges that Gulf Power Company will seek to collect from its ratepayers in Florida. FPSC further states that it intends to forego the presentation of direct evidence in the above proceedings, and to limit its participation to the cross-examination of witnesses, the making of motions, presentation of arguments, and the filing of briefs. We believe that the public interest requires us to accept the untimely petition for intervention by FPSC in this proceeding and that, in view of their intent to limit their participation in this proceeding, FPSC be permitted to intervene.

The Commission finds: Participation by FPSC in these proceedings may be in the public interest and good cause exists for permitting such intervention.

The Commission orders: (A) The above named petitioner is hereby permitted to intervene in this proceeding as hereinbefore discussed, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring any procedural schedules heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25623 Filed 11-1-74;8:45 am]

[Docket No. CP73-27]

STINGRAY PIPELINE CO.

Notice of Tariff Filing

OCTOBER 29, 1974.

Take notice that on October 8, 1974, Stingray Pipeline Company (Stingray), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP73-27 a substitute Original Sheet No. 4 to Original Volume No. 1 of its FPC Gas Tariff to become effective on November 15, 1974, or such later time as Stingray commences operations under said tariff.

Stingray states that Original Sheet No. 4 contains the rate for transportation service under Rate Schedule T-1, pursuant to an agreement among Stingray, Natural Gas Pipeline Company of America and Trunkline Gas Company, and Rate Schedule T-2, pursuant to an agreement between Stingray and United Gas Pipe Line Company. Stingray states that the rate level contained in the proposed substitute Original Sheet No. 4 reflects the actual costs of the project, most of which have now been determined, rather than the projections which were originally provided. Stingray further states that the substitute rate is necessitated primarily by the increased cost of debt capital, which had been projected at 8.25 percent but which is currently at 14.4 percent.[1] Stingray points out, however, that the proposed substitute rate also reflects the reduction in estimated cost of service of approximately $1,600,000 from that underlying Stingray's initially proposed rate.

Stingray claims that the substitute rate is justifiable because Stingray must recover its cost of debt capital if it is to remain viable. Stingray asserts that, on the other hand, if the prime rate decreases it intends not to reap windfall profits but to pass the capital cost savings along to its jurisdictional customers. Accordingly, Stingray submits that it is agreeable to the conditioning of the proposed substitute rate as follows:

> If Stingray is permitted to commence operations with initial rates predicated upon its actual financing and capitalization under the April 1, 1973, Revolving Credit and Term Loan Agreement between Stingray and Continental Illinois National Bank and Trust Company of Chicago, which establishes the interest rate for each calendar quarter at a specified factor of the prime rate on the first day of such period, the current interest charge thereunder being 14.4% for the present quarter, Stingray will file a revised rate within fifteen days from the start of each quarter in which the interest charge established by such Agreement varies from the interest charge in the preceding quarter, to reflect the new interest charge but not to exceed 14.4 percent. Such filing shall be accompanied by work papers explaining calculation of the revised rate, but if limited to this item, need not include the material otherwise submitted with a change in rates under Section 154.63 of the Commission's Regulations, and shall become effective with-

[1] Stingray's debt capital is subject to interest charges which are a multiple of the prime interest rate established on the first day of each calendar quarter, at the Continental Illinois National Bank and Trust Company of Chicago (1.2 x 12%).

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out suspension as of the first day of such calendar quarter. This condition shall continue for the period in which the initial rates provided for hereunder are in effect. Following commencement of operations, Stingray may file for change in rates, pursuant to Section 4 of the Natural Gas Act, and shall be obliged to do so within 45 days following issuance of long-term debt securities other than under the April 1, 1973, Agreement as the same may be amended.

Stingray requests that the proposed substitute rate be accepted as the initial rate, inasmuch as Stingray has not yet commenced operations, and requests further that if the substitute sheet is not made effective as the initial rate that it be processed as a notice of change in rate to be made effective November 15, 1974, or as soon thereafter as possible.

Any person desiring to be heard or to make any protest with reference to said tariff filing should on or before November 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25621 Filed 11-1-74;8:45 am]

[Docket No. RP74-91-7]

TENNESSEE GAS PIPELINE CO.

Order Denying Petition for Extraordinary Relief and Prescribing Procedures

OCTOBER 18, 1974.

On September 25, 1974, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), filed in Docket No. RP74-91-7, pursuant to §§ 1.7 and 2.78 of the Commission's rules of practice and procedure a petition for extraordinary relief pendente lite requesting that the Commission order Tennessee Gas Pipeline Company, a Division of Tenneco, Inc., (Tennessee) to deliver to Tennessee Natural its pro rata share of the volume certificated at Docket No. CP73-115, et al., pending final decision in the proceedings in Docket No. CP73-115, et al., and Docket No. RP74-24. If the Commission does not grant Tennessee Natural the aforementioned relief, Tennessee Natural requests in the alternative that the Commission order Tennessee to (1) accept revised data relating to Tennessee Natural's priorities of sales and to use same in implementing its curtailment plan; (2) allow Tennessee Natural to shift a minimum of 1,500,000 Mcf of their entitlement between curtailment periods; and (3) give Tennessee Natural credit for approximately 1,600,000 Mcf of natural gas of which it was allegedly deprived by Tennessee's refusal to allow shifts of entitlements.

We shall deny Tennessee Natural's request for delivery of its pro-rata share of the volumes authorized in Docket No. CP73-115 pending final decision in the proceedings in Docket Nos. CP73-115 and RP74-24. We agree with Tennessee, who in its answer of October 8, 1974, stated, that Tennessee Natural "is in effect asking the Commission to prejudge those issues in Docket Nos. CP73-115 and RP74-24." Furthermore, we are of the opinion that a petition for relief is not the proper forum to consider the merits of a proceeding presently before the Commission, and that the grant of the requested relief would indeed prejudice any future decision.

Tennessee Natural requests in the alternative that it be allowed to revise its priorities of sales and use the revised priorities in Tennessee's curtailment plan. This would, in our estimation, be discriminatory as well as dispositive of the issue in Docket No. RP74-24, unless it were done with full consideration of its affect on each of the other customers and the system as a whole. Furthermore, the CPQE's that are referred to in Tennessee Natural's petition have been established for calendar year 1974 only and a proceeding directed toward their revision at this time would be useless.

Tennessee Natural's request for a credit for the unused portion of a previous period entitlement is in our judgment an impossibility. There is no provision in Tennessee's curtailment plan that permits Tennessee to shift unused CPQE's from a past curtailment period to a subsequent period. It would appear then that the volumes requested by Tennessee Natural are no longer available for delivery without the imposition of additional curtailment on other customers of Tennessee. It is axiomatic in the natural gas industry that gas available for delivery during any given period will be utilized during that period in one way or another.

Nor has Tennessee Natural made any showing documenting the need for the requested 1,500,000 Mcf shift between curtailment periods. The only volumes it has shown a need for are the 391,627 Mcf it claims it is curtailing in Priorities 1, 2, and 3 under Tennessee's Order No. 467-B curtailment plan. We do not however, know at this time whether Tennessee has the capability to provide Tennessee Natural with those volumes; nor do we know the affect of such action on the other customers on the Tennessee system. We shall therefore set this latter issue for hearing to determine the propriety, need, and consequences of Tennessee Natural's request. At the hearing Tennessee Natural will be expected to document its need for the requested 1,500,000 Mcf; Tennessee will be expected to provide, inter alia, evidence on the effect of Tennessee Natural's request on its other customers and therefore whether it has sufficient gas supply to provide Tennessee Natural with the additional volumes. We shall also direct Tennessee to provide to Tennessee Natural the requested 391,627 Mcf on a temporary basis for the remainder of the curtailment period. This volume shall be deducted from the quantity entitlement established for the subsequent curtailment period and shall be subject to a direct payback as may be directed by future orders in this proceeding.

The Commission finds: (1) That Tennessee Natural's request that the Commission order Tennessee to deliver to Tennessee Natural its pro rata share of the volumes authorized at Docket No. CP 73-115, pending final Commission decision in Docket Nos. CP73-115 et al., and RP74-24 should be denied.

(2) That Tennessee Natural's request that the Commission order Tennessee to accept revised data relating to Tennessee Natural's priorities of sale should be denied.

(3) That Tennessee Natural's request that the Commission order Tennessee to credit Tennessee Natural with approximately 1,600,000 Mcf of natural gas which it was entitled to take but did not during the January-March, 1974, curtailment period should be denied.

(4) That Tennessee Natural's request that the Commission order Tennessee to shift a minimum of 1,500,000 Mcf of their entitlement between curtailment periods should be set for hearing to determine, inter alia, the propriety, need and consequences of Tennessee Natural's request.

(5) That Tennessee should deliver to Tennessee Natural, on a temporary basis, 391,627 Mcf for the remainder of the April–October, 1974 curtailment period, which volumes may be subject to direct payback.

The Commission orders: (A) That Tennessee Natural's request that the Commission order Tennessee to deliver to it its pro rata share of the volumes authorized at Docket No. CP73-115, pending final Commission decision in Docket Nos. CP73-115, et al., and RP74-24 is hereby denied.

(B) That Tennessee Natural's request that the Commission order Tennessee to accept revised data relating to Tennessee Natural's priorities of sale is hereby denied.

(C) That Tennessee Natural's request that the Commission order Tennessee to credit Tennessee Natural with approximately 1,600,000 Mcf of natural gas which it was entitled to take but did not during the January–March, 1974 curtailment period is hereby denied.

(D) That Tennessee Natural's request that the Commission order Tennessee to shift a minimum of 1,500,000 Mcf of their entitlement between curtailment periods is hereby set for hearing to determine, inter alia, the propriety, need, and consequences of Tennessee Natural's request.

(E) That Tennessee is hereby directed and authorized to deliver to Tennessee Natural, on a temporary basis and subject to direct payback, 391,627 Mcf for the remainder of the April–October, 1974 curtailment period.

(F) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on November 20, 1974, at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(G) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose [see Delegation of Authority, 18 CFR 3.5(d)] shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(H) Tennessee Natural and Tennessee are to file their testimony and evidence in response to the issues set out above, on all parties, including Commission Staff on or before October 31, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25638 Filed 11-1-74;8:45 am]

[Docket No. RP74-91-1]

TENNESSEE GAS PIPELINE CO.

Order Granting Temporary Relief, Setting Formal Hearing and Prescribing Procedures

OCTOBER 18, 1974.

On September 26, 1974, the City of Ripley, Mississippi (Ripley), filed in Docket No. RP74-91-1, a petition for extraordinary relief pursuant to § 1.7 of the Commission's rules of practice and procedure requesting that the Commission order Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) to make available to Ripley an additional 45,745 Mcf over their curtailment period quantity entitlement (CPQE) for the 39-day curtailment period September 23–October 31, 1974.

Ripley states that it was informed by Tennessee that due to the effects of Hurricane Carmen it will be experiencing a deficiency of approximately 11 Bcf to November 1, 1974, and that Ripley's entitlement for the September 23–October 31, 1964 curtailment period would be 32,854 Mcf. Ripley states however that it will require 78,599 Mcf for that period and that if the additional volumes are not authorized the effect on Ripley's customers and the economy of Ripley would be substantial; resulting in severe unemployment and the closing down of many of Ripley's 29 commercial customers.

Ripley's petition indicates that the new CPQE for the September 23-October 31, 1974 period reflects a reduction of 37,646 Mcf of the volumes available. This in turn amounts to a curtailment of 5,979 Mcf in Priority 2 requirements and 31,667 Mcf in Priority 6 requirements. Ripley further indicates that an additional requirement of 8,099 Mcf had been attached subsequent to the reporting of its requirements to Tennessee producing a total deficiency of 45,745 Mcf.

We do not believe that Ripley has adequately substantiated its request for the full relief requested, and shall therefore order a formal hearing to be held to consider, inter alia, the alternate fuel capability of Ripley's interruptible customers, the propriety of Ripley having added additional requirements, the priority of service encompassed by the additional volumes, and the effect the grant of the total volumes will have on the Tennessee system. We shall however order Tennessee to supply to Ripley 6,000 Mcf for the balance of the 39-day curtailment period, subject to the condition that any volumes delivered over and above the established CPQE will be subject to payback as may be directed by future order in this proceeding.

The Commission finds: (1) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

(2) That Tennessee should increase Ripley's entitlement for the remainder of the 39-day curtailment period, subject to a possible payback condition as may be directed by future order in this proceeding.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on November 26, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(C) Ripley and Tennessee are hereby ordered and required to file their testimony and exhibits including but not limited to the issues set out above, on all parties including the Commission Staff on or before November 12, 1974.

(D) Tennessee is hereby authorized and directed to increase Ripley's entitlement for the September 23–October 31, 1974, curtailment period by 6,000 Mcf subject to a payback requirement as may be directed by future orders in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25636 Filed 11-1-74;8:45 am]

[Docket No. RP74-91-8]

TENNESSEE GAS PIPELINE CO.

Order Granting Temporary Relief, Setting Formal Hearing, and Prescribing Procedures

OCTOBER 18, 1974.

On September 27, 1974, East Tennessee Natural Gas Company (East Tennessee), filed in Docket No. RP74-91-8 a petition for relief from certain provisions of the curtailment plan of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) pursuant to § 1.7(b) of the Commission's rules of practice and procedure. East Tennessee states that on September 20, 1974, it was informed by Tennessee that commencing on September 23, 1974, and continuing through October 30, 1974, its curtailment period quantity entitlement (CPQE) would be reduced from 11,354,395 Mcf to 7,605,094 Mcf. A reduction of 3,749,301 Mcf for the period, September 23–October 31, 1974. East Tennessee states that if the relief requested herein is not granted, it will cause severe economic disruption within its service area. East Tennessee therefore requests that the Commission order Tennessee to increase its CPQE for the 39-day curtailment period (September 23–October 31, 1974) by up to 1,000,000 Mcf, and decrease its CPQE for the November–December 1974 curtailment period by the same amount; and that the Commission waive the minimal filing requirements of § 2.78(b) of the Commission's rules and regulations.

We shall grant East Tennessee's request for the waiver of § 2.78(b) of our rules and regulations since it is not seeking relief from the priorities of deliveries contained in Tennessee's curtailment plan, nor is it requesting an increase in its total CPQE for the two curtailment periods that are involved herein. We shall also direct and authorize Tennessee to increase East Tennessee's CPQE for the September 23–October 31, 1974, curtailment period by up to but not exceeding 1,000,000 Mcf as requested. The volumes actually delivered to East Tennessee, over and above the currently effective quantity entitlement shall be subject to a payback requirement as may be directed by future orders in this proceeding. We shall also set the matter for formal hearing. At the hearing Tennessee shall file testimony on the issue of whether it has sufficient supply to deliver the volumes requested by East Tennessee without impairing deliveries to its other customers; and East Tennessee shall file testimony and exhibits showing what customers it plans to serve with the requested volumes; and the level of curtailment that has been reached on the East Tennessee system.

The Commission finds: (1) That the filing requirements of § 2.78(b) of the Commission's rules and regulations should be waived in the instant proceeding.

(2) That Tennessee should be authorized and directed to increase East Tennessee's entitlement for the September 23–October 31, 1974 curtailment period by up to 1,000,000 Mcf, subject to a payback requirement as may be directed by future orders in this proceeding.

(3) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing on November 22, 1974 at 10:00 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

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(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5 (d)) shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(C) East Tennessee and Tennessee are hereby ordered and required to file their testimony and exhibits in response to, but not limited to the issues set out above on all parties including the Commission Staff on or before October 31, 1974.

(D) The filing requirements of § 2.78 of the Commission's rules and regulations are hereby waived in the instant proceeding.

(E) Tennessee is hereby authorized and directed to increase East Tennessee's entitlement for the September 23–October 31, 1974 curtailment period by up to 1,000,000 Mcf subject to a payback requirement as may be directed by future order in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25635 Filed 11-1-74;8:45 am]

[Docket No. RI75-10]

W. W. F. OIL CORP., ET AL.

Order Dismissing Part of Petition, Setting Date for Hearing, and Granting Intervention

OCTOBER 18, 1974.

On July 15, 1974, W. W. F. Oil Corporation, et al (WWF) pursuant to § 2.76[1] of the Commission's General Policy and Interpretations, filed a petition for special relief in Docket No. RI75–10, seeking a rate exceeding the applicable area ceiling under Opinion No. 598. Petitioner requests a price of 72 cents per Mcf at 15.025 psia for the sale of natural gas from two wells located in the Southwest Belle Isle Field, Atchafalaya Bay, St. Mary Parish, Louisiana.

WWF seeks special relief for the following:

(1) Natural gas currently being produced and sold to Tennessee Gas Pipeline Company (Tennessee) from the WWF State Lease No. 4852 Unit Well No. 1 (S. L. 4852 Well), when and if the need for reworking should arise, (2) natural gas produced from sands found productive in a proposed directional drilling operation on the WWF State Lease No. 4882 Well No. 1 (S. L. 4882 Well), (3) natural gas produced from future wells drilled on State Lease Nos. 4852 and 4882 dedicated to its FPC Gas Rate Schedule Nos. 6 and 7.

The request for relief by WWF for reworking the S. L. 4852 Well sometime in the future, should the need arise, appears to be speculative, however, it may adduce such evidence as it believes relevant thereto as hereinafter provided. We should note though, that § 2.76 is designed to provide special relief to a producer in the form of a rate increase in order to avoid imminent abandonment which would cause the loss to the interstate market of otherwise recoverable reserves. No such showing has been made by WWF in its pleadings with regard to the S. L. 4852 Well.

As to wells that WWF proposes to drill in the future, we determined in Continental Oil Company, et al., Docket Nos. CI74–526, et al. (issued July 25, 1974), that special relief is not available for undrilled wells. Therefore, we shall dismiss that part of the petition relating thereto. The dismissal of this part of the petition for special relief is without prejudice to WWF refiling under either Order No. 455[2] or, if the wells are actually drilled, pursuant to the provisions set forth in Opinion No. 699.[3]

The remaining WWF proposal concerns the drilling of a replacement well, or, in the alternative, the directional drilling possible of the S. L. 4882 Well. Under this proposal gas would be produced from the same formation as was being produced from the existing well prior to its sanding up, although acreage that could not have been drained by the present well would be added to the recoverable reserves.

WWF seeks a base rate of 72.0 cents per Mcf pursuant to a letter agreement with Tennessee dated July 9, 1974. The data filed in support of this request does not, by itself, provide a sufficient basis upon which to determine the justness and reasonableness of the proposed rate. Therefore, it is in the public interest to hold a hearing to decide this issue pursuant to the criteria set forth in Order No. 481.

The Commission finds: (1) It is in the public interest that the petition for special relief filed by WWF in Docket No. RI75–10, insofar as it proposes the replacement or directional drilling of S. L. 4882 Well, be set for hearing.

(2) Good cause exists to permit the intervention of Tennessee.

The Commission orders: (A) Those portions of the petition for special relief filed by WWF in Docket No. RI75–10 relating to the drilling of future wells and the proposed workover of S.L. No. 1852 Unit Well No. 1, are hereby dismissed, without prejudice to resubmittal in the future.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter I), that part of the WWF petition for special relief in Docket No. RI75–10 not previously dismissed is set for the purpose of hearing and disposition.

(C) A public hearing on the issues presented by the application herein shall be held commencing on November 25, 1974, 10:00 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(D) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(E) WWF and any intervenor supporting the petition shall file their direct testimony and evidence on or before October 30, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff, and all parties to this proceeding.

(F) The Commission Staff, and any intervenor opposing the petition, shall file their direct testimony and evidence on or before November 13, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(G) All rebuttal testimony and evidence shall be served on or before November 20, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(H) The above named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of this Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25637 Filed 11-1-74;8:45 am]

[1] Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No. 481, Docket No. R–458, 49 FPC 992 (issued April 12, 1973), 18 C.F.R. § 2.76.

[2] State of Policy Relating To Optional Procedure Certificating New Producer Sales Of Natural Gas, Order No. 455, Docket No. R–441, 48 FPC 218 (issued August 3, 1972), 18 CFR 2.75. See John E. Moss, et al. v. F.P.C., No. 72–1837 (D.C. Cir. August 15, 1974).

[3] Opinion And Order Prescribing Uniform National Rate For Sales Of Natural Gas Produced From Wells Commenced On Or After January 1, 1973, And New Dedications Of Natural Gas To Interstate Commerce On Or After January 1, 1973, Opinion No. 699, Docket No. R–389–B, ---- FPC ---- (issued June 21, 1974), as amended, Opinion No. 699–A, ---- FPC ---- (issued August 2, 1974), rehearing granted, ---- FPC ---- (issued August 2, 1974), Opinion And Order On Rehearing Reinstating And Amending The Emergency Sales Provisions Of Section 157.29 (18 CFR § 157.29) And The Limited Term Certificate Authority Of Section 2.70(b)(3) (18 C.F.R. § 2.07(b)(3)) And Reserving Decision On The Merits Of All Other Issues Raised By Petitions For Rehearing Of Opinion No. 699 For Further Consideration, Opinion No. 699–B, Docket No. R–389–B, ---- FPC ---- (issued September 9, 1974), as amended, Declaratory Order On Petition For Clarification Of Opinion And Order On Rehearing, Opinion No. 699–C, ---- FPC ---- (issued September 26, 1974), as amended, Declaratory Order On Petition For Clarification, Opinion No. 699–D, ---- FPC ---- (issued October 9, 1974).

FEDERAL RESERVE SYSTEM

ALLIED BANCSHARES, INC.

Acquisition of Bank

Allied Bancshares, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successors by merger to the following Texas banks: American Bank and Trust Company, Houston; Union State Bank of Beaumont, Beaumont; The Kirbyville State Bank of Kirbyville, Kirbyville; Farmers State Bank of Brookshire, Brookshire; and Security Bank, Spring. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 12, 1974.

Board of Governors of the Federal Reserve System, October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74-25582 Filed 11-1-74;8:45 am]

BANCOHIO CORP.

Acquisition of Bank

BancOhio Corporation, Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of The Geauga County National Bank of Chardon, Chardon, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 25, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74-25583 Filed 11-1-74;8:45 am]

BUDGET INDUSTRIES, INC.

Order Denying Exemption From Prohibitions Against Nonbanking Activities of Bank Holding Companies

Budget Industries, Inc., Los Angeles, California ("Budget"), a bank holding company within the meaning of the Bank Holding Company Act (12 U.S.C. 1841), by virtue of its ownership of 79.6 per cent of the voting shares of Century Bank, Los Angeles, California ("Century Bank"), has applied to the Board of Governors, pursuant to section 4(d) of the Act, for an exemption from the prohibitions of § 4 (relating to nonbanking activities of, and acquisitions by, a bank holding company).

Notice of receipt of the application, affording an opportunity for interested persons to submit comments or views, or request a hearing, was published in the FEDERAL REGISTER (38 FR 1305). Time for filing comments, views, and requests for a hearing has expired. No comments have been received nor has any party requested a hearing.

Section 4(d) of the Act provides that, to the extent such action would not be substantially at variance with the purposes of the Act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the Act to a bank holding company that controlled one bank prior to July 1, 1968, and has not thereafter acquired the control of any other bank in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or communities involved or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the banking market to be served as to minimize the likelihood that the bank's powers to grant or deny credit may be influenced by a desire to further the holding company's other interests.

The Board has considered the application in light of the factors set forth in section 4(d) of the Act and finds that:

Budget (total assets of $448.9 million as of year-end 1973) is a diversified financially-oriented holding company engaged principally in operating a savings and loan association, commercial finance activities, insurance underwriting, and real estate development. The record shows that, in 1963, Budget Finance Plan, a predecessor to Budget (and a present Budget subsidiary) acquired control of Century Bank.

Century Bank's total assets as of year-end 1973 were $28.7 million, equal to 6.4 per cent of Budget's consolidated assets as of that date. As of year-end 1971, Century Bank accounted for 7.8 per cent of Budget's preadjusted net income.[1] Century Bank's deposits ($24.6 million as of June 30, 1973) represent less than .2 per cent of the total commercial bank deposits in the Los Angeles County banking market (the relevant market) wherein Century Bank ranks as the thirty-eighth largest of 66 banking organizations competing in that market. Budget's savings and loan subsidiary operates out of 12 offices located in seven counties in Northern California, and had a total of $230 million in savings accounts as of year-end 1973. By virtue of Budget's interests in both a commercial bank and a savings and loan association, it appears that some adverse effects on competition may result because California law permits statewide branching for both commercial banks and State savings and loan associations. However, the amount of competition that may be eliminated or foreclosed does not appear to be significant.

The Bank Holding Company Act was enacted to assure the continuation of the policy of separating banking from other commercial enterprises. Section 4(d) of the Act, on the other hand, is a departure from such a policy and is designed to provide a limited number of companies which qualify a complete exemption from the general prohibitions against nonbanking activities contained in the Act, provided such an exemption "would not be substantially at variance with the purposes of this Act." The Board regards section 4(d) as being generally designed to permit expansion by a holding company, which is primarily oriented toward non-financial areas and whose future expansion activities are anticipated to be in such areas, or which has demonstrated some unique relationship with its banking subsidiary. In other words, Congress sought by section 4(d) of the Act to permit a holding company, if it qualified for an exemption under one of the criteria set forth in the section, to continue to engage in its nonbanking business without regard to the requirements of the Act or the necessity of securing the Board's approval for specific acquisitions.

With respect to this application, the Board is of the view that an exemption should not be granted. This view is due, in part, to the fact that Budget is a holding company the activities and expansion of which would continue to be of concern to the Board in light of the relationship of its activities to those which are subject to Board approval. As noted above, Budget is engaged in a wide range of financially related activities—some of which have already been determined by the Board to be closely related to banking under section 4(c)(8) of the Act. The Board is unconvinced that it would be consistent with the purposes of the Act or in the public interest to permit Budget to expand its activities without the necessity of complying with the requirements of seeking Board approval as other bank holding companies are generally required to do, since such expansion by Budget could have adverse competitive effects.[2]

In addition to the above, other circumstances weigh against permitting Budget to expand its activities free from the requirements of the Act. Although Budget Finance Plan provided capital funds to Century Bank at the time of its acquisition, it does not appear from the facts of record that since that time Budget or its predecessors have devoted the necessary resources and provided the needed

[1] Century Bank experienced losses in net income during 1972 and 1973.

[2] Expansion by Budget of its nonbanking activities is governed by section 4(a)(2) of the Act as such activities, it appears, are entitled to indefinite grandfather privileges.

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supervision deemed appropriate by the Board to be provided by a bank holding company properly concerned with the affairs of its banking subsidiary. Accordingly, rather than expanding its nonbanking interests, Budget's efforts should be directed toward improvements in the operations of its banking subsidiary.

On the facts of record, including the length of time the relationship has existed, the nature of the origin of the affiliation, the needs of the community, and the size of Century Bank in relation to the holding company's total interests and in relation to the banking market involved, the Board concludes that Budget has not demonstrated that an exemption is warranted under the provisions of section 4(d) of the Act.

Accordingly, on the basis of the foregoing and other considerations reflected in the record, it is the Board's judgment that approval of the application of Budget for an exemption from the Act's restrictions relating to nonbanking activities and acquisitions would not be in the public interest, and that the application should be, and is hereby, denied.

By order of the Board of Governors,[3] effective October 23, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25579 Filed 11-1-74;8:45 am]

FARMERS & MERCHANTS AGENCY, INC.

Formation of Bank Holding Company

Farmers & Merchants Agency, Inc., Pierz, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97.8 per cent or more of the voting shares of Farmers and Merchants State Bank of Pierz, Pierz, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Farmers & Merchants Agency, Inc., Pierz, Minnesota, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the ordinary life and casualty insurance agency of William T. Stoll. Notice of the application was published on September 12, 1974 in Royalton Banner-Pierz Journal, a newspaper circulated in Royalton and Pierz, Minnesota.

Applicant states that the proposed subsidiary would engage in the activities of soliciting and selling ordinary life and casualty insurance including commercial fire, dwelling, automobile and general liability insurance. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 5, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25584 Filed 11-1-74;8:45 am]

FIRST TENNESSEE NATIONAL CORP.

Order Permitting Applicant To Engage in Additional Insurance Agency Activities Through Tower Loan Co.

First Tennessee National Corporation, Memphis, Tennessee, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to engage in additional insurance agency activities thorugh its subsidiary, Tower Loan Company, Hannibal, Missouri ("Tower"); these proposed insurance activities consist of acting as agent or broker in the sale of joint-spouse reducing credit life insurance and physical damage insurance on personal property pledged as collateral in connection with its extensions of credit. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 29052). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the largest banking organization in Tennessee, controls thirteen[1] banks with aggregate deposits of about $1.34 billion, representing approximately 12 percent of the total commercial bank deposits in the State. (All banking data are as of December 31, 1973.) Applicant's nonbanking subsidiaries engage in data processing, mortgage banking, international banking, consumer finance, credit-card financing, personal property and equipment leasing, trust services, investment and financial management, advising a real estate investment trust, and the sale of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's lending subsidiaries.[2]

By Order of July 10, 1974 (39 FR 26318), the Board approved an application by Applicant to acquire Tower and the acquisition was consummated on August 1, 1974. Tower is a consumer finance company and makes interest-bearing and discount installment loans with and without security through its four wholly-owned subsidiary corporations operating 19 offices in Missouri and two offices in Kansas. It also acts as an insurance agent or broker with respect to (1) the sale of credit life, credit accident and health and disability insurance directly related to extensions of credit by Tower; (2) any insurance sold in communities with populations not exceeding 5,000; and (3) any insurance that is otherwise sold as a matter of convenience to the purchaser. Such activities have also been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (9)).

In the instant application, Applicant seeks permission to sell, through Tower, two additional types of insurance related to its extensions of credit: joint-spouse reducing credit life insurance and physical damage insurance on personal property pledged as collateral.[3] Inasmuch as these insurance activities have been determined by the Board to be closely related to banking under § 225.4(a)(9)(ii) of Regulation Y, and in view of the fact that Tower would be merely providing these additional types of credit-related insurance at offices from which it presently operates, the Board concludes that approval of the application would not have any adverse effect on existing or future competition. Further, in view of the limited scope of such insurance activities, it does not appear that consummation of this proposal would result in any other adverse effects on the public interest.

Approval of this application would provide an additional source of joint-spouse reducing credit life insurance and physical damage insurance to the customers of Applicant and Tower. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis.

By order of the Board of Governors,[4] effective October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25580 Filed 11-1-74;8:45 am]

MARYLAND NATIONAL CORP.

Proposed Acquisition of Bethlehem Acceptance Corp.

Maryland National Corporation, Baltimore, Maryland, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Bethlehem Acceptance Corp., Bethlehem, Pennsylvania, and its subsidiaries. Notice of the application was published as follows:

Date	Newspaper	Location
June 29, 1974	Bethlehem Globe-Times.	Bethlehem, Pa.
Do	The Morning Call	Allentown, Pa.
June 30, 1974	The Sunday Dispatch.	Pittston, Pa.
July 2, 1974	Times-Leader	Wilkes-Barre, Pa.
Do	The Evening News	Do.
Do	Wilkes-Barre Record.	Do.
Do	Hazleton Standard-Speaker.	Hazleton, Pa.
Do	Berwick Enterprise	Berwick, Pa.
July 10, 11, 1974	The Scranton Tribune.	Scranton, Pa.
July 11, 1974	The Palmerton Post	Palmerton, Pa.
July 3, 1974	The Pocono Record	Stroudsburg, Pa.
Do	The Express	Easton, Pa.
July 2, 1974	The Reading Eagle	Reading, Pa.
Do	The Reading Times	Do.
July 3, 1974	The Lancaster New Era.	Lancaster, Pa.
Do	The Scranton Times	Scranton, Pa.
July 5, 1974	Williamsport Sun-Gazette.	Williamsport, Pa.
June 29, 1974	The Daily Item	Sunbury, Pa.
July 3, 1974	Union County Journal.	Lewisburg, Pa.
July 4, 1974	The Wayne Independent.	Honesdale, Pa.
July 3, 1974	The News-Item	Shamokin, Pa.
July 2, 1974	The Call	Schuylkill Haven, Pa.
Do	The Daily Review	Towanda, Pa.

Applicant states that the proposed subsidiary and its subsidiaries would engage in the following activities: (1) Making of consumer installment loans and purchasing consumer installment sales finance contracts, and giving of service incident to such loans or contracts as would be provided by a consumer finance company; (2) Making of loans to small businesses either directly or indirectly by means of holding shares of a company to be organized under the provisions of the Small Business Investment Act of 1958; and (3) Acting as agent or broker for the sale of credit life, accident and health insurance directly related to extensions of credit by Bethlehem Acceptance Corp. or its subsidiaries and multiple-peril insurance written to protect collateral on such loans during the period of credit extension. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Applicant's notices stated that it would also engage in the conduct of financially related computer programming and data processing services through ownership of 32 percent of the outstanding stock of Continental Data Processing, Inc., Wilkes-Barre, Pennsylvania ("CDP"). However, applicant has since amended its application to the effect that complete divestiture of CDP will be accomplished upon consummation of the acquisition.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 25, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25585 Filed 11-1-74;8:45 am]

MICHIGAN NATIONAL CORP.

Acquisition of Bank

Michigan National Corporation, Bloomfield Hills, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 per cent of the voting shares (less directors' qualifying shares) of the successor by merger to Commercial National Bank, Cassopolis, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 26, 1974.

Board of Governors of the Federal Reserve System, October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25587 Filed 11-1-74;8:45 am]

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Pan American Bank of Kendale Lakes, N.A., Dade County, Florida, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the

[1] In addition, Applicant has a pending application before the Board to acquire the successor by merger to Pioneer Bank, Chattanooga, Tennessee, with deposits of $102.1 million.

[2] Applicant also has a nonbanking subsidiary, Investor's Mortgage Service, Inc., St. Louis, Missouri, engaged in real estate management and land development; this company (which was acquired by Applicant on January 17, 1969) may not be retained by Applicant, under the provisions of section 4(a)(2) of the Act, beyond December 31, 1980 without prior Board approval.

[3] Tower previously engaged in selling physical damage insurance but suspended the sale of such insurance prior to Applicant's acquisition of Tower. In addition to resuming the sale of this physical damage insurance, Tower proposes to engage de novo in the sale of joint-spouse reducing credit life insurance through its offices in Missouri and Kansas. However, in order to comply with a recently enacted Kansas banking statute (Chapter 9-507) which prohibits nonbanking activities of multibank companies in that State, Applicant has indicated that it will cease Tower's nonbanking activities in Kansas on March 21, 1976.

[3] Voting for this action: Governors Brimmer, Sheehan, Bucher, and Wallich. Absent and not voting: Chairman Burns and Governors Mitchell and Holland.

[4] Board action taken while Governor Brimmer was a Board member.

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Holland and Wallich. Absent and not voting: Chairman Burns and Governor Bucher.

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application should submit views in writing to the Reserve Bank to be received not later than November 12, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25586 Filed 11-1-74;8:45 am]

SOUTHEAST BANKING CORP.

Order Approving Acquisition of Bank

Southeast Banking Corporation, Miami, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of New Smyrna, New Smyrna Beach, Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the factors set forth in § 3 of the Act (12 U.S.C. 1842(c)).

Applicant, the largest bank holding company in Florida, controls 36 banks with aggregate deposits of approximately $2.1 billion, representing 9.3 percent of total deposits in commercial banks in Florida.[1] Acquisition of Bank (deposits of $30.3 million) would increase Applicant's share of the total commercial bank deposits in the State by less than 0.2 of one percent and would have an insignificant effect on the Statewide concentration of banking resources.

Bank, with approximately 70 percent of total market deposits, is the largest of two banks presently operating in the New Smyrna Beach banking market, which is approximated by the coastal portion of Volusia County from New Smyrna Beach south to the Brevard County line. Applicant has no banking subsidiary in the market. Of the surrounding banking markets, Applicant operates the fourth largest of six banks, controlling approximately 10 percent of the deposits in commercial banks in the West Volusia banking market at a distance of approximately 30 miles from Bank and also operates the second largest of three banks, controlling approximately 38 percent of the deposits in commercial banks in the Brevard banking market at a distance of 35 miles from Bank. It appears that no meaningful competition exists between Bank and any of Applicant's subsidiary banks nor that Applicant has a dominant position in any adjoining banking market. Due to the distances between Bank and Applicant's present banking subsidiaries, it is unlikely that any significant future competition would develop between them. None of Applicant's nonbanking subsidiaries originated any business in the market during 1973.

Coronado Beach Bank, one of two proposed new banks to be located in the market, is scheduled to have several directors and officers in common with Bank. As a result of this acquisition, any interlocks between Bank and the proposed new bank will be severed, thereby creating an additional banking alternative in the market and another possible entry vehicle into the market. These aspects of the proposal tend to outweigh any anti-competitive considerations flowing from Applicant's acquisition of the largest bank in the market. The Board concludes, therefore, that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant, its subsidiary banks and bank are generally satisfactory and consistent with approval of the application. The resources and expertise of Applicant would permit Bank to improve its operational efficiency through utilization of Applicant's central printing, advertising, data processing and auditing departments and to expand its trust services, especially in the areas of investment assistance and trust operations. In addition, Applicant indicates it would assist Bank in expanding consumer lending and lending services to small, local businesses. Therefore, considerations relating to the convenience and needs of the community are consistent with, and lend some weight toward, approval of the application.

This proposal is distinguishable in several significant respects from the Board's denial of a prior application for the acquisition of Bank by another bank holding company.[2] Under the prior proposal, contrary to the present proposal, there was no showing of significantly improved services upon acquisition. In addition, the holding company in the other case (Atlantic) operated two subsidiary banks in considerably closer proximity to Bank and one of those subsidiary banks is significantly larger than either of Applicant's neighboring banks and does in fact have deposits in excess of the aggregate of Applicant's two neighboring banks. The other holding company's banks are also in the Daytona banking market which, as the major urban center in the area, interacts and influences the New Smyrna banking market to a greater degree than either the West Volusia or Brevard banking markets.

Accordingly, under the circumstances of this case, it is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[3] effective October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25581 Filed 11-1-74;8:45 am]

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through July 31, 1974.

[2] By Order dated November 22, 1972, the Board denied the application of Atlantic Bancorporation, Jacksonville, Florida ("Atlantic") to acquire Bank. The Board, by Order dated May 24, 1973, granted Atlantic's request for reconsideration of its application to acquire Bank and, finally, by Order dated March 18, 1974, the Board affirmed its prior denial of Atlantic's application.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, and Holland. Absent and not voting: Chairman Burns and Governor Wallich.

GENERAL SERVICES ADMINISTRATION

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Meeting

OCTOBER 30, 1974.

In accordance with the Administrator's memorandum of August 7, we are forwarding the following project Notice of a Public Advisory Panel Meeting for a conceptual design review of the Border Station, Lukeville, Arizona. This notice must be published by November 1, 1974, to meet the Public Notice Requirement.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 9, for November 18, 1974, from 1 p.m. to 4 p.m., Room 204, Federal Building/U.S. Post Office, 522 North Central, Phoenix, Arizona.

Because the meeting will be concerned with the review of the conceptual design for a Border Station, Lukeville, Arizona, it has been determined that the meeting would fall within exemption (5) of 5 U.S.C. 522(b) and that it is essential to close the meeting to the public.

Meetings of the National Public Advisory Panel on Architectural and Engineering Services and meetings of Regional Public Advisory Panels on Architectural and Engineering Services are called for various purposes including evaluating and recommending changes to the conceptual design of new construction projects awarded by contract to an architectural firm. The panels help insure that the approach to the design problem will produce the best possible design solution through free critical analysis.

For the same reason that subsequent deliberations among agency officials are exempted by the above quoted exceptions, the proceedings of the panels must be exempted.

MAX M. MISENAR,
Acting Regional Administrator.

[FR Doc.74-25685 Filed 11-1-74;8:45 am]

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 3, November 22, 1974, from 10:30 a.m. to 12 noon, Room 5334, General Services Administration Building, 18th & F Streets, N.W., Washington, DC. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed Improvement of Airconditioning and Exhaust Systems, U.S. Courthouse, John Marshall Place NW., Washington, DC. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), it will not be open to the public.

I. E. FRIEDLANDER,
Acting Commissioner, Public Buildings Service.

OCTOBER 30, 1974.

[FR Doc.74-25644 Filed 11-1-74;8:45 am]

[Federal Property Management Regs., Temporary Reg. F-310]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes certain delegations of authority to represent the consumer interests of the executive agencies of the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 31, 1974.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings for which they were issued. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-108	May 13, 1971	Delegation of authority to Secretary of Defense—Regulatory Proceeding.
F-110	July 13, 1971	Do.
F-112	July 19, 1971	Do.
F-162	Nov. 30, 1972	Do.
F-163	Dec. 13, 1972	Do.
F-164	Jan. 15, 1973	Do.
F-166	Jan. 26, 1973	Do.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 24, 1974.

[FR Doc.74-25499 Filed 11-1-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Jazz/Folk/Ethnic Panel to the National Council on the Arts will be held at 9:30 a.m. on November 17, 18, and 19, 1974 in the National Endowment for the Arts 14th floor and 11th floor conference rooms, Columbia Plaza, 2401 E Street N.W., Washington, D.C.

A portion of this meeting will be open to the public on November 18 from 2 p.m. to 4 p.m. on a space available basis. Accommodations are limited. During the open session there will be policy discussion on Guidelines.

The remaining sessions of this meeting, November 17 and 19 from 9:30 a.m. to 5:30 p.m. and November 18 from 9:30 a.m. to 2 p.m. and from 4 p.m. to 5:30 p.m., are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of January 10, 1973, these sessions, which involve matters that are exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), and (5)) will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-25680 Filed 11-1-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR EARTH SCIENCES

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Earth Sciences to be held at 9 a.m. on November 21-22, 1974, at the School of Marine and Atmospheric Sciences Laboratory in the private dining room located in the Marine Sciences Center of the University of Miami, Miami, Florida 33146.

The purpose of this Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

This meeting will not be open to the public because the Panel will be reviewing, discussing, and evaluating individual research proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92-463.

For further information about this Panel please contact Dr. William E. Benson, Head, Earth Sciences Section, Rm. 310, National Science Foundation, Washington, D.C. 20550, telephone, 202/632-4210.

Dated: October 25, 1974.

FRED K. MURAKAMI,
Committee Management Officer.

[FR Doc.74-25613 Filed 11-1-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of request for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 30, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Letter Survey of Presidents of Post-Secondary Education Institutions, Form OS 44-74, Single time, Planchon (395-3898), Presidents of Post-secondary education institutions.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Pillar Extraction Practices in Underground Coal Mines, Form 6-P18, Single time, Weiner (395-4890), Coal producers with underground mines.

TENNESSEE VALLEY AUTHORITY

Questionnaire Outline for Sulfuric Acid Plant, Sulfur, Terminal and Sulfur Mine, Form ——, Single time, Weiner (395-4890), Sulfur and H_2SO_4 producers.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
Application for Determination of Basic Grant Eligibility for 1975-76 Academic Year, Form OE 255, Annual, Lowry (395-3772), Students at Post-secondary institutions.

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BEOG Student Eligibility Report, Form OE 255–1, Occasional, Lowry (395–3772), Individuals and educational institutions.
BEOG Supplemental Form for 1975–76 Academic Year, Form OE 255–2, Occasional, Lowry (395–3772), BEOG applicants.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Information for the Wholesale Price Index, Form BLS 473C, Monthly, Raynsford, Business firms.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Hospital Request to Establish Eligibility in the Health Insurance, Form SSA 1514, Occasional, Evinger (x) (395–3648).
Project SSI Alert—Questionnaire, Form SSA 9738, Single time, Evinger (x) (395–3648).
Medical Report (Black Lung Claim), Form SSA 2662, Occasional, Evinger (x) (395–3648).

DEPARTMENT OF THE INTERIOR

Bureau of Fish and Wildlife: Certification of Hunting and Fishing License Holders, Form 3–154a and 154–b, Annual, Evinger (x) (395–3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–25759 Filed 11–1–74;8:45 am]

SELECTIVE SERVICE SYSTEM

ADVISORY COMMITTEE ON THE SELECTION OF PHYSICIANS, DENTISTS AND ALLIED SPECIALISTS

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Selective Service System Advisory Committee on the Selection of Physicians, Dentists and Allied Specialists, to be held at 9 a.m., November 22, 1974, in a meeting room at the Washington Hilton Hotel, 1919 Connecticut Avenue, Washington, D.C.

The committee will meet to discuss the need for Standby Doctors Draft legislation that could be implemented in event an emergency should arise requiring a Doctors Draft.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the committee before, during or after the meeting.

For further information concerning this committee meeting, contact Mr. Glenn R. Bowles, Selective Service Operations Manager, Selective Service System, Telephone: 202–343–7154.

Minutes of the meeting will be available upon request.

Dated: October 30, 1974.

BYRON V. PEPITONE,
Director.

[FR Doc.74–25649 Filed 11–1–74;8:45 am]

TARIFF COMMISSION

[337–35]

CERTAIN HYDRAULIC TAPPETS

Dismissal of Investigation

On the basis of submissions made to the United States Tariff Commission by interested parties and for other reasons, the Commission on October 10, 1974, dismissed investigation No. 337–35. Notice of the institution of the investigation was published in the FEDERAL REGISTER of May 1, 1974 (39 F.R. 15184–15185).

By order of the Commission:

Issued: October 30, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–25615 Filed 11–1–74;8:45 am]

[TEA–W–252]

SHAER SHOE CO.

Investigation Regarding Workers' Petition for a Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Milford, Massachusetts, plant of the Shaer Shoe Corp., Manchester, New Hampshire, the United States Tariff Commission, on October 29, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in item 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: October 30, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74–25616 Filed 11–1–74;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

BOARD OF EDUCATION OF THE CITY OF DETROIT

Rescheduled Hearing

On October 7, 1974, in accordance with 41 CFR 60–1.4(b)(2) (39 FR 2365, January 21, 1974), I published a Notice of Hearing announcing the designation of an administrative law judge to conduct a hearing on October 29, 1974. The purpose of the hearing was to make proposed findings and a recommended decision to the Assistant Secretary of Labor for Employment Standards concerning the determination by the Director of the Office of Federal Contract Compliance that the Board of Education of the City of Detroit Equal Employment Compliance Policy is not inconsistent with Executive Order 11246, as amended, and not incompatible with the effective implementation of the Federal Detroit Plan.

Representatives of the Board of Education and the Associated General Contractors of America, Detroit Chapter, Inc. and the Metropolitan Detroit Plumbing and Mechanical Contractors Association requested a postponement of the scheduled hearing. The parties also agreed to extend the time limit provided by 41 CFR 60–1.4(b)(2) for a decision by the Assistant Secretary until January 17, 1975. Pursuant to their requests, we have rescheduled the hearing to commence on December 17, 1974 at 9:30 a.m. in Room 1017 Federal Building and Courthouse, 231 West Lafayette, Detroit, Michigan 48226.

We have given the Board of Education of the City of Detroit, Associated General Contractors of America, Detroit Chapter, Inc. and the Metropolitan Detroit Plumbing and Mechanical Contractors Association notice of their opportunity to participate in the hearing by registered mail, return receipt requested. All other persons, organizations and other entities affected by the OFCC Director's determination may attend and participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case including such questioning of witnesses presented by the other parties as the administrative law judge may deem appropriate in the circumstances.

Interested persons, organizations and other entities affected by the OFCC Director's determination, including the Board of Education, the Associated General Contractors of America, Detroit Chapter, Inc. and the Metropolitan Detriot Plumbing and Mechanical Contractors Association, who wish to participate in the hearing should so notify Mr. H. Stephen Gordon, Chief Administrator Law Judge, U.S. Department of Labor, 1111 Twentieth Street, NW 720 Vanguard Building, Washington, D.C. 20210 by registered mail, return receipt requested, by the close of business, November 29, 1974. The notice of intention to participate (original and one copy)

must state the name and address of the person to appear, and the approximate amount of time required for the presentation. In addition, to the extent practicable, the notice should also include, or be accompanied by, a general statement of the position to be taken with regard to the aforementioned Equal Employment Opportunity Compliance Policy and of the evidence to be adduced in support of that position. The use of prepared statements by participants, subject to questioning by the other parties, is encouraged. Such prepared statements and all other documents intended to be submitted for the record should accompany the notice of intention to participate. All documents should be submitted in duplicate. In addition, the parties should be prepared to provide representatives of each of the parties of record with a copy of all prepared statements and other documents intended to be submitted for the record at the hearing.

Signed at Washington, D.C., this 29th day of October 1974.

H. STEPHEN GORDON,
Chief Administrative Law Judge,
U.S. Department of Labor.

[FR Doc.74–25602 Filed 11–1–74;8:45 am]

SEATTLE

Approval of Equal Employment Opportunity Requirements for Federally Assisted Construction and Opportunity to Appeal

1. *Background.* 41 CFR 60–1.4(b)(2) (39 FR 2365, January 21, 1974) prescribes procedures whereby State and local governments intending to impose affirmative action hiring and/or training requirements on federally assisted construction already subject to federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, shall submit such requirements to the Director of the Office of Federal Contract Compliance. Such State and local requirements will be deemed applicable to federally assisted construction contracts unless the OFCC Director, or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the federal minority hiring and/or training plan (either voluntary or imposed) in the area.

Pursuant to 41 CFR 1.4(b)(2) the City of Seattle, Washington submitted its Affirmative Action Plan for construction contracts to the OFCC Director. The City of Seattle's Affirmative Action Plan is applicable to all construction work performed under contract with the City of Seattle, including federally assisted construction subject to Federal EEO Bid Conditions. The Plan's requirements are embodied in Seattle Ordinance 101432, approved by the City on October 2, 1972, and attached documents entitled: Sworn Statement for Compliance, Estimated Projected Employment Profile, and Subcontractors Contract Report.

The plan requires that a contractor ensure that equal opportunity of employment for minorities and women result during the term of his contract. The contractor is required to take, *inter alia*, affirmative action in order to maintain at all levels of his workforce minority and female employment ratios of not less than the following:

Year	Percent	
	Minorities	Women
1974	15.5	8
1975	16.1	10
1976	16.6	12

If a contractor has not met the minority or female hiring goals of the Affirmative Action Plan he can show that he has met the good faith requirements by instituting the specific affirmative action steps found in the plan. If the contractor can demonstrate a good faith attempt to meet the plan's hiring goals, he will be relieved of his default even though he did not meet such goals.

Where the City of Seattle finds, after giving the contractor an opportunity to be heard, that the contractor has failed to comply with the requirements of the Affirmative Action Plan, the city will not enter into any other contracts with such contractor until it is reasonably assured of future compliance.

Copies of the City of Seattle's Ordinance 101432 may be obtained from the City of Seattle, Department of Human Rights, Seattle, Washington 98144 or Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue, NW., Washington, D.C. 20210.

2. *Decision.* After careful review of the City of Seattle's Ordinance 101432 in accordance with the provisions of 41 CFR 60–1.4(b)(2), I have found that this ordinance is not inconsistent with Executive Order 11246, as amended, and not incompatible with the implementation of the Federal EEO Bid Conditions. Accordingly, I have approved the City of Seattle's Ordinance 101432 which includes certain affirmative action requirements and the city may include such requirements in federally assisted contracts.

3. *Rights of appeal.* On October 21, 1974, in accordance with 41 CFR 60–1.4(b)(2), I communicated my determination to Mr. G. Philip Hayasaka, Director, Department of Human Rights, City of Seattle, registered mail, return receipt requested. Pursuant to 41 CFR 60–1.4(b)(2), the City of Seattle and any persons or groups affected by my determination, including construction contractors, labor organizations associations or other organizations of construction trades contractors and/or labor organizations, and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th Street and Constitution Avenue, NW., Washington, D.C. 20210, by requesting a hearing on or before November 25, 1974. Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by the determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 30 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision, the rulings and recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

Signed at Washington, D.C. this 25th day of October 1974.

PHILIP J. DAVIS,
Director, Office of
Federal Contract Compliance.

[FR Doc.74–25536 Filed 11–1–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 622]

ASSIGNMENT OF HEARINGS

OCTOBER 30, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 51146 Sub 332, Schneider Transport, Inc., now assigned November 11, 1974 at Chicago, Ill., will be held in Room 1614, Everett McKinley Dirksen Building, 219 S. Dearborn Street.

No. 35870, Continental Southeastern Lines, Inc., The Moore Tours, Incorporated, Travel Tours, Inc., and Wilcox Travel Agency, Inc.—Investigation of Operations and Practices, now assigned November 26, 1974 at Charlotte, N.C., will be held in Library Auditorium, 310 N. Tryon St.

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MC 31389 Sub 180, McLean Trucking Company, now assigned November December 4, 1974, at Little Rock, Ark., will be held in Room 3412, Federal Office Building, 700 W. Capitol Ave., Little Rock, Ark.

MC-F-12218, Crouch Bros., Inc.—Control—Caddo Express, Inc., MC 134308 Sub 8, Caddo Express, Inc., now assigned November 18, 1974, at Oklahoma City, Okla., will be held in Room 4214, 200 N.W. 4th Street.

MC 99610 Sub 17, Ross Neely Express, Inc., now being assigned continued hearing November 12, 1974, at the Holiday Inn, Highway 45 North at 5th Avenue, North, Columbus, Mississippi.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25672 Filed 11-1-74;8:45 am]

[AB 31 (Sub-No. 1)]

GRAND TRUNK WESTERN RAILROAD CO.

Notice of Abandonment

OCTOBER 22, 1974.

Grand Trunk Western Railroad Company; abandonment between Lakeland and Jackson, in Livingston, Ingham, and Jackson Counties, Michigan.

The Interstate Commerce Commission hereby gives notice that: 1. On Monday, September 9, 1974, and Wednesday, September 11, 1974, notice was published in Jackson, Ingham, and Livingston Counties, Mich., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 9 and 11, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25675 Filed 11-1-74;8:45 am]

[AB 95]

HOLLIS & EASTERN RAILROAD CO.

Notice of Abandonment

OCTOBER 22, 1974.

Hollis & Eastern Railroad Company; abandonment between Duke and Hollis, in Harmon and Jackson Counties, Oklahoma.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, September 19, 1974, notice was published in Harmon and Jackson Counties, Okla., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 19, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25677 Filed 11-1-74;8:45 am]

[AB 83]

MAINE CENTRAL RAILROAD CO.

Notice of Abandonment

OCTOBER 22, 1974.

Maine Central Railroad Company, Abandonment between Carroll, New Hampshire, and Canaan, Vermont, in Coos County, New Hampshire, and Essex County, Vermont.

The Interstate Commerce Commission hereby gives notice that: 1. On Wednesday, September 25, 1974, notice was published in Coos County, N.H., and Essex County, Vt., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 19, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25674 Filed 11-1-74;8:45 am]

[AB 12 (Sub-No. 2)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Notice of Abandonment

OCTOBER 22, 1974.

Southern Pacific Transportation Company, abandonment between Lake Charles and De Ridder, in Calcasieu and Beauregard Parishes, Louisiana.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, September 19, 1974, notice was published in Beauregard and Calcasieu Parishes, La., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 19, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25678 Filed 11-1-74;8:45 am]

[AB 33 (Sub-No. 5)]

UNION PACIFIC RAILROAD CO.

Notice of Abandonment

OCTOBER 22, 1974.

Union Pacific Railroad Company; Abandonment portion encampment branch between Cow Creek and encampment, in Carbon County, Wyoming.

The Interstate Commerce Commission hereby gives notice that: 1. On Tuesday, September 24, 1974, notice was published in Carbon County, Wyo., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, *et seq.* 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 24, 1974, notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25676 Filed 11-1-74;8:45 am]

[Notice No. 181]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 4, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 25, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding

pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75401. By order of October 22, 1974, the Motor Carrier Board approved the transfer to Industrial Asphalt Transport, Inc., Statesville, N.C., of the operating rights in Certificates Nos. MC-136482 (Sub-No. 1) and MC-136482 (Sub-No. 2) issued April 17, 1973, and October 30, 1973, respectively, to Gene Davis, doing business as Tarheel Oil Company of Statesville, Statesville, N.C., authorizing the transportation of asphalt, in bulk, from Morehead City, N.C., to points in South Carolina and points in that part of Tennessee on and east of U.S. Highway 27, and from Atlanta, Ga., to points in North Carolina, South Carolina, and Tennessee. Bill R. Davis, Suite 101, Emerson Center, 2814 New Spring Road, Atlanta, Ga. 30339, Attorney for applicants.

No. MC-FC-75407. By order of October 22, 1974, the Motor Carrier Board approved the transfer to George C. Potterfield Trucking, Inc., Monroe City, Mo., of the operating rights in Certificates Nos. MC-123808, MC-123808 (Sub-No. 1), and MC-123808 (Sub-No. 2) issued March 20, 1962, August 9, 1968, and October 15, 1974, respectively, to George C. Potterfield, Monroe City, Mo., authorizing the transportation of road construction materials and building supplies (except cement), in bulk, in dump vehicles, between points in Clark, Lewis, Marion, Ralls, Pike, Lincoln, Audrain, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., on the one hand, and, on the other, points in Lee County, Iowa, and points in Adams (except Quincy, Ill., and the commercial zone thereof), Hancock, and Pike Counties, Ill.; between points in Lee County, Iowa, on the one hand, and, on the other, points in Adams, Hancock, and Pike Counties, Ill.; from points in Clark, Lewis, Macon, Ralls, Lincoln, Monroe, Shelby, Knox, Scotland, Adair, and Macon Counties, Mo., to Quincy, Ill., and crushed stone, in bulk, in dump vehicles, from Quincy, Ill., to points in said counties in Missouri; and decorative stone, agricultural limestone (except mineral filler), road construction materials, and building supplies (except cement, in bulk, in dump vehicles, from points in Lewis, Marion, and Ralls Counties, Mo., to specified points in Iowa and Illinois. Thomas P. Rose, Jefferson Building, P.O. Box 205, Jefferson City, Mo. 65101.

No. MC-FC-75421. By order entered 10.21.74, the Motor Carrier Board approved the transfer to Dees Transportation, Inc., Worland, Wyo., of the operating rights set forth in Certificates Nos. MC-135248 (Sub-No. 2), MC-135248 (Sub-No. 3), and MC-135248 (Sub-No. 5), issued September 22, 1971, January 29, 1973, and June 20, 1973, respectively, to William H. Dees, doing business as Dees Transportation, Worland, Wyo., authorizing the transportation of machinery, equipment, and supplies used in the manufacture and distribution of non-alcoholic beverages, non-alcoholic beverages, dry animal and poultry feed and feed ingredients, agricultural cleansing and conditioning preparations, agricultural disinfectants, agricultural pesticides, canned pet food, cans, can ends, and supplies, and advertising materials, from to, or between points in Colorado, Idaho, Nebraska, North Dakota, Montana, South Dakota, Wyoming and Utah. Robert S. Stauffer, 3539 Boston Rd., Cheyenne, Wyo. 82001, attorney for applicants.

No. MC-FC-75424. By order entered 10.21.74, the Motor Carrier Board approved the transfer to Wayne Truck Line, Inc., Touristville, Ky., of the operating rights set forth in Certificates Nos. MC-40176 and MC-40176 (Sub-No. 3), issued August 7, 1959, and September 4, 1963, respectively, to Clarence Bates, doing business as Wayne Truck Line, Touristville, Ky., authorizing the transportation of general commodities, with the usual exceptions, feed, seed, fertilizer, grain, and lumber, from, to, or between specified points in Kentucky, Ohio, Michigan, Illinois, and Indiana. John M. Nader, P.O. Box E, Bowling Green, Ky. 42101, attorney for applicants.

No. MC-FC-75445. By order of October 22, 1974, the Motor Carrier Board approved the transfer to John J. Neville, doing business as Spee-Dee Delivery, Greenwich, Conn., of the operating rights in Certificate No. MC-66916 issued March 25, 1941, to John Neville, Jr., doing business as The Speedee Package Delivery, Greenwich, Conn., authorizing the transportation of household goods and summer cottage equipment between Greenwich, Conn., and points within 20 miles thereof, on the one hand, and, on the other, points in Connecticut, New York, New Jersey, and Pennsylvania. J. Waide Howley, 107 Maple Ave., Greenwich, Conn. 06830, Attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25671 Filed 11-1-74;8:45 am]

[Notice No. 147]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 30, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 469TA), filed October 22, 1974. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William Slabaugh (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the Holiday Inn Industrial Park, DeSoto County, Miss., as an off-route point, for 180 days.

NOTE.—Applicant will tack with MC-2202 and Subs thereto and will effect interchange at all points.

Supporting shipper: Holiday Inns, Inc., P.O. Box 18127, Memphis, Tenn. 38118. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 14552 (Sub-No. 57TA), filed October 22, 1974. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery Co., L.P.A., 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between the the plant site and warehouses of Thorofare Markets, Inc., in Austintown Township, Mahoning County, Ohio, on the one hand, and, on the other, the retail distribution centers of Thorofare Markets, Inc., located at or near Morgantown, Fairmont, Grafton, Nutter Fort, Clarksburg, St. Albans, Point Pleasant, Ravenswood, Huntington, Latrobe, North Apollo, Johnstown, Blairsville, Lower Burrell, Somerset, Leechburg, Murrysville, and North Huntingdon, Pa., and Ashland, Ky., for 180 days, restricted to traffic originating at and/or destined to the above-named origins and destinations. Supporting shipper: Thorofare Markets, Inc., P.O. Box

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237, Pittsburgh, Pa. 15230. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 56244 (Sub-No. 35TA), filed October 18, 1974. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 N. Third Street, P.O. Box 1146, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxboard*, from Halltown, W.Va., to Hialeah, Jacksonville, Miami, and Tampa, Fla., and Corbin, Ky.; and (2) *waste paper, boxboard clippings, empty skids and pallets, and paper cones*, from Hialeah, Jacksonville, Miami, and Tampa, Fla., and Corbin, Ky., to Halltown, W.Va., for 180 days. Supporting shipper: Halltown Paperboard Company, Halltown, W. Va., 25423. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 71459 (Sub-No. 45TA) filed October 21, 1974. Applicant: O.N.C. FREIGHT SYSTEMS, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 111 E Street, NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 85255 (Sub-No. 53TA), filed October 21, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, (3720 Airport Way South), Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1001 Fourth Avenue, Suite 3712, Seattle, Wash. 98154. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans and can parts*, between Portland, Oreg., and points in Benton, Franklin, and Walla Walla Counties, Wash.; between Junction City, Oreg., and points in Washington, for 90 days. Supporting shipper: Continental Can Corporation, 10200 North Lombard, Portland, Oreg. 97203. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98174.

No. MC 105457 (Sub-No. 82TA), filed October 18, 1974. Applicant: THURSTON MOTOR LINES, INC., P.O. Box 10638, 600 Johnston Rd. 28206, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo, P.O. Box 10638, Charlotte, N.C. 28234. Authority sought to operate as a *common carrier*, by motor vhelcle, over regular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which require the use of special equipment, serving the plantsite and facilities used by FMC Corp., MHE Division, located at or near Tupelo, Miss., as an off-route point in connection with carriers regular route authority, between Greenville, S.C., and Memphis, Tenn. (Sub 61), for 180 days. Supporting shipper: FMC Corporation, MHE Division, P.O. Box 1370, Tupelo, Miss. 38801. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 107002 (Sub-No. 460TA), filed October 18, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, U.S. Highway 80 West, Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 1123, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid insecticides*, in bulk, in tank vehicles, from Vicksburg, Miss., to points in Texas, for 180 days. Supporting shipper: Vicksburg Chemical Company, P.O. Box 3, Vicksburg, Miss. 39181. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 107839 (Sub-No. 159TA), filed October 21, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., 1600 Lincoln Center Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Texas, for 180 days. Restriction: Restricted to the transportation of traffic originating at and destined to the named points. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 110683 (Sub-No. 100TA), filed October 22, 1974. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plantsite of Firestone Tire and Rubber Company at or near Nashville, Tenn., in Rutherford County, Tenn., in connection with applicant's existing regular route authority to serve Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 110841 (Sub-No. 17TA), filed October 16, 1974. Applicant: PORT NORRIS EXPRESS CO., INC., North Ave., Port Norris, N.J. 08349. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cumberland, Salem, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, N.J., to points in California, Oregon, Washington, Nevada, Idaho, Montana, New Hampshire, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida, for 180 days. Supporting shippers: Robert Pilter Manufacturing Company, Sixth and Columbia Avenue, Darby, Pa. 19026; Ford Motor Company, Rouge Office Building, Dearborn, Mich. 48121. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, N.J. 08608.

No. MC 113158 (Sub-No. 26TA), filed October 21, 1974. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, James W. Patterson, 2107 The fidelity Building, Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from the plant sites and storage facilities utilized by Acme Markets, Inc., in the Counties of Caroline, Dorchester (except the City of Hurlock), Talbot, and Wicomico, Md., to Philadelphia, Johnstown, and Forty Ft., Pa., Syracuse and Buffalo, N.Y., and Kearny, N.J., restricted against the transportation of canned goods to Philadelphia and Forty Ft., Pa., Syracuse and Buffalo, N.Y., and Kearny, N.J., for 180 days. Supporting shipper: Acme Markets, Inc., 214 N. 15th Street, Philadelphia, Pa. 19101. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th & Constitution Ave., NW., Room 317, Washington, D.C. 20423.

No. MC 115180 (Sub-No. 93TA), filed October 17, 1974. Applicant: ONLEY REFRIGERATED TRANSPORTATION, INC., 265 West 14th Street, New York, N.Y. 10014. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products and articles distributed by meat packinghouses* (except hides and commodities in bulk), as described in Sections A and C of Appendix I to the *Report in Descriptions*, from the facilities of Hartford Provision Co., at Harwarden, Iowa, to points in Maine, Massachusetts, New Hampshire, Vermont, New York, Rhode Island, Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Ohio, West Virginia, Virginia, North Carolina, and the District of Columbia, restricted to the transportation of traffic originating at the above named origins and destined to points in the above named states, for 180 days. Supporting shipper: Hartford Provision Company, Stamford Division, Inc. 51 Westover Lane, Stamford, Conn. 06902. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 116544 (Sub-No. 154TA), filed October 18, 1974. Applicant: ALTRUK FREIGHT SYSTEMS, INC., 2619 N Street, Omaha, Nebr. 68107. Applicant's representatives: C. J. Boddington, P.O. Box 10280, Palo Alto, Calif. 94303, and Robert Wilson, P.O. Box 636, Carthage, Mo. 64836. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee (restricted to traffic originating at and destined to named points), for 180 days. Supporting shipper: Iowa Beef Processors, Inc., H. L. Dennison, General Traffic Mgr., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, Omaha, Nebr. 68102.

No. MC 116710 (Sub-No. 16TA), filed October 16, 1974. Applicant: MISSISSIPPI CHEMICAL EXPRESS, INC., P.O. Box 1634, Highway 11 South, Hattiesburg, Miss. 39401. Applicant's representative: Leland D. Smith, Route 2, Box 269, Navasota, Tex. 77868. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur* dioxide, in bulk, in tank vehicles, from plant site of Stauffer Chemical Company, Baton Rouge, La., to points in Kentucky, Missouri, North Carolina, Iowa, Colorado, Kansas, Nebraska, South Carolina, Pennsylvania, and New Jersey, for 180 days. Supporting shipper: Stauffer Chemical Company, Westport, Conn. 06880. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 116967 (Sub-No. 19TA), filed October 7, 1974. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, Ill. 60438. Applicant's representative: Samuel Ruff, 2109 Broadway, East Chicago, Ind. 46312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Face and common building brick*, approximately 8" equivalents, between Chicago, Ill., and Brazil, Cayuga, and Martinsville, Ind., for 180 days. Supporting shipper: American Brick Company, Mr. Charles K. Davis, Vice President, 6558 W. Fullerton, Chicago, Ill. Send protest to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 117589 (Sub-No. 24TA), filed October 22, 1974. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, P.O. Box 24507, 98124, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen human blood plasma*, from Spokane Wash., to Los Angeles, Calif., for 180 days. Supporting shipper: Hyland Division, Travenol Laboratories, 3300 Hyland Avenue, Costa Mesa, Calif. 92626. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98174.

No. MC 140043 (Sub-No. 1TA), filed October 17, 1974. Applicant: ANTHONY J. REPACI & SONS, INC., 835 Route 1, Iselin, N.J. 08830. Applicant's representative: Edward F. Bowes, 744 Broad St., Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cashew nut shell liquid*, in bulk, for the account of Minnesota Mining & Manufacturing Corp., from piers in Brooklyn, N.Y., to the plant site of Minnesota Mining & Manufacturing Corp., Doremus Avenue, Newark, N.J., for 90 days. Supporting shipper: Minnesota Mining & Manufacturing Corp., Doremus Avenue, Newark, N.J. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 9 Clinton St., Newark, N.J. 07102.

No. MC 140276 (Sub-No. 1TA), filed October 19, 1974. Applicant: C & D LEASING, INC., Morton, Minn. 56270. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pre-cut, pre-fab buildings and accessories*, from Morton and Redwood Falls, Minn., to points in Nebraska, North Dakota, and South Dakota, for 180 days. Supporting shipper: Royal Constructors, Inc., Box 278, Morton, Minn. 56270. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140294 (Sub-No. 1TA), filed October 21, 1974. Applicant: GENERAL FREIGHTS, INC., P.O. Box 157, Rt. 1, Hancock, Md. 21750. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reclaimed furnace oil*, from the plantsite of E. R. Baumgardner, at or near Fayetteville, Pa., to points in Maryland, Virginia, and West Virginia, for 180 days. Supporting shipper: C. V. Transport, T/A, Solliday Oil Co., P.O. Box 343, Hagerstown, Md. 21740. Send protests to: W. C. Hersman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 12th & Constitution Ave., N.W., Room 317, Washington, D.C. 20423.

No. MC 140316TA, filed October 15, 1974. Applicant: SOUTHERN BUREAU OF INVESTIGATION, INC., AND SOUTHERN ARMORED CAR SERVICE, 1312 22nd Avenue, P.O. Box 449, Meridian, Miss. 39301. Applicant's representative: James E. Smith, P.O. Box 449, Meridian, Miss. 39301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Microfilms, canceled checks, and other miscellaneous banking materials*, from Meridian, Miss., to York, Livingston, Butler, Demopolis, Mobile, and Montgomery, Ala., Memphis, Tenn., and Baton Rouge and New Orleans, La., for 180 days. Supporting shipper: Financial Data Processing Center, Inc., P.O. Box 5515, 908 Roebuck Drive, Meridian, Miss. 39301. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson Miss. 39201.

No. MC 140317TA, filed October 18, 1974. Applicant: ED H. SONNENBERG, Route 3, Detroit Lakes, Minn. 56501. Applicant's representative: Richard P.

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Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by heating and air-conditioning contractors, and by manufacturers, fabricators, and distributors of heating and air-conditioning contractors' *equipment, materials, and supplies*, (1) from Red Bud and Chicago, Ill.; South Bend, Ind.; and Omaha, Nebr., to points in Minnesota; and (2) from Detroit Lakes, Minn., to points in North Dakota, South Dakota, Wyoming, Montana, and Wisconsin, for 180 days. Supporting shipper: Tri-State Heating Supply Co., P.O. Box 5960, Detroit Lakes, Minn. 56501. Send protests to: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 140318TA, filed October 21, 1974. Applicant: PARKER'S VAN & STORAGE, INC., 705 North Daisy Street, Goldsboro, N.C. 27530. Applicant's representative: Lindsay C. Warren, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Wayne, Lenoir, Johnston, Greene, Pitt, Martin, Edgecomb, Wilson, Nash, Halifax, Wake, Durham, Orange, Person, Granville, Vance, Franklin, and Warren Counties, N.C., for 180 days. Restriction: The service applied for is to be restricted to the transportation of traffic having a prior or subsequent movement in containers beyond the points above referred to and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic. Supporting shippers: Von Der Ahe International Inc., 600 Rudder Ave., Fenton, Mo. 63026; Imperial Van Lines International, Inc., 9675 Fourth St. N., St. Petersburg, Fla. 33702; Fernstrom Storage & Van Company, Overseas Division, 555 Northgate Mall, Seattle, Wash. 98125. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 140274–R (Sub-No. 1TA), filed October 17, 1974. Applicant: HOME DELIVERY SERVICE, INC., 382 McLean Boulevard, Paterson, N.J. 07513. Applicant's representative: William J. Lippman, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, equipment, and supplies* as are sold, used, or distributed by a manufacturer of cosmetics, from the plant site and storage facilities of Avon Products, Inc., at Newark, Del., to points in Delaware, and to points in Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Dauphin, Franklin, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Monroe, Montgomery, Northampton, Philadelphia, Perry, Schuylkill, and York Counties, Pa., subject to the following conditions: Said operations are restricted against the transportation of any package or article weighing more than 50 pounds. Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor to one consignee at one location on any one day, for 180 days. Supporting shipper: Avon Products, Inc., 2100 Ogletown Road, Newark, Del. 19711. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 124174 (Sub-No. 102TA), filed October 15, 1974. Applicant: MOMSEN TRUCKING CO., 2405 Highway Boulevard, Spencer, Iowa 51301. Applicant's representative: Karl E. Momsen, P.O. Box 37490, Omaha, Nebr. 68137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bars, strip, and coils*, from the plantsites and warehouse facilities of Copperweld Specialty Steel Company at or near Warren, Ohio; National Steel Service Center, Inc., at or near New Castle, Pa.; and Sharon Steel Corporation at or near Sharon, Pa., to the plantsite and storage facilities of the Peterson Manufacturing Co., Inc., at or near DeWitt, Nebr., for 180 days. Supporting shipper: Peterson Mfg. Co., Inc., DeWitt, Nebr. 68341. Send protests to: District Supervisor Carroll Russell, Bureau of Operations, Interstate Commerce Commission, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 114533 (Sub-No. 308TA), filed October 15, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Oakbrook, Ill., on the one hand, and, on the other, points in Michigan (except Lansing, Benton Harbor, Niles, Muskegon, Detroit, and Flint) and Indiana (except Goshen), for 180 days. Supporting shipper: McDonald's Corporation, 1100 West 22nd Street, Oakbrook, Ill. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 124017 (Sub-No. 6TA), filed October 10, 1974. Applicant: ROBERT A. JEFFREY, doing business as R. JEFFREY & SONS, P.O. Box C 180, R.D. #1, Elysburg, Pa. 17824. Applicant's representative: John M. Musselman, 410 N. Third St., Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Luzerne County, Pa., to points in New York on and west of a line beginning at Sodus Point, N.Y., on the shore of Lake Ontario, and extending along New York Highway 14 to Horseheads, N.Y., thence along New York Highway 17 to Waverly, N.Y., and thence along New York Highway 220 to the New York-Pennsylvania State line, for 180 days. Supporting shipper: Lehigh Valley Coal Sales Company, 800 Exeter Avenue, West Pittston, Pa. 18642. Send protests to: Robert P. Amerine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 125997 (Sub-No. 7TA), filed October 15, 1974. Applicant: L. C. FOESCH, doing business as FOESCH TRANSFER LINE, P.O. Box 434, Shawano, Wis. 54166. Applicant's representative: John D. Varda, 121 South Pinckney St., Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ornamental ironwork, power hand trucks and accessories, and spare tire carrier accessory kits*, and on return, *materials, supplies, and attachments* used in the manufacture and assembly of the aforenamed commodities, between the plant site of Kools Brothers, Inc., at Shawano, Wis., on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Michigan, Ohio, and Wisconsin, for 180 days. Supporting shipper: Kools Brothers, Inc., P.O. Box 463, Shawano, Wis. 54166. Send protests to: District Supervisor John Ryden, Interstate Commerce Commission, Bureau of Operations, Room 807, 135 West Wells St., Milwaukee, Wis. 53203.

No. MC 128007 (Sub-No. 68TA), filed October 18, 1974. Applicant: HOFER, INC., P.O. Box 583, 4032 Parkview Dr., Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wallboard*, from the plantsite of U.S. Gypsum Co., Pittsburg, Kans., and the plant site of Legget and Platt Co., Springfield, Mo., for 180 days. Supporting shipper: United States Gypsum Company, 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: M. E. Taylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128247 (Sub-No. 27TA), filed October 16, 1974. Applicant: BURSAL TRANSPORT, INC., 3839 S. LaFountain, Kokomo, Ind. 46901. Applicant's representative: Edward G. Bazelon, 39 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ingots*, from Centerville, Iowa, to Kokomo, Ind., for 180 days. Supporting shipper: Iowa Steel & Wire Co., Centerville, Iowa 52544. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 129625 (Sub-No. 5TA), filed October 18, 1974. Applicant: ROBERT COLE TRUCKING COMPANY, P.O. Box M, Falls Creek, Pa. 15840. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in dump vehicles, (1) from points in Cambria County, Pa., to points in that part of New York east of Interstate Highway 81, with no transportation for compensation on return except as otherwise authorized; (2) from points in Clearfield County, Pa., to points in that part of New York on and west of Interstate Highway 81, with no transportation for compensation on return except as otherwise authorized; (3) from points in Jefferson, Cambria, Clarion, Indiana, Elk, and Clearfield Counties, Pa., to the facilities of the Delmarva Power & Light Company located at or near Indian River, Del., with no transportation for compensation on return except as otherwise authorized; and (4) from points in Jefferson, Cambria, Clarion, Indiana, Elk, and Clearfield Counties, Pa., to the facilities of Deamond Alkali Company at Painesville, Ohio, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shippers: Pittsburgh & West Virginia Coal Company, 1944 Oliver Building, Pittsburgh, Pa. 15222; Coal Hill Mining Co., Inc., Deposit National Bank Building, DuBois, Pa. 15801; H. N. Hartwell Co., Inc., Park Square Building, Boston, Mass. Send protests to: District Supervisor James C. Donaldson, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 134551 (Sub-No. 4TA), filed October 22, 1974. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., 3 Caine Drive, Madison, Ill. 62060. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, from Kansas City, Kans., to (1) Fulton and Mexico, Mo., and points in Missouri located on and west of U.S. Highway 63; and (2) Hutchinson, Kans., and points in Kansas on and east of U.S. Highway 81, for 180 days. Supporting shippers: Wayne E. Lemke, Manager Farmland Foods, Inc., P.O. Box 7305, Kansas City, Mo. 64116; Joseph J. Dolan, Traffic Mgr., Dubuque Packing Company, 701 E. 16th St., Dubuque, Iowa; Bruce Raines, Asst. to Owner, Welch Marketing Company, 910 Pennsylvania, Suite 206, Kansas City, Mo. 64105; John Morrell & Co., 208 S. LaSalle St., Chicago, Ill. 60604; James T. Ferguson, T. Mgr., Cudahy Foods Co., 2300 North Broadway, Wichita, Kans 67201. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62706.

No. MC 134979 (Sub 4TA), filed October 18, 1974. Applicant: DAGGETT TRUCK LINE, INC., Frazee, Minn. 56544. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pet food* (except commodities in bulk, in tank vehicles), from the plantsite and facilities of Tuffy's—Division of Star-Kist Foods, Inc., at or near Perham, Minn., to points in Colorado, Wyoming, and Michigan, for 180 days. Supporting shipper: Tuffy's—Division of Star-Kist Foods, Inc., P.O. Box 190, Perham, Minn. 56573. Send protests to: Joseph H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 135007 (Sub-No. 46TA), filed October 15, 1974. Applicant: AMERICAN TRANSPORT, INC., 7850 F Street, Omaha, Nebr. 68127, Mlg: P.O. Box 3704, Millard Station, Millard, Nebr. 68137. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Connecticut, District of Columbia, Georgia, Illinois, Indiana, Massachusetts, Maine, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia, restricted to traffic originating at and destined to named points, for 180 days. Supporting shipper: Iowa Beef Processors, Inc., P.O. Box 515, Dakota City, Nebr. 68731. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 135243 (Sub-No. 4TA), filed October 21, 1974. Applicant: WISPAK TRANSPORT, INC., 4700 North 132nd Street, Butler, Wis. 53007. Applicant's representative: Stephen E. Zwicky, 119 Monona Avenue, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies used or useful in the manufacturing, processing, sales, and distribution of meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and *meat, meat products, and meat by-products*, except commodities in bulk, from points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia to Butler and Milwaukee, Wis., for 180 days. Supporting shipper: Wisconsin Packing Co., Inc., 305 S. 3rd St. Milwaukee, Wis. (Robert C. Heller, Vice President). Send protests to: District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 136318 (Sub-No. 25TA), filed October 16, 1974. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 5627, High Point, N.C. 27262. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Television sets, radios, phonographs, stereo systems, recorders, players, recorded material, television stands, speaker systems, and audio equipment;* and (2) *accessories, components, and parts* for the commodities set forth in (1) above A. From the Los Angeles, Calif., commercial zone and the Los Angeles, Calif., Harbor commercial zone to Bloomington, Marion, and Indianapolis, Ind., and points in Georgia, North Carolina, South Carolina, and Tennessee; and B. From Marion, Ind., to points in Georgia, North Carolina, South Carolina, and Tennessee, for 180 days. Restrictions: (1) Restricted against commodities in bulk, in tank vehicles; and (2) Restricted to transportation of commodities under a continuing contract or contracts with RCA and its affiliates. Supporting shipper: RCA, Cherry Hill, N.J. 08034. Send protests to: District Supervisor Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 138313 (Sub-No. 15TA), filed October 17, 1974. Applicant: BUILDERS TRANSPORT, INC., 409—14th St. SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies, in straight or mixed shipments with scrap engine blocks*, and transmissions, from Havre, Mont., to Tacoma and Seattle, Wash., and Portland, Oreg., for 180 days. Supporting shipper: Bitterroot Auto, P.O. Box 441, Havre, Mont. 59501. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138382 (Sub-No. 1TA), filed October 22, 1974. Applicant: PATTERSON COASTAL TRANSPORT, INC., RR #2, Frankfort, Ill. 60423. Applicant's representative: Stephen H. Loeb, 327 S. LaSalle St., Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gym equipment, parts, attachments*

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and accessories therefor, from Fresno, Calif., to Frankfort, Ill., for 90 days. Supporting shipper: Swartz Associates, Inc., 121 Ontario St. Frankfort, Ill. 60423. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill 60604.

No. MC 138398 (Sub-No. 10TA), filed October 11, 1974. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street (P.O. Box 3772), Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical cords, electrical switches, circuit breakers, and lead wires*, from Bridgeport, Conn., and Pawtucket and Providence, R.I., to Kansas City, Clinton, Sweet Springs, Sedalia, Hannibal, and Albany, Mo., under a continuing contract or contracts with Rival Manufacturing Co., of Kansas City, Mo., for 180 days. Supporting shipper: Rival Manufacturing, 3600 Bennington, Kansas City, Mo. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138882 (Sub-No. 6TA), filed October 17, 1974. Applicant: WILEY SANDERS, INC., 212 Oak Street, Troy, Ala. 36801. Applicant's representative: John W. Cooper, 1314 City Federal Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment used or consumed in processing lead*, from points in Pike County, Ala., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Sanders Lead Company, Inc., P.O. Box 161, Troy, Ala. 36081. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 139600 (Sub-No. 3TA), filed October 15, 1974. Applicant: LA CRESTA, INC., doing business as CALIFORNIA BULK EXPRESS, 12912 Camino Del Valle, Poway, Calif. 92064. Applicant's representative: Fred F. Caldwell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk or in bags, from Oceanside, Calif., to points in Arizona and Nevada, for 180 days. Supporting shipper: Crystal Silica Company, P.O. Box 1280, Oceanside, Calif. 92054. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-25670 Filed 11-1-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

OCTOBER 30, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 30446 (Sub-No. 6G) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 21, 1974. Applicant: BRUCE JOHNSON TRUCKING COMPANY, INC., P.O. Box 5647, Charlotte, N.C. 28225. Applicant's representative: Charles Ephraim, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. The above application was published October 1, 1974, with an incorrect docket number, and was subsequently published October 21 to reflect the correct number. Inadvertently, in the October 21 publication, the due date for statements in opposition was incorrectly shown as 10 days after publication. Opposition statements to this application are due 30 days from this publication date.

No. MC 64932 (Sub-No. 530G), filed June 3, 1974. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 South Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Connecticut, Florida, Georgia, Louisiana, Maine, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of Marshall, Ill.

No. MC 52861 (Sub-No. 36G), filed June 4, 1974. Applicant: WILLS TRUCKING, INC., 5755 Granger Road, Cleveland, Ohio 44151. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt*, in bulk, from Watkins Glen, N.Y., to points in Kentucky and Illinois; (2) *rock salt*, in bulk, from Detroit, Mich., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, those points in Virginia on and east of U.S. Highway 21, those points in West Virginia on and east of Interstate Highway 77, and the District of Columbia; (3) *crushed raw limestone*, in bulk, in dump vehicles, from points in Steuben County, Ind., to points in Michigan (except St. Joseph, Branch, Kalamazoo, and Calhoun Counties, Mich.); (4) *rock salt*, in bulk, from points in Washtenaw and Wayne Counties, Mich., within 40 miles of Monroe, Mich., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia; (5) *salt*, in bulk, from points in Wayne and Monroe Counties, Mich., and Ottawa County, Ohio, within 40 miles of Monroe, Mich., to points in Indiana; (6) *pig iron*, in dump vehicles, from points in Wayne and Monroe Counties, Mich, and Ottawa County, Ohio, within 40 miles of Monroe, Mich., to points in Indiana; (7) *lime and limestone products*, from points in Wayne County, Mich., within 40 miles of Monroe, Mich., to points in Indiana, Illinois, Iowa, Kentucky, Ohio, Missouri, New York, Pennsylvania, Wisconsin, and West Virginia; (8) *sand*, in bulk, between Toledo, Ohio, on the one hand, and, on the other, points in Ohio (except points in Cuyahoga, Geauga, Portage, and Lorain Counties, Ohio); (9) *spent catalyst* (clay), in bulk, in tank vehicles, from points in Ohio within 40 miles of Monroe, Mich., to points on the International Boundary line between the United States and Canada at Port Huron, Mich.; (10) *limestone*, in bulk, in dump vehicles, from points in Ohio within 40 miles of Monroe, Mich., to points in Michigan; and (11) *pig iron*, in dump vehicles, from points in Ohio within 40 miles of Monroe, Mich., to points in Michigan. The purpose of this filing is to eliminate the gateways at Cleveland, Ohio; Fairport, Ohio; Williams County, Ohio; Detroit, Mich.; Lucas County, Ohio; River Rouge, Mich.; and Michigan.

No. MC 105045 (Sub-No. 49G), filed June 4, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which, by reason of size or weight, require the use of special equipment, and *self-propelled articles*, each weighing 15,000 pounds or more, restricted to commodities transported on trailers, (1) between points in Ohio and Tennessee, on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Iowa, Kansas, Louisiana, Maryland, Michigan, Missouri, Mississippi, Nebraska, Ohio, Oklahoma, Texas, Virginia, and Wisconsin. The purpose of this filing is to eliminate the gateways at points in Kentucky, and points in West Virginia. (2) between points in Virginia, Maryland, West Virginia, Pennsylvania, and the District of Columbia, on the one hand, and, on the other, points in Georgia, Florida, Alabama, and Michigan. The purpose of this filing is to eliminate the gateways at points in Kentucky. (3) between points in Virginia on and west of U.S. Highway 11, on the one hand, and, on the other, points in Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in West Virginia.

No. MC 107515 (Sub-No. 918G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Pampa, Lubbock (Burris), Amarillo, San Angelo, Palestine, Abilene, Paris, and Houston, Tex., to points in Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, and Massachusetts. The purpose of this filing is to eliminate the gateways at Tifton, Ga., Madison, Tenn., Gatesville, N.C., Rocky Mount, N.C., and Charlotte, N.C.

No. MC 119531 (Sub-No. 156G), filed June 4, 1974. Applicant: SUN EXPRESS, INC., 1835 West Main, Zanesville, Ohio 43701. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fibre drums*, from Van Wert, Ohio, to points in West Virginia. The purpose of this filing is to eliminate the gateways of Anderson, Ind. and Circleville, Ohio. (2) *pulpboard in rolls, and indented paper and indented pulpboard packing pads*, from Massillon, Ohio, to points in West Virginia and Indiana. The purpose of this filing is to eliminate the gateways of Erie, Pa., and Cleveland, Ohio. (3) *fibreboard containers and fibreboard sheets*, from Butler, Ind., to points in Illinois and Michigan. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. (4) *corrugated boxes*, knocked down, from Owosso, Mich., to points in Indiana and Ohio. The purpose of this filing is to eliminate the gateways of Lawrenceburg, Ind., and Cleveland, Ohio.

No. MC 136166 (Sub-No. 7G) (Correction), filed May 31, 1974, published in the FEDERAL REGISTER October 1, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97208. The above application for the elimination of gateways was published with an incorrect docket number—previously published as MC 136116 (Sub-No. 7G). The application remains as previously published.

INTERSTATE COMMERCE COMMISSION

OFFICE OF PROCEEDINGS

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

NOTICE

OCTOBER 30, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commeree Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 26396 (Sub-No. E3), filed June 4, 1974. Applicant: POPELKA TRUCKING COMPANY, d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, Montana 59047. Applicant's representative: Jacob P. Billig, 1126 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wooden beams, glue laminated wooden beams, and roof-decking*, (1) from points in Montana and Wyoming within 100 miles of Bridger, Mont., including Bridger, Mont., to points in Minnesota on and east of U.S. Highway 53, and points in Wisconsin on and east of a line beginning at the Minnesota-Wisconsin State line, thence along U.S. Highway 2 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to junction Wisconsin Highway 21, thence along Wisconsin Highway 21 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Wisconsin-Illinois State line. (2) from Livingston, Mont., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Nebraska, Iowa, Colorado, points in Wyoming on and east of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, and points in Utah on and east of a line beginning at the Wyoming-Utah State line, thence along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 88, thence along State Highway 88 to junction Green River, thence along the Green River to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 72, thence along Utah Highway 72 to junction Utah Highway 24, thence along Utah Highway 24 to junction Utah Highway 62, thence along Utah Highway 62 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line. The purpose of this filing is to eliminate the gateway of Columbus, Montana.

No. MC 26396 (Sub-No. E4), filed June 4, 1974. Applicant: POPELKA TRUCKING COMPANY, d.b.a. THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Jacob P. Billig, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden beams, glue laminated wooden beams, and roofdecking*, from Belgrade, Manhattan, and Trident, Mont., to points in North Dakota, South Dakota, Minnesota, Wisconsin, Iowa, Nebraska, Colorado, points in Wyoming on and east of a line beginning at the Montana-Wyoming State line, thence along Wyoming Highway 120 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to junction Wyoming Highway 28, thence along Wyoming Highway 28 to junction U.S. Highway 187, thence along U.S. Highway 187 to junction Wyoming Highway 430, thence along Wyoming Highway 430 to the Wyoming-Colorado State line, and points in Utah on and east of a line beginning at the Wyoming-Utah State line, thence along Utah Highway 44 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Utah Highway 88, thence along State Highway 88 to junction Green River, thence along the Green River to junction Interstate Highway 70, thence along Interstate Highway 70 to junction Utah Highway 72, thence along Utah Highway 72 to junction Utah Highway 24, thence along Utah Highway 24 to junction Utah Highway 62, thence along Utah Highway 62 to junction U.S. Highway 89, thence along U.S. Highway 89 to junction Utah Highway 20, thence along Utah Highway 20 to junction U.S. Highway 91, thence along U.S. Highway 91 to the Utah-Arizona State line. The purpose of this filing is to eliminate the gateway of Columbus, Mont.

No. MC 74169 (Sub-No. E7), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Idaho, on the one hand, and, on the other, points in West Virginia, Virginia, and points in that part of Kentucky on and east of U.S. Highway 41; (2) between points in that part of Idaho on and south of U.S. Highway 26, on the one hand, and, on

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the other, points in that part of South Dakota on and south of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line; and (3) between points in that part of Idaho on and north of U.S. Highway 12, on the one hand, and, on the other, points in Kentucky. The purpose of this filing is to eliminate the gateways of points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., Council Bluffs, Iowa, and points in Illinois for points in (1) and (3) above, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr., for points in (2) above.

No. MC-74169 (Sub-No. E8), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Idaho on and south of U.S. Highway 26, on the one hand, and, on the other, Detroit, Mich., (2) between points in Idaho, on the one hand, and, on the other, Council Bluffs, Iowa, (3) between points in that part of Idaho on and south of U.S. Highway 26, on the one hand, and, on the other, points in Iowa (except points in Plymouth, Sioux, Lyon, and Osceola Counties), and (4) between points in Idaho, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 99, and points in Missouri. The purpose of this filing is to eliminate the gateways of Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Morrill, Scotts Bluff, and Banner Counties, Nebr., for points in (1) above; points in Morrill, Scotts Bluff, and Banner Counties, Nebr., for points in (2) above, and Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr., for points in (3), (4), and (5) above.

No. MC 74169 (Sub-No. E9), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Idaho on and south of U.S. Highway 26, on the one hand, and, on the other, points in that part of Minnesota on, south, and east of a line beginning at the Iowa-Minnesota State Line, thence along Minnesota Highway 60 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line; (2) between points in Idaho, on the one hand, and, on the other, points in Illinois; (3) between points in Idaho, on the one hand, and, on the other, points in Lawrence, Monroe, Orange, and Greene Counties, Ind., and (4) between points in that part of Colorado on and north of U.S. Highway 61 on the one hand, and, on the other, points in Maryland and Virginia. The purpose of this filing is to eliminate the gateways of points in Morrill, Scotts Bluff, and Banner Counties, Nebr., and Council Bluffs, Iowa, for points in (1), (2), and (3) above; points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., points in Illinois, and Council Bluffs, Iowa, for points in (4) above.

No. MC 74169 (Sub-No. E10), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Colorado on, west, and north of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 85 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Colorado-Utah State line, on the one hand, and, on the other, points in New York; (2) between points in that part of Colorado on and north of U.S. Highway 6, on the one hand, and, on the other, points in West Virginia; (3) between points in that part of Colorado on and north of U.S. Highway 6, on the one hand, and, on the other, points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 62 to junction U.S. Highway 19, thence along U.S. Highway 19 to the Pennsylvania-West Virginia State line; (4) between Durango, Colo., on the one hand, and, on the other, points in the Lower Peninsula of Michigan (except points in Berrien, Cass, Van Buren, and Allegan Counties); and (5) between points in Colorado on the one hand, and, on the other, points in Greene, Lawrence, Monroe, and Orange Counties, Ind. The purpose of this filing is to eliminate the gateways of points in Greene, Lawrence, Monroe, and Orange Counties, Ind., Morrill, Scotts Bluff, and Banner Counties, Nebr., points in Illinois, and Council Bluffs, Iowa for points in (1), (2) and (3) above; Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois for points in (4) above; and Council Bluffs, Iowa, for points in (5) above.

No. MC 74169 (Sub-No. E11), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the New Mexico-Colorado State line, on the one hand, and, on the other, Detroit, Mich.; (2) between points in Colorado, on the one hand, and, on the other, points in Ohio; (3) between points in that part of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 85 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line, on the one hand, and, on the other, points in that part of Kentucky on and east of Interstate Highway 65 (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois*); (4) between Durango, Colo., on the one hand, and, on the other, points in Minnesota; and (5) between points on that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 87 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the New Mexico-Colorado State line, on the one hand, and, on the other, Minneapolis, St. Paul, and Duluth, Minn. (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 74169 (Sub-No. E12), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 24 to junction U.S. Highway 25, thence along U.S. Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the New Mexico-Colorado State line, on the one hand, and, on the other, Detroit, Mich.; (2) between points in Colorado, on the one hand, and, on the other, points in Ohio; (3) between points in that part of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 85 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Utah-Colorado State line, on the one hand, and, on the other, points in that part of Kentucky on and east of Interstate Highway 65 (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois*); (4) between Durango, Colo., on the one hand, and, on the other, points in Minnesota; and (5) between points on that part of Colorado on and west of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 87 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction U.S. Highway 550, thence along U.S. Highway 550 to the New Mexico-Colorado State line, on the one hand, and, on the other, Minneapolis, St. Paul, and Duluth, Minn. (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

Phillips Counties, Colo., on the one hand, and, on the other, points in Idaho; and (5) between points in that part of Colorado east of the Continental Divide, on the one hand, and, on the other, points in that part of Idaho on and north of U.S. Highway 12 (points in Morrill, Scotts Bluff, and Banner Counties, Neb.*). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 74169 (Sub-No. E13), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Colorado on and west of U.S. Highway 85, on the one hand, and, on the other, points in South Dakota; (2) between points in that part of Colorado, on the one hand, and, on the other, points in that part of South Dakota south and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 385 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 85, thence along U.S. Highway 85 to the North Dakota-South Dakota State line (points in Morrill, Scotts Bluff, and Banner Counties, Nebr.*); (3) between points in Colorado, on the one hand, and, on the other, points in that part of Nebraska on and east of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 77 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to the Nebraska-Iowa State line (Council Bluffs, Iowa*); (4) between points in Moffat County, Colo., on the one hand, and, on the other, points in Nebraska (points in Morrill, Scotts Bluff, and Banner Counties, Nebr.*); and (5) between points in Missouri, on the one hand, and, on the other, points in Dixon and Dakota Counties, Nebr. (Council Bluffs, Iowa*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 77005 (Sub-No. E2), filed May 19, 1974. Applicant: POINT TRANSFER, INC., P.O. Box 10392, Pittsburgh, Pa. 15234. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery, and electrical appliances*, between Pittsburgh, Pa., located on and east of U.S. zone, and points within 15 miles of Pittsgurgh, Pa., located on and east of U.S. Highway 19, on the one hand, and, on the other, points in Ohio (except points east and north of a line beginning at Fairport Harbor, Ohio, and extending along Ohio Highway 44 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction Ohio Highway 82, and thence over Ohio Highway 82 to the Ohio-Pennsylvania State line, and except points east and south of a line beginning at Steubenville, Ohio, and extending along U.S. Highway 22 to junction Interstate Highway 77, and thence over Interstate Highway 77 to the Ohio-West Virginia State line). The purpose of this filing is to eliminate the gateway of Coraopolis, Pa., and points in Neville, Crescent, and Moon Townships, Allegheny County, Pa.

No. MC 93393 (Sub-No. E6), filed June 4, 1974. Applicant: NIGHTWAY TRANSPORTATION CO., 4100 S. Emerald Street, Austin, Minn. 55912. Applicant's representative: William H. Towle, Suite 1133, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from the plant site of the Agar Packing Company at Momence, Ill., to points in that part of Indiana on and south of a line beginning at the Indiana-Ohio State line, thence along Indiana Highway 32 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction Indiana Highway 57, thence along Indiana Highway 57 to junction Indiana Highway 61, thence along Indiana Highway 61 to the Ohio River, and points in that part of Ohio on and south of a line beginning at Lorain, thencealong Ohio Highway 58 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Ohio Highway 430, thence along Ohio Highway 430 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Indiana-Ohio State line. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the plant site of the Agar Packing Co., at Momence, Ill. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 93393 (Sub-No. E7), filed June 4, 1974. Applicant: NIGHTWAY TRANSPORTATION CO., 4100 South Emerald Ave., Chicago, Ill. 60609. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Armour and Co., near Sterling, Ill., to points in that part of Ohio, on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 5 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highway 47, thence along Ohio Highway 47 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 93393 (Sub-No. E8), filed June 4, 1974. Applicant: NIGHTWAY TRANSPORTATION CO., 4100 South Emerald Ave., Chicago, Ill. 60609. Applicant's representative: William H. Towle, Suite 1133, 127 North Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese products*, and (2) *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), from the plant site of Swift & Co., at Rochelle, Ill., to points in that part of Indiana on and south of a line beginning at the Ohio-Indiana State line, thence along Indiana Highway 32 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 67, thence along U.S. Highway 67 to the Indiana-Illinois State line, and points in that part of Ohio on and south of a line beginning at the Indiana-Ohio State line thence along Ohio Highway 47 to junction U.S. Highway 23, thence along U.S. Highway 23 to junction Ohio Highway 229, thence along Ohio Highway 229 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. Restriction: The authority granted herein is restricted to the transportation of shipments originating at the plant site of Swift & Co., at Rochelle, Ill. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 106398 (Sub-No. E46), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector, other than from origins which are points of manufacture, from the plantsite of Arbor Modules, Inc., at Waterbury, Conn., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, South Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateways of any point in New York.

No. MC 106398 (Sub-No. E58), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329,

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Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector other than from origins which are points of manufacture, from points in New York and Massachusetts, to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia. The purpose of this filing is to eliminate the gateway of any point in New York or Massachusetts.

No. MC 106398 (Sub-No. E59), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, with *parts and accessories*, from points in New York and Massachusetts, to points in Iowa, Missouri, Arkansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, and Ohio. The purpose of this filing is to eliminate the gateways of any point in Pennsylvania.

No. MC 106398 (Sub-No. E60), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, and sections, panels, parts* and *accessories thereof*, from points in New York and Massachusetts, to points in New Mexico. The purpose of this filing is to eliminate the gateway of any points in Pennsylvania.

No. MC 106398 (Sub-No. E61), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, assembled, partially assembled, or unassembled from points in New York and Massachusetts, to points in California, Nevada, and Arizona, restricted against the transportation of trailers or mobile homes designed to be drawn by passenger automobiles and oil field and industrial buildings. The purpose of this filing is to eliminate the gateways of (1) any points in Pennsylvania, (2) Des Moines, Iowa, and (3) any point in New Mexico.

No. MC 106398 (Sub-No. E62), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such building when shipped therewith, from points in New York and Massachusetts, to points in Minnesota, South Dakota, Nebraska, and Kansas. The purpose of this filing is to eliminate the gateway of any points in Pennsylvania.

No. MC 106398 (Sub-No. E63), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size or weight requires the use of special equipment), from points in New York and Massachusetts, to points in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of any points in New York or Massachusetts.

No. MC 106398 (Sub-No. E66), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size or weight require the use of special equipment), from points in Florida, to points in New York and Massachusetts. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E67), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size and weight require the use of special equipment), from points in New York and Massachusetts, to points in Florida. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E68), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such building when shipped therewith, from points in New York and Massachusetts, to the District of Columbia and points in Maryland. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E69), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith, from the District of Columbia, and points in Maryland, to points in New York and Massachusetts. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E70), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, complete, knocked down, or in sections, from points in Massachusetts, New York, Pennsylvania, and West Virginia, to points in Arizona, California, Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Parkersburg, W. Va.

No. MC 106398 (Sub-No. E71), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings, when shipped therewith, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to points in New York and Massachusetts. The purpose of this filing is to eliminate the gateways of any point in Pennsylvania.

No. MC 106398 (Sub-No. E72), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, in sections, when transported on wheeled undercarriages equipped with hitch-ball connector, other than from origins which are points of manufacture,

from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virgania, West Virginia, and Wisconsin, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Florida, Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, New Mexico, Utah, Arizona, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of any point in Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, Tennessee, Arkansas, Missouri, Illinois, Kentucky, West Virginia, Virginia, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, or Iowa.

No. MC 106398 (Sub-No. E73), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size and weight requires the use of special equipment), from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, to points in Maine, New Hampshire, Vermont, and Connecticut and Rhode Island. The purpose of this filing is to eliminate the gateways of any point in Pennsylvania.

No. MC 106398 (Sub-No. E74), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, including component parts of such buildings when shipped therewith (except commodities the transportation of which because of size and weight requires the use of special equipment), from points in Iowa, Missouri, Kansas, Louisiana, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Tennessee, and Kentucky, to points in Maine, New Hampshire, Vermont, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of any point in New York, Massachusetts, or Pennsylvania.

No. MC 106401 (Sub-No. E15), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, North Carolina 28234. Applicant's representative: Thomas G. Sloan (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Russell County, Ala., to points in South Carolina west and north of a line consisting of the western and northern boundaries of Horry, Georgetown, Williamsburg, Clarendon, Calhoun, Orangeburg, and Barnwell Counties (except points on U.S. Highway 29 and U.S. Highway Alternate 29, points on U.S. Highway 23 and U.S. Highway 123, points on U.S. Highway 1, points on U.S. Highway 76 between Columbia and Florence, points on U.S. Highway 15 between Sumter and the junction of U.S. Highway 52 at or near Society Hill, and points on U.S. Highway 52 between Florence and Cherow). The purpose of this filing is to eliminate the gateways of Columbus, Georgia, and Graniteville, South Carolina.

No. MC 106401 (Sub-No. E16), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, North Carolina 28234. Applicant's representative: Thomas G. Sloan (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Russell County, Alabama, on the one hand, and, on the other, Charleston, and points within ten miles thereof. The purpose of this filing is to eliminate the gateway of Columbus, Georgia.

No. MC 106401 (Sub-No. E18), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, North Carolina 28234. Applicant's representative: Thomas G. Sloan (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between (except Atlanta) points in Georgia on and north of Interstate Highway 85, on the one hand, and, on the other, points in Charlestown, Georgetown, Horry, Berkeley, Dorchester, Colleton, Buford, and Jaspar Counties, South Carolina, (2) between points in Georgia on and south of Interstate Highway 20, from the Georgia-South Carolina State line to Atlanta, thence along Interstate Highway 85 to the Georgia-Alabama State line (except Atlanta), on the one hand, and, on the other, points in Charleston, Georgetown, Horry, Berkeley, Dorchester, and Colleton Counties, South Carolina, between points in Georgia south of a line from the Georgia-South Carolina State line along Interstate Highway 85, to Atlanta, and north of a line from Atlanta along Interstate Highway 20, to the Georgia-South Carolina State line, on the one hand, and, on the other, points in Charleston, Georgetown, Horry, Berkeley, and that portion of Dorchester County lying on and south of South Carolina Highways 27 and 61. The purpose of this filing is to eliminate the gateway of Charleston, South Carolina, and points within 10 miles thereof.

No. MC 107002 (Sub-No. E2) (Correction), filed April 16, 1974, published in the FEDERAL REGISTER May 31, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123, Jackson, Miss. 39205. Applicant's representative: John J. Borth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Liquid chemicals* (except liquid hydogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Fox, Ala., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Cedartown, Ga. (b) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Illinois, Missouri, Kansas, and points in that part of Indiana on and north of U.S. Highway 50. The purpose of this filing is to eliminate the gateway of Collierville, Tenn. (c) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Iowa and Wisconsin, restricted against the transportation of liquid hydrogen, liquid oxygen, and liquid nitrogen when moving to missile storage or launching sites, missile test facilities or manufacturing plants producing liquid hydrogen, liquid oxygen, or liquid nitrogen. The purpose of this filing is to eliminate the gateway of a point in Arkansas at the junction of Interstate Highway 55 and Arkansas Highway 18 which is within 10 miles of Barfield, Ark. (d) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in that part of Texas on and west of U.S. Highway 281. The purpose of this filing is to eliminate the gateway of Hattiesburg, Miss. (e) *Liquid chemicals*, in bulk, in tank vehicles, from Fox, Ala., to points in Michigan. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. The purpose of this correction is to correct errors made in the previous publication.

No. MC 108119 (Sub-No. E2), filed June 13, 1974. Applicant: E. L. MURPHY TRUCKING CO., P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Roger L. Bond (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require special handling or the use of special equipment, and related parts, materials, and supplies when their transportation is incidental to the transportation by carrier of commodities, which because of size or weight require special handling or the use of special equipment; and (2) *Self-propelled articles*,

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each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in that part of South Dakota on, north, and east of a line beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 83 to junction U.S. Highway 16, thence along U.S. Highway 16 to the South Dakota-Minnesota State line, on the one hand, and, on the other, points in that part of Alabama west of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 231 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line, points in that part of Florida west of a line beginning at St. Petersburg, thence along Interstate Highway 75 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Florida-Georgia State line, points in that part of Illinois west of a line beginning at the Illinois-Kentucky State line, thence along U.S. Highway 51 to junction Interstate Highway 74.

Thence along Interstate Highway 74 to the Illinois-Iowa State line, points in that part of Kansas on and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to junction Interstate Highway 35, thence along Interstate Highway 35 to the Kansas-Oklahoma State line, points in that part of Mississippi south of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 82 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction U.S. Highway 78, thence along U.S. Highway 78 to the Mississippi-Tennessee State line, points in that part of Nebraska on and east of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Nebraska-Iowa State line, points in that part of Oklahoma on and east of a line beginning at the Oklahoma-Kansas State line, thence along Interstate Highway 35 to junction H. E. Bailey Turnpike, thence along the H. E. Bailey Turnpike to the Oklahoma-Texas State line, points in that part of Tennessee west of U.S. Highway 51, points in that part of Texas on and east of U.S. Highway 277, and points in Arkansas, Louisiana, and Missouri. Restriction: Operations to or from points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, West Virginia, and Wyoming are restricted against the transportation of farm machinery; and the operations authorized in (2) above are restricted to commodities which are transported by trailers. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 108449 (Sub-No. E180), filed May 24, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Winona, Minn., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Welcome, Minn.

No. MC 108449 (Sub-No. E182), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. S. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in that part of Illinois on and north of U.S. Highway 6, to points in Douglas, Burnett, Washburn, Polk, Barron, St. Croix, and Pierce Counties, Wis. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 108449 (Sub-No. E183), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Sterling and Rock Falls, Ill., to points on and west of a line beginning at Lake Superior and extending along Wisconsin Highway 13 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 of its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E184), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC, 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugar*, from Choska, Minn., to points in Wisconsin (except Milwaukee, Wisconsin). The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 108449 (Sub-No. E185), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in the Chesapeake, Ill., Commercial Zone, as defined by the Commission (except those points in Illinois on the north of U.S. Highway 6), to points in Iowa on and north of a line beginning at the Iowa-South Dakota State line, and extending along U.S. Highway 20 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Iowa Highway 3, thence along Iowa Highway 3 to its junction with U.S. Highway 169, thence along U.S. Highway 169 to its junction with U.S. Highway 18, thence along U.S. Highway 18 to its junction with Iowa Highway 24, thence along Iowa Highway 24 to its junction with Iowa 9, thence along Iowa Highway 9 to the Wisconsin-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Minnesota on and south of a line beginning at the South Dakota-Minnesota State line, and extending along Minnesota Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61 to Red Wing, Minn., and thence north along U.S. Highway 63 to the Minnesota-Wisconsin State line.

No. MC 108449 (Sub-No. E186), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Iowa on and east of a line beginning at the Minnesota-Iowa State line and extending along Iowa Highway 4 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with U.S. Highway 6, thence along U.S. Highway 6 to its junction with U.S. Highway 59, thence along U.S. Highway 59 to the Iowa-Missouri State line, to Grand Forks, North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 108449 (Sub-No. E187), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned preserved foodstuffs*, from points in Wisconsin on and north and west of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 82 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to Ashland, to points in the Chicago, Ill., Commercial Zone, as defined by the Commission (except those points in Illinois on the north of U.S. Highway 6). The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 108449 (Sub-No. E189), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Sturgeon Bay, Wisconsin, to points in Iowa on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 108449 (Sub-No. E190), filed June 2, 1974. Applicant: INDIANHEAD

TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Wisconsin (except points in Douglas, Bayfield, Ashland, Iron, Burnett, Washburn, and Sawyer Counties, Wis.), to Grand Forks, North Dakota. The purpose of this filing is to eliminate the gateway of St. Paul, Minnesota.

No. MC 110420 (Sub-No. E36), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil products*, in bulk, in tank vehicles, from Baltimore, Md., to points in (1) Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska in and west of U.S. Highway 281 (Janesville, Wis.)*; (2) that part of Missouri in and north of Independence, Lafayette, Saline, Howard, Boone, Audrain, and Pike Counties, that part of Illinois in and north of Hancock, McDonough, Fulton, Tazewell, McLean, Livingston, Grundy, Kendall, Kane, and McHenry counties, and the Upper Peninsula of Michigan (Janesville, Wis.)*; (3) Iowa (Janesville, Wis.)*; (4) Nebraska (Janesville, Wis., and Clinton, Iowa)*; (4) Nebraska (Janesville, Wis., and Clinton, Iowa)*; (5) that part of Texas in and west of Ochiltree, Roberts, Gray, Donley, Hall, Motley, Dickens, Kent, Fischer, Nolan, Choke, Sterling, Irion, Crockett, and Val Verde Counties, and that part of Kansas in and west of Phillips, Rooks, Ellis, Rush, Pawnee, Edwards, Kiowa, and Comanche Counties(Janesville, Wis., and Kankakee, Ill.)*; (6) South Dakota, that part of North Dakota in, south, and west of Bottineau, McHenry, Sheridan, Burleigh, Kidder, Stutsman, Barnes, and Cass Counties, that part of Kansas in and west of Washington, Clay, Dickinson, Marion, Harvey, Sedgeville, and Sumner Counties (Janesville, Wis., Clinton, Iowa, and Fremont, Nebr.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E37), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil products*, in bulk, in tank vehicles, from Beaumont, Tex., to points in: (1) that part of Ohio in and north of Paulding, Defiance, Henry, Wood, Seneca, Huron, Lorain, Medina, Summit, Cuyahoga Counties, that part of Illinois in and north of Henderson, Warren, Knox, Peorja, Marshall, La Salle, De Kalb, and Boone Counties, that part of Indiana in and north of Lake, Porter, La Porte, St. Joseph, Elkhart, Noble, and De Kalb Counties, and the Upper Peninsula of Michigan (Janesville, Wis.)*; (2) Howard, Chickasaw, Bremer, Fayette, Winneshiek, Alamakee, and Clayton Counties, Iowa (Janesville, Wis.)*; (3) Phillips, Valley, Daniels, Roosevelt, and Sheridan Counties, Mont. (Janesville, Wis.)*; (4) that part on and north of a line beginning at the New York-Massachusetts State line, thence along U.S. Highway 20 to Pittsfield, thence along Massachusetts Highway 9 to junction Massachusetts Highway 32, thence along Massachusetts Highway 32 to junction Massachusetts Highway 62 at Barre, thence along Massachusetts Highway 62 to junction Interstate Highway 495, thence along Interstate Highway 495 to junction U.S. Highway 20, thence along U.S. Highway 20 to Boston including all points in Boston, that part of Pennsylvania in and north of Mercer, Venango, Clarion, Jefferson, Elk, Cameron, Clinton, and Potter Counties, and that part of New York in and north and west of Delaware, Green, and Columbia Counties (Janesville, Wis., and Carpentersville, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E38), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vegetable oil products*, in bulk, in tank vehicles, from Boonton, N.J., to points in: (a) Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Janesville, Wis.)*; (b) the Upper Peninsula of Michigan, that part of Missouri in, north, and west of McDonald, Newton, Lawrence, Green, Webster, Wright, Laclede, Pulaski, Miller, Cole, Callaway, Audrain, and Ralls Counties, and that part of Illinois in, north, and west of Hancock, McDonough, Fulton, Tazewell, Woodford, Livingston, Grundy, Kendall, Kane, and McHenry Counties (Janesville, Wis.)*; (c) Iowa (Janesville, Wis.)*; (d) Nebraska (Janesville, Wis., and Clinton, Iowa)*; and (e) North Dakota and South Dakota (Janesville, Wis., Clinton, Iowa, and Fremont, Nebr.)*; and (2) *Fatty acid products*, in bulk, in tank vehicles, from Boonton, N.J., to points in that part of Kansas in, north, and west of Comanche, Kiowa, Pratt, Reno, Harvey, Marion, Morris, Wabaunsee, Shawnee, Jackson, and Atchison Counties, and that part of Texas in and west of Grayson, Collin, Rockwell, Dallas, Ellis, Navarro, Freestone, Leon, Madison, Grimes, Waller, Austin, Wharton, and Matagorda Counties (Janesville, Wis., and Kankakee, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E51), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alkyl trimethyl ammonium chloride (arquads)*, in bulk, in tank vehicles, from Mapleton, Ill., to points in and east of Franklin, Herkimer, Otsego, Chenango, and Broome Counties, N.Y., and points in and east of Hartford and Middlesex Counties, Conn. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis., and Chicago, Ill.

No. MC 110420 (Sub-No. E52), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Latex emulsion*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Florida (Ringwood, Ill.)*. (2) *Paint, paint materials, resins, varnishes, and lacquers*, from Milwaukee, Wis., to points in Tennessee (plant site of Mobil Finishes Co., Inc., at Kankakee, Ill.)*. (3) *Fatty acid products and epoxy resins*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Texas (except Houston and points within 50 miles thereof) (the plant site of General Mills, Inc., at Kankakee, Ill.)*. (4) *Liquid adhesives*, in bulk, in tank vehicles, from Milwaukee, Wis., to Denver, Colo. (Chicago, Ill.)*. (5) *Enzyme textile softeners*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in North Dakota (except Cavaber, Pembina, Walsh, Grand Forks, and Trail Counties), South Dakota, Oklahoma, Texas, Louisiana, Mississippi, Georgia, Florida, and that part of Tennessee in and west of Henry, McKenzie, Madison, Haywood, and Fayette Counties (Clinton, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E53), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Varnish*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Florida and Georgia (Ringwood, Ill., and Saukville, Wis.)* (2) *Varnish and synthetic resins*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Alabama, Arkansas, Mississippi, North Carolina, and Oklahoma (Ringwood, Ill., and Saukville, Wis.)*. (3) *Paints, paint materials, resins, varnishes, and lacquers*, from Sheboygan, Wis., to points in Kansas, North Carolina, and Tennessee (the plant site of Mobil Finishes Co., Inc., at Kankakee, Ill.)*. (4) *Fatty acid products and epoxy resins*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Kansas and

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Texas (except Houston and points within 50 miles thereof) (the plant site of General Mills, Inc., at Kankakee, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E896), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from El Dorado, Penn., and points within 10 miles thereof, to (1) points in Massachusetts, Connecticut, and Rhode Island (Cumberland, Maryland, points in Aston Township, Penn., and Philadelphia, Penn., and Ft. Lee, New Jersey)*, (2) to New York, New York, and points in Nassau and Suffolk Counties, New York (Cumberland, Maryland, points in Aston Township, Penn., and Philadelphia, Penn.)*, and (3) to points in that part of New Jersey on and east of New Jersey Highway 31 (Cumberland, Maryland, and points in Aston Township, Penn.)*, restricted in (1) and (3) above against the transportation of liquid wax and commodities requiring attached heated equipment. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110988 (Sub-No. E6), filed May 23, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil Street, Neenah, Wisconsin 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sulphite waste liquor*, in bulk, in tank vehicles, (1) from Niagara, Kimberly, and Wisconsin Rapids, Wisc., to points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico; and (2) from Rhinelander, Wisc., to points in Maryland, Virginia, North Carolina, South Carolina, Georgia, and Florida. The purpose of this filing is to eliminate the gateways of Groos, Michigan, and Green Bay, Wisconsin.

No. MC 111545 (Sub-No. E59), filed May 23, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Tennessee on, south, and east of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to Knoxville, thence along Tennessee Highway 33 to Tazewell, thence along U.S. Highway 25E to the Tennessee-Virginia State line, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to Marshall, thence along U.S. Highway 80 to Longview, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateway of (1) points in that part of Georgia within 50 miles of Atlanta, Cartersville, or Marietta, Ga., and within 175 miles of Chattanooga, Tenn., and (2) points in Oklahoma.

No. MC 111545 (Sub-No. E66), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of (1) points in that part of Tennessee or that part of Kentucky within 175 miles of Chattanooga, Tenn., (2) points in Iowa, and (3) points in that part of Kansas within 100 miles of Kansas City, Kansas, and within 300 miles of Ames, Iowa, or that part of Missouri within 100 miles of Kansas City, Kansas.

No. MC 111545 (Sub-No. E184), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Freight pallets*, from Talladega, Ala., to points in Indiana and that part of Illinois on, north, and east of a line beginning at the Illinois-Kentucky State line, thence along U.S. Highway 45 to Vienna, thence along Illinois Highway 146 to Boles, thence along Illinois Highway 37 to Marion, thence along Illinois Highway 13 to Murphysboro, thence along Illinois Highway 149 to junction Illinois Highway 3, thence along Illinois Highway 3 to Chester, thence along Illinois Highway 150 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of Cookeville, Tennessee.

No. MC 111545 (Sub-No. E189), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Tennessee on and south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to Athens, thence along Tennessee Highway 30 to Etowah, thence along U.S. Highway 411 to the Georgia-Tennessee State line, on the one hand, and, on the other, points in that part of West Virginia on, east, and north of a line beginning at the West Virginia-Ohio State line, thence along Interstate Highway 77 to junction West Virginia Highway 99, thence along West Virginia Highway 99 to Beckley, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateway of points in that part of North Carolina within 175 miles of Chattanooga, Tennessee.

No. MC 111545 (Sub-No. E200), filed May 21, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of South Carolina within 150 miles of Charlotte, N.C., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of Charlotte, N.C., and points in North Carolina within 150 miles thereof.

No. MC 111545 (Sub-No. E205), filed May 21, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in Vermont to points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 71 to Alma, thence along U.S. Highway 64 to Russellville, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Cartersville, or Marietta, Georgia, or points in Georgia or South Carolina within 50 miles thereof, and (2) points in Oklahoma.

No. MC 111545 (Sub-No. E235), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of

Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Georgia (except points within 175 miles of Chattanooga, Tenn.). The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E249), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines, and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, (1) between Ehrenberg and Topock, Ariz., on the one hand, and, on the other, points in that part of West Virginia on and north of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 250 to Fairmont, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line; and (2) between points in that part of Arizona on and west of a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 89 to Tucson, thence along Interstate Highway 10 to Phoenix, thence along Interstate Highway 17 to Flagstaff, thence along U.S. Highway 89 to the Arizona-Utah State line, on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the West Virginia-Ohio State line, thence along U.S. Highway 50 to Clarksburg, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Kansas, or points in Kansas within 100 miles thereof, (2) points in that part of Georgia within 175 miles of Chattanooga, Tennessee, and within 50 miles of Atlanta, Marietta, or Cartersville, Georgia, and (3) points in that part of North Carolina within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E260), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of the special equipment, (1) between points in Arizona, on the one hand, and, on the other, points in Virginia, (except points within 175 miles of Chattanooga, Tenn.) ((1) Kansas City, Kansas, or points in Kansas within 100 miles thereof, and (2) Charlotte, North Carolina);* and (2) between points in Arizona, on the one hand, and, on the other, points in that part of Virginia within 175 miles of Chattanooga, Tenn., ((1) points in that part of Missouri within 100 miles of Kansas City, Kansas, and (2) points in that part of North Carolina, that part of South Carolina, or that part of Georgia within 175 miles of Chattanooga, Tenn.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E261), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines, and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight requires the use of special equipment, (1) between points in Arizona, on the one hand, and, on the other, points in that part of Arizona on and west of a line beginning at Nogales, thence along U.S. Highway 89 to Tucson, thence along Interstate Highway 10 to Phoenix, thence along Interstate Highway 17 to Flagstaff, thence along U.S. Highway 89 to the Arizona-Utah State line. The purpose of this filing is to eliminate the gateways of (1) Kansas City, Kansas, or points in Kansas within 100 miles thereof, and (2) Charlotte, North Carolina, or Atlanta, Cartersville, or Marietta, Georgia, or Columbia, South Carolina, or points in North Carolina, South Carolina, or Georgia within 50 miles thereof.

No. MC 111545 (Sub-No. E269), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Maryland, on and east of U.S. Highway 11, on the one hand, and, on the other, points in that part of Kansas on and south of a line beginning at the Kansas-Colorado State line, thence along Kansas Highway 96 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Kansas Highway 196, thence along Kansas Highway 196 to El Dorado, thence along U.S. Highway 77 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to Chanute, thence along Kansas Highway 57 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Georgia, or points in Georgia or South Carolina within 50 miles thereof.

No. MC 111545 (Sub-No. E270), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Iowa on and east of U.S. Highway 71, to points in Colorado. The purpose of this filing is to eliminate the gateway of points in Missouri.

No. MC 111545 (Sub-No. E286), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines, agricultural machinery and implements, other than hand, as defined by the Commission), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks, to points in New Mexico. The purpose of this filing is to eliminate the gateway of (1) Atlanta, Cartersville, or Marietta, Ga., or Columbia, S.C., or points in Georgia or South Carolina within 50 miles thereof, and (2) points in Oklahoma.

No. MC 111545 (Sub-No. E325), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), (1) from points in Florida and Georgia to points in Idaho ((1) Atlanta, Cartersville, or Marietta, Ga., or points in Georgia within 50 miles thereof, (2) points in Oklahoma, and (3) the plant site and warehouse facilities of Western Foundary Company at or near Tyler, Tex.)*; and (2) from points in Mississippi, to points in Idaho (the plant site and warehouse facilities of Western Foundary Company, at or near Tyler, Tex.)*, restricted in (2) above against the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies

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used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and restricted in (1) and (2) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E350), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to Knoxville, thence along U.S. Highway 11W to the Tennessee-Virginia State line, to points in Colorado. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 111545 (Sub-No. E378), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in Delaware, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 150 to Chester, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Georgia, or Columbia, South Carolina, or points in Georgia or South Carolina within 50 miles thereof.

No. MC 111545 (Sub-No. E460), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between the District of Columbia, on the one hand, and, on the other, points in that part of Illinois on and south of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 150 to Chester, thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, thence along Illinois Highway 13 to the Illinois-Kentucky State line. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Georgia, or Columbia, S.C., or points in Georgia or South Carolina within 50 miles thereof.

No. MC 111545 (Sub-No. E494), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on, south, and east of a line beginning at the Tennessee-Virginia State line, thence along U.S. Highway 25E to Tazewell, thence along Tennessee Highway 33 to Knoxville, thence along Interstate Highway 40 to Nashville, thence along Interstate Highway 24 to Murfreesboro, thence along U.S. Highway 231 to the Tennessee-Alabama State line, on the one hand, and, on the other, points in that part of New York on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of points in that part of North Carolina, that part of South Carolina, or that part of Georgia within 175 miles of Chattanooga, Tennessee.

No. MC 111545 (Sub-No. E500), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, (1) between points in that part of Maryland on and east of U.S. Highway 11, on the one hand, and, on the other, points in Oklahoma; and (2) between points in Maryland, on the one hand, and, on the other, points in that part of Oklahoma on and south of a line beginning at the Oklahoma-Arkansas State line, thence along Interstate Highway 40 to junction with Muskogee Turnpike, thence along the Muskogee Turnpike to Tulsa, thence along U.S. Highway 66 to Clinton, thence along U.S. Highway 183 to the Oklahoma-Kansas State line. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Ga., or points in Georgia within 50 miles thereof.

No. MC 111545 (Sub-No. E534), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight requires the use of special equipment, between points in that part of Mississippi on and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 80 to Jackson, thence along U.S. Highway 49 to Hattiesburg, thence along U.S. Highway 98 to the Mississippi-Alabama State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 65 to Chillicothe, thence along U.S. Highway 36 to junction Missouri Highway 13, thence along Missouri Highway 13 to Deepwater, thence along Missouri Highway 52 to junction U.S. Highway 71, thence along U.S. Highway 71 to Joplin, thence along Interstate Highway 44 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 111545 (Sub-No. E559), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operations, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Mississippi on and south of U.S. Highway 80, to points in Kansas. The purpose of this filing is to eliminate the gateways of points in Texas and Oklahoma.

No. MC 113388 (Sub-No. E1), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 7, 1974. Applicant: LESTER C. NEWTON TRUCKING CO., P.O. Box 618, Seaford, Del. 19973. Applicant's representative: Charles Ephraim, 1250 Conn. Ave NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Dover, Del., to points in Florida and points in that part of Georgia on, south, and west of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 34 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Georgia Highway 109, thence along Georgia Highway 109 to junction Georgia Highway 18, thence along Georgia Highway 18 to U.S. Highway 341, thence along U.S. Highway 341 to junction Georgia Highway 11, thence along Georgia Highway 11 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Georgia Highway 182, thence along Georgia Highway 182 to junction U.S. Highway 319, thence along U.S. Highway 319 to junction U.S. Highway 441, thence along U.S. Highway 441 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Robbinsville, N.J. (8)(b) from points in that part of New Jersey on and north of a line beginning at Barneget Bay and extending along New Jersey Highway 530 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to junction New Jersey Highway 530, thence along New Jersey Highway 530 to the Rancocas River, thence along the Rancocas River to the Pennsylvania-Delaware State line to points in Madison, Hamilton, Suwanee, Columbia, Baker, Nassau, and Duval Counties, Fla., and the District of Columbia. The purpose of this filing is to eliminate the gateways of Dover, Del., and Robbinsville, N.J. (14) from Princess Anne, Md., and points within 15 miles thereof (not including Salisbury, Md.), to points in Maine, New Hampshire, Vermont, points in Massachusetts (except those in Berkshire, Franklin, Hampshire, and Hamden Counties, Mass.), points in Providence, Bristol, and Newport Counties, R.I., and points in Niagara, Erie, Orleans, Genesee, Wyoming, Livingston, Monroe, Clinton, Franklin, St. Lawrence, Jefferson, Oswego, and Wayne Counties, N.Y. The purpose of this filing is to eliminate the gateways of Deepwater, N.J. (a point within the Wilmington, Del., commercial zone and Dover, Del.). The purpose of this partial correction is to correct typographical errors and omissions in the previous publication. The remainder of the letter-notice remains as previously published.

No. MC 113495 (Sub-No. E10), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery, and construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment; and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in that part of Virginia on and west of U.S. Highway 220, on the one hand, and, on the other, points in Adams, Alexander, Bond, Calhoun, Clay, Clinton, Effingham, Fayette, Franklin, Gallatin, Greene, Hamilton, Hardin, Jackson, Jefferson, Jersey, Johnson, MaCoupin, Madison, Marion, Massac, Monroe, Montgomery, Perry, Pike, Pope, Pulaski, Randolph, St. Clair, Saline, Scott, Union, Washington, Wayne, White, and Williamson Counties, Ill. Restricted in (1) and (2) above against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment; and restricted in (2) above to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E11), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Structural steel, heavy machinery, and construction equipment*, the transportation of which, because of size or weight, requires the use of special equipment; and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in that part of Virginia on and west of U.S. Highway 220 and those in that portion of North Carolina on and west of a line beginning at the North Carolina-Virginia State line and extending along U.S. Highway 220 to Rockingham, N.C., and thence along U.S. Highway 1 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in Arkansas and Missouri, restricted in (1) and (2) above against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted in (2) above to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in that part of Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E15), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight does not require the use of special equipment, from points in Ohio, to points in Allen, Clinton, Cumberland, McCreary, Monroe, and Wayne Counties, Ky., restricted (1) against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment and (2) to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Tennessee and that part of Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E16), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight does not require the use of special equipment, from points in Ohio, to points in Butler, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Ripley, Scott, and Stoddard Counties, Mo., and points in Arkansas, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Tennessee and that part of Kentucky west of the Tennessee River.

No. MC 113495 (Sub-No. E17), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment, as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight does not require the use of special equipment, from points in Ohio, to points in Ballard, Calloway, Carlisle, Christian, Fulton, Graves, Hickman, Logan, McCracken, Marshall, Todd, and Trigg Counties, Ky., restricted (1) against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and (2) the commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Tennessee.

No. MC 113495 (Sub-No. E30), filed June 3, 1974. Applicant: GREGORY

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HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Trucks*, designed for off-highway use, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, in initial movements, in truckaway service; and (b) *Related parts* for the above-specified commodities moving in connection therewith, from Decatur, Joliet, and Morton, Ill., to points in Bell, Floyd, Harlan, Knott, Leslie, Letcher, Perry, and Pike Counties, Ky. Restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and further restricted to commodities which are transported on trailers. (2) *Trucks*, designed for off-highway use, which may be included in heavy machinery and construction equipment, the transportation of which, because of size or weight, requires the use of special equipment, in initial movements, in truckaway service (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from Decatur, Joliet, and Morton, Ill., to points in Bell, Floyd, Harlan, Knott, Leslie, Letcher, Perry, and Pike Counties, Ky. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 113495 (Sub-No. E31), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) (a) *Trucks*, designed for off-highway use, each weighing 15,000 pounds or more, which may be included in heavy machinery and construction equipment, in initial movements, in truckaway service, (b) related parts for the above-specified commodities moving in connection therewith, from Decatur, Illinois, to points in Adair, Allen, Barren, Clinton, Cumberland, Knox, McCreary, Metcalfe, Monroe, Pulaski, Wayne, and Whitley Counties, Kentucky, restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted to commodities which are transported on trailers. (2) trucks, designed for off-highway use, which may be included in heavy machinery and construction equipment, the transportation of which, because of size or weight, requires the use of special equipment, in initial movements, in truckaway service (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from Decatur, Illinois, to points in Adair, Allen, Barren, Clinton, Cumberland, Knox, McCreary, Metcalfe, Monroe, Pulaski, Wayne and Whitley Counties, Kentucky. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 113495 (Sub-No. E39), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such self-propelled articles*, each weighing 15,000 pounds or more, which may be included in road construction machinery and equipment as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *related parts* moving in connection therewith, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, De Kalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Cross, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Spring, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, St. Francis, Sevier, and Woodruff Counties, Ark., restricted (1) against the transportation of parts of Memphis, Tenn., and the commercial zone thereof, (2) against the transportation of commodities which because of size or weight require the use of special equipment, (3) against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and further restricted to commodities which are transported on trailers.

(2) *Such self-propelled articles*, each weighing 15,000 pounds or more which may be included in road construction machinery and equipment as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Cross, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Springs, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, St. Francis, Sevier, and Woodruff Counties, Ark., restricted to the transportation of the described commodities when moving the same vehicle, with shipments of such commodities which do not require the use of special equipment, and to commodities which are transported on trailers, and restricted against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, (3) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Cross, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Springs, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, St. Francis, Sevier, and Woodruff Counties, Ark., restricted to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateways of points in Kentucky and Tennessee.

No. MC 113495 (Sub-No. E41), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and (2) road construction machinery and equipment as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight, requires the use of special equipment (excluding any transportation in connection with the stringing or picking up of pipeline materials or equipment), from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Arkansas, Ashley, Bradley, Calhoun, Chicot, Clark, Cleveland, Columbia, Crittenden, Cross, Dallas, Desha, Drew, Garland, Grant, Hempstead, Hot Springs, Howard, Jefferson, Lafayette, Lee, Lincoln, Little River, Lonoke, Miller, Mississippi, Monroe, Nevada, Ouachita, Phillips, Pike, Prairie, Pulaski, St. Francis, Sevier, and Woodruff Counties, Ark., restricted to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 113495 (Sub-No. E48), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Road construction machinery, equipment, and supplies*, in bulk, in tank vehicles (except coal petroleum products and coal tar products), from points in Ohio, to points in Greenbrier County, West Virginia. The purpose of this filing is to eliminate the gateway of points in Virginia.

No. MC 133689 (Sub-No. E5) (Correction), filed May 28, 1974, published in the FEDERAL REGISTER October 10, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Daniel C. Sullivan, 327 S. LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packing*houses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 877, and *canned and frozen foods* (except commodities in bulk), from Huron, S. Dak., to points in Illinois and Indiana (except South Bend). The purpose of this filing is to eliminate the gateway of St. Paul, Minn. The purpose of this correction is to reflect the correct docket number and "E" number. Previously published as MC 113689 (Sub-No. E1).

No. MC 113843 (Sub-No. E912), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, between points in that part of Michigan on, south, and east, of a line beginning at the Detroit River and extending along Michigan Highway 39 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Michigan Highway 60, thence along Michigan Highway 60 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Michigan-Ohio State line. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E913), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in that part of Maine on and north of a line beginning at the New Hampshire-Maine State line and extending along U.S. Highway 2 to junction U.S. Alternate Highway 1, thence along U.S. Alternate Highway 1 to Ellsworth, thence along Maine Highway 3 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Elmira, N.Y.

No. MC 113843 (Sub-No. E914), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from points in that part of Delaware on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to points in that part of Wisconsin on, north, and west of a line beginning at Ashland, and extending along U.S. Highway 2 to junction U.S. Highway 63, thence along U.S. Highway 63 to Hayward, thence along Wisconsin Highway 27 to Radisson, thence along Wisconsin Highway 40 to junction Wisconsin Highway 64, thence along Wisconsin Highway 64 to junction Wisconsin Highway 124, thence along Wisconsin Highway 124 to junction U.S. Highway 53 to Eau Claire, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, N.Y.

No. MC 113843 (Sub-No. E915), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods*, from points in those parts of Delaware and Maryland on and south of U.S. Highway 40 and east of the Susquehanna River and Chesapeake Bay, to points in that part of the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line at or near Ironwood, and extending along Michigan Highway 28 to junction U.S. Highway 45, thence along U.S. Highway 45 to junction Michigan Highway 26, thence along Michigan Highway 26 to Lake Superior. The purpose of this filing is to eliminate the gateway of the plant site and storage facilities of Duffy-Mott Co., Inc., at or near Hamlin, N.Y.

No. MC 113843 (Sub-No. E931), filed June 4, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Moosic, Penn., to points in Ohio (except points in that portion of Ohio on and east of a line beginning at the Pennsylvania-Virginia State line and extending along Ohio Highway 213 to junction Ohio Highway 152, thence along Ohio Highway 152 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Ohio Highway 800, thence along Ohio Highway 800 to junction Ohio Highway 148, thence along Ohio Highway 148 to the Ohio River). The purpose of this filing is to eliminate the gateway of Elmira, New York.

No. MC 114019 (Sub-No. E20) (Correction), filed May 1, 1974, published in the FEDERAL REGISTER 28, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish and seafoods*, fresh and frozen; (a) from points in Wisconsin and points in that part of Iowa on, north, and west of a line beginning at the junction of U.S. Highway 65 and the Missouri-Iowa State line, thence along U.S. Highway 65 to the junction of U.S. Highway 65 and Interstate Highway 80, thence along Interstate Highway 80 to the Iowa-Illinois State line to Pittsburgh, Pa., Rochester, and Buffalo, N.Y., Louisville, Ky., and points in Ohio, and those in Indiana on and north of U.S. Highway 150; (b) from points in that part of Wisconsin east of a line beginning at the junction of the Wisconsin-Michigan State line and U.S. Highway 13, thence south along U.S. Highway 13 to Wisconsin Dells, thence south along U.S. Highway 12 to Madison, thence south along Wisconsin Highway 69 to the Wisconsin-Illinois State line to points in Nebraska, Kansas, and Missouri, and Denver, Colo., and those points in Illinois in, south, and east of Hancock, McDonough, Fulton, Peoria, Woodford, Livingston, Grundy, Will, Du Page, and Cook Counties. The authority described in (a) and (b) above is restricted to the transportation of the commodities described therein to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of food business houses, or when moving from, to, or between food processing plants, or warehouses or other facilities of such plants. The purpose of this filing is to eliminate the gateway of Chicago, Ill. The purpose of this correction is to clarify the origin states.

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No. MC 114019 (Sub-No. E176) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER June 20, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foods, and edible agricultural commodities* (other than frozen), from points in Ohio, Indiana, and those in the Lower Peninsula of Michigan, and those in Wisconsin on and south of Wisconsin Highway 64, and on and east of Wisconsin Highway 51, and those in Illinois on and east of Illinois Highway 26 from the Wisconsin-Illinois State line to its junction with Illinois Highway 29, thence Illinois Highway 29 from said junction of its junction with Illinois Highway 121, thence Illinois Highway 121 from said junction to its junction with U.S. Highway 51, thence U.S. Highway 51 from said junction and its junction with U.S. Highway 50, thence U.S. Highway 50 from said junction to the Illinois-Indiana State line, and Louisville, Bellevue, and Covington, Ky., and Pittsburgh, Pa., to Denver, Colo., and points in that part of Nebraska on and east of U.S. Highway 83 from the Kansas-Nebraska State line to North Platte, and on and south of U.S. Highway 30 from North Platte to the Missouri River, and points in that part of Kansas on and east of U.S. Highway 281, and points in Missouri on and west of U.S. Highway 65, and points in that part of Iowa on and west of U.S. Highway 65 from Lineville to Iowa Falls, and on and south of U.S. Highway 20 from Iowa Falls, to Sioux City. The purpose of this filing is to eliminate the gateway of Morrison, Washington, or Effingham, Ill. The purpose of this correction is to correct the commodity description and to correct the territory description.

No. MC 115841 (Sub-No. E2), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat packinghouses*, unfrozen, as described in Sections A, B, and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, in vehicles equipped with mechanical refrigeration (except liquid commodities in bulk), restricted to the transportation of commodities which are edible, from Chattanooga, Tenn., to points in California, Oregon, and Washington. The purpose of this filing is to eliminate the gateway of Birmingham, Alabama.

No. MC 115841 (Sub-No. E3), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and frozen meats*, in vehicles equipped with mechanical refrigeration, from the plantsite of Briggs & Company, within the Washington, D.C., Commercial Zone as defined by the Commission, to points in Oklahoma, Texas (*Montgomery, Ala.), California, Oregon, and Washington (*Birmingham, Ala.). The purpose of this filing is to eliminate the gateways indicated in the brackets.

No. MC 115841 (Sub-No. E4), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, (except canned meats), and dairy products, restricted against the transportation of commodities in bulk, and of commodities when frozen in vehicles equipped with mechanical refrigeration, from points in that part of the New York, N.Y., Commercial Zone, as defined in the Fifth Supplemental Report in Commercial Zones and Terminal Areas, 53, M.C.C. 451, within which local operations may be conducted under the exemptions provided in Section 203 (b)(8) of the Interstate Commerce Act, to points in Texas. The purpose of this filing is to eliminate the gateways of Springfield, N.J., and Birmingham, Ala.

No. MC 123681 (Sub-No. E1), filed June 3, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Oregon 97203. Applicant's representative: Earle V. White, 2400 SW. 4th Ave., Portland, Oregon 97201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acids and chemicals* (except fertilizer), in bulk, in tank vehicles, from Missoula, Mont., to points in Washington. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 123681 (Sub-No. E3), filed May 28, 1974. Applicant: WIDING TRANSPORTATION, INC., P.O. Box 03159, Portland, Oregon 97203. Applicant's representative: Earle V. White, 2400 SW. Fourth Ave., Portland, Oregon 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and acids*, in bulk, in tank vehicles, from points in that part of Washington in and west of Whatcom, Skagit, Snokomish, King, Pierce, Lewis, and Skamania Counties to points in Montana. The purpose of this filing is to eliminate the gateway of Tacoma, Wash., and Portland, Oregon.

No. MC 128741 (Sub-No. E126), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebraska 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Colorado on, north, and west of a line from the Nebraska-Colorado State line along Interstate Highway 80 to the junction of Colorado Highway 71, thence along Colorado Highway 71 to the junction of U.S. Highway 24, thence along U.S. Highway 24 to the junction of U.S. Highway 285, thence along U.S. Highway 285 to the New Mexico-Colorado State line. The purpose of this filing is to eliminate the gateway of Arnold, Nebraska, and points within 40 miles thereof.

No. MC 128741 (Sub-No. E138), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Owensboro and Louisville, Ky., on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E139), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Owensboro, Louisville, Henderson, and Paducah, Ky., on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E140), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas, on the one hand, and, on the other, points in Kentucky on and east of a line from the Indiana-Kentucky State line along U.S. Highway 231 to the junction of U.S. Highway 31E, thence along U.S. Highway 31E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E141), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln,, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in Florida on and east of the Suwannee River. The purpose of this filing is to eliminate the gateways of points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Indiana south of U.S. Highway 40.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25673 Filed 11-1-74;8:45 am]

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MONDAY, NOVEMBER 4, 1974
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PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

■

GENERAL PROVISIONS FOR RESEARCH AND DEVELOPMENT GRANTS

Administrative and Fiscal Requirements

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Title 45—Public Welfare

CHAPTER XIV—NATIONAL INSTITUTE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL PROVISIONS FOR NATIONAL INSTITUTE OF EDUCATION RESEARCH AND DEVELOPMENT GRANTS

ADMINISTRATIVE AND FISCAL REQUIREMENTS

Notice of proposed rulemaking was published in the FEDERAL REGISTER on January 8, 1973 (38 FR 1020), setting forth general rules and requirements for the award and administration of educational research grants. Interested persons were given thirty days in which to submit written comments, suggestions, or objections regarding the proposed rule. Several comments were received and considered.

Final rule	Derivation	Proposed rule sections which have been renumbered: Proposed section Nos.	Final section Nos.
Part 1400—General	Part 1400 of the proposed rule (38 FR 1020).	(1)	1400.5
Part 1403—Eligibility and Application for Research Grant Assistance.	Part 1403 of the proposed rule (38 FR 1020).	(1)	1403.5
		(1)	1403.6
		1403.8	(2)
		(1)	1403.9
Part 1405—Federal Financial Participation:			
Subpart A—General Provisions	§§ 1408.1 through 1408.10 of the proposed rule (38 FR 1020).	1408.1	1405.1
		1408.2	1405.2
		1408.4	1405.4
		1408.7	1405.7
		1408.8	1405.8
		1408.9	1405.9
		1408.10	1405.10
		1408.12	(2)
	DHEW Grants Administration Manual, chapter 2-400.	(1)	1405.5
	45 CFR part 74, subpart B (38 FR 26277).	(1)	1405.11
Subpart B—Grant Payment Requirements.	45 CFR part 74, subpart K (38 FR 26282).	(1)	(1)
Subpart C—Cost Principles	45 CFR part 74, subpart Q (38 FR 26288).	(1)	(1)
Part 1407—Cost Sharing	45 CFR part 74, subpart G, (38 FR 26278).	(1)	(1)
	DHEW Grants Administration Manual, chapter 2-140.	(1)	(1)
Part 1409—Grant Related Income	45 CFR part 74, subpart F, (38 FR 26278).	(1)	(1)
Part 1410—Miscellaneous Requirements:			
Subpart A	§§ 1412.1—1412.3 of the proposed rule (38 FR 1020).	1412.1	(2)
		1412.2	(2)
		1412.3	1410.3
		(1)	1410.1
		(1)	1410.2
			1410.7
Subpart B	§§ 1412.7, 1412.10, 1412.14—1412.21 of the proposed rule (38 FR 1020).	1412.7	1410.10
		1412.10	1410.14
		1412.14	1410.15
		1412.15	1410.16
		1412.16	1410.19
		1412.19	1410.21
		1412.21	1412.1
Part 1412—Monitoring and Reporting Performance.	§ 1412.24 of the proposed rule (38 FR 1020) and 45 CFR part 74, subpart J (38 FR 26281).	1412.24	1412.2
		----------	1412.3
		----------	1412.4
		----------	1412.6
		----------	1412.8
Part 1414—Procurement Standards for Grantees.	Part 1406 of the proposed rule (38 FR 1020).	(3)	
Part 1415—Property Management Requirements.	Part 1412, subpart D of the proposed rule (38 FR 1020) and 45 CFR part 74, subpart O (38 FR 26284).	(1)	1415.1
		----------	1415.2
		----------	1415.3
		----------	1415.5
		1412.69	1415.7
		1412.70	1415.9
		1412.72	1415.11
		1412.73	1415.13
		(1)	1415.14
		----------	1415.15
		----------	1415.17
		----------	1415.19
Part 1417—Financial Management Systems.	§§ 1412.23 and 1412.11 of the proposed rule (38 FR 1020).	(1)	1417.1
		1412.23, 1412.11	1417.3
Part 1419—Financial Reporting Requirements:			
Subpart A—Requirements for State and Local Government Grantees	45 CFR part 74, subpart I (38 FR 26279).	1410.1–1410.5	(2)
		(1)	1419.1–1419.9

Final rule	Derivation	Proposed rule sections which have been renumbered: Proposed section Nos.	Final section Nos.
Subpart B—Requirements for Grantees Other than State and Local Governments.	45 CFR part 74, subpart A (38 FR 26276).	(1)	1419.20
Part 1420—Bonding and Insurance	§ 1412.52 of the proposed rule (38 FR 1020) and 45 CFR part 74, subpart C (38 FR 26277).	1412.52	(2)
		(1)	1420.1–1420.3
Part 1422—Construction	Part 1412, subpart C of the proposed rule (38 FR 1020) and Executive Order Nos. 11288, 11246, and 11375.	1412.40	1422.1
		1412.41	1422.3
		1412.42	1422.5
		1412.43	1422.7
		1412.44	1422.9
		1412.45	1422.11
		1412.46	1422.13
		1412.47	1422.15
		1412.48	1422.17
		1412.49	1422.19
		1412.50	1422.21
		1412.51	1422.23
		1412.53	1422.25
		1412.54	1422.27
		1412.55	1422.29
		1412.56	1422.31
		1412.57	1422.33
		1412.58	1422.35
		1412.59	1422.37
		1412.60	1422.39
		1412.61	1422.41
		(1)	1422.43
		(1)	1422.45
Part 1424—Accountability for Federal Funds.	Part 1414 of the proposed rule (38 FR 1020) and 45 CFR part 74, subpart M (38 FR 26283).	1414.1	(2)
		(1)	1424.1
		1414.2	1424.2
		1414.4	1424.4
		1414.6	1424.6
		1414.14	1424.8
		1414.15	(2)
		(1)	1424.10

[1] New section(s) added.
[2] Deleted.
[3] Number of part changed from 1406 to 1414; sequence and numbering of sections within part unchanged.

2. The regulations which have been added to this Subchapter A pursuant to 45 CFR Part 74 (38 FR 26274) constitute the Director's adoption of the standards set forth in Part 74.

3. Since the standards contained in OMB Circular No. A–102 have previously been published in the FEDERAL REGISTER in Part 74 of this title, it has been determined that these additions to the general provisions will take effect concurrently with those sections of the regulations which were previously published in the notice of proposed rulemaking on January 8, 1973 (38 FR 1020).

B. *Summary of comments; changes in the regulations.* Comments submitted in writing to the National Institute of Education regarding the proposed regulations are summarized below. Following each summary, a response discusses changes which have been made in the regulations or the reasons for which no change is deemed necessary. The comments are arranged in the order of the sections of the final regulation.

1. Section 1400.1 *Definitions.—Comment.* (a) One commenter questioned whether the definition of "fiscal year" as "a period beginning on July 1, and ending on the following June 30" would cause a problem of varying requirements with award recipients which operate on fiscal years with other calendar orientations.

(b) To other commenters questioned the definition of "Nonexpendable personal property," suggesting that the $300 acquisition cost be changed to $1000 in conformance with OMB Circular No. A–101 and the provisions of proposed § 1412.69.

Response. (a) The definition of fiscal year provided is intended to refer only to the term as it is used in the regulation. As defined herein, a fiscal year establishes the unit of time according to which the affairs of the Federal Government are administered.

(b) The definition of nonexpendable personal property is derived from OMB Circular No. A–102. The $300 figure used therein is not inconsistent with and should not be confused with other dollar figures which affect disposition of nonexpendable personal property. No change in the regulation has been made.

2. Section 1400.2 *Scope* and § 1400.4 *Policy on use of grants or contracts.—Comment.* One commenter objected that the Director's use of the criteria set forth in Subpart 3–1.53 of Title 41 of the Code of Federal Regulations as the basis for selection between grant and contract procedures and instruments inequitably restricted the capability of for-profit organizations to compete for funding support. The commenter recommended that the Institute not adopt the selection criteria of 41 CFR 3–1.5303.

Response. The Institute is an organizational component of the Department of Health, Education, and Welfare, and is obligated to operate according to the provisions of 41 CFR 3–1.5303. In any event, the Institute does not agree that its actions based upon these provisions will necessarily be detrimental to the opportunity of for-profit organizations to participate in activities of the Institute. In soliciting projects, the Institute will select the award instrument in accordance with the nature of the activity and the appropriate relationship between the Institute and the awardee. As regards unsolicited proposals, those submitted by for-profit applicants will be given consideration equal to that given other applicants. Unsolicited proposals from for-profit applicants which are selected for funding will be supported on the basis of contracts.

3. Section 1403.4 *Applications.—Comment.* Several commenters noted that application forms required by OMB Circular No. A–102 were inappropriate for use by applicants other than State and local governments and suggested that the Institute provide for the use of forms more suitable to non-State and local government applicants.

Response. The Institute agrees that application forms required by OMB Circular No. A–102 are inappropriate for grantees other than State and local governments. Proposed § 1403.4(b) is deleted. Specific forms and instructions for grant applications will be prescribed in individual program regulations promulgated by the Director under this chapter.

4. Section 1403.7 *Cooperative arrangements.—Comment.* One commenter noted some ambiguity in that § 1403.7(d) (§ 1403.7(c) in the proposed rule) seemed to refer to cooperative agreements as "grants," for which for-profit organizations are not eligible, whereas § 1400.2 (e) (§ 1400.4(e) in the proposed rule) provided that for-profit organizations would be eligible for funding under jointly financed cooperative arrangements. Several other commenters expressed concern that some institutions might have serious legal and administrative difficulties in acting as "joint legal recipients of the grant award," "jointly and severally responsible for administering the project."

Response. (a) A new paragraph (a) is added to § 1403.7 to indicate that this section applies to cooperative arrangements among applicants for grants but not to jointly financed cooperative arrangements between the Institute and eligible parties mentioned in § 1400.4(b) and § 1400.2 (d) and (e) (§ 1400.4 (d) and (c) in the proposed rule).

(b) Section 1403.7 does not require joint applications, nor does it preclude subcontracts, nor would it require joint awards for joint applicants. The regulation merely provides an optional means which eligible parties may use in applying for funds, if they have the desire and authority to do so.

5. Section 1403.9 *Preaward costs.—Comment.* One commenter suggested that discretionary authority be reserved to the Director to allow anticipatory costs when the interest of the Government would be better served thereby.

Response. Proposed § 1403.8 is deleted. New § 1403.9 allows the Director to authorize reimbursement for costs resulting from obligations incurred prior to the effective date of the grant under certain circumstances.

6. Section 1403.10 *Evaluation of applications.—Comment.* (a) A commenter questioned the breadth of an applicant's

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program personnel to which evaluation of "adequacy of qualifications and experience, including managerial, of personnel" (§ 1403.10(b)(7) of the proposed rule) would extend.

(b) This commenter also felt that the criterion "adequacy of facilities and other resources" (§ 1403.10(b)(8)) should be interpreted to refer to the applicant's capability of providing adequate facilities.

(c) Another commenter suggested the addition of a criterion to allow approval or denial of an award based upon the effectiveness of an applicant's past performance under an NIE award.

Response. (a) Section 1403.10(b) is amended to emphasize the qualifications of the principal investigator among the project personnel. It is the Institute's intention to apply this criterion flexibly in accordance with the nature of the proposed research and the relative involvement in and importance to the project of the individual staff members.

(b) The second criterion addressed by the commenter is amended by § 1403.10 (b)(5). The interpretation suggested by the commenter is consistent with the meaning of this criterion.

(c) Section 1403.10(b) is amended by the substitution of new criteria for (b)(1)–(9) of the proposed rule.

In the opinion of the Institute, these new criteria provide a sufficient basis for evaluation of applications and the proposed additional criterion is unnecessary.

7. Section 1405.4 *Budget revisions.* (Section 1408.4 in the proposed rule)—*Comment.* (a) A commenter suggested changing the limit in proposed § 1408.4 (a)(3)(iv) on transfer of funds among direct cost objects without prior approval of the Director from five to ten percent.

(b) Another commenter stated that the wording of a provision in proposed § 1408.4(b)(2) was not clear.

Response. (a) and (b) Commenters on this section led the Institute to recognize that proposed § 1408.4 contained a mixture of provisions concerning two distinct areas—budget revisions (proposed paragraph (a)) and review and direction of the research effort (proposed paragraph (b)). Upon reexamination the Institute feels that the two areas warrant separate treatment and, with appropriate changes in response to the comments, can be made applicable to all classes of grantees. The following changes are made:

(1) Proposed § 1408.4(a)(3)(iii) and (iv) are deleted. It is the determination of the Director that the requirements of these provisions will not be needed for NIE grant programs.

(2) Proposed § 1408.4(a) is modified by eliminating language restricting applicability of the paragraph to State and local government grantees.

(3) The definition of "direct cost object class budget categories" in proposed § 1408.4(a)(2) is no longer necessary and is deleted.

(4) The definition of "local government" and "State" are no longer necessary in this section. They are deleted and added to § 1400.1 in the final rule.

(5) A new paragraph (b)(5) is added to indicate that prior approval of the Director is required for budget revisions pertaining to items specifically disallowed as a condition of the grant.

(6) New language in § 1405.4(e)(2) (§ 1408.4(a)(6)(ii) in the proposed rule) is added for consistency with 45 CFR 74.105.

(7) New § 1405.4(f) is added for consistency with 45 CFR 74.106.

(8) The revised provisions of § 1405.4 are renumbered to account for changes made from proposed § 1408.4.

(9) Proposed § 1408.4(b) is redesignated as new § 1405.5 to provide the appropriate distinction between provisions for review and direction of the research effort and those for budget revision in new § 1405.4. The language of new § 1405.5 (§ 1408.4(b) in the proposed rule) is revised to reflect more accurately the pertinent policy and procedures of OMB Circular No. A–101. The new section is applicable to all classes of grantees.

8. § 1405.10 *Obligation by grantee.* (§ 1408.10 in the proposed rule)—*Comment.* A commenter objected to the requirement that obligations be liquidated by grantees within one year following the period for obligation, pointing out that there is already a time limit for submitting fiscal reports.

Response. The requirement objected to is deleted.

9. Part 1405, Subpart C *Cost principles* (§ 1408.10 in the proposed rule)—*Comment.*—One commenter submitted a number of comments regarding cost principles for nonprofit institutions (Appendix A of the proposed rule).

Response. The cost principles are derived from Departmental regulations in 45 CFR Part 74. The NIE must use these principles and may not amend them. The NIE is, however, forwarding the comments to appropriate officials in DHEW for their consideration.

10. Section 1410.1 *Data-collection instruments* (§ 1412.2 in the proposed rule).—*Comment.* (a) Two commenters suggested that the provisions of this section be revised to conform more closely with policies of OMB and other Federal research programs.

(b) One commenter suggested in similar fashion that the provisions of this section be applied only to data-collection sponsored by the government and questioned whether DHEW policy permitted the use of the grant instrument for "the sponsorship of data-collection."

(c) Another commenter recommended that NIE require grantees' overall plans for the protection of human subjects rather than have each data-collection instrument submitted individually.

(d) Another commenter recommended that the section be extended to provide for review by the State education agency, the school district, and the teacher organizations of instruments used with classroom teachers or pupils.

(e) Another commenter objected that § 1410.1(f) (§ 1412.2(d) in the proposed regulations) would create needless expense and affect certain research unfavorably. The commenter requested a change to require assurances of parental consent only when sufficient reason exists to believe that use of an instrument might cause public concern.

Response. (a) This section is changed by substituting for proposed § 1412.2 a new § 1410.1. The provisions of the new section are consistent with the requirements of OMB Circular No. A–40 and DHEW policy.

(b) A principal effect of the new section is to restrict clearance procedures to instruments of data-collection activities conducted under the sponsorship of the Institute. The term sponsorship describes the condition which exists with respect to the data collection whenever (1) the grantee claims to respondents that information is being collected for the Government; (2) the grantee collects information that the Government has requested for the planning, dvelopment, administration, or evaluation of its programs; or (3) grant terms and conditions call for approval by the Government of survey design procedures, or for submission of data from individual respondents or tabulated data requested by the Government. Data-collection under contracts (which are not subject to the provisions of this subchapter) will almost always involve sponsorship and require clearance of instruments. However, although contractual arrangements will in general be appropriate for data-collection performed specifically for NIE's use, there will as well be appropriate circumstances under which the Institute will choose to sponsor data-collection by grantees.

(c) Substitution of new § 1410.1 for proposed § 1412.2 obviates the requirement that all data-collection instruments be submitted for clearance. However, while procedures for the protection of human subjects and those for the clearance of data-collection plans may occasionally overlap in the case of some data-collection activities, these represent in fact two distinct sets of procedures accomplishing separate purposes. When a data-collection plan is a part of an activity or project involving risk to human subjects, that plan may have to be designed in accordance with the project sponsor's assurances on file with NIH/DHEW. If the data-collection plan is sponsored by NIE, whether or not risk to human subjects is involved, individual instruments used in carrying out that plan will require clearance through OMB.

(d) With regard to the suggestion of clearances with local officials and organizations, the NIE encourages broad consultation and participation in the development of data-collection instruments. However, the Institute feels that such clearances are properly a matter for local policy determination. No change is made.

(e) NIE is particularly interested in insuring that the rights, welfare, and dignity of children are especially well protected against the possibility of risk introduced through data-collection instruments. Risks presented by such instruments may be difficult to recognize. There are in addition special considerations to be weighed in the case of children: differences in psychologic response from adult patterns, degree of interference with normal routine presented by the activity, and the possibility of misuse of data. For these reasons, NIE feels that assurances for informed parental consent at a minimum should be a general requirement for most types of NIE-sponsored data-collection activities involving children as respondents. On the other hand, the Institute appreciates the commenter's position. Clearly, there are some forms of data-collection and types of data which through traditional acceptance, standardization, or other conditions will not present a need for parental consent except in the most unusual circumstances. The Institute feels that the new applicability provisions of paragraph (b), added in conformance with OMB Circular No. A–102, will greatly reduce the grounds of the commenter's objection. Further, § 1410.1(f) (§ 1412.2(d) in the proposed rule) is amended to provide for waivers upon specific determinations by the Director.

It must be emphasized, however, that: (1) With the exception of instruments covered in § 1410.1(f), the Institute assumes the necessity of assurances of informed parental consent; the burden to justify a waiver will reside the grantee; and (2) even in the case of instruments excepted from the requirements of § 1410.1(f), the grantee's obligations under the DHEW policy on treatment of human subjects (§ 1410.2) may require informed parental consent and such additional safeguards as are warranted.

11. Section 1410.2 *Protection of human subjects* (§ 1412.1 in the proposed rule).—*Comment.* Two commenters recommended that NIE adhere to the DHEW policy on protection of human subjects.

Response. On May 30, 1974, the Department published regulations (45 CFR Part 46) for the protection of human subjects to codify, with some changes, the existing policy as set forth in Chapter 1–40 of the DHEW Grants Administration Manual. This part becomes effective for programs of the Institute when and to the extent that it is implemented in regulations issued by the Director.

Certain provisions of this part may be inappropriate to the Institute's mission, and it is therefore deemed inappropriate the part in the Institute's general provisions at this time. The Institute does expect to issue an appropriate implementation of Part 46 at some future time; until such issuance, the Institute will retain the provision requiring adherence to DHEW policies and procedures on treatment of human subjects as published in Title 41, Subpart 3–4.55 of the Code of Federal Regulations.

12. Section 1410.7 *Principal investigators* (§ 1412.7 in the proposed rule).—*Comment.* Several commenters suggested adoption of a rule permitting absence of the principal investigator for up to three months as provided by OMB Circular No. A–101 and DHEW policy.

Response. The section is changed to provide for a minimum three-month period of unavailability as cause for termination.

13. Section 1410.15 *Dual compensation* (§ 1412.15 in the proposed rule).—*Comment.* Two commenters felt that proposed §1412.15 required clarification so as not to prevent staff members or consultants from receiving compensation for involvement with other projects.

Response. Section 1410.15 is changed to make clear that an employee is not prevented from also being compensated from a second project, even a second Federally-assisted project. The regulation merely prohibits an employee from receiving double payment for any given period of work charged to funds under an NIE-supported project.

14. Sections 1412.1 through 1412.8 (Part 1412) *Monitoring and reporting performance* (§ 1412.24 on the proposed rule).—*Comment.* Two commenters felt that the language of this part applied more appropriately to construction and development activities and would be difficult to apply meaningfully to educational research.

Response. These regulations are intended to serve a broad variety of educational research, as provided in the NIE statute (20 U.S.C. 1221e), including basic and applied research, development, demonstration, and dissemination and training. NIE expects that the specific application of the terms of this part and the degree to which a grantee shall meaningfully satisfy them will be determined by the nature of each particular project activity. The language of the part provides for considerations of practicability and appropriateness, and § 1412.2 states that requirements for grantee performance review, upon which reporting is expected to be based, shall be set forth in the approved award application. No change is deemed necessary.

15. Part 1412, *Monitoring and Reporting Performance* (§ 1412.24 in the proposed rule).—*Comment.* One commenter felt that proposed § 1412.24 implied centralized program management. The commenter stated that such a function was contrary to customary institutional practices and would be less effective and more costly than those practices.

Response. The inference drawn by the commenter is not intended, nor does the Institute agree that a centralized program management function will be necessary to meet the performance monitoring and reporting requirements. Many of the requirements may, for example, be carried out by the principal investigator. Insofar as the institution, however, and not the principal investigator is the applicant and responsible for administering the grant, the Institute does feel that it is properly the responsibility of the institution to assure itself that requirements of the grant are being observed.

16. Sections 1414.1 through 1414.16 (Part 1414) *Procurement standards for grantees.* (Part 1406 in the proposed rule).—*Comment* (a) Several commenters objected on the whole to the application of these provisions derived from OMB Circular No. A–102 to colleges and universities. They felt that the requirements would be difficult and sometimes impossible to comply with and would increase the complexity and cost of project administration.

(b) Other commenters questioned the validity or accuracy of certain sections, as follows:

(1) One commenter stated that § 1414.1(a) should make clear that applicant refers to the institutional grantee and not the principal investigator.

(2) One commenter felt that § 1414.4 was unrealistic in requiring imposition of penalties for nonconformance with the code of conduct.

(3) One commenter felt that § 1414.5 ignored the usual concept of cost effectiveness with respect to small purchases.

(4) This commenter also detected a possible confusion in § 1414.6(d) unless this provision applied only to subcontracts by the grantee.

(5) One commenter objected to the requirements of § 1414.6 relating to formal advertising.

(6) One commenter noted that the list in § 1414.7 of circumstances in which procurement might be negotiated did not contain the more extensive illustrative conditions found in some procurement regulations.

(7) One commenter objected to the requirement of § 1414.15(a) for inclusion of penalties in contracts.

(8) One commenter noted that suppliers might object to opening their books and accounts to anyone other than the Comptroller General of the U.S. (§ 1414.15(d)).

Response. (a) In preparing Part 74 of Title 45 of the Code of Federal Regulations, the Department, as a matter of policy, has made certain provisions of the OMB Circular inapplicable to entities other than State and local governments. In implementing 45 CFR Part 74, the National Institute of Education will also make these standards inapplicable to recipients other than State and local governments. In other cases, the Department has determined that HEW agencies may apply the standards to all grantees. The Institute feels that uniform standards, where feasible, are in the best interest of good management and economy, and will follow the Department's lead in this regard. Accordingly, Part 1414 is changed to limit only to State and local government grantees the following provisions: § 1414.6(e), § 1414.7, § 1414.11, § 1414.15 (a) and (b). The requirement for penalties under standards or a code of conduct (§ 1414.4) is made applicable to non-State and local government grantees only to a limited extent.

(b) The following responses are made to comments upon specific provisions of Part 1414:

(1) Regarding the comment that applicant should mean institution and not principal investigator, the Institute believes that the intent of the comment is met by the provision in § 1403.5 that "each such application * * * shall be executed by the applicant or, in the case of an applicant other than an individual, by an official or representative of the applicant duly authorized to execute such application on behalf of the applicant." However, it is consistent with the

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Institute's policy of making awards to individuals for an applicant to be the proposed principal investigator. The Institute will identify the applicant on the basis of the authorizing signature on the application. This policy of course in no way modifies particular organizational policies concerning institutional sign-off.

(2) Section 1414.4 is changed in conformance with 45 CFR Part 74 to qualify the requirement for imposition of penalties by non-State and local government grantee.

(3) Although the intent of proposed § 1406.5 was to provide for open and free competition to the maximum extent reasonable and feasible, the Institute agrees with the commenter's observation. The language of § 1414.5 is changed to require "competition . . . to the maximum practical extent consistent with the objectives and needs of (the) Federally-assisted activities."

(4) Section 1414.6(d) does in fact apply only to subcontracts by the grantee.

(5) The provisions of § 1414.6(e) are changed to apply only to State and local government grantees, in conformance with 45 CFR Part 74.

(6) The list of conditions for negotiated procurement contained in § 1414.7 is consistent with 45 CFR 74.155. The conditions parallel those in Attachment O of OMB Circular No. A–102, which represent a condensation of the most significant and appropriate conditions contained in both the Federal and the Armed Services Procurement Regulations.

(7) Section 1414.15(a) is changed to apply only to contracts under grants to State and local government grantees, in conformance with 45 CFR Part 74.

(8) The provisions of § 1414.15(d) are in accordance with 45 CFR Part 74. It should be noted that they apply only to negotiated contracts in amounts in excess of $2,500.

17. Section 1415.7 *Nonexpendable personal property* (§ 1412.69 in the proposed rule).—*Comment.* (a) One commenter felt that provisions of § 1415.7 (b) and (c), governing return, transfer, or sale of property, contradicted § 1415.7(a), vesting title in the grantee, and were thus inconsistent with OMB Circular No. A–101. Other commenters suggested similarly that nonprofit organizations be permitted to retain equipment for use in non-Federally assisted research and that accountability for equipment used for research in educational institutions be waived pursuant to Public Law 85–934.

(b) Another commenter asked the meaning of the term "official" in § 1415.7(b)(3).

Response. (a) In conformance with 45 CFR Part 74, vesting of title in the grantee is made subject to requirements concerning use, disposition, and management of the property. This was the intention of the proposed rule, and § 1415.7(a) is changed to clarify this intention. Public Law 85–934 (and provisions of OMB Circular No. A–101 based upon it) applies only to scientific research, which has not been interpreted to include educational research, and therefore would not authorize NIE to waive accountability for the equipment.

(b) The term "official" is intended to describe those activities which are generally recognized as legitimate within the purview of an organization's established purposes and functions. Unless otherwise covered by pertinent statute, regulation, or grant term or condition, practices with respect to property purchased (in part) with Federal funds which are similar to those governing an organization's use of property purchased with the organization's funds should suffice to meet the meaning of "official."

18. Section 1415.11 *Property management standards* (§ 1412.72 on the proposed rule).—*Comment.* One commenter felt that the actual vesting of title (§ 1415.7) should preclude NIE interest in property management.

Response. The property management standards of § 1415.11 are consistent with the provisions of 45 CFR 74.136. Vesting of title in the grantee does not waive the grantee's accountability for the residual value of the property and does not diminish Federal interest in sound property management. As noted in the response to paragraph 17 above, title is vested in the grantee subject in requirements concerning property management as well as use and disposition of the property.

19. Section 1415.13 *Expendable personal property* (§ 1412.73 in the proposed rule).—*Comment.* One commenter asked (a) what is meant by "value" and (b) what disposition for used expendable personal property is contemplated.

Response. (a) Language is added to § 1415.13 to clarify the meaning of "value."

(b) Section 1415.13 is changed by replacing the text from the proposed rule with new paragraphs (a) and (b). These paragraphs, consistent with 45 CFR § 74.137, indicate NIE's policy with respect to consumable materials and supplies and to other expendable personal property with a useful life longer than the period of need or the grant period.

20. Section 1417.3 *Standards for grantee financial management systems* §§ 1412.23 and 1412.11 in the proposed rule).—*Comment.* (a) Two commenters stated that some provisions of § 1417.3(d) were inappropriate to the grant instrument.

(b) Several commenters objected to the application in proposed § 1412.11 of audit requirements of OMB Circular No. A–102 to grantees other than State and local governments. The commenters felt that many of the provisions were designed only for government agencies and that application to other types of grantees, would be impracticable and excessively costly.

Response. (a) Section 1417.3(d) requires financial information relating actual expenditures to performance or productivity data only when appropriate. The provision is revised to require such information only when appropriate and specified in the performance reporting requirements of the grant.

(b) Section 1417.3(b) (incorporating much of proposed § 1412.11) does not require audits by grantees other than State and local governments. This change is consistent with Department policy set forth in 45 CFR 74.61(b)(1) (38 FR 26279). Grantees other than State and local governments are, however, encouraged to meet the standards set forth in § 1417.3(b).

21. Part 1419 *Financial Reporting Requirements* (Part 1410 in the proposed rule).—*Comment.* (a) Several commenters objected to the application of standards from OMB Circular No. A–102 to other than State and local governments. The commenters noted that these standards were divergent from those required by other Federal departments and by other agencies of the Department.

(b) Another commenter noted an apparent contradiction between § 1419.1 (proposed. § 1410.1), which states that the subpart does not cover letter of credit transactions, and § 1419.5 (proposed § 1410.3(b)), which applies to letter of credit transactions. This commenter also noted an incorrect citation in the pertinent OMB form for financial reporting. The commenter noted lastly that prescriptions for reporting upon an accrual basis provided in proposed § 1410.3(a)(2) would be inappropriate for organizations not reporting on an accrual basis.

(c) Another commenter expressed an objection to any requirement under proposed § 1410.3(a)(3) for research grants reports to be submitted more frequently than annually.

(d) Two commenters noted that the 30-day time for submission of final reports (§ 1410.3(a)(4)) was not consistent with the 90-day period provided for final accounting in § 1414.1(b). A third commenter requested that the period for submission of final reports be set at 120 days.

Response. (a) In the interest of maintaining consistency with other DHEW requirements for reporting expenditures under research grants and with the NIH Letter-of-Credit procedures, the Institute will not apply the standards for financial reporting derived from OMB Circular No. A–102 to grantees other than State and local governments. Part 1419 is amended by (1) revising the provisions §§ 1410.2 through 1410.5) to correspond of §§ 1419.1 through 1419.6 (proposed more directly with the provisions of 45 CFR §§ 74.71 through 74.77; (2) adding §§ 1419.7 and 1419.9 to implement 45 CFR §§ 74.76 and 74.77, respectively; (3) placing §§ 1419.1 through 1419.9 under a new Subpart A applicable only to State and local governments; and (4) adding a new Subpart B applicable to grantees other than State and local governments. NIE expects to elaborate upon the provisions of Subpart B by amendment to these regulations at some future time.

(b)(1) The limiting phrase in § 1419.1 "when a letter of credit method is not used" is intended only to apply to requests for advances and reimbursement and not to the general reporting of financial information. New language in § 1419.1 should make this intention clearer.

(2) OMB form numbers are replaced with identifying references to their locations within OMB Circular No. A–102 and the appropriate HEW form number.

(3) Section 1419.4(b) and § 1417.3(a) are changed (from proposed §§ 1410.3(a)(2) and 1412.23(a), respectively) in accordance with the commenter's suggestion so as not to require reporting on an accrual basis from organizations which do not maintain records on that basis.

(c) The language of § 1419.4(c) is changed (from proposed § 1410.3(a)(3)), in accordance with 45 CFR Part 74, to provide for annual submission of research grants reports.

(d) The time for submission of final reports in § 1419.4(d) is changed to 90 days in conformance with the provisions of § 1424.1(b)(3)(iii) (proposed § 1414.1(b)) and with the Department's 90-day standard established in 45 CFR Part 74.

22. Part 1420 *Bonding and Insurance* (§ 1412.52 in the proposed rule).—*Comment.* One commenter requested that proposed § 1412.52(c) be revised to allow grantees to carry the insurance required of contractors under the proposed paragraph.

Response. The provisions of proposed § 1412.52(c) have been deleted from the final regulation. Grantees are required to observe only those bonding and insurance requirements and practices as specified in § 1420.1.

23. Section 1422.45 *Nondiscrimination* (§ 1406.15(c) in the proposed rule).—*Comment.* One commenter objected that the provisions of proposed § 1406.15(c) were more stringent than the requirements of Executive Order No. 11246 and Department of Labor regulations (41 CFR Part 60).

Response. Section 1422.45 is changed to comply with 45 CFR Part 74.

24. Section 1424.1 *Closeout* (§ 1414.1 on the proposed rule).—*Comment.* A commenter urged adoption of a 120-day instead of the 90-day term for submission of the report of final accounting required in paragraph (b)(3)(ii) § 1414.1(b) of the proposed rule).

Response. The 90-day requirement (see § 1419.4(d)) is consistent with across-the-board policy established by the Department in 45 CFR Part 74. No change is deemed necessary.

25. Section 1424.6 *Waiver of law prohibited* (§ 1414.6 in the proposed rule).—*Comment.* A commenter suggested that § 1424.6 as written would prevent the Director from amending NIE regulations.

Response. The regulation is amended to make it clear that regulations may be amended by the Director through publication in the *Federal Register*.

26. Section 1424.8 *Termination and suspension for cause* (§ 1414.14 in the proposed rule).—*Comment.* A commenter felt that the provisions of this section were not appropriate to the customary agency/university relationship and were unnecessarily more punitive than other agencies' regulations.

Response. Termination for cause is a generally recognized provision of Federal grants. It should be noted that these regulations, like most grant regulations and unlike contract regulations, do not provide for termination by the Government unilaterally without cause (i.e., termination for the convenience of the Government). The procedures of this section are consistent with HEW procedures established in 45 CFR Part 16. Attention is invited in addition to procedures available to the grantee under the DHEW grant appeals board (cf. §§ 1400.2(f) and 1424.8(g)).

27. Subchapter A *General.*—*Comment.* One commenter noted the absence from this subchapter of policies on institutional management fees and on printing, duplication, and distribution of education products.

Response. (a) Institutional management fees are allowable with respect to contracts, in accordance with the DHEW Procurement Regulations. However, such fees may not be charged to grants, and Subchapter A therefore makes no provisions for their use.

(b) Policies on printing and duplication are contained in the Government Printing and Binding Regulations, issued by the Joint Committee on Printing (DHEW Grants Administration Chapter 1–403). Ordinarily, the Institute will impose no requirements governing distribution of materials for which copyright is not claimed. If copyright is claimed, distribution must be accomplished in conformance with § 1415.15, adopted in accordance with 45 CFR Part 74. NIE is currently developing a separate issuance covering copyright and product dissemination. Product developers, marketers, and other interested groups are involved in the development of this issuance. The ensuing regulations will be published in the FEDERAL REGISTER in proposed form for public comment prior to adoption.

28. Subchapter A *General.*—*Comment.* One commenter objected to publication of proposed and final regulations until the appointment of the National Council on Education Research.

Response. The Institute is appreciative of the commenter's concern that the policy-making authority vested by statute in the National Council on Educational Research (NCER) be fully observed. It is the Institute's opinion that the publication of proposed general provisions in no way derogated from the Council's statutory functions. The problem is moot with respect to these final regulations, since the Council took office on July 9, 1973.

29. Subchapter A, *General.*—*Comment.* This commenter also stated the opinion that the regulations needed to identify more specifically the purposes for which NIE funds would be allocated and the criteria according to which allocation decisions would be made.

Response. The Institute recognizes an obligation to identify for the public those elements, such as focuses of research and criteria for resource allocation, it adopts in delimitation of its statute. The Institute does not feel, however, that such elements should be contained within this regulation, which establishes the Institute's administrative and fiscal requirements for grants. The Institute will promulgate such elements as they are developed, in accordance with § 1400.2(b) when appropriate.

30. Subchapter A, *General.*—*Comment.* This commenter also requested the opportunity for a hearing on his objections.

Response. There is no legal requirement to provide for a hearing, and the Institute feels that the procedures for public comment have provided ample opportunity for public participation in the rulemaking process. No hearing is granted.

31. Subchapter A, *General.*—*Comment.* One commenter noted that incorporation of provisions of OMB Circular No. A–102 into the NIE regulations would increase the administrative burden of managing Federally-sponsored research and expressed the hope that NIE would adopt the provisions of Circular A–21 and A–101 instead.

Response. Public comment received in response to the proposed rule and publication of the DHEW regulations on administration of grants at 45 CFR Part 74 (38 FR 26274) provided the Institute with additional perspectives and guidance from which to reconsider incorporation of provisions of OMB Circular No. A–102 within the final regulation. Federal policy, as implemented by the Department in 45 CFR Part 74, requires the application of the provisions of the Circular to all Federal grants to State or local governments. In this regard, the final regulation is not changed. With regard to grantees other than State and local governments, the Institute reexamined the appropriateness of the provisions according to the following principles: (a) Probable management and financial burden imposed upon grantees by the provisions; (b) the potential improvements in management of individual grants under the provisions; (c) administrative advantages to the Government of standardizing requirements for all classes of grantees; and (d) the degree of flexibility in adopting those provisions authorized under 45 CFR Part 74.

In several cases, the Institute has determined that the provisions were appropriate for all classes of grantees and that they served to supplement, rather than to supplant, provisions of Circular A–21 and A–101. In many other cases, the Institute agrees that financial and management burdens under the provisions would outweigh potential advantages and has made the provisions not applicable to grantees other than State and local governments. This is true particularly with respect to § 1403.4, Part 1414 (Part 1406 in the proposed rule), § 1417.3(h) (§ 1412.11 in the proposed rule), and Part 1419 (Part 1410 in the proposed rule). Specific decisions to retain or omit applicability to other than State and local government grantees are discussed elsewhere in this paragraph and in paragraph C.

32. Subchapter A *General.*—*Comment.* Two commenters expressed dissatisfaction at NIE's apparent intention to operate under different sets of requirements for contracts and grants.

Response. NIE's operation according to the instant regulations for grants and

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according to the HEW Procurement Regulations for contracts is based upon the policies of HEW, which provide separate regulations for each instrument.

C. *Other changes.* 1. Numerous typographical and technical corrections are made.

2. In § 1400.1, several changes are made for greater clarity and consistency with 45 CFR Part 74: the definition of "acquisition" is deleted and added to § 1415.3; a definition of "Council" is added; a definition for "minor remodeling" is added to support a new provision at § 1422.1(a)(2); language is added to the definition of "Nonexpendable personal property;" definition of "Personal property" and "Real property" are added.

3. Section 1400.2(i) is deleted; the subject of the deleted material is treated in § 1400.2(g) (§ 1400.4(d) in the proposed rule).

4. In § 1400.2, a new paragraph (f) is added cross-reference the Department Grant Appeals Board procedures (45 CFR Part 16).

5. Paragraphs (d) and (e) of proposed § 1400.4 have been redesignated as paragraphs (g) and (h), respectively, of § 1400.2 in the final rule.

6. In § 1400.4(a), the language is changed to convey the intent more clearly.

7. A new § 1400.5 *Policy on responsibility for supervision of grant activities,* is added.

8. A new § 1403.5 *Administrative information,* is added and some consequently redundant language is deleted from § 1403.4.

9. A new § 1403.6 *Unsolicited proposals,* is added to provide Institute policy and procedures on unsolicited proposals.

10. Language is added to § 1403.10 to indicate that evaluation of applications will be conducted through officers and employers of the Institute and, when deemed advisable by the Director, by specially qualified experts and consultants.

11. In § 1403.15, language is added to indicate that submission of a preliminary proposal or prospectus may be required.

12. In Part 1405 (Part 1408 in the proposed rule, expanded) §§ 1405.1 through 1405.10 (§§ 1408.1 through 1408.10) are designated as Subpart A and Subparts B and C are added to implement Subparts K and Q, respectively, of 45 CFR Part 74. In addition, a new § 1405.11 *Cash depositories,* is added to implement Subpart B of 45 CFR Part 74.

13. In § 1405.9(b), language is added to provide that the Director may extend the project period.

14. Proposed § 1408.12 is deleted. Appendices A, B, and C to the proposed rule, formerly referenced in this section, are also deleted. New Subpart C, which implements Subpart Q of 45 CFR Part 74, makes applicable to this subchapter the cost principles codified in Appendices C, D, E, and F to 45 CFR Part 74.

15. A new Part 1409 *Cost Sharing,* is added in order to implement Subpart G of 45 CFR Part 74 and to reflect policies contained in DHEW Grants Administration Manual 2–140.

16. A new Part 1409 *Grant Related Income,* is added to implement Subpart F of 45 CFR Part 74.

17. In § 1410.10 (§ 1412.10 in the proposed rule), language is added to paragraph (d) for conformance with 45 CFR Part 74.

18. In § 1410.14 (§ 1412.14 in the proposed rule), language is added to indicate that persons associated with the grantee may not participate in administrative decisions of the Federal Government with respect to the grantee's project.

19. In §§ 1412.1 through 1412.10 (§1412.24 in the proposed rule), a new § 1412.1 *Scope of part,* is added and language is changed to conform more closely with Subpart J of 45 CFR Part 74.

20. Section 1414.11 (§ 1406.11 in the proposed rule) is changed to apply only to negotiated procurements by State and local governments, and language pertaining to justification of negotiation is added, in conformance with 45 CFR 74.157.

21. In § 1414.15 (§ 1406.15 in the proposed rule), several changes are made for consistency with Subpart P of 45 CFR Part 74.

22. Proposed § 1406.15(f) is deleted because the Economic Stabilization Act and regulations promulgated pursuant to the Act expired April 30, 1974.

23. In Part 1415 (Subpart D of Part 1412 in the proposed rule), §§ 1415.1 *Scope of part,* 1415.2 *General,* 1415.3 *Definitions,* and 1415.5 *Real property* are added in implementation of 45 CFR §§ 74.130 through 74.133.

24. In § 1415.9 (§ 1412.70 in the proposed rule), several changes in language are made for conformance with, and new paragraphs (a), (c) and (e) are added in implementation of, provisions of 45 CFR § 74.135.

25. Section 1415.14 is added to set forth the acknowledgement to be used in Federally-assisted publications and presentations.

26. Sections 1415.15, and 1415.19 are added in implementation of 45 CFR 74.140 and 74.141, respectively.

27. Section 1415.17 is added in conformance with 45 CFR 74.139; the similar provisions of proposed § 1412.22 are deleted.

28. In § 1422.1 (§ 1412.40 in the proposed rule), subparagraph (a)(2) is added to make clear that Part 1422 is not intended to apply to minor remodeling. In addition, language is added to clarify paragraph (c).

29. In § 1422.17 (§ 1412.48 in the proposed rule), a new paragraph (b) is added to allow alternative procedures for awarding contracts under certain circumstances.

30. Language of § 14.22.29 (§ 1412.55 in the proposed rule) is revised to clarify the intent of the section.

31. In § 1422.33 (§ 1412.57 in the proposed rule), language specifying the grantee's responsibility for conducting inspections to insure compliance is added.

32. Section 1422.43 is added pursuant to Executive Order No. 11288.

33. Section 1424.1 is added in implementation of 45 CFR 74.111; proposed § 1414.1 is deleted.

34. In § 1424.8 (§ 1414.14 in the proposed rule), paragraph (a) is recaptioned *termination.*

35. In § 1424.8 (§ 1414.14 in the proposed rule), the language is changed to indicate the grantee's opportunity to present its position following notice of intent to terminate will not necessarily involve an oral presentation.

36. Section 1424.8(b) (§ 1414.14(b) in the proposed rule) is amended to provide for procedures available to the grantee under 45 CFR Part 16.

37. In § 1424.8 (§ 1414.14 in the proposed rule) paragraph (b) is greatly shortened; a new paragraph (c) *Suspension of assistance* is added; new paragraph designations (d) *Notice of suspension* and (e) *Effect of notice of suspension* are added to include material under § 1414.14(b) (2), (3), and (4) of the proposed rule; and § 1414.14(c) of the proposed rule is redesignated (f), for the purposes of improved organization and clarity.

38. Section 1424.8(g) *Grant appeals board* is added to replace paragraph (d) (1), (2), and (3) of the proposed § 1414.14. A new paragraph (h) *Effective date of termination* is created from paragraph (d)(4) of the proposed § 1414.14; and other smaller changes are made to tie into 45 CFR Part 16.

39. Section 1424.10 is added in implementation of 45 CFR § 74114(b).

D. *Education Amendments of 1974.* While the recent enactment of the Education Amendments of 1974 will result in additional regulations governing the Institute, it has been decided to issue these general provisions at this time without reference to the Amendments because (1) there is no inconsistency between the requirements of the Amendments and the general provisions; (2) the publication of these provisions will in no way delay the issuance of regulations under the Amendments; however, to comply with the requirements of Section 502(a)(2)(B)(II), § 1412.50 of the proposed regulations is deleted.

After consideration of all comments, Title 45 of the Code of Federal Regulations is amended as set forth below.

Effective date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog Federal Domestic Assistance Program No. 13.575, Educational Research and Development)

Dated: August 29, 1974.

THOMAS K. GLENNAN, Jr.,
Director, National Institute of Education.

Approved: October 24, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Title 45 of the Code of Federal Regulations is amended by adding a new Chapter XIV, Subchapter A reading as follows:

CHAPTER XIV—NATIONAL INSTITUTE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL PROVISIONS FOR NATIONAL INSTITUTE OF EDUCATION

Part
1400 General.
1403 Eligibility and application for research grant assistance.
1405 Federal financial participation.
1407 Cost sharing.
1409 Grant related income.
1410 Miscellaneous requirements.
1412 Monitoring and reporting performance.
1414 Procurement standards for grantees.
1415 Property management requirements.
1417 Financial management systems.
1419 Financial reporting requirements.
1420 Bonding and insurance.
1422 Construction requirements.
1424 Accountability for Federal funds.

PART 1400—GENERAL

Sec.
1400.1 Definitions.
1400.2 Scope.
1400.3 Purpose.
1400.4 Policy on use of grants or contracts.
1400.5 Policy on responsibility for supervision of grant activities.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by Section 301(a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1400.1 Definitions.

As used in this subchapter:

"Act" means the General Education Provisions Act, as amended.

"Applicant" means an eligible party seeking Federal financial assistance under this chapter.

"Application" includes requests from eligible parties for grant assistance from the Federal Government.

"Award" means a properly executed grant to an eligible party under this chapter.

"Budget period" means the interval of time into which an approved activity is divided for budgetary purposes.

"Council" means the National Council on Educational Research.

"Department" means the U.S. Department of Health, Education, and Welfare.

"Director" means the Director of the National Institute of Education or a designee of the Director.

"Educational research" means research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

"Expendable personal property" means all tangible personal property other than nonexpendable personal property.

"Fiscal year" means a period beginning on July 1 and ending on the following June 30. (A fiscal year is designated in accordance with the calendar year in which the ending date of the fiscal year occurs.)

"Grant period" means the period during which costs may be charged against a grant.

"Grantee" means the individual, agency, organization, or institution which has received an award of grant assistance from the Institute.

"Institute" means the National Institute of Education.

"Local government" means a local unit of government including specifically a county, municipality, city, township, school district, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

"Minor remodeling" means minor alterations in a previously completed building which are needed to make effective use of equipment or personnel. The term may also include the extension of utility lines, such as water and electricity, from points beyond the confines of the spaces in which the minor remodeling is undertaken but within the confines of such previously completed building. The term does not include building construction, structural alterations to buildings, building maintenance, or repair.

"Nonexpendable personal property" means tangible personal property, including equipment, having a useful life of more than 1 year and an acquisition cost of $300 or more per unit. A grantee may use its own definition of nonexpendable personal property provided that such definition would at least include all tangible personal property as defined herein.

"Personal property" means property of any kind except real property. It may be tangible—having physical existence, or intangible—having no physical existence, such as patents, inventions, and copyrights.

"Private" means not under public supervision or control.

"Procurement" means the acquisition from non-Federal sources of personal property and nonpersonal services, including construction, by such means as purchasing, renting, leasing, including real property, contracting, or bartering, but not by seizure, condemnation, donation, or requisition.

"Project period" means the total period of time for which a project is approved for support with Federal funds.

"Public agency" means a legally constituted organization of government under public administrative control and direction, but does not include agencies of the Federal Government.

"Real property" means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

"Secretary" means the Secretary of the Department of Health, Education, and Welfare.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of any State exclusive State institutions of higher education and hospitals.

§ 1400.2 Scope.

(a) Except to the extent inconsistent with an applicable statute or regulation or as otherwise provided by regulation, the regulations of this subchapter apply to all grant awards of Federal assistance to eligible parties authorized under section 405 of the General Education Provisions Act.

(b) The regulations of this subchapter will be supplemented by other regulations in this chapter setting forth any special (1) rules of procedure; (2) substantive rules of general applicability; and (3) statements of general policy or interpretations of general applicability developed under the authority of section 405 of the General Education Provisions Act.

(c) Federal financial assistance provided under this chapter is also subject to the regulations in Part 80 of this title, issued by the Secretary of Health, Education, and Welfare and approved by the President, to effectuate the provisions of title VI of the Civil Rights Act of 1964 (Public Law 88–352).

(42 U.S.C. 2000 d).

(d) Federal financial assistance provided under this chapter is also subject to the provisions of title IX of the Education Amendments of 1972 which prohibit sex discrimination, and any regulations issued thereunder (secs. 901–903, 905–907 of Public Law 92–318).

(20 U.S.C. 1681–1683, 1685–1686)

(e) Federal financial assistance provided under this subchapter is also subject to the provisions of section 904 of the Education Amendments of 1972 which prohibit discrimination on the grounds of blindness or severely impaired vision and any regulations issued thereunder.

(f) Federal financial assistance provided under this chapter is also subject to the regulations in Part 16 of this title, establishing a Departmental Grant Appeals Board for the resolution of specified post-award grant disputes.

(g) Except as provided in paragraph (h) of this section and with respect to §§ 1400.4 and 1403.6 the award and administration of contracts and cooperative arrangements shall not be covered by this subchapter. Contracts shall be subject to the regulations in Chapters 1 and 3 of Title 41 of the Code of Federal Regulations.

(h) The provisions of § 1403.2(a) of this subchapter on eligible parties shall govern contract awards and jointly financed cooperative arrangements by the Director, as well as grant awards, except that profitmaking corporations, organizations, institutions, or agencies shall also be eligible for such contracts and jointly financed cooperative arrangements.

(20 U.S.C. 1684)

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§ 1400.3 Purpose.

(a) Congress has declared it a policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of race, color, religion, sex, national origin, or social class. The Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process. Congress has further declared it to be the policy of the United States to:

(1) Help to solve, or to alleviate the problems of, and promote the reform and renewal of, American education;

(2) Advance the practice of education as an art, science, and profession;

(3) Strengthen the scientific and technological foundations of education; and

(4) Build an effective educational research and development system.

(b) This subchapter establishes general regulations for the award and administration of grants by the National Institute of Education to carry out the policies set forth in paragraph (a) of this section.

§ 1400.4 Policy on use of grants or contracts.

(a) It is the policy of the Institute that competition be obtained to the maximum extent practicable in the solicitation and review of grant applications and contract proposals, and in the review of unsolicited proposal. Such competition will be designed to help achieve the purposes of the Institute through the identification and utilization of the best technical competence and other resources.

(b) In order to effectuate the purposes of § 1400.3, the Director may issue, with appropriate publication, formal written requests for proposals directed toward the award of contracts or announcements directed toward the award of grants and may award grants or contracts on the basis of unsolicited proposals from eligible parties. In addition, he may enter jointly financed cooperative arrangements with eligible parties.

(c) Generally, the Director shall select between grant and contract procedures and instruments, both with regard to the solicitation process and with respect to unsolicited proposals, on the basis of criteria set forth in Subpart 3–1.53 of Title 41 of the Code of Federal Regulations.

§ 1400.5 Policy on responsibility for supervision of grant activities.

It is the policy of the Institute that primary responsibility for the supervision of all grant activities shall be vested in the grantee, in accordance with the specific provisions of this subchapter. Subject to the requirements in §§ 1405.4 and 1405.5 of this subchapter, methodology and approach for carrying out the objectives of the project shall generally be matters for the determination of the grantee (whether by its principal investigator or other authorized representative). Grantees and their principal investigators are encouraged to seek advice and technical assistance from the Director with respect to problems which may arise during the project period. It is the policy of the Institute to extend such advice and technical assistance to the grantee, without diminishing the grantee's responsibility for the project, in order to enable the grantee to make optimal use of grand funds towards the grant purposes.

PART 1403—ELIGIBILITY AND APPLICATION FOR RESEARCH GRANT ASSISTANCE

Sec.

1403.1 Nature and purpose of research project award.
1403.2 Eligibility for award.
1403.4 Applications.
1403.5 Administrative information.
1403.6 Unsolicited proposals.
1403.7 Cooperative arrangements.
1403.9 Preaward costs.
1403.10 Evaluation of applications.
1403.11 Disposition of applications.
1403.13 Amendments.
1403.15 Preliminary proposals.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301 (a) (2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1403.1 Nature and purpose of research project award.

A research project grant is the award by the Director of funds to an institution, organization, or other person to assist in meeting the costs of conducting, for the purposes specified under § 1400.3 of this subchapter, an identified activity or program (hereinafter termed the "project") consisting of educational research.

§ 1403.2 Eligibility for award.

(a) *Persons eligible.* Except where otherwise prohibited by law, any individual, corporation, public or private institution or agency found by the Director to be authorized and qualified by educational, scientific, or other relevant competence to carry out a proposed research project in accordance with the regulations of this subchapter shall be eligible for an award except:

(1) Federal agencies or institutions not specifically authorized by law to receive such an award; and

(2) Any corporation, institution, agency, or other such person, other than an individual, whose net earnings inure, or may lawfully inure, to the benefit of any private shareholder or individual.

(b) *Projects eligible.* Any project found by the Director to be an educational research project within the meaning of § 1400.1 of this subchapter and § 1403.1 shall be eligible for an award. Eligible projects may include planning, laboratory, clinical, population, field, statistical, basic, applied or other types of investigations, studies, or experiments, dissemination, utilization, application, implementation, training, developments or demonstrations, or combinations thereof, and may either be limited to one, or a particular aspect of, a problem or subject, or may consist of two or more related problems or subjects for concurrent or consecutive investigation and involving multiple disciplines, facilities, and resources.

§ 1403.4 Applications.

Any applicant eligible for grant assistance may submit, on or before such cutoff date or dates as the Director may announce for each fiscal year, an application containing such pertinent information, and in accordance with the forms and instructions, as prescribed herein and by Department policy and/or such other additional forms as may be specified by the Director.

§ 1403.5 Administrative information.

(a) Each project application and amendment thereto shall give the name of the applicant. The applicant shall be the individual, corporation, or public or private institution or agency which will be responsible for carrying out the project and accounting for Federal funds.

(b) Each such application and amendment thereto shall be executed by the applicant or, in the case of an applicant other than an individual, by an official or representative of the applicant duly authorized to execute such application on behalf of the applicant.

(c) Unless otherwise indicated in the application, the official who executes the application on behalf of the applicant will be deemed to be the official to whom communications shall be directed, the official who shall be responsible for the receipt, custody, and disbursement of Federal funds, and the official who shall be responsible for the accounting of such Federal funds.

§ 1403.6 Unsolicited proposals.

(a) It is the policy of the Institute to encourage parties eligible under this subchapter to originate valuable ideas for projects relevant to the furtherance of the purposes specified in § 1400.3 of this subchapter and to submit such ideas as unsolicited proposals.

(b) The Director will make funds available for the support of unsolicited proposals rated highly on the basis of criteria specified under paragraph (c) of this section according to the availability of funds within allocations established by the Council.

(c) Unsolicited proposals which may lead to either grant or contract awards will be evaluated according to (1) the criteria set forth in 41 CFR Subpart 3–4.52 (with respect to procurement contracts) or § 1403.10(b) (with respect to grants) and (2) the extent to which they meet one or more of the following conditions:

(i) The proposal represents a unique opportunity for use of resources or conditions to conduct research or development with potential for important advancement in knowledge;

(ii) The proposal addresses an NIE priority in a more promising way than already planned work;

(iii) The proposal addresses an NIE priority by complementing already planned work with an alternative, perhaps contrary approach to the problem.

§ 1403.7 Cooperative arrangements.

(a) This section applies to cooperative arrangements among applicants *for grants* but not to jointly financed cooperative arrangements between the Institute and eligible parties mentioned in § 1400.2 (g) and (h) and § 140.4(b).

(b) Eligible parties may enter into cooperative arrangements with other eligible parties, including those in another State, to apply for grant assistance.

(c) A joint application made by two or more applicants for assistance under this subchapter may have separate budgets corresponding to the programs, services, and activities performed by each of the joint applicants, or may have a combined budget. If joint applications present separate budgets, the Director may make separate awards, or may award separate amounts for each of the joint applicants.

(d) In the case of each coperative arrangement authorized under paragraph (b) of this section and receiving assistance, except where the Director makes separate awards under paragraph (c) of this section, all such applicants (1) shall be deemed to be joint legal recipients of the grant award and (2) shall be jointly and severally responsible for administering the project assisted under such grant.

§ 1403.9 Preaward costs.

(a) Except as provided in paragraph (c) of this section, Federal financial assistance is available only with respect to obligations incurred by the grantee on or subsequent to the effective date of the grant specified in the Notification of Grant Award issued under § 1403.11(c).

(b) Notwithstanding paragraph G–30 of Appendix F to Part 74 of this title, made applicable to this chapter by § 1405.34, no official, agent, or employee of the Institute or Department shall have the authority to provide authorization, prior to the notification of grant award, for the incurrence of obligations.

(c) (1) Grantees may be reimbursed for costs resulting from obligations incurred before the effective date of the grant if such costs are authorized by the Director in the notification of grant award or subsequently in writing, and if they would otherwise have been allowable if incurred after the effective date of the grant.

(2) The Director will not be obligated to authorize reimbursement for such preaward costs and will do so only when he/she is satisfied that such costs were both necessary to the carrying out of the grant purposes and in the public interest.

(31 U.S.C. 628; OMB Circular Nos. A–21, A–87)

§ 1403.10 Evaluation of applications.

(a) *Review procedures.* All applications filed in accordance with § 1403.4 shall be evaluated by the Director through officers and employees of the Institute and, when deemed advisable by the Director, by such experts or consultants engaged for this purpose as he/she determines are specially qualified in the areas of research involved in the project, provided that final actions on applications shall be taken only by the Director or his/her designee who will be directly responsible to the Director.

(b) *Criteria for evaluation.* Review of applications under paragraph (a) of this section will take into account the following factors.

(1) Potential of the proposed project for effectuating the purposes specified under § 1400.3;

(2) Significance of the proposed research for American education; including:

(i) Importance of the problem area from the standpoint of basic knowledge or problems of American education; and

(ii) Likely magnitude of the addition that will be made to knowledge if the project is successful, including the generalizability of the results;

(3) Quality of the proposed research project, including such considerations as:

(i) Extent to which the application exhibits thorough knowledge of pertinent previous work and relates the proposed research to it;

(ii) Likelihood of the success of the project; and

(iii) Adequacy of design, methodology and instrumentation, where appropriate;

(4) Qualifications of the principal investigator and other professional personnel, as evidenced by:

(i) Experience and previous research productivity; and

(ii) Quality of the discussion and analysis in the application;

(5) Adequacy of the facilities and arrangements available to the investigator to conduct the proposed study;

(6) Reasonableness of the budget for the work to be done and the anticipated results; and

(7) Where the applicant has previously received an award from the Federal Government, the applicant's compliance or noncompliance with requirements applicable to such prior award: *Provided, however,* That in any case where the Director proposes to deny assistance based upon the applicant's noncompliance with requirements applicable to a prior award, he shall do so only after affording the applicant reasonable notice and an opportunity to rebut the proposed basis for denial of assistance.

(31 U.S.C. 628)

§ 1403.11 Disposition of applications.

(a) On the basis of the review of an application pursuant to § 1403.10, the Director will either (1) approve the application in whole or in part, for such amount of funds and subject to such conditions as he/she may deem necessary or desirable for the completion of the approved project, (2) disapprove the application, or (3) defer action on the application for such reasons as lack of funds or a need for further review.

(b) *Reconsideration.* Any deferral or disapproval of an application shall not preclude its reconsideration or resubmission.

(c) *Notification of disposition.* The Director will notify the applicant in writing of the disposition of its application. A signed notification of grant award will be issued to notify the applicant of an approved project application.

§ 1403.13 Amendments.

(a) Substantive amendments will be subject to approval in the same manner, and on the same forms, as original applications. Only those pages of the required forms which relate to the requested changes should be submitted.

(b) Project amendments may be (1) requested by the grantee, as provided in § 1405.5 of this subchapter or (2) initiated by the Director if changes are made in Federal appropriations or laws, governing such projects. If such amendment constitutes a partial termination of the award, the procedures contained in § 1424.8 of this subchapter shall apply.

§ 1403.15 Preliminary proposals.

When he/she deems it necessary or desirable to effectuate the purposes and policies in § 1400.3 and § 1400.4(a) of this subchapter, the Director may require any applicant for assistance under this subchapter to submit a preliminary proposal or prospectus for review and approval prior to the acceptance of an application submitted under § 1403.4.

PART 1405—FEDERAL FINANCIAL PARTICIPATION

Subpart A—General Provisions

Sec.

1405.1 Amount of award.
1405.2 Limitations on costs.
1405.4 Budget revisions.
1405.5 Review and direction of the research effort.
1405.7 Federal obligation.
1405.8 Payments.
1405.9 Duration of project.
1405.10 Obligation by grantee.
1405.11 Cash depositories.

Subpart B—Grant Payment Requirements

1405.20 Scope of subpart.
1405.21 Definitions.
1405.22 Payment methods for nonconstruction grants.
1405.23 Payment methods for construction grants.
1405.24 Withholding of payments.
1405.25 Requesting advances and reimbursements.

Subpart C—Cost Principles

1405.30 Scope of subpart.
1405.31 Grants to State or local governments.
1405.32 Grants to institutions of higher education.
1405.33 Grants to hospitals.
1405.34 Grants to other nonprofit organizations.
1405.35 Cost-type contracts.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

Subpart A—General Provisions

§ 1405.1 Amount of award.

Federal assistance shall be provided only to meet allowable costs incurred by the award recipient in carrying out the approved project in accordance with section 405 of the Act and the regulations of this subchapter.

(31 U.S.C. 628)

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§ 1405.2 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Government will not exceed the amount set forth in the grant award document or any modification thereof approved by the Director which meets the requirements of applicable statutes and regulations. The Government shall not be obligated to reimburse the grantee for costs incurred in excess of such amount unless and until the Director has notified the grantee in writing that such amount has been increased and has specified such increased amount, which meets the requirements of applicable statutes and regulations, in a revised grant award document pursuant to § 1403.13 of this subchapter. Such revised amount shall thereupon constitute the revised total costs of the performance of the grant.

(31 U.S.C. 200)

§ 1405.4 Budget revisions.

(a) As used in this paragraph:

(1) "Construction" means solely or primarily for construction.

(2) "Nonconstruction" means not solely or primarily for construction.

(OMB Circular No. A-102, Exhibit M-3, 5)

(b) For nonconstruction grants, grantees shall request prior approval promptly from the Director for proposed budget revisions whenever one or more of the following conditions prevail:

(1) The revision results from approved changes in the scope or the objective of the project;

(2) The revision indicates the need for additional Federal funding;

(3) The revisions involve the transfer of amounts budgeted for indirect costs to absorb increases in direct costs; or

(4) The revisions pertain to the addition of items requiring prior approval in accordance with the provisions of Subpart C of Part 1405 of this subchapter.

(5) The revisions pertain to items specifically disallowed as a condition of the grant.

(OMB Circular No. A-102, Attachment K, 1-2)

(c) Budget revisions for nonconstruction grants, other than those revisions set forth in paragraph (b) of this section, do not require approval by the Director. Budget revisions which do not require such approval include (1) the use of grantee funds in furtherance of project objectives over and above the grantee minimum share (if any) included in the approved budget and (2) the transfer of amounts budgeted for direct costs to absorb authorized increases in indirect costs.

(d) For construction grants, grantees shall request prior approval promptly from the Director for budget revisions whenever:

(1) The revision results from changes in the scope or objective of the project; or

(2) The revision increases the budgeted amounts of Federal funds needed to complete the project.

(OMB Circular No. A-102, Attachment K, 2)

(e) (1) For both construction and nonconstruction grants, grantees shall notify the Director promptly whenever the amount of Federal authorized funds is expected to exceed the needs of the recipient by more than $5,000 or five percent (5%) of the Federal grant, whichever is greater.

(2) The notification required in paragraph (e) (1) of this section will not be required when applications for additional funding are submitted for continuing grants and those applications include the grantee's estimate of what the unobligated balance of Federally-authorized funds will be at the end of the current period.

(f) When requesting approval for budget revisions, grantees shall use the budget forms which were used in the application. However, grantees may request by letter the approval required by paragraph (b) (4) of this section.

(OMB Circular No. A-102, Attachment K, 2)

(g) Within 30 days from the date of receipt of the request for budget revisions, the Director will review the request and notify the grantee as to whether or not the budget revisions have been approved. If the revision is still under consideration at the end of such 30-day period, the Director will inform the recipient in writing as to when the grantee may expect the Director's decision.

(OMB Circular No. A-102, Attachment K, 3)

§ 1405.5 Review and direction of the research effort.

(a) Deviations from the project of a grantee in methodology, approach, or other aspects of the project that would expedite achievement of the project's research objectives are permitted without the necessity for an approved amendment to the notification of grant award, except with regard to changes described under paragraph (b) of this section.

(b) Prior amendment to the notification of grant award by the Director, in accordance with § 1403.13, is required for changes in the methodology, approach, or other aspects of the project for changes (1) in methodology, approach, or other aspects which are stated in the application or in the notification of grant award under § 1403.11(c) as a specific objective of the grant; (2) where the notification of grant award has contained detailed objectives or goals specified by the Institute and has provided for close control by the Institute over the direction, specifications, methods, or schedules of the research; or (3) in the stated objectives of the research effort and the phenomenon or phenomena under study.

(OMB Circular No. A-101)

§ 1405.7 Federal obligation.

The issuance of a grant award document will be regarded as an obligation of the Federal Government in the amount of the award.

(31 U.S.C. 200)

§ 1405.8 Payments.

(a) *Payment methods and adjustments.* Payments pursuant to grants may be made in installments, and in advance or by way of reimbursement pursuant to Subpart B of this part, with necessary adjustments on account of overpayments or underpayments, as the Director may determine.

(b) *Violations.* A payment under any such grant for expenditures which fail to meet the requirements of any of the provisions of applicable Federal statutes, regulations, or the approved project application (including any terms and conditions applicable thereto) may be taken into account in the determination of any such overpayments and any adjustments relating thereto.

(c) *Current needs.* Funds paid pursuant to a grant for amounts expended by a grantee to carry out its function under such grant generally will be limited to the amount necessary to meet current needs for disbursement.

(d) *Adjustment of records.* Each grantee, in its maintenance of project expenditure accounts, records, and reports shall promptly make any necessary adjustments in its records to reflect refunds, credits, underpayments, or overpayments, resulting from Federal or State administrative reviews and audits or otherwise. Such adjustments shall be set forth in any financial reports required to be filed with the Director.

§ 1405.9 Duration of project.

(a) The amount of the grant award shall remain available for obligation by the grantee during the period specified in the grant award or until otherwise suspended or terminated. Such period may be extended by revision of the grant with or without additional funds pursuant to paragraph (b) of this section where otherwise permitted by law.

(b) When it is determined that special or unusual circumstances will delay the completion of the project beyond the period for obligation, the grantee must in writing request the Director to extend such period and must indicate the reasons therefor. If he/she deems it appropriate, the Director may extend the project period in accordance with law.

§ 1405.10 Obligation by grantee.

Obligations will be considered to have been incurred by a grantee on the basis of documentary evidence of binding commitments for the acquisition of goods or property or for the performance of work, except that funds for personal services, for services performed by public utilities, for travel, and for the rental of facilities, shall be considered to have been obligated as of the time such services were rendered, such travel was performed, and such rented facilities were used, respectively.

§ 1405.11 Cash depositories.

(a) *Physical separation and eligibility.* Except as provided in paragraph (b) of this section:

(1) Physical segregation of cash depositories for Federal funds which are provided to a grantee is not required; and

(2) There will be no eligibility requirements for cash depositories in which Federal funds are deposited by grantees.

(b) *Checks-paid basis letter of credit.* A separate bank account shall be used when payments under letter of credit are made on a "checks-paid" basis in accordance with agreements entered into by a grantee, the Federal Government, and the banking institutions involved. A checks-paid basis letter of credit is one under which funds are not drawn from the Treasury until the grantee's checks have been presented to its bank for payment.

(c) *Minority-owned banks.* Consistent with the national goal of expanding opportunities for minority business enterprises, grantees are encouraged to use minority-owned banks.

(OMB Circular No. A-102, Attachment A)

Subpart B—Grant Payment Requirements

§ 1405.20 Scope of subpart.

This subpart sets forth the methods of making grant payments to grantees. These methods will minimize the time elapsing between the disbursement by a grantee and the transfer of funds from the United States Treasury to the grantee, whether such disbursement occurs prior to or subsequent to the transfer of funds.

(OMB Circular No. A-102, Attachment J)

§ 1405.21 Definitions.

As used in this subpart:

"Advance by Treasury check" is a payment made by a Treasury check to a grantee upon its request or through the use of predetermined payment schedules before payments are made by the grantee.

"Letter of credit" is an instrument certified by an authorized official of the Federal Government which authorizes a grantee to draw funds when needed from the Treasury, through a Federal Reserve Bank and the grantee's commercial bank, in accordance with the provisions of Treasury Circular No. 1075.

"Percentage of completion method" refers to a system under which payments are made to the recipient of a construction grant according to a schedule which relates the amount and timing of each payment primarily or solely to the actual percentage of completion of the construction work under the grant rather than to the grantee's actual rate of disbursements.

"Reimbursement by Treasury check" is a payment made to a grantee with a Treasury check upon request for reimbursement from the grantee.

(OMB Circular No. A-102, Attachment J)

§ 1405.22 Payment methods for nonconstruction grants.

(a) Letters of credit will be used to pay grantees when all of the following conditions exist:

(1) There is or will be a continuing relationship between the grantee and the responsible Department finance office for at least a twelve-month period and the total amount of advances to be received from the finance office is $250,000 or more, as prescribed by Treasury Circular No. 1075; and

(2) The grantee has established, or demonstrated to the Director the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the grantee; and

(3) The grantee's financial management system meets the standards for fund control and accountability prescribed in Part 1417 of this subchapter.

(b) Advances by Treasury check will be used, in accordance with the provisions of Treasury Circular No. 1075, when the grantee meets all of the requirements specified in paragraph (a) of this section except those in paragraph (a) (1) of this section.

(c) Reimbursement by Treasury check will be the preferred (although not mandatory) method when the grantee does not meet the requirements specified in either or both of paragraphs (a) (2) and (a) (3) of this section. This method may also be used when the major portion of the program is accomplished through private market financing or Federal loans, and the Federal grant assistance constitutes a minor portion of the program.

(d) Grantees will be authorized to submit no less often than monthly their requests for advances or reimbursements when letters of credit or predetermined automatic Treasury check advances are not used.

(OMB Circular No. A-102, Attachment J)

§ 1405.23 Payment methods for construction grants.

(a) The percentage of completion method will not be used to pay for construction.

(b) Reimbursement by Treasury check shall be the preferred method when the grantee does not meet the requirements specified in § 1405.22(a) (2) and (3), and may be used for any other construction grant except where the Department has entered into an agreement with a grantee to use a letter of credit for all Department grants, including construction grants.

(c) When the reimbursement by Treasury check method is used, grantees will be authorized to submit no less often than monthly their requests for reimbursement.

(d) When the reimbursement by Treasury check method is not used, § 1405.22 (a) and (b) shall be applicable to the construction grant. Implementing procedures under § 1405.22 (a) and (b) shall be insofar as possible the same for construction grants as for nonconstruction grants awarded to the same grantee.

(OMB Circular No. A-102, Attachment J)

§ 1405.24 Withholding of payments.

Unless otherwise required by law, payments for proper charges incurred by grantees will not be withheld unless the grant is suspended pursuant to § 1424.8 (c) or the grantee is indebted to the United States and collection of the indebtedness will not impair the accomplishment of the objectives of any grant or contract program sponsored by the United States. When a grant is suspended, payment adjustments will be made in accordance with § 1424.8. When an indebtedness is to be collected, the Director may, upon reasonable notice to the grantee, withhold from the grantee the right to receive payments under the grant or require appropriate accounting adjustments to recorded cash balances for which the grantee is accountable to the Federal Government, in order to liquidate the indebtedness.

(OMB Circular No. A-102, Attachment J)

§ 1405.25 Requesting advances or reimbursements.

Part 1419 of this subchapter sets forth the procedures and forms for requesting advances or reimbursements.

(OMB Circular No. A-102, Attachment J)

Subpart C—Cost Principles

§ 1405.30 Scope of subpart.

This subpart establishes the principles to be used (except to the extent inconsistent with an applicable Federal statute or regulation) in determining costs applicable to grants awarded by the Director and to cost-type contracts under such grants.

(OMB Circular Nos. A-21, A-87)

§ 1405.31 Grants to State or local governments.

The principles to be used in determining the allowable costs of activities conducted or administered by State and local governments are set forth in Appendix C to Part 74 of this title.

(OMB Circular No. A-87)

§ 1405.32 Grants to institutions of higher education.

(a) *Research and development.* The principles for determining the allowable costs of research and development work performed by institutions of higher education are set forth in Part I of Appendix D to Part 74 of this title.

(b) *Training and other educational services.* The principles for determining the allowable costs of training and other educational services provided by institutions of higher education are set forth in Part II of Appendix D to Part 74 of this title.

(c) *Other activities.* Appendix D to Part 74 of this title shall be used as a guide for determining the allowable costs of other activities conducted by institutions of higher education.

(OMB Circular No. A-21)

§ 1405.33 Grants to hospitals.

(a) *Research and development.* The principles for determining the allowable costs of research and development work performed by hospitals are set forth in Appendix E to Part 74 of this title.

(b) *Other activities.* Appendix E to Part 74 of this title shall be used as a guide for determining the allowable costs of other activities conducted by hospitals.

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§ 1405.34 Grants to other nonprofit organizations.

(a) *Nonconstruction.* The principles for determining the allowable costs of nonconstruction activities conducted by nonprofit organizations other than institutions of higher education, hospitals, States, and local governments are set forth in Appendix F to Part 74 of this title.

(b) *Construction.* Appendix F to Part 74 of this title shall be used as a guide for determining the allowable costs of construction by nonprofit organizations (other than institutions of higher education, hospitals, States, and local governments).

§ 1405.35 Cost-type contracts.

(a) It should be noted that the cost principles applicable to a cost-type contractor under a grant will not necessarily be the same as those applicable to the grantee. For example, where a State government awards a cost-type contract to an institution of higher education, Appendix D to Part 74 of this title would apply to the costs incurred by the institution of higher education, even though Appendix C to Part 74 of this title would apply to the costs incurred by the State.

(b) The principles to be used in determining the allowable costs of work performed by commercial organizations under cost-type contracts awarded to them are set forth in 41 CFR Subpart 1—15.2.

PART 1407—COST SHARING

Sec.
1407.1 Purpose and scope.
1407.2 Definitions.
1407.3 General policy.
1407.4 Arrangements for cost sharing.
1407.6 Extent of cost sharing.
1407.8 Allowability.
1407.9 Valuation of in-kind contributions from third parties.
1407.10 Supporting records for in-kind contributions from third parties.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB circular No. A-102, Attachment F)

§ 1407.1 Purpose and scope.

This part establishes policies and procedures for cost sharing in research grants. It includes criteria and procedures for the allowability and evaluation of cash and in-kind contributions in satisfying cost sharing requirements of grants.

§ 1407.2 Definitions.

"Cash contributions" means the grantee's cash outlay, including the outlay of money contributed to the grantee by third parties. Unless authorized by Federal legislation, outlays charged to other grants or to Federal contracts may not be considered as the grantee's cash contributions.

"In-kind contributions" represent the value of noncash contributions provided by the grantee or third parties. In-kind contributions may consist of charges for real property and nonexpendable personal property, and the value of goods and services directly benefitting and specifically identifiable to the grant-supported activity. Unless otherwise authorized by Federal legislation, charges for property purchased wholly with Federal funds, and charges based on the Federal share of the value of property purchased partly with Federal funds, may not be considered as the grantee's in-kind contributions.

"Matching or cost sharing" represents, in general, that portion of project costs not borne by the Federal Government.

"Project costs" means the sum of (a) the allowable costs incurred by the grantee and (b) the allowable in-kind contributions made by third parties.

§ 1407.3 General policy.

As provided in applicable law, Institute funds shall not be used to pay any recipient of a grant for the conduct of a research project an amount equal to as much as the entire cost of the project.

§ 1407.4 Arrangements for cost sharing.

Grantees may share in the costs of grant-supported research projects either under institutional cost sharing agreements or under cost-sharing arrangements negotiated on a project-by-project basis.

(a) An institutional cost sharing agreement may be negotiated covering the aggregate of all or some of the research projects supported by the Department's grant funds.

(b) In the absence of an institutional cost sharing agreement, a separate cost sharing agreement must be negotiated for each research project supported with Institute funds.

§ 1407.6 Extent of cost sharing.

The amount of cost sharing will be negotiated according to a combination of such factors as:

(a) The extent to which the grantee has shared in the cost of previous grants;

(b) The ability of the grantee to recover cost shared amounts from non-Federal sources; and

(c) The extent to which the Government desires to stimulate the area of research.

(d) The relevance of the research effort to the non-Federal activity of the grantee.

§ 1407.8 Allowability.

(a) Cost sharing may consist of:

(1) Charges incurred by the grantee as project costs. Not all charges require cash outlays during the grant period by the grantee; examples are depreciation and use allowances for buildings and equipment.

(2) Project costs financed with cash contributed or donated to the grantee by third parties.

(3) Project costs represented by in-kind contributions made by non-Federal third parties. Where in-kind contributions are made by the Federal Government, they may be included in the grantee's cost sharing only if Federal legislation authorizes such inclusion.

(b) All contributions whether cash or in-kind (including in-kind contributions from third parties) shall be accepted as part of the grantee's cost sharing when such contributions:

(1) Are identifiable from the grantee's records;

(2) Are not included as contributions for any other Federally-assisted program, or any Federal contract;

(3) Are necessary and reasonable for proper and efficient accomplishment of project objectives;

(4) If made by the grantee, are types of costs which are allowable under the applicable cost principles specified in Subpart C of Part 1405 of this subchapter;

(5) Are not borne by the Federal Government directly or indirectly under any Federal grant or contract (unless the other grant or contract may, under authority of law, be used for cost sharing); and

(6) Conform to other applicable provisions of this part.

§ 1407.9 Valuation of in-kind contributions from third parties.

(a) *Valuation of volunteer services*—(1) *General.* Volunteer services may be furnished by professional and technical personnel, consultants, and other skilled and unskilled labor. Volunteered service may be counted as cost sharing if it is an integral and necessary part of an approved program.

(2) *Rates for volunteer service.* Rates for volunters should be consistent with those regular rates paid for similar work in other activities of the grantee. In cases where the kinds of skills required for the Federally-assisted activities are not found in the other activities of the grantee, rates used should be consistent with those paid for similar work in the labor market in which the grantee competes for the kind of services involved.

(3) *Volunteers employed by other organizations.* When an employer other than the grantee furnishes the services of an employee, these services shall be valued at the employee's regular rate of pay (exclusive of fringe benefits and overhead cost) provided these services are in the same skill for which the employee is normally paid.

(b) *Valuation of donated real or tangible personal property, or use thereof.*—(1) *Donation of title.* If the donor transfers title to the property, the amount to be allowed as matching or cost sharing shall be determined as if the grantee had purchased the property and had paid the fair market value of the property at the time of transfer.

(2) *Donation of use.* If only use of the property is donated, and the donor retains title, the amount to be allowed as matching or cost sharing shall be determined as if the grantee had rented the property and had paid the property's fair rental value.

(3) *Appraisal.* The Director may require that the value of real property be established by an independent appraiser (i.e., a private realty firm or a General Services Administration representative) and certified by the responsible official of the grantee as a precondition to allowability for matching or cost sharing purposes.

(c) *Valuation of other in-kind contributions by third parties.* Other necessary in-kind contributions made by third parties specifically for and in direct benefit to the grant program may be accepted as matching or cost sharing provided that they are adequately supported and permissible under the law. Such charges must be reasonable and properly justifiable.

§ 1407.10 Supporting records for in-kind contributions from third parties.

The following requirements pertain to the grantee's supporting records for in-kind contributions from third parties:

(a) The extent of volunteer services must be supported by the same methods used by the grantee for its employees.

(b) The basis for determining the charges for personal services, material, equipment, buildings, and land must be documented.

PART 1409—GRANT RELATED INCOME

Sec.
1409.1 Scope of part.
1409.2 Meaning of program income.
1409.3 Interest income.
1409.4 Sale of real and personal property.
1409.5 Royalties.
1409.6 Other program income.
1409.7 Earmarked revenues of State or local governments.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, Stat. 328 (20 U.S.C. 1221e); OMB Circular No. A-102, Attachment E, unless otherwise noted.

§ 1409.1 Scope of part.

This part sets forth standards for grantees in accounting for program income and other income related to projects and programs financed in whole or in part with Federal funds.

§ 1409.2 Meaning of program income.

As used in this part, the term "program income" shall have the meaning set forth for that term in § 1419.2.

§ 1409.3 Interest income.

(a) As used in paragraph (b) of this section:

(1) The term "State" shall have the meaning set forth in § 102 of the Intergovernmental Cooperation Act of 1968.

(2) The term "grant-in-aid" shall have the meaning set forth for that term in section 106 of the Intergovernmental Cooperation Act of 1968.

(b) In accordance with section 203 of the Intergovernmental Cooperation Act of 1968, States shall not be held accountable for interest earned on grant-in-aid funds, pending their disbursement for program purposes.

(c) In all other cases, grantees shall remit to the Federal Government any interest earned on advances of grant funds.

(Pub. L. 90-577, secs. 102, 106, 203)

§ 1409.4 Sale of real and personal property.

Proceeds from the sale of real and tangible personal property whose acquisition cost was borne in whole or in part by Federal funds shall be handled in accordance with Part 1415 of this subchapter.

(OMB Circular No. A-102, Attachment N.)

§ 1409.5 Royalties.

(a) *Applicability*—(1) Copyrights. This section applies to royalties received by grantees from copyrights on publications or other works developed under Federal funds.

(2) *Patents.* This section also applies to royalties received by grantees from patents on inventions conceived or first actually reduced to practice in the course of or under any Federally assisted grant.

(b) *During the grant period.* (1) If the grantee is a State or local government, royalties received during the grant period shall be retained by the grantee. The terms and conditions of the grant shall provide either:

(i) That such royalties shall be used by the grantee for any purposes which further the objectives of the legislation under which the grant was made, or

(ii) That such royalties shall be deducted from total project costs for the purpose of determining the net costs on which the Federal share of costs shall be based.

(2) When the grantee is a State or local government, the grantee shall elect either of the alternatives specified in subparagraph (1) of this paragraph if the terms and conditions of the grant do not specify which is to be followed.

(3) If the grantee is not a State or local government, disposition of royalties received during the grant period shall be governed by the terms and conditions of the grant or other agreements made pursuant to § 1415.15(b) and by § 1415.17.

(c) *After the grant period*—(1) *Copyrights:* (i) Disposition of copyright royalties received after the termination or completion of the grant period will ordinarily be governed by specific agreements between the Director and the grantee as provided in paragraph (b)(3) of this section.

(ii) If the grantee is a State or local government and no other agreement between the Director and the grantee is applicable, the Federal share of copyright royalties in excess of $200 received annually shall be paid by the grantee to the Federal Government. In such cases, the Federal share of the royalties shall be computed on the same ratio basis as the percentage of Federal participation in the cost of the project or program. This percentage of participation shall be determined in accordance with § 1415.19.

(2) *Patents.* Disposition of patent royalties received after the termination or completion of the grant period shall be governed by agreements between the Assistant Secretary for Health, Department of Health, Education, and Welfare, and the grantee, pursuant to the Department's patent regulations (Parts 6 and 8 of this title).

§ 1409.6 Other program income.

(a) This section applies to all program income earned during the grant period except royalties and proceeds from the sale of real property or tangible personal property.

(b) All such income earned during the grant period shall be retained by the grantee. The terms and conditions of the grant shall provide either:

(1) That such income shall be used by the grantee for any purposes which further the objectives of the legislation under which the grant was made, or

(2) That such income shall be deducted from total project costs for the purpose of determining the net costs on which the Federal share of costs shall be based.

(c) The grantee shall elect either of the alternatives specified in paragraph (b) of this section if the terms and conditions of the grant do not specify which is to be followed.

§ 1409.7 Earmarked revenues of State or local governments.

State or local government grantees shall record the receipt and expenditure of revenues such as taxes, special assessments, levies, fines, etc., as a part of grant projects transactions when such revenues are specifically earmarked for a grant project in accordance with the terms and conditions of a grant.

PART 1410—MISCELLANEOUS REQUIREMENTS

Subpart A—Data-Collection Instruments and Protection of Human and Animal Subjects

Sec.
1410.1 Data-collection instruments.
1410.2 Protection of human subjects.
1410.3 Treatment of animals.

Subpart B—General Requirements

1410.7 Principal investigators.
1410.10 Retention of records.
1410.14 Financial interest prohibited.
1410.15 Dual compensation.
1410.16 Fees to Federal employees.
1410.19 Commencement of project activity.
1410.21 Leasing facilities.

AUTHORITY: Section 405 of the General Education Provisions Act as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

Subpart A—Data Collection Instruments and Protection of Human and Animal Subjects

§ 1410.1 Data-collection instruments.

(a) *Definitions.* For the purposes of this section:

"Child" means an individual who has not attained the legal age of consent as determined under the applicable law of the jurisdiction in which research is to be conducted.

"Data-collection instruments" means tests, questionnaires, inventories, interview schedules or guides, rating scales, and survey plans or any other forms which are used to collect information on substantially identical items from 10 or more respondents.

"Respondents" means individuals or organizations from whom information is collected.

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(b) *Applicability.* This section does not apply to instruments which deal solely with (1) functions of technical proficiency, such as scholastic aptitude, school achievement, and vocational proficiency; (2) routine demographic information; or (3) routine institutional information.

(c) *Protection of privacy.* Data-collection instruments shall not be used which constitute unnecessary or offensive intrusions of privacy through inquiries regarding such matters as religion, sex, race, or politics.

(d) *Clearance of instruments.* (1) Grantees are not required to submit data-collection instruments to the Director or obtain the Director's approval for the use of these instruments, except where the notification of grant award specifically so provides.

(2) If a grantee is required under subparagraph (1) of this paragraph to submit data-collection instruments for the approval of the Director, or if a grantee wishes to have Federal approval of a data-collection instrument, the grantee shall submit seven copies of the document to the Director along with seven copies of the Office of Management and Budget's standard form No. 83 and seven copies of the Supporting Statement as required in the "Instructions for Requesting OMB Approval under the Federal Reports Act".

(Standard form No. 83A).

(e) *Responsibility for collection of information.* A grantee shall not in any way represent or imply (either in a letter of transmittal, in the data-gathering instruments themselves, or in any other manner) that the information is being collected by or for the Federal Government or any of its subdivisions. Basic responsibility for the study and the data-gathering instruments rests with the grantee.

(f) *Parental consent.* In the case of any survey using data-collection instruments in which children are involved as respondents, the grantee, in addition to observing the other requirements contained in this section, and in § 1410.2 as appropriate, shall provide assurances satisfactory to the Director that informed consent will be obtained from the parents of each such respondent prior to the use of such instruments, except that: a waiver from the requirements of this paragraph for specific data-collection activities may be granted by the Director upon the written request and justification therefore by the grantee.

§ 1410.2 Protection of human subjects.

All grantees, insofar as their proposal involves research with human subjects, must insure that the rights and welfare of human subjects are maintained. Every precaution must be taken to protect human subjects from physical, psychological, or sociological harm, in accordance with the specific provisions of the Department's policy on the treatment of human subjects (Title 41, Subpart 3—4.55 of the Code of Federal Regulations).

§ 1410.3 Treatment of animals.

If animals are utilized in any project receiving assistance, the applicant for such assistance shall provide assurances satisfactory to the Director that such animals will be provided with proper care and humane treatment, in accordance with the Animal Welfare Act of 1970 (Public Law 89–544, as amended).

Subpart B—General Requirements

§ 1410.7 Principal investigators.

All grant awards shall be subject to the condition that the principal investigator(s) designated in the application as responsible for the conduct of the approved project shall continue to be responsible for the duration of the project period. Whenever any such investigator shall become absent for a period of three months or longer or otherwise become unavailable for any reason to discharge this responsibility, the grant shall be terminated and an accounting rendered as provided in §§ 1424.8 and 1424.10 of this subchapter unless the grantee replaces such investigator with another person found by the Director to be qualified to direct and conduct the approved project.

(OMB Circular No. S-101)

§ 1410.10 Retention of records.

(a) *Records.* Each grantee shall keep intact and accessible records relating to the receipt and expenditure of Federal funds and to the expenditure of the grantee's contribution to the cost of the project, if any, including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the grant.

(b) *Retention.* (1) Except as otherwise provided in this paragraph and paragraph (d) of this section, the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants which are renewed annually, for 3 years after the date of the submission of the annual expenditure report. (2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.* Grantees may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.* The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions: *Provided, however,* That records need not be retained if they relate to a grant with respect to which actions by the United States to recover for diversion of Federal funds are barred by the statute of limitation in 28 U.S.C. 2415(b).

(e) *Audit and examination.* (1) The Secretary, the Director, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the grantee.

(2) In the case of a contract negotiated by the grantee and exceeding $2500, the grantee, the Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which the grantee, the Secretary, the Comptroller General of the United States, or any of their duly authorized representatives determine are pertinent to the specific grant for the purpose of making audit, examination, excerpts, and transcripts.

(OMB Circular No. A–73; OMB Circular No. A–102, Attachment C)

§ 1410.14 Financial interest prohibited.

A person who is a public official, officer, or member of, or who is otherwise associated with a grantee, may not participate in an administrative decision of the Federal Government with respect to the grantee's project, if such decision can be expected to result in any benefit or remuneration, including, without limitation, a royalty, commission, contingent fee, brokerage fee, or other benefit, to him/her or to any member of his/her immediate family.

§ 1410.15 Dual compensation.

If a project staff member or consultant of one grantee is involved simultaneously in two or more projects supported by any funds either under this chapter or otherwise, he/she may not be compensated for more than 100 percent of his time charged to funds under this chapter from any funds during any part of the period of dual involvement.

§ 1410.16 Fees to Federal employees.

Unless specifically authorized by law, the grantee shall not use any Federal funds or funds from other sources to pay a fee to, or travel expenses of, employees of the Federal Government for lectures, attending program functions, or any other activities in connection with the grant.

§ 1410.19 Commencement of project activity.

Projects receiving Federal financial assistance shall commence within a reasonable period of time subsequent to the awarding of the grant.

§ 1410.21 Leasing facilities.

In the case of a project involving the leasing of a facility, the grantee shall demonstrate that it will have the right to occupy, to operate, and, if necessary, to maintain and improve the leased facility during the proposed period of the project.

PART 1412—MONITORING AND REPORTING PERFORMANCE

Sec.
1412.1 Scope of part.
1412.2 Monitoring by grantees.
1412.3 Performance reports for nonconstruction grants.
1412.4 Performance reports for construction grants.
1412.6 Significant developments between scheduled reporting dates.
1412.8 Budget revision.
1412.10 Site visits.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular No. A–102, Attachment I.

§ 1412.1 Scope of part.

This part sets forth the procedures for monitoring and reporting program performance. These procedures are designed to place greater reliance on grantees to manage the day-to-day operations of their Federally-supported activities.

§ 1412.2 Monitoring by grantees.

Grantees shall constantly monitor the performance under grant-supported activities to assure that time schedules are being met, projected work units by time periods are being accomplished, and other performance goals are being achieved. This review shall be made for each program, function, or activity of each grant as set forth in the approved grant application.

§ 1412.3 Performance reports for nonconstruction grants.

(a) *Performance reports.* Grantees shall submit a performance report for each grant which briefly presents the following for each program, function, or activity involved:

(1) A comparison of actual accomplishments to the goals established for the period. Where the output of grant programs can be readily quantified, such quantitative data should be related to cost data for computation of unit costs;

(2) Reasons for slippage in those cases where established goals were not met;

(3) Other pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

(b) Where the Director determines that performance information sufficient to meet the Institute's programmatic needs will be available from continuation or renewal applications, the Director will require the grantee to submit a performance report only with the final financial report.

(c) Except as provided in paragraph (b) of this section, grantees shall submit a performance report with each financial report in the frequency established by the Director. The Director will prescribe the frequency with which performance reports will be submitted with the Request for Advance or Reimbursement when that form is used in lieu of the Financial Status Report; in such cases, performance reports will be required not more frequently than quarterly, or less frequently than annually.

§ 1412.4 Performance reports for construction grants.

In general, the Director will rely heavily on onsite technical inspection and certified percentage-of-completion data to keep him/herself informed as to progress under construction grants. Therefore, formal performance reports from grantees to supplement those sources of information will be required only if deemed necessary by the Director, and in no case more frequently than quarterly.

§ 1412.6 Significant developments between scheduled reporting dates.

Between the required performance reporting dates, events may occur which have significant impact upon the project or programs. In such cases, the grantee shall inform the Director as soon as the following types of conditions become known:

(a) Problems, delays, or adverse conditions which will materially affect the ability to attain program objectives, prevent the meeting of time schedules and goals, or preclude the attainment of project performance units by established time periods. This disclosure shall be accompanied by a statement of the action taken, or contemplated, and any Federal assistance needed to resolve the situation.

(b) Favorable developments or events which enable meeting time schedules and goals sooner than anticipated or producing more performance units than originally projected.

§ 1412.8 Budget revision.

If any performance review conducted by the grantee discloses the need for change in the budget estimates in accordance with criteria established, the grantee shall submit a request for budget revision in accordance with § 1405.4 of this subchapter.

§ 1412.10 Site visits.

The grantee shall cooperate in site visits by representatives of the Institute to:

(a) Review program accomplishments and management control systems.

(b) Provide such technical assistance as may be required.

PART 1414—PROCUREMENT STANDARDS FOR GRANTEES

Sec.
1414.1 General standards for procurement.
1414.4 Code of conduct.
1414.5 Free competition.
1414.6 Procedural requirements.
1414.7 Negotiated procurement.
1414.10 Contractor responsibility.
1414.11 Records.
1414.12 Contract administration system.
1414.15 Contract provisions.
1414.16 Procurement of construction.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by Sec. 301 (a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A–102, Attachment O, unless otherwise noted.

§1414.1 General standards for procurement.

(a) Each project application shall provide that the activities and services for which Federal financial assistance is sought will be administered by, or under the supervision of, the applicant.

(b) The grantee shall not transfer to others, responsibility, in whole or in part, for the use of Federal funds for the conduct of project activities, but may enter into contracts or arrangements with others for carrying out a portion of any such activities in accordance with the provisions of this part.

(c) This part provides standards for use by grantees in establishing procedures for the procurement of supplies, equipment, construction, and other services with Federal grant funds. These standards are furnished to insure that such materials and services are obtained in an effective manner and in compliance with the provisions of applicable Federal law and Executive orders.

(d) The standards contained in this part do not relieve the grantee of the responsibilities arising under its contracts. The grantee is the responsible authority regarding the settlement and satisfaction of all contractual and administrative issues arising out of procurements entered into, in support of a grant. This includes but is not limited to: Disputes, claims, protests of award, source evaluation, or other matters of a contractual nature. Matters concerning violation of law are to be referred to such local, State, or Federal authority as may have proper jurisdiction.

(e) Grantees may use their own procurement regulations which reflect applicable State and local law, rules, and regulations provided that procurements made with Federal grant funds adhere to the standards set forth in this part.

§ 1414.4 Code of conduct.

The grantee shall maintain a code or standards of conduct which shall govern the performance of its officers, board members, employees, or agents in contracting with and expending Federal grant funds. The grantee's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or potential contractors. To the extent permissible by State or local law, rules, or regulations, or if the grantee is not a State or local government to the extent that the grantee determines that it has the legal and practical capacity for enforcement, such standards shall provide for penalties, sanctions, or other disciplinary actions to be applied for violations of such standards by either the grantee officers, employees, or agents, or by contractors or their agents.

§ 1414.5 Free competition.

The grantee's procurement system shall provide for competition in selecting contractors (including suppliers) to the maximum practical extent consistent with the objectives and needs of its Federally assisted activities. The grantee should be alert to organizational conflicts of interest or noncompetitive practices among contractors which may restrict or eliminate competition or otherwise restrain trade.

§ 1414.6 Procedural requirements.

The grantee shall establish procurement procedures which provide for, as

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a minimum, the following procedural requirements: (a) Proposed procurement actions shall be reviewed by appropriate officials of the grantee to avoid purchasing unnecessary or duplicative items. Where appropriate, an analysis shall be made of lease and purchase alternatives to determine which would be the most economical, practical procurement.

(b) Invitations for bids or requests for proposals shall be based upon a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description shall not, in competitive procurements, contain features which unduly restrict competition. "Brand name or equal" description may be used as a means to define the performance or other salient requirements of a procurement, and when so used, the specific features of the named brand which must be met by offerors should be clearly specified.

(c) Positive efforts shall be made by the grantees to utilize small business and minority-owned business sources of supplies and services. Such efforts should allow these sources the maximum feasible opportunity to compete for contracts to be performed utilizing Federal grant funds.

(d) The type of procuring instruments used (i.e., fixed price contracts, cost reimbursable contracts, purchase orders, incentive contracts, etc.), shall be appropriate for the particular procurement and for promoting the purposes of this subchapter. The "cost-plus-a-percentage-of-cost" method of contracting shall not be used.

(e) If the grantee is a State or local government, formal advertising, with adequate purchase description, sealed bids, and public openings shall be the required method of procurement unless negotiation pursuant to § 1414.7 is necessary to accomplish sound procurement. However, procurements of $2,500 or less need not be so advertised unless otherwise required by State or local law or regulations.

(1) Where such advertised bids are obtained, the awards shall be made to the responsible bidder whose bid is responsive to the invitation and is most advantageous to the State or local government, price and other factors considered. Factors such as discounts, transportation costs, and taxes may be considered in determining the lowest bid.

(2) Invitations for bids shall clearly set forth all requirements which the bidder must fulfill in order for his bid to be evaluated by the State or local government.

(3) Any or all bids may be rejected when it is in the State or local government's interest to do so, and such rejections are in accordance with applicable State and local law, rules, and regulations.

§ 1414.7 Negotiated procurement.

(a) Procurements may be negotiated by State or local government grantees if it is impracticable and unfeasible to use formal advertising. Generally, procurements may be negotiated by the grantee if one or more of the following conditions prevail:

(1) The public exigency will not permit the delay incident to advertising;

(2) The material or service to be procured is available from only one person or firm; all contemplated sole source procurements where the aggregate expenditure is expected to exceed $5,000 shall be referred to the Director for prior approval;

(3) The aggregate amount involved does not exceed $2,500;

(4) The contract is for personal or professional services, or for any service to be rendered by university, college, or other educational institutions, subject to the requirements of §§ 1414.1(a) and (b) and 1410.7 of this subchapter.

(5) The material or services are to be procured and used outside the limits of the United States and its possessions;

(6) No acceptable bids have been received after formal advertising;

(7) For materials or services where the prices are established by law;

(8) For experimental, developmental or research work;

(9) Otherwise authorized by law, rules, or regulations.

(b) Notwithstanding the existence of circumstances justifying negotiation, competition shall be obtained to the maximum extent practicable.

§ 1414.10 Contractor responsibility.

Contracts shall be made only with responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Considerations shall be given to such matters as contractor integrity, record of past performance, financial and technical resources, or accessibility to other necessary resources.

§ 1414.11 Records for negotiated procurements by State or local governments.

Procurement records or files of State or local government grantees for negotiated purchases in amounts in excess of $2,500 shall provide at least the following pertinent information: Justification for the use of negotiation in lieu of advertising, contractor selection, and the basis for the cost or price negotiated. Justification for the use of negotiation in lieu of advertising may be provided on a class basis or on an individual contract basis.

§ 1414.12 Contract administration system.

A system for contract administration shall be maintained by the grantee to assure contractor conformance with terms, conditions, and specifications of the contract or order, and to assure adequate and timely followup of all purchases.

§ 1414.15 Contract provisions.

The grantee shall include, in addition to provisions to define a sound and complete agreement, the following provisions in all contracts which it awards where the contract costs are to be borne as a direct charge in whole or in part by Federal funds:

(a) Contracts awarded by State or local government grantees shall contain such contractual provisions or conditions which will allow for administrative, contractual, or legal remedies in instances where contractors violate or breach contracts terms, and provide for such sanctions and penalties as may be appropriate.

(b) All contracts awarded by State or local government grantees, amounts for which are in excess of $2,500, shall contain suitable provisions for termination by the grantee including the manner by which it will be effected and the basis for settlement. In addition, such contracts shall describe conditions under which the contract may be terminated for default as well as conditions where the contract may be terminated because of circumstances beyond the control of the contractor.

(c) (1) All research or development contracts or agreements shall contain a notice to the effect that matters regarding rights to inventions, and materials generated under the contract or agreement are subject to § 1415.15 and §1415.17 of this subchapter and any regulations issued by the grantee. Detailed copyright provisions covering project grants of the Institute will be issued as a separate regulation.

(2) The grantee shall assure that the performer of the research or development work either is given all necessary information regarding these matters, or is advised as to the source of such information. This subparagraph shall also apply to nonresearch and nondevelopment awards in fields of science or technology in which there has been little significant experience outside of work funded by the Federal Government.

(d) All negotiated contracts except those of $2,500 or less awarded by grantees shall include provisions giving access to, and requiring retention of, the contractor's records in accordance with § 1410.10 of this subchapter.

(e) Contracts of amounts in excess of $100,000 shall contain a provision which requires compliance with all applicable standards, orders, or regulations issued pursuant to the Clean Air Act of 1970, as amended (42 U.S.C. 1857b et seq.). Suspected violations shall be reported by the grantee in writing to the Institute and the regional office of the United States Environmental Protection Agency.

§ 1414.16 Procurement of construction.

All construction contracts are subject to the provisions of Part 1422 of this subchapter.

PART 1415—PROPERTY MANAGEMENT REQUIREMENTS

Sec.
1415.1 Scope of part.
1415.2 General.
1415.3 Definitions.
1415.5 Real property.
1415.7 Nonexpendable personal property.
1415.9 Special property.
1415.11 Property management standards.
1415.13 Expendable personal property.
1415.14 Publications.
1415.15 Copyright.
1415.17 Patents and inventions.
1415.19 Determining percentage of participation.

AUTHORITY: Section 405 of the General Education Provisions Act as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A-102, Attachment N.

§ 1415.1 Scope of part.

This part prescribes policies and procedures governing title, use, and disposition of real and tangible personal property whose acquisition cost was borne in whole or in part as a direct charge by Federal grants and ownership and rights for intangible personal property developed under Federal grants.

§ 1415.2 General.

Grantees may follow their own property management policies and procedures, provided they observe the requirements of this part.

§ 1415.3 Definitions.

As used in this part:

"Acquisition" of property includes purchase, construction, or fabrication of property.

"Acquisition cost" of nonexpendable personal property acquired by purchase means the net invoice price of the property, including any attachments, accessories, or auxiliary apparatus necessary to make the property usable for the purpose for which it was acquired. Ancillary charges such as taxes, duty, protective intransit insurance, freight, or installation shall be included in or excluded from acquisition cost in accordance with the grantee's regular accounting practices.

"Real property," means land, land improvements, structures and appurtenances thereto, excluding movable machinery and equipment.

§ 1415.5 Real property.

Title to real property whose acquisition cost was borne in whole or in part by Federal funds shall vest in the grantee upon acquisition. In the absence of applicable statutory provisions governing the use or disposition of such property, it shall be subject to the following requirements, in addition to any other requirements imposed by the terms and conditions of the grant.

(a) The grantee shall use the real property for the purposes authorized by the original grant as long as needed.

(b) The Director may authorize the grantee to use the property for the following (but no other) purposes when the grantee determines that the property is no longer needed for the originally authorized purposes:

(1) Activities sponsored by other Federal awards (regardless of which Federal agency makes the other awards), or

(2) Activities not sponsored by other Federal awards, but which, nevertheless, have purposes consistent with those of the legislation under which the original award was made.

(c) (1) When no longer used in accordance with paragraphs (a) and (b) of this section, the grantee shall return to the control of the Director all real property whose acquisition cost was borne wholly by Federal funds. If the acquisition cost of the property was borne partly by Federal funds, the grantee may be relieved of accountability to the Federal Government with respect to the Federal interest in the property by compensating the Federal Government for its fair share of the current value of the property, or if the grantee no longer needs the property, by selling it and compensating the Federal Government for its fair share of the sales proceeds.

(2) The amount of compensation to the Federal Government under subparagraph (1) of this paragraph shall be computed by applying the percentage of Federal participation in the cost of the project for which the property was acquired to the property's current fair market value (if the recipient retains the property) or to the proceeds from sale (if the recipient sells the property). In most cases, the real property will have been acquired under an award whose purpose was to assist the recipient in acquiring the property (e.g., a construction grant). In such cases, the "total cost of the project for which the property was acquired" will ordinarily be the same as the acquisition cost of the property.

§ 1415.7 Nonexpendable personal property.

(a) *Title.* When nonexpendable personal property is acquired by a grantee wholly or in part with Federal funds, title shall be vested in the grantee subject to requirements respecting (1) use and disposition of the property set forth in paragraphs (b) and (c), and (2) management of the property set forth in § 1415.11 of this part.

(b) *Use.* (1) The grantee shall retain such property in the grant project as long as there is a need for such property to accomplish the purpose of the project, whether or not the project continues to be supported by Federal funds.

(2) When there is no longer a need for such property to accomplish the purpose of the project, the grantee shall use the property in connection with other Federal awards it has received in the following order of priority:

(i) Other awards under Federal programs administered by the Director needing the property;

(ii) Awards of other Federal agencies needing the property.

(3) When the grantee no longer has need for such property in any of its federally financed projects, the property may be used for the grantee's own official activities in accordance with the following standards:

(i) If the property had an acquisition cost of less than $500 per unit and has been used 4 years or more, the grantee may use the property without reimbursement to the Federal Government or sell the property and retain the proceeds;

(ii) For all such property not covered under paragraph (b)(3)(i) of this section, the grantee may retain the property for its own use provided that a fair compensation is made to the Federal Government for the Federal share of the property. The amount of such compensation shall be computed by applying the percentage of Federal participation in the project to the current fair market value of the property.

(c) *Disposition.* If the grantee has no need for the property, disposition of the property shall be made as follows:

(1) If the property had an acquisition cost of $1,000 or less per unit (except for property covered under paragraph (b)(3)(i) of this section), the grantee shall sell the property and reimburse the Federal Government in accordance with paragraph (b)(2)(iii) of this section.

(2) If the property had an acquisition cost of over $1,000 per unit, the grantee shall request disposition instructions from the Director. The Director will issue instructions to the grantee within 120 days following the receipt of such request and the following procedures shall govern:

(i) If the grantee is instructed to ship the property elsewhere, the grantee will be reimbursed by the Federal Government with an amount which is computed by applying the percentage of the grantee's participation in the project to the current fair market value of the property, plus any shipping or interim storage costs incurred.

(ii) If the grantee is instructed to otherwise dispose of the property, the grantee will be reimbursed by the Federal Government for the costs incurred in such disposition.

(iii) If disposition or other instructions are not issued within the 120-day period specified in this subparagraph (2), the grantee shall sell the property and reimburse the Federal Government with an amount which is computed by applying the percentage of Federal participation in the project to the sales proceeds. The grantee may retain $100 or 10 percent of the proceeds, whichever is greater, for the grantee's selling and handling expenses.

§ 1415.9 Special property.

Where the Director determines that nonexpendable personal property with an acquisition cost of $1,000 or more and financed solely with Federal funds is unique, difficult, or costly to replace, he/she may reserve the right to require the grantee to transfer title to such property to the Federal Government or to a third party named by the Director, subject to the following provisions:

(a) The right to require the transfer of title may be reserved only by means of an express special condition in the grant, or if approval for the acquisition of the property is given after the grant is awarded, by means of a written stipulation at the time the approval is given.

(b) The property shall be appropriately identified in the award or otherwise made known to the grantee.

(c) The Director will not exercise this right until the grantee no longer needs the property in the project for which it was acquired. That need will be deemed to end on the date of completion or termination of the grant unless the grantee continues to conduct the project after that date and

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demonstrates to the Director a continued need for the property in the project.

(d) The Director will issue disposition instructions within 120 days after completion of the need for the property under the project for which it was acquired. If instructions are not issued within such 120-day period, the grantee shall apply the applicable standards contained in § 1415.7(b) (1), (2), (3), and (c)(2).

(e) The grantee shall be entitled to reimbursement for any shipping and interim storage costs it incurs pursuant to the Director's disposition instructions.

§ 1415.11 Property management standards.

Grantees' property management standards for non-expendable personal property shall also include the following procedural requirements: (a) Property records shall be maintained accurately and provide for:

(1) A description of the property;

(2) Manufacturer's serial number or other identification number;

(3) Acquisition date and cost;

(4) Source of the property;

(5) Percentage of Federal funds used in the purchase of the property;

(6) Location, use, and condition of the property; and

(7) Ultimate disposition data including sales price or the method used to determine current fair market value if the grantee reimburses the Federal Government for the Federal share.

(b) A physical inventory of property shall be taken and the results reconciled with the property records at least once every 2 years to verify the existence, current utilization, and continued need for the property.

(c) A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft of nonexpendable property shall be investigated and fully documented. The grantee shall be responsible for replacing or repairing, with funds of such grantee, property which is lost, damaged, or destroyed due to the negligence of the grantee.

(d) Adequate maintenance procedures shall be implemented to keep the property in good condition.

(e) Proper sales procedures shall be established for unneeded property which would provide for competition to the extent practicable and result in the highest possible return.

§ 1415.13 Expendable personal property.

(a) *Consumable materials and supplies.* The cost principles prescribed by Subpart C of Part 1405 of this subchapter provide, in effect, that the cost of consumable supplies or materials is allowable only to the extent that the supplies or materials are reasonably necessary to carry out the grant-supported project or program. Amounts in excess of need are therefore not allowable costs.

(b) *Other expendable personal property.* In many cases, items of expendable personal property (other than consumable supplies or materials) whose acquisition cost was borne in whole or in part by a grant have a useful life longer than the period of need on the project or program for which they were required. The grantee may at its option either retain or sell such items when no longer needed for any federally sponsored activity (including activities sponsored by other Federal agencies). However, compensation to the Federal Government shall be required if the aggregate fair market value of all such items acquired under the same grant exceeds $500 when no longer needed for any federally sponsored activity. The amount of compensation shall be computed by applying the percentage of Federal participation in the cost of the original project to the current fair market value of items retained, and to the sales proceeds of items sold.

§ 1415.14 Publications.

Any publication or presentation resulting from or primarily related to Federal financial assistance shall contain the following acknowledgment:

The activity which is the subject of this report was supported in whole or in part by the National Institute of Education, Department of Health, Education, and Welfare. However, the opinions expressed herein do not necessarily reflect the position or policy of the National Institute of Education, and no official endorsement by the National Institute of Education should be inferred.

§ 1415.15 Copyright.

(a) Where a project under a grant to a State or local government results in a book or other copyrightable material, the author or State or local government grantee is free to copyright the work, but the Director reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use the work for Government purposes.

(b) Copyright of any material produced or developed by a grantee other than a State or local government with the assistance of funds under this subchapter shall be claimed only (1) with the express written authorization of the Director and (2) according to such terms and conditions as the Director may require.

§ 1415.17 Patents and inventions.

(a) All inventions conceived or first actually reduced to practice in the course of or under a grant are subject to Parts 6 and 8 of this title. Each invention shall be promptly and fully reported to the Assistant Secretary for Health, Department of Health, Education, and Welfare.

(b) Determination as to ownership and disposition of rights to those inventions, including whether a patent application shall be filed, and, if so, the manner of obtaining, administering, and disposing of rights under any patent application or patent which may be issued shall be made either:

(1) By the Assistant Secretary for Health, Department of Health, Education, and Welfare, or

(2) Where the grantee has a separate formal institutional patent agreement with the Department, by the grantee in accordance with that agreement.

§ 1415.19 Determining percentage of participation.

(a) Various provisions in this subpart require a determination of the percentage of Federal (or grantee) participation in the cost of the project or program in order to compute the amount of compensation for the value, or proceeds from sale of property. In determining the applicable percentage, there shall first be deducted from the allowable costs incurred during the period for obligation, any royalties or other income (not including interest income or proceeds from sale of property) earned by the federally-supported project or program during the period for obligation.

(b) The deduction of income required by paragraph (a) of this section is independent of, and is not intended to control, the disposition of such income pursuant to Part 1409 of this subchapter.

PART 1417—FINANCIAL MANAGEMENT SYSTEMS

Sec.
1417.1 Scope of part.
1417.3 Standards.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A-102, Attachment G.

§ 1417.3 Standards for grantee financial management systems.

This part prescribes standards for grantee financial management systems.

§ 1417.3 Standards for grantee financial management systems.

Grantee financial management systems shall provide for:

(a) Accurate, current, and complete disclosure of the financial results of each grant in accordance with Part 1419 of this subchapter. Except when specifically required by law, the Director will not require financial reporting on the accrual basis from organizations whose records are not maintained on that basis. However, when accrual reporting is required by law, organizations whose records are not maintained on that basis will not be required to convert their accounting systems to the accrual basis; they may develop the accrual information through an analysis of the documentation on hand or on the basis of best estimates.

(b) Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Comparison of actual with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the performance reporting requirements of the grant.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through its commercial bank as close as possible to the time of making the disbursements.

(f) Procedures for determining the allowability and allocability of costs in accordance with the applicable cost principles referenced in Subpart C of Part 1405 of this subchapter.

(g) Accounting records which are supported by source documentation.

(h) (1) If the grantee is a State or local government, audits to be made by the grantee or at the grantee's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with the terms and conditions of the grant.

(2) The State or local government grantee shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity.

(3) Copies of audit reports provided for under this paragraph shall be made available to the Director to assure that proper use has been made of the funds expended. The results of such audits will be used to review the grantee's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(4) Grantees other than State or local governments are encouraged, but not required, to meet the standards set forth in subparagraphs (1) through (3) of this paragraph.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

PART 1419—FINANCIAL REPORTING REQUIREMENTS

Subpart A—Requirements for State and Local Government Grantees

Sec.
1419.1 Scope of subpart.
1419.2 Definitions.
1419.3 Authorized forms and instructions.
1419.4 Financial status report.
1419.5 Report of Federal cash transactions.
1419.6 Request for advance or reimbursement.
1419.7 Outlay report and request for reimbursement for construction projects.
1419.9 Request for supplementary Treasury checks.

Subpart B—Requirements for Grantees Other than State and Local Governments

1419.20 Financial reporting.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92-318, 86 Stat. 328 20 U.S.C. 1221(e); OMB Circular A-102, Attachment H, unless otherwise noted.

Subpart A—Requirements for State and Local Government Grantees

§ 1419.1 Scope of subpart.

This subpart prescribes requirements for State and local government grantees to report financial information to the Director and to request advances and reimbursement when a letter-of-credit method is not used, and promulgates standard forms incident thereto.

§ 1419.2 Definitions.

As used in this subpart and in the forms identified by this subpart:

"Accrued expenditures" are the charges incurred by the grantee during a given period requiring the provision of funds for: (a) Goods and other tangible property received; (b) services performed by employees, contractors, and other payees; and (c) amounts becoming owed under programs for which no current services or performance are required.

"Accrued income" is the earnings during a given period which is a source of funds resulting from (a) services performed by the grantee, (b) goods and other tangible property delivered to purchasers, and (c) amounts becoming owed to the grantee for which no current services or performances are required by the grantee.

"Disbursements" are payments in cash or by check.

"Federal funds authorized" represents the total amount of the Federal funds authorized for obligations and establishes the ceiling for obligation of Federal funds. This amount may include any authorized carryover of unobligated funds from prior fiscal years.

"In-kind contributions" represent the value of noncash contributions provided by the grantee or third parties. In-kind contributions may consist of charges for real property and nonexpendable personal property, and value of goods and services directly benefiting and specifically identifiable to the federally supported activity. Unless otherwise authorized by Federal legislation, charges for property purchased wholly with Federal funds, and charges based on the Federal share of the value of property purchased partly with Federal funds, may not be considered as the grantee's in-kind contributions.

"Obligations" are the amounts of orders placed, contracts awarded, services received, and similar transactions during a given period, which will require payment during the same or a future period.

"Outlays" represent charges made to the project or program. Outlays may be reported on a cash or accrued expenditure basis.

"Program income" represents earnings by the grantee realized from the federally supported activities as a result of the grant. Such earnings exclude interest income and may include, but will not be limited to, income from service fees, sale of commodities, usage or rental fees, sale of assets purchased with grant funds, and royalties on patents and copyrights. Program income may be reported on a cash or accrued income basis.

"Unobligated balance" is the portion of the funds authorized by the Director which has not been obligated by the grantee and is determined by deducting the cummulative obligations from the funds authorized.

"Unpaid obligations" represent the amount of obligations incurred by the grantee which have not been paid.

§ 1419.3 Authorized forms and instructions.

(a) Only those forms specified in §§ 1419.4 through 1419.7 inclusive, and such supplementary or other forms as may from time to time be authorized by the Director, may be used:

(1) For obtaining financial information from grantees for grant programs, or

(2) For requesting advances or reimbursements when letters of credit are not used.

(b) All applicable standard instructions promulgated for use in connection with the forms specified in §§ 1419.4 through 1419.7, inclusive, shall be followed.

(c) Grantees shall submit the original and two copies of the forms required pursuant to this subpart. However, the Director may waive the requirement for the second copy, or both copies, when not needed.

(d) The forms (with their instructions) specified in §§ 1419.4 through 1419.7, inclusive, will be available to the public upon request to the Director.

§ 1419.4 Financial status report.

(a) *Form.* State and local government grantees shall use the standard Financial Status Report prescribed by Attachment H of OMB Circular No. A-102 (HEW Form 601T) to report the status of funds for all nonconstruction projects. The Director may choose not to require the Financial Status Report when the Request for Advance or Reimbursement (see § 1419.6) is determined to provide adequate information to meet his/her needs, except that a final Financial Status Report is required at the completion of the grant when the Request for Advance or Reimbursement form is used only for advances.

(b) *Accounting basis.* Each grantee shall report outlays and program income on the same accounting basis, i.e., cash or accrued expenditure (accrual), which it used in maintaining its accounting records. The basis used by a grantee must be consistent for all grants.

(c) *Frequency.* For research project grants, reports shall be submitted annually, and a final report shall be submitted upon completion or termination of Federal support. For all other types of grants and contracts, the Director will prescribe the frequency of the report, considering the size and complexity of the particular program. However, the report will not be required more frequently than quarterly, or less frequently than annually, and a final report is re-

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quired upon completion or termination of Federal support.

(d) *Due date.* When reports are required on a quarterly or semi-annual basis, they shall be due thirty days after the end of the specified reporting period. When required on an annual basis, they shall be due ninety days after the end of the grant year. Final reports shall be due ninety days after the completion or termination of Federal support. Justified requests from individual grantees for extension of reporting due dates will be approved whenever feasible.

§ 1419.5 Report of Federal cash transactions.

(a) *Form.* When funds are advanced to State and local government grantees through letters of credit or with Treasury checks, each grantee shall submit the Report of Federal Cash Transactions prescribed by Attachment H of OMB Circular No. A–102 (HEW Forms 602T, 603T). This report will be used to monitor cash advanced to grantees and to obtain disbursement or outlay information for each project from the grantees. The format of the report may be adapted as appropriate when reporting is to be accomplished with the assistance of automatic data processing equipment, provided that the information to be submitted is not changed.

(b) *Forecasts of Federal cash requirements.* Forecasts of Federal cash requirements may be required in the "Remarks" section of the report.

(c) *Cash in hands of secondary recipients.* When deemed necessary and feasible by the Director, grantees may be required to report in the "Remarks" section of the report the amount of cash advances in excess of three days' requirements in the hands of secondary recipients, and to provide short narrative explanations of actions taken by the grantees to reduce the excess balances.

(d) *Frequency and due date.* Grantees shall submit the Report of Federal Cash Transactions no later than fifteen working days following the end of each quarter. However, where a letter of credit authorizes advances at an annualized rate of one million dollars or more, the Director may require the reports to be submitted within fifteen working days following the end of each month.

(e) *Waiver.* The Director may waive the requirement for submission of the Report of Federal Cash Transactions when a grantee's monthly advances do not exceed $10,000: *Provided*, That such advances are monitored through other forms authorized pursuant to this subpart, or the grantee's accounting controls are adequate to minimize excessive Federal Advances.

§ 1419.6 Request for advance or reimbursement.

(a) State and local government grantees shall submit their requests for advance payments or reimbursements under nonconstruction grants or contracts and their requests for advance payments under construction grants or contracts, on the Request for Advance or Reimbursement form prescribed by Attachment H of OMB Circular No. A–102 (HEW Form 604T) when letters of credit or predetermined automatic Treasury check advance methods are not used. Additionally, the Director may prescribe this form for construction grants in lieu of the Outlay Report and Request for Reimbursement for Construction Programs as specified in § 1419.7(d).

(b) Grantees will be authorized to submit no less often than monthly their requests for advances or reimbursement when letters of credit or predetermined automatic Treasury check advance methods are not used.

§ 1419.7 Outlay report and request for reimbursement for construction projects.

(a) *Construction grants paid by reimbursement method.* (1) Requests for reimbursement under construction grants shall be submitted on the Outlay Report and Request for Reimbursement for Construction Programs form prescribed by Attachment H of OMB Circular No. A–102. Director may, however, substitute the Request for Advance or Reimbursement form specified in § 1419.6 in lieu of this form when he/she determines that the former provides adequate information to meet his/her needs.

(2) Grantees will be authorized to submit no less often than monthly their requests for reimbursement under construction grants.

(b) *Construction grants paid by letter of credit or Treasury check advances.* (1) When a construction grant is paid by letter of credit or Treasury check advances, the grantee shall report its Outlays to the Director using the Outlay Report and Request for Reimbursement for Construction Programs form prescribed by Attachment H of OMB Circular No. A–102. In these cases, the grantee should leave blank those items on the form which are applicable only when requesting reimbursement, i.e.; items 3, 5, 10, 11t, 11u, and 11v.

(2) In lieu of the certification and signatures in items 12, 12a, and 12b, the following certification, signed on behalf of the grantee by an authorized official of the grantee, shall be submitted to the Director with the outlay report:

> I certify that to the best of my knowledge and belief the accompanying report is correct and complete and that all outlays reported therein are for the purposes set forth in the grant award documents.

Information as to percentage of project completion and certification thereof by the Government representative shall be submitted independently of the outlay report at such times and by such means as may be prescribed by the Director.

(3) Frequency and due date of the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by § 1419.4 (c) and (d).

(c) *Accounting basis.* The accounting basis for the Outlay Report and Request for Reimbursement for Construction Programs shall be governed by § 1419.4(b).

(d) *Alternative forms.* For construction grants and contracts paid by the reimbursement method, or by Treasury check advances based on periodic requests from the grantee, the Director may substitute the Request for Advance or Reimbursement specified in § 1419.6 in lieu of the Outlay Report and Request for Reimbursement for Construction Programs. When any other payment method is used, the Director may substitute the Financial Status Report specified in § 1419.4.

§ 1419.9 Request for supplementary Treasury checks.

When the drawing authority for a specified period under a letter of credit is insufficient, the State or local government grantee may request a supplementary Treasury check payment by letter.

Subpart B—Requirements for Grantees Other Than State and Local Governments

§ 1419.20 Financial reporting.

Grantees other than State and local governments shall submit such financial reports containing such pertinent information and in accordance with such forms and instructions as the Director may specify, consistent with applicable policy of the Department and Federal Government.

PART 1420—BONDING AND INSURANCE

Sec.
1420.1 General.
1420.2 Construction and facility improvement.
1420.3 Loan guarantees.

AUTHORITY: Section 405 of the General Education Provisions Act as added by section 301(a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e); OMB Circular A–102, Attachment B.

§ 1420.1 General.

Grantees shall observe their regular requirements and practices with respect to bonding and insurance. No additional bonding and insurance requirements will be imposed, including fidelity bonds, except as provided in §§ 1420.2 and 1420.3.

§ 1420.2 Construction and facility improvement.

The recipient of a grant which requires contracting for construction or facility improvement (including any grant which provides for alterations or renovations of real property) shall follow its own requirements and practices relating to bid guarantees, performance bonds, and payment bonds except for contracts exceeding $100,000. For contracts exceeding $100,000, the minimum requirements shall be as follows:

(a) *A bid guarantee from each bidder equivalent to five percent of the bid price.* The bid guarantee shall consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of his/her bid, execute such contractual documents as may be required within the time specified.

(b) *A performance bond on the part of the contractor for 100 percent of the contract price.* A performance bond is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under the contract.

(c) *A payment bond on the part of the contractor for 100 percent of the contract price.* A payment bond is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

§ 1420.3 Loan guarantees.

Where in connection with a grant, the Director also guarantees the payment of money borrowed by the grantee the Director may, at his discretion, require adequate bonding and insurance if the bonding and insurance requirements of the grantee are not deemed to be sufficient to protect adequately the interests of the Federal Government.

PART 1422—CONSTRUCTION

Sec.
1422.1 General.
1422.3 Title to site.
1422.5 Safety and health.
1422.7 Environmental impact.
1422.9 Reports.
1422.11 Cultural activities.
1422.13 Commencement of construction.
1422.15 Cost-sharing and operational funds.
1422.17 Contracting.
1422.19 Copeland "Anti-Kick Back" Act.
1422.23 Contract Work Hours and Safety Standards Act.
1422.25 Supervision and inspection.
1422.27 Civil rights assurance.
1422.29 Federal access to records and work.
1422.31 Operation and maintenance.
1422.33 Access by the handicapped.
1422.35 Timeliness of work.
1422.37 Avoidance of flood hazards.
1422.39 Relocation assistance.
1422.41 Preservation of historic sites.
1422.43 Water pollution.
1422.45 Nondiscrimination.

AUTHORITY: Section 405 of the General Education Provisions Act, as added by section 301(a)(2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e); §§ 1422.17 through 1422.23 also issued under OMB Circular No. A–102, Attachment O, unless otherwise noted.

§ 1422.1 General.

(a) *Scope.* (1) It is the policy of the Institute that only limited funding will be available under section 405 of the Act for the support of construction. Construction activities will be approved for assistance under this subchapter, and the provisions of this part will apply, only when the Director decides that support of such activities is necessary to the effectuation of the purposes set forth in § 1400.3 of this subchapter.

(2) Except to the extent specifically provided in the terms and conditions of individual grant award documents, the provisions of this part are not intended to apply to minor remodeling.

(b) *Definition.* For the purposes of this section, the term "facilities" means one or more structures in one or more locations, constructed pursuant to this section.

(c) *Manner of construction.* Such construction must be functional, undertaken in an economical manner, and not elaborate in design or extravagant in the use of materials in comparison with facilities of a similar type constructed in the State (or other applicable geographic area) within such period as may be designated by the Director as appropriate for the purposes of this part.

(d) *Conditions for assistance.* Where applications are submitted to the Director for projects which involve construction, Federal financial assistance for such construction shall be subject to the conditions specified in this subchapter.

§ 1422.3 Title to site.

The applicant shall have or will obtain a fee simple or such other estate or interest in the site, including access thereto, as is sufficient to assure undisturbed use and possession of the facilities for not less than the useful life of the facility.

§ 1422.5 Safety and health.

In planning for and designing facilities, the applicant shall observe local and States codes as well as the National Fire Protection Association (NFPA) Standard 101, (Life Safety Code) and standards adopted under the Occupational Safety and Health Act of 1970 (Public Law 91–576): *Provided, however*, That to the extent they are more stringent, State and local codes shall apply.

§ 1422.7 Environmental impact.

The applicant shall provide the Department Regional Office with an assessment of the impact of the project on the quality of the environment in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) and Executive Order No. 11514 (34 FR 4247); and will comply with such procedures in that regard as may be established by the Department.

§ 1422.9 Reports.

The applicant shall furnish progress reports and such other information relating to the proposed construction and the project as the Director may require.

§ 1422.11 Casual activities.

Reasonable provision shall be made, consistent with the other uses to be made of the facilities, for areas in such facilities which are adaptable for artistic and cultural activities.

§ 1422.13 Commencement of construction.

(a) Approval by the Director of the final working drawings and specifications shall be obtained before the proposed construction is advertised or placed on the market for bidding. (b) The construction shall be completed in accordance with the approved application, drawings, and specifications. (c) The applicant shall submit to the Director for prior approval changes that materially alter the scope or costs of the project, use of space, or functional layout; and the applicant shall not enter into any construction contract for the proposed construction or a part thereof until the requirements of this subchapter and, in particular, Part 1414 of this subchapter and this subpart, have been met.

§ 1422.15 Cost-sharing and operational funds.

Sufficient funds shall be available to meet the non-Federal share of the cost of constructing the facility where applicable, and sufficient funds shall be available when construction is completed to assure effective operation and maintenance of the facility for the purposes for which constructed.

§ 1422.17 Contracting.

(a) Except as otherwise provided by State or local law, all contracting for construction including the purchase and installation of builtin equipment shall be on a lump sum fixed-price basis, and contracts shall be awarded in accordance with the procedural rules and substantive requirements set forth in Part 1414 of this subchapter.

(b) If one or more items of construction are covered by an established alternative procedure for awarding contracts, consistent with State and local laws and regulations, which is approved by the Director and is designed to assure construction in an economical manner consistent with sound business practice, such alternative procedure may be followed.

§ 1422.19 Copeland "Anti-Kick Back" Act.

All contracts for construction or repair shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR Part 3). This Act provides that each contractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he is otherwise entitled. The grantee shall report all suspected or reported violations to the Director.

§ 1422.23 Contract Work Hours and Safety Standards Act.

Where applicable, all contracts awarded by grantees and subcontractors in excess of $2,000 for construction contracts and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers shall include a provision for compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible: *Provided*, That the worker is compensated at a rate of not less than 1½ times

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the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act is applicable to construction work and provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction, safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

§ 1422.25 Supervision and inspection.

The applicant shall provide and maintain competent and adequate architectural engineering supervision and inspection at the construction site to insure that the completed work conforms to the approved drawings and specifications.

§ 1422.27 Civil rights assurance.

If an assurance of compliance with Title VI of the Civil Rights Act of 1964 (Form HEW 441) applying to the facility described in the application has not been filed, such an assurance shall be attached to the application.

(42 U.S.C. 2000d)

§ 1422.29 Federal access to records and work.

Representatives of the Federal Government shall have access at all reasonable times to the grantee's records and to work whenever it is in preparation or progress, and the contractor shall be required under the contract to provide proper facilities for such access and inspection.

§ 1422.31 Operation and maintenance.

The facility shall be operated and maintained in accordance with the requirements of applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

§ 1422.33 Access by the handicapped.

The applicant shall require the facility to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified by other standards prescribed by the Secretary or the U.S. Administrator of General Services. (41 CFR 101–17.703) The grantee shall be responsible for conducting inspections to insure compliance with these specifications by the contractor.

§ 1422.35 Timeliness of work.

The applicant shall cause work on the project to be commenced within a reasonable time after receipt of notification from the Director that funds have been awarded, and the project shall be prosecuted to completion with reasonable diligence.

§ 1422.37 Avoidance of flood hazards.

In the planning of the construction of facilities involving the use of Federal funds, the recipient shall, in accordance with the provisions of Executive Order No. 11296 of August 10, 1966 (31 FR 10663) and such rules and regulations as may be issued by the Secretary to carry out those provisions, evaluate flood hazards in connection with such facilities and, as far as practicable, avoid the uneconomic, hazardous, or unnecessary use of flood plains in connection with such construction.

§ 1422.39 Relocation assistance.

Projects receiving Federal financial assistance pursuant to this section are subject to the regulations on Relocation Assistance and Real Property Acquisition policies contained in Part 15 of this title.

§ 1422.41 Preservation of historic sites.

Each application for Federal financial assistance for construction shall describe the relationship to and the probable effect, or lack of effect, on any district, site, building, structure, or object that is included in the National Register of Historic Preservation of the National Park Service and published with periodical updatings in the FEDERAL REGISTER. Such information is to be furnished to the Department of Health, Education, and Welfare to enable it to take into account such an effect and to consider the comments thereon of the Advisory Council of Historic Preservation, prior to providing such Federal financial assistance, as required by section 106 of Public Law 89–665 (16 U.S.C. 470f).

§ 1422.43 Water pollution.

The recipient shall comply with Executive Order No. 11288 of July 7, 1966. (31 FR 9261), "Prevention, Control, and Abatement of Water Pollution."

(E.O. No. 11288)

§ 1422.45 Nondiscrimination.

Construction contracts shall include the applicable provisions of Executive Order No. 11246, as amended by Executive Order No. 11375 (nondiscrimination in construction contract employment), and the applicant shall otherwise comply with the requirements of section 301 of said Executive order.

(E.O. Nos. 11246, 11375)

PART 1424—ACCOUNTABILITY FOR FEDERAL FUNDS

Sec.

1424.1 Closeout.
1424.2 Unexpended funds.
1424.4 Withholding of funds.
1424.6 Waiver of law prohibited.
1424.8 Termination and suspension for cause.
1424.10 Termination on other grounds.

AUTHORITY: Sec. 405 of the General Education Provisions Act, as added by section 301 (a) (2) of Public Law 92–318, 86 Stat. 328 (20 U.S.C. 1221e), unless otherwise noted.

§ 1424.1 Closeout.

(a) "Closeout" means the process by which the Director determines that all applicable administrative actions and all required work of the grant have been completed by the grantee and the Director.

(b) In closing out grants, the following shall be observed:

(1) Upon request, the Director shall make, or arrange for, prompt payment to the grantee for allowable reimbursable costs not covered by previous payments.

(2) The grantee shall immediately refund to the Federal Government, or otherwise dispose of in accordance with instructions from the Director, any unencumbered balance of cash advanced to the grantee.

(3) In addition to such other accounting as the Director may require, the grantee shall:

(i) Render, with respect to the project, a full account of funds expended, obligated, and remaining; and

(ii) Submit a report of such accounting to the Director within 90 days of the expiration or termination of the grant, and the grantee shall remit within 30 days of the receipt of a written request therefor any amounts found by the Director to be due. Such periods may be extended at the discretion of the Director upon written request of the grantee.

(4) The Director will make a settlement for any upward or downward adjustment of the Federal share of costs to the extent called for by applicable statutes, regulations, or the terms and conditions of the grant.

(5) In the event a final audit has not been performed prior to the closeout of the grant, the Director shall retain the right to recover an appropriate amount after fully considering the recommendations on disallowed costs resulting from the final audit.

(c) The provisions of Part 1415 of this subchapter shall be observed by the grantee in accounting for any property acquired with grant funds, or received from the Federal Government in connection with the grant,

(31 U.S.C. 628; OMB Circular No. A–102, Attachment L)

§ 1424.2 Unexpended funds.

In the event that the amounts previously awarded have not been obligated pursuant to the approved project, and in the judgment of the Director, will not be obligated for such purposes, the Director may, upon notice to the grantee, reduce the amount of the grant to an amount consistent with the grantee's needs pursuant to § 1424.8.

§ 1424.8 Withholding of funds.

The award of a grant, and any payment pursuant thereto, shall not be deemed to waive the right of the Director to withhold funds by reason of the failure of a grantee to observe, either before or after such administrative action, any Federal requirements.

§ 1424.6 Waiver of law prohibited.

No official, agent, or employee of the Institute or the Department of Health, Education, and Welfare shall have the authority to waive or alter any provision of the regulations in this chapter (except through amendment by publication in the FEDERAL REGISTER or other relevant statute or regulation, and no action or failure to act on the part of such official, agent, or employee shall operate in derogation of the Director's right to enforcement of such provisions in accordance with their terms.

(43 Dec. Comp. Gen. 31 (1963))

§ 1424.8 Termination and suspension for cause.

(a) *Termination.* Grant assistance provided by the Institute under section 405 of the Act may be terminated in whole or in part if the Director determines, after affording the grantee reasonable notice of intent to terminate and an opportunity to present its position, that the grantee has failed to carry out its approved project proposal in accordance with the applicable law and the terms of such assistance or has otherwise failed to comply with any law, regulation, assurance, term, or condition applicable to the grant.

(b) *Notice of termination.* Proceedings with respect to the termination of the grant shall be initiated by the mailing of a notice to the grantee setting forth the basis of the proposed termination and the procedures available to the grantee under this section and Part 16 of this title.

(c) *Suspension of assistance.* Subject to paragraph (f) of this section, assistance may be suspended during the pendency of a termination proceeding initiated pursuant to this section.

(d) *Notice of suspension.* If the Director determines that suspension of assistance during the pendency of a termination proceeding is necessary, notice of the suspension shall be mailed to the grantee (which may be included in the notice of termination). The notice of suspension shall: (1) Inform the grantee of that determination, (2) advise the grantee of the effective date of the suspension (which will be no earlier than the date of the notice of termination), and (3) offer the grantee an opportunity to show why such action should not be taken.

(e) *Effect of notice of suspension.* (1) the notice required under paragraph (d) of this section shall advise the grantee that no new expenditures or obligations made or incurred in connection with the grant during the period of the suspension will be recognized by the Government in the event that assistance is ultimately terminated.

(2) Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the grantee's approved project, and not in anticipation of suspension or termination, will not be considered new expenditures.

(f) *Opportunity to show cause.* If the grantee requests an opportunity to show cause why a suspension of assistance should not be continued or imposed, the Director will, within 7 days after receiving such request, hold an informal meeting for that purpose at a site selected by the Director.

(g) *Grant appeals board.* (1) The grantee may appeal the Government's decision to terminate the grant by submitting an application for review to the Departmental Grant Appeals Board pursuant to Part 16 of this title.

(2) Either the grantee or the Director may request an informal meeting regarding the proposed termination, but for the purposes of § 16.5(b)(2) of this title, the grantee shall be deemed to have exhausted the Institute's informal procedures upon its receipt of the notice of termination.

(h) *Effective date of termination.* Termination of assistance under this section will be effected by the delivery to the grantee of the notice of termination under paragraph (b) of this section; or, where the grantee invokes the procedures available under paragraph (g) of this section, upon a final decision under § 16.10 of this title.

(i) *Effect of termination.* (1) In the event assistance is terminated under this section, financial obligations incurred by the grantee prior to the effective date of such termination will be allowable to the extent they would have been allowable had such assistance not been terminated, except that (i) no obligations incurred during the period in which such assistance was suspended and no obligations incurred in anticipation of suspension or termination will be allowed and (ii) the grantee shall cancel as many outstanding obligations as possible.

(2) Within 60 days of the effective date of termination of assistance under this section, the grantee shall furnish an itemized accounting of funds expended, obligated, and remaining. Within 30 days of a request therefor, the grantee shall remit to the Institute any accounts found due.

(31 U.S.C. 628; OMB Circular No. A–102, Attachment L)

§ 1424.10 Termination on other grounds.

(a) Except as provided in § 1424.8, grants may be terminated in whole or in part only as follows:

(1) By the Director with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date and in the case of partial terminations, the portion to be terminated, or

(2) By the grantee, upon written notification to the Director, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(b) When a grant is terminated pursuant to paragraph (a) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Director shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

[FR Doc.74–25350 Filed 11–1–74;8:45 am]

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences;
☐ preamble did not contain a clear and concise explanation of the document's purpose;
☐ other (explain) _____

_____

_____

II. I believe that the requirement(s) contained in:

A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete requirement on those persons subject to that regulation.

My reasons are: _____

_____

_____

III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

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TUESDAY, NOVEMBER 5, 1974
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PART I

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NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

ATTENTION: Questions, corrections, or requests for information regarding the contents of this issue only may be made by dialing 202–523–5284. For information on obtaining extra copies, please call 202–523–5240.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Regulations codified under Part 257, Philately, are amended in § 257.4 to add a new paragraph (f) to clarify postal policy with regard to multiple cancellations. In addition, a new § 257.8 is added to provide policy and guidelines governing Postal Service participation in domestic stamp shows and philatelic exhibitions.

Regulations codified under Part 258, Special Cancellations, are amended in § 258.1 to add a new paragraph (b) granting the authority to approve internal requests for special cancellation die hubs to the Assistant Regional Postmaster General, Mail Processing. Existing paragraph (b) and subsequent paragraphs are redesignated. Minor, clarifying amendments are made to redesignated paragraphs (c) and (e).

In addition, § 258.3 is amended by adding new paragraphs (a) (1) and (a) (2) to establish internal procedures for requisitioning special cancellation die hubs. Existing paragraphs (a) (1) and (a) (2) and those that follow are redesignated. Also, a technical amendment is made to paragraph (b) of § 258.3.

Regulations codified under Part 262 Opinions, Orders, Administrative Manuals, and Instructions to Staff are amended in § 262.7(d) to waive the fee for furnishing change of address information to postage meter manufacturers attempting to locate missing meters. Also, minor changes are made in § 262.7(e) (2) to reflect certain changes in the accounting for the fees collected.

Part 273, Settlements, is revoked. The matter contained in this part, which consists of internal settlement of claims procedures, has undergone extensive revision and will be published at a later time in other Postal Service publications.

(39 U.S.C. 401, 404, 2008)

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, the following amendments are effective immediately:

PART 257—PHILATELY

1. Section 257.4 is amended to add new paragraph (f) as follows:

§ 257.4 Cancellations for philatelic purposes.

* * * * *

(f) *First-day covers and other items for philatelic events.* First-day covers or other items for philatelic events bearing previously canceled stamps and postmarks are acceptable for multiple cancellations. Mint stamps to cover a first-class rate must be affixed for each cancellation, and the item must be submitted in person. For multiple cancellations, only handback service is authorized. Covers bearing such multiple cancellations may not be mailed.

2. A new § 257.8 is added as follows:

§ 257.8 Domestic stamp shows and philatelic exhibitions.

(a) *General.* (1) U.S. Postal Service participation in stamp shows and philatelic exhibitions gives exposure to stamps, which tell the story of our country's heritage and achievements. Substantial benefits accrue to the Postal Service through temporary exhibition stations or special show cancellations, which promote good relations with the philatelic community and generate needed revenue.

(2) Postal Service participation in any philatelic exhibition or show should generate net revenue on a cost accounting basis.

(3) All activities provided for in these procedures support and promote Postal Service participation in stamp shows. They also have the added effect of drawing additional attention and attendance to the show, leading to increased revenues for the Postal Service, the sponsors and participating tradesmen. Therefore, the payment of direct fees for space or other subsidiaries to the organizers may not be authorized. Where a fee is the only acceptable term of participation, the post office should not participate, but refer that request through the regional retail director to the Office of Stamps.

(4) Overall postal participation in any show is limited by economic considerations, with postmasters giving every show in which they participate the maximum support they believe the show justifies. Once a postmaster has agreed to participate in an exhibition he may not unilaterally withdraw from such a commitment.

(5) Post offices which require clarification of this policy or encounter special situations which require policy review, should contact the Philatelic Merchandizing Division, Office of Stamps, through their regional retail division for clarification and special approvals.

(b) *Requests for participation.* (1) Requests for Postal Service participation in such shows should be made through local postmasters for initial action, or referred by other Postal Service levels to the local postmaster. Only requests for first day of issue or other special support, which must come from the national level, should be directed to the Headquarters Office of Stamps.

(2) Postmasters and other local officials are encouraged to participate in opening ceremonies for stamp exhibitions or other stamp ceremonies arranged by philatelic groups whether or not a special station has been authorized.

(c) *Authorization.* (1) Temporary postal stations may be authorized by the postmaster with regional approval for purposes of promoting philately, providing services to stamp collectors and others, and generating additional revenue for the Postal Service. It is customary to authorize stations at many free philatelic exhibitions conducted on a non-profit basis by stamp clubs or associations. Measurable benefits must be expected to accrue to the Postal Service, however, for such participation to be authorized in exhibitions run by commercial interests.

(2) First-day ceremonies are conducted under the direction of Headquarters Office of Stamps, and all arrangements for such ceremonies require its approval.

(d) *Types of participation.* Postmaster participation at stamp shows may be in various degrees, but all activities must be justified primarily in terms of total net revenue generation:

(1) *Philatelic displays.* Post offices may offer to provide special philatelic panels for display at local stamp shows. To obtain these panels, the postmaster makes his request at least one month in advance of the show to the Headquarters Office of Stamps which will forward the special stamp displays directly to the postmaster. These displays are self-contained panels measuring 36" wide x 48" tall and featuring individual stamp issues. Specific topical displays may be requested such as space, history, transportation, or art. Since the panels contain security documents, postmasters will be responsible for their security until they are returned to the Office of Stamps. Immediately following the exhibition, the panels are to be returned by registered mail to the Philatelic Education Division, Office of Stamps, U.S. Postal Service, Washington, DC 20260. For very large national exhibitions, special displays of United States die proofs and a special Apollo XV Moon Letter display are available through the Office of Stamps. These items are shown domestically only a few times each year and are heavily committed to major international stamp exhibitions. Postmasters who feel the show in their city is of sufficient importance to merit these special exhibitions should make requests at least one year in advance to the Office of Stamps.

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(2) *Temporary postal stations.* Postmasters may decide, based on prior experience or on prospectus for a new show, that it would be economically desirable for their office to establish a temporary postal station at the exhibition. This requires adequate stocking, security and facilities at the show site, all of which must be considered in the final cost accounting of the event. Postmasters must request authority from the regional retail director to establish such a station and ensure that no material is available at this special station that is not available to collectors everywhere. In establishing such a temporary exhibition station, the following procedures must be followed:

(i) The postmaster should secure a wide range of philatelic products and current postage using the Philatelic Sales Division stock list as a guide. No stamp which has been withdrawn from sale by the Philatelic Sales Division may be sold by any exhibition station. Withdrawals are noted in the Postal Bulletin. Postmasters should requisition philatelic stock not already available in their post office from the Regional Accountable Paper Depository on Form 17, *Stamp Requisition*, indicating the quantity required and the fact it is for a stamp show. At the conclusion of the show, excess philatelic stock, including remainders from commemorative sheets, should be sold over the regular windows for postage purposes.

(ii) Postmasters may elect to sell all stamps in full sheets only or to offer inscription strips of two rows as a special service:

(A) When full sheets only are offered, their contribution to postal station profits should be figured at 30 percent of face value sold.

(B) When inscription strips (two complete rows including plate numbers, ZIP, Mail Early and other marginal inscriptions) are offered, contribution to postal station profits is to be figured at 60 percent of face value sold. If inscription strips are offered, sales must be limited to two of each stamp strip per customer.

(iii) Postmasters should display and feature philatelic products which ensure net revenues to the Postal Service and encourage new collectors, such as the Mint Set, Stamp Panels, Stamps & Stories and Collecting Kits.

(iv) Sale of plate number blocks is strictly forbidden in values under $1.00 face. Stamps with a face of $1.00 or higher may be offered as plate blocks and these should be requisitioned in that condition from the Regional Accountable Paper Depository. Coil line pairs with a face value of $1.00 or more should be offered in strips of six, with a line marking between the third and fourth stamp.

(v) An exhibition sales report must be submitted to the regional retail director with a copy to the Philatelic Merchandising Division, Office of Stamps, within one week of the close of every station.

(vi) No post office should participate with a station in any show where the organizers seek to limit the range or amount of items to be offered to the public.

(vii) Postmasters should ensure that the appearance of the temporary postal stations brings credit to the Postal Service, utilize approved signage and have space for satisfactory service. The show that the stations are open should be posted conspicuously.

(viii) At those exhibitions where a large number of collectors is expected and many clerks man the stations, postmasters should consider utilizing a speedy line. Where a loud speaker is readily available at the station, it has been found effective to distribute service numbers to those in line and then to announce the numbers over the public address system so that customers will not have to wait to obtain their orders.

(ix) Cancellation service should be provided separately from stamp sales.

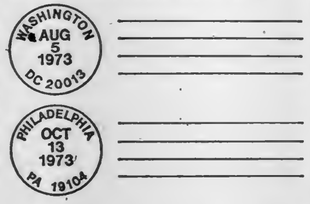
(e) *Announcement of temporary postal stations.* (1) Announcement of the plan to establish a temporary station (and to offer a show cancellation) must be posted in post office lobbies so that collectors will be advised of the availability of this service. Posters should not be placed on display more than 15 days before the event and the cost of production of the poster should be considered in analyzing show costs. The emphasis of all announcements must be placed on the temporary postal station. The announcements should mention the name of the stamp show, special cancellation (if any), the dates and hours open to the public, and the location. Promotional material for the show itself must not be incorporated.

(2) The postmaster may also announce through press releases the planned establishment of this station, but he must not distribute free flyers to homes, sell or distribute tickets, exchange ticket coupons, or authorize post office facilities for direct show promotion.

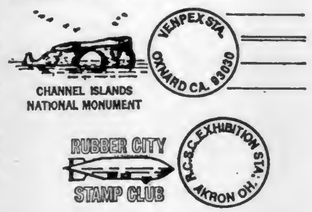
(f) *Philatelic cancellations.* (1) To assist sales and to support the exhibition, postmasters may request authority of the regional retail division to utilize special show cancellations at temporary postal stations. If a first day of issue has been established at an exhibition, the special show cancellation must be forwarded by the regional retail director to the Office of Stamps for approval.

(2) Issuance of authorization for a special cancellation includes the authority for the postmaster to hold mail for customers and to provide handback service under § 257.44. One of two types of philatelic cancellations as illustrated may be utilized—standard or pictorial:

(i) *Standard.* With month, day, year, and ZIP Code enclosed in a circle:



(ii) *Pictorial.* With month, day, year, and ZIP Code enclosed in circle:



(note absence of ZIP Code, it should be included)

(3) Philatelic cancellations shall be applied by rubber hand-stamps purchased by the region. If more than 100,000 pieces of mail are anticipated, the region may apply to the Office of Stamps at least 60 days in advance for purchase of a metal die for machine cancellation.

(4) Except for the exhibition or convention sponsor, hand-stamping will be limited as a free service to a maximum of 100 covers for any single individual or group. The sponsor may obtain any reasonable amount of hand-backs free of service charge for servicing its members. Individuals or groups requiring more than 100 hand-stamped cancellations may obtain this service only by paying a special fee. Application for this service must be made in advance to and authorized by the Office of Stamps.

(5) Philatelic cancellation handstamps, like other cancelling devices, may be used only under the supervision of authorized postal personnel and must be returned by the postmaster to the regional retail division following the exhibition or convention.

(6) Philatelic cancellations may be applied to envelopes submitted in person or by mail only which first-class or airmail stamps are used. Mail requests from customers may be held by a postmaster to apply a philatelic cancellation on a specified date. All stamps affixed to an item must be canceled with black ink. Items entered into the mail must bear the required postage. Items handed back across the counter must carry at least the minimum first-class basic letter postage.

(7) Multiple philatelic cancellations, such as one for each day of an event, can be applied provided an additional first-class stamp is affixed and the cover is handed back. Multiple canceled covers cannot be entered into the mail system. Philatelic cancellations must carry the name of the exhibition or convention, followed by the word Station, the city, state, ZIP Code and the month, day and year. Only the standard philatelic cancellation (as shown) shall be provided, unless application for the pictorial cancellation is made at least 10 weeks prior to permit regional authorization and appropriate national publicity prior to the event.

(8) To obtain a pictorial cancellation, exhibition or convention sponsors must propose a design and submit finished artwork that is approved by the postmaster, the district manager and the regional retail division at least 10 weeks prior to the event. It must be in good taste and cannot carry a commercial message or endorsement. Overall dimensions cannot exceed four inches horizontally and two inches vertically, but artwork must be submitted twice the finished size. Upon authorization, the regional retail director must submit a reproducible copy of the pictorial cancellation to the Office of Stamps so that appropriate advance publicity to the national philatelic press can be arranged.

(9) Lists of all philatelic cancellations, as authorized, shall be submitted by the regional retail director to the Office of Stamps the first of each month for those authorized two months later. (January 1 for March authorization; February 1 for April.)

(g) *Special folders or philatelic favors.* Special folders or programs prepared by a show sponsoring committee may be canceled with the exhibition station cancellation and made available to them upon opening of the show. This is the same policy that applies to any material submitted for cancellation in connection with the show. The post office may not prepare any special presentation folders of its own without written approval from the Office of Stamps.

PART 258—SPECIAL CANCELLATIONS

3. In § 258.1 paragraphs (b), (c) and (d) are redesignated (c), (d) and (e), new paragraph (b) is added, and redesignated paragraphs (c) and (e) are amended as follows:

§ 258.1 Authorization.

• • • • • •

(b) Postal installation heads must submit internal requests for special cancellation die hubs to the Assistant Regional Postmaster General, Mail Processing, for approval, in accordance with § 258.3. These are normally requests for special die hubs to convey postal service slogans or messages. Upon approval, these special die hubs may be used for as long a period of time as the postal slogan or message remains timely or for such length of time as the Assistant Regional Postmaster General, Mail Processing, deems necessary.

(c) Permission is granted for non-postal advertising purposes when the event is: • • •

• • • • • •

(e) Do not use the non-postal special cancellation longer than 6 months, plus the duration of the event.

4. In § 258.3 paragraphs (a)(1), (a)(2), (a)(3) and (a)(4) are redesignated (a)(3), (a)(4), (a)(5) and (a)(6), new paragraphs (a)(1) and (a)(2) are added, and the first sentence of paragraph (b) is revised to read as follows:

§ 258.3 Requirements for obtaining special stamp cancellation die hubs.

(a) *Application.* (1) Postal installation heads requiring special cancellation die hubs as defined in § 258.1(b) must submit requests on Form 4636, Requisition for Postmarking Dies and Engraved Station Die Hubs, to Assistant Regional Postmaster General, Mail Processing. Form 4636 should be transmitted by letter explaining intended use and duration.

(2) Approved requests will be forwarded to the appropriate area supply center which supports the requiring installation. All requests for die hubs to be used on Mark II Facer Cancelers are to be sent to the Western Area Supply Center, Topeka, Kansas.

• • • • • •

(b) *Referral by Postmaster.* Forward the application to the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. • • •

• • • • • •

PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF

5. In § 262.7 new paragraph (d)(2)(v) is added and paragraph (e)(2) is revised to read as follows:

§ 262.7 Schedule of fees.

• • • • • •

(d) *Waiver of fees.* • • •

(2) • • •

(v) Postage meter manufacturers when they are attempting to locate a missing meter.

(e) *Accounting for fees.* • • •

(2) Forward fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in paragraph (a)(1) of this section, plus the fees covered in paragraphs (a)(2), (b) and (c) of this section, will enter the fees in A/C 40990, Miscellaneous; ADPC complexes will enter in A/C 49299, Miscellaneous, Other than U.S. Government Agencies. Other installations will enter all fees deposited in A/C 40990.

PART 273 [RESERVED]

6. Part 273 is revoked and reserved.

[FR Doc.74-25445 Filed 11-4-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Executive Assistant to the Assistant Administrator for Energy Resource Development is excepted under Schedule C.

Effective November 5, 1974, § 213.3388 (j)(1) is added as set forth below.

§ 213.3388 Federal Energy Administration.

• • • • • •

(j) *Office of Energy Administration.* (1) One Executive Assistant to the Assistant Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25760 Filed 11-4-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted travel-time periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999), January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), June 5, 1974 (39 FR 19940), June 25, 1974 (39 FR 22942), August 14, 1974 (39 FR 29172), August 30, 1974 (39 FR 31622), September 23, 1974 (39 FR 34019), and October 11, 1974 (39 FR 36570), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, is hereby amended by adding to or deleting from the respective lists therein as follows:

OUTSIDE METROPOLITAN AREA

SEVEN HOURS

Add: Mabel, Minnesota (served from St. Paul, Minnesota.

(64 Stat. 561; (7 U.S.C. 2260.))

Effective date. The foregoing amendment shall become effective November 5, 1974.

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It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of October 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-25813 Filed 11-4-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

Criticality Accident Alarm Systems

On October 12, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 28301) a proposed amendment of 10 CFR Part 70 of its regulations which would revise the criteria for criticality accident alarm systems in §§ 70.22 and 70.24 to provide greater conformity with American National Standards N16.2–1969, "Criticality Accident Alarm System," and N16.1–1969, "Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors." The amendments were intended to increase flexibility for licensees with no loss of safety. All interested persons were invited to submit written comments and suggestions in connection with the proposed amendments within 45 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER. Seven written comments were received, and some changes in the amendment have been made in response to those comments. The changes made, however, do not affect the main substance of the proposed amendment which was published for comment.

The phrase in the proposed paragraph (a)(1) of § 70.24 exempting special nuclear material from such alarm systems "when it is stored in a critically safe container or storage array," was questioned. Upon reconsideration the Commission has deleted the phrase in question. While such containers may be critically safe in limited quantities, very large arrays under conditions of storage could be critical. Thus an alarm is necessary where large arrays of such containers could be formed. In transportation vehicle size limits the number of containers in the array. Consequently, there is no danger of criticality from shipments in transit packaged in accordance with Part 71 requirements, and alarms are not necessary for such material in transit.

Licensees may request an exemption for materials stored while packaged in accordance with Part 71 requirements under § 70.14, "Specific Exemptions," or § 70.24(b). The request should demonstrate that precautions are taken to assure separation of containers such that there is no possibility of criticality associated with an array of containers.

The proposed requirement in § 70.24 (a)(1) for two independent detectors was also questioned. Upon reconsideration the word "independent" is deleted.

Two comments pointed out that the proposed wording of § 70.24 (as well as the presently effective wording) would require Part 70 licensees to have alarm systems in areas where only small quantities of special nuclear material would be present (e.g., laboratories with small samples or isotopic neutron sources). Although there may be such areas in a facility, it is not practicable in a general regulation to define precisely all possible conditions under which criticality could not occur. The proposed wording is therefore retained. Licensees may apply for exemptions for specific areas under § 70.14, "Specific Exemptions," or § 70.24(b), an exemption clause for that paragraph.

One comment urged deletion of the more restrictive mass limits in § 70.24(a) when small quantities of graphite are present since small quantities do not significantly affect the minimum critical mass. These more restrictive mass limits were not meant to apply to small quantities of these moderators. The word "massive" has, therefore, been inserted before the word "moderators" in the first sentence of § 70.24(a).

The use of the "rad" as a unit of dose instead of the "rem" was questioned. The International Commission on Radiation Units and Measurements in ICRU Report 19 (1971) states that "rad" is the special unit of "absorbed dose" and "rem" is the special unit of "dose equivalent." They note that dose equivalent "may be used • • • in the region of, or below, the applicable maximum permissible dose equivalent. It should not be used for high level accidental exposures." A reason for this restriction is that the relative biological effectiveness (RBE) for neutrons is quite different for the acute effects of large doses compared with the long term chronic effects of low level doses. For example, it has been found that the RBE of neutrons for 30 day mortality in large mammals is less than one.[1] Accordingly, the use of the term "rad" has been retained.

The problem of establishing a valid alarm set-point for a detector that detects only gammas or neutrons when different gamma/neutron ratios can occur was pointed out. This problem is discussed in the Appendix to American National Standard N16.2–1969, "Critically Accident Alarm System." In that Appendix an alarm set-point and maximum detector-source distance are calculated which are applicable to a very wide variety of possible situations. Thus a single set-point and maximum detector-source distance are applicable for the great majority of situations. The standard N16.2 1969 is currently under review by American Nuclear Society Subcommittee 8, and the subcommittee anticipates that the revised version of the standard will continue to include such calculations in the Appendix. It is believed that the guidance in the Appendix can be used as easily as the specific set-point and maximum detector-source distance previously specified in § 70.24 of the Commission's regulations and would provide for greater flexibility by the user.

One comment suggested that low fission rate criticality accidents could occur which would not be large enough to set off the alarm. While such an occurrence may be theoretically possible, it is considered extremely unlikely. Any accident which is self-terminating must liberate enough energy to provide a shutdown mechanism. While a system could conceivably liberate this energy over a long time, this would require reactivity control of such delicacy that it is not to be expected in process accidents.

The proposed rule published for public comment would have eliminated the requirement for an alarm when sufficient water covered the special nuclear material, so that a significant dose to workers would not be possible. However, in view of the possibility of special nuclear material going critical and then being inadvertently lifted to the surface or being lifted to the surface and then going critical, the language of the existing § 70.24 has, therefore, been retained.

Section 70.24 has also been reorganized so that the requirements applicable under the "grandfather clause" are explicitly stated in paragraph (a)(2) of § 70.24.

In accordance with the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 70 is published as a document subject to codification.

1. Paragraph (a) (7) and (8) of § 70.22 are revised to read as follows:

§ 70.22 Contents of applications.

(a) • • •

(7) A description of equipment and facilities which will be used by the applicant to protect health and minimize danger to life or property (such as handling devices, working areas, shields, measuring and monitoring instruments, devices for the disposal of radioactive effluents and wastes, storage facilities, criticality accident alarm systems, etc.).

(8) Proposed procedures to protect health and minimize danger to life or property (such as procedures to avoid accidental criticality, procedures for personnel monitoring and waste disposal, post-criticality accident emergency procedures, etc.).

• • • • • •

[1] D. G. Brown and F. F. Haywood, Health Physics, Volume 24, June 1973, page 627.

2. Section 70.24 is revised to read as follows:

§ 70.24 Criticality accident alarm system.

(a) Each licensee authorized to possess special nuclear material in a quantity exceeding 700 grams of contained uranium-235, 520 grams of uranium-233, 450 grams of plutonium, 1,500 grams of contained uranium-235 if no uranium enriched to more than 4 percent by weight of uranium-235 is present, 450 grams of any combination thereof, or one-half such quantities if massive moderators or reflectors made of graphite, heavy water or beryllium may be present, shall maintain in each area in which such licensed special nuclear material is handled, used, or stored, a monitoring system meeting the requirements of either paragraph (a)(1) or (a)(2), as appropriate, and using gamma- or neutron-sensitive radiation detectors which will energize clearly audible alarm signals if accidental criticality occurs. This section is not intended to require underwater monitoring when special nuclear material is handled or stored beneath water shielding or to require such monitoring systems when special nuclear material is being transported packaged in accordance with the requirements of Part 71 of this chapter.

(1) The monitoring system shall be capable of detecting a criticality that produces an absorbed dose in soft tissue of 20 rads of combined neutron and gamma radiation at an unshielded distance of 2 meters from the reacting material within one minute. Coverage of all areas shall be provided by two detectors.

(2) Persons licensed prior to December 6, 1974, to possess special nuclear material subject to this section may maintain a monitoring system capable of detecting a criticality which generates radiation levels of 300 rems per hour one foot from the source of the radiation. The monitoring devices in the system shall have a preset alarm point of not less than 5 millirems per hour (in order to avoid false alarms) nor more than 20 millirems per hour. In no event may any such device be farther than 120 feet from the special nuclear material being handled, used, or stored; lesser distances may be necessary to meet the requirements of this paragraph (a)(2) on account of intervening shielding or other pertinent factors.

(3) Emergency procedures for each area in which such licensed special nuclear material is handled, used or stored shall be maintained to assure that all personnel withdraw to an area of safety upon the sounding of the alarm. These procedures shall include the conduct of drills to familiarize personnel with the evacuation plan, plans and designation of responsible individuals for determining the cause of the alarm, and placement of radiation survey instruments in accessible locations for use in such an emergency.

(b) Any licensee who believes that good cause exists why he should be granted an exemption in whole or in part from the requirements of this section may apply to the Commission for such exemption. Such application shall specify his reasons for the relief requested.

Effective date. The foregoing amendments become effective on December 6, 1974.

(Secs. 161, 183, Pub. L. 83–703, 68 Stat. 948, 954 (42 U.S.C. 2201, 2233))

Dated at Bethesda, Md. this 18th day of October 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-25787 Filed 11-4-74;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Middle Distillate Fuels; Allocation Levels for Space Heating Requirements and Allocation to Electric Utilities

On September 6, 1974, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (39 FR 32878, September 11, 1974) to amend Subpart G of Part 211, the Mandatory Petroleum Allocation Regulations, with respect to certain allocation levels and the method of allocating middle distillate fuels to electric utilities.

Approximately 120 written comments were received in response to the notice of proposed rulemaking. Oral presentations were made by six parties at the public hearing, which was held on September 27, 1974.

Several modifications to the proposed regulations have been made, and the proposed regulations, as modified, are hereby adopted.

Allocation Level for Space Heating. The proposed regulations provided for a change in the allocation level for space heating requirements from one hundred percent of base period use, not subject to an allocation fraction, to one hundred percent of current requirements, subject to an allocation fraction. In addition, it was proposed to eliminate the mandatory temperature reduction requirements for space-heating users of middle distillate. The change in allocation level from a percent of base period use to current requirements was proposed because significant variations in average temperatures between this winter and the winter months of 1972 could cause hardships to space heating end-users and wholesale purchaser-consumers. Elimination of required temperature reductions was proposed because similar conservation measures have not been imposed on users of other sources of energy for space heating and because the requirement had proven extremely difficult to administer.

Comments received with respect to this issue generally favored eliminating the required temperature reductions and raising the allocation level for space heating. Many parties commented, however, that a change in allocation level from a percent of base period use to current requirements would be undesirable because of the difficulty of estimating current requirements for the many purchasers of middle distillate fuels involved, and because of the additional burdensome reporting and certification requirements which would be imposed upon suppliers.

Therefore, the allocation level for middle distillate fuels for space heating requirements has been raised to one hundred ten percent of base period use, subject to an allocation fraction. In order to prevent hardships to purchasers whose suppliers may experience low allocation fractions, a provision has been added which requires that when a supplier's allocation fraction is less than 0.8, the allocation level becomes eighty-eight percent of base period use, (which is 0.8 multiplied times one hundred ten percent of the base period use) not subject to an allocation fraction. Thus, when a supplier calculates its allocation fraction for a month and determines that it will be less than 0.8, the supplier must recalculate its fraction by treating eighty-eight percent of the base period use of its space heating end-users and wholesale purchaser-consumers as amounts not subject to the allocation fraction under § 211.10(b)(1), and (2). The recalculated allocation fraction will then be applied for purchasers under all allocation levels subject to the allocation fraction except space heating requirements, and purchasers of middle distillate fuels for space heating will be supplied at eighty-eight percent of base period use, not subject to an allocation fraction.

Required temperature reductions have been eliminated with respect to middle distillate. In order to insure that medical and nursing buildings, which previously were not subject to temperature reductions or an allocation fraction, have adequate heating oil, they have been accorded an allocation level of one hundred percent of current requirements, not subject to a fraction. However, to promote voluntary conservation of middle distillate fuels, a provision has been adopted to require suppliers of those fuels for space heating to have in effect a program of energy conservation education. Under this provision, suppliers must communicate in writing at least twice during the heating season to their purchasers the need for energy conservation and ways in which middle distillate fuels can be conserved. Suppliers may request assistance in developing a program from the FEA Regional Offices, and must certify that they have an energy conservation education program in effect.

Other allocation levels. Based on FEA's forecast that there should be adequate supplies of middle distillate this winter, FEA also proposed to change the allocation levels for industrial use, except

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for space heating, and for petrochemical feedstock use. In the case of industrial use, the proposed change was from one hundred ten percent of base period use to one hundred percent of current requirements subject to the allocation fraction. It was proposed that petrochemical feedstock use have an allocation level of one hundred percent of current requirements, subject to the allocation fraction, instead of one hundred percent of base period use.

The comments received with respect to this proposal were substantially in favor of the change and raised no valid objections. Therefore, these proposed increases are adopted without changes.

Method of allocating middle distillate to electric utilities. In the notice of proposed rulemaking FEA also proposed that the method of allocating middle distillate fuels to electric utilities be revised to provide for a program administered by the National FEA, similar to the program for allocating residual fuel oil to utilities. The proposed regulation provided that the National FEA would determine for each month the amount of middle distillate for nonutility use and for utility use. Based on that determination, FEA would then determine the amounts to be supplied to each utility, and the amounts to be supplied by each supplier according to the percentage of the utility's purchases supplied during the base period by each supplier, and would notify utilities and suppliers directly of these amounts.

This proposal was based in part on the need for flexibility in assuring adequate supplies of middle distillate fuels to utilities in the event of any disruption in normal utility supplies.

Based upon the comments received in response to the proposals and on other information, FEA has determined that the needed flexibility may be obtained through a program administered by the National FEA, rather than the Regional Offices. The present allocation level of one hundred percent of base period use, subject to an allocation fraction, has been retained, however, and the proposal that FEA determine and publish monthly allocations to utilities has not been adopted. Utilities may apply to the National FEA under § 211.125(b) for adjustments to base period use. These adjustments will be granted onl yin exceptional cases where necessary to maintain reliable electric service. FEA may also at any time make downward adjustments to base period use based upon the criteria set forth in § 211.125(c).

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Parts 205 and 211 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective November 1, 1974.

Issued in Washington, D.C., October 31, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 205.13 is amended by redesignating paragraphs (a) (4), (5), (6), (7), (8), (9), and (10) as paragraphs (a) (5), (6), (7), (8), (9), (10), and (11), respectively and by adding a new paragraph (a) (4) to read as follows:

§ 205.13 Where to file.

(a) • • •

(4) The allocation and pricing of middle distillate fuels pursuant to Subpart G of Part 211 and Part 212 of this chapter, filed by electric utilities;

• • • • •

2. Section 211.123 is amended by revising paragraphs (b) and (c) to read as follows:

§ 211.123 Allocation levels.

• • • • •

(b) *Allocation levels not subject to an allocation fraction.* One hundred (100) percent of current requirements for the following uses:

(1) Agricultural production;

(2) Department of Defense use as specified in § 211.26; and

(3) Space heating requirements of medical and nursing buildings.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by application of an allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Manufacture of ethical drugs and related research;

(iv) Sanitation services;

(v) Telecommunications services;

(vi) Passenger transportation services;

(vii) Cargo, freight, and mail hauling except as set forth elsewhere in this section;

(viii) Aviation ground support vehicles and equipment;

(ix) Nonmilitary marine shipping, both foreign and domestic (except cruise ships carrying passengers for recreational purposes). Sales to vessels engaged in the foreign trade of the United States shall be made on a nondiscriminatory basis in regard to flag registration, subject to modification by the FEA following consultation with appropriate Federal agencies on a case-by-case basis if required to encourage reciprocal nondiscriminatory allocation of middle distillate fuels in foreign ports to vessels engaged primarily in the foreign trade of the United States;

(x) Industrial use, except for space heating requirements;

(xi) Petrochemical feedstock use; and

(xii) Start-up, standby, testing and flame stabilization for electric utilities.

(2) One hundred ten (110) percent of base period use (as reduced by application of an allocation fraction) for space heating requirements, except that whenever the allocation fraction of a supplier which supplies end-users and wholesale purchaser-consumers pursuant to this allocation level is less than 0.8, that supplier shall supply the space heating requirements of those end-users and wholesale purchaser-consumers at an allocation level of eighty-eight (88) percent of base period use, not subject to an allocation fraction.

(3) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) for the following uses:

(i) Synthetic natural gas plant feedstock use;

(ii) Electric utilities; and

(iii) All other non-space heating uses.

3. Section 211.124 is added to read as follows:

§ 211.124 Energy conservation.

(a) Notwithstanding the provisions of § 211.21, no end-user middle distillate fuels for space-heating requirements shall be required to certify to its supplier that it has an energy conservation program in effect.

(b) (1) Suppliers of middle distillate fuels to end-users and wholesale purchaser-consumers for space heating requirements shall have in effect a program of energy conservation education. As part of such program, the supplier shall communicate in writing at least twice during each heating season to its purchasers of middle distillate fuels for space heating purposes the need for conservation of middle distillate fuels and ways in which such fuels can be conserved.

(2) Suppliers required to have in effect an energy conservation education program under this paragraph shall certify to the appropriate FEA Regional Office at the address provided in § 205.12, by December 31, 1974, that they have such a program in effect, and shall submit a copy of any written communication used. The FEA Regional Offices will be available to assist all suppliers in developing such a program.

4. Section 211.125 is revised to read as follows:

§ 211.125 Supplier/purchaser relationships and adjustments to base period use for electric utilities.

(a) Unless otherwise specified, the provisions of §§ 211.9 through 211.13 apply to this subpart.

(b) Electric utilities may apply to the National FEA for adjustments to base period use. Applications under this paragraph shall be fully supported by detailed facts, figures and other documentation, including the following information:

(1) The name and address of each base period supplier;

(2) The amounts of middle distillate supplied by each supplier during each base period; and

(3) All information relating to any adjustments or assignments which have been made by FEA. FEA may consult with appropriate Federal agencies in processing such applications. Adjustments under this paragraph will be granted only in exceptional cases to maintain reliability of electric service.

(c) The FEA may at any time adjust downward the base period use of an electric utility, provided that the adjustment does not result in a base period use which is less than the utility's base period volume. The FEA shall notify the utility and the affected supplier of any such adjustment. In making such an adjustment, the FEA may consider, but is not limited to the following:

(1) The addition or phasing out of generating units;

(2) Ability, within appropriate groupings, to absorb equal percentage cutback in middle distillate supply;

(3) Ability to utilize non-oil based energy;

(4) System reserve capacity;

(5) Available energy from imports;

(6) Minimum level of consumption, which cannot be supplied by non-oil fired generation, determined essential to the system by the Federal Power Commission;

(7) Interruptible natural gas contracts and curtailments; and

(8) Middle distillate inventory held by a utility.

§ 211.126 [Amended]

5. Section 211.126 is amended by deleting paragraph (c) in its entirety.

6. Section 211.127 is revised to read as follows:

§ 211.127 Procedures and reporting requirements.

(a) All applications for adjustment and assignment of middle distillate fuels, except to utility users, shall be filed with the appropriate State Office or FEA Regional Office in accordance with Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to allocation of middle distillate fuels, except to utility users, shall be submitted to the appropriate FEA Regional Office at the address provided in § 205.12. All matters pertaining to the allocation of middle distillate fuels to utility users shall be addressed FEA National Office at the address provided in § 205.12, unless otherwise specified, and to the Chairman, Federal Power Commission.

(b) The general reporting and recordkeeping requirements contained in Subpart L or this part apply to this subpart.

(c) Applications for assignment from the state set-aside system for hardship or emergency requirements shall be submitted to the appropriate State Office in accordance with the procedures established in Subpart Q of Part 205 of this chapter.

[FR Doc.74-25732 Filed 11-4-74;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

SUBCHAPTER K—DELEGATIONS

PART 660—MANDATORY PETROLEUM REGULATIONS—PUERTO RICO

The notice of proposed rulemaking containing the mandatory allocation regulations applicable to gasoline, propane, butane, middle distillate and residual fuel oil sold for use within the Commonwealth of Puerto Rico was issued by the Department of Consumer Affairs ("DOCA") on September 18, 1974 (39 FR 34072, September 23, 1974). Public hearings were held by DOCA on October 2, 1974 and interested persons were invited to submit written comments by October 9, 1974. Six people testified at the hearings, and approximately ten written comments were received. The regulations published herein contain revisions to the proposed regulation which reflect the DOCA's consideration of those comments and incorporates certain changes suggested therein.

A discussion of the major changes, and of certain comments received regarding the proposed regulations follows.

Introduction. The delegation of authority from the Federal Energy Office grants to the Commonwealth the authority to establish a mandatory allocation program for the volume of propane, butane, motor gasoline, middle distillate and residual fuel oil, equal to the volume sold for use within the Commonwealth during the corresponding calendar quarter of 1973. Amounts of each product in excess of the 1973 volumes for such product remain subject to the Mandatory Petroleum Allocation Regulations of the Federal Energy Administration ("FEA").

The regulations promulgated herein apply only to motor gasoline, middle distillate, propane and butane and not to residual fuel oil. Thus, they are in partial exercise of the delegated authority. The DOCA has determined that the situation regarding residual fuel oil warrants further study with respect to production capacity, current production, current requirements and the methods most suited to allocation of the product. Therefore, at this time, the mandatory allocation program for petroleum products sold in Puerto Rico does not apply to residual fuel oil. Rather the FEA regulations remain applicable. The DOCA may extend the regulations adopted herein to residual fuel oil effective December 1, 1974, by filing an amendment to this rulemaking in the FEDERAL REGISTER. However, it may ultimately determine that some different method or method of allocation are more suitable to residual fuel oil. In that event, proposed rules will be issued for public comment prior to their implementation.

The regulations are designed to assure that volumes of each petroleum product sold in the Commonwealth in each calendar quarter equal the volume sold during the corresponding calendar quarter of 1973. In order to provide for distribution of petroleum products with a minimal amount of disruption the regulations are designed to have each supplier sell in the Commonwealth volumes of products which are equal to the volumes it sold in the corresponding calendar quarter of 1973. The DOCA retains authority (§ 660.9) to order a supplier which may have a volume in excess of its 1973 volume to sell more in the Commonwealth than it sold in the corresponding period of 1973 if necessary to accommodate for shortages below 1973 volumes experienced by other suppliers. This authority will be exercised only if necessary in order to implement the allocation program in the Commonwealth and to assure that there is a volume of product available equal to the 1973 volume.

Subpart A. Subpart A remains substantially as originally proposed. However, to accommodate a concern raised in several comments, the criteria the DOCA will apply in taking any administrative actions specified in Part 660 has been added to § 660.9.

Subpart C. The general method of allocation set forth in this subpart remains unchanged. However, pursuant to suggestions contained in the comments, a supplier's allocable supply defined in § 660.103(b) (1) has been modified to exclude volumes of product supplied to customers through exchange agreements. In addition, allocable supply has been modified to include only reductions in inventory made pursuant to § 660.9. Existing inventory and petroleum product used to increase inventory consistent with the provisions of § 660.9 are not part of allocable supply. Consistent with the changes in the calculation of total supply, the definition of "base period use" in § 66.103(b) (2) (ii) has been modified to exclude from the base period volume of a wholesale purchaser product received in an in kind exchange agreement involving a single product.

A new paragraph (2) has been added to § 660.103(e). Any supplier whose allocation fraction is less than one and whose wholesale purchasers either have not purchased or have notified the supplier of their intent not to purchase the volume of petroleum product to which they are entitled in a given allocation period may report and dispose of such volumes in accordance with the provisions of § 660.103(f).

Section 660.103(f) which provides that a supplier with an allocation fraction equal to or greater than one, must make sales pursuant to an allocation fraction equal to one, has been modified in several respects to incorporate suggestions contained in the comments. A surplus product of a supplier (other than a prime supplier or a supplier of unleaded gasoline) may be distributed at the discretion of the supplier. Each prime supplier and each supplier of unleaded gasoline must report surplus product to the DOCA, pursuant to the requirements of §§ 660.-152 and 660.153. If, after fifteen days, the DOCA has not notified the supplier to distribute such product in a specified manner, it may be distributed at the discretion of the supplier.

The § 660.104(c) provisions concerning the loss of an allocation entitlement for going out of business as applicable to retail sales outlets have been clarified. Generally, a wholesale purchaser-reseller which operates a retail gasoline outlet will be deemed to have gone out of business with respect to a particular outlet it if vacates the site on which it conducts such business. However, an independent marketer, branded or non-branded, shall not be deemed to have gone out of business if, (i) the independent marketer vacates a cite on which it formerly operated a retail sales outlet, (ii) the former site is closed as a retail sales outlet

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or is operated as such by a firm that is not an independent marketer and (iii) the independent marketer that occupies the former site within a reasonable time may establish another retail sales outlet servicing substantially the same customers or market. Section 660.104(d) has also been modified to make clear that if a wholesale purchaser-reseller operating a retail sales outlet for gasoline is deemed to have gone out of business the right to an allocation with respect to that particular outlet shall be deemed to have transferred to its successor in the site provided the successor establishes the same on-going business within a reasonable time after its predecessor vacates.

The provisions for the allocation of unleaded gasoline, § 660.107, remain substantially unchanged. However, if a supplier with an allocation fraction less than one has unleaded gasoline that none of its purchasers entitled to receive it desire to purchase the supplier must notify the DOCA in accordance with the provisions of § 660.103(f)(2)(i). Fifteen days thereafter the supplier may distribute such unleaded gasoline at its discretion, provided that during the fifteen days the DOCA has not ordered to the contrary. A comment from a supplier suggested that the provisions for unleaded gasoline should reflect a recent amendment to the FEA regulations which requires that the supplier's initial distribution of unleaded gasoline be to certain wholesale purchaser-consumers which have an acute need for unleaded gasoline. The remaining unleaded gasoline is then sold to purchasers entitled to receive gasoline from that supplier. However, no comments were received from such wholesale purchaser-consumers in Puerto Rico which suggested that their acute needs for unleaded gasoline could not be met pursuant to the method proposed by the DOCA. Therefore, unless problems arise within the Commonwealth the pro rata distribution system to all wholesale purchasers of gasoline as proposed by the DOCA will be retained.

A number of comments were received on the § 660.110(c)(iii) requirements that a prime supplier must sell a petroleum product from the set-aside within three days of presentation of a DOCA order by a wholesale purchaser or end-user. Many felt that three days was simply too short a period within which to comply with DOCA orders. Accordingly, this provision has been modified to allow three working days.

Conclusion. Technical and conforming changes to the issues discussed above have been made throughout Part 660.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275, E.O. 11790, 39 FR 23185; FEO Order No. 4, 39 FR 9506; Governor of the Commonwealth of Puerto Rico, E.O. No. 2039)

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended to add a new Subchapter K, Part 660 as set forth below effective October 31, 1974.

Issued in San Juan, Puerto Rico, October 31, 1974.

FEDERICO HERNANDEZ-DENTON,
Secretary, Department of Consumer Affairs, Commonwealth of Puerto Rico.

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AUTHORITY: Emergency Petroleum allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275, E.O. 11790, 39 FR 23185; FEO Order No. 4, 39 FR 9506; Governor of the Commonwealth of Puerto Rico, E.O. No. 2039.

Subpart A—General Provisions

§ 660.1 Purpose.

The purpose of this part is to set forth the regulations applicable to the mandatory allocation of motor gasoline, middle distillates, propane and butane in the Commonwealth. To the extent of any conflict, the provisions of this part supersede the provisions of the Mandatory Petroleum Allocation Regulations of the Federal Energy Administration.

§ 660.2 Applicability.

(a) Effective 11:59 p.m., October 31, 1974, the provisions of this part apply to each petroleum product produced in or imported into the Commonwealth up to the volume of that product sold for use within the Commonwealth during the corresponding calendar quarter of 1973.

(b) Effective 11:59 p.m., October 31, 1974, the provisions of this part apply to each firm which refines, imports, exports, purchases or sells petroleum products in the Commonwealth.

§ 660.3 Exclusions.

(a) Any volume of a petroleum product in the Commonwealth in a particular calendar quarter in excess of the volume of that petroleum product sold for use within the Commonwealth in the corresponding calendar quarter of 1973, is excluded from the provisions of this part and remains subject to the Mandatory Petroleum Allocation Regulations of the FEA.

(b) Exports of petroleum products subject to Subchapter B of Chapter III of Title 15 of the Code of Federal Regulations are excluded from this part.

§ 660.4 Exceptions and exemptions.

When necessary to accomplish the purposes of the Act, the DOCA may permit an exception or an exemption from the regulations of this part. Requests for exception and exemption shall be submitted in accordance with the provisions of Part 661 of this subchapter.

§ 660.5 Ratification of prior directives, orders and actions.

Unless modified by any provisions of this part any directive, order or action in effect pursuant to the Act shall remain in effect:

(a) Until its expiration by its own terms; or

(b) Until its revocation or amendment by any directive or order or superseding regulation issued under the provisions of this part.

§ 660.6 Retaliatory actions.

No firm (including an individual) may take retaliatory action against any other firm (including an individual) that files or manifests an intent to file a complaint of alleged violation of, or that otherwise exercises any rights conferred by the Act, any provision of this part, or any order issued under this part. For the purposes of this paragraph, "retaliatory action" means any action contrary to the purpose or intent of the Act or the DOCA to allocate petroleum products and may include a refusal to continue to sell, any reduction in quantity of services or products customarily available for sale or lease, any slowdown in customary delivery time or schedule, any violation of privacy, any form of harassment, or any inducement of others to retaliate.

§ 660.7 Normal business practices.

(a) Suppliers will deal with purchasers of a petroleum product according to normal business practices in effect during the base period specified in this part for that petroleum product, and no supplier may modify any normal business practice so as to result in the circumvention of any provision of this part. "Summer fill" programs and other "dating" or seasonal credit programs are among the normal business practices which must be maintained by a supplier under this paragraph, if that supplier had such programs in effect during the base period. Credit terms other than those associated with seasonal credit programs are included as a part of the May 15, 1973 price charged to a class of purchasers under

Part 212 of this Chapter. Nothing in this paragraph shall be construed to require suppliers to sell to purchasers who do not arrange proper credit or payments for petroleum products, as customarily associated with that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms). However, no supplier may require or impose more stringent credit terms or payment schedules on purchasers than those in effect for that class of purchaser during the base period (for seasonal credit), or on May 15, 1973 (for other credit terms).

(b) No supplier shall engage in any form of discrimination among purchasers of any petroleum product. For purposes of this paragraph, "discrimination" means extending any preference or sales treatment which has the effect of frustrating or impairing the objectives, purposes and intent of this part or the Act, and includes, but is not limited to, refusal by a retail marketer of motor gasoline or diesel fuel to furnish or sell any petroleum product due to the absence of a prior selling relationship with the purchaser, or establishment of new volume purchase arrangements where customers of retailers agree in advance to purchase in excess of normal amounts of motor gasoline or diesel fuel and thereby receive preferential treatment.

(c) Any practice which constitutes a means to impose terms or conditions not customarily imposed upon the sale of a petroleum product is in violation of these regulations.

§ 660.8 Supplier/purchaser accommodations.

(a) Any supplier may arrange to supply any purchaser which is entitled to receive an allocation from it through another supplier or suppliers in accordance with normal business practices. The purchaser shall, however, be entitled to receive the same amount and quality of the petroleum product from the substituted supplier or suppliers that it would receive if it were directly supplied by the original supplier using that supplier's allocation fraction.

(b) In order to alleviate imbalance, suppliers and refiners may make normal business exchanges among themselves.

(c) To accommodate seasonal and other fluctuations in both supply and demand such as requirements for agricultural production, suppliers and wholesale purchasers may agree between and among themselves either to borrow on future allocations or to defer current allocations or both within the total allocations for one calendar year as long as such arrangements do not result in an involuntary reduction in allocations to other wholesale purchasers.

§ 660.9 Administrative actions.

(a) *Authority of the DOCA.* (1) If necessary, the DOCA may take any of the actions described in this part.

(2) *Criteria.* In taking any action described in this part the DOCA shall consider the criteria stated in section 4(b) of the Act, the purpose and goals of the mandatory allocation program and the need to alleviate or prevent serious hardship or gross inequity.

(b) *Directed sales.* (1) Notwithstanding any other provisions of this part, the DOCA may order any supplier, including a refiner, importer, exporter, or any other seller of petroleum products to sell a particular petroleum product to a specified purchaser or class of purchasers if it is determined that such a sale or sales are necessary in order to further the purpose and goals of the Act and these regulations.

(2) With respect to suppliers described in § 660.103(g), the DOCA will notify the supplier of the volume of its petroleum products subject to directed sales five (5) days prior to the allocation period for which the sale or sales are directed.

(c) *Inventories of petroleum products.* No supplier, importer, wholesale purchaser or end-user shall accumulate inventories of any petroleum product which exceed customary inventories maintained by that supplier, importer, wholesale purchaser or end-user in the conduct of his normal business practices unless otherwise directed by the DOCA. Normal inventory practices shall be observed in determining allocable supplies of petroleum products for each period corresponding to a base period. The DOCA may review inventory practices and may direct an increase or decrease in inventories if:

(1) The inventory practices employed are inconsistent with the provisions of this part;

(2) The inventory practices circumvent or otherwise violate other provisions of this part; or

(3) The DOCA determines that an adjustment is necessary in order to allocate petroleum products in a manner consistent with the objectives of the allocation program.

(d) *Adjustment to calculations.* Upon a finding that incorrect or otherwise inaccurate data have been used in calculating the allocation of any petroleum product subject to this part, the DOCA may take appropriate action to adjust any such figures or data and any allocations based thereon to account for the error.

(e) *Adjustments to allocable supply.* Notwithstanding any other provision of this part, the DOCA may order any supplier, including a refiner, importer, exporter or any other seller of petroleum products to increase its allocable supply in excess of the amount computed under § 660.103(b)(1) if necessary in order to assure that the total volume of petroleum products subject to this part in a particular calendar quarter are equal to the volume sold for use in the Commonwealth in the corresponding calendar quarter of 1973.

(f) *Redirection of product.* To meet imbalances that may occur in the supplies of any petroleum product, the DOCA may order the transfer of specified amounts of any such product from one area to another or may order that different allocation fractions be used in different areas. Furthermore, the DOCA may transfer supplies of petroleum products among suppliers in order to remedy supply imbalances.

(g) *Reassignment of wholesale purchasers.* Any supplier which for reason beyond its control is unable to supply petroleum product in its specific customary ways or which has significantly reduced marketing or distribution activities in any area and which is obligated to supply its base period purchasers in that area under the terms of this program may apply to the DOCA to seek a change in the method of supplying such purchasers. The DOCA may order the reassignment of wholesale purchasers from one supplier to another.

Subpart B—Definitions

§ 660.51 General definitions.

"Act" means the Emergency Petroleum Allocation Act of 1973, the Federal Energy Administration Act of 1974, and the Economic Stabilization Act of 1970, as amended, as appropriate.

"Adjusted base period volume" means base period volume as adjusted pursuant to § 660.106.

"Administrator" means the Secretary of the Department of Consumer Affairs or his delegate.

"Allocable supply" means allocable supply as defined in § 660.103(b)(1).

"Allocation fraction" means allocation fraction as defined in § 660.103(b).

"Allocation period" means a period corresponding to a base period.

"ASTM" means American Society for Testing Materials.

"Assignment" means an action designating that an authorized purchaser be supplied a specified or unspecified volume of a specified petroleum product by a specified supplier.

"Base period" means:

(a) For motor gasoline and middle distillates, the month of 1972 corresponding to the current month; and

(b) For propane and butane, the month of 1973 corresponding to the current month.

"Base period use" means base period volume or adjusted base period volume.

"Branded independent marketer" means a firm which is engaged in the marketing or distributing of refined petroleum products pursuant to:

(a) An agreement or contract with a refiner (or a firm which controls, is controlled by, or is under common control with such refiner) to use a trademark, trade name, service mark, or other identifying symbol or name owned by such refiner (or any such firm); or

(b) An agreement or contract under which any such firm engaged in the marketing or distributing of refined petroleum products is granted authority to occupy premises owned, leased, or in any way controlled by a refiner (or firm which controls, is controlled by, or is under common control with such refiner), but which is not affiliated with, controlled by, or under common control with any refiner (other than by means of a supply contract, or an agreement

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or contract described in paragraph (a) or (b) of this definition), and which does not control such refiner.

"Butane" means the chemical C_4H_{10} in its commercial forms, including both normal butane and isobutane, their mixtures and mixtures of butane and propane containing ten (10) percent by weight or less of propane. Included within the definition of butane is the butane content of other mixtures in which either or both butane isomer constitute greater than ten (10) percent by weight.

"Commonwealth" means the Commonwealth of Puerto Rico.

"DOCA" means the Department of Consumer Affairs of the Commonwealth.

"End-user" means any firm which is an ultimate consumer of a petroleum product in the Commonwealth other than a wholesale purchaser-consumer.

"Ethane" means a hydrocarbon whose chemical composition is C_2H_6.

"Exporter" means any firm which owns at the last place of storage in the Commonwealth any petroleum product leaving the Commonwealth, provided, however, that a commercial fisherman whose primary harbor is in the Commonwealth, and a commercial freighter engaged in the business of transporting cargo between points in the Commonwealth or to or from the Commonwealth is not an exporter of a petroleum product it purchases for use as fuel in that freighter.

"FEA" means the Federal Energy Administration or its delegate or its predecessor.

"Firm" means any association, company, corporation, estate, individual, joint-venture, partnership, or sole proprietorship or any other entity however organized including charitable, educational, or other eleemosynary institutions, and the Federal Government including corporations, departments, Federal agencies, and other instrumentalities, or local government units *Provided*, That such entity or entities are located or doing business in the Commonwealth. The DOCA may, in regulations and forms issued in this part, treat as a firm: (a) A parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls, (b) a parent and its consolidated entities, (c) an unconsolidated entity, or (d) any part of a firm.

"Importer" means any firm that owns at the first place of storage any petroleum brought into the Commonwealth and includes petroleum product brought into the Commonwealth from the mainland.

"Independent marketer" means either a branded independent marketer or a non-branded independent marketer.

"LPG" means liquefied petroleum gas, and includes propane and butane, and propane/butane mixes, but not ethane.

"Middle distillate" means any derivatives of petroleum including kerosene, home heating oil, range oil, stove oil, and diesel fuel, which have a fifty (50) percent boiling point in the ASTM D–86 standard distillation test falling between 371° and 700° F. Products specifically excluded from this definition are kerosene-base and naphtha-base jet fuel, heavy fuel oils as defined in VV–F–815C or ASTM D–396, grades #4, 5, and 6, intermediate fuel oils (which are blends containing #6 oil), and all specialty items such as solvents, lubricants, waxes and process oil.

"Motor gasoline" means a mixture of volatile hydrocarbons, suitable for operation of an internal combustion engine, whose major components, are hydrocarbons with boiling points ranging from 140° to 390° F and whose source is distillation of petroleum and cracking, polymerization, and other chemical reactions by which the naturally occurring petroleum hydrocarbons are converted to those that have superior fuel properties.

"Nonbranded independent marketer" means a firm which is engaged in the marketing or distribution of refined petroleum products, but which:

(a) Is not a refiner;

(b) Is not a firm which controls, is controlled by, is under common control with, or is affiliated with a refiner (other than by means of a supply contract); and

(c) Is not a branded independent marketer.

"Petroleum product" means propane, butane, motor gasoline and middle distillate.

"Prime supplier" means any supplier which makes the first sale of a petroleum product in the Commonwealth. In the case of an imported petroluem product, the first sale is the sale by the importer.

"Propane" means the chemical C_3H_8 in its commercial forms including propane-butane mixes and the propane and other mixtures in which propane constitutes greater than ten (10) percent of the mixture by weight.

"Propane-butane mix" means any mixture consisting exclusively of propane and butane which contains greater than (10) percent by weight.

"Purchaser" means a wholesale purchaser, an end-user, or both, but does not include an exporter.

"Refined petroleum product" means gasoline, kerosene, middle distillate (including number 2 fuel oil), LPG, refined lubricating oils, or diesel fuel.

"Refiner" means those firms which own, operate or control the operations of one or more industrial plants, regardless of capacity, processing crude oil feedstock or refined petroleum products and manufacturing propane, butane, motor gasoline, middle distillate or residual fuel oil.

"Residual fuel oil" means the fuel oils commonly known as: (a) No. 4, No. 5 and No. 6 fuel oils; (b) Bunker C; (c) Navy Special Fuel Oil; (d) crude oil when burned directly as a fuel; and all other fuel oils which have a fifty (50) percent boiling point over 700° F in the ASTM D–86 standard distillation test.

"Retail sales outlet" means a site on which a supplier maintains an on-going business of selling any petroleum product to end-users or wholesale purchaser-consumers.

"Set-aside volume" means with respect to a particular prime supplier, the amount calculated pursuant to § 660.110 (c)(1).

"Supplier" means any firm located or doing business in the Commonwealth, which presently, during the base period or during any period between the base period and the present supplies, sells, transfers or otherwise furnishes (as by consignment) any petroleum product to wholesale purchasers, end-users or exporters. Supplier includes but is not limited to refiner, importer, exporter, reseller, jobber, and retailer.

"Supply obligation" means supply obligation as defined in § 660.103(b)(2).

"Wholesale purchaser" means a wholesale purchaser-reseller (other than an exporter) or a wholesale purchaser-consumer, or both.

"Wholesale purchaser-consumer" means any firm that is an ultimate consumer in the Commonwealth, which, as part of its normal business practices, purchased or obtained in any completed calendar year subsequent to 1971 more than 24,000 gallons of a petroleum product from a supplier and received delivery of that product into a storage tank substantially under the control of that firm at a fixed location in the Commonwealth.

"Wholesale purchaser-reseller" means any firm which purchases, receives through transfer, or otherwise obtains (as by consignment) a petroleum product and resells or otherwise transfers it to other purchasers in the Commonwealth without substantially changing its form.

Subpart C—General Allocation Rules

§ 660.101 Applicability.

This subpart applies to each petroleum product sold for use within the Commonwealth after 11:59 p.m., October 31, 1974, and to each firm which refines, imports, exports, purchases or sells petroleum products in the Commonwealth.

§ 660.102 Supplier/purchaser relationships.

(a) *Supplier/wholesale purchaser relationship.* Each supplier of a petroleum product shall supply all wholesale purchasers which purchased or obtained that petroleum product from that supplier during the base period as specified in the provisions of this part or as otherwise ordered by the DOCA.

(b) *Changes in ownership or brand.* The supplier/purchaser relationship required by this part shall not be altered by (1) changes in the ownership or right to possession of the real property on which a wholesale purchaser maintains its on-going business or end use; or (2) changes in the brand or franchise under which a wholesale purchaser-reseller maintains its on-going business.

(c) *New relationships.* (1) Suppliers shall not supply new wholesale purchasers except in accordance with § 660.105(d).

(2) New suppliers shall not supply wholesale purchasers or end-users except in accordance with § 660.103(d).

(d) *Dual capacities.* A supplier may also act in the capacity of a wholesale purchaser, an importer, an exporter, or an end-user. A wholesale purchaser may act in the capacity of both a wholesale purchaser-reseller and wholesale purchaser-consumer. A firm which is acting in one or more different capacities shall comply with the appropriate regulations governing each capacity in which it acts.

§ 660.103 Supplier's method of allocation.

(a) *General.* (1) Subject to the prenotification provisions in subpart E, suppliers of petroleum products shall allocate all of their allocable supply in accordance with the provisions of this section. Each supplier shall determine its allocation fraction pursuant to the provisions of paragraph (b) of this section. Suppliers shall then allocate to purchasers in accordance with the provisions of paragraph (c) of this section. The method of allocation for new suppliers is specified in paragraph (d) of this section. Suppliers with allocation fractions less than one (1.0) must act in accordance with the provisions of paragraph (e) of this section while suppliers with allocation fractions equal to or greater than one (1.0) must act in accordance with the provisions of paragraph (f) of this section. Suppliers, other than new suppliers, which in a particular base period have no supplier/purchaser relationships must act in accordance with the provisions of paragraph (g) of this section.

(2) For purposes of defining a supplier in this part, a firm shall mean the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls.

(b) *Allocation fraction.* Each supplier shall determine a single allocation fraction for each petroleum product prior to making any allocation. A supplier's allocation fraction for any allocation period for a petroleum product shall be equal to its allocable supply of that product, which is defined in paragraph (b)(1) of this section, for that period divided by its supply obligation for all levels of distribution, which is defined in paragraph (b)(2) of this section.

(1) *Allocable supply.* Each supplier's allocable supply of a petroleum product for an allocation period shall be equal to its total supply for that period, which is the sum of its estimated production, including amounts received under processing and exchange agreements, imports, purchases and any reduction in inventory of that petroleum product made pursuant to § 660.9 except as otherwise ordered by DOCA; less (i) any amounts designated as set-aside pursuant to § 660.110; (ii) any amount supplied to customers through exchange agreements; and (iii) any amount in excess of the amount sold for use within the Commonwealth of Puerto Rico in the 1973 period corresponding to the allocation period unless otherwise ordered by the DOCA pursuant to § 660.9. Any existing inventory, production, importation or purchase of a petroleum product used to increase that inventory consistent with the provisions of § 660.9 shall not be included in the allocable supply of that product.

(2) *Supply obligation*—(i) *General.* A supplier's supply obligation of a particular petroleum product is the sum of (A) the amounts of its wholesale purchasers' base period volumes, as adjusted pursuant to § 660.106, which were supplied by the supplier during the appropriate base period *Provided*, That the purchaser is still in business or continues to use the product for the same purposes for which it was purchased in the base period; (B) the amounts of adjusted base period volumes of new wholesale purchasers which are assigned to or accepted by the supplier in accordance with the provisions of § 660.105; and (C) the amount equal to its total sales to end-users during that base period. Base period volume is defined below.

(ii) *Base period use.* Base period use means base period volume or adjusted base period volume as appropriate. A wholesale purchaser's base period volume of a particular petroleum product is the volume of that petroleum product purchased or obtained during the appropriate base period as determined in accordance with § 660.105(c) or the base period volume as adjusted pursuant to § 660.106. Base period volume, however, does not include amounts of a petroleum product obtained pursuant to in kind exchange agreements involving a single product which are normal business operating procedures except the difference between the total amounts received under exchange agreements and the total amounts supplied to customers through exchange agreements. In the case of a new wholesale purchaser, base period volume means the volume assigned or agreed to pursuant to § 660.105(d). Adjustments to base period volumes shall be made in accordance with the provisions of § 660.106.

(c) *Allocation by suppliers to wholesale purchasers and end-users*—(1) *Wholesale purchasers.* A supplier shall allocate to each of its wholesale purchasers a volume of a petroleum product equal to the product of that supplier's allocation fraction multiplied by an amount equal to that wholesale purchaser's base period use.

(2) *End-users.* Suppliers shall allocate equitably among end-users, a volume of petroleum product equal to the product of that supplier's allocation fraction multiplied by an amount equal to its total sales to end-users in the appropriate base period or adjusted base period.

(d) *New supplier.* (1) A supplier which was not a base period supplier but was a supplier prior to January 15, 1974 shall supply in accordance with the provisions of this section, (i) wholesale purchasers which it supplied as of January 15, 1974 and which have no base period supplier; (ii) any purchasers assigned by DOCA; (iii) new wholesale purchasers acquired after January 15, 1974 in accordance with the provisions of § 660.105; and (iv) to the maximum extent possible, end-users.

(2) A supplier which was not a supplier prior to January 15, 1974 shall be considered to have no supply obligation and shall not allocate supplies to any purchaser without DOCA approval.

(3) Notwithstanding any other provision of paragraph (d) of this section, a supplier which was not a base period supplier but which is a supplier on October 31, 1974 shall for the allocation periods which includes the months of November and December, supply the wholesale purchasers assigned by the FEA prior to October 31, 1974.

(e) *Allocation fractions less than one.* (1) When a supplier's allocation fraction is less than one (1.0), a supplier shall reduce, on a pro rata basis, the amounts supplied to end-users and wholesale purchasers.

(2) Subject to the requirements of paragraph (c)(2) of this section, any supplier whose allocation fraction is less than one (1.0) and whose wholesale purchasers either have not purchased or have notified the supplier of their intent not to purchase the volume of petroleum product calculated pursuant to paragraph (c)(1) of this section by the end of the current allocation period may report and dispose of such volumes in accordance with the provisions of paragraph (f)(2)(i) of this section.

(f) *Allocation fractions equal to or greater than one.* (1) In allocating allocable supplies of any petroleum product among wholesale purchasers and end-users no supplier may use an allocation fraction greater than one (1.0). If a supplier's allocable supply is of sufficient magnitude that the allocation fraction exceeds one (1.0), the supplier shall make allocations based on an allocation fraction of one (1.0), and shall comply with the provisions of paragraph (f)(2) of this section.

(2)(i) Each prime supplier and each supplier of unleaded gasoline shall report the volume of surplus petroleum product remaining in allocable supply to the DOCA in accordance with the provisions of §§ 660.152 and 660.153. The DOCA may direct that the petroleum product be distributed among other suppliers, sold to designated wholesale purchasers or end-users, be distributed to the reporting supplier's purchasers on a pro rata basis, be accumulated in inventory, or be added to the supplier's set-aside volume. If the reporting supplier is not notified to the contrary by the DOCA within fifteen (15) days after filing of its report with the DOCA, he may distribute these volumes at his discretion; provided however, that the supplier maintains adequate records to allow DOCA, upon request, to ascertain the disposition of the surplus product.

(ii) A supplier (other than a prime supplier or a supplier of unleaded gasoline) may distribute its surplus petroleum product remaining in allocable supply at its discretion.

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(3) Notwithstanding the provisions of paragraphs (e) (2) or (f) (2) of this section, no supplier shall supply and no end-user or wholesale purchaser-consumer shall accept quantities of a petroleum product which exceed one hundred (100) percent of that end-user or wholesale purchaser-consumer's current requirements, unless directed by DOCA.

(g) *Suppliers without wholesale purchasers or end-users.* A supplier such as an exporter which was in existence prior to January 15, 1974 but which in a particular base period has no supplier/purchaser relationships established pursuant to § 660.102, shall report its total supply to the DOCA pursuant to the provisions of § 660.153(a). Unless the supplier is notified by the DOCA to make directed sales pursuant to § 660.9, the suppliers shall allocate its petroleum products pursuant to the FEA regulations.

§ 660.104 Basis for purchaser's entitlement to allocation.

(a) *Basis of entitlement.* A wholesale purchaser shall receive an allocation based on its conduct of an on-going business in the Commonwealth or maintenance of an established end-use within the Commonwealth.

(b) *End-users and wholesale purchasers as a firm.* (1) For purposes of defining a wholesale purchaser-consumer in this part, a firm shall mean those parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls which act as ultimate consumers in the Commonwealth including all sites, storage tanks and other facilities or entities of the wholesale purchaser-consumer that utilize or store a petroleum product in the Commonwealth.

(2) Except as provided in paragraph (b) (3) of this section, for purposes of defining a wholesale purchaser-reseller in this part, a firm shall mean all those parts of the parent and the consolidated and unconsolidated entities (if any) which it directly or indirectly controls which sell petroleum products in the Commonwealth.

(3) Each firm or part of a firm which operates an on-going business of selling motor gasoline at a retail sales outlet shall be considered a separate firm with respect to each such outlet, and therefore shall be a separate wholesale purchaser-reseller. The entity which merely holds a real property interest in a retail sales outlet on which another entity operates an on-going business shall not be considered the wholesale purchaser-reseller with respect to that outlet.

(c) *Loss of allocation entitlement for going out of business.*—(1) *General.* Wholesale purchasers which have gone out of business shall not be eligible for allocations based on volumes received or purchases made prior to going out of business.

(2) *Retail sales outlets for gasoline.* For purposes of this paragraph (c) a wholesale purchaser-reseller which operates a retail sales outlet shall be deemed to have gone out of business with respect to that outlet if it vacates the site on which it conducts such business. Notwithstanding the foregoing, an independent marketer shall not be deemed to have gone out of business if (i) the independent marketer vacates the site on which it formerly operated a retail sales outlet; (ii) the former site is closed as a retail sales outlet or is operated as such by a firm that is not an independent marketer; and (iii) the independent marketer that occupied the former site, within a reasonable time, as determined by the DOCA, re-establishes another retail sales outlet at another location serving substantially the same customers or market that was served by the former site.

(d) *Transfer of entitlement.*—(1) *General.* The right to receive an allocation shall not be assignable separately but shall be considered an integral part of the on-going business or established end-use. The right to an allocation shall be deemed to have been transferred only when the entire business or activity of the firm is transferred to a successor firm.

(2) *Retail sales outlets for gasoline.* For purposes of this paragraph (d), whenever a wholesale purchaser-reseller is deemed to have gone out of business in accordance with paragraph (c) (2) of this section, the right to an allocation with respect to the retail sales outlet shall be deemed to have been transferred to its successor in the site, provided such successor establishes the same ongoing business on the site within a reasonable period of time, as determined by the DOCA, after its predecessor vacates the premises.

§ 660.105 Purchaser's allocation entitlement.

(a) *Scope.* This section describes a purchaser's allocation entitlements. Paragraph (b) of this section specifies the volumes of a petroleum product which wholesale purchasers are entitled to receive from suppliers. The method by which wholesale purchasers determine base period volumes is provided in paragraph (c) of this section. Paragraphs (d) and (e) of this section set forth procedures by which new wholesale purchasers and new importer-consumers, respectively determine their entitlements and suppliers. End-users do not have allocation entitlements. If an end-user is unable to locate a supplier or is unable to purchase a volume of a petroleum product sufficient to meet its requirements, it may petition the DOCA for relief pursuant to Part 661 of this chapter.

(b) *Entitlements: wholesale purchasers.* A wholesale purchaser shall be entitled to receive a volume of a petroleum product equal to the sum of the volumes allocable to it from each of its suppliers in the Commonwealth. The volume supplied to a purchaser by each of its suppliers in the Commonwealth shall be the product of that supplier's allocation fraction multiplied by that purchaser's base period use purchased or obtained from that supplier.

(c) *Base period volume determination.* (1) (i) By October 31, 1974, each wholesale purchaser shall certify to each of its suppliers the amount of a petroleum product purchased from that supplier and which it exported or sold for export from the Commonwealth in each base period. If a wholesale purchaser is unable to determine the supplier from which the petroleum product it exported or sold for export was purchased, the wholesale purchaser shall certify to each supplier a pro rata share of the total volume of petroleum product it exported or sold for export in each base period.

(ii) By November 4, 1974, each supplier which sells a petroleum product to a wholesale purchaser shall report to each of its wholesale purchasers with respect to each petroleum product, the volume of petroleum product it sold to or transferred to that purchaser in each base period, less any amount reported to the supplier by the wholesale purchaser pursuant to paragraph (c) (1) (i) of this section.

(2) In the event that the puchaser disagrees with the base period volume computed by its supplier, it should make application to the DOCA for a corrected base period volume pursuant to Part 661, of this chapter. Copies of the purchaser's records for base period purchases should be included with the application.

(d) *New wholesale purchasers.*—(1) *Mutual arrangements.* (i) Subject to the provisions of paragraph (d) (1) (ii) of this section, a wholesale purchaser without a base period supplier or a new supplier as provided in § 660.103(d) (1) and a supplier may agree upon a proposed base period volume for the wholesale purchaser. The base period volume agreed upon shall afford the wholesale purchaser a fair and equitable volume in light of its requirements together with other relevant circumstances including the supplier's supply obligations to its other wholesale purchasers.

(ii) With respect to any arrangement made pursuant to paragraph (d) (1) (i) of this section, the supplier must notify the DOCA of the name of the wholesale purchaser, the proposed base period volume and the basis upon which the proposed base period volume was determined within ten (10) days of the making of the mutual arrangement. With respect to any existing arrangements, the supplier shall notify the DOCA of the name of the wholesale purchaser, the proposed base period volume and the basis upon which the proposed base period volume was determined within ten (10) days of the effective date of these regulations. The supplier may not provide the wholesale purchaser with petroleum products until he has so notified the DOCA of the mutual arrangement. The DOCA may assign the wholesale purchaser to another supplier and may adjust the proposed base period volume.

(2) *Assignment of supplier.* (i) Any wholesale purchaser which does not have a base period supplier, or new supplier as provided in § 660.103(d) (1), or which is unable to locate a supplier pursuant to paragraph (d) (1) of this section, and any other wholesale purchaser which is otherwise unable to obtain sufficient supplies may petition the DOCA pursuant to Part 661 of this section, for the assignment of a supplier and a base period volume.

(ii) Any assignment of a base period volume will be deemed to have been adjusted for growth through the date of the assignment and may be adjusted thereafter under the provisions of § 660.106(b).

(iii) Any wholesale purchaser which is assigned to or accepted by the supplier under the provisions of this part shall be accepted by the supplier for the duration of the program or until otherwise directed by the DOCA.

(e) *New end-user and wholesale purchaser-consumer importer.* End-users and wholesale purchaser-consumers which have not previously imported a petroleum product or which import a petroleum product in excess of the volumes imported in the base period, must report pursuant to § 660.153(b) such imports to the DOCA within five (5) days of receipt of the petroleum product. Unless the DOCA orders a directed sale of the imported petroleum product pursuant to the provisions of § 660.9, the importer may retain the petroleum product for its own use.

§ 660.106 Adjustments to base period volumes.

(a) *Scope.* The adjustment procedures under this section are applicable to the allocation of all petroleum products. This section describes the means by which wholesale purchasers may receive adjustments to their base period volumes.

(b) *Adjustments.* (1) Suppliers shall adjust a wholesale purchaser's base period volume for gasoline or middle distillates without an application of the wholesale purchaser if the supplier's records indicate that the volume of the wholesale purchaser's purchases of that product in a 1973 period corresponding to a base period exceed the base period volume of that product. The increase to the base period volume shall be calculated as the difference between the volume purchased in the 1973 period corresponding to a base period, and the volume purchased in the base period.

(2) Any wholesale purchaser of any petroleum product may apply to the DOCA pursuant to Part 661 of this chapter for an adjustment to a base period volume for changed circumstances or growth pursuant to forms and instructions issued by the DOCA. Such adjustments shall be based upon applications which are fully supported by detailed facts, figures and other relevant documentation.

§ 660.107 Allocation of unleaded gasoline.

(a) *General.* All the provisions of this part shall apply to all substances meeting the definition of motor gasoline, including leaded and unleaded gasoline, without regard to the different characteristics of those substances except as provided in this section.

(b) *Definitions.* For purposes of this section—

"Allocation entitlement" for a wholesale purchaser means its allocation entitlement as described in § 660.105.

"Allocation ratio" means that ratio of a supplier's total supply of unleaded gasoline to the supplier's total supply of motor gasoline (leaded and unleaded).

"Unleaded gasoline" means unleaded gasoline as defined by the Environmental Protection Agency.

(c) *Supplier/purchaser relationships.* In addition to the provisions of § 660.102, a supplier of unleaded gasoline shall further allocate unleaded gasoline in accordance with the provisions of this section to wholesale purchasers which are entitled to receive motor gasoline (whether leaded or unleaded) from that supplier without regard to whether the supplier has previously supplied unleaded gasoline to that purchaser.

(d) *Method of allocation for unleaded gasoline.* (1) For each allocation period each supplier shall make available to each of its wholesale purchasers of motor gasoline a volume of unleaded gasoline which bears the same ratio to that purchaser's allocation entitlement as the supplier's allocation ratio for that period. Suppliers may refuse to supply unleaded gasoline to any wholesale purchaser-reseller which does not have facilities suitable for the storage and delivery of unleaded gasoline, as required by the provisions of 40 CFR Chapter I, Part 80, Subpart B.

(2) No purchaser may be required to accept any quantity of unleaded gasoline in lieu of part or all of its allocation entitlement to motor gasoline for a period which corresponds to a base period.

(3) (i) After its initial offer of unleaded gasoline pursuant to paragraph (c) (1) of this section a supplier shall offer any of its supply of unleaded gasoline which remains only to purchasers which are entitled to receive motor gasoline from that supplier and which desire to purchase unleaded gasoline. New car dealers, fleet owners or operators, or any other wholesale purchaser-consumers which require unleaded gasoline as a greater proportion of their allocation entitlement than the supplier's allocation ratio shall have first priority to any such additional quantities of unleaded gasoline.

(ii) Any supplier with a motor gasoline allocation fraction less than or equal to one (1.0) which has a supply of unleaded gasoline that none of its purchasers entitled to receive motor gasoline from that supplier desire to purchase shall notify the DOCA and may dispose of such supply in accordance with the provisions of § 660.103(f) (2) (i).

(4) The total volume of leaded and unleaded gasoline which a supplier allocates to a purchaser for an allocation period shall equal the total amount of motor gasoline which the supplier could otherwise allocate to that purchaser pursuant to this part without regard to the provisions of this section.

(5) Any purchaser which has been notified that its supplier will not supply it with unleaded gasoline and which with reasonable diligence cannot otherwise obtain a supply of unleaded gasoline under the provisions of this part, may apply to the DOCA pursuant to Part 661 for an assignment of a supplier of unleaded gasoline.

(6) DOCA may require recipients of assigned quantities of unleaded gasoline to provide leaded gasoline in exchange for the assigned product.

(e) *Prime suppliers.* Prime suppliers shall make available in their set-aside a ratio of unleaded gasoline to all motor gasoline equal to their allocation ratio.

(f) *Relationship to EPA regulations.* Nothing in this section shall be interpreted to supersede any regulation concerning unleaded gasoline issued by the Environmental Protection Agency, or any regulation issued by the DOCA concerning gasoline.

§ 660.110 Set-aside system.

(a) *Purpose and scope.* The DOCA shall establish and administer a set-aside system for all petroleum products. The set-aside shall be utilized by the DOCA in making assignments and in meeting hardship and emergency requirements of all wholesale purchasers and end-users.

(b) *Definitions.* For purposes of this section—"Percentage set-aside level" means:

(1) for gasoline, three (3%) percent;
(2) for propane, three (3%) percent;
(3) for butane, one (1%) percent;
(4) for middle distillates, four (4%) percent; and
(5) for residual fuel oil, three (3%).

(c) *Prime suppliers.*—(1) *Calculation of set-aside volume.* The set-aside volume of a prime supplier of a particular petroleum product shall be calculated by multiplying the prime supplier's estimated allocable supply for the forthcoming allocation period in its capacity as a prime supplier by the percentage set-aside level for that product.

(2) *Reports of set-aside volumes.* Fifteen (15) days prior to the beginning of each allocation period each prime supplier shall calculate its set-aside volume for each petroleum product for the forthcoming allocation period and shall report pursuant to § 660.152 the volume and calculations according to forms and instructions issued by the DOCA.

(3) *Sales of set-aside volumes.* A prime supplier must sell a petroleum product from the set-aside volume for a particular month within three (3) working days of presentation by a wholesale purchaser or end-user, of an order of the DOCA issued pursuant to Part 661. No other sale may be made from the set-aside volume. The petroleum product remaining in a prime supplier's set-aside volume at the end of a particular allocation period shall become part of that supplier's total supply for the subsequent allocation period and shall be distributed according to the procedures set forth in this part.

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(d) *DOCA orders.* If the DOCA approves a hardship or emergency petition submitted by a wholesale purchaser or end-user pursuant to the provisions of Part 661 of this chapter, it shall issue to the petitioner a written order to purchase a specified volume from the set-aside volume of a specified prime supplier.

(e) *Changes in percentage set-aside levels.* The Administrator may alter the percentage set-aside level for a particular petroleum product for a particular allocation period through the issuance of an order fifteen (15) days prior to the beginning of that allocation period.

§ 660.114 Energy conservation.

Unless otherwise ordered for good cause shown, no wholesale purchaser or end-user shall receive an allocation pursuant to the procedures of Part 661 of this chapter unless he shall have certified that he has in effect an energy conservation program consistent with the conservation program of the Commonwealth.

Subpart D—Reporting and Recordkeeping

§ 660.151 Initial reports.

(a) By November 15, 1974, each supplier shall report to the DOCA consistent with forms and instructions issued by the DOCA the following information concerning each petroleum product:

(1) Name and address of supplier;

(2) Total sales volume (including internal transfers and volume of its own end-use) for each completed period of 1972, 1973 and 1974 corresponding to a base period; and

(3) The percentage of total sales volume and actual sales volume exported or sold for export for each completed period of 1972, 1973 and 1974 corresponding to a base period.

(b) Notwithstanding the provisions of paragraph (a) of this section, information filed in accordance with Regulation No. 41 of the DOCA need not be repeated.

§ 660.152 Periodic reports.

(a) Except as provided in paragraph (b) of this section, each supplier must file a report for each petroleum product for each allocation period beginning with the allocation period including November 1974 which sets forth the (1) estimated allocable supply, (2) estimated set-aside volume, and (3) the estimated volume of surplus product subject to § 660.103 (e) (2) or (f) (2). The report, consistent with forms and instructions issued by the DOCA, must be filed with the DOCA fifteen (15) days prior to the beginning of each allocation period; except however, the report for the allocation period including November must be filed by November 1, 1974.

(b) The reporting requirement of paragraph (a) of this section does not apply to:

(1) A supplier to the extent he is subject to § 660.103(g), *Provided, however,* That the supplier makes reports pursuant to § 660.153.

(2) Sales by a supplier which sells exclusively to end-users.

§ 660.153 Other reports.

(a) *Suppliers without base period supplier/purchaser relationships.* Each supplier subject to § 660.103(g) must file a report for each petroleum product for each allocation period beginning with the allocation period including November 1974. The report, consistent with forms and instructions issued by the DOCA must be filed with the DOCA fifteen (15) days prior to the beginning of each allocation period; except however, the report for the allocation period including November 1974, must be filed by November 1, 1974. The report for each petroleum product shall contain the following information concerning the next allocation period:

(1) Name and address of the supplier submitting the report;

(2) Total estimated inventory;

(3) Estimated volume of exports; and

(4) Estimated volume which it will consume in its capacity as an end-user or wholesale purchaser-consumer.

Pursuant to the provisions of § 660.9 the DOCA may order a directed sale of such petroleum product.

(b) *End-user and wholesale purchaser-consumer importers.* Each end-user and wholesale purchaser-consumer which imports a petroleum product in excess of the volume imported during the base period, and each end-user and wholesale purchaser consumer which did not import a petroleum product prior to January 1, 1974, must report to the DOCA within five (5) days of receipt of that imported petroleum product on forms and instructions issued by the DOCA. These reports shall contain the following information:

(1) Name and address of supplier submitting the report;

(2) The volume received, point of origin, and seller of the imported petroleum product;

(3) The intended use of the import;

(4) The base period volume, current requirements, and the amount purchased or expected to be purchased from suppliers subject to this part in the most recently completed, the current, and the next allocation period; and

(5) The volume of imported petroleum product anticipated to be received in the next allocation period.

Pursuant to the provisions of § 660.9 the DOCA may order the directed sale of such a petroleum product.

(c) *Duplication of information.* Notwithstanding the provisions of paragraphs (a) and (b) of this section, information filed in accordance with Regulation No. 41 of the DOCA need not be repeated.

(d) *Surplus product reports.* Each supplier of surplus product subject to the provisions of § 660.103(e)(2) or (f)(2) which is not reported pursuant to § 660.152(a), shall be reported to the DOCA within five (5) days of the supplier's determination of such surplus product.

(e) *Additional reports.* Whenever the DOCA considers it necessary for the effective administration of the program it may order any firm to file special or separate reports, setting forth information relating to the DOCA regulations in addition to any other report required by this part.

§ 660.154 Recordkeeping requirements.

(a) *General.* Each firm subject to this part shall keep such records that serve as source for the information submitted under this part.

(b) *Inspection.* Records required to be kept under paragraph (a) of this section, shall be made available for inspection at any time upon the request of a representative of the DOCA.

(c) *Justification.* Upon the request of a representative of the DOCA any supplier which has filed a notice of a proposed method of allocation or makes a sale subject to the allocation regulations of this part shall:

(1) Specify the records that it is maintaining to comply with this paragraph; and

(2) Justify that action pursuant to the allocation provisions of this part.

(d) *Period for keeping records.* Each firm required to keep records under this paragraph shall maintain and preserve those records for at least four (4) years after the last day of the calendar year in which the transaction or other events recorded in the record occurred or the property was acquired by that firm whichever is later.

Subpart E—Prenotification

§ 660.181 Implementation of prenotification.

(a) Upon a finding by the DOCA that the purposes and goals of the allocation program and the Act would be furthered by prenotification of the proposed method of allocation of each petroleum product by each supplier, the DOCA shall issue an order requiring prenotification pursuant to the provisions of this subpart.

(b) The provisions of this subpart are not effective unless implemented by a DOCA order.

§ 660.182 Prenotification.

(a) *Prenotification requirement.* Except as provided in paragraph (b) of this section, each supplier shall file a notice of the proposed method of allocation for each petroleum product with the DOCA fifteen (15) days prior to the beginning of the allocation period in which the proposed sales are to be made.

(b) *Waiver of prenotification.* The prenotification requirements of paragraph (a) of this section do not apply to:

(1) A supplier to the extent he is subject to § 660.103(g), *Provided, however,* That the supplier makes periodic reports pursuant to § 660.153.

(c) *Notification to wholesale purchaser-resellers.* Eighteen (18) days prior to the beginning of each allocation period each supplier shall notify each of its wholesale purchaser-resellers in writing of its allocation entitlement for the next allocation period. Notification will not be considered to have been made until it is received by the wholesale purchaser-reseller.

§ 660.183 Manner of prenotification.

The notice of the proposed method of allocation must be filed with the DOCA by each supplier for each petroleum product in accordance with forms and instructions issued by the DOCA.

§ 660.184 Measure of the prenotification period.

The fifteen (15) day prenotification period will begin on the first day following the date of filing of the proposed allocation method which is not a Friday, Saturday or Sunday.

§ 660.185 DOCA action.

(a) During the fifteen (15) day prenotification period the DOCA may issue an order disapproving, modifying, or suspending a proposed allocation plan in whole or in part.

(1) The DOCA may issue an order disapproving or modifying a proposed allocation plan in whole or in part if it finds:

(i) That the proposed method of allocation does not conform to the rules of this part;

(ii) That if allocation were made pursuant to the plan submitted undue hardship or inequity would result to a particular sector of the economy, or it would be unreasonably inconsistent with the purposes and goals of the Act or regulations; or

(iii) That area imbalances would result due to weather variation, seasonal demand, or other circumstances beyond the control of the sellers or purchasers.

(2) The DOCA may issue an order temporarily suspending the running of the fifteen (15) day prenotification period if it finds that additional information is necessary or that the form was improperly filed.

(b) The DOCA may issue an order directing the surplus product reported pursuant to the provisions of § 660.103(f) be sold to a particular supplier, wholesale purchaser or end-user, be added to the supplier's set-aside volume, or be held in inventory for a specified period of time, in order to meet the purpose and goals and objectives of the Act or regulations.

§ 660.186 Implementation of proposed allocation plan.

(a) If the DOCA does not act upon the proposed allocation plan pursuant to § 660.185 and prior to the first day of the allocation period the plan may be implemented upon the first day of the allocation period.

(b) If the DOCA does not act pursuant to § 660.185 concerning surplus product reported pursuant to § 660.183 the surplus may be sold for consumption in the Commonwealth to any purchaser, at the discretion of the supplier.

(c) Failure of the DOCA to act upon the proposed method of allocation prior to the first day of the allocation period does not constitute approval of the proposal, and nothing in this part shall be construed to limit the authority of the DOCA to modify, suspend or disapprove the continuation of the proposed plan in whole or in part, if the DOCA finds that:

(1) The plan does not conform to the rules of this part; or

(2) The plan would result in undue hardship or inequity to a particular firm or to a particular sector of the economy of the Commonwealth or would be unreasonably inconsistent with the purpose and goals of the Act or the DOCA.

[FR Doc.74-25824 Filed 11-4-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[REG. A]

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

Advances to Member Banks

The Board of Governors has amended § 201.3(b) of its Regulation A (12 CFR 201.3(b)) to modify the authority of Federal Reserve Banks to make advances to member banks on the security of residential mortgages. This action was taken pursuant to the Board's authority to prescribe rules and regulations under section 10(b) of the Federal Reserve Act (12 U.S.C. 347(b)) and Pub. L. 93-449, the Emergency Home Purchase Act of 1974, which recently amended that section of the Act.

The effect of the regulatory amendment is to make the rate on advances secured by one-to-four family mortgages the same as the basic discount rate applicable to loans secured by eligible collateral as defined in the Federal Reserve Act. Advances secured by such mortgages were formerly made at a rate at least one-half of one percentage point above the basic discount rate.

There was no notice, public participation, and deferred effective date with respect to this amendment because the Board determined that such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. See § 262.2(e) of the Board's rules of procedure (12 CFR § 262.2(e)).

Effective immediately, the Board has amended § 201.3(b) of its regulation A (12 CFR 201) to read as follows:

§ 201.3 Advances to member banks.

* * * * * *

(b) *Advances on other security.* A Reserve Bank may make advances to a member bank for not more than four months if secured to the satisfaction of the Reserve Bank, whether or not secured in conformity with § 201.3(a), but the rate on such advances shall be at least one-half of one percent per annum higher than the rate applicable to advances under § 201.3(a). *Provided, however,* That advances under this paragraph, when secured by mortgages on one-to-four family residential property, shall be at a rate equal to the rate applicable to advances made under § 201.3(a).

By order of the Board of Governors, October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25777 Filed 11-4-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER-881; Amdt. 32]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Fuel Surcharge Provisions

In accordance with established procedures and methodology, the Board having completed its review of commercial fuel prices for foreign and overseas MAC air transportation services as of October 1, 1974, is herein amending the surcharge provisions in Part 288 of its Economic Regulations (14 CFR Part 288) applicable to the rates established for those services.[1] As described below, separate surcharges will be established for the period October 1 through October 28, and for the period beginning October 29.

October 1–28 surcharge. We have compared fuel-price information reported as of October 1, 1974 with the base-period fuel costs for the year ended December 31, 1973. Based on the computations set out in Appendices A and B,[2] we will amend the fuel surcharge rates effective for the period October 1 through October 28 as follows: the long-range Category B and Category A rate from 11.39 to 11.30 percent, the Pacific interisland short-range Category B rate from 2.52 to 2.53 percent, and the "all other" short-range Category B rate from 4.97 to 5.31 percent.

Surcharge for period beginning October 29. By ER-870, October 22, 1974, the Board adopted revised interim rates, based upon a review of the carriers' reported operating results for fiscal year 1974 MAC operations, to be effective prospectively from October 29, 1974. The substitution of fiscal year 1974 for calendar 1973 as the base period for interim rate purposes requires a corresponding adjustment of the surcharge rates, since the surcharge is based upon reported fuel-price changes as of the first of each month compared with the average price of fuel consumed in the base period.

Appendices C and D[3] set forth the results of our comparison of reported fuel price changes as of October 1, with base-period fuel costs for fiscal year 1974 operations. Based upon these computations, we will revise the surcharge rates adopted above effective on and after October 29, 1974, as follows: the long-range Category B rate and Category A rate from 11.30 to 5.73 percent, the Pa-

[1] See ER-879 October 22, 1974, and ER-867 July 31, 1974.

[2] Appendices A and B filed as part of original document.

[3] Appendices C and D filed as part of original document.

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cific interisland short-range Category B rate from 2.53 to 1.53 percent, and the "all other" short-range Category B rate from 5.31 to 3.18 percent. In accordance with established procedure, these surcharge rates will be effective as final rates through October 31, and become temporary rates on and after November 1, 1974, subject to adjustment either upward or downward, based upon our review of reported fuel-price changes as of November 1.

For the reasons set forth above and consistent with established procedure, we find good cause exists to make the within final and temporary rates effective on less than thirty (30) days' notice.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) as follows:

1. Amend § 288.7(a)(1) by amending the second proviso following the tables, and by amending the proviso of paragraph (d) to read as follows:

§ 288.7 Reasonable level of compensation.

• • • • •

(a) • • •

(1) • • •; *And, Provided further,* That (i) effective October 1 through October 28, 1974, the total minimum compensation pursuant to the rates specified in paragraph (a)(1) of this section for (*a*) services performed with regular jet, wide-bodied jet, and DC–8F–61–63 aircraft, (*b*) Pacific interisland services performed with B–727 aircraft, and (*c*) all other services performed with B–727 aircraft shall be further increased by surcharges of 11.30 percent, 2.53 percent and 5.31 percent, respectively; (ii) effective October 29 through October 31, 1974, the total minimum compensation pursuant to the rates specified in paragraph (a)(1) of this section for (*a*) services performed with regular jet, wide-bodied jet, and DC–8F–61–63 aircraft, (*b*) Pacific interisland services performed with B–727 aircraft, and (*c*) all other services performed with B–727 aircraft shall be further increased by surcharges of 5.73 percent, 1.53 percent and 3.18 percent, respectively; and (iii) on and after November 1, 1974, the total minimum compensation pursuant to the rates specified in paragraph (a)(1) of this section for (*a*) services performed with regular jet, wide-bodied jet, and DC–8F–61–63 aircraft, (*b*) Pacific interisland services performed with B–727 aircraft, and (*c*) all other services performed with B–727 aircraft shall be further increased by temporary surcharges of 5.73 percent, 1.53 percent, and 3.18 percent, respectively, subject to amendment (upward or downward) upon final determination by the Board.[4]

• • • • •

(d) For Category A transportation • • •

(2) • • •

Provided, however, That (i) effective October 1 through October 28, 1974, the total minimum compensation specified in paragraph (d) (1) and (2) of this section shall be further increased by a surcharge of 11.30 percent; (ii) effective October 29 through October 31, 1974, the total minimum compensation specified in paragraph (d) (1) and (2) of this section shall be further increased by a surcharge of 5.73 percent; and (iii) on and after November 1, 1974, the total minimum compensation specified in paragraph (d) (1) and (2) of this section shall be further increased by a temporary surcharge of 5.73 percent, subject to amendment (upward or downward) upon final determination by the Board.

• • • • •

(Sec. 204, 403 and 416 of the Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758 and 771, as amended; (49 U.S.C. 1324, 1373 and 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25806 Filed 11-4-74;8:45 am]

[4] The surcharge provisions for services performed with B–727 aircraft will be applied to all other common-rated aircraft types.

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

EXPORT LICENSES AND OTHER PROCEDURES

Miscellaneous Amendments

Simplification of export license transfer procedure. The provisions of the Export Administration Regulations relating to transfer of licenses to another party have been revised to simplify Office of Export Administration requirements. Exporters may now submit a single request to transfer five or more licenses and individual requests to transfer less than five licenses. Previously, a single request was limited to fifteen or more licenses and individual requests were necessary to transfer less than fifteen licenses.

The single request to transfer five or more licenses shall be submitted by letter in accordance with the provisions of § 372.13(c)(2); the individual requests for transfer of less than five licenses are to be submitted on sparate Forms IA–763, Request For and Notice of Amendment Action, in accordance with the provisions of § 372.13(c)(1).

Effective date of action: November 1, 1974.

Accordingly, the Export Administration Regulations (15 CFR Part 372) are amended by revising paragraphs (a), (c), and (e) of § 372.13 as follows.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

§ 372.13 Special provisions for transfer of licenses to another party.

(a) *Authorization.* An export license shall not be transferred from the designated licensee to any other party except by prior written authorization of the Office of Export Administration.

• • • • •

(c) *Information from Transferor and Form of Request.* (1) *Less than 5 licenses.* When requesting the transfer of less than 5 outstanding licenses, the original licensee shall submit:

(i) A completed Form IA–763, Request for and Notice of Amendment Action (see Supplement 8–4 for facsimile), in duplicate, for each license. In the space entitled "Facts Necessitating Amendment" on Form IA–763, give the reasons for the requested transfer and state whether or not any consideration has been, or will be, paid for the transfer. Show the name and address of the proposed transferee in the space entitled "Amend License to Read as Follows";

(ii) A signed letter from the person or firm to whom the license(s) is (are) to be transferred as required by paragraph (d) of this section; and

(iii) The following certification:

The undersigned hereby certifies that, if license number(s) ____ is (are) transferred in accordance with my (our) request, any and all documents evidencing the order covered by this (these) license(s) will be made available upon demand and will be retained by me (us) for a period of two years from the time of the export from the United States, or any known reexport, transshipment, or diversion, or any other termination of the transaction whether formally in writing or by any other means, whichever is later. The undersigned will promptly report to the Office of Export Administration any material or subetantive changes in the terms of the order and any other facts of the export transaction known or reported to the undersigned at any future time by any party to the export transaction.

Signature of transferor)

(By)

(Title)

(Date)

(2) *Five or more licenses.* When a transfer would affect 5 or more outstanding licenses, the original licensee shall submit a written request, in duplicate, for such transfer containing the following information:

(i) Either a list of the case numbers and outstanding license numbers or a statement that all outstanding licenses in the name of the licensee are to be transferred, and the total number of such outstanding licenses;

(ii) A list showing the case numbers (if known), the applicant's reference numbers, and other information identifying applications pending in the Office of Export Administration that are to be transferred;

(iii) Name and address of the proposed transferee;

(iv) Facts necessitating transfer;

(v) A statement as to whether any consideration has been, or will be, paid for the transfer; and

(vi) The certification set forth in paragraph (c)(1)(iii) of this section.

(3) *Retention of licenses pending Office of Export Administration action.* Unless instructed otherwise by the OEA, the applicant will retain the license(s) pending notification by the OEA of the action taken. If the request is approved, the transferor shall forward the license(s) to the transferee together with, or to be joined with, the pertinent validated documentation furnished by the Office of Export Administration. If the transfer request is disapproved, the license(s) shall either be returned to the Office of Export Administration or used by the original licensee if he so chooses and has retained the legal and operational capacity fully to meet the responsibilities imposed by the license.

(4) *Additional proof.* In addition to the information required under paragraph (c)(1) and (2) of this section, the original licensee must identify by name the legal document (certificate, agreement, etc.) or other authority by which the new firm name is legally established, the new corporation or firm created, or the assets transferred, showing the effective date of such document and the state where filed or recorded.

• • • • •

(e) *Notification of transfer*—(1) *Less than 5 licenses.* When a request for the transfer of less than 5 outstanding licenses is approved, the Office of Export Administration will validate all copies of approved Form(s) IA–763 by imprinting, in the space entitled "Validation," a facsimile of the U.S. Department of Commerce seal followed by the letter "D" and a series of numbers indicating the year, month, and day of validation. A copy will be forwarded to the individual named in the space entitled "Return Copy of Amendment Notice To." If the request is returned without action, the reason(s) therefore will be indicated on Form IA–763A. Advice on Amendment Request Returned Without Action. All copies of Form IA–763A, plus any attachments, will be returned to the individual named in the space entitled "Return Copy of Amendment Notice To." Any transfer request returned without action may be resubmitted on the same set of Forms IA–763 where corrections or documents are required. If the changes are extensive, a complete new set of Forms IA–763 must be submitted. If a request is rejected, the reason(s) therefor will be indicated on the duplicate copy of Form IA–763, and such copy, plus any attachments, will be returned to the individual named in the space entitled "Return Copy of Amendment Notice To."

(2) *Five or more licenses.* When a request to transfer 5 or more outstanding licenses is approved, the Office of Export Administration will notify the transferor by returning to him a validated copy of his request. If a request is rejected or returned without action, the reason will be shown in a letter to the original licensee.

PART 373—SPECIAL LICENSING PROCEDURES

Addition to the lists of commodities excluded from certain special license procedures. The lists of commodities excluded from the Project License, Distribution License, Service Supply License, and Foreign-Based Warehouse License procedures are revised to add Nuclear reactor fuel fabrication machinery and equipment, n.e.c., and specially designed parts and accessories, n.e.c. (Export Control Commodity No. 71980 (22*a*).

As a result of this revision, the above commodity may no longer be exported under the Project, Distribution, Service Supply, or Foreign-Based Warehouse licensing procedures.

Effective date of action: November 8, 1974.

§ 373.4 and Supplement No. 1 [Amended]

Accordingly, the *Export Administration Regulations* (15 CFR Part 373) are amended by adding an entry numbered 71980 before the first entry under 7199 in § 373.4(b) and an entry numbered 71980 (22*a*) before the first entry under 7199 in Supplement No. 1 to Part 373, both entries to read as follows:

"Nuclear reactor fuel fabrication machinery and equipment, n.e.c., and specifically designed parts and accessories, n.e.c."

PART 374—REEXPORTS

Shipment of U.S.-origin commodities from a foreign country to the United States or from a foreign country to Canada. The *Export Administration Regulations* are revised to make clear that no written authorization is required for reexport of a U.S.-origin commodity from a foreign country to the United States. Also, no written authorization is required for reexport of a U.S.-origin commodity from a foreign country to Canada if the commodity could be exported from the United States to Canada without a validated license.

Effective date of action: November 1, 1974.

Accordingly, the *Export Administration Regulations* (15 CFR Part 374) are amended by adding new §§ 374.2(h) and (i) as follows:

§ 374.2 Permissive reexports.

• • • • •

(h) Reexports (*return*) to the United States of any commodity.[4]

(i) Reexports to Canada of any commodity if the commodity could be exported to Canada from the United States without a validated license.[4]

[4] If the reexporting party requests written authorization because the government of the country from which reexport will take place requires formal U.S. Government approval, such authorizations will generally be issued.

PART 375—DOCUMENTATION REQUIREMENTS

Increasing the Validity Period of the Single Transaction Statement by Consignee and Purchaser. Section 375.2(e)(6) of the Export Administration Regulations states that a "Single Transaction Statement by Consignee and Purchaser," Form DIB–626P or FC–842, will remain valid and may be submitted to the Office of Export Administration in support of a validated license application within a period of 90 days after the date it was signed by the consignee or by the purchaser, whichever is later. The purpose of this revision is to increase the validity period of Form DIB–626P or FC–842 from the present 90 days to 180 days from the date of signature by the consignee or by the purchaser.

Effective date of action: November 1, 1974.

Accordingly, the Export Administration Regulations (15 CFR Part 375) are amended by revising the second sentence of § 375.2(e)(6) to read as follows:

§ 375.2 Ultimate consignee and purchaser statement.

(e) • • •

(6) • • • The period within which the statement may be submitted to the Office of Export Administration is limited to 180 days after it is signed by the consignee or by the purchaser, whichever date is later.

• • • • •

PART 386—SPECIAL COMMODITY POLICIES AND PROVISIONS

Shipments against expiring license. The Export Administration Regulations state in § 386.2(b)(1) that if commodities are laden aboard an exporting carrier or are located on a pier and are ready for lading prior to midnight of the expiration date of the license, the commodities may depart with the vessel even though the vessel does not clear until after the expiration date. This section is clarified to indicate that the procedure is applicable only if the vessel was at the pier ready for loading prior to the expiration date of the license and the cargo had been booked for that vessel.

There has been no change in the additional provision that the Office of Export Administration or the customs office may permit shipment after the expiration of a license if the vessel was scheduled to arrive on time but was delayed by exceptional and unforeseen circumstances.

Effective date of action: November 1, 1974.

Accordingly, the Export Administration Regulations (15 CFR Part 386) are amended by revising § 386.2(b)(1) to read as follows:

§ 386.2 Use of validated license.

• • • • •

(b) *Shipments against expiring license*—(1) *Commodities ready for loading or laden.* (i) Commodities may depart with the exporting vessel even though the vessel does not clear until after the expiration of the license, provided that prior to midnight of the expiration date of the license, the commodities: (*a*) were laden aboard the vessel; or (*b*) were located on a pier ready for loading and and not for storage, and were booked for a vessel that at the pier ready for loading.

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(ii) In addition, when the vessel is expected to be available at the pier for loading before the license expires, but exceptional and unforeseen circumstances delay it, the commodities may be exported without an extension of the license, if in the judgment of the customs office, or the Office of Export Administration, undue hardship would otherwise result.

* * * * *

PART 368—U.S. IMPORT CERTIFICATE AND DELIVERY VERIFICATION PROCEDURE

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

Revision in list of district offices authorized to amend export licenses and validate import certificates. The Domestic and International Business Administration, U.S. Department of Commerce, has changed the status of its office in Jacksonville, Florida from a District Office to a satellite office of the Miami, Florida District Office. Certain functions have been assumed by the Miami office, including the authority to amend export licenses and validate Import Certificates.

Therefore, exporters who would have requested amendment of a license from the Jacksonville office under the provisions of § 372.11(g) of the *Export Administration Regulations*, should now make this request of the Miami District Office, or the Office of Export Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230. Requests to validate Import Certificates should be handled similarly.

Effective date of action: November 1, 1974.

§§ 368.2 and 372.11 [Amended]

Accordingly, the *Export Administration Regulations* (15 CFR Parts 368 and 372) are amended by deleting the name "Jacksonville" from §§ 368.2(a)(2) and 372.11(g).

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74-25748 Filed 11-4-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 46—SHELLED NUTS

Fill of Container for Shelled Nuts in Rigid and Semirigid Containers; Confirmation of Effective Date of Order

An order was published in the FEDERAL REGISTER of July 22, 1974 (39 FR 26632), amending the standard of fill of container for shelled nuts in rigid and semirigid containers (21 CFR 46.52) to provide for determining the volume of cylindrical fiber-bodied containers intended as an alternative to metal cans. Anyone who would be adversely affected by the order was given until August 21, 1974, to file objections with the Hearing Clerk.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed to the subject order. Accordingly, the amendment promulgated by that order became effective on September 20, 1974.

Dated: October 29, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-25741 Filed 11-4-74;8:45 am]

PART 51—CANNED VEGETABLES

Canned Corn; Order To Delete Certain Optional Styles of Pack and Declaration of Yellow Color Type; Correction

In FR Doc. 74-22092 appearing at page 34268 in the FEDERAL REGISTER of Tuesday, September 24, 1974, in the center column, the 19th line reading "paragraphs (b) and (e)(4) to read as" is changed to read "paragraphs (b) and (d)(4) to read as" and § 51.20 *Canned corn, canned sweet corn, canned sugar corn; identity; label statement of optional ingredients* is corrected by changing paragraph "(e) * * *" to read "(d) * * *."

Dated: October 29, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-25742 Filed 11-4-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Megestrol Acetate Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-603V) filed by Schering Corp., Bloomfield, NJ 07003, proposing safe and effective use of megestrol acetate tablets, veterinary in the management of estrus and false pregnancy in female dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.135 Megestrol acetate tablets, veterinary.

(a) *Specifications.* Each tablet contains 5 or 20 milligrams of megestrol acetate.

(b) *Sponsor.* Code No. 032 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) The drug is used in female dogs for the postponement of estrus and the alleviation of false pregnancy.

(2) It is administered orally, intact, or crushed and mixed with food as follows:

(i) For the postponement of estrus by proestrus treatment, 1 milligram per pound of body weight per day for 8 days.

(ii) For the postponement of estrus by anestrus treatment, 0.25 milligram per pound of body weight per day for 32 days.

(iii) For alleviation of false pregnancy, 1 milligram per pound of body weight per day for 8 days.

(3) Full dosage regimen must be completed to produce the desired effect.

(4) Examination of vaginal smears is recommended to confirm detection of proestrus.

(5) Do not administer for more than two consecutive treatments.

(6) Once therapy is started, the animal should be confined for 3 to 8 days or until cessation of bleeding, since dogs in proestrus accept a male.

(7) Do not use prior to or during first estrus cycle.

(8) Do not use in pregnant animals.

(9) Do not use in the presence of a disease of the reproductive system or with mammary tumors.

(10) Should estrus occur within 30 days after cessation of treatment, mating should be prevented.

(11) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective November 5, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(i).)

Dated: October 29, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-25743 Filed 11-4-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Piperazine Citrate Capsules, Veterinary

The Commissioner of Food and Drugs has evaluated new animal drug applications (92-709V and 92-710V) filed by A. H. Robins Co., Inc., 1211 Sherwood Ave., Richmond, VA 23220, proposing safe and effective use of piperazine citrate capsules, veterinary, as an anthelmintic in dogs and cats. The applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 511(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section to read as follows:

§ 135c.127 Piperazine citrate capsules, veterinary.

(a) *Specifications.* Piperazine citrate capsules, veterinary, contain piperazine citrate equivalent to 140 milligrams of piperazine base in each capsule.

(b) *Sponsor.* See code No. 060 in § 135.501(c) of this chapter.

(b) *Conditions of use.* (1) It is used in dogs and cats for the removal of large roundworms (*Toxocara canis* and *Toxascaris leonina*).

(2) The contents of 1 capsule should be mixed with the food of the animal for each 5 pounds, or fraction thereof of body weight, except dogs weighing over 25 pounds should be given the contents of 6 capsules. The drug should be mixed in ½ of the regular feeding and when the animal has finished eating the dosed food, the remainder of the food may be given. Dogs and cats may be wormed at 6 to 8 weeks of age. The first treatment should be repeated 10 days later. Reinfection may occur. Repeat treatment if indicated.

(3) Severely debilitated animals should not be wormed except on the advice of a veterinarian.

Effective date. This order shall be effective November 5, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: October 29, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-25740 Filed 11-4-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Robenidine Hydrochloride

An order was published in the FEDERAL REGISTER of April 26, 1974 (39 FR 14697), amending § 135e.66 (21 CFR 135e.66) to provide approval for use of robenidine hydrochloride with roxarsone in broiler or fryer chicken feeds. An amendment to the regulation, published in the FEDERAL REGISTER of June 12, 1974 (39 FR 20593), provided an additional combination with lincomycin inadvertently deleting the previous approval. An additional amendment to the regulation, published in the FEDERAL REGISTER of September 13, 1974 (39 FR 32983), provided three additional uses in combination with chlortetracycline but failed to take into account the combination previously deleted.

This order reestablishes the use of robenidine hydrochloride with roxarsone, renumbers the subsequent items, and republishes the "Conditions of use" under 21 CFR 135e.66(f) as currently approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 135e.66(f) is revised to read as follows:

§ 135e.66 Robenidine hydrochloride.

* * * * * *

(f) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Robenidine hydrochloride.	30 (0.0033%)			For broiler or fryer chickens only; do not feed to layers; feed continuously as the sole ration; withdraw 5 days prior to slaughter.	As an aid in the prevention of coccidiosis caused by *Eimeria mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix.*
2. Robenidine hydrochloride.	30 (0.0033%)	Roxarsone (3-nitro-4-hydroxy-phenylarsonic acid).	45.4 (.005%)	For broiler or fryer chickens only; do not feed to layers; feed continuously as the sole ration; withdraw 5 days prior to slaughter; as sole source of organic arsenic. Roxarsone provided by sponsor No. 031, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *Eimeria mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix* and increased rate of weight gain.
3. Robenidine hydrochloride.	30 (0.0033%)	Lincomycin	2	For floor-raised broiler or fryer chickens only; do not feed to laying hens; feed continuously as the sole ration; withdraw 5 days before slaughter; lincomycin as provided by code No. 037, § 135.501(c) of this chapter; approval for this combination granted to firm No. 037 as identified in § 135.501(c) of this chapter.	For increase in rate of gain and improved feed efficiency and as an aid in prevention of coccidiosis caused by *Eimeria mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix.*
4. Robenidine hydrochloride.	30 (0.0033%)	Chlortetracycline.	100	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; do not feed to layers, feed continuously as sole ration; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the control of chronic respiratory disease (CRD) caused by *M. gallisepticum* susceptible to chlortetracycline; as an aid in the control of infectious synovitis caused by *M. synoviae* susceptible to chlortetracycline.
5. Robenidine hydrochloride.	30 (0.0033%)	Chlortetracycline.	200	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; do not feed to layers; feed continuously as sole ration; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the treatment of infectious synovitis caused by *M. synoviae* susceptible to chlortetracycline; as an aid in the control of chronic respiratory disease (CRD) caused by *M. gallisepticum* susceptible to chlortetracycline.
6. Robenidine hydrochloride.	30 (0.0033%)	Chlortetracycline.	500	For broiler or fryer chickens only; withdraw 5 days prior to slaughter; do not feed to layers; not to be fed continuously for more than 5 days; as chlortetracycline hydrochloride provided by sponsor No. 004, see § 135.501(c) of this chapter.	As an aid in the prevention of coccidiosis caused by *E. mivati, E. brunetti, E. tenella, E. acervulina, E. maxima,* and *E. necatrix;* as an aid in the reduction of mortality due to *E. coli* susceptible to chlortetracycline.

Effective date. This order shall be effective November 5, 1974.

(Sec. 512(i), 82 Stat. 347, 21 U.S.C. 360b(i).)

Dated: October 24, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-25593 Filed 11-4-74;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

REQUIREMENTS FOR APPROVAL OF STATE POSTERS

On July 24, 1974, notice was published in the FEDERAL REGISTER (39 FR 26914) concerning proposed rules under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) (hereinafter called the Act) for requirements for State posters informing employers and employees of certain protections and obligations under both State and Federal law in States with approved plans.

After consideration of the relevant material which was submitted by interested persons, the proposal is hereby adopted with some changes. The significant changes include: (1) a revised minimum size requirement for reproductions of the Federal and State posters of 8½ inches by 14 inches and a requirement for a caption of not less than 36 pt. for the poster to assure that it will be large enough to attract the attention of employees; (2) a mandatory requirement that a State substitute its poster

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for the Federal poster with a provision for a State to request approval of an alternative method of informing employees of their protections and obligations that meets the requirements of 29 CFR 1902.4(c)(2)(iv); and (3) clarification on the applicability of the regulation to operational State plans. As stated in § 1952.10(a)(2) of the regulation and the conforming amendment to § 1954.3(d)(1) of this chapter, the requirements for the approved State poster are only applicable in those States that have attained operational status as defined in § 1954.3(b) of this chapter which incorporates the legal authority to include the requirements of this regulation on the State poster. Where a State has distributed its poster and has the necessary enabling legislation as defined in § 1954.3(b)(1) of this chapter but becomes nonoperational as to one or more occupational safety and health issues because of failure to be at least as effective as the Federal program, the the approved State poster may, at the discretion of the Assistant Secretary, continue to be substituted for the Federal poster.

Changes to the proposed regulations were not considered necessary or appropriate in the following instances:

1. *Coverage of issues.* It is necessary for a State to include issues not covered by its plan on the poster because in most cases, the workplace will contain hazards in these issues as well as issues covered by the State plan. This is most apparent where a State does not cover an issue such as occupational health. (See Virgin Islands decision, 29 CFR 1952.250(a), 38 FR 24896.) In such a case it is important that employees be notified that responsibility for that issue remains with the Federal government. This requirement will not be necessary in most States since they cover all of the issues covered by Federal standards.

2. *Clarification of certain requirements*—(a) *Prompt notice of violations.* One comment asked for a clarification of the language requiring "prompt notice to employers and employees when alleged violations occur." This language summarizes the Federal poster requirements for information on issuance of citations and proposed penalties.

(b) *Discrimination complaints.* In order to provide effective notice of the employee's right to file a discrimination complaint under Federal and State law, the poster should state briefly the existence of the right and that an employee has a certain specified period of time (30 days under the Act) to file a complaint with the Federal and/or State office at the addresses contained in the poster.

In consideration of the foregoing, Chapter XVII of Title 29, Code of Federal Regulations is amended to read as follows:

PART 1903—INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

1. Section 1903.2(a) is renumbered to read § 1903.2(a)(1) and § 1903.2(a)(2) and (3) as adopted read as follows.

§ 1903.2 Posting of notice; availability of the Act, regulations and applicable standards.

(a)(1) • • •

(2) Where a State has an approved poster informing employees of their protections and obligations as defined in § 1952.10 of this chapter, such poster, when posted by employers covered by the State plan, shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. Employers whose operations are not within the issues covered by the State plan must comply with paragraph (a)(1) of this section.

(3) Reproductions or facsimiles of such Federal or State posters shall constitute compliance with the posting requirements of section 8(c)(1) of the Act where such reproductions or facsimiles are at least 8½ inches by 14 inches, and the printing size is at least 10 pt. Whenever the size of the poster increases, the size of the print shall also increase accordingly. The caption or heading on the poster shall be in large type, generally not less than 36 pt.

• • • • •

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

2. Section 1952.10 in Subpart A of Part 1952 as adopted, reads as follows:

§ 1952.10 Requirements for approval of State posters.

(a)(1) In order to inform employees of their protections and obligations under applicable State law, of the issues not covered by State law, and of the continuing availability of Federal monitoring under section 18(f) of the Act, States with approved plans shall develop and require employers to post a State poster meeting the requirements set out in paragraph (a)(5) of this section.

(2) Such poster shall be substituted for the Federal poster under section 8(c)(1) of the Act and § 1903.2 of this chapter where the State attains operational status for the enforcement of State standards as defined in § 1954.3(b) of this chapter.

(3) Where a State has distributed its poster and has enabling legislation as defined in § 1954.3(b)(1) of this chapter but becomes nonoperational under the provisions of § 1954.3(f)(1) of this chapter because of failure to be at least as effective as the Federal program, the approved State poster may, at the discretion of the Assistant Secretary, continue to be substituted for the Federal poster in accordance with paragraph (a)(2) of this section.

(4) A State may, for good cause shown, request, under 29 CFR Part 1953, approval of an alternative to a State poster for informing employees of their protections and obligations under the State plans, provided such alternative is consistent with the Act, 29 CFR 1902.4(c)(2)(iv) and applicable State law. In order to qualify as a substitute for the Federal poster under this paragraph, such alternative must be shown to be at least as effective as the Federal poster requirements in informing employees of their protections and obligations and address the items listed in paragraph (a)(5) of this section.

(5) In developing the poster, the State shall address but not be limited to the following items:

(i) Responsibilities of the State, employers and employees;

(ii) The right of employees or their representatives to request workplace inspections;

(iii) The right of employees making such requests to remain anonymous;

(iv) The right of employees to participate in inspections;

(v) Provisions for prompt notice to employers and employees when alleged violations occur;

(vi) Protection for employees against discharge or discrimination for the exercise of their rights under Federal and State law;

(vii) Sanctions;

(viii) A means of obtaining further information on State law and standards and the address of the State agency;

(ix) The right to file complaints with the Occupational Safety and Health Administration about State program administration;

(x) A list of the issues as defined in § 1902.2(c) of this chapter which will not be covered by State plan;

(xi) The address of the Regional Office of the Occupational Safety and Health Administration; and

(xii) Such additional employee protection provisions and obligations under State law as may have been included in the approved State plan.

(b) Posting of the State poster shall be recognized as compliance with the posting requirements in section 8(c)(1) of the Act and § 1903.2 of this chapter, provided that the poster has been approved in accordance with Subpart B of Part 1953. Continued Federal recognition of the State poster is also subject to pertinent findings of effectiveness with regard to the State program under 29 CFR Part 1954.

PART 1954—PROCEDURES FOR THE EVALUATION AND MONITORING OF APPROVED STATE PLANS

3. Section 1954.3 is amended by adding a new paragraph (d)(1)(ii) and as adopted, reads as follows:

§ 1954.3 Exercise of Federal discretionary authority.

• • • • • •

(d)(1) • • •

(ii) Subject to pertinent findings of effectiveness under this part, and approval under Subpart B and F of Part 1953, Federal enforcement proceedings will not be initiated where an employer has posted the approved State poster in accordance with the applicable provisions of an approved State plan and § 1952.10 of this chapter.

• • • • • •

Effective date: These amendments to 29 CFR Parts 1903, 1952, and 1954 shall be effective on November 5, 1974.

(Secs. 6, 18; Pub. L. 91-596, 84 Stat. 1598, 1608; (29 U.S.C. 657, 667))

Signed at Washington, D.C. this 30th day of October, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-25735 Filed 11-4-74;8:45 am]

PART 1952—APPROVED STATE PLANS FOR ENFORCEMENT OF STATE STANDARDS

Approval of Arizona Plan

1. *Background.* Part 1902 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) whereby States may submit for approval, under the requirements of this section, plans to assume responsibility for the development and enforcement of State occupational safety and health standards.

The Ariona Plan was first submitted to the Assistant Secretary on September 5, 1972. Initial review of the plan raised several significant issues which placed the approval of the plan in serious doubt. Among these issues were the lack of first instance sanctions for serious and nonserious violations, lack of an informal review procedure if compliance action is not taken following an employee complaint and the plan's provision for the exemption of employers from compliance if they have requested on-site consultation until after the consultation activities have taken place. Also, sanctions were not comparable to the Federal ones in some respects.

Because of these and other defects, the State was notified that its plan would be subject to disapproval. Following this notice, on October 11, 1973, the State requested that it be given an opportunity to correct the deficiencies and requested that the Assistant Secretary postpone his decision on the disapproval of the plan. These requests were granted.

On August 6, 1974, the State resubmitted its plan and on August 23, 1974, a notice was published in the FEDERAL REGISTER (39 FR 30559) concerning the resubmission of the plan to the Assistant Secretary and the fact that the question of approval was in issue before him. No written comments were received concerning the revised plan and there were no requests for an informal hearing.

The plan identifies the Arizona Industrial Commission, Division of Occupational Safety and Health, as the State agency designated to administer the plan throughout the State. It defines the covered occupational safety and health issues as defined by the Secretary of Labor in § 1902.2(c)(1) of Chapter XVII, Title 29, Code of Federal Regulations. The plan includes legislation passed by the Arizona Legislature during its 1974 Session which became effective on August 10, 1974. The plan further includes proposed draft amendments to its enabling legislation. The proposed amendments are accompanied by a statement of the designee's support for them. Normally, support for such legislative amendments is required from the Governor of the affected State. However, at this time the Governorship of Arizona is the subject of an election on November 5, 1974 and the present Governor will not be succeeding himself and accordingly cannot give his support to the necessary amendments. In addition, the terms of the present members of the Industrial Commission expire at the end of the Governor's term. However, the designee, who is not a political appointee, and who has responsibility for recommending the Commission's legislative program has assured the Department he will secure the necessary changes during the next legislative session. Under the circumstances, this Department has agreed to waive the normal requirement for the Governor's support of such legislation, but if there is a failure by the designee to secure the necessary amendments such failure will result in a reconsideration of the approval of this plan.

2. *Issues.* This Department's review of the plan raised several significant issues which have been addressed by Arizona in supplementary letters submitted to the Office of Regional Programs of the Occupational Safety and Health Administration on October 15, 18, and 24, 1974, which clarified and modified the plan and are incorporated as part of the plan.

a. *Sanctions.* The sanctions proposed by Arizona presented some substantial differences compared to those at the Federal level. First, a nonserious violation was defined as one "which does not constitute a serious violation but which violates a standard or regulation and has a direct or immediate relationship to safety or health, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of such condition or practice." A.R.S. 23-401(1). This definition requires knowledge of a violation by an employer before he can be subject to sanctions. In addition, this definition places a greater burden of proof on the State than is required under the Federal Act. The standard of proof for nonserious violations required under the Arizona scheme is accordingly less effective than under the Federal scheme. To rectify this situation, the State has promised to amend its enabling legislation by deleting the phrase "unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of such condition or practice."

In addition, the imposition of sanctions for willful or repeated violations, serious violations, willful death violations and nonserious violations appeared to be limited to violations of the general duty clause and to violations of standards, whereas under the Federal Act such violations encompass any provisions of the Act. To correct this potential loophole, the State has agreed to amend those provisions of its enabling legislation, A.R.S. § 29-418, to provide that the above sanctions shall apply to any provisions of the Act rather than just the general duty clause or violations of standards alone.

b. *Regulations and standards.* Substantial confusion arose during our review of the plan concerning Arizona's definitions of standards and regulations. Standards are defined as national consensus standards or Federal standards and regulations are defined as regulations governing places of employment formulated pursuant to A.R.S. 23-410. In case of conflict, the regulations are to take precedence over standards A.R.S. 23-410(D). Under normal circumstances, regulations and standards are defined as distinct components. However, under the Arizona scheme, these definitions are all-inclusive, the difference being that standards under the Arizona definition include Federal standards and the adoption of Federal regulations, such as 29 CFR Part 1903, where applicable. Regulations are to include standards promulgated by the State as well as regulations, as the term is commonly understood. Where a "regulation" conflicts with a "standard," the regulation shall take precedence.

It was also feared that the precedence of a regulation over a standard might result in a less effective system of standards. However, the State has committed itself to maintaining standards which will be at least as effective as the Federal standards. However, the application of such definitions will be subject to close scrutiny in the periodic evaluation of the plan by the Department, particularly in those cases where regulations supersede standards.

c. *Standards.* Our review discerned some concern over the absence of a "working life" definition in the Arizona provisions relating to the promulgation of standards for toxic substances. As indicated in the Kentucky Decision (38 FR 20322), where a State's enabling legislation provides detailed provisions pertaining to employee rights or practices, it is imperative that such protections be all-inclusive. 29 CFR 1902.3(b)(2)(i) requires that State standards dealing with toxic substances or harmful physical agents "adequately assure that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life • • •." To rectify this defect, the State has committed itself to seeking a technical amendment to its enabling legislation to provide for such a working life definition during the 1975 Session of the State Legislature.

d. *Inspections in response to employee complaints.* Section 23-408(E) provides that "employees or representatives of employees who believe that a violation of a safety or health standard or regulation exists • • • may request an investigation by giving notice to the Director [of the OSH Division] or his authorized

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representative • • •." Section 8(f)(1) of the Federal Act provides that employees or their representatives may request an inspection. The use of the term "investigation" by Arizona presented a problem of interpretation since an investigation does not necessarily include an inspection of the violative condition. It may be limited to a pro forma response to the validity of a complaint, for instance. At any rate, Arizona has provided specific assurances that the term investigation is to be understood as including an inspection of the violative condition.

e. *Advance notice.* A.R.S. 23-408 provides that "[n]otice of an intended inspection shall not be given to an employer prior to the time of actual entry upon the property • • •." The key word in this section is "property." Property implies that the place to be inspected is the property, as opposed to the worksite, of an employer. This may pose problems where an employer does not own or control the property, such as contractors and subcontractors. To rectify this defect, the State will propose a legislative amendment to be submitted to the State Legislature during its 1975 Session which would replace the word "property" with "worksite."

f. *Employee participation in the review process.* Interested parties are permitted to participate in the review of citations and violations under the Arizona Plan. However, an interested party, under A.R.S. 23-401(10) does not appear to include employees. The designee inadvertently failed to amend its legislation during the 1974 Session of the Legislature. The Industrial Commission has committed itself to seeking a technical amendment to its enabling legislation which will provide for employee participation in the review process.

g. *Designee's right to compel entry.* As originally submitted, the State plan did not appear to provide adequate authority to compel entry to a worksite if entry was refused. This situation has been clarified by the State in that a search warrant may be issued to compel entry under A.R.S. § 13-1442(5). That section provides that a search warrant may be issued "when the property is to be searched • • • in the interest of the public health, safety or welfare as part of an inspection program authorized by law." This provision appears to be adequate for the purposes of compelling entry under the Arizona program. However, if the State experiences any difficulty in the administration of this provision, it will be required to make the necessary changes to bring its provision for compelling entry into conformity with the requirements of § 1903.3(e).

3. *Decision.* After careful consideration of the Arizona Plan by this Department, the plan is hereby approved under section 18 of the Act and 29 CFR Part 1902.

The decision incorporates requirements of the Act and implementing regulations applicable to State plans generally. It also incorporates our intentions as to continued Federal enforcement of Federal standards in areas covered by the plan and the State's Developmental schedule as set out below.

Pursuant to § 1902.20(b)(1)(iii), the present level of Federal enforcement will not be diminished until, among other things, the State has promulgated State standards and regulations and has promulgated review procedures. Thereafter, Federal enforcement activity will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Arizona.

The Arizona Plan is developmental. The following are the highlights of the schedule of developmental steps provided by the plan:

(a) Development of a complete management information and control system by July 1, 1976.

(b) The formulation and approval of inter-agency agreements with the Arizona Atomic Energy Commission, the State Board of Pesticide Control, the State Health Department, the Arizona Mine Inspector's Office and the Arizona Corporation Commission by January 1, 1975.

(c) The promulgation of variance regulations, regulations for inspections, citations and proposed penalties and regulations concerning review procedures by January 1, 1975.

(d) The promulgation of recordkeeping regulations by January 1, 1975, but full implementation of these regulations will not be until July 1, 1976.

(e) The submission of legislative amendments to the Arizona Legislature for consideration during its 1975 Session.

Pursuant to section 18 of the Occupational Safety and Health Act (29 U.S.C. 667), Part 1952 is hereby amended by adding a new Subpart CC as follows:

Subpart CC—Arizona

Sec.
1952.350 Description of the plan.
1952.351 Where the plan may be inspected.
1952.352 Level of Federal enforcement.
1952.353 Developmental schedule.

AUTHORITY: Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).

Subpart CC—Arizona

§ 1952.350 Description of the plan.

(a) (1) The plan identifies the Arizona Industrial Commission, Division of Occupational Safety and Health, as the State agency designated to administer the plan throughout the State. It adopts the definition of occupational safety and health issues expressed in § 1902.2(c)(1) of this chapter. The State intends to adopt all Federal standards except those found in 29 CFR Parts 1915, 1916, 1917 and 1918 (ship repairing, shipbuilding, shipbreaking, and longshoring) and those subparts of Parts 1910 and 1926 pertaining to industries which are not applicable to Arizona. In addition, the State intends to enforce elevator (ANSI) and boiler pressure vessel (ASME) standards for which there are no Federal counterparts.

(2) The plan provides a description of personnel employed under a merit system; the coverage of employees of political subdivisions; procedures for the development and promulgation of standards, including standards for the protection of employees against new and unforeseen hazards; and procedures for the prompt restraint or elimination of imminent danger situations.

(b) (1) The plan includes legislation enacted by the Arizona Legislature during its 1974 legislative session amending Title 23, Article 10 of the Arizona Revised Statutes to bring them into conformity with the requirements of Part 1902 of this chapter. Under the legislation the Industrial Commission will have full authority to enforce and administer laws respecting the safety and health of employees in all workplaces of the State.

(2) The legislation is intended, among other things, to assure inspections in response to employee complaints; give employer and employee representatives an opportunity to accompany inspectors in order to aid inspections; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; notification of employees of their protections and obligations; protection of employees against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets; sanctions against employers for violations of standards and orders; employer right of review to an Occupational Safety and Health Review Board and then the courts, and employee participation in review proceedings. The plan also proposes a program of voluntary compliance by employers and employees, including a provision for on-site consultation. The State's consultation program should not detract from its enforcement program and the State has given assurances that it will meet the conditions set forth in the Washington Decision (38 FR 2421, January 26, 1973).

(c) The Arizona Plan includes the following documents as of the date of approval:

(1) The plan description documents, in two volumes.

(2) A copy of the enabling legislation as amended and enacted by the State Legislature in its 1974 Session.

(3) Letters from Donald G. Wiseman, Director of the Division of Occupational Safety and Health of the Arizona Industrial Commission to Barry J. White, Associate Assistant Secretary for Regional Programs on October 15, 18, and 24, 1974 submitting information, clarifications, and revisions on several issues raised during the review process, including proposals to be submitted to the Arizona Legislature during its 1975 Session.

§ 1952.351 Where the plan may be inspected.

A copy of the plan may be inspected and copied during normal business hours

at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW, Washington, D.C. 20210; Assistant Regional Director, Occupational Safety and Health Administration, Room 9470 Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102; and the Director, Occupational Safety and Health Division, Arizona Industrial Commission, 1601 West Jefferson Street (P.O. Box 1907, 85005), Phoenix, Arizona 85007.

§ 1954.352 Level of Federal enforcement.

Pursuant to § 1902.20(b)(1)(iii) of this chapter, the present level of Federal enforcement in Arizona will not be diminished until the State has, among other things, promulgated standards and regulations and established review procedures and they have become effective. Thereafter, the level of Federal enforcement will continue to be exercised to the degree necessary to assure occupational safety and health protection to employees in the State of Arizona.

§ 1952.353 Developmental schedule.

The Arizona State plan is developmental. The following is the developmental schedule as provided by the plan:

(a) Development of a complete management information and control system by July 1, 1976.

(b) The formulation and approval of inter-agency agreements with the Arizona Atomic Energy Commission, the State Board of Pesticide Control, the State Health Department, the Arizona Mine Inspector's Office and the Arizona Corporation Commission by January 1, 1975.

(c) The promulgation of variance regulations, regulations for inspections, citations and proposed penalties and regulations concerning review procedures by January 1, 1975.

(d) The promulgation of recordkeeping regulations by January 1, 1975, but full implementation of these regulations will not be until July 1, 1976.

(e) The submission of legislative amendments to the Arizona Legislature during its 1975 Session.

Signed at Washington, D.C., this day 29th of October 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-25736 Filed 11-4-74;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—RESPIRATORY PROTECTIVE APPARATUS; TESTS FOR PERMISSIBILITY; FEES

PART 11—RESPIRATORY PROTECTIVE DEVICES; TESTS FOR PERMISSIBILITY; FEES

Miscellaneous Amendments and Nomenclature Changes

On March 25, 1972, the Department of Health, Education, and Welfare and the Department of the Interior jointly adopted Part 11 of Title 30, Code of Federal Regulations which provides for the testing of occupational respirators and the issuance of joint approvals for those which meet certain requirements for performance and respiratory protection (37 FR 6244). On March 15, 1973, the Departments jointly adopted miscellaneous amendments to Part 11 to reflect an agreement whereby the site for the testing of respiratory protective devices was transferred from the Bureau of Mines laboratory in Pittsburgh to the Testing and Certification Laboratory of the National Institute for Occupational Safety and Health in Morgantown, West Virginia.

By Order No. 2953 the Secretary of the Interior established within the Department of the Interior the Mining Enforcement and Safety Administration (MESA) and made it responsible for administering certain functions under the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91-173, 30 U.S.C. 801-960 (1970)) and the Federal Metal and Nonmetallic Mine Safety Act (Pub. L. 89-577, 30 U.S.C. 721-740 (1970)). Among the functions transferred to the Mining Enforcement and Safety Administration is the responsibility for joint approval of occupational respirators. The responsibility thus assigned was separated from the Bureau of Mines.

The Department of the Interior published in the FEDERAL REGISTER for June 28, 1974 (39 FR 23996) miscellaneous amendments and nomenclature changes for Chapter I of Title 30, including the establishment of the official emblem for the Mining Enforcement and Safety Administration. Additionally, the title of Chapter I was amended to the "Mining Enforcement and Safety Administration."

In order to provide for the transfer of the functions and the necessary changes in nomenclature to conform to Secretarial Order No. 2953, Part 11 of Title 30 of the Code of Federal Regulations is amended and revised as set forth below. The amendments and revisions are for the purpose of codifying in the Code of Federal Regulations the respective functions of the Mining Enforcement and Safety Administration and the Bureau of Mines.

An individual, partnership, company, corporation, organization, or association that designs, manufactures, assembles, or controls the assembly of occupational respirators under a certificate of approval or extension or modification thereof jointly issued by the Bureau of Mines and The National Institute for Occupational Safety and Health (the Institute) may continue after the effective date of these amendments or revisions, to use and attach to such respirators the approval label or marking approved by the Bureau of Mines and the Institute until revoked, modified or revised. Use of such approval label or marking shall bind and obligate the manufacturer in the same manner and for the same purpose for which approval was granted.

After the effective date of these amendments or revisions, certificates of approval, or extension or modification of certificates of approval shall be jointly granted by the Mining Enforcement and Safety Administration and the Institute and an approval label or marking shall be of the design, wording, size, type, material, location, and method of attachment approved by MESA and the Institute.

As these amendments and revisions relate to matters of internal organization and practice of the Department of the Interior and the Department of Health, Education, and Welfare, the prior notice and public procedure provisions of 5 U.S.C. 553 are not applicable.

The amendments and revisions shall be effective November 5, 1974.

Part 11 of Title 30, Code of Federal Regulations is amended as set forth below.

Dated: September 20, 1974.

JACK W. CARLSON,
Assistant Secretary of the Interior.

Dated: October 30, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education and Welfare.

Part 11, Subchapter B, Chapter I, Title 30, Code of Federal Regulations is amended as follows:

1. The headings of §§ 11.42, 11.43, and 11.65, and §§ 11.42, 11.43, and 11.65 in the table of contents are revised by deleting the words "the Bureau" and substituting "MESA" therefor.

2. In the sections specified below, the words "the Bureau of Mines", "Bureau", and "the Bureau" are deleted wherever they appear and "MESA" is substituted therefor:

Secs.	11.42(a)
11.1	11.42(b)
11.3(c)	11.42(c)
11.22(a)	11.43(b)
11.30(a)	11.43(c)
11.30(b)	11.60(a)
11.30(c)	11.60(b)
11.31(e)	11.63(c)
11.32(a)	11.65(a)
11.32(c)	11.65(b)
11.33(a)	11.65(c)
11.33(c)	11.65(d)
11.33(e)	11.65(e)
11.33(f)	11.66(a)
11.33(g)	11.79-1
11.34	11.85-3(c)
11.35(a)	(footnote 1)
11.40	11.90(c)
11.41(1)	11.150 (Note)

§ 11.3 [Amended]

3. Section 11.3 is amended by adding paragraph (jj) as follows:

(jj) 'MESA' means the United States Department of the Interior, Mining Enforcement and Safety Administration.

§ 11.4 [Amended]

4. Section 11.4 is amended by deleting the words "Health and Safety Technical Support Center, Bureau of Mines" and substituting therefor "Pittsburgh Technical Support Center" and by deleting the words "the Bureau" and substituting "MESA" therefor.

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§ 11.10 [Amended]

5. Section 11.10(e) is amended by deleting the words "Bureau of Mines" and substituting therefore "Pittsburgh Technical Support Center."

§ 11.33 [Amended]

6. Section 11.33(b) is amended by deleting the words "seals of the U.S. Bureau of Mines and" and substituting therefor "emblem of the Mining Enforcement and Safety Administration and the seal of" and by deleting the words "the Bureau" and substituting "MESA" therefor.

§ 11.61 [Amended]

7. Section 11.61(e) is amended by deleting the words "the Bureau" and substituting "MESA" therefore.

8. Table 8, for Air-regulating valve, under Type C, following § 11.124–7 is amended by deleting the words "the Bureau" and substituting "the Institute" therefor.

[FR Doc.74-25791 Filed 11-4-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-41]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Little Manatee River, Florida

This amendment changes the regulations for the Seaboard Coast Line railroad bridge near Ruskin across the Little Manatee River, Florida, to require at least three hours notice at all times. This amendment was circulated as a public notice dated February 21, 1974 by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CG 74-41) on February 21, 1974 (39 FR 6618). Ten responses were received. Two of these had no objection to the proposed change. A petition with 54 signatures and seven letters objected to the proposed change. After an investigation by the Seventh Coast Guard District, the proposal was reduced from six hours to three hours notice. The Coast Guard feels that three hours notice meets the present needs of navigation, particularly in view of the limited number of openings (nine in 1972, five in 1973 and nine from January through August 1974). If navigation increases this regulation may be amended at that time.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new subparagraph (5) immediately after subparagraph (4) of paragraph (i) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

• • • • •

(i) • • •

(5) Little Manatee River, Fla.; Seaboard Coast Line Railroad bridge at Ruskin. The draw shall open on signal if at least three hours notice is given.

• • • • •

(Sec. 5, 28 Stat. 362, as amended; sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499; 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on December 5, 1974.

Dated: October 25, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-25764 Filed 11-4-74;8:45 am]

[CGD 74-114]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

New River, Florida

This amendment changes the regulations for the Southeast 3rd Avenue bridge across the New River, mile 1.8, to allow periods when the draw need not open for the passage of vessels. This amendment was circulated as a public notice dated April 24, 1974 by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CG 74-114) on April 22, 1974 (39 FR 14217). Two replies were received. One had no objection to the proposal. The other objected on the grounds that it could be hazardous for a vessel to wait in this area because there is no maneuvering room or any place to tie off. This objection has been considered; however, by scheduling passages, vessels could eliminate this problem and the Coast Guard feels that this proposal is valid.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by:

1. Redesignating the present paragraphs (a), (b), and (c) of § 117.446c as paragraphs (b), (c), and (d).

2. Revising the last line of subparagraph (3) of the new paragraph (c) of § 117.446c by striking the words "paragraph (a)" and inserting the words "paragraph (b)".

3. Adding a new paragraph (a) to § 117.446c to read as follows:

§ 117.446c New River and South Fork of New River, Fort Lauderdale, Fla.; bridges.

(a) Southeast 3rd Avenue bridge across New River, mile 1.4

(1) The draw shall open on signal except that from 7:30 a.m. to 8:30 a.m., and 4:30 to 5:30 p.m. Monday through Friday, the draw need not open for the passage of vessels.

(2) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, regularly scheduled cruise boats, and vessels in distress. The opening signal from these vessels shall be four blasts of a whistle, horn, other sound producing device or by shouting.

(3) The owner of or agency controlling the bridge shall erect and maintain conspicuously on both sides thereof signs acceptable to the District Commander, setting forth the salient features of the regulations in this paragraph and paragraph (b) of this section.

• • • • •

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on December 5, 1974.

Dated: October 25, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-25763 Filed 11-4-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Independent Study Program

CFR Correction

In a previous revision to 38 CFR 21.201 (i), subparagraphs (1) through (4) were inadvertantly omitted and should be reinstated to read as follows:

§ 21.201 Types of courses.

• • • • •

(i) *Institutional on-farm course.* • • •

(1) Organized group instruction (classroom) in agricultural and related subjects of at least 200 hours per year (not less than 8 hours in any one month and sufficiently more in other months to aggregate the required 200 hours per year) at an agricultural school or other educational agency, plus individual instruction in accord with either of the following:

(i) Where a farm is under the veteran's own control 100 hours of individual instruction per year, not less than 50 hours of which shall be on such farm with at least two visits by the instructor to such farm each month.

(ii) Where the veteran is to be trained to manage a farm of another, not less than 50 hours of individual instruction per year with at least one visit by the instructor to such farm each month.

(2) On-farm instruction of at least 200 hours per year (not less than 10 hours in any one month and sufficiently more in other months to aggregate the required 200 hours per year) given by a fully qualified individual instructor by contract either with an educational agency or directly with the individual instructor, when

(i) It has been definitely found that there is not available within reasonable commuting distance of the veteran's farm organized group instruction (classroom) or that the major portion of such organized group instruction (classroom) as is available does not have direct relation to the veteran's farming operation and the records are clearly and fully documented accordingly, and

(ii) Such instruction is limited to situations where the veteran is being trained to operate a farm over which he has control.

(3) Where the course is designed to train a veteran to operate a farm under his own control the plan for training developed by the Veterans Administration in collaboration with the instructor will satisfy the following requirements:

(i) A complete written survey of the farm on which the veteran is to pursue training and an evaluation of the practical potentialities of the farm.

(ii) An overall, long term farm and home plan based upon the survey of the farm.

(iii) An annual farm and home plan prepared before the beginning of each crop year of the prescribed course based upon the overall, long term farm and home plan.

(iv) A detailed individual training program showing the kind and amount of instruction—classroom and individual, or on-farm group and individual, or individual.

(v) The operation of the farm shall be under the control of the veteran by ownership, lease, or other written tenure arrangement. Where the tenure arrangement is other than by ownership, the lease or other written agreement shall afford the veteran control of the farm at least until the completion of his course. The veteran's control must be such that he will be free to carry out the teachings of his training program and to operate his farm according to a farm and home plan developed by the Veterans Administration in collaboration with the instructor, the veteran, and when appropriate, the landlord. Also, the lease or agreement must provide for capital improvements to be made which are necessary for carrying out the farm and home plan, with the veteran furnishing no greater portion of the costs thereof than the benefits accruing to him warrant. Furthermore, it must provide for the landlord to share the costs of improved practices put into effect in proportion to the returns he will receive from such practices. Ordinarily training will be approved for only one veteran on a single farm. However, where conditions of a particular farm are so highly favorable as to size, character, productivity, and equipment to assure the successful rehabilitation of a veteran in partnership with another person, such veteran may be placed in training with one, but not more than one, other veteran on a single farm, when the other veteran is, or immediately will be, in IOF training or has satisfactorily pursued IOF training under laws administered by the Veterans Administration. There must be documentary evidence that the two principals have entered into a bona fide partnership agreement which provides for equal authority between the partners in the management and operation of the farm.

(vi) The farm at the time of induction of the veteran into training and throughout the period of training shall be of such size and character that, together with the instruction part of the course, it will occupy the full time of the veteran, will permit instruction in planning, management, and operation of most of the major farming enterprises in the veteran's farm and home plan and, at least by the end of the necessary minimum period of training, will assure him a reasonably satisfactory living under normal economic conditions.

(vii) The farm must have the necessary buildings and equipment to enable the veteran satisfactorily to commence pursuit of the course of institutional on-farm training, and there must be present conditions which give reasonable promise that any additional items required for pursuit of the course, including livestock, will be available as they become necessary.

(viii) The duration of the prescribed course shall represent a reasonable estimate—subject to lengthening or shortening, as necessary—of how long it will take to accomplish the goals set out in the overall farm and home plan.

(4) Where the course is designed to train the veteran to manage a farm as the employee of another, the plan for training developed by the Veterans Administration in collaboration with the instructor will satisfy the following requirements:

(i) A complete written survey of the farm on which the veteran is to pursue training prior to induction of the veteran into training and showing the kind and size of each enterprise being conducted on the farm, the kind and amount of equipment being used, the number of employees, and other factors which would indicate that the farm facility is satisfactory for purposes of vocational rehabilitation training.

(ii) The employer-trainer shall have agreed to employ the veteran as manager of the farm on which he is being trained if his conduct and progress remain satisfactory, or there shall be definite assurance that the veteran will be employed as manager of a specified comparable farm.

(iii) The individual instruction on the farm shall be given by the veteran's school instructor.

(iv) The employer-trainer's farm shall be of a size and character which, together with the group instruction part of the course, will occupy the full time of the veteran and will permit instruction in all aspects of the management of a farm of the type for which the veteran is being trained.

(v) The employer-trainer shall agree to instruct the veteran in various aspects of farm management in accordance with the individual training program developed by the Veterans Administration in collaboration with the instructor and employer-trainer.

(vi) The employer-trainer's farm shall have the necessary supplies and equipment which will permit instruction in all aspects of the management and operation of a farm of the type on which the veteran is being trained.

(vii) The employer-trainer shall have agreed to pay the veteran for each successive period of training a salary or wage rate commensurate with the value of the veteran's productive labor and not less than that customarily paid to a non-veteran-trainee in the same or similar training situation in that community.

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-165]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Reutilization of Automatic Data Processing Equipment and Supplies and Reporting Excess or Exchange/Sale ADPE

This amendment updates policies and procedures on reutilization of ADPE. It provides for timely reporting of the fair value in lieu of accrued purchase option credits of leased ADPE when this ADPE is released. This amendment also provides for written authorization from the General Services Administration (GSA) to the holding agency for exchange/sale excess ADPE.

The table of contents for Part 101-32 is amended by adding or revising the following entries:

101-32.301-8	Automatic release date (ARD).
101-32.301-10	Want list.
101-32.305	Want list and holds.
101-32.306	Donation and sale of surplus ADPE.
101-32.309	Use of the ADP Fund.
101-32.309-1	General conditions of an ADP Fund lease.
101-32.309-2	Reporting ADP Fund equipment excess.
101-32.309-3	Transfer of ADP Fund equipment.
101-32.309-4	Guarantee of ADP Fund equipment.

Subpart 101-32.3—Reutilization of Automatic Data Processing Equipment and Supplies

1. Section 101-32.301-2 is amended to read as follows:

§ 101-32.301-2 Federal agency.

"Federal agency" means executive agencies (executive departments or independent establishments in the executive branch of the Government,

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including wholly owned Government corporations) and establishments in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction). For the purpose of this subpart, also included in the definition of Federal agency are Government grantees and contractors of Federal agencies who operate ADPE under grants, contracts, or subcontracts, and use the equipment in support of these grants, contracts, or subcontracts when ADPE is:

• • • • •

2. Sections 101–32.301–8, 101–32.301–10, and 101–32.302 are revised to read as follows:

§ 101–32.301–8 Automatic release date (ARD).

"Automatic release date" (ARD) means the date established by GSA on which screening or advertising of excess Government-owned ADPE or exchange/sale ADPE to Federal agencies is terminated. The ARD signifies the date that Government-owned ADPE is transferred from excess to surplus status or the date the ADPE is released for exchange/sale. For Government-leased ADPE, the ARD is the date established by the holding agency as the date on which the equipment will be returned to the supplier.

§ 101–32.301–10 Want list.

"Want list" means an inventory of ADPE requirements maintained by GSA on the basis of needs expressed by Federal agencies for which demand may be potentially satisfied from excess or exchange/sale ADPE when reported.

§ 101–32.302 Reassignment of ADPE within Federal agencies.

(a) Government-owned ADPE not declared excess shall be reassigned within the agency when it is no longer required for the purpose for which it was acquired and the agency has another approved requirement which can best or most economically be met by reassigning this ADPE. When Government-owned ADPE can be substituted for ADPE intended to be acquired by lease or purchase or when Government-owned ADPE can be adapted for other further use, the intended acquisition action shall be stopped. Title transfer (under the authority of FPMR 101–46) between such owned ADPE and leased ADPE shall be considered as a means of reducing rental payments. ADPE shall be reassigned as specified in § 101–32.303–2.

(b) The reassignment of Government-leased ADPE that has not been declared excess and that is no longer required for the purpose and use for which it had originally been acquired is in the nature of a sole source procurement action and, therefore, must be accomplished as specified in Subpart 101–32.4 and other regulations governing sole source ADPE procurements.

(c) When there is no approved requirement for ADPE within the agency and ADPE is determined to be excess, this ADPE shall be reported to GSA as specified in Subpart 101–32.47.

3. Sections 101–32.303–2, 101–32.305, and 101–32.306 are amended to read as follows:

§ 101–32.303–2 Considerations for use of excess Government-owned or -leased ADPE.

• • • • •

(c) ADPE acquired unde any plan; e.g., fixed term, extended term rental, or other such plan, wherein payments are still due shall be subject to the same conditions as leased ADPE in this Subpart 101–32.3.

(d) Since excess leased ADPE accrues substantial purchase option credits, agencies shall consider this equipment as a replacement for installed leased ADPE which has accrued fewer credits to the Government.

(e) When competing requirements exist for excess ADPE, GSA will determine the assignment of such ADPE to an agency on the basis of the greatest economic advantage to the Government.

§ 101–32.305 Want list and holds.

• • • • •

§ 101–32.306 Requests for transfer of excess ADPE or exchange/sale ADPE.

• • • • •

(c) An SF 122 for excess leased ADPE shall contain a statement to indicate either that the requested equipment represents the least overall cost or that a sole source determination has been made and documented. In either case, if the equipment cost exceeds the dollar threshold established in Subpart 101–32.4, then a delegation of procurement authority is required.

• • • • •

(e) GSA will forward the original of the approved SF 122 to the holding agency and one copy to the requesting agency.

• • • • •

4. Sections 101–32.308 and 101–32.309 are redesignated and revised to read as follows:

§ 101–32.308 Donation and sale of surplus ADPE.

Government-owned ADPE reported in accordance with Subpart 101–32.47 and not reutilized by Federal agencies shall be held by the reporting agency pending compliance with the requirements of Parts 101–44 and 101–45.

§ 101–32.309 Use of the ADP Fund.

(a) Excess Government-owned ADPE having a fair market value, as may be announced in the ADPE Availability List, and which is to be reutilized within the Federal Government, may be transferred to the ADP Fund. Such ADP Fund equipment will be leased to requiring agencies at a cost that represents the least cost alternative available to agencies.

(b) When excess leased ADPE with purchase option credits or exchange/sale ADPE can satisfy agency data processing requirements, GSA will consider using the ADP Fund to purchase the equipment for the requesting agency in accordance with Subpart 101–32.4.

5. Sections 101–32.309–1 through 101–32.309–4 are added as follows:

§ 101–32.309–1 General conditions of an ADP Fund lease.

The lessee shall:

(a) Be responsible for all charges, if any, for transportation, rigging and drayage, packing, and crating of equipment under the lease agreement;

(b) Be responsible for the expense of any necessary alterations or attachments subsequently installed on the equipment;

(c) Be responsible for any expenses necessary to remove any attachment installed under paragraph (b) of this section if requested by the lessor;

(d) Arrange and pay for any technical equipment modifications;

(e) Pay for equipment maintenance (The equipment shall be kept under continuous maintenance during the period of the agreement.);

(f) Provide written notice to GSA prior to any relocation of equipment to other sites;

(g) Be responsible for periodic confirmation of detailed property accountability records, which shall be maintained by GSA; and

(h) Retain use of the equipment as long as required under the terms and conditions of the agreement. (Ownership of the equipment shall remain with the ADP Fund.)

§ 101–32.309–2 Reporting ADP Fund equipment excess.

Ninety calendar days prior to the anticipated release date of ADP Fund equipment, the leasing agency shall notify the General Services Administration (CDE), Washington, DC 20405, by letter, of its intention to discontinue the lease. An SF 120, Report of Excess Personal Property, clearly marked with the words "ADP Fund" shall be enclosed.

§ 101–32.309–3 Transfer of ADP Fund equipment.

In followup to a telephone reservation of ADP Fund equipment, the requesting agency shall submit a commitment letter to the General Services Administration (CDE), Washington, DC 20405. This letter shall include the term and the dollar amount of the lease agreement (as discussed), the agency point of contact (with address and telephone number), the shipping address and instructions, and the applicable agency appropriation symbol. GSA then will prepare the SF 122, Transfer Order, Excess Personal Property, to initiate equipment shipment and will submit the lease agreement and the approved SF 122 to the requesting agency's designated official.

§ 101–32.309–4 Guarantee of ADP Fund equipment.

(a) Agencies participating in the leasing program pay charges for transportation of the equipment to the designated site(s); arrange for and pay the cost of any refurbishment needed to bring the equipment up to maintenance standards; and forward to the General Services Administration (CDE), Washington, DC 20405, a statement of the costs incurred for inspection and the estimate of the cost of refurbishment.

(b) If GSA authorizes the leasing agency in writing to proceed with refurbishment, GSA will reimburse the agency in the amount authorized for the inspection and refurbishment costs upon receipt of an SF 1080, Voucher for Transfers Between Appropriations and/or Funds, or SF 1081, Voucher and Schedule of Withdrawals and Credits. GSA will not reimburse the leasing agency for transportation costs.

(c) If GSA decides not to authorize the agency to proceed with the refurbishment on a reimbursable basis, GSA will offer the equipment to the agency "as is" on a no-cost basis. If the agency accepts the offer, GSA will not reimburse the agency for transportation, inspection, or refurbishment costs, and the agency may use the equipment as long as required without reimbursement to GSA. If the agency does not accept this offer, GSA will reimburse the agency for transportation and inspection costs and will forward shipping instructions to the holding agency.

Subpart 101–32.47—Reports

Section 101–32.4702 is amended as follows:

§ 101–32.4702 Reporting excess or exchange/sale ADPE.

• • • • •

(a) The SF 120 shall include the appropriate condition code designation as defined in § 101–43.4902–1 and shall contain the manufacturer's name, equipment type and model number, and full description of the ADPE to determine whether the ADPE may satisfy another agency's requirement. Since ADPE suppliers have adopted no uniform method of identifying certain ADPE systems, components, features, cables, or other devices such as terminators and junction boxes used with the equipment, the complete nomenclature for such equipment as used by the supplier shall be identified and reported on the SF 120. Parts or devices shall not be removed after the ADPE is reported to GSA as excess. If any part or device has been removed from the ADPE, a statement identifying those parts or devices shall be made on the SF 120. In addition, the status of each individual component and feature shall be shown to indicate whether it is leased, purchased, or leased with option to purchase. If the equipment is leased or leased with option to purchase, the fair value shall be shown on the SF 120. The fair value is the difference between original acquisition cost and accrued purchase option credits. Government-owned and -leased ADPE shall not be reported on the same SF 120.

• • • • •

(c) The words "Exchange/Sale Property" shall be displayed prominently on the original and three copies of the SF 120 when reporting ADPE that is to be replaced pursuant to exchange/sale provisions of Part 101–46. The acquisition cost and the reimbursement required, which shall not be greater than the cash (sale) or exchange (trade-in) bid that the reporting agency has received for the specific ADPE, shall be shown on the SF 120. If there is any change to a cash or exchange bid subsequent to the submission of an SF 120, a revised SF 120 indicating the new cash or exchange bid shall be promptly submitted to GSA. Agencies will be advised promptly, in writing, of the date the original or revised SF 120 is received by GSA. Such equipment shall not be sold or exchanged prior to written authorization from GSA 90 calendar days from that date unless otherwise notified by GSA. The following statement shall be inserted on the SF 120 for exchange/sale property:

A written administrative determination has been or will be made to apply to exchange allowance or proceeds of sale in acquiring similar items by other than lease.

• • • • •

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This regulation is effective on November 5, 1974.

Dated: October 21, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74–25782 Filed 11–4–74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1–98]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Director of Pipeline Safety

The purpose of this amendment is to redelegate to the Director of Pipeline Safety the authority delegated by the Secretary at 49 CFR 1.58(d)(3) under the 1973 amendments to the Mineral Leasing Act, 30 USC 185, to make annual inspections of pipelines on Federal lands and to promulgate and administer regulations governing pipelines on Federal lands under jurisdiction of the Department.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Appendix A of 49 CFR Part 1 is amended by adding a new subparagraph (3) as follows:

APPENDIX A—DELEGATIONS AND REDELEGATIONS BY SECRETARIAL OFFICERS

1. Director, Office of Pipeline Safety

OFFICE OF THE SECRETARY

DIRECTOR, OFFICE OF PIPELINE SAFETY

Redelegation of Pipeline Safety Authority

• • • • •

(3) 30 USC 185 relating to pipelines on Federal lands.

Effective date. This amendment is effective November 5, 1974.

(Section 9(e), Department of Transportation Act, 49 USC 1657(e); secs. 1.52(b)(1) and 1.58(d)(3), Regulations of the Office of the Secretary, 49 CFR 1.52(b)(1) and 1.58(d)(3).)

Issued in Washington, D.C., on October 30, 1974.

BENJAMIN O. DAVIS, Jr.,
Assistant Secretary for Environment, Safety and Consumer Affairs.

[FR Doc.74–25691 Filed 11–8–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 24]

CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

Customs Bills for Deferred Taxes on Imported Alcoholic Beverages

Notice is hereby given that pursuant to the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 623, 624, 46 Stat. 759, as amended (19 U.S.C. 1623, 1624), it is proposed to amend paragraphs (f) and (h) of § 24.4 of the Customs Regulations (19 CFR 24.4 (f) and (h)), to specify the name and number of the form used by the United States Customs Service to bill importers for deferred taxes on alcoholic beverages and to eliminate the procedure whereby an importer is sent a second Customs bill on that form when the initial Customs bill for the deferred taxes has not been paid within the specified period.

Pursuant to § 24.4(f)(1) of the Customs regulations, each importer who has been permitted to pay on a semi-monthly basis the estimated import taxes on alcoholic beverages entered, or withdrawn from warehouse, for consumption by him during such period will be billed at the end of each semi-monthly period for all taxes deferred during that period. The bill, accompanied by a statement listing each tax amount deferred and the related entry number, must be paid in full by the last day of the next succeeding deferral period.

Section 24.4(h)(1) currently provides that when any bill for deferred taxes is not paid within the period specified in § 24.4(f)(1), the importer shall be sent a Notice of Amount Due, Customs Form 6084, and a copy shall be sent to the surety on his bond.

Customs Form 6084 has recently been revised, and is now known as the United States Customs Service Bill. That form will be used to bill importers for deferred taxes pursuant to § 24.4(f)(1) of the Customs Regulations. As a consequence, the use of Customs Form 6084 again, pursuant to § 24.4(h)(1) as a notice to the importer of a Customs bill past due, would be both inappropriate and unnecessary. The proposed amendments provide that in the event the initial bill for deferred taxes on Customs Form 6085 is not paid within the specified time, a demand for payment shall be made to the surety on the importer's bond.

Accordingly, it is proposed to amend paragraphs (f)(1) and (h)(1) of § 24.4 of the Customs Regulations (19 CFR 24.4 (f) and (h)), in the following manner:

24.4 Optional method for payment of estimated import taxes on alcoholic beverages upon entry, or withdrawal from warehouse, for consumption.

* * * * * *

(f) * * *

(1) *Billing.* Each importer who has deferred tax payments on imported alcoholic beverages will be billed on Customs Form 6084, United States Customs Service Bill, at the end of each tax deferral period for all taxes deferred during the period. Each bill will identify each tax amount deferred and the related entry numbers. These bills must be paid in full by the last day of the next succeeding deferral period.

* * * * * *

(h) * * *

(1) When any bill on Customs Form 6084 for deferred taxes is not paid within the period specified in paragraph (f) of this section, a demand for payment shall be made to the surety on the importer's bond. * * *

* * * * * *

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received not later than December 5, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: October 29, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-25821 Filed 10-4-74;8:45 am]

Fiscal Service

[31 CFR Parts 202, 203]

DEPOSITARY CONTRACT PROVISIONS

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-25301, appearing on page 38386 in the issue of Thursday, October 31, the following changes should be made:

1. After the sixth line of § 292.4, insert the following: "Executive Order 11246, entitled "Equal".

2. The date appearing above the signature at the end of the document should read "October 25, 1974".

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1065]

[Docket No. AO-86-A32]

MILK IN THE NEBRASKA-WESTERN IOWA MARKETING AREA

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Order

Correction

In FR Doc. 74-25220, appearing at page 38233 in the issue for Wednesday, October 30, 1974, on page 38235 in the third column delete the second line of the fourth full paragraph and insert the following: "regulation was established by the deci-".

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Marketing Quotas, Acreage Allotments, County Normal Yields, and Referendum on Marketing Quotas for 1975 Crop

Pursuant to the authority contained in applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1352, 1353, and 1354), the Secretary of Agriculture is preparing to determine whether marketing quotas are required to be proclaimed for the 1975 crop of rice; to determine and proclaim the national acreage allotment for the 1975 crop of rice; to apportion among States and counties the national acreage allotment for the 1975 crop of rice; to establish county normal yields for the 1975 crop of rice; and to establish a period for conducting a referendum on marketing quotas in the event quotas are proclaimed for the 1975 crop of rice.

Section 354 of the act provides that whenever in the calendar year 1974 the Secretary determines that the total supply of rice for the 1974–75 marketing year will exceed the normal supply for such marketing year, the Secretary shall, not later than December 31, 1974, proclaim such fact and marketing quotas shall be in effect for the crop of rice produced in 1975. Within 30 days after the issuance of such proclamation, the Secretary shall conduct a referendum by secret ballot of farmers engaged in the production of the immediately preceding crop of rice to determine whether farmers are in favor of or opposed to such quotas.

Section 352 of the act, as amended, provides that the national acreage allotment of rice for 1975 shall be that acreage which the Secretary determines will, on the basis of the national average yield of rice for the 5 calendar years 1970 through 1974, produce an amount of rice adequate, together with the estimated carryover from the 1974–75 marketing year, to make available a supply for the 1975–76 marketing year not less than the normal supply. The Secretary is required under this section of the act to proclaim such national acreage allotment not later than December 31, 1974.

Section 353(c)(6) of the act, as amended, provides that the national acreage allotment of rice for 1975 shall be not less than the national acreage allotment for 1956, including the 13,512 acres apportioned to States pursuant to paragraph (5) of Section 353(c) of the act. Under this provision, the national acreage allotment of rice for 1975 will be not less than 1,652,596 acres.

As defined in Section 301 of the act, for purposes of these determinations, "total supply" for any marketing year is the carryover of rice for such marketing year, plus the estimated production of rice in the United States during the calendar year in which such marketing year begins and the estimated imports of rice into the United States during such marketing year; "normal supply" for any marketing year is the estimated domestic consumption of rice for the marketing year ending immediately prior to the marketing year for which normal supply is being determined, plus the estimated exports of rice for the marketing year for which normal supply is being determined, plus 10 per centum of such consumption and exports, with adjustments for current trends in consumption and for unusual conditions as deemed necessary; and "marketing year" for rice is the period August 1–July 31.

Section 353 (a) and (c)(6) of the act requires that the national acreage allotment of rice for the 1975 crop, less a reserve of not to exceed 1 per centum thereof for apportionment to farms receiving inadequate allotments because of insufficient State or county allotments or because rice was not planted on the farm during all the years of the base period, be apportioned among the several States in which rice is produced in the same proportion that they shared in the total acreage allotted to States in 1956 (State acreage allotments, plus the additional acreage allocated to States under Section 353(c)(5) of the act as amended).

The State acreage allotment of rice for the 1975 crop would be apportioned to producers in "producer States" and to farmers in "farm States" in accordance with the Regulations for Determination of Acreage Allotments for 1974 and Subsequent Crops of Rice (§§ 730.61 to 730.87; 39 FR 9186; 39 FR 15021).

Section 301(b)(13)(D) of the act provides that the "normal yield" of rice for 1975 for any county shall be the average yield per acre of rice for the county during the 5 calendar years 1970 through 1974 adjusted for abnormal weather conditions and trends in yields. Provision is made therein that if for any such year data are not available, or there is no actual yield, an appraised yield for such year, determined in accordance with regulations of the Secretary, taking into consideration the yields obtained in surrounding counties during such year and the yield in years for which data are available, shall be used as the actual yield for such year.

Section 301(b)(13)(F) of the act provides that if on account of drought, flood, insect pests, plant disease, or other uncontrollable natural cause, the yield for any county for any year during the years 1970 through 1974 is less than 75 per centum of the average, 75 per centum of such average shall be substituted therefor in calculating the normal yield per acre; and if on account of abnormally favorable weather conditions, the yield for any county for any year during the years 1970 through 1974 is in excess of 125 per centum of the average, 125 per centum of such average shall be substituted therefor in calculating the normal yield per acre.

Prior to making any of the foregoing determinations with respect to marketing quotas and national, State, and county acreage allotments, and county normal yields for the 1975 crop of rice, including national, State and county reserves, and announcing the period of the referendum, if marketing quotas are required, consideration will be given to data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. All written submissions must be postmarked not later than November 20, 1974, to be sure of consideration. All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C. on: October 30, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-25681 Filed 11-4-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1952]

CALIFORNIA PLAN

Proposed Supplements to Approved Plan

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) for review of changes and progress in the development and implementation of State Plans which have been approved in accordance with section 18(c) of the Act and Part 1902 of this Chapter. On May 1, 1973, a notice was published in the FEDERAL REGISTER (38 FR 10717) concerning the approval of the California Plan and of the adoption of Subpart K of Part 1952 containing the decision. Section 1952.173 of Subpart K sets forth the developmental schedule under which the plan will meet the criteria of section 18(c) of the Act and Part 1902 within three years following commencement of operations under the plan. On September 11, 1974, the State of California submitted a supplement to the plan involving the completion of developmental steps and requested an extension of time for the accomplishment of another goal. (See Subpart B of 29 CFR Part 1953).

The supplements submitted by the State concern the completion of 4 developmental steps. The first of these is that the Occupational Safety and Health Standards Board has begun operations. The board has adopted regulations pertaining to its responsibilities in the field of variances which are set forth in Title 8 of the California Administrative Code.

The Occupational Safety and Health Appeals Board, which is responsible for the review of contested citations, has also begun operations. The Board has adopted procedural regulations and has commenced adjudicating contested cases. This board has adopted regulations, Articles 1 through 5 in Chapter 1.5, Title 8, California Administrative Code, which are attached to the supplement. The Board began receiving and hearing appeals and rendering decisions in early 1974.

The State has completed the major initial effort in education and training for employers, employees and the general public as was promised by the State in its plan for the early months of plan implementation. This effort consisted for the most part of 23 one-day seminars covering the State Occupational Safety and Health Act, safety orders, recordkeeping requirements, and the role of the Department of Health in providing technical support for enforcement activities. Estimated attendance at the seminars totaled 24,000 persons, 14,000 of whom were formal registrants.

Recordkeeping and reporting requirements have been extended to State and local governments as provided for in the approved plan. Regulations for these requirements, which appear in Sections 14700–14710 in Title 8 of the California Administrative Code, were adopted and became effective on June 1, 1974. State and local public agencies were required to begin their recordkeeping on July 1, 1974.

The State has requested a change in the developmental schedule for the completion of a fully functioning system of inspection scheduling which was originally set for one year following plan approval. Delays caused by recruitment difficulties and a major computer conversion, now resolved, necessitated the

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postponement of the completion of the system until March 31, 1975.

2. *Location of the plan and its supplements for inspection and copying.* A copy of the plan and its supplements may be inspected and copied during normal business hours at the following locations: Office of the Associate Assistant Secretary for Regional Programs, Occupational Safety and Health Administration, Room 850, 1726 M Street NW., Washington, D.C. 20210; Office of the Assistant Regional Director for Occupational Safety and Health, Room 9410, Federal Office Building, 450 Golden Gate Avenue, San Francisco, California 94102; Agriculture and Services Agency, 1220 N Street, Room 114, Sacramento, California 95814; Department of Industrial Relations, 455 Golden Gate Avenue, Room 999, San Francisco, California 94102; and Division of Industrial Safety, 3460 Wilshire Boulevard, Los Angeles, California 90010.

3. *Public participation.* Interested persons are hereby given until December 5, 1974, in which to submit written data, views and arguments concerning whether the supplement should be approved. Such submissions are to be addressed to the Associate Assistant Secretary for Regional Programs at his address as set forth above under location of the plan and its supplements.

Any interested person may request an informal hearing concerning the proposed supplements, by filing particularized written objections with respect thereto within the time allowed for comments with the Associate Assistant Secretary for Regional Programs. If in the opinion of the Assistant Secretary substantial objections are filed, which warrant further public discussion, a formal or informal hearing on the subjects and issues involved may be held.

The Assistant Secretary shall consider all relevant comments, arguments and requests submitted in accordance with this notice and shall thereafter issue his decision as to approval or disapproval of the supplements, make appropriate amendments to Subpart K of Part 1952 and initiate further appropriate proceedings if necessary.

(Secs. 8(g) 18, Pub. L. 91-596, 84 Stat. 1600, 1608 (29 U.S.C. 657(g), 667))

Signed at Washington, D.C. this 31st day of October, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-25815 Filed 11-4-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 32]

FROZEN STRAWBERRIES

Proposed Definition and Standards of Identity and Quality

Correction

In FR Doc. 74-22800 appearing at page 35809 in the issue for Friday, October 4, 1974, make the following changes:

1. On page 35812, the first column, the second paragraph from the bottom, the second line, first word which reads "distinguished" should read "disintegrated".

2. On page 35814, the third column, the second paragraph, the fourth line, the date should read "January 2, 1975."

[21 CFR Part 620]

BIOLOGICAL PRODUCTS

Proposed Additional Standards for Cholera Vaccine

Correction

In FR Doc. 74-22091, appearing at page 34297 in the issue for Tuesday, September 24, 1974, and corrected on page 37650 in the issue of Wednesday, October 23, 1974, the second line of § 620.31(a) should read "Ogawa serotype and a strain of Inaba serotype of".

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74-257]

AIWW, HALLANDALE, FLA.

Proposed Drawbridge Regulations

At the request of the City of Hallandale, the Coast Guard is considering revising the regulations for the East Hallandale Beach Boulevard drawbridge (SR-824) across the Atlantic Intracoastal Waterway in Hallandale, Florida. This change will provide restricted periods when the draw need not open for the passage of vessels on a year-round basis, rather than the seasonal basis now in effect. This change is being considered because of a significant increase in vehicular traffic from May 16 through November 14.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Seventh Coast Guard District, Room 1028, Federal Building, 51 SW First Avenue, Miami, Florida 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before December 5, 1974, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.446b to read as follows:

§ 117.446b SR-824 drawbridge, AIWW, Hallandale, Fla.

(a) The draw shall open on signal from 6:15 p.m. to 10:15 a.m. From 10:15 a.m. to 6:15 p.m. the draw need not open except on the quarter and three-quarter hour to allow any accumulated vessels to pass, and except as provided in paragraph (b) of this section.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, cruise boats operated on a regular schedule or vessels in distress. The opening signal from these vessels is four blasts of a whistle, horn, or by shouting.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: October 25, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74-25762 Filed 11-4-74;8:45 am]

[46 CFR Part 151]

[CGD 73-275]

UNMANNED BARGES CARRYING CERTAIN BULK DANGEROUS CARGOES

Proposed Additions of Sodium Sulfide Solution (NTE 10%) and Sulfur Dioxide; Extension of Comment Period

In the FEDERAL REGISTER of September 5, 1974 (39 FR 32147), the Coast Guard published a correction to the notice of proposed rule making that added the vent requirements for sodium sulfide solution (NTE 10%) and sulfur dioxide to the proposed amendment to Table 151.05 of Title 46, Code of Federal Regulations. The original notice was published in the FEDERAL REGISTER on July 16, 1974 (39 FR 26042). The comment period for the original notice had run before the publication of the correction. Because of the substantive nature of the correction, the Coast Guard has determined that an extension of the period for comments is in the public interest and in compliance with the Administrative Procedure Act, 5 U.S.C. 553(c).

In consideration of the foregoing, the period for comments on Coast Guard notice CGD 73-275 that was published in the FEDERAL REGISTER on July 16, 1974 (39 FR 26042) is extended for 30 days to December 5, 1974.

((5 U.S.C. 553(c), 46 U.S.C. 375, 416, 49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Dated: October 30, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-25761 Filed 11-4-74;8:45 am]

[46 CFR Part 401]

[CGD 74-233]

GREAT LAKES PILOTAGE REGULATIONS

Proposed Operating Requirements, and Suspension and Revocation of Certificates of Authorization

The Coast Guard is considering amending the Great Lakes Pilotage Regulations by establishing additional operating requirements for U.S. Registered pilots and holders of certificates of authorization to form pilot pools. This notice also proposes criteria for suspending and revoking Certificates of Authorization.

Interested persons are invited to submit written comments and suggestions to the Executive Secretary, Marine Safety Council (G-CMC/82), Room 8234, 400 Seventh Street S.W., Washington, D.C. 20590. Each person submitting a comment should include his name and address, identify this notice (CGD 74-233), any wording recommended, and give reasons for any recommendations. All comments will be available for examination in Room 8234.

The Coast Guard will hold a public meeting at which interested persons will be heard on November 20, 1974, at 1:00 p.m., in the Office of the Commander, Ninth Coast Guard District, room 2069, at 1240 East Ninth Street, Cleveland, Ohio. It is requested that anyone wishing to present a statement at the meeting notify the Commander, Ninth Coast Guard District (dgp) at the above address at least two days before the meeting of the time needed for his presentation. Written summaries or copies of oral presentation are encouraged. All comments received before November 26, 1974 will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in light of the comments.

The Great Lakes Pilotage System is operated under the guidelines of a Memorandum of Arrangements negotiated between the Secretary of Transportation of the United States and the Minister of Transport of Canada. In the preamble to the current Memorandum of Arrangements effective July 7, 1970, it was agreed that there should be a continuing review of Great Lakes Pilotage. In October 1970 the U.S. Department of Transportation initiated a study of Great Lakes Pilotage. This study, published in May 1972, was the basis for the U.S. Department of Transportation Statement of Policy for Pilotage on the Great Lakes System, which was published on June 16, 1973, and circulated to interested persons. A quote from page 5 of this Statement reads:

Responsibility for Pilot Availability. To ensure that the responsibility for continuous availability rests not only on individual pilots but also on the pilot associations, existing regulations should be modified to make the authorized pilot organizations responsible for assuring continuous availability of pilots.

These proposed amendments would implement this policy by adding the following requirements for the holders of Certificates of Authorization.

Proposed new § 401.335 would establish the criteria under which the Director may suspend or revoke a Certificate of Authorization. Section 401.335(a)(1) would require compliance with § 401.320. Section 401.320 contains the requirements that a Voluntary Association must meet to be issued a Certificate of Authorization. If a holder fails to continue to meet these requirements, the Director may suspend or revoke its certificate. Section 401.335(a)(2) would require the holder of a certificate to comply with all sections in Part 401. Section 401.335(b) would establish the procedures the Director follows in suspending or revoking a Certificate of Authorization. The holder is given the opportunity to cure its noncompliance with the regulations before the Director may suspend or revoke the certificate. Section 401.335(c) would establish conditions for immediate suspension or revocation of a certificate.

Section 401.340(a) presently requires registered pilots to comply with the working rules of their pool. It would be revised to add "except to the extent provided in § 401.720(b)" to allow pilots to provide pilotage service when dispatched by the Director notwithstanding contrary working rules of their pool.

Proposed new Subpart G in Part 401 would include operating requirements for U.S. registered pilots and holders of Certificates of Authorization and would authorize the Director to dispatch registered pilots.

Proposed new § 401.700 would establish operating requirements for U.S. registered pilots. The requirement in § 401.700(a) to provide pilotage service is a condition that a pilot agrees to, when he becomes a U.S. registered pilot under § 401.210(a)(7). Section 401.700(a) would establish a continuing operating requirement, which, if not complied with, may subject the pilot to the civil penalties described in § 401.500. Section 401.700(b) would require a pilot to provide pilotage service when dispatched by the Director.

Proposed new § 401.710 would establish operating requirements for the holders of Certificates of Authorization. Section 401.710(a) would require the holder of a Certificate of Authorization to comply with the terms of all agreements on Great Lakes Pilotage between the United States and Canada. Cooperation by the authorized pools with the Canadian and U.S. Governments and with Canadian pilots is necessary for an effective pilotage system. Paragraphs (b) and (c) of § 401.710 would require continuing compliance with items that the Voluntary Association agrees to when it is issued a Certificate of Authorization under § 401.320(d) (1) and (6). Section 401.710(d) would require the holder to provide pilots in accordance with its working rules. Section 401.710(e) would require the holder to comply with its working rules, except when the Director dispatches pilots. Section 401.710(g) would require the holder to make available to the Commandant all of its financial and operating records, in addition to any audits the Commandant may require. A violation of any requirement of § 401.710 may subject the holder to the civil penalty described in § 401.500.

Proposed new § 401.720 would authorize the Director to dispatch registered pilots. Under § 401.720(b) the Director could dispatch pilots when pilotage service is provided inequitably between U.S. registered pilots and Canadian pilots or when no pilotage service is supplied.

Section 402.320 will be amended to insert current effective dates in the references to the working rules of the pools.

To have these proposed rules in force before the close of the current shipping season, the Coast Guard intends to make these amendments effective immediately after publication of the final rule.

In consideration of the foregoing it is proposed to amend Part 401 of Title 46 of the Code of Federal Regulations as follows:

1. By adding a new paragraph (a)(11) to § 401.110 to read:

§ 401.110 Definitions.

(a) • • •

(11) "Person" includes an individual, registered pilot, partnership, corporation, association, voluntary association, authorized pool, or public or private organization other than an agency.

2. By revising § 401.330(a) to read:

§ 401.330 Certificates of Authorization.

(a) Subject to § 401.300(b), an association that is qualified to establish a pool in a District or area is issued a Certificate of Authorization that is valid until suspended or revoked under the procedures in § 401.335.

• • • • • •

3. By adding a new § 401.335 to read:

§ 401.335 Suspension or revocation of a Certificate of Authorization.

(a) The Director may issue an order to suspend or revoke a Certificate of Authorization if—

(1) The holder of a Certificate of Authorization does not continue to meet the requirements under § 401.320; or

(2) The holder of a Certificate of Authorization does not comply with the requirements of this part.

(b) Before issuing an order to suspend or revoke, the Director notifies the holder of a Certificate of Authorization of the reasons for the proposed suspension or revocation and gives the holder an opportunity to comply with the requirements of this part.

(c) If the Director finds that the violation of a requirement of this part involves public health, interest, or safety, or that the violation is willful, the Director may issue an order to suspend or revoke the Certificate of Authorization without giving notice under paragraph (b) of this section. This order contains the reasons for the Director's action.

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4. By revising § 401.340(a) to read:

§ 401.340 Compliance with working rules of pools.

(a) United States or Canadian registered pilots utilizing the facilities and dispatching services of any authorized pool will comply with the working rules of the pool as referenced in § 402.320, except to the extent provided in § 401.720 (b), and with other rules of the pool that are related to those facilities and services.

. . . . . .

5. By adding a new Subpart G to read:

Subpart G—Operating Requirements for U.S. Registered Pilots and Holders of Certificates of Authorization; Authority of the Director Over Operations

Sec.
401.700 Operating requirements for U.S. registered pilots.
401.710 Operating requirements for holders of Certificates of Authorization.
401.720 Authority of the Director over operations.

§ 401.700 Operating requirements for U.S. registered pilots.

Each U.S. registered pilot shall—

(a) Provide pilotage service when dispatched by his pool; and

(b) Comply with the dispatching orders of the Director under § 401.720(b).

§ 401.710 Operating requirements for holders of Certificates of Authorization.

Each holder of a Certificate of Authorization shall—

(a) Comply with the terms of any agreement for services by registered pilots on the Great Lakes between an appropriate agency of Canada and the Secretary, his designated agent, or the Director;

(b) Coordinate on a reciprocal basis its pool operations with pool operations of the Canadian Government, under the "Memorandum of Arrangements, Great Lakes Pilotage, Between the Secretary of Transportation of the United States of America and the Minister of Transport of Canada", effective July 7, 1970;

(c) Provide pilotage service on a first-come, first-serve basis to vessels that give notice of pilotage service requirements to the pilotage dispatch station, except pilots are not required to board a vessel that does not furnish safe boarding facilities;

(d) Provide pilotage service under the terms of its approved working rules as referenced in § 402.320;

(e) Comply with its approved working rules as referenced in § 402.320, except to the extent provided in § 401.720(b);

(f) Comply with all accounting procedures and reporting requirements in this chapter; and

(g) Make available to the Commandant all of its financial and operating records.

§ 401.720 Authority of the Director over operations.

(a) This section does not limit the authority of the Director under any other section in this chapter.

(b) When pilotage service is not provided or not provided in accordance with the pool's working rules, the Director may order any U.S. registered pilot to provide pilotage service.

§ 402.320 [Amended]

6. By amending § 402.320(a)(1) by striking the date "March 25, 1965" and inserting "July 10, 1968" in place thereof.

7. By amending § 402.320(a)(2) by striking the date "September 15, 1965" and inserting "October 14, 1970" in place thereof.

8. By amending § 402.320 by deleting paragraph (a)(4).

9. By amending § 402.320(a)(5) by striking the date "March 22, 1965" and inserting "April 1, 1971" in place thereof.

(Sec. 4 and sec. 5, 74 Stat. 260 (46 U.S.C. 216b, 216c; sec. 6(a)(4), 80 Stat. 937, as amended (49 U.S.C. 1655(a)(4)); 49 CFR 1.46(a))

Dated: October 31, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-25758 Filed 11-4-74;9:45 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS-31; Notice No. 74-7A]

DEFINITION OF GATHERING LINE

Extension of Comment Period

This notice extends the period for comment to Notice 74-7 published at 39 FR 34569 on September 26, 1974. Notice 74-7 proposes to clarify the existing definition of the term "gathering line" in Part 192. Interested persons were given until November 8, 1974, to submit written comments.

The American Petroleum Institute (API) has requested that the comment period be extended for at least 30 days. API alleges that the proposal in Notice 74-7 presents significant problems to gas producers and gatherers and that the additional time is necessary to develop technical information for the docket.

The Office of Pipeline Safety (OPS) encourages all interested persons to submit as much technical data as they deem essential for OPS consideration before final rule-making action is taken. However, because of the nature of the proposal in this case, while some additional time is not unreasonable, a full 30 days besides the time already provided does not appear warranted for preparation of technical information.

Therefore, the period for public comment to Notice 74-7 is hereby extended to November 22, 1974. Late filed comments will be considered so far as practicable.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC § 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on October 29, 1974.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.74-25693 Filed 11-4-74;8:45 am]

[49 CFR Part 192]

[Docket No. OPS-30, Notice No. 74-6A]

OFFSHORE PIPELINE FACILITIES

Extension of Comment Period

This notice extends the period for comment to the advance notice of proposed rule making on offshore gas pipeline facilities published at 39 FR 34568 on September 26, 1974 (Notice 74-6).

Notice 74-6 invites public comment by November 22, 1974, on a variety of problem areas related to amending Part 192 to provide better safety regulation of pipeline facilities used in the transportation of gas offshore.

The American Society of Mechanical Engineers' (ASME) Gas Piping Standards Committee has requested that the period for comment be extended to the middle of December 1974. The Committee states that its Task Group, consisting of representatives of offshore operators and contractors, is developing recommended standards for offshore facilities which should be complete with justifications by early December. To allow sufficient time for submission of the proposals being developed, the ASME request is hereby granted.

The new deadline for public comment is December 13, 1974. Late filed comments will be considered so far as practicable.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC § 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on October 29, 1974.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.74-25692 Filed 11-4-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 289-8]

WASHINGTON

Implementation Plan Revisions; Notice of Delay of Decision

On September 10, 1973, the State of Washington, after proper notice and public hearings, submitted several revisions to its implementation plan. The revisions included amendments to the Washington Clean Air Act, changes in the rules of the Department of Ecology designed to implement the new legal authority, and changes to the regulations of local air pollution control agencies. The Administrator invited public comment on these revisions in the November 15, 1973, FEDERAL REGISTER (38 FR 31513). No comments were received by the Agency in the 30-day comment period.

Subsequent to that notice of receipt of revisions to the Washington implementation plan, the Administrator reviewed those revisions relating specifically to open burning—chapter 136, Laws of 1972, 1st ex. sess; chapter 193 Laws of 1973, 1st ex. sess; Washington Administrative Code (WAC) 18-12; and portions of Regulation I of the Puget Sound Air Pollution Control Agency, Regulations of the Northwest Air Pollution Authority, Regulation I of the Olympic Air Pollution Control Authority, Regulation I of the Grant County Clean Air Authority, and Regulation I of the Douglas County Air Pollution Control Commission. As a result of the review, the Administrator determined that additional explanation by the State is necessary on certain technical and legal points before the revisions may be approved.

The proposed revisions include an amended section of the State of Washington Clean Air Act which provides that a limited burning program will be established until such time as an alternate technology or method of disposing of organic waste is developed. The alternate technology must be reasonably economical and less harmful to the environment than open burning. To comply with this statute, the State of Washington Department of Ecology open burning regulation was revised to establish a procedure for certification of an alternative for open burning.

This notice informs the public that the Administrator has not made a final judgment on the proposed revisions to the Washington implementation plan dealing with open burning. The Regional Administrator of Region X has asked the State of Washington Department of Ecology to provide EPA with additional supportive information to be used in recommending a final decision to the Administrator. Specifically, the State has been requested to provide:

1. Guidelines on how the State and local authority open burning regulations will operate in concert.
2. A technical comparison of the stringency of the revised State open burning regulation with the State and local regulations in the approved implementation plan.
3. A technical comparison of the stringency of revised local regulations with the revised State regulation.
4. An Attorney General's opinion providing assurance that the proposed revisions, especially the local regulations, are operable under State law.

In view of this delay, the Administrator hereby announces a 30-day public comment period beginning November 5, 1974 and ending December 5, 1974. Comments are specifically invited not only on the proposed revisions, but on any of the four points discussed above. Comments should be addressed to the Regional Administrator, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101 Attention: Ms. Kathryn Higley M/S 629.

When the supplemental information from the State is received by EPA, the Administrator will announce his next action in the FEDERAL REGISTER.

(Sec. 110, Clean Air Act, as amended; (42 U.S.C. 1857c-5))

Dated: October 25, 1974.

CLIFFORD V. SMITH,
Regional Administrator.

[FR Doc.74-25688 Filed 11-4-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 63]

[Docket No. 20097]

RESALE AND SHARED USE OF COMMON SERVICES AND FACILITIES

Order Extending Comment Time [1]

1. In view of the substantial time and effort being devoted by many of the parties interested in this docket to on-going settlement conferences in another proceeding (Docket No. 20099) and the oral representations by such parties that an extension of time is needed herein because of such conferences, we are of the opinion that the date for filing comments and responsive pleadings herein should be postponed for 30 days.

2. Accordingly, *It is ordered*, Pursuant to delegated authority contained in § 0.303(c) of our rules (47 CFR 0.303(c)), that the time to file comments in this proceeding is extended until December 11, 1974; the time to file reply comments is extended until January 23, 1975; the time to file responses to reply comments is extended until February 21, 1975.

Adopted: October 30, 1974.

Released: October 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] KELLEY GRIFFITH,
Acting Chief,
Common Carrier Bureau.

[FR Doc.74-25756 Filed 11-4-74;8:45 am]

[47 CFR Part 73]

[Docket No. 20002; RM-2143 etc.]

FM BROADCAST STATIONS IN FLORIDA; TABLE OF ASSIGNMENTS

Order Extending Time In Which To File Opposition To Petition To Dismiss

In the Matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (Marco, Florida; St. Augustine, Florida; Milton, Florida; and Jacksonville, Florida)

1. On April 8, 1974, the Commission adopted a notice of proposed rulemaking in this proceeding (39 FR 13559). Among other things, that notice proposed to assign Channel 283 to St. Augustine, Florida (RM-2184). This assignment, if made, would require the substitution of Channel 288A for 285A at Atlantic Beach, Florida. Since Channel 285A at Atlantic Beach is presently occupied by Station WJNJ-FM, licensed to WKTX, Inc., the Notice ordered WKTX, Inc., to show cause why its license should not be modified to specify operation on Channel 288A instead of 285A if the Commission, in this proceeding, were to find it in the public interest to assign Channel 283 to St. Augustine. The order was issued with the express understanding that the permittee of Channel 283 at St. Augustine would give reasonable reimbursement to WKTX, Inc. for expenses in connection with such a change.

2. On June 24, 1974, in comments filed in this proceeding, WKTX, Inc., suggested that Channel 283 be assigned to Jacksonville, Florida, and that Channel 288A be assigned to St. Augustine (a supplement to these comments was filed August 19, 1974). On July 15, 1974, the Commission issued a Public Notice (No. 917) stating that the WKTX, Inc. proposal was being treated as a counterproposal in this proceeding, and assigning it rulemaking number RM-2405.

3. In response to our Show Cause Order, WKTX, Inc., filed a "Request for Hearing and Modification of Show Cause Order" in which it requested a hearing on the proposed modification of its license and also requested that the show cause order, mentioned above, be modified to specify operation of WJNJ-FM on Channel 283 at Jacksonville rather than Channel 288A at Atlantic Beach. On October 1, 1974, Jack D. Gordon, the petitioner for the Channel 283 assignment at St. Augustine, filed a "Petition to Dismiss" directed against that portion of the WKTX, Inc. pleading which requested modification of the order to show cause.

4. Under § 1.45(a) of the Commission rules, oppositions to any motion, petition or request must be filed within 10 days after the petition is filed. Under § 1.45 (b), the person who filed the original pleading may reply to the opposition within 5 days after the time for filing oppositions has expired. WKTX, Inc., has indicated that it intends to file an opposition to the "Petition to Dismiss" and requests that the date for such filing be extended through November 8, 1974. In support thereof it states that the additional time is necessary in order to permit preparation of a full response to the matters raised in the "Petition to Dismiss." It also states that counsel for Jack D. Gordon, and for the City of Jacksonville (licensee of WJAX-FM, Jacksonville), which has expressed its interest in this proceeding by the filing of comments, have indicated that they would interpose no objection to such an extension of time. WKTX, Inc., further avers that the grant of an extension would not delay Commission action in this proceeding.

5. It appearing that the public interest would be served by granting the requested extension, *It is ordered*, That the

[1] See also 39 FR 29936.

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date for filing oppositions to the aforementioned "Petition to Dismiss" is extended to and including November 8, 1974.[1]

6. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission rules.

Adopted: October 29, 1974.

Released: October 30, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-25755 Filed 11-4-74;8:45 am]

[47 CFR Part 76]

[Docket No. 20018; FCC 74-1163]

FEDERAL PRE-EMPTION OF CABLE TELEVISION TECHNICAL STANDARDS

Report and Order

In the matter of amendment of Part 76 of the Commission's rules and regulations relative to the advisability of Federal preemption of cable television technical standards or the imposition of a moratorium on non-Federal standards (39 FR 31331).

1. On April 15, 1974, we adopted our Clarification of the Cable Television Rules and Notice of Proposed Rulemaking and Inquiry, FCC 74-384, 46 FCC 2d 175, wherein, among other things, we invited public comment on the question of whether the field of cable television technical standards should be totally preempted by this Commission or a moratorium on additional non-Federal standards should be imposed until the completion of the work of the Commission's Cable Television Technical Advisory Committee (CTAC)[1] and the adoption of further Federal standards. Thirty-seven comments and replies were received which addressed the question. The comments presented the views of municipalities, municipal associations, state agencies, cable television system operators and associations, electrical equipment standards organizations, television broadcasters, and private individuals. A broad spectrum of opinion and experience was presented. In addition, we have before us the recommendations of the Commission's Federal-State/Local Advisory Committee (FSLAC)[2] insofar as they concern the appropriate division of regulatory jurisdiction over the adoption and enforcement of technical standards.

2. At the time our technical performance standards regulating the cable television industry were initially adopted, we stated:

> The general question of federal pre-emption of technical standards has been informally raised by a number of parties. Our technical standards provide only a start. They will be expanded and refined to meet changes in the state of the art. We see no reason why franchising authorities may not now require more stringent technical standards than those in Subpart K.[3]

At the time this statement was made, no State had adopted cable television technical standards and we had perceived no difficulties with such standards written into local franchise agreements. Subsequent to this, consultations with persons developing local technical standards suggested the possibility that there might be some conflict in the goals sought by local authorities in setting standards and our own.[4] On May 23, 1973, the National Cable Television Association filed a petition for rule making (RM-2196) specifically asking that the Commission ". . . standardize the technical standards applicable to the cable television industry" and that the Commission not permit states and localities to deviate from the Commission's technical standards without an approved justification.

3. Noting the pendency of this petition and developments since the adoption of our initial technical standards, we instituted this rule making proceeding to obtain comment on the question of whether this field should be totally preempted or whether a moratorium on additional non-federal standards should be imposed. We have carefully reviewed the comments received in response this notice and are now ready to act in this proceeding.

4. At the outset, we believe it appropriate to attempt to clear up one source of confusion that has obscured the debate in this proceeding. This proceeding has to do exclusively with the type of technical performance standards specified in Part 76, Subpart K, of our rules. That is, we are concerned with standards that are quantitative definitions of the electrical or optical characteristics of a signal source, transmission system, or terminating device. Such standards speak only to the shaping, amplification, attenuation, purity, etc., of the signals carried on cable systems. We are not concerned in this proceeding with mechanical or equipment standards designed to protect, for example, against extraordinarily corrosive environments, daily or seasonal temperature extremes, high winds, or rodent attack. Nor are we here directly concerned with the channel capacity of a system, protection against electrical supply outages, the placement of structures, construction practices, or electrical safety code enforcement. In some of the comments received, there appeared to be some concern that preemption of these areas was under consideration in this proceeding. That is not the case.

5. Additionally, there appeared to be some confusion over what is meant by a "minimum technical standard." When it is said that a technical standard or a set of such standards are minimum standards, several meanings can be implied. It may mean they are inherently deficient. It may also mean they are designed to account for a physical phenomenon. Under the second meaning, however, the word "minimum" carries with it no connotation of inferiority. It has reference, rather, to the quality of service that will be regarded as acceptable at the worst point in the cable network due to cumulative effects.[5] Such a standard is minimum in the sense that it should, at least theoretically, be exceeded and the quality of service superior at all other points in the system. Further, a body of standards can be considered minimum in the sense of being explicitly incomplete regarding the control of those characteristics which have a presently imprecisely known effect on the performance of a system. It is the sense of these last two meanings which we encompass in our use of the word "minimum." The unitiated should thus not assume that the constant references to our minimum standards constitute an admission that they are inherently inferior. Hopefully this should serve to resolve some of the qualms of the many commenters who may have been misled by technical semantics.

ARGUMENTS AGAINST FEDERAL PRE-EMPTION

6. *Only local technical standards can meet the variety of local needs.* Among those comments urging that the Commission not act to pre-empt cable television technical standards regulation, the most common argument was that only through the adoption of local standards can varying local needs be met. This was the position posited by most municipalities, municipal organizations, and State agencies commenting. These entities viewed their communities or jurisdictions as substantially disparate and expected to reflect the differences in unique cable television technical standards. Although many comments urged this view, stressing phrases such as "local needs," "differing needs and desires," "differing economic, demographic, geographic, and climatic factors," "level of technical quality," "manner and quality of service," "best possible service," "superior service," "performance level," "high quality system," and "state-of-the-art system," few were specific regarding the electrical characteristics to which they had addressed or intended to address their regulatory efforts. Two major categories of justification can, however, be distilled from the comments.

7. Some see peculiar local needs arising from unique physical conditions. However, few commenters alluded to the nature of these unique physical conditions—high ambient RF field strengths and extreme climatic variations—and no one suggested which cable system electrical characteristics would be set forth or amended by local regulation in order to accommodate such conditions. For example, the City of Phoenix, Arizona, stated that "• • • it would seem to be difficult to design national standards which are as valid for Phoenix's summertime 116 degree heat; the midwest's subzero temperatures, blizzards and ice storms; yet still accommodate coastline rain, humidity, and corrosive salt spray."

8. Some see peculiar needs arising from unique social conditions such as affluence or enhanced perceptions of visual and aural acceptability. Thus, as suggested in the comments filed for the City of Anaheim, California, a wealthy community might argue that its subscribers could afford a standard higher than less affluent communities or than a general national standard. While may made this general argument, here again specifics as to the electrical characteristics at issue were not generally presented. Among those that were specific, some sought improved signal-to-noise ratios, cross modulation ratios, and converter frequency stabilities. Others sought standards relating to non-broadcast television signals, "ghosting," phase characteristics, and transient response—all characteristics that the Commission has delayed acting on until CTAC provides additional guidance.

9. *Federal standards are inadequate and require supplementation at the local level.* Our own standards for cable television system technical performance do not, as was acknowledged at the time of their adoption, regulate all of the electrical characteristics of system performance.[6] For example, envelope delay, differential gain and phase, and other color transmission related electrical characteristics are not covered in our rules but were referred to CTAC as matters requiring further study. The present absence of these and similar standards at the federal level are, thus, cited as a reason for allowing the introduction at the local or state level of regulations covering these system parameters. Certain members of the staff of the Cable Television Information Center, for example, commented that the local franchising authorities and state regulatory bodies should be free to impose higher standards which they deem to be appropriate to particular local conditions in order to assure delivery of high quality cable television service to subscribers.

10. *Local technical standards can be more easily changed than Federal standards, thus keeping pace with the rapidly changing technology.* Many of the comments were based on the idea that local technical standards can be more easily changed than federal standards, thus keeping pace with a rapidly changing technology.[7] Several parties underscored the time lag between the initiation of a Commission rule making proposal and the final adoption of rules. This process may take as little as two or three months to complete, or it may take years, normally depending on the importance or complexity of the issues involved. The process at the local or state level of modifying standards applicable to individual systems or of adopting new types of standards is said to exceed in speed and flexibility the process at the federal level, as well as provide a creative laboratory for the testing of standards which may one day be found worthy of adoption as national standards.

11. *Local technical standards will provide optimal handling of complaints.* Some commenters have suggested that the best and fastest response to complaints of "poor service" will result if local governments enforce their own technical standards.[8] In addition, the feeling was expressed that the development of local standards would create a body of local expertise without which local enforcement of technical standards could not effectively take place.

ARGUMENTS FOR FEDERAL PRE-EMPTION

12. *Uniform national cable television standards are necessary to effectively execute a national policy of providing to all the people of the United States a rapid, efficient, adequate, nation-wide and world-wide telecommunication service at reasonable charges.* Cable television systems are becoming an integral part of the communications structure of the United States. They are or can be interposed between broadcast systems, private microwave, common carrier microwave, satellite and a variety of terminal devices. A broad array of analog (television, radio, facsimile) and digital signals are distributed by these integrated systems. In many cases, the signals are originated far distant from the ultimate user. Proponents of federal pre-emption argue that cable systems' use of local rights of way and their ability to supply local community services does not mean that they should be excised from this national communications structure and subjected to varying local regulations. This position was repeatedly posited by most cable system operators, cable system associations, industry standards groups and collectively represented the view of those advocating the cause of federal pre-emption. The joint comments of Colony Communications, Inc., *et al.*, suggest the essence of this position as follows:

> Cable television systems are integral links in the chain of interstate communications and each system constitutes an integral element of a fledgling and developing industry. Moreover, the industry is characterized by a number of companies which have cable operators in various states. Efforts by States or municipalities to directly or indirectly exercise authority beyond their respective borders, or if the results of such exercise necessarily have ramifications beyond those boundaries, are actions which constitute serious impingements on interstate commerce. In consequence, Federal parameters are essential to avoid the over extension of local power in this area.

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[1] From one point of view, the "Petition to Dismiss" is an opposition to the "Request for Hearing and Modification of Show Cause Order," the "opposition" thereto that WKTX, Inc., wishes to file is actually a reply, and the rules would provide for a period of 5 days for the reply. If the "Petition to Dismiss" is viewed as an initial type of pleading, then WKTX, Inc., would be allowed 10 days in which to file an opposition under the rules. We do not here rule on how the "Petition to Dismiss" is viewed, and the extension of time is granted regardless of our final decision on this question.

[1] The Commission announced its intention to create this advisory committee at the time it first adopted technical standards, 36 FCC 2d 143, 204 (1972). The Commission looks to the Committee for advice and recommendations concerning technical standards for carriage of broadcast and cable originated programming two-way communications, and various other cable services. The Committee functions through nine panels concerned with the following: identify appropriate technical parameters to be measured and recommend the necessary methods and instrumentation; determine the significant relationship between picture quality ratings and such factors as cross-modulation and intermodulation beats, "ghosting", and hum modulation of r.f. carrier; identify critical performance and design characteristic of TV receivers for cable television and determine the relationship between significant measurable parameters and picture quality ratings; identify and evaluate critical performance characteristics of input equipment for Class II channels; evaluate possible frequency assignment plans for Class II cable television channels; identify and evaluate current practices involving technical operations; investigate the need for, and feasibility of, developing interchangeability standards at the interface between cable TV service drop and terminals other than a broadcast TV receiver for use on Class III or IV cable TV channels; describe the technical operating environment involved in the formulation of cable standards; and identify areas of need for technical performance specifications with regard to providing desired interactive services. CTAC members will have recognized expertise in their fields and represent such diverse interests as electronic equipment manufacturers, broadcasters, cable system operators, common carriers, trade associations, communications consultants, educators, and civic groups. Its report should be before the Commission by early 1975.

[2] Like the technical advisory committee, the Commission announced its intention to create this Committee in the Cable Television Report and Order, 36 FCC 2d 143, 204, para. 170 (1972). It was established for the purpose of advising the Commission on problems concerning the allocation of regulatory responsibilities for cable television among federal, state and local levels of government. The committee's activities extended to all aspects of cable television regulation. Its membership represented a broad range of interests and its report to the Commission was submitted on September 21, 1973.

[2] Reconsideration of Cable Television Report and Order, 36 FCC 2d 326, 359-60, para. 91 (1972).

[3] *Cable Television Report and Order, supra*, n. 2 at para. 170.

[4] The most obvious of these pertained to standards proposed for the regulation of non-broadcast channels. In adopting our access channel rules, we had specifically sought to encourage the use of low cost non-broadcast quality equipment. We stated "In this experimental stage, it would be self-defeating to require cable systems to carry access programming and at the same time meet stringent technical standards." Cable Report and Order, supra, at para. 143. Shortly thereafter it came to our attention that some state authorities were considering the adoption of broadcast quality technical standards applicable to these channels.

[5] Because the characteristics of signal sources, transmission systems, and terminal devices vary as functions of time, distance, loading, etc., boundary conditions and value tolerances must be specified in standards. For some standards, the tolerance should be a "plus" or "minus" value; for others, the specified value of the characteristic itself may be the "minimum." Hence, the reference to a "minimum" standard.

[6] *Cable Television Report and Order, supra*, n. 2 at para. 170.

[7] See comments filed for League of Wisconsin Municipalities.

[8] See, *e.g.*, comments filed for the City of Anaheim, California.

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13. *Uniform national standards involve a broader scope of technical expertise, and allow a unified point of contact necessary to assess national communications policy.* Many of the comments stated that the Commission's rule making process typically involves individuals and organizations with substantially greater experience and expertise in the communications field than exists at the non-federal level and urge for this reason that standards should be set at the federal rather than local level of government. One commentator put the matter as follows:

Broadband Communications is not a simple application of transmission engineering. It encompasses a wide area of electronic technologies and operating skills. It requires awareness of the evolutionary development of hardware, devices and communications services • • • Unlike highly specialized equipment for military use or industrial processes, where cost may be a secondary consideration to the ultimate in performance, we are dealing with a service for a mass consumer market where the individual subscriber, the television viewer and the user of communications services pays the cost. Protection of the public requires experienced judgment of what each additional dollar will buy in terms of improved performance. It requires evaluation of the effect on investments the public has already made as well as a decision as to what is truly necessary and when increased performance does not justify the concomitant cost. It requires an equitable division of design tolerances between the various devices that comprise a total system. This work calls for mature and experienced judgments and knowledge of the history and technical trends of the telecommunications industry as well as professional skills.*

14. The existence of expertise at the Federal level, the complexity of the economic and technical trade-offs that must be made in adopting technical standards, and the necessity for relating these decisions both to the Commission's goals for cable television and to national interests in the regulation of broadcast communications and in the production of broadcast television reception equipment are urged as reasons for exclusive national control over system performance standards.

15. *Uniform national standards encourage standardization of test equipment performance and techniques and a common understanding of terms and definitions.* For technical standards to be meaningful, criteria for testing performance must be specified. If the electrical characteristics of cable television systems and signal sources set forth in regulations are to be verified by the cable system operator and governmental authorities, test equipment possessing known and stable characteristics must be utilized. These requirements, it is urged, must be spread across many cable television systems if the cost for each system tested is not to be unreasonable. Uniform standards, it is urged, will facilitate this process. Likewise uniform standards facilitate the training of technical personnel and the use of trained personnel across political boundaries which might otherwise have imposed different standards or have different definitions of similar standards.

16. *Uniform national standards encourage the development of cable television systems because of assurance that technical requirements will not vary capriciously among different communities.* The cable television system operators represented in the comments unanimously stated that non-federal technical standards would have an adverse impact on the development of their systems. TelePrompTer Corporation which currently operates over 140 cable systems in 33 states said:

Technical standards for cable are a matter of substantial concern to [TelePrompTer] because of their impact upon the capital cost and economic viability of present and future cable plant facilities and services [footnote example omitted]. Inevitably, there is a spill-over of the economic consequences of more restrictive technical standards on other aspects of the services provided by the cable operator. For example, technical standards resulting in higher rates will reduce demand for cable service and lower cable's penetration in a community. • • • Even more than franchise fees, local control over technical standards and hence the cable operator's expenditures on basic facilities offers unchecked leverage to subvert the Commission's regulatory scheme for cable.

The joint comments of 80 cable companies state:

The cable television industry is a highly capital-intensive industry and cannot readily support further unnecessary increases in its costs. • • • [T]he lack of • • • uniform standards will hamper the technical development of cable television because equipment will not be able to be manufactured for nationwide use.

The Broadband Communications Section, Communications Division, Electronic Industries Association (E.I.A.) said:

[N]ational standards will insure stability within the industry not only for manufacturers but for systems operators and investors. Implicit in the [E.I.A.] Section's desire for national standards is our concern that in their absence there will be a requirement for potentially large investments in incompatible systems and equipment, resulting in a reluctance to invest the necessary time and energy in the development of equipment to insure the growth of broadband communications, and an increase in cost to the general public.

17. *Uniform national standards encourage equipment designers and manufacturers to invest in hardware development and production because of assurance of a larger and more stable market for their products.* Some parties, including the Electronic Industries Association, a national voluntary standards organization, expressed the feeling that non-federal standards would have an adverse effect on the development of cable equipment. The E.I.A. Broadband Communications Section stated:

It is the Section's view that national standards are requisite to the orderly development of broadband communications. Such national standards are as necessary to that development as they have been to the development of the telephone system, broadcasting services, microwave communications, and a variety of other communications systems and services. Benefits which can accrue to the development of broadband communications from uniform standards include the encouragement offered to manufacturers to invest in development and production because of the assurance of a large national market, along with a thrust toward more rapid development of such equipment.

18. *Uniform national standards encourage the establishment of national and regional services, particularly data, because of assurance of uniform transmission characteristics.* Parties urging the need for federal standards have indicated that uniform national standards are particularly important for acceptable transmission of digital information and that uniform signal standards are imperative for the development of data services. TelePrompTer states:

Diverse and uncoordinated state regulation of technical standards may also seriously jeopardize the prospects for future utilization of cable systems for non-video services. • • • [T]he future development of such services should not be in any manner impaired by a jumble of locally promulgated technical standards. The disruptive effect is far more likely with respect to technical standards for new services than with respect to those relating to the quality of broadcast signals delivered on the cable. In the latter case, the Commission's Rules applicable to the quality of the basic broadcast signal and of television receivers narrow the types of technical specifications that can be adopted by local authorities. By contrast, local jurisdictions are drafting standards applicable to nonvideo services in a relative vacuum; and the risk of inconsistent approaches is quite likely.

TelePrompTer points out that we have recognized cable as an important gateway for new digital services and have in the past expressed our intention to insure against arbitrary blockage of this gateway.

19. *Uniform national standards are necessary to insure that the investment by the public in terminal equipment will be reasonable and compatible.* Both the Broadband Communications Section and the Consumer Electronics Group of the Electronic Industries Association elaborated on the impact of non-uniform standards on the subscriber's equipment. The Broadband Communications Section states:

National standards, unaffected by political boundaries, assure that the investment by the public in equipment will be protected. For example, if there were no national standards, a citizen who relocates might find himself unable to use previously purchased equipment at his new location.

The Consumer Electronics Group states:

[We are] concerned that a proliferation of non-Federal cable television technical standards will seriously impair the manufacturers' ability to provide the public with the best practical cable television receivers at a reasonable price. State and local promulgation of such standards will invariably mean different standards so that manufacturers will be required to manufacture sets on a state-by-state or possible, on a locality-by-locality basis rather than on a national basis. This would inevitable lead to a less efficient use of manufacturing facilities and higher consumer prices for such 'custom designed' receivers. Moreover, such a pattern of Federal, state and local regulation of cable television technical standards would seriously interfere with the development of improved cable television receivers since improvements might not be usable on a nationwide basis.

*Letter from Mr. Hubert Schlafly, Chairman of CTAC Steering Committee.

Conclusion

20. A review of the voluminous filings in this proceeding and our own experience over the past few years convince us that there is a compelling need for national uniformity in cable television technical standards. Distributive/collective broadband communications networks, typified by cable television systems, are among the most complex and rapidly evolving communications systems in the world today. Our approaches to regulation in general, and technical standards in particular, must be sufficiently flexible to allow for new developments, without at the same time creating such a climate of uncertainty as to deter the commitment of major economic resources to these developments. We have come to realize that this is a delicate balance. It might well be achieved by continuing our present approach of incomplete federal standards complemented by additional state or local standards. But we are persuaded now that such a balance is more likely to be achieved through the adoption of nationwide standards, more complete and refined than our present standards, with built-in flexibility in the interim allowing for liberal waivers in those instances in which:

1. we have set no standard and there is a demonstrated state or local need for such standard; or

2. our standard is demonstrably inadequate to meet clear state or local needs or conditions.

Despite the localized nature of cable television and our recognition of it in such areas as franchising (see § 76.31 of our rules), our entire interstate system of communications is greatly affected by the development of cable television. It is increasingly imperative that all of us involved in cable recognize that its impact is nationwide.

21. Since the adoption of the Communications Act of 1934, this Commission has had a congressionally mandated obligation to foster and promote "• • • a rapid, efficient, nation-wide and world-wide wire and radio communications service • • •" (Section 1). It is increasingly clear to us that cable television is becoming an integral link in that system. The full panoply of communications media, including broadcasting, microwave, wire, and even satellite must be regulated in a fully coordinated manner to assure the ultimate workability of the over-all system. Nowhere is this more obvious than in the area of technical standards. The long term goal of an efficient nationwide communications system cannot be achieved if one segment of that system develops with a multiplicity of jurisdictionally mandated, non-uniform technical characteristics that may result in incompatibility. Whatever the transmission medium, electromagnetic signals do not change their characteristics according to political boundaries.

22. When we initiated our comprehensive regulatory program for cable in 1972, we took only the first steps toward the development of technical standards. Many of the parties filing in this proceeding note that the technical standards we adopted are incomplete. This was conceded when they were promulgated. We took a very conservative approach to the development of standards because we recognized that, in light of the rapid evolution of the technology, there was an inadequate base of information from which to formulate them.

23. The need for more information took us in two directions. First, we established CTAC to aid us in developing the complex data base necessary to devise appropriate standards. Second, we allowed franchising authorities to promulgate additional technical standards not inconsistent with ours. These additional standards have proved to be a valuable tool in determining the advantages and problems of various proposed standards in actual test situations.

24. In reviewing the various standards that have been locally promulgated we note, as can be expected, that they cover the entire range of possibilities, from highly sophisticated standards developed after full studies of the technical and socio-economic effect of the proposed regulations to clearly unworkable or impossibly excessive demands.

25. Some argue that we should not be concerned with the "impossible" demands since they cannot and will not be met and therefore will have no impact. We cannot agree with this laissez faire attitude. In some instances such demands might have far broader implications than are immediately recognized on the local level. For example, in a good faith attempt to assure their local constituents a high quality picture on origination and access channels, several franchising authorities have attempted to impose stringent standards on Class II channels. The unforeseen result of that decision, however, was to effectively prohibit the use of low-cost video equipment in favor of broadcast quality equipment. This, in turn, makes the initiation of origination or access programming economically prohibitive—a result that we clearly cannot accept. Further, such standards may have an even broader impact on the ability of the cable industry and independent cable programmers to network their product, particularly if the standards are looked to as a model for other cities or are adopted at the state level.

26. The imposition of non-uniform technical standards in certain areas may also have a deleterious effect on the development of new cable services, particularly in the field of data transmission. Uniformity in the parameters of the technical characteristics for data transmission is essential to the successful use of cable for this purpose. The effect of standards designed simply to improve video signals for television reception on other potential uses of the broadband network must be taken into account before variations from uniform technical standards can be allowed.

27. Another long-range effect of non-uniform standards also causes us great concern. The development and marketing of signal source, transmission, and terminal equipment could be seriously impeded by non-uniform standards. The spectre of having to manufacture specialized equipment based on jurisdictionally imposed technical standards cannot be ignored. This is particularly true regarding devices which might be bought or leased by the user. Our experience with the now developing "foreign attachment" and private line equipment industry in telephony presents a compelling argument for uniformity in the analogous field of cable.

28. Those who argue against the adoption of uniform standards generally restrict their arguments to the provision of service, particulary television service, to local subscribers. This, of course, is to be expected since that is the largest part of cable's service today. We must, however, look beyond the present. As noted above, many local entities have done an excellent job in adopting different and sometimes highly specialized technical standards that go far beyond our present rules. Where appropriate, we will allow such experimentation to continue. Technical standards have been developed on the local and state level dealing with such characteristics as "ghosting," and intermodulation products. Similarly many communities have adopted a higher signal-to-noise ratio than our present rules specify. Here again, we recognize that there is room for reasonable differences of opinion and the usefulness of these local efforts is readily acknowledged. But, in our view, the focus of developing technical standards must shift to the national level to achieve that previously mentioned balance between innovation and certainty. Our standards should insure good service in most instances. They take into account not only the technical questions involved but also the cost-benefit considerations in an area as subjective as picture quality. Of course we recognize that in certain instances different conclusions will be reached. When such conclusions can be supported both from a technical and a socio-economic standpoint, and they meet the conditions referred to in Paragraph 30, above, we will grant waivers to allow the variation until such time as subsequently adopted federal standards remove the need for the state or local variation. We expect that the supportive documentation for such waivers, along with the results of CTAC's work, will provide the basis for the promulgation of additional and more refined standards.

29. As a basic point of departure, however, we now find that there is a necessity to rationalize, interrelate, and bring

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into uniformity the myriad standards now being developed by numerous jurisdictions. We, therefore, are pre-empting the field of technical standards while at the same time encouraging the development of well supported alternative standards at the local or state level. These alternatives, however, will be subjected to rigorous review to be sure that they do not interfere with the ultimate uniformity and interconnectability we are striving to achieve. We note particularly, the inappropriateness of government imposed digital signal standards for cable television at this time. By pre-emption, we do not suggest our imminent establishment of such standards. It is clear, however, that adoption of state or local standards in this area would be premature and unacceptable.

30. Enforcement of technical standards continues to be of primary concern to this Commission. Many parties, however, have argued against federal preemption on the grounds that locally adopted standards are more easily and efficiently enforced. While we have recently added to our own enforcement capability through the acquisition of new mobile testing equipment, we agree that any assistance we can obtain in the efficient and appropriate handling of subscriber complaints would be helpful and welcomed. This is not to say, however, that different local standards are needed before local jurisdictions become involved in assuring that an appropriate response results when complaints are received. Of course, if waivers are sought in the area of different or additional technical standards, they will be granted only upon a showing of local capability to enforce them.

31. By our action in this matter of technical standards, we are hopeful of initiating a new cooperative effort at all levels of government to aid in the development of uniform technical standards that will serve the national interest and allow cable television to fulfill its technological promise.

32. The broad pre-emptive policy we are adopting today will ultimately affect all cable systems. Such effect will be gradual as the systems and our rules are refined. The numerous diverse technical standards existing today cannot remain in force if they are found to be inconsistent with the goals of uniformity and interconnectability announced herein. We recognize, however, that many of the pre-existing technical standards adopted by cities and states cannot be shown to adversely affect our stated goals. Therefore, all systems that have additional non-federally imposed technical standards that are either operational or have been certified by this Commission by January 1, 1975, will be grandfathered as to those standards. Systems neither operational nor certified by January 1, 1975, will be required to obtain a specific waiver of our rules before a certificate of compliance will be issued based on an application that includes different or additional technical standards. Further, as to grandfathered standards, cable television system operators may seek specific special relief pursuant to § 76.7 of the Rules for any pre-existing technical standard that can be shown to be inconsistent with the policy we have announced today.

33. Authority for the adoption of this ruling is contained in Sections 1, 2, 3, 4 (i) and (j), 301, 303, 307, 308, and 309 of the Communications Act of 1934, as amended.

It is ordered that this proceeding is terminated.

Adopted: October 22, 1974.

Released: October 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-25750 Filed 11-4-74;8:45 am]

[47 CFR Part 83]

[Docket No. 20212; FCC 74-1136]

APPLICANTS FOR PUBLIC SHIP STATION LICENSES

Proposed Eligibility Requirements

1. In this notice of proposed rulemaking, the Commission is proposing amendment of § 83.301 of the rules to provide that only the owner of a vessel, or operator of a leased vessel, may be the licensee of a public ship station. We are proposing, further, that the outstanding licenses of public ship stations continue in force until expiration and that at the time of renewal, where a change in licensee is required, that the owner or operator of the vessel apply for the license for the public ship station.

2. The primary purpose of the change in eligibility is to place the responsibility for proper operation of the public ship station with the person having control, as either the owner/operator of the vessel, or as the lessor/operator of the vessel on which the public ship station is authorized. This rule change will not affect those persons who are both the licensee of a public ship station and the owner/operator or lessor/operator of the vessel on which the public ship station is installed. This rule change will affect those communication companies which are presently the licensees of large numbers of public ship stations aboard vessels which they do not own or operate.

3. The present practice of licensing communication companies to be the licensee of a public ship station dates back many years (Pre-1937) to the period when, among other things, those companies assigned radio operators to ship stations and through that assignment process carried out their responsibility for proper station operation. These companies have long since ceased assigning radio operators to ship stations and have little, if any, control over the operation of those public ship stations. Under current conditions, the radio operator is normally assigned[1] to a vessel by the labor union and is paid by the shipping company. Thus, the link between the communications company and the radio operator is tenuous, at best, since it is of a contractual nature, and the radio operator is not a party to the contract.

4. There is a third category of licensee of public ship stations which falls between the two categories discussed above, which we consider to be acceptable and which, also, is not affected by this rule change. This third category describes the case where the shipping company (owner/operator and/or lessor/operator of its vessels) has established a subsidiary communications corporation who is the licensee of the radio facilities serving that company. We consider this third category acceptable because the link between the public ship station, the licensee and the shipping company is direct.

5. In addition to the primary purpose discussed above, there are secondary long-term effects which we consider to be either adverse to evolutionary improvements in maritime communications necessary to maintain pace with changes in vessel operation and advancement in communication/electronics techniques, or which are contrary to the public interest, as discussed in paragraphs 6 and 7, below.

6. With regard to improvements, either the communication company or the shipping company can, with equal ease, keep itself informed on advancement in communication/electronics technique. A communication company, however, is less capable of maintaining pace with changes in vessel operation as applied by the individual shipping companies. Lastly, we believe it would be unreasonable and impractical to expect a communication company to monitor the multiple considerations involved within any one shipping company, or the differences between all shipping companies, which goes into determining the evolutionary changes in vessel operation and the selection of a communication capability to optimize such vessel operation. It is our view that resolution of matters of such a complex nature can only be carried out by personnel within the shipping company. As the communication alternatives expand, we believe that the capability to apply choice appropriately rests with the shipping company.

7. With regard to the public interest considerations, a communication company, as licensee of hundreds of the larger type of vessels, is in a position to dictate or to strongly influence the selection of equipment which is installed aboard those vessels. A manufacturer of maritime electronic equipment, or a manufacturer considering entry into the maritime electronic field, may not compete with other manufacturers to sell his equipment, even though it may surpass all other such equipment, to one or more shipping companies because of the real or implied veto capability of the licensee of the public ship station to include that equipment on the ship station license. On the other hand, by licensing the public ship station to the owner/operator or lessor/operator, as discussed above, we remove the real or implied veto power from the communication company and place the selection of electronic equipment for ship station use with the shipping company.

8. The proposed amendments to the rules, as set forth below are issued pursuant to the authority contained in sections 4(i), 303(f), (g) (1) and (r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 6, 1974, and reply comments on or before December 16, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this Notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished to the Commission. Responses will be available for public inspection during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C.

Adopted: October 22, 1974.

Released: October 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Section 83.301 of Part 83 of 47 CFR Chapter I is amended to read as follows:

§ 83.301 Supplemental eligibility requirements.

(a) Subject to the basic eligibility requirements set forth in § 83.23 and to the provisions of paragraph (b) of this section, authorizations for:

(1) Limited ship stations or marine utility stations may be granted to any person, or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of section 301 of the Communications Act; *Provided*, That an applicant for an authorization to operate a limited ship station or a marine-utility station must request a frequency assignment on which the transmission of public correspondence is excluded.

(2) Public ship stations[1] may be granted only to the owner or operator of the vessel, or to a subsidiary communications corporation of the owner or operator of the vessel, for which station authorization is requested; or state or local government subdivision; or any agency of the Federal Government which is subject to the provisions of Section 301 of the Communications Act; *Provided*, That an applicant for an authorization to operate a public ship station must request a frequency assignment on which the transmission of public correspondence is not excluded by any of the provisions of this part (although additionally he may request any other frequency assignment).

(b) When the availability of the frequency assignment requested, or any part thereof, is specifically dependent upon the activity and/or the routes of voyage of the vessel, the application shall clearly show eligibility of the vessel for such station authorization under the provisions of this part which govern the assignment of frequencies.

[FR Doc.74-25753 Filed 11-4-74; 8:45 am]

[47 CFR Part 97]

[Docket 19723]

RADIO AMATEUR CIVIL EMERGENCY SERVICE

Order Extending Time for Filing Reply Comments

1. The American Radio Relay League (ARRL) requests an extension of time until November 15, 1974, within which to file reply comments. (See 39 FR 32567).

2. The request is predicted on ARRL's inability to obtain copies of comments filed in response to the Notice of proposed rulemaking, which was aggravated by an intervening holiday and distribution to members of the petitioner's Emergency Communications Advisory Committee.

3. The Commission is aware that the comments received have been voluminous in both numbers received and content of individual filings. Further, it is aware that ARRL's counsel has recently been hospitalized for surgery and that he may not be able to adequately prepare and submit a timely reply comment during his period of recuperation.

4. The Commission considers the foregoing as constituting a showing of good cause for grant of ARRL's request for an extension of time in which to file reply comments. Since the additional time necessary to prepare responsive and meaningful comments, will not materially affect the interests of other known parties and should not unduly delay the commission's action on the instant proposal, the request for extension of time in which to file reply comments will be granted.

5. Accordingly, *it is ordered*, pursuant to section 5(d) of the Communications Act of 1934, as amended, and § 0.331(b) (4) of the Commission's rules, that the above described requests for extension of time filed by the ARRL is granted. The time within which to file reply comments in the above-entitled proceeding is extended until November 15, 1974.

Adopted: October 29, 1974.

Released: October 31, 1974.

[SEAL] CHARLES A. HIGGINBOTHAM,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.74-25754 Filed 11-4-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 11]

[Docket No. RM75-11]

CHANGE IN ANNUAL CHARGES FOR USE OF MOST GOVERNMENT LANDS

Notice of Proposed Rulemaking

OCTOBER 30, 1974.

Pursuant to 5 U.S.C. 553 and section 309 of the Federal Power Act (FPA) (49 Stat. 858–859; 16 U.S.C. 825h) the Commission gives notice that it proposes to amend § 11.21 of the regulations (18 CFR 11.21) in order to increase the annual charges paid the United States by licensees for the use of its lands.

Such charges are required by section 10(e) of the FPA (41 Stat. 1069; 49 Stat. 843; 16 U.S.C. 803(e)), which in pertinent part declares:

> That the licensee shall pay to the United States reasonable annual charges in an amount to be fixed by the Commission • • •; for recompensing it for the use, occupancy, and enjoyment of its lands or other property; • • •, and in fixing such charges the Commission shall seek to avoid increasing the price to the consumers of power by such charges, and any such charges may be adjusted from time to time by the Commission as conditions may require: • • •

Beginning in 1937 annual charges were based on appraisals for each project, which found a wide range of values per acre. In part because the cost of appraisal was often excessive in comparison to the value of the land involved, an average annual charge per acre was developed and utilized beginning in 1942.

From 1942 to 1962, the uniform annual charge of $2 per acre resulted from the apparent application of a 4 percent interest rate to a $50 per acre average value.

Annual charges for use of lands of the United States were reviewed in 1962. As a result, on the apparent basis of an average land value of $60 per acre at a 4 percent rate, a uniform annual charge of $2.40 per acre was developed and has been utilized since that time.

In contrast to the above figures, an $8 per mile per annum uniform charge for transmission line rights-of-way 100 feet in width has been set-out in § 11.21 for several years. It represents a charge of $0.66 per acre presumably because such right-of-way does not preclude multiple use of the land involved.

Finally, § 11.21 presently sets a minimum annual charge for use of Government lands under any license at $5.

It is proposed herein to revise the existing annual charges for use of Government lands.

We, of course, are bound by the requirement in section 10(e) and its legislative history that "the Commission shall seek to avoid increasing the price to the consumer" in setting charges which nevertheless are required to be made. It is our belief that this requires something more than a nominal charge but something less than, for example, a commercial rate. An interest rate (which must be applied to determine an annual charge) of 6 percent would appear to meet this standard. It would seem to

[1] 92.4% of United States flag ships, according to the United States Federal Maritime Administration, are assigned by union hiring employment offices.

[1] Effective date: to existing stations on the expiration date of the outstanding public ship station authorization; and to new stations on the effective date of this rule amendment.

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satisfy a test of reasonableness in that it is well below many of today's commercial interest rates, yet above a token rate.

While a 6 percent rate is utilized in the five alternative proposals which follow, we are considering as well the use of at least two external guidelines which each year could automatically adjust the interest rate applied in determining annual charges. We invite the public to consider and comment on these alternatives to the 6 percent rate.

The first is the discount or interest rate used for water resources planning by the U.S. Water Resources Council (WRC). It is based primarily on the average yield of long term (15 years or more to maturity) U.S. interest-bearing securities. As a result, it can adjust each year to reflect changed Federal borrowing costs but, because of a statutory requirement, cannot change by more than one-quarter of a percent in any year (see FEDERAL REGISTER of August 14, 1974, 39 FR 29242).

The second alternative to the 6 percent figure is an interest rate which equals "the average yield during the preceding fiscal year on interest bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity." This Treasury Department language, of course, is the basis for the WRC discount rate discussed above. Its specific use, as opposed to the restrained WRC rate, would provide an interest rate which automatically equals the amount the Federal government must pay to borrow long-term funds. Such a rate currently is 6½ percent, while the WRC rate is 5⅞ percent.

As noted above, the use of specific appraisals of land values needed to determine individual project charges was once found to be unworkable in terms of cost. We believe that such a condition might exist today. As a result, the use of an average per acre value to be applied to all Government lands, subject to adjustment as conditions may warrant, appears to be a reasonable and acceptable alternative to separate appraisal.

The task of developing any such figure is aided by the existence of biennial reports to the Congress by the Bureau of Land Management and the U.S. Forest Service concerning the value of the lands administered by them. Because these two agencies are concerned with nearly all the Government lands which are affected by § 11.21 charges, their independent determinations as to land value appear valuable for our use. In addition, it is possible to utilize U.S. Department of Agriculture indices on farm values which correlate closely with other land values to revise the $60 national average figure of 1962.

In the first three alternative proposals which follow, we set-out a national average value per acre, regional average values per acre, and finally state average values per acre. All are based primarily on the determinations and indices discussed above and appear to be reasonable for our use in the determination of annual land charges.

Notwithstanding the foregoing, a fourth alternative proposal exists because of our desire to consider an option involving the use of an average per acre value or values as concerns Government lands in projects constructed prior to January 1, 1975, and those projects initially licensed prior to January 1, 1975, and the use of specific assessments of Government lands in unconstructed projects initially licensed subsequent to January 1, 1975. Such assessments would be of competitive market value, determined as if the project were not to be constructed.

While we believe that individual appraisal of constructed project lands may be impractical, it appears that appraisal of Government lands to be included within unconstructed projects may be practical and provide more accurate land values.

A fifth alternative proposal exists which is similar in form to Alternative D; however, rather than calling for assessments to be determined as if the project were not to be constructed, Alternative E would require that assessments take into consideration the value of the land as a hydroelectric site.

Because transmission line right-of-way is susceptible to multiple use, it appears that a reasonable annual charge per acre as to it would be one-half of that imposed for the use of other project lands. While such a 50 percent figure is utilized in the five alternative proposals which follow, we invite the public to suggest and comment on alternative figures which they feel would be appropriate as well as reasonable.

So that the costs of collecting annual charges as to each project might be covered, the minimum annual charge for use of Government lands under any license is proposed to be raised to $25.

It would appear that these increases in annual charges should be prospective, taking effect as of January 1, 1975, and first appearing in billings to licensees after January 1, 1976. However, a licensee under a license issued prior to August 26, 1935, should not be required to pay annual charges in an amount greater than that prescribed in such license (see, Order No. 272–A at 31 FPC 1555).

Finally, we propose that the bases of annual use charges should be reexamined and revised, if need be, at least every five years.

ALTERNATIVE A

As Alternative A, it is proposed to revise § 11.21 of Part 11, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 11.21 Use of Government lands.

(a) Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands (other than lands adjoining or pertaining to Government dams or other structures) or its other property, will be fixed by the Commission. In fixing such charges the Commission may take into consideration such factors as commercial value, the most profitable use for which the lands or other property may be suited, the beneficial purpose for which said lands or other property have been or may be used, and such other factors as the Commission may deem pertinent. Such charges shall be subject to reexamination by the Commission at least every five years and, upon reasonable notice and opportunity for hearing, may be adjusted thereafter.

(b) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands shall be set on the basis of the following:

(1) Such lands shall be valued at a national average of $150 per acre, and an interest rate, as determined under paragraph (6) (2) of this section, shall be multiplied times that value to determine the annual charge per acre.

(2) The interest rate to be utilized in determining the annual charge per acre shall be 6 percent.

(c) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands for transmission line right-of-way only shall be based on a per acre charge which is one-half of the charge determined under paragraph (b) of this section.

(d) The minimum annual charge for use of Government lands under any license shall be $25.

(e) No licensee under a license issued prior August 26, 1935, shall be required to pay annual charges in an amount greater than that prescribed in such license.

ALTERNATIVE B

As Alternative B, it is proposed to revise § 11.21 of Part 11, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 11.21 Use of Government lands.

(a) Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands (other than lands adjoining or pertaining to Government dams or other structures) or its other property, will be fixed by the Commission. In fixing such charges the Commission may take into consideration such factors as commercial value, the most profitable use for which the lands or other property may be suited, the beneficial purpose for which said lands or other property have been or may be used, and such other factors as the Commission may deem pertinent. Such charges shall be subject to reexamination by the Commission at least every five years and, upon reasonable notice and opportunity for hearing, may be adjusted thereafter.

(b) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands shall be set on the basis of the following:

(1) Such lands shall be valued at a per acre regional average of $236 for Northeast (Maine, New Hampshire, Vermont, and Pennsylvania); $159 for Lakes States (Michigan, Wisconsin, and Minnesota); $139 for Midwest (Ohio, Indiana, Illinois, and Missouri); $93 for Northern Plains (North Dakota, South Dakota, Nebraska, and Kansas); $192 for Appalachian (Virginia, West Virginia, North Carolina, Kentucky, and Tennessee); $287 for Southeast (South Carolina, Georgia, Florida, and Alabama); $134 for Delta States (Mississippi, Arkansas, and Louisiana); $202 for Southern Plains (Oklahoma and Texas); $131 for Mountain (Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, and Nevada); $253 for Pacific (Washington, Oregon, and California); $20 for Alaska. An interest rate, as determined under paragraph (b) (2) of this section, shall be multiplied times the applicable value to determine the annual charge per acre.

(2) The interest rate to be utilized in determining the annual charge per acre shall be 6 percent.

(c) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands for transmission line right-of-way only shall be based on a per acre charge which is one-half of the charge determined under paragraph (b) of this section.

(d) The minimum annual charge for use of Government lands under any license shall be $25.

(e) No licensee under a license issued prior to August 26, 1935, shall be required to pay annual charges in an amount greater than that prescribed in such license.

ALTERNATIVE C

As Alternative C, it is proposed to revise § 11.21 of Part 11, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 11.21 Use of Government lands.

(a) Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands (other than lands adjoining or pertaining to Government dams or other structures) or its other property, will be fixed by the Commission. In fixing such charges the Commission may take into consideration such factors as commercial value, the most profitable use for which the lands or other property may be suited, the beneficial purpose for which said lands or other property have been or may be used, and such other factors as the Commission may deem pertinent. Such charges shall be subject to reexamination by the Commission at least every five years and upon reasonable notice and opportunity for hearing, may be adjusted thereafter.

(b) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands shall be set on the basis of the following:

(1) Such lands shall be valued at a per acre state average of $145 for Alabama; $20 for Alaska; $278 for Arizona; $120 for Arkansas; $372 for California; $190 for Colorado; $407 for Florida; $200 for Georgia; $94 for Idaho; $200 for Illinois; $180 for Indiana; $92 for Kansas; $80 for Kentucky; $153 for Louisiana; $125 for Maine; $160 for Michigan; $183 for Minnesota; $145 for Mississippi; $125 for Missouri; $94 for Montana; $81 for Nebraska; $48 for Nevada; $300 for New Hampshire; $162 for New Mexico; $250 for North Carolina; $94 for North Dakota; $125 for Ohio; $116 for Oklahoma; $157 for Oregon; $200 for Pennsylvania; $250 for South Carolina; $94 for South Dakota; $200 for Tennessee; $250 for Texas; $94 for Utah; $150 for Vermont; $200 for Virginia; $145 for Washington; $175 for West Virginia; $150 for Wisconsin; $60 for Wyoming. An interest rate, as determined under paragraph (b) (2) of this section, shall be multiplied times the applicable value to determine the annual charge per acre.

(2) The interest date to be utilized in determining the annual charge per acre shall be 6 percent.

(c) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands for transmission line right-of-way only shall be based on a per acre charge which is one-half of the charge determined under paragraph (b) of this section.

(d) The minimum annual charge for use of Government lands under any license shall be $25.

(e) No licensee under a license issued prior to August 26, 1935, shall be required to pay annual charges in an amount greater than that prescribed in such license.

ALTERNATIVE D

As Alternative D, it is proposed to revise § 11.21 of Part 11, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 11.21 Use of Government lands.

(a) Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands (other than lands adjoining or pertaining to Government dams or other structures) or its other property, will be fixed by the Commission. In fixing such charges the Commission may take into consideration such factors as commercial value, the most profitable use for which the lands or other property may be suited, the beneficial purpose for which said lands or other property have been or may be used, and such other factors as the Commission may deem pertinent. Such charges shall be subject to reexamination by the Commission at least every five years and, upon reasonable notice and opportunity for hearing, may be adjusted thereafter.

(b) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands shall be set on the basis of the following:

(1) Such lands involving projects constructed prior to January 1, 1975, and those projects initially licensed prior to January 1, 1975, notwithstanding subsequent relicensing, shall be valued at a national average of $150 per acre subject to adjustment as conditions may warrant, and an interest rate, as determined under paragraph (b) (3) of this section, shall be multiplied times that value to determine the annual charge per acre.

(2) Such lands involving unconstructed projects initially licensed subsequent to January 1, 1975, shall be assessed at their competitive market value, determined as if the project were not to be constructed, and an interest rate, as determined under paragraph (b) (3) of this section, shall be multiplied times the applicable value to determine the annual charge per acre.

(3) The interest rate to be utilized in determining the annual charge per acre shall be 6 percent.

(c) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands for transmission line right-of-way only shall be based on a per acre charge which is one-half of the charge determined under paragraph (b) of this section.

(d) The minimum annual charge for use of Government lands under any license shall be $25.

(e) No licensee under a license issued prior to August 26, 1935, shall be required to pay annual charges in an amount greater than that prescribed in such license.

ALTERNATIVE E

As Alternative E, it is proposed to revise § 11.21 of Part 11, Chapter I of Title 18 of the Code of Federal Regulations to read as follows:

§ 11.21 Use of Government lands.

(a) Reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands (other than lands adjoining or pertaining to Government dams or other structures) or its other property, will be fixed by the Commission. In fixing such charges the Commission may take into consideration such factors as commercial value, the most profitable use for which the lands or other property may be suited, the beneficial purpose for which said lands or other property have been or may be used, and such other factors as the Commission may deem pertinent. Such charges shall be subject to reexamination by the Commission at least every five years and, upon reasonable notice and opportunity for hearing, may be adjusted thereafter.

(b) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands shall be set on the basis of the following:

(1) Such lands involving projects constructed prior to January 1, 1975, and those projects initially licensed prior to January 1, 1975, notwithstanding subsequent relicensing, shall be valued at a national average of $150 per acre subject to adjustment as conditions may warrant, and an interest rate, as determined under paragraph (b) (3) of this section, shall be multiplied times that value to determine the annual charge per acre.

(2) Such lands involving unconstructed projects initially licensed subsequent to January 1, 1975, shall be assessed at their competitive market value,

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taking into consideration the value of the land as a hydroelectric site, and an interest rate, as determined under paragraph (b)(3) of this section, shall be multiplied times the applicable value to determine the annual charge per acre.

(3) The interest rate to be utilized in determining the annual charge per acre shall be 6 percent.

(c) Pending further order of the Commission and subject to adjustment as conditions may warrant, annual charges for the use of Government lands for transmission line right-of-way only shall be based on a per acre charge which is one-half of the charge determined under paragraph (b) of this section.

(d) The minimum annual charge for use of Government lands under any license shall be $25.

(e) No licensee under a license issued prior to August 26, 1935, shall be required to pay annual charges in an amount greater than that prescribed in such license.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 4, 1974, data, views, comments or suggestions in writing concerning all or part of the amendment proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, Washington, D.C. during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, and mailing address of the person to whom communications concerning the proposal should be addressed and whether the person filing them requests a conference with the Staff of the Federal Power Commission to discuss the proposed amendments. The Staff, in its discretion, may grant or deny requests for conferences.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25703 Filed 11-4-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958 (Act), 15 U.S.C. 661 et seq., as amended, it is proposed to amend, as set forth below, § 107.3 and § 107.504(b)(3), Part 107 of Chapter I, Title 13 of the Code of Federal Regulations. Prior to final adoption of such amendment, consideration will be given to any comments. Such comments should be submitted in writing, in triplicate, to the Investment Division, Small Business Administration (SBA), Washington, D.C. 20416, on or before November 4, 1974.

Information. The amended sections would facilitate the flow of equity capital to small business concerns in that licensees would be permitted to purchase securities from underwriters (i.e., nonissuers) beyond the current limited authorization provided under § 107.504(a) of the regulations. Purchases through or from underwriters would be permitted only when the offering is entirely on behalf of an eligible small business issuer.

Purchases would be restricted to securities with equity features and the amount of the public offering would be limited to $5 million. This would be accomplished by expanding the definition of "Financing" under § 107.3 to include such purchases through an underwriter, and by deleting references to purchases from or through underwriters in § 107.504 (b)(3).

It is hoped that this revision would help to stimulate and supplement the flow of equity capital to small concerns through the participation of licensees in the public issues market. It has long been doubtful that the Nation's small business concerns have adequate access to the public issues market. Under present conditions such concerns appear completely excluded from this market. The amended regulations should assist small concerns in obtaining access to the public market.

It is proposed that Part 107 be amended by revising § 107.3 and § 107.504(b)(3) to read as follows:

§ 107.3 Definition of terms.

Financing. "Financing" or "Financed" means outstanding financial assistance provided to a Small Concern by a Licensee, whether through (a) loans, (b) guaranties, (c) equity investments, (d) commitments, or (e) purchases through or from a non-Associate underwriter of Equity Securities (see § 107.302(b)) of a small business concern, within 90 days after a public offering is first lawfully made: *Provided, however,* That such purchases must be made at the original public offering price that the entire proceeds of the issue (less reasonable and customary underwriting and related charges) are received by the Small Concern, and that the aggregate offering price does not exceed $5 million.

§ 107.504 Other permissible financing.

* * * * * * *

(b) * * *

(3) *Securities purchased from nonissuer.* Securities of a Small Concern purchased from a seller other than the issuer or his underwriter (see § 107.3, "Financing"), when such acquisition constitutes a reasonably necessary part of the overall sound financing of such concern pursuant to the Act or when the Securities are acquired to finance a change of ownership pursuant to § 107.812. See also § 107.301(e) regarding size status and nondiscrimination certification.

Dated: October 29, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-25771 Filed 11-4-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Independent Study Programs; Contracting Out of Training

These changes to §§ 21.201, 21.4233, 21.4270, and § 21.4280 are intended to clarify existing rules for approval of benefits for students in independent study programs and for approval of courses wherein all or part of the training is provided by another institution or entity under a contract.

In addition minor editorial changes have been made to §§ 21.201(i), 21.202 (b), 21.4230(e), 21.4232(a), 21.4233 (b), (c), 21.4234, 21.4271(c), and 21.4279(a) to reflect agency policy of using precise terms denoting gender.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27A1), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before December 5, 1974 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make §§ 21.201 (j) and (k), 21.4233 Introduction and (e), 21.4270 (c) and (d) and 21.4280 effective the date of final approval.

1. In § 21.201, paragraphs (i)(4)(ii)[1] and (j) are revised and paragraph (k) is added so that the revised and added material reads as follows:

§ 21.201 Types of courses.

* * * * * * *

(i) *Institutional on-farm course.* * * *

(4) Where the course is designed to train the veteran to manage a farm as the employee of another, the plan for training developed by the Veterans Administration in collaboration with the instructor will satisfy the following requirements: * * *

[1] NOTE: In a previous revision to 38 CFR 21.201(i) subparagraphs (1)-(4) were inadvertently omitted. These subparagraphs are being reinstated in a correcting document which appears elsewhere in this issue.

(ii) The employer-trainer shall have agreed to employ the veteran as manager of the farm on which he or she is being trained if his or her conduct and progress remain satisfactory, or there shall be definite assurance that the veteran will be employed as manager of a specified comparable farm.

* * * * * * *

(j) *Independent study course leading to a degree.* A course pursued by independent study under the following conditions:

(1) The course is offered by a college or university which is fully accredited by one of the six regional accrediting agencies.

(2) The course leads to or is fully creditable toward a standard college degree which may include external degree programs given by accredited colleges and universities.

(3) The course consists of a prescribed program of study with provision for interaction either by mail, telephone, personally or by class attendance between student and the regularly employed faculty of the university or college.

(4) The college or university evaluates the course in semester or quarter hours, or the equivalent, and prescribes a period for completion.

(5) Subsistence allowance is payable at the institutional rates prescribed in § 21.133. Measurement of the course will be in accordance with provision of § 21.4270, footnote 7, except that seriously disabled veterans whose disability or circumstances preclude regular attendance at an institution of higher learning and for whom an independent study course is a sound method of restoring employability may be paid for such training even though the major portion of the course is not in a classroom or laboratory, if the Veterans Administration determines that the student is pursuing the course at a rate equivalent to one-half time or greater in accordance with school criteria for determining full- and part-time training. If independent study subjects and subjects requiring class attendance are pursued concurrently and both are measured on a credit hour basis, the allowable rate shall be determined on the basis of the combined training load.

(k) *Contract.* All or part of the program of education of a school may be furnished by another school or entity under a contract. The school or entity actually providing the training must be approved by the Veterans Administration. Measurement of the course and payment of an allowance will be appropriate for the course as offered by the school or entity actually providing the training.

2. In § 21.202, paragraph (b) (1), (2) and (3) (i) and (ii) is revised to read as follows:

§ 21.202 Full-time vocational rehabilitation training.

* * * * * * *

(b) Full-time training for a disabled veteran who is determined by appropriate medical authority to have less than a normal work tolerance will be that amount which his or her work tolerance will permit. A veteran with a reduced work tolerance will be provided training when:

(1) His or her vocational rehabilitation is medically feasible; and

(2) His or her program can be planned for completion within his or her statutory limits or there is a plan which offers reasonable assurance of the program being completed by some other agency or responsible individual; and

(3) The amount of time which can be devoted to training by a veteran with a permanent reduced work tolerance is as great as his or her disability will permit; or the veteran has a temporary reduced work tolerance and there is reasonable promise that during training his or her work tolerance will increase. In each case of temporary reduced work tolerance the following are for application;

(i) The veteran will not be entered into training until it is determined that he or she is able to devote to his or her training at least 4 hours a day, exclusive of any time required to travel to and from his or her place of training.

(ii) At the end of each 90-day period proper medical authority will determine the maximum amount of time the veteran can devote to his or her training and his or her individual training program will be developed accordingly.

* * * * * * *

3. In § 21.4230, paragraph (e) is revised to read as follows:

§ 21.4230 Requirements.

* * * * * * *

(e) *Selection; chapter 35; wife, husband, widow, widower.* A program of educational assistance under chapter 35 selected by an eligible wife, husband, widow or widower will be approved if it meets the requirements of paragraphs (a) or (b) of this section and the individual is not already qualified for the objective for which the program of education is offered.

4. In § 21.4232, paragraph (a) is revised to read as follows:

§ 21.4232 Specialized vocational training; 38 U.S.C. ch. 35.

(a) A program consisting of a specialized course of vocational training may be provided to an eligible person who is not in need of special restorative training and who requires such a program because of a mental or physical handicap. (38 U.S.C. 1736) The Vocational Rehabilitation Board will determine whether such a course is in the best interest of the eligible person. If the determination is in the affirmative the board will assist in developing the program and a suitable educational plan. If it is determined that such a program is not in the best interest of the eligible person the application for the program will be denied. Specialized vocational training may be authorized for an eligible child only if the child has passed his or her 14th birthday.

* * * * * * *

5. In § 21.4233, the introductory portion preceding paragraph (a), the introductory portion of paragraph (b) preceding subparagraph (1), and paragraph (c)(1) are revised and paragraph (e) is added so that the revised and added material reads as follows:

§ 21.4233 Combination.

An approved program may consist of a combination of courses with instruction offered by a school alternating with instruction in a business or industrial establishment (a cooperative course); courses offered by two schools concurrently; or courses offered through class attendance and by television concurrently. A farm cooperative program may be approved, for chapter 34 purposes only, which consists of a combination of institutional agricultural courses and concurrent agricultural employment (see § 21.4264). A school may contract the actual training to another school or entity, provided the course is approved by the State approving agency having approval jurisdiction of the school or entity which actually provides the training.

* * * * * * *

(b) *Concurrent enrollment.* Where a veteran or eligible person cannot successfully schedule his or her complete program at one school, a program of concurrent enrollment may be approved. When requesting such a program the veteran or eligible person must show that his or her complete program of education or training is not available at the school in which he or she will pursue the major portion of his or her program (the primary school), or that it cannot be scheduled successfully within the period in which he or she plans to complete his or her program.

* * * * * * *

(c) *Television.*—(1) *Open circuit telecast.* An undergraduate program may be pursued in part by open circuit telecast when:

(i) The veteran or eligible person is enrolled as a resident student in a program leading to a standard college degree.

(ii) The subjects taken by television are integral parts of his or her degree program.

(iii) A major portion of the credit hours for which the veteran or eligible person is enrolled during any semester or quarter is offered through conventional classroom and/or laboratory sessions. In no instance may a veteran or eligible person include in his or her program during any one semester or quarter more than 6 credit hours of open circuit telecast instruction for the purpose of computing the rate of educational assistance allowance. Under these circumstances, a veteran or eligible person may pursue 8 or more credit hours during any one term through regular classroom and/or laboratory instruction and 6 credit hours by open circuit telecast for a full-time resident training load.

* * * * * * *

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(e) *Contract.* All or part of the program of education of a school may be furnished by another school or entity under contract. Such school or entity actually providing the training must obtain approval of the course from the State approving agency in the State having jurisdiction of that school or entity. Measurement of the course and payment of an allowance will be appropriate for the course as offered by the school or entity actually providing the training.

6. In § 21.4234, the introductory portion preceding paragraph (a) and paragraph (b) are revised to read as follows:

§ 21.4234 Change of program.

A request for a change of program may be made by a veteran or eligible person by any form of communication, however, if sufficient information is not furnished to process the request, the prescribed form for a change of program may be furnished him or her for completion. An eligible child needs the concurrence of his or her parent or guardian and appropriate counseling by the Veterans Administration before a change of program is approved. More than two changes of program may be approved if it is found that such additional changes are necessitated by circumstances beyond the control of the veteran or eligible person. (38 U.S.C. 1791)

* * * * *

(b) *Chapter 34.* The veteran may make one optional change of program if his or her previous course was not interrupted or discontinued due to his or her own misconduct, neglect or lack of application. The veteran may make a second change or an initial change after interruption or discontinuance due to his or her own misconduct, neglect or lack of application if it is found that:

(1) The program of education which the veteran proposes to pursue is suitable to his or her aptitudes, interests, and abilities, and

(2) In any instance where the veteran has interrupted, or failed to progress in, his or her program due to his or her own misconduct, neglect or lack of application, there exists a reasonable likelihood with respect to the program which the veteran proposes to pursue that there will not be a recurrence of such an interruption or failure to progress. (38 U.S.C. 1791)

* * * * *

§ 21.4270 [Amended]

7. In § 21.4270 *Measurement of courses*, a new footnote 7 is added to the table therein. It should read as follows:

[7] Independent study programs will be measured as less than ½ time unless a major portion of the credit hours are by classroom/laboratory attendance. (§ 21.4280.)

References to this footnote are added to paragraphs (c) and (d) following the last word in the entries under the column headed "Kind of course".

8. In § 21.4271, paragraph (c) is revised to read as follows:

§ 21.4271 Trade or technical; high schools.

* * * * *

(c) *High schools.* Courses offered at the secondary school level which lead to a high school diploma or the equivalent will be measured on the basis of clock hours of instruction per week, or on the number of units required per year. Enrollment in courses at a secondary school level leading to a high school diploma or the equivalent will not be approved for eligible children under chapter 35. Eligible wives, husbands, widows and widowers under chapter 35 may pursue such courses under the Special Assistance for the Educationally Disadvantaged program.

9. In § 21.4279, paragraph (a) (2) is revised to read as follows:

§ 21.4279 Combination correspondence-residence program.

(a) A program of education may be pursued partly in residence and partly by correspondence for the attainment of a predetermined and identified objective under the following conditions: * * *

(2) It is the practice of the institution to permit a student to pursue a part of his or her course by correspondence in partial fulfillment of the requirements for the attainment of the specified objective.

* * * * *

10. Section 21.4280 is revised to read as follows:

§ 21.4280 Independent study leading to a standard college degree.

(a) An eligible veteran or person may receive an educational assistance allowance for pursuit of an independent study course under the following conditions:

(1) The course is offered by a college or university which is fully accredited by one of the six regional accrediting agencies;

(2) The course leads to or is fully creditable toward a standard college degree which may include external degree programs given by accredited colleges and universities;

(3) The course consists of a prescribed program of study with provision for interaction either by mail, telephone, personally or by class attendance between student and the regularly employed faculty of the university or college; and

(4) The course is approved by the State approving agency.

(b) The independent study program shall be measured as follows:

(1) If the college or university evaluates the course in semester or quarter-hours of credit and prescribes a period for completion, the course shall be measured in credit hours under § 21.4270 (c) or (d) with equivalency computed under § 21.4272(d) as appropriate, provided a major portion of the credit-hours for which the veteran or eligible person is enrolled during any term is offered through conventional classroom and/or laboratory sessions; or

(2) If the college or university does not evaluate the independent study program in standard semester or quarter-hours or the equivalent, or if one half or a greater portion of the credit-hours are independent study, the independent study program shall be measured as less than ½-time training.

(c) An eligible veteran or person who is pursuing an independent study program shall be paid an educational assistance allowance at the institutional rate prescribed in § 21.4136(a). If independent study subjects and subjects requiring class attendance are pursued concurrently and both are measured on a credit hour basis, the allowable rate shall be determined on the basis of the combined training load provided a major portion of the hours are by class attendance. When tendance on credit hour basis and independent study under paragraph (b)(2) of this section), the appropriate rate for each part shall be determined and the combined rates paid, but not to exceed the full time institutional allowance rate.

Approved: October 31, 1974.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.74-25838 Filed 11-4-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-281]

PLASTIC TRAYS FOR TRANSPORTATION OF BREAD

Designation as Instruments of International Traffic

OCTOBER 30, 1974.

Under the authority of § 10.41a, Customs Regulations (19 CFR 10.41a), steel wire baskets with open mesh bottom and sides and steel dollies with rubber wheels, used for the transportation of bread, were designated as instruments of international traffic by Treasury Decision 72-149, dated May 30, 1972.

It has been established to the satisfaction of the U.S. Customs Service that plastic trays used by Karnes Kitchen Ltd., Canada, for the transportation of bakery products, are substantial, suitable for and capable of repeated use, and used in significant numbers in international traffic. The trays are 22" by 6" by 26½" and are marked with the name of the manufacturer, Ekco Products, Dawson Spring, Kentucky, the patent number, 3392875, and the name of the company for which they were manufactured.

Treasury Decision 72-149 is amended to designate the above-described plastic trays as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended (19 U.S.C. 1322(a)). These trays may be released without Customs entry or payment of duty under the procedures provided for in section 10.41a, Customs Regulations.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-25822 Filed 11-4-74;8:45 am]

Office of the Secretary

[Rev. 1]

UNITED STATES CUSTOMS SERVICE

Guidelines for the Remission or Mitigation of Forfeitures and Claims for Forfeiture Value

This notice publishes the Guidelines for the Remission or Mitigation of Forfeitures and Claims for Forfeiture Value; Revision 1, which are set forth below.

Revision 1 of the Guidelines for the Remission and Mitigation of Forfeitures and Claims for Forfeiture Value was issued to the Commissioner of Customs on October 22, 1974. The purpose of Revision 1 is to provide for the disclosure of the guidelines if the multipliers contained in subparagraphs a., b., and c. of paragraph 3.B.2. are deleted. The guidelines are used by the United States Customs Service in processing petitions for relief from forfeitures and claims for forfeiture value incurred under the provisions of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592).

Dated: October 31, 1974.

DAVID R. MACDONALD,
Assistant Secretary, (Enforcement, Operations, and Tariff Affairs).

OCTOBER 22, 1974.

1. Purpose.

To provide, in connection with the delegation of authority contained in paragraph 1(h) (8) of Treasury Department Order No. 165, revised, guidelines for use by the U.S. Customs Service in processing petitions for relief from forfeitures and claims for forfeiture value incurred under the provisions of section 592, Tariff Act of 1930, as amended.

The purpose of this revision is to provide for the disclosure of the guidelines if the multipliers contained in subparagraphs a., b., and c. of paragraph 3.B.2. are deleted.

2. Background.

The Secretary of the Treasury is authorized by Section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) to remit or to mitigate any fine, penalty, or forfeiture arising under the Customs or Navigation Laws. The Secretary of the Treasury has delegated to the Commissioner of Customs the authority to grant relief from fines, penalties, and forfeitures arising out of laws administered by the U.S. Customs Service. The Commissioner of Customs has redelegated limited authority in this area to certain officers at Headquarters in Washington and to certain officers in the field. It is, therefore, desirable to establish uniform definitions, classifications of violations, a list of factors which may be considered in remitting or mitigating forfeitures and claims for forfeiture value, and formulas for arriving at normal disposition of liabilities incurred under section 592.

3. Action.

Forfeitures and claims for forfeiture value incurred under section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), may be remitted or mitigated (under section 618, Tariff Act of 1930, as amended, 19 U.S.C. 1618) if it is determined that such forfeiture or claim for forfeiture value was incurred without willful negligence or without any intention by the petitioner to defraud the revenue or violate the law, or there exist such mitigating circumstances as to justify remission or mitigation. The guidelines below will be used by the U.S. Customs Service in arriving at a just and reasonable disposition of liabilites arising under section 592. These guidelines do not change or add to existing delegated authority and will be used within the framework of that authority.

GUIDELINES

A. *Classification of Violations.*

1. *Intentional.*—An intentional violation is an act or acts (of commission or omission) which defrauds the revenue or otherwise violates 19 U.S.C. 1592, deliberately done with intent to defraud the revenue or otherwise violate the statute.

2. *Negligence.*—A negligent violation is an act or acts (of commission or omission) which defrauds the revenue or otherwise violates 19 U.S.C. 1592, done without demonstrable intent to defraud the revenue or otherwise violate the statute—

a. *Gross negligence.*—But with actual knowledge of or wanton disregard for the relevant facts and with indifference or disregard for the offender's obligations under the statute.

b. *Ordinary negligence.*—But with failure to exercise due care in ascertaining or recording the truth of the facts or with failure to use due care in ascertaining the offender's obligations under the statute.

B. *Disposition.*

1. *Normal disposition.*—The penalty prescribed by statute for offenses under section 592 (and certain other sections to which these guidelines may be applied by analogy) is forfeiture of the merchandise involved in the offense or a claim for its domestic value. No relief is authorized unless one of the two basic conditions of section 618 is met—

a. A finding that the offense was committed without intent or willful negligence, or

b. A finding that mitigating circumstances exist.

2. Assuming that the appropriate condition is met, then normal disposition (the sum to which the statutory penalty is normally mitigated, but which may be increased or decreased because of factors such as those set out in paragraph 3.B.4., below) for the three categories of offenses defined above is:

a. *Intentional violation.*—Times the total loss of revenue (actual plus potential).

b. *Gross negligence.*—Times the total loss of revenue (actual plus potential).

c. *Ordinary Negligence.*—Times the total loss of revenue (actual plus potential).

3. *Additional considerations.*

a. To all the above penalties should be added provision for deposit of the actual loss of revenue as withheld duties.

b. In no case, of course, may the mitigated penalty exceed the forfeiture value.

c. Loss of revenue for this purpose is actual loss of revenue plus potential loss of revenue:

(1) *Actual loss of revenue* is the revenue of which the Government was deprived by the violation in respect of entries on which liquidation has become final.

(2) *Potential loss of revenue* is the revenue of which the Government was tentatively deprived by the violation in respect of entries on which the Government is not barred by law from the collection of additional revenue by reason of final liquidation of the entries involved.

d. Actual and potential loss of revenue are computed as the loss resulting from the difference,

(1) in value cases, between the total entered value and either the total price actually paid or the total correct appraised value, whichever is lower; and

(2) in classification cases, between the entered rate of duty and the correct rate of duty.

4. Below are listed some of the factors which *may* be considered in determining, for

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a particular case, the appropriateness of normal disposition ratios for mitigated penalties. In number and degree, they may be only sufficient to justify mitigation to normal disposition, or they may be sufficient (aggravating versus mitigating) to justify an increase or decrease from the normal disposition. The judicious application of these factors and others, where appropriate, provides the flexibility to dispense equity to the individual offender while preserving that degree of standardization which insures impartiality to all offenders.

a. *Mitigating factors.*

(1) Loss of revenue is comparatively small in relation to the forfeiture value.

(2) Contributory Customs error.

(3) Cooperation in investigation by the offender.

(a) Disclosures after investigation started.

(b) Assistance in auditing and making available all relevant books, records and documents.

(c) Immediate rectification of loss of revenue.

(4) Remedial action immediately taken by offender.

(a) Removal of offending employee(s).

(b) Rectification of organizational or procedural defects in company.

(5) Inexperience in importing.

(6) Prior good record.

(7) Probable difficulty in collecting because offender is outside the jurisdiction of the United States.

(8) Inability to pay.

(In reaching a decision as to the amount of penalty mitigation, a determination should first be made without regard to factors (7) and (8), and shown in the record. A determination should then be made with respect to difficulty in collecting or inability to pay and the further mitigation therefore authorized, after full and accurate disclosure of all material financial facts.)

b. *Aggravating factors.*

(1) Impeding the investigation.

(a) Offer of bribes.

(b) Destroying or withholding evidence.

(2) Previous record of violations.

(3) Experience in importing.

C. *Non-Revenue violations (quotas, misdescription of duty-free merchandise, etc.).*

Where a violation results in no loss of revenue, an effort should be made to determine the estimated profit enjoyed as a result of the violation and apply to it the multipliers prescribed for normal disposition in loss of revenue cases. In calculating estimated profit, allowance should be given only for direct cost and expenses—i.e. shipping costs, duty and distribution expenses associated with the items involved. If reliable data is not available, these guidelines shall not apply.

D. *Combined violations.*

Where there is both a loss of revenue and a non-revenue violation, the higher base (loss of revenue or profit) should be used. If profit is the base, add any actual loss of revenue.

E. *Violation of laws administered by other agencies.*

Violations of laws administered by other agencies (such as Foreign Assets Control, Gold and Silver Operations, Agriculture, Fish and Wildlife) should be referred to the appropriate agency for its recommendations.

F. *Liability of customhouse brokers.*

A broker should be held liable and subject to these guidelines only if he (1) committed an intentional violation or (2) is otherwise culpable and shared in the financial benefits from the violation. If both importer and broker are actually culpable and shared in the financial benefits, each may be assessed the full mitigated penalty as calculated under these guidelines. If the broker committed a negligent violation without sharing in the financial benefits, the penalty should be mitigated to a flat sum appropriate to the degree of negligence.

A broker should not be held as a guarantor to make the Government whole (by payment of actual loss of revenue) where he himself is not guilty of a violation. Filing an entry as importer of record (in his own name on behalf of an importer) should not alone make the broker liable for actual loss of revenue or any penalty. If he is the importer of record, the broker is, of course, responsible for payment of any increased duties found to be due.

4. *Restrictions on distribution.*

This document includes information which is exempt from disclosure to the public under 5 U.S.C. 552(b), and is, for that reason, classified "Official Use Only". If the multipliers contained in subparagraphs a., b., and c. of paragraph 3.B.2. are deleted, this document is unclassified.

[FR Doc.74-25823 Filed 11-4-74;8:45 am]

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Establishment, Delegation of Authority and Appointment of Members to the Joint Board for the Enrollment of Actuaries

CROSS REFERENCE: For a document relating to the Employee Retirement Income Security Act of 1974, filed jointly by the Department of Labor and the Department of the Treasury, see FR Doc. 74-25814, *infra*.

[Dept. Circular; Public Debt Series—No. 13-74]

TREASURY NOTES OF SERIES E–1977

Dated and Bearing Interest from November 15, 1974

I. INVITATION FOR TENDERS

OCTOBER 31, 1974.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $2,500,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series E–1977. The interest rate for the notes will be determined as set forth in section III, paragraph 3, hereof. An additional amount of the notes may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for securities maturing November 15, 1974. Tenders will be received up to 1:30 p.m., Eastern Standard time, Wednesday, November 6, 1974, under competitive and noncompetitive bidding, as set forth in section III hereof. The 5¾ percent Treasury Notes of Series A–1974 and 3⅞ percent Treasury Bonds of 1974, maturing November 15, 1974, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 15, 1974, and will bear interest from that date, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1977, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $5,000, $10,000, $100,000 and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Wednesday, November 6, 1974. Each tender must state the face amount of notes bid for, which must be $5,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.91. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, States, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash, or the securities referred to in section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept more or less than $2,500,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Standard time, Wednesday, November 6, 1974.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT FOR AND DELIVERY OF NOTES

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before November 15, 1974, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. Payment must be in cash, securities referred to in Section I (interest coupons dated November 15, 1974, should be detached), in other funds immediately available to the Treasury by November 15, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such Bank or at the Treasury no later than: (1) Tuesday, November 12, 1974, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in the case of the Treasury, or (2) Friday, November 8, 1974, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with maturing securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

2. Delivery of notes in bearer form will be made on or about November 25, 1974. Purchasers of bearer notes may elect to receive interim certificates on November 15, 1974, which will be exchangeable for the notes when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series E–1977 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series E–1977 to be delivered to ----------." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

Due November 15, 1977.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74-26017 Filed 11-4-74;10:44 am]

[Dept. Circular; Public Debt Series—No. 14-74]

TREASURY NOTES OF SERIES B–1981

Dated and Bearing Interest from November 15, 1974

I. INVITATION FOR TENDERS

OCTORER 31, 1974.

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders on a yield basis for $1,750,000,000, or thereabouts, of notes of the United States, designated Treasury Notes of Series B–1981. The interest rate for the notes will be determined as set forth in section III, paragraph 3, thereof. An additional amount of the notes may be alloted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury securities maturing November 15, 1974. Tenders will be received up to 1:30 p.m., Eastern Standard time, Thursday, November 7, 1974, under competitive and noncompetitive bidding, as set forth in section III hereof. The 5¾ percent Treasury Notes of Series A–1974 and 3⅞ percent Treasury Bonds of 1974 maturing November 15, 1974, will be accepted at par in payment, in whole or in part, to the extent tenders are alloted by the Treasury.

II. DESCRIPTION OF NOTES

1. The notes will be dated November 15, 1974, and will bear interest from that date, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15,

V 39 I 214 NOV 5 74 XUM

1981, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1,000,000. Book-entry notes will be available to eligible bidders in multiples of those amounts. Interchanges of notes of different denominations and of coupon and registered notes, and the transfer of registered notes will be permitted.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. TENDERS AND ALLOTMENTS.

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 1:30 p.m., Eastern Standard time, Thursday, November 7, 1974. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the yield desired, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a yield. In the case of competitive tenders, the yield must be expressed in terms of an annual yield, with two decimals, e.g., 7.91. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account. Federally-insured savings and loan associations, States, political subdivisions, or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and yield range of accepted bids. Those submitting competitive tenders will be advised of the accepance or rejection thereof. In considering the acceptance of tenders, those with the lowest yields will be accepted to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, an interest rate will be established at the nearest ⅛ of one percent necessary to make the average accepted price 100.00 or less. That will be the rate of interest that will be paid on all of the notes. Based on such interest rate, the price on each competitive tender allotted will be determined and each successful competitive bidder will be required to pay the price corresponding to the yield bid. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Terasury shall be final. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept more or less than $1,750,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated yield from any one bidder will be accepted in full at the average price (in three decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., Eastern Standard time, Thursday, November 7, 1974.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT FOR AND DELIVERY OF NOTES

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before Friday, November 15, 1974, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt. Payment must be in cash, securities referred to in Section I (interest coupons dated November 15, 1974, should be detached), in other funds immediately available to the Treasury by November 15, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such bank or at the Treasury no later than: (1) Tuesday, November 12, 1974, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Friday, November 8, 1974, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Where full payment is not completed on time, the allotment will be canceled and the deposit with the tender up to 5 percent of the amount of notes allotted will be subject to forfeiture to the United States. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes alloted.

2. Delivery of notes in bearer form will be made on or about November 25, 1974. Purchasers of bearer notes may elect to receive interim certificates on November 15, 1974, which will be exchangeable for the notes when available at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the expense and risk of the holder.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for Treasury Notes of Series B–1981 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon Treasury Notes of Series B–1981 to be delivered to ----------." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

Due November 15, 1981.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74-26018 Filed 11-4-74;10:44 am]

[Department Circular, Public Debt Series—No. 15-74]

8½ PERCENT TREASURY BONDS OF 1994-99

Dated May 15, 1974, with Interest from November 15, 1974; Redeemable at the Option of the United States at Par and Accrued Interest on and After May 15, 1994

OCTOBER 31, 1974.

I. INVITATION FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 94.01 percent of their face value for $600,000,000, or thereabouts, of bonds of the United States, designated 8½ percent Treasury Bonds of 1994–99. An additional amount of the bonds may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve Banks at the average price of accepted tenders in exchange for Treasury securities maturing November 15, 1974. Tenders will be received up to 2:30 p.m., Eastern Standard Time, Friday, November 8, 1974, under competitive and noncompetitive bidding, as set forth in section III hereof. The 5¾ percent Treasury Notes of Series A–1974 and 3⅞ percent Treasury Bonds of 1974 maturing November 15, 1974, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

2. Deferred payment for fifty percent of the amount of bonds allotted may be made as provided in section IV hereof. Delivery of bearer bonds will be made on November 15, 1974, except that delivery of the bonds on which a portion of the payment is deferred will be made on December 3, 1974.

II. DESCRIPTION OF BONDS

1. The bonds now offered will be identical in all respects with the 8½ percent Treasury Bonds of 1994–99 issued pursuant to Department Circular, Public Debt Series—No. 7–74, dated May 2, 1974, except that interest will accrue from November 15, 1974. With this exception the bonds are described in the following quotation from Department Circular No. 7–74:

"1. The bonds will be dated May 15, 1974, and will bear interest from that date at the rate of 8½ percent per annum, payable semiannually on November 15, 1974, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1999, but may be redeemed at the option of the United States on and after May 15, 1994, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

"2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

"3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

"4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provisions will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

"5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States bonds."

III. TENDERS AND ALLOTMENTS

1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to the closing hour, 2:30 p.m., Eastern Standard time, Friday, November 8, 1974. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 94.01 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $500,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Orders will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, taSte, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, Federally-insured savings and loan associations, taSte, political subdivisions or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign States, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in Section I which will be accepted at par) of 5 percent of the face amount of bonds applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $600,000,000 of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $500,000 or less without stated price from any one bidder will be accepted in full at the average price[1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue at a specific rate or price, until after 2:30 p.m., Eastern Standard time, Friday, November 8, 1974.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. PAYMENT

1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before November 15, 1974, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, except that a bidder may elect to defer payment for not more than 50

[1] Average price may be at, or more or less than $100.00.

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percent of the amount of bonds allotted until December 3, 1974. Payment must be in cash, securities referred to in Section I (interest coupons dated November 15, 1974, should be detached), in other funds immediately available to the Treasury by the payment date, or by check drawn to the order of the Federal Reserve Bank to which the tender is submitted, or the United States Treasury if the tender is submitted to it, which must be received at such bank or at the Treasury no later than: (1) Tuesday, November 12, 1974, if the check is drawn on a bank in the Federal Reserve District of the Bank to which the check is submitted, or the Fifth Federal Reserve District in case of the Treasury, or (2) Friday, November 8, 1974, if the check is drawn on a bank in another district. Checks received after the dates set forth in the preceding sentence will not be accepted unless they are payable at a Federal Reserve Bank. Accrued interest from November 15 to December 3, 1974, will be charged on the face amount of bonds on which payment is deferred, at the rate $4.22652 per $1,000. Where partial payment for bonds allotted is to be deferred, delivery of 5 percent of the total par amount of bonds allotted, adjusted to the next higher $1,000, will be withheld from all bidders required to submit a 5 percent payment with tenders, until payment for the total amount allotted has been completed. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Where full payment is not completed by the dates shown above, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with maturing securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the bonds allotted.

V. ASSIGNMENT OF REGISTERED SECURITIES

1. Registered securities tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing United States securities, as hereinafter set forth. Bonds to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for 8½ percent Treasury Bonds of 1994–99 in the name of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 8½ percent coupon Treasury Bonds of 1994–99 to be delivered to ----------." Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

Due May 18, 1999.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74-26019 Filed 11-4-74;10:44 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

BOARD OF VISITORS, DEFENSE INTELLIGENCE SCHOOL

Notice of Meeting

The Defense Intelligence Agency Advisory Committee, Board of Visitors, Defense Intelligence School, will hold closed meetings to discuss classified matters on November 21–22, 1974. The meetings will convene at 9 a.m. each day at the Defense Intelligence School, Naval District of Washington, Anacostia, Washington, DC.

At these meetings the Board of Visitors will review on-going and projected programs of the Defense Intelligence School. Under the provisions of section 10(b) of Public Law 92-463 the Director, Defense Intelligence Agency, has determined that these meetings will be closed to the public because the matters to be considered pertain to US intelligence information and activities that are classified and sensitive, and are specifically required to be kept secret in the interest of National defense (Title 5 USC 552(b)(1)).

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

OCTOBER 31, 1974.

[FR Doc.74-25778 Filed 11-4-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 23436, 23439, 23440]

NEW MEXICO

Notice of Applications

OCTOBER 23, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch and one 2⅜-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN,
NEW MEXICO

T. 26 N., R. 6 W.,
Sec. 28, SW¼SW¼; SE¼SE¼;
Sec. 33, S½SE¼.

These pipelines will convey natural gas across 0.243 miles of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-25767 Filed 11-4-74;8:45 am]

SEWARD MERIDIAN, ALASKA

Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m. December 2, 1974.

SEWARD MERIDIAN, ALASKA

T. 21 N., R. 12 E.
Sec. 1: lots 1, 2, 3, 4 and 5, E½, E½W½;
Sec. 19: lots 1, 2, 3 and 4, E½, E½W½;
Sec. 20: all;
Sec. 21: all;
Sec. 22: lots 1, and 3, N½, SW¼, NE¼SE¼, W½SE¼;
Sec. 23: all; lots 1 and 2, N½, E½SW¼, SE¼;
Sec. 24: all;
Sec. 25: all;
Sec. 26: all;
Sec. 27: lots 1 and 2, S½NE¼, W½ SE¼;
Sec. 28: all;
Sec. 29: all;
Sec. 30: lots 1, 2, 3 and 4, E½, E½W½;
Sec. 31: lots 1, 2, 3 and 4, E½, E½W½;
Sec. 32: all;
Sec. 33: all;
Sec. 34: all;
Sec. 35: all;
Sec. 36: all;
Tract A,
Containing 22,979.04 acres.

2. This township consists of a pattern of high east and west ridges, with prominent north and south side streams, many of which are highly erosive and commonly have barren banks. The elevation varies from 2,700 feet to 5,400 feet. Only the southeast corner is accessible by a highway.

The soil cover is immature, sterile, and normally contains sharp-edged gravel, except in the lower drainages where it is deep, sour, and black. Snow remains in the north side of the high areas from the latter part of September into August of the next year. The lower slopes are usually covered with moss and permafrost. Squaw Creek and side streams contain a lush growth of grasses, sedges and brush, extending roughly 1,000 feet in elevation above the creek itself. Very little timber is noted here; however, some sawlog-size white spruce and pole-size black spruce are present.

Tracked vehicle trails traverse much of the lowland, primarily caused by big game hunters.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

Dated: October 18, 1974.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.74-25725 Filed 11-4-74;8:45 am]

SEWARD MERIDIAN, ALASKA

Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., December 2, 1974.

SEWARD MERIDIAN, ALASKA

T. 21 N., R. 12 E.
Sec. 1: lots 1, 2, 3, 4 and 5, NE¼NE¼, N½NW¼NE¼, E½SE¼NE¼, N½NW¼SW¼NW¼, NW¼SW¼, S½S½, NE¼SE¼;
Sec. 2: lots 1, 2, 3, 4, 5 and 6, S½NE¼, NW¼NW¼, S½;
Sec. 3: lot 1, N½, NW¼SW¼, E½SW¼, SE¼;
Sec. 4: lots 1, 2 and 3, N½, W½SW¼, NE¼SW¼, N½SE¼;
Sec. 5: all;
Sec. 6: lots 1, 2, 3 and 4, E½, W½;
Sec. 7: lots 1 to 13 inclusive, S½SE¼;
Sec. 8: lots 1, 2, 3, 4, 5 and 6, N½NE¼, NE¼NW¼, W½W½, S½SW¼, S½SE¼;
Sec. 9: lots 1 to 8 inclusive, SE¼NW¼, S½;
Sec. 10: lot 1, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 11: all;
Sec. 12: all;
Sec. 13: all;
Sec. 14: all;
Sec. 15: all;
Sec. 16: all;
Sec. 17: lots 1, 2, 3, 4 and 5, N½, NW¼SW¼, E½SE¼;
Sec. 18: lots 1, 2, 3 and 4, E½, E½W½;
Sec. 19: lots 1 to 9 inclusive, W½NE¼NE¼, S½SE¼NE¼NE¼, W½NW¼SE¼NE¼, E½W½, W½E½, SE¼SE¼;
Sec. 20: lots 1, 2, 3, 4, 5 and 6, NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 21: all;
Sec. 22: all;
Sec. 23: all;
Sec. 24: all;
Sec. 25: lots 1, 2, 3, 4 and 5, NE¼NE¼, S½NE¼, S½;
Sec. 26: lots 1, 2, 3, 4 and 5, NW¼NE¼, W½, S½SE¼;

Sec. 27: lots 1 and 2, N½, NE¼SW¼, W½SW¼, N½SE¼, SE¼SE¼;
Sec. 28: all;
Sec. 29: lots 1 and 2, N½, E½SW¼, SE¼;
Sec. 30: lots 1 to 13 inclusive, N½NW¼NE¼, N½S½NW¼NE¼, NE¼NW¼, E½NW¼SW¼, SE¼SW¼;
Sec. 31: lots 1, 2, 3, 4, 5 and 6, SW¼NE¼, E½W½, SE¼;
Sec. 32: lots 1, 2, 3, 4, 5 and 6, E½, NE¼NW¼, SW¼SW¼;
Sec. 33: lots 1, 2, 3, 4, 5 and 6, N½NE¼, SW¼NE¼, NW¼, W½SW¼, S½SE¼;
Sec. 34: lots 1 to 8 inclusive, E½NE¼, SW¼NE¼, NE¼SW¼, S½SW¼, N½SE¼;
Sec. 35: lots 1, 2, 3 and 4, N½, NW¼SW¼, E½SE¼;
Sec. 36: all.
Containing 21,806.35 acres.

2. This township consists of rolling hills and low lying flat land areas, with the exception of the northwest corner which is mountainous. The elevation varies from 2800 to 4000 feet above sea level.

The soil is sandy loam. Drainage is to the northeast via Eureka and Old Man Creeks, which flow into the Nelchina River, except for the southeast portion which drains southwest into the East Fork of the Matanuska River. The low area contains many small lakes.

The timber is principally black and white spruce. Other vegetation consists of alder, willow, buckbrush, huckleberry, mossberry, grasses and sedges.

The Glenn Highway runs through this township in a general northeast and southwest direction, extending from the east boundary of section 1 to the west boundary of section 30.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

Dated: October 18, 1974.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.74-25726 Filed 11-4-74;8:45 am]

SEWARD MERIDIAN, ALASKA

Filing of Plat of Survey

1. Plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10 a.m., December 2, 1974.

SEWARD MERIDIAN, ALASKA

T. 20 N., R. 11 E.;
Sec. 1: all;
Sec. 2: all;
Sec. 3: all;
Sec. 4: all;
Sec. 5: all;
Sec. 6: lots 1, 2, 3 and 4, E½, E½W½;
Sec. 7: lots 1, 2, 3 and 4, E½, E½W½;
Sec. 8: all;
Sec. 9: all;
Sec. 10: all;
Sec. 11: all;
Sec. 12: all;
Sec. 13: all;
Sec. 14: all;

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Sec. 15: all;
Sec. 16: all;
Sec. 17: all;
Sec. 18: lots 1, 2, 3 and 4, E½, E½W½;
Sec. 20: lots 1, 2, 3, 4, 5, 6, 7 and 8, W½W½, SE¼SW¼;
Sec. 21: lot 1, N½, SW¼SW¼, E½SW¼, SE¼;
Sec. 22: all;
Sec. 23: all;
Sec. 24: all;
Sec. 25: all;
Sec. 26: lots 1, 2 and 3, N½, N½SW¼, SE¼;
Sec. 27: lots 1, 2, 3, 4, 5, 6, 7 and 8, N½, N½SW¼;
Sec. 28: lots 1, 2, 3, 4, 5, 6, 7, 8 and 9, NE¼, N½NW¼, SW¼NW¼, N½SE¼;
Sec. 29: lots 1, 2, 3, 4, 5, 6, 7 and 8, N½;
Sec. 30: lots 7, 8, 9 and 10;
Sec. 31: lots 1, 2, 3 and 4, E½, E½W½;
Sec. 32: all;
Sec. 33: lots 1, 2 and 3, S½N½, NW¼NW¼, S½;
Sec. 34: lot 1, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 35: lots 1, 2, 3, 4, 5 and 6, W½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 36: lots 1, 2, 3, 4, 5, 6 and 7, NE¼, N½NW¼, SE¼NW¼, N½SE¼, SE¼ SE¼.
Containing 21,094.14 acres.

2. The land within this township is mostly gravel and rocks with some clay, sand and soil in the lower elevations.

The northwest one-third of the township and sections 31 through 34 are rough and mountainous, ranging in elevation from two to six thousand feet. The remainder is rolling land, the elevation ranging from two to three thousand feet.

The lower land is covered with moss, alder, blueberry and cranberry brush and scattered small black spruce. The higher elevations support only moss. The Matanuska River enters the township on the south boundary of section 36 and flows westerly, leaving the township in section 30. The East Fork of the Matanuska River enters on the east boundary of section 13 and flows into the main river in section 28.

The Glenn Highway crosses the township diagonally from about 10 chains north of the corner of sections 19, 24, 25 and 30, on the west boundary to about 13 chains south of the northeast corner of the township.

3. The public lands affected by this order are open to the operation of the public land laws, subject to any valid existing rights, the provisions of existing withdrawals, including Public Land Order 5418, filed March 28, 1974, and the requirements of applicable law, rules and regulations.

4. Inquiries concerning the lands should be addressed to the Manager, Anchorage Land Office, 555 Cordova Street, Anchorage, Alaska 99501.

Dated: October 18, 1974.

CLARK R. NOBLE,
Land Office Manager.

[FR Doc.74-25728 Filed 11-4-74;8:45 am]

Bureau of Outdoor Recreation

[Int Des 74-101]

PROPOSED UPPER DELAWARE NATIONAL SCENIC AND RECREATIONAL RIVER

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Bureau of Outdoor Recreation has prepared a draft environmental statement for the proposed upper Delaware National Scenic and Recreation River, Pennsylvania and New York.

The environmental statement considers the probable impact of establishing the upper Delaware River as a component of the National Wild and Scenic Rivers System.

Comments are invited and should be submitted to the Regional Director, Bureau of Outdoor Recreation, 600 Arch Street, Philadelphia, Pennsylvania 19106, within 45 days. Copies of the draft statement are available for inspection at the following locations:

Office of Communications
Department of the Interior, Room 7200
Washington, D.C. 20240
Telephone: (202) 343-4662

Office of Information
Bureau of Outdoor Recreation, Room 4427
Department of the Interior
Washington, D.C. 20240
Telephone: (202) 343-5726

Office of Regional Director
Bureau of Outdoor Recreation
600 Arch Street
Philadelphia, Pennsylvania 19106
Telephone: (215) 597-7991

State Clearinghouse
New York State Office of Planning Services
488 Broadway
Albany, New York 12207

State Clearinghouse
Office of State Planning and Development
Box 1323
Harrisburg, Pennsylvania 17120

State Clearinghouse
Division of State and Regional Planning
Department of Community Affairs
Post Office Box 2768
Trenton, New Jersey 08625

Southern Tier East Regional Planning and Development Board
19 East Main Street
Norwich, New York 13815

Tri-State Regional Planning Commission
100 Church Street
New York, New York 10007

Economic Development Council of Northeast Pennsylvania
Post Office Box 777
Avoca, Pennsylvania 18612

Northern Tier Regional Planning and Development Commission
507 Main Street
Towanda, Pennsylvania 18848

Single copies are available to the public and may be obtained by writing to the Regional Director, Bureau of Outdoor Recreation, 600 Arch Street, Philadelphia, Pennsylvania 19106. Please refer to the statement number shown above.

Dated: October 29, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-25768 Filed 11-4-74;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL: SHEEP AND GOATS

Report on Emergency Use of M-44 Devices Through August

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program, from inception and through the month of August. This is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135K), and in accordance with 40 CFR, 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER Notice of June 20, 1974 (39 FR 22166).

Cumulative data for approval to use the M-44 device during June, July and August is as follows:

M-44 EMERGENCY USE APPROVAL,
JUNE, JULY, AUGUST 1974

State	Number counties	Number ranches	Number sheep and goats protected	Number M-44's approved
Arizona	3	15	1,443	307
Idaho	1	1	1,400	20
Montana	19	27	20,748	783
Nevada	2	5	7,921	180
New Mexico	7	14	8,291	550
Oregon	4	16	2,431	156
Texas	27	111	85,604	1,936
Utah	7	13	14,222	295
Wyoming	6	22	30,812	1,070
Totals	76	224	172,872	5,296

Although summer weather conditions inhibited M-44 effectiveness, 79 coyotes were taken by this device during this time period.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on sheep and goats was conducted by trained Service personnel in accordance with the Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids, as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

LYNN M. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

OCTOBER 30, 1974.

[FR Doc.74-25779 Filed 11-4-74;8:45 am]

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 19, 1974, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 5 (pp. 8357-8362), April 2 (pp. 12042-12046), May 7 (pp. 16173-16177), June 4 (pp. 19791-19796), July 2 (pp. 24383-24388, August 6 (pp. 28295-28301), September 3 (pp. 31930-31936), and October 1 (pp. 35396-35402). Further notice is hereby given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since October 1, 1974:

Alaska

Interior District

Lignite vicinity, *Dry Creek Archaeological Site*, SW of Lignite (9-6-74)

Sourdough, *Sourdough Lodge*, Richardson Highway (10-1-74)

Southcentral District

Katalla vicinity, *Chilkat Oil Company Refinery Site*, Katalla Road (9-6-74)

Arizona

Coconino County

Grand Canyon, *El Tovar Hotel*, Grand Canyon National Park Route 8A (9-6-74)

Grand Canyon, *El Tovar Stables*, off Grand Canyon National Park Route 8A (9-6-74)

Grand Canyon, *Grand Canyon Railroad Station*, Grand Canyon National Park Route 8A (9-6-74)

Grand Canyon, *Superintendent's Residence*, off Grand Canyon National Park Route 8A (9-6-74)

Grand Canyon, *Water Disposal Plant*, off Grand Canyon National Park Route 8A (9-6-74)

Arkansas

Clark County

Arkadelphia vicinity, *Bayou Sel*, E of Arkadelphia (9-10-74)

Phillips County

Helena, *Battery D*, Military Road (9-17-74)

Helena, *Tappan, Major James Alexander, House*, 727 Columbia Street (9-9-74)

Washington County

Fayetteville, *Gregg House*, 339 N. Gregg Street (9-17-74)

California

Los Angeles County

Lynwood, *Lynwood Pacific Electric Railway Depot*, 11453 Long Beach Boulevard (9-25-74)

Modoc County

Alturas, *Nevada-California-Oregon Railway Company General Office Building*, 619 N. Main Street (9-6-74)

Napa County

Napa, *Kee, Sam, Laundry Building*, 1245 Main Street (10-1-74)

San Diego County

San Diego, *Initial Point of Boundary between U.S. and Mexico*, S of Imperial Beach off Monument Road (9-6-74)

San Francisco County

San Francisco, *Jessie Street Substation C*, 222-226 Jessie Street (9-6-74)

San Mateo County

Menlo Park, *Menlo Park Railroad Station*, 1100 Merrill Street (10-1-74)

Colorado

Douglas County

Palmer Lake vicinity, *Quick, Ben, Ranch and Fort*, 6695 W. Plum Creek Road N of Palmer Lake (10-1-74)

Jefferson County

Buffalo Creek, *Blue Jay Inn*, Highway 126 (10-1-74)

Buffalo Creek vicinity, *Green Mercantile Store*, NW of Buffalo Creek off Highway 126 (10-1-74)

Buffalo Creek vicinity, *Green Mountain Ranch*, S of Buffalo Creek on Highway 126 (10-1-74)

Connecticut

Hartford County

Enfield, *Enfield Town Meetinghouse*, Enfield Street at South Road (9-10-74)

Delaware

Kent County

Camden, *Camden Historic District*, both sides of Camden-Wyoming Avenue and Main Street (9-17-74)

District of Columbia

Washington

Gallaudet College Historic District, Florida Avenue and 7th Street, NE (9-10-74)

Florida

Alachua County

Gainesville, *Thomas Hall*, Fletcher Drive on University of Florida campus (10-1-74)

Collier County

Naples, *Seaboard Coast Line Railroad Depot*, 1051 Fifth Avenue, South (9-10-74)

Dade County

Miami, *Halissee Hall*, 1700 N.W. 10th Avenue (10-1-74)

Franklin County

Little St. George Island, *Cape St. George Light*, southern point of Little St. George Island (9-10-74)

Gadsden County

Quincy, *Quincy Library*, 303 N. Adams Street (9-9-74)

Hillsborough County

Tampa, *Leiman House*, 716 South Newport (9-9-74)

Tampa, *1415 North Franklin Street*, 1415 N. Franklin St. (9-17-74)

Tampa, *Taliaferro, T. C., House*, 305 S. Hyde Park (10-1-74)

Tampa, *Tampa City Hall*, 315 John F. Kennedy Blvd., East (10-1-74)

Lee County

Sanibel, *Sanibel Lighthouse and Keeper's Quarters*, Point Ybel on Sanibel Island (10-1-74)

Leon County

Tallahassee, *First Presbyterian Church*, 102 N. Adams Street (9-9-74)

Georgia

Chattahoochee County

Cusseta, *Chattahoochee County Courthouse*, off U.S. 27/280 (9-12-74)

Clay County

Fort Gaines vicinity, *Toney-Standley House*, NW of Fort Gaines off Ga. 39 (9-17-74)

Jones County

Clinton, *Old Clinton Historic District* (9-12-74)

Guam

Agana, *Agana Spanish Bridge*, Aspinall Street and Route 1 (9-6-74)

Agat, *Taleyfac Spanish Bridge*, off Route 2 (9-10-74)

Merizo, *Merizo Conbento*, Route 4 (9-17-74)

Hawaii

Hawaii County

Hilo, *U.S. Post Office and Office Building*, Kinoole and Walanuenue streets (10-1-74)

Indiana

Posey County

Mt. Vernon vicinity, *Mann Site*, E of Mt. Vernon (10-1-74)

Iowa

Des Moines County

Burlington, *Snake Alley*, N. Sixth Street, between Washington and Columbia streets (9-6-74)

Johnson County

Iowa City, *Kirkwood House*, 1101 Kirkwood (9-17-74)

Scott County

Davenport, *Frick's Tavern*, 1402-04 W. Third Street (9-9-74)

Wapello County

Eldon, *American Gothic House (Dibble House)*, Burton & Gothic streets (10-1-74)

Ottumwa vicinity, *Mars Hill (Mars Hill Church and Cemetery)*, SE of Ottumwa (9-13-74)

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Kansas

Chase County

Strong City vicinity, *Lower Fox Creek School*, NW of Strong City on KS 13/57 (9–6–74)

Douglas County

Eudora, *Pilla, Charles, House*, 615 Elm (9–6–74)

Lawrence, *Roberts, John N., House*, 1307 Massachusetts St. (9–6–74)

Kentucky

Franklin County

Switzer, *Switzer Covered Bridge*, off Rocky Branch Road (9–6–74)

Louisiana

Caddo Parish

Shreveport, *U.S. Post Office and Courthouse*, Marshall and Texas streets (9–12–74)

Maine

Sagadahoc County

Topsham, *Pejepscot Paper Company*, off U.S. 201 at Androscoggin River (9–17–74)

Maryland

Baltimore (independent city)

Westminster Presbyterian Church and Cemetery, 509 W. Fayette Street (9–17–74)

Baltimore County

Monkton vicinity, *St. James' Church*, SE of Monkton off Monkton Road (Md. 138) (9–12–74)

Charles County

Waldorf vicinity, *St. Catharine*, E of Waldorf near jct. of Md. 232 and 382 (10–1–74)

Montgomery County

Poolesville vicinity, *Chiswell's Inheritance*, NW of Poolesville off Md. 109 (9–10–74)

Massachusetts

Essex County

Boxford, *Spofford-Barnes House*, Kelsey Road (9–6–74)

Danversport, *Fowler House*, 166 High Street (9–17–74)

Marblehead, *Abbot Hall*, Washington Square (9–6–74)

North Andover, *Parson Barnard House*, 179 Osgood Street (9–6–74)

Salem, *Gedney and Cox Houses*, 19 and 21 High Street (10–1–74)

Middlesex County

Wayland, *Wayland Center Historic District*, irregular pattern along both sides of U.S. 20 and Mass. 27 (9–6–74)

Norfolk County

Quincy, *Adams Academy*, 8 Adams Street (9–6–74)

Suffolk County

Chelsea, *Bellingham-Cary House*, 34 Parker Street (9–6–74)

Michigan

Genesee County

Fenton, *Fenton Downtown Historic District*, bounded by Silver Lake Rd, Walnut, Ellen, and River Streets (9–26–74)

Tuscola County

Watrousville, *Watrous General Store*, 4607 W. Caro Road (10–1–74)

Minnesota

Hennepin County

Excelsior, *Gideon, Peter, Homestead*, 24590 Glen Road (9–17–74)

Mississippi

Adams County

Washington vicinity, *Fort Dearborn Site*, N of Washington off U.S. 61 (9–17–74)

Missouri

St. Francois County

Bonne Terre, *Bonne Terre Mine*, MO 47 (9–9–74)

Nebraska

Dodge County

Fremont, *Love-Larson Opera House*, 543 N. Broad Street (9–10–74)

Holt County

O'Neill, *Old Nebraska State Bank Building*, Douglas and 4th Streets (10–1–74)

New Jersey

Essex County

(also in Hudson, Morris, Sussex and Warren Counties)

Morris Canal, irregular line beginning at Phillipsburg and ending at Jersey City (10–1–74)

Hudson County

Morris Canal (see Essex County)

Morris County

Morris Canal (see Essex County)

Sussex County

Morris Canal (see Essex County)

Warren County

Morris Canal (see Essex County)

New Mexico

Dona Ana County

El Paso vicinity, *International Boundary Monument No. 1, U.S. and Mexico*, W of El Paso off I–10 (9–10–74)

New York

Fulton County (also in Herkimer County)

Dolgeville, *Dolge Company Factory Complex*, 1 S. Main Street (9–17–74)

Herkimer County

Dolge Company Factory Complex (see Fulton County).

Monroe County

Rochester, *City Hall Historic District*, S. Fitzhugh Street between Broad and W. Main Streets (9–17–74)

New York County

New York, *Tweed Courthouse (Criminal Court of the City of New York)*, 52 Chambers Street (9–25–74)

North Carolina

Cabarrus County

Kannapolis vicinity, *Mill Hill*, W of Kannapolis on S.R. 1616 (9–10–74)

Catawba County

Catawba vicinity, *Perkins House*, N of Catawba off I–40 (10–1–74)

Cumberland County

Fayetteville, *St. John's Episcopal Church*, Green Street (9–6–74)

Durham County

Durham, *Bull Durham Tobacco Factory (American Tobacco Company)*, Pettigrew St. between Carr and Blackwell Streets (9–10–74)

Perquimans County

Hertford vicinity, *Sutton-Newby House*, E of Hertford (9–10–74)

Ohio

Ashtabula County

Conneaut, *Cummins, David, Octagon House*, 301 Liberty Street (9–9–74)

Clermont County

Perintown vicinity, *Stonelick Covered Bridge*, E of Perintown (9–10–74)

Clinton County

Martinsville vicinity, *Martinsville Road Covered Bridge*, W of Martinsville (9–10–74)

Cuyahoga County

Bratenahl, *Gwinn Estate*, 12407 Lake Shore Boulevard (10–1–74)

Chagrin Falls, *Chagrin Falls Township Hall*, 83 N. Main Street (10–1–74)

Cleveland Heights, *Burdick, Harold B., House*, 2424 Stratford Road (9–17–74)

Fairfield County

Lancaster, *Bush, Samuel, House*, 1934 Cold Spring Drive (10–1–74)

Lockville, *Lockville Canal Locks*, off Pickerington-Lockville Road (9–10–74)

Hamilton County

Cincinnati vicinity, *Clough Creek and Sand Ridge Archaeological District*, Elstun Road (10–1–74)

Saylor Park, *Short Woods Park Mound*, 7035 Fernbank Avenue (10–1–74)

Lorain County

Avon, *Hurst, William E., House*, 33065 Detroit Avenue (9–11–74)

Madison County

Mount Sterling, *Mount Sterling Historic District*, both sides of London Street (10–1–74)

Mahoning County

Canfield, *Old Mahoning County Courthouse*, 7 Court Street (10–7–74)

Poland, *South Main Street District*, both sides of S. Main Street (10–1–74)

Muskingum County

Norwich vicinity, *Salt Creek Covered Bridge*, 3 mi. NW of Norwich (9–10–74)

Perry County

Somerset vicinity, *Parks Covered Bridge*, N of Somerset on C.R. 33 (9–10–74)

Summit County

Peninsula vicinity, *Ohio and Erie Canal Deep Lock*, S of Peninsula on Riverview Road (9–9–74)

Oklahoma

Washington County

Bartlesville, *Price Tower*, Sixth Street and Dewey Avenue (9–13–74)

Pennsylvania

Allegheny County

Pittsburgh, *Evergreen Hamlet*, Evergreen Hamlet Road (9–17–74)

Westmoreland County

Torrance vicinity, *Western Division-Pennsylvania Canal (Conemaugh River Lake)*, N of Torrance (9–17–74)

South Carolina

Beaufort County

Frogmore vicinity, *Penn Center Historic District*, S of Frogmore on SC 37 (9–9–74)

Charleston County

Mt. Pleasant vicinity, *Pritchard, Paul, Shipyard*, about 2 mi. N of Mt. Pleasant (9–17–74)

Dorchester County

Stallaville vicinity, *Newington Plantation*, W of Stallsville (9–17–74)

Laurens County

Laurens, *Dunklin, James, House*, 544 W. Main Street (10–1–74)

Tennessee

Davidson County

Antioch, *Hays-Kiser House*, 834 Reeves Road (9–10–74)

Monroe County

Madisonville, *Stickley House*, W of intersection of U.S. 411 and TN 68 (9–10–74)

Texas

Brewster County

Big Bend National Park, *Castolon Historic District*, along Rio Grand at jct. of Park routes 5, 9, and 35 (9–6–74)

Big Bend National Park, *Hot Springs*, W of Rio Grande Village (9–17–74)

Big Bend National Park, *Mariscal Mine*, about 25 miles W of Rio Grande Village on River Road (9–13–74)

Mason County

Mason, *Mason Historic District*, irreg. pattern along both sides of U.S. 87 and TX 29 (9–17–74)

Utah

Beaver County

Beaver vicinity, *Fort Cameron*, E of Beaver on UT 153 (9–9–74)

Vermont

Addison County

Middlebury vicinity, *Halpin Covered Bridge*, NE of Middlebury (9–10–74)

Middlebury vicinity, *Pulp Mill Covered Bridge*, NW of Middlebury off VT 23 (9–10–74)

West Salisbury vicinity, *Cedar Swamp Covered Bridge*, W of West Salisbury (9–10–74)

Chittenden County

Charlotte vicinity, *Holmes Creek Covered Bridge*, NW of Charlotte (9–6–74)

East Charlotte vicinity, *Quinlan's Covered Bridge*, S of East Charlotte (9–10–74)

East Charlotte vicinity, *Seguin Covered Bridge*, SE of East Charlotte (9–6–74)

Lamoille County

Johnson vicinity, *Scribner Covered Bridge*, E of Johnson (10–1–74)

Stowe vicinity, *Gold Brook Covered Bridge*, S of Stowe (10–1–74)

Waterville vicinity, *Jaynes Covered Bridge*, NE of Waterville (10–1–74)

Wolcott vicinity, *Fisher Covered Railroad Bridge*, SE of Wolcott (10–1–74)

Orange County

Chelsea vicinity, *Moxley Covered Bridge*, S of Chelsea (9–10–74)

Thetford Center, *Thetford Center Covered Bridge*, across Ompompanoosue River (9–17–74)

Tunbridge vicinity, *Cilley Covered Bridge*, SW of Tunbridge (9–10–74)

Tunbridge vicinity, *Flint Covered Bridge*, NE of Tunbridge off VT 110 (9–10–74)

Tunbridge vicinity, *Howe Covered Bridge*, S of Tunbridge off VT 110 (9–10–74)

Union Village, *Union Village Covered Bridge*, across Ompompanoosue River (9–17–74)

Rutland County

Brandon vicinity, *Dean Covered Bridge*, S of Brandon across Otter Creek (9–10–74)

Washington County

Northfield vicinity, *Upper Cox Brook Covered Bridge*, N of Northfield off VT 12 (10–1–74)

Waitsfield, *Great Eddy Covered Bridge*, E of VT 100 (9–6–74)

Virginia

Hanover County

Mechanicsville vicinity, *Hanover Town*, NE of Mechanicsville off VA 605 (9–17–74)

Washington County

Abingdon vicinity, *White's Mill*, NW of Abingdon on White Mill Road (VA 692) (9–10–74)

Washington

Chelan County

Cashmere, *Burbank Homestead Waterwheel*, Cottage Avenue (9–6–74)

Cashmere vicinity, *Blewett Arrastra*, S of Cashmere on U.S. 97 (9–17–74)

Okanogan County

Conconully vicinity, *Conconully Reservoir Dam*, S of Conconully (9–6–74)

West Virginia

Berkeley County

Martinsburg, *Federal Aviation Administration Records Center (Old Court House)*, 300 W. King Street (9–10–74)

Wisconsin

Dane County

Madison, *Bascom Hill Historic District*, bounded by Observatory Drive, University Ave., N. Park, Langdon, and State sts. (9–12–74)

Douglas County

Superior, *Meteor* (whaleback carrier), NW tip of Barkers Island (9–9–74)

Portage County

Plover, *Morgan, J. H., House*, Madison Avenue and Green Drive (10–1–74)

The following are corrections for properties previously listed in the FEDERAL REGISTER:

California

Riverside County

Palm Springs vicinity, *Andreas Canyon (Rincon Village)*, S. Palm Canyon Drive (1–8–73)

Delaware

Kent County

Clayton vicinity, *Jones, Enoch, House (Boxwood)*, SW of Clayton off DE 300 (6–19–73)

Milford, *Thorne, Parson, Mansion (Silver Hill)*, 501 NW Front Street (6–21–71)

New Castle County

Centerville, *Center Meeting and Schoolhouse*, Center Meeting Road (12–16–71)

Wilmington, **Fort Christina Monument*, E. 7th Street and the Christine River, Fort Christina State Park

Florida

Brevard County

Sebastian vicinity, *Spanish Fleet Survivors and Salvors Camp Site*, between Sebastian and Sebastian Inlet (8–12–70)

Georgia

Clark County

Athens, *Chase, Albon, House (Old Presbyterian Manse)*, 185 N. Hull Street (8–19–74)

Thomas County

Thomasville, *Bryan-Davis House (Cater House)*, 312 N. Broad Street (8–12–70)

Thomasville, *Burch-Mitchell House*, 737 Remington Avenue (9–4–70)

Thomasville, *Hansell, Augustine, House*, 429 S. Hansell Street (6–22–70)

Thomasville, *Lapham-Patterson House (Scarborough House)*, 626 N. Dawson Street (8–12–70)

Thomasville, *Park Front (Charles Hebard House)*, 711 S. Hansell Street (8–12–70)

Iowa

Guthrie County

Panora, *Panora-Linden High School (Guthrie County High School)*, bounded by Main, Vine, Market and Second streets (7–23–74)

Louisiana

Orleans Parish

New Orleans, *Rabassa, Jean Louis, House (McDonogh No. 18 School Annex)*, 1125 St. Ann Street (2–15–74)

Maine

Androscoggin County

Sabbathday Lake vicinity, *Shaker Village*, on Route 26 (12–3–69)

Cumberland County

Brunswick, *Richardson House (Capt. George McManus House)*, 11 Lincoln Street (5–16–74)

Portland, **McLellan-Sweat Mansion*, 111 High Street

Michigan

Macomb County

Washington, *Washington Octagon House*, 57500 Van Dyke (9–3–71)

New Mexico

Santa Fe County

Espanola vicinity, *San Ildefonso Pueblo (Pohwoge)*, SW of Espanola off NM 4 (6–20–74)

New York

Albany County

Coeymans, *Coeymans School (Acton Civill Polytechnic Institute)*, SW corner of Westerlo Street and Civill Avenue (12–29–70)

Oklahoma

Comanche County

Lawton vicinity, *Building 309, Fort Sill Indian School*, E edge of Lawton off U.S. 62 (10–15–73)

Rhode Island

Newport County

Newport, **Trinity Church*, Spring and Church streets

Texas

Travis County

Austin, *Battle Hall (Old Barker History Center)*, University of Texas, South Mall, University of Texas campus (8–26–70)

The following properties were omitted from the February 19, 1974 FEDERAL REGISTER:

V 39 I 214 NOV 5 74 XUM

Massachusetts

Plymouth County

Middleboro vicinity, *Wapanucket Site*, SW of Middleboro off MA 25 (6–4–73)

Vermont

Windsor County

Goulds Mill, *Eureka Schoolhouse*, Charleston Road (3–11–71)

The following properties have been demolished and removed from the National Register:

California

Santa Cruz County

Santa Cruz, *McHugh and Bianchi Building*, Pacific Avenue and Mission Street

Wyoming

Park County

Powell, *Shoshone Project Headquarters Office Building*, 305 E. First Street

The following properties have been removed from the National Register:

Florida

Leon County

Tallahassee, *The Columns (Benjamin House)*, corner of Adams Street and Park Avenue

Massachusetts

Suffolk County

Boston, *Alice S. Wentworth (schooner)*, pier 4, Northern Avenue

New Hampshire

Merrimack County

Concord, *Pierce, Franklin, Manse*, 18 Penacook Street

Historic properties which are either (1) eligible for nomination to the National Register of Historic Places or (2) nominated but not yet listed are entitled to protection under Executive Order 11593. Before an agency of the Federal Government may undertake any project which may have an effect on such a property, the Advisory Council on Historic Preservation shall be given an opportunity to comment on the proposal. Authorization for such comment are in section 1(3) and section 2(b) of Executive Order 11593.

The Secretary of the Interior has determined that the following properties may be eligible for inclusion in the National Register of Historic Places and are therefore entitled to protection under section 1(3) and section 2(b) of Executive Order 11593 and other applicable Federal legislation. All determinations of eligibility are made under the Secretary of the Interior's authorities in sections 2(b) and 3(f) of Executive Order 11593. This list is not complete. As required by Executive Order 11593, an agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register.

Alabama

Dallas County

Selma, *Gill House*, 1109 Selma Avenue

Madison County

Huntsville, *Lee House*, Red Stone Arsenal

Alaska

Northwestern District

Little Diomede Island, *Iyapana, John, House*

Arizona

Cochise County

Sierra Vista vicinity, *Old Fort Huachuca*, west of Sierra Vista

Coconino County

Grand Canyon National Park, *Old Post Office.*
Grand Canyon National Park, *O'Neill, Buckey, Cabin.*
Grand Canyon National Park, *Ranger's Dormitory.*
Sedona vicinity, *Mayhew's Lodge*, N of Sedona on U.S. 89A in Coconino National Forest.

Pima County

Tucson vicinity, *Old Santan*, NW of Tucson.

Yuma County

Wickenburg vicinity, *Harquahala Peak Observatory*, SW of Wickenburg Yuma, *Southern Pacific Depot.*

Arkansas

Ouachita County

Camden, *Old Post Office*, Washington Street

California

Imperial County

Glamis vicinity, *Chocolate Mountain Archeological District.*

Marin County

Point Reyes, *Point Reyes Light Station.*

Modoc County

Alturas vicinity, *Rail Spring*, about 30 miles north of Alturas in Modoc National Forest.
Alturas vicinity, *Yellowjackets Landing*, NW of Alturas in Modoc National Forest.
Canby vicinity, *Sevenmile Flat*, NW of Canby in Modoc National Forest.

Monterey County

Big Sur, *Point Sur Light Station.*
King City vicinity, *Painted Cave*, SW of King City on Hunter Liggett Military Reservation.
Pacific Grove, *Point Pinos Light Station.*

Riverside County

Blythe vicinity, *Blythe Intaglios, Indian Intaglios*, N of Blythe on U.S. 95.

San Luis Obispo County

San Luis Obispo, *San Luis Obispo Light Station.*

San Mateo County

Ano Nuevo vicinity, *Pigeon Point Light Station.*
Hillsborough, *Point Montara Light Station.*

Shasta County

Whiskeytown, *Irrigation System (165 and 166)*, Whiskeytown National Recreation Area.

Sonoma County

Dry Creek-Warm Springs Valley Archeological District.
Santa Rosa, *Santa Rose Post Office.*

Colorado

Denver County

Denver, *Eisenhower Memorial Chapel*, Building No. 27, Reeves Street, on Lowry AFB.
Denver, *West Side Housing Historic District*, bounded by W. Colfax, W. 13th, Mariposato, and Speer streets.

Eagle County

Wolcott, *Wolcott Stage Station.*

Rio Blanco County

Meeker vicinity, *Thornburgh Monument*, NE of Meeker on Thornburgh Road 9 miles from junction CO 13 and 789.
Rangely vicinity, *Canon Pintado*, S of Rangely on Highway 139.
Rangely vicinity, *Carrot Men Pictograph Site*, SW of Rangely and W of Rangely Dragon Road.

Connecticut

Hartford County

Hartford, *Church of the Good Shepherd and Parish House*, intersection of Wyllys Street and Van Block Avenue.
Hartford, *Colt Factory Housing*, Huyshope Avenue between Sequassen and Weehawket streets.
Hartford, *Colt Factory Housing*, Huyshope Village), Curcombe Street between Hendricksen Avenue and Locust Street.
Hartford, *Colt Park* bounded by Wethersfield Avenue, Stonington, Wawarme, Curcombe, and Marseek streets, and by Huyshope and Van Block avenues.
Hartford, *Colt, Colonel Samuel, Armory, and related factory buildings*, Van Dyke Avenue.
Hartford, *Flat-iron Building (Motto Building)*, intersection of Congress Street and Maple Avenue.
Hartford, *Houses on both sides of Congress Street.*
Hartford, *Houses on Charter Oak Place.*
Hartford, *Houses on Wethersfield Avenue*, between Morris and Wyllys streets, particularly Nos. 97–81, 65.

Middlesex County

Middletown, *Mather - Douglas - Santangelo House*, 11 South Main Street.

New Haven County

New Haven, *City Hall and Annex.*
New Haven, *Post Office-Courthouse*, Church and Court streets.
New Haven, *Tannnery Building and appended office*, 202 George Street.

New London County

New London, *Thames Shipyard*, west bank of Thames River north of the U.S. Coast Guard Academy.

Delaware

New Castle County

Wilmington, *Wilmington Custom House*, King Street.

Suffolk County

Lewes, *Delaware Breakwater.*
Lewes, *Harbor of Refuge Breakwater.*

District of Columbia

Auditors' Building, 201 14th Street SW.
Riggs Bank, 800 17th Street NW.
Washington Aqueduct Georgetown Reservoir Castle Gatehouse, Reservoir Road and MacArthur Boulevard NW.

Florida

Hillsborough County

Tampa, *Firehouse No. 10*, Ybor City.

Georgia

Bryan County

Fort Stewart, *Site of Old Fort Argyle*, NE of Headquarters via GA 144, E GA 67 North, E to Ogeechee River.

Chatham County

Archeological Site, north end of Skidway Island.

Clay County

Archeological Site WGC–73, downstream from Walter F. George Dam.

Fulton County

Fort McPherson, *Forscom Command Sergeant Major's Quarters (Bldg. No. 532).*

Heard County

Philpott Homesite and Cemetery, on bluff above Chattahoochee River where Grayson Trail leads into river.

Stewart County

Rood Mounds.

Sumter County

Americus, *Aboriginal Chert Quarry*, Souther Field.

Hawaii

Moanalua Valley.

Hawaii County

Hawaii Volcanoes National Park, *Mauna Loa Trail.*

Maui County

Hana vicinity, *Kipahulu Historic District*, SW of Hana on Route 31.

Idaho

Ada County

Boise, *Ada Theater*, 700 Main Street.
Boise, *Alexanders*, 826 Main Street.
Boise, *Falks Department Store*, 100 North Eighth Street.
Boise, *Idaho Building*, 216 North Eighth Street.
Boise, *Simplot Building (Boise City National Bank)*, 805 Idaho Street
Boise, *Union Building*, 712½ Idaho Street.

Clearwater County

Orofino vicinity, *Canoe Camp—Site 18*, W of Orofino on U.S. 12 in Nez Perce National Historical Park.

Custer County

Challis, *Challis Bison Jump.*

Idaho County

Kamiah vicinity, *East Kamiah—Site 15*, SE of Kamiah on U.S. 12 in Nez Perce National Historical Park.

Lemhi County

Tendoy, *Lewis and Clark Trail, First Flag Unfurling.*
Tendoy, *Lewis and Clark Trail, Pattee Creek Camp.*

Lewis County

Jacques Spur vicinity, *St. Joseph's Mission (Slickpoo)*, S of Jacques Spur on Mission Creek off U.S. 95

Nez Perce County

Lapwai, *Fort Lapwai Officer's Quarters*, Phinney Drive and C Street in Nez Perce National Park
Lapwai, *Spalding*

Illinois

Cook County

Chicago, *McCarthy Building (Landfield Building)*, northeast corner of Dearborn and Washington
Chicago, *Methodist Book Concern (later Stop and Shop Warehouse)*, 12 West Washington
Chicago, *Ogden Building*, 180 West Lake Street
Chicago, *Oliver Building*, 159 North Dearborn Street
Chicago, *Springer Block (Bay, State, and Kranz Buildings)*, 126–146 North State
Chicago, *Unity Building*, 127 North Dearborn Street

De Kalb County

De Kalb, *Haish Barbed Wire Factory*, corner of Sixth and Lincoln streets

Lake County

Fort Sheridan, *Water Tower*, Building 49, Leonard Wood Avenue

Indiana

Monroe County

Bloomington, *Carnegie Library*

Kentucky

Jefferson County

Louisville, *Old Louisville Historic District*, bounded on north by Broadway; on the west by Seventh and the Louisville/Nashville R.R. tracks; on the east by Interstate 65 and Brook Street; on the south by Eastern Parkway and Gaulbert Avenue.

Maryland

Anne Arundel County

Annapolis, *Thomas Point Shoals Light Station*, on Kent Island in Chesapeake Bay.
Chestertown, *Bloody Point Bar Light*, on Chesapeake Bay
Skidmore, *Sandy Point Shoal Light*, on Chesapeake Bay

Baltimore County

Fort Howard, *Craighill Channel Upper Range Front Light*, on Chesapeake Bay
Sparrows Point, *Craighill Channel Range Front Light*, on Chesapeake Bay

Cecil County

Perryville, *Perry Point Mansion House*, Veterans Administration Hospital Grounds
Perryville, *Perry Point Mill*, Veterans Administration Hospital Grounds
Sassafras Elk Neck, *Turkey Point Light*, at Elk River and Chesapeake Bay

Dorchester County

Hoopersville, *Hooper Island Light*, Chesapeake Bay-Middle Hooper Island

Harford County

Havre De Grace, *Havre De Grace Light*

St. Marys County

Piney Point, *Piney Point Light Station*
St. Inigoes, *St. Inigoes Manor House*, Naval Electronic Systems Test and Evaluation Detachment
St. Marys City, *Point No Point Light*, on Chesapeake Bay

Talbot County

Tilgman Island, *Sharps Island Light*, on Chesapeake Bay

Minnesota

Cook County

Grand Marais vicinity, *Height of Land*, NW of Grand Marais in Superior National Forest.

Winona County

Winona, *Second Street Commercial Block.*

Missouri

Buchanan County

St. Joseph, *Hall Street Historic District*, bounded by 4th Street on West, Robidoux on South, 10th on East, and Michel, Corby, and Ridenbaugh on North.

Clay County

Smithville, *Aker Cemetery.*

Dent County

Lake Spring, *Hyer, John, House.*

Franklin County

Leslie, *Noser's Mill and adjacent Miller's House*, Rural Route 1.

St. Louis (independent city)

St. Louis Air Force Station, Second and Arsenal streets.

Montana

Carbon County

Barry's Landing, *Bad Pass Trail (Sioux Trail)*, Big Horn Canyon National Recreation Area.
Hardin, *Pretty Creek Site (Hough Creek Site)*, Big Horn Canyon National Recreation Area.

Lewis and Clark County

Marysville, *Marysville Historic District.*

Park County

Mammouth, *Chapel at Fort Yellowstone*, Yellowstone National Park.

Ravalli County

Conner vicinity, *Alta Ranger Station*, S of Conner in Bitterroot National Forest.

Nebraska

Madison County

Norfolk, *Federal Building (U.S. Post Office and Courthouse)*, corner of Fourth Street and Madison Avenue.

Nevada

Churchill County

Stillwater Marsh, NE of U.S. 50 and NV 42.

Nye County

Las Vegas vicinity, *Emigrant's Trail*, about 75 miles northwest of Las Vegas on U.S. 95.

Storey County (also in Washoe County)

Sparks vicinity, *Derby Diversion Dam*, on the Truckee River 19 miles east of Sparks, along Interstate 80.

Washoe County

Derby Diversion Dam. See Storey County.

New Hampshire

Grafton County

Bedell Covered Bridge.

New Jersey

Middlesex County

New Brunswick, *Delaware and Raritan Canal*, between Albany Street Bridge and Landing Lane Bridge.

Sussex County (also in Warren County)

Old Mine Road Historic District.

Warren County

Old Mine Road Historic District. See Sussex County.

New York

Bronx County

New York, *North Brothers Island Light Station*, in center of East River.

Greene County

New York, *Hudson City Light Station*, in center of Hudson River.

Richmond County

New York, *Romer Shoal Light Station*, located in lower bay area of New York Harbor.

Suffolk County

New York, *Fire Island Light Station, U.S.* Coast Guard Station.
New York, *Little Gull Island Light Station*, off North Point of Orient Point, Long Island.

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New York, *Plum Island Light Station*, off Orient Point, Long Island.
New York, *Race Rock Light Station*, south of Fishers Island, 10 miles north of Orient Point.

Ulster County

Kingston vicinity, *Esopus Meadows Light Station*, middle of Hudson River.
New York, *Rondout North Dike Light*, center of Hudson River at junction of Rondout Creek and Hudson River.
New York, *Saugerties Light Station*, Hudson River.

Westchester County

Port Washington vicinity, *Execution Rocks Light Station*, lower southwest portion of Long Island Sound.
White Plains, *Westchester County Courthouse Complex*, corner of Main and Court streets.

North Carolina

U.S.S. Monitor, Outer Continental Shelf, about 15 miles off coast of North Carolina.

Brunswick County

Southport, *Fort Johnston*, Moore Street.

Cumberland County

Fayetteville, *Veterans Administration Hospital Confederate Breastworks*, 23 Ramsey Street.

Dare County

Buxton, *Cape Hatteras Light*, Cape Hatteras National Seashore.

Hyde County

Ocracoke, *Ocracoke Lighthouse*.

New Hanover County

Wilmington, *Market Street Mansions District*, both sides of Market Street between 17th and 18th streets.

Ohio

Clermont County

Neville vicinity, *Maynard House*, 2 miles east of Neville off U.S. 52.

Pickaway County

Williamsport vicinity, *The Shack (Daugherty, Harry, House)*, 5.5 miles northwest of Williamsport.

Seneca County

Tiffin, *Old U.S. Post Office*, 215 S. Washington Street.

Oklahoma

Comanche County

Fort Sill vicinity, *Medicine Bluffs*, NW of Fort Sill.

Haskell County

Keota vicinity, *Otter Creek Archeological Site (34HS25)*, SW of Keota.

Kay County

Newkirk vicinity, *Bryson Archeological Site*, NE of Newkirk.

Oregon

Coos County

Charleston, *Cape Arago Light Station*.

Curry County

Port Orford, *Cape Blanco Light Station*.
Wolf Creek, *Rogue River Ranch*, Star Route, Box 78.

Douglas County

Winchester Bay, *Umpqua River Lighthouse*.

Josephine County

Whisky Creek Cabin.

Klamath County

Crater Lake National Park, *Crater Lake Lodge*.

Lane County

Roosevelt Beach, *Heceta Head Lighthouse*.
Roosevelt Beach, *Heceta Head Light Station*.

Lincoln County

Agate Beach, *Yaquina Head Lighthouse*.

Sherman County

Grass Valley vicinity, *Mack Canyon Archeological Site*, at end of BLM access road adjacent to Deschutes River N of Maupin.

Tillamook County

Tillamook, *Cape Meares Lighthouse*.

Pennsylvania

Brumbaugh Homestead, Raystown Lake Project.

Adams County

Gettysburg, *Barlow's Knoll*, adjacent to Gettysburg National Military Park.
Gettysburg, *Gettysburg Battlefield Historic District*.

Allegheny County

Bruceton, *Experimental Mine*, U.S. Bureau of Mines, off Cochran Mill Road.

Clinton County

Lockhaven, *Apsley House*, 302 East Church Street.
Lockhaven, *Harvey, Judge, House*, 29 North Jay Street.
Lockhaven, *McCormick, Robert, House*, 234 East Church Street.
Lockhaven, *Mussina, Lyons, House*, 23 North Jay Street.

Mercer County

Greenville vicinity, *Kidd's Mills Historical Area* (Shenango River Lake), 5 miles S of Greenville.
Greenville vicinity, *New Hamburg Historical Area*, south of Greenville on both banks of the Shenango River, off PA 58.
Mercer vicinity, *Big Bend Historical Area*, NW of Mercer.

Northampton County

Dorneyville, *King George Inn and two other stone houses*, intersection of Hamilton and Cedar Crest Boulevards.

South Dakota

Pennington County

Rapid City, *Rapid City Historical Commercial District*, 612–632 Main Street.

Tennessee

Henry County

Mt. Zion Church and Cemetery (United Baptist Church).

Texas

Galveston County

Galveston, *U.S. Customhouse*, bounded by Avenue B; 17th, Water, and 18th Sts.

Potter County

Lake Meredith Recreation Area, *McBridge Ranch House*.

Utah

Tooele County

Wendover vicinity, *Wendover Air Force Base*, S of Wendover.

Vermont

Franklin County

Highgate Falls, *Lenticular or Parabolic Truss Bridge, over* Missisquoi River.

Windsor County

Weathersfield, *Historic Crown Point Road*.
Windsor, *Post Office Building*.

Washington

Clallam County

Seguim, *New Dungeness Light Station*.

Clark County

Vancouver, *Officers Row*, Fort Vancouver Barracks.

Grays Harbor County

Westport, *Grays Harbor Light Station*.

King County

Burton, *Point Robinson, Light Station*.
Seattle, *Alki Point Light Station*.
Seattle, *West Point Light Station*.

Kitsap County

Hansville, *Point No Point Light Station*.

Pacific County

Ilwaco, *Cape Disappointment Light Station*.
Ilwaco, *North Head Light Station*.

Pierce County

Fort Lewis Military Reservation, *Captain Wilkes July 4, 1841, Celebration Site*.

San Juan County

San Juan Islands, *Patos Island Light Station*.

Snohomish County

Mukilteo, *Mukilteo Light Station*.

West Virginia

Cabell County

Huntington, *Old Bank Building*, 1208 Third Avenue.

Kanawha County

Saint Albans, *Chilton House*, 439 B Street.

Wood County

Parkerburg, *Wood County Courthouse*.

Wisconsin

Door County

Chambers Island, *Chambers Island Lighthouse Dwelling*, northern tip Chambers Island, Green Bay, Lake Michigan.

Wyoming

Goshen County

Torrington, *Union Pacific Depot*.

Puerto Rico

Mona Island, *Sardinero Site and Ball Courts*.

ERNEST A. CONNALLY,
Associate Director,
Professional Services.

[FR Doc.74-25683 Filed 11-4-74;8:45 am]

BUFFALO NATIONAL RIVER, ARKANSAS

Wilderness Study; Public Hearings

Notice is hereby given in accordance with section 6 of the Act of March 1, 1972 (86 Stat. 46), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that public hearings will be held beginning at 1:00 p.m. and 7:00 p.m. on December 5, 1974, in the Harrison City Hall, 112 South Spring, Harrison, Arkansas, for the purpose of receiving comments and suggestions on the wilderness study.

A report entitled "Buffalo National River Wilderness Study—Environmental Assessment" containing alternative proposals may be obtained from the Superintendent, Buffalo National River, P.O. Box 1173, 113 E. Rush, Harrison, Arkansas 72601, or from the Regional Director, Southwest Region, National Park Service, P.O. Box 728, Old Santa Fe Trail, Santa Fe, New Mexico 87501.

A description of the alternatives and alternative maps are available for review in the above offices and in Room 1210 of the Department of the Interior Building at 18th and C Streets N.W., Washington, D.C.

Interested individuals, representatives of organizations and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer, in care of the Superintendent, Buffalo National River, P.O. Box 1173, 113 East Rush, Harrison, Arkansas 72601, by November 29, 1974, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness study to the Hearing Officer at that address for inclusion in the official record which will be held open for written statements until January 4, 1975.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented by a more complete written statement which may be submitted to the Hearing Officer at the time of presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the transcribed hearing record. However, all materials so presented at the hearings shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After a presentation of the alternatives by a representative of the National Park Service, the Hearing Officer insofar as possible will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.
(2) Members of Congress.
(3) Members of the State Legislature.
(4) Official representative of the counties in which the proposed wilderness is located.
(5) Officials of other Federal agencies or public bodies.
(6) Organizations in alphabetical order.
(7) Individuals in alphabetical order.
(8) Others not giving advance notice, to the extent there is remaining time.

Dated: October 22, 1974.

RICHARD C. CURRY,
Associate Director,
National Park Service.

[FR Doc.74-25682 Filed 11-4-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation Number A084]

UTAH

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Utah:

Beaver	Piute
Carbon	Rich
Daggett	Sevier
Emery	Tooele
Garfield	Uintah
Kane	Wayne
Millard	

The Secretary has found that this need exists as a result of natural disasters consisting of insufficient snowfall during winter 1973–74, and drought March 1 through September 26, 1974, in Daggett and Uintah Counties; drought June 1 through September 27, 1974, in Rich County; and drought between January 1 and September 18, 1974, in Beaver, Carbon, Emery, Garfield, Kane, Millard, Piute, Sevier, Tooele, and Wayne Counties.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Calvin L. Rampton that such designation be made. Applications for Emergency loans must be received by this Department no later than December 23, 1974, for physical losses and July 24, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impractical and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 30th day of October, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25738 Filed 11-4-74;8:45 am]

[Notice of Designation Number A083]

MISSOURI

Designation of Emergency Areas

The Secertary of Agriculture has found that a general need for agricultural credit exists in the following counties in Missouri:

Harrison	Livingston
Johnson	Randolph

The Secretary has found that this need exists as a result of natural disasters consisting of excessive rainfall April 1 through June 15, 1974, and drought June 15 through August 15, 1974, in Harrison, Livingston, and Randolph Counties and excessive rainfall March 1 through June 10, 1974, and drought June 10 through August 15, 1974, in Johnson County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 23, 1974, for physical losses and July 24, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 30th day of October, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-25739 Filed 11-4-74;8:45 am]

Office of the Secretary

NATIONAL MEAT AND POULTRY INSPECTION ADVISORY COMMITTEE

Notice of Meeting

Correction

In FR Doc. 74–25310, appearing on page 38266 in the issue for Wednesday, October 30, 1974, the telephone number in the last paragraph should read "202/447–6313".

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-429]

PRUDENTIAL LINES, INC.

Notice of Application

Notice is hereby given that Prudential Lines, Inc., has applied for authorization to operate a C–3 cargo vessel in addition to the presently operated C–4 cargo vessels operated on its subsidized service on Line C. Trade Route No. 4, and for permission for an annual contractual sailing maximum of 52 on that service: The applicant, under Operating-Differential Subsidy Agreement, Contract No. FMB–49, provides service on a required basis on Trade Route No. 4, between United States North Atlantic ports and the Venezuelan-Netherlands West Indies-North Coast of Colombia range; and on a privilege basis between United States Atlantic ports and Jamaica, Haiti, Dominican Republic, other West Indies ports and Caribbean ports in Central America. The applicant proposes to operate the vessel principally between the ports of Philadelphia and Baltimore and the Venezuelan ports of

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La Guaira and Puerto Cabello. There exists a permanent contractual annual maximum of 30 sailings on the Trade Route No. 4 service, and a presently existing temporary contractual annual maximum of 54 sailings for the duration of the current charter of the vessel SS SANTA ANA or until March 21, 1975, unless a charter extension is approved by the Maritime Administration.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, (46 U.S.C. 1175) should by the close of business on November 11, 1974 notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board/Maritime Administration.

Dated: November 1, 1974.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc.74-25983 Filed 11-4-74;8:45 am]

Social and Economic Statistics Administration

FOREIGN DIRECT INVESTMENT IN THE UNITED STATES—1974

Notice of Consideration for Survey and Request for Comments

Notice is hereby given that the Bureau of Economic Analysis is planning to conduct a survey of foreign direct investments in the United States in 1974. This survey will be taken under the provisions of the Foreign Investment Study Act of 1974, Pub. L. 93-479.

The purpose of the Survey of Foreign Direct Investment in the United States—1974 is to obtain complete and accurate data on the amount of foreign business investment in the United States at the end of 1974, the net increase in investment during the year, the return to foreigners on this investment, and certain aspects of the operations of multinational companies which affect the United States and foreign economies. The data collected in this Survey, which are not publicly available from nongovernmental or other governmental sources, will be used in the formulation of Government policy and will serve as a base from which data collected in sample surveys can be expanded to reliable total estimates. These total estimates are used in the compilation and analysis of the United States balance of payments.

For the purpose of this survey, reports will be required for those business enterprises in which a foreign person holds a direct and/or indirect ownership interest of ten percent or more of the voting securities of an incorporated business enterprise, or an equivalent interest in an unincorporated business enterprise. Interest in real estate held for business purposes by a foreign owner is considered to be a business enterprise. Reports are required from the business enterprise itself; however, if the foreign controlling interest in a U.S. business enterprise, including real estate, was held, exercised, administered, or managed by a U.S. estate, trust, nominee, agent, manager, custodian, or other intermediary of the foreign beneficial owner, such estate, trust, nominee, agent, manager, custodian, or other intermediary shall be responsible for reporting the required information for the U.S. business enterprise, and shall report on behalf of the U.S. business enterprise or shall instruct the U.S. business enterprise in question to submit the required information.

Information furnished by respondents in this survey shall be held confidential, and used only for the statistical purposes for which it is supplied. No persons other than sworn employees of the Department of Commerce shall be permitted to examine individual reports, nor shall any statistics be published in such a manner that the information furnished by any person can be specifically identified.

This survey, if conducted, shall begin not earlier than January 1, 1975.

Copies of the proposed forms and general instructions are available upon request to the Director, Bureau of Economic Analysis, Washington, D.C. 20230, attention BE-50 (LM).

Any suggestions or recommendations concerning the subject-matter of this proposed Survey should be submitted in writing to the Director of the Bureau of Economic Analysis within 30 days of the date of this notice in order to receive consideration.

GEORGE JASZI,
Director,
Bureau of Economic Analysis.

[FR Doc.74-25696 Filed 11-4-74;8:45 am]

SURVEY OF DISTRIBUTORS' STOCKS OF CANNED FOODS

Notice of Determination

In conformity with title 13, United States Code, sections 181, 224, and 225, and due notice of consideration having been published September 27, 1974 (39 FR 34699), I have determined that year-end data on stocks of 30 canned and bottled products, including vegetables, fruits, juices, and fish, are needed to aid the efficient performance of essential government functions, and have significant application to the needs of the public and industry and are not publicly available from nongovernmental or other governmental sources. This is a continuation of the survey conducted in previous years.

All respondents will be required to submit information covering their December 31, 1974, inventories of 30 canned and bottled vegetables, fruits, juices, and fish. Reports will not be required from all firms but will be limited to a scientifically selected sample of wholesalers and retail multiunit organizations handling canned foods, in order to provide year-end inventories of the specified canned food items with measurable reliability. These stocks will be measured in terms of actual cases with separate data requested for "all sizes smaller than No. 10" and for "sizes No. 10 or larger". (In addition, multiunit firms reporting separately by establishment will be requested to update the list of their establishments maintaining canned food stocks.)

Report forms will be furnished to firms covered by the survey. Additional copies of the forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

I have, therefore, directed that this annual survey be conducted for the purpose of collecting these data.

Dated: October 30, 1974.

VINCENT P. BARABBA,
Director,
Bureau of the Census.

[FR Doc.74-25697 Filed 11-4-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

UNIFORM EFFECTIVE DATE FOR NEW FOOD LABELING REGULATIONS

Notice to Manufacturers, Packers, and Distributors Concerning Requests for Temporary Extensions

Correction

In FR Doc. 74-23665 appearing at page 36501 in the issue for Thursday, October 10, 1974, make the following change. On page 36502, in the first column, paragraph II. b., first line, the word "Commission" should read "Commissioner".

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition No. HS-74-10]

EAST JERSEY RAILROAD AND TERMINAL CO.

Petition for Exemption from Hours of Service Act

The East Jersey Railroad and Terminal Company of Bayonne, New Jersey, has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. Secs. 61, 62, 63, and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-74-10, Room 5101, 400 Seventh Street SW, Washington, D.C. 20590. Communications received before December 1, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

Issued in Washington, D.C. on October 31, 1974.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.74-25745 Filed 11-4-74;8:45 am]

[FRA Waiver Petition No. HS-74-8]

MANUFACTURERS' JUNCTION RAILWAY CO.

Petition for Exemption from Hours of Service Act

The Manufacturers' Junction Railway Company of Cicero, Ill., has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. Secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-74-8, Room 5101, 400 Seventh Street SW, Washington, D.C. 20590. Communications received before December 1, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW, Washington, D.C. 20590.

Issued in Washington, D.C. on October 31, 1974.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.74-25746 Filed 11-4-74;8:45 am]

ACTION

FOSTER GRANDPARENT AND SENIOR COMPANION PROGRAMS

Income Eligibility Level

The notice revises the income eligibility levels for single individuals and couples for the Foster Grandparent Program and the Senior Companion Program published in the FEDERAL REGISTER on July 8, 1974 (39 FR 24942). Based on figures as of July 1, 1974, obtained from the Social Security Administration, these amounts include State supplements to the Federal Supplemental Security Income (SSI) Program.

These ACTION programs are authorized pursuant to section 211 of the Domestic Volunteer Service Act of 1973, Pub. L. 93-113, 87 Stat. 402. Pursuant to section 421(4) of Pub. L. 93-113, 87 Stat. 414, the income eligibility levels are determined by the currently applicable guideline published by the Office of Economic Opportunity, pursuant to section 625 of the Economic Opportunity Act of 1964, as amended (42 U.S.C. 2971 (a)) as increased by the amount individual states supplement the SSI Program. These state supplemental payments reflect the higher cost of living in the geographic area to be served by the project. Similar lists will be prepared at least once a year to change the applicable levels. However, to remain current, a State's eligibility level may be increased before the next list is published to reflect an increase in its supplement or to include a supplement not presently available. Pursuant to section 420 of Pub. L. 93-113, this policy will be effective on December 4, 1974.

Schedule of income eligibility levels for foster grandparent and senior companion programs

State	Individuals	Couples
Alabama	$2,330	$3,202
Alaska	3,578	4,642
Arizona	2,330	3,070
Arkansas	2,330	3,070
California	3,396	5,722
Colorado	2,556	4,402
Connecticut	3,434	3,874
Delaware	2,330	3,070
District of Columbia	2,330	3,070
Florida	2,330	3,070
Georgia	2,330	3,070
Hawaii	2,654	3,562
Idaho	2,978	3,430
Illinois	2,678	3,070
Indiana	2,330	3,070
Iowa	2,330	3,070
Kansas	2,330	3,070
Kentucky	2,330	3,070
Louisiana	2,330	3,070
Maine	2,450	3,250
Maryland	2,330	3,070
Massachusetts	3,806	5,302
Michigan	2,498	3,322
Minnesota	2,714	3,538
Mississippi	2,330	3,070
Missouri	2,330	3,070
Montana	2,330	3,070
Nebraska	3,134	3,910
Nevada	2,706	4,018
New Hampshire	2,618	3,262
New Jersey	2,762	3,442
New Mexico	2,330	3,070
New York	3,053	3,982
North Carolina	2,330	3,070
North Dakota	2,330	3,070
Ohio	2,330	3,070
Oklahoma	2,510	3,430
Oregon	2,534	3,274
Pennsylvania	2,570	3,430
Rhode Island	2,774	3,866
South Carolina	2,330	3,070
South Dakota	2,330	3,070
Tennessee	2,330	3,070
Texas	2,330	3,070
Utah	2,330	3,070
Vermont:[1]		
Area 1	2,678	3,362
Area 2	2,918	3,802
Virginia	2,330	3,070
Washington:		
King, Pierce, Snohomish	2,690	3,466
All other counties	2,522	3,142
West Virginia	2,330	3,070
Wisconsin	3,170	4,202
Wyoming	2,330	3,070
Puerto Rico	2,366	3,070

[1] After completion of a statewide rent survey by the State of Vermont, it will identify for the Social Security Administration the towns in areas 1 and 2.

MICHAEL P. BALZANO, JR.,
Director, ACTION.

[FR Doc.74-25601 Filed 11-4-74;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Judicial Review of the Administrative Conference of the United States, to be held at 9:30 a.m., December 12, 1974 in the office of William H. Allen, Covington and Burling, 888 16th Street, NW, Washington, D.C. 20006.

The Committee will meet to consider a study done for the Committee by Professor Stephen F. Williams of the University of Colorado School of Law on "Judicial Compulsion of Procedures Not Required by Section 553 in 'Notice-and-Comment' Rulemaking."

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Lynda

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S. Zengerle, (202–254–7065). Minutes of the meeting will be available on request.

RICHARD K. BERG,
Executive Secretary.

OCTOBER 29, 1974.

[FR Doc.74–25729 Filed 11–4–74;8:45 am]

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10 a.m. on November 8, 1974, in the Office of the Administrative Conference of the United States, 2120 L Street, NW., Suite 500, Washington, D.C. 20037.

The Committee will meet to consider a draft statement of principles with respect to the Protection of Privacy in the Obtaining, Use, Retention and Transfer of Personal Information by the Government.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least one day in advance. The Committee Chairman may, if he deems it appropriate, permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting contact Margaret Gilhooley, Staff Liaison, (Phone: 202–254–7065). Minutes of the meeting will be available on request. The meeting was scheduled at this time, even though the usual advance notice could not be given, because of the need to forward the Statement, if approved, promptly to the Council of the Conference for consideration at its November meeting.

RICHARD K. BERG,
Executive Secretary.

NOVEMBER 1, 1974.

[FR Doc.74–25887 Filed 11–4–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–498A, 50–499A]

HOUSTON LIGHTING AND POWER CO.

Receipt of Attorney General's Advice and Filing Time for Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated October 22, 1974, a copy of which is attached as Appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by December 5, 1974, either (1) by delivery to the AEC Public Docketing and Service Section at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn: Docketing and Services Section.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN, *Chief,*
Office of Antitrust & Indemnity,
Directorate of Licensing.

APPENDIX A

OCTOBER 22, 1974.

Houston Lighting and Power Company, South Texas Project, Units 1 and 2, AEC Docket Nos. 50–498A and 50–499A.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

The South Texas Project. Applicant, Houston Lighting and Power Company (HL&P), has applied for a construction permit to construct a nuclear power plant known as the South Texas Project which will contain two nuclear units. HL&P is making this application for itself and as the project manager in behalf of the City of San Antonio, Central Power and Light Company (Central) and the City of Austin. Each of these four entities will own undivided interests as tenants in common in the South Texas Project, HL&P will own 30.8 percent, San Antonio 28.0 percent, Central 25.2 percent and Austin 16.0 percent. HL&P will act as project manager in the design, construction and operation of the project. The facility is to be located in Matagorda County, Texas, 15 miles southwest of Bay City. Each unit will include a 1,250 MW electric generating unit. Unit 1 is scheduled for operation in October, 1980, with Unit 2 to follow in October, 1982. HL&P, San Antonio, Central and Austin are each engaged in the production, transmission, distribution and sale of electric energy for lighting, heating, cooling and power purposes to residential, commercial and industrial customers in the southern portion of the State of Texas.

Description of participants. HL&P is an investor-owned utility which serves a 5,600 square mile area involving the city of Houston and its surrounding area. HL&P provides electric service at retail in 151 communities and serves 684,363 customers. HL&P provides wholesale power to the southeast division of the Community Public Service Company which in turn distributes this energy at retail in 11 cities and towns. HL&P also provides a small portion of the bulk power requirements of the Lorton Electric Cooperative. As of 1972, HL&P served approximately 2 percent of the geographic area of Texas and approximately 19 percent of the state's population. It furnished about 22 percent of the electricity consumed in the state. As of December 31, 1972, HL&P had net generating capability of 8,458 MW. Its peak load for 1973 was 6,708 MW. Operating revenues for the year 1973 were $409,060,000. It is estimated that by 1983 the total net capability of HL&P's system will be 16,623 MW.

The City of San Antonio owns and operates the San Antonio public utility electric system through a municipal board, the City Public Service Board of San Antonio. The City Public Service Board has full authority for the management and operation of the electric system which serves the City of San Antonio and the surrounding area encompassing 1,506 square miles. San Antonio provides electric service at retail to 38 communities and serves 268,815 customers. It also provides wholesale power to the municipally owned distribution systems of Floresville, Castroville, and Hondo, Texas. Its peak load for 1973 was 1,415 MW. As of January 31, 1974, San Antonio had a net generating capability of 2,148 MW. Operating revenues for the year ending January 31, 1974, were $87,467,108. It is estimated that by 1983 the total net capability of San Antonio's system will be 5,428 MW.

Central is a wholly owned subsidiary of a holding company, Central and South West Corporation. Central provides electric service at retail in 212 communities and serves 341,840 customers in a 44,188 square mile area located in the southern part of Texas. Central provides wholesale power to 6 distribution cooperatives and 1 generation and transmission cooperative. As of December 31, 1973, Central served approximately 16 percent of the geographic area of Texas. As of that date, Central had a net generating capability of 2,345 MW. Its peak load for 1973 was 1,883 MW. Revenues for the year were $161,301,000. It is estimated that by 1983 the total net capability of Central's system will be 4,776 MW.

The City of Austin owns and operates its own public utility electric system. It serves the city itself and the surrounding area encompassing 415 square miles. Austin provides electric service at retail in 9 communities and serves 107,301 customers. It has no wholesale customers. As of December 31, 1973, Austin had a net generating capability of 810 MW. Its peak load for 1973 was 532 MW. Revenues for the year ending September 30, 1973, were $40,438,731. It is estimated that by 1983 the total net capability of the Austin system will be 3,040 MW.

Interconnection and coordination with others. None of the applying joint owners is a member of any power pool. All, however, are members of the Texas Interconnected System (TIS). TIS is a group of nine interconnected electric systems that operate throughout the State of Texas. TIS is comprised of 6 investor-owned and 3 publicly owned electric systems. The members of TIS have an oral understanding with regard to the minimum installed reserves and spinning reserves that each member will maintain. The members of TIS also conduct various studies relating to the need for, and effects of, any future transmission and generation changes planned by the members. Thus, membership in TIS allows each member system to obtain various benefits from such coordination that are not available to non-members.

The members of TIS have in operation, under contruction or in planning a number of 345 KV transmission lines which will form various loops among the member systems to substantially improve the system reliability of each member. These interconnections may also allow power interchanges to improve the operating economy of the members.

The joint owners as well as the other members of TIS operate wholly within the State of Texas. They are not subject to regulation by the Federal Power Commission. Neither is there any state regulatory body in Texas having jurisdiction over the rates of electric utilities.

In the past, membership in TIS was not available to all of the electric utility systems in Texas, even where the non-member system was of sufficient size to make a contribution to the reliability of the bulk power supply of the members. This situation has recently changed and membership in TIS is now being made available to other systems.

Results of antitrust review. In connection with an application by HL&P involving Allen's Creek Nuclear Generating Station, Units 1 and 2, the Department advised the Commission on May 7, 1974, that no antitrust hearing was warranted. A factor considered by the Department in reaching its no hearing advice was the evidence that HL&P would be facilitating the availability of nuclear power to other entities by participating in the joint ownership of future units. Such is the situation with regard to this application. The joint owners represent both the private and public sectors of the electric power industry. This is the type of cooperation which the absence of competition restraints makes possible and which should be encouraged in the interest of making low cost nuclear power widely available and increasing the reliability and economy of electric service. Although the joint owners of the instant project are all members of TIS, the Department has uncovered no evidence that participation by non-TIS members in the project is being prohibited.

Conclusion. In view of the above, the Department concludes that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc.74–25598 Filed 11–4–74;8:45 am]

[Dockets Nos. STN 50–528 through 50–530]

ARIZONA PUBLIC SERVICE CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Arizona Public Service Company on behalf of itself and five joint applicants—the Salt River Project Agricultural Improvement and Power District, Tucson Gas & Electric Company, El Paso Electric Company, Public Service Company of New Mexico, and Arizona Electric Power Cooperative, Inc., (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed on October 7, 1974, for authorization to construct and operate three generating units utilizing three pressurized water nuclear reactors. The application was tendered on July 11, 1974. Following a preliminary review for completeness, the Environmental Report, the general and financial, and antitrust information were found to be acceptable for docketing. However, the Preliminary Safety Analysis Report was rejected on August 29, 1974, for lack of sufficient information. The applicant submitted additional information on September 30, 1974, and the Preliminary Safety Analysis Report was found to be acceptable for docketing. Docket Nos. STN 50–528, STN 50–529, and STN 50–530, have been assigned to the application, and they should be referenced in any corresondence relating to the application.

The proposed nuclear facility, designated by the applicants as the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, is located in Maricopa County, Arizona, about 15 miles west of Buckeye and 36 miles west of Phoenix. Each of the units is designed for initial operation at 3,800 megawatts (thermal), with a net electrical output of 1,307 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 23, 1974. The request should be filed in connection with Docket Nos. STN 50–528–A, STN 50–529–A, and STN 50–530–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545, and at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report dated October 2, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Department of Economic Planning and Development, State of Arizona, Phoenix, Arizona 85007, and at the Maricopa Association of Governments, 300 N. Central Avenue, Phoenix, Arizona 85012.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 8th day of October 1974.

For the Atomic Energy Commission.

RALPH A. BIRKEL,
Acting Chief, Light Water Reactor Project Branch 1–3, Directorate of Licensing.

[FR Doc.74–24442 Filed 10–21–74;8:45 am]

[Docket Nos. 50–452; 50–453]

DETROIT EDISON CO.

Oral Argument

In the matter of The Detroit Edison Co. (Greenwood Energy Center, Units 2 and 3).

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order dated October 25, 1974, oral argument on the Licensing Board's ruling respecting its jurisdiction (1) to consider the environmental effects of off-site transmission lines associated with a nuclear power plant; and (2) to impose conditions concerning the routing, design, and construction of such lines, will be heard on Friday, November 22, 1974, at 10 a.m. in the Appeal Panel Hearing Room, 5th floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

For the Atomic Safety and Licensing Appeal Board.

Dated: October 30, 1974.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74–25786 Filed 11–4–74;8:45 am]

[Docket Nos. 50–452; 50–453]

DETROIT EDISON CO.

Prehearing Conference

In the matter of The Detroit Edison Co. (Greenwood Energy Center Units 2 and 3).

In a conference call on October 3, 1974, among the Parties to this proceeding, The Detroit Edison Company (Applicant), advised that it was withdrawing its application for a Limited Work Authorization and was requesting a postponement of the evidentiary hearing which had been tentatively scheduled to start on November 6, 1974.

It was mutually agreed by the Parties that the evidentiary hearing on environmental matters would be scheduled for Tuesday, January 14, 1975. The Board informed the Parties that the hearing would begin in Port Huron, Michigan, in order to accommodate those members of the public who desired to make limited appearances. In a subsequent Order the Board will furnish further information concerning the arrangements for the hearing.

It was also mutually agreed by the Parties that a Prehearing Conference should be scheduled in December for the purpose of making the final arrangements for the hearing. Pursuant to the above agreement a Prehearing Conference will be held on Thursday, December 12, 1974, at 10 a.m., local time, at the following location:

Courtroom 859
U.S. Courthouse
231 Lafayette St.
Detroit, Michigan 48226

Persons and organizations wishing to make limited appearance statements, orally or in writing, may do so at the time of the evidentiary hearing, but limited appearances will not be received at the Prehearing Conference. However, all members of public, including anticipated limited appearance speakers, are welcome to attend the Prehearing Conference.

The Prehearing Conference will, in accordance with 10 CFR § 2.752, cover the following matters:

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1. The obtaining of stipulations and admissions of fact and of the contents and authenticity of documents to avoid unnecessary proof;

2. Identification of witnesses and the limitation of the number of expert witnesses, and other steps to expedite the presentation of evidence;

3. The final arrangements for the conduct of the evidentiary hearing on environment matters;

4. Such other matters as may aid in the orderly disposition of the proceeding.

It is so ordered.

Dated at: Bethesda, Md., this 31st day of October 1974.

FOR THE ATOMIC SAFETY AND LICENSING BOARD.

JAMES R. YORE,
Chairman.

[FR Doc.74-25784 Filed 11-4-74;8:45 am]

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Intent to Issue Order Authorizing Dismantling of Facility to Render Inoperable

By application notarized September 17, 1974, General Electric Company requested authorization to render the Midwest Fuel Recovery Plant inoperable in accordance with a plan therein submitted to the Commission and, in addition, requested termination of Facility License for Possession Only No. CSF-2.

The Midwest Fuel Recovery Plant has never been licensed to operate as a reprocessing plant. On August 23, 1974, the Commission issued Facility License for Possession Only No. CSF-2 and, thereafter, published in the FEDERAL REGISTER Notice of Issuance of Facility License for Possession Only No. CSF-2 on September 6, 1974 (39 FR 32345). This license provided for the termination of the provisional construction permit and authorized continuation of Special Nuclear Materials License Nos. SNM-1265 and SNM-1281 to the extent that General Electric could continue to (1) possess and store natural and depleted uranium presently at the facility; (2) receive, possess and store irradiated nuclear fuel elements; and (3) possess and use certain radioactive materials needed for instrument calibration and laboratory standards.

In accordance with the stipulation embodied in Facility License for Possession Only No. CSF-2, Part E. the plan to dismantle the Midwest Fuel Recovery Plant to render the plant inoperable has been approved by the Commission. The approved plan to dismantle rendering the plant inoperable includes (1) welding a quarter-inch thick stainless steel plate over the hatch at the transfer station in the Mechanical Cell; (2) welding an H-beam block to limit movement of the transfer arm used to transfer fuel from the basin to the Mechanical Cell; and (3) partially dissembling the hydraulic system used to move the transfer arm by draining the hydraulic fluid from the cylinders, disconnecting the cylinders from the transfer arm and capping the lines.

The Commission has reviewed the application in accordance with the provisions in 10 CFR Chapter I of the Commission's regulations and has found that the dismantling plan for rendering the facility inoperable is in accordance with requirements of the license for possession only, can be implemented safely, provides no new potential for exposure to radiation, will not be inimical to the common defense and security or to the health and safety of the public, and involves no significant hazards consideration. The basis for the findings is set forth in the Safety Evaluation by the Regulatory Staff which is being issued concurrently with this notice.

Accordingly, an appropriate Order will be issued after November 15, 1974 authorizing General Electric to implement the dismantling plan rendering the Midwest Fuel Recovery Plant inoperable as a fuel reprocessing facility. The Commission will, thereafter, consider the termination of Facility License for Possession Only, No. CSF-2, when General Electric has completed implementation of the dismantling plan rendering the plant inoperable and following appropriate inspection by the Commission.

The Safety Evaluation Report is available for public inspection at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois, or upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing—Regulation.

For the Atomic Energy Commission.

Dated: October 30, 1974.

RICHARD E. CUNNINGHAM,
Assistant Director for Fuel Cycle, Directorate of Licensing.

[FR Doc.74-25785 Filed 11-4-74;8:45 am]

[Docket No. 50-245]

NORTHEAST NUCLEAR ENERGY CO.

Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Provisional Operating License No. DPR-21 issued to Connecticut Light and Power Company, The Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 1, located in Waterford, Connecticut. The amendment is effective as of its date of issuance.

The amendment establishes the maximum number of fuel assemblies as a design feature of the reactor core without reference to the composition of each fuel assembly in regard to the fuel rod array.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated October 24, 1974, (2) Amendment No. 3 to License No. DPR-21, with Change No. 18, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 24th day of October, 1974.

FOR THE ATOMIC ENERGY COMMISSION.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-25790 Filed 11-4-74;8:45 am]

[Docket No. 50-263]

NORTHERN STATES POWER CO.

Order Postponing Starting Date of Evidentiary Hearing

In the matter of Northern States Power Co. (Monticello Nuclear Generating Plant).

Following receipt of a telephonic communication today from counsel for the AEC Regulatory Staff respecting a change in circumstances involving the scheduling of witnesses of both the Staff and Minnesota Pollution Control Agency, advising a change in the date [1] from November 6, to November 12, 1974, for the convening of the hearing in the above-identified proceeding, and being advised by Staff counsel that attorneys for the other parties have no objection, the Board has granted the postponement requested.

Wherefore, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission, the evidentiary hearing is postponed from November 6, 1974, and in lieu thereof shall convene at 10 a.m., local time on Tuesday, November 12, 1974, in Courtroom No. 4, United States Federal Courthouse, 316 North Roberts Street, St. Paul, Minn. 55101.

FOR THE ATOMIC SAFETY AND LICENSING BOARD.

[1] In the Matter of Northern States Power Co. (Monticello Nuclear Generating Plant, Unit 1) Board's "Notice and Order Convening Evidentiary Hearing" published October 10, 1974 (39 FR 36503).

Issued at Bethesda, Md., this 30th day of October, 1974.

R. M. LAZO, *Chairman.*

[FR Doc.74-25783 Filed 11-4-74;8:45 am]

[License No. 05-13943-01E]

STATITROL CORP.

Issuance of Amendment of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued Amendment No. 10 to License No. 05-13943-01E to Statitrol Corporation, 140 South Union Boulevard, Lakewood, Colo. 80228, which authorizes the distribution of Models 102-060, 104-060, 104-061, 108-750, 108-751, 108-752, 108-753, 108-754, 108-755, 108-756, 108-760, 108-761, 108-762, 108-763, 108-780, 108-781, and 731 ionization fire detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect incipient fires by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. Then sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the detector is americium in the oxide form contained in foils manufactured by Nuclear Radiation Developments (Model A-001) or by the Radiochemical Centre (Model AMM). The nominal activity contained in the unit is 1.0 microcurie but the maximum activity is 1.3 microcuries.

3. Each exempt unit will have a label identifying the manufacturer (Statitrol Corporation) and the byproduct material (americium 241) contained in the unit and recommending that the unit be returned to the Statitrol Corporation for repair or disposal.

A copy of the amended license and license application containing additional information, prepared by the Directorate of Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., October 24, 1974.

For the Atomic Energy Commission.

BERNARD SINGER,
Chief, Materials Branch, Directorate of Licensing.

[FR Doc.74-25789 Filed 11-4-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26494; Agreement C.A.B. 24748; Order No. 74-10-151]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding North Atlantic Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 30th day of October 1974.

By Order 74-10-106, October 21, 1974, the Board approved an agreement among the carrier members of the International Air Transport Association (IATA), which was intended to establish North and Mid-Atlantic passenger fares for scheduled services from November 1, 1974 through March 31, 1976. The agreed fare structure (Montreux fares) was much the same as the present structure, which expires on October 31, 1974, but reflected increases in the various categories of fares ranging from about 4 to 19 percent as well as introduction of a new advance-purchase excursion fare (APEX). In approving the IATA carriers' agreement, the Board gave first priority to the carriers' urgent need for the increased revenues the Montreux fares would provide, but expressed its regret that more fundamental changes in fare structure had not been made.

Subsequently, the Board was notified that several carrier parties to the agreement had withdrawn, thus voiding the agreement. A series of carrier meetings were then held in Geneva during the week of October 21, 1974, to consider the fares to be charged beginning November 1st. As noted, the present IATA agreement expires on October 31st, and the carriers' tariffs filed with the Board are similarly marked to expire. Immediate action was therefore required to establish transatlantic passenger fares for the ensuing winter period.

On October 29, 1974, a special IATA resolution was filed with the Board dealing with these fares for the three-month period from November 1, 1974 through January 31, 1975. In essence, this special resolution readopts the Montreux fares for this period with certain modifications. The APEX fare would be dropped from the agreement although passengers ticketed by October 29, 1974 would be carried at the APEX fare. The 22-45 day excursion and group-affinity fares applicable in the winter season would be proportionally reduced on the basis of the $22 New York-London round-trip fare formula. Finally, the agreed proportional fare used for constructing through 22-45 day excursion fares between Miami and points in Europe would be reduced by $10.[1]

It is obvious that the question of fares to be charged for North and Mid-Atlantic services beginning November 1 must be resolved immediately. The interests of the traveling public are ill-served by further protracting the uncertainties which have prevailed during the last six months or so while these fares have been under negotiation among the carriers. In these circumstances, and in view of the limited changes now proposed in the Montreux fare agreement we have only just reviewed, the Board concludes it is necessary and appropriate to deal now with the special resolution without going through the usual procedure of eliciting comments.

On the basis of data provided by the U.S. carriers and our own analyses, the Board found in Order 74-10-106 that the Montreux fares would produce greater revenues than the present fare structure, and a modest operating profit in 1975 in contrast to current losses. The modified agreement now before us, however, deals only with the next three traditionally low traffic months which are not typical of an entire year, and it would therefore be inappropriate to analyze these fare proposals on an annual basis. As modified, each of the proposed fares would be higher than the comparable fares charged during the same three-month period a year ago, (See Attachment).[2] The normal economy, 14-21 day excursion, and GIT fares would range from 8-10 percent higher. The 22-45 day excursion and group-affinity fares would be 11-12 percent higher than last year's fares. The popular winter GIT fare would be increased by 7.9 percent.[3] Even taking account of some possible loss of traffic due to the fare increases, we must conclude that the proposed fares would produce more revenue and better financial results than would last year's fares, as both Pan American and TWA contend.[4] In any event, the increases are fully justified by the higher level of operating costs now prevailing. By the same token, there is no possibility that the carriers could achieve excessive profits during this period from operations at these fares.

In view of the accelerated action required of the Board in this instance, we have reviewed the substance of the comments and objections filed with respect to the Montreux fare agreement. It does not appear that the modifications now proposed would heighten the objections earlier filed. Some of those comments went to the APEX fare, its administrative complexity, and its alleged potential impact on charter services. The APEX fare is not part of the modified fare structure, except for the carriage of persons already ticketed, and should therefore have little, if any, impact on transatlantic charter or scheduled services in the limited term of this agreement. Other comments objected to relatively large increases in the 22-45 day excursion fare and to the absence of a youth fare between the U.S. and Europe. The proposed modifications of the Montreaux fare agreement result in an increase in the 22-45 day excursion fare quite closely in line with the increases in

[1] Bulk Affinity and Incentive Group prices between the United States and Spain/Portugal would remain at the winter 1973-74 levels adjusted for fuel increases.

[2] For purposes of comparison, the fares applicable last winter have been increased by the subsequently approved fuel surcharges.

[3] To the extent that a limited amount of APEX travel has been sold, the fares would approximate last year's 22-45 day excursion fares. For example, the New York-London APEX fare would be $313 as compared with the $317 22-45 day excursion fare applicable last winter.

[4] Pan American estimates that, for the 3 months the revised agreement will be effective, revenues will increase by $4.1 million compared with present fares, while the original agreement would have increased revenues by $4.8 million during this period. TWA estimates increased revenues of $3.5 million from the revised agreement as compared with retaining present fares during the period.

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other fares.[6] The Board's views and findings with respect to the unlawfulness of youth fares have been fully stated elsewhere and will not be repeated here. With reference to the suggestions advanced by the Department of Transportation that approval of the Montreux fare agreement be conditioned to require increased stopover charges, the modified agreement reflects no change and our earlier views of this matter still obtain.

Accordingly, the Board will approve the special resolution modifying the Montreux fare agreement we approved on October 21, 1974. The carriers require the revenue increase which will be provided by the new fares. The only realistic alternative is maintenance of the status quo, which would produce less revenue than the proposed fares.[6] While carriers could in theory file other fares on a unilateral basis if the instant resolution is not approved and an open-rate situation prevails, the events of early 1973, in a similar situation, lead us to believe such filings are unlikely to become effective. This would only result in withholding urgently needed revenues from the carriers and a chaotic situation of tariff filings and counter-filings. It is now past time to lay to rest uncertainties as to the fares to be charged for transatlantic services during the next three months. In approving the modified fare agreement, we do not depart from our earlier expressed views concerning the current fare structure, or abandon our objectives with respect to its reformation. Our acquiescence in the maintenance of a fare structure which is, for practical purposes, unchanged is based on the exigencies of the current situation and the fact that a period of only *three* months is involved. In their negotiations for fares after February 1, 1975, the Board expects the carriers to consider more carefully the principles set forth in our June 1974 policy statement.

The Board, acting pursuant to sections 102, 204(a), 404(b), 412, and 1002 of the Act does not find that Agreement C.A.B. 24748 is adverse to the public interest or in violation of the Act.

[6] Indeed we regret this result as inconsistent with the kind of basic restructuring that must eventually be accomplished.

[6] In comments filed in support of the Agreement, the Department of Transportation states that Board approval would be far more beneficial to our carriers than a continuation of the present fares or the instability resulting from open rates. The National Air Carrier Association opposes the affinity-group prices to Portugal/Spain and requests their disapproval. While we are approving these fares as part of the total package for the three months here involved, the Board finds no basis for the disparity between these and affinity fares to other points in Europe and is not prepared to approve a continuation of this circumstance beyond January 31, 1975.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 24748 be and hereby is approved; and

2. Tariffs implementing Agreement C.A.B. 24748 shall be marked to expire on January 31, 1975.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

NEW YORK-LONDON ROUND-TRIP FARES[1]

	Present[2]	Proposed[3]	Percent change
First class	$1,084	$1,156	6.6
Economy	538	584	8.4
14/21 day excursion	472	509	7.8
22/45 day excursion	317	352	11.0
Affinity group	285	318	11.6
Group inclusive tour	334	366	9.6
Winter group inclusive tour	305	329	7.9

[1] Includes six percent devaluation-related surcharges on U.S.-originating dollar fares.
[2] Applicable during 1973-74 winter season plus subsequently adopted fuel surcharges.
[3] For the period November 1, 1974 through January 31, 1975.

[FR Doc. 74-25802 Filed 11-4-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Notice of Meeting

Notice is hereby given that a briefing will be made by the above Administration on November 19, 1974, at 2:30 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., to coordinate efforts for conserving energy and to exchange ideas and viewpoints.

Dated at Washington, D.C., October 31, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25804 Filed 11-4-74;8:45 am]

[Docket 23604 et al.]

KODIAK-WESTERN ALASKA RENEWAL PROCEEDING

Notice of Reassignment of Proceeding

This proceeding is hereby reassigned from Administrative Law Judge Henry Whitehouse to Administrative Law Judge William H. Dapper. Future communications should be addressed to Judge Dapper. The further procedural steps herein remain as prescribed in the Report of Supplemental Prehearing Conference, served October 11, 1974.

Dated at Washington, D.C., October 30, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-25805 Filed 11-4-74;8:45 am]

[7] Minetti and West, members, concurrence and dissent, filed as part of the original document.

COMMISSION ON CIVIL RIGHTS

EQUALITY OF EDUCATIONAL OPPORTUNITY

Notice of Consultation

Notice is hereby given that the U.S. Commission on Civil Rights will hold a public consultation to consider views on proposed findings and recommendations derived from a Commission report entitled "Twenty Years After Brown: Equality of Educational Opportunity" on December 17, 1974, in Conference Room B of the Departmental Auditorium, which is located on Constitution Avenue between 12th and 14th Streets NW., in Washington, D.C.

Persons interested in obtaining copies of the report and the proposed findings and recommendations may obtain these and further information from the Office of Information and Publication, U.S. Commission on Civil Rights, 1121 Vermont Avenue NW., Washington, D.C. 20425, or make such request by telephone to (202) 254-6600. Written comments must be received by the Commission no later than November 20, 1974, for consideration by the Commissioners prior to the public consultation.

Dated at Washington, D.C., November 1, 1974.

JOHN A. BUGGS,
Staff Director.

[FR Doc.74-26007 Filed 11-4-74;10:03 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1974

Addition to Procurement List

Notice of proposed addition to Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on September 26, 1974 (39 FR 34601).

Pursuant to the above notice the following service is added to Procurement List 1974.

Industrial class 0782:	*Price*
Grounds Maintenance (RF), Secret Service Special Training Building and Complex, Beltsville, Md.	List of prices available from U.S. Secret Service Procurement Washington, D.C.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-25730 Filed 11-4-74;8:46 am]

PROCUREMENT LIST 1974

Deletion From Procurement List

Notice of proposed deletion from Procurement List 1974, November 29, 1973 (38 FR 33038) was published in the FEDERAL REGISTER on September 17, 1974 (39 FR 33426).

Pursuant to the above notice the following commodities are deleted from Procurement List 1974.

Class 8440:
Neckerchief (IB) 8440-240-4922
Class 8465:
Bag, sleeping (disposable) (IB) 8465-338-5415.
Bag, soiled clothes (saran) (IB) 8465-286-5455.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-25731 Filed 11-4-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Availability

Environmental impact statements received by the Council on Environmental Quality from October 21 through October 25, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 16, 1974) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Timber Management, White Mountain N.F., October 24. The statement refers to the proposed Timber Management Plan which will cover the White Mountain National Forest from July 1, 1974 through June 30, 1982. The plan includes a potential yield of 19,210,000 of sawlogs and 68,900 cords of products annually. There will be impacts to aesthetics, air, water and soil qualities, and fish and wildlife. (ELR Order No. 41618.)

Timber Management Plan, Routt N.F., Colo., October 21. Proposed is the revision of the 1961 Timber Plan for the Routt National Forest. The revision would cover the years 1975-1984. Under the plan, 7,500 acres annually of the available commercial forest land would receive various timber management activities. The expected annual yield is 72,000 Cunits including 33 million board feet of sawtimber. Timber harvest and road construction will affect air and water quality, visual resources, and wilderness values in areas not selected as New Study areas (ELR Order No. 41602.)

Red Rock Peak Unit, Salmon N.F., Lemhi County, Idaho, October 21. The statement refers to a proposed land use plan for the 120,330 acre Redrock Unit of the Salmon National Forest. The planning area was divided into four management areas which will be managed for appropriate resource uses, protection needs, and management needs. Major environmental impact will be due to timber harvest, mining, and road construction. Of the 87,070 acres of inventoried lands within the unit, 17,414 acres (20%) will remain unroaded. (ELR Order No. 41593.)

Lyndon B. Johnson National Grasslands, Fannin County, Tex., October 23. The statement refers to the 10 year management plan for the Caddo Unit, Lyndon B. Johnson National Grasslands. The unit will be managed for the benefit of wildlife, erosion control, improved transportation, range improvement, and "other action plans." There will be soil, water, air and visual impact due to road, trail and recreation construction brush control, prescribed burning, and fence construction. Increased recreational use will result in increased littering. (ELR Order No. 41613.)

Boulder Mountain Unit, Dixie N.F., Wayne and Garfield Counties, Utah, October 21. The statement refers to the land use plan for the 250,000 acre Boulder Mountain Planning Unit of the Dixie N.F. The Unit will be managed for the protection of its watersheds, for recreational uses, livestock grazing, timber production, wildlife resources, and related values. Of the nine inventoried roadless areas in the Unit, only one complete area (the 48,000 acre Boulder Top area) and parts of two other areas are recommended for special management. (ELR Order No. 41599.)

Final

Barry Arm No. 1, Chugach N.F., Alaska, October 22. Proposed is the awarding of Barry Arm No. 1 Timber Sale, which was auctioned on September 29, 1972. The sale is located on the west shore of Barry Arm, Prince William Sound. The sale consists of three units totalling 88 acres; gross sale area is 172 acres. Total volume of the sale is 2,849 MBF. Approximately 77 percent of the area would be harvested by cable; the remaining harvest would be by tractor. The sale will result in road construction in presently roadless areas (30 pages). Comments made by: EPA, USCG, HUD, and DOC. (ELR Order No. 41604.)

Transmission Line, Apalachicola N.F., Fla., October 21. Proposed is the granting of an application for a right-of-way for a 230 KV transmission line across the Apalachicola National Forest. The line would connect the Hopkins Power Plant with a Florida Power Corp. transmission line between St. Marks and Crawfordville. There will be adverse impact to aesthetics, forest enjoyment, commercial forestry, and potential ariport (Tallahassee) expansion (168 pages). Comments made by: USDA, HEW, DOI, FPC, DOC, EPA, DOT, and AHP. (ELR Order No. 41597.)

Cube Iron-Silcox Unit, Lolo N.F., Sanders County, Mont., October 21. The statement refers to a proposed multiple use plan for the 16,927 acre Cube Iron-Silcox Planning Unit, Thompson Falls Ranger District, Lolo National Forest. Under the plan the Unit would be divided into six sub-units, to be managed for similar resource potentials and problems. Roadless conditions would be maintained upon 8,267 acres; roads and other activities will result in the development of 7,766 acres which are currently roadless. Management would be for recreation, aesthetics, fisheries, wildlife, watershed, tim-soil, water, vegetation, and wildlife (215 pages). Comments made by: DOI, EPA, and state and local agencies and concerned citizens. (ELR Order No. 41600.)

Final

Murr-Baldy Planning Unit, Lolo, N.F., Sanders and Flathead Counties, Mont. The statement refers to a revised multiple use plan for the 98,900 acre Murr-Baldy Planning Unit of the Lolo National Forest. The plan recommends that 67,549 acres be managed for recreation, fisheries, timber, wildlife, esthetics, watershed, and range. Two areas totalling 26,444 acres will be maintained in a roadless condition; 35,932 acres of presently roadless land will be partially roaded and developed. Comments made by: EPA, DOI, and state and local agencies. (ELR Order No. 41615.)

Draft

Timber Management, White Mountain N.F., Maine and New Hampshire, October 24. The statement refers to the proposed Timber Management Plan which will cover the White Mountain National Forest from July 1, 1974 to June 30, 1982. The plan includes a potential yield of 19,210,000 of sawlogs and 68,900 cords of products annually. There will be impacts to aesthetics, air, water, and soil qualities, and fish and wildlife. (ELR Order No. 41616.)

SOIL CONSERVATION SERVICE

Draft

Little Lucklamute River Watershed, Polk County, Oreg., October 21. Proposed is the land treatment, flood prevention, irrigation, recreation, fishery, and water supply project on the Little Lucklamute River Watershed. Project measures will include land treatment on 51,770 acres, and the construction of Teal Creek Dam. The dam will block passage of anadromous fish and will inundate 2 miles of spawning area. Seven hundred acres of land will be disturbed, of which 340 acres will be permanently inundated. Land acquisition will displace 14 families. The project will stimulate development in the area, and will alter wildlife habitat. (ERL Order No. 41598.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, 202-693-7168.

Draft

Two Harbors Harbor, Operation and Maintenance, Lake County, Minn., October 21. The statement refers to operation and maintenance activities within Two Harbors Harbor at Lake Superior. Proposed plans call for removal of approximately 6,000 cubic yards of dredge material to complete the project authorized in 1960. Drilling, blasting, and removal of broken rock is anticipated to complete the dredging. Maintenance of the breakwater to replace rock torn away by Lake Superior storms is also expected. Adverse environmental impacts include: minor congestion; air water contamination; noise; increased turbidity; and, benthic damage (St. Paul District) (32 pages). (ELR Order No. 41594.)

Kaw Lake, Arkansas River, Oklahoma, October 21. The statement is an updated and revised draft of a final els submitted to CEQ December 31, 1970. It proposes continued construction of a multi-purpose reservoir project on the Arkansas River 8 miles east of Ponca City. The lake will significantly reduce annual flood damages and will provide a marginal quality but dependable water supply and recreation facility for the area. Adverse environmental effects include: inundation of 17,000 acres of land and 46 miles of river and streams; subjection to inundation of an additional 21,000 acres during floods; adverse effects on oil recovery operations, highways, roads, pipelines, powerlines, and the nearby cities; and the relocation of about 430 families (Tulsa). (ELR Order No. 41601.)

Burnett, Crystal, and Scott Bays, and Vicinity, Harris County, Tex., October 22. The

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statement concerns legislative action to permanently evacuate the Burnett, Crystal, and Scott Bays and vicinity in Baytown, Texas. The project also calls for the removal of the evacuated dwellings on the 50-year frequency flood plain and conversion of the land to a nature area. Adverse effects of the project include emotional and social strains on the 1,550 persons to be evacuated and a small effect on business located near the area (Galveston District). (ELR Order No. 41603.)

Albemarle and Chesapeake, and Dismal Swamp Canals, Virginia and North Carolina, October 24. The statement refers to the maintenance dredging of the Albemarle and Chesapeake Canal, and the Dismal Swamp Canal Routes of the Atlantic Intracoastal Waterway, Virginia and North Carolina. The dredging will be done by hydraulic dredging. Adverse impacts are increased turbidity, destruction of benthic community, loss of marshlands and terrestrial vegetation and habitat, interference to local recreational hunting and Routes of the Atlantic Intracoastal Waterway, Virginia (Norfolk District). (ELR Order No. 41622.)

Kewaunee Harbor Maintenance, Wisconsin, October 25. Proposed is the periodic maintenance dredging of the Kewaunee Harbor, and disposal of the spoil in a diked area. There will be some adverse impact to the aquatic environment (Chicago District). (ELR Order No. 41624.)

Final

Cochiti Dam, New Mexico, October 21. Proposed is the completion of Cochiti Dam, a unit of the Middle Rio Grande Valley Project. The multi-purpose project is intended to arrest floodflows, retain sediment, and promote recreation and fish and wildlife resources. Approximately 1,240 acres will be inundated by the project; which is 73 percent complete. There will be a potential loss of archeological resources. Comments made by: DOI, USDA, EPA, DOT, and state and local agencies and concerned citizens. (ELR Order No. 41596.)

Canaveral Harbor Extension, Brevard County, Fla., October 25. The proposed project consists of dredging a 31-foot deep, 300-foot wide, and 1,540-foot long ship channel. The dredging will increase turbidity and siltation. Loss of benthic habitat will occur (52 pages). Comments made by: DOC, EPA, HUD, DOI, and state agencies. (ELR Order No. 41629.)

Hugo Lake, Kiamichi River, Choctaw County, Okla., October 25. The statement refers to the construction and operation of Hugo Lake, a flood control, water supply and quality control, recreation, and fish and wildlife management project on the Kiamichi River. (Project construction was 74 percent as of January 1, 1973.) Adverse impact of the project includes the permanent flooding of 13,250 acres of land and 35 miles of the Kiamichi River; an additional 21,240 acres will be inundated during flood times (Tulsa District). Comments made by: EPA, DOI, DOT, USDA, and state agencies: (ELR Order No. 41630.)

Ta'u Boat Harbor, Ta'u Island, American Samoa, October 25. Proposed is the construction of a boat harbor in the vicinity of Fusi, on the west coast of the Island of Ta'u. The project includes an entrance channel, a turning basin, a breakwater, a groin, a revetted mole, and navigational aids. Other features would be provided by the government of American Samoa. Construction activities would extend over 9.8 acres of reef flat; 2.7 acres of reef flat would be converted to land. There will be impact on marine biota, vegetation wildlife habitat, and the tranquility of village communities (Pacific Ocean Division (50 pages). Comments made by: HEW, EPA, and Government of Samoa. (ELR Order No. 41626.)

ARMY

Contact: Mr. George A. Cunney, Jr., Acting Chief, Environmental Office, Directorate of Installations, Office of the Deputy Chief of Staff for Logistics, Washington, D.C. 20310, 202–OX 4–4269.

Draft

Parachute Drop Zone, Ft. Richardson, Alaska, October 22. Proposed is the construction of a 2100' x 4500' parachute drop zone in Ft. Richardson, Alaska, where air space is presently restricted. The zone would replace the Claxton Drop Zone, which FAA considers to be a hazard to general aviation operations because of interference by uncontrolled light planes. The new area would be cleared of trees and other obstacles, and would be graded, contoured, and revegetated. There will be some loss of moose habitat due to the action. (ELR Order No. 41605.)

ENVIRONMENTAL PROTECTION AGENCY

Final

WSSC Piscataway Wastewater Treatment Facility, Prince Georges County, Md., October 25. The statement refers to the proposed granting of Federal financial assistance for the addition of advanced wastewater treatment facilities to the existing 30 MGD plant, and the installation of 18,000 feet of 108 inch outfall pipe. The outfall pipe would relocate the effluent discharge points in the main channel of the Potomac Estuary approximately 2500 feet due west of Mockley Point. There will be construction disruption and a loss of some vegetation and wildlife habitat. An increase in sludge loads would result from the action. Comments made by: EPA, COE, USDA, DOI, AHP, and state and local agencies and concerned citizens. (ELR Order No. 41625.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street SW., Washington, D.C. 20410, 202–755–5980.

Draft

Murray Industrial Park, Chelsea, Mass., October 21. The statement refers to the proposed 103.4 acre Murray Industrial Park Urban Renewal Project in Chelsea. The project would provide for commercial, industrial, and residential uses of the area, part of which was destroyed in a fire in October, 1973. Adverse impacts will result from construction disruption, and from the close proximity of Logan Airport. (ELR Order No. 41595.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

Final

Great Swamp Nat. Wildlife Refuge, N.J., October 21. A program is proposed for controlled public hunting of white-tailed deer on 4,200 acres of Great Swamp National Wildlife Refuge, New Jersey. The proposal consists of an initial phase commencing in the winter of 1974 with a 6-day hunt to reduce the deer population of 600 to carrying capacity of about 250. Future hunts would periodically be held to maintain a balance between deer numbers and refuge habitat. Adverse impacts would be noise from firearms, loss of crippled deer, potential of wildlife lead poisoning, temporary closure of the refuge to other activities, and emotional distress to those who believe that public hunting on a refuge is improper. Comments made by: DOI, DOT, and state and local agencies. (ELR Order No. 41591.)

BUREAU OF LAND MANAGEMENT

Final

Motorcycle Race, Barstow, California to Las Vegas, Nev., October 22. The statement discusses a point to point motorcycle race approximately 155 miles on existing roads and trails over open desert from near Barstow, California to Las Vegas, Nevada. Three thousand motorcyclists released in 2 waves will race over previously used roads and trails. An estimated 10,000 to 12,000 people will attend as pit crews and spectators. The proposed race will result in an increment of damage to the soil, vegetation, wildlife habitat and cultural resources within the area of influence. Comments made by: USDA, DOI, and state agencies. (ELR Order No. 41592.)

BONNEVILLE POWER ADMINISTRATION

Draft

BPA Proposed Fiscal Year 1976 Program, October 22. The statement refers to BPA's proposed program for FY 1976, including new facility additions and modifications. The states of Washington, Oregon, Idaho, Montana, and Wyoming are involved. Among program impacts are: the conversion of 2,200 acres of forest land to use as transmission line right-of-way; the effects of herbicide use (for vegetation control on rights-of-way); visual impact from transmission line construction; and effects on air and water quality. (ELR Order No. 41606.)

Yale Service, Cassia County, Idaho, October 23. The statement supplements the BPA fiscal year 1976 program eis, and evaluates the construction of a new substation near Yale, Idaho. There will be some loss of wildlife habitat due to construction of the station. (ELR Order No. 41617.)

Pebbié Springs-Marion 500 kV Line, several counties in Oregon, October 23. The statement supplements the BPA fiscal year 1976 program eis, and evaluates the construction of a 160 mile long, 500 kV double circuit transmission line from the Pebble Springs Substation to the Marion Substation. Impacts will include the removal of 800 to 855 acres of forestland from timber production; the impacts of new access road requirements; visual impacts; and the taking of 45 acres of rangeland for the Pebble Springs Substation. (ELR Order No. 41611.)

Prototype 1100 kV Test Facilities, Gilliam and Sherman Counties, Oreg., October 23. Proposed is the construction of a 1.8 mile 1100kV prototype electrical line near Lyons, Oregon, and a one mile 1100 kV mechanical and ice test prototype line near Moro. Long term impacts associated with the adoption of 1100 kV line in the Pacific Northwest grid include: increased visual impacts; potential effects from ozone production, electrical fields, and noise; and potential radio and TV interference. (ELR Order No. 41612.)

Lake Isabella Service, Mason County, Wash., October 24. Proposed is the construction of a new substation near Shelton, Washington. Land requirements are approximately 1.5 acres; an access road would also be required. There will be some construction disruption from the project. (This statement supplements BPA's FY 1976 program eis.) (ELR Order No. 41620.)

Shelton-Kitsap 230 kV line, Kitsap and Mason Counties, Wash., October 24. The statement supplements the BPA fiscal year 1976 program eis, and evaluates the proposed construction of a 31.0 mile 230 kV transmission line from Shelton to Kitsap Substation. Impacts will include the removal of

commercial Christmas trees from right-of-way; the crossing of two streams and resulting impacts on aquatic wildlife; visual impact; and some degradation of AM reception near the right-of-way. (ELR Order No. 41621.)

Franklin/Badger Canyon Line, Benton and Franklin Counties, Wash., October 25. Proposed is the construction of 15 miles of 230 kV double-circuit transmission line, from Franklin Substation to the proposed Badger Canyon Substation. The line would cross Sacajawea State Park, pass through irrigated cropland, and depending upon the route chosen, pass through a proposed residential development and right-of-way for a proposed interstate highway. (This statement supplements the BPA fiscal year 1976 proposed program eis.) (ELR Order No. 41628.)

BUREAU OF RECLAMATION

Final

Round Mound Dam, Pick-Sloan Program, Trego, Hockley, and Russell Counties, Tex. October 25. Proposed construction of the Round Mound Dam and Reservoir, as a major portion of the Ellis Unit of the Pick-Sloan Missouri Basin Program. The dam, an 111' high rolled earth structure, would be located five miles west of Ellis. A 175,000 acre-foot capacity reservoir would be formed, inundating 10 miles of stream bed and 3,065 acres of land. The project is designed to furnish municipal and industrial water for the City of Hays, and flood protection downstream. Comments made by: AHP, USDA, DOC, DOT, COE, HUD, DLAR, FPA, FPC, and state and local agencies and concerned citizens. (ELR Order No. 41623.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

Route 252, San Diego, County, Calif., October 25. Proposed is the construction of 1.2 miles of six lane freeway which will complete the connection between 15 and 1805. Forty-four acres of urban land has been committed to right-of-way; a 4(f) section for the use of a section of Southcrest Park has been approved. (ELR Order No. 41627.)

S.R. 37, Perry County, Ind., October 23. The statement refers to the construction of S.R. 37 in Perry County, Indiana. The project is composed of four sections with a total length of 20.759 miles. Adverse impacts are the necessity of using an additional 900 acres of land for right-of-way, displacement of 25 families, and construction disruptions. A 4(f) determination was necessary concerning the Hoosier National Forest. (ELR Order No. 41614.)

Final

I 80N, Caldwell, Canyon County, Idaho, October 22. The proposed project is the construction of I 80, in the vicinity of Caldwell. The facility will require an unspecified amount of land for right-of-way, and will have an unspecified number of displacements. Adverse impact will also include loss of wildlife, and an increase in noise pollution levels (134 pages). Comments made by: COE, HUD, DOI, USDA, FDA, and state and local agencies. (ELR Order No. 41608.)

Relocated KY 55–KY 155, Jefferson and Spencer Counties, Ky., October 22. The proposed action is the relocation of KY–55–KY155 between Taylorsville and Fisherville. Project length is 13.9 miles. Approximately 400 acres of agricultural land will be committed to the action. A bridge spanning Brashers Creek and 1000 feet of channel relocation may be required. Seven residences, one business and one non-profit organization will be displaced (84 pages). Comments made by: EPA, USDA, DOT, DOI, COE, and state agencies. (ELR Order No. 41607.)

East Blvd. Extension, Pontiac, Mich., October 22. The proposed project is the development of a 3,000 foot extension and railroad pass to connect South Blvd. to Woodward Avenue. Length of the project, appropriation of acreage and the number of businesses and residences to to be displaced are unspecified. Adverse impacts include increased noise and air pollution (63 pages). Comments made by: DOT, COE, EPA, USDA, DOI, and state and local agencies and concerned citizens. (ELR Order No. 41610.) (NTIS Order No. EIS 73 0136D.)

U.S. 31-Michigan, Berrien County, Mich., October 23. The proposed project is the bridge replacement over the St. Joseph River and reconstruction of 1.7 miles of U.S. 31. Three families and one business will be displaced. Adverse effects will consist of increases in air, water, noise, and litter pollution; loss of vegetation and increased erosion; and siltation due to rechannelization of St. Joseph's River (70 pages). (ELR Order No. 41616.)

U.S. 2 and U.S. 83, Minot, N. Dak., October 22. The statement refers to the proposed relocation of approximately 2 miles of U.S. 2 so that it intersects with U.S. 83 at point 1200 feet south of the existing intersection. The relocated facility will be a four lane divided roadway. Adverse impacts are the acquisition of 89 acres of land and the relocation of approximately 10 businesses. Comments made by: EPA, DOI, USDA, and state agencies. (ELR Order No. 41609.)

GARY L. WIDMAN,
General Council.

[FR Doc.74–25694 Filed 11–4–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 287–8]

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of October 1, 1974 and October 15, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: October 23, 1974.

REBECCA W. HANMER,
Acting Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Oct. 1, 1974, and Oct. 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-E61005-SC	Management plan for Changa unit of Sumter National Forest, Oconee County, S.C.	LO-2	E
D-SCS-E36003-TN	Bogota watershed and work plan, Dyer and Obion Counties, Tenn.	LO-2	E
D-SCS-F36002-MN	Norman-Polk watershed, Norman and Polk Counties, Minn.	LO-2	F
Corps of Engineers:			
D-COE-A32513-MT	Libby additional units and reregulating dam, Kootenai River, Lincoln County, Mont.	ER-2	I
DS-COE-A39032-IA	Evansdale, local protection project, Iowa	LO-2	H
D-COE-C07001-NY	Proposed Long Island Lighting Co., gas turbine electric power facility at Glenwood Landing, N.Y.	ER-2	C
D-COE-C36001-NJ	Flood control project, Orange and West Orange, N.J.	2	C
D-COE-C36004-NJ	Flood control project, Robinson's Branch of the Rahway River, Clark, Scotch Plains, and Rahway, N.J.	ER-2	C

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Identifying No.	Title	General nature of comments	Source for copies of comments
D-COE-F36001-IL	Local protection project, Fulton, Whiteside County, Ill.	ER-2	F
D-COE-H35000-MO	St. Charles Quarry, dredge and fill permit, Missouri	LO-2	H
D-COE-K36001-CA	Los Tunas Beach Park, Los Angeles County, Calif.	LO-2	J
D-COE-K36001-CA	Kings River project, Cole Slough-Laton area, Calif.	LO-1	J
D-COE-G32001-LA	Deep draft access to the ports of New Orleans and Baton Rouge, La.	LO-2	G
D-COE-L36005-00	Construction, operation, and management, Columbia River, Umatilla to the Dalles, Oreg. and Wash.	LO-1	K
Department of the Interior:			
D-BLM-K69000-00	Proposed motorcycle race between Yermo, Calif., and Las Vegas, Nev.	ER-2	J
D-BOR-E61004-TN	Proposed Obed National Wild and Scenic River, Cumberland, Fentress, and Morgan Counties, Tenn.	LO-1	E
D-DOI-C64001-NJ	White-tailed deer hunting program, Great Swamp National Wildlife Refuge, N.J.	LO-1	C
D-NPS-D60001-VA	Colonial national historical park land acquisition, James City and York County, Va.	ER-2	D
General Services Administration:			
D-GSA-H60000-KS	Disposal of Forbes Air Force Base (700 area), Topeka, Kans.	LO-1	H
Department of State:			
D-STA-A99002-00	The Convention for the Conservation of Antarctic Seals.	LO-2	A
Department of Transportation:			
D-FHW-D40002-WV	I-79, Kanawha County, W. Va.	LO-2	D
D-FHW-E40003-GA	Fulton County, West Peachtree St. extension from Pershing Point to Piedmont Rd. NE., Project U-013-1, Atlanta, Ga.	ER-2	E
D-FHW-E40004-TN	Madison County, State Route 1 Bypass from State Route 5, US 45, bypass to State Route 1, US 70, State Project 57004-0203-04, Jackson, Tenn.	LO-2	E
D-FHW-E40006-AL	I-563-5 (1), Madison and Limestone Counties, Ala.	LO-2	E
D-FHW-E40007-TN	Warren County, McMinnville, SR-55 Bypass, from SR-55 to SR-1 Bypass, Tenn.	LO-2	E
D-FHW-E40008-FL	Indian River County, Vero Beach, State Road 60, FL-60, US 197(1), Fla.	LO-2	E
D-FHW-E40009-KY	Marshall, Livingston, Lyon, Caldwell, and Trigg Counties, I-24, Ky.	LO-2	E
D-FHW-F40005-WI	Waterloo-Watertown Rd., Hubbleton Bridge and approaches, STH 19, Dodge and Jefferson Counties, Wis.	LO-1	F
D-FHW-F40007-WI	USH 10, STH 114 to West Seymour St., Winnebago, Calumet and Outagamie Counties, Wis.	LO-1	F
D-FHW-F40009-WI	Mequon Rd., city of Mequon, STH 167, Ozaukee County, Wis.	LO-1	F
D-FHW-F40010-MI	Rouge River Bridge, 10 mile road corridor, Rockford, Kent County, Mich.	LO-2	F
D-FHW-F40013-WI	Smith Lake, US 63, Namekagon River, Sawyer County, Wis.	LO-1	F
D-FHW-G40012-NM	Bridge over Rio Grande at Espanola, Rio Arriba County, N. Mex.	LO-2	G
D-FHW-G40008-LA	Covington Bypass East, Route LA-3114, St. Tammany Parish, La.	3	G
D-FHW G40009-TX	SH 44 from SH 358 to US 77, Corpus Christi to Robbstown, Nueces County, Tex.	LO-2	G
D-FHW-H40003-IA	F-520, Hamilton and Hardin Counties, Iowa	LO-2	H
D-FHW-H40007-KS	Gage Blvd., from Drury Lane to 9th St., Topeka, Kans.	LO-2	H
D-FHW-J40004-CO	Project No. F-019-2(L4) SH 160-550, Durango South, Laplata County, Colo.	ER-2	I
D-FHW-K40004-AZ	Hohokam Expressway, Maricopa County, Ariz.	ER-2	J
D-FHW-L40006-WA	South Kirkland Trail Crossing, Wash.	LO-1	K
Veterans Administration:			
D-VAD-H81000-IA	Parking facility, Veterans Administration Hospital, Iowa City, Iowa.	ER-2	H

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Oct. 1, 1974, and Oct. 18, 1974.*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture			
F-AFS-A65062-CO	Meadow Mountain on White River National Forest, Eagle County, Colo.	EPA expressed reservations to the Forest Service's issuance of a conditional permit which may foreclose alternative options for dealing with water and air quality problems subject to EPA review in coordination with the State of Colorado. Furthermore, EPA recommended that the Forest Service conduct additional environmental analyses of the specific Beaver Creek ski area and give strong consideration to preparing an impact statement on the site-specific environmental impacts of the Beaver Creek proposal.	I
Corps of Engineers:			
F-COE-A36315-AZ	Indian Bend Wash, Maricopa County, Ariz.	EPA expressed no objections to the proposed project.	J
Department of Defense:			
FS-USA-J20000-CO	Supplement A to Project Eagle, phase II, demilitarization and disposal of the M34 cluster at Rocky Mountain Arsenal, Colo.	EPA expressed concern regarding the disposal of salts from mustard gas demilitarization operations. Depending on the manner of disposal and the nature of the material, such disposal activity could be considered a significant action in terms of the National Environmental Policy Act. The Army was requested to assess the impacts of this disposal activity.	I
Federal Power Commission:			
F-FPC-A03055-RI	Algonquin Gas Transmission Co. and New England LNG, Inc., Providence, R.I.	EPA generally had no objections to the proposed project. However, EPA suggested that the FPC provide additional data on the selection of Brenton's Reef as a dredge spoil disposal site and recommended that appropriate permits and approvals be obtained before engaging in dumping.	B
Department of Transportation:			
F-FHW-A41144-OH	State Route 35 (OH-35), Jackson County, Ohio.	EPA expressed no objections to the proposed project.	F
F-FHW-A41842-MA	Northeast Bypass, Amherst-Hadley, Mass.	EPA generally expressed no objections to the proposed project. However, EPA suggested that sedimentation basins be part of the final designs for runoff collection and that future impact statements follow more closely EPA's guidelines for air quality assessment.	B
FS-FHW-E40012-TN	Davidson County, Nashville, Briley Parkway from I-24 interchange to Gallatin Rd., air quality analysis, Tennessee.	The supplemental air quality impact analysis does not address the problem of oxidants. Since the project is to be located in an area that is priority 1 for oxidants, the problem of oxidants must be considered in order for the project to receive approval under the EPA indirect source regulations.	E
Department of the Interior:			
F-BLM-A67005-FL	Phosphate leasing on the Osceola National Forest in north-central Florida.	The proposed phosphate leasing on Osceola National Forest was determined to be an undesirable project because of the following principal environmental issues: (1) Total destruction of 20,000 acres of national forest land; (2) lack of reclamation plan of the mined-out area; (3) creation of a cone of depression in the potentiometric surface of the Floridan aquifer; and, (4) slime pond seepage threat to the ecology of the Suwannee River system. EPA is waiting for a reply to an EPA letter urging that BLM give further consideration on whether to proceed with the proposed leasing.	E
E-BPA-A03440-OR	Bonneville Power Administration, wholesale power rate increase, Oregon.	EPA expressed no further objections to the proposed action.	K
F-IBR-A03013-CO	Hayden-Ault 345 kV transmission line and Ault Substation, Colo.	EPA generally expressed no objections to the proposed project. However, EPA requested that additional consideration be given to double-circuiting transmission facilities such as this one in areas of high scenic value.	
LF-DOI-A03043-00	Proposed deregulation of natural gas prices.	While not disagreeing with the proposed action, EPA found that the agency's comments on the draft statement were not addressed. Furthermore, EPA does not believe that the final statement properly considered some pertinent questions raised by other reviewers. Finally, the final statement has not shown that deregulation is the most desirable method of achieving the objectives of increasing and reallocating natural gas supplies because the statement's modeling and analysis of the effects of deregulation are weak and also because little attempt is made to compare the costs and benefits of alternative measures.	A

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APPENDIX IV.—*Regulations, legislation, and other Federal agency actions for which comments were issued between Oct. 1, 1974, and Oct. 16, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture: R-SCS-A86069-00	7 CFR part 650, related environmental concerns, proposed guidelines, Soil Conservation Service.	In EPA's view, the proposed regulations are generally adequate; however, suggestions for modification of several sections were made in an effort to strengthen the regulations from an environmental point of view.	A
Federal Power Commission: R-FPC-A86067-00	18 CFR part 141, environmental protection facilities and activities, cost reporting requirements.	EPA agrees with the intent of the FPC proposal; however, the agency expressed serious concern over the imprecise guidance provided in the new reporting schedules. EPA suggested several points for FPC consideration prior to final rulemaking.	A
Department of Interior: R-DOI-A32522-00	Guidelines for review of fish and wildlife aspects of proposals in or affecting navigable waters, notice of proposed adoption.	In EPA's view, the guidelines fulfill an important need and the agency encouraged their adoption and full implementation as soon as possible. Modifications to several sections were offered in an effort to strengthen the guidelines from an environmental point of view.	A
Department of Transportation: R-FHW-A54032-00	23 CFR part 810, mass transit and special use highway projects, notice of proposed rulemaking.	EPA suggested car pool vehicles be allowed to use exclusive vehicle lanes; cross-over ramps for contraflow lanes be included in the list of "eligible projects"; wording be provided to require that fringe parking facilities be found consistent with various air quality regulations; an explanation be given of the roles of the Transportation Policy Board and the cognizant air pollution control agency; and attention be given to the applicability of FHWA's noise standards to mass transit projects.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc. 74-25566 Filed 11-4-74;8:45 am]

[FRL 289-5; OPP-32000/137]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before January 6, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 6, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 5719-AN. Chacon Chemical Corp., 5245 Chakemco St., South Gate CA 90280. CHACON HOUSE PLANT INSECT SPRAY. Active Ingredients: Pyrethrins 0.058%; Rotenone 0.024%; Other cube resins 0.048%; Petroleum distillate 0.224%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239-599. Chevron Chem. Co., Ortho Div., 940 Hensley St., Richmond CA 94801. ORTHO WEED-B-GON. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 17.8%; Isooctyl ester of silver [2-(2,4,5-trichlorophenoxy) propionic acid] 8.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4582-AU. Colgate-Palmolive Co., 300 Park Ave., New York NY 10022. AJAX GERMICIDAL CLEANER. Active Ingredients: Alkyl (67% C12, 25% C14, 7% C16, 1% C8+C10+C18) dimethyl benzyl ammonium chlorides 5.0%; N-Hydroxyethyl ethylene diamine triacetic acid, trisodium salt 2.5%; Sodium Carbonate 4.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA Reg. No. 352-372. E. I. duPont de Nemours & Co., Inc., Biochemicals Dept., Wilmington DE 19898. DUPONT VYDATE L OXAMYL INSECTICIDE/NEMATICIDE. Active Ingredients: Methyl N'N'-dimethyl-N-[(methylcarbamoyl)oxy] - 1-thiooxamidate 24%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 279-EOIA. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. SULPHUR 50 BT 2 DUST. Active Ingredients: Bacillus thuringiensis Berliner 0.064%; Sulphur 50.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4931-RGU. Good-Life Chemicals, Inc., Good-Life Dr., PO Box 687, Effingham IL 62401. ROOT NOX. Active Ingredients: Copper Sulfate Pentahydrate 99.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2393-ETR. Hopkins Agricultural Chemical Co., PO Box 584, Madison WI 53701. HOPKINS 5% MALATHION DUST. Active Ingredients: Malathion (0,0-dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7115-A. Midland Chemical Corp., 400 W. 107th St., Chicago IL 60628. COLOR TILE INSTANT MILDEW REMOVER. Active Ingredients: Sodium Hypochlorite 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RGA. Moyer Chemical Co., PO Box 946, 1310 Bayshore Hwy., San Jose CA 95108. MOYER METHOXYNON 2-1. Active Ingredients: Methoxychlor, technical 20%; 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothiate 10%; Xylene 63%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RGL. Moyer Chemical Co., PO Box 946, 1310 Bayshore Hwy., San Jose CA 95108. MOYER DIAZINON NO. 5 G. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001-ENA. Occidental Chemical Co., P.O. Box 198, Lathrop CA 95330. BEST WETTABLE SULFUR. Active Ingredients: Sulfur 97%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2169-ELR. Patterson Chemical Co., 1400 Union Ave., Kansas City MO 64101. PATTERSON'S GREEN UP NUTGRASS SPRAY. Active Ingredients: Monosodium Acid Methanearsonate 34.5%; 2,4-Dichlorophenoxyacetic Acid 9.5%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 1202-ETU. PureGro Co., 1052 W. 6th St., Los Angeles CA 90017. PUREGRO BTB 240 DUST. Active Ingredients: Bacillus thuringiensis Berliner 0.048%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1202-ETG. PureGro Co., PUREGRO BOTRAN 6 DUST. Active Ingredients: 2,6-Dichloro-4-nitroaniline 6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1202-ETE. PureGro Co. PUREGRO BOTRAN SULFUR 6-25 DUST. Active Ingredients: 2,6-Dichloro-4-nitroaniline 6%; Sulfur 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1202-ETR. PureGro Co. PUREGRO TOXAPHENE 8 LIQUID. Active Ingredients: Toxaphene 72.5%; Petroleum Distillate 16.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9457-G. Standard Brands Paint Co., Inc., of Calif., 4300 W. 190th St., Torrance CA 90509. COPPER BOTTOM ANTI-FOULING PAINT-B. Active Ingredients: Cuprous Oxide 28.78%; Bis (Tributyltin) Oxide 5.77%; Basic Silicate White Lead 1.56%; Pine Tar 1.09%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935-GOT. Wilbur-Ellis Co., PO Box 1286, Fresno CA 93715. RED-TOP PAR-MAL CITRUS SPRAY POWDER. Active Ingredients: Parathion 12.50%; Malathion 18.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935-GOO. Wilbur-Ellis Co. BT 320 SULFUR 25 DUST. Active Ingredients: Bacillus Thuringiensis 0.064%; Sulfur 25.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935-GOI. Wilbur-Ellis Co. BT 320-DUST. Active Ingredients: Bacillus thuringiensis 0.064%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9639-RE. Willard Products, 70 Chemical Way, Redwood City CA 94063. WILLARD QUALITY PRODUCTS POOL CHLORINE CONCENTRATE. Active Ingredients: Sodium Dichloro-s-triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: October 25, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-25565 Filed 11-4-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 725]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

OCTOBER 29, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleading pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20573-CD-P-(9)-75. Uintah Basin Telephone Association, Inc. (KUC857). C.P. to relocate facilities operating on 152.81 & 152.66 MHz base, and 72.04 & 72.12 MHz, repeater, and add repeater facilities 72.20 MHz, at Loc. #1: 3 miles NW. of Myton Flattop Butte, Utah; change antenna system and add control facilities 75.84 MHz at Loc. #2.

20574-CD-P-(4)-75. David R. Williams, d/b/a Industrial Communications (KUO647). C.P. to add additional facilities operating on 152.06, 454.025, 454.050, & 454.075 MHz, at Loc. #1: Kessler Peak, 6 miles southwest of Magna, Salt Lake, Utah.

20575-CD-P-75, David R. Williams, d/b/a Industrial Communications (KWH302). C.P. to add additional facilities operating on 43.22 MHz, located at Kessler Peak, 6 miles southwest of Magna, Utah.

20576-CD-P-75, Tel-Page Corporation (KEC518). C.P. to relocate facilities operating on 43.58 MHz, located at 919 Clinton Ave. South, Rochester, New York.

20577-CD-P-75, Robert J. Stephens, d/b/a Mobile Communications (new). C.P. for a new station to operate on 454.100 MHz, to be located 2.5 mi. N. of Anadarko, Aprox. 0.3 mi. E. of Hwy 281, Anadarko, Oklahoma.

20578-CD-P-75, Charles W. Wolfe (new). C.P. for new station to operate on 152.06 MHz, to be located near Logans Field, Billings, Montana.

20579-CD-P-75, Austin A. Caldwell, d/b/a Radio Service Co. (new). C.P. for new one-way station operating on 152.24 MHz, to be located on Highway 80 East & Old Linden Road, Demopolis, Alabama.

20580-CD-P-(4)-75. Mobilfone Service, Inc. (KWU326). C.P. to relocate facilities operating on 454.675 & 454.850 MHz, base, and 459.050 MHz, repeater, located ¾ mile South of Harlingen on New Hampshire Rd., Cameron, Texas (Loc. #1); and delete 454.025 MHz, control at Loc. #2: 2.5 miles North of U.S. Highway #83 on North 10th St., McAllen, Texas.

20581-CD-AL-(9)-75, Ralph C. Parker, d/b/a Ratel Communications Co. Consent to Assignment of License from Ralph C. Parker, d/b/a Ratel Communications Co., Assignor, to Mobile Phone of Texas, Inc., Assignee. Stations: KFL911, KKO341, KLB802, KQZ789, Wichita Falls, Texas; KKX709, KLB716, Abilene, Texas; KLF477, Graham, Texas; KLF556, Mineral Wells, Texas; KWH316, Sweetwater, Texas.

20582-CD-P-(2)-75, Austin A. Caldwell, d/b/a Radio Service Co. (new). C.P. for new station to operate on 152.03 & 152.21 MHz, to be located on Highway 80 East of Old Linden Road, Demopolis, Alabama.

20583-CD-P-75, South Central Bell Telephone Co. (KWH337). C.P. to add additional facilities to operate on 459.975 MHz, at Loc. #2: 904 South High Street, Columbia, Tennessee.

20584-CD-P-75, Houston Radiophone Service (KKA344). C.P. to change antenna system operating on 454.100 MHz, located at 6222 Skyline Drive, Houston, Texas.

20585-CD-P-75, Houston Mobilfone, Inc. (KKA343). C.P. to relocate facilities and change antenna system operating on 454.-200 MHz, located at 6222 Skyline Drive, Houston, Texas.

20586-CD-P-75, Radio Dispatch, Inc. (KLB701). C.P. to change antenna system operating on 454.200 MHz, located at 6222 Skyline Drive, Houston, Texas.

20587-CD-P-75, Caprock Radio Dispatch (KKJ449). C.P. to relocate facilities operating on 454.10 MHz, located at 205 West Alameda, Roswell, New Mexico (Loc. #2).

20588-CD-P-75, Caprock Radio Dispatch (KKO353). C.P. to relocate facilities operating on 72.32 MHz, control at Loc. #8: 205 West Alameda, Roswell, New Mexico.

20589-CD-P-75, Industrial Communications, Inc., d/b/a Port Arthur Mobile Phone (KRS642). C.P. to relocate facilities operating on 152.12 MHz, located at Church House Rd., 6 mi. S. of Vidor, Texas.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

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20580–CD–P–75, The Medical Dental Bureau, Inc. (KLF512). C.P. for additional facilities at Loc. #3 to operate on 454.350 MHz, to be located 2 mi NE. of Salem, Near Salem, Ohio.

20591–CD–P–(2)–75, Valley Telephone Co-op, Inc. (KLB559). C.P. to relocate facilities and change antenna system operating on 152.69 & 152.78 MHz, located 8 miles east of Lyford, Texas.

20592–CD–P–75, Radio Page Communications, Inc. (KME438). C.P. to replace transmitter operating on 35.22 MHz, at Loc. #3: San Pedro Hill, San Pedro, California.

20593–CD–P–(7)–75, Pacific Northwest Bell Telephone Company (KOA732). C.P. to relocate facilities operating on 152.51, 152.54, 152.63, 152.72, 152.81, base and standby, at Loc. #1: 1503 Third Avenue West, Seattle, Washington; and relocate facilities, Chg. antenna system and replace transmitter operating on 157.77, 157.80, 157.89, 157.98, & 158.07 MHz, located at 1200 Third Ave., Seattle, Washington.

20594–CD–P–75, New York Telephone Company (KTS237). C.P. to relocate facilities operating on 152.84 MHz, located at One Marine Midland Center, Buffalo, New York.

20595–CD–P–75, Ludlow Telephone Company (New). C.P. for new station to operate on 152.78 MHz, to be located 1.5 Mile NE. of Ludlow On North Hill Road, Ludlow, Vermont.

20596–CD–P–75, Mobile Radio Communications, Inc. (KUC882). C.P. to add transmitter operating on 35.58 MHz, located at 70th and Flint Road, Shawnee Village, Kansas.

20597–CD–AL–75, The Aeroflex Communications System, Inc. Consent to Assignment of License from Aeroflex Communications System, Inc., Assignor, to Tel-Air Communications, Inc., Assignee. Station: KEC924, Newton, New Jersey.

20598–CD–P–(2)–75, Ram Broadcasting of Florida, Inc. (KRS862). C.P. to relocate facilities operating on 454.675 & 454.850 MHz, located at 1510 Peachtree Street, Cocao, Florida.

20599–CD–AL–75, Walter Britt Smith, d/b/a North Alabama Paging Co. Consent to Assignment of License from Walter Britt Smith, d/b/a North Alabama Paging Co., Assignor, to North Alabama Paging Co., Inc., Assignee. Station: KUC951, Decatur, Alabama.

20428–CD–ML–75, Airsignal of California, Inc. (KMA261). M.L. to change repeater freq. from 73.38 MHz to 72.80 MHz, at Loc. #2: 4.75 miles NW. of Squaw Valley, Bear Mountain, California; and to change control freq. from 75.46 MHz to 75.42 MHz, at Loc. #4: 34 North Fresno St., Fresno, California.

20563–CD–P–(2)–75, Edward C. Smith, d/b/a Answerite Professional Telephone Service (KIY581). C.P. to change antenna system and replace transmitter operating on 75.76 MHz, repeater at Loc. #2: 2.38 mi. N. of intersection of State Hwys. 50 and 420, Christmas, Florida; and chg. antenna sys. and replace transmitter operating on 72.32 MHz, control at Loc. #3: 63 East Pine St., Orlando, Florida.

6380–C2–MP/L–72, RCA Alaska Communications, Inc. (KTR985). Mod. C.P. to change base frequency from 152.69 MHz to 152.75 MHz, located at 3rd & Main Streets, Bethel, Alaska.

425–C2–MP/L–73, RCA Alaska Communications, Inc. (KTR984). Mod. C.P. to change base frequency from 152.75 MHz to 152.72 MHz located 0.7 mi. east of Aniak Post Office, Aniak WACS, Alaska.

8879–C2–MP/L–72, RCA Alaska Communications, Inc. (KTR986). Mod. C.P. to change frequency from 152.75 MHz to 152.72 MHz, located at Cape Newenham AFS Radome, 152 mi., 183 TN from Bethel, Alaska.

Major Amendment

7231–C2–P–73, Empire Paging Corp., amended its location to read 125 Broad Street, Elizabeth (Union), New Jersey, coordinates: 40°40'01" North Latitude, 74°12'55" West Longitude. All other particulars to remain the same as shown on the Commission's PN #643 dated April 9, 1973.

20493–C2–P–74, Two-Way Radio of Carolina Inc., Shelby, North Carolina (new), amended its frequency to 158.70. All other particulars to remain the same as listed on PN #674, dated November 12, 1973.

Corrections

20570–CD–P–(3)–73, Empire Mobilcomm Systems, Inc. (KOP306). Correct file number should read 20571–CD–P–(3)–75. All other particulars to remain the same as reported on PN #724, dated October 21, 1974.

20365–CD–P–(3)–75, Ralph C. Parker, d/b/a Ratel Communications Co. (KRS695). Correction to read C.P. to reinstate expired construction permit authorized on 152.09 MHz etc. instead of C.P. to reinstate expired license operating on 152.09 MHz. All other particulars to remain as reported on PN #723, dated October 15, 1974.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1217–CF–MP–75, American Telephone and Telegraph Company (KJM64), Silk Hope, 3 Miles SSE. of Snow Camp, North Carolina. Lat. 35°51'08" N., Long. 79°24'37" W. Mod. of C.P. to correct polarity on freq. 3760 MHz toward Hillsboro, North Carolina, from H to V on azimuth 53°33'.

1218–CF–P–75, Northwestern Bell Telephone Company (new), 11027 "I" Street, Omaha, Nebraska. Lat. 41°12'57" N., Long. 96°05'-04" W. C.P. for a new station on freq. 10835V MHz, towards 118 South 19th Street, Omaha, Nebraska, on azimuth 68°15'.

1219–CF–P–75, Same (KAX45), 118 South 19th Street, Omaha, Nebraska Lat. 41°15'-32" N., Long. 95°56'28" W. C.P. to add 11365V MHz towards 11027 "I" Street, Omaha, Nebraska, on azimuth 248°21'.

1220–CF–P–75, South Central Utah Telephone Association, Inc. (new), 45 North 1st., West Escalante, Utah. Lat. 37°46'16" N., Long. 111°36'08" W. C.P. for a new station on freq. 2162V MHz towards Barney Top, Utah, on azimuth 265°53'.

1221–CF–P–75, Same (new), Barney Top, 16.5 miles West of Escalante, Utah. Lat. 37°45'-19" N., Long. 111°52'27" W. C.P. for a new station on freqs. 11425H, 11065V MHz, towards Mt. Wilson, Utah, on azimuth 259°-29'; 2128H MHz toward Boulder, Utah, on azimuth 65°47' 2112V MHz towards Escalante, Utah, on azimuth 85°43'.

1222–CF–P–75, Same (new), 2 Blocks South and 1½ Blocks East of Post Office, Boulder, Utah. Lat 37°54'30" N., Long. 111°25'16" W. C.P. for a new station on freq. 2178H MHz, towards Barney Top, Utah, on azimuth 247°04'.

1239–CF–P–75, Bell Telephone Company of Nevada (WIV56), 24.5 Miles NE. of Reno, Nevada. Lat. 39°45'20" N., Long. 119°27'-39" W. C.P. to add 2165V MHz towards a new pt. of communication at Empire, Nevada, on azimuth 08°04'.

1240–CF–P–75, Same (new), 4.5 miles SSW. of Empire, Nevada. Lat. 40°30'54" N., Long. 119°19'11" W. C.P. for a new station on freq. 2120V MHz, towards Empire, Nevada, on azimuth 343°31'; 2115V MHz, towards Virginia Peak, Nevada, on azimuth 188°10'.

1241–CF–P–75, Same (new), near the intersection of "B" Street, and Fourth Street, Empire, Nevada. Lat. 40°34'46" N., Long. 119°20'41" W. C.P. for a new station on freq. 217°V MHz towards Empire, Nevada, on azimuth 163°30'.

1242–CF–P–75, Western Carolina Telephone Company (KIW86), Cowee Bald, North Carolina. Lat. 35°19'36" N., Long. 83°20'07" W. C.P. to change antenna system, add freq. 10755V and 11075V MHz towards Sylva, North Carolina, on azimuth 61°20'.

1243–CF–P–75, Western Carolina Telephone Company (KIX52), 6 Allen Street, Sylva, North Carolina. Lat 35°22'30" N., Long. 83°13'21" W. C.P. to change antenna systems on 6226.9H and 6345.5H MHz, add 11245V and 11565V MHz, towards Cowee Bald, North Carolina, on azimuth 241°20'.

1244–CF–P/L–75, Pacific Northwest Bell Telephone Company (new). Temporary. Fixed at locations of any authorized Point to Point Microwave Radio Facilities within the operating Territory of the Grantee. C.P. and Lic. to use (7) seven Portable Microwave Repeaters (3700–4200).

1245–CF–P/ML–75, New England Telephone and Telegraph Company (KQP58). In any temporary fixed location within the territory of the Grantee. C.P. and Mod of Lic. to add (2) Two Test Transmitters: (1) Western Electric KS21140 and (1) Scientific-Atlanta 1691–10/41–1–301.

1238–CF–P–75, Tower Communication Systems Corporation (WKS45), 3.20 Miles SSE of Newark, Ohio (Lat. 40°00'52" N., Long. 82°22'41" W.): C.P. to increase transmitter output power to 10 watts on transmission path (10305V MHz and 11465V MHz) toward Stoutsville, Ohio.

Corrections

4865–C1–ML–74, Southern Bell Telephone and Telegraph Company. Correct Call Sign to read: KIQ77. (All other particulars remain the same as reported on Public Notice #710 dated 7/22/74.)

LOCAL TELEVISION TRANSMISSION SERVICE

9705–CT–P/ML–75, Indiana Bell Telephone Company (KSF74), 240 North Meridian Street, Indianapolis, Indiana. Lat. 39°46'16" N., Long. 86°09'29" W., C.P. and Mod. of Lic. to replace transmitter on freq. 6330.7V and 6390.0V MHz, towards Carmel, Indiana, on azimuth 253°20'.

Major Amendments

6646–C1–P–73, Microwave Transmission Corporation (KNL77). Amendment to change frequency and polarization to 10635V MHz., station locations: Willima Hill, California.

6647–C1–P–73, Microwave Transmission Corporation (new). Amendment to change frequency and polarization to 1145V MHz. Station Location: Palo Escrito Peak, California

(All other particulars remain same as reported on Public Notice #701 dated 5–20–74.)

Change the name of the applicant for the following applications from United Video, Inc. to Southern Pacific Communications Company:

File Numbers: 6496 thru 6514–C1–P–70, 402 thru 410–C1–P–72, 414 thru 435–C1–P–72, 3764 thru 3785–C1–P–72, 3364 thru 3385–C1–P–73, 3387 thru 3390–C1–P–73, 5555 thru 5572–C1–P–73, 6085 thru 6117–C1–P–73, 6328 thru 6330–C1–P–73, 955 thru 965–C1–P–74.

[FR Doc.74–25757 Filed 11–4–74;8:45 am]

[Docket Nos. 20213 and 20214; File Nos. BPH–8441 and BPH–8496; FCC 74–1146]

RAM ENTERPRISES AND NORTHERN BROADCASTING CO.

Applications for Construction Permit

MEMORANDUM OPINION AND ORDER

In re applications of Ram Enterprises, Presque Isle, Maine (Requests: 96.1 mHz; Channel No. 241; 100 kW (H&V); 1,258 feet) and Northern Broadcasting Co., Presque Isle, Maine (Requests: 96.1 mHz; Channel No. 241; 100 kW(H&V); 718 feet) for construction permit.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that they seek the same channel in the same community. The Commission also has before it a "Request for Dismissal or Alternatively Petition to Deny," directed against Ram Enterprises by WDHP, Inc.

2. WDHP, Inc., the permittee of station WDHP, Presque Isle, Maine, alleges that Ram's community survey is deficient, that its financial qualifications have not been established, that the application is incomplete as filed, and that Ram Enterprises is guilty of misrepresentation and lack of candor.

3. Specifically, petitioner asserts that Ram: i) failed to provide an adequate description of the service area; ii) neglected to interview a representative group of community leaders; iii) did not distinguish between its community leader survey and general public survey; iv) failed to specify which contacts were made by telephone and which were in person; v) did not properly identify Fred Miller, interviewer; vi) did not file preprinted questionnaires used in the survey; vii) neglected to specify the time segment, duration, and frequency of its proposed programming; and viii) did not include any public affairs programming. In May and June of 1974, Ram filed amendments consisting of detailed demographic and methodological statements, lists of representatives of community groups interviewed, identification of all interviewers, and a sufficiently detailed program proposal. Having reviewed these amendments, we find that whatever defects existed originally have now been corrected.

4. The alleged defects in the Ram financial statement include: i) failure to include a balance sheet of the applicant; ii) failure to include a bank letter evidencing the terms of an asserted loan agreement; iii) failure to include a letter of commitment from a principal of the applicant regarding stock subscriptions; and iv) failure to supply information as required by section III, paragraph 4, FCC Form 301. The amendments relevant to these allegations consist of all necessary balance sheets, letters of commitment, and other information required by section III. The financial portion of Ram's application, as amended, indicates that $196,473 will be required to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows: equipment, $69,020; miscellaneous expenses, $9,500; bank loan principal repayment, $6,667; bank loan interest, $13,750; personal loan principal repayment $6,667; personal loan interest, $12,750; working capital, $78,119. To meet this requirement, Ram relies on a stock subscription of $20,000, a bank loan of $100,000, and a personal loan of $100,000. Ram's balance sheet shows subscriptions receivable of $20,000, and the subscriber has adequate funds to meet the subscription commitment. Further, both the bank loan and the personal loan are sufficiently documented. Thus, Ram has a total of $220,000 available to meet a $196,473 requirement, and we find it to be financially qualified.

5. With regard to the alleged incompleteness of the Ram application, petitioner asserts that Ram failed to include among other information requested by the Commission, and equal employment opportunity program proposal and reference to a pending renewal proceeding before the Commission. A review of the relevant amendments, consisting in part of a complete equal employment opportunity program proposal, disclosure of the pending renewal, and correction of other asserted inaccuracies, indicates that all the defects deferred to by the petitioner have been corrected. WDHP, Inc., further alleges, however, that Ram Enterprises is guilty of misrepresentation and lack of candor. Specifically, WDHP asserts that Mr. Romeo Marquis, principal of Presque Isle High School and listed by Ram as a community leader interviewed, was never interviewed by anyone associated with Ram Enterprises. However, Mr. Marquis subsequently stated by affidavit that he might in fact have been contacted by a Mr. Miller, an interviewer for Ram Enterprises.

6. In addition, the petitioner asserts that Ram's present application evidences a general pattern of sloppiness, carelessness, and disregard of the Commission's rules which has allegedly characterized previous submissions by the same parties. In support of this assertion, WDHP cites the errors and omissions discussed above, and refers also to the applicant's renewal application for WEGP–AM, Presque Isle, pending at the time the petition was filed, and to a Memorandum Opinion and Order, FCC 70–659, released June 26, 1970, assessing the applicant a $1,200 fine for "willful or repeated rule violations." These violations involved the applicant's failure to monitor and log certain technical measurements in 1967 and 1968. While the Commission does not condone this type of carelessness and disregard of its rules, there appears to be no need for a specific issue. However, the matters raised by WDHP may be considered within the context of the comparative issue specified below. Accordingly, the petition to deny will be denied.

7. Northern Broadcasting Co. [Northern] will require $140,058 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Downpayment on equipment	$14,200
First-year payments on equipment with interest	17,600
Building	5,745
Miscellaneous	12,700
Interest on bank loan	17,813
Working capital	72,000
Total	140,058

To meet this requirement, Northern relies solely upon a valid $125,000 bank loan to two of its principals, the entire proceeds of which will be provided to the applicant. Since this is approximately $15,000 less than the amount required, the Commission is unable to determine whether sufficient funds will be available. Accordingly, a financial issue will be specified.

8. Northern's ascertainment of community needs and problems indicates that its general public survey was conducted by Joan Michaud, Chris Darling, Carla Thibodeau, and Cheryl McCloskey. Since no additional identification of the interviewers is included, it is not clear that the requirements of question and answer 13(b) of the *Primer on Ascertainment of Community Problems by Broadcast Applicants* have been satisfied. In addition, no student leaders are included in Northern's community leaders survey. In view of the requirements of the Primer, and the Commission's recent decision in *Voice of Dixie, Inc.*, 45 FCC 2d 1027 (1974), an appropriate issue will be added.

9. Since Ram proposes a format including 40 percent religious programming, while Northern proposes general market programming, the relative need for these different types of programming will be considered under the standard comparative issue. Rocket Radio, Inc., FCC 74–952 (1974); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965).

10. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural service (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

11. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

12. Accordingly, *it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the application of Northern Broadcasting Co.:

a. Whether the applicant will have available sufficient additional funds over and above $125,000 to meet the cost of construction and operation of the proposed facility for one year, without revenue; and

b. Whether in light of the evidence adduced pursuant to (a), above, the applicant is financially qualified to construct and operate as proposed.

2. To determine the efforts made by Northern to ascertain the community problems of the area to be served and the means by

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which the applicant proposes to meet these problems.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the applications should be granted.

13. *It is further ordered,* That the "Request for Dismissal or Alternatively Petition to Deny," filed by WDHP, Inc., is denied.

14. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants and respondent herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

15. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and section 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by section 1.594 (g) of the rules.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-25751 Filed 11-4-74;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY; TECHNICAL ADVISORY COMMITTEE ON FINANCE

Notice and Agenda of Meeting

National Power Survey agenda for a meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission Offices, 825 North Capitol Street NE., Washington, D.C., November 22, 1974, 10 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting.

A. Approval of minutes of May 23, and September 19, 1974 meetings.

B. Review final output of Task Force—Future Financial Requirements model.

C. Discussion of comments by the Executive Advisory Committee on the TAC—Finance report.

D. Final Committee consideration of the report.

E. Discussion of report publication.

F. Other business.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25698 Filed 11-4-74;8:45 am]

[Docket Nos. E-8885, E-8546]

CINCINNATI GAS & ELECTRIC CO.

Conference on Rates and Charges

OCTOBER 30, 1974.

Take notice that on November 7, 1974, a conference of all parties to intervene in these consolidated proceedings, the Applicant, Cincinnati Gas & Electric Company (Cincinnati G&E) and the Commission Staff will be held in the Commission's Conference Room No. 8402, at 825 North Capitol St. NE., Washington, D.C., at 10 a.m. (e.s.t.) on Thursday, November 7, 1974.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of Cincinnati G&E's FPC Electric Tariff, Original Volume No. 1, and any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

Copies of this notice are being mailed this date to all jurisdictional customers and interested State commissions.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25816 Filed 11-4-74;8:45 am]

[Docket No. RP71-106; 1973 Phase]

CITIES SERVICE GAS CO.

Compliance Filing

OCTOBER 30, 1974.

Take notice that on October 17, 1974, Cities Service Gas Company tendered for filing copies of its Report of Collections from jurisdictional Customers. The company states that its tender is made in accordance with the Commission's September 5, 1974 order in the above docket, and pursuant to Article II, section 1 of the April 24, 1974 Stipulation and Agreement.

The company also states that copies of the filing are being served on each of its jurisdictional customers, each affected state commission and each party in the above docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25820 Filed 11-4-74;8:45 am]

[Docket No. CP74-330]

CITY OF DRAKESBORO, KENTUCKY, AND TEXAS GAS TRANSMISSION CORP.

Extension of Procedural Dates

OCTOBER 30, 1974.

On October 29, 1974, Staff Counsel filed a motion in behalf of all parties, to extend the procedural dates fixed by Order issued October 8, 1974, in the above-designated proceedings.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Case in Chief by City of Drakesboro, Breathitt and Company, and Texas Gas Transmission Corporation, November 6, 1974.
Service of Emergency plan by Drakesboro and Texas Gas, November 6, 1974.
Hearing, December 2, 1974 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25817 Filed 11-4-74;8:45 am]

[Docket No. E-9013]

DETROIT EDISON CO.

Electricity Supply Agreement

OCTOBER 30, 1974.

Take notice that by letter dated September 3, 1974, The Detroit Edison Company (Detroit), tendered for filing a proposed agreement between Detroit and the Michigan Municipal Cooperative Power Pool (MMCPP). Pursuant to the above-mentioned agreement, Detroit will supply MMCPP with a block of 20 megawatts of capacity served at a 100 percent load factor at the exchange points of interconnection between Detroit and Consumers Power Company.

Waiver of the Commission's notice requirements is requested, and September 1, 1974, is offered as a proposed effective date.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington,

D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25831 Filed 11-4-74;8:45 am]

[Docket Nos. RP72-155, RP74-67 and PGA75-2]

EL PASO NATURAL GAS CO.

Rehearing Amending Prior Order

OCTOBER 30, 1974.

On October 10, 1974, El Paso Natural Gas Company (El Paso) filed an Application for Rehearing of the Commission's order issued in these proceedings on September 27, 1974 rejecting El Paso's proposed PGAC filing of August 16, 1974. El Paso's PGAC increases covered (1) sales under Volumes 1 and 2 and a portion of Volume No. 2A of its tariff and (2) sales under Volume No. 2A subject to the clean high pressure gas provisions.

The rejection of El Paso's PGAC rate filing resulted from the fact that the data supporting the company's filing included schedules reflecting intrastate purchases. In its application for rehearing El Paso indicates that while data reflecting intrastate contracts had been included in their PGAC filing, these purchases will not be reflected in their proposed jurisdictional rates or jurisdictional rate changes. Upon further analysis we find that, although included within El Paso's filed tariff sheets, the subject intrastate sales were not computed into the company's proposed PGAC increase. Accordingly we shall grant rehearing and modify our prior order in this docket in accordance with these findings.

El Paso has requested that in the event that the portion of their PGAC increase applicable to small producers or emergency purchases, which is in excess of the national rate levels, is suspended one day, that the proposed effective date of that portion not suspended be moved from October 1, 1974 to October 2, 1974. This would allow El Paso to collect the entire PGAC increase effective on the same day.

On October 16, 1974, Southwest Gas Corporation (Southwest) filed on a motion to modify the effective date of El Paso's PGAC filing in order to avoid irreparable injury. Southwest alleges that if El Paso's request for rehearing is granted and the grant of relief is effective October 2, 1974, as requested, it will have a retroactive ratemaking impact on Southwest. As a result Southwest alleges that they will suffer irreparable injury because they cannot utilize deferred accounting in Nevada and thus cannot recoup any of the new El Paso PGAC charges applicable retroactively to sales between October 2, 1974 and the effective date of the Commission's order on rehearing.

To avoid the injury to Southwest and El Paso, Southwest urges that El Paso be authorized to accrue in Account No. 191 such amounts as it would have billed under its PGAC filing between October 1, 1974 and such new effective date had the PGAC filing been approved prior to October 1, 1974.

On October 25, 1974, El Paso submitted an Answer to Southwest's Motion of October 16, 1974. El Paso in stating that they were not unresponsive to Southwest's problem, proposed the following alternative to Southwest's Motion. El Paso suggests:

(1) As to all jurisdictional customers to whom El Paso renders service under the above-referenced rate schedules, the PGAC adjustment in rates shall be effective as of the date proposed in the October 10, 1974 Application for Rehearing;

(2) As to Southwest, El Paso shall defer collection of those amounts that are due from Southwest pursuant to the PGAC rate adjustment during the period beginning with the effective date proposed for such adjustment in the October 10, 1974 Application for Rehearing and ending on the date of the Commission's order on rehearing; and

(3) El Paso shall recover the amounts deferred by adding equal installments to the billings for the months of December, 1974, and January and February, 1975.

We note that in the calculation of the PGA rate adjustment, a portion of the costs reflect the effect of small producer and emergency purchases which are in excess of the national rates established by Opinion No. 699.[1] Therefore, El Paso's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall accept the proposed rate change for filing and suspend it for one day, until October 2, 1974, when it shall be permitted to become effective, subject to refund. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small producer rulemaking, Order No. 428, 45 FPC 454 (1971), in order for the Commission to enunciate the standards it will apply in determining the justness and reasonableness of the prices for small producer purchases.[2] As to the emergency purchases discussed above, we note that the standards the Commission must use in determining the justness and reasonableness of the prices for emergency purchases is presently the subject of court action.[3] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

With the exception of those costs pertaining to small producer purchases and emergency purchases in excess of the national rate, we find that El Paso's claimed increased costs contained in its filing are in accordance with the standards set forth in Docket No. R-406 and are fully justified. Therefore, in light of El Paso's request that all of its PGA increase become effective on October 2, 1974, we shall limit El Paso's refund liability to that portion of its PGA rate increase made effective October 2, 1974, which pertains to that portion of small producer and emergency purchases reflected in the filing in excess of the national rates prescribed in Opinion No. 699, and approve, without refund liability, the remaining portion of El Paso's PGA rate increase.

Our review of El Paso's proposal to resolve the billing problem of Southwest Gas, which is set forth in El Paso's October 25, 1974, pleading in this proceeding, indicates that it is in the public interest and should therefore be adopted.

The Commission finds: (1) Good cause exists to grant rehearing and modify our order of September 27, 1974, as hereinafter ordered.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that El Paso's proposed PGA increase filed on August 16, 1974, be accepted for filing, suspended for one day, and permitted to become effective, subject to refund, as of October 2, 1974, as hereinafter ordered and conditioned.

(3) The claimed increased costs, other than those costs relating to small producers and emergency purchases have been reviewed and found fully justified and in compliance with the standards set forth in Docket No. R-406.

The Commission orders: (A) El Paso's application for rehearing is hereby granted and our September 27, 1974, order is hereby amended as hereinafter provided.

(B) El Paso's August 16, 1974, PGA filing is hereby accepted for filing, suspended for one day, and permitted to become effective, subject to refund, as of October 2, 1974, pending further order of the Commission, subject to the provisions of Ordering Paragraph C below and subject to the condition that El Paso shall defer collection of those amounts that are due from Southwest Gas from October 2, 1974 until the date of this order under El Paso's PGAC rate adjustment and shall subsequently recover such amounts from Southwest Gas by adding equal installments to the billing for Southwest Gas for the months of December, 1974 and January and February, 1975.

[1] Issued June 21, 1974, in Docket No. R-389B.

[2] Federal Power Commission v. Texaco, Inc., et al. Docket Nos. 74-1490 and 72-1491, Opinion Issued June 10, 1974.

[3] Consumer Federation of America v. F.P.C., CADC, Docket No. 73-20009, petition filed September 21, 1973.

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(C) El Paso's refund liability in this proceeding shall be limited to that portion of its August 16, 1974, PGAC increase made effective as of October 2, 1974, which pertains to that portion of small producer and emergency purchases reflected in the filing in excess of the national rates prescribed in Opinion No. 699. The remainder of the August 16, 1974, filing is approved without refund liability.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25836 Filed 11-4-74;8:45 am]

[Docket Nos. RP74-22, RP74-23]

EL PASO NATURAL GAS CO. ET AL.

Extension of Time

OCTOBER 30, 1974.

In the matter of El Paso Natural Gas Company, Docket No. RP74-22; El Paso Natural Gas Company and Northwest Pipeline Corporation, Docket No. RP74-23.

On October 23, 1974, El Paso Natural Gas Company filed a motion to extend the date for filing briefs on exceptions and briefs opposing exceptions fixed by Order issued September 27, 1974, in the above-designated matter. The motion states that all parties have been contacted and have no objections.

Upon consideration, notice is hereby given that the date for filing briefs on exceptions is extended to November 29, 1974, and the date for filing briefs opposing exceptions is extended to December 9, 1974.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25818 Filed 11-4-74;8:45 am]

[Docket No. E-9027]

IDAHO POWER CO.

Filing Supplement to Interconnection Agreement

OCTOBER 30, 1974.

Take notice that on September 19, 1974, the Idaho Power Company (IPC) tendered for filing a service schedule supplement to the interconnection agreement between itself, the Montana Power Company and Utah Power & Light Company. IPC requests that its filing be designated as Supplement No. 15 to IPC Rate Schedule FPC No. 15 which cancels and supersedes Supplement No. 13 to IPC Rate Schedule FPC No. 15. The tendered rate schedule provides that an exchange ratio other than one-for-one may be established by mutual agreement in the event the cost of power delivered or the cost of replacement power is different than the settlement rate for interchange energy.

IPC requests waiver of the Commission's notice requirements, thus making July 10, 1974, the effective date of proposed Supplement No. 15.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25830 Filed 11-4-74;8:45 am]

[Docket No. RI74-188]

INDEPENDENT OIL AND GAS ASSOCIATION OF WEST VIRGINIA

Certification of Proposed Settlement Agreement

OCTOBER 30, 1974.

Take notice that on October 25, 1974, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the above referenced docket. The record of the proceeding was also certified for the Commission's use in reviewing the proposed settlement. The proposed settlement would resolve all outstanding issues. Attached to the settlement proposal is a motion requesting that the settlement proposal be certified to the Commission.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, on due on or before November 6, 1974. Replies to comments are due on or before November 18, 1974. Comments and replies to comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25829 Filed 11-4-74;8:45 am]

[Project No. 1413]

ISLAND PARK RESORTS, INC.

Issuance of Interim License

OCTOBER 30, 1974.

On June 10, 1974, Island Park Resorts, Inc., Licensee for Project No. 1413, located on the Buffalo River in Fremont County, Idaho, filed an application for a new license under the Federal Power Act (16 U.S.C. § 791 et seq.) and Commission regulations thereunder (Part 4 and §§ 16.12-16.13).

The license for Project No. 1413 was issued effective November 1, 1964 for a period ending October 31, 1974. In order to authorize continued operation of the project pursuant to section 9(b) of the Administrative Procedure Act (5 U.S.C. § 558(c)) pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an interim license to Island Park Resorts, Inc. for continued operation and maintenance of Project No. 1413.

Take notice that an interim license is issued to Island Park Resorts, Inc. (Licensee) under section 9(b) of the Administrative Procedure Act for the period November 1, 1974, to October 31, 1975, or until the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Project No. 1413, subject to the terms and conditions of its present license.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25835 Filed 11-4-74;8:45 am]

[Docket No. E-9039]

NORTHERN STATES POWER CO.

Interchange Agreement

OCTOBER 30, 1974.

Take notice that on September 27, 1974, the Northern States Power Company (NSP) tendered for filing an interchange agreement between itself and Dairyland Power Cooperative (DPC).

The agreement sets forth capacity transactions extending through October, 1980. NSP will sell capacity to DPC until such time as the Alma No. 6 Generating Unit becomes operational. After Alma No. 6 is operational, DPC will sell an equivalent number of megawatts to NSP.

An effective date of November 1, 1974, is requested in accordance with the terms of the tendered agreement.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25833 Filed 11-4-74;8:45 am]

[Docket Nos. RP72-154, CP73-332]

NORTHWEST PIPELINE CORP.

Order Granting Motion for Consolidation and Expedited Decision Amending with Condition Import Authorizations, Accepting PGA Rate Increase with Condition, Granting Waiver and Petitions To Intervene

OCTOBER 30, 1974.

On October 4, 1974, Northwest Pipeline Corporation (Northwest) tendered for filing two Applications to Amend Its Import Authorization for the Importation of Natural Gas from the Dominion of Canada and a revised sheet to its FPC Gas Tariff, Original Volume No. 1[1] to reflect increases in its cost of purchased gas. Concurrently, Northwest filed a Motion for Consolidation and Expedited Decision. The two Applications to Amend the Import Authorizations relate to imports at the Sumas, Washington and Kingsgate, British Columbia import points.[2] Northwest seeks authorization pursuant to section 3 of the Natural Gas Act to continue to import natural gas at these two import points at the price of $1 per Mcf pursuant to a decision of the Government of The Dominion of Canada. In its rate increase filing, Northwest seeks to track this increase in its cost of purchased gas from its Canadian supplier, Westcoast Transmission Company. On October 18, 1974, Northwest filed an amendment and substitute tariff sheet[3] to its October 4 filing to reflect a change in the effective date of the increased price for gas it purchases from Westcoast pursuant to Westcoast's Export License GL-4. This rate change will result in an annualized increase in rates of $121,463,362. The proposed effective date is November 1, 1974.

Notice of the Petitions to Amend the Import Authorization was issued October 10, 1974. Notice of the proposed change in rates was issued October 15, 1974. Protests and petitions to intervene were filed by Michigan Wisconsin Pipeline Company, Colorado Interstate Gas Company and Cascade Natural Gas Company. Southwest Gas Corporation, (Southwest) Sierra Pacific Power Company, (Sierra Pacific) and the Public Service Commission of Nevada submitted protests by telegrams received October 15, 1974. These telegrams protested the request for waiver of the 45 day notice requirement of Northwest's PGA clause and suggested a December 1, 1974, effective date for the increase. This request is based on the stated inability of Southwest and Sierra Pacific to obtain approval by the Nevada Commission prior to December 1, 1974, for increases in their rates occasioned by Northwest's proposed increase.

Northwest stated that the amendments to its import authorizations are not inconsistent with the public interest because they will permit Northwest to continue to import up to 860 MMcf of natural gas per day at the two import points. Northwest knows of no other supply of natural gas available in the magnitude of the volumes it imports at these two points. The requested amendments and the purchased gas cost adjustment increase are the result of a decision by the Canadian Government[4] announced on September 20, 1974, by Canada's Minister of Energy, Mines and Resources directing the NEB to amend existing export licenses to establish a border price of not less than nor greater than $1.00 per Mcf. Pursuant to the decision, this price is to become effective, in the case of Northwest, on November 1, 1974, for imports pursuant to Westcoast's license GL-41, and January 1, 1975 under License GL-4.

Under the terms of Northwest's PGA provision, Northwest may file to track increases in purchased gas costs semi-annually, on October 1 and April 1. Northwest requests waiver of §§ 16.4 and 16.8 of its tariff and the Commission's regulations to permit this rate increase to become effective November 1, 1974. Northwest also requests special permission pursuant to § 154.66 of the Commission's Regulations in order to permit this change in a tariff which has been suspended.

Northwest's Motion for Consolidation and Expedited Decision requests that the Commission consolidate for decision the two Applications for Amendment and the PGA rate increase. Northwest further requests expedited decision pursuant to § 1.32 of the Commission's rules of practice and procedure. We believe that, since no hearing has been requested, consolidation and expedited disposition of this matter are appropriate.

Our review of Northwest's request for amended import authorization indicates that the continued importation of this gas and the amended authorization requested is consistent with the public interest, subject, however, to the conditions that any further increase in the price Northwest is required to pay will require further amendment to its import authorization. In its October 18 filing, Northwest included the NEB's orders pursuant to the decision of the Governor in Council directing that the export licenses be amended.

Our review of the PGA filing indicates that, except as waiver of the notice requirements and the granting of a November 1, 1974 effective date are requested, the increase is consistent with the provisions of Northwest's FPC Gas Tariff Original Volume No. 1. We believe that granting waiver of the requirement that Northwest's PGA rate adjustments be effective on October 1, but permitting the proposed rate increase to become effective 45 days after the filing of this rate increase on November 18, 1974, is in the public interest. Otherwise, Northwest would be required to record the amounts paid to Westcoast in its unrecovered purchased gas cost account until April 1, 1975, at great cost of Northwest in light of the magnitude of this increase. The regulations contemplate that rate changes be filed to coincide with pipeline supplier rate changes. Requiring adherence to the 45 day notice requirement is consistent with one purpose of the 45 day notice requirement promulgated by Order No. 452,[5] to allow the pipeline companies' customers to adjust their rates. Problems with adjustments after this 45 day notice period relate to matters outside our jurisdiction and we cannot defer our determination of the appropriateness of good cause for waiver of our regulations or the requirements of a jurisdictional company's tariff to, nor can we impose a greater notice requirement than is required by law or regulation because of, the difficulties customers of a filing company may have in obtaining approval of the appropriate state regulatory agency to pass on rate increases which we have approved.[6] The amounts Northwest is required to pay between November 1 and November 17, 1974, may be recorded in its unrecovered purchased gas cost account. Northwest may then file to recover these costs in its next PGA rate increase.

The Commission finds: (1) Northwest's authorizations for the importation of natural gas at the Sumas, Washington and Kingsgate, British Columbia import points should be amended to permit Northwest to continue to import natural gas at these two points at a price of $1.00 per Mcf, effective November 1, 1974 and January 1, 1975, as hereinafter ordered and conditioned, as such importation has been shown to be consistent with the public interest.

(2) It is necessary and proper in the public interest that Northwest's proposed rate increase should be accepted for filing and permitted to become effective 45 days after this rate increase was filed, on November 18, 1974, as hereinafter ordered and conditioned.

(3) Good cause exists to permit the intervention of the above mentioned petitioners to intervene.

(4) No request for hearing having been received, good cause exists to grant Northwest's Motion for Consolidation and Expedited Decision.

(5) Good cause exists to grant waiver of the provisions of Northwest's purchased gas adjustment clause to permit the proposed tariff sheets to become effective November 18, 1974.

(6) Good cause does not exist to grant waiver of § 154.38(d)(4)(v) and § 16.8 of Northwest's tariff requiring 45 days notice for a change in rates pursuant to its PGA clause.

[1] Third Revised Sheet No. 10.

[2] These imports are pursuant to Westcoast Transmission Company's export licenses GL-41 and GL-4.

[3] Substitute Third Revised Sheet No. 10.

[4] The NEB had earlier submitted its Report to the Governor in Council pursuant to Section 11A of the NEB's Regulations.

[5] 47 FPC 1049 (1972) at 1052.

[6] See, Southern Natural Gas Company, Docket Nos. RP73-64, et al., Order Denying Rehearing issued July 5, 1974.

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(7) Good cause exists to grant Northwest special permission to amend its tariff currently subject to suspension, pursuant to § 154.66 of the regulations.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly section 3 thereof, Northwest's import authorization for imports of natural gas at the Sumas and Kingsgate import points is hereby amended to permit Northwest to continue to import natural gas at these points at the price of $1.00 per Mcf, effective November 1, 1974, and January 1, 1975, as hereinafter ordered and conditioned.

(B) Any price Northwest is required to pay Westcoast in excess of $1.00 per Mcf will require further amendment to Northwest's import authorizations.

(C) Pursuant to the authority of the Natural Gas Act, particularly Sections 4 and 5 thereof, Northwest's proposed revised tariff sheet is accepted for filing and permitted to become effective November 18, 1974.

(D) Northwest may include the increased payments it makes for gas between November 1 to November 17, 1974, in its unrecovered purchased gas cost account and may file to recover such amounts in a filing to be effective on its "adjustment date" next following the issuance of this order.

(E) The above mentioned petitioners to intervene are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene; *And provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(F) Northwest's Motion for Consolidation and Expedited Decision is hereby granted.

(G) Waiver of § 154.38(d) (4) (v) of the Commission's regulations and the notice requirements of Northwest's FPC Gas Tariff is hereby denied.

(H) Waiver of the requirement in Northwest's tariff that rate changes be made on October 1 and April 1 is hereby granted.

(I) Permission to amend Northwest's tariff currently under suspension is hereby granted.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25826 Filed 11-4-74;8:45 am]

[Docket No. RP74-95]

NORTHWEST PIPELINE CORP.

Extension of Procedural Dates

OCTOBER 30, 1974.

On October 22, 1974 Staff Counsel filed a motion to extend the procedural dates fixed by Order issued June 28, 1974, in the above-designated matter. The motion states that all parties have been notified and have no objections.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, March 14, 1975.
Service of Intervenor's Testimony, March 28, 1975.
Service of Company's Testimony, April 11, 1975.
Hearing, April 22, 1975 (10 a.m. e.d.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25819 Filed 11-4-74;8:45 am]

[Docket No. E-9015]

PUBLIC SERVICE ELECTRIC AND GAS CO. ET AL.

Filing Standard Practice Agreement

OCTOBER 30, 1974.

In the matter of Public Service Electric and Gas Co., Philadelphia Electric Co., Pennsylvania Power & Light Co., Baltimore Gas and Electric Co., Potomac Electric Power Co., Pennsylvania Electric Co., Metropolitan Edison Co., Jersey Central Power & Light Co.; Docket No. E-9015.

Take notice that on September 9, 1974, the Office of the Pennsylvania-New Jersey-Maryland Interconnection (PJM) entered for filing on behalf of the above referenced utilities a new Standard Practice Agreement dated March 26, 1974. The proposed standard practice provides for the sharing among the PJM Companies of amounts received by PJM for transmission service charges for deliveries of fuel conservation energy by PJM for other systems.

It is requested that the Standard Practice Agreement be assigned an effective date of January 1, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25832 Filed 11-4-74;8:45 am]

[Docket No. RP75-23]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 30, 1974.

Take notice that Texas Eastern Transmission Corporation (TETCO) on October 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheet:

Original Sheet No. 14E

TETCO states the purpose of the above sheet is to enable Texas Eastern to track the cost of synthetic natural gas (SNG), proposed to be purchased from Algonquin Gas Transmission Company, during the period November 1, 1974–March 31, 1975. TETCO further states that such proposed purchases of SNG would be made in daily quantities of 14,012 dth/d during the month of November, 1974, and 12,425 dth/d during the period December 1, 1974–March 31, 1975, at a projected total cost of $7,659,060 for the five-month period. The proposed effective date of the above tariff sheet is November 1, 1974. TETCO requests waiver of the Commission's notice requirements in order to permit the proposed rate to become effective without refund.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 6, 1974. All such petitions will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25834 Filed 11-4-74;8:45 am]

[Docket No. RP73-65 PGA75-2]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Changes in Rates Pursuant To Purchase Gas Adjustment Provision

OCTOBER 29, 1974.

Take notice that Columbia Gas Transmission Corp. (Columbia) tendered for filing on October 16, 1974, Fifteenth Revised Sheet No. 16 and Seventh Revised Sheet No. 64B of its FPC Gas Tariff, Original Volume No. 1 Columbia states that these revised tariff sheets contain a proposed change in rates pursuant to its purchase gas adjustment provision.

Columbia states that the increased purchase gas costs result from the proposed increases in rates filed by its pipeline suppliers as follows: Panhandle Eastern Pipe Line Company's PGA Filing at Docket No. RP73-36, filed to become effective December 1, 1974; Texas Eastern Transmission Corporation's PGA Filing at Docket No. RP74-41, filed to become effective November 2, 1974; Texas Gas Transmission Corporation's PGA Filing at Docket No. RP72-156, filed to become effective November 2, 1974.

Columbia states that if the rates of its suppliers are modified prior to their respective effective date, Columbia will adjust the rates proposed in this filing.

Columbia requests the effective date of December 1, 1974.

According to Columbia, copies of the filing were served upon each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25715 Filed 11-4-74;8:45 am]

[Docket No. RP75-25]

COLUMBIA GAS TRANSMISSION CORP., ET AL.

Notice of Complaint

OCTOBER 29, 1974.

Take notice that on October 18, 1974, Columbia Gas Transmission Corp. (Complainant), 1700 MacCorkle Ave. S.E., Charleston, West Virginia 25314, filed in Docket No. RP75-25 a complaint pursuant to § 1.6 of the Commission's rules of practice and procedure (18 CFR 1.6) alleging that Allied Chemical Corp. (Allied); Petrofunds, Inc. (Petrofunds); Osias Biller (Biller); Sunny South Oil and Gas, Inc. (Sunny South); James R. Moffett (Moffett); W. K. McWilliams, David K. McWilliams, Penny McWilliams Polen, Jennifer McWilliams Cantrelle, Patrick T. McWilliams, Paul C. McWilliams (McWilliams Group); B. M. Rankin, Jr., Richard S. Rankin (Rankin Group); and Mid-Continent Supply Co. (Mid-Continent) (collectively Defendants) have violated the Natural Gas Act and the Regulations thereunder by participating in a scheme wrongfully to deprive Complainant of its contractual share of gas produced and to be produced from Sections 84 and 85, Township 17 South, Range 16 East, Terrebonne Parish, Louisana, all as more fully set forth in the complaint which is on file with the Commission and open to public inspection.[1]

Complainant claims that Defendants own varying working interests in sections 84 and 85 and that Defendants must sell all natural gas produced therefrom to Complainant, which has exclusive rights to purchase said gas. Complainant relates that the original owners of mineral rights (Mineral Owners)[2] under sections 84 and 85 leased to Union Producing Company (Union) and Shell Oil Company (Shell) exclusive working interest rights to produce natural gas from sections 84 and 85, respectively, subject to ⅛ cash royalties in each lease. Complainant further relates that United Fuel Gas Company (United) contracted with Weiner, et al. (successors to Union), for exclusive rights to buy all gas produced from section 84 without any limitation as to the depth at which such gas might be found.[3] Complainant states that a similar contract was executed between United and Shell as to gas purchase rights from section 85.[4] Complainant points out that both of said contracts for the sale of gas to United provide that seller must give buyer prior notice of seller's intent to surrender its lease. Continuing, Complainant relates that sometime prior to October 29, 1973, certain of the Defendants (Moffett, McWilliams Group, Rankin Group, and Mid-Continent (Sections 84 and 85 Defendants)) succeeded to the working interests in sections 84 and 85. Complainant states that effective July 1, 1971, it succeeded by merger[5] to the exclusive rights of United to buy gas from sections 84 and 85.

Complainant alleges that Defendants, led by Allied,[6] have participated in a scheme designed to deprive Complainant of its rightful share of gas from sections 84 and 85 while unjustly enriching Defendants, which scheme has been carried out substantially as follows:

On or about October 29, 1973, while gas from Sections 84 and 85 was being sold to Complainant, the sections 84 and 85 Defendants unlawfully and without notice to Complainant purported to surrender their sections 84 and 85 leases. On or about the same day, by separate agreements, Mineral Owners leased to W. O. Toce (Toce) the exclusive rights to produce and sell gas underlying sections 84 and 85 from depths to 10,600 feet (shallow gas lease) and from depths below 10,600 feet (deep gas lease). In consideration for Mineral Owners' part in the scheme a ⅛ royalty was retained under the leases—rather than the ⅛ royalty under the original leases. Toce then assigned his interest in said shallow gas lease to section 84 Defendants in varying proportions and, in turn, section 84 Defendants assigned part of their interest to the other Defendants (Allied, Petrofunds, Biller and Sunny South) in varying proportions. Further, Toce assigned part interest in said deep gas lease to Allied which, in turn, assigned a portion of its interest to Petrofunds, Biller and Sunny South in varying proportions.

Complainant alleges that, despite Defendants' aforementioned obligation to notify Complainant prior to surrender of the sections 84 and 85 leases, the foregoing scheme was carried out without Complainant's knowledge.

Complainant states that notwithstanding that all gas produced and to be produced from sections 84 and 85 is committed to Complainant and its wholesale market requirements, Defendants have unlawfully denied any legal obligation to deliver to Complainant any gas produced from depths below 10,600 feet under sections 84 and 85. Complainant further states that its demands to be served have been ignored or unequivocally rejected by Defendants, culminated by Allied's threat on October 11, 1974, to sell gas produced under the deep gas lease in the intrastate market. Complainant maintains that, although Defendants acknowledge their duty to deliver gas to 10,600 feet under sections 84 and 85, Defendants deny any obligation to Complainant from a new section 85 well which will produce gas from depths both above and below 10,600 feet.

Complainant states that Defendants' unlawful diversion of the gas from sections 84 and 85 at depths below 10,600 feet will aggravate Complainant's current gas supply shortage,[7] and the cost to replace such diverted gas will be high in terms both of time and money.

Complainant seeks, after formal hearing, to have Defendants' alleged wrongful acts voided and enjoined by the Commission.

Any person desiring to be heard or to make any protest with reference to said

[1] Complainant states that concurrently with the instant filing it filed in the U.S. District Court of the Southern District of Texas, Houston Division, a civil complaint against Defendants and other persons praying for both equitable relief and damages of $1,000,000.

[2] Emily Wylie Keenan, Frances Wylie Condit and Evelyn Wylie Burton, the Mineral Owners, are included as Defendants in Complaint's civil suit.

[3] Sales by Weiner, et al., and Shell were authorized by Commission order issued December 15, 1954, in Docket Nos. G-4079 and G-4290, respectively.

[4] By order issued March 10, 1971 (45 FPC 398) Complainant was authorized to acquire and operate the natural gas facilities, inter alia, of United.

[5] Complainant claims that Allied had dishonored certain provisions of section 85 Gas Purchase Contract prior to initiating the alleged scheme set forth herein by refusing to sell gas to Complainant; but, on that occasion Allied was constrained to sell said gas to Complainant when Complainant threatened Commission action.

[6] By orders issued September 19, 1974, and June 6, 1974, in Docket No. RP72-89 the Commission has approved Complainant's curtailment plan to allocate Complainant's gas supply shortfall among its public utility customers.

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complaint should on or before November 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25713 Filed 11-4-74;8:45 am]

[Docket No. E-9002]

COMMONWEALTH EDISON CO.

Proposed Rate Increases, Etc.

OCTOBER 29, 1974.

On August 30, 1974, Commonwealth Edison Company (ComEd) tendered for filing proposed changes [1] in its FPC Electric Service Tariff, Rate 78 to become effective October 30, 1974. The proposed changes would increase the rates and charges for electric service to seven municipalities [2] which purchase wholesale electricity from ComEd and would result in an estimated revenue increase of $3,940,000 or 50.1% based on the 12-month period ending October 31, 1974.

ComEd states that the rate increase is required due to continuing increases in cost of service, increases in wages and other operation and maintenance expenses, and the increased cost of new capacity.

Notice of ComEd's filing was issued on September 11, 1974, with comments, protests and petitions to intervene due on or before September 23, 1974.

On September 20, 1974 a motion to reject and petition to intervene was filed by six cities whose rates will be increased.[3] The Cities filed on September 23, 1974 a supplemental motion to reject, protest, petition to intervene, or in the alternative request for a full term suspension. The Cities allege that the filing by ComEd should be rejected because (a) it does not comply with § 35.13(b)(4)(iii) of the Commission's regulations which requires Period I data to be supplied for the most recent 12 months that data is available; (b) the demand ratchet and minimum bill provision is unjust, unreasonable, unduly discriminatory and contrary to national energy policy; (c) the rate increase violates the antidiscrimination provisions in the Clayton Act and Federal Power Act by creating a serious price squeeze between ComEd's wholesale and retail customers; (d) the proposed rate is excessive and not justified on known 1973 costs; and (e) ComEd's fuel clause attempts to bind the Commission to the cost of fuel as determined by the Illinois Commerce Commission's Uniform System of Accounts and not according to the Commission's Regulations.

In the event the Commission does not reject ComEd's August 30, 1974 filing, the Cities request in the alternative that the Commission suspend the proposed rate increase for five months in order to permit them sufficient time to adjust their rates to reflect the increase and to avoid a serious cash-flow problem.

On October 11, 1974, ComEd filed an answer to the Cities' motion to reject and petition to intervene. ComEd stated it had no objection to the Cities' petition to intervene. However, ComEd argued that rejection would be erroneous on the ground it had not complied with § 35.13(b)(4)(iii) since ComEd had filed Period I data for the most recent period the data was available. ComEd further argued that Cities' other allegations were substantive and therefore proper issues for a hearing and not cause for an outright rejection. ComEd stated that the proposed rate increase should not be suspended since a suspension would result in ComEd's continuing to realize a very low rate of return. ComEd further pointed out that it had filed its proposed rate increase 60 days prior to its requested effective date and that the Cities therefore had more than the required notice period to anticipate adjusting its rates.

With respect to the Cities' allegation concerning ComEd's fuel adjustment provision [4] we note that ComEd's instant filing contains no change in its presently effective fuel adjustment provision which has already been approved in a prior proceeding.[5] Our review of the provision and of our prior decision reveals that the question of the proper determination of fuel costs was not a litigated issue therein. No party addressed itself to that specific issue. Our view of ComEd's currently effective fuel adjustment provision indicates it may not be in conformance with § 35.14(a)(2) of our regulations which provides that the base cost of fuel "shall include no items other than those on Account 151 of the Commission's Uniform System of Accounts." Because ComEd's fuel adjustment clause provides that the cost of fuel shall be determined in accordance with the Uniform System of Accounts prescribed by the Illinois Commerce Commission, the question arises as to the propriety of the treatment of costs in the provision presently in effect. We note further that ComEd's presently effective provision reflects total system losses rather than wholesale losses. These two issues which bear on the justness and reasonableness of ComEd's fuel adjustment provision require this Commission to institute an investigation under section 206 of the Federal Power Act. The investigation will be limited to an inquiry into whether the calculation of the base cost in ComEd's fuel adjustment provision conforms to § 35.14(a)(2) of our regulations and whether ComEd's fuel adjustment provision should be modified to reflect wholesale rather than total system losses.

Because it is beyond our statutory authority to tie jurisdictional wholesale rates to non-jurisdictional retail rates [6] we see no purpose to be served in proceeding with the Cities' discrimination allegation. The intervention of the Cities will therefore be limited to the other issues presented in ComEd's proposed rate increase.

Our review of ComEd's August 30, 1974 filing and the other issues raised therein shows the proposed changes in rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Upon this review of ComEd's filing and the pleadings submitted in response thereto, we find it to be in the public interest to suspend ComEd's filing for a period of one day and establish hearing proceedings to determine the justness and reasonableness of the proposed rates. We therefore deny the Cities' request for a five-month suspension.

The Commission finds:

(1) It is necessary and appropriate in the public interest, and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the proposed rates and charges contained in Commonwealth Edison Company's FPC Electric Service Tariff Rate 78 and that such proposed changes be suspended as hereinafter ordered.

(2) It is necessary and appropriate in the public interest, and to aid in the enforcement of the Federal Power Act that the Commission enter upon a section 206 investigation to determine whether ComEd's presently effective fuel adjustment provision is just and reasonable in light of its reflection of total system losses rather than wholesale losses, and to establish whether ComEd's calculation of the base cost of fuel is in conformance with § 35.14(a)(2) of the regulations.

(3) Participation by the Cities in this proceeding may be in the public interest.

[1] 6th Revised Sheet No. 1 of Rate 78, FPC Electric Tariff.

[2] The Cities of Batavia, Naperville, Rock Falls, Winnetka, Geneva, Rochelle, and St. Charles, Illinois.

[3] The Cities of Batavia, Geneva, Naperville, St. Charles, Rochelle, and Rock Falls, Illinois.

[4] 1st Revised Sheet No. 21, FPC Electric Tariff.

[5] Opinion Nos. 681 and 681A, issued January 7, 1974 and March 6, 1974, approving in part the Initial Decision of the Presiding Administrative Law Judge, November 29, 1972.

[6] Southern California Edison Company, Docket No. E-8176, order issued September 21, 1973, rehearing denied November 2, 1973; Indiana and Michigan Electric Company, Docket No. E-7740, order issued November 23, 1973; Commonwealth Edison Company, Docket No. E-7578, et al., Opinion Nos. 681 and 681A, issued January 7, 1974 and March 6, 1974.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Chapter I) a section 206 investigation is hereby instituted, and consolidated with the present proceeding, to determine whether ComEd's presently effective fuel adjustment provision is just and reasonable in its reflection of losses on a total system basis rather than a wholesale basis and to establish whether ComEd's calculation of the base cost of fuel is in conformance with § 35.14(a)(2) of the regulations.

(B) Pursuant to the authority of the Federal Power Act, the Commission's rules of practice and procedure, and the Regulations under the Federal Power Act (18 CFR, Chapter I), a public hearing shall be held on March 18, 1975, at 10 a.m., in a hearing room at the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the section 206 investigation hereby instituted and the lawfulness of the rate revision proposed by ComEd in its August 30, 1974 filing.

(C) On or before February 4, 1975, the Commission staff shall serve its prepared testimony and exhibits. On or before February 18, 1975, all intervenors shall serve prepared testimony and exhibits. Any rebuttal evidence by ComEd shall be served on or before March 4, 1975.

(D) Pending hearing and a final decision thereon, the proposed changes in Rate 78 filed by ComEd on August 30, 1974 in Docket No. E-9002, are suspended for one day, and the use deferred until October 31, 1974, subject to refund.

(E) The Cities' motion to reject ComEd's August 30, 1974 filing in Docket No. E-9002 is denied.

(F) The Cities' request for a five-month suspension of ComEd's August 30, 1974 filing in Docket No. E-9002 is denied.

(G) The Cities' petition for intervention in this proceeding is granted, provided that the Cities' participation thereunder shall be limited to those issues other than the alleged discrimination between wholesale and retail rates. On that issue the petition for intervention is denied for the reasons discussed above.

(H) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure.

(I) Nothing contained herein should be construed as limiting the rights of the parties to this proceeding regarding the convening of conferences or offers of settlement pursuant to Section 1.8 of the Commission's rules of practice and procedure.

(J) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission [7].

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25710 Filed 11-4-74;8:45 am]

[Docket No. E-9067]

CONNECTICUT LIGHT & POWER CO.

Notice of Purchase Agreement

OCTOBER 29, 1974.

Take notice that on October 17, 1974, the Connecticut Light and Power Company (CL&P) tendered for filing a Purchase Agreement With Respect To Various Gas Turbine Units, dated as of September 1, 1974, between (1) CL&P, The Hartford Electric Light Company (HELCO) and (2) Montaup Electric Company (MECO). The parties propose to make the rate schedule filed effective November 1, 1974.

The Purchase Agreement filed provides for a sale to MECO of a specified percentage of capacity and energy from the five gas turbine generating units during the period from November 1, 1974 to April 30, 1974, with related transmission services.

CL&P states that questions as to MECO's capability responsibility obligation, under the terms of the New England Power Pool (NEPOOL) agreement, during the term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by MECO and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date. CL&P therefore requests that, in order to permit MECO to receive urgently needed capacity, the Commission, pursuant to Section 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on November 1, 1974.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, and MECO, Fall River, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

[7] Commissioner Smith, dissenting, would suspend for a longer period.

[Docket No. E-9066]

CONNECTICUT LIGHT & POWER CO.

Notice of Purchase Agreement

OCTOBER 29, 1974.

Take notice that on October 17, 1974, the Connecticut Light and Power Company (CL&P) tendered for filing a Purchase Agreement With Respect To Various Gas Turbine Units, dated as of September 1, 1974, between (1) CL&P, The Hartford Electric Light Company (HELCO) and (2) Montaup Electric Company (MECO). The parties propose to make the rate schedule filed effective October 1, 1974.

The Purchase Agreement filed provides for a sale to MECO of a specified percentage of capacity and energy from the four gas turbine generating units during the period from October 1, 1974 to October 31, 1974, with related transmission services.

CL&P states that questions as to MECO's capability responsibility obligation, under the terms of the New England Power Pool (NEPOOL) agreement, during the term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by MECO and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date. CL&P therefore requests that, in order to permit MECO to receive urgently needed capacity, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on October 1, 1974.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, and MECO, Fall River, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25714 Filed 11-4-74;8:45 am]

[Docket No. E-9066]

CONNECTICUT LIGHT & POWER CO.

Notice of Purchase Agreement

OCTOBER 29, 1974.

Take notice that on October 17, 1974, the Connecticut Light and Power Company (CL&P) tendered for filing a Purchase Agreement With Respect To Various Gas Turbine Units, dated as of September 1, 1974, between (1) CL&P, The Hartford Electric Light Company (HELCO) and (2) Montaup Electric Company (MECO). The parties propose to make the rate schedule filed effective October 1, 1974.

The Purchase Agreement filed provides for a sale to MECO of a specified percentage of capacity and energy from the four gas turbine generating units during the period from October 1, 1974 to October 31, 1974, with related transmission services.

CL&P states that questions as to MECO's capability responsibility obligation, under the terms of the New England Power Pool (NEPOOL) agreement, during the term of this Purchase Agreement affected the amounts of gas turbine capacity that could be purchased by MECO and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date. CL&P therefore requests that, in order to permit MECO to receive urgently needed capacity, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on October 1, 1974.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, and MECO, Fall River, Massachusetts.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25699 Filed 11-4-74;8:45 am]

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[Docket No. E-9003]

EDISON SAULT ELECTRIC CO.

Filing of Supplement to Electric Power Contract and Petition for Waiver

OCTOBER 29, 1974.

Take notice that on August 26, 1974, Edison Sault Electric Company (Eselco) tendered for filing a supplement (No. 2) to Eselco's Contract for Electric Service to Wisconsin Michigan Power Company (Wisconsin), dated January 1, 1969 and amended by Supplemental Agreement Number 1. Eselco's filing proposes to amend and modify provisions in the present contract dealing with: (1) Energy to be furnished, (2) Character of service, (3) Points of delivery, (4) Metering of Energy, and (5) Rates to be charged.

The proposed filing indicates that Wisconsin has agreed to this supplement, as evidenced by the signatures of its authorized representatives attached thereto. The parties have proposed that the supplement become effective as of the date of its creation, August 1, 1974. Therefore, the prior notice requirement of § 35.3 of the Commission's regulations must be waived to allow the proposal to become effective as of the aforementioned proposed date.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25724 Filed 11-4-74;8:45 am]

[Docket No. CI75-32]

EXXON CORP.

Further Extension of Procedural Dates

OCTOBER 29, 1974.

On October 18, 1974, Exxon Corporation filed a motion to extend the procedural dates fixed by order issued October 8, 1974, in the above designated matter. The motion states that both Staff Counsel and the intervenor, Tennessee Gas Pipeline Company, are agreeable to the change in dates. By Notice issued October 22, 1974, the procedural dates were extended.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Case in Chief, November 26, 1974.
Hearing, December 10, 1974 (10 a.m. e.s.t.).

Other procedural dates shall be set by the Presiding Administrative Law Judge as stated in the former order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25711 Filed 11-4-74;8:45 am]

[Docket No. RP72-32, PGA 75-1]

KANSAS-NEBRASKA NATURAL GAS CO.

Purchase Gas Adjustment Filing

OCTOBER 29, 1974.

Take notice that on September 30, 1974, Kansas-Nebraska Natural Gas Company (Kansas-Nebraska) tendered for filing revised tariff sheets pursuant to its Purchase Gas Adjustment Clause (PGA).[1] Kansas-Nebraska states that Second Revised Sheet No. 24B reflects the base average Purchased Gas Cost per Mcf of sales set forth in revised schedules filed with the Commission in Docket No. RP74-11 on May 20, 1974, which reflected reduced sales volume. Furthermore, Kansas-Nebraska states that Third Revised Sheet No. PGA-1 reflects the purchased gas cost adjustment to the commodity charges contained in Rate Schedules CD-1, WPS-1, IOR-1, CD-2, WPS-2 and IOR-2. The proposed effective date for the tendered tariff sheets is December 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20462, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25708 Filed 11-4-74;8:45 am]

[Docket No. CI75-240]

LUCIUS C. GEER AND ARTHUR G. MURPHY

Notice of Application

OCTOBER 30, 1974.

Take notice that on October 18, 1974, Lucius C. Geer, and Arthur G. Murphy (Applicants), Suite 719, C&I Building, Houston, Texas 77002, filed in Docket No. CI75-240 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation (Texas Gas) from certain leases in the Keithville area, Caddo Parish, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicants propose to sell to Texas Gas from the subject acreage an estimated 12,000 Mcf of gas per month for a term of one year at 65.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicants propose to commence said sale upon the date of issuance of the appropriate certificate or upon expiration of 60 days after commencement of Applicants' emergency sale to Texas Gas from the subject acreage, whichever is sooner. Applicant states that it began said emergency sale on September 29, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29).

Applicants state that they are advised that Texas Gas has an existing gas-supply emergency on its system and that the proposed gas sale for which authorization is sought herein is needed to assist Texas Gas in meeting its commitments to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 18, 1954, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25718 Filed 11-4-74;8:45 am]

[Docket No. E-7690; (PTF Cost Rules)]

NEW ENGLAND POWER POOL AGREEMENT

Further Extension of Procedural Dates

OCTOBER 29, 1974.

On October 21, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 23, 1974, as modified by notice issued August 19, 1974, in the above-designated matter. The motion states that the NEPOOL companies and the intervenors have been notified and do not oppose the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of evidence by staff and intervenors, November 25, 1974.
Service of Rebuttal Evidence, December 13, 1974.
Hearing, December 18, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25705 Filed 11-4-74;8:45 am]

[Docket No. E-9042]

NEW ENGLAND POWER POOL AGREEMENT

Filing of Amendment to the New England Power Pool Agreement

OCTOBER 29, 1974.

Take notice that on September 30, 1974, the NEPOOL Executive Committee, on behalf of the participants in the New England Power Pool Agreement, tendered for filing a proposed amendment to the New England Power Pool Agreement (NEPOOL).

The proposed amendment revises the NEPOOL Agreement to require the NEPOOL Management Committee to adopt for each power year a NEPOOL expansion plan specifying the pool transmission facilities (PTF) recommended for commercial operation during that year. The amendment also provides for use of PTF under certain circumstances for the transfer to a NEPOOL participant of its entitlement under a unit contract in a unit which is not a pool-planned unit.

Waiver of the Commission's notice requirements is requested, and June 1, 1974, is offered as the proposed effective date of the above-described amendment.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25706 Filed 11-4-74;8:45 am]

[Docket No. E-9071]

OKLAHOMA GAS AND ELECTRIC CO.

Tendered Amended Schedule

OCTOBER 30, 1974.

Take notice that on October 18, 1974, Oklahoma Gas and Electric Company (OG&E) tendered for filing copies of amended Schedule ES, dated July 1, 1974, between OG&E and Public Service Company of Oklahoma (PSCO). The tendered filing would replace the existing Schedule ES, Emergency Service, dated November 16, 1970, Supplement No. 8 to Rate Schedule FPC No. 31. Included in the filing is the Certificate of Concurrence of PSCO. The companies have agreed on a rate of 17.5 mills per kilowatt-hour for this service.

OG&E states that the change made in amended Schedule ES is the rate at which emergency service would be supplied and paid for. The company further states that the increase is necessary due to rapidly escalating labor, material and fuel costs and also to compensate the supplying party for the difficulties being incurred in obtaining and maintaining adequate fuel supplies.

The Schedule provides, according to OG&E, for an adder of 5 mils per kilowatt-hour. OG&E supports this with the statement that emergency service is most likely to occur at a time when the system is heavily loaded, which places a greater burden on the interconnected system and results in increased energy losses and increased incremental costs. The Schedule also provides that, should the seller acquire emergency energy to be delivered to the buyer from another supplier and such energy is to be returned to such supplier, the buyer shall pay seller's cost to acquire such emergency energy plus 2 mills/KWH.

OG&E and PSCO request waiver of the Commission's notice requirements to permit the amended Schedule to become effective on July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25720 Filed 11-4-74;8:45 am]

[Docket No. E-8802]

OTTER TAIL POWER CO.

Notice of Application

OCTOBER 29, 1974.

Take notice that on October 21, 1974, Otter Tail Power Company (Applicant) of Fergus Falls, Minnesota, filed an application seeking an order pursuant to Section 204 of the Federal Power Act authorizing the issuance and public sale through underwriters selected by negotiations or private negotiated sale to institutional purchasers of $10,000,000 principal amount of First Mortgage Bonds and for an exemption from competitive bidding requirements in connection therewith.

The Bonds are to be issued under the Applicant's Indenture of Mortgage dated July 1, 1936, as amended and supplemented and as to be supplemented by a Thirty-third Supplemental Indenture to be dated as of December 1, 1974. The application proposes that the maturity and interest rate of the Bonds and the redemption provisions and certain other provisions of the Bonds will be determined by negotiation.

The $10,000,000 of First Mortgage Bonds will be applied against short-term borrowings incurred to finance Applicant's 1974 construction program.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25704 Filed 11-4-74;8:45 am]

[1] Second Revised Sheet No. 24B and Third Revised Sheet No. PGA-1 to its FPC Gas Tariff Second Revised Volume No. 1.

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[Docket No. RI75-45]

PECOS WESTERN CORP.

Petition for Special Relief

OCTOBER 30, 1974.

Take notice that on October 21, 1974, Pecos Western Corporation (Petitioner), 11246 South Post Oak Road, Houston, Texas 77035, filed a petition for special relief in Docket No. RI75-45, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests relief from the area rate established in Opinion No. 598 for the sale of natural gas from Lake St. Catherine Field, Orleans Parish, Louisiana to Southern Natural Gas Company.

The proposed rate is 59-60 cents per Mcf in lieu of the current rate of 16 cents per Mcf. In consideration for the rate increase, petitioner proposes to drill a new well, enlarge a production platform, and rework several other wells.

Any person desiring to be heard or to make any protest with reference to said petition should on or before November 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or 1.10). All protests filed with the Commission will be considered by it determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25719 Filed 11-4-74;8:45 am]

[Docket No. E 8823]

SOUTH CAROLINA ELECTRIC AND GAS CO.

Extension of Procedural Dates

OCTOBER 29, 1974.

On October 23, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by Order issued August 2, 1974, in the above designated matter. The motion states that all parties have been contacted and no objections were raised.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Evidence, November 22, 1974.
Service of Intervenors Evidence, December 13, 1974.
Service of Company's Rebuttal Evidence, January 14, 1975.
Hearing, January 28, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25707 Filed 11-4-74;8:45 am]

[Docket No. RP74-93]

SOUTHERN NATURAL GAS CO.

Order Denying Applications for Rehearing and Reconsideration

OCTOBER 30, 1974.

On May 15, 1974, Southern Natural Gas Company (Southern) filed a Petition for Declaratory Order in which Southern requested that the Commission order that the cost of acquiring certain coal reserves to be dedicated to a coal gasification plant is an appropriate item for inclusion in Southern's rate base and cost of service in Account No. 105 as Gas Plant Held For Future Use. Southern estimated the annual cost impact of its proposal to be $3,528,000. Southern's petition stated that the company undertakes to dedicate the coal reserves exclusively to a coal gasification project, and would agree to a condition which would require that, if Southern does not utilize the coal reserves for such a project and subsequently sells the reserves, Southern would pay its customers the excess of such sales price over the cost of the reserves, if any.

By order issued September 4, 1974, we denied Southern's petition for declaratory order, finding that the benefits to the company's customers are too far removed and the customer cost-benefit relationship requires rejection of Southern's proposal.

On September 30, 1974, Northwest Pipeline Corporation (Northern), an intervenor in this proceeding, filed a Motion for Reconsideration directed toward our order of September 4, 1974. On October 4, 1974, Southern, in conjunction with several other petitioners,[1] filed a Joint Application for Rehearing and Reconsideration directed toward the same order.[2]

Northwest alleges that the Commission's reasoning that the benefits to Southern's customers are too far removed is "flawed" in that Southern's agreement to dedicate the coal reserves exclusively to a coal gasification project and to pass on any profits it might make on the coal reserves is of significant benefit to those customers. Southern, in its petition, repeats its agreement to pass on such profits to its customers, should they occur. Northwest's argument is not persuasive. The Commission, in originally denying Southern's application, was not persuaded by speculative benefits to Southern's customers which may result from market fluctuations in the price of coal. What prompted our rejection of the company's proposal is the fact that there is not adequate assurance that Southern will ever actually mine the coal or gasify it. Southern has not stated when the proposed coal gasification plant will go on line or, for that matter, how it will be designed.

Northwest also argues that this Commission should not fear that Southern, under its proposal, could earn a return on expenses which it may later recoup through rates charged for the gas produced since the Commission can require Southern to structure its eventual rates to take into account this earned return, thereby preventing any "double dip". As we have stated in the past, the public interest requires that we not proceed on an ad hoc basis to allow potentially large cost items which are related to nonjurisdictional facilities without carefully developed standards for consumer protection.[3] The fact that this Commission can require crediting in the future does not remedy this basic defect.

Southern, in its Application, also discusses the benefit of preserving this coal reserve for coal gasification, and the possibility of reducing the total rate impact under its proposal as opposed to capitalizing these costs to the coal gasification project. These considerations, however, are based upon the assumption that this coal will ultimately be gasified within a reasonable period of time. As we have stated, there is not adequate assurance that this will occur.

The Commission finds: (1) Northwest's Motion For Reconsideration filed on September 30, 1974 and the Joint Application of Southern Natural Gas Company, et al. For Rehearing and Reconsideration, filed October 4, 1974, raises no facts or principles of law which would provide an appropriate basis for modification of the Commission's order of September 4, 1974.

The Commission orders:

(A) Northwest's Motion for Reconsideration and Southern's Application for Rehearing and Reconsideration, as they apply to our order of September 4, 1974 in this docket are denied.

(B) Atlanta Gas Light Company is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* that the participation of the intervenor shall be limited to matters affecting rights and interests specifically

[1] Joining with Southern in the filing of the Application were: Alabama Municipal Distributors Group, Alabama Gas Corporation, Carolina Pipeline Company, Chattanooga Gas Company, Gas Light Company of Columbus, Georgia Municipal Association, Mississippi Valley Gas Company, Mississippi Municipal Distributors Group and South Carolina Electric and Gas Company.

[2] Also on October 4, 1974, Atlanta Gas Light Company filed a petition to intervene and an Application For Rehearing or Reconsideration which set forth allegations substantially the same as those set forth by Northwest and Southern, et al. Therefore, our discussion of those allegations in the context of the Northwest and Southern petitions applies to Atlanta Gas Light Company as well.

[3] Michigan Wisconsin Pipe Line Company, Docket No. RP73-102, order issued October 11, 1974, p. 3.

set forth in its petition to intervene, and *Provided, further,* that the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25700 Filed 11-4-74;8:45 am]

[Docket No. RP74-91-11]

TENNESSEE GAS PIPELINE COMPANY

Petition for Emergency Relief, Request for Waiver, and Adjustments of Curtailment Period Quantity Entitlements

OCTOBER 29, 1974.

Take notice that on October 4, 1974, the City of Clarksville, Tennessee (Clarksville) filed in Docket No. RP74-91-11 pursuant to §§ 1.7 and 2.78 of the Commission's rules and regulations, a petition for emergency relief from the present implementation of the curtailment plan of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), pending final Commission orders in Docket No. RP74-24 and Docket No. CP73-115, et al.

Clarksville owns a municipal gas distribution system which is the sole supplier of natural gas in the Clarksville, Tennessee-Fort Campbell area. Tennessee is Clarksville's sole supplier of natural gas.

Clarksville states that due to the inexperience of its personnel the requirements of certain customers were placed in incorrect priority of service in the Tennessee curtailment plan, and that it is upon this basis that Tennessee is curtailing Clarksville. Clarksville therefore requests that the Commission order Tennessee to place the aforementioned customers in their proper priority classifications. Further, Clarksville states that it had been allocated 1,096,232 Mcf for the April-October, 1974, curtailment period; and that it had used 836,209 Mcf up to the imposition of the additional 39-day curtailment caused by Hurricane Carmen (September 23-October 31, 1974). With the imposition of the additional 39-day curtailment Clarksville's entitlement has been reduced to 212,733 Mcf. This volume, Clarksville states is insufficient to meet the requirements of its customers. Clarksville therefore requests, on a one-time basis, that the Commission order Tennessee to transfer 123,290 Mcf of the 196,311 Mcf it was entitled to take but did not during the January-March, 1974 period, from the January-March, 1974 curtailment period to the April-October, 1974 curtailment period. Further, Clarksville states that it believes the information set forth in its petition satisfies the "minimal information" requirements of § 2.78(b) of the Commisison's rules and regulations; but that if there is non-compliance with such section, it requests waiver of said section to such extent.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 or 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 8, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25716 Filed 11-4-74;8:45 am]

[Docket No. RP74-25]

TEXAS GAS TRANSMISSION CORP.

Extension of Procedural Dates

OCTOBER 29, 1974.

On October 10, 1974, Texas Gas Transmission Corporation filed a motion to extend the procedural dates fixed by Order issued October 31, 1974, as most recently modified by notice issued August 1, 1974, in the above-designated matter.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Supplemental Evidence by Company, December 6, 1974.
Service of Intervenor's Rebuttal, January 7, 1975.
Service of Company's Rebuttal, January 28, 1975.
Hearing, February 10, 1975 (10 a.m. e.s.t.).

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25712 Filed 11-4-74;8:45 am]

[Docket No. RP72-156, PGA 75-1]

TEXAS GAS TRANSMISSION CORP.

Purchase Gas Adjustment Filing

OCTOBER 29, 1974.

Take notice that on October 7, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing Second Substitute Tenth Revised Sheet No. 7 to its FPC Gas Tariff, Third Revised Volume No. 1. Texas Gas states that the change in cost of purchased gas reflected in the revised sheet is primarily attributable to an increase filed on October 2, 1974 by United Gas Pipe Line Company (United). Furthermore, Texas Gas states that United's petition of October 2, 1974, seeks to make effective on November 2, 1974, a National Rate Surcharge to recoup United's increased gas costs resulting from the establishment of a National Rate in Opinion Nos. 699 and 699-A. Texas Gas requests an effective date of November 2, 1974 or such other date as the Commission may permit the United filing to become effective.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-25709 Filed 11-4-74;8:45 am]

[Docket No. RP75-19]

TEXAS GAS TRANSMISSION CORP.

Proposed Rate Increase

OCTOBER 30, 1974.

On September 30, 1974, Texas Gas Transmission Corporation (Texas Gas) tendered for filing a general increase in its rates which are subject to the jurisdiction of the Federal Power Commission. The proposed tariff sheets would increase the charges for service under all of the rate schedules in Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1 [1] and would increase the charges for transportation service to Texaco Inc. and Gulf Oil Corporation under Rate Schedules Nos. X-32 and X-29, respectively, which are contained in Texas Gas' FPC Gas Tariff, Original Volume No. 2.[2] The proposed increase in jurisdictional revenues would amount to $27,978,836, based on the adjusted volumes for the twelve months ended June 30, 1974,[3] compared with the proposed settlement rates set forth in Appendix A-4 of the Stipulation

[1] Commissioner Brooke's dissenting opinion filed as part of the original document. Commissioner Springer dissents for the reasons stated in his dissent to the order issued September 4, 1974, in this proceeding.

[1] Eleventh Revised Sheet No. 7 and Third Revised Sheet No. 102. With respect to Eleventh Revised Sheet No. 7, Texas Gas states that the column on that sheet entitled "Base Tariff Rate" sets forth the proposed rates as derived in Exhibit 11 and the column entitled "Cumulative Rate Adjustment" reflects the unit rate adjustment effective on August 2, 1974 to recover the balance in the unrecovered Purchased Gas Costs account.

[2] Seventh Revised Sheet No. 333, Sixth Revised Sheet No. 362, Seventh Revised Sheet No. 363 and Sixth Revised Sheet No. 365.

[3] Texas Gas states that based on the actual volumes of sales and transportation during the twelve months ended June 30, 1974, the increase in jurisdictional revenues amounts to $31,227,135 annually (Exh. 7, p. 1).

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and Agreement filed with the Commission on September 17, 1974, in Docket No. RP74–25.

Texas Gas states that the increase in rates is occasioned by increases in costs which are known and measurable and which are now effective or will become effective within 9 months of June 30, 1974. Texas Gas asserts that the proposed rate increase is mainly attributable to (1) increases in operating expenses; (2) increased costs associated with increased curtailment and husbanding of gas; and (3) increase in the overall rate of return to 10.33 percent.

Texas Gas further states that storage, transmission and general costs were classified between demand and commodity generally in accordance with the "Atlantic Seaboard" formula used in Commission Opinion No. 225, as modified in Commission Opinion No. 600–A. Furthermore, Texas Gas states that 25 percent of the transmission, storage and general fixed costs, and the "as billed" production costs were utilized in the design of the G, CD and CDL demand rates and the remaining 75 percent of the transmission, storage and general fixed costs were utilized in the design of the commodity sales rate.

While Texas Gas has assigned more fixed costs to the commodity component of its rates than unmodified Seaboard would require we nonetheless will continue our review and evaluation of commodity rate levels to determine that level most appropriate in light of present day supply and market conditions. In Opinion No. 671 we expressed our concern over the worsening gas supply situation, and in view thereof we found, inter alia, that low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed. As we indicated in Opinion No. 671, we intend to continue our review and analysis of pipeline cost allocation and rate design structures and, where necessary, to establish pipeline rates for resale or industrial use more in line with the costs of competitive fuels available for such use.

In light of our policy of considering the prices of competitive fuels in setting commodity rate levels and the present supply and market conditions on Texas Gas' system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, to alternate methods of cost classification and rate design which may more closely reflect or implement the Commission's objectives in this area.[4]

Notice of the tendered tariff sheets was issued on October 9, 1974, with protests, notices of interventions and petitions to intervene due on or before October 22, 1974.

[4] See: Columbia Gas Transmission, et al., Docket Nos. RP74–82 and RP74–81, order issued May 31, 1974, footnote 3.

Texas Gas' request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issue of rate of return so as to enable this Commission to formulate sound regulatory policies in this area.

We note the use of conjunctive billing by Texas Gas. This Commission is of the opinion that this issue should be investigated as part of the hearing as hereinafter ordered. The evidence contained in Texas Gas' filing of September 30, 1974, does not direct itself to the propriety of its present billing practices. Therefore, we shall provide Texas Gas the opportunity to file evidence in support of this practice.

Our review of Texas Gas' September 30, 1974, filing indicates that there are certain issues raised which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed in this docket by Texas Gas, and that the proposed increased rates should be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8, and 15 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed herein by Texas Gas Transmission Corporation.

(B) Pending hearing and decision thereon, Texas Gas' proposed increased rates are accepted for filing, suspended for five months, and permitted to become effective thereafter on April 1, 1975, in the manner prescribed in the Natural Gas Act, and subject to refund.

(C) On or before December 16, 1974, Texas Gas shall serve its prepared testimony and exhibits relating to the issue of conjunctive billing. On or before March 4, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before March 25, 1975. Any rebuttal evidence of Texas Gas shall be served on or before April 15, 1975. Cross-examination of the evidence shall commence on April 29, 1975, at 10 a.m. in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(D) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–25701 Filed 11–4–74;8:45 am]

[Docket No. RP74–82]

TRANSWESTERN PIPELINE CO.

Proposed Changes in FPC Gas Tariff

OCTOBER 30, 1974.

Take notice that Transwestern Pipeline Company (Transwestern) on October 10, 1974, tendered for filing as part of its FPC Gas Tariff, First Revised Volume No. 1 the following sheets:

Second Substitute Original Sheet No. 3–A
Second Substitute Original Sheet No. 3–B

Transwestern states that these sheets are issued pursuant to the Federal Power Commission Order issued September 27, 1974, permitting Transwestern to remove from rates filed August 16, 1974, under its purchased gas cost adjustment provision that amount in excess of the Commission's area rate levels. Transwestern states that the instant filing reflects rates not subject to refund.

Transwestern requests an effective date of October 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–25717 Filed 11–4–74;8:45 am]

[Docket No. E–9061]

UPPER PENINSULA POWER CO.

Change of Rate Schedule and Concurrence Therein

OCTOBER 30, 1974.

Take notice that on October 7, 1974, the Upper Peninsula Power Company tendered for filing two agreements entitled Amendment to 1972 Basic Agreement and Amendment No. 2 to 1972 Basic Agreement as a change in Upper Peninsula Power Company's FPC Rate Schedule No. 16.

The tendered Rate Schedule modifications amend a coordination, pooling and transmission agreement pursuant to which the Upper Peninsula Power Company delivers power produced at plants of both the Upper Peninsula Generating Company and the Cliffs Electric Service Company.

One of the proposed amendments increases Upper Peninsula Power Company's return on net investment from 8 percent to 8½ percent. In addition, the parties' 1972 basic agreement is modified in terms of the organization and procedures of the "Operating Committee" which oversees joint operations of the parties.

Certificates of Concurrence on behalf of the Cliffs Electric Service Company and the Upper Peninsula Generating Company were simultaneously filed with the proposed rate schedule amendment.

Waiver of the Commission's notice requirements is requested, and October 23, 1974, is offered as a proposed effective date with respect to the amended rate schedule.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–25722 Filed 11–4–74;8:45 am]

VIRGINIA ELECTRIC AND POWER CO.

Contract Supplement

OCTOBER 30, 1974.

Take notice that by letter dated September 5, 1974, the Virginia Electric and Power Company (VEPCO), tendered for filing a supplemental contract which changes the voltage on its lines serving the River's Edge Delivery Point for Prince George Electric Cooperative from 13.2 kv to 34.5 kv.

VEPCO requests waiver of both required billing data and the Commission's notice requirements, and also requests that August 28, 1974, be made the effective date of the above-mentioned supplemental contract filing.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–25721 Filed 11–4–74;8:45 am]

[Docket No. E–9050]

UPPER PENINSULA POWER CO.

Rate Schedule Filing

OCTOBER 30, 1974.

Take notice that on October 7, 1974, the Upper Peninsula Power Company (Upper Peninsula) tendered for filing as an initial rate schedule an agreement for the sale of power and energy to the Cliffs Electric Service Company.

The above-described filing includes three agreements, including a Leased Capacity Agreement, dated May 30, 1972, an Amendment to the Leased Capacity Agreement, dated April 1, 1974 and Amendment No. 2 to Leased Capacity Agreement, dated October 3, 1974.

Upper Peninsula Power Company requests waiver of the Commission's notice requirements and proposes that the above-described rate schedule become effective October 23, 1974.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–25723 Filed 11–4–74;8:45 am]

FEDERAL RESERVE SYSTEM

AFFILIATED BANKSHARES OF COLORADO, INC.

Proposed Shifting of Activities by Bank Holding Company of Banks' Subsidiary Engaged in Nonbanking Activities

Affiliated Bankshares of Colorado, Inc., Boulder, Colorado, has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y, for permission to acquire direct ownership of the voting shares of First Colorado Bankservices, Inc., Littleton, Colorado. Applicant presently controls such voting shares indirectly through its ownership of four subsidiary banks which directly own these voting shares. Applicant will shift the activities of First Colorado Bankservices, Inc., to Applicant's wholly-owned direct subsidiary, Affiliated Banks Service Company. Thereafter, First Colorado Bankservices, Inc., will be liquidated. Notice of the application was duly published in newspapers of general circulation in the communities to be served.

Applicant states that the resultant subsidiary would continue to engage in data processing activities including bookkeeping and data processing services for the internal operations of the holding company and its subsidiaries, and storing and processing other banking, financial, or related economic data, such as performing payroll, accounts receivable or payable, or billing services. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Federal Reserve Bank of

V 39 214 NOV 5 74 XUM

Kansas City, not later than November 20, 1974.

Board of Governors of the Federal Reserve System, October 29, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25690 Filed 11-4-74;8:45 am]

UB FINANCIAL CORP.

Acquisition of Anvil Thrift; Correction

On FR document 77-24812 appearing on page 37831 of the issue for Thursday, October 24, 1974 footnote 2 should have read:

[2] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

Board of Governors of the Federal Reserve System, October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25772 Filed 11-4-74;8:45 am]

FIRST UNION INC.

Order Approving Acquisition of Bank

First Union Inc., St. Louis, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of Florissant Bank, Florissant, Mo. (Bank).

Notice of receipt of the application, affording opportunity for interested persons to submit comments and views with respect to the proposed transaction, was published in the FEDERAL REGISTER (39 FR 23308). As indicated by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri and requested his views and recommendations thereon. The Commissioner did not formally object to the application although he expressed his concern over the ability of a newly-chartered institution to compete effectively in the north St. Louis County portion of the market and questioned whether Applicant's entry into this section of the market might not be accomplished in a manner more conducive to preserving and promoting a fully competitive banking structure. The Board has considered the application and all comments received, including the views of the Commissioner, in light of the factors set forth in section 3 of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest bank holding company in Missouri, controls 16 banks with aggregate deposits of $1.4 billion, representing about 9.2 percent of the total deposits in commercial banks in the State.[1] Applicant's acquisition of Bank would increase Applicant's control of State deposits by an additional 0.3 percent. Applicant's rank among the State's banking organizations would remain unchanged.

Bank (deposits of $41 million) is located in the north St. Louis County portion of the St. Louis banking market [2] and controls approximately 0.6 percent of the total deposits in commercial banks in this market. Applicant presently controls two banking subsidiaries in the St. Louis banking market which hold aggregate deposits of $1 billion, representing 15 percent of the market's total commercial deposits. Thus, consummation of the proposed acquisition would increase Applicant's share of the market's commercial deposits to 15.6 percent and would eliminate a slight amount of existing competition between the two institutions. However, as the Board recently noted in its Order approving the application of Mercantile Bancorporation to acquire Lewis & Clark State Bank of St. Louis County,[3] the St. Louis banking market is relatively unconcentrated with the top five banking organizations holding aggregate deposits representing but 46.7 percent of the market's total commercial bank deposits. On the basis of the facts in this case, it is the Board's judgment that no significant adverse effects on existing competition would result from consummation of the proposal.

Applicant is not presently represented in the north St. Louis County portion of the St. Louis banking market, and all of the existing banking organizations in the Florissant area are either subsidiaries or proposed subsidiaries of other bank holding companies. Thus, acquisition of a smaller independent bank in the Florissant area is not possible at this time. Although Applicant appears to have the capability and resources to enter this portion of the market de novo, the probability of such entry appears remote at the present time in view of the recent chartering of three banks in the area (see Board Order dated July 26, 1974, approving application of Mercantile Bancorporation to acquire Lewis & Clark State Bank of St. Louis County). It, therefore, appears from all the facts of record that consummation of the proposal would not foreclose significant potential competition.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks and those of Bank are regarded as satisfactory and consistent with approval of the application. With respect to considerations relating to convenience and needs, it appears that Applicant plans to institute Saturday banking hours and install an automated teller system. Applicant will also provide additional expertise in the investment and lending functions of Bank. These considerations are consistent with, and lend some weight toward, approval of the application.

On the basis of all relevant facts in the record and in light of the facts set forth in section 3(c) of the Act, it is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By Order of the Board of Governors,[4] effective October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25773 Filed 11-4-74;8:45 am]

INDIAN HEAD BANKS, INC.

Order Approving Acquisition of Indian Head Bank Services Corporation

Indian Head Banks, Inc., Nashua, N.H., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Indian Head Bank Services Corporation, Nashua, New Hampshire (Company), a proposed new company that would engage in the activities of furnishing investment and financial advice and, on an explicit fee basis, management consulting advice to non-affiliated banks. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(5) and (12)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 30863). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the largest banking organization in New Hampshire, controls 9 banks with aggregate deposits of $215 million, representing 15 percent of the total deposits in commercial banks in the State.[1]

Company proposes to furnish management consulting advice on an explicit fee basis and portfolio investment or financial advisor services to non-affiliated banks located in New Hampshire and Vermont, and these activities would be conducted primarily from Applicant's main office in Nashua, N.H. Company's investment advisory activities will be provided on a continuing basis and will include guiding client banks in such areas as liquidity, diversification of maturities, and the use of tax exempt obligations. In addition, Company proposes to provide a broad range of management consulting advice to its client banks (not on a daily or continuing basis), including site planning and evaluation, bank mergers, acquisitions and branches; capital adequacy and planning; investment advice; credit policies and administration; marketing operations; personnel operations; auditing; and trust.

It appears that no adverse effects on competition would result from Company acting as a bank investment and management consulting advisor. While these services are available to banks in the relevant areas as a correspondent banking service with the large banks located in Boston and New York, such advice is limited in scope and is not offered on an explicit fee basis. In fact, Company will be the first bank holding company subsidiary in either New Hampshire or Vermont to engage in bank management consulting. Therefore, no significant existing or future competition would be eliminated upon approval of the application. Moreover, it is expected that Applicant's de novo entry in this field should produce benefits to the public by adding a more convenient additional competitor that offers this specialized financial and consulting advice. Further, by making this advice available on an explicit fee basis rather than as a correspondent banking service, client banks in New Hampshire and Vermont will now be able to more accurately analyze the cost of such services and may be able to more efficiently allocate their funds.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Boston.

By order of the Board of Governors,[2] effective October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25775 Filed 11-4-74;8:45 am]

TRI-STATE BANCORPORATION, INC.

Order Denying Formation of Bank Holding Company

Tri-State Bancorporation, Inc., East Dubuque, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 51 percent or more of the voting shares of Tri-State Bank of East Dubuque, East Dubuque, Ill. (Bank).

At the same time, Applicant has applied for the Board's approval pursuant to section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y to continue to engage in the activities of a general insurance agency in a community with a population of less than 5,000 persons. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)(iii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act and the considerations specified in section 4(c)(8) of the Act.

Applicant presently conducts general insurance agency activities in East Dubuque, Illinois, a town of approximately 2,408 people. Bank, with deposits of $13.5 million,[1] is the fourth largest of six banks in the relevant banking market,[2] controlling approximately 4.8 percent of the total deposits in commercial banks in the market. The purpose of the proposed transaction is to effect a transfer to Applicant of Bank's shares presently owned by Applicant's sole shareholder, with no change in Bank's management or operations. Since Applicant presently has no subsidiaries, consummation of the proposal would have no significantly adverse effects on competition in any relevant area.

As it has indicated on previous occasions, the Board believes that a holding company should be a source of financial and managerial strength for its subsidiary bank(s) and every proposed acquisition or formation is closely examined with this consideration in mind. Under the proposal, Applicant would incur debt of $350,000. The future prospects of Applicant and its ability to service the debt are primarily dependent upon the financial resources of Bank. In this connection, the Board notes that Bank's capital ratios have declined since control of Bank was acquired by Applicant's sole shareholder in 1969. It appears that this situation has developed in part due to certain management practices of Bank's majority shareholder (who is also the sole shareholder of Applicant). In the Board's view, the declining position of Bank's capital and the proposed policies of Applicant indicate that Applicant would not have the necessary financial flexibility to meet its annual debt servicing requirements without adversely affecting the capital position of Bank. The above factors strongly suggest that the future financial requirements of Applicant could place an undue strain on Bank and thus impair its ability to continue as a viable banking organization in meeting the needs of the communities it serves. Although the financial condition of Bank is sound, the Board does not sanction the use of a holding company structure that would, because of the sizeable debt of the holding company, impair the financial condition of the bank to be acquired. Such considerations relating to banking factors lend weight toward denial of the application.

As indicated above, the proposal contemplates no meaningful changes in Bank's operations which would produce benefits to the public. Thus, considerations relating to convenience and needs provide no weight for approval of the application.

On the basis of all the facts in the record, it is the Board's judgment that the possible adverse effects of the management practices of principals of Applicant upon the financial condition of Bank would be inconsistent with the standards set forth in section 3(c) of the Act. Accordingly, it is the Board's judgment that consummation of the proposal would not be in the public interest, and that the application should be denied.[3]

By order of the Board of Governors,[4] October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-25774 Filed 11-4-74;8:45 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank

First National Charter Corporation, Kansas City, Mo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for

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[1] All banking data are as of December 31, 1973.

[2] The St. Louis banking market is approximated by the city and county of St. Louis, portions of St. Charles and Jefferson Counties in Missouri, and portions of Madison and St. Clair Counties in Illinois.

[3] Board Order dated July 26, 1974.

[4] Voting for this action: Chairman Burns and Governors Mitchell and Sheehan. Voting against this action: Governors Holland and Wallich. Absent and not voting: Governor Bucher.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through September 30, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Holland and Wallich. Absent and not voting: Governors Sheehan and Bucher.

[1] Banking data are as of December 31, 1973.

[2] The market area is approximated by RMA which encompasses Dubuque, Iowa, East Dubuque, Ill., and the southern portion of Grant County, Wisconsin.

[3] In view of the Board's action with respect to the application to become a bank holding company, consideration of the application to engage in insurance agency activities becomes moot.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Holland, and Wallich. Absent and not voting: Governors Sheehan and Bucher.

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the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Cassville, Cassville, Mo. (Bank).

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of § 265.2(f)(24) of the rules Regarding Delegation of Authority.

As required by section 3(b) of the Act, the Reserve Bank gave written notice of receipt of the application to the Comptroller of the Currency. The Comptroller offered no objection to approval of the application. Notice of receipt of the application was published in the FEDERAL REGISTER on September 3, 1974 (39 FR 31953) providing an opportunity for interested persons to submit comments and views with respect to the proposal. The U.S. Department of Justice and the Missouri Commissioner of Finance were given notice of receipt of the application. Time for filing comments and views has expired and none has been received. The Reserve Bank has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Missouri, controls 12 operating banks with aggregate deposits of $763.1 million,[1] representing 5.07 percent of the commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank ($14.2 million in deposits) is the second largest of seven banking organizations in the Cassville market (approximated by Barry County minus Monett and vicinity) and holds 36.5 percent of the deposits in commercial banks in the market. None of Applicant's subsidiary banks are located in Bank's primary service area and consummation of the proposed acquisition would eliminate a negligible amount of existing competition between any of these subsidiary banks and Bank. Neither entering the market de novo nor by means of a "foothold" acquisition are viable alternatives to the acquisition of Bank. Thus, it is unlikely that the acquisition would foreclose the development of significant potential competition between Applicant and Bank. Competitive considerations are, therefore, consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiaries appear satisfactory. The financial condition and prospects of Bank are consistent with approval. Affiliation with Applicant should enable Bank to offer expanded banking services, including agriculture loans and trust services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than 3 months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

OCTOBER 22, 1974.

[FR Doc.74-25776 Filed 11-4-74;8:45 am]

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board to September 30, 1974.

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Notice of Receipt of Report Proposals; Federal Communications Commission

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 17, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of the reporting requirement under a new regulation, 47 CFR 1.1311, which calls for environmental information to be submitted with applications for authority to construct major communications facilities. Frequency is on occasion and potential respondents are business firms applying for authority to construct major communications facilities. Reporting burden is estimated to be 2 hours, on average, for each respondent per response. However, the reporting burden will be influenced by the specific circumstances each applicant faces at a particular construction site or sites. For example, the entrenchment of underground cable over long distances would involve a substantial amount of time and expense to comply with the reporting requirement.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-25766 Filed 11-4-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Fed. Prop. Management Reg. Temp. Reg. G-19]

SECRETARY OF DEFENSE

Revocation of Delegation of Authority

1. *Purpose.* This regulation revokes a delegation of authority to represent the consumer interests of the executive agencies of the Federal Government in a transportation proceeding which has been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires October 31, 1974.

4. *Revocation.* This revocation identifies the delegation which is no longer in force due to completion of the proceeding for which it was issued. Accordingly, the following FPMR temporary regulation is hereby revoked:

No.	Date	Subject
G-5	Aug. 22, 1969	Delegation of authority to Secretary of Defense—regulatory proceeding.

ARTHUR F. SAMPSON,
Administrator of General Services.

OCTOBER 25, 1974.

[FR Doc.74-25780 Filed 11-4-74;8:45 am]

Public Buildings Service

[Wildlife Order 124]

PORTION, NAVAL AIR STATION, MOFFETT FIELD, CALIF. N-CALIF-693-C

Transfer of Property

Pursuant to section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, San Francisco, California, Regional Office, dated October 8, 1974, approximately 37.26 acres of unimproved fee property and 38.72 acres in easements, identified as a portion, Naval Air Station, Moffett Field, Calif., were transferred to the Department of the Interior for use by the Fish and Wildlife Service.

2. The above described property was conveyed for wildlife conservation purposes in accordance with the provisions of section 1 of said Public Law 537 (16 U.S.C. 667b), as amended by Public Law 92-432.

Dated: October 25, 1974.

I. E. FRIEDLANDER,
Acting Commissioner, Public Buildings Service.

[FR Doc. 74-25781 Filed 11-4-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY COMMITTEE ON ENERGY FACILITY SITING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the Advisory Committee on Energy Facility Siting to be held at 9 a.m. on November 20, 1974, in the Main Conference Center, the MITRE Corporation, Westgate Research Park, McLean, Virginia.

The purpose of the Committee is to provide recommendations concerning the plans, status, and results of NSF sponsored studies relating to the siting of energy facilities such as electrical power producing plants and associated support facilities.

The agenda is as follows:

Introductory Remarks
Organizational Structure
Briefing and Discussion of NSF/OEP Sponsored Studies:
  Assessment of Energy Parks vs. Dispersed Electric Power Generating Facilities
  Michigan Energy Industrial Center Study
Future Activities
Summary and Closing Remarks

This meeting shall be open to the public. Individuals who wish to attend should inform Dr. Hans L. Hamester, Energy Policy Analyst, Office of Energy R&D Policy, by telephone 202/632-7804 or by mail (Rm. 537, National Science Foundation, Washington, D.C. 20550) prior to the meeting. Persons requiring further information concerning this Committee should contact Dr. Hans L. Hamester at the above address. Summary minutes of this meeting may be obtained from the Management Analysis Office, Rm. K-720, National Science Foundation, Washington, D.C. 20550.

R. GAIL ANDERSON,
Acting Committee Management Officer.

OCTOBER 31, 1974.

[FR Doc.74-25765 Filed 11-4-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Request

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on October 31, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the Federal Register is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census: Control Card Questionnaire, Forms LMS-1X, LMS-2X, LMS-3X, LMS-9X, Single time Planchon (395-3898), Strasser (395-3880), Participants in manpower admin.'s CETA program.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education: Linkage Client Mail Questionnaire and Interview Schedule, Form NIE 90, Single time, HRD (395-3532), Planchon (395-3898), Clients of educational linkage organizations.

Social Security Administration: Request to Establish Eligibility for the Examination (Clinical Laboratory Technologist-Admittance and Result Card), Forms SSA 3060, SSA 3061, SSA 3062, Single time, Caywood (395-3443), Applicants.

Request to Establish Eligibility by Examination (Cytotechnology—Admittance and Result Card), Form SSA 3059, 3063, 3064, Single time, Caywood (395-3443), Applicants.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Departmental: Part B Application Target Projects Program with Related Forms, Form, HUD 5400B, Single time, HRD (395-3532), GSA (343-3816), Local housing auth.

REVISIONS

ACTION

Peace Corps FARM/SHOP/PRO Application, Form ACTION A-628, Occasional, Lowry (395-3772), Professors.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard: Oaths on Registry, License, or Enrollment and License of Vessel, Form CG 1259, Occasional, Lowry (395-3772), Corps. owning vessels.

EXTENSIONS

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Economic Opportunity:
Contractor's Financial Analysis, Form OEO 193, Occasional, Evinger (x) (395-3648).
Contract Fund Status Report, Form OEO 182, Occasional, Evinger (x) (395-3648).

ACTION

Survey Questionnaire of VISTA Applicants who Decline Invitations to Serve, Form A-587, Quarterly, Evinger (395-3648), VISTA applicants.

NATIONAL SCIENCE FOUNDATION

Request by U.S. Institution for an Education Allowance, Form 220, Annual, Evinger (395-3648), (x).
Request by U.S. or Foreign Institution for an Allowance, Form 221, Annual, Evinger (x) (395-3648).
Starting Information from Institution for Graduate Fellows, Form 219, Annual, Evinger (x) (395-3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-25958 Filed 11-4-74;8:45 am]

POSTAL SERVICE

MAIL TO FRANCE

Suspension of Private Express Statutes

French postal workers have gone on strike. The U.S. Postal Service has placed an embargo on all mail addressed to France.

In view of the strike, the Postal Service has determined that it is in the public interest to suspend and hereby does suspend the operation of 39 U.S.C. 601(a)(1) through (6) and 39 CFR 310.2(b)(1) through (6) so as to permit the carriage of letters destined for delivery in France out of the mails without paying postage or meeting any of the other conditions in such provisions of law and regulation. This suspension shall remain in effect until further notice.

(39 U.S.C. 401, 404, 601).

LOUIS A. COX,
General Counsel.

[FR Doc.74-26057 Filed 11-4-74;12:08 pm]

SMALL BUSINESS ADMINISTRATION

INVESAT CORP.

Notice of Issuance of Small Business Investment Company License

On September 9, 1974, a notice was published in the FEDERAL REGISTER (39 FR 32583) stating that an application had been filed by Invesat Corporation, Deposit Guaranty Bank Building, Jackson, Mississippi 39201, with the Small Business Administration (SBA), pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR (1974) for a license to operate as a small business investment company.

Interested parties were given until the close of business on September 19, 1974, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information, SBA issued License No. 04/04-0110 to Invesat Corporation on September 19, 1974.

Included in the original publication was a notice to issue a license to a wholly owned subsidiary operating as a section 301(d) licensee known as Invesat Capital Corporation.

However, the creation of the proposed subsidiary has not as yet been accomplished. Accordingly, a license was not issued to Invesat Capital Corporation and this matter is still pending before SBA.

Dated: October 23, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-25769 Filed 11-4-74;8:45 am]

INDIANAPOLIS DISTRICT ADVISORY COUNCIL MEETING

Notice of Meeting

The Small Business Administration Indianapolis District Advisory Council will meet at 10 a.m., Eastern Standard Time, Tuesday, December 3, 1974, at the Quality Motel, 1530 North Meridian Street, Indianapolis, Indiana, to discuss such business as may be presented by members, the staff of the Small Business

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Administration, and others attending. further information, call or write William F. Miller, Small Business Administration, 36 South Pennsylvania Street, Indianapolis, Indiana 46204, (317) 633-7523.

Dated: October 29, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-25770 Filed 11-4-74;8:45 am]

TARIFF COMMISSION

[337-39]

CHAIN DOOR LOCKS

Notice of Investigation and Hearing

A complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), was filed with the United States Tariff Commission on June 21, 1973, and amended on June 17, 1974, on behalf of Ideal Security Hardware Corporation of St. Paul, Minnesota, alleging unfair methods of competition and unfair acts in the importation and sale of certain chain door competion and unfair acts in the importation and sale of certain chain door locks by reason of their being embraced within the claims of U.S. Patents Nos. 3,161,035; 3,275,364; and 3,395,556, which are owned by the complainant. The complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Having conducted a preliminary inquiry with respect to the matters alleged by the said complainant, the United States Tariff Commission, on October 29, 1974, ordered:

That for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations thereof.

That a public hearing be held on December 5, 1974, at 10 a.m., e.s.t., in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets NW., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, not later than noon, Friday, November 29, 1974.

Public notice of the receipt of the original and the amended complaints were published in the FEDERAL REGISTER on July 31, 1973, and July 30, 1974 (38 FR 20381 and 39 FR 27614). The complaint and the amended complaint were served upon the parties named in the complaint and have been available for inspection by interested persons continually since issuance of the notice of preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building and in the New York City Office of the Commission, located in Room 437 of the Customhouse.

By order of the Commission.

Issued: October 31, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-25808 Filed 11-4-74;8:45 am]

VETERANS ADMINISTRATION

SPECIAL MEDICAL ADVISORY GROUP

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Special Medical Advisory Group, authorized by section 4112(a) of Title 38, United States Code, will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, DC, on November 18 and 19, 1974. The committee members will review various aspects of patient care, education, and research activities, and other plans and programs concerning the Veterans Administration health care system.

The initial general session will convene at 9 a.m. It will be open to the public up to the seating capacity of the room. Because this capacity is limited, it will be necessary for those wishing to attend to contact Mr. Jack S. Westall, Executive Secretary, Special Medical Advisory Group, Veterans Administration Central Office (phone 202-389-2588) prior to November 14, 1974.

The meeting of the Subcommittee on Academic Affairs of the Special Medical Advisory Group, November 18, 1974, 2 p.m.-5 p.m., will be closed; and the 8:30 a.m.-9:30 a.m. general session, November 19, 1974, will be closed for the report and recommendations of this subcommittee. The subcommittee reviews grant applications and makes recommendations essential to the decision-making role of the Agency. Exemption 5 (5 U.S.C. 552(b)(5)), of the Freedom of Information Act, protects the candid exchange of views anticipated in this subcommittee's deliberations.

Dated: October 31, 1974.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.74-25837 Filed 11-4-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

VIRGIN ISLANDS STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Assistant Regional Director for Occupational Safety and Health (hereinafter called the Assistant Regional Director) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On September 11, 1973, notice was published in the FEDERAL REGISTER (38 FR 24896) of the approval of the Virgin Islands plan and adoption of Subpart S to Part 1952 containing the decision.

The Virgin Islands plan provides for the adoption of Federal standards as Virgin Islands standards by reference without publishing such regulations in full, provided that such regulations shall be clearly identified in the adopting regulation, and that copies of the FEDERAL REGISTER containing such regulations shall be maintained in the Office of the Lieutenant Governor, available for inspection by the public. Section 1952.253 of Subpart S sets forth the Virgin Islands schedule for the adoption of Federal standards. By a letter dated April 2, 1974 from Jean D. Larsen, Assistant Commissioner, Virgin Islands Division of Occupational Safety and Health, to Richard F. Andree, Associate Assistant Regional Director for Federal and State Operations, which is being incorporated as part of the plan in accordance with 29 CFR Part 1953, the Virgin Islands submitted regulations adopting Federal occupational safety and health standards, comparable to 29 CFR Parts 1910, 1918, and 1926. The authority to adopt such standards is contained in Title 3, Section 940 of the Virgin Islands Code. These regulations, which are contained in Chapter 24, Virgin Islands rules and regulations (VIRR), Subchapters 36(b) 1, 36(b)2, and 36(b)3, were promulgated on March 21, 1974. The Virgin Islands approved plan excludes Subpart D of 29 CFR Part 1926 (Occupational Health and Environmental Control), Subpart G of 29 CFR Part 1910 (Occupational Health and Environmental Control) and § 1910.13 (Ship repairing), § 1910.14 (Shipbuilding), § 1910.15 (Shipbreaking), and § 1910.16 (Longshoring), which reference 29 CFR Parts 1915, 1916, 1917 and 1918. In addition, § 1910.19 (Asbestos Dust) of 29 CFR Part 1910 and 29 CFR Part 1919 (Gear Certification) are excluded by the scope of the Virgin Islands 18(b) plan. Notwithstanding the exclusion of Longshoring, 29 CFR Part 1918 has been adopted by reference since 29 CFR 1926.605 (Marine Operations and Equipment) references 29 CFR Part 1918.

2. *Decision.* Having reviewed the Virgin Islands Regulations providing for the adoption of Federal standards by reference it has been determined that Virgin Islands Regulations are identical to Federal standards.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during the normal business hours at the following locations: Office of the Assistant Regional Director, Region II, 1515 Broadway, Room 3445, New York, New York, 10036; and Office of the Associate Assistant Secretary for Regional Programs, Room 850, 1726 M Street NW., Washington, D.C. 20210; and at the Department of Labor, Government of the Virgin Islands, Dronigans Gade, Charlotte Amalie, St. Thomas, V.I. 00801; and at Hospital Street, Christiansted, St. Croix, V.I. 00820.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supplement to the Virgin Islands plan as a proposed change and making the Assistant Regional Director's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with the procedural requirements of State law and further participation would be unnecessary.

This decision is effective November 5, 1974.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667))

Signed at New York, N.Y., this 10th day of October 1974.

ALFRED BARDEN,
Assistant Regional Director, Occupational Safety and Health.

[FR Doc.74-25787 Filed 11-4-74;8:45 am]

Office of the Secretary

SECRETARY OF THE TREASURY

Certification of States

Pursuant to section 3304(a) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(a)) the unemployment compensation laws of the following States have heretofore been approved:

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Puerto Rico
Indiana	Rhode Island
Iowa	South Carolina
Kansas	South Dakota
Kentucky	Tennessee
Louisiana	Texas
Maine	Utah
Maryland	Vermont
Massachusetts	Virginia
Michigan	Washington
Minnesota	West Virginia
Mississippi	Wisconsin
Missouri	Wyoming

In accordance with the provisions of section 3304(c) of the Internal Revenue Code of 1954 (26 U.S.C. 3304(c)), I hereby certify the foregoing States to the Secretary of the Treasury for the taxable 12-month period ending October 31, 1974.

PETER J. BRENNAN,
Secretary of Labor.

OCTOBER 31, 1974.

[FR Doc. 74-25733 Filed 11-4-74;8:45 a.m.]

SECRETARY OF THE TREASURY

Certification of State Unemployment Compensation Laws

The unemployment compensation laws of the States listed below, having been certified pursuant to paragraph (3) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(3)) and each of the States so listed having been certified by me to the Secretary of the Treasury for the taxable 12-month period ending October 31, 1974, as provided in section 3304 of the Internal Revenue Code of 1954 (26 U.S.C. 3304) are hereby certified, pursuant to paragraph (1) of section 3303(b) of the Internal Revenue Code of 1954 (26 U.S.C. 3303(b)(1)), to the Secretary of the Treasury for the taxable 12-month period ending October 31, 1974.

Alabama	Montana
Alaska	Nebraska
Arizona	Nevada
Arkansas	New Hampshire
California	New Jersey
Colorado	New Mexico
Connecticut	New York
Delaware	North Carolina
District of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Hawaii	Oregon
Idaho	Pennsylvania
Illinois	Rhode Island
Indiana	South Carolina
Iowa	South Dakota
Kansas	Tennessee
Kentucky	Texas
Louisiana	Utah
Maine	Vermont
Maryland	Virginia
Massachusetts	Washington
Michigan	West Virginia
Minnesota	Wisconsin
Mississippi	Wyoming
Missouri	

PETER J. BRENNAN,
Secretary of Labor.

OCTOBER 31, 1974.

[FR Doc.74-25734 Filed 11-4-74;8:45 am]

Office of the Secretary

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Establishment, Delegation of Authority and Appointment of Members for the Joint Board for the Enrollment of Actuaries

1. *Establishment of Joint Board.* Pursuant to section 3041 of the Employee Retirement Income Security Act of 1974, there is hereby established a Joint Board for the Enrollment of Actuaries.

2. *Duties of Joint Board.* The Joint Board shall have responsibility for:

(A) Establishing standards and qualifications for persons performing actuarial services with respect to employee benefit plans covered by the Act to practice before the Department of Labor and the Internal Revenue Service,

(B) Enrolling individuals pursuant to those standards and qualifications, and

(C) Suspending or terminating the enrollment of such individuals, pursuant to section 3042 of the Employee Retirement Income Security Act of 1974. All regulations of the Joint Board shall be approved by the Secretary of Labor or his delegate and the Secretary of the Treasury or his delegate before they are issued.

3. *Membership.* The Joint Board shall consist of not less than five nor more than nine members, who shall be appointed by the Secretary of Labor and the Secretary of the Treasury, either jointly or separately in such proportions as the two secretaries shall determine. Each member shall serve at the pleasure of the appointing Secretary or Secretaries.

4. *Bylaws.* The Joint Board shall propose bylaws (and amendments to bylaws) relating to the conduct of its business and the exercise of its rights and powers. Such bylaws (and amendments to bylaws) shall be approved by the Secretary of Labor or his delegate and the Secretary of The Treasury or his delegate prior to their adoption.

5. *Appointments.* The following persons are hereby appointed as members of the Joint Board for the Enrollment of Actuaries established pursuant to section 3041 of the Employee Retirement Income Security Act of 1974:

The Deputy Secretary of the Treasury, or his Delegate
The General Counsel for the Department of the Treasury, or his Delegate
The Commissioner of Internal Revenue, or his Delegate
The Under Secretary of Labor or his Delegate
The Solicitor of Labor, or his Delegate

Signed at Washington, D.C., this 31st day of October, 1974.

WILLIAM E. SIMON,
Secretary of the Treasury.

[FR Doc.74-25814 Filed 11-4-74;8:45 am]

PPG INDUSTRIES, INC.

Notice of Determinations on Petitions of Workers for Certification of Eligibility to Apply for Adjustment Assistance

Under date of September 5, 1974, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers of North America, AFL-CIO, and by the Window Glass Cutters League of America, AFL-CIO, on behalf of workers and former workers of the Henryetta, Oklahoma sheet glass plant of PPG Industries, Inc., Pittsburgh, Pennsylvania. Under date of September 16, 1974, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director of the Office of Foreign Economic Policy by the United Glass and

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Ceramic Workers of North America, AFL–CIO, and by the Window Glass Cutters League of America, AFL–CIO, on behalf of workers and former workers of the Clarksburg, West Virginia sheet glass plant of PPG Industries, Inc. The requests for certification were made under Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970. In that proclamation the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the tariff Commission has determined to result from concessions granted under trade agreements) have caused or threaten to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

The Director, Office of Foreign Economic Policy, upon receipt of the September 5, 1974 petition, instituted an investigation, the scope of which was subsequently amended upon receipt of the September 16, 1974 petition (Notice of Delegation of Authority and Notice of Investigation and Notice of Amendment of Scope of Investigation, 34 FR 18342, 37 FR 2472, 39 FR 33038, 39 FR 34349, 29 CFR 90.11). After that, the Director made a recommendation to me relating to the matter of certification. In the recommendation she noted that a significant number or proportion of the workers at the Clarksburg, West Virginia and Henryetta, Oklahoma plants became unemployed or underemployed when the firm began to curtail production at the Clarksburg plant in September 1973 and at the Henryetta plant in May 1974. She further noted that imports of sheet glass of the types produced at the Clarksburg and Henryetta plants decreased substantially from prior levels during 1973 and the first six months of 1974. The primary factor in the company's decision to phase out production at the two plants was the accelerating decline in domestic building construction. Residential housing starts in the United States declined significantly from 1972 to 1973, and declined sharply in the first eight months of 1974 compared to the first eight months of 1973. Nearly all of the sheet glass produced at the Clarksburg and Henryetta plants is used in building construction. Also a factor in the closing of the two plants was increasing customer preference for float glass over sheet glass. Float glass is a higher quality glass than sheet glass and can be produced in window glass thicknesses at about the same cost as sheet glass. Domestic production as well as PPG's production of float glass increased substantially from 1971 to 1972 and from 1972 to 1973.

After due consideration, I have concluded that increased imports of sheet glass were not the major factor causing the unemployment or underemployment of the workers at the Henryetta, Oklahoma and Clarksburg, West Virginia plants of PPG Industries, Inc., Pittsburgh, Pennsylvania. Accordingly, I make no certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 31st day of October 1974.

JOEL SEGALL,
Deputy Under Secretary
International Affairs.

[FR Doc.74-25809 Filed 11-4-74;8:45 am]

JOHN SWENSON GRANITE CO., INC.

Notice of Certification of Eligibility of Workers to Apply for Adjustment Assistance

Under date of October 1, 1974, the U.S. Tariff Commission made a report of the results of its investigation (TEA–W–240) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers and former workers of The John Swenson Granite Co., Inc., Concord, New Hampshire. In this report, the Commission found that articles like or directly competitive with manufactured granite produced by The John Swenson Granite Co., Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 39 FR 36520; 29 CFR Part 90).

Following this, the Director made a recommendation to me relating to the matter of certification. In the recommendation, she noted that concession generated imports like or directly competitive with manufactured granite produced by The John Swenson Granite Co., Inc. more than tripled from 1967 to 1973. Despite efforts to compete effectively in the domestic granite market, The John Swenson Granite Co., Inc. was not able to overcome the price advantage gained by foreign, manufactured granite producers as a result of tariff reductions. Company production began a steady downward trend in mid-1971 when work on major contracts neared completion and the company was unable, due to increased import competition, to secure significant additional contracts. Most recently, the company lost a major contract to imported granite in 1973. Labor force reductions required by declining production at The John Swenson Granite Co., Inc. began in August 1971. Unemployment of the company's workers, caused in major part by increased import competition, began in August 1971 and continues to date. After due consideration, I make the following certification:

All hourly and salaried employees of The John Swenson Granite Co., Inc., Concord, New Hampshire, who became or will become unemployed or underemployed after July 31, 1971 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 29th day of October 1974.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.74-25810 Filed 11-4-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Gateway Elimination Applications

OCTOBER 31, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 4405 (Sub-No. 510G), filed June 4, 1974. Applicant: DEALERS TRANSIT, INC., P.O. Box 361, 2200 E. 170th Street, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, and (2) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, (a) between points in Michigan on the one hand, and, on the other, points in Colorado, Missouri, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Arizona, California, and Nevada. The purpose of this filing is to eliminate the gateways of E. St. Louis, Ill., St. Louis, Mo., Oklahoma, Texas, New Mexico, and Nevada. (b) between points in Colorado, on the one hand, and, on the other, points in Arizona, California, New Mexico, Texas, Nevada, Oregon, Washington, Idaho, Montana, Wyoming, and Utah. The purpose of this filing is to eliminate the gateways at Oklahoma, Texas, and New Mexico. (c) between points in Nevada on the one hand, and, on the other, points in Colorado, Kansas, Nebraska, Missouri, and E. St. Louis, Ill. The purpose of this filing is to eliminate the gateways at Oklahoma, Texas, and New Mexico. (d) between points in Oregon and Washington on the one hand, and, on the other, points in Nebraska, Kansas, Missouri, and E. St. Louis, Ill. The purpose of this filing is to eliminate the gateways at Nevada, New Mexico, Texas, and Oklahoma.

(e) Between points in Nebraska and Kansas on the one hand, and, on the other, points in Utah, Idaho, Montana, and Wyoming. The purpose of this filing is to eliminate the gateways at Oklahoma, Texas, New Mexico, Colorado, and California. (f) between points in Nevada on the one hand, and, on the other, points in Utah, Idaho, Montana, and Wyoming. The purpose of this filing is to eliminate the gateway at California. (g) between points in Oregon, Washington, Idaho, Montana, Wyoming, and Utah on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, South Carolina, Tennessee, Texas, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways at Mississippi, Arkansas, Texas, New Mexico, Nevada, and California. (h) between points in California on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateway at Nevada. (i) between points in Arizona on the one hand, and, on the other, points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways at Nevada and California. (j) between points in Michigan, Indiana, Ohio, and Kentucky on the one hand, and, on the other, points in Idaho, Montana, Oregon, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways at Arkansas, Mississippi, Texas, New Mexico, California, and Nevada.

No. MC 7920 (Sub-No. 12G), filed June 4, 1974. Applicant: HERRIOTT TRUCKING COMPANY, INC., Alice and Sumner Street, P.O. Box 191, East Palestine, Ohio 44413. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Hamburg, New York, on the one hand, and, on the other, points in that part of Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line over Interstate Highway 80 to junction Pennsylvania Highway 26, thence south over Pennsylvania Highway 26 to junction U.S. Highway 322, thence east over U.S. Highway 322 to junction U.S. Highway 522, thence south over U.S. Highway 522 to the Pennsylvania–Maryland State line. The purpose of this filing is to eliminate the gateway at Darlington, Pa.

No. MC 42537 (Sub-No. 31G), filed June 4, 1974. Applicant: CASSENS TRANSPORT COMPANY, a Corporation, P.O. Box 468, Edwardsville, Ill. 62025. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, busses, chassis, cabs, and bodies*, in secondary movements, in truckaway service, between points in Iowa on the one hand, and, on the other, points in Missouri. The purpose of this filing is to eliminate the gateways of Venice, Ill., and Illinois.

No. MC 44735 (Sub-No. 17G), filed June 4, 1974. Applicant: KISSICK TRUCK LINES, INC., 7101 East 12th Street, Kansas City, Mo. 64126. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and Steel articles*, (1) from Alton, Ill., and St. Louis, Mo./East St. Louis, Ill., Commercial Zone, to points in Oklahoma and Iowa, and (2) from Kansas City, Kansas/Missouri, Commercial Zone, to points in Indiana and Wisconsin. The purpose of this filing is to eliminate the gateways of Kansas City, Kans., and Kansas City, Mo.

No. MC 52932 (Sub-No. 28G), filed June 5, 1974. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery* which because of size or weight requires the use of special equipment, between points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia, on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Montgomery, Bucks, Delaware, and Philadelphia Counties, Pa.

No. MC 61592 (Sub-No. 318G), filed June 4, 1974. Applicant: JENKINS TRUCK LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels), *agricultural implements and attachments and parts for tractors and agricultural implements*, from the plants, warehouse sites, and experimental farms of Deere & Company located in Wapello County, Iowa, to points in Louisiana, Michigan, and Missouri. The purpose of this filing is to eliminate the gateway of Port Washington, Wis. (2) *farm tractors and garden tractors and agricultural implements*, from points in Illinois on and north of U.S. Highway 40, to points in Alabama, Arkansas, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and Virginia, restricted to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Rock Island, Ill. (3) *agricultural implements and parts*, from points in Iowa, to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Michigan, Pennsylvania, and South Carolina, restricted to the transportation of traffic (a) originating at the plant site or warehouse facilities of International Harvester Company and (b) destined to the destination points specified above, except that the restriction in (b) shall not apply to traffic moving in foreign commerce. The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

(4) *Lumber*, from points in that part of Illinois on and north of U.S. Highway 24, to points in California. The purpose of this filing is to eliminate the gateway at Arkansas. (5) *lumber*, from points in that part of Illinois on and north of U.S. Highway 24, to points in Minnesota, Ohio, and Pennsylvania. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (6) *lumber*, from points in that part of Illinois on and north of U.S. Highway 24, to points in Alabama, Florida, Georgia, Kansas, Louisiana, Massachusetts, Nebraska, New Jersey, New Mexico, New York, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (7) *agricultural implements*, from Memphis,

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Tenn., to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Electric Mills, Miss. (8) *agricultural implements*, from Memphis, Tenn., to points in California, Louisiana, New Mexico, New York, Oklahoma, and Texas. The purpose of this application is to eliminate the gateway of Atlanta, Ga. (9) *fiber tubes and fiber conduit*, from Louisiana, Mo., to points in Michigan and North Carolina. The purpose of this filing is to eliminate the gateway of Cass County, Ind. (10) *tractors* (except truck-tractors and those which because of size or weight require the use of special equipment), from Philadelphia, Pa., to points in Indiana, Kentucky, and Michigan. The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

(11) *Tractors* (except truck-tractors and those that because of size and weight require special handling), from New Orleans, La., to points in Delaware, Idaho, Illinois, Indiana, Maryland, Michigan, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Texas, Virginia, Washington, West Virginia, and Louisville, Ky. This purpose of this filing is to eliminate the gateway of Port Washington, Wis. (12) *plywood*, from Covington, Tenn., to points in Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Terry, Miss. (13) *metal roofing and siding and prefabricated metal building products*, from Philadelphia, Pa., to points in Nebraska. The purpose of this filing is to eliminate the gateway of St. Paul, Minn. (14) *lumber*, from points in Jefferson County, Ark., to points in Illinois, Indiana, Michigan, Minnesota, Ohio, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (15) *lumber*, from points in Jefferson, Garland, Grant, and Nevada County, Ark., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (16) *lumber*, from Union County, Ark., to points in Kentucky and Ohio. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (17) *lumber*, from points in Drew County, Ark., to points in Kentucky and Michigan. The purpose of this filing is to eliminate the gateway of Wright City, Mo.

(18) *Lumber*, from points in Garland County, Ark., to points in Illinois, Indiana, and Ohio. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (19) *lumber*, from points in Columbia County, Ark., to points in Indiana and Ohio. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (20) *lumber*, from points in Bradley County, Ark., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (21) *lumber*, from points in Bradley County, Ark., to points in Ohio. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (22) *lumber*, from points in Clark County, Ark., to points in Indiana, Kentucky, Ohio, and Wisconsin. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (23) *lumber*, from points in Grant County, Ark., to points in Michigan, Minnesota, Ohio, Pennsylvania, and Wisconsin. The purpose of this filing is to eliminate the gateway of Wright City, Mo. (24) *lumber*, from Warren, Ark., to points in Indiana, Maryland, North Carolina, Tennessee, and Virginia. The purpose of this filing is to eliminate the gateways of points in Iowa east of U.S. Highway 65 and points in Cass County, Ind. (25) *tractors and attachments*, from Dubuque, Iowa, to points in Mississippi. The purpose of this filing is to eliminate the gateway of New Orleans, La. (26) *agricultural implements* (except commodities the transportation of which requires, because of their size or weight, the use of special equipment), from the facilities used by the Deutz Tractor Corporation located in St. Charles County, Mo., and St. Louis, Mo., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of Moline, Ill.

No. MC 83539 (Sub-No. 390G), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce St., P.O. Box 5978, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commodities*, the transportation of which because of size or weight require the use of special equipment, (B) *self-propelled articles* each weighing 15,000 pounds or more (except in driveaway service), and (C) *related machinery parts, materials, and supplies* moving in mixed loads, respectively, with the commodities described in (A) and (B) above, (1)(a) between points in Alabama, on the one hand, and, on the other, points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways at points in Mississippi and Oil City or Braddock and Philadelphia, Pa. (1)(b) between points in Alabama, on the one hand, and, on the other, points in Kentucky and West Virginia. The purpose of this filing is to eliminate the gateways at points 50 miles of Nashville, Tenn. (1)(c) between points in Alabama, on the one hand, and, on the other, points in New York and Pennsylvania. The purpose of this filing is to eliminate the gateways at points 50 miles of Nashville, Tenn., Philadelphia, Pa., and points in Virginia. (2)(a) between points in Arizona, on the one hand, and, on the other, points in Idaho, Oregon, and Washington. The purpose of this filing is to eliminate the gateways at points in Colorado and western Montana. (2)(b) between points in Arizona, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways at points in New Mexico and Illinois. (3)(a) between points in Arkansas, on the one hand, and, on the other, points in the District of Columbia and Rhode Island. The purpose of this filing is to eliminate the gateways at Oil City or Braddock and Philadelphia, Pa. (3)(b) between points in Arkansas, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways at points in Illinois.

(4)(a) Between points in California, on the one hand, and, on the other, points in Kansas. The purpose of this filing is to eliminate the gateways at points in Utah, Colorado, and New Mexico. (4)(b) between points in California, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways at points in Illinois. (4)(c) between points in California, on the one hand, and, on the other, points in Idaho. The purpose of this filing is to eliminate the gateways at points in Oregon. (5)(a) between points in Colorado, on the one hand, and, on the other, points in Idaho and Oregon. The purpose of this filing is to eliminate the gateways at western Montana. (5)(b) between points in Colorado, on the one hand, and, on the other, points in Illinois. The purpose of this filing is to eliminate the gateways at points in Missouri and Wichita, Kans. (5)(c) between points in Colorado, on the one hand, and, on the other, points in Iowa, Kansas, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateways at Wichita, Kans. (5)(d) between points in Colorado, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways at Wichita, Kans., points in Missouri and Illinois. (5)(e) between points in Colorado, on the one hand, and, on the other, points in New Hampshire, Ohio, and Vermont. The purpose of this filing is to eliminate the gateways at points in Utah.

(6)(a) Between points in Connecticut, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at Philadelphia, and Oil City or Braddock, Pa., 50 miles of Nashville, Tenn., and points in Kentucky and Illinois. (6)(b) between points in Connecticut, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways at Philadelphia and Oil City or Braddock, Pa., and points in Illinois. (6)(c) between points in Connecticut, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa. (6)(d) between points in Connecticut, on the one hand, and, on the other, points in Cuyahoga County, Ohio. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa., and points in New Jersey. (7)(a) between points in Delaware, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa., 50 miles of Nashville, Tenn., and points in Kentucky and Illinois. (7)(b) between points in Delaware, on the one hand, and, on

the other, points in Kentucky and Mississippi. The purpose of this filing is to eliminate the gateways at Philadelphia and Oil City or Braddock, Pa.

(7)(c) Between points in Delaware, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa. (7)(d) between points in Delaware, on the one hand, and, on the other, points in Cuyahoga County, Ohio. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa., and points in New Jersey. (7)(e) between points in Delaware, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways at Philadelphia and Oil City or Braddock, Pa., and points in Illinois. (8)(a) between points in the District of Columbia, on the one hand, and, on the the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at Philadelphia, Oil City or Braddock, Pa., 50 miles of Nashville, Tenn., and points in Kentucky and Illinois. (8)(b) between points in the District of Columbia, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateways at Philadelphia, Oil City or Braddock, Pa., and points in Illinois. (8)(c) between points in the District of Columbia, on the one hand, and, on the other, points in Iowa, Missouri, and Michigan. The purpose of this filing is to eliminate the gateways at Philadelphia, Oil City or Braddock, Pa., and points in Illinois. (8)(d) between points in the District of Columbia, on the one hand, and, on the other, points in Maryland, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa.

(8)(e) Between points in the District of Columbia, on the one hand, and, on the other, points in Cuyahoga County, Ohio. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa., and New Jersey. (9)(a) between points in Florida, on the one hand, and, on the other, points in Kentcuky, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway at 50 miles of Nashville, Tenn. (9)(b) between points in Florida, on the one hand, and, on the other, points in Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateways at 50 miles of Nashville, Tenn., Oil City or Braddock, Pa., and points in Kentucky and Illinois. (10)(a) between points in Georgia, on the one hand, and, on the other, points in Kentucky, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway at 50 miles of Nashville, Tenn. (10)(b) between points in Georgia, on the one hand, and, on the other, points in Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateways at 50 miles of Nashville, Tenn., Philadelphia, Pa., and points in Virginia. (11)(a) between points in Idaho, on the one hand, and, on the other, points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways at points in western Montana, South Dakota, Iowa, and Illinois. (11)(b) between points in Idaho, on the one hand, and, on the other, points in New Hampshire and Vermont. The purpose of this filing is to eliminate the gateways at points in western Montana and Utah. (11)(c) between points in Idaho, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways at points in western Montana and Colorado. (11)(d) between points in Idaho, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate the gateways at points in western Montana.

(12)(a) between points in Illinois on the one hand, and, on the other, points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateways at points in southeast Wisconsin. (12)(b) between points in Illinois, on the hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateways at Oil City or Braddock and Philadelphia, Pa. (12)(c) between points in Illinois, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at points in Kentucky and 50 miles of Nashville, Tenn. (13)(a) between points in Indiana, on the one hand, and, on the other, points in Massachusetts, Rhode Island, and Virginia. The purpose of this filing is to eliminate the gateways at points in Illinois and Oil City or Braddock and Philadelphia, Pa. (13)(b) between points in Indiana, on the one hand, and, on the other, points in Maryland, New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway at Oil City or Braddock, Pa., and points in Illinois. (13)(c) between points in Indiana, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways at points in Illinois and southeast Wisconsin. (13)(d) between points in Indiana, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate the gateways at Kentucky and 50 miles of Nashville, Tenn.

(14)(a) Between points in Iowa, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways at points in Illinois. (14)(b) between points in Iowa, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota. (15)(a) between points in Kansas, on the one hand, and, on the other, points in Minnesota. The purpose of this filing is to eliminate the gateways at points in Missouri or Iowa, and Illinois. (15)(b) between points in Kansas, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways at points in Colorado and Wichita, Kans. (16)(a) between points in Kentucky, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways at points in Illinois and southeast Wisconsin. (16)(b) between points in Kentucky, on the one hand, and, on the other, points in North Carolina and Tennessee. The purpose of this filing is to eliminate the gateways at points 50 miles of Nashville, Tenn. (16)(c) between points in Kentucky, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways at points 50 miles of Nashville, Tenn., and points in North Carolina or Georgia.

(17)(a) Between points in Maryland, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways at Oil City or Braddock, Pa., and points in Illinois, and southeast Wisconsin. (17)(b) between points in Maryland, on the one hand, and, on the other, points in Cuyahoga County, Ohio. The purpose of this filing is to eliminate the gateways at points in New Jersey. (17)(c) between points in Maryland, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa. (18)(a) between points in Massachusetts, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa. (18)(b) between points in Massachusetts, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateways at Philadelphia and Oil City or Braddock, Pa., and points in Illinois and southeast Wisconsin. (18)(c).* (19)(a) between points in Michigan, on the one hand, and, on the other, points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateways at points in Illinois.

(19)(b) Between points in Michigan, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateways at Oil City or Braddock, Pa., and points in Illinois. (19)(c) between points in Michigan, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at points 50 miles of Nashville, Tenn., points in Illinois and Kentucky. (20)(a) between points in Minnesota, on the one hand, and, on the other, points in Missouri, Wisconsin, Nebraska, New Mexico, Oklahoma, Texas, and Utah. The purpose of this filing is to eliminate the gateways at points in Illinois. (20)(b) between points in Minnesota, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways at points in Illinois, Iowa, and South Dakota. (20)(c) between points in Minnesota, on the one hand, and, on the other, points in Oregon and Washington. The purpose of this filing is to eliminate the gateways at points in Illinois, Nebraska and western Montana. (20)(d) between points in Minnesota, on the one hand, and, on

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the other, points in Virginia. The purpose of this filing is to eliminate the gateways at points in Illinois, Oil City or Braddock and Philadelphia, Pa.

(21) Between points in Missouri, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways at Wichita, Kans., and points in Colorado. (22) (a) between points in Montana, on the one hand, and, on the other, points in New Hampshire and Vermont. The purpose of this filing is to eliminate the gateways at points in Utah. (22) (b) between points in Montana, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways at points 50 miles of Nashville, Tenn., and points in Nebraska, and Kansas. (23) (a) between points in Nebraska, on the one hand, and, on the other, points in Ohio and Wyoming. The purpose of this filing is to eliminate the gateways at points in South Dakota. (23) (b) between points in Nebraska, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways at points in Illinois. (24) (a) between points in New Jersey, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at Oil City or Braddock, Pa., and points 50 miles of Nashville, Tenn., and points in Kentucky. (24) (b) between points in New Jersey, on the one hand, and, on the other, points in Rhode Island. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa. (24) (c) between points in New Jersey, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateways at Oil City or Braddock, Pa., and points 50 miles of Nashville, Tenn., and points in Kentucky, and points in North Carolina or Georgia. (25) (a) between points in New Mexico, on the one hand, and, on the other, points in Ohio, Vermont, and New Hampshire. The purpose of this filing is to eliminate the gateways at points in Colorado and Utah. (25) (b) between points in New Mexico, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateways at Colorado and western Montana.

(26) (a) Between points in New York, on the one hand, and, on the other, points in Cuyahoga County, Ohio. The purpose of this filing is to eliminate the gateways at points in New Jersey. (26) (b) between points in New York, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa. and points 50 miles of Nashville, Tenn., and points in Virginia. (26) (c) between points in New York, on the one hand, and, on the other, points in Rhode Island and Virginia. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa. (27) from points in Ohio to points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateways at points in Mississippi. (28) between points in Ohio, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways at points in Utah. (29) between points in Oregon, on the one hand, and, on the other, points in Utah and Wyoming. The purpose of this filing is to eliminate the gateways at points in western Montana. (30) (a) between points in Pennsylvania, on the one hand, and, on the other, points in Rhode Island and Virginia. The purpose of this filing is to eliminate the gateway at Philadelphia, Pa. (30) (b) between points in Pennsylvania, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa. and points 50 miles of Nashville, Tenn., and points in Virginia.

(31) Between points in Rhode Island, on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways at Philadelphia and Oil City or Braddock, Pa., and points 50 miles of Nashville, Tenn., and points in Kentucky. (32) between points in South Dakota, on the one hand, and, on the other, points in Wisconsin. The purpose of this filing is to eliminate the gateways at points in Iowa and Illinois. (33) between points in Tennessee, on the one hand, and, on the other, points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateways at points 50 miles of Nashville, Tenn. (34) between points in Utah, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateways at points in western Montana. (35) between points in Vermont, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateways at points in California. (36) between points in West Virginia, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateways at points in Utah. (18) (c) between points in Massachusetts, on the one hand, and, on the other, points in Cuyahoga County, Ohio. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa., and points in New Jersey.

No. MC 103435 (Sub-No. 220G), filed June 3, 1974. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince St., P.O. Box 192, Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Wyoming on the one hand, and, on the other, points in Iowa and points in Nebraska on and east of U.S. Highway 81. The purpose of this filing is to eliminate the gateway of Rapid City, S. Dak.

No. MC 107012 (Sub-No. 204G), filed June 4, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial and institutional fixtures*, uncrated, (1) from points in Alabama, to points in Arizona, Arkansas, Iowa, New Mexico, Oklahoma, Texas, and New York. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (2) from points in Arizona, to points in Alabama, Arkansas, Florida, and Mississippi. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (3) from points in California, to points in Arkansas, Iowa, Louisiana, Mississippi, and Texas. The purposes of this filing is to eliminate the gateway of Greene County, Ark. (4) from points in Colorado, to points in Arkansas and Louisiana. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (5) from points in Connecticut, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (6) from points in Delaware to points in Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (7) from points in the District of Columbia, to points in Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee.

(8) From points in Florida, to points in Arizona, Arkansas, Kentucky, New Mexico, Oklahoma, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (9) from points in Georgia, to points in Arkansas, Iowa, and Texas. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (10) from points in Idaho, to points in Arkansas, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (11) from points in Iowa, to points in Alabama, Arkansas, California, Georgia, Kentucky, Louisiana, New Mexico, North Carolina, South Carolina, Tennessee, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (12) from points in Kansas, to points in Arkansas, Kentucky, Louisiana, Mississippi, and Virginia. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (13) from points in Louisiana, to points in California, Colorado, Iowa, Kansas, Kentucky, Nevada, North Carolina, Oklahoma, South Carolina, Tennessee, Utah, Virginia, and Wyoming. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (14) from points in Maine, to points in North Carolina, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateways at Kentucky and Tennessee. (15) from points in Maryland, to points in Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Tennessee.

(16) From points in Massachusetts, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (17) from points in Minnesota, to points in Arkansas, North Carolina, South Carolina, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (18) from points in Mississippi, to points in Arizona, Arkansas, Kansas, Kentucky, New Mexico, Oklahoma, Texas, Virginia, and California. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (19) from points in Montana, to points in Arkansas, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (20) from points in Nevada, to points in Arkansas, Louisiana, and Texas. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (21) from points in New Hampshire, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (22) from points in New Jersey, to points in Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee.

(23) From points in New Mexico, to points in Alabama, Arkansas, Florida, and Mississippi. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (24) from points in New York, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (25) from points in North Dakota, to points in Arkansas, Kentucky, North Carolina, South Carolina, Tennessee, and Texas. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (26) from points in Oklahoma, to points in Alabama, Florida, Louisiana, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (27) from points in Oregon, to points in Arkansas and Texas. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (28) from points in Pennsylvania, to points in Alabama, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (29) from points in Rhode Island, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (30) from points in South Carolina, to points in Arkansas, Iowa, Louisiana, Minnesota, North Dakota, and Texas. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

(31) From points in South Dakota, to points in Arkansas, Kentucky, North Carolina, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (32) from points in Utah, to points in Arkansas and Louisiana. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (33) from points in Vermont, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (34) from points in Virginia, to points in Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Montana, South Dakota, Tennessee, and Wyoming. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (35) from points in Washington, to points in Arkansas and Texas. The purpose of this filing is to eliminate the gateway of Greene County, Ark. (36) from points in West Virginia, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (37) from points in Wyoming, to points in Arkansas, Kentucky, Louisiana, Texas, and Virginia. The purpose of this filing is to eliminate the gateway of Greene County, Ark.

No. MC 111401 (Sub-No. 428G), filed June 4, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics* and *resins*, in bulk, from points in Kansas, Oklahoma, and those in that part of Texas on and north of U.S. Highway 66 from the Texas-New Mexico State line to its junction with U.S. Highway 83, and on and east of U.S. Highway 83 from its junction with U.S. Highway 66 to the International Boundary line between the United States and the Republic of Mexico, to points in the United States (except Alaska and Hawaii). The purpose of this filing is to eliminate the gateways at Tulsa and Wynnewood, Okla., Longview and Texas City, Tex., and Wichita, Kans.

No. MC 128746 (Sub-No. 16G), filed June 3, 1974. Applicant: D'AGATA NATIONAL TRUCKING CO., a Corporation, 3222–40 South 61st Street, Philadelphia, Pa. 19153. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from New York, N.Y., to points in New Jersey north of a line extending from the Delaware River over New Jersey Highway 73 to its intersection with U.S. Highway 30, thence over U.S. Highway 30 to its intersection with U.S. Highway 9, thence south over U.S. Highway 9 to its intersection with New Jersey Highway 52, and thence over New Jersey Highway 52 to Ocean City, N.J., and (2) *empty malt beverage containers*, from points in New Jersey north of a line extending from the Delaware River over New Jersey Highway 73 to its intersection with U.S. Highway 30, thence over U.S. Highway 30 to its intersection with U.S. Highway 9, thence south over U.S. Highway 9 to its intersection with New Jersey Highway 52, and thence over New Jersey Highway 52 to Ocean City, N.J., to New York, N.Y., (3) *malt beverages*, from Allentown, Pa., to points in New Jersey north of a line extending from Point Pleasant, N.J., over New Jersey Highway 70 to its intersection with New Jersey Highway 530, thence over New Jersey Highway 530 to its intersection with U.S. Highway 206, thence north over U.S. Highway 206 to its intersection with New Jersey Highway 528, and thence east over New Jersey Highway 528 to Burlington, N.J., and (4) *empty malt beverage containers*, from points in New Jersey north of a line extending from Point Pleasant, N.J., over New Jersey Highway 70 to its intersection with New Jersey Highway 530, thence over New Jersey Highway 530 to its intersection with U.S. Highway 206, thence North over U.S. Highway 206 to its intersection with New Jersey Highway 528, and thence east over New Jersey Highway 528 to Burlington, N.J., to Allentown, Pa., and (5) *malt beverages*, from Allentown, Pa., to points in Connecticut west of a line extending from New London, Conn., north over Connecticut Highway 32 to its intersection with Connecticut Highway 12, and thence over Connecticut Highway 12 to the Connecticut-Massachusetts State Boundary line, and (6) *empty malt beverage containers*, from points in Connecticut west of a line extending from New London, Conn., north over Connecticut Highway 32 to its intersection with Connecticut Highway 12, and thence over Connecticut Highway 12 to the Connecticut-Massachusetts State Boundary line, to Allentown, Pa., and (7) *malt beverages*, from Allentown, Pa., to points in New York, and (8) *empty malt beverage containers*, from points in New York to Allentown, Pa., and (9) *malt beverages*, from Baltimore, Md., to Wilmington, Del. The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 139516 (Sub-No. 2G), filed July 5, 1974. Applicant: JENKINS TRUCK-LINE, INC., R.R. 3, Box 697, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural implements, parts, and castings*, between the facilities of Deere and Company located at points in Dodge County, Wis., on the one hand, and, on the other, those points in Illinois north of U.S. Highway 40, St. Louis, Mo., Omaha, Nebr., points in Iowa, and those points in Wisconsin on and south of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of Moline, Ill. (2) *Tractors* (except truck tractors designed primarily for the transportation of property over highways, and those which because of size or weight require the use of special equipment) and *attachments and parts therefor*, from New Orleans, La., to points in California, Colorado, Florida, Missouri, New Mexico, Oklahoma, Oregon, Texas, Washington, and Wyoming. The purpose of this filing is to eliminate the gateway of Decatur, Ga. (3) *Agricultural machinery and implements*, other than hand (except such machinery and implements which because of size or weight require the use of special equipment), from Memphis, Tenn., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Texas, Virginia, and West Virginia, restricted

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to the transportation of traffic (a) originating at the plant sites or warehouse facilities of International Harvester Company, and (b) destined to the destination points specified above (except that the restriction in (b) shall not apply to traffic moving in foreign commerce). The purpose of this filing is to eliminate the gateway of Rock Island, Ill.

(4) *Tractors* (except truck-tractors and those which because of size or weight require the use of special equipment), from New Orleans, La., to points in Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, and West Virginia, restricted to the transportation of traffic (a) originating at the plantsites or warehouse facilities of International Harvester Company, and (b) destined to the destination points specified above (except that the restriction in (b) shall not apply to traffic moving in foreign commerce). The purpose of this filing is to eliminate the gateway of Rock Island, Ill. (5) *Tractors and agricultural implements* in mixed loads with tractors (except truck-tractors and commodities the transportation of which because of their size or weight require the use of special equipment), from points in Kansas, to points in Missouri and Nebraska. The purpose of this filing is to eliminate the gateway at O'Fallon Industrial Park, St. Charles County, Mo. (6) *Agricultural implements, attachments, and parts* (except commodities the transportation of which because of their size or weight require the use of special equipment), from Memphis, Tenn., to points in Utah. The purpose of this filing is to eliminate the gateways of Atlanta, Ga., and Port Washington, Wis. (7) *Lumber and millwork*, from Memphis, Tenn., to points in the United States including Alaska (except North Dakota, South Dakota, Iowa, Wisconsin, Minnesota, and Hawaii). The purpose of this filing is to eliminate the gateway of Shawano, Wis. (8) *Agricultural machinery and implements* (except such machinery and implements which because of their size or weight require the use of special equipment), from Memphis, Tenn., to points in Arizona. The purpose of this filing is to eliminate the gateway of Port Washington, Wis.

INTERSTATE COMMERCE COMMISSION

OFFICE OF PROCEEDINGS

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY—ELIMINATION OF GATEWAY LETTER NOTICES

NOTICES

October 31, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 73688 (Sub-No. E3), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 13, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Kentucky 40601. Authority sought to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert,* and *contractors' equipment, wire, nails, roofing materials,* and *fabricated metal pipe* which are iron, steel, or steel products, between points in Mississippi east of a line beginning at the Mississippi-Tennessee State line and extending along U.S. Highway 78 to Holly Springs, thence along Mississippi Highway 7 to Oxford, thence along Mississippi Highway 9W to Bruce, thence along Mississippi Highway 9 to Louisville, thence along Mississippi Highway 15 to Laurel, thence along Interstate Highway 59 to the Mississippi River, on the one hand, and, on the other, points in Arkansas on and north of a line beginning at the Arkansas-Tennessee State line and extending along U.S. Highway 70 to Little Rock, thence along Arkansas Highway 10 to the Arkansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Memphis, Tennessee. The purpose of this correction is to properly reflect the commodities sought to be transported.

No. MC 73688 (Sub-No. E4), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 13, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Kentucky 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert,* and *contractors' equipment, wire, nails, roofing materials,* and *fabricated metal pipe* which are iron, steel, or steel products, between points in Arkansas on, north, and east of a line beginning at the Missouri-Arkansas State line and extending along Arkansas Highway 14 to Newport, thence along U.S. Highway 67 to Bald Knob, thence along U.S. Highway 64 to Memphis, on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of Memphis, Tennessee. The purpose of this correction is to properly reflect the commodities sought to be transported.

No. MC 73688 (Sub-No. E5) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 13, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Kentucky 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert,* and *contractors' equipment, wire, nails, fibre pipe, fibre pipe fittings, roofing materials, and fabricated metal pipe* which are iron, steel, or steel products; (1) from Anniston, Birmingham, Montgomery, and Holt, Ala., to points in Tennessee on and west of U.S. Highway 51; (2) from Gadsden and Decatur, Ala., to points in Tennessee on and west of U.S. Highway 51, and on and south of Tennessee Highway 59; (3) from Montgomery and Anniston, Ala., to points in De Soto, Tunica, and Coahoma Counties, Miss.; and (4) from Birmingham and Holt, Ala., to De Soto and Tunica Counties, Miss.; and (5) from Gadsden and Decatur, Ala., to points in De Soto, Tunica, Coahoma, Bolivar, and Washington Counties, Miss., restricted against the transportation of commodities used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products. The purpose of this filing is to eliminate the gateways of points in Arkansas within the Memphis, Tenn., commercial zone, and Memphis, Tennessee. The purpose of this correction is to properly reflect the commodities sought to be transported.

No. MC 73688 (Sub-No. E9), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 16, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Kentucky 40601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert, and contractors' equipment, wire, nails, roofing materials, and fabricated metal pipe* which are iron, steel, or steel products, restricted against the transportation of pipe, pipeline materials, and machinery and equipment incidental to and used in connection with the construction, repairing, and dismantling of pipelines, between points in Mississippi on and south of U.S. Highway 78, and Memphis, Tenn., on the one hand, and, on the other, points in Missouri on and east of Missouri Highway 51. The purpose of this filing is to eliminate the gateways of Memphis Tenn., and points in Arkansas. The purpose of this correction is to properly reflect the commodities sought to be transported.

No. MC 73688 (Sub-No. E12), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 16, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert, and contractors' equipment, wire, nails, roofing materials, and fabricated metal pipe*, which are iron and steel articles; (1) from points in Arkansas on and south of a line beginning at the Tennessee-Arkansas State line, thence over Arkansas Highway 14 to junction U.S. Highway 167, thence over U.S. Highway 167 to the Arkansas-Missouri State line, to points in Kentucky; (2) from points in Mississippi on and west of a line beginning at the Mississippi-Tennessee State line, thence over U.S. Highway 51 to Valden, thence over Mississippi Highway 35 to Taylorsville, thence over Mississippi Highway 28 to Laurel, thence over U.S. Highway 84 to the Mississippi-Alabama State line to points in Kentucky on and east of U.S. Highway 231; and (3) from points in Mississippi on and south of U.S. Highway 78, to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. The purpose of this correction is to properly reflect the commodities sought to be transported.

No. MC 73688 (Sub-No. E15), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 16, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert, and contractors' equipment, wire, nails, roofing materials, and fabricated metal pipe*, which are iron, steel, or steel products, restricted against the transportation of commodities used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, between Greenville, Miss., on the one hand, and, on the other, points in Tennessee. The purpose of this filing is to eliminate the gateways of points in Arkansas and Memphis, Tenn. The purpose of this correction is to properly reflect the commodities sought to be transported.

No. MC 73688 (Sub-No. E24) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER September 17, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert, and contractors' equipment, wire, nails, roofing materials, and fabricated metal pipe*, which are iron, steel, or steel products, restricted against the transportation of oilfield and pipeline commodities as defined in *T. E. Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, from points in Mississippi on and north of a line beginning at the Arkansas-Mississippi State line and extending along Mississippi Highway 4 to Holly Springs, thence along U.S. Highway 78 to the Mississippi-Alabama State line, to points in Louisiana on and north of U.S. Highway 84 and on and west of U.S. Highway 167, restricted to traffic having a prior movement by water. The purpose of this filing is to eliminate the gateways of Memphis, Tenn., and points in Arkansas on the Arkansas River and its tributaries. The purpose of this correction is to properly reflect the commodities sought to be transported.

No. MC 73688 (Sub-No. E28), (Correction), filed May 27, 1974, published in the FEDERAL REGISTER September 17, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert, and contractors' equipment, wire, nails, roofing materials, and fabricated metal pipe*, which are iron and steel articles; (1) from points in Kentucky; (2) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line extending along Tennessee Highway 76 to Somerville, thence along Tennessee Highway 59 to the Mississippi River to points in Kentucky on and east of U.S. Highway 41; and (3) from points in Tennessee on and west of a line beginning at the Tennessee-Mississippi State line and extending along Tennessee Highway 125 to Bolivar, thence along Tennessee Highway 138 to junction U.S. Highway 70, thence along U.S. Highway 70 to Brownsville, thence along Tennessee Highway 19 to the Mississippi River, to points in Kentucky on and east of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. The purpose of this correction is to properly reflect the commodities sought to be transported.

No. MC 74169 (Sub-No. E14), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston. Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Missouri, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 385 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction South Dakota Highway 34, thence along South Dakota Highway 34 to junction U.S. Highway 212, thence along U.S. Highway 212 to the Wyoming-South Dakota State line; (2) between points in Missouri, on the one hand, and, on the other, points in Wyoming (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*; (3) between points in that part of Missouri on and south of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 160 to junction Interstate Highway 44, thence along Interstate Highway 44 to the Missouri-Illinois State line, on the one hand, and, on the other, points in the Lower Peninsula of Michigan; (4) between points in Butler, Stoddard, Mississippi, and New Madrid Counties, Mo., on the one hand, and, on the other, points in Ohio; and (5) between Lexington, Ky., and points in that part of Kentucky on and north of Interstate Highway 64, on the one hand, and, on the other, points in Missouri (except points in Scott, Stoddard, Butler, Ripley, New Madrid, and Mississippi Counties) (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 74169 (Sub-No. E15), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Missouri on and north of U.S. Highway 54, on the one hand, and, on the other, points in that part of Kentucky on and east of Interstate Highway 65; (2) between points in the District of Columbia, on the one hand, and, on the other, points in that part of Illinois on, west, and south of a line beginning at the Wisconsin-Illinois State line, thence along Illinois Highway 26 to junction Interstate Highway

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80, thence along Interstate Highway 80 to junction Illinois Highway 23, thence along Illinois Highway 23 to junction Illinois Highway 17, thence along Illinois Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to the Illinois-Indiana State line (points in Lawrence, Monroe, and Orange Counties, Ind.)*; (3) between points in the District of Columbia, on the one hand, and, on the other, points in that part of Iowa on, south, and west of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Missouri-Iowa State line (points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Illinois and Council Bluffs, Iowa)*; (4) between points in the District of Columbia, on the one hand, and, on the other, points in Idaho (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluffs, and Banner Counties, Nebr., and points in Illinois)*; and (5) points in the District of Columbia, on the one hand, and, on the other, points in Nebraska (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 74169 (Sub-No. E16), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, Inc., 7201 Main St., Ralston, Nebr. 68127. Applicants representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in the District of Columbia, on the one hand, and, on the other, points in that part of Colorado on, west, and north of a line beginning at the Nebraska-Colorado State line, thence along Interstate Highway 805 to junction Interstate Highway 25, thence along Interstate Highway 25 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to Utah-Colorado State line; (2) between points in the District of Columbia, on the one hand, and, on the other, points in Wyoming (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., and points in Illinois)*; (3) between points in the District of Columbia, on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan on and west of U.S. Highway 42 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.*); (4) between points in the District of Columbia, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 358 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 85, thence along U.S. Highway 85 to the South Dakota-North Dakota State line (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., and points in Illinois*); and (5) between points in the District of Columbia, on the one hand, and, on the other, points in that part of Kentucky on and west of Interstate Highway 65 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.*). The purpose of this filing is to eliminate gateways designated by the asterisks above.

No. MC 74169 (Sub-No. E17), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Nebraska on and north of U.S. Highway 34, on the one hand, and, on the other, points in Illinois; (2) between points in Nebraska, on the one hand, and, on the other, points in Lawrence, Greene, Monroe, and Orange Counties, Ind. (Council Bluffs, Iowa*); (3) between points in that part of Ohio on and south of U.S. Highway 40, on the one hand, and, on the other, points in that part of Nebraska on, north, and west of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, and on and south of U.S. Highway 30; (4) between points in Nebraska, on the one hand, and, on the other, points in that part of Kentucky on and west of Interstate Highway 65 (Council Bluffs, Iowa; points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois*); and (5) between points in Nebraska on and west of U.S. Highway 83, on the one hand, and, on the other, points in that part of Missouri on, east, and south of a line begininng at the Arkansas-Missouri State line, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Illinois State line (Council Bluffs, Iowa*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 74169 (Sub-No. E18), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Scotts Bluff County, Nebr., on the one hand, and, on the other, Detroit, Mich. (Council Bluffs, Iowa, and points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*; (2) between points in Nebraska, on the one hand, and, on the other, points in Virginia and West Virginia; (3) between points in that part of Nebraska on and south of U.S. Highway 30 and on and north of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Nebraska Highway 136, thence along Nebraska Highway 136 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in that part of Pennsylvania on and south of U.S. Highway 62 (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois)*; and (4) between points in Nebraska (except points in that part of Nebraska north of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 281 to junction U.S. Highway 275, thence along U.S. Highway 275 to Nebraska Highway 51, thence along Nebraska Highway 51 to the Iowa-Nebraska State line, and points in that part of Nebraska south of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line), on the one hand, and, on the other, points in that part of Iowa on and east of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 151 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line (Council Bluffs, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 74169 (Sub-No. E19), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Nebraska, on the one hand, and, on the other, points in Maryland; (2) between points in that part of Nebraska on and south U.S. Highway 30, and on and north of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 34 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in New York (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois)*; (3) between points in that part of Nebraska on, east, and south of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in that part of Wyoming on and west of a line beginning at the Wyoming-Montana State line, thence along Interstate Highway 90 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wyoming Highway 789, thence along Wyoming Highway 789 to the Colorado-Wyoming State line (points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*; (4) between points in that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in Minnesota (Council Bluffs, Iowa)*; and (5) between points in that part of Nebraska on, west, and south of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line, on the one hand, and on the other, Hot Springs and Rapid City, S. Dak. (points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 74169 (Sub-No. E20), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Nebraska, on the one hand, and, on the other, points in Idaho (points in Morrill, Scotts Bluff, and Banner Counties, Nebr.*); (2) between points in that part of Nebraska on, south, and east of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 6 to junction U.S. Highway 77 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Wyoming (points in Morrill, Scotts Bluff and Banner Counties, Nebr.*); (3) between points in that part of Nebraska on and east of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to the Kansas-Iowa State line, on the one hand, and, on the other, points in that part of Kansas on and east of U.S. Highway 75 (Council Bluffs, Iowa*); (4) between points in Nebraska, on the one hand, and, on the other, Davenport, Iowa (Council Bluffs, Iowa*); and (5) between points in that part of Nebraska on, east, and north of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 81 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to the Nebraska-Iowa State line, on the one hand, and, on the other, points in that part of Missouri on and south of U.S. Highway 36 (Council Bluffs, Iowa*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 74169 (Sub-No. E21), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main Street, Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Nebraska on and east of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 77 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Nebraska State line, on the one hand, and, on the other, points in South Dakota (Council Bluffs, Iowa*); (2) between points in New York, Maryland, the District of Columbia, Virginia, West Virginia, points in that part of Pennsylvania on and east of U.S. Highway 62, and points in that part of Ohio on and south of U.S. Highway 40 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 74169 (Sub-No. E22), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Fremont, Page, Montgomery, and Mills Counties, Iowa, on the one hand, and, on the other, points in that part of Minnesota on and north of a line beginning at the Minnesota-Iowa State line, thence along Minnesota Highway 60 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Wisconsin-Minnesota State line (Council Bluffs, Iowa)*; (2) between points in Iowa, on the one hand, and, on the other, points in that part of Kentucky on and east of Interstate Highway 65 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois)*; (3) between points in Iowa, on the one hand, and, on the other, points in Colorado (Council Bluffs, Iowa)*; (4) between points in Iowa on and south of Interstate Highway 80, on the one hand, and, on the other, points in South Dakota (Council Bluffs, Iowa)*; and (5) between points in that part of Iowa on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. highway 218 to junction Iowa Highway 22, thence along Iowa Highway 22 to the Illinois-Iowa State line, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Kansas-Nebraska State line, thence along U.S. Highway 81 to junction Kansas Highway 2, thence along Kansas Highway 2 to the Oklahoma-Kansas State line (Council Bluffs, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106398 (Sub-No. E46), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves or fittings, compounds, joint sealer, primer, coating, thinner, and accessories* used in the installation of such products (except commodities in bulk), when intended for use in the construction of buildings, from the plant site of Carlon Products Division of Continental Oil Company, at Ohio, to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, South Carolina, Georgia, Alabama, and Florida. The purpose of this filing is to eliminate the gateway of the plant site of Metal Deck, Inc., at Oregon, Ohio.

No. MC 106398 (Sub-No. E76), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down, or in sections, including component parts, materials, supplies, and fixtures, and when shipped with those buildings, accessories used in the erection, construction, and completion thereof, from points in Delaware, to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Hanover, Pa.

No. MC 106398 (Sub-No. E77), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, complete, knocked down, or in section, including component parts, materials, supplies, and fixtures, and when shipped with those buildings, accessories* used in the erection, constructions, and completion thereof, from points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin, to points in Delaware. The purpose of this filing is to eliminate the gateway of Hanover, Pennsylvania.

No. MC 106398 (Sub-No. E80), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a

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common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, assembled, partially assembled,* or unassembled, from points in Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, West Virginia, Pennsylvania, and Virginia, restricted against the transportation of trailers or mobile homes designed to be drawn by passenger automobiles, and oil field and industrial buildings. The purpose of this filing is to eliminate the gateways of (1) Des Moines, Iowa, and (2) any point in New Mexico.

No. MC 106398 (Sub-No. E82), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings, complete, knocked down, or in sections, and component parts, materials, supplies, and fixtures when shipped with such buildings, and accessories* used in the erection, construction, and completion thereof, from points in Wisconsin, Michigan, Indiana, Ohio, Pennsylvania, West Virginia, Virginia, North Carolina, and South Carolina, to points in Kansas. The purpose of this filing is to eliminate the gateway of Des Moines or Clarinda, Iowa.

No. MC 106398 (Sub-No. E139), filed May 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Doors, floor deck, joists, lath, roof deck, sash, and siding* (except in bulk), from the plant and warehouse sites of Republic Steel Corp., Manufacturing Division, at Niles and Youngstown, Ohio, to points in Montana, Wyoming, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateway of the plant site of the Celotex Corporation at Charleston, Ill.

No. MC 108449 (Sub-No. E191), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mullenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in Wisconsin on and north of a line beginning at the Wisconsin-Minnesota State line and extending along Interstate Highway 90, thence along Interstate Highway 90 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to its junction with Wisconsin Highway 21, thence along Wisconsin Highway 21 to Lake Winnebago, thence along Lake Winnebago to U.S. Highway 151, thence along U.S. Highway 151 to Lake Michigan at Manitowoc, Nebraska City, Nebr. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E192), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mullenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Chaska, Minn., to points in Iowa. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E193), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mullenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* (except in bulk), from Chaska, Minn., to points in that part of Illinois on and north of U.S. Highway 6 (except Chicago and points in the Chicago, Ill., commercial zone, as defined by the Commission). The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 108449 (Sub-No. E195), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mullenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in Iowa to points in Wisconsin on and north and west of a line beginning at the Wisconsin-Minnesota border and extending along Wisconsin Highway 65 to its junction with Wisconsin Highway 64, thence along Wisconsin Highway 64 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with U.S. Highway 53, thence along U.S. Highway 53 to its junction with U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-Wisconsin State line. The purpose of this filing is to eliminate the gateway of St. Paul, Minnesota.

No. MC 108449 (Sub-No. E197), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mullenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Clean Lake and New Richmond, Wisconsin, to points in that part of Illinois on and north of U.S. Highway 6, except Chicago, and points in the Chicago, Ill., Commercial Zone, as defined by the Commission. The purpose of this filing is to eliminate the gateway of St. Paul, Minnesota.

No. MC 128741 (Sub-No. E196), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in New York, Pennsylvania, Massachusetts, New Jersey, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 108449 (Sub-No. E198), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Mullenbeck (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, except those points in Illinois on the north of U.S. Highway 6, to points in Wisconsin on and north and west of a line beginning at the Iowa-Wisconsin State line and extending along Wisconsin Highway 82 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with U.S. Highway 63 to Lake Superior. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 110420 (Sub-No. E54), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil products*, which are liquid chemicals, in bulk, in tank vehicles, from Texas City, Tex., to points (1) in Maine, Massachusetts, New Hampshire, Vermont, and New York (except Putnam, Westchester, Nassau, and Suffolk Counties) (Janesville, Wis., and Carpentersville, Ill.)*; (2) in Howard, Winneshiek, Allamakee, Chickasaw, Bremer, Fayette, and Clayton Counties, Iowa (Janesville, Wis.)*; (3) in the Upper Peninsula of Michigan, in that part of Illinois in and north of Henderson, Warren, Fulton, Tazewell, McLean, Ford, and Iroquois Counties, in that part of Indiana in, north, and west of Newton, Jasper, Pulaski, Fulton, Kosciusko, and Elkhart Counties, and in Fulton, Defiance, Henry, Paulding, and Putnam Counties, Ohio (Janesville, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E90), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except petro-chemicals) in bulk, in tank vehicles, from Sheboygan, Wis., to points in Maryland, Missouri, New Jersey, and Pennsylvania (Ringwood, Ill.*); (2) *Liquid chemicals*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Nebraska (the plantsite of Hawkeye Chemical Company at or near Clinton, Iowa)*; (3) *Liquid chemicals*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Connecticut, Delaware, New Hampshire, New Jersey, North Carolina, Rhode Island, South Carolina, Vermont, West Virginia, that part on and south of a line beginning at Norfolk and extending along Interstate Highway 64 to Staunton, thence along U.S. Highway 250 to the Virginia-West Virginia State line (Carpentersville, Ill.)*; (4) *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from Sheboygan, Wis., to Baltimore, Md., Boston, Mass., New York, N.Y., and points in Delaware and New Jersey (Ringwood, Ill., and Janesville, Wis.)*; (5) *Liquid chemicals* (except petro-chemicals), in bulk, in tank vehicles, from Sheboygan, Wis., to points in Colorado, Idaho, Montana, Utah, and Wyoming (Ringwood, Ill., and Janesville, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E91), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from Cedartown, Ga., to points in (1) Lake, McHenry, Boone, Winnebago, Stephenson, Jo Daviess, and Carroll Counties, Ill., the Upper Peninsula of Michigan, that part of Iowa on and north of U.S. Highway 30, and Minnesota (Milwaukee, Wis.)*; (2) Montana, Idaho, that part of Utah on and north of Interstate Highway 80, that part of Wyoming on and north of Interstate Highway 80, and that part of Nebraska in, north, and west of Scotts Bluff, Box Butte, and Sheridan Counties (Milwaukee, Wis., and Ringwood, Ill., and Janesville, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E92), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53138. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals* (except cryogenic liquids), in bulk, in tank vehicles, from Fremont, Nebr., to points in Ohio, Michigan, Kentucky, that part of Wisconsin in, south, and east of Vernon, Monroe, Juneau, Wood, Marathon, Lincoln, Oneida, and Vilas Counties, and that part of Indiana in and north of U.S. Highway 50 (plantsite of Hawkeye Chemical Company at or near Clinton, Iowa)*; (2) *Liquid chemicals* (except liquid oxygen, hydrogen, and notrogen), in bulk, in tank vehicles from Fremont, Nebr., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia (Carpentersville, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E93), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except liquefied petroleum gas, fertilizer, and fertilizer materials), in bulk, in tank vehicles, from Janesville, Wis., to points in Missouri and Nebraska. The purpose of this filing is to eliminate the gateway of the plant site of Hawkeye Chemical Company at or near Clinton, Iowa.

No. MC 110420 (Sub-No. E115), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chicago, Ill., to (1) Portland, Maine (Cudahy, Wis.)*; (2) points in North Dakota (Clinton, Iowa)*; (3) points in Arkansas, Kentucky, and Tennessee (Indianapolis, Ind.)*; (4) points in North Dakota and South Dakota (Red Wing, Minn.)*; and to points in Arkansas (St. Louis, Mo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E117), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Indianapolis, Ind., (1) to points in North Dakota (Clinton, Iowa)*; (2) to points in New Jersey, Delaware, and part of New York on and east of New York Highway 19, and the District of Columbia (Louisville, Ky.)*; (3) to Tulsa, Okla., to Irving, Tex. (Louisville, Ky.)*; and (4) to points in North Dakota (Red Wing, Minn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisk above.

No. MC 110420 (Sub-No. E118), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Louisville, Ky., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Clinton, Iowa.

No. MC 110420 (Sub-No. E119), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chicago, Ill., to Irving, Tex. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110420 (Sub-No. E120), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Cudahy, Wis., to (1) points in Indiana, Nebraska, Missouri, Ohio, that part of Michigan on and south of Michigan Highway 32, that part of Michigan on and south of Winnebago, Hancock, Wright, Hardin, Grundy, Black Hawk, Buchanan, Delaware, and Dubuque Counties, and that part of Illinois on and south of Interstate Highway 80; (2) Lititz, Pa., and Charlotte, N.C. (Chicago, Ill.)*; (3) points in Kentucky (Chicago, Ill.)*; (4) points in Arkansas (Chicago, Ill., and St. Louis, Mo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E924), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank or hopper-type vehicles, from Niagara Falls, New York, (1) to points in Illinois, Indiana, Missouri, Minnesota, Kentucky, Wisconsin, Tennessee, and Michigan (Akron, Ohio)*, (2) to points in Alabama and South Carolina (Dover, Ohio)*, (3) to points in that part of Virginia on, south, and west of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 60 to Sprouses Corner, thence along U.S. Highway 15 to the Virginia-North Carolina State line (Willow Island, West Virginia)*, (4) to points in Kentucky (Ironton or Riverview, Ohio)*, (5) to points in West Virginia (Riverview, Ohio)*, (6) to points in Maryland (Lewiston, Penn.)*, (7) to points in Connecticut, Rhode Island, and that part of Massachusetts on and east of Massachusetts

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Highway 24 and on and south of Massachusetts Highway 123 (Newark, New Jersey)*, (8) to the District of Columbia and points in Delaware and that part of Maryland on and east of Interstate Highway 83 (points in Aston Township, Penn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1017), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in special equipment (including tank vehicles), between points in Bergen, Essex, Hudson, Middlesex, Morris, Passair, Somerset, Union, and Warren Counties, New Jersey, on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of New York, New York.

No. MC 110525 (Sub-No. E1018), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in sepcial equipment (including tank vehicles), from points in Bergen, Essex, Hudson, Middlesex, Morris, Passair, Somerset, Union, and Warren Counties, New Jersey, to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of New York, New York, and Springfield, Massachusetts.

No. MC 110525 (Sub-No. E1049), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dimethyl terephthalate, and terephthalic acid*, in bulk, in tank vehicles, from the plant site of Amoco Chemicals Corporation at or near Decatur, Ala., (1) to points in Virginia (points in that part of Tennessee on and east of U.S. Highway 27)*, (2) to points in that part of Florida on and east of a line beginning at the Alabama-Florida State line, thence along U.S. Highway 27 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Gulf of Mexico (Atianta, Georgia)*, and (3) to points in Louisiana (Vicksburg, Mississippi)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1074), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such varnishes and synthetic resin solutions*, as are liquid chemicals as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from Louisville, Kentucky, to points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties. The purpose of this filing is to eliminate the gateway of Houston, Texas.

No. MC 110525 (Sub-No. E1075), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Diethylene, triethylene, ethylene*, and *Alkydresins*, in bulk, in tank vehicles, from Doe Run, Kentucky, to points in that part of California on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Houston, Texas.

No. MC 112822 (Sub-No. E141), filed May 23, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in packages and containers, from Beaumont, Texas, to points in Nebraska. The purpose of this filing is to eliminate the gateway of Horn, Missouri.

No. MC 112822 (Sub-No. E142), filed May 23, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Beaumont, Texas, to points in Idaho, Montana, Utah, and Wyoming. The purpose of this filing is to eliminate the gateway of Tulsa, Oklahoma.

No. MC 112822 (Sub-No. E145), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California on and north of a line beginning at the Pacific Ocean and extending along California Highway 68 to Salinas, thence along U.S. Highway 101 to junction California Highway 152, thence along California Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 180, thence along California Highway 180 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 190, thence along California Highway 190 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 112822 (Sub-No. E146), filed June 3, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and north of a line beginning at the Nevada-California State line and extending along California Highway 168 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 180, thence along California Highway 180 to junction California Highway J1, thence along California Highway J1 to junction California Highway 26, thence along California Highway 25 to Hollister, thence along California Highway 68 to the Pacific Ocean to points in that part of Georgia on and north of a line beginning at the Georgia-Alabama State line and extending along Georgia Highway 62 to Albany, thence along Georgia Highway 25F to Cordele, thence along U.S. Highway 280 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 113495 (Sub-No. E18), filed June 3, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment*, the transportation of which because of size or weight requires the use of special equipment; and (2) *Such self-propelled articles*, each weighing 15,000 pounds or more which may be included in road construction machinery and equipment and *supplies* moving in connection therewith (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ashtabula, Trumbull, Lake, Geauga, Cuyahoga, Summit, Portage, Stark, Mahoning, Columbiana, Carroll, and Jefferson Counties, Ohio, to points in Little River, Miller, Lafayette, Columbia, and Union Counties, Ark., restricted in (1) and (2) above, against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and restricted in (1) above, to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in that part of Virginia west of U.S. Highway 220, and in that part of Kentucky west of the Tennessee River.

No. MC 114457 (Sub-No. E17), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned meat, pizza mix, and tomato paste*, from the plant site of Armour Grocery Products Company, located in Aurora Township, Kane County, Ill., to points in North Dakota and South Dakota (except Bon Homme, Yankton, Clay, and Union Counties), restricted against the transportation of commodities in bulk. The purpose of this filing is to eliminate the gateway of Shakopee, Minnesota.

No. MC 114457 (Sub-No. E23), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such meats and meat by-products* as are preserved foodstuffs (except commodities in bulk), from the plant site of Armour and Company, near Worthington, Minn., to points in that part of Missouri in, south, and east of Cape Girardeau, Stoddard, Butler, and Ripley Counties, restricted to the transportation of shipments originating at the named origin point. The purpose of this filing is to eliminate the gateway of Chanhassen, Minnesota.

No. MC 114457 (Sub-No. E24), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), when moving in mixed loads with metal containers, from Minneapolis, Minnesota, to points in Tennessee. The purpose of this filing is to eliminate the gateway of Kankakee, Illinois.

No. MC 114457 (Sub-No. E29), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from Kankakee, Ill., to points in Colorado. The purpose of this filing it to eliminate the gateway of Chicago, Illinois.

No. MC 114457 (Sub-No. E30), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and accessories, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), when moving in mixed loads with metal containers, from Kankakee, Ill., to points in West Virginia. The purpose of this filing is to eliminate the gateway of Chicago, Illinois.

No. MC 114604 (Sub-No. E2), filed November 17, 1974. Applicant: CAUDELL TRANSPORT, INC., State Farm Market 33, Forest Park, Georgia 30050. Applicant's representative: Guy H. Postell, Suite 713, 3384 Peachtree Road NE., Atlanta, Georgia 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Charleston, South Carolina, to points in DeKalb, Gwinnett, Fulton, Forsyth, Pickens, Murray, Whitfield, Catoosa, Dade, Walker, Gordon, Cherokee, Cobb, Clayton, Fayette, Coweta, Douglas, Paulding, Bartow, Floyd, Chattooga, Polk, Haralson, Carroll, Heard, Meriwether, Troup, and Harris Counties, Georgia, and points in Alabama (except Russell, Barbour, Henry, Houston, Dale, Geneva, Coffee, Covington, and Escambia Counties), and to Chattanooga, Tenn., (2) from Jacksonville, to points in Walton, Barrow, Hall, Habersham, Rabun, White, Towns, Lumpkin, Dawson, Forsyth, Gwinnett, DeKalb, Rockdale, Clayton, Fulton, Cobb, Cherokee, Pickens, Gilmer, Union, Fannin, Murray, Gordon, Bartow, Paulding, Douglas, Carroll, Haralson, Polk, Floyd, Chattooga, Walker, Dade, Catoosa, and Whitfield Counties, points in Oconee County, South Carolina, and to the Chattanooga, Tenn., and to points in Lauderdale, Limestone, Madison, Jackson, Colbert, Lawrence, Morgan, Marshall, DeKalb, Marion, Winston, Cullman, Blount, Etowah, Cherokee, Lamar, Fayette, Walker, Jefferson, Franklin, St. Clair, Calhoun, Cleburne, Pickens, Tuscaloosa, and Talladega Counties, Ala., (3) from Miami, Fla., to points in Cherokee, Spartanburg, Greenville, Pickens, Anderson, and Oconee Counties, South Carolina, Dade, Walker, Catoosa, Whitfield, Murray, Fannin, Union, Towns, Rabun, Chattooga, Floyd, Gordon, Pickens, Gilmer, Dawson, Lumpkin, White, Habersham, Stephens, Bartow, Cherokee, Forsyth, Hall, Banks, Clarke, Franklin, Hart, Polk, Paulding, Cobb, Fulton, Gwinnett, Jackson, Carroll, Madison, Elbert, Haralson, Douglas, DeKalb, Walton, Oconee, Oglethorpe, Greene, Morgan, Newton, Rockdale, Henry, Clatyon, Fayette, Coweta, Heard, Troup, Meriwether, Pike, Spalding, Lamar, Butts, Jasper, Putnam, and Barrow Counties, Georgia, and Lauderdale, Limestone, Madison, Jackson, DeKalb, Marshall, Morgan, Lawrence, Franklin, Marion, Winston, Cullman, Blount, Etowah, Cherokee, Calhoun, St. Clair, Jefferson, Walker, Fayette, Lamar, Pickens, Tuscaloosa, Shelby, Talladega, Cleburne, Randolph, Clay, Bibb, Hale, Greene, Sumter, Perry, Chilton, Coosa, Tallapoosa, Chambers, Elmore, and Autauga Counties, Ala., and to the City of Chattanooga, Tenn.

(4) From Port Everglades, Fla., to points in Cherokee, Union, Newberry, Laurens, Spartanburg, Greenville, Pickens, Anderson, Abbeville, and Oconee Counties, South Carolina, Dade, Walker, Catoosa, Whitfield, Murray, Fannin, Gilmer, Union, Towns, Rabun, Habersham, White, Lumpkin, Pickens, Gordon, Chattooga, Floyd, Polk, Bartow, Cherokee, Forsyth, Hall, Banks, Franklin, Stephens, Hart, Elbert, Madison, Jackson, Barrow, Gwinnett, Fulton, Cobb, Heard, Newton, De Kalb, Haralson, Carroll, Douglas, Clayton, Rockdale, Walton, Oconee, Clark, Oglethorpe, Wilkes, Lincoln, Taliaferro, Greene, Morgan, Jasper, Henry, Butts, Spalding, Fayette, Dawson, Coweta, and Troup Counties, Georgia, and Lauderdale, Limestone, Madison, Jackson, De Kalb, Marshall, Morgan, Lawrence, Colbert, Franklin, Marion, Winston, Cullman, Blount, Etowah, Cherokee, Cleburne, Calhoun, St. Clair, Jefferson, Walker, Fayette, Lamar, Pickens, Tuscaloosa, Shelby, Talladega, Clay, Randolph, Bibb, Perry, Hale, Greene, and Sumter Counties, Ala., and to the City of Chattanooga, Tenn., (5) from Tampa, Fla., to points in Spartanburg, Greenville, Pickens, Oconee, and Anderson Counties, South Carolina, Heard, Coweta, Fayette, Clayton, Henry, Rockdale, Newton, Walton, Oconee, Clarke, Madison, Hart, Franklin, Banks, Jackson, Barrow, Gwinnett, De Kalb, Fulton, Douglas, Carroll, Haralson, Cobb, Forsyth, Hall, Stephens, Habersham, White, Lumpkin, Rabun, Cherokee, Bartow, Polk, Floyd, Chattooga, Walker, Dade, Catoosa, Whitfield, Murray, Gilmer, Pickens, Dawson, Fannin, Union, Towns, Gordon, and Paulding Counties, Georgia, and Randolph, Cleburne, Calhoun, St. Clair, Jefferson, Walker, Fayette, Lamar, Marion, Winston, Cullman, Blount, Etowah, Cherokee, De Kalb, Marshall, Morgan, Lawrence, Franklin, Colbert, Lauderdale, Limestone, Madison, and Jackson Counties, Ala., and to the City of Chattanooga, Tenn.

(6) From Savannah, Georgia, to points in Dade, Walker, Catoosa, Whitfield, Murray, Fannin, Gilmer, Pickens, Gordon, Chattooga, Floyd, Bartow, Cherokee, Fulton, Polk, Cobb, Paulding, Haralson, Carroll, Douglas, DeKalb, and Clayton Counties, Georgia, Chattanooga, Tenn., and Lauderdale, Limestone, Madison, Jackson, Colbert, Lawrence, Morgan, Marshall, DeKalb, Cherokee, Etowah, Blount, Cullman, Winston, Marion, Franklin, Lamar, Fayette, Walker, Jefferson, St. Clair, Calhoun, Cleburne, Randolph, Clay, Talladega, Shelby, Bibb, Hale, Greene, Pickens, Tuscaloosa, Sumter, Marengo, and Choctaw Counties, Ala., (7) from Mobile,

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Ala., to points in Catoosa, Whitfield, Murray, Fannin, Union, Towns, Rabun, Gordon, Gilmer, Lumpkin, White, Habersham, Stephens, Pickens, Forsyth, Hall, Banks, Franklin, Hart, Elbert, Madison, Jackson, Barrow, Gwinnett, Fulton, Cherokee, Bartow, Paulding, Cobb, Walton, Oconee, Clark, Oglethorpe, Wilkes, Lincoln, Columbia, Richmond, MuDuffie, Warren, Hancock, Taliaferro, Green, Morgan, Putman, Jasper, Newton, Rockdale, Henry, Butts, Clayton, and DeKalb Counties, Georgia, South Carolina; and Chattanooga, Tenn., (8) from Gulfport, Miss., to points in South Carolina, to Chattanooga, Tenn., and to points in Catoosa, Whitfield, Murray, Fannin, Union, Towns, Rabun, White, Habersham, Stephens, Banks, Hall, Lumpkin, Dawson, Pickens, Gilmer, Gordon, Bartow, Cherokee, Forsyth, Franklin, Cobb, Paulding, Douglas, DeKalb, Cowetta, Fayette, Clayton, Spaulding, Butts, Henry, Rockdale, Newton, Jasper, Walton, Oconee, Clark, Oglethorpe, Wilkes, Lincoln, Putnam, Greene, Taliaferro, Warren, Hancock, Richmond, Columbia, McDuffie, Burke, Jefferson, Glascock, Jenkins, Screven, Bulloch, Effingham, Chatham, Barrow, and Morgan Counties, Georgia.

(9) From New Orleans, La., to points in South Carolina; to Chattanooga, Tenn., and to points in Catoosa, Whitfield, Fannin, Murray, Gilmer, Union, Towns, Rabun, White, Habersham, Lumpkin, Dawson, Pickens, Gordon, Bartow, Cherokee, Forsyth, Hall, Banks, Stephens, Franklin, Hart, Elbert, Madison, Jackson, Barrow, Gwinnett, Fulton, Cobb, Paulding, Douglas, De Kalb, Walton, Oconee, Oglethorpe, Wilkes, Lincoln, Columbia, McDuffie, Monroe, Greene, Taliaferro, Morgan, Newton, Rockdale, Clayton, Fayette, Spalding, Henry, Butts, Jasper, Putnam, Hancock, Warren, Richmond, Burke, Jefferson, Glascock, Washington, Baldwin, Jones, Bibb, Wilkinson, Johnson, Emanuel, Jenkins, Screven, Effingham, Bulloch, Candler, Bryan, Clarke, and Chatham Counties, Georgia., (10) from Brunswick, Georgia, to points in Lauderdale, Colbert, Limestone, Madison, Jackson, De Kalb, Marshall, Morgan, Lawrence, Franklin, Marion, Winston, Cullman, Blount, Etowah, Cherokee, Calhoun, St. Clair, Jefferson, Walker, Fayette, Lamar, Pickens, Tuscaloosa, Shelby, Taladega, Cleburne, Randolph, Clay, Greene, and Sumter Counties, Ala., Dade, Walker, Catoosa, Whitfield, Murray, Fannin, Union, Towns, Lumpkin, Hall, Dawson, Forsyth, Cherokee, Pickens, Gilmer, Gordon, Chattooga, Floyd, Bartow, Fulton, Gwinnett, De Kalb, Clayton, Cobb, Paulding, Polk, Haralson, Douglas, and Carroll Counties, Georgia, and to Chattanooga, Tennessee. The purpose of this filing is to eliminate the gateway of Atlanta, Georgia.

No. MC 115841 (Sub-No. E1), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Wilmington, Del., to points in Arkansas (*Nashville, Tenn), California, Oregon, Washington (*Birmingham, Ala), Oklahoma, Texas, and points in Kansas on and east of U.S. Highway 81 (*Memphis, Tenn.). The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 128741 (Sub-No. E137), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Owensboro and Louisville, Ky., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E178), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Florida (except points in Duval, Clay, Nassau, Baker, Bradford, Union, Putnam, St. Johns, Flager, Seminole, Lake, and Volusia Counties). The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E179), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on and north of a line from the Iowa-Illinois State line along Interstate Highway 80 to the junction of Illinois Highway 47, thence along Illinois Highway 47 to the junction of Illinois Highway 17, thence along Illinois Highway 17 to the junction of Illinois Highway 1, thence along Illinois Highway 1 to the junction of Illinois Highway 17, thence along Illinois Highway 17 to the Indiana-Illinois State line, on the one hand, and, on the other, points in New York on and east of a line from the Pennsylvania-New York State line along U.S. Highway 14 to the junction of New York Highway 13, thence along New York Highway 13 to the junction of Interstate Highway 81, thence along Interstate Highway 81 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E180), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming (except points in Niobrara, Converse, Weston, Crook, and Campbell Counties (excluding Gillette)), on the one hand, and, on the other, points in Nebraska on, south, and east of a line from the Kansas-Nebraska State line along U.S. Highway 83 to the junction of Nebraska Highway 70, thence along Nebraska Highway 70 to the junction of U.S. Highway 275, thence along U.S. Highway 275 to the junction of Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E181), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa on and north of U.S. Highway 20, on the one hand, and, on the other, points in Wyoming on, south, and west of U.S. Highway 20. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E182), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Barton, Dade, Jasper, Newton, Lawrence, Greene, Polk, and Dallas Counties, Mo., on the one hand, and, on the other, points in Tennessee on and east of a line from the Kentucky-Tennessee State line along Interstate Highway 65 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of U.S. Highway 72, thence along U.S. Highway 72 to the Tennessee-Alabama State line. The purpose of this

filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E183), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in South Carolina, North Carolina, Virginia, West Virginia, New Jersey, Pennsylvania, and New York. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40 and points in Greene County, Mo.

No. MC 128741 (Sub-No. E184), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky, on the one hand, and on the other, points in Kansas. The purpose of this filing is to eliminate the gateway of points in Barton, Dade, Cedar, and Greene Counties, Mo.

No. MC 128741 (Sub-No. E185), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in Wisconsin, Minnesota, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E186), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Wisconsin, Minnesota, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E187), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Michigan, on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E188), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri, on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey, North Carolina, South Carolina, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E189), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota, on the one hand, and, on the other, points in New York, Pennsylvania, West Virginia, Virginia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E190), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wisconsin. The purpose of this filing is to eliminate the gateway of points in Indiana south to U.S. Highway 40.

No. MC 128741 (Sub-No. E191), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr., 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, and Nebraska. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E192), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in North Carolina, Virginia, West Virginia, the District of Columbia, Maryland, New Jersey, Pennsylvania, Massachusetts, and New York. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E193), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Massachusetts, New Jersey, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E194), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Nebraska, on the one hand, and, on the other, points in South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, and New Jersey. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E195), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Michigan, Indiana, Wisconsin, Iowa, Minnesota, and Nebraska. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E197), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Tennessee, Virginia, New Jersey, North Carolina, South Carolina, Texas, and Oklahoma. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25801 Filed 11-4-74;8:45 am]

[Notice No. 623]

ASSIGNMENT OF HEARINGS

OCTOBER 31, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after November 5, 1974.

MC 138641, Morris Levenburg Contract Carrier Application now assigned December 6, 1974, at Chicago Illinois. (1 day), in a hearing room to be later designated.

No. 35914, H & R Iron and Metal Company v. Chicago and Northwestern Transportation Company, now being assigned the 9th day of December, 1974 (1 day) at Chicago, Illinois, in a hearing room to be later designated.

AB-31 Sub 1, Grand Trunk Western Railroad Company Abandonment Between Lakeland and Jackson, in Livingston, Ingham, and Jackson Counties, Michigan, now being assigned the 10th day of December, 1974 (2 days) at Jackson, Michigan, in a hearing room to be later designated.

MC 1263 Sub. 18, McCarty Truck Line, Inc., now assigned December 2, 1974 at Lincoln Nebr., is postponed indefinitely. MC 124211 Sub 233, Hilt Truck Lines, Inc., now assigned November 6, 1974, at Omaha, Nebr., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25794 Filed 11-4-74;8:45 am]

[Notice No. 182]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 5, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 25, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75397. By order of October 23, 1974, the Motor Carrier Board approved the transfer to House of Travel, Inc., Norman, Okla., of the License in No. MC-12919 issued September 9, 1965, to Margareta Blenkinsop, doing business as Travel Unlimited, Norman, Okla., authorizing the holder to engage in operations as a broker in connection with the transportation by motor vehicle of passengers and their baggage, beginning and ending at Norman, Okla., and extending to points in the United States, including Alaska and Hawaii. Ralph G. Thompson, 2120 First National Building, Oklahoma City, Okla. 73102 Attorney for applicants.

No. MC-FC-75404. By order of October 23, 1974, the Motor Carrier Board approved the transfer to Gerald R. Davis and Harold R. Prigmore, a partnership, doing business as J & D Towing, Salt Lake City, Utah, of the operating rights in Certificate No. MC-123605 issued September 18, 1973, to Vern Rowley, Inc., doing business as Vern's Conoco, Lehi, Utah, authorizing the transportation of wrecked or disabled motor vehicles, except passenger automobiles, in truckaway service, by means of heavy duty wrecker equipment only, between points in Davis, Salt Lake, and Weber Counties, Utah, on the one hand, and, on the other, points in Arizona, Colorado, Idaho, Montana, Nevada, Utah, and Wyoming. Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111 Attorney for applicants.

No. MC-75434. By order entered 10.-23.74 the Motor Carrier Board approved the transfer to Tajon, Inc., a Delaware Corporation, Mercer, Pa., of the operating rights set forth in Certificates Nos. MC-5470, MC-5470 (Sub-No. 11), MC-5470 (Sub-No. 16), MC-5470 (Sub-No. 20), MC-5470 (Sub-No. 24), MC-5470 (Sub-No. 25), MC-5470 (Sub-No. 27), MC-5470 (Sub-No. 28), MC-5470 (Sub-No. 29), MC-5470 (Sub-No. 30), MC-5470 (Sub-No. 31), MC-5470 (Sub-No. 32), MC-5470 (Sub-No. 33), MC-5470 (Sub-No. 34), MC-5470 (Sub-No. 35), MC-5470 (Sub-No. 36), MC-5470 (Sub-No. 37), MC-5470 (Sub-No. 39), MC-5470 (Sub-No. 40), MC-5470 (Sub-No. 41), MC-5470 (Sub-No. 42), MC-5470 (Sub-No. 44), MC-5470 (Sub-No. 45), MC-5470 (Sub-No. 46), MC-5470 (Sub-No. 48), MC-5470 (Sub-No. 49), MC-5470 (Sub-No. 50), MC-5470 (Sub-No. 51), MC-5470 (Sub-No. 52), MC-5470 (Sub-No. 53), MC-5470 (Sub-No. 54), MC-5470 (Sub-No. 55), MC-5470 (Sub-No. 56), MC-5470 (Sub-No. 57), MC-5470 (Sub-No. 58), MC-5470 (Sub-No. 59), MC-5470 (Sub-No. 60), MC-5470 (Sub-No. 61), MC-5470 (Sub-No. 62), MC-5470 (Sub-No. 64), MC-5470 (Sub-No. 65), MC-5470 (Sub-No. 66), MC-5470 (Sub-No. 67), MC-5470 (Sub-No. 68), MC-5470 (Sub-No. 69), MC-5470 (Sub-No. 70), MC-5470 (Sub-No. 71), MC-5470 (Sub-No. 73), MC-5470 (Sub-No. 76), MC-5470 (Sub-No. 80), and MC-5470 (Sub-No. 81), issued by the Commission October 18, 1956, November 16, 1965, December 10, 1965, May 19, 1967, August 30, 1967, June 28, 1968, February 15, 1968, February 15, 1968, April 2, 1968, June 12, 1968, July 15, 1968, June 18, 1968, August 29, 1968, June 24, 1968, June 20, 1968, December 30, 1968, August 28, 1968, October 10, 1968, April 24, 1969, January 24, 1969, March 6, 1969, April 24, 1969, April 14, 1969, September 10, 1969, September 10, 1969, June 11, 1969, June 23, 1969, September 10, 1969, June 25, 1969, July 21, 1969, November 17, 1969, May 28, 1970, June 16, 1970, May 7, 1970, July 31, 1970, September 3, 1971, October 22, 1971, December 21, 1971, February 7, 1972, June 7, 1972, February 23, 1973, January 30, 1973, May 10, 1973, April 10, 1974, April 24, 1973, July 12, 1974, November 20, 1973, August 7, 1974, July 3, 1974, August 7, 1974, and April 10, 1974, respectively, to Tajon, Inc., an Ohio corporation, Mercer, Pa., authorizing the transportation of such commodities as are usually transported in bulk, in dump vehicles, and various specified commodities, from, to, or between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

Donald E. Cross, 918 16th St. NW., Washington, D.C. 20006, attorney for applicants.

No. MC-FC-75438. By order entered 10.23.74, the Motor Carrier Board approved the transfer to William F. McKenna, Franklin, Mass., of the operating rights set forth in Certificate No. MC-59929, issued May 1, 1952, to John B. Reilly, doing business as Reilly's Franklin-Boston Express, Franklin, Mass., authorizing the transportation of general commodities, with the usual exceptions, between Franklin, Mass., and Boston, Mass., over specified routes, serving no intermediate points.

William F. McKenna, 61 Crescent St., Franklin, Mass. 02038, transferee and John B. Reilly, 145 East St., Franklin, Mass. 02038, transferor.

No. MC-FC-75450. By order of October 23, 1974, the Motor Carrier Board approved the transfer to Leo Cottrell, Dresser, Wisc., of the operating rights in Certificate No. MC-113868 issued April 18, 1958 to Harold Brust, Dresser, Wisc., authorizing the transportation of agricultural limestone, in bulk, from points in Polk County, Wisc., to points in Pine, Chicago and Isanti Counties, Minn.

F. H. Kroeger, 1745 University Ave., St. Paul, Minn. 55104. Representative for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25793 Filed 11-4-74;8:45 am]

[AB 6; Sub-No. 12]

BURLINGTON NORTHERN, INC.

Abandonment Between Monticello and Clearwater, in Wright, Sherburne and Stearns Counties, Minn.

OCTOBER 22, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, August 22, 1974, notice was published in Wright, Sherburne, and Stearns Counties, Minn., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the August 22, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25796 Filed 11-4-74;8:45 am]

[Finance Docket No. 26877]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Winthrop, Sibley County, and Klossner, Nicollet County, Minn.

OCTOBER 22, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Thursday, September 19, 1974, notice was published in Sibley and Nicollet Counties, Minn., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 19, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25797 Filed 11-4-74;8:45 am]

[Finance Docket No. 26649]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Orange City and N. I. Junction, Sioux County, Iowa

OCTOBER 22, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Wednesday, October 2, 1974, notice was published in Sioux County, Iowa, that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the October 2, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25799 Filed 11-4-74;8:45 am]

[Finance Docket No. 26560]

ILLINOIS CENTRAL GULF RAILROAD

Abandonment Between Fayette, Jefferson County and Foster, Adams County, Miss.

OCTOBER 22, 1974.

The Interstate Commerce Commission hereby gives notice that: 1. On Saturday, September 21, 1974, notice was published in Adams and Jefferson Counties, Miss., that an environmental threshold assessment survey was made in the above-entitled proceeding and based on that assessment an order was served finding that the proceeding does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq. 2. No comments in opposition, of an environmental nature, were received by the Commission in response to the September 21, 1974 notice. 3. This proceeding is now ready for further disposition within the Office of Hearings or the Office of Proceedings as appropriate.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25795 Filed 11-4-74;8:45 am]

[Finance Docket No. 26660]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD CO.

Abandonment Passaic Branch, Passaic and Clifton Cities, Passaic County, and Garfield City, Bergen County, N.J.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Passaic and Bergen Counties, N.J., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 10th day of October, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25800 Filed 11-4-74;8:45 am]

[Finance Docket No. 26660]

NEW YORK, SUSQUEHANNA AND WESTERN RAILROAD COMPANY ABANDONMENT PASSAIC BRANCH PASSAIC AND CLIFTON CITIES PASSAIC COUNTY, AND GARFIELD CITY, BERGEN COUNTY, NEW JERSEY

The Interstate Commerce Commission hereby gives notice that by order dated October 10, 1974, it has been determined that the proposed abandonment by New York, Susquehanna and Western Railroad Company of its 2.25 miles of rail line between Passaic and Clifton, Passaic County, and Garfield, Bergen County, N.J., if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

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It was concluded, among other things, that the environmental impacts of the proposed action are considered insignificant because (1) no major ecological impacts are involved, (2) adequate highways and alternative rail services are located near the involved shippers and have been utilized since 1969 when the line was embargoed due to the inadequate condition of the Passiac River Bridge, and (3) the possibility of restoring direct rail service is remote because of the removal of the bridge following tropical storm Doria in 1971.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 20, 1974.

[FR Doc.74–25800 Filed 11–4–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

OCTOBER 31, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before November 20, 1974.

FSA No. 42893—*Joint Water-Rail Container Rates—Yamashita-Shinnihon Line.* Filed by Yamashita-Shinnihon Line, (No. 6), for itself and interested rail carriers. Rates on general commodities, between ports in Hong Hong, Japan, Korea and Taiwan, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–25798 Filed 11–4–74;8:45 am]

federal register

TUESDAY, NOVEMBER 5, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 214

PART II

SMALL BUSINESS ADMINISTRATION

■

SMALL BUSINESS INVESTMENT COMPANIES

Accounting Guidelines

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Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Amdt. 1 (Rev. 5)]

PART 107—SMALL BUSINESS INVESTMENT COMPANIES ACCOUNTING GUIDELINES

On June 3, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 19662–19760) concerning the revised accounting guidelines (by amending §§ 107.1, 107.202(c), 107.203 (d), and 107.1102(e) as well as by adding Appendices A, B, and C to Part 107 of the regulations). Interested persons were invited to submit written comments on or before June 28, 1974. After considering the comments received, the proposed accounting guidelines are being adopted with certain modifications, as set forth below.

Effective date. Amendment 1 to Revision 5 shall be effective December 1, 1974. Therefore, Annual Reports, SBA Form 468,[1] for fiscal years ended after November 30, 1974, will be prepared and submitted to the Small Business Administration (SBA) in accordance with the revised accounting guidelines.

Information. The Audit and Examination Guide for Small Business Investment Companies and the Instructions for the preparation of Financial Report, SBA Form 468, prior to the current revision were issued as Appendices 1 and 2, respectively, to Part 107 of the SBA regulations. The System of Account Classifications was issued as Part 111 of SBA regulations. Revision 5 of Part 107 of the SBA regulations prior to this amendment, did not include Appendices 1 and 2, and Part 111 of the SBA regulations was repealed, effective November 7, 1973.

The amendments contained herein incorporate, (a) the Audit Guide for Small Business Investment Companies, (b) Guide for the Preparation of the Annual Report (SBA Form 468), and (c) System of Account Classification, as Appendices A, B, and C, respectively, to Part 107 of the SBA Regulations. Accordingly, the following sections of the regulations are being amended to reflect the addition of the revised guidelines as Appendices to Part 107 of the SBA regulations.

1. Sections 107.1 and 107.1102(e) have been amended to include the accounting guidelines as appendices to Part 107 of SBA regulations.

2. Section 107.202(c) has been amended to clarify the method of determining "total funds available for investment" based on the revised Statement of Financial Position.

3. Section 107.203(d) has been amended to redefine "capital impairment" based on the revised accounting guidelines.

The Guidelines have been revised to accomplish the following objectives:

1. While adhering to the legislative and regulatory requirements of the SBIC Program, (a) implement the accounting and reporting practices expressed by the American Institute of Certified Public Accountants in their industry audit guide, "Audits of Investment Companies" (1973) and (b) change certain accounting policies so as to bring the prescribed policies more in accordance with generally accepted accounting practices,

2. Restructure the Annual Report, SBA Form 468, by separating the financial statements from the supporting data, and

3. Update the accounting system to reflect recent accounting and program changes.

In addition, several less significant changes throughout have been made.

Accounting policies. As a general rule, Licensees are to follow generally accepted accounting principles. The accounting guidelines identify some of the more significant accounting principles and reporting practices Licensees are to follow (Appendix C). Changes include the basis of accounting and reporting loans and investments as well as practices of realizing gain on securities transactions.

Loans and investments are to be reported on the value basis, rather than the cost basis with a reserve for losses. The adoption of value accounting specifically does not take away the Licensee's prerogative of establishing a reserve for loss on loans and investments, either for accounting or tax purposes (See section 586 of the Internal Revenue Code). Rather, under value accounting, all measurable components of valuation are to be considered, a practice broader in scope than accounting for loans and investments at cost, with a reserve for losses. Such valuations, however, are estimates only and when determining results of operations, separate but parallel measurements of realized, and change in unrealized activities, are required.

Provisions for losses on loans and investments are included in the change in unrealized depreciation as reflected in the Statement of Unrealized Gain (Loss) on Securities Held. Previously, such provisions were reflected in the Statement of Operations as an Expense. Reserves for losses on loans and investments are the accumulation of provisions previously made and essentially comprise unrealized depreciation. Previously, such reserves were used to absorb losses realized on loans and investments.

When securities are sold, the entire gain or loss is reflected as realized and the previously recognized unrealized gain or loss will be reversed. The "realization process" is one of reclassifying as realized that which has been previously recognized as unrealized. Accordingly, the overall effect of the realization process on results of operations will be minimal since the measurement of results of operations encompasses both realized operations and change in the unrealized gain or loss on securities held.

When value accounting is adopted (to avoid double charge for losses) the Licensee will have to restore reserves for losses on loans and investments to "retained earnings" and establish such reserves as unrealized depreciation.

With respect to realizing gain or securities transactions, gains will be realized when securities are sold, rather than at the time of collection. Accordingly, the installment method of accounting for securities transactions, previously an alternate accounting method, will no longer be applicable. In those transactions where part of the net sales price is other than cash, SBIC program policy requires the cost recovery method to be applied in determining when the gain is collected.

Frequently, Licensees acquire securities of the same class from an investee at different prices and subsequently sell a portion of the holdings. In such cases, the effect of using the "specific identity method" may be "profits management" where the results deviate significantly from the "average cost method". Accordingly, the preferable method of determining cost of such securities sold is the average cost method, notwithstanding that the specific identity method of costing securities sold is permitted for accounting and tax purposes.

The accounting treatment for the "interest subsidy" on 301(d) Licensee debentures has been modified. The interest subsidy will be treated as a contingent item until a determination is made that a distribution will occur. When such determination is made, a liability will be established for the cumulative interest subsidy which amount will be treated as an expense of the period.

Audit Guide for Small Business Investment Companies—Appendix A. The Audit Guide is designed to assist the accountant in those areas that are distinctive in the SBIC Program, and does not attempt to identify specific procedures to be followed in the examination. Accordingly, the accountant will follow generally accepted auditing standards in performing the audit.

The report is to be a short-form report as illustrated in the audit guide rather than the long-form special type report previously required.

The audit is to be an examination of the Licensee's financial statements. Accordingly, the statements contained in the Financial Report, Part I of SBA Form 468, will be the basis of the accountant's opinion. The opinion is not expected to be extended to the schedules contained in the Management Report, Part II of SBA Form 468, as previously required.

Guide for Preparation of Annual Report—Appendix B. The Guide is intended to illustrate how the Annual Report, SBA Form 468, is to be prepared and the source of the information reported. Although the format of the Annual Report is standard, Licensees are expected to include only those statements and schedules that pertain to their operations.

The SBA Form 468 has been restructured to be a two-part report:

Part I—Financial Report, and
Part II—Management Report.

The purpose of a two-part report is to distinguish between the primary financial information, and the supporting analytical data.

The Financial Report contains the financial statements as audited by the Licensee's independent accountant, the accountant's report, schedule of loans and investments, and notes to the financial statements. The schedule of loans and investments is to be covered by the auditor's opinion. This requirement is consistent with generally accepted accounting practices. It should be noted that the format of financial statements is significantly different from those previously required. Such changes result primarily from accounting and reporting practices recently expressed by the American Institute of Certified Public Accountants in its industry audit guide. The Management Report is designed to present analytical data for evaluation of the Licensee's operations on a functional basis. Accordingly, the format of the report is designed primarily to provide:

1. An overview of the Licensee's operations,
2. An analysis of unrealized gain (loss) on securities held,
3. Activity and status of loans and investments, and
4. Other data.

The report is essentially comprised of schedules (pages 6 through 20) of the SBA Form 468 as previously required. Measurement of the activity and status of loans and investments remains essentially the same as previously required. Certain modifications, however, have been made with respect to classifications of loans and investments. A new requirement is on Analysis of Unrealized Gain (Loss) on Securities Held. Finally, a discretionary addition to the report is an overview of the licensee's operations.

The overview is intended to be a brief (two or three page) summary highlighting significant information that is not available to SBA, or is an interpretive analysis of specific data contained elsewhere in the report. It is not intended to be a narrative of the Licensee's operations of unlimited scope. The tone and style of the overview is expected to be similar to management's letter to stockholders in a corporate annual report. Although routine disclosure of such information is in the best interest of Licensees, inclusion of the overview in the Management Report is at the Licensee's discretion.

System of Account Classification—Appendix C. The system of accounts remains basically unchanged. A brief statement of accounting principles has been added. Also, several accounts have either been added or deleted to reflect recent changes in the program as well as changes in accounting principles and reporting practices.

Dated: October 18, 1974.

LOUIS F. LAUN,
Acting Administrator.

Pursuant to authority of section 308 (c) of the Small Business Investment Act of 1958 (Act), 15 U.S.C. 687, Part 107 of Chapter I, Title 13 of the Code of Federal Regulations is amended as follows:

1. The table of contents is amended to add Appendices A, B, and C as follows:

Appendix A—Audit Guide for SBICs.
Appendix B—Guide for the preparation of the Annual Report, SBA Form 468.
Appendix C—System of Account Classification.

2. Section 107.1 is revised to read as follows:

§ 107.1 Scope of Part 107.

The regulations in this part implement the Small Business Investment Act of 1958, as amended. All Licensees, including section 301(d) Licensees, must comply with all applicable regulations and appendices.[1]

3. Paragraph (c) of § 107.202 is revised to read as follows:

§ 107.202 Leverage in excess of two hundred percent.

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(c) The term "total funds available for investment" shall mean ninety percent of the sum of total current assets and loans and investments on a cost basis net of current maturities. (Based on the Statement of Financial Position, "total current assets" is the aggregate of lines 14 through 23 and "loans and investments on a cost basis net of current maturities" is line 10, column 1 less line 11.) Venture Capital investments shall be valued on the same basis as Licensee's assets comprising its "total funds available for investment". A financing carried as Assets Acquired in Liquidation of Portfolio Securities or Operating Concerns Acquired which originally qualified as Venture Capital shall retain the Venture Capital qualification.

4. Paragraph (d) of § 107.203 is revised to read as follows:

§ 107.203 SBA purchase, sale, or guaranty of securities evidencing leverage; events of default.

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(d) In addition to the events of default set forth in paragraph (b)(6) of this section, capital impairment occurring after November 7, 1973, shall also constitute an event of default if Licensee fails to give SBA prompt written notice as soon as it knows or should reasonably have known thereof, or if, following such notice, Licensee fails to cure the impairment within time limits set by SBA in writing. In either such event, SBA may, in its discretion, by written notice declare the entire indebtedness of the Licensee, issued to, held or guaranteed by SBA, immediately due and payable. Capital impairment shall be deemed to exist when the Undistributed Realized Earnings Deficit (lines 47 and 48 of the Statement of Financial Position) of a section 301(d) Licensee exceeds one hundred percent, or that of any other Licensee exceeds fifty percent of Private Capital. Treasury stock shall be deducted from paid-in capital stock and paid-in surplus in determining Private Capital. Where unrealized appreciation is not sufficient to offset unrealized depreciation on loans and investments, the resulting Unrealized Loss on Securities Held (line 46 of the Statement of Financial Position) will be added to Undistributed Realized Earnings.

5. Paragraph (e) of § 107.1102 is revised to read as follows:

§ 107.1102 Records and reports.

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(e) *Filing of SBA Form 468.* Each Licensee shall submit to SBA, at the end of each fiscal year, a report containing financial statements for the fiscal year (Part I of SBA Form 468) as well as management information (Part II of SBA Form 468.) When requested by SBA, interim reports may be required, i.e., financial statements and/or management information. The reports are to be prepared in accordance with Appendix B, Guide for the Preparation of the Annual Report, SBA Form 468, which is equally applicable to interim reports, and shall be filed on the prescribed form, in triplicate, with the Investment Division, SBA, on or before the last day of the month immediately following the end of the reporting period (in the case of interim reports), and on or before the last day of the third month following the end of the reporting period (in the case of the Annual Report). The financial statements contained in the Annual Report will be examined by the Licensee's SBA-approved independent public accountant in accordance with Appendix A, Audit Guide for Small Business Investment Companies. The 1940 Act Companies should refer to the rules of the Securities and Exchange Commission for the reports to be filed with SEC.

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6. Appendix A—Audit Guide for Small Business Investment Companies is added and reads as follows.

APPENDIX A—AUDIT GUIDE FOR SMALL BUSINESS INVESTMENT COMPANIES

I. Introduction.
A. Statement of policy.
B. Purpose of the Guide.
C. AICPA and SBA Audit Guides relationships.
II. Small Business Investment Company Industry.
A. History and nature.
B. Regulations and procedural releases.
C. Accounting system.
III. Accounting policies and practices.
A. General.
B. Reporting entity.
1. Equity method of accounting for investments in common stock.
2. Policy on consolidated financial statements.
IV. Reporting requirements.
A. Annual Financial Report.
B. Reporting irregularities.
C. Regulated investment companies.
D. Special Management Reports.
V. Qualification and selection of Auditor.
A. Qualification of accountants.
B. Independence.
C. Selection of the Auditor.
VI. Scope of audit.
VII. Loan and investment accounts.
A. Investment objectives and policies.
B. Federal Income Tax provisions affecting investment accounts.
C. Record keeping requirements relating to investment activity,

[1] Filed as part of theoriginal document.

[1] The accounting guidelines for SBICs include Audit Guide for SBICs, Guide for the Preparation of the Annual Report, SBA Form 468, and the System of Account Classification, and are set forth as Appendices A, B, and C to these regulations.

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D. Custody of securities.
E. Valuation of securities.
F. Audit procedures.
VIII. Capital accounts.
A. Three percent cumulative preferred stock.
B. Unrealized gain (loss) on securities held.
C. Undistributed realized earnings.
IX. Other accounts.
A. Compensating balances.
B. Taxes.
C. Reserve for guarantees.
D. Notes and debentures payable to or guaranteed by SBA.
X. Fidelity Bond.
A. Need for Bond.
B. Type of Bond.
C. Minimum coverage.
D. Cancellation and claims by the Licensee.
E. Licensees regulated under Investment Company Act of 1940.
XI. Financial statements.
A. Statement of Financial Position.
B. Computation of Retained Earnings for regulatory purposes.
C. Statement of Undistributed Realized Earnings.
D. Statement of Operations Realized.
E. Statement of Unrealized Gain (Loss) on Securities Held.
F. Statement of Change in Financial Position.
G. Statement of Realized Gain (Loss) on Sale of Securities.
H. Statement of Commitments and Guarantees.
I. Schedule of Loans and Investments.
J. Notes to Financial Statements.
XII. Independent Accountant's Report.
A. Report format.
B. Accountant's opinion.
C. Accountant's report illustrated.
D. Reporting effect of changes in accounting practices.
XIII. Accountant's work papers.
XIV. Glossary.

I. INTRODUCTION

A. *Statement of policy.* The independent public accountant engaged to examine the financial statements of a Small Business Investment Company (SBIC) is responsible to insure that the audit is made in accordance with generally accepted auditing standards as expressed by the American Institute of Certified Public Accountants (AICPA). The auditor will also follow the provisions of this Guide as well as the Audit Guide for Investment Companies issued by the AICPA in September 1973 to be effective December 31, 1974.

In carrying out the stated policies of SBA, and specifically the SBIC program, independent public accountants engaged in the practice of public accounting are expected to participate in their own localities in the audit program of SBICs.

This Audit Guide for SBICs (SBA Audit Guide) was prepared by the Small Business Administration (SBA). Any inquiries or comments relating to the examination of financial statements of SBICs or to the auditing and reporting procedures should be directed to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

B. *Purpose of the Guide.* The SBA Audit Guide has been written primarily to assist auditors of SBICs in performing their financial examination by focusing on matters that are unique to the SBIC program and the venture capital industry. It should be noted that this Guide is not intended to be a substitute for the accountant's judgment as to the work required to meet generally accepted auditing standards.

C. *AICPA and SBA Audit Guide relationships.* Although the accounting principles and auditing procedures set forth in the Investment Company Audit Guide issued by the AICPA (AICPA Audit Guide) are intended to apply to all investment companies; the AICPA's guide was written primarily for the guidance of auditors of mutual funds and closed-end companies registered with the Securities and Exchange Commission under the Investment Company Act of 1940, as amended (the 40 Act). The AICPA's Guide recognized that several types of investment companies exist and that SBICs and venture capital companies are unique in many fundamental respects. Accordingly, Appendix E of the AICPA's Guide highlights several of these characteristics. The SBA Audit Guide for SBICs is intended to deal more specifically with areas that are unique to SBICs.

The auditor should recognize that the financial statement presentation of the AICPA's Guide differs in certain respects from the requirements of the SBA Guide. Such differences occur because the AICPA's Guide is broad in scope and applies to all types of investment companies, whereas the SBA's Guide is narrow in scope and applies to a specific type of investment company, i.e., SBICs most of which are not registered with the SEC under the 40 Act. Accordingly, the Auditor is expected to follow the requirements of the SBA Guide, and related instructions.

II. SMALL BUSINESS INVESTMENT COMPANY INDUSTRY

A. *History and nature.* In 1958, Congress established the Small Business Investment Company program. SBICs are privately owned, SBA licensed and regulated companies whose primary purpose is to provide equity capital and long-term financing to small firms for the sound financing of their business operations and for their growth, expansion and modernization. SBICs may also provide management assistance to small business concerns.

For the purposes of the SBIC program, a concern is considered small on one of two bases: (1) Its assets do not exceed $7.5 million, its net worth is not more than $2.5 million and its most recent two-year average income after taxes does not exceed $250,000; or (2) the concern qualifies under the regular business loan size standards (Part 121 of the SBA rules and regulations.) The statutory minimum private capitalization of an SBIC (hereafter referred to as licensee) is $150,000. SBA may require higher private investment, depending on the area to be served and the prospect for sound and profitable operations.

The SBA may purchase debentures of a licensee to augment the funds available to the licensee for investment and may also guarantee debentures of the licensee which are issued to others. Such debentures, whether purchased or guaranteed by the SBA are, unless otherwise determined by the SBA, subordinated and may have terms of up to 15 years. The total principal amount of outstanding debentures purchased or guaranteed by the SBA and issued to any particular licensee may, in general, not exceed at any one time an amount equal to twice such licensee's paid-in capital and paid-in surplus or $15 million, whichever is less. However, licensees specializing in venture capital financing and capitalized at $500,000 or more may qualify for leverage in an amount equal to three times their capital up to an aggregate of $20 million.

Prior to the 1972 Amendments to the Small Business Investment Act of 1958, SBA had administratively created a special class of licensee's to encompass SBICs which were engaged solely in financing small business concerns owned and managed by persons whose participation in the free enterprise system is hampered by social or economic disadvantages. These special licensees were legislatively recognized by the 1972 Amendments to the Act and are now designated as "301(d) licensees." Pursuant to these Amendments, SBA may purchase cumulative, nonvoting preferred stock of a 301(d) licensee and may also purchase or guarantee a 301(d) licensee's debentures, subject to certain specified restrictions as to the total amount of such securities which may be purchased and outstanding at any one time.

In addition to being regulated by SBA, certain licensees are registered with the SEC under the 40 Act and, accordingly, are subject to regulation by SEC as well as SBA.

Licensees are different from other types of investment companies, particularly mutual funds. Licensees provide funds directly to the small business concern rather than buying their securities for investment in the market place. Licensees usually become financial partners with the small business concern in the sense that there is a working relationship between the investor and the investee. Investments are often made in packages (combinations of debt, convertible issues, warrants, preferred and common stock) and involve rights not normally associated with traditional securities (right of inspection, attendance at board meetings, first refusals on financing, etc.). Finally, licensee's financings are usually of a long-term or equity nature, which restricts the marketability of such investments.

B. *Regulations and procedural releases.* Part 107 of SBA rules and regulations implements the Small Business Investment Act of 1958, as amended, and applies to licensees.

Included in part 107 of SBA Regulations are three appendices:

Appendix:	Title
A	Audit Guide for SBICs.
B	Guide for the Preparation of the Annual Report, SBA Form 468.
C	System of Account Classifications for SBICs.

In addition to the above referenced appendices, the accountant should be familiar with Policy and Procedural Release No. 2006 which sets forth the valuation guidelines to assist licensees in valuing their securities.

C. *Accounting system.* Under Appendix C to Part 107 of the SBA rules and regulations, (formerly Part 111 of the SBA rules and regulations) SBA has prescribed a standard accounting system to be used by licensees.

The System of Account Classification, which is on the accrual basis, accounts for loans and investments at value. By design, the system is basic and can be expanded to meet the needs of a particular licensee.

Section 107.1102 of the SBA rules and regulations provides further instruction concerning preservation of records and other reporting requirements.

III. ACCOUNTING POLICIES AND PRACTICES

A. *General.* As a general rule, accounting policies followed by licensees are those expressed by the American Institute of CPA's as generally accepted accounting principles and practices. Certain of these principles and practices are prescribed in the AICPA's audit guide. The System of Accounts Classification (Appendix C) in item II identifies particular accounting policies and practices licensees are to follow.

B. *Reporting entity.* The auditor should bear in mind that the reporting entity being audited is the licensee. Those securities and assets that are held for investment are to be reported on the fair value basis.

The licensee may hold an investment in a 301(d) licensee and/or have a wholly owned management consulting subsidiary. Such securities would not be considered held for investment but are considered held for long-term operating purposes.

1. *Equity method of accounting for investments in common stock.* "Equity" method of accounting for investments in common stock is not to be confused with the "fair value" method of reporting portfolio securities. Under the equity method, an investor initially records an investment in the stock at cost, and adjusts the carrying amount of the investment to recognize the investor's share of the earnings or losses of the investee after the date of acquisition. The amount of the adjustment is included in the determination of net income by the investor. Dividends received from an investee reduce the carrying amount of the investment. Accounting Principles Board Opinion No. 18 issued in March 1971 by the AICPA specifically does not apply to licensees whether or not registered under the Investment Company Act of 1940 as explained in paragraph 2 of that Opinion.

The AICPA Audit Guide states that investments in other than portfolio securities which meet the criteria of APB Opinion No. 18 should be carried on the equity basis. As applied to licensees, this would only apply to investments in section 301(d) licensees. In those cases where a 301(d) licensee is a subsidiary of another licensee, such subsidiary should be reported as an unconsolidated subsidiary by the parent licensee.

2. *Policy on Consolidated Financial Statements.* Consolidated Financial Statements are to be filed with SBA only where the licensee has a management consulting subsidiary. Under SBA Regulations, management consulting subsidiaries are to be wholly-owned and are to be consolidated with the licensee parent.

Under certain circumstances, a licensee may temporarily own more than 50 percent equity position in a financed concern. Such investments are to be reported on the fair value basis and classified as loans and investments rather than being reported on a consolidated basis with the licensee.

IV. REPORTING REQUIREMENTS

A. *Annual Financial Report.* The Small Business Administration, under authority granted by the Small Business Investment Act of 1958, as amended, (1958 Act) requires licensees to have their financial statements examined annually by independent public accountants approved by SBA. The annual audit shall be performed as of the close of the licensee's fiscal year.

Three copies of the accountant's report including the Financial Report prepared on forms contained in Part I, SBA Form 468, shall be submitted to SBA by the licensee as soon as practicable after completion and no later than the last day of the third month following the close of the period covered by the audit. Attached to the inside of the back cover of each copy of the audit report should be a copy of any transmittal letter, special reports, or similar communications furnished to the licensee by the auditor. If adjusting entries are furnished to the licensee with the report, they should be submitted to SBA.

B. *Reporting irregularities.* The independent public accountant shall promptly inform a responsible official of the licensee and the Deputy Associate Administrator for Investments, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 concerning apparent defalcations or other financial irregularities that may come to his attention in connection with his examination. Based on available information, he will indicate the nature and extent of such defalcations or other irregularities.

C. *Regulated investment companies.* Concerning licensees that are registered with the Securities and Exchange Commission, additional reports are required by SEC which are identified in Chapter 1 of the AICPA's Audit Guide. It should be noted that any report submitted by a licensee to the SEC shall also be submitted to the Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

D. *Special Management Reports.* Frequently, the independent public accountant will render special reports to the licensee's management. Examples are reports on evaluation of internal control or evaluation of specific portfolio concerns. A copy of such reports shall also be promptly submitted by the licensee to the Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

V. QUALIFICATION AND SELECTION OF AUDITOR

A. *Qualification of accountants.* Any public accountant, certified or licensed by a regulatory authority of a State or other political subdivision of the United States, who is independent and who is duly authorized to practice as a public accountant, and is in good standing under the laws of the State or other comparable authority in which so authorized, may be considered qualified to render an opinion as an independent public accountant on behalf of a licensee whose office is located in such State or Authority. Effective December 31, 1975, only a Certified Public Accountant may be considered qualified to render an opinion as an independent public accountant on behalf of a licensee except that those licensed public accountants who have received their licenses on or before December 31, 1971, will also be considered similarly qualified.

B. *Independence.* Accountants approved by SBA as auditors of a licensees are to follow the code of professional ethics adopted by the American Institute of CPA's. In determining whether an accountant may in fact be not independent with respect to a particular licensee, SBA will give appropriate consideration to all relevant circumstances, including evidence bearing on relationships between the accountant and such licensee or any affiliate thereof.

Accordingly, an accountant or a firm of which he is a partner or shareholder shall not express an opinion on financial statements of a licensee unless he and his firm are independent with respect to such licensee. Independence will be considered to be impaired if, for example:

1. During the period of his professional engagement, or at the time of expressing his opinion he or his firm,

a. Had or was committed to acquire any direct or indirect financial interest in the licensee; or

b. Had any joint closely held business investment with the licensee or any officer, director or principal stockholder thereof which was material in relation to his or his firm's net worth; or

c. Had any loan to or from the licensee or any officer, director, or principal stockholder thereof.

2. During the period covered by the financial statements, during the period of the professional engagement or at the time of expressing an opinion, he or his firm,

a. Was connected with the licensee as a promoter, underwriter or voting trustee, a director or officer or in any capacity equivalent to that of a member of management or of an employee; or

b. Was a trustee of any trust or executor or administrator of any estate if such trust or estate had a direct or material indirect financial interest in the licensee; or was a trustee for any pension or profit-sharing trust of the licensee.

C. *Selection of the auditor.* The responsibility for selecting the independent public accountant is vested in the licensee's Board of Directors. Any accountant qualifying as an independent public accountant, as explained above, may be considered as having SBA approval to perform the annual audit (financial examination) upon selection by the Board, and the filing with SBA by such accountant of an executed IPA Certification, CO Form 112 (3-74) certifying as to his qualification and independence, unless advised otherwise by SBA.

It is strongly recommended that the Board give thorough consideration each year to the matter of selecting the public accountant to perform that year's audit. The Board under this policy selects an accountant with whom it agrees as to the scope of the engagement and basis of compensation. Notification of the Board's selection will be furnished to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street, NW., Washington D.C. 20416. Notification to SBA is not necessary when the same accountant or accountants are retained for successive years.

VI. SCOPE OF AUDIT

The independent public accountant's audit is to be an examination of the licensee's financial statements in accordance with generally accepted auditing standards as expressed by the American Institute of Certified Public Accountants. The auditor is to make an examination of the licensee's financial statements with the view of expressing an opinion as to whether the financial statements present fairly the financial position, changes in financial position, and results of operations in accordance with generally accepted accounting principles applied on a basis consistent with that of the preceding year. The audit is not to be a "compliance audit" in the sense that the independent accountant is expressing an opinion as to whether the licensee is operating in accordance with the Act and Part 107 of SBA rules and regulations.

Management is responsible for the preparation of the Annual Report, SBA Form 468. The statements contained in Part 1 will be the basis for the auditor's opinion. It is expected that all audit adjustments will be recorded in the licensee's records before completion of the audit report so that financial statements accompanying the report will agree with the books as adjusted as of the statement date, giving consideration to reclassifications of account balances for report purposes. If the adjustments are not so recorded on the licensee's books, a statement should be made by the independent accountant to this effect.

The independent public accountant is expected to satisfy himself as to the reasonableness of the bases used by the licensee's Board of Directors in determining the valuation of loans and investments. Accordingly, the auditor should comment in his report as to reasonableness of procedures used and adequacy of documentation.

VII. LOAN AND INVESTMENT ACCOUNTS

A. *Investment objectives and policies.* The composition of a licensee's loans and investments varies from one licensee to another and reflects the licensee's policies and objectives of investing that are being followed in practice. Such objectives may emphasize equity investments, loans or a balance between loans and equity investments. The portfolio may also be widely diversified or specialized as to industry or geographical area. In addition, the licensee may choose to be a "301(d) licensee" that is organized to be

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a profit or non-profit corporation with an investment policy limited to providing financing solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. Such licensees were formerly designated by the acronym "MESBIC."

The basic investment objectives adopted by management can be found in the licensee's proposal to operate, as amended.

B. *Federal Income Tax provisions affecting investment accounts.* Licensees which elect to qualify as Regulated Investment Companies under Subchapter M of the Internal Revenue Code (sections 851 to 855 of IRC) must meet the various requirements set forth therein which are summarized in Chapter 5 of the AICPA's Audit Guide. Also Item IX of this Guide summarizes the special income tax provisions that may apply to licensees.

C. *Recordkeeping requirements relating to investment activity.* No specific recordkeeping system for investment activity is required other than that provided in the SBA's System of Acount Classifications. However, the licensee is to develop systems and maintain records sufficient to properly account for transactions and valuation of individual loans and investments.

Section 107.1102 of SBA rules and regulations specifies the records and documents which must be maintained and preserved by all Licensees. In Addition, licensees registered under the Investment Company Act of 1940 are required to maintain and preserve those records specified in section 31 of such Act and the rules and regulations thereunder.

D. *Custody of securities.* A licensee's management is expected to assume responsibility for the custody of securities. Accordingly, there is to be safekeeping for securities, usually a safe deposit box at a bank or other custodian with such safekeeping facilities, and dual control over withdrawal of securities from safekeeping is required (§ 107.1103 (b) of the SBA regulations).

E. *Valuation of securities.* The general practice in the investment company industry is to disclose, in one form or another, valuation of securities at quoted market values or, in the absence of quoted values, at fair values determined by the company's Board of Directors in good faith.

Ordinarily, little difficulty should be experienced in valuing securities traded on a recognized securities exchange since the prices of transactions are published daily. If a security was traded on the valuation date, the last quoted sales price generally is used. However, if there were no sales on the exchange on the valuation date but published closing bid and asked prices are available, the valuation should be within the range of these quoted prices. Where quotations appear questionable, consideration should be given to valuing the securities at fair value as determined in good faith by the board of directors.

Quotations are available from various sources for most unlisted securities traded regularly in the over-the-counter market. Ordinarily, quotations for an over-the-counter security should be obtained from more than one broker/dealer unless available from an established market-maker for that security. Quotations for several days should be used and the valuation should be within the range of these quotations.

The Board of Directors when valuing securities must consider the effect of factors having a bearing on the values of such securities even when they are traded on a recognized exchange where market quotations are available. Examples of such factors are a thin market, large holdings by the licensee that would adversely affect the market price if traded, or securities that are restricted.

Regarding securities that are not publicly traded, it is incumbent upon the Board of Directors to satisfy themselves that all appropriate factors relevant to the value of securities for which market quotations are not readily available have been considered and to determine the method of arriving at the fair value of each such security. To the extent considered necessary, the Board may appoint persons to assist it in the determination of such value. However, the Board must review continuously the appropriateness of the method used in valuing each loan and investment in the licensee's portfolio.

It should be noted that the investments of licensees usually are venture-type investments that complicate the determination of value. The investee, in such cases, is usually a closely held, immature Small Business Concern whose stock is not publicly traded.

In addition, there may be weaknesses in the Concern's management. For these and other reasons, cost may be the most appropriate measure of value of venture-type securities until sufficient evidential matter is available to the licensee's Board of Directors to form a basis for valuing the securities at other than cost.

As stated in Accounting Series Release No. 118 of SEC, no single standard for determining fair value in good faith can be laid down, since fair value depends upon the circumstances of each individual case. SBA has set forth guidelines in SBA Policy and Procedural Release No. 2006 to assist the directors of licensees in valuing their securities. The auditor should satisfy himself that the valuation guidelines issued by SBA, or other reasonable methods, are used in valuing securities.

Additional guidance for the valuation of securities is given in Chapter 3 of the AICPA Audit Guide and in Accounting Series Releases 113 and 118 issued by the SEC.

F. *Audit procedures.* The auditing procedures relating to the investment accounts of investment companies require greater attention than those of a commercial enterprise because of the relative significance of such assets. In either case, the independent auditor should evaluate the internal accounting controls as a basis for determining the extent of his examination. The auditing procedures outlined in the AICPA's Audit Guide should be followed to the extent appropriate. Concerning valuation of securities:

THE LICENSEE'S BOARD OF DIRECTORS HAS THE SOLE RESPONSIBILITY FOR VALUING SECURITIES IN GOOD FAITH

The auditor is not to be an appraiser in the sense that he is to determine the value of the licensee's securities. He is, however, expected to review the methods and evidential matter used by the Board of Directors in their determinations of fair value. He is further expected to comment in his report on the reasonableness of such practices and adequacy of such information.

VIII. CAPITAL ACCOUNTS

A. *3 percent cumulative preferred stock.* As part of the leverage funds provided to a 301 (d) licensee, SBA may purchase 3 percent cumulative preferred stock from the licensee. Such preferred stock, while considered to be part of equity, is not considered paid-in capital or paid-in surplus for leverage or regulatory purposes.

The rights of the preferred stockholder (SBA) are set forth in § 107.205(a) (2) of the SBA regulations.

B. *Unrealized Gain (Loss) on Securities Held.* Unrealized Gain (Loss) on Securities Held represents the estimated net gain (loss) after tax effect that the licensee would realize if the loans and investments were sold at the statement date, but as if in the normal course of business.

This item represents the aggregate of three capital accounts as follows:

1. *Unrealized Appreciation on Securities Held*—This is the amount by which fair value of the licensee's loans and investments exceeds cost.

2. *Unrealized Depreciation on Securities Held*—This is the amount by which fair value of the licensee's loans and investments is less than cost. Included in unrealized depreciation are items such as allowances for losses, temporary market declines, and money mortgage discounts.

3. *Estimated Income Taxes*—This is a provision for taxes on the net amount of unrealized appreciation or (depreciation) and the offset being a deferred credit or deferred charge.

The auditor should recognize that Unrealized Gain (Loss) on Securities Held results from valuation of Loans and Investments by the licensee's Board of Directors. Such valuation usually is a judgmental estimate which involves uncertainties that are difficult to quantify. Accordingly, the reliability of the unrealized gain (loss) on securities held will not be as great as realized gain (loss) on sale of securities because the latter is based on transactions that are objectively measurable.

C. *Undistributed Realized Earnings.* Undistributed Realized Earnings is the cumulative balance of periodic net investment income including realized gain (loss) on securities sold, less dividend distributions whether cash, stock or dividends in kind. Included are non-cash gains on securities sold, i.e. notes, securities or other assets received. Such non-cash gains will not be available for capitalization or dividends until such assets are converted to cash. Accordingly, undistributed realized earnings will be reflected in two capital accounts: (1) Non-Cash Gains on Sale of Securities and (2) Undistributed Net Realized Earnings.

Finally, non-cash gains will not be realized if uncertainty as to the ultimate realization of the gain in cash is so great that business prudence, as well as generally accepted accounting principles, would preclude such recognition.

IX. OTHER MATTERS

The independent auditor should satisfy himself that investment company accounts not specifically mentioned in this audit guide or the AICPA Audit Guide are maintained in accordance with generally accepted accounting principles and audited in accordance with generally accepted auditing standards for other commercial enterprises.

A. *Compensating balances.* If those instances where idle funds are encumbered or are being used as "compensating balances," the nature and extent of such encumbrance will be disclosed in a note to the financial statements.

If the compensating balance is a formal arrangement, the funds should be reclassified to either other current assets or other assets, whichever would be appropriate.

B. *Taxes.* Licensees receive special tax treatment in a number of areas. The effect is to allow certain exclusions or additional deductions without the limitations prescribed for other corporations.

A licensee operating under the 1958 Act is allowed a 100 percent dividends received deduction for dividends received by it from a taxable domestic corporation. To claim this 100 percent deduction the licensee must file with its return a statement that it was a Federal licensee under the 1958 Act at the time of the receipt of the dividends.

An ordinary loss, rather than a capital loss, can be taken on the sale or exchange of security investments in convertible debentures or stocks acquired pursuant to the conversion privileges of such debentures. Capital losses on other investments receive no special treatment. A licensee must submit with its tax return a statement that it is a Federal licensee under the 1958 Act setting forth the name and address of the small business concern with respect to whose securities the loss was sustained, the number of shares of stock or the number or denomination of bonds, the basis and selling price, and the respective dates of purchase and sale or the reason for their worthlessness and the approximate date thereof.

Special provisions are provided for reserve for losses on loans of licensees and they may obtain special treatment for net operating losses and may be excluded from the definition of a personal holding company.

A shareholder in a licensee may treat a loss on such stock as an ordinary loss and in the case of a noncorporate shareholder such loss is considered a loss from a trade or business.

A licensee may choose to be taxed as a Regulated Investment Company. To do so, it must meet the requirements of sections 851 to 855 of Internal Revenue Code. Such requirements are outlined in Chapter 5 of the AICPA Audit Guide.

For taxable years beginning after December 31, 1975, net operating losses may be carried back 10 taxable years and forward 5 taxable years following the taxable year of such loss.

Finally, there is no excess accumulated earnings tax assessed to a licensee provided it utilizes such earnings and profits for additional loans and investments.

C. *Reserve for guarantees.* Funded reserve for guarantees as described in § 107.501(f) of the SBA rules and regulations indicates that "funded reserve" equal to 10 percent of all guarantees will be maintained by the licensee.

The auditor should recognize that SBA does not intend that assets be segregated and a funded reserve be maintained. Rather, the licensee is considered to be in compliance with § 107.501(f) of the regulations if the licensee's total cash and invested idle funds equal 10 percent of guarantees outstanding.

D. *Notes and debentures payable to or guaranteed by SBA.* As outlined in Item IIA, a primary advantage of the SBIC program is the ability of licensees to acquire long-term leverage funds from SBA. Usually the terms and conditions set forth in § 107.203(b) of SBA rules and regulations are incorporated in the debenture as covenants to the agreement.

Section 107.203(b)(1)(iii) provides that the entire indebtedness of the licensee may be declared immediately due and payable for:

". . . Failure of the licensee, as determined by SBA, to comply with any one or more of the provisions of the Act or Regulations promulgated thereunder, as they may be amended from time to time . . .".

Demand in such cases will be made in a letter from SBA specifying the violations that have occurred and that funds owed the SBA are due and payable in accordance with the acceleration provisions of the debentures. The violations which cause demand to be made are usually those which are significant and include such areas as conflicts of interest, control of small business concerns by the licensee, overline investments and any other such major acts which might be determined by SBA to be contrary to the Act and regulations. It should be noted that in such cases demand is viewed as a means to protect the SBA's position as a creditor usually after other efforts have been unsuccessful.

In those instances where the licensee fails to maintain either the capital requirement or the investment ratio (See section 303(b)(2) of the Act or §§ 107.203(b)(6) and 107.203(d) of the regulations) SBA may, in its discretion, upon written notice consider part or all of the licensee's long-term debt to be due and payable. Written notice is not required, however, for the long-term debt to be considered due and payable when any of the four conditions set forth in § 107.203(b)(2) exist.

Should the auditor have difficulty in determining whether demand has been or is about to be made on such long-term indebtedness, he may consider requesting a positive confirmation from the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416, as to whether the licensee is in violation of the Act or regulations as of the statement date and as a result whether demand is being made by SBA on the long-term debt.

X. FIDELITY BOND

A. *Need for Bond.* The Fidelity Bond requirements are set forth herein principally for the guidance of the licensee in meeting its obligation to conform to such requirements.

Each licensee shall obtain and maintain a Fidelity Bond, which must be executed by a Surety holding a certificate of authority from the Secretary of the Treasury pursuant to section 6–13 of Title 6 of the United States Code as an acceptable Surety on Federal Bonds. Each officer and employee who has control over or access to cash, securities, or other property of the licensee shall be covered by such Fidelity Bond. The form of Bond must meet the provisions of paragraphs B through D below.

B. *Type of Bond.* The Fidelity Bond may be issued on a "Discovery" or "Loss-Sustained" basis. Each Bond shall contain minimum coverage equivalent to Insuring agreements (A) Fidelity, (B) On Premises, and (C) In Transit provided in Finance Companies Blank Bond Standard Form 15 and 14. Equivalent insurance coverage, as previously stated, constitutes satisfactory coverage. Insuring Agreements covering (D) Forgery or Alteration, (E) Securities, and (F) Counterfeit Currency, Misplacement Coverage, and Electronic Data Processing Coverage are not required. The Bond shall also contain a rider or endorsement providing that the Surety will notify the SBA Investment Division of its intent to cancel the Fidelity Bond at least 30 days in advance of the effective date of cancellation. At the option of the licensee a loss deductible clause not to exceed $1,000 will be permissible under all of the insuring agreements.

A Licensee, including a bank-owned or controlled licensee, may be covered as a joint insured under a Fidelity Bond if the coverage meets the above requirements.

C. *Minimum coverage.* The minimum amount of fidelity bond for each licensee acceptable to SBA shall be $25,000.

D. *Cancellation and claims by the licensee.* Each license, at least 30 days prior to making any request to the Surety to terminate or cancel such bonds, shall notify SBA in writing of its intent to terminate or cancel the bond. Each licensee shall notify SBA immediately in writing of any claim for loss filed under the bond with the Surety. Such notifications to SBA shall be by certified mail addressed to the Deputy Associate Administrator for Investment, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

E. *Licensees regulated under the Investment Company Act of 1940.* Licensees that are regulated by SEC under the Investment Company Act of 1940 shall also comply with the Fidelity Bond requirements set forth in § 270.17g–1 of the SEC rules and regulations. Therefore, SBICs that are regulated by SEC under the 1940 Act are to comply with such requirements.

XI. FINANCIAL STATEMENTS

The financial statements of Licensees are directed to the presentation of financial position, changes in financial position and results of operations. Such statements constitute the Financial Report, Part I of SBA Form 468, and are required to be presented in the prescribed format.

The financial statements required for Licensees differ in certain respects from those suggested in the AICPA's Audit Guide. Such deviations are not at variance with generally accepted accounting principles and reporting practices. The opening paragraphs of Chapter 7 of the AICPA's Guide support this view:

"The financial statements illustrated in this chapter are for typical open-end management investment companies and may need to be modified to fit the requirements of other types of investment companies."

"In all instances, the management of investment companies and the auditor should be cognizant of the need for reporting in a manner which properly highlights significant information for shareholders and other interested parties. Content and format of reports required by regulatory authorities, e.g., the Securities and Exchange Commission and Small Business Administration, are, of course, governed by the requirements of the applicable form and related rules, regulations, and instructions."

It should be noted that Appendix B provides detailed instructions for the preparation of the Annual Report, SBA Form 468. The following is a brief description of the financial statements, supplementary schedules and, when applicable, standard footnotes.

A. *Statement of Financial Position.* The Statement of Financial Position is presented in a conventional Balance Sheet format rather than the Statement of Assets and Liabilities or the alternate Statement of Net Assets as suggested by the AICPA's Audit Guide for most investment companies. Because of the relative importance of loans and investments, they are shown as the first category of assets presented in the Statement.

As previously stated, Licensees are to report loans and investments on the fair value basis. Accordingly, the Statement will present loans and investments at cost and, through adjustments for unrealized appreciation (valuation above cost) and unrealized depreciation (valuation below cost) arrive at fair value. The net Unrealized Gain (Loss) will be reported separate from undistributed Earnings Realized in the equity section of the Statement of Financial position.

B. *Computation of Retained Earnings for regulatory purposes.* The note following the Statement of Financial position is for SBA purposes and is designed to compute Retained Earnings available for dividend distribution or capitalization. Undistributed net earnings realized is the amount of realized earnings retained by the licensee net of non-cash gains on sale of Securities and without effect of valuation.

"Retained Earnings" will be determined by reducing Undistributed-net earnings realized by the allowance for losses established by the licensee on loan and investments.

There should be identified either in footnote form or a supporting schedule, allowance for losses according to line 1 through 9 of the Statement of Financial Position.

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C. *Statement of Undistributed Realized Earnings.* This Statement reflects the increases and decreases in noncash gains and net Undistributed Realized Earnings. The net change when added to the balance of the beginning of the period results in the balance at the end of the period. Item VIII, C further explains the nature of Undistributed Realized Earnings.

D. *Statement of Operations Realized.* The Statement of Operations Realized is designed to present the results of realized investment activities of the licensee by reporting separately investment income or loss including management consulting activities, and realized gains or losses from sale of securities. This statement does not measure the change in unrealized gain (loss) on securities held as does the Statement of Operations suggested by the AISPA Audit Guide. Rather, such unrealized gain (loss) will be measured in a separate statement.

While Investment Income and Realized Gain (Loss) on Sale of Securities are measured separately within the Statement of Operations Realized, they are reflected in the Statement of Undistributed Realized Earnings. It should be noted that Unrealized Gain (Loss) on Securities Held is reflected directly in the equity section of the Statement of Financial Position and is not reflected in the Statement of Undistributed Earnings Realized.

E. *Statement of Unrealized Gain (Loss) on Securities Held.* The Statement of Unrealized Gain (Loss) on Securities Held summarizes the results of the valuation process of securities held as of the statement date as compared to the previous statement date and discloses the net change in the Unrealized Gain /Loss) on Securities Held.

Measurement of unrealized gain (loss) on such securities is a difficult process as has been previously explained. Changes in unrealized gain (loss) on securities held are measured in a statement separate from the Statement of Operations primarily because such amounts result from a judgmental estimate made by the licensee's management rather than from accomplished transactions which are objectively verifiable.

Securities held are classified by the primary groupings of loans and investments as set forth in Items 1 through 12 of thes tatement of financial position and are as follows:

a. Portfolio securities.

b. Assets acquired in liquidation of portfolio securities.

c. Operating concerns acquired, and

d. Other securities.

In arriving at net unrealized gain (loss) on securities held, consideration must be given to unrealized appreciation (valuation above cost) and unrealized depreciation (valuation below cost) of such securities. The tax effect on net unrealized appreciation (depreciation) will be determined.

F. *Statement of Change in Financial Position.* The Statement of Change in Financial Poeition is to be inclusive of all changes in financial position resulting from transactions. However, the statement does not include changes in unrealized gains (loss) on securities held which are based on subjective determinations by the Board of Directors and not based on transactions. The objectives of this statement are (1) to summarize the financing and investing activities of the licensee, including the extent to which the licensee has generated cash and invested idle funds, and (2) to complete the disclosure of changes in financial position during the period.

Accounting Principles Board Opinion No. 19, *Reporting Changes in Financial Position,* effective for fiscal years after September 30, 1971, contain the principles expressed by the AICPA on the Statement of Changes in Financial Position.

G. *Statement of Realized Gain (Loss) on Sale of Securities.* The Statement of Realized Gain (Loss) on Sale of Securities is a summary by category of securities sold and the resulting gain or loss on such sales. Also, it summarizes the increases in non-cash gains on securities sold during the period.

This Statement will be included only if securities are sold during the current year. It is an additional statement and supports the Statement of Operations Realized.

Gain or loss on sale of securities is realized at the point of sale whether or not realized in cash. When part of the net sales price is not in cash, gain is to be realized at the time of sale unless the sale is not a final transaction or unless collection of the proceeds is not reasonably assured. However, such non-cash gains will not be available for capitalization or dividend distribution until collected.

H. *Statement of Commitments and Guarantees.* When the licensee has commitments outstanding to provide financing or has guaranteed financing provided by others, a Statement of Commitments and Guarantees will be included as a supporting statement. The Statement will show outstanding commitments and guarantees to Small Business Concerns at the statement date.

I. *Schedule of Loans and Investments.* This Schedule will show loans and investments outstanding at the Statement date by Small Business Concerns grouped into the following categories: (1) "Portfolio securities" segregated by publicly held SBCs and privately held SBCs; and (2) "assets acquired in liquidation of portfolio securities," (3) "operating concerns acquired" and (4) "other securities".

The Schedule will contain the name of the Small Business Concern, brief description of the securities, cost basis, valuation by Board of Directors and potential equity interest in the concern. Where there is a material difference between cost and value as determined by the Board, full disclosure may necessitate the nature and extent of the difference to be explained in a footnote. On publicly traded securities, the exchange on which the security is traded should be disclosed by symbol and legend.

J. *Notes to Financial Statements.* Included in the Notes to the Financial Statements will be information considered necessary to achieve full disclosure. Examples are loans to officers, directors or employees, and changes in paid-in capital and surplus. In addition, the following information should be provided:

1. *Significant Accounting Policies.* Explanatory information should be set forth identifying the Accounting Policies that have a material bearing on the licensee's operations; i.e., income tax allocation, assets acquired in liquidation and other accounting policies.

2. *Other Current Assets.* List the material items included in Other Current Assets.

3. *Other Assets.* List the material items that comprise the Other Assets.

4. *Long-Term Debt.* Disclose the items that comprise Long-Term Debt and give the repayment terms of each. When the licensee has obtained the "third dollar" disclose the % of Loans and Investments qualifying as venture capital at the statement date (§ 107.-202 of SBA rules and regulations).

5. *Current maturities of Long-Term Debt.* List the amounts due on Long-Term Debt within one year from the Statement date.

6. *Other Current Liabilities.* List the material items that comprise Other Current Liabilities.

7. *Other Liabilities.* List the material items that comprise Other Liabilities.

8. *Contingent Liabilities.* Identify Contingent Liabilities of the licensee that may exist.

9. *Unrealized Depreciation.* Unrealized depreciation is usually the same amount as specific allowance for losses or loans and investments. However, there may be instances where unrealized depreciation will not be an allowance for losses. For example, where a licensee has unrestricted marketable securities, value is based on market value rather than fair value as determined by the Board. There may be a temporary decline in the market value of such securities below the licensee's cost basis. Although such decline is reflected in unrealized depreciation, the licensee may not expect to sell the depreciated price; therefore, no loss would be expected.

When unrealized depreciation is not the same as allowance for losses, there should be disclosure either in note form or in a supplementary schedule the composition of unrealized depreciation according to lines 1 through 9 of the Statement of Financial Position.

10. *Regulatory Capital.* As a general rule, capital for regulatory purposes is the total paid-in capital stock and surplus as shown on line 44 of the Statement of Financial Position. However, exceptions to this general rule will occur when events result in an amount being shown on line 44 that differs from regulatory capital as used in the context of §§ 107.201, 107.301 and 107.813 of the SBA regulations. An example is when line 44 includes amounts resulting from nonmonetary transactions other than stock dividends and the assets received in such transactions have not been converted to cash. Another example occurs when an SBIC invests in a 301(d) licensee. In such cases, regulatory capital will be reduced by the investment made in the 301(d) licensee.

XII. INDEPENDENT ACCOUNTANT'S REPORT

A. *Report format.* The Independent Accountant's Report will be a "Short-Form Report" as set forth in Section 500 of the Statement on Auditing Standards issued by the American Institute of Certified Public Accountants (see illustration). The financial statements that constitute Part I of the Annual Report, SBA Form 468, will accompany the auditor's report as well as footnotes necessary to achieve full disclosure. The Accountant's Report shall be dated, signed, and will indicate city and state where issued.

B. *Accountant's opinion.* The accountant's examination should be directed toward the expression of an opinion as to whether the statement contained in the Financial Report, Part I, SBA Form 468 present fairly the financial position of the licensee as of the examination date and the results of its operations and changes in financial position for the period then ended in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Results of operations of a licensee as expressed in the auditor's opinion of necessity must include both realized activities reported in the Statement of Operations Realized and changes in unrealized activities as reported in the Statement of Unrealized Gain (Loss) on Securities Held. The purpose for the two statements as previously explained, is to measure separately realized activities and unrealized activities. Another purpose for the two statements is that the unrealized activities result from good faith valuations of loans and investments by the licensee's Board of Directors rather than completed transactions which is the basis for realized activities.

The accountant should, when possible, render an unqualified opinion, or an opinion whose qualification is related to the valuation of securities determined by the Board of Directors. Such a qualification is a usual opinion for an SBIC with restricted securities.

When the accountant finds it necessary to otherwise qualify or to disclaim an opinion, then he should cite, when applicable, the specific loans, investments, or other items causing such qualification or disclaimer and the reason for such qualification or disclaimer.

The accountant is not required to extend his opinion to include the information contained in Part II of the Annual Report. He should, however, satisfy himself that the information reported thereon is consistent with the statements upon which he is expressing an opinion.

It should be noted that in the year of conversion to value accounting there will be a change in accounting principles which should be reported in accordance with paragraph 546.03 of the Statement on Auditing Standards No. 1.

C. *Accountant's report illustrated.* The following sample independent accountant's Short-Form Report is intended to illustrate pertinent matters discussed in this Guide including matters that involve valuation of securities. It is not all inclusive, nor is it intended to cover all of the different situations that may arise in practice.

POTTER & POTTER

Certified Public Accountants
1260 MARINE PLAZA, S.E.,
Washington, D.C. 20016.

To the Stockholders and Board of Directors, General Capital Company:

We have examined the statement of financial position of General Capital Company including the schedule of loans and investments as of December 31, 19X3 and the related statements of operations realized, unrealized gain (loss) on securities held, and changes in financial position for the year then ended. Our examination was made in accordance with generally accepted auditing standards, and accordingly included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances. The Company's investment securities were inspected by us or confirmed to us by the custodian.

As discussed more fully in Note 2 to the financial statements, securities amounting to $5,432,242 (54% of the total assets) have been valued at fair value as determined by the Board of Directors. We have reviewed the procedures applied by the directors in valuing such securities and have inspected underlying documentation; while in the circumstances the procedures appear to be reasonable and the documentation appropriate, determination of fair value involves subjective judgment which is not susceptible to substantiation by auditing procedures.

In our opinion, subject to the possible effect on the financial statements of the valuation of securities determined by the Board of Directors as described in the preceding paragraph, the aforementioned financial statements present fairly the financial position of General Capital Company at December 31, 19X3, the results of its operations and changes in its financial position for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

POTTER & POTTER.

MARCH 23, 19X4.

D. *Reporting effect of changes in accounting practices.* During the year that changes in accounting principles are effected, prior year's financial information in some cases will of necessity be restated. In other cases, however, the effect of such changes will be reflected as income of the reporting period.

For example in determining the beginning balance of undistributed realized earnings on the value accounting basis, allowances for losses on loans and investments will be restored to retained earnings. Changing the point in time that income on securities transactions is realized, however, requires the realization in the reporting period income that has been previously deferred with appropriate footnote disclosure.

The effect of accounting changes should be accounted for and reported in accordance with the provisions of Accounting Principles Board Opinion No. 20 as expressed by the AICPA. It should be noted that in restating prior years information, only the previous year's data needs to be restated since only the current year's data is reported.

XIII. THE ACCOUNTANT'S WORK PAPERS

As a normal practice, the SBA Examiners review the accountant's work papers in determining the scope of the SBA compliance examination. Therefore, the agreement between the licensee and the accountant whereby the accountant is engaged to perform the audit (financial examination) should provide that the accountant's work papers will be made available for review upon request from the SBA.

XIV. GLOSSARY

Certain terms are defined below to assist the reader of the Guide. Other terms are defined in § 107.3 of the SBA rules and regulations or in the glossary to the AICPA Audit Guide.

Assets acquired in liquidation of portfolio securities. Are those securities or assets acquired by the licensee through foreclosure or other action taken to protect its investment.

Current maturities. Are the amounts reasonably expected to be collected (if assets) or paid (if liabilities) during the following year.

Cost of securities. The amount paid for securities including closing cost but net of unearned discounts, fees, etc.

Distribution. Any payment to stockholders of cash, property or shares, including any form of dividend.

Equity interest of SBC. Is a primary grouping of portfolio securities and includes (a) stock of SBC, (b) warrants, options or other stock rights and (c) equity interest of unincorporated concerns.

Equity method of accounting. A method of accounting for investments in common stock whereby the investment account is increased (or decreased) to reflect the investor's proportionate share of an investee's current earnings (or losses) regardless of whether earnings are paid out as dividends. Dividends, when paid, are a reduction of the carrying value of the investment.

Fair value. Value determined by the licensee's Board of Directors for securities where no market quotations are readily available or where the securities contain restrictions.

Interest subsidy. A term used in section 317 of the Small Business Investment Act to describe the 3 percent deferrment of interest on 301(d) licensee leverage funds.

Loans and investments. Are the securities held by the licensee for investment (excluding invested idle funds) and includes portfolio securities, assets acquired in liquidation of portfolio securities and other securities.

Net investment income. Income from interest and dividends on the licensee's loans and investments, and all other realized income except realized gain (loss) from security transactions, less operating expenses.

Net sales price. Sale price of securities less cost of selling such securities; i.e., commission, transfer tax, etc.

Non-monetary receipts. Proceeds from a securities transaction that are other than cash.

Non-cash gain on securities sold. The amount of gain on the sale of securities realized in assets other than cash.

Non-monetary transactions. Includes either reciprocal or nonreciprocal transactions not involving cash.

Other securities. Are securities held by the licensee that are not classified as portfolio securities or assets acquired.

Portfolio securities. Are securities resulting from financings made to small business concerns and include loans, debt securities and equity interests.

Securities. Include loans and Investments as well as invested idle funds.

Undistributed realized earnings. The cumulative balance of periodic net investment income including realized gain (loss) on securities sold net of dividend distribution.

Undistributed net realized earnings. The amount of undistributed realized earnings net of non-cash gains on securities sold.

Unrealized appreciation. The amount by which the value of loans and investments exceeds cost.

Unrealized depreciation. The amount by which the value of loans and investments are less than cost.

Unrealized gain (loss) on securities held. The gain (loss) on securities held that would have been realized after taxes had such securities been sold in the normal course of business.

7. Appendix B—*Guide for Preparation of the Annual Report, SBA Form 468* is added and reads as follows:

APPENDIX B—GUIDE FOR PREPARATION OF THE ANNUAL REPORT

I. Introduction.
A. Statement of policy.
B. Purpose.
C. Organization of the Annual Report.
D. Reporting requirements.
E. Accounting and reporting policies.
F. Related guidelines.
II. Financial Report.
A. General.
B. Financial Report heading.
C. Statement of Financial Position.
D. Statement of Undistributed Realized Earnings.
E. Statement of Operations Realized.
F. Statement of Unrealized Gain (Loss) on Securities Held.
G. Statement of Change in Financial Position.
H. Statement of Realized Gain (Loss) on Sale of Securities.
I. Statement of Commitments and Guarantees.
J. Schedule of Loans and Investments.
III. Management Report.
A. General.
B. Size and classification.
C. Overview of licensee's operations.
D. Analysis of Unrealized Gain (Loss) on Securities Held—Schedule A.
E. Summary of portfolio—Schedule B.
1. Schedule 1—Loans.
2. Schedule 2—Debt securities.
3. Schedule 3—Capital stock of SBC's.
4. Schedule 4—Equity interests of unincorporated SBCs.
5. Schedule 5—Warrants, options, and other stock rights acquired from SBCs.
6. Schedule 6—Details of certain portfolio securities listed in Schedules 1 through 5.
7. Schedule 7—Participations and joint financings.
F. Schedule 8—Receivables from debtors on sale of assets acquired in liquidation of portfolio securities.

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G. Schedule 9—Assets acquired in liquidation of portfolio securities.
H. Schedule 10—Operating concerns acquired. Schedule 10a—Analysis by operating concern acquired.
I. Schedule 11—Other securities.
J. Schedule 12—Cash and invested idle funds.
K. Schedule 13—Average cash and invested idle funds balances on a monthly basis.
L. Schedule 14—Long-term debt.
M. Schedule 15—Capital stock of licensee.
N. Schedule 16—Options on licensee's capital stock.
O. Schedule 17—Shareholders, officers, and Directors of the licensee.
P. Schedule 18—Actual loss experience on receivables, loans and investments.
Q. Management certification.

I. INTRODUCTION

A. *Statement of policy.* Small Business Investment Companies (SBICs) licensed by the Small Business Administration (SBA) including 301(d) licensees are to submit to SBA annual reports and interim reports when required on their operations. Such reports are to be rendered on SBA Form 468 and are to be prepared in accordance with the instructions set forth in this guide.

This Guide was prepared by SBA. Any inquiries or comments relating to these instructions or the Annual Report, SBA Form 468, should be directed to the Staff Accountant, Investment Division, 1441 L Street NW., Washington, D.C. 20416.

B. *Purpose.* This Guide provides instruction for the preparation of the Annual Report, SBA Form 468. The report and related instructions have been prescribed to provide standard reporting requirements and to insure that uniform and comparable data is rendered to SBA by all licensees in a timely manner.

C. *Organization of the Annual Report.* The Annual Report, SBA Form 468, is comprised of two parts: Financial Report (Part *I*) and Management Report (Part II).

The Financial Report will include the licensee's financial statements and will be the basis for the auditor's opinion. Such statements will present the licensee's financial position, results of operations, and change in financial position. Also included will be a schedule of loans and investments as well as supplementary data in schedule or note form.

The Management Report is designed to provide analytical data on the licensee's operations. Accordingly, the auditor's opinion is not expected to be extended to the management report. This report will include:

1. A summary of the licensee's status and operations.

2. An analysis of Unrealized Gain (Loss) on Securities Held.

3. Analytical and detailed information on the licensee's loans and investments.

4. Other selected information.

D. *Reporting requirements.*—1. *Annual Report (SBA Form 468).* Three copies of the Annual Report, SBA Form 468, shall be submitted to SBA by the licensee as soon as practicable after completion and no later than the last day of the third month following the close of the licensee's fiscal year.

The Financial Report shall be prepared in the prescribed format and shall accompany the accountant's report. Attached to the inside of the back cover of each copy of the audit report should be a copy of any transmittal letter, special reports, or similar communications furnished to the licensee by the auditor. If adjusting entries are furnished to the licensee with the report, they should be submitted to SBA.

The Management Report will be submitted with the Financial Report and will contain a certification that will cover both parts I and II.

2. *Interim reports.* Upon request, licensees will submit to SBA either the complete SBA Form 468 or a part thereof; i.e, the Financial Report or the Management Report. Such reports are considered interim in that they cover less than a full year of operations and the financial report is not audited by the licensee's independent accountant. Accordingly, such interim reports are in addition to, not in lieu of, the annual report.

3. *Regulated investment companies.* Concerning licensees that are registered with the Securities and Exchange Commission, (SEC) additional reports are required by SEC which are identified in Chapter 1 of the AICPA's Audit Guide. It should be noted that any report submitted by a licensee to the SEC shall also be submitted to SBA.

4. *Where to submit reports.* All reports rendered to SBA are to be submitted to the Investment Division, 1441 L Street, NW., Washington, D.C. 20416.

E. *Accounting & reporting policies.* The Systems of Accountant Classification for SBICs (Appendix C, Item II) contains considerable discussion on accounting and reporting policies to be followed by licensees. Accordingly, the preparer of the annual report should be familiar with these policies.

A primary objective to be kept in mind is that the information reported should be disclosed in a manner that will cause the data to be understandable and useful to the reader and at the same time achieve a fair presentation; i.e., full disclosure. Should events or transactions occur that do not appear to fit in the report as designed, the licensee should expand or alter the report to achieve the above objective.

It is recognized that the licensee may desire to report to shareholder or others in a format that differs from the Financial Report prescribed by SBA for licensees. Such differences should be limited to classification or format presentation and should not result in substantive differences. A copy of such reports should also be furnished to SBA.

F. *Related guidelines.* In addition to this Guide (Appendix B), the preparer of the annual report should be familiar with related accounting instructions and guidelines. Such guidelines are set forth in the Audit Guide for SBICs (Appendix A) and the System of Account Classification for SBICs (Appendix C).

Guidelines for valuing securities can be found in SBA Policy and Procedural Release No. 2006. Additional guidance for valuing securities can be found in Accounting Series Releases Nos. 113 and 118 that are issued by the Securities and Exchange Commission. Finally, Chapter 3 of the AICPA's Audit Guide for Investment Companies contains information on valuation of securities that may be useful.

II. FINANCIAL REPORT

A. *General.* The Financial Report (Part I, SBA Form 468), is designed to present the licensee's financial statements as audited by the independent public accountant. Accordingly, the statements are based on the transactions recorded in the accounts.

The Financial Report contains standard statements and schedules. Therefore, when a particular statement or schedule does not apply to the licensee's operations, it should be omitted. For example, if the licensee did not sell securities during the period, the Statement of Realized Gain (Loss) on Sale of Securities would be omitted. The Financial Report, therefore, should be "tailored" to fit the licensee's given situation.

Such tailoring, however, does not include deviating from accounting and reporting practices prescribed in the Audit Guide (Appendix (A) or System of Account Classification (Appendix C).

The following is a detailed discussion as to how the statements are prepared.

B. *Financial report heading.* Set forth in the appropriate spaces the information called for representing the identification and the principal office address of the licensee. As to the employer identification number, enter the number assigned to the licensee by the U.S. Treasury Department. If such number has not yet been assigned, an Application for Employer Identification Number, Form SS-4, shall be submitted to the U.S. Director of Internal Revenue for the area in which the licensee's principal office is located.

The preparer of this report should keep in mind that amounts are to be rounded to the nearest dollar.

C. *Statement of Financial Position.* This statement is designed to measure the licensee's financial position as of the statement date in a conventional balance sheet format. Because of their significance, loans and investments are presented before current or other assets. Likewise, long-term debt is shown before current or other liabilities.

1. *Assets*—are grouped according to Loans and Investments, Investment in 301(d) Licensee, Current Assets and Other Assets.

a. *Loans and investments* are grouped into four categories:

(1) *Portfolio securities*—are those securities of small business concerns obtained through providing financing.

(2) *Assets acquired in liquidation of portfolio securities*—are those securities or other assets the licensee has acquired by taking action to protect its investment. Such assets are grouped according to receivables from debtors, and other assets acquired.

(3) *Operating concerns acquired*—represents the total investment in portfolio concerns where action was necessary to protect the licensee's investment. This will include only operating concerns over which the licensee has acquired control or has the power to control either individually or in concert with other licensees.

(4) *Other securities*—are those securities the licensee holds that did not result from providing financing to small business concerns. Other securities will result when portfolio securities or assets acquired are sold and part of the net sales price is notes, or other securities. Also, dividends in kind from portfolio concerns would be classified as other securities.

Loans and investments are shown at cost and through adjustments for unrealized appreciation and unrealized depreciation arrive at their value.

b. *Investment in 301(d) licensee*—is a unique investment in that the nature and purpose of the investee is similar to that of the investors. Also, the investor actively participates in the management of the investee. For these and other reasons, investments in 301(d) licensees are not classified as Loans and Investments but are shown as a separate asset group on the Statement of Financial Position. Such investments will be carried on the equity method of accounting.

c. *Current assets*—are those assets that are cash, expected to be converted to cash or are expected to be expensed in the next operating business cycle; i.e., one year from the statement date. While current assets are not grouped as such for other investment companies, regulatory purposes require such a grouping for SBICs.

d. *Other assets*—are those assets that are not otherwise explained above. Included are

furniture and equipment, deferred charges, funds in escrow and other items.

2. *Liabilities*—are classified according to long-term debt, current liabilities and other liabilities.

a. *Long-term debt*—includes debt of the licensee net of current maturities. Such debt is grouped according to that which is payable to or guaranteed by SBA and that which is payable to others.

b. *Current liabilities*—are those liabilities requiring the payment of cash during the next business cycle; i.e., 12 months from the statement date. Included are accounts payable, accrued interest and taxes payable, current maturities on long-term debt, dividends payable and other current items.

c. *Other liabilities*—are those liabilities not otherwise classified and include trust receipts, deferred credits and other items.

3. *Capital accounts*—are grouped according to paid-in capital and surplus, 3 percent preferred stock sold to SBA, unrealized gain (loss) on securities held and undistributed realized earnings.

a. *Paid-in capital and surplus*—represents the licensee's capital which is the basis for leverage and other regulatory purposes. It includes the par value of capital stock issued and capital contributed in excess of par value. The total of these two items is reduced by treasury stock and the net amount usually is leverage and regulatory base.

b. *3 percent preferred stock issued to SBA*—While such preferred stock by the nature of the instrument is equity, it is not considered paid-in capital and paid-in surplus; rather it is a part of the leverage funds obtained by a 301(d) licensee from SBA.

c. *Unrealized Gain (Loss) on Securities Held*—is the net unrealized appreciation on securities held after an allowance for taxes as of the statement date. This is the amount in column 2 line 13, on the Statement of Unrealized Gain (Loss) on Securities Held.

d. *Undistributed Realized Earnings*—represents the cumulative balance of periodic net investment income and realized gain (loss) on securities sold, less dividend distributions. Undistributed realized earnings is comprised of:

(1) *Non-cash gain on sale of securities*—which represent notes, securities or other assets received as part of the net sale price when securities are sold and,

(2) *Undistributed net earnings realized*—which represents undistributed earnings realized net of non-cash gains on sale of securities.

4. *Retained earnings computation*—In note form at the end of the Statement of Financial Position is designed to set forth "retained earnings" on the same basis and in the same manner as it was viewed on the cost basis. Such Retained Earnings will be the basis for dividend declaration (whether cash or stock) or the basis for capitalizing earnings by corporate resolution.

"Retained Earnings" is Undistributed Net Realized Earnings reduced by allowances for losses that have been established on Loans and Investments.

5. *Description by line item.* The following is a description by line item as to how the amounts shown on this statement are developed.

Item 1, Loans. In column 1, show the balance of account 170 less the balance of account 173. In column 2, show the balance of account 172. In column 3, show the balance of account 171.

Item 2, Debt Securities. In column 1, show the aggregate of balances in accounts 180 and 184 less account 188. In column 2, show the balance of account 187. In column 3, show the balance of account 186.

Item 3, Equity Interests. In column 1, show the aggregate of balances in accounts 190, 191, 194 and 197. In column 2, show the aggregate of balances in accounts 193, 196, and 199. In column 3, show the aggregate of balances in accounts 192, 195, and 198.

Item 4, Total. Show the total of items 1, 2, and 3 which represents the total of portfolio securities.

Item 5, Receivables from Debtors on Sale of Assets Acquired. Show in column 1 the balance of account 200 and in column 2 the balance of account 203.

Item 6, Assets Acquired. In column 1, show the balance in account 204. In column 2, show the balance of account 206 and in column 3, show the balance of account 205.

Item 7, Total. State the aggregate of items 5 and 6 which represents the total of assets acquired in liquidation to portfolio securities.

Item 8, Operating Concerns Acquired. Show in column 1 the balance of account 210, in column 2 the balance of account 212 and in column 3 the balance of account 211.

Item 9, Notes and Other Securities Received. Show in column 1 the aggregate of balances in accounts 220 and 221. In column 2, show the balance in account 223 and in column 3 show the balance of account 222.

Item 10, Total Loans and Investments. State the aggregate of items 4, 7, 8, and 9 which represents the total of loans and investments.

Item 11, Less Current Maturities. Show the aggregate of balances in accounts 150 thru 154.

Item 12, Loans and Investments Net of Current Maturities. Show the amount stated in item 10, column 4 less the amount shown in item 11.

Item 13, Investment in 301(d) Licensee. When a licensee has an investment in a 301 (d) licensee, the name of the license number of the investee should be shown in the space provided. The balance shown in account 160 should be shown.

Item 14, Cash. Show the aggregate of accounts 100 through 120.

Item 15, Invested Idle Funds. Show the aggregate of accounts 130 through 137.

Item 16, Interest and Dividends Receivable. Show the aggregate of balances in accounts 143 and 145.

Item 17, Notes and Accounts Receivable. Show the aggregate of balances in accounts 140 and 141.

Item 18, Less: Allowance for Losses. Show the aggregate of balances in accounts 142 and 144.

Item 19, Current Maturities of Portfolio Securities. Show the balance of account 150.

Item 20, Current Maturities of Assets Acquired. Show the balance of account 152.

Item 21, Current Maturities of Operating Concerns Acquired. Show the balance of account 153.

Item 22, Current Maturities of Other Securities. Show the balance of account 154.

Item 23, Other Current Assets. Show the balance of account 156.

Item 24, (a), Furniture & Equipment. Show the balance of account 230.

Item 24, (b), Less: Accumulated Depreciation. Show the balance of account 231.

Item 25, Other. Show the aggregate of balances in accounts 230, 231, 250, 251, 252, 265 thru 269.

Item 26, Total Assets. Show the aggregate of items 12, 13 and 14 through 25.

Item 27, Notes and Debentures Payable to or Guaranteed by SBA. Show the aggregate of balances in accounts 300, 301 and 310.

Item 28, Notes and Debentures Payable to Others. Show the aggregate of balances in accounts 311, 312, 313 and 320.

Item 29, Total. Show the aggregate of items 27 and 28.

Item 30, Accounts Payable. Show the balance of account 340.

Item 31, Accrued Interest Payable. Show the balance of account 350.

Item 32, Accrued Taxes Payable. Show the aggregate of balances in accounts 351 and 354.

Item 33(a), Current Maturities of Line 27. Show the balance of account 330.

Item 33(b), Current Maturities of Line 28. Show the balance of account 331.

Item 34, Dividends Payable. Show the aggregate of balances in accounts 360 through 364.

Item 35, Other Current Liabilities. Show the balance of account 358.

Item 36, Total. Show the aggregate of items 30 through 35.

Item 37, Trust Receipts. Show the aggregate of balances in accounts 370, 374 and 378.

Item 38, Deferred Credits. Show the balances of accounts 380 and 383.

Item 39, Other Liabilities. Show the balance of account 390.

Item 40, Total Liabilities. Show the aggregate of items 29 and 36 through 39.

Item 41, Capital Stock. Show the aggregate of balances in accounts 400 through 414.

Item 42, Paid-In Surplus. Show balance of account 420.

Item 43, Less: Treasury Stock, at Cost. Show the aggregate of balance in accounts 415 through 419.

Item 44, Paid-In Capital Stock and Surplus. Show the aggregate of items 41 and 42, less item 43. The parenthetical amount shown as regulatory capital is to be computed in accordance with items 6, J., 10. of Appendix A. In those instances where Regulatory capital is different from the amount shown in this item, a footnote or supplementary schedule should be included to explain the difference.

Item 45, 3% Preferred Stock Issued to SBA (301(d) Licensee's only). Show the balance of account 430.

Item 46, Unrealized Gain (Loss) on Securities Held. Show the aggregate of balances of accounts 440 less 445 and 448.

Item 47, Non-Cash Gain on Sale of Securities. Show the balance of account 450.

Item 48, Undistributed Net Realized Earnings. Show the balance of account 451.

Item 49, Undistributed Realized Earnings. Show the aggregate of items 47 and 48.

Item 50, Total Capital. Show the aggregate of items 44 through 49.

Item 51, Total Labilities & Capital. Show the aggregate of items 40 and 50.

Retained Earnings Computations. Retained earnings available for capitalization or distribution is computed in the note at the end of the Statement of Financial Position. Undistributed Net Realized Earnings as shown in item 48 is reduced by allowance for loss on loans and investments as reflected in account 445.

D. *Statement of undistributed realized earnings.* This statement is designed to analyze the activity in undistributed realized earnings by non-cash gains on sale of securities and undistributed net earnings realized. The ending balances of this statement are the same as items 47 through 49 on the Statement of Financial Position.

Column 1: Non-Cash Gains activity can be determined by reviewing account 450. Column 2: Undistributed Net Earnings activity can be determined by reviewing account 451.

1. *Beginning balance*—In column 1, show the beginning balance of account 450 and in column 2, show the beginning balance of account 451. These amounts should agree with the ending balances shown on the statement for the prior period.

2. (a) *Net investment income*—State as undistributed net earnings that amount shown as item 37 on the Statement of Operations Realized.

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(b) *Realized Gain (Loss) on Sale of Securities*—State the amount shown in column 7, item 15 of the Statement of Realized Gain (Loss) on Sale of Securities under Non-Cash Gains. State the net of amounts of item 15, column 5 minus column 7 of the Statement of Realized Gain (Loss) on Sale of Securities under Undistributed Net Earnings. The total of this item should agree with amount in column 5, item 15 of the Statement of Realized Gain (Loss) on Sale of Securities and the amount in item 42 of the Statement of Operations.

3. *Adjustments: Collections of Non-Cash Gains*—Will be a decrease in column 1 "Non-Cash Gains" and will be an increase in column 2 "Undistributed Net Earnings." There will be no effect on column 3, "Total".

4. *Total*—Aggregate of lines 1, 2, & 3.

5. *Deductions:*

(a) (b) *and* (c) *Dividends*—are to be paid out of undistributed earnings only. Therefore, dividends will be entered in column 2.

6. *Ending balance*—is determined by subtracting 5(e) "Total Deductions" from item 4 which represents the beginning balance plus additions.

E. *Statement of operations realized.* This statement is designed to measure separately Net Investment Income and Realized Gain (Loss) on Sale of Securities. Such measurement is of realized operations only and is on the accrual basis of accounting.

1. *Net Investment Income*—is the result of measuring revenue and expense associated with investment and management assistance activities of a licensee other than realized gain (loss) on securities sold. Revenue is organized by source; i.e., from portfolio, from services provided, or from other sources. Expenses are grouped according to:

a. Financial Expenses,
b. Remuneration,
c. Initiating & Servicing costs,
d. Fixed Facilities, and
e. Other costs.

Provision for taxes is the final measurement prior to determination of Net Investment Income.

2. *Realized Gain (Loss) on Sale of Securities*—is a function of operations that is measured separately from Net Investment Income. While the Statement of Realized Gain (Loss) on Sale of Securities provides a detailed analysis of realized gain or losses, the Statement of Operations shows in the aggregate, net sales price of securities sold during the period, the cost of such securities sold and a provision for taxes on the resulting gain. The remainder becomes net realized gain (loss) on sale of securities.

Although an allowance for loss on securities may be established for valuation and in some cases tax purposes, such allowances when provided are not reflected as an expense in measuring investment income. Rather, they are measured in the Statement of Unrealized Gain (Loss) on Securities Held as a component of unrealized depreciation which is an offset against unrealized appreciation. For this reason, the entire loss is reported in this statement when realized and the allowance for loss on the security is reduced by the amount of allowance previously established.

3. *Description by line item*—The following is a description by line item as to how the amounts shown on the Statement of Operations Realized are developed.

a. *Investment income*—the amounts shown in items 1 through 37 of this statement are derived primarily from the general ledger accounts as follows.

Item 1, Interest on Loans and Debt Securities. Show the aggregate of balances in accounts 512, 516 and 541.

Item 2, Dividend Income. Show the balance of account 540.

Item 3, Management Services. Show the balance of account 532.

Item 4, Application and Other Fees. Show the aggregate of balances in accounts 500, 534 and 536.

Item 5, Interest on Invested Idle Funds. Show the balance of account 510.

Item 6, Income from Assets Acquired in Liquidation of Portfolio Securities. Show the balance of account 582 net of the balance of account 710. Also, show the balance of account 710 parenthetically.

Item 7, Other Income. Show the aggregate of balances in accounts 530 and 584.

Item 8, Total Revenue. Show the aggregate of items 1 through 7.

Item 9, Interest on Long-term Debt. Show the aggregate of balances in accounts 610 and 622.

Item 10, Commitment Fees. Show the balance of account 600.

Item 11, Other Financial Costs. Show the balance of account 642.

Item 12, Total Financial Expenses. Show the aggregate of items 9 through 11.

Item 13, Officer Salaries. Show the balance of account 663–1.

Item 14, Employee Salaries. Show the balance of account 663–2.

Item 15, Employee Benefits. Show the balance of account 670.

Item 16, Investment Advisory and Management Services. Show the balance of accounts 659 and 660.

Item 17, Director's and Stockholder's Meetings. Show the balance of account 657.

Item 18, Total Remuneration. Show the aggregate of items 13 through 17.

Item 19, Advertising and Promotion. Show the balance of account 650.

Item 20, Appraisal and Investigation. Show the balance of account 651.

Item 21, Communication. Show the balance of account 653.

Item 22, Legal Fees. Show the balance of account 661.

Item 23, Travel Expense. Show the balance of account 665.

Item 24, Total Initiating and Servicings Costs. Show the aggregate of items 19 through 23.

Item 25, Cost of Space Occupied. Show the balance of account 654.

Item 26, Depreciation & Amortization Expense. Show the aggregate of balance in accounts 655 and 656.

Item 27, Total Fixed Facilities. Show the aggregate of items 25 and 26.

Item 28, Audit and Examination Fees. Show the balance of account 652.

Item 29, Insurance Expense. Show the balance of account 658.

Item 30, Taxes Expense (Excluding Income Taxes). Show the balance of account 664.

Item 31, Provision for Losses on Receivables. Show the balance of account 680.

Item 32, Miscellaneous Expenses. Show the aggregate of balances in accounts 672, 679, and 715.

Item 33, Total Other Costs. Show the aggregate of items 28 through 32.

Item 34, Total Expenses. Show the aggregate of items 12, 18, 24, 29, and 33.

Item 35, Net Investment Income before Provision for Income Taxes. Show the balance of amount of item 8 less item 34.

Item 36a, Provision for Income Taxes. Show the balance of account 720.

Item 36b, Less Deferred Credit (Charge) to Future Taxes. Show the balance in account 380–1 net of related deferred charges in account 221.

Item 37, Net Investment Income. Show the net of item 35 less item 36.

b. *Realized Gain (Loss) on Sale of Securities*—the amounts shown in items 38 through 42 are derived primarily from the Statement of Realized Gain (Loss) on Sale of Securities as follows.

Item 38, Net Sales Price. State the amount shown on line 11, column 1.

Item 39, Cost of Securities Sold. State the amount shown on line 11, column 4.

Item 40, Net Prior to Income Tax Provision. State the amount shown on line 11, column 5.

Item 41a, Provision for Income Taxes. State the amount shown on line 14, column 5, which is the same as the balance of account 722.

Item 41b, Less Deferred Credit (Charge) to Future Taxes. Show the balance in account 380–2 net of related deferred charges in account 231.

Item 42, Net Realized Gain (Loss) on Sale of Securities. State the amount shown on line 15, column 5.

F. Statement of Unrealized Gain (Loss) on Securities Held. This statement summarizes the results of the valuation process of securities held as of the statement date as compared to the previous statement date and discloses the net change in the Unrealized Gain (Loss) on Securities Held.

The types of securities held are the primary groupings of loans and investments as set forth in items 1 through 10 of the Statement of Financial Position and are (1) Portfolio Securities, (2) Assets Acquired in Liquidation of Portfolio Securities, (3) Operating concerns acquired and (4) Other securities.

In arriving at net unrealized gain (loss) on securities held, consideration must be given to unrealized appreciation (valuation above cost) and unrealized depreciation (valuation below cost) of such securities. After adjusting the net unrealized appreciation (depreciation) for the appropriate tax effect, the remaining amount will represent unrealized gain (loss) on securities held.

1. *Source of data*—The Statement of Unrealized Gain (Loss) of Securities Held summaries the "Analysis of Unrealized Gain (Loss) of Securities Held" which is a primary schedule in the management report. The latter shows in detail increases and decreases of specific line items, while this schedule summarizes, by types of loans and investments, unrealized appreciation (depreciation) and the tax effect of the net amount. The information contained in column 1 of this statement is based on line items 1, 8, and 19 of the Analysis of Unrealized Gain (Loss) of Securities Held. The information contained in column 2 of this statement is derived from line items 7, 17 and 21 of the Analysis of Unrealized Gain (Loss) of Securities Held. The information contained in column 3 results from a comparison of columns 1 and 2. All reference to the source of data described in the line items below is to information contained in the Analysis of Unrealized Gain (Loss) on Securities Held, (Schedule A) of the Management Report.

Item 1, Portfolio Securities. In column 1 of this schedule state the amount shown on line 1, column 4, and in column 2 of this schedule state the amount shown on line 7, column 4.

Item 2, Assets Acquired in Liquidation of Portfolio Securities. In column 1 of this schedule state the amount shown on line 1, column 7 and in column 2 of this schedule state the amount shown on line 7, column 7.

Item 3, Operating Concerns Acquired. In column 1 of this schedule state the amount shown on line 1, column 8 and in column 2 of this schedule state the amount shown on line 7, column 8.

Item 4, Other Securities. In column 1 of this schedule state the amount shown on line 1, column 9 and in column 2 of this schedule state the amount shown on line 7, column 9.

Item 5, Total. Show the aggregate of items 1 through 4.

Item 6, Portfolio Securities. In column 1 of this schedule state the amount shown on line 8, column 4, and in column 2 of this schedule state the amount shown on line 17, column 4.

Item 7, Assets Acquired in Liquidation of Portfolio Securities. In column 1 of this schedule state the amount shown on line 8, column 7 and on column 2 of this schedule state the amount shown on line 17, column 7.

Item 8, Operating Concerns Acquired. In column 1 of this schedule state the amount shown on line 8, column 8 and in column 2 of this schedule state the amount shown on line 17, column 8.

Item 9, Other Securities. In column 1 of this schedule state the amount shown on line 8, column 9 and in column 2 of this schedule state the amount shown on line 17, column 9.

Item 10, Total. Show the aggregate of Items 6 through 9.

Item 11, Unrealized Appreciation (Net of Depreciation) on Securities Held. The figure in column 1 of this schedule is a computed figure and should agree with the amount of line 1, column 10 less line 8, column 10. The figure in column 2 of this schedule is the same as the amount shown on line 18, column 10.

Item 12, Provision for Taxes. In column 1 of this schedule state the amount shown on line 19, column 10 and in column 2 of this schedule state the amount shown on line 21, column 10.

Item 13, Unrealized Gain (Loss) on Securities Held. The figure in column 1 of this schedule is a computed figurg. The figure in column 2 of this schedule is the same as the amount shown on line 22, column 10.

G. Statement of Change in Financial Position. The Statement of Change in Financial Position is to be inclusive of all changes in financial position resulting from transactions. However, the statement does not include changes in unrealized gains (loss) on securities held which are based on subjective determinations by the Board of Directors and not based on transactions. The objectives of this statement are (1) to summarize the financing and investing activities of the licensee, including the extent to which the licensee has generated cash and invested idle funds, and (2) to complete the disclosure of changes in financial position during the period.

The following description by line item explains how the amounts on the Statement of Changes in Financial Position are developed.

Source of funds.—1. *Net Investment Income (Loss).* Enter the amount shown on line 37 of the Statement of Operations Realized.

2. *Depreciation, Amortization, Provision for Loss on Receivables.* Enter the total of amounts in accounts 655, 656, and 680 which amounts have been shown in line items 26 and 31 of the Statement of Operations Realized.

3. *Net Realized Gain (Loss) on Sale of Securities.* Enter the amount shown on line 42 of the Statement of Operations Realized.

4. *Total.* Add amounts shown in items 1 through 3.

5. *Repayments of Loans & Debt Securities.* Enter the total of amounts shown on line item 5 Columns 1 and 2 of Summary of Portfolio, (Schedule B) of the Management Report.

6. *Non-Cash Decreases of Loans & Debt Securities.* Enter the total of amounts shown on line item 6, columns 1 and 2 of Summary of Portfolio (Schedule B) of the Management Report.

7. *Sale of Equity Securities.* Enter the amount shown on line 5, column 6, in the Summary of Portfolio (Schedule B) of the Management Report.

8. *Non-Cash Decrease of Equity Securities.* Enter the amount shown on line item 6, column 6, in the Summary of Portfolio (Schedule B) of the Management Report.

9. *Collection from Debtors on Sale of Assets Acquired.* Enter the total of amounts representing cash deductions shown in column 7, Schedule 8 of the Management Report.

10. *Non-Cash Decrease of Receivables Due From Debtors on Sale of Assets Acquired.* Enter the total of amounts representing non-cash deductions shown in column 7, Schedule 8 of the Management Report.

11. *Sale of Assets Acquired.* Enter the total of amounts shown in columns 5, Schedule 9 of the Management Report.

12. *Non-Cash Decrease in Assets Acquired.* Enter the total of amounts shown in columns 5, Schedule 9 of the Management Report.

13. *Cash Decrease of Investments in Operating Concern Acquired.* Enter the total of amounts representing cash deductions shown in column 5, Schedule 10 of the Management Report.

14. *Non-Cash Decreases of Investments in Operating Concerns Acquired.* Enter the total of amounts representing non-cash deductions shown in column 5, Schedule 10 of the Management Report.

15. *Sale or Collection of Other Securities.* Enter the aggregate of cash deductions shown in column 5, Schedule 11 of the Management Report.

16. *Non-Cash Decrease of Other Securities.* Enter the aggregate of non-cash deductions shown in column 5, Schedule 11 of the Management Report.

17. *Decrease in Current Assets (Excluding cash and invested idle funds).* Enter the amount of net change of items 16 through 23 of the Statement of Financial Position if that amount is a decrease during the period.

18. *Decrease in Other Assets.* Enter the amount of net change of items 13, 24, and 25 of the Statement of Financial Position if that amount is a decrease during the period.

19. *Increase in Long-term Debt due to or Guaranteed by SBA.* Enter the amount of borrowings by the licensee during the period that were reflected as increases in accounts 300, 301 and 310.

20. *Increases in Long-term Debt Due to Others.* Enter the amount of borrowings by the licensee during the period that were reflected as increases in accounts 311, 312, 313, and 320.

21. *Increase in Current Liabilities.* Enter the amount of net change of items 30 through 33 and 35 of the Statement of Financial Position if that amount is an increase during the year.

22. *Increase in Other Liabilities.* Enter the amount of net change during the period of items 37, 38 and 39 of the Statement of Financial Position if the amount is an increase.

23. *Sale of Licensee's Stock.* Enter amount of increase during the period of items 41 through 45 of the Statement of Financial Position.

24. *Total Funds Provided.* Add amounts shown in items 4 through 23.

Application of funds.—25. *Investment in Loans & Debt Securities.* Enter the total of amounts shown on line item 2, columns 1 and 2 of Summary of Portfolio (Schedule B) of the Management Report.

26. *Non-cash Increases in Loans & Debt Securities.* Enter the total of amounts shown on line item 3, columns 1 and 2 of Summary of Portfolio (Schedule B) of the Management Report.

27. *Purchase of Equity Securities.* Enter the amount shown on line item 2, column 6 of Summary of Portfolio (Schedule B) of the Management Report.

28. *Non-Cash Increase in Equity Securities.* Enter the amount shown on line item 3, column 6 of Summary of Portfolio (Schedule B) of the Management Report.

29. *Investments in Assets Acquired.* Enter the total of amounts representing cash additions shown in column 6, Schedule 8 and column 4, Shedule 9 of the Management Report.

30. *Non-Cash Increases in Assets Acquired.* Enter the total of amounts representing non-cash additions shown in column 6, Schedule 8 and column 4, Schedule 9 of the Management Report.

31. *Investment in Operating Concerns Acquired.* Enter the total of amounts representing cash additions shown in column 4, Schedule 10 of the Management Report.

32. *Non-Cash Increase of Investments in Operating Concerns Acquired.* Enter the total of amounts representing non-cash additions shown in column 4, Schedule 10 of the Management Report.

33. *Increase in Other Securities.* Enter the aggregate of amounts shown in column 4 of Schedule 11 of the Management Report.

34. *Increase in Current Assets (Excluding cash and invested idle funds).* Enter the amount of net change of items 16 through 23 of the Statement Financial Position if that amount is an increase during the period.

35. *Increase in Other Assets.* Enter the amount of net change of items 13, 24 and 25 of the Statement of Financial Position if that amount is an increase during the period.

36. *Decrease in Long-Term Debt Due to or Guaranteed by SBA.* Enter the amount of debt repaid by the licensee during the period and reflected as decreases in accounts 300, 301 and 310.

37. *Decrease in Long-Term Debt Due to Others.* Enter the amount of debit repaid by the licensee during the period and reflected as a decrease in accounts 311, 312, 313 and 320.

38. *Decrease in Current Liabilities (Excluding Dividends).* Enter the amount of net change of items 30 through 33 and 35 of the Statement of Financial Position if the aggregate is a decrease.

39. *Payment of Dividends.* Enter the amount of dividends paid during the year as shown in accounts 360 through 364.

40. *Decrease in Other Liabilities.* Enter the amount of net change during the period of items 37, 38, and 39 of the Statement of Financial Position if that amount is a decrease.

41. *Increase (Decrease) in Cash and Invested Idle Funds.* Enter the amount of net increase or (decrease) during the period of items 14 and 15 of the Statement of Financial Position. This amount should be the same as item 24 less the aggregate of items 25 through 40 of this statement.

42. *Total Funds Applied.* Enter the aggregate of items 25 through 41 of this statement.

H. Statement of Realized Gain (Loss) on Sale of Securities. Since gain or loss on sale of securities is considered realized at the point of sale rather than at the point of collection, this statement measures net gain (loss) on securities sold according to cash and non-cash gains. It provides supporting detail to the Statement of Operation Realized.

Although this statement is entitled "Statement of Realized Gain (Loss) on Sale of Securities" it is intended to include securities written off as worthless.

The following description by column and by line item explains how the amounts shown on the Statement are developed.

Column 1: Net Sale Price. The net sale price will include both monetary and non-monetary assets received by the licensee upon sale of securities but will be net of normal

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selling expenses. It will be the total of amounts shown in columns 2 and 3.

Column 2: Cash Received. As implied, this will include cash and cash items only. It should be noted that purpose of this column is more restrictive than "monetary assets" as defined in APB No. 29

Column 3: Non-Monetary Receipts. By definition, include receipts other than cash or cash items. APB No. 29 would include notes receivable in cash to be a monetary asset and therefore, not a non-monetary receipt. Licensees, however, will consider notes receivable to be non-monetary receipts. The non-monetary assets received in each sale should be explained in note form to this schedule.

Column 4: Cost of Securities Sold. This column will include the licensee's cost basis of securities sold. Cost will not be affected by unrealized depreciation (provision for losses) or unrealized appreciation. Rather, appreciation or depreciation previously recorded for securities sold will be reversed at the time of sale.

The one exception to this rule will be the sale of an equity interest in an unincorporated concern. Since the equity method of accounting applies, the carrying value will be other than cost. The carrying value will be shown in column 4 as "cost".

Column 5: Net Gain (Loss). This column represents gain or loss realized on securities. It is determined by comparing net sale price (column 1) and cost of securities sold (column 4).

Column 6: Cash Gains. This column measures gains realized in cash. Such amounts are determined by comparing cash received (column 2) on sale of securities with cost of securities sold (column 4). When cash exceeds the cost, the result is a net cash gain. However, if the cost exceeds the cash, a non-cash gain will be recognized to the extent a gain is shown in column 5. When a loss is realized there will be no amount shown in column 6 or 7.

Column 7: Non-Cash Gain. This column will measure gains realized representing receipts other than cash. It is determined by comparing net gains shown in column 5 and cash gains shown in column 6.

2. *Line Item Description.*

The line item organization and grouping are the same as items 1 through 10 of the Statement of Financial Position with one exception; the addition of Invested Idle Funds (items 15 of the Statement of Financial Position) as item 10. Concerning line item 3 "Equity Interests," this item includes: (a) Capital stock of SBCs, (b) equity interests of unincorporated concerns, and (c) warrants, options and other stock rights.

It should be noted that the amounts in column 5 will be the net amount of balance in the following accounts:

Line item:		*Accounts*
1. Loans		571 and 701.
2. Debt securities		572, and 702.
3. Equity interests		574, thru 578, and 704 thru 706.
5. Receivable from debtors on sale of assets acquired.		577, and 707.
6. Assets acquired		577, and 707.
7. Operating concerns.		578, and 708.
9. Other securities		579, and 709.
10. Invested idle funds.		570, and 700.
12. Federal income taxes.	722.1	less 380.2.
13. State and local income taxes.	722.2	

The amounts shown in item 11, columns 1 through 5 are to be entered in items 38, 39, and 40 of the Statement of Operations Realized. The amounts shown in item 15 are to be entered in item 2(b) of the Statement of Undistributed Realized Earnings. It should be noted that the amount entered in "Undistributed Net Earnings" is the amount shown in column 5 minus column 7, line 15 of Statement of Realized Gain (Loss) on Sale of Securities.

I. *Statement of Commitments and Guarantees.* This statement provides a schedule of outstanding commitments of the licensee to provide funds to small business concerns. It also shows by small business concern the amount of such concern's debt to a third party the licensee has guaranteed. Such amounts will be shown according to Portfolio Securities or Assets Acquired in Liquidation of Portfolio Securities.

The statement is completed as follows:

(a) Under Commitments, show the small business concern to whom the funds are committed. The amounts shown as commitments are derived from memorandum account CL–15.

(b) Under Guarantees, show the name of the small business concern. The amounts shown as guarantees are derived from memorandum account CL–16.

J. *Schedule of loans and investments.* This schedule will show loans and investments outstanding at the Statement date by small business concerns grouped into the following categories:

(1) "portfolio securities" segregated by publicly held SBCs and privately held SBCs, (2) "assets acquired in liquidation of portfolio securities," (3) "operating concerns acquired" and (4) "other securities."

The schedule will contain the name of the small business concern, brief description of the securities, cost basis, valuation by Board of Directors and potential equity interest in the concern. On publicly traded securities, the exchange on which the security is traded should be indicated by symbol and legend.

III. MANAGEMENT REPORT

A. *General.* The Management Report (Part II, SBA Form 468) is designed to provide SBA with analytical data on the licensee's operations.

The schedules in this report are designed to cover a variety of situations. The preparer of the report, however, should recognize that when a particular schedule does not apply to his licensee's operations, the schedule should be omitted. Accordingly, if the licensee has no assets acquired in liquidation, pages 9 through 13 will be omitted.

The table of contents to the Management Report summarizes the information contained in the report and is as follows.

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B. *Size and classification.* This data sheet provides information on the licensee's size, ownership, investment policy and venture capital status.

1. *Size*—should be measured in total assets as shown on line 26 of the Statement of Financial Position. This measurement is indicative of funds invested in or available for investment in small business.

2. *Ownership*—is measured according to bank domination or association, ownership by another corporate entity, or individual ownership.

Bank dominaton refers to ownership of 50 percent or more of the licensee's stock by a Bank or Bank Holding Company. If the Bank or Bank Holding Company controls between 10 percent to 49 percent of the licensee's stock, the licensee is considered to be Bank Associated.

Licensees are presumed to be owned by a financial corp. or non-financial corp. if 50 percent or more of its stock is owned by such corporation. Otherwise, the licensee's ownership is considered to be "individually owned."

Concerning public or non-public, i.e., private, ownership, a company's stock is considered to be publicly owned if the company has sold its stock in the market place to raise capital and it is regulated by the Securities and Exchange Commission. Otherwise, the company is considered to be privately owned.

3. *Investment policy*—should be that which the licensee has adopted as set forth in its proposal to operate, as amended.

4. *Venture Capital Status*—should be based on the computation made in accordance with § 107.202 of SBA regulations.

C. *Overview of licensee's operations.* The "overview" is intended to be a summary of the licensee's operations for the period completed viewed from the standpoint of the licensee's management. It should highlight significant events affecting the licensee's operations that would assist the reader in understanding the data contained in the report.

It should be limited to information not otherwise made available to SBA and contain interpretive analysis of specific data contained elsewhere in the report. Although the routine disclosure of such information is in the best interest of the Licensee, inclusion of the overview in the management report is at the licensee's discretion.

The overview is intended to be a brief narrative summary of the licensee's operations during the year recently completed. It should summarize activities involving such things as applications for funding received from small business concerns, financings made, management assistance provided, etc.

In those instances where the licensee has assets acquired in liquidation, progress toward disposing of such assets should be summarized. The overview should include comments on matters relating to SBA Regulations and other matters of interest considered appropriate.

It is also contemplated that the overview will include success stories where they occur,

have been accomplished, and can be measured.

Regarding the coming year, significant events expected to occur and that will affect the licensee's operations in the coming year should be highlighted.

D. *Analysis of Unrealized Gain (Loss) on Securities Held—Schedule A.* This schedule is designed to be more comprehensive than the Statement of Unrealized Gain (Loss) on Securities Held which is contained in the Financial Report. The schedule is intended to measure the component increases and decreases of both unrealized appreciation and unrealized depreciation. Such measurement is according to the classification of portfolio securities, assets acquired in liquidation of portfolio securities, operating concerns acquired, and other securities.

It should be noted that the information contained in this analysis should be consistent with the Statement of Unrealized Gain (Loss) on Securities Held which is included in Part I.

The information contained in this schedule is based on schedules 1 through 5 and 8 through 11 of this report. Such information can also be obtained by analyzing the activity in the various ledger accounts as follows:

Column 1. Loans. Analyze account 171 and column 11 of schedule 1.

Column 2. Debt Securities. Analyze accounts 186 and 187 as well as column 12 of schedule 2.

Column 3. Equity Interests. Analyze accounts 192, 193, 195, 196, 198 and 199. Also, analyze column 12 of schedules 3, 4, and 5.

Column 4. Total. Total columns 1 through 3.

Column 5. Receivables from Debtors on Sale of Assets Acquired. Analyze account 203 and column 9 of schedule 8.

Column 6. Assets Acquired. Analyze accounts 205 and 206 as well as column 8 and 9 of schedule 9.

Column 7. Total. Total columns 5 and 6.

Column 8. Operating Concerns Acquired. Analyze accounts 211 and 212 as well as columns 8 and 9 of schedule 10.

Column 9. Other Securities. Analyze accounts 222 and 223 as well as columns 8 and 9 of schedule 11.

Column 10. Total. Total column 4, 7, and 9.

Provision for Taxes on Unrealized Gain on Securities Held. Analyze accounts 231 and 380.

E. *Summary of Portfolio—Schedule B.* This schedule is a summary of the licensee's portfolio by type of security and showing three separate measurements as follows:

The activity within the portfolio during the period on cost basis,

The portfolio at lower of cost or value at the statement date, and

The portfolio at value at the statement date.

1. *Activity within the portfolio*—is to be shown net of unearned discounts and fees. Such activity is measured according to cash and non-cash additions, cash and non-cash deductions. The balance at the beginning of the period is adjusted by the net increase (decrease) during the period and thereby resulting in the balance at the end of the period at cost.

2. *Portfolio at Lower of Cost or Value*—is determined by reducing the balances of types of securities at the end of the period carried on cost basis by the unrealized depreciation in the portfolio.

3. *Portfolio at Value*—is determined by increasing the balances of types of securities reflected on the lower of cost or market basis by the amount of unrealized appreciation in the portfolio.

The amounts shown on this schedule are the totals of schedules 1 through 5 as follows:

Column 1. Loans—show totals of schedule 1.

Column 2. Debt Securities—show totals of schedule 2.

Column 3. Stock of SBC—show totals of schedule 3.

Column 4. Equity Interest of Unincorporated SBC—show totals of schedule 4.

Column 5. Warrants, Options, & Other Rights—show totals of schedule 5.

Column 6. Total—show aggregate of amounts in columns 3 through 5.

1. *Schedule 1—Loans.* This schedule will include loans held, made, or otherwise obtained, as well as loans disposed of by the company during the period. Such data shall be reported as indicated by the column heading. The reporting company's portion of participation in loans shall be included.

List each loan by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and country in which located; date and maturity date; principal balance at beginning of period; cash additions during period; non-cash additions during period (include refinancing); cash deductions during period; non-cash deductions during period; and principal balance at close of period. The total in columns 4 through 10 shall be entered in column 1 of the Summary of Portfolio, Schedule A.

As indicated by the footnote on schedule 1, the beginning balances as well as additions during the period are to be net of unearned discounts, fees, etc.

An explanatory notation or footnote shall be entered in the schedule with respect to any loan (or any interest therein) obtained from another licensee. A similar explanatory notation or footnote is to be entered for each non-cash addition or deduction during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all loan financings on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern. Insert the appropriate owner group code number in parentheses, following the employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts on the last sheet of this schedule immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

2. *Schedule 2—Debt securities.* This schedule will include debt securities (§ 107.302(b)(3)) held or acquired during the period as well as those converted, or disposed of during the period. Such data shall be reported as indicated by the column headings. The reporting company's portion of participation in debt securities shall be included.

List each debt security by employer identification number; owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; interest rate; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date and maturity date; principal balance at beginning of period; cash additions or deductions during period; noncash additions or deductions during period; and principal balance at close of period, and fair value of debt securities as determined by the licensee's board of directors in good faith. The total of columns 4 through 10 are to be entered in column 2 of the Summary of Portfolio, Schedule A.

As indicated by a note on this schedule, the beginning balances as well as noncash additions during the period are to be net of unearned discounts, fees, etc.

Show in column (11) opposite each debt security financing the percentage of the financed small business concern's voting securities which can be obtained by the licensee through exercise of conversion privileges and/or stock purchase warrants or options received in connection with the specific financing. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the licensee's actions. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth, together with an explanation including the names of the other investors who are likely to exercise their rights, the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

An explanatory notation or footnote shall be entered in the schedule with respect to any debt security (or any interest therein) obtained from another licensee. A similar explanatory notation or footnote is to be entered for each non-cash addition or deduction during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of all debt security financings on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern.

Insert the appropriate owner group code number, in parentheses, following employer

V 39 I 214 NOV 5 74 XUM

identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

3. *Schedule 3—capital stock of SBCs.* This schedule will include capital stock (§ 107.302 (b)(1)) of small business concerns held or acquired during the period as well as those sold, or disposed of otherwise during the period. Such data shall be reported as indicated by the column headings. The reporting company's portion of participation in investments shall be included.

List each investment by employer identification number; Owner Group Code number; financing number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, state, zip code, and country in which located; date acquired, type and class, number of shares, etc.; balance at cost at beginning of period; cash additions during period; non-cash additions during period at cost; cash deductions during period; non-cash deductions during period at cost; balance at cost at close of period; percent of outstanding shares of SBCs stock licensee owns; and fair value of such stock as determined by the licensee's board of directors in good faith. The total of columns 4 through 10 are to be entered in column 3 of the Summary of Portfolio, Schedule A.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another licensee. A similar explanatory notation or footnote is to be entered for each non-cash additions or deductions during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of capital stock on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern. Enter the appropriate Owner Group Code number in parentheses.

Enter for each listed small business concern the four-digit Standard Industrial Classification code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9) on the last sheet of this schedule. Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

4. *Schedule 4—equity interests of unincorporated SBCs.* This schedule will include equity interests of unincorporated concerns (See § 107.302(b)(2)) held or acquired during the period as well as those sold or disposed of otherwise during the period. Such data is to be reported as indicated by the column headings. The reporting licensee's portion of participation in equity interests of unincorporated concerns will be included.

List each equity interest by employer identification number; Owner group code number designating the group classification of the principal ownership of the small business concern as follows: (0) Negroes; (1) Puerto Ricans; (2) American Indians; (3) Spanish Americans; (4) Asians (Japanese, Chinese, Koreans, Filipinos); (5) Eskimos and Aleuts; (6) Undetermined and (7) Others—including whites; financing number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, state, zip code, and country in which located; date acquired; principal balance at beginning of period; cash additions and deduction during period; non-cash additions and deductions during period; and principal balance at close of period, percentage of the unincorporated concern the licensee owns; and fair value of the equity interest as determined by that licensee's board of directors in good faith. The total of columns 4 through 10 are to be entered in column 4 of the Summary of Portfolio, Schedule A.

Show in column 11 opposite each equity interest financing, the percentage of the unincorporated concern and equity that is owned by the licensee.

An explanatory notation or footnote will be entered in the schedule with respect to any equity interest obtained from another licensee. Also, a notation or footnote is to be entered for each non-cash addition or deduction during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of equity interests on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern.

Insert the appropriate owner group code number, in parentheses, following employer identification number of each small business concern.

Enter for each listed small business concern the four-digit Standard Industrial Classification code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations as special discretionary portfolio. Show the total of all venture capital amounts on the last sheet of this schedule immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

5. *Schedule 5—warrants, options, and other stock rights acquired from SBCs.* This schedule will include warrants, options, and other stock rights acquired from small business concerns held or acquired during the period as well as those exercised, sold or otherwise disposed of during the period. Such data is to be reported as indicated by the column headings. The reporting licensee's participation in investments shall be included.

The warrants, options or other rights to be included in this schedule shall be those for which a cost has been determined separate from that of the financing instruments which they accompanied. If no separate cost is determined, no amount will be entered in column 9. However, the fair value as determined by the licensee's board of directors will be entered in column 10.

List each investment by employer identification number; Owner Group Code number; financing number; Standard Industrial Classification code; name of financed small business concern, together with street address, city, State, zip code, and county in which located; date acquired type and class, etc.; balance at cost at beginning of period; cash additions during period; noncash additions during period at cost; cash deductions during period; noncash deductions during period at cost; and balance at cost at close of period; percent of potential ownership of the financed, concerns stock the licensee would acquire if the warrants, options or other rights are exercised; and fair value of such warrants, options and other rights as determined by the licensee's board of directors in good faith. The total of columns 4 through 10 are to be entered in column 5 of the Summary of Portfolio, Schedule A.

Show in column (11) opposite each financing item the percentage of the financed small business concern's voting securities which can be obtained by the licensee through exercise of conversion privileges and/or stock purchase warrants or options. This percentage shall be computed without giving consideration to the possibility of simultaneous exercise of stock rights by other investment interests. Whenever a licensee considers it important to disclose that its percentage of actual and potential ownership is affected by the probable action of others in exercising their stock rights, a footnote should be appended to the percentage figure arrived at by consideration of only the licensee's action. In such footnote the percentage of actual and potential ownership giving consideration to the probable action of others should be set forth together with an explanation including the names of the other investors who are likely to exercise their rights the percentages of actual and potential ownership they hold, and the general terms of their stock rights.

An explanatory notation or footnote shall be entered in the schedule with respect to any investment (or any interest therein) obtained from another licensee. A similar explanatory notation or footnote is to be entered for each non-cash addition or deduction during the period.

Treat multiple disbursements under the same financing agreement as a single financing. Show the total of warrants, options, and other stock rights financing on the last sheet of this schedule.

In column (1) enter the employer identification number of each listed small business concern.

Insert the appropriate Owner Group Code number, in parentheses, following the employee identification number of each small business concern. In column 1 enter for each listed small business concern the four-digit Standard Industrial Classification Code of the principal industry in which the concern is engaged; refer to the SIC Manual issued by the Office of Management and Budget.

If the licensee has had more than one financing in the same category outstanding to the same small business concern, each such similar financing should be assigned a financing number (1–2–3, etc.) for identification purposes, and this number should be shown in the applicable column on this report and on future reports in relation to the same financing. A number once assigned to a specific financing of a small business concern should never be reassigned to another financing in the same category to the same concern.

In column (9) identify each item "pledged" or "earmarked" by letter (P) or letter (E), as appropriate. Also, identify by the letter (V) each item qualifying under the regulations as venture capital and by the letters (SP) each item qualifying under the regulations special discretionary portfolio. Show the total of all venture capital amounts immediately under the "Totals" line at the foot of column (9). Show the total of all special discretionary portfolio amounts on the last sheet of this schedule immediately under the "Total venture capital."

6. *Schedule 6—Details of certain portfolio securities listed in Schedule 1 through 5.* Enter in this schedule portfolio securities shown in Schedules 1 through 5 when any one or more of the following conditions exist with respect to the financed concern:

1. New or additional financing furnished during the period, as shown in column (5) and (6) of Schedules 1 through 5.

2. The terms of existing financing amended and/or the related collateral changed during the fiscal year to date.

3. The rescheduling, refinancing, or refunding of principal and/or the interest of any portfolio security, or conversion of a delinquent item during the period. (Full details on such events are to be furnished in column (6) or on an attached sheet.)

4. Installment payments of principal and/or interest on loans or debt securities are past due more than one year.

5. An outstanding SBA loan, SBA guarantee or a bank loan or other private loan to the licensee's portfolio concern.

List the items by employer identification number in column (1) and identify them by name of small business concern, type of financing, and financing number in columns (2), (3), and (4). In column (5) show the original principal amount or other cost. Details of the amortization plan and other significant provisions of the financing instruments, including a precise description of capital stock of SBCs, shall be set forth in column (6). The outstanding balance of any SBA direct loan, SBA participation loan, or SBA guaranteed loan to the licensee's portfolio concern is to be shown in column (7). The licensee is requested to obtain this information from the portfolio small business concern, if it is not already available in the licensee's office. The value and description of collateral are to be set forth in column (8). Information as to the portion of such collateral assigned as security for the financing granted by the licensee is required to be presented in column (8).

Any defaults are to be described in column (6) of Schedule 6. Such earmarked or pledged portfolio securities shall be identified in the schedule by the letter (E) or (P), as securities are in default as to principal or interest payments, or as to any other covenants in the financing agreements, a statement to that effect be placed on Schedule 6.

7. *Schedule 7—Participations and joint financings.* Show in this schedule the financings in which the reporting licensee participated as well as financings made jointly by the reporting licensee and one or more other lenders or investors during the period or which were outstanding at any time during such period. Identify each item in column (1) by the employer identification number and name of the financed small business concern; indicate by appropriate letter in column (2) the type of financing (loan, debt security, stock, warrants, and options); and enter the financing number in column (3) if there has been more than one financing of the same type by the reporting company to the same small business concern.

In column (4) show the original total amount contributed by all parties in the participation or joint financing. The names of such participating or joint financing entities (including the name of the reporting licensee) shall be shown in column (5) with appropriate indication as to which is the initiating (sponsoring) entity.

Show in column (6), (7), or (8), as appropriate, the reporting licensee's outstanding principal balance, or other cost, of participation purchased, participation sold, or joint financing, as of the close of the period covered in the report. Enter in column (9) a description of collateral pertaining to each financing, together with information as to the percentage applicable to each party and as to any preferences agreed upon.

F. *Schedule 8—Receivables from debtors on sale of assets acquired in liquidation of portfolio securities.* Show in this schedule, by debtors, accounts receivable, notes receivable, sales contracts, purchase money mortgages, etc., carried during the period in account 200 "Receivables due from debtors on sale of assets acquired in liquidation of portfolio securities." The interest rate and other terms shall be given. The balances at the beginning and close of the period shall be shown, together with additions and deductions during such reporting period. Allowances for uncollectables based upon an evaluation of the reporting company's portion of individual amounts due shall be recorded in column (9) opposite the name of the debtor. Under column (2) identify the assets originally acquired in liquidation to which the amount due relates. The total of column 8 should agree with the balance of account 200. The total of column 9 should agree with account 203.

G. *Schedule 9—Assets acquired in liquidation of portfolio securities.* List and describe in this schedule, by former debtors (small business concerns), assets carried during the period, in the account No. 204 of the System of Account Classification for assets acquired in liquidation of portfolio securities. This schedule will represent only the reporting licensee's portion of such assets.

In column 2, fully describe the assets acquired. The balance at the beginning of the reporting period, additions and deductions during the period, and balance at the close of the period shall be shown in columns (3), (4), (5), and (6).

The fair value, as determined by the licensee's Board of Directors for such assets held at the end of the period will be recorded in column (7). Unrealized depreciation will be measured in column 8 and unrealized appreciation will be measured in column 9.

The information contained in columns 3 through 6 can be obtained by analyizng account 204 and the related subsidiary accounts. Unrealized depreciation, column 8, can be obtained from account 206. Unrealized appreciation, column 9, can be obtained from account 205.

H. *Schedule 10—Operating concerns acquired.* This schedule summarizes certain information relating to portfolio concerns the licensee has acquired control over as a result of taking action to protect its investment. Such concerns are those that are operating; accordingly, the licensee will dispose of all or at least controling interest of such concern.

Each concern acquired by the licensee will be listed on the schedule with the appropriate information requested. The source of data on this schedule is column 4 of schedule 10(a).

Identify in column 1 the name and address of the concern acquired. In column 2, show a breakdown in the percentage ownership of the concern according to ownership by licensee, other SBIC, licensee's associates, and other.

Columns 3 through 6 contain information on the licensee's investment in the concern on a cost basis. Column 3 is the balance at the beginning of the period, column 4 and 5 represent additions and deductions, respectively, during the period, and column 6 represents the balance at the end of the period.

Column 7 through 9 represent valuation of such investments at the statement date. Column 7 represents the value of the investments in operating concerns acquired as determined by licensee. Column 8 represents valuation below cost (unrealized depreciation) and Column 9 represents valuation above cost (unrealized appreciation).

1. *Schedule 10a—Analysis by operating concern acquired.* For each concern listed on Schedule 10, a completed Schedule 10a will be included in the Management Report. The purpose of this schedule is to summarize the licensee's total investment in the concern acquired and the activity with respect to that investment. Attached to the schedule should be a copy of the latest annual financial statements of the concern acquired. Also attached should be a narrative summary as to the circumstances surrounding the acquisition of the concern acquired during the year of acquisition and a status summary as to action during the year to dispose of the licensee's controlling interest in the concern.

The heading of the schedule will contain the concerns name and address, employer's I.D. Code, and SIC Code. The body of the schedulé will disclose the licensee's investment according to loans, debt securities and/or equity investments that were previously reported as portfolio securities and will measure the activity with respect to such investment.

Contingent liabilities of the licensee to the concern acquired in the form of guarantees and commitments will also be disclosed in this schedule.

During the period the licensee's financings are reclassified from portfolio securities to assets acquired, there should be full disclosure as to the source of amounts that have been reclassified. Such amounts would be non-cash additions during the period in this schedule and non-cash deductions on

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schedules where amounts were transferred from.

The source of information contained in this schedule can be found by analyzing activity in the accounts as follows. Columns 1 through 4 represent funded assets acquired and include loans, debt securities, and equity interests. The information reported in items 1 through 9 of this schedule for funded assets acquired can be obtained by analyzing account 210 and the related subsidiary accounts. Item 10, Unrealized Depreciation, is the balance of account 212 and the related subsidiary accounts. Item 12, unrealized appreciation, is the balance of account 211 and the related subsidiary accounts.

The unfounded items, commitments and guarantees, can be obtained from memorandum accounts C1–15 and C1–16.

I. *Schedule 11—Other securities.* Show in this schedule the securities the licensee holds that were acquired by means other than providing financing, and which are not appropriately classified as portfolio securities or assets acquired in liquidation of portfolio securities. Such securities may be part of the considered the licensee received from the sale of portfolio securities or assets acquired in the liquidation of portfolio securities. They may also result from dividends in kind from a portfolio concern.

Other securities should be grouped by debt securities and equity securities.

In column 1, state the name of the concern issuing the securities (in the case of equity securities) or the debtor (in the case of debt instruments).

In column 2, describe the securities and restrictions, if any. In the case of debt instruments, show the terms of repayment and other appropriate information.

In column 3 through 6, show the activity and balances of the securities on the cost basis. In the case of debt instruments, cost is the face amount of the instrument net of unearned discounts, fees, etc.

In column 7, show the market or fair value of securities as determined by the licensee's Board of Directors.

After comparing columns 6 and 7, show value below cost in column 8 as unrealized depreciation and show value above cost in column 9 as unrealized appreciation.

The information contained in columns 3 through 6 can be obtained by analyzing accounts 220 and 221. Unrealized depreciation, column 8, can be obtained from account 223. Unrealized appreciation, column 9, can be obtained from account 222.

J. *Schedule 12: Cash and Invested Idle funds.* Cash will be reported on Schedule 12(a) and Invested Idle Funds will be reported on Schedule 12(b).

Schedule 12(a)—Cash. Show cash on hand and in general funds demand deposits; funds in imprest bank accounts. Demand deposits are balances subject to withdrawal without notice and shall be in commercial banks which are members of the Federal Deposit Insurance Corporation. Cash items in process of collection represent those cash items which have been placed with banks for collection. Petty cash shall represent the full amount of the petty cash imprest fund. The amount shown on line 7 should be the same amount reported on line 14 of the Statement of Financial Position.

Schedule 12(b)—Invested Idle Funds. Show in Schedule 12b(1) securities owned which have been issued or guaranteed by the U.S. Government, showing the name of the issurer and the title of each issue. Other required data, such as interest rate, call date, maturity date, and principal amount at par of bonds and notes, may be obtained by inspection of the securities or from records of securities pledged. The cost of the securities shall be shown in column (6) and the current market value thereof in column (7).

Show in Schedule 12b(2) funds invested in insured savings accounts and funds on time deposit evidenced by time certificates of deposit. Savings accounts shall be with institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation. Time deposits shall include all time certificates of deposit held by the company in commercial banks which are members of the Federal Deposit Insurance Corporation.

The amount shown in Schedule 12(b)(2) line 19 represents invested idle funds and should be the same amount as shown on line 15 of the Statement of Financial Position.

The amounts contained in this schedule can be obtained from the accounts as follows:

In schedule 12(a), item 1 is based on accounts 100 through 108, item 2 is based on accounts 110 through 112, item 3 is based on account 118, and item 4 is based on account 120.

Schedule 12(b)(1) is based on account 130.

In schedule 12(b)(2), columns 1 and 3 are based on accounts 131 through 134, and columns 2 and 4 are based on accounts 135 through 137.

K. *Schedule 13—Average cash and Invested Idle Funds balances on a monthly basis.* This schedule is designed to measure cash or cash items available for investment and is a basis for measuring the licensee's level of activity.

A monthly average is to be computed which fairly represents cash and invested idle funds available during the month. The average amount of cash available can usually be obtained from the licensee's bank statements. The average of invested idle funds is to be a "simple" average based on the number of days in the month and giving consideration to the liquidation value of such short-term securities.

The schedule is to include the 18 month period prior to the statement date. Should there be cash or idle funds that are encumbered or restricted (compensating balances, pledged funds, etc.), such amounts will be eliminated.

The amounts contained in the schedule can be obtained from the accounts as follows: Column 1, cash, is based on accounts 100 through 120. Column 2, idle funds, is based on accounts 130 through 137.

L. *Schedule 14—Long-term debt.* Show in this schedule, by creditors, all obligations payable representing (1) debentures payable to SBA, (2) SBA direct loans, (3) guaranteed loans purchased by SBA, (4) loans guaranteed by SBA, (5) loans not guaranteed by SBA, (6) mortgages payable for funds borrowed, and (7) mortgages payable on assets acquired in liquidation of portfolio securities. Such liabilities shall be grouped by the foregoing categories; and described in column (2), but subtotals are not required. Guaranteed loans purchased by SBA represent loans, originally financed by banks, which have been transferred to SBA through reassignment, transfer and delivery of notes to SBA.

The interest rate and other terms of each obligation shall be recorded in columns (3) and (4); the unpaid balance at the beginning of the fiscal year and additions and deductions during the period shall be shown in columns (5), (6), and (7); and the balance payable at the close of the period, segregated between (a) amounts owed to or guaranteed by SBA for funds borrowed and (b) amounts owed to others for funds borrowed and/or amounts representing mortgages payable on assets acquired in liquidation of portfolio securities, shall be reflected in columns (8) and (9). The information contained in columns 5 through 9 is based on accounts 300 through 320.

M. *Schedule 15—Capital stock of licensee.* Furnish in this schedule a complete description of the company's capital stock authorized, capital stock issued and outstanding, data relating to special transactions involving capital stock.

In column (1) shall be described the type and class of each issue, such as common-$5 par, preferred (7 percent Series of 1969), etc. The par value or, for no-par stock, the stated value shall also be reported in column (1).

The number of shares authorized, whether issued or not, shall be reported in column (2).

The number of shares and amount, at par or stated value, of stock issued and not retired or cancelled shall be reported in columns (3) and (4). The total of column (4) shall agree with item 41 of the Statement of Financial Position. The number of shares held as treasury stock shall be shown in column (5). Column (6) will represent the difference between column (3) and column (5).

Column (7) shall be the amount at par or stated value representing the number of shares outstanding as shown in column (6). The total of column (8) shall represent the amount of capital stock subscribed at the subscription price.

In column (9) shall be reported the amount of subscriptions receivable.

Column (10) shall show the number of shares (other than those under option) reserved for purchase by officers and employees, and column (11) shall show the number of shares reserved to cover options and other rights).

The information reported in this schedule is based on accounts 400 through 419.

N. *Schedule 16—Options on licensee's capital stock.* Furnish in this schedule full information concerning outstanding capital stock options which have been granted by the company.

The holder of each option shall be identified in column (1). The number of shares optioned shall be shown in column (2). In column (3) shall be described the type and class of stock called for by the option, such as common $5 par, preferred (7 percent Series of 1969), etc.

Column (4) shall show the grant and expiration dates of each option and column (5) shall set forth the price or prices at which each option is exercisable, together with the period during which each price applies.

Column (6) shall show the fair market value, per share, of stock called for by each option, at the date the option was granted. The price at which the option is exercisable as a percentage of fair market value, per share, of the optioned stock at the date of granting shall be shown in column (7). Column (8) shall set forth the provisions made with respect to each option in the event of the optionee's death or retirement, or other circumstances.

The fair market value, per share, of stock called for at the date the option was granted, if not ascertainable on the basis of actual market, shall be as determined by the board of directors in good faith.

The information reported on this schedule is based on memorandum account OCS–1.

O. *Schedule 17—Shareholders, officers, and directors of the licensee.* Furnish in this schedule the information as required by the form regarding equity securities issued by the licensee and regarding the licensee's officers, directors and manager.

In column (1) list: (a) Each person or company directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting securities of the company.

[2](b) Each person or company owning of record or being known to own beneficially more than 10 percent of any other class of equity securities of the company.

(c) Each officer, director, or manager of the licensee. (List and identify officers and directors, and manager regardless of whether or not they own any equity securities of the company.)

Show in column (2) whether each natural person listed in column (1) is an officer, director, manager of the licensee or specific combination of any of the three and the total remuneration for the period received by each from the licensee. Indicate the column (3) the type of business in which each listed person or company is engaged. Column (4) shall show the title of each class of stock owned by any person or company and column (5) shall indicate whether the securities of the specific class are owned both of record and beneficially, of record only, or beneficially only.

In columns (6), (7), and (8), respectively, show the number of shares of each class owned by each listed person or company, the total par or stated value of such shares, and the percentage of the total number of shares of this class outstanding which is represented by the shares owned by the particular person or company.

Summarize the foregoing information by class of equity security at the bottom of the schedule.

P. *Schedule 18—Actual loss experience on receivable, loans, and investments.* Furnish in this schedule by categories shown, the amount of loss experienced on loans and investments as well as receivables resulting from income realization. The loss experience will be stated by prior years experience and the actual loss experience during the current period. The amounts shall be rounded to the nearest thousand.

Schedule 18 is the basis for determining the loss experience of the industry.

Q. *Management certification.* The certification of the Annual Report, SBA Form 468, shall bear the signature of the chief financial officer of the licensee, or other officer authorized by the board of directors to sign in the event the chief financial officer is unavailable. The Corporate Secretary of the licensee shall attest by signature to the fact that the minutes of a meeting of the board of directors show that the Annual Report, SBA Form 468, has been reviewed and approved by the board of directors. The date on which each signature is affixed shall be shown. All signatures on all copies of the Annual Report, SBA Form 468, submitted to SBA shall be original signatures in ink.

8. Appendix C—*System of Account Classification* is added and reads as follows.

APPENDIX C—SYSTEM OF ACCOUNT CLASSIFICATION

I. Introduction.
A. Statement of policy.
B. Purpose of the System.
C. Maintenance and retention of records.
II. Accounting policies and practices.
A. Accrual basis of accounting.
B. Accounting and reporting loans and investments on the value basis.
C. Equity method of accounting.
D. Management counsulting subsidiary.
E. Tax allocation policy.
F. Accounting for dividend and interest income.
G. Profit sharing.
H. Financing discounts and fees.
I. Realization of gain (loss on sale of securities.
J. Unrealized gain (loss) on securities held.
K. Undistributed realized earnings.
L. Accounting for non-monetary transaction.
1. Loan and investment transactions.
2. Dividends and "spin offs".
M. Special policies applying to 301(d) licensees.
1. Interest "subsidy" on debentures.
2. Three percent non-voting preferred stock purchased by SBA.
3. Capitalized operating expenses.
N. Allowances for losses on loans and investments
III. Chart of accounts.
A. Account numbering system.
B. Additional accounts.
C. Primary classification of accounts.
D. Detail chart of accounts.
IV. Description of accounts.

I. INTRODUCTION

A. *Statement of policy.* Small Business Investment Companies (SBICs) licensed by the Small Business Administration (SBA) including 301(d) licensees are to maintain their books of account in accordance with the system of account classification and accounting policies herein prescribed. Accounting principles and practices set forth herein are in accordance with generally accepted accounting principles as set forth by the American Institute of certified public accountants for investment companies.

The system of account classification is adaptable to manual or machine accounting procedures employing the double-entry method of accounting, and is otherwise designed to meet the specific needs of companies licensed in accordance with the provisions of the Small Business Investment Act of 1958, as amended.

Nothing contained in this system of account classification can or is intended to authorize or approve any operation or action by a licensee, or any other action, not authorized or approved by the Small Business Investment Act of 1958, as amended, or the Rules and Regulations promulgated thereunder.

This system of Account Classification was prepared by the SBA. Any inquiries or comments relating to the system should be directed to the Staff Accountant, Investment Division, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

B. *Purpose of the System.* This system has been prescribed to insure that standard books of account are maintained by licensees and that uniform accounting policies are followed. By design, the system is basic and may be expanded by a licensee if necessary.

C. *Maintenance and retention of records.* The licensee's books and records shall be maintained at its principal place of business. Books and records shall include its books of account, and other records, and memoranda which support the entries in its books of account. These supporting records shall be maintained in such manner as to be able readily to furnish information on any item included in any account. The books and records referred to herein include not only accounting records in a limited technical sense, but other records, such as minute books, capital stock records, reports, correspondence, and memoranda which may be useful in developing the history of, or facts regarding, any transaction.

Complete records of nominal assets and contingent liabilities must be maintained. This is especially true with respect to (1) outstanding commitments to finance small business concerns through loans to them or the acquisition of their equity securities and to make funds available to other lenders through deferred participations, and (2) outstanding guarantees under which the company is contingently liable to lending institutions in connection with obligations of portfolio concerns. A section providing for the maintenance of appropriate memorandum records is included herein, covering nominal assets, contingent liabilities, options on the capital stock of the Small Business Investment Company, and the actual loss experience of the company.

Section 107.1102 of SBA rules and regulations specifies the time period licensee's records are to be maintained.

II. ACCOUNTING POLICIES & PRACTICES

As a general rule, accounting policies followed by licensees are those promulgated by the American Institute of CPA's as generally accepted accounting principles and practices. Certain of these principles and practices are prescribed in the AICPA's audit guide.

The significant accounting policies licensees are to follow are summarized below. The summary is intended to highlight the more important accounting policies and practices rather than being an all inclusive statement.

A. *Accrual basis of accounting.* Books of account shall be maintained on an accrual basis and, at the end of each month transactions shall be posted to the General Ledger. Entering in the records and posting to the General Ledger of accruals applicable to each month is optional but all accruals are to be entered in the records and posted as the end of the fiscal year, and as of such other dates as mark the close of periods to be covered by interim or special financial reports required to be furnished to SBA.

B. *Accounting and reporting loans and investments on the value basis.* Loans and investments will be recorded at cost. However, unrealized appreciation or depreciation of such securities will be recognized in the accounts and as such will result in fair value accounting for loans and investments.

The practice of valuing loans and investments and reflecting in the accounts the resulting unrealized gain (loss) on such securities held has been expressed by the American Institute of CPA's as being a generally accepted accounting practice for investment companies. Accordingly, this practice is being adopted by SBICs.

The adoption of this practice causes unrealized appreciation on loans and investments to be recognized in the accounts. Unrealized depreciation, essentially allowance for losses, has always been recognized. An appropriate tax provision will be established for net unrealized appreciation or depreciation on securities held.

C. *Equity method of accounting.* The carrying value of equity interests in unincorporated concerns will be determined by the equity method of accounting. However, for valuation purposes, the fair value basis of accounting will be used for the equity interest in unincorporated concerns.

The equity method of accounting will also apply to the investment in 301(d) licensees. Accordingly, an SBIC's investment account will be adjusted for its proportionate share of net income (loss) of such investee as well as dividends paid by the investee. The results will be an investment carried at the book value of such stock.

D. *Management consulting subsidiary.* According to § 107.601(c) of SBA regulations, consolidated financial statements are to be submitted to SBA when a licensee has a management consulting subsidiary. Although no provision has been made in the system of accounts for management consulting subsidiaries, books of account are to be maintained for the subsidiaries so as to properly account for its financial position and result of operations. Such accounts should also be compatible with this system of accounts.

Consolidated statements will include only the licensee and the management consulting subsidiary. Other subsidiaries are not to be reported on a consolidated basis.

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E. *Tax allocation policy.* Tax allocation policies as set forth in Accounting Principals Board Opinion No. 11, *Accounting for Income Taxes*, effective December 31, 1967, will be followed by licensees in accounting for income taxes.

A difference between the amount of gain or loss recognized for tax purposes and that recognized for accounting purposes may constitute a timing difference to be accounted for according to APB Opinion No. 11.

Such differences will result in either deferred credits or deferred charges to future income taxes.

F. *Accounting for dividend and interest income.* 1. *Dividend Income.* As a general rule, cash dividends on investment securities are recorded as of the record date. Occasionally, cash distributions represent a return of capital rather than current income to the recipient Licensee. In such cases, the distributions should be credited to the investment account rather than to income.

Stock splits and dividends in stock of the same class as that owned, are not recorded as income since the Licensee's equity interest in the company declaring the dividend or split has not changed.

Dividends in kind are generally recorded as income at the fair value of the property received. When the recipient Licensee has the option to receive cash or stock, income should be recorded for the amount of cash that could have been received. When stock rights are received, a portion of the cost basis of the related investment may be allocated to the rights on a pro rata cost basis.

2. *Interest Income.* Interest Income will be accrued accordingly to terms of Interest bearing loans and investments. Interest will not be accrued if the ability of the small business concern to pay such accrued interest is doubtful. Indicators of uncollectible accrued interest are when the SBC is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Other indicators are when principal and/or interest payments are in default more than 6 months or when the Board of Directors values the security below cost and considers collection to be doubtful.

Unearned premiums or discounts are an adjustment of interest income and are to be amortized over the stated life of the debt instrument on a straight line basis.

Interest on invested idle funds is usually accrued on a monthly basis and discounts are an adjustment of the interest rate.

G. *Profit sharing.* As a general rule, profit sharing with the financed concern is an adjustment of the interest rate. An exception to this rule is when the licensee makes an investment in an unincorporated concern which takes the form of an equity interest rather than a loan and the financed concern treats the profit sharing as an equity distribution rather than an expense.

H. *Financing discounts and fees.* Discounts on debt instruments resulting from financings made to small business concerns are considered an upward adjustment of the interest rate and are to be amortized over the stated life of the instrument on a ratable basis. Accordingly, the discount is considered earned as it is amortized.

Fees, as a general rule, are considered earned at the time of financing since they are for services rendered in connection with the financing. To the extent fees are for services to be rendered in the future, such amount will be considered unearned until the services are performed at which time such fees will be considered earned.

I. *Realization of gain (loss) on sale of securities.* In accordance with the accrual basis of accounting, gain or loss on sale of securities or other assets of a licensee will be realized at the time of sale rather than at the time of collection. This practice assumes that the sale represents a final transaction, that the collectibility of the gain is reasonably assured and that the earnings process is complete, i.e., the licensee is not obligated to perform significant activities after the sale in order to earn the gain. Accordingly, this practice of recognizing gain is in accordance with generally accepted accounting principles.

Any transaction with recourse upon the licensee or involving any understanding, agreement, option, privilege, or other rights to repurchase by and/or resell to the Licensee may not be considered as a final transaction. Any reacquisition of the securities by the Licensee, resulting from prior agreements or rights, shall be construed by SBA as a nullification of the original sale transaction.

Any gain on sale of securities which does not qualify as realized gain in accordance with the foregoing shall be deferred pending such realization.

When part of the net sales price is other than cash, gain will be realized at the time of sale unless the sale is not a final transaction or unless collection of the proceeds is not reasonably assured. However, such non-cash gains will be restricted in the sense that they will be unavailable for capitalization or dividend distribution until converted to cash. When collected, application of cash will first be made to the recovery of the licensee's cost of securities sold and then to gain, i.e., the cost recovery method.

Losses are recognized at the point of sale and are shown as a reduction of undistributed net earnings realized. They have no effect on non-cash gains.

Cost of securities sold is usually the carrying value of such assets on the licensee's books. Occasionally, a licensee will acquire shares of an investee's stock (which shares are of the same class) at different times and prices. The average cost method of determining cost of such securities when sold is preferred. If a basis other than the average cost method is used, the difference (if material) in gain (loss) between that determined on the average cost method and that on the method actually used should be disclosed.

J. *Unrealized gain (loss) on securities held.* Unrealized gain (loss) on securities held results from the licensee's director's valuation of Loans and Investments. Unrealized appreciation represents the valuation above cost and unrealized depreciation represents valuation below cost. After considering an appropriate provision for taxes, the net amount will be "unrealized gain (loss) on securities held."

The Statement of Operations measures the realized activities of a licensee that can be objectively measured. Unrealized gain (loss) on securities held is in many ways a subjective determination by a licensee; therefore, measurement in a separate statement would be most appropriate with the final results being reflected in the equity section of the Statement of Financial Position. Accordingly, unrealized gain (loss) on securities held will be measured separately in the equity accounts rather than being a measurement of earnings. Such accounting treatment is not at variance with Accounting Principles Board Opinion No. 9, *Reporting the Results of Operations*, issued by the AICPA and effective December 31, 1966, or with accounting practices set forth in the AICPA Audit Guide for Investment Companies as applied to SBICs.

K. *Undistributed realized earnings.* Undistributed realized earnings will encompass all realized earnings whether in cash or nonmonetary receipts such as notes receivable, stock, etc. Earnings realized in other than cash will not be available for dividend declaration or otherwise made available for capitalization until converted to cash. Therefore, non-cash gains on sale of securities will be restricted until converted to cash. Gain or loss of securities held is unrealized and, therefore, not measured in undistributed earnings.

L. *Accounting for non-monetary transactions.* Non-monetary transactions involve both reciprocal and nonreciprocal transfers of assets or liabilities not involving cash between the licensee and another entry or person, or between the licensee and its stockholders. Accounting principals Board Opinion No. 29, issued by the AICPA and effective October 1, 1973, should be followed by licensees to the extent applicable when accounting for non-monetary transactions.

1. *Loan and investment transactions.* Nonmonetary exchanges with portfolio concerns or others whereby the licensee transfer certain securities or assets for other securities or others whereby the licensee transfers cerwhere gain (loss) is realized whether such transactions are taxable or non-taxable exchanges. The accounting basis for assets received will be the same basis as assets transferred and unrealized gain (loss) on securities held will be the result of the valuation process.

2. *Dividends and spin-offs.* Dividends in kind are nonreciprocal transfers of nonmonetary assets to owners and should be accounted for at fair value if such fair value is objectively measurable and would be clearly realizable to the licensee in an outright sale at or near the time of distribution. Otherwise, the transfer should be accounted for at cost without realizing a gain (loss). The average cost method will be used in determining cost of dividends in kind.

M. *Special policies applying to 301(d) licensees.*—1. *Interest "subsidy" on debentures.* During the first five years on debentures of 301(d) licensees purchased by SBA, Section 317 of the Small Business Investment Act of 1958, as amended, provides for an effective rate of interest that is 3 percent below the rate determined pursuant to section 303(b) of the Act, so long as the effective rate charged is not less than 3 percent. Before such licensee can make a distribution other than to SBA, however, an amount equal to the "subsidy" must be paid to SBA.

The interest subsidy should be treated as a contingent liability until it is known that a distribution will occur. During the period such a determination is made, the subsidy should be recognized as an expense with a corresponding liability being recorded.

2. *Three percent non-voting preferred stock purchased by SBA.* Although considered leverage funds, preferred stock purchased by SBA of 301(d) licensee is treated like other equity securities for *accounting purposes.* Dividends on such stock receive the conventional treatment of dividends and are declared and paid out of "retained earnings."

3. *Capitalized operating expenses.* Frequently, 301(d) licensees that have parent companies will be allowed to increase capital by transfers of allocated operating expenses incurred on the part of the licensee but paid for by the parent company. Another form of the same type of transaction exists when the parent company increases private capital of a subsidiary licensee by a cash transfer which funds are designated to be used for budgeted operating expenses.

Such transfers whether monetary or nonmonetary will be expenses rather than being treated as an asset on the basis that they have no future value.

N. *Allowance for losses on loans and investments.* The value basis of accounting does not contemplate a general allowance for losses on loans and investments as does the cost basis. Rather, value accounting requires the licensee's Board of Directors to value each loan and investment as of the statement date. Where value is determined to be less than cost, unrealized depreciation will result. To the extent that such unrealized depreciation represents an expected loss, an allowance for losses should be established. It should be noted, however, that the adoption of value accounting will have no effect on the licensee's reserve for losses for tax purposes (see I.R.C. 586).

As under the cost basis, differences in accounting income and taxable income will occur and will be measured as deferred credit or deferred charge to future income taxes. For example, a licensee may, under either accounting basis, establish an allowance for loss on stock, warrants or other types of equity investments. For tax purposes, however, such allowances may not be taken. In such cases, the difference between accounting for statement purposes and tax purposes is reflected as a deferred charge. Similarly, when a general allowance for loss is established on loans on debt securities, income for tax purposes will be greater than for statement purposes and the difference will be reflected as a deferred credit.

III. CHART OF ACCOUNTS

A. *Account numbering system.* This system provides for two-digit number designations for major categories under which accounts are listed, and three-digit number designations for individual general ledger accounts. The first two digits of an individual account number refer to the major category under which the account is classified and the third digit identifies the specific account. Digits from zero through nine are used to identify specific accounts. For example, the first deposit bank account established will be designated "100" and the second "101." It will be noted that some categories encompass individual accounts in sufficient number to require assignment of more than one two-digit number to identify the category. For example, "Cash on Hand and in Banks" has been assigned category numbers "10," "11," and "12."

B. *Additional accounts.* Licensees may incorporate such additional accounts into their accounting system that are considered necessary.

Any account may be subdivided provided that such subaccounts do not impair the integrity of the accounts set forth in the prescribed system. Subaccounts shall refer by number and title to the accounts which they apply. Use of a decimal system is required for extending the account numbers to identify such subaccounts.

C. *Primary classification of accounts.* The primary classification of accounts is as follows.

GENERAL LEDGER

Account Nos.:	*Description*
100 to 299	Asset and valuation accounts.
300 to 399	Liability accounts.
400 to 499	Capital accounts.
500 to 599	Income accounts.
600 to 799	Expense accounts.

MEMORANDUM RECORDS

NA–10 to NA–14	Nominal assets.
CL–15 to CL–17	Contingent liabilities. stock.
OCS–1	Options on company's
AL–1	Actual (realized) losses.

D. *Detail chart of accounts.* The detail chart of accounts is organized according to the primary classification of accounts and identifies the account number and title of each account. The page where a description of the account can be found is indicated at the right of the account title.

ASSET AND VALUATION ACCOUNTS

10–12 Cash on hand and in banks

100–108 Deposits in ------ bank.
110–112 Deposits in imprest account in ------ bank.
118 Cash items in process of collection.
120 Petty cash fund.

13 Invested idle funds

130 U.S. Government obligations, direct and fully guaranteed.
131 Insured savings accounts.
135–137 Time certificates of deposit in ------ bank.

14 Receivables

140 Notes receivable.
141 Accounts receivable.
142 Allowance for uncollectible notes and accounts receivable.
143 Accrued interest receivables.
144 Allowances for uncollectible interest receivable.
145 Dividends receivable.

15 Current maturities and other current assets

150 Current maturities on portfolio securities.
152 Current maturities on assets acquired in liquidation of portfolio securities.
153 Current maturities on operating concerns acquired.
154 Current maturities on other securities.
156 Other current assets.

16 Investment in 301(d) licensee

160 Investment in 301(d) licensee.

17 Loans to small business concerns

170 Loans.
171 Appreciation of loan values.
172 Depreciation of loan values.
173 Unearned discount, fees, and other charges on loans.

18 Debt securities of small business concerns

180 Debt securities, convertible, and with stock purchase warrants or options.
184 Debt securities divested of stock rights.
186 Appreciation of debt securities of SBCs.
187 Depreciation of debt securities values.
188 Unearned discount, fees, and other charges on debt securities.

19 Equity interests of SBCs

190 Capital stock of SBCs, convertible, and with stock purchase warrants or options.
191 Capital stock of SBCs—other.
192 Appreciation of capital stock of SBCs.
193 Depreciation of capital stock values.
194 Equity interests of unincorporated concerns.
195 Appreciation of equity interests in unincorporated concerns.
196 Depreciation of equity interests in unincorporated concerns.
197 Warrants, options, and other stock rights acquired from SBCs.
198 Appreciation of warrants, options, and other stock rights acquired from SBCs.
199 Depreciation of warrants, options and other stock rights acquired from SBCs.

20 Assets acquired in liquidation of portfolio securities

200 Receivables from debtors on sale of assets acquired in liquidation of portfolio securities.
203 Depreciation in values of receivables from debtors on sale of assets acquired in liquidation of portfolio securities.
204 Assets acquired in liquidation of portfolio securities.
205 Appreciation on assets acquired in liquidation of portfolio securities.
206 Depreciation of assets acquired in liquidation of portfolio securities.

21 Operating concerns acquired

210 Operating concerns acquired.
211 Appreciation of operating concerns acquired.
212 Depreciation of operating concerns acquired.

22 Other securities

220 Notes and other securities received on sale of portfolio securities.
221 Other securities received.
222 Appreciation of other securities.
223 Depreciation of other securities.

23 Prepaid expenses and deferred charges

230 Prepaid expenses.
231 Deferred charges.

24 Furniture and equipment

240 Furniture and equipment.
241 Accumulated depreciation on furniture and equipment.

25 Corporate premises owned

250 Corporate premises owned.
251 Accumulated depreciation on corporate premises owned.
252 Leasehold improvements.

26 Other assets

265 Amounts due from directors, officers, and employees.
266 Organization costs.
267 Funds in escrow.
269 Other assets.

LIABILITY ACCOUNTS

30 Notes and other obligations payable to SBA for funds borrowed

300 Notes payable to SBA.
301 Debentures payable issued to SBA.

31 Notes and other obligations payable to other than SBA for funds borrowed

310 Notes payable to other than SBA—guaranteed by SBA.
311 Notes payable to other than SBA—not guaranteed by SBA.
312 Mortgages payable for funds borrowed.
313 Mortgages payable on assets acquired in liquidation of portfolio securities.

32 Notes payable—Other

320 Notes payable—other.

33 Current maturities of long-term debt

330 Current maturities of notes and debentures payable to or guaranteed by SBA.
331 Current maturities of notes and debentures payable to others not guaranteed by SBA.

34 Accounts payable

340 Accounts payable.

35 Accrued expenses and other current liabilities

350 Accrued interest payable.
351 Accrued taxes.
354 Estimated income taxes accrued.
358 Other current liabilities.

36 Dividends payable

360–364 Dividends payable on (Type and class) capital stock.

37 Trust receipts

370 Employee taxes withheld.
374 Unapplied receipts.
378 Miscellaneous trust receipts.

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38 Deferred credits

380 Deferred Credit to future income taxes.
383 Other deferred credits.

39 Other liabilities

390 Other liabilities.

CAPITAL ACCOUNTS

40–41 Capital stock

400–404 (Type and class) capital stock authorized.
405–409 (Type and class) unissued capital stock.
410–411 (Type and class) capital stock subscribed.
413–414 Capital stock subscriptions receivable (type and class).
415–419 Treasury stock (Type and class).

42 Paid-in surplus

420 Paid-in surplus.

43–3 Percent preferred stock (301(d) licensees only)

430 3 percent preferred stock, cumulative, non-voting issued to SBA.

44 Unrealized gain (loss on securities held)

440 Unrealized appreciation on loans and investments.
445 Unrealized depreciation on loans and investments.
448 Estimated taxes on net realized gain (loss) on securities held.

45 Undistributed realized earnings

450 Non-cash gains on sale of securities.
451 Undistributed net realized earnings.

46 Profit and loss clearing

460 Profit and Loss summary
461 Realized gain and loss summary in cash.
462 Non-cash realized gain summary.

INCOME ACCOUNTS

50 Commitment income

500 Commitment income.

51–52 Interest income

510 Interest on invested idle funds.
512 Interest on loans.
516 Interest on debt securities.
520 Interest income—other.

53 Fee income

532 Management service fees.
534 Investigation and service fees charged other lenders.
536 Application and appraisal fees.

54 Dividends and other earnings

540 Dividends on capital stock of SBCs.
541 Sharings in income or revenue of SBCs.

57 Gain on securities and other assets

570 Gain on U.S. Government securities.
571 Gain on loans.
572 Gain on debt securities.
574 Gain on capital stock of SBCs.
575 Gain on equity interest of unincorporated SBC.
576 Gain on warrants, options, and other stock rights acquired from SBCs.
577 Gain on assets acquired in liquidation of portfolio securities.
578 Gain on operating concerns acquired.
579 Gain on other assets.

58 Miscellaneous income

582 Income from assets acquired in liquidation of portfolio securities.
584 Other income.

EXPENSE ACCOUNTS

60 Commitment expense

600 Commitment expense.

61–62 Interest expense

610 Interest on obligations payable to SBA.
622 Interest on obligations payable to other than SBA.

64 Stock record and other financial expenses

642 Stock record and other financial expenses.

65–67 Operating expenses

650 Advertising and promotional costs.
651 Appraisal and investigation costs.
652 Auditing and examination costs.
653 Communications.
654 Cost of space occupied.
655 Depreciation of corporate premises owned, furniture, and equipment.
656 Amortization of leasehold improvements.
657 Directors' and stockholders' meetings costs.
658 Insurance.
659 Management services fees.
660 Investment adviser costs.
661 Legal services.
663 Salaries.
664 Taxes, excluding income taxes.
665 Travel.
670 Employee benefits expense.
672 Amortization of organization expense.
679 Miscellaneous operating expenses.

68 Estimated losses on receivables

680 Estimated losses on receivables.

70 Loss on securities and other assets

700 Loss on U.S. Government securities.
701 Loss on loans.
702 Loss on debt securities.
704 Loss on capital stock of SBCs.
705 Loss on equity interests of unincorporated concerns.
706 Loss on warrants, options, and other stock rights acquired from SBCs.
707 Loss on assets acquired in liquidation of portfolio securities.
708 Loss on operating concerns acquired.
709 Loss on other assets.

71 Miscellaneous expenses

710 Expense on assets acquired in liquidation of portfolio securities.
715 Other expenses.

72 Income taxes

720 Income taxes—net income.
722 Income taxes—net realized gain on investments.

MEMORANDUM RECORDS

Nominal Assets

NA–10 Stock purchase warrants or options on stock of SBCs.

Contingent Liabilities

CL–15 Commitments outstanding.
CL–16 Guarantees outstanding.
CL–17 Other contingent liabilities.

Options on company's stock

OCS–1 Options on company's stock.

Actual Loss Experience

AL–1 Actual (realized) losses.

IV. DESCRIPTION OF ACCOUNTS

ASSET AND VALUATION ACCOUNTS

100–108 *Deposits in _____ bank.*

These accounts will represent funds on demand deposit in banks which are members of the Federal Deposit Insurance Corporation.

Debit:

(a) With amount of funds deposited.

Credit:

(a) With amount of funds withdrawn, and charges made by bank for such items as dishonored checks, transfer of funds by wire, collection, exchange, etc.

110–112 *Deposits in imprest account in _____ bank.*

These accounts will represent funds on demand deposit in imprest bank accounts to be drawn upon for the payment of operating expenses and to be reimbursed periodically through deposit therein of a check requiring dual signatures and drawn on the company's general funds bank account.

Debit:

(a) With amount of funds deposited.

Credit:

(a) With amount of funds withdrawn.

118 *Cash items in process of collection.*

This account will represent the amount of cash items placed with banks for collection.

Debit:

(a) With amount of such items placed with banks for collection.

Credit:

(a) With amount of items collected.
(b) With amount of uncollected items returned or withdrawn.

120 *Petty cash fund.*

This account will represent the imprest petty cash fund maintained for the purpose of making small disbursements.

Debit:

(a) With amount placed in the fund when established.
(b) With amount of increase in the fund.

Credit:

(a) With amount of decrease in the fund.

NOTE: The petty cash fund may be reimbursed and expenditures recorded as often as circumstances require, but must be reimbursed at the close of the company's fiscal year. Checks to replenish the fund will be drawn on a general fund bank account and include "petty cash" as a payee. Debits totaling the amount of this replenishment should be made concurrently to the appropriate accounts.

130 *United States Government obligations, direct and fully guaranteed.*

This account will represent the cost of temporary investments made from general cash funds in direct obligations of the United States Government and obligations guaranteed as to principal and interest by the United States Government. When United States Government Savings Bonds redeemable at par value on maturity are purchased at less than face value, the increase in redemption value may be periodically charged to this account with concurrent credit to account No. 510—Interest on invested idle funds.

Debit:

(a) With cost of such securities acquired.
(b) With increase in redemption value of United States Savings Bonds.

Credit:

(a) With redemption value of United States Savings Bonds redeemed.
(b) With cost of such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be debited to account No. 143—Accrued interest receivable, with concurrent credit to account No. 510—Interest on invested idle funds.

(See accounts Nos. 570 and 700)

131 *Insured savings accounts.*

This account will include the balances in subaccounts Nos. 131.1, 131.2, etc.

131.1 *Insured savings in_____*

This account will represent funds invested in an insured savings account (up to the amount of the insurance) in an institution the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Debit:

(a) With amount of funds invested.
(b) With amount of dividends earned on such invested funds.

Credit:

(a) With amount of funds withdrawn.

135–137 *Time certificates of deposit in _____ bank.*

These accounts will represent funds in Time Certificates of Deposit, maturing not later than one year after issuance, in banks which are members of the Federal Deposit Insurance Corporation.

Debit:

(a) With amount of funds deposited.

Credit:

(a) With amount of funds withdrawn.

140 *Notes receivable.*

This account will represent the unpaid balance of miscellaneous notes receivable, such as notes for management consulting services. Notes representing amounts due from debtors on sale of assets acquired in liquidation of portfolio securities will be reflected in account No. 200.

Debit:

(a) With amount of such miscellaneous notes received.

Credit:

(a) With amount collected on principal of such miscellaneous notes.
(b) With unpaid principal balance written off or disposed of otherwise.

NOTE: Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern is in default more than 6 months to the licensee, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account, or, as an alternative, the receivable recorded as an asset should be concurrently credited as deferred income to account No. 383 as above indicated.

(See account No. 142)

141 *Accounts receivable.*

This account will represent the amount due on open account for management consulting, appraisal, and miscellaneous services rendered; and miscellaneous current receivable.

The account also will include the amount of accrued compensation receivable for services rendered to "participating" companies and the amount of accrued commitment fees receivable for making funds available on a deferred basis to small business concerns and to "initiating" companies in connection with the latter's financing of small business concerns.

Accounts receivable representing receivables due from debtors on sale of assets acquired in liquidation of portfolio securities will be reflected in account No. 200.

Debit:

(a) With amount due the company.

Credit:

(a) With amount collected.
(b) With amount written off or disposed of otherwise.

NOTE: Recording as income of amounts entered in this account should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the debtor small business concern is in default more than 6 months to the licensee, or the fair value of its debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the receivable entered in this account, or, as an alternative, the receivable recorded as an asset should be concurrently credited as deferred income to account No. 383 as above indicated.

(See account No. 142)

142 *Allowance for uncollectible notes and accounts receivable.*

This account will represent the valuation reserve provided for estimated losses on notes and accounts receivable and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account wil reflect the best available estimate of probable losses on notes and accounts receivable.

Debit:

(a) With amount of decreases in such reserve.
(b) With amount of notes and accounts receivable written off.

Credit:

(a) With amount of such reserve established.
(b) With amount of increase in such reserve.
(c) With amount of recoveries on notes and accounts receivable written off.

NOTE: When a note receivable or an account receivable is recorded with respect to any debtor small business is in default more than 6 months to the licensee, or the fair value of whose debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable reflected in this account should be made in an amount equivalent to the recorded receivable, or, as an alternative, the amount of the receivable recorded as an asset should be concurrently credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting.

(See accounts Nos. 140, 141 and 680)

143 *Accrued interest receivable.*

This account will represent the amount of interest accrued on portfolio loans to and debt securities of small business concerns, United States Government obligations, direct and fully guaranteed, notes receivable, sales contracts, and other interest-bearing amounts due from debtors, including funds placed in escrow pending the closing of financing and assets acquired in liquidation of portfolio securities as well as interest accrued on other securities.

Debit:

(a) With amount of interest accrued on all items covered by this account.

Credit:

(a) With amount of interest payments received.
(b) With amount of accrued interest transferred to assets acquired in liquidation of loans and debt securities.
(c) Upon disposition of interest-bearing obligations, with amount of accrued interest thereon included in this account.
(d) With amount of accrued interest written off or disposed of otherwise.

NOTE 1: At the option of the company, interest payments received in cash from debtors prior to the interest maturity date may be credited to account No. 374—Unapplied receipts, until the maturity date.

NOTE 2: Accrual of interest receivable should be discontinued with respect to any loan or debt security financing a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the licensee; or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See account No. 144)

144 *Allowance for uncollectible interest receivable.*

This account will represent the valuation reserve provided for estimated losses of accrued interest receivable, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands, so that this account will reflect the best available estimate of probable losses of accrued interest receivable.

Debit:

(a) With amount of decreases in such reserve.
(b) With amount of accrued interest receivable written off.

Credit:

(a) With amount of such reserve established.
(b) With amount of increases in such reserve.
(c) With amount of recoveries of accrued interest receivable written off.

NOTE: When interest receivable is accrued under circumstances in which the financed small business concern is in default over six months to the licensee, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable reflected in this account should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in account No 383—Other deferred credits, pending determination of the appropriate accounting.

(See accounts Nos. 143 and 680)

145 *Dividends Receivable.*

This account will represent cash dividends that have been declared on capital stock of

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small business concerns but have not been distributed to stockholders.

Debit:

(a) With amount due the licensee of cash dividend declared.

Credit:

(a) With amount distributed to the licensee of the dividend declared.

(See account 540)

NOTE 1: Stock splits or dividends in stock of the same class as that owned are not recorded as dividend receivable and also income because the licensee's equity interest in the company declaring the dividend or split has not changed.

Therefore, stock splits or dividends will be measured in the appropriate investment account.

(Account 190 or 191)

NOTE 2: Dividends in kind will be recorded as income at the fair market value of the securities received and will be recorded in account no. 221, Other securities received.

150 *Current Maturities of Portfolio Securities.*

This account will represent the principal amounts due the licensee on a cost basis of loans and debt securities of small business concerns that are reasonably expected to be collected in the normal course of business in the next 12 months of operations.

Debit:

(a) With amount due the licensee during the current year.

Credit:

(a) With amount of current maturities collected by the licensee.

(b) With amount not considered collectible on a current basis and restored to loan or debt security accounts.

(See accounts Nos. 170, 180, and 184)

152 *Current Maturities on Assets Acquired in Liquidation of Portfolio Securities.*

This account will represent the current principal amounts due the licensee on a cost basis of amounts due from debtors on sale of assets acquired; or the current principal amounts of their debt instruments that are classified as assets acquired in liquidation of portfolio securities.

This account will represent only those amounts reasonably expected to be collected in the normal course of business in the next 12 months of operations.

Debit:

(a) With amount due the licensee during the current year.

Credit:

(a) With amount of current maturities collected by the licensee.

(b) With amount not considered collectible on a current basis and restored to the appropriate asset acquired in liquidation of portfolio securities account.

(See accounts Nos. 200, 204.)

153 *Current Maturities on Operating Concerns Acquired.*

This account will represent the principal amounts due the licensee on a cost basis of debt instruments classified as operating concerns acquired that are reasonably expected to be collected in the normal course of business in the next 12 months of operations.

Debit:

(a) With amount due the licensee during the current year.

Credit:

(a) With amount of current maturities collected by the licensee.

(b) With amount not considered collectible on a current basis and restored to other securities accounts.

(See account No. 210)

154 *Current Maturities on other Securities.*

This account will represent the principal amounts due the licensee on a cost basis of debt instruments classified as "other securities" that are reasonably expected to be collected in the normal course of business in the next 12 months of operations.

Debit:

(a) With amount due the licensee during the current year.

Credit:

(a) With amount of current maturities collected by the licensee.

(b) With amount not considered collectible on a current basis and restored to other securities accounts.

(See accounts Nos. 220 and 221)

156 *Other current assets.*

This account will represent current assets not otherwise classified of the licensee that are expected to be converted to cash or expensed in the normal course of business in the next twelve months.

Debit:

(a) With amount of such asset.

Credit:

(a) With amount collected.

(b) With the proportionate amount allocated to the period as an expense.

160 *Investment in 301(d) Licensee.*

This account will represent the licensee's investment in capital stock of a special purpose SBIC. The account will be maintained on the equity method of accounting basis and will show licensee's investment after considering proportionate share of realized income (loss) of the 301(d) licensee's operations and dividends declared by the 301(d) licensee.

Debit:

(a) With cost of capital stock of such 301(d) licensee.

(b) With the licensee's proportionate share of the 301(d) licensees:

(1) Net investment income and

(2) Net realized gain on sale of securities.

Credit:

(a) With the licensee's proportionate share of:

(1) Net investment loss.

(2) Net realized loss on sale of securities.

(b) With the licensee's proportionate share of cash dividends or dividends in kind at fair value.

(c) With the value on equity basis of stock in 301(d) licensee when sold.

170 *Loans.*

This account will represent the unpaid principal balance of loans made to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With face amount of direct loans.

(b) With portion retained by company of loans in which participations are sold to others.

(c) With amount of participations in loans of others.

(d) With unpaid principal of loans represented by renewal notes accepted or notes taken in substitution for those held.

(e) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of direct loans.

(b) With company's share of amount collected on principal of loans in which participations are sold to others.

(c) With amount by which participations in loans of others are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal of loans represented by notes renewed or for which other notes have been substituted.

(e) With amount transferred to assets acquired in liquidation of portfolio securities.

(f) With unpaid principal of loans written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all loan participation arrangements the "initiating" company will service the loans.

NOTE 3: It is recommended that individual loan ledger cards or sheets be maintained for all loans. Such ledger cards or sheets should contain the detailed information needed for account No. 173—Unearned discount, fees, and other charges on loans.

(See accounts Nos. 171 and 172.)

171 *Appreciation of loan values.*

This account will represent the amount by which the lincensee's Board of Directors has valued loans above cost.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of loans.

(b) With amount of appreciation attributable to loans sold or otherwise disposed of.

(See account No. 440)

NOTE: See Note 1 to account 172.

172 *Depreciation of loan values.*

This account will represent the downward valuation of loans and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of such loans written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such loans written off.

(See accounts Nos. 170 and 445)

NOTE: Usually, this account will be subdivided into at least two accounts:

172.1 *Allowance for Losses*—which represents losses the licensee expects to realize on specific loans.

172.2 *Other Depreciation of Loan Values*—which represents the Board of Directors downward valuation of specific loans. However, if securities are held to maturity, no loss would be expected. An example would be money mortgage discounts.

173 *Unearned discount, fees, and other charges on loans.*

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of loans made to small business concerns pursuant to section 305 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to dentor small business concerns, which becomes earned through collection or passage of time.

(b) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is retained by the company in connection with loans participated in by other lenders (the amount to be recorded becomes earned through collection or passage of time).

(c) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is assigned to the company in connection with its participations in loans of other lenders (the amount to be recorded becomes earned through collection or passage of time).

(d) With amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of loans, or is closed into the asset account upon liquidation of loans at less than full amount.

Credit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of loans but withheld from disbursements to debtor small business concerns.

(b) With portion retained by the company of total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with loans participated in by other lenders.

(c) With portion assigned to the company of total amount of unearned discount, fees, and other charges included in the face amount of loans, but withheld from disbursements to debtor small business concerns, in connection with its participations in loans of other lenders.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Unearned discount in this account will be transferred, as appropriate to account No. 512—Interest on loans, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—application and appraisal fees, under similar circumstances.

NOTE 3: Any fees and other charges considered earned immediately upon closing of loans will be recorded in the income account at once without first being entered in this account.

NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular loans to which they relate.

180 *Debt securities, convertible, and with stock purchase warrants or options.*

This account will represent the unpaid principal balance of small business concerns' debt securities, convertible, and with attached stock purchase warrants or options, acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended. If the stock purchase warrants, options, or other stock rights have a separate purchase cost, or if a separate cost has otherwise been determined for them, the warrants, options, or other stock rights will be reflected at such cost in account No. 197.

Debit:

(a) With face amount of debt securities, convertible, and with stock purchase warrants or options, acquired.

(b) With portion retained by company of debt securities, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount of participations in purchasea by others of debt securities, convertible, and with stock purchase warrants or options.

(d) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of debt securities, convertible, and with stock purchase warrants or options.

(b) With company's share of amount collected on principal of debt securities, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount by which participations in purchases by others of debt securities, convertible, and with stock purchase warrants or options, are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, or portions thereof, converted into capital stock.

(e) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, which have been divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(f) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, transferred to assets acquired in liquidation of loans and debt securities.

(g) With unpaid principal of debt securities, convertible, and with stock purchase warrants or options, written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all arrangements for participation in the purchase of debt securities, convertible, and with stock purchase warrants or options, the "initiating" company will service the financing.

NOTE 3: It is recommended that individual ledger cards or sheets be maintained for all debt securities, convertible, and with stock purchase warrants or options. Such ledger cards or sheets should contain the detailed information needed for account No. 188—Unearned discount, fees, and other charges on debt securities, and for activities pertaining to participations purchases or sold.

(See accounts Nos. 184, 186, 187, 188, and memorandum record No. NA-10)

184 *Debt securities divested of stock rights.*

This account will represent the unpaid principal balance of small business concerns' debt securities which have been divested of stock rights through (1) the expiration of the conversion privilege of convertible debt securities, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of debt securities pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With unpaid principal of debt securities divested of stock rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) With company's retained portion of debt securities participated in by others which have been subsequently divested of stock rights.

(c) With amount of participations in purchases by others of debt securities which have been subsequently divested of stock rights.

(d) With reversal of prior credits when checks received representing repayments are dishonored, etc.

Credit:

(a) With amount collected on face amount of debt securities divested of stock rights.

(b) With company's share of amount collected on principal of debt securities participated in by others which have been subsequently divested of stock rights.

(c) With full amount by which participations in purchases by others of debt securities which have been subsequently divested of stock rights are reduced by repayments transmitted by the "initiating" company.

(d) With unpaid principal of debt securities divested of stock rights transferred to assets acquired in liquidation of loans and debt securities.

(e) With unpaid principal of debt securities divested of stock rights written off or disposed of otherwise.

NOTE: It is recommended that individual ledger cards or sheets be maintained for all debt securities which have been divested of stock rights. Such ledger cards or sheets should contain the detailed information needed for account No. 188—Unearned discount, fees, and other charges on debt securities.

(See accounts Nos. 186, 187, and 188.)

186. *Appreciation of debt securities of SBC's.*

This account will represent the amount by which the licensee's Board of Directors has valued debt securities with equity features above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

(See account No. 440)

NOTE: See Note 1 to account 187.

187 *Depreciation of debt securities values.*

This account will represent the downward valuation of debt securities, convertible, and with stock purchase warrants or options, and debt securities divested of stock rights and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

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(b) With amount of reserve established in this account for debt securities which are written off, sold, or disposed of otherwise.

(c) With amount of writedown of such debt securities, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE 1: When debt securities of small business concerns are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 702 will be debited for the amount of the loss, and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 572. The amount of the reserve which has been established in this account for the debt security sold or disposed of otherwise will be reversed and offset against account No. 445.

NOTE 2: Usually, this account will be subdivided into at least two accounts:

187.1 *Allowance for Losses*—which represents losses the licensee expects to realize on specific debt securities.

187.2 *Other Depreciation of Debt Securities Values*—which represents the Board of Directors downward valuation of specific debt securities. However, if securities are held to maturity no loss would be expected. An example is money mortgage discount.

188 *Unearned discount, fees, and other charges on debt securities.*

This account will represent the amount of unearned discount, fees, and other charges included in the face amount of small business concerns' debt securities acquired pursuant to section 304 of the Small Business Investment Act of 1958, as amended, and which is withheld from disbursements to such small business concerns.

Debit:

(a) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which becomes earned through collection or passage of time.

(b) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is retained by the company in connection with purchases of debt securities participated in by other investors (the amount to be recorded becomes earned through collection or passage of time).

(c) With amount earned of that portion of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns which is assigned to the company in connection with its participations in purchases of debt securities by other investors (the amount to be recorded becomes earned through collection or passage of time).

(d) With amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, which is rebated to borrowers upon early repayment of debt securities, or is closed into the asset account upon liquidation of debt securities at less than full amount.

Credit:

(a) With amount of unearned discount (including that equivalent to the determined cost of warrants, options, and other stock rights, as explained in Note 2 of account No. 197), fees, and other charges included in the face amount of debt securities but withheld from disbursements to debtor small business concerns.

(b) With portion retained by the company of total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with purchases of debt securities participated in by other investors.

(c) With portion assigned to the company of total amount of unearned discount, fees, and other charges included in the face amount of debt securities, but withheld from disbursements to debtor small business concerns, in connection with its participations in purchases of debt securities by other investors.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: Unearned discount in this account will be transferred, as appropriate, to account No. 516—Interest on debt securities, as it becomes earned, and unearned fees and other charges will be transferred to account No. 536—Application and appraisal fees, under similar circumstances.

NOTE 3: Any fees and other charges considered earned immediately upon closing of financing through purchase of debt securities will be recorded in the income account at once without first being entered in this account.

NOTE 4: Appropriate subsidiary records should be maintained for all unearned amounts included in this account to permit identification of such amounts with the particular debt securities to which they relate.

190 *Capital stock of SBC's, convertible, and with stock purchase warrants or options.*

This account will represent the value at cost of small business concerns' capital stock, convertible, and with attached stock purchase warrants or options, acquired by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended. If the stock purchase warrants, options, or other stock rights have a separate purchase cost, or if a separate cost has otherwise been determined for them, the warrants, options, or other stock rights will be reflected at such cost in account No. 197.

Debit:

(a) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, acquired.

(b) With portion retained by company of the capital stock of SBCs, convertible, and with stock purchase warrants or options, in which participations are sold to others.

(c) With amount of participations in acquisitions by others of capital stock of SBCs, convertible, and with stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, which has been divested of stock purchase rights through (1) the expiration of the conversion privilege, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options.

(b) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, converted to another class of capital stock.

(c) With cost of such capital stock of SBCs, convertible, and with stock purchase warrants or options, written off or disposed of otherwise.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: It is assumed that in all arrangements for participation in the acquisition of capital stock of SBCs, convertible, and with stock purchase warrants or options, the "initiating" company will service the financing.

NOTE 3: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs, convertible, and with stock purchase warrants or options.

(See accounts Nos. 191, 193 and memorandum record No. NA–10)

191 *Capital stock of SBCs—other.*

This account will represent the value at cost of small business concerns' capital stock acquired by the company without conversion privileges or stock purchase warrants or options, or existing on the books as the result of (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the exercise or the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) With cost of such capital stock of SBCs—other acquired through (1) purchase (2) conversion of convertible debt securities or convertible capital stock of SBCs, or (3) exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock acquired by the company.

(b) With cost of such capital stock of SBCs—other resulting from (1) the expiration of the conversion privilege of convertible capital stock of SBCs, (2) the expiration of rights conveyed by nondetachable or detachable stock purchase warrants or options, or (3) the detachment of detachable stock purchase warrants or options, obtained in connection with the acquisition of capital stock of small business concerns.

(c) With portion retained by company of the capital stock of SBCs—other in which participations are sold to others.

(d) With amount of participations in capital stock of SBCs—other acquired by or subsequently existing on the books of others without conversion privileges or stock purchase warrants or options.

Credit:

(a) With cost of such capital stock of SBCs—other written off or disposed of otherwise.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for all capital stock of SBCs—other acquired or subsequently existing without conversion privileges or stock purchase warrants or options.

NOTE 2: In acquisitions of capital stock through exercise of rights conveyed by stock purchase warrants or options issued by small business concerns in connection with their debt securities or capital stock previously acquired by the company, the amount of the expenditure made by the company in the current acquisition of the capital stock will be considered the cost of the stock in those instances when the stock purchase rights surrendered have only a nominal value; otherwise, the cost of the stock will comprise the current expenditure plus the cost of the warrants of options surrendered.

NOTE 3: In conversions of convertible debt securities of small business concerns into capital stock, or in conversions of convertible capital stock of SBCs into another class of capital stock, the value at cost of the particular convertible security should be considered the cost of the capital stock received in the conversion.

(See accounts Nos. 190, 193, and 197)

192 *Appreciation of Capital Stock of SBCs*

This account will represent the amount by which the licensee's Board of Directors has valued capital stock of SBCs above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrese in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

(See acount No. 440)

NOTE: See note 1 to account No. 193

193 *Depreciation of capital stock values.*

This account will represent the downward valuation of (1) capital stock of SBCs, convertible, and with stock purchase warrants or options and (2) capital stock of SBCs—other, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for capital stock which is written off, sold, or disposed of otherwise.

(c) With amount of writedown of such capital stock, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE 1: When capital stock of SBCs is sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 704 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 574. The amount of the reserve which has been established in the account for capital stock sold or disposed of otherwise will be reversed and offset against account No. 445.

NOTE 2: Usually, this account will be subdivided into at least two accounts:

193.1 *Allowance for Losses*—represents losses the licensee expects to realize on specific stock investments.

193.2 *Other Depreciation of Stock Values*—represents the downward valuation of specific stock investments. However, the licensee's management expects the decline to be temporary and thereby suffer no less on the investment. An example is temporary market decline of public tradeable stocks that are unrestricted.

(See accounts Nos. 190, 192, and 445)

194 *Equity interests of unincorporated concerns.*

This account will represent the licensee's investment in equity type securities of a limited partnership or other type of unincorporated concern. The account will be maintained on the equity method of accounting basis and will show the licensee's investment after considering its proportionate share of realized income (loss) of the unincorporated concern as well as distributions.

Debit:

(a) With cost of equity interest acquired.

(b) With the licensee's proportionate share of the concern's net income.

Credit:

(a) With the licensee's proportionate share of net loss.

(b) With the licensee's proportionate share of cash dividends.

(c) With the value on equity basis of the licensee's investment when sold or disposed of otherwise.

(See accounts Nos. 195 and 196)

195 *Appreciation of equity interests of unincorporated concerns.*

This account will represent the amount by which the licensee's Board of Directors has valued equity interests of unincorporated concerns above the carrying value of such securities on the equity method of accounting.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of application attributable to securities sold or otherwise disposed of.

NOTE: See Note 1 to account 196.

(See account No. 194, 196 and 440)

198 *Depreciation of equity interests of unincorporated concerns.*

This account will represent the amount by which the licensee's Board of Directors has valued equity interests of unicorporated concerns below the carrying value of such securities on the equity method of accounting.

Debit:

(a) With decrease in amount of such depreciation resulting from increase in fair value of such equity interests.

(b) With amount of depreciation attributable to equity interests sold or otherwise disposed of.

Credit:

(a) With amount of such depreciation recognized.

(b) With amount of increase in such depreciation recognized.

NOTE 1: When equity interests are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 705 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 575. The amount of the reserve which has been established in the account for equity interest sold or disposed of otherwise will be reversed and offset against account No. 445.

NOTE 2: This account will usually be the same as allowance for loss on equity interests of unincorporated concerns. Otherwise, the account should be subdivided.

(See account Nos. 194, 195 and 445)

197 *Warrants, options, and other stock rights acquired from SBCs.*

This account will represent the value at purchase price or at cost as otherwise determined of warrants, options, and other stock rights acquired by the company from small business concerns pursuant to section 304 of the Small Business Investment Act of 1958, as amended. The account will include conversion rights for which a separate cost has been determined.

Detachable stock purchase warrants or options on stock of SBCs for which no consideration is given distinct from that surrendered for the debt securities or capital stock which they accompany, or for which no separate cost has been determined, will be reflected in memorandum record No. NA–10, if retained after the financing instruments which they accompanied have been disposed of.

Debit:

(a) With cost of such warrants, options, or other stock rights acquired.

(b) With portion retained by company of the warrants, options, or other stock rights in which participations are sold to others.

(c) With amount of participations in acquisitions by others of warrants, options, or other stock rights.

Credit:

(a) With cost of such warrants, options, or other stock rights surrendered in exercising the stock rights.

(b) With cost of such warrants, options, or other stock rights written off or disposed of otherwise.

(c) With cost of such warants, options, or other stock rights for which the exercise period has expired.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for all warrants, options, or other stock rights acquired from SBCs.

NOTE 2: The cost of warrants, options, and other stock rights acquired from SBCs for a separate consideration will be charged to this account, with a credit to cash. If warrants, options, or other stock rights are acquired from SBCs without a separate consideration and a cost thereof is otherwise determined, such cost will be established in this account. (The determined cost of warrants, options, and other stock rights acquired with debt securities without a separate consideration therefor shall be arrived at giving full consideration to the grade of the debt security.) The payment for the debt security or capital stock certificate which accompanied the stock rights will be allocated between the obligation or stock and the stock rights. Cash will be credited for the determined cost of the stock rights. Cash also will be credited for the amount of the debt security or stock received less the amount withheld from disbursement in relation to the debt security or stock received, which is equivalent to the determined cost of the stock rights plus (in the case of a debt security) any other withholding from net funds advanced. In the purchase of a debt security the deduction equal to the determined cost of the stock rights, plus any other withholding from net funds advanced, will be treated as unearned discount on the debt security and credited to account No. 188—Unearned discount, fees, and other charges on debt securities. In the case of a purchase of capital stock, the deduction equal to the determined cost of the stock rights will serve to reduce the cost of the stock to be recorded in account No. 190—Capital stock of SBCs, convertible, and with stock purchase warrants or options.

(See accounts Nos. 199, 576 and 706)

198 *Appreciation of warrants, options, and other stock rights acquired from SBCs.*

This account will represent the amount by which the licensee's Board of Directors has valued warrants, options and other stock rights above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

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(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

(See account Nos. 197, 199 and 440)

NOTE: See Note 1 to account No. 199.

199 *Depreciation of warrants, options, and other stock rights acquired from SBC's.*

This account will represent the Board of Directors' downward valuation of warrants, options, and other stock rights acquired from SBCs, and should represent an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for warrants, options, and other stock rights acquired from SBCs which are written off, sold or disposed of otherwise (contra credit will be made to account No. 445).

(c) With amount of writedown of such warrants, options, and other stock rights acquired from SBCs, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE: When warrants, options, and other stock rights acquired from SBCs are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, account 706 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account 576. The amount of the reserve which has been established in the account for warrants, options, or other stock rights acquired, sold or disposed of otherwise will be reversed and offset against account 445

NOTE 2: This account will usually represent the allowance for losses on warrants, options, and other stock rights. Otherwise, this account should be subdivided.

(See Accounts Nos. 197, 198, and 445)

200 *Receivables due from debtors on sale of assets acquired in liquidation of portfolio securities.*

This account will represent the unpaid balance of accounts receivable, notes receivable, sales contracts, purchase money mortgages, and similar evidences of indebtedness to the company arising from the sale of assets acquired in liquidation of portfolio securities.

Debit:

(a) With amount of such receivables.

(b) With amount of participation in amounts due from debtors on sale of assets acquired in liquidation of portfolio securities of other lenders or investors.

Credit:

(a) With amount collected on principal of such receivables.

(b) With amount transferred to account No. 204—assets acquired in liquidation of portfolio securities. (Noncash assets other than receivables obtained on sale of assets acquired in liquidation of portfolio securities should be reflected at cost in account No. 204.)

(c) With unpaid principal balance written off or disposed of otherwise.

NOTE: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting amounts due from debtors on sale of assets acquired in liquidation of portfolio securities.

(See accounts Nos. 203, 204.)

203 *Depreciation in values of receivables from debtors on sale of assets acquired in liquidation of portfolio securities.*

This account will represent the downward valuation on amounts due from debtors and securities received on sale of assets acquired in liquidation of portfolio securities, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount due from debtors on sale of assets acquired in liquidation of portfolio securities written off.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

(c) With amount of recoveries on such items written off.

NOTE: Occasionally, this account will be subdivided into at least two accounts:

203.1 *Allowance for Losses*—which represents losses the licensee expects to realize on specific receivables from debtors.

203.2 *Other Depreciation of Receivables from Debtors*—represents the Board of Directors downward valuation of specific receivables from debtors. However, if securities are held to maturity no loss would be expected. An example is money mortgage discount.

(See accounts Nos. 200 and 445.)

204 *Assets acquired in liquidation of portfolio securities.*

This account will represent the company's investment in assets acquired by foreclosure, or otherwise, in liquidation of portfolio securities. Judgments, sheriffs' certificates (including property acquired subject to redemption, etc., will be reflected in this account.

The investment in property at the date of acquisition by the company should be determined by the Board of Directors on the most suitable of the following bases: (1) Bid-in price of the property; (2) agreed consideration for the property; (3) fair appraised value of the property. Any remaining indebtedness will be written off unless the company expects further liquidation of the debt from other sources. Insofar as practicable, investment values will be determined for each individual asset, or unit, at the time such assets are recorded in this account, and when an asset is sold only an amount equal to the investment in such asset will be credited to this account.

The company's investment in mortgaged real property acquired in liquidation of portfolio securities should be recorded at gross value as determined by the Board of Directors, reduced as necessary to bring the net recorded value to no more than the outstanding principal balance of the related portfolio securities involved. The amount of the existing mortgage or mortgages on such property acquired by the company will be reflected in account No. 213. The balance of the latter account will not be treated as a liability on the Statement of Financial Position but will be deducted from the asset account.

The company's investment in judgments should be recorded at the face amount of the judgment. When the company acquires the underlying security to the related portfolio securities outright or subject to redemption, the investment in the property should be determined in accordance with the bases set forth in the second paragraph.

Debit:

(a) With amount of the company's investment in the assets at the time of the acquisition.

(b) With amount of the company's investment in the assets at the date of judgment, sheriff's certificate, etc.

(c) With amount of participation in assets acquired by others in liquidation of portfolio securities.

Credit:

(a) With proceeds of partial sale of the assets.

(b) With amount of the company's investment at date of sale, or other disposition of the assets.

(c) With amount written off.

NOTE 1: Collateral notes receivable acquired in the liquidation of portfolio securities will be reflected in this account; but notes receivable that are subsequently accepted in connection with the disposition of assets acquired in the liquidation of portfolio securities will be included in account No. 200—Receivables from debtors on sale of assets acquired in liquidation of portfolio securities.

NOTE 2: It is recommended that subsidiary records be maintained in sufficient detail to disclose for report and tax purposes all transactions affecting assets acquired in liquidation of portfolio securities.

(See accounts Nos. 170, 180, 184, and 200)

205 *Appreciation of assets acquired in liquidation of portfolio securities.*

This account will represent the amount by which the licensee's Board of Directors has valued assets acquired above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

NOTE: See Note 1 to account No. 206.

(See accounts Nos. 204, 206, and 440)

206 *Depreciation of assets acquired in liquidation of portfolio securities.*

This account will represent the downward valuation of assets acquired in liquidation of portfolio securities, and should be maintained in an amount not less than a conservative estimate of probable losses. This valuation reserve will be adjusted as occasion demands.

Debit:

(a) With amount of decreases in such reserve.

(b) With amount of reserve established in this account for assets acquired in liquidation of portfolio securities which are written off, sold, or disposed of otherwise (contra credit will be made to account No. 445).

(c) With amount of writedown of such assets acquired in liquidation of portfolio securities, not to exceed the amount of reserve established therefor in this account.

Credit:

(a) With amount of such reserve established.

(b) With amount of increases in such reserve.

NOTE 1: When assets acquired in liquidation or portfolio securities are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received, account 707 will be debited for the amount of the loss and account No. 204 will be credited for the related cost value carried therein. If a gain over recorded investment in the assets acquired in liquidation is realized, such gain will be credited to account No. 577. The amount of the reserve which has been established in this account for other assets acquired in liquidation of portfolio securities will be reversed and offset against account 445 when such assets are sold or disposed of otherwise.

NOTE 2: This account will usually represent the allowance for losses on other assets acquired in liquidation of portfolio securities. Otherwise, it should be subdivided.

(See accounts Nos. 204 and 445)

210 *Operating concerns acquired.*

Occasionally, a licensee takes action to protect its investment in a portfolio concern and as a result acquires a controlling interest in an operating concern. In such cases, the licensee will reclassify the aggregate amount due from the portfolio concern to this account. If the concern has ceased operations and is being liquidated, the aggregate amount due from the portfolio concern will be classified as assets acquired in liquidation of portfolio securities (account No. 204) rather than this account.

Debit:

(a) With total amount of the licensee's investment in the operating concern at the time of the acquisition.

(b) With additional financing provided by the licensee.

Credit:

(a) With amount collected from such operating concern.

(b) With proportionate cost of interest sold or disposed of otherwise.

(c) With amounts written off.

NOTE: It is recommended that individual ledger cards or sheets be maintained for individual loans and investments by operating concerns acquired.

(See accounts Nos. 211 and 212)

211 *Appreciation of operating concerns acquired.*

This account will represent the amount by which the licensee's Board of Directors has valued securities of operating concerns acquired above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

(See accounts 210, 212, and 440)

NOTE: See Note 1 to account No. 212

212 *Depreciation of operating concerns acquired.*

This account will represent the amount by which the licensee's Board of Directors has valued securities of operating concerns acquired below cost of such securities.

Debit:

(a) With decreases in amount of such depreciation resulting from increase in fair value of such equity interests.

(b) With amount of depreciation attributable to equity interests sold or otherwise disposed of.

Credit:

(a) With amount of such depreciation recognized.

(b) With amount of increase in such depreciation recognized.

NOTE 1: When investments in operating concerns are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 708 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 578. The amount of the reserve which has been established in the account for the investment sold or disposed of otherwise will be reversed and offset against account No. 445.

NOTE 2: Usually, this account will be subdivided into at least two accounts:

212.1 *Allowance for Losses*—which represents losses the licensee expects to realize on specific operating concern acquired.

212.2 *Other Depreciation of Values*—represents the Board of Directors downward valuation of specific loans. However, if securities are held to maturity no loss would be expected. An example is money mortgage discount.

(See account Nos. 210, 211, and 445)

220 *Notes and other securities received on sale of portfolio securities.*

This account will represent the securities taken by the licensee as part of the net sales price of portfolio securities sold.

Debit:

(a) With assigned cost of such securities when acquired.

Credit:

(a) With cost of such securities when sold.

(b) With cost of such securities when written off or disposed of otherwise.

NOTE 1: It is recommended that individual ledger cards or sheets be maintained for securities received on sale of portfolio securities.

(See account 221, 222, and 223)

221 *Other securities received*

This account will represent securities received by the licensee for which no funds were provided and which would not otherwise be classified as loans and investments. An example of such securities would be a dividend in kind received by licensee from a portfolio concern.

Debit:

(a) With fair value of such securities when received.

Credit:

(a) With carrying value of such securities when sold, written off or disposed of otherwise.

(See accounts 220, 222, and 223)

222 *Appreciation of other securities*

This account will represent the amount by which the licensee's Board of Directors has valued other securities with equity features above cost of such securities.

Debit:

(a) With amount of such appreciation recognized.

(b) With amount of increases in such appreciation recognized.

Credit:

(a) With decrease in amount of such appreciation resulting from decline in fair value of securities.

(b) With amount of appreciation attributable to securities sold or otherwise disposed of.

NOTE: See Note 1 to account No. 223.

(See accounts 220, 221, 223, and 440)

223 *Depreciation of other securities.*

This account will represent the amount by which the licensee's Board of Directors has valued other securities below the carrying value of such securities.

Debit:

(a) With decreases in amount of such depreciation resulting from increase in fair value of such securities.

(b) With amount of depreciation attributable to other securities sold or otherwise disposed of.

Credit:

(a) With amount of such depreciation recognized.

(b) With amount of increase in such depreciation recognized.

NOTE 1: When other securities are sold by the company or disposed of otherwise, cash or other appropriate asset account will be debited for the amount received. Account 709 will be debited for the amount of the loss and the appropriate investment account will be credited for the related cost value carried therein. If a gain over cost is realized, such gain will be credited to account No. 579. The amount of the reserve which has been established in the account for securities sold or disposed of otherwise will be reversed and offset against account No. 445.

NOTE 2: Frequently, this account will be subdivided into at least two accounts:

223.1 *Allowance for Losses*—represents losses the licensee expects to realize on specific or other securities.

223.2 *Other Depreciation of Values*—represents the Board of Directors downward valuation of specific securities. However, if securities are held to maturity, no loss would be expected. An example is money mortgage discount. Another example would be temporary market decline of marketable securities.

(See account Nos. 220, 221, 222, and 445)

230 *Prepaid expenses.*

This account will represent the unexpired or unconsumed portion of expenses expressly applicable to future periods for which no specific accounts have been provided. Such expenses should be amortized over the appropriate period. An example of such prepaid expense is debt discount and expense that may result from obtaining leverage funds.

Debit:

(a) With amount of prepaid expenses.

Credit:

(a) With the proportional amount of such expenses applicable to the period.

NOTE: Subsidiary records should be maintained to identify the items reflected in this account and to facilitate their amortization.

231 *Deferred charge.*

Timing differences will exist between accounting income and taxable income and thereby may cause a prepayment of taxes which is considered to be a deferred charge to future income tax expense. The prepayment is based on accounting income and primarily will result from provision for loss on stock of SBCs. This account will represent such deferred charges recognized.

Debit:

(a) Such account for amounts when prepaid.

Credit:

(a) Such account for amounts that have been previously prepaid that are being applied during the period.

(See account No. 380)

240 *Furniture and equipment.*

This account will represent the cost of furniture, fixtures, and equipment, including

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automobiles, owned by the company. The cost of freight, drayage, cartage, express, etc., in connection with the purchase of such items of furniture and equipment, will be included in this account.

Debit:

(a) With cost of such assets purchased.

Credit:

(a) With cost of such assets at the time of sale or other disposition.

NOTE: An inventory record should be maintained for all such assets and each item should be tagged or numbered to facilitate ready identification.

(See account No. 241)

241 *Accumulated depreciation on furniture and equipment.*

This account will represent the valuation reserve provided for depreciation of furniture, fixtures, and equipment, including automobiles, owned by the company. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such assets while owned by the company.

Debit:

(a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit:

(a) With the amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 240 and 655)

250 *Corporate premises owned.*

This account will represent the actual cost of acquisition of the land and building used as the company's office quarters. The account also will include the actual cost of any improvements, such as street, sidewalk and other benefits, applicable to the land, and any improvements applicable to the building.

Debit:

(a) With actual cost of acquisition of the land and building.

(b) With actual cost of any improvement to the land and/or building.

Credit:

(a) With the acquisition cost of the land and/or building, plus the cost of improvements made thereto, when the land and/or building is sold or disposed of otherwise.

(See account No. 251)

251 *Accumulated depreciation on corporate premises owned.*

This account will represent the valuation reserve provided for depreciation of the building and other depreciable improvements of corporate premises owned and used as the company's office quarters. This account should be maintained in an amount not less than a conservative estimate of the expired service life of such building and improvements while owned by the company.

Debit:

(a) With amount of depreciation accumulated, when such an asset is sold or disposed of otherwise.

Credit:

(a) With the amount necessary to depreciate the cost of such assets over the estimated service life.

(See accounts Nos. 250 and 655)

252 *Leasehold improvements.*

This account will represent the actual cost of improvements to leased property used as the company's office quarters. The amount of this account will be amortized through account No. 656 over the life of the lease or the life of the improvements, whichever is the shorter.

Debit:

(a) With actual cost of improvements to leasehold.

Credit:

(a) With the amount necessary to amortize the cost of leasehold improvements.

265 *Amounts due from directors, officers, and employees.*

This account will represent the unpaid balance of amounts advanced to directors, officers, and employees.

Debit:

(a) With amount of such advances made.

Credit:

(a) With amount collected on such advances.

(b) With amount transferred to appropriate expense classification upon proper authorization.

(c) With amount written off or disposed of otherwise.

(See account No. 709)

266 *Organization costs.*

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes, and other related costs incurred in organizing the company.

Debit:

(a) With amount of such costs incurred.

Credit:

(a) With the amount necessary to amortize the organization costs.

(See account No. 672)

267 *Funds in escrow.*

This account will represent the amount of funds placed in escrow pending the closing of financing for small business concerns.

Debit:

(a) With amount of funds placed in escrow.

Credit:

(a) With amount of funds withdrawn from escrow.

259 *Other assets.*

This account will represent the amount of assets of the company, at cost, not specifically provided for in other accounts, including recoverable amounts advanced for the protection and preservation of the company's investments (such as the payment of taxes on mortgaged property), but not including short-term loans or debt securities issued to protect the company's interests in previously issued long-term loans or equity securities.

Debit:

(a) With amount of the company's investment in such assets.

Credit:

(a) With amount of such assets sold or disposed of otherwise.

(See account No. 709)

LIABILITY ACCOUNTS

300 *Notes payable to SBA.*

This account will represent the long-term principal balance of notes payable (1) for funds borrowed and received directly from the Small Business Administration and (2) for funds borrowed from others through guaranteed loans which subsequently have been purchased by the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

(b) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds borrowed.

(b) With unpaid principal balance of guaranteed loans purchased by SBA (contra debit will be made to account No. 310).

(See account 330)

301 *Debentures payable issued to SBA.*

This account will represent the long-term principal balance of funds received by the company under its debentures payable issued to the Small Business Administration for funds borrowed.

Debit:

(a) With amount of principal payments made to SBA on such debentures.

(b) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds received from SBA under such debentures.

(See account 330)

310 *Notes payable to other than SBA—guaranteed by SBA.*

This account will represent the long-term principal balance of notes payable for funds borrowed from other than the Small Business Administration and guaranteed by the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

(b) With unpaid principal balance of guaranteed loans purchased by SBA (contra credit will be made to account No. 300).

(c) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds borrowed.

(See account 330)

311 *Notes payable to other than SBA—not guaranteed by SBA.*

This account will represent the long-term principal balance of notes payable for funds borrowed from other than the Small Business Administration and not guaranteed by the Small Business Administration.

Debit:

(a) With amount of principal payments made on such notes.

(b) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds borrowed.

(See account 331)

312 *Mortgages payable for funds borrowed.*

This account will represent the long-term principal balance of mortgages payable for funds borrowed on corporate premises or other real estate owned by the company. Purchase money mortgages, conditional sales contracts, or similar documentary evidence of indebtedness given by the company in the acquisition of real property will be included in this account.

Debit:

(a) With amount of principal payments made on such indebtedness.

(b) With amount of principal transferred to current maturities.

Credit:

(a) With amount of funds borrowed.

(See account 331)

313 *Mortgages payable on assets acquired in liquidation of portfolio securities.*

This account will represent the unpaid principal balance of existing mortgages payable on assets acquired by the company in liquidation of portfolio securities.

Debit:

(a) With amount of principal payments made on such indebtedness.

Credit:

(a) With amount of such indebtedness.

(See account No. 204)

320 *Notes payable—other.*

This account will represent the unpaid principal balance of notes payable in evidence of amounts owed by the company other than for funds borrowed. Notes payable, conditional sales contracts, and liens for the acquisition of furniture, fixtures, equipment, and automobiles will be included in this account.

Debit:

(a) With amount of principal payments made on such notes.

Credit:

(a) With amount of unpaid principal of such notes executed.

330 *Current Maturities of notes and debentures payable to or guaranteed by SBA.*

This account will represent the principal amount due on a current basis (payable by the licensee in the next 12 months of operations) of long-term debt shown in accounts 300, 301 and 310.

Debit:

(a) With amounts paid by the licensee or disposed of otherwise.

Credit:

(a) With amounts that become due by the licensee on a current basis.

(See accounts No. 300, 301, 310)

331 *Current maturities of notes and debentures payable to others not guaranteed by SBA.*

This account will represent the principal amount due on a current basis (payable by the licensee in the next 12 months of operations) of long-term debt shown in accounts 311 through 313.

Debit:

(a) With amounts paid by the licensee or disposed of otherwise.

Credit:

(a) With amounts that become due by the licensee on a current basis.

(See account Nos. 311 through 313)

340 *Accounts payable.*

This account will represent amounts payable on open account. The account also will include accrued compensation payable for services rendered to the company on its participations in financing transactions, and accrued commitment fees payable for having funds made available on a deferred basis by "participating" companies in connection with the financing of, or commitments to finance, small business concerns.

Debit:

(a) With amount of such indebtedness paid, or disposed of otherwise.

Credit:

(a) With amount of such indebtedness incurred.

NOTE 1: A participation is defined as an undivided interest shared with one or more other lenders or investors in a note, debenture, certificate of stock, or other instrument evidencing a loan to, or equity financing of, a small business concern.

NOTE 2: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

(See accounts Nos. 141, 600, and 715)

350 *Accrued interest payable.*

This account will represent the amount of liability for interest accrued on the company's notes, mortgages and debentures payable. The account will also include accrued interest payable on other interest-bearing obligations of the company.

Debit:

(a) With amount of such interest paid or disposed of otherwise.

Credit:

(a) With amount of interest accrued on all interest-bearing obligations covered by this account.

351 *Accrued taxes.*

This account will represent the balance of accrued taxes on payroll, such as the company's portion of social security taxes, which have not been remitted to the appropriate collectors of such taxes.

Debit:

(a) With amount of such taxes paid.

Credit:

(a) With amount of such taxes accrued.

(See account No. 664)

354 *Estimated income taxes accrued.*

This account will include the balances in subaccounts Nos. 354.1, 354.2, 354.3, etc.

354.1 *Estimated Federal income taxes accrued.*

This account will represent the balance of estimated Federal income taxes accrued which have not been remitted to the Internal Revenue Service.

Debit:

(a) With amount of such taxes paid.

Credit:

(a) With amount of such taxes accrued.

(See subaccounts Nos. 720.1 and 722.1)

354.2 *Estimated State income taxes accrued.*

This account will represent the balance of estimated State income taxes accrued which have not been remitted to the appropriate collector of such taxes.

Debit:

(a) With amount of such taxes paid.

Credit:

(a) With amount of such taxes accrued.

(See subaccounts Nos. 720.2 and 722.2)

356 *Other current liabilities.*

This account will represent other current liabilities not provided for in other accounts.

Debit:

(a) With amount of such expenses paid or disposed of otherwise.

Credit:

(a) With amount of such expenses accrued.

NOTE: Increases or decreases in the liability for accrued expenses, through accruals or adjustments, will be offset by increases or decreases, respectively, in the appropriate expense accounts.

360–364 *Dividends payable on* _____ (Type and class) _____ *capital stock.*

These accounts will represent the company's liability for dividends declared by the company's Board of Directors on the respective types and classes of capital stock issued and outstanding. A separate account should be used to reflect the dividends payable for each type and class of capital stock outstanding.

Debit:

(a) With amount of such dividends paid.

Credit:

(a) With amount of such dividends declared payable by the company's Board of Directors.

370 *Employee taxes withheld.*

This account will represent the amount of income and social security taxes withheld from employees' salaries which have not been remitted to the appropriate collectors of such taxes.

Debit:

(a) With amount of such taxes remitted.

Credit:

(a) With amount of such taxes withheld.

374 *Unapplied receipts.*

This account will represent the amount of funds received by the company which have not been applied to loans, debt securities, interest receivable, etc. This account will be used only in instances when the funds received cannot be applied promptly.

Debit:

(a) With amount of such funds applied or disposed of otherwise.

Credit:

(a) With amount of funds received which cannot be applied promptly.

378 *Miscellaneous trust receipts.*

This account will represent the liability of the company for funds withheld or received in trust, for which no specific account is provided, including earnest money deposits, and funds withheld from employees' salaries for the purchase of United States Savings Bonds, payment of group life insurance premiums, payment of pension fund contributions, etc. The account will also include amounts due other companies that are participants in financing where the licensee is the sponsor and is servicing the debt.

Debit:

(a) With amount of such funds disbursed or disposed of otherwise.

Credit:

(a) With amount of such funds withheld or received.

380 *Deferred credit to future taxes.*

Timing differences will exist between accounting income and taxable income and thereby cause a deferment of tax expense. Such deferred credits usually will result from provision for loss on loans and debt securities. This account will represent such deferred tax payments.

Debit:

(a) Such account with amount of taxes paid had been previously deferred.

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Credit:

(a) Such account with amount of tax payments when deferred.

(See account No. 231)

383 *Other deferred credits.*

This account will represent the amount of deferred credits of the company not specifically provided for in other accounts.

The account will include any gain on sale of assets which does not qualify as realized gain.

Debit:

(a) With amount of such deferred credits transferred to income or gain, or disposed of otherwise.

Credit:

(a) With amount of such deferred credits established.

NOTE 1: Accrual of interest receivable should be discontinued with respect to any loan or debt security financing a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be treated as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in this account, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to licensee over 6 months, or the fair value of the loan or debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrual of interest receivable, or, as an alternative, the interest income should be deferred in this account as above indicated.

NOTE 2: Deferred gain in this account will be transferred to appropriate gain accounts as it is realized.

390 *Other liabilities.*

This account will represent the amount of liabilities of the company not specifically provided for in other accounts.

Debit:

(a) With amount of such liabilities paid or disposed of otherwise.

Credit:

(a) With amount of such liabilities incurred.

CAPITAL ACCOUNTS

400–404 ---------- *capital stock authorized.*
(Type and class)

These accounts will represent the total par or stated value of the capital stock authorized, as provided for in the company's charter. A separate account should be provided for each type and class of capital stock authorized.

Debit:

(a) With amount of reductions of such capital stock authorized.

Credit:

(a) With original amount of such capital stock authorized.

(b) With additional amounts of such capital stock authorized.

(See accounts Nos. 405–409 and "Note" of of accounts Nos. 415–419)

405–409 ---------- *unissued capital stock.*
(Type and class)

These accounts will represent the total par or stated value of unissued capital stock of the company. A separate account should be provided for each type and class of unissued capital stock.

Debit:

(a) With original amount of such unissued capital stock, as provided for in the company's charter.

(b) With additional amounts of such unissued capital stock authorized.

(c) With par or stated value of capital stock retired.

Credit:

(a) With amount of such capital stock issued (contra debit will be made to accounts Nos. 410–411).

(b) With amount of reductions of capital stock authorized.

(See accounts Nos. 400–404 and "Note" of accounts Nos. 415–419)

410–411 ---------- *capital stock subscribed.*
(Type and class)

These accounts will represent the total amount at the subscription price of the company's capital stock subscribed. A separate account should be provided for each type and class of capital stock subscribed. These accounts will reflect the company's responsibility to issue shares of its stock to subscribers who have made final payment of their capital stock subscriptions.

Debit:

(a) With amount at the subscription price of such subscribed capital stock issued (contra credits will be made to accounts Nos. 405–409 and, as appropriate, No. 420).

(b) With amount at the subscription price of such subscribed capital stock canceled or disposed of otherwise.

Credit:

(a) With amount at the subscription price of such capital stock subscribed.

(See accounts Nos. 413–414 and "Note" of accounts Nos. 415–419)

413–414 *Capital stock subscriptions receivable*----------
(Type and class)

These accounts will represent the total unpaid balances of capital stock subscriptions receivable from subscribers of the company's authorized capital stock. A separate subscriptions receivable account should be provided for each type and class of capital stock subscribed.

Debit:

(a) With amount of such capital stock subscriptions received.

Credit:

(a) With amount collected on such capital stock subscriptions.

(b) With amount of such capital stock subscriptions canceled or disposed of otherwise.

(See accounts Nos. 410–411 and "Note" of accounts Nos. 415–419)

415–419 *Treasury stock* ----------
(Type and class)

These accounts will represent the total amount of the company's issued capital stock which has been reacquired through purchase or donation and has not been retired. A separate account should be provided for each type and class of such capital stock held by the company.

Debit:

(a) With cost of such capital stock acquired through purchase.

(b) With amount of fair market value or par value of such capital stock acquired through donation (contra credit will be made to account No. 420).

Credit:

(a) With cost of such capital stock acquired through purchase, when sold or disposed of otherwise.

(b) With amount of fair market value or par value of such capital stock acquired through donation, when sold or disposed of otherwise.

NOTE: Appropriate subsidiary records should be maintained as deemed necessary.

420 *Paid-in surplus.*

This account will represent the amount of surplus arising from (1) sales initially of the company's capital stock at a price in excess of par value (including amounts transferred from capital stock subscribed at a price above par, when shares are issued); (2) donations to the company of its issued capital stock carried as treasury stock at fair market value or par value; (3) retirements of capital stock purchased at less than the par value thereof; (4) sales of treasury stock in excess of its carrying value on the books of the company; (5) donations or gifts to the company of assets carried at not in excess of fair market value; and (6) other equity transactions with stockholders.

Debit:

(a) With amount of loss on treasury stock sold which was acquired through purchase, but not to exceed the total of credits residing in this account relating to previous gains on treasury stock sold or retirement of capital stock at amounts less than the amounts previously paid in with respect thereto (any amount of loss in excess of the total of such credits will be charged to account No. 451).

(b) With amount received by the company below fair market value, or par value, whichever applicable, for treasury stock sold which was acquired through donation.

(c) With amount paid by the company in excess of par value, but not to exceed the premium received initially, for shares of capital stock retired (any amount paid in excess of par plus initial premium received will be charged to account No. 451).

Credit:

(a) With amount paid in (including stock dividends from undistributed earnings), or transferred from capital stock subscribed, representing the excess after-deduction of underwriters' fees and commissions) over par value of the company's capital stock, when shares are issued.

(b) With amount of fair value or par value of the company's capital stock acquired through donation.

(c) With amount of discount below par value of the company's capital stock acquired through purchases, when such stock is retired.

(d) With amount received by the company in excess of cost, or in excess of fair value or par value, whichever applicable, for treasury stock sold.

(e) With amount not to exceed fair market value of donations or gifts of assets to the company.

430 *3 percent Cumulative preferred stock (Issued to SBA).*

This account will be used by 301(d) licensees only and will represent the preferred stock sold to the Small Business Administration at its par value by the licensee. Such stock is not included in capital stock accounts Nos. 400–414 because such stock is not considered private capital for leverage or regulatory purposes.

Debit:

(a) Such account with the par value of preferred stock repurchased by the licensee.

Credit:

(a) Such account with the par value of preferred stock sold to SBA by the licensee.

440 *Unrealized appreciation on loans and investments.*

This is a credit balance account and will represent the amount by which the licensee's Board of Directors has valued loans and investments above cost of such securities.

Debit:

(a) With decrease in amount of appreciation resulting from decline in fair value of securities held.

(b) With amount of appreciation attributable to securities sold or disposed of otherwise.

Credit:

(a) With amount of such appreciation recognized.

(b) With amount of increase in such appreciation recognized.

(See accounts Nos. 171, 186, 192, 195, 198, 205, 211 and 222)

445 *Unrealized depreciation on loans and investments.*

This is a debit balance account and will represent the amount by which the licensee's Board of Directors has valued loans and investments below cost of such securities.

Debit:

(a) With amount of "depreciation" of loans and investments recognized.

(b) With amount of increase in such depreciation recognized.

Credit:

(a) With decrease in the amount of depreciation resulting from increase in fair value of securities held.

(b) With amount of depreciation attributable to securities sold or disposed of otherwise.

(See accounts Nos. 172, 187, 193, 196, 199, 203, 206, 212 and 223)

448 *Estimated taxes on net unrealized gain (loss) on securities held.*

This is a debit balance account that will represent the provision for income taxes on net unrealized appreciation (amount by which the Board of Directors valuation of all securities exceeds cost). As the valuation of securities changes, the provision for taxes will change.

Debit:

(a) With provisions for taxes established on net unrealized gain.

(b) With increases in provision for taxes.

Credit:

(a) With established provision for taxes attributable to securities sold or disposed of otherwise.

(b) With decrease in provision established.

NOTE: Should the net amount (unrealized appreciation less unrealized depreciation) be a negative figure, (i.e., a net loss) the tax effect should be computed and reflected in the accounts.

(See account Nos. 231 and 380)

450 *Non-cash gains on sale of securities.*

This is a credit balance account and represents gains realized on sale of securities that have not been converted to cash. While considered to be undistributed earnings, amounts in this account will not be available for distribution or capitalized by corporate action. Therefore, such amounts are considered restricted undistributed earnings realized.

Debit:

(a) With amount of cash collected of such non-cash gains previously recognized.

(b) With amount of non-cash gains written off or disposed of otherwise.

Credit:

(a) With amounts of non-cash gain when the securities generating such gain are sold.

NOTE: It is recommended that individual records be maintained for each non-cash gain realized.

(See accounts Nos. 462, 220, 579, and 709)

451 *Undistributed net realized earnings.*

This is a credit balance account and represents the cumulative balance of periodic net investment income including realized gain (loss) on securities sold, less dividend distributions whether cash, stock or dividends in kind. Non-cash gains on sale of securities are included in account No. 450.

Debit:

(a) At the end of the fiscal year, with any debit balance in account No. 460 reflected in the profit and loss summary account, and/or the realized gain and loss summary account, No. 461.

(b) With amount of dividends, other than stock dividends, declared payable out of undistributed net realized earnings by the company's Board of Directors.

(c) With amount of stock dividends, at a per share value representing the higher of fair value existing at the time that the dividend is declared, which are declared by the company's Board of Directors and paid out of undistributed net realized earnings.

(d) With appropriate amount of loss on treasury stock sold which was acquired through purchase, representing the excess of such loss over the total of credits residing in paid-in surplus, account No. 420, relating to previous gains on treasury stock sold or retirement of capital stock at amounts less than the amounts previously paid in with respect thereto.

(e) With appropriate amount paid by the company in excess of par plus initial premium received on the type and class of shares of capital stock retired.

Credit:

(a) At the end of the fiscal year, with the credit balances of the profit and loss summary account, No. 460 and the realized gain and loss summary account, No. 461.

(See account Nos. 450, 460, 461 and 462)

460 *Profit and loss summary.*

This account will be used as a clearing account through which all income and expense accounts on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the debit balances of all expense and income accounts.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to undistributed net realized earnings—account No. 451).

Credit:

(a) At the end of the fiscal year, with the credit balances of al income and expense accounts.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to undistributed net realized earnings—account No. 451).

(See account No. 451)

461 *Realized gain and loss summary—in cash.*

This account will be used as a clearing account through which all accounts for realized gains and losses on investments on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the balances of all accounts for losses on investments.

(b) At the end of the fiscal year, with the credit balance of the account (transfer to retained earnings).

Credit:

(a) At the end of the fiscal year, with the balances of all accounts for gains on investments.

(b) At the end of the fiscal year, with the debit balance of the account (transfer to retained earnings).

(See account No. 451)

462 *Non-cash realized gain summary.*

This account will be used as a clearing account through which all accounts for non-cash realized gains on investments on the books of the company will be closed.

Debit:

(a) At the end of the fiscal year, with the credit balance of the account (transfer to non-cash gains on sale of securities)—account No. 450.

Credit:

(a) At the end of the fiscal year, with the amounts of non-cash gains on investments sold during the period and recognized in accounts 572 through 579.

(See account Nos. 450 and 461)

INCOME ACCOUNTS

500 *Commitment income.*

This account will represent the amount of income earned on commitments to small business concerns for loans and equity securities. This account, on the books of the "participating" company, will include the amount of commitment income on deferred participations.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income earned on commitments and deferred participations.

NOTE 1: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition of loans or equity securities from other such companies.

NOTE 2: Recording as income in this account of accrued commitment fees receivable should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the small business concern or the fair value of its debt or equity instrument held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and accounts receivable should be made in an amount equivalent to the accrued commitment fees taken into income in this account, or, as an alternative, the commitment income should be deferred in account No. 383 as above indicated.

(See account Nos. 141, 142)

510 *Interest on invested idle funds.*

This account will represent the amount of interest earned on (1) time certificates of deposit in banks which are members of the Federal Deposit Insurance Corporation, (2) U.S. Government obligations, direct and fully guaranteed, owned by the company, and (3)

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funds of the company in insured savings accounts in institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of interest earned on invested idle funds.

(See account Nos. 130 through 137, 143 and 144)

512 *Interest on loans.*

This account will represent the amount of interest earned on loans to small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of interest earned on loans outstanding to small business concerns.

NOTE: Accrual of interest receivable should be discontinued with respect to any loan to a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the licensee, or the fair value of the loan as determined in good faith by the Board of Directors is less than cost or recovery thereon is doubtful, an addition to the allowance for uncollectible interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 143, 144, 170 and 173.)

516 *Interest on debt securities.*

This account will represent the amount of interest earned on debt securities of small business concerns owned by the company pursuant to section 304 of the Small Business Investment Act of 1958, as amended.

Debit:

(a) At the end of the fiscal year with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of interest earned on debt securities owned.

NOTE: Accrual of interest receivable should be discontinued with respect to any debt security of a small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. Any interest payments received from such a debtor should not be credited to this account as interest income, but should be either credited as payments on principal of the debt or credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when interest receivable is accrued under circumstances in which the financed small business concern is in default to the licensee, or the fair value of the debt security as determined in good faith by the Board of Directors is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectable interest receivable should be made in an amount equivalent to the accrued interest receivable taken into income in this account, or, as an alternative, the interest income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 143, 144, 180, 184 and 188)

520 *Interest income—other*

This account will represent the amount of interest earned on miscellaneous notes receivable, funds in escrow, and interest-bearing receivables not otherwise classified.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of interest earned on such receivables.

(See accounts Nos. 140, 143 and 267)

522 *Management service fees.*

This account will represent the amount of fees charged for management services rendered to small business concerns and other small business investment companies pursuant to section 107.601 of the Small Business Administration Rules and Regulations.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

NOTE: Recording as income in this account of accrued management service fees receivable should be discontinued with respect to any small business concern which is in bankruptcy, or on the verge thereof, or otherwise considered to be insolvent. The amounts in question should be credited as deferred income in account No. 383—Other deferred credits, pending determination of the appropriate accounting. In less serious situations, when the fair value of the financed concern's debt or equity instruments held by the company, as determined by the Board of Directors, is less than cost, or recovery thereon is doubtful, an addition to the allowance for uncollectible notes and account receivable should be made in an amount equivalent to the accrued management consulting service fees taken into income in this account, or, as an alternative, the management consulting service income should be deferred in account No. 383 as above indicated.

(See accounts Nos. 140, 141 and 142)

534 *Investigation and service fees charged other lenders.*

This account will represent the amount of fees charged for investigation and services rendered to banks or other lenders or investors, pursuant to section 308(a) of the Small Business Investment Act of 1958, as amended. The account will include compensation for financial services rendered in connection with participations sold.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

(See accounts Nos. 140, 141 and 142)

536 *Application and appraisal fees.*

This account will represent the amount of fees charged for application, appraisal, investigation, and related services rendered to small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such fees charged.

(See accounts Nos. 173 and 188 and "Note" of accounts Nos. 140, 141, and 532)

540 *Dividends on capital stock of SBCs.*

This account will represent the amount of income from dividends on capital stock of small business concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of income from such dividends.

(See account No. 145)

541 *Sharings in income or revenue of SBCs.*

This account will represent the amount of sharings or participations in the income or revenue of small business concerns which the company has financed by means of loans or debt securities, as well as income from equity interest in unincorporated concerns.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary)

Credit:

(a) With amount of such sharings.

(See account Nos. 140, 141 and 145)

570 *Gain on U.S. Government securities.*

This account will represent the amount of gain on the sale or other disposition of U.S. Government obligations, direct and fully guaranteed, carried in account No. 130.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such securities sold or disposed of otherwise.

NOTE: Increase in value over cost of United States Treasury bills, which are issued at a discount and are noninterest bearing, will not be reflected in this account but will be credited to account No. 510—Interest on invested idle funds, with concurrent debit to account No. 143—Accrued interest receivable.

571 *Gain on loans.*

This account will represent the amount of gain on the sale or other disposition of loans of small business concerns carried in account No. 170, and will include recoveries on loan losses previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such loans sold or disposed of otherwise.

(b) With amount collected on portions of loans previously charged to the loss account.

(See accounts Nos. 383 and 701)

572 *Gain on debt securities*

This account will represent the amount of gain on the sale or other disposition of debt securities of small business concerns carried in accounts Nos. 180 and 184, and will include recoveries on debt security losses previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such debt securities sold or disposed of otherwise.

(b) With amount collected on portions of debt securities previously charged to the loss account.

(See accounts Nos. 383 and 702)

574 *Gain on capital stock of SBCs*

This account will represent the amount of gain on the sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190 and 191, and will include recoveries on capital stock losses previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such capital stock sold or disposed of otherwise.

(b) With amount realized on capital stock of SBCs previously charged to the loss account.

(See accounts Nos. 383 and 704)

575 *Gain on equity interest of unincorporated concerns.*

This account will represent the amount of gain on the sale or other disposition of equity interests of unincorporated concerns carried in account 194 and will include recoveries of losses on equity interests of unincorporated concerns previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such equity interests sold or disposed of otherwise.

(b) With amount realized on equity interests previously charged to the loss account.

(See accounts Nos. 383 and 705)

576 *Gain on warrants, options, and other stock rights acquired from SBCs.*

This account will represent the amount of gain on the sale or other disposition of warrants, options, and other stock rights acquired from SBCs, and will include recoveries on stock rights losses previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such warrants, options, and other stock rights acquired from SBCs sold or disposed of otherwise.

(b) With amount realized on warrants, options, and other stock rights previously charged to the loss account.

(See accounts Nos. 197, 383, 706, and memorandum record No. NA-10)

577 *Gain on assets acquired in liquidation of portfolio securities.*

This account will represent the amount of gain on the sale or other disposition of assets acquired in liquidation of portfolio securities of small business concerns carried in accounts Nos. 200, and 204, and will include recoveries on losses on assets acquired in liquidation previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462)

Credit:

(a) With amount of gain on such assets acquired in liquidation of portfolio securities sold or disposed of otherwise.

(b) With amount realized on assets acquired in liquidation of portfolio securities previously charged to the loss account.

(See accounts Nos. 382 and 707)

578 *Gain on Operating Concerns Acquired.*

This account will represent the amount of gain in the sale or other disposition of investments in operating concerns acquired and will include recoveries on losses previously charged to the related loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such assets sold or disposed of otherwise.

(b) With amount realized on other assets previously charged to the loss account.

(See accounts Nos. 210, 221, 383, and 708)

579 *Gain on other assets.*

This account will represent the amount of gain on the sale or other disposition of assets not specifically provided for in other accounts, and will include recoveries on losses on other assets previously charged to the loss account.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461 or 462).

Credit:

(a) With amount of gain on such assets sold or disposed of otherwise.

(b) With amount realized on other assets previously charged to the loss account.

(See accounts Nos. 220, 221, 383 and 709)

582 *Income from assets acquired in liquidation of portfolio securities.*

This account will represent the amount of income earned on assets acquired in liquidation of portfolio securities, including the operation of properties, carried in accounts Nos. 200, 204.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such income earned.

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent. Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation or the disposition of assets acquired in the liquidation of portfolio securities should be charged to account No. 230—Prepaid expenses.

584. *Other income.*

This account will represent the income earned not specifically provided for in other accounts.

Debit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

Credit:

(a) With amount of such income earned.

EXPENSE ACCOUNTS

600 *Commitment expense.*

This account will represent the amount of commitment expense on commitments from lending institutions.

On the books of the "initiating" company, this account also will include the amount of commitment expense on deferred participations.

Debit:

(a) With amount of expense incurred on commitments and deferred participations.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

NOTE: A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquisition or loans or equity securities from other such companies.

(See account No. 340)

610 *Interest on obligations payable to SBA.*

This account will represent the amount of interest expense accrued on obligations payable to the Small Business Administration for funds borrowed.

Debit:

(a) With amount of such interest accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See accounts Nos. 300, 301 and 350)

622 *Interest on obligations payable to other than SBA.*

This account will represent the amount of interest expense accrued on obligations payable to other than the Small Business Administration for funds borrowed.

Debit:

(a) With amount of such interest accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary)

(See accounts Nos. 310, 311, 312, 313, 320 and 350)

642 *Stock record and other financial expenses.*

This account will represent the amount of charges to the company by the transfer agent and the registrar for services rendered in connection with the issuance and transfer of the company's capital stock, and will include other financial expenses not provided for elsewhere.

Debit:

(a) With amount of such expenses incurred.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

(See account No. 340)

650–679 *Operating Expenses*

The accounts under this caption will represent the amounts of operating expenses incurred.

Debit appropriate account:

(a) With amount of operating expenses incurred.

Credit appropriate account:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

650 *Advertising and promotional costs.*

This account will represent the cost of advertising and promoting the company's services, including the cost of entertaining prospective borrowers and clients.

651 *Appraisal and investigation costs.*

This account will represent the amount of charges made by outside firms and individuals for appraisal, investigation, and related services rendered to the company.

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652 *Auditing and examination costs.*

This account will represent the amount of charges for auditing, examination, and bookkeeping services rendered by accountants not on the company's payroll, and charges for services rendered by SBA examiners.

653 *Communications.*

This account will represent telephone, telegraph, and postage expense.

654 *Cost of space occupied.*

This account will represent the cost of space occupied such as rent, alterations, light, heat, power, janitor service, maintenance and repair expense on buildings, furniture, and equipment (other than automobiles), etc.

655 *Depreciation of corporate premises owned, furniture, and equipment.*

This account will represent the amount of provision applicable to the fiscal year for depreciation of the buildings and other depreciable improvements of corporate premises owned and used as the company's office quarters. The account also will include the amount of provision applicable to the fiscal year for depreciation of furniture and equipment (other than automobiles) owned by the company.

656 *Amortization of leasehold improvements.*

This account will represent the amortization of leasehold improvements.

657 *Directors' and stockholders' meetings costs.*

This account will represent directors' fees and travel expense for attendance at directors' and stockholders' meetings. The account also will include the cost of holding stockholders' meetings, such as rental of the meeting hall and related expenses.

658 *Insurance.*

This account will represent fire, theft, employee group life insurance, and other insurance expense, including fidelity bond, premiums and insurance on automobiles. The portion, if any, of employee group life insurance premiums withheld from salaries or received from employees will be reflected in account No. 378. Insurance premiums to be amortized will be charged to account No. 230.

659 *Management services fees.*

This account will represent the amount of charges made by outside firms or individuals for management services provided to licensee pursuant to management agreement approved by SBA.

660 *Investment adviser costs.*

This account will represent the amount of charges made by outside firms and individuals for furnishing consultation and advice to the company with respect to the desirability of investing in, purchasing, or selling loans, debt securities, and capital stock of small business concerns and other property.

661 *Legal services.*

This account will represent the cost of legal services rendered to the company.

663 *Salaries.*

This account will include the balances in subaccounts Nos. 663.1 and 663.2.

663.1 *Salaries of officers.*

This account will represent the salary cost of all officers of the company, including directors' salaries, if any, but not directors' fees for attendance at meetings.

663.2 *Salaries of employees.*

This account will represent the salary cost of all employees other than officers, including salaries of any temporary or part-time employees engaged for specific assignments.

664 *Taxes, excluding income taxes.*

This account will represent the cost of all taxes, including those on corporate premises owned, motor vehicle, and personal property, social security taxes (company's portion), and other taxes charged to the company, exclusive of income taxes.

665 *Travel.*

This account will represent all travel expense, including transportation charges, automobile maintenance, operating expense, and depreciation expense, meals, lodging, telephone, telegraph, and other company costs incurred by officers and employees while in a travel status.

670 *Employee benefits expense.*

This account will represent the cost assumed by the company in contributing to funds providing for employee retirement benefits and other types of employee benefits, except group life insurance. The portion, if any, of the cost of employee benefits withheld from salaries or received from employees will be reflected in account No. 378.

672 *Amortization of organization expense.*

This account will represent the amount of legal fees, promotional expense, stock certificate costs, incorporation fees, taxes and other related costs incurred in organizing the company, which are charged to expense (this account) as incurred or are transferred to this account periodically through the amortization of organization costs established as an asset in account No. 266.

679 *Miscellaneous operating expenses.*

This account will represent the amount of operating expenses not specifically provided for in other accounts. There will be included expenses incurred in connection with dues, subscriptions, donations, and similar items; charges made to the company for custodial or safekeeping services in connection with its portfolio securities; and bank service charges, exchange on checks, protest fees, etc., and the cost of office supplies such as stationery, accounting forms, binders, pencils, etc.

680 *Estimated losses on receivables.*

This account will represent the amount of estimated losses applicable to the fiscal year on notes and accounts receivable, and interest receivable.

Debit:

(a) With amount of such estimated losses incurred.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary).

700 *Loss on U.S. Government securities.*

This account will represent the amount of loss on the sale or other disposition of United States Government obligations, direct and fully guaranteed, carried in account No. 130–135.

Debit:

(a) With amount of loss on such securities sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 460 or 462)

(See account No. 570)

701 *Loss on loans.*

This account will represent the amount of loss on the sale or other disposition of loans of small business concerns carried in account No. 170.

Debit:

(a) With amount of loss on such loans written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary—account No. 461).

(See account No. 571)

702 *Loss on debt securities.*

This account will represent the amount of loss on the sale or other disposition of debt securities of small business concerns carried in accounts Nos. 160 and 184.

Debit:

(a) With amount of loss on such debt securities written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary—account No. 461).

(See account No. 572)

704 *Loss on capital stock of SBCs.*

This account will represent the amount of loss on sale or other disposition of capital stock of small business concerns carried in accounts Nos. 190 and 191.

Debt:

(a) With amount of loss on such capital stock written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461).

(See account No. 574)

705 *Loss on equity interest of unincorporated concern.*

This account will represent the amount of loss resulting from sale or other disposition of equity interests of unincorporated concerns carried in account No. 194.

Debit:

(a) With amount of loss on such equity interests sold, written off, or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461)

(See account No. 575)

706 *Loss on warrants, options, and other stock rights acquired from SBCs.*

This account will represent the amount of loss on the sale or other disposition of warrants, options, and other stock rights acquired from SBCs.

Debit:

(a) With amount of loss on such warrants, options, and other stock rights written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461)

(See accounts Nos. 197, 576, and memorandum record No. NA–10)

707 *Loss on assets acquired in liquidation of portfolio securities.*

This account will represent the amount of loss on the sale or other disposition of assets acquired in liquidation of portfolio securities of small business concerns carried in account No. 200, 204.

Debit:

(a) With amount of loss on such assets written down or sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461).

(See account No. 577)

708 *Loss on Operating Concerns Acquired.*

This account will represent the amount of loss on the sale or other disposition of investments in operating concerns acquired.

Debit:

(a) With amount of loss on such assets sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461)

(See account No. 578)

709 *Loss on other assets.*

This account will represent the amount of loss on the sale or other disposition of assets not specifically provided for in other accounts.

Debit:

(a) With amount of loss on such assets sold or disposed of otherwise.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to account 461)

(See account No. 579)

710 *Expense on assets acquired in liquidation of portfolio securities.*

This account will represent the amount of expense incurred on assets acquired in liquidation of portfolio securities, including the operation and depreciation of properties, carried in account No. 204. The account also will include the amount of interest expense accrued on mortgages payable on assets acquired in liquidation of portfolio securities.

Debit:

(a) With amount of such expense incurred.

Credit: (a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary—account No. 460)

NOTE: In instances when a liquidating agent is employed to supervise the disposition of the assets, appropriate subsidiary accounts should be maintained by the agent.

Cash collected from the sale of assets by the liquidating agent should be remitted immediately to the company. The company should maintain a local depository bank account, in which all receipts of the agent are deposited when direct remittances to the company are not feasible. Deposit balances in this account should be subject to withdrawal by check only by the company and should be reflected on the company's records in the same manner as other bank accounts.

Any advances to a liquidating agent for expenses incident to the operation of or in the disposition of assets acquired in the liquidation of loans and debt securities should be charged to account No. 230—Prepaid expenses.

715 *Other expenses.*

This account will represent the amount of nonoperating expenses not specifically provided for in other accounts, including, on the books of the "participating" company, the amount of compensation expense for financial services received from "initiating" companies in connection with participations purchased.

Debit:

(a) With amount of such expenses incurred.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary—Account No. 460).

(See account No. 340)

720 *Income taxes—net income.*

This account will include the balances in subaccounts Nos. 720.1, 720.2, 720.3, etc.

720.1 *Federal income taxes—net income.*

This account will represent the amount of Federal income taxes applicable to net income for the current fiscal year.

Debit:

(a) With amount of such taxes accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary—account No. 460).

720.2 *State income taxes—net income.*

Debit:

(a) With amount of such taxes accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to profit and loss summary—account No. 460).

(See subaccount Nos. 354.1 and 354.2)

722 *Income taxes—net realized gain on investments.*

This account will include the balances in subaccounts Nos. 722.1, 722.2, 722.3, etc.

722.1 *Federal income taxes—net realized gain on investments.*

This account will represent the amount of Federal income taxes applicable to net realized gain on investments for the current fiscal year.

Debit:

(a) With amount of such taxes accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary account 461 or 462).

(See subaccount No. 354.1)

722.2 *State income taxes—net realized gain on investments.*

This account will represent the amount of State income taxes applicable to net realized gain on investments for the current fiscal year.

Debit:

(a) With amount of such taxes accrued.

Credit:

(a) At the end of the fiscal year, with the balance of account (transfer to realized gain and loss summary account No. 461 or 462).

(See subaccount No. 354.2)

MEMORANDUM RECORDS

NOMINAL ASSETS

NA–10 *Stock purchase warrants or options on stock of SBCs.*

This record will show the company's ownership of detachable stock purchase warrants or options on stock of SBCs, retained after the accompanying financing instruments have been disposed of, for which no consideration was given distinct from that surrendered for such financing instruments and for which no separate cost has otherwise been determined.

Each such detachable stock purchase warrant or option certificate should be entered in this record, upon detachment, at a nominal value of one dollar ($1.00. Upon sale of such a detached stock purchase warrant or option, upon exercise or expiration of rights conveyed by such a detached stock purchase warrant or option, or upon the determination of a cost to be recorded for such a detached stock purchase warrant or option, the entry establishing such certificate in the memorandum records is to be discharged through an equivalent credit.

Debit:

(a) With nominal value of such detachable stock purchase warrants or options upon their detachment from capital stock certificates or debt securities.

Credit:

(a) With nominal value of such detached stock purchase warrants or options upon exercise or expiration of rights conveyed by such warrant or option certificates.

(b) With nominal value of such detached stock purchase warrants or options sold or disposed of otherwise.

This account will represent the amount of State income taxes applicable to net income for the current fiscal year.

(c) With nominal value of such detached stock purchase warrants or options for which a separate cost has been established.

(See accounts Nos. 180, 190, and 197)

CONTINGENT LIABILITIES

CL–15 *Commitments outstanding.*

This record will show the amount of financing commitments made and outstanding to small business concerns, including commitments for loans and for the acquisition of small business concerns' capital stock and debt securities. This record also will show the amount of deferred participations. A deferred participation is defined as a commitment under a participation agreement whereby the "participating" company will make funds available on a deferred basis to the "initiating" company in connection with the latter's financing of, or commitment to finance, a small business concern, or in connection with an "initiating" small business investment company's acquitision of loans or equity securities from other such companies. When funds are advanced against commitments, appropriate entry will be made in this record.

CL–16 *Guarantees outstanding.*

This record will show the amount for which the company is contingently liable under guarantees issued to lending institutions in connection with obligations of portfolio concerns under notes, debentures, or other evidences of indebtedness, or short-term advances to such concerns.

CL–17 *Other contingent liabilities.*

This record will show the amount of miscellaneous contingent obligations not otherwise classified.

OPTIONS ON COMPANY STOCK

OCS–1 *Options on company's stock.*

This record will show details of outstanding options on the company's capital stock granted in lieu of salary or in payment for services actually rendered to the company. The following data will be included:

1. Identification of person or entity holding options.
2. Number of shares optioned.
3. Type and class of stock called for by options.
4. Dates of grant and of expiration of options.
5. Price or prices at which options exercisable, with dates they apply.
6. Fair market value, per share, of stock called for at date each option was granted.
7. Price of each option as percent of fair market value of optioned stock at date option was granted.
8. Provisions for termination of options in case of death or retirement of optionees, or other circumstances.
9. Details of authorization, shares reserved for, issuance, exercise, lapse, and forfeiture of options provided for under the company's stock option plan.

ACTUAL LOSS EXPERIENCE

AL–1 *Actual (realized) losses.*

This record will show for each fiscal year, and also accumulatively, the amount of actual (realized) losses incurred through disposition, writedown, or writeoff of loans and investments. Losses shall be stated in total for all loans and investments and also separately for loans; debt securities; capital stock of small business concerns; warrants, options, and other stock rights of small business concerns; assets acquired in liquidation of loan and debt securities; and amounts due from debtors on sale of assets acquired in liquidation of loans and debt securities. Losses realized shall be determined in relation to cost of the assets involved without regard to the existence or nonexistence of related allowances for losses.

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PART III

THE PRESIDENT

■

SPECIAL MESSAGE TO CONGRESS ON BUDGET DEFERRALS

V 39 214
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Special Message on Budget Deferrals

To the Congress of the United States:

I herewith report on additional deferrals for the fiscal year 1975, as required by the Congressional Budget and Impoundment Control Act of 1974. These deferral actions have been taken to reduce the inflationary effects of the Public Works for Water and Power Development and Atomic Energy Commission Appropriation Act of 1975 (Pub. L. 93–393). When I approved the Act, I did so with the hope and expectation that the Congress would work in cooperation with the Executive Branch to defer for one full year the expenditure of that amount of appropriated funds which would contribute excessively to inflationary government spending.

The deferral actions reported today decrease the amount of budget authority which would otherwise be available in the fiscal year 1975 by nearly $82 million and thereby keep Federal spending from rising nearly $57 million above current estimates. If the Congress and the President are to keep Federal outlays for the fiscal year 1975 within $300 billion, such measures as the ones reported here are essential.

Gerald R. Ford

THE WHITE HOUSE,
October 31, 1974.

SUMMARY OF DEFERRALS

(dollars in thousands)

Deferral #:	Item	Budget Authority
	Defense, Civil:	
	Corps of Engineers-Civil:	
D75-81	Construction, General	43,945
D75-82	Flood Control, Mississippi River and Tributaries	14,503
	Interior:	
	Bureau of Reclamation:	
D75-83	Loan Program	900
D75-84	Construction and Rehabilitation	17,955
D75-85	Colorado River Basin Project (Lower Colorado River Basin Development Fund)	2,525
D75-86	Upper Colorado River Storage Project (Upper Colorado River Basin Fund)	1,730
	Total	81,558

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Deferral No.: D75-81

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Army	New budget authority (P.L. 93-393)	$ 973,681,000
Bureau Corps of Engineers, Civil	Other budgetary resources	105,825,692
Appropriation Title & Symbol Construction General, COE, Civil 96X3122	Total Budgetary Resources	1,079,506,692
	Amount to be deferred part of year	
	Amount to be deferred for entire year	43,945,000

Justification

The Public Works Appropriation Act of 1975 (P.L. 93-393) was signed into law on August 28, 1974. In the signing statement that accompanied the Act, the President noted that use of all the funds appropriated by the Congress in its action on the Public Works Appropriation Bill (H.R. 15155) would increase outlays in fiscal year 1975 by $80 million and added that, after discussions with congressional leaders, he was signing this bill with the expectation that Congress would work in cooperation with the Executive Branch to defer for one full year the expenditure of that amount of appropriated funds which would contribute excessively to inflationary government spending.

Though this deferral does not, by itself constitute an action sufficient to deter inflation, it is one of a number of actions, including a group of Public Works deferrals that, taken together, are necessary to restrain near term Federal spending to achieve an anti-inflationary fiscal posture.

The total budget authority in FY 1975 for Corps of Engineers Civil Works activities is $85,790,000 in excess of the budget. Of this excess amount $43,945,000 has been withheld from obligation in this account to meet the anti-inflation goals of the Federal government. The remaining $1,035,561,692 has been made available for obligation with the exception of $108,000 which was the subject of a separate deferral report (D75-1).

This account was apportioned on September 27, 1974, to defer $56,230,000. Subsequently, the account was reapportioned to revise the amount deferred to $43,945,000.

Estimated Effects

The Corps outlays in FY 1975 will be reduced an estimated $31,185,000 as a result of this deferral.

The deferral will delay some project completions and delay the realization of benefits. In addition to changes in value levels of both costs and benefits that would take place in the deferral period, there may be some effect on construction efficiency.

Availability of 1975 appropriations to projects is as follows:

- The full amount of funds appropriated for planning projects has been made available.
- Projects for which the budgeted amount or less was cited in the report of the appropriations conference committee - the full amount is available for obligation in FY 1975.
- Projects for which more than the budgeted amount was cited in the conference report, including new construction starts - all but one-half of the increase is available for obligation in FY 1975.

Amounts deferred equal one-half of the amount added over budget by the appropriations process on a project by project basis. A list of projects to be affected by deferral action is attached.

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Attachment

Corps of Engineers
Projects Affected
by Deferrals

Construction, General

Tennessee-Tombigbee Waterway, Alabama and Mississippi

Snettisham, Alaska

McClellan-Kerr Arkansas River Nav. System, Arkansas and Oklahoma

Buchanan Dam-H.V. Eastman Lake, California

Hidden Lake, California

San Diego Harbor, California

Sacramento River, Chico Landing to Red Bluff, California

Four River Basins, Florida

West Point Lake, Georgia and Florida

Kaneohe-Kailua Area, Hawaii

Mississippi R. between Ohio and Missouri Rivers; Reregulating Works, Illinois

Patoka Lake, Indiana

Uniontown Locks and Dam, Indiana and Kentucky

Rathbun Lake, (Fish Hatchery), Iowa

Hillsdale Lake, Kansas

Paintsville Lake, Kentucky

Red River Lake, Kentucky

Taylorsville Lake, Kentucky

Construction, General (Con'd)

Yatesville Lake, Kentucky

Atchafalaya River, Bayous Chene, Boeuf and Black, Louisiana

Overton-Red River Waterway (lower 31 miles only) Louisiana

Red River Waterway, Miss. River to Shreveport, La.

Clarence Cannon Dam and Res., Missouri

Harry S. Truman Dam and Res., Missouri

Meramec Park Lake, Missouri

Libby Dam-Lake Koocanusa, Montana

Papillion Creek and Tribs., Nebraska

Cochiti Lake, New Mexico

East River Spur Channel, New York

East Rockaway to Rockaway Inlet and Jamaica Bay, New York(Part I)

Fire Island Inlet to Montauk Point, New York

New York Harbor (Anchorages), New York

B, Everett Jordan Dam and Lake, North Carolina

Falls Lake, North Carolina

Missouri River, Garrison Dam to Lake Oahe, North Dakota

Copan Lake, Oklahoma

Skiatook Lake, Oklahoma

Applegate Lake, Oregon

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Construction, General (Con'd)

Bonneville Lock and Dam (Second Power Unit), Oregon and Washington

Scappoose Drainage District, Oregon

Presque Isle Peninsula, Pennsylvania

Raystown Lake, Pennsylvania

Tioga-Hammond Lakes, Pennsylvania

Cooper Lake and Channels, Texas

Corpus Christi Ship Channel, Texas

Lakeview Lake, Texas

San Gabriel River, Texas

Fourmile Run, City of Alexandria and Arlington County, Virginia

Wynochee Lake, (Fish Hatchery), Washington

La Farge Lake and Channel Improvement, Wisconsin

Burnsville Lake, West Virginia

R.D. Bailey Lake, West Virginia

Recreation Facility Projects Completed

Construction, General(Con'd)

Indian Bend Wash, Arizona

Chester, North Fork of Feather River, California

Cucamonga Creek, California

Panama City Harbor, Florida

Richard B. Russell (Trotters Shoals) Dam and Lake, Georgia and South Carolina

Kahului Harbor, Hawaii (Mitigation of Shore Damages attributable to Navigation Projects, Sec. 111)

Lahaina Small Boat Harbor, Hawaii

Columbia Drainage and Levee District No. 3, Illinois

Big Pine Lake, Indiana

Marion, Kansas

Perry Lake Area (Road Improvement), Kansas

Yazoo River, Belzoni Bridge (Advance Participation), Miss.

Frazer-Wolf Point Bank Stabilization, Montana

New York Harbor Collection and Removal of Drift, New York

Chillicothe, Ohio

Mill Creek, Ohio

Beaver Drainage District, Oregon

Portugues and Bucana Rivers, Puerto Rico

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Construction, General (Con'd)

Cooper River, Charleston Harbor, South Carolina

Sacred Heart Hospital, Emergency Bank Stabilization, Yankton, South Dakota

Aubrey Lake, Texas

Lower Monumental Lock and Dam (Add'l Units), Washington

Coal River Basin, West Virginia

Deferral No.: D75-82

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Army	New budget authority (P.L. 93-393)	$ 161,948,000
Bureau Corps of Engineers, Civil	Other budgetary resources	21,129,645
Appropriation Title & Symbol Flood Control, Mississippi River and Tributaries, COE Civil 96X3112	Total Budgetary Resources	183,077,645
	Amount to be deferred part of year	
	Amount to be deferred for entire year	14,503,000

Justification

The Public Works Appropriation Act of 1975 (P.L. 93-393) was signed into law on August 28, 1974. In the signing statement that accompanied the Act, the President noted that use of all the funds appropriated by the Congress in its action on the Public Works Appropriation Bill (H.R. 15155) would increase outlays in fiscal year 1975 by $80 million and added:

> "After discussions with Congressional leaders, I have therefore decided to sign this bill with the hope and expectation that under the budget act, the Congress will work in cooperation with the executive branch to defer for one full year the expenditure of that amount of appropriated funds which would contribute excessively to inflationary government spending."

Though this deferral does not, by itself constitute an action sufficient to deter inflation, it is one of a number of actions, including a group of Public Works deferrals that, taken together, are necessary to restrain near term Federal spending to achieve an anti-inflationary fiscal posture.

The total budget authority in FY 1975 for Corps of Engineers Civil Works activities is $85,790,000 in excess of the budget. Of this excess amount, $14,503,000 has been withheld from obligation in this account to meet the anti-inflation goals of the Federal government. The remaining $168,574,645 has been made available for obligation.

This account was apportioned on September 27, 1974, to defer $19,336,000. Subsequently, the account was reapportioned to revise the amount deferred to $14,503,000.

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Estimated Effects

The Corps outlays in FY 1975 will be reduced an estimated $10,877,000 as a result of this deferral.

The deferral will delay some project completions and delay the realization of benefits. In addition to changes in value levels of both costs and benefits that would take place in the deferral period, there may be some effect on construction efficiency.

Availability of 1975 appropriations to projects is as follows:

- The full amount of funds appropriated for planning projects has been made available.
- Projects for which the budgeted amount or less was cited in the report of the appropriations conference committee - the full amount is available for obligation in FY 1975.
- Projects for which more than the budgeted amount was cited in the conference report, including new construction starts - all but one-half of the increase is available for obligation in FY 1975

Amounts deferred equal one-half of the amount added over budget by the appropriations process on a project by project basis.

A list of projects to be affected by deferral action is attached.

Attachment

Corps of Engineers
Projects Affected
by Deferrals

Mississippi River and Tributaries

Mississippi River Levees

Channel Improvement

Atchafalaya Basin, Louisiana

Bayou Cocodrie and Tributaries, Louisiana

Cache Basin, Arkansas

Lower Red River, South Bank Levee, Louisiana

St. Francis Basin, Arkansas, Missouri

Reelfoot Lake, No. 9, Tennessee, Kentucky

Tensas Basin, Arkansas and Louisiana

Yazoo Basin, Mississippi

West Kentucky Tribs., Kentucky

West Tennessee Tribs., Tennessee

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Deferral No.: D75-83

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Department of the Interior	New budget authority (P.L. 93-393)	$ 13,825,000
Bureau: Reclamation	Other budgetary resources	3,486,062
Appropriation Title & Symbol: Loan Program 14X0667	Total Budgetary Resources	17,311,062
	Amount to be deferred part of year	
	Amount to be deferred for entire year	900,000

Justification

The Public Works Appropriation Act of 1975 (P.L. 93-393) was signed into law on August 28, 1974. In the signing statement that accompanied the Act, the President noted that use of all the funds appropriated by the Congress in its action on the Public Works Appropriation Bill (H.R. 15155) would increase outlays in fiscal year 1975 by $80 million and added:

"After discussions with Congressional leaders, I have therefore decided to sign this bill with the hope and expectation that under the budget act, the Congress will work in cooperation with the Executive Branch to defer for one full year the expenditure of that amount of appropriated funds which would contribute excessively to inflationary government spending."

Though this deferral does not, by itself constitute an action sufficient to deter inflation, it is one of a number of actions, including a group of public works deferrals that, taken together, are necessary to restrain near term Federal spending to achieve an anti-inflationary fiscal posture.

The total budgetary resources for this account in 1975 is $17,311,062, including $1,800,000 in excess of the budget. Of this amount, $900,000 has been withheld from obligation to meet the anti-inflation goals of the Federal government. The remaining $16,411,062 has been made available for obligation.

Estimated Effects

The $900,000 to be deferred will result in a reduction in the amount of outlays in fiscal year 1975 of $585,000.

The deferral will delay some project completions and delay the realization of benefits. In addition to changes in value levels of both costs and benefits that would take place in the deferral period, there may be some effect on construction efficiency.

DEFERRAL OF BUDGET AUTHORITY

Estimated Effects(Con'd)

Availability of 1975 appropriations to projects is as follows:

-Projects for which the budgeted amount or less was cited in the report of the appropriations conference committee - the full amount is available for obligation in FY 1975.

-Projects for which more than the budgeted amount was cited in the conference report, including new construction starts - all but one-half of the increase is available for obligation in FY 1975.

Amounts deferred equal one-half of the amount added over budget by the appropriations process on a project by project basis.

A list of projects to be affected by deferral action is attached.

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Attachment 1

Bureau of Reclamation Projects
affected by deferrals

Loan Program

Central Nebraska Public Power & Irrigation District

La Branza Water District, California

Deferral No.: D75-34

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 93-393)	$ 244,123,000
Bureau Reclamation	Other budgetary resources	9,799,985
Appropriation Title & Symbol Construction and Rehabilitation 14X5061	Total Budgetary Resources	253,922,985
	Amount to be deferred part of year	
	Amount to be deferred for entire year	17,955,000

Justification

The Public Works Appropriation Act of 1975 (P.L. 93-393) was signed into law on August 28, 1974. In the signing statement that accompanied the Act, the President noted that use of all the funds appropriated by the Congress in its action on the Public Works Appropriation Bill (H.R. 15155) would increase outlays in fiscal year 1975 by $80 million and added:

"After discussions with Congressional leaders, I have therefore decided to sign this bill with the hope and expectation that under the budget act, the Congress will work in cooperation with the executive branch to defer for one full year the expenditure of that amount of appropriated funds which would contribute excessively to inflationary government spending."

Though this deferral does not, by itself constitute an action sufficient to deter inflation, it is one of a number of actions, including a group of Public Works deferrals that, taken together, are necessary to restrain near term Federal spending to achieve an anti-inflationary fiscal posture.

The total budgetary resources for this account in 1975 is $253,922,985 including $31,789,000 in excess of the budget. Of this amount $17,955,000 has been withheld from obligations to meet the anti-inflation goals of the Federal government. An additional $1,055,000 has been deferred under a separate deferral report (D75-14). Presently $234,937,985 is available for obligation in this account.

This account was apportioned on September 27, 1974, to defer $23,670,000. Subsequently, the account was reapportioned to revise the amount deferred to $17,955,000.

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Estimated Effects

The $17,955,000 to be deferred will result in a reduction in the amount of outlays in fiscal year 1975 of $11,930,000.

The deferral will delay some project completions and delay the realization of benefits. In addition to changes in value levels of both costs and benefits that would take place in the deferral period, there may be some effect on construction efficiency.

Availability of 1975 appropriations to projects is as follows:

- The full amount of funds appropriated for planning projects has been made available.
- Projects for which the budgeted amount or less was cited in the report of the appropriations conference committee - the full amount is available for obligation in FY 1975.
- Projects for which more than the budgeted amount was cited in the conference report, including new construction starts - all but one-half of the increase is available for obligation in FY 1975.

Amounts deferred equal one-half of the amount added over budget by the appropriations process on a project by project basis.

A list of projects to be affected by deferral action is attached.

Attachment 1

Bureau of Reclamation Projects
affected by deferrals

Construction and Rehabilitation

Brantley, New Mexico

Central Valley Project, California
  Sacramento River Division
  San Luis Unit
  Auburn South Unit
  Miscellaneous Central Valley Programs

Central Valley Project, California
  San Felipe Division

Chief Joseph Dam, Foster Creek Division, Washington

Columbia Basin Irrigation Facilities, Washington

Columbia Basin, Bacon Siphon & Tunnel #2, Washington

Columbia Basin, Grand Coulee Dam, third Powerplant, Washington

Fryingpan Arkansas, Colorado

Pick Sloan Missouri Basin
  Garrison Diversion Unit, North Dakota
  Oahe Project, South Dakota
  Narrows Unit, Colorado

Teton Basin - Lower Teton Division, Idaho

Tualatin Project, Oregon

Tumulo Irrigation District, Oregon

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Deferral No.: D75-85

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 93-393)	$ 23,000,000
Bureau Reclamation	Other budgetary resources	24,102,579
Appropriation Title & Symbol Colorado River Basin Project (Lower Colorado River Basin Development Fund) 14X4079	Total Budgetary Resources	47,102,579
	Amount to be deferred part of year	
	Amount to be deferred for entire year	2,525,000

Justification

The Public Works Appropriation Act of 1975 (P.L. 93-393) was signed into law on August 28, 1974. In the signing statement that accompanied the Act, the President noted that use of all the funds appropriated by the Congress in its action on the Public Works Appropriation Bill (H.R. 15155) would increase outlays in fiscal year 1975 by $80 million and added:

"After discussions with Congressional leaders, I have therefore decided to sign this bill with the hope and expectation that under the budget act, the Congress will work in cooperation with the executive branch to defer for one full year the expenditure of that amount of appropriated funds which would contribute excessively to inflationary government spending."

Though this deferral does not, by itself constitute an action sufficient to deter inflation, it is one of a number of actions, including a group of Public Works deferrals that, taken together, are necessary to restrain near term Federal spending to achieve an anti-inflationary fiscal posture.

The total budgetary resources for this account in 1975 is $47,102,579, including $5,050,000 in excess of the budget. Of this amount, $2,525,000 has been withheld to meet the anti-inflation goals of the Federal government. The remaining $44,577,579 of budgetary resources has been made available for obligation.

The account was apportioned on September 27, 1974 to defer $4,380,000. Subsequently, the account was reapportioned to revise the amount deferred to $2,525,000.

Estimated Effects

The $2,525,000 to be deferred will result in a reduction in the amount of outlays in fiscal year 1975 of $1,610,000.

The deferral will delay some project completions and delay the realization of benefits. In addition to changes in value levels of both costs and benefits that would take place in the deferral period, there may be some affect on construction efficiency.

Availability of 1975 appropriations to projects is as follows:

- Projects for which the budgeted amount or less was cited in the report of the appropriations conference committee - the full amount is available for obligation in FY 1975.

- Projects for which more than the budgeted amount was cited in the conference report, including new construction starts - all but one-half of the increase is available for obligation in FY 1975.

Amounts deferred equal one-half of the amount added over budget by the appropriations process on a project by project basis.

A list of projects to be affected by deferral action is attached.

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Attachment 1

Bureau of Reclamation Projects affected by deferrals

Colorado River Basin Project

Central Arizona Project, Arizona

Deferral No.: D75-86

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of the Interior	New budget authority (P.L. 93-393)	$ 24,621,000
Bureau Reclamation	Other budgetary resources	50,849,008
Appropriation Title & Symbol Upper Colorado River Storage Project (Upper Colorado River Basin Fund, 14X4081; and Recreational and Fish and Wildlife Facilities 14X0682)	Total Budgetary Resources	75,470,008
	Amount to be deferred part of year	
	Amount to be deferred for entire year	1,730,000

Justification

The Public Works Appropriation Act of 1975 (P.L. 93-393) was signed into law on August 28, 1974. In the signing statement that accompanied the Act, the President noted that use of all the funds appropriated by the Congress in its action on the Public Works Appropriation Bill (H.R. 15155) would increase outlays in fiscal year 1975 by $80 million and added:

> "After discussions with Congressional leaders, I have therefore decided to sign this bill with the hope and expectation that under the budget act, the Congress will work in cooperation with the executive branch to defer for one full year the expenditure of that amount of appropriated funds which would contribute excessively to inflationary government spending."

Though this deferral does not, by itself constitute an action sufficient to deter inflation, it is one of a number of actions, including a group of Public Works deferrals that, taken together, are necessary to restrain near term Federal spending to achieve an anti-inflationary fiscal posture.

The total budgetary resources for this account in 1975 is $75,470,008. Of these totals available for 1975, $1,730,000 has been withheld from obligations to meet anti-inflation goals of the Federal government. An additional $1,150,000 was the subject of a separate deferral report (D75-15). The remaining budget authority has been made available for obligation.

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This account was apportioned on September 27, 1974, to defer $3,153,850. Subsequently, the account was reapportioned to revise the amount deferred to $1,730,000.

Estimated Effects

The $1,730,000 to be deferred will result in a reduction in the amount of outlays in fiscal year 1975 of $710,000.

The deferral will delay some project completions and delay the realization of benefits. In addition to changes in value levels of both costs and benefits that would take place in the deferral period, there may be some effect on construction efficiency.

Availability of 1975 appropriations to projects is as follows:

- The full amount of funds appropriated for planning projects has been made available.
- Projects for which the budgeted amount or less was cited in the report of the appropriations conference committee - the full amount is available for obligation in FY 1975.
- Projects for which more than the budgeted amount was cited in the conference report, including new construction starts all but one half of the increase is available for obligation in FY 1975.
- Projects for which all prior year funds had been deferred in earlier actions - none of the additional unbudgeted construction funds have been made available pending the completion of programed review.

Amounts deferred equal one-half of the amount added over budget by the appropriations process on a project by project basis.

A list of projects to be affected by deferral action is attached.

Attachment 1

Bureau of Reclamation Projects
affected by deferrals

Upper Colorado River Basin Fund

Bonneville Unit, Utah

Dallas Creek Project, Colorado

Fruitland Mesa, Colorado

Jensen Unit, Utah

Savery Pot-Hook, Colorado/Wyoming

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Attachment 1

Bureau of Reclamation Projects
affected by deferrals

Construction of Recreational and Fish and Wildlife Facilities

Central Utah Project, Bonneville Unit, Utah

Flaming Gorge Unit, Utah/Wyoming

Special Message on Budget Deferrals

To the Congress of the United States:

In accordance with the provisions of Title X of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93–344), I am reporting the deferral of funds appropriated to carry out the Family Practice of Medicine Act (S. 3418, Ninety-First Congress).

The details of the deferral are contained in the attached report.

Gerald R. Ford

THE WHITE HOUSE,
October 31, 1974.

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Deferral No.: D75-87

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Health, Education, and Welfare	New budget authority (P.L. _____)	$ _____
Bureau Human Resources Administration	Other budgetary resources	100,000
Appropriation Title & Symbol	Total Budgetary Resources	100,000
Health Manpower 753/40812 75X0812	Amount to be deferred part of year	100,000
	Amount to be deferred for entire year	-0-

JUSTIFICATION

Supplemental Appropriation Act language for fiscal year 1973 (P.L.93-50) appropriated $100,000 to "remain available until expended," in order to "carry out programs in the family practice of medicine, as authorized by the Family Practice of Medicine Act of 1970 (S. 3418, Ninety-first Congress)." These funds were to have been used for making grants to medical schools to encourage the training of increased numbers of physicians practicing family medicine. S. 3418 (91st Congress) was the subject of a pocket veto on December 24, 1970. On August 13, 1974, in the case of Kennedy v. Sampson (No. 73-2121), the United States Court of Appeals for the District of Columbia Circuit upheld a District Court decision that the pocket veto was unconstitutional in that instance. The Department of Justice has until November 13, 1974, to decide whether or not to seek a writ of certiorari in this case. The funds appropriated for implementing S. 3418 are deferred pending the final outcome of the court action.

ESTIMATED EFFECTS

The delay in obligating these funds would have no impact on projected 1975 outlays, since the deferral was anticipated in the Budget for FY 1975. If the funds were made available for obligation this year, the outlay impact would be $25,000 in 1975 and $75,000 in 1976. The deferral would have no significant adverse effects upon the objectives or scope of Health Resources Administration program activities in the area of supporting family practice residencies since the 1975 budget requests $15 million for these purposes. This $15 million was requested under Health Manpower.

[FR Doc.74-26029 Filed 11-4-74;11:25 am]

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences;
☐ preamble did not contain a clear and concise explanation of the document's purpose;
☐ other (explain) _____

_____

_____

II. I believe that the requirement(s) contained in:

A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete requirement on those persons subject to that regulation.

My reasons are: _____

_____

_____

III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

_____

_____

_____

Please mail to:

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federal register

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WASHINGTON, D.C.
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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 6642..... Pub. Law 93–490
Bicycle parts, duty suspension; Internal Revenue Code of 1954, amendments
(Oct. 26, 1974; 88 Stat. 1466)

H.R. 7780..... Pub. Law 93–499
Certain silk yarns, duty suspension, extension; Internal Revenue Code of 1954, amendments
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(Oct. 28, 1974; 88 Stat. 1500)

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(Oct. 26, 1974; 88 Stat. 1456)

H.R. 11452..... Pub. Law 93–480
Crude feathers and downs, anomaly correction in duty rate; Internal Revenue Code of 1954, amendments
(Oct. 26, 1974; 88 Stat. 1454)

H.R. 11830..... Pub. Law 93–470
Synthetic rutile, duty suspension
(Oct. 26, 1974; 88 Stat. 1422)

H.R. 12035..... Pub. Law 93–483
Carboxymethyl cellulose salts, duty suspension; Internal Revenue Code of 1954, amendments
(Oct. 26, 1974; 88 Stat. 1457)

H.R. 12281..... Pub. Law 93–497
To continue until June 30, 1975, the suspension of duties on certain forms of copper; Internal Revenue Code of 1954, amendments
(Oct. 29, 1974; 88 Stat. 1534)

H.R. 13157..... Pub. Law 93–486
Certain National Historic Sites, establishment
(Oct. 26, 1974; 88 Stat. 1461)

H.R. 13561..... Pub. Law 93–487
Intercoastal Shipping Act, 1933, amendment
(Oct. 26, 1974; 88 Stat. 1463)

H.R. 13631..... Pub. Law 93–484
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H.R. 14217..... Pub. Law 93–477
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(Oct. 26, 1974; 88 Stat. 1445)

H.R. 15427..... Pub. Law 93–496
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H.R. 15540..... Pub. Law 93–472
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(Oct. 26, 1974; 88 Stat. 1430)

H.R. 15643..... Pub. Law 93–471
District of Columbia Public Postsecondary Education Reorganization Act
(Oct. 26, 1974; 88 Stat. 1423)

H.R. 15736..... Pub. Law 93–493
The Reclamation Development Act of 1974
(Oct. 27, 1974; 88 Stat. 1486)

H.R. 17027..... Pub. Law 93–478
National Visitor Center Facilities Act of 1968, amendment
(Oct. 26, 1974; 88 Stat. 1449)

S. 355..... Pub. Law 93–492
Motor Vehicle and Schoolbus Safety Amendments of 1974
(Oct. 27, 1974; 88 Stat. 1470)

S. 628..... Pub. Law 93–474
Chapter 83 of title 5 of the United States Code, amendment
(Oct. 26, 1974; 88 Stat. 1438)

S. 1411..... Pub. Law 93–491
Sisseton and Wahpeton Sioux Tribe, North and South Dakota, consolidation of land holdings
(Oct. 26, 1974; 88 Stat. 1468)

S. 1412..... Pub. Law 93–489
Sisseton-Wahpeton Sioux Tribe, North and South Dakota, lands held in trust
(Oct. 26, 1974; 88 Stat. 1465)

S. 1769..... Pub. Law 93–498
Federal Fire Prevention and Control Act of 1974
(Oct. 29, 1974; 88 Stat. 1535)

S. 2840..... Pub. Law 93–479
Foreign Investment Study Act of 1974
(Oct. 26, 1974; 88 Stat. 1450)

S. 3007..... Pub. Law 93–494
Appropriations for the Indian Claims Commission and other purposes
(Oct. 27, 1974; 88 Stat. 1499)

S. 3234..... Pub. Law 93–473
Solar Energy Research, Development, and Demonstration Act of 1974
(Oct. 26, 1974; 88 Stat. 1431)

S. 3355..... Pub. Law 93–481
Controlled Substances Act, amendment
(Oct. 26, 1974; 88 Stat. 1455)

S. 3473..... Pub. Law 93–475
State Department/USIA Authorization Act, Fiscal Year 1975
(Oct. 26, 1974; 88 Stat. 1439)

S. 3698..... Pub. Law 93–485
Atomic Energy Act of 1954, amendment
(Oct. 26, 1974; 88 Stat. 1460)

S. 3792..... Pub. Law 93–500
Export Administration Amendments of 1974
(Oct. 29, 1974; 88 Stat. 1552)

S. 3838..... Pub. Law 93–501
Debt obligations, issuance and sale, regulation
(Oct. 29, 1974; 88 Stat. 1557)

S. J. Res. 236..... Pub. Law 93–476
Metropolitan Museum of New York, indemnification provision
(Oct. 26, 1974; 88 Stat. 1444)

S. J. Res. 250..... Pub. Law 93–488
Regional Rail Reorganization Act's reporting date, extension
(Oct. 26, 1974; 88 Stat. 1464)

The following bills were vetoed by the President:

H.R. 13342, Farm Labor Contractor Registration Act Amendments of 1974. Message dated October 29, 1974; Weekly Compilation of Presidential Documents, Vol. 10, No. 44.

H.R. 14225, Rehabilitation Act Amendments of 1974. Message dated October 29, 1974; Weekly Compilation of Presidential Documents, Vol. 10, No. 44.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 591—ALLOWANCES AND DIFFERENTIALS

Rates for Guam, Puerto Rico, and the Virgin Islands

On June 27, 1973, there was published in the FEDERAL REGISTER (38 FR 16850) a complete revision to Part 591. This revision was necessary to accommodate new program responsibilities assigned to the Civil Service Commission, and resulted in retitling and renumbering of the subparts and sections. This revision did not include changes that were published on May 25, 1973, in the FEDERAL REGISTER (38 FR 13726), and these changes were not incorporated in the January 1, 1974, revision of Title 5, Code of Federal Regulations. In addition, effective the first day of the pay period beginning on or after August 18, 1974, the Commission approved an increase in the cost of living allowance to ten percent for the Virgin Islands for employees who do not live in government housing. The five percent cost of living allowance previously authorized will be terminated effective the pay period that begins on or after October 1, 1974, for employees who occupy government housing. Effective the same day, the Commission approved a cost of living allowance of seven and one-half percent for Guam for employees who do not have military commissary and post exchange privileges. Therefore, §§ 591.203, 591.204, and 591.207 are amended accordingly.

Section 591.203 is amended to read as follows:

§ 591.203 Places and rates at which allowances shall be paid.

• • • • •

Commonwealth of Puerto Rico: 7.5 percent of basic pay.

• • • • •

Virgin Islands: 10 percent of basic pay for eligible employees.

Guam: 7.5 percent of basic pay for eligible employees.

• • • • •

2. Section 591.204 is amended to read as follows:

§ 591.204 Places and rates at which differentials shall be paid.

• • • • •

Guam: 25 percent of rate of basic pay; effective the beginning of the first pay period after January 1, 1974, reduced to 22.5 percent; and effective the first pay period after January 1, 1975, reduced to 20 percent of basic pay.

3. Section 591.207 is revised to read as follows:

§ 591.207 Deductions from allowances.

In accordance with the provisions of section 205(b)(2) of Executive Order 10,000, as amended, deductions from allowances of the following classes of employees shall be made at the following places and rates:

Virgin Islands: 10 percent for employees occupying government housing.

Guam: 7.5 percent for employees with access to military commissary and post exchange facilities.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant, to the Commissioners.

[FR Doc.74-25964 Filed 11-5-74;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 1—ADMINISTRATIVE REGULATIONS

Revocation of Obsolete Authority

Section 1.201, Subpart H, Part 1, Subtitle A, Title 7, Code of Federal Regulations is revoked as obsolete. The provisions contained therein were replaced by § 2.7 of Title 7.

Subpart H is hereby reserved.

Effective date: November 6, 1974.

Done at Washington, D.C., this 1st day of November 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-25974 Filed 11-5-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 26, Amdt. 1]

PART 906—ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Limitation of Shipments

This amendment sets the minimum size requirement for shipments of grapefruit grown in the Lower Rio Grande Valley at 3⁵⁄₁₆ inches for the period November 4 through December 8, 1974, rather than 3⁹⁄₁₆ inches currently established for the period. This requirement is designed to promote orderly marketing and provide consumers with an ample supply of acceptable-quality fruit.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Texas Valley Citrus Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

Shipment of grapefruit 3⁹⁄₁₆ inches in diameter and larger is currently authorized under Grapefruit Regulation 25 (38 FR 28284) through November 3, 1974. Grapefruit regulation 26 (39 FR 36851), which becomes effective November 4, 1974, would set the minimum at 3⁹⁄₁₆ inches. However, this requirement should be modified to allow the continued shipment of grapefruit 3⁹⁄₁₆ inches in diameter beyond November 3, 1974, as fruit of smaller sizes is now in limited supply, and there is a strong demand for the smaller-sized fruit. Recent unusually cool, wet weather and the light fruit set have led to accelerated fruit growth and a predominance of larger sizes. The light fruit set makes it economically unfeasible to pick many groves more than once. Thus, the smaller fruit is not being left on the trees to be harvested later as is the normal practice. At this time the processing outlet for smaller fruit is not attractive because of low juice prices.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of grapefruit.

Order. The provisions of paragraph (a)(2) of § 906.355 Grapefruit Regulation 26 (39 FR 36851) are amended to read as follows:

§ 906.355 Grapefruit Regulation 26.

(a) *Order.* (1) • • •

(2) Any grapefruit of any variety, grown in the production area, which are smaller than pack size 96, as such size is specified in § 51.630(c) of the U.S.

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Standards for Grapefruit (Texas and States other than Florida, California, and Arizona), except that the minimum diameter limit for pack size 96 grapefruit in any lot shall be 3$^{3}/_{16}$ inches: *Provided*, That during the periods November 4, 1974, through December 8, 1974, and February 24, 1975, through November 2, 1975, no handler shall handle any grapefruit of any variety, grown in the production area, which are smaller than pack size 112, as such size is specified in § 51.630(c) of the aforesaid U.S. Standards for Grapefruit, except that the minimum diameter limit for pack size 112 grapefruit in any lot shall be 3$^{3}/_{16}$ inches;

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, November 1, 1974, to become effective November 4, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-25977 Filed 11-5-74;8:45 am]

PART 981—ALMONDS GROWN IN CALIFORNIA

Crediting for Paid Advertising

Notice of a proposal to amend Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.482; 39 FR 23239) was published in the October 2, 1974, issue of the FEDERAL REGISTER (39 FR 35576). The amendment would revise § 981.441 Crediting for paid advertising with respect to the following: Outdoor advertising; advertising in Canada; and use of rate cards.

The subpart is pursuant to the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), hereinafter collectively referred to as the "order", regulating the handling of almonds grown in California. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Almond Control Board.

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal; one such comment was received from the Almond Control Board.

Section 981.41 of the order provides, in part, that the Almond Control Board may provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such marketing promotion including paid advertising as may be authorized. Rules and regulations pertaining to creditable advertising are contained in § 981.441.

Paragraph (b) of § 981.441 currently provides that for outdoor advertising the applicable rate schedules must be those published by the National Outdoor Advertising Bureau or the Traffic Audit Bureau. However, neither of these organizations currently publishes rate schedules for outdoor advertising. Such rate schedules are included in the Buyers Guide for Outdoor Advertising, but this Guide is not all inclusive in that it does not list smaller companies. It was, therefore, proposed that paragraph (b) be amended so that in the case of outdoor advertising, the Buyers Guide to Outdoor Advertising shall be used or, in the absence of a listing in that Guide, other documentation satisfactory to the Control Board as prescribed in § 981.441(g)(3).

The comment indicated that it was the intent of the Control Board to permit credit for outdoor advertising in Canada, as presently allowed in the United States. While it was not clear from the recommendation submitted by the Control Board that this was its intent, the Control Board's comment and other information furnished by it pursuant to the notice clarifies this. Therefore, authority is included in paragraph (b) of § 981.441 to permit credit for outdoor advertising in Canada.

The order authorizes credit for paid media advertising in foreign countries. Paragraph (e) of § 981.441 currently allows credit for a handler's foreign advertising which is conducted under contract with the Foreign Agricultural Service, U.S. Department of Agriculture. In addition to this authority, it was proposed that paragraph (e) be amended to allow credit for a handler's paid media expenditures for advertising in Canada. Except where specifically provided otherwise, the provisions of § 981.441 applicable to domestic advertising would also apply to credit for paid media advertising in Canada.

The proposal was also to amend § 981.441 to permit the use of rate cards for domestic broadcast media. A rate card is a schedule of fees for advertising which is published by agencies involved in broadcasting. Some types of broadcast packages involve rates that do not appear in Standard Rate and Data Service, which is the governing source for establishing the validity of claims for broadcast and printed media. Proposed § 981.441(f)(3) would permit the use of rate cards for such verification.

Section 981.441 would be further amended by revising a portion of paragraph (d)(1) and redesignating the portion so revised as paragraph (f)(3), and redesignating paragraphs (f) and (h) as subparagraphs (f)(1) and (f)(2), respectively.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Board, the comment received pursuant to the notice, and other available information, it is found that to amend the administrative rules and regulations pertaining to crediting handlers' assessment obligations for almonds and almond products will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) and for making it effective at the time hereinafter provided in that: (1) This action provides for crediting handler's assessment obligations for advertising almonds and almond products and imposes no restriction on handlers; (2) handlers are aware of this action and require no advance preparation to comply therewith; (3) the 1974–75 crop year began July 1, 1974, and this action should be made effective as soon as possible in that crop year to enable handlers to obtain maximum benefit from this action; and (4) no useful purpose would be served by postponing its effective time beyond that hereinafter provided.

It is, therefore, ordered, That § 981.441 of Subpart—Administrative Rules and Regulations (7 CFR 981.441–981.481; 38 FR 9987, 27381) be amended by revising paragraphs (b) and (e), and a portion of paragraph (d)(1) and redesignating the portion so revised as paragraph (f)(3), and redesignating paragraphs (f) and (h) as paragraphs (f)(1) and (f)(2), respectively.

§ 981.441 Crediting for paid advertising.

• • • • •

(b) Each advertisement must be published, broadcast, or shown during the crop year for which credit is requested. In the case of broadcast or print, the media used must be any domestic or Canadian advertising media listed by Standard Rate and Data Service. In the case of outdoor advertising, the media used shall be domestic media listed by the Buyers Guide to Outdoor Advertising, or Canadian media listed by the Standard Rate and Data Service, or in the absence of such listings, verified by the documentation prescribed in paragraph (g)(3) of this section.

• • • • •

(d) Credit against the assessment obligation shall be obtained as follows:

(1) Expenditures may be credited for 100 percent of the payment to the advertising medium: (i) For a generic advertisement of California almonds; (ii) for an advertisement of the handler's brand of almonds; or (iii) when either of these advertisements includes reference to a complementary commodity or product and the entire expenditure is borne by the handler; or

• • • • •

(e) Credit for media expenditures in a foreign country shall be as follows:

(1) Credit shall be allowed for a handler's media expenditures for advertising conducted in Canada. Except where specifically provided otherwise, the provisions of this section applicable to credit for domestic advertising shall also apply to credit for advertising in Canada.

(2) Credit shall also be allowed for the handler's unreimbursed media expenditures for advertising in any foreign country pursuant to a contract with the Foreign Agricultural Service, U.S. Department of Agriculture, and the advertisement also meets the requirements of paragraphs (c) and (g), and the limitations of paragraphs (f)(1) and (2), of this section.

(f) Credit granted a handler shall be subject to other conditions as follows:

(1) No credit shall be granted to a handler when more than two complementary branded products are included in an advertisement.

(2) Advertisements which, in addition to promoting California almonds, also mention or promote the sale of noncomplementary commodities or products, or of competing nuts, shall not be eligible for credit.

(3) Credit for paid expenses for advertising in the media in paragraph (b) shall not exceed the maximum rate for the space or time unit published in the Buyers Guide to Outdoor Advertising or by Standard Rate and Data Service, but in the case of special domestic broadcasting rates not covered by Standard Rate and Data Service, the maximum rate shall be that shown on the applicable published rate card.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–647)

Dated: November 1, 1974, to become effective November 8, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74-25976 Filed 11-5-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Changes in the Price Regulations

On September 6, 1974, the Federal Energy Administration issued a notice proposing a number of significant changes in the Mandatory Petroleum Price Regulations (39 FR 32718, September 10, 1974). Comments were invited from interested persons by September 27, 1974, and more than 80 comments were received. A public hearing on the proposal was held September 30 and October 1, 1974, at which approximately 20 interested persons presented statements. The FEA has considered carefully all comments and statements submitted in this proceeding, and has concluded that action should be taken as to certain of the possible changes in the price regulations proposed in the September 10, 1974, notice, to be effective beginning November 1, 1974, and that action on other possible changes should be deferred pending further study and analysis by the FEA.

Accordingly, the FEA is amending its regulations so that, beginning November 1, 1974, the proportional restrictions on the pass through of increased product costs contained in the refiner's "special products rule" is eliminated for gasoline, but is kept in effect for middle distillate (No. 2 heating oil and No. 2–D diesel fuel). The regulations governing the carry-forward from month-to-month of unrecouped increased product costs by refiners and by resellers and retailers are also being modified to limit the amount of such costs which can be used to increase prices in any single month.

Action on all other revisions to the price regulations proposed in the September 10 notice is deferred until a later date. However, those possible revisions continue to be under active consideration by FEA for decision in this proceeding.

Changes in the Special Products Rule. The proportional increased cost pass through restrictions of the special products rule (§ 212.83(c)(2)(i)) are eliminated with respect to gasoline. This is being accomplished by the addition of a new § 212.83(c)(1)(iv), which will permit the transfer to gasoline prices of increased product costs that would otherwise be attributable under the refiner's cost formulae of § 212.83(c) to covered products other than special products. Gasoline will, however, continue to be defined as a "special product," and the formula for special products (§ 212.83(c)(2)(i)) will continue to apply to gasoline, except that, as noted above, increased product costs otherwise allocable to covered products other than special products may, under a new section of the regulations, be allocated to gasoline. Since gasoline continues to be defined as a "special product," the restriction to once-a-month price increases for special products of § 212.83(c)(1)(i) continues to apply to gasoline.

These changes, while affording pricing flexibility for refiners with respect to gasoline, will facilitate the monitoring by FEA of the actions taken by refiners in allocating increased product costs to gasoline prices.

There was almost no opposition expressed to eliminating the special product rule for gasoline, and FEA has concluded that this step should be taken to eliminate a restriction that is no longer appropriate in light of current conditions. The current and projected supply situation for gasoline makes the likelihood of significant price increases on gasoline remote, in the absence of further product cost increases. To the extent that any increases are implemented, however, they could be expected to result in further reductions in consumption. The FEA has found in the months since the special products rule was first adopted that demand for gasoline has proved to be more responsive to price movements than was originally thought.

Further, to the extent that increased product costs formerly required to be allocated to prices of covered products other than special products can now be shifted to gasoline prices, the pressure to apply those costs to products which are not in the special products category should be reduced. Since gasoline accounts for a relatively large volume of the production of most refiners, even a slight increase in gasoline prices could contribute significantly to reducing prices for other products which are not in the special products category.

The FEA also proposed in its September 10 notice that the special products rule be eliminated with respect to middle distillate. Strong opposition to this proposal was expressed by non-refiners, particularly by resellers and retailers of home heating oil. This opposition was essentially on the grounds that demand for home heating oil is much less responsive to price increases than is demand for gasoline, and that further price increases on home heating oil would cause significant hardship to those dependent on that fuel to heat their homes. It was also urged that projected natural gas shortages this winter could lead to increased consumption of middle distillate and corresponding reductions in supplies, which could contribute to a situation in which, absent the special products rule, a higher increased product cost pass through could be implemented on prices changed for home heating oil.

In light of these considerations, FEA has concluded that it would be premature to discontinue the special products rule for middle distillate.

Changes in the regulations governing the carry-forward of unrecouped increased product costs by refiners and by resellers and retailers. The regulations governing the carry-forward of unrecouped increased product costs by refiners and by resellers and retailers are amended to limit the application of increased product costs which are not recouped in the first month in which they are available for pass through and which are carried forward for use in a subsequent month. For refiners, beginning November 1, 1974, the amount of such "banked" costs (i.e., increased product costs other than those incurred in the month of measurement preceding the current month) which can be used to effect price increases in a single month is limited to a dollar amount equal to 10 percent of a refiner's total amount of banked costs as of October 31, 1974, or as of the end of any month thereafter, whichever is higher. A similar amendment is being made to reseller and retailer price regulations.

FEA proposed in its September 10 notice that the regulations for carry forward of unrecouped increased product costs be essentially eliminated prospectively, and that existing "banks" be phased out on a "take or lose" basis. There was nearly unanimous opposition by refiners and by resellers and retailers to this proposal. FEA has concluded that such a phase out of existing banks might arguably have had a modest inflationary effect, since it would have given sellers an incentive to recover the maximum amount of increased product costs as soon as possible. FEA has also concluded that prospective elimination of banking provisions is impracticable, at least until a means of equalizing crude oil costs among refiners has been made effective.

FEA is nevertheless concerned over the large amounts of "banked" costs which

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have been accumulated, since they provide the potential for drastic price increases if short-term supply problems arise.

Accordingly, the amended regulations adopted today do not eliminate future accumulation of unrecouped increased product costs, as now provided for under the current regulations, nor do they require existing amounts of unrecouped increased product costs to be passed through in product prices on a "take or lose" basis. However, the amended regulations do restrict the amount of such "banked" costs which may be used to increase prices in a particular month to an amount which is equal to 10 percent of the total amount of unrecouped increased product costs available for pass through at the end of October 1974, or any month thereafter, whichever is higher.

The FEA has determined that this limitation is reasonable and necessary in order to eliminate the potential for drastic price increases in a single month, which could otherwise result from the pass through in that month of unrecouped increased product costs that have been accumulated over the course of several months.

The September 10 notice also proposed to amend the refiner's cost allocation formulae of § 212.83(c) to include a special provision to eliminate from the total "bank" of unrecouped increased product costs of each refiner any amounts attributable to double booking of crude oil costs which might have been made under a misinterpretation of former § 212.88 (e) of the regulations. Since the issuance of the September 10 notice, FEA has determined that neither § 212.88(e), nor any other provision of the price regulations, permits such double cost pass through. FEA Ruling 1974–26 provides guidance on the proper method for accounting for the costs of crude oil acquired by a refiner, including the method of accounting for crude oil resold under the mandatory allocation program.

The issuance of FEA Ruling 1974–26 has made unnecessary any special amendment to the refiner's cost allocation formulae to eliminate possible double accounting for costs in preceding months. To avoid any possible confusion in computing such costs in future months, however, FEA is making certain clarifying changes in the definitions of the "C^{i}" and "Q^{i}" factors of the refiner's cost formulae of § 212.83(c)(2). These changes are to further clarify that the overall operation of the FEA price regulations, as discussed in greater detail in FEA Ruling 1974–26, permits recovery of no more and no less than the actual amount of increased product costs on a dollar-for-dollar basis.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., November 1, 1974.

ROBERT E. MONTGOMERY, JR.
General Counsel,
Federal Energy Administration.

1. Section 212.83 is amended by adding paragraph (c)(1)(iv), amending paragraph (c)(2) in the general formula and the definitions of "A^{i}" and "$H_i u$", and adding (d)(3) to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

* * * * *

(c) *Allocation of increased costs.*—(1) *General rule.* * * *

(iv) *Special gasoline rule.* Notwithstanding the provisions of this section, a refiner, in computing base prices for gasoline (i=2) may include in those prices (A) that portion of the increased product costs attributable to all covered products other than special products and crude petroleum (i=3) which is not used in computing base prices for covered products other than special products and crude petroleum (i=3), plus (B) that portion of the unrecouped increased product costs carried forward pursuant to paragraph (d) of this section which is attributable to all covered products other than special products and crude petroleum (i=3) which is not used in computing base prices for covered products other than special products and crude petroleum (i=3). Refiners that include increased product costs in the base price of gasoline pursuant to this paragraph (c)(1)(iv) shall reflect that fact by an increase in the "Hit" factor (for increased product costs in the period "t") or in the "Git" factor (for unrecouped increased product costs), as appropriate.

* * * * *

(2) *General formulae.* (i) For special products (i=1 and i=2):

$$d_i{}^{u} = \frac{A^{i}\left(\frac{V_i{}^{u}}{V^{o}}\right) + B_i{}^{t} + G_i{}^{t} \pm H_i{}^{o}}{V_i{}^{u}}$$

(ii) For covered products other than special products (i=3):

$$D_i{}^{u} = A^{i}\left(\frac{V_i{}^{u}}{V^{o}}\right) + B_i{}^{t} + G_i{}^{t} \pm H^{o}$$

* * * * *

$$A^{i} = Q^{i}\left(\frac{C^{i}}{Q^{i}} - \frac{C^{o}}{Q^{o}}\right)$$

Which is the total increased cost of crude petroleum purchased or landed in the period "t" (the month of measurement) for refining by that refiner.

where:

Q^{i}=The total quantity or volume of crude petroleum purchased or landed in the period "t" (the month of measurement) for refining or for resale under § 211.65, provided, however, that this amount shall be reduced by the quantity of crude petroleum sold under § 211.65 in the period "t" (the month of measurement).

Q^{o}=The total quantity or volume of crude petroleum purchased or landed in the period "o" (the month of May 1973) for refining.

C^{o}=The total cost of crude petroleum purchased or landed in the period "o" (the month of May 1973) for refining.

C^{i}=The total cost of crude petroleum purchased or landed in the period "t" (the month of measurement), for refining or for resale under § 211.65 provided, however, that this amount shall be reduced by the revenues from sales of crude petroleum under § 211.65 made in the period "t" (the month of measurement), except for any transportation adjustment or the handling fee provided for by § 212.94(b).

* * * * *

$H_i u$=Where $H_i u$ is negative, the portion of the total dollar amount available in the period "u" (the current month) for inclusion in price adjustments to special products of the type "i" which pursuant to paragraph (c)(1)(ii) of this section the refiner elects to include in prices of covered products other than special products and crude petroleum (i=3) for the period "u" (the current month); or, where $H_i u$ is positive (for special product i=2), the portion of the total dollar amount available in the period "u" (the current month) for inclusion in price adjustments to covered products other than special products and crude petroleum (i=3) which pursuant to paragraph (c)(1)(iv) of this section, the refiner elects to include in prices of special product (i=2) for the period "u" (the current month).

H^{o}=Where H^{o} is positive, the sum of the dollar amounts available in the period "u" (the current month) for inclusion in price adjustments to special products which pursuant to paragraph (c)(1)(ii) of this section the refiner elects to include in calculating the base prices of covered products other than special products and crude petroleum for the period "u" (the current month); or where H^{o} is negative, the portion of the dollar amounts available in the period "u" (the current month) for inclusion in price adjustments to covered products other than special products and crude petroleum (i=3) which pursuant to paragraph (c)(1)(iv) of this section the refiner elects to include in calculating the base prices of special products (i=2) for the period "u" (the current month).

(d) *Carryover of costs.* * * *

(3) Notwithstanding the above provisions, the amount of unrecouped increased product costs calculated under the "$G_i t$" factor of the general formulae of paragraph (c)(2) of this section and carried forward pursuant to this paragraph (d) which may be used to compute base prices for the product or products of the type "i" in the current month shall be limited to not more than:

(i) An amount which, when added to the increased product costs for the month of measurement, will provide for the same amount of increased product cost to be included in selling prices for the current month of the product or products of the type "i" as was included in the selling prices for the preceding month, on a weighted average per unit basis, plus

(ii) An amount which is not more than 10 percent of the amount of unrecouped increased product costs calculated under the "$G_i t$" factor of the general formulae of paragraph (c)(2) of this section and carried forward pursuant to this paragraph (d), as of October 31, 1974, or as of the end of any month thereafter.

* * * * *

Section 212.93 is amended by redesignating paragraph (f) as paragraph (g) and adding a new paragraph (f) to read as follows:

§ 212.93 Price rule.

* * * * *

(f) *Special rule on addition to May 15, 1973 prices of unrecouped increased costs of a product in a subsequent month.* The amount of unrecouped increased costs of product calculated and carried forward under paragraph (e) of this section which may be added to the May 15, 1973, selling prices of that product shall be limited to an amount which is not more than:

(1) An amount which, when added to May 15, 1973 selling prices, will provide for the same selling prices for that product in the current month as prevailed at the close of the preceding month, plus

(2) An amount which, based on estimated sales volumes for each product, will not result in the application to May 15, 1973 selling prices of more than 10 percent of the amount of unrecouped increased costs of product calculated and carried forward under paragraph (e) of this section, as of October 31, 1974, or as of the end of any month thereafter.

[FR Doc.74–25975 Filed 11–5–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–GL–26]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Federal Airway

On August 28, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 31329) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V–175 from Redwood Falls, Minn., to Alexandria, Minn.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

Section 71.123 (39 F. R. 307) is amended as follows:

In V–175 "Redwood Falls, Minn.," is deleted and "Redwood Falls, Minn.; Alexandria, Minn.," is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on October 31, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–25855 Filed 11–5–74;8:45 am]

[Airspace Docket No. 74–EA–34]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On August 30, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 31649) stating that the Federal Aviation Administration proposed an amendment to Part 71 of the Federal Aviation Regulations that would alter the Farmingdale, N.Y., part-time Control Zone and Babylon, N.Y., 700-foot floor transition area.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. January 2, 1975, as hereinafter set forth.

1. Section 71.171 (39 FR 354) Farmingdale, N.Y., is amended to read:

Within a 5-mile radius of Republic Airport, Farmingdale, N.Y., (latitude 40°43'45" N., longitude 73°24'50"W.), extending clockwise from 065° bearing to the 270° bearing and within a 6-mile radius extending clockwise from the 270° to the 065° bearing from the airport. This control zone shall be in effect from 0700 to 2300 hours, local time, daily.

2. Section 71.181 (39 FR 440) Babylon, N.Y., is amended to read:

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Republic Airport, Farmingdale, N.Y. (latitude 40°43'45" N., longitude 73°24'50" W.); within 4.5 miles northeast and 6.5 miles southwest of the Republic Airport ILS localizer northwest course, extending from the outer marker (latitude 40°46'35" N., longitude 73°28'59" W.) to 11.5 miles northwest of the outer marker; within 3.5 miles each side of a 155° bearing from the Babylon, N.Y., Radio Beacon extending from the 10-mile radius area to 11.5 miles southeast of the radio beacon; within 3.5 miles each side of a 165° bearing from the Babylon, N.Y., Radio Beacon extending from the 10-mile radius area to 11.5 miles southeast of the radio beacon; within a 9.5-mile radius of Grumman-Bethpage Airport (latitude 40°44'45" N., longitude 73°29'30" W.).

(Sec. 307(a), 1110, Federal Aviation Act of 1958, (49 U.S.C. 1348(a), 1510), Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 31, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–25854 Filed 11–5–74;8:45 am]

[Airspace Docket No. 74–WA–30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

On September 12, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 32920) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter several airways in the vicinity of Monroe, La., due to the relocation of the Monroe VORTAC. The notice stated that Monroe VORTAC was being relocated to the Monroe Municipal Airport at Lat. 32°31'00" N., Long. 92°09'09" W., 5 miles northeast of its present location. The VORTAC is being relocated to the Monroe Municipal Airport 5 miles northeast, but the coordinate description of the new location should have been Lat. 32°31'00" N., Long. 92°02'09" W.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. The only comment received was from the Air Transport Association of America which endorsed the proposal, and recommended that V–94 be extended from Lambert, La., Intersection to Memphis, Tenn., as a common segment with the existing V–9W. The FAA concurs in this recommendation and such action is taken herein.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

1. In V–18 "Monroe, La., including a N alternate and also a S alternate via INT Shreveport 117° and Monroe 268° radials;" is deleted and "Monroe, La., including a N alternate and also a S alternate;" is substituted therefor.

2. In V–69 "Shreveport 087° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate via INT Shreveport 087° and El Dorado 233° radials;" is deleted, and "Shreveport 084° and El Dorado, Ark., 218° radials; El Dorado, including a W alternate via INT Shreve-

V 39 215 NOV 6 74 XUM

port 084° and El Dorado 233° radials;" is substituted therefor.

3. In V–71 all before "Hot Springs, Ark.;" is deleted and "From Baton Rouge, La., via Natchez, Miss., including an E alternate via INT Baton Rouge 026° and Natchez 156° radials; Monroe, La., including a W alternate and also an E alternate via INT Natchez 341° and Monroe 105° radials; El Dorado, Ark.;" is substituted therefor.

4. In V–94 all after "Elm Grove, La.;" is deleted and "Monroe, La.; Greenville, Miss., including a W alternate; INT Greenville 036° and Memphis, Tenn., 205° radials; to Memphis. The airspace within R–5103A is excluded." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 30, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–25851 Filed 11–5–74;8:45 am]

[Airspace Docket No. 74–RM–13]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

On September 11, 1974, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (39 FR 32759) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations that would extend the southern boundary of restricted area R–2602 Fort Carson, Colo., to include a firing point for the Chaparral missile.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments. No comments were received.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

In § 73.26 (39 FR 658; 38 FR 35449) the description of R–2602 Fort Carson, Colo., is amended to read as follows:

R–2602 FORT CARSON, COLO.

BOUNDARIES

Beginning at Lat. 38°38'19"N., Long. 104°52'00"W.; thence to Lat. 38°36'20"N., Long. 104°52'00"W.; to Lat. 38°32'06"N., Long. 104°49'18"W.; to Lat. 38°32'06"N., Long. 104°45'00"W.; to Lat. 38°25'35"N., Long. 104°45'00"W.; to Lat. 38°25'35"N., Long. 104°49'00"W.; to Lat. 38°26'10"N., Long. 104°49'00"W.; to Lat. 38°26'10"N., Long. 104°57'13"W.; to Lat. 38°32'58"N., Long. 104°57'00"W.; thence northeast along Colorado Highway Number 115 to point of beginning.

Designated altitudes. Surface to and including 35,000 feet MSL; 35,000 feet MSL to and including 60,000 feet MSL, by NOTAM issued 24 hours in advance.

Time of designation. Continuous.

Controlling agency. Federal Aviation Administration, Denver ARTC Center.

Using agency. Commanding General, Fort Carson, Colo.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on October 30, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–25850 Filed 11–5–74;8:45 am]

[Airspace Docket No. 74–WA–34]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the controlling agency for restricted areas R–2202A Big Delta, Alaska, and R–2205A Yukon, Alaska.

The controlling agency for both R–2202A and R–2205A is the Fairbanks Air Route Traffic Control Center. However, effective January 2, 1975, the Fairbanks Center functions will be assumed by the Anchorage, Alaska, Air Route Traffic Control Center. Accordingly, it will then be necessary to designate the Anchorage Center as the new controlling agency for the aforementioned restricted areas.

Since the designation of a new controlling agency is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

In § 73.22 (39 FR 648):

a. The controlling agency for Restricted Area R–2202A Big Delta, Alaska, is changed to read as follows:

Controlling agency. Federal Aviation Administration, Anchorage ARTC Center.

b. The controlling agency for Restricted Area R–2205A Yukon, Alaska, is changed to read as follows:

Controlling agency. Federal Aviation Administration, Anchorage ARTC Center.

(Sec. 307(a), Federal Aviation Act of 1958, (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on October 31, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–25856 Filed 11–5–74;8:45 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 14118; Amdt 95–252]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation Regulations is amended, effective December 5, 1974, as follows:

1. By amending Subpart C as follows:

Section 95.1001 *Direct routes—U.S.*, is amended to read in part:

From, to, and MEA

Julian, Calif., VOR; Ontario, Calif., VOR; 8,000, MAA–41,000.
Jacksonville, Fla., VOR; Valdosta, Ga., VOR; *4,000. *1,500–MOCA.

Section 95.1001 *Direct routes—U.S.*, Puerto Rico routes—Route 1 is amended to read in part:

Mayaquez, P.R., VOR; Borinquen, P.R., VOR; 2,800.
Borinquen, P.R., VOR; *Utahs INT, P.R.; **2,500. *7,000–MRA. **1,800–MOCA.

Route 2 is amended by adding:

Borinquen, P.R., VOR; *Pueblo INT, P.R.; 2,000. *2,500–MRA.

Route 2 is amended to delete:

Ramey, P.R., VOR; *Pueblo INT, P.R.; 2,000. *2,500–MRA.

Route 3 is amended to read in part:

Steelhead INT, P.R.; *Utahs INT, P.R.; **7,000. *7,000–MRA. **1,200–MOCA.

Route 4 is amended to read in part:

*Idaho INT, P.R.; Borinquen, P.R., VOR; **2,500. *8,000–MRA. **1800–MOCA.
Borinquen, P.R., VOR; *Midway INT, P.R.; 5,300. *4,500–MRA.

Route 5 is amended to delete:

Ramey, P.R., VORTAC; *Bronson INT, P.R.; 1,800. *3,000–MRA.

Route 5 is amended by adding:

Borinquen, P.R., VOR; *Bronson INT, P.R.; 1,800. *3,000–MRA.

Section 95.5500 *High altitude RNAV routes:*

From/to, total distance, changeover point, distance from geographic location, track angle, MEA and MAA

J949R is amended to delete:

Greater Southwest, Tex., VORTAC; 172.4; 86.2; Greater Southwest; 148/328 to COP; 18,000; 45,000.
Magno, Tex., W/P; 31–29–19N; 96–23–45W; 150/330 to Magno.

J949R is amended by adding:

Greater Southwest, Tex., VORTAC; 160.0; 80.0; Greater Southwest; 152/332 to COP; 18,000; 45,000.
Navasota, Tex., W/P; 154/334 to Navasota.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

From to and MEA

Jacksonville, Fla., VOR; *St. Andrews INT, Ga.; **2,000. *5,000–MRA. **1,300–MOCA.
St. Andrews INT, Ga.; Starfish INT, Fla.; *4,000. *1,200–MOCA.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

*Bunnell INT, Fla.; Astor INT, Fla.; **2,000. *3,000–MRA. **1,100–MOCA.
Astor INT, Fla.; Durbin INT, Fla.; *4,000. *1,500–MOCA.
Durbin INT, Fla.; Jacksonville, Fla., VOR; 2,000.

Section 95.6005 *VOR Federal airway 5:*

Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,300–MOCA.
Folkston INT, Ga.; Pafford INT, Ga.; *4,000. *1,500–MOCA.

Section 95.6009 *VOR Federal airway 9* is amended to read in part:

Cecil INT, Wis., via W. alter.; Rhinelander, Wis., VOR via W. alter.; 3,600.
Rhinelander, Wis., VOR via W. alter.; Houghton, Mich., VOR via W. alter.; 3,500.
Greenwood, Miss., VOR; Memphis, Tenn., VOR; 2,000.
Greenwood, Miss., VOR via E. alter.; Memphis, Tenn., VOR via E. alter.; 2,000.
Greenwood, Miss., VOR via W. alter.; Memphis, Tenn., VOR via W. alter.; 2,000.
Memphis, Tenn., VOR 2,700—MRA; *Drummonds INT, Tenn.; 2,300.
Drummonds INT, Tenn.; Holland INT, Mo.; 2,300.
Memphis, Tenn., VOR via W. alter.; *Cuba INT, Tenn., via W. alter.; 2,000. *2,700–MRA

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Memphis, Tenn., VOR; Braden INT, Tenn.; 2,400.
Braden INT., Tenn.; Dyersburg, Tenn., VOR; 2,000.
Memphis, Tenn., VOR via W. alter.; Keiser INT, Tenn. via W. alter.; 2,300.
Keiser INT, Tenn., via W. alter.; Dyersburg, Tenn., VOR via W. alter.; 2,000.
Memphis, Tenn., VOR via E. alter.; Dyersburg, Tenn., VOR via E. alter.; 2,000.

Section 95.6016 *VOR Federal airway 16* is amended to read in part:

Walls INT., Miss.; Memphis, Tenn., VOR; 1,800.
Prichard INT, Miss., via S. alter.; Memphis, Tenn., VOR via S. alter.; 2,000.
Memphis, Tenn., VOR; Fisherville INT, Tenn.; 2,000.
Memphis, Tenn., VOR via S. alter.; Moscow INT, Tenn., via S. alter.; 2,000.
Moscow INT, Tenn., via S. alter.; Selmer INT, Tenn., via S. alter.; *3,500. *1,700—MOCA.
Selmer INT, Tenn., via S. alter.; Graham, Tenn., VOR via S. alter.; *5,500. *2,000—MOCA.
Memphis, Tenn., VOR via N. alter.; Stanton INT, Tenn., via N. alter.; 2,000.
Stanton INT, Tenn., via N. alter.; Jacks Creek, Tenn., VOR via N. alter.; 2,300.
Hope INT, Ark.; Sparkman INT, Ark.; *7,000. *2,300—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Rome, Ga., VOR via N. alter.; Dawsonville INT, Ga., via N. alter.; 5,500.
Dawsonville INT, Ga., via N. alter.; Commerce INT, Ga., via N. alter.; 4,600.

Section 95.6051 *VOR Federal airway 51* is amended to read in part:

*Bunnell INT, Fla.; Astor INT, Fla.; **2,000. *3,000—MRA. **1,100—MOCA.
Astor INT, Fla.; Durbin INT, Fla.; *4,000. *1,500—MOCA.
Durbin INT, Fla.; Jacksonville, Fla., VOR; 2,000.
Jacksonville, Fla., VOR; Folkston INT, Ga.; *2,000. *1,300—MOCA.
Folkston INT, Ga.; Pafford INT, Ga.; *4,000. *1,500—MOCA.
Jacksonville, Fla., VOR via E. alter.; Kings INT, Ga., via E. alter.; *2,000. *1,300—MOCA.
Kings INT, Ga., via E. alter.; Tarboro INT, Ga., via E. alter.; *4,000. *1,200—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Porter INT, Ark.; Memphis, Tenn., VOR; 1,800.
*Round Pond INT, Ark.; via N. alter.; Memphis, Tenn., VOR via N. alter.; 1,800. *4,000—MRA.
Memphis, Tenn., VOR; Slayden INT, Miss.; 1,900.
Memphis, Tenn., VOR via N. alter.; Moscow INT, Tenn., via N. alter., 2,000.
Moscow INT, Tenn., via N. alter.; Selmer INT, Tenn., via N. alter.; *3,500. *1,700—MOCA.

Section 95.6064 *VOR Federal airway 64* is amended to read in part:

Seal Beach, Calif., VOR; Tustin INT, Calif., ebound, 3,000, wbound, 2,500.
Tustin INT, Calif.; *Corona INT, Calif.; 6,000. *7,400—MCA Corona INT, ebound.
Corona INT, Calif.; Perris INT, Calif.; 8,000.
Perris INT, Calif.; *Hemet INT, Calif., ebound, *11,000. wbound, *10,000. *6,600—MOCA.
Hemet INT, Calif.; Idlywild INT, Calif.; *11,000. *10,200—MOCA.
Idyllwild, Calif.; *Bald Mountain INT, Calif.; 10,500. *9,700—MCA Bald Mountain INT, wbound.
Bald Mountain INT, Calif.; Coral INT, Calif.; 7,800.
Coral INT, Calif.; Thermal, Calif.; VOR; 6,000.

Section 95.6071 *VOR Federal airway 71* is amended to read in part:

Panama INT, Nebr.; Lincoln, Nebr. VOR; 2,900.

Section 95.6088 *VOR Federal airway 88* is amended to read in part:

Vinita INT, Okla.; Waco INT, Mo.; *6,500. *3,000—MOCA.

Section 95.6124 *VOR Federal airway 124* is amended to read in part:

Porter INT, Ark.; Memphis, Tenn., VOR; 1,800.

Section 95.6140 *VOR Federal airway 140* is amended to read in part:

Holland INT, Mo.; Dyersburg, Tenn., VOR; 2,000.
Village DME, Fix, Ark.; Walnut Ridge, Ark.; VOR; 2,400.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Wyatte INT, Miss., via W. alter; Memphis, Tenn., VOR via W. alter.; 2,000.
Memphis, Tenn., VOR; *Gilmore INT, Ark.; 2,000. *3,000—MRA.

Section 95.6198 *VOR Federal airway 198* is amended to read in part:

Taylor, Fla., VOR; Moniac INT, Fla.; *2,000. *1,400—MOCA.
Moniac INT, Fla.; Jacksonville, Fla., VOR; *2,000. *1,300—MOCA.

Section 95.6210 *VOR Federal airway 210* is amended to read in part:

Lamar, Colo., VOR; Liberal, Kans., VOR; *6,000. *5,200—MOCA.

Section 95.6217 *VOR Federal airway 217* is amended to read in part:

Cecil INT, Wis.; Rhinelader, Wis., VOR; 3,600.

Section 95.6275 *VOR Federal airway 275* is amended to read in part:

Cincinnati, Ohio, VOR via W. alter.; Richmond, Ind., VOR via W. alter.; 2,800.

Section 95.6243 *VOR Federal airway 243* is amended to read in part:

Jacksonville, Fla., VOR; Folkston INT., Fla.; *2,000. *1,300—MOCA.
Folkston INT, Fla.; Pafford INT, Fla.; *4,000. *1,500—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Barberville INT, Fla.; Roy INT, Fla.; *2,500. *1,200—MOCA.
Roy INT, Fla.; Shand INT, Fla., *4,000. *1,400—MOCA.
Shand INT, Fla.; Jacksonville, Fla., VOR; 2,000.
Jacksonville, Fla., VOR; Kings INT, Ga.; *2,000. *1,300—MOCA.
Kings INT, Ga.; Tarboro INT, Ga.; *4,000. *1,200—MOCA.
Tarboro INT, Ga.; Dixie INT, Ga.; *4,000. *1,400—MOCA.

Section 95.6281 *VOR Federal airway 281* is amended to read:

Albany, Ga., VOR; Ross INT, Ga.; 2,000.
Ross INT, Ga.; Butler INT, Ga.; *2,300. *1,800—MOCA.
Butler INT, Ga.; Int, 012 M rad Albany VOR and 330 M rad Macon VOR; *4,000. *2,100—MOCA.
Int. 012 M rad Albany VOR and 330 M rad Macon VOR; Hampton INT, Ga.; 2,500.

Section 95.6294 *VOR Federal airway 294* is amended to read in part:

Cedar Rapids, Iowa, VOR; Solon INT, Iowa; 2,500.

Section 95.6304 *VOR Federal airway 304* is amended to read in part:

Liberal, Kans., VOR; Lamar, Colo., VOR; *6,000. *5,200—MOCA.

Section 95.6402 *Hawaii VOR Federal airway 2* is amended to read in part:

High Tide INT, Hawaii; Broms INT, Hawaii; *3,000. *1,000—MOCA.
Broms INT, Hawaii; Honolulu, Hawaii VOR; 4,000.

Section 95.6412 *Hawaii VOR Federal airway 12* is amended to read in part:

*Silis INT, Hawaii; Orchid INT, Hawaii, westbound, 7,000, eastbound, 4,000. *700—MRA.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

*Croaker INT, Fla.; **Jetty INT, Fla.; ***2,000. *3,500—MRA. **3,500—MRA. ***1,100—MOCA.
Jetty INT, Fla.; Starfish INT, Ga.; *8,000. *1,200—MOCA.

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2. By amending Sub-part D as follows: Section 95.8003 *VOR Federal airway changeover points*

From, to, changeover point distance from

V–9 is amended to delete:

Greenwood, Miss., VOR; Memphis, Tenn., VOR; 47; Greenwood.

V–11 is amended to delete:

Memphis, Tenn., VOR; Dyersburg, Tenn., VOR; 47; Memphis.

V–16 is amended to delete:

Memphis, Tenn., VOR; Jacks Creek, Tenn., VOR; 46; Memphis.

V–64 is amended to read in part:

Seal Beach, Calif., VOR; Thermal, Calif., VOR; 59; Seal Beach.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on October 24, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

[FR Doc.74-25571 Filed 11-5-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER I—PUBLIC TRANSPORTATION

PART 820—RURAL HIGHWAY PUBLIC TRANSPORTATION DEMONSTRATION PROGRAM

Administrative Guidelines

These regulations provide guidelines for administering the Rural Highway Public Transportation Demonstration Program. Section 147 of the Federal-Aid Highway Act of 1973 permits the Federal Highway and Urban Mass Transportation Administrators, by delegation of the Secretary of Transportation, to carry out demonstration projects for public mass transportation on highways in rural areas. Not to exceed $30 million has been authorized to be appropriated.

Project selection criteria are contained in this issuance. Emphasis will be on selection of a range of innovative projects of different sizes, types, and geographical locations.

The funding commitment of local, State, or other Federal agencies to participate in the program and to continue it after the expiration of the demonstration period will be critical to project selection.

Since these regulations relate to a grant program, notice and public procedure thereon are unnecessary and they may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

Additional information not contained here may be obtained from the Federal Highway Administration division office in each State, the Urban Mass Transportation Administration regional office, or the State transportation agency.

In consideration of the foregoing, Subchapter I of Chapter I of title 23, Code of Federal Regulations, is amended by adding a new Part 820, to read as set forth below.

Sec.
820.1 Purpose
820.3 Definitions
820.5 Geographic Scope
820.7 Eligible Project Expenditures
820.9 Responsibilities
820.11 Content of Applications
820.13 Project Selection Criteria
820.15 Submission Date

AUTHORITY: Pub. L. 93–87, § 147; 49 CFR 1.48(c)(1) and 1.50(g).

§ 820.1 Purpose.

(a) The purpose of this part is to prescribe policies and procedures for administering the Rural Highway Public Transportation Demonstration Program. Section 147 of the Federal-Aid Highway Act of 1973, through delegation of authority by the Secretary of Transportation, authorizes the Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) to carry out demonstration projects to encourage the development, improvement, and use of public mass transportation systems operating vehicles on highways for transportation of passengers within rural areas, in order to enhance access of rural populations to employment, health care, retail centers, education and public services.

(b) The program is intended to:

(1) Increase the mobility of those persons in rural areas who do not have reasonable access to alternate forms of transportation and are often deprived of mobility where public transportation is inadequate or non-existent.

(2) Encourage the various programs or agencies which provide transportation or social services to develop a coordinated approach to the organization and financing of public transportation.

(3) Develop the results of the demonstration into a useful guide for rural areas needing public transportation.

(4) Develop the technical, organizational, and economic information needed for future decisions regarding national programs for rural transportation.

§ 820.3 Definitions.

As used herein—

"Applicant" means a public agency or nonprofit public purpose organization, preferably with State or areawide responsibilities, or an Indian tribe on a Federal or State reservation.

"Program" means the Rural Highway Public Transportation Demonstration Program authorized by section 147 of the Federal-Aid Highway Act of 1973, Pub. L. 93–87, August 13, 1973.

"Rural areas" means all areas of a State not included in either an urbanized area designated by the Bureau of the Census or an urban place designated by the Bureau of the Census as having a population of 5,000 or more.

"State agency" means the State department of transportation, or State highway department if a State department of transportation is not established, except that some other agency designated by the Governor may be approved by FHWA and UMTA to be the State agency.

§ 820.5 Geographic Scope.

Projects approved under this part may serve rural areas including service by which residents may be transported to jobs, schools, shopping, social services, or other facilities located within urban areas.

§ 820.7 Eligible project expenditures.

(a) Projects eligible for Federal funds under this part include, but are not limited to: (1) Highway traffic control devices; (2) the construction of passenger loading areas and facilities, including shelters; (3) fringe and transportation corridor parking facilities to serve bus and other public mass transportation passengers; and (4) the purchase of passenger equipment other than rolling stock for fixed rail.

(b) Program funds shall not be used to provide operating subsidies for existing operations nor for overhead and administrative costs incurred by State agencies. Reasonable expenses for operating costs that are an integral part of new demonstration projects, as well as project supervision, monitoring, and evaluation costs, are eligible items of expense, if properly distributed as project costs.

(c) Nothing herein shall be interpreted to prohibit participation by private transportation companies in demonstration projects through contractual arrangements with the applicant.

(d) Nothing herein shall be interpreted to prohibit the demonstration period from extending beyond the two fiscal years for which program funds are authorized.

(e) Each proposal and the associated funding request shall present a fully developed demonstration that does not depend on future program funds for completion.

§ 820.9 Responsibilities.

(a) Each applicant:

(1) Shall submit a proposal to the appropriate State agency except that Indian tribes on Federal or State reservations may submit proposals directly to the FHWA division office in the State. Twelve (12) copies are requested.

(2) May implement projects under contractual agreements with the State agency.

(b) The State agency or Indian tribe shall:

(1) Forward each proposal received by it, with comments and recommendations, through the FHWA Division Engineer to the FHWA regional office. Ten (10) copies are requested.

(2) Administer projects approved under this part within the State or reservation, respectively.

(3) Enter into an agreement with FHWA governing each project.

(4) Make program funds available either directly for State- or tribal-implemented projects or through individual contracts with local applicants.

(c) Regional representatives of FHWA, UMTA, and the Secretary of Transportation will:

(1) Review the applications, recommend not more than ten (10) proposals worthy of demonstration for each region, and transmit seven copies of each recommended proposal to the FHWA Washington office.

(2) Forward one copy of all proposals not recommended to the Washington office.

(3) Seek the advice and comment of regional representatives of other Federal agencies, including the Departments of Health, Education, and Welfare; Labor; Agriculture; and Commerce; and the Office of Economic Opportunity, as appropriate.

(d) The Washington office of FHWA and UMTA will select projects to be funded in two phases:

(1) For FY 1975 from the first-year appropriation of $9.65 million, and

(2) From applications to be submitted in FY 1976, based upon the program appropriation for that year which could not exceed $20.35 million.

§ 820.11 Content of applications.

Each application should include as appropriate:

(a) A concise statement of what the project is designed to demonstrate and the expected results and benefits including system provisions to accommodate the elderly and handicapped.

(b) A summary of project activities, including how and where the demonstration will be conducted, changes to be made in existing services, and new services to be provided.

(c) Identification of organizations participating.

(d) Description of the area, available transportation facilities, and proposed transportation improvements.

(e) Data establishing need for the proposed project.

(f) Statements of commitment by agencies or organizations providing or needing transportation to use one areawide service funded by the demonstration.

(g) Commitment of other Federal, State, or local funds or programs to share in the costs of the system.

(h) Summary of project costs and breakdown of funding sources.

(i) Description of how service provided will be monitored and evaluated and how service may be changed as a result of that evaluation.

(j) Demonstration time schedule and plans for continuation of the service past the demonstration period.

§ 820.13 Project selection criteria.

(a) Emphasis will be on the selection of a range of projects—different sizes, types, and geographical locations.

(b) The following criteria, not necessarily in order of importance, will be applied by FHWA and UMTA in selecting demonstration projects for implementation.

(1) Innovative features that have potential for nationwide application.

(2) The commitment of local, State, or other Federal programs to participate in the demonstration.

(3) The likelihood of continuation of the project after the expiration of the demonstration.

(4) Provision for the local transportation needs in a realistic and prudent manner.

(5) Quality of proposed monitoring and evaluation along with the ability to modify operations as a result of that evaluation.

(6) Commitment of other local agencies providing or needing transportation services to purchase, share, or use the one areawide service funded for demonstration.

(7) Reasonableness and justification of estimated demand.

(8) Extent to which the proposal recognizes the transportation needs of economically deprived rural people.

(9) Appropriateness of proposed equipment needs, costs, and level of service.

(10) Adaptability of system to the needs of the elderly and handicapped.

(11) Compatibility of system with possible existing supplemental operations, e.g., taxicabs, where the vehicles, drivers, radios, and organization are already available and can provide feeder service.

(12) Extent to which currently operating rural transportation services, manpower, and equipment are utilized.

(13) Degree of management capability to administer the grant and to operate a transportation system.

(14) Suitability of proposed promotion techniques to reach potential riders.

§ 820.15 Submission date.

Proposals shall be sent to the appropriate agency in each State by February 6, 1975.

Effective Date: November 6, 1974.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.74-26021 Filed 11-5-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-228]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On March 26, 1974, in 39 FR 11187, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the City of Ladue, Missouri, as an eligible community and included map No. H 29 189 4310 01 which indicates that lots No. 1 through 6 of the Ferrand Woods Subdivision, City of Ladue, Missouri, recorded as ordinance No. 1037 in the Office of the Clerk for the City of Ladue, Missouri, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective March 15, 1974, map No. H 29 189 4310 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25981 Filed 11-5-74;8:45 am]

[Docket No. FI-270]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On May 17, 1974, in 39 FR 17518, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Indianapolis, Indiana, as an eligible community and included map No. H 18 097 22 which indicates that the subdivision known as Timbers I, with the exception of Building A, Building B, Building G, and Unit F–5 of Building F, and the subdivision known as Timbers II, with the exception of Unit H–1 of Building H, and units N–5, 6, 7, 8, 9 of Building N, as shown on the recorded maps filed at 01560 and 15173 among the records of Marion County, Indiana, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that all of the above property is not within the Special Flood Hazard Area. Accordingly, effective May 17, 1974, map No. H 18 097 22 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Ad-

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ministrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 10, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25980 Filed 11-5-74;8:45 am]

[Docket No. FI-72-270]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Hazard Areas giving the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the unincorporated areas of Fairfax County, Virginia, as an eligible community and included map No. H 51 059 0000 18 which indicates that Danbury Forest, a subdivision development in Fairfax County, Virginia, as recorded in DB3458 at page 409 among the land records of Fairfax County, Virginia, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective January 7, 1972, map No. H 51 059 0000 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25979 Filed 11-5-74;8:45 am]

[Docket No. FI-321]

PART 1915—IDENTIFICATION OF SPECIAL FLOOD HAZARD AREAS

List of Communities; Correction

On August 6, 1974, in 39 FR 28265, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the Village of Irvington, New York, as an eligible community and included map No. H 360914 02 which indicates that Parcel 1A of Sheet 13 of the Official Tax Map of the Village of Irvington, New York, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property, except for any structure located within 100 feet of the centerline of North Broadway and within 200 feet of the centerline of Harriman Road, is not within the Special Flood Hazard Area. Accordingly, effective June 28, 1974, map No. H 360914 02 is hereby corrected to reflect that Parcel 1A, except for any structure located within 100 feet of the centerline of North Broadway and within 200 feet of the centerline of Harriman Road is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, December 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.)

Issued: October 21, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25978 Filed 11-5-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

[FPMR Amdt. D-48]

PART 101-20—MANAGEMENT OF BUILDINGS AND GROUNDS

Conservation of Energy in Government-Owned and Government-Leased Space

This regulation provides specific policies and procedures for the conservation of energy in Government-owned and Government-leased space.

The table of contents for Part 101-20 is amended as follows:

101-20.116	Conservation of energy by executive agencies.
101-20.116-1	Agency action.
101-20.116-2	Lighting conservation policies and procedures.
101-20.116-3	Cooling and heating energy conservation policies and procedures.
101-20.116-4	Exceptions.
101-20.116-5	Conservation of energy in leased space.
101-20.116-6	Reporting requirements.

Subpart 101-20.1—Building Operations, Maintenance, Protection, and Alterations

Section 101-20.116 is added as follows:

§ 101-20.116 Conservation of energy by executive agencies.

§ 101-20.116-1 Agency action.

Executive agencies shall be responsible for assigning a top management official as the agency Energy Conservation Coordinator to oversee and supervise the Government-wide effort as it pertains to the facilities under the agency's control. It is further the responsibility of executive agencies occupying space in Government-owned or -leased quarters to require their employees to observe the energy conservation practices cited herein. Also, it should be noted that implementation of the provisions of this regulation may require consultation or negotiations, as appropriate, with recognized labor organizations.

§ 101-20.116-2 Lighting conservation policies and procedures.

(a) Nonuniform lighting standards shall be applied to existing lighting systems by removing excess lamps and fixtures.

(1) During working hours, overhead lighting shall be reduced to 50 foot-candles at work stations, 30 foot-candles in work areas, and 10 (but not less than 1) foot-candles in nonworking areas. Reductions in overhead lighting shall be accomplished with minimum practicable deviation from the specified levels. Illumination levels are to be measured at the place or places where the visual requirements are present. Furthermore, lighting measurements shall be made so as not to allow natural light to influence the foot-candle reading. Work station lighting measurements shall be taken at the desk surface, typewriter surface, working surface, etc. Work area lighting measurements shall be read on the walking surface.

(2) Except where special problems may exist, an illumination level of 1 foot-candle achieved on the walking surface at the center of the corridor midway between two lighting fixtures is satisfactory and need not be achieved at the corners of corridors, against corridor walls, etc.

(3) In stairwells where lamps or bulbs are provided in tandem to guard against darkening a stairway upon failure of one lamp or bulb, the tandem system shall be continued. In other words, the target lighting levels shall not be achieved by removing one of the two lamps or bulbs provided in the tandem system.

(4) Where elevator hoistway lights, and emergency lights, such as those to be illuminated by activation of an emergency generator are provided and required, the necessary lamps or bulbs shall be maintained. At least 5 foot-candles of illumination shall be provided at the landing sills of passenger and freight elevators when the elevator is in service.

(5) Off-hour and exterior lighting except that essential for safety and security purposes; e.g., exit signs, shall be eliminated.

(6) These standards shall be maintained in all space except where "heat of light" technology is utilized. Where "heat of light" technology is used, the energy savings to be achieved by decreasing the lighting and cooling energy shall be compared to the increased use of heating energy before a determination regarding delamping is made.

(b) To the extent that projected energy savings will offset higher acquisition and maintenance costs, preference shall be given to the installation of more efficient lighting systems when constructing or remodeling space.

§ 101-20.116-3 Cooling and heating energy conservation policies and procedures.

(a) During the seasonably hot months, air cooling systems shall maintain space temperature at no lower than 78° to 80° F during working hours. Necessary adjustments shall be made to cooling system controls so that the temperature in the space shall be maintained at 78° to 80° F with no reheat, except in multizone systems where reheat is an essential element for zone control. Where this is the case, the cooling temperature shall be maintained as high as feasible to minimize the need for reheat. Furthermore, lower temperatures are permissible when obtained without cooling energy, such as with an economizer cycle. The use of heating energy to achieve the temperatures specified for cooling is prohibited.

(b) During the seasonably cold months, heating temperature control devices shall be set to maintain temperatures of 65° to 68° F during working hours and shall be set to maintain temperatures of not more than 55° F during nonworking hours. Temperatures in warehouse and similar space shall be adjusted lower than the 65° to 68° F range depending on the type of occupancy and the activity in the space. Higher temperatures than those specified for heating are permissible when obtained with normal building operation heat gains, such as solar energy, etc. The use of cooling energy to achieve the temperatures specified for heating is prohibited.

(1) Interior space in office buildings tends to have a heat build-up generated by lights, people, and equipment and, therefore, does not usually require an added heat source during the heating season. Systems serving this type of space usually utilize recirculated air mixed with some outside air for ventilation purposes. The amount of outside air shall not be increased nor refrigeration introduced for the sole purpose of lowering the temperature which might otherwise exceed 68° F.

(2) Window draperies and blinds shall be used to cut down heat losses by setting them to the closed position during nighttime and on cold, cloudy days, and setting them to the open position during periods of sunshine.

(c) Humidity control shall not be provided for general office space. Requirements for humidity controls in special type space or certain geographic locations will be handled on a case-by-case basis by the official responsible for operation and maintenance of the facility, with the concurrence of that official's energy conservation coordinator.

(d) The operation of threshold heaters, portable space heaters, and portable electric fans in Government-owned or -leased space is prohibited.

(e) Outside air intake during heating and cooling seasons shall be reduced to the greatest extent feasible. Under most conditions, a 10 percent outside air intake will be adequate for general office space. Under certain outside air temperature and humidity conditions, the use of up to 100 percent outside air will be the most economical method of operation. Special purpose space, such as laboratories, shall have the outside air intake reduced to the maximum extent possible consistent with the requirements of the mission. In laboratories and other facilities dealing with toxic materials, the level of air intake and other system features shall be maintained as necessary to protect persons from harmful dust, fumes, vapors, etc.

§ 101-20.116-4 Exceptions.

Exceptions to the policies prescribed in the foregoing §§101-20.116-2 and 101-20.116-3 may be necessary for the protection and operation of certain specialized equipment; e.g., computers, for maintaining the health and efficiency of employees, and for certain installations of high specialization; e.g., greenhouses, hospitals, guard stations, and laboratories. Such exceptions may be granted only after consultation with appropriate technical personnel of the unit requesting the exception, and the presentation of necessary supporting evidence. Exceptions will be granted by the office responsible for the operation and maintenance of the facility, and must be concurred in by the official's energy conservation coordinator.

§ 101-20.116-5 Conservation of energy in leased space.

Contracting officers shall ensure that all new lease contracts include the conservation policies prescribed in § 101-20.116-2 and § 101-20.116-3. Existing lease contracts shall include the conservation policies prescribed in § 101-20.116-2 and § 101-20.116-3 to the extent feasible within the existing contract provisions or by amendment thereto.

§ 101-20.116-6 Reporting requirements.

(a) Each agency shall report as specified in GSA Form 2973, Energy Conservation Performance Report, to the Director, Office of Energy Conservation, Federal Energy Administration, Washington, DC 20451, its energy consumption in buildings and facilities under its control within 45 calendar days after the end of each quarter. A copy of such report shall simultaneously be sent to the General Services Administration (PB), Washington, DC 20407.

(b) This report has been cleared in accordance with FPMR 101-11.11 and assigned interagency report control number 0021-GSA-QU.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c) and Federal Management Circular 74-1)

Effective date. This regulation is effective on November 6, 1974.

Dated: October 25, 1974.

DWIGHT A. INK,
Acting Administrator of General Services.

[FR Doc.74-25956 Filed 11-5-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Cost Sharing; Long-Term Care Facility Inspectors

Correction

In FR Doc. 74-23792 appearing in the issue of Friday, October 11, 1974 on page 36590 the fourteenth, fifteenth, and sixteenth entries in the third column of the table to § 249.40(a)(2)(ii) reading "12, 10, 11" should read "10, 11, 12".

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 661]

MANDATORY PETROLEUM ALLOCATION PROGRAM

Administrative Procedures and Sanctions

The Department of Consumer Affairs hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations to add a new Part 661 to Subchapter K of Chapter II setting forth the administrative procedures and sanctions applicable to proceedings before the Department of Consumer Affairs (DOCA) in accordance with Part 660 of this subchapter.

Introduction. The DOCA issued a notice of proposed rulemaking setting forth the proposed mandatory allocation regulations applicable to gasoline, propane, butane, middle distillate and residual fuel oil sold for use within the Commonwealth of Puerto Rico (Commonwealth) (39 FR 34072, September 23, 1974). Final regulations, filed with the Office of the Federal Register on October 31, 1974, make this mandatory allocation program applicable to motor gasoline, middle distillates, propane and butane, beginning on November 1, 1974.

The purpose of this proposed rulemaking is to set forth the procedures applicable to the allocation regulations. Specifically, it provides the procedures used to obtain an assignment, adjustment, exception, exemption or an interpretation of the regulations. It also includes provisions for appeals, stays, modifications and rescissions of DOCA orders, and sets forth regulations for administrative conferences and hearings. Enforcement procedures, notices of probable violation, remedial orders, and the investigations, violations, sanctions, and judicial actions are also included.

Subpart A—General provisions. This subpart sets forth the general provisions applicable to all proceedings before the DOCA and identifies sanctions in proceedings before the DOCA in accordance with Part 660 of this subchapter, the Mandatory Petroleum Allocation Regulations for Puerto Rico. This subpart also defines certain terms and incorporates the definitions used in Part 660 which are applicable to Part 661.

Any person may make an appearance and participate in any proceeding before the DOCA, either personally or by a duly authorized representative. However, the DOCA does retain authority to deny temporarily or permanently the privilege of participating in proceedings before the DOCA in a manner consistent with the criteria set forth in § 661.3 There are general filing provisions applicable to any document filed with the DOCA; generally such documents are considered filed when they have been received by the DOCA. Provisions for the computation of time both in days and hours have been established. In certain cases, an extension of time will be permitted. Generally, the service provisions applicable to all orders, notices, interpretations or other documents required to be served under the procedural regulations, permit service either personally or by registered or by certified mail. Service upon a person's duly authorized representative will suffice. The procedure used to request confidential treatment for information submitted to the DOCA pursuant to this part is included.

Subpart B—Adjustments. Subpart B establishes procedures for filing a request for an adjustment to a wholesale purchaser's base period volume other than automatic adjustments which may be made by suppliers to wholesale purchasers of gasoline and middle distillates without any DOCA action. A person seeking an adjustment, just as a person seeking any other relief provided under Part 661, must comply with all applicable provisions set forth in Subpart A. In addition, an applicant must comply with all the provisions set forth in Subpart B.

An "Application for Adjustment" clearly labeled as such both on the application and in the outside envelope in which the application is transmitted must be filed with the DOCA at PO. Box 13934, Santurce, P.R. 00908. The application shall be accompanied by the appropriate DOCA form. However, until such form is available, the application must comply with the requirements set forth in § 661.25. Generally, this section requires a clear and concise statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application to the DOCA action sought. In addition, specific facts requested by the DOCA with respect to an adjustment are set forth in this section.

Section 661.24 provides that the DOCA shall serve notice upon any person reasonably identified by the DOCA as one who will be aggrieved by the DOCA action. A person may respond to the notice by submission of a written comment to the DOCA. The respondent must certify that a copy of the comments, with or without confidential information deleted, has been sent to the applicant.

Pursuant to § 661.26, the DOCA, in its evaluation of the application, may initiate an investigation of any statements in the application and may utilize in its evaluation any relevant facts obtained from the investigation. It may solicit and accept submissions from third persons which are relevant to the proceeding: *Provided,* That the applicant is afforded an opportunity to respond. It may also consider other sources of information. It may convene a conference at its own initiative and may request additional information. The criteria upon which the application will be granted are set forth in this section.

Section 661.27 provides that the DOCA shall issue a written decision and order summarizing briefly the factual and legal basis of the decision.

Section 661.28, provides that if the DOCA fails to take an action on any application filed under this subpart within ninety days of filing, the applicant may treat the application as having been denied in all respects and appeal therefrom as provided in Subpart G.

Under § 661.29 any person aggrieved by an order issued by the DOCA may file an appeal in accordance with Subpart G. Such appeal must be filed within 30 days of service of the order from which the appeal is taken. Administrative remedies are not exhausted until an appeal has been filed and the appellate proceeding is completed by the issuance of an order, granting or denying the appeal, or an expiration of the time as specified in Subpart G.

Subpart C—Assignment. This subpart establishes the procedures for the filing of an application for an assignment which is an action designating that an authorized purchaser be supplied a specified or an unspecified volume of a particular product by a specified supplier.

The procedures applicable to the request of an assignment are very similar to those for an application for adjustment set forth in Subpart B. However, the information requested pursuant to § 661.35 differs from that requested for an adjustment and the criteria used in evaluating such a petition differ. Moreover, there is an emergency procedure by which one may obtain a temporary assignment, § 661.40. Such an assignment shall be a one time order with a duration not to exceed 60 days. Thus, if an applicant anticipates the requirement of an assignment for longer than 60 days, he shall contemporaneously file an application for assignment. Temporary assignments will only be granted in dire circumstances and upon a finding that issuance of a regular assignment is not feasible. Other provisions such as what to file, where to file, notice by the DOCA to

other persons, timeliness and appeal are similar to those discussed under Subpart B.

Subpart D—Exceptions and Exemptions. This subpart sets forth the procedures for applying for an exception or an exemption. An "Exception" is defined as the waiver or modification of the requirements of a regulation, ruling or generally applicable requirement under a specific set of facts. An "Exemption" means the release from the obligation to comply with any of the provisions of Part 660, or the provisions of any subpart thereof. The filing of the request for an exception or an exemption shall not constitute grounds for non-compliance with the requirements of the provision involved unless a stay has been issued in accordance with Subpart H.

A person must file an "Application for Exception" or an "Application for Exemption" as appropriate. The notice requirements, § 661.44, specify that an applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application or a copy from which confidential information has been deleted, to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the DOCA action sought. Such persons may submit comments regarding the application to the DOCA and shall send a copy, with or without the confidential information deleted, to the applicant. If an applicant determines that compliance with the notice provision discussed above will be impracticable the applicant shall comply with those requirements to the maximum extent practicable and in addition, shall include with the application a description of the persons or classes of persons to whom notice was not sent. The DOCA may require the applicant to provide additional notice, or may determine that such notice is impracticable and determine that the notice should be published in the FEDERAL REGISTER. The DOCA shall serve notice on any other person readily identifiable as one who will be aggrieved by the DOCA action sought.

Generally the application must contain a full and complete statement of all relevant facts, § 661.45. The method of DOCA evaluation and its decision and order are similar to the parallel provisions discussed in Subpart B. The timeliness provision, § 661.48, gives the DOCA 90 days from its notification of receipt of all substantive information deemed necessary to process the application in which to act. However, if the DOCA fails to take action on the application within 150 days of the filing, the applicant may treat it as having been denied and may appeal pursuant to Subpart G. Administrative procedures are not exhausted until the appeals procedure is completed.

Subpart E—Interpretation. This subpart establishes procedures for the filing of a formal request for an interpretation by the DOCA. An "Interpretation" is a written statement issued by the DOCA in response to a written request that applies regulations, rulings, and any other precedent previously issued by the DOCA to the particular facts of a perspective or completed act or transaction. Responses which may include verbal or written responses to general inquiries or to other than formal written requests for interpretations are not interpretations and merely provide general information. A person must file a "Request for Interpretation." The contents requirements and the DOCA evaluation are similar to those discussed in other subparts.

In accordance with § 661.56, the DOCA shall issue a written interpretation. Only those persons to whom the interpretation is specifically addressed and other persons upon whom the DOCA serves the interpretation and who are directly involved in the same transaction or act may rely upon it. An interpretation may be rescinded or modified at any time. It is modified by a subsequent amendment to the regulations or rulings to the extent that it is inconsistent with the amended regulation or ruling A person may appeal from an interpretation pursuant to the provisions of Subpart G. There are no timeliness or notice provisions for interpretations.

Subpart F—Other proceedings. The purpose of this subpart is to establish procedures for the filing of such other applications, petitions or requests as may be required or permitted from time to time under the provisions of Part 660. It does not supplant any procedures presently provided in this part, but rather is in addition to these procedures and applicable only if such subparts do not fit the action requested.

Subpart G—Appeals. This subpart establishes the procedures of the filing of an administrative appeal of DOCA actions taken under Subpart B, C, D, or F, adjustments, assignments, exceptions or exemptions, interpretations, or other proceedings, respectively, or a remedial order issued pursuant to Subpart M. A person has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued. Any person aggrieved by a DOCA action under Subpart B, C, D, E, or F or a remedial order under Subpart M of this part, may file an appeal pursuant to this subpart. A person "aggrieved" is a person with an interest sought to be protected under the Federal Energy Administration Act or the Emergency Petroleum Allocation Act who is adversely affected by an order or interpretation issued by the DOCA.

A person aggrieved must file an "Appeal of Order" or an "Appeal of Interpretation" as appropriate with the DOCA at the address specified in § 611.11. The time within which the appeal must be filed is set forth in the appeal provision of each subpart, and is usually 30 days. The notice required pursuant to this part is similar to the notice provisions for exceptions and exemptions. The contents, according to § 661.76, generally requires a concise statement of grounds upon which the appeal is brought and a description of the relief sought. If the appeal includes a request for relief based on significantly changed circumstances (as defined in the regulations) there must be a complete description of such events, acts, or transactions. An appeal may be summarily denied if (1) it is not filed in a timely manner, but for good cause shown; or (2) it is defective on its face for failure to state and present facts and legal arguments that the DOCA action was erroneous in fact or law or arbitrary and capricious. In addition, the DOCA may deny any appeal if the appellant does not establish that (1) the appeal was filed by a person aggrieved by the DOCA action; (2) the DOCA action was erroneous in fact or in law; or (3) the DOCA action was arbitrary and capricious.

Appeals of remedial orders shall be in accordance with the procedures discussed above. The appeal must be filed within 10 days of service of the remedial order, and if the appeal is of a remedial order issued subsequent to a notice of probable violation that relates to an order or interpretation previously issued by the DOCA with respect to which there was an exhaustion of administrative remedies no issues will be considered on the current appeal that were raised in that prior proceeding.

The timeliness provision, § 661.80, provides that the DOCA has ninety days from its giving notice of having received all necessary information within which to make its final decision. In any case, if the DOCA fails to take action on the appeal within 120 days of the filing of the appeal, the appellant may treat the appeal as having been denied. Upon receipt of a written statement giving the ultimate determination of the issues upon appeal or upon expiration of the time specified the petitioner has exhausted his administrative remedies and may seek judicial review.

Subpart H—Stays. This subpart establishes a procedure for the application and granting of a stay by the DOCA. An application for a stay will only be considered incident to or pending an appeal from an order of the DOCA or incident to an application for an exception or an exemption or pending judicial review. All DOCA orders, regulations, rulings and generally applicable requirements shall be complied with unless and until an application for a stay is granted.

A person shall file an "Application for Stay" at the address specified in § 611.11 The notice provisions provide that the DOCA shall notify persons reasonably identifiable to the DOCA as those who would be aggrieved by the DOCA action sought, and are similar to those used in a request for an assignment or adjustment. The application must contain a full and complete statement of all relevant facts pertaining to the act or transaction which is the subject of the application and the DOCA action sought. A stay will be granted upon a showing of (1) irreparable injury; (2) that denial of the stay will result in a more immediate serious hardship or gross inequity to the

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applicant and to other person affected; (3) that it would be desirable for public policy or other reasons to preserve the status quo pending the decision on the merits; (4) that it is impossible for the applicant to fulfill the requirements of the original order; and (5) likelihood of success on the merits.

Upon consideration of the application and other relevant information the DOCA shall issue an order in writing granting or denying the application. It shall include a written statement setting forth the relevant facts and legal basis of the decision and the terms and conditions of the stay. A grant or denial of the stay is not an order of the DOCA subject to administrative review.

Subpart I—Modification or rescission. This subpart establishes the procedures for the filing of an application for modification or rescission of a DOCA order or interpretation. It is a summary proceeding that will be initiated only if the applicant demonstrates significantly changed circumstances; and that the thirty day period within which a person may file an appeal has elapsed or if an appeal has been filed a final order has been issued.

A person must file an "Application for Modification (or Rescission)" with the DOCA at the address specified in § 611.11. The applicant must comply with notice provisions similar to those applicable to the request for an exception or exemption. The application must contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application of the DOCA action sought. The DOCA shall issue a written order granting or denying the application.

There is no administrative appeal available from an application for modification or rescission and thus the order issued shall be the final order from which the applicant may seek judicial review. The DOCA must act within ninety days of the filing and if it fails to so act the applicant may treat the application as having been denied and may seek judicial review thereof.

Subpart J—Rulings. This subpart establishes the criteria for the issuance of interpretative rulings by the DOCA. A "Ruling" is an official interpretative statement of general applicability issued by the DOCA and published in the FEDERAL REGISTER that applies DOCA regulations to a specified set of circumstances. A ruling may be issued at the discretion of the DOCA, and may be modified or rescinded by publication of a modification or rescission in the FEDERAL REGISTER or an amendment to Part 660. There is no administrative appeal from a ruling.

Subpart K—Conferences and hearings. This subpart establishes procedures for requesting and conducting DOCA conferences or hearings. Such proceedings are convened at the discretion of the DOCA.

A conference may be requested in connection with any proceeding of the DOCA, and may be made in writing or verbally. It must make a specific showing as to why the conference will materially advance the proceeding. The determination of persons who may attend a conference convened under this subpart shall be at the discretion of the DOCA, but it generally will not be open to the public. The conference will only be convened after actual notice of time, place and nature provided to the persons who will attend.

A hearing may be convened at the discretion of the DOCA. Determination of persons who may attend a hearing shall be at the discretion of the DOCA but it generally will not be open to the public It may only be requested in connection with an application for an exception, exemption or an appeal. The request for a hearing must be made in writing and show why the hearing will materially advance the proceeding. The DOCA will designate an agency official to conduct the hearing and will specify the time and place for the hearing.

Subpart L—Complaints. This subpart establishes the procedures for the filing and consideration of complaints relating to alleged violations of the regulations of Part 660 or any ruling or order issued thereunder. A person shall file a "Complaint" at the address specified in § 661.11. The complaint may consist of the appropriate form completed according to instructions. However, if there is not a current form appropriate or available the complaint shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the complaint.

After considering a complaint the DOCA may issue a notice of probable violation or remedial order for immediate compliance in accordance with the provisions of Subpart M of this subpart; determine that no violation has occurred or that a notice of probable violation or remedial order or immediate compliance would not be appropriate; or take such other action as it deems appropriate.

Subpart M—Notice of probable violation and remedial order. This subpart establishes the procedures for determining the nature and extent of violations of the DOCA regulations and the procedures for issuance of a notice of probable violation, a remedial order or a remedial order for immediate compliance. If it is believed that there is a viola ion of Part 660 the DOCA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The DOCA may commence such proceeding by (1) serving a notice of probable violation; or (2) issuing a remedial order for immediate compliance.

A notice of probable violation may be issued if the DOCA has reason to believe that a violation has occurred, is continuing or is about to occur. Within ten days of the service of a notice of probable violation the person upon whom the notice is served may file a reply with the DOCA. The reply shall contain a full and complete statement of all relevant facts pertinent to the act or transaction subject to the notice. A conference may be requested pursuant to Subpart K of this part. If the person does not file a reply within the 10 days provided, he will be deemed to concede the accuracy of the factual allegations and legal conclusions stated in the notice. If the DOCA finds that no violation has occurred, is continuing or is about to occur or that for any reason issuance of a remedial order would not be appropriate it shall notify in writing the person to whom the notice was issued and that notice will be rescinded. If after the 10-day period from which the notice of probable violation was issued the DOCA finds that a violation has occurred, is continuing or is about to occur, the DOCA may issue a remedial order. It is effective upon issuance in accordance with its terms unless stayed, modified, suspended or rescinded. It may be referred at any time to the Department of Justice of the Commonwealth of Puerto Rico for appropriate action in accordance with Subpart N.

In lieu of the issuance of a notice of probable violation the DOCA may issue a remedial order for immediate compliance which shall be effective upon issuance. It can be issued if (1) there is strong probability that a violation has occurred, is continuing or is about to occur; (2) irreparable harm will occur unless the violation is remedied immediately; and (3) the public interest requires the avoidance of such irreparable harm through immediate compliance.

A person may not appeal a notice of probable violation issued pursuant to this subpart. However, a person may appeal a remedial order (which is issued subsequent to the notice of probable violation) or a remedial order for immediate compliance. The appeal must be filed within 10 days of service of the order from which the appeal is taken.

Subpart N—Investigations, violations, sanctions and judicial actions. The DOCA may, in its discretion, initiate investigations relating to compliance by any person with any rule, regulation or order promulgated by the DOCA, any decree of court relating thereto or any other agency action. The investigations will be conducted by representatives of the DOCA who are duly designated and authorized for such purposes.

Any person who is under investigation by the DOCA and who is requested to furnish information shall be notified as to the general purpose for which such information or evidence is sought. If from the facts disclosed the DOCA determines that further action is unnecessary, the investigative file will be closed without prejudice to further investigation. If the DOCA determines that a violation has occurred, is occurring or is about to occur it may issue a notice of probable violation or a remedial order for immediate compliance.

Any practice that circumvents or contravenes or results in the circumvention or contravention of the requirement of any provision of Part 660 or any order issued pursuant thereto is a violation of the DOCA regulations stated in Part 660.

Any person who has violated a provision of Part 660 shall be subject to penalties and sanctions. Each day that a violation continues shall be considered a separate violation. Any person who wilfully violates any provision shall be subject to a criminal fine of not more than $5,000 for each violation and will be prosecuted by the Department of Justice of the Commonwealth of Puerto Rico. Any person who violates any provision of Part 660 shall be subject to a civil penalty of not more than $2,500 for each violation. Civil penalties may be prosecuted by the Department of Justice of the Commonwealth of Puerto Rico or, if appropriate or advisable, the DOCA may comprise the settlement and collect the civil penalties.

Whenever it appears to the Administrator of the DOCA or his delegate that any person has engaged, is engaged or is about to engage in any act or practice constituting a violation he may request that the Attorney General of the Commonwealth of Puerto Rico bring an action to enjoin such practices.

Subpart O—Antitrust applicability. This subpart sets forth regulations regarding the antitrust provisions set forth in the Emergency Petroleum Allocation Act of 1973. As a general rule the provisions in Part 660 do not provide immunity from civil or criminal liability under the antitrust laws nor create a defense to any action under the antitrust laws.

Rulemaking procedures. As required by section 7(c)(2) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment. The Administrator had no comments to offer in this regard.

Interested persons are invited to participate in the rulemaking by submitting written comments on the proposed regulations set forth in this notice. Such comments should be addressed to the Department of Consumer Affairs, P.O. Box 13934, Santurce, P.R. 00908, and should be identified on the outside of the envelope with the designation "Proposed Administrative Procedures and Sanctions." Comments should be received by November 18, 1974.

In addition, public hearings will be held on November 20, 1974 at the Room for Public Hearings in the Department of Consumer Affairs, Santurce, P.R. The hearings will begin at 10 a.m. and will be open to all representatives of industry, government, retailers and consumer groups. The rules for the conduct of the hearings will be announced at the opening session and will be repeated at each subsequent session.

In consideration of the foregoing, it is proposed to amend Chapter II of Title 10 of the Code of Federal Regulations to add a new Part 661 to Subchapter K, as set forth below.

Issued in San Juan, P.R., October 31, 1974.

FEDERICO HERNANDEZ-DENTON,
Secretary, Department of Consumer Affairs, Commonwealth of Puerto Rico.

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AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275, E.O. 11790, 39 FR 23185; FEO Order No. 4, 39 FR 9506; Governor of the Commonwealth of Puerto Rico, E.O. No. 2039; Constitution of the Commonwealth of Puerto Rico; Department of Consumer Affairs Organic Act, Law No. 5 of April 23, 1973, as amended.

Subpart A—General Provisions

§ 661.1 Purpose and scope.

(a) This part establishes the procedures to be utilized and identifies the

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sanctions that are available in proceedings before the DOCA in accordance with Part 660 of this subchapter.

(b) This subpart defines certain terms and establishes procedures that are applicable to each proceeding described in this part.

§ 661.2 Definitions.

The definitions set forth in Part 660 of this subchapter shall apply to this part, unless otherwise provided. In addition, as used in this part, the term:

"Action" means an order, interpretation, notice of probable violation, or ruling issued, or a rulemaking undertaken by the DOCA.

"Adjustment" means a modification of the base period volume or other measure of allocation entitlement in accordance with Part 660 of this subchapter.

"Aggrieved", for purposes of administrative proceedings, describes and means a person with an interest sought to be protected under the FEAA or EPAA who is adversely affected by an order or interpretation issued by the DOCA.

"Assignment" means an action designating that an authorized purchaser be supplied a specified or an unspecified volume of a specified petroleum product by a specified supplier.

"Conference" means an informal meeting, incident to any proceeding, between DOCA officials and any person aggrieved by that proceeding.

"Duly authorized representative" means a person who has been designated to appear before the DOCA in connection with a proceeding on behalf of a person interested in or aggrieved by that proceeding. Such appearance may consist of the submission of applications, petitions, requests, statements, memoranda of law, other documents, or of a personal appearance, verbal communication, or any other participation in the proceeding.

"EPAA" means the Emergency Petroleum Allocation Act of 1973 (Pub. L. 93–159).

"Exception" means the waiver or modification of the requirements of a regulation, ruling or generally applicable requirement under a specific set of facts.

"Exemption" means the release from the obligation to comply with any of the provisions of Part 660 of this subchapter, or any of the provisions of a subpart thereof.

"FEAA" means the Federal Energy Administration Act of 1974 (Pub. L. 93–275).

"Interpretation" means a written statement issued by DOCA in response to a written request, that applies the regulations, rulings, and other precedents previously issued by the DOCA to the particular facts of a prospective or completed act or transaction.

"Notice of probable violation" means a written statement issued to a person by the DOCA that states one or more alleged violations of the provisions of Part 660 of this subchapter or any order issued pursuant thereto.

"Order" means a written directive or verbal communication of a written directive, if promptly confirmed in writing, issued by the DOCA. It may be issued in response to an application, petition or request for DOCA action or in response to an appeal from an order, or it may be a remedial order or other directive issued by the DOCA on its own initiative. A notice of probable violation is not an order. For purposes of this definition a "written directive" shall include telegrams, telecopies and similar transcriptions.

"Persons" means any individual, firm, estate, trust, sole proprietorship, partnership, association, company, joint-venture, corporation, governmental unit or instrumentality thereof, or a charitable, educational or other institution, and includes any officer, director, owner or duly authorized representative thereof.

"Proceeding" means the process and activity, and any part thereof, instituted by the DOCA, either on its own initiative or in response to an application, complaint, petition or request submitted by a person, that may lead to an action by the DOCA.

"Remedial order" means a directive issued by the DOCA requiring a person to cease a violation or to eliminate or to compensate for the effects of a violation, or both.

"Ruling" means an official interpretative statement of general applicability issued by the DOCA and published in the FEDERAL REGISTER that applies the DOCA regulations to a specific set of circumstances.

Throughout this part the use of a word or term in the singular shall include the plural and the use of the male gender shall include the female gender.

§ 661.3 Appearance before the DOCA.

(a) *Appearance.* A person may make an appearance, including a personal appearance at the discretion of the DOCA, and participate in any proceeding described in this part on his own behalf or by a duly authorized representative. Any application, appeal, petition, request or complaint filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless a DOCA form requires otherwise.

(b) *Suspension and disqualification.* The DOCA may deny, temporarily or permanently, the privilege of participating in proceedings, including oral presentations, to any individual who is found by the DOCA:

(1) To have made false or misleading statements, either verbally or in writing;

(2) To have filed false or materially altered documents, affidavits or other writings;

(3) To lack the specific authority to represent the person seeking a DOCA action; or

(4) To have engaged in or to be engaged in contumacious conduct that substantially disrupts a proceeding.

§ 661.4 Filing of documents.

(a) Any document, including, but not limited to, an application, request, complaint, petition and other documents submitted in connection therewith, filed with the DOCA under this part or Part 660 of this subchapter is considered to be filed when it has been received by the DOCA. Documents mailed to the DOCA must be sent to P.O. Box 13934 Santurce, P.R. 00908. All documents and exhibits submitted become part of a DOCA file and will not be returned.

(b) Notwithstanding the provisions of paragraph (a) of this section, an appeal, a response to a denial of an appeal or application for modification or recission in accordance with §§ 661.77(a)(3) and 661.96(a)(3), respectively, a reply to a notice of probable violation, the appeal of a remedial order or remedial order for immediate compliance, a response to denial of a claim of confidentiality, or a comment submitted in connection with any proceeding transmitted by registered or certified mail and addressed to the appropriate office is considered to filed upon mailing.

(c) Hand-delivered documents to be filed with the DOCA shall be submitted to to the Oil Allocation Office, 4th Floor, Las Minillis, Santurce, P.R.

(d) Documents received after regular business hours are deemed filed on the next regular business day. Regular business hours for the DOCA are 8 a.m. to 4:30 p.m.

§ 661.5 Computation of time.

(a) *Days.* (1) Except as provided in paragraph (b) of this section, in computing any period of time prescribed or allowed by these regulations or by an order of the DOCA, the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is neither a Saturday, Sunday, nor a legal holiday.

(2) Saturdays, Sundays, or intervening legal holidays shall be excluded from the computation of time when the period of time allowed or prescribed is 7 days or less.

(b) *Hours.* If the period of time prescribed in an order issued by the DOCA is stated in hours rather than days, the period of time shall begin to run upon actual notice of such order, whether by verbal or written communication, to the person directly affected, and shall run without interruption, unless otherwise provided in the order, or unless the order is stayed, modified, suspended or rescinded. When a written order is transmited by verbal communication, the written order shall be served as soon thereafter as is feasible.

(c) *Additional time after service by mail.* Whenever a person is required to perform an act, to cease and desist therefrom, or to initiate a proceeding under this part, within a prescribed period of time after issuance to such person of

an order, notice, interpretation or other document and the order, notice, interpretation or other document is served by mail, 3 days shall be added to the prescribed period.

§ 661.6 Extension of time.

When a document is required to be filed within a prescribed time, an extension of time to file may be granted by the office with which the document is required to be filed upon good cause shown.

§ 661.7 Service.

(a) All orders, notices, interpretations or other documents required to be served under this part shall be served personally or by registered or certified mail or by regular United States mail, except as otherwise provided.

(b) Service upon a person's duly authorized representative shall constitute service upon that person.

(c) Service by registered or certified mail is complete upon mailing. Official United States Postal Service receipts from such registered or certified mailing shall constitute prima facie evidence of service.

§ 661.8 General filing requirements.

(a) *Purpose and scope.* The provisions of this section shall apply to all documents required or permitted to be filed with the DOCA.

(b) *Signing.* All applications, petitions, requests, appeals, comments or any other documents that are required to be signed, shall be signed by the person filing the document or a duly authorized representative. Any application, appeal, petition, request, complaint or other document filed by a duly authorized representative shall contain a statement by such person certifying that he is a duly authorized representative, unless a DOCA form otherwise requires.

(c) *Labeling.* An application, petition, or other request for action by the DOCA should be clearly labeled according to the nature of the action involved (e.g., "Application for Assignment") both on the document and on the outside of the envelope in which the document is transmitted.

(d) *Obligation to supply information.* A person who files an application, petition, complaint, appeal or other request for action is under a continuing obligation during the proceeding to provide the DOCA with any new or newly discovered information that is relevant to that proceeding. Such information includes, but is not limited to, information regarding any other application, petition, complaint, appeal or request for action that is subsequently filed by that person with the DOCA.

(e) *The same or related matters.* A person who files an application, petition, complaint, appeal or other request for action by the DOCA shall state whether, to the best knowledge of that person, the same or related issue, act or transaction has been or presently is being considered or investigated by the DOCA, other Commonwealth or Federal agency, department or instrumentality; or a municipal agency or court; or by any law enforcement agency; including, but not limited to, a consideration or investigation in connection with any proceeding described in this part. In addition, the person shall state whether contact has been made by the person or one acting on his behalf with any person who is employed by the DOCA with regard to the same issue, act or transaction or a related issue, act or transaction arising out of the same factual situation; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact.

(f) *Request for confidential treatment.* (1) If any person filing a document with the DOCA claims that some or all the information contained in the document is information referred to in 18 U.S.C. 1905 (1970), or is otherwise confidential and if such person requests the DOCA not to disclose such information, such person shall file together with the document a second copy of the document from which has been deleted the information for which such person wishes to claim confidential treatment. The person shall indicate in the original document that it is confidential or contains confidential information and may file a statement specifying the justification for nondisclosure of the information for which confidential treatment is claimed. If the person filing a document does not submit a second copy of the document with the confidential information deleted, the DOCA may assume that there is no objection to public disclosure of the document in its entirety.

(2) The DOCA retains the right to make its own determination with regard to any claim of confidentiality. Notice of the decision by the DOCA to deny such claim, in whole or in part, and an opportunity to respond shall be given to a person claiming confidentiality of information no less than 5 days prior to its public disclosure.

(g) *Separate applications, petitions or requests.* Each application, petition or request for DOCA action shall be submitted as a separate document, even if the applications, petitions, or requests deal with the same or a related issue, act or transaction, or are submitted in connection with the same proceeding.

§ 661.9 Effective date of orders.

Any order issued by the DOCA under Part 660 of this subchapter is effective as against all persons having actual notice thereof upon issuance, in accordance with its terms, unless and until it is stayed, modified, suspended, or rescinded. An order is deemed to be issued on the date, as specified in the order, on which it is signed by an authorized representative of the DOCA, unless the order provides otherwise.

§ 661.10 Order of precedence.

If there is any conflict or inconsistency between the provisions of this part and any other provision of Part 660 of this subchapter, the provisions of this part shall control with respect to procedures.

§ 661.11 Where to file.

Except as otherwise specifically provided in other subparts of this part, all documents to be filed with the DOCA pursuant to this part shall be filed with the DOCA at P.O. Box 13934 Santurce, P.R. 00908.

Subpart B—Adjustment

§ 661.21 Purpose and scope.

This subpart establishes the procedures for filing an application for an adjustment as provided in Part 660 of this subchapter.

§ 661.22 What to file.

(a) A person filing under this subpart shall file an "Application for Adjustment," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) The application shall be accompanied by the appropriate DOCA form.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.23 Where to file.

All applications for adjustment shall be filed with the DOCA at the address provided in § 661.11.

§ 661.24 Notice.

(a) The DOCA shall serve notice on any person reasonably identifiable by the DOCA as one who will be aggrieved by the DOCA action and may serve notice on any other person that written comments regarding the application for adjustment will be accepted if filed within 10 days of service of the notice; or may determine that notice should be published in the FEDERAL REGISTER.

(b) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to the applicant. The person shall certify to the DOCA that he has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.25 Contents.

(a) The application shall be the appropriate DOCA form, which shall be completed in accordance with instructions that accompany the form. If there is not a current DOCA form appropriate or available, the applicant shall file an application that contains the information required by paragraph (b) of this section.

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(b) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be effected by the requested action; and a full discussion of the pertinent provisions and facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the DOCA upon its request. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted. The application shall also include the following information:

(1) Description of applicant's business or end use of the product;

(2) The anticipated use of the product in applicant's operation, including the present and anticipated needs of its customers, if applicable;

(3) An estimate of the anticipated effect that denial of the requested adjustment would have on the applicant's operations;

(4) A description of the extent to which the applicant has investigated the possibilities of converting to an alternative product, and the applicant's conclusion as to the feasibility of making that conversion;

(5) The identification of any previous order relevant to the present application that has been issued to the applicant or to any person who controls or is controlled by the applicant;

(6) A certification of the accuracy of the application by the chief executive officer of the applicant or his duly authorized representative; and

(7) A statement that the increased allocations shall be used only for the purpose stated in the application, shall not be diverted to other uses, and that if needs decline the applicant shall file an amended application for a downward adjustment to its base period use.

§ 661.26 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application. *Provided,* That the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that such will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice.

(b) *Criteria.* An application for adjustment will only be granted or validated in the circumstances permitted or required by Part 660 of this subchapter. In evaluating such an application, the DOCA will apply the criteria stated in section 4(b) of the EPAA, and will consider applicant's compliance with the DOCA guidelines and regulations and the FEA price regulations.

§ 661.27 Decision and order.

(a) Upon consideration of the application or request and other relevant information received or obtained during the proceeding, the DOCA shall issue an appropriate order.

(b) The order shall include a brief written statement summarizing the factual and legal basis upon which the order was issued. The order shall provide that any person aggrieved thereby may file an appeal in accordance with Subpart G of this part.

(c) The DOCA shall serve a copy of the order upon the applicant and any other person who participated in the proceeding and upon any other person reasonably identifiable by the DOCA as one who is aggrieved by such order.

§ 661.28 Timeliness.

If the DOCA fails to take action on any application filed under this subpart within ninety (90) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 661.29 Appeal.

Any person aggrieved by an order issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal shall be filed within thirty (30) days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart C—Assignment

§ 661.31 Purpose and scope.

This subpart establishes the procedures for the filing of an application for an assignment as provided in Part 660 of this subchapter.

§ 661.32 What to file.

(a) A person filing under this subpart shall file an "Application for Assignment" or an "Application for Temporary Assignment" as provided in § 661.40, which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) The application shall be accompanied by the appropriate DOCA form.

(c) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.33 Where to file.

All applications for assignment shall be filed with the DOCA at the address provided in § 661.11.

§ 661.34 Notice.

(a) The DOCA shall serve notice on any person reasonably identifiable by the DOCA as one who will be aggrieved by the DOCA action and may serve notice on any other person that written comments regarding the application for assignment will be accepted if filed within ten (10) days of service of the notice; or may determine that notice should be published in the FEDERAL REGISTER.

(b) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to the applicant. The person shall certify to the DOCA that it has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.35 Contents.

(a) The application shall be the appropriate DOCA form, which shall be completed in accordance with the instructions that accompany the form. If there is not a current DOCA form appropriate or available, the applicant shall file an application that contains the information required by paragraph (b) of this section.

(b) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include the names and addresses of all affected person (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the DOCA upon its request. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be

submitted. In addition to such information, the application shall include the following information:

(1) Description of applicant's business or end use of the product;

(2) The anticipated use of the petroleum product in applicant's operation, including present and anticipated needs of its customers, if applicable;

(3) An estimate of the anticipated effect that denial of the requested assignment would have on the applicant's operation;

(4) A description of the extent to which the applicant has investigated the possibilities of converting to an alternative product, and the applicant's conclusion as to the feasibility of making such conversion;

(5) A description of applicant's efforts to find other suppliers;

(6) The identification of any previous assignment order relevant to the present application that has been issued to the applicant or to any person that controls or is controlled by the applicant;

(7) A statement as to whether the applicant had a supplier during the requisite base period, or as to whether the applicant's base period supplier or new supplier is unable to supply his requirements;

(8) The identification of any persons who will be aggrieved by the DOCA action sought, including potential suppliers; and

(9) Wholesale purchasers shall provide documentary evidence justifying its proposed base period volume as normal and reasonable for its intended use.

§ 661.36 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that a conference will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice.

(b) *Criteria.* An application for assignment may be granted in the situations specified in Part 660 of this subchapter. (1) In evaluating such an application, the DOCA will, to the maximum extent possible, apply the criteria stated in section 4(b) of the EPAA.

(2) The DOCA shall consider the criteria provided in Part 660 of this subchapter and DOCA guidelines, rulings and decisions on appeal.

(3) The DOCA shall also consider applicant's compliance with the DOCA guidelines and regulations and the FEA price regulations.

(4) In selecting a supplier for an assignment, the DOCA shall consider the goal of equalizing allocation fractions among suppliers and the capability of the supplier to provide the product to an applicant on short notice.

§ 661.37 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOCA shall issue an appropriate order. The order shall state the duration of the assignment, which may be for the duration of the allocation program or for any lesser period specified therein.

(b) The order shall include a brief written statement summarizing the factual and legal basis upon which the order was issued. The order shall provide that any person aggrieved thereby may file an appeal with the DOCA in accordance with Subpart G of this part.

(c) Prior to issuance of an assignment order, the DOCA shall contact the proposed supplier for the purpose of determining the accuracy of the facts upon which it intends to base the proposed assignment order and the impact such order may have upon the proposed supplier's operations, and to give the supplier a reasonable opportunity to comment on the proposed order. To the extent a proposed supplier's comments present facts or other information that materially differs from those in the application, the applicant shall be advised and given an opportunity to respond verbally. The notice and comment provided herein may be in writing if time permits.

(d) The DOCA shall serve a copy of the order upon the person who thereby will be directed to supply the product or to establish a base period volume, the applicant and upon any other person reasonable identifiable by the DOCA as one who is aggrieved by said order.

§ 661.38 Timeliness.

If the DOCA fails to take action on any application filed under this subpart within ninety (90) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 661.39 Appeal.

(a) Any person aggrieved by an order issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal shall be filed within thirty (30) days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

(b) If an appeal is filed in connection with the issuance of a temporary assignment order in accordance with § 661.40, and subsequent to such appeal an assignment order from which said person also appeals is issued to the recipient of the temporary assignment order, the appeal from both the temporary assignment order and the subsequent assignment order shall be consolidated and considered in the same appellate proceeding.

§ 661.40 Temporary assignment.

(a) In certain circumstances and upon receipt of an application from a wholesale purchaser consumer, an end-user or a wholesale purchaser-reseller, other than a wholesale purchaser who requires an assignment to supply wholesale purchaser-consumers or end-users experiencing hardship or emergency, the DOCA may issue a temporary assignment order to such an applicant. The ordering of a temporary assignment shall occur only in dire circumstances and when it is not feasible to issue an assignment order that conforms to the DOCA guidelines. Temporary assignments are intended to be issued when circumstance do not permit the issuance of an assignment order in the normal time period. The "Application for Temporary Assignment" is to conform to the requirements of § 661.35, except that such requirements may be waived in whole or in part by the DOCA for good cause shown. The application shall fully describe why the assignment must be made on a short term or emergency basis. A temporary assignment order shall have a duration of not longer than sixty (60) days. It is intended that a temporary assignment order shall be a one-time order that pertains to a specific situation, and it may not be extended by issuance of another temporary assignment order. If the applicant anticipates the requirement for an assignment of longer than sixty (60) days duration, he shall file contemporaneously with the application for a temporary assignment, or as soon thereafter as feasible, an "Application for Assignment."

(b) A temporary assignment order shall conform to the requirements of § 661.36 and shall be issued only upon a finding that circumstances do not permit issuance of an assignment in accordance with DOCA guidelines, which finding shall be stated in that order.

(c) The supplier selected shall be given notice of the temporary assignment order at least twenty-four (24) hours in advance of its issuance.

(d) A temporary assignment order shall be appealable in accordance with § 661.39.

Subpart D—Exceptions and Exemptions

§ 661.41 Purpose and scope.

(a) This subpart establishes the procedures for applying for (1) an exception from a Part 660 regulation of this subchapter, ruling or generally applicable requirement and (2) an exemption from Part 660 of this subchapter or any subpart thereof.

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(b) The filing of an application for an exception or an exemption shall not constitute grounds for non-compliance with the requirements of Part 660 of this subchapter, a subpart thereof, a regulation, ruling or generally applicable requirement from which an exception or exemption is sought, unless a stay has been issued in accordance with Subpart H of this part.

§ 661.42 What to file.

A person filing under this subpart shall file an "Application for Exception (or Exemption)", which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.43 Where to file.

All applications for exception or exemption shall be filed with the DOCA at the address provided in § 661.11.

§ 661.44 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to each person who is reasonably ascertainable by the applicant as a person who will be aggrieved by the DOCA action sought. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the DOCA within ten (10) days. The application filed with the DOCA shall include certification to the DOCA that the applicant shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if an applicant determines that compliance with paragraph (a) of this section would be impracticable, the applicant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and practicable to notify; and

(2) Include with the application a description of the persons or class or classes of persons to whom notice was not sent.

The DOCA may require the applicant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The DOCA shall serve notice on any other person readily identifiable by the DOCA as one who will be aggrieved by the DOCA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within ten (10) days of service of such notice.

(d) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8 to the applicant. The person shall certify to the DOCA that he has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.45 Contents.

The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the application. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the application. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted. The applicant shall state whether he requests or intends to request that there be a conference or hearing regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the DOCA's determination regarding it shall be made in accordance with Subpart K of this part.

(c) The application shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular action sought therein.

(d) The application shall specify the exact nature and extent of the relief requested.

§ 661.46 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application: *Provided,* That the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the DOCA on its own initiative may convene a hearing or conference, if, in its discretion, it considers that such hearing or conference will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the applicant, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 661.44, the DOCA may dismiss the application without prejudice.

(b) *Criteria.* (1) The DOCA shall only consider an application for an exception or exemption when it determines that a more appropriate proceeding is not provided by this part.

(2) An application for an exception or an exemption may be granted to alleviate or prevent serious hardship or gross inequity.

(3) An application for an exception or an exemption shall be decided in a manner that is, to the extent possible, consistent with the disposition of previous applications for exceptions or exemption.

(4) The DOCA shall consider applicant's compliance with the DOCA guidelines and regulations and the FEA price regulations.

§ 661.47 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOCA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the DOCA in accordance with Subpart G of this part.

(c) The DOCA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person readily identifiable by the DOCA as one who is aggrieved by such order.

§ 661.48 Timeliness.

(a) When the DOCA has received all substantive information deemed necessary to process any application filed under this subpart, the DOCA shall serve notice of that fact upon the applicant and all other persons who received notice of the proceeding pursuant to the provisions of § 661.44 and if the DOCA fails to take action on the application within ninety (90) days of serving such notice, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the DOCA fails to take action on the application within one hundred fifty (150) days from the filing of the application, the applicant may treat it as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 661.49 Appeal.

Any persons aggrieved by an order issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal must be filed within thirty (30) days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart E—Interpretation

§ 661.51 Purpose and scope.

(a) This subpart establishes the procedures for the filing of a formal request for an interpretation and for the consideration of such request by the DOCA. Interpretations shall be in writing. Responses, which may include verbal or written responses to general inquiries or to other than formal written requests for interpretation are not interpretations and merely provide general information.

(b) A request for interpretation that includes, or could be construed to include an application for an exception or an exemption may be treated solely as a request for interpretation and processed as such.

§ 661.52 What to file.

(a) A person filing under this subpart shall file a "Request for Interpretation," which should be clearly labeled as such both on the request and on the outside of the envelope in which the request is transmitted, and shall be in writing and signed by the person filing the request. The person filing the request shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the person filing the request wishes to claim confidential treatment for any information contained in the request or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.53 Where to file.

A request for interpretation shall be filed with the DOCA at the address provided in § 661.11.

§ 661.54 Contents.

(a) The request shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act or transaction that is the subject of the request and to the DOCA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable) and a full discussion of the pertinent provisions and relevant facts contained in the documents submitted with the request. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the request. When the request pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction must be submitted.

(b) The request for interpretation shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the particular interpretation sought therein.

§ 661.55 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in a request and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may accept submissions from third persons relevant to any request for interpretation: *Provided,* That the person making the request is afforded an opportunity to respond to all third person submissions. In evaluating a request for interpretation, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the request.

(2) The DOCA shall issue its interpretation on the basis of the information provided in the request, unless that information is supplemented by other information brought to the attention of the DOCA during the proceeding. The interpretation shall, therefore, depend for its authority on the accuracy of the factual statement and may be relied upon only to the extent that the facts of the actual situation correspond to those upon which the interpretation was based.

(3) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the person requesting the interpretation, the DOCA may refuse to issue an interpretation.

(b) *Criteria.* (1) The DOCA shall base an interpretation on the FEAA and EPAA and the regulations and published rulings of the DOCA as applied to the specific factual situation.

(2) The DOCA shall take into consideration previously issued interpretations dealing with the same or a related issue.

§ 661.56 Decision and effect.

(a) Upon consideration of the request for interpretation and other relevant information received or obtained during the proceeding, the DOCA shall issue a written interpretation.

(b) The interpretation shall contain a statement of the information upon which it is based and a legal analysis of and conclusions regarding the application of rulings, regulations and other precedent to the situation presented in the request.

(c) Only those persons to whom an interpretation is specifically addressed and other persons upon whom the DOCA serves the interpretation and who are directly involved in the same transaction or act may rely upon it. No person entitled to rely upon an interpretation shall be subject to civil or criminal penalties stated in Subpart N of this part for any act taken in reliance upon the interpretation, notwithstanding that the interpretation shall thereafter be declared by judicial or other competent authority to be invalid.

(d) An interpretation may be rescinded or modified at any time. Rescission or modification may be effected by notifying persons entitled to rely on the interpretation that it is rescinded or modified. This notification shall include a statement of the reasons for the rescission or modification and, in the case of a modification, a restatement of the interpretation as modified.

(e) An interpretation is modified by a subsequent amendment to the regulations or ruling to the extent that it is inconsistent with the amended regulation or ruling.

§ 661.57 Appeal.

Any person aggrieved by an interpretation issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal must be filed within thirty (30) days of service of the interpretation from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart F—Other Proceedings

§ 661.61 Purpose and scope.

This subpart establishes the procedures for the filing of such other applications, petitions, or requests as may be required or permitted from time to time under the provisions of Part 660 of this subchapter, but does not supplant any procedures presently provided for in this part.

§ 661.62 What to file.

(a) A person filing under this subpart shall file an "Application (petition or request, if applicable) for (identify action requested)," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the person wishes to claim confidential treatment for any information contained in the application, petition, request, or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

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§ 661.63 Where to file.

All applications, petitions or requests not described in other subparts of this part shall be filed in accordance with any DOCA forms and instructions that relate thereto. If no such forms and instructions have been issued by the DOCA all such applications, petitions or requests shall be filed with the DOCA at the address provided in § 661.11.

§ 661.64 Contents.

Any application, petition or request filed under this subpart shall contain all the information that the DOCA by regulation, ruling, form or other instruction may require.

§ 661.65 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application, petition or request and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application, petition or request: *Provided*, That the person who filed is afforded an opportunity to respond to all third person submissions. In evaluating an application, petition or request, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application, petition or request.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOCA may dismiss the application, petition or request without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application, petition or request with prejudice.

(b) *Criteria.* In considering an application, petition or request, the DOCA will apply the criteria stated in any DOCA regulation, ruling, form or instruction that relates to such application, petition or request, and shall consider applicant's compliance with the DOCA guidelines and regulations and the FEA price regulations.

§ 661.66 Decision and order.

(a) Upon consideration of the application, petition or request and other relevant information received or obtained during the proceeding, if DOCA action is required, the DOCA shall issue an appropriate order.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall provide that any person aggrieved thereby may file an appeal with the DOCA in accordance with Subpart G of this part.

(c) The DOCA shall serve a copy of the order upon the person who filed and any other person who participated in the proceeding and may serve a copy of the order upon any person who is aggrieved by said order.

§ 661.67 Timeliness.

If the DOCA fails to take action on any application filed under this subpart within ninety (90) days of filing, the applicant may treat the application as having been denied in all respects and may appeal therefrom as provided in this subpart.

§ 661.68 Appeal.

Any person aggrieved by an order issued by the DOCA under this subpart may file an appeal with the DOCA in accordance with Subpart G of this part. The appeal shall be filed within thirty (30) days of service of the order from which the appeal is taken. There has not been an exhaustion of administrative remedies until an appeal has been filed pursuant to Subpart G of this part and the appellate proceeding is completed by the issuance of an order granting or denying the appeal.

Subpart G—Appeal

§ 661.71 Purpose and scope.

(a) This subpart establishes the procedures for the filing of an administrative appeal of any DOCA actions taken under Subparts B, C, D, E, or F of this part or of a remedial order issued pursuant to Subpart M of this part and the consideration of such appeal by the DOCA.

(b) A person who has appeared before the DOCA in connection with a matter arising under Subparts B, C, D, E or F of this part or of a remedial order issued pursuant to Subpart M of this part has not exhausted his administrative remedies until an appeal has been filed under this subpart and an order granting or denying the appeal has been issued.

§ 661.72 Who may file.

Any person aggrieved by an order or interpretation issued by the DOCA under Subparts B, C, D, E or F of this part or of a remedial order issued pursuant to Subpart M of this part may file an appeal under this subpart.

§ 661.73 What to file.

(a) A person filing under this subpart shall file an "Appeal of Order (or Interpretation)", which should be clearly labeled as such both on the appeal and on the outside of the envelope in which the appeal is transmitted, and shall be in writing and signed by the person filing the appeal. The appellant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the appellant wishes to claim confidential treatment for any information contained in the appeal or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.74 Where to file.

The appeal shall be filed with the DOCA at the address provided in § 661.11.

§ 661.75 Notice.

(a) The appellant shall send by United States mail a copy of the appeal and any subsequent amendments or other documents relating to the appeal, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to each person who is reasonably ascertainable by the appellant as a person who will be aggrieved by the DOCA action sought, including those who participated in the prior proceeding. The copy of the appeal shall be accompanied by a statement that the person may submit comments regarding the appeal to the DOCA office within ten (10) days. The appeal filed with the DOCA shall include certification to the DOCA that the appellant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the appeal was sent.

(b) Notwithstanding the provisions of paragraph (a) of this section, if an appellant determines that compliance with paragraph (a) of this section would be impracticable, the appellant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the appeal a description of the persons or class or classes of persons to whom notice was not sent.

The DOCA may require the appellant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notice should be published in the FEDERAL REGISTER.

(c) The DOCA shall serve notice on any other person reasonably identifiable by the DOCA as one who will be aggrieved by the DOCA action sought and may serve notice on any other person that written comments regarding the appeal will be accepted if filed within ten (10) days of service of that appeal.

(d) Any person submitting written comments to the DOCA with respect to an appeal filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to the appellant. The person shall certify to the DOCA that it has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.76 Contents.

(a) The appeal shall contain a concise statement of grounds upon which it is brought and a description of the relief sought. It shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations and decisions on appeals and exceptions relied upon to support the appeal. If the appeal includes a request based on significantly changed circumstances, there shall be a complete description of the events, acts, or transactions that comprise the significantly changed circumstances, and the appellant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding. For purposes of this subpart, the term "significantly changed circumstances" shall mean:

(1) The discovery of material facts that were not known or could not have been known at the time of the prior proceeding;

(2) The discovery of a law, regulation, interpretation, ruling, order or decision on an appeal or an exception that was in effect at the time of the proceeding upon which the order or interpretation is based and which, if such had been made known to DOCA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(3) A substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation affecting the appellant was issued, which change has occurred during the interval between issuance of the order or interpretation and the date of the appeal and was caused by forces or circumstances beyond the control of the appellant.

(b) A copy of the order or interpretation that is the subject of the appeal shall be submitted with the appeal.

(c) The appellant shall state whether to the best of his knowledge the same or a related issue, act or transaction that is the subject of the appeal has been or presently is being considered or investigated by the DOCA, other Commonwealth or Federal agency, department or instrumentality; or a municipal agency or court; or by any law enforcement agency; including, but not limited to, a consideration or investigation in connection with a DOCA proceeding described in this part, other than the proceeding from which the appeal is taken. In addition, the appellant shall state whether contact has been made by the appellant or one acting on his behalf with any person who is employed by the DOCA subsequent to service of the order or interpretation that is being appealed with regard to the issue, act or transaction that is the subject of the appeal; the name of the person contacted; whether the contact was verbal or in writing; the nature and substance of the contact; and the date or dates of the contact. An appellant shall comply with this paragraph in lieu of § 661.8(e).

(d) The appellant shall state whether he requests or intends to request that there be a conference or hearing regarding the appeal. Any request not made at the time the appeal is filed shall be made as soon thereafter as possible, to insure that the conference or hearing is held when it will be most beneficial. The request and the DOCA's determination regarding it shall be made in accordance with Subpart K of this part.

§ 661.77 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an appeal and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any appeal: *Provided*, That the appellant is afforded an opportunity to respond to all third person submissions. In evaluating an appeal, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference or hearing if, in its discretion, it considers that such conference of hearing will advance its evaluation of the appeal.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if, upon request, the necessary additional information is not submitted, the DOCA may dismiss the appeal with leave to amend within a specified time. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the appeal with prejudice. If the appellant fails to provide the notice required by § 661.75, the DOCA may dismiss the appeal without prejudice.

(3) *Failure to satisfy requirements.* (i) If the appellant fails to satisfy the requirements of paragraph (b)(1) of this section, the DOCA may issue an order denying the appeal. The order shall state the grounds for the denial and a copy of the order shall be served upon the appellant and any other person who participated in the proceeding.

(ii) The order denying the appeal shall become a final order of the DOCA within ten (10) days of its service upon the appellant, unless within such ten (10) day period an amendment to the appeal that corrects the deficiencies identified in the order is filed with the DOCA.

(iii) Within ten (10) days of the filing of such DOCA amendments, as provided in paragraph (b)(1) of this section, the DOCA shall notify the appellant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, that notice shall be an order dismissing the appeal as amended. Such order shall be a final order of the DOCA of which appellant may seek judicial review.

(b) *Criteria.* (1) An appeal may be summarily denied if:

(i) It is not filed in a timely manner, unless good cause is shown; or

(ii) It is defective on its face for failure to state, and to present facts and legal argument in support thereof, that the DOCA action was erroneous in fact or in law, or that it was arbitrary or capricious.

(2) The DOCA may deny any appeal if the appellant does establish that:

(i) The appeal was filed by a person aggrieved by DOCA action;

(ii) The DOCA's action was erroneous in fact or in law; or

(iii) The DOCA's action was arbitrary or capricious. The denial of an appeal shall be a final order of DOCA from which the appellant may seek judicial review.

§ 661.78 Decision and order.

(a) Upon consideration of the appeal and other relevant information received or obtained during the proceeding, the DOCA shall enter an appropriate order, which may include the modification of the order or interpretation that is the subject of the appeal.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall state that it is a final order of the DOCA from which the appellant may seek judicial review.

(c) The DOCA shall serve a copy of the order upon the appellant, any other person who participated in the proceeding and upon any other person reasonably identifiable by the DOCA as one who is aggrieved by such order.

§ 661.79 Appeal of a remedial order.

The appeal of a remedial order shall be in accordance with the procedures stated in this subpart, except:

(a) The appeal must be filed within ten (10) days of the service of the remedial order; and

(b) If the appeal is of a remedial order that was issued subsequent to a notice of probable violation that relates to an order or interpretation previously issued by the DOCA, with respect to which there was an exhaustion of administrative remedies, no issues will be considered on the current appeal that were raised in that prior proceeding.

(c) If an issue raised on an appeal of a remedial order is also being considered in connection with any other DOCA proceeding, the DOCA may consolidate such issues and considered them in the appellate proceeding for the remedial order.

§ 661.80 Timeliness.

(a) When the DOCA has received all substantive information deemed necessary to process any appeal filed under this subpart, the DOCA shall serve notice of that fact upon the appellant and all other persons who received notice of the proceeding pursuant to the provisions of § 661.75; and if the DOCA fails to take action on the appeal within ninety (90) days of serving such notice, the appellant may treat the appeal as having been denied in all respects and may seek judicial review thereof.

(b) Notwithstanding the provisions of paragraph (a) of this section, if the DOCA fails to take action on the appeal within 120 days of the filing of the appeal, the appellant may treat it as having been denied in all respects and may seek judicial review thereof.

Subpart H—Stay

§ 661.81 Purpose and scope.

This subpart establishes the procedures for the application for and granting of a stay by the DOCA. An application for a stay will only be considered:

(a) Incident to or pending an appeal from an order of the DOCA;

(b) Incident to an application for an exception from the application of any DOCA regulations, rulings, or generally applicable requirements when the stay sought is of the same regulation, ruling or generally applicable requirement from which the exception is sought; or

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(c) Incident to an application for an exemption from Part 660 of this subchapter or any subpart thereof when the stay sought is of the same part or subpart from which the exemption is sought; or

(d) Pending judicial review.

All DOCA orders, regulations, rulings, and generally applicable requirements shall be complied with unless and until an application for a stay is granted.

§ 661.82 What to file.

(a) A person filing under this subpart shall file an "Application for Stay," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8(f) shall apply.

§ 661.83 Where to file.

An application for stay of a DOCA order incident to an appeal from such order shall be filed with the DOCA at the address provided in § 661.11.

§ 661.84 Notice.

(a) When administratively feasible, the DOCA shall notify each person reasonably identifiable by the DOCA as one who would be aggrieved by the DOCA action sought, that the applicant has filed for a stay and that the DOCA will accept written comment on the application.

(b) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f) to the applicant. The person shall certify to the DOCA that it has complied with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.85 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include, but not be limited to, all information that relates to the satisfaction of the criteria in § 661.86(b).

(b) The application shall include a description of the proceeding incident to which the stay is being sought. This description shall contain a discussion of all DOCA actions relevant to the proceeding.

(c) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the DOCA's determination regarding it shall be made in accordance with Subpart K of this part.

§ 661.86 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application: *Provided*, That the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application, the DOCA may consider any other source of information. The DOCA on its own initiative may convene a conference, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request additional information is not submitted by the applicant, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice.

(3) The DOCA shall process applications for stay as expeditiously as possible. When administratively feasible, the DOCA shall grant or deny the application for stay within ten (10) business days after receipt of the application.

(4) Notwithstanding the provision for notice to third parties in § 661.84(a), the DOCA may make a decision on an application for stay prior to the receipt of written comments.

(b) *Criteria.* The grounds for granting a stay are:

(1) A showing that irreparable injury will result in the event that the stay is denied;

(2) A showing that denial of the stay will result in a more immediate serious hardship or gross inequity to the applicant than to the other persons affected by the proceeding;

(3) A showing that it would be desirable for public policy or other reasons to preserve the *status quo ante* pending a decision on the merits of the appeal, exception or exemption;

(4) A showing that it is impossible for the applicant to fulfill the requirements of the original order; and

(5) A showing that there is a likelihood of success on the merits.

§ 661.87 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOCA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the decision, and the terms and conditions of the stay.

(c) The DOCA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person reasonably identifiable by DOCA as one who is aggrieved by such decision.

(d) The grant or denial of a stay is not an order of the DOCA subject to administrative review.

(e) In its discretion and upon a determination that such is in accordance with the objectives of the regulations and the FEAA or EPAA, the DOCA may order a stay on its own initiative.

Subpart I—Modification or Rescission

§ 661.91 Purpose and scope.

This subpart establishes the procedures for the filing of an application for modification or rescission of a DOCA order or interpretation. An application for modification or rescission is a summary proceeding that will be initiated only if the criteria described in § 661.96 (b) are satisfied.

§ 661.92 What to file.

(a) A person filing under this subpart shall file an "Application for Modification (or Rescission)," which should be clearly labeled as such both on the application and on the outside of the envelope in which the application is transmitted, and shall be in writing and signed by the person filing the application. The applicant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart.

(b) If the applicant wishes to claim confidential treatment for any information contained in the application or other documents submitted under this subpart, the procedures set out in § 661.8 (f) shall apply.

§ 661.93 Where to file.

The application shall be filed with the DOCA at the address provided in § 661.11.

§ 661.94 Notice.

(a) The applicant shall send by United States mail a copy of the application and any subsequent amendments or other documents relating to the application, from which confidential information has been deleted in accordance with § 661.8(f), to each person who is reasonably ascertainable by the applicant as a person woh will be aggrieved by the DOCA action sought, including persons who participated in the prior proceeding. The copy of the application shall be accompanied by a statement that the person may submit comments regarding the application to the DOCA within ten (10) days. The application filed with the DOCA shall include certification to the DOCA that the applicant has complied with the requirements of this paragraph and shall include the names and addresses of each person to whom a copy of the application was sent.

(b) Notwithstanding paragraph (a) of this section, if an applicant determines that compliance with paragraph

(a) would be impracticable, the applicant shall:

(1) Comply with the requirements of paragraph (a) of this section with regard to those persons whom it is reasonable and possible to notify; and

(2) Include with the application a description of the persons or class of classes of persons to whom notice was not sent. The DOCA may require the applicant to provide additional or alternative notice, or may determine that the notice required by paragraph (a) of this section is not impracticable, or may determine that notices should be published in the FEDERAL REGISTER.

(c) The DOCA shall serve notice on any other person readily identifiable by the DOCA as one who will be aggrieved by the DOCA action sought and may serve notice on any other person that written comments regarding the application will be accepted if filed within ten (10) days of service of that notice.

(d) Any person submitting written comments to the DOCA with respect to an application filed under this subpart shall send a copy of the comments, or a copy from which confidential information has been deleted in accordance with § 661.8(f), to the applicant. The person shall certify to the DOCA that it has compiled with the requirements of this paragraph. The DOCA may notify other persons participating in the proceeding of such comments and provide an opportunity for such persons to respond.

§ 661.95 Contents.

(a) The application shall contain a full and complete statement of all relevant facts pertaining to the circumstances, act, or transaction that is the subject of the application and to the DOCA action sought. Such facts shall include the names and addresses of all affected persons (if reasonably ascertainable); a complete statement of the business or other reasons that justify the act or transaction; a description of the acts or transactions that would be affected by the requested action; and a full description of the pertinent provisions and relevant facts contained in any relevant documents. Copies of all contracts, agreements, leases, instruments, and other documents relevant to the application shall be submitted to the DOCA upon its request. A copy of the order or interpretation of which modification or rescission is sought shall be included with the application. When the application pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information pertaining to the entire transaction shall be submitted.

(b) The applicant shall state whether he requests or intends to request that there be a conference regarding the application. Any request not made at the time the application is filed shall be made as soon thereafter as possible, to insure that the conference is held when it will be most beneficial. The request and the DOCA's determination regarding it shall be made in accordance with Subpart K of this part.

(c) The applicant shall fully describe the events, acts, or transactions that comprise the significantly changed circumstances, as defined in § 661.96(b)(2), upon which the application is based. The applicant shall state why, if the significantly changed circumstance is new or newly discovered facts, such facts were not or could not have been presented during the prior proceeding.

(d) The application shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations, and decisions on appeal and exception relied upon to support the action sought therein.

§ 661.96 DOCA evaluation.

(a) *Processing.* (1) The DOCA may initiate an investigation of any statement in an application and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions from third persons relevant to any application for modification or rescission provided that the applicant is afforded an opportunity to respond to all third person submissions. In evaluating an application for modification or rescission, the DOCA may convene a conference, on its own initiative, if, in its discretion, it considers that such conference will advance its evaluation of the application.

(2) If the DOCA determines that there is insufficient information upon which to base a decision and if upon request the necessary additional information is not submitted, the DOCA may dismiss the application without prejudice. If the failure to supply additional information is repeated or willful, the DOCA may dismiss the application with prejudice. If the applicant fails to provide the notice required by § 661.94, the DOCA may dismiss the application without prejudice.

(3) *Failure to satisfy requirements.* (i) If the applicant fails to satisfy the requirements of paragraph (b)(1) of this section, the DOCA shall issue an order denying the application. The order shall state the grounds for the denial.

(ii) The order denying the application shall become final within ten (10) days of its service upon the applicant, unless within such ten (10) days period an amendment to correct the deficiencies identified in the order is filed with the DOCA.

(iii) Within ten (10) days of the filing of such amendment, the DOCA shall notify the applicant whether the amendment corrects the specified deficiencies. If the amendment does not correct the deficiencies, the notice shall be an order dismissing the application as amended. Such order shall be a final order of the DOCA of which the applicant may seek judicial review.

(b) *Criteria.* (1) An application for modification or rescission of an order or interpretation shall be processed only if:

(i) The application demonstrates that it is based on significantly changed circumstances; and

(ii) The thirty (30) day period within which a person may file an appeal has lapsed or, if an appeal has been filed, a final order has been issued.

(2) For purposes of this subpart, the term "significantly changed circumstances" shall mean:

(i) The discovery of material facts that were not known or could not have been known at the time of the proceeding and action upon which the application is based;

(ii) The discovery of a law, regulation, interpretation, ruling, order, or decision on appeal or exception that was in effect at the time of the proceeding upon which the application is based and which, if such had been made known to the DOCA, would have been relevant to the proceeding and would have substantially altered the outcome; or

(iii) There has been a substantial change in the facts or circumstances upon which an outstanding and continuing order or interpretation of the DOCA affecting the applicant was issued, which change has occurred during the interval between issuance of such order or interpretation and the date of the application and was caused by forces or circumstances beyond the control of the applicant.

§ 661.97 Decision and order.

(a) Upon consideration of the application and other relevant information received or obtained during the proceeding, the DOCA shall issue an order granting or denying the application.

(b) The order shall include a written statement setting forth the relevant facts and the legal basis of the order. The order shall state that it is a final order from which the applicant may seek judicial review.

(c) The DOCA shall serve a copy of the order upon the applicant, any other person who participated in the proceeding and upon any other person reasonably identifiable by the DOCA as one who is aggrieved by such order.

§ 661.98 Timeliness.

(a) If the DOCA fails to take action on any application filed under this subpart within ninety (90) days of filing, the applicant may treat the application as having been denied in all respects and may seek judicial review thereof.

Subpart J—Rulings

§ 661.101 Purpose and scope.

This subpart estiblishes the criteria for the issuance of interpretative rulings by the DOCA. All rulings shall be published in the FEDERAL REGISTER. Any person is entitled to rely upon such ruling, to the extent provided in this subpart.

§ 661.102 Criteria for issuance.

(a) A ruling may be issued, in the discretion of the DOCA, whenever there have been a substantial number of inquiries with regard to similar factual situations or a particular section of the regulations.

(b) The DOCA may issue a ruling whenever it is determined that it will be

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of assistance to the public in applying the regulations to a specific situation.

§ 661.103 Modification or rescission.

(a) A ruling may be modified or rescinded by:

(1) Publication of the modification or rescission in the FEDERAL REGISTER; or

(2) An amendment to Part 660 or 661.

(b) Unless and until a ruling is modified or rescinded as provided in paragraph (a) of this section, no person shall be subject to the sanctions or penalties stated in Subpart N of this part for actions taken in reliance upon the ruling, notwithstanding that the ruling shall thereafter be declared by judicial or other competent authority to be invalid. Upon such declaration, no person shall be entitled to rely upon the ruling.

§ 661.104 Comments.

A written comment on or objection to a published ruling may be filed at any time with the DOCA at the address specified in § 661.11.

§ 661.105 Appeal.

There is no administrative appeal of a ruling.

Subpart K—Conferences and Hearings

§ 661.111 Purpose and scope.

This subpart establishes the procedures for requesting and conducting a DOCA conference or hearing. Such proceedings shall be convened in the discretion of the DOCA.

§ 661.112 Conferences.

(a) The DOCA in its discretion may direct that a conference be convened, on its own initiative or upon request by a person, when it appears that such conference will materially advance the proceeding. The determination as to who may attend a conference convened under this subpart shall be in the discretion of the DOCA, but a conference will usually not be open to the public.

(b) A conference may be requested in connection with any proceeding of the DOCA by any person who might be aggrieved by that proceeding. The request may be made in writing or verbally, but must include a specific showing as to why such conference will materially advance the proceeding. The request shall be addressed to the DOCA.

(c) A conference may only be convened after actual notice of the time, place, and nature of the conference is provided to the person who requested the conference.

(d) When a conference is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the conference, but will be treated as if submitted in the regular course of the proceedings. A transcript of the conference will not usually be prepared. However, the DOCA in its discretion may have a verbatim transcript prepared.

(e) Because a conference is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the DOCA in its discretion determines that such would be advisable.

§ 661.113 Hearings.

(a) The DOCA in its discretion may direct that a hearing be convened, on its own initiative or upon request by a person, when it appears that such hearing will materially advance the proceeding. The determination as to who may attend a hearing convened under this subpart shall be in the discretion of the DOCA, but a hearing will usually not be open to the public.

(b) A hearing may only be requested in connection with an application for an exception, exemption, or an appeal. Such request may be by the applicant, appellant, or any other person who might be aggrieved by the DOCA action sought. The request shall be in writing and shall include a specific showing as to why such hearing will materially advance the proceeding. The request shall be addressed to the DOCA.

(c) The DOCA will designate an agency official to conduct the hearing, and will specify the time and place for the hearing.

(d) A hearing may only be convened after actual notice of the time, place, and nature of the hearing is provided both to the applicant or appellant and to any other person reasonably identifiable by the DOCA as one who will be aggrieved by the DOCA action involved. The notice shall include, as appropriate:

(1) A statement that such person may participate in the hearing; or

(2) A statement that such person may request a separate conference or hearing regarding the application or appeal.

(e) When a hearing is convened in accordance with this section, each person may present views as to the issue or issues involved. Documentary evidence may be presented at the hearing, but will be treated as if submitted in the regular course of the proceedings. A transcript of the hearing will not usually be prepared. However, the DOCA in its discretion may have a verbatim transcript prepared.

(f) The official conducting the hearing may administer oaths and affirmations, rule on the presentation of information, receive relevant information, dispose of procedural requests, determine the format of the hearing, and otherwise regulate the course of the hearing.

(g) Because a hearing is solely for the exchange of views incident to a proceeding, there will be no formal reports or findings unless the DOCA in its discretion determines that such would be advisable.

Subpart L—Complaints

§ 661.121 Purpose and scope.

This subpart establishes the procedures for the filing and consideration of complaints relating to alleged violations of the regulations of Part 660 of this subchapter, or any ruling or order issued thereunder.

§ 661.122 What to file.

(a) A person filing under this subpart shall file a "Complaint," which should be clearly labeled as such both on the complaint and on the outside of the envelope in which the complaint is transmitted, and shall be in writing and signed by the person filing the complaint. The complainant shall comply with the general filing requirements stated in § 661.8 in addition to the requirements stated in this subpart. Verbal complaints that otherwise satisfy the requirements of this subpart will be accepted, but written verification may be requested by the DOCA.

(b) The requirements of this section and § 661.124 may be satisfied by filing the appropriate DOCA form.

§ 661.123 Where to file.

A complaint shall be filed with the DOCA at the address provided in § 661.11.

§ 661.124 Contents.

The complaint shall be the appropriate DOCA form which shall be completed in accordance with the instructions which accompany the form. If there is not a current DOCA form appropriate or available, the complaint shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the complaint and to the DOCA action sought. Such facts shall include the names and addresses of all persons involved (if reasonably ascertainable) and a description of the events that led to the complaint. It shall include a statement describing the regulation, ruling, order, or interpretation that allegedly had been violated.

§ 661.125 DOCA evaluation.

(a) *Processing.* The DOCA may initiate an investigation of any statement in a complaint and utilize in its evaluation any relevant facts obtained by such investigation. The DOCA may solicit and accept submissions relevant to a complaint from third persons to the proceeding. In evaluating a complaint, the DOCA may consider any other source of information. The DOCA on its own initiative may order a conference, if in its discretion, it considers such conference will advance its evaluation of the complaint.

(b) *Confidentiality of information.* Information received in the investigation of a complaint, including the identity of the complainant and any other person who provides information during the proceeding, shall remain confidential unless, upon proper notice to the complainant and an opportunity to respond, the DOCA determines that disclosure would be in the public interest.

§ 661.126 Decision.

After consideration of a written complaint and other relevant information received or obtained during the proceeding, the DOCA may:

(a) Issue a notice of probable violation or remedial order for immediate compliance in accordance with the provisions of Subpart M of this part;

(b) Determine that no violation has occurred or that a notice of probable violation or a remedial order for immediate compliance would not be appropriate; or

(c) Take such other action as it deems appropriate.

Subpart M—Notice of Probable Violation and Remedial Order

§ 661.131 Purpose and scope.

(a) This subpart establishes the procedures for determining the nature and extent of violations of the DOCA regulations and the procedures for issuance of a notice of probable violation, a remedial order or a remedial order for immediate compliance.

(b) When any report required by the DOCA or any audit or investigation discloses, or the DOCA otherwise discovers, that there is reason to believe a violation of any provision of Part 660 of this subchapter, or any order issued thereunder, has occurred, is continuing or is about to occur, the DOCA may conduct proceedings to determine the nature and extent of the violation and may issue a remedial order thereafter. The DOCA may commence such proceeding by serving a notice of probable violation or by issuing a remedial order for immediate compliance.

§ 661.132 Notice of probable violation.

(a) The DOCA may begin a proceeding under this subpart by issuing a notice of probable violation if the DOCA has reason to believe that a violation has occurred, is continuing, or is about to occur.

(b) Within ten (10) days of the service of a notice of probable violation, the person upon whom the notice is served may file a reply with the DOCA at the address provided in § 661.11. The DOCA may extend the ten (10) day period for good cause shown.

(c) The reply shall be in writing and signed by the person filing it. The reply shall contain a full and complete statement of all relevant facts pertaining to the act or transaction that is the subject of the notice of probable violation. Such facts shall include a complete statement of the business or other reasons that justify the act or transaction, if appropriate; a detailed description of the act or transaction; and a full discussion of the pertinent provisions and relevant facts reflected in any documents submitted with the reply. Copies of all relevant contracts, agreements, leases, instruments, and other documents shall be submitted with the reply. When the notice of probable violation pertains to only one step of a larger integrated transaction, the facts, circumstances, and other relevant information regarding the entire transaction shall be submitted.

(d) The reply shall include a discussion of all relevant authorities, including, but not limited to, DOCA rulings, regulations, interpretations, and decisions on appeals and exceptions relied upon to support the particular position taken.

(e) The reply should indicate whether the person requests or intends to request a conference regarding the notice. Any request not made at the time of the reply shall be made as soon thereafter as possible to insure that the conference is held when it will be most beneficial. A request for a conference must conform to the requirements of Subpart K of this part.

(f) If a person has not filed a reply with the DOCA within the ten (10) day period provided, and the DOCA has not extended the ten (10) day period, the person shall be deemed to have conceded the accuracy of the factual allegations and legal conclusions stated in the notice of probable violation.

(g) If the DOCA finds, after the ten (10) day period provided in § 661.132(b), that no violation has occurred, is continuing, or is about to occur, or that for any reason the issuance of a remedial order would not be appropriate, it shall notify, in writing, the person to whom a notice of probable violation has been issued that the notice is rescinded.

§ 661.133 Remedial order.

(a) If the DOCA finds, after the ten (10) day period provided in § 661.132(b), that a violation has occurred, is continuing, or is about to occur, the DOCA may issue a remedial order. The order shall include a written opinion setting forth the relevant facts and the legal basis of the remedial order.

(b) A remedial order issued under this section shall be effective upon issuance, in accordance with its terms, until stayed, suspended, modified, or rescinded. A remedial order shall remain in effect notwithstanding the filing of an application to stay it under Subpart H of this part or to modify or rescind it under Subpart I of this part.

(c) A remedial order may be referred at any time to the Department of Justice of the Commonwealth of Puerto Rico for appropriate action in accordance with Subpart N of this part.

§ 661.134 Remedial order for immediate compliance.

(a) Notwithstanding the provisions of §§ 661.132 and 661.133, the DOCA may issue a remedial order for immediate compliance, which shall be effective upon issuance and until rescinded or suspended, if it finds:

(1) There is a strong probability that a violation has occurred, is continuing or is about to occur;

(2) Irreparable harm will occur unless the violation is remedied immediately; and

(3) The public interest requires the avoidance of such irreparable harm through immediate compliance and waiver of the procedures afforded under §§ 661.132 and 661.133.

(b) A remedial order for immediate compliance shall be served promptly upon the person against whom such order is issued by telex or telegram, with a copy served by registered or certified mail. The copy shall contain a written statement of the relevant facts and the legal basis for the remedial order for immediate compliance, including the findings required by paragraph (a) of this section.

(c) The DOCA may rescind or suspend a remedial order for immediate compliance if it appears that the criteria set forth in paragraph (a) of this section are no longer satisfied. When appropriate, however, such a suspension or rescission may be accompanied by a notice of probable violation issued under § 661.132.

(d) If at any time in the course of a proceeding commenced by a notice of probable violation the criteria set forth in paragraph (a) of this section are satisfied, the DOCA may issue a remedial order for immediate compliance, even if the ten (10) day period for reply specified in § 661.132(b) has not expired.

(e) At any time after a remedial order for immediate compliance has become effective, the DOCA may refer such order to the Department of Justice of the Commonwealth of Puerto Rico for appropriate action in accordance with Subpart N of this part.

§ 661.135 Remedies.

A remedial order or a remedial order for immediate compliance may require the person to whom it is directed to take such other action as the DOCA determines is necessary to eliminate or to compensate for the effects of a violation.

§ 661.136 Appeal.

(a) No notice of probable violation issued pursuant to this subpart shall be deemed to be an action of which there may be an administrative appeal pursuant to Subpart G of this part.

(b) Any person to whom a remedial order or a remedial order for immediate compliance is issued under this subpart may file an appeal with the DOCA and in accordance with Subpart G of this part. The appeal must be filed within ten (10) days of service of the order from which the appeal is taken.

Subpart N—Investigations, Violation, Sanctions and Judicial Action

§ 661.141 Investigations.

(a) *General.* The DOCA may, in its discretion, initiate investigations relating to compliance by any person with any rule, regulation, or order promulgated by the DOCA, any decree of court relating thereto, or any other agency action. The DOCA encourages voluntary cooperation with its investigations. The DOCA may conduct investigative conferences and hearings in the course of any investigation in accordance with Subpart K of this part.

(b) *Investigators.* Investigations will be conducted by representatives of the DOCA who are duly designated and authorized for such purposes. Such representatives have the authority to administer oaths and receive affirmations in any matter under investigation by the DOCA.

(c) *Notification.* Any person who is under investigation by the DOCA in accordance with this section and who is

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requested to furnish information or documentary evidence shall be notified as to the general purpose for which such information or evidence is sought.

(d) *Termination.* When the facts disclosed by an investigation indicate that further action is unnecessary or unwarranted at that time, the investigative file will be closed without prejudice to further investigation by the DOCA at any time that circumstances so warrant.

(e) *Confidentiality.* Information received in an investigation under this section, including the identity of the person investigated and any other person who provides information during the investigation, shall, unless otherwise determined by the DOCA to be in the public interest, remain confidential.

§ 661.142 Violations.

Any practice that circumvents or contravenes or results in a circumvention or contravention of the requirements of any provision of Part 660 of this subchapter or any order issued pursuant thereto is a violation of the DOCA regulations stated in Part 660 of this subchapter.

§ 661.143 Sanctions.

(a) *General.* Any person who violates any provision of Part 660 of this subchapter or any order issued pursuant thereto shall be subject to penalties and sanctions as provided herein:

(1) The provisions herein for penalties and sanctions shall be deemed cumulative and not mutually exclusive.

(2) Each day that a violation of the provisions of Part 660 of this subchapter or any order issued pursuant thereto continues shall be deemed to constitute a separate violation of the provisions of Part 660 of this subchapter and this Part 661 relating to criminal fines and civil penalties.

(b) *Criminal penalties.* Any person who wilfully violates any provision of Part 660 of this subchapter or any order issued pursuant thereto shall be subject to a fine or not more than Five Thousand Dollars ($5,000) for each violation. Criminal violations are prosecuted by the Department of Justice of the Commonwealth of Puerto Rico upon referral by the DOCA.

(c) *Civil penalties.* (1) Any person who violates any provision of Part 660 of this subchapter or any order issued pursuant thereto shall be subject to a civil penalty of not more than Two Thousand Five Hundred Dollars ($2,500) for each violation. Actions for civil penalties are prosecuted by the Department of Justice of the Commonwealth of Puerto Rico upon referral by the DOCA.

(2) When the DOCA considers it to be appropriate or advisable, the DOCA may compromise and settle and collect civil penalties.

§ 661.144 Injunctions.

Whenever it appears to the Administrator of the DOCA, or his delegate, that any person has engaged, is engaged, or is about to engage in any act or practice constituting a violation of any regulation or order issued under Part 660 of this subchapter, the Administrator, or his delegate, may request the Attorney General of the Commonwealth of Puerto Rico to bring a court action to enjoin such acts or practices and, upon a proper showing a temporary restraining order or a preliminary or permanent injunction shall be granted without bond. The relief sought may include a mandatory injunction commanding any person to comply with any such order or regulation.

Subpart O—Antitrust Applicability

§ 661.151 Scope.

The purpose of this subpart is to set forth the relationship between the requirements of Part 660 of this subchapter and the antitrust laws of the United States.

§ 661.152 General rule.

Notwithstanding any provision to the contrary elsewhere in Part 660 of this subchapter, except as specifically provided in this subpart, the provisions of this subpart neither provide immunity from civil or criminal liability under the antitrust laws to any person subject to the provisions of Part 660 of this subchapter and this Part 661, nor create a defense to any action under the antitrust laws.

§ 661.153 Definitions.

For the purposes of this subpart, "antitrust laws" includes:

(1) The Sherman Antitrust Act (15 U.S.C. 1 et seq., July 2, 1890, as amended);

(2) The Clayton Act (15 U.S.C. 12 et seq., October 13, 1914, as amended);

(3) The Federal Trade Commission Act (15 U.S.C. 41 et seq.);

§ 661.154 Meetings.

By order of the DOCA, whenever it becomes necessary in order to comply with the provisions of these regulations, that owners, directors, officers, agents, employees, or representatives of two or more persons engaged in the business of producing, refining, marketing, or distributing of any product subject to the requirements of these regulations must meet, confer, or communicate in such fashion and to such ends that might otherwise be construed to constitute a violation of the antitrust laws, such activities may be permitted; provided, the criteria of § 661.155 are met.

§ 661.155 Criteria for meetings.

Persons permitted by order to so meet, confer, or otherwise communicate shall:

(a) Obtain from the DOCA an order which specifies and limits the subject matter to be discussed, and the objectives of such meeting, conference or other communication;

(b) Meet only in the presence of a representative of the Antitrust Division of the Department of Justice of the United States;

(c) Take a verbatim transcript of such meeting, conference, or other communication; and

(d) Submit such verbatim transcript and any agreement resulting from such meeting, conference, or other communication to the Attorney General of the United States and to the Federal Trade Commission.

§ 661.154 Defense antitrust.

Compliance with the provisions of § 661.155 shall make available to the affected parties a defense to any action brought under the antitrust laws arising from any meeting, conference, or communication, or agreement arising therefrom: *Provided*, That such meeting, conference, or other communication was held and any resulting agreement was made solely for the purpose of complying with the provisions of Part 660 of this subchapter and this Part 661.

§ 661.157 Defenses: Antitrust and breach of contract.

Compliance with the provisions of the regulations of Part 660 of this subchapter shall make available a defense to any action brought under the antitrust laws or for breach of contract in any Federal or State court arising out of delay or failure to provide, sell, or offer for sale or exchange any product subject to these regulations: *Provided*, That such defense shall be available only if such delay or failure was caused solely by compliance with the provisions of Part 660 of this subchapter.

[FR Doc.74-25825 Filed 11-5-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit

[24 CFR Part 275]

[Docket No. R-74-267]

LOW RENT PUBLIC HOUSING

Prototype Cost Limits

In the FEDERAL REGISTER issued Friday, May 17, 1974 (39 FR 17678), prototype per unit cost schedules were published pursuant to section 15(5) of the U.S. Housing Act of 1937. Consideration of subsequent factual cost data and other information received from the Sioux Falls Insuring Office and the Denver Regional Office indicates that (1) certain prototype cost areas for South Dakota published May 17, 1974, should be deleated (2) certain existing prototype cost areas should be remand and (3) certain new prototype areas should be added. The subsequent factual cost data also indicated that certain per unit cost schedules for South Dakota should be revised.

Written data, views or statements may be filed with the appropriate HUD Area Office on or before December 6, 1974. The offices were listed in our publication of May 17, 1974.

Accordingly, it is proposed to amend 24 CFR Part 275 as follows:

1. On page 17731, delete the existing prototype costs for Black Hills and Mitchell, South Dakota entitled Prototype Per Unit Cost Schedules.

2. On page 17732, change the names of the following existing prototype cost areas as set forth below:

Winner to Mission
Stephen to Fort Thompson
Isabel to McLaughlin

3. On page 17732, add the following new prototype cost areas:

Eagle Butte
Wagner
Sisseton

The new prototype per unit costs for Mission, Fort Thompson, McLaughlin, Eagle Butte, Wagner and Sisseton, South Dakota are shown on the table set forth hereinafter entitled Prototype Per Unit Cost Schedule (section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d)).

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE—REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Mission, S. Dak.:							
Detached and semidetached	13,400	16,150	19,900	23,650	28,500	31,750	33,100
Row dwellings	12,650	15,350	18,900	22,600	27,200	30,050	31,600
Walk-up	11,950	15,000	18,950	22,450	26,050	28,600	30,250
Elevator-structure	17,100	19,950	25,200				
Fort Thompson, S. Dak.:							
Detached and semidetached	13,400	16,150	19,900	23,650	28,500	31,750	33,100
Row dwellings	12,650	15,350	18,900	22,600	27,200	30,050	31,600
Walk-up	11,950	15,000	18,950	22,450	26,050	28,600	30,250
Elevator-structure	17,100	19,950	25,200				
McLaughlin, S. Dak.:							
Detached and semidetached	13,150	15,850	19,600	23,250	28,000	31,250	32,600
Row dwellings	12,650	15,350	18,900	22,600	27,200	30,050	31,600
Walk-up	11,950	15,000	18,950	22,450	26,050	28,600	30,250
Elevator-structure	17,100	19,950	25,200				
Eagle Butte, S. Dak.:							
Detached and semidetached	13,150	15,850	19,600	23,250	28,000	31,250	32,600
Row dwellings	12,650	15,350	18,900	22,600	27,200	30,050	31,600
Walk-up	11,950	15,000	18,950	22,450	26,050	28,600	30,250
Elevator-structure	17,100	19,950	25,200				
Wagner, S. Dak.:							
Detached and semidetached	13,150	15,850	19,600	23,250	28,000	31,250	32,600
Row dwellings	12,650	15,350	18,900	22,600	27,200	30,050	31,600
Walk-up	11,950	15,000	18,950	22,450	26,050	28,600	30,250
Elevator-structure	17,100	19,950	25,200				
Sisseton, S. Dak.:							
Detached and semidetached	13,150	15,850	19,600	23,250	28,000	31,250	32,600
Row dwellings	12,650	15,350	18,900	22,600	27,200	30,050	31,600
Walk-up	11,950	15,000	18,950	22,450	26,050	28,600	30,250
Elevator-structure	17,100	19,950	25,200				

[FR Doc.74-25812 Filed 11-5-74;8:45 am]

[24 CFR Part 410]

[Docket No. R74-301]

LOW-RENT PUBLIC HOUSING

Proposed Dwelling Leases Procedures and Requirements

Notice is hereby given that the Department of Housing and Urban Development proposes to revise its existing procedures and requirements to restate and clarify in certain respects the requirements presently imposed on Local Housing Authorities in regard to low-rent public housing dwelling leases and, in addition, to make certain changes in the requirements and procedures of the Department. On June 14, 1973, the Department published in the FEDERAL REGISTER (38 FR 15988-9) a Notice that "a review and evaluation is being made" of Circular RHM 7465.8 "Requirements and Recommendations to be Reflected in Tenant Dwelling Leases for Low-Rent Public Housing Projects" soliciting comments from interested organizations and individuals, and advising that at the conclusion of the study, regulations with any proposed changes would be published in the FEDERAL REGISTER for written comments prior to final adoption by the Department. This notice of Proposed Procedures and Requirements is being published in accordance with that Notice.

The proposed procedures and requirements include certain additional existing procedures and requirements set forth in Circular RHM 7465.6 "Prohibition of Certain Provisions in Low-Rent Public Housing Leases;" Circular RHM 7465.7 "Charges to Tenants for Excess Use of Utilities in Low-Rent Public Housing Projects;" and RHA 7465.1 "Low-Rent Housing Income Limits, Rents, and Occupancy Handbook, Paragraph 9, Termination of Tenancy;" deletes the reference to a model lease contained in Circular RHM 7465.8 and sets forth the standards and criteria applicable to the provisions required to be included in a low-rent public housing lease.

While the proposed procedures and requirements will in large measure restate the existing procedures and requirements, they will establish new procedures and requirements with respect to the following matters:

1. Section 410.53(b)(1) provides for payments under the lease to include, in addition to the amount fixed as rent for the use and occupancy, the amounts fixed for excess consumption of utilities, additional or special services, use of special equipment and reasonable cost of repairs for damages intentionally or negligently caused by the tenant, his family members or guests, so that remedies available for nonpayment of rent are applicable also to these charges.

2. Section 410.53(f) and (h) specify the tenant's right to use an occupancy and the tenant's obligations, respectively, and § 410.53(g) specifies the obligations of the Local Housing Authority which shall be set forth in the Dwelling Lease.

3. Provision is mode in § 410.53(o) that rental and other charges must be deposited in escrow as a condition to availability of the Grievance Procedure established under Part 410, Subpart F of these Regulations.

4. The provisions of § 410.53(j) specify the obligations of the parties in the event damage renders the premises uninhabitable and sets forth the conditions under which rent may be abated.

Interested parties are invited to submit written comments, suggestions and amendments particularly in regard to the new procedures and requirements listed above by December 9, 1974, addressed to the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available or public inspection during regular business hours at the above address.

It is therefore proposed to amend 24 CFR by adding Part 410, Subpart E, as set forth below:

Subpart E—Dwelling Leases

Sec.
410.51 Purpose and scope.
410.53 Lease requirements.
410.55 Posting of policies, rules and regulations.
410.57 Prohibited lease provisions.
410.59 Optional provisions.

AUTHORITY: Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 2(1) of the U.S. Housing Act of 1937 (42 U.S.C. 1402(1)); sec. 201 of the Housing and Community Development Act of 1974, Pub. L. 93-383.

Subpart E—Dwelling Leases

§ 410.51 Purpose and scope.

The purpose of this Subpart E is to prescribe the provisions that shall be incorporated in leases by Local Housing Authorities (LHA) of dwelling units assisted under the U.S. Housing Act of 1937 (the Act), implementing the requirement of the Annual Contributions Contract (ACC) between the LHA and the Department of Housing and Urban Development (HUD) for execution of written leases with tenants of dwelling units containing all provisions necessary to meet the requirements of the Act and the ACC and providing that the LHA shall not terminate the tenancy for other than violation of the lease or other good cause. The provisions of Subpart E are applicable to all dwelling leases entered into directly by LHAs with tenants. These provisions are not applicable to Section 23 leased housing including the section 23 Housing Assistance Payments Program where the owner of the accommodations leases the units directly to the tenants. This Subpart E is also inapplicable to the Low-Rent Housing Homeownership Opportunities Program (Turnkey III),

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to the Mutual Help Homeownership Opportunity Program, and to the Section 8 Lower-Income Housing Assistance Program.

§ 410.53 Lease requirements.

A lease shall be entered into between the LHA and each tenant of a dwelling unit which shall contain the provisions described hereinafter.

(a) *Identification of parites and premises.* Names of the parties to the lease and identification of the premises leased.

(b) *Required payments.* The amount and due date of Required Payments.

(1) The term "Required Payments" shall include (i) the amount fixed as rent for use and occupancy of the premises, including provision of services and equipment customarily furnished by management without extra cost; (ii) amounts chargeable for excess consumption of utilities, additional or special services, and use of special equipment; and (iii) reasonable cost of repairs for damages to the leased dwelling, project buildings, project facilities or other project areas intentionally or negligently caused by the tenant, by members of the tenant's family, or by their guests.

(2) The provision for Required Payments shall separately designate the amounts fixed in accordance with subparagraph (1) of this paragraph for each of the categories specified and for each of the individual items specified in subparagraph (1) (ii) and (iii) of this paragraph for which a charge is to be made.

(c) *Utilities furnished.* The utilities and quantities thereof to be furnished to the tenant by the LHA without additional cost. The imposition of charges for excess consumption of utilities is permissible only if such charges are determined by an individual check meter servicing the leased unit or result from the use of major tenant-supplied appliances.

(d) *Special charges.* Special charges which will be made for excess consumption of utilities, additional or special services, use of additional equipment, and charges for repair. The schedule of such charges which shall be posted in the project office may be incorporated by reference in the lease. Flat service charges not to exceed the utility cost for normal use may be made for major electrical appliances supplied by the tenant.

(e) *Rental redeterminations.* The requirements for redetermination of rentals shall include (1) the frequency of such rental redeterminations; (2) the agreement by the tenant to furnish such information and certifications regarding family composition and income as may be necessary for the LHA to make determinations with respect to rent and appropriateness of dwelling size; (3) the agreement by the tenant to transfer to an appropriate size dwelling unit based on family composition, upon appropriate notice by the LHA that such a dwelling unit is available; and (4) the LHA's policies in regard to interim determinations of income which shall be posted in the project office and incorporated in the lease by reference.

(f) *Tenant's right to use and occupancy.* The tenant shall have the right to exclusive use and occupancy of the leased premises which shall include reasonable accommodation of tenant's guests or visitors and may include, with the consent of the LHA, care of foster children and live-in care of a member of the tenant's family, until such time as the lease shall be terminated in accordance with § 410.53(n) hereof.

(g) *LHA's Obligations.* The LHA shall be obligated under the lease (1) to maintain the premises and the project in a decent, safe and sanitary condition; (2) to comply with requirements of applicable building codes, housing codes, and HUD regulations materially affecting health and safety; (3) to make necessary repairs, alterations and improvements to the premises necessitated by normal wear and tear; (4) to keep project buildings, facilities and common areas, not otherwise assigned to the tenant for maintenance and upkeep, in a clean and safe condition; (5) to maintain in good and safe working order and condition electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances, including elevators, supplied or required to be supplied by the LHA: *Provided*, That if maintenance or repairs are made necessary by reason of damages intentionally or negligently caused by the tenant, tenant's family or guests, then the reasonable cost of such maintenance or repairs shall be charged to the tenant; (6) to provide and maintain appropriate receptacles and facilities for the collection of ashes, garbage, rubbish and other waste removed from the premises by the tenant in accordance with § 410.53(h) (7) hereof, and (7) to supply running water and reasonable amounts of hot water at all times, and reasonable amounts of heat at appropriate times of the year (according to local custom and usage) except where the building that includes the dwelling unit is not required by law to be equipped for that purpose, or where heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct utility connection.

(h) *Tenant's obligations.* The tenant shall be obligated under the lease (1) not to assign the lease or sublease the premises; (2) not to provide accommodations for boarders or lodgers; (3) to use the premises solely as a private dwelling unit for the tenant, the tenant's family and/or dependents, and not to use or permit its use for any other purpose; (4) to abide by necessary and reasonable regulations promulgated by the LHA for the benefit and well-being of the housing project and the tenants which shall be posted in the project office and incorporated by reference in the lease; (5) to comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety; (6) to keep the premises and such other areas as may be assigned to him for maintenance and upkeep as clean and safe as the condition of the premises permit; (7) to dispose of all ashes, garbage, rubbish, and other waste from the premises in a sanitary and safe manner; (8) to use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appurtenances including elevators; (9) to refrain from and cause his family members and guests to refrain from deliberately or negligently destroying, defacing, damaging, or removing any part of the premises or project; (10) to pay reasonable charges for the repair of damages to the premises, project buildings, facilities or common areas intentionally or negligently caused by the tenant, his family members or guests, and (11) to conduct himself and cause other persons on the premises with his consent to conduct themselves in a manner which will not disturb his neighbors' peaceful enjoyment of their accommodations and will be conducive to maintaining the project in a safe and sanitary condition.

(i) *Single-family residence.* If the dwelling unit is a single-family residence the LHA and the tenant may agree that the tenant shall perform all or a part of the repairs, maintenance, and other of the LHA's duties as specified in § 410.53 (g) (3), (4), (5), (6) and (7). In any event, the lease shall specify the duties to be performed by the tenant.

(j) *Damage rendering the premises uninhabitable.* The rights and obligations of the tenant and the LHA in the event that premises are rendered uninhabitable under which (1) the tenant shall immediately notify project management of the extent of the damage; (2) the LHA shall be responsible for repair of the unit within a reasonable time: *Provided*, That if the damage was intentionally or negligently caused by the tenant, tenant's family or guests, the reasonable cost of the repairs shall be charged to the tenant; (3) the LHA shall offer alternative accommodations, if available, in circumstances where necessary repairs cannot be made within a reasonable time; (4) provision shall be made for abatement of rent in proportion to the seriousness of the damage and loss in value as a dwelling in the event repairs are not made in accordance with subparagraph (2) of this paragraph or alternative accommodations not provided in accordance with subparagraph (3) of this paragraph, except that no abatement of rent shall occur if the tenant rejects the alternative accommodations or if the damage was intentionally or negligently caused by the tenant, tenant's family or guests.

(k) *Pre-occupancy and pre-termination inspections.* The LHA shall be obligated to inspect the premises prior to commencement of occupancy by the tenant and furnish the tenant with a written statement of the condition of the premises, the dwelling unit and the equipment provided with the unit. The LHA shall be further obligated to inspect the unit at the time the tenant vacates the unit and to furnish the tenant a statement of any charges to be made in accordance with § 410.53(d). Provision shall be made for the tenant's participation in such inspections.

(l) *Entry of premises during tenancy.* The circumstances under which the LHA may enter the premises during the tenant's possession thereof under which (1) the LHA shall, upon reasonable advance notification to the tenant, be permitted to enter the dwelling unit for the purpose of examining its condition, for making improvements or repairs, or to show the premises for re-leasing; (ii) entry shall be made during reasonable hours except that the LHA may enter the premises at any time when there is reasonable cause to believe that an emergency exists; and (iii) the LHA shall notify the tenant in writing, specifying the date, time and purpose of the entry, in the event that the tenant and all adult members of his family are absent from the premises at the time of entry.

(m) *Notice procedures.* Procedures to be followed in giving notice thereunder which shall require that (1) notice to the tenant shall be in writing and delivered to the tenant or to an adult member of the tenant's family residing in the dwelling or sent by prepaid first-class mail properly addressed to the tenant and (2) notice to the LHA shall be in writing, delivered to the Project Office or the LHA Central Office or sent by prepaid first-class mail, properly addressed.

(n) *Termination of lease.* Procedures to be followed by the LHA and by the tenant in terminating the lease which shall include provisions (1) that the LHA shall not terminate the lease other than for violation of the terms of the lease or for other good cause; (2) the LHA shall give a thirty-day notice of termination to the tenant in accordance with paragraph (m) of this section; (3) the notice of termination to the tenant shall state the reasons for the termination or, if deemed necessary by the LHA, the LHA shall inform the tenant in a private conference of the reasons for the termination; and (4) the notice of termination shall inform the tenant of his right to make such reply as he may wish and to request a hearing in accordance with the LHA's grievance procedure.

(o) *Grievance procedure.* All disputes concerning the obligations of the tenant or the LHA shall be resolved in accordance with the LHA's grievance procedures which shall comply with Subpart F of this part, subject to the requirement that if rent and/or other Required Payments are in dispute, the amount in dispute shall be escrowed and amounts not in dispute paid to the LHA in accordance with the payment provision of the lease, as a condition to availability of the grievance procedures.

(p) *Provision for modifications.* Provision for modification of the lease only by a written rider to the lease.

(q) *Signature clause.* Signature clause attesting that the lease has been executed by the parties.

§ 410.55 Posting of policies, rules and regulations.

Schedules of special charges for services and repairs which are required to be incorporated in the lease by reference shall be publicly posted in a conspicuous manner in the Project Office and shall be furnished to applicants and tenants on request. Other management policies, rules and regulations may be incorporated in the lease by reference and shall, if so incorporated, be publicly posted and furnished applicants and tenants in the manner specified above.

§ 410.57 Prohibited lease provisions.

Lease clauses of the nature described below shall not be included in new leases between an LHA and a tenant and shall be deleted from existing leases either by amendment thereof or execution of a new lease.

(a) *Confession or judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(b) *Distraint for rent or other charges.* Agreement by tenant that landlord is authorized to take property of the tenant and hold it as a pledge until the tenant performs the obligation which the landlord has determined the tenant has failed to perform.

(c) *Exculpatory clauses.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representatives or agents.

(d) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed, thus preventing the tenant from defending against the lawsuit.

(e) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(f) *Waiver of jury trial.* Authorization of the landlord's lawyer to appear in court for the tenant and waive the right to a trial by jury.

(g) *Waiver of right to appeal judicial error in legal proceedings.* Authorization to the landlord's lawyer to waive the right to appeal for judicial error in any suit or to waive the right to file a suit in equity to prevent the execution of a judgment.

(h) *Tenant chargeable with cost of legal actions regardless of outcome.* Provision that tenant agrees to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court determines that the tenant prevails in the action. Prohibition of this type of provision does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.

§ 410.59 Optional provisions.

A lease may, but is not required to, contain the provisions described hereinafter.

(a) *Security deposits.* Security deposits which should not exceed one month's rent or a reasonable fixed amount may be required by the LHA. Provision may be made for gradual accumulation of the security deposit by the tenant. Subject to applicable laws, interest earned on security deposit may be refunded to the tenant on vacation of the premises or used for tenant services or activities.

(b) *Late payment penalties.* Penalties for late payment of rent are permissible but not encouraged. LHAs should accept partial payments of rent or payment more frequent than monthly where such arrangements will alleviate rental delinquencies or tenant hardships.

Issued at Washington, D.C., November 1, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-25994 Filed 11-4-74;9:26 am]

[24 CFR Part 410]

[Docket No. R-74-302]

LOW-RENT PUBLIC HOUSING

Proposed Grievance Procedures and Requirements

Notice is hereby given that the Department of Housing and Urban Development proposes to revise its existing procedures and requirements to restate and clarify in certain respects the requirements presently imposed on Local Housing Authorities in regard to establishment of a grievance procedure and in addition, to make certain changes in the requirements and procedures of the Department. On June 14, 1973, the Department published in the FEDERAL REGISTER (38 FR 15988-9) a Notice that "a review and evaluation is being made" of Circular RHM 7465.9 "Grievance Procedures in Low-Rent Public Housing Projects," soliciting comments from interested organizations and individuals, and advising that at the conclusion of the study, regulations with any proposed changes would be published in the FEDERAL REGISTER for written comments prior to final adoption by the Department. This notice of proposed procedures and requirements is being published in accordance with that notice.

While the proposed procedures and requirements will in large measure restate the existing procedures and requirements, they clarify certain requirements and will establish new procedures and requirements with respect to the following matters:

1. Section 410.62(a) contains a new provision that, in the case of eviction for nonpayment of rent or other Required Payments as defined in § 410.51

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of Subpart E, a hearing need not be provided in jurisdictions which provide for a due process trial on the merits of the case. Summary eviction procedures are not considered such trials under this procedure.

2. Provision is made in § 410.63 for an informal settlement of a grievance or complaint which a complainant may initiate by presenting any grievance or complaint personally, either orally or in writing, to the LHA office or project office, for the purpose of encouraging informal discussion and settlement without a hearing. A summary of the discussion must be prepared and furnished to the tenant specifying the proposed disposition of the complaint and procedure for obtaining a hearing if dissatisfied. This procedure is not intended to be a prerequisite to obtaining a hearing.

3. Provision is made in § 410.64(b) that, in the case of disputes involving rentals or other Required Payments, the complainant must deposit the amount in dispute in an escrow account. This requirement may be waived in extenuating circumstances by the LHA.

4. Section 410.65 clarifies the requirement with respect to persons who may serve as hearing panel members and provides that neither the impartial member of the Hearing Panel, nor the Hearing Officer (whichever is used) may be a Board Member, Officer, or employee of the Local Housing Authority, or a tenant.

5. Section 410.69 clarifies the procedure to be followed in eviction actions if the tenant requests a hearing in accordance with the LHA grievance procedure upon receipt of a Notice of Termination.

Interested parties are invited to submit written comments, suggestions and amendments particularly in regard to the new procedures and requirements listed above by December 9, 1974, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 7th Street, SW., Washington, D.C. 20410. All relevant material will be considered before adoption of a final rule. A copy of each communication will be available for public inspection during regular business hours at the above address.

It is therefore proposed to amend 24 CFR by adding Part 410, Subpart F. as set forth below;

Subpart F—Grievance Procedures

Sec.
410.61 Purpose and scope.
410.62 Applicability.
410.63 Informal Settlement of grievance or complaint.
410.64 Procedure to obtain a hearing.
410.65 Hearing panel.
410.66 Hearing.
410.67 Decision.
410.68 Appeal from decision.
410.69 Notice to vacate premises.

AUTHORITY: Sec. 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 2(1) of the U.S. Housing Act of 1937 (42 U.S.C. 1402(1)); sec 201 of the Housing and Community Development Act of 1974, Public Law 93-383.

Subpart F—Grievance Procedures

§ 410.61 Purpose and scope.

The purpose of this part is to provide for the establishment of a grievance procedure which shall be implemented by all Local Housing Authorities (LHA) and included in their leases to tenants of housing accommodations assisted under the United States Housing Act of 1937, as amended, with such modifications as may be required by local law. Any tenant must be afforded an opportunity for a hearing if he disputes within a reasonable time any LHA action or failure to act involving LHA regulations, policies or procedures which adversely affect his rights, duties, welfare or status.

§ 410.62 Applicability.

(a) This procedure shall be applicable to all individual tenant grievances or disputes concerning the obligations of the tenant or the LHA with respect to the tenancy, except that in those jurisdictions which provide for a due process trial on the merits in eviction cases (summary eviction proceedings shall not be considered such a trial), the LHA may exclude from its grievance procedure tenant grievances or complaints concerning LHA termination of occupancy and eviction action for nonpayment of rent and/or other Required Payments as defined in § 410.51 of Subpart E of this part.

(b) This procedure shall not be applicable to disputes between tenants not involving the LHA or to class grievances such as rent strikes. This procedure is not intended to provide an administrative forum for initiating policy changes.

§ 410.63 Informal settlement of grievance or complaint.

Any grievance or complaint may be personally presented, either orally or in writing, to the LHA office or the project office in which the complainant resides so that the grievance may be discussed informally and settled without a hearing. A summary of such discussion shall be prepared within a reasonable time and one copy shall be given to the tenant and one retained in the LHA's tenant file. The summary shall specify the names of the participants, date of the meeting, the nature of and proposed disposition of the complaint, and the specific reasons therefor, and shall specify the procedures by which a hearing may be obtained, if the complainant is not satisfied.

§ 410.64 Procedure to obtain a hearing.

(a) *Written request.* The complainant shall submit a written request for a hearing to the LHA or project management office within a reasonable time of the date of either the answer to his complaint if he proceeded under § 410.63 and is dissatisfied with the proposed disposition of his grievance or the LHA action or inaction which gave rise to his grievance if he has not proceeded under § 410.63. The written request shall specify:

(1) The particular ground(s) for the grievance; and

(2) The action or relief sought.

(b) *Escrow deposit.* If the complaint involves rent or other Required Payments, as defined in § 410.51, which the LHA claims are due, the complainant shall deposit the amount in dispute in an escrow account before a hearing is scheduled. This requirement may be waived in extenuating circumstances by the LHA. Failure to make such deposit shall not constitute a waiver of complainant's right to contest the LHA's disposition of his complaint in any appropriate judicial proceeding.

(c) *Scheduling of hearing.* A hearing shall thereupon be scheduled for a time and place reasonably convenient to the complainant who shall be notified thereof in writing. The notice of the hearing shall specify the procedure governing the hearing.

(d) *Pre-hearing determination.* The Hearing Panel or Hearing Officer selected in accordance with § 410.65 may determine that the issues raised in the complaint have already been decided in favor of the LHA in another complaint based on essentially the same facts. In such case, the complainant and the LHA shall be notified of such determination and the LHA shall be free to act in accordance with the disposition of the prior complaint and the complainant may seek appropriate relief.

(e) *Failure to request a hearing.* The LHA's proposed disposition of a complaint shall become final in the event that the complainant does not request a hearing as provided in paragraph (a) of this section. Such failure to request a hearing shall not constitute a waiver of the complainant's right thereafter to contest the LHA's disposition of the complaint in an appropriate judicial proceeding.

§ 410.65 Hearing Panel.

The hearing shall be held before an impartial and disinterested person or a Hearing Panel, at the option of the LHA. If a Hearing Panel is used, it shall consist of an uneven number of members. If LHA employees, officers, or Board members are appointed as members of the Hearing Panel, the tenants shall be represented on the Panel in an equal number, and one impartial and disinterested member (together with an alternate) shall be chosen by the other Hearing Panel members. The tenant representatives on the Hearing Panel shall be selected by the tenant body. Relatives of the complainant and LHA officials and employees whose duties or responsibilities have involved them in any way with the complaint shall not be eligible to serve on the Panel. In the event a hearing is to be conducted before an impartial or disinterested person, as Hearing Officer, the selection shall be made by the LHA and shall be acceptable to the complainant. Neither the impartial and disinterested member of the Panel, nor the Hearing Officer, whichever is used, may be a Board member, Officer, or employee of the LHA, or a tenant.

§ 410.66 Hearing.

(a) *Due process requirement.* The complainant shall be afforded a fair hearing providing the basic safeguards of due process before the Hearing Panel or Hearing Officer and may be represented by counsel or another person chosen as his representative. The hearing shall be private unless the complainant requests and the Hearing Panel or Hearing Officer agrees to a public hearing. This restriction shall not be construed to limit the attendance of persons with a valid interest in the proceedings.

(b) *Availability of documents.* The complainant may examine before the hearing and, at his expense, copy all documents, records and regulations of the LHA that are relevant to the hearing. Any document not made available, after request therefor by the complainant, may not be relied on by the LHA at the hearing. The complainant may request, in advance, and at his expense, a transcript of the hearing.

(c) *Failure to appear.* If the complainant fails to appear at a hearing, the Hearing Panel or Hearing Officer may postpone the hearing for not to exceed five business days or may make a determination that complainant has waived his right to a hearing. Such determination shall not constitute a waiver of complainant's right to contest the LHA's disposition of complaint in an appropriate judicial proceeding.

(d) *Proof.* At the hearing the complainant must first make a prima facie case; thereafter, the LHA must sustain the burden of proof in justifying the action against which the complaint is directed. The complainant shall have the right to present evidence and arguments in support of his complaint, to controvert evidence relied on by the LHA or project management, and to confront in a reasonable manner and cross-examine all witnesses on whose testimony or information the LHA or project management relies. Hearings shall be conducted informally by the Hearing Panel or Hearing Officer and any oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to its admissability under rules of evidence employed in judicial proceedings.

§ 410.67 Decision.

The decision of the Hearing Panel or Hearing Officer shall be based solely and exclusively upon facts presented at the hearing and upon applicable Federal and State law, and Federal and LHA regulations and requirements. The Hearing Panel or Hearing Officer shall prepare a written decision setting forth a statement of findings and conclusions, together with the reasons or basis therefor, upon all material issues raised by the parties, within a reasonable time after the hearing. The decision of the Hearing Panel or Hearing Officer shall be binding on the LHA which shall take all actions necessary to carry out the decision or refrain from any action prohibited by the decision unless the LHA determines, and notifies the complainant in writing within a reasonable time that the decision of the Hearing Panel or Hearing Officer is not within its authority or is contrary to applicable Federal, State, or local law, HUD regulations and requirements of the Annual Contributions Contract between HUD and the LHA. Any such decision of the LHA may be judicially reviewed.

§ 410.68 Appeal from decision.

A decision by the Hearing Panel or Hearing Officer in favor of the LHA or which denies the relief requested by the complainant in whole or in part shall not constitute a waiver of, nor affect in any manner whatever, rights he may have to a trial de novo in judicial proceedings which may thereafter be brought in the matter. In judicial proceedings, the LHA shall, by stipulation or other appropriate means, be limited to invoking against the complainant grounds originally relied on by the LHA in its proposed disposition of the complaint.

§ 410.69 Notice to vacate premises.

If the tenant has requested a hearing on a Notice of Termination of tenancy and the Hearing Panel or Hearing Officer upholds the LHA's decision to evict, an action to regain possession may not be commenced until the tenant's right to use and occupancy of the premises has been terminated by lawful written Notice to Vacate. Such Notice to Vacate may not be given prior to the date on which the decision of the Hearing Panel or Hearing Officer is delivered or mailed to the tenant except for complaints disposed of under § 410.64(d). In no case may eviction occur prior to the termination date stated in the original Notice of Termination of tenancy. When the Notice to Vacate is given to the tenant, he must be informed in writing that, if he fails to quit the premises within three days, or on the termination date stated in the Notice of Termination, whichever is later, appropriate action will be brought against him and he may be required to pay court costs and attorney fees. If the tenant elects to contest the legal action, the LHA must establish that the reasons on which it relied in the administrative proceedings constitute good cause for eviction under applicable laws and regulations.

Issued at Washington, D.C., November 1, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-25993 Filed 11-4-74;9:26 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-GL-17]

TRANSITION AREA

Proposed Designation; Withdrawal

On Page 20082 of the FEDERAL REGISTER dated June 6, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Litchfield, Illinois.

Due to the indefinite installation date of the Litchfield, Illinois, Non-Directional Radio Beacon (NDB), the proposed alteration is withdrawn.

Issued in Des Plaines, Ill., on October 4, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74-25852 Filed 11-5-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249]

[Docket No. 27136]

TERMINATION OF "PRIOR AFFINITY" CHARTER AUTHORITY

Notice of Proposed Rule Making

OCTOBER 30, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration proposed amendments of Parts 207, 208, 212, 214, 217, 241, and 249 of the Economic Regulations which would terminate the "prior affinity" charter rules, as well as various technical amendments to other Parts of the Board's regulations so as to reflect the termination of such charter authority. The principal features of the proposals are described in the Explanatory Statement, and the proposed amendments are set forth in the Proposed Rules. The amendments are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, 416(a), and 1001, of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended, 757, 766, 771, and 788; (49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in initial comment received on or before December 5, 1974, and reply comments received on or before December 20, 1974, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by November 15, a request to be placed on the Service List in Docket 27136. The Service List will be prepared by the Docket Section and sent to the persons named thereon. The persons on

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the Service List are to serve each other with their comments or responsive comments at the time of filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Responsive comments may be filed by any person by December 20, 1974, and comments so filed will be considered by the Board. In addition to these on the Service List who filed comments, persons filing responsive comments should also serve any person whose comment is dealt with in their responsive comment.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

By advance notice of proposed rule making, EDR–237,[1] the Board instituted a rulemaking proceeding to consider whether it should propose amendments of Parts 207, 208, 212, and 214 of the Board's Economic Regulations which would suspend the "prior affinity" charter rules during the pendency of the Travel Group Charter (TGC) experiment. The Board's rule authorizing TGC's,[2] adopted less than two months earlier, had indeed evolved in a proceeding based largely on the deficiencies of the "prior affinity" rules.[3]

Pursuant to the Notice, 51 comments were filed by parties from all segments of the industry, as well as from governmental agencies, consumers, and miscellaneous interests including beneficiaries of business generated by so-called affinity charters. Thus, three comments were filed by trunkline carriers,[4] five by supplemental carriers,[5] seven by local service carriers,[6] eight by foreign air carriers,[7] ten by travel agents,[8] two by U.S. Government agencies,[9] one by a foreign governmental agency,[10] twelve by consumers,[11] and three by miscellaneous parties interested in these rules.[12]

Although the comments were virtually unanimous in their opposition to the proposed suspension,[13] the Board has determined, for the reasons more fully set forth hereinbelow, and particularly in light of developments which have occurred since the comments were filed,[14] that it would be appropriate at this time to consider the elimination of the "prior affinity" charter rules. Moreover, we have tentatively concluded that, if we ultimately determine to make this proposal final, then our action should become fully effective by the end of 1975. So that the industry may have ample opportunity to make advance preparations for this eventuality we therefore are giving specific notice that we contemplate cessation of all "prior affinity" charter flights by March 31, 1975, except that charter flights pursuant to such contracts as shall have been executed and duly filed with the Board prior to that date would thereafter be permitted to be performed, but only until December 31, 1975.[14a]

The "prior affinity" charter rules have long been recognized as unsatisfactory, for two major reasons:

1. They inherently tend to be discriminatory, in that they are lawfully available only to persons who belong to an organization (or are employed by an agency or company) which is large enough to mount a successful charter program. Thus, the availability of the kind of low-cost air transportation provided by charter service comes to depend upon the particular status of the prospective traveler, as determined by factors involving his personal or business life. Yet, these factors should clearly be irrelevant to his right, as a member of the general public, to have equal access to all modes of service offered by common carriers, particularly a mode of air travel which is highly economical.

2. The "prior affinity charter" rules, as demonstrated by years of actual experience, are also inherently difficult to enforce. The flouting of these rules by passenger consolidators, engaged in the illegal business of selling charter seats for a fixed price to ostensible members of ostensible organizations, has been widespread.[15] Indeed, insofar as the very concept of the rules involves questions of "bona fide" membership in "bona fide" organizations, at best they invite paper compliance with the largely artificial "objective" requirements which the Board has found it necessary to devise in order to overcome the obvious impossibility of determining the actual "bona fides" of each member of each organization. Thus, for example, certain fraternal organizations—whose bona fides are unquestioned—are known to sponsor elaborate charter programs. Since these programs are a feature prominently mentioned, if not highlighted, in their membership drives, there is no way of knowing how many of their memberships are actually motivated by a desire for the opportunity to enjoy substantial savings in vacation travel rather than by a genuine interest in strengthening fraternal ties. Yet, under our rules, a member is, in effect, conclusively presumed to be "bona fide" if he joined the organization at least 6 months before the particular charter flight departs.[16]

Despite the problems inevitably raised by the prior affinity rules (and, to a large extent, because of the difficulty of enforcing them) this mode of charter travel has traditionally been the mainstay of charter operations. And, since the operation of charters is the only type of service which may be performed by U.S. supplemental carriers [17] and those foreign carriers whose permit authority is expressly so limited, "prior affinity" charters have constituted the main source of revenue for important segments of the air transportation industry. Moreover, as the opposite side of the same coin, this mode of charter has been utilized by most members of the general public who have enjoyed the economies afforded by low-cost bulk transportation.

In light of the foregoing, the Board has felt constrained to permit "prior affinity" charters to be continued so long as no viable alternative was available. In short, continuation of these patently undesirable rules, when weighed against the drastic consequences of their elimination, has been reluctantly tolerated as the lesser of two evils. We have therefore regarded it as our duty to devise charter rules which could replace the "prior affinity" charters rather than simply to contemplate the void left by their elimination.

Accordingly, guided by the policy that our charter rules should be improved upon, but in a manner which would not impair the overall availability to the general public of charter service, the Board's first definite step toward the ultimate goal of eliminating prior affinity charters [18] was one of the immediate objectives of our innovative TGC rule, which was intended to "enable the consumers' needs to be satisfied in a lawful manner." [19] It is significant that at that time the only other type of charter available to members of the general public was the Inclusive Tour Charter (ITC).[20]

The ITC rule, which has been in existence for some years, authorizes "packaged" tours involving chartered air transportation, but it has not hitherto been readily marketable because of the traditional restrictions circumscribing its availability—mainly, the requirements that the tour include no less than three stops (at places more than 50 miles apart) and that it have a minimum duration of seven days. Yet, in proposing to suspend the "prior affinity" rules, we gave no indication of interest in acting favorably on various proposals, which were then pending, to liberalize the ITC rule. Thus, it was obvious that in looking toward a replacement for "prior affinity" charters we were relying principally on the TGC rule, possibly augmented by a special rule authorizing charters for groups wishing to attend "special events" under circumstances which would preclude their use of TGC's.[21]

The regulatory context in which we act now is markedly different from that which then prevailed. The charter rules which we have recently adopted and proposed include a significant liberalization of the TGC rule,[22] a "Special Event Charter" (SEC) rule which would not be limited to affinity groups,[23] and a "One-stop-inclusive Tour Charter" (OTC) rule.[24] By these actions we have manifested our determination to fashion a charter regime which will enable us to eliminate "prior affinity" charters in a manner which is not likely to result in a net adverse effect on the general public or any segment of the air transportation industry—except those who have profited from unlawful "prior affinity" charters.

We shall of course continue to be mindful of our responsibilities to maintain the legally required distinction between charter service and individually ticketed service and to insure that scheduled service is not unduly diverted. At the same time, we shall continue to insure the availability of charter service on a scale adequate to meet the public demand and, concomitantly, to safeguard the economic viability of those air carriers whose authority is limited to the performance of charter service.[25]

Finally, it should be noted that, as a technical matter, the within proposal to eliminate "prior affinity" charters also entails the proposed elimination of "mixed" charters. Although our rules provide for "mixed" charters,[26] as a distinct type of charter service, a "mixed" charter is only rarely operated, since it is essentially the same as a "prior affinity" charter, except that the chartering organization or other entity bears part of the charter cost.

It is proposed to amend Parts 207, 208, 212, 214, 217, 241, and 249 of the Economic Regulations as follows:

1. Amend the Table of Contents by deleting and reserving the captions to §§ 207.9 and 207.15 under Subpart A, and deleting and reserving Subparts B and D in their entirety, the amended Table to read, in part, as follows:

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

Subpart A—General Provisions

Sec.
207.1 • • •
• • • • • •
207.9 [Reserved]
• • • • • •
207.15 [Reserved]
• • • • • •

Subpart B [Reserved]

• • • • • •

Subpart C • • •

• • • • • •

Subpart D [Reserved]

2. Amend § 207.1 by deleting the definitions of the terms, "Charter organization," "Mixed charter," and "Pro rata charter," the amended section to read, in part, as follows:

§ 207.1 **Definitions.**

As used in this part • • •
• • • • • •
"Charter group" means • • •
"Charter trip" means • • •
• • • • • •
"Islands of the Caribbean" means • • •
"Off-route" shall refer to • • •
• • • • • •
"Point" means • • •
"Single entity charter" means • • •
• • • • • •

3. Delete and reserve §207.9, the caption thereof to read as follows:

§ 207.9 [Reserved]

4. Delete and reserve subparagraph (2) in paragraphs (b) and (c), respectively, of § 207.11, the amended section to read, in part, as follows:

§ 207.11 **Charter flight limitations.**

Charter flights • • •
• • • • • •
(b) Air transportation • • •
• • • • • •
(2) [Reserved]
• • • • • •
(c) Air transportation • • •
• • • • • •
(2) [Reserved]
• • • • • •

5. Delete and reserve § 207.15, the caption thereof to read as follows:

§ 207.15 [Reserved]

6. Delete and reserve Subpart B, the caption thereof to read as follows:

Subpart B—[Reserved]

7. Amend § 207.53, to read as follows:

§ 207.53 **Statement of Supporting Information.**

The statement of supporting information attached hereto shall be applicable in the case of single entity charters.

---

[1] November 9, 1972; 37 F.R. 24193, November 15, 1972.

[2] Part 372a of the Special Regulations (14 CFR Part 372a) adopted in SPR–61, September 27, 1972, 37 F.R. 20808.

[3] See, for example, SPR–61 (*mimeo*), pp. 1–2.

[4] A joint comment by Certain Trunkline Carriers (Braniff Airways, Inc., Continental Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., and Trans World Airlines, Inc.); a joint comment by other trunkline carriers (American Airlines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., United Air Lines, Inc. and Western Air Lines, Inc.); and a separate comment by Western Air Lines, Inc.

[5] By the National Air Carrier Association, on behalf of its members (Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.); Johnson Flying Service, Inc.; Modern Air Transport, Inc.; McCulloch International Airlines, Inc.; and Capitol International Airways, Inc.

[6] Jointly by Hughes Airwest and Piedmont Aviation, Inc.; Allegheny Airlines, Inc.; North Central Airlines, Inc.; Ozark Air Lines, Inc.; Texas International Airlines, Inc.; Frontier Airlines, Inc.; and Southern Airways, Inc.

[7] British Overseas Airways Corporation; Sabena Belgian World Airlines; Finnair; Japan Air Lines Company, Ltd.; Scandinavian Airlines System; Windward Islands Airways International N.V.; Sterling Airways A/S of Denmark; and Pacific Western Airlines, Ltd.

[8] American Society of Travel Agents, Inc.; AITS, Inc. (American International Travel Service); Arthurs Travel Center; Ron Gift Travel; Gillespie, Kinports & Beard Travel Agency; Rogal Associates; David Travels, Inc.; Consortium Transportation Industries, Inc.; Travellers International (UK) Limited; and Vacation Ventures, Inc.

[9] Department of Transportation and Department of Defense.

[10] Department of Tourism of the Government of Bermuda.

[11] Aircraft Owners and Pilots Association; Americans for Charter Travel; B'nai B'rith; British-American Club of Northern California, Inc.; National Education Association; Michigan Credit Union League; Michigan Cooperative Advisory Council; John MacDonald Smith; Greenbelt Consumer Services, Inc.; Friends of Art of Kansas City, Missouri; Club Americana; and Chicago Council on Foreign Relations.

[12] Phoenix Airlines, Inc.; Las Vegas Parties; and Circus Circus Hotel, SPA & Casino.

[13] Support for the proposal came only from British Overseas Airways Corporation and, in part, from Certain Trunkline Carriers.

[14] The due date for comments was extended to January 3, 1973, by EDR–237A, 37 F.R. 25958.

[14a] The within announcement of the precise time when our final rules, if adopted, will become effective, disposes of the motion filed by DOT, dated October 11, 1974, and of the supporting answers filed by David Travels, Inc., and United Air Lines, Inc., dated October 23, 1974, and October 25, 1974, respectively, in which we were requested to dispel uncertainty as to the future status of so-called affinity charters.

[15] Nor do we believe that there has been appreciable improvement in the direct air carriers' compliance disposition under these rules, since recent experience discloses that substantial violations continue. Moreover, quite aside from the sizeable number of "affinity" charters which have been totally shot through with violations of our rules, it has long been recognized that even among basically legitimate "affinity" charters, some degree of illegality has been a virtually universal phenomenon in that occasional seats are sold to ineligible persons rather than remaining unoccupied at the prorated expense of bona fide members.

[16] *E.g.*, 15 CFR § 208.210(b).

[17] The authority of this class of U.S. certificated carriers, sometimes known as "nonscheduled" or "irregular" carriers, has been expressly limited by statute, since 1962, to "supplemental air transportation," *i.e.*, "charter trips." Sections 101(34) and 401(d) of the Act; 49 U.S.C. 1301 and 1371.

[18] EDR–237, cited in footnote 1, *supra*.

[19] SPR–61 (*mimeo*), p. 4. When it subsequently appeared that the TGC rules, as then constituted, had proven to be too restrictive to be a realistic alternative to "prior affinity" charters, the Board determined that the latter should be permitted to continue at least through the 1974 summer season. EDR–237B, June 21, 1973; 38 F.R. 16917, June 27, 1973.

[20] Part 378 of the Special Regulations, 14 CFR Part 378.

[21] See EDR–237 (*mimeo*) pp. 4, 8.

[22] SPR–78, August 12, 1974; 39 F.R. 29345, August 15, 1974.

[23] EDR–276/SPDR–37/ODR–8, June 18, 1974; 39 F.R. 22430, June 24, 1974.

[24] SPDR–38, issued contemporaneously herewith. This proposal also includes a proposed liberalization of the "minimum stay" requirement for TGC's, to parallel the novel proposed "minimum stay" for OTC's, which, among other things, would provide for "long weekend" charter trips in the North American market.

[25] In this connection, we need only note that we find wholly unpersuasive those filed comments which argue that we are without legal power to eliminate "prior affinity" charters. So long as we insure the continued enjoyment by "supplemental air carriers" of the charter authority which Congress intended them to have, we find nothing in the 1962 amendments to the Act, or in their legislative history, to support the contention that we are under a statutory mandate to perpetuate any particular type of charter, however undesirable it may have proven to be.

[26] *E.g.*, 14 CFR § 207.60.

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8. Delete and reserve Subpart D, the caption thereof to read as follows:

Subpart D—[Reserved]

9. Amend the form of "Statement of Supporting Information," set forth following Subpart D, the amended statement to read, in part, as follows:

Statement of Supporting Information[1]

To be completed by air carrier for each single entity charter. (Where more than one round-trip flight • • •.)

• • • • • •

5. (a) • • •
(b) • • •

• • • • • •

8. Name • • •

9. Indicate purpose of flight: • • •
10. On what date was the charter contract executed? ----------

WARRANTY OF AIR CARRIER[2]

To the best of my knowledge and belief all the information presented in this statement is true and correct. I represent and warrant that • • •

(Date)

(Signature and title of authorized official of air carrier)

10. Amend the Table of Contents by deleting and reserving the captions to §§ 208.4 and 208.35 under Subpart A, and deleting and reserving Subparts C and E in their entirety, the amended Table to read, in part, as follows:

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Subpart A—General Provisions

Sec.
208.1 • • •

• • • • •

208.4 [Reserved]

• • • • •

208.35 [Reserved]

• • • • •

Subpart C [Reserved]

• • • • •

Subpart D • • •

• • • • •

Subpart E [Reserved]

11. Amend § 208.3 by deleting and reserving the terms, "Pro rata charter," "Mixed charter," and "Charter organization," the amended section to read, in part, as follows:

§ 208.3 Definitions.

As used in this part • • •

• • • • •

(g) "Ticket agent" • • •
(h) [Reserved]
(i) "Single entity charter" • • •
(j) [Reserved]

• • • • •

(n) [Reserved]

• • • • •

[1] This must be retained • • •
[2] Any air carrier, or any officer, agent, employee • • •.

12. Delete and reserve § 208.4, the caption thereof to read as follows:

§ 208.4 [Reserved]

13. Delete and reserve subparagraph (2) in paragraphs (b) and (c), respectively, of § 208.6, the amended section to read, in part, as follows:

§ 208.6 • • •

Charter flights • • •

• • • • • •

(b) Air transportation • • •

• • • • • •

(2) [Reserved]

• • • • • •

(c) Air transportation • • •

• • • • • •

(2) [Reserved]

• • • • • •

14. Delete and reserve § 208.35, the caption thereof to read as follows:

§ 208.35 [Reserved]

15. Delete and reserve Subpart C, the caption thereof to read as follows:

Subpart C—[Reserved]

16. Amend § 208.303, to read as follows:

§ 208.303 Statement of Supporting Information.

The statement of supporting information attached hereto shall be applicable in the case of single entity charters.

17. Delete and reserve Subpart E, the caption thereof to read as follows:

Subpart E—[Reserved]

18. Amend the form of "Statement of Supporting Information," set forth following Subpart E, the amended statement to read, in part, as follows:

Statement of Supporting Information[1]

To be completed by air carrier for each single entity charter. (Where more than one round-trip flight • • •.)

• • • • •

5. • • •
(b) • • •

• • • • •

8. Name • • •
9. Indicate purpose of flight: • • •
10. On what date was the charter contract executed? ----------

Warranty of Air Carrier[2]

To the best of my knowledge and belief all the information presented in this statement is true and correct. I represent and warrant that • • •

(Date)

(Signature and title of authorized official of air carrier)

19. Amend the Table of Contents by deleting and reserving the captions to §§ 212.7 and 212.12 under Subpart A, and deleting and reserving Subparts B and D in their entirety, the amended Table to read, in part, as follows:

[1] This must be retained • • •
[2] Any air carrier, or any officer, agent, employee, • • •.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

Subpart A—General Provisions

Sec.
212.1 • • •

• • • • •

212.7 [Reserved]

• • • • •

212.7 [Reserved]

• • • • •

212.12 [Reserved]

• • • • •

Subpart B—[Reserved]

• • • • •

Subpart C— • • •

• • • • •

Subpart D—[Reserved]

20. Amend the definitions of § 212.1 by deleting the definitions of the terms, "Charter organization," "Mixed charter," and "Pro rata charter," the amended section to read, in part, as follows:

§ 212.1 Definitions.

As used in this part • • •

• • • • •

"Charter group" means • • •
"Charter trip" means • • •

• • • • •

"Inclusive tour charter trip" means • • •

"Off-route charter trip" means • • •
"On-route charter trip" means • • •
"Single entity charter" means • • •

• • • • •

21. Delete and reserve § 212.7, the caption thereof to read as follows:

§ 212.7 [Reserved]

22. Delete and reserve subparagraph (2) in paragraphs (a) and (b), respectively, of § 212.8, the amended section to read, in part, as follows:

§ 212.8 • • •

Charter flights • • •

• • • • • •

(a) Where the entire capacity • • •

• • • • •

(2) [Reserved]

• • • • • •

(b) Where less than the entire capacity • • •

• • • • •

(2) [Reserved]

• • • • • •

23. Delete and reserve § 212.12, the caption thereof to read as follows:

§ 212.12 [Reserved]

24. Delete and reserve Subpart B, the caption thereof to read as follows:

Subpart B—[Reserved]

25. Amend § 212.53, to read as follows:

§ 212.53 Statement of Supporting Information.

The statement of supporting information attached hereto shall be applicable in the case of single entity charters.

26. Delete and reserve Subpart D, the caption thereof to read as follows:

Subpart D—[Reserved]

27. Amend the form of "Statement of Supporting Information," set forth following Subpart D, the amended statement to read, in part, as follows:

Statement of Supporting Information[1]

To be completed by air carrier for each single entity charter. (Where more than one round-trip flight • • •.)

• • • • •

5. (a) • • •
(b) • • •

• • • • •

8. Name • • •
9. Indicate purpose of flight: • • •
10. On what date was the charter contract executed? ----------

WARRANTY OF AIR CARRIER[2]

To the best of my knowledge and belief all the information presented in this statement is true and correct. I represent and warrant that • • •

(Date)

(Signature and title of authorized official of air carrier)

28. Amend the Table of Contents by deleting and reserving Subparts A and C in their entirety, the amended Table to read, in part, as follows:

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIERS PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

Sec.

• • • • •

Subpart A [Reserved]

• • • • •

Subpart B • • •

• • • • •

Subpart C [Reserved]

29. Amend the definitions of § 214.2 by deleting the definitions of the terms, "Pro rata charter," "Mixed charter," and "Charter organization," the amended section to read, in part, as follows:

§ 214.2 Definitions.

(c) [Reserved]

• • • • • •

(e) [Reserved]

• • • • • •

(i) [Reserved]

• • • • • •

30. Delete and reserve subparagraph (2) in paragraphs (a) and (b), respectively, of § 214.7 the amended section to read, in part, as follows:

Charter flights • • •

Charter flights • • •

• • • • • •

(a) The entire capacity • • •

• • • • •

[1] This must be retained • • •
[2] Any air carrier, or any officer, agent, employee • • •.

(2) [Reserved]

• • • • • •

(b) Less than the entire capacity • • •

• • • • •

(2) [Reserved]

• • • • • •

31. Delete and reserve Subpart A, the caption thereof to read as follows:

Subpart A [Reserved]

32. Amend § 214.43, to read as follows:

§ 214.43 Statement of Supporting Information.

The statement of supporting information attached hereto shall be applicable in the case of single entity charters.

33. Delete and reserve Subpart C, the caption thereof to read as follows:

Subpart C [Reserved]

34. Amend the form of "Statement of Supporting Information," set forth following Subpart C, the amended statement to read, in part, as follows:

Statement of Supporting Information[1]

To be completed by air carrier for each single entity charter. (Where more than one round-trip flight • • •.)

• • • • • •

5. (a) • • •
(b) • • •

• • • • • •

8. Name • • •
9. Indicate purpose of flight: • • •
10. On what date was the charter contract executed? ----------

WARRANTY OF AIR CARRIER[2]

To the best of my knowledge and belief all the information presented in this statement is true and correct. I represent and warrant that • • •

(Date)

(Signature and title of authorized official of air carrier)

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

35. Amend § 217.6(b) by deleting and reserving paragraph (2), as follows:

§ 217.6 • • •

• • • • • •

(b) • • •

• • • • • •

(2) [Reserved.]

• • • • • •

Part 241—Uniform System of Accounts and Reports for Certified Air Carriers

36. Amend Schedule T–6–Summary of Civil Aircraft Charters in Section 25–Traffic and Capacity Elements, by deleting and reserving subparagraph (2) of paragraph (c), as follows:

(c) Separate reports • • •

• • • • • •

(2) [Reserved.]

• • • • • •

37. Amend Schedule T–6–Summary of Civil Aircraft Charters in Section 35–Traffic and Capacity Elements, by deleting and reserving paragraph (4) of paragraph (b), as follows:

(b) Separate reports • • •

• • • • • •

(4) [Reserved.]

• • • • • •

Part 249—Preservation of Air Carrier Accounts, Records and Memoranda

38. Amend § 249.8 by deleting and reserving items 12, 14 and 15(c) in the "Category of Records" list, as follows:

§ 249.8 • • •

• • • • • •

Category of records:	*Period to be retained*
• • • • • •	
12. [Reserved.]	
• • • • • •	
14. [Reserved.]	
15. The following • • •	
(a) • • •	2 years.
(b) • • •	Do.
(c) [Reserved.]	

39. Amend § 249.12(c) by deleting and reserving subparagraphs (3), (4) and (5), as follows:

§ 249.12 • • •

• • • • • •

(c) Each carrier • • •

• • • • • •

(3) [Reserved.]
(4) [Reserved.]
(5) [Reserved.]

40. Amend § 249.13 by revising item 302 in the "Category of Records" to read as follows:

Category of records	Period to be retained	Microfilm indicator
• • •	• • •	•
302. Reservations • • •		
(a) • • •	2 months	
(b) • • •	1 month	
(c) [Reserved.]		
(d) Every statement of supporting information required by part 207 of this subchapter.	2 years	
(e) [Reserved.]		

[FR Doc.74–25807 Filed 11–5–74;8:45 am]

[14 CFR Part 375]

[SPDR–39; Docket No. 27145; Dated: November 1, 1974]

FOREIGN CIVIL AIRCRAFT

Scheduled International Air Service Operations in Transit Over United States

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 375 of its Special Regulations (14 CFR Part 375) so as to revise the provisions of § 375.45 thereof which relate to authority for the navigation of foreign civil aircraft in scheduled international air service in transit over the United

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States. The principal features of the proposed amendment are explained in the attached Explanatory Statement and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of section 204 (a) and 1108(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 798, 49 U.S.C. 1324, 1508.

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before December 6, 1974, and reply comments received on or before December 23 will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Section 501 of the Federal Aviation Act of 1958 makes it unlawful for any person to navigate foreign aircraft within the United States except as provided by section 1108 of the Act. The "United States" includes "the overlaying air space thereof * * *" (section 101(36)) and, hence, aircraft which transit the United States are subject to the requirements of Section 1108.[1] Section 1108(b) of the Act, in turn, permits the navigation of foreign aircraft "only if such navigation is authorized by permit, order, or regulation issued by the Board * * *." The Board's authority under section 1108(b) necessarily encompasses authority, inter alia, to determine whether a particular scheduled international flight proposed to be operated with foreign aircraft falls within the scope of those permitted under the International Air Services Transit Agreement as scheduled international air service in transit across the United States. Board authorization may take the form of a section 402 permit, a permit issued under Part 375 of the Board's Special Regulations, or a regulation which allows the operation without the necessity of obtaining a permit or other express Board approval.

Subpart E of Part 375 of the Board's Special Regulation is concerned with operations requiring preflight authorization by the Board or the Administrator of the Federal Aviation Administration. When the predecessor of § 375.45 (section 190.45 of the Civil Air Regulations) was adopted in 1953, it provided for express Board approval of any scheduled transit operation of foreign aircraft over the United States. Thereafter, the section was revised in 1954 so as to eliminate the requirement for specific route approval by the Board. Instead, the amended regulation provided for blanket Board approval for transit flights if the necessary approval was obtained from the Administrator. Such approach was found to be consistent with the public interest at that time.

Recent consultations with the Federal Aviation Administration, however, indicate that the Administrator does not consider that he should determine whether proposed transit operations fall within the scope of § 375.45 of the Board's Special Regulations. Moreover, pending litigation[2] makes clear that a specific administrative avenue should be provided for resolution of issues of whether particular transit flights should be permitted, including issues of whether such flights fall within the scope of the International Air Services Transit Agreement, or otherwise should be authorized.[3]

In such circumstances, the Board finds that it is no longer in the public interest to grant blanket approval by regulation for transit operations. Accordingly, we shall amend the regulation to provide that an operator of foreign civil aircraft desiring to conduct a scheduled international air service (which is not authorized by a section 402 permit) which transits the United States shall obtain a permit from the Board for the service. The requirement for obtaining appropriate safety authority from the Federal Aviation Administration will remain unchanged.

PROPOSED RULE

It is therefore proposed to amend Part 375 of the Board's Special Regulations (14 CFR Part 375) as follows:

Amend § 375.45 to read as follows:

§ 375.45 Transit flights: Scheduled international air service operations.

(a) *Approval required.* Any carrier operating foreign civil aircraft that desires to conduct a scheduled international air service in transit across the United States shall, before commencing operations, obtain (1) a permit therefor from the Board and (2) the approval of the Administrator, for the routes proposed to be followed, and thereafter shall conduct such operations in accordance with the provisions of such permit and approval. Such permit may be issued only if the Board finds that the proposed operation is fully consistent with the applicable law and is in the interest of the public.

(b) *Nature of privilege conferred.* Air transportation is not authorized under this section, and the burden rests upon each applicant to show that the contemplated operation will not constitute air transportation. Stopovers for the convenience or pleasure of the passengers are not authorized under this section and stops other than for strictly operational reasons shall not be made. The consolidation on the same aircraft of an operation under this section with a service authorized under section 402 of the Act is not authorized by this section. Any permit authorized by this section is nontransferable, and may be withheld, revoked, suspended, withdrawn, or canceled by the Board, without notice or hearing, if required by the public interest.

(c) *Applications.* Scheduled international air services in transit across the United States may not be undertaken by foreign civil aircraft unless a permit authorizing such services has been granted by the Board to the carrier or carriers engaged in such scheduled services. Applications shall be filed with the Board, through diplomatic channels, addressed to the attention of the Director, Bureau of Operating Rights, by (1) the carrier or carriers holding themselves out as providing the services, and (2) any carrier from whom the aircraft to be used in providing those services are leased, if the lease, if any, together with any related arrangements, provides for the lease of an aircraft with crew.[4] Each application shall identify (1) the applicant, including (A) the name of the country under whose laws the applicant is organized and the citizenship of the applicant, (B) the percentage interest (showing whether record or beneficial or both) in the applicant held by any government and, in the aggregate, by the nationals of the home country of the applicant and of each country whose government holds any interest in the applicant, and (C) the nationality of each officer and director of the applicant; (ii) the country or countries in which the aircraft to be used in providing the services are registered; and (iii) a full description of the operations for which authority is desired, indicating type of operations (mail, passenger, property), frequency of flights, and routing, including each terminal and intermediate point to be served by the applicant in connection with the service for which approval is sought. Each application shall also be accompanied by such documents as may be necessary to establish that reciprocity for similar operations by United States-registered aircraft exists in the country of registration of the aircraft and in the country of which the applicant is a citizen. Applications shall be submitted at least 15 days in advance of the date of the commencement of the proposed operation. Such additional information as may be specifically requested by the Board shall be furnished.

(d) Notwithstanding the provisions of § 375.45(a), if within 30 days after the effective date of this part a carrier files an application for a permit to continue to perform existing transit flights which have been regularly performed by such carrier prior to November 1, 1974, such carrier may continue to engage in such transit flights until final decision by the Board on such application: *Provided,* That any such application shall, in addition to the requirements of § 375.45(c), contain a statement that the carrier is relying upon this section for continuance of preexisting transit flights, and shall fully describe such flights, including the date inaugurated, and the frequency and continuity of performance.

[FR Doc.74-25962 Filed 11-5-74;8:45 am]

[1] Article 6 of the Convention on International Civil Aviation (the Chicago Convention), 61 Stat. 1180, provides that no scheduled international air service may be operated over or into the territory of a contracting State except with the special permission or authorization of that State.

[2] Air Europe Int'l. v. Robert D. Timm et al., Civil No. 74-1400 (D.D.C., filed September 24, 1974).

[3] In the usual case, where the applicant's home government is a signatory of the International Air Services Transit Agreement, it is anticipated that the appropriate approval will be routinely granted.

[4] For the scope of the terms "lease," and "lease with crew," see 14 CFR 218.1 and 218.3(b)(1).

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 289-7]

MISSOURI

Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards.

In August and September, 1974, the State of Missouri submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve compliance schedules submitted by the States. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Missouri.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State implementation plan. This date is indicated in the table below under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore Avenue, Kansas City, Missouri.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII office at the above address. All comments submitted on or before December 6, 1974, will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

(42 U.S.C. 1857c-5)

Dated: October 10, 1974.

CHARLES V. WRIGHT,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart AA—Missouri

1. In § 52.1335, the table in paragraph (a) is amended by adding the following:

52.1335 Compliance schedules.

(a) * * *

MISSOURI

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
*	*	*	*	*	*
Texas Industries, Inc., cement bin loading:	Kansas City	18-87(A)[1]	June 11, 1974	Immediately	Aug. 30, 1974
Cargill Elevator:					
No. 1 Receiver Leg Cyclone	Kansas City	18-87(A)[1]	Sept. 10, 1974	do	May 1, 1975
Tunnal System Cyclone	do	18-87(A)[1]	do	do	Do.
Price Metals: smelting pots	do	18-87(A)[1]	do	do	Jan. 31, 1975
Alpha Portland Cement: two clinker coolers.	St. Louis County.	Regulation IV.[2]	Sept. 14, 1973	do	Do.

[1] Air Pollution Control Code of Kansas City, Mo.
[2] St. Louis County Air Pollution Control Code.

[FR Doc.74-25689 Filed 11-5-74;8:45 am]

[40 CFR Part 52]

[FRL 290-6]

UTAH

Approval and Promulgation of Implementation Plans; Change of Date and Place for Public Hearing; Extension of Comment Period

On Friday, October 18, 1974 (39 FR 37212), the Administrator gave notice of a public hearing to receive comments on proposed regulations to control sulfur oxide emission in the Wasatch Front Intrastate Region and to consider comments on the withdrawal of 40 CFR 52.2324 which concerns periodic reports of emissions and availability of information to the public.

The date and place shown in such notice is hereby changed to December 11, 1974, at the Howard Johnson Lodge, 122 W. South Temple, Salt Lake City, Utah, beginning at 10 a.m., reconvening at 7 p.m., and continuing until all present are heard. The date for acceptance of written comments is hereby extended to December 11, 1974.

Dated: October 31, 1974.

ROGER STRELOW,
Assistant Administrator for Air and Waste Management.

[FR Doc.74-25848 Filed 11-5-74;8:45 am]

[40 CFR Part 180]

[FRL 290-4; OPP-262501]

DDT

Tolerances and Exemptions from Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities; Proposed Revocation

In response to the order published in the FEDERAL REGISTER of August 13, 1974 (39 FR 28977), three comments were received in regard to "§ 180.147b *DDT residues in apple pomace,*" which prohibits the feeding of apple pomace containing DDT to dairy and meat animals.

Based on consideration of information and data submitted in the comments, it is concluded that the levels of DDT in meat or milk are not likely to exceed tolerances established under §§ 180.147 and 180.147c as a result of the normal feeding of apple pomace containing residues of DDT not in excess of 0.5 parts per million to meat or dairy animals in amounts not exceeding 10 percent of the diet. It is believed therefore that our former position of not feeding apple pomace to meat or dairy animals because of the likelihood of excessive residues of DDT is not realistic, especially in light of today's circumstances when it is desirable to utilize, rather than waste, potentially valuable feed sources such as apple pomace. Moreover, DDT is no longer registered under the Federal Insecticide, Fungicide, and Rodenticide Act for use on apples, and any residues of DDT on apple pomace should be inadvertent.

It is concluded that § 180.147b should be revoked. This would have the effect of clarifying that apple pomace may be used as feed for meat and dairy animals as long as residues of DDT in meat and dairy animals are not in excess of tolerances established under §§ 180.147 and 180.147c. However, under no circumstances may apple pomace containing residues of DDT in excess of the 0.5 parts per million tolerance established for apples by § 180.147 be used for animal feed. Any such use of apple pomace containing residues in excess of the tolerance established for apples would be illegal under section 409 of the Federal Food, Drug, and Cosmetic Act.

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Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(m), 68 Stat. 517; 21 U.S.C. 346(m)), it is proposed that Part 180 be amended

1. By revoking § 180.147b

2. By redesignating §§ 180.147c and 180.147b

Interested personsare invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 421, East Tower, 401 M Street SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the comments. The comments must be received on or before December 6, 1974, and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: October 31, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-25847 Filed 11-5-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-25771 appearing at page 39058 in the issue for Tuesday, November 5, 1974, the following correction should be made. In the second column, sixth and seventh lines, the date for submission of comments should read: "on or before December 5, 1974."

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice 435]

CULTURALLY SIGNIFICANT OBJECTS

Temporary Exhibition Within United States

Notice is hereby given of the following determination: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985), Executive Order 11312 of October 14, 1966 (31 FR 13415, October 18, 1966) and Delegation of Authority No. 113 of December 23, 1966 (32 FR 58, January 5, 1967), I hereby determine that (1) the objects in The Exhibition of Archaeological Finds of the People's Republic of China, as specified in the Catalogue filed as a part of this determination,[1] imported from the People's Republic of China, pursuant to an agreement of October 28, 1974, between the People's Republic of China and the United States of America, for temporary exhibition without profit within the United States are of cultural significance and, that (2) the temporary exhibition or display of such objects within the United States, at the National Gallery of Art, Washington, D.C., on or about December 13, 1974 to March 30, 1975, and at the Nelson Gallery-Atkins Museum, Kansas City, Missouri, on or about April 20 to June 8, 1975, is in the national interest.

Public notice of this determination is ordered to be published in the FEDERAL REGISTER.

Dated: October 31, 1974.

[SEAL] JOHN RICHARDSON, JR.,
Assistant Secretary for Educational and Cultural Affairs.

[FR Doc.74-25949 Filed 11-5-74;8:45 am]

[Public Notice CM-185]

GOVERNMENT ADVISORY COMMITTEE ON INTERNATIONAL BOOK AND LIBRARY PROGRAMS

Meeting

The Government Advisory Committee on International Book and Library Programs will meet in open session in the Continental Room in the Watergate Hotel, 2650 Virginia Avenue, NW., Washington, D.C. from 9 a.m. to 5 p.m. on November 22, 1974.

The Committee will discuss distribution of American books overseas, relations between American and Soviet publishers, and UNESCO activities relating to library development and promotion of the reading habit.

CAROL M. OWENS,
Executive Secretary.

OCTOBER 29, 1974.

[FR Doc.74-25842 Filed 11-5-74;8:45 am]

[1] *The Exhibition of Archaeological Finds of People's Republic of China.* Filed as part of original document.

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY".

Advisory Committee Meeting

A Defense Science Board Task Force on "Training Technology" will meet in closed session on November 25 and 26 at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an evaluation of the current effectiveness of DoD programs and management in the R&D area of Training Technology to serve as the basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

In accordance with Pub. L. 92-463, section 10, Paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

NOVEMBER 1, 1974.

[FR Doc.74-25464 Filed 11-5-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Change of Date for Public Hearing Regarding Proposed Increase to Ten Million Acres

In the FEDERAL REGISTER of October 18, 1974 (39 FR 37222), the Department announced the availability of a draft environmental impact statement and public hearings regarding a proposed increase to ten million acres for oil and gas leasing on the Outer Continental Shelf.

In order to provide additional time for review of this draft environmental impact statement, the Department is rescheduling the public hearings in accordance with the following schedules:

LOS ANGELES COUNTY, CALIFORNIA

December 2 and 3 (Monday, Tuesday)

Santa Monica Civic Auditorium—East Wing, 1855 Main Street, Santa Monica, California 90401.

ANCHORAGE, ALASKA

December 4 and 5 (Wednesday, Thursday)

Captain Cook Hotel, Fifth and K Streets, Anchorage, Alaska 99501.

TRENTON, NEW JERSEY

December 11 and 12 (Wednesday, Thursday)

Holiday Inn, 240 West State Street, Trenton, New Jersey 08608.

All hearings will begin promptly at 9 a.m., local time, on the scheduled days. Two days have been allotted for each hearing, but every effort will be made to receive as much testimony as possible on the first day.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearings are requested to contact the Director (732), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240 by 4:15 p.m. e.s.t., November 22, 1974. They should specifically indicate in which of the above three cities they would like to testify.

Written comments from those unable to attend the hearings should be addressed to the Director (Attn: 732), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until December 27, 1974. This should allow ample time for those unable to testify at the hearings to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearings will be considered for inclusion in the hearing record. To the extent that time is available after presentations of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: November 5, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.74-26142 Filed 11-5-74;10:26 am]

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Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:

Rocky Mountain National Park
National Park Service
Estes Park, Colorado 80517

SEPTEMBER 6, 1974

Memorandum

To: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service, Washington, D.C.
Through: Director, National Park Service
From: Regional Director, Rocky Mountain Region, National Park Service
Subject: Application for a permit to handle an endangered species

Enclosed, in duplicate, are materials relating to an ongoing recovery program for the greenback cutthroat trout (*Salmo clarki stomias*) within Rocky Mountain National Park.

This is a cooperative project being carried out by research scientists from Rocky Mountain National Park, the U.S. Fish and Wildlife Service, and the Colorado Division of Fish and Wildlife. Immediate plans call for the monitoring of Hidden Valley Creek during October 1974 to evaluate the restoration effort. This, of course, will require the sampling and handling of the endangered greenback cutthroat trout.

We will appreciate your early consideration for a permit to carry out this project in accordance with the Endangered Species Act of 1973. We believe the simplest procedure would be to issue the permit to the Superintendent, Rocky Mountain National Park, naming the two primary researchers: Research Biologist David R. Stevens, Rocky Mountain National Park, and Management Biologist James Mullen, U.S. Fish and Wildlife Service, Vernal, Utah.

LYNN H. THOMPSON.

Please attach this certification statement to our application dated September 6, 1974, for an endangered species permit to conduct a restoration program on the greenback cutthroat trout (*Salmo clarki stemias*) within the Rocky Mountain National Park.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in subchapter B of Chapter I of Title 50, and I further certify that the information submitted in the application for a permit license is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

Dated: October 7, 1974.

NEIL J. REID,
Regional Chief Scientist, Rocky Mountain Region, National Park Service.

RESEARCH PROJECT—ENDANGERED SPECIES

Title: Greenback Trout Restoration
Species: Greenback Cutthroat Trout (*Salmo clarki stomias*)
Objectives:

1. To test methods of removing exotic trout from historical native fish habitat.
2. To re-establish pure greenback trout in a few accessible drainages for demonstration purposes, research and to provide stock for further restoration of the species.
3. To determine the feasibility of widespread restoration of the greenback to historic native habitats.

Specific Impact on Greenback:

1. Collection of substantial numbers of the fish from established populations for transfer to restoration sites. Primary collection technique will be electric shocker and transportation by aerated tank truck. Low mortality is expected.
2. Monitoring of restored populations by periodic sampling by electric shocker; almost no mortality experienced.
3. Collection of a small number of fish by electric shocker for further taxonomic studies of the species.

Present Status: [1]

1. The present status is well documented in the attached paper by Dr. Robert Behnke, Colorado State University, Fort Collins.
2. The restoration of Hidden Valley Creek has been completed but the success of the project has not been analyzed. (Progress Report attached, ROMO–N–20.)

Immediate Action Plan—1974:

1. It is proposed that the Hidden Valley restoration be evaluated in October, 1974 by sampling the stream with electric shocking equipment.
2. Another drainage system will be chosen and preliminary studies conducted in October, 1974 to determine restoration feasibility. Treatment of exotic fish and transfer of greenback is planned to 1975. These fish would be obtained from Como Creek if possible without affecting that population.

Researchers:

David R. Stevens—Research Biologist, National Park Service, Rocky Mountain National Park
James Mullen—Management Biologist, Bureau of Sport Fisheries and Wildlife, Vernal, Utah

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 6, 1974, will be considered.

Dated: October 31, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74–25874 Filed 11–5–74;8:45 am]

ENDANGERED SPECIES PERMIT

Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:

Texas Agricultural Experiment Station
Dr. Jarvis E. Miller, Director
Texas A&M University
College Station, Texas 77843

[1] On file in Service's office, 1612 K Street NW., Washington, D.C.

Dr. J. D. Dodd, Professor of Range Science
Director
U.S. Fish and Wildlife Service
Division of Law Enforcement
Washington, D.C. 20240

SEPTEMBER 30, 1974.

Enclosed is an application for a Federal Fish and Wildlife Permit to cover research being directed and conducted by Dr. J. D. Dodd, Department of Range Science. This research is concerned with habitat improvement for the endangered species, Attwater's Prairie Chicken. Also included is a copy of the study plan for this research.

If anything further is needed, please do not hesitate to contact either my office or Dr. Dodd.

Sincerely yours,

JARVIS E. MILLER,
Director.

Enclosure

PERMIT APPLICATION

The following information is provided in compliance with Section 13.12 of form 50 CFR 13(a).

(3) Applicant: Name: Texas Agricultural Experiment Station Dr. Jarvis E. Miller, Director. Address: Texas A&M University College Station, Texas 77843. Phone: (713) 845–3711.

The Texas Agricultural Experiment Station, a state agency, is charged with the conduct of agricultural research for increased production and protection of the environment. To this end, personnel of the Station conduct their research for the benefit of the State of Texas and society.

(2) Proposed research will be directed by Dr. J. D. Dodd, Professor of Range Science. Miss Winifred B. Kessler will conduct a portion of the research under Dr. Dodd's direction. This request is specifically designed to cover their research as documented in the attached study outline.

(4) Location: Attwater's prairie chicken (*Tympanuchus cupido attwateri* Bendire) is endemic to the coastal prairie of Texas. Research on habitat management for this endangered bird will be limited to land under lease-purchase agreement by the Attwater Prairie Chicken National Wildlife Refuge near Eagle Lake in Colorado County, Texas. Presently this land is owned by World Wildlife Fund.

(5) Type of Permit: Application is being made for an Endangered Species Permit for scientific purposes. The requirement for such a permit is stated in section 9(a) of Pub. L. 93–205, the Endangered Species Act of 1973. The law prohibits the "taking" of any endangered species within the United States, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. (Pub. L. 93–205, section 3(14))

The proposed study involves no physical contact with the endangered Attwater's prairie chicken. The birds will be observed from blinds, and will be subjected to as little disturbance as possible. Proposed research methods are described in the enclosed study outline.

(6) Not Applicable.

(7) Certification: I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts in Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

(8) Desired effective date of permit: 15 November 1974.

(9) 26 October 1974.

(10) JARVIS E. MILLER, *Director.*

(11) Additional information as requested in Form 50 CFR 17, Section 17.23, "zoological, educational, scientific, or propagation permits." (1) Description of wildlife to be covered in the permit Scientific name: *Tympanuchus cupido attwateri* Bendire Common name: Attwater's greater prairie chicken.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 6, 1974 will be considered.

Dated: October 31, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74–25875 Filed 11–5–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Reevaluation of Biological Products

On Friday, November 2, 1973, a notice was published in the FEDERAL REGISTER, Volume 38, Number 211, (38 FR 30289) which stated that Veterinary Services, Animal and Plant Health Inspection Service of the United States Department of Agriculture had undertaken a review of available data for host animal efficacy and potency tests for serial to serial evaluation of certain biological products intended for use in the treatment of domestic animals which are licensed under regulations (9 CFR Parts 101–117) promulgated pursuant to the Virus-Serum-Toxin Act of March 4, 1913.

The notice further stated that action by the licensees was to be taken to correct these inadequacies by July 1, 1974, or product licenses for affected biological products were to be submitted for termination.

Subsequent to the November 2, 1973, notice, micro-organisms used in the preparation of questionable products were reevaluated by industry and Veterinary Services scientists. As a result, some micro-organisms are no longer authorized to be used in the preparation of licensed biological products because proof of efficacy in the host animal was scientifically impossible to obtain or the effort was found to be economically unsound. Additionally, other micro-organisms are no longer authorized to be used because potency tests for serial to serial evaluation are not available. The decision on the use of the seven micro-organisms hereinafter referred to in this document has been deferred until work being done by industry and Veterinary Services can be completed.

Mixed Bacterins and Bacterial Antiserums are the only two classes of biological products affected by this notice. Since the use of certain micro-organisms in the preparation of these products has been discontinued, those micro-organisms authorized to be used in the preparation of bacterins and antiserums are limited to *Escherichia coli*, *Pasteurella multocida*, *Pasteurella hemolytica*, *Corynebacterium pyogenes*, *Salmonella cholerasuis*, *Salmonella typhimurium*, and *Salmonella dublin* but subject to the conditions of this notice.

Data satisfactory to the Department to substantiate the continued use of *Pasteurella hemolytica*, *Pasteurella multocida*, *Salmonella typhimurium*, and *Salmonella cholerasuis* has been made available to Veterinary Services. Also, serial to serial potency tests for biological products prepared with *Pasteurella multocida* and *Salmonella typhimurium* have been developed for codifying in 9 CFR Part 113. Potency tests for products prepared with *Pasteurella hemolytica* and *Salmonella cholerasuis* are expected to be available by July 1, 1975, for codifying in 9 CFR Part 113.

The continued use of *Corynebacterium pyogenes*, *Salmonella dublin*, or *Escherichia coli* shall not be permitted beyond July 1, 1975, unless by that date satisfactory host animal efficacy data is developed to substantiate continued use and has been filed with and accepted by Veterinary Services. In addition, the continued use of *Corynebacterium pyogenes*, *Salmonella dublin*, or *Escherichia coli* shall not be permitted beyond July 1, 1975, unless by that date satisfactory serial to serial potency tests for each fraction of biologics prepared with one or more of these micro-organisms has also been filed with and accepted by Veterinary Services.

The names "Mixed Bacterin" and "Bacterial Antiserum" shall no longer be used. The products shall be named in accordance with the micro-organisms used, the species from which they were isolated, and in the case of antiserums, in accordance with the species of the animal from which the blood was drawn.

Each licensee holding a product license for a "Mixed Bacterin" or a "Bacterial Antiserum" shall submit such license to Veterinary Services for termination. Licensees may apply for one or more replacement product licenses from the following list of biological products. Variations in the designation of isolates and origin shall be considered.

1. Escherichia Coli Bacterin, ---------- Isolate.
2. Escherichia Coli, Pasteurella Hemolytica-Multocida, Salmonella Typhimurium Bacterin, ---------- Isolates.
3. Corynebacterium Pyogenes, Pasteurella Multocida, Salmonella Cholerasuis Bacterin, ---------- Isolates.
4. Pasteurella Hemolytica-Multocida Bacterin, ---------- Isolates.
5. Escherichia Coli, Pasteurella Multocida, Salmonella Typhimurium Antiserum, ---------- Isolates and Origin.
6. Corynebacterium Pyogenes, Pasteurella Multocida Antiserum-Concentrate, ---------- Isolates and Origin.
7. Pasteurella Hemolytica-Multocida Antiserum-Globulin Concentrate, ---------- Isolates and Origin.

Effective date. This notice takes effect December 6, 1974.

Done at Washington, D.C., this 31st day of October 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–25868 Filed 11–5–74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CHEMEKETA COMMUNITY COLLEGE ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before November 25, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00104–65–57300. Applicant: Chemeketa Community College, 4389 Satter Drive, PO. Box 1007, Salem, Oregon 97398. Article: Standard PFI Mill. Manufacturer: Norwegian Pulp & Paper Research Institute, Norway. Intended use of article: The article is intended to be used in studying pulp characteristics of different species in the Pacific Northwest to determine the effects of fiber treatments in the adjustable-fibrillation-cutting equipment. Experiments will be conducted to investigate paper and paperboard formation characteristics and physical properties. The article will also be used in the courses, Pulp and Paper Technology, 4.281; Industrial Quality Control, 6.287; and Plywood, Composite and Laminated Wood Products, 6.285 to introduce and familiarize students with most recent fiber treatment techniques that they will be exposed to in industry. Application received by Commissioner of Customs: September 16, 1974.

Docket Number: 75–00106–99–03400. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: MkII Binaural Sensory Aids for the Blind. Manufacturer: Wormald-Vigilant Ltd.,

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New Zealand. Intended use of article: The devices comprising the article are intended to be used for evaluation to assess their relevance to rehabilitation of the blind. Before evaluation in the field the article will be used in postgraduate courses on electronic devices for the Blind at Boston College and Western Michigan University. Application received by Commissioner of Customs: September 16, 1974.

Docket Number: 75–00107–33–46500. Applicant: University of Cincinnati, Department of Anatomy, College of Medicine, Bethesda Avenue, Cincinnati, Ohio 45627. Article: Ultramicrotome, Model Om U3. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used for sectioning of biological materials in preparation for observation by light and electron microscopy. Specific research projects include: (a) Morphological and histochemical observations on the fore stomach of the mouse, (b) morphologic changes in testicular interstitial tissue of the rat after cryptorchidism or x-irradiation, and (c) ultrastructural studies on embryonic chick connective tissues. Application received by Commissioner of Customs: September 16, 1974.

Docket Number: 75–00138–85–43000. Applicant: Lamont-Doherty Geological Observatory of Columbia University, Palisades, New York 10964. Article: Magnetometer System. Manufacturer: Digico, United Kingdom. Intended use of article: The article intended to be used for the measurement of weakly magnetized rocks for paleomagnetic studies of general type in limestones, deep-sea sediments and lavas, and terrestrial rocks. Application received by Commissioner of Customs: September 30, 1974.

Docket Number: 75–00139–33–46040. Applicant: University of Southern California of Medicine, Dept. of Medicine and Anatomy, Keith Administration Bldg., Rm. 100, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Electron Microscope, Model Corinth 500. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used in investigation aimed at understanding the normal maturation process of human bone marrow cells and aberrations of this process which occur in neoplastic diseases. Experiments to be conducted involve: (1) A description of the architecture and cellular components of normal human blood and bone marrow on a morphological and histochemical basis; (2) a description of the same material obtained from untreated patients with leukemia (acute and chronic), lymphoma, and multiple myeloma; (3) assessment of the effects of chemotherapy on these disease processes by following individual patients through therapy and (4) use of tissue culture methods to alter behavior of cells in a leukemic process to a normal pattern of maturation. The article will also be used to train physicians in techniques for electron microscopy. Application received by Commissioner of Customs: September 30, 1974.

Docket Number: 75–00140–91–81595. Applicant: Boyce Thompson Institute for Plant Research Inc., 1086 North Broadway, Yonkers, New York 10701. Article: Dust Feed Mechanism and Accessories. Manufacturer: L. Adams Ltd., United Kingdom. Intended use of article: The article is intended to be used in the study of "Effects of particulate matter on Plants." The article will supply a small controlled amount of dust into an air stream which in turn will be passed over a plant canopy. The resulting exposure may or may not cause a phytotoxic effect. Application received by Commissioner of Customs: September 30, 1974.

Docket Number: 75–00141–01–57000. Applicant: Duke University Marine Laboratory, Pivers Island, Beaufort, N.C. 28516. Article: Oxygen Diffusion Chamber, Manufacturer: L. Eschweiler & Co., West Germany. Intended use of article: The article is intended to be used for studies of blood and hemoglobin solutions with respect to their oxygen binding properties. The degree of cooperativity and pH dependence of these blood samples will be investigated. The article will also be used in the course Biochemistry 220, Adaptations of Organisms to the Marine Environment, to introduce students to the concepts and ideas of how organisms adapt in a biochemical way to a changing environment. Application received by Commissioner of Customs: September 30, 1974.

Docket Number: 75–00142–33–90000. Applicant: The University of Kansas Medical Center, Department of Diagnostic Radiology, 39th & Rainbow, Kansas City, Kansas 66103. Article: EMI Scanner and Magnetic Tape System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to improve the care of patients suffering from diseases of the nervous system. The article enables the physician to accurately determine the nature and extent of the various diseases involving the brain and surrounding structures such as tumors, strokes, blood clots, brain atrophy, etc. Application received by Commissioner of Customs: October 1, 1974.

Docket Number: 75–00143–56–17500. Applicant: Lamont-Doherty Geological Observatory of Columbia University, Palisades, New York 10964. Article: Recording Current Meters Model 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The articles will be used to measure the flow of water near the ocean bottom at a point near the Continental Shelf break in the Ross Sea, Antarctica. Application received by Commissioner of Customs: October 1, 1974.

Docket Number: 75–00144–01–07500. Applicant: Yale University, 20 Ashmun Street, New Haven, Connecticut 06520. Article: Differential Scanning Microcalorimeter, Model DACM–1. Manufacturer: V/O "Mashpriborintorg", U.S.S.R. Intended to be used in studying the energetics of a wide variety of thermally-induced processes in substances of biological interest. Included in these processes will be conformational changes, such as the thermal unfolding of transfer ribonucleic acids and proteins; the endothermic association of tubulin to form microtubules; and phase transitions of phospolipids and other components of biological membranes. The general aim of these experiments will be to improve our understanding of the nature of the forces at play in stabilizing important biological structures. Application received by Commissioner of Customs: October 1, 1974.

Docket Number: 75–00145–33–90000. Applicant: Scott and White Clinic, Division of Radiology, 2501 South 31st Street, Temple, Texas 76501. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the following research projects:

(1) A cooperative study to determine whether the addition of procarbozine to CCNU and Radiation Therapy adds to the response rate and duration of response as compared to CCNU and Radiation Therapy alone in the treatment of malignant cerebral gliomas.

(2) Extent of cerebral infarction resulting from the intracranial arterial spasm that frequently follows subarachnoid hemorrhage from intracranial aneurysms.

(3) Study the development and spontaneous regression or persistence of hydrocephalus in patients with blood in the intracranial subarachnoid spaces following head injury, craniotomy, or spontaneous subarachnoid hemorrhage.

(4) Evaluation of the treatment of cystic craniopharyngiomas by injection of radioactive material or transphenoidal marsupialization.

(5) Assessment of the effects of steroid therapy and hyperosmolar therapy in the treatment of closed head injuries with cerebral contusions and edema.

(6) Studies of patients with CSF shunts by serial scan to systematically evaluate the actual functioning of the shunts.

(7) Assessment of the extent of hydrocephalus in dogs before and after treatment with serial EMI scans.

(8) Development of a technique that will allow the computer to recognize abnormal densities in the various anatomical slices and further, predict possible diagnoses based on location and abnormal density.

(9) Investigate alternate means of data reduction to provide better quality information display for diagnosis.

The article will also be used extensively for educational purposes. Application received by Commissioner of Customs: October 1, 1974.

Docket Number: 75–00146–33–43780. Applicant: National Academy of Sciences, Prosthetics Research and Development, 2101 Constitution Avenue, NW., Washington, D.C. 20201. Article: Ljubljana Functional Electronic Peroneal Orthesis, Type PO 12. Manufacturer: Slovenijales, Yugoslavia. Intended use of article: The articles are intended to be used to stimulate paralzyed muscle to provide useful function. Application received by Commissioner of Customs: October 1, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-25873 Filed 11-5-74;8:45 am]

UNIVERSITY OF HOUSTON ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6 (c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before November 25, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75–00147–00–11000. Applicant: University of Houston, Biophysical Sciences & Chemistry, 3001 Cullen Blvd., Houston, Texas 77004. Article: Altema Model 4 Multiple Ion Detector. Manufacturer: Altema AB, Sweden. Intended use of article: The article is an accessory to an existing gas chromatograph-mass spectrometer computer system being used for research involving pyrolysis of lunar samples, analysis of volatile compounds in cancerous mice urine, analysis of prebiotic synthesies products and environmental monitoring. Application received by Commissioner of Customs: October 2, 1974.

Docket Number: 75–00148–56–17500. Applicant: University of Washington, Department of Oceanography WB–10, Seattle, WA 98195. Article: Three (3) Recording Current Meters, Model No. 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used to determine water structure and circulation on the Washington Continental Shelf. The article will also be used in Ocean. 360, Method and Instruments in Oceanography and similar courses, familiarizing students with method of measuring environmental parameters, the scope and limitations of different instruments and deployment. Application received by Commissioner of Customs: October 4, 1974.

Docket Number: 75–00149–33–43780. Applicant: Veterans Administration Hospital, Rehabilitation Medicine Services, 150 Muir Road, Martinez, California 94553. Article: Kromayer Lamp, Model 10. Manufacturer: Hanovia Lamps Ltd., United Kingdom. Intended use of article: The article is intended to be used for patient care and experimenting on effects of light and wound healing. It aids healing by erythemal action—bactericidal and astringent effect—and will be used as a physical modality in the Rehabilitation Medicine Service for patient care. Application received by Commissioner of Customs: October 4, 1974.

Docket Number: 75–00150–50–44630. Applicant: University of Washington, Department of Oceanography WB–10, Seattle, WA 98195. Article: Two (2) Automatic Weather Stations. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The articles will be used in conjunction with recording current meters to obtain in situ wind measurement together with current measurements to enable development of predictive models. Application received by Commissioner of Customs: October 4, 1974.

Docket Number: 75–00151–00–61800. Applicant: Triton College, 2000 5th Avenue, River Grove, Illinois 60171. Article: Two (2) Mirror Zoom Projectors, Model 2003–10 with Optional Polarizers. Manufacturer: D. A. Hoplock & Company, Canada. Intended use of article: The article is an accessory to a planetarium designed to enlarge or decrease the size of the projected image and to move the image around the planetarium dome. The planetarium is to be used to provide an observational experience related to the course or grade level being served. With the accessory the following types of phenomena can be illustrated: (a) Approach or recession of objects such as space craft or planets, (b) space craft docking, (c) expanding Universe, and (d) animation of graphs and diagrams. Application received by Commissioner of Customs: October 7, 1974.

Docket Number: 75–00152–56–17500. Applicant: University of Washington, Dept. of Oceanography, Seattle, WA 98195. Article: Six (6) Recording Current Meters, Model No. 5. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used to study time-dependent velocity and temperature fields in the deep North Pacific. Experiments will involve the continuous detailed monitoring of currents and thermal structure in abyssal Pacific. Application received by Commissioner of Customs: October 7, 1974.

Docket Number: 75–00153–33–46040. Applicant: Medical University of South Carolina, 80 Barre Street, Charleston, S.C. 29401. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for routine transmission electron microscopy in a vast number of studies which will include the following:

(1) Repair of bacterial DNA, (2) quantitation of virus, (3) Study of viral infected cells, (4) bacterial sporulation and the effects of anti-fungal drugs on various fungi, (5) Cytochemical studies on enzyme changes during bacterial sporulation and during the differentiation of fungi.

(6) Membrane studies on virus infected cells, especially enveloped viruses that change the cellular membranes during viral replication, (7) Studies on the relationship of one cell to another, especially in regard to neoplastic cells, (8) Development of X-ray analysis in the biological or medical field. In addition, the article will be used in a course titled "Advanced Electron Microscopy," concentrating on all of the advanced techniques not available in other electron microscopy courses currently being taught at the University. Application received by Commissioner of Customs: October 7, 1974.

Docket number: 75–00154–33–90000. Applicant: Community Memorial Hospital of San Buenaventura, Loma Vista Road at Brent Street, Ventura, California 93003. Article: EMISCAN 80 Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the education of radiologists, neurosurgeons, and neurologists. Application received by Commissioner of Customs: October 7, 1974.

Docket Number: 75–00155–33–46040. Applicant: University of Pennsylvania, Department of Microbiology, School of Medicine G2, Philadelphia, Pa. 19174. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for the following research projects:

(1) Studies of the effects of oncogenic Rous Sarcoma virus on the development process in myogenic chick embryo cells.

(2) Investigation of the junction of various subcellular structures during phagocytosis by rabbit peritoneal polymorphonuclear leukocytes.

(3) Examination of the outer membrane and surface of various strains of *Escherichia coli.* which have alterations in the chemistry of the liposaccharide in some strains, alterations in the proportion of outer membrane proteins.

(4) Studies of the reversible development of abnormal membrane structures in *Escherichia coli* B.

(5) Isolation and characterization of extrachromosomal plasmid DNA from various bacterial species.

(6) Study of genetic transformation of Hemophilus influenzae. The article is also intended to be used as a teaching device in the course, "Biology and Chemistry of microbial and mammalian cells." Application received by Commissioner of Customs: October 8, 1974.

Docket Number: 75–00156–33–46040. Applicant: University Hospital of Jacksonville, 655 West Eight Street, Jacksonville, Florida 32209. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for clinical studies in the diagnosis of tumors and renal diseases. The article will also be used in any experiment where basic morphological alterations must be studied at the ultrastructural level.

Additionally, the article will be used in the course *Basic Electron Microscopy* to

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introduce the graduate students and the resident physician into the basic principles of electron microscopy. Application received by Commissioner of Customs: October 8, 1974.

Docket Number: 75–00157–56–17500. Applicant: University of Washington, Department of Oceanography WB–10, Seattle, Washington 98195. Article: Four (4) Recording Current Meters, Model No. 4. Manufacturer: Ivar Aanderaa, Norway. Intended use of article: The article is intended to be used in studies of circulation and hydrographic structure in experiments involving the continuous year-long monitoring of currents and gross thermal and salinity structure of waters entering the Arctic Ocean through Bering Strait. Application received by Commissioner of Customs: October 9, 1974.

Docket Number: 75–00158–33–46500. Applicant: East Tennessee State University, Health Sciences, Johnson City, Tennessee 37601. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological specimens including viruses, microorganisms and mammalian tissues from experimental animals exhibiting normal and pathological conditions. Experiments are to be conducted on tumor cells grown in tissue culture investigating the membrane structures and the presence of C-type particles. The article will also be used in a course entitled Electron Microscopy 5060 to introduce the student to a variety of biological specimen preparation techniques for the electron microscope, to operate the electron microscope and to obtain satisfactory photomicrographs of their specimens. Application received by Commissioner of Customs: October 9, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–25872 Filed 11–5–74;8:45 am]

Maritime Administration

[Docket No. S–428]

PACIFIC FAR EAST LINES, INC.

Notice of Application

Notice is hereby given that Pacific Far East Lines, Inc., a Delaware Corporation, (the Operator) has filed an application with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171–1183) of the Merchant Marine Act, 1936, as amended, (the Act) for operating-differential subsidy in the operation of two C4 containerships on its Trade Route No. 27 (U.S. Pacific Coast/Australia-New Zealand) freight ship service. The Operator is presently the holder of an operating-differential subsidy agreement Contract No. FMB–81, covering operation of three LASH vessels on Trade Route No. 27, for a maximum of 24 sailings per annum.

In addition, the Operator is requesting an increase in its maximum sailing requirement on Trade Route No. 27 from 24 sailings to 32 sailings per annum, over the full range of Trade Route No. 27 ports.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Act, (46 U.S.C. 1175), should by the close of business on November 15, 1974, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that the petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11,504 Operating-Differential Subsidies (ODS))

Dated: November 1, 1974.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–25984 Filed 11–5–74;8:45 am]

National Oceanic and Atmospheric Administration

COMMERCIAL FISHING OPERATIONS

Hearing Procedures

On October 18, 1974, notice was given by the National Marine Fisheries Service by publication in the FEDERAL REGISTER (39 FR 37230) that an informal public hearing would be held commencing on November 21, 1974, in Washington, D.C. The purpose of the hearing is to obtain the comments and views of interested parties with respect to possible amendments to the terms and conditions of existing regulations established pursuant to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) governing "Encircling gear: yellowfin tuna purse seining" (50 CFR 216.24(d)(2)), which may be desirable as a consequence of information contained in and developed in conjunction with a draft report of the National Marine Fisheries Service, Southwest Fisheries Center dealing with Eastern Tropical Pacific porpoise populations and National Marine Fisheries Service fishing gear and technology research. In addition, those portions of the draft report or comments thereon which are relevant to possible changes in said existing regulations will be considered. Amendments of the existing regulations, if adopted, will have the effect of modifying the general permit(s) for "Encircling gear: yellowfin tuna purse seining" and each certificate of inclusion issued pursuant thereto.

Notice is hereby given that the following procedures are established for the conduct of that hearing:

Conduct of Hearing. (a) The presiding official shall, at the opening of the hearing prior to any presentation, have noted as part of the record the regulations 50 CFR 216.24(d)(2), the notice of hearing as filed with the Office of the FEDERAL REGISTER, the draft report and the comments thereon, and this notice and shall announce the order in which presentations will be made. The presiding official may commence the hearing with an opening statement.

(b) The presiding official shall have authority to:

(1) Change the time and place of the hearing, extend the hearing, or adjourn the hearing;

(2) Question participants;

(3) Do all acts, take all measures and adopt such further procedures not inconsistent with these procedures as he deems desirable for the maintenance of order and the efficient conduct of the proceeding. In particular he may: (i) exclude all irrelevant, immaterial or unduly repetitious matters; or (ii) limit the number of times, and the length of time, any person may speak, and may limit repetitious questioning of participants and the length of time a participant may be questioned.

(c) All interested persons may participate in the hearing and present their comments and views in the manner set forth in paragraph (d) of this notice and pose questions for other persons who participate in the hearing;

(d) At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard (in person) shall sign up on the list provided at the hearing room at the commencement of the hearing. Persons shall be allowed to speak in the order of listing, subject to the discretion of the presiding official to arrange a more efficient order of presentations. A person shall, before proceeding to speak, state his name, address, and occupation. If any such person is appearing through counsel or representative, such counsel or representative shall, before proceeding to speak or otherwise to participate in the hearing, state for the record on whose behalf he or she is speaking or otherwise participating, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding official may request.

(e) Certification of Transcript. As soon as possible after the hearing, the presiding official shall transmit to the Director, NMFS, an original and two copies of the transcript of the hearing. He shall attach to the original transcript of the hearing his certificate stating that to the best of his knowledge and belief, the transcript is a true transcript of the hearing except in such particulars as he shall specify; and that the documents transmitted are all the documents as introduced and accepted at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each copy of the transcript of the hearing.

(f) Examination of the transcript. During the period in which the record remains open, a copy of the transcript and documents shall be kept on file in the office of the Director where it shall be available for examination during official hours of business.

ROBERT W. SCHONING,
Director.

OCTOBER 31, 1974.

[FR Doc.74–25841 Filed 11–5–74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of patents are available from the Commissioner of Patents, Washington, D.C. 20231, at $.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161, at the prices cited. Requests for copies of patent applications must include the PAT-APPL-number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent Office. Claims and other technical data can usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION, ASSISTANT GENERAL COUNSEL FOR PATENTS, WASHINGTON, D.C. 20545

PAT APPL 450 521 Compact Fast Analyzer of Rotary Curvette Type. Filed Mar 12, 74, PC$4.00/MF$2.25

PAT APPL 459 737 Electrolytic Dissolver. Filed Apr 10, 74, PC$4.00/MF$2.25

PAT APPL 464 427 Device for Measuring Biaxial Strain. Filed Apr 26, 74, PC$4.00/MF$2.25

PATENT 3 769 545 Device for Preparing Elemental Carbon Enriched in Carbon–13. Filed Feb 23, 72, patented March 12, 74, Not available NTIS

PATENT 3 776 284 Article Removal Device for Glovebox. Filed Jan 20, 72, patented Dec 4, 73, Not available NTIS

PATENT 3 778 217 Extrusion Die. Filed Oct 31, 63, patented Dec 11, 73, Not available NTIS

PATENT 3 782 924 Fine-Grained Zirconium-Base Material. Filed Nov 26, 62, patented Jan 1, 74, Not available NTIS

PATENT 3 783 014 Electroless Coating of Molybdenum on Stainless Steels. Filed Jan 18, 72, patented Jan 1, 74, Not available NTIS

PATENT 3 785 120 Recovery of Purified Helium or Hydrogen from Gas Mixtures. Filed Oct 15, 71, patented Jan 15, 74, Not available NTIS

PATENT 3 786 270 Proportional Counter Radiation Camera. Filed Feb 1, 73, patented Jan 15, 74, Not available NTIS

PATENT 3 787 746 Quenching Gas for Detectors of Charged Particles. Filed May 11, 73, patented Jan 22, 74, Not available NTIS

PATENT 3 787 764 Solid Dielectric Capacitance Guage for Measuring Fluid Pressure Having Temperature Compensation and Guard Electrode. Filed Dec 3, 71, patented Jan 22, 74, Not available NTIS

PATENT 3 789 227 Environmental Dosimeter of the Thermo Luminescent Type. Filed May 18, 73, patented Jan 29, 74, Not available NTIS

PATENT 3 789 319 Hydrogen Rotation-Vibration Oscillator. Filed May 8, 72, patented Jan 29, 74, Not available NTIS

PATENT 3 789 321 Electron Beam-Pumped Gas Laser System. Filed Sep 14, 72, patented Jan 29, 74, Not available NTIS

PATENT 3 790 492 Method for Production of Uniform Microspheres. Filed Mar 11, 74, patented Feb 5, 74, Not available NTIS

PATENT 3 791 945 Method of Production of Alkali Metals and Their Alloys. Filed Feb 22, 73, patented Feb 12, 74, Not available NTIS

PATENT 3 791 953 Self-Sealing Electrochemical Oxygen Meter. Filed Oct 31, 72, patented Feb 12, 74, Not available NTIS

PATENT 3 792 136 Method for Preparing Hollow Metal Oxide Microsphere. Filed Nov 2, 71, patented Feb 12, 74, Not available NTIS

PATENT 3 792 154 Removal of Iodine from Nitric Acid Solutions. Filed Mar 6, 72, patented Feb 12, 74, Not available NTIS

PATENT 3 792 155 Method for Increasing the Carbon Yield of Indene-Derived Carbon Precursors. Filed Apr 27, 72, patented Feb 12, 74, Not available NTIS

PATENT 3 792 156 Dual Pressure-Dual Temperature Isotope Exchange Process. Filed Jun 21, 72, patented Feb 12, 74, Not available NTIS

PATENT 3 792 423 Isometric Imaging System. Filed May 24, 72, patented Feb 12, 74, Not available NTIS

PATENT 3 793 435 Separation of Hydrogen from Other Gases. Filed May 10, 72, patented Feb 19, 74, Not available NTIS

PATENT 3 794 116 Situ Coal Bed Gasification. Filed May 30, 72, patented Feb 26, 74, Not available NTIS

PATENT 3 794 470 Continuous Plutonium Dissolution Apparatus. Filed Jun 6, 72, patented Feb 26, 74, Not available NTIS

PATENT 3 794 527 Thermoelectric Converter. Filed Jan 15, 70, patented Feb 26, 74, Not available NTIS

PATENT 3 794 532 Spherodization of Grain Boundary Precipitates. Filed Mar 14, 72, patented Feb 26, 74, Not available NTIS

PATENT 3 794 814 Continuous Dynamic Error Monitoring Device for Numerically Controlled Machines. Filed Feb 15, 73, patented Feb 26, 74, Not available NTIS

PATENT 3 794 927 System for Producing High Energy Positively Charged Particles. Filed Jan 20, 70, patented Feb 26, 74, Not available NTIS

PATENT 3 794 929 Compact Laser Amplifier System. Filed Oct 13, 72, patented Feb 26, 74, Not available NTIS

PATENT 3 795 874 Apparatus for Pumping a High Pressure Laser System. Filed Nov 3, 72, patented Mar 5, 74, Not available NTIS

PATENT 3 797 299 Method of Measuring the Tritium Concentration in a High-Temperature Environment. Filed Apr 23, 73, patented Mar 19, 74, Not available NTIS

PATENT 3 798 124 Fuel Subassembly for Nuclear Reactor. Filed May 27, 69, patented Mar 19, 74, Not available NTIS

PATENT 3 798 569 High Energy Optical Laser. Filed Mar 15, 73, patented Mar 19, 74, Not available NTIS

PATENT 3799029 Precision Trimmer for an Encapsulated Specimen. Filed Dec 19, 72, patented Mar 26, 74, Not available NTIS.

PATENT 3800023 Loading a Cation Exchange Resin with Uranyl Ions. Filed May 16, 72, patented Mar. 26, 74, Not available NTIS.

PATENT 3800161 Portable Dynamic Mutistation Photometer-Fluorometer. Filed Dec 19, 72, patented Mar 26, 74, Not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Mgmt. Branch, Hyattsville, Maryland 20782.

PAT APPL 431762 Method for Reducing Heating and Brightness Loss in Pulp Chips with Aqueous Solutions of Sodium N-Methyldithiocarbamate. Filed Jan 8, 74, PC $4.00/MF $2.25

PAT APPL 478284 Combination Sheathing Support-Member Building Product. Filed Jun 11, 74, PC $4.00/MF $2.25

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, Washington, D.C. 20590

PAT APPL 494098 Dynamic Railroad Freight Car Monitoring System. Filed Aug 2, 74, PC $4.00/MF $2.25

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Bethesda, Maryland 20014.

PAT APPL 467506 Apparatus for Evaluating and Testing the Sharpness of Points. May 6, 74, PC $4.00/MF $2.25

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, Washington, D.C. 20546.

PAT APPL 420424 Fluid Control Apparatus and Method Filed Nov 30, 73, PC $4.00/MF $1.45

PAT APPL 440916 Electrolytic Cell Design. Filed Feb 8, 74, PC $4.00/MF $1.45

PAT APPL 482105 Ceramic Coating for Silica Insulation. Filed Jun 24, 74, PC $4.00/MF $1.45

PAT APPL 489008 Ether-Linked Aryl Tetracarboxylic Dianhydrides. Filed Jul 16, 74, PC $4.00/MF $1.45

PAT APPL 491418 Integrated Structure Vacuum Tube. Filed Jul 24, 74, PC $4.00/MF $1.45

PAT APPL 491419 Horn Antenna Having V-Shaped Corrugated Slots. Filed Jul 24, 74, PC $4.00/MF $1.45

PAT APPL 493359 An Improved System for Imposing Directional Stability on a Rocket-Propelled Vehicle. Filed Jul 31, 74, PC $4.00/MF $1.45

PAT APPL 493363 Trielectrode Capacitive Pressure Transducer. Filed Jul 31, 74, PC $4.25/MF $1.45

PATENT 3814645 Method of Repairing Discontinuity in Fiberglass Structures. Patented Jun 4, 74, Not available NTIS

PATENT 3817622 Measurement of Plasma Temperature and Density Using Radiation Absorption. Patented Jun 18, 74, Not available NTIS

PATENT 3826964 Digital Servo Controller. Patented Jul 30, 74, Not available NTIS

[FR Doc.74–25744 Filed 11–5–74;8:45 am]

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Office of the Secretary

CTAB PANEL ON PROJECT INDEPENDENCE BLUEPRINT

Notice of Meetings

The Panel on Project Independence Blueprint was formed under the U.S. Department of Commerce Technical Advisory Board (CTAB) to provide the Secretary an assessment of the feasibility of the actions and policies resulting from the Project Independence Blueprint. Previous notices of Panel meetings have been published in the FEDERAL REGISTER, 39 FR 22445, June 24, 1974; 39 FR 25374, July 10, 1974; 39 FR 28551, August 8, 1974; 39 FR 34314, September 24, 1974; and 39 FR 36364, October 9, 1974. This notice provides the schedule of Panel meetings to be held during December, 1974.

Date	Time	Purpose	Meeting place
Dec. 3 [1]	8:30 am to 5:00 pm	Panel preview of report to CTAB on energy plans.	1522 K St. NW., Room 210, Washington, D.C.
Dec. 4, 5 [1]	do	Panel report to CTAB on energy plans.	Room 6802, Main Commerce Bldg.
Dec. 10, 11	do	Meetings as required to review final report.	1522 K St. NW., Room 210, Washington, D.C.

[1] Previously announced in FEDERAL REGISTER, vol. 39, No. 197, Oct. 9, 1974. (39 F R 36364).

A limited number of seats will be available to the press and to the public. Written statements or inquiries may be filed with the Chairman before or after any of these meetings.

Persons desiring further information on the Panel or on individual meetings should contact Mr. Frank Castellon, Executive Secretary, 1522 K Street NW., Room 210, Washington, D.C. 20005.

Dated: November 1, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary of Commerce for Science & Technology.

[FR Doc.74-25988 Filed 11-5-74;8:45 am]

[Dept. Administrative Order 205-12]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Public Information Services [2]

Appendix B to Department Administrative Order 205-12 of July 16, 1973 is hereby revised.

Attached hereto is the revised Appendix B, "Public Information Services of the Domestic and International Business Administration," dated September 10, 1974. It supersedes Appendix B of July 16, 1973.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

Effective date: October 16, 1974.

APPENDIX B

PUBLIC INFORMATION SERVICES OF THE DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

SEPTEMBER 10, 1974.

A. *Purpose.* The purpose of this appendix is to describe, in general, the public information services of the Domestic and International Business Administration (DIBA); to describe the places at which, and the methods whereby, the public may obtain information; to inform the public as to the availability of its statistical reports, data files, unpublished materials, special tabulations, rules, regulations, procedures, instructions, forms, or other requirements established by DIBA which affect the public and otherwise to comply with the requirements of 5 U.S.C. 552 (Pub. L. 90-23, 81 Stat. 54).

B. *Public Information Services.* .01 DIBA collects, analyzes, and disseminates to business and industry a wide range of information on domestic and international business, industry and trade, domestic and foreign markets, business opportunities and imports; administers various statutory programs delegated to DIBA: and develops and operates programs to promote international trade and investment and to promote progressive business policies and growth. Included is inforamtion on:

INTERNATIONAL ECONOMIC POLICY AND RESEARCH (IEPR)

International economic and commercial programs and policy issues on trade, finance, investment and competitive assessment.

Trade and commercial policy issues on all individual countries.

International trade negotiations.

Consultations with U.S. industry in support of multilateral trade negotiations.

International trade policy issues.

Publication of foreign trade data of U.S. and other countries.

Publication of information on factors influencing U.S. and world trade.

Problems relating to the trade of the United States arising from negotiations under General Agreement on Tariffs and Trade (GATT) and the Organization for Economic Cooperation and Development (OECD).

International monetary issues.

Transportation systems.

Insurance activities.

Insurance against commercial and political risks abroad.

Statistical Analyses.

Economic and econometric studies with regard to U.S. trade and international economic relations.

Documentation and shipping requirements for U.S. exports.

Ocean freight rates.

U.S. trade and tariff legislation.

U.S. and foreign tax measures.

U.S. foreign direct investment.

Patent, trademark, and copyright laws of foreign countries. Government export financing facilities.

Domestic and International Sales Corporations (DISC's).

Analyses on the competitive position of the U.S.

THE BUREAU OF INTERNATIONAL COMMERCE (BIC)

For all countries except Union of Soviet Socialist Republics (U.S.S.R.), East European Countries, and People's Republic of China (PRC).[1]

Economic and commercial intelligence on foreign markets including trends and potentials.

Analyses of foreign economic and commercial measures affecting U.S. business abroad.

Country market research reports.

Product market research reports.

Overseas Business Reports.

Tariffs, taxes, quotas, customs regulations, and other laws of foreign countries.

Selected international organizations.

Counseling to U.S. exporters and prospective exporters.

Computerized informational services on individual foreign firms.

Foreign government procurement in the U.S.

Foreign trade, investment and licensing opportunities.

Procedures for participation of U.S. industries in export promotion events abroad.

Rules and regulations for corporations organized under the China Trade Act of 1922, as amended.

DIBA participation in domestic trade fairs and international expositions held in the U.S. and its territories.

Participation in Commerce-sponsored overseas events (i.e., trade center exhibitions, commercial fairs) and major foreign fairs.

THE BUREAU OF DOMESTIC COMMERCE (BDC)

Market analyses and trends.

Industry reports.

Analyses of data on production, sales, employment, profits and distribution.

Industrial outlook reports.

THE BUREAU OF RESOURCES AND TRADE ASSISTANCE (BRTA)

International trade in primary commodities.

International trade in industrial products.

Fiber, textile and apparel data.

Foreign-Trade Zones and Foreign-Trade Zones Board activity.

Procedures concerning the importation of scientific, educational and cultural material (Florence Agreement);

[1] See the Bureau of East-West Trade (BEWT) for information on these excepted countries.

[2] This revised appendix, effective October 16, 1974, further amends the material appearing at 32 FR 9734 of July 4, 1967; 35 FR 6601 of April 24, 1970; 36 FR 19096 of September 28, 1971; and 37 FR 9679 of May 16, 1972. In addition, it supersedes the material appearing at 39 FR 11213 of March 26, 1974.

the Foreign Excess Property Program and the Watch Quota Program.

Textile market and textile import analyses guidelines.

Trade adjustment assistance provisions for firms under the Trade Adjustment Assistance Act of 1962.

Energy programs.

THE BUREAU OF EAST-WEST TRADE (BEWT)

For Albania, Bulgaria, Czechoslovakia, East Germany, Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, People's Republic of China and Union of Soviet Socialist Republics.[2]

Foreign trade statistics.

Economic trends and conditions.

Foreign market potentials and opportunities and export market surveys.

Market data and product information.

Tariffs, quotas, laws, regulations, and administrative and procedural provisions governing trade and doing business.

Texts, summaries and supporting documents pertaining to bilateral agreements between the U.S. and state-controlled economy countries.

Activities of the Joint Commercial Commissions.

Patents, trademarks and copyright laws.

Insurance activities including insurance of U.S. business against commercial and political risks.

Commercial arbitration.

Accreditation and business representation.

Business facilities.

Taxation and fees.

Export financing facilities.

Conditions of and opportunities for joint ventures, including U.S. foreign investments.

Documentation and shipping requirements for U.S. exports.

Procedures for the participation of U.S. industries in export promotion events abroad.

For all countries:

Rules and regulations under the Export Administration Act of 1969, as amended, governing administration of exports.

.02 Publications of DIBA are listed in the "Annual Supplement to U.S. Department of Commerce Publications" and the weekly Business Services Checklist" which are available from the District Offices of the Domestic and International Business Administration (DIBA), of the Department of Commerce.

.03 The Bureau of International Commerce publishes the "Checklist of International Business Publications" which can be obtained through the District Offices and from the U.S. Department of Commerce.

04. The Office of Field Operations publishes the "Commerce Business Daily" through which it disseminates all proposed U.S. Government procurement actions over $10,000 in value for defense and over $5,000 for civilian purposes. The purpose is to advise all interested U.S. firms of such procurement opportunities and thereby reduce procurement costs through expanded competitive bidding. The publication also contains a listing of government contract awards including subcontracting leads, government surplus property sales and foreign business opportunities. "Commerce Business Daily" is published daily except Saturdays, Sundays and Government holidays. Subscriptions are available through DIBA District Offices or the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402 at an annual subscription rate of $63.50. Airmail service is an additional $56.80 annually.

C. *Guide to published rules and regulations.* .01 *Defense Production Act.* Public Orders and Regulations issued in implementation of Title I (priorities and allocation powers) under the Defense Production Act of 1950, as amended, (50 U.S.C. App. 2061 et seq.) are found in Title 32A, Code of Federal Regulations, Chapter VI, including appeals procedures under these orders and regulations.

.02 *National Defense Executive Reserve.* DIBA responsibilities for the National Defense Executive Reserve are exercised by the Bureau of Domestic Commerce and the Bureau of East-West Trade. Applications for participation in the NDER must be made on Form CD-174, which is available from the Director, Office of Industrial Mobilization, Bureau of Domestic Commerce, DIBA, U.S. Department of Commerce, Washington, D.C. 20230 or from the Director, Office of Export Administration, Bureau of East-West Trade, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

.03 *Automotive Products Trade.* Rules, procedures and criteria for determination of bona fide motor vehicle manufacturers under the Automotive Products Trade Act of 1965 (19 U.S.C. 2031 et seq.) are found in 15 CFR Part 615.

.04 *Export Promotion Programs.* Applications, procedures, selection criteria, and other rules and regulations pertaining to trade and industrial exhibits, Trade Centers, trade development centers, catalog fairs, Joint Export Establishment Promotions (JEEPs) and trade missions abroad which are directed toward stimulation of the domestic community to export may be obtained from the Office of International Marketing, BIC, DIBA, Department of Commerce, Washington, D.C. 20230 with regard to countries within the cognizance of the Bureau of International Commerce's export promotion activities, and from the Office of East-West Trade Development, Bureau of East-West Trade, DIBA, U.S. Department of Commerce, Washington, D.C. 20230, with regard to countries within the cognizance of Bureau of East-West Trade's export promotion activities. (See Page 4 for listings of countries.)

.05 *China Trade Act.* Rules and regulations for corporations organized under the China Trade Act (15 U.S.C. 141-62) are found in 15 CFR Part 363.

.06 *Export Administration.* Rules and regulations issued under the Export Administration Act of 1969, as amended, (50 U.S.C. App. 2401, et seq.) are contained in "Export Administration Regulations", which may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or from the Office of Export Administration, Bureau of East-West Trade, DIBA, Room 1605, U.S. Department of Commerce, Washington, D.C. 20230.

Additionally, lists of parties subject to restrictions in exporting or dealing in U.S.-origin commodities or technical data, are included in the Export Administration Regulations. Amendments to the current rules and regulations are published in the FEDERAL REGISTER and in Export Administration Bulletins which may be obtained from the above sources or District Offices of DIBA.

.07 *Foreign Excess Property.* Rules, procedures, and criteria for importation of Foreign Excess Property are found in 15 CFR Part 302. Information on the activity and application forms may be obtained from the Office of Import Programs, Bureau of Resources and Trade Assistance, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

.08 *Florence Agreement—Importation of Scientific Instruments or Apparatus by Nonprofit Educational and Research Institutions.* Rules, regulations and procedures concerning the processing by the Departments of Commerce and Treasury of applications for duty-free entry of scientific instruments or apparatus are published in 15 CFR Part 701. They are issued pursuant to the Educational, Scientific and Cultural Importation Act of 1966 (19 U.S.C. 1202). The public may secure information and copies of the Regulations and application forms relating to the program from the Director, Office of Import Programs, Bureau of Resources and Trade Assistance, DIBA, U.S. Department of Commerce, Washington, D.C. 20230. However, applications for duty-free entry of scientific instruments should be filed as prescribed in the Act and the above referred Regulations with the U.S. Customs Service, Attention: Classification and Value Division, Washington, D.C. 20229.

.09 *Allocation of Quotas for the Duty-Free Importation into the United States of watches and watch movements among producers located in the Virgin Islands, Guam and American Samoa* (19 U.S.C. 1202) added by Pub. L. 89-805 November 10, 1966. Requests for information concerning this activity may be obtained from the Director, Office of Import Programs, Bureau of Resources and Trade Assistance, DIBA, U.S. Department of Commerce, Washington, D.C. 20230.

.10 *Foreign Trade Zones* are authorized by the Foreign Trade Zones Board under its authority given in the FTZ Act 1934, as amended (19 U.S.C. 81a-81u). The Board's rules and regulations are found at 15 CFR Part 400. U.S. Customs

[2] See the Bureau of International Commerce (BIC) for information on other countries.

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Service regulations on zones are at 19 CFR Part 146. Information on zone operations and activities are published in the Board's annual report to Congress.

D. *Submission of requests and applications.* .01 The public may make submittals, applications, or requests concerning matters discussed in Section C of this Appendix as provided in the respective rules and regulations which are cited.

.02 DIBA's information address and telephone are: Domestic and International Business Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Phone: (202) 967–3808. Information may also be obtained from DIBA District Offices located in principal cities throughout the country.

.03 Forms affecting the public in export administration matters are identified in the Code of Federal Regulations and facsimiles of these forms are reproduced as a supplement to the Export Administration Regulations. Actual forms may be obtained from the Office of Export Administration or as otherwise provided in the Regulations. The Regulations also describe procedures to be followed in submitting forms and documents.

E. *Delegations of authority.* .01 The officials and employees of DIBA to whom there has been delegated or redelegated the authority to take final actions, or make final decisions, with respect to requirements, submissions or other matters arising under published rules and regulations are identified in the following materials:

a. Department Organization Order 10–3 (39 FR 27484, July 29, 1974) which is the basic delegation of authority from the Secretary of Commerce to the Assistant Secretary for Domestic and International Business; and

b. DIBA Organization and Function Orders in the DIBA Manual of Administrative Instructions which set forth all redelegations of authority to officials and employees of DIBA and which are available for public inspection and copying in the Office of Management and Systems, Directorate of Administrative Management, DIBA, U.S. Department of Commerce, Room 3100, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230 (Telephone: Area Code 202–967–5436) or in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043.

.02 DIBA Deputy Assistant Secretaries and their deputies are authorized to make initial decisions with respect to public requests for records under their jurisdiction. The Office of the Assistant General Counsel for Domestic and International Business shall be consulted with respect to each request for records, (a) when it presents a novel or difficult question or (b) before an initial denial of a request for records is issued. All previous delegations of authority in this area are hereby revoked.

F. *Inspection and copying of opinions and orders.* All final opinions and orders made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public; and any other materials required to be made available for public inspection and copying under section 552(a)(2), Title 5, U.S. Code, are made available for such purposes in the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Rules concerning the use of this facility are contained in Part 4, Subtitle A, Title 15, Code of Federal Regulations, or may be obtained from the Facility.

G. *Inspection of records.* Rules for persons desiring, pursuant to section 552(a)(3), Title 5, U.S. Code, to inspect records not available to the public as a part of the regular public information services of the Domestic and International Business Administration are contained in Part 4, Subtitle A, Title 15, Code of Federal Regulations.

Dated: September 10, 1974.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

[FR Doc.74–25989 Filed 11–5–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

ADVISORY COMMITTEE

Establishment of Committee

The Director, National Institutes of Health, announces the establishment on October 7, 1974 of the advisory committee indicated below by the Secretary of Health, Education, and Welfare under the authority of section 222 of the Public Health Service Act (42 U.S.C. 217a). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

Name: Recombinant DNA Molecule Program Advisory Committee.

Purpose: In accordance with Section 301 of the Public Health Service Act (42 U.S.C. 241), the Secretary of Health, Education, and Welfare is directed to conduct research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis, treatment, control and prevention of physical diseases and impairments of man. In carrying out this mandate, exploration of the genetics of microbial agents and of animal cells by use of the technology of study of DNA (deoxyribonucleic acid) recombinants offers tremendous promise of uncovering basic aspects of health and disease, and is appropriate for support by the National Institutes of Health.

However, the use of this technology has various possible hazards because new types of organisms, some potentially pathogenic, can be introduced into the environment if there are no effective controls.

The technology is also capable of producing microbial organisms which can be useful or harmful to agriculture or industry, and thus secondarily affect human health. The goal of the Committee is to investigate the current state of knowledge and technology regarding DNA recombinants, their survival in nature, and transferability to other organisms; to recommend programs of research to assess the possibility of spread of specific DNA recombinants and the possible hazards to public health and to the environment; and to recommend guidelines on the basis of the research results. This Committee is a technical committee, established to look at a specific problem.

Dated: November 1, 1974.

ROBERT S. STONE, M.D.,
Director, NIH.

[FR Doc.74–25950 Filed 11–5–74;8:45 am]

BOARD OF REGENTS

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Board of Regents of the National Library of Medicine on December 5–6, 1974, in the Board Room of the National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland, and the meeting of the Extramural Programs Subcommittee of the Board of Regents of the National Library of Medicine on the preceding day, December 4, 1974, from 2 to 5 pm, in the Board Room of the Library.

The meeting of the Board will be open to the public all day on December 5 and from 9 to 9:30 am on December 6 for administrative reports and program and operation discussions. Attendance by the public will be limited to space available. In accordance with provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the entire meeting of the Subcommittee on December 4 will be closed to the public, and the regular Board meeting on December 6 will be closed from 9:30 to adjournment, for the review, discussion and evaluation of grant applications. The applications contain information of a proprietary nature—including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information about individuals associated with the applications in the field of biomedical communications.

Mr. Robert B. Mehnert, Chief, Office of Inquiries and Publications Management, National Library of Medicine, 8600 Rockville Pike, Bethesda, Maryland 20014, Telephone Number: 301–496–6308, will furnish summaries of the meeting, rosters of Board members, and substantive program information.

(Catalog of Federal Domestic Assistance Program Nos. 13.348, 13.349, 13.351, 13.352—National Institutes of Health.)

Dated: October 30, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74–25953 Filed 11–5–74;8:45 am]

COMMITTEE ON CANCER IMMUNOBIOLOGY

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Committee on Cancer Immunobiology, National Cancer Institute, December 23, 1974, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on December 23, 1974, from 2 pm to 2:30 pm to discuss general business and plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on December 23, 1974 from 2:30 pm to adjournment for the review, discussion and evalution of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Dr. Barbara H. Sanford, Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1791) will furnish substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: October 30, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74–25951 Filed 11–5–74;8:45 am]

DIAGNOSTIC RESEARCH ADVISORY GROUP

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Diagnostic Research Advisory Group, National Cancer Institute, December 12, 1974, Building 31, Conference Room 7, National Institutes of Health.

This meeting will be open to the public on December 12, 1974, from 8:30 am to 9 am to approve the minutes of the previous meeting. Attendance by the public will be limited to space available. In accordance with the provisions set forth in Sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on December 12, 1974, from 9 a.m. to 5 p.m. for the review, discussion and evaluation, of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of meetings and rosters of committee members.

Mr. Louis P. Greenberg, Executive Secretary, Building 31, Room 3A06, National Institutes of Health, Bethesda, Maryland 20014 (301/496–1591) will furnish substantive program information.

Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health.

Dated: October 30, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74–25952 Filed 11–5–74;8:45 am]

PROGRAM DIRECTORS OF THE ASTHMA AND ALLERGIC DISEASE CENTER

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Program Directors of the Asthma and Allergic Disease Centers, National Institute of Allergy and Infectious Diseases, National Institutes of Health, December 5 and 6, 1974, in Conference Room 10, C Wing, Building 31, Bethesda, Maryland.

The entire meeting will be open to the public from 9 a.m. on December 5 until adjournment on December 6 to exchange scientific ideas and discuss progress on Center research activities. The scientific agenda at this workshop will be limited to topics on: immunodermatologic disorders, biochemical and physiological responses of the atopic individual, and action of pharmacologic agents of possible therapeutic efficacy. Attendance by the public will be limited to space available.

Mr. Robert S. Schreiber, Chief, Office of Research Reporting and Public Response, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Building 31, Room 7A34, telephone (301) 496–5717, will provide summaries of meetings and rosters of committee members.

Dr. Luz A. Froehlich, Assistant Associate Director for Extramural Programs, National Institute of Allergy and Infectious Diseases, National Institutes of Health, Westwood Building, Room 703, telephone (301) 496–7131, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Dated: October 31, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, NIH.

[FR Doc.74–25954 Filed 11–5–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

MICROWAVE LANDING SYSTEM ADVISORY COMMITTEE

Meeting

Pursuant to section 10(a)(2) of Pub. L. 92–463, notice is hereby given that the Microwave Landing System (MLS) Advisory Committee will hold a meeting on November 14 and 15, 1974, beginning at 8:30 a.m. in Conference Room 3201, Trans Point Building, 2100 2nd Street, SW., Washington, D.C.

The meeting will be a second progress report on the MLS Technique Selection Process with major emphasis on candidate scanning beam and doppler signal formats.

The short time available after the October 15, 1974 meeting for assessing results and the need for scheduling this meeting at a date consistent with the Technique Selection Process schedule have precluded earlier publication of this notice.

Anyone desiring further information on the meeting should contact Mr. Jules I. Kanter, Executive Director, Microwave Landing System Advisory Committee, Federal Aviation Administration, 2100 2nd Street, SW., Washington, D.C. 20591, Telephone 202–426–3406. The meeting will be open to the public.

Issued in Washington, D.C. on October 30, 1974.

JULES I. KANTER,
Executive Director, Microwave Landing System Advisory Committee.

[FR Doc.74–25853 Filed 11–5–74;8:45 am]

[FRA Waiver Petition No. HS–74–12]

Federal Railroad Administration

ALMANOR RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Almanor Railroad Company, has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS–74–12, Room 5101, 400 Seventh

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Street, SW., Washington, D.C. 20590. Communications received before December 15, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on November 1, 1974.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.74-25844 Filed 11-5-74;8:45 am]

[FRA Waiver Petition No. HS-74-13]

SANDERSVILLE RAILROAD CO.

Petition for Exemption from Hours of Service Act

The Sandersville Railroad Company, has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-74-13, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 15, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on November 1, 1974.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.74-25845 Filed 11-5-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON ALLENS CREEK NUCLEAR GENERATING STATION, UNITS 1 & 2

Notice of Meeting

OCTOBER 31, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Allens Creek Nuclear Generating Station, Units 1 and 2 will hold a meeting on November 23, 1974 in room 1046, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Houston Lighting and Power Co. for a permit to construct this nuclear powerplant. The facility will be located in Southern Austin County, Tex., immediately west of the Brazos River and approximately 45 miles west of Houston, Tex.

The following constitutes that portion of the subcommittee's agenda for the above meeting which will be open to the public:

Saturday, November 23, 1974—9 a.m. until the conclusion of business.—The subcommittee will hear presentations by representatives of the Regulatory Staff and Houston Lighting and Power Co. and will hold discussions with these groups pertinent to its review of the application of Houston Lighting and Power Co. for a permit to construct the Allens Creek Nuclear Generating Station, Units 1 and 2.

In connection with the above agenda item, the subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552 (b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than November 16, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Sealy Public Library, 415 Main Street, Sealy, Tex. 77474.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the subcommittee. To the extent that the time available for the meeting permits, the subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on November 23, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on November 22, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.s.t.

(e) Questions may be propounded only by members of the subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 25, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and within approximately 9 days at the Sealy Public Library, 415 Main Street, Sealy, Tex. 77474. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after February 24, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-25859 Filed 11-5-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON PERRY NUCLEAR POWER PLANT, UNITS 1 & 2

Notice of Meeting

OCTOBER 31, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Perry Nuclear Power Plant, Units 1 & 2 will hold a meeting on November 23, 1974 in Room 1146, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Cleveland Electric Illuminating Company for a permit to construct this nuclear power plant. The facility will be located on Lake Erie in Lake County, Ohio. The plant site is approximately 35 miles northeast of Cleveland and 21 miles southwest of Ashtabula, Ohio.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Saturday, November 23, 1974—10:30 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Cleveland Electric Illuminating Company and will hold discussions with these groups pertinent to its review of the application of Cleveland Electric Illuminating Company for a permit to construct the Perry Nuclear Power Plant, Units 1 & 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 10:00 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information concerning plant physical security and other matters related to plant design, construction, and operation, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than November 16, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on November 23, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on November 22, 1974 to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 25, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately nine days at the Perry Public Library, 3753 Main Street, Perry, Ohio 44081. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after February 24, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-25860 Filed 11-5-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON THE REACTOR SAFETY STUDY (WASH-1400)

Notice of Meeting

OCTOBER 31, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on the Reactor Safety Study (WASH-1400) will hold a

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meeting on November 22, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C.

The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the draft report on the "Reactor Safety Study (WASH–1400), An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants."

The following constitutes that portion of the Working Group's agenda for the above meeting which will be open to the public:

Friday, November 22, 1974, 9:00 a.m. until the conclusion of business. The Working Group will hear presentations by representatives of the AEC Regulatory Staff and will hold discussions with this group pertinent to its review of matters related to the draft report on the Reactor Safety Study (WASH–1400).

In connection with the above agenda item, the Working Group will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Working Group Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and avoid undue interference with agency or Working Group operation.

Practical considerations may dictate alteration in the above agenda or schedule.

The Chairman of the Working Group is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than November 15, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the AEC's field information offices in Albuquerque; Chicago; King of Prussia, Pennsylvania; Idaho Falls, Idaho; Las Vegas, Nevada; Grand Junction, Colorado; Oak Ridge, Tennessee; Richland, Washington; San Francisco; Aiken, South Carolina; Atlanta, and Denver.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Working Group. To the extent that the time available for the meeting permits, the Working Group will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Working Group, between the hours of 10:30 a.m. and 12:30 p.m. on November 22, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been canceled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on November 20, 1974 to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.s.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after November 26, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within approximately nine days at various local public document rooms throughout the country. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after February 22, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–25858 Filed 11–5–74;8:45 am]

[Docket No. 50–298]

NEBRASKA PUBLIC POWER DISTRICT

Amendment to Facility License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR–46 issued to Nebraska Public Power District which revised Technical Specifications for operation of the Cooper Nuclear Station, located in Nemaha County, Nebraska. The amendment is effective as of its date of issuance.

The amendment permits operation with an 8 percent increase in maximum average planar linear heat generation rate for average planar exposures up to 6000 MWD/T.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated May 28, 1974, (2) Amendment No. 6 to License No. DPR–46, with Change No. 9, and (3) the Commission's concurrently issued Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Auburn Public Library, 1118–15th Street, Auburn, Nebraska 68305. A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 25th day of October, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch #2, Directorate of Licensing.

[FR Doc.74–25864 Filed 11–5–74;8:45 am]

[Docket No. 50–410]

NIAGARA MOHAWK POWER CORP.

Oral Argument

OCTOBER 31, 1974.

Oral argument on the exceptions filed to the June 14, 1974 initial decision of the Licensing Board in this construction permit proceeding will be heard at 10 a.m. on Wednesday, December 4, 1974, in the Main Courtroom (second floor), The U.S. District Court and Post Office Building, Erie Boulevard and Genessee Street, Syracuse, New York 13201. Counsel should arrange to be present in the courtroom no later than 9:45 a.m.

The intervenors (Suzanne Weber and Ecology Action) are allotted one and one-half hours for their argument; the applicant, the State of New York Atomic Energy Council, and the AEC regulatory staff are allotted a total of one and one-half hours for their arguments, to be divided among them as they deem appropriate. Of course, a party need not use all of the time allotted. The Secretary to this Board should be advised by letter, no later than November 22, 1974, of the name(s) of counsel who will present argument on behalf of each of the respective parties, and on the allocation of time agreed upon.

While, in accordance with its established practice, the Board will review the entire initial decision and the full record underlying it, the oral argument will be confined to the issues which have been raised by the exceptions and the briefs filed in support or in opposition thereto, unless advised otherwise by later Board order. Counsel should be totally familiar with the portions of the record which bear upon those issues. In their preparation and presentation of oral argument, counsel may assume that the Board will have carefully examined all briefs on file with it and will therefore be familiar with the positions of the respective parties.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74–25862 Filed 11–5–74;8:45 am]

[Docket Nos. 50–277, 50–278]

PHILADELPHIA ELECTRIC CO. ET AL.

Prescheduled Argument

OCTOBER 31, 1974.

Our order of October 21, 1974,[1] in postponing the previously calendared date for oral argument in this proceeding, stated that the argument would be re-calendared for a date in early December, 1974. The argument is re-calendared for 10 a.m. on Wednesday, December 11, 1974, in the Appeal Panel Hearing Room, 5th floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland. Counsel should arrange to be present in the hearing room no later than 9:45 a.m.

All other provisions of our oral argument order of October 7, 1974 remain in effect. In the absence of a change, there is no need to resubmit the name(s) of counsel who will present argument on behalf of each of the respective parties. The Secretary to the Board should be advised by letter, no later than December 3, 1974, in the event of a change in counsel.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc. 74–25863 Filed 11–5–74;8:45 am]

[1] ALAB–236, RAI–74–10.

[Docket Nos. 50–277 and 50–278]

PHILADELPHIA ELECTRIC CO.

Proposed Issuance of Amendments to Facility Operating Licenses

The Atomic Energy Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR–44 and DPR–56 issued to Philadelphia Electric Company for the operation of the Peach Bottom Atomic Power Station, Units 2 and 3, located in Peach Bottom, York County, Pennsylvania.

The amendments would delete the provisions in the Technical Specifications which require that the maximum worth of any operable control rod be less than 1.25 percent when reactor power is above 30 percent, in accordance with the licensee's application for amendment, dated August 29, 1974.

The notice provides that within 30 days after publication of notice in the FEDERAL REGISTER on November 6, 1974, any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene with respect to whether the amendments to the facility operating licenses should be issued.

Petitions for leave to intervene must be filed under oath or affirmation and in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of the FEDERAL REGISTER notice and § 2:714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Docketing and Service Section by December 6, 1974. A copy of the petition and/or request for hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C., 20545 and to Edward J. Bauser, Jr., Esquire, Philadelphia Electric Company, 2301 Market Street, Philadelphia, Pennsylvania 19101, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or designated licensing board or by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine any cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 29, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania. As it becomes available, the Commission's related Safety Evaluation will be available at the above locations. A copy of the proposed license amendments and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74–25788 Filed 11–5–74;8:45 am]

[Docket Nos. 50–354 and 50–355]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Reconstruction of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR § 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for these proceedings to consist of the following members:

William C. Parler, Chairman
Dr. Lawrence R. Quarles, Member
Richard S. Salzman, Member

Dated: October 30, 1974.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc. 74–25861 Filed 11–5–74;8:45 am]

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CIVIL AERONAUTICS BOARD

[Docket 25513, Agreement C.A.B. 24596, R-1 through R-6; Docket 25280, Agreement C.A.B. 24597, R-1 through R-8; Docket 26494, Agreement C.A.B. 24684, R-1 and R-2, Order 74-10-88]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Increased Fuel Costs

Correction

In FR Doc. 74-34707, appearing in the issue of Thursday, October 24, 1974, at page 37799, the following changes should be made:

1. The following paragraph should be inserted above the first paragraph of the document:

"Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of October, 1974."

2. In the second table on page 37801, the first line under Agreement C.A.B. 24597 beginning "R-2 * * *", should be moved up under the first line in Agreement C.A.B. 24596 beginning "R-1 * * *".

[Docket No. 23161; Order 74-11-10]

OVERSEAS NATIONAL AIRWAYS, INC.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 1st day of November 1974.

Overseas National Airways, Inc. (ONA) has applied for exemption from section 408(a) of the Federal Aviation Act of 1958, as amended (the Act) or for approval without hearing pursuant to section 408(b) thereof with respect to the control relationship between it and Logistical Services, Inc. (LSI), a wholly owned subsidiary of ONA.

ONA formed LSI on August 5, 1969 as a Delaware Corporation; LSI is managed by ONA without a board of directors. LSI has been used to bidding on government contracts to load munitions on shipboard and to provide terminal services in connection with ONA's contract operations.[1]

ONA has now decided to activate LSI to provide a variety of terminal services, cargo handling, and related services to ONA as well as to other carriers and shippers of air cargo. The company will also provide consulting and marketing advice for freight forwarders, shippers and other similar interests, and may seek government contracts to load, unload and otherwise service all types of transport vehicles.[2] Thus LSI will be a person engaged in a phase of aeronautics within the meaning of section 408 of the Act, and its relationship with ONA is subject to Board approval pursuant to subsection (a)(6) thereof.[3]

In support of its request, ONA submits LSI will not operate aircraft or be the sole source of any of the services it provides, and thus no significant public policy or regulatory problems will arise as a result of approval of the application. ONA contends that the Board has approved the establishment by air carriers of similar arrangements.[4]

The Flying Tiger Line Inc. (Flying Tiger) filed an answer in opposition to ONA's application to the extent that it would permit ONA to engage indirectly (a) in the sale or servicing of individually waybilled freight and (b) in the sale or servicing of freight either being assembled for various shippers for a charter flight, or distributed to various consignees thereafter. Flying Tiger contends that the application raises broad issues which can be determined only through the hearing process and that none of the cases cited by ONA are even remotely in point. In Flying Tiger's view the primary question raised is whether it is in the public interest to permit ONA, as a supplemental carrier limited to charter transportation, to become broadly involved in the servicing and marketing of individually waybilled freight. Flying Tiger believes that a supplemental carrier's peripheral activities should be confined to the same business areas as its major activities. Otherwise, it is asserted, violations and enforcement problems could arise and LSI could become a competitive vehicle to obtain traffic now moving on other carriers. Flying Tiger concludes that, if the Board decides to approve the proposal, LSI should be limited to the performance of ground handling and terminal services in connection with charter transportation for organizations which do not sell, solicit or use individually waybilled air freight.

ONA has replied that it is not asking the Board for permission to engage in any activities not previously authorized for other air carriers, including Flying Tiger,[5] and that it is well aware of the prohibitions of its certificate with respect to carrying individually air waybilled freight. ONA contends that FTL's suggested conditions are vague and unworkable, and should be rejected.

ONA has submitted a list of its officers and directors who will be officers of LSI[6] and submits that the exemption from section 409 of the Act contained in Part 287 of the Board's Economic Regulations will apply if the control relationship is approved or exempted by the Board.[7]

No other comments have been received.

ONA is an air carrier, LSI is a person which will be engaged in a phase of aeronautics, and the control of LSI by ONA is therefore subject to section 408(a)(6) of the Act. It has been tentatively determined the acquisition of LSI by ONA does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. For the reasons set forth below, we have further tentatively concluded that the application should be approved, subject to conditions.

LSI will act as a vehicle by which ONA can better utilize ground handling equipment not fully needed to support ONA. The information here available indicates that this expansion into related activities should strengthen ONA's health and further the development of air transportation.

However, the operational possibilities in the relationship raise problems too broad to warrant unqualified approval.

As an initial matter, regulatory problems would arise in the event that LSI, in providing consulting and terminal services for indirect air carriers, first acted as a clearing house for shipments available for joint loading, then provided terminal services in physically arranging a joint load, and finally acted as agent for the master loader to procure chartered transportation via ONA. We believe, as partially noted by Flying Tiger, that such activities might involve ONA too intricately in the transportation of individually waybilled freight. At minimum, an expanded proceeding would be required to examine the possibilities inherent in such an arrangement. However, applicants have expressed no intention to engage in coordinated operations of this nature and, for purposes of approving the application without hearing, a condition will be imposed to insure that such operations—or any operations promoting consolidated shipment by ONA of the freight of multiple

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[1] The only function of LSI at present is to provide loading and offloading services with respect to commercial cargo carried on ONA's aircraft.

[2] By way of describing more specifically the services to be provided, applicants have submitted the following. First, LSI will load and unload cargo on and off of the aircraft of air carriers and provide storage space for such cargo. In performing the activity which is contemplated in this connection it will be necessary for LSI to receive or deliver freight from surface transportation companies at the storage facilities. Secondly, LSI will contract with shippers to provide the shippers consulting advice with respect to the warehousing and transportation of freight. In this connection the company would do such things as advise shippers how to prepare computer programs or LSI might itself prepare the computer program for the purpose of controlling or improving the flow of a shipper's inventory. Finally, it is contemplated that LSI might do engineering design work with respect to the creation or improvement of cargo handling equipment used in connection with handling, loading and off-loading of air freight. The application states that ONA does not presently intend for LSI to purchase or lease aircraft, and that LSI will not engage in contact or common carriage.

[3] See Emery Air Freight Corp. Control of Cargo Facilities, Inc., Order 70-12-15, December 3, 1970.

[4] *E.g.*, Interlocking Relationships, Patterson, et al., 3 CAB 711, 712, 715 (1942) (subsidiary performing consulting services concerning long-range air cargo programs); Barnett International Forwarders, Inc., et al., Interlocking Relationships, 25 CAB 54, 56 (1957) (subsidiary provided cargo packing service for customers of its indirect air carrier parent).

[5] Order E-24030 authorized the establishment of Flying Tiger Air Services, Inc., which, inter alia, proposed to provide ground handling and other related services for FTL and other carriers at overseas points.

[6] LSI has no Board of Directors.

[7] These officers are G. F. S. Hinckley, J. W. Bailey, Martin Train, Robert Wagenfeld, Karl Wernett and Richard Winfield.

purchasers of direct air transportation—do not occur without prior Board consideration and approval.

Further, in this light, to insure that ONA is not enabled to do through LSI what it cannot do in its own right, we will condition final approval to prohibit LSI from engaging in any activity closed to ONA by virtue of its certificate obligations, and specifically from engaging in the direct or indirect solicitation or handling of individually waybilled freight having prior or subsequent movement on ONA.

However, Flying Tiger's proposed condition in this regard is unacceptable. We see nothing per se adverse to the public interest in the provision of services by LSI which increase the efficiency of the air freight operations of other air carriers, direct or indirect. Similarly, if by virtue of these services, the business of an individual air shipper increases sufficiently to justify charter operations, and that shipper chooses to ship via ONA, without incentive of rebates or unfair competitive devices, no regulatory problem is raised. Competition by other air carriers would in no way be diminished or endangered; ONA would not have improperly extended its activities into transportation of individually waybilled freight; and ONA would have engaged in no unfair competitive practices. To the extent Flying Tiger's proposed condition would preclude provision of services by LSI to air freight forwarders, or other individual shippers, it is overly restrictive.

There are other adverse possibilities inherent in the arrangement, beyond the impact on scheduled carriers addressed by Flying Tiger. Theoretically, ONA could utilize LSI to the detriment of other charter operators. To the extent LSI provided services to ONA customers, services which are integrally and sequentially related to the total air transportation package of which ONA is a principal part, an avenue would exist for ONA to provide through LSI free or below-cost services, thereby effectively circumventing its published tariffs and enhancing its competitive flexibility unfairly. In this connection, LSI will be prohibited from providing any service to an ONA customer except at prices equal to or above the reasonable cost (including profit) of such services to LSI. LSI will also be required to maintain various records and accounts respecting such sales, to which the Board will retain an ongoing right to inspect.

A related problem arises insofar as ONA, through LSI, would be able to enter into joint arrangements with other air carriers, involving pooling of equipment or facilities, or other cooperative working arrangements, without filing an agreement with the Board pursuant to section 412 of the Act. Here, unqualified approval would effectively transfer a phase of ONA's regulated activities to an unmonitored affiliate. Accordingly, we will condition our approval so as to require that LSI and ONA promptly file with the Board a report describing each agreement that LSI enters into with any air carrier, foreign air carrier or other carrier. ONA and LSI should be prepared to terminate any such agreement should the Board so order (or to provide for the divestiture of LSI by ONA).[8]

On the basis of the foregoing, it is tentatively found that the control relationship between ONA and LSI is not contrary to the public interest or that the conditions of section 408 will be otherwise unfulfilled. Upon approval of the acquisition of control by ONA of LSI, all interlocking relationships arising thereby would come within the exemption from section 409 of the Act afforded by Part 287 of the Board's Economic Regulations.

The Board tentatively concludes that it should approve the acquisition of control by ONA of LSI without hearing under the third proviso of section 408(b) of the Act.[9] In accordance therewith this order, constituting notice of the Board's tentative findings, will be published in the FEDERAL REGISTER, and interested parties will be afforded an opportunity to file comments or request a hearing on the Board's tentative decision. Approval will be subject to the following conditions:

1. LSI and ONA shall file with the Board's Docket Section (in Docket 23161) within fifteen days after execution of any agreement between LSI and any air carrier, foreign air carrier, or other carrier, a report setting forth the nature of the agreement and the parties involved;

2. LSI shall provide no service to any customer [10] of ONA, except at prices equal to, or in excess of, the reasonable cost of such services to LSI;

3. LSI shall maintain for a period of at least 3 years full and complete records of all operations conducted, including (a) copies of all contracts entered into, and all billing and service documents, (b) documents describing the nature of services: *Provided*, The identity of purchasers, the location at which services were rendered, and itemized billing charges, and (c) all records and accounts prepared by or for its management relating to its payroll, equipment and other overhead expenditures, and its general financial status;

4. The Board shall have the same access to all lands, buildings, and equipment, and to all accounts and records of LSI as it has to the records and facilities of ONA itself;

5. LSI shall engage in no activity closed to ONA by virtue of ONA's certificate obligations, and specifically, in no direct or indirect solicitation or handling of individually waybilled freight having prior or subsequent movement on ONA;[11]

6. ONA and LSI shall file with the Board in this docket, within 15 days after the close of each calendar quarter, a report setting forth a detailed description of the business activities conducted by LSI during the quarter; and the report shall describe each service performed and list the names of persons for whom service was provided;

7. Jurisdiction shall be retained for the purpose of taking such further action, with or without hearing, as may be in the public interest.

Accordingly, it is ordered, That:

1. ONA's acquisition of control of LSI within the meaning of section 408(a)(6) of the Act be and it hereby is tentatively approved;

2. Except to the extent granted herein all outstanding requests be and they hereby are denied;

3. Interested persons are hereby afforded a period of thirty days from the date thereof within which to file comments or request a hearing with respect to the Board's proposed action; [12] and

4. The Attorney General of the United States be furnished a copy of this order within one day of its publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-25963 Filed 11-5-74;8:45 am]

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[8] See Orders 74-5-99 and 74-10-63.

[9] While Flying Tiger has requested a hearing, it appears that the conditions we have tentatively determined to impose obviate Flying Tiger's concerns, and no other party is seeking a hearing.

[10] For purposes of this condition, an ONA customer should be regarded as any person utilizing ONA's services within a year prior to its engagement of LSI's services, and any person who ONA, or its officers, have reason to believe may in the future be an ONA customer.

[11] This includes the direct or indirect solicitation of individual waybilled shipments which are subsequently consolidated by an indirect air carrier for shipment.

[12] Comments to be filed shall conform to the Board's rules of practice (14 CFR Part 302).

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Assistant General Counsel for Rural Development and Conservation, Office of the General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25973 Filed 11-5-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, FR Doc. 67-13608, the Civil Service Commission authorized the departments and

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agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Deputy General Counsel, Office of the General Counsel to Deputy General Counsel, International Affairs and Commodity Programs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant, to the Commissioners.

[FR Doc.74-25971 Filed 11-5-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Energy Affairs, Office for Energy Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25966 Filed 11-5-74;8:45 am]

TITLE CHANGE IN NONCAREER EXECUTIVE ASSIGNMENT

Department of Housing & Urban Development

By notice of July 12, 1973, FR Doc. 73-14253 the Civil Service Commission authorized the Department of Housing & Urban Development to fill by noncareer executive assignment the position of Deputy Assistant to the Secretary for Public Affairs, Office of Public Affairs, Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Public Affairs, Office of Public Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25967 Filed 11-5-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Commissioner of Indian Affairs, Bureau of Indian Affairs.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25969 Filed 11-5-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Secretary for Indian Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25968 Filed 11-5-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Solicitor (Conservation and Wildlife), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25972 Filed 11-5-74;8:45 am]

DEPARTMENT OF LABOR

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer assignment in the excepted service the position of Deputy Assistant Secretary for Employment Standards, Employment Standards Administration.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25965 Filed 11-5-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Administration to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Administrator for Resource Development, Office of Assistant Administrator for Resource Development.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25970 Filed 11-5-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, November 20, 1974 in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, NW.

This meeting will be open to the public and will consist of a continuation of discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government. Any member of the public who wishes to file a written statement with the committee may do so by furnishing it to the undersigned in room 3H30 of the Civil Service Commission building at any time prior to the meeting. Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, so that this request may be considered in the context of the constraints imposed by the agenda schedule for the year.

Further information about this meeting may be obtained by contacting the undersigned at 632-5595.

For the President's agent:

RICHARD H. HALL,
Advisory Committee Management, Officer for the President's Agent.

[FR Doc.74-25843 Filed 11-5-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

BICYCLE REGULATION

Notice of Meeting

The Consumer Product Safety Commission gives notice that a meeting on bicycle safety requirements will be held Wednesday, November 20, 1974, at 10 a.m. in room 801, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland. The purpose of this meeting is to allow representatives of the Bicycle Division of the Japan Vehicle Inspection Association, 1221 Avenue of the Americas, New York, New York, 10020, a Japanese trade association, to discuss generally the July 16, 1974, Bicycle Regulation with the Commission's operations staff.

On July 16, 1974, (39 FR 26100) the Commission promulgated a Bicycle Regulation under the Federal Hazardous

Substances Act establishing safety requirements for bicycles. The regulation has an effective date of January 1, 1975. The Commission plans to propose a May 1, 1975 effective date.

On September 9 and 10, the Commission held public discussions with consumers, bicycle manufacturers, suppliers and retailers on the July 16, 1974, Bicycle Regulation. At these discussions certain objections to the Bicycle Regulation were expressed.

The meeting on November 20, 1974, will be attended by members of the Commission staff from the Bureau of Engineering Sciences, Bureau of Compliance, Bureau of Economic Analysis, Office of Standards Coordination and Appraisal, and Office of the General Counsel. The representatives from the Japan Vehicle Inspection Association will be Mr. Shigeo Anegawa, Mr. K. Himoto, and Mr. T. Takasaki.

Any other parties who wish to attend this meeting should notify Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 496-7197.

Dated: October 31, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-25955 Filed 11-5-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 290-7; OPP-50009]

NEBRASKA

Issuance of Experimental Use Permit for Predator Control (Coyotes)

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), the Nebraska Department of Agriculture applied to the Environmental Protection Agency (EPA) for an experimental use permit. This permit (No. 33253-EXP-2G) is hereby issued in accordance with 40 CFR Part 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939) and allows the shipment and use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA in 28 approved counties in the State of Nebraska only, under the supervision and control of approved SCSLEM applicators as designated by the Nebraska Department of Agriculture.

This program began on October 1, 1974, and will expire September 30, 1975. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

EPA invites interested persons to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street SW., Room E-421, Washington, DC 20460. Three copies of the comments must be submitted to facilitate the work of EPA and others interested in inspecting them. The comments must be received on or before December 6, 1974, and should bear the notation OPP-50009. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 to 4 p.m., Monday through Friday.

The application, the premit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street SW., Washington, DC 20460.

PROGRAM FOR EXPERIMENTAL USE OF SODIUM CYANIDE SPRING-LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL IN STATE OF NEBRASKA

I. *Purpose.* Sodium cyanide will be used in the spring-loaded ejector mechanism (SCSLEM) in an experimental program. This experimental program is designed to measure the usefulness of this tool as a method of reducing domestic livestock and poultry losses due to predation by coyotes. This program will also evaluate the effect of the method on nontarget species.

II. *Objectives.* A. Determine the effects of the SCSLEM's on livestock and poultry losses by coyotes where the SCSLEM's are used as compared to livestock and poultry losses where the SCSLEM's are not used.

B. Determine the effects of the use of the SCSLEM's on the non-target species in the SCSLEM use areas.

C. Determine the cost of controlling coyotes with the SCSLEM's as compared to trapping, snaring, shooting, denning or the other methods used to control coyotes in Nebraska.

D. Determine the selectivity of the SCSLEM's when used to control coyotes.

E. Determine the effects of the use of the mechanism in coyote control with regard to human safety.

F. Determine the effectiveness of the use of other coyote control methods relative to the effectiveness of the SCSLEM.

G. Determine the economic benefits derived from the use of the SCSLEM's and other methods of controlling coyotes in Nebraska.

H. Determine the amount of coyote control that can be achieved through the use of the SCSLEM's without causing unreasonable adverse effects on the environment.

I. Determine most effective placement location of SCSLEM for taking coyotes.

III. *Control*—A. *State Coordinator.* The program will be directed by the Nebraska Department of Agriculture. The State Director of the program will be Glenn W. Kreuscher, Director, Nebraska Department of Agriculture. The State Coordinator of this program was to be named prior to October 1, 1974.

B. *District coordinators.* The District Coordinators will be those persons designated by the State Coordinator and will be responsible for: Maintaining records by name, address, and site location of each SCSLEM applicator and SCSLEM distributed; distribution of SCSLEM's and capsules; program monitoring; assistance with data reporting and collection; species identification; and assistance on special problems.

C. *Applicators.* Applicators of the SCSLEM's will be approved livestock and poultry producers who have successfully completed the SCSLEM training program.

IV. *Procedures for implementation*—A. *Applicators' qualifications.* Applicators of the SCSLEM will be ranchers or farmers holding land in the districts in the program and/or their designated agents. These applicators will be approved by the Nebraska Department of Agriculture upon successful completion of an approved training program conducted by the State Coordinator.

The training program will include information necessary for the approved SCSLEM applicator to understand the nature of the chemical and the mechanism, the techniques of selection of placement sites, selection of SCSLEM baits or scents, actual setting of the mechanism, visitation periods, record keeping and reporting, legal responsibility, identifying methods of tripping device other than pull, training to identify kill types, locating kills from device, proper storage of the chemical capsule and mechanism when not in use, and method for disposal of used or inoperative capsules. Special emphasis will be given to environmental and human safety precautions to be observed when using the SCSLEM.

B. *Distribution of chemical capsules and mechanisms.* Each district in the program will have one District Coordinator for distributing capsules and spring-loaded ejector mechanisms. Mechanisms and capsules will only be available to approved SCSLEM applicators. These approved applicators may purchase the capsules and mechanisms only from the District Coordinator. Capsules may be purchased by approved applicators for use in the spring-loaded ejector mechanisms already owned: *Provided,* The mechanism owners agree to abide by the conditions of the experimental use program and reporting system. No explosive devices will be permitted.

The antidote, amyl nitrite capsules, will be given to purchasers of the SCSLEM at each distribution point. Each purchaser must be advised of the antidote at the time of purchase of capsules and/or mechanisms.

C. *Record keeping.* A record of each applicator who obtains the chemical capsules and/or mechanisms will be kept. These records will include:

1. Name of approved applicator of the SCSLEM and name of one other person who will be knowledgeable of the site locations of the SCSLEM's or written direction from the ranch headquarters to the SCSLEM sites, with each site marked.

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2. Location of ranch or farm headquarters, directions and mileage from nearest town.

3. The number of livestock and poultry and type of operation protected from depredation.

4. The number of capsules and mechanisms purchased.

5. A signed agreement to comply with the terms of the damage assessment reporting system and the conditions of the experimental program.

D. *Data reporting.* Each applicator must submit the following information to the District Coordinator at least once each month or when he purchases additional capsules and/or devices, whichever comes first.

1. Name of ranch or farm where SCSLEM's are placed, and name of owner.

2. Type of ranch or farm operation (cattle, horses, poultry, sheep or other, including the type of livestock or poultry production conducted, i.e., range (herded, fenced pastures), ewe, lamb, purebred, farm flock, feeder lambs (pasture, feedlot), etc.).

3. Name of applicator of SCSLEM.

4. Number of SCSLEM's in use each month.

5. Number of capsules used each month at each specific placement location, including number of capsules replaced at a given SCSLEM site.

6. Number of coyote and non-target species taken each month.

7. Number of discharges each month at each SCSLEM location which results in no animal recovery.

8. Number of livestock losses from October 1, 1973 to September 30, 1974 (need only be included in first monthly report) to:

a. Coyotes.

b. Other known causes (listed by name).

c. Unknown causes.

9. Number of livestock and poultry losses each month of SCSLEM use to:

a. Coyotes.

b. Other known causes (list by name).

c. Unknown causes.

10. Number and type of accidents causing injury to humans, domestic animals or livestock.

11. Other control measures used at the same time that SCSLEM's are in use and animals taken.

Permission must be granted in writing at time of purchase by the applicator to allow representatives or designated agents of the Nebraska Department of Agriculture and the Environmental Protection Agency to enter upon his property for the purpose of inspecting and monitoring all aspects of the experimental program. Any person found to be using the materials improperly or falsifying required data will have his classification as an approved applicator revoked and will be denied further use of the device and capsules. An approved applicator may be subject to the civil and criminal penalties under the Federal Insecticide, Fungicide, and Rodenticide Act as amended.

Furthermore, failure to adhere to the provisions of this program on the part of any District Coordinator, landowner, applicator, or other persons engaged in this program may result in suspension of the program within the district in question.

V. *Data summarization and analysis.* A. The Nebraska Department of Agriculture through the designated District Coordinators will be responsible for collecting required SCSLEM data report forms from approved applicators. These data report forms will be referred to the State Coordinator for summary and computation of data. Copies of these report forms shall be sent to the Hazardous Material Control Division (EPA Region 7), Kansas City, on a monthly basis. The Department of Agriculture will collect requested data from control areas where the SCSLEM is not used for summarization and comparison with data from SCSLEM use areas. The State Coordinator will send this information to the Regional office on a quarterly basis.

The data from control areas will consist of livestock and poultry losses due to coyote predation, losses due to other or unknown causes, and coyote kills due to other control methods, such as trapping, snaring, shooting, denning, and other methods.

A pre-census of livestock and poultry to be protected and an index of coyote populations both in the control areas and in those districts in the SCSLEM use program must be conducted prior to the introduction of SCSLEM use. This information will be provided as indicated in paragraph B of this section.

A post-census of livestock and poultry populations and the index of coyote populations will be conducted in both areas at the completion of the program.

B. Additional census and loss data will be supplied by the U.S. State-Federal Agricultural Statistical Service. This data will give the number of livetstock and poultry in each county and number lost to predators in 1973 (the only full year when the SCSLEM or similar devices were not in use) as compared to losses in 1974. This information is to be obtained by polling of producers by mail, phone, and personal contacts.

C. This program began October 1, 1974 and will end September 30, 1975 in order to coincide with the reporting Service's annual survey. No mechanisms or capsules may be distributed after September 15, 1975. All unused capsules must be returned to distribution points before October 15, 1975. Final data summaries and analyses must be submitted to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, DC, by January 19, 1976, or earlier if possible.

D. Use of the SCSLEM will not be permitted where use of the mechanism will harm endangered or threatened species that may be attracted to the SCSLEM.

VI. *Experimental Program*—A. *Location of SCSLEM Sites.* This program will be conducted in 28 counties:

Antelope	Harlan
Boone	Holt
Box Butte	Howard
Buffalo	Knox
Cedar	Lincoln
Cherry	Madison
Custer	Nance
Dawes	Phelps
Dawson	Pierce
Dixon	Red Willow
Franklin	Scotts Bluff
Furnas	Sheridan
Gosper	Sherman
Greeley	Sioux

1. Areas will be selected in each approved county where the SCSLEM will be used by approved applicators to control predation.

2. The total number of devices and capsules for the entire program will not exceed 3,000 devices and 30,000 capsules.

3. All expenses incurred in purchasing and placement of the mechanisms and sodium cyanide capsules will be the responsibility of the approved applicators.

4. Control areas have been selected in districts which will be representative of areas where SCSLEM's are used. No SCSLEM's will be used in control areas. Other methods of controlling will be permitted, such as trapping, snaring, shooting and denning. Control areas have been selected in the following counties: Adams, Arthur, Banner, Blaine, Boyd, Brown, Burt, Butler, Cass, Chase, Cheyenne, Clay, Colfax, Cuming, Dakota, Deuel, Dodge, Douglas, Dundy, Fillmore, Frontier, Gage, Garden, Garfield, Grant, Hall, Hamilton, Hayes, Hitchcock, Hooker, Jefferson, Johnson, Kearney, Keith, Keya Paha, Kimball, Lancaster, Logan, Loup, McPherson, Merrick, Morrill, Nemaha, Nuckolls, Otoe, Pawnee, Perkins, Platte, Polk, Richardson, Rock, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thomas, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York.

B. *Work to be accomplished.* 1. Training of approved applicators.

2. Establishment of distribution points and methods for the distribution of the mechanisms and antidote to approved applicators.

3. Collection of program data from approved applicators.

4. Establishment of activities needed for monitoring and surveillance of all aspects of the experimental program by the Nebraska Department of Agriculture.

5. Establishment of a method to evaluate selectivity of the SCSLEM's.

6. Establishment of a method to evaluate the program as a mechanism for measuring efficiency of the SCSLEM's in order to meet the program objectives.

7. Coordination of the program work and objectives in order to use the data already being collected and generated by predator control of the Department of Interior's Bureau of Sport Fisheries and Wildlife and the State-Federal Agricultural Statistical Service's study on the economic aspects of the livestock and poultry industry and predator control.

8. Establishment of a method for an economic analysis of coyote control with the SCSLEM's.

9. Establishment of methods to census the livestock, poultry and coyote populations in the SCSLEM use areas and the areas where no SCSLEM's are used.

10. Collection of monthly program data from SCSLEM use areas and control areas where no SCSLEM's are used and monthly submission to Region VII, Environmental Protection Agency.

11. Submission of all data to the Nebraska Department of Agriculture for summarization, analysis and distribution to the Environmental Protection Agency.

Dated: October 30, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-25849 Filed 11-5-74;8:45 am]

FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 774]

DEPUTY GOVERNOR FOR BANK SERVICES ET AL.

Delegation of Authority of Officers to Act as Governor in Event that Governor is Absent or Not Able To Perform Duties of His Office for Any Other Reason

NOVEMBER 1, 1974.

1. In the event that the Governor of the Farm Credit Administration is absent or is not able to perform the duties of his office for any other reason, the officer of the Farm Credit Administration who is the highest on the following list and who is available to act is hereby authorized to exercise and perform all functions, powers, authority, and duties pertaining to the office of governor of the Farm Credit Administration:

(1) Deputy Governor for Bank Services;

(2) Acting Deputy Governor and Director, Operations and Finance Service;

(3) Acting Deputy Governor and Director, Credit Service;

(4) General Counsel;

(5) Chief Examiner;

(6) Any other officer of the Farm Credit Administration designated by the Governor.

2. This order shall be effective on the above written date, and supersedes Farm Credit Administration Order No. 772, dated June 24, 1974 (39 FR 24050).

W. M. HARDING,
Governor,
Farm Credit Administration.

[FR Doc.74-25992 Filed 11-5-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. 180]

ISC FINANCIAL CORP.

GOODLAND SAVINGS AND LOAN ASSOCIATION

Application for Permission To Acquire Control

OCTOBER 31, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from ISC Financial Corporation, Kansas City, Missouri, a unitary savings and loan holding company, for approval of acquisition of control of the Goodland Savings and Loan Association, Goodland, Kansas, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected by a purchase for cash of stock of Goodland Savings and Loan Association. Following said acquisition it is proposed that Goodland Savings and Loan Association be merged into Anchor Savings Association, an insured subsidiary of the applicant. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before December 6, 1974.

[SEAL] GRENVILE L. MILLARD, JR.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74-25948 Filed 11-5-74;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/operator and vessels*
01003---	Skibs A/S Excelsior: *Benoil.*
01251---	Aktieselskapet Havprins: *Havjarl.*
01253---	Aktieselskapet Havkong: *Havgast.*
01306---	Shaw Savill & Albion Company Limited: *Britis, Langstone.*
01317---	Sociedad Tropica de Carga S.A.: *Triton.*
01425---	Johnston Warren Lines Limited: *Tropic.*
01574---	Fearnley & Eger: *Fergulf.*
01619---	Meandros Shipping Co., Ltd.: *Meandros.*
01626---	Star Shipping Co., Ltd.: *Atlantic Star.*
01873---	Montreal Shipping Co., Inc.: *Vanguard.*
01893---	Silver Line Limited: *Silvereid.*
01936---	Interseas Shipping Company, S.A.: *Byzantine.*
01941---	Persian Gulf Tanker Co., Ltd.: *Persian Commander.*
02191---	Manhattan Oil Transportation Corp.: *Betty K, Ivor, Joan K, Manhunt, Manoleine, Mantank, Star Craft, Supercraft.*
02198---	Peninsular & Oriental Steam Navigation Company: *Spirit of London.*
02241---	Cape Continent Shipping Company: *Tabora.*
02501---	Standard Oil Co. of California: *H. D. Collier.*
02548---	Compania Maritima San Basilio S.A.: *Eurymachus.*
02551---	Ellerman Lines, Ltd.: *Mediterranean, Silvio, Sorrento.*
02583---	Pacific Inland Navigation Company, Inc.: *PAC 312–2, PAC 312–3.*
02622---	Ernst Russ on behalf of Partenreederei M.V. Reinhart Lorenz Russ: *Reinhart Lorenz Russ.*
02835---	Hongkong Shipowners & Managers Co., Ltd.: *Peggy Cummins.*
02977---	J. Ray McDermott & Co., Inc.: *JO–535, JO–536, JO–537, JO–538, JO–539.*
02982---	The Shipping Corporation of India Ltd.: *Gautama Buddha.*
03044---	Bouchard Transportation Company Inc.: *B. No. 50.*
03148---	Astromerito Cia, Naviera: *Leandros.*
03245---	Rederiaktieselskabet Dannebrog: *Weco Offshore I.*
03271---	Sea-Land Service, Inc.: *Detroit.*
03327---	M/V Kathleen K, Inc.: *John K.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Ashby Maru, Chicago Maru, Manjusan Maru.*
03519---	Toko Shosen K.K.: *Amazon Maru, Amur Maru, Caucasus Maru, Choko Maru, Daiko Maru, Ginko Maru, Kenko Maru, Kikuko Maru, Nile Maru, Shuko Maru, Teiko Maru, Syuko Maru, Thames Maru, Woko Maru, Zenkoren Maru No. 6.*
03532---	Zuisei Kaiun K.K.: *Katko Maru, Kikuko Maru, Kinko Maru, Nile Maru, Rhein Maru, Ryokko Maru, Seine Maru, Wako Maru.*
03557---	Olsen Daughter A/S: *Guldregen.*
03568---	Rederiaktieselskapet Freikoll A/S Bralanta, A/S Bramora: *Bralinda.*
03636---	Smith-Rice Company: *Barge 22.*
03680---	Murphy Pacific Marine Salvage Co.: *Marine Boss.*
03698---	Weyerhaeuser Company: *SF–10.*
03766---	Petroleum Carriers Corp.: *Nicolas.*
03769---	Rainbow Shipping Corp.: *Alkman.*
03774---	Penn Tanker Company: *Penn Challenger, Penn Champion.*
03789---	Alrai Shipping Corporation, Monrovia: *Alrai.*
03843---	Victory Carriers, Inc.: *Longview Victory.*
03980---	Moran Towing & Transportation Co., Inc.: *Spindle Top.*
04007---	Egon Oldendorff: *Birte Oldendorff.*
04113---	Mon River Towing, Inc.: *MRBL–24, MRBL–88, MRT–110.*
04174---	West Memphis Towing Corp.: *Lady Mignon.*
04227---	Kahn Scheepvaart & Handelmaatschappij N. V.: *Daniella, Fairlift, Stellanova.*
04263---	Waywiser Navigation Corporation, Ltd.: *Cherry.*
04276---	Rivtow Straits Limited: *Rivtow Carrier.*
04289---	Dixie Carriers, Inc.: *DXE 1501.*
04358---	Holland Bulk Transport B.V.: *Amstelstad.*
04767---	Texaco Inc.: *Garrison, Rhodes, Texaco No. 319, Vermilion.*
04792---	Rederij J. & P. Holwerda: *Elisabeth Holwerda.*
04874---	Bana Navigation Company, Limited: *Banario.*
05032---	Talisay Corporation of Panama: *Talisay.*
05036---	Companhia Nacional de Navegacao: *Timor.*
05046---	Magnolia Marine Transport Co.: *MM 103, MM 104.*
05197---	Stravelakis Bros., Ltd.: *Amphitrite, Kronos, Lelaps, Milea, Pelias, Polyfimos, Tarsos.*

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Certificate No.	Owner/operator and vessels
05520---	Union Carbide Corp.: *Ellis 2121, Ellis 2123, IOT 303.*
05530---	Consolidated Towing Company: *Cindy Sue.*
05619---	Paleocrassas Brothers & Partners: *Captayannis.*
05652---	Berg Boat Company: *Aromatic, Polly Esther.*
05713---	W.B. Enterprises, Inc.: *W-7, W-8.*
06344---	A/S Reefer Shipping: *Cool Girl.*
06423---	Horn Construction Co., Inc.: *Horn 27.*
06601---	Seacomber Shipping Company Limited: *Emma M.*
06706---	Miskal Shipping Company S.A.: *Attika Hope.*
06736---	Cybas Shipping Co., Ltd. & A.H. Basse & E.B.H. Moeller: *Daneriver.*
06755---	Tonin Shipping Corporation, Panama: *Tonin.*
06925---	Bibby Bulk Carriers Limited: *Tenbury.*
06953---	Mercury Steamship Co., Inc.: *Abiqua.*
07290---	Hollywood Marine, Inc.: *John T.*
07311---	T. & S. Towing Co., Inc.: *Barbara Ann.*
07518---	They & Co., Ltd.: *Seahawk.*
07551---	Drado Shipping Company Ltd., S.A.: *Silver Fern.*
07596---	Windward Navigation Co., Ltd.: *Forestal I.*
07883---	C & S Towing Co., Inc.: *Deanne.*
08097---	Vicalvaro Compania Naviera, S.A.: *Paros.*
08170---	Nanyo Senpaku Kabushiki Kaisha: *Tarakan Maru.*
08180---	Margala Shipping & Trading Corporation Monrovia: *Kero.*
08464---	Transreeder Schiffahrtsges. MBH. & Co.: *Ocean Trader.*
08686---	Assos Maritime Company Ltd.: *Assos.*
08709---	Bibby Freighters Limited: *Arya Bod.*
08743---	Silver City Shipping Company S.A. of Panama: *Silver City.*
09168---	Seafighter Shipping Co., Ltd.: *Elmela.*
09223---	Dana Shipping Corporation: *Dana.*
09407---	Interessentskapet Saga Spirit: *Saga Spirit.*
01306---	Shaw Savill & Albion Company Limited: *Captain Paddon.*
01425---	Johnston Warren Lines Ltd.: *Nova Scotia.*
01575---	Rederiaktieselskapet Mascot: *Britta.*
01888---	Knappton Towboat Company: *Shasta.*
01891---	Canal Barge Co. Inc.: *CBC 292, CBC 291, CBC 294, CBC 130, CBC 293.*
01904---	Waterman Steamship Corporation: *Sam Houston.*
02034---	The Australind Steam Shipping Company Ltd.: *Arrino.*
02198---	The Peninsular & Oriental Steam Navigation Co.: *Sun Princess.*
02551---	Ellerman Lines Ltd.: *City of Istanbul, City of Patras, City of Sparta.*
02902---	Alamo Chemical Transportation Co.: *Alamo 2103.*
02975---	Venture Shipping (Managers) Limited: *Richelieu Venture.*
02982---	The Shipping Corp. of India: *Parvati.*
03245---	Rederiaktieselskabet Dannebrog: *Weco Supplier II.*
03387---	Deutsche Shell Tanker-GMBH: *Liotina.*
03460---	Mibae Shosen K.K.: *Asama Maru.*
03501---	Osaka Shosen Mitsui Senpaku K.K.: *Ohminesan Maru, Mont Blanc Maru.*
03597---	Felicitas Rickmers-Linie KG & Co.: *Etha Rickmers.*
03640---	Pan Ocean Bulk Carriers, Ltd.: *Pan Star.*
03690---	The Harbor Tug & Barge Company: *223.*
03730---	Brown & Root, Inc.: *M-210, Barge 330.*
03841---	American Export Lines Inc.: *Export Defender, Export Diplomat, Export Democracy.*
03971---	Korea Shipping Corp., Ltd.: *Young Il.*
04007---	Egon Oldendorff: *Catharina Oldendorff.*
04037---	C. F. Bean Inc.: *OB 653.*
04087---	Merichem Co.: *Mer 5, Mer 6.*
04099---	Waterways Marine of Memphis, Inc.: *"Barge (Meat & Hawe)", "Barge (Office)", "Barge (Groceries)", "Barge AO & RO 40".*
04113---	Mon River Towing, Inc.: *MRBL-24.*
04163---	Cenac Towing Co., Inc.: *CTCO 2501.*
04174---	West Memphis Towing Corp.: *Bernice.*
04184---	M/G Transport Services, Inc.: *GTC No. 8, GTO No. 9, AORS 223.*
04293---	General Marine Transport Corporation: *Rebecca K.*
04357---	Koninklijke Nedlloyd B. V.: *Amstelstad.*
04623---	Seaspan International Ltd.: *Seaspan 304.*
04625---	American Commercial Lines, Inc.: *Wally Roller.*
04641---	American Tug Boat Company: *ATB 95.*
05084---	Naviera Amozonica Peruana S.A.: *Yacu Pato, Yacu Taita.*
05537---	Empresa Navegacion Mambisa: *Star.*
05577---	Far Eastern Shipping Company: *Zinoviy Solovyev.*
05067---	Hannah Inland Waterways Corp.: *Taboga.*
05743---	Reederei Barthold Richters: *Petra.*
05848---	Navimex S.A. de C.V.: *Rio Bravo, Rio Balsas.*
06052---	Marukyo Suisan Kabushiki Kaisha: *Nadayoshi Maru No. 20.*
06129---	Azor Shipping Company: *Komsomolets Rossii.*
06225---	Stapp Towing Co., Inc.: *John, Greg.*
06478---	Korea Marine Industry Development Corp.: *Tae Yang No. 15.*
06906---	Directia Navigatiei Maritime Navrom: *Codlea.*
07237---	Southern Barge Inc.: *Hollywood 1501, Hollywood 2501, Hollywood 1502.*
07255---	Teh Tung Steamship Co. Ltd.: *Elevanta.*
07911---	Seahold Shipping Co. Ltd.: *Eurobulker.*
08258---	Goodmaris Corporation S.A.: *Eurologger.*
08413---	McLean Contracting Company: *Patapsco.*
08473---	Tokyo Marine Co., Ltd.: *Fujiharu Maru.*
08530---	Prompt Shipping Corp. Ltd.: *Tasman Career.*
08709---	Bibby Freighters Limited: *Warwickshire.*
08760---	Gulf Shipping Lines, Ltd.: *Confidence Express, Reliance Express.*
08833---	General Metals of Tacoma Inc.: *U.S.S. Watts.*
08864---	New Zealand Line Limited: *NZ Aorangi.*
08931---	American River Transportation Co.: *Inez Andreas, Ginny Stone.*
08948---	Veb Deutfracht Seereederi: *Thalc, Groditz.*
09004---	Berman Enterprises Inc.: *W-7, Laurie B, Amy B, Sam Berman, Anne Louise, Alan Martin.*
09046---	Association MS E. R. Limburgia: *E. R. Limburgia.*
09080---	Surrey Shipping Company Limited: *Shackleford.*
09117---	Alianza Delmar Armadoro S.A.: *Kyra Christina.*
09164---	Aquanave, C. A.: *Aquanave II.*
09165---	Evans Cooperage Co., Inc.: *E-122, E-123, E-128, E-137, LTC-30, UBL-335.*
09172---	Vania Compania Naviera S.A., Panama: *Athen Glory.*
09191---	Liberian Ace Maritime Inc.: *Eastern Ace.*
09211---	Crowley Maritime Corporation: *408, 409, 411.*
09288---	Frio Shipping Co. Ltd.: *Cabo Frio.*
09303---	Partrederiet Junior V, Copenhagen: *Junior Lilo.*
09354---	Gulf Elevator & Transfer Co., Inc.: *Marquis Roen, UBL 340.*
09355---	Virnat Shipping Lines Pte. Ltd.: *Savannah.*
09375---	Eraclide S.P.A.: *Eraclide.*
09387---	A/S Salvator Marine Services: *Edda Salvator, Stella Salvator, Smola Salvator, Sula Salvator.*
09379---	Golden North Fisheries, Inc. and Togiak Fisheries, Inc.: *Quinhagak, Laney S.*
09393---	San Anton Navegation Co., Ltd., S.A.: *Mikami.*
09411---	Nang Pao Navigation Ltd.: *Southern Ruby.*
09421---	Morton-Norwich Products, Inc.: *MC-3, MC-4, MC-5.*
09423---	Teh-Hu Cargocean Management Co., Ltd.: *Ambitious.*
09432---	Denholm Line Steamers Ltd/Gallic Estates Limited: *Gallic Minch.*
09434---	Hokky Suisan K.K.: *Sumiyoshimaru No. 53.*
09435---	Matsuzawa Gyogyo K.K.: *Matsuei Maru No. 88.*
09436---	Daerim Fishery Co., Ltd.: *No. 6 Daejin, No. 7 Daejin.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25996 Filed 11-5-74;8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by Section 311(p)(1) of the Federal Water Pollution Control Act, and have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/operator and vessels
01059---	London & Overseas Freighters Ltd.: *London Enterprise.*
01150---	Chevron Transport Corporation: *Chevron Edinburgh.*
01303---	Prince Line Limited: *Cheviot Prince.*

Certificate No.	Owner/operator and vessels
09438---	Demetrius Maritime Company Ltd.: *St. Panteleimon.*
09439---	Candia Maritime Corporation: *Cretan Liberty.*
09441---	Success Maritime Corporation, Inc.: *Unique Mariner.*
09442---	Logan & Craig Charter Service, Inc.: *Margie Logan.*
09443---	Trident Bay Shipping Company Limited: *European Independence.*
09444---	Tarsen Shipping Company: *Tarpon Sentinel.*
09445---	Marevia Corporation: *Regent.*
09446---	Jacobson Brothers, Inc.: *Col. Basil O. Lenoir.*
09447---	Fourth Chandris Shipping Corporation: *Margarita Chandris.*
09448---	Garden Mars Shipping Ltd.: *Garden Mars.*
09449---	Blue Pine Compania Naviera, S.A.: *Aegis Link.*
09450---	Omiria Compania Naviera S.A.: *Aegis Doric.*
09451---	Kimolos Shipping Company S.A. of Panama: *Nema.*
09452---	Sea Spirit Navigation Co. Ltd.: *Captain Theo.*
09458---	Nafta A.G.: *Bomin II.*
09459---	Cargo Marine Transport Inc.: *Marietta.*
09460---	I/S Permina 112: *Permina 112.*
09463---	Seabulk Tankers Limited: *STL 3901, Seabulk Challenger.*
09464---	Shintoku Kaiun K.K.: *Hotoku Maru.*
09466---	B & S Enterprises, Inc.: *Barge No. 11.*
09467---	Reederei Hans Beiken OHG: *Germanic.*
09471---	Inca Compania Naviera, S.A.: *Archon.*
09475---	Wayne, Inc.: *Avalon.*
09476---	Assomatos Shipping Corporation: *Assomatos.*
09477---	All Seas Chartering Corporation: *Sea Trader.*
09478---	Compagnia Siciliana Transporti Mare "Co. Si. Mar." SPA: *Acruz.*
09483---	Powell Oil Co., Inc.: *L.S.C. 302, L.C.T. No. 18, L.C.T. No. 19.*
09485---	Clockwork Corporation, S.A.: *Tifoso.*
09486---	Southeast Aegean Shipping Co. Ltd.: Meandros.
09487---	Caspian Shipping Co. Ltd.: *Atlantic Star.*
09490---	Boundary Bay Shipping Co. Limited: *Al Barat.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25997 Filed 11-5-74;8:45 am]

UNITED STATES ATLANTIC & GULF SANTO DOMINGO CONFERENCE

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 26, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

C. D. Marshall, Chairman
United States Atlantic & Gulf-Santo Domingo Conference
11 Broadway
New York, New York 10004

Agreement No. 6080-23, between the member lines of the United States Atlantic & Gulf-Santo Domingo Conference, modifies Article 10 of the approved conference agreement to provide for the establishment of a $2,500.00 Admission Fee. In the event that a member which has made such payment and is in good standing ceases to be a member, the Chairman may return $1,500.00 less outstanding obligations to the Conference.

Dated: November 1, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-25995 Filed 11-5-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

NOVEMBER 1, 1974.

Pursuant to Pub. L. 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 4, November 21, 1974, from 10:30 a.m. to 4 p.m., Room 5 B, 1776 Peachtree Street NW., Atlanta, Georgia. Because this meeting will be for the purpose of considering Architect-Engineering firms for Proposed Alterations to the U.S. Courthouse, Nashville, Tennessee, it has been determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to the public.

Meetings of the National Public Advisory Panel on Architectural and Engineering Services and meetings of Regional Public Advisory Panels on Architectural and Engineering Services are called for the purpose of evaluating and recommending a number of the best qualified architect-engineer firms for consideration in the selection of those with whom discussions will be held and negotiations initiated. The panels help to insure objectivity in the evaluation process. For the same reason that subsequent deliberations among agency officials are exempted by the above-quoted exceptions the proceedings of the panel must be exempted.

L. D. STROM,
Regional Administrator.

[FR Doc.74-26031 Filed 11-5-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI75-47, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 25, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI75-47...	Clinton Oil Co.	80	16	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	$215,705	9-30-74	----------	3-31-75	[1] 24.4807	[1] 43.8612	
RI75-48...	Phillips Petroleum Co.	305	17	El Paso Natural Gas Co. (Aneth Field, San Juan County, Utah) (Aneth Field) (Sub Area) (Rocky Mountain Area).	1,006	10-1-74	----------	4-19-75	[1] [2] 24.0	[1] [2] 25.0	
RI75-49...	Clinton Oil Co.	88	14	El Paso Natural Gas Co. (Blanco Mesa Verde Field, San Juan County, N. Mex.) (SanJ uan Basin Sub Area) (Rocky Mountain Area).	299,570	9-27-74	----------	3-28-75	[1] 24.4807	[1] 43.8612	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—Subject to adjustment for tax and Btu if applicable.
[2] The pressure base is 14.73 lb/in²a.
[3] Applies only to sales under the basic contracts and supplemental agreements dated prior to Apr. 3, 1961. Favored-nation increases are impermissible under sec. 154.93 of the Commission's regulations for agreements dated subsequent to Apr. 3, 1961.

Clinton's favored nation increases apply only to gas sold under the basic contracts and supplemental agreements dated prior to April 3, 1961, inasmuch as such increases are impermissible under § 154.93 of the Commission's regulations for agreements dated subsequent to April 3, 1961. The proposed rate increases of Clinton Oil Company, to the extent permissible, are suspended for five months since they exceed the applicable area ceiling rate under Opinion No. 658.

Phillips' proposed rate increase is a periodic increase to a 25 cent base rate for a sale subject to Opinion No. 658, and since said rate exceeds the applicable area ceiling rate under Opinion No. 658, it, too, is suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable areas ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-25626 Filed 11-5-74;8:45 am]

[Docket No. G-11821, etc.]

CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

Applications

OCTOBER 30, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-11821..... (G-8679) CF 10-11-74	Marathon Oil Co. (successor to Southern Natural Gas Co.), 539 South Main St., Findlay, Ohio 45840.	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	21.00876	15.025
CI65-531..... C 10-11-74	Monsanto Co., 1300 Post Oak Tower, 5051 Westheimer, Houston, Tex. 77027.	Natural Gas Pipeline Co. of America, Dagger Draw Area, Eddy County, N. Mex.	[1] 46.29	14.65
CI71-806..... D 10-15-74	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Texas Eastern Transmission Corp., Main Pass Block 90 Field, Federal offshore Louisiana.	Depleted	
CI74-319..... (CI63-77) B 11-5-73 [2]	James M. Forgotson, Operator, 409 Beck Bldg., Shreveport, La. 71101.	Valley Gas Transmission, Inc., Southeast Alice Area, Jim Wells County, Tex.	(3)	
CI75-209..... A 10-4-74	Texas Gas Exploration Corp., 1100 First City National Bank Bldg., Houston, Tex. 77062.	Transcontinental Gas Pipe Line Corp., North Vinton Field Area, Calcasieu Parish, La.	[1] [4] 44.0	14.7
CI75-219..... A 10-11-74	Union Oil Co. of California, P.O. Box 7600, Los Angeles, Calif. 90051.	Texas Gas Transmission Corp., R. Parker No. 1, East Angelita Area, San Patricio County, Tex.	[1] [5] 75.676	14.73
CI75-220..... A 10-11-74	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Panoma Council Grove Field, Stevens County, Kans.	[1] 42.76646	14.65
CI75-221..... (CS74-336) F 10-7-74	Atlantic Richfield Co. (successor to Callery Properties, Inc.), P.O. Box 2819, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Loisel Field, Iberia Parish, La.	[6] 20.85	15.025

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-222..... A 10-11-74	Anadarko Production Co., P.O. Box 1330, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., Hovey South and Hugoton Fields, Texas County, Okla.	[1] 42.76646	14.65
CI75-223..... (CS71-51) F 10-9-74	Sun Calvert Co. (successor to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	[1] 19.793	14.65
CI75-224..... (G-10131) F 10-10-74	Robert F. White (successor to Exxon Corp.), 1014 Union Center, Wichita, Kans. 67202.	Colorado Interstate Gas Co., a Division of Colorado Interstate Corp., Greenwood Field, Morton County, Kans.	18.5	14.65
CI75-225..... A 10-11-74	Burmah Oil & Gas Co., Golden Center 1, 2800 North Loop West, P.O. Box 94193, Houston, Tex. 77018.	Tennessee Gas Pipeline Co., a Division of Tenneco, Inc., Ship Shoal Block 149, offshore Louisiana.	[2] 60.0	15.025
CI75-226..... A 10-15-74 [3]	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Michigan Wisconsin Pipe Line Co., Loisel Field, Iberia Parish, La.	[4] 20.85	15.025
CI75-227..... A 10-15-74	Cities Service Oil Co.	Kansas-Nebraska Natural Gas Co., Inc., Bradshaw Field, Hamilton County, Kans.	[4] 12.76	14.65
CI75-228..... (G-13592) B 10-15-74	do.	Natural Gas Pipeline Co., of America, E. S. Adams Unit, Caledonia Field, Rusk County, Tex.	Contract terminated	
CI75-230..... A 10-15-74	Barber Oil Exploration, Inc., 3000 1 Shell Plaza, Houston, Tex. 77002.	Florida Gas Transmission Co., North Montegut Field, Terrebonne Parish, La.	[5] 53.886	15.025
CI75-231..... A 10-16-74	Perry R. Bass and Bass Enterprises Production Co., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, Dos Hermanos Area, Eddy County, N. Mex.	[1] 60.0	14.65
CI75-232..... A 10-17-74	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipe Line Co., Drew Field, Ouachita Parish, La.	[7] 65.64	15.025
CI75-233..... A 10-17-74	Perry R. Bass and Bass Enterprises Production Co.	Natural Gas Pipeline Co. of America, Sun State No. 1 Area, Eddy County, N. Mex.	[1] 60.0	14.65
CI75-234..... A 10-17-74	do.	Natural Gas Pipeline Co. of America, Sand Dunes West Area, Eddy County N. Mex.	[1] 60.0	14.65
CI75-235..... (CS71-51) F 10-15-74	Sun Calvert Co. (successor to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Michigan Wisconsin Pipe Line Co., Woodward Area, Lenora Field, Dewey County, Okla.	[5] 25.021	14.65
CI75-236..... (G-5354) F 10-15-74	Energy Production Co., (successor to Skelly Oil Co.), 2001 Bryan Tower, Suite 2003, Dallas, Tex. 75201.	El Paso Natural Gas Co., Jalmat Gas Field, Lea County, N. Mex.	17.6398	14.65
CI75-238..... A 10-17-74	Perry R. Bass and Bass Enterprises Production Co.	Natural Gas Pipeline Co. of America, Los Medanos Area, Eddy County, N. Mex.	[1] 60.0	14.65

[1] Supra.
[2] By letter of October 2, 1974, Applicant requests that his application for permission and approval to abandon the sale of natural gas, due to non-production of reserves, continue to be processed because attempts at recompletion have been unsuccessful.
[3] Supra.
[4] Supra.
[5] Applicant proposes to cover its own interest in the sale of natural gas heretofore authorized to be made by Callery Properties, Inc. (Operator), now holder of a small producer certificate.
[6] Includes 3.026 cents per Mcf upward Btu adjustment.
[7] Includes 5.64 cents per Mcf upward Btu adjustment.
[8] Subject to upward Btu adjustment; estimated adjustment is 0.130 cents per Mcf.

[FR Doc.74-25702 Filed 11-5-74;8:45 am]

[Docket Nos. RI75-52 and RI75-53]

CHEVRON OIL CO. ET AL.

Hearing on and Suspension of Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 30, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI75-52...	Chevron Oil Co.	20	10	El Paso Natural Gas Co. (Puckett Field, Pecos County, Texas RR No. 8) (Permian Basin).	$205,759	10- 7-74		6-1-75	25.0938	26.0975	RI74-171
RI75-53...	Exxon Corp.	138	13	El Paso Natural Gas Co. (Buckhorn Field, Schleicher County, Tex.) (Permian Basin).	2,839	10-11-74		6-1-75	[1] 24.96	26.0975	
		134	14	El Paso Natural Gas Co. (Vinegarone Field, Val Verde County, Tex.) (Permian Basin).	4,715	10-11-74		6-1-75	[2] 24.5919	[2] 25.5756	RI74-68

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Subject to quality adjustments pursuant to Opinion No. 662.
[2] Includes deduction of 0.5 cents per Mcf for 980 Btu gas.

The proposed rate increases exceed the applicable area ceiling rate set forth in Opinion No. 662 and are suspended for 5 months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74–25827 Filed 11–5–74;8:45 am]

[Docket Nos. RI75–50 and RI75–51]

EXXON CORP. ET AL.

Hearing on and Suspension of Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

OCTOBER 30, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the Regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

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[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI75-50...	Exxon Corp.	226	6	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.) (Montana-Wyoming Sub Area) (Rocky Mountain Area).	$28,806	10- 4-74	11- 4-74	[4] Accepted	[1] 15.3	[1] [2] 24.48	
	do.		7		64,347	10- 4-74		4- 4-75	[1] 24.48	[1] 43.8612	
RI75-51...	Continental Oil Co.	159	7	El Paso Natural Gas Co. (Aneth Area, San Juan County, Utah) (Aneth Field Sub Area) (Rocky Mountain Area).	578	10- 4-74		4-18-75	[1] [3] 24.0	[1] [3] 25.0	RI74-80

*Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—subject to adjustment for tax and Btu if applicable.
[2] Favored-nation increase to the Opinion No. 658 area rate.
[3] The pressure base is 14.73 lb/in²a.
[4] Accepted as of the date set forth in the "Effective date unless suspended" column.

Exxon proposes in Supplement No. 7 to its FPC Gas Rate Schedule No. 226 an increase in rate to the ceiling under Opinion No. 699. Since the subject contract has not expired the gas does not qualify under Opinion No. 699, and the proposed rate is suspended for 5 months because it exceeds the applicable area ceiling rate under Opinion No. 658.

Continental's proposed rate increase exceeds the applicable area ceiling rate under Opinion No. 658, and, it, too, is suspended for 5 months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74–25828 Filed 11–5–74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74–70]

ESTABLISHMENT OF ADVISORY SUBCOMMITTEE

Notice of Determination

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Administrator of NASA has determined that the establishment of an ad hoc advisory Subcommittee to review proposals for Participation in The Scientific Definition of Space Shuttle Missions for Solar Physics Spacelab Payloads is in the public interest in connection with the performance of duties imposed upon NASA by law. The Space Science and Applications Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of Government employees.

The function of this Subcommittee will be to obtain the advice of the scientific community on proposals in the specialized areas identified by the name of the Subcommittee.

Dated: October 31, 1974.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management.

[FR Doc.74–25960 Filed 11–5–74;8:45 am]

[Notice 74–69]

NASA APPLICATIONS COMMITTEE

Meeting

The NASA Applications Committee will meet on November 20–21, 1974, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 226 of Federal Office Building 10B, 600 Independence Avenue, SW., Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 9 a.m., on a first come first served basis up to the seating capacity of the room, which can accommodate about 35 persons. The approved agenda for the meeting is noted below.

The NASA Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently, the Committee comprises 11 members, and a recording secretary, Louis B. C. Fong, who can be contacted for further information at (202) 755–8620.

The following is the approved agenda and schedule for the November 20–21, 1974, meeting of the SPAC Applications Committee:

Time	Topic
9:00 a.m.	*Chairman's Remarks*
9:15 a.m.	*NASA's Energy Program* Dr. Harrison H. Schmitt, Assistant Administrator of the recently established Office of Energy Programs, will describe the functions of the office, its organization and its program.
10:30 a.m.	*The Applications Program* NASA personnel will address concerns, questions and issues in each of the subject areas listed below. Based upon their background expertise and their familiarity with NASA's Space Applications Program, each Committee member will comment and make recommendations to NASA in appropriate discipline areas. 1. The Transition Problem from R&D to Operations. 2. Cost-Benefit Studies. 3. Information Processing and Management. 4. Satellite Communications and Maritime Uses. 5. Weather, Climate and Environmental Quality. 6. Ocean Physics.
5:15 p.m.	*Adjourn*
	Thursday, November 21, 1974
8:30 a.m.	*The Space Applications Program* Continuation of discussions: 1. Agriculture, Forest, Range and Water Resources. 2. Land Use Planning and Extractable Resources. 3. Materials Processing in Space. 4. Future Applications. 5. Technology.
2:30 p.m.	*Report by the NAS Committee on Remote Sensing Programs in Earth Resources Survey* (CORSPERS) Committee members who have reviewed this report will comment and offer recommendations.
3:00 p.m.	*Summary & Recommendations by the Chairman*
4:00 p.m.	*Adjourn*

Dated: November 1, 1974.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

[FR Doc.74–25959 Filed 11–5–74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL COUNCIL ON THE ARTS

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a meeting of the National Council on the Arts will be held at 9:00 a.m. on November 22, 23, and 24, 1974 in the Shoreham Building, 1st floor conference room, 806 15th Street NW., Washington, D.C.

A portion of this meeting will be open to the public on November 23 from 9:00 a.m. to 12:30 p.m. on a space available basis. Accommodations are limited. During the open session there will be discussion of Endowment-supported films; Dance and Expansion Arts policy; and Public Media, Theatre, and other Guidelines.

The remaining sessions of this meeting, November 22 from 9:00 a.m. to 4:00 p.m., November 23 from 1:30 p.m. to 4:30 p.m., and November 24 from 9:00 a.m. to 12:30 p.m., are for the purpose of Council review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74–25961 Filed 11–5–74;8:45 am]

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OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests [1]

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 1, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
Letter of Inquiry, Form DP 614, Occasional, Caywood (395–3443), Applicants seeking employment with CB Jeffersonville, Ind. & Pittsburg, Ka.
Employment Availability Questionnaire, Form DP 437, Occasional, Caywood (395–3443), Applicants seeking employment with CB, Jeffersonville, Ind. & Pittsburg, Ka.

National Bureau of Standards: Opinion Survey: Portable Circular Saws, Table Radial Arm Saws, Form NBS 1004 and 1005, Single time, Weiner (395–4890), Tech. reps. of power saw mfgrs.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Payments Made to Individuals by State/Local Agencies Pending Adjudication, Form SSA 8962, Single time, Caywood (395–3443), State welfare Orga. that admin. state Welfare Programs.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Modification of Medicare Cost Reporting Forms to Provide for Sec. 2991 of the 1972 Amendments to the SS Act, Form SSA 2781A, Annual, Caywood (395–3443), Providers of service certified under Title XVIII of SS Act.

DEPARTMENT OF THE INTERIOR

Bureau of Land Management: Cadastral Survey Questionnaire, Form ASO 9100–3, Occasional, Caywood (395–3443), Private surveying and/or engineering firms.

DEPARTMENT OF LABOR

Employment Standards Administration: Complaint of Discrimination in Employment under Government Contracts, Form CC–1, CC–1a, Occasional, Lowry (395–3772), Women and minority workers.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census: Selected Electronic and Associated Products (including Telephone and Telegraph Apparatus), Form MA 36N, Annual, Peterson (395–5631), Manufacturing establishments.
Bureau of East–West Trade: Report by Fertilizer Exporter—Fertilizer Export Contracts, Shipments and Prices, Form DIB 661P, Monthly, Evinger (395–3648), Lowry (395–3772), Fertilizer producers and exporters.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Infant Deaths Secondary to Hemolytic Disease of the Newborn, Form CDC 4.457, Annual, Hall (395–4697), State health depts. and D.C.
Health Resources Administration: Hospital Discharge Survey, Form HRANCHS 1022, Annual, Hall (395–4697), Hospitals.
National Institutes of Health: Multiple Risk Factor Intervention Trial Forms, Form OS NIH HL 9, Occasional, Reese (395–5630), Industrial employees general population.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research:
Public Housing Survey—Board of Commissioners, Form----, Annual, HRD (395–3532), Sunderhauf (395–4911), Officials of public housing authorities.
Public Housing Survey—Housing Authority Staff, Form----, Annual, HRD (395–3532), Sunderhauf (395–4911), Employees of public housing authorities.
Public Housing Survey—Executive Director, Form----, Annual, HRD (395–3532), Sunderhauf (395–4911), Employees of public housing authorities.
Public Housing Survey—Project Staff, Form ----, Annual, HRD (395–3532), Sunderhauf (395–4911), Employees of public housing authorities.
Public Housing Survey—Household, Form ----, Annual, HRD (395–3532), Sunderhauf (395–4911), Households in public housing authorities.

EXTENSIONS

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Economic Opportunity:
Grantee Refunding Certificate, Form OEO 395, Occasional, Evinger (x) (395–3648).
Summary of Work Programs and Budget, Form OEO 419, Occasional, Evinger (x) (395–3648).
Statement of OEO Grant, Form OEO 314, Occasional, Evinger (x) (395–3648).
Administrative Costs Report, Form OEO 315D Occasional, Evinger (x) (395–3648).
Grantee Quarterly Financial Report, Support Data Sheet, Form 315A, Occ Quarterly, Evinger (x) (395–3648).
Grantee Quarterly Financial Report, Form 315, Quarterly, Evinger (x) (395–3648).
Grantee Program Progress Report, Form 440, Semiannual, Evinger (x) (395–3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–26081 Filed 11–5–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5568]

ALABAMA POWER CO.

Proposed Transaction Related to Financing of Pollution Control Facilities

Notice is hereby given that Alabama Power Company ("Alabama"), 600 North 18th Street, Birmingham, Alabama 35291, an electric utility subsidiary company of The Southern Company, a registered holding company, has filed an application and an amendment thereto with this Commission designating section 9(a) of the Public Utility Holding Company Act of 1935 ("Act") as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Alabama states that in order to comply with prescribed air and water quality control standards of the State of Alabama it has been and will be necessary to construct certain pollution control facilities. The filing relates to Alabama's proposal for its disposition and acquisition and the financing of pollution control facilities for use in connection with its Barry and Chickasaw steam plants located in Mobile County, Alabama ("Plants"). It is intended that The Industrial Development Board of the City of Mobile, Alabama ("Board") will issue its pollution control revenue bonds ("Revenue Bonds") for the purpose of paying the cost of the construction and equipping of the pollution control facilities at said plants ("Project").

Alabama proposes to enter into an Installment Sale Agreement ("Agreement") with the Board which will provide for the acquisition and completion of the Project by the Board and the issuance by the Board of its Revenue Bonds in a principal amount estimated not to exceed $29,735,000, the amount presently estimated to be sufficient to cover the Cost of Construction of the Project. The proceeds of the sale of the Revenue Bonds will be deposited by the Board with the trustee ("Revenue Trustee") under an indenture to be entered into between the Board and such Trustee pursuant to which the Revenue Bonds are to be issued and secured. Such proceeds will be applied to payment of the Cost of Construction of the Project. The Agreement also will provide for the sale of the Project to Alabama, the payment by Alabama of the purchase price for the Project in semiannual installments over a term of years, and the assignment to the Revenue Trustee of the Board's interest in, and of the moneys receivable by the Board under, the Agreement. The Agreement will provide that the purchase price for the Project, including interest thereon, payable by Alabama will be such amount as shall be sufficient (together with other moneys held by the Revenue Trustee for that purpose) to pay the principal of and premium (if any) and interest on the Revenue Bonds as the same becomes due and payable. The Agreement will also obligate Alabama to pay the fees and charges of the Revenue Trustee. To secure its obligations under grant to the Board a security interest in the Project subordinate to the lien of the Indenture dated as of January 1, 1942, the Agreement, Alabama proposes to between Alabama and Chemical Bank, as Trustee, as supplemented and amended, such subordinated security interest to be assigned by the Board of the Revenue Trustee along with the assignment by the Board of its other interests under the Agreement.

The Agreement will provide that Alabama may at any time prepay the purchase price for the Project, including interest thereon, in whole or in part (at the option of Alabama), such payment to be sufficient to redeem or purchase the outstanding Revenue Bonds in the manner and to the extent provided in the Revenue Indenture, including applicable premiums which will be 3 percent of the principal amount in the eleventh year and which will reduce by ½ of 1 percent thereafter. The Agreement will also provide that Alabama may prepay the purchase price for the Project, including interest thereon, in whole at the option of Alabama in certain cases of undue burdens or excessive liabilities imposed with respect to the Project, its destruction or damage beyond practicable or desirable repairability, and condemnation or taking by eminent domain, or if operation of the Plants is enjoined and Alabama determines to discontinue operation thereof, such redemptions to be at the principal amount plus accrued interest, but without premium. The Revenue Bonds will mature not later than 30 years from the first day of the month in which they are initially issued and will include serial maturities and/or the benefit of a mandatory redemption sinking fund, the effect of either to be calculated to retire not less than 25 percent of the aggregate principal amount of the issue prior to maturity.

In order to comply with the applicable laws of the State of Alabama it will be necessary for Alabama to convey to the Board such portions of the Project as are now owned by Alabama ("Existing Facilities") subject to said Indenture between Alabama and Chemical Bank. Under the Agreement, Alabama will receive, out of the proceeds of the Revenue Bonds, an amount equal to Alabama's original cost for the Existing Facilities, including amounts advanced by Alabama to the Board on account of any cost of Construction. The Existing Facilities will thereupon become a part of the Project which is to be completed by the Board and which Alabama proposes to purchase as provided in the Agreement.

It is contemplated that the Revenue Bonds will be sold by the Board pursuant to arrangements with a group of underwriters represented by Goldman, Sachs & Co. In accordance with the law of the State of Alabama, the interest rate to be borne by the Revenue Bonds will be fixed by the Board. Alabama will not be party to the underwriting agreement for the Revenue Bonds. Bond counsel will issue an opinion that interest on the Revenue Bonds presently is exempt from Federal income taxation. Alabama has been advised that the annual interest rates on obligations, the interest on which is tax exempt, historically have been and can be expected at the time of issue of the Revenue Bonds, to be 1½ percent to 2½% lower than the rates of obligations of like tenor and comparable quality interest on which is fully subject to Federal income taxation.

It is stated that the fees, commissions, and expenses to be paid or incurred, directly or indirectly, in connection with the proposed disposition of the Existing Facilities and the acquisition of the Project (as distinguished from and excluding fees, commissions, and expenses incurred or to be incurred in connection with obtaining the ruling of the Internal Revenue Service and the sale of the Revenue Bonds by the Board payable out of the proceeds of such sale) will be filed by amendment. It is further stated that the incurring of the obligations under the Agreement by Alabama will have been authorized by the Alabama Public Service Commission and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 19, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(e) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–25871 Filed 11–5–74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-disapproval of Amendments to Option Plan

Notice is hereby given that on October 18, 1974, the Commission considered and did not disapprove proposed amendments to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b–1 (17 CFR 240.9b–1). The CBOE had proposed amendments to Rule 8.7(b)(i) concerning the obligation of market-makers and Rule 4.17 restricting trading in certain deep-out-of-the-money options. These amendments are interim measures pending studies of the trading patterns that emerge as a result of their implementation.

Rule 8.7(b)(i) was originally published at 39 FR 36399 on October 9, 1974. This proposed amendment would supplement the quotation requirements of Rule 8.7(b)(i) in cases where the last preceding transaction price of an option contract was $.50 or less. At present, the rule requires a market-maker to maintain a difference between his bid and offer of no more than ½ of $1 when the last preceding transaction price for an option contract was $10 or less. The proposed amendment would alter that provision by requiring a market-maker to maintain a difference between his bid and offer of no more than ¼ of $1 when the last preceding transaction price was $.50 or less. The ½ point difference would still apply to option contracts when the last preceding transaction price was greater than $.50 but did not exceed $10. The remaining obligations of Rule 8.7(b)(i) would not be changed.

This change in the rule's expression of the requirement for narrow quotations will not affect market-maker performance to any appreciable extent. Under current floor practices, the quotations for option contracts trading at a price of $.50 or less are already much narrower than the ½ point spread required by the present version of the rule. The amendment is intended to be responsive to questions raised by the SEC in connection with the development of a market-maker exemption from the Exchange's deep-out-of-the-money restrictions. With the change, the rule will reflect what market-makers on the floor have already learned, namely, that a quotation with a ½ point spread is inappropriate for option contracts trading at a price of $.50 or less.

Rule 4.17, originally published at 39 FR 32583 on September 9, 1974, would prohibit members from entering orders for opening purchase transactions (subject to several exceptions) in any series of options as to which, as of the last previous trading day's close, (i) the market price of the underlying stock was more than 5 points below the exercise price and (ii) the option premium was less than one-half point.

Under the proposal there would be automatic imposition and removal of restrictions at the commencement of each trading day depending on whether the stated conditions were met as of the previous close, without the need for any action or notice by the Exchange.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street,

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Washington, D.C. 20549. Reference should be made to file number 10–54. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

OCTOBER 25, 1974.

[FR Doc.74–25869 Filed 11–5–74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Non-disapproval of Amendments to Option Plan

Notice is hereby given that on October 24, 1974, the Commission considered and did not disapprove a proposed amendment to the Option Plan of the Chicago Board Options Exchange, Inc. (CBOE) pursuant to Rule 9b–1 (17 CFR 240.9b–1). The CBOE had proposed to amend Rule 13.2 concerning the exemption of certain of its members from its net capital requirements. This proposed change was originally published at 39 FR 35417 on October 1, 1974.

In its present form Rule 13.2 exempts a member from the requirements of CBOE's net capital rule if the member is subject to the capital rules of another national securities exchange and if the member deducts from its net capital an amount that is not less than the deduction required by CBOE's net capital rule for uncovered short positions. In view of CBOE's modification of its Rule 13.3(b)(iii)(D) effective September 3, 1974, as well as the application by other exchanges of a minimum margin requirement for uncovered short options positions, the latter condition is no longer deemed necessary, and the proposed amendment is designed to delete this condition.

All interested persons are invited to submit their views and comments on the proposed amendment to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The proposed amendment is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

OCTOBER 25, 1974

[FR Doc.74–25870 Filed 11–5–74;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Early Release From Alternate Service

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER:

Temporary Instruction No. 600–13 deals with early release of registrants performing alternate service in lieu of induction.

Temporary Instruction Appendix 1–6 terminates certain reporting requirements within the System.

BYRON V. PEPITONE, *Director.*

OCTOBER 31, 1974.

[Temporary Instruction No. 660–13]

EARLY RELEASE FROM ALTERNATE SERVICE

1. A Department of the Army Directive dated October 9, 1974, provides for the early release, during the period November 13–22, 1974, of certain inductees serving on active duty. To assure comparable treatment to persons performing alternate service in lieu of induction, an early release program is established herewith.

2. Conscientious objectors performing alternate service under the provisions of section 660.6 of the Registrants Processing Manual who were satisfactorily participating in the alternate service program on October 17, 1974 shall be released from the program as of November 22, 1974. Registrants released under this directive shall be placed in Class 4–W, regardless of the length of time served, and issued a Certificate of Release from Alternate Service (SSS Form 154).

3. Registrants in the following categories will not be released under this program:

a. Those registrants reported to this Headquarters or a United States Attorney as violators.

b. Those who were not particiapting satisfactorily on an approved alternate service program on October 17, 1974, except as provided in paragraph 4 of this directive.

4. The files of 1–W registrants who were not satisfactorily participating in the alternate service program on October 17, 1974, and which have not yet been referred to this Headquarters in accordance with paragraph 3 of section 642.2 of the Registrants Processing Manual, will be so referred if a thorough review by the State Director indicates that referral is warranted.

5. Registrants who are satisfactorily participating in the alternate service program shall be promptly advised of this early release program and requested to furnish the State Director sufficient current information to expedite their early release. A sample letter, with attachment, is enclosed for use of the State Director to contact each 1–W registrant who is currently under his jurisdiction.

6. A registrant may voluntarily remain on his current job; however, his participation in the alternate service program, and the System's responsibility to maintain supervision over him will terminate on November 22, 1974.

7. The provisions of paragraphs 3 and 4 of section 660.12 and paragraph 10 of section 660.9 of the Registrants Processing Manual will be followed in the processing of registrants covered by this directive. A sample letter to alternate service employers is attached.

This Temporary Instruction will terminate on December 30, 1974.

Issued: October 17, 1974.

BYRON V. PEPITONE.

SAMPLE LETTER OF NOTIFICATION TO CLASS 1–W REGISTRANT REGARDING EARLY RELEASE PROGRAM

(State Headquarters Address)

Date of Mailing:

TO:

ADDRESS:

Dear Mr. ————,

The Director of Selective Service has determined to release from alternate service on November 22, 1974, all conscientious objectors who were, on October 17, 1974, satisfactorily performing their Selective Service obligation in alternate service.

In accordance with the records maintained at this Headquarters, you will have completed —— months and —— days of your obligation on November 22 and are eligible for early release. You will be placed in Class 4–W (Completed Alternate Service) regardless of the time you have served and a Certificate of Release from Alternate Service (SSS Form 154) will be issued to you.

You may volunteer to remain with your employer; however, Selective Service supervision in connection with this employment will terminate on November 22, 1974 and your alternate service obligation will be considered to have been satisfied.

If unforeseen circumstances arise during your release processing, and you feel it necessary to call the staff officer responsible for the administration of the program, contact ———— at telephone number ————.

Please complete the attached form and mail it in the enclosed envelope.

An early return of the form will insure your release from your alternate service obligation in a timely manner.

Sincerely,

State Director.

(Date)

MEMORANDUM TO THE STATE DIRECTOR

SUBJECT: EARLY RELEASE FROM ALTERNATE SERVICE

To expedite administrative processing in connection with an early release from my alternate service assignment, I submit the following:

My current mailing address is:

(Full Name)

(Address)

(City) (State) (ZIP)

I can be reached by telephone during working hours from ——— to ——— on week days at telephone number ————

(Area Code) (Number)

After working hours and on weekends at ————

(Area Code) (Number)

I (do) (do not) request reimbursement for travel to return to the area of the local board having jurisdiction over the residence from which I originally traveled when I was issued orders to report for my alternate service assignment. I understand that I may be reimbursed for travel to another location but not to exceed the amount which would be due to me if I had traveled to the original location.

(Signature of Registrant)

Additional Comments:

SAMPLE LETTER TO EMPLOYER REGARDING EARLY RELEASE PROCESSING

(State Headquarters Address)

Date of Mailing:

TO:

ADDRESS:

Dear Mr. ————,

The Director of Selective Service has determined to release from alternate service on November 22, 1974, all conscientious objectors who were, on October 17, 1974, satisfactorily performing their Selective Service obligation in alternate service.

According to the records maintained at this Headquarters, Mr. ————, who is in your employ, is eligible for early release. He is being notified that his alternate service assignment will terminate on November 22, 1974. You may wish to continue him as an employee, by mutual agreement; however, his participation in the alternate service program, and Selective Service supervision in connection with his employment, will terminate on November 22, 1974.

Your participation in the alternate service program is appreciated. You and other cooperating employers have made it possible for the young men involved to make a contribution to the national health, safety, or interest which is compatible with their beliefs.

State Director

[Temporary Instruction Appendix 1–11]

RECISSION OF TEMPORARY INSTRUCTION APPENDIX 1–6

Temporary Instruction Appendix 1–6, Subject: Inductions and Medical Determinations (SSS Form 205) Report of Manpower Inventory (SSS Form 116), dated July 23, 1973, is rescinded and shall be removed from the RPM.

Guidance concerning retention and/or disposal of use-suspended forms, procedural directives and facsimiles is contained in the Current Forms Check List and Index.

This Temporary Instruction will terminate upon implementation.

Issued: October 18, 1974.

JOHN D. DEWHURST, *Deputy Director.*

[FR Doc.74–25846 Filed 11–5–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 624]

ASSIGNMENT OF HEARINGS

NOVEMBER 1, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 135833 Sub 13, B & C Specialized Carriers, Inc., now assigned December 6, 1974 at Chicago, Ill., is cancelled and transferred to modified procedure.

MC 114211 Sub 225, Warren Transport, Inc., now assigned November 5, 1974 at Chicago, Ill., is cancelled and the application dismissed.

MC 59728 Sub 26, Morrison Motor Freight, Inc., now assigned November 14, 1974 at Columbus, Ohio, is cancelled and the application dismissed.

MC 135874 Sub 31, LTL Perishables, Inc., now assigned November 13, 1974, at Kansas City, Mo., is postponed to December 3, 1974 (4 days), in Room 609 Federal Office Bldg., 911 Walnut St., Kansas City, Mo.

MC 61592 Sub 319, Jenkins Truck Line, Inc., now being assigned December 9, 1974 (2 days), at Los Angeles, Calif., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–25999 Filed 11–5–74;8:45 am]

[No. MC–C–3437 (Sub-No. 6)]

MOTOR CARRIER TEMPORARY AUTHORITIES

OCTOBER 31, 1974.

At the request of Thomas M. Knebel, representative of Philadelphia Regional Committee of the Air Freight Motor Carrier Conference, the time for filing representations in this proceeding has been extended from November 11, 1974, to December 11, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–26001 Filed 11–5–74;8:45 am]

[Notice 89]

MOTOR CARRIER APPLICATIONS AND OTHER PROCEEDINGS

NOVEMBER 1, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special notice: The publications hereinafter set forth reflect the scope of the applications *as filed* by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 125952 (Sub-No. 14) (Notice of filing of petition to modify permit), filed October 17, 1974. Petitioner: INTERSTATE DISTRIBUTOR CO., a a Corporation, 8311 Durango St. SW., Tacoma, Wash. 98499. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Petitioner holds a motor *contract carrier* permit in No. MC–125952 (Sub-No. 14) issued August 4, 1972, authorizing transportation, over irregular routes, of *Industrial chemicals*, in containers, from Reno, Calado, Gabbs, and Luning, Nev., and points in California, to points in Washington, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Van Waters and Rogers, Seattle, Wash. By the instant petition, petitioner seeks to modify the permit to read: "*Industrial chemicals*, in containers from Reno, Calado, Gabbs, and Luning, Nev. and points in California, to points in Oregon and Washington, under a continuing contract or contracts with Van Waters & Rogers of Seattle, Wash." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before November 6, 1974.

No. MC 134454 (Sub-No. 4) (NOTICE OF FILING OF PETITION FOR MODIFICATION OF PERMIT), filed October 14, 1974. Petitioner: PRICE DELIVERY SERVICE, INC., 367 West Second St., P.O. Box 825, Dayton, Ohio 45401. Petitioner's representative: Paul F. Beery, Ninth Floor, 8 East Broad Street, Columbus, Ohio 43215. Petitioner holds a motor *contract carrier* permit in No. MC–134454 (Sub-No. 4) issued June 8, 1972, authorizing transportation, over irregular routes, of *Concrete products* (except commodities in bulk), *pipe fittings*, and *materials and supplies* incidental to the manufacture of concrete products (except commodities in bulk), between the plantsite of Price Brothers Company in Duchess County, N.Y., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, Ohio, and the District of Columbia, under a continuing contract, or contracts with Price Brothers Company, of Dayton, Ohio. By the instant petition, petitioner seeks to modify the permit by the addition of twenty-three states and also requests correction as to the misspelling of the origin as it presently appears in the permit. Petitioner requests that its permit be modified to authorize the following service: "*Concrete products* (except commodities in bulk), *pipe fittings*, and *materials and supplies* incidental to the manufacture of concrete products (except commodities in bulk), between the plantsite of Price Brothers Company in Duchess County, N.Y., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Virginia, Ohio, Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska,

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New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Wisconsin, and the District of Columbia, under a continuing contract, or contracts with Price Brothers Company, of Dayton, Ohio." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before December 6, 1974.

No. MC 135687 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD DESTINATION POINTS), filed October 4, 1974. Petitioner: WEAVER TRANSPORTATION COMPANY, a Corporation, 5452 Oakdale Rd., Smyrna, Ga. 30080. Petitioner's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349. Petitioner holds a motor *contract carrier* permit in No. MC–135687 (Sub-No. 1) issued June 16, 1972, authorizing transportation, as pertinent, over irregular routes, of *Brick, tile, and concrete block*, between the plantsites of Bickerstaff Clay Products, Co., Inc., located in Cobb County, Ga., Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, and Tennessee, and points in that part of Florida in and west of Hamilton, Suwanee, Lafayette, and Dixie Counties, Fla., under a continuing contract, or contracts, with Bickerstaff Clay products, Inc. By the instant petition, petitioner seeks to add North Carolina and South Carolina as destination points to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before December 6, 1974.

No. MC 136733 (NOTICE OF FILING PETITION FOR MODIFICATION OF CERTIFICATE), filed October 14, 1974. Petitioner: WEISS TRANSPORTATION CO., INC., 5000 Beaufait, Detroit, Mich. 48211. Petitioner's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Petitioner holds a motor *common carrier* certificate in No. MC 136733, issued September 20, 1973, authorizing transportation, over irregular routes, of *New furniture*, from Detroit, Mich., to points in that part of the Lower Peninsula (of Michigan) on and east of U.S. Highway 27 and on and south of Michigan Highway 46, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks modification of the territorial description of the certificate so that it would read as follows: "*New furniture*, from Detroit, Mich., to points in that part of the Lower Peninsula of Michigan located on or south of Michigan Highway 55". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before December 6, 1974.

No. MC 138059 (Sub-No. 3) (Notice of Filing of Petition To Modify Permit), filed September 23, 1974. Petitioner: NORTHWEST TRANSPORT, 223 North Erie Street, Pomona, Calif. 91766. Petitioner's representative: Jerry Solomon Berger, 9454 Wilshire Blvd., Penthouse, Beverly Hills, Calif. 90212. Petitioner holds a motor *contract carrier* permit in No. MC–138059 (Sub-No. 3) issued May 1, 1974, authorizing transportation, over irregular routes, of *Paper and paper products*, from Pomona, Calif., to points in the Los Angeles Harbor, Calif., Commercial Zone, as defined by the Commission, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Potlatch Forests, Inc., Pomona, Calif. By the instant petition, petitioner seeks to modify its permit to read: "(1) *Paper and paper products and related supplies* and (2) *related advertising matter, premiums and display materials*, from points in Orange and Los Angeles Counties, Calif., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, and (3) *materials and supplies* on return (other than bulk) used in the manufacture and distribution of paper and paper products, from points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington, to points in Orange and Los Angeles Counties, Calif., under a continuing contract, or contracts, with the Potlatch Corporation." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before December 6, 1974.

APPLICATIONS UNDER SECTION 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 4491 (Sub-No. 14), filed October 7, 1974. Applicant: GREAT COASTAL EXPRESS, INC., 501 South 14th Street, Richmond, Va. 23219. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St., NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk), between points in Connecticut.

NOTE.—Authority will be joined with applicant's authority to serve points in Fairfield County and all points will then be served in Connecticut. Common control may be involved. Applicant seeks to purchase a portion of Shippers Express, Inc. in MC–57726. This is a matter directly related to the Section 5 proceeding in MC–F–12332 published in the FEDERAL REGISTER issue of October 17, 1974. If a hearing is deemed necessary, the applicant requests it be held at Richmond, Va. or Washington, D.C.

No. MC 60066 (Sub-No. 10) (CORRECTION), filed September 6, 1974, published in the FR issue of October 10, 1974, and republished as corrected this issue. Applicant: BEE-LINE MOTOR FREIGHT, INC., 1804 Paul Street, Omaha, Nebr. 68102. Applicant's representative: Donald L. Stern, Suite 530, Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods as defined by the Commission requiring special equipment, and except those requiring special equipment), (a) between Ord, Nebr. and points within 50 miles thereof; (b) between Ord, Nebr. and points within 50 miles thereof, on the one hand, and, on the other, all points in Nebraska; (c) between Omaha and Grand Island, Nebr., on the one hand, and, on the other, all points in Nebraska; and (d) between all points in Nebraska, restricted against the transportation of meat and meat products between Ord, Nebr., and points within 50 miles thereof, on the one hand, and, on the other, Omaha, Nebr.

NOTE.—Applicant intends to tack his regular route authority in the lead certificate, at any of its presently authorized regular route service points to provide service to or from points in Nebraska as well as Julesburg, Colo. The purpose of this application is to convert the certificate of Registration issued to Service Oil Co., Inc. in MC–99667 to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC–F–12307, published in the FR issue of October 10, 1974. The purpose of this republication is to correct the tacking statement which was previously published in error. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 76065 (Sub-No. 24), filed October 7, 1974. Applicant: EHRLICH-NEWMARK TRUCKING CO., INC., 505 West 37th Street, New York, N.Y. 10018. Applicant's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, on hangers and in containers and *materials, supplies and equipment* used in the manufacture of wearing apparel (except commodities in bulk), between points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, the District of Columbia, points in New Jersey, Delaware, and Virginia and those in those portions of Pennsylvania, Maryland, and West Virginia on and east of U.S. Highway 11.

NOTE.—This is a matter directly related to the Section 5 proceeding in MC–F–12333 published in the FR issue of October 23, 1974.

If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 125433 (Sub-No. 50) (AMENDMENT), filed April 11, 1974, published in the FR issue of June 5, 1974, and republished as corrected this issue. Applicant: F–B TRUCK LINE COMPANY, a Corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Earl H. Scudder, Jr., P.O. Box 82028, 605 South 14th Street, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicles over regular routes, transporting: (a) *Construction, mining and logging machinery, equipment, materials and supplies;* and (b) *Commodities* which by reason of size, weight or bulk require special equipment or handling, and *materials, parts or supplies* that are appurtenant to or a necessary part of such commodities, between all points and places on and within 25 miles laterally of the following highways: (1) U.S. Highway 101 and 101 By-Pass between the California-Oregon boundary and San Luis Obispo, inclusive; (2) State Highway 1 between Leggett Valley and San Luis Obispo, inclusive; (3) U.S. Highway 199 between the California-Oregon boundary and Crescent City, inclusive; (4) State Highway 96 between U.S. Highway 99, near Yreka, and Willow Creek, inclusive; (5) U.S. Highway 299 between U.S. Highway 101, near Arcata, and Alturas, inclusive; (6) Unnumbered highway between State Highway 96, near Hamburg, and U.S. Highway 299, near French Gulch, via Etna and Trinity Center; (7) U.S. Highways 99, 99–W and 99–E between the California-Oregon boundary and Bakersfield, inclusive; (8) U.S. Highway 97 between the California-Oregon boundary and Weed, inclusive; (9) State Highway 139 between the California-Oregon boundary and Canby, inclusive; (10) Unnumbered highway between U.S. Highway 97, near Weed, and State Highway 139, via Tennant; (11) State Highway 89 between U.S. Highway 99, near Mt. Shasta, and U.S. Highway 395, near Coleville; (12) State Highway 36 between Alton and Johnstonville, inclusive; (13) U.S. Highway 395 between the California-Oregon boundary and the California-Nevada Boundary; (14) Unnumbered highway between Adia and Susanville, inclusive, via Midway House; (15) Unnumbered highway between Laytonville and Red Bluff, inclusive, via Covelo; (16) State Highway 32 between Orland and State Highway 36, near Childs Meadows, inclusive; (17) Unnumbered highway between unnumbered highway, near Paskenta, and State Highway 20, near Wilbur Springs, via Stonyford.

(18) State Highway 20 between U.S. Highway 101, near Ukiah, and U.S. Highway 40, near Cisco; (19) State Highways 29 and 53 between Vallejo and State Highway 20, near Lower Lake, inclusive; (20) U.S. Highway 40 and 40–A between San Francisco and the California-Nevada boundary, inclusive; (21) State Highway 49 between State Highway 89, near Sattley, and Mariposa, inclusive; (22) U.S. Highway 50 between San Francisco and the California-Nevada boundary, inclusive; (23) State Highway 24 between Oakland and Sacramento, inclusive; (24) State Highway 4 between U.S. Highway 40, near Pinole, and State Highway 89, near Markleeville; (25) State Highway 88 between Stockton and the California-Nevada boundary, inclusive; (26) State Highway 108 between Sonora and U.S. Highway 395 near Fales Springs, inclusive; (27) State Highway 120 between U.S. Highway 50, near Lathrop, and U.S. Highway 395, near Leevining; (28) U.S. Highway 395 between the California-Nevada boundary and U.S. Highway 466, near Four Corners; (29) State Highways 9 and 17 between Oakland and Santa Cruz, inclusive; (30) State Highway 33 between U.S. Highway 50, near Tracy, and Maricopa, inclusive; (31) State Highway 152 between Watsonville and Calif., inclusive; (32) State Highway 25 between Gilroy and State Highway 198, near Priest Valley, inclusive; (33) State Highway 140 between Gustine and Yosemite, inclusive; (34) State Highway 41 between Paso Robles and Yosemite, inclusive; (35) State Highway 168 between Fresno and Florence Lake, inclusive; (36) State Highway 180 between Mendota and Cedar Grove, inclusive; (37) State Highway 198 between San Lucas and General Grant Grove, inclusive; (38) U.S. Highway 466 between Paso Robles and U.S. Highway 395 at Four Corners, inclusive; (39) State Highway 65 between U.S. Highway 99, near Bakersfield, and General Grant Grove, inclusive; (40) State Highway 190 between Porterville and Camp Nelson, inclusive; (41) State Highway 178 between Bakersfield and U.S. Highway 6, near Inyokern, inclusive.

(42) Unnumbered highway between Isabelle and Johnsondale, inclusive; (43) U.S. Highway 6 between California-Nevada boundary and Mojave, inclusive; Except as otherwise provided below, through routes and rates may be established between all points and places specified in subparagraphs 1 through 43. *Restrictions:* (1) Applicant shall perform no service between Redding and points within 10 miles thereof, on the one hand, and, on the other hand, points on and laterally within 25 miles of: (a) U.S. Highway 299 between Weaverville and Burney, inclusive; (b) U.S. Highway 99 between Red Bluff and the California-Oregon boundary, inclusive; or (c) U.S. Highway 97 between Weed and the California-Oregon boundary, inclusive. (2) Applicant shall not transport shipments of less than 10,000 pounds from, to or between the following: (a) Points on State Highway 89 between U.S. Highways 40 and 50; (b) Points on U.S. Highways 6 and 395 between U.S. Highway 466 and the California-Nevada boundary; (c) Points on U.S. Highway 466 between Edison and U.S. Highway 395 at Four Corners.

NOTE.—Common control may be involved. The purpose of the amendment is to broaden the requested authority of the application. Applicant seeks to purchase the operating rights held by Dalzell Corporation in Docket MC–121075. This is a matter directly related to the Section 5 purchase proceeding in MC–F–12194 published in the FR issue of April 24, 1974. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC–F–12334. (Correction) (TREDWAYS EXPRESS, INC.—PURCHASE (PORTION)—EMPIRE CARRIERS CORPORATION (Alfred A. Rosenberg, Trustee)), published in the October 23, 1974, issue of the FEDERAL REGISTER on page 37703. Prior publication should be modified to read as follows: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between New York City, on the one hand, and, on the other all points in Dutchess, Orange, Ulster and Westchester Counties, N.Y., and from New York City, to Putnam and Rockland Counties, N.Y.

No. MC–F–12346. Authority sought for purchase by COOK MOTOR LINES, INC., P.O. Box 1391, Akron, OH 44309, of a portion of DAYTON TRANSPORT CORPORATION, P.O. Box 338, Dayton, VA 22821, and for acquisition by H. L. COOK, also of Akron, OH 44309, of control of such rights through the purchase. Applicants' attorneys: John P. McMahon, and David B. Harwood, both of 100 E. Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Harrisonburg, Va., and Franklin, W. Va., serving all intermediate points; *general commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, over irregular routes, between Harrisonburg, Va., on the one hand, and, on the other, points in Pendleton County, W. Va., with restriction. Vendee is authorized to operate as a *common carrier* in North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

Under the proposed transaction vendee proposes to tack or join its authority in Pendleton County, W. Va., with the authority being purchased herein to provide a through service to and from Harrisonburg, Va.

After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12347. Authority sought for purchase by ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, OH 44309, of a portion of the operating rights of RED LINE, INC., 2310 Orange Ave., P.O. Box 151, Roanoke, VA 24002, and for acquisition by GALEN J. ROUSH, also of Akron, OH 44309, of control of such rights through the purchase. Applicants' attorney and representative: William O. Turney, 2001 Massachusetts Ave. NW., Washington, D.C. 20036, and

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Douglas W. Faris, P.O. Box 471, Akron, OH 44309. Operating rights sought to be transferred: *General commodities*, with exceptions, as a common carrier over regular routes, between Roanoke and Martinsville, Va.; general commodities, with exceptions, over irregular routes, between Roanoke, Va., on the one hand, and, on the other, points and places in Virginia within 150 miles of Roanoke. Vendee is authorized to operate as a common carrier in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, South Carolina, Texas, Virginia, West Virginia, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

Under the proposed transaction vendee proposes to tack or join the irregular route authority at Roanoke, Va., performing a pick-up and distribution service within the irregular route territory to and from Roanoke.

After the authority herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12348. Authority sought for purchase by DRY BULK TRANSPORT, INC., R.D. No. 5, Marietta, OH 45750, of a portion of the operating rights of WILLS TRUCKING, INC., 615 Independence Tower, 5755 Granger Rd., Cleveland, OH 44131, and for acquisition by NICK LOEBER, also of Marietta, OH 45750, of control of such rights through the purchase. Applicants' attorney: Paul F. Beery, 8 E. Broad St., Ninth Floor, Columbus, OH 43215. Operating rights sought to be transferred: *Ferro alloys*, in bulk, in dump vehicles, as a *common carrier* over irregular routes, from the site of the plant of the Electro-Metallurgical Company (division of the Union Carbide and Carbon Corporation) near Marietta, Ohio, to points in Indiana, Illinois, Kentucky, Maryland, Michigan, Missouri, New York, Pennsylvania and West Virginia. Vendee is authorized to operate as a *common carrier* in Indiana, Illinois, Iowa, Kentucky, Maryland, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12349. Authority sought for purchase by SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, IN 47977, of the operating rights of OSENGA'S TRUCKING SERVICE, INC., 1421 Summer St., Hammond, IN 46320, and for acquisition by THOMAS R. SCHILLI, 303 E. Monroe, Delphi, IN 46923, of control of such rights through the purchase. Applicant's attorney and representative: Leonard R. Kofkin, 39 So. LaSalle St., Chicago, IL 60603, and Robert McMurtrey, Revenue Officer, Internal Revenue Service, P.O. Box 869, Gary, IN 46407. Operating rights sought to be transferred: *Prepared animal and poultry feeds, grain, fertilizer, tankage, meat scraps, and bone meal*, as a *common carrier* over irregular routes, from Chicago and Riverdale, Ill., to points in Indiana; *chipboard*, from Brownstown, Ind., to a described portion of Northeastern Illinois; *general commodities* (with exceptions), between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, with restriction. Vendee is authorized to operate as a *common carrier* in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania, Tennessee, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12350. Authority sought for control by CHAMBERLAIN MOBILEHOME TRANSPORT, INC., 64 E. Main St., Thomaston, CT 06787, of MARTIN TRAILER SERVICE, INC., 124 Pond St., Billerica, MA 01821, and for acquisition by BURT G. CHAMBERLAIN, also of Thomaston, CT 06787, of control of MARTIN TRAILER SERVICE, INC., through the acquisition by CHAMBERLAIN MOBILEHOME TRANSPORT, INC. Applicants' attorney: Bernard J. Hasson, Jr., 927 15th St. NW., Suite 306, Washington, D.C. 20005. Operating rights sought to be controlled: *Household trailers* designed to be drawn by passenger automobiles, in secondary movements, as a *common carrier* over irregular routes, between points in that part of Massachusetts in and east of Middlesex, Norfolk, and Bristol Counties, Mass., on the one hand, and, on the other, points in New Hampton, Vermont, Rhode Island, Connecticut, and Maine. CHAMBERLAIN MOBILEHOME TRANSPORT, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–12351. Authority sought for control by TRANS CORP. a non-carrier corporation, 2200 Woodsdale, Lincoln, NE 68502, of SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072, and for acquisition by DUANE W. ACKLIE, also of Lincoln, NE 68502, of control of SHAFFER TRUCKING, INC., through the acquisition by TRANS CORP. Applicants' attorney: William A. Chestnut, 1776 F St. NW., Washington, D.C. 20006. Operating rights sought to be controlled: *Numerous specified commodities*, as a *common carrier*, over regular and irregular routes, from, to and between all of the States in the United States (except Alaska and Hawaii), with certain restrictions, as more specifically described in Docket No. MC–114569 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. TRANS CORP., holds no authority from this Commission. However it is affiliated with CRETE CARRIER CORPORATION, 1444 Main St., Crete, NE 68333, which is authorized to operate as a *contract carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

NOTICE

PORT RAILROADS, INC., San Francisco Ferry Building, WILLIS B. KYLE, San Francisco Ferry Building, SAN FRANCISCO BELT RAILROAD, San Francisco Ferry Building, SAN FRANCISCO PORT COMMISSION, San Francisco Ferry Building, all of San Francisco, California 94111, represented by Mr. Leigh B. Morris, Esq., Loughran & Hegarty, 21st Floor, 100 Bush Street, San Francisco, California 94104, hereby give notice that on the 7th day of October, 1974, they filed an application with the Interstate Commerce Commission at Washington, D.C., under section 5(2) of the Interstate Commerce Act for approval of a Management Advisory Contract which will affect the operation of the San Francisco Belt Railroad, a short line railroad subject to the provisions of Part I of the Interstate Commerce Act operating over 55.76 miles of track within the Port of San Francisco. Approval of the transaction may result in indirect control of the San Francisco Belt Railroad by Mr. Willis B. Kyle. Mr. Kyle is authorized by this Commission to hold joint control of the Yreka Western Railroad Company and the Oregon Pacific and Eastern Railroad Company, a short line railroad operating in the Yreka, California, and Cottage Grove, Oregon, areas respectively.

In the applicant's opinion, granting the authority sought by this application, will not constitute a major Federal action having a significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b) (1)–(5), 340 I.C.C. 431, 461. The proceeding F. D. 27758 will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before December 6, 1974.

Port Railroads, Inc., Willis B. Kyle, San Francisco Belt Railroad, San Francisco Port Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–26002 Filed 11–5–74;8:45 am]

[Notice 35]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 1, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed by December 6, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3379 (Deviation No. 15) (CORRECTION), filed October 2, 1974, published in the October 23, 1974 issue of the FEDERAL REGISTER, and republished, as corrected, this issue. SNYDER BROS. MOTOR FREIGHT, INC., 363 Stanton Ave., Akron, Ohio 44301. The purpose of this republication is to reflect the correct deviation number as Deviation No. 15 in lieu of Deviation No. 14 as previously published in the October 23, 1974 issue of the FEDERAL REGISTER. The rest of the notice remains the same as previously published.

No. MC 49387 (Deviation No. 9) (Correction), ORSCHELN BROS. TRUCK LINES, INC., Highway 24 East, P.O. Box 658, Moberly, Mo. 65270, filed July 31, 1974, published in the September 18, 1974 issue of the FEDERAL REGISTER, and republished, as corrected, this issue. Carrier's representative: Gregory M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis, Mo. 63102. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From St. Louis, Mo., over U.S. Highway 66 (Interstate Highway 44) to Springfield, Mo., and (2) From Jefferson City, Mo. over U.S. Highway 54 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, Mo., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From St. Louis, Mo., over U.S. Highway 40 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction U.S. Highway 50 at Jefferson City, Mo., thence over U.S. Highway 50 to junction U.S. Highway 65, thence over U.S. Highway 65 to Springfield, Mo., and return over the same route.

Restriction: The operations authorized above are restricted against the transportation of traffic moving through Jefferson City, Mo., between points in Illinois on and north of U.S. Highway 24, on the one hand, and, on the other, points in Greene, Polk, and Dallas Counties, Missouri.

The purpose of this republication is to include the restriction on the service route which was inadvertently omitted in the previous publication.

No. MC 71459 (Deviation No. 7), O.N.C. FREIGHT SYSTEMS—OPERATOR OF—FRED L. WILLIAMS, DBA TAOS INTERSTATE EXPRESS, 2800 W. Bayshore Road, Palo Alto, Calif. 94303, filed October 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Alamosa, Colo., over U.S. Highway 285 to junction U.S. Highway 64, thence over U.S. Highway 64 to junction New Mexico Highway 3 and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Alamosa, Colo., over U.S. Highway 160 to Fort Garland, Colo., thence over Colorado Highway 159 to junction New Mexico Highway 3, thence over New Mexico Highway 3 to junction U.S. Highway 64, and return over the same route.

No. MC 80430 (Deviation No. 13), GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54601, filed October 2, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cincinnati, Ohio over Interstate Highway 71 to junction Interstate Highway 270 at Columbus, Ohio, thence south, east, and north over Interstate Highway 270 to junction Interstate Highway 70, thence over Interstate Highway 70 to junction Interstate Highway 79 near Washington, Pa., thence over Interstate Highway 79 to Pittsburgh, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cincinnati, Ohio over Ohio Highway 4 to Middletown, Ohio, thence over Ohio Highway 73 to junction U.S. Highway 25, thence over U.S. Highway 25 to junction unnumbered highway, thence over unnumbered highway via Murlin Heights, Pleasant View, Vandalia, Ginghamsburg, Troy, and Piqua, Ohio to junction U.S. Highway 25, thence over U.S. Highway 25 to junction unnumbered highway, thence over unnumbered highway to Lima, Ohio, thence over U.S. Highway 30S to Mansfield, Ohio, thence over Ohio Highway 430 to junction U.S. Highway 30, thence over U.S. Highway 30 to Canton, Ohio, thence over U.S. Highway 62 to Youngstown, Ohio, thence over Ohio Highway 170 to the Ohio-Pennsylvania State line, thence over Pennsylvania Highway 351 to Koppel, Pa., thence over Pennsylvania Highway 65 to Pittsburgh, Pa., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–25998 Filed 11–5–74;8:45 am]

[Notice 21]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 1, 1974.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed by December 6, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Deviation No. 684) (Cancels Deviation No. 639), GREYHOUND LINES, INC. (Eastern Division) P.O. Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed October 22, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Richmond, Va., over Interstate Highway 64 to junction Virginia Highway 607, thence over Virginia Highway 607 to junction U.S. Highway 60, with the following access route: From junction Interstate Highway 64 and Virginia Highway 30 over Virginia Highway 30 to junction U.S. Highway 60 and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Richmond, Va., over U.S.

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Highway 60 to Norge, Va., and return over the same route.

No. MC 13300 (Deviation No. 30), CAROLINA COACH COMPANY, 1201 South Blount Street, Raleigh, N.C. 27602, filed October 22, 1974. Carrier's representative: Lawrence E. Lindeman, Suite 1032 Pennsylvania Building, Pennsylvania Avenue & 13th Street NW., Washington, D.C. 20004. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Petersburg, Va., over Interstate Highway 85 to junction U.S. Highway 1 near Wise, N.C., thence over U.S. Highway 1 to Norlina, N.C., thence over U.S. Highway 401 to Warrenton, N.C., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Petersburg, Va., over U.S. Highway 301 to Pleasant Hill, N.C., thence over North Carolina Highway 48 to Roanoke Rapids, N.C., thence over U.S. Highway 158 to Macon, N.C., thence over Alternate U.S. Highway 158 to Warrenton, N.C., and return over the same route.

No. MC 60325 (Deviation No. 6), JEFFERSON LINES, INC., 503 6th Ave., N. Minneapolis, Minn. 55405, filed October 16, 1974. Carrier's representative: Elvin S. Douglas, Jr., P.O. Box 280, Professional Building, Harrisonville, Mo. 64701. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Nevada, Mo., over U.S. Highway 54 to junction Missouri Highway 43, thence over Missouri Highway 43 to Joplin, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property over a pertinent service route as follows: From Nevada, Mo., over U.S. Highway 71 to Joplon, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26004 Filed 11-5-74;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 1, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55248, filed October 16, 1974. Applicant: T. J. TRUCKING CO., 311 Barneveld Avenue, San Francisco, Calif. 94124. Applicant's representative: E. H. Griffiths, 1182 Market Street, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, except as hereinafter provided: Between all points and places in the San Francisco Territory which is described as follows: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue.

Northerly along College Avenue to Dwight Way; easterly along Dwight Way to Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10-C of Minimum Rate Tariff No. 4-A; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stages, or swine.

(4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary value; and (10) Fresh fruits and vegetables. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 55249, filed October 15, 1974. Applicant: J. C. EXPRESS CO., INC., 10713 Pebble Place, Cupertino, Calif. 95014. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of General commodities, except the following: (a) Used household goods and personal effects not packed in accordance with the crated property requirements; (b) Livestock; (c) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment; (d) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (e) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (f) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (g) Logs; (h) Fresh fruits and vegetables; and (i) Automobiles, trucks and busses. Between all points and places in the San Francisco Territory, as described hereafter, and all points within ten miles of any point therein. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road.

Northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26003 Filed 11-5-74;8:45 am]

[No. MC-C-8506]

INTERCORPORATE PARENT-SUBSIDIARY TRANSPORTATION

Petition for Declaratory Order

Petitioner: PRIVATE CARRIER CONFERENCE, INC. OF THE AMERICAN TRUCKING ASSOCIATIONS, INC.

Petitioner's representatives: Joseph E. Keller, William H. Borghesani, Jr., Keller and Heckman, 1150 17th Street NW., Suite 1000, Washington, D.C. 20036.

Notice of filing of petition for a commission policy which will pierce the corporate veil so as to recognize as private carriage transportation, operations performed by one related corporate entity for another.

By petition filed October 11, 1974, Private Carrier Conference, Inc., of the American Trucking Associations, Inc. requests the Interstate Commerce Commission, in accordance with section 5(d) of the Administrative Procedure Act [5 U.S.C. 554(e) (1964)] and Rule 44 of the Commission's rules and regulations (49 CFR 1100.44), to formulate in light of the present energy crisis and the inflationary spiral affecting the economy of the United States, a general policy which will pierce the corporate veils among related or commonly-owned corporations so as to recognize as private carriage transportation, operations performed for compensation or direct benefit by one related corporate entity for another standing either in a parent-to-subsidiary or subsidiary-to-subsidiary relationship to one another.

Since the adoption of the Motor Carrier Act of 1935, the Commission has as an exercise of its administrative discretion and with rare exception declined to pierce the corporate veils between and among wholly-owned or commonly-owned multiple corporations so as to regard as lawful private carriage all compensated transportation conducted within the scope of and in furtherance of the non-transportation primary businesses of these related corporate entities. See Enterprise Trucking Corp., Contract Carrier Application, 27 M.C.C. 264 (1941), Lee Wilson & Co., Contract Carrier Application, 29 M.C.C. 525 (1941), Lukens Steel Co., Contract Carrier Application, 42 M.C.C. 672 (1943), and Schenley Distilleries Motor Division, Inc., Contr. Car. Ap., 44 M.C.C. 171 (1944), Aff'd 61 F. Supp. 981 (D. Del., 1945), Aff'd 326 U.S. 432 (1946). The latter of these decisions concerned the activities of Schenley Distilleries Motor Division, Inc., a subsidiary of the Schenley Distilleries Corporation. The Commission in this proceeding, in refusing to "pierce the corporate veils," held that commonly-owned corporations, as separate and distinct legal entities, may not transport for one another on a for-hire basis under a claim of private carriage when the transportation performed does not satisfy the "primary business test" as to the hauling corporation. For any transportation to be deemed legitimate private carriage, it had to be within the scope of and in furtherance of the carrier corporation's non-transportation primary business.

In similar fashion in *Lukens Steel Co., supra*, the Commission in response to Lukens' claim that the conduct of its transportation operation for its subsidiaries was private carriage and exempt from the certificate requirements of the Interstate Commerce Act, determined that the transportation activities on behalf of the subsidiaries could not be considered an integral portion of the business in which the parent corporation was primarily engaged. In this vein, the Commission noted at 42 M.C.C. 674:

> Although applicant claims that the two subsidiaries are merely "departments" of its business, they are in fact separate entities and, except to the extent that the three corporations have common employees and use joint facilities, each of the two subsidiaries maintains its own plant and conducts a business separate from that of the applicant. The fact that the corporations maintain joint facilities indicates nothing more than that they have found the use of joint facilities to be economical.

In *Status of Certain Church Transportation*, 112 M.C.C. 59 (1970), the Southern California Conference of Seventh Day Adventists, an unincorporated local conference, petitioned the Commission to enter a declaratory order determining that the Conference was a private carrier of property by motor vehicle under

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section 203(a)(17) of the Act and consistent with the "primary business test" embodied in section 203(c). The Conference operated its own motor vehicles in serving its own transportation needs, and, for purposes of overall economy, offered transportation services to its affiliates, some of which were incorporated and one of which was a commercial corporation. Its carriage activities involved the transporting of church personnel, household goods, and religious articles and furniture. Additionally, the Seventh Day Adventist Church had an interest in the commercial manufacture, distribution, and sale of high protein food substances by virtue of its ownership of the Loma Linda Food Company. The Conference transported shipments of health foods from the Church-operated Loma Linda Food Company in California to that Company's warehouses in Denver, Colo., and New York. The Church was compensated by Loma Linda for this transportation. The Commission concluded on the basis of the common ownership that private carriage was being conducted, notwithstanding the existence of compensation for such transportation. The Commission determined that all such transportation, for compensation or not, was in furtherance of the non-transportation primary commercial business and charitable activities of the collectively "pierced entities." The Commission distinguished the instant case from the circumstances that existed in *Enterprise Trucking, Lee Wilson & Co., Lukens Steel Co.*, and *Schenley, supra*. The Commission maintained that the questioned activities in those cases involved commercial operations while those in the present decision were charitable and in direct furtherance of the Church's mission.

Petitioner contends that implicit in the Commission's decision in *Certain Church, supra*, the Commission recognized that it has the power or discretion to pierce or not pierce a corporate veil, depending entirely on its view of what is the most desired policy in a given situation. Petitioner further contends that the Commission should apply its reasoning in *Certain Church, supra*, to all carriage involving related corporations because a continuation of its present policy serves only to perpetuate diseconomies of utilization of private carriage fleets in an era of high fuel cost, precarious fuel availability, and most significantly, the economic dislocation attributable to inflation.

No oral hearing is contemplated at this time. Any interested person (including petitioner) desiring to participate in this proceeding may file with this Commission an original and fifteen (15) copies of his written representations, views, or arguments in support, or against, the relief sought in the petition (including any potential environmental effects thereof) on or before December 13, 1974. A copy of each such representation should be served upon petitioner's representative. Written material or suggestions submitted will be available for public inspection at the Offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26006 Filed 11-5-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

NOVEMBER 1, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 9644 (Sub-No. 3G), filed June 4, 1974. Applicant: B. T. L., INC., 621 Santa Fe, Kansas City, Mo. 64101. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, commodities requiring special equipment), between points in Kansas City and North Kansas City, Mo., Kansas City, Kans., and those within 15 miles of the miles of the points named, and points in Kansas bounded by a line beginning at Kansas City, Mo., and extending in a westerly direction along U.S. 40 to Junction City, Kans., thence in a northerly direction along U.S. Highway 77 to the Kansas-Nebraska State line, thence in an easterly direction along the Kansas-Nebraska State line to the Missouri State line, thence in a southerly direction along the Kansas-Missouri State line to point of beginning. The purpose of this filing is to eliminate the gateway at the intersection of Missouri Highway 371 and 116 located near the southern border of Buchanan County, Missouri.

No. MC 40404 (Sub-No. 1G), filed June 5, 1974. Applicant: LESLIE C. MOORE JR., doing business as, CASWELL VAN LINES, 1489 Lehigh Station Road, Henrietta, N.Y. 14467. Applicant's representative: Carroll F. Genovese, Suite 522, Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, from Rochester, N.Y. and points within 20 miles thereof, to points in Pennsylvania. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 89697 (Sub-No. 27G), filed May 31, 1974. Applicant: KRAJACK TANK LINES, INC., 480 Westfield Avenue, Roselle Park, N.J. 07204. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Commercial solvents, paint, lacquer, and cleaning* solvents, ether, alcohol, and acetates in bulk, in tank vehicles, (1) between Philadelphia, Chester, Berks, Centre, and Delaware Counties, Pa., on the one hand, and, on the other, points in New Jersey (except Bergen, Essex, Hudson, Union and Middlesex Counties, and Bound Brook and South Brook, N.J.). The purpose of this filing is to eliminate the gateway of Carteret, N.J.

(2) Between Philadelphia, Pa., on the one hand, and, on the other, points in Broome, Cortland, and Monroe Counties, N.Y. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

(3) Between points in Chenango County, N.Y., on the one hand, and, on the other, points in Fairfield County, Conn. and Warren County, N.J. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

(4) Between points in Orange County, N.J., on the one hand, and, on the other, points in New Jersey (except points in Essex, Bergen, Hudson, Union, and Middlesex Counties and Bound Brook and South Bound Brook, N.J.). The purpose of this filing is to eliminate the gateway of Carteret, N.J.

(5) Between Middlesex, Hampden, and Norfolk Counties, Mass., on the one hand, and, on the other, points in Erie County, N.Y. and points in Fairfield and New Haven Counties, Conn. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

(6) Between points in Erie County, N.Y., on the one hand, and, on the other, points in Hartford and New Haven Counties, Conn. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

(7) Between Passaic and Sussex Counties, N.J., on the one hand, and, on the other, points in New Haven County, Conn. and Broome County, N.Y. The purpose of this filing is to eliminate the gateway of Carteret, N.J.

(B) *Industrial alcohol and alcohol solvents*, in bulk, in tank vehicles, (8) from points in New Jersey and Niagara County, N.Y., to points in Maryland within 200 miles of Yonkers, N.Y. The purpose of this filing is to eliminate the gateways of Carteret, N.J. and Yonkers, N.Y.

(8a) From points in Delaware, to points in New Jersey (except Bergen, Essex, Hudson and Union Counties and Carteret and Bound Brook, N.J.). The purpose of this filing is to eliminate the gateways of Carteret, N.J., Yonkers, N.Y., and Ft. Lee, N.J.

(8b) From points in Passaic County, N.J., to points in Rockland County, N.Y. The purpose of this filing is to eliminate the gateway of Ft. Lee, N.J.

(8c) From Erie County, N.Y., to points in New Jersey. The purpose of this filing is to eliminate the gateway of Ft. Lee, N.J.

(C) *Alcohol, denatured*, and *solvents*, in bulk, in tank vehicles, (9) between Baltimore, Md., on the one hand, and, on the other, points in New Jersey. The purpose of this filing is to eliminate the gateway of Newark, N.J.

No. MC 52932 (Sub-No. 29G), filed June 5, 1974. Applicant: NORTH PENN TRANSFER, INC., Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in New Jersey, on the one hand, and, on the other, points in New Jersey, (except Phillipsburg, N.J., and points on U.S. Highway 1, points on U.S. Highway 202 between the New Jersey-Pennsylvania State Boundary line and intersection U.S. Highway 22 and points on U.S. Highway 22 between intersection U.S. Highway 202 and intersection U.S. Highway 1). The purpose of this filing is to eliminate the gateway of points within 10 miles of Lansdale, Pa., which is within the Philadelphia Commercial Zone, and to eliminate the gateway of the Philadelphia Commercial Zone.

No. MC 52932 (Sub-No. 30G), filed June 5, 1974. Applicant: NORTH PENN TRANSFER, Box 230, Lansdale, Pa. 19446. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles, textile products, and copper articles*, from Lansdale, Pa. and points within 10 miles of Lansdale, Pa., Philadelphia, Pa. and points in New Jersey, to points in Delaware, New Jersey, and points in that part of Pennsylvania on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Mt. Holly, N.J.

No. MC 107012 (Sub-No. 200G), filed June 4, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, (1) from points in North Carolina, to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, Nevada, New Hampshire, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways at Kentucky, Tennessee, Arkansas, and West Virginia. (2) From points in North Carolina, to points in Connecticut, Delaware, Georgia, Florida, Maryland, Massachusetts, Missouri, New Jersey, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Kentucky, Tennessee, Arkansas, and West Virginia.

No. MC 107515 (Sub-No. 904G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite 375, Atlanta, Ga. 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, (1) from points in Florida, to points in Virginia. The purpose of this filing is to eliminate the gateway at the plantsites of Family Foods, Inc., and Ambrosia Chocolate Co., Division of W. R. Grace and Company, located at or near Charlotte, N.C. (2) From points in Florida, to points in Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway at the plantsite of Food Specialties of Kentucky, Division Oscar Ewing, Inc., located in Jefferson County, Ky. (B) *Frozen citrus products*, from points in Florida, to points in Kansas. The purpose of this filing is to eliminate the gateway at Atlanta, Ga. (C) *Canned citrus products*, in mixed loads with citrus products, frozen, and/or *citrus products*, not canned and not frozen, from points in Florida, to points in Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway at Sylvester and Tifton, Ga., and the plantsite of Food Specialties of Kentucky, Division Oscar Ewing, Inc., located in Jefferson County, Ky.

No. MC 107515 (Sub-No. 906G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road, NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from Baltimore, Md., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway at Atlanta, Ga.

No. MC 107515 (Sub-No. 907G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, (1) from Greenville, Mich., to points in Kentucky. The purpose of this filing is to eliminate the gateways at Chicago, Ill. (2) From Greenville, Mich., to points in Louisiana. The purpose of this filing is to eliminate the gateways at Chicago, Ill.,; the plantsite of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.; and Jackson or Columbus, Ohio.

No. MC 107515 (Sub-No. 917G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from points in Cook, Du Page, Lake, and Will Counties, Ill. and Lake County, Ind., to points in Ohio, Indiana, Michigan, Virginia, West Virginia, and Memphis, Tenn. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 107515 (Sub-No. 920G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite 375 Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen Foods*, in vehicles equipped with mechanical refrigeration, from points in Ohio, to points in Texas, Arkansas, Oklahoma, Louisiana, Mississippi, Tennessee, North Carolina, South Carolina, Georgia, Florida, and Alabama. The purpose of this filing is to eliminate the gateways at Detroit, Mich., and Jackson and Columbus, Ohio.

No. MC 107515 (Sub-No. 926-G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite

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No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Import meat*, from Charleston, S.C., to points in South Carolina. The purpose of this filing is to eliminate the gateways at Goldsboro, N.C., and points within the Atlanta, Ga. Commercial Zone within 10 miles of Atlanta, Ga.

No. MC 108207 (Sub-No. 392G), filed June 4, 1974. Applicant: FROZEN FOOD EXPRESS, INC., 318 Cadiz Street, P.O. Box 5888, Dallas, Tex. 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, from Lena, Ill., to points in Kansas. The purpose of this filing is to eliminate the gateway of Chicago, Ill. (2) *Cheese and commodities* such as are dealt in by retail gift shops, when moving in mixed shipments with cheese, from Monroe, Wis., to points in Missouri. The purpose of this filing is to eliminate the gateway of Texas. (3) *Frozen foods, meats, meat products, meat byproducts, dairy products, salad dressing, yeast, and uncooked bakery goods*, (a) from points in Arkansas, Oklahoma, Louisiana, Mississippi, Missouri, and Memphis, Tenn., to points in Kansas, Indiana, Ohio, Minnesota, and Wisconsin, (b) from points in Oklahoma, Arkansas, Louisiana, Missouri, Mississippi, and Memphis, Tenn., to Louisville, Ky. The purpose of this filing is to eliminate the gateway of Texas. (4) *Meats, meat products, meat byproducts, and frozen foods*, (a) from points in Kansas, to points in Indiana, Ohio, Minnesota, Wisconsin, and Missouri, (b) from points in Mississippi, to points in Missouri, (c) from points in Kansas, to points in Illinois, Michigan, and Iowa, and (d) from points in Nebraska, to points in Indiana and Wisconsin. The purpose of this filing is to eliminate the gateway of Texas.

(5) *Fresh meats and frozen foods*, from points in Kansas, to Louisville, Ky. The purpose of this filing is to eliminate the gateway of Texas. (6a) *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, dairy products, frozen foods, salad dressing, yeast, uncooked bakery goods, fish, and prepared salad* and (b) *foodstuffs* (except those described in (6a) above, and alcoholic beverages, and except canned goods from Paris, Tex.), when moving in mixed loads with one or more of the commodities described in (6a) above, from Minneapolis, Minn., to points in Kansas and Missouri. The purpose of this filing is to eliminate the gateway of Texas. (7) *Frozen foods, meats, meat products, meat byproducts, dairy products, salad dressing, yeast and uncooked bakery goods*, from points in Louisiana, to points in Mississippi. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. (8) *Candy*, from Chicago, Ill., to points in Arkansas, Louisiana, Mississippi, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of Kansas City, Mo. and Dallas, Tex.

No. MC 109533 (Sub-No. 59G), filed June 4, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, 1660 L Street NW., Suite 1100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, new household furniture, household goods as defined by the Commission, commodities in bulk, those requiring the use of special equipment, and those injurious or contaminating to other lading), between Bluefield, W. Va. on the one hand, and, on the other, Gallipolis, Ohio and points in West Virginia and Pennsylvania within the commercial zones of Charleston, Clarksburg, Morgantown, Parkersburg, Wheeling, and Weirton, W. Va. and Pittsburgh and Washington, Pa. The purpose of this filing is to eliminate the gateways of points in Wayne County within 75 miles of Bluefield, W. Va.

No. MC 113362 (Sub-No. 276G), filed June 3, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, 1105½ 8th Ave. NE., Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities*, as are dealt in by wholesale, retail, and chain grocery stores, from Chicago, Ill., to points in Iowa on and west of U.S. Highway 69 and points in Minnesota. The purpose of this filing is to eliminate the gateway of Lakota, Iowa. (2) *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Albert Lea and Austin, Minn., and points in Martin and Faribault Counties, Minn., on the one hand, and, on the other, points in Iowa. The purpose of this filing is to eliminate the gateway of Elmore, Minn. and points within 15 miles of Elmore, Minn.

No. MC 116763 (Sub-No. 283G), filed June 3, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Woodpulp dishes, plates, and trays*, from the plantsite of the Keyes Fibre Company at Waterville, Maine and from its warehouse at Portland, Maine, to points in Florida, Georgia and that part of Oklahoma on and east of Interstate Highway 35. The purpose of this filing is to eliminate the gateway at Natchez, Miss. (2) (a) *clay tile*, from Lakeland, Fla., to points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York east of I–81, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Lawrenceburg, Ky. (2) (b) *clay tile, and commodities* used in the manufacturing, distribution, and/or installation of clay tile (except in bulk), from points in Connecticut, Delaware, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York east of I–81, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, to Lakeland, Fla. The purpose of this filing is to eliminate the gateway at Lawrenceburg, Ky. (3) *such commodities* as are used, distributed, or dealt in by automotive, vehicular, or engine supply outlets, manufacturers, or distributors, (a) from points in Arizona, Arkansas, California, Idaho, points in that part of Illinois north of U.S. Highway 24 (except Chicago, Aurora, Joliet, and Deerfield and points in their commercial zones as defined by the Commission), Indiana (except Indianapolis, Kokomo, South Bend, and Terre Haute, and points in their commercial zones as defined by the Commission), Kentucky (except Louisville and points in its commercial zone as defined by the Commission), Louisiana, Maine, Missouri (except St. Louis and points in its commercial zone as defined by the Commission), Montana, Nevada, New Hampshire, New Mexico, that part of New York west of New York Highway 14, North Dakota, Oregon, that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Ohio State line and extending along the Pennsylvania Turnpike to Junction U.S. Highway 15.

Thence along U.S. Highway 15 to the Pennsylvania-New York State line, including Harrisburg, Pa., that part of Texas on and east of a line beginning at the Oklahoma-Texas State line at Interstate Highway 35 and extending along Interstate Highway 35 to Denton, Tex., thence along 35E near Hillsboro, Tex., thence along Interstate Highway 35 to San Antonio, Tex., thence along U.S. Highway 181 to Corpus Christi, Tex., Utah, Vermont, Washington, that part of West Virginia on and west of Interstate Highway 77, and Wyoming, to Versailles, Ohio, restricted against the transportation of (1) commodities, the transportation of which because of size or weight requires the use of special equipment, (2) automobiles, trucks, and buses as described in the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766, (3) commodities in bulk, (4) paper and paper products, and (5) passenger or property carrying golf buggies or commercial adaptations thereof. (3) (b) from points in Colorado, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, and South Dakota, to Versailles, Ohio, restricted against the transportation of (1) commodities, the transportation of which because of size or weight requires the use of special equipment, (2) automobiles, trucks, and buses as described in the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (3) tractors and farm machinery,

(4) commodities in bulk, (5) paper and paper products, and (6) passenger or property carrying golf buggies or commercial adaptations thereof. The purpose of this filing is to eliminate the gateway at a point in Florida.

No. MC 119656 (Sub-No. 31G), filed June 4, 1974. Applicant: NORTH EXPRESS, INC., 219 E. Main Street, Winamac, Ind. 46996. Applicant's representative: Donald W. Smith, Suite 2465 One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal tubing*, from Chicago, Ill., to points in Michigan on and south of Michigan Highway 55. The purpose of this filing is to eliminate the gateway of Winamac, Ind.

No. MC 119774 (Sub-No. 78–G) (Amendment), filed June 5, 1974, published in the FEDERAL REGISTER issue of September 30, 1974, and republished as amended, this issue. Applicant: EAGLE TRUCKING COMPANY, A Corporation, 301 E. Main St., P.O. Box 471, Kilgore, Tex. 75662. Applicant's representative: Nolan Killingsworth, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, (1) between points in Utah on the one hand, and, on the other, points in Kansas and New Mexico, (2) between points in Kansas, on the one hand, and, on the other, points in Georgia, Illinois, Indiana, Kentucky, and Tennessee, (3) between points in Indiana, on the one hand, and, on the other, points in Georgia, Colorado, and Wyoming, (4) between points in Kentucky, on the one hand, and, on the other, points in Georgia, (5) between points in Illinois, on the one hand, and, on the other, points in Colorado and Wyoming, (6) between points in Montana, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, New Mexico, and Tennessee; (2) *Pipe, pipe fittings, pipe connections, and pipe couplings*, from Lone Star, Tex., to points in Illinois, Indiana, Kentucky, Missouri, North Carolina, South Carolina, and Tennessee; (3) *Plastic pipe, plastic tubing, plastic conduit, valves, fittings, compounds, joint sealer, bonding cement, primer, coating, thinner, and accessories* used in the installation of such products, from Oklahoma City, Okla., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Texas. The purpose of this filing is to eliminate the gateways of Texas, Arkansas, Oklahoma, Alabama, and Van Buren, Ark.

NOTE.—The purposes of this republication are: (A) To amend the commodity description in (1) above; and (B) to add the territorial description in (6) above.

No. MC 123685 (Sub-No. 20G), filed June 5, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between Columbus, Ohio on the one hand, and, on the other, points in West Virginia on and west of U.S. Highway 21, and (2) between points in Washington, Athens, and Meigs Counties, Ohio on the one hand, and, on the other, points in West Virginia on and west of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of Washington County, Ohio and Parkersburg, W. Va.

No. MC 125294 (Sub-No. 6G), filed June 4, 1974. Applicant: HILLDRUP TRANSFER & STORAGE CO., INC., 300 Central Road, Fredericksburg, Va. 22401. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between Fredericksburg, Va. and points in Virginia within 100 miles of Fredericksburg, on the one hand, and, on the other, points in Pennsylvania, New York, Delaware, New Jersey, Rhode Island, Georgia, and North Carolina, and (2) between points in Maryland, on the one hand, and, on the other, points in Pennsylvania, New York, Virginia, Delaware, New Jersey, Rhode Island, Georgia, and North Carolina. The purpose of this filing is to eliminate the gateway of Washington, D.C.

No. 126372 (Sub-No. 14G), filed June 4, 1974. Applicant: SUREFINE TRANSPORTATION COMPANY, a Corporation, 1925 East Vernon Avenue, Los Angeles, Calif. 90058. Applicant's representative: Arthur J. Piken, Esq., One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, uncrated, from points in Washington and Oregon, to points in Colorado and Wyoming. The purpose of this filing is to eliminate the gateways at California and Utah.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 18, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1745 (Sub-No. E1), filed June 4, 1974. Applicant: INTERSTATE VAN LINES, INC., 5801 Rolling Road, Springfield, Va. 22152. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Alabama, Georgia, Tennessee, North Carolina, South Carolina, Virginia, Florida, Louisiana, Mississippi, Arkansas, Kentucky, Ohio, Michigan, West Virginia, the District of Columbia, Maryland, Pennsylvania, Delaware, Illinois, Indiana, and Massachusetts, on the one hand, and, on the other, points in New Hampshire, Rhode Island, Vermont, and Maine; and (2) between points in Connecticut and New Jersey, on the one hand, and, on the other, points in Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of points in Massachusetts.

No. MC 2860 (Sub-No. E56), filed May 17, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St., NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Providence and Westerly, R.I., Boston, Mass., and points in Massachusetts within 25 miles thereof and points in Connecticut, on the one hand, and, on the other, points in Cape May County, N.J. (New York, N.Y.)*; and (b) between Providence and Westerly, R.I., Boston, Mass., and points in Massachusetts within 25 miles thereof, and points in that part of Connecticut east of a line beginning at Block Island Sound, thence along the Connecticut River to junction Connecticut Highway 9, thence along Connecticut Highway 9 to junction Interstate Highway 91, thence along Interstate Highway 91 to the Connecticut-Massachusetts State line, on the one hand, and, on the other, points in Burlington County, N.J. [(1) Somerville, N.J.; and (2) the junction of the Pennsylvania Turnpike and U.S. Highway 1]*.

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The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 2860 (Sub-No. E57), filed May 17, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Suite 300, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in that part of Pennsylvania on and west of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 222 to Lancaster, thence along U.S. Highway 30 to Bedford, thence along U.S. Highway 220 to Altoona, thence along Pennsylvania Highway 36 to junction U.S. Highway 219, thence along U.S. Highway 219 to Ridgway, thence along Pennsylvania Highway 948 to Sheffield, thence along U.S. Highway 6 to Warren, thence along U.S. Highway 62 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Fairfield County, Conn. The purpose of this filing is to eliminate the gateway of Somerville, N.J.

No. MC 2860 (Sub-No. E58), filed May 17, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in that part of Pennsylvania on and west of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 276 to junction U.S. Highway 422, thence along U.S. Highway 422 to Harrisburg, thence along U.S. Highway 322 to Potters Mills, thence along Pennsylvania Highway 144 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 219, thence along U.S. Highway 219 to Ridgway, thence along Pennsylvania Highway 948 to Sheffield, thence along U.S. Highway 6 to Warren, thence along U.S. Highway 62 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Middlesex, New London, and New Haven Counties, Conn. The purpose of this filing is to eliminate the gateway of Somerville, N.J.

No. MC 2860 (Sub-No. E59), filed May 17, 1974. Applicant: NATIONAL FREIGHT INC., 57 Westpark Avenue, Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), (a) between points in that part of Pennsylvania on and south of a line beginning at the Maryland-Pennsylvania State line, thence along the Susquehanna River to junction U.S. Highway 322, thence along U.S. Highway 322 to junction U.S. Highway 62 to the Pennsylvania-Ohio State line, on the one hand, and, on the other, Providence and Westerly, R.I., Boston, Mass., and points in Massachusetts within 25 miles thereof, and points in Connecticut (except Fairfield, New Haven, Middlesex, and New London Counties), (Somerville, N.J.)*; and between points in Rhode Island (except Providence and Westerly), and that part of Massachusetts on and east of U.S. Highway 5 (except Boston and points within 25 miles thereof), on the one hand, and, on the other, points in that part of Pennsylvania on and west of State Highway 51 [(1) Camden, N.J., and (2) Somerville, N.J.].* The purpose of this filing is to eliminate the gateways of the points indicated by the asterisks above.

No. MC 3468 (Sub-No. E1), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from points in that part of Michigan; (1) located in the Upper Peninsula of Michigan and on and east of Michigan Highway 24; (2) located on U.S. Highway 23 or within 10 miles thereof, and between Bay City and Alpena; or (3) on, east, and north of a line beginning at Bay City, thence along U.S. Highway 10 to junction Michigan Highway 59, thence along Michigan Highway 59 to Selfridge Air Force Base, points in Massachusetts, Niagara Falls, Lewiston, and Selkirk, N.Y., and points in that part of New York on, north, and east of a line beginning at the Massachusetts-New York State line, thence along U.S. Highway 20 to Auburn, thence along New York Highway 38 to North Victory, thence along New York Highway 104 to Oswego, to points in Indiana. The purpose of this filing is to eliminate the gateway of Flint, Mich.

No. MC 3468 (Sub-No. E3), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from Buffalo, N.Y., to points in that part of Indiana on, north, and west of a line beginning at Richmond, thence along U.S. Highway 27 to Liberty, thence along Indiana Highway 101 to Brookville, thence along U.S. Highway 52 to junction Indiana Highway 229, thence along Indiana Highway 229 to Napoleon, thence along U.S. Highway 421 to junction Indiana Highway 62, thence along Indiana Highway 62 to Jeffersonville. The purpose of this filing is to eliminate the gateway of Flint, Mich.

No. MC 3468 (Sub-No. E4), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from points in that part of New York on and north of U.S. Highway 20 and on and west of New York Highway 38 (except Buffalo, Lewiston, and Niagara Falls), to points in that part of Indiana on and west of a line beginning at the Ohio-Indiana State line, thence along Indiana Highway 38 to junction Indiana Highway 1, thence along Indiana Highway 121 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Indiana Highway 229, thence along Indiana Highway 229 to junction Indiana Highway 48, thence along Indiana Highway 48 to junction U.S. Highway 421, thence along U.S. Highway 421 to Madison. The purpose of this filing is to eliminate the gateway of Flint, Mich.

No. MC 3468 (Sub-No. E6), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway service, from points in that part of Michigan on and east of a line beginning at Mackinaw City, thence along Interstate Highway 75 to junction Michigan Highway 55, thence along Michigan Highway 55 to junction Michigan Highway 76, thence along Michigan Highway 76 to junction U.S. Highway 23, thence along U.S. Highway 23 to Bay City, to points in that part of Indiana on, east, and south of a line beginning at the Illinois-Indiana State line, thence along Indiana Highway 10 to junction Indiana Highway 39, thence along Indiana Highway 39 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of Flint, Mich.

No. MC 3468 (Sub-No. E13), filed May 16, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in driveaway service, during the season of open navigation on the Great Lakes, from Chicago, Ill., and points in that part of Indiana on and north of U.S. Highway 6, to points in those parts of Virginia and

North Carolina on and east of U.S. Highway 21, and that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 21 to junction U.S. Highway 17, thence along U.S. Highway 17 to the South Carolina-Georgia State line. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 3468 (Sub-No. E11), filed May 16, 1974. Applicant: F. J. BAUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, from points in Michigan and that part of Ohio on, north, and west of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 91, thence along Ohio Highway 91 to Lake Erie. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio.

No. MC 4963 (Sub-No. E1), filed May 22, 1974. Applicant: JONES MOTOR, Bridge Street and Schuylkill Rd., Spring City, Pa. 19475. Applicant's representative: W. H. Peiffer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics, heavy machinery, electrical appliances, supplies, and equipment* (except commodities in bulk and those requiring special equipment), from Boston, Mass., and points in Massachusetts within 30 miles of Boston, to points in Delaware, Maryland, New York (except Long Island), Ohio, Pennsylvania, Virginia, and points in that part of New Jersey on and south of a line beginning at the Atlantic Ocean near Cedar Run, thence along New Jersey Highway 72 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to Camden. The purpose of this filing is to eliminate the gateway of Pittsfield, Mass.

No. MC 7640 (Sub-No. E9), filed June 4, 1974. Applicant: BARNES TRUCK LINES, INC., P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Richmond, Virginia, to points in South Carolina and that part of North Carolina on and south of a line beginning at the Atlantic Ocean, thence along North Carolina Highway 24 to Jacksonville, thence along U.S. Highway 258 to Kingston, thence along U.S. Highway 70 to Raleigh, thence along U.S. Highway 64 to Asheboro, thence along North Carolina Highway 49 to Charlotte, thence along Interstate Highway 85 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Smithfield, North Carolina.

No. MC 7640 (Sub-No. E10), filed June 4, 1974. Applicant: BARNES TRUCK LINES, INC., P.O. Box 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading), between Baltimore, Md., on the one hand, and, on the other, points in South Carolina and that part of North Carolina on, south, and west of a line beginning at Albemarle Sound, thence along U.S. Highway 17 to Windsor, thence along North Carolina Highway 308 to junction U.S. Highway 258, thence along U.S. Highway 258 to Jackson, thence along U.S. Highway 158 to Garysburg thence along North Carolina Highway 46 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Wilson Scotland, of Halifax, N.C.

No. MC 22296 (Sub-No. E5), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER on October 22, 1974. Applicant: HERITAGE VAN LINES, INC., P.O. Box 2103, Huntington, W. Va. 25721. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Indiana, on the one hand, and, on the other, points in North Carolina and South Carolina; (2) between points in Florida, on the one hand, and, on the other, points in that part of Indiana on and north of U.S. Highway 30; and (3) between points in Indiana, on the one hand, and, on the other, points in that part of Florida on and south of Florida Highway 50. The purpose of this filing is to eliminate the gateways of points in Cabell, Mason, and Wayne Counties, W. Va., Lawrence and Sciota Counties, Ohio, or Boyd, Greenup, Lawrence, and Pike Counties, Ky. The purpose of this correction is to include additional gateways to be eliminated by this filing.

No. MC 30237 (Sub-No. E4), filed May 14, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Ellen, Jr., P.O. Box 551, Altavista, Va. 24517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, restricted against the transportation of new furniture, uncrated, from Bridgewater, Va., to points in that part of Ohio in and north of Warren, Clinton, Clermont, Muskingum, Guernsey, Fayette, Pickaway, Fairfield, Perry, and Belmont Counties. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 30237 (Sub-No. E5) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER August 5, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr., P.O. Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in appendix II of the report *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Saddlebrook, N.J., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, South Carolina, Tennessee, that part of Kentucky in and west of Trimble, Henry, Franklin, Scott, Bourbon, Nicholas, Fleming, Lewis, and Greenup Counties, that part of Indiana in and south of Gibson, Pike, Dubois, Orange, Washington, Scott, and Jefferson Counties, and that part of Illinois in and south of Adams, Brown, Scott, Morgan, Macoupin, Madison, Bond, Clinton, Marion, Wayne, Edwards, and Wabash Counties. The purpose of this filing is to eliminate the gateway of Altavista or Rocky Mount, Va. The purpose of this correction is to reflect the correct origin territory.

No. MC 30237 (Sub-No. E6), filed May 14, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Allen Jr., P.O. Box 551, Altavista, Va. 24517. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture* as defined in appendix II of the report *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, restricted against the transportation of New Furniture, uncrated, from Saddlebrook, N.J., to points in that part of Ohio in and south of Cuyahoga, Summit, Stark, Carroll, and Jefferson Counties. The purpose of this filing is to eliminate the gateway of Winchester, Va.

No. MC 30237 (Sub-No. E7) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER August 9, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Culpeper, Va., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, South Carolina, that part of Tennessee in and west of Campbell, Union, Knox, and Blount Counties, that part of Wisconsin in and north of Pierce, Pepin, Eau Claire, Clark, Marathon, Waupaca, Outagamie,

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Brown, and Kewaunee Counties, that part of Illinois in and south of Rock Island, Henry, Stark, Marshall, Woodford, McLean, De Witt, Piatt, Moultrie, Shelby, Effingham, Jasper, Richland, and Lawrence Counties, that part of Kentucky in and west of Hancock, Daviess, McLean, Muhlenberg, and Christian Counties, and Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Pike, and Gibson Counties, Ind. The purpose of this filing is to eliminate the gateway of Altavista or Rocky Mount, Va. The purpose of this correction is to correct typographical errors.

No. MC 30237 (Sub-No. E8) (Correction), filed May 14, 1974, published in the FEDERAL REGISTER August 9, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Winchester, Va., to points in Maine, New Hampshire, Rhode Island, Vermont, that part of Massachusetts in and east of Franklin and Worcester Counties, and Washington, Saratoga, Hamilton, Warren, Essex, St. Lawrence, Franklin, and Clinton Counties, N.Y. The purpose of this filing is to eliminate the gateway of Culpeper, Va. The purpose of this correction is to correct the gateway.

No. MC 30237 (Sub-No. E9), (correction), filed May 14, 1974 published in the FEDERAL REGISTER August 9, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated or uncrated, from Winchester, Va., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, that part of Illinois in and south of Randolph, Perry, Jefferson, Wayne, Edwards, and Wabash Counties, that part of Kentucky in and west of Hancock, Daviess, McLean, Muhlenberg, and Christian Counties, that part of Missouri in and south of Holt, Andrew, De Kalb, Caldwell, Ray, Lafayette, Johnson, Pettis, Morgan, Miller, Maries, Phelps, Crawford, Washington, St. Francois, and Perry Counties, that part of Tennessee in and west of Washington and Unicoi Counties, and Posey, Vanderburgh, Warrick, Spencer, Perry, Dubois, Pike, and Gibson Counties, Ind. The purpose of this filing is to eliminate the gateway of Altavista or Rocky Mount, Va. The purpose of this correction is to reflect the correct destination territories.

No. MC 30237 (Sub-No. E12), filed May 14, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr. (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Chautauqua and Cattaraugus Counties, N.Y. and Warren, McKean, and Erie Counties, Pa., to points in Alabama, Florida, Georgia, South Carolina, Louisiana, that part of Mississippi in and south of Washington, Sunflower, Tallahatchie, Yalobusha, Lafayette, Union, Prentiss, and Tishomingo Counties, that part of Tennessee in and south of Sullivan, Johnson, Washington, Carter, and Unicoi Counties, and that part of Arkansas in and south of Little River, Hempstead, Nevada, Ouachita, Calhoun, Bradley, Drew, and Chicot Counties. The purpose of this filing is to eliminate the gateways of Altavista or Rocky Mount, Va.

No. MC 30237 (Sub-No. E17) (correction), filed May 14, 1974, published in the FEDERAL REGISTER August 6, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 from Corydon, Ind., to points in that part of North Carolina in and east of Rockingham, Guilford, Randolph, Moore, and Scotland Counties. The purpose of this filing is to eliminate the gateway of Altavista or Rocky Mount, Va. The purpose of this correction is to reflect the correct destination territories.

No. MC 30237 (Sub-No. E23), filed June 4, 1974. Applicant: YEATTS TRANSFER COMPANY, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr. (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *New furniture* as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from plant site of Mersman Brothers at Celina, Ohio, to Philadelphia, Pa. (Bridgewater, Va.)*, and (B) *New furniture*, as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Luzerne County, Pa., to points in North Carolina (Winchester, Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 51004 (Sub-No. E1), filed June 3, 1974. Applicant: PAUL H. LISKEY, RFD 1, Kearneysville, W.Va. 25430. Applicant's representative: Daniel B. Johnson, 7608 Honesty Way, Bethesda, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime marl*, from points in West Virginia, Virginia, Maryland, and Pennsylvania, to points in Clarke, Frederick, and Loudoun Counties, Va., and Frederick and Washington Counties, Md. The purpose of this filing is to eliminate the gateway of points in Jefferson County, W. Va.

No. MC 59150 (Sub-No. E45), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plant site of the Celotex Corporation at Birmingham, Ala., to points in Maryland, District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of facilities of Temple Industrias, Inc. at or near Thomson, Ga.

Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main Street, Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in that part of Iowa on, west, and north of a line beginning at the Iowa-Nebraska State line, thence along Interstate Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in Kansas (Council Bluffs, Iowa*); (2) between points in that part of Iowa on and east of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 30 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 71 to the Minnesota-Iowa State line, on the one hand, and, on the other, points in that part of Wyoming on and south of U.S. Highway 30 (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebraska*); (3) between Council Bluffs, Iowa, on the one hand, and, on the other, points in Wyoming (points in Morrill, Scotts Bluff, and Banner Counties, Nebraska*); Interstate Highway 80, on the one hand, and, on the other, points in Wyoming (except points in Campbell, Weston, and Cook Counties) (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebraska*); and (5) between points in Virginia, on the one hand, and, on the other, points in Iowa on and west of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Missouri-Iowa State line (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 74169 (Sub-No. E24), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Virginia, on the one hand, and, on the other, points in Wyoming (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., and points in Illinois)*, (2) between points in Virginia, on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan on and west of U.S. Highway 41 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*, (3) between points in Virginia, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 385 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Wyoming-South Dakota State line (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., and points in Illinois)*, (4) between points in Maryland, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 385 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 85, thence along U.S. Highway 85 to the North Dakota-South Dakota State line Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluffs, and Banner Counties, Nebr., and points in Illinois, and (5) between points in Maryland, on the one hand, and, on the other, points in that part of Kentucky on and west of Interstate Highway 65 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 74169 (Sub-No. E25), filed June 4, 1974. Applicant: CHIEFTAN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Maryland, on the one hand, and, on the other, points in that part of the Upper Peninsula of Michigan on and west of U.S. Highway 41 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind)*; (2) between points in that part of Maryland on and east of Interstate Highway 81, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 41 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*; (3) between points in Maryland, on the one hand, and, on the other, points in Wyoming (Council Bluffs, Iowa, to points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr., and points in Illinois)*; (4) between points in Maryland, on the the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 20 to junction U.S. Highway 59, thence along U.S. Highway 59 to the Missouri-Iowa State line, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line, thence along Interstate Highway 87 to junction U.S. Highway 209, thence along U.S. Highway 209 to the Pennsylvania-New York State line, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the Nebraska-South Dakota State line, thence along U.S. Highway 385 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Wyoming-South Dakota State line (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind. points in Morrill, Scotts Bluff, and Banner Counties, Nebr., and points in Illinois). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 74169 (Sub-No. E26), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in New York, on the one hand, and, on the other, points in that part of Kentucky on and west of Interstate Highway 65 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*; (2) between points in New York, on the one hand, and, on the other, points in Wyoming (except points in Crook, Campbell, and Weston Counties) (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*; (4) between between points in that part of Wyoming on and north of U.S. Highway 26, on the one hand, and, on the other, points in that part of Kansas on and east of Kansas Highway 99 (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*; (4) between Cheyenne, Wyo., on the one hand, and, on the other, points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line (Council Bluffs, Iowa, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*; and (5) between points in that part of Pennsylvania on and south of a line beginning at the West Virginia-Pennsylvania State line, thence along Interstate Highway 70 to junction Interstate Highway 76, thence along Interstate Highway 76 to the New Jersey-Pennsylvania State line, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 385 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 14, thence along U.S. Highway 14 to the Wyoming-South Dakota State line (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Illinois, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 74169 (Sub-No. E27), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main Street, Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Pennsylvania, on the one hand, and, on the other, points in Wyoming (except points in Crook, Campbell, and Weston Counties) (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Illinois, points in Morrill, Scotts Bluff, and Banner Counties*); (2) between points in Pennsylvania, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 41 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.*); (3) between points in West Virginia, on the one hand, and, on the other, points in Wyoming (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Illinois, and points in Morrill, Scotts Bluff, and Banner Counties, Neb.*); (4) between points in that part of West Virginia on and south of U.S. Highway 50, on the one hand, and, on the other, points in that part of South Dakota on and west of a line beginning at the South Dakota-Nebraska State line, thence along U.S. Highway 385 to junction South Dakota Highway 79, thence along South Dakota Highway 79 to junction U.S. Highway 85, thence along U.S. Highway 85 to the North Dakota-South Dakota State line, (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Morrill, Scotts Bluff, and Banner Counties, Neb., and points in Illinois*); (5) between points in that part of West Virginia on and north of U.S. Highway 50, on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 41 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.*); and (6) between points in that part of Missouri

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on, west, and south of a line beginning at the Kansas-Missouri State line, thence along Interstate Highway 70 to junction U.S. Highway 65, thence along U.S. Highway 65 to the Missouri-Arkansas State line, on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Nebraska-Iowa State line, thence along Interstate Highway 80 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Minnesota-Iowa State line, (Council Bluffs, Iowa*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 74169 (Sub-No. E28), filed June 4, 1974. Applicant: CHIEFTAIN VAN LINES, INC., 7201 Main St., Ralston, Nebr. 68127. Applicant's representative: Marvin D. Dudley (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Kentucky on and east of a line beginning at the Indiana-Kentucky State line, thence along Interstate Highway 65 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Kentucky Highway 163, thence along Kentucky Highway 163 to the Tennessee-Kentucky State line, on the one hand, and, on the other, points in South Dakota and Wyoming (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Illinois, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*; (2) between points in that part of Kentucky on and east of U.S. Highway 41 and on and west of Interstate Highway 65, on the one hand, and, on the other, points in Wisconsin (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*; (3) between points in Bullitt, Jefferson, Oldham, Nelson, Spencer, Washington, and Marion Counties, Ky., on the one hand, and, on the other, points in that part of Minnesota on and west of U.S. Highway 59 (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., and points in Illinois)*; (4) between points in South Dakota, on the one hand, and, on the other, Cheyenne, Wyo. (points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*; (5) between Cincinnati, Ohio, on the one hand, and, on the other, points in that part of South Dakota on and south of U.S. Highway 14 (Council Bluffs, Iowa points in Illinois, and points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*; (6) between points in that part of Ohio on and south of a line beginning at the Ohio-Indiana State line, thence along Ohio Highway 502 to junction U.S. Highway 127, thence along U.S. Highway 127 to junction Ohio Highway 49, thence along Ohio Highway 49 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Ohio-West Virginia State line, on the one hand, and, on the other, points in Wyoming (Council Bluffs, Iowa, points in Greene, Lawrence, Monroe, and Orange Counties, Ind., points in Illinois, and points in Morrill, Scotts Bluff, and Banner Counties, Nebr.)*; and (7) between points in Frederick, Clarke, Loudoun, Warren, Fairfax, Prince William, Fauquier, and Warren Counties, Va., on the one hand, and, on the other, points in that part of Kentucky on and west of U.S. Highway 31 (points in Greene, Lawrence, Monroe, and Orange Counties, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 105813 (Sub-No. E24), filed October 8, 1974. Applicant: BELFORD TRUCKING CO., INC., 154 M.I.A. Station, Miami, Fla. 33148. Applicant's representative: Arnold L. Burke, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, from Naugatuck, Conn., to points in Florida. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC 106407 (Sub-No. E2), filed June 4, 1974. Applicant: T. E. MERCER TRUCKING CO., 920 North Main St., P.O. Box 1809, Fort Worth, Tex. 76101. Applicant's representative: Clayte Binion, 1108 Continental Life Building, Fort Worth, Tex. 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana, Georgia, Alabama, Florida, and Arkansas, on the one hand, and, on the other, points in Utah, Wyoming, Idaho, Colorado, and Montana. The purpose of this filing is to eliminate the gateways of points in Texas, Oklahoma, or Kansas.

No. MC 106485 (Sub-No. E2), filed June 3, 1974. Applicant: LEWIS TRUCK LINES, INC., Rt. 6, Box 65–A, Conway, S.C. 29526. Applicant's representative: Jim Martin (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, veneer, and forest products*, from Savannah, Ga., to the District of Columbia, and points in Maryland, Delaware, New Jersey, Pennsylvania, and that part of Virginia east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of points in Horry County, S.C.

No. MC 107403 (Sub-No. E601) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except petroleum products and coal tar products), in bulk, in tank vehicles, from those points in Delaware, Maryland, and Pennsylvania which are within 100 miles of Philadelphia, Pa., to points in Kansas. The purpose of this filing is to eliminate the gateways of Philadelphia, Pa., Natrium, W. Va., and the plant site of Stephan Chemical Company, at or near Millsdale, Ill. The purpose of this correction is to reflect the correct E number previously published as E600.

No. MC 108449 (Sub-No. E1), filed May 14, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals but including naphtha), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in South Dakota. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn., and the Williams Brothers Pipe Line Company Terminal located at or near Spencer or Spirit Lake, Iowa.

No. MC 108449 (Sub-No. E2), filed May 14, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals, asphalt, road oil, and tar, but including naphtha), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in the Upper Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Milwaukee, Wis.

No. MC 108449 (Sub-No. E3), filed May 14, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals but including naphtha), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., and St. Paul, Minn.

No. MC 108449 (Sub-No. E4), filed May 14, 1974. Applicant: INDIANHEAD

TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals, including naphtha), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in Montana. The purpose of this filing is to eliminate the gateways of La Crosse, Wis., St. Paul, Minn., and the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, South Dakota.

No. MC 108449 (Sub-No. E199), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in that part of Illinois on and north of U.S. Highway 6 (except Chicago, and points in the Chicago, Ill., Commercial Zone, as defined by the Commission), to points in Douglas, Burnett, Washburn, Polk, Barron, St. Croix and Pierce Counties, Wisconsin. The purpose of this filing is to eliminate the gateway of St. Paul, Minnesota.

No. MC 108449 (Sub-No. E200), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Iowa on and east of a line starting at the Minnesota-Iowa State line and extending along U.S. Highway 169 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Iowa Highway 4, thence along Iowa Highway 4 to its junction with Iowa Highway 175, thence along Iowa Highway 175 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Missouri State line to Fargo, North Dakota. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 110098 (Sub-No. E75) (correction), filed May 19, 1974, published in the FEDERAL REGISTER October 21, 1974. Applicant: ZERO REFRIGERATED LINES, INC., P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, 273, and 766, and frozen foods, all in vehicles equipped with mechanical refrigeration, from points in Otero County, N. Mex., to points in California, Oregon, Washington, Nevada, Montana, Wyoming, that part of Arizona on and south of a line beginning at the New Mexico-State line, thence along U.S. Highway 70 to junction U.S. Highway 60, thence along U.S. Highway 60 to U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line and that part of Colorado on, north, and east of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of El Paso or Dalhart, Tex. The purpose of this correction is to reflect the correct MC number previously published in No. MC–110098.

No. MC 110420 (Sub-No. E122), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Minnesota (1) to Portland, Maine, and points in Ohio (Cudahy, Wis.)*; (2) to points in Illinois (except points west of U.S. Highway 51 and north of Interstate Highway 80), Indiana, Ohio, and the Lower Peninsula of Michigan (Cudahy, Wis.)*; (3) to Lititz, Pa., and Charlotte, N.C. (Cudahy, Wis., and Chicago, Ill.)*; (4) to points in Indiana, Kentucky, Ohio, and the Lower Peninsula of Michigan (Cudahy, Wis., and Chicago, Ill.)*; (5) to Chicago, Ill. (Cudahy, Wis.)*; (6) to points in Tennessee (Cudahy, Wis., and Chicago, Ill.)*; (7) to points in New Jersey, Delaware, Maryland, the District of Columbia, and Westchester, New York, and Nassau Counties, N.Y. (Cudahy, Wis., and Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E123), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Newark, N.J., to (1) points in Iowa, Minnesota, and that part of Illinois on and north of Interstate Highway 80, and (2) points in Arkansas, South Dakota, that part of Kentucky on and west of U.S. Highway 79, and that part of Tennessee on and west of U.S. Highway 79. The purpose of this filing is to eliminate the gateway of Cudahy, Wis.

No. MC 110420 (Sub-No. E124), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Newark, N.J.; (1) to points in Wisconsin, Illinois, Iowa, Nebraska, Minnesota, Missouri, Berrien County, Mich., and the Upper Peninsula of Michigan and Gary, Ind. (Chicago, Ill)*; (2) to points in Arkansas, South Dakota, that part of Tennessee on and west of U.S. Highway 79, and that part of Kentucky on and west of U.S. Highway 79 (Chicago, Ill.)*; (3) to points in North Dakota (Chicago, Ill., and Clinton, Iowa)*; and (4) to Irving, Tex. (Chicago, Ill., and Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E624), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Rhode Island to points in Virginia. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Morrisville, Pa.

No. MC 110525 (Sub-No. E910), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except medicinal petroleum products, lubricating oils, liquid wax, and commodities requiring attached heater equipment), in bulk, in tank vehicles, from points in New Jersey (except Paulsboro and Pettys Island), (1) to points in North Carolina (Delaware City, Del., and Williamsburg, Va.)*, and (2) to the District of Columbia (Philadelphia and Lima, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub–No. E905), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry petrochemicals*, in bulk, in tank vehicles, from Titusville, Pa., to points in Maine (except points in Aroostook County), New Hampshire, and that part of Vermont on and east of U.S. Highway 7 and on and south of Vermont Highway 11. The purpose of this filing is to eliminate the gateways of New York, N.Y., and Springfield, Mass.

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No. MC 110525 (Sub-No. E962), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oils, chemicals, soap* and *soap products*, and *glycerin*, in bulk, in tank vehicles, from points in Massachusetts to the District of Columbia and points in Delaware and Maryland. The purpose of this filing is to eliminate the gateways of Newark, New Jersey, and Philadelphia and Lima, Penn.

No. MC 110525 (Sub-No. E964), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oils, chemicals, soap* and *soap products*, and *glycerin*, in bulk, in tank vehicles, from points in Rhode Island to the District of Columbia and points in Delaware and Maryland. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Lima and Philadelphia, Penn.

No. MC 110525 (Sub-No. E985), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from Providence, R.I., (1) to points in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin, and the District of Columbia (Springfield, Mass.)*, (2) to points in Florida, Louisiana, and Mississippi (Springfield, Mass., and Greensboro, N.C.)*, and (3) to points in Texas (Springfield, Mass., and Atlanta, Ga.)*, restricted in (2) and (3) above against the transportation of derivatives of petroleum and bituminous materials, and further restricted in (3) above against the transportation of hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, and black liquor skimmings. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1015), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin* (except classes A and B explosives), in bulk, in tank vehicles, from points in Nassau, Suffolk, and Westchester Counties, N.Y., to the District of Columbia and points in Delaware and Maryland. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Philadelphia and Lima, Pa.

No. MC 110525 (Sub-No. E1064), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Jefferson and Brazoria Counties, Tex., (1) to points in North Carolina, South Carolina, and that part of Florida east of the Apalachicola and Chattahoochee Rivers (Vicksburg, Miss.)*, (2) to points in Delaware, Maryland, New Jersey, and New York (Vicksburg, Miss., and Greensboro, N.C.)*, (3) to points in Pennsylvania Vicksburg, Miss., points in North Carolina, and Institute, W. Va.)*, (4) to points in Connecticut, Massachusetts, and Rhode Island (Vicksburg, Miss., Greensboro, N.C., and Newark, N.J.)*, (5) to points in Maine, New Hampshire, and Vermont (Vicksburg, Miss., Greensboro, N.C., and Syracuse, N.Y.)*, (6) to points in Virginia, West Virginia, and that part of Tennessee on and east of U.S. Highway 27 (Vicksburg, Miss., and points in North Carolina)*, and (7) to points in Michigan and that part of Indiana on and north of U.S. Highway 50 restricted in (5) above against the transportation of liquid oxygen, liquid nitrogen, and liquid hydrogen to points in Vermont, and restricted in (7) above against the transportation of chemicals derived from petroleum, fertilizer, and fertilizer ingredients. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111302 (Sub-No. E6), (correction), filed May 23, 1974, published in the FEDERAL REGISTER October 21, 1974. Applicant: HIGHWAY TRANSPORT, INC., P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: Clyde W. Carver (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except phosphatic food supplements), in bulk, in tank vehicles from Tampa, Fla., to points in those parts of Arkansas (1) on, north, and east of a line beginning at the Tennessee-Arkansas State line, thence along Arkansas Highway 137 to junction Arkansas Highway 18, thence along Arkansas Highway 18 to junction Arkansas Highway 119, thence along Arkansas Highway 119 to the Arkansas-Missouri State line, and (2) on and north of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 90 to junction Arkansas Highway 135, thence along Arkansas Highway 135 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Arkansas Highway 68, thence along Arkansas Highway 68 to Fayetteville, thence along U.S. Highway 71 to junction U.S. Highway 64, thence along U.S. Highway 64 to Fort Smith. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn. The purpose of this correction is to reflect the correct MC number previously published as No. MC 11302.

No. MC 110420 (Sub-No. E121), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles; (1) from points in Illinois, to Portland, Maine (Cudahy, Wis.)*; (2) from points in Illinois (except points on, south and east of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 70 to junction Interstate Highway 57, thence along Interstate Highway 57 to Cairo, Ill.), to points in Ohio (except points on, north, and west of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Interstate Highway 475, thence along Interstate Highway 475 to Toledo) (Cudahy, Wis.)*; (3) from points in that part of Illinois on and north of U.S. Highway 24 to Lititz, Pa., and Charlotte, N.C. (Cudahy, Wis., and Chicago, Ill.)*; (4) from Jo Daviess, Stephenson, Carroll, and Whiteside Counties, Ill., to points in that part of Kentucky on and east of U.S. Highway 31E, points in Michigan on and south of U.S. Highway 10 and on and east of Interstate Highway 75, and points in that part of Ohio on and east of Interstate Highway 71 (Cudahy, Wis., and Chicago, Ill.)*; (5) from points in that part of Illinois on and east of U.S. Highway 45 to points in North Dakota (Cudahy, Wis., to Clinton, Iowa)*; (6) from points in that part of Illinois on and south of U.S. Highway 136 and on and west of U.S. Highway 51 to points in North Dakota on and west of North Dakota Highway 8 (Cudahy, Wis., and Clinton, Iowa)*; (7) from points in Illinois (except points on and north of U.S. Highway 30 and on and west of U.S. Highway 51), to points in North Dakota (Cudahy, Wis., and Red Wing, Minn.)*; (8) from points in that part of Illinois on and south of U.S. Highway 136 and on and west of U.S. Highway 51 to points in that part of South Dakota on and north of U.S. Highway 212 (Cudahy, Wis., and Red Wing, Minn.)*; and (9) from points in that part of Illinois on and east of U.S. Highway 45 to points in South Dakota (except points in, east, and south of Bon Homme, Hutchinson, Hanson, McCook, and Minnehaha Counties) (Cudahy, Wis., and Red Wing, Minn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 112822 (Sub-No. E123), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, dry, in bulk, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Colorado, Idaho, Montana, New Mexico, Utah, and Wyoming, restricted to the transportation of shipments originating at the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 114211 (Sub-No. E8), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building equipment* (except commodities which because of size or weight require the use of special equipment and commodities described in *Mercer Extension-Oil Field Commodities*, 74 M.C.C. 459), from points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Missouri State line, to points in Louisiana and that part of Mississippi on, south, and west of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 80 to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 98, thence along U.S. Highway 98 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateways of Independence, Kansas, and Claremore, Oklahoma.

No. MC 114211 (Sub-No. E9), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Self-propelled vehicles* (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), (b) equipment designed for use in conjunction with self-propelled vehicles (except tank semitrailers), and (c) *parts and attachments* for the commodities in (a) and (b) above, from points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along Iowa Highway 150 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Iowa Highway 38, thence along Iowa Highway 38 to junction U.S. Highway 61, thence along U.S. Highway 61 to junction U.S. Highway 67, thence along U.S. Highway 67 to the Iowa-Illinois State line, to points in North Dakota, Montana, Idaho, Oregon, and Washington, restricted to the transportation of such above-specified commodities as are tractors, road-making machinery, or contractors' equipment and supplies. The purpose of this filing is to eliminate the gateway of Minneapolis, Minnesota.

No. MC 114211 (Sub-No. E10), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. BOX 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Self-propelled vehicles* (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway service), (b) *equipment* designed for use in conjunction with self-propelled vehicles (except tank semitrailers), and (c) *parts and attachments* for the commodities in (a) and (b) above, from points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 218 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 137, thence along Iowa Highway 137 to junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in North Dakota, Montana, Washington, that part of Oregon on, north, and west of a line beginning at the Idaho-Oregon State line, thence along Oregon Highway 201 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction Oregon Highway 31, thence along Oregon Highway 31 to junction Oregon Highway 138, thence along Oregon Highway 138 to junction U.S. Highway 97, thence along Oregon Highway 97 to the Oregon-California State line, and that part of Idaho on and north of a line beginning at the ———

No. MC 114211 (Sub-No. E11), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 169 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 4 thence along Iowa Highway 4 to junction Iowa Highway 175, thence along Iowa Highway 175 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Iowa-Nebraska State line, to points in Indiana. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114211 (Sub-No. E12), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between points in South Dakota, on the one hand, and, on the other, points in Missouri, Arkansas, Louisiana, Indiana, Ohio, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New Jersey, Delaware, and Maryland. The purpose of this filing is to eliminate the gateway of Canton, S. Dak.

No. MC 114211 (Sub-No. E13), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Self-propelled vehicles* (except motor vehicles as defined in section 203(a)(13) of the Interstate Commerce Act and commodities moving in driveaway services), (b) *equipment* designed for use in conjunction with self-propelled vehicles (except tank semitrailers), and (c) *parts and attachments* for the commodities in (a) and (b) above, from Schofield, Wis., to points in Washington, Oregon, California, Montana, Colorado, Utah, Arizona, New Mexico, Idaho, Nevada, that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to junction Texas Highway 49, thence along Texas Highway 49 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S. Highway 96, thence along U.S. Highway 96 to junction Port Arthur, and that part of North Dakota on and west of a line beginning at the International Boundary line between the United States and Canada, thence along North Dakota Highway 8 to junction North Dakota Highway 23, thence along North Dakota Highway 23 to junction U.S. Highway 85, thence along U.S. Highway 85 to the North Dakota-South Dakota State line, restricted to the transportation of such above-specified commodities as are tractors, road making machinery, or contractors' equipment and supplies. The purpose of this filing is to eliminate the gateways of Lansing, Iowa, and Minneapolis, Minn.

No. MC 114211 (Sub-No. E14), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Farm machinery and parts thereof*, from points in that part of Iowa on and east of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 63, thence along U.S. Highway 63 to junction Iowa Highway 137, thence along Iowa Highway 137 to

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junction Iowa Highway 5, thence along Iowa Highway 5 to the Iowa-Missouri State line, to points in that part of Nebraska on and north of a line beginning at the Iowa-Nebraska State line, thence along U.S. Highway 20 to junction Nebraska Highway 35, thence along Nebraska Highway 35 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction Nebraska Highway 2, thence along Nebraska Highway 2 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction U.S. Highway 26, thence along U.S. Highway 26 to the Nebraska-Wyoming State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 114457 (Sub-No. E2), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved foodstuffs* (except commodities in bulk), from Shakopee, Minn., to points in Illinois, Kansas, Missouri, Montana, and Nebraska. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E41), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsites and warehouse facilities of Turri's Italian Foods, Inc., at Detroit, Mich., to points in North Dakota, South Dakota, and that part of Iowa in, west, and north of Woodbury, Plymouth, O'Brien, Clay, and Emmet Counties, restricted to the transportation of traffic originating at the plantsites and warehouse facilities of Chef-Pierre, Inc., at Traverse City, Mich., or the above-named origin point. The purpose of this filing is to eliminate the gateway of Shakopee, Minn.

No. MC 114457 (Sub-No. E44), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the plantsites and warehouse facilities of Chef-Pierre, Inc., at Traverse City, Mich., to points in North Dakota, South Dakota, and that part of Iowa in, west, and north of Woodbury, Ida, Sac, Calhoun, Webster, Wright, Franklin, Floyd, and Mitchell Counties, restricted to the transportation of shipments originating at the plantsites and warehouse facilities of Turri's Italian Foods, Inc., at Detroit, Mich., or the above-named origin point. The purpose of this filing is to eliminate the gateway of Shakopee, Minn.

No. MC 114457 (Sub-No. E45), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned meat, pizza mix, and tomato paste* (except in bulk, in tank vehicles), from the plantsite of Armour Grocery Products Company, located in Aurora Township, Kane County, Ill., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Hillsboro, Wis.

No. MC 114457 (Sub-No. E61), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plantsite or warehouse facilities of Continental Can Company, Inc., at St. Joseph, Mo., to points in Illinois, restricted to the transportation of shipments originating at the plantsite or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria, or Danville, Ill., Elwood, Ind., or St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E62), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plantsite or warehouse facilities of Continental Can Company, Inc., at Mankato, Minn., to points in Ohio, restricted to the transportation of shipment originating at the plantsite or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wisc., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E63), filed May 15, 1974. Applicant: DART TRANSIT CO., 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plantsite or warehouse facilities of Continental Can Company, Inc., at Omaha, Nebr., to points in that part of Tennessee in and east of Stewart, Houston, Dickson, Hickman, Lewis, and Lawrence Counties, restricted to the transportation of shipments originating at the plantsite or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E64), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company at Omaha, Nebr., to points in Kentucky (except Hickman, Fulton, Carlisle, Ballard, McCracken, Livingston, and Crittenden Counties), restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E66), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment) from the plant site or warehouse facilities of Continental Can Company, Inc., at Omaha, Nebr., to points in Ohio, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E67), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wisc., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E70), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at Mankato, Minn., to points in Tennessee, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mo., Omaha, Nebr., LaCrosse, Wisc., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 118831 (Sub-No. E33), filed May 27, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except fertilizer and vegetable oils), in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company, Incorporated at Chesapeake, Va., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 118831 (Sub-No. E34), filed May 27, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials), in bulk, in tank or hopper-type vehicles from the plant site of Howerton-Gowen Company, Incorporated, at Chesapeake, Va., to points in South Carolina and to points in that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 301 to Emporia, Va., thence over U.S. Highway 58 to Lawrenceville, thence over Virginia Highway 46 to Blackstone, thence over U.S. Highway 460 to Farmville, thence over U.S. Highway 15 to a point two miles north of Sprouses Corner, thence over Virginia Highway No. 20 to Charlottesville, thence over U.S. Highway 29 to Culpepper, thence over U.S. Highway 522 to Winchester, thence over U.S. Highway 11 to the West Virginia-Virginia State line. The purpose of this filing is to eliminate the gateways of points in North Carolina.

No. MC 118831 (Sub-No. E35), filed May 27, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals and hydrous ammonia, fertilizer and fertilizer materials), in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company, Incorporated at or near Chesapeake, Va., to points in South Carolina. The purpose of this filing is to eliminate the gateway of points in that part of North Carolina east of U.S. Highway 21 and north of U.S. Highway 74.

No. MC 118831 (Sub-No. E36), filed May 27, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank or hopper-type vehicles, from the plant site of Howerton-Gowen Company, Incorporated, at or near Chesapeake, Va., to points in Alabama, Florida, and Georgia. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 119689 (Sub-No. E9) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 21, 1974. Applicant: PEERLESS TRANSPORT CORP., 275 Smallman Street, Pittsburgh, Pa. 15222. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed cheese, raw cheese, pimentoes, chemicals, and paper cartons*, between points in New York on, south and east of a line beginning at the New York-Vermont State line and extending along New York Highway 7 to junction New York Highway 17 near Binghamton, thence along New York Highway 17 to the New York-Pennsylvania State line near Waverly, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, Minnesota, Ohio, Wisconsin, and those in West Virginia on and west of a line beginning at the West Virginia-Pennsylvania State line extending along U.S. Highway 119 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia State line at Bluefield. The purpose of this filing is to eliminate the gateway of Curwensville, Pa. The purpose of this correction is to reflect the correct destination of territory.

No. MC 128371 (Sub-No. E1), filed June 4, 1974. Applicant: BELLEVUE AGGREGATE HAULERS, INC., P.O. Box 296, Holland, Ohio 43528. Applicant's representative: James W. Muldoon, 50 West Broad St., Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, earth, building blocks, crushed stone and roadbuilding materials* (except cement), from points in Lenawee and Monroe Counties, Mich., to points in that part of Indiana on, east, and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 36 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Indiana Highway 15, thence along Indiana Highway 15 to the Indiana-Michigan State line. The purpose of this filing is to eliminate the gateway of points in Fulton County, Ohio.

No. MC 128741 (Sub-No. E198), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Montana south of U.S. Highway 12 and within 150 miles of Spearfish, S. Dak., on the one hand, and, on the other, points in South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, and New York. The purpose of this filing is to eliminate the gateways of Spearfish, S. Dak., and points within 16 miles thereof, Arnold, Nebr., and points within 40 miles thereof, and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E199) filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in Massachusetts, Pennsylvania, New Jersey, Maryland, West Virginia, Virginia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E200), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between

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points in Massachusetts, on the one hand, and, on the other, points in Texas on and west of a line from the Oklahoma-Texas State line along U.S. Highway 75 to the junction of Interstate Highway 35–E, thence along Interstate Highway 35–E to the junction of U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E201), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in Texas on and west of a line from the Oklahoma-Texas State line along U.S. Highway 75 to the junction of Interstate Highway 35–E, thence along Interstate Highway 35–E to the junction of Interstate Highway 35, thence along Interstate Highway 35 to Laredo. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E202), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Texas on, west and north of a line from the Oklahoma-Texas State line along U.S. Highway 75 to the junction of Interstate Highway 20, thence along Interstate Highway 20 to the junction of Interstate Highway 10, thence along Interstate Highway 10 to El Paso. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 40 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E203), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in the District of Columbia, on the one hand, and, on the other, points in Texas on and west of a line from the Oklahoma-Texas State line along U.S. Highway 75 to the junction of Interstate Highway 35–E, thence along Interstate Highway 35–E to the junction of Interstate Highway 35, thence along Interstate Highway 35 to Laredo. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E204), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina, on the one hand, and, on the other, points in Michigan on, north, and west of a line from the Ohio-Michigan State line along U.S. Highway 27 to the junction Michigan Highway 20, thence along Michigan Highway 20 to the junction of U.S. Highway 10, thence along U.S. Highway 10 to the junction of Michigan Highway 25, thence along Michigan Highway 25 to the Wiscoggin River, thence along the Wiscoggin River to Saginaw Bay. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E205), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in Texas on and west of a line from the Oklahoma-Texas State line along U.S. Highway 75 to the junction of Interstate Highway 35–E, thence along Interstate Highway 35–E to the junction of Interstate Highway 35, thence along Interstate Highway 35 to Laredo. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E206), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, Arnold, Nebr., and points within 40 miles thereof and Spearfish, S. Dak., and points within 16 miles thereof.

No. MC 127841 (Sub-No. E207), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, Arnold, Nebr., and points within 40 miles thereof and Spearfish, S. Dak., and points within 16 miles thereof.

No. MC 128741 (Sub-No. E211), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Montana south of U.S. Highway 12, within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof and Spearfish, S. Dak., and points within 16 miles thereof.

No. MC 128741 (Sub-No. E212), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa on and south of U.S. Highway 20, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and Spearfish, S. Dak., and points within 16 miles thereof.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26006 Filed 11-5-74;8:45 am]

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PART II

FEDERAL COMMUNICATIONS COMMISSION

■

CHILDREN'S TELEVISION PROGRAMS

Report and Policy Statement

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FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19142; FCC 74-1174]

CHILDREN'S TELEVISION PROGRAMS

Report and Policy Statement

In the matter of petition of action for children's television (ACT) for rulemaking looking toward the elimination of sponsorship and commercial content in children's programming and the establishment of a weekly 14 hour quota of children's television programs, Docket No. 19142.

I. *Introduction.* 1. By notice issued January 26, 1971 (Docket 19142, 28 FCC 2d 368, 36 FR 14219) we instituted a wide-ranging inquiry into children's programming and advertising practices.

2. This inquiry was instituted at the request of Action for Children's Television (ACT) and our notice specifically called for comment on ACT's proposal that the Commission adopt certain guidelines for television programming for children. These guidelines are as follows:

(a) There shall be no sponsorship and no commercials on children's television.

(b) No performer shall be permitted to use or mention products, services or stores by brand names during children's programs, nor shall such names be included in any way during children's programs.

(c) Each station shall provide daily programming for children and in no case shall this be less than 14 hours a week, as part of its public service requirement. Provision shall be made for programming in each of the age groups specified below, and during the time periods specified: (i) Pre-school: Ages 2–5 7 a.m.–6 p.m. daily, 7 a.m.–6 p.m. weekends; (ii) Primary: Ages 6–9 4 p.m.–8 p.m. daily, 8 a.m.–8 p.m. weekends; (iii) Elementary: Ages 10–12 5 p.m.–9 p.m. daily, 9 a.m.–9 p.m. weekends.

3. In addition to comments on the specific ACT proposal, the Commission requested interested parties to submit their views on such issues as the proper definition of what constitutes "children's programming", the appropriate hours for broadcasting children's programs, the desirability of providing programs designed for different age groups, commercial time limitations, separation of advertising from programming content, and other areas of concern. The Commission also requested all television licensees and networks to submit detailed information on their current children's programming practices, including a classification of programs as being either entertainment or educational. We gave notice that this information might be used as a basis for formulating rules concerning programming and advertising in children's television.[1]

4. The response to our notice was overwhelming. More than 100,000 citizens expressed their opinions in writing and the accumulated filings fill 63 docket volumes. This material falls into three main categories: formal pleadings, programming data from stations and networks, and informal expressions of opinion (letters and cards).[2]

5. To apprise itself further of the various issues involved in children's television, the Commission conducted panel discussions focusing on specific areas of interest on October 2, 3, and 4 of 1972.[3] Forty-four individuals took part in these discussions, including representatives of citizens groups, broadcasters, advertisers and performers. These panel discussions were followed by oral argument which was presented before the Commission on January 8, 9, and 10 of 1973.[4] Forty-one persons participated in the oral argument, representing public interest groups, advertisers, educators, licensees, producers and performers.

6. The record in this proceeding includes 1252 pages of transcript in addition to further comments and the previously mentioned 63 docket volumes.

II. *Children's Television Programming.* 7. We believe that proposals for a set amount of programming for children of various age groups should appropriately be considered in terms of our statutory authority and against the background of the Commission's traditional approach to program regulation.

A. *Scope of Commission authority concerning programming.* 8. Section 303 of the Communications Act, 47 U.S.C. 303, confers upon the Commission broad authority to regulate broadcasting as the "public convenience, interest, or necessity" requires. On the basis of this standard, the Commission is empowered by section 303(b), 47 U.S.C. §303(b), to "[p]rescribe the nature of the service to be rendered by each class of licensed stations and each station within any class." (emphasis supplied.) The Commission is further authorized to: [c]lassify radio stations"; provide for experimental uses of frequencies, and generally encourage the larger and more effective use of radio in the public interest"; and "[m]ake such rules and regulations and prescribe such restrictions and conditions, not inconsistent with law, as may be necessary to carry out the provisions of this Act." 47 U.S.C. 303 (a), (g) and (r).

9. The Supreme Court has made it clear that these provisions do not limit the Commission to the role of a "traffic officer, policing the wave lengths to prevent stations from interfering with each other." "National Broadcasting Co. v. United States," 319 U.S. 190, 215 (1943). "[T]he Act," the Court held, "does not restrict the Commission merely to supervision of the traffic." Id. at 215–16. The Commission neither exceeds its powers under the Act nor transgresses the First Amendment "in interesting itself in general program format and the kinds of programs broadcasts by licensees." "Red Lion Broadcasting Co. v. FCC," 395 U.S. 367, 390 (1969). But, while the Commission's statutory authority is indeed broad, it is certainly not unlimited. Broadcasting is plainly a medium which is entitled to First Amendment protection. "United States v. Paramount Pictures, Inc.", 334 U.S. 131, 166 (1948). Although the unique nature of the broadcasting medium may justify some differences in the First Amendment standard applied to it, it is clear that any regulation of programming must be reconciled with free speech considerations. In Section 326 of the Act, 47 U.S.C. 326, Congress has expressed its concern by expressly prohibiting "censorship" by the Commission. For these reasons, the Commission historically has exercised caution in approaching the regulation of programing:

> [I]n applying the public interest standard to programing, the Commission walks a tightrope between saying too much and saying too little. In most cases it has resolved this dilemma by imposing only general affirmative duties—e.g., to strike a balance between various interests of the community, or to provide a reasonable amount of time for the presentation of programs devoted to the discussion of public issues. The licensee has broad discretion in giving specific content to these duties * * *. Given its long-established authority to consider program content, this approach probably minimizes the dangers of censorship or pervasive supervision. Banzhaf v. FCC, 405 F. 2d 1082, 1095 (D.C. Cir 1968), cert. denied "subnom. Tobacco Institute v. FCC," 396 U.S. 842 (1969).

We believe that this traditional approach is, in most cases, an appropriate response to our obligation to assure programing service in the public interest and, at the same time, avoid excessive governmental interference with specific program decisions.

B. *History of general program categories.* 10. In 1929, the Federal Radio Commission adopted the position that licensees were expected to provide a balanced program schedule designed to serve all substantial groups in their communities. "Great Lakes Broadcasting Co.", 3 F.R.C. Ann. Rep. 32, 34 (1929), rev'd on other grounds 37 F. 2d 993, cert. dismissed 281 U.S. 706 (1930). At this time, the Commissioner set forth a number of general programming categories which it believed should be included in the broadcast service of each station:

> [T]he tastes, needs, and desires of all substantial groups among the listening public should be met, in some fair proportion, by a well-rounded program, in which entertainment, consisting of music of both classical and lighter grades, religion, education and instruction, important public events, discussions of public questions, weather, market reports, and news, and matters of interest to all members of the family find a place. Id.

In listing these programming categories, the Commission made it clear that it did not "propose to erect a rigid schedule specifying the hours or minutes that may be devoted to one kind of program or another." Id. Its purpose was only to emphasize the general character of programming to which licensees must conform in order to fulfill their public service responsibility. While the Commission's list did include "matters of interest to all members of the family", children's programs were not specifically recognized as a distinct category entitled to special consideration.

11. In 1946, the Federal Communications Commission reaffirmed the FRC's emphasis on a "well-balanced program structure", and noted that since at least 1928 license renewal applications had been required "to set forth the average amount of time, or percentage of time, devoted to entertainment programs, religious programs, educational programs, agricultural programs, fraternal programs, etc." FCC, "Report on Public Service Responsibility of Broadcast Licensees" 12–13 (1946) (hereinafter cited as The Blue Book). In line with the views of its predecessor, the FCC did not recognize programs for children as an independent category and no suggestion was made as the percentage of time that should be devoted to any category.

12. The Commission's first recognition of children's programs as a distinct category came in the 1960 statement of basic programming policy. "Report and Statement of Policy Re: Programming", 20 P&F R.R. 1901 (1960). In this report, "Programs for Children" was listed as one of fourteen "major elements usually necessary to meet the public interest, needs and desires of the community." Id. at 1913. The fourteen elements included such matters as educational programs, political broadcasts, public affairs programs, sports, entertainment and service to minority groups. No special emphasis was given to children's programming over and above these other categories, and again the Commission made it clear that its list was "neither all-embracing nor constant" and that it was not "intended as a rigid mold or fixed formula for station operation." Id. The ultimate decision as to the presentation of programs was left to the licensee, who was expected, however, to make a positive effort to provide a schedule designed to serve the varied needs and interests of the people in his community.

13. The Supreme Court, in its landmark decision in "Red Lion Broadcasting Co. v. FCC," 395 U.S. 367 (1969), gave considerable support to the principle that the FCC could properly interest itself in program categories. In this decision, the Court specifically affirmed the Commission's fairness doctrine and noted that the doctrine (in addition to requiring a balance of opposing views) obligates the broadcaster to devote a "reasonable percentage" of broadcast time to the discussion of controversial issues of public importance. The Court made it plain that "the Commission is not powerless to insist that they give adequate . . . attention to public issues." Id. at 393.

14. While the holding of the Red Lion case was limited to the fairness doctrine, the Court's opinion has a significance which reaches far beyond the category of programming dealing with public issues. The Court resolved the First Amendment issue in broadcasting by stating that "[i]t is the right of the viewers and listeners, not the right of the broadcasters, which is paramount." Id. at 390. It stated further, that "[i]t is the right of the public to receive suitable access to social, political, esthetic, moral, and other ideas and experiences which is crucial here. That right may not constitutionally be abridged either by the Congress or by the FCC." Id. This language, in our judgment, clearly points to a wide range of programming responsibilities on the part of the broadcaster.

C. *Programs designed for children.* 15. One of the questions to be decided here is whether broadcasters have a special obligation to serve children. We believe that they clearly do have such a responsibility.

16. As we have long recognized, broadcasters have a duty to serve all substantial and important groups in their communities, and children obviously represent such a group. Further, because of their immaturity and their special needs, children require programming designed specifically for them. Accordingly, we expect television broadcasters as trustees of a valuable public resource, to develop and present programs which will serve the unique needs of the child audience.

17. As noted above, the Federal Radio Commission and the Federal Communications Commission have consistently maintained the position that broadcasters have a responsibility to provide a wide range of different types of programs to serve their communities. Children, like adults, have a variety of different needs and interests. Most children, however, lack the experience and intellectual sophistication to enjoy or benefit from much of the non-entertainment material broadcast for the general public. We believe, therefore, that the broadcaster's public service obligation includes a responsibility to provide diversified programming designed to meet the varied needs and interests of the child audience.

18. In this regard, educational or informational programming for children is of particular importance. It seems to us that the use of television to further the educational and cultural development of America's children bears a direct relationship to the licensee's obligation under the Communications Act to operate in the "public interest." Once these children reach the age of eighteen years they are expected to participate fully in the nation's democratic process, and, as one commentator has stated:

> Education, in all its phases, is the attempt to so inform and cultivate the mind and will of a citizen that he shall have the wisdom, the independence, and, therefore, the dignity of a governing citizen. Freedom of education is, thus, as we all recognize, a basic postulate in the planning of a free society. A. Meiklejohn, The First Amendment is an Absolute, in 1961 Supreme Court Review 245, 257 (Kurland ed.); see generally Brennan, The Supreme Court and the Meiklejohn Interpretation of the First Amendment, 79 Harv. L. Rev. 1 (1965).[5]

We believe that the medium of television can do much to contribute to this educational effort.

Amount of programming for children. 19. While we are convinced that television must provide programs for children, and that a reasonable part of this programming should be educational in nature, we do not believe that it is necessary for the Commission to prescribe by rule the number of hours per week to be carried in each category. As noted above, we are involved in a sensitive First Amendment area, and we feel that it is wise to avoid detailed governmental supervision of programming whenever possible. Furthermore, while the amount of time devoted to a certain category of program service is an important indicator, we believe that this question can be handled appropriately on an ad hoc basis.[6] Rules would, in all probability, have been necessary had we decided to adopt ACT's proposal to ban advertising from children's programs. As explained below, however, we have not adopted that proposal and it may be expected that the commercial marketplace will continue to provide an incentive to carry these programs.

20. Even though we are not adopting rules specifying a set number of hours to be presented, we wish to emphasize that we do expect stations to make a meaningful effort in this area. During the course of this inquiry, we have found that a few stations present no programs at all for children. We trust that this Report will make it clear that such performance will not be acceptable for commercial television stations which are expected to provide diversified program service to their communities.

Educational and informational programming for children. 21. Our studies have indicated that, over the years, there have been considerable fluctuations in amount of educational and informational programming carried by broadcasters—and that the level has sometimes been so low as to demonstrate a lack of serious commitment to the responsibilities which stations have in this area.[7] Even today, many stations are doing less than they should.

22. We believe that, in the future, stations' license renewal applications should reflect a reasonable amount of programming which is designed to educate and inform—and not simply to entertain. This does not mean that stations must run hours of dull "classroom" instruction. There are many imaginative and

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[1] The scope of the Commission's inquiry in this proceeding did not extend to the issues of violence and obscenity in television programming. The House and Senate Committees on Appropriations, however, have requested the Commission to submit a report by December 31, 1974, outlining the actions we plan to take in these areas. We will, therefore, address the problems of violence and obscenity at that time.

[2] A digest of comments appears in Appendix A.

[3] Participants in the panel discussions are listed in Appendix B.

[4] Oral argument participants are listed in Appendix C.

[5] In the words of the Supreme Court, "[a] democratic society rests, for its continuance, upon the healthy, well-rounded growth of young people into full maturity as citizens, with all that implies." Prince v. Massachusetts, 321 U.S. 158, 168 (1943).

[6] We are just beginning to receive complete information on the children's programming performance of stations through question 6 in section 4–B of the new renewal form. FCC Form 303. It may be that the question of rules will be revisited as we gain experience under the new form. The Commission's Notice of Inquiry requested licensees to provide it with complete information on their program service to children on a voluntary basis; unfortunately, too few responded to provide a valid sample.

[7] In 1968 and 1969, for example, none of the networks carried a single informational program in its Saturday morning line-up of children's shows, and only one network presented an educational program during the week.

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exciting ways in which the medium can be used to further a child's understanding of a wide range of areas: History, science, literature, the environment, drama, music, fine arts, human relations, other cultures and languages, and basic skills such as reading and mathematics which are crucial to a child's development. Although children's entertainment programs may have some educational value (in a very broad sense of the term), we expect to see a reasonable amount of programming which is particularly designed with an educational goal in mind.[8]

23. We would like to make it clear, however, that we do not necessarily expect the broadcaster to have programs designed to cover every subject or field of interest. We simply expect the licensee to select the particular areas where he believes that he can make the best contribution to the educational and cultural development of the children in his community—and then to present programming designed to serve these needs. The Commission will, of course, defer to the reasonable, good faith judgments which licensees make in this area.[9]

Age-specific programming. 24. In its original petition, ACT requested the Commission to require broadcasters to present programming designed to meet the needs of three specific age groups: (1) Pre-school children, (2) primary school aged children, and (3) elementary school aged children. During the panel discussions before the Commission, however, ACT and several of the other parties agreed that the presentation of programming designed to meet the needs of just two groups, pre-school and school aged children, would be sufficient to meet the broadcaster's responsibilities to the child audience.

25. While we agree that a detailed breakdown of programming into three or more specific age groups is unnecessary, we do believe that some effort should be made for both pre-school and school aged children. Age-specificity is particularly important in the area of informational programming because pre-school children generally cannot read and otherwise differ markedly from older children in their level of intellectual development.[10] A recent schedule indicated that, although one network presented a commendable five hours a week for the pre-school audience, the others did not appear to present any programs for these younger children. In the future, however, we will expect all licensees to make a meaningful effort in this area.

Scheduling. 26. Evidence presented in this inquiry indicates that there is tendency on the part of many stations to confine all or most of their children's programming to Saturday and Sunday mornings. We recognize the fact that these are appropriate time periods for such shows, but are nevertheless concerned with the relative absence of children's programming on weekdays. It appears that this lack of weekday children's programs is a fairly recent development. In the early 1950's, the three networks broadcast twenty to thirty hours of children's programming during the week. During the late fifties and early sixties many popular shows such as "Howdy Doody", "Mickey Mouse Club" and "Kukla, Fran and Ollie" disappeared, and by the late sixties, "Captain Kangaroo" was the only weekday children's show regularly presented by a network. While some stations, particularly those not affiliated with networks, do provide weekday programming for children, there is nevertheless a great overall imbalance in scheduling.

27. It is clear that children do not limit their viewing in this manner. They form a substantial segment of the audience on weekday afternoons and early evenings as well as on weekends. In fact, the hours spent watching television on Saturday and Sunday constitute, on an average, only 10 percent of their total viewing time. (A.C. Nielsen Company, February, 1973). Accordingly, we do not believe that it is a reasonable scheduling practice to relegate all of the programming for this important audience to one or two days. Although we are not prepared to adopt a specific scheduling rule, we do expect to see considerable improvement in scheduling practices in the future.

III. *Advertising practices*—A. *Background.* 28. The second major area of concern in this inquiry has to do with advertising practices in programs designed for children. In its original petition, ACT requested that the Commission eliminate all commercials on programs designed for children and prohibit any other use or mention of any product by brand name. During the course of the proceeding various parties criticized the amount of commercial matter now directed toward children, the frequency of program interruptions and a variety of other specific advertising practices: these included the use of program talent to deliver commercials ("host selling") or comment on them ("lead-ins and/or outs"); the prominent display of brand name products on a show's set ("tie-ins"); the presentation of an unrealistic picture of the product being promoted; and the advertising generally of products which some parties consider harmful to children (e.g., snack foods, vitamins and drugs).

29. The Commission's statutory responsibilities include an obligation to insure that broadcasters do not engage in excessive or abusive advertising practices. The Federal Radio Commission warned in 1928 that "advertising must not be of a nature such as to destroy or harm the benefit to which the public is entitled from the proper use of broadcasting." 2 F.R.C. Ann. Rep. 20 (1928). In 1929 the FRC again considered the advertising problem in the context of the licensee's responsibility to broadcast in the public interest. Great Lakes Broadcasting Co., 3 F.R.C. Ann. Rep. 32 (1929). The Commission noted that broadcasters are licensed to serve the public and not the private or selfish interests of individuals or groups. It then stated that "[t]he only exception that can be made to this rule has to do with advertising; the exception, however, is only apparent because advertising furnishes the economic support for the service and thus makes it possible." *Id.* The FRC recognized "that, without advertising, broadcasting would not exist, and [that it] must confine itself to limiting this advertising in amount and in character so as to preserve the largest possible amount of service for the public." *Id.* at 35. The FCC, over the years, has maintained a similar position. See "The Blue Book," supra, 40–41; "Report and Statement of Policy Re: Programming," supra, at 1913.

30. Traditionally, however, the Commission has not attempted to exercise direct supervision over all types of advertising abuses. Since the Federal Trade Commission has far greater expertise in, and resources for, the regulation of false or deceptive advertising practices, the FCC has largely confined its role in this area to notifying stations that the broadcast of material found to be false or deceptive by the FTC will raise questions as to whether the station is operating in the public interest. See Public Notice entitled "Licensee Responsibility with Respect to the Broadcast of False, Misleading, and Deceptive Advertising, FCC 61–1316 (1961); "Consumers Association of District of Columbia," 32 FCC 2d 400 (1971). We do not believe that it would be appropriate to change this policy at the present time. The Federal Trade Commission is currently conducting inquiries into advertising practics on children's programs (F.T.C. File No. 7375150) and food advertising (F.T.C. File No. 7323054) which cover many of the advertising practices objected to by the parties before the Commission. In light of the actions of the FTC, we have chosen not to address some of these specific promotional practices. On the basis of this proceeding, however, we are persuaded that an examination of the broadcaster's responsibility to children is warranted in the areas of the overall level of commercialization and the need for maintaining a clear separation between programming and advertising.

B. *Overcommercialization.* 31. While it is recognized that advertising is the sole economic foundation of the American commercial broadcasting system and that continued service to the public depends on broadcasters' ability to maintain adequate revenues with which to finance programming, the Commission has a responsibility to insure that the "public interest" does not become subordinate to financial and commercial interests. Although this proceeding marks the first instance in which the level of advertising on programs designed for children has been singled out as possibly abusive, the Federal Government has been concerned about the problem of overcommercialization in general since the beginning of broadcast regulation. In 1929, the Federal Radio Commission took the position that the "amount and character of advertising must be rigidly confined within the limits consistent with the public service expected of the station." "Great Lakes Broadcasting Co.," 3 F.R.C. Ann. Rep. at 35 (1929). The Federal Communications Commission has continued this policy. In 1946, for example, the Commission noted that, "[a]s the broadcasting system itself has insisted, the public interest clearly requires that the amount of time devoted to advertising shall bear a reasonable relation to the amount of time devoted to programs." "The Blue Book, supra." 56. In the definitive 1960 policy statement, licensees were admonished to "avoid abuses with respect to the total amount of time devoted to advertising continuity as well as the frequency with which regular programs are interrupted for advertising messages." "Report and Statement of Policy Re: Programming, supra," at 1912–1913.

32. Although some of the parties to this proceeding questioned the Commission's authority to limit the level of commercialization on children's programs, the Commission believes that it has ample authority to act in this area. This issue was raised in conjunction with the Commission's general inquiry into overcommercialization in 1963–1964, when the Commission concluded that it could adopt rules prescribing the maximum amount of time a licensee may devote to advertising:

> Numerous sections of the act refer to the public interest, one element of which clearly is the appropriate division as between program material and advertising • • •. We conceive that our authority to deal with overcommercialization, by whatever reasonable and appropriate means is well established. Amendment of Part 3 of the Commission's Rules and Regulations with Respect to Advertising on Standard, FM, and Television Broadcast Stations, 36 FCC 45, 46 (1964).

If a licensee devoted an excessive amount of his broadcast time to advertising, the Commission could certainly consider that factor in deciding whether a renewal of the license would serve the "public interest". See WMOZ, 36 FCC 201 (1964); Gordon County Broadcasting Co., 24 P&F R.R. 315 (1962); Mississippi Arkansas Broadcasting Co., 22 P&F R.R. 305 (1961). If a given policy is an appropriate consideration in individual cases, then, as the Supreme Court has suggested, "there is no reason why [the policy] may not be stated in advance by the Commission in interpretative regulations defining the prohibited conduct with greater clarity." "Federal Communications Commission v. American Broadcasting Company," 347 U.S. 284, 289–290, note 7 (1954).

33. A restriction on the amount of time a broadcaster may devote to advertising does not constitute censorship or an abridgement of freedom of speech. The courts have traditionally held that commercial speech has little First Amendment protection. "Valentine v. Christensen," 316 U.S. 52 (1942); "Breard v. City of Alexandria," 341 U.S. 622 (1951). A Congressional ban on cigarette advertising on television was held not to violate the First Amendment, in part, because broadcasters "[had] lost no right to speak—they [had] only lost an ability to collect revenue from others for broadcasting their commercial messages." "Capital Broadcasting Co. v. Mitchell," 333 F. Supp. 582, 584 (1971); aff'd 405 U.S. 1000 (1972).

34. If our policy against overcommercialization is an important one, and we believe that it is, it is particularly important in programs designed for children. Broadcasters have a special responsibility to children. Many of the parties testified, and we agree, that particular care should be taken to insure that they are not exposed to an excessive amount of advertising. It is a matter of common understanding that, because of their youth and inexperience, children are far more trusting of and vulnerable to commercial "pitches" than adults. There is, in addition, evidence that very young children cannot distinguish conceptually between programming and advertising; they do not understand that the purpose of a commercial is to sell a product. See Report to the Surgeon General, "Television and Growing Up: The Impact of Televised Violence," Vol. IV at 469, 474 (1970). Since children watch television long before they can read, television provides advertisers access to a younger and more impressionable age group than can be reached through any other medium. See "Capital Broadcasting Co., supra," at 585–6. For these reasons, special safeguards may be required to insure that the advertising privilege is not abused. As the Supreme Court stated, "[i]t is the interest of youth itself, and of the whole community that children be . . . safeguarded from abuses." "Prince v. Massachusetts," 321, U.S. 158, 165 (1943).

35. Despite these concerns, we have chosen not to adopt ACT's proposal to eliminate all sponsorship on programs designed for children. The Commission believes that the question of abolishing advertising must be resolved by balancing the competing interests in light of the public interest." Banning the sponsorship of programs designed for children could have a very damaging effect on the amount and quality of such programming. Advertising is the basis for the commercial broadcasting system, and revenues from the sale of commercial time provide the financing for program production. Eliminating the economic base and incentive for children's programs would inevitably result in some curtailment of broadcasters' efforts in this area. Moreover, it seems unrealistic, on the one hand, to expect licensees to improve significantly their program service to children and, on the other hand, to withdraw a major source of funding for this task.

36. Some suggestions were made during the proceeding that institutional advertising or underwriting would replace product advertising if the latter were prohibited. Although we would encourage broadcasters to explore alternative methods of financing, at this time there is little evidence that the millions of dollars necessary to produce children's programs would, in fact, be forthcoming from these sources. Since eliminating product advertising could have a serious impact on program service to children, we do not believe that the public interest would be served by adopting ACT's proposal.

37. The present proceeding has indicated, however, that there is a serious basis for concern about overcommercialization on programs designed for children. Since children are less able to understand and withstand advertising appeals than adults, broadcasters should take the special characteristics of the child audience into consideration when determining the appropriate level of advertising in programs designed for them. Many broadcasters substantially exceed the level of advertising that represents the best standard followed generally in the industry. The Television Code of the National Association of Broadcasters, for

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[8] As a general matter, programs of this type are logged as "Instructional" in accord with the provisions of Section 73.670 of the Commission's rules. The rule defines instructional programming so as to include "programs • • • involving the discussion of, or primarily designed to further an appreciation or understanding of, literature, music, fine arts, history, geography, and the natural and social sciences • • •" 47 CFR 73.760, Note 1(f). Typically, such programs as Captain Kangaroo, Multiplication Rock, and Wild Kingdom are logged as instructional.

[9] Another area of concern to many of the critics of children's programming in this proceeding was the emphasis on fantasy in the animated cartoons and in other "fanciful" programs which dominate the children's schedule. Such programming, it is argued, does not offer children the diversified view of the world of which television is capable. While the Commission recognizes that cartoons can do much to provide wholesome entertainment for young children, we note that the networks have broadened their schedules for this Fall to include more live-action shows and more representations of "real" people interacting with their families and the world around them. We commend the networks for being responsive to these concerns and for having made an effort to provide programming which meets the varied needs and interests of the child audience.

[10] With regard to entertainment programming, there is considerable evidence that pre-school children, unlike older children, cannot distinguish fantasy from reality. It does not follow, however, that because a program is not age-specific, it cannot provide wholesome entertainment for all ages. Therefore, while there may be some value in age-specific entertainment programming, we cannot say that this is necessary in every case.

[11] At one time the Commission maintained the position that "sustaining" programming (which was not commercially sponsored) played an important role in broadcasting. The Commission's 1949 policy statement placed considerable emphasis on sustaining programs to assure balanced programming and to serve minority tastes and interests. The Blue Book, supra, 12. In 1960, however, the Commission reversed its position on the grounds that "under modern conditions sponsorship fosters rather than diminishes the availability of important public affairs and 'cultural' broadcast programming." Report and Statement of Policy Re: Programming, supra, at 1914.

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example, permits only nine minutes and thirty seconds of non-program material (including commercials) in "prime-time" programming (i.e., 7:00–11:00). In contrast, many stations specify as much as sixteen minutes of commercial matter an hour for those time periods in which most children's programs are broadcast.

38. Although advertising should be adequate to insure that the station will have sufficient revenues with which to produce programming which will serve the children of its community meaningfully, the public interest does not protect advertising which is substantially in excess of that amount. These revenues, moreover, need not be derived solely from programs designed for children.

39. On the basis of this proceeding, the Commission believes that in many cases the current levels of advertising in programs designed for children are in excess of what is necessary for the industry to provide programming which serves the public interest. Recently, following extensive discussions with the Commission's Chairman, the National Association of Broadcasters agreed to amend its code to limit non-program material on children's programs to nine minutes and thirty seconds per hour on weekends and twelve minutes during the week by 1976; the Association of Independent Television Stations (INTV) has agreed to reduce advertising voluntarily to the same level. By these actions the industry has indicated that these are advertising levels which can be maintained while continuing to improve service to children.

40. The Commission's own economic studies support this assumption. The economic data indicates that there is an "inelasticity of demand" for advertising on children's programs. It appears, therefore, that the level of advertising on children's program can be reduced substantially without significantly affecting revenues because the price for the remaining time tends to increase. In 1972, for example, the NAB reduced the permissible amount of non-program material on weekend children's programs from 16 to 12 minutes per hour; although the amount of network advertising was cut by 22 percent, the networks' gross revenues for children's programs fell by only 3 percent. The Commission anticipates similar results if advertising were further limited to nine minutes per hour: There should be minimal financial hardship on networks and affiliates, although the problem could be somewhat more significant for independent stations. Most independent stations, however, have already agreed to make reductions, and the fact that 12 minutes per hour will still be permitted on weekdays (when most of these stations program for children) should soften any adverse economic effect.

41. The issue remains, however, whether the Commission should adopt per se rules limiting the amount of advertising on programs designed for children or await the results of the industry's attempt to regulate itself. The decisions of the NAB and the INTV to restrict advertising voluntarily are recent developments which occurred during the course of this inquiry and after consultation with the Commission's Chairman and staff. The Commission commends the industry for showing a willingness to regulate itself. Broadcasting which serves the public interest results from actions such as these which reflect a responsive and responsible attitude on the part of broadcasters toward their public service obligations.

42. In light of these actions, the Commission has chosen not to adopt per se rules limiting commercial matter on programs designed for children at this time. The standards adopted by the two associations are comparable to the standards which we would have considered adopting by rule in the absence of industry reform.[13] We are willing to postpone direct Commission action, therefore, until we have an opportunity to assess the effectiveness of these self-regulatory measures. The Commission will expect all licensees, however, to review their commercial practices in programs designed for children in light of the policies outlined by the Commission and the standards now agreed upon by substantial segments of the industry, and to limit advertising to children to the lowest level consistent with their programming responsibilities. If it should appear that self-regulation is not effective in reducing the level of advertising, then per se rules may be required.

43. To insure that the Commission will have adequate information on broadcasters' advertising practices in programs designed for children, we will, in a separate order, amend the renewal form to elicit more detailed information in this area. All licensees will be asked to indicate how many minutes of commercial matter they broadcast within an hour in programs designed for children both on weekends and during the week. The data provided by this question will serve, in part, as a basis for determining whether self-regulation can be effective. In addition, since the Commission's own economic studies and the actions of the industry indicate that nine minutes and thirty seconds on weekend children's programs and twelve minutes during the week are levels which are economically feasible for most licensees to achieve over the next year and a half, the broadcast of more than the amount of advertising proposed by the NAB and the INTV after January 1, 1976,[14] may raise a question as to whether the licensee is subordinating the interests of the child audience to his own financial interests.

44. For the present, compliance with the advertising restrictions adopted by the industry and endorsed by the Commission will be sufficient to resolve in favor of the station any questions as to whether its commercial practices serve the public interest. Licensees who exceed these levels, however, should be prepared to justify their advertising policy. We recognize that there may be some independent VHF and UHF stations which cannot easily afford such a reduction in advertising; such stations should be prepared to make a substantial and well-documented showing of serious potential harm to support their advertising practices. However, we anticipate accepting very few other justifications for over-commercialization in programs designed for children.

45. We emphasize that we will closely examine commercial activities in programs designed for children on a case-by-case basis. Overcommercialization by licensees in programs designed for young children will raise a question as to the adequacy of a broadcaster's overall performance. The Commission will, in addition, continually review broadcasters' performance on an industry-wide basis.[15]

[13] The actual proposals of the two industry groups are as follows: (1) Beginning in January, 1975, the NAB Code will permit broadcasters 10 minutes of non-program material per hour on Saturday and Sunday children's programs and 14 minutes during the week; beginning in January, 1976, these levels will be further restricted to 9 minutes and thirty seconds on weekends and 12 minutes during the week; (2) beginning in January, 1975, the Association of Independent Television Stations will reduce its advertising to 12 minutes per hour on Saturday and Sunday and 14 minutes during the week; beginning in January, 1976, advertising will be limited to 9 minutes and thirty seconds on the weekend and 12 during the week.

The Commission is willing to accept the phased-in reduction proposed by the industry. Although the Commission's economic studies indicate that affiliates probably would not suffer significant economic hardship from an immediate reduction, non-affiliated broadcasters could be affected. The Commission's own economic analysis suggested a gradual implementation of the proposed reduction. Since the NAB members include non-affiliated stations, we believe that both the NAB and INTV proposals are reasonable.

The Commission, in addition, finds the proposed differentials between weekend and weekday programming to be acceptable. Unlike Saturday and Sunday morning when there is no significant audience other than children, weekday mornings and afternoons are attractive periods to program for adults. The more substantial the differential between the permissible level of advertising on children's and adult programs during the week, the greater is the disincentive to program for children on weekdays. Since we are already concerned about the concentration of children's programming on the weekend, we are willing to accept the balance which the industry has struck on this issue.

[15] Broadcasters who are not members of either the NAB or the INTV are, of course, not bound by their proposed phased-in reductions. As noted in the conclusion to this Report, however, the Commission expects all licensees to make a good faith effort to bring their advertising practices into conformance with the policies established herein over the period preceding January 1, 1976.

[14] We wish to stress that self-regulation can only be acceptable in this area if it is effective generally throughout the industry. As the Chairman has stated: "it is important that certain standards apply industry wide and not solely to those broadcasters who voluntarily live up to the highest principles of public service responsibility." Address before the National Academy of Television Arts and Sciences, Atlanta Chapter, Atlanta, Georgia, May 23, 1974.

If self-regulation does not prove to be a successful device for regulating the industry as a whole, then further action may be required of the Commission to insure that licensees operate in a manner consistent with their public service obligations.

C. Separation of program matter and commercial matter. 46. The Commission is concerned, in addition, that many broadcasters do not presently maintain an adequate separation between programming and advertising on programs designed for children. The Commission has ample authority under the Communications Act to require broadcasters to maintain such a separation. Any practice which is unfair or deceptive when directed to children would clearly be inconsistent with a broadcaster's duty to operate in the "public interest" and may be prohibited by the Commission. Section 317 of the Communications Act, in addition, specifically requires that all advertisements indicate clearly that they are paid for and by whom. 47 U.S.C. 317. The rationale behind this provision is, in part, that an advertiser would have an unfair advantage over listeners if they could not differentiate between the program and the commercial message and were, therefore, unable to take its paid status into consideration in assessing the message. Hearings on H.R. 5589 before the "House Committee on the Merchant Marine and Fisheries," 69th Cong., 1st Sess., at p. 83 (1926). If inadequate separation contributes to an inability to differentiate programming from advertising, then Commission action designed to maintain a clear separation would further the policies of section 317.

47. On the basis of the information gathered in the course of the Commission's inquiry, it has become apparent that children, especially young children, have considerable difficulty distinguishing commercial matter from program matter. Many of the participants knowledgeable in the areas of child development and child psychology maintained that young children lack the necessary sophistication to appreciate the nature and purpose of advertising. Also, a study sponsored by the government concluded that children did not begin to understand that commercials were designed to sell products until starting grade school. Report to the Surgeon General, "Television and Growing Up: The Impact of Televised Violence," Vol: IV at 469 (1970). Kindergarteners, for example, did not understand the purpose of commercials; the only way they could distinguish programs from commercials was on the basis that commercials were shorter than programs. Id. at 469, 474. The Commission recognizes that, as many broadcasters noted, these findings are not conclusive; psychological and behavioral questions can seldom be resolved to the point of mathematical certainty. The evidence confirms, however, what our accumulated knowledge, experience and common sense tell us: That many children do not have the sophistication or experience needed to understand that advertising is not just another form of informational programming.

48. The Commission believes, therefore, that licensees, when assessing the adequacy of their commercial policies, must consider the fact that children—especially young children—have greater difficulty distinguishing programming from advertising than adults.[16] If advertisements are to be directed to children, then basic fairness requires that at least a clear separation be maintained between the program content and the commercial message so as to aid the child in developing an ability to distinguish between the two.

49. Special measures should, therefore, be taken by licensees to insure that an adequate separation is maintained on programs designed for children. One technique would be to broadcast an announcement to clarify when the program is being interrupted for commercial messages and when the program is resuming after the commercial "break." [17] Another would be to broadcast some form of visual segment before and after each commercial interruption which would contrast sufficiently with both the programing and advertising segments of the program so as to aid the young child in understanding that the commercials are different from the program. In this context, again following discussions with the Commission's Chairman and staff, the NAB Code Authority has recently amended its advertising rules to require a comparable separation device. We applaud this action by the industry to improve advertising practices directed to children."

50. We recognize that this may be an incomplete solution to the problem. Indeed, in view of the lack of sophistication of the child audience, no complete solution may be possible. The broadcast of an announcement and/or a visual device can only aid children in identifying commercials. The Commission believes, however, that the licensee who directs advertising to children has a responsibility to take action to insure that it is presented n as fair a manner as possible.[18]

51. The Commission is also concerned that some broadcasters are now engaging in a commercial practice which takes unfair advantage of the difficulty children have distinguishing advertising from programming: the use of program characters to promote products ("host-selling"). In some programs designed for children, the program host actually delivers the commercial in his character role on the program set. In others, although the host does not actually deliver the commercial, he may comment on the advertisement in such a manner as to appear to endorse the product ("lead-in/lead-out").

52. The Commission does not believe that the use of a program host, or other program personality, to promote products in the program in which he appears is a practice which is consistent with licensees' obligation to operate in the public interest. One effect of "host-selling" is to interweave the program and the commercial, exacerbating the difficulty children have distinguishing between the two. In addition, the practice allows advertisers to take unfair advantage of the trust which children place in program characters. Even performers themselves recognize that, since a special relationship tends to develop between hosts and young children in the audience, commercial messages are likely to be viewed as advice from a friend.[19] The Commission believes that, in these situations, programming is being used to serve the financial interests of the station and the advertiser in a manner inconsistent with its primary function as a service to children. In this regard, it should be noted that many stations, in particular NAB Code member stations, have already eliminated host selling.[20]

[16] Although the evidence indicates that this problem is most acute among pre-school children, they can be expected to make up a substantial portion of the audience of virtually all children's programming.

[17] The Commission notes in this context that similar practices are found in adult programs. Moderators on talk shows and announcers on sports programs often finish a program segment by announcing that the program will resume after the commercial break; sections of entertainment programs are sometimes entitled "Part I," "Part II," and so forth.

[18] The Commission notes in this context that while INTV does not have a code, it has established a committee to consider adopting general standards and guidelines on commercial practices in children's programs in addition to time limitations.

[19] In this connection, broadcasters may wish to consider a suggestion made by several of the parties that limiting the number of program interruptions by grouping commercials can contribute to maintaining a clear separation between programming and advertising. We do not believe that it is necessary at this time for the Commission to require "clustering" of commercials, although further consideration of this matter may be appropriate in the future. But, as we noted in the 1960 Programming Report, licensees should "avoid abuses with respect to . . . the frequency with which regular programs are interrupted for advertising messages." Report and Statement of Policy Re: Programming, supra, at 1912–1913. In this regard, particular care should be taken to avoid such abuses in programs designed for the pre-school audience.

[20] As a children's show hostess testified before the Commission: "I watched [a program host] sell Wonder bread for years. I bought Schwinn bicycles because I felt that they were a good thing and because I trusted him. The same thing applies to me in my neighborhood, in my town. I want the children to trust me. I want them to know that when I say something is good, to believe in me, the same way as if I suggested that they attend their school carnival or don't step off the curb when the bus is coming." Lorraine F. Lee-Benner, Transcript of the Panel Discussion, Vol. II, p. 339 (1972).

[21] Public interest questions may also be raised when program personalities or characters deliver commercial messages on programs other than the ones on which they appear. Although this practice would not have the effect of blurring the distinction between programming and advertising, some

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53. Finally, the Commission wishes to caution licensees against engaging in practices in the body of the program itself which promote products in such a way that they may constitute advertising.[21] The inquiry revealed that some broadcasters weave the prominent display of the brand names of products into the program sets and activities. One program's set, for example, featured a large billboard announcing the "[Brand Name] Candy Corner" under which children were regularly given samples of the brand name candy as prizes. The hostess on another program, before serving a snack to the children on the show, concluded a prayer with the words, "Now you may have your [Brand Name] orange juice from the [XYZ] Dairy." The analysis of the same program showed, in addition, that the children had been given "[the title of the show]" brand toys with which to play; these were carefully displayed to the viewing audience and children were encouraged to purchase these toys so that they could play along at home. One of the clearest examples of incorporating promotional matter into a program was a cartoon series entitled "Hot Wheels" which was the trade name of a toy manufacturer's miniature racing cars; the manufacturer developed an additional line of cars modeled after those featured in the cartoon series. The Commission found that the program itself promoted the use of the product and required the licensee to log more of the program as commercial matter. See Topper Corporation, 21 FCC 2d 148 (1969); American Broadcasting Companies, 23 FCC 2d 132 (1970).

54. Licensees should exercise care to insure that such practices are in compliance with the sponsorship identification requirements of section 317 of the Communications Act and the Commission's rules on logging commercial matter. Not every mention of a brand name or prominent display thereof necessarily constitutes advertising. All such material, however, should be strictly scrutinized by the broadcaster to determine whether or not it should be treated as commercial matter. See 47 U.S.C. 317(a); FCC Public Notice 63-409, entitled "Applicability of Sponsorship Identification Rules" (1963); 47 CFR 73. 670(a)(2), Note 3.

55. Licensees who engage in program practices which involve the mention or prominent display of brand names in children's programs, moreover, should reexamine such programming in light of their public service responsibilities to children. We believe that most young children do not understand that there is a "commercial" incentive for the use of these products and that it is, in fact, a form of merchandising. Any material which constitutes advertising should be confined to identifiable commercial segments which are set off in some clear manner from the entertainment portion of the program. When providing programming designed for children, the conscientious broadcaster should hold himself to the highest standard of responsible practices.

56. The Commission, thus, wishes to stress that this policy statement does not cover every potential abuse in current advertising practices directed to children. Licensees will be expected to reduce the current level of commercialization on programs designed for children, maintain an appropriate separation between programming and advertising, and eliminate practices which take advantage of the immaturity of children. The failure by the Commission to comment on any particular practice, however, does not constitute an endorsement of that practice. Many of these matters are currently under investigation at the Federal Trade Commission. Licensees are again reminded that the broadcast of any material or the use of any practice found to be false or misleading by the Federal Trade Commission will raise serious questions as to whether the station is operating in the public interest. Broadcasters have, in addition, an independent obligation to take all reasonable measures to eliminate false or misleading material. See Public Notice entitled "License Responsibility with Respect to the Broadcast of False, Misleading and Deceptive Advertising," supra. We will expect licensees to exercise great care in evaluating advertising in programs designed for children and refrain from broadcasting any matter which, when directed to children, would be inconsistent with their public service responsibilities.

IV. *Conclusion.* 57 It is believed that this Report will help to clarify the responsibilities of broadcasters with respect to programming and advertising designed for the child audience. We believe that in these areas every opportunity should be accorded to the broadcast industry to reform itself because self-regulation preserves flexibility and an opportunity for adjustment which is not possible with per se rules. In this respect, we recognize that many broadcasters may not currently be in compliance with the policies herein announced. Since this Report constitutes the first detailed examination of broadcasters' responsibilities to children, we do not wish to penalize the media for past practices. The purpose of this Report is to set out what will be expected from stations in the future.

58. We also realize that it will necessarily take some period of time for broadcasters, program producers, advertisers and the networks to make the anticipated changes.[22] Stations, therefore, will not be expected to come into full compliance with our policies in the areas of either advertising or programming until January 1, 1976. In the interim period, however, broadcasters should take immediate action in the direction of bringing their advertising and programming practices into conformance with their public service responsibilities as outlined in this Report.

59. In the final analysis, the medium of television cannot live up to its potential in serving America's children unless individual broadcasters are genuinely committed to that task, and are willing—to a considerable extent—to put profit in second place and the children in first. While Government reports and regulations can correct some of the more apparent abuses, they cannot create a sense of commitment to children where it does not already exist.

60. In view of the fact that we plan to evaluate the improvements in children's programming and advertising which are now expected, the proceedings in Docket No. 19142 will not be terminated at this time.

Adopted: October 24, 1974.

Released: October 31, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[23]

[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX A

SUMMARY OF COMMENTS DOCKET NO. 19142 CHILDREN'S TELEVISION PROCEEDING

1. Because of the volume of material which was filed in this proceeding a digest of the pleadings and the issues raised in them on a party-by-party basis would be repetitious and confusing. Since the same point or opinion may have been expressed by as many as 100 parties in almost as many pleadings, little purpose would be served by specific identification of the sources of a particular view. For this reason, the discussion which follows proceeds on an issue oriented basis. The discussion will indicate, for example, that a point was made by a number of licensees, by independent UHF stations, etc., Specific attribution will be reserved for those situations where the views follow an independent path.

RESPONSE TO GENERAL QUESTIONS

2. *Question: What types of children's programs not now available do parties believe commercial TV stations should present?* For the most part, the licensees who answered this question indicated that they believed that virtually all types of programing for children was already offered. A few licensees expressed the view that more programing of a morally or spiritually uplifting quality could be offered and a few others expressed a preference for more programing dealing with real-life situations in an informative or educational approach. ACT, NCCB, and others of the opposite persuasion contended that current offerings were disproportionately weighted toward violent and stereotyped entertainment programs with little in the way of enlightened, informative and educational programing fare being offered. Similar expressions came from members of the public who decried the absence or paucity of quality programing for children, with the often noted exception of Sesame Street. Many were quite specific in their objections to particular programs, commercials or the methods followed in the area of children's television programing. The networks pointed to specific new programs to be presented beginning in the fall of 1971 as filling any gaps or inadequacies in their previous children's schedule.[1] The answers to this question dealt not so much with the total absence of a particular type or category of program[2] as with relative weight given to the categories in the mix offered or to the approach taken in regard to the formulation of entertainment programing.

3. *Question: To what extent, generally and with respect to particular programs and type of programs, does "children's programing" have benefits to children beyond the fact that it holds their interest and attention and thus removes the need for other activity or parental attention?* In actuality, two questions were posed: What value and importance is attached to the attention-holding function or attribute of the programing? and what benefits are there to the programing beyond its ability to occupy children's attention? On the one hand, a number of licensees asserted that as children are occupied watching television they do not require parental attention to keep them out of mischief, and parents freed of their need to pay close attention to their children were said to thus be able to devote themselves to household or other activities. A number of licensees asserted that this ability to hold the attention of children becomes particularly important when, for example, poor weather precludes outside play.

4. Most licensees, however, did not stress the importance of the attention-holding aspect of the programs but instead put their emphasis on the manifold benefits they believed were provided by the programs which are offered. Many licensees, in fact, criticized the notion that television should be used as a baby-sitter, especially when it is used as a means of avoiding parental responsibility.[3] What did not seem to be in dispute was the idea that children's programs did tend to hold a child's attention. ACT and others contended that the means of doing so were far from worthy and were utilized because of the need to attract the attention of children in the entire 2-12 age range in order to maximize the audience for the program. No one, of course, advocated dull or uninteresting programing which would not hold attention. Rather, the dispute centered on the means which legitimately could be used to garner the attention of a child.

5. By far the majority of comments, formal as well as informal, were in agreement about the significant contributions which television and specifically children's television could offer.[4] What they did not agree on was the degree to which current programing made such contributions. This difference often was reflected even in the evaluation of a particular program. ACT pointed up this distinction in one of its pleadings in which it contrasted a network's description of a program with its own description. Thus, CBS described a network children's program as a program which "deals with recognizable young human beings in basic situations rather than the way-out world of the traditional animated cartoon". According to ACT, the episode it monitored dealt with the capture of a frozen caveman who later chases the main characters friends, each trying to capture the other until the caveman falls into a giant clam tank and is discovered to be a professor intent on stealing another scientist's inventions.

6. A similar pattern could be found in the difference expressed regarding the general quality of children's programing and the benefits to be derived from this programing. Opponents of the ACT view pointed to the highly informed level of children of today (much of which they attributed to television) and contended that all of television viewing is informative, bridges gaps between individuals and groups, and broadens an awareness of the world at large and the functioning of our society. ACT and others of a similar persuasion accepted television's capacity but contended that it has been little used or that it teaches lessons in violence as a solution to human problems, presents false role models and takes advantage of children through advertising. While ACT did find merit in some of the program offerings, its view was that far too few programs reach the level television is capable of reaching.

7. *Question: What, generally speaking, is a definition of "children's programing" which could serve for the Commission's use in this connection? To what extent do children, particularly in the higher age groups mentioned by ACT, view and benefit from general TV programing?* As to the first part of the question, the answers fell into three basic categories: those who agreed with the definition offered in the Notice, those who wanted a broader definition and those who found the concept of children's programing to be beyond definition. The supporters of Commission regulatory action and some licensees as well agreed that the only sensible definition was one based on the audience for whom the program was primarily intended (usually with the qualifier that it be presented when children are likely to watch). Others found this too restricted and wanted a broader definition to include programs of broad family appeal which had a large audience of children; some would include any program watched by large numbers of children.[5] A large number of broadcasters simply felt no workable definition could be found. As they saw it, there were too many disparate elements to be taken into account; and as to these elements they were troubled about using a definition based either on subjective intent of the program producer or on the vagaries of scheduling or of the viewing habits of the child audience.

8. There was general agreement among the parties that children, particularly older ones, spend a substantial portion of their viewing time watching programs other than those produced specifically for children. They did not always agree, however, or how worthwhile this was, although there were a number of programs which met with acceptance by all or virtually all of the commenting parties, particularly those programs of an informative nature.[6] As to the re-run situation comedies which were broadcast during hours when many children were watching, the criticism was not so much directed to the programs themselves[7] as to the failure to offer programing specifically designed for children for viewing in these time periods. From the critics' point of view, these "family" programs did not provide the same benefits to children as programs created particularly for them would have, and it was the lack of such programs, especially during the week, which they decried.

9. *Question: What restriction on commercials short of prohibition—e.g., on types of programs or services, what can be said, number, divorcement from program content, etc.—would be desirable? Comments should take into account in this connection the provisions of the NAB Television Code and its guidelines.* In fact, this question consists of a series of sub-questions, and the commenting parties took varying positions on them. On only one point was there general agreement, viz, that advertising for at least certain adult products or services was inappropriate in or adjacent to children's programing. While not all parties were in agreement about the specific commercials which would fit in this category, they accepted the notion that otherwise legitimate advertising matter migh be unsuitable for children, *e.g.*, excerpts from a movie to which children would not be admitted unless accompanied by an adult. One comment was directed to public service announcements and made the point that a number of them dealt with subject matter or used methods of presentation which could be frightening to children. They urged

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[21] ACT originally requested that we ban any mention of products by brand name during the body of a children's program. We are concerned, however, that such a ban would go so far as to prohibit even the critical mention of products and other comment for which no consideration is received. Such a rule would, we believe constitute a form of illegal censorship of programming. Cf., Capital Broadcasting Co. v. Micheli, supra. Indeed, it would have a chilling effect on any effort to provide consumer education information for children.

advantage may be taken of the trust relationship which has been developed between the child and the performer. We recognize, however, that it may not be feasible, as a practical matter, for small stations with limited staffs to avoid using children's show personnel in commercial messages on other programs. While we are not prohibiting the use of selling by personalities on other programs, broadcasters should be cognizant of the special trust that a child may have for the performer and should exercise caution in the use of such selling techniques. This may be particularly important where the personality appears in a distinctive character costume or other efforts are made to emphasize his program role.

[22] The Commission anticipates that the networks will take the lead in producing varied programming for children. The networks are responsible for the bulk of the programs now being broadcast: they provide most of the children's shows carried by network-owned or affiliated stations and originally produced most of the syndicated material presented by independent stations. Changes in network programming will, therefore, have both an immediat and a long-range impact as programs gradually become available on a syndicated basis. It is also clear that the networks have the financial resources to make a significant effort in this area. The Commission's economic studies indicate that network children's programming has been consistently profitable for many years.

[23] Commissioners Lee and Reid concurring in the result; Commissioner Hooks concurring and issuing a statement; Commissioner Washburn issuing additional views; Commissioner Robinson issuing a separate statement. Separate statements of Commissioners Hooks, Washburn and Robinson filed as part of the original document.

[1] It should be pointed out that this information is in part dated.

[2] The only exception was the objection, voiced in a small portion of the letters, to the absence of religious programing devised for and specifically directed to children on any station in several of the markets.

[3] What is meant here is the possible misuses of television as a substitute for parental involvement and concern. This is separate from the dispute regarding the nature of licensee responsibility in the area of program selection and presentation as contrasted with parental responsibility to screen programs.

[4] There were differences in the stress put on television watching as distinguished from other child activities and greater or lesser concern expressed about a balance between passive, individual, activities like television watching as distinguished from other activities of an active, social nature.

[5] The tendency of children to watch family and adult shows starting at rather early ages was frequently mentioned in the comments. Some attributed this to viewing habits. Others to the desire of children to emulate adult viewing habits.

[6] Similar support was expressed for prime-time children-oriented specials.

[7] In point of fact, ACT and others directed their strongest criticism to the children's programs presented on Saturday morning finding them more objectionable, violent, stereotyped and ad-ridden than family programs by far.

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greater care in screening not just the merit of the announcement's goals but the suitability of the approach as well. More generally, objections were made to the advertising for certain products on the basis that these commercials for these products encouraged children along paths detrimental to their health or well being.

10. Frequent concern was expressed about vitamins and snack-foods—both considered as food advertising by the industry. Dr. Mary C. McLaughlin, Commissioner of Health for New York City, decried the worsening eating habits of New York City (and American) children, manifested in their reduced consumption of fruits and vegetables and their increased consumption of high calorie snack foods having little nutritive value. According to Dr. McLaughlin, television advertising, especially to children, has fostered the emphasis on snack foods, a trend which results in poor nutrition and high incidence of obesity. She urged adoption of the code of foodstuff advertising developed by Dr. Choate which would require disclosure of a product's nutritive value and calorie content in all television advertising for the product.

11. A number of people were greatly concerned about vitamin advertising. They objected to the failure to provide warnings about the danger of possible overdoses, and to the suggestion they said was implicit in these advertisements, that vitamins were a substitute for proper attention to eating a well balanced diet. Many of those writing charged that vitamin and other such advertising was fostering if not creating a drug dependent generation. They particularly despised the notion that people should be encouraged to believe that they only have to take a pill to solve their problems. Action to restrict or ban such ads was urged by these critics. Those opposing restricting such advertising pointed to the legality of the products and insisted that many items in the home were unsafe in the hands of a child. Thus, the answer was said to be proper parental control of the situation and the exercise of proper precautions to keep these products away from children.

12. A large portion of the people who objected to all advertising to children said that, at a minimum, the Commission ought to act to require a reduction in the amount of commercial time and the number of interruptions of program continuity. There was another but much smaller group, that concentrated their fire on the intrusiveness of the commercials rather than on commercialization as such, and they echoed the often expressed desire to treat children's programming on Saturday morning the same way as adult prime time is treated in terms of limits on the amount of non-program material and the number of permissible interruptions. A number of licensees disagreed, finding nothing unfair to children or contrary to the public interest in the use of a standard which applied to all non-prime time programming whether for adults or children. None of the licensees thought this to be a suitable area for Commission action.

13. On the question of divorcement of commercials from program content, industry reaction was divided. Some contended that the various commercial approaches that blended program and commercial were entirely legitimate and did not take advantage of the child. In their view, delivery of a commercial by a program host or other program talent was a long used legitimate method of advertising, not something developed to take advantage of children. A few licensees took the position that switching back and forth between program and commercial could be disruptive to a child's viewing and thus there would be a benefit to a lead-in or lead-out provided by program talent or the delivery of a commercial by them. Opponents of this group of commercial practices argued that children cannot separate the commercials from the program under such circumstances and that this situation takes unfair advantage of the special trust children have in the characters (live or cartoon) on the programs. It does this, they charged, because children believe that the commercial advice given them, particularly by program hosts, is given on a disinterested basis to promote their welfare, and they do not know or cannot understand the nature of a situation in which the people are paid to deliver commercial copy. Various other, tie-in, practices came in for criticism, and some programs were attacked as being a showcase for tied-in products.

14. NAB Code supporters talked of its value in terms of self-regulation and the exercise of licensee responsibility and its ability to change to reflect changed circumstances or demonstrated need. Opponents questioned its capacity to deal effectively with these matters.

15. *Question: To what extent should any restriction on commercial messages in children's programs also apply to such messages adjacent to children's programs?* Most of the parties commenting agreed that commercials adjacent to a children's program should be treated on the same basis as are commercials actually within the program. Sometimes, however, material presented in adjacency positions did cause objections to be voiced, as when promos were presented for nighttime programs which were intended for a more mature audience or when non-children's movies were advertised. Most of these people did not object to the nature of the adult programs or movies as such or even necessarily to commercials on behalf of them. Rather, they objected to placing them in a time slot in which many children would have occasion to view material they considered inappropriate because it contained scenes of violence or had obvious sexual overtones.

CURRENT STATE OF CHILDREN'S PROGRAMMING

16. The three commercial television networks offer a large block of Saturday morning and early afternoon programing directed at children and a lesser amount of such programing is offered on Sunday. Currently, CBS is the only network that presents a weekly program for children, Captain Kangaroo, presented for an hour each day, Monday through Friday. ACT criticized the paucity of children's programing during weekdays and the total absence of network children's programing during weekday afternoons. Although there is no current network offering directed towards children that is presented by the three networks during these hours, such was not always the case. In fact, weekday programing used to constitute the major part of the children's schedule. According to ACT, children's programing offered by New York City network affiliates was as follows:

	Hours and minutes		
	Weekdays	Saturdays	Sundays
1948 to 1949	20:00	None	5:25
1951 to 1953	27:45	10:00	9:45
1954 to 1955	32:45	13:00	8:30
1957 to 1958	19:15	9:15	11:00
1960 to 1961	17:15	15:00	6:45
1963 to 1964	11:00	15:00	6:15
1966 to 1967	12:30	19:00	6:45
1969 to 1970	5:00	17:00	5:45

17. On weekdays, during the hours mentioned by ACT, independent stations, particularly UHF stations, do offer programing directed at children. Most of this programing appears to be from syndication rather than local sources and it includes a significant amount of material that had been presented by the networks previously.[8] Some of the material comes from other sources and movie cartoons and shorts are often a major part of local shows. Few shows are truly local in character. By far the most frequently encountered local show (although the format is not locally derived) is "Romper Room."

18. *Networks.* The majority of network programs were animated cartoons and entertainment continued as the principal focus. In describing their own programs, licensees used such terms as informative, enjoyable, fanciful, diverting and certainly harmless. The critics charged that these programs were vacuous, trite, mechanical, violent, stereotyped and harmful to the spirit of the child.

19. On weekdays, except for Captain Kangaroo, children must turn elsewhere than the networks for programs specifically designed for them, or they can and do watch programs not specifically designed for them.[9] The afternoon hours after school-age children have returned from school are ones which network affiliates fill with non-network programing, usually family shows or movies. The networks do offer a considerable number of hours of programing at other times during the day, mostly in two categories: game shows and soap opera. Throughout the day, independent stations are more likely to offer programs produced for children, usually obtained from syndication.

20. *Syndication.* Syndicators provide programing that forms the bulk of the schedule on most independent stations. To a lessor extent network affiliates rely on this source as well. Although some of this programing is specifically for children, more of it is family fare and some was thought not to be appropriate for a child audience at all. Although data submitted in this proceeding is not directed specifically to this point, it does appear that there are two major categories of programs produced for children. One is the motion picture material consisting of cartoons and such programs as "Little Rascals"; the other is off-network re-runs. There appears to be little in the way of domestic sources for original non-network programing specifically for children.

21. *Local originations.* The vast majority of programing directed to children does not originate locally. Even these local shows that are presented often include syndicated (usually cartoon) material and this often constitutes the bulk of the program material on the show. One notable exception is "Romper Room", which while it is locally produced, follows certain guidelines set by the show's originators.

22. Generally speaking, the parties commented on the high cost of locally produced programing and none of them made the presentation of local programing a must. The parties urging change argued in favor of more programs specifically designed for children—programs of high quality, informative and humane—but their concern was with what is presented rather than its source. Stations broadcasting them, however, spoke of them with particular pride.

THE NATURE AND PURPOSES OF CHILDREN'S PROGRAMING

23. *Defining children's programing.* One group, consisting of ACT and a number of licensees; defined children's programing as

[8] It has been alleged that the programs which the networks removed from their schedules because of a concern about their excessive violence are now frequently seen in syndication. No figures are available on this.

[9] This discussion is restricted to commercial television. Where available, children can also select public television programs like Sesame Street, Misteroger's Neighborhood, The Electric Company, and others.

programs designed for children presented at times when they can watch. A sizeable group (mostly broadcasters) either rejected the notion that a suitable definition is possible, in light of the varied viewing habits of children, or insisted on a definition that included programs other than those specifically intended for children. What they had in mind are family shows, typically situation comedies, that were thought to apepal to children. Many children do watch these programs and sometimes form a majority of the program's viewers.

24. Although ACT and the others acknowledged the fact that children watch many programs created for family audiences or for adults, they attributed much of this to the absence during many of the hours children are likely to be watching television of programing created especially for children. They did not deny the appeal that these programs have for children but they attributed much to the lack of choice of other, more suitable programing. The concern they expressed was two-fold: not enough child-oriented programing is being offered and the schedule of what is being offered is so weighted against weekday viewing that the child is left little or no choice but to watch a program which was not designed for him. Although they recognized that independent stations did offer children's programing during at least some of these hours, they strongly objected to these programs on the same basis as they did most of those in the weekend network schedule.

25. On the other side, licensee comments stressed the significant contributions they felt the stations were making in their programing for children and the persence of children's programs in the weekday schedule of many stations. They contended that family programs which are scheduled during weekday hours do have value for children. In their view, children as they grow older mature in their programing tastes and even in early years demonstrate a desire to imitate adult behavior, including their viewing habits. Thus, they concluded that these programs are responsive to children's needs and desires; which should not be so narrowly defined as to include only programs created specifically for children.

26. *Age specificity.* One of the principal objections raised by opponents of current programing practices was the lack of age specificity. They charged most stations with ignoring the notable differences between children of various ages. In their view, programs that appeal to a wide range of ages necessarily fall short in satisfying the needs of children. They insisted that this is the unavoidable product of the need to adopt an approach that will capture the entire age range of children from 2 to 12.[10] Programing of real substance, they asserted, cannot appeal to all ages, and since the stations are not willing to lose part of their audience, they seek the lowest common denominator in order to attract them all. In particular, they charged that this is done by the practice of exploiting activity and violence (in its many forms) to capture the interest of this diverse group.

27. So long, the critics continued, as the programing must collect a large audience that includes the entire range of ages from 2–12 in order to be attractive to advertisers and hence produce high revenues, programs will continue to be based on a lowest common demoninator approach. Only, they insisted, by ridding the programs of advertising pressures can improvements be made. In their view, it is the artificial constraint of seeking to capture all ages in order to meet the needs of advertisers rather than viewers that prevents the considerable programing talents in the field from being used humanely and effectively.

28. Broadcasters and others who took the opposite view held that stations could and did present entertaining and enjoyable programs for children. No purpose, they believed, would be served by a requirement that programs be age-specific with the inevitable result of excluding a large portion of the child audience. These licensees pointed to programs which they stated were selective in age level, but disputed the idea that those which are not could be faulted on that account. Overall, they insisted that legitimate criticisms have been met, programs have been improved, so that there is no need to follow the drastic approach urged by ACT. They labeled ACT's approach exclusionary and charged that it runs counter to the broad appeal that they believe has enabled American television to bring so much to so many. Moreover, they feared that the economic consequences of an exclusionary approach would be disastrous. Nor, financial questions aside, did they accept the notion that this approach would be feasible. Because children differ so markedly in so many respects, they insisted that there forever would be disputes about the proper categorization of programs. They foresaw the Commission as the arbiter of such disputes, placing it in the position (an unconstitutional one they insisted) of overseeing day-to-day programing decisions. These licensees asserted that whatever problems there might be in distinguishing children's television from non-children's would be multiplied if such sub-categories were created. In their view, the entire concept and the premises on which it rests were faulty and unworkable.

29. *What types of programs, to what purpose.* Another important point of contention between the parties was the matter of the types of programs that should be offered and the extent to which they are in fact presented. The broadcasters contended that programs of wide range and approach, entertaining and informative, are presented; and while in an important area like this one, no one can be satisfied with the status quo, the industry could take real pride in its accomplishments and point with satisfaction to important recent improvement. Particularly in regard to recent improvements, the networks went on at great length about new programs that had been or shortly would be in their schedules.

30. Although broadcasters were unwilling to accept ACT's view that informative as distinguished from entertainment programing should predominate, they believed that a good portion of their current programing was, in fact, informative or even educational. As they saw matters, such a distinction was more apparent than real, for they considered virtually all television programing to be informative and horizon broadening. They pointed with pride to the informed child of today as i.. good measure a product of television contribution to the dissemination of information.

31. Children, too, broadcasters insisted, were entitled to a chance to escape the rigors of their lives—the stresses of school, the strictures of growing up—and should not be deprived of an opportunity to simply enjoy a program for its sheer entertainment value. Their comments took the view that children need time for fun, including watching entertainment programs. This, they pointed out, should not be to the exclusion of other more serious fare on television or of other, non-television, activity.

32. ACT and the other parties sharing its views, took an entirely different position regarding the entertainment and informational qualities of children's television. They accepted the idea that purely entertainment programing does have a place, but they strongly objected to what they saw as a serious imbalance in favor of the entertaining, to the detriment of the informative. While they agreed that all programs inform in the sense that they convey information, they were greatly distressed about what is conveyed. In their view, much of it they saw as fostering stereotypes, prejudices and questionable social standards. They saw no inherent reason why programs could not be informative as well as entertaining, but they found little in the way of current programing that creatively responds to these twin goals.

33. *Licensee and parental responsibilities.* Essentially all agreed that broadcasters were not absolved of responsibility for what is broadcast merely because parents are responsible for their children. The Code and other industry statements of positions have pointed to the responsibility of the broadcaster to the youthful segment of his audience and the need for special care and concern in this area of programing. Broadcasters asserted similar views in the various individual submissions.

34. Broadcasters did contend, however, that they could not warrant that every program is suitable for viewing by every child. They asserted that only parents are in a position to recognize the unique character, personality and needs of each individual child. Thus, programs of real merit (or which in any event lack objectionable qualities for the typical child) might not be appropriate for viewing by a particular child in a given situation. More generally, they charged parents with the responsibility for making sure children did not abuse television. As to the programs themselves, broadcasters spoke with pride about current offerings (in both amount and quality) and were particularly proud of recent improvements. They did not agree with the critics' charges regarding violence, frenetic pace, unreality, commercial exploitation, stereotyped presentations and the like. Instead they saw a balance, a giving of attention to the real world and to subjects of genuine concern to children's lives, as well as to fantasy and fun.

35. The critics view was a very different one. They insisted that if the broadcasters truly wanted to follow an approach based on a genuine concern for children, the present situation could not possibly exist. They called for basic changes and as a result did not attach the same importance as broadcasters did to recent changes in the field. Nor did they have much faith in self-regulation. According to their appraisal of the situation, when "the pressure is on" changes for the better will occur, but unless the Commission acts to adopt effective requirements, matters will return to where they had been before. These parties insist that this has been the past experience with self-regulation, and they see no basis for expecting a different result on this occasion.

36. While ACT and the others acknowledged the responsibility that parents have, they asked just how much supervision can legitimately be required or expected of parents. They acknowledged the fact that some parents are not sufficiently concerned with the needs of their children and agreed that this was reflected in a failure to adequately screen the programs to be watched by their children. Although concurring with the broadcasters' view that this situation should not exist, they insisted that, so long as it does, it must be recognized by broadcasters. However, this was not the principal basis for their insistence on more responsible action by the broadcaster to protect the child audi-

[10] This is the age group discussed in the ACT petition and implicitly followed in the Notice, and it roughly agrees with industry practice, particularly as to the cutoff age of 12.

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ence. That insistence was premised on the view that parents, no matter how attentive, sincere or knowledgeable, are not in a position to really exercise effective control. The critics asserted that in order for parents to exercise this control, it would be necessary for them to be present at all times when the child is watching television and it would require them to make instant decisions on the acceptability of material. As ACT explained it, if they could agree that the problems which arise in this area pertain only to a few children or only to unusual circumstances, they would be more accepting of the arguments presented by the broadcasters. Their point, however, was that the problem is not limited to isolated presentations that may be troublesome to a few children. The essence of their objection was that the major part of children's programing is not only devoid of merit, it is actually harmful. Commercials, too, came in for heavy criticism, and here again, it is what they saw as the premise for such advertising—using children to sell products—that offended them, not a rare example of excess. In the view of those parents who have written to the Commission, there is no effective means open to the individual household to ameliorate the problem. The only possible answer they saw, namely turning off the television set entirely, raised separate problems and to them pointed to the great failure of American broadcasting to meet the needs of children. ACT and others likened the problem to that posed by an "attractive nuisance". Just as society holds a property owner having an attractive nuisance responsible for injuries to a trespassing child, so should it act in relation to current broadcasting fare. The core of the attractive nuisance doctrine is that, lacking mature judgment, children may be attracted to dangerous situations and protective measures therefore are necessary to avoid liability. They were no more persuaded about absolving broadcasters regarding their programing than the courts have been in absolving property owners. In both cases they wished the responsibility to be placed on the persons having effective control, in this case, the broadcaster. According to ACT, broadcasters appeal to children by use of unfair mechanisms and the resulting interest children show in television fare, however authentic, is no answer; in fact, it is part of the problem. Since, in the critics' view, children cannot be the judge of what is best for them and parental control cannot be effective when the problem is pervasive, the only answer they saw was a basic change in the nature of the programs that are presented.

37. Some suggested that one of the means for improving children's television is the utilization of experts in the field of childhood development. Few of the critical comments and fewer still of the comments from broadcasters dealt with this subject to any significant degree. Generally, those favoring such an approach believed that the two groups of experts involved—the broadcasters and those knowledgeable about children—should join forces so that each could contribute to the creation of more skillful, beneficial and constructive television fare for children. Some would have the Commission adopt rules to require all broadcasters to form a group of experts on which it could rely for guidance; others would merely encourage it. None of the parties expressing this view denied the expertise of the broadcaster in connection with adult programing. Nor did they challenge the workability of the current method of program selection for adults. Thus, while critics may bemoan the lack of a particular type of adult fare, they accepted the fact that adults are proper judges of what appeals to them and agree that current fare does have this appeal. With children, however, they argued that this test is faulty because children do not have the requisite maturity to make the necessary judgments on which such a process depends. Rather, they contended, children are open to exploitation by use of highly popular, but nonetheless objectionable attention gathering techniques. Thus, in effect, they argued that since children cannot make a judgment in the same way as an adult can, the popularity of a television program with children indicates nothing about its acceptability, much less its worth.

38. To remedy this situation several parties believed that childhood experts should be utilized to evaluate the impact of programing on the child audience. Not only did the proponents of this approach believe that it would avoid material of possible harm to children, but felt that it could lead to a fuller use of the great potential of television for reaching and informing children about themselves and the world in which they exist.

39. To some rather limited degree such experts are already being consulted by broadcasters. Although the broadcasters' comments did not deal extensively with this topic, it appeared that except possibly for the networks, matters have not developed to the point where there is a continuing dialogue and certainly not a partnership of effort.

COMMERCIALIZATION IN CHILDREN'S TELEVISION

40. *Generally.* As matters now stand, broadcasters depend on commercial advertising for support of children's television in much the same manner as they do for adult television. Broadcasters defended this approach as the only workable one, as subject to adequate safeguards and consistent with the profit motive implicit in the American system of broadcasting. The critics argued that this dependence on advertiser support forces children's programing to be directed to the lowest common denominator and charged that the commercials themselves exploit children by taking advantage of their immaturity. ACT would have the Commission bar commercials in children's television (or at least product commercials) and others (believing that complete abolition is not likely to occur) seek a reduction in the number of commercials and commercial interruptions and a restriction on what products can be advertised and what techniques can be employed. Broadcasters did not accept the idea that commercials exploit children or that any public benefit could possibly result from barring commercials. All they foresaw under such circumstances would be a decline in program quantity and quality. They rejected the argument that children are singled out for more commercialization, stating that all programing in non-prime time slots is governed by the same code standard regarding amount of commercialization.[11] Likewise they rejected the various charges regarding deleterious effects said to result from current commercials or current commercial practices.

41. *The relationship between programs and commercials.* Disagreeing with much that was advanced in the critical comments, the broadcasters concentrated on the economic consequences of a ban on advertising in children's programing. As they saw it, the consequences would be severe for all and catastrophic for some. They argued that children's programs, especially of the kind ACT favors, are expensive to produce; a requirement that they broadcast a minimum of 14 hours per week would increase their costs greatly, without providing an opportunity to even recoup these costs, much less make a profit. Even if they accepted the proposition that stations could absorb these costs (which they do not accept), they labeled such an approach unfair and contrary to the purposes of commercial broadcasting. In their view, ACT's proposal was based on incorrect allegations regarding high profits in the industry, when in fact, the statistics show that a sizeable number of stations operate at a loss or make only minimal profits. They asserted that for many stations the loss of revenue from children's programing could have very serious adverse consequences. In their view, the loss of these services would strike especially hard at independent UHF stations, whose success (or at least survival) is based on counter programing. This was the case, they asserted because these stations sought to serve segments of the audience rather than competing for mass appeal. They contended that children's programing is an important part of their counter programing, with a number offering more than 14 hours per week. Thus, they asserted, the losses would fall heaviest on stations doing the most and who would be least able to bear the burden. Moreover, they argued, these very stations make a great contribution to program diversity and the public would pay a great price for following the ACT approach since it could only lead to the virtually certain demise of many of these stations. Moreover, they charged that it would clearly be contrary to the Commission's policy to foster UHF growth and more importantly would be contrary to the overall public interest.

42. ACT, et al. disagreed. They insisted that the financial problems created by a loss of children's program advertising would have a serious effect on only a relatively few stations. In ACT's view, the proper way to deal with financial hardship is through the mechanism of granting exceptions or waivers. ACT asserted that this has been the usual Commission approach, as for example, when the Commission acted to curtail AM–FM duplication in the larger markets and many stations were able to obtain waivers. As to the majority of stations, ACT asserted that extraordinary profit levels do obtain in the industry and that their current revenues were not a fair guide because of the effects of the current economic downturn and the need to find substitutes for cigarette advertising. As the economy improved, they fully expected stations to return to their previous high profit position.

43. Moreover, according to ACT, alternative revenue sources would be available but would never be tapped so long as the existing situation was allowed to continue. First of all, they insisted that considerable revenue could be derived from institutional (non-product) advertising. This is not to say, they pointed out, that advertisers would necessarily prefer such an approach, only that they would follow it if that were the only method open to them. They also believed that underwriting represented another important source of funding, but they did not feel any real effort has yet been made to develop this either.

44. As to the latter point, underwriting, concern was expressed by educational broadcasters who feared that their funding from such sources could be seriously diluted, and by commercial broadcasters who doubted its workability and opposed it philosophically, as contrary to the American system of commercial broadcasting.

45. Broadcasters insisted that the advertiser-supported posture of children's television was a healthy and productive one that has enabled networks and individual stations to produce and present high quality programs to wide audiences throughout the country. Not only did they fear the direct consequences of the revenues which would be lost, but they also were concerned about an exodus of talented and creative people to what they contend would be more remunerative activities. In sum, they felt confident that the results could only be fewer children's programs, or ones of lesser quality, or both.

[11] Effective January 1, 1973, the NAB Code required reduced amounts of commercialization in week-end programs for children and barred use of program hosts or primary cartoon characters in commercials or in adjacent to children's programs.

46. According to ACT, if advertising-oriented decisionmaking were changed to a child-oriented approach, stations would be able to produce programs of real worth as well as interest, gearing them to particular age groups. Without such age-specificity, they believe that a good part of the benefit which otherwise could come from programs tailored for their particular audiences would be lost. Broadcasters, on the other hand, attack age-specificity as unworkable and exclusionary. They do not believe that programs of such narrow appeal form a sensible basis for children's or any other programming. They also deny that sponsorship or the lack of it is a determining factor and contend that a number of programs have been presented even though advertising support was lacking. What they do not accept is the view that the commercialization as such is wrong or harmful; rather they see it and the profit motive as commendable and part of the important underpinnings of the creative force behind our broadcasting system's achievements.

47. *Commercials: their content, effect and implications.* Two very different views were expressed regarding the impact of the commercials themselves and the legitimacy of directing them to children. On the one hand, ACT, the other organizations and many critics, decried such advertising as unfair. This criticism focused on two aspects of the impact of commercials: first, the effect on the child viewer, and second, the effect on the family. The critics assert that commercials directed to children do not present a fair or realistic picture of the commercial product being advertised. Rather, they charged, the commercials employ skillful techniques to take advantage of a child's vulnerability, trust and lack of maturity.

48. Specifically, the critics charged that notwithstanding self-regulatory efforts, commercials rely on unfair methods, such as the specific directive (• • • get it • • • now!), that have a great effect on children of an age when they seek to follow directions that are given them. The critics cited other approaches geared to particular age groups, to which they also objected including the use of sexually-oriented themes in doll commercials and a reliance on the child's fears of social isolation. Toy advertising came in for criticism for presenting ads that used gimmicks to mislead the child about the item, thus leading to disappointment. These statements were echoed in thousands of the letters filed in this proceeding. Unlike adult advertising where such a result could lead to disaster for the company involved, the critics contended that children's immaturity and the succession of new toys each season meant that children will continue to be susceptible to these techniques until eventually their trust is turned into cynicism by these repeated disappointments. These parties feared that children will become cynical and distrustful of all in the society, and it was this they viewed as a real danger to society. Some of these people pointed to disruptive activities by some young people today as manifesting this very problem.

49. Broadcasters disputed these assertions and argued that special standards have been employed to insure basic honesty and fairness in toy as well as other advertising. While agreeing that the purpose of advertising is to persuade, they insisted that this does not constitute an abuse. They pointed to Code provisions established to avoid deception and gave examples of advertising that was rejected as not being supported by actual experience with the product. Rather than being deceptive or unfair, they saw advertising as informative. Through such advertising children were said to learn about the working of the free enterprise system and about products of interest to them.

50. It is just the matter of consumer decision making that comes in for much criticism from ACT et al. They questioned whether products should be advertised to non-consumers, especially when they lack the necessary maturity and judgment to make a decision and the parents lack the informational impute. Moreover, they charged that the demand created by these advertisements drives a wedge between parent and child, putting parents under unceasing pressure to buy the advertised products.

51. Broadcasters did not accept the idea that television commercials are responsible for creating this situation. They argued that if television commercials were ended, the child would continue to have commercial pressures from other sources and would continue to see items of interest and demand them of his parents. The problem that results they saw as a function of the unwillingness of parents to say no or at least their difficulty in saying no.

52. The parties gave considerable attention to the question of a child's ability to separate the program from the advertising material in it or adjacent to it. In addition to the general observations by the parties on this point, they offered specific comments on practices which some saw as having a particular effect on the child's ability to distinguish the two.

53. On the one hand, critics argued that the impact of advertising in children's programs is exaggerated by virtue of the fact that young children are unable to make a distinction between programs and the interspersed commercials. They contended that this situation in and of itself takes advantage of young children, particularly since at that age they are unable to grasp the concept of advertising or the purpose of commercials. Moreover, charged the critics, various techniques were employed to blur the distinction between program and commercial thus exacerbating this problem.

54. Broadcasters generally took the opposite view, namely that a child, even at an early age, can distinguish between the program and the sponsoring commercial, and that the various techniques mentioned by the critics do not preclude the drawing of the distinction. A few broadcasters took the view that it is harmful to draw a sharp line of demarcation. In fact, they insisted that switching from program to commercial and back again can be disruptive to young children; they argued that it is more comfortable as well as enjoyable for them if the transition is blurred by the various techniques that can be used, particularly those involving use of the program host.[12]

55. The techniques of having program talent (real or cartoon characters) deliver commercials, the use of a lead-in/out by a program host and tie-ins were the major ones which have come in for scrutiny in the comments. Use of program talent was considered by the critics to have a telling effect in confusing the dividing line between program and commercial, with the result that the commercial obtains the unfair benefit of being reacted to by the child as if it were part of the program. Parents and critics alike also objected strongly to the pre-recorded tapes/films containing cartoon characters (e.g. the Flintstones on behalf of the vitamin bearing their name), especially when presented during breaks in the very program in which they appear. They reserved, however, their strongest attacks for the live program host who actually delivers the commercial on a children's program. Not only does this blur distinctions, they insisted, but more importantly in their view, it takes advantage of the special relationship that exists between the host and the child.

56. The filings in this proceeding did not provide complete data on the extent to which program talent was used or even the number of cases in which it occurs, and only a relatively small number of broadcasters directed themselves to a discussion of this point in their comments. Some viewed this method as inappropriate and indicated that they had or would discontinue the practice or never had engaged in it. Their comments indicated that they felt that the decision not to engage in this practice was the product of their own judgment as a licensee rather than being an absolute ethical requirement which all stations would be obliged to follow. Other licensees thought the use of program talent, including show hosts, was perfectly legitimate and did not have the negative implications ascribed to it. They defended their right to employ this method of presenting commercials and generally opposed any restriction of any commercial technique or presentation absent a finding of outright deception.[13]

57. As the comments indicate, program hosts, even when they do not deliver the commercial, were sometimes called upon to do a lead-in lead-out. In some programs the line separating the two techniques is hard to draw because the lead-in or out is extended. Generally, though, the prepared copy is brief (e.g., the lead-in "• • •" and now a word from our friends at • • •" or what amounts to little more than a tag line at the end). Based on its study of the locally originated "Captain Billy" program broadcast in Albuquerque, New Mexico, ACT charged that talent involvement in the commercials reached a damagingly high level. According to this study, Captain Billy regularly commented at length on the commercial itself or its theme, with the result being a second but often veiled commercial appeal. Thus, in addition to their objection on grounds of unfairly using the special rapport between host and child for commercial purposes, ACT expressed a second concern, that of overcommercialization.

58. Broadcasters did not deal extensively with host selling and the like in their comments, but those that did comment defended it in terms of easing the transitions in the program and have attacked those who object for interfering with legitimate advertising methods utilized by the broadcaster. In their view, no purpose is served by insulating the child from the real world of business and advertising. While they did not necessarily argue in favor of a particular technique, they strenuously opposed regulatory intervention by the Commission or other forms of interference with what they saw as the broadcaster's freedom of choice in conducting his business.

59. The final technique mentioned in the comments is the tie-in. Those who supported this practice saw it as a perfectly sensible and legitimate act of cooperation be-

[12] This is not an industrywide view.

[13] In this regard, it should be noted that to the extent broadcasters agreed that government intervention in the realm of advertising was appropriate at all, they considered the Federal Trade Commission to be the appropriate agency to handle this function. Some licensees thought the FTC was overzealous; none of them considered it too timid or inadequate to the task.

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tween advertiser and programer and considered it quite logical to develop products which would be named after or otherwise connected with a program. Others, citing the example of "Hot Wheels", charged that these programs can become long-run commercials rather than programs. Moreover, they contended that in these situations it is the advertising that becomes dominant and the programing secondary so that the latter is tailored to fit the needs of the former. If this is carried far enough, the program ceases to be a program and becomes one long commercial. The critics did not charge that this extreme is frequently encountered; but they argued that this practice, even when it exists to a lesser degree, is of concern because it warps the program decisionmaking process.

60. *Special product categories.* Some ads were also attacked as promoting activities or approaches to life that are or could be harmful to children. Along this line the critics criticized the spending of vast sums to encourage the eating of snack foods and low nutritional cereals and charged that this has had a significant impact in terms of helping to cause the poor nutritional habits that have led to serious dietary deficiencies prevailing among Amercans, both rich and poor. Broadcasters and advertisers disputed any casual connection between the two and insisted that these products were not intended to supplant other food items in a person's diet. Instead, they saw a failure on the part of parents to assume their important responsibility for insuring good nutrition.

61. Vitamin advertising was attacked as creating false impressions about what constitutes a balanced diet and as encouraging the taking of vitamins as a substitute for proper eating habits. Moreover, these critics charged such ads as being part of a pattern of advertising that is creating a dangerous trend toward drug dependence and contributing to the worsening of the drug abuse problem which already afflicts our society. Finally, they charged that the techniques employed in advertising vitamins to children inevitably creates the danger of accidental overdoses.[14]

62. Broadcasters and advertisers insisted that there is nothing in these commercials to encourage or exaggerate such a risk. Rather, as with snack foods and cereals, they believed that parents must exercise caution to keep children from the harm which could result from misuse of the product. These, they contended, are legitimate and beneficial products and interfering in the right to present vitamin commercials is unwarranted. They rejected the idea that advertising for over-the-counter, medicines generally or children's vitamins particularly, has anything whatever to do with encouraging drug abuse.

63. *Amount of Commercial Matter.* Unlike a number of points at issue in this proceeding, the subjects of clutter and/or excessive commercialization were not cast in terms of distinctions between adult and children's programing. They objected to allowing more commercials and a greater number of interruptions on children's programing than in adult prime time. Broadcasters defended their current practices[15] as consistent with other non-prime time programing, and point out that a children's program in prime time is subject to the lower limit applicable to that time period. On this basis they concluded that current practices are non-abusive and in fact are necessary to insure adequate finances with which to produce quality programing.

[14] The docket contains a report of such overdosing resulting, according to the child's mother, from the child's desire to emulate what he saw in the commercial.

[15] These comments were filed before the changes in the Code limit had been proposed and thus are responding to the old limit of 8 minutes of commercial time and four interruptions per half hour, or double these figures for an hour.

APPENDIX B

PARTICIPANTS IN PUBLIC PANEL DISCUSSIONS ON CHILDREN'S TELEVISION

Eugene Accas, Leo Burnett Company, Inc., New York, New York (Panel II).
Richard C. Block, Vice-President and General Manager, Kaiser Center, Oakland, California (Panel I).
Stephen Bluestone, District of Columbia (Panel VI).
Fred Calvert, President, Fred Calvert Productions, California (Panel II).
Dr. Rene Cardenas, Bilingual Children's Television (Panel I).
Peggy Charren, Action for Children's Television, Boston, Massachusetts (Panel IV B).
Dr. Joseph G. Colmen, Education and Public Affairs, Washington, D.C. (Panel II).
Dr. John Condry, Department of Human Development, Cornell University, Ithaca, N.Y. (Panel III).
Mr. David Connell, Children's Television Workshop, Executive Producer, New York, New York (Panel I).
Mrs. Joan Ganz Cooney, President, Children's Television Workshop, New York, New York (Panel I).
Elliot Daley, Family Communications, Pittsburgh, Pennsylvania (Panel II).
Michael Eisner, Vice-President, Daytime Programming, ABC, New York, New York (Panel II).
Mr. Al Fields, Vice-President, Merchandising, Health Tex, Inc., New York, New York (Panel II).
Mr. Harry Francis, Director, Programming Services, Meredith Broadcasting, New York, New York (Panel I).
Dr. Frederick Greene, Office of Child Development, HEW, District of Columbia (Panel I).
Mrs. Ruth Handler, President, Mattel Toys, California (Panel VI).
Larry Harmon, Larry Harmon Pictures Corporation, New York, New York (Panel IV B).
Sherman K. Headley, General Manager, WCCO-TV, Minneapolis, Minnesota (Panel IV B).
Stockton Helffrich, Director, NAB Code Authority, New York, New York (Panel VI).
Ray Hubbard, WTOP-TV, Program Director, District of Columbia (Panel IV B).
Robert Keeshan, CBS, New York, New York (Panel IV B).
Arch Knowlton, Director, Media Services, General Foods Corporation, White Plains, New York (Panel III).
George Koehler, General Manager, Triangle Broadcasting, Philadelphia, Pennsylvania (Panel II).
Lorraine P. Lee-Benner, WCSC-TV, Charleston, South Carolina (Panel IV B).
Wanda Lesser, Charleston, South Carolina (Panel IV B).
Katherine Lustman, Early Childhood Education, Yale Child Study Center, New Haven, Connecticut (Panel IV B).
Donald McGannon, President and Chairman of the Board, Westinghouse Broadcasting, Inc., New York, New York (Panel VI).
E. Weeks McKinney-Smith, Owner, WDRX-TV, Kentucky (Panel III).
Dr. William Melody, Economist, University of Pennsylvania, Philadelphia, Pennsylvania (Panel IV B).

APPENDIX C

PARTICIPANTS IN ORAL ARGUMENTS ON CHILDREN'S TELEVISION

Peter W. Allport, On Behalf of Association of National Advertisers, Inc.
Ms. Lillian Ambrosino.
Dr. Juan Aragon, On Behalf of Bilingual Children's Television.
Rick Bacigalupo, On Behalf of Viewers Intent on Listing Violent Episodes on Nationwide Television.
Dr. Seymour Banks, On Behalf of American Association of Advertising Agencies.
Dr. Carolyn B. Block.
Stephen Bluestone.
Jerome S. Boros.
Warren Braren, On Behalf of National Citizens Committee for Broadcasting, Consumer Federation of America and Consumers Union of United States.
Richard Burdisk, On Behalf of Creative Services, Station WCBV-TV, Boston, Massachusetts.
Ms. Peggy Charren, On Behalf of Action for Children's Television.
Robert B. Choate, On Behalf of Council on Children, Media and Merchandising.
Philip C. Chin, Office of Asian American Affairs, HEW.
Ms. Katheryn M. Fong.
Mr. James Freeman.
Thomas N. Frohock, On Behalf of ABC, Inc.
Rosemary Galli, On Behalf of American Federation of State, County, and Municipal employees, AFL-CIO.
Michael J. Goldey, On Behalf of CBS, Inc.
Frederick C. Green, M.C., Associated Chief, Children's Bureau.
Anne Hanley, On Behalf of National Cable Television Association.
Mr. Larry Harmon.
Richard D. Heffner, On Behalf of Richard Heffner Associates, Inc.
Stockton Helfrich, On Behalf of National Association of Broadcasters.
Ms. Mary Ellen Hilliard.
Mrs. Carol K. Kimmel.
Mr. Manuel Larez.
Lorraine F. Lee-Benner.
Aaron Locker, On Behalf of Toy Manufacturers of America, Inc.
Richard Marks, On Behalf of Five Licensees.
Janis Marvin, On Behalf of American Women in Radio and Television, Inc.
Dr. William H. Melody, On Behalf of Annenberg School of Communications.
Howard Monderer, On Behalf of NBC.
Earle K. Moore, On Behalf of Action for Children's Television.
Paul J. Mundie, On Behalf of the Committee on Children's Television, Inc.
Robert E. O'Brien, On Behalf of O'Brien Communications.
Reverend Edward A. Powers, On Behalf of Division of Christian Education, United Church of Christ.
Ms. Evelyn Sarson, On Behalf of Action for Children's Television.

Sister Leo Vincent Short, On Behalf of National Catholic Educational Association.
Mr. Robert Jay Stein.
John B. Summers, On Behalf of National Association of Broadcasters.
Arthur Weinberg, On Behalf of Three Licensees.
F. Kent Mitchel, Vice-President, Corporate Marketing Services, General Foods Corporation, White Plains, New York (Panel IV B).
Neil Morse, Co-Chairman, Children's Committee on Television, California (Panel II).
Jeanette Neff, Director of Educational Product Coordination, Children's Television Workshop, New York, New York (Panel IV B).
Dr. Evcrett Parker, Office of Communications, United Church of Christ, New York, New York (Panel VI).
Mr. Fred Pierce, Vice-President, Corporate Planning, ABC, New York, New York (Panel V).
Mr. Ward L. Quaal, President, WGN-TV, Chicago, Illinois (Panel V).
Mr. Christopher Sarson, Producer, WGBH, Boston, Massachusetts (Panel I).
Ms. Evelyn Sarson, Action for Children's Television, Boston, Massachusetts (Panel III).
Mr. Fred Silverman, Vice-President, Network Programming, CBS, New York, New York (Panel I).
Mr. Edmund Smarden, Carson-Roberts, Inc. Advertising, California (Panel V).
Dr. Ithiel de Sola Pool, Center for International Studies, MIT, Cambridge, Massachusetts (Panel VI).
Les Towne, Vice-President, Helfgott and Partners, New York, New York (Panel III).
Mr. Robert Thurston, Vice-President, Corporate Planning, Quaker Oats, Chicago, Illinois (Panel I).
Herminio Traviesas, Vice-President, Department of Broadcast Standards, NBC, New York, New York (Panel VI).
Dr. Scott Ward, Harvard University, Boston, Massachusetts (Panel IV B).

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

■

BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Scope, General Definitions, Application Procedures, and Allowable Educational Costs

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Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Scope, General Definitions, Application Procedures, and Allowable Educational Costs

A notice of proposed rulemaking was published in the FEDERAL REGISTER on July 13, 1973 (38 FR 1778 et seq.) covering the general definitions, procedures for applying for a determination of an expected family contribution, method of award calculation, and the allowable educational costs for the Basic Educational Opportunity Grant Program (Title IV–A–1 of the Higher Education Act of 1965 as amended (20 U.S.C. 1070a)). At the time of publication of the proposed regulations, the Office of Education distributed them directly to 5,000 institutions of postsecondary education for review and comment. The Office of Education also conducted a series of regional workshops throughout the country. Participants in these workshops included institutional financial aid officers, high school counselors, TRIO project directors and others interested in the program. Since many of those who would normally respond in writing had the opportunity to comment verbally on these proposed regulations during those regional meetings, only 30 written comments were received. The recommended changes in these regulations, however, reflect our consideration of both the verbal and written comments received.

The public comments received centered around four major issues: the allowable costs of attendance (§ 190.51); the definition of clock hour (§ 190.2(c)); definition of full-time student (§ 190.2(f)); and the criteria under which a special recomputation of a student's expected family contribution due to extraordinary circumstances would be permitted (§ 190.16).

The largest group of comments expressed concern regarding the allowable costs of attendance for the program (§ 190.51). The area of greatest concern was the off-campus room and board allowance and the allowance for miscellaneous expenses. The overwhelming majority of comments received indicated that these allowances were too low to adequately reflect even minimal costs of the students. With regard to the costs proposed for the 1973–74 academic year, the allowable costs for the Basic Grants were as follows: (1) the amount charged to the student by the institution for tuition, fees, and room and board; (2) an off campus living allowance of either $950 or $750 depending on whether the student lived in his own quarters or with his parents; and (3) a miscellaneous expense allowance of $350 for each student to cover books, supplies, and miscellaneous expenses.

In the development of cost allowances for the academic year 1973–74 it was felt that a number of factors had to be considered. While the off-campus allowances might not reflect a higher cost of living in one area, they were substantially above the cost of living for other parts of the country. As such, the cost allowances were intended as reasonable average costs and the Basic Grant payment schedule was issued on this basis. Since these allowances were designed to apply to all Basic Grant recipients who lived off-campus and were designed to take into account the variety of living costs in all parts of the country, the allowances for the 1973–74 academic year were not changed.

However, in view of the significant increases in the cost of food and maintenance during the past year which is reflected in an 8.8 percent Consumer Price Index increase, the off-campus room and board cost allowance has been increased to $1,100 for the 1974–75 academic year. Also beginning with the 1974–75 academic year, no distinction will be made in the allowance for students living off-campus, whether or not they are living with their parents, because studies have indicated that the costs for these students are approximately equal. Although there may be significant differences among various areas of the country, studies made by the two major national need analysis services (College Scholarship Service and the American College Testing Program) indicate that the average student budget for off-campus living costs is about $1,100, regardless of whether such students are living with their parents or in own quarters.

In addition, the allowance for miscellaneous expenses covering such costs as books, supplies, laundry, and clothing expenses, etc. has been increased to $400. The increase of $50 is justified on the basis of the 8.8 percent rise in the Consumer Price Index. The new allowance of $400 would seem to be sufficient to recognize the need of students to pay for reasonable expenses without incurring the risk of having the program charged with allowing unnecessary luxuries.

Related to the changes affecting the allowable cost question is the inclusion of a provision that eligible students who are incarcerated be permitted as allowable costs of attendance only tuition and fees and an allowance of $150 for books and supplies. This amendment, we believe, extends Basic Grant funds to these students in proportion to their needs.

In view of the pressing need to incorporate these provisions into the Payment Schedule which is used by institutions of higher education participating in the Basic Educational Opportunity Grants Program in determining the amount of a students grant award, it has been determined that further resort to proposed rulemaking procedures with respect to these regulatory provisions would be impracticable and contrary to the public interest (5 U.S.C. 553(b)).

Another area of concern dealt with the definition of clock hour for purposes of determining full-time attendance (§ 190.2(c)). As originally proposed, 1 clock hour would require 3 hours of faculty supervised laboratory or shop training if such laboratory or shop training did not require outside preparation. Therefore, the proposed definition would require students enrolled in many vocational programs to be in shop or laboratory training 75 hours per week in order to quality as full-time students. The amended regulation provides that one hour of faculty supervised laboratory or shop training would count as 1 clock hour for the purpose of determining a full-time student. The revised definition of clock hour, we believe, provides a more equitable treatment of students enrolled in vocational training programs and treats students in traditional and non-traditional programs of higher education in a more consistent manner.

Another major concern was expressed with regard to the applicability of the proposed definition of full-time student to students enrolled in summer session programs, students enrolled in specially scheduled "block-time" programs, and students enrolled in institutions which measure academic progress in terms of both credit and clock hours (§ 190.2(f)).

The definition of a full-time student is based on two concepts; the amount of academic workload carried by the student, and the length of the student's enrollment. For example, a student who is enrolled in a school utilizing a quarter system would be classified as a full-time student if he carries a minimum of 12 quarter credits per academic term and expects to enroll for three quarters. In this context, a summer session student would not have been classified under the previous regulations as a full-time student even though he may carry the equivalent of a full-time workload over a period of two summer sessions. For this reason, the regulations have been amended to permit eligibility of summer session students provided that the course work undertaken or expected to be undertaken during two or more summer session terms would amount to the equivalent of at least 12 quarter or 12 semester hours upon completion. The definition of a full-time student has further been amended to apply to students enrolled in specially scheduled series of courses or seminars other than summer session programs. For a student enrolled in such a program to be considered a full-time student, he or she must complete the equivalent of at least 12 semester or 12 quarter hours during a period not exceeding 18 weeks.

In addition to these modifications, the regulations also provide for a method for determining full-time status for students enrolled in institutions which measure progress in terms of both credit and clock hours. Such students often do not qualify for full-time status if their workload is measured solely in terms of credit hours or in terms of clock hours. At the same time, their combined workload is equivalent to the academic endeavor of students enrolled in schools with more traditional academic calendars. For this reason, the regulations contain a provision which allows for the determination of full-time status based on the sum of the proportionate workload carried

in terms of credit hours and the proportionate workload carried in terms of clock hours.

Related to these additions to the definition of "full-time student," are modifications made in the definition of "academic year" and the addition of a new definition of "school year." It should be noted at the outset that these modifications do not, in any way, change the basic procedures for award calculation or proration of awards. Rather, they clarify and simplify what otherwise would appear to be very complex terminology and procedure. These changes are as follows:

1. The definition of academic year has been changed to specify that such a period is the period of time falling between July 1 of one year and June 30 of the subsequent year. This definition is to be utilized in conjunction with grant award calculation and disbursement. Thus, for purposes of the Basic Grant Program, the academic year is essentially equivalent to the Federal fiscal year.

2. The definition of "school year" was added in support of the definition of full-time student and provides a basis for determining the grant amount of which a student would be eligible during any particular academic year. As such, this definition describes the period of academic enrollment which is to be used as a base in calculating a student's award during a given academic year.

3. The modifications to the definition of academic year required several additional provisions to Subpart F dealing with the determination of Basic Grant awards. Consequently, procedures for calculating a student's grant were added to cover the following conditions: (a) a student who is enrolled in an eligible program of study which is less than a full school year in duration; (b) a student who is enrolled in a school year which is more than 12 months in duration; and (c) a student who is enrolled in a school year which spans 2 academic years.

Another group of comments received concerned the criteria under which a special recomputation of a student's expected family contribution due to extraordinary circumstances would be permitted (§ 190.16). The previously proposed criteria for recomputation of the expected family contribution were the death of a parent or spouse, the loss of employment of a parent or spouse, or the inability to pursue normal income-producing activities by reason of disability or natural disaster. As a result of experience gained, it has become evident that the financial circumstances of a family unit are severely affected as a result of the separation or divorce of the applicant's parents when the applicant is a dependent student, as well as separation or divorce of the applicant himself when the applicant is an independent student. For this reason, the regulations provide that, starting in the 1974–75 academic year, an applicant may submit a new application substituting the tax year subsequent to the original base year as the new base year if the applicant or his parents have become separated or divorced since the original application was submitted. A dependent student would include information which applies only to that parent who provides the greater amount of that student's support. Similarly, the independent applicant would include only his own income and asset information. (Cases in which the separation or divorce occurs prior to the student's filing an application are dealt with in Subpart C, § 190.31(a)(2) for dependent students and in Subpart D, § 190.42(a)(2) for independent students.)

Section 190.3 of the regulations provides that a student applying for the 1974–75 academic year will be eligible if he or she was not enrolled as a regular student at any institution of higher education prior to April 1, 1973, rather than July 1, 1973. This change is required by statute and will permit students who began their school year between April 1 and July 1, 1973 to receive Basic Grants in the 1974–75 academic year.

It should be noted that the official notification to the student of his expected family contribution, which has previously been called the "Family Contribution Analysis Report", is now named the "Student Eligibility Report." Consequently, all references to the "Family Contribution Analysis Report" in Subpart B, § 190.14 and § 190.15 and Subpart F, § 190.61 have been changed to read "Student Eligibility Report."

The proposed regulations, as published, also contained some technical inaccuracies and omissions. The inaccuracies and omissions have been corrected in this publication of the regulations. There has also been some rearrangement of text to give greater clarity. In addition, for purposes of clarity, § 190.72, § 190.82, and § 190.84 of Subpart G, which was previously published as a notice of proposed rule making in the FEDERAL REGISTER on March 15, 1974 (39 FR 9995), have been removed from Subpart G and incorporated in Subpart A as § 190.2(l), § 190.4, and § 190.5, respectively.

It is the intention of the Office of Education to issue necessary amendments to these regulations as additional experience is gained in the operation of the program. In this context, the Office of Education will be pleased to receive any suggestions for possible future amendments. It should be further noted that Subparts C and D of the regulations covering the procedures for determination of expected family contribution for dependent and independent students were previously published as final regulations in the FEDERAL REGISTER on July 2, 1974 (39 FR 24472). Subpart G which deals with the Administration of Grant Payments, previously published as a notice of proposed rulemaking in the FEDERAL REGISTER on March 15, 1974 (39 FR 9995), is expected to be published as final regulations in the near future.

In light of the foregoing, Part 190 of Title 45 of the Code of Federal Regulations is amended by the addition of Subparts A, B, E, and F to read as follows:

Effective date: Pursuant to section 431(d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment. A subsequent notice will be published in the FEDERAL REGISTER stating the specific date on which these regulations have become effective.

Dated: September 20, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: October 30, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance No. 13.539 Basic Educational Opportunity Grant Program.)

Part 190 of Title 45 of the Code of Federal Regulations is amended by adding Subparts A, B, E, and F to read as follows:

PART 190—BASIC EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Subpart A—Scope, Purpose and General Definitions

Sec.
190.1 Scope and purpose.
190.2 General definitions.
190.3 Eligible student.
190.4 Duration of student eligibility.
190.5 Concurrent receipt of multiple Basic Educational Opportunity Grant payments prohibited.

Subpart B—Application Procedures for Determining Expected Family Contribution

190.11 Application.
190.12 Certification of information.
190.13 Deadline for filing applications.
190.14 Notification of expected family contribution.
190.15 Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.
190.16 Extraordinary circumstances affecting the expected family contribution determination.

Subpart E—Costs of Attendance

190.51 Costs of attendance.

Subpart F—Determination of Basic Educational Opportunity Grant Awards

190.61 Submission of "Student Eligibility Report" for purposes of basic educational opportunity grant calculation.
190.62 Calculation of basic educational opportunity grant awards at full-funding.
190.63 Calculation of basic educational opportunity grant awards at less-than-full-funding
190.64 Calculation of basic educational opportunity grant awards for less than a full school year.
190.65 Calculation of basic educational opportunity grant awards for a school year which is longer than 12 months in length.

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190.66 Calculation of basic educational opportunity grant awards for a school year which spans 2 academic years.

AUTHORITY: Sec. 411 of the Higher Education Act of 1965 as added by Sec. 131(b) of Pub. L. 92-318, 86 Stat. 247-251 (20 U.S.C. 1070a), unless otherwise noted.

Subpart A—Scope, Purpose and General Definitions

§ 190.1 Scope and purpose.

The purpose of the Basic Educational Opportunity Grant Program is to assist in making available the benefits of postsecondary education to eligible students by providing assistance in meeting the cost of such education.

(20 U.S.C. 1070a)

§ 190.2 General definitions.

For purposes of this part,

(a) "Academic year" means, for purposes of grant award calculation and disbursement, the period of time between July 1 of one year and June 30 of the subsequent year.

(20 U.S.C. 1088(c)(1))

(b) "Act" means Title IV-A-1 of the Higher Education Act of 1965, as amended.

(c) "Clock hour" means a period of time which is the equivalent of (1) a 50 to 60 minute class, lecture, or recitation, or (2) a 50 to 60 minute faculty supervised laboratory, shop training, or internship.

(d) "Commissioner" means the U.S. Commissioner of Education or his designee.

(e) "Eligible program" means a program of training at an institution of higher education which (1) leads to a degree or certificate, (2) is of at least six months duration, and (3) admits as regular students only those persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(20 U.S.C. 1141(a)(1); 20 U.S.C. 1088(b)(3))

(f) "Full-time student" means a student who is carrying a full-time academic work load, other than by correspondence, measured in terms of (1) the tuition and fees customarily charged for full-time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled; provided, however, that such course work and activities amount to a minimum of (i) 12 semester hours or 12 quarter hours per academic term for institutions utilizing semesters, trimesters, or quarter hour systems; (ii) 24 semester hours or 36 quarter hours per school year for institutions which measure progress in terms of such credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 24 clock hours per week for institutions which utilize clock hours to measure progress. For students enrolled in an institution which measures progress in terms of both credit and clock hours, a student shall be considered a full-time student at that institution if the sum of the fractions representing the number of credit hours taken by the student, when divided by 12, and the number of clock hours per week taken by the student, when divided by 24, is equal to or greater than one, and if such student is charged the tuition and fees customarily charged for full-time study by the institution. Furthermore, a student shall be considered a full-time student if he undertakes a series of courses or seminars, which extends over a period not exceeding 18 weeks and which, if completed, would amount to the equivalent of at least 12 semester or 12 quarter hours and if he is charged the tuition and fees customarily charged for full-time study by the institution.

(20 U.S.C. 1088(c)(2))

(g) "Good standing" means the eligibility of a student to continue in attendance in accordance with the standards and practices of the institution in which he is enrolled.

(h) "Half-time student" means a student who is carrying a half-time academic work load measured in terms of (1) the tuition and fees customarily charged for half-time study by the institution and (2) the course work or other required activities as determined by the institution in which the student is enrolled; provided, however, that such course work and activities amount to a minimum of (i) 6 semester hours or 6 quarter hours per academic term for institutions utilizing semesters, trimesters, or quarter hour systems; (ii) 12 semester hours or 18 quarter hours per school year for institutions which measure progress in terms of credit hours but which do not utilize semester, trimester, or quarter systems; or (iii) 12 clock hours per week for institutions which utilize clock hours to measure progress. For students enrolled in an institution which measures progress in terms of both credit and clock hours, a student shall be considered a half-time student at that institution if the sum of the fractions representing the number of credit hours taken by the student, when divided by 6, and the number of clock hours per week taken by the student when divided by 12, is equal to or greater than one, and if such student is charged the tuition and fees customarily charged for half-time study by the institution. Furthermore, a student shall be considered a half-time student if he undertakes a series of courses or seminars, which extends over a period not exceeding 18 weeks and which, if completed, would amount to the equivalent of at least 6 semester or 6 quarter hours and is charged the tuition and fees customarily charged for half-time study by the institution. All students engaged in a program of study by correspondence which is offered as requiring at least 12 hours of preparation a week shall be considered half-time students for purposes of this part.

(20 U.S.C. 1088(c)(2))

(i) "Institution of higher education" means an educational institution in any State which (1) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (2) is legally authorized within such State to provide a program of education beyond secondary education, (3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (4) is a public or other nonprofit institution, and (5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (i) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time or (ii) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of clauses (1), (2), (4), and (5) of this paragraph unless such institution is a public institution, in which case it may also be accredited by the State agency in that State which has been listed by the Commissioner as a reliable authority as to the quality of public postsecondary vocational education in that State, and any proprietary institution of higher education, as defined in paragraph (m) of this section, which has an agreement with the Commissioner containing such terms and conditions as the Commissioner determines to be necessary to insure that the availability of assistance to students at the school under this part has not resulted, and will not result, in an increase in the tuition, fees, or other charges to such students.

(20 U.S.C. 1141(a), 20 U.S.C. 1087-1(b))

(j) "Month" means any period of 30 consecutive days occurring within an academic year. If an institution enrolls a student for a period of time which consists of a given number of months and some remaining days, 16 or more of such remaining days may be considered a month; less than 16 days shall not be considered a month.

(k) "Nonprofit" as applied to a school, agency, organization, or institution means a school, agency, organization or institution owned and operated by one or more nonprofit corporations or associations, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual.

(20 U.S.C. 1141(c))

(l) "Payment Schedule" means a table, effective for a given academic year, published by the Commissioner which indicates the amount of a student's Scheduled Basic Educational Opportunity Grant based on the Family Contribution Schedules effective for that academic year as described in Subparts C and D of this part, the cost of attendance at the institution in which the student is enrolled as defined in § 190.51, and the amount of funds available for making grants under this part for that academic year.

(m) "Proprietary institution of higher education" means a school which (1) provides not less than a six-month program of training to prepare students for gainful employment in a recognized occupation, (2) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate, (3) is legally authorized by the State in which it is located to provide a program of education beyond secondary education, (4) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose, (5) is not a public or other nonprofit institution, and (6) has been in existence for at least two years.

(20 U.S.C. 1088(b)(3))

(n) "Scheduled Basic Educational Opportunity Grant Award" means the amount of a Basic Educational Opportunity Grant which would be paid to a full-time student for a full school year.

(o) "School year" means a period of time, generally not less than 8 months, in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, or 900 clock hours of instruction.

(p) "State" includes, in addition to the several States of the Union, American Samoa, the Commonwealth of Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1088(a))

(q) "Undergraduate course of study" means a regularly prescribed course of study for an undergraduate student at an institution of higher education.

(r) "Undergraduate student" means a student who (1) is in attendance at an institution of higher education and (2) has not earned his first baccalaureate or professional degree. A student who has not earned his first baccalaureate or professional degree and who is enrolled in a program of study at the postsecondary level which is designed to extend for more than four academic years shall not be considered as an undergraduate student in that portion of the program that involves study beyond the fourth academic year unless that program leads to a first degree and is designed to extend for a period of five academic years.

(20 U.S.C. 1070a unless otherwise noted)

§ 190.3 Eligible student.

(a) A student is eligible to receive a Basic Educational Opportunity Grant under this part if he:

(1) Was not enrolled as a regular student at any institution of higher education as defined in § 190.2(l) prior to April 1, 1973,

(2) Is accepted for enrollment or is enrolled in good standing as a full-time undergraduate student at an institution of higher education,

(3) Is enrolled in an eligible program as defined in § 190.2(e), and

(4) Is a citizen or national of the United States or is in the United States for other than a temporary purpose and is, or intends to become, a permanent resident thereof; or is a permanent resident of the Trust Territory of the Pacific Islands.

(b) For purposes of paragraph (a) of this section, a student shall be deemed not to have been enrolled as a regular student at any institution of higher education if such student was enrolled, whether or not for credit, in a remedial or preparatory program designed to enable the student to meet the requirements for enrollment at an institution of higher education or was enrolled on less than a full-time basis and was simultaneously enrolled in a secondary school.

(20 U.S.C. 1070a; 1088; Pub. L. 93-35; Pub. L. 93-192)

§ 190.4 Duration of student eligibility.

(a)(1) The period during which a student may receive a Basic Educational Opportunity Grant shall be the period required for the completion of the undergraduate course of study being pursued by the student except that such period may not exceed a total of four school years unless (i) the student is pursuing a course of study leading to a first degree in a program of study which is designed by the institution offering it to extend over five school years, or (ii) the student is, or will be, unable to complete a course of study within four school years because the student was required to enroll in a noncredit remedial course of study, in which case such period may be extended for not more than one additional school year.

(2) For purposes of paragraph (a)(1) of this section a school year means the period of time necessary for a student to complete not less than the equivalent of 24 semester hours, 36 quarter hours, or 900 clock hours of instruction.

(3) For purposes of paragraph (a)(1) of this section, a noncredit remedial course of study means a course of study for which no credit is given toward an academic degree, and which is designed to increase the ability of the student to engage in an undergraduate course of study leading to such a degree.

(b) Each period of enrollment, during which a student receives any payment of a Basic Educational Opportunity Grant under this part, shall be charged against the period of eligibility set forth in paragraph (a) of this section for that student. The length of such period to be charged against the period of eligibility shall bear the same ratio to a school year as the payment received bears to the Scheduled Basic Educational Opportunity Grant for the entire academic year.

(20 U.S.C. 1070a)

§ 190.5 Concurrent receipt of multiple Basic Educational Opportunity Grant payments prohibited.

A student shall not be entitled to receive Basic Educational Opportunity Grant payments concurrently from more than one institution or from the Commissioner and an institution during an academic year.

(20 U.S.C. 1070a)

Subpart B—Application Procedures for Determining Expected Family Contribution

§ 190.11 Application.

In order to have the expected family contribution calculated for any academic year, a person shall submit to the Commissioner a form, approved by the Commissioner for that purpose, containing such information as the Commissioner may from time to time prescribe, unless the Commissioner specifically provides an alternative method of receiving such information.

(20 U.S.C. 1070a(b)(2))

§ 190.12 Certification of information.

The applicant, and where relevant, the applicant's parents or spouse, shall provide, if requested, any documents, including a copy of their Federal Income Tax Return, necessary to verify information submitted on the application form.

(20 U.S.C. 1070a(b)(2))

§ 190.13 Deadline for filing applications.

The Commissioner will from time to time establish cut-off dates for filing of applications for determining expected family contributions for any academic year.

(20 U.S.C. 1070a(b)(1))

§ 190.14 Notification of expected family contribution.

The Commissioner will send to each eligible applicant therefor a "Student Eligibility Report" which states the amount of the applicant's expected family contribution for the academic year for which a Basic Educational Opportunity Grant is requested and certain basic information used in the computation of that amount.

(20 U.S.C. 1070a)

§ 190.15 Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.

An applicant may request a recomputation of his expected family contribution if he believes a clerical or arithmetic error has occurred. The applicant requesting such a recomputation must submit his request for recomputation to

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the Commissioner no later than five (5) weeks after the processing date indicated on the "Student Eligibility Report". Such requests are to be made in such form as the Commissioner will specify.

(20 U.S.C. 1070a(b)(2))

§ 190.16 Extraordinary circumstances affecting the expected family contribution determination.

If:

(a) Either a parent or a spouse whose income was included in the calculation of expected family contribution as determined in § 190.33 or § 190.44 has died in the base year or the tax year subsequent to the base year,

(b) Either a parent or a spouse whose income was included in the calculation of the expected family contribution as determined in § 190.33 or § 190.44 has experienced loss of employment of at least ten (10) consecutive weeks commencing in the base year and extending into the tax year subsequent to the base year or of at least ten (10) weeks during the tax year subsequent to the base year, or

(c) Either an applicant, parent, or spouse whose income was included in the calculation of the expected family contribution as determined in § 190.33 or § 190.44 has been unable to pursue normal income-producing activities by reason of disability or natural disaster for a period of at least ten (10) consecutive weeks commencing in the base year and extending into the tax year subsequent to the base year or of at least ten (10) weeks during the tax year subsequent to the base year or

(d) The parents of a dependent student applicant have become separated or divorced since the time the student submitted his application, or

(e) An independent student applicant has become separated or divorced since the time the student submitted his application, the applicant may submit an application, or if an application has been previously submitted, a new application, which shall use, as the base year for this purpose, the tax year subsequent to the base year as established by the regulations in this part. Such an application shall include the annual adjusted family income received to the date of application or reapplication and an estimate of the annual adjusted family income for the remainder of that year.

(20 U.S.C. 1070a(a)(3)(B)(i)(V))

Subpart E—Costs of Attendance

§ 190.51 Costs of attendance.

For the purposes of this part only the following expenses (and allowances in lieu of expenses) shall be recognized as a student's cost of attendance.

(a) *Tuition and fees.* The amount charged the student for tuition and fees that is generally charged to all students or that is generally charged to a particular class of students of which the applicant student is a member. For the purpose of this section, tuition and fees may not include any amounts related to the cost of travel, except such travel within the United States, other than travel from the student's residence to the institution, as is required in connection with a particular course of study.

(b) *Room and board.* (1) The actual amount charged by the institution pursuant to a contract entered into with the student under which both room and board are provided by the institution; or,

(2) The actual amount charged by the institution pursuant to such a contract entered into for room but not board, plus an allowance of $625 for the academic year; or

(3) The actual amount charged by the institution pursuant to such a contract entered into for board but not room, plus an allowance of $475 for the academic year; or

(4) If no such contract is entered into for either room or board, an allowance of $1,100 for the academic year whether or not the student lives with a parent.

(5) If an institution enters into a contract with a student for room and/or board for less than 7 days per week, a daily rate shall be computed for those days covered by the contract and this rate shall be used for calculating the costs to the student for days not covered by the contract. This amount shall be added to the costs established under § 190.51(b)(1), (2), or (3), whichever is applicable.

(c) *Books, supplies, and miscellaneous expenses.* An allowance of $400 for the academic year.

(d) In the case of students engaged in a program of study by correspondence, only the costs of tuition and fees determined in accordance with paragraph (a) of this section shall be recognized as a student's cost of attendance for the purposes of the part.

(e) In the case of eligible students who are incarcerated, only the cost of tuition and fees determined in accordance with subparagraph (1) of paragraph (a) of this section, and an allowance of $150 for books and supplies shall be recognized as a student's cost of attendance for this subpart.

(20 U.S.C. 1070(a)(2)(B)(iv))

Subpart F—Determination of Basic Educational Opportunity Grant Awards

§ 190.61 Submission of Student Eligibility Report" for purposes of basic educational opportunity grant calculation.

An applicant shall submit a "Student Eligibility Report" for a Basic Grant under this part to the institution(s) of higher education he wishes to attend in order to have the amount of his Basic Grant award determined. The Commissioner will from time to time establish cut off dates for any academic year for the submission of "Student Eligibility Reports."

(20 U.S.C. 1070a(b)(2))

§ 190.62 Calculation of basic educational opportunity grant awards at full-funding.

When funds are available to satisfy such payments, the Commissioner will pay to each eligible applicant for any academic year a Basic Educational Opportunity Grant in an amount equal to $1400 minus his expected family contribution, except that no award will be made (a) which is in excess of 50 percent of the applicant's actual cost of attendance at the institution of higher education in which the applicant is enrolled, (b) which exceeds the difference between the expected family contribution of the applicant and his actual cost of attendance at the institution in which he is enrolled, or (c) which is less than $200.

(20 U.S.C. 1070a(2))

§ 190.63 Calculation of basic educational opportunity grant awards at less-than-full-funding.

When funds are not available to fully satisfy all Basic Educational Opportunity Grant awards, each grant awarded to an eligible applicant shall be reduced in accordance with the provisions of section 411(b)(3) of the Act. The amount to be reduced in accordance with section 411(b)(3) will be the remainder of $1400 less the applicant's expected family contribution. No award will be made if the amount of such award after the application of the provisions of section 411(b)(3) of the Act is less than $50, nor may an award be made under this Section to an applicant whose award was calculated to be less than $200 under § 190.62.

(20 U.S.C. 1070a(a)(2)(b)(iii))

§ 190.64 Calculation of basic educational opportunity grant awards for less than a full school year.

(a) In the event that an applicant is enrolled as a full-time student in an eligible program which is less than a full school year in duration, the amount of his grant shall be reduced in the same proportion as that period of time bears to eight months.

(b) In the event that an applicant is enrolled as a full-time student in an eligible program which meets the definition of "school year", but the student enrolls for a period of time which is less than the full school year, the amount of his grant shall be reduced in the same proportion as the period of his enrollment bears to the length of such school year.

(20 U.S.C. 1070a(a)(2))

§ 190.65 Calculation of basic educational opportunity grant awards for a school year which is longer than twelve months in length.

In the event that a student is enrolled as a full-time student for a school year which is longer than 12 months, the amount of his Basic Grant payable for an academic year shall be in the same proportion to his Scheduled Basic Educational Opportunity Grant as the number of months of the schol year occurring in the academic year for which payment is requested bears to twelve months.

(20 U.S.C. 1070a)

§ 190.66 Calculation of Basic Educational Opportunity Grant awards for a school year which spans two academic years.

Subject to the provision of § 190.64 and § 190.65, in the event that an applicant is enrolled as a fulltime student for a school year which spans two academic years, the amount of his grant payable during any one academic year, by reason of enrollment in such school year, shall be equal to an amount which bears the same proportion to his Scheduled Basic Educational Opportunity Grant award for that academic year as the number of months of such school year occurring within that academic year bears to the total number of months of that school year.

(20 U.S.C. 1070a)

APPENDIX

The following discussion is intended to provide additional information and explanation of the preceding regulations. The reference number which appears before each explanation corresponds to the number of the regulation.

SUBPART A

Section 190.2(a) *Academic year.* The definition of academic year provides for an academic year which corresponds to the current Federal fiscal year, July 1 to June 30 of the subsequent year.

The primary reason for defining an academic year the same as the Federal fiscal year is to assure that all student awards are determined based on the same Family Contribution Schedules and payment schedule which are in effect for a particular fiscal year. By adopting this type of definition of academic year, we have precluded the situation where two students from similar economic backgrounds who are attending the same institution simultaneously would have different awards calculated because they initiated their school year at different times.

Another reason for defining the academic year as the fiscal year is to provide a closing date for fiscal purposes. To determine the total expenditures from the fiscal year's appropriation, it is necessary to establish this cut-off date in order that final data on fiscal activity be easily and effectively processed.

Only one Basic Grant can be awarded a student during one academic year. Students enrolled in accelerated courses of study leading to a certificate or degree in less than the customary length of time required to obtain such a certificate or degree, often attend on a continuous basis. For purposes of the Basic Grant Program, these students will only receive *one* award for use in any academic year. For instance, if a student enrolled in September and completed one year of study in May, he would receive one Basic Grant for that period. If this student immediately initiated the second year of study, he could not receive a second award until after July 1.

Specific procedures for determination of Basic Grant awards for any particular academic year are described in Subpart F of this Appendix.

Section 190.2(c) *Clock hour.* While many institutions utilize such academic units as semesters, trimesters, and quarters, a large number of schools measure progress toward a certificate or degree in terms of clock hours. In order to accommodate these types of institutions, the definition of clock hour recognizes and establishes minimum standards upon which a student's progress can be measured and is consistent with generally accepted standards for full-time study at institutions which operate on a clock-hour basis.

Section 190.2(e) *Eligible program.* The definition of eligible program serves the purpose of establishing those types of educational courses of study within an eligible institution in which a student must be enrolled in order to receive a Basic Grant. The requirements for determining institutional eligibility are specified by law. The term eligible program for purposes of Basic Grants applies these statutory provisions to the programs of study within these eligible schools. In this way we seek to assure that students receiving Basic Grants are attending educational programs which meet certain minimum standards and which are postsecondary in nature. It should be noted that an eligible program is one that admits as regular students high school graduates or students with a recognized equivalent certificate. However, an otherwise eligible program does not lose its eligibility if its enrollment includes a small proportion of non-high school graduates admitted as special students. In such a case special students are also eligible for Basic Grants.

Section 190.2(f) *Full-time student.* In the first year of operation (1973–74), Basic Grant eligibility was restricted to full-time students who began their postsecondary education after July 1, 1973. For the second year of operation (1974–75), Basic Grant eligibility is restricted to full-time students who began their postsecondary education after April 1, 1973. Because of the entitlement nature of the Basic Grant Program, it is necessary to establish a definition of full-time student which can be applied to all applicants enrolled in various types of educational programs.

The definition is divided into several major categories in order to accommodate the variety of methods used by institutions in structuring their own academic terms and methods of measuring progress.

1. For those traditional types of institutions which divide their regular academic year into semester, trimester, or quarter terms and which measure academic progress in terms of semester or quarter hour credits, a student must be enrolled for 12 semester or quarter hours per academic term in order to be considered a full-time student. Generally, traditional types of institutions consider 15 credit hours to be a full-time academic work load. However, while many students average 15 credit hours per academic term, in practice, students often vary their work load between 12 and 18 credits per term. Therefore, 12 credit hours has been traditionally recognized as the minimum full-time schedule.

2. For those institutions which measure progress in terms of semester or quarter hours but which do not divide their school year into regular semester, trimester, or quarter hour terms, a student must enroll for 24 semester or 36 quarter hours per school year. This provision would apply to those institutions which utilize non-traditional academic terms as their school years as well as those traditional institutions which also offer special programs of study designed to enable students to meet normal academic progress requirements in irregularly structured school years.

In addition, students enrolled in a specially scheduled series of academic terms which are designed to provide the student with the minimum of 12 quarter or 12 semester hours during a period not exceeding 18 weeks would be considered full time.

One example of a specially scheduled series of academic terms would be summer school. For instance, a student may enroll in an institution for the summer session. He may be considered to be a full-time student if at the end of the summer session he would accumulate an additional 12 semester hours. This would hold true even if "summer school is divided into two six-week sessions, in themselves do not provide the minimum number of credits. In this example, it is assumed that the institution's summer school is divided into two six-week sessions. Each of these sessions provide six credit hours. If the student enrolls in the first session, the institution may assume that the student will also enroll in the second session and will, over the summer, carry 12 semester hours of work. In this case the student would be considered a full-time student and would be eligible to receive a Basic Grant. (Of course, the payment of his grant would be subject to other Basic Grant requirements regarding disbursement of funds for each academic term and calculation of awards in a school year which spans two academic years.)

On the other hand, if a student enrolled for only the second summer session, he would not be considered as a full-time student since he could not accumulate 12 semester hours during that summer session

3. For institutions which measure progress in terms of clock hours, a student must be enrolled for a minimum of 24 clock hours per week in order to be considered as a full-time student. This requirement is consistent with the current practices of these types of institutions and accommodates the various kinds of programs offered by the types of institutions which measure progress in terms of clock hours.

4. There are a number of institutions which offer programs of study which measure progress in terms of credit and clock hours. Students enrolled in such programs very often are not carrying sufficient credit hours per academic term to be considered full-time; nor are they enrolled for the minimum number of clock hours per week required of full-time students. However, these students are often involved in an academic endeavor which is the equivalent of full-time study at other types of institutions. Therefore, in order to determine the full-time status of a student's enrollment, the institution will make the following calculation:

1. Determine the number of clock hours the student is carrying per week and express this number as the numerator of a fraction with 24 as the denominator.

2. Determine the number of credit hours the student is carrying per semester, trimester, or quarter and express this number as the numerator of a fraction with 12 as the denominator.

3. Add these two fractions.

4. If the sum equals 1 or more, the student may be considered to be a full-time student.

In addition to meeting the work load criteria, a full-time student must also be charged the tuition and fees normally charged by the institution to a student who is taking a full-time course load. By establishing both of these eligibility criteria, it can be assured that only truly full-time students are receiving Basic Grants.

Section 190.2(h) *Half-time student.* Although half-time students have not yet become eligible to receive Basic Grants, a definition of half-time student is necessary for purposes of the multiple student adjustment in the determination of expected family contribution. The definition parallels that for full-time student. The definition further indicates that all students engaged in a program of study by correspondence at institutions of higher education will be considered to be half-time students or less depending on the number of required clock hours of

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preparation per week. Such consideration is consistent with the existing regulations of the Federally Insured Student Loan Program.

Section 190.2(l) *Institution of higher education.* The definition of institution of higher education (including proprietary institutions of higher education) reflects the statutory requirements for institutional eligibility and is the standard definition used by many of the existing Federal student financial aid programs.

Inquiries and communications relating to institutional eligibility should be addressed to the Accreditation and Institutional Eligibility Staff, Bureau of Postsecondary Education, U.S. Office of Education, Washington, D.C. 20202.

Section 190.2(1) *Payment schedule.* The Payment Schedule is the annually developed schedule of the amount of each student's Basic Grant given his expected family contribution and cost of attendance. It is based on Office of Education estimates of the total demand for Basic Grants for an academic year and the appropriation for that academic year. The appropriation reduction language specified in the law (as a result of the amount of that appropriation) is already accounted for in the Payment Schedule. The award shown for each student is for a full academic year and will have to be adjusted if a student attends for less than a full academic year.

Section 190.2(o) *School year.* The definition of school year is consistent with the current practices at both traditional and non-traditional types of institutions. It provides both the minimum full school year for purposes of calculating the amount of grants as well as the minimum time for which a student may receive Basic Grant assistance in any academic year. For instance, a student who receives a Basic Grant which covers two semesters, may not receive any additional Basic Grant assistance during an academic year.

Section 190.2(r) *Undergraduate student.* The definition of undergraduate student generally reflects the criteria used by institutions of higher education in determining the status of an undergraduate student. For purposes of Basic Grants, however, any student who has already earned his first baccalaureate degree is not considered to be an undergraduate student even if he is enrolled in an undergraduate course of study. For example, a student who has earned an Associate of Arts degree and who is enrolled in a program of study leading to a baccalaureate degree, would be considered to be an undergraduate student. On the other hand, a student who has already earned any baccalaureate degree and who is enrolled in a program which is designed to lead to a second baccalaureate degree would *not* be considered to be an undergraduate student for purposes of Basic Grants.

Students who are enrolled in a program of study which is designed to lead to both a bachelor's degree and an advanced degree over a five-year or longer period, will be considered to be an undergraduate student for only the first four years of that program. Of course, students who are enrolled in a program of study leading to a *first* baccalaureate degree, designed by the institution to extend over 5 academic years, will be considered to be undergraduate students for the length of the program.

Section 190.3 *Eligible student.* In order to be eligible to receive a Basic Grant during the 1974–75 academic year, a student must have begun his postsecondary education after April 1, 1973, and be enrolled in an eligible program in an institution of higher education on a full-time basis.

However, a student who was enrolled prior to April 1, 1973 in an *ineligible* institution of higher education can apply for and receive a Basic Grant. In addition, for these purposes, enrollment consists of any class attendance. Therefore, students who registered but did not actually attend classes prior to April 1, 1973, are not considered to have been enrolled. On the other hand, students who actually registered and attended any classes (regardless of the length of that attendance) are considered to have been enrolled.

High School students who take college-level courses while still in secondary schools are not considered to have been enrolled as regular students. These students are then, therefore, eligible to receive Basic Grants.

Another group of students who are not considered to have been enrolled as regular students in institutions of higher education prior to April 1, 1973, are those persons who were enrolled in remedial or preparatory programs of study, whether or not for credit, before that date. These special programs must be designed specifically for the purposes of assisting students who require such remedial or preparatory study in order to successfully pursue postsecondary education.

This provision is to assure that students participating in Upward Bound, Student Special Services, and other special programs, sponsored by Federal, State, or private organizations will not be excluded from participation in the Basic Grant Program.

SUBPART B

Subpart B establishes the application procedures for Basic Grants.

Section 190.11 *The application for determination of expected family contribution.* Basic Grant application forms are widely distributed to students through student financial aid officers at institutions of higher education, high school guidance counselors, Talent Search Projects, Upward Bound Projects, and other organizations and agencies located in areas easily accessible to students.

Completed forms submitted to the Office of Education are transmitted to the American College Testing Program which has a contract with the Commissioner to calculate expected family contributions for the Basic Grant Program according to the appropriate Regulations issued by the Office of Education.

Section 190.12 *Certification of information.* The determination of expected family contribution is based on data supplied by the applicant relating to the financial strength of his family. Since several of the data items requested on the application form reflect information provided by the applicant (and where relevant his parents or spouse) for Federal Income Tax purposes, the student may be requested to submit to the Commissioner the IRS returns for the base year as well as other documentation necessary to verify the information provided.

Section 190.15 *Request by applicant for recomputation of expected family contribution because of clerical or arithmetic error.* Applicants will be notified of the amount of their expected family contributions (called eligibility index in 1974–75) by the Commissioner on a "Student Eligibility Report" (called "Family Contribution Analysis Report" in 1973–74). In addition to the amount of the expected family contribution, the notification will include certain key data items taken from the applicant's application which were used in calculating the contribution. The applicant should compare these data items with those submitted on his application form and, should there be any discrepancy, he may request a recomputation of his eligibility index. Such a request for recomputation must be made within five weeks of the processing date indicated on the "Student Eligibility Report".

Section 190.16. *Extraordinary circumstances affecting the expected family contribution determination.* For purposes of determining expected family contribution for the Basic Grant Program it was determined that the most accurate indicator of annual adjusted family income is the amount reported on the Federal Income Tax Return for the year preceding the year for which aid is requested. However, it was recognized that extraordinary circumstances could occur which would substantially affect the expected family contribution which was calculated on the basis of the preceding year's income. Therefore, this regulation establishes the conditions under which an applicant may request a determination of expected family contribution which uses the current tax year as the base year and reflects these extraordinary circumstances. These conditions are listed below.

In the event of the death of the applicant's parent(s) or spouse whose income was included in the determination of expected family contribution, the applicant may immediately request that his expected family contribution be calculated using the current tax year as the base year.

A different situation exists in those cases where the parent or the sponse of the applicant suffers a loss of employment. Unemployment may be for a brief period only, and reemployment may permit the family to enjoy the same level of income as that before the wage earner became unemployed.

A similar situation occurs when the applicant, and where relevant the applicant's parent or sponse whose income was included in the determination of expected family contribution, is unable to pursue normal income-producing activities due to disability or natural disaster.

For applicants who experience such situations as described above, there will be a requirement of a 10-week waiting period before the applicant can request a calculation of expected family contribution using the current tax year as the base year. This 10-week period must be either 10 consecutive weeks beginning in the base year and continuing into the tax year subsequent to the base year or 10 total weeks in the tax year subsequent to the base year.

In addition to the criteria listed above, a dependent applicant may request a determination of his expected family contribution using the current tax year as the base year if: (i) the parents of the applicant have become separated or divorced since the time the application was submitted, or (ii) the independent applicant has become separated or divorced since the time the application was submitted.

In all cases where a request is made to vary from the standard base year, the applicant will be required to submit the amount of income received to the date of the request and an estimate of the amount of income to be received for the remainder of that year as well as any other pertinent information the Commissioner may require.

SUBPART E

Subpart E establishes the allowances for the costs of attendance for students seeking Basic Grants. The legislation defines the "actual cost of attendance" as the actual per-student charges for tuition, fees, room and board (or expenses related to reasonable commuting), books and an additional allowance for other expenses that the Commissioner determines to be reasonable for students attending an institution of higher education. Certain costs, such as tuition, fees, and dormitory charges, can be precisely known at the time of enrollment. Other costs, such as those for off-campus living expenses, books or miscellaneous expenses, can only be estimated at the time a student's Basic Grant is calculated. Therefore, it was determined that standard allowances would be established for this second group of costs.

No allowance is made for the cost of room and board, or books, supplies, and miscellaneous expenses of the student engaged in a program of study by correspondence. In the case of books and supplies, these expenses are generally part of the tuition of the correspondence student. The room and board costs and miscellaneous expenses which the student engaged in correspondence study incurs are seen as fixed costs that the student would assume whether or not he was enrolled in postsecondary education.

Subpart E of the regulations states which costs are accepted as they are charged the student, and those costs which require an allowance. The reference numbers which appear before each item refer to the numbers of the Regulations.

Section 190.51(a) *Tuition or fees.* Since such costs as tuition and fees are definite, the institution can determine the actual amount charged for tuition and fees for each student. For both tuition and fees, only those charged to all students within a certain class of study or those required of a certain class of students for educational purposes will be allowed.

For example, a parking fee, which is a discretionary item, would not be allowed since it is not required of all students or of all students within a certain curriculum. However, a laboratory fee charged to all chemistry students would be allowed since it is a fee required of all students taking such a course.

The "out of State" or "out of county" tuition or fees charged by State and county public educational institutions are allowable since they are charged an entire class of students. No travel costs, including the cost of travel for study outside the United States, are allowed since these costs are not authorized by the enabling legislation. However, the costs of travel within the United States, which are charged as a course fee or included in tuition charges by the institution of higher education, and are required of all students taking such course, are allowed.

Section 190.51(b) *Room and board.* For the 1973–74 academic year separate standard allowances were established for those students who did not contract for room and board with the institution, and for students who resided with their parents. These allowances were $950 for students who did not contract with the institution for room and board and who lived off-campus, but not with their parents, and $750 for students who lived with their parents.

For the 1974–75 academic year, the off-campus living allowance is $1100 for students who do not contract with their school for room and board regardless of whether they live with their parents. While it is true that in some areas of the country the off-campus living allowance is higher than the room and board charged by some institutions, for many schools the off-campus living allowance is less than the room and board actually charged by the school.

In addition, the College Scholarship Service and the American College Testing Program have developed projections of costs for the 1974–75 academic year which indicate that the $1100 allowance is a reasonable average level of costs for off-campus students.

Therefore, regardless of the room and board charges at any school, the $1100 allowance must be provided to all Basic Grant recipients who do not contract with the school for room and board.

Finally, for those institutions which provide board for their students for less than seven days a week, some provision must be made to recognize the costs of food for the days not covered by contract. In this event, the school will determine the per-day cost for board, multiply this rate by the number of days not covered by the contract, and add this amount to the amount of the contract. For instance, if the per-day rate is $2, and the student has a five-day board contract with the school, the school will multiply the per-day rate times the number of days not covered by the contract ($2 times 2 days=$4) and add that amount to the total per-week charge ($10 and $4=$14). This new per-week amount would then be multiplied times the number of weeks of the school year and added to the amount of the contract, in order to determine the student's total cost.

Section 190.51(c) *Books, supplies and miscellaneous expenses.* For the 1973–74 academic year $150 was used for other Federal financial aid programs as a reasonable standard allowance for books and supplies and it was anticipated that such an amount would therefore be reasonable for this program. An additional standard allowance for miscellaneous expenses of $200 was provided for expenses incurred by a student which are not covered in the room and board allowances. The total of $350 was, therefore, the allowance to be made for these purposes.

For the 1974–75 academic year, the allowance for books, supplies and miscellaneous expenses has been increased to $400. This increase of $50 is justified on the basis of the 8.8 percent rise in the Consumer Price Index and experience with the current year program.

Section 190.51(e) For eligible students who are incarcerated, only the cost of attendance covering tuition and fees, and $150 for books and supplies will be allowed. This allowance extends Basic Grant funds to these students in proportion to their needs.

SUBPART F

Subpart F establishes the procedures for the determination of Basic Grant awards. The section does not include procedures for the reduction of Basic Grant awards for less than full-time students since eligibility is limited to full-time students for both the 1973–74 academic year and the 1974–75 academic year.

Section 190.61 *Submission of "Student Eligibility Reports" for purposes of basic educational opportunity grant calculation.* Students attending institutions of higher education having an effective Terms of Agreement with the Commissioner will submit the "Student Eligibility Report" to the institution which will calculate the amount of the student's award based on the allowable cost criteria and payment schedule issued by the Office of Education for that academic year. The institution will also act as the Commissioner's agent in disbursing funds to students. In the event that the eligible institution the student wishes to attend does not choose to act as the Commissioner's agent, the student will submit the "Student Eligibility Report" directly to the Commissioner following the procedures contained in regulations which will be published subsequent to these regulations.

Section 190.63 *Calculation of basic educational opportunity grants at "less than full funding".* The Office of Education will make an estimate of the amount required to extend grants at the full-funding level to all eligible students during any fiscal year. When an appropriation is available for a fiscal year, the Office of Education will calculate whether the amount appropriated is sufficient to extend full-funding to all eligible students, or whether awards must be made on the basis of less than full-funding. If awards are to be at less than full funding, the Office will determine which of the various reduction provisions of section 411(b)(3) of the Act will be in effect. The Office will then issue a simple table of student award payments which will specify the amount of the Basic Grant for that academic year which will be made to a student with a given family contribution and cost of education.

Section 190.64 *Calculation of basic educational opportunity grant award for less than a full school year.* An eligible program must be at least 6 months in length. At the same time, a school year generally must be at least 8 months in length. In order for a student to receive the full amount of his grant he must be in attendance for a full school year, provided that school year falls within an academic year. (If the school year spans two academic years, Section 190.66 is used to calculate the amount of the grant.)

Those students who are enrolled in programs which are at least 6 months but less than 8 months in length will not receive a full grant. The amount of their grants will first be calculated as if they were in attendance for a school year, but will then be reduced in the same proportion as the length of the program bears to 8 months.

For instance, if a student is enrolled in an eligible program which is 6 months in length, his grant would be first calculated for the full school year. However, he would only be awarded six-eighths or three-quarters of that amount initially calculated.

Similarly, if a student is enrolled for a portion of a school year during an academic year, i.e., one semester, his Basic Grant will be calculated on the basis of his attendance for a full school year, but will be reduced in the same proportion as the length of time which he is enrolled in the academic year bears to the length of time of the school year.

Section 190.65 *Calculation of Basic Educational Opportunity Grant awards for a school year which is longer than twelve months in length.* All eligible programs of study which are longer than twelve months in length shall be considered to be twelve month programs for purposes of calculating awards.

In determining the amount of a student's award, the following process will be followed:

1. Calculate the full Basic Grant for which the student is eligible for the first academic year.

2. Determine how many months the student is enrolled between July 1 and the subsequent June 30. (For instance, a student enrolled in an eighteen-month course which begins in September would be enrolled nine months between July 1 and the subsequent June 30.)

3. Express that number of months as the numerator in a fraction with 12 as the denominator (9/12).

4. The student would then receive 9/12's or 3/4's of his total award for that academic year.

5. The process is then repeated for the subsequent academic year, using a newly calculated grant for the second academic year.

Section 190.66 Calculation of Basic Educational Opportunity Grant awards for a school year which spans two academic years. When the situation occurs where a student's school year spans two academic years, awards will be calculated in the following manner:

1. At the time that the student initiates his school year (i.e. April), his award is calculated on the basis of the Family Con-

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tribution Schedules and payment schedules in effect for that academic year. The award would be calculated for a full academic year.

2. The student's award would be disbursed to him in installments in proportion to the number of months remaining in his school year until June 30. A student who enrolled in April would then receive a payment equal to 3 months of his total award.

3. In order to receive an award after July 1, the student would submit a Basic Grant application form for the subsequent academic year.

4. Upon receipt of the notification received as a result of this second application, the institution will calculate the student's award based on the payment schedule effective for that academic year.

5. The student's award will then be disbursed on the basis of the months remaining in the student's school year.

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PART IV

FEDERAL ENERGY ADMINISTRATION

■

CRUDE OIL

Ruling on Application of the Refiner's Cost Formula

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Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

[Ruling 1974–26]

APPLICATION OF THE REFINER'S COST FORMULA OF § 212.83(c) TO REFINERS REQUIRED TO SELL CRUDE OIL UNDER THE ALLOCATION PROGRAM

This ruling is issued to provide guidance to refiners, and particularly refiner-sellers under the Mandatory Crude Oil Allocation Program of Subpart C of Part 211, on the calculation of increased cost of crude oil under Part 212 of the FEA price regulations. To the extent that the principles set forth in this ruling have not been applied by refiners in the past, such refiners will be required to amend their previous Form FEO–96 filings to conform to the principles of this Ruling.

Facts. Firm A, a refiner, purchased or landed 10,000,000 barrels of crude oil during the month of October 1974 for refining and to meet its obligations under the Mandatory Crude Oil Allocation Program (the "buy-sell" program) of § 211.65. Six million barrels were domestic crude oil, purchased at the prices ranging from $5 to $10.50 per barrel, and the other 4,000,000 barrels were imported crude oil, landed at costs ranging from $10 to $14 per barrel, for a total cost of $84,000,000 for 10,000,000 barrels. Of the total amount purchased or landed, 2,000,000 barrels of domestic crude oil at a total cost of $12,00,000 and 2,000,000 barrels of imported crude oil at a total cost of $24,000,000, were delivered in District V; and 4,000,000 barrels of domestic crude oil at a total cost of $24,000,000 and 2,000,000 of imported crude oil at a total cost of $24,000,000 were delivered in Districts I–IV. Thus the weighted average cost of crude oil delivered in District V is $9 per barrel ($36,000,000 divided by 4,000,000 barrels) and in Districts I–IV is $8 per barrel ($48,000,000 divided by 6,000,000 barrels).

Also during the month of October 1974, Firm A made mandatory sales under the buy-sell program of 400,000 barrels of crude oil to a refiner-buyer in District V and 600,000 barrels of crude oil to a refiner-buyer in District II. The remaining 9,000,000 barrels of crude oil purchased or landed by Firm A were refined by Firm A during October or placed in various refinery inventories for refining or to meet buy-sell obligations in future months.

Firm A also made numerous other purchases and sales during October of crude oil which was not to be refined by Firm A or to be used to meet buy-sell obligations. For example, it purchased 1,000,000 barrels of crude oil which it resold to Firms B and C. The sale to Firm B was entirely voluntary; the sale to Firm C was made pursuant to § 211.63(a), which requires the continuance of supplier-purchaser relationships in effect under contracts for sales, purchases and exchanges of domestic crude oil on December 1, 1973.

During the month of May 1973 Firm A purchased or landed for refining 9,000,000 barrels of crude oil at a total cost of $27,000,000.

Issue No. 1. What is the amount of increased cost of crude oil purchased or landed in October which Firm A has available to include in the computation of its base prices for its refined products in the month of November 1974, pursuant to § 212.83?

Issue No. 2. Would the amount of increased cost of crude oil purchased or landed in October to be included in the computation of its base prices for refined products pursuant to § 212.83 have been any different if the same set of facts had arisen during the first buy-sell program in effect from February through May 1974?

ISSUE No. 1

Ruling. Firm A's base prices in November 1974 for refined products may include $48,600,000 in increased cost of crude oil purchased or landed during October. The same result would be reached if the same set of facts had occurred during the first buy-sell program, except that the regulations at that time provided in § 212.88(d) for pass through on refined products of an additional 84 cents for each barrel of crude oil sold under the buy-sell program.

FEA price regulations provide two basic methods whereby refiners account for their cost of crude oil. The cost of crude oil purchased and refined is accounted for under Subpart E of Part 212, which permits the increased cost of crude oil purchased for refining to be passed through in the prices charged for the products refined from crude oil. The cost of crude oil purchased by a refiner and resold is accounted for under Subpart F of Part 212, which permits the increased cost of crude oil purchased for resale to be passed through in the prices charged for crude oil. In both instances increased cost of crude oil is measured against the cost of crude oil in May 1973, and the pass through of that increased cost of crude oil is achieved by permitting it to be applied to lawful selling prices for products that were in effect on May 15, 1973.

Under Subpart E, increased crude oil costs for products refined and sold by a refiner are defined in pertinent part in § 212.83(b) as "the difference between the total costs of crude petroleum during the month of measurement [i.e., the month preceding the current month for which prices are being determined] and the total cost of crude petroleum during the month of May 1973. . . ." The method of computing that difference is described in the refiner's cost formula contained in § 212.83(c), basically as follows:

$$A^t = Q^t\left(\frac{C^t}{Q^t} - \frac{C^*}{Q^*}\right)$$

Where:

A^t = The total increased cost of crude oil purchased or landed in the month of measurement and available for pass through in the subsequent month;

Q^t = The total quantity or volume of crude oil purchased or landed in the month of measurement;

Q^* = The total quantity or volume of crude oil purchased or landed in the month of May 1973;

C^* = The total cost of crude oil purchased or landed in the month of May 1973; and

C^t = The total cost of crude oil purchased or landed in the month of measurement.

Subpart F specifies the manner in which a refiner of crude oil is to determine its maximum lawful prices for sales of crude oil. With respect to resales (hereinafter "reseller sales") of crude oil generally, § 212.93(a) provides that the refiner can charge no more than its weighted average lawful selling price on May 15, 1973, to the same class of purchaser, plus an amount which reflects, on a dollar-for-dollar basis, its increased costs of crude oil. Such increased costs of crude oil are "the difference between the weighted average unit cost of [crude oil] in inventory and the weighted average unit cost of [crude oil] in inventory on May 15, 1973." (§ 212.92)

With respect to the special category of crude oil sales made by refiners under the buy-sell program (hereinafter 'buy-sell sales"), however, a refiner-seller is required to charge a per barrel price equal to:

"in Districts I–IV the weighted average price of all crude oil delivered to a refiner-seller in that month for those Districts, and in District V, the weighted average price of all crude oil delivered to a refiner-seller in that month for that District . . . ,"

subject to certain transportation and gravity adjustments, plus a "handling fee" (which is now 30 cents per barrel and formerly was 6 percent of the weighted average price (§ 212.94(b)).

It is an underlying principle of all of FEA pricing regulations that refiners, resellers, and retailers of crude oil and petroleum products be permitted to recover increases in their crude oil or product costs on a dollar-for-dollar basis in the prices permitted to be charged. Section 4(b)(2)(A) of the Emergency Petroleum Allocation Act of 1973 generally provides that recovery of increased product costs be permitted on a dollar-for-dollar basis, and FEA (and the Cost of Living Council before it) has generally adopted the policy that recoveries should not exceed that dollar-for-dollar pass-through.

Thus, for example, except for provisions that deal specifically with increased non-product costs, both Subpart E and Subpart F provide for maximum lawful prices which have two component parts—the May 15, 1973, lawful selling price (which includes an amount which represents the cost of the product being sold on May 15, 1973, and an amount which represents the seller's margin on that sale) and the increased product cost attributable to the product since May 15, 1973. And both Subpart E and Subpart F include provisions for insuring that the revenues actually received in sales made under those subparts do not result in more than a dollar-for-dollar recoupment of the increased product costs, as measured pursuant to those subparts.

Section 212.83(d) of Subpart E requires that if revenues are recouped which reflect more or less than "the entire amount of increased product costs," computed under Subpart E, appropriate adjustments must be made to base prices in the following month. Section 212.93(e) provides a similar requirement for Subpart F. Therefore, except in those instances which are clearly set forth in the regulations, it cannot be assumed that FEA's price rules are to be applied in such a manner as to obtain more than a dollar-for-dollar pass through of increased product costs.

Such dollar-for-dollar pass through is achieved in the foregoing hypothetical as follows:

Reseller Sales. With respect to the resales of crude oil which Firm A made to Firms B and C which were not required under the buy-sell program, the cost recoveries permitted under FEA regulations are tied directly to the weighted average unit cost of the crude oil inventories (as determined under § 212.92 by generally accepted inventory accounting procedures) from which the crude oil was resold. In other words, under the reseller rule of § 212.93, Firm A can pass through on such resales the cost of the barrels of crude oil resold plus its margin on resales of crude oil to the same classes of purchaser on May 15, 1973. Accordingly, since the cost of crude oil acquired for such resales is fully recovered on such resales themselves, such crude oil is outside the scope of Subpart E and should not be reflected in either the C^t or the Q^t factor of the refiner's cost formula for purposes of determining Firm A's allowable increased product cost recoveries on refined products under § 212.82(c). Moreover, it also should not be included in the amount of crude oil "delivered" to Firm A for purposes of determining its allowable cost recoveries on buy-sell sales under § 212.94(b).

Buy-Sell Sales. With respect to the mandatory sale of 400,000 barrels of crude oil in District V, Firm A is permitted by § 212.94(b) to recover its weighted average cost for all crude oil purchased or landed in District V (excluding crude oil purchased for resale under other than the buy-sell program). Since 4,000,000 barrels were delivered in District V at a total cost of $36,000,000, the weighted average cost is $9 per barrel, and Firm A's total allowable cost recovery on the 400,000 barrels sold under the buy-sell program in that District is $3,600,000. The weighted average cost of crude oil delivered to Firm A in Districts I–IV is $8 per barrel ($48,000,000 total cost divided by 6,000,000 barrels), which, on the 600,000 barrels sold under the buy-sell program in District II, allows a cost recovery on those sales of $4,800,000. Total cost recovery in both districts is $8,400,000. In addition, Firm A was entitled to collect from refiner-buyers the 30 cents per barrel handling fee and a transportation adjustment, as provided in § 212.94(b), which amounts do not constitute crude oil "cost recovery," but rather are intended to compensate Firm A for the nonproduct costs of handling and transportation. (Any adjustments made in the buy-sell price for a gravity differential would constitute adjustments in the crude oil cost recovery of Firm A in its buy-sell sales).

Refined Product Sales. Firm A is required to make buy-sell sales at a price which, as specified by § 212.94, is equal to the weighted average cost of the crude oil delivered to Firm A for refining purposes and to meet buy-sell commitments. Therefore, unlike the case with reseller sales made under § 212.93, § 212.94 does not allow for the actual cost of that particular crude oil to be passed through on a dollar-for-dollar basis. For example, if the incremental barrels of crude oil sold under the buy-sell program cost Firm A $12 per barrel, but could be resold at only $8 per barrel, Firm A would not achieve on buy-sell sales alone a full recovery of the actual cost of on those incremental barrels.

The dollar-for-dollar pass through principle therefore can be achieved only if Firm A is permitted initially to include, for purposes of the refiner rules of Subpart E, the cost of crude oil purchased to meet buy-sell obligations with the cost of crude oil purchased for refining, and then, to the extent that crude oil sales are actually made under the buy-sell program, to subtract from this total cost figure the cost recovery permitted on such sales by § 212.94. Since, as noted above, the cost to a refiner-seller of the particular crude oil actually delivered to a refiner-buyer under the buy-sell program will almost invariably differ from the cost recovery permitted on such sales, this procedure insures that any difference between the cost incurred and the cost recovered by Firm A with respect to the particular crude oil transferred in such sales (whether positive or negative) will be added to or subtracted from increased costs of crude oil available for recovery in sales of refined products. The refiner-seller therefore does not suffer any loss or enjoy any gain because of its buy-sell sales.

The foregoing principles are realized by giving the various factors of the refiner's formula of § 212.83(c) the following values:

The value which Firm A must give to the Q^* factor (quantity of crude oil purchased for refining during May 1973) is 9,000,000 barrels.

The value which Firm A must give to the C^* factor (total cost of crude oil purchased for refining during May 1973) is $27,000,000.

The value which Firm A must give to the Q^t factor is the total quantity of all crude oil purchased or landed in October 1974 for refining or to meet its obligations under the buy-sell program (i.e., excluding its crude oil purchased for reseller sales), less the total quantity of crude oil sold under the buy-sell program during that month:

Total crude oil purchased	10,000,000 Bbls.
Less crude oil sold under buy-sell program	1,000,000
Q^t	9,000,000

The value which Firm A must give to the C^t factor is the total cost of all crude oil purchased or landed in October 1974 for refining or to meet its obligations under the buy-sell program (i.e., excluding the cost of crude oil purchased for reseller sales), less its total allowable cost recoveries on crude oil sold under the buy-sell program during that month:

Total cost of crude oil purchased during October 1974	$84,000,000
Less allowable cost recoveries on buy-sell sales	8,400,000
C^t	75,600,000

Therefore, the amount of increased cost of crude oil purchased or landed in October which Firm A has available in November to pass through to its customers of refined products is determined as follows:

$$A^t = Q^t\left(\frac{C^t}{Q^t} - \frac{C^*}{Q^*}\right)$$

$$= 9{,}000{,}000\left(\frac{\$75{,}600{,}000}{9{,}000{,}000} - \frac{\$27{,}000{,}000}{9{,}000{,}000}\right)$$

$$= 9{,}000{,}000\ (\$8.40 - \$3.00)$$

$$= 9{,}000{,}000\ (\$5.40)$$

$$= \$48{,}600{,}000$$

That the application of the refiner's formula in this manner allows Firm A a full recovery of its cost of crude oil on a dollar-for-dollar basis can be seen by comparing the increased cost of crude oil recoverable on each category of Firm A's sales with Firm A's total increased cost of crude oil.

First, as noted above, the increased costs of crude oil other than that purchased for refining or for sale under the buy-sell program is excluded from consideration because, under the reseller rule, such costs are recoverable on a dollar-for-dollar basis in the prices which Firm A may charge for such resales. With this category excluded from consideration, Firm A's total crude oil costs for the month of October were $84,000,000, and its increased crude oil costs over May 1973 cost levels were $54,000,000 ($84,000,000 less 10,000,000 barrels times a weighted average May 15, 1973 price of $3 per barrel).

Firm A's increased crude oil costs recoverable on buy-sell sales were:

Total allowable cost recoveries on buy-sell sales	$8,400,000
Less cost of same quantity of crude oil at May 1973 cost levels	3,000,000
Increased crude oil costs recoverable on buy-sell sales	5,400,000

The increased crude oil costs recoverable on refined products when the refiner's formula is applied as described

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herein are, as calculated above, $48,600,000, which, when added to the $5,400,000 of increased crude oil costs recoverable on buy-sell sales, means that Firm A is able to recover fully its $54,000,000 of increased crude oil costs.

For the purposes of uniformity and consistency with respect to the completion of Form FEO–96, Part II, refiner-sellers should state on line 3 of Part II (total cost of crude petroleum purchased during the month of measurement), not the total of lines 1 and 2 as indicated on the Form FEO–96 itself, but the sum of lines 1 and 2 less the crude oil costs which the refiner-seller is allowed to recover on buy-sell sales. In other words, line 3 should have stated on it the value given to C^i in the refiner's cost formula as determined in the manner specified above. Similarly, line 9 (total quantity of crude petroleum purchased during the month of measurement), rather than being the sum of lines 7 and 8 as indicated on the form, should be such sum less the quantity of crude oil sold under the buy-sell program during the month of measurement (i.e., the Q^i factor).

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If the same set of hypothetical facts had arisen during the first buy-sell program, which in effect from February through May 1974, Firm A would have been able to pass through on its refined products an additional amount equal to 84 cents times the number of barrels resold under the buy-sell program, But, except for this 84-cent allowance provided for by former § 212.88(d), both the amount of increased crude oil costs which Firm A would have had available for pass through on refined products and the manner in which that amount was calculated would have been the same.

The question has been raised recently as to whether a different method of computing increased crude oil costs available for pass through on refined products was permitted during the first crude oil allocation program by former § 212.88(e), which was deleted as unnecessary effective June 1, 1974. That paragraph read as follows:

(e) *Reflection of costs.* Refiners required to sell crude oil under [the buy-sell program] shall be allowed to increase their product prices to reflect increased crude oil costs of all available crude oil prior to making crude oil sales to comply with [the buy-sell program].

FEA's refinery audit program has determined that some of the 38 refiner-sellers under the first buy-sell program read this provision as allowing the increased cost of crude oil required to be sold under the buy-sell program to be recovered twice—once when the crude oil was sold to a refiner-buyer and again by recovering it in the prices of the refiner-seller's refined products.

The proper interpretation of § 212.88 (e) is simply that the cost of crude oil purchased or landed in the month to meet a refiner-seller's buy-sell commitments was to be included with the cost of crude oil purchased for refining, until a buy-sell sale was made, as described above. It was anticipated that many refiner-sellers would be required to meet their commitments under the buy-sell program by either taking the crude oil from inventories of crude oil they otherwise intended to refine or, preferably, by purchasing additional quantities of crude oil on the world market. Since these incremental purchases would be at prices as high as $15 per barrel and since the refiner-sellers were required to sell crude oil under the buy-sell program at a weighted average cost of all their crude oil (which for most refiners was about $7–8 per barrel), FEO was concerned that refiner-sellers might think they were required to absorb a loss on the buy-sell sales of such incremental world market purchases. For example, the crude oil sold under the buy-sell program in District V by Firm A at $9 per barrel in the hypothetical set of facts considered in this ruling could well have been a part of a shipment of crude oil landed by Firm A at a cost of $14 per barrel.

Such a possible misconception by refiner-sellers is understandable in view of the fact that up to the time the buy-sell program was implemented, refiners properly excluded the costs of crude oil purchased for resale from the refiner's cost formula. The continuation of this practice with respect to crude oil resold under the buy-sell program would, of course, have created a substantial disincentive against the importation of crude oil to meet buy-sell commitments.

Thus, § 212.88(e) indicated that the portion of increased crude oil costs which a refiner-seller could not recover on buy-sell sales, because of the requirement that it make those sales at its weighted average cost, could be included in the C^i factor of the refiner's cost formula for purposes of determining the proper weighted average cost of crude oil refined. Thus, under § 212.88(e), the increased costs of crude oil sold under the buy-sell program were to be "reflected" (but not included in their entirety) in the cost pass throughs on refined products.

It has been determined through refinery audits, however, that some refiner-sellers concluded that § 212.88(e) permitted the C^i factor to include the cost of all crude oil purchased, without subtracting therefrom the costs attributable to crude oil which is not refined but which is required to be sold in buy-sell sales, and as also allowing the Q^i factor of the refiner's formula to include the quantity of crude oil sold under the buy-sell program and not refined. If such a reading had been given to the refiner's cost formula by Firm A in the foregoing hypothetical, the C^i factor would have had a value of $84,000,000 and the Q^i factor would have had a value of 10,000,000 barrels. They would have yielded an amount available for pass through on refined products as follows:

$$A^i = 10{,}000{,}000\left(\frac{\$84{,}000{,}000}{10{,}000{,}000} - \frac{\$27{,}000{,}000}{9{,}000{,}000}\right)$$

$$= 10{,}000{,}000\ (\$8.40 - \$3.00)$$

$$= 10{,}000{,}000\ (\$5.40)$$

$$= \$54{,}000{,}000$$

Thus, in applying the formula in this mnaner Firm A would have fully recovered all of its increased crude oil costs on the sale of refined products alone, and, in addition, would have recovered an additional $5,400,000 of "increased costs" on buy-sell sales. This additional amount, as discussed above, is not a permissible crude oil cost recovery, for such an interpretation of § 212.88(e) would have been contrary to the well established policy of the Cost of Living Council and FEA pricing regulations that, except in certain instances clearly designated in the regulations, prices of petroleum products may reflect increased crude oil costs only on a dollar-for-dollar pass through basis.

Refiner-sellers are hereby advised that amended Form FEO–96's should be filed if previous filings are inconsistent with this ruling. FEA has also determined that it would be inequitable to allow a minority of refiner-sellers which may have recouped amounts in excess of their increased product costs as a result of a misinterpretation of § 212.88(e) or of the refiner's cost formula to retain the proceeds of such overrecoupment. Therefore, those refiners-sellers which not only misapplied the refiner's formula but which FEA determines have also passed through to the marketplace amounts in excess of their increased product costs as a result of such a misapplication of the rules will be required, in a manner to be specified by FEA, to return such overrecoveries to the marketplace.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

OCTOBER 31, 1974.

[FR Doc.74-25047 Filed 11-5-74;8:45 am]

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Title 3—The President

PROCLAMATION 4332

Emergency Medical Services Week, 1974

A Proclamation

By the President of the United States of America

Each week more than a thousand Americans die as a result of accidents, heart attacks, and other medical crises because emergency medical assistance is not available.

For many years, physicians and health professionals have been urging improved national facilities for emergency medical care. Last year the Congress passed the "Emergency Medical Services Systems Act of 1973" to create a national thrust toward that goal.

Two Federal agencies, the Department of Health, Education, and Welfare and the Department of Transportation, are now working closely with States and communities to improve medical emergency services. Although many cities enjoy satisfactory services, the great majority of our communities, especially in rural areas, still require considerable improvement.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby designate the week beginning November 3, 1974, as Emergency Medical Services Week.

I call upon the Governors and mayors and all other State and local officials to assist hospital administrators and physicians, fire departments, and other public safety agencies in improving their emergency medical services.

I call upon Federal agencies, especially the two Departments mentioned above, to continue, with renewed vigor, their assistance to States and communities in accelerating their efforts to help those in need of emergency medical assistance.

And I call upon all our people to lend their support to these efforts. We are a traveling nation and none of us knows when we might need help far from home.

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Let us affirm that the first year of this national legislation is only the beginning of our effort to improve this part of our total health care system so that no individual in this country will lack help when he needs it.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of November, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74–26213 Filed 11–5–74;2:20 pm]

EXECUTIVE ORDER 11817

Designating the United States Civil Service Commission as the Agent To Concur With Agency Determinations Fixing the Age Limits Within Which Original Appointments May Be Made With Respect to Law Enforcement Officer and Firefighter Positions

By virtue of the authority vested in me by section 3307(d) of title 5 of the United States Code, as added by the first section of the Act of July 12, 1974 (Public Law 93–350; 88 Stat. 355), I hereby designate the United States Civil Service Commission as the agency to concur with determinations made by agencies to fix the minimum and maximum limits of age within which an original appointment may be made to a position as a law enforcement officer or firefighter, as defined by section 8331 (20) and (21), respectively, of title 5 of the United States Code. The designation made by this order shall be effective as of October 15, 1974.

Gerald R. Ford

THE WHITE HOUSE,
November 5, 1974.

[FR Doc.74–26214 Filed 11–5–74;2:20 pm]

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EXECUTIVE ORDER 11818

Revoking Executive Order No. 11810 of September 30, 1974, and Continuing in Effect Executive Order No. 11533 of June 4, 1970, Relating to the Administration of Export Control

By virtue of the authority vested in the President by the Constitution and statutes of the United States, including the statutes referred to herein, it is hereby ordered:

Section 1. Executive Order No. 11810 of September 30, 1974, issued under the authority of the act of October 6, 1917, as amended (12 U.S.C. 95a), is hereby revoked, except that this revocation shall not affect any violation of any rules, regulations, orders, licenses, and other forms of administrative action under that order which occurred during the period that order was in effect.

Sec. 2. Pursuant to Public Law 93–500 of October 29, 1974, effective as of the close of September 30, 1974, Executive Order No. 11533 of June 4, 1970, as continued in effect by Executive Order No. 11683 of August 2, 1972, and Executive Order No. 11798 of August 14, 1974, and all delegations, redelegations, rules, regulations, orders, licenses, and other forms of administrative action under those orders which were in effect on September 30, 1974, and which have not been revoked administratively or legislatively, are continued and shall be in full force and effect until amended, modified, or terminated by proper authority.

Gerald R. Ford

THE WHITE HOUSE,
November 5, 1974.

[FR Doc.74–26215 Filed 11–5–74;2:21 pm]

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MEMORANDUM OF OCTOBER 31, 1974

[Presidential Determination No. 75–5]

Finding and Determination Concerning Egypt

Memorandum for the Secretary of State; the Secretary of Agriculture

THE WHITE HOUSE, *Washington, October 31, 1974.*

Finding and Determination under Sections 103(d) (3) and (4) of the Agricultural Trade Development and Assistance Act of 1954, as amended—Egypt.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Find, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Egypt for the sale, under Title I of the Act, of 200 thousand metric tons of wheat is in the national interest of the United States; and

(b) Determine, pursuant to Section 103(d)(4) of the Act, that the sale to Egypt of wheat in furtherance of such an agreement is in the national interest of the United States.

This Determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

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STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUBLIC LAW 480) TO EGYPT ARE IN THE NATIONAL INTEREST

Egypt is central to our efforts to achieve a just and lasting peace in the Middle East. Our ultimate success will depend in part on Egyptian confidence in our intention to develop a broad and constructive bilateral relationship with that country. Continuation of a program for concessional sales of agricultural commodities to Egypt will constitute a tangible demonstration of our intended role.

In response to current Egyptian needs, it is proposed to export to that country 200 thousand metric tons of wheat financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480). This amount is based on Egypt's needs for not more than one fiscal year.

In order to enter into an agreement with the Government of Egypt for such a sale under Title I, it is necessary that the President find and determine that such sales would be in the national interest of the United States. Section 103(d)(3) of Pub. L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as those countries are governed by Communist regimes). However, if such activities are limited to furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic agricultural or food commodities, sales agreements may be made if the President finds they are in the national interest of the United States. Section 103(d)(4) also prohibits sales of commodities under Title I to Egypt unless the President determines such sales are in the national interest of the United States.

The considerations noted above, however, make the proposed sale important to the national interest of the United States notwithstanding the prohibitions contained in Sections 103(d) (3) and (4) of Pub. L. 480.

Section 410 of Pub. L. 480 prohibits sales under Title I of Pub. L. 480 to a country in violation of Section 620(c) of the Foreign Assistance Act of 1961, as amended, which concerns expropriation or nationalization of property of Americans without taking appropriate steps to discharge its obligations under international law. Egypt agreed to the establishment of a Joint Committee to discuss compensation of American nationals and, on July 15, Secretary Kissinger determined that such an agreement constituted appropriate steps under Section 620(e). The Committee continues active. Therefore, no waiver of that provision is required to permit this additional sale of wheat to Egypt under Title I of Pub. L. 480.

[FR Doc.74-26178 Filed 11-5-74;11:26 am]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

National Aeronautics and Space Administration

Section 213.3348 is amended to show that one position of Secretary to the Associate Administrator for Center Operations is excepted under Schedule C.

Effective on November 7, 1974, § 213.3348(n) is added as set out below.

§ 213.3348 National Aeronautics and Space Administration.

• • • • •

(n) One Secretary to the Associate Administrator for Center Operations.

((5 U.S.C. secs. 3301, 3302) E.O. 10577 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26083 Filed 11-6-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

SECURITIES CREDIT TRANSACTIONS

Suspension for a Six-Month Period of Limitation on Use of "Same-Day Substitution" Rule

The Board's securities credit regulations, Parts 207, 220, and 221 (Regulations G, T, and U), generally require that in the case of purchase-and-sale substitutions of securities in an undermargined account a specified portion of the sale proceeds must be used to strengthen the account; but until September 18, 1972, there was an exemption from that requirement when both the purchase and sale were executed on the same day. By amendments published in the FEDERAL REGISTER at 37 FR 13972, effective September 18, 1972, the Board narrowed the same-day exemption and limited it to accounts where the customer's equity was at least 40 percent.

The limitation in the September 18, 1972, amendments is now being suspended for a six-month period, from November 5, 1974, through May 5, 1975, while the Board reviews the appropriateness or inappropriateness in present circumstances of maintaining the 40 percent requirement with respect to the exemption of same-day substitutions.

The result of the Board's action in suspending the limitation will be to reinstate for a six-month period the rules which were in effect before September 18, 1972, permitting the substitution of collateral in all undermargined accounts, without using a portion of the sale proceeds to strengthen the account, when the substitution is effected by a purchase and sale executed on the same day.

To implement this suspension, the Board amends 12 CFR, Chapter II, Subchapter A, Parts 207, 220 and 221 as follows:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. Part 207 (Reg. G), paragraph (f) of § 207.5 (the Supplement to Regulation G) is amended by adding a sentence giving notice of the suspension and its duration. The amended section reads as follows:

§ 207.5 Supplement.

(f) *Minimum equity ratio.* The minimum equity ratio of a credit subject to § 207.1 is 40 percent. For the period November 5, 1974, through May 5, 1975, all same-day substitutions of collateral permitted by § 207.1(j) (2) for credits in which the equity ratio equals or exceeds the minimum equity ratio shall also be permitted for all credits in which the equity ratio is less than the minimum equity ratio.

PART 220—CREDIT BY BROKERS AND DEALERS

• • • • •

2. Part 220 (Reg. T), § 220.8 (the Supplement to Regulation T) is amended by adding a new paragraph (g)(3) giving notice of the suspension and its duration as follows:

§ 220.8 Supplement.

• • • • •

(g) *Account subject to section 8(g).*

• • •

(3) For the period November 5, 1974, through May 5, 1975, all transactions permitted by §§ 220.3(b)(1) and 220.3(g) for accounts not subject to section 8(g) shall also be permitted in accounts subject to section 8(g).

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCK

• • • • •

3. Part 221 (Reg. U), paragraph (f) of § 221.4 (the Supplement to Regulation U) is amended by adding a sentence giving notice of the suspension and its duration. The amended section reads as follows:

§ 221.4 Supplement.

• • • • •

(f) *Minimum equity ratio.* The minimum equity ratio of a credit subject to § 221.1 is 40 percent. For the period November 5, 1974, through May 5, 1975, all same day transactions permitted by 221.1(c) for credits in which the equity ratio is equal to or exceeds the minimum equity ratio shall also be permitted for those credits in which the equity ratio is less than the minimum equity ratio.

These amendments are issued pursuant to the authority of section 7 of the Securities Exchange Act of 1934 (15 U.S.C. section 78g).

The requirements of 5 U.S.C. section 553 with respect to notice, public participation and deferred effective date were not followed in connection with this suspension since it temporarily relieves a restriction and the Board found that to follow the requirements of section 553 would be impractical, unnecessary, and contrary to the public interest inasmuch as they would needlessly delay both observation of results of the suspension and appraisal of the appropriateness or inappropriateness of maintaining the restriction.

Effective date. These amendments are effective November 5, 1974.

By order of the Board of Governors, November 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26122 Filed 11-4-74;4:09 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 72-WE-22-AD; Amdt. 39-2004]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-9 and Military C-9A and C-9B Airplanes

Amendment 39-1628 (38 FR 10253) AD 73-9-2, effective May 30, 1973, as amended by Amendment 39-1926 (39 FR 30108), effective August 26, 1974, requires inspection and repair or replacement of certain fuselage overwing frames on McDonnell Douglas Model DC-9-10 Series Airplanes and mandatory reporting of cracks found as a result of the inspections, directly to the Chief, Aircraft Engineering Division, FAA Western Region.

After issuing Amendment 39-1926, the agency was requested to reassess the necessity of reporting cracks found as a

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result of inspections, in compliance with paragraph B.2.d. of the AD, when such reports were being furnished through the SDR/MRR system.

The agency has determined that sufficient data relevant to this service problem has been accumulated and the need for reporting per the AD no longer exists. The AD is being amended to delete this requirement. Operators subject to the SDR/MRR system reporting requirements are not relieved of that requirement by this action.

Since this amendment provides relief and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1628 (38 FR 10253), A.D. 73–9–2, as amended by Amendment 39–1926 (39 FR 30106) is further amended by deleting sub-paragraph B.2.d.

This amendment is effective November 13, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, on October 30, 1974.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.74–26038 Filed 11–6–74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75–10; Order No. 515]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

Weekly Report of Coal Supplies of Electric Utilities

NOVEMBER 4, 1974.

Order requiring electric utilities to make weekly report of coal supplies by telephone, telecopier or comparable rapid data transmission system during the period November 3, 1974, through April 26, 1975.

This order directs the utilities listed in Appendix A to make weekly reports and projections of coal deliveries, coal stockpiles and coal consumption and system net generation on a company-by-company or system-by-system basis during the period November 1, 1974, through April 27, 1975. A worksheet is provided in Appendix B to allow organization of the information to be transmitted. The first report is due by noon, Tuesday, November 5, 1974, for the utility reporting week ending November 1, 2, or 3, 1974. The information provided in these reports will assist governmental and nongovernmental assessments of the national energy situation during the critical winter and early spring months. The information to be used by Federal officials will also be made available to state and local governments for their use, and to the public.

A notice of proposed rulemaking was issued on October 15, 1974, and published in the FEDERAL REGISTER on October 21, 1974, 39 FR 37399.

Four utilities responded to the notice. Most comments dealt with the need to clarify ambiguous statements in the notice. Pacific Power and Light Co. suggested that "utilities which operate captive mines for their own plants and which do not obtain coal from any source other than their own captive mine" be exempted from reporting because (1) stocks, deliveries, and consumption are controlled by the Company and are not affected by national coal consumption or supply, (2) the captive mines does not sell coal elsewhere and the plant is not equipped to burn fuel from other sources, and (3) weekly reporting is a burden and duplicates information already supplied on Forms 4 and 423. While accepting the merit of the first two points, the Commission notes that system is interconnected with other utility systems and that electric power is exchanged through the interconnections. Thus, the Company does not operate in isolation from the rest of the Nation's energy supply and assessment of the regional energy situation would be incomplete without these data. Further, the information desired does not duplicate the detailed monthly plant information supplied on Forms 4 and 423, which is not generally available for six weeks or more. The information collected under this Order is a brief weekly system report provided on an expedited basis, to be published within 48 hours of transmittal to the Commission's Regional Offices.

There is desirability in allowing for variation in the time used as the end of the reporting week. Some systems regularly record fuel stocks as of Saturday midnight, others Sunday midnight. Therefore, data collected as of midnight on either Friday, Saturday, or Sunday is acceptable, but the time once selected should be maintained for subsequent reports. The data should be reported to the Regional Engineers by Tuesday noon. The Regional Offices will summarize the information for each region; national summaries are expected to be available in Washington by noon Wednesday.

This weekly reporting is not to be confused with, or used as a substitute for, reporting plant fuel emergencies on FPC Forms 237A and 237B. The Form 237 reports are to be filed independently of the weekly utility system coal status reports as directed by the instructions on the Form, generally when plant coal stocks have declined below 30 days.

The Commission finds. (1) The notice and opportunity to participate in this proceeding through the submission in writing of data, views, comments, and suggestions in the manner prescribed above are consistent with the procedural requirements prescribed in 5 U.S.C. 553.

(2) The amendment to Part 141 of Title 18 of the Code of Federal Regulations is necessary and appropriate in the administration of the Federal Power Act.

(3) Good cause exists that the amendment herein adopted become effective upon issuance of this order.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly sections 201, 202, 304, and 309 (49 Stat. 847, 855–856, 858–859; 16 U.S.C. 824, 824a, 825c, 825h) *orders:*

(A) Part 141—Statements and Reports (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations is amended effective upon issuance of this order by adding a new § 141.63 to read as follows:

§ 141.63 Weekly Report of Coal Supplies of Electric Utilities.

Every electric utility engaged in the generation of electric energy from coal shall report by Tuesday noon of each week to the appropriate Regional Office of the Commission, by telecopier, telephone, or comparable rapid data transmission system, during the period November 3, 1974, through April 26, 1975, the following information on a utility or system basis.

(a) Coal in stock Friday, Saturday, or Sunday midnight, start of reporting week as selected, tons;

(b) Coal deliveries during the reporting week, tons;

(c) Coal consumption during the reporting week, tons;

(d) Coal in stock Friday, Saturday, or Sunday midnight, end of reporting week, tons;

(e) Utility system net generation from all types of generation during the reporting week, megawatt-hours;

(f) Projected coal consumption during the week following the reporting week, tons; and

(g) Projected coal stocks, Friday, Saturday, or Sunday midnight, end of the week following the reporting week, tons.

(B) The first report filed on November 5, 1974, shall cover the first full reporting week ending on Friday midnight November 1, Saturday midnight November 2, or Sunday midnight November 3, 1974. Subsequent reports shall be for the succeeding same 7 day intervals.

(C) Each utility listed in Appendix A shall report to the Regional Engineer for the region in which it is listed. A utility operating a plant for several owners shall report the stockpiles, deliveries and consumption for the plant as part of its system. Reports may be transmitted through Reliability Councils, power pools or other industry organizations as long as the individual system data are preserved. Transmission of Reports through Reliability Councils, power pools or other industry organizations is utilized for convenience of reporting and in no way should be construed as relieving any utility enumerated in Appendix A from individual reporting upon request of the Regional Engineer.

(D) For telecopier transmission of individual system data it is preferred that the format provided in the Worksheet presented in Appendix B be used.

(E) The Secretary shall cause prompt publication of this Order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

ATLANTA REGIONAL OFFICE

Alabama Electric Cooperative, Inc.
Alabama Power Company.
Big Rivers Electric Corporation.
Carolina Power and Light Company.
Duke Power Company.
East Kentucky Rural Electric Cooperative.
Georgia Power Company.
Gulf Power Company.
Henderson Municipal Light Department, Kentucky.
Kentucky Utilities Company.
Mississippi Power Company.
Owensboro Municipal Utilities, Kentucky.
Savannah Electric and Power Company, Georgia.
South Carolina Electric and Gas Company.
South Carolina Public Service Authority.
Southern Electric Generating Company.
Tampa Electric Company.
Tennessee Valley Authority.
Virginia Electric and Power Company.

CHICAGO REGIONAL OFFICE

Ames Electric Utility, Iowa.
Austin Utilities, Minnesota.
Basin Electric Power Cooperative.
Black Hills Power & Light Company.
Cedar Falls Utilities, Iowa.
Central Electric Power Cooperative, Missouri.
Central Illinois Light Company.
Central Illinois Public Service Company.
Central Iowa Power Cooperative.
Cincinnati Gas and Electric Company.
Columbia Water & Light Department, Missouri.
Commonwealth Edison Company.
Commonwealth Edison Company of Indiana, Inc.
Consumers Power Company.
Corn Belt Power Cooperative.
Crawfordsville Electric, Light & Power, Indiana.
Dairyland Power Cooperative.
Dayton Power and Light Company.
Detroit Edison Company.
Detroit Public Lighting Commission.
Eastern Iowa Light & Power Cooperative.
Electric Energy Company.
Fort Wayne Municipal Light and Power, Indiana.
Frankfort Light & Power Department, Indiana.
Fremont Department of Utilities, Nebraska.
Grand Haven Board of Light and Power, Michigan.
Hamilton Department of Public Utilities, Ohio.
Hibbing Public Utilities Commission, Minnesota.
Holland Board of Public Works, Michigan.
Illinois Power Company.
Indiana Statewide Rural Electric Cooperative, Inc.—Hoosier Energy Division.
Indianapolis Power and Light Company.
Interstate Power Company.
Iowa Electric Light & Power Company.
Iowa-Illinois Gas & Electric Company.
Iowa Power & Light Company.
Iowa Public Service Company.
Iowa Southern Utilities Company.
Jasper Municipal Utilities, Indiana.
Lake Superior District Power Company.
Lansing Board of Water & Light, Michigan.
Logansport Municipal Utilities, Indiana.
Louisville Gas and Electric Company.
Madison Gas & Electric Company, Wisconsin.
Manitowoc Public Utilities, Wisconsin.
Marquette Board of Light and Power, Michigan.
Marshfield Electric & Water Department, Wisconsin.
Menasha Electric & Water Utilities, Wisconsin.
Michigan State University.
Minnesota Power and Light Company.
Minnesota Power Cooperative, Inc.
Moorhead Public Service Department, Minnesota.
Montana-Dakota Utilities Company.
Muscatine Power & Water Department.
Nebraska Public Power District.
New Ulm Public Utilities Commission, Minnesota.
Northern Indiana Public Service Company.
Northern Michigan Electric Coop, Inc.
Northern States Power Company.
Northwestern Public Service Company.
Omaha Public Power District.
Otter Tail Power Company.
Pella Municipal Power and Light Department, Iowa.
Peru Light Department, Illinois.
Peru Electric, Light & Power Department, Indiana.
Piqua Municipal Power Plant, Ohio.
Public Service Company of Indiana, Inc.
Richmond Power & Light Department, Indiana.
Rochelle Municipal Utilities, Illinois.
Rochester Public Utility Department, Minnesota.
Southern Illinois Power Cooperative.
Southern Indiana Gas and Electric Company.
Springfield Water, Light & Power Department, Illinois.
Traverse City Light and Power Department, Michigan.
Union Electric Company.
United Power Association.
Upper Peninsula Generating Company, Michigan.
Upper Peninsula Power Company, Michigan.
Virginia Department of Public Utilities, Minnesota.
Wilmar Municipal Utilities Commission, Minnesota.
Winnetka Municipal Electric & Water Department, Illinois.
Wisconsin Electric Power Company.
Wisconsin Power and Light Company.
Wisconsin Public Service Corporation.
Wyandotte Department of Municipal Services, Michigan.

FORT WORTH REGIONAL OFFICE

Associated Electric Cooperative, Inc.
Central Telephone & Utilities Corporation.
Colorado Springs Department of Public Utilities.
Colorado-Ute Electric Association, Inc.
Empire District Electric Company.
Independence Power and Light Department, Missouri.
Kansas City Board of Public Utilities, Kansas.
Kansas City Gas & Electric Company.
Kansas City Power and Light Company.
Kansas Power & Light Company.
Missouri Public Service Company.
N. W. Electric Power Cooperative, Inc.
Public Service Company of Colorado.
Public Service Company of New Mexico.
Springfield City Utilities, Missouri.
St. Joseph Light & Power Company, Missouri.
Texas Power and Light Company.

NEW YORK REGIONAL OFFICE

Appalachian Power Company.
Atlantic City Electric Company.
Baltimore Gas and Electric Company.
Beech Bottom Power Company.
Burlington Electric Department, Vermont.
Cardinal Operating Company.
Central Operating Company.
Cleveland Division of Light & Power, Ohio.
Cleveland Electric Illuminating Company.
Columbus and Southern Ohio Electric Company.
Columbus Division of Electricity, Ohio.
Connecticut Light & Power Company.
Consolidated Edison Company of New York, Inc.
Danville Water, Gas & Electric Department, Virginia.
Deepwater Operating Company, New Jersey.
Delmarva Power & Light Company.
Dover Electric Department, Ohio.
Duquesne Light Company.
Hartford Electric Light Company.
Holyoke Water Power Company.
Indiana and Michigan Electric Company.
Indiana-Kentucky Electric Corporation.
Jamestown Board of Public Utilities, New York.
Kentucky Power Company.
Metropolitan Edison Company.
Monogahela Power Company.
Montaup Electric Company.
Narragansett Electric Company.
New England Power Company.
New York State Electric and Gas Corporation.
Niagara Mohawk Power Corporation.
Ohio Edison Company.
Ohio Power Company.
Ohio Valley Electric Corporation.
Orange and Rockland Utilities, Inc.
Orrville Municipal Utilities, Ohio.
Painesville Electric Power Department, Ohio.
Pennsylvania Electric Company.
Pennsylvania Power and Light Company.
Pennsylvania Power Company.
Philadelphia Electric Company.
Potomac Edison Company.
Potomac Edison Company of Virginia.
Potomac Electric Power Company.
Public Service Company of New Hampshire.
Public Service Electric and Gas Company, New Jersey.
Rochester Gas & Electric Corporation.
Toledo Edison Company.
UGI Corporation, Luzerne Electric Division.
Vineland Electric Utility, New Jersey.
Western Massachusetts Electric Company.
West Penn Power Company.

SAN FRANCISCO REGIONAL OFFICE

Arizona Public Service Company.
Montana Power Company.
Nevada Power Company.
Pacific Power and Light Company.
Salt River Project Agricultural Improvement and Power District.
Southern California Edison Company.
Utah Power and Light Company.

APPENDIX B

FPC WORKSHEET, 18 CFR 141.63

Weekly Utility Report of Coal Stockpiles, Deliveries and Consumption During November 1, 1974 to April 27, 1975

For the week ending ----------, 19--

Utility name ----------

1. Coal in stock, Saturday midnight, start of reporting week (tons) --
2. Coal deliveries during the reporting week (tons) ----------
3. Coal consumption during the reporting week (tons) ----------
4. Coal in stock, Saturday midnight, end of reporting week (tons) --
5. Utility system net generation from all types of generation during the reporting week (Megawatt-hours) ----------
6. Projected coal consumption during the week following the reporting week (tons) ----------

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7. Projected coal stocks, Saturday midnight, end of the week following the reporting week (tons) ----------

[FR Doc.74-26187 Filed 11-6-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 274-4]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas; Approval and Disapproval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the State plans for implementation of the national ambient air quality standards. During January, February, March, and April, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategies of Kansas. Accordingly, the Administrator proposed approval of these schedules on August 15, 1974 in the FEDERAL REGISTER 39 FR 29380. One schedule was published as a proposed disapproval. The proposed approval and disapproval of these schedules published in the August 15, 1974 FEDERAL REGISTER provided for a 30 day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator finds approvable. Pursuant to 40 CFR 51.8 the Administrator approves the schedules listed below, and disapproves one schedule listed below.

Certain schedules proposed in the August 15, 1974 FEDERAL REGISTER (39 FR 29380) have subsequently been revised. These revised schedules have been or will be reproposed in later publication. Those schedules are: S-G Metals Industries, Inc., Kansas City; Killough-Clark, Inc., Ottawa; C. K. Processing Company, Inc., Manhattan; McPherson County Highway Department, McPherson; North Central Foundry, Inc., Enterprise; Kansas Refined Helium Company, Otis; Cullor Limestone Company, Inc., Lincoln; Gulf Oil Chemicals Company, Pittsburg, Coal Burning Facilities; Neosho County Highway Department, Erie; Walton Foundry, Inc., Iola; New Era Milling Company, Arkansas City; Far-Mar-Company, Inc., Wichita, Elevator A—Rail Car Unloading, Elevator B—Rail Car Unloading, Elevator A—Basement Conveyor, Elevator B—Basement Conveyor, Elevator C—Basement Conveyor, Elevator D—Basement Conveyor; Buffalo Industry, Inc., Garden City; Gold Bond Building Products, Medicine Lodge, Calcining Kettles (3).

The location of one source, Western Alfalfa Corporation, was incorrectly shown as Neosho. The correct location is Neodasha.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the Federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and compliance schedules are available for public inspection at the Environmental Protection Agency, 1735 Baltimore, Kansas City, Missouri 64108.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rule because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: October 25, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c) (1) is amended and paragraph (c) (2) is added to read as follows:

§ 52.876 **Compliance schedules.**

* * * * * * *

(c) * * *

(1) * * *

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
* * *	* * *	* * *	* * *	* * *	* * *
Deitz Hill Development Co.; Primary and secondary crusher.	Kansas City	28-19-20	Dec. 14, 1973	Immediately	Apr. 1, 1975
Owens-Corning Fiberglas Corp.:					
J-6 forming plan B	do	28-19-20	Apr. 19, 1974	do	July 31, 1975
J-5 glass furnace	do	28-19-20	Dec. 14, 1973	do	July 1, 1974
		28-19-50			
J-5 forming plan B	do	28-19-20	Apr. 19, 1974	Immediately	July 31, 1975
K-3 forming plan A	do	28-19-20	Dec. 14, 1973	do	Feb. 1, 1974
K-3 forming plan B	do	28-19-20	Apr. 19, 1974	do	July 31, 1975
K-4 forming plan A	do	28-19-20	Dec. 14, 1973	do	Feb. 1, 1974
K-4 forming plan B	do	28-19-20	Apr. 19, 1974	do	July 31, 1975
No. 70 glass furnace	do	28-19-20	do	do	Oct. 31, 1974
		28-19-50			
No. 70 forming	do	28-19-20	Dec. 14, 1973	Immediately	July 1, 1975
No. 71 glass furnace	do	28-19-20	do	do	Apr. 1, 1975
No. 71 forming	do	28-19-20	do	do	Apr. 1, 1975
No. 72 glass furnace	do	28-19-20	do	do	June 1, 1975
No. 72 forming	do	28-19-20	do	do	Do.
1 glass furnace	do	28-19-20	do	do	July 31, 1975
1 oven stack	do	28-19-20	Apr. 19, 1974	do	Sept. 30, 1974
H glass furnace	do	28-19-20	Dec. 14, 1973	do	Mar. 1, 1975
Colt Indnstries: Cupolas Nos. 1 and 2.	do	28-19-20	May 9, 1974	do	Sept. 15, 1974
		28-19-50			
U.S. Industrial Chemicals Co.: acid plant.	Desoto	28-19-50	Dec. 14, 1973	Immediately	Do.
Certain-Teed Products Corp.:					
K-2 furnace plan A	Kansas City	28-19-20	do	do	June 1, 1974
K-2 furnace plan B	do	28-19-20	do	do	Dec. 31, 1974
K-8 furnace plan A	do	28-19-20	do	do	June 1, 1974
		28-19-50			
K-8 furnace plan B	do	28-19-20	Dec. 14, 1973	Immediately	Dec. 31, 1974
		28-19-50			
K-2 forming plan A	do	28-19-20	Dec. 14, 1973	Immediately	Dec. 31, 1974
K-2 forming plan B	do	28-19-20	do	do	June 3, 1974
K-1 forming area plan A	do	28-19-20	do	do	June 1, 1974
K-1 forming area plan B	do	28-19-20	do	do	Dec. 31, 1974
K-8 curing section	do	28-19-20	do	do	July 31, 1975
Cooperative Farm Chemicals Association:					
No. 2 ammonium nitrate neutralizer and prilling tower.	Lawrence	28-19-20	do	do	July 31, 1975
		28-19-50			
No. 1 ammonium nitrate evaporator and prilling tower.	do	28-19-20	Dec. 14, 1973	Immediately	July 31, 1975
		28-19-50			
Ismert-Hincke Milling Co.:					
Hammer mill suction filter	Topeka	28-19-50	Dec. 14, 1973	Immediately	Do.
Wheat unloading pits suction	do	28-19-50	do	do	Do.
Kaw Dehydrating Co.: Alfalfa dehydrator.	Rossville	28-19-20	do	do	June 1, 1974
Lincoln Grain, Inc.: Grain cleaners	Atchison	28-19-20	do	do	Apr. 1, 1974
Mid-American Dairymen, Inc.: Spray dryers.	Sabetha	28-19-20	Apr. 19, 1974	do	Dec. 31, 1974
Midwest Solvents, Inc.:					
Gluten dryers	Atchison	28-19-20	Dec. 14, 1973	do	June 30, 1974
Starch dryers	do	28-19-20	do	do	Do.
Animal feed production	do	28-19-20	do	do	Feb. 1, 1974

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
N. R. Hamm Quarry:					
Crusher No. 25-1	Perry	28-19-20	do	do	Apr. 1, 1974
Crusher No. 25-2	do	28-19-20	do	do	Oct. 1, 1974
Rodney Milling Co.:					
Wheat cleaning suction filter A	Topeka	28-19-50	do	do	June 30, 1974
Wheat cleaning suction filter B	do	28-19-50	do	do	Aug. 31, 1974
Wheat cleaning suction filter C	do	28-19-50	do	do	Oct. 31, 1974
Wheat cleaning suction filter D	do	28-19-50	do	do	Dec. 31, 1974
Milo mill suction:		28-19-50	do	do	Feb. 28, 1975
A and B house gallery suction system.	do	28-19-50	do	do	Do.
A and B house tunnel suction system.	do	28-19-50	do	do	June 30, 1975
C house gallery and tunnel suction system.	do	28-19-50	do	do	July 30, 1975
Thompson Dehydrating: Alfalfa dehydrator.	Bellevue	28-19-20	Dec. 14, 1974	do	Oct. 1, 1974
Ransom Memorial Hospital: Incinerator.	Ottawa	28-19-40	Jan. 18, 1974	do	Do.
Gulf and Western Industries: Taylor Forge Division.	Paola	28-19-50	Apr. 19, 1974	do	June 1, 1974
Elwood USD No. 486: Incinerator	Elwood	28-19-50C	Feb. 8, 1974	do	Jan. 1, 1975
		28-19-50D			
St. Peter and St. Paul High School: Open burning.	Seneca	28-19-45	Feb. 8, 1974	do	July 31, 1975
Nemaha Valley Schools—USD No. 442: Incinerators (2).		28-19-40C	do	do	Jan. 1, 1975
Duckwall Stores, Inc.: Alco Store No. 45.	Manhattan	28-19-40	Dec. 14, 1973	do	July 1, 1974
Bayer Construction Co.: Rock crushing plant.		28-19-20	do	do	Feb. 1, 1974
C. K. Processing Co., Inc.: Alfalfa dehydrator.	Salina	28-19-20	do	do	July 1, 1974
Clay Center Dehydrating Co.: Alfalfa dehydrator.	Clay Center	28-19-20	do	do	Oct. 30, 1974
Gibson Products Co.: Incinerator	Junction City	28-19-40	do	do	July 1, 1974
Longford Mill Products, Inc.: Alfalfa dehydrator.	Clay Center	28-19-20	do	do	Nov. 15, 1974
		28-19-50			
Solomon Electric Supply, Inc.: Open burning.	Solomon	28-19-45	Dec. 14, 1973	Immediately	Feb. 1, 1974
Wyatt Manufacturing Co., Inc.: Gray iron foundry cupola.	Salina	28-19-20	do	do	May 30, 1974
R-K Shopper, Inc.: Incinerator	Mankato	28-19-40C	Feb. 8, 1974	do	Sept. 1, 1974
		28-19-40D			
Royal Brand Roofing: Roofing machine.	Phillipsburg	28-19-50	Dec. 14, 1973	Immediately	Mar. 1, 1975
Acme Foundry & Machine Co.: Cupola furnace.	Coffeyville	28-19-20	do	do	Sept. 21, 1974
Allen County Highway Department: Primary crusher and secondary crusher and screening.	Iola	28-19-20	do	do	Apr. 1, 1974
Central Non-Ferrous, Inc.:					
Sweater furnaces (2)	Fort Scott	28-19-20	do	do	Dec. 1, 1974
Chlorination Processes (2)	do	28-19-20	do	do	Do.
Walker Products Co., Inc.: Alfalfa dehydrator.	Lincoln	28-19-20	do	do	July 1, 1975
General Portland, Inc.:					
Rock crushing	Fredonia	28-19-20	Apr. 19, 1974	do	July 15, 1974
Clinker burning kilns	do	28-19-20	do	do	Aug. 1, 1974
Gulf Oil Chemicals Co.:					
Nos. 11 and 12 dupond nitric acid units.	Pittsburg	28-19-50	Dec. 14, 1973	do	Jan. 1, 1975
Nos. 17, 18, and 19 ammonium nitrate.	do	28-19-20	do	do	Mar. 1, 1974
Neutralizers	do	28-19-50			
Jencast Products: Cupola furnace	Coffeyville	28-19-20	Dec. 14, 1973	Immediately	July 31, 1975
Kansas City Power & Light:					
Main boiler	La Cygne	28-19-31B	do	do	May 1, 1975
Startup boilers	do	28-19-50	do	do	May 1, 1974
Labette County Highway Department: Secondary crushing and screening.	Oswego	28-19-20	do	do	Oct. 15, 1974
Longton Dehydrating and Milling Co.: Alfalfa dehydrator.	Longton	28-19-20	do	do	July 1, 1975
Midwest Minerals, Inc.:					
Plant No. 1 (primary crusher, secondary crusher, tertiary crusher, recrusher, and fines mill).	Girard	28-19-20	do	do	July 1, 1974
Plant No. 2 (primary crusher, secondary crusher, recrusher, and fines mill).	do	28-19-20	do	do	Do.
Plant No. 3 (primary crusher, secondary crusher, tertiary crusher, recrusher, and fines mill).	do	28-19-20	do	do	Do.
National Alfalfa Dehydrating and Milling Co.: Alfalfa dehydrator.	Fredonia	28-19-20	do	do	July 31, 1975
Pittsburg & Midway Coal Mining Co.: Coal-fired boilers.	Hallowell	28-19-31	Dec. 14, 1973	do	May 31, 1975
Sherwin-Williams Co.: Black ash kiln	Coffeyville	28-19-50	Apr. 19, 1974	do	July 1, 1974
Western Alfalfa Corp.: Alfalfa dehydrator.	Neodasha	28-19-20	Dec. 14, 1973	do	Aug. 1, 1974
U.S. Steel-Universal Atlas Cement.					
Clinker kilns (4)	Independence	28-19-20	Feb. 8, 1974	do	May 31, 1974
Rock dryers (3)	do	28-19-20	Feb. 8, 1974	do	May 31, 1974

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Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Mercy Hospital: Incinerator	Fort Scott	28-19-40	do	do	July 31, 1975
Mr. Z's IGA: Incinerator	Emporia	28-19-40	do	do	Jan. 1, 1975
Self Service Super Markets: Incinerator.	Chanute	28-19-40	do	do	July 1, 1974
Sherwin-Williams Co.: $ZnSO_4$ spray dryer.	Coffeyville	28-19-50	do	do	Apr. 15, 1974
Benedict Rock and Lime Co.:					
Primary crusher	Benedict	28-19-20	Jan. 18, 1974	do	July 1, 1974
Secondary crusher and screening	do	28-19-20	do	do	Do.
Coffeyville Memorial Hospital: Incinerator.	Coffeyville	28-19-40	do	do	May 1, 1974
Foodtown Store: Incinerator	Chanute	28-19-40	do	do	Mar. 1, 1974
Foodtown Store: Incinerator	Coffeyville	28-19-40	do	do	Do.
McAdam Construction Co.:					
Primary crusher	Garnett	28-19-20	do	do	July 15, 1974
Secondary crusher and screening	do	28-19-20	do	do	Do.
McAdam Construction Co.:					
Primary crusher	Mound City	28-19-20	do	do	Do.
Secondary crusher and screening	do	28-19-20	do	do	Do.
Pence Food Center: Incinerator	Chanute	28-19-40	do	do	Dec. 31, 1974
Do	Humboldt	28-19-40	do	do	Do.
Unified School District No. 445:					
Garfield Incinerator	Coffeyville	28-19-40	do	do	Sept. 1, 1974
Longfellow Incinerator	do	28-19-40	do	do	Do.
Edgewood Incinerator	do	28-19-40	do	do	Do.
Town and Country Supermarket (Wilbow Corp.): Incinerator.	Columbus	28-19-40	Apr. 19, 1974	do	May 15, 1974
Duckwall Stores, Inc.: Alco Discount Store.	Newton	28-19-40	Dec. 14, 1973	do	July 1, 1974
Bert and Wetta Sales, Inc.: Alfalfa dehydrating.	Maize	28-19-20	do	do	Nov. 1, 1974
Cargill, Inc.:					
Bean Dryer	Wichita	28-19-20	do	do	June 1, 1975
Rail Car Unloading Facility	do	28-19-20	do	do	Dec. 1, 1974
Cities Service Oil Co.: Hydrocarbon Storage Wells.	Hutchinson	28-19-47C	do	do	June 1, 1974
Colman Alfalfa Milling Co.: Alfalfa dehydrating plant.	Haven	28-19-20	do	do	July 1, 1974
		28-19-50			
George M. Myers, Inc.: Portable rock-crushing units.	El Dorado	28-19-20	Dec. 14, 1973	Immediately	May 1, 1974
International Multi Foods: Hammer milling process.	Hutchinson	28-19-20	do	do	July 15, 1974
Sunny Kansas Flour Mills:					
Truck unloading pits	Wichita	28-19-20	do	do	June 1, 1975
Rail car unloading facility	do	28-19-20	do	do	Apr. 1, 1975
Basement conveying system	do	28-19-20	do	do	June 1, 1974
Gallery conveying system	do	28-19-20	do	do	May 1, 1974
Western Alfalfa Corp.: Alfalfa dehydrating plant.	Belle Plaine	28-19-20	do	do	Aug. 1, 1974
Western Alfalfa Corp.: Alfalfa dehydrating plant.	Douglass	28-19-20	do	do	Do.
Western Alfalfa Corp.: Alfalfa dehydrating plant.	Hope	28-19-20	do	do	July 31, 1975
Western Alfalfa Corp.: Alfalfa dehydrating plant.	Mount Hope	28-19-20	do	do	Do.
Western Alfalfa Corp.: Alfalfa dehydrating plant.	Oxford	28-19-20	do	do	Aug. 1, 1974
Western Grain, Inc.: Elevator Dust Collection System (Receiving Pit, North Gallery Upper Belt, South Gallery Upper Belt, North Gallery Lower Belt, South Gallery Lower Belt).	Wichita	28-19-20	do	do	Sept. 30, 1974
Far-Mar-Co., Inc.:					
Elevator A—Head house legs	do	28-19-20	do	do	June 15, 1974
Elevator B—head house legs	do	28-19-20	do	do	Do.
Elevators C and D—head house legs.	do	28-19-20	do	do	Do.
Sam P. Wallingford, Inc.:					
Grain cleaner	do	28-19-20	do	do	June 30, 1974
Elevator receiving pits	do	28-19-20	do	do	July 1, 1975
Southwest elevator conveying system.	do	28-19-20	do	do	June 30, 1974
West elevator conveying system	do	28-19-20	do	do	Do.
North elevator conveying system	do	28-19-20	do	do	Do.
East elevator conveying system	do	28-19-20	do	do	Do.
Collins Grocery: Incinerator	Hutchinson	28-19-40	Jan. 18, 1974	do	June 1, 1974
Newton Presbyterian Manor: Incinerator.	Newton	28-19-40	do	do	July 1, 1974
		28-19-41			
Salem Hospital, Inc.: Incinerator	Hillsboro	28-19-40	Jan. 18, 1974	Immediately	Jan. 1, 1975
		28-19-41			
Walter Keeler Co., Inc.:					
Secondary Rock Crusher	Florence	28-19-20	Jan. 18, 1974	Immediately	July 1, 1974
Fines Mill	do	28-19-20	do	do	Do.
Alamo Chemical Co.: Flare	Richfield	28-19-45	Dec. 14, 1973	do	June 30, 1975
Amoco Production Co.: Flare	Kinsler	28-19-45	do	do	June 1, 1974
Amoco Production Co.: Flare	Ulysses	28-19-45	do	do	Do.
Bert and Wetta Sales, Inc.: Alfalfa Dehydrating.	Larned	28-19-20	do	do	May 31, 1975
Bert and Wetta Sales, Inc.: Alfalfa dehydrating.	Rozel	28-19-20	do	do	Do.
Cities Service Oil Co.: Evaporation lagoons.	Satanta	28-19-45	do	do	June 1, 1974
Do	Scott City	28-19-45	do	do	Do.
Colorado Interstate Gas Co.: Flare	Lakin	28-19-45	do	do	Sept. 15, 1974
Mesa Petroleum Co.: Flare pit	Ulysses	28-19-45	do	do	June 1, 1974
Mesa Petroleum Co.: Flare	do	28-19-45	do	do	Do.

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Gold Bond Building Products:					
Raymond mills (8)	Medicine Lodge	28-19-20	do	do	Oct. 1, 1974
Block grinders (2)	do	28-19-60	do	do	Apr. 1, 1975
Board end trimming	do	28-19-60	do	do	Do.
Rotary calciners (2)	do	28-19-20	do	do	June 1, 1975
O.K. Cooperative Grain Co.: Hay and barley milling.	Kiowa	28-19-20	do	do	Jan. 1, 1975
Western Alfalfa Corp.: Alfalfa dehydrating plant.	Deerfield	28-19-20	do	do	July 31, 1975
Do	Garden City	28-19-20	do	do	Aug. 1, 1974
Do	Holcomb	28-19-20	do	do	Do.
Do	Larned	28-19-20	do	do	Do.
Do	Lowe	28-19-20	do	do	Do.
Do	Peterson	28-19-20	do	do	Do.
Do	Tice	28-19-20	do	do	July 1, 1975

(2) The compliance schedule submitted for the source identified below is disapproved as not meeting the requirements of § 51.4 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

KANSAS

Source	Location	Regulation involved	Date adopted
Chanute Manufacturing Co., Inc.: sand blasting	Chanute	28-19-60	Dec. 14, 1973

[FR Doc.74-25563 Filed 11-6-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Procurement of Special Items; Miscellaneous Amendment

This revision to AECPR 9-5.5205 recognizes the new name of Helium Operations, Bureau of Mines; makes minor changes to the statement to be included in direct orders from eligible private helium distributors; and, adds a requirement to furnish the Bureau of Mines a copy of such orders.

1. In Subpart 9-5.52, Procurement of Special Items, § 9-5.5205-5, *Methods of purchase*, paragraphs (a) and (c) are revised and paragraph (d) is added as follows:

§ 9-5.5205-5 Methods of purchase.

(a) Purchases may be made from the Secretary of the Interior for either AEC or cost-type contractors' requirements for helium by forwarding a purchase order in duplicate (Form AEC-103 or the cost-type contractor's purchase order properly identified as in the use of Government Sources of Supply) to: Bureau of Mines, Helium Operations, Box H 4372, Herring Plaza, Amarillo, Texas 79101.

• • • • •

(c) In all cases, except where purchase is made from the Bureau of Mines directly, the purchase orders shall contain the following statement:

Helium furnished under this contract shall be Bureau of Mines helium pursuant to Parts 1 and 2, Subchapter A, Chapter 1, Title 30, Code of Federal Regulations.

(d) One (1) copy of each procurement document issued pursuant to paragraph (b) (2) of this section shall be furnished to the address in paragraph (a) of this section.

• • • • •

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486))

Effective date: This amendment is effective November 7, 1974.

Dated at Germantown, Maryland this 31 day of October, 1974.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH, *Director, Division of Contracts.*

[FR Doc.74-26074 Filed 11-6-74;8:45 am]

SUPPLY SOURCES AND LABOR POLICIES; INSPECTION

Miscellaneous Amendments

The revision to AECPR 9-12.1, Basic Labor Policies, is being made in order to indicate that controls are to be established to assure that any use of an extended workweek schedule is in the best interest of the Government rather than requiring case-by-case approvals. The change made in AECPR 9-14, Inspection and Acceptance, adds a new section which essentially states that the Government may reinspect at destination, for conformance with contract specifications, supplies which it previously inspected at another location. The remaining changes are being made to update AECPR provisions requiring change to bring them into accord with recent FPR and organizational changes.

PART 9-5 SPECIAL AND DIRECTED SOURCES OF SUPPLY

1. In Part 9-5, Special and Directed Sources of Supply, the Table of Contents is amended as follows:

• • • • • •

Subpart 9-5.10 [Reserved]

• • • • • •

2. Subpart 9-5.10, Use of Excess Aluminum, is deleted and reserved.

PART 9-7—CONTRACT CLAUSES

3. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5006-52, *Priorities, allocations, and allotments*, is revised as follows:

§ 9-7.5006-52 Priorities, allocations, and allotments.

The contractor shall follow the provisions of DMS Regulation 1 and all other applicable regulations and orders of the Domestic and International Business Administration, Department of Commerce in obtaining controlled materials and other products and materials needed to fill this order.

PART 9-12—LABOR

4. In Subpart 9-12.1, Basic Labor Policies, § 9-12.102-4, *Approvals*, paragraphs (a) (1) and (2) are revised and paragraph (3) is deleted as follows:

§ 9-12.102-4 Approvals.

• • • • •

(a) (1) Establish controls to prevent excessive casual overtime and to assure that such overtime work is in the best interests of the Government. By casual overtime is meant (i) work in excess of the normal workweek (or in excess of an authorized extended workweek) which cannot be regularly scheduled in advance, or (ii) regularly scheduled work in excess of the normal workweek for a period of 4 consecutive weeks or less.

(2) Also establish controls to assure that any use of an extended workweek schedule is in the best interest of the Government. Extended workweek means a workweek regularly scheduled and established in excess of the normal workweek for a period in excess of 4 consecutive weeks.

• • • • •

PART 9-14—INSPECTION AND ACCEPTANCE

5. In Part 9-14, Inspection and Acceptance, the Table of Contents is amended as follows:

• • • • •

§ 9-14.105 Places of inspection.

• • • • •

6. In Part 9-14, Inspection and Acceptance, § 9-14.105, *Places of inspection*, is added as follows:

§ 9-14.105 Places of inspection.

Where a contract provides for delivery and acceptance at destination (see FPR 1-14.203) and the Government inspects the supplies at a place other than

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destination, the supplies may be reinspected at destination for conformance with contract specifications.

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486))

Effective date. This amendment is effective November 7, 1974.

Dated at Germantown, Maryland this 31st day of October, 1974.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.74-26075 Filed 11-6-74;8:45 am]

Title 43—Public Lands Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

[Circular No. 2364]

PART 2820—ROADS AND HIGHWAYS

Additional Use of Highway Right-of-Way

On page 10379 of the FEDERAL REGISTER of May 20, 1972, there was published a notice and text of a proposed amendment to Part 2820 of Title 43, Code of Federal Regulations. The purpose of the amendment is to delete those provisions of the Code of Federal Regulations whereby holders of highway rights-of-way granted under Title 23 U.S.C. and R.S. 2477 may grant other parties rights-of-way within the highway right-of-way. Under the proposed amendment, such additional uses of highway rights-of-way would be granted by the government. Interested parties were given until June 26, 1972, within which to submit comments, suggestions, or objections to the proposed amendment. Fifteen comments were received. Most opposed the amendment stating that it will complicate historic methods for acquiring use of lands and questioning the Secretary's authority to restrict use of rights-of-way granted under R.S. 2477. One respondent stipulated that if the rights of the highway right-of-way holder were protected they had no objection.

In response to the comments, the following changes have been made:

(1) Rights-of-way granted for nonhighway purposes will be subject to the highway grant. Any future relocation or change of the additional right-of-way made necessary by virtue of changes in the highway use will be accomplished at the expense of the additional right-of-way holder.

(2) Prior to the granting of an additional right-of-way the applicant therefore will submit to the Authorized Officer a written statement from the highway right-of-way grantee indicating any objections it may have thereto, and such stipulations as it considers desirable for the additional right-of-way.

In § 2822.2–2, as set forth in the notice of proposed rulemaking, the last sentence is revised to include reference to paragraph (b) of § 2801.1–5. This provision had been omitted inadvertently from the 1970 recodification. The last sentence of § 2822.2–2 is revised to read: "Grants under R.S. 2477 are made subject to the provisions of § 2801.1–5 (b), (c), (d), (e), (l), and (k) of this chapter." This amendment is hereby adopted as set forth below and shall become effective December 9, 1974.

1. Section 2821.6 is revised to read as follows:

§ 2821.6 Additional rights-of-way within highway rights-of-way.

A right-of-way granted under this subpart confers upon the grantee the right to use the lands within the right-of-way for highway purposes only. Separate application must be made under pertinent statutes and regulations in order to obtain authorization to use the lands within such rights-of-way for other purposes. Additional rights-of-way will be subject to the highway right-of-way. Future relocation or change of the additional right-of-way made necessary by the highway use will be accomplished at the expense of the additional right-of-way grantee. Prior to the granting of an additional right-of-way the applicant therefor will submit to the Authorized Officer a written statement from the highway right-of-way grantee indicating any objections it may have thereto, and such stipulations as it considers desirable for the additional right-of-way.

2. Section 2822.1–2(b) is revised as follows:

§ 2822.1–2 Procedure when reserved land is involved; rights-of-way over revested and reconveyed lands.

* * * * *

(b) *Revocation or modification of withdrawal.* Where reserved lands are involved, no rights to establish or construct the highway may be acquired before the reservation is revoked or modified to permit construction of the highway, subject to terms and conditions, if any, as may be deemed reasonable and necessary for the adequate protection and utilization of the reserve and for the protection of the natural resources and the environment.

* * * * *

3. Sections 2822.2, 2822.2–1, and 2822.2–2 are revised to read as follows:

§ 2822.2 Nature of interest.

§ 2822.2–1 Effective date of grant.

Grants of rights-of-way under R.S. 2477 are effective upon construction or establishment of highways in accordance with the State laws over public lands that are not reserved for public uses.

§ 2822.2–2 Extent of grant.

A right-of-way granted pursuant to R.S. 2477 confers upon the grantee the right to use the lands within the right-of-way for highway purposes only. Separate application must be made under pertinent statutes and regulations in order to obtain authorization to use the lands within such rights-of-way for other purposes. Additional rights-of-way will be subject to the highway right-of-way. Future relocation or change of the additional right-of-way made necessary by the highway use will be accomplished at the expense of the additional right-of-way grantee. Prior to the granting of an additional right-of-way the applicant therefor will submit to the Authorized Officer a written statement from the highway right-of-way grantee indicating any objections it may have thereto, and such stipulations as it considers desirable for the additional right-of-way. Grants under R.S. 2477 are made subject to the provisions of § 2801.1–5 (b), (c), (d), (e), (l), and (k) of this chapter.

JACK O. HORTON,
Assistant Secretary of the Interior.

OCTOBER 29, 1974.

[FR Doc.74-26107 Filed 11-6-74;8:45 am]

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5441]

[Riverside 2127]

CALIFORNIA

Modification of Public Land Order No. 3221

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Public Land Order No. 3221 of September 4, 1963, reserving lands under the jurisdiction of the Department of the Interior for use of the Forest Service, United States Department of Agriculture, as a field testing area in connection with the Western Forest Fire Research Laboratory, is hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. 932 (1970), by Riverside County, California, over the following described lands, as delineated on a map on file with the Bureau of Land Management in Riverside 2127, for construction of a public road:

SAN BERNARDINO MERIDIAN

T. 3 S., R. 1 E.,
Sec. 36, SW¼SW¼.
T. 4 S., R. 1 E.,
Sec. 2, lots 2 and 3.

Containing approximately 8.89 acres in Riverside County.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 1, 1974.

[FR Doc.74-26102 Filed 11-6-74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-99]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Commandant, U.S. Coast Guard

The purpose of this amendment is to delegate to the Commandant of the Coast Guard the authority vested in the Secretary by 14 U.S.C. 475 relating to leasing housing facilities at or near Coast Guard installations.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

In § 1.46, paragraph (p) is amended to read as follows:

§ 1.46 Delegations to Commandant of the Coast Guard.

* * * * *

(p) Carry out the functions vested in the Secretary by 14 U.S.C. 475 and Executive Order 11645, 3 CFR 371 (1973), 37 FR 2923, February 10, 1972, relating to the rental of housing facilities at or near Coast Guard installations.

Effective date. This amendment is effective June 13, 1970.

(Sec. 9(e), Department of Transportation Act, (49 U.S.C. 1657(e)))

Issued in Washington, D.C., on October 30, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-26127 Filed 11-6-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—PRACTICE AND PROCEDURE

PART 1121—ABANDONMENT OF RAILROAD LINES

Order

In order to clarify instructions and insure consistency in the filing of an application under Subpart A, B, and C of Part 1121;

It is ordered, that 49 CFR Part 1121, Subpart A, § 1121.4 be amended by adding a paragraph (b) as follows:

§ 1121.4 Filing of application.

* * * * *

(b) Applicant must submit with the application a check or money order made out to the Interstate Commerce Commission for the filing fee.

CROSS REFERENCE: § 1002.2(d)(17) of this chapter.

It is further ordered, that notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Dated at Washington, D.C., this 4th day of November, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26139 Filed 11-6-74;8:45 am]

Title 50—Wildlife

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulations are issued and are effective on November 7, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of red fox on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 14,814 acres is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of red fox subject to the following conditions.

(1) Hunting is permitted from sunrise to sunset November 17, 1974, through January 31, 1975.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through March 31, 1975.

Dated: October 29, 1974.

JIM MATTHEWS,
Refuge Manager Arrowwood National Wildlife Refuge, Edmunds, North Dakota.

[FR Doc.74-26119 Filed 11-6-74;8:45 am]

PART 32—HUNTING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on November 7, 1974.

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Public hunting of sharp-tailed grouse and Hungarian partridge on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 15,900 acres, is delineated on a map available at the refuge headquarters and from the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Hunting shall be in accordance with all applicable State regulations covering the hunting of sharp-tailed grouse and Hungarian partridge subject to the following conditions:

(1) Hunting is permitted from sunrise to sunset on November 17, 1974, through December 15, 1974.

(2) All hunters must exhibit their hunting license, game and vehicle contents to Federal and State Officers upon request.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

Dated: October 29, 1974.

JIM MATTHEWS,
Refuge Manager Arrowwood National Wildlife Refuge, Edmunds, North Dakota.

[FR Doc.74-26117 Filed 11-6-74; 8:45 am]

PART 32—HUNTING

Bosque Del Apache National Wildlife Refuge, New Mexico

The following special regulation is issued and is effective November 7, 1974.

§ 32.12 Special regulations; migratory game birds; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Public hunting of snow, blue, and Ross' geese only on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted from December 28, 1974 through January 12, 1975, inclusive, but only on the area designated by signs as open to hunting. This open area, (Unit B) comprising 1,300 acres, is delineated on maps available at refuge headquarters, San Antonio, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Hunting shall be in accordance with all applicable State and Federal regulations covering the hunting of geese subject to the following special conditions:

(1) An experimental program to evaluate field use of steel shot shells will be conducted this season by the U.S. Fish and Wildlife Service. Steel shot shells are available only in 12 gauge; therefore, shotguns of this gauge will be the only legal firearms used in this hunt.

(2) Each hunter, as he checks into the hunting area, shall purchase 4 steel shot shells. Shells are 4 for $1.00, or 25¢ each. Hunters will be limited to the use of these four shells for each day's hunt. It will be illegal to possess any other shells within the hunt area. Unused shot shells will not be refundable.

(3) If more than 60 hunters are present prior to 5 a.m., a daily lottery, beginning at 5 a.m., will be held to determine which hunters will participate in the hunt.

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(4) Hunters selected to participate in each day's hunt will be assigned their blind by lottery.

(5) Bag and possession limit: Two geese of the permitted species, which may not include more than one Ross' goose.

(6) Shooting hours shall be from sunrise until 12 noon.

(7) Hunting is permitted only from the assigned blind, with no more than three hunters per blind. Switching of blinds is prohibited.

(8) Hunters shall be present at the check station no later than 5 a.m. and must check out at the checking station in person no later than 12:30 p.m.

(9) The steel shot hunt program will continue throughout the 16 day hunt or until the refuge supply of steel shot shells is exhausted. Should this situation occur, hunting will then continue using lead shot, with hunters providing their own lead shot shells.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through January 12, 1975.

Dated: November 1, 1974.

W. O. NELSON, JR.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc.74-26116 Filed 11-6-74;8:45 am]

PART 33—SPORT FISHING

Arrowwood National Wildlife Refuge, North Dakota

The following special regulation is issued and is effective on November 7, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NORTH DAKOTA

ARROWWOOD NATIONAL WILDLIFE REFUGE

Sport fishing on the Arrowwood National Wildlife Refuge, North Dakota, is permitted only on the areas designated by signs as open to fishing. These areas comprising 1,550 acres are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, 10597 West 6th Avenue, Denver, Colorado 80215. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge shall extend from December 1, 1974, through March 23, 1975.

(2) The use of boats, without motors, is permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through March 23, 1975.

Dated: October 29, 1974.

JIM MATTHEWS,
Refuge Manager, Arrowwood National Wildlife Refuge, Edmunds, North Dakota.

[FR Doc.74-26118 Filed 11-6-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERY SERVICES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 260—INSPECTION AND CERTIFICATION

Fees and Charges

OCTOBER 30, 1974.

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (35 FR 15627), it is proposed to amend §§ 260.70 and 260.71 of Part 260—Inspection and Certification related to Fees and Charges. The intent of this notice is to adjust rates to provide for full recovery to the Department for government costs attributable to the program for inspection and certification of fishery products in accordance with DAO 203-5. An 8.6 percent adjustment upward from the present rates is necessary due to (1) the increased overhead and administrative costs being incurred in conducting this program and (2) an automatic increase, as provided for in § 260.81 (a), due to a Federal Pay Act increase authorized by Presidential Executive Order, effective October 1, 1974. The new rates are effective October 13, 1974.

Interested persons may submit written comments in regard to these amendments to the regulations to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235.

ROBERT M. WHITE,
Administrator.

In § 260.70 paragraphs (b) (1), (2), and (3), and (d) (2) are revised as follows:

§ 260.70 Schedule of fees.

* * * * *

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Type I—Official establishment and product inspection-contract basis.*

	Per hour
Regular time	$13.90
Overtime	18.10
Sunday and legal holidays (2-hour minimum)	21.40

The contracting party shall be charged at an hourly rate of $13.90 per hour for regular time; $18.10 per hour for overtime in excess of 8 hours per shift per day; and $21.40 per hour for Sunday and national legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

(2) *Type II—Lot inspection—Officially and unofficially drawn samples.*

	Per hour
Regular time	$20.85
Overtime	26.35
Sunday and legal holidays (2-hour minimum	33.20
Minimum fee	15.65

For lot inspection services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday: $20.85 per hour;

For lot inspection services performed at times Monday through Friday other than 7 a.m. to 5 p.m., and on Saturdays (2 hour minimum): $26.35 per hour;

For lot inspection services performed on Sunday and national legal holidays (2 hour minimum): $33.20 per hour.

The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $15.65.

(3) *Type III—Miscellaneous inspection and consultative services.* When any inspection or related service, such as, but not limited to, initial and final establishment surveys, appeal inspection, sanitation evaluation, SIFE inspections, sampling, product evaluation, and label and product specification review, rendered is such that charges based on the foregoing sections are clearly inapplicable, charges will be based on the rates set forth below:

	Per hour
Regular time	$17.40
Overtime	21.20
Sunday and legal holidays (2-hour minimum)	26.70
Minimum fee	13.05

For miscellaneous inspection and consultative services performed between the hours of 7 a.m. and 5 p.m., Monday through Friday: $17.40 per hour;

For miscellaneous inspection and consultative services performed at times Monday through Friday other than 7 a.m. to 5 p.m., and on Saturdays (2 hour minimum): $21.20 per hour.

For miscellaneous inspection and consultative services performed on Sunday and national legal holidays (2 hour minimum): $26.70 per hour.

The minimum service fee to be charged and collected for miscellaneous inspection and consultative services requiring less than 1 hour shall be $13.05.

* * * * *

(d) * * *

(2) Fees to be charged for any analysis performed at a government laboratory not specifically shown in this paragraph (d) will be based on the time required to perform such analyses at an hourly rate of $13.90.

* * * * *

Section 260.71 is revised as follows:

§ 260.71 Fee for inauguration of inspection service on a contract basis.

Prior to inauguration of inspection service, a fee of $20.00 per contract hour of inspection service will be charged and collected following completion of the final establishment survey and approval of it as an official establishment. The number of hours to which the fee for inauguration applies is the minimum number of man-hours of inspection per week determined in accordance with § 260.97(a).

[FR Doc.74-26000 Filed 11-6-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 393]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	
California	Mendocino	Ukiah, city of	Oct. 30, 1974, Emergency			
Florida	Hernando	Brooksville, city of	do			
Illinois	Cook and Lake	Barrington, village of	do	Mar. 22, 1974		
Do	Cook	Brookfield, village of	do	Apr. 12, 1974		
Do	do	Merrionette Park, village of	do	Mar. 15, 1975		
Michigan	Benzie	Frankfort, city of	do	May 31, 1974		
North Carolina	Randolph	Ramseur, town of	do	Feb. 15, 1974		
Oregon	Washington	Beaverton, city of	do	Feb. 1, 1974		
Pennsylvania	do	Elco, borough of	do			
Do	Allegheny	South Fayette, township of	do	Sept. 13, 1974		
Do	do	Springdale, borough of	do	Feb. 8, 1974		
South Dakota	Lawrence	Spearfish, city of	do	Mar. 29, 1974		
Texas	Dallas	Highland Park, town of	do	May 3, 1974		
Do	Hardeman	Quanah, city of	do	Aug. 9, 1974		
Utah	Davis	Syracuse, city of	do	June 28, 1974		
Virginia	Wise	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: October 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25985 Filed 11-6-74;8:45 am]

[Docket No. FI 397]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazard
*	*	*	*	*	*	*
Alabama	Cleburne	Heflin, city of	H 010043 01 through H 010043 02	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, City of Heflin, Heflin, Ala. 36264.	Nov. 1, 1974.
Do	De Kalb	Fort Payne, town of.	H 010067 01 through H 010067 13	do	Mayor, City Hall, Town of Fort Payne, Ala. 35967.	Do.
Do	Lamar	Kennedy, town of.	H 010136 01 through H 010136 02	do	Mayor, City Hall, Town of Kennedy, Kennedy, Ala. 35574.	Do.
Do	Marengo	Providence, town of.	H 010159 01	do	Mayor, Route No. 1, Town of Providence, Linden, Ala. 36748.	Do.
Alaska	Valdez-Chitina-Whittier Division.	Valdez, city of	H 020094 01 through H 020094 25	Department of Community and Regional Affairs, Division of Community Research and Planning, Pouch B, Juneau, Alaska 99801. Alaska Division of Insurance, Room 378—Goldstein Bldg., Pouch D, Juneau, Alaska 99801.	Mayor, Box 506, City of Valdez, Valdez, Alaska 99686.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Arizona	Gila	Unincorporated areas.	H 040028 01 through H 040028 12	Arizona State Land Department, 1624 West Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7066, 718 West Glenrosa, Phoenix, Ariz. 85011.	Chairman, Gila County Board of Supervisors, Courthouse, Globe, Ariz. 85501.	Do.
Arkansas	Drew and Desha	Tillar, city of	H 050075 01	Division of Soil and Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72204. Arkansas Insurance Department, 400 University Power Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, City of Tillar, Tillar, Ark. 71670.	Do.
Do	St. Francis	Caldwell, town of	H 050185 01	do	Mayor, Town of Caldwell, Caldwell, Ark. 72322.	Do.
California	Alameda	Unincorporated areas.	H 060001 01 through H 060001 05	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Public Works Bldg., Alameda County, 399 Elmhurst St., Hayward, Calif. 94544.	Do.
Do	Contra Costa	do	H 060025 01 through H 060025 31	do	Chairman, Contra Costa County Board of Supervisors, County Courthouse, Martinez, Calif. 94553.	Do.
Do	Imperial	do	H 060065 01 through H 060065 16	do	Chairman, Imperial County Board of Supervisors, 939 Main, El Centro, Calif. 92243.	Do.
Do	Orange	Buena Park, city of.	H 060215 01 through H 060215 05	do	Mayor, City Hall, 6650 Beach Blvd., Buena Park, Calif. 90620.	Do.
Do	San Mateo	Unincorporated areas.	H 060311 01 through H 060311 10	do	Mayor, City Hall, 330 West 20th Ave., San Mateo, Calif. 94403.	Do.
Do	Santa Clara	do	H 060337 01 through H 060337 06	do	Mayor, City Hall, P.O. Box 388; Santa Clara, Calif. 95050.	Do.
Do	Los Angeles	Glendale, city of	H 065030 01 through H 065030 16	do	Civil Defense Office, City of Glendale, City Hall, 613 East Broadway, Glendale, Calif. 91205.	Do.
Colorado	Adams	Thornton, city of	H 080007 01 through H 080007 08	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	City Administrative Office, City Hall, Thornton, Colo. 80229.	Do.
Connecticut	New London	Franklin, town of	H 090154 01 through H 090154 07	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Mayor, Town Hall, Town of Franklin, New London, Conn. 06230.	Do.
Do	Tolland	Ellington, town of	H 090158 01 through H 090158 11	do	Mayor, Town Hall, Town of Ellington, Ellington, Conn. 06029.	Do.
District of Columbia		District of Columbia	H 110001 01 through H 110001 18	District of Columbia Insurance Department, North Potomac Bldg., Room 512, 614 H St. NW., Washington, D.C. 20001.	Mayor, City Hall, City of Washington, Washington, D.C.	Do.
Florida	Broward	Miramar, city of	H 120048A 01 through H 120048A 07	Department of Community Affairs, 2571 Executive Center Circle, East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Building Department, City of Miramar, City Hall, Miramar, Fla. 33020.	Do.
Illinois	Cook	Elmwood Park, village of.	H 170069 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 625 West Jefferson St., Springfield, Ill. 62702.	Village Clerk, Village of Elmwood Park, Municipal Bldg., 11 Conti Parkway, Elmwood, Ill. 60635.	Do.
Do	Kendall	Lisbon, village of	H 170342 01	do	Mayor of Lisbon, Rural Route No. 1, Village of Lisbon, Newark, Ill. 60541.	Do.
Indiana	Johnson	Bargersville, town of.	H 180112 01	Division of Water Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Chairman, Town Board of Bargersville, Town Hall, Bargersville, Ind. 46106.	Do.
Do	Pulaski	Francesville, town of.	H 180211 01	do	Chairman, Area Plan Commission, Courthouse, Town of Francesville, Winamac, Ind. 46996.	Do.
Iowa	Appanoose	Mystic, city of	H 190010 01 through H 190010 02	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, City of Mystic, Mystic, Iowa.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Carroll	Dedham, town of	H 190043 01	do	Mayor, Town Hall, Town of Dedham, Dedham, Iowa.	Do.
Do	Clayton	Farmersburg, city of.	H 190075 01	do	Mayor, City Hall, City of Farmersburg, Clayton, Iowa 71326.	Do.
Do	Dubuque	Sageville, town of	H 190122 01	do	Mayor, Town Hall, Town of Sageville, Sageville, Iowa.	Do.
Do	do	Worthington, town of.	H 190123 01	do	Mayor, Town Hall, Town of Worthington, Worthington, Iowa.	Do.
Do	Jasper	Reasnor, town of	H 190167 01	do	Mayor, Town Hall, Town of Reasnor, Reasnor, Iowa.	Do.
Kansas	Wyandotte	Kansas City, city of.	H 200363 01 through H 200363 31	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, 701 North 7th, Kansas City, Kans. 66101.	Do.
Louisiana	Calcasieu Parish	Lake Charles, city of.	H 220040 01 through H 220040 08	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City of Lake Charles, City Hall, Lake Charles, La. 70601.	Do.
Do	St. Charles	Unincorporated areas.	H 220160 01 through H 220160 18	do	Police Jury Office Bldg., St. Charles Parish, Box 302, Hahnville, La. 70057.	Do.
Maine	Cumberland	Brunswick, town of.	H 230042 01 through H 230042 16	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Planning Board, Town of Brunswick, Brunswick, Maine 04011.	Do.
Do	Knox	South Thomaston, town of.	H 230078 01 through H 230078 06	do	1st Selectman, Town of South Thomaston, South Thomaston, Maine 04858.	Do.
Do	Lincoln	Waldoboro, town of.	H 230086 01 through H 230086 11	do	Town Manager, Town of Waldoboro, Waldoboro, Maine 04572.	Do.
Do	Penobscot	Kenduskeag, town of.	H 230108 01 through H 230108 05	do	1st Selectman, Town Office, Town of Kenduskeag, Kenduskeag, Maine 04449.	Do.
Do	do	Patten, town of	H 230115 01 through H 230115 06	do	Town Manager, Town of Patten, Patten, Maine 04765.	Do.
Do	Sagadahoc	Bath, city of	H 230118 01 through H 230118 08	do	City Manager, J. Maxwell, City Hall, Bath, Maine 04530.	Do.
Do	Somerset	Fairfield, town of	H 230125 01 through H 230125 11	do	Town Manager, Town Office, Fairfield, Maine 04937.	Do.
Do	Washington	Lubec, town of	H 230139 01 through H 230139 15	do	Town Manager, Town of Lubec, Lubec, Maine 04652.	Do.
Do	Cumberland	Harpswell, town of.	H 230169 01 through H 230169 11	do	Mayor, Town Hall, Town of Harpswell, Cumberland, Maine 04021.	Do.
Do	York	Kittery, town of	H 230171 01 through H 230171 09	do	Town Manager, Town Hall, Kittery, Maine 03904.	Do.
Do	Penobscot	Medway, town of	H 230175 01 through H 230175 06	do	Mayor, Town Hall, Town of Medway, Medway, Maine 04460.	Do.
Do	Oxford	Sumner, town of	H 230187 01 through H 230187 06	do	Mayor, Town Hall, Town of Sumner, Oxford, Maine 04270.	Do.
Maryland	Dorchester	Secretary, town of	H 240123 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Mayor, Town Hall, Town of Secretary, Secretary, Md. 21664.	Do.
Massachusetts	Berkshire	Peru, town of	H 250036 01 through H 250036 02	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Planning Board, Peru, Mass. 01235.	Do.
Do	do	Washington, town of.	H 250044 01 through H 250044 12	do	Chairman, Board of Selectmen, Washington, Mass. 01223.	Do.
Do	Hampshire	Plainfield, town of.	H 250169 01 through H 250169 07	do	Chairman, Planning Board, Town Hall, Plainfield, Mass. 01070.	Do.
Do	Plymouth	Middleborough, town of.	H 250275 01 through H 250275 10	do	Chairman, Board of Selectmen, Town Hall, Middleborough, Mass. 02346.	Do.
Minnesota	Clearwater	Clearbrook, city of.	H 270559 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City Hall, Clearbrook, Minn. 56634.	Do.
Do	Brown	Cobden, city of	H 270561 01	do	Mayor, City Hall, City of Cobden, Cobden, Minn.	Do.
Do	Carver	Cologne, city of	H 270562 01	do	Mayor, City Hall, City of Cologne, Cologne, Minn. 55322.	Do.
Do	Olmstead	Dover, city of	H 270566 01	do	Mayor, City Hall, City of Dover, Dover, Minn. 55929.	Do.
Do	Polk	Nielsville, city of	H 270590 01	do	Mayor, City of Nielsville, Nielsville, Minn. 56568.	Do.
Do	McLeod	Plato, city of	H 270596 01	do	Mayor, City Hall, City of Plato, Plato, Minn. 55370.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Missouri	Audrain	Farber, city of	H 290016 01	Department of Natural Resources, Division of Program and Policy Development, State of Missouri, 308 East High St., Jefferson City, Mo. 65101. Missouri Insurance Commission, Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City of Farber, Farber, Mo. 63345.	Do.
Do.	Jefferson	Kimmswick, city of.	H 290193 01	do	City Hall of Kimmswick, 3rd St. at Elm St., P.O. Box 27, Kimmswick, Mo. 63053.	Do.
Do.	St. Louis	Oakland, city of	H 290373 01	do	Mayor, City Hall, City of Oakland, Oakland, Mo. 63122.	Do.
Nebraska	Buffalo	Pleasanton, village of.	H 310017 01	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	City Council, Village of Pleasanton, Pleasanton, Nebr. 68866.	Do.
Do.	Howard	Dannebrog, town of.	H 310118 01	do	Mayor, City Hall, Dannebrog, Nebr. 68831.	Do.
Do.	Johnson	Elk Creek village of.	H 310125 01	do	Chairman, Village Board, Elk Creek, Nebr. 68348.	Do.
Do.	Pawnee	Table Rock, village of.	H 310172 01	do	Mayor, Village of Table Rock, Table Rock, Nebr. 68447.	Do.
Do.	Richardson	Rulo, city of	H 310184 01	do	Mayor, City of Rulo, Rulo, Nebr. 68431.	Do.
New Hampshire	Hillsborough	Manchester, city of.	H 330169 01 through H 330169 15	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Mayor, City of Manchester, Manchester, N.H. 01349.	Do.
New Jersey	Atlantic	Mullica, township of.	H 340517 01 through H 340517 17	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Township Clerk.s Office, Township of Mullica, Municipal Bldg., White Horse Pike, Elwood, N.J. 08217.	Do.
Do.	Gloucester	Swedesboro, borough of.	H 340518 01	do	Chairman, Borough of Swedesboro, Swedesboro, N.J. 08085.	Do.
Do.	Hunterdon	Flemington, borough of.	H 340520 01	do	Chairman, Borough of Flemington, Flemington, N.J. 08822.	Do.
Do.	Sussex	Green, township of.	H 340529 01 through H 340529 04	do	Chairman, Board of Selectmen, Township of Green, Sussex, N.J. 07461.	Do.
Do.	Bergen	Teterboro, borough of.	H 340537 01	do	Chairman, Board of Selectmen, Borough of Teterboro, Teterbote, N.J. 07608.	Do.
New York	Greene	Ashland, town of	H 360284 01 through H 360284 04	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Ashland, Ashland, N.Y. 12407.	Do.
Do.	Lewis	New Bremen, town of.	H 360373 01 through H 360373 04	do	Town Board-New Bremen, Town Clerk, Town of New Bremen, New Bremen, N.Y. 13412.	Do.
Do.	do	Watson, town of	H 360377 01 through H 360377 14	do	Town Board-Watson, Town Clerk, Town of Watson, Star Route, Lowville, N.Y. 13367.	Do.
Do.	Montgomery	Minden, town of	H 360451 01 through H 360451 07	do	Supervisor, 77 Canal St., Town of Minden, Fort Plain, N.Y. 13339.	Do.
Do.	Onandaga	Cicero, town of	H 360572 01 through H 360572 15	do	Cicero Town Clerk, Cicero Town Hall, 8236 South Main St., Cicero, N.Y. 13039.	Do.
Do.	Oswego	Hastings, town of	H 360653 01 through H 360653 06	do	Town Supervisor, Town Hall, R.D., Town of Hastings, Central Square, N.Y. 13036.	Do.
Do.	St. Lawrence	Fowler, town of	H 360698 01 through H 360698 07	do	Town Supervisor, Fowler Town Hall, Fowler, N.Y.	Do.
Do.	Tioga	Owego, town of	H 360839 01 through H 360839 13	do	Enforcement Officer, Town of Owego, 111 East Main St., Apalachin, N.Y. 13732.	Do.
Do.	Dutchess	LaGrange, town of.	H 361011 01 through H 361011 12	do	Mayor, Town Hall, Town of LaGrange, LaGrange, N.Y. 12540.	Do.
Do.	Lewis	Lyons Falls, village of.	H 361065 01	do	Mayor, Village of Lyons Falls, Lyons Falls, N.Y. 13368.	Do.
Do.	Suffolk	Bellport, village of.	H 361069 01	do	Bellport Village Office, 144 South Country Rd., Bellport, N.Y. 11713.	Do.
Do.	Chautangua	Stockton, town of	H 361081 01 through H 361081 04	do	Mayor, Town Hall, Town of Stockton, Stockton, N.Y. 14784.	Do.
Do.	Allegany	Bolivar, town of	H 361097 01 through H 361097 09	do	Mayor, Town of Bolivar, Bolivar, N.Y. 14715.	Do.
Do.	Herkimer	Norway, town of	H 361110 01 through H 361110 10	do	Mayor, Town Hall, Town of Norway, Herkimer, N.Y. 13350.	Do.
Do.	do	Russia, town of	H 361121 01 through H 361121 05	do	Mayor, Town Hall, Town of Russia, Russia, N.Y.	Do.
Do.	Dutchess	Washington, town of.	H 361147 01 through H 361147 05	do	Mayor, Town Hall, Town of Washington, Washington, N.Y.	Do.
Do.	Rensselaer	Grafton, town of	H 361150 01 through H 361150 12	do	Mayor, Town Hall, Town of Grafton, Grafton, N.Y. 12082.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Essex	Keene, town of	H 361151 01 through H 361151 36	do	Mayor, Town Hall, Town of Keene, Keene, N.Y. 12942.	Do.
Do.	Rennsselaer	Hoosick, town of	H 361154 01 through H 361154 16	do	Mayor, Town Hall, Town of Hoosick, Hoosick, N.Y. 12089.	Do.
Do.	St. Lawrence	Madrid, town of	H 361161 01 through H 361161 14	do	Mayor, Town Hall, Town of Madrid, Madrid, N.Y. 13660.	Do.
Do.	do	Rossie, town of	H 361186 01 through H 361186 14	do	Mayor, Town Hall, Town of Rossie, Rossie, N.Y. 13646.	Do.
Do.	Saratoga	Edinburg, town of.	H 361189 01 through H 361189 17	do	Mayor, Town Hall, Town of Edinburg, Edinburg, N.Y. 12134.	Do.
Do.	Stueben	Jasper, town of	H 361212 01 through H 361212 14	do	Mayor, Town Hall, Town of Jasper, Jasper, N.Y. 14855.	Do.
Do.	Westchester	Lewisboro, town of.	H 361227 01 through H 361227 11	do	Mayor, Town Hall, Town of Lewisboro, Lewisboro, N.Y.	Do.
Do.	Washington	Kingsbury, town of.	H 361235 01 through H 361235 10	do	Mayor, Town Hall, Town of Kingsbury, Kingsbury, N.Y.	Do.
Do.	Orange	Highlands, town of.	H 361251 01 through H 361251 09	do	Mayor, Town Hall, Town of Highlands, Highlands, N.Y. 10928.	Do.
Do.	Oswego	Volney, town of	H 361266 01 through H 361266 15	do	Mayor, Town Hall, Town of Volney, Oswego, N.Y. 13126.	Do.
Do.	do	Williamstown, town of.	H 361267 01 through H 361267 10	do	Mayor, Town Hall, Town of Williamstown, Williamstown, N.Y. 13493.	Do.
Do.	do	Worcester, town of.	H 361283 04 through H 361288 14	do	Mayor, City Hall, Town of Worcester, Worcester, N.Y. 12197.	Do.
Do.	Ontario	Manchester, town of.	H 361301 01 through H 361301 11	do	Mayor, City Hall, Town of Manchester, Manchester, N.Y. 14504.	Do.
Do.	Columbia	Canaan, town of	H 361313 01 through H 361313 10	do	Mayor, City Hall, Town of Canaan, Canaan, N.Y. 12029.	Do.
Do.	do	Greenport, town of.	H 361319 01 through H 361319 04	do	Mayor, City Hall, Town of Greenport, Greenport, N.Y. 11944.	Do.
Do.	Cortland	Scott, town of	H 361328 01 through H 361328 06	do	Mayor, City Hall, Town of Scott, Cortland, N.Y. 13045.	Do.
Do.	Dutchess	East Fishkill, town of.	H 361336 01 through H 361336 09	do	Mayor, City Hall, Town of Fishkill, East Fishkill, N.Y. 12524.	Do.
Do	Tioga	Waverly, village of.	H 361343 01 through H 361343 03	do	Waverly Village Hall, 358 Broad St., Waverly, N.Y. 14892.	Do.
North Dakota	Cass	Mapleton, city of.	H 380023 01 through H 380023 02	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	City Auditor's Office, City of Mapleton, Mapleton, N. Dak. 58059.	Do.
Oklahoma	Kiowa	Mountain View, town of.	H 400087 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Okahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, City Hall, Mountain View, Okla. 73062.	Do.
Do.	do	Roosevelt, town of.	H 400088 01	do	Mayor, City Hall, Roosevelt, Okla. 73564.	Do.
Do.	Le Flore	Poteau, city of	H 400093 01 through H 400093 12	do	Mayor, City Hall, Poteau, Okla. 74953	Do.
Oregon	Coos	Unincorporated areas.	H 410042 01 through H 410042 46	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th NE., Salem Oreg. 97310.	Chairman, Coos County Commissioners, County Court House, Coquille, Oreg. 97423.	Do.
Do.	Lincoln	Yachats, city of	H 410135 01	do	Mayor, City of Yachats, Yachats, Oreg. 97498.	Do.
Do.	Marion	Detroit, city of	H 410157 01	do	Mayor, City Hall, Detroit, Oreg. 97342.	Do.
Pennsylvania	Bedford	Coaldale, borough of.	H 420118 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Coaldale, Six Mile Run, Pa. 16679.	Do.
Do.	Butler	West Liberty, borough of.	H 420225 01 through H 420225 02	do	Mayor, Borough of West Liberty, Rural Delivery No. 1, Box 170, Slippery Rock, Pa. 16057.	Do.
Do.	Clinton	Porter, township of.	H 420333 01 through H 420333 02	do	Secretary, Porter Township, Rural Delivery No. 2, Township Road 321, Mill Hall, Pa. 17751.	Do.
Do.	Montour	Washingtonville, borough of.	H 420715 01	do	Mayor, Washingtonville, Pa. 17884	Do.
Do.	Susquehanna	Hop Bottom, borough of.	H 420812 01	do	Mayor, Hop Bottom, Pa. 18824	Do.
Do.	do	Little Meadows, borough of.	H 420814 01 through H 420814 02	do	Mayor, Little Meadows, Pa. 18830	Do.
Do.	Berks	Centre, township of.	H 421056 01 through H 421056 04	do	Chairman, Board of Supervisors, Township of Centre, Route No. 1, Mohrsville, Pa. 19541.	Do.
Do.	North Hampton	Washington, township of.	H 421156 01 through H 421156 06	do	Municipal Bldg., Township of Washington, Box 100, Ackermanville, Pa. 18010.	Do.
Do.	Columbia	Mifflin, township of.	H 421167 01 through H 421167 06	do	Township Clerk's Office Township of Mifflin, Mifflin, Pa. 17058.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	Montgomery	Lower Sacford, township of.	H 421170 01 through H 421170 06	do.	Mrs. Loretta Romanowski, Township Secretary, Township of Lower Sacford, 311 Alumni Ave., Harleysville, Pa. 19438.	Do.
Do.	Washington	Buffalo, township of.	H 421200 01 through H 421200 02	do.	Chairman, Board of Supervisors, Township of Buffalo, Rural Delivery No. 1, Claysville, Pa. 15323.	Do.
Do.	Erie	Springfield, township of.	H 421369 01 through H 421369 06	do.	Chairman, Board of Supervisors, Township of Springfield, West Springfield, Pa. 16443.	Do.
Do.	Schuylkill	Orwigsburg, borough of.	H 421204 01 through H 421204 05	do.	Orwigsburg Borough Hall, North Warren St., Orwigsburg, Pa. 17961.	Do.
Do.	Berks	Long Swamp, township of.	H 421380 01 through H 421380 06	do.	Chairman, Board of Supervisors, Township of Longswamp, R.D., Mertztown, Pa. 19539.	Do.
Do.	Bradford	Litchfield, township of.	H 421400 01 through H 421400 05	do.	Chairman, Board of Supervisors, Township of Litchfield, Rural Delivery No. 2, Athens, Pa. 18810.	Do.
Do.	do.	Pike, township of.	H 421403 01 through H 421403 06	do.	Chairman, Board of Supervisors, Township of Pike, Rural Delivery No. 1, Rome, Pa. 18837.	Do.
Do.	do.	Stevens, township of.	H 421407 01 through H 421407 02	do.	Chairman, Board of Supervisors, Rural Delivery No. 1, Stevensville, Pa. 18845.	Do.
Do.	Butler	Jefferson, township of.	H 421421 01 through H 421421 05	do.	Chairman, Board of Supervisors, Township of Jefferson, Rural Delivery No. 4, Butler, Pa. 16001.	Do.
Do.	Cambria	Lilly, borough of.	H 421430 01	do.	Mayor, 575 George St., Lilly, Pa. 15938.	Do.
Do.	Centre	Benner, township of.	H 421460 01 through H 421460 09	do.	Chairman, Board of Supervisors, Township of Benner, R.F.D. No. 1, Bellefonte, Pa. 16823.	Do.
Do.	Chester	Newlin, township of.	H 421486 01 through H 421486 02	do.	Chairman, Board of Supervisors, Township of Newlin, Rural Delivery No. 4, Coatesville, Pa. 19320.	Do.
Do.	do.	West Vincent, township of.	H 421499 01 through H 421499 06	do.	Chairman, Board of Supervisors, Township of West Vincent, Rural Delivery No. 2, Chester Springs, Pa. 30425.	Do.
Do.	Columbia	Beaver, township of.	H 421547 01 through H 421547 10	do.	Chairman, Board of Supervisors, Township of Beaver, Zion Grove, Pa. 17985.	Do.
Do.	do.	Fishing Creek, township of.	H 421550 01 through H 421550 10	do.	Chairman, Board of Supervisors, Township of Fishing Creek, Rural Delivery No. 2, Orangeville, Pa. 17859.	Do.
Do.	do.	Greenwood, township of.	H 421551 01 through H 421551 09	do.	Chairman, Board of Supervisors, Township of Greenwood, Rural Delivery No. 2, Millville, Pa. 17846.	Do.
Do.	Crawford	Troy, township of.	H 421572 01 through H 421572 04	do.	Chairman, Board of Supervisors, Township of Troy, Rural Delivery No. 4, Titusville, Pa. 16354.	Do.
Do.	Franklin	Lurgan, township of.	H 421652 01 through H 421652 11	do.	Chairman, Board of Supervisors, Township of Lurgan, Box 31, Lurgan, Pa. 17240.	Do.
Do.	Greene	Morgan, township of.	H 421674 01 through H 421674 04	do.	Chairman, Board of Supervisors, Township of Morgan, Rural Delivery No. 1, Waynesburg, Pa. 15370.	Do.
Do.	do.	Washington, township of.	H 421678 01 through H 421678 03	do.	Chairman, Board of Supervisors, Township of Washington, Rural Delivery No. 2, Prosperity, Pa. 15329.	Do.
Do.	Lehigh	Upper Milford, township of.	H 421815 01 through H 421815 02	do.	Chairman, Board of Supervisors, Township of Upper Milford, Rural Delivery No. 1, Emmaus, Pa. 18049.	Do.
Do.	Luzerne	New Columbus, borough of.	H 421819 01 through H 421819 03	do.	Mayor, Board of New Columbus, Rural Delivery No. 1, Stillwater, Pa. 17878.	Do.
Do.	do.	West Hazleton, borough of.	H 421821 01 through H 421821 04	do.	West Hazleton Borough Bldg., South 4th St., West Hazleton, Pa. 18201.	Do.
Do.	Lycoming	Penn, township of.	H 421848 01 through H 421848 09	do.	Chairman, Board of Supervisors, Township of Penn, Rural Delivery No. 2, Hughesville, Pa. 17737.	Do.
Do.	McKean	Ceres, township of.	H 421853 01 through H 421853 03	do.	Mr. Clifton Schooner, Township of Ceres, Box 14, Ceres, Pa. 14721.	Do.
Do.	Montgomery	Souderton, borough of.	H 421906 01 through H 421906 03	do.	Souderton Borough Hall, 117 Main St., Souderton, Pa. 18964.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do.	do.	Douglass, township of.	H 421911 01 through H 421911 06	do.	Douglass Township Municipal Bldg., 19 Municipal Dr., Gilbertsville, Pa. 19525.	Do.
Do.	do.	Marlborough, township of.	H 421913 01 through H 421913 06	do.	Marlborough Township, Rural Delivery, No. 1, Green Lane, Pa. 18054.	Do.
Do.	do.	New Hanover, township of.	H 421914 01 through H 421914 06	do.	New Hanover Township Bldg., Rural Delivery No. 1, Gilbertsville, Pa. 19525.	Do.
Do.	do.	Worcester, township of.	H 421919 01 through H 421919 07	do.	Chairman, Board of Supervisors, Worcester, Pa. 19490.	Do.
Do.	North Hampton	Pen Argyl, borough of.	H 421926 01 through H 421926 04	do.	Mayor, 21 South Schanck Ave., Pen Argyl, Pa. 18072.	Do.
Do.	Northumberland	Washington, township of.	H 421945 01 through H 421945 06	do.	Chairman, Board of Supervisors, Township of Washington, R.D., Dornsife, Pa. 17823.	Do.
Do.	Schuylkill	Mechanicsville, borough of.	H 421994 01	do.	Mayor, Borough of Mechanicsville, 962 1st St., Pottsville, Pa. 17901.	Do.
Do.	do.	Schuylkill, township of.	H 422020 01 through H 422020 04	do.	Chairman, Board of Supervisors, Township of Schuylkill, Brockton, Pa. 17925.	Do.
Do.	Snyder	Beaver, township of.	H 422032 01 through H 422032 03	do.	Chairman, Board of Supervisors, Rural Delivery No. 1, Beavertown, Pa. 17813.	Do.
Do.	do.	West Perry, township of.	H 422042 01 through H 422042 10	do.	Chairman, Board of Supervisors, Rural Delivery No. 1, Richfield, Pa. 17086.	Do.
Do.	Somerset	Shade, township of.	H 422054 01 through H 422054 10	do.	Chairman, Board of Supervisors, Township of Shade, Cairnbrook, Pa. 15924.	Do.
Do.	Tioga	Duncan, township of.	H 422095 01 through H 422095 07	do.	Chairman, Board of Supervisors, Township of Duncan, Rural Delivery No. 1; Wellsboro, Pa. 16901.	Do.
Do.	Union	West Buffalo, township of.	H 422106 01 through H 422106 13	do.	Chairman, Board of Supervisors, Township of West Buffalo, Rural Delivery No. 1, Mifflinburg, Pa. 17844.	Do.
Do.	Washington	Deemston, borough of.	H 422132 01 through H 422132 04	do.	Mayor, Borough of Deemston, Rural Delivery No. 1, Fredericktown, Pa. 15333.	Do.
Do.	do.	North Charlerol, borough of.	H 422137 01	do.	Mayor, 528 Monongahela Ave., North Charlerol, Pa. 15022.	Do.
Do.	do.	Speers, borough of.	H 422138 01 through H 422138 02	do.	Mayor, Borough of Speers, 606 Speers Ave., Charlerol, Pa. 15022.	Do.
Do.	do.	Chartiers, township of.	H 422144 01 through H 422144 08	do.	Chairman, Board of Supervisors, Township of Chartiers, 425 North Main St., Houston, Pa. 15342.	Do.
Do.	Westmoreland	Hyde Park, borough of.	H 422179 01	do.	Mayor, Chestnut St., Hyde Park, Pa. 15641.	Do.
Tennessee	Madison	Jackson, city of.	H 470113 01 through H 470113 16	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Planning Department, City of Jackson, 105 North Church St., Municipal Court Bldg., Jackson, Tenn. 38301.	Do.
Texas	Bell	Killeen, city of.	H 480031 01 through H 480031 07	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, 2d and Avenue C, Killeen, Tex. 76540.	Do.
Do.	Dallas	Grey Forest, city of.	H 480039 01	do.	Mayor, City Hall, City of Grey Forest, P.O. Box 258, Helotes, Tex. 78023.	Do.
Do.	Denton	Denton, city of.	H 480194 01 through H 480194 15	do.	Municipal Bldg., City of Denton, Denton, Tex. 76201.	Do.
Do.	Hill	Blum, city of.	H 480350 01	do.	Mayor, Blum, Tex. 76627.	Do.
Do.	Smith	Winona, city of.	H 480573 01	do.	Mayor, City Hall, Winona, Tex. 75792.	Do.
Do.	Starr	Unincorporated areas.	H 480575 01 through H 480575 05	do.	Roma City Hall, Starr County, Roma, Tex. 78584.	Do.
Do.	Tarrant	Haslet, city of.	H 480600 01 through H 480600 02	do.	Mayor and Corporation Court Judge, P.O. Box 66, Haslet, Tex. 76052.	Do.
Do.	Harris and Waller.	Waller, city of.	H 480641 01	do.	Mayor, City of Waller, Waller, Tex. 77484.	Do.
Do.	Bosque	Iredell, town of.	H 481072 01	do.	County Judge, Bosque County Commissioners, County Court House, Meridian, Tex. 76665.	Do.
Utah	Salt Lake	Riverton, city of.	H 490104 01 through H 490104 04	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, 12891 South 1700 West, Riverton, Utah 84065.	Do.
Vermont	Windsor	Stockbridge, town of.	H 500155 01 through H 500155 06	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Mayor, City Hall, Town of Stockbridge, Stockbridge, Vt. 05772.	Do.
Do.	Chihenden	South Burlington, city of.	H 500195 01 through H 500195 07	do.	Mayor, City Hall, City of South Burlington, South Burlington, Vt. 05401.	Do.
Do.	Grand Isle	Isle LaMotte, town of.	H 500224 01	do.	Mayor, City Hall, Town of Isle LaMotte, Isle LaMotte, Vt. 05463.	Do.
Do.	Orleans	Newport, town of.	H 500256 01 through H 500256 04	do.	City Manager, Town of Newport, Municipal Bldg., Newport, Vt. 05855.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Do	Windsor	Pomfret, town of	H 500297 01 through H 500297 08	do	Mayor, City Hall, Town of Pomfret, Windsor, Vt. 05089.	Do.
Virginia	Buckingham	Unincorporated areas.	H 510026 01 through H 510026 39	Bureau of Water Control Management, State Water Control Board, P.O. Box 11143, Richmond, Va. 23230. Virginia Insurance Department, 700 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Buckingham County, Board of Supervisors, Arvonia, Va. 23004.	Do.
Do	Mecklenburg	Clarksville, town of.	H 510209 01 through H 510209 05	do	Mayor, City Hall, Town of Clarksville, Clarksville, Va. 23927.	Do.
Do	Pittsylvania	Hurt, town of	H 510219 01 through H 510219 02	do	Mayor, City Hall, Town of Hurt, Hurt, Va. 24563.	Do.
Do	Prince Williams	Quantico, town of.	H 510232 01	do	Mayor, City Hall, Town of Quantico, Quantico, Va. 22134.	Do.
Do	Accomack	Belle Haven, town of.	H 510242 01 through H 510242 04	do	Mayor, Town Hall, Town of Belle Haven, Belle Haven, Va. 23306.	Do.
Do	Page	Shenandoah, town of.	H 510248 01	do	Mayor, City Hall, Town of Shenandoah, Shenandoah, Va. 22849.	Do.
Washington	Chelan	Entiat, town of	H 530018 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town Hall, Entiat, Wash. 98822.	Do.
West Virginia	Kanawha	South Charleston, city of.	H 540223 01 through H 540223 09	Office of Federal-State Relations, Room W115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	City Hall, City of South Charleston, 4th Ave. and D St., South Charleston, W. Va. 25303.	Do.
Wisconsin	Sheboygan	Plymouth, city of.	H 550128 01	Department of Natural Resources, P.O. Box, 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Mayor, City Hall, Plymouth, Wis. 53073.	Do.
Wyoming	Converse	Douglas, town of	H 560013 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Douglas Town Council, Town of Douglas, Douglas, Wyo. 82633.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: October 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–25982 Filed 11–6–74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Pemoline in Schedule IV

On August 19, 1974, the Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Administrator of the Drug Enforcement Administration:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
AUGUST 19, 1974.

Mr. JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration
1405 I Street, NW.,
Washington, D.C. 20537

DEAR MR. BARTELS: The Food and Drug Administration expects to complete its evaluation of a New Drug Application for Cylert (pemoline, Abbott Laboratories) in the near future.

This letter is to request that Cylert be controlled in Schedule IV of the Controlled Substances Act (PL 91–513) concomitant with its New Drug Application approval.

Cylert is a central nervous system stimulant which will be indicated only for children with certain learning or behavioral disorders. It is not anticipated that proper therapeutic use will lead to problems of abuse of Cylert.

However, the pharmacological profile of pemoline, reports of its abuse, and its recent appearance in the illicit market indicate that the drug should be controlled in the interest of public health.

Control in Schedule IV is recommended pursuant to the following evaluation of Cylert;

1. Cylert has a low potential for abuse relative to the drugs or other substances in Schedule III. Its actual potential for abuse has not been determined in appropriately controlled clinical trials.

2. A New Drug Application for Cylert has been submitted to the FDA. Should this application be approved, Cylert would have a currently accepted medical use in the United States.

3. Abuse of Cylert may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Attached is a summary of the information on which this report is based. Should members of your staff wish clarification or additional information, please feel free to contact the Food and Drug Administration.

Sincerely yours,

CHARLES C. EDWARDS, M.D.,
Assistant Secretary for Health.

Upon receipt of this letter, the Drug Enforcement Administration undertook a review of the following: (1) Materials submitted to DEA by the Department of Health, Education, and Welfare with the letter of August 19, 1974; (2) materials submitted to the Food and Drug Administration (FDA) in connection with the New Drug Application on this drug; (3) published scientific and medical literature from the United States and other nations regarding this drug; (4) selected investigatory files compiled for law enforcement purposes by the Drug Enforcement Administration; and (5) the legislative history of the Controlled Substances Act.

Based upon the investigations and review of the Drug Enforcement Administration and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a) and 811(b)), the Administrator of the Drug Enforcement Administration finds that:

1. Based on information now available, pemoline has a low potential for abuse relative to the drugs or other substances currently listed in Schedule III.

2. Pemoline will, upon the approval of New Drug Application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of pemoline may lead to limited physical dependence or psychological dependence relative to the drugs or other substances in Schedule III.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulations, the Administrator proposes that, upon approval of the New Drug Application for Cylert by FDA, § 1308.14 of Title 21 of the Code of Federal Regulations (CFR) be amended to read:

§ 1308.14 Schedule IV.

• • • • • •

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

• • • • • •

(3) Pemoline (including organometallic complexes and chelates thereof), 1530.

All interested persons are invited to submit their comments or objections in writing regarding this proposal. The comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Department of Justice, Room 1130, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than December 9, 1974.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 1308.45, the party will be notified by registered mail that a hearing on these objections will be held as soon as the matter may be heard at the Drug Enforcement Administration, 1405 Eye Street, NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Administrator may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 1308.48 without a hearing.

Dated: November 1, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74–26073 Filed 11–6–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service (Agricultural Adjustment)

[7 CFR Part 725]

FLUE-CURED TOBACCO

Determinations on Marketing Quotas for the 1975–76 Marketing Year

Pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq., hereinafter referred to as the "Act"), the Secretary is preparing to determine and announce the amount of the national marketing quota, the national average yield goal and the national acreage allotment for flue-cured tobacco for the 1975–76 marketing year.

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The Act (7 U.S.C. 1314c(d)) provides that the national marketing quota, national acreage allotment and national yield goal for the 1975–76 marketing year shall be determined and announced on or before December 1, 1974. Flue-cured tobacco farmers approved marketing quotas on an acreage-poundage basis for the 1974–75, 1975–76, and 1976–77 marketing years (38 FR 23935).

The Act (7 U.S.C. 1301(b)) defines "Reserve supply level" as normal supply plus 5 percent. "Normal supply" is defined as a normal year's domestic consumption and exports, plus 175 percent of a normal year's domestic consumption and 65 percent of a normal year's exports as an allowance for a normal carryover. A "Normal year's domestic consumption" is defined as the yearly average quantity produced in the United States and consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A "Normal year's exports" is defined as the yearly average quantity produced in the United States which was exported from the United States during the ten marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports. The reserve supply level for the 1974–75 marketing year was determined to be 2,877 million pounds, calculated from a normal year's domestic consumption of 690 million pounds and a normal year's exports of 510 million pounds (39 FR 3273). The proposed reserve supply level for the 1975–76 marketing year is 3,015 million pounds, calculated from a normal year's domestic consumption of 705 million pounds and a normal year's export of 565 million pounds.

The Act (7 U.S.C. 1301(b)) defines "Total supply" as the carry-over at the beginning of the marketing year (July 1) plus the estimated production in the United States during the calendar year in which the marketing year begins. The total supply for the 1974–75 marketing year is 2,913 million pounds, composed of carry-over of 1,607 million pounds and estimated production of 1,306 million pounds.

The Act (7 U.S.C. 1314c(a)) defines the "National marketing quota" as the amount of tobacco produced in the United States which the Secretary estimates will be utilized in the United States and will be exported during the marketing year, adjusted upward or downward in such amount as the Secretary, in his discretion, determines is desirable for the purpose of maintaining an adequate supply or for effecting an orderly reduction of supplies to the reserve supply level. Any such downward adjustment shall not exceed 15 percent of such estimated utilization and exports.

The amount of flue-cured tobacco produced in the United States and estimated to have been utilized in the United States during the 1973–74 marketing year was 703 million pounds, and the amount exported was 598 million pounds, farm-sales weight basis. The amount of the national marketing quota for the 1974–75 marketing year is 1,297 million pounds based upon estimated utilization in the United States of 895 million and estimated exports of 500 million pounds, with an upward adjustment of 102 million pounds for the purpose of maintaining an adequate supply (39 FR 3273). For the 1975–76 marketing year, utilization in the United States is estimated to be about 755 million pounds and exports are estimated to be about 580 million pounds. The total supply for the 1974–75 marketing year is 102 million pounds less than the proposed reserve supply level, but the amount of the upward adjustment desirable for maintaining an adequate supply is still being considered.

The Act (7 U.S.C. 1314c(a)) defines the "National average yield goal" as the yield per acre which on a national average basis the Secretary determines will improve or insure the usability of the tobacco and increase the net return per pound to the growers. In making this determination the Secretary shall give consideration to such Federal-State production research data as he deems relevant. The national average yield goal for the 1965–66 and each subsequent marketing year was determined to be 1,854 pounds, and no change is proposed for the 1975–76 marketing year.

The Act (7 U.S.C. 1314c(a)) defines the "National acreage allotment" as the acreage determined by dividing the national marketing quota by the national average yield goal. The national acreage allotment for the 1974–75 marketing year was determined to be 699,568.50 acres (39 FR 3273).

A national acreage factor for apportioning the national acreage allotment to old farms will be determined by taking the national acreage allotment minus the reserve for new farms and old farm corrections and adjustments and dividing the sum of the 1974 allotments for 1975 old farms prior to adjustments for overmarketing or undermarketing and reductions required for violations. The national acreage factor for the 1974–75 marketing year was 1.10 (39 FR 3273).

A national yield factor will be obtained by dividing the national average yield goal by the national average yield. The national average yield is computed by multiplying the preliminary farm yield for each farm by the acreage allotment determined for the farm prior to adjustments for overmarketing, undermarketing or reductions required for violations and dividing the sum of the products by the national acreage allotment. The national yield factor for the 1974–75 marketing year was .9312 (38 FR 18234).

The Act (7 U.S.C. 1314c(e)) provides that for each marketing year for which acreage-poundage quotas are in effect a reserve may be established from the national acreage allotment in an amount equivalent to not more than one percent of the national acreage allotment to be available for making corrections of errors in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms, which are farms on which no tobacco was produced or considered produced during the immediately preceding five years. A reserve of 300 acres was established for the 1974–75 marketing year (38 FR 18234). A similar reserve is proposed for the 1975–76 marketing year.

The Act (7 U.S.C. 1314c(g)) provides that if the Secretary, in his discretion, determines it is desirable to encourage the marketing of grade N_1 tobacco, or any grade of tobacco not eligible for price support, in order to meet the normal demands of export and domestic markets, he may authorize the marketing of such tobacco without the payment of penalty or deduction from subsequent quotas to the extent of 5 percent of the marketing quota for the farm on which the tobacco was produced. This has never been authorized under the acreage-poundage program and is not proposed for the 1975–76 marketing year.

The subjects and issues involved in the proposed determination are: (1) The amount of the reserve supply level.

(2) The amount of the national marketing quota for the 1975–76 marketing year.

(3) The amount of the national average yield goal.

(4) The amount of acreage to be reserved from the national acreage allotment for making corrections in farm acreage allotments, adjusting inequities, and for establishing acreage allotments for new farms.

(5) Whether the Secretary should implement the provision relating to N_1 or other grades of tobacco not eligible for price support.

The amount of the national acreage allotment, the national acreage factor and the national yield factor are not considered issues in these determinations because they result from mathematical computations based on the determinations outlined in issues (1) through (4) in the preceding paragraph.

The community average yields, as computed in 1965 (30 FR 6207, 9875, 14487), will be used for the 1975–76 marketing year.

Consideration will be given to data, views, and recommendations pertaining to the proposed determinations, rules, and regulations covered by this notice which are submitted in writing to the Director, Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday, in Room 6763, South Building, 14th and Independence Avenue SW., Washington, D.C. All submissions must, in order to be sure of consideration, be postmarked not later than November 22, 1974.

Signed at Washington, D.C. on November 4, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-26154 Filed 11-6-74;8:45 am]

Commodity Exchange Authority

[17 CFR Part 150]

[Hearing Docket CE-P 13]

POTATOES

Limits on Position and Daily Trading for Future Delivery

The Commodity Exchange Commission has issued orders under section 4a of the Commodity Exchange Act (7 U.S.C. 6a), establishing maximum limits on positions and daily trading in potatoes for future delivery on any one market at 300 carlots in any one future and 350 carlots in all futures combined, provided that no person may buy or sell during any one business day, nor may any person hold or control a net long or a net short position, in excess of (1) 150 carlots in the March potato future, (2) 150 carlots in the April potato future, or (3) 150 carlots in the May potato future.

Section 150.10 of the orders of the Commodity Exchange Commission (issued November 17, 1964, 29 FR 15570, 17 CFR 150.10) was amended in 1970 to apply separately to the maximum positions and daily trading in Maine Round White Potatoes and Idaho Russet Burbank Potatoes (Jan. 22, 1970, 35 FR 880).

At the time these orders were issued, the contracts for the Maine Round White Potatoes traded on the New York Mercantile Exchange and for the Idaho Russet Burbank potatoes traded on the Chicago and New York Mercantile Exchanges specified carlot units of 50,000 pounds. A recent rule change by the Chicago Mercantile Exchange caused potatoes on that contract market to be traded in carlot units of 80,000 pounds. Because the present limits are stated in terms of carlots with no reference to weight, this rule change by the Chicago Mercantile Exchange effectively increases by 60-percent the amount of potatoes which may be held and traded daily by any one person on that contract market. Moreover, this action by the Chicago Mercantile Exchange caused to be permitted 60-percent larger daily trading and positions in potatoes on that exchange, than what is permitted on the New York Mercantile Exchange, where a 50,000 pound carlot continues to be the trading unit.

The administrative officials of the Commodity Exchange Authority believe that the maximum amount of potatoes which may be held and traded daily by any person should not be raised. They therefore propose that the existing limits on positions and daily trading be restated in terms of weight, so that the actual amount of potatoes which may be held and traded daily by any person, will be the same as it was before the recent rule change mentioned above.

Accordingly, notice is hereby given that it is proposed by the Commodity Exchange Authority that the Commodity Exchange Commission revise § 150.10 to read as follows:

§ 150.10 Limits on position and daily trading in potatoes for future delivery.

The following limits on the amount of trading under contracts of sale of Round White Potatoes originating in Maine, and under contracts of sale of Russet Burbank Potatoes originating in Idaho, for future delivery on or subject to the rules of any contract market, which may be done by any person, are hereby proclaimed and fixed, to be in full force and effect on and after [date to be inserted at time of issuance of order]:

(a) *Position limit.* The limit on the maximum net long or net short position which any person may hold or control in any one type of potato contract specified in the first paragraph of this section, on or subject to the rules of any one contract market, is 150,000 cwt. in any one future and 175,000 cwt. in all futures combined: Provided, that no person may hold or control a net long or net short position in any one such type of contract in excess of (1) 75,000 cwt. in the March potato future, (2) 75,000 cwt. in the April potato future, or (3) 75,000 cwt. in the May potato future.

(b) *Daily trading limit.* The limit on the maximum amount of potatoes under any one type of contract specified in the first paragraph of this section, which any person may buy, and on the maximum amount of potatoes under any one such type of contract which any person may sell, on or subject to the rules of any one contract market during any one business day is 150,000 cwt. in any one future and 175,000 cwt. in all futures combined: Provided, that no person may buy or sell during any one business day in any one such type of contract more than (1) 75,000 cwt. in the March potato future, (2) 75,000 cwt. in the April potato future, or (3) 75,000 cwt. in the May potato future.

(c) *Bona fide hedging.* The foregoing limits upon position and upon daily trading shall not be construed to apply to bona fide hedging transactions, as defined in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a(3)).

(d) *Manipulation; corners; responsibility of contract market.* Nothing contained herein shall be construed to affect any provisions of the Commodity Exchange Act relating to manipulation or corners, nor to relieve any contract market or its governing board from responsibility under section 5(d) of the Commodity Exchange Act (7 U.S.C. 7(d)) to prevent manipulation and corners.

(e) *Definition.* As used in this part, the word "person" imports the plural or singular and includes individuals, associations, partnerships, corporations, and trusts.

(f) *Application of limits.* The foregoing limits upon positions and upon daily trading shall be construed to apply, respectively, to positions held by, and trading done by, two or more persons acting pursuant to an expressed or implied agreement or understanding, the same as if the positions were held by, or the trading were done by, a single individual.

If any interested person desires a hearing with reference to this proposed regulation, he should make a request to that effect stating the reasons therefore, addressed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, on or before December 23, 1974.

Written statements with reference to the subject matter of this proposal may be submitted by an interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to December 23, 1974.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued: November 1, 1974.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.74-26064 Filed 11-6-74;8:45 am]

Farmers Home Administration

[7 CFR Part 1822]

[FmHA Instruction 444.5]

RURAL RENTAL HOUSING

Proposed Loan Policies, Procedures and Authorizations

Notice is hereby given that Farmers Home Administration has under consideration amending Subpart D of Part 1822, Title 7, Code of Federal Regulations (37 FR 18700; 38 FR 14671; 38 FR 20440; 39 FR 20803). The major proposed changes are as follows:

1. A new § 1822.83(h) is added to define a project.

2. Section 1822.83(i) is revised to permit inclusion as a development cost, up to 2 percent of the initial operating expense, for nonprofit organizations and State or local public agencies.

3. A new § 1822.83(r) is added to define a limited partnership.

4. Section 1822.84(a)(2) is revised to except the credit elsewhere requirement for State or local public agencies.

5. Section 1822.84(a)(2)(iii) is added to clarify that assets of individual members of nonprofit organizations will not be considered.

6. Section 1822.84(a)(4) is revised to permit loans on leasehold interests.

7. Section 1822.84(a)(8)(ii) is revised to reflect changes in the HUD section 23 leasing program.

8. Section 1822.84(a)(9) is revised to clarify eligibility for private nonprofit organizations.

9. A new § 1822.84(a)(10) is added to require that in the case of limited partnership, the general partners maintain a minimum of 5 percent financial interest in the organization and to clarify that new partners brought into the organization must receive approval by the Government.

10. Section 1822.85(a) is revised to eliminate the general policy of giving preference to the financing of new housing and to no longer require prior National Office review of loan dockets for other than new construction.

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11. A new § 1822.85(b) (1) and (2) are added to define the requirements for a loan to purchase an existing building less than 1-year old.

12. Section 1822.86(a) is revised to remove the limitation of $750,000 on loans.

13. A new § 1822.86(a) (3) is added to limit loan funds to 80 percent of appraised value for purchase of existing buildings less than 1-year old.

14. Section 1822.87(b) is revised to set the term of the repayment period not to exceed 40 years except for senior citizen housing.

15. A new § 1822.88(l) is added to require tenant certifications to be executed for all families occupying the rental units.

16. Section 1822.88(k) is revised to increase the per annum return on the initial investment for limited profit applicants and to further clarify what may be included in the initial investment.

17. Section 1822.88(l) is revised to permit subleasing of units to a housing authority (HA) in connection with a section 23 leasing program providing the State Director makes certain determinations.

18. A new § 1822.88(m) is added to require that projects that exceed 25 units will comply with the provisions of Office of Management and Budget Circular A–95 concerning the formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development.

19. A new § 1822.88(n) is added to require that projects that exceed 25 units will comply with the provisions of guidelines for preparing environmental impact statements.

20. A new § 1822.88(o) is added to require that projects will comply with the provisions of the National Flood Insurance Act of 1968.

21. Section 1822.89(a) is revised to eliminate the requirement that a second mortgage be taken on a site developed with prior RRH loan funds when an additional project is built immediately adjacent to the initial site.

22. Section 1822.91(a) is revised to adopt the use of Standard Form AD–621, "Preapplication for Federal Assistance," and Form AD–622, "Notice of Preapplication Review Action."

23. Section 1822.92(a) is revised to provide for the use of Form AD–625, "Application for Federal Assistance" (Short Form).

24. Section 1822.92(c) is revised to eliminate the use of County Committees to review RRH loans.

25. Section 1822.93(b) (2) (ii) is revised to provide for notifying the applicant of approval of the loan.

Interested persons are invited to submit written comments, suggestions, data, or arguments to the Office of the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before December 9, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours. (8:15 a.m.–4:45 p.m.)

Dated: October 30, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

As proposed, Subpart D is amended to read as follows:

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

Sec.

1822.81 General.
1822.82 Objectives.
1822.83 Definitions.
1822.84 Eligibility requirements.
1822.85 Loan purposes.
1822.86 Limitations.
1822.87 Rates and terms.
1822.88 Special conditions.
1822.89 Security.
1822.90 Technical, legal and other services.
1822.91 Processing preapplications.
1822.92 Preparation of completed loan docket.
1822.93 Loan approval.
1822.94 Actions subsequent to loan approval.
1822.95 Loan closing.
1822.96 Subsequent RRH loans.
1822.97 Coding loans as to initial or subsequent.
1822.98 Complaints regarding discrimination in use and occupancy of RRH housing.

EXHIBITS [1]

(RRH loan to broadly based nonprofit corporation) loan resolution of ---------- 19-- ---------- A
(RRH insured loan to profit type corporation) loan resolution of------ ------ 19-- ---------- B
Loan agreement (RRH loan to individual) ---------- C
Information to be submitted with preapplication for RRH loan---------- F–6
Information to be submitted with application for Federal assistance (short form) ---------- F–7
(RRH loan to profit corporation operating on a limited profit basis) loan resolution of ---------- 19-- ---------- G
Loan agreement (RRH loan to individual operating on a limited profit basis) ---------- H
Interest credits on insured RRH and RCH loans---------- J

AUTHORITY: 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70.

Subpart D—Rural Rental Housing Loan Policies, Procedures, and Authorizations

§ 1822.81 General.

This subpart sets forth the policies and procedures and delegates authority for making Rural Rental Housing (RRH) loans under sections 515 and 521 of the Housing Act of 1949.

§ 1822.82 Objectives.

The basic objective of RRH loans is to provide eligible occupants economically designed and constructed rental housing and related facilities suited to their living requirements.

[1] Exhibits D, E, F, and I available from agency.

§ 1822.83 Definitions.

(a) *Family.* One person, or two or more persons related by blood, marriage or operation of law who maintain or will maintain one household.

(b) *Senior citizens.* A person who is 62 years of age or over and in the case of a married couple may be either the wife or husband. A person younger than 62 years of age may reside with a senior citizen provided the person is considered a member of the family of the senior citizen, or his occupancy can be shown to be necessary for the well being of the senior citizen.

(c) *Low or moderate income family.* Families having incomes within the limits of the maximum adjusted income.

(d) *Plan I and Plan II.* The two interest credit plans as outlined in Exhibit J.

(e) *Eligible occupants.* (1) For the purpose of a loan developed under Plan I:

(i) A senior citizen with a low or moderate income, or

(ii) Any family with a low income.

(2) For the purpose of all other loans including those developed under Plan II:

(i) A senior citizen without regard to income.

(ii) Any family with a low or moderate income.

(f) *Housing.* Structures in a rural area which are or will be suitable for and available to eligible occupants for dwelling use to provide independent living on a rental basis. They may include "related facilities" where appropriate.

(g) *Related facilities.* Community rooms or buildings, cafeterias, dining halls, appropriate recreation facilities, and other essential service facilities such as central heating, sewerage, light systems, ranges and refrigerators, clothes washing machines and clothes dryers, and a safe domestic water supply. Under special conditions a project may have an infirmary. When ranges, refrigerators, washing machines, and dryers are included they will be attached to the real estate in a manner to prevent easy removal.

(h) *Project.* A project means the total number of rental housing units to be built or to be purchased by one applicant in one market area at any one time. Subsequent loans may be made to complete the units started with the initial loan. Additional units or additional projects in the same market area may be developed on a contiguous or separate tract of land at a later time if it can be shown that there is a need for this project in the market area and if the project already developed is operating successfully.

(i) *Development cost.* The cost of constructing, purchasing, improving, altering, or repairing housing and related facilities and purchasing or improving the necessary land. It includes necessary architectural, engineering, legal, and official fees and charges and other appropriate technical and professional fees and charges. For nonprofit organizations and

State or local public agencies the development cost may include initial operating expenses up to 2 percent of the aforementioned costs. It does not include fees, charges, or commissions such as payments to brokers, negotiators, or other persons for the referral of prospective applicants or solicitation of loans.

(j) *Rural area.* Includes rural communities of 10,000 persons or less which are not part of or associated with urban areas and are further defined in § 1822.3 (c) of this chapter.

(k) *Individual.* A natural person.

(l) *Organization.* A profit corporation, nonprofit corporation, consumer cooperative, association, State or local public agency, trust, partnership, or limited partnership.

(m) *Private nonprofit corporation.* A corporation which is controlled by private persons or interests, is organized and operated for purposes other than making gains or profits for the corporation or its members, is legally precluded from distributing to its members any gains or profits during its existence, and in the event of its dissolution, is legally bound to transfer its net assets to a nonprofit corporation of a similar type or to a municipal corporation which will operate the housing for the same or similar purposes.

(n) *Profit corporation.* A corporation which is controlled by private persons or interests, whose organization permits the making of gains or profits for the corporation or its members, which is authorized to do business in the State, and which can legally carry out the purposes of the loan.

(o) *Consumer cooperative.* A corporation which is organized as a cooperative, will operate the housing on a nonprofit basis solely for the benefit of the occupants, and is legally precluded from distributing during the life of the loan any gains or profits from operation of the housing. For this purpose any patronage refunds to occupants of the housing would not be considered gains or profits. A consumer cooperative may accept nonmembers as well as members for occupancy of the housing.

(p) *Limited profit basis.* An individual or organization applicant who, in order to obtain interest credit assistance, will agree to limit the amount of profit to be obtained. Applicants operating on this basis will be permitted to receive a return on their initial investment in accordance with the requirements outlined in § 1822.88(k). The applicant will legally obligate itself to regulate rents, charges, rate of return, and methods of operation.

(q) *Profit basis.* An individual or organization applicant who will operate the housing at rental rates low- and moderate-income families and senior citizens can afford.

(r) *Limited partnership.* A partnership consisting of one or more general partners, jointly and severally responsible as ordinary partners, and by whom the business is conducted, and one or more special partners, contributing in cash payments a specific sum as capital to the common stock, and who are not liable for the debts of the partnership beyond the fund so contributed.

(s) *Owner-builder.* A qualified builder-applicant who is capable of and will build the RRH project.

(t) *Security value.* As used in this Subpart, the security value means the present market value of the real estate offered as security for the loan as determined by the loan approval official less the unpaid principal balance plus past-due interest on any other liens against it. Other liens will include any prior liens and any junior liens to be or likely to be taken or subordinated at or immediately after loan closing.

(u) *Gains or profits.* For the purpose of paragraphs (m) and (n) of this section, gains and profits do not include dividends payable on stock which is nonvoting, limited as to the amount of dividends that can be paid thereon, and limited as to liquidation value in the event of corporate dissolution.

(v) *Members and membership.* Includes stockholders and stock where appropriate.

(w) *Board and directors.* The governing body and members of the governing body of an organization.

(x) *Note.* Bond or other form of obligation.

(y) *Mortgage.* Includes any appropriate form of security instrument.

(z) *Office of the General Counsel (OGC).* The Regional Attorney or the attorney in charge who provides legal services to the Farmers Home Administration (FmHA) for the particular State.

§ 1822.84 Eligibility requirements.

(a) *Eligibility of applicant.* To be eligible for an RRH loan, the applicant must:

(1) Be either an individual who is a citizen of the United States, or an organization defined in § 1822.83(l) which will provide housing for eligible occupants as defined in § 1822.83(e).

(2) Be unable to provide the housing from its own resources and with the exception of a State and local public agency, be unable to obtain the necessary credit from private or cooperative sources on terms and conditions that would enable the applicant to rent the units for amounts that are within payment ability of eligible low- and moderate-income or senior citizen occupants.

(i) For an individual, the assets of both the applicant and spouse, will be considered.

(ii) For profit organizations, the assets of the individual members or stockholders and their spouses will be considered.

(iii) For nonprofit organizations, the assets of the individual members and their spouses need not be considered.

(3) Have the ability and intention to maintain and operate the housing for the purpose for which the loan is made. This is not intended to preclude the leasing of the housing in accordance with paragraph (a)(8)(ii) of this section.

(4) Own the housing and related land or become the owner when the loan is closed. An owner may include in addition to the owner of full marketable title a lessee of a tract of land owned by a State, political subdivision, public body or public agency, or Indian tribal lands which are not available for purchase. It may also include land where the State Director determines that long-term leasing of sites by nonpublic bodies is a well established practice and such leaseholds are fully marketable. The guidelines as outlined in FmHA Instruction 444.1, will be used for making loans on leasehold interests.

(5) Have or be able to obtain initial operating capital and other assets needed for a sound loan. RRH loans made to nonprofit organizations and to State or local public agencies may include up to 2 percent of the development cost for initial operating expenses.

(i) Initial operating capital should be sufficient to pay for such costs as property and liability insurance premiums, fidelity bond premiums if an organization, utility hookup deposits, maintenance equipment, movable furnishings and equipment, printing lease forms, and other initial expenses. The initial operating capital required will be at least 2 percent of the total cost of the project.

(ii) When the applicant is to provide other movable equipment and furnishings, the initial capital will be increased sufficiently to cover the cost of these items.

(6) Possess the ability, experience, and the legal capacity to incur and carry out the undertakings and obligations required for the loan.

(7) Agree to comply with all requirements of the FmHA such as those set forth in the loan resolutions, loan agreement, the form of note, the mortgage, and FmHA directives.

(8) Concerning management: (i) Be an individual or an organization which will provide for the necessary management to assure the successful operation of the project. Management services may be provided by the applicant, a management firm or an agent. If the borrower or a member of the borrower organization does not live in the community where the housing is located, or close enough to the project to provide the general supervision, he must retain a management firm or an individual located in close proximity who is experienced and has full authority to act on behalf of the owner; or

(ii) Be an individual or organization that, with approval of FmHA, will lease the entire project or a percentage of the units to a public housing authority pursuant to the Department of Housing and Urban Development (HUD) section 23 leasing program. Management will be in accordance with FmHA and HUD management requirements and the units rented to eligible occupants as defined in § 1822.83(e) and HUD regulations. Such loans will be subject to the requirements outlined in § 1822.88(l).

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(9) In the case of a private nonprofit organization:

(i) If operating in one community and its trade area, meet the following additional requirements: (A) Each member must be limited to one vote in the affairs of the organization.

(B) A majority of the members must reside in the community or the trade area where the housing will be located.

(C) The board of directors must number not less than 5.

(D) The directors must be members of the organization.

(E) Not less than five of the directors must be recognized as leaders in community, civic, governmental, fraternal, and religious organizations of the community where the housing will be located.

(F) The organization must have and maintain a broadly-based membership representing or reflecting a variety of interests in the community. For a loan of less than $100,000, the organization should have at least 25 members. The number of members should be increased for larger projects with the organization having at least one member from the local community for each individual apartment. Factors such as the prospect for competent management and supervision and adequate community support of the housing project over the expected life of the loan are vitally important. The "broadly-based membership" requirement may vary, depending upon whether the applicant is a well established or a new corporation, its financial condition, the present and future effective demand for the housing by persons who will be eligible for occupancy, and the ratio of the amount of the loan to the appraised value of the security.

(G) The organization must adopt articles of incorporation and bylaws substantially conforming to the model articles and bylaws set forth in the appropriate FmHA State requirement. The State Director, with the assistance of OGC, will develop a model set of articles of incorporation and bylaws for his State which will be consistent with the provisions of this Subpart modified as appropriate in accordance with the State law.

(ii) If operating in more than one community or on a county or regional basis and providing or planning to provide rental housing in more than one community, meet the following requirements in addition to those in paragraph (a) (9) (i) of this section with the exception of paragraph (a) (9) (i) (C):

(A) The membership base should be representative of the area being served with at least one member from each community for each individual apartment unit to be built in that community. Each member must be limited to one vote in the affairs of the organization.

(B) The board of directors should be representative of each community or trade area where the housing is located.

(C) The total number of directors should not be less than 5 and the directors must be members of the organization.

(D) The organization's articles of incorporation and bylaws must include the requirements outlined in paragraph (a) (9) (ii) (A) and (B) of this section.

(10) In the case of a limited partnership:

(i) The general partners will be required to maintain a minimum of 5 percent financial interest in the organization.

(ii) The general partners must agree that new partners can be brought into the organization only with the consent of the Government as outlined in the loan resolution.

(b) *Authorized representative of applicant.* The FmHA will deal only with the applicant or a bona fide representative of the applicant and the representative's technical advisers. An authorized representative of a nonprofit applicant must have no pecuniary interest in the award of the architectural or construction contracts, the purchase of equipment, or the purchase of the land for the housing site.

§ 1822.85 Loan purposes.

RRH loans may be made to qualified applicants to:

(a) Construct new housing.

(b) Purchase, improve, alter, or repair housing provided the State Director determines that the housing meets the requirements of § 1822.88(a) and the housing will be equivalent to new construction in quality, design, and all other respects.

(1) A loan on existing buildings less than 1-year old, will be limited to 80 percent of the appraised value.

(2) For a loan on existing buildings less than 1-year old, the seller will be required to furnish copies of the plans and specifications used, certify that the construction was completed in accordance with the plans and specifications, and provide evidence of compliance with State and local building codes. If the cost exceeds $100,000, an engineering or architects certification will be required indicating that all utility systems are operable.

(c) Purchase or improve the necessary land on which the housing will be located.

(1) The cost of land purchased with loan funds may not exceed its present market value in its present condition. Present market value will be determined by a current appraisal in accordance with applicable FmHA requirements.

(2) Loan funds will not be used to buy land from a member of an applicant-organization, or from another organization in which any member of the applicant-organization has an interest, without prior approval of the State Director.

(3) Loan funds may be used to acquire land in excess of that needed for the housing, including related facilities, when:

(i) The cost of the excess land is a reasonable portion of the loan.

(ii) The applicant cannot acquire only the needed land at a fair price, can justify the acquisition, agrees to sell the land as soon as practicable and apply proceeds on the loan and has legal authority to acquire and administer the land.

(d) Develop and install water supply, sewage disposal, streets, and heat and light systems necessary in connection with the housing. If the facilities are located offsite, the following requirements must be met: (1) The applicant will hold the title to the facility or have a legally assured right to use of the facility for at least the life of the loan and such title or right can be transferred to any subsequent owner of the site.

(2) The facilities are provided for the exclusive use of the RRH project or funds are limited to the prorated part of the total cost of the facility according to the use and benefit to the project. The applicant will agree in writing to the application as extra payments on the RRH loan of any subsequent collection by the borrower from other users or beneficiaries of the facility.

(3) Adequate security can be obtained with or without a mortgage on the offsite facilities.

(e) Develop other related facilities in connection with the housing such as:

(1) Maintenance workshop and storage facilities.

(2) Recreation center including lounge if the project is large enough to justify such a facility.

(3) Central cooking and dining facilities when the project is large enough to justify such services to supplement the kitchen facilities in each unit.

(4) Small infirmary for emergency care only when justified.

(5) Laundry room and equipment if not provided in the individual units.

(6) Appropriate recreational facilities, and other facilities to meet essential needs.

(f) Construct office and living quarters for the resident manager and other operating personnel if such facilities would be to the advantage of the project and the Government. The State Director should make a determination and the justification will be included in the docket.

(g) Construct fallout shelters or similar structures.

(h) Purchase and install ranges, refrigerators, clothes washers and clothes dryers. Clothes washers and clothes dryers may be installed in individual rental units if the inclusion of such items in individual units is customary in the area for the type of housing involved and consistent with the requirement that the construction involved be undertaken in an economical manner and not constitute elaborate or extravagant items. Otherwise, the clothes washers and clothes dryers must be installed, if at all, in a central laundry room. Whenever possible, this equipment should be attached to the real estate in a manner to prevent easy removal.

(i) Purchase and install essential equipment which upon installation becomes a part of the real estate.

(j) Provide landscaping, foundation planting, seeding or sodding of lawns, or other necessary facilities related to buildings such as walks, yards, fences, parking areas, and driveways.

(k) Pay related costs such as fees and charges for legal, architectural, engineering, and other appropriate technical and official services. Such fees and charges may be paid to an applicant or to an officer, director, trustee, stockholder, member, or agent of the applicant provided such fees and charges are reasonable and typical for that area and are earned. Ordinarily, the FmHA will furnish the needed guidance for the development of an RRH loan docket and project. However, the State Director may authorize the use of loan funds to enable a nonprofit corporation or consumer cooperative to pay a qualified consulting organization or foundation, operating on a nonprofit basis, charges for necessary services, provided the State Director determines that:

(1) Either the applicant, with available FmHA assistance cannot meet all requirements for a sound loan without the services, or the services would permit significant financial savings to the Government, either directly or by lightening the workload involved in processing applications, and

(2) The charges are reasonable in amount, considering the amount and the purpose of the loan, the payment ability of the borrower, and the cost of similar services in the same or similar rural areas.

(l) Pay interest which will accrue on the RRH loan during the estimated construction period.

(m) Pay interest and other customary charges necessary to obtain interim financing.

(n) Pay initial operating expenses up to 2 percent of the development cost for nonprofit organizations and State and local public agencies.

§ 1822.86 Limitations.

(a) *Loan limits.* For all applicants, the amount of the RRH loan or loans will be subject to the following requirements:

(1) For private nonprofit corporations, consumer cooperatives and other nonprofit organizations, the amount of the RRH loan or loans will be limited to the development cost or the security value of each project, whichever is less.

(2) For all other applicants, the amount of the RRH loan or loans will be limited to no more than 95 percent of the development cost or 95 percent of the security value of each project, whichever is less.

(3) For the purchase of existing buildings less than 1-year old, the loan will be limited to 80 percent of the appraised value in accordance with § 1822.85(b).

(b) *Limitations on use of loan funds.* Loans will not be made for: (1) Housing or related facilities which are elaborate or extravagant in design or materials.

(2) Nursing or medical facilities other than a small emergency-care infirmary when justified by the size of the project and the fact that facilities for the emergency care expected to be needed for the occupants are not readily accessible elsewhere.

(3) Any commercial facilities except essential service-type facilities for use by the tenants when such facilities are not otherwise conveniently available in the area.

(4) Housing to be used for any transient or hotel purposes. No rental term will be for less than 30 days.

(5) Nursing, special care, or institutional-type homes.

(6) Any facility not essential to the needs of the tenants.

(7) Refinancing debts of the applicant except as authorized in § 1822.94(a).

(8) Housing which the applicant plans to sell in the near future.

(9) Housing which the applicant plans to lease to another operator except as provided in § 1822.84(a)(8) for leases to public housing authorities.

(10) Payment of any fee, charge, or commission to any broker, negotiator, or other person for the referral of a prospective applicant or solicitation of a loan.

(11) Payment of any fee, salary, commission, profit, or compensation to an applicant, or to any officer, director, trustee, stockholder, member, or agent of an applicant, except as provided in §§ 1822.85 (c) (2) and (k) and 1822.90 (d).

(c) *Obligations incurred before loan closing.* When an applicant files an application for a loan, the County Supervisor will advise the applicant not to start construction or incur any indebtedness until the loan is closed, with the exception of those cases involving interim financing, and then the guideline outlined in § 1822.94(a) will apply. If nevertheless, the applicant incurs debts for work, materials, or land purchase before the loan is closed, the State Director may authorize the use of loan funds to pay such debts when he finds that all the following conditions exist.

(1) The debts were incurred after the applicant filed a written application for a loan.

(2) The applicant is unable to pay such debts from his own resources or to obtain credit from other sources and failure to authorize the use of loan funds to pay such debts would impair the applicant's financial position.

(3) The debts were incurred for authorized loan purposes.

(4) Contracts, materials, construction, and any land purchased meet FmHA standards and requirements.

(5) Payment of the debts will remove any liens which have attached, and any basis for liens that may attach to the property on account of such debts.

§ 1822.87 Rates and terms.

(a) *Interest.* Loans will be made at interest rates specified in Subpart A of Part 1810 of this chapter.

(b) *Amortization period.* Each loan will be scheduled for payment within such a period as may be necessary to assure that the loan will be adequately secured taking into account the probable depreciation of the security. The payment period will not exceed 40 years from the date of note, except that a loan to provide housing for senior citizens only, will not exceed 50 years.

§ 1822.88 Special conditions.

(a) *Type of housing.* All housing must meet the following requirements:

(1) Be economical in construction and not of elaborate or extravagant design or materials;

(2) As a general rule, consist of multiunit type housing with two or more family units and any appropriate related facilities;

(3) Be residential in character and location and be designed to meet the needs of eligible occupants who are capable of caring for themselves;

(4) Have consideration given to safety, convenience, and comfort;

(5) Be located in residential areas as a part of a community where essential facilities and services such as schools, medical services, shopping, and generally central sewer and water systems are readily available;

(6) Based upon the demand shown by a market analysis, it may include "efficiency" type or one or more bedroom units; and

(7) Contain bathroom and kitchen facilities in each unit.

(b) *Deferred principal payments.* The necessary and advisable, smaller than regular payments of principal or no payments of principal may be provided for the first and second installments after loan closing. However, accrued interest must be paid, at least annually.

(c) *Refinancing RRH loans.* Each borrower must agree to refinance the unpaid balance of his RRH loan at the request of the FmHA whenever it appears to the FmHA that the borrower is able to obtain a loan from responsible cooperative or private credit sources at rates and terms which the FmHA considers reasonable.

(d) *Loan resolution or loan agreement.* A loan resolution or loan agreement provides for the maintenance of certain accounts and the pledge of housing income as security. It contains regulatory provisions governing and giving the FmHA power to impose requirements regarding the housing and related operations of the applicant. The form of loan resolution or loan agreement contains provisions of policy and procedure which should be carefully read and fully understood by the applicant. This is particularly important for applicants operating on a limited profit basis. If any provisions are not appropriate to a particular case, proposed substitute language will be approved by OGC. Forms of loan resolutions and loan agreements are contained as exhibits to this Subpart and will be executed as follows:

(1) Exhibit A will be used for all nonprofit organizations.

(2) Exhibit B will be used for profit type organizations.

(3) Exhibit C will be used by individuals operating on a profit basis when the total of the loan exceeds $150,000 or when required by the State Director if the loan is for less.

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(4) Exhibit G will be used by organizations operating on a limited profit basis.

(5) Exhibit H will be used by individuals operating on a limited profit basis.

(e) *Multiple advances.* Loan funds will be disbursed in accordance with the provisions outlined in § 1822.94.

(f) *Interest credits.* Borrowers may receive interest credits provided the loan was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis, is to be repaid, unless an exception is made by the National Office, over a period of 40 years; 50 years for a senior citizen's loan, and meets the other requirements outlined in Exhibit J and the following limitations: (1) Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

(2) Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, State or local public agencies, and to profit organizations and individuals operating on a limited profit basis.

(g) *Nondiscrimination in use and occupancy.* The borrower will not discriminate, or permit discrimination by any agent, lessee, or other operator in the use or occupancy of the housing or related facilities because of race, color, creed, or national origin, and will comply with Part 1816 of this chapter.

(h) *Eligibility for occupancy.* Loans will be made on the basis of the housing being occupied by eligible occupants as defined in § 1822.83(e). The following policies will apply: (1) When a family consists of only one person, an additional person or persons may reside in the unit providing the unit has adequate space for their total needs and provided the separate income of each occupant does not exceed the levels set for the project in accordance with § 1822.83(e) and as defined in guidelines for the maximum adjusted income for low- and moderate-income families available in all FmHA offices. If the borrower receives interest credits, the rent paid for the unit will be based on the combined incomes of the occupants.

(2) Ineligible persons may occupy the housing for temporary periods in order to protect the interest of the Government with written prior approval of the State Director.

(3) For housing projects financed with RRH loans and limited to eligible senior citizen applicants, the State Director is authorized to permit the borrower to rent units to eligible nonsenior citizens, provided such units will be rented on a temporary basis and only until they can be rented to eligible senior citizens.

(i) *Tenant certification.* Initial certifications and recertifications will be executed on Form FmHA 444–8, "Tenant Certification," as follows: (1) Initial certifications will be executed for each family when it initially occupies the housing. Borrowers will promptly provide the County Supervisor with an executed copy of these forms.

(2) Recertification will be completed by having a new Form FmHA 444–8 executed every other year during November or December by each tenant, whether the borrower is receiving interest credits or not, and regardless of whether there has been a change in occupancy. The biennial certification forms will be obtained by the borrower and: (i) For Plan II, a copy will be provided to the County Supervisor prior to December 31 to verify the amount of interest credit given to the borrower.

(ii) For Plan I and all others, the certifications will be kept in the borrower's records. Prior to December 31, the borrower will provide the County Supervisor with a certification similar to Exhibit J–3 which indicates that he has obtained Form FmHA 444–8 executed by each tenant, that the tenants are eligible occupants and that these records may be examined at any time.

(j) *Supervisory assistance.* Supervision will be provided borrowers, in accordance with Subpart G of Part 1802 of this chapter, to the extent necessary to achieve the objective of the loan and to protect the interests of the Government.

(k) *Limited profit determinations.* Applicants agreeing to operate on a limited profit basis will be permitted a return not to exceed 8 percent per annum on the initial investment. The initial investment may include the following:

(1) Any cash contribution.

(2) Any cash savings, or equity resulting from construction by the owner-builder method.

(3) The initial operating capital that the applicant is required to provide in accordance with § 1822.84(a)(5)(i).

(4) Value of architectural, engineering, or legal services needed for the project that are provided by the applicant in lieu of cash contribution.

(5) Value of the building site or essential related facilities contributed by the applicant. Value will be determined by an appraisal in accordance with applicable FmHA requirements on an "as is" basis by the FmHA employee authorized to make the appraisal for the project less any amount owed on the property.

(l) *Conditions necessary for the approval of RRH loans made to finance projects in connection with the section 23 leasing program.* Applicants may sublease the entire project or a percentage of the units to a Housing Authority (HA) in connection with a section 23 leasing program, provided the State Director determines that it is a feasible project and that there is a present and anticipated future market demand for rental housing units without the support of the section 23 leasing program. Interest credits may be granted for the units not rented under section 23. The State Director will have the OGC review the lease and other materials to assure that the FmHA and the borrower are adequately protected.

(m) *Implementation of OMB Circular A–95 concerning formulation, evaluation, and review of Federal programs and projects having significant impact on area and community development.* When projects exceed 25 units the provisions of Subpart M of Part 1823 of this chapter will be applicable.

(n) *Guidelines for preparing environmental impact statements.* When projects exceed 25 units the provisions of Part 1824 of this chapter will be applicable.

(o) *National flood insurance.* The provisions of the National Flood Insurance Act of 1968 as amended by the Flood Disaster Protection Act of 1973 are applicable to FmHA authorities permitting financing of rental housing now located in or to be located in special flood or mudslide-prone areas as designated by the Federal Insurance Administration (FIA) of the Department of Housing and Urban Development (HUD). Subpart B of Part 1806 of this chapter will be applicable.

§ 1822.89 Security.

Each loan will be secured in a manner that adequately protects the financial interest of the Government. A first mortgage, except as indicated in paragraph (a) of this section will be taken on the property purchased or improved with the loan. A mortgage should be taken on only that part of the land which is necessary to provide adequate security for the loan as determined by the appraisal, except when excess land is purchased as authorized in § 1822.85(c)(3).

(a) A second mortgage will be taken on the site developed with prior RRH loan(s) when the subsequent loan is to complete or finish out units on the site.

(b) Personal liability will not be required for the members or stockholders of any corporation. Personal liability will be required of all members of a partnership unless the State Director determines that this personal liability must be waived to obtain needed rental housing in the community. For such cases, the State Director will obtain the advice of the Regional Attorney as to any modifications needed in the Promissory Note and mortgage.

§ 1822.90 Technical, legal, and other services.

(a) *Appraisals.* When real estate is taken as security, the property will be appraised by an FmHA employee authorized to make real estate appraisals. If the security does not involve more than two rental units, the property will be appraised in accordance with the policies outlined in Part 1809 of this chapter. For security involving more than two rental units, the appraisal will be made in accordance with Subpart B of Part 1809 of this chapter. Form FmHA 426–1, "Valuation of Buildings," will be completed to show the depreciated replacement value of all the buildings existing or to be constructed on the property to be taken as security.

(b) *Title clearance and legal services.* When the applicant is an organization or an individual with special title or loan closing problems, title clearance and legal services will be obtained in accordance with instructions from the OGC. In other cases, provisions of Subpart A of this Part regarding title clearance and legal services will apply.

(c) *Architectural and engineering services.* (1) Housing and related facilities will be planned and developed in accordance with Subpart A and D of Part 1804 of this chapter. The housing will be designed to meet the needs of the types of occupants who will likely occupy it.

(2) A written contract for Architectural and Engineering Services will be required as outlined in Subpart A of Part 1804 of this chapter.

(d) *Construction and development policies.* Construction and development will be performed in accordance with Subpart D of Part 1804 of this chapter, except § 1804.5(h)(3) of Part 1804 of this chapter will not apply to projects constructed by the owner-builder method. These projects will be governed by the following: (1) The development cost may include a typical builders fee. The typical builders fee may be determined by local investigation and also from HUD data for the area.

(2) The development cost cannot exceed that which is typical for similar type projects in the area.

(3) The development cost for each individual case will be determined by the Multiple Family Housing Coordinator with the advice of the State Architect.

(4) The total development cost cannot exceed the appraised value as determined by FmHA.

(5) The plans and specifications must be specific and complete so that there is a clear understanding as to how the facility will be constructed and the materials that will be used.

(e) *Compliance with local codes and regulations.* Planning construction, zoning, and operation of housing financed with the RRH loan will conform with any applicable laws, ordinances, codes, and regulations governing such matters as construction, heating, plumbing, electrical installation, fire prevention, health, and sanitation.

(f) *Contracts for legal services.* On projects requiring extensive legal services, the applicant will be required to have a written contract when loan funds will be used for these services. All such contracts will be subject to review and approval by the FmHA and, therefore, should be submitted to the FmHA before execution by the applicant. Contracts will provide for the types of services to be performed and the amount of the fees to be paid, either in lump-sum on the completion of all services or in installments as services are performed.

(g) *"How to Bring Rental Housing to Your Town" Manual.* Exhibit F may be used as a guide for organization applicants applying for loans to finance projects of substantial size. Extra copies may be obtained from the Finance Office for applicants after preliminary discussions indicate that a loan may be developed. The sample forms included as Exhibits F–1 through F–5 may be adapted for use as State forms so that adequate supplies will be available to applicants.

(h) *Technical services by consultant organizations.* Technical services by consultant organizations will be governed by § 1822.85.

(i) *Optioning of land.* If a loan includes funds to purchase real estate, the applicable provisions of § 1821.15 of this chapter regarding options will be followed. After the loan is approved, the County Supervisor will have Form FmHA 440–35, "Acceptance of Option," or other appropriate form of acceptance, completed, signed, and mailed to the seller.

(j) *Use of and accountability for loan funds.* Loan funds and any funds furnished by the borrower for eligible loan purposes may be deposited in accordance with Part 1803 of this chapter. Collateral for deposit of funds will be pledged in accordance with § 1803.4 of this chapter. Funds furnished by the borrower for the purchase of special equipment and furnishings to be used in connection with the project, for which loan funds could not be used, should not be deposited in the supervised bank account with loan funds. Withdrawals of funds from the supervised bank account may be made only for legally eligible loan purposes.

(k) *Insurance.* The State Director will determine the minimum amounts and types of insurance the applicant will carry.

(1) Fire and extended coverage will be required on all buildings included in the security for the loan in accordance with Subpart A of Part 1806 of this chapter.

(2) Suitable Workman's Compensation Insurance will be carried by the applicant for all its employees.

(3) The applicant will be advised of the possibility of incurring liability and encouraged, or required when appropriate to obtain liability insurance.

(l) *Bonding.* (1) The provisions of Subpart A of Part 1804 of this chapter pertaining to surety bonds are applicable to RRH loans.

(2) If the applicant is an organization, it will provide fidelity bond coverage for the official entrusted with the receipt, custody, and disbursement of its funds and the custody of any other negotiable or readily salable personal property. The amount of the bond will be at least equal to the maximum amount of money that the applicant will have on hand at any one time exclusive of loan funds deposited in a supervised bank account. The United States will be named co-obligee in the bond if not prohibited by State law. Form FmHA 440–24, "Position Fidelity Schedule Bond," may be used if permitted by State law.

§ 1822.91 Processing preapplications.

(a) *Preapplication.* Form AD–621, "Preapplication for Federal Assistance," with the additional information outlined in Exhibit F–6, will be submitted to the County Supervisor. This information is used to determine the applicant's eligibility and eliminate any proposals which have little or no chance for funding. The applicant should be instructed not to prepare an application until he is notified to proceed.

(b) *Actions by County Supervisor.* The preapplication with attachments, will be reviewed by the County Supervisor. The preapplication, including the comments and recommendations of the County Supervisor and District Director and any additional material considered necessary will be forwarded to the State Director.

(c) *Actions by State Director.* (1) If the applicant is an organization adopting without change the "Articles and By-laws" prescribed by State regulations, the preapplication need not be submitted to the OGC.

(2) In all other cases involving loans to organizations, the docket, with any questions or comments of the State Director will be submitted to the OGC for preliminary opinion as to whether the applicant and the proposed loan meet or can meet the requirements of State law and this subpart.

(3) When the State Director considers it necessary, any preapplication may be sent to the National Office for evaluation and instructions.

(4) The State Director, after completing his review, will notify the County Supervisor of his determination and authorize the County Supervisor to prepare and execute Form AD–622, "Notice of Preapplication Review Action." The County Supervisor will forward the original to the applicant, a copy to the State Office, and a copy to the case file.

§ 1822.92 Preparation of completed loan docket.

(a) *Information needed.* If the applicant has been requested to file an application, Form AD–625, "Application for Federal Assistance (Short Form)," with the additional information as outlined in Exhibit F–7, will be submitted to the County Supervisor.

(b) *County Supervisor's responsibility.* As the information for the loan docket is being developed, the County Supervisor will work closely with the applicant. The County Supervisor will review and verify the information furnished for correctness, adequacy, and completeness. He will determine that the market survey is adequate and that the market survey report is accurate. The County Supervisor will inspect the proposed site and consider its desirability. He will evaluate the manner in which the applicant plans to conduct its business and financial affairs and comment on the adequacy of the management.

(c) *County Committee certification.* County Committees will not be used to review Rural Rental Housing loan applications.

(d) *Assembly, review, and distribution of complete loan docket items.* When all items required for the complete loan docket have been furnished, they will be examined thoroughly to make sure they are properly and accurately prepared, and are complete in all respects, including dates and signatures. The loan docket will include the forms and documents listed in regulations available in all FmHA offices.

(e) *Submission of docket to State Office.* The complete loan docket with any comments from the County Supervisor, will be submitted to the State Office for review. The State Director, with the advice of OGC if required or needed, will

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prepare a memorandum to the County Supervisor requesting additional information, if the material submitted is inadequate, or setting forth the conditions of approval.

(f) *Submission of docket to National Office.* If the State Director considers it necessary, after completing his review of the docket, he may submit his recommendations, a copy of his proposed memorandum of approval, and the complete loan docket to the National Office for review and recommendations. If the docket was required to be reviewed (or was reviewed) by the OGC, the comments of that office will be included.

(g) *Press release.* When it is determined that the loan can be approved, a press release will be prepared in accordance with FmHA requirements.

§ 1822.93 Loan approval.

(a) *Authority.* The State Director is authorized to approve or disapprove loans in accordance with this Subpart and Subpart B of Part 1810 of this chapter. The State Director may redelegate loan approval in writing to State Office employees other than District Directors.

(b) *Loan approval action.*—(1) *Responsibilities of loan approval official.* The loan approval official is responsible for reviewing the docket to determine that the proposed loan complies with established policies and all pertinent regulations. In making this review, the loan approval official will determine that: (i) The applicant is eligible.

(ii) The funds are requested for authorized purposes.

(iii) The proposed loan is sound.

(iv) The security is adequate.

(v) All pre-approval requirements have been met.

(vi) All other requirements will be met.

(2) *Approval or disapproval of a loan.* (i) Approval. When a loan is approved, the approval official will: (A) Prepare Form FmHA 440–3, and indicate on all copies any conditions that must be met at or before the time the loan is closed. Such conditions could include the amount of surety, fidelity bond coverage, other insurance, the title evidence, and any other special requirements, if more space is needed, the form will be supplemented by a memorandum.

(B) Sign the original of Form FmHA 440–3 and insert his title in the space provided; all copies will be conformed.

(C) Sign the original and one copy of Form FmHA 440–1 and insert his title in the space provided. An executed Form FmHA 440–1 will be forwarded to the applicant on the same date the loan is approved, that is, on the same date it is forwarded to the Finance Office.

(ii) Disapproval. If a loan is disapproved after the docket has been developed, the reason for such action will be shown on the original Form FmHA 440–3. Form FmHA 440–3 will be initialed and dated. The County Supervisor will notify the applicant of the disapproval of the loan and the reasons therefor. The disapproved docket will then be handled in accordance with appropriate FmHA regulations.

(3) *Review by OGC.* For a loan to an organization, or for a loan to an individual in special cases, the approved loan docket, including any title evidence, will be sent to the OGC for preparation of closing instructions and any special legal documents required for closing. A certified copy of a required loan resolution or the original executed, witnessed loan agreement must be supplied by the applicant in time to be included in the loan docket. No docket will be considered which fails to include such a required resolution or agreement. The OGC will route the docket, including closing instructions and any such legal documents, to the County Office through the State Office for review and for inclusion of any further instructions needed in closing the loan.

§ 1822.94 Actions subsequent to loan approval.

(a) *Interim financing from commercial sources.* In all cases of RRH loans exceeding $50,000 when it is possible for funds to be borrowed at reasonable interest rates on an interim basis from commercial sources for the construction period, such interim financing will be obtained to preclude the necessity for multiple advances of FmHA funds. When interim commercial financing is used;

(1) The docket will be processed to the stage where the FmHA loan would normally be closed immediately prior to the start of construction. FmHA loan funds will be obligated before the applicant proceeds with the final arrangements for interim commercial financing.

(2) The FmHA State Director or County Supervisor may deliver a copy of Form FmHA 440–1 as evidence of the FmHA commitment, if necessary, or a letter stating that funds in specified amounts have been obligated and will be available to retire the interim financing if the applicant complies with the approval conditions. See guidelines available in any FmHA office for a sample letter that may be used.

(3) FmHA will assume the same responsibilities as if FmHA funds had been advanced from the standpoint of approving construction contracts and the supervision of construction.

(4) The supervised bank account will normally not be used for funds obtained through interim commercial financing. However, the County Supervisor will approve Form FmHA 424–18, "Partial Payment Estimate," to insure that funds are used for authorized purposes.

(5) When the interim financing funds have been expended, the FmHA loan will be closed and permanent instruments will be issued to evidence the FmHA indebtedness. The FmHA loan proceeds will be used to retire the interim commercial indebtedness.

(6) Before the FmHA loan is closed, the applicant will be required to provide the County Supervisor with statements from the contractor(s), engineer and attorney that they have been paid in full accordance with their contracts or other agreements and that there are no unpaid obligations outstanding in connection with the construction of the project.

(b) *Multiple advances of RRH loan funds.* In the event interim commercial financing is not available, multiple advances will be used for all loans in excess of $50,000 subject to the following:

(1) In those cases where relatively large amount of funds are to be expended for purchasing of real estate or for other reasons at the time of closing, separate checks for such purposes may be ordered an endorsed by the borrower to the seller or other appropriate party. This will preclude the necessity for depositing such loan funds in the supervised bank account and reduce the amount of required collateral.

(2) Except as indicated in paragraph (b)(1) of this section, advances will be made only as needed to cover disbursements required by the borrower for a 30-day period. Normally, the advances should not exceed 24 in number or extend longer than 2 years beyond loan closing. The retained percentage withheld from the contract to assure that construction will be completed in accordance with the contract documents will ordinarily be included in the last advance. Advances will be requested in sufficient amounts to insure that ample funds will be on hand to pay costs of construction, land purchase, legal, engineering, or architectural costs, interest, and other expenses, as needed. The borrower will prepare Form FmHA 440–11, "Estimate of Funds Needed for 30-day Period Commencing _____," modified as needed, to show the amount of funds required during the 30-day period. This form will be approved by the County Supervisor. After the County Supervisor determines that the estimate prepared by the borrower is adequate, he will request the advance by executing and forwarding to the Finance Office, St. Louis, Missouri, Form FmHA 440–3. As an example, for a loan of $100,000, the advances may be made as follows: Assuming that the loan will be closed on July 1, the borrower will complete Form FmHA 440–11 in sufficient time so that the funds will be available on the day of loan closing. The estimates should be broken down for the first advance in a manner similar to the following:

Construction	$30,000
Land acquisition	5,000
Architectural	4,000
Legal	1,000
Total	$40,000

An advance in the amount of $40,000 would then be available on July 1, the date of loan closing. The second advance will also be based on the borrower's estimate prepared on Form FmHA 440–11, and will be prepared in sufficient time so that the estimated amount of funds will be available on August 1. This estimate of funds might be broken as follows:

Construction	$20,000
Architectural	1,000
Total	$21,000

A copy of Form FmHA 440–3 specifying the amount then will be forwarded to the Finance Office. The same routine will be followed for each advance until the project is completed.

(3) Any deviation from the multiple advance procedure must have the prior approval of the National Office.

(c) *Requesting check.* When loan approval conditions can be met, including any real estate lien required, and a date for loan closing has been agreed upon, the County Supervisor will determine the amount of funds needed in accordance with either paragraphs (a) or (b) of this section. He will then order the loan check so that it will be available on or just before the date set for loan closing.

(d) *Increase or decrease in the amount of the loan.* If it becomes necessary for the amount of the loan to be increased or decreased prior to loan closing, the loan approval official or County Supervisor will request that all distributed docket forms be returned to the County Office. The loan docket will be revised accordingly and reprocessed, except that if the amount of the loan has been decreased and there is no substantial change in the planned improvements, a new Form FmHA 440–2 need not be obtained.

(e) *Cancellation of loan.* Loans may be canceled after approval and before loan closing as follows: (1) The County Supervisor will prepare Form FmHA 440–10, "Cancellation of Loan or Grant Check and/or Obligation," in an original and two copies (3 copies if the check is received in the County Office from the Regional Disbursing Office). The original and copies will be sent to the State Director with the reasons for requesting cancellation. If the State Director approves the request for cancellation, he will forward the original request to the Finance Office after making appropriate adjustments in the records to control loan allocations. A copy or copies of Form FmHA 440–10 will be returned to the County Office.

(2) If the loan check is received in the County Office, the County Supervisor will return it to the Disbursing Center, U.S. Treasury Department, Post Office Box 2509, Kansas City, Missouri 64142, with a copy of Form FmHA 440–10.

(3) All interested parties will be notified of the cancellation as provided in Part 1807 of this chapter.

(f) *Handling the loan check.* The loan check will be handled in accordance with Part 1803 of this chapter.

(g) *Property insurance.* Buildings will be insured in accordance with Subpart A of Part 1806 of this chapter.

§ 1822.95 Loan closing.

(a) *Applicable instructions.* RRH loans to individuals will be closed in accordance with applicable provisions of Part 1807 of this chapter and supplementing State requirements with the assistance of the designated attorney, representative of the title insurance company or OGC, whichever is appropriate. Loan dockets for an organization and loan dockets for an individual in special cases will be sent to the OGC for closing instructions. An organization may use its attorney to close the loan in accordance with the closing instructions received from the OGC. The applicant's attorney may be a designated attorney or a local private attorney.

(b) *Mortgage.* Unless the OGC determines the form to be inappropriate in any case, real estate mortgage Form FmHA 427–1 (State), "Real Estate Mortgage for _____," will be used. For loans to organizations, Form FmHA 427–1 will be modified as prescribed by or with the advice of the OGC with respect to the name, address, and other identification of the borrower, the style of execution, and the acknowledgement.

(1) The mortgage or other instrument will contain the following covenant:

> Borrower covenants and agrees that it will not discriminate, or permit discrimination by any agent, lessee, or other operator, in the use or occupancy of the housing or related facilities financed in whole or in part with the loan in connection with which this instrument is given, because of race, color, creed, or national origin.

(2) When a loan resolution or loan agreement is used, an additional paragraph will be included in the mortgage to read as follows:

> This instrument also secures the obligations and covenants of Borrower set forth in Borrower's Loan Resolution (Loan Agreement) of (Date), which is hereby incorporated herein by reference.

(3) In case of a loan to an individual where a loan agreement is not used, additional paragraphs will be included in the mortgage to read as follows:

> Occupancy of the housing and related facilities on the property will be limited to eligible occupants as defined in the regulation of the Farmers Home Administration, unless the Government gives prior written approval to other occupancy.
>
> As required by the Government: Borrower will permit the Government to inspect and examine the operation of the housing and the books, records, and operations of Borrower; submit regular and special reports pertinent to the purpose of the loan or the Government's financial interests; subject rents and charges and other terms of rental agreements with occupants of the housing, and compensation to employees connected with its operation, to prior approval by the Government, or to adjustment at the direction of the Government when necessary in its judgment to carry out the purpose of the loan or protect its financial interests; and comply with any other requirements which in the discretion of the Government are reasonably appropriate to the purpose of the loan or protection of the Government's interests. Revenue from the housing shall be first used to pay operation and maintenance costs of such housing and to make adequate provision to meet required payments as they become due on the FmHA rural rental housing loan.

(c) *Promissory note.* (1) The total amount to be shown in the note will be shown on Form FmHA 440–3. The note will be dated the date of loan closing except as authorized in § 1807.2(f)(8) of this chapter.

(2) Payments on RRH loans will be scheduled on the note in accordance with the requirements for the type of Promissory Note to be used. Monthly payments will be implemented. As provided in § 1822.88(b), the first year's installment or the first two years' installments may be less than a regular annual installment. If the first annual installment or first two annual installments are less than a regular annual installment, the regular annual installment will be computed by multiplying the amount of the loan by the factor for the number of years over which regular installments will be scheduled.

(3) For a loan to an individual, Form FmHA 440–16, "Promissory Note," will be used. Instructions for preparation of monthly installments will be followed in accordance with the guide available in all FmHA offices for preparation of this form. Form FmHA 440–16 may be used for a partnership with modification as approved by the OGC. For loans of over $50,000, type on the reverse of the form a Record of Advances such as is printed on the reverse of Form FmHA 440–22, "Promissory Note (Association or Organization)," and complete this part in accordance with instructions for Form FmHA 440–22.

(4) Form FmHA 440–22 will be used for all loans to organizations if legally acceptable as determined by OGC. If Form FmHA 440–22 is not legally acceptable, the opinion from OGC and the loan docket will be submitted to the National Office for further instructions. Payments will be made on a monthly basis on the loan and the borrower will be required to agree to this in writing.

(5) The note(s) will be signed in accordance with Part 1807 of this chapter.

(6) When a loan is closed during December and the first installment is due the next January 1, the first installment will be collected at the time of loan closing. Any funds included in the loan for the payment of interest will be collected and applied as a regular payment at the time of loan closing.

(7) Immediately after loan closing, a conformed copy of the note will be sent to the Finance Office.

(d) *Recorded mortgage.* When the real estate mortgage is returned by the recording official, the County Supervisor will retain the original in the borrower's case folder. If the original is retained by the recording official for the county records, a conformed copy including the recording data showing the date and place recordation and book and page number will be prepared and filed in the borrower's case folder. A copy of the mortgage conformed as to all matters except the recording date will be delivered to the borrower.

(e) *Date of closing—establishment of account.* (1) An RRH loan is considered closed when the security instrument is filed of record, or, if no security instrument is filed of record, when the loan funds are deposited in the supervised

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bank account or otherwise made available to the borrower after he executes and delivers the note and any other required instruments.

(2) After the loan is closed, the account and case folder will be established in accordance with appropriate regulations.

§ 1822.96 Subsequent RRH loans.

A subsequent RRH loan is a loan made to an applicant or borrower to complete the units planned with the initial loan.

§ 1822.97 Coding loans as to initial or subsequent.

A borrower may obtain financing for more than one project subject to the limitation of $750,000 per project. Each project will be coded as an initial loan when the total number of units are built or purchased at one place at one time. A subsequent loan will be so coded when an additional loan or loans are necessary to complete the units planned with the initial loan as outlined in § 1822.96. As an example, the borrower may obtain initial loans for more than one project in the same county, in different counties under the same county office jurisdiction, or in more than one county office jurisdiction. Codes to be used will be in accordance with the guide available in all FmHA offices for preparation of Form FmHA 440–1, Form FmHA 440–3, and Form MmHA 444–5.

§ 1822.98 Complaints regarding discrimination in use and occupancy of RRH housing.

Any occupant or applicant for occupancy or use of such RRH housing or related facilities who believes he has been discriminated against because of race, color, creed, or national origin may file a complaint with the County Supervisor or State Director. Any such complaint will be referred through the State Director to the National Office.

(a) The complaint must be in writing and signed by the complainant and contain the following information:

(1) The name and address (including telephone number) of the complainant.

(2) The name and address of the person committing the alleged discrimination.

(3) Date and place of the alleged discrimination.

(4) Any other pertinent information that will assist in the investigation and resolution of the complaint.

(b) The County Supervisor or State Director will acknowledge receipt of the complaint and promptly forward it to the National Office.

(c) Attached to the written complaint should be a statement from the County Supervisor or State Director as to whether the security instrument or other document executed by the borrower contains a nondiscrimination agreement. The statement also should include any other information which the State Director or County Supervisor has pertaining to the complaint. The County Supervisor or State Director should delay a comprehensive investigation of any complaint until requested to do so by the National Office.

(d) The National Office will determine whether discrimination did in fact occur. If necessary, appropriate steps will be taken to ascertain the essential facts.

(e) If it is found that the complaint is without substance, the parties concerned will be so notified.

(f) If it is found that the borrower's discrimination agreement in the security instrument or elsewhere was violated, the Farmers Home Administration will inform the parties of such findings and advise the violator to take action necessary to correct the violation and to give appropriate assurance of future compliance.

(g) If the borrower should fail to take such action and assure future compliance, the Administrator may take further appropriate action.

(RRH LOAN TO BROADLY BASED NONPROFIT CORPORATION)

LOAN RESOLUTION OF ----------, 19--

RESOLUTION OF THE BOARD OF DIRECTORS OF ---------- PROVIDING FOR BORROWING $-------- TO FINANCE RENTAL HOUSING AND RELATED FACILITIES IN A RURAL AREA FOR SENIOR CITIZENS AND/OR FAMILIES OF LOW OR MODERATE INCOME, THE COLLECTION, HANDLING, AND DISPOSITION OF INCOME, THE ISSUANCE OF INSTALLMENT PROMISSORY NOTE AND REAL ESTATE SECURITY INSTRUMENT, AND RELATED MATTERS.

Whereas ---------- (herein referred to as the "Corporation") is a nonprofit corporation duly organized and operating under ----------

(authorizing State statute)

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural areas. The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill;

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $-------- from the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, (herein called "the Government") pursuant to sections 515 (b) and 521 (a) of the Housing Act of 1949. The loan shall be used solely for the specific eligible occupants as defined by the Government, in order to provide rental housing and related facilities for eligible occupants as defined by the Government. Such housing and facilities and the land constituting the site are herein called "the housing."

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of ---- years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note and any supplemental agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment or security interest in the rents and profits as collateral security to be enforceable in the event of any default by the Corporation and containing other terms and conditions prescribed by the Government.

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing (b) Farmers Home Administration Form FmHA 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause," and (c) Farmers Home Administration Form FmHA 400–4 entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act 1964)," a copy of which is attached hereto and made a part hereof, and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of $-------- to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $20,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the ---------- of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account; an Operation and Maintenance Account; a Debt Service Account; and a Reserve Account. Funds in said accounts shall be deposited in a bank or insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond, with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount

[1] Only loan funds and borrowers funds to be used for an eligible loan purpose may be deposited in the supervised bank account.

of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $-------- All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in section 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 7 or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.*

(a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and, until so used, shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than $--------[2] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $--------[3] and shall be resumed at any time when necessary, because of disbursement from the Reserve Account, to restore it to said sum.

Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by the Corportation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to the audited at the end of fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required or permitted by the Government, revise the accounts herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation, nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in Section 7 which would have a detrimental effect on the housing.

(e) Submit for the housing the following to the Government for prior review not less than ---- days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(h) Not alter, amend, or repeal without the Government's consent this resolution or the bylaws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(i) Do other things as may be required by the Government in connection with the operation of the housing or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing of Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.* (a) It is expressly understood and agreed that any loan made will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and security.

(b) The provisions of this resolution are representations to the Government to induce the Government to make a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security, and may enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could

[2] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

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legally have been foregone, or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) The resolution may be cited in the security instrument and any other instruments or agreements as the "Loan Resolution of ---------- 19----."

(date of this resolution)

The undersigned, ----------, the Secretary of the Corporation identified in the foregoing loan Resolution, hereby certifies that the foregoing is a true copy of a resolution of the Board of Directors of the Corporation passed on ---------- 19--, which has not been altered, amended, or repealed.

---------- ----------

(Date) (Secretary)

[SEAL]

(RRH INSURED LOAN TO PROFIT TYPE CORPORATION)

LOAN RESOLUTION OF ----------, 19 --

RESOLUTION OF THE BOARD OF DIRECTORS OF ---------- PROVIDING FOR BORROWING $---------- TO FINANCE RENTAL HOUSING AND RELATED FACILITIES IN A RURAL AREA FOR SENIOR CITIZENS AND OTHER PERSONS AND FAMILIES WITH LOW OR MODERATE INCOMES IN RURAL AREAS, THE COLLECTION, HANDLING, AND DISPOSITION OF INCOME, THE ISSUANCE OF INSTALLMENT PROMISSORY NOTE AND REAL ESTATE SECURITY INSTRUMENT, AND RELATED MATTERS

Whereas ---------- (herein referred to as the "Corporation") is a corporation duly organized and operating under ----------:

(authorizing State Statute)

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural areas;

The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill:

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $---------- through the facilities of the United States of America acting through the Farmers Home Administration, United States Department of Agriculture (herein called the "Government") pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing."

NOTE.—The word "partner(s)" may be substituted for the word(s) "Board" or "Board of Directors" and the word "partnership" may be substituted for the word "corporation" where appropriate. The OGC should be requested to provide appropriate substitute language to delete the reference to a "corporate seal" in item 2.

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of -- years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note or any indemnity or other agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment of the rents and profits as collateral security to be enforced in the event of any default by the Corporation, and containing other terms and conditions prescribed by the Government. The President and Secretary are further authorized to execute any other security instruments and other instruments and documents required by the Government in connection with the making or insuring of the loan. The indebtedness and other obligations of the Corporation under the note, the related security instrument, and any related agreement are herein called the "loan obligations."

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the Corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, and (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)" a copy of which is attached hereto and made a part hereof and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. Supervised Bank Account. The proceeds of the note and the amount of $---------- to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $20,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the loan obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the ---------- of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond, with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as coobligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $---------- All income and revenue from the housing shall, upon receipt, be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in sections 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and until so used shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than $----------[2] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $----------[3] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With prior consent of the Government funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements for extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay dividends to stockholders or for any other purpose duly authorized by the board, provided the board determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 9(a) to be accumulated by that time and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for the purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required or permitted by the Government, revise the account herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in section 7 which would have a detrimental effect on the housing.

(e) Submit for the housing the following to the Government for prior review not less than -- days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(4) Rates of compensation to officers and employees of the Corporation payable from or chargeable to any account provided for in this resolution.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(h) Not alter, amend, or repeal without the Government's consent this resolution or the bylaws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(i) Do other things as may be required by the Government in connection with the operation of the housing, or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing the Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.*

(a) It is understood and agreed by the Corporation that any loan made or insured will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) The provisions of this resolution are representations to the Government, to induce the Government, to make or insure a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment or amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This resolution may be cited in the security instrument and any other instruments as the "Loan Resolution of ---------- (date of this ---------- 19 --." resolution)

CERTIFICATE

The undersigned, ----------, the Secretary of the Corporation identified in the foregoing Loan Resolution, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the board of directors on ---------- 19--, which has not been altered, amended, or repealed.

---------- ----------

(Date) (Secretary)

(Seal)

LOAN AGREEMENT

(RRH INSURED LOAN TO INDIVIDUAL)

1. *Parties and Terms Defined.* This agreement dated ---------- of the Undersigned ----------, herein called "Borrower" whether one or more, whose post office address is ----------, with the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, herein called "the Government," is made in consideration of a loan, herein called "the loan," to Borrower in the amount of $---------- made or insured, or to be made or insured, by the Government pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing." The indebtedness and other obligations of Borrower under the note evidencing the loan, the related security instrument, and any related agreement are herein called the "loan obligations."

2. *Equal Opportunity and Nondiscrimination Provisions.* The borrower will comply with (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing.

[1] Only loan funds, and borrower's funds to be used for an eligible loan purpose, may be deposited in the supervised bank account.

[2] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

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(b) Farmers Home Administration Form FmHA 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964), a copy of which is attached hereto and made a part hereof, and any other undertakings and agreements required by the Government pursuant to lawful authority.

3. *Supervised Bank Account.* The proceeds of the loan and the amount of $---------- to be contributed from Borrower's own funds shall be deposited in a "supervised bank account" as required by the Government. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, secure the loan obligations. Borrower's withdrawals from the supervised bank account shall be made only on checks signed by Borrower and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. Borrower's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the loan obligations as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

4. *Accounts for Housing Operations and Loan Servicing.* Borrower shall establish on his books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 8(a).

5. *General Fund Account.* By the time the loan is closed Borrower shall from his own funds deposit in the General Fund Account the amount of $---------. All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. Borrower may also in his discretion at any time deposit therein other funds, not otherwise provided for by this agreement, to be used for any of the purposes authorized in section 6, 7, or 8. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by Borrower in trust for the Government as security for the loan obligations.

6. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable Borrower to pay from the Operation and Maintenance Account the actual reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

7. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by Borrower in trust for the Government as security therefor.

8. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 7, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this agreement and until so used shall be held by the Borrower in trust as security for the loan obligations. Transfers at a rate not less than $--------[1] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $--------[2] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account, to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of Borrower, consist of an amount, referred to as the "prepayment reserve," by which Borrower is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by Borrower—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 6.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by Borrower which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) For any purpose desired by Borrower, provided Borrower determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 8(a) to be accumulated by that time, and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

9. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, Borrower shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(c) If required by the Government, revise the accounts herein provided for, or establish new accounts to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(d) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for such eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit the transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(e) Submit for the housing the following to the Government for prior review not less than ____ days before the effective dates, and for prior approval if such approval is required by the Government:

(1) Annual budgets and operating plans, including proposed rents and charges and other terms of rental agreements with occupants, and compensation to employees chargeable as operating expenses to employees of the housing project.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(f) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(g) Do other things as may be required by the Government in connection with the operation of the housing or with any of Borrower's operations or affairs which may affect the housing, the loan obligations, or the security.

10. *Refinancing of Loan.* If at any time it appears to the Government that Borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government, Borrower will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

11. *General Provisions.* (a) It is understood and agreed by Borrower that any loan made or insured by the Government will be administered subject to the limitations of

[1] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 2.

[2] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

the authorizing act of Congress and the related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) Borrower shall also comply with all covenants and agreements set forth in the note, security instrument, and any related agreements executed by Borrower in connection with the loan.

(c) The provisions of this agreement are representations to the Government to induce the Government to make or insure a loan to Borrower as aforesaid. If Borrower should fail to comply with or perform any provision of this agreement or any requirement made by the Government pursuant hereto, such failure shall constitute default as fully as default in payment of amounts due on the loan. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(d) Any provisions of this agreement may be waived by the Government, or changed by agreement between the Government and Borrower to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially. Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This agreement may be cited in the security instrument and other instruments or agreements as the "Loan Agreement of ---------- 19--".

(date of this agreement)

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Witness	Borrower
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Witness	Borrower

INFORMATION TO BE SUBMITTED WITH PREAPPLICATION FOR RURAL RENTAL HOUSING (RRH) LOAN

The following information is to be submitted with Form AD 621, "Preapplication For Federal Assistance":

1. *Eligibility:*

a. Financial Statement—A current, dated, and signed financial statement, showing assets and liabilities, with information on the status and repayment of each debt. If the applicant is a partnership or a profit corporation, a current financial statement will be required from each partner, member, or stockholder who holds an interest in the organization in excess of 10 percent. In any case in which a financial statement is required from an individual, it will also include the financial interests and signature of the spouse. A dated and signed financial statement will be required of all general partners who hold an interest in the partnership. The applicant must have initial operating capital and other assets needed for a sound loan. The initial operating capital required will amount to at least 2 percent of the total cost of the project to cover these costs. Loan funds may be included in the loan to pay the initial operating expense up to 2 percent of the development cost for nonprofit organizations and State and local public agencies.

b. Evidence of Inability to Obtain Credit from Other Sources except for State and local public agencies.

c. Statement of Applicant's Experience in Operating Rental Housing and Related Business with a statement on the proposed method of operation and management.

d. For an Organization Applicant—A copy of or an accurate citation to the specific provisions of State law under which the applicant is or is to be organized; a copy of the applicant's charter, Articles of Incorporation, Bylaws, and other basic authorizing documents; the names and addresses of the applicant's members, directors, and officers; and if a member or subsidiary of another organization, its name, address, and principal business, if available.

2. *Need and Demand:*

a. A realistic estimate of need and demand for the number of living units of the type proposed, based on the availability of rental housing and the number of eligible applicants living in the area willing and able to pay the proposed rental rates.

3. *Site.* a. Size of tract.

b. A map showing the location and other supporting information on its neighborhood and existing facilities, such as distance to shopping area, neighborhood churches, schools, available transportation, drainage, sanitation facilities, water supply, and access to essential services such as doctors, dentists, and hospitals.

c. Site owned or optioned.

4. *General Description of the Housing Planned:* including the following:

a. Preliminary plot plan and building plans, if available.

b. Type of construction.

c. Estimated total cost per living unit.

d. If apartments, number and type of units per building.

e. Type of utilities such as water, sewer, gas, and electricity and whether each is public, community, or individually owned.

INFORMATION TO BE SUBMITTED WITH APPLICATION FOR FEDERAL ASSISTANCE (SHORT FORM)

The following information is to be submitted with Form AD–625, "Application for Federal Assistance (Short Form)":

1. A plot plan, detailed preliminary plans and specifications, and any special design features for senior citizens as prescribed in the construction guide.

2. A detailed cost breakdown of the project for such items as land and rights-of-way, building construction, equipment, utility connections, architectural and legal fees, and both on- and off-site improvements. The cost breakdown also should show separately the items not included in the loan, such as furnishings and equipment.

3. Information on the method of construction and on the architectural, engineering, and legal services to be provided.

4. Satisfactory evidence of review and approval of the proposed housing by applicable State and local officials whose approval is required by State or local laws, ordinances, or regulations.

5. A market survey report which should be based on the number of eligible occupants in the area who are willing and financially able to occupy the housing at the proposed rental levels. This does not preclude occupancy by some who are receiving welfare assistance. However, the economic justification for the housing should be based principally on the prospect of eligible occupants with incomes which are not subject to fluctuations such as those that may occur in welfare assistance payments. A market survey report will include:

a. For a proposed project which will contain 10 or fewer units and will be in a community where an effective demand for rental housing obviously exists, statements supported by statistical data describing and explaining the basis for expecting a continued effective demand for the rural rental housing over the period of the loan. Such information may be assembled from census reports, county market evaluations made by the Department of Housing and Urban Development and other published data that shows the number of occupants living in the town or trade area who are eligible to occupy the proposed housing and the condition of the housing they occupy. This information will be used to help determine the maximum number of rental units that may be financed.

b. For a proposed project that will include more than 10 units and for any smaller project where there is any doubt concerning the demand, a complete market analysis showing the need and demand for rural rental housing in the area based on the best information available. It will include:

(1) An estimate of number of houses or apartments in the area for rent or sale. Exhibit F–2 or a similar form should be used for this purpose.

(2) Characteristics of available rental housing such as location, quality and size of unit, type of building, age of structure, house value, tenure, vacancy rate, nature of vacancies, and price or rental levels.

(3) Characteristics of the persons eligible for occupancy of the proposed housing, such as single or couple, male or female, size of family, number of senior citizens and non-senior citizens, and income and financial condition.

(4) Present living arrangements of eligible occupants in the area and the extent to which inadequate housing is associated with health or financial reasons.

(5) Estimate of the number of eligible occupants who are willing and financially able to occupy the proposed housing.

c. If the housing is located in an area where there are relatively few eligible occupants, or for any other reason there is a question as to whether the housing will be fully occupied, signed expressions of interest in occupancy from a sufficient number of eligible occupants will be obtained so as to clearly indicate that full occupancy will occur soon after construction is completed. Exhibit F–3 or a similar form may be used for this purpose.

6. A description and justification of any related facilities to be financed with the loan.

7. A schedule of rental rates proposed for the housing and any separate charges for the use of related facilities.

8. A current dated and signed financial statement showing the debt structure of the applicant. (See item 1a of Exhibit F–6.)

9. Detailed operating budgets for the first year's operation and a typical year's operation. The first year's budget should show that the applicant has sufficient operating capital on hand or sufficient planned income to pay all operating costs and meet scheduled payments on debts during the planning and construction period prior to occupancy. The typical year's budget should show there will be ample income to pay essential operating costs, meet required debt payments, and permit accumulation of required reserves. Exhibit F–5 or a similar form may be used for this purpose.

a. The budgets in estimating rental income will include an approximately 10 percent allowance for the following: vacancies, nonpayment of rent, and contingency expense.

b. The budgets should provide for accumulating a reserve at the rate of one percent per annum of the value of the buildings and related facilities financed wholly or partially with the loan until a reserve equal to 10 percent of their value is reached. Budgets should not include an additional item for depreciation since the purpose of a reserve account is to provide funds for this purpose.

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c. All applicable taxes, including Federal and any State income taxes, should be included in the budgets and separately identified. If the applicant considers itself tax-exempt, evidence of exemption must be included in the loan docket before the loan is closed. In case of a nonprofit organization whose articles of incorporation and bylaws conform to Exhibits D and E, evidence of exemption from Federal income tax need not be obtained before the loan is closed if the applicant applies for a determination of exemption and agrees in writing to make any changes in its organizational documents that may be required by the Internal Revenue Service (IRS). Information as to Federal income tax exemption may be obtained from the District Office of the IRS. An eligible nonprofit organization should ordinarily be able to qualify for Federal income tax exemption under section 501(c)(4) of the Internal Revenue Code.

10. A statement in narrative form outlining the proposed manner of management of the housing, such as whether by owner or hired manager. Experience and other factors pertaining to the qualifications of the manager will be taken into consideration.

11. A statement of policy regarding management and operation including method of selecting tenants, a copy of the proposed form of lease or rental agreement to be offered tenants, outline of duties and responsibilities of officers and employees, and a copy of any rules or regulations governing administration and occupancy.

12. When land is being purchased or a building site will be part of a tract owned by the applicant, or in any other case when necessary to clearly identify the property, satisfactory survey of the land to be given as security prepared by a licensed surveyor will be included in the loan docket. If necessary, a new survey will be obtained.

FmHA Instruction 444.5
Exhibit G

(RRH LOAN TO PROFIT TYPE COSPORATION OPERATING ON A LIMITED PROFIT BASIS)

LOAN RESOLUTION OF _____, 19__

Resolution of the Board of Directors of _____ providing for borrowing $_____ to finance rental housing and related facilities in a rural area for senior citizens and other persons and families with low or moderate incomes in rural areas, the collection, handling, and disposition of income, the issuance of installment promissory note and real estate security instrument, and related matter.

Whereas _____ (herein referred to as the "Corporation") is a corporation duly organized and operating under (authorizing State statute):

The Board of Directors of the Corporation (herein referred to as the "board") has decided to provide certain rental housing and related facilities for eligible occupants in rural area;

The board has determined that the Corporation is unable to provide such housing and facilities with its own resources or to obtain from other sources for such purpose sufficient credit upon terms and conditions which the Corporation could reasonably be expected to fulfill:

Be it resolved:

1. *Application for Loan.* The Corporation shall apply for and obtain a loan (herein called "the loan") of $_____ through the facilities of the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, (herein called the "Government") pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site are herein called "the housing."

Note: The word "partner(s)" may be substituted for the word(s) "Board" or "Board of Directors" and the word "partnership" may be substituted for the word "corporation" where appropriate. The OGC should be requested to provide appropriate substitute language to delete the reference to a "corporate seal" in item 2 and "stockholders" in item 9(b)(5) when required.

2. *Execution of Loan Instruments.* To evidence the loan the Corporation shall issue a promissory note (herein referred to as "the note"), signed by its President and attested by its Secretary, with its corporate seal affixed thereto, for the amount of the loan, payable in installments over a period of ____ years, bearing interest at a rate, and containing other terms and conditions, prescribed by the Government. To secure the note or any indemnity or other agreement required by the Government, the President and the Secretary are hereby authorized to execute a real estate security instrument giving a lien upon the housing and upon such other real property of the Corporation as the Government shall require, including an assignment of the rents and profits as collateral security to be enforced in the event of any default by the Corporation, and containing other terms and conditions prescribed by the Government. The President and Secretary are further authorized to execute any other security instruments and other instruments and documents required by the Government in connection with the making or insuring of the loan. The indebtedness and other obligations of the Corporation under the note, the related security instrument, and any related agreement are herein called the "loan obligations."

3. *Equal Opportunity and Nondiscrimination Provisions.* The President and the Secretary are hereby authorized and directed to execute on behalf of the corporation (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination in the use and occupancy of housing, (b) Farmers Home Administration Form FmHA 400-1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, and (c) Farmers Home Administration Form FmHA 400-4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part thereof and any other undertakings and agreements required by the Government pursuant to lawful authority.

4. *Supervised Bank Account.* The proceeds of the note and the amount of $_____ to be contributed by the Corporation from its own funds and used for eligible loan purposes shall be deposited in a "supervised bank account" as required by the Government.[1] Amounts in the supervised bank account exceeding $20,000 shall be secured by the depositary bank in advance in accordance with U.S. Treasury Department Circular No. 176. As provided by the terms of the agreement creating the supervised bank account, all funds therein shall, until duly expended, collaterally secure the loan obligations. Withdrawals from the supervised bank account by the Corporation shall be made only on checks signed by the _____ of the Corporation and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. The Corporation's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the note as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

5. *Accounts for Housing Operations and Loan Servicing.* The Corporation shall establish on its books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, an Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 9. The Treasurer of the Corporation shall execute a fidelity bond with a surety company approved by the Government, in an amount not less than the estimated maximum amount of such funds to be held in said accounts at any one time. The United States of America shall be named as co-obligee, and the amount of the bond shall not be reduced without the prior written consent of the Government. The Corporation in its discretion may at any time establish and utilize additional accounts to handle any funds not covered by the provisions of this resolution.

6. *General Fund Account.* By the time the loan is closed the Corporation shall from its own funds deposit in the General Fund Account the amount of $_____. All income and revenue from the housing shall, upon receipt, be immediately deposited in the General Fund Account. The Corporation may also in its discretion at any time deposit therein other funds, not otherwise provided for by this resolution, to be used for any of the purposes authorized in section 7, 8, or 9. Funds in the General Fund Account shall be used only as authorized in said sections and until so used shall be held by the Corporation in trust for the Government as security for the loan obligations.

7. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable the Corporation by pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occurring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

[1] Only loan funds, and borrower's funds to be used for an eligible loan purpose, may be deposited in the supervised bank account.

8. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loan obligations and, until so used, shall be held by the Corporation in trust for the Government as security therefor.

9. *Reserve Account.* (a) Immediately after each transfer to the Debt Service Account as provided in section 8, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this resolution and until so used shall be held by the Corporation in trust as security for the loan obligations. Transfers at a rate not less than $_____[2] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $_____[2] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Corporation, consist of an amount, referred to herein as the "prepayment reserve," by which the Corporation is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily marketable obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by the Corporation—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 7.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by the Corporation which in the judgment of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay dividends to stockholders or for any other purpose duly authorized by the board, of up to 8% per annum of the borrowers initial investment of _____[4] provided the board determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 9(a) to be accumulated by that time and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

10. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, the Corporation shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) If return on investment for any year exceeds 8 percent per annum of borrower's initial investment of _____,[4] the Government may require that the borrower reduce rents the following year and/or refund the excess return on investment to the tenants or use said excess in a manner that will best benefit the tenants.

(c) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(d) If required or permitted by the Government, revise the account herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(e) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit voluntary dissolution of the Corporation nor merge or consolidate with any other organization, nor cause or permit any transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(4) Not cause or permit the issue or transfer of stock, borrow any money, nor incur any liability aside from current expenses as defined in section 7 which would have a detrimental effect on the housing.

(f) Submit for the housing the following to the Government for prior review not less than ____ days before the effective dates, and for prior approval by the Government:

(1) Annual budgets and operating plans.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(3) Proposed rents and charges and other terms of rental agreements with occupants and compensation to employees of the housing project.

(4) Rates of compensation to officers and employees of the Corporation payable from or chargeable to any account provided for in this resolution.

(g) If required by the Government, modify and adjust any matters covered by clause (f) of this section.

(h) Comply with all its agreements and obligations in or under the note, security instrument, and any related agreement executed by the Corporation in connection with the loan.

(i) Not alter, amend, or repeal without the Government's consent this resolution or the by laws or articles of incorporation of the Corporation, which shall constitute parts of the total contract between the Corporation and the Government relating to the loan obligations.

(j) Do other things as may be required by the Government in connection with the operation of the housing, or with any of the Corporation's operations or affairs which may affect the housing, the loan obligations, or the security.

11. *Refinancing the Loan.* If at any time it appears to the Government that the Corporation is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government the Corporation will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

12. *General Provisions.* (a) It is understood and agreed by the Corporation that any loan made or insured will be administered subject to the limitations of the authorizing act of Congress and related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's financial interest in the loan and the security.

(b) The provisions of this resolution are representations to the Government to induce the Government to make or insure a loan to the Corporation as aforesaid. If the Corporation should fail to comply with or perform any provision of this resolution or any requirement made by the Government pursuant to this resolution, such failure shall constitute default as fully as default in payment of amounts due on the loan obligations. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(c) Any provisions of this resolution may be waived by the Government in its sole discretion, or changed by agreement between the Government and the Corporation, after this resolution becomes contractually binding, to any extent such provisions could legally have been foregone or agreed to in amended form, by the Government initially.

(d) Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This resolution may be cited in the security instrument and any other instruments as the "Loan Resolution of _____ (date of this resolution) _____ 19 __."

CERTIFICATE

The undersigned, _____, the Secretary of the Corporation identified in the foregoing Loan Resolution, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the board of directors

[2] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 3.

[3] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

[4] The amount to be inserted shall be determined in accordance with paragraph VIII K of FmHA Instruction 444.5.

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on ---------- 19--, which has not been altered, amended, or repealed.

(Date)

[SEAL] ---
(Secretary)

LOAN AGREEMENT (RRH LOAN TO INDIVIDUAL OPERATING ON A LIMITED PROFIT BASIS)

1. *Parties and Terms Defined.* This agreement dated ---------- of the Undersigned ---------- herein called "Borrower" whether one or more, whose post office address is ---------- with the United States of America acting through the Farmers Home Administration, United States Department of Agriculture, herein called "the Government," is made in consideration of a loan, herein called "the loan," to Borrower in the amount of $-------- made or insured, or to be made or insured, by the Government pursuant to sections 515(b) and 521(a) of the Housing Act of 1949. The loan may be insured by the Government for the benefit of the lender. The loan shall be used solely for the specific eligible purposes for which it is approved by the Government in order to provide rental housing and related facilities for eligible occupants, as defined by the Government in rural areas. Such housing and facilities and the land constituting the site as herein called "the housing." The indebtedness and other obligations of Borrower under the note evidencing the loan, the related security instrument and any related agreement are herein called the "loan obligations."

2. *Equal Opportunity and Nondiscrimination Provisions.* The borrower will comply with (a) any undertakings and agreements required by the Government pursuant to Executive Order 11063 regarding nondiscrimination on the use and occupancy of housing, (b) Farmers Home Administration Form 400–1 entitled "Equal Opportunity Agreement" including an "Equal Opportunity Clause" to be incorporated in or attached as a rider to each construction contract the amount of which exceeds $10,000 and any part of which is paid for with funds from the loan, (c) Farmers Home Administration Form FmHA 400–4, entitled "Nondiscrimination Agreement (Under Title VI, Civil Rights Act of 1964)," a copy of which is attached hereto and made a part hereof and any other understandings and agreements required by the Government pursuant to lawful authority.

3. *Supervised Bank Account.* The proceeds of the loan and the amount of $----------, to be contributed from Borrower's own funds shall be deposited in a "supervised bank account," as required by the Government. As provided by the terms of the agreement creating the supervised bank account, all funds there shall, until duly expended, secure the loan obligations. Borrower's withdrawals from the supervised bank account shall be made only on checks signed by Borrower and countersigned by the County Supervisor of the Farmers Home Administration, and only for the specific loan purposes approved in writing by the Government. Borrower's share of any liquidated damages or other monies paid by defaulting contractors or their sureties shall be deposited in the supervised bank account to assure completion of the project. When all approved items eligible for payment with loan funds are paid in full, any balance remaining in the supervised bank account shall be applied on the loan obligations as an "extra payment" as defined in the regulations of the Farmers Home Administration, and the supervised bank account shall be closed.

4. *Accounts for Housing Operations and Loan Servicing.* Borrower shall establish on his books the following accounts, which shall be maintained so long as the loan obligations remain unsatisfied: A General Fund Account, and Operation and Maintenance Account, a Debt Service Account, and a Reserve Account. Funds in said accounts shall be deposited in a bank or banks insured by the Federal Deposit Insurance Corporation, except for any portion invested in readily marketable obligations of the United States as authorized by section 8(a).

5. *General Fund Account.* By the time the loan is closed Borrower shall from his own funds deposit in the General Fund Account the amount of $----------. All income and revenue from the housing shall upon receipt be immediately deposited in the General Fund Account. Borrower may also in his discretion at any time deposit therein other funds, not otherwise provided for by this agreement, to be used for any of the purposes authorized in sections 6, 7, or 8. Funds in the General Fund Account shall be used only as authorized in said sections and, until so used, shall be held by Borrower in trust for the Government as security for the loan obligations.

6. *Operation and Maintenance Account.* Not later than the 15th of each month, out of the General Fund Account shall be transferred to the Operation and Maintenance Account sufficient amounts to enable borrower to pay from the Operation and Maintenance Account the actual, reasonable, and necessary current expenses, for the current month and the ensuing month, of operating and maintaining the housing not otherwise provided for. Current expenses may include, in addition to expenses occuring or becoming due monthly, monthly accumulations of proportionate amounts for the payment of items which may become due either annually or at irregular intervals, such as taxes, insurance, and normal repair and replacement of furnishings and equipment reasonably necessary for operation of the housing. Current expenses may also include initial purchase and installation of such furnishings and equipment with any funds deposited in and transferred from the General Fund Account which are not proceeds of the loan or income or revenue from the housing.

7. *Debt Service Account.* Each month, immediately after the transfer to the Operation and Maintenance Account provided for in section 6, or after it is determined that no such transfer is called for, any balance remaining in the General Fund Account, or so much thereof as may be necessary, shall be transferred to the Debt Service Account until the amount in the Debt Service Account equals the amount of the next installment due on the loan. Funds in the Debt Service Account shall be used only for payments on the loans obligations and, until so used, shall be held by Borrower in trust for the Government as security therefor.

8. *Reserve Account.*

(a) Immediately after each transfer to the Debt Service Account as provided in section 7, any balance in the General Fund Account shall be transferred to the Reserve Account. Funds in the Reserve Account may be used only as authorized in this agreement and, until so used, shall be held by the Borrower in trust as security for the loan obligations. Transfers at a rate not less than $----------[1] annually shall be made to the Reserve Account until the amount in the Reserve Account reaches the sum of $----------[2] and shall be resumed at any time when necessary, because of disbursements from the Reserve Account, to restore it to said sum. Of such sum, at least 50 percent shall be maintained on a cash basis, referred to herein as the "cash reserve." After the cash reserve reaches the required 50 percent of said sum, all or any portion of the balance of said sum may, at the option of the Borrower, consist of an amount, referred to as the "prepayment reserve," by which Borrower is "ahead of schedule" as defined in the regulations of the Farmers Home Administration. Funds in the cash reserve shall be deposited in a separate bank account or accounts insured by the Federal Deposit Insurance Corporation or invested in readily market obligations of the United States, the earnings on which shall accrue to the Reserve Account.

(b) With the prior consent of the Government, funds in the Reserve Account may be used by Borrower—

(1) To meet payments due on the loan obligations in the event the amount in the Debt Service Account is not sufficient for the purpose.

(2) To pay costs of repairs or replacements to the housing caused by catastrophe or long-range depreciation which are not current expenses under section 6.

(3) To make improvements or extensions to the housing.

(4) For other purposes desired by Borrower which in the judgement of the Government likely will promote the loan purposes without jeopardizing collectibility of the loan or impairing the adequacy of the security, or will strengthen the security, or will facilitate, improve, or maintain the orderly collectibility of the loan.

(5) To pay in dividends to the Borrower of up to 8 percent per annum of the borrower's initial investment of $----------[3] provided Borrower determines that after such disbursement (a) the amount in the Reserve Account will be not less than that required by subsection 8(a) to be accumulated by that time, and (b) during the next 12 months the amount in the Reserve Account will likely not fall below that required to be accumulated by the end of such period.

(c) Any amount in the Reserve Account which exceeds the aggregate sum specified in subsection 9(a) and is not agreed between the Corporation and the Government to be used for purposes authorized in subsection 9(b) shall be applied promptly on the loan obligations.

9. *Regulatory Covenants.* So long as the loan obligations remain unsatisfied, Borrower shall—

(a) Impose and collect such fees, assessments, rents, and charges that the income of the housing will be sufficient at all times for operation and maintenance of the housing, payments on the loan obligations, and maintenance of the accounts herein provided for.

(b) If return on investment for any year exceeds 8 percent per annum of Borrower's initial investment for $------,[3] the Government may require that the Borrower reduce rents the following year and/or refund the excess return on in investment to the tenants or use said excess in a manner that will best benefit the tenants.

(c) Maintain complete books and records relating to the housing's financial affairs, cause such books and records to be audited

[1] In most cases this figure should be one-tenth of the aggregate sum specified later in the sentence and indicated by footnote 2.

[2] The amount to be inserted will usually be about 10 percent of the value of the buildings and related facilities financed wholly or partially with the loan.

[3] The amount to be inserted shall be determined in accordance with paragraph VIII K of FmHA Instruction 444.5.

at the end of each fiscal year, promptly furnish the Government without request a copy of each audit report, and permit the Government to inspect such books and records at all reasonable times.

(d) If required by the Government, revise the accounts herein provided for, or establish new accounts, to cover handling and disposition of income from and payment of expenses attributable to the housing or to any other property securing the loan obligations, and submit regular and special reports concerning the housing or financial affairs.

(e) Unless the Government gives prior consent—

(1) Not use the housing for any purpose other than as rental housing and related facilities for such eligible occupants.

(2) Not enter into any contract or agreement for improvements or extensions to the housing or other property securing the loan obligations.

(3) Not cause or permit the transfer or encumbrance of title to the housing or any part thereof or interest therein, by sale, mortgage, lease, or otherwise.

(f) Submit for the housing the following to the Government for prior review not less than ---- days before the effective dates, and for prior approval if such approval is required by the Government.

(1) Annual budgets and operating plans, including proposed rents and charges and other terms of rental agreements with occupants, and compensation to employees chargeable as operating expenses to employees of the housing project.

(2) Statements of management policy and practice, including eligibility criteria and implementing rules for occupancy of the housing.

(g) If required by the Government, modify and adjust any matters covered by clause (e) of this section.

(h) Do other things as may be required by the Government in connection with the operation of the housing or with any of Borrower's operations or affairs which may affect the housing, the loan obligations, or the security.

10. *Refinancing of Loan.* If at any time it appears to the Government that Borrower is able to obtain a loan upon reasonable terms and conditions to refinance the loan obligations then outstanding, upon request from the Government, Borrower will apply for, take all necessary actions to obtain, and accept such refinancing loan and will use the proceeds for said purpose.

11. *General Provisions.* (a) It is understood and agreed by Borrower that any loan made or insured by the Government will be administered subject to the limitations of the authorizing act of Congress and the related regulations, and that any rights granted to the Government herein or elsewhere may be exercised by it in its sole and exclusive discretion to carry out the purposes of the loan, enforce such limitations, and protect the Government's finacial interest in the loan and the security.

(b) Borrower shall also comply with all covenants and agreements set forth in the note, security instrument, and any related agreements executed by Borrower in connection with the loan.

(c) The provisions of this agreement are representations to the Government to induce the Government to make or insure a loan to Borrower as aforesaid. If Borrower should fail to comply with or perform any provision of this agreement or any requirement made by the Government pursuant hereto, such failure shall constitute default as fully as default in payment of amounts due on the loan. In the event of such failure, the Government at its option may declare the entire amount of the loan obligations immediately due and payable and, if such entire amount is not paid forthwith, may take possession of and operate the housing and proceed to foreclose its security and enforce all other available remedies.

(d) Any provisions of this agreement may be waived by the Government, or changed by agreement between the Government and Borrower to any extent such provisions could legally have been foregone, or agreed to in amended form, by the Government initially. Any notice, consent, approval, waiver, or agreement must be in writing.

(e) This agreement may be cited in the security instrument and other instruments or agreements as the "Loan Agreement of ----------, 19--."

(date of this agreement)

Borrower

Borrower

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

OFFICE OF THE ADMINISTRATOR
WASHINGTON, D.C.

INTEREST CREDITS ON INSURED RRH AND RCH LOANS

I. *Purpose:* This Exhibit outlines the policies and conditions under which interest credits will be made on insured Rural Rental Housing (RRH) and Rural Cooperative Housing (RCH) loans.

II. *Definitions:* As used in this Exhibit.

A. *"Interest Credit"* means the amount of assistance the Farmers Home Administration (FmHA) may give a borrower toward making its payments on an insured RRH or RCH loan.

B. *"Interest Credit Agreement"* means an agreement between FmHA and the borrower providing for interest credits on the insured RRH or RCH loan. This agreement will be on Form FmHA 444–7, "Interest Credit Agreement (RRH and RCH Loans)."

C. *"Project"* means the housing and related facilities financed with the RRH or RCH loan.

D. *"Basic Rental"* means a unit rental charge determined on the basis of operating the project with payments of principal and interest on a loan to be repaid over a 40- or 50-year period at 1 percent per annum.

E. *"Market Rental"* means a unit rental charge determined on the basis of operating the project with the payments of principal and interest which the borrower is obligated to pay under the terms of the promissory note.

F. *"Overage"* means the amount by which total payments paid by the tenants of a project exceed the total basic monthly charge. The amount of overage will be computed as interest in excess of a 1 percent rate.

III. *Eligibility:* Borrowers may receive interest credits provided the loan (1) was made on or after August 1, 1968, to a nonprofit corporation, consumer cooperative, State or local public agency, or to an individual or organization operating on a limited profit basis (2) is repaid over a period of 40 years; 50 years for a senior citizens loan, and (3) meets the other requirements of this Exhibit subject to the following limitations:

A. Plan I will be available only to broadly based nonprofit corporations and consumer cooperatives.

B. Plan II will be available to broadly based nonprofit corporations, consumer cooperatives, State or local public agencies, or to profit organizations and individuals operating on a limited profit basis.

IV. *Options of borrowers:* An eligible borrower may choose Plan I or Plan II, as described below, for determining interest credits on its loan. In determining the amount of interest credit the borrower has the option of using 25 percent of the tenant's monthly adjusted income where utilities are included or 20 percent of the tenant's monthly adjusted income where utilities are not included.

A. *Plan I.*

1. Borrowers operating under this plan must agree to limit occupancy of the housing to low-income nonsenior citizens and low and moderate-income senior citizens.

2. A borrower under Plan I generally must:

a. Determine that there is a firm market and continuing demand for rental housing by families within the applicable income limits.

b. Prepare a budget on the basis of a 3 percent loan.

c. Determine rentals to be charged.

B. *Plan II.*

1. Borrowers operating under this plan must agree to limit occupancy of the housing to low- and moderate-income nonelderly and senior citizens of any income. Under Plan II interest credits are based on the cost of operating the project and the size and income of the occupant families.

2. A borrower under Plan II, generally must:

a. Prepare two budgets, one on the basis of a 1 percent interest rate loan to determine basic rental, and a second budget on the basis of a loan at the interest rate shown in the promissory note to determine market rental.

b. Determine both basic rental and market rental for the different units based on the two budgets. (See Exhibit J–1)

c. Determine adjusted family income of each tenant and have each tenant complete Form FmHA 444–8, "Tenant Certification." Determine the monthly rent to be paid by each tenant family.

d. Assign a unit of appropriate size for each eligible tenant family based on the number, relationship, and sex of the persons in the household. A family should not be assigned a larger unit than is actually needed.

e. Determine monthly rental payments and interest credits for the total units developed with any one RRH loan. Interest credits will be computed separately for each loan. (See Exhibit J–2.)

f. Execute Form FmHA 444–9, "Certification and Payment Transmittal," each month.

3. The Finance Office will credit the borrower's account with the amount of the interest credit to which the borrower is entitled.

V. *Determining the amount of interest credit:*

A. *Plan I.* The amount of interest credit will be determined by the completion of Form FmHA 444–7. Under this plan, the amount of interest credit will be the difference between the amortized payment shown on the note and the amortized payment computed at 3 percent. Use the amortization factor for the same number of years for the interest credit that was used for computing the regular installment on the note. This same principle will be followed at any time computations are necessary to determine the appropriate interest credit.

B. *Plan II.* The amount of interest credit to be granted will be calculated using the general format as shown in the examples included in Exhibits J–1 and J–2. A State form should be developed similar to Exhibit J–3. The National Finance Office will compute the actual amount of interest to be paid as payments are received.

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VI. *Special conditions:*

A. *Leases.*

1. Monthly or annual leases will be executed with each family occupying a rental unit. The State Director should issue state instructions covering any State laws, special conditions or local customs affecting leasing arrangements that may exist in the state. The lease form, for projects operating under Plan II, in addition to other statements outlining the conditions of the lease, should contain the following statement: "I understand and agree that the monthly rental payment under this lease will be $_____. I also understand and agree that my monthly rental payment under this lease may be raised or lowered, based on changes in my income and changes in the number and age of family members living in my household. The rental payment will not, however, be less than $_____ (Basic Rental) nor more than $_____ during the (Market Rental) terms of this lease.

2. Loans will be made on the basis of the units being rented to eligible occupants under Plan I or Plan II as described in paragraph IV of this Exhibit. If in connection with the servicing of the loan it becomes necessary to permit ineligible persons to occupy the housing for temporary periods in order to protect the financial interest of the Government, the State Director may authorize the borrower in writing to rent units to ineligible persons subject to his determining that:

a. The borrower has made a diligent but unsuccessful effort to rent the units to eligible occupants.

b. The borrower will continue to try to find eligible occupants.

c. The units will be rented on a monthly basis and only until they can be rented to eligible persons.

d. The ineligible tenants will be charged a rental surcharge as described in paragraph VI B of this Exhibit.

B. *Rental Surcharges to Ineligible Occupants.* If a unit is rented under paragraph VI A 2 above to an occupant who is ineligible because his income exceeds the maximum income limits, the ineligible occupant will:

1. Under Plan I, be charged a 25 percent rental surcharge. To illustrate, if the unit normally rents for $60 per month, this ineligible occupant would pay $75 per month. The 25 percent surcharge, or $15 in this illustration, would be paid on the account and would be included with, but in addition to, the regular payment on the loan. The monthly interest credit by the FmHA to the Borrower's account would be reduced by the amount of the surcharge.

2. Under Plan II, be charged the market rental.

C. *Vacancies.*

1. When construction is completed and all the units are ready for occupancy, vacant units will be assumed to be rented at the basic monthly rental in computing the interest credits.

2. When all construction is not completed but some of the units are ready for occupancy, and the contractor consents in writing to permit occupancy, the incompleted units will be assumed to be rented at the market monthly rentals in computing the interest credits.

D. *Interest Credit for Projects Under the Department of Housing and Urban Development (HUD) section 23 Leasing Program.* When all the rental units in an RRH project are leased under the section 23 leasing program, no interest credit will be provided on the loan. When only a part of the units are leased under the section 23 leasing program, interest credits may be given for the units not so leased. In such cases, the units under the section 23 lease will be assumed to be rented at the market monthly rental in computing the interest credit. The names and amount of income of the tenants occupying the units under the section 23 lease are not required in making this computation.

E. *Special Cases.* Cases and situations not covered by this Exhibit will be handled on an individual case basis with instructions from National Office.

F. *Understanding Eligibility.* The borrower should understand the eligibility requirements for occupancy of the housing and that the housing is or will be rented only to eligible occupants unless authorized, in writing, by FmHA. The borrower should understand and agree that with each annual report, described in paragraph X C of FmHA Instruction 430.2, it will include a certification that the housing is occupied only by eligible occupants.

VII. *Execution of agreements:*

A. *Initial Interest Credit Agreement.* Interest credits may become effective at the beginning of the month in which construction is completed on a structure and the units are ready for occupancy. When the project consists of more than one structure, interest credits may become effective for each structure as it is completed and ready for occupancy. When the borrower knows the date the interest credit should become effective, he should notify the County Supervisor and execute Form FmHA 444-7. A separate interest credit Agreement will be executed for each loan the borrower receives.

B. *Change in Interest Credit Plan.* A borrower under Plan I or Plan II may change, if it can meet the requirements of the other plan, by executing a new Interest Credit Agreement during the month of November or December preceding the year in which the new plan will be in effect. Form FmHA 444-7 will be executed during November or December, but will not be effective until the following January 1.

C. *Borrowers Who Are Not Receiving An Interest Credit.* If an eligible borrower did not execute an Interest Credit Agreement in accordance with paragraph VII A above, it may do so during the month of November or December preceding the year for which the Interest Credit is to be received. Form FmHA 444-7 will be executed during November or December, but will not be effective until the following January 1.

VIII. *Tenant Certification:* Tenant certification and recertification for interest credit borrowers will be in accordance with paragraph VIII I of FmHA Instruction 444.5.

IX. *Loan payments:*

A. *Plan I.*

1. The borrower will make monthly payments in an amount necessary to repay the loan as if the loan carried a 3 percent interest rate. The transmittal of these collections will be handled in accordance with FmHA Instruction 451.2, except that when a rental surcharge is collected as described in paragraph VI B of this Exhibit, the surcharge will be included and will be credited as interest to the account as a regular payment. The special handling of payments involving rental surcharges is explained in paragraph IX A 2 below.

2. When a payment is made for any month that involves a rental surcharge, item 11 of Form FmHA 444-9 will be completed with the amount of the surcharge being inserted in the blank space. This form should be completed and the amount of the interest credit reduced, regardless of whether the surcharge is actually collected by the borrower. The form will be dated and signed by the FmHA representative transmitting the payment to the Finance Office with the original of the form being attached to the transmittal and the copy retained in the County Office file.

B. *Plan II.*

1. The borrower will make monthly payments in an amount necessary to pay the difference between the amount that would be necessary to repay the loan amortized at the interest rate shown in the promissory note and the amount of interest credit as computed.

2. The interest to be credited for any payment period is the difference between the note rate and one percent per annum (1 percent) plus overage. For example, if the computed amount of overage for any payment period is equal to ½ percent per annum (½ percent) of the unpaid balance on a loan with a note rate of 7¼ percent per annum (7¼ percent), the borrower would pay 1½ percent per annum (1½ percent) interest on the loan for that period and receive an interest credit of 5¾ percent per annum (5¾ percent) for that period.

3. With each payment made, the borrower will complete item IA of Form FmHA 444-9. The FmHA representative handling the transmittal to the Finance Office will complete item II of the form. The form will be executed in accordance with the requirements of the Forms Manual Insert.

X. *Servicing:* Any unusual case that cannot be serviced in accordance with this Exhibit should be submitted to the National Office with the facts involved and the State Director's recommendations.

EXAMPLE OF INTEREST CREDIT DETERMINATION FOR RRH OR RCH PROJECTS (PLAN II)

$100,000 RRH LOAN—APPROVED DURING 1971 FISCAL YEAR PROJECT CONTAINS FIVE 1-BEDROOM UNITS AND FIVE 2-BEDROOM UNITS

Budgets [1]

Budget for market rent		Budget for basic rent	
Operating, maintenance, vacancy and contingency allowance, and reserve. [2]	$4,524	Operating, maintenance, vacancy and contingency allowance, and reserve.	$4,524
Loan repayment at 7¾ percent interest	7,476	Loan repayment at 1 percent interest	2,551
Total annual cost	12,000	$100,000×0.02551. [4]	
$12,000÷12=$1,000 cost per month.		Total annual cost	7,075
Market rent for 2-bedroom units=$106.		$7,075÷12=$590.00 cost per month.	
Market rent for 1-bedroom units=$94.		Basic rent for 2-bedroom units=$65.	
($106×5) + ($94×5)=$1,000=monthly income.		Basic rent for 1-bedroom units=$53.	
		($65×5) + ($53×5)=$590=monthly income.	

[1] 2 complete and accurate budgets must be prepared. 1 for the market rent and 1 for the basic rent. (The expense items in the budgets shown in this illustration are only for illustration purposes and are not itemized.)

[2] The borrower has the option of paying all utility costs for units except for telephone. In determining the amount of interest credit the borrower has the option of using 25 percent of the tenant's monthly adjusted family income where utilities are included or 20 percent of the tenant's monthly adjusted income where utilities are not included.

[4] Factor for 50 years. If the regular installment on the note was amortized using a factor for less than 50 years, substitute the appropriate factor for a corresponding number of years.

FMHA INSTRUCTION 444.5—EXHIBIT J-2.—*Report on RRH or RCH projects (plan II)* [1]

I. Summary:

Apartment No.	Type	Occupant	Basic monthly rental	Market monthly rental	25 percent of adjusted monthly family income [2]	Tenant's monthly rental payment [2]	Overage
1	1-BR	Jones	$53	$94	$52	$53	$0
2	1-BR	Smith	53	94	60	60	7
3	1-BR	Brown	53	94	75	75	22
4	1-BR	Wilson	53	94	45	53	0
5	1-BR	Bryant	53	94	48	53	0
6	2-BR	Fong	65	106	75	75	10
7	2-BR	Doe	65	106	60	65	0
8	2-BR	(Vacant)	65	106	50	65	0
9	2-BR	Jackson	65	106	80	80	15
10	2-BR	Morales	65	106	55	65	0
		Total	590	1,000	600	644	54

[1] This example of a summary report is for the same project shown in exhibit J-1.

[2] This information is taken from executed copies of form FmHA 444.8, "Tenant Certification." This column should reflect the borrower's option of using 25 percent of the tenant's monthly adjusted family income where utilities are included or 20 percent of the tenant's monthly adjusted family income where utilities are not included.

II. Interest credit calculations:

A. Payment on loan will be amount of payments on 1 percent loan plus overage.	
(1) Payment on loan at 1 percent interest	$2,551
(2) Monthly overage ($54) × 12	648
Total annual payment	3,199

B. Interest credit granted will be different between annual payments by borrower and payment on 7¾ percent loan.
(1) Amortization factor (0.07476) × loan ($100,000) = $7,476 payment on 7¼ percent loan.
(2) $7,476 − $3,199 = $4,277 annual interest credit.

[FR Doc.74-25684 Filed 11-6-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

LARGE VOLUME PARENTERAL DRUGS IN PLASTIC CONTAINERS AND INTENDED FOR INTRAVENOUS HUMAN USE

Compatibility Studies; Warning Statement

There are on the market a number of large volume parenteral drug products intended for intravenous use which are packaged in plastic containers. These containers present potential problems such as leaching and migration from the plastic into the drug product as well as drug adsorption and absorption by the plastic container. Since a parenteral drug product packaged in plastic is not generally recognized as safe and effective, it is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act. Therefore, the Food and Drug Administration has always required an approved new drug application as a condition for marketing.

It is common medical practice to add other drugs to the large volume parenteral drug products for single administration to a patient. There are established medical advantages to this practice as well as increased patient comfort because fewer separate injections are required. However, there is insufficient information regarding the effect that the plastic container may have on these added drugs. While holders of the approved new drug applications for large volume parenteral drug products have demonstrated the suitability of plastic containers for specific parenteral drug products, little or no information is available as to the reactivity between the plastic container and drugs added subsequently. In view of the questions of safety and effectiveness regarding the addition of other drugs to large volume parenterals in plastic containers and at the recommendation of the Surgical Drugs Advisory Committee, the Commissioner of Food and Drugs has determined that applicants must conduct compatibility studies with drugs known to be commonly added to large volume parenteral drug products packaged in plastic containers.

This proposal, issued pursuant to section 505(j) of the Federal Food, Drug, and Cosmetic Act, provides that all holders of approved new drug applications for large volume parenterals for intravenous use in plastic containers shall, within the specified time periods, submit to the Food and Drug Administration a notice of intent to perform compatibility studies with the listed drug products, protocols for the conduct of these studies, and additional data in the form of records and reports. These requirements have been and will be applied to pending and future new drug applications for large volume parenteral drugs for intravenous use in plastic containers.

A review of these data will facilitate a determination of whether there is a ground for requiring revised labeling to warn against adding incompatible drugs, restricting the new drug approval so as to preclude addition of certain of these other drugs, or withdrawing approval of the intravenous drug under section 505(e) of the act. Failure to submit the required records and reports is itself a violation of the act, justifying withdrawal of approval of the new drug application.

Until these studies are completed and the data evaluated, the Commissioner, at the recommendation of the Surgical Drugs Advisory Committee, proposes that a warning regarding the possible incompatibility of added drugs, as well as instruction for thorough mixing of these drugs and prohibition against storage of the mixed solutions, be included in all labeling and on the immediate containers of the parenterals packaged in plastic. Such information is essential to fully advise prescribing physicians and allow them to exercise their best medical judgment. Failure to include this information may render the drug misbranded.

The conclusions concerning the above, as reached by the Surgical Drugs Advisory Committee during their June 28, 1973 meeting are on display at the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701(a); 52 Stat. 1040–1042, as amended, 1050–1053, as amended, 1055; 21 U.S.C. 321, 352, 355, 371(a)) and under authority delegated to him, (21 CFR 2.120), the Commissioner proposes that Part 310 be amended by adding a new section to Subpart E as follows:

§ 310.509 Large volume parenteral drug products in plastic containers and intended for intravenous human use.

(a) Containers fabricated from various types of plastic material are used as immediate containers for large volume parenteral drugs intended for intravenous use in humans. It is critical that the suitability of containers be demonstrated under conditions of normal use of the drugs. Of particular concern with use of plastic containers are leaching and/or migration of components of the plastic into the drug solution as well as drug adsorption or absorption by the plastic material. Any parenteral drug product packaged in plastic is not generally recognized as safe and effective, is a new drug within the meaning of section 201(p) of the Federal Food, Drug, and Cosmetic Act, and requires an approved new drug application as a condition for marketing. A "Notice of Claimed Investigational Exemption for a New Drug" (Form FD-1571) set forth in § 312.1 of this chapter is required to cover clinical investigations designed to obtain evidence of safety and effectiveness.

(b) It is common medical practice to add various drugs to containers of large volume parenteral drug products for single administration to the patient. This practice is medically advantageous and reduces patient discomfort resulting from multiple injections. Since it is necessary to determine the safety and effectiveness of adding other drugs to large volume parenteral drug products for intravenous use in plastic containers, the Commissioner is requiring full investigation of the compatibility of large volume parenteral drugs for intravenous use which are packaged in plastic with other drugs that may be added regularly to the parenteral system (section 505(j) of the act). This will facilitate a determination of the need for either revised labeling for the parenteral products which would

V 39 216 NOV 7 74 XUM

restrict the addition of one or more drugs, or withdrawal of approval of the drug product under section 505(e) of the act.

(c) Marketing of large volume parenteral drug products for intravenous use in plastic containers may be continued only under the following conditions:

(1) An approved new drug application is in effect for the drug product so packaged.

(2) The applicant submits to the Food and Drug Administration on or before (30 days after the effective date of a final regulation published in the FEDERAL REGISTER) a statement that the applicant intends to conduct compatibility studies of the large volume parenteral drug product in its plastic container with the drugs listed in paragraph (d) of this section and furnishes the results of such studies to the Food and Drug Administration.

(3) The applicant submits to the Food and Drug Administration on or before (60 days after the effective date of a final regulation published in the FEDERAL REGISTER) the protocol which the applicant proposes to follow in conducting these compatibility studies. The protocol for such studies and any requests to waive the requirement for such studies of drugs listed in paragraph (d) of this section should be discussed with the Bureau of Drugs, Division of Surgical-Dental Products, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20852. The tests shall not be initiated before the applicant is notified by the Food and Drug Administration that the protocol has been accepted.

(4) Reports regarding the compatibility studies shall be submitted to the Food and Drug Administration as follows:

(i) Status reports of the ongoing studies at 3-month intervals beginning 90 days after the applicant has received an acceptance of the protocol.

(ii) The final report at the completion of the compatibility studies within 18 months following acceptance of the protocol by the Food and Drug Administration.

(d) The following drugs shall be included in compatibility studies with any large volume parenteral drug product for intravenous use in a plastic container. The Commissioner, upon a showing by the applicant that compatibility studies are unnecessary for any of the listed drugs, may waive the requirement for studies with such drugs:

Aminophylline	Gentamicin
Amphotericin	Heparin
Ampicillin	Hydrocortisone sodium succinate
Calcium gluconate	Insulin
Carbenicillin	Isoproterenol
Cephalosporins	Kanamycin
Chloramphenicol	Levarterenol
Chloramphenicol sodium succinate	Lidocaine
Clindamycin phosphate	Lincomycin
Cyclophosphamide	Magnesium sulfate
Cytarabine	Metaraminol
Diphenhydramine	Methicillin
Erythromycins	Methotrexate
Fluorouracil	Methyldopa
Oxytocin	Oxacillin
Penicillin G	Tetracyclines
Potassium chloride	Vitamins (single-entity and multiple vitamin products)
Sodium bicarbonate	
Sodium chloride	

(e) Until the results of the compatibility studies can be evaluated and included, as appropriate, in the labeling for large volume parenteral drug products for intravenous use in plastic containers, or until other action concerning a new drug application is taken, there shall be a warning on the immediate container and in the labeling of such products, alerting health care professionals that the compatibility of drugs added to the large volume parenteral drug product is not known. On or before (60 days after the effective date of a final regulation published in the FEDERAL REGISTER) all such products shall bear a prominently placed warning as follows:

WARNING

Additives may be incompatible. Complete information is not available. Those additives known to be incompatible should not be used. Consult with pharmacist, if available.

If, in the informed judgment of the physician, it is deemed advisable to introduce additives to this solution, use aseptic technique.

Thorough and careful mixing of any additive is mandatory.

Do not store solutions containing additives.

(f) Applicants for pending of future new drug applications may either submit results of compatibility studies with the protocols for such studies with the original submission of the new drug application or submit the additional data in the form of records and reports as required by the act.

Interested persons may, on or before January 6, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26046 Filed 11-6-74;8:45 am]

Social Security Administration

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Representation of Parties; Time Limit for Petitioning for Approval of Attorney Fees

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare.

The proposed amendments provide: (1) For administrative review of initial approvals of attorney fees subsequent to the expiration of the time limitation for requesting such review and (2) for the establishment of a time limitation on the filing of petitions for approval of fees when past-due benefits are being withheld.

The present regulations preclude any administrative review of a fee determination upon failure on the part of either the representative or the claimant to request such review within the prescribed 30-day time limit under any circumstances. The proposed amendment makes this provison more flexible and permits review upon showing of good cause for not filing the request timely. Examples of what constitutes "good cause" are also included.

The present regulations do not provide a time limitation for filing a petition for approval of a fee, so that, technically a portion of past-due benefits must be withheld indefinitely. In disability cases the amount withheld can be a substantial amount. The proposed amendment remedies this by providing that if a petition is not filed within 60 days of the notice of a favorable determination, the attorney representing the claimant will be notified that if he does not file a petition or a request for extension of time within 20 days of the date of such notice, the funds withheld will be released to the claimant. If no such petition is filed upon the expiration of the 20-day period or the period for which an extension of time was granted, the Social Security Administration may release the funds.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before December 9, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are issued under the authority of sections 205, 206, and 1102; 53 Stat. 1368, as amended; 68 Stat. 1082, as amended; 49 Stat. 647, as amended; 42 U.S.C. 405, 406 and 1302.

(Catalog of Federal Domestic Assistance Program No. 13.803, Social Security—Retirement Insurance)

Dated: October 16, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 1, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 404 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 404.975 is amended by revising paragraph (e) to read as follows:

§ 404.975 Fee for services performed for an individual before the Social Security Administration.

• • • • • •

(e) *Administrative review of fee determination.* (1) *Request timely filed.* Administrative review of a fee determination will be granted if either the representative or the claimant files a written request for such review at an office of the Social Security Administration within 30 days after the date of the notice of the fee determination. The party requesting the review shall send a copy of the request to the other party. An authorized official of the Administration who did not participate in the fee determination in question will review the determination. Written notice of the decision made on the administrative review shall be mailed to the representative and the claimant at their last known addresses.

(2) *Request not timely filed.* Where the representative or the claimant files a request for administrative review, in accordance with paragraph (e) (1) of this section, but more than 30 days after the date of the notice of the fee determination, the person making the request shall state in writing the reasons why it was not filed within the 30-day period. The Social Security Administration will grant the review only if it determines that there was good cause for not filing the request timely. For purposes of this section, "good cause" is defined as any circumstance or event which would prevent the representative or the claimant from filing the request for review within such 30-day period or would impede his efforts to do so. Examples of such circumstances include the following:

(i) The representative or claimant was seriously ill or had a physical or mental impairment and such illness prevented him from contacting the Social Security Administration in person or in writing;

(ii) There was a death or serious illness in the individual's family;

(iii) Pertinent records were destroyed by fire or other accidental cause;

(iv) The representative or claimant was furnished incorrect or incomplete information by the Social Security Administration about his right to request review;

(v) The individual failed to receive timely notice of the fee determination;

(iv) The individual transmitted the request to another government agency in good faith within such 30-day period and the request did not reach the Social Security Administration until after such period had expired.

The Social Security Administration assumes no responsibility for the payment of a fee based on a revised determination where the request for administrative review was not filed timely. (See § 404.977(b) for payment of attorney fees authorized by the Administration.)

2. Section 404.977 is amended by revising paragraph (b) (1) and adding paragraph (c) to read as follows:

§ 404.977 Payment of fees.

• • • • • •

(b) *Fees authorized by the Administration.* (1) *Attorneys.* Except as provided in paragraph (c) of this section, in any case where the Social Security Administration makes a determination favorable to a claimant who was represented by an attorney as defined in § 404.972(a) in a proceeding before the Social Security Administration and as a result of such determination past-due benefits, as defined in § 404.975(c), are payable, the Social Security Administration shall certify for direct payment to the attorney, out of such benefits, whichever of the following is the smallest:

(i) 25 percent of the total of such past-due benefits,

(ii) The amount of the attorney's fee set by the Administration, or

(iii) The amount agreed upon between the attorney and the claimant.

• • • • • •

(c) *Time limit for filing petition for approval of attorney fee.* In order for an attorney to receive direct payment of a fee authorized by the Social Security Administration from a claimant's past-due benefits (see paragraph (b) of this section), the petition for approval of a fee, or written notice of the intent to file a petition, should be filed with the Social Security Administration within 60 days of the date the notice of the determination favorable to the claimant is mailed. Where no such petition is filed within 60 days after the date such notice is mailed, written notice shall be sent to the attorney and the claimant, at their last known addresses, that the Social Security Administration will certify for payment to the claimant all the past-due benefits unless the attorney files within 20 days from the date of such notice a written petition for approval of a fee pursuant to § 404.976(a), or a written request for an extension of time. The attorney shall send to the claimant a copy of any request for an extension of time. Where the petition is not filed within this time, or by the last day of any extension approved, the Social Security Administration may certify the funds for payment to the claimant. Any fee charged thereafter remains subject to Social Security Administration approval but collection of any such approved fee shall be a matter between the attorney and his client.

[FR Doc.74-26123 Filed 11-6-74;8:45 am]

[20 CFR Part 404]

[Regulations No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE

Special Payments at Age 72

Correction

In FR Doc. 74-21900, appearing at page 33804 in the issue for Friday, September 20, 1974, in § 404.377(b), in the second line, the word "is" should be changed to read "if".

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[49 CFR Part 192]

[Docket No. OPS-31; Notice No. 74-7A]

DEFINITION OF GATHERING LINE

Extension of Comment Period

This notice extends the period for comment to Notice 74-7 published at 39 FR 34569 on September 26, 1974. Notice 74-7 proposes to clarify the existing definition of the term "gathering line" in Part 192. Interested persons were given until November 8, 1974, to submit written comments.

The American Petroleum Institute (API) has requested that the comment period be extended for at least 30 days. API alleges that the proposal in Notice 74-7 presents significant problems to gas producers and gatherers and that the additional time is necessary to develop technical information for the docket.

The Office of Pipeline Safety (OPS) encourages all interested persons to submit as much technical data as they deem essential for OPS consideration before final rule-making action is taken. However, because of the nature of the proposal in this case, while some additional time is not unreasonable, a full 30 days besides the time already provided does not appear warranted for preparation of technical information.

Therefore, the period for public comment to Notice 74-7 is hereby extended to November 22, 1974. Late filed comments will be considered so far as practicable.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC section 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on October 29, 1974.

JOSEPH C. CALDWELL,
Director, Office of Pipeline Safety.

[FR Doc.74-26051 Filed 11-6-74;8:45 am]

[49 CFR Part 192]

[Docket No. OPS-30, Notice No. 74-6A]

OFFSHORE PIPELINE FACILITIES

Extension of Comment Period

This notice extends the period for comment to the advance notice of proposed rule making on offshore gas pipeline facilities published at 39 FR 34568 on September 26, 1974 (Notice 74-6).

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Notice 74–6 invites public comment by November 22, 1974, on a variety of problem areas related to amending Part 192 to provide better safety regulation of pipeline facilities used in the transportation of gas offshore.

The American Society of Mechanical Engineers' (ASME) Gas Piping Standards Committee has requested that the period for comment be extended to the middle of December 1974. The Committee states that its Task Group, consisting of representatives of offshore operators and contractors, is developing recommended standards for offshore facilities which should be complete with justifications by early December. To allow sufficient time for submission of the proposals being developed, the ASME request is hereby granted.

The new deadline for public comment is December 13, 1974. Late filed comments will be considered so far as practicable.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 USC section 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on October 29, 1974.

JOSEPH C. CALDWELL,
Director, Office of Pipeline Safety.

[FR Doc.74–26050 Filed 11–6–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 270–5]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

National Ambient Air Quality Standards; California

On May 14, 1973 (38 FR 12702), the Administrator promulgated certain portions of the implementation plan for the State of California for attainment and maintenance of national ambient air quality standards in accordance with the Clean Air Act, as amended (42 USC § 1857 et seq.). Among the regulations promulgated was 40 CFR 52.233(g), a regulation for review of new sources and modifications. Paragraph (g) (1) of that section provides that the regulation is applicable to any "stationary source" in the specified portions of the regions listed in that subsection, while paragraph (g) (2) provides that an owner or operator must secure the approval of the Administrator before constructing or modifying any "new source" after the effective date of the regulation.

A question has arisen whether the meaning of the term "new source" as used in § 52.233(g) (2) is identical with the definition of the term as provided in section 111(a) (2) of the Clean Air Act, or whether the term is being used in its common definitional sense. The preamble to the FEDERAL REGISTER notice in which § 52.233(g) (2) was promulgated makes it clear that paragraph (g) (2) was intended to apply to all stationary sources in the counties in California which did not possess adequate procedures for the review of new or modified sources, and was not intended to restrict review to "new sources" as defined in section 111 (a) (2) of the Act. Nonetheless, to eliminate any confusion concerning the scope of the applicability of § 52.233(g) (2), it is proposed to amend the subsection to delete the term "new source" which is the cause of the confusion and to substitute the term "stationary source" which is used elsewhere in the regulation.

Interested persons are encouraged to submit written comments on the proposed amendment. Such comments will be accepted for consideration on or before December 9, 1974. Comments should be addressed to Director, Enforcement Division, at:

Environmental Protection Agency, Region IX
100 California Street, Room 400
San Francisco, California 94111

All comments will be available for public inspection during business hours at the above address. The regulation is not stayed during the comment period and remains in full force and effect as it has been consistently interpreted and applied by the Agency.

(42 USC 1857c–5(c))

Dated: October 31, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter 1, Title 40 of the Code of Federal Regulations as follows:

Subpart F—California

1. Section 52.233(g) (2) is amended as follows:

§ 52.233 Review of new sources and modifications.

* * * * * * *

(g) * * *

(2) No owner or operator shall commence construction or modification of any stationary source after the effective date of this regulation without first obtaining approval from the Administrator of the location of such source.

* * * * * * *

[FR Doc.74–26012 Filed 11–6–74;8:45 a.m.]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 563]

[No. 74–1144]

FEDERAL SAVINGS AND LOAN INSURANCE CORP.

Withdrawal of Proposed Amendment Relating to Fiscal Year End Audits

Whereas, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 72–1465, dated December 14, 1972, and duly published in the FEDERAL REGISTER on December 20, 1972 (37 FR 28079) proposed to amend Part 563 of the rules and regulations for insurance of accounts (12 CFR Part 563) for the purpose of requiring insured institutions to be audited as of the close of their fiscal year-ends; and

Whereas, a substantial period of time has elapsed since the date of said proposal:

It is hereby resolved, that the Board determines to withdraw from consideration the amendment proposed by said Resolution No. 72–1465.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–26092 Filed 11–6–74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 708]

MERGERS OF CREDIT UNIONS

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred by section 120, 73 Stat. 635, 12 U.S.C. 1766, and section 209, 84 Stat. 1014, 12 U.S.C. 1789, proposes to revise the entire Part 708 (12 CFR Part 708) as set forth below.

The purpose of the proposed revision of Part 708 (12 CFR Part 708) is to update the merger procedures in light of Title II of the Federal Credit Union Act (12 U.S.C. 1781, et seq.).

Interested persons are invited to submit written comments, suggestion, or objections regarding the proposed amendment to the Administrator, National Credit Union Administration, 2025 M St. NW., Washington, D.C. 20456. Comments received prior to January 2, 1975, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for public inspection during normal business hours at the foregoing address.

HERMAN NICKERSON, JR.
Administrator.

OCTOBER 30, 1974.

PART 708—MERGERS OF CREDIT UNIONS

Sec.
708.0 Scope.
708.1 Definitions.
708.2 When permissible.
708.3 Special provisions for National Credit Union Share Insurance.
708.4 Preparation of merger plan.
708.5 Submittal of merger proposal to Administration.
708.6 Approval of merger proposal by Administrator.
708.7 Approval of merger proposal by members.
708.8 Certification of vote on merger proposal.
708.9 Completion of merger.

AUTHORITY: Sec. 120, 73 Stat. 635 (12 U.S.C. 1766) and Sec. 209, 84 Stat. 1014 (12 U.S.C. 1789).

§ 708.0 Scope.

This part prescribes the procedures that enable two or more Federal credit unions to merge into a single Federal credit union, or two or more state credit unions to merge with a Federal credit union to form a single Federal credit union, or two or more state credit unions, where at least one state credit union is federally-insured, to merge into one federally-insured state credit union.

§ 708.1 Definitions.

(a) As used herein:

(1) The continuing credit union is that credit union which will continue in operation after the merger.

(2) The merging credit union is that credit union which will cease to exist as an operating credit union at the time of the merger.

§ 708.2 When permissible.

(a) When the requirements enumerated herein have been met, merger may be effected if:

(1) There has been compliance with NCUA chartering policies (where the continuing credit union is a Federal credit union); or

(2) Permitted by state law or authorized by the state supervisory authority (where the continuing or merging credit union is federally-insured).

(b) In any case where the continuing credit union is federally-insured, and the merging credit union is not insured, a determination shall be made by the Administrator as to the potential risk to the National Credit Union Share Insurance Fund (NCUSIF).

§ 708.3 Special provisions for National Credit Union Share Insurance.

(a) Where the continuing credit union is not federally-insured, but the share accounts of the merging credit union are so insured, such insurance ceases as of the effective date of the merger. Members of the merging credit union shall be notified accordingly prior to any required voting activity to approve the merger.

(b) When a credit union's insurance is terminated in accordance with paragraph (a) of this section, it is not entitled to a rebate of premiums, but the credit union shall be entitled to a refund of the unused portion of the premiums.

(c) Where the merging credit union is federally-insured, the continuing credit union is not so insured, but desires to be insured as of the date of the merger, an application shall be submitted to the Administrator when the merging credit union requests his approval of the merger proposal.

(d) An insurance premium will be assessed on the additional share accounts insured as a result of the merger. The amount of the premiums will be prorated as of the effective date of the merger on these additional share accounts.

§ 708.4 Preparation of merger plan.

(a) Upon the approval of a proposition for merger by the boards of directors of the credit unions, a plan for the proposed merger shall be prepared. The plan shall include:

(1) Current financial reports;

(2) Current delinquent loan schedules annotated to reflect collection problems;

(3) Combined financial report;

(4) Analyses of share values;

(5) Explanation of any proposed share adjustments;

(6) Explanation of any provisions for reserves, undivided earnings or dividends;

(7) Provisions with respect to notification and payment of creditors;

(8) Explanation of any changes relative to insurance of member accounts;

(9) Provisions for insuring that all assets and liabilities of the continuing credit union will conform with the requirements of the Act (where the continuing credit union is a Federal credit union); and

(10) Proposed charter amendments (where the continuing credit union is a Federal credit union).

§ 708.5 Submittal of merger proposal to Administration.

(a) Upon approval of the merger plan by the boards of directors of any federally-insured credit union(s), the following information will be submitted to the Regional Director:

(1) The merger plan, as described in this part;

(2) Resolution of the boards of directors;

(3) Proposed Merger Agreement;

(4) Proposed Notice of Special Meeting of the Members (for merging Federal credit unions);

(5) Copy of the form of Ballot to be sent to the Members (for the merging Federal credit unions);

(6) Evidence that the state's supervisory authority is in agreement with the merger proposal (for state credit unions);

(7) Application and Agreements for Insurance of Member Accounts (for continuing state credit unions desiring to become federally-insured).

(b) The Regional Director will review the proposal and forward it, with his recommendations, to the Administrator.

§ 708.6 Approval of merger proposal by Administrator.

(a) If the Administrator finds that the merger proposal complies with this and other parts of these regulations, he may approve the proposal subject to such other specific requirements as may be prescribed to fulfill the intended purposes of the proposed merger.

(b) Any proposed charter amendments for a continuing Federal credit union will be approved contingent upon the completion of the merger.

§ 708.7 Approval of the merger proposal by members.

(a) When the merging credit union is a Federal credit union, the members shall:

(1) Have the right to vote on the merger proposal in person at the annual meeting, if within 120 days after the Administrator's approval, or at a special meeting to be called within 120 days of such approval, or by mail ballot postmarked no later than the date and time announced for the annual meeting or the special meeting called for that purpose.

(2) Be given advance notice of the meeting at which the merger proposal is to be submitted, in accordance with the provisions of Article V, Meetings of Members, Federal Credit Union Bylaws. The notice shall:

(i) Specify the purpose of the meeting and time and place;

(ii) Include a summary of the merger plan, which shall contain, but not necessarily be limited to, current financial reports for each credit union, combined financial reports for each credit union, analyses of share values, explanation of any proposed share adjustments, explanation of any changes relative to insurance of member accounts.

(iii) State reasons for the proposed merger;

(iv) Provide name and location (to include branches) of the continuing credit union;

(v) Inform the members that they have the right to vote on the merger proposal in person at the meeting or by written ballot to be postmarked no later than the date and time announced for the annual meeting or the special meeting called for that purpose;

(vi) Be accompanied by a Ballot for Merger Proposal.

(b) The merger proposal must be approved by a majority of the members of the merging Federal credit union.

§ 708.8 Certification of vote on merger proposal.

The board of directors of the merging Federal credit union shall promptly certify the results of the membership vote to the Regional Director.

§ 708.9 Completion of merger.

(a) Upon approval of the merger proposal by the Administrator, and by the members of each credit union where required, action may be taken to complete the merger. The boards of directors shall:

(1) Promptly certify the completion of the merger to the Regional Director; and

(2) Forward, along with the certification, the following documents:

(i) Financial reports for each credit union before and after the completion of merger;

(ii) The charters of merging Federal credit unions;

(iii) Insurance certificates for merging federally-insured credit unions.

(b) If the Administrator is satisfied that the merger has been accomplished

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in accordance with the approved plan, he shall cancel the charters of the Federal credit unions which have lost their identity in the merger.

[FR Doc.74-26015 Filed 11-6-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Request for Information from Interested Parties with Respect to the Size Standard for Purpose of Sales of Government-Owned Timber

1. Section 121.3-9(b)(2) of the Small Business Size Standards Regulation (Part 121, Chapter I, Title 13 of the Code of Federal Regulations) provides, in part, that in the case of Government sales of timber reserved for or involving preferential treatment of small business when the Government timber being purchased is to be resold, a bidder, in order to qualify as small business, must agree that it will not sell to a concern which is not small business more than 30 percent (50 percent in Alaska) of such timber.

Utilization of Government timber by industry in Alaska has been increasing, and it has been suggested that under current industry practices the 50 percent "resell" limitation for Alaska is excessive and should be revised to the 30 percent applicable elsewhere. In order to acquire information upon which it may determine what action to take, the Small Business Administration hereby requests the views of interested parties as to whether it would be appropriate to reduce the Alaska percentage to 30 percent and, accordingly, to delete from § 121.3-9(b)(2)(ii) of Part 121, Chapter I, Title 13 of the Code of Federal Regulations all words subsequent to the word "timber" and also to delete Schedule E of such Part 121.

2. The term "sell" for the purpose of the above rule is interpreted as including an exchange of timber for timber on a product-for-product basis (i.e., poles for poles; sawlogs for sawlogs, etc.) with or without monetary adjustment. Accordingly, any delivery of timber to a large business in exchange for other timber from such large business is currently considered as a sale of such timber to the large business and must be included in applying the 30 percent limitation.

It has been suggested that there may be certain timber sales under which, because of the mixed species and/or grades of timber being sold, it would be desirable to permit a small business concern to exchange timber for timber on a product-for-product basis without such exchange being charged against the 30 percent limitation.

In order to determine what action to take, the Small Business Administration hereby requests the views of interested parties as to whether it would be appropriate to adopt a rule under which a concern could apply to the SBA for permission to make certain exchanges without having such timber charged against the 30 percent limitation and, accordingly, whether § 121.3-9(b)(2)(ii) should be revised to read as follows:

§ 121.3-9 Definition of small business for sales of Government property.

* * * * * * *

(b) * * *
(2) * * *

(ii) It agrees that it will not sell to one or more concerns which are not small business within the meaning of this paragraph more than 30 percent of such timber, provided, however, that an exchange of timber for timber on a product-for-product basis (i.e., poles for poles; sawlogs for sawlogs, etc.) without monetary adjustment made pursuant to an exchange agreement in writing approved in advance of the exchange by the Chief, Prime Contracts and Property Sales Division, Small Business Administration, shall not be charged against such 30 percent limitation.

* * * * * * *

3. Currently, the Small Business Size Standards Regulation does not define a "nonmanufacturer" for the purpose of sales of Government timber. Since such a definition is of significance in determining the "base average share" for small business, the Small Business Administration requests the views of interested parties as to whether it would be appropriate to revise the definition of a nonmanufacturer in § 121.3-2(r) to read as follows:

§ 121.3-2 Definition of terms used in this part.

* * * * * * *

(r) "Nonmanufacturer" means any concern which, in connection with a specific Government procurement contract other than a construction or service contract, does not manufacture or produce the products required to be furnished under such procurement. Nonmanufacturer includes a concern which can manufacture or produce the products referred to in the specific procurement but does not do so in connection with that procurement. For the purpose of Government sales of timber, a nonmanufacturer is a concern which (including its affiliates and its use of leased facilities, and including concerns with whom it or its affiliates subcontract for the manufacture of one or more products) manufactured or contracted for the manufacture of less than 50 percent of its timber production during the preceding calendar year.

* * * * * * *

Comments in response to the above requests may be filed with the Small Business Administration on or before December 9, 1974. The Agency also will be pleased to receive recommendations for other approaches to the problems discussed above. All correspondence shall be addressed to:

William L. Pellington, Director, Office of Industry Studies and Size Standards, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: October 25, 1974.

(Catalog of Federal Domestic Assistance Program No. 59.009, Procurement Assistance to Small Business)

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-26027 Filed 11-6-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Office of the Secretary

[Public Notice CM-187]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW, STUDY GROUP ON ARBITRATION

Notice of Meeting

A meeting of the Study Group on Arbitration, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will take place on Tuesday, November 26, 1974, at the United States Mission to the United Nations, 799 United Nations Plaza, New York. The meeting, which will begin at 10 a.m., will be open to the public.

The purpose of the meeting is to discuss proposed rules relating to arbitration in international commercial transactions.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the United States Mission building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to November 26, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Advisor, Department of State; the telephone number is area code 202, 632-2107.

ROBERT E. DALTON,
Executive Director.

OCTOBER 30, 1974.

[FR Doc.74-26126 Filed 11-6-74;8:45 am]

[CM-184]

STUDY GROUP 1 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE

Meeting

The Department of State announces that Study Group 1 of the U.S. CCITT National Committee will meet on November 26, 1974, at 10:30 a.m. in Room 752 of the Federal Communications Commission, 1919 M Street NW., Washington, D.C. This Study Group deals with U.S. Government regulatory aspects of international telegraph and telephone operations and tariffs.

The agenda of the November 26 meeting will include continued consideration and development of positions the United States should take at international CCITT meetings on (a) reduced rates during light traffic periods in the automatic telex service, (b) connection of leased telephone and telex circuits into exchange switching facilities so as to provide access to nationwide public networks, and (c) tariff principles for data transmission on public networks dedicated to this type of transmission. There will also be a review of developments which have occurred at international CCITT meetings during 1974 concerning general tariff principles covering the lease of telecommunication circuits.

Members of the general public who desire to attend the meeting on November 26 will be admitted up to the limits of the capacity of the meeting room.

Dated: October 25, 1974.

ARTHUR L. FREEMAN,
Vice Chairman,
U.S. National Committee.

[FR Doc.74-26040 Filed 11-6-74;8:45 am]

[Public Notice CM-186]

STUDY GROUP 9 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE (CCIR)

Notice of Meeting

The Department of State announces that Study Group 9 of the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on December 4, 1974, at 9:30 a.m. in Room 283, Office of Telecommunications, Department of Commerce, 1325 G Street NW., Washington, D.C. Study Group 9 deals with questions relating to line-of-sight and trans-horizon radio-relay systems operating via terrestrial stations at frequencies above about 30 MHz. The agenda for the meeting on December 4 will include the following matters:

a. Review of the conclusions of the CCIR XIIIth Plenary Assembly, particularly as they bear on the work of Study Group 9;

b. Organization of work programs for the development of recommended U.S. contributions to the next meeting of international Study Group 9.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room.

GORDON L. HUFFCUTT,
Chairman,
U.S. CCIR National Committee.

OCTOBER 31, 1974.

[FR Doc.74-26125 Filed 11-6-74;8:45 am]

[CM-183]

U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL RADIO CONSULTATIVE COMMITTEE

Meeting

The Department of State announces that the U.S. National Committee for the International Radio Consultative Committee (CCIR) will meet on December 5, 1974, at 9:30 a.m. in Room 1105, Department of State, 22nd and C Streets NW., Washington, D.C.

The U.S. National Committee assists in the resolution of administrative/procedural problems pertaining to U.S. CCIR activities; provides advice on matters of policy and positions in preparation for CCIR Plenary Assemblies and meetings of the international Study Groups; and recommends the disposition of proposed U.S. contributions to the international CCIR which are submitted to the Committee for consideration.

The purposes of the meeting on December 5 will be:

a. Review the conclusions of the CCIR XIIIth Plenary Assembly;

b. Consider the programs of work for the U.S. Study Groups; and

c. Consideration of U.S. CCIR objectives and research needed to support U.S. CCIR activities.

Members of the general public will be admitted up to the limits of the capacity of the meeting room. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to December 5, 1974, members of the general public who plan to attend the meeting inform their name and address to Mr. Gordon L. Huffcutt, Office of International Communication Policy, Department of State; the telephone number is Area Code 202, 632-2631. All non-Government attendees must use the C Street entrance to the building.

Dated: October 25, 1974.

GORDON L. HUFFCUTT,
Chairman,
U.S. National Committee.

[FR Doc.74-26039 Filed 11-6-74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

FIREARMS; GRANTING OF RELIEF

Notice is hereby given that pursuant to 18 U.S.C., section 925(c), the following named persons have been granted relief from disabilities imposed by Federal laws

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with respect to the acquisition, transfer, receipt, shipment, or possession of firearms incurred by reason of their convictions of crimes punishable by imprisonment for a term exceeding one year.

It has been established to my satisfaction that the circumstances regarding thet convictions and each applicant's record and reputation are such that the applicants will not be likely to act in a manner dangerous to public safety, and that the granting of the relief will not be contrary to thet public interest.

Anderson, Darrell Gene, 1826A Bell, Sheboygan, Wisconsin, convicted on February 3, 1972, in the Menominee County Court, Shawano, Wisconsin.

Ayers, Ronald E., 4837 Canterbury, Shawnee Mission, Kansas, convicted on October 27, 1961, in the United States District Court, Western District of Missouri.

Brown, Jr., Harry Britton, 800 Dublin, Wichita, Kansas, convicted on June 26, 1970, in the United States District Court, District of Kansas.

Carbone, Michael, R.D. No. 2 Taft Avenue, Frankfort, New York, convicted on October 26, 1931, in the Herkimer County Court, Herkimer, New York, and on February 7, 1936, in the Oneida County Court, Utica, New York.

Coleman, John Thomas, 318 N. Brown Street, Paw Paw, Michigan, convicted on or about May 4, 1970, in the Circuit Court for Van Buren County, Michigan.

Collins, Jr., Lincoln, 6717 Lozier Street, Apt. No. 2, Houston, Texas, convicted on November 23, 1971, in the 174th District Court of Harris County, Texas.

Ebersole, Stewart D., 178 South Franklin Street, Red Lion, Pennsylvania, convicted on November 26, 1956, in the Court of Quarter Sessions of York County, York, Pennsylvania.

Eckhoff, Jerome L., R.R. No. 1, Spicer, Minnesota, convicted on September 10, 1962, in the Eighth Judicial District Court, Kandiyohi County, Minnesota.

Enlow, David M., 1211 Emerson Street, Beloit, Wisconsin, convicted on February 28, 1972, in the Rock County Court, Branch No. 3, Beloit, Wisconsin.

Golden, William H., 1303 Avenue A, Apt. No. 35, South Houston, Texas, convicted on June 13, 1972, in the 178th District Court of Harris County, Texas.

Goo, Melvin F., 3609 Kumulani Street, Honolulu, Hawaii, convicted on September 29, 1961, in the Circuit Court of the First Circuit, State of Hawaii.

Larson, Douglas Ronald, 3401 College View Road, Rochester, Minnesota, convicted on September 28, 1970, in the Third Judicial District Court, Dodge County, Minnesota.

Leach, Jr., Edward Meryl, 1107 Oriole, Duncanville, Texas, convicted on June 9, 1972, in the Criminal District Court No. 2, Dallas County, Texas.

Ligon, David L., 2705 N. Rader, Indianapolis, Indiana, convicted on May 16, 1969, in the United States District Court, Southern District of Indiana.

Mewes, Gary Lee, Kanawha, Iowa, convicted on April 24, 1972, in the District Court, Wright County, Iowa.

Moes, Lionel D., 1462 South Prospect, Tacoma, Washington, convicted on December 12, 1963, in the Superior Court of the State of Washington, Thurston County.

Parenti, Raymond A., 2510 Raspberry Street, Erie, Pennsylvania, convicted on November 19, 1962, in the Court of Quarter Sessions of the Peace of Erie County, Pennsylvania.

Root, Robert R., Box 12, Spirit Lake, Idaho, convicted on May 2, 1969, in the Superior Court of the State of Washington in and for the County of Whitman.

Stanford, Robert Leland, Route 1, Franklin, Kentucky, convicted on December 14, 1972, in the United States District Court, Western District of Kentucky.

Trent, Jimmy Joe, Post Office Box 215, Bono, Arkansas, convicted on April 22, 1954, in the Circuit Court of Greene County, Missouri.

Verdusco, Louis A., 2123 Robinwood, Saginaw, Michigan, convicted on October 19, 1959, in the 10th Judicial Circuit Court, Saginaw, Michigan.

Waddell, William C., Little Acres Mobile Home Park, Space No. 16, Globe, Arizona, convicted on May 19, 1967, in the Superior Court, County of Gila, Arizona.

Winkler, Joseph L., Box 300, Potosi, Wisconsin, convicted on June 21, 1972, in the Circuit Court, Grant County, Wisconsin.

Signed at Washington, D.C., this 25th day of October, 1974.

[SEAL] REX D. DAVIS,
Director, Bureau of Alcohol, Tobacco and Firearms.

[FR Doc.74-26091 Filed 11-6-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

AIR UNIVERSITY BOARD OF VISITORS, AIR FORCE INSTITUTE OF TECHNOLOGY SUBCOMMITTEE

Notice of Meeting

OCTOBER 31, 1974.

The Air Force Institute of Technology Subcommittee of the Air University Board of Visitors will hold an open meeting at 11 a.m. on November 19, 1974, in the Commandant's Conference Room, Building 125, Wright-Patterson Air Force Base, Ohio. The purpose of the meeting is to give the Subcommittee opportunity to present to the Commandant, Air Force Institute of Technology (AFIT), a report of findings and recommendations concerning the Institute's educational programs. Specific agenda items include the status of recommendations made by the 1973 AFIT Subcommittee accreditation of the Institute's continuing education programs, the forthcoming accreditation by the engineering programs conducted by the AFIT school of engineering, and academic rank for the Institute's continuing education facility. Also, the Subcommittee will present findings on other areas it investigates at its discretion during the meeting. For further information on this meeting contact Lt. Col. Gary L. Silcott, Chief, Degree Programs Division, Directorate of Educational Plans and Operations Air Force Institute of Technology, telephone 513-255-4219 or 513-255-5402.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-26011 Filed 11-6-74;8:45 am]

Defense Civil Preparedness Agency

UNITED STATES CIVIL DEFENSE CORPS

Continuation

Pursuant to authority contained in subsection 401(c) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2253 (a)) the Administrator of the Federal Civil Defense Administration by regulation published in the FEDERAL REGISTER on July 12, 1952 (17 FR 6247) authorized States empowered by State authority to establish civil defense organizations to qualify them as civil defense corps to be known collectively as the United States Civil Defense Corps. The regulations (now codified as 32 CFR Part 1805) provided minimum standards for State and local civil defense organizations.

Authority under subsection 401(c) as affected by Reorganization Plan No. 1 of 1958 (72 Stat. 1799-1801), which transferred the authority to the President, has now been delegated to the Secretary of Defense by Executive Order 10952 of July 20, 1961 (26 FR 6577) and by him redelegated to the Director, Defense Civil Preparedness Agency (37 FR 18636).

In view of the manner in which civil defense has developed at the national, state and local levels since the issuance of the United States Civil Corps regulations, it is now considered no longer necessary to provide minimum standards for State and local organizations which are units of the United States Civil Defense Corps, or minimum standards for membership of persons in these units. The objectives for which the standards were issued are being met in other ways. Withdrawal of Part 1805 of Title 32, Code of Federal Regulations, is now under consideration.

Nevertheless the continuance of the United States Civil Defense Corps as a collectivity of State and local civil defense organizations and the members thereof is considered to serve valid purposes under the Federal Civil Defense Act of 1950, as amended, and under State civil defense laws and other State laws, particularly those relating to workmen's compensation for civil defense volunteers.

Subject to such regulations as may now or hereafter appear in other parts of Chapter XVIII of Title 32, Code of Federal Regulations, the United States Civil Defense Corps, as heretofore established and organized is continued. As authorized by a State, the units which are components of the United States Civil Defense Corps shall consist of State or local civil defense organizations established pursuant to law and in good standing under State law. Membership of individuals in such units shall be as established by the State or local civil defense organization in accordance with applicable State laws and regulations *provided* that members shall provide services on a voluntary and uncompensated basis. To the extent that such organizations still exist at the state or local level, the Ground Observer Corps may be considered an element of the United States Civil Defense Corps.

Members of the United States Civil Defense Corps shall not be deemed by reason of such membership to be appointees or employees of the United States.

Effective date: October 30, 1974.

JOHN E. DAVIS,
Director, Defense Civil Preparedness Agency.

[FR Doc.74-26101 Filed 11-6-74;8:45 am]

Department of the Navy

ACADEMIC ADVISORY BOARD, U.S. NAVAL ACADEMY

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Academic Advisory Board, United States Naval Academy, will have a meeting from 8 a.m. to 3 p.m. on November 25, 1974, at the United States Naval Academy, Annapolis, Maryland.

The agenda will consist of matters pertaining to advice and assistance to the Superintendent of the Naval Academy concerning the education of the midshipmen.

Dated: October 31, 1974.

MERLIN H. STARING,
Rear Admiral, JAGC, N.S. Navy Judge Advocate General.

[FR Doc.74-26097 Filed 11-6-74;8:45 am]

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that a closed Panel meeting of the DIA Scientific Advisory Committee will be held at Pomponio Plaza, Roslyn, Virginia on:

Thursday & Friday, 21-22 November 1974.

The entire meeting commencing at 0900 hrs. is devoted to the discussion of classified information as defined in section 552(b), Title 5 of the U.S. Code, therefore will be closed to the public.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

NOVEMBER 4, 1974.

[FR Doc.74-26093 Filed 11-6-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

CHICKALOON, ALASKA

Eligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 22, 1974, his Final Decision determining the eligibility of the Native village of Chickaloon, said decision appearing in 39 FR 6741 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc., Philip R. Holdsworth, the State of Alaska, the Sierra Club, Alaska Chapter, Matanuska-Susitna Borough (appellants herein).

The appellants brought forth, to the Ad Hoc Board, a Withdrawal of Protest. The Board therefore dismissed the appeals and thereby notified the Director that his Final Decision certifying the unlisted village of Chickaloon as eligible for benefits under the Alaska Native Claims Settlement Act shall become final upon the personal approval by the Secretary of the Interior.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on October 4, 1974 determined the unlisted Native village of Chickaloon, pursuant to section 11(b)(3) of said Act, 43 U.S.C. section 1610(b)(3), is now eligible to receive land benefits under sections 14 (a) & (b).

In accordance with the Ad Hoc Board's decision, approved on October 23, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native village of Chickaloon as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native village of Chickaloon is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native village of Chickaloon a certification of eligibility.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.74-26113 Filed 11-6-74;8:45 am]

COUNCIL, ALASKA

Eligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43 of the Code of Federal Regulations published on Page 14223 of the May, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92-203, 92nd Congress; 85 Stat. 688-716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 22, 1974, his Final Decision determining the eligibility of the Native village of Council said decision appearing in 39 FR 6743 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Philip R. Holdsworth, the State of Alaska and the Sierra Club, Alaska Chapter. On May 31, 1974 the Ad Hoc Board issued a Notice and Order directing that a hearing be conducted by an Administrative Law Judge. Pursuant thereto a hearing was held in Nome, Alaska on July 8, 1974 and in Council, Alaska on July 9, 1974.

The Ad Hoc Board, also known as the Alaska Native Claims Appeal Board, on September 11, 1974 determined the unlisted Native village of Council, pursuant to section 11(b)(3) of said Act, 43 U.S.C. section 1610(b)(3), is now eligible to receive land benefits under sections 14 (a) and (b).

In accordance with the Ad Hoc Board's decision, approved on September 24, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native village of Council as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native village of Council is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native village of Council a certification of eligibility.

JOSEPH E. KAHKLEN,
Acting Director.

[FR Doc.74-26115 Filed 11-6-74;8:45 am]

KNIK, ALASKA

Eligibility of Unlisted Village

This decision is published in exercise of authority delegated by the Secretary of the Interior to the Director, Juneau Area Office, Bureau of Indian Affairs, by § 2651.2(a) (6), (8), (9) and (10) of Subchapter B of Chapter II of Title 43

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of the Code of Federal Regulations published on Page 14223 of the May 30, 1973, issue of the FEDERAL REGISTER.

The Alaska Native Claims Settlement Act of December 18, 1971 (Pub. L. 92–203, 92nd Congress; 85 Stat. 688–716), provides for the settlement of certain land claims of Alaska Natives and for other purposes.

Accordingly, the Director, Juneau Area Office, Bureau of Indian Affairs, pursuant to the authority delegated him in the regulations in 43 CFR Part 2650, authorizing him to make final decisions on behalf of the Secretary of the Interior on the eligibility of Native villages for benefits under the Alaska Native Claims Settlement Act, subject to appeal to the Ad Hoc Board, published on February 26, 1974, his Final Decision determining the eligibility of the Native village of Knik said decision appearing in 39 FR 7472 (1974).

The decision was appealed by the Alaska Wildlife Federation & Sportsmen's Council, Inc., Philip R. Holdsworth, the State of Alaska, the Sierra Club, Alaska Chapter, Matanuska-Susitna Borough and Eklutna, Inc., (appellants herein). The appellants brought forth, to the Ad Hoc Board, a Withdrawal of Protest. The Board therefore dismissed the appeals and thereby notified the Director that his Final Decision certifying the unlisted village of Knik as eligible for benefits under the Alaska Native Claims Settlement Act shall become final upon the personal approval by the Secretary of the Interior.

The Ad Hoc Board, aso known as the Alaska Native Claims Appeal Board, on October 4, 1974 determined the unlisted Native village of Knik, pursuant to section 11(b)(3) of said Act, 43 U.S.C. section 1610(b)(3), is now eligible to receive land benefits under sections 14(a) & (b).

In accordance with the Ad Hoc Board's decision, approved on October 23, 1974 by the Secretary of the Interior, Rogers C. B. Morton, and by telegram dated September 16, 1974 from Assistant Secretary of the Interior, Royston C. Hughes, authorized the Director, Juneau Area Office, Bureau of Indian Affairs, to certify the Native village of Knik as eligible for benefits under the Alaska Native Claims Settlement Act, said Director, hereby certifies the Native village of Knik is eligible for benefits under the Alaska Native Claims Settlement Act, said decision is not further appealable, therefore issues the Native village of Knik a certification of eligibility.

CLARENCE ANTIOQUIA,
Director.

[FR Doc.74–26114 Filed 11–6–74;8:45 am]

Bureau of Land Management

ARIZONA PHOENIX DISTRICT ADVISORY BOARD

Notice of Meeting

A meeting of the Grazing Advisory Board for the Phoenix District will be held at 9:30 a.m. on November 19, 1974 in the Bureau of Land Management Phoenix District Office, 2929 West Clarendon Avenue, Phoenix, Arizona.

The agenda will include (1) grazing applications for the 1975 grazing year; (2) range improvement programs; (3) ownership or control of state and private lands used in conjunction with National Resource Lands in grazing allotments; (4) grazing administration.

The meeting will be open to the public in as far as space will allow. Oral statements may be made by members of the public concerning the matters listed above. Any written statements for consideration by the Board should be sent to the Chairman of the Board, c/o Phoenix District Manager, 2929 West Clarendon Avenue, Phoenix, Arizona 85017.

Dated: October 29, 1974.

RILEY E. FOREMAN,
District Manager.

[FR Doc.74–26087 Filed 11–6–74;8:45 am]

[5–912, 4114.14]

CANON CITY DISTRICT ADVISORY BOARD

Notice of Meetings

OCTOBER 31, 1974.

Notice is hereby given that meetings of the Canon City District Advisory Board will be held on December 3, 1974, and December 19, 1974, commencing at 10 a.m., in the Conference Room, Canon City District Office, 3080 East Main Street, Canon City, Colorado.

The agenda for the initial meeting includes organization of the Board, selection of district officers, discussion of 1975 grazing season, allotment transfers, grazing applications, current workload emphasis, including planning system and project work progress, and the Federal Advisory Committee Act of October 6, 1972.

The agenda for the second meeting will include hearing of protests on any action determined or considered adverse during the initial meeting and reports of district programs and planning progress with emphasis on the Arkansas Planning Unit.

The meetings will be open to the public. Those members of the public wishing to make an oral statement should advise the Advisory Board Chairman, James L. Curtis, Jr., c/o Bureau of Land Management, P.O. Box 311, Canon City, Colorado 81212, prior to the meeting. Oral statements will be heard at 1 p.m. Written statements may also be filed with Mr. Curtis for consideration.

CHARLES W. LUSCHER,
Acting State Director.

[FR Doc.74–26109 Filed 11–6–74;8:45 am]

[N–7100]

NEVADA

Notice of Application

NOVEMBER 1, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, (30 U.S.C. 185), the Calnev Pipeline Company has applied for a gasoline, jet fuel and diesel fuel pipeline right-of-way across the following lands:

MOUNT DIABLO MERIDIAN

T. 25 S., R. 59 E.,
Secs. 1, 12, 13, 23, 24, 26, 35.
T. 26 S., R. 59 E.,
Secs. 2, 3, 10, 15, 22, 27, 34.
T. 27 S., R. 59 E.,
Secs. 4, 9, 16.
T. 25 S., R. 60 E.,
Sec. 6.
T. 23 S., 60 E.,
Sec. 36.
T. 24 S., R. 60 E.,
Secs. 1, 2, 10, 11, 15, 16, 20, 21, 29, 30, 31.
T. 23 S., R. 61 E.,
Secs. 5, 8, 17, 19, 20, 30, 31.
T. 22 S., R. 61 E.,
Secs. 8, 17, 20, 29, 32.
T. 21 S., R. 61 E.,
Sec. 32.

The pipeline will convey gas, jet fuel and diesel fuel from the California-Nevada border in sec. 16, T. 27 S., R. 59 E., to sec. 32, T. 21 S., R. 61 E., Mount Diablo Meridian, Nevada.

The purpose of this notice is to inform the public that the Bureau will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved, and if so, under what terms and conditions.

Interested persons should express their interest and views to the District Manager, Bureau of Land Management, Box 5400, Las Vegas, Nevada 89102.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.74–26106 Filed 11–6–74;8:45 am]

[N–6986, etc.]

NEVADA

Order Opening Public Lands; Correction

In FR Doc. 74–22952 appearing on page 35690 of the issue for Thursday, October 3, 1974, the reconveyed land in sec. 36, T. 18 N., R. 19 E., is corrected to read as N½NW¼NW¼NW¼.

WILLIAM J. MALENCIK,
Chief, Division of Technical Services.

[FR Doc.74–26111 Filed 11–6–74;8:45 am]

[NM 23615]

NEW MEXICO

Notice of Application

OCTOBER 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has applied for a 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 5 W.,
Sec. 23, S½NE¼ and NE¼SE¼;
Sec. 24, W½SW¼.

This pipeline will convey natural gas across 0.431 mile of national resource land and 0.389 mile of national forest land in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, New Mexico 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–26103 Filed 11–6–74;8:45 am]

[NM 23442]

NEW MEXICO

Notice of Application

OCTOBER 29, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 3, Lot 3, 6, and 11.

These pipelines will convey natural gas across 0.506 mile of natural resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–26108 Filed 11–6–74;8:45 am]

NEW MEXICO GRAZING DISTRICT 3 ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Las Cruces District Grazing Advisory Board will hold a regular meeting December 11, 1974, beginning at 9 a.m. at the District Office located at 1705 North Valley Drive, Las Cruces, New Mexico.

The agenda for the meeting will include: Recommendations on all types of grazing applications, ranch transfers, range improvement applications, organization of the Advisory Board, branding and licensing regulations, Automated Data Processing system, proposed projects, range condition report, term permits, Bureau Planning System progress on Caballo and Las Uvas Planning Units.

The meeting will be open to the public. Any interested person wishing to meet with the Advisory Board should inform the Advisory Board Chairman, c/o Bureau of Land Management, P.O. Box 1420, Las Cruces, New Mexico 88001. Written statements may also be filed for consideration at the above address. Notice is given also, should a protest meeting be necessary pursuant to the Board's action on December 11, and the grazing regulations herein specified, that such protest meeting will be held at the same place and time of day on January 3, 1974.

W. K. BARKER,
District Manager.

OCTOBER 18, 1974.

[FR Doc.74–26105 Filed 11–6–74;8:45 am]

SAFFORD DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Safford District Advisory Board will hold a special meeting at 9 a.m. on December 17, 1974, at the Safford District Office, 1707 Thatcher Blvd., Safford, Arizona.

The agenda will include recommendations on grazing applications for the 1975–76 grazing season. Discussion of the Range Management Automated System and Project Work Schedule for Soil and Watershed and Range Improvements.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public but those wishing to make an oral statement must inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the board for its consideration. They should be sent to the Chairman, District Advisory Board, c/o District Manager, Bureau of Land Management, 1707 Thatcher Boulevard, Safford, Arizona 85546.

Dated: October 30, 1974.

WILLIAM S. EARP,
District Manager.

[FR Doc.74–26110 Filed 11–6–74;8:45 am]

SOCORRO DISTRICT ADVISORY BOARD

Notice of Meeting

OCTOBER 29, 1974.

Notice is hereby given that the Socorro District Advisory Board will hold meetings on November 26, 1974, and December 17, 1974, at 9 a.m. in the Conference Room of the Socorro District Office, 200 Neel Avenue, Socorro, New Mexico.

The agenda for the initial meeting will include considering applications and making recommendations for grazing privileges on the National Resource Lands for the 1975 grazing year; transfer of grazing privileges, District Boundary modifications; and a progress report on district programs.

The agenda for the second meeting will include hearing protests on adverse Advisory Board recommendations and a review of proposed work projects for FY 1976, and a review of work being done in FY 1975.

The meetings will be open to the public. Any interested person wishing to meet with the Board should inform the Advisory Board Chairman, William M. Seis prior to meeting. Written statements should be addressed to the Advisory Board Chairman, Mr. William M. Seis, c/o District Manager, Bureau of Land Management, P.O. Box 1456, Socorro, New Mexico 87801.

ARLEN P. KENNEDY,
District Manager.

OCTOBER 29, 1974.

[FR Doc.74–26104 Filed 11–6–74;8:45 am]

SALT LAKE DISTRICT U–1 & U–2 GRAZING BOARDS

Notice of Meeting

OCTOBER 30, 1974.

Notice is hereby given that the Grazing Boards of Districts U–1 and U–2 of the Salt Lake District will hold a joint formal meeting on November 26, 1974. The formal meeting will convene November 26, at 9 a.m. at the Ramada Inn, 1000 South State Street, Salt Lake City, Utah. This meeting will be on a combined basis except for those matters of concern to a single Board, at which time the Boards will hold concurrent sessions. The agenda for the meeting will include Advisory Board recommendations on winter grazing applications and § 4115.2–2(b) transfers. The Boards will also consider any protests to the Board that resulted from Boards action at the September 20, 1974 meeting held in Wendover, Nevada.

The meeting will be open to the public. Time will be available for limited comments by members of the public. Those wishing to make an oral statement should inform the Chairman of either Board prior to the meeting of the Board. Any interested person may file a written statement with the joint Boards for their consideration. The Advisory Board Chairman for U–1 is Norman Weston, and for the U–2 Board it is C. Garnett Player. Written statements may be submitted at the meeting or mailed to either Mr. Weston or Mr. Player c/o District Manager, Bureau of Land Management, 1745 West 1700 South, Rm. 214, Salt Lake City, Utah 84104. Further information concerning this meeting may be obtained from the District Manager, Bureau of Land Management, Salt Lake District Office, (801) 524–5348. Minutes of the meeting will be available for public inspection thirty days after the meeting at the District Office, 1745 West 1700 South, Salt Lake City, Utah 84104.

GERALD E. HILLIER,
District Manager.

[FR Doc.74–26112 Filed 11–6–74;8:45 am]

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Office of the Secretary

[Int FES 74-47]

PROPOSED ELLIS UNIT, SMOKY HILL DIVISION, KANSAS

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Ellis Unit, Smoky Hill Division—Pick-Sloan Missouri Basin Program, Kansas.

The environmental statement concerns proposed construction of Round Mound Dam and Reservoir for purposes of furnishing municipal and industrial water to the City of Hays, Kansas; storing and regulating flood flows in Big Creek; and providing water quality control, recreation, and fish and wildlife conservation for the counties of Trego, Ellis, and Russell.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology
Room 7626, Bureau of Reclamation, Department of the Interior
Washington, D.C. 20240
Telephone (202) 343-4991

Division of Engineering Support, Technical Services Branch
Engineering & Research Center, Denver Federal Center
Denver, Colorado 80225
Telephone (303) 234-3017

Office of the Regional Director, Bureau of Reclamation
Building 20, Denver Federal Center
Denver, Colorado 80225
Telephone (303) 234-4441

Project Manager, Kansas River Projects
Bureau of Reclamation
P.O. Box 737
McCook, Nebraska 69001

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

Dated: August 15, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-26071 Filed 11-6-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

NATIONAL TOBACCO ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of the meeting of the National Tobacco Advisory Committee on November 19, 1974, in Room 218-A of the Administration Building, United States Department of Agriculture, Washington, D.C. at 1 p.m., e.s.t. The meeting will continue at 9 a.m., on November 20 in Room 6962 South Building, United States Department of Agriculture.

The purpose of the meeting is to discuss the supply and demand outlook for the several kinds of tobacco and program policies and recommendations for the 1975-76 marketing year. The committee sessions will be open to the public.

The names of committee members, summary of the meeting, and other information pertaining to the meeting may be obtained from William L. Lanier, Director, Tobacco and Peanut Division, ASCS, Room 6741 South Building, Washington, D.C., Telephone: 202-447-5988.

Signed at Washington, D.C., on November 4, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-26155 Filed 11-6-74;8:45 am]

Farmers Home Administration

[Designation No. AO85]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Missouri:

Barry	Stone
Cedar	Taney
Dade	Webster
Laclede	Wright

The Secretary has found that this need exists as a result of natural disasters consisting of excessive rainfall between March 1 and June 10, 1974; drought between June 10 and August 15, 1974; and freeze March 23-24, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 27, 1974, for physical losses and July 29, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 31st day of October, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-26063 Filed 11-6-74;8:45 am]

Forest Service

PETIT JEAN UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Petit Jean Unit Plan, Ouachita National Forest, USDA-FS-R8-DES (Adm.)—75-9.

This environmental statement concerns the proposed management, administration and utilization of the forest resources of the Petit Jean Unit, Ouachita National Forest, from July 1, 1975 to June 30, 1985. The 140,187 acre Petit Jean Unit is in Logan, Scott and Yell Counties, Arkansas.

Actions involved are the management of human resources, environmental protection, natural resource management, and protection and administration of the Petit Jean Unit. Major actions are regenerating commercial timber stands on approximately 16,200 acres, thinning timber on approximately 39,640 acres, increasing wildlife habitat, providing minimum needs for expected recreation users, managing the range resource, and constructing 102 miles of road by timber purchasers.

This draft environmental statement was filed with CEQ October 23, 1974. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg. Rm. 3230
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
District Ranger
Cold Springs Ranger District
Booneville, Arkansas 72927

USDA, Forest Service
1720 Peachtree Rd., NW, Rm. 804
Atlanta, GA 30309

USDA, Forest Service
District Ranger
Fourche Ranger District
Hwy. 10 East
Danville, Arkansas 72833

A limited number of single copies are available upon request to Forest Supervisor Alvis Z. Owen, Ouachita National Forest, P.O. Box 1270, Hot Springs, Arkansas 71901.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Alvis Owen, Ouachita National Forest, P.O. Box 1270, Hot Springs, Arkansas 71901. Comments must be received by December 23, 1974 in order to be considered in the preparation of the final environmental statement.

F. LEROY BOND,
Regional Forester.

OCTOBER 23, 1974.

[FR Doc.74-26095 Filed 11-6-74;8:45 am]

PINEY RIVER UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Piney River Unit Plan, George Washington National Forest, USDA-FS-R8-DES (ADM.)—75-10.

This environmental statement concerns the proposed 10-year plan for the Piney River Unit on the Pedlar Ranger District, George Washington National Forest. The Unit contains 27,456 acres of National Forest land in Nelson and Amherst Counties, Virginia.

Management direction includes projects and actions for soils, watershed, recreation, wildlife, fisheries, timber, Crabtree Falls and Crabtree Meadows, minerals, scenery, fire, lands, transportation, Appalachian National Scenic Trail, public information and special uses.

This draft environmental statement was filed with CEQ October 31, 1974. Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
1720 Peachtree Rd., NW, Rm. 804
Atlanta, GA 30309

USDA, Forest Service
District Ranger
Pedlar Ranger District
Buena Vista, VA 24416

A limited number of single copies are available upon request to Forest Supervisor George M. Smith, George Washington National Forest, Federal Building, Harrisonburg, VA 22801.

Copies of the environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor George M. Smith, George Washington National Forest, Federal Building, Harrisonburg, VA 22801. Comments must be received by December 30, 1974 in order to be considered in the preparation of the final environmental statement.

Dated: October 31, 1974.

F. LEROY BOND,
Regional Forester.

[FR Doc.74-26096 Filed 11-6-74;8:45 am]

Soil Conservation Service

NEW JERUSALEM WATERSHED PROJECT

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the New Jerusalem Watershed project in southwestern San Joaquin County, California.

The environmental assessment of this Federal action indicates that the remaining, uncontracted portion of the project known as South Unit B will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George H. Stone, State Conservationist, Soil Conservation Service, USDA, P.O. Box 1019, Davis, California 95616, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and agricultural drainage. The planned works of improvement include conservation land treatment supplemented by installation of 5.7 miles of drainage collector pipelines in South Unit B.

The environmental assessment file is available for inspection during regular working hours at Soil Conservation Service Offices at:

1313 W. Robinhood Drive, Suite 8, Stockton, CA 95207,
2828 Chiles Road, Davis, CA 95616

and at the New Jerusalem Drainage District office at:

1011 Parker Avenue, Tracy, CA 95376

No administrative action on implementation of the uncontracted project work will be taken until November 22, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources Soil Conservation Service.

OCTOBER 29, 1974.

[FR Doc.74-26094 Filed 11-6-74;8:45 am]

OKFUSKEE TRIBUTARIES WATERSHED

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for 29 single purpose floodwater retarding structures and the remaining land treatment measures in the Okfuskee Tributaries Watershed Project, Creek, Okfuskee, and Okmulgee Counties, Oklahoma.

The environmental assessment of this Federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental statement is not needed for this action.

The project concerns a plan for watershed protection, flood prevention, irrigation, municipal water supply, and recreation. The planned works of improvement include conservation land treatment, two multiple-purpose structures, 33 single purpose floodwater retarding structures, and 14 miles of channel work. The two multiple-purpose structures and four of the single-purpose floodwater retarding structures have been built. This negative declaration covers only the remaining 29 single-purpose floodwater retarding structures and the remaining conservation land treatment measures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until November 22, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

OCTOBER 31, 1974.

[FR Doc.74-26008 Filed 11-6-74;8:45 am]

V 39 I 216 NOV 7 74 XUM

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[File No. 26(71)-23]

COMPAGNIE GABONAISE D'AFFRETEMENT

Order Temporarily Denying Export Privileges

In the matter of Compagnie Gabonaise d'Affretement, Aerien B.P. 484 (Affretair), Libreville, Republic of Gabon, Respondent.

The Director, Compliance Division, Office of Export Administration, Bureau of East-West Trade, pursuant to § 388.11 of the Export Administration Regulations, has applied to the Hearing Commissioner for an order against the above respondent temporarily denying all United States export privileges. The Hearing Commissioner has reviewed the application and the evidence presented in support thereof and has submitted his report, together with a recommendation that the application be granted and that a temporary denial order be issued for sixty days.

On the evidence presented there is reasonable basis to believe the following: In October 1972, Export License No. 016075 was issued authorizing the sale and export of U.S.-origin Douglas DC8-55F "Jet Trader" aircraft, Serial Number 45821 to the Company Gabonaise d'Affretement Aerien, (Affretair) Libreville, Republic of Gabon. Prior to the issuance of the export license written assurances were received from the General Manager of Affretair to the effect that the aircraft would not be utilized in any traffic with Southern Rhodesia or in any action contrary to United Nations sanctions against that territory. In the sixth report of the Security Council Committee Established in Pursuance of Resolution 253 (1968) Concerning the Question of Southern Rhodesia dated January 9, 1974, from pages 96 to 128, there is cataloged and documented a series of activities which support the conclusion that the aircraft was being used regularly in Rhodesian trade despite the assurances to the contrary and is continuously involved in transactions clearly violative of both UN sanctions against Southern Rhodesia and the export regulations of the United States.

The investigation relating to respondent's participation in the above transactions is continuing. I find that it is reasonably necessary to protect the public interest and until final disposition of the investigation to issue an order against respondents denying all US export privileges for a period of sixty days.

Accordingly, *it is hereby ordered:*

I. All outstanding validated export licenses in which respondents appear or participate, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Administration for cancellation.

II. The respondents, their successors, assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Administration Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith.

IV. This order shall become effective forthwith and shall remain in effect for a period of 60 days unless it is hereafter extended, modified, or vacated in accordance with the provisions of the United States Export Administration Regulations.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Administration, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport finance or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Hearing Commissioner, Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Hearing Commissioner, Washington, D.C., at the earliest convenient date. This order shall become effective immediately.

Dated: October 21, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74-26069 Filed 11-6-74;8:45 am]

[Case No. 423]

D. K. CHAN

Order Conditionally Restoring Export Privileges

In the matter of D. K. Chan, 96, Pokfulam Road, B2, 11th Floor, Hong Kong, Respondent.

By order effective July 27, 1971 (36 FR 14408), the above named respondent D. K. Chan of Hong Kong was denied U.S. export privileges for a period of five years. The order included a provision to the effect that three years after the date thereof the above respondent might apply for modification of the denial order. Respondent by letters dated July 25, 1974 and September 19, 1974, has filed such application. The application was referred to the Hearing Commissioner and considered by him. He has reported that it appears from said respondent's representations and otherwise from information in possession of the Compliance Division, Office of Export Administration that conditional restoration of said respondent export privileges is consistent with the purpose of the Export Administration program. The Hearing Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondent and placing him on probation until July 27, 1976.

The undersigned has considered the record herein and concurs with the Hearing Commissioner that conditional restoration of D. K. Chan's export privileges and placing him on probation until July 27, 1976 is consistent with the purposes of the U.S. Export Administration Act of 1969 as amended and regulations thereunder.

Accordingly, *it is hereby ordered:*

That the export privileges of D. K. Chan are hereby restored conditionally and the said respondent is placed on probation until July 27, 1976.

The conditions of probation are that said respondents: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969 as amended, and regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Administration, or a representative of the U.S. Government, acting on its behalf, promptly disclose fully the details of his participation in any and all transactions involving U.S. origin commodities or technical data including information as to the disposition or intended disposition of such commodities or technical data and on such request shall also furnish all records and documents relating to such matters. Further, on such request, said respondent shall promptly disclose the names and addresses of his partners, agents, represents, employees, and other persons associated with him in trade or commerce.

Upon finding by the Director, Office of Export Administration, or such other official as may be exercising the duties now exercised by him, that said respondent has failed to comply with any of the conditions of probation, said official, with or without prior notice to said respondent, by supplemental order, may revoke the probation of said respondent and deny to him all export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of East-West Trade from taking further action for any violation as may be warranted.

This order shall become effective October 23, 1974 and supersedes the denial order against the respondent effective July 27, 1971 (36 FR 14408) insofar as the latter is inconsistent with the terms of this order.

Dated: October 23, 1974.

RAUER H. MEYER,
Director, Office of
Export Administration.

[FR Doc.74-26070 Filed 11-6-74;8:45 am]

Foreign-Trade Zones Board

[Order No. 102]

KANSAS CITY INTERNATIONAL AIRPORT, KANSAS CITY, MISSOURI

Approval For Establishment of Foreign-Trade Zone Site

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), and the Foreign-Trade Zones Board Regulations (15 CFR Part 400), the Foreign-Trade Zones Board (the Board) adopts the following order:

Whereas, the Greater Kansas City Foreign-Trade Zone, Inc., grantee of Foreign-Trade Zones No. 15 and No. 17, has applied to the Board for authority to establish, operate, and maintain an additional zone site adjacent to the Kansas City International Airport, Kansas City, Missouri;

Whereas, the application was accepted for filing on May 14, 1974, and notice inviting public comments was given in the FEDERAL REGISTER on May 20, 1974 (39 FR 17797);

Whereas, an examiners committee has investigated the application in accordance with the Board's regulations and recommends approval;

Whereas, the additional zone site would provide needed special Customs services for air freight related activities at the new Kansas City International Airport; and

Whereas, the Board has found that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied and that approval of the application is in the public interest;

Now, therefore, the Board hereby *orders:*

That the grantee is authorized to establish, operate and maintain an additional zone site adjacent to the Kansas City International Airport, Kansas City, Missouri, in conformity with the application filed May 14, 1974. The new site shall be considered Site 3 under the grant for Zone No. 15, issued March 23, 1973. The authority given in this order is subject to local approval of the District Director of Customs and the District Army Engineer regarding compliance with their requirements relating to foreign-trade zones. The grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operations within the new site.

Signed at Washington, D.C. this 25th day of October 1974.

[SEAL] FREDERICK B. DENT,
Secretary of Commerce, Chairman and Executive Officer, Foreign-Trade Zones Board.

ATTEST:
JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc.74-26068 Filed 11-6-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 3B2881]

EMERY INDUSTRIES, INC.

Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued.

In accordance with § 121.52, *Withdrawal of petitions without prejudice,* of the procedural food additive regulations (21 CFR 121.52), Emery Industries, Inc., 4900 Este Ave., Cincinnati, OH 45232, has withdrawn its petition (FAP 3B2881), notice of which was published in the FEDERAL REGISTER of March 30, 1973 (38 FR 8291), proposing that § 121.2562, *Rubber articles intended for repeated use* (21 CFR 121.2562), be amended to provide for safe use of di(2-ethylhexyl) azelate as a plasticizer in rubber articles intended for repeated use in contact with food.

Dated: October 31, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-26047 Filed 11-6-75;8:45 am]

[FAP 3B2862]

SHERWIN WILLIAMS CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786 (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 3B2862) has been filed by The Sherwin Williams Co., 10909 Cottage Grove Ave., Chicago, IL 60628, proposing that § 121.2514, *Resinous and polymeric coatings* (21 CFR 121.2514), be amended to provide for safe use of trimellitic anyhride as a crosslinking agent for epoxy resins utilized as components of coatings intended to contact foods.

Dated: October 31, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74-26048 Filed 11-6-74;8:45 am]

SUBMISSION OF SUPPLEMENTAL APPLICATIONS

Holders of Approved New Drug Applications

Section 314.8 of Title 21 of the Code of Federal Regulations provides that, after a new drug application (NDA) has been approved, the holder of the approved NDA shall submit a supplemental application for any changes beyond the variations provided for in the application including, but not limited to, changes in product formulation, labeling revisions, and revisions in manufacturing or control procedures. Some of these changes require prior approval by the Food and Drug Administration before implementation, while others may be placed into effect without the approval of the supplemental application after it is submitted to the Food and Drug Administration.

The Food and Drug Administration has received a number of abbreviated new drug applications (ANDA's) from manufacturers who are holders of approved NDA's for these same drug products; whereas, such holders should have submitted supplemental applications pursuant to the provisions of § 314.8. Further, any approval of such ANDA's would create the confusing aspect of applicants holding two approved applications for the same drug product, namely an approved NDA and an approved ANDA.

Therefore, the Commissioner of Food and Drugs hereby notifies all holders of approved NDA's that the Food and Drug Administration will not process an ANDA for changes in labeling, formulation, manufacturing or control procedures, or any other changes provided for

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in § 314.8, if the applicant holds an approved NDA for the drug product. Any pending ANDA for a drug product already subject to an approved NDA and any such ANDA submitted after November 7, 1974, will be processed as a supplemental application to the approved NDA.

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26043 Filed 11-6-74;8:45 am]

TOPICAL FLUORIDE PREPARATIONS FOR REDUCING THE INCIDENCE OF DENTAL CARIES

Amendment to Notice of Status

The Commissioner of Food and Drugs announced in a notice published in the FEDERAL REGISTER of May 14, 1974 (39 FR 17245), as corrected in the FEDERAL REGISTER of June 26, 1974 (39 FR 23081), conclusions regarding the status of certain topical fluoride preparations for reducing the incidence of dental caries. This notice was based on the unanimous recommendations of the Dental Drug Products Advisory Committee.

At its meeting on August 21, 1974, this Committee recommended to the Commissioner an addendum to the notice to provide for directions for use and a warning statement on the labels of those preparations that are intended to be applied to the teeth as a rinse. The Committee recommended that the portion of the label that remains on the immediate container after dispensing to the patient contain adequate directions for use, including the statement that 5 to 10 milliliters (1 to 2 teaspoonfuls) of the solution be swished vigorously in the mouth for approximately 1 minute and the warning "DO NOT SWALLOW" be prominently displayed.

The Commissioner agrees with the recommendations of the Committee. Therefore, in FR Doc. 74-11076 appearing at page 17245 in the FEDERAL REGISTER of May 14, 1974, paragraph No. 5 in column 2 and paragraph Nos. 6 and 7 in column 3 are amended by adding a sentence at the end of each paragraph so that the paragraphs now read as follows:

5. Aqueous solutions of 0.2 percent sodium fluoride with a pH of approximately 7.0 are safe and effective in reducing the incidence of dental caries when applied to the teeth as a rinse once a week or once every 2 weeks. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product. That portion of the label that remains on the immediate container after dispensing to the patient shall contain adequate directions for use, including the statement that 5 to 10 milliliters (1 to 2 teaspoonfuls) of the solution be swished around vigorously in the mouth for approximately 1 minute, and the warning "DO NOT SWALLOW," be prominently displayed.

6. Aqueous solutions of 0.05 percent sodium fluoride with a pH of approximately 7 are safe and effective in reducing the incidence of dental caries when applied once daily to the teeth as a rinse. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product. That portion of the label that remains on the immediate container after dispensing to the patient shall contain adequate directions for use, including the statement that 5 to 10 milliliters (1 to 2 teaspoonfuls) of the solution be swished around vigorously in the mouth for approximately 1 minute, and the warning "DO NOT SWALLOW," be prominently displayed.

7. Aqueous solutions of acidulated phosphate sodium fluoride with a pH of approximately 4, that yield a fluoride ion concentration of approximately 0.02 percent, are safe and effective in reducing the incidence of dental caries when applied once daily to the teeth as a rinse. Other substances such as coloring and flavoring agents may be added if they do not alter the safety and effectiveness of the product. That portion of the label that remains on the immediate container after dispensing to the patient shall contain adequate directions for use, including the statement that 5 to 10 milliliters (1 to 2 teaspoonfuls) of the solution be swished around vigorously in the month for approximately 1 minute, and the warning "DO NOT SWALLOW," be prominently displayed.

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26049 Filed 11-6-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EXTENSION AND CONTINUING EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Federal Advisory Committee Act Pub. L. 92-463 that meetings of two committees of the National Advisory Council on Extension and Continuing Education will be held on November 21, 1974, in Room 509 of the Statler Hilton Hotel, 16th and K Streets, NW., Washington, D.C. The Committees will meet jointly beginning at 9 a.m.

The National Advisory Council on Extension and Continuing Education is authorized under Pub. L. 89-329. The Council is directed to advise the Commissioner of Education in the preparation of general regulations and with respect to policy matters arising in the administration of Title I, and to report annually to the President and to the Secretary of Health, Education and Welfare on the administration and effectiveness of all federally supported extension and continuing education programs, including community service programs.

The meetings of these committees will be open to the public, although meeting space will be limited. The agenda will be devoted (1) to a discussion of the Advisory Council's analysis of the Higher Education Act of 1965 and plans for implementation of its recommendations toward the Act's reauthorization, and (2) the formulation of a proposed policy statement regarding continuing education. All records of Council proceedings are available for public inspection at the Council's Staff Office, located in Suite 710, 1325 G Street, NW., Washington, D.C.

Dated: November 1, 1974.

RICHARD F. MCCARTHY,
Associate Director.

[FR Doc.74-26121 Filed 11-6-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. D-74-298]

ADMINISTRATOR, NEW COMMUNITY ADMINISTRATION

Designation to Act During Absence or Vacancy

Otto G. Stolz, the Administrator, New Community Administration, is designated first assistant to the General Manager of the New Community Development Corporation and is authorized to exercise the authority of the General Manager during absence or vacancy in the latter position with all the powers, duties, and responsibilities of the General Manager.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); 5 U.S.C. 3349)

Effective date. This designation shall be effective October 31, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74-26077 Filed 11-6-74;8:45 am]

[Docket No. D-74-297]

NEW COMMUNITY DEVELOPMENT CORP.

Board of Directors, Appointment of Member

Pursuant to section 729(b)(3) of the Housing and Urban Development Act of 1970 (Pub. L. 91-609), there is hereby appointed as a member of the Board of Directors of the New Community Development Corporation, Otto G. Stolz, Administrator, New Community Administration, Department of Housing and Urban Development.

Dated: October 21, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74-26076 Filed 11-6-74;8:45 am]

[Docket No. D-74-296]

REGIONAL ADMINISTRATOR ET AL.

Redelegation of Authority Regarding Property Disposition

The redelegation of authority by the Assistant Secretary for Housing Management published at 35 FR 16106, October 14, 1970, as amended, is further amended by revising section C to read as follows:

SEC. C. *Additional authority redelegated.* Each Reconditioning/Contracting Specialist, Property Disposition program, in each Area and Insuring Office is designated a contracting officer and is authorized to exercise the authorities redelegated in paragraph 6 of section A. (Secretary's delegation of authority to redelegate published at 36 FR 5005, March 16, 1971)

Effective date. This amendment to the redelegation of authority is effective November 7, 1974.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-26078 Filed 11-6-74;8:45 am]

[Docket No. D-74-300]

DIRECTOR, OFFICE OF LOAN MANAGEMENT

Redelegation of Authority and Assignment of Functions

The redelegation of authority and assignment of functions to the Director, Office of Loan Management et al., published at 35 FR 4019, March 3, 1970, as amended, is further amended as follows:

In section A, paragraph 4 is revoked. (Secretary's delegation of authority published at 36 FR 5005, March 16, 1971)

Effective date. This redelegation of authority is effective as of December 9, 1973.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-26079 Filed 11-6-74;8:45 am]

[Docket No. D-74-299]

DIRECTOR, OFFICE OF HOUSING PROGRAMS, ET AL.

Redelegation of Authority

Section A. *Authority redelegated.* The Director and Deputy Director, Office of Housing Programs, each is authorized to service loans and grants for college housing under Title IV of the Housing Act of 1950, as amended (12 U.S.C. 1749-1749c), except the power and authority specified in section B.

Sec. B. *Authority excepted.* There is excepted from the authority redelegated in section A the power to:

1. Sue and be sued.

2. Establish the rate of interest on Federal loans and advances.

3. Issue notes or other obligations for purchase by the Secretary of the Treasury.

4. Issue rules and regulations.

5. Exercise the power and authority under section 402(a) of the Housing Act of 1950 (12 U.S.C. 1749(a)).

(Secretary's delegation of authority published at 36 FR 5005, March 16, 1971)

Effective date. This redelegation of authority is effective as of December 9, 1973.

H. R. CRAWFORD,
Assistant Secretary for Housing Management.

[FR Doc.74-26080 Filed 11-6-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. EX74-4; Notice 2]

AM GENERAL CORP.

Petition for Temporary Exemption From Motor Vehicle Safety Standard

This notice grants the petition of AM General Corporation for a temporary exemption of 300 electric delivery vans from the defrosting system requirements of Motor Vehicle Safety Standard No. 103, for a period of 1 year, on the grounds that exemption would facilitate the development and field evaluation of a low-emission motor vehicle.

On August 26, 1974, notice of AM General's petition was published in the FEDERAL REGISTER (39 FR 30853). The company has contracted with the U.S. Postal Service to produce 350 electric delivery vans. According to contract specifications only 50 will be equipped with both a windshield defroster and defogger, while the remaining vehicles will have only a defogger. These latter 300 vehicles are intended for use in the Los Angeles region which petitioner argues "is not a winter-climate area," in which a defroster is needed.

The NHTSA in publishing the notice commented:

> The petition presents an issue of first impression upon which public comment is invited. Heretofore petitions for exemption have been submitted by manufacturers unable to immediately comply. Under the contract in question, both conforming and nonconforming vehicles are to be produced. Thus there is no question that petitioner has the ability to manufacture a conforming vehicle. The issue is whether an exemption in this situation would facilitate the development or field evaluation of a low-emission motor vehicle as intended by Congress, and whether such an exemption is in the public interest and consistent with the objectives of the Traffic Safety Act.

In response to NHTSA's comments, AM General explained that in wishing to determine the feasibility of a low-emission vehicle, the Los Angeles region was chosen "because this is a high automotive exhaust pollutant area having high population density where usage of such a vehicle would contribute greatly to the public welfare and health." It notes that, were the vehicle equipped with a gasoline burning heating/defrosting system, this "would contribute to the overall air pollution and would detract from the adaptability evaluation." Such systems would also add weight to a vehicle already penalized by use of an on-board charger resulting in a vehicle weight 1,100 pounds greater than a correspondingly sized gasoline-powered vehicle. Finally, the company believes that installation of heating/defrosting systems would be an unnecessary expense in a time of inflation.

The petition was supported by Sebring-Vanguard, Inc., a manufacturer of electric-powered vehicles, which reiterated AM General's concern on undue weight penalties. Sebring asked that particular attention be given AM General's request "because it is the first time a major auto manufacturer" has taken a positive step toward future production of electric vehicles. The Vehicle Equipment Safety Commission (VESC) also supported the petition although it was concerned that ultimate disposition of the vehicles might result in their transfer and use outside the Los Angeles area. To this point, AM General has replied that "Since these vehicles are a General Services Administration experimental procurement, close control and monitoring of these units throughout their useful service life is insured and will not be utilized outside of the Los Angeles area." No other comments were received.

Even though AM General has the ability to produce a vehicle that conforms with Standard No. 103, NHTSA has concluded that an exemption would facilitate the development and field evaluation of low-emission motor vehicles by providing comparative data between two sets of vehicles identical except for heating/defrosting systems. If the weight penalty of the 50 conforming vehicles proves costly by comparison with the 300 exempted ones, the company should be encouraged to developed a system that is more cost-effective. The AM General defrosting system for future non-exempted production might also eventually prove adaptable to other electric vehicles such as the Zagato Elcar and Sebring-Vanguard which have both received exemptions from Standard No. 103 because of their present inability to incorporate defrosting systems. While the NHTSA shares VESC's concern about operation outside the Los Angeles area, it is willing to accept AM General's reassurances of GSA monitoring and control. Finally, it is impressed with Sebring-Vanguard's comment pointing out that AM General is the first American manufacturer of size to produce an electric vehicle, and should be encouraged in its project. For the above reasons the NHTSA has concluded that an exemption of approximately 1 year is consistent with the public interest and the objectives of the National Traffic and Motor Vehicle Safety Act.

In consideration of the foregoing, AM General Corp. is granted NHTSA Exemption No. 74-4 for 300 electric delivery vans, exempting it from the requirement of paragraph S4.1 of 49 CFR § 571.103, Motor Vehicle Safety Standard No. 103, that a defrosting system be provided. The exemption is effective as of the date

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of issuance and expires on November 1, 1975.

(Sec. 3, Pub. L. 92-548, 86 Stat. 1159 (15 USC 1410); delegation of authority at 49 CFR 1.51).

Issued on November 1, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-26056 Filed 11-6-74;8:45 am]

ATOMIC ENERGY COMMISSION

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Proposed Second Memorandum of Understanding Regarding Implementation of Certain AEC/EPA Responsibilities

The Environmental Protection Agency (EPA) has regulatory authority pursuant to the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, (hereinafter "the FWPCA") over, among other things, discharges into the navigable waters of certain pollutants from nuclear power plants and other facilities or activities requiring an Atomic Energy Commission (AEC) license or permit which are subject to the requirements of 10 CFR Part 51. The AEC, pursuant to the National Environmental Policy Act of 1969 (NEPA), also has certain responsibilities and authority to consider and take action with respect to the environmental impact of the same discharge of pollutants.

Both the EPA and the AEC have recognized that the implementation of their respective authorities involve some similar factual questions and decisions regarding the impact of discharges of pollutants. Facilities must in many cases provide the same information to both EPA and the AEC with respect to the actual and future discharges.

In late 1973, the Chairman of the Council on Environmental Quality (CEQ) wrote to the Chairman of the Atomic Energy Commission (AEC) and the Administrator of the Environmental Protection Agency (EPA) suggesting steps that might be taken "to make the analysis of the water quality impact of nuclear power plants more effective and more meaningful and, at the same time, reduce the demands for data being placed upon applicants for licenses."

In summary, CEQ suggested that AEC and EPA: (1) Explore mechanisms available to AEC and EPA to assure that applicant's environmental reports to AEC contain sufficient data to satisfy EPA requirements on water quality matters; (2) consider the possibility of preparing a single impact statement to meet AEC's requirements under the National Environmental Policy Act (NEPA) and EPA's requirements under the Federal Water Pollution Control Act (FWPCA); and (3) consider the possibility of unified hearings. In response to CEQ's suggestions, AEC and EPA have developed the following proposed Second Memorandum of Understanding regarding their respective responsibilities under NEPA and FWPCA:

In Summary, the proposed Memorandum:

1. Specifies the statutory authority of both agencies for entering into the Memorandum.

2. Defines those licensing and regulatory activities to which the Memorandum shall be applicable;

3. Specifies that AEC and EPA will work together to identify needed environmental information for early evaluations related to impact from the identified activities on water quality and biota;

4. Provides for EPA to exercise its best efforts to evaluate impacts on water quality and biota as far as possible in advance of the issuance of AEC's final environmental impact statement for any covered activity and specifies that EPA and AEC will maintain close working relationships during the entire environmental review process.

5. Specifies that EPA will undertake to develop regulations establishing a procedure for issuance to the applicant, where appropriate, of a "preliminary determination" as far as possible in advance of authorization by the AEC of any commencement of construction or issuance by AEC of a license, whichever is applicable, or early site approval.[1] Such "preliminary determinations" will specify the terms and conditions proposed for a section 402 discharge permit pursuant to sections 316 (a) and (b) of the FWPCA. The purpose of the "preliminary determination" is to assure to the extent possible that considerations regarding impacts on water quality and biota will not result in the need for significant changes in plant design or location subsequent to the completion of AEC's environmental review.

6. Specifies that EPA and AEC will consider the feasibility of holding combined or concurrent hearings on EPA's preliminary determinations and AEC's proposed issuance of construction permits or other activities where appropriate.

Notice is hereby given that the AEC and the EPA, with the concurrence of the CEQ, propose to enter into the following memorandum of understanding.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed Memorandum of Understanding should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by December 23, 1974.

Copies of all comments received may be examined at the AEC's Public Document Room at 1717 H Street NW., Washington, D.C.

[1] Proposed legislation authorizing a method of early site approval is under consideration by the Congress.

Dated at Washington, D.C. this 1st day of November 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

PROPOSED SECOND MEMORANDUM OF UNDERSTANDING REGARDING IMPLEMENTATION OF CERTAIN AEC-EPA RESPONSIBILITIES

The Environmental Protection Agency (EPA) has regulatory authority pursuant to the Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, (hereinafter "the FWPCA") over, among other things, discharges into the navigable waters of certain pollutants from nuclear power plants and other facilities or activities requiring an Atomic Energy Commission (AEC) license or permit which are subject to the requirements of 10 CFR Part 51. The AEC, pursuant to the National Environmental Policy Act of 1969 (NEPA), also has certain responsibilities and authority to consider and take action with respect to the environmental impact of the same discharges of pollutants. Requirements under the FWPCA which affect actions of the AEC include: (1) The requirement for a State certification under section 401 prior to the issuance of a license or permit to conduct any activity which may result in any discharges into navigable waters; (2) the need for a section 402 National Pollutant Discharge Elimination System (NPDES) permit, and the conditions to be incorporated therein; (3) the possibility that variances from section 301 or 306 thermal effluent limitations may be granted under section 316(a); and (4) the requirement under section 316(b) that the location, design, construction, and capacity of cooling water intake structures must reflect the best technology available for minimizing adverse environmental impact. Recognizing (1) the AEC and the applicant's need for early evaluation of impacts on water quality and biota that may arise from nuclear power plants, and certain other activities requiring an AEC license or permit which are subject to the requirements of 10 CFR § 51.5 (a); (2) the EPA and AEC's desire to reach such evaluations consistent with the AEC's environmental review; and (3) the need for minimizing duplication of effort on the part of EPA, AEC, and the applicants, EPA and AEC agree that, pursuant to their respective statutory authorities:

1. This Memorandum of Understanding shall apply only to requirements for the control of impacts of heat, entertainment, and impingement on water quality and biota associated with the licensing and regulation, including early site approval[1] of the following facilities:

a. Nuclear power and test reactors,
b. nuclear fuel reprocessing plants,
c. uranium isotope enrichment facilities,
d. nuclear fuel fabrication facilities,
e. uranium hexafluoride conversion facilities,
f. uranium milling facilities, and
g. nuclear waste treatment and storage facilities, as appropriate.

2. AEC and EPA will work together to identify the environmental information needed for early evaluations related to impact on water quality and biota under the FWPCA. The objective is that the scope and form of the information to be submitted by the applicant satisfies the needs of both agencies.

[1] Proposed legislation authorizing a method of early site approval is under consideration by the Congress.

This will include information needed for the issuance of State water quality certifications pursuant to section 401 and NPDES permits pursuant to section 402, including section 316(b) considerations regarding best available technology as applied to cooling water intake structures and section 316(a) determinations regarding the granting of alternative effluent limitations for the thermal component of discharges.

3. AEC will take the lead in communicating with the applicant relative to the requirements for information for the AEC and EPA to facilitate their respective environmental evaluations. Requests for additional information, as needed in specific situations, may be directed to the applicant by EPA. Such requests will be coordinated with the AEC to the maximum extent practicable in order to avoid duplication of effort.

4. EPA and AEC will meet, as appropriate, at an early time in the environmental review process for each facility specified in section 1 of this memorandum to discuss potential impacts on water quality and biota.

5. EPA will exercise its best efforts to evaluate impacts on water quality and biota pursuant to sections 402 and 316(a) as appropriate, and complete cooling water intake structure evaluations pursuant to section 316(b) as far as possible in advance of the issuance of the final environmental impact statement prepared for the issuance of a construction permit or operating license for each nuclear power reactor. EPA also will exercise its best efforts to evaluate such impacts as far as possible in advance of the issuance of the final environmental impact statement for any other facility specified in section 1 of this Memorandum, or for early site approvals associated with nuclear power reactors or other facilities. Further, where possible, EPA's comments on AEC's draft environmental impact statement for each such facility will reflect such evaluations. EPA will undertake to develop regulations that will establish a procedure for issuance to the applicant (copy to AEC), where appropriate, of "preliminary determinations" as soon as possible prior to the authorization by the AEC of any commencement of construction[2] or issuance by AEC of a license, whichever is applicable, or early site approval, specifying the terms and conditions proposed for a section 402 discharge permit pursuant to sections 316 (a) and (b). The regulations will provide an opportunity for public hearings on the preliminary determinations and provide that such determinations may be revised at the time of issuance of the final NPDES permit for good cause, including changed conditions. The "preliminary determination" is intended to assure, to the extent possible, that considerations regarding impacts on water quality and biota will not result in the need for significant changes in plant design or location subsequent to the completion of AEC's environmental review.

6. Where appropriate, EPA will work closely with AEC in connection with AEC's efforts with state and regional authorities to assure that water quality certifications pursuant to section 401 for the facilities specified in section 1 that require such certification are issued in advance of the issuance of AEC staff's final environmental impact statement for the facility.

7. EPA and AEC will maintain close contact on water quality and related matters during the entire environmental review, including such things as: (1) Open interagency communications, and mutual cooperation and coordination on all relevant water quality matters; (2) a status meeting, where appropriate, after completion of the public comment period on AEC staff's draft environmental impact statement and prior to AEC's issuance of the final environmental impact statement; and (3) notification to the other agency, by the agency first becoming aware of the situation, at any point during the environmental review or subsequent thereto, of any unusual circumstances that develop, e.g., a major change in plant design or the identification of significant considerations regarding impacts on water quality or biota that were not previously evaluated.

8. EPA and AEC will consider the feasibility of holding combined or concurrent hearings on EPA's preliminary determinations and AEC's construction permit, or other actions where appropriate. If there are areas involving impact on water quality or biota where there are differences of opinion between AEC and EPA, every reasonable attempt will be made to identify and resolve these differences prior to the issuance of the AEC's final environmental statement.

9. The principal AEC contact under this Memorandum of Understanding shall be the Assistant Director for Environmental Projects. The principal EPA contact under this Memorandum of Understanding shall be the Deputy Assistant Administrator for Water Enforcement.

10. Nothing in this Memorandum of Understanding is intended to restrict the statutory authority of either agency or to contravene the terms of the following existing Memoranda of Understanding between AEC and EPA:

a. Memorandum of Understanding Regarding Implementation of Certain Complementary Responsibilities Under the FWPCA and dated January 15, 19 and 22, 1973 (38 FR 2713);

b. Memorandum of Understanding regarding AEC-Licensed Facilities and dated August 21 and 27, 1973 (38 FR 24936); and

c. Memorandum of Understanding regarding AEC Facilities and dated April 10, 1973 (38 FR 32965).

11. This Memorandum of Understanding shall take effect upon the signing by authorized representatives of the respective agencies and approval by the Council on Environmental Quality and shall be applicable to applications docketed by the AEC on or after January 1, 1975, for regulatory actions relating to facilities described in section 1. Where practicable, this Memorandum will be applied to applications for such actions docketed by the AEC prior to January 1, 1975.

For the United States Atomic Energy Commission:

L. MANNING MUNTZING,
Director of Regulation.

For the United States Environmental Protection Agency:

ALAN G. KIRK,
Assistant Administrator for Enforcement and General Counsel.

Approved by the Council on Environmental Quality for the Council:

GARY WIDMAN,
General Counsel.

[FR Doc.74-26041 Filed 11-6-74;8:45 am]

[2] The term "commencement of construction" means commencement of construction as defined in 10 CFR § 50.10(c).

[Docket No. PRM-20-5; 50-155]

WEST MICHIGAN ENVIRONMENTAL ACTION COUNCIL, INC.

Extension of Comment Period

On August 27, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (39 FR 30965) a notice that a petition for rule making had been filed with the Commission by the West Michigan Environmental Action Council (WMEAC).

The petitioner requested the Commission to award technical and financial assistance to WMEAC in the form of an award of substantial attorneys' fees and expert witness fees, together with the other costs of proceedings, including any appeals, in the following matters:

a. In the matter of radiation protection standards as they apply to hot particles, Docket No. PRM-20-5.

b. In the matter of Consumers Power Company (Big Rock Point Nuclear Plant) Docket No. 50-155.

c. In the matter of generic environmental impact statement proceedings relating to recycle of plutonium in light water cooled nuclear power reactors, 39 FR 5356 (FR Doc. 74-3433).

Interested persons were invited to submit comments on the petition by October 29, 1974. By letter of October 24, 1974, the Westinghouse Electric Corporation, Pittsburgh, Pennsylvania, has requested that the comment period be extended for 30 days.

The request for an extension of time is granted, and the comment period on the WMEAC petition is hereby extended to November 28, 1974.

Dated at Washington, D.C., this 1st day of November, 1974.

For the Atomic Energy Commission.

GORDON L. GRANT,
Assistant Secretary of the Commission.

[FR Doc.74-26042 Filed 11-6-74;8:45 am]

[Docket Nos. 50-285]

OMAHA PUBLIC POWER DISTRICT

Request for Exemption from Requirements Concerning Emergency Core Cooling System Performance

On December 28, 1973, the Atomic Energy Commission promulgated new emergency core cooling system (ECCS) performance requirements, incorporated in 10 CFR Part 50 and Appendix K thereto. Compliance with these new criteria was required of certain licensees by August 5, 1974 unless either (1) an extension of time for submission of the required ECCS performance evaluation had been approved by the Director of Regulation pursuant to 10 CFR § 50.46(a)(2)(iii), or (2) an exemption from the operating requirement of 10 CFR § 50.46(a)(2)(iv) had been granted by the Commission.

Omaha Public Power District ("the District") was previously granted an extension of time, from August 5, 1974 to October 4, 1974, to submit the ECCS performance evaluation required for its Fort Calhoun station and to bring the reactor's operation into conformity with the requirements of 10 CFR § 50.46. On August 20, 1974, the District requested an exemption—until November 1, 1974, or "until a burn-up of 8,000 MWD/MTU has been achieved"—from any operating restrictions which may result from the

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ECCS performance evaluation. In a Memorandum and Order issued on October 1, 1974, the Commission declined to grant the requested exemption since it did not contain the required justification and, treating the "Exemption Request" as a request for additional time, allowed the District until November 1, 1974 to file an appropriate exemption request. The District filed, on October 4, 1974, the ECCS analysis and proposed technical specification changes as required by 10 CFR 50.46.

Notice is hereby given that the Commission has received from the District a "Request for Exemption" until December 2, 1974, from the requirement of 10 CFR 50.46(a)(2)(iv) that it operate its Fort Calhoun Station, Unit 1, in conformity with the ECCS evaluation and accompanying proposed technical specification changes. Specifically, the District requests an exemption from "the peak linear heat rate restrictions contained in the proposed technical specifications filed with the Commission on October 4, 1974." In support of its exemption request, the District states that Combustion Engineering, Inc. is performing "additional detailed analyses to determine the maximum heat rate at which all emergency core cooling acceptance criteria will be met." The District further states that the detailed analyses will be available on November 18, 1974 and that it will need a period of two weeks to "evaluate the results and propose a further revision of the facility's technical specifications." The request for exemption is accompanied by the supporting affidavits of Jack L. Wilkins, Group Manager, Engineering and Construction, of Omaha Public Power District, and F. M. Stern, Vice President, Projects, of the Power Systems Group of Combustion Engineering, Inc.

The Commission invites the submission of views and comments by interested persons concerning the action to be taken on the request for exemption. Such views and comments should be submitted in writing, addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, not later than November 21, 1974. Pursuant to 10 CFR § 50.46(a)(2)(vi), the Director of Regulation shall submit his views on the request not later than November 26, 1974.

A copy of the request dated October 31, 1974, and related correspondence and documents are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at Blair Public Library, 1665 Lincoln Street, Blair, Nebraska.

Dated at Washington, D.C., this 5th day of November, 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-26269 Filed 11-6-74;10:37 am]

CIVIL AERONAUTICS BOARD

[Order 74-10-155; Dockets 27032, 27060; Docket 24353]

AMERICAN AIRLINES, INC., ET AL.

Mainland U.S.-Puerto Rico/Virgin Islands Fares

OCTOBER 31, 1974.

By tariff revisions[1] marked to become effective October 31, 1974, and November 1, 1974, American Airlines, Inc. (American), Eastern Air Lines, Inc. (Eastern), and Pan American World Airways, Inc. (Pan American), propose to (1) cancel the expiration date of October 31, 1974, on present fares,[2] and (2) increase present fares eight percent effective November 1, 1974.[3] The carriers have placed an expiration date of April 30, 1975, on the proposed eight percent increase.

In support of their proposals, the carriers allege inadequate earnings for the year ended June 30, 1974, and forecast only marginal earnings, or losses, in fiscal 1975 without the additional eight percent fare increase. American alleges a 6.4 percent rate of return on its investment (ROI) fiscal 1974, while Eastern and Pan American allege substantial losses and a negative ROI. With the proposed eight percent fare increase American and Eastern estimate earnings of 10.2 percent and 1.2 percent on their respective investments in fiscal 1975, and Pan American anticipates continued heavy losses. The latter, in fact, alleges that the aggregate revenue increase resulting from the two increases will fall short by $2.5 million of recovering the increased fuel costs it has experienced since the July–November 1973 period when its fuel cost was relatively stable. The carriers contend a review of the most current data available shows that the 10 percent increase approved in April 1974 should now be incorporated into the basic fare level.

The Commonwealth of Puerto Rico (the Commonwealth) has filed complaints against the proposals of American and Eastern. With respect to American's justification, the Commonwealth alleges that the carrier has understated traffic growth, and that its forecast expenses are in part based upon anticipated and unsupported costs by the carrier's use of a cost inflation factor. It asserts that when these elements are adjusted, American's Puerto Rico/Virgin Islands operations show a 14.4 percent return on investment without the proposed eight percent increase in fares.

With respect to Eastern's proposal, the Commonwealth alleges that the carrier's forecast traffic is unreasonably low; its projected load factor not high enough; and that projected fuel and labor costs are not based on current experience. The Commonwealth asserts that with the adjustments it believes necessary, Eastern should earn a $5.5 million operating profit in fiscal 1975 at current fare levels.

In its answer, American claims that the use of a cost inflation factor is wholly consistent with Board action regarding domestic 48-state fare increases. With respect to traffic growth, it notes that for the period January through August 1974, its traffic growth in the New York-San Juan market was only 5.3 percent and that total San Juan-New York traffic for all carriers actually declined 3.4 percent during the same period.

In its answer to the complaint, Eastern alleges that even if the Commonwealth's adjustments to Eastern's forecast are accepted, it would earn only a 7.5 percent return on investment with the proposed eight percent fare increase for the year ending June 30, 1975. Eastern does not accept any of the adjustments proposed by the Commonwealth, alleging, inter alia that the adjustments involve erroneous assumptions or are not supported by current factual information.

Upon consideration of the tariffs, the complaints and answers thereto, and all other relevant matters, the Board concludes that the complaints do not set forth sufficient facts to warrant investigation and hence the requests for suspension will be denied and the complaints dismissed.[4]

The proposal here before the Board is twofold—retention of the 10 percent increase granted earlier this year, and an eight percent increase to be superimposed thereon. With respect to the first proposal, there appears to be no question that the 10 percent increase is inadequate to meet the carriers' revenue need, and that they should not be required to revert to the pre-April 22, 1974 fare level. Overall, the three carriers experienced an operating loss of $28.7 million for the year ended June 30, 1974, and this is forecast to increase to over $37 million at present fare levels, which reflect not only the 10 percent increase but the $2.20 fuel tax surcharge on San Juan departures which was permitted July 22, 1974.

Turning to the carrier's proposed overall increase of eight percent, we are unable to conclude that the Commonwealth has demonstrated that the resulting fare

[1] Revisions to Air Tariffs Corp., Inc., Agent, Tariff C.A.B. No. 53; American Airlines, Inc., Tariff C.A.B. No. 244; and Eastern Air Lines, Inc., Tariff C.A.B. No. 417.

[2] Present fares were permitted to become effective April 22, 1974, and represented a 10 percent increase over fares in effect prior to that date.

[3] By Order 74-8-112 dated August 27, 1974, the Board rejected tariff filings of the three carriers requesting the same action as proposed herein on the grounds that the carriers had failed to provide current cost and traffic data.

[4] As a result of Order 74-10-78 the question of fare levels in the market remains under investigation in the Mainland U.S.-Puerto Rico/Virgin Islands Fares Case, Docket 24353.

level would be unreasonable. Of the three carriers, only American could approach a 12 percent return on investment with the additional fare increase, and this would be possible only if based on acceptance of all the adjustments urged by the Commonwealth. One of the major adjustments it proposes is elimination of a cost escalation factor (amounting to approximately $10 million in increased expenses) employed by American. We have carefully reviewed American's use of this factor and find it consistent with the technique used by the Board in permitting a five percent domestic fare increase effective December 1, 1973 (Order 73-11-93). Essentially, the adjustment has the effect of bringing forward to the effective date of the tariff proposal those unit-cost levels which were only partially reflected in the base year ended June 30, 1974. Moreover, even were the Board to disregard Pan American's atypical financial results in this market[5] and accept the Commonwealth's revised profit and loss forecasts only for American and Eastern, the projected combined return on investment for the year ending June 30, 1975, would be only nine percent.[6]

The further procedural steps ordered in our decision in the Mainland U.S.-Puerto Rico/Virgin Islands Fares Case with respect to fare level, raise the question of whether the increase we are permitting to become effective is likely to result in an excessive fare level during the pendency of that aspect of the fares case. Given today's general economic climate, and the outlook for the near future, we believe the likelihood of fare overcharges between now and April 30, 1975, the date the eight percent increase is marked to expire, is extremely remote. Accordingly, we are satisfied that the increase is not unreasonable.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. The complaints in Dockets 27032 and 27060 are hereby dismissed; and

2. Copies of this order be served upon American Airlines, Inc., Eastern Air Lines, Inc., Pan American World Airways, Inc., and the Commonwealth of Puerto Rico.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26098 Filed 11-6-74;8:45 am]

[7] Concurring opinions of members Minetti and West are filed as part of the original.

[5] Pan American projects a $20.9 million operating loss for fiscal 1975 even with the the proposed increases.

[6] The Commonwealth criticizes the traffic growth factor used by the carriers and urges instead an approximate 10 percent factor. While we agree that carrier's traffic growth forecast of 2.8 percent appears too conservative, we are unable to accept the Commonwealth's growth rate, particularly in view of the fact that traffic in the New York-San Juan market (which accounts for over 60 percent of total mainland-Puerto Rico/Virgin Islands traffic) declined the first eight months of this year versus the same period last year.

[Docket 26494; Agreement C.A.B. 24623; R-1 through R-40]

TRAFFIC CONFERENCES OF THE INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Adopted Relating to North and Mid-Atlantic Passenger Fares; Concurring and Dissenting Statement to Order 74-10-106

As published at 39 FR 38706, November 1; 1974, Order 74-10-106, approving Agreement C.A.B. 24623, R-1 through R-40, announced therein that a concurring and dissenting statement by Members Minetti and West would be issued at a later date. Attached is the above-mentioned statement.*

Dated at Washington, D.C., November 4, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26099 Filed 11-6-74;8:45 am]

[Docket 23080-2; Order 74-11-16]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES—PHASE 2

Order To Show Cause

NOVEMBER 4, 1974.

By Order 74-1-89, the Board established temporary domestic service mail rates for sack mail and standard and daylight container mail, container minimum chargeable weights, and pickup and delivery charges to be effective from March 28, 1973, until the conclusion of the investigation in this docket.

American Airlines, Inc. (American), has filed a petition requesting the Board to amend the foregoing order so as to establish a minimum chargeable weight and pickup and delivery charges for the M-1 container. In support of this request, American states that the Postal Service has expressed an interest in utilizing the M-1 container after its introduction in the carrier's B-747 freighter service this fall and that it is therefore appropriate at this time to incorporate the new container type into the structure of temporary minimum weights and charges presently applicable to domestic containerized mail operations. The carrier also cites Orders 74-3-84[1] and 74-7-116,[2] in which similar relief was provided for the B and LD-10 type containers, respectively. Based on internal cubic capacity,[3] American suggests that the M-1 be assigned a minimum chargeable weight of 7500 pounds[4] and charges of $60 for its pickup and delivery.

The Postmaster General has filed an answer supporting the petition except for the proposed pickup and delivery charges, arguing that $50 is the highest charge that could be regarded as fair and reasonable for pickup and delivery of M-1 containers.

The Board is persuaded to modify Order 74-1-89, to incorporate the M-1 container at the minimum chargeable weight now proposed by American. This action is consistent with our policy of providing temporary rates, minimum chargeable weights and pickup and delivery charges for each container used in domestic mail operations. For M-1 pickup and delivery, we propose to prescribe the $50 charges proposed by the PMG, since American has provided no justification for establishing the higher $60 charge it proposed.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the regulations promulgated in 14 CFR Part 302;

It is ordered, That: 1. All interested persons, and particularly Airlift International, Inc., Alaska Airlines, Inc., Allegheny Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Frontier Airlines, Inc., Hughes Air Corp., National Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., Ozark Air Lines, Inc., Pan American World Airways, Inc., Piedmont Aviation, Inc., Seaboard World Airlines, Inc., Southern Airways, Inc., Texas International Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing findings and conclusions and fix the temporary rates and charges specified herein pending the fixing of final rates and charges in this investigation by amending subparagraphs (e) and (g) of Ordering Paragraph 3 of Order 74-1-89, January 16, 1974, as follows:

(a) In subparagraph (e), insert "M-1" and "7500" in the columns headed "Container Type" and "Minimum Charge Weight" before the terms "A-1" and "5600" respectively;

(b) In subparagraph (g), insert "M-1" and "$50" in the columns headed "Container Type" and "Charge" after the terms "LD-W" and "$5," repectively;

2. Further procedures herein shall be in accordance with the Rules of Practice, 14 CFR Part 302, and, if there is any objection to the findings and conclusions proposed herein, notice thereof shall be filed within 8 days, and, if notice is filed, written answer and supporting documents shall be filed within 15 days, after date of service of this order;

*Filed as part of the odiginal document.

[1] March 19, 1974.

[2] July 26, 1974.

[3] 672 pounds per cubic foot.

[4] American had originally proposed a pivot weight of 9400 pounds, but by letter dated October 1, 1974 amended its petition so as to substitute the 7500-pound minimum reflected above.

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3. If notice of objection is not filed within 8 days, or if notice is filed and answer is not filed within 15 days, after service of this order, or if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fixing the temporary rates and charges herein specified; and

4. This order shall be served upon the parties listed in paragraph 1 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26229 Filed 11-6-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF AGRICULTURE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Agriculture to fill by non-career executive assignment in the excepted service the position of General Sales Manager, Export Marketing Service.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26084 Filed 11-6-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Agriculture to fill by noncareer executive assignment in the excepted service the position of Foreign Agricultural Affairs Administrator (General Sales Manager), Office of the Administrator, Foreign Agricultural Service.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant To the Commissioners.

[FR Doc.74-26085 Filed 11-6-74;8:45 am]

COMMISSION ON THE REVIEW OF THE NATIONAL POLICY TOWARD GAMBLING

NOTICE OF HEARINGS

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Commission on the Review of the National Policy Toward Gambling, established under the authority of Pub. L. 91-452, Part D, Sec. 804-808 of the Organized Crime Control Act of 1970, will meet on November 19 and 20 and December 3 and 4, 1974 at 9:30 a.m. in Room 301 of the Russell Senate Office Building, Washington, D.C.

The purpose of the hearing on November 19, 1974, is to receive further testimony from Directors of each of the State-operated lotteries regarding proposed changes to Federal legislation. On November 20, 1974, various witnesses will testify as to legislation proposed proscribing shipment of dogs interstate for purposes of wagering and fighting. On December 3, witnesses who object to change in Federal legislation affecting lotteries, will be received. On December 4, 1974, further testimony from Federal agencies regarding current positions on Federal legislative change as well as testimony about recent studies of the aspects of legalization of gambling will be received.

The meetings of the Commission will be open to the public, and interested persons are invited to attend. The rules of procedure for person or persons presenting matters to the Commission are subject to the following conditions:

(a) Any such interested person or persons must receive authorization to present such matters from the Chairman of the Commission. Not later than seven (7) days preceding such Executive or Public Hearings, a request for such authorization must be received in writing at the offices of the Commission. Such a request shall be accompanied by a concise description of the material which such person or persons desire to present to the Commission or subcommittee.

(b) The Chairman of the Commission, within three (3) days from the receipt of such a request make a determination that the subject matter presented by such interested person or persons is timely and appropriate for such Executive or Public Hearings of the Commission or subcommittee thereof, and shall notify such interested persons or person by Certified Mail of the decision.

(c) In the event such interested person or persons is allowed to present matters to the Commission or subcommittee thereof in Executive or Public Hearings, then a prepared written statement of expected presentation shall be filed in the office of the Commission, not later than 48 hours in advance of the hearings of which the statement is to be presented.

(d) After the receipt of the statement of expected presentation, the Chairman shall then make a determination of the extent that time is available for such interested person or persons to present oral statements in addition thereto. In the event that the Chairman determines that time is not available for such oral statements, the interested person or persons' statement shall be recorded and made a part of the subject proceedings.

(e) Provided further that any such interested person or persons who feel aggrieved by or takes exception to any of the determinations made by the Chairman of the Commission shall have the opportunity to present in writing to each member of the Commission, the basis for such grievance or exception taken to such ruling by the Chairman and thereafter the decision of the Chairman shall be reconsidered by each member of the Commission at its next regular meeting or hearing. Notice by Certified Mail to such interested person or persons shall include the final decision of the full Commission on its reconsideration and shall constitute notification of the action taken by the Commission.

(f) Any deviation from the preceding requirements, shall constitute on the part of such interested person or persons, a withdrawal of any request previously made.

JAMES E. RITCHIE,
Executive Director.

[FR Doc.74-26010 Filed 11-6-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

[Docket No. EU-D-73-101]

DOCKING AND STORAGE FACILITY, BUCKS CO., PENNSYLVANIA

Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (Article 4), notice is hereby given of the availability of the Draft environmental impact statement as of November 6, 1974 which discusses the potential impacts from a proposal by the Bristol Oil Corp. to construct docking and storage facilities and an oil pipeline at the confluence of Otter Creek and the Delaware River in Bristol Township, Pa. The Draft statement has been prepared by the Commission based upon an analysis of the Environmental Report submitted by the Bristol Oil Corporation.

The proposed action consists of docking facilities, dredging activities, 13 oil and chemical storage tanks, and a 10-inch buried oil pipeline. The docking facility will serve oil storage facilities capable of handling 6 million barrels of fuel oil per year and chemical storage facilities to handle 20 million gallons of methyl methacrylate, 10 million gallons of ethyl acrylate and 5 million gallons of butyl acrylate per year. Fifty percent of the fuel oil received will be transported via a buried pipeline to the existing Croydon Electric Generating Station (Philadelphia Electric Co.). The remaining fuel oil will serve home owners, private industry, and the existing Burlington Electric Generating Station (Public Service Electric & Gas Co.). The chemicals are entirely for the Rohm and Haas plant adjacent to the site.

The Draft and the applicant's Environmental Report and supplements may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, N.J., and in the library of the Water Resources Association of the Delaware River Basin, 21 S. 12th St., Philadelphia. Limited copies of the statement and the application are available to persons or agencies upon request.

A public hearing will be held at the December 4 meeting of the Delaware River Basin Commission. Formal hearing notices will be sent specifying the date, time and place at least ten days prior to the hearing.

Comments on this statement may be submitted to the Commission by public or private agencies or individuals concerned with environmental quality. In order to be considered by the Commission, comments must be submitted no later than December 23, 1974.

W. BRINTON WHITALL,
Secretary.

OCTOBER 31, 1974.

[FR Doc.74-26100 Filed 11-6-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-180026A (FRL 291-1)]

DEPARTMENT OF AGRICULTURE

Receipt of Application for Specific Exemption To Control Oriental Fruit Fly

On September 23, 1974, the U.S. Department of Agriculture (hereafter referred to as the "Applicant") availed itself of a crisis exemption pursuant to the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973) for use of the pesticides diazinon, naled, and malathion to control the oriental fruit fly. (*Dacus dorsalis* H.). Section 166.8 of 40 CFR Part 166 states that, if treatment pursuant to the crisis exemption is expected to continue for more than a total of fifteen (15) days, the required certified report from the Applicant shall be accompanied by an application for a specific exemption.

In accordance with these regulations, the Applicant has submitted an application for a specific exemption in which the pesticides diazinon, naled, and malathion will be used to control the oriental fruit fly. The Applicant further requests that approval of this exemption include treatment to any area of the United States where the pest may be detected.

This notice does not indicate a decision by this Agency on the application. The application is available for review by interested parties in the Office of the Director, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: October 31, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-26014 Filed 11-6-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub. L. 92-463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as set forth below.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS,
Secretary.

Special Committee No. 67,
"Vessel Traffic Systems".
Notice of 10th Meeting.
Tuesday, November 19, 1974—9:30 a.m.
Conference Room 847,
1919 M. Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Confirmation of SC-67 Secretary.
3. Acceptance of SC-67 Summary Records.
4. Status report on U.S. Coast Guard VTS Issue Study.
5. Status reports on Work Assignments.
a. Operational Concepts.
b. Frequency Considerations.
c. Training Considerations.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

Captain B. E. Smith, Chairman, SC-67,
Gulf Oil Trading Company,
Philadelphia, Pa. 19101,
Phone: (215) 839-6111.

Special Committee No. 66,
"Receiver Standards for the Maritime Mobile Service".
Notice of 26th Meeting.
Wednesday, November 20, 1974—9 a.m. (All-day meeting).
Conference Room A 205,
1229-20th Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteurs.
3. Acceptance of SC-66 Summary Records.
4. Reports on Work Assignments.
5. Continued preparation of VHF antenna standard.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

H. R. Smith, Chairman, SC-66,
ITT Mackay Marine,
441 U.S. Highway #1, Elizabeth, N.J. 07202,
Phone: (201) 527-0300.

Special Committee No. 68,
"Marine Radiotelephone Operator Education".
Notice of 2nd Meeting.
Wednesday, November 20, 1974—9:30 a.m.
Conference Room 847,
1919 M Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Confirmation of Secretary.
3. Acceptance of SC-68 Summary Records.
4. Reports on Work Assignments.
5. Progress reports on incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of additional Work Assignments.
8. Other business.
9. Review of Terms of Reference.
10. Establishment of next meeting date.

A. Newell Garden, Chairman, SC-68,
Raytheon Company,
141 Spring Street,
Lexington, Massachusetts 02173,
Phone: (617) 862-6600 (Ext. 414).

Executive Committee.
The next Executive Committee Meeting will be on Thursday, November 21, 1974, at 9:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
SC-66: "Receiver Standards for the Maritime Mobile Service".
SC-67: "Vessel Traffic Systems".
SC-68: "Marine Radiotelephone Operator Education".
5. Status Reports on Other Committees.
SC-65: "Ship Radar".
6. Reports of Standing Committees.
7. Status report on "Federal Advisory Committee Act" (PL 92-463; RTCM Paper 122-73/RE-250) as relating to RTCM.
8. Discussion on draft paper, "Special Committee Procedures and Reports".
9. Report on 1975 St. Louis Assembly Meeting.
10. Report of Budget Committee.
11. Summary Reports and Announcements.
12. New business.
13. Establishment of next meeting date.

HOWARD L. PETERSON,
Executive Secretary, RTCM.

Special Committee No. 65,
"Ship Radar".
Notice of 33rd Meeting.
Wednesday, December 4, 1974—1:30 p.m.
Conference Room 8210,
2025 M Street NW.,
Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteurs.
3. Acceptance of SC-65 Summary Record.
4. Progress Report of Collision Avoidance Working Group.
5. Status Reports on other Working Groups and associated Activities.
6. Submission and Preliminary Consideration of Small Boat Radar Specifications.
7. Approval of submitted Paper: Marine Radar Transponder System.
8. Other business.
9. Establishment of next meeting date.

Collision Avoidance Working Group: The Collision Avoidance Working Group will hold

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a meeting on Wednesday, December 4, beginning at 9:30 a.m., in Conference Room, 8210, 2025 M Street NW., Washington, D.C.

Irvin Hurwitz, *Chairman*, SC–65,
Federal Communications Commission,
Washington, D.C. 20554,
Phone: (202) 632–7197.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat. (Phone: (202) 632–6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTMC meetings are open to the public.

[FR Doc.74–26072 Filed 11–6–74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

WHOLESALE PETROLEUM ADVISORY COMMITTEE

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given that the Wholesale Petroleum Advisory Committee will meet Monday, November 25, 1974, at 9 a.m. at the Ramada Inn, 7301 Northwest Tiffany Springs Road, Kansas City, Missouri.

The Committee was established to advise the Administrator, Federal Energy Administration, with expert and technical advice concerning the wholesale trade of selling heating oil, residual fuel, and gasoline.

The agenda for the meeting is as follows:

A. Old Business.
1. Review of Amendments to Petroleum Allocation and Price Regulations.
2. Problems Associated with Changes of Suppliers.
3. Discussion of Class of Trade Allocation System.
4. Discussion of Committee Reorganization.

B. New Business.
1. Discussion of Dealer's Margins.
2. Review of Crude Price Equalization Program.
3. Discussion of Compliance Problems.
4. Review of Transition to Unleaded Gasoline.
5. Remarks from the Floor (10 Minute Rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961–7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on October 31, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74–26032 Filed 11–6–74;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 74–49; Agreement No. T–3007]

NEW YORK SHIPPING ASSOCIATION/INTERNATIONAL LONGSHOREMEN'S ASSOCIATION AFL–CIO ASSESSMENT AGREEMENT

Order of Investigation and Hearing

On September 30, 1974, the New York Shipping Association (NYSA) and the International Longshoremen's Association, AFL–CIO (ILA) filed Agreement No. T–3007, a tonnage assessment agreement for the three year period commencing October 1, 1974, and requested that immediate conditional approval be granted effective October 1, 1974. The Commission took no action on the request for immediate conditional approval, and notice of the agreement's filing was published in the October 4, 1974 FEDERAL REGISTER, allowing ten days for comments. Protests and requests for hearing were filed by Daniels & Kennedy, Inc. (D & K), Wolfsburger Transport-Gesellschaft m.b.h. (Wobtrans), and Wallenius rederiana (Wallenius Line).

Agreement T–3007, Attachment B, to the NYSA–ILA Collective Bargaining Agreement, is intended to provide the funds for NYSA to meet its obligations for pension, welfare and clinics, guaranteed annual income, vacations, holidays and supplemental cash benefits incurred under the NYSA–ILA Collective Bargaining Agreement. In addition, T–3007 provides for the administrative support of NYSA. Under the Agreement, each vessel carrier is responsible for an assessment amount per ton on each ton of non-excepted cargo loaded or discharged in the Port of New York during the Agreement's term. Excepted cargo will be assessed on a man-hour basis. Excepted cargo includes all domestic cargo (excluding cargoes moving to or from Puerto Rico, Hawaii, Alaska, or any other port outside the continental limits of the United States), lumber handled at lumber terminals, and bulk cargo. Automobile, truck and bus cargoes (unboxed) will be assessed at 20 percent of the vehicles cubic measurement. Passenger vessels' total hourly excepted cargo rate for each man-hour paid will be $2.50 per hour or such other rate as may be established by the NYSA–ILA contract board. Agreement T–3007, while similar to its predecessor Agreements T–2390 (Docket No. 69–57) and T–2804 (Docket No. 73–34), differs in that non-excepted cargo will be assessed on a straight tonnage basis rather than the combination man-hour/tonnage basis.

D & K, a stevedore and trucker of newsprint imported by water through the Port of New York, protests Agreement T–3007 and asks for a hearing because, according to D & K, this Agreement, like its predecessors, unfairly burdens newsprint vis-a-vis other commodities for labor disclocations caused by recent introduction of innovative cargo handling techniques. D & K argues that its cargo handling methods have not changed for 30 years, and therefore, it is not responsible for the immense GAI obligations and other costs of modernization in the Port. Moreover, D & K submits, since assessments on non-excepted cargo under T–3007 are to be based, for the first time, on a straight tonnage rather than a combination man-hour tonnage formula, highly productive commodities such as newsprint will be burdened with an even greater share of the fringe benefit obligations than under the combination man-hour/tonnage formula that the Commission found to be unlawful in its treatment of newsprint in Docket No. 69–57.

Wobtrans, a carrier of automobiles, requests that the Commission investigate Agreement T–3007, because it imposes a burden on automobile cargo wholly unrelated to benefits received and raises the cost of loading and unloading such cargo disproportionately as compared to other cargo. Wobtrans also asserts that the assessment on automobiles is identical to that required by Agreement T–2390, which the Commission found to be unfair and discriminatory with respect to automobiles in Docket 69–57. Wallenius Lines, another carrier of automobiles, also argues that it would be improper for the Commission to approve without a hearing, an assessment formula which it struck down after a full hearing in Docket 69–57.

While the method of assessment under Agreement T–3007 is a departure as to non-excepted cargoes, the Agreement and issues it raises with respect to newsprint and automobile cargoes remain virtually identical to those raised by Agreements T–2390 and T–2804. However, as we noted in our decision with respect to Agreement T–2390, the Commission's ruling with respect to that earlier assessment agreement applied only to that particular case. See 15 F.M.C. at 282. We cannot assume, absent findings on a record, that conditions are the same now as they were with respect to Agreement T–2390, and cannot order an adjustment pending the outcome of such investigation to make the present assessment agreement conform to Agreement T–2390 as modified by the Commission after extensive hearings. On the other hand, for the Commission to order a hearing without making provisions for NYSA to meet its continuing obligations to the ILA, might result in NYSA's inability to perform its duties under its present collective bargaining agreement. The Commission is acutely aware of the possible repercussions of such non-approval and inability to perform which the Commission believes would be adverse to the public interest and work to the detriment of the commerce of the United States. Therefore, the Commission believes it to be in the public interest to conditionally approve Agreement T–3007, subject to whatever adjustments as the ultimate decision in this proceeding demonstrates are required to render the assessment contained in the Agreement lawful under the Shipping Act.

Now therefore it is ordered, That Agreement T–3007 is hereby approved subject to any and all adjustments and conditions as shall be ordered by the Commission in its final disposition of this proceeding;

It is further ordered, That the Commission enter upon an investigation and hearing pursuant to section 22 of the Shipping Act, 1916, to determine whether Agreement T–3007 as it relates to automobiles and newsprint, is unjustly discriminatory or unfair as between carriers, shippers, exporters, or ports, or operates to the detriment of the United States, or is contrary to the public interest or otherwise in violation of the Shipping Act and whether Agreement No. T–3007 should be modified or disapproved pursuant to section 15 of the Shipping Act, 1916;

It is further ordered, That in the event there is any modification of this Agreement, such modification shall be filed with the Commission and shall be made subject to this investigation under the standards of section 15, Shipping Act, 1916;

It is further ordered, That it be determined whether Agreement T–3007 gives any person, locality, or description of traffic any undue or unreasonable preference or advantage, or subjects any such person, locality or description of traffic to undue prejudice or disadvantage, or establishes any unjust and unreasonable regulations and practices in connection with receiving, handling, storing, or delivery of property, in violation of sections 16 and/or 17 of the Shipping Act, 1916;

It is further ordered, That New York Shipping Association and its members, be named as Respondents herein;

It is further ordered, That Daniels & Kennedy, Inc., Wolfsburger Transport Gesellschaft m.b.h., and Wallenius rederiana (Wallenius Line) be named Petitioners herein;

It is further ordered, That this proceeding be expedited and that a public hearing be held in this proceeding to commence on or before March 30, 1975, and that this matter be assigned for such hearing and Initial Decision by an Administrative Law Judge of the Commission's Office of Administrative Law Judges;

It is further ordered, That a copy of this Order be forthwith served upon Respondents and Petitioners herein, and upon the Commission's Bureau of Hearing Counsel, and be published in the FEDERAL REGISTER; and that the Respondents, Petitioners and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That any person other than Respondents, Petitioners, and Hearing Counsel, having an interest and desiring to participate in this proceeding shall file a petition for leave to intervene in accordance with Rule 5(1) (46 C.F.R. § 502.72) of the Commission's Rules of Practice and Procedure.

Pursuant to these rules, absent good cause shown, parties must commence discovery procedures on or before December 9, 1974, and any intervenor desiring to utilize the discovery procedures prescribed by Subpart L thereof, must commence doing so no later than 15 days after his petition for leave to intervene has been granted. If the petition for leave to intervene is filed later than December 9, 1974 petitioner will be deemed to have waived his right to utilize such procedures unless good cause is shown for the failure to file the petition within the 30-day period (46 CFR § 502.72(b)).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–26128 Filed 11–6–74;8:45 am]

UNITED STATES GULF/JAPAN COTTON POOL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 27, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Eikan Turk, Jr., Esquire
Burlingham, Underwood & Lord
26 Broadway
New York, New York 10004

Agreement No. 8682–13 is an application on behalf of the parties to the United States Gulf/Japan Cotton Pool (Agreement No. 8682, as amended) to suspend the requirement under Article 10 of the Agreement to effect a financial settlement between the parties resulting from the carriage of cotton during the 1974/1975 cotton pool season.

By Order of the Federal Maritime Commission.

Dated: November 4, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–26129 Filed 11–6–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74–61 and PGA75–1]

ARKANSAS LOUISIANA GAS CO.

Order Accepting for Filing and Suspending Proposed PGA Rate Increase

OCTOBER 31, 1974.

On September 12, 1974, Arkansas Louisiana Gas Company (Arkla) tendered for filing revised tariff sheets [1] pursuant to its PGA clause to track increased purchased gas costs of $94,367 resulting from rate increases filed by producer suppliers. The proposed effective date is November 1, 1974.

Notice of Arkla's filing was issued on October 2, 1974, with comments, protests, or petitions due on or before October 11, 1974. No such response was received.

Our review of the proposed 5.6 cents per Mcf PGA rate increase indicates that Arkla made gas purchases from two small producers at a rate in excess of the national rate established by Opinion No. 699. Specifically, the purchases were: (1) 496.495 Mcf @ 50.27 cents and (2) 37,277 Mcf @ 65.35 cents. We find rates is sufficient to affect the proposed rates is sufficient to aect the proposed rate. Therefore, the proposed rate has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, or otherwise unlawful. Accordingly, we shall accept Arkla's proposed rate increase filing and suspend it for one day, until November 2, 1974, when it shall be permitted to take effect, subject to refund. With regard to the question of small producer purchases, we note that the Supreme Court has recently remanded the small producer rulemaking, Order No. 428, 45 FPC 454 (1971), in order for the Commission to enunciate the standards it will apply in determining the justness and reasonableness of the prices for small producer purchases.[2] We believe, therefore, that it would be premature to establish a hearing schedule in this docket at this time.

With the exception of those costs pertaining to small producer purchases in excess of the national rate, we find that Arkla's claimed increased costs contained

[1] Third Revised Sheet No. 4 to FPC Gas Tariff, First Revised Volume No. 1.

[2] Federal Power Commission v. Texaco Inc., et al., Docket Nos. 74–1490 and 72–1491, Opinion issued June 10, 1974.

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in the filing of September 12, 1974, are fully justified and, accordingly, should be permitted to take effect upon Arkla's filing of tariff sheets to be effective November 1, 1974, consistent with these findings.

The Commission finds: (1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the proposed increase submitted by Arkla on September 12, 1974, be accepted for filing, suspended for one day, and permitted to become effective November 2, 1974, subject to the terms and conditions of this order.

(2) The claimed increased costs other than those increased costs relating to that portion of the small independent producer purchases in excess of the national rate level established in Opinion No. 699 have been reviewed and are found to be just and reasonable.

The Commission orders: (A) Arkla's filing of September 12 ,1974, is hereby accepted for filing, suspended for one day and permitted to become effective November 2, 1974, pending further Commission order in this docket.

(B) Within 15 days of the date of issuance of this order, Arkla may file, to become effective November 1, 1974, substitute tariff sheets reflecting that portion of Arkla's rate as filed on September 12, 1974, which reflects costs other than those costs associated with that portion of the small independent producer purchases in excess of the national rate level established in Opinion No. 699.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26059 Filed 11-6-74;8:45 am]

[Docket No. RP74-90]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

OCTOBER 30, 1974.

Take notice that Consolidated Gas Supply Corp. (Consolidated), on October 16, 1974, tendered for filing Substitute Original Sheet No. 7-A, Substitute Twenty-Fifth Revised Sheet No. 8, Second Revised Sheet No. 52-A, Original Sheet No. 52-A.1 and Second Revised Sheet No. 52-D. These tariff sheets are proposed to become effective December 1, 1974, subject to refund, in accordance with the provisions of section 4 of the Natural Gas Act in lieu of the rates filed May 16, 1974, in Docket No. RP74-90 which were suspended until December 1, 1974. In the event that the Commission does not allow these sheets to become effective on December 1, 1974, Consolidated has also tendered Alternate Substitute Original Sheet No. 7-A and Alternate Substitute Twenty-Fifth Revised Sheet No. 8 which it proposes be made effective as of December 1, 1974.

Consolidated states that the purpose of Substitute Original Sheet No. 7-A and Substitute Twenty-Fifth Revised Sheet No. 8 is (1) to reflect all changes in Consolidated's pipeline purchased gas cost that have occurred as of November 1, 1974, but which could not be reflected in Consolidated's original filing made on May 16, 1974, and (2) to put into effect rates which apply the cost allocation principles adopted by the Commission in Opinion No. 703 issued August 28, 1974 in Consolidated Gas Supply Corporation, Docket No. RP71-77. Consolidated has submitted supplemental prepared testimony and exhibits which it states demonstrate the application and effect of Opinion No. 703 allocation principles to its rate filing in Docket No. RP74-90. Consolidated states that the alternate tariff sheets tendered herein reflect only the changes in Consolidated's pipeline purchased gas cost that have occurred as of November 1, 1974.

Consolidated requested a waiver of any of the Commission's rules and regulations as may be required to permit the proposed rates to become effective.

Copies of this filing were served upon Consolidated's jurisdictional customers, as well as interested state commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26062 Filed 11-6-74;8:45 am]

[Docket No. RP73-66]

INTER-CITY MINNESOTA PIPELINES, LTD., INC.

Order Accepting for Filing and Permitting To Become Effective Original and Revised Tariff Sheets and PGA Rate Adjustment

OCTOBER 31, 1974.

On August 9, 1974, as supplemented on September 16, 1974, Inter-City Minnesota Pipelines, Ltd., (Inter-City), tendered for filing 12 original and revised sheets to its FPC Gas Tariff Original Volume No. 1.[1] Inter-City requests the sheets be made effective on July 5, 1974, the date of Commission approval of its basic tariff in this docket. The purpose of the filings is two-fold. First Inter-City proposes to adjust its charges to eliminate experienced monthly variations between its costs and revenues. Annual revenues will remain unchanged, however billings will be increased by approximately $36,000 during the first 7 months of the applicable accounting period, and reduced by a corresponding amount during the succeeding two months. A review of the matter indicates that the proposed adjustment is reasonable, will not result in increased revenues to Inter-City, and will therefore have no rate of return effect. Accordingly the adjustment will be approved. Inter-City also proposes to amend its tariff to permit the recovery of costs associated with possible sales of overrun gas under Rate Schedule I-1. This amendment also appears reasonable, and should be approved.

The second part of Inter-City's filing involves a proposed amendment to its present tariff PGA provision in order to (1) revise the base cost of gas to conform to Inter-City's presently effective gas purchase contracts and (2) provide necessary accounting procedures applicable to gas first sold by Inter-City to ICG Transmission Limited, an affiliate, and repurchased by Inter-City for jurisdictional resale. The proposed PGA clause amendments appear reasonable and should be approved.

On August 26, 1974, Inter-City filed Second Revised Sheet No. 4 to its tariff, incorporating a proposed PGA rate increase under the tariff PGA clause of 26.896 cents per Mcf, to be effective November 1, 1974. The purpose of the above filing is to enable Inter-City to recover the equivalent increase in the cost of gas charged by ICG Transmission, Limited, and in turn by its supplier, Trans Canada Pipe Lines Ltd., commencing on November 1, 1974. The proposed PGA rate adjustment appears reasonable and necessary under the circumstances shown, and should be approved.

Notices of Inter-City's filings which are the subject of this order were issued on October 22, 1974, providing for protests or petitions to intervene to be filed on or before October 30, 1974. No protests or petitions to intervene have been received in response to the notices.

The Commission orders: (A) The orginal and revised tariff sheets filed herein by Inter-City Minnesota Pipelines Ltd., Inc. on August 9, 1974, and as supplemented on September 16, 1974, are hereby accepted for filing, and the Commission's regulations are waived to permit the subject tariff sheets to become effective on July 5, 1974.

(B) Inter-City's proposed tariff sheet designated Second Revised Sheet No. 4, is hereby accepted for filing, and permitted to become effective on November 1, 1974.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26053 Filed 11-6-74;8:45 am]

[Docket No. RP73-91]

McCULLOCH INTERSTATE GAS CORP.

Filing of Tariff Sheet

OCTOBER 30, 1974.

Take notice that on October 21, 1974, McCulloch Interstate Gas Corporation (McCulloch) tendered for filing Third Revised Sheet No. 32 to its FPC Gas Tariff, Original Volume No. 1. McCulloch states that this sheet restates the Base Tariff Rate to 37.46¢ per Mcf and the currently effective tariff rate to 49.55¢ per Mcf in order to reflect the Commission's approval of McCulloch's settlement proposal in Docket No. RP73-103. According to McCulloch, the change in the base cost of gas contained in McCulloch's Statement of Rates from 37.46¢ per Mcf to 22.18¢ per Mcf is being filed in compliance with the request set forth in the Commission's letter of October 9, 1974, which accepted McCulloch's Second Revised Sheet No. 32 for filing effective October 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26061 Filed 11-6-74;8:45 am]

[Docket Nos. RP73-102 and RP73-14 (PGA75-1)]

MICHIGAN-WISCONSIN PIPE LINE CO.

Order Accepting for Filing and Making Effective Subject to Refund, in Part, Proposed Change in Rates, and Prescribing Hearing Procedures

OCTOBER 31, 1974.

On September 13, 1974, Michigan-Wisconsin Pipe Line Company (Mich-Wis) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1.[1] These changes reflect increased gas costs of approximately $56 million based primarily on increases resulting from the new national rate established by Opinion No. 699 (issued June 21, 1974, in Docket No. R-389-B) and a rate increase filed by TransCanada Pipeline Limited (TransCanada) with the Canadian National Energy Board (NEB) which is proposed to become effective as of November 1, 1974.[2] In addition, the filing reflects recovery of the $2,095,076 balance contained in the deferred purchased gas cost account as well as a net decrease of $7,433,108 in advance payment levels.

The proposed effective date of the filing is November 1, 1974. Notice was issued on September 25, 1974, with protests and petitions to intervene due on or before October 10, 1974. No protests or petitions were filed.

Our review of Mich-Wis' filing indicates that it is in conformance with Mich-Wis' Purchased Gas Adjustment (PGA) clause, its outstanding import authorization, and the advance payment tracking authority contained in Article IV of its Settlement Agreement in RP73-102 except as hereinafter noted.

Upon review we find that the two additional advance payments which Mich-Wis proposes to include in its rate base, one in the amount of $95,933 to Ladd Petroleum, and the other of $2,285,500 to American Natural Gas Production Company, have not been shown to be reasonable and appropriate under Order No. 499[3] in that they may be in excess of costs for exploration, development and production incurred by the producers within a reasonable time from the date these advances are to be included in Mich-Wis' rate base. Article IV of Mich-Wis' settlement agreement in Docket No. RP73-102 provides that advances challenged by the Commission may not be suspended, but may be made effective, subject to refund, and set for hearing. Accordingly, we shall permit Mich-Wis to include these advances in its rate base, subject to refund, and order a hearing to determine the lawfulness, reasonableness, and appropriateness of the inclusion of the two aforementioned additional advance payments in Mich-Wis' rate base.

We further note that of the approximately $56 million of increased purchased gas costs which this filing proposes to track, approximately $21 million are anticipated increases by independent producers some of which have not yet filed for the increases to which they are entitled. In this same regard, we note that an additional $31.9 million of the $56 million total reflects supplier increases which are proposed to become effective as of November 1, 1974, but which are dependent upon approval of the TransCanada increase which is still pending NEB action. Accordingly, we shall require Mich-Wis to file a substitute tariff sheet, to become effective November 1, 1974, subject to the aforementioned refund obligation, which reflects: (1) The elimination of costs related to anticipated increases in producer rates which are expected to become effective prior to November 1, 1974, but which have not been filed; and (2) the elimination of costs related to supplier increases dependent upon NEB approval where such approval is not received.

The Commission finds: (1) Good cause exists to accept Mich-Wis' proposed tariff changes for filing and to permit them to become effective November 1, 1974, subject to the conditions as hereinafter ordered.

(2) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that the portion of Mich-Wis' proposed increase reflecting the two aforementioned advance payments be made effective subject to refund, in accordance with the intent of Mich-Wis' settlement agreement filed in Docket No. RP73-102, pending a hearing and decision as to the lawfulness of their inclusion in Mich-Wis' rate base.

The Commission orders: (A) Mich-Wis' filing of September 13, 1974, is hereby accepted for filing and permitted to become effective November 1, 1974; *Provided*, however, That Mich-Wis shall file within 15 days of the issuance of this order a substitute tariff sheet, to become effective November 1, 1974, which reflects: (1) the elimination of costs related to anticipated increases in producer rates expected to become effective prior to November 1, 1974, but which have not been filed; and (2) the elimination of costs related to supplier increases dependent upon NEB approval where such approval is not received.

(B) That portion of Mich-Wis' proposed rate change which reflects inclusion of the two aforementioned advance payments in Mich-Wis' rate base will be permitted to become effective November 1, 1974, subject to refund pending a determination of the lawfulness of their inclusion in Mich-Wis' rate base.

(C) Pursuant to the authority of the Natural Gas Act, particularly section 4

[1] Original Sheet Nos. 61-A, 61-B, and 61-C; First Revised Sheet Nos. 4, 57, 58, 59, 60, 61, 62, 63, and 98.

[1] Seventh Revised Sheet No. 27F.

[2] Approval of TransCanada's increase effective November 1, 1974, is presently pending NEB action.

[3] Issued December 28, 1973, in Docket No. RM74-4.

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thereof, and the Commission's rules and regulations (18 CFR Chapter I), a hearing shall be held on January 14, 1975, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness and appropriateness of the inclusion of the two aforementioned advance payments in Mich-Wis' rate base.

(D) On or before November 29, 1974, Mich-Wis shall file its direct testimony and exhibits. On or before December 13, 1974, the Commission Staff shall file its prepared testimony and exhibits. Any intervenor testimony and exhibits shall be filed on or before December 27, 1974, and any rebuttal testimony and exhibits shall be filed on or before January 9, 1975.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(F) Nothing contained herein shall be construed as limiting the rights of the parties to the proceeding regarding the convening of conferences or offers of settlement pursuant to § 1.18 of the Commission's rules of practice and procedure.

(G) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26060 Filed 11-6-74;8:45 am]

[Docket No. RP75-20]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Accepting for Filing and Suspending Proposed Increase in Rates, Providing for Hearing and Granting Interventions

OCTOBER 31, 1974.

On October 1, 1974, Mississippi River Transmission Corporation (MRT) tendered for filing in Docket No. RP75-20 certain revised tariff sheets [1] incorporating a proposed rate increase of approximately $14,166,924, over the rates effective October 1, 1974. MRT states that the test period comprises a period of twelve consecutive months of actual experience ending June 30, 1974, with adjustments for known and measurable changes through March 31, 1975.

In support of the proposed rate increase, MRT cites increased costs of material, supplies, wages and increases in property, ad valorem, payroll and income taxes. MRT is also seeking an increase in its over-all rate of return to 12⅛ percent reflecting a return on common equity of 14 percent. Additionally, MRT states that it is filing for an increase in its book depreciation rate to 5.0 percent to reflect the gas supply shortage and the difficulties confronting MRT in raising capital.

MRT states that the test period cost-of-service reflects the unmodified Seaboard method of cost classification and allocation. With respect to the design of proposed rates, MRT states that it added 33⅓ percent of the rate increase to demand revenues determined by use of its October 1, 1974, Rate Schedule CD-1 demand charge and the remaining 66⅔ percent of the rate increase was added to the commodity component determined by use of the October 1, 1974, Rate Schedule CD-1 commodity charge.

In Opinion No. 671 we expressed our concern over the worsening gas supply situation and particularly as it existed on United's system. Based upon the record in that case we concluded that more weight should be given to annual use of United's pipeline system than is characteristic of the unmodified Seaboard methodology. Therefore, we assigned 75 percent of fixed costs to the commodity component of two-part rates and to the straight-line rates. Part of our rationale was that in view of the gas supply shortage, low priority usage should be discouraged and the price gap between natural gas and alternative fuels in the interruptible industrial market should, at the minimum, be narrowed.

In light of our policy of considering competitive fuel prices in setting commodity rate levels and of the present supply and market conditions on the MRT system, all parties to this proceeding should direct their attention, and file any evidence they wish to submit, as to the propriety of the continued use of the Seaboard method of cost classification and allocation and MRT's 33⅓ percent-66⅔ percent rate design proposal on the MRT system as well as the propriety of the use of alternate methods of cost classification allocation and rate design which may more closely reflect or implement the Commission's objectives in this area.[2]

As previously noted, MRT's request for increased rates is based in part upon the fact that its deliverability of gas from connected sources is declining. The present gas shortage in this country, to which this Commission has often called attention, is a problem which is shared by most if not all major interstate transmission pipelines in varying degrees of magnitude. The effect upon the risk of capital invested in gas pipeline operations resulting from inadequate and declining gas supplies as well as the uncertainties and contingencies inherent in possible supplemental sources of supply are of direct and primary concern to us. It also seems clear that the gas shortage may result in situations where the useful or economic life of gas pipeline facilities may be substantially less than their physical life. Accordingly, we request that the evidence in this proceeding, including that to be filed by our Staff, give full and careful consideration to these factors in the development of recommendations on the issues of rate of return and depreciation so as to enable this Commission to formulate sound regulatory polices in these areas.

We note the use of conjunctive billing by MRT. This Commission is of the opinion that this issue should be investigated as part of the hearing as hereinafter ordered. The evidence contained in MRT's filing of October 1, does not direct itself to the propriety of its present billing practices. Therefore, we shall provide MRT the opportunity to file evidence in support of this practice.

We note that MRT has included in the tariff sheets proposed herein costs associated with $17.4 million of uncertificated facilities. Should these facilities not be constructed and in service by the end of the suspension period ordered below, we shall require MRT to amend their filing to reflect exclusion of these costs.

Notice of MRT's filing was issued on October 8, 1974, providing for protests or petitions to intervene to be filed on or before October 18, 1974.

Based on our review of MRT's proposed rate increase, including the documents, information and studies submitted therewith as required by the Commission's regulations, and the petitions to intervene, we find that the requested increase may be excessive or otherwise unlawful under the Natural Gas Act, and that accordingly the proposed increase should be accepted for filing, suspended for the full statutory period and set for hearing.

In its October 1, 1974 filing, MRT requests to change the rate for "unauthorized over-take" up to and including 2 percent of MRT's Buyer's contract demand from $.55 per Mcf minus the Rate Schedule CD-1 effective commodity charge to $1.00 per Mcf minus the Rate Schedule CD-1 effective commodity charge. MRT states that the rate change is necessary because, effective November 1, 1974, the Rate Schedule CD-1 commodity charge will be 56.30¢ or 1.30¢ greater than the 55¢ charge and therefore, MRT will be unable to collect revenues for unauthorized over-takes by its customers. MRT also proposes a change in the "Force Majure" provision of its tariff to increase the unauthorized over-take charge from $.75 per Mcf to a rate of $1.50 per Mcf minus the effective Rate Schedule CD-1 commodity charge in those instances where MRT exercises its right to waive the standard overrun penalty. MRT requests that the Commission permit these two subject tariff sheets to become effective November 1, 1974, without suspension. In order to permit a continuation of the overrun penalty charges for unauthorized purchases, we shall permit the subject tariff sheets, incorporating the increased penalty rates, to become effective November 2, 1974, subject to refund, pending a determination of their justness and reasonableness in the hearing herein ordered.

The Commission finds: It is necessary and proper in the public interest and in carrying out the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates proposed in this docket by MRT, and that Mississippi's proposed tariff sheets should be accepted for filing, suspended and the use thereof deferred as herein ordered.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 8 and 15 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the justness and reasonableness of the rates proposed herein by MRT.

(B) Pending hearing and decision thereon, MRT's proposed Third Revised Sheet No. 27E and -------- Revised Sheet No. 3A are accepted for filing, suspended for five months, and permitted to become effective thereafter on April 1, 1975, in the manner prescribed of the Natural Gas Act, and subject to refund; *Provided, however* That MRT shall file substitute tariff sheets to become effective April 1, 1975, reflecting exclusion of the costs reflected in its proposed rates associated with any facilities which have not been certificated and placed in service as of March 31, 1975.

(C) MRT's Twelfth Revised Sheet No. 5 and Tenth Revised Sheet No. 6 are hereby accepted for filing, suspended for one day, to become effective November 2, 1974, subject to refund.

(D) On or before December 17, 1974, MRT shall serve its supplemental testimony and exhibits relating to the issue of conjunctive billing. On or before February 21, 1975, the Commission Staff shall serve its prepared testimony and exhibits. Prepared testimony and exhibits of intervenors shall be served on or before March 10, 1975. Company rebuttal shall be served March 21, 1975. Cross-examination of the evidence shall commence on March 31, 1975, at 10 a.m., in a hearing room at the Federal Power Commission, Washington, D.C. 20426.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26056 Filed 11-6-74;8:45 am]

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[1] The below listed revised tariff sheets to Mississippi's FPC Gas Tariff, First Revised Volume No. 1 were filed on October 1, 1974: -------- Revised Sheet No. 3A, Twelfth Revised Sheet No. 5, Tenth Revised Sheet No. 6, Third Revised Sheet No. 27E.

[2] See: Footnote 3 in our order of May 31, 1974, in Columbia Gas Transmission, et al., Docket Nos. RP74-82 and RP74-81.

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Order Granting Motion To Allow Collection of Increased Rates During Suspension Period

OCTOBER 31, 1974.

On October 4, 1974, National Fuel Gas Supply Corp. (Supply Company) filed a motion requesting an interim order to allow collection of "reduced rates" [1] during the suspension period of its proposed rates previously tendered for filing in this docket. The originally proposed rates were tendered for filing on June 28, 1974, with a proposed effective date of August 12, 1974. By Commission order issued August 9, 1974, the proposed rates were suspended for the full five month statutory period until January 12, 1975, subject to refund.

In support of its motion, Supply Company states that the realignment of the three major operating subsidiaries of National Fuel Gas Company, which was made effective as of July 1, 1974,[2] has caused a distortion of income as between the Supply Company and the National Fuel Gas Distribution Corporation (Distribution Company). Prior to the realignment, each of the three subsidiaries had carried on gas production, purchase, transmission, storage and distribution functions. After the alignment all the supply functions were assigned to the newly formed Supply Company, and all the distribution functions were assigned to the Distribution Company. Pursuant to the realignment, each of the three previously existing retail distribution companies transferred to the Supply Company substantial investment in property and substantial operating expenses associated with production, storage and transmission functions. According to Supply Company, the transfer has resulted in the Distribution Company earning high rates of return from its retail sales because of the dimished rate base and associated expenses, and Supply Company is earning a negative return because of the increased rate base and expenses associated with its operation.

Supply Company states that the rates proposed by the June 28, 1974 filing are designed to rectify this imbalance of revenues due to the realignment, but as those rates have been suspended until January 12, 1975, this problem will exist for the remainder of the suspension period. According to Supply Company, the proposed interim rates represent a reduction in jurisdictional revenues of approximately $5.9 million below the level of revenues that the originally proposed rates would produce, and would remedy the distortion of income as between the Supply Company and the Distribution Company caused by the realignment of the National Fuel Gas Company. The Supply Company requests an effective date of November 1, 1974, for the interim rates which would remain in effect until the end of the suspension period, January 12, 1975. Corresponding filings, also to be effective on November 1, 1974, are pending before the several state regulatory agencies which have jurisdiction over retail sales made by Distribution Company. Supply Company also states that the net effect of the several filings by Supply Company and Distribution Company will not result in a change in the cost of gas to the ultimate consumer other than through the normal operation of the purchased gas adjustment clause caused by supplier increases. Supply Company requests waiver of such of the Commission's Rules and Regulations as may be required to permit the proposed interim rates to become effective on November 1, 1974. Supply Company also requests waiver of the 45 day notice requirement for PGA filings as required by Section 17.5 of the General Terms and Conditions of Supply Company's FPC Gas Tariff, Original Volume No. 1.

Public notice of the filing was issued on October 4, 1974, with petitions to intervene and protests due on or before October 22, 1974. The Public Service Commission of the State of New York filed a statement on October 16, 1974, concurring in Supply Company's motion for an interim order to allow collection of "reduced rates" during the suspension period. The Commission Staff filed comments on October 21, 1974, supporting Supply Company's Motion.

Our review of Supply Company's October 4, 1974, filing indicates that good cause has been shown to grant Supply Company's motion to allow collection of the proposed interim rates during the suspension period of the originally proposed rates. We note that the interim rate will be subject to refunds which may be ordered in the ultimate resolution of the proceeding in this docket, and that implementation of the interim rates will not result in a change in the cost of gas to the ultimate consumer except through the normal operation of the PGA clause. We further note that the proposed interim rates reflect the increased purchased gas costs in the amount of 5.13¢/Mcf, pursuant to section 17 (Tariff Sheet Nos. 35, 36 and 37) of the General Terms and Conditions of the Supply Company's FPC Gas Tariff, Original Volume No. 1. Therefore, we shall also permit Tariff Sheet Nos. 35, 36 and 37, which were suspended in our August 9, 1974, order, to become effective as of November 1, 1974.

The Commission finds: (1) Good cause exists to grant Supply Company's motion requesting an interim order to allow collection of increased rates during the suspension period of its rates previously tendered for filing in this docket.

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[1] The proposed rates are lower than the rates suspended in our August 9, 1974 order, but higher than the rates currently in effect.

[2] The realignment was approved by the Commission in Docket No. CP73-294 by order issued May 10, 1974, as amended July 10, 1974.

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(2) Good cause exists to grant Supply Company's request for waiver of the 45 day notice requirement for PGA filings as required by section 17.5 of the General Terms and Conditions of Supply Company's FPC Gas Tariff, Original Volume No. 1.

(3) Good cause exists to grant waiver of § 154.66(b) and the notice requirements of the Commission's regulations to permit the proposed interim rates to become effective as of November 1, 1974.

The Commission orders:

(A) Supply Company's motion requesting an interim order to allow collection of increased rates during the suspension period of its rates previously tendered in this docket is hereby granted.

(B) Supply Company's proposed interim rates as reflected on Tariff Sheet No. 4 for filing to be effective from November 1, 1974, until the end of the suspension period, January 12, 1975, subject to refund.

(C) Tariff Sheet Nos. 35, 36 and 37, which had been suspended until January 12, 1975, by our order issued August 9, 1974, shall become effective on November 1, 1974.

(D) Supply Company's request for waiver of the 45 day notice requirement for PGA filings as required by section 17.5 of the General Terms and Conditions of Supply Company's FPC Gas Tariff, Original Volume No. 1 is hereby granted.

(E) Supply Company's request for waiver of § 154.66 and the notice requirements of the Commission's regulations is granted.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26054 Filed 11-6-74;8:45 am]

[Docket No. R-389-B; Opinion No. 699-E]

SALES OF NATURAL GAS

Opinion and Order Determining the Status of Limited Term Certificate Applications

OCTOBER 31, 1974.

In the matter of just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

By Opinion No. 699,[1] we terminated that section [2] of the Commission's regulations which provided for the issuance of limited-term certificates with pregranted abandonment. This section, as modified, was reinstated by Opinion No. 699-B.[3]

Pursuant to the language of Opinion No. 699 which stated "that applications for certificates pending before the Commission (including those upon which a hearing has been held or which are pending hearing) as of the date of this order will not be granted," [4] the Secretary of the Commission issued a "Notice of Termination Of Proceedings" [5] on June 28, 1974. This notice terminated all applications for limited-term certificates upon which no final order had been issued including those proceedings in which a hearing had been held and an initial decision rendered.

The reinstatement of the limited-term procedures by Opinion No. 699-B was not intended to automatically reinstate all of the proceedings terminated by the Secretary's notice of June 28, 1974. There are, however, certain of these terminated proceedings which we believe should be reinstated, upon motion of the applicants, and allowed to proceed to a final decision on the merits in accordance with the evidentiary rules that existed for such proceedings prior to Opinion No. 699-B.[6]

In Minneapolis Gas Co. v. FPC [7] the Court held "the Commission cannot terminate a proceeding after it has actually conducted a hearing to the point of receiving an Examiner's decision without rendering a decision upon the issue presented * * *" [8] We think the same principle should apply here where a decision has been issued by the Administrative Law Judge.

In all other cases including those where a hearing has been held but no initial decision was rendered prior to June 21, 1974, the applicants may, if they so choose, refile their applications and go before a Presiding Administrative Law Judge for a hearing and the rendering of an initial decision. Such cases will be decided upon the basis of the evidentiary standards set forth in Opinion No. 699-B. To expedite these cases, the applicants may if they so desire incorporate the record of a previous hearing where one was held.

The Commission declares: (A) With respect to those proceedings terminated by the notice issued by the Secretary of the Commission on June 28, 1974, (39 FR 25255) where a hearing had been held and an initial decision rendered prior to June 21, 1974, the applicants may by filing of motions with the Commission have that case decided upon the merits of the existing record by the Commission or they may proceed under ordering paragraph (B) to supplement the existing record.

(B) With respect to those proceedings terminated by the Secretary's notice of June 28, 1974, where no initial decision had been rendered prior to June 21, 1974, the applicants may, if they so choose, refile such applications and have the case scheduled for hearing, an initial decision, and final decision by the Commission. In those particular proceedings where a hearing may have already been held, the record of such hearings may be incorporated into the record of the refiled proceedings.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26055 Filed 11-6-74;8:45 am]

[Docket Nos. RP74-20 and RP74-83]

UNITED GAS PIPE LINE CO.

Notice of Conference

NOVEMBER 4, 1974.

Take notice that on Tuesday, November 12, 1974, a conference of all interested parties in the above-referenced dockets will be convened at 10 a.m. in Room No. 5200 at the offices of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426.

The conference will be held pursuant to § 1.18 (Conferences, Offers of Settlement) of the Commission's rules of practice and procedure (18 CFR 1.18). Customers and other interested persons will be permitted to attend, but if such persons have not previously been permitted to intervene by order of the Commission, such attendance at the conference will not be deemed to authorize such intervention as a party in the proceedings.

In accordance with the provisions of § 1.18 of the rules, all parties will be expected to come fully prepared to discuss the merits of all issues concerning the lawfulness of United Gas Pipe Line Company's proposed tariff changes, any procedural matters preparatory to a full evidentiary hearing, or to make commitments with respect to such issues and any offers of settlement or stipulations discussed at the conference. Failure to attend the conference shall constitute a waiver of all objections to stipulations and agreements reached by the parties in attendance at the conference.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26166 Filed 11-6-74;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Order Modifying Insurance Activities

In an Order dated July 3, 1974, the Board of Governors of the Federal Reserve System approved the application of The Alabama Financial Group, Inc., Birmingham, Alabama ("Applicant") (now Southern Bancorporation), to engage de novo in certain insurance agency activities, including acting as agent for the sale of mortgage guaranty insurance. In a motion dated July 24, 1974, certain mortgage guaranty insurance underwriters ("Petitioners") requested the Board to reconsider its Order of July 3rd insofar as it permitted Applicant to engage in certain insurance activities dealing with mortgage guaranty insurance. On July 30, 1974, the Board informed the Applicant and other parties to the hearings on its application of the motion for limited reconsideration. Comments on the motion were received from Applicant, the Committee to Preserve Consumer Options, Ticor Mortgage Company and PMI Mortgage Insurance Company.

By letter dated October 11, 1974, Applicant informed the Board that it would have no objection to a limited modification of the July 3rd Order rescinding Board approval of Applicant's request to act as agent for the sale of mortgage guaranty insurance. Accordingly, the Board hereby modifies its Order of July 3, 1974, by rescinding its approval for The Alabama Financial Group, Inc., to act as agent in the sale of mortgage guaranty insurance. Should Applicant wish to engage in this activity in the future, it is not barred from submitting a new application to the Board. In all other respects the Board reaffirms its Order of July 3rd.

Since the Board has rescinded the very portion of its Order for which Petitioners have sought reconsideration, the Board dismisses Petitioners' motion as moot.

By Order of the Board of Governors,[1] effective October 29, 1974.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.74-26025 Filed 11-6-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent of the voting shares (less directors' qualifying shares), of the successor by merger to Bank of Almeda, Houston, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the shares of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization and bank holding company in Texas, controls 18 banks [1] with aggregate deposits of approximately $3 billion, representing approximately 8 percent of total commercial bank deposits in Texas.[2] Acquisition of Bank ($23.2 million in deposits) would increase Applicant's share of commercial bank deposits in Texas by less than 0.1 percent, and would have no appreciable effect upon the concentration of banking resources in Texas.

Bank ranks 54th out of 140 banking organizations in the Houston banking market (approximated by the Houston SMSA), and controls 0.2 percent of total market deposits.[3] Applicant is the sixth largest banking organization operating in the Houston market, with three banking subsidiaries controlling 3.7 percent of total market deposits. The largest banking organization in the market has 20 percent of total deposits and the second largest has 17 percent. Upon consummation of the proposal, Applicant would continue as the sixth largest banking organization in the market. Applicant's closest subsidiary bank is located 11 miles from Bank and neither bank derives a significant amount of business from the service area of the other. The prospect of competition developing in the future between Applicant's subsidiaries and Bank is lessened in view of the number of competitors in the market and Texas' prohibitive branching law. Furthermore, barriers to entry into the market would not be increased for numerous other banks remain as potential entry points. Accordingly, on the basis of the record, the Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval, especially in light of Applicant's projected addition of $200,000 to the equity capital structure of Bank. Although there is no evidence in the record that the banking needs of the community are not presently being met, affiliation with Applicant should enable Bank to expand and improve the banking services offered. Accordingly, the Board regards considerations relating to the convenience and needs of the community to be served as consistent with approval of the application. It is the Board's judgment that the proposed acquisition is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective October 25, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74-26016 Filed 11-6-74;8:45 am]

FUJI BANK, LIMITED

Order Approving Formation of Bank Holding Company

The Fuji Bank, Limited, Tokyo, Japan, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares of The Fuji Bank and Trust Company, New York, New York ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a Japanese commercial bank with total assets of approximately $29.3 billion and total deposits of approximately $19.8 billion is the second largest commercial bank in Japan.[1] Applicant has 216 banking offices located throughout Japan, and it also has 11 overseas offices, including an agency in New York City and a branch in Los Angeles.

Bank proposes to be a full-service commercial bank in the metropolitan New York market; [2] however, Bank will primarily be a wholesale bank specializing in the financing of trade between Japan and the United States. Bank will also offer certain trust services. Applicant has one office in New York City, but that office is an agency and under New York law it is not authorized to accept deposits. Bank is expected to compete primarily with other banks in New York City that are controlled by Japanese banks, and, to some extent, with the larger New York banks having international banking capabilities. At present, Bank of Tokyo

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[1] ---- F.P.C. ----, ----, Opinion No. 699 at 133-136.

[2] 18 CFR § 2.70(b)(3).

[3] ---- F.P.C. ----

[4] ---- F.P.C. 66, ----, Opinion No. 699 at 147.

[5] 39 FR 25255.

[6] *See* ---- F.P.C. ----, ----, Opinion No. 699-B at 4, for the evidentiary burden on new applications for a limited-term certificate filed subsequent to the date of that opinion.

[7] 294 F.2d 212 (D.C. Cir. 1961).

[8] 294 F.2d at 214.

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

[1] In addition, Applicant indirectly controls interests of less than 25 percent in two banks; Applicant has agreed to divest its minority interests in the two banks.

[2] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through September 15, 1974.

[3] The Houston SMSA is comprised of Harris County and the five adjacent counties.

[4] Voting for this action: Chairman Burns and Governors Mitchell, Holland, and Wallich. Absent and not voting: Governors Sheehan and Bucher.

[1] All banking and financial data for Applicant are as of March 31, 1974.

[2] The metropolitan New York market is defined to include the five boroughs of New York City, Nassau County, Westchester County, Putnam County, Rockland County, and western Suffolk County in New York, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut.

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Trust Company, New York, New York is the only bank in the relevant market controlled by a Japanese bank. One more bank controlled by a Japanese bank may commence business in the near future following the Board's approval today of the application of The Industrial Bank of Japan, Limited, Tokyo, Japan, to become a bank holding company through the acquisition of shares of a newly-formed bank in New York City. Based on the record before it, the Board concludes that Bank's entry into New York City will have no adverse effects on existing or potential competition in the relevant market, nor would it have a significant effect on the concentration of banking resources in any relevant area. Rather, the addition of Bank will provide increased banking facilities and competition.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, due to the addition to the metropolitan New York market of a new bank and another international banking link to Japan.

Applicant presently owns 8.5 percent of the outstanding voting shares of Yamaichi Securities Co., Ltd., Tokyo, Japan, a company which indirectly engages in a general securities business in the United States through its wholly-owned subsidiary Yamaichi International (America), Inc., New York, New York, a member of the National Association of Securities Dealers, Inc. and the Boston, Midwest, and Pacific Stock Exchanges. However, in accordance with the requirements of section 4(a)(2) of the Act, Applicant will reduce its ownership of shares in Yamaichi Securities Co., Ltd., to not more than 5 percent of the outstanding voting shares of such company within two years after the date of which it becomes a bank holding company.[3]

In the light of the purpose of the Bank Holding Company Act to maintain the separation of banking and commerce in the United States, the Board has given special attention in this application and in previous bank holding company applications by Japanese commercial banks,[4] to the relationships that Japanese banks are permitted to have with industrial or commercial companies under the laws of Japan. A study of the relationships indicates that, in general, Applicant and other of the large Japanese commercial banks are linked in a group with their major Japanese customers through interlocking stock ownership and that the members of these groups tend to act in concert. In particular, these groups include among their members companies that do business in the United States, notably, major trading companies accounting for a significant percentage of Japan's exports and imports to and from the United States.

The Board has examined the facts submitted to it in connection with the present application with a view to determining whether Applicant exercises control or a controlling influence over the management or policies of any of the companies closely associated with Applicant through interlocking stock ownership or whether any of such companies exercises control or a controlling influence over the management or policies of Applicant.

Based on the Board's evaluation of the facts submitted in connection with the present application and giving due consideration to the specific assurances given by Applicant that no control exists, by agreement or otherwise, between Applicant and those of its customers that are among the group of companies closely associated with Applicant through interlocking stock ownership, the Board has concluded that at this time Applicant should not be regarded as having control or exerting a controlling influence over, or as being subject to the control or controlling influence of any of such customers and that the group does not constitute a "company" within the meaning of section 2(b) of the Bank Holding Company Act.

It is the Board's judgment that the application should be approved. However, the Board will review regularly the operations of Bank and Applicant's other banking agencies in this country with a view toward ascertaining whether the relationships between them and other companies in Applicant's group remain consistent with the purposes of section 4 of the Bank Holding Company Act and the Board's regulations thereunder.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) The Fuji Bank and Trust Company, New York, New York, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[5] effective October 29, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26022 Filed 11-6-74;8:45 am]

[3] Under section 4(c)(6) of the Act, a bank holding company may own "shares of any company which do not include more than 5 per centum of the outstanding voting shares of such company."

[4] Board Orders of December 1, 1971, approving the applications of The Dai-Ichi Kangyo Bank, Ltd., The Mitsubishi Bank Ltd., and The Sanwa Bank, Ltd., all of Japan, to become bank holding companies (58 Federal Reserve Bulletin 49-51); see also Board Order of September 13, 1974, approving the application of The Mitsui Bank, Ltd., Tokyo, Japan, to become a bank holding company (39 Federal Register 34117).

[5] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

INDUSTRIAL BANK OF JAPAN, LTD.

Order Approving Formation of Bank Holding Company

The Industrial Bank of Japan, Limited, Tokyo, Japan, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 99.92 percent or more of the voting shares of The Industrial Bank of Japan Trust Company, New York, New York ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with Section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, with total assets of approximately $21.1 billion and total deposits (including industrial bank debentures) of approximately $17.3 billion,[1] is the largest of three Japanese banks established under Japan's Long-Term Credit Bank Law and is the fifth largest bank in Japan. As a long-term credit bank, Applicant is engaged primarily in providing medium- and long-term credit to industry and government. Its primary source of funds is so-called "industrial bank debentures" which are sold by Applicant or its selling agents to a wide variety of investors, including the Japanese Government (Trust Fund Bureau), commercial banks, institutional investors, and individuals.[2] Applicant has 14 offices located throughout Japan, and it also has seven overseas offices, including an agency in New York City and a branch in Los Angeles.

Bank proposes to be a full service commercial bank in the metropolitan New York market;[3] however, Bank will primarily be a wholesale bank specializing in the financing of trade between Japan and the United States, and the financing of industrial development and international investment. Bank will also offer certain trust services. Applicant has one office in New York City, but that office is an agency and under New York law it is not authorized to accept deposits. Bank is expected to compete primarily with other banks in New York City that are controlled by Japanese banks, and, to some extent, with the larger New York banks having international banking capabilities. In its consideration of the instant proposal from a competitive standpoint, the Board noted that Applicant owns a 24.9 percent minority share interest in Bank of Tokyo Trust Company, New York, New York ("Bank of Tokyo Trust"), the only bank in the relevant market controlled by a Japanese bank.[4] Applicant, however, proposes to acquire Bank in order to compete with Bank of Tokyo Trust and will reduce its share interest in Bank of Tokyo Trust to not more than 5 percent of the total of such shares outstanding within two years after the date as of which it becomes a bank holding company. One more bank controlled by a Japanese bank may commence business in the near future following the Board's approval today of the application of The Fuji Bank, Limited, Tokyo, Japan, to become a bank holding company through the acquisition of shares of a newly-formed bank in New York City. Based on the record before it and its understanding that Applicant will reduce its share interest in Bank of Tokyo Trust as indicated above, the Board concludes that Bank's entry into New York City will have no adverse effects on existing or potential competition in the relevant market, nor would it have a significant effect on the concentration of banking resources in any relevant area. Rather, the addition of Bank will provide increased banking facilities and competition.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory and consistent with approval. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, due to the addition to the metropolitan New York market of a new bank and another international banking link to Japan.

Applicant presently owns (1) 9.6 percent of the outstanding voting shares of New Japan Securities, Co., Ltd., Tokyo, Japan, a company which indirectly engages in a general securities business in the United States through its wholly-owned subsidiary New Japan Securities International, Inc., New York, New York, a member of the National Association of Securities Dealers, Inc., and the Boston Stock Exchange; (2) 8.5 percent of the outstanding voting shares of Yamaichi Securities Co., Ltd., Tokyo, Japan, a company which indirectly engages in a general securities business in the United States through its wholly-owned subsidiary Yamaichi International (America), Inc., New York, New York, a member of the National Association of Securities Dealers, Inc., and the Boston, Midwest, and Pacific Stock Exchanges; (3) 9.6 percent of the outstanding voting shares of Wako Securities Co., Ltd., Osaka, Japan, a company which owns 20 percent of the outstanding voting shares of Wako Securities California, Inc., Los Angeles, California, a member of the National Association of Securities Dealers, Inc., and a company engaged in a general securities business in the United States;[5] and (4) 5.4 percent of the outstanding voting shares of Alaska Pulp Co., Ltd., Tokyo, Japan, a company which derives the majority of its revenues from the United States and has the majority of its assets located in the United States, and which is indirectly engaged through wholly-owned subsidiaries[6] in the business of timber-cutting, lumbering, and pulp manufacturing in the United States. However, in accordance with the requirements of section 4(a)(2) of the Act, Applicant will reduce its ownership of shares in each of the above-named companies to not more than 5 percent of the outstanding voting shares of each such company within two years after the date of which it becomes a bank holding company.[7]

In the light of the purpose of the Bank Holding Company Act to maintain the separation of banking and commerce in the United States, the Board has given special attention in previous bank holding company applications by Japanese commercial banks[8] to the relationships that Japanese banks are permitted to have with industrial or commercial companies under the laws of Japan. In particular, the Board has been concerned where the applicant Japanese bank is linked in a group with its major Japanese customers through interlocking stock ownership, and where these commercial customers do a significant business in the United States.

Based on the record of this application, the Board has concluded at this time that Applicant is not linked through interlocking stock ownership in a group with its major Japanese customers. Accordingly, the Board has not found it necessary in this application to reach the issues of "control" present when a group of commercial companies are closely associated with a Japanese bank through interlocking stock ownership.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after that date, and (c) The Industrial Bank of Japan Trust Company, New York, New York, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[9] effective October 29, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26023 Filed 11-6-74;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

[2] All banking and financial data for Applicant are as of March 31, 1974.

[3] As a long-term credit bank, Applicant is restricted to accepting deposits from Japanese national and local governmental agencies, loan customers, and other customers.

[4] The metropolitan New York market is defined to include the five boroughs of New York City, Nassau County, Westchester County, Putnam County, Rockland County, and western Suffolk County in New York, as well as the northern two-thirds of Bergen County and eastern Hudson County in New Jersey, plus southwestern Fairfield County in Connecticut.

[4] Bank of Tokyo Trust is controlled by Bank of Tokyo, Ltd., Tokyo, Japan, a registered bank holding company owning 75.1 percent of the outstanding voting shares of Bank of Tokyo Trust.

[5] Applicant has indicated that Wako Securities Co., Ltd. may have a controlling stock interest in Wako Securities California, Inc., thereby causing Wako Securities Co., Ltd. to be indirectly engaged through a subsidiary in a securities business in the United States.

[6] Alaska Pulp Co., Ltd. owns all of the outstanding voting shares of Wrangell Lumber Company, Wrangell, Alaska, which also owns all of the outstanding voting shares of Alaska Wood Products, Inc., and Alaska Lumber Pulp Co., Inc.

[7] Under section 4(c)(6) of the Act, a bank holding company may own "shares of any company which do not include more than 5 per centum of the outstanding voting shares of such company."

[8] Board Orders of December 1, 1971 approving the applications of The Dai-Ichi Kangyo Bank, Ltd., The Mitsubishi Bank Ltd., and The Sanwa Bank, Ltd., all of Japan, to become bank holding companies (58 Federal Reserve Bulletin 49-51); see also Board Order of September 13, 1974 approving the application of The Mitsui Bank, Ltd., Tokyo, Japan, to become a bank holding company (39 Federal Register 34117).

[9] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

NATIONAL CITY CORP.

Order Approving Acquisition of National City Life Insurance Company

National City Corporation, Cleveland, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y to acquire all of the voting shares of National City Life Insurance Company ("Company"), Phoenix, Arizona, a company to be organized de novo to engage in the underwriting as reinsurer of credit life and credit accident and health insurance in connection with extensions of credit by Applicant's subsidiaries. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(10)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 25553). The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls one bank, National City Bank, Cleveland, Ohio, which holds deposits of approximately 1.5 billion, representing about 5.5 percent of the to-

[9] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

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tal deposits in commercial banks in Ohio.[1]

Company will be formed under Arizona law as a full reserve life insurance company. Since Company will be qualified to underwrite insurance directly only in Arizona, its activities will be limited to acting as reinsurer of credit life and credit accident and health insurance policies made available in connection with extensions of credit by Applicant's subsidiaries located in Ohio. Such insurance would be directly underwritten by an unaffiliated Michigan insurance company qualified to do business in Ohio and would thereafter be assigned or ceded to Company under a reinsurance agreement.[2]

Credit life and credit accident and health insurance is generally made available by banks and other lenders and is designed to insure payment of a loan in the event of death or disability of the borrower. In connection with the addition of the underwriting of such insurance to the list of permissible activities for bank holding companies, the Board has stated:

> To insure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which the applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally, such a showing would be made by projected reductions in rates or increase in policy benefits due to bank holding company performance of this service.

Applicant has stated that it will provide credit life insurance at rates that are 4 percent below the maximum rate authorized by Ohio law and will provide credit accident and health insurance at rates that are 5 percent below the maximum rate authorized by State law. The Board believes that such a reduction in the price of credit life and credit accident and health insurance is a consideration favorable to the public interest. The Board concludes, therefore, that such public benefits in the absence of any evidence in the record indicating the presence of any adverse statutory factors provides support for the approval of the application.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By Order of the Board of Governors,[3] effective October 29, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26024 Filed 11-6-74;8:45 am]

[1] All banking data are as of December 31, 1973.

[2] Under Ohio law, no Ohio insurance company is permitted to be directly reinsured by an insurance company that is not admitted to do business in Ohio.

[3] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Governor Mitchell.

I & B, INC.

Acquisition of Bank

I & B, Inc., Cherryvale, Kansas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire an additional 33 percent of the voting shares of The Peoples State Bank, Cherryvale, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 25, 1974.

Board of Governors of the Federal Reserve System, October 24, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26020 Filed 11-6-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

B & S COAL CO.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4011-000, B & S COAL COMPANY, INC., Mine No. 21-A, Mine ID No. 15 02740 0, Vicco, Kentucky.
ICP Permit No. 4011-001 (Joy 14BU Loader, I.D. No. 13-1),
ICP Permit No. 4011-002 (Joy 7-B Sullivan Cutting Machine, I.D. No. 7-3),
ICP Permit No. 4011-006 (Paul's Roof Bolting Machine, I.D. No. I V-5),
ICP Permit No. 4011-009 (Kersey 944 Tractor, I.D. No. 10-2),
ICP Permit No. 4011-010 (Kersey 944 Tractor, I.D. No. 12-3),
ICP Permit No. 4011-011 (Kersey 944 Tractor, I.D. No. 6-4).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 1, 1974.

[FR Doc.74-26026 Filed 11-6-74;8:45 am]

NATIONAL COMMISSION FOR THE REVIEW OF FEDERAL AND STATE LAWS RELATING TO WIRETAPPING AND ELECTRONIC SURVEILLANCE

NOTICE OF MEETING

The meeting of the National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance, originally scheduled for November 18 and 19, 1974, will not be held as announced on page 38426 of the FEDERAL REGISTER for October 31, 1974. The meeting has been rescheduled for December 2 and 3, 1974. The same schedule and agenda will be followed. The meeting of December 2, 1974 will be in Room S126 of the Capitol at 2 p.m. The meeting of December 3, 1974 will be in Room 2228 of the Dirksen Senate Office Building at 9:30 a.m.

KENNETH J. HODSON,
Executive Director.

[FR Doc.74-26130 Filed 11-6-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of an ad hoc panel of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. on Tuesday, November 26, 1974 at 9:30 a.m.

The purpose of the meeting is to obtain advice on reporting problems involved in the proposed Treasury Department survey forms FPI-1 "Reporting Form for United States Issuers of Securities" and FPI-2 "Reporting Form for United States Holders of Record." These forms investigate the foreign portfolio investments in the United States under the Foreign Investment Studies Act, P.L. 93-479. The meeting will be open to public observation and participation.

Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10208, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-4730.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74-26082 Filed 11-6-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 4, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Identification of Barriers to Equal Representation of Minorities in Allied Health Education—Institutional Questionnaire, Form HRA/BHRD 0412, Single time, Collins (395-3756), Lowry (395-3772), Planchon (395-3898), Directors of Allied Health Programs.

Public Health Service: Application for Enrollment in the PHS Health Professions Scholarship Program, From PHS 6014, Occasional, Lowry (395-3772), Individuals.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research: Study of Real Estate Licensing and Examination Practices—Questionnaires, Form ----, Single time, HRD (395-3532), Sunderhauf (395-4911), Brokers, real estate salespersons, licensing boards.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Coal Consumption—Plant Report, Form 6-1400-X, Single time, Weiner (395-4890), Manufacturers using Coal for Heat and Power.

DEPARTMENT OF THE TREASURY

Foreign Portfolio Study and Accompanying Regulations and Instructions, Forms FPI-1, FPI-2, Single time, Hulett (395-4730), Major business firms including banks, brokers, and nominees.

REVISIONS

DEPARTMENT OF AGRICULTURE

Statistical Reporting Service: Retail Seed Price Survey, From ----, Semiannual, Raynsford (395-3814), Retail seed dealers.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-26226 Filed 11-6-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AMCOURT SYSTEMS, INC.

Notice of Suspension of Trading

OCTOBER 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Amcourt Systems, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 3:15 p.m. (e.s.t.) on October 31, 1974, through midnight (e.s.t.) on November 9, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26090 Filed 11-6-74;8:45 am]

[812-3663]

AXE-HOUGHTON FUND B, INC. AND AXE-HOUGHTON STOCK FUND, INC.

Filing of Application

OCTOBER 30, 1974.

Notice is hereby given that Axe-Houghton Fund B, Inc. ("Fund B") and Axe-Houghton Stock Fund, Inc. ("Stock Fund") (400 Benedict Avenue, Tarrytown, New York 10591), (collectively referred to as "Applicants"), open-end, diversified, management investment companies registered under the Investment Company Act of 1940 (the "Act"), have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the purchase by Presidential Life Corporation ("Presidential") of 70,912 shares of its common stock presently held by the Applicants, and pursuant to section 17(d) of the Act and rule 17d-1 thereunder for an order of the Commission permitting the joint sale by the Applicants of the above-described securities to Presidential. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Fund B owns 70,312 shares of the outstanding voting securities of Presidential, an insurance company. These securities represent approximately 9.3 percent of the 755,613 Presidential shares outstanding. Stock Fund owns 600 shares of the outstanding voting securities of Presidential, approximately .079 percent of the shares outstanding. Applicants state that all of these securities were acquired in exchange for shares of a predecessor company whose shares were acquired in the open market by Applicants at various times during 1966, or as stock dividends on shares so acquired.

Presidential proposes to purchase the shares of its stock presently held by Applicants and Applicants propose to sell such securities to Presidential at a negotiated price of $2.00 per share. No brokerage or other commissions will be paid in connection with the proposed transaction.

Section 17(a) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person of a registered investment company, or any affiliated person of such a person, acting as principal, knowingly to purchase from such registered company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) of the Act if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each investment company concerned and with the general purposes of the Act.

Rule 17d-1, adopted by the Commission pursuant to section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint or a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation

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of such registered company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

Section 2(a)(3) of the Act defines an affiliated person of another person to include any person owning 5 percent or more of the outstanding voting securities of such other person, any person 5 percent or more of whose outstanding voting securities are owned by such other person, or any person under common control with such other person. Under this definition, Fund B and Presidential are affiliated persons of each other. E. W. Axe & Co., Inc. acts as investment adviser for both Applicants and Axe Securities Corporation, a registered broker-dealer, acts as principal underwriter for both Applicants. Each of the Applicants may be deemed to be under common control, and, therefore, Applicants may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act. Accordingly, Presidential, as an affiliate of Fund B and an affiliate of an affiliate of Stock Fund, is, in the absence of an exemption, prohibited by section 17(a) of the Act from purchasing its securities from the Applicants. The Applicants, as affiliates of each other, are, in the absence of a Commission order, prohibited by Rule 17d-1, from jointly selling their shares of Presidential stock to Presidential at the negotiated price of $2.00 per share.

Applicants assert that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each Applicant and with the general purposes of the Act. In support of this assertion, Applicants state that the negotiated price of $2.00 per share is comparable with the market valuations placed upon seven similar, small insurance companies. Prior to July 11, 1972, Stock Fund owned 12,500 shares of Presidential and Applicants' aggregate holdings in Presidential constituted over 11 percent of the Presidential shares then outstanding. Since July 11, 1972, Stock Fund has sold shares of Presidential stock pursuant to Rule 144 of the Securities Act of 1933 at prices ranging from $5.00 per share to $3.50 per share in the most recent sales in October of 1973. At the time negotiations for this proposed transaction were concluded in January of 1974, the purchase price of $2.00 per share represented a discount of approximately 33 percent from the over the counter bid price for such securities.

The shares proposed to be sold to Presidential by the Applicants constitute approximately 9.4 percent of the issued and outstanding voting securities of Presidential. Disposal of all of Applicants' holdings pursuant to Rule 144 would require approximately 5 years. Applicants believe that the market price of such securities would be depressed by the periodic placement, pursuant to Rule 144, of the necessary number of Presidential shares on the market. Applicants assert that, assuming their holdings could be disposed of as a block in the open market, offering a block of Presidential stock which represents approximately 20 percent of the freely tradable, non-insider holdings could be expected to substantially depress the market and yield, overall, probably less than will be, realized from the proposed transaction. Applicants state that there will not be, in their judgment, significant appreciation in the market value of the Presidential securities and believe that the cash realized from the sale of the Securities can be more productively employed in other investments.

Applicants assert that the participation of each Applicant in the joint sale will be on the same terms as the other and that the proposed transaction will enhance the liquidity of each of the Applicants. Applicants further assert that the proposed transaction is consistent with the policy of each of the Applicants, and with the provisions, policies and general purposes of the Act.

Notice is further given that any interested person may, not later than November 25, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by Affidavit or, in the case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rules 0-2 and 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 25, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26034 Filed 11-6-74;8:45 am]

[812-3658]

AXE-HOUGHTON STOCK FUND, INC. (DELAWARE), ET AL.

Application for an Order Exempting Proposed Transactions

OCTOBER 31, 1974.

Notice is hereby given that Axe-Houghton Stock Fund, Inc. ("Delaware Fund"), a Delaware corporation, Axe-Houghton Stock Fund, Inc. ("Maryland Fund"), a Maryland corporation, and Axe Science Corporation ("Science Fund"), 400 Benedict Ave., Tarrytown, New York, 10591, a Maryland corporation, (collectively hereinafter referred to as the "Funds" or the "Applicants"), each of which is diversified, open-end, management investment company registered under the Investment Company Act of 1940 (the "Act"), have filed an application pursuant to section 17(b) of the Act for an order of exemption from the provisions of section 17(a) of the Act to permit (1) the proposed merger of Delaware Fund into Maryland Fund and (2) the proposed merger of Science Fund and the surviving fund of the merger of Delaware Fund and Maryland Fund ("Surviving Fund"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Delaware Fund, which was organized in 1932, had total net assets of $60,572,995 as of June 30, 1974 and has a primary investment objective of long term capital growth with a secondary objective of protection or conservation of principal values. Maryland Fund was organized in 1974 for the purpose of being the surviving corporation of a merger of Delaware Fund and Science Fund and has the same investment objectives as Delaware Fund. Science Fund, which was organized in 1954, and had total net assets of $32,199,938 as of June 30, 1974, has the same investment objectives as Delaware Fund and Maryland Fund. Science Fund, however, seeks attainment of the primary objective only through investment in the securities of companies expected to benefit from new scientific developments, E. W. Axe & Co., Inc. ("EWA"), the investment adviser of Delaware Fund, and Axe Science Management Company, Inc. ("ASM"), the investment adviser of Science Fund, are both controlled by the estate of Ruth M. Axe. EWA owns all of the 10 issued and outstanding common shares of stock of Maryland Fund, which now have a net asset value of $10 per share, and all of the Funds have certain officers and directors in common. Accordingly, each of the Funds may be deemed to be under common control and therefore may be deemed to be affiliated persons of each other within the meaning of section 2(a)(3) of the Act.

Applicants propose to effect a statutory merger of Delaware Fund and Maryland Fund pursuant to which the assets and liabilities of Delaware Fund would be transferred by operation of law to Maryland Fund. Each share of Delaware Fund outstanding on the effective date of the merger would be converted into one new share of the Surviving Fund and each share of Maryland Fund outstanding prior to the merger would be converted to that number of full new shares of Surviving Fund (each such new share having a net asset value equal to that of a Delaware Fund share) as shall not be in excess of the net asset value per share of an old share of Maryland Fund. The application states that the purpose of this transaction is to change the state of incorporation of Delaware Fund from Delaware to Maryland in order to realize a substantial savings in franchise taxes that would result from such a change of domicile.

It is contemplated that Science Fund, subsequent to the merger of the Delaware Fund and Maryland Fund, will merge into Surviving Fund. This latter merger will be accomplished by converting each of the issued and outstanding shares of Science Fund into that number of shares of Surviving Fund as may be determined by dividing the net asset value per share of Science Fund common stock as of the close of business on the last business day preceding the effective date of the merger by the net asset value per share of Surviving Fund as of the same date.

No adjustment in the net assets of Science Fund or Surviving Fund will be made to compensate for any potential Federal tax impact on shareholders of these Funds which might result from differences in realized and unrealized capital gains which might exist in different proportions in the respective portfolios of each Fund.

Applicants assert that the rationale for use of a tax adjustment formula is not applicable in this particular merger because the portfolios of both of these Funds will have market values substantially less than their respective tax cost bases. As of June 30, 1974, Delaware Fund had unrealized gains of $2,724,546 and unrealized losses of $20,074,027. Thus, Surviving Fund's acquisition, as a capital loss carry forward, of an additional $4,747,521 in capital losses, which had been realized by Science Fund as of June 30, 1974, would be of no practical value to shareholders of the merged fund. Applicants further assert that since the tax effects of the merger will be borne not by the respective funds but by their shareholders, and since most shareholders have a tax cost basis which is greater than the current net asset value of their shares, they would realize no taxable gain upon redemption of shares and thus would derive no benefit from a large capital loss carry forward.

Delaware Fund will submit both of the proposed mergers, among other matters, to a shareholder vote. Shareholder approval of the change of domicile for Delaware Fund is a condition precedent to the merger of the resultant fund, i.e., Surviving Fund, and Science Fund. The proposed merger of Surviving Fund and Science Fund is also contingent upon the receipt of an opinion of counsel to the effect that the merger will constitute a tax-free reorganization.

In addition to the vote on the proposed mergers, shareholders of Delaware Fund will also vote on a proposed new investment advisory and management agreement between the Fund and EWA. The new advisory agreement provides for a higher rate of compensation to EWA. The new advisory agreement will define the advisory arrangements for Surviving Fund. Applicants assert that the proposal of a new investment advisory agreement is unrelated to the proposed merger of Surviving Fund and Science Fund and that the increase in the advisory fees are necessitated by inflation and by increases in staff and facilities.

Shortly after the Delaware Fund shareholder meeting, if the merger of Delaware Fund and Maryland Fund into Surviving Fund has been approved by Delaware Fund shareholders, a special meeting of Science Fund shareholders will be held for the purpose of approving or disapproving the proposed merger of Science Fund into Surviving Fund.

Section 17(a) of the Act, in pertinent part, provides that it shall be unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property. Section 17(b) of the Act provides that the Commission, upon application, may exempt a proposed transaction from the provisions of section 17(a) if evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

Applicants assert that the terms of the proposed merger of Delaware Fund and Maryland Fund are fair and reasonable and do not involve overreaching on the part of any person concerned since each share of Delaware Fund will be converted into a share of Surviving Fund having equal value, and each share of Maryland Fund outstanding prior to the merger will be converted into that number of new shares of Surviving Fund, each of which will have a net asset value equal to that of a Delaware Fund share on the effective date of the merger, as will not be in excess of the value of an old share of Maryland Fund.

Applicants further assert that the terms of the proposed merger of Science Fund into Surviving Fund are fair and reasonable and do not involve overreaching on the part of any person concerned since shares of Surviving Fund will be issued to the shareholders of Science Fund on the basis of the respective net asset values of each of the Applicants determined at the same point in time.

Management of the Funds believe that present conditions no longer justify the separation of the investment approaches of Delaware Fund and Science Fund pursuant to which Science Fund restricted its investments to securities of companies expected to benefit from new scientific developments. Moreover, Applicants represent that the proposed mergers are in the best interest of shareholders of both Funds because of the savings that would become available by the elimination of duplicative fixed expenses such as the expense of shareholder meetings and reports, legal and auditing fees, SEC filing and other administrative costs. The Funds' management estimates that these savings will be approximately $111,000 annually, and that the increased size of the merged fund should result in a significant reduction of the expense ratio of Delaware Fund.

Applicants assert that the proposed mergers are consistent with the policies of each of the Funds and with the general purposes of the Act. In the opinion of the management of Delaware Fund, all of the securities in Science Fund's portfolio are consistent with Delaware Fund's investment policies and no sales will be required as a result of the merger.

The application states that the incremental cost of holding the annual meetings of shareholders of Delaware Fund and Science Fund chargeable to the proposed mergers plus other costs related to the mergers is approximately $62,232, all of which will be borne by the Funds. Surviving Fund and Science Fund will each bear the cost of printing and mailing their respective proxy statements and prospectuses. All other costs in connection with the preparation, proposing and implementation of the merger, including, without limitation, legal fees, the cost of this application, registration fees, transfer agent fees and other costs of issuing Surviving Fund's capital stock in connection with the merger of Science Fund and Surviving Fund will be borne by the fund resulting from that merger, or, if the merger is not consummated, by Surviving Fund and Science Fund in proportion to their respective net asset values, on the date of termination of the merger agreement.

Notice is further given that any interested person may, not later than November 26, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at law, by certificate) shall be filed contemporaneously with the request. As provided by Rule

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0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 26, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26036 Filed 11-6-74;8:45 am]

[File No. 500-1]

BIO-MEDICAL SCIENCES, INC.

Suspension of Trading

OCTOBER 30, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from October 31, 1974 through November 9, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26033 Filed 11-6-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

NOVEMBER 1, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors.

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 4, 1974, through November 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26088 Filed 11-6-74;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Suspension of Trading

OCTOBER 31, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 1, 1974, through November 10, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26037 Filed 11-6-74;8:45 am]

[70-5569]

MIDDLE SOUTH UTILITIES, INC. AND ARKANSAS-MISSOURI POWER CO.

Proposed Issue and Sale of Notes By Subsidiary Company and Acquisition Thereof By Holding Company

OCTOBER 30, 1974.

Notice is hereby given that Arkansas-Missouri Power Company ("Ark-Mo"), 405 West Park St., Blytheville, Arkansas, 72315, a subsidiary company of Middle South Utilities, Inc. ("Middle South"), Two Eighty Park Ave., New York, New York, 10017, a registered holding company, and Middle South have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designation sections 6(a), 7(a), 9(a), 10(a), 12(b), and 12(f) of the Act and Rule 45 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ark-Mo proposes to issue and sell from time to time through December 31, 1975, up to $2,100,000 of its unsecured short-term promissory notes of a maturity of not more than twelve months and Middle South proposes to acquire such notes. These notes are in addition to borrowings on Ark-Mo's unsecured short-term promissory notes previously authorized up to an aggregate of $1,100,000 (Holding Company Act Release Nos. 17430, 17819, and 18008). The net proceeds to be received by Ark-Mo from the issuance and sale of the notes will be applied to the payment at maturity of the presently outstanding notes, to meet the cost of Ark-Mo's construction program, and for other corporate purposes. The notes will be payable not more than twelve months from the date of issuance and will bear interest at a rate per annum equivalent to ¼ of 1 percent above the commercial loan rate in effect at the Manufacturers Hanover Trust Company from time to time. The notes will, at the option of Ark-Mo, be prepayable in whole or in part at any time without premium or penalty.

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that the fees, commissions or expenses to be incurred in connection with the proposed transactions will not exceed $4,000.

Notice is further given that any interested person may, not later than November 22, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26035 Filed 11-6-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

NOVEMBER 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of than on a national securities exchange is suspended, for the period from November 4, 1974, through November 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26089 Filed 11-6-74;8:45 am]

[File No. 500-1]

SAVOY INDUSTRIES, INC.

Notice of Suspension of Trading

NOVEMBER 1, 1974.

The common stock of Savoy Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Savoy Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 2, 1974, through November 11, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26086 Filed 11-6-74;8:45 am]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

NOVEMBER 1, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 4, 1974, through November 13, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26087 Filed 11-6-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 09/09-5179

F & F VENTURE CAPITAL CORP.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by F & F Venture Capital Corporation (applicant), with the Small Business Administration pursuant to 13 CFR 107.102 (1974).

The officers and directors of the applicant are as follows:

Norman E. Fuller, President, Director, 3033 Carbon Canyon Road, Chino, California 91710.

Judianne Fuller, Vice President, Secretary, 3033 Carbon Canyon Road, Chino, California 91710.

Charles Canfield, Treasurer, 6421 Paramount Boulevard, Long Beach, California 90805.

Victor P. Weismann, Director, Rt. #1, Chino Airport, c/o CS&M Incorporated, Chino, California 91710.

Donald Royce, Director, 515 S. Flower, Suite 980, Los Angeles, California 90071.

Michael Goyan, Director, 415 Anita Drive, Pasadena, California 91105.

The applicant, a Delaware corporation, qualified to do business as a foreign corporation in California, and having its principal place of business located at Rt. No. 1, Chino Airport, Chino, California 91710, will begin operations with $1,250,000 of paid-in capital and paid-in surplus derived from the sale of 1,250 shares of common stock to Mr. Norman E. Fuller, owner of a number of businesses engaged in the manufacture of special building products, plastics and in land development and housing construction, among others.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and SBA Rules and Regulations.

Any person may, on or before November 22, 1974, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Chino, California.

Dated: October 28, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-26028 Filed 11-6-74;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

LABOR RESEARCH ADVISORY COUNCIL COMMITTEES

Notice of Meetings and Agenda

The regular fall meeting of committees of the Labor Research Advisory Council will be held on November 20, and 21 in Room 4454, General Accounting Office Building, 441 G Street, NW., Washington, D.C.

The Labor Research Advisory Council and its committees advise the Bureau of Labor Statistics with respect to technical matters associated with the Bureau's programs. Membership consists of union research directors and staff members.

The schedule and agenda of the meetings are as follows:

WEDNESDAY, NOVEMBER 20

9:30 a.m.—Committee on Wages and Industrial Relations

1. Review of work in progress.
2. Capabilities of Current Wage Development System.
3. Budget implications for OWIR programs.
4. Research projects program.
5. Report on General Wage Index.
6. Changes in PATC survey.

WEDNESDAY, NOVEMBER 20

1:30 p.m.—Committee on Occupational Safety and Health Statistics

1. Program Developments—Fiscal Years, 1975–1976.
2. Annual Survey Status—Three years—Uses—Public and administrative.
3. BLS-State Activity—Workers' Compensation Programs.
4. Special Studies.

THURSDAY, NOVEMBER 21

9:30 a.m.—Committee on Manpower and Employment

1. Office of Manpower Structure and Trends.
   A. Report on the pending benchmark revision of the establishment employment (790) series.
   B. Discussion with regard to other questions associated with the 790 program.
2. Office of Current Employment Analysis. Current Population Survey sample expansion and the status of local area employment and unemployment statistics.

THURSDAY, NOVEMBER 21

1:30 p.m.—Committee on Consumer and Wholesale Prices

1. Opening Remarks.
2. Overview of the Fiscal Year 1976 Industrial Price Program (Wholesale Prices).
3. Current Status of the Consumer Price Index Revision Program.
4. Quality Adjustments.

The meetings are open. It is suggested that persons planning to attend as observers contact Joseph P. Goldberg, Executive Secretary, Labor Research Advisory Council on (Area Code 202) 961-2247.

Signed at Washington, D.C. this 31st day of October 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-26131 Filed 11-6-74;7:45 am]

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Occupational Safety and Health Administration

[V-74-55]

MADISON FOODS INC.

Application for Variance

Notice is hereby given that Madison Foods Inc., 1200 Industrial Parkway, Madison, Nebraska 68748 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.157(c)(2) concerning the size and placement of Fire Extinguishers for Class A hazards.

The address of the place of employment that will be affected by the application is as follows:

Madison Foods, Inc.
1200 Industrial Parkway
Madison, Nebraska 68748

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application the applicant contends that it is providing a place of employment as safe as that required by § 1910.157(c)(2) Fire Extinguishers Size and Placement for Class A Hazards which requires that minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L-I. Class A extinguishers shall be located so that the maximum travel distances shall not exceed 75 feet.

The applicant states that it is in the pork processing business and that there are very few combustibles and sources of ignition in their plant. This facility is a new building of fire resistive construction with many portions protected by an automatic sprinkler system.

The applicant contends that in the pork processing industry the work is performed in a continuously wet environment and has a multitude of hose outlets which are necessary to aid in maintaining cleanliness. It further alleges that if a fire would develop in most areas of the plant, that the best method of extinguishment would be the utilization of the existing hose systems for Class A fires. The areas that have no combustibles are the dress floor, de-hair floor, chill floor and very minimal combustibles on the cut floor. The applicant states that all of these areas have extensive water outlets which have attached hoses approximately 20 feet in length to provide the necessary fire protection.

The applicant further states that the plant house pressure is 90 p.s.i. The pump provides 750 gallons per minute with 150 gallons per minute at a hose station. In the event the pump malfunctions, two backup pumps are provided which will raise the pressure to 210 p.s.i. The stream of water throw from a hose is approximately 25 feet.

The applicant states that there are some electric motors with a maximum of 25 h.p. on the cut floor. The applicant asserts that the possibility of a fire in this area is not likely. If a fire should start in these motors the power would shut off and the fires would extinguish themselves. It also states that areas with combustibles such as the box room, office areas, kitchen, and cafeteria areas, and the shipping department, will be supplied with the required number of portable fire extinguishers. Fire extinguishers are also provided in the engine room maintenance shop, edible rendering, offal packs, and issue area.

The applicant contends that there is an excellent water system with 500,000 gallons of water in a reservoir being pumped by a pump with 1,000 gallons per minute capacity. The applicant contends that the hose system in lieu of fire extinguishers on the dress floor, de-hair floor, chill floor, freezer and loin cooler will provide a place of employment as safe as the requirements of the standard from which a variance is sought.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
911 Walnut Street
Room 3000
Kansas City, Missouri 64106

U.S. Department of Labor
Occupational Safety and Health Administration
City National Bank Building
Room 803
Omaha, Nebraska 68102

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than December 9, 1974. In addition employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than December 9, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

Signed at Washington, D.C., this 1st day of November, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26066 Filed 11-6-74;8:45 am]

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE, SUBCOMMITTEE ON LADDERS

Notice of Meeting

Notice is hereby given that the Subcommittee on Ladders of the Standards Advisory Committee on Agriculture, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Thursday, November 21, 1974, starting at 9 a.m. in Room 3428, Main Labor Building, Constitution Avenue and 14th Street, NW., Washington, D.C.

The agenda provides for the Subcommittee to discuss Draft II of a proposed standard for ladders with a view towards developing recommendations to be considered at a December meeting of the entire Standards Advisory Committee on Agriculture.

The meeting shall be open to the public. Written data, views, or arguments concerning the subjects under consideration may be filed with the Committee Management Officer before or at the Subcommittee meeting. Oral presentations will be allowed at the discretion of the Chairman. Persons desiring to make such a presentation should submit a request to be heard to the Committee Management Officer by November 18, 1974.

Communications to the Subcommittee should be addressed to:

Jeanne W Ferrone
Committee Management Office
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, NW.
Washington, D.C. 20210
202/961-2248

Signed at Washington, D.C. this 5th day of November 1974.

NOTE: It is recognized that this notice of meeting does not meet the 15-day requirement. It was necessary to schedule a meeting of this Subcommittee in order that they could prepare a document to be considered by the full Committee at their meeting on December 5 and 6, 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26227 Filed 11-6-74; 8:45 am]

Office of the Secretary

THE WILLIAMS MANUFACTURING CO.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of September 30, 1974, the U.S. Tariff Commission made a report of the results of its investigation (TEA-W-241) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance on behalf of the workers and former workers of The Williams Manufacturing Co., Portsmouth, Ohio, a wholly owned subsidiary of Escalade, Inc., New York, N.Y., at its plants in Portsmouth, Ohio, and Stanton, West Liberty, and Beattyville, Kentucky. In this report the Commission found that articles like or directly competitive with footwear for women, misses, and children produced by The Williams Manufacturing Co. at the above plants and at the company's Owingsville, Kentucky plant are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this the Director made a recommendation to me relating to the matter of certification (notice of delegation of authority and notice of investigation, 34 FR 18342; 37 FR 2472; 39 FR 36520, 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with women's and misses' footwear produced by The Williams Manufacturing Co. increased substantially. Williams also imports footwear to complement its lines of domestically produced shoes. In the face of increasing competition from foreign manufacturers the company increased its purchases of imported shoes while its domestic production of shoes declined. In the 1969–1973 period, imported footwear purchased by Williams for resale increased 186 percent. Williams sales of imported shoes as a percent of total Williams sales increased from 17 percent in 1969 to 40 percent in 1973.

As imports of competitive footwear continued to increase, in 1974 production at all Williams plants fell to such low levels that the plants could not operate efficiently. The company closed the Stanton manufacturing plant in June 1974 and the Owingsville stitching facility in July 1974. The deteriorating conditions caused by the concession generated imports resulted in a companywide production decline of 59 percent in the third quarter of 1974.

Reductions in employment levels directly related to import competition began in January 1974 and continue to date. After due consideration I make the following certification:

All hourly, piecework and salaried workers of The Williams Manufacturing Co., Portsmouth, Ohio, excepting those employed in the company's Import Division, who became or will become unemployed or underemployed after March 3, 1974; and

All hourly, piecework and salaried workers of The Williams Manufacturing Co., Beattyville plant (Lycoming Shoe Co.), Beattyville, Kentucky, who became or will become unemployed or underemployed after January 5, 1974; and

All hourly, piecework and salaried workers of The Williams Manufacturing Co., Stanton plant (Lycoming Shoe Co.), Stanton, Kentucky, who became or will become unemployed or underemployed after April 13, 1974; and

All hourly, piecework and salaried workers of The Williams Manufacturing Co. West Liberty plant (Lycoming Shoe Co.), West Liberty, Kentucky, who became or will become unemployed or underemployed after February 9, 1974; and

All hourly, piecework and salaried workers of The Williams Manufacutring Co., Owingsville plant (Lycoming Shoe Co.), Owingsville, Kentucky, who became or will become unemployed or underemployed after July 28, 1974 are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 1st day of November 1974.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.74-26120 Filed 11-6-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 625]

ASSIGNMENT OF HEARINGS

NOVEMBER 4, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after November 7, 1974.

MC 118959 Sub Nos. 108, 109, 110, 111, 112, & 113, Jerry Lipps, Inc., now assigned December 9, 1974, at Chicago, Ill., is postponed indefinitely.

MC 124692 Sub 130, Sammons Trucking, now assigned December 9, 1974, and MC 128473 Sub 5, and Sub 16, now assigned December 12, 1974, at Billings, Mont., will be held in Room 5000, U.S. Courthouse and Post Office, 3rd Avenue North and 26th Street.

MC 30844 Sub 505, Kroblin Refrigerated Xpress, Inc., now being assigned December 12, 1974 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC 48958 Sub 119, Illinois-California Express, Inc., now assigned December 19, 1974, at Chicago, Ill., is cancelled and the application is dismissed.

MC 52460 Sub 147, Ellex Transportation, Inc., now assigned November 13, 1974, at Atlanta, Ga., is postponed indefinitely.

MC 95876 Sub 151, Anderson Trucking Service, Inc., now being assigned December 9, 1974 (3 days), at Chicago, Ill., in a hearing room to be later designated.

MC 134958 Sub 6, Hams Express, Inc., now being assigned for continued hearing November 11, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139038, Leon R. Goldsmith, Dba Terminal Motor Express, now assigned December 9, 1974, at Los Angeles, Calif., is cancelled and the application dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26134 Filed 11-6-74;8:45 am]

ATLANTIC AND WESTERN RAILWAY, ET AL.

[Ex Parte No. 241, Rule 19; Sixteenth Rev. Exemption No. 12]

Car Service Exemption

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway, Reporting Marks: ATW.
Chicago & Illinois Midland Railway Company,[1] Reporting Marks: CIM.
Minneapolis, Northfield and Southern Railway, Reporting Marks: MNS.
Pickens Railroad Company, Reporting Marks: PICK.
Roscoe, Snyder and Pacific Railway Company, Reporting Marks: RSP.
Wellsville, Addison & Galeton Railroad Corporation, Reporting Marks: WAG.

Effective October 24, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., October 24, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26133 Filed 11-6-74;8:45 am]

[I.C.C. Order No. 135; Under Rev. S.O. No. 994]

CHESAPEAKE AND OHIO RAILWAY CO.

Dry-dock and Repairs to Steamer No. 10

In the opinion of R. D. Pfahler, Agent, The Chesapeake and Ohio Railway Company is unable to transport traffic over its car ferry between Port Huron, Michigan, and Sarnia, Ontario, Canada, because of

[1] Addition.

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required dry-dock and repairs to its Steamer No. 10 (Ten).

It is ordered, That:

(a) The Chesapeake and Ohio Railway Company being unable to transport traffic over its car ferry between Port Huron, Michigan, and Sarnia, Ontario, Canada, because of required dry-dock and repairs to its Steamer No. 10 (Ten), that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained. The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) Notification to shippers. Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 8 a.m., October 29, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., November 22, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 29, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26138 Filed 11-6-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 4, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 18, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2860 (Sub-No. E67), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from points in Connecticut, New York, N.Y., and points in New York within 50 miles thereof, that part of New Jersey that is both on and east of U.S. Highway 202 and north of Burlington and Mercer Counties, Boston, Mass., and points in Massachusetts within 25 miles thereof, and Providence and Westerly, R.I., to points in that part of Virginia east of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of (1) New York, N.Y., and (2) Lakewood, N.J.

No. MC 2860 (Sub-No. E68), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from points in Connecticut, Boston, Mass., and points in Massachusetts within 25 miles thereof, and Providence and Westerly, R.I., to points in that part of Virginia west of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of (1) New Brunswick, N.J., (2) Deepwater, N.J., and (3) any point both east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

No. MC 2860 (Sub-No. E69), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of New Jersey on and east of U.S. Highway 202, to points in that part of Virginia west of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of any point that is both east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

No. MC 2860 (Sub-No. E71), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except in bulk), from points in New Jersey, that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to Frackville, thence along Interstate Highway 81 to the Pennsylvania-New York State line, and that part of New York on and east of New York Highway 14, to points in North Carolina. The purpose of this filing is to eliminate the gateways of (1) Deepwater, N.J., and (2) Baltimore, Md.

No. MC 2860 (Sub-No. E72), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the facilities utilized by American Stores Packing Co., Division Acme Markets, Inc., at Lincoln, Nebr., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Camden (Camden County), N.J.

No. MC 2860 (Sub-No. E73), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fibrous glass products* and *materials, insulating board, asphalt and asbestos, asphalt and asbestos products and materials, plastic products and materials, and materials, supplies, and equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between points in Maine and that part of New Hampshire, both on and east of Interstate Highway 93 and on and south of U.S. Highway 202, on the one hand, and, on the other, points in Pennsylvania on and south of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 276 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 433, thence along U.S. Highway 433 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 219, thence along U.S. Highway 219 to Ridgeway, thence along Pennsylvania Highway 949 to Sigel, thence along Pennsylvania Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to Sandy Lake, thence along Pennsylvania Highway 358 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Winslow Township, N.J.

No. MC 2860 (Sub-No. E74), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities, live and dressed poultry, canned goods, preserved foods, forest products, seafood, and empty containers* (except commodities in bulk, and those injurious or contaminating to other lading), from points in Connecticut, Massachusetts, New Jersey, New York, Rhode Island, and that part of Pennsylvania on and north of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to Harrisburg, thence along U.S. Highway 322 to the Pennsylvania-Ohio State line, to Norfolk and Portsmouth, Va. The purpose of this filing is to eliminate the gateways of (1) Wilmington, Del., and (2) Salisbury, Md.

No. MC 2860 (Sub-No. E75), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural commodities, live and dressed poultry, canned goods, preserved foods, forest products, seafood, and empty containers* (except commodities in bulk and those injurious or contaminating to other lading), from points in New Jersey, Connecticut, Rhode Island, Massachusetts, that part of New Castle County, Del., north of the Chesapeake and Delaware Canal, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Pennsylvania Highway 10 to Reading, thence along Pennsylvania Highway 61 to Ashland, thence along Pennsylvania Highway 42 to Beech Glen, thence along U.S. Highway 220 to the New York-Pennsylvania State line, that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction U.S. Highway 15, thence along U.S. Highway 15 to Wayland, thence along New York Highway 63 to Dansville, thence along New York Highway 36 to Greigsville, thence along New York Highway 63 to Batavia, and thence along New York Highway 98 to Lake Ontario, to Richmond, Va. The purpose o fthis filing is to eliminate the gateways of (1) Chesapeake City, Md. (a point in Maryland east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal), and (2) Wilmington, Del.

No. MC 2860 (Sub-No. E76), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 58 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in New York on the one hand, and, on the other, points in Burlington, Cape May, and Mercer Counties, N.J., restricted against the transportation of traffic originating at, destined to, or received from or delivered to connecting carriers at Somerville, N.J., or points in Morris County, N.J. The purpose of this filing is to eliminate the gateway of Somerville, N.J.

No. MC 54847 (Sub-No. E1), filed June 3, 1974. Applicant: INTRA-COASTAL TRUCK LINE, INC., 1200 Peters Road, Harvey, Louisiana 70058. Applicant's representative: Daniel Lund, 806 First National Bank of Commerce Building, New Orleans, Louisiana 70112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing of pipe in connection with main pipe lines, (1) between points in Texas in and south of Newton, Jasper, Tyler, Polk, San Jacinto, Walker, Grimes, Brazos, Milam, Williamson, Travis, Blanco, Kendall, Kerr, Edwards, Sutton, Crockett, Crane, Ward, Winkler, Loving, Reeves, Culberson, Hudspeth, and El Paso, Counties, on the one hand, and, on the other, points in Mississippi; (2) between points in Texas, on the one hand, and, on the other, points in Mississippi in and south of Wayne, Jones, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson, Counties; (3) between points in Mississippi in and south of Lauderdale, Jasper, Jones, Lamar, Marion, Walthall, Pike, Amite, and Wilkinson Counties, on the one hand, and, on the other, points in Louisiana in and south of Vernon, Rapides, Avoyelles, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington Parishes (except Harvey, La., and points in Louisiana within 100 miles thereof); (4) between points in Mississippi, on the one hand, and, on the other, points in Louisiana in and south of Washington, Tangipahoa, St. Helena, East Feliciana, West Feliciana, Pointe Coupee, St. Landry, Evangeline, Allen, and Beauregard Parishes (except Harvey, La., and points in Louisiana within 100 miles thereof); (5) between points in Louisiana (except Harvey, La., and points in Louisiana within 100 miles thereof), on the one hand, and, on the other, points in Jackson, Harrison, and Hancock Counties, Miss.

(6) Between points in Alabama, on the one hand, and, on the other, points in Louisiana in and west of Claiborne, Brienville, Winn, and La Salle Parishes and north of Vernon, Rapides, and Avoyelles Parishes; (7) between points in Louisiana north of Vernon, Rapides, Avoyelles, and Pointe Coupee Parishes, on the one hand, and, on the other, points in Florida and those in Georgia in, south and east of Union, Lumpkin, Bartow, Fyoldfi Dawson, and Pickens, Counties; (8) between Lone Star, Tex., on the one hand, and, on the other, points in Alabama, Florida, and Georgia; (9) between points in Texas in, south and west of Harrison, Upshur, Wood, Rains, Hunt, Collin, Denton, and Montague Counties, on the one hand, and, on the other, points in Alabama and Georgia; and (10) between points in Texas, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways of Harvey, La., and points in Louisiana within 100 miles thereof in (1) through (5) above; and points in Louisiana in and south of Vernon, Rapides, Avoyelles, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Tangipahoa, and Washington Parishes in (6) through (10).

No. MC 59150 (Sub-No. E41), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plant site of the Celotex Corporation at Merrers, La., to points in West Virginia, Maryland, the District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine.

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The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 59150 (Sub-No. E43), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points in Florida, to points in West Virginia, Ohio, Maryland, District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 59150 (Sub-No. E44), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from points in that part of Florida in and east of Leon and Wakulla Counties to points in Illinois and Indiana. The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 59150 (Sub-No. E45), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plant site and storage facilities of Westvaco Corporation at North Charleston, S.C., to points in Maine, Ohio, Indiana, Wisconsin, Illinois, Minnesota, Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Colorado, and New Mexico. The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 78228 (Sub-No. E2), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, from Ashtabula, Cleveland, and Toledo, Ohio, to points in Bergen, Essex, Hunterdon, Mercer, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 78228 (Sub-No. E3), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys* and *Ores* from Philadelphia, Penn., to points in Ohio, to points in Connecticut, Delaware, Maryland (except points in Garrett, Allegany, Washington, and Frederick Counties), and New Jersey (Vancoram, Ohio*); and (3) *Metals, metal alloys, sand, ores*, and *limestone*, in dump vehicles, from points in Connecticut, Delaware, and New Jersey (except Mount Hope, N.J., and points in its commercial zone, and points in Gloucester and Cumberland Counties), to points in Ohio (Graham, W. Va., or Vancoram, Ohio*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 78228 (Sub-No. E4), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Metals, metal alloys, sand, ores, and limestone*, in dump vehicles, from points in Connecticut, Delaware, Massachusetts, New Hampshire, New Jersey (except Mount .Hope, N.J., and points in its commercial zone, and points in Gloucester and Cumberland Counties), New York, Pennsylvania (except points in Adams County and points in that part of Pennsylvania west of U.S. Highway 15), and Vermont, to Ashland, Ky. (Graham, W. Va., or Vancoram, Ohio*); (2) *Metals and scrap steel shapes*, in dump vehicles, between points in Ohio, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Braddock, Penn., East Liverpool, Ohio, or Niagara Falls, N.Y.*); and (3) *Metals and scrap steel shapes*, in dump vehicles, between points in that part of New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Niagara Falls N.Y., East Liverpool, Ohio, or Braddock, Penn.*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 78228 (Sub-No. E-5), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Metals and scrap steel shapes*, in dump vehicles, between points in that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Braddock, Pa., East Liverpool, Ohio, or Niagara Falls, N.Y.*); (2) *Metals and scrap steel shapes*, in dump vehicles, between points in that part of West Virginia on and north of U.S. Highway 50, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Braddock, Pa., East Liverpool, Ohio, or Niagara Falls, N.Y.*); and (3) *Metals and scrap steel shapes*, in dump vehicles, between Ashland, Ky., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Braddock, Pa., East Liverpool, Ohio, or Niagara Falls, N.Y.*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 78228 (Sub-No. E6), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro alloys, pig iron*, and *scrap metals*, in dump vehicles, (1) between points in Ohio, on the one hand, and, on the other, points in Vermont and New Hampshire; (2) between points in that part of Pennsylvania on and west of U.S. Highway 219, on the one hand, and, on the other, points in Vermont and New Hampshire; and (3) between points in that part of West Virginia on and north of U.S. Highway 50, on the one hand, and, on the other, points in Vermont and New Hampshire. The purpose of this filing is to eliminate the gateways of Braddock, Pa., or East Liverpool, Ohio.

No. MC 78228 (Sub-No. E7), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro alloys, pig iron, and scrap metals*, in dump vehicles; (1) between Ashland, Ky., on the one hand, and, on the other, points in Vermont and New Hampshire (Braddock, Pa., or Liverpool, Ohio)*; (2) between points in Ohio, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Niagara Falls, N.Y.)*; and (3) between points in that part of New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Niagara Falls, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 78228 (Sub-No. E8), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, pig iron*, and *scrap metals*, in dump vehicles, between Ashland, Ky., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, Vermont, and New Hampshire (Niagara Falls, N.Y.*); (2) *Ferro alloys, silicon metal*, and *manganese metal*, in dump vehicles, from points in that part of New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, to points in Illinois, Indiana, Iowa, Kentucky (except points in Marshall County), and Missouri (Graham, W. Va., Vancoram, Ohio, or Vanadis, Ohio*); and (3) *Ferro alloys, silicon metal*, and *manganese metal*, in dump vehicles, from points in that part of Pennsylvania west of U.S. Highway 219, to points in Illinois, Indiana, Iowa, Kentucky (except Marshall County), and Missouri (Graham, W. Va., Vancoram, Ohio, or Vanadis, Ohio*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 78228 (Sub-No. E9), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, silicon metal, and manganese metal*, in dump vehicles, fom points in that part of West Virginia on and north of U.S. Highway 50, to points in Illinois, Indiana, Iowa, and Missouri (Graham, W. Va., Vancoram, Ohio, or Vanadis, Ohio*); (2) *Pig iron*, in dump vehicles, from points in Ohio, to points in Connecticut, Maine, Massachusetts, Rhode Island, and Vermont (Buffalo, N.Y.*); and (3) *Pig iron*, in dump vehicles, from points in that part of New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, and Rhode Island; (2) from points in that part of West Virginia on and north of U.S. Highway 50, to points in Connecticut, Maine, Massachusetts, Michigan, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island; and (3) from Ashland, Ky., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 78228 (Sub-No. E10), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles, (1) from points in that part of Pennsylvania on and west of U.S. Highway 219, to points in Maine, New Hampshire, and Vermont; (2) from points in that part of West Virginia on and north of U.S. Highway 50, to points in Maine, New Hampshire, and Vermont; and (3) from Ashland, Ky., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont. The purpose of this filing is to eliminate the gateway of Buffalo, N.Y.

No. MC 78228 (Sub-No. E11), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron*, in dump vehicles; (1) from points in Ohio, to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), points in that part of New York east of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16A to the New York-Pennsylvania State line, and Rhode Island; (2) from points in that part of West Virginia on and north of U.S. Highway 50, to points in Connecticut, Maine, Massachusetts, Michigan, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island; and (3) from Ashland, Ky., to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey, (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa.

No. MC 78228 (Sub-No. E12), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Penn. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coke*, in dump vehicles, (1) from points in Ohio, to points in Connecticut, Maine, Maryland, Massachusetts, New Jersey (except points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), to points in that part of New York east of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, and points in Rhode Island; (2) from points in that part of West Virginia on and north of U.S. Highway 50, to points in Connecticut, Maine, Massachusetts, Michigan, New Jersey (except points in Cumberland, Salem, Golucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, and Rhode Island. The purpose of this filing is to eliminate the gateway of Pittsburgh, Penn.

No. MC 106401 (Sub-No. E23), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1) between Albany, Ga., and points in Georgia within 100 miles of Atlanta on, south, and east of a line from the Alabama-Georgia State line along Georgia Highway 5 to the junction of Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to the junction of Georgia Highway 16, thence along Georgia Highway 16 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of U.S. Highway 341, thence along U.S. Highway 341 to Knoxville, Ga.,

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on the one hand, and, on the other, points in West Virginia on and north of a line from the Ohio-West Virginia State line along U.S. Highway 35 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to Charleston, thence along U.S. Highway 119 to the junction of West Virginia Highway 4, thence along West Virginia Highway 4 to the Braxton County line, thence along the southern and eastern boundary of Braxton County to the Lewis County line, thence along the southern boundary of Lewis County to the Lewis-Upshur County line, thence along the southern boundary of Upshur County to the junction of unnumbered highway east of Czar, thence along unnumbered highway via Blue Rock and Adolph to the junction of U.S. Highway 219, thence along U.S. Highway 219 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the junction of the Randolph County line, thence along the southern boundary line of Randolph County to the Randolph-Pendleton County line, thence along the Pendleton County line to the junction of West Virginia Highway 28, thence along West Virginia Highway 28 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line and all points in Pennsylvania on and west of U.S. Highway 219; (2) between Chattanooga, Tenn., and points within 15 miles thereof, and points within 100 miles of Atlanta on and bounded by a line beginning at the Georgia-Tennessee State line along U.S. Highway 411 to Chatsworth.

Thence along U.S. Highway 76 to Ellijay, thence along Georgia Highway 52 to the junction of Georgia Highway 136, thence along Georgia Highway 136 to the junction of Georgia Highway 53, thence along Georgia Highway 53 to Gainesville, thence along Highway 60 to the junction of Georgia Highway 53, thence along Georgia Highway 53 to the junction of Georgia Highway 11, thence along Georgia Highway 11 to the junction of Interstate Highway 20, thence along Interstate Highway 20, thence along Interstate Highway 20 to the junction of a point 100 miles from Atlanta, thence along an imaginary line 100 miles from Atlanta via Warrenton, Warthen, Danville, Hayneville, and Five Points to Georgia Highway 128, thence along Georgia Highway 128 to the junction of U.S. Highway 341, thence along U.S. Highway 341 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the junction of Georgia Highway 16, thence along Georgia Highway 16 to the junction of Alternate U.S. Highway 27, thence along Alternate U.S. Highway 27 to the junction of Georgia Highway 5, thence along Georgia Highway 5 to the Alabama-Georgia State line, thence along the Alabama-Georgia State line to the Georgia-Tennessee State line, thence along the Georgia-Tennessee State line to the junction of U.S. Highway 411 the point of beginning, on the one hand, and, on the other, points in West Virginia on and north of a line from the Ohio-West Virginia State line along West Virginia Highway 62 to the junction of West Virginia Highway 87, thence along West Virginia Highway 87 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the junction of West Virginia Highway 5, thence along West Virginia Highway 5 to the junction of U.S. Highway 19, thence along U.S. Highway 19 to the Lewis County line.

Thence along the western and southern boundary of Lewis County to the Upshur County line, thence along the southern boundary of Upshur County to the junction of unnumbered highway east of Czar, thence along unnumbered highway via Blue Rock and Adolph to the junction of U.S. Highway 219 at Mill Creek, thence along U.S. Highway 219 to the junction of U.S. Highway 250, thence along U.S. Highway 250 to the Randolph County line, thence along the Randolph County line to the Pendleton County line, thence along the Pendleton County line to the junction of West Virginia Highway 28, thence along West Virginia Highway 28 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line and points in Pennsylvania on and west of U.S. Highway 219; (3) between points in Georgia within 100 miles of Atlanta which lie on, east, and north of a line from the Georgia-Tennessee State line along U.S. Highway 411 to Chatsworth, thence along U.S. Highway 76 to Ellijay, thence along Georgia Highway 52 to the junction of Georgia Highway 136, thence along Georgia Highway 136 to the junction of Georgia Highway 53, thence along Georgia Highway 53 to Gainesville, thence along Georgia Highway 60 to Braselton, thence along Georgia Highway 11 to the junction of Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, on the one hand, and, on the other, points in West Virginia on and north of a line from the Ohio-West Virginia State line along West Virginia Highway 62 to the junction of West Virginia Highway 87, thence along West Virginia Highway 87 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the junction of U.S. Highway 119, thence along U.S. Highway 119 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the West Virginia-Maryland State line and points in Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Belpre, Ohio.

No. MC 107403 (Sub-No. E571), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER October 17, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphate fertilizer solutions*, in Carolina, Utah, 1Wsconsin, and Wyom-Carolina, Utah, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge, La. The purpose of this correction is to reflect the correct territory descriptions.

No. MC 107403 (Sub-No. E645), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 26, 1974. Applicant: MATLACK, INC., 10 West Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plant site of Southern Cement Company, division of Martin-Marietta Corporation (Magnolia), Atlanta, Ga., to points in Louisiana and Mississippi, with no transportation for compensation on return, except as otherwise authorized. The purpose of this filing is to eliminate the gateway of the plant site of Universal-Atlas Cement Division, United States Steel Corporation, at Leeds (Jefferson County), Ala. The purpose of this correction is to reflect the correct E number previously published as E551.

No. MC 107478 (Sub-No. E1), (Correction), filed May 10, 1974, published in the FEDERAL REGISTER October 29, 1974. Applicant: OLD DOMINION FREIGHT LINE, P.O. Box Drawer 2006, High Point, N.C. 27261. Applicant's representative: John T. Coon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, beverage cases, wooden boxes, wooden crates, and wooden reels*, from points in North Carolina and South Carolina north and east of a line beginning from the North Carolina-Tennessee State line near Waterville, and extending along Interstate Highway 40 to Asheville, thence along U.S. Highway 74 to Rutherfordton, thence along U.S. Highway 221 to its junction with South Carolina Highway 11, thence along South Carolina Highway 11 to Gaffney, thence along South Carolina Highway 105 to its junction with South Carolina Highway 211, thence along South Carolina Highway 211 to Hickory Grove, thence along South Carolina Highway 97 to its junction with U.S. Highway 521, thence along U.S. Highway 521 to its junction with U.S. Highway 52, thence along U.S. Highway 52 to Charleston, in Florida, south and east of a line beginning from Clearwater, and extending along Florida Highway 60 to Tampa, thence Interstate Highway 75 to Ocala, thence along U.S. Highway 301 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of Charleston, S.C. The purpose of this correction is to reflect the correct commodities and destination territories.

No. MC 108449 (Sub-No. E5 and E6), filed May 14, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road, C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals but including naptha), as described in Appendix XIII

to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in Minnesota. The purpose of this filing is to eliminate the gateways of LaCrosse and Eau Claire, Wis., the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn., and the Williams Brothers Pipe Line Company Terminal located at or near Spencer or Spirit Lake, Iowa, to points in Iowa, Illinois, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

No. MC 108449 (Sub-No. E10 and E11), filed May 14, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petroleum chemicals but including naphtha), as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Chicago, Ill., to points in Iowa north of a line beginning at the Iowa-Wisconsin State line, and extending along U.S. Highway 52 to its junction with U.S. Highway 75, thence along U.S. Highway 75 to its junction with Iowa Highway 3, thence along Iowa Highway 3 to the Iowa-South Dakota State line. The purpose of this filing is to eliminate the gateways of LaCrosse, Wis., the site of the pipeline terminal of American Oil Company at or near Spring Valley, Minn., the Williams Brothers Pipe Line Company Terminal located at or near Spencer or Spirit Lake, Iowa.

No. MC 108449 (Sub-No. E13), filed May 14, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Lemont and Lockport, Ill., to points in Montana. The purpose of this filing is to eliminate the gateway of St. Paul, Minn., LaCrosse, Wis., and the terminal facilities of the Kaneb Pipe Line Company located at or near Aberdeen, S. Dak.

No. MC 108449 (Sub-No. E194), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Fargo and Grand Forks, N. Dak., to points in Illinois on and north of U.S. Highway 6. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 110420 (Sub-No. E125), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Conshohocken, Pa.; (1) to points in Wisconsin, Iowa, Nebraska, Minnesota, Missouri, Illinois, the Upper Peninsula of Michigan, Berrien County, Mich., and to Gary, Ind. (Chicago, Ill.)*; (2) to points in Arkansas, South Dakota, that part of Kentucky in and west of U.S. Highway 79, that part of Kentucky on and west of U.S. Highway 79 (Chicago, Ill.)*; and (3) to points in North Dakota (Clinton, Iowa, and Chicago, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E126), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisc. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles from Salem, Mass., (1) to points in Wisconsin, Iowa, Nebraska, Minnesota, Missouri, Illinois, the Upper Peninsula of Michigan, Berrien County, Mich., and that part of Indiana in and west of St. Joseph, Marshall, Fulton, Cass, Carroll, Clinton, Montgomery, Putnam, Owen, Greene, Martin, Dubois, and Spencer Counties (Chicago, Ill.)*; (2) points in Arkansas, South Dakota, that part of Kentucky in, west, and south of Crittenden, Caldwell, Christian, Todd, Logan, and Simpson Counties, and that part of Tennessee in and west of Stewart, Houston, Humphreys, Perry, and Wayne Counties (Chicago, Ill.)*; (3) points in North Dakota (Chicago, Ill., and Clinton, Iowa)*; (4) Tulsa, Okla.; and Irving, Tex. (Chicago, Ill. and Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E127), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Peabody, Mass., (1) to points in Wisconsin, Iowa, Nebraska, Minnesota, Missouri, Illinois, the Upper Peninsula of Michigan and Berrien County, Mich., and that part of Indiana in and west of St. Joseph, Marshall, Fulton, Cass, Carroll, Clinton, Montgomery, Putnam, Owen, Greene, Martin, Dubois, and Spencer Counties (Chicago, Ill.)*; (2) to points in Arkansas, South Dakota, that part of Tennessee in and west of Stewart, Houston, Humphreys, Perry, and Wayne Counties, and that part of Kentucky in, west, and south of Crittenden, Caldwell, Christian, Todd, Logan, and Simpson Counties (Chicago, Ill.)*; and (3) to points in North Dakota (Chicago, Ill., and Clinton, Iowa)*; and (4) to Tulsa, Okla., and Irving, Tex. (Chicago, Ill., and Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E128), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Waterloo, Iowa; (1) to points in New Jersey, Delaware, Maryland, the District of Columbia, and Westchester, Nassau, and New York Counties, N.Y. (Louisville, Ky.)*; (2) to points in that part of Kentucky on and east of U.S. Highway 231, and that part of Tennessee on and east of Interstate Highway 65 (Indianapolis, Ind.)*; (3) to points in Indiana (Chicago, Ill.)*; (4) to Portland, Maine, and points in Ohio (Cudahy, Wis.)*; and (5) to points in the Upper Peninsula of Michigan, North Dakota, and South Dakota (Red Wing, Minn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E129), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Cudahy, Wis., (1) to points in Tennessee (Louisville, Ky.)*; (2) to Irving, Tex. (Louisville, Ky.)*; (3) to points in Nebraska and Missouri (Chicago, Ill.)*; (4) to points in Arkansas, Kentucky, South Dakota, and Tennessee (Chicago, Ill.)*; (5) to Lititz, Pa., and Charlotte, N.C. (Chicago, Ill.)*; (6) to points in Nebraska, North Dakota, and South Dakota (Red Wing, Minn.)*; (7) to points in Arkansas, Kentucky, Tennessee, and that part of Missouri on and south of a line beginning at the Oklahoma-Missouri State line, thence along U.S. Highway 66 to Springfield, thence along U.S. Highway 60 to the Missouri-Kentucky State line (Indianapolis, Ind.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E130), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over

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irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chicago, Ill., (1) to points in Arkansas and Tennessee (Indianapolis, Ind.)*; (2) to points in North Dakota (Clinton, Iowa)*; (3) to Irving, Tex. (Louisville, Ky.)*; (4) to points in North Dakota and South Dakota (Red Wing, Minn.)*; (5) to points in Arkansas (St. Louis, Mo.)*; (6) to Portland, Maine (Cudahy, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E131), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Louisville, Ky., to points in Iowa, Michigan, Minnesota, Nebraska, South Dakota, that part of Arkansas in and west of Boone, Newton, Johnson, Logan, Yell, Montgomery, Pike, Hempstead, and Lafayette Counties, and that part of Missouri in, south, and east of Cape Girardeau, Bollinger, Wayne, and Butler Counties, and that part of Illinois on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateway of Indianapolis, Ind.

No. MC 110420 (Sub-No. E132), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Waterloo, Iowa, (1) to points in Ohio, Indiana, the Lower Peninsula of Michigan, that part of Illinois on and south of Interstate Highway 70 and on and east of Interstate Highway 57, and that part of Wisconsin on and east of Interstate Highway 90 and on and south of U.S. Highway 18 (Chicago, Ill.)*; (2) to points in Kentucky and Tennessee (Chicago, Ill.)*; (3) to Lititz, Pa., and Charlotte, N.C. (Chicago, Ill.)*; (4) to points in Indiana, Kentucky, the Lower Peninsula of Michigan, and Ohio (Chicago, Ill.)*; (5) to Portland, Maine (Chicago, Ill., and Cudahy, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 110525 (Sub-No. E963), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oil, chemicals, soap* and *soap products*, and *glycerin*, in bulk, in tank vehicles, from points in Connecticut to the District of Columbia and points in Delaware and Maryland. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Philadelphia and Lima, Penn.

No. MC 110525 (Sub No. E1102) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Georgia, on, north, and east of a line beginning at the North Carolina-Georgia State line, thence along Georgia Highway 11 to junction Georgia Highway 52, thence along Georgia Highway 52 to junction Georgia Highway 15–A, thence along Georgia Highway 15–A to junction U.S. Highway 78, thence along U.S. Highway 78 to the Georgia-South Carolina State line to points in that part of Tennessee on and west of U.S. Highway 27. The purpose of this filing is to eliminate the gateway of points in North Carolina. The purpose of this correction is to clarify the territorial description.

No. MC 110525 (Sub-No. E1107) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from the site of the Spencer Chemical Company plant, near Vicksburg, Miss., to points in that part of Tennessee on and east of a line beginning at the Georgia-Tennessee State line, thence along Tennessee Highway 60 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction U.S. Highway 11W, thence along U.S. Highway 11W to the Tennessee-Virginia State line, that part of Georgia on and east of Georgia Highway 11, and that part of Virginia on and west of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 220 to junction Virginia Highway 311, thence along Virginia Highway 311 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in North Carolina. The purpose of this correction is to correct a typographical error.

No. MC 110525 (Sub-No. E1110) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, (1) from Pulaski, Va., and points within 5 miles thereof to points in Erie and Niagara Counties, N.Y., and (2) from Front Royal, Va., and points within 5 miles thereof, to Johnstown and Josephtown, Pa., and points in Allegheny and Fayette Counties, Pa., and Erie and Niagara Counties, N.Y. The purpose of this filing is eliminate the gateway of Cumberland, Md. The purpose of this correction is to reflect the correct origin territories.

No. MC 110525 (Sub-No. E1220) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 15, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry portland cement, and dry motor cement*, in bulk, in tank vehicles, and in bags, from Fultonham, Ohio, (1) to points in Chautauqua County, N.Y. (Middlebranch, Ohio)*, and (2) to points in Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island (Nazareth, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct a typographical error.

No. MC 110525 (Sub-No. E1228) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 15, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent nitrating acid*, in bulk, in tank vehicles, from points in West Virginia to Gibbstown, N.J. The purpose of this filing is to eliminate the gateway of Falling Waters, W. Va. The purpose of this correction is to correct a typographical error.

No. MC 110525 (Sub-No. E1248) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 16, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric acid and liquid aluminum nitrate*, in bulk, in tank vehicles, from Brooklyn, Ohio, (1) to points in Georgia and that part of Tennessee on and east of U.S. Highway 27 (points in West Virginia)*, and (2) to points in that part of Tennessee on and west of U.S. Highway 27 (S. Charleston, W. Va.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the origin territories.

No. MC 110525 (Sub-No. E1136) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 1974. Applicant: CHEMICAL LEAMAN TANK

LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Copperhill, Tenn., to points in Indiana, Iowa, Kansas, Nebraska, that part of Illinois on and north of U.S. Highway 40, and that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 67 to Flat River, thence along Missouri Highway 8 to St. James, thence along Missouri Highway 68 to junction U.S. Highway 63, thence along U.S. Highway 63 to Vienna, thence along Missouri Highway 42 to Osage Beach, thence along U.S. Highway 54 to the Missouri-Kansas State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky. The purpose of this correction is to reflect the correct territorial routes.

No. MC 110525 (Sub-No. E1266) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 17, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fish oils, sea animal oils, and vegetable oils*, in bulk, in tank vehicles, from points in Bergen, Essex, Hudson, Middlesex, Monmouth, Morris, Passaic, Somerset, Sussex, Union, and Warren Counties, N.J., and that part of New York on and south of New York Highway 7 and on and east of U.S. Highway 11, to points in Kentucky, restricted to movements in mixed shipments with resins, the transportation of which was authorized before the date of issuance of Carrier's Certificate No. MC 110525 (Sub-No. 924, Paragraph 738). The purpose of this filing is to eliminate the gateway of Newark, N.J. The purpose of this correction is to correct a typographical error.

No. MC 110525 (Sub-No. E1270) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 17, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except liquid wax and commodities requiring attached heat equipment), in bulk, in tank vehicles, from the District of Columbia and points in Delaware and Maryland, to points in that part of New Jersey on and north of New Jersey Highway 70. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E1284) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in Alabama (except Anniston), to the District of Columbia. The purpose of this filing is to eliminate the gateway of S. Charleston, W. Va. The purpose of this correction is to clarify the exception.

No. MC 110525 (Sub-No. E1296) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 23, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Houston, Tex., Pittsburgh, Pa., and Syracuse, N.Y. The purpose of this correction is to clarify the route descriptions.

No. MC 110525 (Sub-No. E1309) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials), in bulk, in tank vehicles, from points in that part of Pennsylvania on and east of U.S. Highway 219, to points in Georgia. The purpose of this filing is to eliminate the gateway of Greensboro, N.C. The purpose of this correction is to clarify the route descriptions.

No. MC 110525 (Sub-No. E1311) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Massachusetts to points in Ohio. The purpose of this filing is to eliminate the gateways of Newark, N.J., and Johnstown, Pa. The purpose of this correction is to clarify the gateway.

No. MC 110525 (Sub-No. E1316) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 23, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles, from points in that part of Georgia on, west, and north of a line beginning at the Alabama-Georgia State line, thence along Interstate Highway 85 to junction Georgia Highway 16, thence along Georgia Highway 16 to Thomson, thence along U.S. Highway 278/78 to Augusta, to points in Florida. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Ga., or (2) Augusta, Ga., and points within 10 miles thereof. The purpose of this correction is to clarify the commodity descriptions and to correct a typographical error.

No. MC 110525 (Sub-No. E1324) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension-Addyston*, 63 M.C.C. 677, in bulk, in tank vehicles, from points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 221 to junction Florida Highway 361A, thence along Florida Highway 361A to the Gulf of Mexico, to points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 136 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction Indiana Highway 38, thence along Indiana Highway 38 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of South Charleston, W. Va. The purpose of this correction is to clarify the route descriptions.

No. MC 110525 (Sub-No. E1330) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except bituminous products and materials, hydrofluosilic acid, such naval stores as are chemicals, crude tall oil, sulphate, black liquor skimmings, and liquid alum), in bulk, in tank vehicles from points in that part of Georgia on east, and south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 411 to junction Georgia Highway 61, thence along Georgia Highway 61 to

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junction Georgia Highway 166, thence along Georgia Highway 166 to the Georgia-Alabama State line, to points in Arkansas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. The purpose of this correction is to correct a typographical error and to clarify the route descriptions.

No. MC 110525 (Sub-No. E1350) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of the Stauffer Chemical Company near Point Pleasant, Mason County, W. Va.; (1) to points in California, Arizona, Colorado, Idaho, Kansas, Montana, Nevada, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming (Addyston, Ohio) *; and (2) to points in Maine, New Hampshire, and Vermont (Syracuse, N.Y.) *. Restricted against the transportation of liquid hydrogen, liquid nitrogen, and liquid oxygen to points in Vermont (Syracuse, N.Y.). The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correctly set forth the restriction.

No. MC 110525 (Sub-No. E1351) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry coal tar chemicals*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in that part of New York on and north of a line beginning at the Vermont-New York State line, thence along U.S. Highway 20 to junction U.S. Alternate Highway 20, thence along U.S. Alternate Highway 20 to junction Interstate Highway 90, thence along Interstate Highway 90 to Silver Creek, restricted to the transportation of shipments originating at or destined to points in Canada. The purpose of this filing is to eliminate the gateways of Solvay, N.Y. The purpose of this correction is to correct the destination territories.

No. MC 112822 (Sub-No. E126), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, from the plant site of Chevron Chemical Company, at or near Sugar Creek, Mo., to points in Illinois, Indiana, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of American Cynamid Company, at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E127), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Houston, Tex. to points in Iowa, and points in that part of Nebraska on and east of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Tulsa, Okla.

No. MC 112822 (Sub-No. E134), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Urea, and ammonium nitrate*, when used as a fertilizer, in bulk and in bags, from Pryor and Tulsa, Okla., to points in Illinois, Kentucky, Minnesota, North Dakota, South Dakota, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Atlas, Mo.

No. MC 113119 (Sub-No. E1), filed June 4, 1974. Applicant: CONTRACT SERVICE, INC., P.O. Box 281, Trewigtown Road, Colmar, Penn. 18915. Applicant's representative: Maxwell A. Howell, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ceramic tile*, from Olean, N.Y., to Chicago, Ill., Detroit, Mich., Kansas City, Mo., and points in Florida. The purpose of this filing is to eliminate the gateway of Lansdale, Penn.

No. MC 114457 (Sub-No. E71), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at Mankato, Minn., to points in Kentucky, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E75), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at La Crosse, Wis., to points in Kentucky, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E76), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at La Crosse, Wis., to points in Kentucky, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E77), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in connection with the manufacture and distribution of metal containers (except commodities in bulk or those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at La Crosse, Wis., to points in Ohio, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Kankakee, Ill.

No. MC 114457 (Sub-No. E80), filed May 15, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Preserved meats and meat products* (except commodities in bulk), as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Mid-American Protein, Inc., near Sterling, Ill., to points in Montana, restricted to the transportation of traffic originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of Chanhassen, Minn.

No. MC 114457 (Sub-No. E115), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require special equipment), from the plantsite or warehouse facilities of Continental Can Company, Inc., at Danville, Ill., to points in Colorado, Louisiana, and Texas, restricted to the transportation of shipments originating at the plantsite or warehouse facilities of the above-named shipped at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E116), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meats and meat products*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, as are frozen foods, from the plantsite of Swift & Company at or near Grand Island, Nebr., to points in Ohio in and east of Ottawa, Sandusky, Seneca, Crawford, Marion, Delaware, Franklin, Pickaway, Hocking, Vinton, Jackson, and Lawrence Counties, restricted to the transportation of traffic originating at above-named origin point, and restricted against the transportation of commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Medelia, Minn.

No. MC 114457 (Sub-No. E118), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from the plant site or warehouse facilities of Continental Can Company, Inc., at Peoria, Ill., to: (1) points in Colorado, Louisiana, and Texas (St. Louis, Mo.); * and (2) points in West Virginia (Chicago, Ill.); * restricted in (1) and (2) above to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114457 (Sub-No. E119), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from the plant site or warehouse facilities of Continental Can Company, Inc., at Peoria, Ill., to: (1) points in Colorado, Louisiana, and Texas (St. Louis, Mo.); * and (2) points in West Virginia (Chicago, Ill.); * restricted in (1) and (2) above to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 114457 (Sub-No. E120), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends*, and *materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), when moving in mixed loads with metal containers, from the plant site or warehouse facilities of Continental Can Company, Inc., at Mankato, Minn., to points in Kentucky (except Louisville and points within the Cincinnati, Ohio, commercial zone, as defined by the Commission), restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria, or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E121), filed June 4, 1974. Applicant: DART TRANSIT

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COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meats and meat products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), as are frozen foods, from the plant site and storage facilities utilized by Wilson & Co., Inc., at or near Cherokee, Iowa, to points in Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, New Hampshire, Connecticut, Massachusetts, Rhode Island, Vermont, Maine, Michigan (except Van Buren, Cass, and Berrien Counties), that part of Indiana in and east of Lagrange, Noble, Whitley, Wabash, Miami, Howard, Tipton, Boone, Hendricks, Morgan, Owen, Greene, Knox, Gibson, and Posey Counties, and the District of Columbia, restricted to the transportation of shipments originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of Madelia, Minn.

No. MC 114457 (Sub-No. E123), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meats and meat products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 776, as are frozen foods, from the plant site of Swift & Company at Grand Island, Nebr., to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to the transportation of traffic originating at the above-named origin point, and restricted against the transportation of commodities in bulk, in tank vehicles. The purpose of this filing is to eliminate the gateway of Madelia, Minn.

No. MC 114457 (Sub-No. E124), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Frozen foods (except commodities in bulk), from Macon, Marshall, Carrollton, Moberly, and Milan, Mo., to points in that part of Wisconsin in and north of Polk, Barron, Sawyer, Ashland, and Iron Counties, and Gogebic, Ontonagon, Houghton, and Keweenaw Counties, Mich. The purpose of this filing is to eliminate the gateway of Madelia, Minn.

No. MC 114457 (Sub-No. E125), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such animal fats, animal oils, vegetable oils, and products and blends* of said commodities, in bulk, in tank vehicles, as are foodstuffs, from Bradley, Ill., to points in South Dakota (except Union County). The purpose of this filing is to eliminate the gateway of Watertown, Wis.

No. MC 114457 (Sub-No. E126), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meat and meat products* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank vehicles, as are frozen foods, from the plant site of Farmland Foods, Inc., near Garden City, Kans., to points in Connecticut, Delaware, the Lower Peninsula of Michigan, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, that part of Pennsylvania in, north, and east of Franklin, Huntingdon, Blair, Clearfield, Jefferson, Clarion, Butler, Lawrence, Mercer, Crawford, and Erie Counties, Lorain, Medina, Summit, Portage, Mahoning, Trumbull, Ashtabula, Lake, Geauga, and Cuyahoga Counties, Ohio, and the District of Columbia, restricted to the transportation of shipments originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of St. James, Minn.

No. MC 114552 (Sub-No. E7) (Correction), filed April 27, 1974, published in the FEDERAL REGISTER October 10, 1974. Applicant: SENN TRUCKING COMPANY, P.O. Drawer 220, Newberry, S.C. 29108. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), (5) between points in Delaware on the one hand, and, on the other, points in that portion of Kentucky on, south, and west of a line beginning at the Indiana-Kentucky State line and extending along U.S. Highway 231 to its intersection with U.S. Highway 68, thence along U.S. Highway 68 to its intersection with Kentucky Highway 90, thence along the Kentucky Highway 90 to its intersection with Kentucky Highway 92, thence along Kentucky Highway 92 to its intersection with Interstate Highway 75, and thence along Interstate Highway 75 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways: (a) points in Greenwood County, S.C. for (1) and (10) above; (b) points in Georgia for (2), (4), (7), (12), and (13) above; (c) points in Georgia and Tennessee for (5) and (11) above; and (d) described portions of North Carolina for (3), (6), (8), and (9) above. The purpose of this partial correction is to reflect the correct destination territories. The remainder of the letter-notice remains as previously published.

No. MC 115841 (Sub-No. E6), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen meats and cooked or cured meats*, in vehicles equipped with mechanical refrigeration (except in bulk or in tank vehicles); (1) from Brundidge, Ala., to points in Maine, New Hampshire, and Vermont (Nashville, Tenn.)*; and (2) from points in Alabama on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.), to points in Maine, New Hampshire, and Vermont (Birmingham, Ala., and Nashville, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 118831 (Sub-No. E24), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic resins*, in bulk, in tank or hopper-type vehicles, from points in Greenville County, S.C., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways of points in that part of Georgia which are within the commercial zone of Lanett, Ala., and points in North Carolina.

No. MC 118831 (Sub-No. E26), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Dimethyl terephthalate, molten, in bulk, from Gibbstown, New Jersey, to points in Arkansas. The purpose of this filing is to eliminate the gateways of the plant site of E. I. Dupont de Nemours & Company at Grainers, N.C., and points in Spartanburg County, S.C., and points in Robertson County, Tenn.

No. MC 118831 (Sub-No. E30), filed June 5, 1974. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: Richard E. Shaw (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry synthetic plastic granules or pellets*, in bulk, in tank or hopper-type vehicles, from points in Darlington County, S.C., to points in Alabama and Mississippi. The purpose of this filing is to eliminate the gateways of points in that part of Georgia which

are within the commercial zone of Lanett, Ala., and points in North Carolina.

No. MC 127840 (Sub-No. E25), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils*, and *edible blends and edible products of animal fats, animal oils, and vegetable oils, not including liquid chemicals*, in bulk, in tank vehicles, from points in Nebraska in and south of Dundy, Hitchcock, Redwillow, Furnas, Harlan, Kearney, Adams, Clay, Fillmore, Saline, Lancaster, and Cass Counties, to points in Indiana north and east of Benton, Tippecanoe, Montgomery, Hendricks, Morgan, Brown, Jackson, Scott, and Clark Counties, and to points in Kentucky in, north, and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E26), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils*, and *edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in that part of Colorado on and east and north of a line beginning at the Colorado-Wyoming State line, thence along U.S. Highway 87 to its junction with Colorado Highway 1, thence along Colorado Highway 1 to its junction with U.S. Highway 87 at or near Denver, thence along U.S. Highway 87 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line, to points in Michigan, Ohio, Pennsylvania, New York, and New Jersey. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E27), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils*, and *edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Cheyenne and Kiowa Counties, Colo., and those parts of Otero, Bent, and Prowers Counties, Colo., on and north of U.S. Highway 50, to points in Indiana in, north, and east of Warren, Fountain, Montgomery, Boone, Marion, Hancock, Rush, and Franklin Counties, and to points in Kentucky in, north, and east of Boone, Grant, Harrison, Bourbon, Clark, Estill, Jackson, Clay, Knox, and Bell Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 128741 (Sub-No. E208), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateway of points within 15 miles of Spearfish, S. Dak., and Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E209), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Household goods, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other points in Montana south of U.S. Highway 12, within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, Arnold, Nebr., and points within 40 miles thereof, and Spearfish, S. Dak., and points within 16 miles thereof.

No. MC 128741 (Sub-No. E210), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849 Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and Spearfish, S. Dak., and points within 16 miles thereof.

No. MC 128741 (Sub-No. E213), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Pittsburg, Kans., on the one hand, and, on the other, points in Montana south of U.S. Highway 12 within 150 miles of Spearfish, S. Dak. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof, Spearfish, S. Dak., and points within 16 miles thereof, and points in Greene County, Mo.

No. MC 128741 (Sub-No. E214), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri on and north of U.S. Highway 16, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 66 and on and west of a line from the Oklahoma-Texas State line along Interstate Highway 35 to the junction Interstate Highway 35–W, thence along Interstate Highway 35–W to the junction of U.S. Highway 70, thence along U.S. Highway 70 to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateways of points in Jasper County, Missouri, north of U.S. Highway 66 and points in Canadian County, Oklahoma.

No. MC 128741 (Sub-No. E215), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois on and north of a line from the Indiana-Illinois State line along Illinois Highway 15 to the junction of Illinois Highway 37, thence along Illinois Highway 37, thence along U.S. Highway 50 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Texas on and west of a line from the Oklahoma-Texas State line along Interstate Highway 35–E, thence along Interstate Highway 35–E to the junction of U.S. Highway 77, thence along U.S. Highway 77 to the junction of U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateways of points in Jasper County, Missouri, on and north of U.S. Highway 66 and points in Canadian County, Oklahoma.

No. MC 128741 (Sub-No. E216), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box

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81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Angola, Ind., on the one hand, and, on the other, Salisbury, Md. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E217), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas on and west of U.S. Highway 83, on the one hand, and, on the other, points in Kentucky on and west of a line from the Indiana-Kentucky State line along U.S. Highway 231 to the junction of U.S. Highway 31–E, thence along U.S. Highway 31–E to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateways of points in Greene County, Mo., and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E218), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in Kansas on, west, and south of a line from the Nebraska-Kansas State line along U.S. Highway 77 to the junction of Kansas Highway 177, thence along Kansas Highway 177 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the junction of U.S. Highway 75, thence along U.S. Highway 75 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateways of points in Burton, Dade, Cedar, and Greene Counties, Mo., and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E219), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Lansing, Iowa, on the one hand, and, on the other, points in New Mexico on and south of U.S. Highway 60. The purpose of this filing is to eliminate the gateways of points in Greene County, Mo., and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E220), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Lansing, Iowa, on the one hand, and, on the other Pittsburg, Kans. The purpose of this filing is to eliminate the gateway of points in Greene County, Mo.

No. MC 128741 (Sub-No. E221), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Chadron, Nebr., on the one hand, and, on the other, points in Oklahoma on and east of a line from the Kansas-Oklahoma State line along U.S. Highway 75 to the junction of the Indian Nation Turnpike, thence along the Indian Nation Turnpike to the junction of U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of points in Jasper County, Mo., on and north of U.S. Highway 66.

No. MC 128741 (Sub-No. E222), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commisison, between points in Illinois on and north of U.S. Highway 50, on the one hand, and, on the other, points in Tennessee on and east of a line from the Kentucky-Tennessee State line along U.S. Highway Alternate 41 to the junction of U.S. Highway 64, thence along U.S. Highway 64 to the junction of Interstate Highway 24, thence along Interstate Highway 13 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E223), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commision, between points in Michigan on and west of U.S. Highway 45, on the one hand, and, on the other, points in Oklahoma on and east of a line from the Kansas-Oklahoma State line along U.S. Highway 283 to the junction of Oklahoma Highway 15, thence along Oklahoma Highway 15 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Greene County, Mo.

No. MC 128741 (Sub-No. E224), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 S. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in North Carolina (except points in Hertford, Bertie, Martin, Beaufort, Hyde, Dare, Tyrrell, Washington, Chowan, Gates, Perquimans, Pasquotank, Camden, and Currituck Counties), on the one hand, and, on the other, points in Michigan on, east, and south of a line from the Ohio-Michigan State line along U.S. Highway 127 to intersection with U.S. Highway 27, thence along U.S. Highway 27 to the intersection with Michigan Highway 20, thence along Michigan Highway 20 to the intersection with U.S. Highway 10, thence along U.S. Highway 10 to the intersection with Michigan Highway 25, thence along Michigan Highway 25 to intersection with Michigan Highway 142, thence along Michigan Highway 142 to the intersection with U.S. Highway 25 at Harbor Beach, thence south along U.S. Highway 25 to its point of crossing the Rock Falls River, thence along the Rock Falls River to Lake Huron. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

Irregular-Route Motor Common Carriers of Property; Elimination of Gateway Applications

November 4, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before December 9, 1974. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 2452 (Sub-No. 14G), filed June 3, 1974. Applicant: HAJEK TRUCKING COMPANY, INC., 7635 W. Lawndale Avenue, Summit, Ill. 60501. Applicant's Representative: Eugene L. Conn, One North La Salle Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, Class A and B explosives, liquid commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment) (1) between points in Cook County, Ill., including the Chicago, Ill., Commercial Zone as defined by the Commission in IMCC 673, on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Paducah, Ky., and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate the gateways of Cook County, Ill., and San Pierre, Ind.; (2) between Cincinnati, Ohio, Dayton, Ohio, points in that part of Ohio on and bounded by a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 36 to Piqua, Ohio, and thence south along U.S. Highway 25 to the Ohio-Kentucky State line, on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville, and Paducah, Ky., Grand Rapids, Kalamazoo, St. Joseph, Shoreham, Three Rivers, Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate the gateways of Cook County, Ill., and San Pierre, Ind.; (3) between Grand Rapids, Kalamazoo, St. Joseph, Shoreham, and Three Rivers, Mich., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville and Paducah, Ky., and points in Illinois. The purpose of this filing is to eliminate the gateways of Cook County, Ill., and San Pierre, Ind.

(4) Between Louisville, Ky., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Paduach, Ky., and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate the gateways of Cook County, Ill., and San Pierre, Ind.; (5) between the plant site of the Bethlehem Steel Corporation in Burns Harbor, Porter County, Ind., on the one hand, and, on the other, Burlington and Davenport, Iowa, St. Louis, Mo., Louisville and Paducah, Ky., Piqua and Cincinnati, Dayton, Ohio, and points in Ohio located on and south of U.S. Highway 36 from the Indiana-Ohio State line to Piqua, and on and west of U.S. Highway 25 from Piqua to Cincinnati, Grand Rapids, Kalamazoo, St. Joseph, Shoreham, Three Rivers, Mich., and Holland, Grand Rapids, and Lansing, Mich., and points in Michigan located on and south of Michigan Highway 21 from Holland to Grand Rapids, on and south of U.S. Highway 16 from Grand Rapids to Lansing, and on and west of U.S. Highway 27 from Lansing to the Michigan-Indiana State line, and points in Illinois. The purpose of this filing is to eliminate the gateways of Jasper County, Ind. (reference point: Remington, Ind.) and Fulton County, Ind. (reference point: Rochester, Ind.).

No. MC 13087 (Sub-No. 38G), filed June 3, 1974. Applicant: STOCKBERGER TRANSFER & STORAGE, INC., 524 Second Street SW., Mason City, Iowa 50401. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Brown, Columbia, Dodge, Fond du Lac, Green Lake, Milwaukee, Oconto, Outagamie, Sauk, and Waukesha Counties, Wis., to Minneapolis and Owattona, Minn., and Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of Mason City, Iowa.

No. MC 19157 (Sub-No. 18G), filed June 4, 1974. Applicant: McCORMACK'S HIGHWAY TRANSPORTATION, INC., R. D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical equipment and parts*, between points in Maine, New Hampshire, Rhode Island, Delaware, North Carolina, South Carolina, Kentucky, Tennessee, Georgia, Alabama, Florida, Louisiana, West Virginia, Mississippi, Michigan, and Wisconsin, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Schenectady, N.Y. (2) *Radioactive material*, new and spent, *radioactive source, special nuclear, and by-product materials, radioactive material shipping containers, nuclear reactor component parts, and equipment* used in the operation and maintenance of nuclear reactors (except commodities which by reason of size or weight require the use of special equipment), (a) between points in New York, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia; (b) between points in Pennsylvania, Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, and New Jersey, on the one hand, and, on the other, points in Delaware, Maryland, Washington, D.C., West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Wisconsin, and Michigan; (c) between points in Pennsylvania, Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, and Vermont; and (d) between Wisconsin, Illinois, Michigan, Indiana, Ohio, Kentucky, on the one hand, and, on the other, points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateways at points in Niskayuna, Milton, Cattaraugus Counties, N.Y., and points in New York, N.Y.

No. MC 76262 (Sub-No. 2G), filed June 4, 1974. Applicant: WEIR-COVE MOVING AND STORAGE COMPANY, a Corporation, 4224 Freedom Way, Weirton, W. Va. 26062. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Applicant seeks authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tin plate and iron and steel products*, between points in West Virginia, Ohio, Pennsylvania, those in Maryland north of U.S. Highway 40, those in Michigan south of Michigan Highway 55 and those in New York north of a line beginning at Millerton, N.Y., and extending along U.S. Highway 44

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at Kerhonkson, N.Y., thence along U.S. Highway 209 to Wurtsboro, N.Y., thence along New York Highway 17B to Monticello, N.Y., and thence along New York Highway 17B to the New York-Pennsylvania State line including Narrowsburg, N.Y., and points on the indicated portions of the highways specified, on the one hand, and, on the other, points in that part of Pennsylvania on and south of U.S. Highway 422 between the Pennsylvania-Ohio State line and Indiana, Pa., on and west of U.S. Highway 119 between Indiana, Pa., and the Pennsylvania-West Virginia State line, those in that part of West Virginia on and west of U.S. Highway 19 between the West Virginia-Pennsylvania State line and Clarksburg, W. Va., and on and north of U.S. Highway 50 between Clarksburg and Parkersburg, W. Va., and those in that part of Ohio on and east of a line beginning at Marietta, Ohio, and extending along U.S. Highway 21 to Massilon, Ohio, thence along U.S. Highway 30 to Canton, Ohio, and thence along U.S. Highway 62 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway at Weirton, W. Va.

No. MC 102817 (Sub-No. 20G), filed June 3, 1974. Applicant: PERKINS FURNITURE TRANSPORT, INC., P.O. Box 24335, 5034 Lafayette Road, Indianapolis, Ind. 46254. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *New furniture*, crated or uncrated, *and store and office fixtures*, crated, from points in Illinois, to points in Arkansas, Michigan, Ohio, Kentucky, Tennessee, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateways at Evansville, Ind., Delphi, Ind., and Batesville, Tell City or Delphi, Ind.

(1) (b) *Store and office fixtures*, uncrated, from points in Illinois to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Indianapolis, Ind.

(2) *New furniture*, uncrated, *and new furniture* in containers when shipped with uncrated furniture, from points in De Kalb, Lagrange, and Steuben Counties, Ind., to points in Allegheny, Cattaragus, Chautauqua, Erie, Genessee, Niagara, Orleans, and Wyoming Counties, N.Y. The purpose of this filing is to eliminate the gateway at Warsaw, Ind.

(3) *New furniture*, uncrated, or uncrated, *and store and office furniture*, crated, from points in Kentucky to points in Illinois, Missouri, Michigan, Ohio, Pennsylvania, West Virginia, Delaware, Maryland, Massachusetts, New Jersey, New York, Connecticut, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Batesville, Tell City, Delphi, Peru, Huntingburg, Jasper, Richmond, Evansville, and Warsaw, Ind.

(4) *New furniture* crated or uncrated, and *store and office fixtures*, crated, from points in Michigan, to points in Illinois, Ohio, New York, Pennsylvania, and West Virginia. The purpose of this filing is to eliminate the gateways at Batesville, Delphi, Peru, Richmond, and Warsaw, Ind.

(5) *New furniture*, from points in Mississippi, to points in Illinois, Missouri, and the District of Columbia. The purpose of this filing is to eliminate the gateways at points in Indiana.

(6) *New furniture*, crated or uncrated, *and store and office fixtures*, crated, from points in Missouri, to points in Wisconsin, Illinois, Michigan, Kentucky, Tennessee, West Virginia, Georgia, and Florida. The purpose of this filing is to eliminate the gateways at Munster, Evansville, Tell City, Delphi, Batesville, and Jasper, Ind.

(7) *New furniture*, crated or uncrated, *and store and office fixtures*, crated, from points in Ohio and Pennsylvania, to points in Kentucky, Tennessee, Michigan, Georgia, and Florida. The purpose of this filing is to eliminate the gateways at Delphi, Batesville, Tell City, and Richmond, Ind.

(8) *New furniture*, crated or uncrated, *and store and office fixtures*, crated, from points in Tennessee, to points in Ohio, Illinois, Missouri, and Kansas. The purpose of this filing is to eliminate the filing at Batesville, Tell City, Delphi, Huntingburg, Evansville, and Jasper, Ind.

No. MC 107515 (Sub-No. 919G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30050. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, as described in the Appendix to the Report in *Modification of Permits-Packing House Products*, 48 M.C.C. 628, from points in Louisiana, Mississippi, Alabama, Florida, North Carolina, South Carolina, Tennessee (except Nashville and McMinnville), Atlanta, Albany, Macon, Columbus, Griffin, and Montezuma, Ga., and points in their Commercial Zones, and points within 10 miles of Atlanta, Ga., to points in Michigan, Indiana, Illinois, Wisconsin, Iowa, Minnesota, Missouri, and Kentucky. The purpose of this filing is to eliminate the gateways at Doraville, Ga., Madison, Tenn. (Nashville), and Bristol, Tenn.

No. MC 111729 (Sub-No. 447G), filed June 4, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising literature* moving therewith (excluding motion picture film used primarily for commercial theatre and television exhibition), between Pittsburgh, Pa., and Buffalo, N.Y. The purpose of this filing is to eliminate the gateway at Cleveland, Ohio.

No. MC 112713 (Sub-No. 157G), filed June 3, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: David B. Scheider (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses*, as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, *and empty containers* used in transporting the above specified commodities, between points in Iowa, on the one hand, and, on the other, Goodland, Kans. The purpose of this filing is to eliminate the gateway at Arkansas City, Kans.

No. MC 128741 (Sub-No. 6G) filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES INC., 2540 North 27th St., Lincoln, Nebr. 68501. Applicants' representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Bexar County, Tex., on the one hand, and, on the other, points in South Dakota, Iowa, and Minnesota. The purpose of this filing is to eliminate the gateways at Canadian County, Okla., points in Barton, Dade, Cedar, and Greene Counties, Mo., and those in that part of Jasper County, Mo., on and north of U.S. Highway 66, and Arnold, Nebr.; (2) between points in Texas, on the one hand, and, on the other, points in Colorado. The purpose of this filing is to eliminate the gateways at North Platte, Nebr., Barton, Dade, Cedar, and Greene Counties, Mo., and Canadian County, Okla.; (3) between points in Colorado, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways at Arnold, Nebr., and points in Indiana south of U.S. Highway 40, including Indianapolis, Ind.; (4) between points in Nebraska, on the one hand, and, on the other, points in Texas, Oklahoma, Kansas, Tennessee, Colorado, and South Dakota. The purpose of this filing is to eliminate the gateways at North Platte, Nebr., Ansley, Nebr., Evansville, Ind., Joplin, Mo., and Canadian County, Okla.; (5) between points in Texas, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways at Canadian County, Okla., Greene County, Mo., and points in Indiana south of U.S. Highway 40.

No. MC 138960 (Sub-No. 1G), filed June 4, 1974. Applicant: KOBROS TRANSPORTATION SYSTEM, INC., 813 Phillipi Road, Columbus, Ohio 43228. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale food business houses and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, when moving from, to, or between wholesale food business house outlets or other facilities of such establishments, (1) between points in Ohio, on the one hand, and, on the other, Chicago, Ill., and points in Alabama, Arkansas, Kentucky, Georgia, Louisiana, Mississippi, and Tennessee, and (2) between points in the lower peninsula of Michigan, on the one hand, and, on the other, Chicago, Ill., and points in Alabama, Arkansas, Kentucky, Georgia, Louisiana, Mississippi, Tennessee, and Ohio. The purpose of this filing is to eliminate the gateways at Dale and Evansville, Ind.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26132 Filed 11-6-74;8:45 am]

[Ex. No. 4 to Rev. S.O. No. 1193]

MAINE CENTRAL RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Service Order

OCTOBER 29, 1974.

Pursuant to the authority vested in me by section (a), paragraph (7) of Revised Service, Order No. 1193, the Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees, is hereby authorized to accept from shipper at Carthage, New York, for transport to destination, MEC 10329, routed PC, regardless of the provisions of Revised Service Order No. 1193.

Effective: October 28, 1974.

Expires: October 30, 1974.

Issued at Washington, D.C., October 29, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-26137 Filed 11-6-74;8:45 am]

[Notice No. 183]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 7, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 27, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75370. By order of September 10, 1974, the Motor Carrier Board approved the transfer to Western Travel Merchants, a corporation, doing business as Western Travel Merchants (Montana Division: Best West Tours), Cody, Wyo., of the licenses in Nos. MC 12828 and MC 12828 (Sub-No. 2), issued September 20, 1974, to Henry H. R. Coe, Jr., and Martha S. Coe, doing business as Best West Tours, Cody, Wyo., authorizing operations as a broker in connection with the transportation of passengers and their baggage (1) in charter operations, beginning and ending at Billings, Mont., Denver, Colo., and points in Wyoming, and extending to points in Alaska, and beginning and ending at points in Wyoming, Billings, Mont., and Denver, Colo., and extending to points in the United States, excluding Alaska and Hawaii, and (2) between points in Montana and Wyoming. Robert D. Olson, P.O. Box 871, Cody, Wyo., 82414, attorney for applicants.

No. MC-FC-75435. By order entered 10-23-74, the Motor Carrier Board approved the transfer to Kay's Trucking, Inc., Hartford, Conn., of the operating rights set forth in Certificate No. MC 53225, issued July 19, 1955, to Central Storage Warehouse, Inc., Springfield, Mass., authorizing the transportation of household goods as defined by the Commission, between Springfield, Mass., and points in Massachusetts within 25 miles of Springfield, on the one hand, and, on the other, points in New Hampshire, Vermont, Rhode Island, Connecticut, and New York. Joseph W. Ress, 410 Asylum St., Hartford, Conn. 06103, attorney for applicants.

No. MC-FC-75441. By order entered 10-24-74, the Motor Carrier Board approved the transfer to Charles R. Kelley, doing business as Highline Transfer, 2616 West 18th, North Platte, Nebr. 69101, of the operating rights set forth in Certificate No. MC 120162 (Sub-No. 1), issued March 6, 1974, to Ivan Lindekugel, doing business as Highline Transfer, 805 Philip St., North Platte, Nebr. 69101, authorizing the transportation of general commodities, with the usual exceptions over specified routes, between North Platte, Nebr., and Grant, Nebr., serving intermediate points, and certain specified offroute points.

No. MC-FC-75449. By order of October 24, 1974, the Motor Carrier Board approved the transfer to Able Transport, Inc., Phoenix, Ariz., of a portion of Certificate of Registration No. MC 96882 (Sub-No. 1), issued March 8, 1974, to Muldner Livestock Transportation, Inc., Glendale, Ariz., evidencing a right to engage in transportation, in interstate commerce, as described in certificate No. 4086 issued November 8, 1973, by the Arizona Corporation Commission. Phil B. Hammond, 111 W. Monroe St., Phoenix, Ariz. 85003, attorney for applicants.

No. MC-FC-75451. By order entered 10-24-74, the Motor Carrier Board approved the transfer to Mission Steel Carriers, Inc., San Antonio, Tex., of Certificate of Registration No. MC 121633 (Sub-No. 1), issued July 30, 1973, to Mission Petroleum Carriers, Inc., San Antonio, Tex., evidencing a right to engage in transportation, in interstate or foreign commerce, of various specified commodities, between points in Texas. Morgan Nesbitt, Suite 233-E., Mockingbird Towers, Dallas, Tex. 75247.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26136 Filed 11-6-74;8:45 am]

[Notice No. 184]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 7, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75432. By application filed October 29, 1974, WM. G. CUMMINGS, INC., P.O. Box 1150, Orofino, ID 83544, seeks authority to temporarily lease the operating rights of DOUGLAS N. MILLER, doing business as WESTERN TRANSPORT, Route 2, Grant Creek Rd., Missoula, MT 59801, under section 210a(b). The transfer to WM. G. CUMMINGS, INC., of the operating rights of DOUGLAS N. MILLER, doing business as WESTERN TRANSPORT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26135 Filed 11-6-74;8:45 am]

[Notice No. 88]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 1, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure reasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 263 (Sub-No. 217), filed October 15, 1974. Applicant: GARRETT FREIGHTLINES, INC., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and storage facilities of C.U.I. International, located at or near Boise, Idaho, as an off-route point in connection with applicant's regular route operations as authorized in MC-263 and subs thereunder.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boise, Idaho.

No. MC 1824 (Sub-No. 70), filed September 30, 1974. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, Md. 21655. Applicant's representative: Frank V. Klein (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), serving the plantsite and warehouse facilities of Moore Business Forms, Inc. at Johnstown, Pa. as an off-route point in connection with applicant's regular route between Baltimore, Md. and Pittsburgh, Pa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 4405 (Sub-No. 517), filed October 15, 1974. Applicant: DEALERS TRANSIT, INC., 2200 E. 170th Street, P.O. Box 361, Lansing, Ill. 60438. Applicant's representative: Robert E. Joyner, 2008 Clark Tower. 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal products* and *pallets*, from Jonesburg, Mo., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the above named origin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests that it be held on consolidated record with similar applications filed by Parkhill Truck Co. and Wales Transportation, Inc., at St. Louis, Mo.

No. MC 11207 (Sub-No. 353), filed October 15, 1974. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, Ala. 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Bldg., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the facilities of Gilman Paper Company, located at St. Marys, Ga., to point in Alabama (except Birmingham, Ala. and points within 65 miles of Birmingham and Montgomery, Ala.), Arkansas, Louisiana, Mississippi, Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Atlanta, Ga. or Jacksonville, Fla.

No. MC 11220 (Sub-No. 140), filed October 10, 1974. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, Tenn. 38101. Applicant's representative: James J. Emigh, P.O. Box 59, Memphis, Tenn. 38101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Federal-Mogul Corporation at or near Jacksonville, Ala., as an off-route point in connection with carrier's authorized regular route operations between Selmer, Tenn. and Birmingham, Ala., and between Decatur, Ala. and Atlanta, Ga.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich. or Washington, D.C.

No. MC 17778 (Sub-No. 38), filed October 9, 1974. Applicant: YALE TRANSPORT CORP., 215 County Avenue, Secaucus, N.J. 07094. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except used household goods, classes A and B explosives, commodities requiring dump truck service and commodities in bulk), serving the site of the facilities of Health-Tex Inc., located at Cumberland, R.I., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Providence, R.I.

No. MC 22229 (Sub-No. 93), filed October 10, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave. SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers* made of sheet steel or plastic, and *ammunition boxes* made of sheet steel or plastic, from Homerville, Ga., to points in Tennessee, Kentucky, Missouri, Illinois, Indiana, Wisconsin, Ohio and Michigan.

NOTE.—Applicant states that he intends to tack the above requested authority with the operations authorized in MC-F-11674 at Cleveland, Ohio in order to provide a through service to specified areas in New York and Pennsylvania. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or Jacksonville, Fla.

No. MC 23441 (Sub-No. 15), filed October 9, 1974. Applicant: LAY TRUCKING COMPANY, INC., 1312 Lake Street LaPorte, Ind. 46350. Applicant's representative: Donald W. Smith, Suite 2465—One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery, implements and parts*, (except hand and those which because of size or weight require the use of special equipment), from the plantsite of Allis Chalmers Corporation at LaPorte, Ind., to points in Alabama, Colorado, Delaware, Florida, Louisiana, Maine, Maryland, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, Vermont, Virginia and West Virginia; and (2) *equipment, materials and supplies* used in the manufacture and distribution of the above named commodities (except in bulk), from points in Illinois, Michigan, Missouri, Iowa, Ohio and Wisconsin, to the plantsite of Allis Chalmers Corporation at LaPorte, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

No. MC 25798 (Sub-No. 266) filed October 8, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery goods*, from Livonia, Mich., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, New Mexico, Oklahoma and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Detroit, Mich.

No. MC 27719 (Sub-No. 6) filed September 20, 1974. Applicant: HAYES TRUCK LINE, INC., 1701 Bay Street, Tacoma, Wash. 98401. Applicant's representative: Jack R. Davis, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, between the plantsite of United States Gypsum Company at or near Tacoma, Wash., on the one hand, and, on the other, points in Washington, points in Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Pondera, Powell, Ravalli, Sanders, Silver Bow, Teton, and Toole Counties, Mont., and Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon, and Elmore Counties, Idaho.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 29886 (Sub-No. 317), filed October 7, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, from the facilities of H. B. Reed & Co., Inc. at Kearny, N.J., to points in Maine, New Hampshire, Vermont, Connecticut, Massachusetts, Rhode Island and New York.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 29910 (Sub-No. 151), filed October 3, 1974. Applicant: ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901. Applicant's representative: Thomas Harper, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, livestock, grain, petroleum products in bulk, household goods as defined by the Commission, and commodities requiring special equipment), serving the plant and warehouse sites of Western Electric Company at or near the junction of Maple Street and New York Highway 422 in Elma Township (Erie County), N.Y., as an off-route point in connection with applicant's authorized regular route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y. or Washington, D.C.

No. MC 30605 (Sub-No. 156), filed October 10, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Corporation, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the construction site and plant of The Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Mary's, (Pottawatomie County), Kans., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Kansas City, Mo. or Wichita, Kans.

No. MC 30887 (Sub-No. 211), filed October 7, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste oil*, in bulk, in tank vehicles, from Marcus Hook, Pa., to Baltimore, Md.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 35358 (Sub-No. 36), filed October 7, 1974. Applicant: BERGER TRANSFER & STORAGE, INC., 327 Macalaster Drive NE., Minneapolis, Minn. 55421. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture fixtures and furnishings*, from Burlington, Iowa, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 47898 (Sub-No. 6), filed October 7, 1974. Applicant: WISCONSIN-PACIFIC EXPRESS, INC., 4902 South 13th Street, Sheboygan, Wis. 53081. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cheese*, from Pine Island, Minn., to points in Wisconsin; and (2) *such commodities* as are used by cheese producers in the conduct of their business when destined to and for use by cheese producers, from points in Wisconsin, to Pine Island, Minn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 50307 (Sub-No. 73), filed September 19, 1974. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N.Y. 10001. Applicant's representative: Herbert Burstein, One World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between points in the New York, N.Y. Commercial Zone, on the one hand, and, on the other, Oneonta, Hudson Falls, Little Falls, St. Johnsville, Amsterdam, Cobleskill, Glens Falls, Frankfurt, Johnstown, Herkimer, Hoosick Falls, Salem, Fort Edward, Utica, Cooperstown, Rome, Ballaston Spa, Whitehall, Mechanicsville, Richfield Springs, Oswego, Granville, Greenwich, Syracuse, and Watertown, N.Y.; points in Schenectady, Franklin, and Rensselaer Counties, N.Y.; Pittsfield, Mass.; and points in Addison, Caledonia, Chittendon, Franklin, Lamoille, Rutland and Washington Counties, Vt., and (2) *wearing apparel and materials, supplies and equipment* used in the manufacture thereof, (a) between Newark, N.J., on the one hand, and, on the other, Cobleskill, Frankfurt and Ossining, N.Y., (b) between Paterson, N.J., on the one hand, and, on the other, Cobleskill, Frankfurt and Ossining, N.Y., (c) between Pittsfield, Mass., on the one hand, and, on the other, Little Falls, Peekskill, Cohoes, Yonkers, Port Chester, and Tuckahoe, N.Y., and Burlington, Vt., and (d) between New Brunswich, N.Y., on the one hand, and, on the other, Poughkeepsie, N.Y., restricted in (1) and (2) above against service to retail or department stores on traffic moving to points in Massachusetts. Note: Applicant states

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that the above request for authority incorporates, in part, the authority presently held by applicant in MC–50307 Subs Nos. 55 and 70. If instant application is approved, applicant agrees to cancel authority granted in Sub Nos. mentioned above to the extent it duplicates the authority requested herein. Applicant indicates that it will tack the authority requested herein at the New York, N.Y. Commercial Zone, to provide service between those points named in (1) above, on the one hand, and, on the other, those points in Pennsylvania on and east of U.S. Highway 11, and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, and Union Counties, N.J. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 399), filed October 7, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. Dujardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bakery and sandwiches*, from Plover, Wis., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used in the manufacture and distribution of the commodities noted above, from points in the United States (except Alaska and Hawaii), to Plover, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52861 (Sub-No. 38), filed September 23, 1974. Applicant: WILLIS TRUCKING, INC., 5755 Granger Road, Cleveland, Ohio 44131. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alloys, ores, cast iron borings, and alloyed cast iron*, in dump vehicles, between points in Wayne County, Mich., on the one hand, and on the other, points in Illinois, Indiana, Ohio and Pennsylvania.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio.

No. MC 53965 (Sub-No. 104), filed September 23, 1974. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Salina, Kans. 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), serving the plant and construction site of The Jeffrey Energy Center located 6½ miles north and 2½ miles west of St. Marys (Pottawatomie County), Kansas., as an off-route point in connection with carrier's authorized regular route operations.

NOTE. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo. or Topeka, Kans.

No. MC 55896 (Sub-No. 46), filed October 9, 1974. Applicant: R–W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, Mich. 48180. Applicant's representative: William E. Richter, (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site and warehouses of Roll Coater, Inc., at or near Kingsbury, Ind., as an off route point in connection with carrier's authorized regular route operations to and from Chicago, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held either at Washington, D.C., or Chicago, Ill.

No. MC 56823 (Sub-No. 5), filed October 11, 1974. Applicant: O'KEEFE TRANSPORTATION COMPANY, INC., 18 Keough Street, Pawtucket, R.I. 02860. Applicant's representative: Russell B. Curnett, P.O. Box 366, Harwich, Mass. 02645. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Rhode Island on the one hand, and, on the other, points in Massachusetts.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Providence, R.I. or Boston, Mass.

No. MC 61403 (Sub-No. 228), filed October 3, 1974. Applicant: THE MASON AND DIXON TANK LINES, INC., Highway 11–W, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: W. C. Mitchell, Suite 1201, 370 Lexington Ave., New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Denatured alcohol*, in bulk, in tank vehicles, from Pekin, Ill., to points in Indiana, Kentucky, Mississippi, New Jersey, Pennsylvania, and Tennessee (except on and east of U.S. Highway 25E from the Kentucky-Tennessee State line to Newport; thence U.S. Highway 411 to Sevierville; thence U.S. Highway 441 to the Tennessee-North Carolina State line).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61592 (Sub-No. 327), filed October 2, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Rural Route 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor and wall tile, linoleum, rugs (padded or otherwise), padding, adhesive, carpets and carpeting, and supplies* used in the installation of the above commodities, including wood and metal moldings, and felt and rubber padding, in straight or mixed loads (except commodities in bulk), from Itasca, Ill.; Salem and East Rutherford, N.J.; Dallas and Mineral Wells, Tex.; and points in their respective Commercial Zones, to points in Adams, Arapahoe, Boulder, Denver, Jefferson, Larimer, Logan, Morgan and Weld Counties, Colo.; and Colorado Springs, Lamar and Pueblo, Colo.; Casper, Cheyenne, and Torrington, Wyo.; Scottsbluff, Nebr.; and points in their respective Commercial Zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 72243 (Sub-No. 46), filed September 23, 1974. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sewage and water treatment systems, tanks set up or knocked down, and machinery, equipment, supplies and components* used in the installation thereof (except commodities in bulk), from the plantsite and facilities of Pollution Control, Inc. at or near DeLisle, Miss., to points in Ohio, Indiana, Illinois, Oklahoma, Texas, Missouri, Maryland, Virginia, Georgia, Pennsylvania, and that part of Florida on and west of U.S. Highway 319; and (2) *damaged and rejected shipments* on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 72243 (Sub-No. 47), filed October 8, 1974. Applicant: THE AETNA FREIGHT LINES, INCORPORATED, P.O. Box 350, Warren, Ohio 44482. Applicant's representative: Harold R. Ainsworth, 2307 American Bank Bldg., New Orleans, La. 70130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Sewage and water treatment system tanks*, set up or knocked down, *and machinery, equipment, supplies and components* used in the installation thereof (except commodities in bulk), (1) from Marshall, Tex., to points in Kansas, Missouri, Oklahoma, Louisiana, Mississippi, Alabama, Arkansas, Georgia, and those in that part of Florida on and west of U.S. Highway 319; and (2) from Picayune, Miss., to points in Kansas, Missouri, Oklahoma, Georgia, and those in that part of Florida on and west of U.S. Highway 319; and (B) *damaged and rejected shipments* on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 78228 (Sub-No. 52), filed September 25, 1974. Applicant: J MILLER

EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15219. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Such commodities* as are usually transported in dump vehicles, between ports of entry on the International Boundary line between the United States and Canada, located in Michigan and New York, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transportation of shipments moving to or from Canada.

NOTE.—Common control was approved in MC–F–11070. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Buffalo, N.Y.

No. MC 95540 (Sub-No. 916), filed October 7, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Section B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from points in Wisconsin, to points in Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 917), filed October 9, 1974. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Dr., N.E., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Bananas, and agricultural commodities*, exempt from economic regulation under Section 203 (b) (6) of the Act, when transported in mixed loads with bananas, from New Orleans, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95876 (Sub-No. 159), filed October 7, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Porter and Lake Counties, Ind., and Cook, Du Page, and Will Counties, Ill., to points in North Dakota, South Iowa), those in Nebraska on and east of U.S. Highway 69 (except Des Moines, Iowa), those in Nebraska on and west of U.S. Highway 281, those points in Doniphan, Brown, Nemaha, Pottawatomie, Jackson, Atchison, Jefferson, Leavenworth, Johnson, Douglas, Shawnee, Wabaunsee, Geary, Riley, and Wyandotte Counties, Kans., and those points in Atchinson, Nodaway, Worth, Gentry, Andrew, Holt, De Kalb, Buchanan, Clinton, Platte, Clay, and Jackson Counties, Mo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95876 (Sub-No. 160), filed October 7, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Mineral fiberboard, wood fiberboard, gypsum board, and acoustical materials*, from Plainfield, Ill., to points in the United States (except Alaska and Hawaii); and (2) *equipment, materials and supplies* used in the manufacture of items described above, from points in the United States (except Alaska and Hawaii), to Plainfield, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 95876 (Sub-No. 161), filed October 7, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from points in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties, Minn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 95920 (Sub-No. 34), filed October 7, 1974. Applicant: SANTRY TRUCKING CO., a corporation, 11552 S.W. Pacific Highway, Portland, Oreg. 97223. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Olympia, Wash., to points in Wisconsin and Michigan and (2) *supplies, materials, and equipment* used in the manufacture of malt beverages, from points in Wisconsin and Michigan, to Olympia, Wash., under a continuing contract or contracts with Olympia Brewing Company, of Olympia, Wash.

NOTE.—Applicant holds common carrier authority in MC 123265, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 99780 (Sub-No. 44) (Amendment), filed July 8, 1974, published in the FEDERAL REGISTER issue of August 22, 1974, and republished as amended this issue. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) from (a) the storage facilities of the Dry Storage Corporation, (b) the plantsites and storage facilities of M & M Mars, and (c) the plantsites and storage facilities of the A. E. Stanley Manufacturing Co. located in that portion of the Chicago, Ill. Commercial Zone in Illinois, to Milwaukee, Wis. and points in the Milwaukee, Wis. Commercial Zone, St. Louis, Mo. and points in the St. Louis, Mo. Commercial Zone, Detroit, Mich. and points in the Detroit, Mich. Commercial Zone, and points in Iowa west of U.S. Highway 169; and (2) *Foodstuffs*, from (a) the storage facilities of the Dry Storage Corporation, and (b) the plantsite sand storage facilities of Standard Brands, Inc., located in that portion of the Chicago, Ill. Commercial Zone in Illinois, to points in that portion of Iowa west of U.S. Highway 169; restricted in (1) and (2) above to traffic originating at the above specified origins and destined to the above specified destinations.

NOTE.—The purposes of this republication are to amend the request for authority in (1) above and include an additional request for authority in (2) above. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 100666 (Sub-No. 284), filed October 4, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 Northwest 58th, 280 National Foundation Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and siding*, from Tuscaloosa, Ala., to points in Arkansas, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Ohio, Oklahoma, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala.

No. MC 102567 (Sub-No. 176), filed October 15, 1974. Applicant: McNAIR

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TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and petroleum products*, in bulk, in tank vehicles, from Baton Rouge, La., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 102567 (Sub-No. 177), filed October 15, 1974. Applicant: McNAIR TRANSPORT, INC., 4295 Meadow Lane, P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Joe C. Day, 2040 N. Loop West, Suite 208, Houston, Tex. 77018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, and petroleum products*, in bulk, in tank vehicles, from points in Chambers and Harris Counties, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 103435 (Sub-No. 226), filed October 7, 1974. Applicant: UNITED-BUCKINGHAM FREIGHT LINES, INC., 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, commodities in bulk and those requiring special equipment and classes A and B explosives), serving the Skagit Nuclear Power Project plantsite near Sedro Woolley, Wash., as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 103993 (Sub-No. 837), filed October 7, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections of buildings* of undercarriages, from points in Ostego County, N.Y., to points in the United States (except Alaska, Hawaii and Worcester, N.Y.).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 103993 (Sub-No. 838), filed October 7, 1974. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movement, from points in Tishomingo County, Miss., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 106398 (Sub-No. 719), filed October 4, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels*, from Washington Court House, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 106497 (Sub-No. 101), filed October 10, 1974. Applicant: PARKHILL TRUCK COMPANY, a corporation, P.O. Box 912, Loop I–44 East, Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fabricated metal products;* and (2) *pallets*, from Jonesburg, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 106603 (Sub-No. 138), filed October 9, 1974. Applicant: DIRECT TRANSIT LINES, INC., 200 Colrain St. S.W., P.O. Box 8008, Grand Rapids, Mich. 49508. Applicant's representative: Louis E. Cain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between the plantsite and warehouses of Roll Coater, Inc., at or near Kingsbury, Ind., on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kentucky, Michigan, Mississippi (on and north of U.S. Highway 82), Missouri, New York (on and west of U.S. Highway 15), Ohio, Pennsylvania (on and west of U.S. Highway 219), Tennessee, West Virginia (on and north of U.S. Highway 50), and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC–46240, and subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Chicago, Ill.

No. MC 107012 (Sub-No. 210), filed October 11, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway and Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same as address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, and new house furnishings*, from points in California, to points in Idaho, Montana, Oregon, and Washington.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107103 (Sub-No. 8), filed October 7, 1974. Applicant: ROBINSON CARTAGE CO., a corporation, 2712 Chicago Drive S.W., Grand Rapids, Mich. 49509. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related machinery parts, and related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which because of size or weight require the use of special equipment; and (2) *self-propelled articles*, each weighing 15,000 pounds or more, *and related machinery tools, parts, and supplies* moving in connection therewith (restricted to commodities which are transported on trailers), between points in the Upper Peninsula of Michigan, on the one hand, and, on the other, points in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Chicago, Ill., or Detroit, Mich.

No. MC 107295 (Sub-No. 746), filed October 7, 1974. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and roofing materials and accessories* used in the installation thereof, from the plantsite and warehouse facilities of Lloyd A. Fry Roofing Co., at Memphis, Tenn., to points in Arkansas, Missouri, Mississippi, Louisiana, Alabama, and Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107515 (Sub-No. 955), filed September 17, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettlebaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, rugs, floor coverings, yarn and textile products*, from Franklin, Hamilton, and Marian Counties, Tenn. and points in Georgia north of U.S. Highway 78 and west of U.S. Highway 441, to points in Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 107839 (Sub-No. 158), filed October 9, 1974. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 2121 East 67th Avenue, Denver, Colo. 80216. Applicant's representative: Edward T. Lyons, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc. at or near Amarillo, Tex., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Louisiana, Mississippi, Nebraska, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held on consolidated record with other carriers requesting similar authority.

No. MC 107882 (Sub-No. 35) (Correction), filed July 26, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished, as corrected, this issue. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, N.J. 08638. Applicant's representative: Herbert Alan Dubin, 1819 H Street N.W., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline coupons*, between points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with General Services Administration.

NOTE.—The purpose of this republication is to indicate the correct sub number assigned to this proceeding as Sub-No. 35 in lieu of Sub-No. 135 as previously published. Applicant holds common carrier authority in MC 125729, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Trenton, N.J. or Washington, D.C.

No. MC 109584 (Sub-No. 159), filed October 7, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, a corporation, 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Syrup*, in bulk, in tank vehicles, from Emeryville, Calif., to Richmond, Utah.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either San Francisco or Los Angeles, Calif.

No. MC 110563 (Sub-No. 148), filed October 2, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, P.O. Box 747, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Delaware and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus or Cincinnati, Ohio.

No. MC 110563 (Sub-No. 147), filed October 10, 1974. Applicant: COLDWAY FOOD EXPRESS, INC., P.O. Box 747, Ohio Building, Sidney, Ohio 45365. Applicant's representative: Joseph M. Scanlan, 111 W. Washington, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from the plantsites and warehouse facilities utilized by Awrey Bakeries, Inc. at or near Detroit, Mich., to points in the District of Columbia, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Maine, Vermont, and New Hampshire, restricted to traffic originating at the above-named origin point.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 111729 (Sub-No. 469), filed October 7, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh cut flowers and decorative greens* when moving at the same time and in the same vehicle with commodities the transportation of which is subject to economic regulation, between points in North Carolina and South Carolina, having an immediately prior or subsequent movement by air or motor vehicle.

NOTE.—Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113410 (Sub-No. 91), filed September 27, 1974. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant: Leonard A. Jaskiewicz, 1730 M Street N.W., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, fuel oil, liquefied petroleum gas, and blends thereof*, in bulk, in tank vehicles, from Junction City, Wis., to Pine Bend, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 114273 (Sub-No. 221), filed October 4, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue N.E., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery, heavy machinery components, related supplies and equipment, and equipment, material and supplies* used in the maintenance, service and operation of heavy machinery, from Cedar Rapids, Iowa, to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 115793 (Sub-No. 19), filed October 11, 1974. Applicant: CALDWELL FREIGHT LINES, INC., U.S. Highway 221 South, P.O. Box 672, Lenoir, N.C. 28645. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from the plantsite of Burlington House Furniture, at or near Robbinsville, N.C., to points in Burke, Caldwell, and Catawba Counties, N.C., and *damaged or rejected shipments*, on return.

NOTE.—Applicant states that it intends to tack the requested authority with its Sub-No. 7 at points in Caldwell County, N.C., to provide service from Robbinsville, N.C. to points in Tennessee and Missouri. If a hearing is deemed necessary, the applicant requests it be held at Charlotte, N.C.

No. MC 116073 (Sub-No. 311), filed October 8, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements; and *buildings*, complete or in sections, transported on wheeled undercarriages, from points in Boissier Parish and Franklin Parish, La., to points in Arkansas, Oklahoma, Texas, Alabama, Mississippi, and Tennessee.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Baton Rouge or New Orleans, La.

No. MC 116073 (Sub-No. 312), filed October 7, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: David L. Wanner, 1819—4th Avenue South, Moorhead, Minn. 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete or in sections, transported on wheeled undercarriages, from Spencer, Wis., to points in Minnesota, Iowa, North Dakota, South Dakota, Montana, Wyoming, Nebraska, Kansas, Missouri, Illinois, and the Upper Peninsula of Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant

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requests it be held at either Madison, Wis. or Minneapolis, Minn.

No. MC 118089 (Sub-No. 17) (Correction), filed August 5, 1974, published in the FEDERAL REGISTER issue, September 6, 1974, and republished as corrected, this issue. Applicant: ROBERT HEATH TRUCKING, INC., 2909 Avenue C., P.O. Box 2501, Lubbock, Tex. 79408. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, District of Columbia, Florida, Georgia, Idaho, Kansas, Louisiana, Maryland, Massachusetts, Mississippi, Montana, New Mexico, New Jersey, New York, Nevada, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, and Washington.

NOTE.—The purpose of this republication is to indicate the correct spelling of Connecticut. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 119493 (Sub-No. 130), filed September 30, 1974. Applicant: MONKEM COMPANY, INC., West 20th Street Road, P.O. Box 1196, Joplin, Mo. 64801. Applicant's representative: J. J. Knotts, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, unfrozen, from St. Francisville and Belledeau, La. to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill.

No. MC 119700 (Sub-No. 24), filed September 30, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Roofing shingles, roofing asphalt, roofing insulation and roofing felt*, in bundles or rolls, from Wichita, Kans., to points in Arkansas, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Texas and Wisconsin; and (B) *concrete reinforcing joints, materials and supplies*, from Parsons, Kans., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 119908 (Sub-No. 26), filed September 23, 1974. Applicant: WESTERN LINES, INC., P.O. Box 1145, Houston, Tex. 77001. Applicant's representative: Thomas F. Sedberry, 1102 Perry-Brooks Bldg., Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and particle board*, from Silsbee and Bon Wier, Tex., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico.

NOTE.—Applicant holds contract authority in MC 110814 and subs thereunder, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex., or New Orleans, La.

No. MC 119934 (Sub-No. 199), filed October 8, 1974. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, Ind. 46040. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molasses*, in bulk, in tank vehicles, from New Orleans, La., to points in Ohio.

NOTE.—Applicant holds contract carrier authority in MC 128161 and sub 1, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or New Orleans, La.

No. MC 121281 (Sub-No. 10), filed October 7, 1974. Applicant: BIG MAC TRUCKING CO., a corporation, 1335 Boyles, P.O. Box 15069, Houston, Tex. 77020. Applicant's representative: Joe G. Fender, 802 Houston First Savings Bldg., Houston, Tex. 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from points in El Paso County, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Carolina, Tennessee, Utah, Wisconsin, and Wyoming; and (2) *iron and steel scrap* including scrapped and crushed car bodies, from points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, Oklahoma, South Carolina, Tennessee, Utah, Wisconsin, and Wyoming, to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either El Paso, or Houston, Tex.

No. MC 124802 (Sub-No. 13), filed October 10, 1974. Applicant: ACE MOTOR FREIGHT, INC., Box 127, Summerville, Pa. 15864. Applicant's representative: H. Ray Pope, 10 Grant Street, Clarion, Pa. 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in Armstrong, Clarion, and Jefferson Counties, Pa., on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, New York, Ohio, Virginia, West Virginia, Connecticut, Michigan, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 124839 (Sub-No. 25), filed October 9, 1974. Applicant: BUILDERS TRANSPORT, INC., P.O. Box 7057, Savannah, Ga. 31408. Applicant's representative: William P. Sullivan, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum rock*, from the plantsite and storage facilities of the National Gypsum Company, at Port Wentworth, Ga., to points in Alabama, South Carolina, and New Hanover County, N.C., under contract with National Gypsum Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 124947 (Sub-No. 34), filed October 9, 1974. Applicant: MACHINERY TRANSPORTS, INC., P.O. Box 417, Stroud, Okla. 74079. Applicant's representative: T. M. Brown, 600 Leninger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood and particle board*, from Silsbee and Bon Wier, Tex., to points in New York, Pennsylvania, West Virginia, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Illinois, Missouri, Arkansas, Mississippi, Louisiana, Oklahoma, Kansas, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Houston or Dallas, Tex., or New Orleans, La.

No. MC 125909 (Sub-No. 3), filed October 9, 1974. Applicant: UNIVERSAL TRANSPORT, INC., Box 268, Rapid City, S. Dak. 57701. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant St. Bldg., Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Treated wooden posts and poles*, from Sheridan, Wyo., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming, under contract with Sheridan Forest Products Corp., at Sheridan, Wyo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Denver, Colo.

No. MC 126715 (Sub-No. 7), filed October 7, 1974. Applicant: TRANSPORT SERVICE, a corporation, 6395 Southeast Alberta Street, Portland, Oreg. 97206. Applicant's representative: Jerry R. Woods, 100 Southwest Market Street, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *Asphalt and road oils*, from the terminal of Tidewater Barge Lines, Inc. located East Pasco, Wash., to points in Idaho north of the southern boundary of Idaho County.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 127042 (Sub-No. 152), filed October 9, 1974. Applicant: HAGEN, INC., 3232 Hithway 75 North, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Edward A. O'Donnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Arlington, Minn. and Bloomer, Wis., to points in Colorado, Iowa, Kansas, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin; and (2) from Ortonville, Minn., to points in Colorado, Iowa, Kansas, Missouri, Oklahoma, and Texas, restricted in (1) and (2) above, to traffic originating at the named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 128270 (Sub-No. 10), filed October 11, 1974. Applicant: REDIEHS INTERSTATE, INC., 7869 Milton Road, Gary, Ind. 46403. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Centerville, Iowa, to points in Illinois, Indiana, Michigan, Wisconsin, Missouri, Ohio, Kentucky, Mississippi, and Pennsylvania; and (2) *materials, equipment and supplies* used in the manufacture of iron and steel articles, from points in Illinois, Indiana, Michigan, Wisconsin, Missouri, Ohio, Kentucky, Mississippi, and Pennsylvania, to Centerville, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128273 (Sub-No. 160), filed October 3, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc and zinc products*, from Corpus Christi, Tex., to points in the United States (except Montana, Wyoming, Idaho, North Dakota, South Dakota, Utah, New Mexico, Nevada, Alaska, and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 128273 (Sub-No. 161), filed October 4, 1974. Applicant: MIDWESTERN DISTRIBUTION, INC., P.O. Box 189, Fort Scott, Kans. 66701. Applicant's representative: Harry Ross (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Plumbing fittings, fixtures, equipment, materials, and supplies*, from Alliance, and Salem, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 129124 (Sub-No. 11), filed September 30, 1974. Applicant: SAMUEL J. LANSBERRY, Woodland, Pa. 16881. Applicant's representative: Herbert R. Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Centre, Clearfield, and Clinton Counties, Pa., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and Vermont.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Harrisburg, Pa. or Washington, D.C.

No. MC 129171 (Sub-No. 14), filed October 4, 1974. Applicant: ARTHUR SHELLEY, INC., R.D. No. 2, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery, related advertising materials and premiums*, from Duryea and Bethlehem, Pa., to Hayward, Calif.

NOTE.—Applicant holds contract carrier authority in MC 126381 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 133106 (Sub-No. 46), filed September 19, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures and materials and supplies* necessary for the installation thereof, (1) between the plantsite and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermilion, Ohio, and South Haven, Miss.; and (2) from the plantsites and storage facilities utilized by International Telephone and Telegraph Corp., located at or near Vermilion, Ohio, and South Haven, Miss., to points in Iowa, Missouri, Arkansas, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico, Idaho, Utah, Arizona, Washington, Oregon, California, and Nevada, under a continuing contract or contracts with International Telephone and Telegraph Corporation.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y. or Kansas City, Mo.

No. MC 133233 (Sub-No. 34), filed October 3, 1974. Applicant: CLARENCE L. WERNER, doing business as, WERNER ENTERPRISE, 805 32d Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Donna L. Ehrlich (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry macaroni products*, between Omaha, Nebr., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, under contract with Skinner Macaroni Co.

NOTE.—Applicant holds common carrier authority in MC 138328, and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 133591 (Sub-No. 12) (correction), filed September 24, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished as corrected this issue. Applicant: WAYNE DANIEL TRUCK, INC., P.O. Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and pet food* (except in bulk), from Rolla, Mo., to points in Texas, Kansas, New Mexico, Arizona, California, Nevada, Oregon, Washington, Colorado, Idaho, Montana, North Dakota, South Dakota, Wyoming, and Utah; and (2) *canned foodstuffs and agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, in mixed loads with canned foodstuffs, from Ulysses, Kans., to points in California, Arizona, Nevada, Utah, Oregon, Washington, Missouri, and Arkansas, restricted in (1) above to the transportation of traffic originating at the named origin.

NOTE.—The purpose of this correction is to indicate the correct docket number, as MC-133591 (Sub-No. 12), instead of MC 133501 (Sub-No. 12). Applicant holds contract carrier authority in MC 134494 Sub 1 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 134970 (Sub-No. 7), filed October 7, 1974. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down or in sections, and *equipment, supplies and component parts* used in the construction, erection or completion of such buildings, from the plantsite of Marathon Metallic Building Com-

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pany located at El Paso, Ill., to points in North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Houston, Tex.

No. MC 135457 (Sub-No. 4), filed October 1, 1974. Applicant: COMMERCIAL CARTAGE CO., a Corporation, 3900 Reavis Barracks Road, St. Louis, Mo. 63125. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Kansas City, Kans., to St. Louis, Mo., and points in St. Louis, St. Charles, and Jefferson Counties, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be either held at St. Louis, or Kansas City, Mo.

No. MC 136375 (Sub-No. 4), filed October 7, 1974. Applicant: DONCO CARRIERS, INC., 1001 S. Rockwell, P.O. Box 75354, Oklahoma City, Okla. 73107. Applicant's representative: William L. Peterson, Jr., P.O. Box 917, Oklahoma City, Okla. 73101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Curtains, dust collecting electric precipitators*, from Roseville, Mich., to points in the United States (except Alaska and Hawaii), under a continuing contract with Evans Products-Ternes Steel Division.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., Detroit, Mich., or Washington, D.C.

No. MC 136379 (Sub-No. 1), filed October 4, 1974. Applicant: JAY WATERS, 1529 North Broadway, Everett, Wash. 98201. Applicant's representative: M. D. Duppenthaler, 411 Lyon Bldg., 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shakes, and shingles*, from points in Clallam, Grays Harbor, Jefferson, and Pacific Counties, Wash., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 136915 (Sub-No. 9), filed September 30, 1974. Applicant: GOODMAN TRANSPORTATION, INC., 4062 South 3rd West, P.O. Box 7213, Murray, Utah 84107. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), from the plantsite of Joe Doctorman & Son, Inc., at South Salt Lake City, Utah, to Dallas, Waco, Laredo, Ft. Worth, Houston, and San Antonio, Tex., and points in Nevada and California, under a continuing contract or contracts with Joe Doctorman & Son, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 137015 (Sub-No. 1), filed October 15, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) From Ft. Worth, Tex., to Lamar, Springfield, and West Plains, Mo., and Chickasha and Oklahoma City, Okla.; (2) from Galveston and Houston, Tex., to Oklahoma City, Shawnee, and Tulsa, Okla.; (3) from St. Paul, Minn., to Springfield and West Plains, Mo.; and (4) from Belleville, Ill., to West Plains, Mo.

NOTE.—Applicant holds contract carrier authority in MC 119399 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla., or Dallas, Tex.

No. MC 138328 (Sub-No. 19), filed October 15, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Donna L. Ehrlich (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cookies*, from the facilities of Ripon Foods, Inc., at Ripon, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—Dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Fond du Lac, Wis., or Chicago, Ill.

No. MC 138580 (Sub-No. 4), filed September 20, 1974. Applicant: E. & P. WHITMER BROS., INC., Rural Delivery No. 3, Sunbury, Pa. 18701. Applicant's representative: Lloyd R. Person, 1801 North Front Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients* (except bulk, in tank vehicles, and liquid fertilizer in tank vehicles), between the plantsite of Green Leaf Fertilizer Company, Inc. in the Borough of Washingtonville, Montour County, Pa., on the one hand, and, on the other, points in New York bounded by a line beginning at a point on the Pennsylvania-New York State Boundary line near Binghamton, N.Y., and extending along U.S. Highway 11 to junction U.S. Highway 20 approximately 12 miles south of Syracuse, N.Y., thence along U.S. Highway 20 to junction New York Highway 5 near Avon, N.Y., thence along New York Highway 5 to junction New York Highway 249 near Farnham, N.Y., thence along New York Highway 249 to junction U.S. Highway 62, thence along U.S. Highway 62 to the Pennsylvania-New York State Boundary line, and thence along the Pennsylvania-New York State Boundary line to the point of beginning, including points on the portions of the highways mentioned above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Harrisburg or Sunbury, Pa.

No. MC 138807 (Sub-No. 6), filed September 24, 1974. Applicant: ZIP TRUCKING, INC., P.O. Box 5449, Jackson, Miss. 39208. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Clothing and wearing apparel*, from Hattiesburg, Miss., to points in California, under a continuing contract or contracts with Big Yank Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Jackson, Miss., or New Orleans, La.

No. MC 138941 (Sub-No. 3), filed October 10, 1974. Applicant: COUNTRY WIDE TRUCK SERVICE, INC., 1315 East Seventh Street, Los Angeles, Calif. 90021. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic articles* (except in bulk), from points in Wayne, Ontario, and Monroe Counties, N.Y., to points in Arizona, California, New Mexico, Texas, and Oklahoma, under contract with Mobil Chemical Company, Division Mobil Oil Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Los Angeles, Calif.

No. MC 139253 (Sub-No. 2) (Correction), filed August 22, 1974, published in the FEDERAL REGISTER issues of September 19, 1974 and October 17, 1974, and in third publication, as corrected, this issue. Applicant: SOUTHEASTERN WAREHOUSING AND DISTRIBUTION CORP., Westside Industrial Park, P.O. Box 1195, Johnson City, Tenn. 37601. Applicant's representative: Robert L. Baker, 168 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, commodities in bulk, classes A and B explosives and used household goods as defined by the Commission), between Greeneville, Tenn., on the one hand, and, on the other, points in Washington, Green Sullivan and Carter Counties, Tenn., restricted to the transportation of shipments having an immediate prior or subsequent movement by rail.

NOTE.—The purpose of this republication is to indicate the correct docket number MC 139253 (Sub-No. 2) in lieu of MC 139235 (Sub-No. 2) as previously published. If a hearing is deemed necessary, the applicant requests it be held at Johnson City, Tenn. or Washington, D.C.

No. MC 139434 (Sub-No. 2), filed October 16, 1974. Applicant: MID-AMERICA EXPRESS, INC., 1826 F

Street, Gothenburg, Nebr. 69138. Applicant's representative: Frederick J. Coffman, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from Fremont and Schuyler, Nebr., and Cherokee, Hartley, and Spencer, Iowa, to points in Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lincoln or Omaha, Nebr.

No. MC 139495 (Sub-No. 9), filed October 2, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Kitchens of Sara Lee located at or near Deerfield and Chicago, Ill., to points in Ohio, West Virginia, Virginia, Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine, restricted to the transportation of shipments originating at the above named origin points.

NOTE.—Applicant holds contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans. or Chicago, Ill.

No. MC 139495 (Sub-No. 11), filed October 10, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert A. Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cordage*, from Pawtucket, R.I., to points in Ohio, Indiana, Michigan, Wisconsin, Illinois, Kentucky, Tennessee, Iowa, Minnesota, Missouri, Kansas, Texas, Oklahoma, Arkansas, Louisiana, Colorado, Washington, Oregon, California, Nevada, Arizona, Utah, Idaho, and New Mexico.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 12), filed October 10, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert A. Dubin, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bags, film, sheeting, and related products*, from Peabody and Salem, Mass., to points in New York north of New York Highway 17, Ohio, Michigan, Indiana, Illinois, Wisconsin, Minnesota, Missouri, Kansas, Colorado, Texas, and Louisiana.

NOTE.—Applicant holds motor contract carrier authority in MC 133106 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139777 (Sub-No. 4), filed October 7, 1974. Applicant: SIX STAR TRANSPORTATION, INC., 969A Conklin Street, Farmingdale, N.Y. 11735. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials and fertilizer ingredients* (except in bulk, in tank vehicles), between Blue Point, N.Y., Caldwell, N.J., and Hanover, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Georgia, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Rhode Island, Virginia, West Virginia, Indiana, and Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York City, N.Y.

No. MC 139852 (Sub-No. 1), filed October 1, 1974. Applicant: E. C. BLACK, doing business as BLACK TRUCKING COMPANY, Route 1, York, S.C. 29745. Applicant's representative: Joseph M. Epting, 802 Palmetto State Life Building, P.O. Box 11414, Columbia, S.C. 29211. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Galvanized and vinyl coated chain link fence, fencing accessories, pipes, gates, and reinforcing concrete wire mesh*, from Rock Hill, S.C., to points in North Carolina, under contract with National Fence Manufacturing Co., Inc., at Rock Hill, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbia, S.C., Charlotte, N.C., or Atlanta, Ga.

No. MC 139923 (Sub-No. 3), filed October 9, 1974. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer "D", Stroud, Okla. 74079. Applicant's representative: Jack Darnell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and/or storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Nevada, Oregon, Texas, Utah, and Washington, restricted to traffic originating at the named origin point and destined to the named destination points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

No. MC 140003 (Sub-No. 2), filed October 7, 1974. Applicant: BALL MOTOR LINE OF APOPKA, INC., North Highway 441, Plymouth, Fla. 32703. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electronic equipment and components*, from Brownstown, Ind., to in De Leon Springs, Fla., under a continuing contract with Sparton Indiana, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 140033 (Sub-No. 4), filed September 30, 1974. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, Tex. 75205. Applicant's representative: E. Larry Wells, 4645 N. Central Expressway, Dallas, Tex. 75205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and articles distributed by meat packinghouses* as described in sections A and C of Appendix to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plant site and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Kansas, Louisiana, Maryland, Massachusetts, Montana, North Carolina, South Carolina, New Jersey, New Mexico, New York, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Utah, Virginia, Washington, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 140077 (Sub-No. 2), filed October 17, 1974. Applicant: SMITH TERMINAL WAREHOUSE COMPANY, a Corporation, 3535 Northwest 112 Street, Miami, Fla. 33167. Applicant's representative: Bernard C. Pestcoe, 19 West Flagler Street, Suite 511, Miami, Fla. 33130. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, between the facilities of Smith Terminal Warehouse Company, at Miami, Fla., and points in Dade, Broward, and Palm Beach Counties, Fla., on shipments having a prior or subsequent movement in interstate or foreign commerce.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

No. MC 140168 (Sub-No. 2), filed October 7, 1974. Applicant: FANETTI REFRIGERATED TRANSPORT, Rt. 1 Box 29-A, Bloomer, Wis. 54274. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, inedible*, from Greenwood and Cameron, Wis., to Bloomsburg and Allentown, Pa.; Cleveland and Sebring, Ohio; Chicago, Ill.; New Paris, Ind.; and Boston, Mass.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Madison, Wis.

No. MC 140182 (Sub-No. 2), filed September 26, 1974. Applicant: LEROY HOFFMAN and GILBERT HOFFMAN, a Partnership, P.O. Box 43, St. Clair, Mo. 63077. Applicant's representative: Dale E. Sporleder, Central Trust Building, Jefferson City, Mo. 65101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in driveaway service, and by tow bar in driveaway service, from the plant and warehouse facilities of Steelweld Equipment Company, Inc. at or near St. Clair (Franklin County), Mo., to points in Kansas, Illinois, Oklahoma, and Arkansas, under a continuing contract or contracts with Southwestern Bell Telephone Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis or Jefferson City, Mo.

No. MC 140235 (Sub-No. 1), filed October 7, 1974. Applicant: EARL HALLENBECK, doing business as, HALLENBECK FEED & GRAIN, Box 58, Rural Route No. 1, Linwood, Kans. 66052. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk or in bags, from the plantsite and storage facilities of Cooperative Farm Chemicals Association located at or near Lawrence, Kans., to points in North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 140238 (Sub-No. 1), filed October 10, 1974. Applicant: WOODS TRUCKING COMPANY LTD., 50 Church Street, Weston, Ontario, Canada. Applicant's representative: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rough and dressed lumber*, from ports of entry on the International Boundary line between the United States and Canada on the Niagara River, to points in New York, under contract with Northwood Building Materials, a Division of Northwood Mills Limited.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 140249, filed October 2, 1974. Applicant: DUANE F. ROGERS, doing business as, BELOIT WRECKER SERVICE, 1902 Shopiere Road, Beloit, Wis. 53511. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Wrecked, damaged, disabled, inoperative, stolen, repossessed, used and abandoned *vehicles, replacement vehicles*, and *parts and equipment* thereof: (1) Between points in Dane, Green, Iowa, Jefferson, Kenosha, Rock, Walworth, and Lafayette Counties, Wis., on the one hand, and, on the other, points in Indiana, Iowa, Illinois, Michigan, Minnesota, and Missouri; and (2) between points in Stephenson, Winnebago, Boone, and McHenry Counties, Ill., on the one hand, and, on the other, points in Indiana, Iowa, Wisconsin, Michigan, Minnesota, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis. or Rockford, Ill.

No. MC 140273, filed October 7, 1974. Applicant: BUESING BROS. TRUCKING INC., N. 520 Tamarac Avenue, Long Lake, Minn. 55356. Applicant's representative: Val M. Higgins, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washed stone, pea rock, sand and gravel*, from points in Minnehaha and Lincoln Counties, S. Dak., to points in Rock, Nobles, Jackson, and Martin Counties, Minn.; and (2) *sand, gravel and crushed rock*, (a) from points in Clay County, Minn., to points in Cass County, N. Dak.; and (b) from points in Emmet County, Iowa, to points in Faribault, Jackson, and Martin Counties, Minn.

NOTE.—By the instant application, applicant seeks to convert its contract carrier permit in MC 136949 (lead) into a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

PASSENGER APPLICATIONS

No. MC 33705 (Sub-No. 5), (Correction) filed September 12, 1974, published in the FEDERAL REGISTER issue of October 17, 1974, and republished as corrected this issue. Applicant: KELSO-OCEAN BEACH STATE LINE, P.O. Box 746, Kelso, Wash. 98626. Applicant's representative: David C. White, 2400 S. W. Fourth Avenue, Portland, Oreg. 97201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Pacific, Wahkiakum, and Cowlitz Counties, Wash., and extending to points in the United States, including Alaska but excluding Hawaii.

NOTE.—The purpose of this republication is to indicate applicant's correct name and address. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Longview, Wash., or Portland, Oreg.

No. MC 119919 (Sub-No. 8), filed October 3, 1974. Applicant: WILLETTS' TRAVEL, INC., Route 1, Box 29, Frostburg, Md. 21532. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter and special operations, in round-trip sightseeing and pleasure tours: (a) Between points in Pennsylvania bounded by a line commencing at the Maryland-Pennsylvania State Boundary line and extending along Pennsylvania Highway 160 to intersection U.S. Highway 219, thence along U.S. Highway 219 to intersection Pennsylvania Highway 281, thence along Pennsylvania Highway 281 to intersection U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Pennsylvania State Boundary line, including points on the above described highways and state boundary lines, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii, restricted against charter operations from Berlin and Somerset, Pa.; and (b) between points in West Virginia bounded by a line commencing at the Maryland-West Virginia State Boundary line and extending westerly along U.S. Highway 50 to intersection West Virginia Highway 72, thence along West Virginia Highway 72 to intersection U.S. Highway 219, thence along U.S. Highway 219 to intersection West Virginia Highway 32, thence along West Virginia Highway 32 to intersection West Virginia Highway 93, thence along West Virginia Highway 93 to intersection West Virginia Highway 42, thence along West Virginia Highway 42 to intersection U.S. Highway 220, thence along U.S. Highway 220 to the Maryland-West Virginia State Boundary line, including all points on the described highways and state boundary lines, on the one hand, and, on the other, points in the United States, including Alaska but excluding Hawaii; and (2) *Passengers and their baggage*, in special and charter operations, between points in Mineral County, W. Va. and Allegany County, Md., on the one hand, and, on the other, the Greater Pittsburgh International Airport, Pittsburgh, Pa.; the Washington-Baltimore International Airport, Baltimore, Md.; the Washington National Airport, Gravelly Point, District of Columbia-Virginia; and the Dulles International Airport, Herndon, Va., restricted to passengers having a prior or subsequent movement by air, and further restricted to the transportation of not more than 12 passengers in any one vehicle at one time, but not excluding the driver, or children under 12 years of age who may occupy a seat or seats.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139863 (Sub-No. 2), filed September 18, 1974. Applicant: ROBERT LEE THOMPSON, doing business as, POTOMAC BUS RENTALS, 1111 54th Place NE., Chapel Oaks, Md. 20027. Applicant's representative: Daniel B. Johnson, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, when moving in the same vehicle with passengers, between Falls Church, Va. and the Friendship Annex of the National Security Agency at the Baltimore-Washington International Airport (Anne Arundel County), Md.: From Falls Church, Va. over Virginia Highway 7 to junction U.S. Highway 29 (211), thence over U.S. Highway 29 (211) to Rosslyn, Va., thence over Virginia Highway 110 (George Washington Memorial Parkway) to junction Interstate Highway 95, thence over Interstate Highway 95 to junction South Capitol Street, thence over South Capitol Street to junction Anacostia Freeway (Kenilworth Avenue), thence over the Anacostia Freeway (Kenilworth Avenue) to junction Baltimore-Washington Parkway, thence over the Baltimore-Washington Parkway to Maryland Highway 46, thence over Maryland Highway 46 to junction Maryland Highway 170, and thence to the Friendship Annex of the National Security Agency at the Baltimore-Washington International Airport, and return over the same route, serving the National Security Agency at Fort George G. Meade (Anne Arundel County, Md.) over Maryland Highway 32 as an off-route point, and restricted against the pick-up and discharge of passengers between Rosslyn, Va. and the National Security Agency at Fort George G. Meade (Anne Arundel County, Md.).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

FREIGHT FORWARDER APPLICATION

No. FF 116 (Sub-No. 1), filed September 27, 1974. Applicant: DAVIES, TURNER & COMPANY, a Corporation, 111 West Monroe Street, Chicago, Ill. 60603. Applicant's representative: Donald E. Anderson (same address as applicant). Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail and motor, in the transportation of *general commodities* (except commodities in bulk), between points in Cook and Du Page Counties, Ill., and Norfolk, Newport News, Portsmouth, and Chesapeake, Va., restricted to export and/or import traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-25987 Filed 11-6-74;8:45 am]

[Notice No. 18]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
K Lines, Inc., MC-9325 Sub-61	MC-9325 Sub-62	Dec. 4,1973
Deaton, Inc., MC-11207 Sub-333	MC-11207 Sub-330	Dec. 5,1973
Behnken Truck Service, Inc., 19945 Sub-35	MC-19945 Sub-36	Dec. 13,1973
Rogers Cartage Co., MC-64932 Sub-512	MC-64934 Sub-514	Dec. 4,1973
Goddard's Transportation, Inc., MC-106748 Sub-9	MC-106748 Sub-10	Dec. 13,1973
Ruan Transport Corp., MC-107496 Subs. 857, 861, 865, 866, 867, 871, 875, 906.	MC-107496 Sub-837	Dec. 3,1973
Chemical Leaman Tank Lines, Inc., MC-110525 Sub-1062	MC-110525 Sub-1048	Dec. 13,1973
Kenneth Groth, MC-111068 Sub-4	MC-111068 Sub-5	Dec. 12,1973
J & M Transportation Co., Inc., MC-115311 Sub-131	MC-115311 Sub-130	Nov. 30,1973
Lumber Transport, Inc., MC-115496 Sub-15	MC-115496 Sub-16	Do.
Willis Shaw Frozen Express, MC-117119 Sub-477	MC-117119 Sub-473	Dec. 14,1973
H. O. Snyder Trucking, Inc., MC-117153 Sub-8	MC-117153 Sub-9	Dec. 17,1973
H. M. Kelley, Inc., MC-117036 Sub-17	MC-117036 Sub-18	Dec. 10,1973
The Maxwell Co., MC-117344 Sub-224	MC-117344 Sub-222	Dec. 13,1973
Donald M. Bowman, Jr., MC-117613 Sub-9	MC-117613 Sub-7	Dec. 10,1973
Central Transport, Inc., MC-118831 Sub-94	MC-118831 Sub-90	Nov. 30,1973
Distributors Service Co., MC-119619 Sub-22	MC-119619 Sub-23	Dec. 12,1973
Distributors Service Co., MC-119619 Sub-31	MC-119619 Sub-18	Dec. 4,1973
Skinner Motor Express, Inc., MC-124083 Sub-43	MC-124083 Sub-44	Feb. 19,1974
Eugene Tripp, MC-124505 Sub-12	MC-124505 Sub-14	Jan. 31,1974
Crown Truck Line, Inc., MC-125162 Sub-6	MC-125162 Sub-4	Feb. 19,1974
Continental Contract Carrier Corp., MC-124796 Sub-109	MC-124796 Sub-107	Do.
Ascenzo & Sons, Inc., MC-126458 Sub-3	MC-126458 Sub-4	Do.
Sherwood Trucking, Inc., MC-127274 Sub-38	MC-127274 Sub-37	Jan. 31,1974
The Stout Trucking Co., Inc., MC-128030 Sub-31	MC-128030 Sub-34	Feb. 1,1974
Tri-Line Expressways, Ltd., MC-129480 Sub-4	MC-129480 Sub-6	Feb. 4,1974
O. W. Blosser, MC-128256 Subs 15, 18	MC-128256 Sub-16	Mar. 11,1974
May Trucking Co., MC-128527 Sub-29	MC-128527 Sub-31	Feb. 25,1974
Wilkerson Trucking Co., Inc., MC-128985 Sub-4	MC-128985 Sub-5	Mar. 11,1974
Kenwood's Moving & Storage, Inc., MC-129609 Sub-2	MC-129609 Sub-3	Feb. 19,1974
Glenn Peterson d.b.a. Peterson Transit, MC-129984 Sub-1	MC-129984 Sub-2	Jan. 31,1974
George Appel, MC-133796 Sub-9	MC-133796 Sub-14	Mar. 7,1974
North Star Transport, Inc., MC-134145 Sub-33	MC-134145 Sub-35	Feb. 19,1974
Gene's Inc., MC-134238 Sub-6	MC-134238 Sub-5	Feb. 4,1974
Casket Distributors, Inc., MC-135152 Sub-7	MC-135152 Sub-8	Feb. 28,1974
El Dorado Transportation, Inc., MC-135535 Sub-1	MC-135535 Sub-2	Feb. 6,1974
Atlantic Carriers, Inc., MC-135751 Sub-4	MC-135751 Sub-6	Feb. 22,1974
K & C Transportation, Inc., MC-135759 and Sub-2	MC-135759 Sub-1	Nov. 10,1972
S. L. Harris d.b.a. P.B.I., MC-135982 Sub-4	MC-135982 Sub-2	Feb. 27,1974
S. L. Harris d.b.a. P.B.I., MC-135982 Sub-5	MC-135982 Sub-3	Do.
Continental Express, Inc., MC-136129 Sub-1	MC-136129 Sub-2	Feb. 25,1974
Merchants Home Delivery Service, Inc., MC-136211 Sub-12	MC-136211 Sub-13	May 8,1974
Donald E. Hirtle Transport, Ltd., MC-136270 Sub-2	MC-136270 Sub-1	Mar. 12,1974
Harry D. Diepholz d.b.a. Diepholz Trucking, MC-136500	MC-136500 Sub-1	Feb. 22,1974
White Cloud Co., Inc., MC-136625 Sub-1	MC-136625 Sub-2	Feb. 1,1974
Pop Trucking, Inc., MC-136769 Sub-2	MC-136769 Sub-3	Feb. 20,1974
Robco Transportation, Inc., MC-136786 Sub-14	MC-136786 Sub-6	Feb. 19,1974
Bing Construction Co. of Nevada, MC-136835 Sub-1	MC-136835 Sub-2	Mar. 12,1974
Harry Mahlandt, MC-138034	MC-138034 Sub-1	Feb. 23,1974
Mini Haul, Inc., MC-138103 Sub-1	MC-138103 Sub-2	Feb. 5,1974
Cherokee Milling Co., Inc., MC-138183 Sub-1	MC-138183 Sub-2	Feb. 19,1974
Delwood Furniture Co., Inc., MC-138219	MC-138219 Sub-1	Feb. 22,1974
Great Lakes Warehouses, Inc., MC-138268 Sub-1	MC-138268 Sub-2	Feb. 4,1974

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26000 Filed 11-6-74;8:45 am]

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

- -

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences; ☐ preamble did not contain a clear and concise explanation of the document's purpose; ☐ other (explain) _____

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II. I believe that the requirement(s) contained in:

A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete requirement on those persons subject to that regulation.

My reasons are: _____

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III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

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federal register

November 8, 1974—Pages 39543–39714

FRIDAY, NOVEMBER 8, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 217

Pages 39543–39714

PART I

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FRENCH DRESSING—HEW/FDA amends standard of identity; effective 12–9–74 39554

NUCLEAR MATERIAL—AEC regulates reporting of theft; effective 11–8–74 39559

FOOD FOR ELDERLY—
USDA/FNS regulates eligibility of meal services to receive donated food; effective 11–8–74 39543
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reminders

(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

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—FM broadcast stations in Hornell, N.Y.; table of assignments..36013; 10–7–74

—FM broadcast stations in Newport, Oregon; table of assignments. 36013; 10–7–74

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Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 27]

PART 250—DONATIONS OF FOODS FOR USE IN THE UNITED STATES, ITS TERRITORIES AND POSSESSIONS AND AREAS UNDER ITS JURISDICTION

Donated Foods for Nutrition Programs for the Elderly and for Institutions

Notice of proposed rulemaking was published in the FEDERAL REGISTER on October 1, 1974 (39 FR 35360) setting forth a proposal to amend the regulations governing the food distribution program to (1) update the quoted provisions of section 707 of the Older Americans Act of 1965, as amended, (2) exclude, for commodity allocation purposes, the number of persons who use food coupons to purchase meals served by institutions, (3) specify the minimum level of commodity assistance to be provided to States in which nutrition programs for the elderly are operated, and (4) provide that distributing agencies may allocate commodities to individual programs for the elderly within the State in accordance with their needs. Interested persons were given 15 days in which to submit comments, suggestions, or objections to the proposed amendment. No objections to the proposed amendments were received. However, after further consultation with the Commissioner on Aging, the following changes are being adopted.

1. The State agency that has been designated by the Governor and approved by the Department of Health, Education, and Welfare to administer nutrition programs for the elderly under title VII of the Older Americans Act of 1965, as amended, is defined as the "State Agency on Aging."

2. The State Agency on Aging is given the responsibility, in accordance with current regulations and guidelines authorized by the Commissioner on Aging, to estimate the number of meals to be served to nutrition programs for the elderly within the State during the year. The proposed amendment ascribed this responsibility to the Commissioner on Aging.

3. Distributing agencies will be required, rather than permitted, to allocate commodities to individual programs for the elderly in accordance with their needs.

4. The needs of individual programs for commodities will be determined by the State Agency on Aging, in accordance with regulations and guidelines authorized by the Commissioner on Aging.

5. The date for the annual adjustment of the 10 cents per meal level of commodity assistance will be changed from July 1 to the first day of each fiscal year after June 30, 1975.

Therefore, the regulations for the operation of the Food Distribution Program (31 FR 14297) as amended, are further amended as set forth below.

1. In § 250.1(b)(15), a new subparagraph (d) is added to the quoted statute:

§ 250.1 General purpose and scope.

* * * * * * *

(b) *Legislation.* * * *

(15) Section 707 of the Older Americans Act of 1965, as amended, which reads in pertinent part as follows:

* * * * * * *

(d) In donating commodities pursuant to this section, the Secretary of Agriculture shall maintain an annually programmed level of assistance of not less than 10 cents per meal: *Provided*, That this amount shall be adjusted on an annual basis each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. Such adjustment shall be computed to the nearest one-fourth cent. Among the commodities delivered under this section, the Secretary shall give special emphasis to high protein foods, meat, and meat alternates. The Secretary of Agriculture, in consultation with the Commissioner [on Aging], is authorized to prescribe the terms and conditions respecting the donating of commodities pursuant to this section. * * * (Sec. 5, Pub. Law 93-351, 88 Stat. 358 (42 U.S.C. 3045f))

2. In § 250.3, paragraph (m) is revised to read as follows and a new paragraph (v) is added as follows:

§ 250.3 Definitions.

* * * * * * *

(m) "Needy persons"[1] means (1) persons served by institutions who, because of their economic status, are in need of food assistance and who do not use coupons issued under the Food Stamp Program (7 CFR Part 271) to purchase meals provided by an institution, and (2) all the members of a household which is certified as in need of food assistance.

* * * * * * *

(v) "State Agency on Aging" means the State agency that has been designated by the Governor and approved by the Department of Health, Education, and Welfare to administer nutrition programs for the elderly under title VII of the Older Americans Act of 1965, as amended.

3. In § 250.4, the following language is added after the first sentence of paragraph (b):

§ 250.4 Availability of donated foods.

* * * * * * *

(b) *Quantities.* * * * Beginning October 10, 1974, the quantity of commodities to be made available for any Federal fiscal year, or portion thereof, for distribution in any State to nutrition programs for the elderly shall be valued at not less than 10 cents for each meal which the State Agency on Aging, in accordance with current regulations and guidelines authorized by the Commissioner on Aging, estimates will be served within the State during the year. The amount shall be adjusted, on an annual basis the first day of each fiscal year after June 30, 1975, to reflect changes in the series for food away from home of the Consumer Price Index published by the Bureau of Labor Statistics of the Department of Labor. The adjustment shall be computed to the nearest one-fourth cent. * * *

4. In § 250.8, paragraph (h) is revised to read as follows:

§ 250.8 Eligible recipient agencies.

* * * * * * *

(h) *Nutrition programs for the elderly.* Nutrition programs for the elderly are eligible to receive foods under section 416, section 32, and section 709. The distributing agency shall allocate such foods to nutrition programs for the elderly within a State in accordance with the needs as prescribed by the State Agency on Aging in accordance with current regulations and guidelines authorized by the Commissioner on Aging. If a nutrition program for the elderly employs a food service company to conduct its feeding operation, the provisions of paragraph (b)(3) of this section shall be applicable.

(Catalog of Federal Domestic Assistance Program No. 10.550, National Archives Reference Service)

Effective date: This amendment shall become effective on November 8, 1974.

Dated: November 5, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-26263 Filed 11-7-74;8:45 am]

[1] The category "needy persons" referred to in section 416 and encompasses both of the terms "needy persons" and "disaster victims" as defined in the regulations of this part.

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[Amdt. 36]

PART 272—PARTICIPATION OF RETAIL FOOD STORES, WHOLESALE FOOD CONCERNS, MEAL SERVICES AND BANKS

PART 273—ADMINISTRATIVE AND JUDICIAL REVIEW—FOOD RETAILERS, FOOD WHOLESALERS AND MEAL SERVICES

Food Stamp Program

On October 1, 1974, there was published in the FEDERAL REGISTER a notice of proposed rulemaking to revise § 272.1 (c) (1) of the regulations governing the Food Stamp Program. The notice set forth a proposal to amend the regulations to permit meal services funded under Title VII of the Older Americans Act to receive federally donated foods from the Department for use in the preparation of meals to be exchanged for food coupons.

Interested persons were given 15 days in which to submit written comments, suggestions, or objections regarding the proposed amendment. Since there were no comments received in opposition to this amendment, the Department has decided to adopt the amendment as proposed.

In addition, the following clarifying changes are being made: 1. To correct an error occurring with the July 15, 1974 revisions, § 272.2(j) is amended by substituting "nonprofit meal delivery service" for the words "meal service" and by adding the word "delivered" before the word "meal(s)" wherever they appear in this paragraph.

2. Technical changes also are being made in § 272.6 to designate the Chief, Retailer-Wholesaler Branch, Food Stamp Division, as responsible for making determinations to disqualify firms authorized to participate in the Food Stamp Program. This authority presently is assigned to the Director, Food Stamp Division.

3. Technical changes also are being made in §§ 273.7 and 273.8 for consistency with the designation of authority described in (2) above.

Accordingly, Parts 272 and 273 of Chapter II, Title 7 CFR are amended as follows:

1. In § 272.1, paragraph (c) (1) is revised to read as follows:

§ 272.1 Approval of retail food stores, wholesale food concerns and meal services.

• • • • • •

(c) • • •

(1) It is not receiving federally donated foods from the Department for use in the preparation of meals to be exchanged for food coupons, unless it is funded under the provisions of Title VII of the Older Americans Act of 1965.

• • • • • •

2. In § 272.2, paragraph (j) is revised to read as follows:

§ 272.2 Participation of retail food stores, and meal services.

• • • • • •

(j) A nonprofit meal delivery service shall request the recipient of a delivered meal to show the marked identification card establishing the recipient's right to use coupons for such a service the first time that such recipient offers coupons in payment for such a service, or states his intention of doing so, and shall request such marked identification card at any time such nonprofit meal delivery service has cause to question the continued eligibility of such recipient to use coupons for delivered meals.

• • • • • •

§ 272.6 [Amended]

3. In § 272.6, paragraphs (c) and (d) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer-Wholesaler Branch."

§ 273.7 [Amended]

4. In § 273.7, paragraph (a) is amended by deleting the words "Director of the" and "Director" and inserting in their place the words "Chief of the Retailer-Wholesaler Branch" and "Chief, Retailer-Wholesaler Branch." Paragraphs (b) and (d) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer-Wholesaler Branch."

§ 273.8 [Amended]

5. In § 273.8, paragraphs (a) and (f) are amended by deleting the word "Director" and inserting in its place the words "Chief, Retailer - Wholesaler Branch."

(78 Stat. 703, as amended; 7 U.S.C. 2011–2026)

Effective Date. This amendment shall become effective November 8, 1974.

(Catalog of Federal Domestic Assistance Programs, No. 10.551, National Archives Reference Services)

RICHARD L. FELTNER,
Assistant Secretary.

NOVEMBER 5, 1974.

[FR Doc.74–26252 Filed 11–7–74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Reg. 325]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 8–14, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.625 Navel Orange Regulation 325.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this regulation to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is not yet established. Prices f.o.b. averaged $5.72 a carton on a reported sales volume of 56 carlots last week, with no prices reported for the prior week. Track and roling supplies amounted to 10 carlots on November 1, 1974.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 5, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 8, 1974, through November 14, 1974, are hereby fixed as follows:

(i) District 1: 923,131 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 57,004 cartons.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 6, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–26443 Filed 11–7–74;12:01 pm]

[Lemon Reg. 665]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Nov. 10–16, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

910.965 Lemon Regulation 665.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons at auctions continues weaker and order business lags behind that of last week. Auction markets are well supplied with lemons. Average f.o.b. price was $5.47 per carton the week ended November 2, 1974, compared to $6.05 per carton the previous week. Track and rolling supplies at 164 cars were up 14 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 5, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 10, 1974, through November 16, 1974, is hereby fixed at 200,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 6, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–26444 Filed 11–7–74;12:02 pm]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 223—REENTRY PERMITS

Application Procedures; Correction

FR Doc. 74–23882 published in the FEDERAL REGISTER of October 15, 1974 (39 FR 36853), amended § 223.1 of Title 8 of the Code of Federal Regulations by adding a new sentence between the existing second and third sentences thereof. That sentence was inadvertently omitted when FR Doc. 74–24985 published in the FEDERAL REGISTER of October 25, 1974 (39 FR 37967–8), further amended § 223.1 by adding a new sentence between the then existing fifth and sixth sentences thereof. Accordingly, the amendment to § 223.1 by FR Doc. 74–24985 published October 25, 1974 (39 FR 37967–8) is corrected by incorporating the inadvertently omitted third sentence and by adding the new sentence between the existing sixth and seventh sentences thereof, rather than between the fifth and sixth sentences. The amended § 223.1, as corrected, reads as follows:

§ 223.1 Application.

An application for a reentry permit under the provisions of section 223 of the Act shall be submitted on Form I–131, by an applicant in the United States at least 30 days prior to the proposed date of departure. It shall be accompanied by the applicant's alien registration receipt card Form I–151, AR–3, or AR–103, or an application for a lost or destroyed card on Form I–90. If the applicant's name has been changed by marriage or by order of any court of competent jurisdiction, and a reentry permit or Form I–151 has never been issued in the changed name, the application shall also be accompanied by appropriate documentary evidence of such change. A reentry permit shall not be issued unless the alien is in possession of or is being furnished Form I–151. Additional pages for the affixation of foreign visas may be attached to a valid reentry permit without formal application or fee. A reentry permit applicant who is a lawful permanent resident alien, but who has an occupational status which would if he were seeking admission to the United States

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entitle him to a nonimmigrant status under section 101(a)(15) (A), (E), or (G), of the Act, may be issued a reentry permit only if he executes and submits with his application, or has previously executed and submitted, the written waiver on Form I–508 required by section 247(b) of the Act and Part 247 of this chapter; and, if applicable, Form I–508F (election as to tax exemption under the Convention between the United States and the French Republic) required by Part 247 of this chapter. A reentry permit applicant who is a lawful permanent resident alien and who is in possession of a refuge travel document issued pursuant to Part 223a of this chapter may be issued a reentry permit only if he surrenders the refugee travel document to the Service. The applicant shall be notified of the decision made on his application for a reentry permit and if the application is denied of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

(Sec. 103; 66 Stat. 173 (8 U.S.C. 1103))

Dated: November 5, 1974.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.74–26208 Filed 11–7–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA; PROHIBITED AND RESTRICTED IMPORTATIONS

Restrictions on Importation of Eggs Other Than Hatching Eggs, Carcasses of Poultry, Game Birds and Other Birds, and Parts or Products of Such Carcasses

Statement of considerations. Regulations in 9 CFR Part 94 under which poultry carcasses, parts, and products thereof, and eggs, other than hatching eggs, are imported into the United States apply only to certain species of poultry, as defined in that part to include various game birds and other birds. Because of the existence of viscerotropic velogenic Newcastle disease in many countries of the world, carcasses, parts, and other products thereof, and eggs of certain species of birds which are brought into the United States and are not now subject to the regulations in this part constitute a threat to the poultry of the United States. Therefore, provisions of the regulations are being extended to include all species of game birds and other birds in order to provide additional safeguards to protect the poultry of the United States from the introduction and spread of this form of Newcastle disease.

This amendment restricts the importation of carcasses, and parts or products of such carcasses, and eggs, other than hatching eggs, of poultry, game birds and other birds, from any country considered to be infected with viscerotropic velogenic Newcastle disease. Such articles may be imported only if they comply with the requirements imposed by this amendment. This document relieves restrictions on importations of poultry from the non-infected countries—Australia, Canada, Denmark, Finland, Iceland, New Zealand, Norway, the Republic of Ireland and Sweden.

Therefore, Part 94, Title 9, Code of Federal Regulations is hereby amended by revising § 94.6 of the regulations to read:

§ 94.6 Carcasses of poultry, game birds, and other birds, parts or products thereof, and eggs other than hatching eggs; restrictions, exceptions.

(a)(1) Viscerotropic velogenic Newcastle disease is considered to exist in all countries of the world except those listed in paragraph (a)(2) of this section.

(2) The following countries are considered to be free of viscerotropic velogenic Newcastle disease: Australia, Canada, Denmark, Finland, Iceland, New Zealand, Norway, Republic of Ireland, and Sweden.

(b) For the purposes of this section, the following terms shall mean:

(1) *Infected country.* Any country not listed in paragraph (a)(2) of this section as free of viscerotropic velogenic Newcastle disease.

(2) *Poultry.* Chickens, turkeys, swans, pheasants, grouse, partridges, quail, guinea fowl, pea fowl, and the non-migratory types of ducks, geese, pigeons and doves.

(3) *Birds.* All members of the class Aves (other than poultry or game birds).

(4) *Game Birds.* Migratory types of ducks, geese, pigeons, and doves. ("Migratory" refers to flight to and from the United States in accordance with a seasonal pattern.)

(c) Any carcasses of poultry, game birds, and other birds, or parts or products thereof, which originated in and were shipped directly from a country listed in paragraph (a)(2) of this Section are exempt from the requirements of this section.

(d) Any carcasses of poultry, game birds, and other birds, or parts or products thereof, which originated in any infected country or which transited any such country may be imported only in accordance with the following requirements:

(1) Carcasses of game birds may be imported if they have been eviscerated and the heads and feet removed.

(2) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds may be imported for consignment to any museum, educational institution or other establishment which has provided the Deputy Administrator, Veterinary Services, with evidence that it has the equipment, facilities, and capabilities to store, handle, process, or disinfect such articles so as to prevent the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States, and which is approved by him.[1]

(3) Carcasses, or parts or products of carcasses, of poultry, game birds, and other birds, may be imported if packed in hermetically sealed containers and if cooked by a commercial method after such packing to produce articles which are shelf stable without refrigeration.

(e) Carcasses or parts or products of carcasses, of poultry, game birds, and other birds which do not qualify for importation under paragraph (c) or (d) of this section may be imported only if the importer applies to, and is granted a permit by, the Deputy Administrator, Veterinary Services authorizing such importation. Permission will be given only when the Deputy Administrator determines that such importation will not constitute a risk of introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States.

(f) Eggs, other than hatching eggs,[2] of poultry, game birds, and other birds, originating in and shipped directly from a country listed in paragraph (a)(2) of this section are exempt from the requirements of this section.

(g) Except as provided in paragraph (h) of this section, eggs, other than hatching eggs[2] of poultry, game birds, and other birds, originating in or transiting an infected country may be imported only if:

(i) The eggs are accompanied by a certificate signed by a salaried veterinary officer of the national government of the country of origin stating:

(i) That the flock or flocks of origin were found upon inspection to be free from evidence of communicable disease of poultry;

(ii) That no Newcastle disease has occurred on the premises of origin or on adjoining premises during the 90 days immediately preceding the date of movement of the eggs from such country.

(ii) That insofar as it has been possible to determine, the flock or flocks of origin were not exposed to Newcastle disease during the 90 days immediately preceding the date of movement of the eggs from such country;

(iv) That the eggs have been washed and sanitized in a hypochlorite solution of from 100 p.p.m. to 200 p.p.m. of available chlorine and are packed in new, unused packing materials.

[1] Information as to the identity of approved establishments may be obtained from, and request for approval of any establishment may be made to, the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. Establishments will be approved only if the Deputy Administrator, Veterinary Services, determines that the imported articles will be so handled at the establishments as to prevent the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States. Approval of any establishment may be refused or withdrawn only after the operator thereof has been given notice of the proposed action and has had an opportunity to present his views thereon.

[2] The requirements for the importation of hatching eggs are stated in Part 92 of this chapter.

(v) That the eggs are from flocks determined to be free of Newcastle disease and other communicable diseases of poultry as demonstrated through a surveillance program in effect for not less than 60 days before such eggs are certified for exports to the United States, with such surveillance maintained during the period in which the eggs being certified were laid.

(2) The surveillance program required under subdivision (g)(1)(E) shall be one of the following.

(i) Placement of Newcastle disease susceptible sentinel birds[3] in the flock or flocks of origin at a rate of not less than one sentinel bird per thousand, with a minimum of 30 sentinel birds per house, with the sentinels remaining free of clinical and immunological evidence of Newcastle disease as demonstrated by negative hemagglutination inhibition tests conducted on samples drawn at 10-day intervals throughout the surveillance period; or

(ii) Once weekly collection of carcasses of all birds in the flock or flocks of origin, dying during the surveillance period, with laboratory examination of such carcasses including use of the embryonated egg inoculation technique,[4] to detect Newcastle disease virus; and once monthly collection of tracheal and cloacal swabs from not less than 10 percent of the birds in the flock or flocks of origin, for laboratory testing.[5] All examinations and tests shall be negative for evidence of Newcastle disease.

The laboratory conducting the examinations and testing required in this paragraph shall be a facility located in the country of origin of the eggs being certified, and shall be approved by the national government of said country for this purpose in accordance with criteria acceptable to the Deputy Administrator, Veterinary Services.[6]

(h) Eggs, other than hatching eggs, of poultry, game birds, and other birds, which do not qualify for importation under paragraph (f) or (g) of this section may be permitted entry in specific cases by the Deputy Administrator, Veterinary Services, upon application to him, if:

(1) Such eggs are transported under U.S. Government seal to a processing establishment approved by the Deputy Administrator for breaking and pasteurization, and the Deputy Administrator determines that such handling and use of the eggs does not involve a risk of the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States. Shells of such eggs, cases, and other packing materials used in the importation shall be disposed of under the supervision of a Department inspector in a manner approved by the Deputy Administrator as adequate to effectuate the purposes of this section; or

(2) Such eggs are imported for scientific, educational or research purposes and the importer has provided to the Deputy Administrator, Veterinary Services, evidence, satisfactory to the Deputy Administrator, that he has the equipment, facilities, and capability to store, handle, process, or disinfect the eggs in a manner adequate to prevent the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States; or

(3) Such eggs do not qualify for importation under paragraph (h)(1) or (2) of this section and the Deputy Administrator, Veterinary Services, authorizes such importation. Permission will be given only when the Deputy Administrator determines that such importation will not constitute a risk of introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States.

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111; 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective November 8, 1974, except with respect to shipments of eggs other than hatching eggs, or poultry, game birds or other bird carcasses, or parts or products thereof, consigned to the United States on or before that date. Such shipments so consigned shall upon arrival in the United States be allowed entry only under such specific requirements or be disposed of in such manner as the Deputy Administrator, Veterinary Services, may determine in each specific case to be necessary and adequate to safeguard against the introduction or dissemination of viscerotropic velogenic Newcastle disease into the United States.

The restrictions and prohibitions imposed by the foregoing amendment are necessary in order to protect the poultry of the United States from the further introduction or dissemination of the contagion of viscerotropic velogenic Newcastle disease from foreign countries into the United States, and in order to protect the gains made in the Newcastle disease eradication program, and must be made effective as soon as possible in order to accomplish these objectives. Insofar as the document relieves restrictions it should be made effective as soon as possible in order to be of maximum benefit to affected importers. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that publication of notice of proposed rulemaking and opportunity for public comment in connection with the amendment would be impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 5th day of November 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–26185 Filed 11–7–74;8:45 am]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal and Air Ports

Correction

In FR Doc. 74–24226 appearing at page 36959 in the issue of Wednesday, October 16, 1974 in the fourth line of the amendatory paragraph preceding § 97.1, the reference to "§ 297.1" should read "§ 97.1".

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–WE–14]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Areas

Correction

In FR Doc. 74–23427 appearing at page 36323 of the issue for Wednesday, October 9, 1974, in the third line of the first paragraph "(39 FR 24328)" should read "(39 FR 24238)".

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–882, Amdt. 15]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting Fuel Consumption and Inventories for Domestic and International Operations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., October 15, 1974.

By circulation of proposed rule-making EDR–277, dated June 21, 1974 (Docket 26819), and published at 39 FR 24238, dated July 1, 1974, the Board gave notice that it has under consideration an amendment to Part 241 of its Economic Regulations which would require certificated route and supplemental carriers

[3] A sentinel bird is a specific pathogen-free chicken which has not been infected with, exposed to, or immunized with any strain of Newcastle disease virus and is therefore susceptible to Newcastle disease. Information regarding sources of sentinel birds may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[4] Technical information on laboratory methods and procedures may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

[5] Information regarding the identity of such approved laboratory facilities and other criteria for such approval may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250.

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to report fuel inventories on a system basis and fuel consumption by type of service and specific operational markets.

Comments in response to the notice were received from Braniff International (Braniff), Delta Air Lines, Inc. (Delta), The Flying Tiger Line Inc. (Flying Tiger), Frontier Airlines, Inc. (Frontier), Northwest Airlines, Inc. (Northwest), Pan American World Airways, Inc. (Pan American), Texas International Airlines, Inc., (Texas International), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and World Airways, Inc. (World). Upon consideration of all the comments received, the Board has determined that, except as modified herein, it shall adopt the proposed rule and make final the tentative findings and conclusions on which it was based.

The Board pointed out in EDR–277 the need to regularize its compilation of fuel data into a single uniform reporting regulation since such data are currently reported separately for domestic operations, international operations, and operations performed for the Military Airlift Command (MAC). It was also observed that the Board's regulatory need for information would best be served if fuel inventories and consumption were reported on a system basis rather than on an individual station basis, and if fuel consumption were reported by type of service and specific operational market. The reporting would be done on two new formats, Schedule P–12, "Fuel Inventories and Consumption," and Schedule P–12(a), "Fuel Consumption by Type of Service and Specific Operational Markets."

All of the respondents supported the need for a single regulation for the reporting of fuel data to the Board. Flying Tiger and TWA, however, urged the Board not to change the fuel reporting requirement from a station-by-station basis to a system or geographical summary basis. These carriers believe that fuel cost and supply problems are individual station problems which cannot be identified and dealt with by the Board when fuel data is reported on a system basis. We currently do not have a regulatory need for fuel cost data by individual stations. Moreover, the Board's powers to deal with supply problems at individual locations are limited at best. However, to the extent that these problems may require governmental action, the information relating to these locations will be available. In this connection, we wish to emphasize that carriers shall continue to compute their fuel inventories and consumption on an individual station basis, but only the totals from these individual station computations shall be reported on schedule P–12. Therefore the suggestion to continue reporting individual station fuel cost data to the Board will not be adopted.[1]

[1] For this same reason, we will not adopt Flying Tiger's suggestion that station-by-station reporting be expanded to include individual identification of suppliers by location.

Braniff and United suggested that the Board permit each carrier to utilize its own inventory costing method for pricing fuel on schedule P–12 in lieu of the average cost method proposed in EDR–277. They pointed out that differences will arise between amounts recorded for book purposes and amounts reported to the Board because their books are not maintained on the average cost method. United also pointed out that the Board's proposal is burdensome since it would require United to maintain a separate accounting system exclusively for the purpose of reporting fuel data.

Northwest also suggested a departure from the average cost method of pricing inventories. The carrier recommended that the proposed inventory report schedule P–12 be modified to reflect ending inventory values at the latest purchase price. Northwest further suggested that the report should represent the total of inventories separately priced at each inventory location. The carrier states that these methods would more accurately represent inventory values.

The Board is not persuaded by the arguments to change from the average cost method proposed in EDR–277. First, the average method is the simplest to apply and the easiest to understand. In this connection, we note that a majority of carriers currently use the average cost method. Second, carriers' fuel inventories have historically been immaterial in relation to fuel consumed, and have demonstrated a high turnover ratio. For example, Northwest points out that the fuel inventory turns over almost on a daily basis at some of its tank farms. Thus, due to the relatively small size of inventories, the differences referred to by Braniff and United would be negligible in comparison to total consumption. Furthermore, contrary to the suggestions of Braniff and United, there should be no differences between the inventory costs recorded for book purposes and those reflected in reports to the Board. The average cost method of valuing inventories may not have been used by all carriers for both accounting and reporting purposes prior to the Board's issuance of the instant rule. However, pursuant to sections 22(e) and 32(e) of the Uniform System of Accounts and Reports, all financial data reported to the Board must reflect the status of the air carrier's books of account. Accordingly, with the finalization of this regulation all carriers will be required to use the average cost method for recordkeeping purposes as well as for reporting fuel data to the Board.

Nevertheless, in view of the nature of the responding carriers' comments concerning the average cost method, we believe that further clarification of this method is necessary. As we noted earlier, carriers shall continue to compute their fuel inventories and consumption on an individual station basis. For each station, a carrier shall compute fuel inventories and consumption using the average cost method.[2] The carrier will then report only the sum from these individual station computations on schedule P–12. On schedule P–12(a), the fuel cost data reported by specific market should be the average cost of fuel (as determined at the station level) consumed in a particular market.

World would prefer to continue the present reporting on schedule P–5(b) until a new computer system is completed in early 1975 which will apparently satisfy the proposed requirements of EDR–277 as well as further enhance its own internal costing system for flights. The carrier states that compliance at this time with the proposed requirements set forth in EDR–277 would be burdensome. World suggests, therefore, that the reporting of schedules P–12 and P–12(a) should be on a voluntary basis. The Board finds, however, that reporting on a voluntary basis would not satisfy its needs for uniform fuel reports. Therefore, this suggestion will not be adopted.

Northwest contends that schedules P–12 and P–12(a) should be adopted on a temporary basis and eliminated at the end of the energy crisis. The carrier further contends that in the absence of the energy crisis, present Form 41 reporting includes sufficient fuel cost information to meet the Board's needs. This suggestion will not be adopted because there is no need to consider at this time when it might be appropriate to discontinue the within reporting requirement. Obviously, the absence of an expiration date would not preclude us from repealing this rule at such time as we will no longer have a regulatory need for this data. Moreover, the carriers are free to petition the Board for deletion of these reporting requirements when they feel that the reports no longer serve a useful purpose.

Several carriers requested that accruals of fuel costs be permitted in determining fuel consumption and inventory values on schedule P–12 since acutal costs may not always be available in time to meet the 15-day filing deadline. Moreover, Pan American, Northwest, and TWA cite this and other reasons in suggesting that the due date for filing be extended past the 15-day deadline proposed in EDR–277.

We have decided to permit an additional five days for filing reports, and the final rule thus provides a 20-day filing deadline. With this additional time the carriers should be able to use actual fuel costs in filing the reports. Therefore, no provision has been made for the use of estimated accruals of fuel costs in the reports.

As a result of suggestions and comments by Northwest, Texas International and TWA, we have deleted the provision proposed in EDR–277 that would have required the separate reporting and

[2] We wish to clarify for Braniff that direct purchases of fuel are accounted for in the inventory calculation as "purchases" and are charged to expense (under the average cost method) by virtue of not being included in the ending inventory balances.

identification of "Net Adjustments" (for retroactive price adjustments, other pricing discrepancies, and temperature-related adjustments) on schedule P–12. Instead, carriers will record these adjustments on their books and reflect them in the amounts reported on the current schedules P–12 and P–12(a). Where such adjustments result in a material distortion of the current month's data, however, carriers shall file revised schedules P–12 and P–12(a) so indicated for the month(s) affected by the adjustments.

Braniff and Northwest suggested that the expanded reporting on Schedule B–1, "Balance Sheet," to include three subaccounts to record the ending inventories of bonded, non-bonded and foreign fuel is unnecessary. We agree, and accordingly have adopted Braniff's suggestion that a single overall control account be established for reporting to the Board.

Braniff, Northwest, TWA, and World requested clarification and/or modification of the definitions of bonded, non-bonded, and foreign fuel. These carriers pointed out that since all three fuel types may be used in all markets, under the proposed definitions in EDR–277, questions would arise on how to report bonded fuel used in United States markets, nonbonded fuel used in foreign operations, and foreign fuel used in domestic operations. We have accordingly revised these definitions so that they relate to the locations from which fuel is issued without regard to the locations in which it is consumed.

Clarification has also been requested as to how fuel consumption by specific operational market should be reported on schedule P–12(a). For purposes of this report, the fuel consumption reported for a market is determined by the market in which or into which the aircraft is flying rather than the market from which the fuel is issued. For example, on a flight operated from Los Angeles to London with a technical or fuel stop in Bangor, Maine, a carrier would report on schedule P–12(a) all fuel consumed on this flight in the "Atlantic (excluding Bermuda)" market at the average price of fuel determined for that market. Assume another flight is operated from St. Louis to Dallas to Mexico City with all fuel loaded at St. Louis. The consumption in the St. Louis to Dallas segment would be reported in the "48 States" market while the consumption for the Dallas to Mexico City segment would be reported in the "Mexico" market.

Several suggestions were submitted by carriers which we consider to be minor. Northwest suggested modifying schedule P–12(a) to report fuel consumption by total service; Pan American suggested that fuel costs for nonrevenue flight operations be reported separately on schedule P–12(a) for each type of service; TWA suggested the title of schedules P–12 and P–12(a) be changed to refer to fuel issued rather than fuel consumed; and World suggested that MAC fuel be reported in a separate column on schedules P–12 and P–12(a).[3] We have considered these suggestions and because they would not further improve or clarify the reporting requirements herein, the Board shall adopt them.[4]

Finally, it was proposed that the final rule would become effective August 1, 1974. However, due to the time already expended in finalizing this amendment, we have decided that an effective date of November 1, 1974, would be preferable. Thus, the first filing of the new schedules would be on or before December 20, 1974. Although this amendment establishes both reporting and recordkeeping requirements, we believe that carriers have been using the recordkeeping and reporting procedures prescribed herein to compile and report fuel data to the Board since the inception of the Board's fuel reporting requirements, i.e., CAB Form T–90, and schedule P–5(b). Looked at in this context, therefore, and given the length of time between publication date and the prescribed reporting due date, we believe the effective date will provide adequate time for achieving compliance with this rule. Thus, we find good cause to make this rule effective on less than thirty (30) days' notice.

As noted in EDR–277, this reporting requirement supersedes any existing requirement for filing fuel data, i.e., Chairman Timm's letter of March 7, 1974, and the Director, Bureau of Economics, letters dated January 4 and February 21, 1974, except that carriers will continue to report to the Government Rates Division, Bureau of Economics, the first of the month commercial price quotations from each supplier by station.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of its Economic Regulations (14 CFR Part 241) effective November 1, 1974, as follows:

1. Amend Section 3—Chart of Balance Sheet Accounts—to add new Account 1320—Fuel Inventories, the revised chart in pertinent part to read:

Name of account	General classification
• • •	• • •
Obsolescence and deterioration reserves—expendable parts	1311
Fuel inventories	1320
Miscellaneous materials and supplies	1330
• • •	• • •

Section 6—[Amended]

2. Amend Section 6—Objective Classification of Balance Sheet Elements—as follows:

A. Add a new Account 1320—Fuel Inventories, immediately following Account 1311—Obsolescence and Deterioration Reserves—Expendable Parts, to read as follows:

1320 Fuel Inventories.

(a) Record here the total cost of unissued fuel inventories for use in the overall or system operations of the carrier. Adjustments of inventories or aircraft fuel shall not be entered in this account but in profit and loss account 45, Aircraft Fuels and Oils.

B. Amend paragraph (a) of Account 1330—Miscellaneous Materials and Supplies, to read:

1330 Miscellaneous Materials and Supplies.

(a) Record here the cost of unissued and unapplied materials and supplies held in stock such as unissued shop materials, expendable tools, stationery and office supplies, passenger service supplies, and restaurant and food service supplies.

• • • • •

Section 22—[Amended]

3. Amend Section 22—General Reporting Instructions—as follows:

A. By adding to the "List of Schedules in CAB Form 41 Report" in paragraph (a) new Schedules P–12, "Fuel Inventories and Consumption," and P–12(a), "Fuel Consumption by Type of Service and Specific Operational Markets"; and by deleting Schedule P–5(b), "Fuel Consumption and Inventories," the revised list in pertinent part to read:

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Schedule title	Filing frequency
• • •	• • •	• • •
P–5(a)	Components of Flight Equipment Depreciation	Do.
P–6	Maintenance; Passenger Service and General and Administrative Expense Functions—All Air Carrier Groups:	Do:
• • •	• • •	• • •
P–11(b)	Charges by Foreign Governments for Airport Facilities and Services	Do:
P–12	Fuel Inventories and Consumption	Monthly.
P–12(a)	Fuel Consumption by Type of Service and Specific Operational Markets	Do:
P–41	Taxes	Annually.
• • •	• • •	• • •

[3] We wish to clarify for World that the reference in EDR–277 to "other than Jet A fuel" means that any fuel other than what is commonly referred to as Jet A should be footnoted.

[4] We are also taking this occasion to restore schedule A–2 to the list of reports due on March 30, as set forth in section 22 and 32; the schedule was inadvertently omitted by ER–840.

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B. By adding to the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) new schedules P–12 and P–12(a) due on the 20th of each month and deleting schedule P–5(b) listed for the 15th of each month, as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date [1]	Schedule No.
Jan. 20	P–12, P–12(a)
Jan. 30	• • •
Feb. 10 [2]	• • •
Feb. 20	P–12, P–12(a)
Mar. 1	• • •
Mar. 20	P–12, P–12(a)
Mar. 30	A–2, B–1, • • •
Apr. 20	P–12, P–12(a)
Apr. 30	• • •
May 10	• • •
May 20	P–12, P–12(a)
May 30	• • •
June 20	P–12, P–12(a)
June 30	• • •
July 20	P–12, P–12(a)
July 30	• • •
Aug. 10	• • •
Aug. 20	P–12, P–12(a)
Aug. 30	• • •
Sept. 20	P–12, P–12(a)
Sept. 30	• • •
Oct. 20	P–12, P–12(a)
Oct. 30	• • •
Nov. 10	• • •
Nov. 20	P–12, P–12(a)
Nov. 30	• • •
Dec. 20	P–12, P–12(a)
Dec. 30	• • •

[1] Due dates falling • • •
[2] B and P • • •

Section 24 [Amended]

4. Amend Section 24—Profit and Loss Elements—as follows:

A. By deleting the caption "Schedule P–5(b)—Fuel Consumption and Inventories" which follows paragraph (h) of schedule P–5(a), as well as the entire text of paragraphs (a) through (h) inclusive set forth under said caption.

B. By inserting, following the reporting instructions for schedule P–11(b), and preceding the reporting instructions for schedule P–41, reporting instructions for new schedules P–12 and P–12(a), to read as follows:

Schedule P–12—Fuel Inventories and Consumption

(a) This schedule shall be filed monthly by all route air carriers.

(b) A single copy (original only) of this schedule shall be filed to report the inventory and consumption of bonded, non-bonded, and foreign fuel for the overall or system operations of the carrier.

(c) For the purposes of schedules P–12 and P–12(a), "bonded fuel" is that fuel produced outside the customs limits of the United States and held in bond under continuous United States customs custody in accordance with Treasury Department regulations. "Non-bonded fuel" is that fuel which is not bonded and is loaded at points inside the 50 States of the United States and the District of Columbia. "Foreign fuel" is that fuel which is not bonded and is loaded at points outside the 50 States of the United States and the District of Columbia.

(d) The cost of fuel shall include shrinkage but shall exclude (1) "through-put" and "in to plane" fees, *i.e.*, service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form and (2) nonrefundable Federal and State excise taxes. However, "through-put" and "in to plane" service fees that cannot be identified or segregated from the cost of fuel shall remain part of the cost of fuel as reported on this schedule, but the total cost and gallons so reported are to be properly annotated.

(e) Each air carrier shall maintain records for each station showing the computation of fuel inventories and consumption for each fuel type in the manner prescribed in paragraph (f).

(f) The amounts reported on the line designated "Purchases" shall include all purchases and all adjustments at actual gallons and costs. "Ending Inventory" and "Consumption" costs shall be computed on the periodic average-cost method. Under this method, an average unit cost for each fuel type shall be computed by the carrier by dividing the total cost of fuel available ("Beginning Inventory" plus "Purchases") by the total gallons available. The resulting unit cost shall then be used to extend the gallons in "Ending Inventory" and "Total Consumption for the Month." This method shall be used to compute fuel inventories and consumption at each station; however, only the sum of the totals from individual station computations shall be reported on this schedule.

(g) Where any adjustment(s) recorded on the books of the carrier results in a material distortion of the current month's schedule P–12, carriers shall file revised schedules P–12 and P–12(a), so indicated, for the month(s) affected.

(h) The total gallons reported in column (7) on the line designated "Total Consumption for the Month" shall equal the sum of the gallons reported by each entity on schedule T–2(b) under the caption "All Types," Code 2921. The total costs reported in column (8) on the line "Total Consumption for the Month" shall equal the sum of the costs reported by each entity on schedule P–5.2, under the caption "Total—All Aircraft Types," Account 45.1—Aircraft Fuels.

(i) Where the amounts reported for a fuel type include other than Jet A fuel, a footnote should be added indicating the number of gallons and applicable costs included in the amounts reported for such other fuel type.

(j) The beginning inventory of this schedule shall be the ending inventory of the prior period. Differences shall be properly annotated and reconciled. In addition, the total cost of "Ending Inventory" reported in column (8) shall correspond to the amount reported in Account 1320, Fuel Inventories, on schedule B–1.

Schedule P–12(a) Fuel Consumption by Type of Service and Specific Operational Markets

(a) This schedule shall be filed monthly by all route air carriers.

(b) A single copy (original only) of this schedule shall be filed to report the bonded, non-bonded, and foreign fuel consumption data (as those terms are defined in schedule P–12), by type of service and specific operational markets.

(c) For the purposes of this schedule, type of service shall be either scheduled service or nonscheduled service as those terms are defined in section 03 of Part 241.

(d) Operations performed pursuant to Military Airlift Command (MAC) operations shall be shown separately on the lines indicated as "MAC Operations."

(e) For each type of fuel, the cost data reported by specific operational market should represent the average cost of fuel as determined at the station level consumed in a specific market.

(f) Where the amounts reported for a specific market include other than Jet A fuel, a footnote shall be added indicating the number of gallons and applicable costs of such other fuel included in the amounts reported for that market.

(g) The amounts reported in columns (1) through (8) on the "Grand Total" line shall agree with the amounts reported in columns (1) through (8) on the "Total Consumption for the Month" line of schedule P–12.

Section 32—[Amended]

5. Amend Section 32—General Reporting Instructions—as follows:

A. By adding to the "List of Schedules in CAB Form 41 Reports" in paragraph (a), new Schedules P–12, "Fuel Inventories and Consumption" and P–12(a), "Fuel Consumption by Type of Service and Specific Operational Markets"; and by deleting schedule P–5(b), "Fuel Consumption and Inventories," the revised list in pertinent part to read:

LIST OF SCHEDULES IN CAB FORM 41 REPORT

Schedule No.	Schedule title	Filing frequency
• • •	• • •	• • •
P–5(a)	Components of Flight Equipment Depreciation	Do.
P–6	Maintenance, Passenger Service and General and Administrative Expense Functions—All Air Carrier Groups.	Do.
• • •	• • •	• • •
P–11(b)	Charges by Foreign Governments for Airport Facilities and Services	Do.
P–12	Fuel Inventories and Consumption	Monthly.
P–12(a)	Fuel Consumption by Type of Service and Specific Operational Markets	Do.
T–3.1	Statement of Traffic and Capacity Statistics	Do.
• • •	• • •	• • •

B. By adding to the list of "Due Dates of Schedules in CAB Form 41 Report" in paragraph (a) new schedules P–12 and P–12(a) due on the 20th of each month and deleting schedule P–5(b) listed for the 15th of each month, as follows:

DUE DATES OF SCHEDULES IN CAB FORM 41 REPORT

Due Date [1]	Schedule No.
Jan. 20	P–12, P–12(a)
Jan. 30	• • •
Feb. 10 [2]	• • •
Feb. 20	P–12, P–12(a)
Mar. 1	• • •
Mar. 20	P–12, P–12(a)
Mar. 30	A–2, B–11, • • •
Apr. 20	P–12, P–12(a)
Apr. 30	• • •
May 10	• • •
May 20	P–12, P–12(a)
May 30	• • •
June 20	P–12, P–12(a)
June 30	• • •
July 20	P–12, P–12(a)
July 30	• • •
Aug. 10	• • •
Aug. 20	P–12, P–12(a)
Aug. 30	• • •
Sept. 20	P–12, P–12(a)
Sept. 30	• • •
Oct. 20	P–12, P–12(a)
Oct. 30	• • •
Nov. 10	• • •
Nov. 20	P–12, P–12(a)
Nov. 30	• • •
Dec. 20	P–12, P–12(a)
Dec. 30	• • •

[1] Due dates falling • • •
[2] B and P • • •

Section 34 [Amended]

6. Amend Section 34—Profit and Loss Elements—as follows:

A. By deleting the caption "Schedule P–5(b)—Fuel Consumption and Inventories" which follows paragraph (h) of schedule P–5(a), as well as the entire text of paragraphs (a) through (h) inclusive set forth under said caption.

B. By inserting, following the reporting instructions for schedule P–11(b), reporting instructions for new schedules P–12 and P–12(a), to read as follows:

Schedule P–12—Fuel Inventories and Consumption

(a) This schedule shall be filed monthly by each supplemental air carrier.

(b) A single copy (original only) of this schedule shall be filed to report the inventory and consumption of bonded, non-bonded, and foreign fuel for the overall or system operations of the carrier.

(c) For the purposes of schedules P–12 and P–12(a), "bonded fuel" is that fuel produced outside the customs limits of the United States and held in bond under continuous United States customs custody in accordance with Treasury Department regulations. "Non-bonded fuel" is that fuel which is not bonded and is loaded at points inside the 50 States of the United States and the District of Columbia. "Foreign fuel" is that fuel which is not bonded and is loaded at points outside the 50 States of the United States and the District of Columbia.

(d) The cost of fuel shall include shrinkage but shall exclude (1) "through-put" and "in to plane" fees, *i.e.*, service charges or gallonage levies assessed by or against the fuel vendor or concessionaire and passed on to the carrier in a segregated and identifiable form and (2) nonrefundable Federal and State excise taxes. However, "through-put" and "in to plane" service fees that cannot be identified or segregated from the cost of fuel shall remain part of the cost of fuel as reported on this schedule, but the total cost and gallons so reported are to be properly annotated.

(e) Each air carrier shall maintain records for each station showing the computation of fuel inventories and consumption for each fuel type in the manner prescribed in paragraph (f).

(f) The amounts reported on the line designated "Purchases" shall include all purchases and all adjustments at actual gallons and costs. "Ending Inventory" and "Consumption" costs shall be computed on the periodic average-cost method. Under this method, an average unit cost for each fuel type shall be computed by the carrier by dividing the total cost of fuel available ("Beginning Inventory" plus "Purchases") by the total gallons available. The resulting unit cost shall then be used to extend the gallons in "Ending Inventory" and "Total Consumption for the Month." This method shall be used to compute fuel inventories and consumption of each station; however, only the sum of the totals from individual station computations shall be reported on this schedule.

(g) Where any adjustment(s) recorded on the books of the carrier results in a material distortion of the current month's schedule P–12, carriers shall file revised schedules P–12 and P–12(a), so indicated, for the month(s) affected.

(h) The total costs reported in column (8) on the line "Total Consumption for the Month" shall equal the sum of the costs reported on schedule P–5.2, under the caption "Total—All Aircraft Types," Account 45.1—Aircraft Fuels.

(i) Where the amounts reported for a fuel type include other than Jet A fuel, a footnote should be added indicating the number of gallons and applicable costs included in the amounts reported for such other fuel type.

(j) The beginning inventory of this schedule shall be the ending inventory of the prior period. Differences shall be properly annotated and reconciled. In addition, the total cost of "Ending Inventory" reported in column (8) shall correspond to the amount reported in Account 1320, Fuel Inventories, on schedule B–1.

Schedule P–12(a) Fuel Consumption by Type of Service and Specific Operational Markets

(a) This schedule shall be filed monthly by each supplemental air carrier.

(b) A single copy (original only) of this schedule shall be filed to report for nonscheduled service the bonded, non-bonded, and foreign fuel (as those terms are defined in schedule P–12) consumed in specific operational markets.

(c) For the purposes of this schedule, the definition of nonscheduled service as set forth in section 03 of Part 241 shall apply.

(d) Operations performed pursuant to Military Airlift Command (MAC) operations shall be shown separately on the lines indicated as "MAC Operations."

(e) For each type of fuel, the cost data reported by specific operational market should represent the average cost of fuel as determined at the station level consumed in a specific market.

(f) Where the amounts reported for a specific operational market include other than Jet A fuel, a footnote shall be added indicating the number of gallons and applicable costs of such other fuel included in the amounts reported for that market.

(g) The amounts reported in columns (1) through (8) on the "Grand Total" line shall agree with the amounts reported in columns (1) through (8) on the "Total Consumption for the Month" line of schedule P–12.

7. Amend CAB Form 41 by amending schedule B–1 and adding new schedules P–12 and P–12(a), as shown in Exhibits A, B, and C, respectively, attached hereto and made a part hereof,[1] and by deleting CAB schedule P–5(b).

(Secs. 204(a) and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743 and 766; 49 U.S.C. 1342, 1377)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-26230 Filed 11-7-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 377—SHORT SUPPLY CONTROLS

Miscellaneous Amendments

RELATIONSHIP OF PARTIES APPLYING FOR NONHISTORICAL QUOTAS

The regulations on ferrous scrap exports are revised to clarify that exporters seeking portions of the nonhistorical country quotas may not evade the maximum of 2,000 short tons for Canada or Mexico, or 10,000 short tons for any other country, through submission of applications by subsidiary or affiliate companies.

1. Accordingly, the Export Administration Regulations (15 CFR 377.4) are amended by adding to the end of § 377.4 (b–1) the following:

• • • To assure equitable opportunity for participation by each exporter in these nonhistorical country quotas, the term "exporter," for purposes of this paragraph, includes the subject person or firm and all subsidiaries, affiliates, or associated persons or firms. The total quantity applied for by all such related persons or firms for any country may not exceed the limits set forth above for each such exporter.

[1] Exhibits A, B, and C are filed as part of the original document.

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CHANGE OF SUBMISSION TIMES TO EASTERN STANDARD TIME

With the return to standard time on October 27, the deadlines for submitting applications to export ferrous scrap, as announced in the FEDERAL REGISTER for September 30, 1974, are changed from 5 p.m. e.d.t. to 5 p.m. Eastern Standard Time.

2. Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended by revising the submission time under "SUBMISSION DATES" in Supplement No. 1 to Part 377 from "5 p.m. e.d.t." to "5 p.m. e.s.t.".

ADDITIONAL FOREIGN POLICY ALLOCATIONS FOR SHIPMENTS OF FERROUS SCRAP TO CERTAIN DESTINATIONS IN THE FOURTH QUARTER 1974

The FEDERAL REGISTER for September 30, 1974, announced the quotas for export of ferrous scrap during the fourth quarter 1974. In that issuance, it was stated that 100,000 short tons would be set aside for foreign policy allocation.

This issuance announces that these 100,000 short tons have been assigned, following consultations with the Department of State and the National Security Council, to certain countries to fill special needs that are in consonance with U.S. foreign policy objectives. The countries eligible for these additional fourth quarter allocations and the quantities available to each are as follows:

Quantities in short tons

Country	Allocation	Exporter limit	Type A[1]
Argentina	6,000	6,000	5,400
Bangladesh	5,500	5,500	5,500
Chile	2,000	2,000	0
Dominican Republic	2,000	2,000	200
Egypt	15,000	10,000	5,000
Israel	15,000	10,000	5,000
Pakistan	5,500	5,500	3,500
People's Republic of China	35,000	10,000	28,000
Philippines	10,000	10,000	6,000
Venezuela	4,000	4,000	400

[1] The column designated type A indicates the maximum tonnage of ferrous scrap, out of the total foreign policy allocation for a particular country, that may be licensed from the type A scrap grades, which include No. 1 and No. 2 heavy melting steel scrap, No. 1 bundles, and iron scrap.

Any exporter who obtains an order dated after November 3, 1974, and before December 7, 1974, for export of ferrous scrap to a country that has received an additional allocation, may submit an application for an export license whether or not he has a past history of exporting scrap to the country involved. The application must be clearly marked "Foreign Policy Allocation." No exporter may apply for licenses for any one country for more than the amount shown in the column designated "Exporter Limit". If applications are received from an exporter for export to a country of a quantity that exceeds that country's "Exporter Limit" or Type "A" maximum tonnage, the applicant will be contacted to determine which of his applications should be reduced in quantity or returned without action. Applications received by the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230 after 5 p.m. EST Friday December 6, 1974, will not be considered.

Licenses will not be issued under these rules before December 9, 1974. In the event that applications for licenses are received for quantities in excess of the total quantity allocated to a particular country or its Type "A" maximum, the Department of Commerce will request advice and guidance from such country as to the consignee(s) that should receive preference. Such advice will be considered along with other factors, such as the type and location of the scrap involved, etc., in deciding which applications to license.

In addition to the requirements set forth above, the applications must conform to the requirements for submission set forth in § 377.4 of the Export Administration Regulations. Applications must be submitted on Forms DIB–622P or FC–419 and DIB–623P or FC–420.[2] Such applications must be accompanied by: (1) A photocopy or certified copy of the order (if the order is not from the ultimate consignee, a copy of the contract between the purchaser or other parties involved and the ultimate consignee must also be submitted in support of the application), and (2) where import permits are required by the country of destination, a statement from the ultimate consignee (or other foreign party to the transaction), or other documentation, which indicates to the satisfaction of the Office of Export Administration that the permit has been obtained.

Applications for which the required accompanying documentation is not received by the Office of Export Administration by 5 p.m. e.s.t. December 6, 1974, will not be considered. In order for an application to be acceptable, the ferrous scrap must be described in sufficient detail so that the "Type" it belongs in may be ascertained and verified.

Licenses will expire 90 days from the date of issuance. The shipping tolerance for exports shall be 5 percent of the unshipped quantity. Any cancellation of an order automatically revokes the license that was issued against it.

Effective date: November 4, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74-26168 Filed 11-5-74;11:18 am]

[2] Forms are available from any of the Commerce Department's Domestic and International Business Administration District Offices or from the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No C–2531]

PART 13—PROHIBITED TRADE PRACTICES

Buy-Rite Sales Corp.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service;* § 13.155 *Prices;* 13.155–70 Percentage savings 13.155–95 Terms and conditions; § 13.160 *Promotional sales plans.* Subpart—Contracting for sale any evidence of indebtedness prior to specified time:[1] § 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Disparaging products, merchandise, services, etc.:[2] § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adaquate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–95 Truth in Lending Act. —Prices: § 13.1778 *Additional costs unmentioned;* § 13.1800 *Demonstration reductions;* § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act. —Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1855 *Identity;* § 13.1882 *Prices;* § 13.1892 *Sales contract right-to-cancel provision;* § 13.1905 *Terms and conditions;* 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605) [Cease and desist order, Buy-Rite Sales Corporation, et al., Union City, N.J., Docket C–2531, Aug. 26, 1974]

In the matter of Buy-Rite Sales Corporation, a corporation, and Thomas Payne and Robert D. Blackburn, Jr., individually and as officers of said corporation.

Consent order requiring a Union City, N.J., seller and distributor of swimming pools and swimming pool accessories, among other things to cease using deceptive sales plans; disparaging merchandise offered for sale; misrepresenting prices and/or savings available to customers; failing to maintain adequate records to substantiate savings claims; failing to disclose to consumers, in connection with the extension of consumer credit, such information as is required by Regulation Z of the Truth in Lending Act; failing to include on the face of instruments of indebtedness a notice that all rights and defenses of purchasers are preserved upon sale to third parties.

The order to cease and desist including further order requiring report of compliance therewith, is as follows:[3]

PART I

It is ordered, That respondents Buy-Rite Sales Corporation, a corporation, its successors and assigns, and Thomas Payne and Robert D. Blackburn, Jr., individually and as officers of said corporation, and respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of swimming pools or swimming pool accessories in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using in any manner, a sales plan, scheme or device wherein false, misleading or deceptive statements or representations are made in order to obtain leads or prospects for the purchase of swimming pools or any other merchandise or service from respondents.

2. Advertising or offering merchandise for sale for the purpose of obtaining leads or prospects for the purchase of other or different merchandise when the advertised merchandise is inadequate to perform the functions for which it is offered and respondents do not maintain a reasonably adequate and readily available stock of said advertised merchandise.

3. Disparaging any product, merchandise or service which is offered for sale.

4. Representing, directly or by implication, that any product, merchandise or service is offered for sale when such offer is not a bona fide offer to sell such product, merchandise or service.

5. Representing, directly or by implication, that any price for products, merchandise or services sold by respondents is a special, pre-season or sale price, when such price does not constitute a significant reduction from an established selling price at which such products, merchandise or services have been sold in substantial quantities by respondents in the recent, regular course of their business.

6. (a) Representing, in any manner, that by purchasing any of said swimming pools or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and respondents' former price unless such swimming pools or other products or merchandise have been sold or offered for sale in good faith at the former price by respondents for a reasonably substantial period of time in the recent, regular course of business.

(b) Representing, in any manner, that by purchasing any of said swimming pools or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared price for said swimming pools or other products or merchandise in respondents' trade area unless a substantial number of the principal retail outlets in the trade area regularly sell said swimming pools or other products or merchandise at the compared price or some higher price.

(c) Representing, in any manner, that by purchasing any of said swimming pools or other products or merchandise, customers are afforded savings amounting to the difference between respondents' stated price and a compared value price for comparable swimming pools or other products or merchandise, unless substantial sales of swimming pools or other products or merchandise of like grade and quality are being made in the trade area at the compared price or a higher price and unless respondents have in good faith conducted a market survey or obtained a similar representative sample of prices in their trade areas which establishes the validity of said compared price and it is clearly and conspicuously disclosed that the comparison is with products or merchandise of like grade and quality.

7. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' swimming pool or other products or merchandise.

8. Failing to maintain adequate records (a) which disclose the facts upon which any savings claim, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5, 6(a)–(c) and 7 of this order are based, and (b) from which the validity of any savings claim, including former pricing claims and comparative value claims, and similar representations of the type described in paragraphs 5, 6(a)–(c) and 7 of this order may be determined.

9. Failing to disclose the fact that the quoted price for a swimming pool does not include the cost of ground preparation.

10. Misrepresenting, in any manner, that the pool of any of respondents' purchasers or prospective purchasers will be be used for any type of advertising or demonstration purpose or as a model pool or that as a result of such use, respondents' purchasers or prospective purchasers or prospective purchasers will or will receive discounts, referral fees or allowances of any type.

11. Misrepresenting, in any manner, that any swimming pool installation will be completed by a specified date.

12. Failing to incorporate the following statement on the face of all contracts executed by respondents' customers with such conspicuousness and clarity as is likely to be observed, read and understood by the purchaser:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

13. Negotiating to a third party, a conditional sales contract, promissory note or other instrument of indebtedness executed in connection with the purchase of a swimming pool, or any other products or merchandise unless said conditional sales contract, promissory note or other instrument of indebtedness bears a legend to the effect that the third party assignee receives such conditional sales contract, promissory note or other instrument of indebtedness subject to all defenses which the debtor may have against the assignor, where such defenses arise from conduct of the assignor which violates the Federal Trade Commission Act or any other law administered by the Federal Trade Commission.

14. Contracting for any sale whether in the form of trade acceptance, conditional sales contract, promissory note, or otherwise, which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of execution.

15. Failing to furnish the buyer with a fully completed receipt or copy of any contract pertaining to such sale at the time of its execution, which is in the same language, e.g., Spanish, as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

16. Failing to furnish each buyer, at the time he signs the sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract or receipt and easily detachable, and which shall contain in ten point bold face type the following information and statements in the same language, e.g., Spanish, as that used in the contract:

NOTICE OF CANCELLATION

(enter date of transaction)
(Date)

You may cancel this transaction, without any penalty or obligation, within three business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within 10 business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return

[1] Revised.
[2] Addition.

[3] Copies of the complaint, decision and order filed with the original document.

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shipment of the goods at the seller's expense and risk.

If you do make the goods available to the seller and the seller does not pick them up within 20 days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation. If you fail to make the goods available to the seller, or if you agree to return the goods to the seller and fail to do so, then you remain liable for performance of all obligations under the contract.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to ----------, at
(Name of seller)

(address of seller's place of business)
not later than midnight of----------.
(Date)

I hereby cancel this transaction.

(Date)

(Buyer's signature)

17. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

18. Including in any sales contract or receipt any confession of judgment or any waiver of any of the rights to which the buyer is entitled under this order including specifically his right to cancel the sale in accordance with the provisions of this order.

19. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, or his right to cancel.

20. Misrepresenting, directly or indirectly, orally or in writing, the buyer's right to cancel.

21. Failing or refusing to honor any valid notice of cancellation by a buyer within 10 business days after receipt of such notice, to (i) refund all payments made under the contract or sale; (ii) return any goods or property traded in, in substantially as good condition as when received by the seller; (iii) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

22. Negotiating, transferring, selling or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

23. Failing, within 10 business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or abandon any shipped or delivered goods.

Provided, however, That nothing contained in this order shall relieve respondents of any additional obligations respecting contracts required by federal law or the law of the state in which the contract is made. When such obligations are inconsistent, respondents can apply to the Commission for relief from this provision with respect to contracts executed in the state in which such different obligations are required. The Commission, upon showing, shall make such modifications as may be warranted in the premises.

PART II

It is further ordered, That respondents Buy-Rite Sales Corporation, a corporation, its successors and assigns, and Thomas Payne and Robert D. Blackburn, Jr., individually and as officers of the corporate respondent, and respondents' agents, representatives and employees, directly or through any corporate or other device, or under any other name, in connection with any consumer credit sale of swimming pools or any other products or merchandise as "consumer credit" and "credit sale" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (P.L. 90–321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to disclose the annual rate of the finance charge expressed as an "annual percentage rate", as required by § 226.8(b)(2) of Regulation Z.

2. Failing, in any transaction in which a security interest is or will be retained or acquired in any real property which is used or expected to be used as the principal residence of the customer, to provide each customer with notice of the right to rescind as required by § 226.9(a), in the manner and form specified in § 226.9(b) of Regulation Z.

3. Failing, in any consumer credit transaction, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form and amount required by §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

PART III

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any change in the corporation which may affect compliance obligations arising out of this Order.

It is further ordered, That respondents distribute a copy of this Order to all operating divisions of said corporation and also distribute a copy of this Order to all personnel, agents or representatives concerned with the promotion, sale and distribution of swimming pools or other products or merchandise and secure from each such person a signed statement acknowledging receipt of said Order.

It is further ordered, That each individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

Decision and order issued by the Commission Aug. 26, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-26167 Filed 11-7-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOOD

French Dressing Standard of Identity; Optional Use of Colorants and Declaration of Optional Ingredients

The Commissioner of Food and Drugs proposed in a notice published in the FEDERAL REGISTER of August 21, 1973 (38 FR 22490) that the standard of identity for french dressing be amended to allow optional use of any safe and suitable color additive(s) that will impart the color traditionally expected. The proposal was based on a petition filed jointly by Mr. Albert J. Finberg, 19A Garden Place, Brooklyn, NY 11201, and copetitioners: Thomas J. Lipton, Inc., 800 Sylvan Ave., Englewood Cliffs, NJ 07632; Hostess Products Corp., 137 Garden Ave., Brooklyn, NY 11237; Supreme Oil Co., 87–11 130th St., Richmond Hill, NY 11418; Purity Condiments, Inc., 3590 NW. 60th St., Miami, FL 33142; Venice Importing Co., 66 N. 6th St., Brooklyn, NY 11211; Continental Coffee Co., 2550 N. Clybourn Ave., Chicago, IL 60614; and McCormick & Co., Inc., Baltimore, MD 21202. Further, the Commissioner proposed on his own initiative that the standard be amended to require declaration of all optional ingredients by common or usual name as required by the applicable sections of 21 CFR Part 1.

Thirteen comments were received in response to the proposal, 1 from industry and 12 from consumers.

1. The comment from industry, a firm which manufactures french dressing, favored the proposal and joined the petitioners in requesting the use of β-apo-8'-carotenal in french dressing within the use level cited.

2. Two comments expressed concern that color additives could produce allergenic reactions, and their presence in french dressing would not be in the interest of those who have food sensitivity and cannot tolerate certain components. One consumer comment dealt specifically with ingredient labeling, stating that not only persons with allergies but everyone should be informed of the ingredients in as many foods as possible. There were

six other comments in favor of the Commissioner's proposal to require the declaration of all ingredients used in french dressing. One comment opposed listing all ingredients on the label until such time that the public is educated as to which are dangerous additions to their food. Nine comments opposed the use of artificial color(s) or other artificial additives and questioned the safety of such ingredients.

The Commissioner points out that the color additives and food additives which may be permitted in food standards are certified or regulated for safe usage under regulations established pursuant to the Federal Food, Drug, and Cosmetic Act and are considered safe based upon present knowledge.

The Commissioner concludes that the fact that the label must show when colors are used gives warning to individuals that such substances are present and that care should be exercised when a known allergy exists.

A review of the legislative intent of the Food Additives Amendment indicates that the use of additives for the purpose of safely keeping food longer and making it more tasteful and appetizing is specifically expressed as a principal purpose of the law. The Senate Committee Report No. 2422, 85th Congress, second session (H.R. 13254), expressed those purposes in these words:

> The second flaw in existing law which has proved detrimental to consumers, to processors, and to our national economy and which this bill seeks to remove is a provision which has inadvertently served to unnecessarily proscribe the use of additives that could enable the housewife to safely keep food longer, the processor to make it more tasteful and appetizing, and the nation to make use of advances in technology calculated to increase and improve our food supplies. Your committee agrees with the Food and Drug Administration that existing law should be changed to permit the use of such additives as our technological scientists may produce and which may benefit our people and our economy when the proposed usages of such additives are in amounts accepted by the Food and Drug Administration as safe.

The optional use of safe and suitable color additives in french dressing is an illustration of the Congressional intent.

3. One comment requested the rationale for limiting the provisions of the proposal to french dressing.

It is not clear from this comment whether the writer intended to suggest that safe and suitable color additives should also be permitted in mayonnaise and salad dressing, the other foods standardized in 21 CFR Part 25, or whether the reference was to why label declaration of all ingredients was not also being required by the standards for mayonnaise and salad dressing.

The Commissioner points out that the standards for mayonnaise and salad dressing provide that no spice, spice oil, spice extract, harmless food flavoring, or seasoning may be used which impart a color simulating the color imparted by egg yolk. In the case of french dressing, the optional ingredient paprika and/or oleoresin of paprika, which is permitted in the standard as a seasoning or flavoring ingredient, is used by manufacturers of french dressing to produce the characteristic color, rather than as a seasoning or flavoring ingredient. In the grounds given in support of the petition, it was stated that laboratory results indicate that β-apo-8'-carotenal, for example, possesses superior color, shelf life, and stability in french dressing as compared to paprika and/or oleoresin of paprika.

Regarding the declaration of all ingredients on the label, the Commissioner advises that in the near future the standards for mayonnaise and salad dressing, as well as other foods, will also be amended to require label declaration of all optional ingredients.

4. Three comments stated that the use of artificial color to replace paprika is deceptive and fraudulent.

The Commissioner, having reviewed the good manufacturing practices of french dressing technology, and the findings of fact for the french dressing standard of identity published in the FEDERAL REGISTER of August 12, 1950 (15 FR 5227), concludes that color imparted by β-apo-8'-carotenal provides the same color characteristics as paprika and/or paprika oleoresin, color additives under §§ 8.307 and 8.308 (21 CFR 8.307 and 8.308), respectively, and has been demonstrated to persist without fading or changes as the product moves through the channels of commerce. In commercial practice, paprika and/or paprika oleoresin has been used principally for its color value and not to provide a particular or characteristic taste. The Commissioner is not aware that the taste of french dressing is significantly affected by the presence of paprika and/or its oleoresin employed for the primary purpose of imparting the characteristic color. A pepper spice flavor may be obtained by employing other spice or spices traditionally used in this food. The addition of color (paprika, paprika oleoresin, or β-apo'-carotenal) is not deceptive because the color produced does not simulate the color of other ingredients, such as eggs or tomato products.

5. In the proposal, the Commissioner noted that providing for "safe and suitable" optional ingredients in place of the present specifically permitted emulsifying and acidifying ingredients in the interests of broadening the present standard would, in the case of french dressing, reduce the conspicuous differences with nonstandardized pourable dressings. Comments were invited on the proposal for justification to depart from this position. No comment in this regard was received.

The Commissioner concludes that agreement with his position was attested to by absence of comment in this case, and thus intends to maintain the specific emulsifying and acidifying ingredient provisions contained in the present standard for french dressing, and not provide for a "safe and suitable" concept in regards to emulsifiers and acidifiers. The Commissioner also concludes that all ingredients of french dressing are optional ingredients and are required to be declared on the label as required by the applicable sections of 21 CFR Part 1.

Having considered the information submitted by the petitioners, the comments received, and other relevant material, the Commissioner concludes that it will promote honesty and fair dealing in the interest of consumers to amend the standard of identity for french dressing (21 CFR 25.2) as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 25.2 be amended by revising paragraphs (d) and (e) to read as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

* * * * *

(d)(1) French dressing may contain calcium disodium EDTA (calcium disodium ethylenediaminetetraacetate) or disodium EDTA (disodium ethylenediaminetatraacetate), singly or in combination. The quantity of such added ingredient or combination does not exceed 75 parts per million by weight of the finished food.

(2) French dressing may contain any safe and suitable color additives that will impart the color traditionally expected.

(e) All ingredients used in the food shall be declared on the label in accordance with the applicable sections of Part 1 of this chapter.

Any person who will be adversely affected by the foregoing order may at any time on or before December 9, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective January 7, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

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(Secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: November 4, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26183 Filed 11-7-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 330—OVER-THE-COUNTER (OTC) HUMAN DRUGS WHICH ARE GENERALLY RECOGNIZED AS SAFE AND EFFECTIVE AND NOT MISBRANDED

Contents and Time of Closing of Administrative Record

The Commissioner of Food and Drugs issued a proposal, published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19878), to amend § 330.10 (21 CFR 330.10) by adding a new paragraph (a)(10) designating (1) the contents of the administrative record on the basis of which the decision is made with respect to the status of an OTC drug product pursuant to the procedures governing the review and classification of OTC drug products, and (2) the point beyond which new factual information may no longer be submitted for consideration in the administrative process.

No comments were received in response to the proposal.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1056 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704) and under authority delegated to the Commissioner (21 CFR 2.120), Part 330 is amended in § 330.10 by redesignating paragraph (a)(10) and (11) as (a)(11) and (12), and by adding a new paragraph (a)(10) to read as follows:

§ 330.10 Procedures for classifying OTC drugs as generally recognized as safe and effective and not misbranded, and for establishing monographs.

* * * * *

(a) * * *

(10) *Administrative record.* (i) All data and information to be considered in any proceeding pursuant to this section shall be submitted in response to the request for data and views pursuant to paragraph (a)(2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a)(3) of this section or submitted to the Hearing Clerk as part of the comments during the 60-day period permitted pursuant to paragraph (a)(6) of this section. Thereafter, no new data or information may be submitted for inclusion in the administrative record of such proceeding except as provided in paragraph (a)(10)(ii) of this section.

(ii) New data or information not previously submitted for inclusion in the administrative record may be submitted for such inclusion only with a petition to the Commissioner requesting that the administrative record be reopened to include such material. The Commissioner may grant or deny such petition in his discretion. Any such petition shall demonstrate good cause why such material could not be obtained and submitted within the time specified in paragraph (a)(10)(i) of this section. If such a petition is denied, such material is properly submitted with a petition to amend the monograph pursuant to paragraph (a)(12) of this section.

(iii) The Commissioner shall make all decisions and issue all orders pursuant to this section solely on the basis of the administrative record, and shall not consider data or information not included as part of the administrative record.

(iv) The administrative record shall consist solely of the following material: All notices and orders published in the FEDERAL REGISTER, all data and views submitted in response to the request published pursuant to paragraph (a)(2) of this section or accepted by the panel during its deliberations pursuant to paragraph (a)(3) of this section, all minutes of panel meetings, the panel report(s), all comments and rebuttal comments submitted on the proposed monograph pursuant to paragraph (a)(6) of this section, all objections submitted on the tentative final monograph pursuant to paragraph (a)(7) of this section, the complete record of any oral public hearing conducted pursuant to paragraph (a)(8) of this section, all other comments requested at any time by the Commissioner, all data and information for which the Commissioner has reopened the administrative record, and all other material which the Commissioner includes in the administrative record as part of the basis for his decision.

* * * * *

Effective date. This order shall become effective on December 9, 1974.

(Secs. 201, 502, 505, 701, 52 Stat. 1040–1042 as amended, 1050–1053 as amended, 1055–1058 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 321, 352, 355, 371 and secs. 4, 10, 60 Stat. 238 and 243 as amended; 5 U.S.C. 553, 702, 703, 704.)

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26044 Filed 11-7-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 0—COMMISSION ORGANIZATION

Application for Verification of Operator License

1. This Order is issued to delete obsolete reference to FCC Form 759—Application for Verification of Operator License—in § 0.483(b) of the Commission's rules.

2. Because this is an editorial change, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's Rules and Regulations.

3. In view of the above, *it is ordered*, Effective November 15, 1974, that § 0.483 is amended as set forth in the attached Appendix.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted: November 1, 1974.

Released: November 1, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] STANLEY MCKINLEY,
Acting Executive Director.

APPENDIX

1. In § 0.483, paragraph (b) is amended to read as follows:

§ 0.483 Applications for amateur station and operator license and/or commercial operator license.

* * * * *

(b) Application for commercial operator license of a class for which examination is required, or for a verification card (FCC Form 758–F), shall be filed with a field office listed in § 0.121 (a) or (b) at which the applicant desires his application to be considered and acted upon, except that application for replacement or duplicate license of such class shall be filed with the office which issued the original license.

* * * * *

[FR Doc.74-26217 Filed 11-7-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5440]

[Wyoming 14962]

WYOMING

Withdrawal for Addition to Seedskadee National Wildlife Refuge

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

Subject to valid existing rights, the following described public lands, which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws, 30 U.S.C. Ch. 2, but not from leasing under the mineral leasing laws, and reserved as an addition to, and for use in conjunction with those lands withdrawn by Public Land Order No. 4834 of May 20, 1970, for the Seedskadee National Wildlife Refuge:

SIXTH PRINCIPAL MERIDIAN

T. 23 N., R. 110 W.,
Sec. 32, lots 6, 7, 8, and 12.

The area described contains 90.50 acres in Sweetwater County.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 1, 1974.

[FR Doc.74-26241 Filed 11-7-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 394]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Alabama	Bibb	Brent, city of	Nov. 1, 1974. Emergency			
Arkansas	Clay	Corning, city of	do	Oct. 12, 1973		
California	Siskiyou	Fort Jones, town of	do	Apr. 5, 1974		
Idaho	Latah	Juliaetta, city of	do	Oct. 18, 1974		
Louisiana	Beauregard Parish.	Merryville, town of	do	May 24, 1974		
Minnesota	Faribault	Unincorporated areas	do			
New Jersey	Monmouth	West Loug Branch, borough of.	do	Aug. 24, 1973		
New York	Albany	Albany, city of	do	May 3, 1974		
Oklahoma	Tulsa	Jenks, city of	do	Jan. 9, 1974		
Oregon	Lincoln	Waldport, city of	do	Mar. 22, 1974		
Pennsylvania	Allegheny	Blawnox, borough of	do			
Tennessee	Claiborne	New Tazewell, city of	do	June 28, 1974		
Do	Shelby	Millington, city of	do	May 31, 1974		
Texas	Guadalupe	Cibolo, city of	do	Feb. 1, 1974		
Do	Gregg	Gladewater, city of	do	Mar. 1, 1974		
Do	Swisher	Tulia, city of	do	May 17, 1974		
Utah	Box Elder	Brigham, city of	do	June 7, 1974		
Vermont	Windsor	Bethel, town of	Nov. 1, 1974. Emergency	Feb. 8, 1974		
West Virginia	Wyoming	Mullens, city of	do	June 28, 1974		
Do	Lewis	Weston, city of	do	Apr. 5, 1974		
Wisconsin	Milwaukee	West Milwaukee, village of	do			
Oklahoma	Caddo	Fort Gobb, town of	do	Dec. 7, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: October 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25986 Filed 11-7-74;8:45 am]

[Docket No. FI 395]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
*	*	*	*	*	*	*
Arkansas	Sebastian	Greenwood, city of	Oct. 29, 1974. Emergency	June 14, 1947		
Illinois	Kankakee	Bradley, village of	do	Mar. 1, 1974		
Do	Cook	Countryside, city of	do	Apr. 5, 1974		
Iowa	Woodbury	Unincorporated areas	do			
Kansas	Seward	Liberal, city of	do	Mar. 1, 1974		
Do	Labette	Parsons, city of	do	Feb. 1, 1974		
Kentucky	Kenton	Ludlow, city of	do	do		
Massachusetts	Norfolk	Plainville, town of	do	Aug. 16, 1974		
New Mexico	Roosevelt	Portales, city of	do	Mar. 29, 1974		
New York	Albany	Bethlehem, town of	do	May 31, 1974		
Do	Sullivan	Fallsburg, town of	do	June 21, 1974		
South Carolina	Dillon	Latta, town of	do	June 14, 1974		
Texas	Brazoria	Brookside Village, city of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: October 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25990 Filed 11-7-74;8:45 am]

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[Docket No. FI-396]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arkansas	Faulkner	Conway, city of	Oct. 29, 1974, Emergency	May 17, 1974		
New York	Oswego	Hannibal, village of	do	May 31, 1974		
Oklahoma	Pushmataha	Antlers, town of	do	Jan. 9, 1974		
Pennsylvania	Washington	Carroll, township of	do			
Do	Montgomery	Collegeville, borough of	do			
Do	Erie	North East, township of	do	Sept. 20, 1974		
Do	Montgomery	Perkiomen, township of	do	Oct. 25, 1974		
Texas	Hidalgo	Elsa, city of	do	May 17, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: October 25, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-25991 Filed 11-7-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-56—SELECTION OF CONTRACTORS BY BOARD PROCESS

Miscellaneous Amendments

This revision of AECPR 9-56, Selection of Contractor by Board Process, is being made to clarify the fact that the contract amounts for architect-engineer contracts will be based on the estimated costs of such services and not on the estimated construction cost. The revision also establishes the dollar value at which selection of A-E contractors will be made by board process.

1. In Part 9-56, Selection of Contractors by Board Process, §§ 9-56.001, *Applicability*, and 9-56.002, *Policy, cost-type contractor procurement*, are revised as follows:

§ 9-56.001 Applicability.

(a) Contract Proposal Evaluation Boards are to be used:

(1) In selecting operating contractors and participants under the power demonstration program;

(2) If the contract is estimated to exceed $500,000, in selecting contractors for research and development, cost-type construction, and any contract effort where, in order to select the best qualified firm, it is necessary to judge the relative technical and managerial capabilities of a group of firms; and

(3) If the cost is estimated to exceed $50,000, in selecting architect-engineer contractors, including those for advance engineering.

(b) Contract Proposal Evaluation Boards shall be used for the selection of contractors referred to in paragraph (a) (2) and (3) of this section estimated to cost less than $500,000 (or less than $50,000 for A-E contracts), whenever it is likely that later phases of the same project will cause the contract to exceed those dollar thresholds.

(c) The policies and principles of this part also are applicable to the selection of contractors for procurements estimated to cost less than $500,000, or, for A-E services, less than $50,000. However, less formal procedures and practices may be followed, depending on the circumstances in each particular selection, at the discretion of the designating official.

(d) The policies and requirements of this part do not apply to the following:

(1) Extensions of contracts where it has been determined that formal selection procedures need not be followed;

(2) Formally advertised contracts or fixed-price negotiated contracts in which price is the primary consideration;

(3) Research and development contracts entered into under the criteria in Subpart 9-4.51 or 9-4.52;

(4) Determination as to whether a given scope of work should be performed in AEC-owned or in commercial facilities; and

(5) Determination as to which existing AEC operating contractor should perform a given scope of work.

§ 9-56.002 Policy, cost-type contractor procurement.

For the selection of subcontractors under AEC cost-type contracts of the type identified in AECPR 9-56.001(a) (2) and (3), evaluations normally should be made on the basis of group judgment by representatives experienced in technical and business areas appropriate to the requirement, using weighted evaluation factors established prior to receipt of proposals. Numerical ratings should be supplemented with supporting narrative explanations of the important judgments involved in arriving at such ratings.

Subpart 9-56.1—Contract Proposal Evaluation Boards

2. In Subpart 9-56.1, Contract Proposal Evaluation Boards, § 9-56.101, *Use of Contract Proposal Evaluation Boards*, is revised as follows:

§ 9-56.101 Use of Contract Proposal Evaluation Boards.

It is the policy of AEC to use Contract Proposal Evaluation Boards in the selection of contractors for contracts of the type referred to in § 9-56.001(a) and (b).

Subpart 9-56.4—Policy Governing Particular Types of Contracts

3. In Subpart 9-56.4, Policy Governing Particular Types of Contracts, § 9-56.405, *Selection of contractors for engineering and construction work*, paragraph (b), is revised as follows:

§ 9-56.405 Selection of contractors for engineering and construction work.

• • • • •

(b) A firm currently under contract to AEC or to a cost-type AEC contractor shall not be invited to submit a proposal for work in the same field if the proposed project would be performed concurrently with the existing contract and if the estimated cost of the new construction work exceeds $10 million or the estimated cost of the architect-engineer services exceeds $1 million. If, for cogent reasons, the designating official believes that such a firm should be invited, approval shall be obtained from the Division of Contracts. This requirement shall not apply to:

(1) Firms currently engaged only on AEC fixed-priced construction contracts awarded as a result of formal advertising or invited bids;

(2) Any firm currently engaged on AEC construction contracts, the total of which involves costs of less than $10 million.

(3) Any firm currently engaged on AEC A-E contracts, the total of which involves costs of less than $1 million.

(4) Any architect-engineer firm after it has completed title II work, exclusive of checking shop drawings, even though it still has title III inspection services to perform.

• • • • •

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486)

Effective date: This amendment is effective November 8, 1974.

Dated at Germantown, Maryland this 4th day of November 1974.

For the U.S. Atomic Energy Commission.

ROMAN C. BRAUN,
Acting Director,
Division of Contracts.

[FR Doc.74-26161 Filed 11-7-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

Reporting of Theft or Attempted Theft of Special Nuclear Material

On February 8, 1974, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 4930) proposed amendments to its regulations in 10 CFR Part 70, "Special Nuclear Material," and 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," which would require reporting of theft or attempted theft of special nuclear material in the interest of the common defense and security.

Interested parties were invited to submit comments and suggestions for consideration pertaining to the proposed amendments by March 25, 1974. Upon consideration of the comments received, and other factors involved, the Commission has adopted the proposed amendments with minor editorial and clarifying changes.

These reporting requirements are being promulgated as part of an overall AEC effort to strengthen the protection of strategically important special nuclear material.

In the interest of the common defense and security, the Commission has found that good cause exists for making the amendments effective upon publication in the FEDERAL REGISTER without the customary 30-day notice.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments of 10 CFR Parts 70 and 150 are published as a document subject to codification.

1. Section 70.52 of 10 CFR Part 70 is revised to read as follows:

§ 70.52 Reports of accidental criticality or loss or theft or attempted theft of special nuclear material.

(a) Each licensee shall report immediately to the Director of the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A of Part 73 of this chapter, by telephone, telegram, or teletype any case of accidental criticality and any loss, other than normal operating loss, of special nuclear material.

(b) Each licensee who possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report immediately any theft or other unlawful diversion of special nuclear material which he is licensed to possess, or any incident in which an attempt has been made or is believed to have been made to commit a theft or unlawful diversion of such material in accordance with the procedures in § 73.71 of this chapter.

2. Section 150.16 of 10 CFR Part 150 is revised to read as follows:

§ 150.16 Submission to Commission of nuclear material transfer reports.

(a) Each person who transfers and each person who receives special nuclear material pursuant to an Agreement State license shall complete and distribute Nuclear Material Transaction Reports on Form AEC-741, in accordance with printed instructions for completing the form, whenever he transfers or receives a quantity of special nuclear material of 1 gram or more of contained uranium-235, uranium-233, or plutonium. Each person who transfers such material shall submit a copy of Form AEC-741 to the Commission and a copy to the receiver of the material promptly after the transfer takes place. Each person who receives special nuclear material shall submit a copy of Form AEC-741 to the Commission and to the shipper of the material within ten (10) days after the special nuclear material is received.

(b) Each person who, pursuant to an Agreement State License, possesses 1 gram or more of contained uranium-235, uranium-233, or plutonium shall report promptly to the Director of the appropriate Regulatory Operations Regional Office, listed in Appendix A of Part 73 of this chapter, by telephone, telegram, or teletype any theft or other unlawful diversion of special nuclear material which he is licensed to possess or any incident in which an attempt has been made, or is believed to have been made, to commit a theft or unlawful diversion of such material. The initial report shall be followed within a period of fifteen (15) days by a written report submitted to the Director of the appropriate Regulatory Operations Regional Office with a copy submitted to the Director of Regulatory Operations, U.S. Atomic Energy Commission, Washington, D.C. 20545, which sets forth the details of the incident. Subsequent to the submission of the written report required by this paragraph, each licensee shall promptly inform the Director of the appropriate Regulatory Operations Regional Office by means of a written report of any substantive additional information, which becomes available to such person, concerning an attempted or apparent theft or unlawful diversion of special nuclear material.

Effective date. These amendments become effective on Friday, November 8, 1974.

(Sec. 161, 274; Pub. L. 83-703, 86-373; 68 Stat. 948, 73 Stat. 688 (42 U.S.C. 2201, 2021))

Dated at Washington, D.C. this 4th day of November 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Assistant Secretary
of the Commission.

[FR Doc.74-26144 Filed 11-7-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Limitations on Carryovers of Unused Credits and Capital Losses

Correction

In the correction appearing in the first column at page 38906 in the issue of Monday, November 4, 1974, in line three the reference to "October 18, 1974," should read "October 16, 1974."

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[41 CFR Parts 14H–1, 14H–3, 14H–30]

CONTRACTING WITH INDIAN TRIBES

Notice of Proposed Rulemaking

NOVEMBER 4, 1974.

Chapter 14H of 41 CFR was published beginning on page 13659 of the August 26, 1969, FEDERAL REGISTER (38 FR 13659) and subsequently amended. Chapter 14H contains the Bureau of Indian Affairs Procurement Regulations (BIAPR).

Notice is hereby given that it is proposed to amend Chapter 14H of Title 41 of the Code of Federal Regulations by adding a new § 14H–1.270 to Subpart 14H–1.2 of Part 14H–1; by adding a new Part 14H–3 with new Subparts 14H–3.2, 14H–3.3, and 14H–3.8; and by adding a new Part 14H–30 with new Subparts 14H–30.2 and 14H–30.4. This amendment is proposed pursuant to the authority contained in the Act of November 2, 1921, Ch.115, 42 Stat. 208 (25 U.S.C. 13); 41 CFR 14–1.008; and section 23 of the Act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47). The purpose of the amendment is to provide greater ease in contracting with Indian tribes and to define reservation programs, Indian reservation, Indian tribes, and Indian tribal contractor.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Director of Administration, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, on or before December 9, 1974.

It is proposed to amend Chapter 14H of Title 41 of the Code of Federal Regulations as follows:

PART 14H–1—GENERAL

1. By adding a new § 14H–1.270 to Subpart 14H–1.2 of Part 14H–1, to read as follows:

§ 14H–1.270 Definitions and terms pertaining to contracts with Indian tribes.

§ 14H–1.270–1 Reservation program.

"Reservation program" means all or any part of a program for operating reservation activities that could be performed by an Indian tribe as determined by the Commissioner and/or authorized by law.

§ 14H–1.270–2 Indian reservation.

"Indian reservation" means all Indian reservations, former Indian reservations in Oklahoma, and lands occupied by other Indian groups and by Alaska Native communities, including all or any part of any of the twelve regions in Alaska established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688), that are recognized by the Secretary, or his designee.

§ 14H–1.270–3 Indian tribe.

"Indian tribe" means any Indian tribe, band, nation, or other organization or community, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and includes village corporations, regional corporations, and Native associations provided for or recognized by the Alaska Native Claims Settlement Act (85 Stat. 688).

§ 14H–1.270–4 Indian tribal contractor.

"Indian tribal contractor" means the tribal governing body of an Indian tribe as defined in § 14H–1.270–3 of this chapter, any public non-profit type corporation approved by an Indian tribal governing body which serves as a governmental instrumentality of an Indian tribe, or any organization legally established by one or more Indian tribal governing bodies for the benefit of their respective members which is controlled and operated by these Indian tribal governing bodies.

PART 14H–3—PROCUREMENT BY NEGOTIATION

2. By adding a new Part 14H–3 consisting of Subparts 14H–3.2, 14H–3.3, and 14H–3.8, to read as follows:

Subpart 14H–3.2—Circumstances Permitting Negotiation

Sec.
14H–3.210 Impractical to secure competition by formal advertising.
14H–3.215 Otherwise authorized by law.
14H–3.215–70 Buy Indian Act.

Subpart 14H–3.3—Determinations, Findings, and Authorities

14H–3.301 General.

Subpart 14H–3.8—Price Negotiation Policies and Techniques

14H–3.807 Pricing techniques.
14H–3.807–2 Requirement for price or cost analysis.
14H–3.807–3 Cost or pricing data.

AUTHORITY: Act of November 2, 1921, Ch. 115, 42 Stat. 208 (25 U.S.C. 13); 41 CFR 14–1.008; sec. 23, Act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47).

Subpart 14H–3.2—Circumstances Permitting Negotiation

§ 14H–3.210 Impractical to secure competition by formal advertising.

Indian reservation programs can be performed successfully only by an Indian tribal governing body or by an entity approved by such a body. Therefore, a contract for an Indian reservation program will be made only with an Indian tribal contractor as defined in § 14H–1.270–4 of this chapter.

§ 14H–3.215 Otherwise authorized by law.

§ 14H–3.215–70 Buy Indian Act.

Section 23 of the Act of June 25, 1910 (36 Stat. 861; 25 U.S.C. 47) referred to as the Buy Indian Act permits negotiation of contracts with Indians to the exclusion of non-Indians, and, when used, should be cited in the contract document.

Subpart 14H–3.3—Determinations, Findings, and Authorities

§ 14H–3.301 General.

The following class determination and findings apply to all contracts and contract modifications entered into with an Indian tribal contractor as defined in § 14H–1.270–4 for the performance of reservation programs and authorize negotiation without competition. This section shall be cited on all contracts entered into with an Indian tribal contractor as defined in § 14H–1.270–4 of this chapter.

BUREAU OF INDIAN AFFAIRS

DETERMINATIONS AND FINDINGS

AUTHORITY TO NEGOTIATE A CLASS OF CONTRACTS

Based upon the following findings and determinations, the class of contracts for reservation programs may be negotiated without competition pursuant to authority of 41 U.S.C. 252(c)(10) and as implemented by § 1–3.210 of the Federal Procurement Regulations, by any contracting officer.

Findings

(a) The Bureau of Indian Affairs, through its various contracting officers, proposed to enter into contracts by negotiation without competition for the performance of programs and the furnishing of services from Indian tribal contractors, residing on Indian reservations.

(b) National policy proclaims that Indian tribes be given an opportunity for self-determination in resolving the many facets that pertain to their well being. Contracting with tribal governments for the performance of various programs and for the furnishing of various kinds of services is one method toward the accomplishment of that goal. Accordingly it is the policy of the Department of the Interior that the Bureau of Indian Affairs through its various field establishments allow and encourage tribal governments to enter into contracts with the Bureau of Indian Affairs for the performance of Indian reservation programs.

(c) It is not conducive to Indian self-determination or feasible to formally advertise or to attain competition for the performance of programs or the furnishing of services by contract on an Indian reservation when the program or services fall in the category of those that could be performed by an Indian tribal contractor for its members with the governing body of the Indian tribe or such other organization established by the governing bodies of one or several Indian tribes.

(d) Contracts with Indian tribal contractors for the performance of various programs or for the furnishing of various kinds of services on Indian reservations are contracts for which it is hereby determined to be impracticable to obtain competition and therefore such contracts with Indian tribal contractors for the performance of Indian reservation programs shall of necessity be negotiated without regard to competition as authorized by § 1–3.210 of the Federal Procurement Regulations.

Subpart 14H–3.8—Price Negotiation Policies and Techniques

§ 14H–3.807 Pricing techniques.

§ 14H–3.807–2 Requirement for price or cost analysis.

Except for initial contracts or other agreements for the performance of reservation programs, the requirements of § 1–3.807–2 are optional with contracting officers when contracting with an Indian tribal contractor pursuant to Subpart 14H–3.2 when a plan of operation has been presented and accepted.

§ 14H–3.807–3 Cost or pricing data.

Except for initial contracts or other agreements for the performance of reservation programs, the requirements of § 1–3.807–3(a) are optional with the contracting officer when an Indian tribal contractor is involved pursuant to Subpart 14H–3.2 if the initial plan of operation contains itemized estimates of costs.

PART 14H–30—CONTRACT FINANCING

3. By adding a new Part 14H–30 consisting of Subparts 14H–30.2 and 14H–30.4, to read as follows:

Subpart 14H–30.2—Basic Policies

Sec.
14H–30.213 Financial information and analysis.
14H–30.214 Appropriate information—purposes.
14H–30.214–1 Cash flow forecast, and estimated financial statements.
14H–30.214–2 Realistic assumptions.
14H–30.214–3 Estimated profit and loss statements and balance sheets.

Subpart 14H–30.4—Advance Payments

14H–30.403 Interest.
14H–30.404 Standards—amounts—need.
14H–30.406 Responsibility—delegation of authority.
14H–30.410 Findings, determinations, and authorizations.
14H–30.411 Application for advance payment.
14H–30.412 Action by contracting officer.
14H–30.414 Agreement for special bank account and contract provisions.
14H–30.414–1 Form of agreement for special bank account.
14H–30.414–2 Contract provisions for advance payments.

AUTHORITY: Act of November 2, 1921, Ch. 115, 42 Stat. 208 (25 U.S.C. 13); 41 CFR 14–1.008; sec. 23, Act of June 25, 1910 (36 Stat. 861, as amended; 25 U.S.C. 47).

Subpart 14H–30.2—Basic Policies

§ 14H–30.213 Financial information and analysis.

The requirements of § 1–30.213 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H–3.2 when a plan of operation has been presented and accepted.

§ 14H–30.214 Appropriate information—purposes.

The requirements of § 1–30.214 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H–3.2.

§ 14H–30.214–1 Cash flow forecast and estimated financial statements.

The requirements of § 1–30.214–1 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H–3.2.

§ 14H–30.214–2 Realistic assumptions.

The requirements of § 1–30.214–2 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H–3.2.

§ 14H–30.214–3 Estimated profit and loss statements and balance sheets.

The requirements of § 1–30.214–3 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H–3.2.

Subpart 14H–30.4—Advance Payments

§ 14H–30.403 Interest.

Advance payments made under non-profit contracts to Indian tribal contractors, individual Indians and other Indian organizations will not require the payment of interest.

§ 14H–30.404 Standards-amounts-need.

An advance payment to an Indian tribal contractor, as defined in § 14H–1.270–4, is an exception under § 1–30.404(b).

§ 14H–30.406 Responsibility-delegation of authority.

Authority to make advance payments not to exceed $250,000 to Indian tribal contractors and other Indians who operate a totally Indian owned and controlled non-profit business and who qualify for contracts with the Bureau of Indian Affairs shall be exercised by the Area Directors. Advance payments shall be made based upon written findings, determinations and authority as provided for in § 1–30.405 that the making of the advance pyaments is in the public interest and that adequate financing cannot be obtained elsewhere. The advance payment clause in § 14H–30.414–2 shall be referred to in the determinations, findings, and authority and shall be incorporated into the contract.

§ 14H–30.410 Findings, determinations, and authorizations.

The following is format of the Findings, Determinations, and Authorization for advance payment for use with contracts with Indian tribal contractors and other Indians who operate a totally owned and controlled non-profit business and who have contracts with the Bureau of Indian Affairs. A copy of the Findings, Determinations, and Authorization shall be inserted in the contract file.

BUREAU OF INDIAN AFFAIRS

FINDINGS AND DETERMINATIONS AND AUTHORIZATION FOR ADVANCE PAYMENT

FINDINGS

1. I hereby find that:

a. The Bureau of Indian Affairs has entered (intends to enter) into a contract as indicated below. (Use appropriate language).
Type of Contract: (Indicate type).
Amount of Contract: (State amount).
Contractor: (Indicate name of contractor).
Purpose: (Give description of contract).
Contracting Office: (Give name of contracting office).

b. (Note to Contracting Officer: Summarize the specific facts and significant circumstances concerning the contract and the contractor, which, together with the other findings, will clearly support the determination below).

c. An advance payment has been requested by the contractor and is required for prompt and efficient performance of the services under this contract which will be of benefit to the Bureau. No means of adequate financing other than by an advance payment are available to the Contractor.

d. The attached advance payment clause that will be included in the contract contains appropriate provisions for the protection of the Government as security for the advance payment. These include provisions that the advance payment(s), and all progress and final contract payments made, will be deposited in a special bank account, and that the Government will have a paramount lien upon (1) the credit balance in the special bank account, (2) any supplies contracted for, and (3) any material or property acquired for the performance of the contract.

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e. The security provisions of the advance payment clause that will be used are deemed adequate.

f. Because of the lack of financial resources, the Contractor is not in a position to pay interest and it should not be charged on the advance payment(s).

g. The Bureau is committed to help develop Indian organizations to attain financial and managerial viability.

DETERMINATIONS

2. Upon the foregoing findings, I hereby determine that the making of an advance payment(s) without payment of interest, except as provided in the attached advance payment clause that will be included in the contract, is in the public interest.

AUTHORIZATION

Upon the findings and determination stated above, an advance payment not to exceed the amount stated below is hereby authorized pursuant to 41 U.S.C. 255 upon terms and conditions as contained in the advance payment clause to be included in the contract, a copy of which is attached thereto. The amount of the advance payment(s), at any time outstanding, shall not exceed the unpaid contract price nor the contractor's estimated interim needs arising during the reimbursement cycle. Amount of advance payment shall not exceed thirty (30) percent of the contract amount including any modification.

Signature: _____
Title: _____
Date: _____

§ 14H–30.411 Application for advance payment.

Paragraphs (a), (d), and (e) of § 1–30.411 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H–3.2.

§ 14H–30.412 Action by contracting officer.

Paragraphs (c) and (d) of § 1–30.412 are optional with the contracting officer when contracting with an Indian tribal contractor pursuant to Subpart 14H–3.2.

§ 14H–30.414 Agreement for special bank account and contract provisions.

§ 14H–30.414–1 Form of agreement for special bank account.

For all advance payments made to Indian tribal contractors and other Indians who operate a totally owned and controlled non-profit business, the form of agreement and modification given in paragraphs (a)–(d) of this section should be used.

(a) The following is the form of agreement for a special bank account for advance payments:

AGREEMENT FOR SPECIAL BANK ACCOUNT FOR ADVANCE PAYMENT(S)

(1) This agreement entered into between the United States of America, hereinafter called the "Government," Contractor, and Bank, each represented by the officials executing this agreement.

(2) The Government and the Contractor entered into the Contract(s) or Supplemental Agreement(s) thereto, providing for the making of advance payment(s) to the Contractor. Copy of the advance payment clause included in the contract is attached to and made a part of this agreement.

(3) In consideration of the foregoing, and for other good and valuable considerations, it is agreed that:

(i) The Government shall have a lien upon the credit balance in said account to secure the repayment of all advance payments made to the Contractor, which lien shall be superior to any lien or claim of the bank with respect to such account.

(ii) The Bank will be bound by the provisions of the advance payment clause relating to the deposit in and withdrawal of funds from the Special Bank Account, but shall not be responsible for the use of funds withdrawn from said account. Upon receipt by the Bank of written directions of any kind from the Contracting Officer, or from the duly authorized representative of the Contracting Office, pertaining to the use of the funds in the Special Bank Account upon Department of the Interior, Bureau of Indian Affairs stationery and purporting to be signed by the Contracting Officer or the Contracting Officer's authorized representative, the Bank shall act thereon and insofar as the rights, duties, and liabilities of the Bank are concerned, the written directions shall be conclusively deemed to have been properly issued and filed with the Bank by the Department of the Interior, Bureau of Indian Affairs.

(iii) The Government, or its authorized representatives, shall have access to the books and records maintained by the Bank with respect to the Special Bank Account at all reasonable times and for all reasonable purposes, including (but without limiting the generality thereof) the inspection or copying of such books and records and any and all memoranda, checks, correspondence or documents appertaining thereto. Such books and records shall be preserved by the Bank for a period of six (6) years after the closing of the Special Bank Account.

(4) In the event of the service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account, the Bank will promptly notify the Contracting Officer.

(5) The Bank, Contractor, and Government, by executing this agreement, are bound by all of the provisions contained in the advance payment clause attached, which is made a part of the contract.

(6) The contract number and purpose of the contract(s) or supplemental agreement(s) referred to above are as follows:

_____
_____

(7) The Special Bank Account shall be designated as "SPECIAL BANK ACCOUNT NUMBER ___ Bureau of Indian Affairs.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed as of the date and year written below:

Date _____, 19__

CONTRACTOR

Name: _____
_____

Name & Title of Representative: _____
_____
_____

Complete Mailing Address: _____
_____
_____

BANK

Name: _____
_____

Name & Title of Representative: _____
_____
_____

Complete Mailing Address: _____
_____
_____

UNITED STATES OF AMERICA, DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs: _____
_____
_____

Complete Mailing Address: _____
_____

Name and Title of Contracting Officer: _____
_____
_____
_____
_____

(b) The following instructions apply to the form of agreement shown in paragraph (a) of this section:

(1) Under paragraph (6) of the agreement, state the contract number and describe the purpose of the contract in brief but sufficient detail to convey a general understanding of its nature. If the contract uses a descriptive title to designate its purpose, that description should be used.

(2) Insert, in the blank space in paragraph (7) of the agreement, the number assigned by the Bank as the Account Number for the "Special Bank Account."

(3) The agreement should be dated on the date it is signed by the Contracting Officer.

(4) The complete mailing address of the bank is necessary as the advance payment check and all progress payment checks will be mailed to the bank. The zip code is required.

(5) The Contracting Officer should not sign the agreement until authority to make the advance payment has been obtained.

(c) The following is the form of modification of an agreement for a special bank account for advance payments:

AGREEMENT FOR SPECIAL BANK ACCOUNT

Modification Number _____

(1) The Agreement for Special Bank Accounted dated _____, 19__, is modified as follows:

(2) The contract number and the purpose of the contract is as follows:

_____
_____

(3) The Special Bank Account number is indicated as follows:

_____

IN WITNESS WHEREOF, the parties hereto have caused this modification to be executed as of the date and year written below.

Date _____ 19__

Name of Contractor	Name of Bank
_____	_____
Signature	By _____
By _____	
Name and Title of Contractor's Representative	Name and Title of Bank's Representative

UNITED STATES OF AMERICA
Acting Through
The Bureau of Indian Affairs

_____
Signature

By _____
Name and Title of Contracting Officer

(d) The following instructions apply to the form of modification of an agreement shown in paragraph (c) of this section:

(1) The date of the original Agreement for Special Bank Account should be indicated in the first line of paragraph (1) of the modification.

(2) Under paragraph 2 of the modification, state the contract number and describe the purpose of the contract. If the purpose given in paragraph (6) of the original agreement is changed, describe it. Otherwise repeat the original description.

(3) Under paragraph (3) of the modification, indicate the Special Bank Account Number if a new one is being issued. If the original number is being used, repeat it.

(4) If a change is not made under either paragraphs (2) or (3) of the modification, then no modification of the original agreement is necessary.

(5) If a modification is required, it should be dated when signed by the Contracting Officer.

§ 14H–30.414–2 Contract provisions for advance payments.

The contract clause for use when an advance payment is made or to be made on a contract with an Indian tribal contractor and other Indians who operate a totally Indian owned and controlled business follows:

ADVANCE PAYMENT

(a) *Amount of advance.* At the request of the Contractor, and subject to the conditions hereinafter set forth, the Government shall make an advance payment(s) to the Contractor. No advance payment(s) shall be made (1) without the Contracting Officer's approval as to the financial necessity therefor; and (2) in an amount in excess of that stated in paragraph (n)(1) hereof.

(b) *Special bank account.* Until the advance payment(s) made hereunder is liquidated and the Contracting Officer approves in writing the release of any funds due and payable to the Contractor, the advance payment(s) and all other payments (progress, partial, and final) made under the contract shall be made by check payable to the Contractor but mailed to the bank, where the special bank account is mantained as stated in the Agreement for Special Bank Account. The check must be marked for "Deposit in Special Bank Account Number _____, Bureau of Indian Affairs." The Agreement for Special Bank Account shall designate the account number. No part of the funds deposited in the Special Bank Account shall be mingled with other funds of the Contractor prior to withdrawal thereof from the Special Bank Account as hereinafter provided. Except as hereinafter provided, each withdrawal shall be only by check of the Contractor, unless countersigning on behalf of the Government by the Contracting Officer or such other person as he may designate in writing is determined to be in the best interest of the Government and the Contracting Officer notifies the Contractor and bank in writing that countersigning will be required.

(c) *Use of funds.* The funds in the Special Bank Account may be withdrawn by the Contractor solely for the purposes of making payments for materials, labor, administrative and overhead expenses, and other purposes required for this contract (including, without limitation, payments incident to termination for the convenience of the Government) and properly allocable thereto in accordance with generally accepted accounting principles (subject to any applicable provision of contract cost principles and procedures in 41 CFR Part 1–15 or other agency cost principles and procedures, if any, which are made part of this contract), or for the purposes of reimbursing the Contractor for such payments, and for such other purposes as the Contracting Officer may approve in writing. If this is a cost reimbursement contract, the funds in the Special Bank Account may be withdrawn by the Contractor solely for the purpose of making payments for items of allowable costs as defined in clause titled "ALLOWABLE COST, FIXED-FEE AND PAYMENT" of this contract. Any interpretation required as to the proper use of funds shall be made in writing by the Contracting Officer.

(d) *Return of funds.* The Contractor may at any time repay all or any part of the funds advanced hereunder. Whenever so requested in writing by the Contracting Officer, the Contractor shall repay to the Government such part of the unliquidated balance of the advance payment as shall in the opinion of the Contracting Officer be in excess of the Contractor's current requirements or when added to total advances previously made and liquidated are in excess of the amount specified in paragraph (n)(1) hereof or are no longer to be made available to the Contractor because of default, or abuse in their use, or for such other reasons as the Contracting Officer may specify. In the event the Contractor fails to repay such part of the unliquidated balance of the advance payment when so requested by the Contracting Officer, all or any part thereof may be withdrawn from the Special Bank Account by check(s) made payable to the Bureau of Indian Affairs signed by the Contracting Officer or by an official of the Bureau of Indian Affairs authorized in writing by the Contracting Officer to take such action. Such withdrawals shall be applied in reduction of the advance payment(s) then outstanding hereunder. The Contracting Officer shall notify the contractor and the bank of the action taken.

(e) *Liquidation.* If not otherwise liquidated, the advance payment(s) made hereunder shall be liquidated as herein provided. When the sum of all the estimated payments remaining due on the contract approximate the unliquidated amount of the advance payment(s), the Contracting Officer shall thereafter withhold further payments due on the Contract represented by proper invoiced amount(s) submitted by the Contractor, and apply the amount(s) withheld against the liquidation of the advance payment until the advance payment has been fully liquidated. If, upon completion or termination of the contract or for other reasons, the entire advance payment(s) is not fully liquidated by the process indicated above and the Contractor does not repay the balance due upon request, then the balance thereof shall be offset against any sums otherwise due or which may become due to the Contractor from the Government on any other contracts or from any source.

(f) *Interest charge.* No interest will be charged on the amount of the advance payment(s), but any interest earned on the advance payment(s) including sub-advances or contract earnings deposited in the Special Bank Account shall be used in the performance of the contract and to liquidate the advance payment(s) made.

(g) *Bank agreement.* Before an advance payment(s) is made hereunder, the Contractor shall submit to the Contracting Officer, in the form prescribed, an Agreement for Special Bank Account, in triplicate, signed by the contractor and an official of the bank in which the Special Bank Account is established as the depository for the advance payment(s) and other payments. The agreement shall clearly set forth the character of the Special Bank Account and the responsibilities of the Contractor, the bank and the Contracting Officer thereunder. Wherever possible, such bank shall be a member of the Federal Reserve System, or an "insured" bank within the meaning of the Act creating the Federal Deposit Insurance Corporation (Act of August 23, 1935, 49 Stat. 684, as amended; 12 U.S.C. 264).

(h) *Lien on Special Bank Account.* The Government shall have a lien upon any balance in the Special Bank Account paramount to all other liens, which lien shall secure the repayment of any advance payment(s) made hereunder.

(i) *Lien on property under contract.* Any advance payment(s) made under this contract shall be secured, when made, by a lien in favor of the Government, paramount to all other liens, upon the supplies or other things covered by this contract. The Government's lien shall apply to all material and other property acquired for or allocated to the performances of this contract, except to the extent that the Government by virtue of any other provisions of this contract, or otherwise, shall have valid title to such supplies, materials, or other property as against other creditors of the Contractor. The Contractor shall identify, by marking or segregation, all property which is subject to a lien in favor of the Government by virtue of this contract in such a way as to indicate that it is subject to such lien and that it has been acquired for or allocated to the performance of this contract. If for any reason such supplies, materials, or other property are not identified by marking or segregation, the Government shall be deemed to have a lien to the extent of the Government's interest under this contract on any mass of property with which such supplies, materials, or other property are commingled. The Contractor shall maintain adequate accounting control over such property on his books and records. If at any time during the progress of the work on the contract it becomes necessary to deliver any item or items and materials upon which the Government has a lien as aforesaid to a third person, the Contractor shall notify such third person of the lien herein provided and shall obtain from such third person a receipt, in duplicate, acknowledging, inter alia, the existence of such lien. A copy of each receipt shall be delivered by the Contractor to the Contracting Officer. If this contract is terminated in whole or in part and the Contractor is authorized to sell or retain termination inventory acquired for or allocated to this contract, such sale or retention shall be made only if approved by the Contracting Officer, which approval shall constitute a release of the Government's lien hereunder to the extent that such termination inventory is sold or retained, and to the extent that the proceeds of the sale, or the credit allowed for such retention on the Contractor's termination claim, is applied in reduction of advance payment(s) then outstanding hereunder.

(j) *Insurance.* The Contractor represents and warrants that he is now maintaining with responsible insurance carriers, (1) insurance upon his own plant and equipment against fire and other hazards to the extent that like properties are usually insured by

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others operating plants and properties of similar character in the same general locality; (2) adequate insurance against liability on account of damage to persons or property; and (3) adequate insurance under all applicable workmen compensation laws. The Contractor agrees that, until work under this contract has been completed and the advance payment(s) made hereunder has been liquidated, he will (i) maintain such insurance; (ii) maintain adequate insurance upon any materials, parts, assemblies, sub-assemblies, supplies, equipment, and other property acquired for or allocable to this contract and subject to the Government lien hereunder; and (iii) furnish such certificate with respect to his insurance as the Contracting Officer may from time to time require.

(k) *Default provisions.* Upon the happening of any of the following events of default, (1) termination of this contract by reason of fault of the Contractor; (2) a finding by the Contracting Officer that the Contractor (i) has failed to observe any of the covenants, conditions, or warranties of these provisions or has failed to comply with any material provision of this contract, or (ii) has so failed to make progress or is in such unsatisfactory financial condition as to endanger performance of this contract; or (iii) has allocated inventory to this contract substantially exceeding reasonable requirements, or (iv) is delinquent in payment of taxes, or of the costs of performance of this contract in the ordinary course of business; (3) appointment of a trustee, receiver or liquidator for all or a substantial part of the Contractor's property or institution of bankruptcy, reorganization, arrangement, or liquidation proceedings by or against the Contractor; (4) service of any writ of attachment, levy of execution, or commencement of garnishment proceedings with respect to the Special Bank Account; or (5) the commission of an act of bankruptcy; the Government, without limiting any rights which it may otherwise have, may in its discretion and upon written notice to the Contractor and Bank, withhold further withdrawals from the Special Bank Account and withhold further payments on this contract. Upon the continuance of any such events of default for a period of thirty (30) days after such written notice to the Contractor and Bank, the Government may, in its discretion, and without limiting any other rights which the Government may have, take the following additional actions as it may deem appropriate in the circumstances;

(A) Withdraw all or any part of the balance in the Special Bank Account by checks made payable to the Bureau of Indian Affairs signed solely by an official of the Bureau of Indian Affairs, authorized in writing by the Contracting Officer to take such action, and apply such amounts in reduction of the advance payment(s) then outstanding hereunder and in reduction of any other claims of the Government against the Contractor;

(B) Demand immediate repayment of the unliquidated balance of the advance payment(s) hereunder; or

(C) Take possession of and, with or without advertisement, sell at public sale at which the Government may be the purchaser, or at a private sale, all or any part of the property on which the Government has a lien under this contract and, after deducting any expenses incident to such sale, apply the net proceeds of such sale in reduction of the unliquidated balance of the advance payment(s) hereunder and in reduction of any other claims of the Government against the Contractor.

(l) *Prohibition against assignment.* Notwithstanding any other provision of this contract, the Contractor shall not, while any part of the advance payment(s) is unliquidated, pledge, or otherwise assign any monies due under this contract, or any claim arising thereunder, to any party or parties, bank, trust company, or other financing institution. (See clause titled ASSIGNMENT OF CLAIMS).

(m) *Information—access to records.* The Contractor shall furnish to the Contracting Officer signed or certified balance sheets and profit and loss statements monthly, if required by the Contracting Officer, together with a monthly bank statement for the Special Bank Account and such other information concerning the operation of the Contractor's business as may be requested. The Contractor shall afford to authorized representatives of the Government proper facilities for inspection of the Contractor's books, records, and accounts.

(n) *Designations and determinations.* (1) Amount. The amount of the advance payment(s) at any time outstanding hereunder shall not exceed the amount authorized in the Findings, Determinations, and Authorization for the advance payment(s) prepared pursuant to 41 CFR 14H–30.410.

(2) Depository. The advance payment(s) shall be deposited in the bank with which the Agreement for Special Account is established pursuant to 41 CFR 14H–30.414–1.

(o) *Other security.* The terms of this contract shall be considered adequate security for advance payment(s) hereunder.

(p) *Representations and warranties.* To induce the making of the advance payment(s), the Contractor represents and warrants that;

(1) No litigation or proceedings are presently pending or threatened against the Contractor.

(2) None of the provisions herein contravenes or is in conflict with the authority under which the Contractor is doing business or with the provision of any existing agreement of the Contractor.

(3) The Contractor has the power to enter into this contract and accept an advance payment(s) hereunder, and has taken all necessary action to authorize such acceptance under the terms and conditions of this contract.

(4) None of the assets of the Contractor is subject to any lien or encumbrance of any character except for current taxes not delinquent. There has been no assignment of claims under any contract affected by these advance payment provisions, or if there has been any assignment, such assignments have been terminated.

(5) All information furnished by the Contractor to the Contracting Officer in connection with the request for an advance payment is true and correct.

(6) These representations and warranties shall be continuing and shall be deemed to have been repeated by the submission of any subsequent request for additional advance payment(s) under this contract.

(q) *Subadvances.* Subject to the prior written approval of the Contracting Officer, funds from the Special Bank Account may be used by the Contractor to make advance payment(s) or down payments to subcontractors and suppliers of material in advance of performance by the subcontractor or suppliers of material. Such subadvances shall not exceed the subcontract price or estimated cost as the case may be, and the subcontractors or suppliers of material to whom such advance payment(s) is made shall furnish adequate security therefor. Unless other security is required by the Contracting Officer, covenants in subcontracts, expressly made for the benefit of the Government providing for a Special Bank Account for the subadvance with Government lien thereon, and providing for a Government lien, paramount to all other liens, on all property under such subcontract, and imposing upon the subcontractor and the depository bank substantially the same duties and giving the Government substantially the same rights as are provided herein (and in the Agreement for Special Bank Account supplemental hereto) between the Government, the Contractor, and the Bank may be considered as adequate for such subadvance(s). Subadvances shall not be made without payment of interest of six percent per annum unless adequate justification is first furnished to and approval obtained by the Contracting Officer, as provided in 41 CFR 1–30.408(b).

(r) *Covenants.* During the period of time that an advance payment(s) made hereunder remains unliquidated, the Contractor shall not, without prior written consent of the contracting officer:

(1) Mortgage, pledge, or otherwise encumber, or suffer to be encumbered, any of the assets of the Contractor now owned or hereinafter acquired by it, or permit any preexisting mortgages, liens, or other encumbrances to remain on or attach to any assets of the Contractor which are allocated to the performance of this contract and with respect to which the Government has a lien hereunder;

(2) Sell, assign, transfer, or otherwise dispose of accounts receivable, notes, or claims for money due or to become due;

(3) Declare or pay any dividends, except dividends payable in stock of the corporation, or make any other distribution on account of any shares of its capital stock, or purchase, redeem, or otherwise acquire for value any such stock, except as required by sinking fund or redemption arrangements reported to the Contracting Officer incident to the establishment of these advance payment(s) provisions;

(4) Sell, convey, or lease all or a substantial part of its assets;

(5) Acquire for value the stock or other securities of any corporation, municipality, or governmental authority, except direct obligations of the United States;

(6) Make any advance or loan to or incur any liability as guarantor, surety, or accommodation endorser for any other firm, person or corporation;

(7) Permit a writ of attachment or any similar process to be issued against its property without procuring release thereof or bonding the same within 30 days after the entry of the writ of attachment or any similar process;

(8) Pay any salaries, commissions, bonuses, or other remuneration in any form or manner to its directors, officers, or key employees in excess of existing rates of payments, or of rates provided by this contract, or in existing agreements, in connection with which notice has been given to the Contracting Officer, or accrue such excess remuneration without first obtaining an agreement subordinating the same to all claims of the Government hereunder.

(9) Make any substantial change in management, ownership, or control of the organization with which this contract is made.

(10) Merge or consolidate with any other firm or corporation, change the type of its business, or engage in any transaction outside the ordinary course of its business as presently conducted;

(11) Deposit any of its funds except in a bank or trust company insured by the Federal Deposit Insurance Corporation; or

(12) Create or incur indebtedness, borrow money or advances other than advances to be made hereunder, except as specified herein.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–26209 Filed 11–7–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 905]

HANDLING OF ORANGES, GRAPEFRUIT, TANGERINES AND TANGELOS GROWN IN FLORIDA

Notice of Proposed Rulemaking with Respect to Approval of Expenses and Rate of Assessment for 1974–75 Fiscal Period

This notice invites written comment relative to the proposed expenses of $152,500 and rate of assessment of $0.005 per standard packed box of fruit to support the activities of the Growers Administrative Committee for the 1974–75 fiscal period under Marketing Order No. 905.

Consideration is being given to the following proposals submitted by the Growers Administrative Committee, established under the marketing agreement, as amended, and order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses that are reasonable and likely to be incurred by the Growers Administrative Committee during the period August 1, 1974, through July 31, 1975, will amount to $152,500.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 905.41, be fixed at $0.005 per standard packed box of fruit.

(c) Terms used in the amended marketing agreement and order shall; when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 29, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 5, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–26186 Filed 11–7–74;8:45 am]

[7 CFR Part 1030]

MILK IN THE CHICAGO REGIONAL MARKETING AREA

Notice of Proposed Temporary Revision of Shipping Percentage

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the provisions of § 1030.7(b)(6) of the order, the temporary revision of certain provisions of the order regulating the handling of milk in the Chicago Regional marketing area is being considered for the month of November 1974.

All persons who desire to submit written data, views, or arguments in connection with the proposed revision should file the same in quadruplicate with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, not later than November 11, 1974. The period for filing views is being limited to the above-mentioned date to enable the timely consideration of this matter since the proposed action would be applicable to milk shipments made during November. Further, the proposed change provides some relaxation of pooling standards and thus will not require extensive preparation or substantial alteration in method of operation for handlers.

All written submissions made pursuant to the notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be revised are (1) the supply plant shipping percentage of 40 percent set forth in § 1030.7(b)(4) that is applicable during the month of November, and (2) in § 1030.7(b)(7)(iii), the shipping requirement of 20 percent applicable to each plant in a unit of two or more plants (as defined in § 1030.7(b)(7)) during the month of November.

Pursuant to the provisions of § 1030.7(b)(6), the supply plant shipping percentage set forth in § 1030.7(b)(4) and § 1030.7(b)(7)(iii) shall be increased or decreased by up to 10 percentage points during the months of August–March if necessary to obtain needed shipments or to prevent uneconomic shipments.

Central Milk Producers Cooperative, representing a majority of producers supplying the Chicago Regional market, requests that during November 1974 the supply plant shipping percentage be reduced 5 percentage points and the shipping percentage applicabl to each plant within a unit be reduced 5 percentage points. This cooperative states that the 40 percent shipping requirement in November would cause uneconomic shipments of milk.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In September, for instance, Class I sales were down more than 9 million pounds compared to September 1973. Moreover, receipts of producer milk on the market increased by nearly 58 million pounds in September 1974 compared to September 1973.

There is a reduced demand for Class I milk and an increase in the milk supply on the market. Thus, there is a reduced demand for supply plant milk in Class I use and a reduction in required shipments may, accordingly, be appropriate. A reduction in the required shipments of supply plant milk during November would allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

Therefore, it may be appropriate to reduce the aforementioned pool supply plant shipping percentage for the month of November 1974 to prevent uneconomic shipments.

Signed at Washington, D.C., on: November 5, 1974.

H. L. FOREST,
Director, Dairy Division.

[FR Doc.74–26251 Filed 11–7–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 171]

[Docket No. 14120; Notice 74–34]

NON-FEDERAL NAVIGATION FACILITIES

Interim Standard Microwave Landing System

The Federal Aviation Administration is considering amending Part 171 of the Federal Aviation Regulations to prescribe procedures for the approval, installation, operation, and maintenance of an interim standard microwave landing system.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before December 11, 1974, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

On December 22, 1972, the Federal Aviation Administration published in the FEDERAL REGISTER (37 FR 28311) an invitation for comments on a policy statement concerning the development of a non-federal low approach landing system. That system, described as an interim standard microwave landing system (ISMLS), was selected by the FAA for "* * * use at locations where a VHF/UHF ILS will not perform in an effective manner, or where the needs for low approach service would be better served by the use of the (ISMLS)." In determining the suitability for an

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ISMLS at any given location, the invitation for comments stated that "* * * full consideration will be given to the nature of the operational requirement and to the economics of the situation including the cost of airborne avionics equipment." Furthermore, the invitation for comments announced that the selection of the ISMLS would be based upon a standard performance specification, and requested current and potential ISMLS users to comment on the operational, technical, and economic aspects of such a system.

As a result of the invitation for comments, and a subsequent notice of policy decision (38 FR 14784), wherein the comments were discussed, the FAA proceeded with the development of a performance specification and subsequently issued a request for proposals. That request led to several proposals which the FAA evaluated through flight tests. As a result of the evaluation, the FAA published on August 30, 1974, the selection of the system manufactured by Tull Aviation Corporation, 4 Kaysal Court, Armonk, New York 10504 (Tull), as the interim standard microwave landing system (see 39 FR 31681).

For the purpose of this rule-making action, it is important to note the following points which have been previously discussed in the several notices mentioned herein:

1. The FAA encourages the continued installation of VHF/UHF ILS systems wherever they are technically feasible and economically justifiable.

2. The ISMLS is intended to serve as an adjunct to the existing system, and is considered necessary to fulfill some immediate aviation growth needs during a transition period. That transition period is the time necessary to develop and install a full microwave landing system. In this regard, it should be noted that the microwave landing system program, scheduled for initial implementation prior to the end of the decade, is on schedule, and work continues on it apart from the efforts to implement the ISMLS.

3. Although the system designed by Tull is designated as the ISMLS, other systems which may subsequently be developed may also be eligible for ADAP and F & E funding if they can meet the operational requirements proposed in this notice.

4. In selecting the ISMLS proposed by Tull, the FAA has concluded an agreement whereby Tull has agreed to grant royalty-free licenses in their technical data for the manufacture, sale, and use of the Tull system only within the United States, its territories and possessions, the District of Columbia, Puerto Rico, and the Canal Zone. Licensees of the technical data only will be required to indemnify purchasers and users of equipment manufactured by the licenses from this data against liability from patent infringement arising from the manufacture or sale of the ISMLS. The data will be available to licensees from Tull for the cost of reproduction and handling.

5. The FAA takes no position on the scope, coverage, or validity of the patents claimed by Tull for its system, nor on any patents that may result from any pending applications.

6. Tull has further agreed with the FAA to grant, on reasonable terms, nonexclusive licenses for the manufacture, use and sale, within the United States, its territories and possessions, the District of Columbia, Puerto Rico, and the Canal Zone, of the ISMLS equipment claimed to be covered by the patents described above.

NOTE: Copies of the agreement referred to in this paragraph and paragraph 4 will be available to interested persons upon request to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591.

The performance requirements proposed in this notice are derived both from recent FAA technical development and existing standards and tolerances prescribed in the publication "International and Recommended Practices, Aeronautical Telecommunications" (Annex 10 to the Convention of International Civil Aviation). The new standards were developed on the basis of field tests and engineering evaluations conducted by the FAA, and FAA evaluation of recommendations received in response to the notices discussed previously.

In addition, persons affected by this rulemaking action should determine the applicability of Federal Communications Commission (FCC) regulations to the installation and operation of the ISMLS. The regulations of the FCC applicable to radio frequency allocation and use, are found in Parts 2 and 87 of Title 47 of the Code of Federal Regulations.

As a part of the requirements proposed herein, it is also proposed to incorporate by reference several technical documents. The following documents are available for inspection in accordance with § 171.-71, and may be purchased from the FAA, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591, for the cost indicated: Specification FAA G-2100/1b, free; FAA Handbook 8260.3A, $7.75; and FAA Handbook AOP 8200.1, $11.55. In addition, the following publications of the International Civil Aviation Organization (ICAO) are proposed to be incorporated by reference, and are available from—ICAO, Aviation Building, 1080 University Street, Montreal 101, Quebec, Canada, Attention: Distribution Officer: International Standards and Recommended Practices, Aeronautical Telecommunications, Vol. 1 of Annex 10 to ICAO, $3.25; and ICAO PANS-OPS, Document 8168-OPS/611, $3.00. ICAO documents may be inspected in accordance with § 171.71.

Finally, in addition to the proposal to add a new Subpart I to prescribe ISMLS requirements, the FAA also proposes several editorial changes to Part 171 to adopt new forms for reporting various required information.

These amendments are proposed under the authority of sections 405, 307, 313(a), 601, and 606 of the Federal Aviation Act of 1958 (49 U.S.C. 1346, 1348, 1354(a), 1421, and 1426), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

NOTE: The reporting and recordkeeping requirements contained herein have been submitted for approval by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

In consideration of the foregoing, it is proposed to amend Part 171 of the Federal Aviation Regulations:

§§ 171.13, 171.33, 171.53, 171.117, 171.163, 171.213 [Amended]

1. By deleting the reference to Form FAA-406c in §§ 171.13(b); 171.33(b), 171.53(b), 171.117(b), 171.163(b), and 171.213(b), and inserting in lieu thereof the words "Form FAA-6030-1"; and

2. By adding a new Subpart I to read as follows:

Subpart I—Interim Standard Microwave Landing System (ISMLS)

Sec.
171.251 Scope.
171.253 Requests for IFR Procedures.
171.255 Minimum requirements for approval.
171.257 Definitions.
171.259 Performance requirements: general.
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171.263 Localizer automatic monitor system.
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171.267 Glide path automatic monitor system.
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Subpart I—Interim Standard Microwave Landing System (ISMLS)

§ 171.251 Scope.

This subpart sets forth minimum requirements for the approval and operation of non-Federal Interim Standard Microwave Landing System (ISMLS) facilities that are to be involved in the approval of instrument flight rules and air traffic control procedures related to those facilities.

§ 171.253 Requests for IFR procedure.

(a) Each person who requests an IFR procedure based on an ISMLS facility that he owns must submit the following information with that request:

(1) A description of the facility and evidence that the equipment meets the performance requirements of §§ 171.259, 171.261, 171.263, 171.265, 171.267, and 171.269, and is installed in accordance with § 171.271.

(2) A proposed procedure for operating the facility.

(3) A proposed maintenance organization and a maintenance manual that meets the requirements of § 171.273.

(4) A statement of intent to meet the requirements of this subpart.

(5) A showing that the ISMLS facility has an acceptable level of operational reliability, maintainability and acceptable standard of performance. Previous equivalent operational experience with a facility with identical design and operational characteristics will be considered in showing compliance with this subparagraph.

(b) After the FAA inspects and evaluates the ISMLS facility, it advises the owner of the results and of any required changes in the ISMLS facility or in the maintenance manual or maintenance organization. The owner must then correct the deficiencies, if any, and operate the ISMLS facility for an in-service evaluation by the FAA.

§ 171.255 Minimum requirements for approval.

(a) The following are the minimum requirements that must be met before the FAA will approve an IFR procedure for a non-Federal Interim Standard Microwave Landing System (ISMLS) facility:

(1) The ISMLS facility's performance as determined by air and ground inspection, must meet the requirements of §§ 171.259, 171.261, 171.263, 171.265, 171.267, and 171.269.

(2) The installation of the equipment must meet the requirements of § 171.271.

(3) The owner must agree to operate and maintain the ISMLS facility in accordance with § 171.273.

(4) The owner must agree to furnish periodic reports as set forth in § 171.275 and agree to allow the FAA to inspect the facility and its operation whenever necessary.

(5) The owner must assure the FAA that he will not withdraw the ISMLS facility from service without the permission of the FAA.

(6) The owner must bear all costs of meeting the requirements of this section and of any flight or ground inspection made before the ISMLS facility is commissioned, except that the FAA may bear certain costs subject to budgetary limitations and policy established by the Administrator of the FAA.

(b) If the applicant for approval meets the requirements of paragraph (a) of this section the FAA commissions the ISMLS facility as a prerequisite to its approval for use in an IFR procedure. The approval is withdrawn at any time that the ISMLS facility does not continue to meet those requirements. In addition, the ISMLS facility may be de-commissioned whenever the frequency channel is needed for higher priority common system service.

§ 171.257 Definitions.

As used in this subpart:

"Angular displacement sensitivity" means the ratio of measured DDM to the corresponding angular displacement from the appropriate reference line.

"Collocated ground station" means the type of ground station which transmits two or more guidance signals simultaneously from a common location.

"Course line" means the locus of points nearest to the runway centerline in any horizontal plane at which the DDM is zero.

"Course sector (full)" means a sector in a horizontal plane containing the course line and limited by the loci of points nearest to the course line at which the DDM is 0.155.

"Course sector (half)" means the sector in a horizontal plane containing the course line and limited by the loci of points nearest to the course line at which the DDM is 0.0775

"DDM" means difference in depth of modulation. The percentage modulation depth of the larger signal minus the percentage modulation depth of the smaller signal, divided by 100.

"Displacement sensitivity" (Localizer) means the ratio of measured DDM to the corresponding lateral displacement from the appropriate reference line.

"Facility Performance Category I—ISMLS" means an ISMLS which provides guidance information from the coverage limit of the ISMLS to the point at which the localizer course line intersects the ISMLS glide path at a height of 100 feet or less above the horizontal plane containing the threshold.

"Facility reliability" means the probability that an ISMLS ground installation radiates signals within the specified tolerances.

"Glide path" means that locus of points in the vertical plane containing the runway center line at which the DDM is zero, which, of all such loci, is the closest to the horizontal plane.

"Glide path angle" (O) means the angle between a straight line which represents the mean of the ISMLS glide path and the horizontal.

"Glide path sector (half)" means the sector in the vertical plane containing the ISMLS glide path and limited by the loci of points nearest to the glide path at which the DDM is 0.0875.

"Glide path sector (full)" means the sector in the vertical plane containing the ISMLS glide path and limited by the loci of points nearest to the glide path at which the DDM is 0.175. The ISMLS glide path sector is located in the vertical plane containing the runaway center line, and is divided by the radiated glide path in two parts called upper sector and lower sector, referring respectively to the sectors above and below the glide path.

"ISMLS Point 'A'" means an imaginary point on the glide path/localizer course measured along the runway centerline extended in the approach direction, four nautical miles from the runway threshold.

"ISMLS Point 'B'" means an imaginary point on the glide path/localizer course measured along the runway centerline extended, in the approach direction, 3,500 feet from the runway threshold.

"ISMLS Point 'C'" means a point through which the downward extended straight portion of the glide path (at the commissioned angle) passes at a height of 100 feet above the horizontal plane containing the runway threshold.

"Interim standard microwave landing system" (ISMLS) means a ground station which transmits azimuth and elevation angle information which, when decoded and processed by the airborne unit, provides signal performance capable of supporting approach minima for V/STOL and CTOL operations and operates with the signal format and tolerances specified in §§ 171.259, 171.261, 171.263, 171.265, and 171.267.

"Integrity" means that quality which relates to the trust which can be placed in the correctness of the information supplied by the facility.

"Mean corrective time" means the average time required to correct an equipment failure over a given period, after a service man reaches the facility.

"Mean time between failures" means the average time between equipment failure over a given period.

"Reference datum" means a point at a specified height located vertically above the intersection of the runway centerline and the threshold and through which the downward extended straight portion of the ISMLS glide path passes.

"Signal reliability" means the probability that an ISMLS signal in space of specified characteristics is available to the aircraft.

"Split type ground station" means the type of ground station in which the electronic components for the azimuth and elevation guidance are contained in separate housings or shelters at different locations, with the azimuth portion of the ground station located at the stop end of the runway, and the elevation guidance near the approach end of the runway.

§ 171.259 Performance requirements: general.

(a) The ISMLS consists of the following basic components:

(1) C-Band (5000 MHz–5030 MHz) localizer equipment, associated monitor system, and remote indicator equipment;

(2) C-Band (5220 MHz–5250 MHz) glide path equipment, associated monitor system, and remote indicator equipment;

(3) VHF marker beacons (75 MHz), associated monitor systems, and remote indicator equipment in accordance with the "International Standards and Recommended Practices, Aeronautical Telecommunications," Vol. I, Paragraphs 3.1.6 and 3.6 of Annex 10 to the Convention on International Civil Aviation, dated July 1, 1972 (ICAO Annex 10), and Subpart H of this Part.

(b) The electronic equipments shall be designed to operate on a nominal 120/240 volt, 60Hz, 3-wire single phase AC power source.

(c) The service conditions for ISMLS equipment are as follows:

(1) The AC line parameters shall be those contained in specification FAA G-2100/1b paragraph 1-3.2.23(a), dated July 10, 1973.

(2) The ambient conditions for localizer and glide path electronic equipment shall be those contained in specification FAA G-2100/1b paragraph 1-3.2.23, Environment II, dated July 10, 1973.

(3) The ambient conditions for marker beacon facilities and all other equipment installed outdoors (antennas, field detectors, shelters, etc.) shall be those contained in specification FAA G-2100/1b paragraph 1-3.2.23, Environment III, dated July 10, 1973.

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(4) All equipment installed outdoors shall operate satisfactorily under the following conditions:

Wind Velocity	0–100 MPH (not including gusts)
Hail Stones	½" diameter
Rain	Moderate
Ice Loading	Encased in ½" radial thickness of clear ice.

(d) The ISMLS must perform in accordance with the following standards and practices for Facility Performance Category I operation:

(1) The ISMLS must be constructed and adjusted so that, at a specified distance from the threshold, similar instrumental indications in the aircraft represent similar displacements from the course line or ISMLS glide path, as appropriate, irrespective of the particular ground installation in use.

(2) The localizer and glide path components listed in paragraph (a) (1) and (2) of this section which form part of an ISMLS, shall comply at least with the standard performance requirements specified herein. The marker beacon components listed in paragraph (a) (3) of this section which form part of an ISMLS, shall comply at least with the standard performance requirements specified in ICAO Annex 10, dated July 1, 1972, and Subpart H of this Part.

(3) The ISMLS shall be so designed and maintained that the probability of operation within the performance requirements specified is of a high value.

(e) The signal format and pairing of the runway localizer and glide path transmitter frequencies of an ISMLS must be in accordance with the frequency plan approved by the FAA, and must meet the following signal format requirements:

(1) The localizer and glide slope stations must transmit angular guidance information on a C-band microwave carrier on narrow, scanned antenna beams that are encoded to produce a modulation in space which, after averaging over several beam scans, is equivalent to the modulation used for conventional ILS as defined by ICAO Annex 10, dated July 1, 1972.

(2) Guidance modulation must be impressed on the microwave carrier of the radiated signal in the form of a summation of 90 Hz and 150 Hz sinusoidal modulation corresponding to the pointing direction of the particular beam which radiates the signal.

(3) Each of the effective beam positions must be illuminated in a particular sequence for a short time interval. The modulation impressed on each beam must be a sample of the combined 90 Hz and 150 Hz waveform appropriate for that particular beam direction and time slot, and must be accomplished by appropriately varying the length of time the carrier is radiated during each beam illumination interval.

(4) For those cases where the scanning beam fills the coverage space in steps the incremental step must not exceed 0.6 times the beam width where the beam is in the proportional guidance sector. In the clearance region, the step must not exceed 0.8 times beam width.

(5) At least one pulse duration modulation (pdm) sample pulse per beam width of scan must be provided.

(6) The minimum pulse duration shall be 40 microseconds.

(7) The minimum beam scan cycle shall be 600 Hz.

(8) The minimum duty ratio detectable by a receiver located anywhere in the coverage areas defined by this specification must not be less than 0.1. Detected duty ratio means the ratio of the average energy per scan detected at a point in space to the average energy per scan transmitted in all directions through the transmitting antenna.

(9) The localizer must produce a C-band unmodulated reference frequency signal of sufficient strength to allow satisfactory operation of a standard aircraft receiver within the specified localizer and glide path coverage sectors. Pairing of this reference frequency with the localizer and glide slope frequencies shall be in accordance with a frequency plan approved by the FAA.

(f) In accordance with 5 U.S.C. 552(a), the technical publications and FAA documents to which reference is made in this subpart are incorporated in, and made a part of, this subpart. These incorporated documents are available as provided in § 171.71, and may be obtained in accordance with the fee schedule prescribed in 49 CFR 7.85.

§ 171.261 Localizer performance requirements.

This section prescribes the performance requirements for localizer equipment components of the ISMLS.

(a) The localizer antenna system must:

(1) Be located on the extension of the centerline of the runway at the stop end;

(2) Be adjusted so that the course line will be in a vertical plane containing the centerline of the runway served;

(3) Have the minimum height necessary to comply with the coverage requirements prescribed in paragraph (i) of this section;

(4) Be located at a distance from the stop end of the runway that is consistent with safe obstruction clearance practices;

(5) Not obscure any light of the approach landing system; and

(6) Be installed on frangible mounts or beyond the 1,000' light bar.

On runways where limited terrain prevents the localizer antennas from being positioned on the runway centerline extended, and the cost of the land fill or a tall tower antenna support is prohibitive, the localizer antenna array may be offset so that the course intercepts the centerline at a point determined by the amount of the angular offset and the glide path angle. If other than a runway centerline localizer is used, the criteria in FAA Handbook 8260.3A, dated May 4, 1972, must be used.

(b) Except where no operationally harmful interference results, at locations where two separate ISMLS facilities serve opposite ends of a single runway, an interlock must ensure that only the facility serving the approach direction being used will radiate.

(c) The radiation from the localizer antenna system must produce a composite field pattern which is pulse duration modulated, the time average equivalent to amplitude modulation by a 90 Hz and 150 Hz tone. The localizer station must transmit angular guidance information over a C-band microwave carrier on narrow, scanned antenna beams that are encoded to produce a modulation in space which, after averaging over several beam scans, is equivalent to the modulation used for conventional ILS as defined by ICAO, Annex 10, dated July 1, 1972. The radiation field pattern must produce a course sector with one tone predominating on one side of the course and with the other tone predominating on the opposite side. When an observer faces the localizer from the approach end of the runway, the depth of modulation of the radio frequency carrier due to the 150 Hz tone must predominate on his right hand and that due to the 90 Hz tone must predominate on his left hand.

(d) All horizontal angles employed in specifying the localizer field patterns must originate from the center of the localizer antenna system which provides the signals used in the front course sector.

(e) The ISMLS course sector angle must be adjustable between 3 degrees and 12 degrees. The applicable course sector angle will be established and approved on an individual basis.

(f) The ISMLS localizer shall operate in the band 5,000 MHz to 5,030 MHz. The frequency tolerance may not exceed ±0.0001 percent.

(g) The emission from the localizer must be vertically polarized. The horizontally polarized component of the radiation on the course line may not exceed that which corresponds to a DDM error of 0.016 when an aircraft is positioned on the course line and is in a roll attitude of 20 degrees from the horizontal.

(h) The localizer must provide signals sufficient to allow satisfactory operation of a typical aircraft installation within the localizer and glide path coverage sectors. The localizer coverage sector must extend from the center of the localizer antenna system to distances of 18 nautical miles minimum within ±10 degrees from the front course line, and 10 nautical miles minimum between ±10 degrees and ±35 degrees from the front course line. The ISMLS localizer signals must be receivable at the distances specified up from a surface extending outward from the localizer antenna and within a sector in the elevation plane from 0.300 to 1.750 of the established glide path angle (θ).

(i) Except as provided in paragraph (j) of this section, in all parts of the coverage volume specified in paragraph (h) of this section, the peak field strength must not be less than −87 dBW/m,² and must permit satisfactory

operational usage of ISMLS localizer facilities.

(j) The minimum peak field strength on the ISMLS glide path and within the localizer course sector from a distance of 10 nautical miles to a height of 100 feet (30 meters) above the horizontal plane containing the threshold, must not be less than −87 dBW/m².

(k) Above 16 degrees, the ISMLS localizer signals must be reduced to as low a value as practicable.

(l) Bends in the course line must not have amplitudes which exceed the following:

Zone	Amplitude (DDM) (95 percent probability)
Outer limit of coverage to ISMLS Point "A"	0.031
ISMLS Point "A" to ISMLS Point "B"	0.031 at ISMLS Point "A" decreasing at linear rate to 0.015 at ISMLS point "B"
ISMLS Point "B" to ISMLS Point "C"	0.015

The amplitudes referred to in this paragraph are the DDMs due to bends as realized on the mean course line, when correctly adjusted.

(m) The radio frequency carrier must meet the following requirements:

(1) The nominal depth of modulation of the radio frequency carrier due to each of the 90 Hz and 150 Hz tones must be 20 percent along the course line.

(2) The depth of modulation of the radio frequency carrier due to each of the 90 Hz and 150 Hz tones must be between 18 and 22 percent.

(3) The frequency tolerance of the 90 Hz and 150 Hz modulated tones must be within ±2.5 percent.

(4) Total harmonic content of the 90 Hz tone must not exceed 10 percent.

(5) Total harmonic content of the 150 Hz tone must not exceed 10 percent.

(6) At every half cycle of the combined 90 Hz and 150 Hz wave form, the modulation tones must be phase-locked so that within the half course sector, the demodulated 90 Hz and 150 Hz wave forms pass through zero in the same direction within 20 degrees with phase relative to the 150 Hz component. However, the phase need not be measured within the half course sector.

(n) The mean course line must be adjusted and maintained within ±.015DDM from the runway centerline at the ISMLS reference datum.

(o) The nominal displacement sensitivity within the half course sector at the ISMLS reference datum, must be 0.00145 DDM/meter (0.00044DDM/foot). However, where the specified nominal displacement sensitivity cannot be met, the displacement sensitivity must be adjusted as near as possible to that value.

(p) The lateral displacement sensitivity must be adjusted and maintained within 17 percent of the nominal value. Nominal sector width at the ISMLS reference datum is 210 meters (700 feet).

(q) The increase of DDM must be substantially linear with respect to angular displacement from the front course line where DDM is zero, up to an angle on either side of the front course line where the DDM is 0.180. From that angle to ±10 degrees, the DDM must not be less than 0.180. From ±10 degrees to ±35 degrees, the DDM must not be less than 0.155.

(r) The localizer must provide for the simultaneous transmission of an identification signal which meets the following:

(1) It must be specific to the runway and approach direction, on the same radio frequency carrier, as used for the localizer function.

(2) Transmission of the identification signal must not interfere in any way with the basic localizer function.

(3) The signal must be produced by pulse duration modulation of the radio frequency carrier using a modulation tone of 300 Hz within ±3Hz (resulting in a detected audio tone in the airborne VHF receiver of 1020 Hz ±50 Hz).

(4) The depth of modulation must be between the limits of 10 and 12 percent.

(5) The emissions carrying the identification signal must be vertically polarized.

(6) The identification signal must employ the International Morse Code and consist of three letters. It must be preceded by the International Morse Code signal of the letter "M" followed by a short pause where it is necessary to distinguish the ISMLS facility from other navigational facilities in the immediate area.

(7) The signal must be transmitted at a speed corresponding to approximately seven words per minute, and must be repeated at approximately equal intervals, not less than six times per minute, at all times during which the localizer is available for operational use. When the transmissions of the localizer are not available for operational use, as, for example, after removal of navigational components, or during maintenance or test transmissions, the identification signal must be suppressed.

§ 171.263 Localizer automatic monitor system.

(a) The ISMLS localizer equipment must provide an automatic monitor system that transmits a warning to designated local and remote control points when any of the following occurs:

(1) A shift of the mean course line of the localizer from the runway centerline equivalent to more than .015 DDM at the ISMLS reference datum.

(2) In the case of localizers in which the basic functions are provided by the use of a single-frequency system, a reduction of power output to less than 50 percent of normal or a loss of ground station identification transmissions, provided the localizer continues to meet the requirements of paragraphs (h), (l), and (m) (2)–(5) of § 171.261.

(3) Changes of displacement sensitivity to a value differing by more than 17 percent from nominal value for the localizer.

(4) Failure of any part of the monitor itself. Such failure must automatically produce the same results as the malfunctioning of the element being monitored.

(b) The total period of signal radiation outside of the performance limits prescribed in § 171.261, including periods of zero radiation, must not exceed 10 seconds.

(c) Within 10 seconds of the occurrence of any of the conditions prescribed in paragraph (a) of this section, one of the following must occur:

(1) Radiation must cease; or

(2) The navigation and identification components must be removed from the carrier.

Any erroneous navigation signals on the carrier occurring during removal of navigation and identification components must be suppressed within a total period of 10 seconds.

§ 171.265 Glide path performance requirements.

This section prescribes the performance requirements for glide path equipment components of the ISMLS and are based on the assumption that the aircraft is heading directly toward the facility.

(a) The glide slope antenna system must be located near the approach end of the runway, and the equipment must be adjusted so that the vertical path line will be in a sloping horizontal plane containing the centerline of the runway being served, and satisfy the coverage requirements indicated in paragraph (g) of this section. The minimum distance from the centerline of the runway shall be 250' and be consistent with safe obstruction clearance practices as indicated in Fig. 3–16 of FAA Handbook 6750.16A, dated August 8, 1973.

(b) The radiation from the glide path antenna system must produce a composite field pattern which is pulse duration modulated by a 90 Hz and a 150Hz tone, which is the time average equivalent to amplitude modulation. The pattern shall be arranged to provide a straight line descent path in the vertical plane containing the centerline of the runway, with the 150 Hz tone predominating below the path and the 90 Hz tone predominating above the path to at least an angle equal to 1.75θ. As used in this section theta (θ), denotes the nominal glide path angle. The glide path angle must be adjusted and maintained within 0.075θ.

(c) The glide path equipment must be capable of producing a radiated glide path from 3 to 9 degrees with respect to the horizontal. However, the operationally preferred ISMLS glide path angle is 3 degrees. ISMLS glide path angles in excess of 3 degrees may be used only to satisfy instrument approach procedures or to overcome an obstruction clearance problem, and in each such case a waiver from prescribed criteria shall be required.

(d) The downward extended straight portion of the ISMLS glide path must pass through the ISMLS reference datum at a height ensuring safe guidance over obstructions and safe and efficient use of the runway served. The height of the

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ISMLS reference datum must be in accordance with FAA Handbook 8260 3A, dated May 4, 1972.

(e) The glide path equipment must operate in the band 5220 MHz to 5250 MHz. The frequency tolerance may not exceed ±0.0001 percent.

(f) The emission from the glide path equipment must be vertically polarized.

(g) The glide path equipment must provide signals sufficient to allow satisfactory operation of a typical aircraft installation in sectors of 8 degrees on each side of the centerline of the ISMLS glide path, to a distance of at least 10 nautical miles up to 1.750 and down to 0.450 above the horizontal or to such lower angle at which 0.22 DDM is realized.

(h) To provide the coverage for glide path performance specified in paragraph (g) of this section, the minimum peak field strength within this coverage sector must be –82 dBW/m². The peak field strength must be provided on the glide path down to a height of 30 meters (100 feet) above the horizontal plane containing the threshold.

(i) Bends in the glide path must not have amplitudes which exceed the following:

Zone:	*Amplitude (DDM) (95 percent probability)*
Outer limit of coverage to ISMLS point C	0.035

The amplitude referred to is the DDM due to bends as realized on the mean ISMLS glide path correctly adjusted. In regions of the approach where ISMLS glide path curvature is significant, bend amplitude is calculated from the mean curved path, and not the downward extended straight line.

(j) Guidance modulation must be impressed on the microwave carrier of the radiated glide slope signal in the form of a unique summation of 90 Hz and 150 Hz sinusoidal modulation corresponding to the pointing direction of the particular beam which radiates the signal. Each of the effective beam positions must be illuminated in sequence for a short time interval. The scan rate may be synchronous with the 90 Hz and 150 Hz tone base. The modulation impressed on each beam must be a sample of the combined 90 Hz and 150 Hz waveform appropriate for that particular beam direction and time slot. The actual modulation must be accomplished by appropriately varying the length of time the carrier is radiated during each beam illumination interval.

(k) The nominal depth of modulation of the radio frequency carrier due to each of the 90 Hz and 150 Hz tones must be 40 percent along the ISMLS glide path. The depth of modulation shall not deviate outside the limits of 37.5 percent to 42.5 percent.

(l) The following tolerances apply to the frequencies of the modulating tones:

(1) The modulating tones must be 90 Hz and 150 Hz within 2.5 percent.

(2) The total harmonic content of the 90 Hz tone must not exceed 10 percent.

(3) The total harmonic content of the 150 Hz tone must not exceed 10 percent.

(m) **At every half cycle of the combined 90 Hz and 150 Hz wave form, the modulation must be phase-locked so that within the ISMLS half glide path sector, the demodulated 90 Hz and 150 Hz wave forms pass through zero in the same direction within 20 degrees of phase relative to the 150 Hz component. However, the phase need not be measured within the ISMLS half glide path sector.**

(n) The nominal angular displacement sensitivity must correspond to a DDM of 0.0875 at an angular displacement above and below the glide path of 0.120. The glide path angular displacement sensitivity must be adjusted and maintained within ±25 percent of the nominal value selected. The upper and lower sectors should be as symmetrical as practicable within the limits prescribed in this paragraph.

(o) The DDM below the ISMLS glide path must increase smoothly for decreasing angle until a value of 0.22 DDM is reached. This value must be achieved at an angle not less than 0.30θ above the horizontal. However, if it is achieved at an angle above 0.45θ, the DDM value may not be less than 0.22 at least down to an angle of 0.45θ.

§ 171.267 Glide path automatic monitor system.

(a) The ISMLS glide path equipment must provide an automatic monitor system that transmits a warning to designated control points when any of the following occurs:

(1) A shift of the mean ISMLS glide path angle equivalent to more than 0.075θ.

(2) A reduction of power output to less than 50 percent, provided the glide path continues to meet the requirements of paragraphs (g), (i), and (k) of § 171.265.

(3) A change of the angle between the glide path and the line below the glide path (150 Hz predominating), at which a DDM of 0.0875 is realized by more than $\pm 0.0375\theta$.

(4) Lowering of the line beneath the ISMLS glide path at which a DDM of 0.0875 is realized to less than 0.750 from the horizontal.

(5) Failure of any part of the monitor itself. Such failure must automatically produce the same results as the malfunctioning of the element being monitored.

Guidance on obstacle clearance criteria is given in ICAO PANS-OPS (Doc 8168–OPS/611, dated July 1, 1972).

(b) At glide path facilities where the selected nominal angular displacement sensitivity corresponds to an angle below the ISMLS glide path, which is close to or at the maximum limits specified, an adjustment to the monitor operating limits is permitted to protect against sector deviations below 0.750 from the horizontal.

(c) The total period of glide path signal radiation outside of the performance limits prescribed in § 171.265, including periods of zero radiation, must not exceed six seconds.

(d) Within six seconds of the occurrence of any of the conditions prescribed in paragraph (a) of this section, signal radiation must cease.

§ 171.269 Marker beacon performance requirements.

ISMLS marker beacon equipment must meet the performance requirements prescribed in Subpart H of this Part, and ICAO Annex 10, dated July 1, 1974.

§ 171.271 Installation requirements.

(a) The ISMLS facility must be permanent in nature, located, constructed, and installed according to accepted good engineering practices, applicable electric and safety codes, FCC licensing requirements, and paragraphs (a) and (c) of § 171.261.

(b) The facility must have a reliable source of suitable primary power, either from a power distribution system or locally generated. Also, adequate power capacity must be provided for operation of test and working equipment at the ISMLS.

(c) A continuously engaged or floating battery power must be provided for the ISMLS ground station for continued normal operation if the primary power fails. To maintain the batteries in operations readiness, a trickle charge must be supplied to recharge the batteries during the period of available primary power. Upon loss and subsequent restoration of power, the batteries must be restored to full charge within 24 hours. When primary power is applied, the state of the battery charge must in no way cause harm to or affect the operation of the ISMLS ground station. The battery supply must premit continuation of normal operation for not less than two hours under the normal test conditions. Additionally, the equipment must meet all specification requirements with or without batteries installed.

(d) There must be a means for determining, from the ground, the performance of the equipment including antennae, both initially and periodically.

(e) The facility must have, or be supplemented by, ground-air or landline communications services, in conformance with FAA Handbook 8260.3A, dated May 4, 1972.

(f) Except where no operationally harmful interference will result, at those locations where two separate ISMLS facilities serve opposite ends of a single runway, an interlock must ensure that only the facility serving the approach direction in use can radiate.

§ 171.273 Maintenance and operations requirements.

(a) The owner of the facility must establish an adequate maintenance system and provide qualified maintenance personnel to maintain the facility at the level attained at the time it was commissioned. Each person who maintains a facility must meet at least the Federal Communications Commission's licensing requirements and show that he has the special knowledge and skills needed to maintain the facility, including proficiency in maintenance procedures and the use of specialized test equipment.

(b) In the event of out-of-tolerance conditions or malfunctions, as evidenced by receiving two successive pilot reports, the owner shall close the facility by ceasing radiation. The owner shall then issue a "Notice to Airman" (NOTAM) that the facility is out of service. However, private use facilities may omit the issuance of NOTAMS.

(c) The owner must prepare, and obtain approval of, an operations and maintenance manual that sets forth mandatory procedures for operations, periodic maintenance, and emergency maintenance, including instructions on each of the following:

(1) Physical security of the facility.

(2) Maintenance and operations by authorized persons only.

(3) FCC licensing requirements for operating and maintenance personnel.

(4) Posting of licenses and signs.

(5) Relation between the facility and FAA air traffic control facilities, with a description of the boundaries of controlled airspace over or near the facility, instructions for relaying air traffic control instructions and information, if applicable, and nstructions for the operations of an air traffic advisory service if the facility is located outside of controlled airspace.

(6) Notice to the Administrator of any suspension of service.

(7) Detailed and specific maintenance procedures and servicing guides stating the frequency of servicing.

(8) Air-ground communications, if provided, expressly written or incorporating appropriate sections of FAA manuals by reference.

(9) Keeping of station logs and other technical reports, and the submission of reports required by § 171.275.

(10) Monitoring of the ISMLS facility.

(11) Inspections by United States personnel.

(12) Names, addresses, and telephone numbers of persons to be notified in an emergency.

(13) Shutdowns for periodic maintenance and issue of "Notices to Airmen" for routine or emergency shutdowns. However, private use facilities may omit the "Notices to Airmen".

(14) Commissioning of the ISMLS facility.

(15) An acceptable procedure for amending or revising the manual.

(16) An explanation of the kinds of activities (such as construction or grading) in the vicinity of the ISMLS facility that may require shutdown or recertification of the ISMLS facility by FAA flight check.

(17) Procedures for conducting a ground check of the localizer course alignment, width, and clearance, glide path elevation angle and course width, and marker beacon power, and modulation.

(18) The following information concerning the ISMLS facility:

(i) Facility component locations with respect to airport layout, instrument runways, and similar areas.

(ii) The type, make, and model of the basic radio equipment that provides the service.

(iii) The station power emission and frequencies of the ISMLS localizer, glide path, beacon markers, and associated compass locators, if any.

(iv) The hours of operation.

(v) Station identification call letters and method of station identification and the time spacing of the identification.

(vi) A description of the critical parts that may not be changed, adjusted, or repaired without an FAA flight check to confirm published operations.

(d) The owner or his maintenance representative shall make a ground check of the ISMLS facility each month in accordance with procedures approved by the FAA at the time of commissioning, and shall report the results of the checks as provided in § 171.275.

(e) If the owner desires to modify the ISMLS facility, he must submit the proposal to the FAA and may not allow any modifications to be made without specific approval.

(f) The owner or the owner's maintenance representative shall participate in inspections made by the FAA.

(g) Whenever it is required by the FAA, the owner shall incorporate improvements in ISMLS maintenance.

(h) The owner or his maintenance representative shall provide a stock of spare parts, including solid state components, or modules of such a quantity to make possible the prompt replacement of components or modules that fail or deteriorate in service.

(i) FAA approved test instruments must be used for maintenance of the ISMLS facility.

(j) The mean corrective maintenance time of the ISMLS equipment shall be 0.5 hours, with a maximum corrective maintenance time of not greater than 1.5 hours. This measure applies to failures of the monitor, transmitter and associated antenna assemblies, limited to unscheduled outage and out-of-tolerance conditions.

(k) The mean time between failures of the ISMLS equipment shall be at least 1,500 hours. This measure applies to failures of the monitor, transmitter, and associated antenna assemblies, limited to unscheduled outages and out-of-tolerance conditions.

(l) Inspection consists of an examination of the ISMLS equipment to ensure that unsafe operating conditions do not exist.

(m) Monitoring of the ISMLS radiated signal must ensure a high degree of integrity and minimize the requirements for ground and flight inspection. The monitor must be checked periodically during the in-service test evaluation period for calibration and stability. These tests and ground checks of glide slope, localizer, and marker beacon radiation characteristics must be conducted in accordance with the maintenance requirements of this section.

(n) Flight inspection of the ISMLS facility to demonstrate compliance with performance requirements must be conducted in accordance with FAA Handbook AOP 8200.1, U.S. Standard Flight Inspection Manual, as revised, August 1, 1972.

§ 171.275 Reports.

The owner or his maintenance representative of the ISMLS facility shall make the following reports at the indicated time to the appropriate FAA Regional Office where the facility is located.

(a) *Facility Equipment Performance and Adjustment Data (Form FAA 198).* The FAA Form 198 shall be filled out by the owner or his maintenance representative with the equipment adjustments and meter readings as of the time of facility commissioning. One copy to be kept in the permanent records of the facility and two copies to be sent to the appropriate FAA Regional Office. The owner or his maintenance representative shall revise the FAA Form 198 data after any major repair, modernization, or retuning to reflect an accurate record of facility operation and adjustment. In the event the data are revised, the owner or his maintenance representative shall notify the appropriate FAA Regional Office of such revisions, and forward copies of the revisions to the appropriate FAA Regional Office.

(b) *Facility Maintenance Log (Form FAA 6030–1).* Form FAA 6030–1 is a permanent record of all the activities required to maintain the ISMLS facility. The entries must include all malfunctions met in maintaining the facility including information on the kind of work and adjustments made, equipment failures, causes (if determined) and corrective action taken. In addition, the entries must include completion of periodic maintenance required to maintain the facility. The owner or his maintenance representative shall keep the original of each form at the facility and send a copy to the appropriate FAA Regional Office at the end of each month in which it is prepared.

However, where an FAA approved remote monitoring system is installed which precludes the need for periodic maintenance visits to the facility, monthly reports from the remote monitoring system control point shall be forwarded to the appropriate FAA Regional Office, and a hard copy retained at the control point.

(c) *Technical Performance Record (Form FAA 418).* Form FAA 418 contains a record of system parameters, recorded on each scheduled visit to the facility. The owner or his maintenance representative shall keep the original of each month's record at the facility and send a copy of the form to the appropriate FAA Regional Office.

Issued in Washington, D.C., on November 1, 1974.

J. W. COCHRAN,
Director,
Airway Facilities Service.

[FR Doc.74-26143 Filed 11-7-74;8:45 am]

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CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249, 372a, 378, 378a, 389]

[EDR-281; SPDR-38; ODR-9; Docket No. 24908]

ONE-STOP-INCLUSIVE TOUR CHARTERS

Notice of Proposed Rule Making

OCTOBER 30, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 378a of its Special Regulations establishing a new class of charter designated as a "One-stop-inclusive Tour Charter" (OTC). Under consideration also are implementing amendments to Parts 207, 208, 212, 214, 217, 241, and 249 of the Economic Regulations and Part 389 of the Organization Regulations, as well as parallel amendments to Parts 372a and 378 of the Special Regulations. The principal features of the proposals are described in the Explanatory Statement, and the proposed amendments are set forth in the Proposed Rules. The amendments are proposed under the authority of sections 101(3), 204(a), 401, 402, 407, 416(a), and 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in initial comment received on or before December 5, 1974, and reply comments received on or before December 20, 1974, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon receipt thereof.

Those persons planning to file comments or responsive comments who wish to be served with such comments filed by others, and are willing to undertake to serve their comments on others, shall file with the Docket Section at the above address by November 15, 1974, a request to be placed on the Service List in Docket 24908. The Service List will be prepared by the Docket Section and sent to the persons named thereon. The persons on the Service List are to serve each other with comments or responsive comments at the time of filing.

A list of all persons filing comments will be prepared by the Docket Section and sent to the persons named thereon. Responsive comments may be filed by any person by December 20, 1974, and comments so filed will be considered by the Board. In addition to those on the Service List who filed comments, persons filing responsive comments should also serve any person whose comment is dealt with in their responsive comment.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

EXPLANATORY STATEMENT

By the time the Board had adopted the Travel Group Charter (TGC) rule[1] it had long been recognized that "prior affinity" charter rules, limiting charters to groups having a prior affinity, are extremely difficult to enforce and that they tend to discriminate against persons who are not members of charterworthy groups. It was hoped that the TGC rules would provide a viable alternative to the "prior affinity" rules and satisfy the demand for low-cost bulk air transportation to vacation destinations, without causing undue diversion from scheduled services. However, the Board did not then believe it necessary to consider also revising its Inclusive Tour Charter (ITC) rule,[2] which was designed to provide low-cost charter air transportation as part of an inclusive tour for those members of the public interested in buying a vacation "package," including stops at three or more places.

Experience has shown that the TGC rules, as, initially established, and the current ITC rules have failed to satisfy the demand for low-cost vacation travel.[3] Since we continue to believe that the affinity rules should be replaced[4] by a viable regime of enforceable and nondiscriminatory charter rules, we have taken significant steps toward developing such a regime. Thus, we have recently amended the TGC rule to relax some of the requirements, and thereby enhance the attractiveness of TGC's to the general public.[5] We have also proposed a new type of charter, called the "Special Event Charter,"[6] which would be designed to authorize charters for groups of persons interested in attending the same particular event.

Consistent with the foregoing rulemaking actions, the purpose of the instant proceeding is to consider establishment of another type of charter, which would be something of a hybrid between the TGC rule and the ITC rule, designed primarily for persons interested in an all-inclusive vacation package at a single destination. We have tentatively determined that for persons interested in availing themselves of this new type of charter, the legally required distinction between individually ticketed service and charter service can be maintained by the set of restrictions,[7] discussed hereinbelow, with which availability of this charter would be circumscribed. Accordingly, we are proposing herein a One-stop-inclusive Tour Charter (OTC) rule. It should be noted, of course, that the rule would not be limited to tours having only one stop; rather, we are designating it as "one-stop" to indicate that the tours to which it applies need have no more than one stop.

The principal features of our proposal are that the operator will offer these all-inclusive round-trip tours at a fixed price which may not be less than the prescribed minimum; that a list of the prospective passengers, including all participants who have made full payment for the OTC, will be filed with the Board no later than 30 days prior to the flight date;[8] that the tour must have a minimum duration (except for "long-weekend" tours in North American markets); and that no substitutions or additions may be made to the list of passengers after filing.[9] Consistent with the all-inclusive nature of this type of charter the price would have to include, at a minimum, overnight lodging for each night, breakfast plus one other meal per day,[10] transfers to and from transportation terminals and baggage handling. On the other hand, consistent with the concept of group travel, the price could not include a rental car or rail pass which might encourage individual travel; and if the tour includes more than one stop, then any travel between points would have to be as a group.

We are tentatively of the view that OTC's will not have an adverse impact upon scheduled carriers nor be unduly diversionary of scheduled service. Scheduled carriers will be authorized to perform OTC's and will therefore have ample opportunity to share in the development of this type of charter. The advance-purchase, minimum-stay, round-trip and minimum inclusive-package price requirements will insure their use primarily by the economy-minded vacation traveler. It is our tentative view, therefore, that our proposal herein, together with our other existing and proposed charter regulations, will not only provide a workable economical alternative to the affinity rules, but will also generate new passengers from among those people who have not been eligible to participate in affinity charters, and who would not, or could not, travel except on economical all-inclusive tours.

We have tentatively concluded that, as with ITC's, we should propose methods for prescribing a minimum price which would tend to discourage the use of OTC's for point-to-point transportation. We are therefore proposing that for all OTC's other than North American, we should use the same minimum price formulation as in our ITC regulation. However, for North American charters, we have tentatively concluded that relatively short distance and short duration involved in many North American charters would appear to make a per diem pricing requirement more appropriate in this market; and we are therefore proposing that the minimum price in this market should be no less than the pro rata charter price for each seat plus $25 per day per person.

We wish to note specifically that we invite persons filing comments to focus on alternative methods of formulating a minimum OTC price, so as to achieve our stated purpose, such as a multiple of the pro rata charter price per seat, or a fixed per diem "package" price.

We propose to require filing of the list of participants no later than 30 days prior to the flight, not only as a means of insuring that this type of charter will not be unduly diversionary from scheduled service, but also to enhance the enforceability of the rules. In order to participate in an OTC, a person will be required to make full payment of the all-inclusive price prior to filing of the list of participants. Once the list of passengers is filed, the charter group will be closed and no substitutions can be made.

Our proposal herein would not require a minimum number of seats to be sold as a condition precedent to filing of the passenger list and/or operation of the flight. Rather, the operator will be permitted, as are other types of risk-taking charter operators, to decide the extent of the risk of unsold seats which he is prepared to assume. However, he must set forth in his contract with the participants the grounds on which he reserves the right to cancel the charter, including the contingency that too many seats remain unsold by the time the OTC passenger list must be filed; also, after the list has been filed, this contigency cannot be invoked as grounds for cancellation by the operator. In the event of any cancellation by the operator, the contract must specify that the participants are entitled to a prompt refund of their payments in full.

We have tentatively concluded that the minimum-stay requirements of the TGC and ITC regulations have inhibited their acceptance in certain markets. We are accordingly proposing herein minimum-stay requirements which we believe more appropriately fit the needs of specific markets.[11] In the North American market we are proposing a seven-day minimum duration OTC, unless the return leg of the tour departs on a Sunday or Monday, in which case there will be no minimum-stay requirement. It appears that there are many travelers in this market who desire short-duration vacations, often referred to as "long weekends." We believe that many such weekend vacationers would not travel by air, unless these low cost all-inclusive charters are made available to them. The requirement that a flight return on a Sunday or Monday in order for the tour to be less than seven days in duration will tend to insure that such tours are indeed used by the weekend vacation traveler.

On the other hand, we have tentatively concluded that, in order to insure that domestic charters under this new rule would not unduly divert traffic from scheduled service we should impose a limit on the number of domestic OTC's which any carrier may undertake to operate; but only between points having adequate scheduled service.[12] We therefore propose to limit each authorized carrier to contract to operate in each future calendar quarter domestic OTC's with seats equal to no more than ¼ of one percent of the number of passengers carried in that market on scheduled service during the most recent twelve-month period covered by the latest CAB Origin and Destination Survey available at the time the charter contract is signed.[13] It should be noted that numerical limits would not apply to any other markets.

In the transatlantic market, we have tentatively concluded that the minimum duration of stay should be seven days in the off-season,[14] so as to attract off-season vacation travelers who would not otherwise use air transportation. However, in all other international markets, and during the transatlantic on-season, the minimum duration of stay would be ten days, which is the minimum period prescribed for international TGC's.

We believe our proposal herein will provide an operator sufficient flexibility to organize an OTC in accordance with the requirements of a particular market. We further believe that this proposal, combined with our other existing and proposed charter regulations, will provide a viable alternative to "prior affinity" charters, thereby making low-cost bulk vacation travel available to the general public in a nondiscriminatory manner, but without causing undue diversion from scheduled service.

PROPOSED RULES

It is proposed to adopt a new Part 378a, and amend Parts 372a and 378, of the Special Regulations, and to amend Parts 207, 208, 212, 214, 217, 241 and 249 of the Economic Regulations, as well as Part 389 of the Organization Regulations, as follows:

1. Adopt a new Part 378a to read as follows:

PART 378a—ONE-STOP-INCLUSIVE TOUR CHARTERS

Subpart A—General Provisions

Sec.
378a.1 Applicability.
378a.2 Definitions.
378a.3 Waivers.
378a.4 Enforcement.
378a.5 Computation of time.

Subpart B—General Conditions and Limitations

378a.10 One-stop-inclusive tour charter general requirements.
378a.11 Payment to direct air carrier(s).
378a.12 No intermingling of passengers.
378a.13 Unused space.

Subpart C—Requirements Applicable to Tour Operators

378a.20 Exemption.
378a.21 Approval of certain interlocking relationships.
378a.22 Effect of exemption on antitrust laws.
378a.23 Jurisdiction over foreign tour operators.
378a.24 Suspension of exemption authority.

[1] 14 CFR Part 372a, adopted by SPR-61, September 27, 1972.

[2] Part 378 of our Special Regulations, 14 CFR Part 378.

[3] During 1973 approximately 85% of the TGC's filed were canceled with the result that fewer than 40,000 passengers traveled on TGC's. Further, it is estimated that no more than 250,000 persons participated in ITC's during 1973.

[4] We are issuing, contemporaneously herewith, notice of our intention to terminate "prior affinity" charters. EDR-237C.

[5] SPR-78, adopted and effective August 12, 1974.

[6] SPDR-37, June 18, 1974.

[7] As we said recently when we prescribed a minimum set of restrictions for foreign-originated TGC's, "It is well-settled by now that, so long as the distinction between the two types of services is maintained, the formulation of particular requirements to achieve this end is for the Board to determine." SPR-74 (*mimeo*) p. 10.

[8] To facilitate enforcement of this requirement, we propose to prescribe Form 378a to be used in filing the prospective passenger list and for identifying passengers. The proposed form is adapted from Form 372a, prescribed for TGC's.

[9] The proposed rules would give the operators of OTC's the same privilege to utilize unused charter space for their employees as our other charter rules give risk-taking indirect air carriers. However, since the OTC operator, unlike those other risk-taking charterers, would not be permitted to sell additional seats during the 30-day period preceding departure, he would have a uniquely strong incentive to abuse the "unused charter space" privilege during that period. We are therefore proposing that his enjoyment of this privilege be limited to eligible persons whose names he has included in the filed list of prospective passengers, along with the names of charter participants.

[10] In requiring meals to be included in the price of the tour, the OTC will be more restrictive than the ITC rule.

[11] We are also proposing herein to amend Part 372a so as to conform the minimum duration of TGC's to those which are herein proposing for OTC's. As for the method of computing days included in a tour period, we are proposing herein the same method which we have prescribed for TGC's, and we are also proposing herein to amend Part 378 so as to prescribe the same method for ITC's.

[12] For purposes of this regulation we propose to regard adequate scheduled service as at least one round-trip flight per day on single-plane service with no more than two intermediate stops. Any point within 100 miles of the origin or destination which receives adequate scheduled service will be considered as the origin or destination of the OTC if the actual origin and destination of the charter are not served by scheduled service. In the event that there is more than one point within 100 miles of the point of origin and/or destination which receives such service the flight would apply to the quota for the closest point or points. For example, if an OTC operated between Akron/Canton, Ohio and Las Vegas and there was scheduled service between Pittsburgh and Las Vegas, Cleveland and Las Vegas and Columbus and Las Vegas (all points within 100 miles of Akron-Canton airport), the flight would apply to the Cleveland-Las Vegas quota since Cleveland is closer to Akron/Canton than either Pittsburgh or Columbus.

[13] For purposes of determining the number of passengers carried in a particular market, the 12-month directional origin and destination figure in Table 8 of the survey is to be used. Since that figure represents a 10% sampling, the number of passengers carried in a market would be 10 times such figure.

[14] For the purpose of this regulation off-season would be defined as the period commencing on the first day of November and ending on the thirty-first day of March.

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Sec.
378a.25 Operating authorization of tour operators.
378a.26 Discrimination.
378a.27 Methods of competition.
378a.28 Tour prospectus.
378a.29 Charter contract.
378a.30 Contract between tour operator and tour participants.
378a.31 Surety bond and depository agreement.
378a.32 Disbursements from depository account.
378a.33 Reporting requirements.
378a.34 Record retention.

Subpart D—Requirements Applicable To Direct Air Carriers

378a.40 Charter not to be performed unless compliance with part.
378a.41 Direct air carrier to identify enplanements.
378a.42 Tariffs to be on file for charter trips.
378a.43 Maximum number of interstate charters.
378a.44 No commissions to be paid.

Subpart E—Post-Charter Trip Reporting Requirements

378a.50 Post-charter trip reporting.

AUTHORITY: Secs. 101(3), 204(a), 401, 402, 407, 416(a), 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 768, 771, 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, 1481.

Subpart A—General Provisions

§ 378a.1 Applicability.

This part establishes the terms and conditions governing the furnishing of "One-stop-inclusive Tour Charters" (OTC's) in air transportation by direct air carriers and foreign air carriers and by OTC tour operators. This part also relieves such tour operators (other than foreign tour operators) from various provisions of Title IV of the Federal Aviation Act of 1958, as amended, for the purpose of enabling them to provide OTC's utilizing aircraft chartered from such direct carriers. It also contains a limited declination of exercise of jurisdiction over foreign tour operators. The provisions of this regulation shall not be construed as limiting any other authority to engage in air transportation issued by the Board. Nothing contained in this part shall be construed as repealing or amending any provisions of any of the Board's regulations, unless the context so requires.

§ 378a.2 Definitions.

As used in this part, unless the context otherwise requires—

"Charter" means a one-stop-inclusive tour charter.

"Direct air carrier" means (1) an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401 of the Act, or (2) a foreign air carrier which holds a permit issued under section 402 of the Act.

"Foreign tour operator" means any person not a citizen of the United States, as defined in section 101(13) of the Act (other than a direct foreign air carrier) who is (1) engaged in the formation of groups for transportation on one-stop-inclusive tour charters which originate in a foreign country and over whom the Board has declined to exercise its jurisdiction, or (2) engaged in the formation of groups for transportation on one-stop-inclusive tour charters which originate in the United States and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation.

"Ground accommodations and services" include, but are not limited to, sleeping accommodations for each night of the tour and at least one meal (in addition to breakfast) for each day of the tour, as well as necessary air or surface transportation for tour participants traveling together between all places on the itinerary, including transportation to and from air and surface carrier terminals utilized at such places other than the point of origin, but may not include rental cars, rail passes or types of prepaid individual transportation.

"North American charter" means an OTC between a point or points in any State of the United States, the District of Columbia, Puerto Rico, or the U.S. Virgin Islands, on the one hand, and a point or points in any other State of the United States or in Canada, Mexico, or the "Islands of the Caribbean" (as defined in Part 207 of this chapter, on the other hand.

"One-top-inclusive tour charter" or "OTC") means a round-trip charter to be performed by one or more direct air carriers, which is arranged and sponsored by a tour operator organizer for a group and which meets the requirements set forth in Subpart B of this part.

"One-stop-inclusive tour operator" (or "OTC operator") means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier), who is authorized hereunder to engage in the formation of groups for transportation on OTC's in accordance with the provisions of this part; or (2) a foreign tour operator.

"Round trip" refers to any round, open-jaw or circle trip which includes an inbound flight returning to a point no more than 50 air miles from the point of origin.

"Tour group" means an aggregate of persons who are assembled by a tour operator or a foreign tour operator for the purpose of participation as a single unit in a one-stop-inclusive tour charter.

"Tour operator" means an OTC operator.

"Tour participant" means a member of the tour group.

§ 378a.3 Waivers.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the joint submission by a direct air carrier and a tour operator of a written request therefor not less than 30 days prior to the flight to which it relates, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 378a.4 Enforcement.

In the case of any violation of the provisions of the Act, or of this part, or any other rule, regulation, or order issued under the Act, the violator may be subject to a proceeding pursuant to sections 1002 and 1007 of the Act before the Board or a U.S. District Court, as the case may be, to compel compliance therewith, to civil penalties pursuant to the provisions of section 901(a) of the Act, or to criminal penalties pursuant to the provisions of section 902(a) of the Act; or other lawful sanctions.

§ 378a.5 Computation of time.

In computing any period of time prescribed or allowed by this part, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday, or legal holiday for the Board, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor holiday.

Subpart B—General Conditions and Limitations

§ 378a.10 One-stop-inclusive tour charter general requirements.

A one-stop-inclusive tour charter under this part shall meet the following requirements:

(a) The tour shall include ground accommodations and services for the duration of the tour and shall be arranged and sold by a tour operator as an independent principal with respect to the air transportation included in the tour and not as an agent for a direct air carrier.

(b) The charter contract must be for 40 or more seats.

(c) The charter must be on a round-trip basis, but the departing flight and the returning flight need not be performed by the same direct air carrier.

(d) The minimum duration of the charter must be ten (10) days: *Provided, however*, That the minimum duration of a North American charter, or of a transatlantic charter scheduled to be operated during the period of November 1 to March 31, shall be seven (7) days; and *Provided, further*, That where the returning flight of a North American charter is scheduled to take off on a Sunday or Monday, then the charter may be of any duration. For purposes of computing numbers of days, as specified herein, the first day shall be the day that the originating flight takes off; the last day shall be the day the returning flight lands.

(e) The air transportation portion thereof must be performed by direct air carriers which hold a certificate of public convenience and necessity under section 401 of the Act or a permit under section 402 of the Act: *Provided, however*, That the maximum number of interstate charters which may be operated by any direct air carrier shall be subject to the limitation prescribed under § 378a.43.

(f) Passengers transported on the charter flight shall consist solely of persons whose names are set forth in a passenger list duly filed with the Board, no later than 30 days prior to departure, in accordance with § 378a.25(b), whether as tour participants or as persons authorized to occupy unused charter space, in accordance with § 378a.13.

(g) The total cost of the tour to each participant shall include the cost of ground accommodations and services for the duration of the tour and shall be—

(1) For North American charters, an amount not less than the aggregate of the charter price of the participant's seat (i.e., the charter price specified in the charter contract) divided by the total number of seats specified in the charter contract) and a sum representing $25 for each day of the tour; or

(2) For all other tours, an amount not less than 110 percent of any available fare or fares, embodied in a tariff on file with the Board, charged by a route carrier, or combination of such carriers (including charge for stopovers) for individually ticketed service on the circle route beginning at the point of origin, to the various points where stopovers are made, and return to the point of origin: *Provided*, That the tour shall be subject to the terms and conditions which are applicable to such fare or fares, as set forth in the tariff of the route carrier or carriers. For purposes of this provision, (i) the term "route carrier" shall mean a certificated route air carrier or foreign route air carrier authorized under section 401 or 402 of the Federal Aviation Act of 1958, as amended, respectively, to transport persons; and (ii) the term "available fare" includes promotional or discount fares, such as family fares, children's fares, excursion fares, fares applicable to special classes of persons, group fares, etc. Where similar promotional or discount fares are offered on both jet and propeller aircraft, the available fare shall be that charged for jet services. Where no regularly scheduled service is provided between the points involved, the available fare shall be based on the fares to the nearest point served by a route carrier.

§ 378a.11 Payment to direct air carrier(s).

The direct air carrier(s) shall be paid in full for the cost of the round-trip charter transportation prior to scheduled date of flight departure, as provided for in the basic charter regulations applicable to the direct air carriers under Parts 207, 208, 212, and 214 of this chapter, as the case may be.

§ 378a.12 No intermingling of passengers.

There shall be no intermingling of passengers and each planeload group, or less-than-planeload group, shall move together as a group, on both legs of the air transportation portion of the tour, except under emergency circumstances provided for in the basic charter regulations applicable to the direct air carrier under Parts 207, 208, 212, and 214 of this chapter, as the case may be.

§ 378a.13 Unused space.

Nothing contained in this part shall preclude a tour operator from utilizing any unused space on an aircraft chartered by it for an OTC for the transportation, on a free or reduced basis, of such tour operator's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of Part 223 of this chapter.

Subpart C—Requirements Applicable to Tour Operators

§ 378a.20 Exemption.

Subject to the provisions of this part and the conditions imposed herein, tour operators (other than foreign tour operators) are hereby relieved from the following provisions of Title IV of the Federal Aviation Act of 1958, as amended, to the extent necessary to permit them to organize and arrange OTC's:

Section 401.
Section 403.
Section 404(a), except the requirement to provide adequate service in connection with OTC's operated hereunder.
Section 405(b).
Section 407(b) and (c).
Sections 406(4) and 409, except control or interlocking relationships with direct air carriers.
Section 412.

§ 378a.21 Approval of certain interlocking relationships.

To the extent that any officer or director of a tour operator would be in violation of any of the provisions of section 409(a)(3) and (6) of the Act by participating in interlocking relationships covered by the exemption granted by § 378a.20, such participation is hereby approved by the Board.

§ 378a.22 Effect of exemption on antitrust laws.

The relief granted by §§ 378a.20 and 378a.21 from sections 408, 409 and 412 of the Act shall not constitute an order under such sections within the meaning of section 414 of the Act and shall not confer any immunity or relief from operation of the "antitrust laws" or any other statute (except the Act) with respect to any transaction, interlocking relationship, or agreement otherwise within the purview of such sections.

§ 378a.23 Jurisdiction over foreign tour operators.

The Board declines to exercise its jurisdiction over foreign tour operators with respect to OTC's which originate in a foreign country. The Board reserves the right to exercise its jurisdiction over any foreign tour operator at any time it finds that such action is in the public interest.

§ 378a.24 Suspension of exemption authority.

The Board reserves the power to suspend the exemption authority of any tour operator, without hearing, if it finds that such action is necessary in order to protect the rights of the traveling public.

§ 378a.25 Operating authorization of tour operators.

A tour operator is authorized hereunder to organize and operate an OTC only in accordance with the provisions of this part, and subject to the following conditions:

(a) (1) No tour or series of tours shall be operated, nor shall any tour operator or foreign tour operator sell, or offer to sell, or solicit persons to participate in, or otherwise advertise such tour or tours, or receive any money from any prospective participant in connection therewith, until at least 15 days after he and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an OTC Tour Prospectus satisfying the requirements of § 378a.26: *Provided, however*, That if during the 15-day period following filing hereunder the tour operator or foreign tour operator has been notified that the Board has rejected such statement for noncompliance with this part, then he shall not sell, or offer to sell, solicit, or advertise such charter tour or tours until he has subsequently been notified by the Board that such filing has been accepted. If a series of tours is to be performed for one tour operator or foreign tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed one year.

(2) No change in the facts reflected in a filed Prospectus shall become effective until at least 15 days after the tour operator or foreign tour operator and the direct air carrier have jointly filed with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, an amended Prospectus reflecting such change, unless he has been notified by the Board that such change may become effective sooner: *Provided, however*, That if during the 15-day period following filing of an amended Prospectus hereunder, the tour operator or foreign tour operator has been notified that the Board has rejected such amended Prospectus for noncompliance with this part, then such change shall not become effective until he has subsequently been notified by the Board that such filing has been accepted; and *Provided further*, That the direct air carrier need not join in the filing of an amended Prospectus which reflects only such change or changes as do not involve air transportation or services in connection therewith which are to be provided by such direct air carrier. Deviations from the Prospectus may not be made except where they are beyond the control of the carrier or the operator, and there is insufficient time to file an amended Prospectus.

(b) No later than 30 days prior to the scheduled date of departure, the tour operator and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of

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Operating Rights), in duplicate, the following information, except that the information required by paragraph (b) (1) of this section shall be filed in the manner prescribed in paragraph (c) of this section:

(1) A list setting forth the names of passengers in alphabetical order, their addresses and telephone numbers;

(2) A statement of the tour operator affirming that each participant (i) has entered into a contract with the operator as provided in this part, and (ii) has made full payment of the total price of the charter tour; and

(3) A statement of the depository bank if any, affirming that it has received a deposit of the total charter price payable to the direct air carrier(s).

(c) CAB Form 378a, attached hereto as Appendix A, shall be used in filing the OTC passenger list described in paragraph (b) (1) of this section. An original and two photostatic or similarly reproduced copies (not carbons) of Form 378a, prepared in conformance with the instructions thereon, and accompanied by a self-addressed and postage-prepaid return envelope, shall be filed with the Board (Supplementary Services Division, Bureau of Operating Rights). The Board will stamp the original and two photostatic or similarly reproduced copies of Form 378a so as to verify their receipt and identify the tour to which they pertain, and will return the two stamped copies for use by the direct air carrier in complying with its obligations to identify enplaning OTC flight passengers, note the documentary source and number, and file post-flight reports thereon, as required by § 378a.41 and § 378a.50.

§ 378a.26 Discrimination.

No tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever, or subject any particular person, port, locality or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378a.27 Methods of competition.

No tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof.

§ 378a.28 Tour Prospectus.

The Prospectus shall be filed in duplicate and shall include two copies of the following: The charter contract, the contract between the tour operator or foreign tour operator and tour participants, the tour operator's or foreign tour operator's surety bond (an original bond and a copy thereof), and, where applicable, two copies of the depository agreement with a bank as provided in § 378a.31. It shall also contain the following information:

(a) Name and address of the tour operator or the foreign tour operator;

(b) The proposed date and time of each flight;

(c) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(d) The tour itinerary, including hotels (name and length of stay at each), and other ground accommodations and services;

(e) The tour price per passenger;

(f) The number of persons expected to participate in the tour;

(g) Charter price of the aircraft;

(h) The charter price of each seat included in the charter contract;

(i) Samples of solicitation material proposed by the tour operator or foreign tour operator (all sales advertising and solicitation materials employed by the tour operator or foreign tour operator shall state the name of the direct air carrier to be utilized).

§ 378a.29 Charter contract.

The charter contract between the tour operator or foreign tour operator and the direct air carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the trip or trips covered by the contract.

§ 378a.30 Contract between tour operator and tour participants.

Where each tour participant receives, or is eligible to receive, the same ground accommodations and services, the contract between the tour operator and the tour participants shall be the same. Contracts between tour operators and tour participants shall include provisions specifically stating:

(a) Method of payment, e.g., installment payments;

(b) That trip health and accident insurance is available and that upon request the tour operator will furnish details thereof;

(c) That after the list of prospective charter passengers has been filed with the Board (pursuant to § 378a.25(b)) the tour operator shall have no further right to cancel the tour on grounds of inadequate participation, but describing the right to refunds in the event of the charter's cancellation on any other grounds or contingencies set forth in the contract, and the procedure for obtaining such refunds;

(d) The right to refunds in the event of the participant's change of plans and the procedure for obtaining such refunds;

(e) The right to refunds in the event of change in itinerary and the procedure for obtaining such refunds;

(f) The dollar amounts of the direct air carrier's liability limitations for participants' baggage, as set forth in the direct air carrier's tariffs;

(g) Aircraft-equipment substitutions;

(h) The name and address of the surety company issuing the surety bond;

(i) That the charter operator is the principal and is responsible to the participants in making arrangements for all services and accommodations offered in connection with the tour: *Provided, however*, That this requirement shall not preclude the tour operator from expressly providing in such contract that, in the absence of negligence on the part of the tour operator, he is not responsible for personal injury or property damage arising out of the act or negligence of any direct air carrier, hotel or other person rendering any of the services being offered in connection with such tour;

(j) That unless the tour participant files a claim with the tour operator or, if he is unavailable, with the surety, within sixty (60) days after termination of the tour, the surety shall be released from all liability under the bond to such participant (see § 378a.31(d));

(k) That, when the combined surety bond-depository agreement, as provided in § 378a.31(b) is used in connection with the tour, all checks and money orders must be made payable to the escrow account at the depository bank (identifying bank) or, when the tour is sold to the participant by a retail travel agent, checks and money orders may be made payable to the agent, who must in turn make his check payable to the escrow account at the depository bank.

§ 378a.31 Surety bond and depository agreement.

(a) Except as provided in paragraph (b) of this section, the tour operator or foreign tour operator shall furnish a surety bond in one of the following amounts dependent upon the length of the tour or series of tours: (1) for a tour or series of tours of 2 weeks or less, a bond in an amount of not less than the charter price for the air transportation to be furnished in connection with such tour or series of tours; (2) for a tour or series of tours of more than 2 weeks but less than 4 weeks, a bond in an amount of not less than twice the charter price; and (3) for a tour or series of tours of 4 weeks or more, a bond in an amount of not less than three times the charter price: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the participant's tour price.

(b) The direct air carrier and the prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of paragraphs (b) (1) and (2) of this section, as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $200,000 for a series of 20 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The direct air carrier and tour operator or foreign tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants paid to tour operators or foreign tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators or foreign tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided*, That the travel agent agrees in writing with the tour operator or foreign tour operator that if the tour is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after receipt of notification of cancellation of the tour;

(ii) The bank shall pay the direct air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the air carrier: *Provided*, That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the charter price has been paid in full to the direct air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing ground accommodations and services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator or foreign tour operator of the amounts payable for such ground accommodations and services and the persons or companies to whom payment is to be made: *Provided, however*, That the total amounts paid by the bank pursuant to paragraphs (b) (2) (ii) and (v) of this section shall not exceed 80 percent of the total deposits received by the bank less any refunds made to tour participants pursuant to paragraphs (b) (2) (iii) and (iv) of this section;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: the amount of any surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b) (1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided*, That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank: *And provided, further*, That should be valuation of such other securities decrease in an amount in excess of 20 percent of the valuation at time of original deposit, additional securities shall be placed in escrow so as to compensate for such decrease in value below 20 percent;

(ix) Except as provided in paragraph (b) (2) (ii), (iv), (v), and (viii) of this section, the bank shall not pay out any funds from the account prior to two banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator, upon certification of the completion date by the direct air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth as Appendix B following § 378a.50. Such bond shall be issued by a bonding or surety company (1) whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6; or (2) which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific tour or tours to which it relates: *Provided, however*, That these data may be set forth in an addendum attached to the bond, which addendum must be signed by the tour operator or foreign tour operator and the surety company. It shall be effective on or before the date the tour Prospectus is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator or foreign tour operator, or, if he is unavailable, with the surety, within sixty (60) days after termination of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator or foreign tour operator and the tour participant shall contain notice of this provision.

§ 378a.32 Disbursements from depository account.

No tour operator shall cause its agents or the depository bank to make disbursements or payments from deposits except in accordance with the provisions of this part.

§ 378a.33 Reporting requirements.

(a) If a tour operator relies upon the bond-depository option of § 378a.31(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights (Supplementary Services Division) not later than the 10th day of the month succeeding the reporting period: (1) by the depository bank, showing separately for each tour, identified by departure date, the total amount of deposits received and disbursed during the reporting period and the balance in the depository account at the end of the reporting period; and (2) by the tour operator or foreign tour operator showing separately for each tour, identified by departure date, the total amount of customer deposits received by him or his agents, the amount of commissions deducted therefrom by said agents, the amount of commissions repaid by said agents to the depository account, and the amount of refunds made by the tour operator or foreign tour operator or the bank to tour participants: *Provided*, That the depository bank may, in lieu of paragraph (a) (1) of this section, elect to file a duplicate monthly statement of the same type it provides to depositors showing the information as specified in paragraph (a) (1) of this section. When so elected, the reporting period for the tour operator or foreign tour operator in paragraph (a) (2) of this section shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 378a.31(b) (2) (vi). The reports shall be certified by the officer in charge of the bank's or the tour operator's or foreign tour operator's accounts, as the case may be, and the certification shall be in the following form:

I, the undersigned_____
(Title of officer in charge of accounts)

of the_____
(Full name of reporting company)

do certify that this report and all supporting documents which are submitted herewith, filed for the above-indicated period,

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have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate

---
(Signature)

(Bank or Tour Operator's or Foreign Tour Operator's Post Office Address)

Date_____, 19__.

§ 378a.34 Record retention.[1]

(a) Every tour operator (other than a foreign tour operator over whom the Board has declined to exercise its jurisdiction) conducting a one-stop-inclusive tour charter pursuant to this part shall retain for two years after completion of the tour or series of tours true copies of the following documents at its principal or general office in the United States; (or, if it is a foreign tour operator, then at its principal or general office):

(1) All documents which evidence or reflect deposits made by, and refunds made to, each tour participant;

(2) All statements, invoices, bills, and receipts from suppliers or furnishers of goods and services in connection with the one-stop-inclusive tour or series of tours.

(b) Every such tour operator shall make the documents listed in this section available upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

Subpart D—Requirements Applicable to Direct Air Carriers

§ 378a.40 Charter not to be performed unless compliance with part.

A direct air carrier shall not perform air transportation in connection with an OTC unless it has made a reasonable effort to verify that all provisions of this part have been complied with, and that the tour operator's authority under this part has not been suspended by the Board: *Provided, however,* That where an OTC is organized by a foreign tour operator over whom the Board has declined to exercise its jurisdiction, pursuant to § 378a.23, no direct air carrier may perform air transportation in connection with such OTC unless the tour is formed and implemented in accordance with the general conditions and limitations set forth in Subpart B of this part and the tour operator performs all acts and duties which this part requires to be performed by tour operators within the Board's jurisdiction, other than the provisions set forth in §§ 378a.31 and 378a.34.

§ 378a.41 Direct air carrier to identify enplanements.

(a) A direct air carrier shall retain a true copy of each document which it has filed (jointly with the charter organizer) pursuant to § 378a.25, and shall make reasonable efforts to verify the identity of all enplaning passengers by use of a document bearing an identifying number, in order to insure that enplanements are limited to persons whose names appear on its stamped copy of CAB Form 378a. For international flights, the identity of each enplaning passenger shall be verified by means of a passport, or if there be none, by means of any other travel identity document. For domestic flights a passport or other travel identity document should be used, if available, to identify enplaning passengers, but if no such document is available, then any other numbered document, preferably a Social Security card, may be used.

(b) The direct air carrier shall, at the time of enplanement, enter, on its stamped copy of CAB Form 378a, the documentary source of the identification required by paragraph (a) of this section, including the number appearing on the document.

§ 378a.42 Tariffs to be on file for charter trips.

No direct air carrier shall perform any charter trips pursuant to this part unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares and charges for such charter trips.

§ 378a.43 Maximum number of interstate charters.

(a) With respect to charters involving interstate air transportation, a direct air carrier shall not carry, and shall not contract to carry, between any pair of cities served by at least one (1) round trip per day with one-plane service with two (2) or fewer stops during any four consecutive months of the preceding calendar year, an aggregate number of tour participants which, during any quarter of a calendar year, would exceed one-fourth of one percent (0.25%) of the total number of passengers carried in scheduled service between such city pair during the twelve-month period covered by the latest published CAB O&D Survey available at the time the charter contract is made, which number shall be derived from the twelve-month "Directional Origin and Destination" figures set forth in Table 8 of said Survey.

(b) For the purpose of this section, a city shall be deemed to have one-plane service with two (2) or fewer stops, if it is located within one hundred (100) miles of an airport receiving such service, and, if it is located within one hundred miles of more than one airport receiving such service, then the O&D Survey figures to be used in computing the allowable number of charters hereunder shall be those applicable to the airport which is closest to such city.

§ 378a.44 No commissions to be paid.

No commissions, fees, or other compensation shall be paid by the direct air carrier to the tour operator or any other person in connection with a charter trip.

Subpart E—Post-Charter Trip Reporting Requirements

§ 378a.50 Post-charter trip reporting.

(a) The direct air carrier shall file with the Board's Bureau of Enforcement within seven days after performing each charter flight, whether departure or return, its stamped copy of CAB Form 378a, prepared in conformance with the instructions thereon.

(b) The direct air carrier shall promptly notify the Board (Supplementary Services Division, Bureau of Operating Rights) regarding any charters covered by a Prospectus filed under § 378a.28 that are later cancelled.

(c) Within 30 days after termination of a tour or series of tours, the direct air carrier and tour operator or foreign tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post-tour report: *Provided,* That in the case of a series of tours which exceeds six months between commencement of the first tour and departure of the last tour, the direct air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of six months from commencement of the first tour, covering tours terminated during such six months. The post-tour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the Prospectus filed under § 378a.28, such differences shall be fully detailed, including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation. The report shall be in the form attached hereto as Appendix C.

[1] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfuly falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned no more than five years, or both. Title 18, U.S.C. 1001.

Appendix A

CAB ONE-STOP-INCLUSIVE TOUR CHARTER PASSENGER NAME LISTS (See Instructions On The Reverse Side)						(1) PAGE___OF___	(2) OTC NUMBER
		(6) NAME OF TOUR OPERATOR					(3) DATE OF FIRST FILING
		(7) NAME DEPARTURE TRIP DIRECT AIR CARRIER					(4) DATE DEPART. LIST FILED
		(8) NAME RETURNING TRIP DIRECT AIR CARRIER					(5) DATE RETURN LIST FILED
		(9) DEPARTURE JOURNEY	ORIGIN	DESTINATION			DATE OF DEPARTURE |Y|Y|M|M|D|D
		(10) RETURN JOURNEY	ORIGIN	DESTINATION			DATE OF RETURN |Y|Y|M|M|D|D
(11) PSNGR SEQ.NOS.	(12) PSNGR STATUS Dep.	Ret.	(13) NAME		(14) ADDRESS AND TELEPHONE NO.	PASSENGER IDENTIFICATION	(15) ENPLANEMENT IDENTIFICATION
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
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				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
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				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
				M F			Passport No. _____ Tvl Doc. No. _____ SS or Other (No.)
A-DEP. B-RET.			(17) Total Tour Participants Enplaned on the Departure Journey ___ = ___% Total No. Pssgr. Seats Contracted For			(16) PREPARED BY: First Filing _____ Departure _____ Return _____	

CAB FORM 378a (8-74)

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INSTRUCTIONS

Introduction

Form 378a[1] is to be used in making the first filing of the one-stop-inclusive tour charter passenger name list (OTCPNL), required by Part 378a to be filed by the tour operator (TO) no later than 30 days before the scheduled date of departure, pursuant to §378a.25 (the First Filing); and a photostatic or similarly reproduced copy of this form, stamped by the Board, is to be used in filing the enplanement list required to be prepared by the direct air carrier (DAC), and filed after a flight is performed, pursuant to §§378a.41 and 378a.50. The information required by all items on Form 378a shall be typewritten except item 12 (Passenger Status) item 19 (Enplanement Identification) and item 18 (Prepared By).

Procedures for First Filing

The TO will prepare Form 378a according to the instructions set forth below and shall file an original and two photostatic or similarly reproduced copies (not carbons) accompanied by a self-addressed and postage-prepaid return envelope, with the Board's Supplementary Services Division, Bureau of Operating Rights (BOR). BOR will stamp the original and two copies to validate their receipt, and return the two stamped copies to the TO. One stamped copy will be for use by the DAC who is to perform the OTC departure flight and the other stamped copy will be for use by the DAC who is to perform the OTC return flight.

Preparation of Form 378a

Each page provides for twenty (20) names. Items 1, 2, and 6 through 15 will be completed on each page, and items 16 through 18 will be prepared only on the first page, by the TO or DAC, as the case may be.

Item 1, page of —The left blank is to contain a sequential number beginning with "1" representing the page number in the set of pages subaitted for the OTCPNL. The right blank is to contain the total number of pages in the set for the OTCPNL.

Item 2, OTC Number—Enter the number assigned by BOR for the OTC program, e.g., 74-37; the TO should further identify the passenger lists filed within the program by assigning another number for each passenger list filed, such numbers to be in sequence and begin with "1". Thus, the first passenger list filed in the program 74-37 would be 74-37-1, and the fifth list filed would be 74-37-5.

Item 3, Date of First Filing—Leave blank.

Item 4, Date Departure List Filed—Leave blank.

Item 5, Date Return List Filed—Leave blank.

Item 6, Name of Tour Operator—Enter the name of the tour operator exactly as shown on the OTC Prospectus filed with the Board.

Item 7, Name Departure Trip Direct Air Carrier—Enter the name of the DAC who will perform the departure journey for the OTC exactly as shown on the OTC Prospectus filed with the Board.

Item 8, Name Returning Trip Direct Air Carrier—Enter the name of the DAC who will perform the return journey for the OTC, exactly as shown on the OTC Prospectus filed with the Board. (Although this will generally be the same as shown in item 7, ditto marks are not acceptable. The item must be completed).

Item 9, Departure Journey—Enter details about the departure journey on this line. Show the origin and destination as city, state (or otherwise), and country. Airport names are acceptable only as an addition to the city, state, and country information. The date should appear in the form YYMMDD where YY represents the last two digits of the current calendar year, MM represents the month in a scale where 01 is January and 12 is December, and DD is the day of the month from 01 to 31. For example, December 12, 1974, would be shown as 741212. The ADP coding boxes to the left of item 9 are intended for the three-letter codes of the origin and destination, i.e., Washington, D.C., USA (National Airport) to Baltimore, Md. USA should be shown as DCABAL. Enter these if known, otherwise, leave blank.

Item 10, Return Journey—Follow the same directions as for item 9 above in describing the return journey.

Item 11, Passenger Sequential Number—Two or more pages will be required to list the prospective passenger names. The names of prospective passengers who are tour participants shall be listed first, receiving a sequential number beginning with "1". The names of prospective passengers who are persons occupying "unused space", under §372b.13, shall be listed following those of participants, and shall receive a sequential number in a second series of numbers beginning with "1".

Item 12, Passenger Status—These two (2) columns are to be marked with an x as appropriate to show that the passenger named on this line is a departing enplaned passenger (departure), or returning enplaned passenger (return). The DAC performing the departure journey will mark an x in the departure column and the DAC performing the return journey will mark an x in the return column.

Item 13, Name—Enter the prospective passenger's last name first, followed by a comma, the first name or initials and the middle initial, if any (for example, Doe, John A.). Check block whether Male or Female. Enter the name on one line only, if necessary, by dropping any element other than the fully spelled out last name. Enter all prospective passengers' names in alphabetical order, according to the last name and in the case of like last names, according to initials of first names.

Item 14, Address and Telephone No.—Enter the address in enough detail to allow contact by mail, and telephone number (including area code, if any).

Item 15, Enplanement Identification—The DAC performing the departure or return journey will verify each enplaning passenger's identity, using as the documentary source of such verification the passenger's passport, or, if he has no passport, using his travel identity document. Only if no passport or travel identity document is available should any other document be used, preferably a Social Security card. When a passport or Social Security card is used for identification, enter only the number in the appropriate space. Where a travel identity document or document other than a passport or Social Security card is used, then in addition to entering the number in the appropriate space, a brief description of such document should also be noted.

Item 16, Column Totals—Boxes shown are to be used for recording the total x's shown on all the pages of this OTCPNL in the particular column. These entries must appear only on page 1 of the OTCPNL. The box under the column headed DEP (titled A-DEP) should contain the total number of departure flight passengers and the box under the column headed RET (titled B-RET) should contain the total number of return flight passengers. The A-DEP and B-RET figures will be shown on the filings made by the departing DAC and returning DAC, respectively.

Item 17—This computation will be completed by the departure DAC. The calculation requires a division of the number of tour participants (i.e., not including any passengers occupying "unused space") enplaned on the departure journey by the total number of passenger seats contracted for. Express the result to the nearest tenth of a percent.

Item 18, Prepared By—Enter the signature of the person preparing the form for the TO, the departing DAC and the returning DAC, as the case may be.

[1] Copies are obtainable from the Board's Publications Services Section.

APPENDIX B

ONE-STOP-INCLUSIVE TOUR CHARTER OPERATOR'S SURETY BOND UNDER PART 378a OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378a)

KNOW ALL MEN BY THESE PRESENTS, THAT we _____ (Name of tour operator) of _____, _____ as PRINCIPAL (City) (State) (hereinafter called Principal), and _____ a corporation created and (Name of Surety) existing under the Laws of the State of _____ as SURETY (hereinafter called (State) Surety) are held and firmly bound unto the United States of America in the sum of _____ for which payment (see § 378a.31 of Part 378a) well and truly to be made, we bind ourselves and our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal intends to become a One-Stop-Inclusive Tour Charter (OTC) operator pursuant to the provisions of Part 378a of the Board's Special Regulations and other rules and regulations of the Board relating to insurance or other security for the protection of OTC charter participants, and has elected to file with the Civil Aeronautics Board such a bond as will insure financial reponsibility with respect to all monies received from tour participants for services in connection with an OTC to be operated subject to Part 378a of the Board's Special Regulations in accordance with contracts, agreements, or arrangements therefor, and

WHEREAS, this bond is written to assure compliance by the Principal as an authorized tour operator with Part 378a of the Board's Special Regulations, and other rules and regulations of the Board relating to insurance or other security for the protection of tour participants, and shall inure to the benefit of any and all tour participants to whom the Principal may be held legally liable for any of the damages herein described.

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay or cause to be paid to tour participants any sum or sums for which the Principal may be held legally liable by reason of the Principal's failure faithfully to perform, fulfill, and carry out all contracts, agreements, and arrangements made by the Principal while this bond is in effect with respect to the receipt of monies from tour participants and proper disbursement thereof pursuant to and in accordance with the provisions of Part 378a of the Board's Special Regulations, then this obligation shall be void, otherwise to remain in full force and effect.

The liability of the Surety with respect to any tour participant shall not exceed the tour price (as defined in Part 378a of the Board's Special Regulations) paid by or on behalf of such participant.

The liability of the Surety shall not be discharged by any payment or succession of payments hereunder, unless and until such payment or payments shall amount in the aggregate to the penalty of the bond, but in no event shall the Surety's obligation hereunder exceed the amount of said penalty. The Surety agrees to furnish written notice to the Civil Aeronautics Board forthwith of all suits filed, judgments rendered, and payments made by said Surety under this bond.

The bond shall cover the following charters: [1]

Surety company's bond No.	Date of flight departure	Place of flight departure

This bond is effective the ____ day of _____, 19__, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements for the supplying of transportation and other services made by the Principal after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements for the supplying of transportation and other services made by the Principal prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a tour participant or tour participants who shall within sixty (60) days after the termination of the particular tour described herein give written notice of claim to the tour operator or, if he is unavailable to the Surety, and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular tour covered by this bond except for claims filed within the time provided herein.

IN WITNESS WHEREOF, the said Principal and Surety have executed this instrument on the ____ day of _____, 19__.

PRINCIPAL	SURETY
Name _____	Name _____ [SEAL]
By _____	By _____
(Signature and Title)	(Signature and Title)
Witness _____	Witness _____
	Only corporations may qualify to act as surety and they must meet the requirements set forth in § 378a.31(d) of Part 378a.

APPENDIX C

POST-TOUR REPORT

OTC No. _____

1. No. of tours operated _____.
2. No. of tours not operated _____.
3. Specifically identify those tours not operated.
4. Reason(s) tour(s) not operated.
5. If tour(s) not operated, did prospective tour participants receive full refunds?
6. Whether tour(s) actually performed were operated substantially different (e.g., dates, points served, tour price, etc.) from their description in the tour Prospectus and, if so, the reasons therefor.
7. Total number of tour participants carried on the charter(s) _____.

_____
Signature of direct air carrier

_____
Signature of tour operator or foreign tour operator

[1] These data may be supplied in an addendum attached to the bond. See § 378a.31.

PART 207—CHARTER TRIPS AND SPECIAL SERVICES

2. Amend § 207.11 (b) and (c) by adding new subparagraphs (10) and (8), respectively, to read as follows:

§ 207.11 Charter flight limitations.

Charter flights (trips) in air transportation shall be limited to the following:

. . . . . .

(b) • • •

(10) By a tour operator or foreign tour operator as defined in Part 378a of this chapter, or

(c) • • •

(8) By a tour operator or foreign tour operator as defined in Part 378a of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (c) of this section shall not be construed to apply to movements of property.

PART 208—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

3. Amend § 208.6 (b) and (c) by adding new subparagraphs (9) and (8), respectively, to read as follows:

§ 208.6 Charter flight limitations.

Charter flights in air transportation performed by supplemental air carriers shall be limited to the following:

. . . . . .

(b) • • •

(9) By a tour operator or foreign tour operator, as defined in Part 378a of this chapter.

(c) • • •

(8) By a tour operator or foreign tour operator, as defined in Part 378a of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (c) of this section shall not be construed to apply to movements of property.

PART 212—CHARTER TRIPS BY FOREIGN AIR CARRIERS

4. Amend § 212.8(a) and (b) by adding new subparagraphs (10) and (8), respectively, to read as follows:

§ 212.8 Charter flight limitations.

Charter flights (trips) shall be limited to foreign air transportation performed by a foreign air carrier holding a foreign air carrier permit issued pursuant to section 402 of the Act authorizing such carrier to engage in foreign air transportation on an individually ticketed or individually waybilled basis—

V 39 I 217 NOV 8 74 XUM

(a) • • •

(10) By a tour operator or foreign tour operator as defined in Part 378a of this chapter:

(b) • • •

(8) By a tour operator or foreign tour operator as defined in Part 378a of this chapter:

Provided, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided further*, That paragraph (b) of this section shall not be construed to apply to movements of property.

PART 214—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS AUTHORIZING CHARTER TRANSPORTATION ONLY

5. Amend § 214.7 (a) and (b) by adding new subparagraph (7) to read as follows:

§ 214.7 Charter flight limitations.

Charter flights shall be limited to air transportation performed by a direct foreign air carrier on a time, mileage, or trip basis where—

(a) • • •

(7) By a tour operator or foreign tour operator, as defined in Part 378a of this chapter:

(b) • • •

(7) By a tour operator or foreign tour operator, as defined in Part 378a of this chapter:

Provided, That paragraph (b) of this section shall not apply with respect to any foreign air carrier to the extent that its permit authorizes it to engage in "planeload" charter foreign air transportation of persons: *Provided further*, That with respect to paragraph (b) of this section each person engaging less than the entire capacity of the aircraft shall contract any pay for 40 or more seats.

PART 217—REPORTING DATA PERTAINING TO CIVIL AIRCRAFT CHARTERS PERFORMED BY FOREIGN AIR CARRIERS

6. Amend § 217.6(b) by adding new subparagraph (11) to read as follows:

§ 217.6 Reporting instructions.

• • • • • •

(b) • • •

(10) One-stop-inclusive tour charter, as defined in Part 378a of this chapter (Board's Special Regulations).

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Section 25—[Amended]

7. Amend Schedule T–6–Summary of Civil Aircraft Charters in section 25–Traffic and Capacity Elements, by adding a new subparagraph (10) to paragraph (c) to read as follows;

(c) Separate reports shall be filed for each of the below-named types of charters and the type shall be inserted opposite the caption "Type of Charter." Types not operated may be listed on a single separate report.

• • • • • •

(10) One-stop-inclusive tour charter, as defined in Part 378a of the Board's Special Regulations.

Section 35—[Amended]

8. Amend Schedule T–6–Summary of Civil Aircraft Charters in section 35–Traffic and Capacity Elements, by adding a new subparagraph (10) to paragraph (b) to read as follows:

(b) Separate reports shall be filed for each of the below-named types of charters and the type shall be inserted opposite the caption "Type of Charter." Types not operated may be listed on a single separate report.

• • • • • •

(10) One-stop-inclusive tour charter, as defined in Part 378a of the Board's Special Regulations.

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

9. Amend § 249.2 by revising the definition of "tour operator" to read as follows:

§ 249.2 Definitions.

For the purposes of this part:

• • • • • •

"Tour operator" means (1) any citizen of the United States, as defined in section 101(13) of the Act (other than a direct air carrier) who is authorized under the provisions of Part 378 or of Part 378a, or both, to engage in the formation of groups for transportation on inclusive tours; or (2) any person not a citizen of the United States, as defined in section 101(13) of the Act (other than a direct foreign air carrier) who is engaged in the formation of groups for transportation on inclusive tours which originate in the United States in accordance with the provisions of Part 378 or of Part 378a, or both, and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation.

§ 249.9 [Amended]

10. Amend § 249.9 by revising paragraph (a) to read as follows:

(a) Every tour operator (as defined in § 249.2) conducting a tour or series of tours pursuant to Part 378 or Part 378a of this chapter shall retain for two years after completion of a tour or a series of tours true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each tour participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received, paid to, or deducted by travel agents in connection with the tour or series of tours; and

(3) All statements, invoices, bills, and receipts from suppliers for furnishing of goods or services in connection with the tour or series of tours.

PART 372a—TRAVEL GROUP CHARTERS

§ 372a.10 [Amended]

11. Amend paragraph (d) of § 372a.10, to read as follows:

(d) The minimum duration of the charter must be ten (10) days: *Provided, however*, That the minimum duration of a North American charter, or of a transatlantic charter scheduled to be operated during the period of November 1 to March 31, shall be seven (7) days; and *Provided, further*, That where the returning flight of a North American charter is scheduled to take off on a Sunday or Monday, then the charter may be of any duration. For purposes of computing numbers of days, as specified herein, the first day shall be the day that the originating flight takes off; the last day shall be the day the returning flight lands.

§ 372a.60 [Amended]

12. Amend subparagraph (9) of § 372a.60(b), to read as follows:

(9) The minimum duration of the charter must be ten (10) days: *Provided, however*, That the minimum duration of a North American charter, or of a transatlantic charter scheduled to be operated during the period of November 1 to March 31, shall be seven (7) days; and *Provided, further*, That where the returning flight of a North American charter is scheduled to take off on a Sunday or Monday, then the charter may be of any duration. For purposes of computing numbers of days, as specified herein, the first day shall be the day that the originating flight takes off; the last day shall be the day the returning flight lands.

PART 378—INCLUSIVE TOUR CHARTERS

§ 378.2 [Amended]

13. Amend subparagraph (1) of § 378.2(b) to read as follows:

(1) A minimum of seven (7) days must elapse between departure and return. For purposes of computing the number of days, as specified herein, the first day shall be that the originating flight take off; the last day shall be the day the returning flight lands.

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

14. Amend § 389.25 by revising paragraphs (h) and (j) and adding a new paragraph (m), to read as follows:

§ 389.25 Schedule of filing and license fees.

• • • • • •

(h) *Exemptions from section 401, waivers of Parts 207, 208, 369, 372, 372a, 373, 378, and 378a and special operating authorizations.* The filing fee for an application (1) for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act (except an application dealing with a specific number of charters) or (2) for a waiver of Parts 207, 208, 369, 372, 372a, 373, 378 or 378a (except an application dealing with a specific number of charters), or (3) for a special operating authorization under section 417 of the Act, is $300.

• • • • • •

(j) *Exemptions or waivers for the performance of a specific number of charters.* The filing fee for an exemption under section 416(b) or section 101(3) of the Act from the provisions of section 401 of the Act, or a request for a waiver of Parts 207, 208, 369, 372, 372a, 373, 378 or 378a, for the performance of a specific number of charters (one-way or round-trip) is $100 plus $10 for each charter (one-way or round-trip) described, subject to a maximum fee of $300.

• • • • • •

(m) *One-stop-inclusive tour charter prospectus.* The filing fee for each tour prospectus filed pursuant to § 378a.28 of this chapter is $50.

• • • • • •

[FR Doc.74–25803 Filed 11–7–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 290–8]

KANSAS

Approval of Air Quality Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards, and on September 22, 1972, in the FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a part of the Kansas Implementation Plan.

During September, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plans pursuant to 40 CFR 51.6. 40 CFR 51.8 requires the Administrator to approve or disapprove compliance schedules submitted by the States. Therefore, the Administrator proposes the approval of the compliance schedules listed below.

The approvable schedules were adopted by the States and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. The compliance schedules have been reviewed and determined to be consistent with the approved control strategies of Kansas.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date."

Certain schedules proposed in this FEDERAL REGISTER notice have been previously published as a proposal or final promulgation. Subsequently, the schedules were revised and resubmitted by the State, and are now being reproposed. These schedules are: Acme Foundry, Coffeyville; Certain-Teed Products Corporation, Kansas City, K–8 Plan B; Colt Industries, Kansas City; Farmers National Bank, Abilene; Midwest Solvents, Inc., Atchison; National Alfalfa Dehydrating and Milling, Independence and LeRoy; S–G Metals Industries, Kansas City; U.S.D. #482, Dighton; Western Alfalfa, Neodesha. Three sources will cease operation, and therefore the applicable compliance schedules contain final compliance dates only. These sources are: Bucklin District Hospital, Bucklin; Hill Top House, Bucklin; U.S.D. #229, Shawnee Mission.

In the indication of proposed approval of individual compliance schedules, the individual schedules are included by reference only. In addition, since the large number of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and the compliance schedules proposed to be approved are available for public inspection at the Environmental Protection Agency Regional Office, 1735 Baltimore, Kansas City, Missouri 64108.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the Region VII Office at the above address. All comments submitted on or before December 9, 1974, will be considered. All comments received, as well as copies of the applicable implementation plans, will be available for inspection during normal business hours at the Regional Office.

This proposed rulemaking is issued under the authority of Section 110(a) of the Clean Air Act, as amended, 42 U.S.C. 1857c–5.

Dated: October 25, 1974.

CHARLES V. WRIGHT,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c)(1) is amended by adding the following:

KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
•	•	•	•	•	•
Acme Foundry & Machine Co.: Cupola furnace.	Coffeyville	28–19–20	Aug. 30, 1974	Immediately	Jan. 21, 1975
Bucklin District Hospital: Incinerator.	Bucklin	28–19–40C	do	do	Sept. 1, 1974
Certain-Teed Products Corp.: K–8 furnace plan B.	Kansas City	28–19–20			
		28–19–50	do	do	July 31, 1975
Farmers National Bank: Incinerator.	Abilene	28–19–40	do	do	Nov. 1, 1974
Hill Top House: Incinerator	Bucklin	28–19–40C	do	do	Sept. 1, 1974
Midwest Solvents, Inc.:					
Gluten dryers	Atchison	28–19–20	do	do	Sept. 15, 1974
Starch dryers	do	28–19–20	do	do	Do.
Animal feed production	do	28–19–20	do	do	Feb. 1, 1974
National Dehydrating & Milling Co.: Alfalfa dehydrator.	Grantville	28–19–20	do	do	Oct. 1, 1974
National Alfalfa Dehydrating & Milling Co.: Alfalfa dehydrator.	LeRoy	28–19–20	do	do	Do.
National Alfalfa Dehydrating & Milling Co.: Alfalfa dehydrator.	Independence	28–19–20	do	do	Do.
S–G Metals Industries, Inc.: Aluminum furnaces 1 to 7.	Kansas City	28–19–20			
		28–19–50	do	do	Feb. 28, 1975
Hesston State Bank: Incinerator	Hesston	28–19–40	do	do	June 1, 1975
U.S.D. No. 229:					
North Oxford Elementary, open burning.	Shawnee Mission.	28–19–45	do	do	July 1, 1975
Stanley Elementary, open burning.	do	28–19–45	do	do	Do.
Stillwell Elementary, open burning.	do	28–19–45	do	do	Do.
U.S.D. No. 482:					
Alamota Grade School, open burning.	Dighton	28–19–45	do	do	July 31, 1975
Amy Grade School, open burning.	do	28–19–45	do	do	Do.
Shields Grade School, open burning.	do	28–19–45	do	do	Do.
Western Alfalfa Corp.: Alfalfa dehydrator.	Neodesha	28–19–20	do	do	Nov. 1, 1974
Colt Industries: Cupola	Kansas City	28–19–20			
		28–19–50	do	do	Nov. 15, 197

[FR Doc.74–26013 Filed 11–7–74;8:45 am]

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[40 CFR Part 52]

[FRL 291-2]

WEST VIRGINIA

Proposed Revision to the Indirect Source Provisions

On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency published his initial approvals and disapprovals of state implementation plans submitted pursuant to section 110 of the Clean Air Act, as amended in 1970. Shortly thereafter, the Natural Resources Defense Council, Inc. (NRDC) challenged the Administrator's approvals in the United States Court of Appeals for the District of Columbia Circuit on several grounds, including the contention that the plans approved were inadequate to insure maintenance of ambient air quality standards once such standards were attained.

As to this issue, the Court ruled in NRDC v. EPA, 475 F. 2nd 968 (D.C. Circuit, 1973), that the record before the Court was insufficient to ascertain whether the Administrator had made a state-by-state determination as to the plans' adequacy regarding maintenance. Accordingly, the Court ordered the Administrator to review the maintenance provisions of all approved state implementation plans, and disapprove those which did not contain measures necessary to insure maintenance of standards, nor analyze maintenance in a manner consistent with the Administrator's regulations.

Upon further review, the Administrator determined that no State plan contained all of the measures necessary to assure maintenance of the standards, and that no plan had adequately analyzed the impact of growth on air quality maintenance for any significant period of time into the future.

In the notice of disapproval, the Administrator noted that several mechanisms already available under the Act and in regulations would serve to mitigate the impact of overall community growth on air quality maintenance. One of the most important of these was 40 CFR 51.18, which required each State plan to have adequate procedures for review, and where necessary prevent the construction or modification of any stationary source of air pollution at a location where emissions from that source would result in interference with the attainment or maintenance of a national standard. Accordingly, the Administrator determined that these new source review procedures should be expanded to cover not only stationary sources, but also "complex" or "indirect" sources of air pollution facilities which do not themselves emit pollutants, but which attract the increased activity of motor vehicles, a major source of air pollution. The result would be possible violations of the implementation plans transportation control strategy, or interference with the attainment or maintenance of an ambient air quality standard.

Thus, all state implementation plans were disapproved on March 8, 1973, because of their failure to sufficiently assess and provide for maintenance of standards, specifically, for their failure to provide for the above mentioned "indirect" source review. In a separate action on March 8 (38 FR 6290), the Administrator issued an advance notice of proposed rulemaking stating his intention to modify his regulations for preparation of state implementation plans contained in 40 CFR part 51 in order to give further guidance to the States in the preparation of approvable indirect source review measures. In a timetable approved by the D.C. Circuit Court, the Administrator then proposed such new guidelines on April 18, 1973 (38 FR 9599) and promulgated guidelines on June 18, 1973 (38 FR 15834).

Furthermore, in accordance with the order of the D.C. Circuit Court, the Administrator allowed States until August 15, 1973 to submit indirect source review procedures for approval. The Court order further required the Administrator to promulgate regulations by December 15, 1973, in the event that a State failed to submit indirect source review procedures or if the procedures that were submitted were deemed unapprovable. For those States which failed to submit plans (as was the case for the State of West Virginia), or whose plans could not be approved, the Administrator proposed on October 30, 1973 (38 FR 29893), Federal regulations for review of indirect sources. EPA held a public hearing on this proposal in Charleston on December 3, 1973. The major provisions of the proposal were as follows:

1. Expanding the applicability of new source performance standards to indirect sources.

2. Requiring the owner or operator of an indirect source to obtain approval from the appropriate State authority before commencing modification or construction of such a source.

3. Providing increased opportunity for public participation in proposed determinations.

On February 25, 1974 (39 FR 7270), the Administrator promulgated an indirect source review regulation (40 CFR 52.22(b)) to be incorporated into the Clean Air Act Implementation Plans in 52 States and territories, including the State of West Virginia. As a follow-up to that regulation, the Administrator noted that additional written comments would be accepted until April 1, 1974, and that where appropriate, revisions may be made to the regulation. The Administrator determined the need for several amendments of a clarifying nature. This clarification appeared in a FEDERAL REGISTER notice on July 9, 1974 (39 FR 25292).

On June 17, 1974, the State of West Virginia submitted a proposed amendment to their state implementation plan outlining the review for issuing permits for construction, modification, or relocation of any "direct or indirect affected sources" within the State. The major provisions of the proposal are as follows:

1. Defining the meaning of "indirect source" and other associated terms.

2. Outlining of timetables by when permit applications must be submitted and by when the State must determine approval or disapproval of the permit.

3. Outlining of time frame for public participation.

4. Outlining procedures for the monitoring of the indirect source after the owner of said source has been granted a permit and commences construction of the facility.

The regulation, if approved, would enable the Administrator to rescind § 52.22 (b) promulgated in the July 9, 1974 FEDERAL REGISTER (39 FR 25292).

On October 24, 1974, the State of West Virginia submitted proof that a hearing regarding these regulations, with the appropriate 30 day notice, took place on January 11, 1974 in Charleston, West Virginia.

This notice is issued to advise the public of the receipt of this proposed amendment, and to request public comment on it. Only comments received on or before December 9, 1974 will be considered.

The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirement of section 110 of the Clean Air Act and EPA regulations in 40 CFR part 51, as amended on June 18, 1973 (38 FR 15834).

Copies of the proposed revision are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; at the Office of the West Virginia Air Pollution Control Commission, 1558 Washington Street, East, Charleston, West Virginia 25311; and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. All comments should be addressed to the Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

(42 U.S.C. 1857 c-5)

Dated: November 1, 1974.

DANIEL J. SNYDER III,
Regional Administrator.

[FR Doc.74-26152 Filed 11-7-74;8:45 am]

[41 CFR Part 15-7]

[FRL 282-8]

INSURANCE

Liability to Third Persons

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1969, as amended, the Administrator is considering an amendment to 41 CFR Chapter 15, by adding a new paragraph to § 15-7.202-22, Insurance—Liability to Third Persons.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Contracts Management Division, Room 413, Waterside Mall, West, 401 M Street, Washington, D.C. 20460 on or before November 30, 1974. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the office of the Director, Contracts Management Division.

Dated: November 1, 1974.

JOHN QUARLES,
Acting Administrator.

The following paragraph (e) is added to the clause entitled "Insurance—Liability to Third Persons" (FPR 1-7.202-22) and the clause with added paragraph (e) is made applicable to all cost reimbursement type research and development contracts.

§ 15-7.202-22 Insurance liability to third persons.

* * * * *

(e) The contractor shall procure and maintain the following insurance: (1) When aircraft are used in the performance of the contract, aircraft public and passenger liability insurance, in such form, in such amounts, and for such periods of time as the Contracting Officer may require or approve; (2) at a minimum public liability insurance, on the comprehensive form of policy, in the amount of $200,000 per claimant and $500,000 per accident; (3) in jurisdictions where all occupational diseases are not compensable under applicable Workmen's Compensation Laws, insurance for occupational diseases is required under the employers' liability section of the insurance policy.

(40 U.S.C. 486(c), 63 Stat. 377 as amended)

[FR Doc.74-26151 Filed 11-7-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 19658]

SCHEDULE OF FEES

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of subpart G of part 1 of the commission's rules relating to the schedule of fees.

1. The law firm of McKenna, Wilkinson and Kittner has requested an extension of time for filing comments in the above captioned matter (39 FR 38394). By previous order, the time limits for the filing of comments and reply comments were extended to November 4, 1974, and November 18, 1974, respectively.

2. The request is supported by the fact that substantial requests for information from the Commission have resulted in the recent addition of material to the Public Docket. It is our belief that all interested parties should have a fuller opportunity to inspect this material prior to submitting comments.

3. *Accordingly, it is ordered,* Pursuant to the authority delegated in Section 0.251(b), that the time limits for the filing of comments and reply comments are extended to November 22, 1974, and December 6, 1974, respectively.

Adopted: October 31, 1974.

Released: November 1, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] DANIEL R. OHLBAUM,
Deputy General Counsel.

[FR Doc.74-26212 Filed 11-7-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

SHORELINE EROSION ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committe Act (Public Law 92-463), notice is hereby given of a meeting of the Shoreline Erosion Advisory Panel on December 4, 1974.

The meeting will be held in the first floor Hearing Room of the Kingman Building, Fort Belvoir, Virginia 22060, from 0900 hours to 1630 hours.

The meeting will include briefings on the Shoreline Erosion Control Demonstration Act of 1974, section 54, Pub. L. 93-251 and the Shoreline Erosion Advisory Panel established under this law. The meeting will be primarily an organizational meeting to include the selection of a chairman of the Panel from among its membership.

The sessions will be open to the public subject to the following limitations:

1. Seating capacity of the hearing room at the Kingman Building limits public attendance to not more than 25 people. Advance notice of intent to attend is requested in order to assure adequate and appropriate arrangements.

2. Written statements may be submitted on or before January 3, 1974, but oral participation by the public is precluded because of the time schedule.

Inquiries and notices to attend may be addressed to Colonel James L. Trayers, Commander and Director, U.S. Army Coastal Engineering Research Center, Kingman Building, Fort Belvoir, Virginia 22060; telephone 202 325-7000.

Dated: October 30, 1974.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74-26180 Filed 11-7-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ARIZONA STRIP DISTRICT ADVISORY BOARD

Notice of Regular Meeting

Notice is hereby given that the Arizona Strip District Advisory Board will hold its Regular Annual Meeting at 9 a.m. on December 3, 1974, at the Arizona Strip District Office, 196 East Tabernacle, St. George, Utah. The Agenda will include Section 3 Licenses and Term Permits for AMP, ADP Licensing Procedures, Composition of Advisory Board, Grand Canyon Bills, Range Management Program, and Piute Primitive Area, and any other business needing to come before the Board.

The meeting is open to the public insofar as seating is available. Persons interested in appearing before the Board may file a written statement with the Chairman of the Advisory Board for consideration.

GARTH M. COLTON,
District Manager.

NOVEMBER 1, 1974.

[FR Doc.74-26239 Filed 11-7-74;8:45 am]

LEWISTOWN DISTRICT ADVISORY BOARD

Notice of Meetings

Notice is hereby given that meetings of the Lewistown District Advisory Board will be held on Tuesday, December 3, 1974, and Friday, December 20, 1974, at 9:30 a.m. at the Home Service Room No. 418, Bank Electric Building, Lewistown, Montana.

The agenda for the initial meeting will include hearing recommendations on applications for grazing privileges for 1975 grazing year, permits for allotment management plans, transfers of grazing privileges, Indian Butte Management Plan, report of District Programs and planning progress, predator and weed control, and Federal Advisory Committee Act of October 6, 1972.

The agenda for the second meeting will include hearing of protests on any action determined or considered to be adverse during the initial meeting, and continue discussion of Federal Advisory Committee Act of October 6, 1972.

The meetings will be open to the public. Interested persons may make oral or written presentations to the committee or file written statements. Such requests should be made to Swend R. Holland, Chairman, Lewistown District Advisory Board, Gilt Edge Route, Lewistown, Montana 59457, at least ten days prior to the meeting.

Further information concerning this meeting may be obtained from Joseph A. Gibson, District Manager, Lewistown District, 410 Bank Electric Bldg., P.O. Drawer 1160, Lewistown, Montana 59457, phone 406, 538-5406. Minutes of the meeting will be available for public inspection and copying 4 weeks after the meeting at the Bureau of Land Management Office, 410 Bank Electric Bldg., Lewistown, Montana.

JOSEPH A. GIBSON,
District Manager.

OCTOBER 22, 1974.

[FR Doc.74-26238 Filed 11-7-74;8:45 am]

NEW MEXICO; ALBUQUERQUE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management, Albuquerque District Advisory Board will meet at 9 a.m. on December 6, 1974, at the Albuquerque District Office, 3550 Pan American Freeway NE., Albuquerque, New Mexico 87107.

The agenda for the meeting will include: a progress report on district programs, 1975 grazing applications, section 7 transfers, proposed rulemaking for advisory boards under the Advisory Committee Act, off-road vehicle use, Chaco Planning Unit—Management Framework Plan, Rio Grande Planning Unit—Unit Resource Analysis.

On January 3, 1975, the Board will meet at 9 a.m., also at the Albuquerque District Office, to hear any protests that may occur as a result of advisory board recommendations made at the December 6th meeting. The Board will also make recommendations at the January 3rd meeting on soil and watershed and range improvement projects proposed to be constructed in Fiscal Year 1976.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make an oral statement must inform the Chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for its consideration. Statements should be sent to Chairman, Albuquerque District Advisory Board, in care of the District Manager, Bureau of Land Management, 3550 Pan American Freeway NE., Albuquerque, New Mexico 87107.

Dated: November 1, 1974.

R. KEITH MILLER,
District Manager.

[FR Doc.74-26179 Filed 11-7-74;8:45 am]

[Wyoming 48248]

WYOMING

Notice of Application

OCTOBER 30, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Continental Pipe Line Company has applied for an oil pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 35 N., R. 69 W.,
Sec. 34, NE¼SE¼.

The pipeline will convey oil across 708 feet of national resource land.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 2834, Casper, Wyoming 82601.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-26181 Filed 11-7-74;8:45 am]

[Wyoming W-48315]

WYOMING

Notice of Application

NOVEMBER 1, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the FMC Corporation has applied for a gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 26 N., R. 111 W.,
Sec. 19, lot 2.
T. 23 N., R. 112 W.,
Sec. 22, SE¼NW¼ and NE¼SW¼.
T. 25 N., R. 112 W.,
Sec. 4, NW¼NE¼.
T. 26 N., R. 112 W.,
Sec. 23, SE¼SW¼, and SE¼;
Sec. 24, lot 2, N½SW¼, NW¼SE¼ and SW¼NE¼;
Sec. 26, N½NW¼;
Sec. 27, NE¼NE¼;
Sec. 33, NE¼SE¼ and S½SE¼;
Sec. 34, NE¼NW¼, S½NW¼, NW¼SW¼ and NW¼NE¼.

The pipeline will convey gas from newly-completed wells to an existing pipeline.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-26240 Filed 11-7-74;8:45 am]

Geological Survey

WYOMING

Classification of Known Leasing Area (Coal)

Pursuant to authority contained in the Act of March 3, 1879 (43 U.S.C. 31), as supplemented by Reorganization Plan No. 3 of 1950 (43 U.S.C. 1451, note), and 203 Departmental Manual No. 1 (15 F.R. 3193), and Secretary's Order No. 2948, Federal lands within the State of Wyoming have been classified as subject to the competitive coal leasing provisions of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 201). The name of the area, effective date, and total acreage involved are as follows:

(50) WYOMING

ROCK SPRINGS (WYOMING) KNOWN LEASING AREA (COAL); JULY 22, 1974, 416,834 acres

A diagram showing the boundaries of the area classified for competitive leasing has been filed with the appropriate land office of the Bureau of Land Management. Copies of the diagram and the land description may be obtained from the Regional Conservation Manager, U.S. Geological Survey, Building 25, Denver Federal Center, Denver, Colorado 80225.

HENRY W. COULTER,
Acting Director.

OCTOBER 31, 1974.

[FR Doc.74-26243 Filed 11-7-74;8:45 am]

National Park Service

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Chesapeake and Ohio Canal National Historical Park Commission will be held on Saturday, November 23, 1974, at 9 a.m., at the Stephen Mather Training Center, Harpers Ferry, West Virginia.

The Commission was established by Public Law 91-664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Miss Nancy Long (Chairman)
Glen Echo, Maryland
Mrs. Caroline Freeland
Bethesda, Maryland
Mr. Donald Frush
Hagerstown, Maryland
Hon. Vladimir A. Wahbe
Baltimore, Maryland
Mr. Anthony Abar
Annapolis, Maryland
Mr. John C. Lewis
Hamilton, Virginia
Mrs. Dorothy Grotos
Arlington, Virginia
Mr. Burton C. English
Berkeley Springs, West Virginia
Mr. Henry W. Miller
Paw Paw, West Virginia
Mr. James G. Banks
Washington, D.C.
Mr. Joseph H. Cole
Washington, D.C.
Mr. Ronald A. Clites
LaVale, Maryland
Mrs. Mary Miltenberger
Cumberland, Maryland
Dr. James H. Gilford
Frederick, Maryland
Dr. Kenneth R. Bromfield
Frederick, Maryland
Mr. Grant Conway
Brookmont, Maryland
Mr. Edwin F. Wesely
Chevy Chase, Maryland
Mr. John C. Frye
Gapland, Maryland
Mr. Rome F. Schwagel
Keedysville, Maryland
Mr. Justice Douglas
(Special Consultant)

The matters to be discussed at this meeting include:

1. Status of Environmental Impact Statement.
2. Landscape Development Plan Great Falls Tavern.
3. Park Organization and Functions of Park Operations.
4. Sugarloaf Regional Trail System.
5. Pepco.
6. Chadwick Tract.
7. Proposal for Development of City Recreation Center across from Candoc.
8. Paw Paw Logging Operation.
9. Slackwater Use Report.
10. Jellystone (W. Va.) Report.
11. Honeywood (W. Va.) Report.
12. Riverbend Park (Va.) Report.
13. Potomac Overlook (Va.) Report.
14. Falconridge (Va.) Report.
15. Paw Paw Bends area (W. Va.) Report.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and it is expected that not more than 30 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Richard L. Stanton, Associate Director, Cooperative Activities, National Capital Parks, at Area Code 202-426-6715. Minutes of the meeting will be available for public inspection two weeks after the meeting, at the Office of National Capital Parks, Room 208, 1100 Ohio Drive, SW., Washington, D.C.

Dated: October 24, 1974.

ABNER M. BRADLEY,
Acting Deputy Director, National Capital Parks.

[FR Doc.74-26158 Filed 11-7-74;8:45 am]

INDIANA DUNES NATIONAL LAKESHORE ADVISORY COMMISSION

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Indiana Dunes National Lakeshore Advisory Commission will be held at 10 a.m., c.s.t., November 22, 1974, at the Indiana National Lakeshore Building, Intersection of State Park Road and U.S. Highway 12, Chesterton, Indiana.

The Commission was established by Pub. L. 89-761 to meet and consult with the Secretary of the Interior on matters

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related to the administration and development of the Indiana Dunes National Lakeshore.

The members of the Commission are as follows:

Mr. William L. Lieber (Chairman)
Mrs. Anna R. Carlson
Mr. Harry W. Frey
Mrs. Ione F. Harrington
Mr. John A. Hillenbrand II
Mr. Harold G. Rudd
Mr. John R. Schnurlein
Mr. William L. Staehle (Secretarial Consultant)

Matters to be discussed at this meeting include:

1. Status of access to West Beach.
2. Status of construction on NIPSCO Bailly Nuclear Plant.
3. Status of land acquisition.
4. Review of comprehensive design plans for the Bailly Homestead area.
5. Status of Expansion Bill—Senate hearings.
6. Indiana Dunes National Lakeshore Zoning Standards and their acceptance by local Governmental agencies.

The meeting will be open to the public. It is expected that about 90 persons will be able to attend the session in addition to committee members. Interested persons may make written statements. Such requests should be made to the official listed below prior to the meeting.

Further information concerning this meeting may be obtained from James R. Whitehouse, Superintendent, Indiana Dunes National Lakeshore, Route 2, Box 139–A, Chesterton, Indiana 46304, telephone area code 219, 926–7561. Minutes of the meeting will be available for public inspection three weeks after the meeting at the office of the Indiana Dunes National Lakeshore located at the intersection of State Park Road and U.S. Highway 12 (Kemil Road), Chesterton, Indiana.

Dated: October 29, 1974.

ROBERT L. GILES,
Acting Regional Director, Midwest Region, National Park Service.

[FR Doc.74–26327 Filed 11–7–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Notice of Meeting

The Flue-Cured Tobacco Advisory Committee will meet in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602, at 1 p.m., on Friday, December 6, 1974.

At the October 14, 1974, meeting of the Committee, a 5-man subcommittee was appointed to study the work of the Committee during the 1974 marketing year. Members of the subcommittee are: Adron Harden, Georgia Farm Bureau; B. Frank Williamson, Sr., South Carolina Farm Bureau; James B. Hunt, Sr., North Carolina Grange; John S. Watkins, Jr., warehouseman and W. E. Michaels, dealer-exporter. Mr. Hunt will serve as chairman for the subcommittee.

The purpose of the final meeting of the Flue-Cured Tobacco Advisory Committee for the 1974 marketing season is to hear the report of the 5-man subcommittee. Also, matters, as specified in 7 CFR Part 29, Subpart G, § 29.9404, will be discussed.

The meeting is open to the public but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman, J. Frank Bryant. Persons, other than members who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW., United States Department of Agriculture, Washington, D.C. 20250 (202) 447–2567.

Dated: November 5, 1974.

RICHARD P. BARTLETT, Jr.,
Acting Administrator.

[FR Doc.74–26250 Filed 11–7–74;8:45 am]

Forest Service

SWAN LAKE PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the proposed Multiple-Use Plan—Swan Lake Planning Unit, Report Number USDA–FS–FES (Adm) 74–68.

The environmental statement concerns a proposed management plan for about 61,570 acres of National Forest land on the Swan Lake Ranger District of the Flathead National Forest, Lake County, Montana. The proposed plan provides the District Ranger with management direction and guidance for each of the ten management units within the total planning area.

This final environmental statement was filed with CEQ on November 1, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, DC 20250

USDA, Forest Service
Region 1—Northern Region
200 East Broadway
Missoula, Montana 59801

USDA, Forest Service
Flathead National Forest
290 North Main
Kalispell, Montana 59901

USDA, Forest Service
Swan Lake Ranger Station
Bigfork, Montana 59911

A limited number of single copies are available upon request to Edsel L. Corpe, Forest Supervisor, Flathead National Forest, 290 North Main, Kalispell, Montana 59901.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

NOVEMBER 1, 1974.

[FR Doc.74–26242 Filed 11–7–74;8:45 am]

Soil Conservation Service

BRILLION WATERSHED PROJECT, WISCONSIN

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and section 650.7 (e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the Brillion Watershed Project, Calumet and Manitowoc Counties, Wisconsin, USDA–SCS–EIS–WS–(ADM)–75–1–(D)–WI.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment supplemented by two floodwater retarding structures and one lake level control structure and associated channel.

A limited supply of the draft EIS is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, P.O. Box 4248, Madison, Wisconsin 53711.

Copies of the draft EIS have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Richard W. Akeley, State Conservationist, Soil Conservation Service, P.O. Box 4248, Madison, Wisconsin 53711.

Comments must be received on or before December 27, 1974, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: October 31, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74–26166 Filed 11–7–74;8:45 am]

CHICOT WATERSHED PROJECT, ARKANSAS

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and section 650.7 (e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Chicot Watershed Project, Chicot County, Arkansas, USDA–SCS–EIS–WS–(ADM)–74–27–(F)–AR.

The EIS concerns a plan for watershed protection, flood prevention and agricultural water management. The planned works of improvement provide for conservation land treatment and structural measures. Land treatment will consist of the accelerated application of conservation measures. Structural measures will consist of the installation of 92.2 miles of channel work on existing channels and the installation of 30.8 miles of new channels. Appurtenances to the channels will include 517 water-control structures, about 50 grade stabilization structures, and about five low-water weirs.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests.

Soil Conservation Service, USDA, Room 5029, Federal Office Building, Little Rock, Arkansas 72201.

(Catalog of Federal Domestic Assistance Program Number 10.904, National Archives Reference Services)

Dated: November 4, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74–26169 Filed 11–7–74;8:45 am]

INDIAN BROOK WATERSHED PROJECT, NEW HAMPSHIRE

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Indian Brook Watershed Project, Lancaster, New Hampshire, USDA–SCS–EIS–WS–(ADM)–75–1–(D)–NH.

The environmental statement concerns a plan for watershed protection, flood prevention and fish and wildlife. The planned works of improvement include conservation land treatment, supplemented by channel work, two flood prevention structures one of which includes additional storage for fish and wildlife development. The channel work will involve enlarging 3,000 feet of channel to improve the water carrying capacity of Indian Brook through the Lancaster urban area. The multiple-purpose structure will provide a permanent wildlife marsh of about 52 acres. The total area to be acquired at this structure site encompasses about 140 acres.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, Federal Building, Durham, New Hampshire 03824.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Donald Burbank, State Conservationist, Soil Conservation Service, Federal Building, Durham, New Hampshire 03824.

Comments must be received on or before December 31, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 4, 1974.

[FR Doc.74–26170 Filed 11–7–74;8:45 am]

DEPARTMENT OF COMMERCE

Social and Economic Statistics Administration

ANNUAL SURVEYS IN MANUFACTURING AREA

Notice of Consideration

Notice is hereby given that the Bureau of the Census is considering a proposal to continue or initiate the annual surveys listed below for the year 1974 and for each year thereafter, under the authority of Title 13, United States Code, sections 181, 224 and 225. These surveys, most of which have been conducted for many years, are significant in the manufacturing area; and on the basis of information and recommendations received by the Bureau of the Census, the data have significant application to the needs of the public and industry and are not available from nongovernmental or other governmental sources.

The establishments covered by these surveys directly account for the bulk of all manufacturing employment. The information to be developed from these surveys is necessary for an adequate measurement of total industrial production. Government agencies need data on the output of these industries. Manufacturers in the industries involved, as well as their suppliers and customers and the general public, have all requested such data in the interest of business efficiency and stability.

Such surveys, if conducted, shall begin not earlier than December 9, 1974.

Report forms in most instances furnishing data on shipments and/or production and in some instances on stocks, unfilled orders, orders booked, consumption, etc., will be required of all or a sample of establishments engaged in the production of the items covered by the following list of surveys.

The surveys have been arranged under major group headings shown in the Standard Industrial Classification Manual (1972 edition) promulgated by the Office of Management and Budget for the use of Federal statistical agencies.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Broadwoven goods finished.
Narrow fabrics.
Yarn production.

MAJOR GROUP 23—APPAREL AND OTHER FINISHED PRODUCTS MADE FROM FABRICS AND SIMILAR MATERIALS

Gloves and mittens.
Apparel.
Brassieres, corsets, and allied garments.
Sheets, pillowcases, and towels.

MAJOR GROUP 24—LUMBER AND WOOD PRODUCTS, EXCEPT FURNITURE

Hardwood plywood.
Softwood plywood.
Lumber.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Pulp, and detailed grades of paper and board.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Sulfuric acid.
Industrial gases.
Inorganic chemicals.
Pharmaceutical preparations, except biologicals.

MAJOR GROUP 29—PETROLEUM REFINING AND RELATED INDUSTRIES

Asphalt and tar roofing and siding products.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Rubber.
Plastics products.

MAJOR GROUP 31—LEATHER AND LEATHER PRODUCTS

Shoes and slippers (by method of construction).

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Consumer, scientific, technical, and industrial glassware.
Fibrous glass.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Steel mill products.
Insulated wire and cable.
Magnesium mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Commercial steel forgings.
Steel power boilers.
Heating and cooking equipment.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Internal combustion engines.
Tractors.
Farm machines and equipment.
Mining machinery and equipment.
Air-conditioning and refrigeration equipment.

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Office, computing, and accounting machines.
Pumps and compressors.
Selected air pollution control equipment.
Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Radios, televisions, and phonographs.
Motors and generators.
Wiring devices and supplies.
Switchgear, switchboard apparatus, relays, and industrial controls.
Selected electronic and associated products.
Electric housewares and fans.
Electric lighting fixtures.
Major household appliances.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft propellers.

MAJOR GROUP 38—PROFESSIONAL, SCIENTIFIC, AND CONTROLLING INSTRUMENTS: PHOTOGRAPHIC AND OPTICAL GOODS: WATCHES AND CLOCKS

Selected instruments and related products.
Atomic energy products and services.

The following list of surveys represents annual supplements of monthly and quarterly surveys and will cover the same establishments canvassed in the monthly or quarterly survey. There will be no duplication of reporting, however, since the type of data collected on the annual supplement will be different from that collected on the more frequent survey.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Glass containers.
Refractories.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Closures for containers.
Steel shipping barrels, drums and pails.

The following list of surveys represents annual counterparts of monthly and quarterly surveys and will cover only those establishments which are not canvassed or do not report in the more frequent survey. Accordingly, there will be no duplication in reporting. The content of these annual reports will be identical with that of the monthly and quarterly reports.

MAJOR GROUP 20—FOOD AND KINDRED PRODUCTS

Flour milling products.
Margarine manufacturers'—packaging operations.

MAJOR GROUP 22—TEXTILE MILL PRODUCTS

Man-made fiber, silk, woolen, and worsted fabrics.
Finishing plant report—broad woven fabrics.
Piece goods inventories and orders.
Broad woven goods (cotton, wool, silk, and synthetic).
Consumption of wool and other fibers, and production of tops and noils.
Rugs, carpets and carpeting.
Knit cloth.

MAJOR GROUP 25—FURNITURE AND FIXTURES

Mattresses and bedsprings.

MAJOR GROUP 26—PAPER AND ALLIED PRODUCTS

Converted flexible packaging products.

MAJOR GROUP 28—CHEMICALS AND ALLIED PRODUCTS

Phosphatic fertilizer materials.
Paint, varnish, and lacquer.

MAJOR GROUP 30—RUBBER AND MISCELLANEOUS PLASTICS PRODUCTS

Thermoplastics pipe, tube, and fittings.

MAJOR GROUP 32—STONE, CLAY, AND GLASS

Flat glass.
Glass containers.
Refractories.
Clay construction products.

MAJOR GROUP 33—PRIMARY METAL INDUSTRIES

Nonferrous castings.
Iron and steel foundries.
Steel mill shapes and forms. (Consumers and Producers Report)
Copper-base mill products.

MAJOR GROUP 34—FABRICATED METAL PRODUCTS, EXCEPT ORDNANCE, MACHINERY, AND TRANSPORTATION EQUIPMENT

Plumbing fixtures.
Metal cans.

MAJOR GROUP 35—MACHINERY, EXCEPT ELECTRICAL

Construction machinery.

MAJOR GROUP 36—ELECTRICAL MACHINERY, EQUIPMENT, AND SUPPLIES

Electric lamps.
Fluorescent lamp ballasts.

MAJOR GROUP 37—TRANSPORTATION EQUIPMENT

Aircraft engines.
Complete aircraft.
Backlog of orders for aircraft, space vehicles, missiles, engines and selected parts.
Truck trailers.

The Annual Survey of Manufactures will be conducted and will call for general statistical data such as employment, payroll, man-hours, capital expenditures, cost of materials consumed, gross book value of fixed assets, rental payments, supplemental labor costs, etc., in addition to information on value of products shipped and quantity data for selected classes of products and quantity and cost of selected fuels used. This survey, while conducted on a sample basis, will cover all manufacturing industries including data on plants under construction but not in operation.

A survey of research and development costs will be conducted also. The data to be obtained will be limited to total research and development costs of work performed by the company, total cost of research and development work performed for the Federal Government, and, for comparative purposes, total net sales and receipts, and total employment of the company.

In addition, a survey on shipments to, or receipts for work done for, Federal Government agencies and their contractors and suppliers is planned. It is designed to provide information on the impact of Federal procurement on selected industries and on the economy of States, standard metropolitan statistical areas, and geographic regions.

The Annual Survey of Oil and Gas will canvass the industry which provides most of the fuel consumed in the United States, as well as a substantial portion of the raw material requirement of many industries. The survey will collect information on exploration, development, production costs, revenues, expenditures and assets in the crude petroleum and natural gas industry.

The Annual Survey on Pollution Abatement Expenditures is designed to collect from the manufacturing area total expenditures made by industry to abate pollutant emissions. The survey covers current and capital expenditures made by industry to reduce pollution in its air, water or solid forms.

Copies of the proposed forms are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of these proposed surveys should be submitted in writing to the Director of the Bureau of the Census on or before December 9, 1974 and will receive consideration.

Dated: November 5, 1974.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.74-26231 Filed 11-7-74;8:45 am]

SURVEY OF RETAIL SALES, PURCHASES, AND INVENTORIES

Notice of Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1975 the Annual Retail Trade Survey which has been conducted each year under Title 13, United States Code, sections 181, 224, and 225 to collect data covering year-end inventories, purchases, and annual sales. This survey covering 1974 is the only continuing source available on a comparable classification and timely basis for use as the benchmark for developing monthly retail inventory estimates. It also assists in establishing a benchmark for the distribution of monthly sales by geographic area.

Information and recommendations received by the Bureau of the Census indicate that the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernment or other governmental sources.

Such a survey, if conducted, shall begin not earlier than December 7, 1974.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from a sample of stores based on their sales size. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey submitted in writing to the Director of the Bureau of the Census on or before December 9, 1974.

VINCENT P. BARABBA,
Director, Bureau of the Census.

[FR Doc.74-26232 Filed 11-7-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-135, etc.; NDA 1-650, etc.]

OVER-THE-COUNTER ANTACID DRUG PRODUCTS

Withdrawal of Approval of New Drug Applications

A notice of opportunity for hearing was published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19882), in which the Commissioner of Food and Drugs proposed to issue an order under section 505 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the new drug applications and all amendments and supplements thereto for certain over-the-counter (OTC) antacid drug products and determining the new drug status of such products. The basis of the proposed action was: (1) the lack of substantial evidence that the drug products will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in the labeling, other than those permitted by the final order on OTC antacid drug products published in the same issue of the FEDERAL REGISTER (39 FR 19862); and (2) such drug products are not shown to be safe for use except under the conditions of use required for safety reasons, and are not shown to be safe for use under the conditions of use excluded for safety reasons, by the final order on OTC antacid drug products; and (3) the labeling of the drug products, to the extent it differs from the applicable labeling requirements of the final order on OTC antacid drug products, based on a fair evaluation of all material facts, is false and misleading.

By letter of June 5, 1974, Cole Pharmacal Company, Inc., informed the Food and Drug Administration that Kamat tablets (NDA 1-952) were discontinued in 1967 and that they did not wish to avail themselves of the opportunity for hearing. No other holder of an affected application or other interested person filed a written appearance of election as provided by said notice. The failure to file such an appearance as required by 21 CFR 314.200 constitutes an election by such persons not to avail themselves of the opportunity for hearing and a waiver of any contentions concerning the legal status of any such drug product, including identical, related, or similar drug products as defined in 21 CFR 310.6.

All identical, related, or similar products, not the subject of an approved new drug application, are subject to this notice (21 CFR 310.6). Any person who wishes to determine whether a specific product is subject to this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, MD 20852.

The Commissioner, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-1053, as amended; 21 U.S.C. 355), and under the authority delegated to him (21 CFR 2.120), finds that, on the basis of new information before him with respect to the drug products, evaluated together with the evidence available to him at the time of approval of the applications, (1) there is a lack of substantial evidence that the drug products will have the effect they purport or are represented to have for any condition of use prescribed, recommended, or suggested in the labeling, other than those permitted by the final order on OTC antacid drug products; and (2) such drug products are not shown to be safe for use except under the conditions of use required for safety reasons, and are not shown to be safe for use except under the conditions of use excluded for safety reasons, by the final order on OTC antacid drug products; and (3) the labeling of the drug products, to the extent it differs from the applicable labeling requirements of the final order on OTC antacid drug products, based on a fair evaluation of all material facts, is false and misleading.

Therefore, pursuant to the foregoing finding, approval of the following new drug applications and all amendments and supplements thereto is withdrawn effective November 18, 1974.

NDA No.	Drug	Firm
1-650	Citralka liquid	Parke, Davis & Co., Detroit, Mich. 48232.
1-675	Choor Chewing Gum	Pharmaco, Inc., Kenilworth, N.J. 07033.
1-952	Kamat tablets	Cole Pharmacal Co., Inc., St. Louis, Mo. 63178.
2-436	Amphojel tablets	Wyeth Laboratories, division of American Home Products Corp., Philadelphia, Pa. 19101.
2-545	Gelusil liquid	Warner-Chilcott Laboratories, division of Warner-Lambert Co., Morris Plains, N.J. 07950.
3-304	Bismakaolin suspension	Vale Chemical Co., Inc., Allentown, Pa. 18102.
3-807	Magsal suspension	Endo Laboratories, Inc., Garden City, Long Island, N.Y. 11530.
4-380	Gelusil tablets	Warner-Chilcott Laboratories, division of Warner-Lambert Co., Morris Plains, N.J. 07950.
5-068	Algiyn tablets, Algiya magma, Belgiyn tablets.	Brayten Pharmaceutical Co., Chattanooga, Tenn. 37409.
6-547	Alrinox tablets	Smith, Miller & Patch, New Brunswick, N.J. 08902.
6-738	Carmethose suspension, Carmethose magnesium oxide tablets, Carmethose-Trasentine.	Ciba Pharmaceutical Co., division of Ciba-Geigy Corp., Summit, N.J. 07901.
7-706	Resinat capsules, Resinat tablets	Merrell-National Laboratories, division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
7-911	Kolantyl tablets	Do.
8-421	Dimacid B tablets	Otis Chapp & Son, Inc., Cambridge, Mass. 02139.
8-467	Kolantyl Gel	Merrell-National Laboratories, division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215.
9-100	Rolaids Antacid Mint tablets	American Chicle Co., division of Warner-Lambert Co., Morris Plains, N.J. 07950.
9-329	Duplexin tablets	Whitehall Laboratories, division of American Home Products Corp., New York, N.Y. 10017.
13-165	Rolaids Antacid Mint with HMAS	American Chicle Co., division of Warner-Lambert Co., Morris Plains, N.J. 07950.
12-298	"A" Plus tablets	Vick Chemical Co., division of Richardson-Merrell, Inc., New York, N.Y. 10017.
15-183	Equilet Antacid tablets	Mission Pharmacal Co., San Antonio, Tex. 78296.

This notice also represents a determination of the legal status of the above products as well as all identical, similar, or related products not the subject of an approved new drug application (21 CFR 310.6) including those OTC antacid products for which approval has previously been withdrawn on the ground of failure to file reports required pursuant to section 505(j) of the act and which appeared in the FEDERAL REGISTER as follows:

a. Docket FDA-D-135 published in the FEDERAL REGISTER of July 24, 1970 (35 FR 11929).

b. Docket FDC-D-259 published in the FEDERAL REGISTER of April 6, 1971 (36 FR 6529).

c. Docket FDC-D-269 (Docket number originally published incorrectly as FDC-D-259; correction published in the FEDERAL REGISTER of November 24, 1971 (36 FR 22324) to read FDC-D-269) published in the FEDERAL REGISTER of August 6, 1971 (36 FR 14493) and republished in the FEDERAL REGISTER of September 23, 1971 (36 FR 18885).

d. Docket FDC-D-445 published in the FEDERAL REGISTER of March 18, 1972 (37 FR 5711).

e. Docket FDC-D-393 published in the FEDERAL REGISTER of March 28, 1972 (37 FR 6342).

f. Docket FDC-D-492 published in the FEDERAL REGISTER of August 8, 1972 (37 FR 15948).

Any such drug products may not lawfully be marketed except in compliance with 21 CFR Part 331 or the interim re-

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quirements for Category III drug products specified in the final order on OTC antacid drug products published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19862).

The Food and Drug Administration will initiate appropriate regulatory action to remove such noncomplying drug products from the market promptly after the applicable effective date established in the final order on OTC antacid drug products.

Dated: October 31, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26045 Filed 11-7-74;8:45 am]

Health Services Administration

INTERAGENCY COMMITTEE ON EMERGENCY MEDICAL SERVICES

Notice of Meeting

Pursuant to the Federal Advisory Act (Pub. L. 92-463), the Administrator, Health Services Administration, announces the meeting dates and other required information for the following National Advisory body scheduled to assemble during the month of December 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
Interagency Committee on Emergency Medical Services.	December 5, 9 a.m. to 4 p.m., Snow Room (5051), DHEW North Bldg., 330 Independence Ave. SW., Washington, D.C.	Open—Contact John Reardon, Room 8-20, DEMS/BMS, 6525 Belcrest Rd., West Hyattsville, Md. (301) 436-6284.

Purpose. The Committee will provide for the communication and exchange of information necessary to maintain the coordination and effectiveness among such Federal programs and activities and make recommendations to the Secretary respecting the administration of grants and contracts under Title XII, including making regulations for the emergency medical services systems program.

Agenda. The agenda will include a review of the Committee Charter, a review of current DHEW/EMS program activities and an outline of planned activites for 1975-76. The Committee will discuss interagency EMS activities for system implementation and set the Committee meeting dates for 1975.

Agenda items are subject to change as priorities dictate.

The meeting is open to the public for observation. Anyone wishing to attend, obtain a roster of the members, or other relevant information should contact the person listed above. Public seating is limited to forty. Please contact at least 24/hours before the meeting.

Date: November 4, 1974.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.74-26184 Filed 11-7-74;8:45 am]

National Institutes of Health

BOARD OF SCIENTIFIC COUNSELORS

Amended Notice of Meeting

Notice is hereby given of a change in the meeting time of the Board of Scientific Counselors, National Eye Institute, which was published in the FEDERAL REGISTER on October 23, 1974, 39 FR 37662.

This Board was to have convened at 1 p.m. on December 2 and 9 a.m. on December 3, but has been changed to 8:30 a.m. to 5 p.m. on December 2, and 8:30 a.m. to adjournment on December 3, in Building 31, room 6A21, at the National Institutes of Health, Bethesda, Maryland.

The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. on December 2, 1974 for general remarks by the Institute Director on matters concerning the intramural program of the Laboratory of Vision Research, a budget discussion, and legislative developments. Attendance by the public will be limited to space available.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

NOVEMBER 5, 1974.

[FR Doc.74-26308 Filed 11-7-74;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Amended Notice of Meeting

Notice is hereby given of an additional agenda item in the meeting November 18-20, 1974 of the National Cancer Advisory Board, National Cancer Institute, National Institutes of Health, Building 31, Conference Room 6, which was published in the FEDERAL REGISTER October 17, 1974, Vol. 39, No. 202, Page 37086. The Board will hear a report from its Subcommittee concerned with the identification and organization of available scientific information, as requested by the President, in support of a previous Board recommendation calling for regulation of high tar and nicotine cigarettes.

The report will be presented on the morning of November 18, 1974 during an open session of the meeting. Attendance by the public will be limited to space available.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

NOVEMBER 5, 1974.

[FR Doc.74-26308 Filed 11-7-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket No. RSFC-74-14]

APALACHICOLA NORTHERN RAILROAD CO.

Waiver of Freight Car Safety Standards

The Apalachicola Northern Railroad Company (AN) has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of the FRA Freight Car Safety Standards in order to continue operating 4 flat cars. These cars are used in the area of Port St. Joe Florida. They are equipped with cast iron wheels which are prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

The cars, which were built in 1914, carry Apalachicola Northern reporting marks and bear AN identification numbers 1607, 1613, 1614, and 1619. The cars, in addition to being equipped with prohibited wheels, are outfitted with Farlow draft gear whose use is restricted under FRA regulations (49 CFR 215.225). They are not used in interchange and their maximum operating speed is 25 miles per hour. Petitioner seeks a permanent exemption for the prohibited components and permanent approval to continue operating with the restricted components.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 25, 1974. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-14) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before December 10, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 5, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-26246 Filed 11-7-74;8:45 am]

[FRA Waiver Petition Docket No. RSFC-74-12]

BURLINGTON NORTHERN

Waiver of Freight Car Safety Standards

The Burlington Northern (BN) has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of the FRA Freight Car Safety Standards in order to continue operating 400 log cars. These cars are used for lumber service in the States of Washington and Oregon. They are equipped with cast iron wheels which are prohibited, effective January 1, 1975, under FRA Regulations (49 CFR 215.223).

These cars, which are equipped with one or more pairs of cast iron wheels, are 40 foot long skeleton log flat cars. The cars carry Northern Pacific reporting marks and bear Northern Pacific identification numbers in the series between 120000 and 122349.

The petitioner has instituted a program to replace the cast iron wheels with steel wheels. Due to a shortage of steel wheels petitioner seeks a limited waiver of the applicable regulations (49 CFR 215.223). Under the terms of the requested waiver all of these cars would be equipped with steel wheels no later than April 30, 1975.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 25, 1974. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-12) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 10, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 5, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-26244 Filed 11-7-74;8:45 am]

[FRA Waiver Petition Docket No. RSFC-74-13]

READING CO.

Waiver of Freight Car Safety Standards

The Reading Company has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of FRA Freight Car Safety Standards to continue operation of 115 hopper cars. The hopper cars are equipped with components that will prohibit their use effective January 1, 1975 under present regulations (49 CFR 215.223).

These cars are 70-ton open top hopper cars and are equipped with axles and truck bolsters which have been prohibited under Appendix B to Part 215 of Title 49 CFR. The cars bear Reading Company reporting marks and Reading identification number series 59885 to 59999 inclusive.

These cars are used in non-interchange, assigned service to move raw sugar a distance of approximately one mile within the confines of Port Richmond Yard located at Philadelphia, Pennsylvania. The cars are stenciled to indicate their assigned service and to preclude interchange. The maximum operating speed for these cars does not exceed 10 miles per hour.

Petitioner states that the cars have been operating in this service for in excess of two years without incident. In view of that operating record petitioner seeks a permanent waiver of the prohibited components for these cars so long as they are used in this assigned service at Port Richmond.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 25, 1974. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-13) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before December 10, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, U.S.C. 431; and section 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 5, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-26245 Filed 11-7-74;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Public Meeting; Detailed Agendas

As previously published in the FEDERAL REGISTER dated October 23, 1974, the National Motor Vehicle Safety Advisory Council is holding public meetings November 12, 13, and 14 in Washington, D.C., in room 2232 of the DOT Building, 400 Seventh Street SW. This second notice provides additional information on the agendas not available at the time of the first notice. Please note that the times of some meetings have been changed.

The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the National Highway Traffic Safety Administrator.

On November 12 at 1 p.m. in room 2232 the Accident Avoidance and Operating Systems Committee will meet with the following agenda:

Standards for Multipurpose Vehicles and Light Duty Trucks
Status of New Proposal on Lighting
Review of "100" Series Standards
Status of Maximum Speedometer Readings
Review of "Moped" Proposed Rulemaking
Old Business/New Business

At 3:15 p.m. on November 12 in room 2232 the Subcommittee on Motorcycle Safety will meet with the following agenda:

Motorcycle Helmet Enforcement Activities
Report on Future Motorcycle Multi-Disciplinary Accident Investigations
Slide Presentation—"Motor Vehicle Inspection" Automobile Club of Missouri

On November 13 at 9 a.m. in room 2232 the Crashworthiness Committee will meet with the following agenda:

Vehicle "Aggressivity" Recommendation
Plans for Pedestrian Protection Technical Meeting
Child Seating Systems (FMVSS 213)
Seat & Head Restraint Standards (FMVSS 202 & 207)
School Bus Crashworthiness
Energy Absorbing Steering Column Performance (FMVSS 203 & 204)
Proposed Safety Belt "Reminder" System (FMVSS 208)
Engineering and Safety Review of Bumpers (FMVSS 215)
Old Business/New Business

At 1 p.m. in room 2232 on November 13 the Consumer and Public Information Committee will meet with the following agenda:

Public Information on Studded Snow Tires
Seat Belt Usage in Media Accident Reporting
Review of Report on Cost/Benefit Briefings
Publicizing Cost/Benefit Studies
New Directions for Committee
Old Business/New Business

On November 14 at 9 a.m. in room 2232 the full Council will meet with the following agenda:

Report of Accident Avoidance and Operating Systems Committee
Report of Crashworthiness Committee
Report of Consumer and Public Information Committee
Status Report—Fourth International Congress
Old Business/New Business

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For further information contact the NHTSA Executive Secretary, room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92–462, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: November 4, 1974.

CRAIG L. MILLER,
Acting Executive Secretary.

[FR Doc.74–26267 Filed 11–6–74;9:20 am]

ADVISORY COUNCIL ON HISTORIC PRESERVATION

PUBLIC INFORMATION MEETING

Notice is hereby given in accordance with the Federal Advisory Committee Act (P.L. 92–463) and § 800.5(c) of the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800) that on November 25, 1974, at 7 p.m., a public information meeting will be held in the Council Chambers of the Police and Fire Building, B and Church Streets, St. Albans, West Virginia, so that representatives of national, State, and local units of government, and representatives of public and private organizations, and interested citizens can receive information and express their views on a proposed undertaking of the United States Department of Housing and Urban Development that will have an adverse effect upon a property determined by the Secretary of the Interior to be eligible for inclusion in the National Register of Historic Places. The proposed undertaking is Neighborhood Development Project WVA. A–4, St. Albans, West Virginia which includes construction of a loop road by the State of West Virginia. The eligible property is the Chilton House.

A summary of the agenda of the public information meeting follows:

I. Explanation of the procedures and purpose of the meeting by representatives of the Executive Director of the Advisory Council.
II. Explanation of the project by representatives of the U.S. Department of Housing and Urban Development.
III. Statement by the West Virginia State Historic Preservation Officer on the project.
IV. Statements from the public on the project.

Speakers will be permitted to present their views on the project and should limit their statements to approximately ten minutes. Statements should be limited to the undertaking, its effects on historic and cultural properties, and alternate courses of action. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, 1522 K Street, NW., Washington, D.C. 20005 (202–254–3974).

Dated: November 6, 1974.

ROBERT R. GARVEY, JR.,
Executive Director.

[FR Doc.74–26396 Filed 11–7–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–413A, 50–414A]

DUKE POWER CO.

Notice of Reconstitution of Board

In the matter of Duke Power Company (Catawba Nuclear Station Units 1 & 2).

Dr. George R. Hall was a member of the Atomic Safety and Licensing Board established for the above proceeding. Dr. Hall is no longer available for further service on this Board.

Accordingly, Dr. Kenneth G. Elzinga, whose address is Department of Economics, University of Virginia, Charlottesville, Virginia 22901, is appointed a member of the Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Md., this 4th day of November 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74–26164 Filed 11–7–74;8:45 am]

[Docket No. 50–494]

GENERAL ATOMIC CO.

Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on July 15, 1974 (39 FR 25970) and the Atomic Energy Commission having found that:

(a) The application filed by General Atomic Company, Docket No. 50–494, complies with the requirements of the Act, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations,

the Commission has issued License No. XR–101 to General Atomic Company, authorizing the export of a pool-type, research reactor with a thermal power level of 300 kilowatts to Japan Atomic Energy Research Institute, Tokaimura, Japan.

The export of this reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Maryland this 2nd day of November 1974.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.74–26163 Filed 11–7–74;8:45 am]

[Docket No. 50–245]

NORTHEAST NUCLEAR ENERGY CO. ET AL.

Issuance of Amendment to Provisional Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on September 17, 1974 (39 FR 33391), the Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Provisional Operating License No. DPR–21. The license authorizes the Connecticut Light and Power Company, the Hartford Electric Light Company, Western Massachusetts Electric Company and Northeast Nuclear Energy Company to operate the Millstone Nuclear Power Station Unit No. 1 located in Waterford, Connecticut. The amendment is effective as of date of issuance.

The amendment revises the provisions in the Technical Specifications associated with a planned reactor refueling, including changes in the maximum average planar linear heat generation rates (MAPLHGR) for the reactor fuel. The changes to the Technical Specifications involving the MAPLHGR will be consistent with the requirements of 10 CFR 50.46.

The Commission has found that the application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this license amendment see (1) the license amendment and Change No. 19 to the Technical Specifications, (2) the related Safety Evaluation, and (3) additional information submitted by the licensee in letters dated September 24, 25, October 3, 21, 22 and 29, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Waterford, Connecticut. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545; Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 1st day of November, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74–26165 Filed 11–7–74;8:45 am]

[Docket Nos. 50–280, 50–281]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendments No. 2 to Facility Operating Licenses No. DPR–32 and DPR–37 issued to Virginia Electric and Power Company which revised Technical Specifications for operation of the Surry Power Station, Units 1 and 2, located in Surry County, Virginia. The amendments are effective as of the date of issuance.

These amendments permit the licensee to possess special nuclear material in the form of reactor fuel in the amount required for reactor operation. In addition, a new technical specification is added to Appendix A of each license that requires leakage testing of miscellaneous radioactive materials sources.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to this action, see (1) the application for amendments dated August 19, 1974, (2) Amendments No. 2 to Licenses No. DPR–32 and DPR–37, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this October 31, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74–26162 Filed 11–7–74;8:45 am]

HIGH ENERGY PHYSICS ADVISORY PANEL

Notice of Meeting

NOVEMBER 4, 1974.

On December 5–6, 1974, there will be a meeting of the High Energy Physics Advisory Panel at the AEC Headquarters in Germantown, Maryland, in the Auditorium. Below is that portion of the agenda for this meeting which will be open to the public. Practical considerations may require changes in the agenda or schedule.

THURSDAY, DECEMBER 5, 1974

10 a.m.—Progress Report on Subpanel on Research and Program Balance—V. Fitch.
10:30 a.m.—PEP Summmer Study—K. Strauch.
1:30 p.m.—Final Report on High Energy Physics Response to Challenges of Energy Crisis—J. Sandweiss.
2:30 p.m.—Report on Trip to USSR—J. Teem.
3:30 p.m.—Planning for US–USSR–Europe High Energy Physics Seminar—S. Drell.
4:30 p.m.—FY 1975 Budget Status.

FRIDAY, DECEMBER 6, 1974

9 a.m.—ERDA—J. Teem.

In addition to the above items, the Panel plans to hold two (2) executive sessions. The first is scheduled on Thursday morning prior to the beginning of the open session, and the second will begin at 10 a.m. on Friday and continue throughout the end of the meeting.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463 that these executive sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close these portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Agency or Committee operation.

The Chairman is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in agenda items scheduled above, the following requirements shall apply:

(a) Persons wishing to submit written statements on those agenda items may do so by mailing 25 copies thereof, postmarked, if possible, no later than November 21, 1974, to the Executive Secretary, High Energy Physics Advisory Panel, Dr. Robert M. Woods, Jr., Division of Physical Research, Washington, D.C. 20545. Minutes of the meeting will be kept open for 30 days for receipt of written statements for the record.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement, and shall set forth reasons justifying the need for such oral statements and their usefulness to the Panel. To the extent that the time available for the meeting permits, the Panel will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Panel, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call to the office of the Executive Secretary of the Panel. His telephone number is Area Code 301–973–3624.

(e) Questions at the meeting may be asked only by members of the Advisory Panel.

(f) Seating for the public will be made available on a first-come, first-served basis.

(g) Copies of minutes of public sessions will be made available for copying, following their acceptance by the Panel at its next meeting, in accordance with the Federal Advisory Committee Act, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C., upon payment of all charges required by law.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–26145 Filed 11–7–74;8:45 am]

[Docket Nos. STN 50–518, etc.]

TENNESSEE VALLEY AUTHORITY

Receipt of Application for Construction Permits and Facility Licenses; Availability of Environmental Report; Submission of Views on Antitrust Matters

The Tennessee Valley Authority (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 13, 1974, for authorization to construct and operate four generating units utilizing four boiling water reactors. The application was tendered on July 1, 1974. Following a preliminary review for completeness, the application [environmental report and site suitability information required for an authorization to conduct certain on-site work in accordance with 10 CFR 50.10(e)] was found to be acceptable for docketing. Docket Nos. STN 50–518, STN 50–519, STN 50–520, and STN 50–521 have been assigned to the application and they should be referenced in any correspondence relating to the application. The Preliminary Safety Analysis Report (PSAR) was also tendered on July 1, 1974. However, it was determined that additional information was required prior to initiation of the review. It is anticipated that the PSAR will be resubmitted by November 11, 1974.

The proposed nuclear facilities designated by the applicant as the Hartsville Nuclear Plant A, Units 1 and 2; and B, Units 1 and 2, are to be located approximately 5 miles southeast of Hartsville in Trousdale and Smith Counties, Tennessee. Each unit is designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1220 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 26, 1974. The request should be filed in connection with Docket Nos. STN 50–518–A, STN 50–519–A, STN 50–520–A, and STN 50–521–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the

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Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, dated September 10, 1974. The report, which discusses environmental consideration related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Mid-Cumberland Council of Governments, 226 Capitol Boulevard Building, Nashville, Tennessee 37219; and Upper Cumberland Development District, Box 5076, Tennessee Technological University, Cookeville, Tennessee 38501.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 11th day of October, 1974.

ATOMIC ENERGY COMMISSION,
DENNIS M. CRUTCHFIELD,
Acting Chief, Light Water Reactors Projects Branch 2-1, Directorate of Licensing.

[FR Doc.74-24745 Filed 10-24-74;8:45 am]

[Docket Nos. STN 50-502, STN 50-503]

WISCONSIN ELECTRIC POWER CO., ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report; Submission of Views on Antitrust Matters

Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, and Madison Gas and Electric Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed August 9, 1974, for authorization to construct and operate two nuclear generating units utilizing two pressurized water reactors (the facilities). The application was tendered on May 28, 1974. Following a preliminary review for completeness, the application was found to be acceptable for docketing on July 9, 1974. Docket Nos. STN 50-502 and STN 50-503 have been assigned to the application and should be referenced in any correspondence relating to the application. The proposed nuclear facilities, designated by the applicants as Koshkonong Nuclear Plant, Units 1 and 2, are to be located in Jefferson County, Wisconsin, and each is designed for initial operation at 2785 megawatts thermal with a net electric output of 900 megawatts. The application was filed and is being processed pursuant to the "Duplicate Plant" approach of the Commission's standardization policy for nuclear power plants.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 24, 1974. The request should be filed in connection with Docket Nos. STN 50-502-A and STN 50-503-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Dwight Foster Public Library, 102 Milwaukee Avenue, East, Fort Atkinson, Wisconsin 53538.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, and environmental report dated September 6, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the State Clearinghouse, Bureau of Planning and Budget Department of Administration, 1 West Wilson, State Office Building, Madison, Wisconsin 53702.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 10th day of October 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-24637 Filed 10-24-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27114; Order 74-11-24]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.

Order Regarding Application for Approval of Agreement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 5th day of November, 1974.

By application filed on October 22, 1974, Pan American World Airways and Trans World Airlines (TWA) request expeditious approval of an agreement which contemplates a temporary but massive restructuring of the routes of both carriers. Among its major features are the termination of TWA's round-the-world operations, with the elimination of all services by the carrier between the Middle East and Hawaii; the withdrawal of TWA from Frankfurt and Pan American from Paris, together with a restructuring of the European routes of both carriers; the withdrawal of TWA from the Washington-London market and Pan American from the Chicago/Los Angeles/Philadelphia-London markets; the addition of Bombay, Okinawa and Taiwan to Pan American's round-the-world route; and a substantial improvement in TWA's Los Angeles-Honolulu authority.[1]

The agreement was filed in apparent response to the Board's invitation to the carriers to deal with their financial problems by exploring such measures, among others, as further reductions in operating levels and discontinuance of uneconomic services. In this connection, we have publicly stated our intention to "give expedited consideration to any proposals for suspension or deletion of any points or operations that the carrier might deem uneconomic."[2] We continue to stand ready to fulfill that commitment.

Pan American has suffered severe losses during the past year, and has filed a subsidy request claiming that it faces serious financial difficulties. TWA has also filed a subsidy request with the Board stating that its international operations are being operated at a substantial loss. Under the circumstances, it could be expected that Pan American and TWA would be searching for highly expeditious means of easing their financial burdens. Unfortunately, as the two carriers must have known, the document

[1] The specific features of the agreement are set forth in Appendix A, which is filed as part of the original document.

[2] See Order 74-9-62, dated September 18, 1974, p. 10.

which they have filed does not permit positive Board action of any kind, much less expeditious action. In the first place, it is more in the nature of a notice of intent than a genuine application to the Board—as the applicants appear to recognize since they indicate that they shall file, at some undisclosed date in the future, appropriate applications under sections 401 and 408 of the Federal Aviation Act. Secondly, the document itself includes no supporting data or facts, and does not even contain an estimate of the overall financial impact of the proposal on each carrier. In short, the document served up to the Board by the applicants offers no indication that the applicants are, in fact, interested in prompt action by the Board. In addition, although the applicants do formally ask for expeditious consideration, the all-or-nothing approach which the agreement adopts effectively precludes such consideration, since by the terms of the document the Board would be required to approve a proposal of literally worldwide scope in every detail before the carriers would be willing to implement any individual part of it.[3] At best, the filing represents a request by the two carriers for consolidation of numerous matters yet to be presented in a proper fashion with the Board and is thus inconsistent with the applicants' expressed desire for immediate approval.

In considering any individual carrier's request the Board can under no circumstances allow the carrier's need for regulatory assistance to obscure the rights of the traveling public, affected communities, and other carriers, or the Board's paramount obligation to develop a sound overall transportation system. The approach advocated by Pan American and TWA, however, wholly fails to take these responsibilities into account. Thus, rather than submitting the kind of application which would enable the Board to act promptly on those parts of it that could reasonably be dealt with in relatively summary fashion, the applicants have tied inextricably together what may well prove to be noncontroversial and easily accomplished suspension requests, designed chiefly to decrease unnecessary head-to-head competition, with controversial route transfer proposals which could substantially alter existing competitive relationships and work major changes in the domestic and international U.S.-flag air transportation network.[4] Under these circumstances Pan American and TWA should be on notice that even if we were to establish the most expeditious procedures possible, it is the Board's judgment that, given the requirements of due process and the need for searching analyses of a series of proposals that together could so significantly affect the nation's air transportation system, final Board decision on the agreement as is (given its all-or-nothing provision) could not possibly be reached for many months.

For these reasons, we do not believe that the goal of expeditious processing would be served by setting the application for hearing under expedited procedures, the course of action apparently contemplated by the joint applicants. Rather, we intend to consider bringing immediate financial relief to the two carriers through the exercise of our powers to approve suspensions of service under section 401(j) of the Act, to authorize new services by exemption under section 416 (b) of the Act, and to approve agreements (for example, the proposal that each carrier not exercise its authority in various U.S.-London markets) under section 412 of the Act, all without hearing. Thus, we propose to consider the grant to the carriers, as soon as possible, of as much relief under these statutory provisions as seems to us consistent with the overall public interest and otherwise in accordance with statutory requirements and to do so under the procedures outlined below.

In this regard we expect that Pan American and TWA will file separate requests for suspension of service authority pursuant to section 401(j) of the Act and in conformity with the requirements of section 205 of the Board's Regulations,[5] exemption authority pursuant to section 416(b) of the Act and in conformity with the requirements of Subpart D of the Board's Procedural Regulations,[6] section 412 approval in accordance with the requirements of Subpart P of the Board's Procedural Regulations, and for all other requisite sections 401 and 408 approvals.[7]

If the applicants are in fact interested in prompt action to improve the profitability of their route systems the application(s) will embrace divisible requests for each item of relief sought by the applicants. It is the Board's intention to evaluate separately each and every item of authority requested, and we will grant or deny requests for nonhearing approval on the basis of the individual merits of such request upon consideration of the justification submitted in support thereof and the answers of interested persons. As heretofore noted, we do not view the all-or-nothing approach of the joint applicants to be compatible with expeditious processing. On the other hand, we appreciate that, and invite the applicants to comment as to whether, certain items may be considered by the applicants as closely related and should be contemporaneously decided by the Board; for example, the simultaneous suspension of service by one carrier, and the acquisition of identical authority pursuant to 416(b) of the Act by the other carrier, or the mutual withdrawal of single-plane service in city-pair markets where the underlying authority of both carriers is not involved.

If, as we assume to be the case, the carriers sincerely intend that the several proposals provide immediate relief from their economic distress, they can have no legitimate objection to our proceeding (as propsed above) by granting as soon as possible that relief under sections 401(j), 416(b), and 412 of the Act which, upon consideration of the pleadings of all interested parties, seems to us consistent with the overall public interest and otherwise in accordance with the statutory requirements. Thus *e.g.*, if the operation of round-the-world flights by both carriers result in losses for each, TWA should be willing to forego the financial drain it now suffers without exacting a precise *quid pro quo* in other markets.

The key to expedited processing, therefore, is in the hands of Pan American and TWA. We have promised our full cooperation in considering on a highly expedited basis proposals to ease the financial difficulties of TWA and Pan American. The applicants should be on notice, however, that they can not rely on the Board's concern for their health to gain approval of applications not directly related to relief in markets where their operations are uneconomic, or which are not in the overall interests of the public.

We expect any applications under sections 401(j), 412 and 416 to be supported by detailed economic justification setting forth all information required in §§ 205.3, 302.402, and 302.1604 of the Board's regulations, and in addition, the following:

1. Show the effect on total U.S.-flag carrier share in each of the affected markets;

2. Supply sufficient explanatory detail of all studies, forecasts, and estimates (including base traffic data by market), to permit reconstruction and a full understanding of the bases upon which they were prepared; and

3. Indicate the effect on fuel consumption.

In addition, the applicants and other interested persons are invited to set forth their views as to the manner by which the Board should consider those matters that have not been handled under its non-hearing powers, including the scope of any proceeding or proceedings which should be instituted, and whether any temporary authority should be granted for a fixed term or *pendente lite* the conclusion of other proceedings which may be instituted.

In the interest of expedition, we expect Pan American and TWA to file, within fourteen days of the service date of this order, the appropriate applications under section 416(b), 412 and 401 (j) of the Act, and answers thereto by interested persons will be due ten days

[3] See, *e.g.*, the last sentence of paragraph 11 of the agreement: "Each such change in route authority will be contingent on the approval of each of the other changes and on the approval of the requests for suspension referred to above."

[4] Thus Continental Air Lines claims that the proposed transfer of Pan American's Los Angeles-Hawaii route authority to TWA would seriously disrupt existing competitive relationships. Continental is accordingly seeking an evidentiary hearing on that aspect of the agreement.

[5] 14 CFR Part 205.

[6] 14 CFR 302.400-410.

[7] 14 CFR 302.1601-1608.

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thereafter. We expect answers to be directed to specific proposals and to be supported by detailed economic analysis. General, vague or unsupported answers will not be entertained. Further responsive pleadings will not be permitted.

As a last matter, we stress again that any delay resulting from the joint applicants' initial selection of a wholly inappropriate procedural vehicle—the document now on file—with which to seek improvement of their route systems and a return to financial strength rests entirely at their doorstep. On the other hand, by filing in timely fashion the kinds of applications and supporting data described above, the applicants have within their power the ability to achieve early consideration by the Board of a variety of proposed actions that may well redound to the very considerable benefit of the applicants themselves and the nation's air transportation system, as a whole.

Accordingly, it is ordered, That:

1. Applications which Pan American World Airways and Trans World Airlines may seek to file shall be filed in conformance with this order within fourteen (14) days of the service date of this order; and

2. Answers in response to the applications filed pursuant to paragraph 1 above shall be filed within ten (10) days after the filing of the applications.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26228 Filed 11-7-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee (SAC) to this Commission will convene at 1 p.m. on December 7, 1974, in Room 348, International Hotel, 6225 West Century Boulevard, Los Angeles, California 90045.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting shall be to discuss plans to monitor the affirmative action plans of State colleges and universities in the State of California.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 4, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26222 Filed 11-7-74;8:45 am]

CALIFORNIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on December 13, 1974, in the Bay Shore Room #3, Hilton Inn, San Francisco International Airport, San Francisco, California 94128.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purposes of this meeting shall be to discuss the activities of the California State Commission on the Status of Women and to receive a staff presentation on the Chicago Women's Rights hearing.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 5, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26223 Filed 11-7-74;8:45 am]

CONNECTICUT STATE ADVISORY COMMITTEE

Notice of Change

The meeting date of the Connecticut State Advisory Committee to the U.S. Commission on Civil Rights, originally scheduled to be held on November 13, 1974, at the Holiday Inn, 900 East Main Street, Meriden, Connecticut 06450, a notice of which was previously published on page 37530 in the FEDERAL REGISTER on Tuesday, October 22, 1974 (39 FR Doc. 74-24498), has been changed.

The meeting of the Connecticut State Advisory Committee will be held on November 20, 1974, at the Holiday Inn, 900 East Main Street, Meriden, Connecticut 06450.

Dated at Washington, D.C., November 4, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26218 Filed 11-7-74;8:45 am]

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Delaware State Advisory Committee (SAC) to this Commission will convene at 12 Noon, on December 6, 1974, in Room 203, Young Men's Christian Association, 11 and Washington Streets, Wilmington, Delaware 19801.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street, N.W., Washington, D.C. 20037.

The purpose of this meeting shall be to discuss plans for a proposed equal employment opportunity conference tentatively scheduled for March 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 5, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26221 Filed 11-7-74;8:45 am]

ILLINOIS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Illinois State Advisory Committee (SAC) to this Commission will convene at 12:30 p.m. on December 3, 1974, in Room 1220, Everett Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604. This session shall be open to the public.

Closed or Executive session may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice which affect persons residing in the State of Illinois with special emphasis on the Commission's implementation of the recommendations to the Cairo report; to appraise denial of equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice as these pertain to the Commission's implementation of the recommendations to the Cairo report; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin, or in the administration of justice with respect to the Commission's implementation of the recommendations to the Cairo report; and to related areas.

A planning meeting of the Illinois State Advisory Committee will convene at 10 a.m. on December 3, in Room 1220, Everett Dirksen Building, 219 South Dearborn Street, Chicago, Illinois 60604. Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604. The purpose of this meeting shall be to hold a final briefing session in preparation for the factfinding meeting on the Commission's implementation of the recommendations to the Cairo report.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 4, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26219 Filed 11-7-74;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee (SAC) to this Commission will convene at 4:00 p.m., on December 5, 1974, at the Federal Building, 26 Federal Plaza, New York, New York 10007.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss possible projects to be undertaken by the New York SAC's Subcommittee on Sex Discrimination.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 5, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26220 Filed 11-7-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council on Environmental Quality from October 29 through November 1, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 23, 1974) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250, 202-447-3965.

FOREST SERVICE

Draft

Cross Timbers Unit, Johnson N. Grasslands, Wise and Montague Counties, Tex., October 29. The statement refers to the proposed ten year management of the 20,332 acre Cross timbers Unit of the Johnson National Grasslands. Management would be for recreation; vegetation manipulation for the benefit of wildlife; erosion control; improved transportation; and range improvement. There will be visual impact from fence construction and effects on soil, air and water qualities. (ELR Order No. 41635.)

Timber Management Program, Carson National Forest, several counties in New Mexico, October 29. The statement refers to the proposed ten year Timber Management Plan for the Forest. The proposed annual harvest of sawtimber is 26,577 MBF. There will be some road construction. Adverse impact will be upon air, wildlife, grazing, fire control, and scenic beauty (281 pages). Comments made by: EPA, DOI, HUD, DOT, and state and local agencies and concerned citizens. (ELR Order No. 41638.)

Roaring and Salmon Rivers Unit, Mt. Hood N.F., Oreg., October 29. The statement refers to a comprehensive land use plan for the Roaring River and Salmon River Planning Units of Mt. Hood National Forest. A total of approximately 81,700 acres is involved. Management will be for back country, recreation, and special interest values, with some timbering and construction of low standard roads. There will be soil disturbance and water pollution (240 pages). Comments made by: DOC, HEW, HUD, DOI, DOT, EPA, USDA, and state and local agencies and concerned citizens. (ELR Order No. 41632.)

SOIL CONSERVATION SERVICE

Draft

Brillion Watershed Project, Calumet County, Wis., October 30. Proposed is a watershed protection and flood prevention project on the 13,811 acre watershed. Project measures will include land treatment, dams, and sediment pools. Approximately 90 acres of land will be committed to the project; another 131 acres may be inundated during flooding. (ELR Order No. 41645.)

Final

Chicot Watershed Project, Chicot County, Ark., October 29. Proposed is a watershed protection, flood prevention, and agricultural water management program on the Chicot Watershed. Project measures will include land treatment on 89,200 acres; the installation of 92.2 miles of channel work on existing channels and the installation of 30.8 miles of new channels; and the construction of 517 water control structures, 50 grade stabilization structures, and 5 low water weirs. Adverse impact will include the loss of some edge and wetland species, and the enhancement of the potential for future clearance of wooded areas and drainage of wetlands (82 pages). Comments made by: COE, HEW, DOI, USCG, and EPA. (ELR Order No. 41633.)

Canby Creek Watershed Program, Lincoln and Yellow Medicine Counties, October 29. The statement refers to a proposed watershed protection project which is intended to reduce erosion on 7,500 acres of agricultural land, and reduce flooding on 5,200 acres of flood plain land. Project measures will include conservation land treatment, two floodwater retarding reservoirs, and one multipurpose reservoir, and 0.8 mile of stream channel work. Adverse impact will include the elimination of one mile of trout stream and 690 acres of agriculturally productive land (85 pages). Comments made by: COE, DOI, DOT, and EPA. (ELR Order No. 41634.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, SW., Washington, D.C. 20314, 202-693-7168.

Draft

Great Lakes and St. Lawrence Seaway Navigation Extension, October 31. The statement refers to a program element which is intended to demonstrate the practicality of certain enabling measures for extending the commercial navigation season on the Great Lakes-St. Lawrence Seaway System. There are 25 methods which are to be investigated. The program would commit monetary and manpower resources for actual operation of the test in a coming fiscal year (Detroit District). (ELR Order No. 41647.)

Flood Control, Chaska, Minnesota, October 29. The statement refers to the upgrading and extending of an existing level along the Minnesota River; diverting total flows of Chaska Creek to the outside of the leveed area; diverting flood flows of East Creek to the outside of the leveed area, and constructing interior drainage facilities. Adverse impacts are the removal of 6 mobil homes and 7 houses, the possible disruption of up to 266 acres of land, and increased danger of damage by a greater than intermediate regional flood due to development and redevelopment of the area (St. Paul District). (ELR Order No. 41641.)

Sturgeon Bay and Lake Michigan Canal, Wis., October 1. Proposed is the maintenance dredging of Sturgeon Bay and the Lake Michigan Ship Canal. Approximately 600,000 cu. yds. of sediment would be dredged annually, and deposited in a diked disposal site to be constructed in Sturgeon Bay. Impact will include disruption of fish spawning grounds and the conversion of 14.89 acres of aquatic habitat to a terrestrial environment (Chicago District). (ELR Order No. 41657.)

Final

Apalachicola Bay, Fla., November 1. The statement refers to the proposed dredging of a new navigation channel and the construction of a breakwater at Two Mile. Temporary turbidity will adversely affect marine biota. Comments made by: OEO, EPA, DOC, DOT, HUD, DOI, and state agencies. (ELR Order No. 41658.)

Greer's Ferry Lake, Ark., October 31. The statement refers to the continued operation and maintenance of the lake, for flood control, water resources, and hydroelectric power. Operational lake fluctuations have adverse effect upon shoreline vegetation and lake fishes (Little Rock District). Comments made by: USDA, EPA, DOI, and state agencies. (ELR Order No. 41646.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, Room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Draft

Las Vegas Wash/Bay Drainage, Nevada, October 29. The statement refers to a project which is intended to eliminate existing secondary discharges from municipal sources in the Las Vegas Wash/Bay drainage area. The proposal includes a 90 mgd advanced waste treatment plant, a pilot desalinization and pilot ground water discharge program of 1.0 mgd, and discharge to the Wash through a single outfall. There will be construction disruption due to the proposal, and secondary

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impacts in the form of increased population growth and urbanization. (ELR Order No. 41636.)

Easthaven Wastewater Facility, Houston, Tex., November 1. Proposed is the addition of 1.5 mgd of capacity to the 0.5 mgd Easthaven treatment facility. The enlarged plant would provide secondary biological treatment process. Adverse impacts will be those of construction disruption, and operational noises and odors. (ELR Order No. 41659.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard E. Hill, Acting Advisor on Environmental Quality, 441 G Street N.W., Washington, D.C. 20426, 202–386–6084.

Final

Montana-Wyoming Pipeline, Docket No. CP73–340, Carbon and Chauteau Counties, Mont., October 31. Proposed is the granting of a certificate to the Colorado Interstate Gas Company for the construction of a 223 mile, 16 inch pipeline, a 114 mile, 16 inch pipeline loop, a compressor/dehydration station, and other appurtenant facilities. The pipeline would extend from the Elk Basin Field to the Bearpaw Mountain Area. There will be impact to "man, soil vegetation, wildlife, water quality, air quality, and noise levels." Comments made by: USDA, COE, HEW, USCG, DOI, EPA, and state agencies. (ELR Order No. 41648.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Andrew E. Kauders, Executive Director of Environmental Affairs, General Services Administration, 18th and F Streets, N.W., Washington, D.C. 20405, 202–343–4161.

Draft

Federal Building, Hinds County, Jackson, Miss., October 29. Proposed is the construction of a new Federal Building in Jackson, Mississippi. The building would house all Federal agencies which are now located in general purpose leased space. The building would provide 277,250 occupiable sq. ft. for 46 Federal agencies and parking for 40 government vehicles. There will be some construction disruption. Depending upon the site selected, residents may be displaced. (ELR Order No. 41639.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Acting Director, Office of Community and Environmental Standards, Room 7206, 451 7th Street, S.W., Washington, D.C. 20410, 202–755–5980.

Final

Yerba Buena Center Urban Renewal, San Francisco, Calif., October 31. The statement refers to a proposed urban renewal project in the 87.3 acre area southeast of San Francisco's financial and downtown retail districts. Planned development will include: a parking garage, a convention hall, a meeting room complex, a multi-purpose arena, a pedestrian concourse retail shops, a hotel, an office building, and related facilities. As of October, 1973, there were 499 individuals 26 families, and 130 business firms remaining to be displaced from the project area. A substantial number of the individuals involved are low income, elderly persons (375 pages). Comments made by: USDA, COE, DOC, EPA, HEW, DOI, and state and local agencies and concerned citizens. (ELR Order No. 41656.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF OUTDOOR RECREATION

Draft

Minnesota Memorial Hardwood Forest, several counties in Minnesota, October 29. Proposed is the acquisition by the State of Minnesota of 200,000 acres, through the Land and Water Conservation Fund. Purchase will be over a thirty year period. There will be some development for recreation, parking lots, and access roads. Some families will have to be relocated due to the action. (ELR Order No. 41637.)

Upper Delaware National Scenic River, New York and Pennsylvania, October 31. The statement refers to a proposal that 75.4 miles of the Upper Delaware River, between Hancock, New York and Matamoras, Pennsylvania, be included in the National Wild and Scenic River System upon a determination by the Secretary of the Interior that adequate land protection measures have been taken. No significant adverse effects are anticipated on ecological systems (62 pages). (ELR Order No. 41650.)

BONNEVILLE POWER ADMINISTRATION

Draft

West Burley Substation, Cassia County, Idaho, October 30. Proposed is the construction of a new substation and an access road. There will be some loss of wildlife habitat, and some visual impact. (The statement supplements the FY 1976 BPA program els.) (ELR Order No. 41643.)

Pleasant Prairie Service, Spokane County, Wash., October 29. Proposed is the construction of a new substation near Millwood. Land requirements will be between 3 and 5 acres; an access road will be constructed. There will be some construction disruption. (The statement supplements RPA's FY 1976 program els.) (ELR Order No. 41641.)

Horse Heaven Hills, Benton County, Wash., October 29. Proposed is the construction of a new substation near Patterson. Approximately 22 acres of land would be committed to the station and its access road. The facility would interfere with irrigation practices on adjacent land. (This statement supplements BPA's proposed FY 1976 program els.) (ELR Order No. 41642.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, S.W., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Instrument Landing System, Sikorsky Airport, Conn., October 29. The statement refers to the proposed establishment of an Instrument Landing System to serve Runway 06 at Sikorsky Memorial Airport, Stratford which consists of the following components: localizer, Glide Slope, and Middle Marker. There will be slight fossil fuel emissions during construction. (ELR Order No. 41640.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

State Highway Route 1, San Luis Obispo, Calif., October 30. The proposed project, located in the county of San Luis Obispo, involves the improvement of 8.1 miles of S.R. 1. The project will widen the existing highway to 2 lanes. The work will remove an archaeological deposit, disrupt 4 acres of good agricultural land, and 1 commercial operation. The aesthetics at a scenic bluff and ecology at Black Lake Canyon will be affected. (ELR Order No. 41644.)

Charlotte Inner Loop, Mecklenburg County, N.C., October 31. The statement is a supplement to a draft which was received by CEQ on October 19, 1971. This report covers the construction of a connector road from the proposed Charlotte Inner Loop to the planned new terminal facilities for the Douglas Municipal Airport. The length of the proposed Airport connector is 1.4 miles. Adverse impacts are the acquisition of private land for right-of-way, displacement of 2 families, and a minor amount of erosion and siltation (31 pages). (ELR Order No. 41655.)

Interstate I55, Dyer County, Tenn., October 31. The statement refers to the proposed construction of a 7.4 mile section of I–55 which begins one mile east of Lenox Road and extends easterly to the interchange with proposed realigned SR 3 north of Dyersburg. The project is the most easterly portion of the spur off I–55, which includes a bridge across the Mississippi River. Adverse impacts include the loss of 430 acres of natural and agricultural land, displacement of 4 families, and increased levels of air and noise pollution. (ELR Order No. 41651.)

Final

I70; Summit and Clear Creek Counties, Colo., October 31. The statement refers to the preliminary engineering and construction of 5 miles of highway, including the Second Bore of the Eisenhower Tunnel and approaches. There is a possibility of increased air and noise pollution (200 pages). Comments made by: USDA, DOI, and state agencies. (ELR Order No. 41654.)

103d St. and Timuquana Road, Jacksonville, Fla., October 31. The statement refers to the proposed upgrading of 103rd Street and Timuquana Road in Jacksonville from an existing two-lane facility to a modern multi-lane urban facility. The project follows the existing alignment to Wescornett Boulevard then eastward on new alignment north of Manor Drive, then southeastward across Fishing Creek to Timuquana Road. Adverse impacts include increased noise levels, loss of frontage property, temporary degradation of water quality in Fishing Creek, and the displacement of 18 families and businesses (85 pages). Comments made by: EPA, DOI, HEW, and state agencies. (ELR Order No. 41649.)

SR 105, Jacksonville, Duval County, Fla., October 31. The plan consists of upgrading State Road 105 (Heckscher Drive) in Jacksonville, from a rural two-lane facility into a modern municipal multi-lane urban facility. The project is generally located in northeastern Duval County, extending from US 17 to Blount Island, a distance of 6.5 miles. Three alternate bridge locations are evaluated for the improvement in addition to a "no road" alternative. Adverse impacts generated by the project are temporary degradation of water quality, and some soil erosion during construction. There will also be slight increases in the levels of air and noise pollution; from 5 to 8 families and 1 business will be displaced (128 pages). Comments made by: EPA, DOI, HUD, HEW, USDA, DOC, DOT, and state and local agencies. (ELR Order No. 41652.)

S.H. 3, Benewah County, Idaho, October 31. The statement refers to the improvement of approximately 0.9 miles of the existing S.H. 3 through the city of Santa in Benewah County and construction of two new structures over the St. Maries River and Renfro Creek. Adverse impacts include temporary turbidity in St. Maries River and Renfro Creek, causing loss of some river plants and

animals, and the displacement of families and businesses (86 pages). Comments made by: USDA, EPA, HUD, COE, DOI, and state agencies. (ELR Order No. 41653.)

GARY L. WIDMAN,
General Counsel.

[FR Doc.74–26224 Filed 11–7–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 726]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 4, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) the close of business, one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20600–CD–P–(4)–75, Associated Telephone Answering Services System, Inc (KKX716). C.P. to change antenna system operating on 459.050 MHz, Repeater at Loc. #1: Tierra Amarilla Hill, 0.5 mi. East of U.S. Hwy. #84, 2 mi. South of Tierra Amarilla, New Mexico; and 459.100 MHz at Loc. #3: Archuleta Mesa, 4 mi. NE of Dulce, New Mexico; Relocate facilities operating on 454.100 MHz at Loc. #2: Phillips 66 Station, Chama, New Mexico; Add antenna Loc. #4 operating on 454.050 MHz, Control: Little Creel Lodge, Chama, New Mexico.

20601–CD–AL–(2)–75, North Shore Communications, Inc. Consent to Assignment of License from North Shore Communications, Inc., Assignor to Ram Broadcasting of Massachusetts, Inc., Assignee. Stations: KCC483 & KSV956, Wakefield, Massachusetts.

20602–CD–AL–75, James Wiley Beasley d/b/a Beasley Alarm System. Consent to Assignment of License from James Wiley Beasley d/b/a Beasley Alarm System, Assignor to Earl R. Law & Bart E. Gonzalez, d/b/a Am-Tex Dispatch Service, Assignee. Station: KKD286, Amarillo, Texas.

20603–CD–P–75, Joseph H. Wofford, d/b/a Radiophone of Houston (new). C.P. for a new station to operate on 454.150 MHz to be located at 4212 Mt. Vernon, Houston, Texas.

20604–CD–P–75, Home Telephone Company (new). C.P. for new station to operate on 152.51 MHz to be located 5.5 miles West of Condon, near Radar Station County Road & Hwy. #206, Condon, Oregon.

20605–CD–P–75, Home Telephone Company (new). C.P. for new 1-way station to operate on 158.10 MHz to be located 5.5 miles West of Condon near Radar Station County Road & Hwy. #206, Condon, Oregon.

20606–CD–P–74, Asotin Telephone Company (new). C.P. for new 1-way station to operate on 158.70 MHz to be located 0.6 mi. West of Asotin, Washington.

20607–CD–P–75, Houston Mobilfone, Inc. (KKA343). C.P. to change antenna system operating on 454.050 MHz located at 6222 Skyline Drive, Houston, Texas.

20608–CD–P–(2)–75, Otsego Mobilfone Corporation (new). C.P. for new 1-way station to operate on 35.58 MHz & 152.09 MHz to be located at Coe Hill, 35 miles SE of Oneonta, New York.

20609–CD—TC–(3)–75, Mobilfone of Northeastern Pennsylvania, Inc. Consent to Involuntary Transfer of Control from Ted Ehrhardt, Transferor, to Margaret Swartz Ehrhardt, Executrix of Estate of Ted Ehrhardt, Transferee. Stations: KGC400, KGC404 & KGI781, Scranton, Pennsylvania.

20610–CD–P–75, Puerto Rico Communications Authority (new). C.P. for new 1-way station to operate on 152.84 MHz to be located at El Yungue (U.S. Forest) Road No. 191, Liquillo, Puerto Rico.

20611–CD–P–75, Puerto Rico Communications Authority (new). C.P. for new 1-way station to operate on 152.84 MHz to be located at 1314 Ponce DeLeon Avenue, Santurce, Puerto Rico.

20612–CD–P–75, Puerto Rico Communications Authority (new). C P. for new 1-way station to operate on 152.84 MHz to be located Cerro De Punta, 3.1 KMS South of Jayuya, Puerto Rico.

20613–CD–P–75, Puerto Rico Communications Authority (new). C.P. for new 1-way station to operate on 152.84 MHz to be located at Cerro Las Pinas, 5.9 Miles SW of Caguas, Puerto Rico.

20614–CD–P–75, Puerto Rico Communications Authority (new). C.P. for new one-way station to operate on 152.84 MHz to be located at Monte del Estado, Puerto Rico Public Road No. 120, Km. 15.2, Maricao, Puerto Rico.

20615–CD–P–75, The Conestoga Telephone & Telegraph Company (KGI769). C.P. to reinstate expired license operating on 35.22 MHz. located at Gibraltar Hill, 0.5 mile West of Seyfert, Pennsylavnia.

20616–CD–P–75, Mobile Telecommunications Corporation (new). C.P. for new station to operate on 454.150 MHz to be located at 1100 Milan, Houston, Texas.

20617–CD–P–75, Island Telepage Systems (new). C.P. for new station to operate on 152.180 MHz. to be located at 1.9 miles and 123 degrees from true north of Blyn, Washington.

20618–CD–P–75, Island Telepage Systems (new). C.P. for a new station to operate on 152.240 MHz. to be located at 1.9 miles and 123 degrees from true north of Blyn, Washington.

Major Amendment

20839–C2–P–74 (KGC403), Palmerton Telephone Company, Palmerton, Pennsylvania. Amend to change base frequency to 152.60 MHz and mobile frequency to 157.86 MHz. All other particulars to remain as reported on PN #684 dated January 21, 1974.

Corrections

20580–C2–P–74, W. O. Porter, d/b/a Karnes Mobilradio; Kenedy, Texas, should have been listed as an additional channel and location to KFL912, Bee Mobilradio, Beeville, Texas. All other particulars to remain the same as reported on PN #677, dated December 3, 1973.

20598–CD–P–(2)–75, Ram Broadcasting of Florida, Inc. (KRS662). Correct to add: change antenna system and replace transmitter. All other particulars to remain as reported on PN #725, dated October 29, 1974.

The major amendment listing for FN: 7231–C2–P–73 which apeared on PN #725, dated October 29, 1974, should have shown the applicant to be New Jersey Mobile Telephone Company, Inc. All other particulars are to remain the same.

RURAL RADIO

60058–CR–TC–75, Mobilfone of Northeastern Pennsylvania, Inc. Consent to Involuntary Transfer of Control from Ted Ehrhardt, Transferor, to Margaret Swartz Ehrhardt, Executrix of Estate of Ted Ehrhardt, Transferee. Station: KGN24, (Temp-Fixed—U.S.).

POINT-TO-POINT MICROWAVE RADIO SERVICE

1277–CF–P–75, American Satellite Corporation (KFN77), Liberty Street, New York, New York. Lat 40°42'40" N., Long. 74°00'-49" W. C.P. to change freq; pt. of communication, and power from 11,005H and 11,685V MHz towards Jersey City, New Jersey, to 4030V and 4110V MHz towards Bellvale, New York, on azimuth 339°02'.

1296–CF–P–75, Central Telephone Compsny of Florida (KIQ63), 218 East Park Avenue, Tallahassee, Florida. Lat. 30°26'32" N., Long. 84°16'47" W. C.P. to change power, emission, and replace transmitter on freqs. 5982.3V and 6100.9V MHz towards Crawfordville, Florida, on azimuth 197°36'.

1297–CF–P–75, Same (KJX35), Ochlockonee Street, Crawfordville, Florida. Lat. 30°10'-36" N., Long. 84°22'32" W. C.P. to change emission, power, and replace transmitters on freqs. 6204.7V and 6323.3V MHz towards Tallahassee, Florida on azimuth 17°36'.

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Major Amendments

5284–C1–P–71, American Satellite Corporation (WKR53), Vernon, New Jersey. Correct cit coordinates to read: Lat. 14°13'24" N., Long. 74°30'06" W. Change frequencies from 11,425V and 11,665V to 10,815H and 11,135H MHz towards Bellvale, New York.

5285–C1–P–71, Same (new). C.P. for a new station at Bellvale,, 1.2 miles North of Greenwood Lake, New York. Correct coordinates to read Lat. 41°14'46" N., Long. 74°17'12" W. Change frequencies from 10,815V and 11,135V to 11,425H and 11,665H MHz towards Vernon, New Jersey, and change frequencies and point of communication from 10,715V and 11,035V MHz towards Mountain Lodge, New York, to 3750V and 3830V MHz towards World Trade Center, New York City, New York, on azimuth 158°40'.

(All other particulars the same as reported on Public Notice dated April 1, 1974.)

MULTIPOINT DISTRIBUTION SERVICE

50059–CM–MP–75, Chicago Communications Service, Inc. (KEW94). Mod. of C.P. to change antenna and frequency to 2157.25V MHz (Visual). Station Location: Urbana, Illinois. (Lat. 40°06'44" N., Long. 88°13'33" W.)

50060–CM–MP–75, Microband Corporation of America (WQQ64). Mod. of C.P. to change antenna to Andrew 63159 (13 dbi gain). Station Location: St. Louis, Missouri. (Lat. 38°38'51" N., Long. 90°20'13" W.)

APPLICATIONS FILED PURSUANT TO SECTION 214 OF THE COMMUNICATION ACT OF 1934 AS AMENDED

TELEPHONE WIRE FACILITIES

W–P–C–208, MCI Telecommunications Corporation. Formal (Section 63.01). To lease and operate spectrum space with channels of communication between Tucson, Arizona, Phoenix, Arizona, Telegraph Pass, Arizona, Toro Peak, California, Woodson, California, San Diego, California, Elsinore Peak, California and Los Angeles, California, over the facilities of Western Tele-Communications Corporation.

[FR Doc.74–26216 Filed 11–7–74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. No. 181]

AMERICAN SAVINGS GROUP, INC.

Receipt of Application for Permission To Acquire Control of American Savings and Loan Association

NOVEMBER 5, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from American Savings Group, Inc., Springdale, Arkansas, for approval of acquisition of control of the American Savings and Loan Association, Springdale, Arkansas, an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of the association's capital stock for the capital stock of the applicant and the assumption by the applicant of a bank debt incurred on the original purchase of the association's stock. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, on or before December 9, 1974.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74–26249 Filed 11–7–74;8:45 am]

FEDERAL MARITIME COMMISSION

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION, ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 19, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas W. Gleason, Counsel
International Longshoremen's Association, AFL–CIO
17 Battery Place
New York, New York 10004
and
C. P. Lambos, Counsel
New York Shipping Association, Inc.
Lorenz, Finn, Giardino & Lambos
25 Broadway
New York, New York 10004

Agreement No. T–3017, between the International Longshoremen's Association, AFL–CIO (ILA), the New York Shipping Association, Inc. (NYSA), Sea-Land Service, Inc., Seatrain Lines, Inc., and Transamerican Trailer Transport, Inc. (Carriers), provides for the settlement of the parties' litigation in and withdrawal of the carriers from FMC Dockets Nos. 69–57 and 73–74. With respect to Docket No. 69–57, the NYSA and ILA give up any and all claims to any recoveries which may be due in the proceeding, and agree that they will make no further claims against any of the Carriers without regard to the future developments in the proceeding. With respect to Docket No. 73–34, the Carriers waive any and all rights to any recovery from the NYSA, ILA or any NYSA-ILA fringe benefit funds pursuant to the issues involved in the proceeding, regardless of its ultimate disposition.

By Order of the Federal Maritime Commission.

Dated: November 5, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–26248 Filed 11–7–74;8:45 am]

FEDERAL POWER COMMISSION

NATIONAL POWER SURVEY TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members

OCTOBER 31, 1974.

The Federal Power Commission, by order issued September 28, 1972, established the National Power Survey Technical Advisory Committees.

2. Membership. Additional members of the Technical Advisory Committee on Research and Development and the Technical Advisory Committee on Power Supply, as selected by the Chairman of the Commission, with the approval of the Commission, are as follows:

TECHNICAL ADVISORY COMMITTEE ON RESEARCH & DEVELOPMENT

Mr. W. W. Loomis, Manager, United Rural Electric Membership Corporation (Indiana).

TECHNICAL ADVISORY COMMITTEE ON POWER SUPPLY

Mr. Fred Wendehack, Acting Commissioner for Buildings Management, General Services Administration.

Mr. Wendehack replaces Mr. Anthony Innamorati.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26058 Filed 11–7–74;8:45 am]

COORDINATING COMMITTEE OF THE NATIONAL GAS SURVEY

Meeting

Agenda for a meeting of the Coordinating Committee to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., December 16, 1974, 8:30 a.m. Room 6200:

1. Meeting called to order by FPC Coordinating Representative.
2. Objectives and Purposes of Meeting:
A. Discussion of proposed new National Gas Survey objectives. (The new National Gas Survey has been described by the Chairman

of the FPC to the Subcommittee on Public Works of the House Committee on Appropriations (April 8, 1974) to include in-depth examination of policy issues relating to conservation, rate design, research and development, financing, import-export policy, supply-demand equilibrium, intercompetitive relationship of substitutable fuels, environmental impact of resource development and utilization, and the evaluation of alternate methods of attainment of capacity for self-sufficiency.)

B. Use of advisory committees and task forces.

C. Schedule for preparing reports.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26262 Filed 11–7–74;8:45 am]

[Docket No. RI74–259]

AZTEC GAS SYSTEMS, INC.

Petition for Special Relief; Correction

OCTOBER 23, 1974.

In the Order Granting Petition for Special Relief issued October 8, 1974 and Published in the FEDERAL REGISTER on October 16, 1974, 39 FR 37010, on page 37011, paragraph (1), Line 16, Change "May 29, 1974," to "June 20, 1974."

On page 37011, line 9, paragraph 2, delete "(attached as an appendix hereto)."

On page 37011, Paragraph 5, last 3 lines, change "pursuant to its May 29, 1974 contract amendment with El Paso have been filed in Docket No. CS70–20" to "as of the date of issuance of this order, pursuant to its June 20, 1974 contract amendment with El Paso and its June 13, 1974 notice of change in rate filed in Docket No. CS70–20."

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26192 Filed 11–7–74;8:45 am]

[Dockets Nos. E–9037, E–8855]

BOSTON EDISON CO.

Order Accepting Proposed Change in Rates

OCTOBER 31, 1974.

On September 23, 1974, Boston Edison Company (Boston) tendered for filing a proposed rate schedule[1] in Docket No. E–9037 for wheeling service it will provide for New England Power Company (NEPCO) over Boston's 14/24 Kv facilities to serve approximately half of the load requirement of NEPCO's isolated Quincy-Weymouth service area. Boston will be wheeling power generated by NEPCO under the rate schedule and this service will replace the present firm requirements service being rendered by Boston to the area.[2] The instant rate schedule provides for a monthly charge of approximately $92,786 ($1.24 per Kw per month).

The filing was noticed on October 25, 1974, but no comments have been received.

Our review of the instant filing indicates that certain issues have been raised which may require development in an evidentiary proceeding. The proposed rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we shall accept the rate schedule for filing and suspend it for one day until November 2, 1974, when it shall be permitted to become effective, subject to refund, and shall set the matter for hearing. We note that certain issues of law and fact raised in this proceeding are similar to those raised in Boston's general rate increase proceeding in Docket No. E–8855. Accordingly, we shall consolidate the instant docket with Docket No. E–8855 and direct that the consolidated proceedings be made subject to the procedures prescribed in Docket No. E–8855.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Boston's tendered rate schedule proposed in this docket and that the tendered rate schedule be accepted for filing and suspended as hereinafter provided.

(2) Good cause exists to consolidate Docket No. E–8855 and Docket No. E–9037 for purposes of hearing and decision.

The Commission orders:

(A) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing shall be held concerning the lawfulness and reasonableness of the rates and charges in Boston's rate schedule filed in this proceeding.

(B) Docket No. E–9037 and Docket No. E–8855 are hereby consolidated for purposes of hearing and decision and the consolidated proceedings are hereby made subject to the procedures prescribed in Docket No. E–8855.

(C) Pending a hearing and a decision thereon, Boston's proposed rate schedule, tendered on September 23, 1974, is accepted for filing and suspended for one day and the use thereof deferred until November 2, 1974, when it shall become effective, subject to refund.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26203 Filed 11–7–74;8:45 am]

[Rate Schedule Nos. 29, etc.]

BURMAH OIL AND GAS CO., ET AL.

Rate Change Filings; Correction

OCTOBER 25, 1974.

In the Notice of Rate Change Filings Pursuant to Commission's Opinion No. 639, issued October 3, 1974 and published in the FEDERAL REGISTER on October 10, 1974, 39 FR 36507, in the table on page 36507 for the entry reading "September 16, 1974 General American Oil Company of Texas", under column headed "Rate Schedule No." change "15" to "18".

MARY B. KIDD,
Acting Secretary.

[FR Doc.74–26189 Filed 11–7–74;8:45 am]

[Docket No. E–9069]

IDAHO POWER CO.

Notice of Application

OCTOBER 29, 1974.

Take notice that on October 18, 1974, Idaho Power Company (Applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Idaho, Oregon, Nevada and Wyoming, with its principal business office at Boise, Idaho, filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of not to exceed $90,000,000 in principal amount at any one time outstanding of unsecured promissory notes (1) pursuant to a Revolving Credit Agreement with certain banks ($52,000,000), (2) pursuant to a Line of Credit from other banks ($15,000,000), and (3) in the form of commercial paper ($23,000,000).

Notes in the sum of not to exceed $67,000,000 in an aggregate amount would be issued as bank loans, evidenced by unsecured notes, probably for a maturity of three months after date, and not to exceed one year after date thereof. Of the above total borrowing, up to $52,000,000 will be made under Revolving Credit Agreement covering the period December 28, 1974, to December 31, 1975, with three major banks at a rate consisting of 110% of each bank's prime lending rate plus a commitment fee on the total loan commitment then in effect. The remaining borrowing of $15,000,000 will be made from a group of banks in Idaho and Oregon at the prime rate, which interest rate at the present time is 11¾%. Applicant also requests that the authorization include the right to renew such of said short-term notes as

[1] Boston Edison Company, Supplement No. 3 to Rate Schedule FPC No. 46 (Subtransmission Service).

[2] The other half of NEPCO's load in the area is presently served a 115 Kv under a tranamission wheeling agreement between the parties, which is currently under investigation in Docket No. E–8187, et al.

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expire prior to one year from the date of such authorization; and that the principal amount of such renewals, if made, either of notes issued under the authorization herein required, or of notes issued under the exemptions set forth in 204(e) of the Federal Power Act, shall not be considered as applying against, or a reduction of, the $69,273,800 authorization herein requested.

Unsecured promissory notes in an aggregate principal amount of not to exceed $23,000,000 at any one time outstanding would be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper would be dated the date of issuance, have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Proceeds from the borrowing will be used in the further financing of applicant's construction expenditures, which for the period from September 1, 1974 to December 31, 1975, are estimated at approximately $100,720,000. The balance of funds required for construction is expected to come from internally generated cash. Further permanent financing, in addition to $50,000,000 First Mortgage Bonds to be issued in October 1974, is expected to be undertaken in 1975, but the amounts and types of securities and the exact timing of the issuance has not yet been determined.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26200 Filed 11-7-74;8:45 am]

[Docket No. E-8365]

KANSAS CITY POWER AND LIGHT CO.

Application for Rehearing

NOVEMBER 1, 1974.

On September 4, 1974, we issued an order in the above captioned docket which, inter alia, granted a Motion to Accept a Settlement Agreement and granted a Petition To Intervene by the City of Higginsville, Missouri (Higginsville). On October 4, 1974, Higginsville filed an Application For Rehearing of that order.

Higginsville again alleges that the rates included in the Settlement Agreement are unduly discriminatory because the demand charge for the municipal customers is greater than that charge for the cooperative customers and for Missouri Power and Light. Initially, we note that, although we granted Higginsville's petition to intervene almost eight months after Kansas City Power and Light (KCPL) filed its proposed rate increase, we stated that granting such intervention would not be to the prejudice of the other parties to this proceeding who, responsibly and in good faith, have timely acted to protect their own interests and have agreed to this Settlement as an appropriate resolution of the issues presented by KCPL's filing for a rate increase. We stated, therefore, that Higginsville's objections will be viewed in light of the present record in these proceedings.[1] We believe that mere allegations as to discrimination in the demand charges, without on the record support, are not sufficient to require a rejection of this Settlement Agreement, as suggested by Higginsville.

Similarly, Higginsville again alleges that the ratchet provision in the Settlement Agreement is not justified. Higginsville correctly states that our Staff has opposed such ratchet provisions in a number of cases. However, Staff has not objected to this, or any other provision in this settlement. Higginsville does not allege that this provision operates to produce excessive revenues. We therefore do not believe that, based solely on Higginsville's allegations, the ratchet should be eliminated.

We shall provide for a public hearing to test the justness and reasonableness of the proposed settlement under an expedited schedule. We believe that such action is necessary to protect the public interest and the parties to this settlement who have made a good faith effort to resolve the issues presented by KCPL's rate filing. We shall limit the issues to be reviewed in this proceeding to whether the demand charge differentials contained in the settlement are unduly discriminatory and to whether the settlement ratchet provision operates unfairly as to Higginsville. If the record demonstrates that the Settlement Agreement is not in the public interest, we shall at that time establish additional procedures to test the justness and reasonableness of KCPL's proposed rates, as originally filed. If additional procedures are ordered, KCPL and its customers will be free to take any position with regard to the justness and reasonableness of KCPL's originally filed rates and shall not be prejudiced by any position taken with regard to the proposed settlement.

Implicit in our approval of the Settlement Agreement was our belief that it provided the lowest rates consistent with the public interest and sufficient to insure adequate service. The rates originally filed by KCPL would produce over $200,000 more in revenues in the test year than the settlement rates would produce. Additionally, the demand charges contained in the originally proposed rates are even higher for service to Higginsville and the other parties. We are gravely concerned that, because of changed economic conditions, KCPL may be able to justify rates higher than those the parties agreed to for the settlement in any proceeding which may be required to test the justness and reasonableness of KCPL's originally proposed rates.

Higginsville states that it intends to negotiate with KCPL for a partial requirements contract to replace its full requirements contract presently in effect. It requests that the Commission include an ordering paragraph that, should Higginsville and KCPL be unable to arrive at a satisfactory contract, the Commission shall establish just and reasonable terms and conditions for such service. As we stated in our order of September 4, this settlement is not the appropriate vehicle for testing Higginsville's allegations as to the illegality of the full requirements provision of its contract. We believe that the appropriate time to review any contract providing for partial requirements will be when it is filed with this Commission.

Higginsville repeats its request that KCPL be required to establish a separate transmission rate in order to permit Higginsville access to alternate sources of supply. Higginsville states that KCPL's failure to establish such a rate is violative of the anti-trust laws of the United States. Any order requiring a transmission rate by this Commission would be meaningless, however, since we have no authority to order wheeling. (See Otter Tail Power Company v. U.S. 366 (1973)). We therefore again deny this request. We shall, of course, review any such rate when it is filed with this Commission.

The Commission finds: It is necessary and appropriate in the public interest and to aid in the enforcement of the Federal Power Act that Higginsville's Application for Rehearing be granted in part and denied in part and that an expedited proceeding be established to determine whether the proposed Settlement Agreement is in the public interest.

The Commission orders: (A) Pursuant to the authority of the Federal Power Act, particularly sections 205 and 206 thereof, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, at 10 a.m. e.s.t., commencing on December 18, 1974, to determine whether the proposed Settlement Agreement is in the public interest.

(B) On or before November 20, 1974, Higginsville shall file its direct testimony and exhibits. On or before December 11, 1974, KCPL, any other Intervenors, and the Commission Staff shall file their direct testimony and exhibits.

(C) The proceeding established herein shall be limited to the question of whether the demand charge differential and the ratchet provision as contained in the settlement are unduly discriminatory or unlawful. If the settlement demand charge differential and ratchet provision are found unduly discriminatory or unlawful, further proceedings will be established to determine the justness and reasonableness of KCPL's rate increase as originally tendered.

(D) Initial briefs shall be filed one week after the close of the record. Reply briefs shall be filed 10 days after the initial briefs.

(E) Within thirty days of the filing of reply briefs, the Presiding Administrative Law Judge shall issue his initial decision on these matters. Briefs on exceptions shall be filed one week after this decision and briefs opposing exceptions filed 10 days thereafter.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe necessary procedures not provided for by this order, and shall otherwise conduct the hearing in accordance with the terms of this order and the Commission's rules and regulations..

(G) Higginsville's Application for Rehearing is otherwise denied.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26205 Filed 11-7-74;8:45 am]

[1] Kansas City Power and Light Company, Docket No. E-8365, issued September 4, 1974, mimeo at 4.

[Docket No. CP74-299]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Granting Interventions, Setting Hearing Date and Prescribing Procedure

NOVEMBER 4, 1974.

On May 21, 1974, Kansas-Nebraska Natural Gas Company, Inc. (Kansas-Nebraska) filed in Docket No. CP74-299 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon certain facilities and service in Nebraska and Kansas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Kansas-Nebraska proposes, due to a continuing decline in its recoverable reserves, to abandon the sale and delivery of natural gas to the following five interruptible, electric power generating customers: [1]

Direct pipeline customers—

1. Central Nebraska Public Power and Irrigation District, Canaday power plant near Lexington, Nebraska (Central Nebraska).
2. The City of Grand Island power plant at Grand Island, Nebraska (Grand Island).
3. The City of Hastings power plant at Hastings, Nebraska (Hastings).
4. The Central Kansas Power Company, Inc., Ross Beach power plant at Hill City, Kansas (Central Kansas).

Customer of Kansas-Nebraska's distribution system in Scottsbluff, Nebraska—

5. Nebraska Public Power District, Bluffs power plant at Scottsbluff, Nebraska (Nebraska Public).

Based upon present and projected gas supply conditions, Kansas-Nebraska considers such abandonment in the best interests of its higher priority firm gas customers and in keeping with the Commission's end use policy.

Kansas-Nebraska says that it plans to phase said customers off of natural gas beginning in 1975 by incremental annual reductions of 20 percent based on volumes delivered during the 12 months ended April 30, 1973, so that complete termination of interruptible service for boiler fuel use and abandonment of related facilities can be made effective by December 31, 1978. Thus, Kansas-Nebraska states, such customers would receive not more than 80% of said volume in 1975, 60% in 1976, 40% in 1977, and 20% in 1978. Kansas-Nebraska states that the proposed four-year phasing-off plan will provide a reasonable time for these five customers to make other provisions for their fuel requirements considering that these customers are interruptible and, therefore, have alternate fuel facilities presently installed. Kansas-Nebraska maintains that by phasing off said customers (which utilize approximately 13 percent of its total system requirements) it can reduce the annual recoverable reserve replacement deficit and thereby extend its reserve life index by approximately 2.4 years.

Kansas-Nebraska proposes to abandon and remove certain facilities located at the delivery points as follows:

1. Central Nebraska Public Power and Irrigation District, Canaday power plant, Lexington, Nebraska: one meter station consisting of dual 8-inch orifice meter runs complete with meters, regulators, valves and instruments all enclosed in a steel building.

2. City of Grand Island, Nebraska, power plant: three meter stations consisting of two dual 8-inch orifice meter runs and one single 6-inch orifice meter run, each of which is complete with meters, regulators, valves, and instruments enclosed in separate steel buildings, together with approximately 4,000 feet of 6-inch line beginning at a point on Applicant's transmission line in Section 14-T11N-R9W, of Hall County, and running to the aforementioned meter stations on the City of Grand Island power plant's property.

3. City of Hastings, Nebraska, power plant: one meter station consisting of a single 8-inch meter run complete with meters, valves and instruments and one regulator station including regulator, valves and gauges.

4. Nebraska Public Power District, Bluffs power plant, Scottsbluff, Nebraska: one meter station consisting of a dual 6-inch and 8-inch meter runs complete with meters, regulators, valves and instruments.

5. Central Kansas Power Company, Inc., Ross Beach power plant, Hill City, Kansas: One meter and regulating station consisting of a single 8-inch meter run complete with meters, regulators, valves and instruments.

Kansas-Nebraska states that the abandonment and removal of facilities herein will not result in the termination of natural gas service to any of its other customers.

Kansas-Nebraska further proposes, in response to a request by Central Nebraska to continue to provide a minor quantity of natural gas to Central Nebraska at its Canaday plant near Lexington, Nebraska. It states that such gas is to be provided for emergency plant start-up the maximum requirement should not exceed 4,000 Mcf per year. Kansas-Nebraska states that such special service would be interruptible, would have a lower priority than its firm residential and commercial gas service, and would be provided under its general service rate existing at the time such gas is delivered. It proposes to install a positive displacement meter with appropriate regulator valves and gauges all enclosed in a protective structure in order to provide the gas requested by Central Nebraska.

On July 3, 1974, Kansas-Nebraska filed an amendment to its application by proposing emergency plant start-up service to four of its five interruptible gas customers to whom it had proposed, in the original application, total abandonment of service.

Kansas-Nebraska states that since the filing of the original application, it has been requested by each of the four electric power generating customers affected by this application, other than Central Nebraska, for special service of a quantity of natural gas for fuel oil burner ignition, flame stabilization and fuel oil heating such as the service proposed to be rendered to Central Nebraska. Kansas-Nebraska asserts that such gas would be required for plant start-up in the event of a total shut-down and would not be used for boiler fuel in the generation of electric power. It estimates that the total volume of such gas supplied to all customers involved should not exceed 70,000 Mcf per year or 500 Mcf per unit per start-up. Kansas-Nebraska states that the special service would have a lower priority than its firm residential and commercial gas service and would itself be interruptible.

Included in the facilities Kansas-Nebraska proposed to abandon and remove in the original application were approximately 4,000 feet of 6-inch pipeline serving Grand Island. In order to provide the special service contemplated herein, it now proposes to utilize that short section of 6-inch line. Accordingly, Kansas Nebraska no longer requests authority to abandon said pipeline which extends from a point on its transmission line in Hall County, Nebraska, to Grand Island.

This application was noticed on June 14, 1974, and was published in the FEDERAL REGISTER on June 21, 1974 (39 FR 22304). The amendment to the application was noticed on August 1, 1974 and was published in the FEDERAL REGISTER on August 7, 1974 (39 FR 28472).

On July 9, 1974, Central Kansas petitioned to intervene and requested a hearing. On the same date, Central Nebraska,

[1] Each of the customers utilizes natural gas for boiler fuel with a minimum daily requirement which exceeds 10,000 Mcf; and, accordingly, these customers are classified as Category 9 sales as defined by § 2.78(a) of the Commission's General Policy and Interpretations (18 CFR 2.78(a)).

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Grand Island, and Nebraska Public filed a motion for extension of time to file petition to intervene, or in the alternative, a joint petition to intervene. The State Corporation Commission of Kansas, filed a notice of intervention on July 10, 1974. On July 22, 1974, Kansas Nebraska filed an answer to Central Kansas' request for formal hearing in which it contested the allegations, and their relevance, of Central Kansas' request. On July 30, 1974, the joint intervenors above amended their petition to intervene by requesting a hearing on the matters in this docket. On August 1, 1974, Central Kansas reasserted its right to a formal hearing in these proceedings. On August 15, 1974, Sunflower Electric Cooperative, Inc., petitioned to intervene and requested a formal hearing.

The Commission finds: (1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) Participation by the interveners listed above may be in the public interest.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly section 7 thereof, the Commission's Rules of Practice and Procedure under the Natural Gas Act (18 CFR, Chapter I), a public hearing shall be held commencing December 3, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the matters involved in and the issues presented by this application.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in the proceeding and shall prescribe relevant procedural matters not herein provided. Following cross-examination, of the direct presentation, the Administrative Law Judge shall establish dates for the filing and presentation of rebuttal and answering testimony, if necessary.

(C) On or before November 20, 1974, Kansas-Nebraska shall file with the Commission and serve upon all parties including Commission Staff, its testimony and exhibits in support of its position.

(D) The parties designated above are hereby permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-26201 Filed 11-7-74;8:45 am]

[Docket No. E-8832]

METROPOLITAN EDISON CO.

Postponement of Hearing Date

NOVEMBER 1, 1974.

On October 30, 1974, Metropolitan Edison Company filed a motion to postpone the hearing dates fixed by Order issued June 6, 1974, as most recently modified by notice issued September 5, 1974. The motion states that Staff Counsel and the Borough of Middletown, the only other parties, do not oppose the extension.

Upon consideration, notice is hereby given that the date for the hearing in the above matter is rescheduled for December 10, 1974, at 10 a.m. e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26199 Filed 11-7-74;8:45 am]

[Docket No. CP74-147]

MICHIGAN WISCONSIN PIPE LINE CO. AND MIDWESTERN GAS TRANSMISSION CO.

Extension of Time

NOVEMBER 1, 1974.

On October 24, 1974, Midwestern Gas Transmission Company filed a motion to extend the date for accepting the certificate issued by Order of September 24, 1974, in the above-designated matter.

Upon consideration, notice is hereby given that the date for accepting said certificate of public convenience and necessity is extended to and including December 9, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26197 Filed 11-7-74;8:45 am]

[Docket Nos. E-8217 and E-8137]

NEW ENGLAND POWER SERVICE CO. AND BOSTON EDISON CO.

Extension of Procedural Dates

OCTOBER 23, 1974.

In the Notice of Further Extension of Procedural Dates issued October 21, 1974 and published in the FEDERAL REGISTER on October 30, 1974, 39 FR 38291, the caption reads as follows: Boston Edison Company Docket Nos. E-8137 and E-8217, please change to read as follows:

"New England Power Service Company Docket No. E-8217 and Boston Edison Company, Docket No. E-8137".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26191 Filed 11-7-74;8:45 am]

[Docket No. E-8888]

OHIO ELECTRIC CO.

Extension of Time

NOVEMBER 1, 1974.

On October 29, 1974, Ohio Electric Company filed a motion to extend the time for filing its direct testimony fixed by order issued September 16, 1974, in the above-designated matter. The motion states that Staff Counsel has no objection to the change, and there are no intervenors.

Upon consideration, notice is hereby given that the time for filing direct testimony in the above matter is extended to and including November 29, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26198 Filed 11-7-74;8:45 am]

[Docket No. E-8152]

OTTER TAIL POWER CO. AND ELBOW LAKE, MINN.

Extension of Time

NOVEMBER 1, 1974.

In the matter of Otter Tail Power Co. vs. Village of Elbow Lake, Minnesota.

On October 25, 1974, the Missouri Basin Municipal Power Agency filed a motion to extend the time in which to intervene fixed by order issued October 21, 1974, in the above-designated matter. The change requested would coincide with the date for intervention as fixed in the October 1, 1974, Notice of Filing of Supplemental Amendment to the Complaint. Staff Counsel has no objection to the request.

Upon consideration, notice is hereby given that the date for filing petitions to intervene is extended to and including November 12, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26195 Filed 11-7-74;8:45 am]

[Project 2088]

OROVILLE WYANDOTTE IRRIGATION DISTRICT

Notice of Application

NOVEMBER 1, 1974.

Public notice is hereby given that application for an extension of time to commence construction of a by-pass tunnel for the lower reach of the Miners Ranch Canal for Project No. 2088 was filed on August 5, 1974, under the Federal Power Act (16 U.S.C. 791(a)-825(r) by the Oroville Wyandotte Irrigation District (Correspondence to: R. V. Gunther, General Manager, Oroville Wyandotte Irrigation District, Post Office Box 229, Oroville, California 93965 with copies to James W. McDonald, Secretary, Oroville Wyandotte Irrigation District, Post Office Box 229, Oroville, California 93965 and William W. Schwarzer, Esquire, McCutchen, Doyle, Brown and Enersion, 601 California Street, San Francisco, California 94108) located on the South Fork of the Feather River in Butte, Plumas, Sierra and Yuba Counties, California.

Commission order issued January 17, 1974, approved revised Exhibits K and L and amended the license by adding Article 51 thereto. Article 51 provides that the applicant "shall commence construction of the tunnel for the lower reach of the Miners Ranch Canal at the earliest possible date but not later than September 1, 1974," * * * and "shall complete the tunnel by August 31, 1976." Applicant now requests an extension of the commencement date to May 1, 1975. In support of this request applicant cites the delays attendant to the discussion and litigation between applicant and the California Department of Water Resources which applicant contends is responsible for financing the project. Applicant states that termination of the litigation will clear the way for financing and construction to proceed.

Any person desiring to be heard or to make protest with reference to said application should on or before December 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26193 Filed 11-7-74;8:45 am]

[Dockets Nos. RP71-119, RP74-31-22]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Order Granting Conditional Temporary Extraordinary Relief

OCTOBER 31, 1974.

On September 4, 1974, Hercules Incorporated (Hercules) filed a petition for temporary and permanent extraordinary relief from the natural gas curtailments imposed under the presently effective 467-B interim plan which was filed by Panhandle on November 6, 1973.[1] Hercules requests that it be provided with an exemption from curtailment equivalent to an allocation of 7,530 Mcf per day to provide for its feedstock and process requirements essential to the operation of its Missouri Chemical Works plant at Louisiana, Missouri. The ammonia produced at the plant is principally used in the production of fertilizer and as an essential component of explosives that are utilized in the mining of coal.

Until November 1973, the aforementioned plant was served directly by Panhandle under a contract providing for delivery of up to 15,000 Mcf per day of which 500 Mcf per day is allegedly firm and the balance interruptible. Since the latter date Missouri Edison Company, the local distributor serving Louisiana, Missouri, has been provided with a gas supply by Panhandle to enable it to serve Hercules.

Certain petitioners seeking intervention raise the issue that the joinder of the Missouri Edison Company may not provide a sufficient basis to enable the Commission to afford Hercules, "the customer of a distribution company" the extraordinary relief it seeks in its petition. Our order issued on September 28, 1973, relating to DeKalb AgResearch, Inc. (DeKalb) is cited as support for this proposition.[2] DeKalb was an indirect customer of Panhandle that was served by a local distribution company. In the DeKalb order the Commission specifically noted that its denial of DeKalb's petition for extraordinary relief did not preclude the filing of petitions for extraordinary relief by the distributor customers of interstate pipeline companies. (See page 6 of the DeKalb order, *supra*). Additionally, the Courts in deciding that Hercules was to be served by Missouri Edison stressed that during times of curtailment that that company was to be treated similarly to those industrial customers being served directly by Panhandle. (See Court's ruling on the Petition for Rehearing and Clarification filed in *Missouri Edison Company* v. *FPC*, 479 F. 2d 1185 (1973) at p. 1190).

On September 27, 1974, Missouri Edison Company formally joined in and adopted the aforementioned petition filed by Hercules for extraordinary relief from the provisions of Panhandle's presently effective curtailment plan.

Hercules asserts that its plant at Louisiana, Missouri, has a proven production capacity of 70,000 tons of ammonia per year and that in order to achieve this annual capacity the plant must produce at the daily maximum of 213 tons. The natural gas required for the feedstock and process needs to maintain this production level is the 7,530 Mcf per day requested by Hercules. It contends that there are no alternate fuels available for these purposes. Hercules further indicates that under Panhandle's projected curtailment levels for the months of November 1974 through April 1975 its supply will be significantly below the minimum limit to maintain operations of its plant at its proven production capacity. It therefore requests that Panhandle deliver up to 7,530 Mcf per day and 218,865 Mcf per month to Missouri Edison Company for redelivery to it.

Hercules is seeking relief in this proceeding from Panhandle's curtailment with respect to certain volumes of gas that are allegedly utilized for feedstock and for process purposes at its Missouri Chemical Works. It appears that the gas sought will be consumed in a high priority category, since the production from this plant aids in increasing both food and coal production which are important national goals. We therefore will grant the temporary relief requested for the period of November 1974 through April 1975, only, with a pay back requirement during the months of May 1975 through October 1975.[3] In addition, if Panhandle is required to curtail its 467-B Category No. 2 customers during the latter November to April period, then the allocation of gas for Missouri Edison will be subject to curtailment at the same percentage level as other Priority 2 customers.

Several petitions to intervene in the matter relating to Hercules' petition for extraordinary relief in Docket No. RP74-31-22 have been filed with the Commission.[4] These petitioners generally urge that the Commission deny the petition for extraordinary relief and several alternatively urge that no relief should be afforded until after a hearing has been held. These petitions further contend that Hercules is the customer of a distributor and that the Commission lacks jurisdiction to afford the relief requested. One petitioner seeking intervention notes that there can be no way of assuring that the distributor, Missouri Edison, will flow the needed volumes of gas through to Hercules. Other petitioners stress that Hercules is being accorded scarce supplies of natural gas at the expense of their firm customers and that Hercules has not shown that it will suffer irreparable injury. These petitions to intervene raise legal and factual issues that require further development in an evidentiary proceeding. We will therefore set the petition for extraordinary relief for formal hearing.

Hercules' petition for extraordinary relief is specifically directed to its process and feedstock requirements needed for plant operations and, if justified, those requirements should be classified in Category 3, which category Panhandle anticipates will be curtailed substantially during the 1974-1975 winter heating season.[5] Additionally, it asserts that there is no alternate fuel for natural gas in its ammonia plant. Thus, temporary relief pending hearing is warranted.

The petitioners seeking intervention have already been permitted to intervene in the proceeding relating to a permanent curtailment plan for Panhandle in Docket No. RP71-119. Since many of the parties in the latter docket may also wish to participate herein, they shall also be deemed parties in Docket No. RP74-31-22 with all of the attendant rights attached thereto. However, in order to

[1] Hercules obtains its gas supply from Missouri Edison Company, who, on September 27, 1974, formally joined in and adopted the petition filed by Hercules.

[2] The above-noted order with respect to DeKalb was issued under the title *Panhandle Eastern Pipe Line Company*, Docket No. RP71-119.

[3] During these warmer months under Panhandle's curtailment projections it appears that Hercules' entitlements will be in excess to its Feedstock and Process requirements.

[4] Petitions to intervene in this proceeding have been filed by Battle Creek Gas Company, Michigan Gas Utilities Company, Citizens Gas Fuel Company, Indiana Gas Company, Inc., Central Indiana Gas Company, Inc., Caterpillar Tractor Company, Columbia Gas Transmission Corporation, City of Indianapolis, General Motors Corporation, Michigan Consolidated Gas Company, Panhandle Eastern Pipe Line Company and Central Illinois Light Company.

[5] Panhandle's projections indicate curtailment into Category 3, of 46.8 percent in November; 69.3 percent in December; 98.1 percent in January; 78.9 percent in February and 54.6 percent in March. (See p. 3 of Hercules' petition for extraordinary relief.)

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maintain an orderly procedure any intervener desiring to record objections and protest to the requested relief must file a formal protest to the notice of petition stating with particularity the nature of its objections.

The Commission orders: (A) The petition for extraordinary relief filed by Hercules and joined in by Missouri Edison is granted to the extent indicated above, on a temporary basis, pending notice and hearing.

(B) The grant of the temporary relief in ordering paragraph (A) above is specifically conditioned as follows:

(1) That Missouri Edison shall be required to repay all volumes of gas taken under this grant between November 1974 and April 1975 during the months of May 1975 through October 1975.

(2) Hercules' usage of the gas granted hereunder shall be considered as Category 2 for the purpose of ascertaining the allocation of gas for Missouri Edison and shall be subject to curtailment along with other Category 2 requirements.

(3) This grant shall be effective through April 1975.

(4) This grant shall be effective only as long as the volumes provided for herein are delivered to Hercules.

(C) A hearing shall be convened at 10 a.m. (e.s.t.) on November 19, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. before an Administrative Law Judge to determine whether extraordinary relief should be granted herein on the basis requested in the aforementioned petition for extraordinary relief.

(D) The Chief Administrative Law Judge will designate an appropriate Administrative Law Judge of the Commission to preside at this hearing pursuant to the Commission's Rules of Practice and Procedure.

(E) All parties including interveners and Staff will file and serve on all other parties their direct evidence and testimony on or before November 6, 1974.

(F) Cross-examination shall commence on November 19, 1974.

(G) Those petitioners seeking permission to intervene in the proceeding entitled *Panhandle Eastern Pipeline Company* (Hercules Incorporated, *et al.*) at Docket No. RP74-31-22, along with all other parties previously granted intervention in the proceeding entitled *Panhandle Eastern Pipeline Company* in Docket No. RP71-119 are permitted to intervene in and participate in the above-styled proceeding relating to the petition for extraordinary relief filed by Hercules Incorporated, *et al.*, in Docket No. RP74-31-22 subject to the Rules and Regulations of the Commission; *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests specifically set forth in their petitions to intervene; Provided, further, that the admission of such interveners shall not be construed as recognition by the Commission that subject interveners might be aggrieved because of any order or orders issued by the Commission in this proceedings.

By the Commission.*

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26207 Filed 11-7-74;8:45 am]

[Docket No. CP74-304]

SECRETARY OF THE ARMY AND CITIES SERVICE GAS CO.

Further Extension of Procedural Dates

NOVEMBER 1, 1974.

In the matter of Secretary of the Army *Applicant,* vs. Cities Service Gas Company, *Respondent.*

On October 25, 1974, Cities Service Gas Company filed a motion for further extension of the procedural dates fixed by order issued September 4, 1974, as modified by notice issued September 27, 1974, in the above-designated matter. The motion states that the Department of the Army and Staff Counsel support the request.

Upon consideration, notice is hereby given that the procedural dates in the above-matter are modified as follows:

Service of Testimony and Exhibits of applicant and respondent, December 4, 1974; Hearing, December 18, 1974 (10 a.m., e.s.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc. 74-26194 Filed 11-7-74;8:45 am]

[Docket No. RP74-91-6]

TENNECO, INC. AND MISSISSIPPI VALLEY GAS CO.

Order Granting Temporary Relief

OCTOBER 25, 1974.

On September 19, 1974, Mississippi Valley Gas Company (Mississippi Valley) filed in Docket No. RP74-91-6 a petition pursuant to § 2.78 of the Commission's rules and regulations and § 1.7(b) of the Commission's rules of practice and procedure requesting: (1) that the Commission grant Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) authorization to restructure its 1974 allocation by transfering 1,500 Mcf from its January–March 1974 curtailment period entitlement to the April–October, 1974 curtailment period; or in the alternative, (2) that the Commission order that no penalty be imposed on Mississippi Valley for volumes of gas taken in excess of its April–Oct., 1974 curtailment period quantity entitlement (CPQE) of 2,769 Mcf as long as the overrun does not exceed the 2,080 Mcf that Mississippi Valley was entitled to take but did not during the January–March, 1974 curtailment period; and (3) that the Commission waive any and all requirements which would delay the immediate grant of the relief herein requested.

Mississippi Valley states that during the January–March 1974 curtailment period it purchased 2,070 Mcf less that its CPQE for that period; but that it will purchase more than its CPQE during the April–October 1974, curtailment period. Mississippi Valley states that a miscalculation of the estimates from which the quantity entitlements were calculated resulted from the fact that Mississippi Valley received initial service from Tennessee about November 9, 1971 and was still in the developmental stage when it submitted its estimates for the April–October 1974 period and therefore at a time when actual volumes for 1973 were not available.

Mississippi Valley states that unless the above-stated relief is granted it will have to shut-off service to some of its customers or pay a $10 per Mcf penalty for unauthorized overruns of gas. We decline to grant Mississippi Valley the relief requested in the instant petition. Tennessee's curtailment plan contains no provision for the storage or banking of unused gas and therefore no retroactive transfer of volumes between periods should be allowed. Furthermore, the volumes requested by Mississippi Valley are no longer available for delivery without the imposition of additional curtailment on other customers. Additionally, we believe that waiver of the unauthorized overrun penalty in the instant proceeding is not merited by the facts set forth in Mississippi Valley's petition. Rather it appears that the basis for the requested relief is simply the miscalculation in the preparation of the estimates. We believe therefore that any relief granted should be allowed solely on that basis. We shall therefore order Tennessee to increase Mississippi Valleys' CPQE for the April–October 1974 curtailment period by 1,500 Mcf subject to a payback requirement, if required by the evidentiary record in the hearing hereinafter ordered in this proceeding.

Timely petitions to intervene were filed by General Motors Corporation (GM) on October 9, and Columbia Gas Transmission Corporation (Columbia) on October 15. While GM does not request a hearing on the matters raised by Mississippi Valley's petition Columbia states "that the petition for emergency relief filed in the captioned proceeding may affect natural gas service to Columbia and the rates under which such service is rendered," and that it believes a formal hearing is necessary to determine whether the requested relief is in the public interest, We shall order a formal hearing be held. At the hearing Mississippi Valley shall provide inter alia, testimony and exhibits supporting its need for the additional volumes of gas; Tennessee shall provide, inter alia, testimony and exhibits showing whether it has sufficient supply to deliver the volumes requested by Mississippi Valley without impairing deliveries to its other customers.

* Commissioner Moody, concurring in part and dissenting in part filed a separate statement which is filed as part of the original document.

To date four petitions requesting relief on a similar basis have been filed with and approved by this Commission. Such petitions indicate that Tennessee has made no effort to substantiate the data submitted by its customers for use in its curtailment plan and that Tennessee's customers have been remiss in exercising care in calculating their annual requirements. Tennessee and its customers are hereby put on notice that we fully expect both Tennessee and its customers to exercise a greater degree of care in preparing and substantiating their estimates than has been done in the past. In the future, we will require strict observance of the requirements established in Tennessee's curtailment plan and will permit deviation therefrom upon a showing that will justify a deviation of the priorities of deliveries under § 2.78(c) of our General Policy and Interpretations. In this proceeding, we shall waive as requested the filing requirements of § 2.78(c) since Mississippi Valley is not seeking relief from the priorities of deliveries contained in Tennessee's curtailment plan, nor is it requesting an increase in its total CPQE for the two curtailment periods that are involved herein.

The Commission finds:

(1) That Mississippi Valley's request that its CPQE be adjusted by transferring 1,500 Mcf of the 2,070 Mcf it was entitled to take during the January–March 1974 curtailment period, but did not, should be denied.

(2) That Mississippi Valley's request for waiver of the unauthorized overrun penalty should be denied.

(3) That the filing requirements of § 2.78 of the Commission's Rules and Regulations should be waived in the instant proceeding.

(4) That Tennessee should be authorized and directed to increase Mississippi Valley's entitlement for the April–October 1974 curtailment period by 1,500 Mcf subject to a payback condition as may be directed by future order in this proceeding.

(5) The intervention of the above-named parties may be in the public interest.

(6) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

The Commission orders:

(A) That Mississippi Valley's request that its CPQE be adjusted by transferring 1,500 Mcf of the 2,070 it was entitled to take during the January–March 1974 curtailment period to the April–October 1974 curtailment period, but did not, is hereby denied.

(B) That Mississippi Valley's request for waiver of the unauthorized overrun penalty in the instant proceeding is hereby denied.

(C) That the filing requirements of § 2.78 of the Commission's rules and regulations are hereby waived in the instant proceeding.

(D) That Tennessee is hereby authorized and directed to increase Mississippi Valley's entitlement for the April–October 1974 curtailment period by 1,500 subject to payback as may be determined by future order in this proceeding.

(E) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held commencing December 5, 1974 at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose (see Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in these proceedings pursuant to the Commission's Rules of Practice and Procedure.

(G) Mississippi Valley and Tennessee are hereby ordered and required to file their testimony and exhibits in response to, but not limited to the issues set out above on all parties, including Commission Staff on or before November 20, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26202 Filed 11-7-74;8:45 am]

[Docket No. RP-75-16-3]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND SOUTH JERSEY GAS CO.

Petition for Extraordinary Relief

NOVEMBER 1, 1974.

Take Notice that on October 17, 1974, South Jersey Gas Company (South Jersey) filed a petition for extraordinary relief, pursuant to § 1.7(b) of the Commission's rules of practice and procedure. South Jersey requests that the Commission issue an order directing Transcontinental Gas Pipeline Corporation (Transco) to deliver a minimum of 14,542,361 Mcf to South Jersey during the period from November 16, 1974, to April 15, 1975, with provision for a monthly peak requirement of 3,853,300 Mcf and a daily peak requirement of 124,300 Mcf. South Jersey states that deliveries would be made pursuant to Transco's CD-3 natural gas supply contract with South Jersey.

South Jersey states that it purchases its entire pipeline supply of natural gas from Transco at points within the boundaries of the State of New Jersey and resells the gas to various customers for consumption within the State of New Jersey. South Jersey states that it currently supplies natural gas on a firm contract demand basis to 19 large industrial customers which employ a total of approximately 25,000 persons with wages currently totalling $284.25 million per year.

South Jersey states that Transco has recently announced to its customers that their available gas supply for the year commencing November 16, 1974, would be approximately 20 Bcf less than the September 1 estimate which formed the basis of the basic entitlements contained in Transco's proposed Interim Settlement Agrement filed on September 30, 1974. In light of this recent revelation, South Jersey claims that their firm industrial customers will suffer adverse economic effects.

In support of its petition, South Jersey alleges that some of its firm industrial customers have indicated that presently foreseeable firm industrial curtailments will force them to close down or would necessitate reduction in operations resulting in layoffs and loss of business. South Jersey states that, based on information furnished by its customers, the foreseeable curtailments would cause direct unemployment of approximately 8,200 workers representing a payroll of $22.9 million. South Jersey states that seven of its customers are major manufacturers of glass containers used primarily for the packaging of pharmaceutical, health care products, and food and beverages; and two customers produce building insulation which is essential to the conservation of heating fuels. South Jersey states that under the projected curtailments by Transco, serious shortages in the pharmaceutical and food packaging industries would result. South Jersey states that, if over the longer term, it is unable to provide adequate supplies to its firm industrial customers, those customers will be forced to close down entirely or move to another state, which would have a disastrous effect on the economy of New Jersey. South Jersey further states that any significant cutback in their operations will not only have a severe impact on the economy of southern New Jersey, but will have a serious "ripple" effect on industries critical to the health and welfare of the nation. South Jersey requests the additional volumes of natural gas to provide its large firm industrial customers with their essential natural gas needs.

A shortened notice period in this matter may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should, on or before November 12, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26196 Filed 11-7-74;8:45 am]

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[Dockets Nos. RP74–20, RP74–83]

UNITED GAS PIPE LINE CO.

Hearing and Consolidating Proceedings on Proposed Rate Increase

OCTOBER 31, 1974.

On September 20, 1974, as amended on October 25, 1974, and on September 23, 1974, United Gas Pipe Line Company (United) tendered for filing proposed increases in its transportation rates for services rendered for Western Gas Corporation (Western) under Rate Schedule X–25[1] and Cities Service Oil Company (Cities Service) under Rate Schedule X–34[2], respectively. The proposed changes would result in increased revenues from service for Western of $18,719 annually and from service for Cities Service of $247,239 annually, to become effective November 1, 1974. United also proposes to revise Rate Schedule X–34 to change the pressure base to 14.73 pounds per square inch, and to provide for measurement of gas in accordance with the provisons of Gas Measurement Committee Report No. 3 of the American Gas Association.

The rate schedules provide for specific rates which are based upon United's average jurisdictional transmission cost of service in the Southern Rate Zone for Cities Service and in the Northern Rate Zone for Western, which costs are initially determined by United based upon any general rate increase filing made by United with the Commission. The rate schedules also provide that the effective date for the new transportation rates will be the effective date of the rates under United's general rate increase filing and that in the event the rates in the general rate increase filing are subsequently reduced, the transportation rates will be appropriately reduced and appropriate refunds made. United therefore requests that the cost information and data in United's general rate increase filing in Docket No. RP74–83 be incorporated by reference and that the instant filings be accepted for filing, to become effective November 1, 1974.

Notice of the filings was issued on October 22, 1974. No comments or petitions to intervene have been received.

Our review of United's filing indicates that certain issues have been raised which may require development in an evidentiary proceeding. The proposed transportation rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Moreover certain issues of law and fact raised in the instant filings are similar to those raised in United's general rate increase proceeding in Docket No. RP74–83, et al. Accordingly, we shall accept for filing the instant filings, permit them to become effective, subject to refund, on November 1, 1974, and consolidate the proceeding with respect to the instant filings with United's general rate increase proceeding in Docket No. RP74–83, et al., for purposes of hearing and decision and direct that the consolidated proceedings be made subject to procedures prescribed in Docket No. RP 74–83, et al. However, this consolidation shall not be the basis for delay of the procedural dates set in Docket No. RP74–83, et al.

The Commission finds:

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the Natural Gas Act that United's transportation rate filings made on September 20, 1974, as amended, and on September 23, 1974, be accepted for filing, and made effective subject to refund as of November 1, 1974, and that the Commission enter upon a hearing concerning the lawfulness of the proposed changes in United's transportation rate filings.

(2) Good cause exists to consolidate the proceeding with respect to the instant filings with United's general rate increase proceeding in Docket No. RP74–83, et al., for purposes of hearing and decision and to provide that the consolidated proceedings be made subject to the procedures prescribed in Docket No. RP74–83, et al. However, this consolidation shall not be the basis for delay of the procedural dates set in Docket No. RP74–83, et al.

The Commission orders:

(A) Pursuant to authority of the Natural Gas Act, particularly section 4 thereof, and the Commission's rules and regulations (18 CFR, Chapter I), a hearing shall be held concerning the lawfulness and reasonableness of United's proposed increased transportation rates to Western and Cities Service in the instant filings.

(B) Pending a hearing and decision thereon, United's rate filings are accepted for filing and made effective, subject to refund, as of November 1, 1974.

(C) This proceeding is hereby consolidated for purposes of hearing and decision with the proceeding involving United's general rate increase in Docket Nos. RP74–83, et al., and the consolidated proceedings shall be subject to the procedures prescribed in Docket No. RP74–83, et al. However, this consolidation shall not be the basis for delay of the procedural dates set in Docket No. RP74–83, et al.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–26204 Filed 11–7–74;8:45 am]

[1] On October 25, 1974, United filed Substitute Second Revised Sheet No. 187 which replaced Second Revised Sheet No. 187 (filed September 30, 1974) of Rate Schedule X–25 in FPC Gas Tariff, Original Volume No. 2.

[2] FPC Gas Tariff, Original Volume No. 2, First Revised Sheet Nos. 271 through 286, Second Reivsed Sheet No. 289–A, and First Revised Sheet No. 301 of Rate Schedule X–34.

[Docket No. E–9005]

VIRGINIA ELECTRIC AND POWER CO.

Supplemental Contract Filing; Correction

OCTOBER 17, 1974.

In the Notice of Supplemental Contract Filing issued September 19, 1974 and Published in the FEDERAL REGISTER on October 3, 1974 39 FR 35716, First Paragraph of Notice Change "Applicant's Rate Schedule FPC No. 83–27" to "Applicant's Rate Schedule FPC No. 91–12"

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–26190 Filed 11–7–74;8:45 am]

FEDERAL RESERVE SYSTEM

CHASE MANHATTAN CORP.

Order Denying Acquisition of Dial Financial Corp.

The Chase Manhattan Corporation, New York, New York, a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Dial Financial Corporation, Des Moines, Iowa ("Dial"). Dial through its subsidiaries engages in the activities of making direct consumer installment loans, secured and unsecured, to individuals (in most instances, by direct customer contact, in some instances, by mail); selling credit life, and credit health and accident insurance policies to those individuals; underwriting (in Missouri only), or reinsurance of, such insurance; selling to those individuals insurance on property (other than automobiles) in which a subsidiary of Dial has a security interest; purchasing installment sales finance contracts from retailers; and providing data processing services, including computerized general accounting services, computerized billing services, and computerized delinquent list preparation, and the use of computer time, to its subsidiaries and other consumer credit companies.

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 11223 (March 26, 1974)). The time for filing comments and views has expired; and the Board has considered all comments received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

The Board, by Order of January 30, 1974,[1] denied an application by Applicant to acquire shares of Dial.

The possible adverse effects of the first application are also present in the instant application. The instant application differs from the earlier application principally in that it contains a proposal to lower to 30 per cent the maximum annual percentage rate charged by Dial for new loans. Such a rate reduction affects less than 7 per cent of Dial's receivables and would benefit only certain customers of Dial. Although the Board regards rate reductions in the consumer finance industry as constituting a public benefit, the Board finds that the aggregate public benefits that may reasonably be expected from the affiliation of Applicant and Dial do not outweigh the possible adverse effects of such an affiliation which were enumerated in the Board's Order of January 30, 1974.

Accordingly, based upon the foregoing and other considerations reflected in the record, and for the reasons stated herein and in the Board's Order of January 30, 1974, which are hereby incorporated by reference herein, the application should be, and hereby is, denied.

By order of the Board of Governors,[2] effective October 31, 1974.

[SEAL] THEODORE E. ALLISON, *Secretary of the Board.*

[FR Doc.74–26172 Filed 11–7–74;8:45 am]

[1] 39 FR 4814 (February 7, 1974); 60 *Fed. Res. Bulletin* 142 (1974).

DETROITBANK CORP.

Acquisition of Bank

Detroitbank Corporation, Detroit, Michigan, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares of The Detroit Bank-Southfield, Southfield, Michigan, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than November 18, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74–26176 Filed 11–7–74;8:45 am]

DOMINION BANKSHARES CORP.

Acquisition of Bank

Dominion Bankshares Corporation, Roanoke, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Bank of Smithfield, Smithfield, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 18, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74–26175 Filed 11–7–74;8:45 am]

ERIE BANKSHARES, INC.

Formation of Bank Holding Company

Erie Bankshares, Inc., Erie, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 97 percent of the voting shares of Home State Bank, Erie, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Erie Bankshares, Inc. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the Virgil A. Lair Agency, Erie, Kansas, an agency that primarily sells credit life and credit accident and health insurance. Notice of the application was published on June 20, 1974 in The Erie Record, a newspaper circulated in Erie, Kansas.

Applicant states that it will expand the above insurance business and proposes to engage in general insurance agency activities, including the sale of credit life, accident and health, crop, automobile fire and casualty, fire and homeowners (town and farm), inland marine (town and farm), farm theft, livestock, and boats and outboard motors insurance. Such activities will be conducted on the premises of Home State Bank, Erie, Kansas, a community having a population of less than 5,000 persons. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 29, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74–26173 Filed 11–7–74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Order Approving Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)), to acquire 100 percent, less directors' qualifying shares, of the voting shares of the successor by merger to Nassau Bay National Bank of Clear Lake, Nassau Bay, Texas ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of the successor organization is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant is the largest banking organization in Texas and presently controls 18 banks[1] with aggregate deposits of approximtely $3 billion, representing approximately 7.96 per cent of total commercial bank deposits in Texas.[2] Approval of this application would increase Applicant's share of statewide deposits by less than 0.1 of 1 per cent and would have no appreciable effect upon the concentration of banking resources in the State.

Bank is the 52nd largest of 140 banking organizations in the Houston banking market (approximated by the Houston SMSA, comprised of Harris County and five adjacent counties) and holds approximately $23.6 million in deposits, or about 0.2 per cent of total commercial deposits in the market. Applicant, having

[1] In addition, Applicant indirectly controls interests of less than 25 per cent in two banks; Applicant has agreed to divest its minority interests in the two banks. Also, on October 1, 1974, the Board approved Applicant's proposal for the acquisition of International Bank of Commerce, Laredo, Texas, and on October 25, 1974, the Board approved Applicant's proposed acquisition of Bank of Almeda, Houston, Texas.

[2] All deposit figures are as of December 31, 1973, and reflect holding company formations and acquisitions approved by the Board through September 15, 1974.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich, and Coldwell. Absent and not voting: Governor Sheehan.

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three subsidiaries in the market with approximately $340.4 million in deposits, holds 3.7 per cent of total market deposits and is the sixth largest banking organization in the market. Applicant's subsidiary nearest to Bank is some 22 miles away; there is no substantial existing competition between Bank and any of Applicant's existing subsidiaries due to such geographic separation. In view of the distances involved, the number of banks in the intervening areas, and Texas' prohibitive branching laws, it is unlikely that any such competition will develop. Ease of entry into the market would not be significantly diminished for numerous other medium-sized banks remain as potential entry points. Also, Bank's relatively small size precludes its being considered as the potential lead bank of a holding company structure. The Board therefore concludes that consummation of the proposed acquisition would not have a significant adverse effect on existing or potential competition.

The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as generally satisfactory and consistent with approval, especially in light of Applicant's projected increase in the capital structure of Bank through Applicant's proposed addition of $125,000 of equity capital from the capital of the interim bank and through Applicant's proposed issuance of $350,000 in subordinated debentures. Applicant's acquisition of Bank would give Bank access to Applicant's wide range of banking expertise, particularly in the areas of investments counseling, trust services, real estate and oil and gas property management, and factoring, and would improve Bank's access to capital markets as a member of a bank holding company. Considerations relating to the convenience and needs of the community to be served lend weight toward approval. It is the Board's judgment that the proposed acquisition is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[1] effective October 30, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26177 Filed 11-7-74;8:45 am]

FORT CALHOUN INVESTMENT CO.

Formation of Bank Holding Company

Fort Calhoun Investment Company, Fort Calhoun, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99.99 per cent of the voting shares of Fort Calhoun State Bank, Fort Calhoun, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Fort Calhoun Investment Company has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage de novo in general insurance agency activities. Notice of the application was published on October 7, 1974 in The Pilot-Tribune, a newspaper circulated in Fort Calhoun, Nebraska.

Applicant states that it proposes to sell general insurance including, but not limited to, life insurance, sickness, accident and health insurance, and hospital and medical insurance. Such activities will be conducted from the premises of the Fort Calhoun State Bank, Fort Calhoun, Nebraska, in a community with a population not exceeding 5,000 persons. Applicant states that such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 18, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26171 Filed 11-7-74;8:45 am]

SOUTHWEST NATIONAL CORP.

Formation of Bank Holding Company

Southwest National Corporation, Albuquerque, New Mexico, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 90 per cent or more of the voting shares of The Carlsbad National Bank, Carlsbad, New Mexico, and The Bank of Las Vegas, Las Vegas, New Mexico, and through acquisition of all the voting shares (less directors' qualifying shares) of Southwest National Bank, Albuquerque, New Mexico, a proposed new bank. The Factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than November 29, 1974.

Board of Governors of the Federal Reserve System, October 31, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26174 Filed 11-7-74;8:45 am]

GENERAL ACCOUNTING OFFICE

ATOMIC ENERGY COMMISSION

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 21, 1974. See 44 U.S.C. 3512(c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

ATOMIC ENERGY COMMISSION

Request for clearance of application, reporting and recordkeeping requirements contained in 10 CFR 30.51, 33.13, 33.14, 33.15, 36.22(c) and 36.24(c) of the Commissions Regulations pertaining to the licensing of byproduct material; frequency of each requirement is on occasion; potential respondents are certain byproducts material licensees; respondent burden varies greatly depending on the requirement and is estimated at 50,785 total man hours annually.

ATOMIC ENERGY COMMISSION

Request for clearance of application, reporting and recordkeeping requirements contained in 10 CFR 31.5(c), 32.51, 32.51a and 32.52, as amended, in the Commissions Regulations. These amendments pertain to a revision of the general license for industrial devices; frequency of each requirement is on occasion; potential respondents are certain byproduct material licensees; respondent burden varies greatly depending on the requirement and is estimated at 1,417.5 total man hours annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-26146 Filed 11-7-74;8:45 am]

ATOMIC ENERGY COMMISSION

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 22, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

ATOMIC ENERGY COMMISSION

Request for clearance of application, reporting and recordkeeping requirements contained in 10 CFR 70.32 pertaining to conditions of special nuclear material licenses; frequency of each reporting requirement is on occasion; potential respondents are certain special nuclear material licensees; respondent burden for all of 70.32 is estimated at 114 total man hours annually.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-26147 Filed 11-7-74;8:45 am]

FEDERAL TRADE COMMISSION

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 17, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for clearance of a single time reporting requirement of Form EEM, Economic Report on the Electrical Equipment Manufacturing Industry; potential respondents are 50 heavy electrical equipment manufacturers; responses are mandatory under FTC Act 15 U.S.C. 46; respondent burden is estimated at 82 hours for each respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-26148 Filed 11-7-74;8:45 am]

NATIONAL COMMISSION FOR MANPOWER POLICY

NOTICE OF MEETING

Pursuant to the provisions of the Federal Advisory Committee Act (P.L. 92-463, 86 Stat. 770) notice is hereby given that the National Commission for Manpower Policy will hold its initial meeting November 14, 1974 in the California Room of the Statler Hilton Hotel, 16th and K Streets NW., Washington, D.C., starting at 10 a.m.

The Commission was established by Title V of the Comprehensive Employment and Training Act (P.L. 93-203) enacted December 28, 1973. The Act charges the Commission with the broad responsibility of advising the Congress, the President, the Secretary of Labor, as well as other Federal agency heads on national manpower issues. The Commission is specifically charged with reporting annually to the President and the Congress on its findings and recommendations of the Nation's manpower policies and programs.

The agenda for the meeting is as follows:

1. Administration of the Oath of Office and Official Remarks.
2. Introduction of Commission Members.
3. Appointment of the Commission's Director and Adoption of Operational Procedures for the Commission, including discussion of Commission's acceptance of gifts per provided statutory authority.
4. Review of the Commission's Statutory Charge.
5. Development of the Commission's Work Plan and Activities.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Commission is empowered to conduct the meeting in a fashion that will, in his judgment facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Commission may do so, either before or after the meeting.

Minutes of the meeting will be made available for public inspection at Room 2218, Labor Building, 14th and Constitution Avenue, N.W., Washington, D.C. 20210.

Signed at Washington, D.C., this 6th day of November 1974.

ROBERT HALL,
Acting Director, National Commission for Manpower Policy.

NOTE: This notice is late because it was learned only yesterday that the meeting was not to be held at the White House as originally planned.

[FR Doc.74-26415 Filed 11-7-74;10:16 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 5, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Development of Graduate Level Curriculum to Train Voc. Education Curriculum Specialist, Form OE 379, 379-1, 379-2, Single time, Planchon (395-3898), Johnston (395-3840), Voc. Ed. admin. curriculum developers.

National Institute of Education: Community Opinion Survey, Form NIE 83, Single time, Planchon (395-3898) Parents in Alum Rock Union School District, San Jose, Calif.

Health Resources Administration: National Survey of Family Growth, Cycle II; Pretest Questionnaires, Form HRANCHS 1003, Single time, Hall (395-4697), Ever-married women 15-44, Selected single women 18-44.

Departmental: Perspectives Toward Age-Segregated Vs. Age-Integrated Information and Referral Services for the Elderly, Form OS 45-74, Single time, HRD (395-3532), Caywood (395-3443), Program users at 30 sites.

Departmental: Quality of Organizational Structure of Information and Referral Services for the Elderly, Form OS 46-74, Single time, HRD (395-3532), Caywood (395-3443), Program users of information and referral services at 30 sites.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration:
Flashing Traffic Control Device Survey Questionnaire, Form ____, Single time, Lowry (395-3772), State highway dept. & city traffic agencies.
Open-ended Interview Guidelines for Community Participation Study, Form ____, Single time, Strasser (395-3860), Selected knowledgeable informants.

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, Holland, Wallich, and Coldwell.

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REVISIONS

DEPARTMENT OF AGRICULTURE

Economic Research Service: Marketing Florist Crops in 11 Selected SMSA's, Form ----, Single time, Lowry (395-3772), Business firms.

Statistical Reporting Service: Sheep Predator Survey, Form ----, Single time, Lowry (395-3772), Sheep ranchers.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Institutional Release of Federal Funds/Request for Additional Federal Funds under the SEOG Program, Form 1286, Occasional, Lowry (395-3772), Institutions of post-secondary education participating in programs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research: Housing Assistance Supply Experiment Survey of Tenants and Homeowners, Wave 2, Form ----, Single time, CVA (395-3532), Sunderhauf (395-4911), Households in sample SMSA.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard: Designation of Home Port of Vessel, Form CG 1319, Occasional, Lowry (395-3772), Vessel owners.

Federal Highway Administration: Outdoor Advertising Report, FHWA 1424, Quarterly, Strasser (395-3880), 52 State highway departments.

EXTENSIONS

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard:

Certificate of Admeasurement, Form CG 1414, Occasional, Evinger (x) (395-3648).

Application for Renewal of Coast Guard Certificate of Approval, Form CGHQ 4350, Occasional, Evinger (x) (395-3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-26323 Filed 11-7-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5557]

DELMARVA POWER & LIGHT CO.

Proposed Issue and Sale of Bonds

NOVEMBER 1, 1974.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company and a public-utility company, has filed a declaration and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

Delmarva proposes to issue and sell, subject to the competitive bidding requirements of Rule 50, up to $30,000,000 principal amount of First Mortgage Bonds and Collateral Trust Bonds, --% Series due to mature not less than 5 years nor more than thirty years from the first day of the calendar month during which the bonds are to be issued. The interest rate (which shall be a multiple of ⅛ of 1%) and the price to be paid to Delmarva, exclusive of accrued interest, (which shall be not less than 99% nor more than 101.75% of the principal amount thereof) for the bonds will be determined by the competitive bidding. The bonds will be issued under a Mortgage and Deed of Trust, dated October 1, 1943, between Delmarva and Chemical Bank, Successor Trustee, as heretofore supplemented and as to be further supplemented by a Forty-eighth Supplemental Indenture dated as of June 1, 1974 which includes a prohibition until December 1, 1979 against refunding the issue with the proceeds of funds borrowed at a lower effective interest cost.

It is stated that the net proceeds from the sale of the bonds will be applied toward the retirement of unsecured short-term notes issued primarily for interim financing of the construction programs of Delmarva and its subsidiary companies and for other corporate purposes. As of September 17, 1974, such short-term notes outstanding amounted to $51,950,000. Delmarva estimates that its construction program for the remainder of 1974 and for 1975 will require expenditures of $179,161,451.

The amended declaration states that it is expected that the bonds will be issued and sold pursuant to the competitive bidding requirements of Rule 50. However, in view of the increased difficulty encountered by utilities in selling bonds under the current unsettled conditions in the securities market, Delmarva may request by amendment to its declaration, that the sale of the Bonds be excepted from the competitive bidding requirements of Rule 50.

The amended declaration further states that the issuance and sale of the bonds is subject to the approval of The Public Service Commission of Delaware, and indicates that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred by Delmarva in connection with the sale of the bonds will be in the aggregate amount of $105,000, which includes $40,800 for printing expenses, $12,000 for legal fees and $12,000 for accounting services.

Notice is further given that any interested person may, not later than November 25, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26159 Filed 11-7-74;8:45 am]

[70-5463]

GEORGIA POWER CO.

Increase in Aggregate Amount of Short-Term Borrowings

NOVEMBER 1, 1974.

Notice is hereby given that Georgia Power Company ("Georgia"), 270 Peachtree Street, N.W., Atlanta, Georgia 30303, an electric utility subsidiary company of The Southern Company, ("Southern"), a registered holding company, has filed with this Commission a fourth post-effective amendment to its previously amended application in this proceeding, designating section 6(b) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a)(5)(B) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transaction.

By Order in this proceeding dated July 31, 1974 (HCAR No. 18517), the Commission authorized Georgia to issue and sell short-term notes not exceeding an aggregate principal amount of $250,000,000 at any one time outstanding, during the period from August 1, 1974, to March 31, 1975. In said post-effective amendment Georgia requests authorization to increase the previously authorized $250,000,000 to a maximum aggregate principal amount of $450,000,000 at any one time outstanding through March 31, 1975.

Georgia's financing program for 1974 contemplated, in addition to the presently authorized $250,000,000 of short-term borrowings, the sale of $410,000,000 of first mortgage bonds and $60,000,000 of preferred stock. Sales of first mortgage bonds aggregating $280,000,000 ($150,000,000 in January and $130,000,000 in August) have been accomplished. On July 17, 1974, 600,000 shares ($60,000,000) of preferred stock was offered at competitive bidding (HCAR No. 18491, July 9, 1974) but no bids were received.

Georgia is restricted in the amounts of first mortgage bonds and preferred stock which it can issue for such purposes by reason of earnings coverage requirements contained in its bond indenture and charter. Georgia was unable to meet these requirements as of the twelve month period ended September 30, 1974. Georgia states that due to coverage requirements and prevailing market conditions, it is uncertain as to when and in what amounts additional sales of its first mortgage bonds may be accomplished. Budgetary information provided by this post-effective amendment, however, indicates that Georgia presently plans to market $150,000,000 of bonds each in May and November 1975. Although by Order dated July 24, 1974 (HCAR No. 18510) the Commission authorized Georgia to negotiate for the sale of the $60,000,000 of preferred stock, Georgia states that prevailing conditions in the preferred stock market and the earnings coverage limitation make uncertain when it may be able to sell additional preferred stock. Its budgetary forecasts, however, indicate present plans for marketing the $60,000,000 preferred stock in November 1975.

In addition to these necessary deferments of long-term financing totalling $360,000,000, the filing indicates that $36,000,000 of capital previously expected to be received in 1974 from pollution-control financing (See HCAR No. 18541) will be deferred until 1975.

At September 30, 1974, Georgia's outstanding notes payable to banks amounted to $155,852,000. Its additional cash requirements for construction indicate that total borrowings from that source, assuming the necessary authorization, will increase to $292,852,000 by December 31, 1974, with further increases scheduled thereafter.

It is stated that no State Commission and no Federal commission other than this Commission has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 26, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by said post-effective amendment to the application as amended, which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended by said post-effective amendment or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26160 Filed 11-7-74;8:45 am]

AMERICAN STOCK EXCHANGE, INC., AND CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Plan for Reporting of Option Last Sale Price Information

Notice is hereby given that the American Stock Exchange, Inc. (Amex) and the Chicago Board Options Exchange, Inc. (CBOE) have each filed pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1) a proposed plan for the reporting and dissemination of last sale prices of listed options in securities to be incorporated in their respective options plans.

The Plan calls for the development of a common tape carrying the consolidated last sale prices of options listed on the two Exchanges, and the furnishing of such last sale prices on a current basis and in a uniform format to vendors and news services. Other national securities exchanges receiving Commission approval for the trading of listed options may become parties to the Plan by agreeing to comply with the terms thereof.

The proposed Plan for the reporting of option last sale price information will become effective on December 9, 1974, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed Plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. All amendments that have been made to the Amex's plans have been placed in their respective option files under file number S7-505. The proposed Plan is, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 5, 1974.

[FR Doc.74-26236 Filed 11-7-74;8:45 am]

AMERICAN STOCK EXCHANGE, INC., AND CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Rules for a Common Clearing Corporation

Notice is hereby given that the American Stock Exchange, Inc. (Amex) and the Chicago Board Options Exchange, Inc. (CBOE) have each filed pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1) the proposed charter, by-laws and rules of the Options Clearing Corporation (OCC).

The OCC was originally organized and has been operating as a wholly owned subsidiary of the CBOE under the name Chicago Board Options Exchange Clearing Corporation (CBOECC). With the proposed option trading plans of the Amex reaching their final stages, the CBOECC was reorganized to be the issuer of the options which may be purchased or sold in transactions on any participating exchanges (Amex and CBOE) with each exchange having an ownership and voting interest in the operation of the OCC. Provisions of the OCC also provide for any other exchange which has been qualified under the rules of the SEC for option trading to become a participating exchange. (Two finalized agreements between the CBOE and Amex concerning exchange participation and access for other option exchanges will be filed shortly.)

The proposed OCC charter, by-laws and rules will become effective on December 9, 1974, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed OCC charter, by-laws and rules either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. All amendments that have been made to the Amex's plans have been placed in their respective option files under file number S7-505. The proposed rules are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 4, 1974.

[FR Doc.74-26237 Filed 11-7-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-0163]

MID-ATLANTIC FUND, INC.

Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small

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Business Administration (SBA) pursuant to § 107.701 of the regulations governing small business investment companies (13 CFR 107.701 (1974)), to transfer control of Mid-Atlantic Fund, Inc., 645 Madison Avenue—7th Floor, New York, New York 10016, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act).

Mid-Atlantic Fund, Inc., was licensed on October 12, 1964, with private capital of $151,500 which has been increased to $385,500. The transfer of control will be from Ethel Leibowitt and Everbest Management Co., who each own 50 percent of the Licensee to nine stockholders, 4 of which will own more than 10 percent of the total stock outstanding.

It is anticipated that its private capital will be further increased to $500,000 by the new stockholders within a period of twelve (12) months after approval of the transfer of control.

Subsequent to the change of ownership and transfer of control, the officers, directors and major shareholders will be:

Name	Title	Stock owned (percent)
William C. Morris, 46 East 65th St., New York, N.Y. 10021.	President, director.	6
Catherine M. Valentine, 89-06 98th St., Woodhaven, N.Y. 11421.	Vice president, secretary, director.	
James J. Storrow, Jr., 25 East End Ave., New York, N.Y. 10028.	Director	19
Robert G. Morris, 27 Candlewood Lane, Williamsville, N.Y. 14221.	do	
Edwin S. Webster III, 33 Linda Isle, Newport Beach, Calif. 92660.	do	25
Linda E. Storrow, Jr., 25 East End Ave., New York, N.Y. 10028.		24
Arbuthnot, Latham & Co., Ltd., 27 Queen St., London, England.		14

There will be no change of name and address, area of operations, or in the investment policy of the present licensed small business investment company (Mid-Atlantic Fund, Inc.).

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owners, the other new officers and directors, and the probability of successful operations of the company with new control and management in accordance with the Act and Regulations.

Notice is further given that any interested person may submit their comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416 on or before November 18, 1974.

A similar notice shall be published by the proposed purchasers in a newspaper of general circulation in New York City, New York.

Dated: October 29, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-26124 Filed 11-7-74;8:45 am]

UNITED STATES INFORMATION AGENCY

UNITED STATES ADVISORY COMMISSION ON INFORMATION

Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting to be held on December 9, 1974. The morning session will commence at 9:15 a.m., in Room 660 at 1776 Pennsylvania Avenue, N.W., Washington, D.C., and will be devoted to a presentation by the Office of Motion Pictures and Television (IMV) of USIA of its programs and policies. A summary of the agenda follows:

I. IMV Audiences and How We Reach Them.
A. Audiences.
1. Mass or private.
2. World-wide: by language and single country.
B. Program Vehicles.
1. Videotapes, films, etc.
2. Acquired Agency products and review procedures.
II. New Priorities.
A. Export Promotion.
B. Tourism.
C. Bicentennial.
III. IMV Mission in 1975.
IV. Excerpts from IMV program materials shown in closed session, except for groups specified in 22 U.S.C. 1461.

The morning session will be open to the general public, except during the showing of Agency program materials. This portion of the meeting will be closed pursuant to section 10(d) of the Federal Advisory Committee Act and section 552 (b)(3) of the Freedom of Information Act (Pub. L. 90-23), which relates to matters that are "specifically exempted from disclosure by statute." Subject to specified exceptions, section 501 of the United States Information and Educational Exchange Act of 1948, as amended, prohibits domestic dissemination of USIA program materials.

Persons wishing to attend the morning session should contact Mr. Louis T. Olom, Staff Director, U.S. Advisory Commission on Information, Room 1008, 1750 Pennsylvania Avenue, NW., Washington, D.C. 20547, so that adequate space will be assured. Written statements concerning topics set forth in the agenda should also be submitted to Mr. Olom.

The afternoon luncheon session of the meeting will commence at 12:30 p.m. at the Georgetown Club at 1530 Wisconsin Avenue, NW., Washington, D.C. and will be devoted to a discussion with representatives of the Office of Personnel and Training of "Promotion and Selection Out in the Foreign Service." This session will be closed pursuant to section 10(d) of the Federal Advisory Committee Act and section 552(b)(2) of the Freedom of Information Act since it will deal with matters that are "related solely to the internal personnel rules and practices of an agency." The discussions are concerned with "employer-employee relations" which are related solely to the internal operations of the Agency. A summary of the agenda follows:

I. History of the Promotion and Selection Out Processes.
II. Current Promotion Board Procedures.
A. Composition of Boards.
B. Work of the Boards; Preparation of Results.
III. Selection Out and Due Process Hearing.
IV. General Comments.
A. Fairness of the System.
1. New Form DS-1731.
2. Adequacy of evaluations.
B. Logistical Complexities of Evaluation Process.
C. Clearance of Public Members.
D. Possible Improvements of the System.

WALTER W. JONES,
Chief, Management Division, Office of Administration and Management.

[FR Doc.74-26211 Filed 11-7-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARD FOR OCCUPATIONAL EXPOSURE TO BENZENE

Intent To Prepare an Environmental Impact Statement

The National Environmental Policy Act of 1969 (42 U.S.C. Section 102) requires each Federal agency to consider the environmental effects of proposed actions and to prepare environmental impact statements on major actions significantly affecting the quality of the human environment. Accordingly, the Occupational Safety and Health Administration, U.S. Department of Labor, in conformance with its procedures for environmental impact statements (29 CFR Part 1999), announces its intention to prepare an environmental statement assessing the impact of a standard for occupational exposure to benzene to be published in the FEDERAL REGISTER in the near future.

The Office of Standards Development, Occupational Safety and Health Administration, is currently collecting information and data on possible environmental impacts of an occupational standard, such as any adverse environmental effects which cannot be avoided should a standard be adopted; alternatives to such a standard; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and any irreversible commitments of resources which would be involved if a standard should be implemented. Those issues of particular interest are:

(1) Any medical or toxicological evidence which indicates that exposure to benzene produces adverse health effects, and quantification of the extent to which exposure is a hazard.
(2) Current levels of occupational exposure.
(3) Any information indicating the decrease in the health hazard to workers that will result from implementation of the proposed standard.
(4) Any other pertinent information.

Any person having information or data on this subject which is not readily available in the open literature or which has not previously been submitted to the Office of Standards Development is invited to submit it, with accompanying documentation, to the Director, Office of Planning, Evaluation and Research, Occupational Safety and Health Administration, 1726 M Street, NW., Room 1010, Washington, D.C. 20210, by November 30, 1974. All information received will be available for public inspection at the Office of Planning, Evaluation and Research.

When the draft environment impact statement on benzene is completed, copies will be available to any member of the public who requests it.

Comments on the draft statement should be sent to the Office of Planning, Evaluation and Research, Occupational Safety and Health Administration. Five duplicate copies of such comments must be submitted concurrently to the Council on Environmental Quality, 722 Jackson Place, NW., Washington, D.C. 20006. A 45-day period will be allowed for the submission of comments after publication of the draft environmental statement.

Signed at Washington, D.C., this 31st day of October, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26233 Filed 11-7-74;8:45 am]

STANDARD FOR OCCUPATIONAL EXPOSURE TO INORGANIC ARSENIC

Intent To Prepare an Environmental Impact Statement

The National Environmental Policy Act of 1969 (42 U.S.C. section 102) requires each Federal agency to consider the environmental impact statements on major actions significantly affecting the quality of the human environment. Accordingly, the Occupational Safety and Health Administration, U.S. Department of Labor, in conformance with its procedures for environmental impact statements (29 CFR Part 1999), announces its intention to prepare an environmental statement assessing the impact of a standard for occupational exposure to inorganic arsenic to be published in the FEDERAL REGISTER in the near future.

On June 11, 1974, an advance notice of proposed rulemaking for a standard regulating occupational exposure to inorganic arsenic was published in the FEDERAL REGISTER (39 FR 20494) by the Occupational Safety and Health Administration (OSHA) and a request was made for interested parties to submit written data, views and arguments concerning a standard for occupational exposure to inorganic arsenic. In addition, an informal fact-finding hearing was held on September 20, 1974, for the submission of additional comments concerning toxicity, oncogenic properties, technologies involved in production and use, employee populations potentially or actually exposed, and epidemiologic studies of effects of arsenic and its compounds.

Notice is hereby given that the Office of Standards Development, Occupational Safety and Health Administration, is currently collecting information and data on possible environmental impacts of an occupational standard, such as any adverse environmental effects which cannot be avoided should a standard be adopted; alternatives to such a standard; the relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and any irreversible commitments of resources which would be involved if a standard should be implemented.

Any person having information or data on this subject which is not readily available in the open literature or which has not previously been submitted to the Office of Standards Development is invited to submit it, with accompanying documentation, to the Director, Office of Planning, Evaluation and Research, Occupational Safety and Health Administration, 1726 M Street, NW., Room 1010, Washington, D.C. 20210, by November 30, 1974. All information received will be available for public inspection at the Office of Planning, Evaluation and Research.

When the draft environment impact statement on inorganic arsenic is completed, copies will be available to any member of the public who requests it. Comments on the draft statement should be sent to the Office of Standards Development, Occupational Safety and Health Administration. Five duplicate copies of such comments must be filed concurrently with the Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006. A 45-day period will be allowed for the submission of comments after the publication of the draft environmental statement.

Signed at Washington, D.C., this 31st day of October 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26234 Filed 11-7-74;8:45 am]

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

Request for Information

Pursuant to a Notice of Establishment and Meeting published on Tuesday, October 22, 1974 (39 FR 37550), the Standards Advisory Committee on Coke Oven Emissions will begin its deliberations on the subject of employee exposure to coke oven emissions on November 6, 1974. The ad hoc committee will hold a series of public meetings which will begin with the November meeting and which are projected to terminate some time in May, 1975.

The Committee herein requests information on the problem of employee exposure to coke oven emissions, specifically on the following subjects: health effects, the composition of emissions, engineering controls, appropriate sampling procedures for coke oven emissions as well as analytical methods that would have a bearing, and any other relevant data or information. The Committee would appreciate receiving such data at any time during its meetings but would find the information most useful in the early stages of its deliberations.

Such information should be forwarded, along with 15 duplicate copies if possible, to the Committee's Management Officer, whose address is:

Jeanne W. Ferrone,
Committee Management Office,
Occupational Safety and Health Administration,
U.S. Department of Labor,
1726 M Street, NW—Room 200,
Washington, D.C. 20210,
Phone: 202/961-2248.

Signed at Washington, D.C. this 5th day of November 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26235 Filed 11-7-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 626]

ASSIGNMENT OF HEARINGS

NOVEMBER 5, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 119843 Sub 8, Roesch Lines, Inc. now assigned December 4, 1974, at Los Angeles, Ca., is cancelled and reassigned on December 4, 1974, at San Bernardino, Ca., 1st Floor, San Bernardino State Office Building Auditorium, 303 West Third St., San Bernardino, Calif.

MC 116519 Sub 21, Frederick Transport Limited, now being assigned for continued hearing on December 16, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8060, The Maxwell Co., et al v. American Bulk Transport, Inc. (Formerly Eldon Miller, Inc.); MC-C-8411, American Bulk Transport Co.—Investigation and Revocation of Certificates; and MC-F-10460, Ruan, Incorporated and John Ruan—Investigation of Control—Eldon Miller, Incorporated and Ruan Transport Corporation, now being assigned December 10, 1974 (9 days), in Room 609 Federal Office Bldg., 911 Walnut St., Kansas City, Mo.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26256 Filed 11-7-74;8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 63, Amdt. 3]

BESSEMER AND LAKE ERIE RAILROAD CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 63 issued February 12, 1974.

V 39 217 NOV 8 74 XUM

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 63 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1975.

This amendment shall become effective October 31, 1974.

Issued at Washington, D.C., October 30, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26254 Filed 11-7-74;8:45 am]

[Ex Parte No. 241, Rule 19; *Exemption No. 56*, Amdt. 6]

ERIE LACKAWANNA RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 56 issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 56 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1975.

This amendment shall become effective October 31, 1974.

Issued at Washington, D.C., October 30, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26258 Filed 11-7-74;8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 70, Amdt. 2]

ERIE LACKAWANNA RAILWAY CO. AND NORFOLK AND WESTERN RAILWAY CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 70 issued May 6, 1974.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 70 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1975.

This amendment shall become effective October 31, 1974.

Issued at Washington, D.C., October 30, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26255 Filed 11-7-74;8:45 am]

[Rev. S.O. 1173, Exception 35, Amdt. 1]

GREEN BAY AND WESTERN RAILROAD CO.

Authorization To Use Certain Mechanical Refrigerator Cars

OCTOBER 31, 1974.

Pursuant to the authority vested in me by section (a) Paragraph (4) of Revised Service Order No. 1173, the Green Bay and Western Railroad Company be, and it is hereby, authorized to use mechanical refrigerator cars bearing reporting marks BNFE, for transporting perishable freight requiring protection from heat or cold and subject to protective service as defined in Perishable Protective Tariff No. 18, issued by H. R. Brandl, originating at any station in its lines and routed to, via, or to a junction with the owner.

Effective October 31, 1974.

Expires December 15, 1974.

Issued at Washington, D.C., September 19, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-26260 Filed 11-7-74;8:45 am]

[Notice No. 185]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 8, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before November 28, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75419. By order of October 25, 1974, the Motor Carrier Board approved the transfer to Joe S. Kita, Charlotte, Mich., of the operating rights in Certificate No. MC 120434 (Sub-No. 1), issued May 22, 1969, to Lyle B. Wagner, doing business as Wagner Trucking Company, Durand, Mich., authorizing the transportation of granite and marble monuments, from Durand, Mich., to points in Michigan. Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933.

No. MC-FC-75440. By order entered 10-29-74, the Motor Carrier Board approved the transfer to Lambe's Trucking, Ltd., a corporation, Claresholm, Alberta, Canada, of the operating rights set forth in Certificates Nos. MC 128532 (Sub-No. 1) and MC 128532 (Sub-No. 3), issued by the Commission April 17, 1967, and September 23, 1974, respectively, to Orville Lambe, doing business as Lambe's Trucking, Claresholm, Alberta, Canada, authorizing the transportation of materials and supplies used in the manufacture of mobile homes, from Grand Island, Nebr., to the port of entry on the United States-Canada Boundary line, located at or near Sweetgrass, Mont.; finished trusjoists, from the ports of entry on the United States-Canada Boundary line at or near Eastport, Idaho, Sweetgrass, Mont., and Sumas, Wash., to points in Idaho, Montana, and Washington; and lumber, steel tubing, and steel pins, from points in Idaho, Montana, Oregon, and Washington, to ports of entry on the United States-Canada Boundary line at or near Eastport, Idaho, Sweetgrass, Mont., and Sumas, Wash. J. F. Meglen, 207 Behner Bldg., 2822 3rd Ave. North, Billings, Mont. 59103, attorney for applicants.

No. MC-FC-75453. By order of October 24, 1974, the Motor Carrier Board approved the transfer to Donley Trucking, Inc., Chrisman, Ill., of the operating rights in Certificate No. MC 76948 issued November 22, 1957, to Leon Dugan, Chrisman, Ill., authorizing the transportation of various commodities from, to and between specified points and areas in Indiana and Illinois. Charles R. Young, 4 West Seminary St., Danville, Ill., attorney for applicants.

No. MC-FC-75454. By order of October 24, 1974, the Motor Carrier Board approved the transfer to Emory S. Miller, III, Spring Grove, Pa., of the operating rights in Certificate No. MC 118590 issued November 6, 1959, to Ralph D. Zinn, Hanover, Pa., authorizing the transportation of agriculture limestone, in spreader type vehicles, from Jackson Township, Pa., to points other than incorporated municipalities, in Baltimore, Carroll, Cecil, Frederick, Harford, Howard, and Montgomery Counties, Md. Norman T. Petow, 43 North Duke St., York, Pa., 17401, attorney for applicants.

No. MC-FC-75472. By order of October 31, 1974, the Motor Carrier Board approved the transfer to Steubenville Transfer Co., a corporation, Winterville, Ohio, of the operating rights in Certificate No. MC 10233 issued March 6, 1952, to Oscar W. Sink, doing business as Smithfield-Steubenville Transfer Co., Smithfield, Ohio, authorizing the transportation of general commodities, with exceptions, over regular routes, between Smithfield and Steubenville, Ohio, and various commodities between Smithfield, Ohio, and points within eight miles thereof, on the one hand, and, on the other, points in described areas of Pennsylvania and West Virginia. Paul F. Berry, 8 East Broad St., Columbus, Ohio, 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26257 Filed 11-7-74;8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 55, Amdt. 6]

NORFOLK AND WESTERN RAILWAY CO. AND PENN CENTRAL TRANSPORTATION CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 55, issued October 31, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 55 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire January 31, 1975.

This amendment shall become effective October 31, 1974.

Issued at Washington, D.C., October 30, 1974.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-26259 Filed 11-7-74;8:45 am]

[Rev. S.O. 994; ICC Order 88, Amdt. 6]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 88 (Penn Central Transportation Company, Robert W. Blanchette, Richard C. Bond, and John H. McArthur, Trustees) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 88 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1975 unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., October 31, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., October 23, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26261 Filed 11-7-74;8:45 am]

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federal register

FRIDAY, NOVEMBER 8, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 217

PART II

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

■

METROPOLITAN TRANSPORTATION PLANNING FUNDS

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Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 473—FEDERAL-AID URBAN SYSTEM

This new Subpart A of Part 473 (Federal-Aid urban system) to be added to title 23 CFR implements 23 U.S.C. 103(d)(1), as amended by the Federal-Aid Highway Act of 1973 (P.L. 93–87, 87 Stat. 250) and supersedes existing Federal Highway Administration (FHWA) issuances IM 10–2–71, dated March 31, 1971; IM 10–2–71(1), dated June 11, 1971; IM 10–2–71(2), dated January 5, 1972; and paragraphs 3 and 4 of FHWA Notice entitled "Preliminary Guidelines for Implementation of Selected Sections of the Federal-Aid Highway Act of 1973," dated October 5, 1973.

The Federal-aid urban system was first authorized by the Federal-Aid Highway Act of 1970 in urbanized areas and initially consisted of a limited number of high priority intra-urban routes. The Federal-Aid Highway Act of 1973 broadened the eligibility criteria for the urban system in urbanized areas and also allowed for the establishment of the urban system in small urban areas of 5,000 to 50,000 population designated by the State highway department. These regulations set forth the criteria for establishing the Federal-aid urban system, define the eligible areas and routes, and prescribe the steps necessary for State and appropriate local officials to take in establishing the Federal-aid urban system in eligible areas.

"Appropriate local officials" is defined in two slightly varied ways depending on the size of the area involved. In areas under 50,000 population, the term means the principal elected officials of general purpose local governments. In urbanized areas, the term means the principal elected officials of general purpose local governments acting through the Metropolitan Planning Organization designated by the Governor as responsible for carrying out the provisions of 23 U.S.C. 134. This definition means that in urbanized areas designation actions or decisions of local officials must be presented to and endorsed by the Metropolitan Planning Organization. While 23 U.S.C. 103(d)(1) and these regulations use the term "appropriate local officials," that term is defined in the same way as the term "responsible local officials," which is used in other related title 23 regulations. It should be noted that title 23, U.S.C., uses the terms "responsible local officials" and "appropriate local officials" in a number of sections. While these terms are not necessarily synonymous, we can foresee no situation where "appropriate local officials" and "responsible local officials" would not be the same parties.

In addition to extending the eligible areas in which urban system routes can be designated, the 1973 Highway Act amended 23 U.S.C. 142 to provide additional highway/transit flexibility in the expenditure of urban system funds. As routes, including access roads to major amended, 23 U.S.C. 142 now allows nonhighway public mass transit projects to be approved as Federal-aid urban system projects. Also, it allows exclusive and preferential busways, fringe and corridor parking facilities, and other highway-related mass transit facilities to be approved on the Federal-aid urban system as well as any other system. Normally, urban system funds can be used only for approved projects on the Federal-aid urban system. However, fixed rail facilities approved under 23 U.S.C. 142 do not have to be placed on the Federal-aid urban system routes to establish eligibility for urban system funds. Additionally, projects under 23 U.S.C. 142 for rail rolling stock, buses, bus shelters, bus garages, and street furniture do not need to be on urban system routes to be eligible for urban system funds.

While the regulations in this subpart do not specifically cover the 23 U.S.C. 142 provisions as discussed above, it is important to note the applicability of those provisions to the urban system routes designated under this subpart. (See 39 FR 32298, September 5, 1974, under proposed regulations on 23 U.S.C. 142).

Section 473.104(b) of these regulations requires the urban system to be located so that it will serve the major centers of activity and include high traffic volume arterial and collector routes, including access roads to major traffic generators such as airports and other transportation terminals. Under § 473.104(a)(3)(ii), no route on the urban system shall be a route on any other Federal-aid system; however, routes added to the urban system need not now be on a Federal-aid system. The urban system may include, as a maximum, all highways not functionally classified as local streets and not on any other Federal-aid system.

Section 473.104(a)(3)(ii) requires that each route of the system be connected with another route on a Federal-aid system to the extent feasible. Accordingly, FHWA recommends that adjustments of the Federal-aid primary and Federal-aid secondary systems made necessary by urban system actions be made concurrently with the urban system actions. Also it is recommended that local and State officials take action on designating Federal-aid urban systems and urban area boundaries concurrently.

In designating urban system routes in small urban areas (5,000 to 50,000 population), the chief elected officials may find the Metropolitan Planning Organizations who have responsibility for transportation planning to be appropriate sources of staff assistance and helpful in coordinating the review of the urban system. In areas lacking Metropolitan Planning Organizations, the chief elected officials of the affected local jurisdiction should work with the State in designating the urban system.

In establishing the Federal-aid urban system under §§ 473.104 and 473.106, FHWA recommends that the States and urban areas use the existing functional classification concepts, criteria, and procedures from FHWA manual "Highway Functional Classification," Transmittal No. 155, Vol. 20, Appendix 12, Highway Planning Program Manual. Also, it is recommended that the urban system be established on the basis of the 1980 functional usage since all Federal-aid systems are required to be realigned by July 1, 1976, under section 148 of the 1973 Highway Act (23 U.S.C. 103(d)(2); P.L. 93–87, 143).

Since these regulations relate to grants, notice and public comment thereon are not required and they may be made effective in fewer than 30 days following publication in the FEDERAL REGISTER.

These regulations are issued under the authority of 23 U.S.C. 103(d)(1), 103(f), and 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b).

In consideration of the foregoing, Chapter I of title 23 of the Code of Federal Regulations is amended by adding a new Part 473, Subpart A, as set forth below.

Effective date. These regulations are effective on November 8, 1974.

Issued on November 5, 1974.

J. R. COUPAL, Jr.,
Acting Federal Highway Administrator.

Subpart A—Establishment of System

Sec.
473.100 Purpose.
473.102 Definitions.
473.104 Establishment of Federal-aid urban system—eligible areas and routes.
473.106 Designation of urban system by appropriate local officials and State highway departments.
473.108 Approval by the Federal Highway Administrator.

AUTHORITY: 23 U.S.C. 103(d)(1), 103 (f) and 315; delegation of authority in 49 CFR 1.48(b).

Subpart A—Establishment of System

§ 473.100 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 103(d)(1) which provides for establishment of the Federal-aid urban system.

§ 473.102 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used herein—

"Appropriate local officials" means—

(1) In urban areas under 50,000 population, principal elected officials of general purpose local governments; and

(2) In urbanized areas, principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia), acting through the Metropolitan Planning Organization designated by the Governor.

§ 473.104 Establishment of Federal-aid urban areas and routes.

(a) The urban system shall:

(1) be established in each urbanized area and in other urban areas the State highway department may designate;

(2) be located so as to serve the major centers of activity and include high traffic volume arterial and collector traffic generators such as airports and other transportation terminals;

(3) consist of routes selected by the appropriate local officials so as to serve the goals and objectives of the comunity, with the concurrence of the State highway departments and, in urbanized areas, also in accordance with the planning process under 23 U.S.C. 134 and proposed 23 CFR Part 450, Subpart A, which is to be published for notice and comment, provided that:

(i) to the extent feasible, each route on the Federal-aid urban system shall connect with another route on a Federal-aid system; and

(ii) no route on the Federal-aid urban system shall also be a route on any other Federal-aid system.

(b) At its maximum extent the Federal-aid urban system may include all highways not functionally classified as local streets.

§ 473.106 Designation of urban system by appropriate local officials and State highway departments.

The State highway department shall submit proposals to the Federal Highway Administrator for the designation of Federal-aid urban systems. Each proposal shall include:

(a) a map or maps delineating the Federal-aid urban system and showing the urban area boundaries, all urban system route selections, and all other Federal-aid routes;

(b) a statement indicating whether urban area boundary and urban system actions are being submitted concurrently; and

(c) evidence of the approval of appropriate local officials and the concurrence of the State highway department as required under § 473.104(a)(3).

§ 473.108 Approval by the Federal Highway Administrator.

The Federal Highway Administrator will approve the urban system designation if it meets the requirements of this subpart.

[FR Doc.74–26314 Filed 11–7–74;8:45 am]

PART 476—INTERSTATE HIGHWAY SYSTEM

Editorial Amendment

Rules published under this part in the FEDERAL REGISTER, June 12, 1974 (39 FR 20658) contain in § 476.2 a definition of the term "responsible local officials". The term means "the principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia) acting through the areawide transportation planning agency designated by the Governor". All regulations subsequently issued by the Federal Highway and Urban Mass Transportation Administration under this Chapter using the term "responsible local officials" will define that term as follows:

"Responsible local officials" means the principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia) acting through the Metropolitan Planning Organization designated by the Governor.

The term "areawide transportation planning agency" in the definition is synonymous with "Metropolitan Planning Organization." Accordingly, in order that the definition and terminology in Part 476 will be consistent with terms used elsewhere in Chapter I of title 23, CFR, notice is hereby given that the definition in 23 CFR 476.2 of "responsible local officials" is hereby revised as follows:

"Responsible local officials" means the principal elected officials of general purpose local governments (and until January 2, 1975, the Commissioner of the District of Columbia) acting through the Metropolitan Planning Organization designed by the Governor. For purposes of this definition the term "Governor" includes the Commissioner of the District of Columbia until January 2, 1975, and thereafter the Mayor of the District of Columbia.

Effective November 8, 1974.

Dated: November 5, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

FRANK C. HERRINGER,
Urban Mass Transportation Administration.

[FR Doc.74–26264 Filed 11–7–74;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Urban Mass Transportation Administration

[23 CFR Part 450]

[49 CFR Part 613]

[Docket No. 74–11]

URBAN TRANSPORTATION PLANNING

Notice of Proposed Rulemaking

The Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) are considering regulations to implement certain provisions of title 23, United States Code, and title 49, United States Code, which govern the planning for urban transportation improvements. The proposed regulations would add Subpart A to Part 450 of title 23 of the Code of Federal Regulations.

As a result of the Federal-Aid Highway Act of 1973, FHWA and UMTA are jointly responsible for administering section 134 of title 23, United States Code, which establishes the continuing, comprehensive, and cooperative transportation planning process. These regulations are being issued with the goal of defining the requirements comprising that process.

In addition to the title 23 provisions, these regulations implement, in part, sections 1603 and 1607a of title 49 (Urban Mass Transportation Act of 1964, as amended), which specify that UMTA capital assistance can be provided only upon a determination that the assistance is sought for implementing a program for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area.

These regulations combine the individual planning requirements of FHWA and UMTA and rplace the following operating procedures: FHWA Policy and Procedure Memoranda (PPM) 50–9, 50–11; Instructional Memoranda (IM) 50–3–71, 50–4–68; and the Urban Mass Transportation Planning Requirements Guide (UMTA order 1000.2, August 22, 1972). These regulations are not as detailed as the procedures while they replace in that a definitive technical process is not prescribed. Supplemental technical material will be issued by FHWA and UMTA to assist Metropolitan Planning Organizations. Instructions defining the joint FHWA/UMTA requirements pertaining to programing of transportation improvements in metropolitan areas are being issued separately.

Urban transportation planning is an interdisciplinary process of developing and monitoring transportation plans and transportation improvement programs which are formulated with due consideration to their probable social, economic, environmental, and energy conservation effects and the safety and mobility needs of the population of the urban area.

The terms used throughout these regulations have the same meaning as in title 23 unless otherwise defined.

In order to provide for the optimal operation of the transportation planning process, a proper management structure must exist. Interim instructions were previously issued governing the designation of Metropolitan Planning Organizations. These regulations are consistent with those instructions.

In the designation or redesignation of the Metropolitan Planning Organization to carry out the urban transportation planning process, the Department of Transportation strongly encourages the selection of agencies performing the comprehensive planning functions established under the Office of Management and Budget Circular A–95.

In addition to the minimal requirements on geographic coverage set forth in these regulations, where the jurisdiction of the Metropolitan Planning Organization includes areas not likely to be urbanized during the long-range forecast period, the planning process may be extended to cover such areas at an appropriate scale.

The regulations define two planning work program elements: Prospectus and unified planning work program. The prospectus, formerly known as an operations plan, is an overview of the planning process sufficiently comprehensive to delineate currently valid organizational responsibilities, operating procedures, and general planning program overview. The unified planning work program is the annual element of the prospectus. The program should include all significant elements of the areawide planning process used in developing transportation plans and programs required by the directive. It should contain all specific transportation planning activities, e.g., aviation, highway, bikeway, railway, transit, and port and harbor activities and the transportation planning support activities, including those related to land use, social, economic and environmental factors, and population estimates. The program should include both federally funded items and those to be funded entirely at the State and local levels. The unified planning work program should be sufficiently comprehensive to provide descriptions of the specific technical activities necessary to carry on the transportation planning process for a one-to-two year program period. The program may be expanded to include comperhensive planning activities other than those that are transportation related.

To increase public understanding and support of the transportation planning process, an annual report to the public should be published and given widespread publicity and distribution.

It should include in short, nontechnical terms, the following: (a) The current transportation plan, (b) transportation improvement program, (c) significant events that have occurred during the past year, (d) recent plan changes with justifications, (e) maps indicating progress made during the past year toward implementing the plan, (f) summaries of key characteristics of the area, and (g) organization representation, functions, and responsibilities of the Metropolitan Planning Organization and other participating organizations.

Technical reports should be published and distributed as appropriate to insure proper documentation of significant technical accomplishments and major milestones.

It is our intent that the unified work program comply with regulations issued pursuant to 23 U.S.C. 109(h).

Each Metropolitan Planning Organization should make an active effort to involve citizen groups and the general public throughout the planning process. Representation of a broad spectrum of the public, ranging from minorities and special interest groups to the general citizenfy, and comprising a wide economic, social, and geographic range, should be included.

Compliance with the provisions of Title VI of the Civil Rights Act of 1964 includes steps to assure positive consideration of minority and other groups in the transportation planning and programing effort.

The Federal Highway Administrator and the Urban Mass Transportation Administrator will annually review the transportation planning process being conducted in each urbanized area and, upon a determination that it is continuous, cooperative and comprehensive, and that it has resulted in plans and programs consistent with the comprehensively planned development of the urban area, they will jointly so certify. The certification of an urbanized area is the basis for FHWA and UMTA approvals of programs of projects as defined in Subpart C of this Part.

While certification is to be based on compliance with the provisions of these regulations, failure on the part of a metropolitan area to comply in full with all provisions does not necessarily mean

the area will not be certified. A discretionary element is built into the Federal review process to reflect varying degrees of less than full compliance. UMTA and FHWA may certify with a condition that noted deficiencies be corrected or with limitations as to categories of programs and projects. In the former case, the metropolitan area may proceed with all programs and projects but must concurrently take corrective actions, or decertification will ensue by a specified date. In the latter instance, the metropolitan area may advance only limited classes of programs or projects until the required corrective action is taken.

These regulations provide for a change in the former FHWA and UMTA practice of determining compliance with their separate statutory planning requirements. UMTA made an annual determination of eligibility, under section 4(a) of the Urban Mass Transportation Act (49 U.S.C. 1603(a)), based upon the organizational structure and the status of plans and programs. FHWA formerly took an annual certification action upon the request of the States, which determined that a continuing, cooperative, comprehensive process was being carried out under 23 U.S.C. 134. These regulations define a new procedure which addresses a common set of criteria derived from both statutes.

Inquiries, comments, views and arguments on these proposed regulations may be submitted to the Federal Highway Administration, Department of Transportation, Room 4226, Docket No. 74–11, 400 7th St. SW., Washington, D.C. 20590. All written communications received on or before December 9, 1974, will be considered before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These amendments to title 23, Code of Federal Regulations, are proposed under the authority of 23 U.S.C. 104(f)(3), 134 and 315; 49 U.S.C. 1603 and 1607a; and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48 (b) and 1.50(f).

In consideration of the foregoing, it is proposed to amend Chapter I of title 23 and Chapter VI of title 49 of the Code of Federal Regulations by adding a new Part 450 Subpart A and new Part 613 Subpart B, respectively.

Dated: November 5, 1974.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

J. R. COUPAL, JR.,
Acting Federal Highway Administrator.

Proposed Part 450 Subpart A of title 23, Code of Federal Regulations, reads as follows:

PART 450—PLANNING ASSISTANCE AND STANDARDS

Subpart A—Urban Transportation Planning

Sec.

450.100 Purpose.
450.102 Applicability.
450.104 Definitions.
450.106 Metropolitan Planning Organization: Designation.
450.108 Metropolitan Planning Organization: Agreements.
450.110 Metropolitan Planning Organization: Geographic Scope.
450.112 Metropolitan Planning Organization: Responsibilities.
450.114 Urban Transportation Planning Process: Planning Work Programs.
450.116 Urban Transportation Planning Process: Transportation Plan.
450.118 Urban Transportation Planning Process: Transportation Improvement Program.
450.120 Urban Transportation Planning Process: Elements.
450.122 Urban Transportation Planning Process: Certification.

AUTHORITY: 23 U.S.C. 104(f)(3), 134 and 315; 49 U.S.C. 1603 and 1607a; 49 CFR 1.48 (b) and 1.50(f).

Subpart A—Urban Transportation Planning

§ 450.100 Purpose.

The purpose of this subpart is to implement 23 U.S.C. 134 and section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a), which require comprehensive planning of transportation improvements.

§ 450.102 Applicability.

Certification under this subpart shall be a basis for program approvals in urbanized areas pursuant to 23 U.S.C. 105 and 134, and Subpart C of this part.

§ 450.104 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used in this subpart—

"Governor" includes the Commissioner of the District of Columbia until January 2, 1975, and thereafter the Mayor of the District of Columbia.

"Metropolitan Planning Organization" means that organization designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, as required by 23 U.S.C. 104(f)(3), and capable of meeting the requirements of 49 U.S.C. 1603(a).

§ 450.106 Metropolitan Planning Organization: Designation.

(a) The Governor of each State shall designate a Metropolitan Planning Organization for each urbanized area to carry out, in cooperation with the State, the provisions of 23 U.S.C. 134. This organization shall have the capability of meeting the requirements of 49 U.S.C. 1603(a).

(b) To the extent possible, only one Metropolitan Planning Organization shall be designated for each urbanized area or group of contiguous urbanized areas.

(c) Funds authorized by 23 U.S.C. 104 (f) shall be made available by the State to the Metropolitan Planning Organization, as required by 23 U.S.C. 104(f)(3). To the extent possible, the Metropolitan Planning Organization shall be eligible to receive planning funds authorized by section 9 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1607a).

(d) To the extent possible the organization designated by the Governor shall be a Metropolitan Planning Organization established under specific State legislation, State enabling legislation, or by interstate compact, with authority to carry out metropolitan transportation planning, and should be an organization performing the functions required by the Office of Management and Budget (OMB) Circular A–95 "Evaluation, Review, Coordination of Federal Assistance Programs and Projects" July 23, 1969, as amended.

(e) Each unit of general purpose government within the jurisdiction of the Metropolitan Planning Organization shall have adequate representation on the Metropolitan Planning Organization.

(f) Nothing herein shall be deemed to prohibit the Metropolitan Planning Organization from utilizing, through contract of other local agencies or of State agencies, the staff resources tractual agreements cies to carry out selected elements of the planning process.

§ 450.108 Metropolitan Planning Organization: Agreements.

(a) The responsibilities for cooperatively carrying out transportation planning and programming shall be clearly identified in an agreement or memorandum of understanding between the State and the Metropolitan Planning Organization. The agreement shall specify cooperative procedures for carrying but transportation planning and decision-making as required by this subpart.

(b) Where the Metropolitan Planning Organization is different from the A–95 agency, there shall be an agreement between the two organizations which prescribes the means by which their activities will be coordinated, as required by Part IV of OMB Circular A–95. This agreement shall specify how transportation planning and programming will be

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part of the comprehensively planned development of the urban area.

(c) There shall be an agreement between the Metropolitan Planning Organization and regional public transportation agencies which specifies cooperative procedures for carrying out transportation planning and decision-making as required by this part.

(d) To the extent possible there shall be one cooperative agreement containing the understandings required by this section among the State, Metropolitan Planning Organization, regional public transportation agencies and, where necessary, the A-95 agency.

§ 450.110 Metropolitan Planning Organization: Geographic Scope.

(a) To the extent possible the jurisdiction of the Metropolitan Planning Organization shall conform geographically with the area being served by State planning and development districts established under OMB Circular A-95.

(b) The transportation planning process shall, as a minimum, cover the area likely to be urbanized during the long-range forecast period.

§ 450.112 Metropolitan Planning Organization: Responsibilities.

(a) The Metropolitan Planning Organization shall, in cooperation with the State, direct the transportation planning effort and perform the functions of the planning process specified in §§ 450.104 through 450.120 of this subpart.

(b) The Metropolitan Planning Organization shall formally endorse the plans and programs required by §§ 450.114 through 450.120 of this subpart.

§ 450.114 Urban Transportation Planning Process: Planning Work Programs.

(a) The Metropolitan Planning Organization shall, in cooperation with the State, develop a prospectus and a unified planning work program.

(b) The prospectus shall establish a multi-year framework within which the unified planning work program is accomplished and shall include

(1) A summary of the scope of the planning program including a discussion of the important transportation issues facing the area;

(2) A general description of the status of planned accomplishments for each of the elements of the planning process;

(3) A description of the procedures to be used in carrying out each element;

(4) A breakdown of the functional responsibilities of all participating agencies;

(5) A list of products expected to be delivered and major milestones to be achieved; and

(6) Copies of agreements specified in § 450.106.

(c) The unified planning work program shall

(1) Annually detail all transportation and transportation-related planning activities anticipated within the area during the next one-to-two year period, regardless of funding sources;

(2) Assure that adequate consideration is given to minimizing or eliminating possible adverse social, economic, and environmental effects of proposed projects, consistent with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et seq.), 23 U.S.C. 109(h) and 49 U.S.C. 1610; and

(3) Be a part of the annual Statewide Highway Planning and Research Program and be an adequate documentation of work to be performed for planning assistance under 49 U.S.C. 1607a.

(d) The prospectus and the unified planning work program may be combined in a single document. Arrangements may be made to further combine these documents with work program requirements of other Federal sources of physical planning funds (e.g., Department of Housing and Urban Development, Environmental Protection Agency, and Department of the Interior).

(e) Responsibility for fiscal management of Federal funds supporting planning work programs shall be as described in Department of Transportation directives for the class of funds involved.

§ 450.116 Urban Transportation Planning Process: Transportation Plan.

(a) The Metropolitan Planning Organization shall, in cooperation with the State, develop a transportation plan.

(b) The plan shall

(1) Provide for the long-range transportation needs of the urbanized area consistent with the area's overall social, economic, environmental and energy conservation goals and objectives;

(2) Be consistent with the comprehensive long-range land use plan and urban development objectives;

(3) Identify new transportation policies and transportation facilities or major changes in existing facilities by location and identification of modes to be implemented in a 20-30-year period; and

(4) Be reviewed annually to confirm its validity and consistency with current transportation and comprehensive developments which may result from changing conditions and be updated when significant inadequacies occur.

§ 450.118 Urban Transportation Planning Process: Transportation Improvement Program.

(a) The Metropolitan Planning Organization shall, in cooperation with the State, develop a transportation improvement program including an annual element of projects recommended for funding during the first year, as prescribed in Subpart C of this part.

(b) The program shall be a staged multi-year program of transportation improvement projects consistent with the transportation plan developed under § 450.116.

§ 450.120 Urban Transportation Planning Process: Elements.

(a) The transportation planning process shall include the following technical activities to the degree appropriate for the size of the metropolitan area and the complexity of its transportation problems:

(1) An analysis of existing conditions of travel, transportation facilities, and system management;

(2) An evaluation of alternative short-range improvements to make more efficient use of existing transportation resources through traffic management and traffic engineering techniques, operational and regulatory improvements and public transportation improvements;

(3) Projections of future urban area economic, demographic and land use activities consistent with urban development goals and the development of potential future transportation demands based on these levels of activity;

(4) Analysis of alternative transportation investments to meet future (20 to 30 years) areawide needs for new transportation facilities and the development of a transportation plan;

(5) Refinement of the transportation plan through the conduct of corridor, transit technology, and staging studies; and sub-area, feasibility, location, legislative, fiscal, functional classification, and institutional studies;

(6) Plan maintenance activities including monitoring of urban development and transportation indicators and a regular program of reappraisal of the transportation plan; and

(7) Implementation programing which merges the results of plan refinement and the evaluation of short-range improvements to produce a transportation improvement program as specified in Subpart C of this part.

(b) The Metropolitan Planning Organization shall make provisions for involvement of the public in the transportation planning process.

(c) Consistent with the provisions of Title VI of the Civil Rights Act of 1964, the Title VI assurances executed by each State, 23 U.S.C. 324, and 29 U.S.C. 794, no person shall, on the grounds of race, color, sex, national origin, or physical handicap, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under the transportation planning process.

§ 450.122 Urban Transportation Planning Process: Certification.

(a) The Federal Highway and Urban Mass Transportation Administrators will review annually the transportation planning process being conducted for each urbanized area. Upon their determination that the process is continuous, cooperative, and comprehensive, and that it has resulted in plans and programs consistent with the comprehensively planned development of the urban area, they will jointly so certify.

(b) The period covered by the certification will be one year, or such other period of time as the Federal Highway and Urban Mass Transportation Administrators determine.

(c) Notification of the results of the certification review will be forwarded to the State and Metropolitan Planning Organization.

(d) Certification may be made with conditions that specific corrective actions be taken, or, as jointly agreed upon by the Federal Highway and Urban Mass Transportation Administrators, with limitations as to the categories of programs and projects that may be approved.

(e) The certification determination will take into account, but not be limited to

(1) Existence of a Metropolitan Planning Organization;

(2) Existence of an effective decision-making process;

(3) Existence of a transportation improvement program resulting from the technical process with an approved annual element, developed in accordance with Subpart C of this part;

(4) Existence of an adequate, on-going process, carrying out the technical activities required by § 450.120;

(5) A finding of current validity of the transportation plan by the Metropolitan Planning Organization;

(6) Existence of an adequate prospectus and unified planning work program;

(7) Existence of current and valid agreements establishing responsibilities for carrying out transportation planning;

(8) Consistency of the transportation plan with the approved State air quality implementation plan;

(9) Implementation of Title VI of the 1964 Civil Rights Act and 23 U.S.C. 324 in the planning process; and

(10) Correction of deficiencies identified in previous certification actions.

A deficiency in any particular factor or factors does not necessarily constitute grounds for non-certification.

Proposed Part 613 Subpart B of title 49, Code of Federal Regulations reads as follows:

PART 613—PLANNING ASSISTANCE AND STANDARDS

Subpart B—Urban Transportation Planning

Sec.
613.200 Urban transportation planning.

AUTHORITY: 23 U.S.C. 104(f)(3), 134, and 315; 49 U.S.C. 1603(a) and 1607a; 49 CFR §§ 1.48(b) and 1.50(f).

Subpart B—Urban Transportation Planning

§ 613.200 Urban transportation planning.

The urban transportation planning regulations implementing 23 U.S.C. 134 and section 4 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)), which requires comprehensive planning of transportation improvements, which are set forth in 23 CFR Part 450 Subpart A, are incorporated into this subpart.

[FR Doc.74-26266 Filed 11-7-74;8:45 am]

[23 CFR Part 450]

[Docket No. 74-13]

METROPOLITAN PLANNING FUNDS

Notice of Proposed Rulemaking

The Federal Highway Administration (FHWA) and the Urban Mass Transportation Administration (UMTA) are considering issuing regulations to implement section 104(f) of title 23, United States Code, relating to allocation, matching, and programing for the "one-half percent" metropolitan planning funds. The proposed regulations would add Subpart B to Part 450 of title 23 of the Code of Federal Regulations.

Section 112 of the Federal-Aid Highway Act of 1973 amended 23 U.S.C. 104(f) to provide that, after making the deduction authorized by 23 U.S.C. 104(a), not more than one-half percent of the total funds authorized to be appropriated for expenditure on Federal-aid systems shall be apportioned to the States for the purpose of carrying out 23 U.S.C. 134 relating to transportation planning in urban areas. These funds shall be apportioned to the States in the ratio which the population in urbanized areas or parts thereof in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State shall receive less than one-half percent of the sums so apportioned.

The States, in turn, are required by 23 U.S.C. 104(f)(3) to make these funds available, in accordance with a formula developed by the State and approved by the Federal Highway and Urban Mass Transportation Administrators, to the Metropolitan Planning Organization (MPO) responsible for carrying out the provisions of section 134.

The distribution formula developed by the State shall consider, but not necessarily be limited to population, status of planning, and metropolitan area transportation needs. If these factors are not inherent in the formula, the State must show that they have been adequately considered (§ 450.202(a)).

States will be allowed maximum flexibility in developing formulas to meet their needs. The formula should consider the status of planning and metropolitan area transportation needs and provide at least a minimum funding level to support sound planning. The remaining funds might then be distributed based on population. The status of planning variable should be a subjective evaluation of the planning processes in a State, not a comparison of the tasks in a proposed unified work program. A good method for establishing the minimum level is to base it on the cost of providing one urban transportation planner to an urbanized area. Coordination with the appropriate MPOs in formula preparation is encouraged. In making specific distributions to individual urbanized areas, the geographic areas the State may use for determining population are flexible as long as all urbanized areas within a State are treated equitably.

Section 450.202 of these regulations provides that section 104(f) funds (PL funds) shall be made available to MPOs responsible for carrying out the provisions of 23 U.S.C. 134. If a State does not have an urbanized area, the State shall expend the PL funds only on items related to urban transportation planning without developing a distribution formula. In that event, the expenditures shall be supported by an appropriate work program.

The availability of PL funds does not preclude the expenditure of Highway Planning and Research (HP&R) funds under 23 U.S.C. 307(c)(1), Urban Mass Transportation Act section 9 funds (49 U.S.C. 1607a), and other Federal and local funds in urbanized areas.

As soon as practicable after PL funds are apportioned, the States shall distribute the funds to the appropriate MPOs and notify the Federal Highway Administrator of the amounts distributed.

Section 104(f)(3) of title 23 U.S.C. requires that the one-half percent metropolitan planning funds shall be matched in accordance with 23 U.S.C. 120 unless the Secretary determines that the interests of the Federal-aid highway program would be best served without such matching. Under the authority of section 104(f), it has been determined that a matching ratio other than that set forth in 23 U.S.C. 120 is required. Accordingly, the Federal share payable on account of

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work performed using PL funds shall not be less than 80 percent. Those States which presently have a higher Federal ratio because they contain nontaxable Indian lands, individual and tribal, public domain lands (both reserved and unreserved), national forests, and national parks and monuments, are also encouraged to adopt a matching ratio of 80 percent. This would establish a uniform ratio for the planning funds which would not vary from year to year, and would be consistent with the Urban Mass Transportation Administration Planning Assistance Program (section 9, Technical Studies). The remaining non-Federal share may be comprised of either State or local money or both.

The expenditure of PL funds by each MPO shall be supported by the annual unified planning work program. For those States which do not have an urbanized area, a special planning program shall be prepared for this purpose.

The financial summary page of the unified planning work program shall include a separate line for the PL and matching funds; the HPR, Planning and Research, UMTA section 9, other Federal funds, and State funds financing the project. FHWA projects jointly financed with a combination of types of funds shall be identified by a combination prefix designation.

Where it is not possible to associate a particular planning activity with a particular fund, monthly expenditure reporting and progress claims for projects which are financed from more than one Federal Highway Administration fund may be based on the percentage that each fund bears to the total funds of the unified planning work program (§ 450.206 (c)).

Under § 450.206(f) the State highway department shall be primarily responsible for administering PL funds. The use of the funds shall be covered by an agreement between the State highway department and the Metropolitan Planning Organization. Under § 450.206(f)(2) the agreement shall include items such as the identity of the parties involved, purpose, statement of work, period of performance, consideration and payment, cost principles, examination of records, access of records and right to audit, and retention of records.

Section 450.206(g) of the regulations makes the provisions of title 49, Code of Federal Regulations, Part 21, with respect to Title VI, Civil Rights Act of 1964, apply to projects utilizing metropolitan planning funds. With respect to audit, the provisions of title 23, Code of Federal Regulations, Chapter I, Subchapters B and E will be applicable.

This amendment to title 23, Code of Federal Regulations, is issued under the authority of 23 U.S.C. 104(f) and 315; 49 U.S.C. 1655; and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f).

In consideration of the foregoing, it is proposed to amend Chapter I of title 23 of the Code of Federal Regulations by adding a new Part 450, Subpart B, as set forth below.

Inquiries, comments, views, and arguments on these proposed regulations may be submitted to the Federal Highway Administration, U.S. Department of Transportation, Room 4226, Docket No. 74–13, 400–7th Street SW., Washington, D.C. 20590. All written communications received on or before December 9, 1974, will be considered before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

Issued on November 5, 1974.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

J. R. COUPAL, Jr.,
Acting Federal Highway Administrator.

PART 450—PLANNING ASSISTANCE AND STANDARDS

Subpart B—Metropolitan Planning Funds

Sec.
450.200 Purpose.
450.202 Distribution.
450.204 Matching.
450.206 Programing of metropolitan planning funds.

AUTHORITY: 23 U.S.C. 104(f) and 315; 49 U.S.C. 1655; 49 CFR 1.48(b) and 1.50(f).

Subpart B—Metropolitan Planning Funds

§ 450.200 Purpose.

(a) The purpose of this subpart is to set forth procedures for distribution, matching, and programing for the one-half percent metropolitan planning funds authorized by 23 U.S.C. 104(f).

(b) Section 112 of the 1973 Highway Act (P.L. 93–87) amends section 104(f) of title 23, United States Code, to provide that, after making the deduction authorized by 23 U.S.C. 104(a), not more than one-half percent of the total funds authorized to be appropriated for expenditure on Federal-aid systems shall be apportioned to the States for the purpose of carrying out the provisions of 23 U.S.C. 134, relating to transportation planning in urban areas. These funds will be apportioned to the States in the ratio which the population in urbanized areas or parts thereof in each State bears to the total population in such urbanized areas in all the States as shown by the latest available census, except that no State may receive less than one-half percent of the sums so apportioned. Each State is required to distribute these funds to the Metropolitan Planning Organizations (MPOs) designated by the Governor in accordance with a formula developed by the State and approved by the Federal Highway and Urban Mass Transportation Administrators.

§ 450.202 Distribution.

(a) Funds authorized by section 104 (f) (PL funds) shall be distributed in accordance with a formula to Metropolitan Planning Organizations responsible for carrying out the provisions of 23 U.S.C. 134. If a State does not have an urbanized area, the State shall expend the PL funds only on items related to urban transportation planning. In that event, the funds need not be distributed by formula, but expenditures shall be supported by an appropriate work program.

(b) The distribution formula shall consider, but not necessarily be limited to population, status of planning, and metropolitan area transportation needs. If these factors are not inherent in the formula, the State must show that they have been adequately considered.

(c) The availability of PL funds does not preclude the expenditure of Highway Planning and Research (HP&R) funds, Urban Mass Transportation Administration section 9 funds and other Federal and local funds in urbanized areas.

(d) As soon as practicable after PL funds are apportioned to the State, the State shall distribute the funds to the appropriate Metropolitan Planning Organization and notify the Federal Highway Administrator of the amounts distributed.

§ 450.204 Matching.

The Federal share payable on account of work performed using PL funds shall not be less than 80 percent.

§ 450.206 Programming of metropolitan planning funds.

(a) The expenditure of PL funds by each Metropolitan Planning Organization shall be supported by the annual unified planning work program required by 23 CFR 450.114. For the States which do not have an urbanized area, a special planning program shall be prepared for this purpose.

(b) The financial summary page of the unified planning work program shall include a separate line for the PL and matching funds, the HP&R funds (23 U.S.C. 307(c)(1), the UMTA section 9 (49 U.S.C. 1607a), other Federal funds and the State funds financing the project.

(c) Where it is not possible to associate a particular planning activity with a particular fund, monthly expenditure reporting and progress claims for projects which are financed from more than one Federal Highway Administration fund may be based on the percentage that each fund bears to the total funding of the unified planning work program.

(d) FHWA projects jointly financed with a combination of types of funds shall be identified in the unified planning work program by a combination prefix designation.

(e) The State highway department shall be primarily responsible for administering metropolitan planning funds and shall do so pursuant to an agreement between the State highway department and the MPO. As a minimum the agreement shall identify the parties involved; specify the purpose, statement of work, period of performance, consideration and payment, and cost principles; grant the State the rights of access to, and examination and audit of records; and provide for retention of records.

(g) The provisions of title 49, Code of Federal Regulations, Part 21, with respect to Title VI, Civil Rights Act of 1964, shall apply to projects utilizing PL funds.

[FR Doc.74–26263 Filed 11–7–74;8:45 am]

[23 CFR Part 450]

[49 CFR Part 613]

[Docket No. 74–10]

TRANSPORTATION IMPROVEMENT PROGRAM

Notice of Proposed Rulemaking

The Federal Highway Administration [FHWA] and the Urban Mass Transportation Administration [UMTA] are considering issuing regulations to implement certain provisions of title 23 U.S.C. and the Urban Mass Transportation Act of 1964, as amended, which govern the planning and programming of urban transportation improvements. The proposed regulations would add Subpart C to Part 450 of Title 23 of the Code of Federal Regulations.

As a result of the Federal-Aid Highway Act of 1973, the FHWA and UMTA are jointly responsible for administering section 134 of title 23 U.S.C., which establishes the continuing, comprehensive, and cooperative transportation planning process. These regulations are being issued with the goal of strengthening the connection between long-range transportation planning, planning of existing system improvements, and implementation activities.

The regulations also recognize the need for multimodal planning in the implementation decisions arising out of the increased flexibility provided by the 1973 Act.

In addition to title 23 U.S.C. provisions, these regulations implement section 4(a) of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1603(a)) which specifies that assistance under section 3 of the Act can only be provided upon a determination that the assistance is sought for implementing a program for a unified or officially coordinated urban transportation system as part of the comprehensively planned development of the urban area.

The proposed regulations address the joint requirements of the FHWA and UMTA pertaining to programming of transportation improvements in metropolitan areas. Instructions defining joint FHWA/UMTA requirements for the urban transportation planning process are being issued separately, as are FHWA regulations governing statewide programming activities under 23 U.S.C. 105.

The terms used throughout these regulations have the same meaning as in title 23 U.S.C., unless otherwise defined. The definitions of transportation improvement program, Metropolitan Planning Organization, transportation improvement projects, and substantial commitment of Federal funds are of particular importance.

"Transportation improvement program" is defined so as to encompass two major parts—a 3–5 year projection of transportation improvements for the metropolitan area and an annual, or first year, element of projects proposed for Federal assistance for the first program year. Both the 3–5 year program and its annual element are prerequisites for Federal aid as prescribed under this regulation.

"Transportation improvement projects" lists types of improvements which may be considered for inclusion in the program. These listings are illustrative and not meant to preclude other projects of a similar nature.

"Substantial commitment of Federal funds" is deemed to have occurred at the time of a Federal action which allows the acquisition of right-of-way or if right-of-way acquisition was not previously federally funded, the physical construction or implementation of the project. Certain State-initiated projects defined as substantially committed are exempted from mandatory inclusion in the program.

The transportation improvement program should encompass the area for which long-range planning is being conducted under 23 U.S.C. 134 and 49 U.S.C. 1603(a). Where the Metropolitan Planning Organization jurisdiction includes more one urbanized area, a single transportation improvement program covering all urbanized areas should be developed. The boundaries of urbanized areas are those established and approved pursuant to 23 U.S.C. 101(a).

Under the proposed regulations nonfederally funded projects of regional significance as well as federally-aided highway and transit projects are required to be included in the transportation improvement program. Projects proposed for Federal support that are deemed by agreement between State and appropriate local officials not to be of appropriate scale for individual inclusion in the overall program may be grouped by functional classification, geographic area or work type and included by general description and total cost.

State and local agencies responsible for carrying out the recommended improvements should also be identified in the program.

Preparation of the program should be given broad and timely exposure through the transportation planning process. The results of the process in terms of summary of the short-range strategies, projects, and the annual element should also be widely distributed through the annual report prepared as part of the continuing planning process.

In developing the annual element, which should be consistent with the strategies and timing of the overall program, each metropolitan area and State may establish specific cooperative procedures for project identification and processing consistent with legislative restraints for the classes of funds involved. Specific procedures are set forth for advancing projects to the Metropolitan Planning Organization for consideration for inclusion in the annual element. These project procedures are limited to the programming actions described herein and do not apply to subsequent stages in project development, i.e., submission of plans, specifications, and estimates or contract agreement. Projects are initiated for inclusion in the annual element of the transportation improvement program by elected officials of general purpose units of local government, transit operating officials or the State highway agency, depending on the classes of funds involved. Urban system highway projects are initiated by principal elected officials. Urban Mass Transportation Act projects, urban system nonhighway public transportation projects, and Interstate substitution projects are initiated by elected officials in consultation with transit operating officials or by transit operating officials. We expect the Metropolitan Planning Organization to assist in the identification of these projects. All other highway projects are initiated by the State highway agency.

The regulations require that the transportation improvement program, including the annual element, be endorsed by the Metropolitan Planning Organization annually. We have not specified whether this endorsement is to be on a fiscal or calendar year basis, believing that the participants should be able to adjust the endorsement process to meet local needs. Subsequent to the Metropolitan Planning Organization's endorsement, the program is submitted to UMTA and to FHWA through the State.

Projects proposed for funding under the Urban Mass Transportation Act are those contained in the annual element endorsed by the Metropolitan Planning Organization. For title 23 urban system and Interstate substitution projects, the State will include, in the statewide program required by 23 U.S.C. 105, those projects in the annual element in which it concurs. For Interstate, Federal-aid primary, secondary, and extensions of the Federal-aid primary and secondary systems in urban areas, the State will select projects drawn from the annual element endorsed by the Metropolitan Planning Organization. The State may not include a project in the statewide 23 U.S.C. 105 program which is not contained in the annual element unless the project is one for which a substantial commitment of Federal funds has previously been made. The provision affording States the discretion to advance certain projects which may not be included in the metropolitan program but which have reached a specific degree of commitment was discussed at considerable length. We concluded it is reasonable to allow States to proceed with projects which are, in effect, committed from a planning standpoint without again obtaining affirmative action by the Metropolitan Planning Organization. This

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provision is not, however, intended to preclude further involvement of local officials in the development of a project. It should be noted that additional revenues for local involvement are provided in regulations implementing section 103 (e) of title 23 which specify responsibilities of local officials in Interstate withdrawals and substitutions.

Under these regulations the process used in devising the program applies also to making revisions in the program. However, at their discretion, the participants may establish special modification procedures for the annual element for certain projects which fall within the purview of 23 CFR Part 655, Subparts A and E. Such projects are generally considered to be of a minor nature or may be emergency-type actions which must be implemented immediately because of safety or related considerations.

Two alternative methods are established for submission by the State of title 23 projects. The preferable approach, and the option which the Department encourages States to adopt, is for the State to submit the metropolitan area program intact by urbanized area as a separate chapter in the statewide program of projects required by 23 U.S.C. 105. Such submission will facilitate program approvals as a single action for each metropolitan area.

A second alternative is for the State to incorporate the urban system portion of each metropolitan area's program intact into the 23 U.S.C. 105 program. This would permit approval of the urban system element as a single action but would require separation of other title 23 projects for the metropolitan area from the 23 U.S.C. 105 program.

The FHWA and UMTA will review the transportation improvement program for consistency with this regulaiton, and will also review the projects selected for implementation in accordance with established policies for the type of work, status of project, and kind of funds requested. The FHWA and UMTA will arrange for joint discussions with the State, applicant agencies, and the Metropolitan Planning Organization, as appropriate.

In accordance with departmental operating procedures, the Federal Highway Administrator and the Urban Mass Transportation Administrator will jointly approve the urban systems portion of the statewide 105 program. Approval of the other projects (non-urban system projects) will be made individually by the appropriate Federal agency.

Approval of the annual element in accordance with these regulations will indicate eligibility for consideration of a commitment of Federal funds when a request for obligation of FHWA funds or an application for UMTA funds is submitted. Such approval does not constitute a final decision on the use of FHWA or UMTA funds nor does it replace the need to meet other statutory and administrative requirements.

Inquiries, comments, views, and arguments on these proposed regulations may be submitted to the Federal Highway Administration, Room 4226, Docket No. 74–10, 400 7th Street SW., Washington, D.C. 20590. All written communications received on or before December 6, 1974, will be considered before final action is taken on this proposal. Copies of all written communications received will be available for examination during normal business hours at the foregoing address.

These amendments to title 23 and title 49, Code of Federal Regulations, are proposed under the authority of 23 U.S.C. 105, 134(a), 135(b); 49 U.S.C. 1603(a) and 1607a; and the delegation of authority by the Secretary of Transportation at CFR 1.48(b) and 1.50(f).

In consideration of the foregoing, it is proposed to amend Chapter I of title 23 and Chapter 613 of title 49 of the Code of Federal Regulations by adding a new Part 450 Subpart C and a new Part 613 Subpart A, respectively.

Issued on: November 5, 1974.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

J. R. COUPAL, Jr.,
Acting Federal Highway Administrator.

PART 450—PLANNING ASSISTANCE AND STANDARDS

Subpart C—Transportation Improvement Program

Sec.

450.300 Purpose.
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450.328 Approval.
450.330 Funding eligibility.

AUTHORITY: 23 U.S.C. 105, 134(a), 135(b) and 49 U.S.C. 1603(a), 1607a; 49 CFR 1.48(b), 1.50(f)

Subpart C—Transportation Improvement Program

§ 450.300 Purpose.

The purpose of these regulations is to establish guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and also prescribe guidelines for the selection, by implementing agencies, of annual programs of projects to be advanced in urbanized areas.

§ 450.302 Applicability.

(a) After July 1, 1975, the transportation improvement program, including the annual element, described in the regulations in this subpart, shall be a prerequisite to Federal assistance in urbanized areas under

(1) 23 U.S.C. 104(b)(6), 23 U.S.C. 103(e), 49 U.S.C. 1602; and

(2) 23 U.S.C. 104(b)(1), 23 U.S.C. 104(b)(2), 23 U.S.C. 104(b)(3), 23 U.S.C. 104(b)(5) unless a substantial commitment of Federal funds has previously been made.

(b) The procedures prescribed by the regulations in this subpart shall be effective immediately.

§ 450.304 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this subpart as so defined.

(b) As used herein:

"Annual element" means a list of transportation improvement projects proposed for implementation using Federal funds during the first program year.

"Interestate system projects" mean projects funded under 23 U.S.C. 104(b)(5).

"Interstate system projects" means projects funded under 23 U.S.C. 103(e)(4) (withdrawal of Interstate segments and substitution of public mass transit projects).

"Metropolitan Planning Organization" means that organization which is designated by the Governor as being responsible, together with the State, for carrying out the provisions of 23 U.S.C. 134, and capable of meeting the requirements of 49 U.S.C. 1603(a).

"Rural primary system projects" means projects funded under 23 U.S.C. 104(b)(1) (Federal-aid primary system).

"Rural secondary system projects" means projects funded under 23 U.C.S. 104(b)(2) (Federal-aid secondary system).

"Transportation improvement program" means a staged multi-year program of federally and non-federally funded transportation improvement projects including an annual element.

"UMTA projects" means Urban Mass Transportation Administration projects funded under 49 U.S.C. 1602 (capital assistance).

"Urban extension projects" means projects including an annual element. (3) (Extensions of the Federal-aid primary and secondary systems within urban areas).

"Urban system projects" means highway or nonhighway public mass transportation projects funded under 23 U.S.C. 104(b)(6) (Federal-aid urban system).

"Transportation improvement projects" includes, but is not limited to: acquisition of right-of-way; construction of highways, busways, and fixed guideways; fringe parking facilities; major street improvements; transit rolling stock acquisition; Traffic Operations Program to Increase Capacity and Safety (TOPICS) projects; bicycle and pedestrian facilities; changes in levels of transit service; initiation of exclusive or preferential bus and carpool lanes; staggering work hours; measures to encourage carpooling; regulation of parking supply and cost; and programs for transit route revisions.

"Substantial commitment of Federal funds" means Federal action which authorizes—

(1) The acquisition of right-of-way; or

(2) The physical construction or implementation of the project, if right-of-way acquisition was not previously federally funded.

§ 450.306 Geographic coverage.

The transportation improvement program should encompass the area for which long-range transportation planning is being conducted under titles 23 and 49 of the United States Code and the regulations issued in this part.

§ 450.328 Transportation improvement program: general.

(a) The transportation improvement program shall be developed and updated annually under the direction of the Metropolitan Planning Organization in cooperation with—

(1) State and local communities;

(2) Regional and local transit operators;

(3) Municipal traffic engineers; and

(4) Other affected transportation and regional planning and implementing agencies.

(b) The program shall be part of the comprehensively-planned development of the urban area so that individual transit and highway projects and programs are consistent with the long-range goals for regional development.

(c) The program shall cover a period of not less than three years but may at local discretion cover five or more years.

§ 450.310 Transportation improvement program: content.

The transportation improvement program shall—

(a) Identify transportation improvement projects recommended as a result of the cooperative planning process for advancement during the program period;

(b) Indicate the areas priorities by grouping projects of similar urgency and anticipated staging into appropriate staging periods; and

(c) Include realistic estimates of total costs and revenues for the program period.

§ 450.312 Planning support.

(a) The transportation improvement program shall be accompanied by documentation of the metropolitan area's planning process which is the basis for transportation investment decisions. The documentation shall include, as a minimum, a discussion of:

(1) The status of the existing transportation system;

(2) Alternatives that were investigated to increase the efficiency of the existing transportation facilities and equipment;

(3) Analysis of alternative capital actions, including modes of transportation and timing of options that were considered during program development, and approaches used to evaluate the alternatives;

(4) Consistency of the program with the stated long-range goals of the area and its transportation plan; and

(5) Consideration given to social, economic, and environmental effects and to conservation of energy resources.

(b) In preparing the documentation required under paragraph (a) of this section, previously submitted current documentation which meets the requirements in whole or in part of that paragraph may be incorporated by reference.

§ 450.314 Annual element: general.

The annual element shall identify projects recommended as a result of the cooperative planning process to implementing agencies for advancement during the first year.

§ 450.316 Annual element: project initiation.

Projects for inclusion in the annual element shall be initiated in the following manner:

(a) Proposed urban system highway projects shall be initiated by the principal elected officials of general purpose units of local government.

(b) Proposed urban system nonhighway public mass transportation, Interstate transfer, and UMTA projects shall be initiated by principal elected officials of general purpose units of local government in consultation with local transit operating officials or by local transit operating officials.

(c) Proposed rural primary system, rural secondary system, urban extension, and Interstate system projects shall be initiated by the State highway agency.

§ 450.318 Annual element: content.

(a) The annual element shall contain:

(1) Projects initiated under § 450.316 (a) and (b) of this subpart; and

(2) Projects initiated under § 450.316(c) of this subpart; within the area of geographic coverage of the program, at all stages in the project development for which program action is proposed, until a substantial commitment of Federal funds has been made.

(b) With respect to each project and phase thereof listed in pararaph (a) (1) and (2) of this section, the annual element shall include—

(1) Sufficient descriptive material (type of work, termini, length, etc.) to identify the work to be done;

(2) The estimated cost of the work;

(3) The proposed source of Federal funds (i.e., Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1602) or 23 U.S.C., or both); and

(4) Identification of the State and local agencies responsible for carrying out the improvements.

(c) The annual element shall be reasonably consistent with the amount of funds exvected to be available to the area. Where Federal funds have been allocated to the area pursuant to 23 U.S.C. 150, these shall be indicated.

§ 450.320 Annual element: modification.

The annual element may be modified by the participants at any time during the year consistent with the procedures established in this subpart, except that the participants may establish special modification procedures for projects of an emergency nature which fall within the purview of 23 CFR Part 655 Subparts A and E.

§ 450.322 Action required by Metropolitan Planning Organization.

(a) The transportation improvement program, including the annual element, shall be endorsed annually by the Metropolitan Planning Organization.

(b) The Metropolitan Planning Organization shall submit the transportation improvement program including the annual element to the Urban Mass Transportation Administrator and through the State to the Federal Highway Administrator. These submissions shall constitute endorsement of the program by the Metropolitan Planning Organization.

§ 450.324 Selection of projects for implementation.

(a) The projects proposed to be implemented with Federal assistance under 49 U.S.C. 1602 (Urban Mass Transportation Administration capital assistance programs) shall be those contained in the annual element of the transportation improvement program submitted by the Metropolitan Planning Organization to the Urban Mass Transportation Administrator.

(b) Upon receipt of the transportation improvement program submission, the State shall include in the statewide program of projects required under 23 U.S.C. 105:

(1) Those projects drawn from the annual element and proposed to be implemented with Federal assistance under 23 U.S.C. 104(b) (Federal-aid urban system) and 103(e)(4) (withdrawal of Interstate segments and substitution of public mass transit projects), in which it concurs; and

(2) Those projects it selects from the annual element and proposes to implement with Federal assistance under 23 U.S.C. 104(b)(1) (Federal-aid primary system), 23 U.S.C. 104(b)(2) (Federal-aid secondary system), 23 U.S.C. 104(b)(3) (extensions of the Federal-aid primary and secondary systems in urban areas), and 23 U.S.C. 104(b)(5) (Interstate System).

(c) Nothing in paragraph (b)(2) of this section shall be construed as requiring the State to select from the annual element a project for which a substantial commitment of Federal funds has previously been made. Neither shall these regulations be construed as prohibiting a State from including in the statewide program required under 23 U.S.C. 105 a project for which a substantial commitment of Federal funds has previously been made and which does not appear in the annual element.

(d) With regard to highway projects which include the selection of location or design, the State shall consult with, and consider the views of, the principal elected officials of general purpose units of local government within whose jurisdiction the project is located.

(e) The urbanized area portions of the statewide 23 U.S.C. 105 program submitted annually by the State to the Federal Highway Administrator shall also be submitted to the Urban Mass Transportation Administrator.

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(f) The State shall notify the Metropolitan Planning Organization of actions taken under paragraph (a) of this section.

§ 450.326 Submission of title 23 projects selected for implementation.

(a) Those projects included in the annual element and proposed for funding under the provisions of 23 U.S.C. may be incorporated intact into the statewide program of projects required by 23 U.S.C. 105 for the metropolitan area. If the State elects to do so, necessary Federal program approvals under 23 U.S.C. 105 may be made individually for each metropolitan area; or

(b) The State may elect to incorporate only the urban systems funded portion of the annual element intact into the 23 U.S.C. 105 program. In this case, joint Federal Highway Administration/Urban Mass Transportation Administration approval of the urban systems portion may be made individually for each metropolitan area.

§ 450.328 Approval.

(a) Upon the determination by the Federal Highway Administrator and the Urban Mass Transportation Administrator that the program or portion thereof is in conformance with this subpart and that the area is under planning certification, approvals will be given to the State and Metropolitan Planning Organization in accordance with the following:

(1) The Federal Highway Administration and the Urban Mass Transportation Administration will jointly approve the urban system projects selected for implementation. This action shall constitute the approval required by 23 U.S.C. 105 for these projects.

(2) Approval of other projects selected for implementation (non-urban system projects) will be given to the applicant agencies by the appropriate Federal agency in accordance with established policy.

(b) The approval granted under paragraph (a) of this section constitutes eligibility for consideration of a commitment when a request for obligation of Federal Highway Administration funds or an application for Urban Mass Transportation Administration funds is submitted.

§ 450.330 Funding eligibility.

Work leading to the preparation of a transportation improvement program and annual element is eligible for Federal assistance with highway planning and research funds, and with Urban Mass Transportation Administration section 9 funds (49 U.S.C. 1607(a)). In addition, highway construction funds may be used for project-related activities.

Proposed Part 613 Subpart A of title 49, Code of Federal Regulations, reads as follows:

PART 613—PLANNING ASSISTANCE AND STANDARDS

Subpart A—Transportation Improvement Program

Sec.
613.100 Transportation improvement program.

AUTHORITY: 23 U.S.C. 105, 134(a), 135(b), and 49 U.S.C. 1603 (a), 1607a; 49 CFR 1.48(b) and 1.50(f).

Subpart A—Transportation Improvement Program

§ 613.100 Transportation improvement program.

The Transportation improvement program regulations establishing guidelines for the development, content, and processing of a cooperatively developed transportation improvement program in urbanized areas and also prescribing guidelines for the selection, by implementing agencies, of annual programs of projects to be advanced in urbanized areas which are set forth in 23 CFR Part 450 Subpart C, are incorporated into this subpart.

[FR Doc.74-26265 Filed 11-7-74;8:45 am]

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PART III

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, Supersedeas Decisions, and Cancellations

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, Supersedeas Decisions, and Cancellations

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates, (37 FR 21138) and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and Federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New general wage determination decisions.

South Carolina	AR–4052

Modifications to general wage determination decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Arkansas:	
AQ–110	May 24, 1974
Massachusetts:	
AR–3131; AR–3137; AR–3138.	Aug. 30, 1974
New York:	
AR–2051	Sept. 13, 1974
AR–2060	Oct. 18, 1974
Oklahoma:	
AR–15	Aug. 16, 1974
AR–35; AR–50	Sept. 27, 1974
Texas:	
AR–38; AR–39; AR–40; AR–42; AR–45.	Sept. 20, 1974
AR–46; AR–47	Sept. 27, 1974
AR–55	Oct. 4, 1974
Virginia:	
AR–2047; AR–2049	Sept. 6, 1974

Supersedeas decisions to general wage determination decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

California:	
AQ–1094(AR–1044); AQ–1095(R–1045)	Mar. 22, 1974
Kentucky:	
AQ–4036(AR–4056)	Nov. 23, 1973
AQ–4075(AR–4054)	Feb. 15, 1974
AQ–4084(AR–4053)	Mar. 1, 1974
AQ–4116(AR–4055)	May 17, 1974
Minnesota:	
AR–3049; AR–3050; AR–3051; (AR–3166); AR–3052(AR–3167).	July 12, 1974
Nevada:	
AQ–1063(AR–1043)	Feb. 15, 1974

Cancellation of general wage determination decisions. General Wage Determination Decision No. AP–450, Washington, D.C.; Montgomery and Prince Georges Counties, Maryland; the cities of Alexandria, Fairfax and Falls Church, Virginia; Arlington and Fairfax Counties, Virginia, is cancelled. Agencies with residential construction projects pending in these locations should utilize the project determination procedure by submitting form SF–308. See Regulations Part 1 (29 CFR), § 1.5. Contracts for which bids have been opened shall not be affected by this notice, and consistent with 29 CFR 1.7(b)(2), the incorporation of Decision No. AP–450 in contract specifications the opening of bids for which is within ten (10) days of this notice need not be affected.

Signed at Washington, D.C., this 1st day of November 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

NEW DECISION

STATE: South Carolina
DECISION NUMBER: AR-4052
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

COUNTIES: See below
DATE: Date of Publication

43-SC-4-C (1-1)

*Counties: Clarendon, Darlington, Dillon, Florence, Lee, Marion, Marlboro, Sumter, and Williamsburg	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pension	Vacation	App. Tr.	Others
Air conditioning mechanic	$5.00					
Bricklayers	4.25					
Carpenters	3.60					
Cement masons	4.12					
Dry wall finishers	4.00					
Dry wall hangers	4.00					
Electricians	4.00					
Glaziers	3.50					
Laborers:						
Laborers	2.25					
Mason tenders	3.40					
Mortar mixers	3.40					
Painters, brush	3.25					
Plumbers & pipefitters	3.60					
Roofers	3.65					
Sheet metal workers	3.60					
Tile setters	3.75					
Truck drivers	2.23					
Welders - rate for craft	2.50					
Power Equipment Operators:						
Asphalt distributor	2.70					
Asphalt paver	2.30					
Backhoe	2.40					
Curbing machine operator	2.68					
Bulldozer	2.75					
Forklift	2.28					
Grader	2.28					
Loader	2.28					
Pan	2.40					
Trenching machine						

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MODIFICATIONS P. 1

DECISION NO AQ-110 - Mod. #4
(39 FR 18410 - May 24, 1974)
Union County, Arkansas

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters	$6.65	.25			.04
Millwrights	7.15	.25			.04
Piledrivermen	7.15	.25			.04

DECISION #AR-3131 - Mod. #3
(39 FR 31806 - August 30, 1974)
Bristol County, Massachusetts

Change:					
Electricians:					
Attleboro, N. Attleboro, & Seekonk	$ 8.80	.38	1%	.50	.02
Painters:					
Remainderof County:					
Brush & Taper	7.78	.62	.45		.04
Steel	10.88	.62	.45		.04
Spray	8.78	.62	.45		.04
Sheet Metal workers:					
Remainder of County	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3137 - Mod. #3					
(39 FR 31833 - August 30, 1974)					
Norfolk County, Massachusetts					
Change:					
Painters:					
Remainder of County:					
New Construction:					
Brush, Tapers	$ 8.76	.62	.85		.04
Steel	10.88	.62	.85		.04
Spray	9.76	.62	.85		.04
Repaint, alterations, &					
Residential	8.01	.62	.85		.04
Brush	10.88	.62	.85		.04
Steel	9.01	.62	.85		.04
Spray					
Plumbers:					
Bellingham, Braintree, Brookline, Canton, Cohasset, Dedham Foxboro, Franklin, Mills, Milton, Needham, Norfolk, N. Waymouth, Norwood, Plainville, Quincy, Sharon, S. Weymouth, Walpole, Westwood, Weymouth & Wrentham	10.25	.70	.60		.03
Sheet Metal Workers	9.63	.71	.75		.06
Sprinkler fitters	9.63	.50	.70		.08

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3138 - Mod. #3					
(39 FR 31836 - August 30, 1974)					
Plymouth County, Massachusetts					
Change:					
Painters:					
Abington, Bridgewater, Brockton Carver, Duxbury, E. Bridgewater, Halifax, Hanover, Hanson, Hingham, Hull, Kingston, Marshfield, Norwell, Pimbroke, Plymouth, Plympton, Rockland, Scituate, W. Bridgewater & Whitman:					
New Construction:					
Brush, Taper	$ 8.76	.62	.85		.04
Steel	10.88	.62	.85		.04
Spray	9.76	.62	.85		.04
Repaint, alterations & residential					
Brush	8.01	.62	.85		.04
Steel	10.88	.62	.85		.04
Spray	9.01	.62	.85		.04
Sprinkler fitters	9.63	.71	.75		.06
Steamfitters; Marshfield	9.63	.50	.70		.08
Terrazzo workers helpers	7.65	.30	.25		.05

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-2051 - Mod. #2						
(39 FR 33185 - September 13, 1974)						
Erie County, New York						
Change:						
Building, Heavy & Highway Construction:						
Line Construction:						
Linemen	$ 9.79	.50	1%+.50	d	3/8%	
Cable splicer	10.54	.50	1%+.50	d	3/8%	
Groundman digging machine operator	8.81	.50	1%+.50	d	3/8%	
Groundman mobile equipment operator	8.30	.50	1%+.50	d	3/8%	
Groundman truckdriver & mechanic	7.90	.50	1%+.50	d	3/8%	
Groundman dynamite man	8.30	.50	1%+.50	d	3/8%	
Omit:						
Building, Heavy & Highway Construction:						
Truck drivers schedule originally issued						
Add:						
Building, Heavy & Highway Construction:						
Contractor drivers	8.695	.50	.55	e+f		
Ready mix	7.965	.375	.55	e+f		
Dump	7.965	.375	.55	e+f		
Footnote:						
e. After one year, one weeks vacation; 2 years, 6 days vacation; 3 year, 7 days vacation up to 2 weeks maximum vacation after completion of 5th year, full vacations are earned by a driver who works 1040 hours or more in the calendar year, if an employee works less than 1040 hours in any calendar year, vacation will be prorated for either 1 or 2 weeks of vacation on the basis of using the number of hours worked as the numerator and 1040 as the denominator.						

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MODIFICATIONS P. 5
AR-2051 P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Footnote (Conf'd): f. Paid Holidays, A through F, Friday after Thanksgiving Day except where the employee is laid off 2 or more weeks prior to the holiday, however employees laid off less than 2 weeks prior to election Day will automatically be eligible for the subsequent Friday after Thanksgiving as a paid holiday even though laid off.						

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO. AR-15 - Mod. #4 (39 FR 29907 - August 16, 1974) Oklahoma, Cleveland, Canadian, Lincoln and Pottawatomie Counties, Oklahoma					
Change:					
Glaziers	$6.82				
Plasterers	8.60				.01
DECISION NO. AR-35 - Mod. #1 (39 FR 35043 - September 27, 1974) Muskogee County, Oklahoma					
Change:					
Glaziers	$7.00	.40	.30		.01
DECISION NO. AR-50 - Mod. #1 (39 FR 35046 - September 27, 1974) Tulsa and Creek Counties, Oklahoma					
Change:					
Glaziers	$7.00	.40	.30		.01

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-38 - Mod. #3 (39 FR 34090 - September 20, 1974) Kleberg & Nueces Counties, Texas					
Change:					
Marble setters' helpers	$4.87				
Terrazzo workers' helpers:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
Tile setters' helpers	4.87				
DECISION #AR-39 - Mod. #2 (39 FR 34002 - September 20, 1974) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change:					
Plumbers & pipefitters	6.80	.22			.05
DECISION #AR-40 - Mod. #2 (39 FR 34004 - September 20, 1974) Cameron, Hidalgo, Starr & Willacy Counties, Texas					
Change:					
Plumbers & pipefitters	6.80	.22			.05

MODIFICATIONS P. 7

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-42 - Mod. #4 (39 FR 34007 - September 20, 1974) Travis County, Texas					
Change:					
Carpenters:					
Carpenters	$7.58	.38	.30		.02
Millwrights	7.83	.38	.30		.02
Marble setters' helpers	4.87				
Terrazzo workers' helpers:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
Tile setters' helpers	4.87				
DECISION #AR-45 - Mod. #2 (39 FR 34015 - September 20, 1974) Bexar County, Texas					
Change:					
Carpenters:					
Carpenters	7.12	.38	.30		.02
Millwrights	7.42	.38	.30		.02
Cement masons:					
Cement masons	7.57	.25		.40	
Machine operators	7.82	.25		.40	.02
Elevator constructors:					
Elevator constructors	7.77	.445	.29	3%+a+b	.02
Elevator constructors' helpers	70%JR	.445	.29	3%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
Ironworkers	7.15	.55	.60	.20	.07
Laborers:					
Common laborers; Pipelayers, concrete & clay(non-metallic)	4.74	.28	.20		.02
Air tool operators (jackhammer, vibrator)	4.83	.28	.20		.02
Bell hole man; Mason tenders	4.85	.28	.20		.02
Mortar mixers; Plasterers' tenders	5.11	.28	.20		.02

MODIFICATIONS P. 8

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-45 (CONT'D)					
Marble masons' helpers	$4.87				
Plasterers	8.15				.01
Power Equipment Operators:					
Group 1	7.82	.35	.30		
Group 2	7.01	.35	.30		
Group 3	5.94	.35	.30		
Group 4	5.72	.35	.30		
Sprinkler fitters	9.05	.50	.70		.08
Terrazzo workers' helpers:					
Terrazzo helpers	4.87				
Floor machine operators	5.07				
Base machine operators	5.22				
Tile setters' helpers	4.87				
DECISION #AR-46 - Mod. #2 (39 FR 35057 - September 27, 1974) Wichita County, Texas					
Change:					
Lathers	$7.65				.01
DECISION #AR-47 - Mod. #2 (39 FR 35059 - September 27, 1974) Lubbock County, Texas					
Change:					
Sprinkler fitters	9.05	.50	.70		.08
DECISION #AR-55 - Mod. #1 (39 FR 35901 - October 4, 1974) Bowie County, Texas					
Change:					
Sprinkler fitters	9.05	.50	.70		.08

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MODIFICATIONS P. 9

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2049 - Mod. #2 (39 FR 32476 - September 6, 1974) York County and the cities of Hampton and Newport News including Langley AFB, Fort Eustis and Fort Monroe, Virginia					
CHANGE:					
Carpenters & Soft Floor Layers	$6.60	.20	.20		.01
Sheet Metal Workers:					
Newport News & Hampton	7.10	.35	.25		.005
York County	7.35	.35	.25		.005
Mod. #1 (39 FR 36722 - October 11, 1974) to read: CHANGE: Building Construction Laborers, etc.					
DECISION #AR-2047 - Mod. #2 (39 FR 32472 - September 6, 1974) The cities of Norfolk, Chesapeake, Portsmouth and Virginia Beach, Virginia					
CHANGE:					
Carpenters & Soft Floor Layers	$6.60	.20	.20		.01
Sheet Metal Workers	6.85	.35	.25		.005
DECISION # AR-2060 - Mod. #1 (39 FR 37354 - October 18, 1974) Dutchess County, New York					
Change:					
Carpenters, Building, Heavy & Highway Construction: Wappingers Falls, New Hackensack, Pawling and Beacon: Carpenters, piledrivermen, soft floor layers, whaft & dock builders	$9.04	.63	.45+.45	.45	.10

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NO.: AR-1044

DATE: Date of Publication

Supersedes Decision No. AQ-1094 dated March 22, 1974, in 39 FR 11004

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 10.17	.78	.72		.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons					
Imperial County	8.25	.62	.80		.05
Inyo, Kern and Mono Counties	7.90	.65	.70	.40	.12
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach); Orange County	8.30	.65	.70		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach	8.53	.65	.70		.07
Riverside and San Bernardino Cos.	7.80	.65	.70		.07
Santa Barbara and San Luis Obispo Cos.	8.55	.65	.45		
Ventura County	8.14	.50	1.00		.02
BRICK TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	6.05	.65	1.35	.35	
Kern, Los Angeles, Orange, Santa Barbara and Ventura Counties	6.15	.65	1.35	.35	
San Luis Obispo County	6.05	.65	1.35	.35	
CARPENTERS:					
Carpenters	7.05	.74	.95	.70	.01
Saw filers	7.13	.74	.95	.70	.01
Table power saw operators	7.15	.74	.95	.70	.01
Shinglers; Piledriverman, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01
Hard wood floor layers; Millwrights	7.25	.74	.95	.70	.01
Head rock slinger	7.28	.74	.95	.70	.01
Pneumatic nailer	7.30	.74	.95	.70	.01

AR-1044 P. 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS					
Cement masons	$ 7.61	.90	1.20	.80	.08
Cement floating and troweling machine	7.86	.90	1.20	.80	.08
DRYWALL INSTALLERS	8.60	.61	.75	.50	.04
ELECTRICIANS:					
Imperial County					
Electricians	8.80	.50	1% + .80		
Cable splicers	9.08	.50	1% + .80		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians, Technicians	10.70	.70	1% + .90		.10
Cable splicers	11.77	.70	1% + .90		.10
Kern County (Remainder of County)					
Electricians; Technicians	8.70	.70	1% + .90		.10
Cable splicers	9.57	.70	1% + .90		.10
Los Angeles County					
Electricians	9.64	.50	1% +1.05		.06
Cable splicers	9.94	.50	1% +1.05		.06
Traffic Signal & Street Lighting:					
Electricians	9.64	.50	1% +1.05		.06
Utility Technician No. 1	7.23	.50	1% +1.05		.06
Utility Technician No. 2	6.75	.50	1% +1.05		.06
Tunnel:					
Electricians	10.60	.50	1% +1.05		.06
Cable splicers	10.90	.50	1% +1.05		.06
Sound Technicians:					
Sound Technicians (on building construction)	9.50	.50	1%		
Sound Technicians (on modification of existing building)	7.66	.50	1%		
Orange County					
Electricians	9.65	.45	1% + .75		.02
Cable splicers	10.09	.45	1% + .75		.02
Riverside County					
Electricians	9.16	.60	1% + .40		.04
Cable splicers	9.46	.60	1% + .40		.04
Inyo, Mono and San Bernardino Cos.					
Electricians	8.76	.50	1% +1.10		.04
Cable splicers	9.06	.50	1% +1.10		.04
Tunnel:					
Electricians	9.32	.40	1% + .75		.02
Cable splicers	9.62	.40	1% + .75		.02

XUM

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS: (Cont'd)					
San Luis Obispo County					
Electricians	$ 9.18	.60	1% + .55		.01
Cable splicers	10.10	.60	1% + .55		.01
Santa Barbara County (Vandenburg AFB)					
Electricians	10.25	.65	1% + .85		.05
Cable splicers	11.25	.65	1% + .85		.05
Remainder of County					
Electricians	9.00	.65	1% + .85		.05
Cable splicers	10.00	.65	1% + .85		.05
Ventura County					
Electricians	9.57	.60	1% + .45		.02
Cable splicers	10.53	.60	1% + .45		.02
ELEVATOR CONSTRUCTORS:					
Imperial, Inyo, Kern (South of Tehachapi Range), Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator constructors	9.21	.195	.20	2% + a	
Elevator constructors' helpers	70%JR	.195	.20	2% + a	
Elevator constructors' helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator constructors	9.73	.395	.26	2% + a	.02
Elevator constructors' helpers	70%JR	.395	.26	2% + a	.02
Elevator constructors' helpers ((Prob.)	50%JR				
GLAZIERS:					
Imperial County	8.90	.55	.60		
Inyo, Kern, Mono Counties	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara, San Luis Obispo and Ventura Cos.	8.47	.60	.85		.04
IRONWORKERS:					
Fence erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	6.75	10%	16%	13%	1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Imperial County	$ 7.00	.24			.01
Inyo and Kern Counties	6.88	.45	.85	.55	
Los Angeles County (except City of Lancaster)					
Metal furring	7.12	.39	.50		.03
Nail on (Area 1)*	6.985	.29	.35		.045
Nail on (Areas II; III; IV)**	7.12	.39	.50		.03
Orange County	8.29	.55	.65	.50	.03
Riverside County	7.375	.24	.105	.53	.01
San Bernardino County	8.61	.245	.60		.015
San Luis Obispo and Santa Barbara Cos.	8.47	.24	.35		
Ventura County	6.11	.30	.50	.60	.01
LINE CONSTRUCTION					
Imperial County					
Groundmen	7.04	.50	1% + .80		
Linemen	8.80	.50	1% + .80		
Cable splicers	9.08	.50	1% + .80		
Kern (China Lake Naval Ordnance Test Station and Edwards AFB)					
Groundmen	8.025	.70	1% + .90		.10
Linemen	10.70	.70	1% + .90		.10
Cable splicers	11.77	.70	1% + .90		.10
Kern County (Remainder of County)					
Groundmen	6.525	.70	1% + .90		.10
Linemen	8.70	.70	1% + .90		.10
Cable splicers	9.57	.70	1% + .90		.10
Los Angeles County					
Groundmen	7.30		1%		
Linemen	9.73		1%		
Cable splicers	10.03		1%		
Orange County					
Groundmen, 1st year	7.25	.25	1% + .45		
Groundmen, 2nd year	7.68	.25	1% + .45		
Linemen	8.90	.25	1% + .45		
Cable splicers	9.31	.25	1% + .45		
Riverside County					
Groundmen	6.87	.60	1% + .40		.04
Linemen; Line Equipment operators	9.16	.60	1% + .40		.04
Cable splicers	9.46	.60	1% + .40		.04

* See page 10 for definition
** See page 10 for definition

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION: (Cont'd)					
Inyo, Mono, San Bernardino Cos.					
Groundmen	$ 6.36	.40	1% + .75		.02
Linemen	8.48	.40	1% + .75		.02
Cable splicers	8.78	.40	1% + .75		.02
San Luis Obispo County					
Linemen	8.98	.60	1%		.01
Cable splicers	9.88	.60	1%		.01
Santa Barbara County (Vandenberg AFB):					
Groundmen	6.95	.35	1% + .45		.03
Linemen	8.85	.35	1% + .45		.03
Cable splicers	9.10	.35	1% + .45		.03
Santa Barbara County (Remainder of Co.)					
Linemen	7.60	.35	1% + .45		.03
Cable splicers	7.85	.35	1% + .45		.03
Ventura County					
Groundmen	8.39	.60	1% + .45		.02
Linemen	9.57	.60	1% + .45		.02
Cable splicers	10.53	.60	1% + .45		.02
MARBLE SETTERS:					
Inyo and Mono Counties	8.57	.76	.51	1.03	
Imperial County	7.26	.55	.65	.60	
Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.16	.65	.55		
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excl. western portion)					
Brush; Paint burners	7.43	.49	.39	.60	.03
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03
Brush (swing stage) Spray	7.68	.49	.39	.60	.03
Steeplejack	8.83	.49	.39	.60	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Inyo, Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), Mono, San Bernardino west of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	$ 8.25	.305	.40	.30	
Structural steel and bridge; Paint burner; Taper	8.37	.305	.40	.30	
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	8.50	.305	.40	.30	
Brush swing stage (over 13 stories)	8.62	.305	.40	.30	
Structural steel and bridge, swing	8.65	.305	.40	.30	
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.75	.305	.40	.30	
Steeplejack	9.50	.305	.40	.30	
Kern County (Remainder of County)					
Brush	7.82	.35	.41		.01
Swing stage (brush-roller)	7.97	.35	.41		.01
Paperhangers; Spray; Sandblasters	8.07	.35	.41		.01
Taping joint sheet rock	8.02	.35	.41		.01
Swing stage and sandblasters	8.22	.35	.41		.01
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	8.31	.35	.40		.02
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper	8.56	.35	.40		.02
Spraymen	8.81	.35	.40		.02
Steeplejack	9.31	.35	.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Painters:					
Parking Lot Striping Work and/or Highway Markers:					
Inyo and Mono Counties					
Striper	$ 7.92	.40	.20	b	
Striper Helper	6.82	.40	.20	b	
Traffic Delineating Device Applicator; Traffic Surface Sandblaster	6.82	.40	.20	b	
Helper (Traffic Delineating Device Applicator, Traffic Surface Sandblaster)	6.32	.40	.20	b	
Remaining Counties					
Traffic Delineating Device Applicator	6.82	.40	.20	b	
Traffic Surface Protective Coating Applicator; Wheel Stop Installer; Traffic Surface Sandblaster; Striper	6.43	.40	.20	b	
Helper (Traffic Surface Protective Coating Applicator, Wheel Stop Installer, Traffic Surface Sandblaster, Striper)	5.43	.40	.20	b	
PLASTERERS:					
Imperial County	8.15	.45	.75		.06
Inyo, Kern and Mono Counties	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07
Riverside and San Bernardino Cos.	10.675				
San Luis Obispo County	9.25				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50		.02
PLASTER TENDERS:					
Imperial, Inyo, Mono, Riverside and San Bernardino Counties	7.93	.65	1.35	.30	
Kern County	6.50	.65	1.35	.30	
Los Angeles and Orange Counties	7.175	.65	1.80	.60	
San Luis Obispo County	6.50	.65	1.35	.30	
Santa Barbara County (except Santa Maria)	7.0275	.65	1.35	1.00	
Santa Barbara County (Santa Maria)	6.94	.65	1.35	1.29	
Ventura County	7.10	.65	1.475	1.00	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLUMBERS; Steamfitters: Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	$ 8.84	10%	16%	13%	1%
Inyo, Kern (except east of Los Angeles Aqueduct) and Mono Cos.	7.67	.60	1.60	1.00	.10
Kern County (east of Los Angeles Aqueduct)	9.67	.60	1.60	1.00	.10
REFRIGERATION & AIR CONDITIONING Riverside and San Bernardino Cos.	7.30	.60	.40	.55	.03
ROOFERS:					
Imperial County	7.14	.40	.25	1.00	
Inyo, Kern and Mono Counties	7.75	.50	.50		
Riverside and San Bernardino Cos.	7.05	.55	.40	.50	
Los Angeles, Orange and Ventura Counties	8.18	.35	.60		.025
San Luis Obispo and Santa Barbara Counties	7.76	.36	.205		.0025
SHEET METAL WORKERS:					
Imperial County	8.93	.74	1.20		
Inyo, Kern, Los Angeles (North of line between Gorman and Big Pines) and Mono Counties	8.52	.74	1.20		
Los Angeles County (Remaining portion)	9.77	.74	1.30		.015
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Cos.	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.72	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County	7.90	.45	.63	.60	.05
Inyo (incl. Inyo-Kern Naval Reservation), Kern (East of the Los Angeles Aqueduct), Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Counties	8.70	.55	.50	.50	.03
Kern County (remaining portion)	8.05	.37	.15	.44	
SPRINKLER FITTERS:					
Imperial, Inyo, Kern, Mono, Orange (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	11.70	.50	.70		.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS: (Cont'd) Los Angeles (Los Angeles City and area within 25 miles; and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme)	$ 11.14	.54	.60		.09
TERRAZZO WORKERS:					
Imperial County	7.26	.55	.65	.60	
Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	7.02	.25	.40	.60	
TILE SETTERS:					
Imperial County	7.26	.55	.65	.60	
Inyo, Kern and Mono Counties	7.30	.40		.30	
Los Angeles, Orange and Ventura Counties	7.65	.495	.65		.04
Riverside and San Bernardino Cos.	7.70	.70	.65		.025
San Luis Obispo and Santa Barbara Counties	8.29	.65	.45		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service; $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years' but less than 10 years' service, and $.50 per hour after 10 years' service.

* Area I - That portion of Los Angeles County including the Cities of Burbanks, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Redondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** Area II; III; and IV:

Area II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east of San Bernardino County Line, then south along the San Bernardino County Line.

Area III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrance Boulevard, west to Pacific Ocean, including Catalina Island.

Area IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County Line, south along County Line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean including San Clemente Island.

XUM

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, pilers and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer, temporary water and air lines; Material hoseman (walls, slab, floors and decks); Mixer-truck chute man (Walls, Slab Decks, floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$ 6.45	.65	1.35	.38	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	6.50	.65	1.35	.38	.10
GUINEA CHASER	6.63	.65	1.35	.38	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways, and similar type heavy construction; Landscape gardener and nursery man	6.55	.65	1.35	.38	.10
PACKING ROD STEEL AND PANS: Tanks scaler and cleaner	6.57	.65	1.35	.38	.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	6.58	.65	1.35	.38	.10
CHUCKTENDER; Septic tank digger and installer	6.60	.65	1.35	.38	.10
CESSPOOL DIGGER AND INSTALLER	6.63	.65	1.35	.38	.10
CONCRETE CURER - IMPERVIOUS MEMBRANE AND FORM OILER; Rip rap stone paver placing stone or sacked concrete; Sandblaster (pot tender)	6.64	.65	1.35	.38	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING & INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES	$ 6.74	.65	1.35	.38	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	6.66	.65	1.35	.38	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; concrete saw man, cutting, scoring old or new concrete; Impact wrench, multi-plate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampers, barko wacker and similar type	6.76	.65	1.35	.38	.10
ROCK SLINGER	6.71	.65	1.35	.38	.10
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.84	.65	1.35	.38	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs. and over	6.86	.65	1.35	.38	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.96	.65	1.35	.38	.10
GAS AND OIL PIPELINE WRAPPER - (6" and over; Kettlemen, potmen and men applying asphalt, lay-kold, creosote, lime caustic and similar type materials	6.79	.65	1.35	.38	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CRIBBER, SHORER, LAGGING, SHEETING, AND TRENCH BRACKING, HAND-GUIDED LAGGING HAMMER	$ 6.96	.65	1.35	.38	.10
BLASTER POWDERMAN	7.10	.65	1.35	.38	.10
STEEL HEADERBOARD MAN AND GUIDELINE SETTER	6.87	.65	1.35	.38	.10
SANDBLASTER (Nozzleman)	6.90	.65	1.35	.38	.10
DRILLER (Core-Diamond-Wagon)	7.10	.65	1.35	.38	.10
HEAD ROCK SLINGER	6.97	.65	1.35	.38	.10
GUNNITE LABORERS:					
NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35	
GUNMEN	6.72	.65	1.35	.35	
REBOUNDMEN	5.76	.65	1.35	.35	

LABORERS (Tunnel and Tunnel-Shaft Construction)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
BATCH PLANT LABORERS; Bull gang mucker, trackman; Concrete crew, incl. rodders and spreaders; Dumpman; Dumpman (outside); Swamper (brakeman and switchman on tunnel work); Tunnel materials handling man; Tool man	$ 7.76	.65	1.35	.38	
CABLE TENDER, Chucktender; Nipper; Steel form raiser and setter's helper; Vibratorman, jackhammer, pneumatic tools (except driller)	7.87	.65	1.35	.38	
BLASTER, Driller, Powderman; Chemical grout jetman; Cherry pickerman; Grout gunman; Grout mixerman; Grout pumpman; Jackleg miner; Jumbo man; Kemper and other pneumatic Concrete placer operator; Miner tunnel (hand or machine); Powderman (primer house); Primer man; Shotcrete man; Steel form raiser and setter; Timberman; Retimberman (wood or steel); Tunnel concrete finisher	8.03	.65	1.35	.38	
SHAFT, Raise miner; Diamond driller	8.29	.65	1.35	.38	

XUM

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POWER EQUIPMENT OPERATORS (DREDGING) HYDRAULIC SUCTION DREDGES	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LEVERMAN	$8.65	.75	1.50	.30	.015	
WATCH ENGINEER; Welder	8.16	.75	1.50	.30	.015	
DECKMATE	7.76	.75	1.50	.30	.015	
WINCH MAN (stern winch or dredge)	7.70	.75	1.50	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler; Levenhand	7.24	.75	1.50	.30	.015	
(CLAM SHELL DREDGES)						
LEVERMAN	8.65	.75	1.50	.30	.015	
WATCH ENGINEER	8.16	.75	1.50	.30	.015	
DECKMATE	7.76	.75	1.50	.30	.015	
BARGEMATE	7.70	.75	1.50	.30	.015	
BARGEMAN; Deckhand; Fireman; Oiler	7.24	.75	1.50	.30	.015	

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POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
*Group 1:	$ 7.28	.75	1.50	.30	.02	
Group 2:	7.52	.75	1.50	.30	.02	
Group 3:	7.76	.75	1.50	.30	.02	
Group 4:	7.87	.75	1.50	.30	.02	
Group 5:	8.06	.75	1.50	.30	.02	
Group 6:	8.16	.75	1.50	.30	.02	
Group 7:	8.26	.75	1.50	.30	.02	
Group 8:	8.40	.75	1.50	.30	.02	
Group 9:	8.50	.75	1.50	.30	.02	
TRUCK DRIVERS						
**Group 1:	6.42	.75	.65	1.00		
Group 2:	6.50	.75	.65	1.00		
Group 3:	6.56	.75	.65	1.00		
Group 4:	6.65	.75	.65	1.00		
Group 5:	6.68	.75	.65	1.00		
Group 6:	6.74	.75	.65	1.00		
Group 7:	6.75	.75	.65	1.00		
Group 8:	6.83	.75	.65	1.00		
Group 9:	6.88	.75	.65	1.00		
Group 10:	6.90	.75	.65	1.00		
Group 11:	7.20	.75	.65	1.00		
Group 12:	7.45	.75	.65	1.00		
Group 13:	7.55	.75	.65	1.00		

* See Page 17 for definition
** See Page 20 for definition

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POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, .10c per hour for each additional unit up to nine units; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar): Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)

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POWER EQUIPMENT OPERATORS CONT'D:
(Except Piledriving and Steel Erection)

GROUP 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to and including 25 tons capacity); Crushing plant operator; Elevating grader; Fork-lift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman;Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtbord and similar types); Lift mobile operator, Loader operator (Athey, Euclid, Sierra and similar type; Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and incl. 6-1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu.yds. M.R.C.

GROUP 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber- tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

GROUP8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull)(.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel mole boring machine operator

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POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal liner; Canal trimmer, Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Drivers of Vehicles or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load

Group 3: Truck mounted power broom

Group 4: Drivers of Vehicles or Combination of vehicles of 3 axles; Water truck, 2 axles

Group 5: Bootman; Cement distributor; Fuel truck; Driver of road oil spreader truck

Group 6: Transit-mix, under 3 yds.; Dumpcrete, less than 6 1/2 yds.

Group 7: Water Truck, 3 or more axles; Truck repairman helper

Group 8: Truck Greaser and Tiremen (50¢ per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used

Group 9: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over

Group 10: Drivers or Vehicles or combination of vehicles of 4 or more axles

Group 11: A-Frame or Swedish Crane, or similar type of equipment; Fork lift; Ross carrier (Hwy)

Group 12: All Off-Highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman

Group 13: Truck Repairman - Welder

SUPERSEDEAS DECISION

STATE: California

COUNTIES: Imperial, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura

DECISION NO.: AR-1045

DATE: Date of Publication

Supersedes Decision No. AQ-1095, dated March 22, 1974, in 39 FR 11013

DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W.	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 10.17	.78	.72		.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Imperial County	8.25	.62	.80		.05
Kern County	7.90	.65	.70	.40	.12
Los Angeles County (Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd., incl. Long Beach); Orange County	8.30	.65	.70		.07
Los Angeles County (except Cities of Santa Monica, Malibu, Venice, Pasadena, South Pasadena, Arcadia, Monrovia and South of Rosecrans Blvd. incl. Long Beach)	8.53	.65	.70		.07
Riverside and San Bernardino Cos.	7.80	.65	.70		.07
Santa Barbara and San Luis Obispo Counties	8.55	.65	.45		
Ventura County	8.14	.50	1.00		.02
BRICK TENDERS:					
Imperial, Riverside and San Bernardino Counties	6.05	.65	1.35	.35	
Kern, Los Angeles, Orange, Santa Barbara and Ventura Counties	6.15	.65	1.35	.35	
San Luis Obispo County	6.05	.65	1.35	.35	
CARPENTERS:					
Carpenters	7.05	.74	.95	.70	.01
Saw filers	7.13	.74	.95	.70	.01
Table power saw operators	7.15	.74	.95	.70	.01
Shinglers; Piledrivermen, bridge or dock carpenters; Derrick bargemen; Rock slinger	7.18	.74	.95	.70	.01
Hard wood floor layers; Millwrights	7.25	.74	.95	.70	.01
Head rock slinger	7.28	.74	.95	.70	.01
Pneumatic nailer	7.30	.74	.95	.70	.01
CEMENT MASONS:					
Cement masons	7.61	.90	1.20	.80	.08
Cement floating and troweling machine	7.86	.90	1.20	.80	.08

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DRYWALL INSTALLERS	$ 8.60	.61	.75	.50	.04
ELECTRICIANS:					
Imperial County					
Electricians	8.80	.50	1% + .80		
Cable splicers	9.08	.50	1% + .80		
Kern (China Lake Naval Ordnance Test Station, Edwards AFB)					
Electricians; Technicians	10.70	.70	1% + .90		.10
Cable splicers	11.77	.70	1% + .90		.10
Kern County (Remainder of County)					
Electricians; Technicians	8.70	.70	1% + .90		.10
Cable splicers	9.57	.70	1% + .90		.10
Los Angeles County					
Electricians	9.64	.50	1% +1.05		.06
Cable splicers	9.94	.50	1% +1.05		.06
Orange County					
Electricians	9.65	.45	1% + .75		.02
Cable splicers	10.09	.45	1% + .75		.02
Riverside County					
Electricians	9.16	.60	1% + .40		.04
Cable splicers	9.46	.60	1% + .40		.04
San Bernardino County					
Electricians	8.76	.50	1% +1.10		.04
Cable splicers	9.06	.50	1% +1.10		.04
San Luis Obispo County					
Electricians	9.18	.60	1% + .55		.01
Cable splicers	10.10	.60	1% + .55		.01
Santa Barbara County (Vandenberg AFB):					
Electricians	10.25	.65	1% + .85		.05
Cable splicers	11.25	.65	1% + .85		.05
Remainder of County:					
Electricians	9.00	.65	1% + .85		.05
Cable splicers	10.00	.65	1% + .85		.05
Ventura County					
Electricians	9.57	.60	1% + .45		.02
Cable splicers	10.53	.60	1% + .45		.02

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Imperial, Kern (South of Tehachapi Range), Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties					
Elevator Constructors	$ 9.21	.195	.20	2% + a	
Elevator Constructors' Helpers	70%JR	.195	.20	2% + a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Kern County (North of Tehachapi Range)					
Elevator Constructors	9.73	.395	.26	2% + a	.02
Elevator Constructors' Helpers	70%JR	.395	.26	2% + a	.02
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Imperial County	8.90	.55	.60		
Kern County	7.68	.41	.55	.66	.05
Los Angeles, Orange, Riverside, San Bernardino, Santa Barbara					
San Luis Obispo and Ventura Cos.	8.47	.60	.85		.04
IRONWORKERS:					
Fence erectors	8.64	.73	.975	.85	.02
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
IRRIGATION AND LAWN SPRINKLERS:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	6.75	10%	16%	13%	1%
LATHERS:					
Imperial County	7.00	.24			.01
Kern County	6.88	.45	.85	.55	
Los Angeles County (except City of Lancaster)					
Metal furring	7.12	.39	.50		.02
Nail on (Area 1)*	6.985	.29	.35		.045
Nail on (Area II; III; IV)**	7.12	.39	.50		.03
Orange County	8.29	.55	.65	.50	.03
Riverside County	7.375	.24	.105	.53	.01
San Bernardino County	8.61	.245	.60		.015
San Luis Obispo and Santa Barbara Counties	8.47	.24	.35		
Ventura County	6.11	.30	.50	.60	.01

* See Page 7 for definition
** See Page 7 for definition

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excluding western portion)					
Brush; Paint burners	$ 7.43	.49	.39	.60	.03
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	7.93	.49	.39	.60	.03
Brush (swing stage); Spray	7.68	.49	.39	.60	.03
Steeplejack	8.83	.49	.39	.60	.03
Kern (Lancaster, Mojave, Palmdale, China Lake Naval Ordnance Test Station and Edwards AFB), Los Angeles (except Pomona Area), San Bernardino (west of a line North in Trono including China Lake Area, Johannesburg, Boron, South including the Wrightwood Area)					
Brush	8.25	.305	.40	.30	
Structural steel & bridge; Paint burner; Taper	8.37	.305	.40	.30	
Brush swing stage (13 stories or less); Paperhangers; Sandblasters; Spray	8.50	.305	.40	.30	
Brush swing stage (over 13 stories)	8.62	.305	.40	.30	
Structural steel & bridge, swing	8.65	.305	.40	.30	
Spray sandblaster swing stage (13 stories or less); Paste machine; Special coating spray	8.75	.305	.40	.30	
Steeplejack	9.50	.305	.40	.30	
Kern County (Remainder of County)					
Brush	7.82	.35	.41		.01
Swing stage (brush-roller)	7.97	.35	.41		.01
Taping joint sheet rock	8.02	.35	.41		.01
Paperhangers; Spray; Sandblasters	8.07	.35	.41		.01
Swing stage and Sandblasters	8.22	.35	.41		.01
San Luis Obispo, Santa Barbara and Ventura Counties					
Brush	8.31	.35	.40		.02
Iron and steel; Paperhangers; Paste machine operator; Sandblaster; Taper	8.56	.35	.40		.02
Spraymen	8.81	.35	.40		.02
Steeplejack	9.31	.35	.40		.02

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS:					
Imperial County	$ 8.15	.45	.75		.06
Kern County	7.77	.45	.60	.60	.06
Los Angeles and Orange Counties	7.495	.53	1.60	.55	.07
Riverside and San Bernardino Cos.	10.675				
San Luis Obispo County	9.25				
Santa Barbara County	8.69	.70	1.05		.01
Ventura County	8.625	.55	.50	.50	.02
PLASTERERS' TENDERS:					
Imperial, Riverside and San Bernardino Counties	7.93	.65	1.35	.30	
Kern County	6.50	.65	1.35	.30	
Los Angeles and Orange Counties	7.175	.65	1.80	.60	
San Luis Obispo County	6.50	.65	1.35	.30	
Santa Barbara County (except Santa Maria)	7.0275	.65	1.35	1.00	
Santa Barbara County (Santa Maria)	6.94	.65	1.35	1.29	
Ventura County	7.10	.65	1.475	1.00	
PLUMBERS; Steamfitters:					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.84	10%	15%	13%	1%
Kern, (except east of Los Angeles Aqueduct)	7.67	.60	1.60	1.00	.10
Kern County (East of Los Angeles Aqueduct)	9.67	.60	1.60	1.00	.10
REFRIGERATION & AIR CONDITIONING					
Riverside and San Bernardino Cos.	7.30	.60	.40	.55	.03
ROOFERS:					
Imperial County	7.14	.40	.25	1.00	
Kern County	7.75	.50	.50		
Los Angeles, Orange and Ventura Counties	8.18	.35	.60		.025
San Luis Obispo and Santa Barbara Counties	7.76	.36	.205		.0025
Riverside and San Bernardino Cos.	7.05	.55	.40	.50	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS					
Imperial County	$ 8.93	.74	1.20		
Kern, Los Angeles (North of line between Gorman and Big Pines)	8.52	.74	1.20		
Los Angeles County (Remaining portion)	9.77	.74	1.30		.015
Orange County	9.52	.69	1.20		
Riverside and San Bernardino Cos.	8.25	.69	1.05		.05
San Luis Obispo, Santa Barbara and Ventura Counties	9.72	.69	1.05		
SOFT FLOOR LAYERS:					
Imperial County. (Kern Naval Reservation), Kern (east of the Los Angeles Aqueduct)	7.90	.45	.63	.60	.05
Los Angeles, Orange, Riverside, Santa Barbara, San Bernardino, San Luis Obispo and Ventura Cos.	8.70	.55	.50	.50	.03
Kern County (Remaining portion)	8.05	.37	.15	.44	
SPRINKLER FITTERS:					
Imperial, Kern, Orange, (except Santa Ana), Riverside, San Bernardino (except Ontario), San Luis Obispo, Santa Barbara and Ventura (except Santa Paula, Point Mugu and Port Hueneme)	11.70	.50	.70		.08
Los Angeles (Los Angeles City and area within 25 miles, and Pomona), Orange (Santa Ana), San Bernardino (Ontario), and Ventura (Santa Paula, Point Mugu and Port Hueneme	11.14	.54	.60		.09
TILE SETTERS:					
Imperial County	7.26	.55	.65	.60	
Kern County	7.30	.40		.30	
Los Angeles, Orange and Ventura Cos.	7.65	.495	.65		.04
Riverside and San Bernardino Cos.	7.70	.70	.65		.025
San Luis Obispo and Santa Barbara Cos.	8.55	.65	.45		

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PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Six Paid Holidays: A through F.

* AREA I - That portion of Los Angeles County including the Cities of Burbank, Castaic, Chatsworth, Cornell, Glendale, Hermosa Beach, Hollywood, Los Angeles, Malibou Beach, Rendondo Beach, San Fernando, Santa Monica, Torrance, Van Nuys, Whittier, Zuma Beach.

** AREAS II; III; and IV:

AREA II - That portion of Los Angeles County including the Cities of Pomona, El Monte, Covina, Alhambra, Pasadena, South Pasadena, La Canada, to line that intersects Acton, east to San Bernardino County line, then south along the San Bernardino County line.

AREA III - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Torrence Boulevard, west to Pacific Ocean, including Santa Catalina Island.

AREA IV - Beginning at the edge of Reeves Field, north along Long Beach City limits to 223rd Street, west to Avalon Boulevard, north to Rosecrans Avenue, east to Atlantic Avenue, north to Imperial Highway, east to the Orange County line, south along County line to Western Avenue, south to Lincoln Avenue, east to Highway 39 (Beach Boulevard), south to the Pacific Ocean, including San Clemente Island.

POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
*Group 1:	$ 7.28	.75	1.50	.30	.02
Group 2:	7.52	.75	1.50	.30	.02
Group 3:	7.76	.75	1.50	.30	.02
Group 4:	7.87	.75	1.50	.30	.02
Group 5:	8.06	.75	1.50	.30	.02
Group 6:	8.16	.75	1.50	.30	.02
Group 7:	8.26	.75	1.50	.30	.02
Group 8:	8.40	.75	1.50	.30	.02
Group 9:	8.50	.75	1.50	.30	.02
TRUCK DRIVERS					
**Group 1:	6.42	.75	.65	1.00	
Group 2:	6.50	.75	.65	1.00	
Group 3:	6.56	.75	.65	1.00	
Group 4:	6.65	.75	.65	1.00	
Group 5:	6.68	.75	.65	1.00	
Group 6:	6.74	.75	.65	1.00	
Group 7:	6.75	.75	.65	1.00	
Group 8:	6.83	.75	.65	1.00	
Group 9:	6.88	.75	.65	1.00	
Group 10:	6.90	.75	.65	1.00	
Group 11:	7.20	.75	.65	1.00	
Group 12:	7.45	.75	.65	1.00	
Group 13:	7.55	.75	.65	1.00	

* See Page 12 for definition
** See Page 15 for definition

LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLEANING AND HANDLING OF PANEL FORMS; Concrete screeding for rough strike off; Concrete, water curing; Demolition laborer, the cleaning of brick and lumber; Dry packing of concrete, plugging, filling of shee-bolt holes; Fire watcher, limbers, brush loaders, piles and debris handler; Gas and oil pipeline; Laborers, general or construction; Laborer - temporary water and air lines; Material hoseman (Walls, slab, floors and decks); Mixer-truck chute man (Walls, slabs, deck floors, foundations and footing-curb and gutter and sidewalks); Rigging and signalling; Slip form raisers; Window cleaner	$ 6.45	.65	1.35	.38	.10
CUTTING TORCH (Demolition); Scaler; Tarman; Mortarman	6.50	.65	1.35	.38	.10
GUINEA CHASER	6.63	.65	1.35	.38	.10
ASPHALT SHOVELER; Fine grader, highway and street paving, airports, runways and similar type heavy construction; Landscape gardener and nursery man	6.55	.65	1.35	.38	.10
PACKING ROD STEEL AND PANS; Tanks sealer and cleaner	6.57	.65	1.35	.38	.10
UNDERGROUND (INCL. CAISSON BELLOWERS)	6.58	.65	1.35	.38	.10
CHUCKTENDER; Septic tank digger and installer	6.60	.65	1.35	.38	.10
CESSPOOL DIGGER AND INSTALLER	6.63	.65	1.35	.38	.10
CONCRETE CURER-IMPERVIOUS MEMBRANE AND FORM OILER; Riprap stonepaver placing stone or sacked concrete; Sandblaster (pot tender)	6.64	.65	1.35	.38	.10

LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PIPELAYERS' BACKUP MAN, COATING, GROUTING, MAKING OF JOINTS, SEALING, CAULKING, DIAPERING INCLUDING RUBBER GASKET JOINTS, POINTING & ANY AND ALL OTHER SERVICES	$ 6.74	.65	1.35	.38	.10
BUGGYMOBILE MAN; Cement dumper (on 1 yd. or larger mixer and handling bulk cement); Gas and oil pipeline wrapper-pot tender; Power broom sweepers (small); Roto scraper and tiller; Tree climber, faller, chain saw operator, Pittsburgh chipper and similar type brush shredders; Trenching machine, hand propelled	6.66	.65	1.35	.38	.10
ASPHALT RAKER, LUTEMAN AND IRONER; Concrete core cutter, grinder or sander; Concrete saw man, cutting, scoring old or new concrete; Impact wrench, multiplate; Pneumatic, gas, electric tools, vibrating machines and similar mechanical tools not separately classified herein; Tampera, barko wacker and similar type	6.76	.65	1.35	.38	.10
ROCK SLINGER	6.71	.65	1.35	.38	.10
DRILLER, JACKHAMMER - 2 - 1/2 DRILL STEEL OR LONGER	6.84	.65	1.35	.38	.10
CONCRETE VIBRATOR OPERATOR, 70 lbs and over	6.86	.65	1.35	.38	.10
PIPELAYER (NON-METALLIC INCL. SEWER, DRAIN AND UNDERGROUND TILE); Prefabricated manhole installer	6.96	.65	1.35	.38	.10

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LABORERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GAS AND OIL PIPELINE WRAPPER - (6" and over); Kettlemen, potmen and men applying asphalt, laykold, creosote, lime caustic and similar type materials	$ 6.79	.65	1.35	.38	.10
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING, HAND-GUIDED LAGGING HAMMER	6.96	.65	1.35	.38	.10
BLASTER POWDERMAN	7.10	.65	1.35	.38	.10
STEEL HEADERBOARD MAN AND GUIDE LINE SETTER	6.87	.65	1.35	.38	.10
SANDBLASTER (nozzleman)	6.90	.65	1.35	.38	.10
DRILLER (Core-Diamond-Wagon)	7.10	.65	1.35	.38	.10
HEAD ROCK SLINGER	6.97	.65	1.35	.38	.10
GUNNITE LABORERS: NOZZLEMEN AND RODMEN	7.22	.65	1.35	.35	.10
GUNMEN	6.72	.65	1.35	.35	.10
REBOUNDMEN	5.76	.65	1.35	.35	.10

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor operator; Deck hand; Engineer oiler; Generator operator; Heavy duty repairman helper; Pump operator; Signalman; Switchman

Group 2: Concrete mixer, Skip type; Conveyor; Fireman; Generator, pump or compressor, (2-5 inclusive) portal units - over 5 units, .10c per hour for each additional unit up to nine units; Hydrostatic pump; Oiler crusher (asphalt or concrete plant); Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. without attachment; Tar pot fireman; Temporary heating plant operator; Trenching machine oiler; Truck crane oiler

Group 3: A-Frame or Winch Truck; Chainman; Elevator (inside); Equipment greaser (rack); Ford Ferguson (with dragtype attachments); Power concrete curing machine; Power concrete saw; Power-driven jumbo form setter; Ross carrier (jobsite); Stationary pipe wrapping and cleaning machine

Group 4: Asphalt Plant Fireman; Boring machine; Boxman or mixerman (asphalt or concrete); Chip spreading machine; Concrete pump (small portable); Bridge type unloader and turntable; Dinky locomotive or motorman (up to and including 10 tons); Equipment greaser (grease truck); Helicopter hoist operator; Highline cableway signalman; Hydra-hammer-aero stomper; Power sweeper; Roller (compacting); Screed (asphalt or concrete); Rodman; Trenching machine (up to 6 ft.)

Group 5: Asphalt Plant Engineer; Concrete batch plant operator - (oiler or journeyman-trainee required); Backhoe (up to and including 3/4 yds.); Bit sharpener; Concrete joint machine operator (canal and similar type); Concrete planer; Derrickman (oilfield type); Deck engine operator; Drilling machine (including water wells); Forklift (under 5 ton capacity); Hydrographic seeder machine (straw, pulp or seed); Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher operator (concrete Clary - Johnson-Bidwell or similar): Pavement breaker (truck mounted, oiler) road oil mixing machine; Roller operator (asphalt or finish); Rubber tired earth moving equipment, (single engine, up to and including 25 yds. struck); Self-propelled tar pipelining machine operator; Slip form pump (power driven hydraulic lifting device for concrete forms); Tugger hoist (1 drum); Tunnel locomotive operator (over 10 and up to and including 30 tons); Stinger crane (Austin-Western or, similar type); Skiploader operator (crawler and wheel type over 3/4 yd. and up to and including 1 1/2 yds.); Tractor operator, Bulldozer, Tamper, Scraper (single engine, up to 100 h.p. flywheel and similar types, up to and including D-5 and similar types.)

POWER EQUIPMENT OPERATORS CONT'D:
(Except Piledriving and Steel Erection)

GROUP 6: Asphalt or concrete spreader (tamping or finishing); Asphalt paving machine (Barber Green or similar type - 2 screedman required); BMI Lima Road Pactor, Wagner Pactor or similar; Bridge crane operator; Cast in place pipe laying machine operator; Combination mixer and compressor (gunite work); Concrete pump (truck mounted)(oiler required); Concrete mixer operator-paving; Crane operator (up to and including 25 tons capacity); Crushing plant operator; Elevating grader; Forklift (over 5 tons); Grade checker; Gradall operator; Grouting machine; Heading shield; Heavy duty repairman; Hoist operator (Chicago boom and similar type); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift slab machine (Vagtborg and similar types); Lift mobile operator; Loader operator (Athey, Euclid, Sierra and similar type; Material hoist; Mucking machine (1/4 yd. - rubber-tired, rail or track type); Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (tunnel); Pumpcrete gun; Rotary drill (excl. caisson type); Rubber-tired earth moving equipment, (single engine-Caterpillar, Euclid, Athey, Wagon, and similar types with any and all attachments over 25 yds. and up to and incl. 50 cu. yds. struck); Rubber-tired scraper (self-loading-paddle wheel type); Skiploader (crawler and wheel type over 1-1/2 yds., up to and incl. 6-1/2 yds.); Surface heaters and planer; Rubber-tired earth moving equipment, multiple engine, (up to and incl. 25 yds. struck); Trenching machine (over 6 ft. depth capacity, manufacturers rating); Tower crane; Tractor compressor drill combination; Tractor (any type larger than D-5-100 flywheel h.p. and over or similar) (Bulldozer, tamper, scraper, and push tractor, single engine); Tractor (boom attachments); Traveling pipe wrapping, cleaning and bending machine; Tunnel locomotive (over 30 tons); Shovel, Backhoe, Dragline, Clamshell (over 3/4 yds. and up to 5 cu.yds. M.R.C.

GROUP 7: Crane - over 25 tons up to and including 100 tons; Derrick barge; Dual drum mixer; Monorail locomotive (Diesel, gas or electric); Motor patrol - blade (single engine); Multiple engine tractor (Euclid and similar type, except Quad 9 cat); Rubber- tired earth moving equipment, single engine over fifty (50) yds. struck; Rubber-tired earth moving equipment (multiple engine, Euclid, Caterpillar and similar)(over 25 yds. and up to 50 cu. yds. struck); Tractor loader (crawler and wheel type over 6-1/2 yds.); Tower crane repairman; Shovel, Backhoe, Dragline, Clamshell (over 5 cu. yds.; M.R.C.; Woods mixer and similar pugmill equipment; Heavy duty repairman - welder combination

GROUP8: Auto grader operator; Automatic slip form; Crane-over 100 tons; Hoist, Stiff legs, guy derricks or similar types (capable of hoisting 100 tons or more); Mass excavator; Mechanical finishing machine; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cu. yds. struck); Rubber-tired scraper (Push-pull)(.50c per hour additional to base rate); Tandem equipment operators (2 units only); Tandem Tractor Op. (Quad 9 or similar type); Tunnel mole boring machine operator

POWER EQUIPMENT OPERATORS (cont'd)
(Except Piledriving and Steel Erection)

GROUP 9: Canal liner; Canal trimmer; Helicopter pilot; Highline cableway; Rubber-tired self-loading scraper (paddle wheel-Auger type self-loading - 2 or more units); Wheel excavator (over 750 cu. yds.); Remote controlled earth moving equipment operator ($1.00 per hour additional)

TRUCK DRIVERS

Group 1: Warehouseman and Teamster

Group 2: Drivers of Vehicles or Combination of vehicles of 2 axles (incl. all vehicles less than six tons); Traffic control pilot car, excluding moving heavy equipment permit load

Group 3: Truck mounted power broom

Group 4: Drivers of Vehicles or Combination of vehicles of 3 axles; Water truck, 2 axles

Group 5: Bootman; Cement distributor; Fuel truck; Driver of road oil spreader truck

Group 6: Transit-mix, under 3 yds.; Dumpcrete, less than 6 1/2 yds.

Group 7: Water Truck, 3 or more axles; Truck repairman helper

Group 8: Truck Greaser and Tiremen (50c per hour additional when working on tire sizes above 24 inch in wheel diameter); Pipeline and utility working truck driver, incl. winch truck, but not limited to trucks applicable to pipeline and utility work, where a composite crew is used

Group 9: Transit-mix, 3 yds. or more; Dumpcrete, 6 1/2 yds. and over

Group 10: Drivers or Vehicles or combination of vehicles of 4 or more axles

Group 11: A-Frame or Swedish Crane, or similar type of equipment; Fork lift; Ross carrier (Hwy)

Group 12: All Off-Highway Equipment within Teamsters Jurisdiction (off highway combination of vehicles or equipment with multiple power sources, $1.00 per hour additional); Truck repairman

Group 13: Truck Repairman - Welder

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SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AR-4053
Supersedes Decision No. AQ-4084 dated March 1, 1974 in 39 FR 8118
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTY: See below*
DATE: Date of Publication

1-KY-2-3

*Counties: Allen, Ballard, Butler, Caldwell, Calloway, Carlisle, Christian, Crittenden, Daviess, Edmonson, Fulton, Graves, Hancock, Henderson, Hickman, Hopkins, Livingston, Logan, Lyon, McCracken, McLean, Marshall, Muhlenberg, Ohio, Simpson, Todd, Trigg, Union, Warren and Webster	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
Carpenters	$6.85	.35	.30		
Cement masons	6.50	.40	.20		.03
Electricians:					
Linemen (outside)	8.80	.25	1%		½ of 1%
Groundmen (outside)	7.07	.25	1%		½ of 1%
Ironworkers:					
Structural and ornamental	7.40	.45	.50		.02
Reinforcing	7.40	.45	.50		.02
Millwrights	7.10	.35	.30		
Painters:					
Bridge and sandblasting	6.85	.15			
Spray	6.85	.15			
Piledrivermen	7.10	.35	.30		
Pipefitters	9.10	.45	.50		.08
Plumbers	9.10	.45	.50		.08

KENTUCKY 3-LAB-E (1-1)

LABORERS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$5.99	.25	.25		
GROUP 2	6.24	.25	.25		
GROUP 3	6.29	.25	.25		
GROUP 4	6.89	.25	.25		

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixer, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blasters, tunnel muckers (free air), miners and drillers (free air), caisson workers (free air)

Kentucky 1-PEO-2 D

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$8.20	.25	.25		
CLASS B	6.51	.25	.25		
CLASS C	6.02	.25	.25		

Class A - Power Equipment Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, Hoe-Type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucker, piledriver, power blade, roller (bituminous), scraifier, shovel, tractor shovel, truck lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, a-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, kocal loader, tower cranes, (French, German, and other types), hydrocrane, backfiller, gurries, subgrader, tailboom and dredge engineer

Class B - All air compressors (600 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tugger, well points, flexplane, firemen, and hoist (one drum)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deck-hand oiler, and hydraulic post driver

Kentucky 5-PEO-3-C

HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$7.60	.25	.25		
CLASS B	6.30	.25	.25		
CLASS C	5.81	.25	.25		

Class A - Power Equipment Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, Hoe-Type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucker, piledriver, power blade, roller (bituminous), scraifier, shovel, tractor shovel, truck lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, a-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, kocal loader, tower cranes, (French, German, and other types), hydrocrane, backfiller, gurries, subgrader, tailboom and dredge engineer

Class B - All air compressors (600 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tugger, well points, flexplane, firemen, and hoist (one drum)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deck-hand oiler, and hydraulic post driver

XUM

AR-4053 P. 5

KY-1-TD-2-3

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP I	$6.19		a		
GROUP II	6.24		a		
GROUP III	6.47		a		
GROUP IV	6.54		a		
GROUP V	6.55		a		

Group I - Truck Driver: Truck helper

Group II - Driver, 3 tons and under; greaser, tire changer and mechanic helper

Group III - Truck mechanic

Group IV - Driver, over 3 tons, driver of distributors; driver, dump truck tandem axle, driver on mixer trucks (all types); driver, semi-trailer or pole trailer when used to pull building material or equipment

Group V - Driver, euclid and other heavy earth-moving equipment and low boy; driver, fork lift truck when used to transport building materials driver on pavement breakers; driver, which truck and a-frame truck when used in transporing materials

FOOTNOTE:
a. $22.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: See below*
DECISION NUMBER: AR-4054 DATE: Date of Publication
Supersedes Decision No. AQ-4075 dated February 15, 1974 in 39 FR-5983
DESCRIPTION OF WORK: Heavy and Highway Construction

2-KY-2-3

*Counties: Adair, Barren, Bell, Breathitt, Casey, Clay, Clinton, Cumberland, Estill, Floyd, Garrard, Green, Harlan, Hart, Jackson, Knott, Knox, Laurel, Lee, Leslie, Letcher, Lincoln, McCreary, Magoffin, Martin, Menifee, Metcalfe, Monroe, Owsley, Perry, Pike, Powell, Pulaski, Rockcastle, Russell, Taylor, Wayne, Whitley and Wolfe

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenters	$6.81	.25	.30	.20	
Cement masons	6.60	.25	.30	.20	
Electricians:					
Linemen (outside)	9.20	.30	1%		½ of 1%
Cable splicers (outside)	9.45	.30	1%		½ of 1%
Groundman:					
1st 6 mos.	50% a	.30	1%		½ of 1%
2nd 6 mos.	60% a	.30	1%		½ of 1%
3rd 6 mos.	65% a	.30	1%		½ of 1%
4th 6 mos.	70% a	.30	1%		½ of 1%
Over 2 years	75% a	.30	1%		½ of 1%
Ironworkers:					
Structural and ornamental	6.85	.25	.30	.20	
Reinforcing	6.65	.25	.30	.20	
Painters:					
Brush and roller	7.00	.25	.30	.20	
Spray	7.00	.25	.30	.20	
Piledrivermen	6.40	.25	.30	.20	
Plumbers and pipefitters	10.05	.25	.60		.02

Footnote:
a. Percentage of Lineman rate.

AR-4054 P. 2

Kentucky 2-LAB-3-E (1-1)

LABORERS HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$5.00	.25	.30	.20	
GROUP II	5.05	.25	.30	.20	
GROUP III	5.05	.25	.30	.20	
GROUP IV	5.15	.25	.30	.20	
GROUP V	5.20	.25	.30	.20	
GROUP VI	6.10	.25	.30	.20	
GROUP VII	5.30	.25	.30	.20	
GROUP VIII	5.35	.25	.30	.20	
GROUP IX	5.40	.25	.30	.20	
GROUP X	5.75	.25	.30	.20	
GROUP XI	6.30	.25	.30	.20	

Group I - Laborers

Group II - Hand Blade Operator & Batch Truck Dumpers

Group III - Deckhand or Scow Men

Group IV - Power-Driven Tools: wagon drills, jackhammers, chain saw, concrete saws, sewer pipe layers, bottom men, dry cement handlers, concrete rubbers, mason tenders, sandblaster and concrete chipper, vibrator operators, power wheelbarrow and power buggy

Group V - Asphalt luts & raker men

Group VI - Powderman and drill operator of percussion type drills which are both powered and propelled by an independent air supply; side rail setters

Group VII - Gunnite nozzleman and gunnite operator

Group VIII - Tunnel laborers (free air)

Group IX - Tunnel muckers (free air)

Group X - Tunnel miners & blasters drillers (free air)

Group XI - Caisson workers

XUM

Kentucky 1-PEO-2 D

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$8.20	.25	.25		
CLASS B	6.51	.25	.25		
CLASS C	6.02	.25	.25		

Class A - Power Equipment Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, Hoe-Type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucker, pilledriver, power blade, roller (bituminous), scraifier, shovel, tractor shovel, truck lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, a-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, kocal loader, tower cranes, (French, German, and other types), hydrocrane, backfiller, gurries, subgrader, tailboom and dredge engineer

Class B - All air compressors (600 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor boom type tamping machine, truck-crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tugger, well points, flexplane, firemen, and hoist (one drum)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deck-hand oiler, and hydraulic post driver

Kentucky 2-PEO-3-D (1-2)

HIGHWAY CONSTRUCTION Power Equipment Operators:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP A	$7.45	.25	.30	.20	
GROUP B	6.10	.25	.30	.20	
GROUP C	5.61	.25	.30	.20	

Group A - Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Clamshell, Concrete Pump, Concrete Mixer (21 cu. ft. or over), Crane, Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Dredge Engineer, Elevator (Regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine, Locomotive, LeTourneau or Carry-All Scoop, Bulldozer, Mechanic, Orangepeel, Bucket, Piledriver, Power Blade, Roller (Bituminous), Scarifier, Shovel, Tractor Shovel, Truck Crane, Well Points, Winch Truck, Push Dozer, Grout Pump, High Lift, Fork Lift (Regardless of Lift Height), All Types of Boom Cats, Multiple Operator, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Gradeall, Hoist, Hyster, Material Pump, Pumpcrete, Ross Carrier, Sheep Foot, Side Boom Throttle - Valve Man, Rotary Drill, Power Generator, Mucking Machine, Rock Spreader Attached to Equipment, Scoopmobile, KeCal Loader, Tower Cranes (French, German, and other types), Hydrocrene, Tugger, Backfiller Gurries, Subgrader, Electric Vibrator Compactor, Welderburner

GROUP B - All Air Compressor (200 cu. ft. per min. or greater capacity), Bituminous Mixer, Concrete Mixer (Under 21 cu. ft.), Welding Machine, Form Grader, Roller (Rock), Tractor (50 H.P. and over), Bull Float, Finish Machine, Outboard Motor Boat, Flexplane, Boom Type Tamping Machine, Truck Crane Oiler, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Self-propelled Compactor Tractair and Road Widening Trencher, Greaser on Grease Facilities Servicing Heavy Equipment, Fireman.

Group C - Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joint Machine, Pump, Roller (Earth, Tamping Machine, Tractors (under 50 H.P.), Vibrator, Oiler Air Compressors (under 200 cu. ft. per min. capacity), Concrete Saw, Burlap and Curing Machine, Hydro Seeder, Power Form Handling Equipment, Deckhand Oiler, Hydraulic Post Driver.

KY-2-TD-2-3-D

TRUCK DRIVERS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$5.33	.25	.30	.20	
GROUP II	5.54	.25	.30	.20	
GROUP III	5.30	.25	.30	.20	
GROUP IV	6.11	.25	.30	.20	
GROUP V	5.35	.25	.30	.20	
GROUP VI	5.45	.25	.30	.20	
GROUP VII	5.20	.25	.30	.20	
GROUP VIII	6.20	.25	.30	.20	
GROUP IX	5.10	.25	.30	.20	
GROUP X	5.40	.25	.30	.20	

GROUP I: Drivers, 3 tons and under, tire changer and mechanic helper

GROUP II: Drivers, over 3 tons

GROUP III: Drivers, distributors; driver, dump truck tandem axle; driver, semi-trailer or pole trailers

GROUP IV: Drivers, Euclid and other heavy earth-moving equipment and low boy

GROUP V: Drivers on mixer trucks (all types)

GROUP VI: Driver on pavement breakers

GROUP VII: Driver, winch truck and A-Frame truck when used in transporting materials

GROUP VIII: Greaser on greasing facilities

GROUP IX: Tire helper

GROUP X: Truck mechanic

XUM

SUPERSEDEAS DECISION

STATE: Kentucky COUNTY: * (See Below)
DECISION NUMBER: AR-4055 DATE: Date of Publication
Supersedes Decision No. AQ-4116 dated May 17, 1974 in 39 FR 17661
DESCRIPTION OF WORK: Heavy and Highway Construction

3-KY-2-3

*Counties: Anderson, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Bullitt, Carroll, Carter, Clark, Elliot, Fayette, Fleming, Franklin, Gallatin, Grayson, Grant, Greenup, Hardin, Harrison, Henry, Jefferson, Jessamine, Johnson, Laruc, Lawrence, Lewis, Madison, Marion, Mason, Meade, Mercer, Montgomery, Morgan, Nelson, Nicholas, Oldham, Owen, Robertson, Rowan, Scott, Shelby, Spencer, Trimble, Washington and Woodford	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
Carpenters	$7.01	.30	.30		
Cement masons	8.78	.40			
Electricians:					
Wiremen and Linemen	9.38	.29	1¼+.40		½ of 1%
Cable splicers	9.38	.29	1¼+.40		½ of 1%
Groundmen	5.82	.29	1¼+.40		½ of 1%
Ironworkers:					
Structural, ornamental and reinforcing	9.50	.55	.55		.05
Painters:					
Brush and roller	7.59	.25	.10		.03
Sandblasting	7.94	.25	.10		.03
Spray	8.04	.25	.10		.03
Piledrivermen	7.26	.30	.30		
Pipefitters	10.10	.35	.60		.07
Plumbers	9.94	.36	.75		.07

KENTUCKY 3-LAB-E (1-1)

LABORERS HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$5.99	.25	.25		
GROUP 2	6.24	.25	.25		
GROUP 3	6.29	.25	.25		
GROUP 4	6.89	.25	.25		

Group 1 - Laborers: Asphalt plant laborers, concrete laborers, asphalt laborers, storm and sanitary sewer laborers, carpenter tenders, cement mason tenders, mesh handlers and placers, landscaping and seeding, planters and tree trimmers, sign, guard rail and fence installers, grade checkers, ageing and curing of concrete, truck spotters and dumpers, flagmen, riprap and grouters, dredging laborers, right-of-way laborers, wrecking and demolition laborers, drill helpers, and all hand digging and hand back filling, batch truck dumper

Group 2 - Wagon drill, jackhammers, paving breakers, chain saw, concrete saw, paving joint machine, vibrator operator, power driven Georgia buggy or wheelbarrow, sandblaster and concrete chippers, green concrete cutting, brickmason tenders and mortar mixer, pipe layers, joint maker, batter board man (sanitary and storm sewer), dry cement handlers, concrete rubbers, walk-behind tamper machine, surface grinderman, hand operated grouter and grinder machine, deckhand scow man, burner and welder, walk behind trenching machine

Group 3 - Powderman and blasters, side rail setters including metal rail paved ditches, tunnel laborers (free air), gunnite operators and mixers man, gunnite nozzleman, asphalt luteman and rakeman air tract driller (all types), grout pump operator

Group 4 - Tunnel blasters, tunnel muckers (free air); miners and drillers (free air), caisson workers (free air)

Kentucky 1-PEO-2 D

HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$8.20	.25	.25		
CLASS B	6.51	.25	.25		
CLASS C	6.02	.25	.25		

Class A - Power Equipment Operators: Auto patrol, batcher plant, bituminous paver, cableway, central compressor plant operator, clamshell, concrete mixer (21 cu. ft. or over), concrete pump, crane, crusher plant, derrick, derrick boat, ditching and trenching machine, dragline, elevator (regardless of ownership when used for hoisting any building material), elevating grader and all types of loaders, Hoe-Type machine, hoisting engine (two or more drums), locomotive, motor scraper, bulldozer, mechanic, orangepeel bucker, piledriver, power blade, roller (bituminous), scraiffer, shovel, tractor shovel, truck lift, fork lift (regardless of lift height), all types of boom cats, core drill, tow or push boat, a-frame winch truck, concrete paver, grade-all, hoist (two or more drums), hyster, pumpcrete, ross carrier, side boom, rotary drill (5" and over), mucking machine, rock spreader attached to equipment, scoopmobile, kocal loader, tower cranes, (French, German, and other types), hydrocrane, backfiller, gurries, subgrader, tailboom and dredge engineer

Class B - All air compressors (600 cu. ft. per min or greater capacity), bituminous mixer, concrete mixer (under 21 cu. ft.), elevator (one drum or buck hoist), welding machine, form grader, grout pump, roller (rock), tractor (50 h.p. and over), bull float, finish machine, outboard motor boat, electric vibrator compactor/self-propelled compactor boom type tamping machine, truck crane oiler, greaser on grease facilities servicing heavy equipment, switchman or brakeman, mechanic helper, whirley oiler, tractair and road widening trencher, joint sealing machine, rotary drill (under 5"), throttle valve man, tugger, well points, flexplane, firemen, and hoist (one drum)

Class C - Bituminous distributor, cement gun, conveyor, mud jack, paving joint machine, pump, roller (earth), tamping machine, tractors (under 50 h.p.), vibrator, oiler, concrete saw, burlap and curing machine, hydro seeder, power form handling equipment, deck-hand oiler, and hydraulic post driver

KY-3-PEO-3 (1-1)

HIGHWAY CONSTRUCTION: Power Equipment Operators	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$7.60	.25	.25		
GROUP II	6.30	.25	.25		
GROUP III	5.81	.25	.25		

GROUP I: Auto Patrol, Batcher Plant, Bituminous Paver, Cableway, Central Compressor Plant Operator, Clamshell, Concrete Mixer (21 cu. ft. or over), concrete pump, crane Crusher Plant, Derrick, Derrick Boat, Ditching and Trenching Machine, Dragline, Elevator (regardless of ownership when used for hoisting any building material), Elevating Grader and all types of Loaders, Hoe-Type Machine, Hoisting Engine (two or more drums), Locomotive, Motor Scraper, Bulldozer, Mechanic, Orangepeel Bucket, Piledriver, Power Blade, Roller (Bituminous), Scraifier, Shovel, Tractor Shovel, Truck Crane, Winch Truck, Push Dozer, High Lift, Fork Lift (regardless of lift height), all types of Boom Cats, Core Drill, Tow or Push Boat, A-Frame Winch Truck, Concrete Paver, Grade-All, Hoist (two or more drums), Hyster, Pumpcrete, Ross Carrier Side Boom, Rotary Drill (5" and over), Mucking Machine, Rock Spreader attached to equipment, Scoopmobile, KoCal Loader, Tower Cranes (French, German, and other types), Hydrocrane, Backfiller, Curries, Subgrader, Tailboom and Dredge Engineer

GROUP II; All Air Compressors (600 ft. per min. or greater capacity), Bituminous Mixer, Concrete Mixer (under 21 cu. ft.), Elevator (one drum or buck hoist), Welding Machine, Form Grader, Grout Pump, Roller (rock), Tractor (50 h.p. and over) Bull Float, Finish Machine, Outboard Motor Boat, Electric Vibrator Compactor/Self-Propelled Compactor Boom Type Tamping Machine, Truck Crane Oiler, Greaser on Grease Facilities Servicing Heavy Equipment, Switchman or Brakeman, Mechanic Helper, Whirley Oiler, Tractair and Road Widening Trencher, Joint Sealing Machine, Rotary Drill (under 5"), Throttle Valve Man, Tugger, Well Points, Flexplane, Fireman, and Hoist (one drum)

GROUP III: Bituminous Distributor, Cement Gun, Conveyor, Mud Jack, Paving Joing Machine, Pump, Roller (earth), Tamping Machine, Tractors (under 50 h.p.), Vibrator, Oiler, Concrete Saw, Burlap and Curing Machine, Gydro Seeder, Power Form Handling Equipment, Deckhand Oiler, and Hydraulic Post Driver

WUX

Kentucky 3-TD-D

HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
GROUP I	$6.04	a	b		
GROUP II	6.15	a	b		
GROUP III	6.33	a	b		
GROUP IV	6.36	a	b		
GROUP V	6.43	a	b		

GROUP I - Truck driver, Truck helper

GROUP II - Driver, 3 tons and under; greaser, tire changer and mechanic helper

GROUP III - Truck mechanic, driver, over 3 tons, driver of distributors; driver, dump truck and tandem axle, driver, semi-trailer or pole trailer when used to pull building material or equipment

GROUP IV - Driver on mixer trucks (all types)

GROUP V - Driver, euclid and other heavy earth-moving equipment and low boy; driver, fork lift truck when used to transport building materials, driver on pavement breakers, driver winch truck and A-Frame truck when used in transporting materials

FOOTNOTES:

a. $13.50 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day perior for that employer.

b. $13.50 per week for each employee who has been employed a minimum of twenty (20) work days within any ninety (90) consecutive day period for that employer.

SUPERSEDEAS DECISION

STATE: Kentucky
DECISION NUMBER: AR-4056
COUNTIES: See below*
DATE: Date of Publication
Supersedes Decision No. AQ-4036 date November 23, 1973 in 38-FR-32349
DESCRIPTION OF WORK: Heavy and Highway Construction.

4-KY-2-3

*Counties: Boone, Campbell, Kenton, and Pendleton	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
HEAVY AND HIGHWAY CONSTRUCTION					
Carpenters	$9.80	.40	.55		.025
Cement masons	8.34	.49			.02
Electricians - Linemen	10.00	.60	12+.30		½ of 1%
Groundmen	6.94	.60	12+.30		½ of 1%
Ironworkers:					
Structural and ornamental	9.995	.55	.55		.03
Reinforcing	9.645	.55	.55		.02
Painters:					
Brush and roller	9.95		.15		
Sandblasting, hoppertender and waterblasting	10.05		.15		
Spray	9.80		.15		
Piledrivermen	9.80	.40	.55		.025
Pipefitters	9.80	.70	.975		.05
Plumbers	10.29	.38	.65		.05

KY-4-LAB-2-3

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.70	.50	.30		.02
GROUP 2	6.825	.50	.30		.02
GROUP 3	6.90	.50	.30		.02
GROUP 4	7.05	.50	.30		.02
GROUP 5	7.35	.50	.30		.02

GROUP 1: Laborers (construction), plant laborers or yardmen, right-of-way laborer, landscape laborer, utility man or handyman, joint setter, flagman, carpenter helper, waterproofing laborer, slurry seal, seal coating, surface treatment or road mix laborer, riprap laborer and grouter, asphalt laborer, dump man (batch trucks), guardrail and fence installers, mesh handlers and placers, concrete curing applicator, scaffold erector

GROUP 2: Asphalt raker, concrete puddler, kettle man (pipeline), all machine driven tools (gas, electric, air), mason tender, mortar mixer, sheeting and shoring man, surface grinder man, power buggy or power wheelbarrow

GROUP 3: Form setter, bottom man, welder helper (pipeline), concrete saw man, cutting with burning torch, pipe layer, hand spiker (railroad), car pusher (without air), underground man (working in sewer and waterline, cleaning, repairing and reconditioning), tunnel laborer (without air) and caisson, cofferdam (below 25 feet deep), air track and wagon drill

GROUP 4: Blaster and powder man, muckers, wrencher (mechanical joints and utility pipeline), yarner, top lander

GROUP 5: Curb setter and cutter, miner (without air), concrete crew in tunnels utility pipeline tapper, gunnite nozzle man, waterline caulker

XUM

KY-4-PEO-2-3

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS A	$8.69	.46	.80		.11
CLASS B	8.52	.46	.80		.11
CLASS C	7.63	.46	.80		.11
CLASS D	7.20	.46	.80		.11
CLASS E	6.44	.46	.80		.11

Class A - Power Equipment Operators: Air compressor on steel erection, boiler operator on compressor or generator when mounted on a rig, cableways, combination concrete mixer and tower, concrete plants (over 4 yd. capacity), concrete pumps, cranes (all types, including a-frames, boom trucks, cherry pickers), derricks, draglines, dredge (dipper, clam or suction), elevating grader or euclid loader, floating equipment (all types), helicopter crew (operator-hoist or winch), hoes (all types), hoisting engines on shaft or tunnel work, hoisting engines, industrial type tractor, jet engine dryer (D8 or D9) diesel tractor, locomotives (standard gauge), maintenance operator class A mixer, paving (single or double-drum), mucking machines, multiple scraper, piledriving machines (all types), power shovels, Quad 9 (double pusher), refrigerating machine (freezer operation), Rotary drill on caisson work, slip-form paver, survey crew party chief, tower derricks, tree shredder, trench machines (over 24" wide), truck mounted concrete pumps tug boat, tunnel machine, wheel excavator

Class B - Aspahlt paver, automatic subgrade machine, self-propelled (CMI type), bulldozers, endloader, kolman loader (production type - Dirt), lead grease man, maintenance operators Class B, power grader, power scoops and scrapers, push cat, trench machines (24" wide and under).

Class C - Air compressors on tunnel work (low pressure), asphalt plant engineer, locomotive (narrow gauge), mixers, concrete (more than one bag capacity), mixers, one bag capacity (side loader), power boilers over 15 lb. pressure, pump operator installing and operating well points, pumps (4" and over discharge), rollers (asphalt, utility operator (small equipment), welding machines and generators

Class D - Backfillers, bar, joint and mesh installing machines, batch plant, bull floats, burlap and curing machines, compressors (portable, sewer, heavy and highway), concrete plant (capacity 4 yd and under), concrete saw (multiple), conveyors (highway), crushers, deckhand, drill, highway (with integral power), farm type tractors with attachments (highway), finishing machines, fireman, floating equipment (all types), fork lift (highway), form trenchers, hydro seeders, plant mixers, post driver, post hole digger (power auger), power brush burner, power form handling equipment, road widening trencher, rollers (brick, grader, macadam), self-propelled power spreaders, self-propelled power subgraders, steam fireman, survey instrument man, tractor (pulling sheepfoot rooler or grader), vibratory compactors (with integral power

Class E - Drum fireman (asphalt plant), helpers, inboard-outboard motor boat-launch, oil heaters (asphalt plants), oilers, power driven heaters, pumps (under 4" discharge), signalmen, survey rodmen or chainmen, tire repairmen

Kentucky 3-TD-D

HEAVY & HIGHWAY CONSTRUCTION TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.04	a	b		
GROUP II	6.15	a	b		
GROUP III	6.33	a	b		
GROUP IV	6.36	a	b		
GROUP V	6.43	a	b		

Group I - Truck Driver: Truck helper

Group II - Driver, 3 tons and under; greaser, tire changer and mechanic helper

Group III - Truck mechanic

Group IV - Driver, over 3 tons, driver of distributors; driver, dump truck tandem axle, driver on mixer trucks (all types); driver, semi-trailer or pole trailer when used to pull building material or equipment

Group V - Driver, euclid and other heavy earth-moving equipment and low boy; driver, fork lift truck when used to transport building materials driver on pavement breakers; driver, which truck and a-frame truck when used in transporing materials

FOOTNOTE:
a. $13.50 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

b. $14.00 per week for each employee who has been employed a minimum of twenty (20) workdays within any ninety (90) consecutive day period for that employer.

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AR-3166
COUNTIES: See Below
DATE: Date of Publication
Supersedes Decisions No. AR-3049, dated July 12, 1974 in 39 FR 25861, AR-3050, dated July 12, 1974 in 39 FR 25864, and AR-3051, dated July 12, 1974 in 39 FR 25867.
DESCRIPTION OF WORK: Building (Including Residential), Construction

COUNTIES: Anoka, Carver, Hennepin, Scott, Dakota, Ramsey & Washington	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.02	.51	.65		.02
Boilermakers	7.80	.30	.85		.02
Boilermakers' Helpers	7.55	.30	.85		.02
Bricklayers & Stonemasons	8.56	.455	.23	.56	
Carpenters:					
S. W. Portion of Scott County	8.60	.30			.02
Remainder of Scott County	8.21	.40	.30	.50	.02
Carpenters, Millwrights & Piledrivermen:					
Remainder of Counties	8.21	.40	.30	.50	.02
Soft Floor Layers	8.25	.46	.34	.45	
Cement Masons	8.83	.30	.25		
Electricians:					
Townships of Anoka & Fridley in Anoka County	8.55	6½%	4%	9%	1%
Remainder of Anoka County and the Remaining Counties	8.90	6%	3%	10%	1.5%
Elevator Constructors:					
Elevator Constructors	8.35	.39	.26	2½%+a	.02
Helpers	70%JR	.39	.26	2½%+a	.02
Helpers (Prob.)	50%JR				
Glaziers	7.70	.15	.10	.13	
Ironworkers	8.80	.55	.55		.02
Lathers:					
Anoka and Carver Counties	8.42	.31	.25		.01
Remaining Counties	7.66	.25	.25	.50	.01
Marble Setters	7.585	.455	.23	.56	
Terrazzo Workers	8.46	.30	.25		
Tile Setters	8.59	.37	.50		
Marble & Tile Helpers	7.19	.37	.50		
Painters:					
Dakota, Ramsey & Washington Cos:					
Brush	8.33	.45	.25		.05
Structural Steel & Spray	8.83	.45	.25		.05
Remaining Counties:					
Brush	8.53	.35	.25		.04
Structural Steel & Spray	9.03	.35	.25		.04
Plasterers:					
Dakota, Ramsey & Washington Cos.	8.02	.50	.25	.65	.01
Remaining Counties	8.43	.45	.20		.01

DECISION NO. AR-3166

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers, Steamfitters & Pipefitters:					
Dakota, Ramsey & Washington Cos.	$8.02	.38	.45	1.52	.05
Remaining Counties:					
Plumbers	7.73	.38	.45	1.25	.03
Pipefitters & Steamfitters	7.83	.38	.45	1.25	.03
Roofers	7.56	.44	.25		.01
Sheet Metal Workers:					
Dakota, Ramsey & Washington Cos.	8.93	.42	.40		.04
Remaining Counties	8.83	.42	.50		.06
Sprinkler Fitters	8.79	.40	.60		.02
Welders- receive rate prescribed for craft performing operation to which welding is incidential.					

PAID HOLIDAYS:

A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a-Employer contributes 4% Basic Hourly Rate for over 5 years service. 2% Basic Hourly Rate for 6 months, to 5 years as Vacation Pay Credit; 6 Paid Holidays A through F.

XUM

MINN 27 LAB

Laborers: Building Construction	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Class 1	$6.80	.40	.35	.40	
Class 2	6.85	.40	.35	.40	
Class 3	6.90	.40	.35	.40	
Class 4	6.95	.40	.35	.40	
Class 5	7.05	.40	.35	.40	
Class 6	7.10	.40	.35	.40	
Class 7	7.20	.40	.35	.40	
Class 8	7.20	.40	.35	.40	
Class 9	7.505	.40	.35	.40	

Class 1
Common laborer, Steel joist handler (erection), Power buggy operator, carpenter tender, Earth dumpman flagman
Class 2
Reinforced Steel Handler
Class 3
Men handling cement 2 hrs. per day (Bulk or sack, excluding mortar mixer, Mason tender, Concrete joint saw Op., Demolition & wrecking laborer
Class 4
Hot tar caulker & corker, Labe on swing stage line scaffold (excl. "patent" scaffolding), Automatic tamper Op., Chipping hammer Op., Paving buster, Mortar mixer, Concrete vibrator op., Sheeting setter & driver on Heavy Bldg., excavation, Jackhammer men
Class 5
Underground work
Class 6
Pipe layer
Class 7
Caisson work, Underpinning
Class 8
Nozzlemen
Class 9
Dynamite men, Power drillers for blasting purposes

ZONE 1

SITE PREPARATION, EXCAVATION AND INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$8.31	.40	.20	.50	.02	
PILEDRIVERMEN	8.31	.40	.20	.50	.02	
CEMENT MASONS	8.83	.30	.25			

MINN-9-LAB ZONE 1

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING LABORERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$ 6.75	.40	.35	.40	
CLASS 2	6.85	.40	.35	.40	
CLASS 3	6.90	.40	.35	.40	
CLASS 4	7.00	.40	.35	.40	
CLASS 5	7.05	.40	.35	.40	
CLASS 6	7.05	.40	.35	.40	
CLASS 7	7.15	.40	.35	.40	
CLASS 8	7.18	.40	.35	.40	
CLASS 9	7.20	.40	.35	.40	
CLASS 10	7.38	.40	.35	.40	
CLASS 11	7.43	.40	.35	.40	

CLASSIFICATIONS

CLASS 1 Unskilled Laborer; Drill Runner Helper; Landscape Gardener, Sod Layer & Nurseryman; Powder Monkey; Rein. Steel Lab., Rein. Steel Setter Salamander Heater & Blower Tender Carpenter Tender; Winch Handler
CLASS 2 Laborer, Wrecking & Demolition; Bit Batcherman (Stationary Plant); Bit Shoveler; Blacksmith Helper; Bottom Man (Sewer, Water or Gas Trench); Bricklayer Tender; Cement Handler; Cement Coverman (Batch Trucks); Compaction Equip. Shoveler; Batchermen Conc., Conc. Vibrator Tamper & Puddler (Paving) Conc. Longitudinal Floatmen; Conduit Layer (w.o. wiring); Chipping Hammer; Curb Setter (Stone or Precast Conc.) Kettleman (Bit. or lead); Service connection maker; Power Buggy; Joint Sawer; Sqeege man (Bit. Brick or Block); Stabilizing batchermen (Stationary Plant); Stonemason Tender; Drill Runner (Heavy, including Churn Drill)
CLASS 3 Chainsaw Man; Conc. Mixer (1 bag); Jackhammer Man & Paving Buster; Mortar Mixer; Pipe Handler; Pipe Derrickman (triped, manual)
CLASS 4 Bottom Man (Sewer, Water or Gas Trench, more than 8' below starting level of manual work); Tunnel Laborer (atmospheric pressure) Underpinning Work; Caisson Work; Other work more than 8' below level of manual work; Open Ditch Work
CLASS 5 Bituminous Tamper; Pipelayer; Sand Cushion & Bedmaker
CLASS 6 Cement Gun (1½ & over); Leadman
CLASS 7 Nozzlemen (Gunnite)
CLASS 8 Brick or Block Paving Setter
CLASS 9 Bituminous Raker, Floater & Utility Man
CLASS 10 Tunnel Man (Air Pressure); Tunnel Miner
CLASS 11 Powderman

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS 1	$12.25	.35	.25		
CLASS 2	9.85	.35	.25		
CLASS 3	9.50	.35	.25		
CLASS 4	9.40	.35	.25		
CLASS 5	9.30	.35	.25		
CLASS 6	9.05	.35	.25		
CLASS 7	8.93	.35	.25		
CLASS 8	8.93	.35	.25		
CLASS 9	8.85	.35	.25		
CLASS 10	8.58	.35	.25		
CLASS 11	8.30	.35	.25		
CLASS 12	7.85	.35	.25		

CLASSIFICATIONS

CLASS 1 Helicopter Operators (Hoisting material)
CLASS 2 Truck & Crawler Cranes with 200' of boom & over incl. jib
CLASS 3 Truck & Crawler Cranes with 150' of boom up to & not incl. 200' of Boom incl. jib.
CLASS 4 Traveling Tower Crane
CLASS 5 Master Mechanic
CLASS 6 Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Opr., Overhead Crane Opr., (inside building perimeter); Truck & Crawler Cranes up to 150' of boom incl. jib.
CLASS 7 Air compressor Opr., Pump Opr., &/or Conveyor, 2 or more machinics; oist Engineer (2 drums); Mechanic or Welder; Pumpcrete or Complaco Type Machine Opr.
CLASS 8 Fork Lift Operator
CLASS 9 Boom truck oserator; Concrete mixer opr., Drill rigs (Heavy Duty Rotary or Churn Drill when used for caisson drilling or when drilling for elevator cylinder on building construction; Front end loader opr., Hoist Engineer (1 Drum); Power Plant Engineer (100 KWH & over); Straddle carrier Opr., Tractor Opr. (Over D-2) Well Point Pump Opr.
CLASS 10 Concrete batch plant operator; Gunnite opr., Tractor opr. (D-2 or similar size & front end loader opr., up to ½ cu. yd.)
CLASS 11 Air compressor opr., pump &/or Conveyor operator, Fireman, Temporary Heat; Brakeman; Pick up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 12 Mechanic Space Heater (Temporary heat) Oiler or Greaser

MINN-7M-PEO-2-3

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1	$12.35	.35	.25		
GROUP 2	9.06	.35	.25		
GROUP 3	8.80	.35	.25		
GROUP 4	8.67	.35	.25		
GROUP 5	8.58	.35	.25		
GROUP 6	7.90	.35	.25		
GROUP 7	7.60	.35	.25		

GROUP 1
Helicopter Pilot
GROUP 2
Crane with over 135' Boom, Excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds & over Mfg. rated capacity
GROUP 3
Cableway Op., Concrete Mixer, Stationary Plant over 3½E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Tupe), Truck Crane Op., Tugboat Op. 100 HP & over
GROUP 4
Dual Tractor Op., Eslvating Grader Op., Pumporete Op., Scraper., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling SoilStabilizer
GROUP 5
Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Machenio or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Op., (power driven Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power take-off, Trenching Machine Op., (sewer, water, gass) Turnapull Op., (or similar type) Well Point Installation, Dismatling or Repair Mechanio
GROUP 6
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Machine Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 1L5 and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motar Patrol), Gunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H.P. with power take-off
GROUP 7
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

XUM

MINN-62-TD-1-2-3

BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
GROUP I	$ 7.75	.35	.30		
GROUP II	7.45	.35	.30		
GROUP III	7.35	.35	.30		
GROUP IV	7.15	.35	.30		

CLASSIFICATIONS

GROUP I Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck

GROUP II Tri-Axle (incl. 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Ready Mix Concrete; Slurry Driver

GROUP III Bituminous Distributor Driver; Bituminous Distributor (1 Man Operation); Tandem Axle

GROUP IV Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster & Stableman; Tractor Operator (Wheel Type used for any purpose) Pilot car driver; Self Propelled Packer, Slurry Operator; Single Axle Trucks

SUPERSEDEAS DECISION

STATE: Minnesota
DECISION NUMBER: AR-3167
Supersedes Decision No. AR-3052, dated July 12, 1974 in 39 FR 25870
DESCRIPTION OF WORK: Building (Including Residential), Construction

COUNTY: St. Louis (Duluth Only)
DATE: Date of Publication

69-MINN

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.15	.30	.25		
Boilermakers	7.80	.30	.85		.02
Boilermakers' Helpers	7.55	.30	.85		.02
Bricklayers & Stonemasons	8.62	.30	.25	.50	
Carpenters:					
Carpenters, Piledrivermen & SFL	8.35	.30		.30	
Millwrights	8.57	.30		.30	
Cement Masons	8.595	.30			
Electricians	8.69	4%	4%	11%	1½%
Elevator Constructors:					
Elevator Constructors	7.93	.39	.26	2½%+a	.02
Helpers	70%JR	.39	.26	2½%+a	.02
Helpers (Prob.)	50%JR				
Glaziers	7.95	.30			
Ironworkers	8.95	.30	.55	.10	
Laborers:					
Common Laborer & Flagman	7.10	.25	.15	.25	
Mortar Mixer, Carpenter & Mason Tender, Jackhammer & Concrete Operator	7.20	.25	.15	.25	
Plasterer Tender	7.32	.25	.15	.25	
Lathers	8.75	.25			.01
Marble Setters	7.585	.455	.23	.56	
Painters:					
Brush	8.31	.25	.20		.05
Structural Steel & Spray	8.56	.25	.20		.05
Plumbers & Pipefitters	7.86	.30	.45	1.00	.05
Roofers:					
Roofers	7.93	.30	.10	.50	
2nd Roofers	7.68	.30	.10	.50	
Kettlemen	7.48	.30	.10	.50	
Helpers	6.50	.30	.10	.50	
Sheet Metal Workers	8.54	.30	.30		
Sprinkler Fitters	9.40	.50	.70		.08
Welders - Receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE: a-Employer contributes 4% H.W.R. for over 5 years Service & 2% H.W.R. for 6 months to 5 Years Service as Vacation Pay Credit. Six Paid Holidays; A through F

LABORERS

MINN-14-LAB ZONE 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.93	.25	.15	.25	
GROUP II	7.03	.25	.15	.25	
GROUP III	7.18	.25	.15	.25	
GROUP IV	7.23	.25	.15	.25	
GROUP V	7.28	.25	.15	.25	
GROUP VI	7.33	.25	.15	.25	
GROUP VII	7.43	.25	.15	.25	
GROUP VIII	7.53	.25	.15	.25	

GROUP I
Unskilled Laborer; Laborer wrecking and demolition; Bricklayer Tender; Drill Runner Helper; Lanscape Gardner; Sod Layer and Nurseryman; Pipe Handler (water, gas or cast iron) Salamander Heater and Blower Tender; Stone Mason Tender

GROUP II
Bituminous Shoveler; Bottom Man (sewer, water or gas trench) Cement Handler (bulk or bag) Cement Coverman (batch truck) Chain Saw Man; Compaction Equipment (hand operated) Concrete Mixer Operator (1 bag capacity) Concrete Shoveler, Tamper and Puddler (paving) Concrete Vibrator Operator; Conduit Layer (without wiring) Dumper (wagon truck) Form Setter (Municipal type curb and sidewalk) Form Setter (paving) Jackhammer man paving buster; Kettleman (bituminous or lead) Mortar Mixer; Power Buggy Operator; Joint Sawer; Tunnel Laborer(atmospheric pressure)

GROUP III
Bituminous Tamper; Cofferdam Work Caisson Work

GROUP IV
Drill Runner (Heavy, including churn drill)

GROUP V
Bituminous Raker, Floater and Utility Man; Pipelayer (sewer, water, gas) Leadman

GROUP VI
Nozzleman

GROUP VII
Powderman

GROUP VIII
Tunnel Miner

SITE PREPARATION, EXCAVATION AND INCIDENTIAL PAVING

ZONE 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
CARPENTERS	$8.33	.25		.30		
PILEDRIVERMEN	8.33	.25		.30		
CEMENT MASONS	8.88	.30				

XUM

MINN-1-PEO-1

POWER EQUIPMENT OPERATORS: BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$12.25	.35	.25		
CLASS 2	9.85	.35	.25		
CLASS 3	9.50	.35	.25		
CLASS 4	9.40	.35	.25		
CLASS 5	9.30	.35	.25		
CLASS 6	9.05	.35	.25		
CLASS 7	8.93	.35	.25		
CLASS 8	8.93	.35	.25		
CLASS 9	8.85	.35	.25		
CLASS 10	8.58	.35	.25		
CLASS 11	8.30	.35	.25		
CLASS 12	7.85	.35	.25		

CLASSIFICATIONS

CLASS 1 Helicopter Operators (Hoisting material)
CLASS 2 Truck & Crawler Cranes with 200' of boom & over incl. jib
CLASS 3 Truck & Crawler Cranes with 150' of boom up to & not incl. 200' of Boom incl. jib.
CLASS 4 Traveling Tower Crane.
CLASS 5 Master Mechanic
CLASS 6 Derrick (Guy & Stiff Leg); Hoist Engineer (3 drums or more); Locomotive Opr., Overhead Crane Oprr., (inside building perimeter); Truck & Crawler Cranes up to 150' of boom incl. jib.
CLASS 7 Air compressor Opr., Pump Opr., &/or Conveyor, 2 or more machinics; oist Engineer (2 drums); Mechanic or Welder; Pumporete or Complaco Type Machine Opr.
CLASS 8 Fork Lift Operator
CLASS 9 Boom truck operator; Concrete mixer opr., Drill rigs (Heavy Duty Rotary or Churn Drill when used for caisson drilling or when drilling for elevator cylinder on building construction; Front end loader opr., Hoist Engineer (1 Drum); Power Plant Engineer (100 KWH & over); Straddle carrier Opr., Tractor Opr. (Over D-2) Well Point Pump Opr.
CLASS 10 Concrete batch plant operator; Gunnite opr., Tractor opr. (D-2 or similar size & front end loader opr.; up to ¾ cu. yd.)
CLASS 11 Air compressor opr., pump &/or Conveyor operator, Fireman, Temporary Heat; Brakeman; Pick up Sweeper (combustion engine operated); Truck Crane Oiler
CLASS 12 Mechanic Space Heater (Temporary heat) Oiler or Greaser

SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING

MINN-7M-PEO-2-3

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$12.35	.35	.25		
GROUP 2	9.06	.35	.25		
GROUP 3	8.80	.35	.25		
GROUP 4	8.67	.35	.25		
GROUP 5	8.58	.35	.25		
GROUP 6	7.90	.35	.25		
GROUP 7	7.60	.35	.25		

GROUP 1
Helicopter Pilot

GROUP 2
Crane with over 135' Boom, Excluding jib, Dragline and/or other similar equipment w/shovel type controls 3 cu. yds & over Mfg. rated capacity

GROUP 3
Cableway Op., Concrete Mixer, Stationary Plant over 31E, Derrick, Dragline and/or other similar equipment with shovel type controls up to 3 cu. yds. Mfg. rated capacity, Dredge Operator or Engineer, Dredge Operator (power) & Engineer, Front End Loader Op., 5 cu. yds. & over, Grader or Motor Patrol, Finishing earthwork & bituminous, Locomotive Crane Operator, Master Mechanic, Mixer (Paving) Concrete Paving Op., Road Mole Op., incl. power supply, Mucking Mach., incl. mucking operations Conway or similar type, Refrigeration Plant Engineer, Tandem Scraper, Tractor Op. (Boom Tupe), Truck Crane Op., Tugboat Op. 100 HP & over

GROUP 4
Dual Tractor Op., Eelvating Grader Op., Pumporete Op., Scraper., Struck Capacity 32 cu. yd. & over, Self-Prop. Traveling Soil Stabilizer

GROUP 5
Air track Rock Drill, Asphalt Bituminous Stabilizer Plant Op., Crushing Plant Op., or Gravel Washing, Crushing and Screening Plant Op., Dope Machine Op., Drill Rigs, Heavy Rotary or Churn or Cable Drill, Engineer in Charge of Plant requiring First Class License, Fork Lift or Straddle Carrier Op., Fork Lift or Lumber Stacker, Front End Loader Op., over 1 cu. yds., Hoist Engineer, Hydraulic Tree Planter, Launcherman, Locomotive, all types, Mechanic or Welder, Mutiple Machines, such as Air Compressors, Welding Machines, Generators, Pumps or Crane Oilers, Paving Breaker or Tamping Machines Op., (power driven Mighty Mite or similar type, Pick-up Sweeper, 1 cu. yd. & over Hopper capacity, Pipeline Wrapping, Cleaning or Bending Machine Actuated Horizontal Boring Mach., over 6" Op., Pugmill Op., Roller Op, 8 tons & over, Rubber Tired Farm Tractor, Backhoe Att., Sheep Foot Op., Tie Tamper & Ballast Mach. Op., Tractor Op., over D2, TD6 or similar H.P. with power take-off, Tractor Op., over 50 H.P. without power take-off, Trenching Machine Op., (sewer, water, gass) Turnapull Op., (or similar type) Well Point Installation, Dismatling or Repair Mechanic

GROUP 6
Air Compressor Op. 375 CFM or over, Bituminous Spreader and Bituminous Finishing Machine Op., Concrete Dist. and Spreader Op., Finishing Machine Longitudinal Float Op., Joint Mach. Op., Spray Op., Concrete Mixer Op. 14S and under, Concrete Op. (Mult. Blade), Curb Mach. Op., Fine Grade Op., Form Trench Digger, Front End Loader Op. (up to & Incl. 1 cu. yd.), Grader Op. (Motar Patrol), Cunite Op. Gunall, Lead Greaser on truck or rack, Loader Op., Power Actuated Augars and Boring Mach. Op. Power Actuated Jacks Op., Pump Op., Roller Op., Self-propelled Chip Spreader, Shouldering Mach. Op., Stump Chipper Op., Tractor Op. (D2, TD6 or similar H.P. with power take-off

GROUP 7
Brakeman, Switchman, Conveyor Op., Deck hand, Fireman, Tank Car Heater Op., Gravel Screening Plant Op., Greaser Leverman, Mech. Helper, Mech. Space Heater, Oiler, Self-Prop. Vib. Packer Op., Sheep foot roller, Tractor Op. 50 HP or less w/o Power take-off, Truck Crane Oiler

MINN-62-TD-1-2-3

BUILDING, SITE PREPARATION, EXCAVATION & INCIDENTIAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS					
GROUP I	$ 7.75	.35	.30		
GROUP II	7.45	.35	.30		
GROUP III	7.35	.35	.30		
GROUP IV	7.15	.35	.30		

CLASSIFICATIONS

GROUP I Driver (Hauling machinery for employer's own use, including operation of hand & power operated winches); Truck train Mechanic; Welder; Tractor-Trailer; Off-Road Truck

GROUP II Tri-Axle (incl. 4-Axles); Dump Dry Batch Hauler; Tank Truck (Gas, Oil, Road Oil & Water); Boom & "A" Frame; Roady Mix Concrete; Slurry Driver

GROUP III Bituminous Distributor Driver; Bituminous Distributor (1 Man Operation); Tandem Axle

GROUP IV Bituminous Distributor Spray (rear-end oiler); Dumpman; Greaser & Truck Servicemen; Tank Truck Helper (Gas, Oil, Road Oil & Water) Teamster & Stableman; Tractor Operator (Wheel Type used for any purpose) Pilot car driver; Self Propelled Packer, Slurry Operator; Single Axle Trucks

MUX 47 8 NOV 1974 39:217

SUPERSEDEAS DECISION

STATE: Nevada

COUNTIES: Clark and Southern Half of Nye (The Nevada Test Site including The Tonopah Test Range)

DECISION NO.: AR-1043

DATE: Date of Publication

Supersedes Decision No. AQ-1083 dated February 15, 1974, in 39 FR 6001

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 5 stories), heavy and highway construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.16	.78	.72		
CARPENTERS (Nevada Test Site):					
Carpenters	8.24	.45	.60	.80	.03
Floorlayers	8.265	.45	.60	.80	.03
Millwrights	8.54	.45	.60	.80	.03
CARPENTERS (Tonopah Test Range):					
Carpenters; Power actuated tools	6.71	.45		2.10	
Floorlayers; Shinglers	6.735	.45		2.10	
Power Saw Operator (overhead)	6.855	.45		2.10	
CEMENT MASONS:					
Cement Masons	7.25	.50		1.60	.08
Floor Finishing Machine	7.40	.50		1.60	.08
ELECTRICIANS:					
Electricians; Equipment Operators; Linemen	11.02	.63	1%		.05
Cable Splicers	11.35	.63	1%		.05
Groundman	8.82	.63	1%		.05
IRONWORKERS:					
Reinforcing	8.75	.73	.975	.85	.02
Ornamental; Structural	8.78	.73	.975	.85	.02
PAINTERS:					
Brush; Roller	7.83	.32	.25	1.00	.02
Paperhangers; Spray; Steel; Sandblasters; Swing Stage; Tapers	8.08	.32	.25	1.00	.02
Buffing; Sandblasters, Steel	8.29	.32	.25	1.00	.02
PLUMBERS; Steamfitters	9.70	.45	1.30	1.60	.08
SHEET METAL WORKERS	8.93	.63	1.30	1.00	.05
LABORERS					
Group 1	$6.23	.26	.75	1.00	
Group 2	6.28	.26	.75	1.00	
Group 3	6.31	.26	.75	1.00	
Group 4	6.33	.26	.75	1.00	
Group 5	6.35	.26	.75	1.00	
Group 6	6.36	.26	.75	1.00	
Group 7	6.38	.26	.75	1.00	
Group 8	6.41	.26	.75	1.00	
Group 9	6.42	.26	.75	1.00	
Group 10	6.44	.26	.75	1.00	
Group 11	6.49	.26	.75	1.00	
Group 12	6.52	.26	.75	1.00	
Group 13	6.54	.26	.75	1.00	
Group 14	6.57	.26	.75	1.00	
Group 15	6.59	.26	.75	1.00	
Group 16	6.655	.26	.75	1.00	
Group 17	6.68	.26	.75	1.00	
Group 18	6.75	.26	.75	1.00	
POWER EQUIPMENT OPERATORS (Except Piledriving & Steel Erection)					
Group 1	7.03	.95	1.50	.30	.02
Group 2	7.27	.95	1.50	.30	.02
Group 3	7.51	.95	1.50	.30	.02
Group 4	7.62	.95	1.50	.30	.02
Group 5	7.81	.95	1.50	.30	.02
Group 6	7.91	.95	1.50	.30	.02
Group 7	7.31	.75	1.50	.30	
Group 7-A	7.22	.75	1.50	.30	
Group 7-B	7.11	.75	1.50	.30	
Group 7-C	6.87	.75	1.50	.30	
TRUCK DRIVERS					
Group 1	7.913		.50		
Group 2	7.97		.50		
Group 3	8.02		.50		
Group 4	8.18		.50		
Group 5	8.365		.50		

LABORERS

Group 1: Laborers - General or Construction; Demolition (cleaning of brick, lumber, etc.); Dry packing of concrete and filling of form-bolt holes; Gas and Oil Pipeline; Laborer - temporary water lines (portable type); Window Cleaner

Group 2: Cutting Torch Operator (demolition); Tarman and Mortar Man, Kettleman, Potman and man applying asphalt, Lay-kold Creosote, Lime, and similar type materials

Group 3: Guinea Chaser

Group 4: Fine Grader, highway and street paving, airport, runways and similar type heavy construction; Landscape Gardener and Nursery-man

Group 5: Laborers - packing rod steel and pans

Group 6: Underground Laborer including Caisson Bellowers

Group 7: Chucktender (except tunnels); Scaler; Tank Scaler and Cleaner

Group 8: Cesspool Digger and Installer

Group 9: Concrete Curer-impervious Membrane and Oiler of all materials; Riprap Stonepaver; Sandblaster (pot tender); Making and Caulking of all non-metallic Pipe Joints

Group 10: Operators and Tenders of Pneumatic and Electric Tools, Vibrating Machines, hand-propelled Trenching Machines, Impact Wrench Multi-plate and similar mechanical tools not separately classified herein; Asphalt Raker, Ironer, Spreader, Luteman; Buggymobile Man; Cement Dumper (on one yard or larger mixers and handling bulk cement); Concrete Saw Man excluding Tractor type, cutting, scoring old or new concrete; Concrete Core Cutter; Gas and Oil Pipeline Wrapper-pot Tender and Form Man; Operator of Cement Grinding Machine; Roto-scraper; Tree Climber, Faller, Chain Saw Operator, Pittsburgh Chipper and similar type brush shredders

Group 11: Rock Slinger; Scaler (using Bos'n Chair or Safety Belt or Power Tools)

Group 12: Driller and/or Pavement Breaker

Group 13: Oversize Concrete Vibrator Operator, 70 lbs. and over; Laying of all non-metallic pipe, including sewer pipe, drain pipe and underground tile

Group 14: Gas and Oil Pipeline Wrapper - 6 inch pipe and over

Group 15: Cribber or Shorer, Lagging, Sheeting, Trench Bracing, hand guided Lagging Hammer; Powderman-blaster - all work of loading holes, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing

LABORERS (Cont'd)

Group 16: Steel Headboardman

Group 17: Sandblaster (Nozzleman); Driller (Core, Diamond, or Wagon), Joy Driller Model TW-M-2A, Gardner-Denver Model DH 163 and similar type drills

Group 18: Head Rock Slinger

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Air Compressor, Pump or Generator; Engineer Oiler and Signal Man; Heavy Duty Repairman's Helper; Switchman or Brakeman

Group 2: Concrete Mixer, Skip type; Conveyor and Beltman; Fireman; Generator, Pump or Compressor (2-5 units inclusive, over 5 units, $0.10 per hour for each additional unit up to 10 units, portable units); Generator, Pump or Compressor Plant; Rotary Drill Helper (oilfield type); Skiploader, Wheeltype, Ford, Ferguson, Jeep or similar type, 3/4 yd. or less (w/o dragtype attachments); Temporary Heating Plant; Truck Crane Oiler; Hydrostatic Pump

Group 3: A-Frame or Winch Truck; Dinky Locomotive or Tunnel Motor; Elevator Hoist; Equipment Greaser; Ford, Ferguson or similar type (with drag-type attachments); Hydra-hammer or similar type equipment; Power Concrete Curing Machine; Power Concrete Saw; Power Driven Jumbo Form Setter; Rodman and Chainman; Ross Carrier; Self-propelled Tar Pipelining Machine; Stationary Pipe Wrapping and Cleaning Machine; Towblade Operator

Group 4: Asphalt Plant Fireman; Boring Machine; Boxman or Mixer Box (concrete or asphalt plant); Derrickman (oilfield type); Drilling Machine (including water wells); Highline Cableway Signalman; Instrumentman; Locomotive Engineer; Power Sweeper; Roller, compacting; Screed; Trenching Machine (up to 6 feet depth)

Group 5: Asphalt or Concrete Spreading, Mechanical Tamping or Finishing Machine - Roller (all types and sizes), Soil, Cement, Asphalt - Finish; Asphalt Plant Engineer; Deck Engine; Grade Checker; Heavy Duty Welder; Machine Tool; Pavement Breaker; Pneumatic Heading Shield - Tunnel; Road Oil Mixing Machine; Forklift, under five tons; Rubber Tired, Heavy Duty Equipment)Oshkosh, DW, Euclid, LeTourneau, LaPlant-Choate, or similar type equipment with any type attachments); Skiploader, Wheeltype, over 3/4 yards, up to and including 1½ yds.; Slip Form Pump (power driven hydraulic lifting device for concrete forms); Tractor-drag type Shovel, Bulldozer, Tamper, Scraper and Push Tractor

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POWER EQUIPMENT OPERATORS (Cont'd)
(Except Piledriving and Steel Eraction)

Group 6: Combination Heavy Duty Repairman and Welder; Concrete Mixer - Paving; Concrete Mobile Mixer; Concrete Pump or Pumpcrete Gun; Crushing Plant Engineer; Elevating Grader; Heavy Duty Repairman; Highline Cableway; Hoist (Chicago Boom and Mine); Kolman Belt Loader and similar type; Lift Slab Machine; Loader-Athey, Euclid, Hancock, Sierra or similar type; Motor Patrol (any type or size); Multiple Engine-earth moving machinery; Party Chief; Pneumatic Concrete Placing Machine - Hackley-Presswell or similar type; Rotary Drill, excluding Caisson type; Skiploader, Wheeltype, over 1½ yds.; Surface Heater and Planer; Tractor Loader - crawler type - all types and sizes; Tractor, with boom attachments; Traveling Pipe Wrapping, Cleaning and Bending Machine; Trenching Machine (over 6 feet depth); Universal equipment (Shovel, Backhoe, Dragline, Clamshell, Derrick, Derrick Barge, Crane, Piledriver and Mucking Machine) Forklift, over 5 tons

Group 7: Driller Operator; Fishing Tool Engineer

Group 7-A: Derrickman

Group 7-B: Motorman

Group 7-C: Drillers Helpers

TRUCK DRIVERS

Group 1: Light Duty Driver; Warehouseman

Group 2: Bootman; Truck Greaser; Light Vehicle Dispatcher

Group 3: Tireman; Warehouse Clerk

Group 4: Heavy Duty Driver; Forklift Driver; Equipment Parts; Stockroom Clerk

Group 5: Extra Heavy Duty Driver

[FR Doc.74-25957 Filed 11-7-74;8:45 am]

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federal register

November 11, 1974—Pages 39715–39862

MONDAY, NOVEMBER 11, 1974
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PART I

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This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

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Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Permitted Dips

Statement of considerations. The purpose of this amendment is to add approved proprietary brands of coumaphos (Co-Ral®), 25 percent wettable powder used at a concentration of 0.30 percent, to the list of dips permitted by the Department for use in the treatment of cattle affected with or exposed to scabies.

Coumaphos has been on the list of dips permitted by the Department in official dipping of cattle against cattle fever ticks since 1968. It was approved by the Environmental Protection Agency for use against cattle scabies on October 4, 1974.

Trials using (Co-Ral®) were carried out in 1972–1973 and again in 1973–1974. In each case the trials resulted in the successful eradication of psoroptic cattle scabies from affected animals. It had previously been demonstrated that sheep with psoroptic sheep scabies could be successfully treated with (Co-Ral®). (Co-Ral®) is also a grubicide.

(Co-Ral®) is an organophosphorous compound with less effect upon the environment than chlorinated hydrocarbons. It also has an advantage in that animals treated with it need not be withheld from slaughter. This feature is of particular significance to the beef industry and will reduce the cost of a scabies outbreak.

After careful evaluation of the product, consideration of the need, and its desirability as a permitted pesticide, it has been determined that (Co-Ral®) should be added to the list of permitted pesticides for use against scabies.

Therefore, in § 73.10(a) a new subparagraph (3) is added to read:

§ 73.10 Permitted dips; substances allowed.

(a) • • •

(3) Approved proprietary brands of coumaphos (Co-Ral®), 25 percent wettable powder used at a concentration of 0.30 percent.

• • • • • •

(Sec. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective November 11, 1974.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the interstate spread of cattle scabies and must be made effective promptly to be of maximum benefit to persons subject to the restrictions which are relieved. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of November 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74-26383 Filed 11-8-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one position of Special Assistant to the Assistant Secretary for Congressional and Legislative Affairs is excepted under Schedule C.

Effective November 11, 1974, § 213.3312 (a) (17) is added as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* • • •

(17) One Special Assistant to the Assistant Secretary for Congressional and Legislative Affairs.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26301 Filed 11-8-74;8:45 am]

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one position of Deputy to the Assistant Secretary, Saudi Arabian Operations and Policies, Office of the Assistant Secretary for Trade, Energy, and Financial Resources Policy Coordination is excepted under Schedule C.

Effective November 11, 1974, § 213.3305 (a) (20) is added as set out below.

§ 213.3305 Treasury Department.

(a) *Office of the Secretary.* • • •

(20) Deputy to the Assistant Secretary, Saudi Arabian Operations and Polices.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26302 Filed 11-8-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–29–AD; Amdt. 39–2008]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TFE731–2–2B and –2–1C Engines

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted July 10, 1974, and made effective by telegram July 10, 1974, to all known United States operators or owners of aircraft incorporating AiResearch Model TFE731–2–2B and –2–1C engines. The directive imposes a life limit on the present fuel pump configurations, requires replacement of these, introduces an improved fuel pump configuration which is not life limited and provides for inspection and reidentification of early pumps which are determined to conform with the improved configuration. This directive supersedes Amendment 39–1881 (39 FR 22250), AD 74–13–08.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of aircraft, certificated in all categories incorporating AiResearch TFE731–2–2B

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and -2-2C engines by individual telegrams dated July 10, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model TFE731-2-2B and -2-1C engines installed in, but not limited to, AMD Falcon DA-10 and Lear-Gates Models 35 and 36 aircraft certificated in all categories.

(A) Upon receipt of this telegram, except as authorized in (C) below, P/N 3070851-2, -4, -5, and -6 fuel pumps with less than 25 hours total time in service must be replaced before exceeding 25 hours total time in service. Fuel pumps with more than 25 hours total time in service must be replaced before further flight.

(B) The maximum service life of P/N 3070851-2, -4, -5, and -6 fuel pumps is 25 hours total time in service since new or overhaul.

(C) AiResearch Service Bulletin TFE731-78-3005, dated July 10, 1974, provides instructions for inspecting and re-identifying P/N 3070851-5 and -6 fuel pumps which have been determined to conform to the -7 and -8 configuration.

(D) P/N 3070851-7 and -8 fuel pumps are not subject to the service life limit prescribed in (A) above and may be installed in accordance with AiResearch Service Bulletin TFE731-73-3005, dated July 10, 1974, or later FAA-approved revisions.

(E) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

(F) Aircraft may be flown to a base for performance of maintenance required by the AD per FAR's 21.197 and 21.199.

This supersedes telegram dated June 4, 1974 and AD 74-13-08."

This amendment becomes effective November 14, 1974, for all persons except those to whom it was made effective immediately by telegram dated June 4, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Los Angeles, California on November 1, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-26284 Filed 11-8-74;8:45 am]

[Docket No. 74-CE-19-AD; Amdt. 39-2006]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 23, A23-19, 19A, M19A and B23 Airplanes

Amendment 39-1892 (39 FR 24627), AD 74-14-5, is an Airworthiness Directive (AD) which prohibits intentional spins and operation in the acrobatic category for Beech Models B19 and C23 airplanes and provides for appropriate placarding of these operational restrictions. As an alternative AD 74-14-5 provides for the incorporation of a modification kit in these model airplanes which, when accomplished, permits reinstatement in the acrobatic category for those aircraft originally so certificated and permits intentional spins in the utility and acrobatic categories of Beech Models B19 and C23 airplanes. This AD was limited to those particular aircraft models because the fuselage aerodynamic contour differed significantly from earlier models such as the Beech Model 23, A23-19, 19A, M19A and B23 airplanes, and there had not been any service reports of spin recovery problems involving these models. Subsequent to the issuance of AD 74-14-5, the manufacturer has determined that spin recovery characteristics of the above referred to earlier Beech Model airplanes may not consistently meet spin recovery requirements. Inasmuch as an unsafe condition may also exist with respect to these earlier models an AD is being issued applicable to Beech Models 23, A23-19, 19A, M19A and B23 airplanes within certain serial number ranges which will require the same restrictions and permit a similar alternative as required by AD 74-14-5.

Since a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to those Model 23 (Serial Numbers M-1, M-2, M-4 through M-554), Model A23-19 (Serial Numbers MB-1 through MB-288), Model 19A (Serial Number MB-289 through MB-460), Model M19A (Serial Numbers MB-461 through MB-480), and Model B23 (Serial Numbers M-1095 through M-1284) airplanes which were originally approved in the Acrobatic Category and intentional spins in the Utility and Acrobatic Categories.

Compliance: Required as indicated, unless already accomplished.

To prevent inflight situations in which prompt spin recovery may not be assured, accomplish the following:

(A) Effective immediately intentional spins in the Utility and Acrobatic Categories are prohibited.

(B) Within the next 20 hours' time in service or ten (10) calendar days, whichever comes first, after the effective date of this AD, remove all placards pertaining to intentional spins and acrobatic flight and install in place thereof a placard to be conspicuously located on the instrument panel which reads as follows:

"THIS AIRPLANE MUST BE OPERATED AS A NORMAL OR UTILITY CATEGORY AIRPLANE. INTENTIONAL SPINS ARE PROHIBITED. NO ACROBATIC MANEUVERS APPROVED EXCEPT: CHANDELLES, LAZY EIGHTS, STEEP TURNS, AND STALLS (EXCEPT WHIP STALLS)."

(C) To reinstate the acrobatic category for those airplanes originally approved in the Acrobatic Category and intentional spins in Utility and Acrobatic Categories, install Beech spin improvement Kit No. 23-4007-1 or 23-4007-5 or subsequent revisions in accordance with instructions contained therein. Kit 23-4007-1 is applicable to the Models A23-19, 19A, M19A and B23 airplanes. Kit 23-4007-5 is applicable to the Model 23 serial numbers M1, M2, M4 thru M-554 airplanes. Any equivalent method must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. Upon installation of the appropriate kit, the requirements of Paragraphs A and B of this AD are no longer applicable.

NOTE: Kits from the manufacturer may not be available for some models until after December 15, 1974.

This amendment becomes effective November 14, 1974.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on October 31, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-26282 Filed 11-8-74;8:45 am]

[Docket No. 74-CE-20-AD; Amdt. 39-2010]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model A188B Airplanes

There have been reports of the collapse of the induction air inlet duct resulting from shifting and displacement of the interior supporting wire on certain serial numbers of Cessna Model A188B airplanes. This condition if not correct may cause partial or total engine power loss. The manufacturer has made available an improved bellows type induction air inlet duct (P/N 1650044-1) which is not susceptible to this type of failure. Since the condition described herein is likely to exist or develop in other airplanes of the same type design an Airworthiness Directive (AD) is being issued applicable to Cessna Model A188B (Serial Numbers 18801375 through 18801824) airplanes requiring replacement of the induction air inlet duct with the improved part.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Cessna Model A188B (Serial Numbers 18801375 through 18801824, including those serial numbers with suffix "T") airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude induction air inlet duct collapse and resulting engine power loss within the next 25 hours' time in service after the effective date of this AD, accomplish the following:

Replace the existing induction air inlet duct with Cessna P/N 1650044-1 bellows type induction air inlet duct or equivalent, in accordance with Cessna Service Letter No. SE 74-23, dated October 4, 1974, or later approved revisions.

Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective November 15, 1974.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in Kansas City, Missouri, on November 1, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-26285 Filed 11-8-74;8:45 am]

[Docket No. 74-SO-93; Amdt. 39-2007]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman G-159

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring dual electrical fire extinguisher squib circuits on Grumman G-159 airplanes was published in 39 FR 33234.

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (37 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN CORPORATION. Applies to Grumman G-159 airplanes certificated in all categories.

Compliance required within the next 200 hours time in service after the effective date of this airworthiness directive unless already accomplished.

To provide dual electrical power for the fire extinguisher squib circuits accomplish the following or an equivalent rework approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

Remove the existing left and right engine fire extinguisher switches and left hand eyebrow circuit breaker panel nameplate. Install MS24524-21 switches, electrical wiring, 159SB10112-1 nameplate and check out system in accordance with Grumman Gulfstream I Aircraft Service Change 210.

This amendment becomes effective November 15, 1974.

(Sec. 313(a), 601, and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

Issued in East Point, Georgia, on October 31, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.26283 Filed 11-8-74;8:45 am]

[Airworthiness Docket No. 74-WE-42-AD; Amdt. 39-2005]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas DC-8 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted October 11, 1974, and made effective immediately by telegram dated October 11, 1974, to all known United States operators of DC-8 series airplanes, certificated in all categories, incorporating Pratt & Whitney JT3D Series engines. The airworthiness directive requires incorporation of operating limitations and procedures into the DC-8 FAA Approved Airplane Flight Manual. The Flight Idle Operation limitation has been reworded for clarification from the telegraphic AD.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately to all known operators or owners of McDonnell Douglas DC-8 airplanes. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

MCDONNELL DOUGLAS. Applies to McDonnell Douglas DC-8 series airplanes, certificated in all categories, incorporating Pratt and Whitney JT3D engines.

Within 24 hours after receipt of this telegram, incorporate the operating limitations and procedures set forth below into the Douglas DC-8 FAA Approved Airplane Flight Manual. Make appropriate notations on the log of pages. Operators shall promptly implement these limitations and procedures.

(1) Revise Section I, Limitations, to include a new item relative to fuel management.

Fuel boost and/or feed pump operation. Prior to descent, except during landing, the main tank pumps must be in the boost and feed position.

(2) Revise Section I, Limitations, to include a new item relative to engine operation at idle power.

Flight idle operation. Inflight at altitudes above 6,000 feet MSL and at indicated airspeeds below 200 knots, a minimum N2 engine rotor speed of 62% must be maintained except during landing.

(3) Revise Section II, Emergency Procedures, to include a new item relative to recovery from a condition where an engine(s) fail to accelerate in flight after the throttle levers are advanced from the idle settings:

Engine response to throttle lever(s). If the engine(s) fail to accelerate in flight after the throttle lever(s) are advanced, the following procedure should be used after it has been determined that a flameout has not occurred. This procedure need not be continued and affected systems may be reactivated if engine operation has been restored to normal.

PHASE I-II	
Throttle Lever(s) affected engine(s)	Advance
Engine Anti-Ice	Off
Airspeed	Increase (as practicable)
PHASE III	
Ignition	Override/Both
Main Tank Pumps	Boost and Feed
Pneumatic Bleed (Affected Engine(s))	Reduce
Electrical Load	Remove Non-required

This amendment is effective November 14, 1974, for all persons except those to whom it was made effective immediately by telegram dated October 11, 1974.

(Secs. 313(a), 601 and 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on October 30, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-26281 Filed 11-8-74;8:45 am]

[Airspace Docket No. 74-NE-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On Page 34567 of the FEDERAL REGISTER dated September 26, 1974, the Federal Aviation Administration published a notice of proposed rulemaking which would alter the Burlington, Vermont, Control Zone.

Interested parties were given thirty (30) days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., January 2, 1975.

(Sec. 307(a), Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Burlington, Massachusetts, on October 30, 1974.

FERRIS J. HOWLAND,
Director,
New England Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Burlington, Vermont, Control Zone in its entirety and insert the following in lieu thereof:

"Within a 7 mile radius of the center, 44°28'17" N 73°09'13" W, of the Burlington International Airport, Burlington, Vermont."

[FR Doc.74-26280 Filed 11-8-74;8:45 am]

[Airspace Docket No. 74-SO-94]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 25, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 34422), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Punta Gorda, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule

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making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 2, 1975, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

PUNTA GORDA, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Charlotte County Airport (latitude 26°55'15" N., longitude 81°59'30" W.).

(Sec. 307(a); Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); Sec. 6(c); Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on October 30, 1974.

DUANE W. FREER,
Acting Director,
Southern Region.

[FR Doc.74-26279 Filed 11-8-74;8:45 am]

[Airspace Docket No. 74-NE-36]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to alter the boundaries of Restricted Area R-4101 Camp Edwards, Mass.

The revised boundary description is being made at the request of the Department of the Army to more accurately define the area actually required for the using agency activities conducted within R-4101.

Since this amendment relieves a restriction and is minor in nature, notice and public procedure thereon are unnecessary. Also, as it is essential to return the airspace to the public as soon as possible, good cause exists for making this amendment effective immediately.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective November 11, 1974, as hereinafter set forth.

In § 73.41 (39 FR 671) the description of Restricted Area R-4101 Camp Edwards, Mass., is amended to read as follows:

R-4101 CAMP EDWARDS, MASS.

Boundaries. Beginning at Lat. 41°40'52" N., Long. 70°33'09" W.; to Lat. 41°41'01" N., Long. 70°34'00" W.; to Lat. 41°41'58" N., Long. 70°34'58" W.; to Lat. 41°42'52" N., Long. 70°34'58" W.; to Lat. 41°43'52" N., Long. 70°34'32" W.; to Lat. 41°44'30" N., Long. 70°34'16" W.; to Lat. 41°45'17" N., Long. 70°34'13" W.; to Lat. 41°45'12" N., Long 70°34'01" W.; to Lat. 41°46'07" N., Long. 70°33'04" W.; to Lat. 41°45'18" N., Long. 70°31'18" W.; to Lat. 41°44'37" N., Long. 70°30'42" W.; to Lat. 41°44'11" N., Long. 70°29'40" W.; to Lat. 41°43'06" N., Long. 70°30'08" W.; to Lat. 41°43'07" N., Long. 70°30'36" W.; to Lat. 41°42'45" N., Long. 70°30'50" W.; to Lat. 41°42'38" N., Long. 70°30'33" W.; to Lat. 41°41'51" N., Long. 70°30'53" W.; to Lat. 41°41'51" N., Long. 70°30'52" W.; to Lat 41°41'36" N., Long. 70°31'18" W.; to Lat. 41°41'20" N., Long. 70°31'29" W.; to Lat. 41°41'18" N., Long. 70°31'26" W.; to Lat. 41°41'06" N., Long. 70°31'54" W.; to point of beginning.

Designated altitudes. Surface to 9,000 feet MSL.

Time of designation. From 0600 to 1800 local time, daily, other times as specified by NOTAM issued 48 hours in advance.

Controlling agency. Federal Aviation Administration, Otis Approach Control.

Using agency. Commander, U.S. Army Garrison, Camp Edwards, Massachusetts.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on Nov. 1, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-26278 Filed 11-8-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74-284]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Documents Filed Upon the Entry and Clearance of Vessels

On February 28, 1974, there was published in the FEDERAL REGISTER (39 FR 7799) a notice of proposed rulemaking setting forth proposed amendments to §§ 4.7(a), 4.75 (a) and (b), 4.81(e), and 4.85(c) of the Customs Regulations (19 CFR 4.7(a), 4.75 (a) and (b), 4.81(e), 4.85(c)) pertaining to the inward foreign manifest, the outward foreign manifest, and the General Declaration. The proposed amendments are designed to facilitate the entry and clearance of vessels and clarify the filing of entry and clearance documents.

After reviewing the comments received in response to the notice of the proposed amendments, the following two minor changes were deemed necessary:

1. The words " 'Vessel in ballast' " are deleted from the legend described in the proposed amendments to §§ 4.7(a) and 4.81(e) as an unnecessary duplication of the remainder of the legend " 'no merchandise on board.' "

2. The words "(this may be a copy of the Customs Form 1301 filed in accordance with paragraph (a) of this section)" are inserted in § 4.75(b) after the words "a General Declaration on Customs Form 1301" to make it clear that the use of a carbon copy of the Customs Form 1301 required by § 4.75(a) is acceptable when the complete manifest is delivered to the district director.

The proposed amendments, including these changes, are adopted as set forth below.

Effective date. These amendments shall become effective December 11, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: October 31, 1974.

DAVID R. MACDONALD,
Assistant Secretary
of the Treasury.

Paragraph (a) of § 4.7 is amended by adding the following sentence:

§ 4.7 Inward foreign manifest; production on demand; contents and form.

(a) * * * If a vessel arrives in ballast and therefore Customs Forms 7527-A or 7527-B are omitted, the legend "No merchandise on board" must be inserted in item 13 of the General Declaration.

* * * * * *

Paragraphs (a) and (b) of § 4.75 are amended to read as follows:

§ 4.75 Incomplete cargo declaration; incomplete export declarations; bond.

(a) If a master desiring to clear his vessel for a foreign port does not have available for filing with the district director a complete outward foreign manifest [106] or all required shippers' export declarations,[107] the district director may accept in lieu thereof an incomplete manifest on Customs Form 1301, General Declaration, if there is on file in his office a bond on Customs Form 7567 or 7569 executed by the vessel owner or other person as attorney in fact of the vessel owner. The legend, "This incomplete manifest is filed in accordance with § 4.75, Customs regulations," must be inserted in item 16 of the General Declaration. The oath on clearance on Customs Form 1300 (see § 4.63(e)) shall be required to be executed.

(b) Not later than the fourth business day after clearance [106] from each port in the vessel's itinerary, the master, or the vessel's agent on behalf of the master, shall deliver to the district director at each port a complete manifest (Customs Form 1374) of the cargo laden at such port together with duplicate copies of all required shippers' export declarations for such cargo and a General Declaration on Customs Form 1301 (this may be a copy of the Customs Form 1301 filed in accordance with paragraph (a) of this section). The oath of the master or agent on Customs Form 1300 (see § 4.63(e)) shall be properly executed before acceptance.

* * * * * *

Footnote 106 to § 4.75 is amended to read as follows:

[106] See 46 U.S.C. 91.

The first two sentences of paragraph (e) of § 4.81 are amended to read as follows:

§ 4.81 Reports of arrivals and departures in coastwise trade.

* * * * * *

(e) Before any foreign vessel shall depart in ballast, or solely with articles to be transported in accordance with § 4.93, from any port in the United States for any other such port, the master shall apply to the district director for a permit to proceed by filing a General Declaration, Customs Form 1301, in duplicate. If a vessel is proceeding in ballast and therefore Customs Forms 7527-A or 7527-B are omitted, the word "None" must be inserted in item 17 of the General Declaration and the words "No merchandise on board" must be inserted in item 13 of the General Declaration. However, articles to be transported in accordance with § 4.93 shall be manifested on an inward foreign manifest, Customs Form 7527-B, as required by § 4.93(c). * * *.

* * * * * *

The fourth sentence of paragraph (c) of § 4.85 is amended to read as follows:

§ 4.85 Vessels with residue cargo for domestic ports.

* * * * * *

(c) * * * If no inward foreign cargo or passengers are to be discharged, the manifest or Passenger List may be omitted from the abstract manifest, and the following legend shall be placed in item 12 of the General Declaration: * * *.

* * * * * *

(R.S. 251, as amended, secs. 431, 624, 46 Stat. 710, as amended, 759 (19 U.S.C. 66, 1431, 1624))

[FR Doc.74-26289 Filed 11-8-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER IX—OFFICE OF INTERSTATE LAND SALES REGISTRATION

[Docket No. R-74-274]

PART 1710—LAND REGISTRATION

State Filings and Property Report Addendum

On June 27, 1974, a Notice of Proposed Rulemaking (39 FR 23270) was published in the FEDERAL REGISTER. The proposal invited public comment on the proposed revisions of the Regulations promulgated pursuant to the Interstate Land Sales Full Disclosure Act. Under the proposal, § 1710.26 would be modified to delete the States listed therein and Part B.11. of § 1710.110 would be amended to provide for three copies of the Property Report to be submitted to OILSR. Public comments were received and on July 23, 1974, an informal public hearing was held in accordance with a notice published in the FEDERAL REGISTER on July 10, 1974. Also, a subsequent Notice announced the extension of the July 30, 1974, deadline for receipt of written comments to August 31, 1974, in order to give interested parties an opportunity to respond further to the issues raised at the public hearing.

Careful consideration has been given to all comments. Certain suggestions have been adopted in whole or in part, as reflected in the amendments to Part 1710. The comments and the amendments are described in detail in the following paragraphs.

Section 1710.26 deals with the acceptance of materials filed with the States of California, Florida, Hawaii, and New York. The amendment limits the acceptance of materials filed with the four States to those subdivisions, which had material filed and effective with OILSR prior to the effective date of the regulatory change.

Many of the comments suggested that acceptance of State materials should not be discontinued. Some alleged that the study made by OILSR was either not completely accurate or that OILSR had failed to prove that the States were not effective in the operation of their land sales laws. Some of the comments included studies which made a point-by-point analysis of the OILSR study. Several comments suggested that if substantive State regulation exists, disclosure is not needed.

OILSR's position is that acceptance of filings from these four States was originally established not because they were doing an exceptional job of self-regulation, as suggested, but rather because of the staffing limitations and inexperience of OILSR in 1969. The Act became effective for all subdivisions in the country on the same date creating an unmanageable initial workload for OILSR. In view of these factors, OILSR accepted those States in which there was a basic comparability of State and Federal requirements. However, the Federal requirements have been strengthened considerably since then and the State filings no longer meet this basic comparability test.

Some of the comments alleged that OILSR was directed by statute to accept State filings. Section 1409 of the Interstate Land Sales Full Disclosure Act provides only that the Secretary may accept material filed with the State authorities if he finds such action to be appropriate in the public interest or for the protection of purchasers.

Several comments were received which alleged that the amendment would result in the duplication of material filed with the States and OILSR and that it would create excessive costs and delays for developers and governmental authorities. In answer to these comments, OILSR has decided to limit the requirements of the regulatory amendment to new filings and to permit subdivisions which already have effective registrations with the previously designated state authorities to continue following the previous State filing procedure. Also, it should be noted that the amendment does not totally eliminate the possibility of future acceptance of State filings. It merely discontinues the acceptance of State registration materials for new subdivisions until a determination is made that the State laws equal the full disclosure requirements of the Federal Act.

Some of the comments referred to the acceptance of State material as a "State exemption." This provision is not a State exemption, and the developers in the States of California, New York, Hawaii, and Florida have not been exempt from filing with OILSR. However, in lieu of the regular filing procedure, materials filed with and found acceptable by the authorities in those States have been accepted along with additional materials required by OILSR as meeting the registration requirements of the Act.

Some comments alleged that the proposed amendment was an attempt on the part of the Federal Government to preempt State law. This amendment does not preempt State law. In no way does it prohibit a State from enacting or enforcing its own land sales laws. Section 1409(b) of the Act provides for concurrent jurisdiction. Some of the comments alleged that the adoption of the proposed amendment would undermine the regulatory mode and decision making role of State officials. We do not agree that this would be the result. In fact, if the States were to adopt the OILSR's statement of record and property report for disclosure purposes, it would free the State personnel to take up the important functions of substantive regulation and the day-to-day scrutiny of developer operations. OILSR has repeatedly urged that States assume the responsibility for meaningful substantive regulation.

With respect to the duplication of filings, on November 8, 1972, in a Statement before the National Association of Real Estate License Law Officials in Las Vegas, Nevada, OILSR called upon the States to take up the substantive role and to accept OILSR filings for full disclosure purposes, thus eliminating the duplication of full disclosure requirements. At that time the Officials adopted a resolution endorsing those proposals which included the acceptance of OILSR filings.

Allegations were made that the amendment would require the developer to give the purchaser a copy of the OILSR Property Report as well as the State Public Offering Statement and that this practice would result in confusion to the lot purchaser. Suggestions were made that the purchaser should be given additional short addendums developed by OILSR to cover the weaknesses or omissions in the State disclosure documents. With respect to uniformity, the State of Minnesota complimented OILSR on the proposed amendment and stated that this was a "very major step forward toward the goal of a uniform disclosure statement in connection with the sale of subdivided property on an interstate basis."

In response to these comments, we note that there is already considerable confusion as to what the developer must prepare and the consumer must receive in terms of a disclosure document. In some cases, the consumer will receive a notice and disclaimer on the face of the report prepared in accordance with OILSR's Regulations and a State Property Report. In other instances, he will receive both an OILSR Property Report and a State Public Offering Statement or Property Report. Many of the States not affected by this amendment also require that the developer give the purchaser a State Property Report, regardless of whether the purchaser receives the OILSR Property Report. A developer who has a national sales program may have to file as many as forty-one different disclosure documents. In 14 of the States, a developer may be able to satisfy the State requirements by submitting a certified copy of his OILSR Statement of Record and Property Report. In other States, he will have to comply with the State's individual requirements. This

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latter procedure has resulted in considerable increase in cost and in duplicative information prepared in different formats and presented in various ways. Although many of the State laws basically follow the Uniform Land Sales Practices Act, as approved by the National Conference of Commissioners on Uniform State Laws in 1966, there is little uniformity of disclosure or format in the documents prepared pursuant to the laws of the various States. Had the States followed the provisions of the Uniform Land Sales Practices Act, their laws would already have included a provision for the acceptance of materials filed with Federal authorities.

Comments were made that OILSR had not given the States sufficient time to modify their regulations in order to bring them into compliance with OILSR Regulations. OILSR notified the States of its proposal to amend its Regulations on May 21, 1973, and asked the States to compare their disclosure requirements with those in the OILSR proposal. Little communication was received in response to this request and OILSR undertook a study on its own to determine the adequacy of the State's disclosure procedures. The States were advised of the results of this study on April 2, 1974.

The proposed amendments to include a new § 1710.50 which deals with the withdrawal of Statements of Record and the amendments to section 1710.105, Part I.B.3. and Part II.C.1. are still under consideration; they will be made the subject of a subsequent publication in the FEDERAL REGISTER.

The proposed amendment to § 1710.110, Part B.11., to require the developers to submit three copies of the final printed version of their Property Reports instead of two copies is adopted verbatim to the proposal. The comments merely indicated that the amendment would not be opposed.

The comments suggested that the effective date of the amendments be deferred. Accordingly, these amendments will become effective on January 1, 1975.

The amendments to § 1710.26 and § 1710.110 Part B.11. are as follows:

1. Section 1710.26 is amended to read as follows:

§ 1710.26 State filings—acceptable filings.

(a) Pursuant to § 1710.25, the Secretary may determine from time to time that material filed with and found acceptable by state authorities may be accepted as meeting the requirements of this part. The Secretary's current determination is that no initial filings filed with and accepted by any State after January 1, 1975, will be accepted as meeting the requirements of § 1710.25. This determination is subject to periodic reevaluation.

(b) Developers who have effective filings with the States listed below and whose filings have been accepted by the Secretary prior to January 1, 1975, may continue to have consolidations and amendments to those filings accepted by the Secretary pursuant to § 1710.25:

(1) California.

(2) Florida, except as to material filed with State authorities prior to enactment of section 478, Florida statutes, effective August 1, 1967.

(3) Hawaii, except as to material filed with the State authorities prior to the enactment of Act 223, Session Laws of Hawaii 1967.

(4) New York.

• • • • • •

2. Section 1710.110, part B.11., in the Technical Instructions for Completing Property Report and Lease Addendum, is amended to read as follows:

§ 1710.110 Property report and lease addendum—format and instructions.

• • • • • •

11. Within 20 days of the date upon which the Statement of Record is allowed to become effective by the Secretary, three copies of the Property Report, in the identical form in which it will be distributed to prospective purchasers, shall be filed with the Secretary. Three copies of any subsequent reproduction, alteration, duplication or reprint of the Property Report shall be filed with and accepted by the Secretary prior to its use if such subsequent reproduction duplication or reprint contains any change in content or form.

Effective date. The foregoing amendments are effective on January 1, 1975.

(Sec. 7(d), Department of Housing and Urban Development Act, 79 Stat. 670 (42 U.S.C. 3535(d)), 1419, 82 Stat. 598 (15 U.S.C. 1718); Secretary's delegation of authority published at 37 FR 5071.)

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.74-26318 Filed 11-8-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Buquinolate and Zinc Bacitracin

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (35-314V) filed by Norwich Pharmacal Co., Division of Morton-Norwich Products, Inc., Norwich, NY 13815, proposing safe and effective use of buquinolate and zinc bacitracin in broiler or fryer chicken feed for prevention of coccidiosis, for increased rate of weight gain, and improved feed efficiency. The supplemental application is approved.

The current regulation (21 CFR 135e.34) is amended to delete paragraph (b)(2).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.34 is amended by revising paragraph (b) and adding a new item 8 to the table in paragraph (f) to read as follows:

§ 135e.34 Buquinolate.

• • • • • •

(b) *Approvals.* Premix levels of 16.5 and 22 percent have been granted; for sponsor see code No. 067 in § 135.501(c) of this chapter.

• • • • • •

(f) • • •

BUQUINOLATE IN ANIMAL FEED

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
•	•	•	•	•	•
8. Buquinolate...	100 (0.011%)	Bacitracin...	10-35	For floor raised broiler or fryer chickens, feed continuously as the sole ration; as zinc bacitracin as provided by sponsor No. 000, see § 135.501(c) of this chapter.	An aid in the prevention of coccidiosis caused by *E. tenella*, *E. maxima*, *E. necatrix*, *E. brunetti*, and *E. acervulina*; increased rate of weight gain and improved feed efficiency.

Effective date: This order shall be effective November 11, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: November 1, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74-26182 Filed 11-8-74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-23]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Long Island Inland Waterway, New York

This amendment changes the regulations for the Long Island State Park Commission bridges known as Loop Bridge, Meadowbrook Bridge, Wantagh Bridge, and the Captree Bridge to permit the draws to remain closed to the passage of vessels for periods of two hours to three hours during the peak season that the Long Island beaches are open. On Saturdays, Sundays, and Federal holidays from April 1 through October 31, the draw of the Meadow State Parkway bridge across Sloop Channel shall open on signal every three hours beginning at 1:30 a.m.; and the draws of the Wantagh State bridge across Goose Creek and the Captree State Parkway bridge across State Boat Channel at Captree Island shall open on signal every three hours beginning at 3:00 a.m. The variance in time is made to prevent undue delays for the passage of vessels. The draws of the five bridges from Narrow Bay through Shinnecock Bay are to remain closed from 10:00 p.m. to 6:00 a.m. from May 1 through September 30 and from 4:00 p.m. to 8 a.m. from October 1 through April 30; at all other times the draws of these bridges shall open on signal. The regulations for the Atlantic Beach and Long Beach bridges across Reynolds Channel have been editorially revised for overall clarity. This action was taken in order that the increased vehicular and marine traffic may operate with minimum inconvenience.

The requirement that no draw listed in this section need open for a sailing vessel unless it is under machinery power or is under tow is included because of unduly long drawbridge closures caused by sailing vessels that are solely under sail.

The reference to appurtenances unessential to navigation is deleted for the sake of clarity.

This amendment was circulated as a public notice date February 15, 1973 by the Commander, Third Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CG 73-23N) on February 12, 1973 (38 FR 4269). Twelve replies were received. None of these replies supported the proposals. The objections were general in nature and offered no constructive alternatives. It is felt that the adoption of the proposed regulations, as modified, will provide for the reasonable needs of navigation. The Commander, Third Coast Guard District, will closely monitor this matter, and if amendments to the regulations are needed, he will recommend a course of action in this regard to the Commandant.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising § 117.180 to read as follows:

§ 117.180 Long Island, New York Inland Waterway from East Rockaway Inlet to Shinnecock Canal, bridges.

(a) The owners of or agencies controlling these bridges shall provide the necessary draw tenders and the proper machinery for safe, prompt operation of the draws.

(b) The draw of any bridge for which specific operating regulations are not prescribed in paragraphs (i), (j), (k), (l), and (m) of this section shall open promptly on signal. However, no draw need open for a sailing vessel unless the vessel is under machinery power or under tow if such an opening would unduly delay other vessel or vehicular traffic.

(c) The owners of or agencies controlling these bridges shall not permit automobiles, trucks, or other vehicles and vessels to stop or operate in such a manner so as to hinder or delay the operation of the draws. All passages over drawspans or through draw opening shall be such as to expedite both land and water traffic.

(d) The owners of or agencies controlling each of these bridges shall provide and keep in good legible condition clearance gauges on both the upstream and downstream sides of the bridge painted white, with black figures not less than eight inches high, to indicate the minimum clearances under the closed draw at any stage of the tide. The clearance gauges shall be placed on each bridge or appurtenances thereto in a way that they are plainly visible to the operator of a vessel approaching the bridge, either upstream or downstream.

(e) A copy of the regulations pertaining to each bridge in this section shall be posted on each bridge or appurtenances thereto on both the upstream and downstream sides in such a manner that it can be easily read at any time. This copy shall state how the authorized representative may be contacted if constant attendance is not required.

(f) Public vessels of the United States, vessels used by state or local governments for public safety or vessels in distress shall be passed through the draws as soon as possible after vehicular traffic has been cleared from the drawspan.

(g) The time specified in these regulations is local time.

(h) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* Public vessels of the United States, state or local vessels used for public safety or vessels in distress, shall sound four distinct blasts of a whistle, horn, or four loud and distinct strokes of a bell or individuals on the vessel shall shout within reasonable distance of the bridge. All other vessels shall sound three distinct blasts of a whistle, horn, or three loud and distinct strokes of a bell or individuals on the vessel shall shout within reasonable distance of the bridge.

(ii) *Visual signals.* Visual signals may be used in conjunction with sound signals when conditions are such that sound signals may not be heard. The signal is a white flag by day, and a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* When the draw is to be opened immediately, the signal is the same as the call signal. When the draw cannot be opened immediately, or, if open, must be closed immediately, the signal is two long distinct blasts of a whistle or horn or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* Visual signals may be used in conjunction with sound signals when conditions are such that sound signals may not be heard. When the draw is to be opened immediately, the signal is a white flag by day; and a green light by night swung up and down vertically a number of times in full sight of the vessel. When the draw cannot be opened immediately or, if open, must be closed immediately, the signal is a red flag by day, and a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(i) *Atlantic Beach Bridge across Reynolds Channel.* (1) From October 1 through May 14 the draw shall open on signal at any time.

(2) From May 15 through September 30 the draw shall open on signal except during the following periods it need open only on the hour and half-hour:

(i) From 4:00 p.m. to 7:00 p.m. on weekdays; and

(ii) From 11:00 a.m. to 9:00 p.m. on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day.

(3) From May 15 through September 30 the draw shall open on signal at any time from two hours before to one hour after predicted high tide (predicted high tide for this bridge shall be 10 minutes earlier than that predicted for Sandy Hook as given in the tide tables for the United States published by the National Oceanic and Atmospheric Administration).

(j) *Long Beach Bridge across Reynolds Channel.* (1) From October 1 through May 14 the draw will open on signal at any time.

(2) From May 15 through September 30 the draw shall open at signal except that from 3:00 p.m. to 8:00 p.m. on Saturdays, Sundays, Memorial Day, Independence Day and Labor Day the draw need open only on the hour and half-hour.

(k) *Loop Parkway Bridge across Long Creek.* (1) The draw shall open on signal every other hour on the even hour except that on Saturdays, Sundays, and Federal holidays during the period from April 1 through October 31 the draw shall open on signal every three hours beginning at 3:00 a.m.

(2) If an opening is desired at other than a scheduled time, the opening may be requested via the telephone located on either side of the bridge or via marine radiotelephone.

(l) *Bridges at Meadowbrook State Parkway across Sloop Channel, Wantagh State Parkway across Goose Creek, and Captree State Parkway across State Boat Channel at Captree Island.* (1) Except as provided in paragraph (l)(2) and (3) of this section, the draw of these bridges shall open on signal every other hour on the even hour if at least one-half hour advance notice is given to the Jones Beach State Park.

(2) On Saturdays, Sundays, and Federal holidays from April 1 through October 31 the draw of the Meadowbrook State Parkway Bridge across Sloop Channel shall open on signal every three hours beginning at 1:30 a.m. if at least one-half hour advance notice is given to the Jones Beach State Park.

(3) On Saturdays, Sundays, and Federal holidays from April 1 through October 31 the draws of the Wantagh State Parkway Bridge across Goose Creek, and Captree State Parkway Bridge across

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State Boat Channel at Captree Island shall open on signal every three hours beginning at 3:00 a.m. if at least one-half hour advance notice is given to the Jones Beach State Park.

(4) Notice may be given from the telephone located at the moorings on each side of each bridge or by marine radiotelephone.

(m) *Bridges at Smith Point across Narrow Bay, Potunk Point across Quantuck Canal, Beach Lane across Quantuck Canal, Quoque across Quoque Canal and Ponquoque Point across Shinnecock Bay.* (1) The draws shall be open on signal from 8:00 a.m. to 5:00 p.m. from October 1 through April 30 and from 6:00 a.m. to 10:00 p.m. from May 1 through September 30.

(2) At all other times during these periods the draws shall open as soon as possible but no longer than one hour after a request to open is received.

(Sec. 5, 28 Stat. 362, as amended; sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Effective date. This revision shall become effective on December 8, 1974.

Dated: November 1, 1974.

R. I. PRICE,
Chief, Office of Marine Environment and Systems.

[FR Doc.74-26321 Filed 11-8-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5442]

ALASKA

Amendment of Public Land Order No. 5172

By virtue of the authority vested in the Secretary of the Interior by section 11(a)(3) of the Alaska Native Claims Settlement Act of December 18, 1871 (hereinafter referred to as the Act), 43 U.S.C. 1610(a)(3)(1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 5172 of March 9, 1972, as amended by Public Land Order No. 5191 of March 17, 1972, Public Land Order No. 5392 of September 14, 1973, and Public Land Order No. 5428 of July 25, 1974, withdrawing lands for selection under section 12 of the Act by the Village Corporations, and the Regional Corporation, Calista, Inc., for the approximate area covered by the operation of the Association of Village Council Presidents, is hereby amended to add the following described lands to paragraph 1 of said order:

KATEEL RIVER MERIDIAN

PROTRACTED DESCRIPTIONS

Ts. 27, 28, 29 S., R. 28 W. (Fractional).

SEWARD MERIDIAN

PROTRACTED DESCRIPTIONS

T. 20 N., R. 56 W.
Ts. 9 thru 12 N., R. 59 W.
Ts. 5 thru 12 N., R. 60 W.
Ts. 5 thru 8, 10 N., R. 61 W.
Ts. 5, 6, 10 N., R. 62 W.
T. 10 N., R. 63 W.
T. 26 N., Rs. 64, 66 W.
T. 33 N., R. 73 W.
T. 34 N., R. 73 W. (Fractional).

2. Subject to valid existing rights, all of the lands described in paragraph 1 of this order are added to paragraph 1 of Public Land Order No. 5172 as amended, and immediately become subject to all of the terms and conditions of that order, including the withdrawal of the lands from selection by the State of Alaska under the Alaska Statehood Act, 72 Stat. 339, and from location and entry under the mining laws, 30 U.S.C. Ch. 2, and from leasing under the Mineral Leasing Act of February 25, 1920, as amended, 30 U.S.C. 181-287 (1970).

3. The lands described in paragraph 1 of this order are hereby deleted from Public Land Order No. 5180 of March 9, 1972, as amended.

4. The purpose of this order is to supplement Public Land Order No. 5172, as amended, by reserving additional lands for selection by the Village Corporations and Calista, Inc.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 4, 1974.

[FR Doc.74-26357 Filed 11-8-74;8:45 am]

[Public Land Order 5443]

[Wyoming 44892]

WYOMING

Modification of Powersite Reserve No. 115 To Permit Grant of Right-of-Way

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority contained in section 24 of the Act of June 10, 1920, 16 U.S.C. 818 (1970), as amended, and pursuant to the determination of the Federal Power Commission in EPR-Wyoming, it is ordered as follows:

1. The Executive Order of July 2, 1910, creating Powersite Reserve No. 115, is hereby modified to the extent necessary to permit the location of a right-of-way under section 2477, U.S. Revised Statutes, 43 U.S.C. 932 (1970), by Big Horn County, over the following described lands, as recorded in field notes on file with the Bureau of Land Management in Wyoming 38612, for the construction of a public road:

SIXTH PRINCIPAL MERIDIAN

T. 53 N., R. 94 W., Sec. 13, Lot 3.

The area described contains 55.49 acres in Big Horn County.

2. The modification contained in paragraph 1 of this order is approved subject to the retention by the United States of prior rights for reservoir or power development, and to the condition that in the event the said land is required for such purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with reservoir or power development at no cost to the United States, its permittees or licensees.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 4, 1974.

[FR Doc.74-26356 Filed 11-8-74;8:45 am]

Title 45—Public Welfare

CHAPTER X—OFFICE OF ECONOMIC OPPORTUNITY

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Subpart—Training Requirements for Special Impact Program Grantees

This subpart promulgates OEO's policy with respect to the training responsibilities of Special Impact Program grantees and the requirements for meeting those responsibilities.

Effective: December 11, 1974.

BERT A. GALLEGOS,
Director-Designate.

Subpart—Training Requirements for Special Impact Program Grantees

Sec.
1069.7-1 Applicability.
1069.7-2 Policy.
1069.7-3 Implementation.

AUTHORITY: The provisions of this subpart issued under sec. 602, 78 Stat. 530; 42 U.S.C. 2942.

§ 1069.7-1 Applicability.

This subpart applies to all grantees receiving funds under Title VII-A (formerly Title I-D) of the Economic Opportunity Act, as amended, for the purpose of developing or conducting a community economic developing program when such program is administered by the Office of Economic Opportunity.

§ 1069.7-2 Policy.

(a) Each grantee will prepare training plans consistent with its approved work program and the requirements of this subpart.

(b) The first plan for existing grantees is due within 60 days of the effective date of this subpart. Subsequent plans will be due at the time of each refunding; initial plans for new grantees will be due six months following their first funding. Each plan will cover the entire period of the approved funding period. For funding periods in excess of 12 months, annual reviews of the training plan will be conducted by the grantee and changes proposed to OEO where appropriate.

(c) Progress with respect to the training plan will be reported on the quarterly monitoring reports. The Office of Economic Development (OED) specialist assigned to each grantee will be responsible for insuring that the training plan is being adhered to or that appropriate modifications are submitted by the grantee and approved by OED.

(d) It is recognized that training priorities may be different for each grantee. However, each training plan must contain a discussion of the training status and priorities for both board and staff training.

(e) At a minimum, the following broad subject areas should be covered for board training:

(1) The role of OED and the concept of community economic development organizations (usually referring to a Community Development Corporation).

(2) The history and organization of the local organization.

(3) The role and function of the Board of Directors.

(4) The reading and use of financial statements and other business reports.

(f) At a minimum, the following broad areas should be covered for staff training:

(1) OED organization and its role with respect to its grantees (will require input from OED).

(2) Objectives of authorizing legislation (currently Title VII of the Economic Opportunity Act as amended) and the local community economic organization.

(3) Training plans for individual staff members and/or classes of staff members (e.g., an ADP course for inventory control and other business applications for manager of venture "A"; a management development course for all managerial personnel on CDC staff).

§ 1069.7-3 Implementation.

(a) Each grantee is free to choose its own method of providing the training it determines that it needs. It may wish to join with other organizations in obtaining portions of their training needs. For example, two or more CDC's may find it useful to jointly contract with a training organization to develop and/or deliver a training course. Frequently, established training courses in major companies may be made available to individual CDC staff members at reduced or no cost to the CDC.

(b) Many grantees have already conducted training in accordance with an established plan. In preparing plans in accordance with this subpart, that plan and all previous training should be referred to whenever appropriate.

[FR Doc.74-26324 Filed 11-8-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-119]

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

Corrections and Miscellaneous Amendments

In FR Doc. 74-21163, that was published at 39 FR 33316 in the FEDERAL REGISTER issue of Tuesday, September 17, 1974, which recodified Parts 136 and 137 of Title 46, Code of Federal Regulations, there are typographical and clerical errors. The typographical errors appear in Table 5.20-165, *Scale of Average Orders*, under the column labeled "First", and in § 5.30-1(g) which had been previously corrected in the FEDERAL REGISTER issue of March 20, 1974, 39 FR 10432. The clerical errors are the omission of amendments to §§ 5.01-5 and 5.02-1 that appeared in the FEDERAL REGISTER of Monday, November 26, 1973, 38 FR 32448.

In consideration of the foregoing, the following corrections are made to FR Doc. 74-21163 (39 FR 33316):

1. Section 5.01-5 is amended by adding a new paragraph (d) which reads as follows:

§ 5.01-5 Assignment of functions.

* * * * *

(d) The Commandant in 33 CFR 1.01-40 delegates authority to the Vice Commandant to take final agency action under Subparts 5.25, 5.30, and 5.35 of this part on each petition to reopen a hearing and each appeal from a decision of an administrative law judge, except on a petition or appeal in a case in which an order of revocation has been issued. The delegation does not prevent the Vice Commandant from acting as prescribed in 14 U.S.C. 47(a), for all purposes of this part.

2. Section 5.02-1 is revised to read as follows:

§ 5.20-1 Commandant.

For the purpose of this part, "Commandant" means the Commandant of the Coast Guard except that in Subparts 5.25, 5.30, and 5.35 of this part, the term means Vice Commandant of the Coast Guard in a proceeding involving final agency action on a petition to reopen a hearing or an appeal from a decision of an administrative law judge other than a case involving an order of revocation.

3. In Table 5.20-165, *Scale of Average Orders*, under the column marked "First" under "Number of Times Committed", all numbers for "Group B" offenses should read "6-12", the number for "Group C" offenses should read "1-0", all numbers for "Group D" offenses should read "3-0", and all numbers for "Group E" offenses should read "6-0".

4. Paragraph (g) of § 5.30-1 is revised to read as follows:

§ 5.30-1 Time for filing, contents, etc.

* * * * *

(g) In the preparation of an appeal, neither the investigating officer nor the administrative law judge will assist the appellant beyond the point of informing him of the proper form to be used and the applicable regulations.

Dated: November 4, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.74-26319 Filed 11-8-74;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-100]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Saint Lawrence Seaway Development Corp.; Change to Statement of General Responsibilities

The purpose of this amendment is to correct the statement of general responsibilities for the Saint Lawrence Seaway Development Corporation which appears at 49 CFR 1.4(g).

Since this amendment relates to Departmental management, procedures and practices, notice, and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

In § 1.4, *General Responsibilities*, paragraph (g) is amended to read as follows:

§ 1.4 General responsibilities.

* * * * *

(g) *The Saint Lawrence Seaway Development Corporation.* Is responsible for the development, operation, and maintenance of that part of the Saint Lawrence Seaway within the territorial limits of the United States.

Effective date: This amendment is effective November 11, 1974.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e))

Issued in Washington, D.C., on November 4, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-26361 Filed 11-8-74;8:45 am]

[OST Docket No. 1; Amdt. 1-101]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the Director, Transportation Systems Center, and Miscellaneous Changes

The general purposes of this amendment are to make additional delegations to the Director, Transportation Systems Center; revise the delegations of authority to several Secretarial Officers, appearing at 49 CFR Part 1, in order accurately to reflect the current organizational structure and chain of command for the Transportation Systems Center; and revoke delegations of authority to the Assistant Secretary for Environment and Urban Systems and the Special Assistant to the Secretary for the Development of TRANSPO 72 appearing at 49 CFR 1.56 and 1.64, respectively. Specifically, this amendment:

(1) Revokes the delegation of authority to the Under Secretary at 49 CFR 1.53 (b) to exercise executive direction of the Transportation Systems Center. This

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change reflects the current reporting relationship of the Transportation Systems Center to the Assistant Secrtary for Systems Development and Technology.

(2) Revokes the delegations of authority to the Assistant Secretary for Environment and Urban Systems which appear at 49 CFR 1.56 because this position no longer exists.

(3) Revises the delegation of authority to the Assistant Secretary for Systems Development and Technology at 49 CFR 1.57(l) from provision of "technical direction" of the Transportation Systems Center to "executive direction." This revision also reflects the current chain of command for the Center.

(4) Adds a delegation of authority to the Assistant Secretary for Environment, Safety and Consumer Affairs relating to the Migratory Bird Conservation Commission. The responsibility for this function was transferred when the position of Assistant Secretary for Environment and Urban Systems was disestablished.

(5) Revises the delegations of authority to the Assistant Secretary for Administration at 49 CFR 1.60 to:

(a) Except certain personnel management activities at the Transportation Systems Center;

(b) Include authority to approve full-time training in excess of 90 days for employees at the Transportation Systems Center, and labor agreements negotiated by the Director, Transportation Systems Center;

(c) Except the Transportation Systems Center from his authority to designate certifying officers and designated agents for the Office of the Secretary; and

(d) Except the Transportation Systems Center from his authority to settle and pay claims by employees of the Office of the Secretary for personal property losses.

These changes bring the delegations to the Assistant Secretary for Administration into conformity with the delegations of authority being made to the Director, Transportation Systems Center.

(6) Revises the delegations of authority to the Director, Transportation Systems Center at 49 CFR 1.61 to:

(a) Add a delegation of authority to perform statistical studies and provide statistical compilations for State governments, their political subdivisions, or private individuals, and to charge for such services in accordance with their costs, under 42 U.S.C. 4222 and 49 U.S.C. 1657(n).

(b) Revise the delegation of authority to make recommendations for improved management so that such recommendations are directed to the Assistant Secretary for Administration rather than the Secretary/Under Secretary.

(c) Add a delegation of authority for certain personnel management activities at the Transportation Systems Center, including establishment and classification of General Schedule positions at grades 1 through 15; establishment and evaluation of trade, craft and laboring positions; actions to appoint, pay, promote, demote, reassign, separate and remove employees, with exceptions; approve training for employees, except full-time training of more than 90 days; recognize, consult and negotiate with certified labor unions and administer labor agreements approved by the Assistant Secretary for Administration; and administer oaths of office.

(d) Revise the delegation of authority to approve official travel to except "invitational" travel.

(e) Add a delegation of authority to approve determinations and findings relating to advance payments to U.S. educational institutions for research projects. This authority may not be redelegated.

(f) Add a delegation of authority to enter into reimbursable agreements with other departments and agencies, subject to approval of the Assistant Secretary for Administration for agreements involving more than $250,000. Redelegation of this authority is limited to office directors and contracting officers.

(g) Add a delegation to designate to the Treasury Department certifying officers, designated agents, and imprest fund cashiers.

(7) Revokes the delegations to the Special Assistant to the Secretary for Development of TRANSPO 72 which appear at 49 CFR 1.64 because this position no longer exists.

Since this amendment relates to Departmental management, procedures and practices, notice and public procedure thereon are unnecessary and it may be made effective in fewer than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, Part 1 of Title 49, Code of Federal Regulations, is amended as follows:

§ 1.53 [Amended]

1. Section 1.53, *Delegations to Under Secretary*, is amended by revoking paragraph (k).

§ 1.56 [Removed]

2. Section 1.56, *Delegations to Assistant Secretary for Environment and Urban Systems*, is revoked.

3. In § 1.57, paragraph (l) is revised to read as follows:

§ 1.57 Delegations to Assistant Secretary for Systems Development and Technology.

* * * * * * *

(l) Exercise executive direction of the Transportation Systems Center to ensure its optimum use as a Departmental in-house research, development, and technological facility.

4. In § 1.58, a new paragraph (h) is added, to read as follows:

§ 1.58 Delegations to Assistant Secretary for Environment, Safety and Consumer Affairs.

* * * * * * *

(h) Perform any functions of the Secretary as a member of the Migratory Bird Conservation Commission.

5. In § 1.60, paragraphs (b)(1), (c)(2) and (c)(4) are revised, and a new paragraph (b)(8) is added, to read as follows:

§ 1.60 Delegations to Assistant Secretary for Administration.

* * * * * * *

(b) *Personnel.* (1) Administer and conduct personnel management activities for the Office of the Secretary, except as delegated to the Director, Transportation Systems Center, including but not limited to:

(i) Establishment and classification of positions at GS–1 through GS–15;

(ii) Effectuation of personnel actions to appoint, promote, demote, reassign, separate, and remove employees.

(iii) Establishment of training programs and approval of training expenses, including full-time training in excess of 90 days' duration for employees at the Transportation Systems Center; and

(iv) Evaluation of trades, labor, and manual skills positions and approval of pay schedules therefor.

* * * * * * *

(8) Approve labor agreements negotiated by the Director, Transportation Systems Center.

(c) *Finance.* * * *

* * * * * * *

(2) Designate to the Treasury Department certifying officers and designated agents for the Office of the Secretary, except at the Transportation Systems Center, and imprest fund cashiers for the Departmental headquarters.

* * * * * * *

(4) Settle and pay claims by employees of the Office of the Secretary, except at the Transportation Systems Center, for personal property losses, as provided by 31 U.S.C. 241(b).

* * * * * * *

6. Section 1.61 is revised to read as follows:

§ 1.61 Delegations to Director of the Transportation Systems Center.

The Director of the Transportation Systems Center is delegated authority to:

(a) Redelegate and authorize successive redelegations of authority granted by the Secretary/Under Secretary except as limited by law or specific administrative reservations.

(b) Administer the operation of the Transportation Systems Center and perform the functions described in his functional statements.

(c) Communicate and confer with other Government agencies, private industry, educational institutions, and the transportation community in matters related to the mission, functions and programs of the Transportation Systems Center.

(d) Negotiate with and agree upon work to be performed or services to be provided by the Transportation Systems Center, with suitable funding arrangements, for the Office of the Secretary and the operating administrations; and for other Federal agencies, with the concurrence of the Assistant Secretary for Systems Development and Technology. Such work or services shall conform to the Center's mission and comply with the program guidelines of the funding organization.

(e) Negotiate agreements, with the concurrence of the Assistant Secretary for Systems Development and Technology, for services to be provided to State governments or political subdivisions thereof, or private parties, under 42 U.S.C. 4222 or 49 U.S.C. 1657(n); and administer and use monies collected for such services, within such policies and procedures as may be established by the Assistant Secretary for Administration.

(f) Recommend to the Assistant Secretary for Administration actions for improved management through organizational changes, realignment of resources, and other innovations designed to increase the effectiveness, productivity, and economy of Center operations.

(g) Administer and conduct personnel management for the Transportation Systems Center as follows:

(1) Establish and classify positions under the General Schedule at GS–1 through GS–15.

(2) Establish and evaluate trade, craft and laboring positions under the Federal Wage System.

(3) Effectuate personnel actions to appoint, pay, promote, demote, reassign, separate and remove employees; except that all appointments to positions at grades GS–13 through GS–15 from outside the Department of Transportation and all appointments to positions in Schedules A, B, and C of the Excepted Service shall be subject to the approval of the Under Secretary.

(4) Approve training for employees except full-time training in excess of 90 days' duration which shall be approved by the Assistant Secretary for Administration.

(5) Accord recognition to, consult and negotiate with certified labor organizations and administer labor agreements approved by the Assistant Secretary for Administration.

(6) Administer oaths of office under authority of 5 U.S.C. 2903 incident to entry on duty or otherwise required by law in connection with employment in the Executive Branch.

(h) Authorize and approve official travel (except overseas travel and invitational travel) and transportation for himself, his subordinates, and others performing services for, or in cooperation with, the Transportation Systems Center.

(i) Notwithstanding any other provision of this part, exercise procurement authority with respect to requirements of the Transportation Systems Center, subject to such approvals as the Assistant Secretary for Administration may prescribe for:

(1) Contractual actions involving more than $250,000;

(2) Utility contracts expected to cost $50,000 or more per year;

(3) Solicitations of any bid or proposal for support services;

(4) Acquisition (new construction, purchase, leasing, or otherwise) and disposal of real property.

(j) Approve determinations and findings relating to advance payments to U.S. educational institutions for research projects, under Federal Procurement Regulation 1–30.405. This authority may not be redelegated.

(k) Enter into inter- and intra-departmental reimbursable agreements other than with the head of another department or agency (31 U.S.C. 686), subject to such approvals as the Assistant Secretary for Administration may prescribe for actions involving more than $250,000. This authority may be redelegated only to office directors or other comparable levels and to contracting officers.

(l) Designate to the Treasury Department certifying officers, designated agents, and imprest fund cashiers, for the Transportation Systems Center.

(m) Settle and pay claims by employees for personal property losses as provided by 31 U.S.C. 241(b).

(n) Establish ad hoc committees for sepcific tasks within his assigned area of responsibility.

(o) Establish, modify, extend, or terminate standing committees within his specific area of responsibility when directed or authorized to do so by the Secretary.

§ 1.64 [Removed]

7. Section 1.64, *Delegations to Special Assistant to the Secretary for Development of TRANSPO 72, is revoked.*

Effective date. This amendment is effective November 11, 1974.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C., on November 4, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74–26362 Filed 11–8–74;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 1–5; Notice 14]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hose Amendments

This notice amends Standard No. 106–74, *Brake hoses*, 49 CFR 571.106–74, to permit, for a limited time, the manufacturing of brake hose assemblies which comply with the standard in all respects except that they are constructed with hose or end fittings which do not meet certain labeling requirements.

A notice of proposed rulemaking was published on October 3, 1974 (39 FR 35676) (Notice 13), which proposed amendment of the standard to facilitate the depletion of inventories of brake hose that is not properly labeled. All of the comments supported the proposal. Several of those commenting suggested that the proposed temporary exception to the labeling requirements be extended to cover end fittings as well as hose. These manufacturers pointed to large inventories of end fittings, manufactured before September 1, 1974, which meet all of the performance requirements of the standard, but which could not be used because they are not properly labeled. As with the brake hose discussed in Notice 13, safety of performance is not a major issue. The NHTSA has determined that the use of both non-conforming hose and end fittings in assemblies manufactured before September 1, 1975, while it may make enforcement by this agency temporarily more difficult, is appropriate and in the public interest.

In its petition for reconsideration of Notice 11 (37 FR 24012, June 28, 1974), Wagner Electric Corporation requested an amendment to permit the labeling of brake hose assemblies with DOT-marked bands in accordance with S5.2.4 before March 1, 1975, the date assembly labeling becomes effective. The NHTSA takes this opportunity to respond to Wagner's petition ahead of other petitions for reconsideration of Notice 11 in order to clarify the standard's scheme of effective dates.

Even though Standard 106–74 has already been published, there are no requirements in it applicable to air brake hose assemblies or to vacuum brake hose assemblies until March 1, 1975. Consequently, use of the DOT symbol on such assemblies manufactured before that date would be inconsistent with the established meaning of that symbol as a certification of compliance with applicable standards. Use of the symbol to indicate "anticipatory compliance", as Wagner has suggested, would foster confusion in both the meaning of the symbol and the concept of the certification required by section 108(a)(3) of the National Traffic and Motor Vehicle Safety Act of 1966. Accordingly, Wagner's petition is denied.

The problem of excessive inventories of pre-standard hose and end fittings arose from incorrect assumptions about the effective date of the standard as applied to hose assemblies which are not completed until the hose is installed in the vehicle. No parallel misunderstanding can arise with respect to the September 1, 1975, effective date for vehicles, so brake hose assemblers can plan their production schedules accordingly.

In consideration of the foregoing, Standard No. 106–74 (49 CFR 571.106–74) is amended by the addition of a new section to read as follows:

§ 571.106–74 Standard No. 106; hydraulic brake hoses.

* * * * * * *

S12. *Brake hose assemblies manufactured from March 1, 1975, to August 31, 1975.* Notwithstanding any other provision of this standard, a brake hose assembly manufactured during the period from March 1, 1975, to August 31, 1975, shall meet each requirement of this standard, except that the assembly may be constructed of brake hose which meets every requirement of the standard for

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hose other than the hose labeling requirements of S5.2, S7.2, and S9.1, and the assembly may be constructed of end fittings which meet every requirement of the standard for end fittings other than the end fitting labeling requirements of S5.2, S7.2, and S9.1.

Effective date: November 11, 1974. Because this amendment relieves a restriction, the National Highway Traffic Safety Administration finds, for good cause shown, that an immediate effective date is in the public interest.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on November 6, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-26288 Filed 11-6-74;11:40 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 984—WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Marketing Percentages for the 1974–75 Marketing Year

Notice was published in the October 16, 1974, issue of the FEDERAL REGISTER (39 FR 36971), regarding a proposal to establish free and surplus percentages and withholding factors for merchantable walnuts for the 1974–75 marketing year as follows: California—69 percent, 31 percent, and 44.9 percent, respectively; and Oregon-Washington—84.5 percent, 15.5 percent, and 18.3 percent, respectively. The 1974–75 marketing year began August 1, 1974. The proposal was pursuant to the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984; 39 FR 35327; 35999). The amended marketing agreement and order regulate the handling of walnuts grown in California, Oregon, and Washington and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposed percentages were recommended by the Walnut Marketing Board pursuant to § 984.48 of the marketing agreement and order program. The Board's recommendation was based on estimates for the current marketing year of supply and inshell and shelled trade demands adjusted for handler carryover. The total 1974–75 supply subject to regulation is estimated at 122.7 million pounds kernelweight. Inshell and shelled demands adjusted for handler carryover are estimated at 24.7 and 59.5 million pounds kernelweight, respectively, or a total adjusted demand of 84.2 million pounds kernelweight. The free percentage for California is computed by dividing the total adjusted demand by the supply subject to regulation. In recognition of marketing and production differences, the order specifies that the surplus percentage for Oregon-Washington be one-half that for California. The withholding factors for California and Oregon-Washington are calculated by dividing the respective surplus percentages by their free percentages and rounding the result to the nearest one-tenth of one percent. The withholding factor provides a ready means of determining surplus obligations by applying the factors to the weight of walnuts handled or declared for handling by a handler.

The free percentages prescribe that portion of the total supply subject to regulation which may be handled in normal domestic markets. The surplus percentages prescribe that portion of the total supply subject to regulation which must be withheld as surplus and diverted to export, oil, livestock feed, government agencies, charitable institutions or other outlets the Board finds to be noncompetitive with normal domestic markets.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Board, and other available information, it is found that establishment of free and surplus percentages and withholding factors as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the free and surplus percentages and withholding factors established for a particular marketing year shall be applicable to all walnuts handled during such year; and (2) the current 1974–75 marketing year began August 1, 1974, and the percentages and withholding factors hereinafter established will automatically apply to all such walnuts beginning with that date.

Therefore, the free and surplus percentages and withholding factors for walnuts during the 1974–75 marketing year are established as follows:

§ 984.221 Free and surplus percentages and withholding factors for walnuts during the 1974–75 marketing year.

The free and surplus percentages and withholding factors during the marketing year beginning August 1, 1974, shall be as follows:

	California	Oregon-Washington
Free percentages	69	84.5
Surplus percentages	31	15.5
Withholding factors	44.9	18.3

FRED DUNN,
Acting Director,
Fruit and Vegetable Division.

NOVEMBER 6, 1974.

[FR Doc.74-26381 Filed 11-8-74;8:45 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Preliminary Free and Reserve Percentages for the 1974–75 Crop Year

Notice was published in the October 24, 1974, issue of the FEDERAL REGISTER (39 FR 37773) of a proposal to designate a preliminary free tonnage percentage of 62 percent and a preliminary reserve tonnage percentage of 38 percent for natural Thompson Seedless raisins produced in California. These percentages would be for the 1974–75 crop year which began September 1, 1974.

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal. None were received.

The proposal was unanimously recommended by the Raisin Administrative Committee. The Committee's recommendation was under § 989.54 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Production of natural Thompson Seedless raisins for the 1974–75 crop year has been estimated to be 215,000 tons by the Committee. A field price of $640 per ton was established on September 27, 1974. Under § 989.54(b), the Committee is required to recommend to the Secretary a preliminary free tonnage percentage which, when applied to the estimated production of a varietal type, would release 85 percent of the desirable free tonnage for that varietal type. A desirable free tonnage for natural Thompson Seedless raisins of 155,000 tons was recommended to the Secretary on September 10, 1974. Eighty-five percent of that desirable free tonnage would be 131,750 tons. Dividing 131,750 tons by the estimated production (215,000 tons) and rounding upward to the next full percent results in a preliminary free percentage of 62 percent. Section 989.54(b) also provides that any difference between any preliminary or final free tonnage percentage and 100 percent shall be the reserve percentage. Thus, the preliminary reserve percentage would be 38 percent.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation of the Committee, and other available information, it is found that designation, under § 989.55 of the order, of preliminary free and reserve percentages, as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that: (1) The percentages designated herein for a crop year apply to all standard natural Thompson Seedless raisins acquired by handlers from the beginning of the crop year, and such acquisitions for the current crop year have begun; (2) the current crop year began on September 1, 1974, and the preliminary free and reserve percentages will automatically apply to all such raisins acquired by handlers beginning on that date; (3) handlers are aware of this action as recommended by the Committee and require no additional time to comply; and (4) no useful purpose would be served by delaying this action.

Therefore, Subpart—Supplementary Order Regulating Handling (§§ 989.201–989.229) is amended by adding a new § 989.230 which reads as follows:

§ 989.230 Free and reserve percentages for the 1974–75 crop year.

The preliminary percentages of standard natural Thompson Seedless raisins acquired by handlers during the crop year beginning September 1, 1974, which shall be free tonnage and reserve tonnage, respectively, are designated as follows: Preliminary free tonnage percentage; 62 percent; and preliminary reserve tonnage percentage, 38 percent.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 6, 1974.

FRED DUNN,
Acting Director,
Fruit and Vegetable Division.

[FR Doc.74-26382 Filed 11-8-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1974-CROP—FIRE-CURED, DARK AIR-CURED AND VIRGINIA SUN-CURED, LOAN RATE SCHEDULES

On October 4, 1974, there was published in the FEDERAL REGISTER (39 FR 35808) a notice of proposed rulemaking setting forth the proposed price support grade loan rate schedules for 1974-crop fire-cured, dark air-cured, and Virginia sun-cured tobacco. Interested parties were given the opportunity to submit, not later than November 4, 1974, data, views, and recommendations pertaining to the grade loan rates.

No unfavorable comments have been received, and the proposed loan rates are hereby adopted without change and are set forth below. The material previously appearing under the section numbers shown below remains applicable to the crop to which each refers.

Effective date: November 11, 1974.

Signed at Washington, D.C. on November 6, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

§ 1464.17 1974 Crops—Virginia fire-cured tobacco, type 21—grade loan schedule.[1]

LOAN RATE

[Dollars per hundred pounds, farm sales weight]

Grade	Length 47	Length 46	Length 45	Length 44	Length 43
A1F	77	77	77		
A2F	74	74	75		
A1D	77	77	77		
A2D	74	74	74		
B1F	76	76	76		
B2F	71	71	72	67	
B3F	64	64	66	64	55
B4F	60	60	61	59	52
B5F	54	54	55	54	49
B1D	76	76	76		
B2D	70	70	71	66	
B3D	62	62	63	61	56
B4D	57	57	58	57	52
B5D	52	52	53	52	49
B3M	58	58	59	58	54
B4M	55	55	57	55	52
B5M	52	52	53	52	47
B3G	55	55	56	55	10
B4G	53	53	55	54	54
B5G	51	51	52	51	47
C1L	82	82	83		
C2L	78	78	79	71	
C3L	69	69	70	68	
C4L	62	62	63	62	
C5L	57	57	58	56	
C1F	81	81	82		
C2F	77	77	78	71	
C3F	68	68	69	66	
C4F	62	62	63	62	
C5F	57	57	58	57	
C2D	57	57	58	56	
C3D	55	55	56	52	
C4D	52	52	53	57	
C5D	48	48	49	44	
C3M	56	56	56	58	
C4M	56	56	56	57	
C5M	52	52	53	52	
C3G	53	53	54	52	
C4G	50	50	52	51	
C5G	48	48	49	48	

Grade	Grade	Grade
X1L 63	X1D 59	X5M45 50
X2L 62	X2D 57	X3G 57
X3L 61	X3D 56	X3G45 54
X4L 59	X4D 54	X4G 53
X5L 56	X5D 50	X4G45 51
X1F 68	X3M 58	X5G 49
X2F 62	X3M45 56	X5G45 47
X3F 61	X4M 56	N1L 46
X4F 58	X4M45 53	N1D 43
X5F 55	X5M 51	N1G 45
		N2 35

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. The association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

§ 1464.18 1974-Crop — Kentucky-Tennessee fire-cured tobacco, Types 22 and 23—grade loan schedule.[1]

LOAN RATE

[Dollars per hundred pounds, farm sales weight]

Grade	Length 47	Length 46	Length 45	Length 44	Length 43
A1F	83	83	83		
A2F	78	78	78		
A3F	70	70	70		
A1D	83	83	83		
A2D	78	78	78		
A3D	70	70	70		
B1F	72	72	72	67	
B2F	69	69	69	65	
B3F	66	66	66	63	57
B4F	60	60	60	57	50
B5F	56	56	56	53	47
B1D	71	71	71	66	
B2D	68	68	68	64	
B3D	66	66	66	62	56
B4D	59	59	59	56	49
B5D	55	55	55	51	45
B3M	61	61	61	57	52
B4M	56	56	56	52	45
B5M	51	51	51	46	41
B3VF	60	60	60	56	49
B4VF	58	58	58	54	48
B5VF	54	54	54	51	44
B3G	60	60	60	56	48
B4G	55	55	55	51	43
B5G	51	51	51	46	41
C1L	72	72	72	68	
C2L	69	69	69	66	
C3L	67	67	67	63	57
C4L	63	63	63	60	54
C5L	60	60	60	58	51
C1F	71	71	71	67	
C2F	68	68	68	65	
C3F	66	66	66	63	56
C4F	62	62	62	59	52
C5F	60	60	60	58	49
C1D	73	73	73	68	
C2D	64	64	64	61	
C3D	60	60	60	57	51
C4D	54	54	54	52	46
C5D	53	53	53	51	44
C3M	60	60	60	57	51
C4M	56	56	56	55	49
C5M	54	54	54	52	43
C3VF	61	61	61	58	52
C4VF	58	58	58	56	50
C5VF	56	56	56	54	45
C3G	56	56	56	53	48
C4G	53	53	53	49	44
C5G	49	49	49	46	43

Grade	Grade	Grade
X1L 62	X5F 53	X3VF 56
X2L 60	X1D 59	X4VF 54
X3L 59	X2D 57	X5VF 51
X4L 55	X3D 54	X3G 53
X5L 53	X4D 52	X4G 48
X1F 60	X5D 49	X5G 45
X2F 58	X3M 54	N1L 47
X3F 57	X4M 52	N1D 42
X4F 55	X5M 49	N1G 41
		N2 36

[1] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged), or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable.

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§ 1464.19 1974-Crop—dark air-cured tobacco, Types 35 and 36—grade loan schedule.[1]

LOAN RATE

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	73	73	
A2F	69	69	
A3F	64	64	
A1R	73	73	
A2R	69	69	
A3R	61	64	
B1F	68	68	65
B2F	64	64	63
B3F	61	61	59
B4F	57	57	56
B5F	52	52	51
B1R	67	67	65
B2R	63	63	62
B3R	59	59	58
B4R	56	56	55
B5R	52	52	51
B1D	67	67	65
B2D	63	63	62
B3D	59	59	58
B4D	57	57	56
B5D	51	51	50
B3M	57	57	56
B4M	53	53	52
B5M	48	48	47
B3G	56	56	55
B4G	53	53	52
B5G	48	48	47
C1L	68	68	67
C2L	67	67	66
C3L	63	63	62
C4L	59	59	58
C5L	51	51	49
C1F	68	68	67
C2F	65	65	64
C3F	62	62	60
C4F	59	59	58
C5F	53	53	51
C1R	66	66	65
C2R	64	64	63
C3R	59	59	57
C4R	54	54	53
C5R	48	48	47
C3M	57	57	56
C4M	51	51	50
C5M	47	47	46
C3G	58	58	56
C4G	52	52	51
C5G	47	47	46

Grade	Grade	Grade	Grade
T3F	53	X1L	63	X3D	56
T4F	48	X2L	61	X4D	51
T5F	42	X3L	59	X5D	48
T3R	53	X4L	57	X3M	53
T4R	49	X5L	53	X4M	50
T5R	42	X1F	63	X5M	47
T3D	53	X2F	61	X3G	52
T4D	49	X3F	57	X4G	48
T5D	42	X4F	56	X5G	42
T3M	52	X5F	53	N1L	47
T4M	47	X1R	63	N2L	40
T5M	40	X2R	60	N1R	40
T3G	51	X3R	55	N2R	37
T4G	47	X4R	51	N1G	38
T5G	40	X5R	48	N2G	36

[1] Only the original producer is eligible to receive advances. Tobacco graded "No-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. Tobacco graded "W" (doubtful keeping order) will be accepted at advance rates 20 percent below the advance rates otherwise applicable. Grades marked with the special factor "BH" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. Type 35 grades marked with the special factor "BL" shall have an advance rate 20 percent below the advance rate otherwise applicable without such special factor. The advance rates for grades in "47 length" shall be the same as those for such grades in "46 length".

§ 1464.20 1974-crop — Virginia sun-cured tobacco, Type 37—grade loan schedule.[1]

LOAN RATES

[Dollars per hundred pounds, farm sales weight]

Grade	Length 46	Length 45	Length 44
A1F	72	72	70
A2F	68	68	65
A3F	65	65	62
A1R	72	72	69
A2R	68	68	66
A3R	65	65	62
B1F	72	73	67
B2F	69	72	66
B3F	61	64	62
B4F	55	59	57
B5F	51	51	51
B1R	72	73	66
B2R	69	71	66
B3R	63	65	62
B4R	56	59	57
B5R	52	53	50
B1D	71	71	66
B2D	70	70	65
B3D	60	61	59
B4D	54	55	54
B5D	49	51	49
B3M	54	56	53
B4M	52	55	52
B5M	47	50	49
B3G	53	57	54
B4G	50	53	52
B5G	48	49	47
C1L	70	71	68
C2L	64	65	60
C3L	62	63	60
C4L	54	57	55
C5L	48	49	48
C1F	70	71	68
C2F	64	65	62
C3F	62	64	62
C4F	56	60	57
C5F	48	52	51
C1R	67	67	61
C2R	61	61	57
C3R	54	55	53
C4R	49	51	49
C5R	44	45	44
C3M	50	53	52
C4M	47	51	48
C5M	44	48	46
C3G	45	48	45
C4G	43	47	45
C5G	38	40	39

Grade	Grade	Grade	Grade
T3F	51	X1L	58	X3D	45
T4F	49	X2L	56	X4D	43
T5F	43	X3L	53	X5D	37
T3R	51	X4L	51	X3M	53
T4R	49	X5L	46	X4M	50
T5R	44	X1F	58	X5M	46
T3D	49	X2F	57	X3G	50
T4D	47	X3F	54	X4G	47
T5D	41	X4F	51	X5G	43
T3M	48	X5F	47	N1R	35
T4M	46	X1R	58	N2R	27
T5M	40	X2R	55	N1G	37
T3G	51	X3R	51	N2G	27
T4G	49	X4R	49	N1L	33
T5G	43	X5R	42	N2L	25

[1] Only the original producer is eligible to receive advances. Tobacco graded "W" (doubtful keeping order), "No.-G" (no grade), "U" (unsound), "D" (damaged) or scrap will not be accepted. The association is authorized to deduct $1 per hundred pounds to apply against overhead cost.

[FR Doc.74-26409 Filed 11-8-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 300]

HOUSING IMPROVEMENT PROGRAM

Establishment of New Subchapter and Part

NOVEMBER 5, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

Notice is hereby given that it is proposed to add a new Subchapter X and a new Part 300 to Chapter I, of Title 25 of the Code of Federal Regulations. This addition is proposed pursuant to the authority contained in the Act of November 2, 1921 (Pub. L. 67–85, 42 Stat. 208, 25 U.S.C. 13), also called the Snyder Act.

The purpose of this addition is to prescribe the terms and conditions under which assistance is given to Indians under the Housing Improvement Program.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed addition to the Commissioner of Indian Affairs, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, on or before December 11, 1974.

It is proposed to add a new Subchapter X and a new Part 300 to Chapter I, Title 25, of the Code of Federal Regulations to read as follows:

SUBCHAPTER X—HOUSING

PART 300—HOUSING IMPROVEMENT PROGRAM

Sec.

300.1 Purpose.
300.2 Definitions.
300.3 Policy.
300.4 Program categories.
300.5 Eligibility.
300.6 Program implementation.
300.7 Appeals.
300.8 Inspection.
300.9 Flood disaster protection.
300.10 Waivers.

AUTHORITY: The provisions of this Part 300 issued under 42 Stat. 208 (25 U.S.C. 13).

§ 300.1 Purpose.

The purpose of this part is to prescribe the terms and conditions under which assistance is given to Indians under the Housing Improvement Program.

§ 300.2 Definitions.

As used in this part:

(a) "Secretary" means the Secretary of the Interior.

(b) "Commissioner" means the Commissioner of Indian Affairs.

(c) "Area Director" means the Officer in charge of one of the Bureau of Indian Affairs' Area Offices or his authorized delegate.

(d) "Superintendent" means the Officer in charge of the Agency or other local office of the Bureau of Indian Affairs.

(e) "Indian" means a person of Indian descent who is either of the following:

(1) An enrolled member; i.e., a person whose name appears on the formally approved membership roll of a tribe. In the case of the Five Civilized Tribes in Eastern Oklahoma and the Osage Tribe where rolls have been closed, an applicant may be a descendant of an enrolled member accepted as such by the Superintendent; or

(2) A recognized member; i.e., a person who meets the constitutional requirements of the tribe for membership or who is recognized by the tribe as a member; or

(3) A person of one-half or more degree of Indian ancestry, neither an enrolled nor recognized member of a tribe. Proof of ancestry must be by rolls or records acceptable to the Secretary. Such persons are hereinafter referred to as "nontribal Indians."

(f) "Tribe" means:

(1) An Indian tribe, band, group, pueblo or community recognized by the Secretary of the Interior; or

(2) A native village in Alaska which is listed in Sections 11 and 16 of the Alaska Native Claims Settlement Act (85 Stat. 688) or which meets the requirements of that Act, and which the Secretary has determined was, on the 1970 census enumeration date, composed of at least 25 Natives.

(g) "Family" means one or more persons maintaining a household.

(h) "Ownership" means having fee title, trust title (including participation in multiple ownership), leasehold interest, use permit, indefinite assignment or other exclusive possessory interest. In the case of Alaska, the term also includes one who the Superintendent determines has a reasonable prospect of becoming an owner in accordance with the provisions of the Alaska Native Claims Settlement Act (85 Stat. 688).

(i) "Standard housing" means a dwelling in a condition which is decent, safe and sanitary so that it meets the following minimums:

(1) General construction conforms to applicable building standards for the region. Structures to be improved are to be in sound condition. Deterioration, if any, will not be at a level creating a health or safety hazard, or a comfort problem.

(2) The heating system has the capacity to maintain a minimum temperature of 70 degrees in the dwelling during the coldest weather in the area. It must be safe to operate and maintain and deliver a uniform distribution of heat. Applicable local heating codes are to be followed. If there are no applicable local codes, county or state codes are to be used as a guide.

(3) The plumbing system includes a properly installed system of piping. Fixtures consist of a kitchen sink and a partitioned bathroom with lavatory, toilet and bath and/or shower. The water supply, plumbing and sewage disposal systems meet minimum standards of the Indian Health Service, the state, county or tribe, whichever is higher.

(4) The electrical system includes wiring and equipment properly installed to safely supply electrical energy for adequate lighting and for the operation of appliances. The state, county or tribal electrical code, whichever is applicable, must be used as an alternative standard. If no codes exist, a minimum of two circuits per dwelling must be installed with provision for at least one additional circuit for future use.

(5) Family size per dwelling does not exceed these limits:

(i) One bedroom dwelling: one to three persons (both spouses and a child of up to 24 months);

(ii) Two bedroom dwelling: up to six persons (both spouses and a child of up to 24 months in one bedroom; three children in the other bedroom);

(iii) Three bedroom dwelling: adequate for all but the very largest families (the first bedroom must have at least 100 square feet of floor space, and a minimum of 80 square feet for other bedrooms).

§ 300.3 Policy.

The Bureau of Indian Affairs' housing policy is consistent with the specific objectives of the National housing policy which declares that every American family should have the opportunity for a decent home and a suitable living environment. To the maximum extent possible, the program will be administered through tribes, tribal housing authorities, or other tribal organizations, or by having tribal officials participate in the applicant selection process. Every effort will be made to use Housing Improvement Program funds in conjunction with other programs so the result will be a greater amount of housing improved than would otherwise be possible

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with the Housing Improvement Program funds alone. In cases where training programs are used in conjunction with the Housing Improvement Program, funds are to be limited to the purchase of materials and providing inspection and skilled labor otherwise unavailable.

§ 300.4 Program categories.

The Housing Improvement Program will provide assistance in the following categories:

(a) *Repairs to non-standard housing.* Under this category:

(1) Financial assistance will be granting substandard housing so that to existing substandard housing so that it is safe, more sanitary and livable until such time as standard housing is available.

(2) The standard to be applied in deciding whether to provide assistance is improvement in the condition of the house, i.e., improved livability or reduced health and safety hazards even though it may be obvious that such an undertaking will not improve the house to the extent that it will meet the standard of decent, safe and sanitary. Examples of the improvement that may be assisted are: weathertightening, re-roofing, electrical wiring, chimney repairs, foundations, heating, sanitary facilities, painting, additional living and/or sleeping space, and kitchen or bathroom additions in conjunction with Indian Health Service projects.

(3) The cumulative total expenditure of the Housing Improvement Program funds should not exceed $2,000 for any one dwelling.

(4) The funds shall be granted. No restrictions on the use of the home may be imposed. Repairs to homes being rented regardless of ownership may be made but rent cannot be increased as a result of the repair alone.

(b) *Repairs to standard housing.* Under this category:

(1) Financial assistance will be granted to finance repairs, renovation and/or enlargement of existing structurally sound but deteriorated dwellings which can economically be placed in a standard condition.

(2) Upon completion of work, the dwelling should at least meet the decent, safe and sanitary standards of standard housing as defined in § 300.2(i).

(3) The cumulative total expenditure of the Housing Improvement Program funds should not exceed $10,000 for any one dwelling.

(4) Undertakings under this category are primarily for applicants who are living in their own home. Applicants who rent from Indian owners are eligible on the condition that, prior to the start of the improvement, a written occupancy agreement exists for a minimum of five years. The agreement must provide that rent for the term cannot be raised because of the improvement work. The owner must also agree in writing with the tribe that in the event the agreement is terminated prior to expiration of the term, he will hold the premises vacant for up to six months for a new occupant who meets the eligibility requirements of this Part. Improvement may be made to a rental unit in which the applicant resides if the substandard rental unit is the established residence of the applicant and that the owner of the rental unit is a member of a Federally recognized tribe. Repair of a rental unit occupied by an eligible applicant but owned by a nonmember of a Federally recognized Indian tribe (including non-Indians) will not be made unless approved in writing by the Area Director after receiving a written justification from the Superintendent.

(c) *Downpayments.* Under this category:

(1) The Housing Improvement Program provides grants in order to make the applicant eligible to receive housing loans from tribal, Federal or other sources of credit. Grants are only for standard housing. The applicant must establish that he has an inadequate income or limited financial resources to meet the full cost of the loan.

(2) The grant should not exceed the amount necessary to secure the loan plus the closing costs or $5,000, whichever is less.

(3) The method of advancing the grant must insure that the funds are used for the purpose intended. No security will be taken or lien made on the house because of the grant.

(d) *New housing.* Under this category:

(1) The Housing Improvement Program will provide the financing of the construction of new standard housing when it is established that there is no reasonable prospect that standard housing can be financed from sources other than the Housing Improvement Program. This category may not be used if there is an unmet need in the category given in paragraph (b) of this section, unless there is a dire need for assistance under this category and it is justified in writing and approved by the Area Director.

(2) The housing provided under this category must meet the housing standards of this Part. Two exceptions to standard housing will be permitted: (i) Where one or more of the utilities are not available and there is no prospect of the utilities becoming available; and (ii) in areas of severe climate, house size may be reduced to meet applicable building standards of the region. The house site must be chosen so that access to utilities is most economical, ingress and egress adequate, aesthetics are considered, and proximity to school bus routes are taken into account.

(3) The cumulative total expenditure of funds may not exceed $25,000 for a dwelling and equipment. The occupant will be responsible for all maintenance of the completed dwelling, and all utility fees, deposits or costs required for service.

(4) The applicant must have ownership (as defined in § 300.2(h)) of the land on which the house is built. In the case of a leasehold interest, it must be for not less than 25 years. Within five years after completion of construction if an owner of a house built on tribal lands desires to move, he must first notify the tribe of his intention. Within 60 days of such notice, the tribe shall have the right to either assume his interest in the house or designate someone to assume his interest. If the tribe takes no action, he may dispose of the house without regard to any restrictions in this Part.

(5) Adequate fire insurance where determined feasible by the Superintendent must be carried.

§ 300.5 Eligibility.

Priority is given to families with the greatest need in relation to income, family size, and of not being eligible for other available programs providing housing assistance. Each application for assistance must be approved by the tribal housing authority or other officially designated housing entity of the tribe being served. Applications of non-tribal Indians must be submitted to the Superintendent of the local agency office for approval. Applications to the housing authority or other officially designated housing entity of the tribe being served must be in writing and must establish that:

(a) The applicant is an Indian.

(b) The present housing of the applicant is substandard or inadequate in terms of capacity to meet the physical needs of the family.

(c) The economic resources of the applicant are inadequate or factors exist which make the applicant unable to secure housing from other sources.

(d) The applicant for assistance under one of the categories in § 300.4 meets the ownership requirements given under that category.

No application will be approved for the categories given in paragraphs (b), (c) and (d) of § 300.4 if the applicant had previously received assistance under any of those categories. The Department of Housing and Urban Development financed houses under the administration of an Indian housing authority will not be eligible for assistance until the end of the project indebtedness to the Federal government.

§ 300.6 Program implementation.

The Housing Improvement Program will be implemented according to the plans, priorities and requests of the tribe served. In accordance with this, the methods which may be used to implement the program are:

(a) Direct grants to applicants.

(b) Contract or grant agreements negotiated with tribes, Indian housing authorities established pursuant to tribal ordinances or state laws, or incorporated tribal organizations. The completion of a specified amount of housing construction or improvement will either be performed directly by the tribe or organization or through a program of the tribe or organization providing funds and assistance to Indians.

(c) Contracts negotiated by the Bureau of Indian Affairs' Contracting Officer or his designated representative for elements of an agency Housing Improvement Program with one or more of the following: Tribes, Indian housing authorities, Indian controlled private enterprise, incorporated tribal organizations.

(d) Contracts with private non-Indian contracting firms in accordance with normal Bureau of Indian Affairs' contracting procedures.

(e) Programs administered directly by the Bureau of Indian Affairs.

§ 300.7 Appeals.

(a) If an applicant is denied assistance by failure to obtain tribal approval under § 300.5(d), he may appeal to the Superintendent. The Superintendent may approve assistance if the applicant is in serious need of housing. The Superintendent's decision on such appeals may be appealed by the applicant or the tribe under the provisions of Part 2 of this title.

(b) Denial of an application by a Bureau of Indian Affairs official may be appealed under the provisions of Part 2 of this title. Notice of the right of appeal must be given each applicant in the notice of rejection.

§ 300.8 Inspection.

The Superintendent is responsible for inspection or the assurance that there is adequate provision for inspection by Bureau of Indian Affairs' employees, contractors, or subcontractors during the course of construction. The Superintendent is also responsible for the provision of inspection prior to the purchase of an existing house. These inspections are not necessary where inspection is provided for by the Department of Housing and Urban Development or the Farmers Home Administration or other governmental agencies.

§ 300.9 Flood disaster protection.

No Housing Improvement Program funds will be expended in areas designated as having special flood hazards under the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 977) unless the requirements for suitable flood insurance are met.

§ 300.10 Waivers.

A proposal for a waiver of the regulations of this Part must be submitted to the Commissioner and will be considered if substantial justification is presented according to 25 CFR 1.2.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-26368 Filed 11-8-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

[17 CFR Parts 1 and 19]

HEDGING; DEFINITION AND REPORTS

Notice of Proposed Rulemaking

Notice is hereby given that the Secretary of Agriculture, pursuant to the authorization and direction contained in section 404 of Pub. L. 93-463, enacted October 23, 1974, is considering amending § 1.3 of the general regulations under the Commodity Exchange Act (7 U.S.C. 1 et seq.) to provide for a definition of "bona fide hedging transactions and positions". The newly-established Commodity Futures Trading Commission is required under section 4a(3) of the Commodity Exchange Act as amended by section 404 of Pub. L. 93-463, to issue by July 20, 1975, a regulation defining the same term. The Secretary of Agriculture is also considering, under the authority contained in section 4i(2) of the Commodity Exchange Act (7 U.S.C. 6i), conforming amendments to four sections of Part 19 and a revision of § 1.48 of the general regulations under such Act. The revision of § 1.48 of the general regulations would extend present reporting requirements for anticipatory hedging to certain persons who would become eligible for such hedging under the proposed definition.

Section 404 of Pub. L. 93-463 provides that:

Section 4a(3) of the Commodity Exchange Act, as amended (7 U.S.C. 6a), is amended by deleting the period at the end of the first sentence and adding "as such terms shall be defined by the Commission within ninety days after the effective date of the Commodity Futures Trading Commission Act of 1974 by order consistent with the purposes of this Act."; and by deleting, effective immediately on enactment of this Act, the remainder of paragraph (3): *Provided*, That notwithstanding any other provision of law, the Secretary of Agriculture, immediately upon the enactment of the Commodity Futures Trading Commission Act of 1974, is authorized and directed to promulgate regulations defining bona fide hedging transactions and positions: *And provided further*, That until the Secretary issues such regulations defining bona fide hedging transactions and positions and such regulations are in full force and effect, such terms shall continue to be defined as set forth in the Commodity Exchange Act prior to its amendment by the Commodity Futures Trading Commission Act of 1974.

The regulation on the hedging definition proposed by the Secretary of Agriculture under this authority would comply with the intent of the conferees (Conference Report to accompany H.R. 13113, pp. 40-1) in that it would allow bakers to hedge unfilled annual requirements of flour in the wheat futures and allow seed corn processors to hedge the bushel value equivalent of their unfilled annual requirements of seed corn in the corn futures; also, it would permit sweet corn processors to hedge the bushel value equivalent of their unfilled annual requirements of sweet corn in the corn futures. n addition, certain long positions of livestock and poultry producers which are currently exempted from speculative limits in corn and other grain futures, would be exempted in effect by the definition of "bona fide hedging transactions and positions"; such anticipatory hedging provisions for livestock and poultry producers would also be extended to soybean meal. The proposed definition otherwise deviates in only minor ways from the hedging definition presently contained in section 4a(3) of the Commodity Exchange Act (7 U.S.C. 6a). The proposed definition would read as follows:

§ 1.3 Definitions.

. . . . . .

(z) *Bona fide hedging transactions or positions.* These shall mean sales of, or short positions in any commodity for future delivery on or subject to the rules of any contract market made or held by any person to the extent that such sales or short positions are offset in quantity by the ownership or fixed-price purchase of the same cash commodity by the same person or, conversely, purchases of, or long positions in, any commodity for future delivery on or subject to the rules of any contract market made or held by such person to the extent that such purchases or long positions are offset by fixed-price sales of the same cash commodity by the same person. There shall be included in the amount of any commodity which may be hedged by any person—

(1) The amount of such commodity such person is raising, or in good faith intends or expects to raise, within the next twelve months, on land (in the United States or its Territories) which such person owns or leases;

(2) An amount of such commodity the sale of which for future delivery would be a reasonable hedge against the products or by-products of such commodity owned or purchased at a fixed-price by such person or the purchase of which for future delivery would be a reasonable hedge against the fixed-price sale of any product or by-product of such commodity by such person;

(3) An amount of such commodity the purchase of which for future delivery shall not exceed:

(i) Such person's unfilled anticipated requirements for processing or manufacture;

(ii) The bushel value equivalent of corn reflecting such person's unfilled anticipated requirements for seed corn or sweet corn processing;

(iii) The wheat equivalent of such person's unfilled anticipated requirements of flour for baking;

(iv) Such person's unfilled anticipated feeding requirements of corn, wheat, oats, barley, flaxseed, grain sorghum, rye, or soybean meal for the production of livestock or poultry or both; during a specified operating period not in excess of one year.

Transactions and positions shall not be classified as hedging unless their bona fide purpose is to offset price risks incidental to commercial cash or spot operations, and such positions are established and liquidated in an orderly manner and in accordance with sound commercial practices in conformity with such regulations as may be prescribed pursuant to the Commodity Exchange Act as amended.

Amendments to four sections of Part 19 would be made to conform certain

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references to hedging in these sections to the amendment proposed above. As so amended, the parenthetical phrases in §§ 19.01(b), 19.02(b), 19.03(b), and 19.04(b) would read as follows:

§ 19.01 **Merchants, processors, and dealers in certain grains and grain products.**

• • • • • •

(b) • • • (as defined under section 4a of the Act and section 404 of Pub. L. 93–463) • • •

§ 19.02 **Merchants, processors, and dealers in cotton and cotton products.**

• • • • • •

(b) • • • (as defined under section 4a of the Act and section 404 of Pub. L. 93–463) • • •

§ 19.03 **Merchants, processors and dealers in eggs and egg products.**

• • • • • •

(b) • • • (as defined under section 4a of the Act and section 404 of Pub. L. 93–463) • • •

§ 19.04 **Merchants, processors and dealers in potatoes and potato products.**

• • • • • •

(b) • • • (as defined under section 4a of the Act and section 404 of Pub. L. 93–463) • • •

The proposed revision of § 1.48 would extend present reporting requirements for anticipatory hedging to all persons whose positions are so classified under the new definition proposed above. As so revised, § 1.48 would read as follows:

§ 1.48 **Hedging anticipated requirements for processing or manufacturing or livestock and poultry production under section 4a of the Commodity Exchange Act and section 1.3(z)(3) of the regulations under the Commodity Exchange Act.**

(a) *Form and manner of reporting.* Any person who desires to avail himself of the provisions of § 1.3(z)(3) of the regulations under the Commodity Exchange Act, and to acquire a long futures position in any commodity with respect to which trading and position limits established by the Commodity Exchange Commission, pursuant to section 4a of the Act, shall be then in effect, shall, at least ten days prior to acquiring any position in excess of any such limit, file with the Commodity Exchange Authority, United States Department of Agriculture, Washington, D.C. 20250, a statement showing such person's unfilled anticipated requirements for processing or manufacturing or feeding for a specified operating period not in excess of one year. Such statement shall set forth in detail such person's unfilled anticipated requirements and explain the method of determination thereof, and shall include but not be limited to the following information:

(1) Annual requirements of such commodity for processing or manufacturing or feeding for the three fiscal years next preceding;

(2) Anticipated requirements of such commodity for processing or manufacturing or feeding for a specified operating period not in excess of one year;

(3) Inventory and forward purchases of such commodity, including any quantity in process of manufacture and finished goods and by-products of manufacture or processing (in terms of such commodity);

(4) Anticipated unfilled requirements of such commodity for processing or manufacturing or feeding for a specified period not in excess of one year.

In addition, a processor of seed corn or sweet corn shall supply information showing the calculation of his bushel value equivalent based upon annual requirements of seed corn or sweet corn. Seed corn and sweet corn processors shall report their cash positions in terms of bushel value equivalents. Producers of livestock and poultry shall provide the number of cattle, hogs, sheep, or poultry expected to be fed during the specified period, not to exceed one year, and the derivation of their annual requirements based upon these numbers.

(b) *Supplemental reports.* Whenever such person's anticipated requirements as set forth in item two of such statement or any statement supplemental thereto shall change, such person shall immediately file with the Commodity Exchange Authority a supplemental statement reporting and explaining such change. Such person shall also file with the Commodity Exchange Authority, at least once each year, a statement setting forth the information described in paragraph (a) thereof.

(c) *Purchases and liquidation.* All purchases of any Commodity for future delivery pursuant to the provisions of section 1.3(z)(3) of these regulations shall be made and liquidated in an orderly manner and in accordance with sound commercial practice. No such purchases shall be made or liquidated in a manner which could be expected to cause sudden or unreasonable fluctuations or unwarranted changes in the price of such commodity.

If any interested person desires a hearing with reference to these proposed regulation amendments, he should make a request to that effect stating the reasons therefor, addressed to the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington, D.C. 20250, on or before December 26, 1974.

Written statements with reference to the subject matter of these proposals may be submitted by any interested person. Such statements should be mailed to the Administrator of the Commodity Exchange Authority prior to December 26, 1974.

The transcript of the proceedings at any hearing which may be held and all written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued: November 6, 1974.

ALEX C. CALDWELL,
Administrator,
Commodity Exchange Authority.

[FR Doc.74–26384 Filed 11–8–74;8:45 am]

Farmers Home Administration

[FmHA Instruction 426.1]

[7 CFR Part 1806]

REAL PROPERTY INSURANCE

Proposed Amendment

Section 1806.2(b), of Subpart A of Part 1806 (35 FR 17238) is amended to add subparagraph (6) to permit insurance companies insuring FmHA borrowers to furnish master sets of insurance forms and to use a declaration page in the form of a computer printout for each FmHA borrower insured by the company in lieu of an original policy for each borrower. Section 1806.2(g)(4) is amended to reflect the change in the new § 1806.2(b)(6).

Interested parties are invited to submit written comments, suggestions, or objections, regarding the proposed amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before December 10, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m. to 4:45 p.m.)

As proposed, §§ 1806.2 (b) (6) and (g) (4) read as follows:

§ 1806.2 **Companies and policies.**

• • • • • •

(b) *Insurance policies.* • • •

(6) Master sets may be accepted in lieu of an original policy for each FmHA borrower provided the master sets meet all of the requirements of this Subpart.

(i) One complete master set of the different insurance forms for policies issued by the insurance company must be on file in each county office where the company insures property of FmHA borrowers.

(ii) The "Declaration Page" furnished by the insurance company for each borrower insured in lieu of a complete policy will be filed in the borrower's case folder. When a "Declaration Page" in the form of a computer printout is used by an insurance company, an endorsement on every policy issued by that company or a letter from that company will be obtained and attached to the printout. However, a letter signed by an authorized official of the company and addressed to the State Director may cover all policies issued by that company in the State. Any such endorsements or letters should clearly state that the company considers the printout(s) to be an original "Declaration Page(s)." Such endorsements or letters are not necessary if the printout itself clearly states that it is an original "Declaration Page."

• • • • • •

(g) *Mortgage clause.* • • •

(4) The FmHA and all other mortgagees whose interests are insured by the policy will be shown either in the mortgage clause or in the "Declaration Page" in the order of priority of their mortgages.

• • • • • •

((7 U.S.C. 1989; 42 U.S.C. 1480); delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Assist. Sec or Rural Development, 7 CFR 2.70)

Dated: November 4, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–26306 Filed 11–8–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[24 CFR Part 1700]

[Docket No. R–74–298]

DUPLICATION AND CERTIFICATION FEES

Notice of Proposed Rule Making

Notice is hereby given that it is proposed to amend Part 1700 of Title 24, Chapter IX of the Code of Federal Regulations to establish a fixed fee of $12.00 for duplication fees and certification of registration to the various States accepting Federal filings. The fee of $12.00 is based upon the Department's fee of $2.00 for attestation under the seal of the Department plus a fee of 25 cents a page for the duplication of an estimated average of 40 pages in the Statement of Record and Property Report ($10.00). This change from a fixed fee of $2.00 plus a fixed fee of 25 cents a page for duplication relieves the Department and the public from the delay and burden inherent in determining the number of pages for which a charge is to be assessed. Duplication of an average of over 40 pages of required documents, the services of several persons and research for the proper material to be certified is ample justification for the fee.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they deem pertinent. Communications should identify the subject matter by the above title and should be submitted in triplicate to the Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10150, 451 Seventh Street SW., Washington, D.C. 20410. All communications received on or before December 9, 1974, will be considered before taking action on the proposal. Also, public hearings may be scheduled to hear comments on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. A copy of each written submittal will be available for public inspection during business at the above address.

Accordingly, § 1700.30 is proposed to be amended by adding a new paragraph (e) as follows:

§ 1700.30 **Public information.**

• • • • • •

(e) *Duplication and certification fee—required documents to the several States that accept Federal filings.* Notwithstanding the provisions of § 15.14 Schedule of Fees of this title, copies of documents on file with the Office of Interstate Land Sales Registration that are provided for certification to the several States that accept Federal filings will be provided upon request for a fixed fee of $12.00 per filing regardless of the number of pages duplicated.

(Section 7(d) of the Department of Housing and Urban Development Act, 79 Stat. 670, 42 U.S.C. 3535(d), 1419, 82 Stat. 598, 15 U.S.C. 1718, Secretary's delegation of authority published at 37 FR 5071.)

Issued at Washington, D.C. November 5, 1974.

GEORGE K. BERNSTEIN,
Interstate Land
Sales Administrator.

[FR Doc.74–26367 Filed 11–8–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74–NE–46]

PRATT & WHITNEY AIRCRAFT MODEL JT3D ENGINES

Notice of Proposed Airworthiness Standard

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to Pratt & Whitney Aircraft Model JT3D–3, JT3D–3B, and JT3D–7 turbofan aircraft engines containing tenth stage compressor disk, P/N 701810. Pratt & Whitney has recently reevaluated the cyclic lives of disks made from AMS 6304 material. Due to this reevaluation, it was found that the published cyclic lives for JT3D engines with tenth stage compressor disks made from this material must be reduced. Since this condition exists in all engines with disks of the same part number, the proposed Airworthiness Directive would reduce the cyclic life in order to prevent possible engine failures. In view of the fact that the total cycles accumulated by engines in operation is significantly below the revised life limits, this Airworthiness Directive is being published as a Notice of Proposed Rule Making.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration (New England Region, Regional Counsel, Airworthiness, 12 New England Executive Park, Burlington, Massachusetts 01803). All communications received on or before November 30, 1974, will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new Airworthiness Directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT3D–3, JT3D–3B, and JT3D–7 turbofan engines containing tenth stage compressor disk, P/N 701810.

Compliance required as indicated.

To ensure adequate life limit margin for tenth stage compressor disk, P/N 701810, the cyclic life limits on these disks have been reduced below the figures currently approved. Unless already accomplished, remove from service the tenth stage compressor disk prior to exceeding the revised life limit listed below or within the next 25 cycles in service after the effective date of this AD, whichever comes later.

Engine model	Previous life limit (cycles)	Revised life limit (cycles)
JT3D–3	30,000	25,000
JT3D–3B	30,000	25,000
JT3D–7	25,000	23,000

If a disk has been used in more than one engine model, the disk is limited to the lowest cyclic life permitted for the engine models in which it has been exposed.

Issued in Burlington, Massachusetts, on October 29, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74–26286 Filed 11–8–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74–GL–40]

VOR FEDERAL AIRWAYS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V–175 from Alexandria, Minn., via Park Rapids, Minn., Bemidji, Minn., to Roseau, Minn., and delete V–254 between Bemidji, Minn., and Roseau, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments

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as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 2300 East Devon, Des Plaines, Ill. 60018. All communications received on or before December 11, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would extend V–175 from Alexandria, Minn., via Park Rapids, Minn., Bemidji, Minn., to Roseau, Minn., and would delete V–254 between Bemidji, Minn., and Roseau, Minn.

Effective January 2, 1975, V–175 will be extended from Redwood Falls, Minn., to Alexandria, Minn. Extension of V–175 as proposed would provide a route in controlled airspace between Alexandria, Minn., Park Rapids, Minn., and Bemidji, Minn., and would provide airway continuity to Roseau, Minn.

This amendment is proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 4, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-26287 Filed 11-8-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 170]

FEES FOR FACILITIES AND MATERIALS LICENSES

Proposed Revision of License Fee Schedules

The Atomic Energy Commission is proposing to amend its regulations in 10 CFR Part 170 to revise its schedule of fees for facilities and materials licenses to take into account recent opinions of the Supreme Court in National Cable Television Assn., Inc., vs. United States, 94 S. Ct. 1146, and Federal Power Commission vs. New England Power Co., 94 S. Ct. 1156, and petitions filed by the Atomic Industrial Forum, the law firm of Conner, Hadlock, and Knotts, representing 12 utility licensees, and the Edison Electric Institute. The proposed rule would establish fees for standardized nuclear power plants and special projects.

In 1968, the Commission, pursuant to title V of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a, and in accord with Government policy with respect to user charges as set forth in Office of Management and Budget Circular A–25, commenced levying fees upon licensees and permittees. The fee schedule was revised in 1971, 1972, and 1973, to extend the coverage and to take into account increased costs, costs previously excluded in the fee computation, and to cover certain licenses exempt from fees. The most recent amendment, effective December 3, 1973, established fees for licenses to manufacture nuclear power plants at industrial locations.

The fees currently assessed under 10 CFR Part 170 include application fees, construction permit fees, operating license fees, fees for licenses to manufacture nuclear power plants, and materials license fees, as well as annual fees for production and utilization facility licenses and for material licenses.

The United States Supreme Court on March 4, 1974, decided the two cases cited above involving the assessment of annual license fees by the Federal Communications Commission and the Federal Power Commission under Title V of the Independent Offices Appropriation Act of 1952, 31 U.S.C. 483a. In the two cases the Supreme Court stated, with respect to Title V of the Independent Offices Appropriation Act of 1952, that fees must be assessed to a specific person or company for specific measurable services to each and that the fee should be set according to the "value to the recipient" of the services.

In view of the Court's decision regarding annual fees and careful evaluation of the AEC license fee structure, the Commission has decided to eliminate annual license fees and annual license fees will be refunded upon a properly submitted claim therefor. Licensees will be notified concerning refunds.

It appears that a more equitable basis for levying fees is to impose a charge only where a direct service is provided during the period for which the fee is collected. It is proposed, therefore, that a new schedule of charges be established for license amendments and inspections, except for those concerned with special nuclear material safeguards. Charges would also be imposed for applications for review of special projects.

On March 5, 1973, the Commission announced that three procedural options would be available for processing applications for standardized designs. They are: (1) The reference system approach where an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications filed by utilities, (2) the duplicate plant approach where a limited number of duplicate plants are to be constructed within a limited time span by either a utility or group of utilities, and (3) the license to manufacture a specified number of plants of a standard design at a location which is different from the location where the plants will eventually be operated. It is proposed that Part 170 be amended to broaden the scope of the regulations to take into account changes in the Commission's licensing program resulting from the implementation of the program of standardization of nuclear power plants.

The proposed revised schedule would establish fees for requests filed by vendors and architect-engineer firms for standardized reference design approvals, for applications for construction permits which incorporate standardized reference designs and duplicate plants, for review of designated sites for nuclear power plants,[1] and for any other special project[1] requested by an applicant. In addition, construction permit fees and operating license fees would be established for standardized reference design or duplicate plants, and fees would be developed for special projects.[1]

It is also proposed that an application fee for operating licenses for nuclear facilities be established.

Part 170 would be amended to provide that fees for construction permits, manufacturing licenses, and operating licenses would be payable in three equal installments as the Regulatory staff processes the application. This amendment would eliminate the current procedure of collecting such fees only at the time the permit or license is issued. The revised collection procedure would also be applied to fees for review of applications filed by vendors and architect-engineer firms for approval of standardized reference designs, for designated site reviews, and for special projects, if practicable.

In the case of facilities licenses or permits or design approvals, the applicant would be billed for the first payment of approximately one-third of the prescribed fee at approximately six months after the application is filed with the Atomic Energy Commission. A second invoice would be mailed to the applicant at the end of 12 months, and the final installment would be payable 18 months after the application is filed or when the review is completed. Fees for materials license applications filed pursuant to Parts 30, 40, and 70 would continue to be payable upon the filing of the application.

Fees for facility license amendments, facility inspections, and special projects would be due upon notification to the licensee by the Commission.

Fees for materials license amendments should accompany the application, except for Categories 1A, 1B, and 2A licenses and special projects where the fee would be due upon notification to the licensee by the Commission.

Fees for materials license inspections would be due upon notification to the licensee by the Commission.

The charge for a license, permit, design approval, special project review, license amendment, or inspection (except safeguards) would take into account manpower, support (contractual), and overhead costs, and be computed as an average charge for all licenses or requests in a specific license fee category.

Costs associated with materials protection (safeguards), research, the development of standards and codes, generic effort, the administration of the Agreement States program as well as the costs of licenses issued to nonprofit educational institutions authorizing use of byproduct, source, or special nuclear material for teaching, training, or medical purposes, Federal and State agencies (except for nuclear power plants), and for export of byproduct, source, or special nuclear material would not be recovered under the proposed revised license fee schedule. Costs associated with the administration of the indemnity program were identified and excluded.

The exemption from fees for a license or permit applied for by, or issued to an agency of a State or any political subdivision thereof, would be modified so that the exemption does not cover licenses authorizing the manufacture and distribution of products or the offering of consulting services.

Section 170.21 of Part 170 would be amended to clarify that it is the Commission's intent to charge an application fee for each site specified in an application for construction permits or for operating licenses for more than one facility.

Value considerations in the development of the proposed revised schedule of fees or in determining whether to impose charges were economic in nature or related to improved safety for the licensee and his employees and property. Economic considerations involve savings resulting from the use of nuclear energy (as illustrated by the $200–$800 million saved during 30 years of operation using nuclear fuel in a power reactor instead of fossil fuel) and sales of nuclear products or product improvement. Other benefits result from greater plant operating time and increased public acceptance of nuclear energy.

With reference to applicants or licensees to whom the proposed fees are applicable, the value to the recipient of the Commission's services, in economic terms, is more than adequate to justify using service related costs of the Commission as a basis for calculating the appropriate fee.

Pursuant to the Atomic Energy Act of 1954, as amended, and Section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 170, is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by December 11, 1974. Copies of comments may be examined in the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C.

1. Section 170.2 is revised to read as follows.

§ 170.2 Scope.

Except for persons who apply for or hold the licenses exempted in § 170.11, the regulations in this part apply to each person who is an applicant for, or holder of, a specific license for byproduct material issued pursuant to Parts 30 and 32–35 of this chapter, for source material issued pursuant to Part 40 of this chapter, for special nuclear material issued pursuant to Part 70 of this chapter, or for a production or utilization facility issued pursuant to Part 50 of this chapter, or to a person who seeks approval of a standardized reference design, review of a facility site prior to submission of an application for a construction permit pursuant to Part 50 of this chapter, and any other special project or review which the Regulatory staff completes or makes whether or not in conjunction with a license application on file or which may be filed.

2. The prefatory language in paragraph (a) and paragraph (a)(9) of § 170.11 is revised to read as follows:

§ 170.11 Exemptions.

(a) No application filing fees, license fees, amendment fees, or inspection fees shall be required for:

* * * * *

(9) A license for possession and use of byproduct material, source material, or special nuclear material applied for by, or issued to, an agency of a State or any political subdivision thereof, except for licenses which authorize distribution of byproduct material, source material, or special nuclear material or products containing byproduct material, source material, or special nuclear material, or licenses authorizing consulting services to any person other than an agency or political subdivision of the State.

* * * * *

3. Paragraphs (b) and (c) of § 170.12 are amended to read as follows:

§ 170.12 Payment of fees.

* * * * *

(b) Construction permit fees, manufacturing license fees, operating license fees, standardized reference design review fees, designated site review fees, and special project fees. Fees for construction permits, manufacturing licenses, operating licenses, and standardized reference design reviews are payable in three installments upon notification by the Commission. The first payment shall be one-third of the prescribed fee[1] shown in § 170.21 and is due 6 months after the application is filed, the second payment shall be one-third of the prescribed fee shown in § 170.21 and is due 12 months after the application is filed, and the final payment of the remainder of the fee shall be paid 18 months after the application is filed, or at the time the permit, license, or approval is issued, whichever is sooner. Fees for special project reviews, including designated site reviews, will be billed in the same manner if practicable, otherwise applicants will be billed at the completion of the project. No construction permit, manufacturing license, operating license, or approval of a standardized reference design or approval of a designated site, or special project report will be issued until the full fee prescribed in this part has been paid.

(c) Amendment, inspection, and special project fees.

(1) The fee for a material license amendment shall accompany the application except for Categories 1A, 1B, and 2A, in the schedule set out in § 170.31 where the fee is due upon notification to the licensee by the Commission. The fee for a special project involving byproduct, source material, and special nuclear material is due upon notification to the licensee by the Commission.

(2) The fee for a facility license amendment is due upon notification to the licensee by the Commission except an amendment to increase the power level of a power reactor in which case the fee shall accompany the application.

(3) The fee for a license inspection is due upon notification to the licensee by the Commission.

4. Section 170.21 of Part 170 is amended to read as follows:

§ 170.21 Schedule of fees for production and utilization facilities and special projects.

(a) Applicants for construction permits, manufacturing licenses, operating licenses for production or utilization facilities, and persons requesting approval of a standardized reference design shall pay the fees set forth in the table below.

(b) Persons who request special project reviews and designated site reviews shall pay such fees as are separately determined by the Commission.

[1] The appropriate application fee will be determined for special projects after preliminary review.

[1] The fees shown in § 170.21 are prescribed fees for the permit, license, or review. Where a permit or license is issued during FY 1975, or a review of a designated site or special project is completed during FY 1975, the full prescribed fee shown in § 170.21 must be paid before the permit or license is issued or upon completion of the review or project.

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Schedule of fees

A. CUSTOM REVIEW

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license as limited by license conditions or technical specifications) [1]	Application fee for construction permit or operating license [2]	Construction permit fee [3]	Operating license fee [4]
(1) Power reactor [5]	$125,000	[6] $166/MW	[6] $203/MW
(2) Testing facility	3,900	10,500	15,200
(3) Research reactor	600	2,300	3,500
(4) Other production or utilization facility	125,000	530,000	421,000

B. MANUFACTURING LICENSE APPROACH

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license as limited by license conditions or technical specifications) [1]	Application fee for construction permit [2]	Application fee for manufacturing license	Application fee for operating license [2]	Construction permit fee [3]	Manufacturing license fee [7]	Operating license fee [4]
(1) Power reactor [5]	$62,500	$62,500	$125,000	[6] $83/MW	[6] $83/MW	[6] $203/MW

C. STANDARDIZED DESIGN REVIEW—VENDOR AND ARCHITECT-ENGINEER

	Application fee for review of preliminary or final reference design—nuclear steam supply system	Application fee for review of preliminary or final reference design—standardized balance of plant	Review fee for reference preliminary design—nuclear steam supply system	Review fee for reference final design—nuclear steam supply system	Review fee for reference preliminary design—standardized balance of plant	Review fee for reference final design—standardized balance of plant
Vendor	$50,000		$335,000	$510,000		
Architect-engineer		$50,000			$608,000	$585,000

D. STANDARDIZED DESIGN REVIEW—REFERENCE SYSTEMS APPROACH

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license as limited by license conditions or technical specifications) [1]	Application fee for construction permit or operating license [2]	Construction permit [3] fee—reference nuclear steam supply system and custom balance of plant	Construction permit [10] fee—reference nuclear steam supply system and standardized balance of plant	Operating license fee [3] reference nuclear steam supply system and custom balance of plant	Operating license fee [10] reference nuclear steam supply system and standardized balance of plant
Power reactor [5]	$125,000	[6] $151/MW	[6] $115/MW	[6] $184/MW	[6] $140/MW

E. STANDARDIZED DESIGN REVIEW—DUPLICATE PLANT APPROACH

Facility (thermal megawatt values refer to maximum capacity stated in the permit or license as limited by license conditions or technical specifications) [1]	Application fee for construction permit or operating license [2]	Construction permit fee [11]	Operating license fee [11]
Power reactors [5]	$125,000	[6] $133/MW	[6] $162/MW

F. SPECIAL PROJECTS AND REVIEWS [12]

Charges are to be separately determined by the Commission, taking into account manpower, support, and overhead costs.

[1] Amendments reducing capacity shall not entitle the applicant to a partial refund of any fee; applications for amendments increasing capacity to a higher fee category will not be accepted for filing unless accompanied by the prescribed fee which shall be determined by multiplication of the change in power level, expressed in megawatts thermal by $203.

[2] A separate application fee will be charged for each site described in an application for a construction permit or for an operating license.

[3] When construction permits are issued for 2 or more custom power reactors of the same design at a single power station that were subject to concurrent licensing review, the construction permit fee for the 1st reactor will be $166 per megawatt, and $69 per megawatt for each additional reactor. When construction permits are issued for 2 or more power reactors for which a manufacturing license has been issued, the construction permit fee shall be $83 per megawatt for the 1st reactor, and $35 per megawatt for each additional reactor.

[4] When operating licenses are issued for 2 or more custom power reactors of the same design at a single power station that were subject to concurrent licensing review, the operating license fee will be $203 per megawatt for the first reactor, and $85 per megawatt for each additional plant.

[5] For construction permits and operating licenses for power reactors with a capacity in excess of 3,800 megawatts, the fee will be computed on a maximum power level of 3,800 megawatts.

[6] Thermal megawatts.

[7] When a manufacturing license is issued for 2 or more power reactors, the fee will be $83 per megawatt for the 1st reactor, and $35 per megawatt for each additional reactor.

[8] When operating licenses are issued for 2 or more power reactors at a single power station that were subject to concurrent review and for which a manufacturing license has been issued, the operating license fee will be $203 per megawatt for the 1st reactor, and $85 per megawatt for each additional reactor.

[9] When construction permits are issued for 2 or more power reactors utilizing a standardized nuclear steam supply system in combination with a custom balance of plant at a single power station that were subject to concurrent licensing review, the construction permit fee for the 1st reactor will be $151 per megawatt, and $64 per megawatt for each additional reactor. When operating licenses are issued for 2 or more power reactors utilizing a standardized nuclear steam supply system in combination with a custom balance of plant at a single power station that were subject to concurrent licensing review, the operating license for the 1st reactor will be $184 per megawatt, and $78 per megawatt for each additional reactor.

[10] When construction permits are issued for 2 or more power reactors utilizing a standardized nuclear steam supply in combination with a standard balance of plant at a single power station that were subject to concurrent licensing review, the construction permit fee for the 1st reactor will be $115 per megawatt, and $50 per megawatt for each additional reactor. When operating licenses are issued for 2 or more power reactors utilizing a standard nuclear steam supply system in combination with a standard balance of plant at a single power station that were subject to concurrent licensing review, the operting license fee for the 1st reactor will be $140 per megawatt, and $62 per megawatt for each additional reactor.

[11] When construction permits are issued for 2 or more duplicate power reactors at a single power station that were subject to concurrent licensing review, the construction permit fee for the 1st reactor will be $133 per megawatt, and $60 per megawatt for each additional reactor. When operating licenses are issued for 2 or more duplicate power reactors at a single power station that were subject to concurrent licensing review, the operating license fee for the 1st reactor will be $162 per megawatt, and $85 per megawatt for each additional reactor.

[12] Application fee to be determined at the time of filing. Applicant will be billed for fees as work progresses.

5. A new § 170.22 is added to read as follows:

§ 170.22 Schedule of fees for inspections of facilities.

Schedule of facility inspection fees

	Routine inspection	Incident	Enforcement	Management audit
(1) Power reactor and manufacturing license	$12,096	$6,624	$11,016	$44,064
(2) Testing facility	7,095	7,095	7,095	7,095
(3) Research reactor	7,095	7,095	7,095	7,095
(4) Other production or utilization facility	11,948	5,496	10,846	43,442
(5) Production or utilization facility licensed for possession but not operation	3,080	3,080	3,080	3,080

6. A new § 170.23 is added to read as follows:

§ 170.23 Schedule of fees for facility license amendments.

Schedule of facility permit or license amendment fees

	Class 1 [1]	Class 2 [1]	Class 3 [1]	Class 4 [1]
(1) Power reactor and manufacturing license	$830	$4,920	$24,887	
(2) Testing facility	480	2,880	14,568	
(3) Research reactor	480	2,880	14,568	
(4) Other production or utilization facility	960	5,760	29,136	

[1] Applicant will be notified of payment due at the time the application is filed except an amendment to increase the power level of a power reactor in which case the fee shall accompany the application. (See footnote 1 of sec. 170.21.) [2] A class 1 amendment is defined as requiring processing time of up to 40 h of professional staff time (average 20 h); a class 2 amendment is defined as requiring professional staff time of 40–200 h (average 120 h); a class 3 amendment is defined as requiring professional staff time of 200–1,000 h (average 600 h); and a class 4 amendment is defined as requiring more than 1,000 h of professional staff time. The above charges are related to average time, except class 4 where charges are to be separately determined by the Commission, taking into account manpower, support, and overhead costs.

7. Section 170.31 is amended to read as follows:

§ 170.31 Schedule of fees for materials licenses and special projects.

Applicants for materials licenses and holders of materials shall pay the following fees:

Schedule of materials license fees

Category of materials licenses [1]	Application fee [2]	Amendment fee [3]	Inspection fee
1. Special nuclear material:			
A. Licenses for quantities of 5 kg or more of contained uranium-235, uranium-233, and plutonium, except for licenses for plutonium processing and fuel fabrication plants as defined in sec. 70.4(r) of this chapter, licenses for storage only, and licenses authorizing possession and use of special nuclear material in sealed sources excluding fuel elements	$61,522	Class 1 [3] $425 Class 2 [3] 3,768 Class 3 [3] 22,461 Class 4 [3]	Incident $4,200 Enforcement 6,272 Routine 9,072 Management audit 41,944
B. Licenses for possession and use of special nuclear material in plutonium processing and fuel fabrication plants as defined in sec. 70.4(r) of this chapter	121,125	Class 1 [3] 425 Class 2 [3] 3,768 Class 3 [3] 22,461 Class 4 [3]	Incident 4,200 Enforcement 6,272 Routine 9,072 Management audit 41,944
C. Licenses for quantities of 5 kg or more of contained uranium-235, uranium-233, and plutonium for storage only except for licenses authorizing storage only of special nuclear material in sealed sources excluding fuel elements	2,440	2,440	1,680
D. Licenses for quantities of 350g to 5 kg of contained uranium-235, uranium-233, and plutonium except for licenses for storage only, licenses covered by categories 4A, 4B, 5A, or 6A, and licenses authorizing possession and use of special nuclear material in sealed sources excluding fuel elements	[4] 4.50	712	1,400
E. Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems	65	42	560
F. All other specific special nuclear material licenses except those licenses covered by categories 4A, 4B, 5A, 6A, 7A, 7B, 7C, or 8A	165	33	1,120
2. Source material:			
A. Licenses for source material for use in milling operations and licenses for refining mill concentrates to uranium hexafluoride	7,915	Class 1 [3] 425 Class 2 [3] 3,768	1,848
B. Licenses for source material in quantities greater than 50 kg except licenses for storage only and licenses for use only of source material in counterweights	195	40	+896
C. All other specific source material licenses, except those licenses covered by categories 4A, 4B, 6A, 7A, 7B, 7C, or 8A	105	22	840
3. Byproduct material:			
A. Licenses for possession and use of byproduct material issued pursuant to pts. 30 and 33 of this chapter for processing or manufacturing of items containing byproduct material for commercial distribution that require product safety evaluation	2,600	1,261	2,514
B. Licenses for possession and use of byproduct material issued pursuant to pts. 30 and 33 of this chapter for processing or manufacturing of items containing by product material where no product safety evaluation is required or quantities of byproduct material for commercial distribution except exempt quantities as defined in sec. 30.18 of pt. 30 of this chapter	1,300	489	1,064
Footnotes at end of table.			
C. Licenses for byproduct material issued pursuant to pt. 34 of this chapter for industrial radiography operations at one location	340	68	1,120
D. Licenses for byproduct material issued pursuant to pt. 34 of this chapter for industrial radiography operations at more than one location	695	139	1,920
E. Licenses for possession and use of byproduct material in quantities of less than 10,000 Ci in sealed sources for irradiation of materials	120	135	952
F. Licenses for possession and use of byproduct material in quantities of 10,000 Ci or more in sealed sources for irradiation of materials	235	117	1,008
G. Licenses issued pursuant to subpt. B of pt. 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons generally licensed under pts. 31 or 35 of this chapter, except specific licenses authorizing redistribution of items which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons generally licensed under pts. 31 or 35 of this chapter	435	24	1,008

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Schedule of materials license fees

Category of materials licenses [1]	Application fee [2]	Amendment fee [2]	Inspection fee
H. Licenses issued pursuant to subpt. A of pt. 32 of this chapter to distribute items containing byproduct material or quantities of byproduct material to persons exempt from the licensing requirements of pt. 30 of this chapter, except (1) secs. 32.11 and 32.18 of this chapter, (2) specific licenses authorizing redistribution of items and quantities which have been manufactured or imported under a specific license and licensed by the Commission for distribution to persons exempt from the licensing requirements of pt. 30 of this chapter, and (3) specific licenses which authorize distribution of timepieces, hands and dials	625	125	896
I. Licenses issued pursuant to sec. 32.18 of this chapter to distribute quantities of byproduct material to persons exempt from the licensing requirements of pt. 30 of this chapter	165	165	672
J. Licenses issued pursuant to sec. 32.14 of this chapter to distribute timepieces, hands and dials, containing hydrogen-3 or promethium-147 to persons exempt from the licensing requirements of pt. 30 of this chapter	50	50	784
K. Licenses for possession and use of byproduct material for research and development, except those licenses covered by categories 3A or 3B, and licenses covered by categories 7B or 7C authorizing medical research	160	32	896
L. All other specific byproduct material licenses, except those in categories 4A, 4B, 5A, 6A, 7A, 7B, 7C, and 8A	65	25	448
4. Waste disposal:			
A. Waste disposal license specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by land or sea burial by the waste disposal licensee	3,000	3,000	2,016
B. Waste disposal licenses specifically authorizing the receipt of waste byproduct material, source material, or special nuclear material from other persons for the purpose of commercial disposal by the waste disposal licensee by transfer to another person authorized to receive such material	540	715	1,008
5. Well logging and well surveys and tracer studies:			
A. Licenses for possession and use of special nuclear material and byproduct material for well logging, well surveys, and tracer studies	150	30	896
6. Nuclear laundries:			
A. Licenses for commercial collection and laundry of items contaminated with byproduct material, source material, and special nuclear material	435	90	1,008
7. Human use:			
A. Licenses issued pursuant to pts. 30, 40, and 70 of this chapter for human use of byproduct material, source material, or special nuclear material in sealed sources contained in teletherapy devices	185	31	784
B. Licenses issued pursuant to pts. 30, 40, and 70 of this chapter to medical institutions or 2 or more physicians for human use of byproduct material, source material, or special nuclear material, except licenses in category 7A	65	25	840
C. Licenses issued pursuant to pts. 30, 40, and 70 of this chapter to a physician for human use of byproduct material, source material, or special nuclear material, except licenses in categories 7A and 7B	50	25	560
8. Civil defense:			
A. Licenses for possession and use of byproduct material, source material, or special nuclear material for civil defense activities	50	44	448
9. Special projects [4]:			
Charges are to be separately determined by the Commission, taking into account manpower, support, and overhead costs			

[1] Licensees required to pay fees under categories 1A through 1D are not required to pay a fee under categories 1E and 1F for sealed sources.

[2] Applications for materials licenses or amendments covering more than one fee category shall pay the prescribed fee for each category. Applications for reissuance of licenses that have expired because a timely renewal application was not filed must be accompanied by the prescribed application fee.

[3] A class 1 amendment is defined as requiring average processing time of 20 h of professional staff time; a class 2 amendment is defined as requiring an average of 195 h of professional staff time; a class 3 amendment is defined as requiring an average of 1,000 h of professional staff time; and a class 4 amendment is defined as requiring more than 1,000 h of professional staff time. The above charges are related to average time, except class 4 where charges are to be separately determined by the Commission, taking into account manpower, support, and overhead costs. The fees for class 1 through class 4 are due upon notification to the licensee by the Commission.

[4] Per gram (maximum fee, $7,800).

[5] The fee for special projects involving byproduct material, source material, or special nuclear material is due upon notification to the licensee by the Commission. The charge will be separately determined by the Commission, taking into account manpower, support, and overhead costs.

8. Section 170.41 of Part 170 is amended to read as follows:

§ 170.41 Failure by applicant or licensee to pay prescribed fees.

In any case where the Commission finds that an applicant or a licensee has failed to pay the applicable prescribed fee required in this part, the Commission will not process a pending license application as to which the default applies and may suspend or revoke the license or may issue such order with respect to licensed activities as the Commission determines to be appropriate or necessary in order to carry out the provisions of this part, Parts 30, 40, 50, and 70 of this chapter and of the Act.

(Sec. 501, Pub. L. 82-137, 65 Stat. 290 (31 U.S.C. 483a))

Dated at Washington, D.C. this 22nd day of October, 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Secretary of the Commission.

[FR Doc.74-25857 Filed 11-8-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[EDR-280A; Docket No. 27106]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Schedule P-10—Work Force Data; Supplemental Notice of Proposed Rulemaking

NOVEMBER 6, 1974.

By notice of proposed rulemaking EDR-280, dated October 17, 1974, and published at 39 FR 37994, the Board gave notice that it had under consideration an amendment to Part 241 of its Economic Regulations (14 CFR Part 241), which would substantially revise the reporting required by the present schedule P-10, including a redesignation of the schedule from "Payroll" to "Work Force Data," and extend the reporting requirement to supplemental air carriers. Public comments on the proposal are due no later than November 22, 1974. The Air Transport Association of America (ATA) has requested, on behalf of certain of its air carrier members, that the due date for filing comments be extended for a month. In support of the request, ATA states, inter alia, that additional time is needed to arrange a meeting of industry General Accounting Committee representatives to review the proposal and determine whether an appropriate response should be developed.

The undersigned finds good cause has been shown for granting the requested extension of time for filing comments.

Accordingly pursuant to authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to December 23, 1974.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel, Rules and Rates Division.

[FR Doc.74-26377 Filed 11-8-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 229]

[FRL 266-1]

OCEAN DUMPING

Proposed General Permits for the Transportation for Dumping, and the Dumping of Material into Ocean Waters

The Marine Protection, Research, and Sanctuaries Act of 1972, as amended, (33 U.S.C. 1401) provides in section 104(c) that:

Consistent with Sections 102 and 103 of the Act, but in lieu of a requirement for specific permits in such case, the Administrator * * * may issue general permits for the transportation for dumping, or dumping, or both, of specified materials or classes of materials for which he may issue permits, which he determines will have a minimal adverse environmental impact.

Section 220.3(a) of the final regulations and criteria governing transportation for dumping, and dumping of material into ocean waters, CFR Title 40, Part 220 provides:

From time to time the Administrator may authorize, by general permit, the dumping of certain materials such as * * * non-toxic materials generally disposed of in small quantities. Such general permits shall be published in the FEDERAL REGISTER and shall specify the types and amounts of materials which may be dumped, the designated dumping sites for such dumping activities, and any other conditions deemed appropriate by the Administrator. A general permit may be granted by the Administrator under this section on application of an interested person in accordance with the procedures of Part 221, or may be granted by the Administrator on his own initiative, subject to the notice and hearing requirements of Part 222 of this subchapter.

The Environmental Protection Agency hereby proposes to adopt general permits which set forth the conditions under which the burial at sea of human remains by persons subject to the Act and the sinking at sea of target vessels by the United States Navy will be allowed. The proposed permits were prepared following requests from the United States Navy, United States Coast Guard, and in one instance from a private party. The proposed permits reflect comments from the Navy, Coast Guard, and the National Funeral Directors' Association.

The proposed burial at sea permit was prepared to permit burial at sea of cremated remains no closer than three nautical miles from land and of non-cremated remains no closer than three nautical miles from land in water at least 600 feet deep after necessary measures have been taken to ensure that the remains sink to the bottom rapidly and permanently.

The proposed target vessel permit was prepared to permit the Navy to conduct classified weapons tests where and when they deem necessary provided they report the details of the sinkings to the Administrator annually. These sinkings are covered by the Department of the Navy Final Environmental Impact Statement (EIS) on Use of Target Ship Hulls in Exercises at Sea, August 1971. The Environmental Impact Statement summary states that: "The target ship exercises effectively involve committing a cleansed hull to the ocean floor, far at sea (50 miles or more), in water at least 6000 feet deep while providing for conventional weapons research and tactical forces mandatory training which cannot be duplicated or adequately simulated through any other means."

In accordance with 40 CFR Part 222, the proposed permits constitute tentative determinations by EPA to issue such permits and notice of such action is also being published in accordance with 40 CFR 222.3. Any person may request a public hearing on the proposed issuance of the general permits set forth herein by filing a written request on or before December 11, 1974, with the Chief, Marine Protection Branch (WH-448), U.S. Environmental Protection Agency, Room 2818 Waterside Mall, 401 M Street SW, Washington, D.C. 20460, which request must state any objections such person may have to the issuance or denial of either or both of the proposed general permits and state the issues such person intends to raise at a public hearing. If a public hearing is requested and, in accordance with 40 CFR 222.5(b), the Administrator determines that such request is in proper form and presents bona fide issues amenable to resolution by public hearing, then subsequent notice of such hearing shall be given in accordance with 40 CFR 222.7.

Interested persons may also submit comments on the proposed general permits in writing on or before January 10, 1975. Comments should be addressed to the Chief, Marine Protection Branch (WH-448), Waterside Mall, 401 M Street, SW, Washington, D.C. 20460.

Dated: November 4, 1974.

JOHN QUARLES,
Acting Administrator.

In consideration of the foregoing, it is proposed to amend Subchapter H of Chapter I of Title 40 to add a new Part 229 as follows:

PART 229—GENERAL PERMITS

Sec.
229 General permits.
229.1 Burial at sea.
229.2 Transport of target vessels.

AUTHORITY: 33 U.S.C. 1411-21.

§ 229 General permits.

§ 229.1 Burial at sea.

(a) All persons subject to Title I of the Marine Protection, Research and Sanctuaries Act of 1972, as amended, are hereby granted a general permit to transport human remains from the United States and all persons owning or operating a vessel or aircraft registered in the United States or flying the United States flag and all departments, agencies or instrumentalities of the United States are hereby granted a general permit to transport human remains from any location for the purpose of burial at sea and to bury such remains at sea subject to the following conditions:

(1) Except as herein otherwise provided, human remains shall be prepared for burial at sea and shall be buried in accordance with accepted practices and requirements as may be deemed appropriate and desirable by the United States Navy, United States Coast Guard, or civil authority charged with the responsibility for making such arrangements;

(2) Burial at sea of human remains which are not cremated shall take place no closer than three nautical miles from land and in water no less than one hundred fathoms (six hundred feet) deep and all necessary measures shall be taken to ensure that the remains sink to the bottom rapidly and permanently; and

(3) Cremated remains shall be buried in or on ocean waters without regard to the depth limitations specified in paragraph (a)(2) of this section provided that such burial shall take place no closer than three nautical miles from land.

(b) For purposes of this section and § 229.2, "land" means that portion of the baseline from which the territorial sea is measured, as provided for in the Convention on the Territorial Sea and the Contiguous Zone, which is in closest proximity to the proposed disposal site.

(c) Flowers and wreaths consisting of materials which are readily decomposable in the marine environment may be disposed of under the general permit set forth in this section at the site at which disposal of human remains is authorized.

§ 229.2 Transport of target vessels.

(a) The United States Navy is hereby granted a general permit to transport vessels from the United States or from any other location for the purpose of sinking such vessels in ocean waters in testing ordnance and providing related data subject to the following conditions:

(1) Such vessels may be sunk at times determined by the appropriate Navy official;

(2) Necessary measures shall be taken to ensure that the vessel sinks to the bottom rapidly and permanently, and that marine navigation is not otherwise impaired by the sunk vessel;

(3) All such vessel sinkings shall be conducted in water at least 1000 fathoms (6000 feet) deep and at least 50 nautical miles from land, as defined in § 229.1(b); and

(4) Before sinking, appropriate measures shall be taken by qualified personnel at a Navy or other certified facility to remove to the maximum extent practicable all materials which may degrade the marine environment, including without limitation, (i) emptying of all fuel tanks and fuel lines to the lowest point practicable, flushing of such tanks and lines with water, and again emptying such tanks and lines to the lowest point practicable so that such tanks and lines are essentially free of petroleum, and (ii) removing from the hulls other pollutants and all readily detachable material capable of creating debris or contributing to chemical pollution.

(b) An annual report will be made to the Administrator of the Environmental Protection Agency setting forth the name

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of each vessel used as a target vessel, its approximate tonnage, and the location and date of sinking.

[FR Doc.74-26273 Filed 11-8-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Parts 211, 212]

OLD OIL

Proportionate Allocation Among Refiners

A notice of proposed rulemaking and public hearing which contained a proposal to allocate old oil proportionately among refiners was issued on August 28, 1974 (39 FR 31650, August 30, 1974). Comments were invited from interested persons by September 23, 1974, and more than 600 comments were received by FEA. A public hearing was held on September 24, and 25, 1974 at which approximately 40 interested parties presented statements. FEA has considered carefully the contents of all comments received and of each statement presented at the public hearing and has revised its original proposal in response to a number of valid criticisms and helpful suggestions contained therein.

Because we have significantly modified the August 28 proposal, FEA has decided to afford interested parties an additional opportunity to comment upon the proposed rule prior to its final adoption. In particular, we invite comment upon the proposed handling of product imports; and, specifically, the basis upon which entitlements will be issued to eligible product importers. In addition, FEA solicits comments on those operational and reporting aspects of the revised proposal which are set forth herein for the first time in specific regulatory language. In general, however, we would welcome all comments or suggestions which might enhance the future effectiveness of the program.

General Findings and Statutory Basis for the Proposed Rule

The comments received by the FEA and the statements presented by participants at the public hearing have confirmed FEA's initial conclusion that the present disparity in average crude costs among refiners is contrary to the goal of preserving an economically sound and competitive petroleum industry. In particular, many small and independent refiners, accounting for a large share of the independent refining sector, have been forced to cut margins and sustain reductions in their market shares due to their disproportionate reliance upon crude oil sold at uncontrolled prices (i.e., stripper well oil, new and released oil, and imported oil). The competitive viability of a large segment of the independent marketing sector of the industry has also been weakened by price differentials in the marketplace which create economic distortion and unnecessary interference with market mechanisms. These results are principally attributable to the inequitable distribution of price controlled "old" oil among the nation's refiners. In addition, marketers dependent upon imports of certain refined products have sustained a competitive disadvantage by not sharing in the benefits of price controlled domestic crude oil.

To correct these inequitable conditions which FEA has found to exist, FEA intends to adopt this rule to allocate old oil equitably among all domestic refiners and to extend the benefits of such old oil to marketers to the extent that they import certain refined products at higher than domestic prices. FEA has concluded that the adoption of this proposed rule is within its authority under the Emergency Petroleum Allocation Act of 1973 (the "Allocation Act") to provide for the equitable allocation of crude oil and refined products, at equitable prices, among all regions of the United States, among all sectors of the petroleum industry, and among all users. See Senate Report on the Extension of the Allocation Act, S. Rep. No. 93-1082, 93rd Cong., 2d Sess. at 2 (1974). Moreover, adoption of this proposed rule is warranted to assure the preservation of an economically sound and competitive petroleum industry and, in particular, the competitive viability of independent refiners, small refiners, nonbranded independent marketers and branded independent marketers. Elimination of the economic distortion caused by unequal access to price-controlled domestic crude oil will also minimize unnecessary interference with market mechanisms that would otherwise operate more effectively to help achieve the overall objectives of the Allocation Act. Finally, FEA believes that the adoption of this proposed rule is a necessary precondition to any future relaxation or elimination of allocation or price controls.

Description of the Program

General. Under the program to be adopted, each refiner and eligible firm (which would include essentially refiners and other marketers) importing residual fuel oil, home heating oil or No. 2-D diesel fuel would be issued entitlements for each month based on that refiner's volume of crude oil runs to stills and the volume of such products imported by that firm. The number of entitlements issued with respect to imports of these products would be determined by the prevailing price differential between domestically refined and imported product.

An entitlement is defined as the right of the refiner owning the entitlement to include one barrel of old oil in its adjusted crude oil receipts in a particular month. A refiner that has included in its refinery inventories for the month a greater volume of old oil than permitted by entitlements issued to it would be required to purchase entitlements for that excess from a refiner or eligible firm other than a refiner that has entitlements available for sale.

Small refiners would receive a proportionately greater number of entitlements than other refiners under the provisions of § 211.67(e).

Entitlements would be issued pursuant to a notice published by FEA and would not be evidenced by a certificate or any other document. The final reconciliation of monthly entitlement transactions would be on records maintained by FEA. The price at which or price range within which entitlements would be sold would be established by FEA for each month in the entitlement notice for that month.

No transfer of an entitlement may be made to any person that is not a refiner, and no transfer may be made to any refiner other than for use by it to cover its old oil receipts. These restrictions are designed to eliminate purchases and resales of entitlements by non-refiners or refiners not requiring entitlements.

Under the proposed program, all funds expended or received as the result of the purchase or sale of entitlements would be subject to the general provisions of FEA's price regulations, which provide generally for a dollar-for-dollar cost pass through, either as a cost increase or decrease.

Timing of implementation. The first month with respect to which entitlements would be issued is November 1974. Pursuant to the reported old oil receipts and volumes of crude oil runs to stills and of eligible product imports for November, FEA would publish on January 10, 1975 a notice specifying the adjusted national old oil supply ratio for the month of November, the name of each refiner or other eligible firm receiving entitlements, the number of entitlements issued to that refiner or eligible firm, and the price or price range for entitlement sales. All required purchases of entitlements for November would be made prior to January 31, 1975, and forms evidencing purchases and sales would be filed with FEA no later than February 10, 1975. All moneys spent or received as a result of entitlement transactions for the month of November would also be reported on Form FEA 96 for January 1975.

Issuances of and transactions in entitlements for months subsequent to November 1974 would be made in a similar fashion. FEA expects to issue entitlements on a quarterly basis once the mechanical and reporting difficulties which are inherent in the first several months of such a program are resolved.

Any corrections to reports of receipts of old oil for a particular month based on revised invoices received by a refiner would be reflected by adjusting that refiner's receipts of old oil in the subsequent month in which the invoice effecting the adjustment is received.

Product imports—General. The inclusion of product importers in the class of persons who are eligible to receive entitlements is consistent with FEA's statutory mandate to preserve the competitive viability of independent marketers. The crude oil cost equalization at the refinery level provided for by the proposed program would not in itself place those marketers dependent on higher priced imported finished products in a competitive posture. The continuing price differentials between domestic and imported product, furthermore, would make future relaxation or elimination of allocation controls difficult for FEA to achieve without severe market disruptions. Accordingly, FEA's proposed rule provides a mechanism whereby marketers reliant on certain imported finished products will be eligible to receive entitlements for their imports.

Eligible products. The imported products eligible for entitlement issuances are residual fuel oil and home heating oil (including No. 2-D diesel fuel). These products account for the major portion of finished product imports into the United States, and the domestic market, particularly the East Coast, is substantially dependent on imports of these products. In addition, these products possess the greatest potential for significant adverse economic impact when import prices rise above prevailing domestic prices in the event of unexpected demand increases or supply shortages. Imports of other finished and unfinished products are not as significant in the overall market for petroleum products, and FEA has determined that inclusion of such products in the program would pose substantial administrative burdens and technical problems, and might operate as a disincentive to utilization and expansion of domestic refining capacity.

Eligible importers. Firms that constitute eligible importers under the proposed program are those firms (including refiners) eligible for licenses under the Oil Import Regulations which permit the import of eligible products on a fee-free basis, and those marketers in areas of the United States outside of PAD District I that would qualify for such a license other than by reason of the location of their marketing area. Also included are PAD District I marketers that did not receive such a license to import No. 2 fuel oil in a specified base period. This class of firms includes a well-defined group of marketers which has been the historic and continuing independent marketing group for these products.

As FEA's statutory duty is to protect the independent marketing sector of the industry, limitation of the eligible firms generally to marketers is consistent with this mandate. It should be pointed out, however, that although relatively few end-users of eligible products possess the appropriate licenses under the Oil Import Regulations so as to qualify as eligible firms, to the extent that consumers are served by independent marketers that do qualify, the benefits of the program will inure to such consumers. Moreover, procedures will be available to permit new marketers to become eligible firms for purposes of the program in certain situations.

Basis for issuance of entitlements. Consistent with its objective to protect independent marketers reliant on supplies of imported finished products, FEA believes that to the extent import prices are equal to or lower than domestic prices, the marketers of such products are not at a competitive disadvantage and, therefore, should not receive entitlements under the program. Accordingly, the proposed rule specifies that the total dollar value of entitlements issuable to eligible product importers will be limited to the amount necessary to eliminate the then existing differentials between domestic and import prices for the eligible product.

For each month, FEA will calculate the weighted average domestic price for the eligible product by utilizing the weighted average of the lowest price at or below which at least a 10 percent or greater portion of that product's sales volume was sold by each domestic refiner. In addition, FEA will calculate a weighted average import price based on submissions by eligible firms for that month. To the extent that the weighted average import price exceeds the weighted average domestic price for a product as so calculated, each barrel of imported product in that month would receive a dollar value of entitlements equal to this differential.

In calculating the weighted average domestic and imported prices, FEA recognizes that significant differentials are present in product prices as a result of varying sulphur contents. Accordingly, FEA is proposing to utilize prices for residual fuel oil and heating oil with representative sulphur contents (i.e. .3 percent for residual fuel oil and .2 percent for heating oil) to determine the price differentials for entitlement issuances as to all imports of those products. FEA is inviting comments as to whether utilization of prices for fuels sold with the above sulphur contents will result in a representative differential between domestic and imported prices for all types of residual fuel oil and heating oil.

Thus, marketers will be able to sell eligible imported products competitively with marketers possessing domestic supplies. As a limitation on the value of entitlements issuable with respect to imported eligible products, no barrel of such products may receive a greater entitlement value than is received by domestic refiners in that month with respect to one barrel of crude oil included in a refiner's crude oil runs to stills. This limitation preserves incentives for refiners to utilize domestic capacity as opposed to relying on product imports.

In the product entitlement alternatives outlined in the August 28 proposal, entitlements for finished products were not proposed to be limited to amounts necessary to eliminate the prevailing differential between the domestic and imported price for an eligible product. Rather, entitlements were proposed to be issued on a fixed basis, thus reducing the cost of even that imported product whose price was actually at or below the domestic level. Upon further consideration, FEA has tentatively concluded that the granting of entitlements for imported products without regard to the price differential between the domestic and imported costs of a product could tend to unduly encourage imports contrary to our national interest and operate as a disincentive to the expansion of domestic refining capacity.

In addition, the granting of entitlements for imported products without regard to the actual imported/domestic price differential would, in the case of heating fuels and residual fuel oil, have the effect of substantially shifting the burden of high product costs from regions which heavily use those imported fuels to other regions with little or no use of such imported fuels. Thus, by granting full entitlement value for imported products, consumer prices on the East coast would generally be lowered, but consumer prices in all other parts of the nation would be raised. FEA has serious reservations as to the appropriateness of requiring such energy costs of one region of the country to be shifted to other regions of the country.

FEA, however, realizes that the price differential concept for product entitlements has not previously been presented for public comment. Therefore, it now requests that comments be addressed to the validity of its tentative conclusions in this regard.

Crude oil runs to stills as a basis for entitlement issuances. The original proposal specified that the total current refinery capacity of each refiner (as certified by FEA) would be the base against which the number of entitlements issuable to that refiner would be calculated. FEA invited comments as to whether the volume of a refiner's crude oil runs to stills should be used for this purpose, and whether utilization of crude runs as a base would be appropriate at the outset of the program or only after a specified period of time to permit inventory adjustments to be made by those refiners currently with high cost inventories.

Numerous comments were received on this issue, with no predominant number being in favor of either method. FEA has determined that utilization of crude oil runs to stills would be preferable for the following reasons: enforcement of a minimum operating levels provision (as contained in the original proposal) for a capacity based program would be administratively infeasible for FEA; more effective cost equalization is achieved relative to product output by utilization of crude runs as a base; and full utilization of domestic refining capacity would be encouraged by a crude runs based program, with no incentive to maintain idle inefficient capacity.

Weighting of entitlement issuances in favor of small refiners. In the original proposal FEA solicited comments as to the advisability of providing for a weighting in the calculation of the amount of entitlements to be distributed, based on the degree to which a refiner's refinery capacity is greater or less than the national average.

The proposed rule includes a sliding bias in favor of small refiners, as defined in the Allocation Act. FEA believes that a bias is necessary to compensate relatively small refiners for higher oper-

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ating costs, proportionately greater capital expenditure requirements, and the fact that such refiners must, in many cases, market their products at a lower price than the products of the major branded refiners. The bias is historically consistent with the treatment afforded by other government programs such as the Oil Import program, royalty oil sales by U.S. Geological Survey and the Small Business Administration program. It is also considered necessary to preserve the competitive viability of this class of refiners.

The bias provided for in the proposed rule is based on the sliding scale for determination of issuances of oil import tickets under the Oil Import Regulations, the dollar value of incremental entitlements being roughly equivalent to the benefits received by small refiners under these Regulations at the time when import ticket prices were in the $1 and above range, adjusted for the rate of inflation. Thus, each small refiner will receive additional entitlements as a percentage of its volume of crude oil runs to stills for a particular month. This percentage increases in inverse proportion to the volume of crude runs to stills, so that the lower the level of runs, the greater the percentage increment of entitlements that is issuable.

Price of entitlements. Although FEA did not solicit specific comments on this issue in the original proposal, numerous comments were received to the effect that allowing the price of entitlements to be negotiated would result in refiners having to pay too high a price or alternatively receiving an unrealistically low price for their entitlements. FEA has therefore concluded that a fully negotiated entitlement price would not be desirable, at least in the initial stages of the program. Accordingly, the proposed rule provides that FEA will establish a single entitlement price for each month at which all entitlement transactions will take place, or alternatively a price range for entitlement sales and purchases. In so providing, FEA was concerned that a negotiated entitlements market resulting in either unrealistically high or low prices would not achieve the desired effect of the program, which is to distribute equitably the benefits of supplies of old oil.

Alternative provision as to national supply ratio percentage range. In the original proposal, FEA requested comments as to the desirability of providing for an old oil supply to capacity percentage range in which no entitlement transactions would take place. This feature would have reduced the number of entitlement transactions required. The comments received by FEA did not in general support establishment of such a range. Concern was expressed in the comments that the basic purpose of the program would be thwarted to the extent that a range was provided for and that FEA would find it difficult to establish the limits of the range. FEA shares these concerns and, accordingly, no such a range has been provided for in the proposed rule.

Processing agreements with non-refiners. Substantially all the comments received indicated that FEA should treat processing agreements with non-refiners consistently with the treatment set forth in the original proposal. Accordingly, the proposed rule does not provide for issuances of entitlements to non-refiners, and crude receipts from and crude processed for non-refiners are included in the calculation of a refiner's entitlement position. The proposed rule provides for certification by a non-refiner of the old oil content of crude oil processed for its account to the refiner that has processed such crude oil.

Sales under § 211.65. As set forth in the original proposal, sales by a refiner-seller under § 211.65 are deemed to involve the sale of a volume of old oil proportionate to the volume of old oil included in that refiner-seller's total crude oil receipts for the month in which the sale is made. If the sale price is determined by reference to a specific PAD District or Districts, the proportion of old oil included in the refiner-seller's crude oil receipts in that District or Districts would determine the old oil content of the sale.

Exchanges of crude oil. Numerous comments were received as to the high degree of difficulty of compliance with the provisions governing exchanges of crude oil in the original proposal, which required transfers of entitlements without cost to the recipient of old oil in exchanges involving only quality and location differentials in determination of the exchange ratio. Accordingly, the proposed rule provides that in any exchange of crude oil in which only quality and location differentials are given effect in the calculation of the exchange ratio, or in any matching purchase and sale transaction which has the same effect as such an exchange, no volumes of old oil shall be deemed to have been transferred. Any volumes of old oil delivered pursuant to any such exchange or transaction will be considered as having been retained by the refiner that has so exchanged away or sold such volume, regardless of the volume of crude oil received or purchased by that refiner in such an exchange or transaction. Thus, if a refiner exchanges 100 barrels of old oil for 90 barrels of new oil, the lesser quantity of new oil received being due to quality differentials, that refiner would consider the 90 barrels of new oil to be 100 barrels of old oil for purposes of calculating the composition of its crude oil receipts.

Adjustments to crude oil runs to stills. A refiner's volume of crude oil runs to stills includes crude oil processed by another refiner for that refiner pursuant to a processing agreement and crude oil processed by that refiner for a non-refiner pursuant to a processing agreement. A refiner's volume of crude oil runs to stills excludes the volume of crude oil processed by that refiner for another refiner pursuant to a processing agreement.

Since the purpose of the program is directed toward placing domestic refiners and marketers on a more competitive basis, the proposed rule provides for a deduction, on a barrel for barrel basis, from a refiner's volume of crude oil runs to stills of the volume of sales by that refiner for export. FEA does not believe that it would be appropriate to permit refiners to receive entitlements under the program based on export sales.

Averaging of crude oil receipts. Since refinery shutdowns or mechanical failures may result in a disproportionate volume of crude oil receipts as compared with the volume of crude oil runs to stills in a particular month, the proposed rule provides that in cases where a 50 percent or greater portion of a refiner's capacity is inactivated for this reason during an entire month, the refiner may apply to have a portion of the old oil included in its crude oil receipts in that month included in such receipts in one or more subsequent months when operations will resume normal levels.

Crude oil receipts. The definition of crude oil receipts in the proposed rule has been expanded and clarified from its form in the original proposal. Crude oil receipts include any crude oil booked into refinery inventory other than crude oil received for processing for the account of another refiner. Crude oil receipts also include crude oil delivered to another refiner for processing for the account of the delivering refiner, if such crude oil has not been previously booked into refinery inventories by the delivering refiner; such volume of crude oil shall be included in a refiner's crude oil receipts when risk of loss passes to the other refiner under the related processing agreement or when the crude oil is received at the refinery of such other refiner, whichever occurs first. Crude oil that has been booked into refinery inventory and which is thereafter sold or otherwise disposed of without processing will be deducted from crude oil receipts in the month in which the related cost is deducted from refinery inventory.

Certification of old oil. The FEA is also proposing to amend § 212.131 of the price regulations to provide for certification of old oil content in buy/sell list sales and to provide that if the certification required by § 212.131 is not made, the seller may not sell and the purchaser may not purchase (with certain exceptions) the related crude oil. This latter provision is deemed necessary since, in its evaluation of the program, FEA has concluded that in many cases the certification requirements which were effective commencing with the month of September 1974 are not being complied with. FEA solicits comments as to the advisability of this proposed revision.

Written Comment Procedures

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Federal Energy Administration, Box BG, Washington, D.C. 20461. Ten copies of each comment should be submitted, and should be identified on the outside envelope and on documents submitted to Executive Communications with the designation "Supplemental Comments on Allocation of Old Oil." All comments received by November 22, 1974, and all relevant information will be considered by FEA before final action is taken on the proposed regulations.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Parts 211 and 212 of Chapter II, Title 10 Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., November 7, 1974.

Robert E. Montgomery, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.62 is amended by adding the following definitions in the appropriate alphabetical order to read as follows:

§ 211.62 Definitions.

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"Adjusted crude oil receipts" means the crude oil receipts of a refiner in a particular month the composition of which has been adjusted to reflect any invoice which is received in that month for crude oil (including crude oil sold under § 211.65) delivered to that refiner in any previous month (excluding, however, months prior to November 1974), and which has the effect of increasing or decreasing the volume of old oil received by that refiner in such previous month.

"Adjusted national old oil supply ratio" means, for a particular-month, the volume of old oil included in the aggregate adjusted crude oil receipts for all refiners, expressed as a percentage of the total volume of the crude oil runs to stills for all refiners for that month. Such volume of old oil shall be decreased by a number of barrels of old oil equal to the number of entitlements issuable to eligible firms for that month with respect to imports of eligible products plus the number of entitlements issuable to small refiners under § 211.67(e).

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"Crude oil receipts" means, as to a particular refiner, the volume of crude oil (i) booked into its refineries in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, for its own account or for the account of a firm other than a refiner or (ii) if not previously so booked into its refineries, delivered by that refiner for its account to another refiner pursuant to a processing agreement with that other refiner. Crude oil receipts shall not include crude oil received by a refiner for the purpose of processing at its refineries for the account of another refiner. A particular crude oil receipt shall be deemed to have occurred when the related cost is booked into refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned, whether or not such crude oil has been actually received by that refiner, except that crude oil delivered by one refiner to another refiner pursuant to a processing agreement will be deemed to have been delivered by the delivering refiner to the other refiner when the risk of loss passes to the other refiner under the particular processing agreement or when the crude oil is received at the refinery of the other refiner, whichever occurs first. Crude oil which has been added by a refiner to its inventory and which is thereafter sold or otherwise disposed of without processing for the account of that refiner shall be deducted from its crude oil receipts at the time when the related cost is deducted from refinery inventory in accordance with accounting procedures generally accepted and consistently and historically applied by the refiner concerned. The volume of old oil included in a refiner's crude oil receipts shall be evidenced by and consistent with invoices received with respect to such crude oil receipts.

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"Eligible firm" means, as to imports of residual fuel oil, No. 2 heating oil and No. 2–D diesel fuel, a firm (including a refiner) that has received, as to the particular import, an import allocation not subject to a license fee under section 12, 28 or 30 of Oil Import Regulation I (revision 5), as amended (32A CFR OI Reg. 1–12, 28 and 30), or a firm which would otherwise qualify for such an import allocation under section 12 or 30 of such regulation if (i) that firm were an importer into PAD District I, (ii) that firm had received an allocation of imports of No. 2 heating oil or No. 2–D diesel fuel in the allocation period beginning prior to January 1, 1973, or (iii) that firm were not a refiner.

"Eligible products" means residual fuel oil, No. 2 heating oil and No. 2–D diesel fuel imported into the United States, except that imports into United States customs territory from United States possessions, territories or foreign trade zones and imports of No. 2 heating oil and No. 2–D diesel fuel to be used for the purpose of blending into residual fuel oil shall not be considered eligible products.

"Entitlement" means, for a particular month, the right of a refiner owning the entitlement to include one barrel of old oil in its adjusted crude oil receipts in such month. The issuance and transfer of entitlements shall be evidenced on records maintained by the FEA.

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"New crude petroleum" means new crude petroleum as defined in § 212.72 of this chapter.

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"No. 2 heating oil" means heating oil grade No. 2 as defined in American Society for Testing and Materials (ASTM) D396–71.

"No. 2–D diesel fuel" means diesel fuel grade No. 2 as defined in American Society for Testing and Materials (ASTM) D975–71.

"Old oil" means old crude petroleum as defined in § 212.72 of this chapter.

"Old oil supply ratio" means, for a particular month, the number of barrels of old oil included in a refiner's adjusted crude oil receipts, expressed as a percentage of the volume of that refiner's crude oil runs to stills for such month.

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"Released crude petroleum" means released crude petroleum as defined in § 212.72 of this chapter.

"Residual fuel oil" means those fuel oils commonly known as Nos. 4, 5 and 6 fuel oils, Bunker C and all other fuel oils which have a fifty percent boiling point over 700°F in the ASTM D 86 standard distillation test.

. . . . . .

"Weighted average domestic cost" means (i) for residual fuel oil, the national weighted average domestic price of No. 6 residual fuel oil with a .3 percent sulphur content, and (ii) for No. 2 heating oil and No. 2–D diesel fuel, the national weighted average domestic price of No. 2 heating oil with a .2 percent sulphur content. The prices utilized by the FEA in computing the weighted average domestic cost shall be reported by each refiner for each month and shall be the lowest price at or below which at least 10 percent of that No. 6 residual fuel oil No. 2 heating oil was priced by that refiner during that month.

"Weighted average import cost" means (i) for residual fuel oil, the weighted average cost of imports in the particular month by eligible firms of No. 6 residual fuel oil with a .3 percent sulphur content, and (ii) for No. 2 heating oil and No. 2–D diesel fuel, the weighted average cost of imports in the particular month by eligible firms of No. 2 heating oil with a .2 percent sulphur content. The import costs utilized by the FEA in computing the weighted average import costs shall be reported by each eligible firm for each month and shall be the landed cost of those particular eligible products as defined in § 212.83(b) of this chapter.

. . . . . .

2. Section 211.66 is amended to add paragraphs (h), (i), (j) and (k) to read as follows:

§ 211.66 Reporting requirements.

. . . . . .

(h) *Monthly report.* On or prior to the twenty-eighth day of each month, commencing with the month of December 1974, each refiner shall file with the FEA a report certifying the following:

(1) The estimated volume (to the best of the knowledge of the certifying officer) of old oil included in the crude oil receipts of that refiner for the immediately preceding month.

(2) Any permitted or required adjustments to the estimated volume of old oil included in the crude oil receipts of

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that refiner for the immediately preceding month.

(3) The volume of crude oil runs to stills of that refiner for the immediately preceding month, taking into account, and specifying the amount of, the adjustments provided for in § 211.67(d).

(4) The sales volumes of No. 2 heating oil (with a .2 percent sulphur content) and No. 6 residual fuel oil (with a .3 percent sulphur content) refined by that refiner and the lowest price at or below which at least 10 percent of the sales volume of each of such products was sold in the immediately preceding month.

(5) Such other information as the FEA may request.

(i) *Monthly transaction report.* On or prior to the tenth day of each month, commencing with the month of February 1975, each refiner and each eligible firm shall file with the FEA a report certifying its purchases and sales of entitlements for the third month prior to the month in which the report is filed, except that if an eligible firm was not issued any entitlements for a month, no filing of a transaction report with respect to that month shall be made.

(j) *Monthly report by eligible firms.* On or prior to the fifteenth day of each month, commencing with the month of December 1974, each eligible firm that has imported eligible products in the immediately preceding month shall file with the FEA a report certifying the following:

(1) The identity and volume of eligible products imported by that eligible firm in the immediately preceding month.

(2) The landed cost as defined in § 212.83(b) of this chapter of all No. 2 heating oil (with a .2 percent sulphur content) and No. 6 residual fuel oil (with a .3 percent sulphur content) imported by that eligible firm in the immediately preceding month.

(3) That no portion of any No. 2 heating oil or No. 2–D diesel fuel represented to be an eligible product in such report has been or will be further blended into residual fuel oil in the United States and that such eligible product has been consumed or is for ultimate consumption as No. 2 heating oil or No. 2–D diesel fuel in the United States.

(4) Such other information as the FEA may request.

(k) *Affidavit for eligible firms.* Each firm that claims to be an eligible firm shall submit to the FEA within 15 days following the first month in which that firm has imported an eligible product as to which the issuance of entitlements is sought an affidavit setting forth the factual basis for its claim to be classified as an eligible firm.

3. § 211.67 is added to Subpart C to read as follows:

§ 211.67 Allocation of old oil.

(a) *Issuance of entitlements.* (1) For each month, commencing with the month of November 1974, each refiner shall be issued entitlements by the FEA to include in its adjusted crude oil receipts for that month a specific number of barrels of old oil which will result in an old oil supply ratio for that refiner equal to the adjusted national old oil supply ratio for that month, subject to the entitlement adjustment for small refiners set forth in paragraph (e) of this section.

(2) Refiners to which entitlements shall be issued under this section shall include all refiners classified as refiner-buyers or refiner-sellers as of December 1, 1974 for purposes of § 211.65. Any refiner that is not so classified, or the refinery capacity of which is not certified by the FEA for purposes of § 211.65, shall apply to the FEA for certification of its refinery capacity for purposes of qualifying to receive entitlements under this section. With respect to the granting of any such application for certification, the FEA shall consider the factors set forth in § 211.65(b) (v) and (vi).

(3) For each month, commencing with the month of November 1974, each eligible firm that has imported an eligible product in that month shall be issued a number of entitlements the value of which (based on the price for entitlements fixed by the FEA for that month) shall be equal to the amount by which the weighted average import cost exceeds the weighted average domestic cost for that eligible product for that month multiplied by the number of barrels of that eligible product imported in that month by that eligible firm. In no event shall the number of entitlements issued for eligible products to an eligible firm exceed a value per barrel of eligible product that is greater than the entitlement value per barrel of crude oil included in a refiner's crude oil runs to stills for that month. An eligible product is imported for purposes of this paragraph (a)(3) in the month in which the product physically enters the United States.

(b) *Required purchases of entitlements by refiners.* For each month, commencing with the month of November 1974, each refiner that has been issued fewer entitlements for that month than the number of barrels of old oil included in its adjusted crude oil receipts shall purchase a number of entitlements effective for that month equal to the difference between the number of barrels of old oil included in that refiner's adjusted crude oil receipts for that month and the number of entitlements issued to and retained by that refiner. Entitlement purchases required under this paragraph (b) with respect to a particular month shall be effected by the close of the second month following that month.

(c) *Refiners and other firms with excess entitlements.* For each month, commencing with the month of November 1974, each refiner that has been issued a greater number of entitlements for that month than the number of barrels of old oil included in its adjusted crude oil receipts shall sell such excess entitlements and any eligible firm (other than a refiner) that has been issued entitlements shall sell such entitlements.

(d) *Adjustments to volume of crude oil runs to stills.* (1) A refiner's volume of crude oil runs to stills shall (i) include (A) the volume of crude oil processed by another refiner for that refiner pursuant to a processing agreement and (B) the volume of crude oil processed by that refiner for a person other than a refiner pursuant to a processing agreement, and (ii) exclude the volume of crude oil processed by that refiner for another refiner pursuant to a processing agreement.

(2) The volume of a refiner's crude oil runs to stills for purposes of calculating its old oil supply ratio and the adjusted national old oil supply ratio shall be reduced by the volume of export sales of products refined by that refiner in the United States in such month, including sales to a domestic purchaser which certifies the product is for export.

(e) *Entitlement adjustment for small refiners.* In addition to the number of entitlements issuable under paragraph (a) of this section, each small refiner with a daily average volume of crude oil runs to stills of less than 175,000 barrels for a particular month shall be issued additional entitlements for each day of that month equal to the number of barrels obtained by applying a percentage computed in the following manner to the daily average volume of that small refiner's crude oil runs to stills for that month: (i) for daily average volumes of crude oil runs to stills of 65,000 to 175,000 barrels, the applicable percentage is obtained by multiplying the difference between the reported daily average volume of crude oil runs to stills (in thousands of barrels) and 175 by a factor of .0069; (ii) for daily average volumes of crude oil runs to stills of 20,000 to 65,000 barrels, the applicable percentage is obtained by multiplying the difference between the reported daily average volume of crude oil runs to stills (in thousands of barrels) and 65 by a factor of .024, and by adding .76 percent to the resulting percentage; (iii) for daily average volumes of crude oil runs to stills of 5,000 to 20,000 barrels, the applicable percentage is obtained by multiplying the difference between the reported daily average volume of crude oil runs to stills (in thousands of barrels) and 20 by a factor of .116, and by adding 1.84 percent to the resulting percentage; and (iv) for daily average volumes of crude oil runs to stills of zero to 5,000 barrels, the applicable percentage is obtained by multiplying the difference between the reported daily average volume of crude oil runs to stills (in thousands of barrels) and 5 by a factor of 1.684, and by adding 3.58 percent to the resulting percentage.

(f) *Transactions under § 211.65.* Each sale by a refiner-seller under § 211.65 shall be deemed to include a volume of old oil proportionate to the volume of old oil included in that refiner-seller's crude oil receipts (in the PAD Districts or District the crude oil receipts in which determine the price of the sale) in the month in which the sale is made. Any volumes of old oil so included in any sale under § 211.65 shall be included in the crude oil receipts of the refiner-buyer concerned. As to each such sale, each refiner-seller shall advise the refiner-buyer of the volume of old oil included in the volume of crude oil sold within 20 days following the month in which the crude oil is delivered to or for the account of the refiner-buyer in accordance with the provisions of § 212.131 of Part 212.

(g) *Exchanges of crude oil.* In any exchange of crude oil in which only quality and location differentials are given effect in the calculation of the exchange ratio, or in any matching purchase and sale transaction which has the same effect as such an exchange, no volumes of old oil shall be deemed to have been transferred. Any volumes of old oil delivered pursuant to any such exchange or transaction shall be considered as having been retained by the refiner that has exchanged away or sold such volume, regardless of the volume of crude oil received or purchased by that refiner in such an exchange or transaction.

(h) *Averaging of crude oil receipts.* Upon application by a refiner in accordance with the procedures established under Subpart G of Part 205 of this chapter within twenty (20) days following the close of a month, the FEA may adjust the crude oil receipts of that refiner for that month to permit the portion of such crude oil receipts specified by the FEA to be included in the crude oil receipts of that refiner for one or more subsequent months, if the volume of crude oil receipts in that month is significantly disproportionate to the volume of that refiner's crude oil runs to stills for that month due to a shutdown or other mechanical failure resulting in a fifty percent or greater portion of that refiners' refinery capacity not having been operable for the duration of that month.

(i) *Issuance and transfer of entitlements.* (1) The first month with respect to which entitlements shall be issued is November 1974. The entitlements for the month of November 1974 shall be issued by the FEA on January 10, 1975, pursuant to the notice specified in subparagraph (2) below. As to each month subsequent to November 1974, FEA shall issue entitlements pursuant to a notice published 40 days after the close of that month.

(2) Each notice published by the FEA evidencing the issuance of entitlements under this section shall specify as to a particular month the adjusted national old oil supply ratio, the name of each refiner and other eligible firm to which entitlements have been issued, the number of entitlements issued to each such refiner or other firm and the price at which or price range within which entitlements shall be sold.

(3) No transfer of an entitlement shall be effective if made to (i) any person other than a refiner, or (ii) any refiner that is not purchasing such entitlement to fulfill such refiner's obligations under paragraph (b) of this section.

(4) The price at which entitlements shall be sold and purchased shall be fixed by the FEA for each month. Such price may be fixed in terms of a price range in which entitlement transactions shall be effected or in terms of a single price at which all entitlement transactions shall take place. Such price or price range shall be fixed by the FEA with reference to the differential between the average prices for old oil and the average prices of new and released crude petroleum, imported crude oil and crude oil produced from stripper wells.

(j) *Failure to consummate transactions.* The FEA may direct refiners that have not purchased the required number of entitlements under paragraph (b) of this section for a particular month to purchase such required number of entitlements at a price specified by the FEA from any refiner or eligible firm that has entitlements for such month available for sale. The FEA may direct refiners or eligible firms that have entitlements available for sale to sell such entitlements at a price specified by the FEA to refiners that have not purchased their required number of entitlements under paragraph (b) of this section.

(k) *Certification of old oil by non-refiners.* Within twenty (20) days following each month, commencing with the month of November 1974, each person other than a refiner that has delivered crude oil to a refiner for processing for the account of such person pursuant to a processing agreement in that month shall certify to that refiner the volume of old oil contained in the crude oil so delivered to that refiner.

(l) *Adjustments to product costs*—(1) *Refiners.* The cost of entitlements purchased in a particular month pursuant to this section by refiners shall be added to the cost of crude petroleum purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to product prices in the following month under the "A_t" factor of the general formulae of § 212.83(c)(2) of this chapter). The sales revenues from entitlements sold in a particular month pursuant to this section by refiners shall be subtracted from the cost of crude petroleum or eligible product purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to product prices in the following month under § 211.83(c) of this chapter), as follows:

(i) The sales revenues from entitlements which are issued for crude oil which are sold in a particular month shall be subtracted from the total cost of crude petroleum purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to all product prices in the following month under the "A_t" factor of the general formulae of § 212.83(c)(2)).

(ii) The sales revenues from entitlements which are issued for residual fuel oil which are sold in a particular month shall be subtracted from the total cost of residual fuel oil purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to prices of covered products other than special products under the "B_t" factor of the formula for covered products other than special products of § 212.83(c)(2)(ii)).

(iii) The sales revenues from entitlements which are issued for No. 2 heating oil or No. 2–D diesel fuel which are sold in a particular month shall be subtracted from the total cost of No. 2 heating oil or No. 2–D diesel fuel purchased or landed in that month (which is the period "t" (the month of measurement), for purposes of calculating the increased costs to be applied to prices for special products where (1=1) under the "B_t'" factor of the general formula of § 212.83(c)(2)(i) for special products where (1=1)).

(2) *Resellers and Retailers.* The sales revenues from entitlements sold pursuant to this section by resellers or retailers shall be subtracted from the cost of the product in inventory for which the entitlements were issued, so as to reduce the weighted average unit cost of that product in inventory computed pursuant to § 212.92 of this chapter.

(3) *Use of eligible products entitlements by refiners to which they are issued.* A refiner that is issued entitlements with respect to eligible products shall account for the use of those entitlements to include old oil in its crude oil receipts as if it had purchased such entitlements so as to incur an increased cost of crude oil pursuant to subparagraph (1) above and as if it had sold such entitlements so as to reduce its cost of the eligible product for which the entitlements were issued, pursuant to subparagraphs (l)(ii) and (l)(iii) of this paragraph.

(4) *Timing.* The date of purchase or sale of entitlements for purposes of determining the date on which a cost or a cost reduction is incurred under § 212.83(c) or § 212.93 of this chapter shall be the date on which the transaction is reported to have taken place on the monthly transaction report filed with the FEA under paragraph (i) of § 211.66.

4. Section 212.131 is revised to read as follows:

§ 212.131 Certification of domestic crude petroleum sales.

(a)(1) Each producer of domestic crude petroleum shall, with respect to a first sale of domestic crude petroleum, certify in writing to the purchaser: (i) the ceiling price of that domestic crude petroleum, (ii) the amount of stripper well crude petroleum, (iii) the amount of new crude petroleum, (iv) the amount of released crude petroleum, and (v) the amount of old crude petroleum. The certification shall also contain a statement that the price charged for the domestic crude petroleum is no greater than the maximum price permitted pursuant to this part.

(2) Each seller of domestic crude petroleum, other than a producer of domestic crude petroleum covered by paragraph (a)(1) of this section shall, with

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respect to each sale of domestic crude petroleum other than an allocation sale pursuant to § 211.65 of Part 211, certify in writing to the purchaser the amount of old crude petroleum. The certification shall also contain a statement that the price charged for the domestic crude petroleum is no greater than the maximum price permitted pursuant to this part.

(b) With respect to each allocation sale under § 211.65 of Part 211, the seller shall certify in writing to the purchaser the amount of old crude petroleum deemed (under the provisions of § 211.67 (f) of Part 211) to be included in the volume of crude petroleum so sold. Such written certification shall be made within 20 days following the month in which the crude oil so sold is delivered to or for the account of the purchaser.

(c) No firm may sell domestic crude petroleum unless it provides the certification required by this section. No firm may knowingly purchase domestic crude petroleum for which there is no certification as required by this section; provided however, that the provisions of this paragraph do not apply to the sale of domestic crude petroleum to a firm under circumstances of economic or other coercion in which the buyer, because of its need for crude petroleum, had no reasonable alternative but to purchase the domestic crude petroleum for which there is no certification, and such firm promptly reports the purchase to the Federal Energy Administration for investigation.

[FR Doc.74-26479 Filed 11-7-74;4:08 pm]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-161]

ADVISORY COMMITTEE OF THE FOREIGN SERVICE INSTITUTE

Notice of Meeting

The Advisory Committee of the Foreign Service Institute will meet on Monday, December 2, 1974, at 9:30 a.m. in Room 1200, Foreign Service Institute, Department of State, 1400 Key Boulevard, Arlington, Virginia.

The meeting is open to the public.

The agenda for the meeting will relate to current and projected training and career development needs of the Foreign Service and other U.S. Government agencies with overseas responsibilities.

Seating will be on a first-come basis up to the limits of the seating capacity of the room. The Committee will welcome and give every consideration to written views or inquiries received from members of the public prior to or after the meeting. Persons desiring to attend are requested to notify Mr. Robert S. Lindquist, Executive Secretary of the Committee, telephone (703) 235-8758 who will advise whether seating accommodations remain available.

Dated: October 23, 1974.

ROBERT S. LINDQUIST,
Executive Secretary.

[FR Doc.74-26423 Filed 11-8-74;8:45 am]

[Public Notice CM-160]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Meeting

There will be a meeting of the Study Group on Agency, a subgroup of the Secretary of State's Advisory Committee on Private International Law, on Thursday, November 21, 1974, at O'Hare International Tower, Chicago, Illinois. The meeting, which will begin at 10:00 a.m., will be open to the public.

The purpose of the meeting is to discuss a questionnaire prepared by the Hague Conference on Private International Law on the law applicable to agency.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. It is requested that prior to November 21, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

Dated: October 23, 1974.

ROBERT E. DALTON,
Executive Director.

[FR Doc.74-26422 Filed 11-8-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

ENVIRONMENTAL ADVISORY BOARD OF THE CHIEF OF ENGINEERS

Notice of Meeting

In accordance with Pub. L. 92-463, notice is hereby given that the next meeting of the Environmental Advisory Board of the Chief of Engineers will be held on 18-19 December 1974 at the Office of the Chief of Engineers, Forrestal Building, 10th and Independence, Washington, D.C. 20314. All plenary sessions of the meeting will be open to the public. Time and subjects of each session follow:

18 DECEMBER 1974

0900 Opening Remarks.
0945 Navigability and Corps of Engineers Responsibility.
1045 Remote Sensing for Environmental Analysis.
1330 Statewide Environmental Reconnaissance Inventory Program and Subsequent Actions.
1430 Deauthorization of Projects.

19 DECEMBER 1974

0900 Upstream/Downstream Evaluation of Reservoir Water Quality.
1000 EAB Urban Studies Visits.
1330 Fish and Wildlife Mitigation: Corps of Engineers Viewpoints.
1415 Fish and Wildlife Mitigation: Dept. of Interior Viewpoint.
1445 Fish and Wildlife Mitigation: EAB Viewpoints.
1615 Quantification of Environmental Values.

Persons wishing to attend should contact LTC John F. Wall, Assistant Director of Civil Works for Environmental Programs, Office of the Chief of Engineers, telephone 202-693-7093.

Dated: November 4, 1974.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74-26352 Filed 11-8-74;8:45 am]

Office of the Secretary

DEPARTMENT OF DEFENSE WAGE COMMITTEE

Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, December 3, 1974
Tuesday, December 10, 1974
Tuesday, December 17, 1974
Tuesday, December 24, 1974
Tuesday, December 31, 1974

These meetings will convene at 9:45 a.m. and will be held in Room 1E-801, The Pentagon, Washington, D.C.

The Committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the Committee will consider wage survey specifications, wage survey data, local reports and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463, the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public because the matters considered are related to the internal personnel rules and practices of the Department of Defense (5 USC 552(b)(2)) and the wage survey data considered by the Committee have been obtained from private industry with the guarantee of confidentiality (5 USC 552(b)(4)).

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Department of Defense Wage Committee, Room 3D-281, The Pentagon, Washington, D.C.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD(C).

NOVEMBER 6, 1974.

[FR Doc.74-26292 Filed 11-8-74;8:45 am]

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DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[File No. CO 845-P]

PROGRAM PRIORITIES

Notice of Realignment

NOVEMBER 5, 1974.

Notice is hereby given that the Immigration and Naturalization Service has found it necessary to realign program priorities in order to perform effectively with the personnel and funds available to it those functions considered most essential to the mission of the Service. The realignment, which was initiated September 30, 1974, is described in this notice in general terms so that members of the public may be aware of the actions taken.

The realignment will result in a decrease of service to the public in some activities and areas, and an increase in others. It will be necessary to shift and deploy a number of border patrol and immigration inspector positions from the northern to the southwestern border to deter illegal entry and expand inspection capability. The concentration of illegal aliens in the Southwest and the huge volume of admission applicants at land border ports of entry in that area make this step necessary.

At airports and seaports inspection of passengers on aircraft and vessels will necessarily be less expeditious. Personnel assigned to the adjudication of applications and petitions will no longer perform inspections during their regularly scheduled work hours because of the large arrearage in cases awaiting adjudication. However, the quality of inspections must be maintained and will not be sacrificed to reduce waiting time of arriving passengers.

Naturalization applications filed by residents of outlying areas will be allowed to accumulate so that a maximum number of cases can be completed on each visit of a naturalization examiner to a state or federal court. The waiting period for such applicants may be up to one year. Lowest priority will be given to interviews of applicants for certificates of citizenship and to applications for replacement certificates except for urgent cases. Special naturalization hearings will not be scheduled. Visits to citizenship education classes and to military installations by naturalization examiners will be discontinued.

In the adjudication of applications and petitions for benefits under the immigration laws, first priority will be accorded to cases in which the alien is in detention or under expulsion proceedings; orphan petitions; extensions of stay; change in nonimmigrant classification; F-1 student requests for work permission; and nonimmigrant visa petitions involving temporary services or training scheduled to begin immediately, if timely filing of the petition was prevented by reasons beyond control of the petitioner. Second priority will be given to waivers of inadmissibility; immigrant and nonimmigrant visa petitions; adjustment of status to permanent resident (other than applications under section 1, Act of November 2, 1966, and section 249, Immigration and Nationality Act); border crossing cards; school approvals; and advance permission to return. Lowest priority in the adjudication of cases will be given to applications under section 1 of the Act of November 2, 1966, and section 249 of the Immigration and Nationality Act; applications for permission to reapply after deportation; applications for reentry permits and alien registration receipt cards; applications for United States citizen identification cards; action to cancel or breach bonds; and action on change from immigrant to nonimmigrant status under section 247 of the Immigration and Nationality Act. The listing of these priorities does not mean that all cases under a higher priority must be completed before cases in a lower priority are adjudicated. Rather, it means that the available adjudicative manpower will be allocated in such a manner that a tolerable pending workload will be maintained as far as possible in the higher priority cases and that the remaining manpower will continue to work on lower priority cases. In addition, in any case in which the existence of an emergency is established, the case may be accorded first priority consideration.

At information desks the commitment of personnel to answer inquiries will be cut by 50 per cent. Information employees will be diverted to answering the exceptionally heavy volumes of telephone inquiries and responding to the tremendous backlog of correspondence. It is anticipated that long lines at information counters will begin to diminish if members of the public receive prompt and correct information by telephone or letter.

Enforcement priorities relating to investigations, border patrol and deportation activities have also been revised.

The realignment of program priorities will remain in force until the Service is capable of performing effectively all functions for which it is responsible. Interim adjustments may be made by the Commissioner if found necessary by operational exigencies.

(Sec. 103; 66 Stat. 173 (8 U.S.C. 1103))

Dated: November 5, 1974.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-26290 Filed 11-8-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

COLORADO GRAZING DISTRICT ADVISORY BOARD 3

Notice of Meeting

NOVEMBER 4, 1974.

Notice is hereby given that the Colorado Grazing District Board #3 will hold its meeting on Wednesday, December 4, 1974, at the District Office, Highway 550 South, Montrose, Colorado, starting at 9:00 a.m. in the conference room.

The agenda for the meeting will be the consideration of protests on grazing application decisions and applications to transfer grazing privileges.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, Lawrence E. Phelps, prior to meeting of the Board. Oral statements will be heard at 11:00 a.m.

Any interested person may file a written statement with the Board for its consideration. Written statements should be submitted to Lawrence E. Phelps, c/o District Manager, Bureau of Land Management, P.O. Box 1269, Montrose, Colorado 81401.

DALE R. ANDRUS,
State Director.

[FR Doc.74-26365 Filed 11-8-74;8:45 am]

COLORADO GRAZING DISTRICT ADVISORY BOARD 3A

Notice of Meeting

NOVEMBER 4, 1974.

Notice is hereby given that the Colorado Grazing Board #3A will hold its meeting on Tuesday, December 3, 1974, at the San Juan Resource Headquarters of the Montrose District, 1211 Main Street, Durango, Colorado, starting at 10:00 a.m. in the Resource Area Manager's room.

The agenda for the meeting will be the consideration of protests on grazing application decisions and applications to transfer grazing privileges.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, James Suckla, prior to meeting of the Board. Oral statements will be heard at 1:00 p.m.

Any interested persons may file a written statement with the Board for its consideration. Written statements should be submitted to James Suckla, c/o District Manager, P.O. Box 1269, Montrose, Colorado 81401.

DALE R. ANDRUS,
State Director.

[FR Doc.74-26366 Filed 11-8-74;8:45 am]

Geological Survey

KNOWN GEOTHERMAL RESOURCES AREA

Vale Hot Springs, Oreg.

Pursuant to the authority vested in the Secretary of the Interior by section 21(a) of the Geothermal Steam Act of 1970 (84 Stat. 1566, 1572; 30 U.S.C. 1020), and delegations of authority in 220 Department Manual 4.1 H, Geological Survey Manual 220.2.3, and Conservation Division Supplement (Geological Survey Manual) 220.2.1 G, the following described lands are hereby defined as known geothermal resources areas:

(37) OREGON

VALE HOT SPRINGS KNOWN GEOTHERMAL RESOURCES AREA, WILLAMETTE MERIDIAN, OREGON

T. 18 S., R. 45 E.
Sec. 34
T. 19 S., R. 45 E.
Secs. 2 through 4, 9 through 15, 23 through 26, 36 inclusive
T. 19 S., R. 46 E.
Secs. 19, 30

The area described aggregates 11,535.27 acres, more or less.

Dated: September 27, 1974.

WILLARD C. GERE,
Conservation Manager, Western Region.

[FR Doc.74-26355 Filed 11-8-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[FmHA Instruction 471.1]

CERTIFICATE OF BENEFICIAL OWNERSHIP

Interest Rates to Investors

Notice is hereby given by the Farmers Home Administration that the current rate of interest for certificates of beneficial ownership sold through the National Finance Office established pursuant to 7 CFR § 1873.3(b) is as follows:

Rate	*Term of Investment*
8¼% (8.25%)	1 through 2 Years
8.30% (8.30%)	3 through 4 Years
8.40% (8.40%)	5 through 9 Years
8¾% (8.75%)	10 through 25 Years

These rates supersede those announced in 39 FR 39361.

Effective date: This notice shall be effective Thursday, November 7, 1974.

Dated: November 5, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-26322 Filed 11-8-74;8:45 am]

Forest Service

NORTHERN REGION'S SLASH DISPOSAL PROGRAM

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Northern Region's Slash Disposal Program, Forest Service Report Number USDA-FS-FES (Adm) R1-74-4.

The environmental statement discusses the Northern Region's slash disposal program. This covers the broad program for Region 1 and does not identify specific areas for treatment.

Slash is defined as the wood residue remaining after logging, thinning, road building or clearing operations. It consists of foliage, twigs, branches, bark, tops, stumps and unutilized or cull logs and trees.

Slash treatment options have been grouped into the following categories: (a) treatment with prescribed fire, (b) mechanical treatments, (c) isolation and/or limited treatments, and (d) no treatment.

Slash is treated to meet forest protection and management objectives and to reduce the negative impact of slash on all land values by methods which protect and enhance the site.

States within the Northern Region, where slash is treated, include: eastern Washington, northern Idaho, and Montana.

This final environmental statement was filed with CEQ on November 4, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, Montana 59801

A limited number of single copies are available upon request to Regional Forester, USDA Forest Service, Northern Regional, Federal Building, Missoula, Montana 59801.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Dated: November 4, 1974.

KEITH M. THOMPSON,
Acting Regional Forester, Northern Region, Forest Service.

[FR Doc.74-26364 Filed 11-8-74;8:45 am]

Office of the Secretary

NATIONAL HORSE INDUSTRY ADVISORY COMMITTEE

Notice of Meeting

A meeting of the National Horse Industry Advisory Committee will be held at 9 a.m., November 19 and 20, 1974, in Room 2-W Administration Building, U.S. Department of Agriculture, Washington, D.C. The meeting will adjourn at 3 p.m., November 20, 1974.

The purpose of the committee is to advise the Secretary of Agriculture and other officials on research, disease control, educational programs, and other activities and programs of the Department of Agriculture affecting horse producers, owners, users, and other aspects of the horse industry.

The purpose of the meeting is to review program progress, problems, and recommended actions.

The meeting is open to the public; however, space and facilities are limited. Written statements may be filed with the committee before or after the meeting. Any member of the public who wishes to file a statement or who has further questions may contact Dr. Dixon D. Hubbard, Executive Secretary of the Committee, U.S. Department of Agriculture, Room 5051 South Building, Washington, D.C. 20250, telephone number (202) 447-2677.

Dated: October 31, 1974.

DIXON D. HUBBARD,
Executive Secretary.

[FR Doc.74-26305 Filed 11-8-74;8:45 am]

Soil Conservation Service

ESCONDIDO CREEK WATERSHED PROJECT

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 15.00.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Escondido Creek Watershed Project in northwestern San Diego County, California.

The environmental assessment of this federal action indicates that the remaining, uncontracted portion of the project known as Dixon Lake Recreation Facilities, Bicycle Trail from Grape Day Park to Citrus Avenue, and vegetating portions of sediment basin on Escondido Creek will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George H. Stone, State Conservationist, Soil Conservation Service, USDA, P.O. Box 1019, Davis, California 95616, has determined that the preparation and review of an environmental impact statement is not needed for this project. The project concerns a plan for watershed protection and flood prevention.

The environmental assessment file is available for inspection during regular working hours at Soil Conservation Service Offices at:

831 South Escondido Blvd.
Escondido, California 92025

2828 Chiles Road
Davis, California 95616

No administrative action on implementation of the uncontracted project work will be taken until November 26, 1974.

Dated: November 4, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-26351 Filed 11-8-74;8:45 am]

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DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL BUREAU OF STANDARDS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00528–01–74600. Applicant: U.S. Department of Commerce, National Bureau of Standards, Institute for Basic Standards, 325 Broadway, Boulder, CO. 80302. Article: Digital Correlator with probability Analyser System. Manufacturer: Precision Devices & Systems, United Kingdom. Intended use of article: The article is intended to be used for studies of compressed and liquefied gases and their mixtures at low temperature. Studies on light scattered from these fluids will be conducted to obtain information on the density and composition fluctuations and determine the dynamics of these fluctuations. The spectral distribution (linewidths) of light scattered from various fluctuations will be measured to determine technically important thermophysical properties of the fluids. Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides (1) high speed (delay times as short as 50 nanoseconds) and (2) continuous data processing (i.e., the article provides a correlating efficiency such that every photon is correlated with every previous proton). We are advised by the Department of Health, Education, and Welfare (HEW) that the capabilities described above are pertinent to the applicant's intended purposes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–26374 Filed 11–8–74;8:45 am]

HEALTH RESEARCH, INC.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00087–00–34040. Applicant: Health Research, Inc., Roswell Park Division, 666 Elm Street, Buffalo, New York 14203. Article: VRE 2102A Reflex Klystrons. Manufacturer: Varian Associates of Canada, Canada. Intended use of article: The articles are replacements for klystron tubes that are used in microwave generators that are part of an Electron Spin Resonance Spectrometer used in the studies of Radiation Damage Mechanism in connection with cancer research.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (July 31, 1974).

Reasons: The foreign article provides the capability for operation at 70 gigahertz. The National Bureau of Standards (NBS) advised in its memorandum dated October 22, 1974, that the capability described above is pertinent to the purposes for which the article is intended to be used. NBS also advised that it knows of no domestic klystron oscillator tube of equivalent scientific value to the foreign article for the applicant's intended use which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–26370 Filed 11–8–74;8:45 am]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00024–65–75000. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. Article: Cambridge In-Situ K. Probe WF 31510 SP0001. Manufacturer: Wykeham Farrence, United Kingdom. Intended use of article: The article is intended to be used in conjunction with other devices and techniques to measure in situ soil stress as part of research into the further development of the ability to measure in situ stress.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides an augering device within a shoe which removes displaced soil as the measuring apparatus is inserted. The National Bureau of Standards (NBS) advised in its memorandum dated October 9, 1974, that the capability described above is pertinent to the applicant's use to measure *in situ* stresses in a soil mass with minimal disturbance to the soil. NBS also advised that it knows of no domestic soil stress probe of equivalent scientific value to the foreign article for the applicant's intended use.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–26375 Filed 11–8–74;8:45 am]

NATIONAL CANCER INSTITUTE, NIH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00285–33–46040. Applicant: NIH, Frederick Cancer Research Center, Fort Detrick, Frederick, Maryland 21701. Article: Electron Microscope, Model HU–12. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in the development of methods for producing large quantities of RNA (Mouse Mammary Tumor Virus) and DNA (Epstein-Barr Virus) the techniques of which will be implemented in large scale production.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (September 13, 1972).

Reasons: This application is a resubmission of Docket Number 74–00106–33–46040 which was denied without prejudice to resubmission on November 21, 1973, for informational deficiencies. The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU–4C electron microscope manufactured by the Forgflo Corporation which is currently being supplied by the Adam David Company. The Model EMU–4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.)

We are advised by the National Bureau of Standards in its memorandum dated October 9, 1974, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU–4C was not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–26372 Filed 11–8–74;8:45 am]

UNIVERSITY OF NORTH CAROLINA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00052–01–77030. Applicant: University of North Carolina, Department of Chemistry, Chapel Hill, N.C. 27514. Article: NMR Pluse Spectrometer, CPS–2. Manufacturer: Spin-Lock Electronics Co., Canada. Intended use of article: The article is intended to be used to study glasses, molecular solids, proteins in solution, and gases. In these studies the following quantities will be measured:

(a) The nuclear spin relaxation times T_2, $T_{1\rho}$, and T_1, for nuclei in the solids.

(b) The NMR line shapes for the solids by Fourier transforming the free induction decays.

(c) The nuclear relaxation time T_2 for liquids and the diffusion coefficient D.

(d) The relaxation time T_1 for nuclei in gases.

(e) The frequency dependence for T_1 for nuclei in solids.

The article will also be used in the training of graduate students and post doctoral research associates in the graduate course entitled Research Methodology in Physical Chemistry and Doctoral Dissertation. The students will learn to use the equipment and will carry out original research projects.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the specification of a wide-line pulse nuclear magnetic resonance spectrometer (NMR) system. The most closely comparable domestic instrument, the Model WL–100, is not capable of pulse operation. We are advised by the National Bureau of Standards (NBS) in its memorandum dated October 9, 1974 that a wide-line pulse NMR is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model WL–100 is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–26371 Filed 11–8–74;8:45 am]

WESTINGHOUSE HANFORD

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00065–00–46040. Applicant: Westinghouse Hanford, Hanford Engineering Development Laboratory, P.O. Box 1970, Bldg. 326, 300 Area, Richland, WA 99352. Article: Side Entry Goniometer Assembly. Manufacturer: JEOL, Japan. Intended use of article: The article is an accessory to an existing electron microscope which is being used in the investigation of the effects of high energy particle irradiation on materials to be used in advanced energy producing systems.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to a compatible accessory for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar accessory being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–26373 Filed 11–8–74;8:45 am]

National Bureau of Standards

FEDERAL INFORMATION PROCESSING STANDARDS COORDINATING AND ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. III, 1973), notice is hereby given that the Federal Information Processing Standards Coordinating and Advisory Committee (FIPSCAC) will hold a meeting from 9 a.m. to 12 noon on Wednesday, December 18, 1974, in Room B–255, Building 225, of the National Bureau of Standards in Gaithersburg, Maryland.

The purpose of the meeting is to review the actions of the Federal Information Processing Standards (FIPS) Task Groups and to consider other matters relating to Federal information processing standards.

The public will be permitted to attend, to file written statements, and, to the extent that time permits, to present oral statements. Persons planning to attend should notify Joseph O. Harrison, Jr., Institute for Computer Sciences and

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Technology, National Bureau of Standards, Washington, D.C. 20234 (Phone 301–921–3551).

Dated: November 7, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–26451 Filed 11–8–74;8:45 am]

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Notice of Meeting

NOVEMBER 1, 1974.

The National Marine Fisheries Service will expand its consumer education program for fishery products. The proposed program will be presented to industry and State agencies at "Fish Expo" in Norfolk, Virginia on November 18, 1974, at 2 p.m.

Individuals and organizations may express their views or opinions by appearing at the meeting or by contacting the Director, National Marine Fisheries Service, Washington, D.C. 20235.

A copy of the proposed program may be obtained by contacting the Director, National Marine Fisheries Service, Washington, D.C. 20235.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74–26354 Filed 11–8–74;8:45 am]

TURTLE BACK ZOO

Receipt of Application for Public Display Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for public display as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Turtle Back Zoo, 560 Northfield Avenue, West Orange, New Jersey 07052 to take two (2) California sea lions (*Zalophus californianus*) for the purpose of public display.

The sea lions will be taken from the California Channel Islands by a professional collector, acclimated to captivity by the collector and transported via commercial airline to the Zoo.

The animals will be maintained in a 15,000-gallon pool, which is 44½ feet long, 3½ to 4 feet deep, and is composed of two interconnected pentagonal sections. One section is 14½ feet wide, the second is 18½ feet wide, and the connecting area between the sections is 7 feet wide. The water supply is heated to prevent freezing of the pool water. A hauling out area, 15 feet long and 10½ feet wide is available to the sea lions at all times, as is a heated shelter, 8 feet long, 8 feet wide and 8 feet high. A total of three California sea lions will be maintained in this facility.

The Zoo Director has worked with captive animals for fifteen years, with thirteen years' experience in captive pinniped husbandry. The Assistant Director also has thirteen years' experience in captive pinniped management. The Curator, Assistant Curator and Animal Keeper Foreman each has eight years' experience in the maintenance of pinnipeds in captivity.

The Turtle Back Zoo is a non-profit component of the Essex County Park Commission, which hosts approximately 350,000 visitors annually.

The arrangements and facilities for transporting and maintaining the marine mammals requested in the above application have been inspected by licensed veterinarians, who have certified that such arrangements and facilities are adequate to provide for the well-being of the California sea lions requested.

Documents submitted in connection with the above application are available for review at the following locations:

Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202–343–9445);
Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930 (telephone 617–281–0640);
Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731 (telephone 213–548–2575).

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is forwarding copies of this application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on these applications on or before December 11, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: November 4, 1974.

JACK W. GEHRINGER,
Acting Director, National
Marine Fisheries Service.

[FR Doc.74–26369 Filed 11–8–74;8:45 am]

MARINE PETROLEUM AND MINERALS ADVISORY COMMITTEE WORKING GROUP ON INTERNATIONAL OCEAN INVESTMENT CONDITIONS

Public Meeting and Agenda

Pursuant to section 10(a)(2) of 5 U.S.C. App. I, section 8(b)(3) of Office of Management and Budget Circular No. A–63, and the Order of the U.S. District Court for the District of Columbia in Civil Action No. 1838–73, notice is hereby given of the meeting of the Working Group on International Ocean Investment Conditions (the "Working Group") of the Marine Petroleum and Minerals Advisory Committee (the "Committee") on Thursday, December 12, 1974. The meeting will commence at 9 a.m. in Room 5230 of the Department of Commerce Building, 14 Street between E and Constitution Avenue, Northwest, Washington, D.C.

The Working Group has been formed as a subcommittee of the Committee from among the Committee members and with the approval of the Administrator of the National Oceanic and Atmospheric Administration, as provided by the Committee charter. The purpose of the Working Group is to draft language for recommendations to the Secretary of Commerce for consideration by the full Committee at a planned March 4–5, 1975 meeting in the area of integrity of investment—international and domestic protection of U.S. private investments made for the purpose of developing nonliving marine resources, including the honoring of contractual obligations, the settlement of disputes, security of tenure, and the respective roles of the private sector and the Federal Government.

Interested persons are invited to attend and to submit written statements relevant to the Working Group's areas of interest before or after the meeting or by mailing such statements within five days after the date of the meeting to: Executive Secretary, Marine Petroleum and Minerals Advisory Committee, National Oceanic and Atmospheric Administration (MR3), 6010 Executive Boulevard, Rockville, MD 20852. All statements received in typewritten form will be distributed to Committee members with the results of the Working Group's efforts.

The agenda for the December 12, 1974 meeting of the Working Group is as follows:

DECEMBER 12, 1974

9:00 a.m.—Opening Remarks and Review of the Meeting's Purpose.
9:10 a.m.—Consideration of Matters of Interest Based on the Purpose of the Working Group and Its Areas of Interest.
12:00 noon—Recess.
1:30 p.m.—Resume Consideration of Matters of Interest.
4:30 p.m.—Adjourn.

ROBERT L. CARNAHAN,
Acting Assistant Administrator
for Administration, National
Oceanic and Atmospheric
Administration.

[FR Doc.74–26484 Filed 11–8–74;9:07 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 5B3046]

STANDARD OIL COMPANY OF CALIFORNIA

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3046) has been filed by Standard Oil Company of California, 225 Bush St., San Francisco, CA 94104, proposing that § 121.2553 *Lubricants with incidental food contact* (21 CFR 121.2553) be amended to provide for safe use of magnesium ricinoleate as a component of lubricants with incidental food contact.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 3, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–26291 Filed 11–8–74;8:45 am]

National Institutes of Health

CANCER REVIEW COMMITTEE FOR A CANCER CENTER PROGRAM

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Review Committee for a Cancer Center Program, National Cancer Institute, December 17, 1974, at the Hanover Inn, Hanover, New Hampshire.

This meeting will be open to the public on December 17, 1974, from 8 a.m. to 8:30 a.m. to discuss the purpose of the meeting and the contract proposal from the Norris Cotton Cancer Center, Dartmouth-Mary Hitchcock Medical Center, Hanover, New Hampshire. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on December 17, 1974 from 8:30 a.m. to adjournment for the review and evaluation of this contract proposal. The proposal contains information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposal.

Mrs. Marjorie F. Early, Committee Management Officer, NCI Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish a summary of the meeting and rosters of committee members.

Dr. Barney C. Lepovetsky, Executive Secretary, Westwood Building, Room 807, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: November 5, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–26310 Filed 11–8–74;8:45 am]

COMMUNICATIVE DISORDERS REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Communicative Disorders Review Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, January 19, 1975, at 9 a.m., in the Pennsylvania Room, Holiday Inn of Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. until 10 a.m. on January 19, 1975, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in section 552(b)4 and 552(b)6 of Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 19th from 10 a.m. to adjournment, to discuss and evaluate research grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications in the field of communicative disorders.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

Dr. J. Buckminster Ranney, Executive Secretary, Westwood Bldg., Room 7A16A, Bethesda, Maryland, telephone 496–7725, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health)

Dated: November 5, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–26311 Filed 11–8–74;8:45 am]

CANCER CLINICAL INVESTIGATION REVIEW COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the Cancer Clinical Investigation Review Committee, National Cancer Institute, January 20–22, 1975, National Institutes of Health, Building 31, Conference Room 7. This meeting will be open to the public on January 20, 1975 from 8:30 a.m. to 12 noon, to discuss previous minutes, conference and symposia plans, group meetings reports, DCRRC Director's report and Clinical Investigations Branch's report, and on January 22, 1975 from 1 p.m. until adjournment for a mini symposium on immunotherapy responses to be conducted under the co-chairmanship of Drs. Rose R. Ellison and Alvin Mauer. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public on January 20, 1975 from 1 p.m. to 5 p.m.; January 21, 1975 all day; and January 22, 1975 from 8:30 a.m. to 1 p.m. for the review discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A–16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the meeting and rosters of committee members.

John E. Lane, Executive Secretary, Westwood Building, Room 803, National Institutes of Health, Bethesda, Maryland 20014 (301/496–7903) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health.)

Dated: November 5, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

[FR Doc.74–26312 Filed 11–8–74;8:45 am]

NATIONAL HEART AND LUNG INSTITUTE BOARD OF SCIENTIFIC COUNSELORS

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the National Heart and Lung Institute Board of Scientific Counselors, January 10 and 11, 1975, National Institutes of Health, Building 10, Room 7N214. This meeting will be open to the public from 9:00 a.m. to 5:00 p.m. on January 10 to discuss the work of the Pulmonary Branch and the Laboratory of Kidney and Electrolyte Metabolism, National Heart and Lung Institute. Attendance by the public will be limited to space available.

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In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 9 a.m. to adjournment on January 11, 1975, for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the Board members. Substantive information may be obtained from Dr. Jack Orloff, Director, Division of Intramural Research, NHLI, NIH Building 10, Room 7N214, phone (301) 496-2116.

Dated: November 5, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-26313 Filed 11-8-74;8:45 am]

Office of the Assistant Secretary for Health

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice and Agenda for Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name. National Professional Standards Review Council.

Date and time. December 16, 1974 (1 p.m. to 5 p.m.); December 17, 1974 (9 a.m. to 1 p.m.).

Place. Room 5051, DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

Purpose of Meeting. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program.

Meeting of the Council is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Council should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 13A-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: November 5, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-26387 Filed 11-8-74;8:45 am]

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL TECHNICAL SUBCOMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following meeting:

Name. National Professional Standards Review Council Technical Subcommittee.

Date and time. December 16, 1974 (9 a.m. to 12 noon).

Place. Room 5051, DHEW North Building, 330 Independence Avenue SW., Washington, D.C.

Purpose of Meeting. The Technical Subcommittee was established to assist the National Professional Standards Review Council in the areas of data and information systems, evaluation of PSROs, and medical care norms, standards, and criteria. The Council was established to advise the Secretary of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act). Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Subcommittee's agenda will include discussion of issues relevant to the PSRO data and information systems.

Meeting of the Subcommittee is open to the public. Public attendance is limited to space available.

Any member of the public may file a written statement with the Subcommittee before, during, or after the meeting. To the extent that time permits, the Subcommittee Chairman may allow public presentation of oral statements at the meeting.

All communications regarding this Subcommittee should be addressed to John R. Farrell, M.D., Director, Office of Professional Relations, Office of Professional Standards Review, Room 13A-23, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: November 5, 1974.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74-26388 Filed 11-8-74;8:45 am]

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON THE RIGHTS AND RESPONSIBILITIES OF WOMEN

Notice of Meeting

The Secretary's Advisory Committee on the Rights and Responsibilities of Women, which was established to review the policies, programs, and activities of the Department of Health, Education, and Welfare relative to women and to make recommendations to the Secretary on how to better the services of HEW's programs to meet these special needs of women, will meet on Wednesday, December 4, 1974 from 9:00 a.m. to 5:00 p.m. in Room 5131, HEW-North Building, 330 Independence Ave., SW., Washington, D.C. The agenda includes the consideration of a new operational process for the Committee to work with the DHEW and the development of its work priority areas for 1975.

Interested persons wishing to address the Committee, should contact the Acting Executive Secretary by COB Monday, December 2nd. Phone: 202-245-8454. Written statements received by December 2nd will be duplicated and distributed to the members. Members of the public are invited to attend the meeting.

Dated: November 5, 1974.

SANDRA S. KRAMER,
Acting Executive Secretary, Secretary's Advisory Committee on the Rights and Responsibilities of Women.

[FR Doc.74-26389 Filed 11-8-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-235; FDAA-450-DR]

LOUISIANA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 1, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from severe storms beginning about October 28, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Louisiana.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle, HUD Region VI, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following area of the State of Louisiana to have been adversely affected by this declared major disaster:

The Parish of: Acadia

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: November 4, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-26316 Filed 11-8-74;8:45 am]

[Docket No. NFD-236; FDAA-3004-EM]

NEW YORK

Notice of Emergency Declaration and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 2, 1974, the President declared an emergency as follows:

I have determined that the impact of flooding, caused by a cave-in of the New York State Barge Canal, beginning about October 29, 1974, is of sufficient severity and magnitude to warrant a declaration of an emergency under Public Law 93-288. I therefore declare that such an emergency exists in the State of New York.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, HUD Region II, to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following area in the State of New York to have been adversely affected by this declared emergency:

The County of: Monroe

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: November 4, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-26317 Filed 11-8-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

[CGD 74-268]

Coast Guard

PROPOSED BRIDGE ACROSS STATION CREEK TO ST. PHILLIPS ISLAND, BEAUFORT COUNTY, S.C.

Draft Environmental Impact Statement; Notice of Public Hearing

In accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), the Coast Guard has prepared a draft environmental impact statement in response to an application for a bridge permit that has been submitted by Mr. O. Stanley Smith, Jr., of the St. Phillips Development Company of Beaufort, South Carolina.

A public hearing will be held at 1:30 p.m., Tuesday, December 10, 1974, in the Beaufort County Courthouse, Bay Street, Beaufort, South Carolina. The Draft Environmental Impact Statement was made available to the Council on Environmental Quality and the public on October 18, 1974. Federal, State, and local agencies, private organizations, and individuals who are known to have expertise or interest in environmental matters have been requested to comment on the Statement. These agencies, organizations, and individuals, and any other interested person may present data, views, and comments orally or in writing at the public hearing concerning the content of the Draft Environmental Impact Statement, or on any relevant environmental impacts that are not discussed in the Statement which may result if the proposed bridge is constructed. Copies of the Draft Statement may be obtained from the Commander (oan), Seventh Coast Guard District, Federal Building, Room 1012, 51 SW. First Avenue, Miami, Florida 33130.

Interested persons who wish to make an oral statement at the hearing are requested to notify in writing the Commander, Seventh Coast Guard District by December 6, 1974, and include the approximate time that is required for the statement. Interested persons who are unable to attend this hearing may participate in the consideration of the Draft Statement by submitting their comments in writing to the Commander, Seventh Coast Guard District. Each comment should state the subject, reasons for any objections or proposed changes, and the name and address of the person or organization submitting the comment. All communications should be addressed to the Commander (oan), Seventh Coast Guard District, Federal Building, Room 1012, 51 SW. First Avenue, Miami, Florida 33130. A transcript will be made of the hearing and may be purchased by the public. Copies of all written communications will be available for examination by interested persons at the offices of the Commander, Seventh Coast Guard District.

All comments received before January 10, 1975, will be included in the record of the hearing to be considered in the preparation of the Final Environmental Impact Statement by the Commander, Seventh Coast Guard District.

The plans submitted by the applicant are for a fixed two lane highway bridge, approximately 5,500 feet in length, with a vertical clearance of 45 feet above mean highwater and a horizontal clearance of 50 feet normal to the axis of the channel. The purpose of the bridge is to provide highway access to St. Phillips Island and a planned residential development on St. Phillips Island. This island is presently undeveloped and uninhabited.

The bridge permit is the only Federal approval required for the construction of the bridge. There are no other causally related bridge construction activities presently known to the Coast Guard requiring approvals by any other Federal agency; however, the planned residential development contemplates construction of a marina, a shoreline protection groin on the ocean side, and two boat docks on St. Phillips Island. Construction of a boat dock on St. Helena Island is also contemplated. If these facilities are to be constructed, approvals by the U.S. Corps of Engineers will be required.

The decision to grant or deny the bridge permit will rest primarily upon the effect of the bridge on navigation after full consideration of its environmental impacts as required by the National Environmental Policy Act of 1969. Upon filing of the Final Statement, the recommendations of the District Commander will be forwarded to the Commandant, U.S. Coast Guard, Washington, D.C. 20590.

The Commandant will make the final determination on the bridge permit, but not less than 30 days after the Final Statement has been filed with the Council on Environmental Quality.

(33 U.S.C. 525; 42 U.S.C. 4321, et seq.; 49 U.S.C. 1651(b)(2), 1653(f), 1655(g)(6)(C); 40 CFR 1500; 49 CFR 1.45(a)(4), 1.46(c)(10))

Dated: November 4, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard Chief, Office of Marine Environment and Systems.

[FR Doc.74-26320 Filed 11-8-74;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition No. HS-74-14]

MERIDIAN AND BIGBEE RAILROAD CO.

Notice of Petition for Exemption From Hours of Service Act

The Meridian and Bigbee Railroad Co. has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a (e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. Secs, 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-74-14, Room 5101, 400 Seventh Street, S.W., Washington, D.C. 20590. Communications received before December 15, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, S.W., Washington, D.C. 20590.

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Issued in Washington, D.C. on November 5, 1974.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.74-26277 Filed 11-8-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Agenda

NOVEMBER 5, 1974.

Th agenda for the 175th meeting of the Advisory Committee on Reactor Safeguards to be held in Washington, D.C. on November 14–16, 1974 will be revised as follows (the original notice for the meeting was published at 39 FR 38276, October 30, 1974):

Friday, November 15, 1974—1:30 p.m.–4 p.m. Consideration of the Salem Nuclear Generating Station previously scheduled will be canceled. This portion of the meeting will now be devoted to a discussion of WASH–1400–An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants.

This revised portion of the meeting will include presentations by and discussions with the AEC Regulatory Staff and will be open to members of the public except for portions that will be closed to the public if required, under the authority of section 10(d) of Pub. L. 92–463 (the Federal Advisory Committee Act) to exchange opinions leading to the formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented will be inextricably intertwined with such exempt material and separation of this material is not practical.

Written comments for this revised portion of the meeting will be accepted if received by the close of business, November 13, 1974. All other aspects of the original notice remain as previously published.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-26270 Filed 11-8-74;8:45 am]

[Docket Nos. 50-450 and 50-451]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SUMMIT POWER STATION

Notice of Meeting

NOVEMBER 5, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Summit Power Station will hold a meeting on December 4, 1974, in Room 1046 at 1717 H Street NW., Washington, D.C.

The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application by the Delmarva Power and Light Company for a permit to construct the Summit Power Station, Units 1 and 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, December 4, 1974, 9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulatory Staff and the Delmarva Power and Light Company and will hold discussions with these groups pertinent to its review of matters related to the application for a construction permit for the Summit Power Station, Units 1 and 2.

In connection with the above agenda items, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 8:30 a.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than November 27, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and at the Newark Free Library, Elkton and Delaware Roads, Newark, Delaware 19711.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 2 p.m. and 4 p.m. on December 4, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 2, 1974, to the Office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 6, 1974, at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 and within approximately nine days at the Newark Free Library, Elkton and Delaware Roads, Newark, Delaware 19711. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after March 4, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-26271 Filed 11-8-74;8:45 am]

[Docket Nos. 50-354 & 50-355]

PUBLIC SERVICE ELECTRIC & GAS CO. AND ATLANTIC CITY ELECTRIC CO.

Availability of Initial Decision for Hope Creek Generating Station, Units 1 & 2 and Issuance of Construction Permits

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in 10 CFR Part 50, Appendix D, section A.9 and A.11, notice is hereby given that an Initial Decision, dated October 25, 1974, by the Atomic Safety and Licensing Board in the above captioned proceeding authorizing issuance of construction permits to the Public Service Electric and Gas Company and Atlantic City Electric Company for construction of the Hope Creek Generating Station, Units 1 & 2, located on the Applicants' site on Artificial Island in Lower Alloways Creek Township, Salem County, New Jersey, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Salem Free Public Library, 112 West Broadway, Salem, New Jersey.

The Initial Decision is subject to review by an Atomic Safety and Licensing Appeal Board prior to its becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decision may be reviewed by the Commission.

The Initial Decision is also being made available at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625, and at the Wilmington Metropolitan Area Planning and Coordinating Council, 4613 Robert Kirkwood Highway, Wilmington, Delaware 19808.

Based upon the record developed in the public hearing in the above captioned matter, the Initial Decision modified in certain respects the contents of the Final Environmental Statement relating to the construction of the Hope Creek Generating Station, Units 1 & 2, prepared by the Commission's Directorate of Licensing. Pursuant to the provisions of 10 CFR Part 50, Appendix D, section A.11, the Final Environmental Statement is deemed modified to the extent that the findings and conclusions relating to the environmental matters contained in the Initial Decision are different from those contained in the Final Environmental Statement. As required by A.11 of Appendix D, a copy of the Initial Decision, which modifies the Final Environmental Statement, has been transmitted to the Council on Environmental Quality and distributed to the Environmental Protection Agency and other interested agencies and persons.

Pursuant to the above mentioned Initial Decision, the Atomic Energy Commission (the Commission) has issued Construction Permits CPPR–120 and CPPR–121 to the Public Service Electric and Gas Company and Atlantic City Electric Company for construction of two boiling water nuclear reactors, known as the Hope Creek Generating Station, Units 1 and 2, each designed for a rated power of approximately 3,293 megawatts thermal with a net electrical output of approximately 1,088 megawatts.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the construction permits. The application for the construction permits complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permits are effective as of their date of issuance. The earliest date for the completion of Unit 1 is December 31, 1980, and the latest date for completion is May 31, 1981. The earliest date for completion of Unit 2 is December 31, 1981, and the latest date for completion is May 31, 1982. Each permit shall expire on the latest date for completion of the facility.

In addition to the Initial Decision, copies of (1) Construction Permit Nos. CPPR–120 and CPPR–121; (2) the report of the Advisory Committee on Reactor Safeguards, dated February 12, 1974; (3) the Directorate of Licensing's Safety Evaluation, dated December 17, 1971; (4) Supplement No. 1 to the Safety Evaluation, dated May 17, 1973; (5) Supplement No. 2 to the Safety Evaluation, dated August 30, 1973; (6) Supplement No. 3 to the Safety Evaluation, dated January 17, 1974; (7) Supplement No. 4 to the Safety Evaluation, dated March 1, 1974; (8) the Preliminary Safety Analysis Report and amendments thereto; (9) the Applicant's Environmental Report, dated March 31, 1971, and supplements thereto; (10) the Draft Environmental Statement, dated November 1973, and (11) the Final Environmental Statement, dated February 1974, are also available for public inspection at the above-designated locations in Washington, D.C., and Salem, New Jersey. Single copies of the Initial Decision by the Atomic Safety and Licensing Board, the construction permits, the Final Environmental Statement, and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 4th day of November 1974.

For the Atomic Energy Commission.

WALTER R. BUTLER,
Chief, Light Water Reactors
Project, Branch 1–2, Directorate of Licensing.

[FR Doc.74-26272 Filed 11-8-74;8:45 am]

[Docket No. 50-286]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Order Convening Prehearing Conference

In the matter of Consolidated Edison Company of New York, Inc. (Indian Point Nuclear Generating Unit 3).

The Atomic Safety and Licensing Board is desirous of convening a prehearing conference in order to determine the progress by the parties towards preparation of their evidence and to designate the dates for evidentiary hearing in this proceeding. The Board has inquired of the parties respecting their convenience for such a conference. The parties have answered that negotiations have been undertaken toward executing a stipulation for a partial or complete disposition of the contested matters in this case and that a report on such negotiations may be available within ten days from this date. The parties have agreed that their schedules will have no conflict with a prehearing conference on November 26, 1974 in Croton-on-Hudson, New York.

Wherefore, *it is ordered*, In accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Commission that a prehearing conference in this proceeding shall convene at 9:30 a.m. on Tuesday, November 26, 1974 in the Regency Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, New York 10520.

Issued: November 6, 1974, Germantown, Maryland.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.74-26350 Filed 11-8-74;8:45 am]

REGULATORY GUIDES

Notice of Regulatory Guides Under Development

The Atomic Energy Commission, in its continuing effort to provide for increased public participation in the regulatory process, is publishing the titles and scopes of regulatory guides under development as of September 1, 1974, and the related American National Standards Institute (ANSI) standards, where appropriate. This list will be published periodically.

The primary purposes of Regulatory Guides are (1) to describe and make

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available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and in some cases to delineate techniques used by the staff in evaluating specific problems or postulated accidents and (2) to provide guidance to applicants concerning certain of the information needed by the Regulatory staff in its review of applications for permits and licenses. Regulatory Guides are not intended as substitutes for regulations, and therefore compliance with these guides is not required. Methods and solutions different from those set out in the guides will be acceptable if they provide a basis for the findings requisite to the issuance or continuance of a permit or license by the Commission.

Suggestions in connection with the Regulatory Guides under development should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Following is the list of regulatory guides under development as of September 1, 1974, and the related ANSI standards, where appropriate.

1. DS 008-2, Availability of Electric Sources.

Scope: Describes the limiting conditions for operation with respect to the availability of electric power sources and acceptable procedures to be followed should the number of available electric power sources be reduced below the limiting condition for operation.

Related ANSI Standard: N534, Availability of Electric Power Sources at Nuclear Power Plants.

2. DS 012-2, Instrumentation for Light-Water-Cooled Nuclear Power Plants to Assess Plant Conditions During and Following an Accident.

Scope: Describes a method acceptable to the Regulatory staff for complying with the Commission's requirements to provide instrumentation to monitor plant variables and systems during and following an accident in a light-water-cooled nuclear power plant.

Related ANSI Standard: N41.26, Criteria for Design of Postaccident Monitoring Systems.

3. DS 026-2, Ability of Material Underneath Nuclear Power Plant Foundations to Withstand a Safe Shutdown Earthquake.

Scope: Describes test procedures, field explorations, and foundation evaluation studies, as well as classification procedures, to be used in assessing the ability of material underneath nuclear power plant foundations to withstand a safe shutdown earthquake.

Related ANSI Standard: None.

4. DS 027-2, Assumption Used for Evaluating the Potential Radiological Consequences of BWR—Gas Holdup Tank Failure.

Scope: Describes the model to be used for evaluating the potential radiological consequences of a BWR gas holdup tank failure.

Related ANSI Standard: None.

5. DS 033-2, Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants.

Scope: Endorses, with certain modifications, ANSI standard N45.2.5 which describes installation, inspection, and testing requirements for structural concrete and structural steel intended to assure that only specified materials and workmanship are incorporated into the plant and that quality of the material and workmanship are maintained throughout the construction process.

Related ANSI Standard: N45.2.5, Supplementary Quality Assurance Requirements for Installation, Inspection and Testing of Structural Concrete and Structural Steel During the Construction Phase of Nuclear Power Plants.

6. DS 034-2, Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems for Nuclear Power Plants.

Scope: Endorses, with certain modifications, ANSI standard N45.2.8 which describes requirements and guidelines for the installation, inspection, and testing of mechanical equipment and systems in order to provide adequate confidence that they will perform satisfactorily while in service.

Related ANSI Standard: N45.2.8, Supplementary Quality Assurance Requirements for Installation, Inspection and Testing of Mechanical Equipment and Systems for the Construction Phase of Nuclear Power Plants.

7. DS 035-2, Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.

Scope: Endorses, with certain modifications, ANSI standard N45.2.12 which describes an acceptable method for establishing and implementing a system of internal and external audits of quality assurance programs for nuclear power plants.

Related ANSI Standard: N45.2.12, Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.

8. DS 036-2, Quality Assurance Requirements for Control of Procurement of Equipment, Materials, and Services.

Scope: Endorses, with certain modifications, ANSI standard N45.2.13 which describes quality assurance requirements for control of procurement of equipment, materials, and services for nuclear power plants. Describes measures for planning and implementation to control procurement activities and provides guidance for their application.

Related ANSI Standard: N45.2.13, Quality Assurance Requirements for Control of Procurement of Equipment, Materials and Services for Nuclear Power Plants.

9. DS 037-2, Quality Assurance Requirements for Lifting Equipment.

Scope: Endorses, with certain modifications, ANSI standard N45.2.15 which describes requirements for use of lifting equipment at nuclear power plant sites.

Related ANSI Standard: N45.2.15, Requirements for the Control of Hoisting, Rigging, and Transporting of Items at Nuclear Power Plant Sites.

10. DS 041-2, Maintenance and Testing of Batteries.

Scope: Endorses, with certain modifications, ANSI standard N41.15 which describes recommended practices relating to maintenance, test schedules, and testing procedures that can be used to optimize the life and performance of large lead storage batteries installed at nuclear power plants. Recommended replacement practices are also delineated.

Related ANSI Standard: N41.15, Recommended Practice for Maintenance, Testing, and Replacement of Large Stationary Type Power Plant and Substation Lead Storage Batteries.

11. DS 042-2, Qualification of Class I Electrical Equipment.

Scope: Endorses, with certain modifications, ANSI standard N41.5 which describes basic requirements for the qualification of Class IE equipment including procedures and methods of qualification, aging, and documentation.

Related ANSI Standard: N41.5, Trial Use Guide for Qualifying Class IE Electric Equipment for Nuclear Power Generating Stations (Revision 1).

12. DS 044-2, Protective Coatings for Nuclear Reactor Containment Facilities.

Scope: Endorses, with certain modifications, ANSI N101.2-1972, which provides a common basis on which protective coatings (paints) for the surfaces of light water moderated nuclear reactor containment facilities may be compared and selected by reproducible evaluation test.

Related ANSI Standard: N101.2, Protective Coatings (Paints) for Light Water Nuclear Reactor Containment Facilities.

13. DS 050-2, Qualification Test of Class IE Cables, Connections, and Field Splices.

Scope: Endorses, with certain modifications, IEEE standard 383-1974 which provides direction for establishing tests which may be used in qualifying Class IE cables, field splices, and connections for services in nuclear power plants by giving guidance in determining qualification test pre-aging requirements, environmental conditions, and test conditions and sequences.

Related ANSI Standard: N41.1 (IEEE 383-1974), IEEE Standard for Type Test of Class IE Electric Cables, Field Splices, and Connections for Nuclear Power Generation Stations.

14. DS 051-2, Guide for Seismic Qualification of Class IE Electric Equipment.

Scope: Endorses, with certain modifications, Revision 1 to ANSI standard N41.7 which provides acceptable directions for establishing qualification procedures that yield data which verifies that the Class IE equipment can meet its performance requirements during and following one Safe Shutdown Earthquake (SSE) preceded by several half Safe Shutdown Earthquakes.

Related ANSI Standard: N41.7, Trial Use Guide for Seismic Qualification of Class I Electric Equipment for Nuclear Power Generating Stations (Revision 1).

15. DS 059-4, Tornado Design Classification.

Scope: Describes structures, systems, and components which should withstand the design basis tornado.

Related ANSI Standard: N171, Tornado Design Criteria.

16. DS 062-3, Overpressure Protection of Low Pressure Systems Connected to Reactor Coolant Pressure Boundary.

Scope: Endorses, with certain modifications, ANSI standard N193 which describes requirements for equipment, controls, and instrumentation necessary for overpressure protection of low-pressure systems connected to or part of the reactor coolant pressure boundary.

Related ANSI Standard: N193, Overpressure Protection of Low Pressure Systems Connected to Reactor Coolant Pressure Boundary.

17. DS 067-3, Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.

Scope: Describes the Regulatory position for adequate protection of control room operators against an on-site chlorine release. Objective is to assure that a reactor operator in the control room is not incapacitated.

Related ANSI Standard: None.

18. DS 070-4, Fuel Oil Supplies for Standby Diesel-Generators.

Scope: Endorses, with certain modifications, ANSI standard N195 which describes those features of fuel oil systems which are required to insure an adequate fuel oil supply to standby diesel-generators. The objective is to assure that the diesel-generators have sufficient fuel under all design conditions to assure the operation of the minimum engineered safety features.

Related ANSI Standard: N195, Fuel Oil Supply Systems for Emergency Diesel-Generators.

19. DS 076-4, Quality Assurance Requirements for the Design and Manufacture of Class IE Instrumentation and Electric Equipment.

Scope: Endorses, with certain modifications, ANSI standard N45.2.14 which describes requirements for assuring that Class IE instrumentation and electric equipment for nuclear power generating stations is designed, manufactured, and furnished in conformance with specified requirements.

Related ANSI Standard: N45.2.14, Quality Assurance Requirements during the Design and Manufacture of Class IE Instrumentation and Electric Equipment for Nuclear Power Generating Stations.

2. DS 479-4, Assumptions for Evaluating the Potential Consequences of a Liquid Radioactive Waste System Accident.

Scope: Describes the model to be used in evaluating the consequences of the release of radioactivity as a result of upset or accident conditions of the radioactive liquid waste system.

Related ANSI Standard: Not applicable.

21. DS 483-4, Revision of Regulatory Guide 1.16, Reporting of Operating Information—Appendix A Technical Specifications.

Scope: Describes present reporting requirements of Appendix A Technical Specifications.

Related ANSI Standard: Not applicable.

22. DS 486-4, Revision of Regulatory Guide 1.7, Control of Combustible Gas Concentrations in Containment Following a Loss of Coolant Accident.

Scope: Includes the more rigorous calculational methods for determining EOCS effectiveness that were recently adopted in 10 CFR Part 50, Section 50.46.

Related ANSI Standard: Interfaces with N275 but not directly applicable.

23. DS 487-4, Geography and Demography Considerations for Nuclear Power Plants—Additional Information.

Scope: A Regulatory Guide which requests additional informaton to be included in SAR's on geography and demography.

Related ANSI Standard: Not applicable.

24. DS 488-4, Nearby Industrial, Transportation and Military Facilities Considerations for Nuclear Power Plants—Additional information.

Scope: A Regulatory Guide which requests additional information to be included in SAR's on considerations of nearby industrial, transportation and military facilities for nuclear power plants.

Related ANSI Standard: Not applicable.

25. DS 489-4, Revision to Regulatory Guide 1.75, Physical Independence of Electrical Systems.

Scope: Changes format of Regulatory Guide.

Related ANSI Standard: N41.14 IEEE Trial Use Standard Criteria for Separation of Class IE Equipment and Circuits.

26. DS 490-4, Revision of Regulatory Guide 1.40, Qualification of Continuous Duty Class IE Motors for Nuclear Power Generating Stations.

Scope: Revises Regulatory Guide 1.40 to account for the revision of IEEE Std 334 which has been upgraded and broadened in scope to include motors outside as well as inside the containment.

Related ANSI Standard: IEEE 334-1974, IEEE Guide for Qualification of Continuous-Duty Class IE Motors for Nuclear Power Generating Stations (Revision 1).

27. DS 492-4, Explosions Postulated to Occur on Transportation Routes near Nuclear Power Plant Sites.

Scope: Describes present licensing practices for evaluating explosions occurring on transportation routes near nuclear power plant sites.

Related ANSI Standard: None.

28. DS 493-4, Design of Main Steam Line Isolation Valve for Direct Cycle Boiling Water Reactor Nuclear Power Plants.

Scope: Describes acceptable guidelines for design of main steam line isolation valve sealing system for direct cycle BWR nuclear power plants.

Related ANSI Standard: None.

29. DS 495-4, Additional Information—Radiation Protection Considerations for Nuclear Power Plants.

Scope: Prepare an information type regulatory guide which revises chapter 12 of the Standard Format to be consistent with the Standard Review Plan.

Related ANSI Standard: None.

30. DS 501-4, Revision 1 to Regulatory Guide 1.68, Preoperational and Initial Start-up Test Programs for Water-Cooled Power Reactors.

Scope: Revises Regulatory Guide 1.68 to include the following:

(1) Extensive material regarding protracted delays in power ascension test.

(2) An implementation statement.

(3) Public comments and Regulatory comments on Regulatory Guide 1.68.

Related ANSI Standard: None.

31. DS 502-5, Fire Protection Systems for Nuclear Power Plants.

Scope: Provides fire protection criteria for the protection of safety-related structures, systems, and components in BWRs and PWRs. This guide will endorse, with certain modifications and supplementary provisions, ANSI N18.10.

Related ANSI Standard: N18.10, Fire Protection Criteria for Safety-Related Structures and Equipment for Water-Cooled and -Moderated Nuclear Power Generating Plants. (N18)

32. DS 503-4, Revision 1 to Regulatory Guide 1.64, Quality Assurance Requirements for the Design of Nuclear Power Plants.

Scope: Revise Regulatory Guide 1.64, to endorse approved ANSI standard N45.2.11.

Related ANSI Standard: N45.2.11, Quality Assurance Requirements for the Design of Nuclear Power Plants.

33. DS 507-4, Initial Startup Testing Program for Facility Shutdown from Outside the Control Room.

Scope: The guide, in amplification of Regulatory Guide 1.68, will describe an acceptable initial startup test program for facility shutdown from outside the control room.

Related ANSI Standard: None.

34. DS 508-4, Periodic Testing of Diesel Generators.

Scope: Acceptable methods for testing diesel generators during plant lifetime to ensure maximum reliability.

Related ANSI Standard: None.

35. ES 001-3, Protection Against Postulated Events and Accidents Outside of Containment.

Scope: Describes the requirements for protection of safety-related systems and components against pipe rupture outside of containment.

Related ANSI Standard: N176, Protection of Nuclear Power Plants Against Pipe Rupture.

36. ES 003-2, Revision 1 to Regulatory Guide 1.14, Reactor Coolant Pump Flywheel Integrity.

Scope: Updates the current fracture analysis procedures for determining flywheel integrity against failure due to overspeed conditions.

Related ANSI Standard: Relates to provisions in Section III, ASME code.

37. ES 003-3, Revision 1 to Regulatory Guide 1.26, Quality Group Classifications and Standards.

Scope: Describes a quality classification system that relates water, steam, and radioactive waste components to industry codes.

Related ANSI Standard: N18.2, Nuclear Safety Criteria for the Design of Stationary PWRs. N212, Nuclear Safety Criteria for the Design of Stationary BWRs.

38. ES 006-4, Criteria for Heatup and Cooldown Procedures.

Scope: Describes acceptable procedures for setting adequate margins below the upper limit of pressure-temperature relationships, which is based on fracture prevention, and above the lower limit, which is based on prevention of equipment damage and on thermodynamic considerations. These procedures will form the basis for the statement of intended heatup and cooldown procedures in plant technical specifications.

Related ANSI Standard: Relates to Section III, ASME code.

39. ES 007-4, Effects of Residual Elements on Predicted Radiation Damage.

Scope: Predicts radiation damage to the steel reactor vessel when a plant is constructed in order to define the vessel beltline and to set the withdrawal schedule for the surveillance specimens. Defines an acceptable basis for this prediction in which radiation damage is estimated as a function of fluence, temperature, and the residual elements of copper, phosphorus, and perhaps some others.

Related ANSI Standard: Relates to Section XI ASME code.

40. ES 009-2, Fracture Toughness Requirements for Materials for Class 2 and 3 Components.

Scope: Presents fracture toughness requirements supplemental to the ASME Code requirements for Class 2 and 3 components.

Related ANSI Standard: Relates to Section III ASME code.

41. ES 011-4, Surveillance and Post Irradiation Examination of Fuel Rods.

Scope: Describes a program for surveillance and postirradiation examination of fuel rods from leading nuclear fuel assemblies to establish the capability of fuel rods to meet their design and performance criteria.

Related ANSI Standard: None.

42. ES 012-4, Elevated Temperature Surveillance, Testing, and Inservice Inspection for High-Temperature Gas-Cooled Reactors.

Scope: Describe an acceptable program for surveillance, inspection, and testing for materials used in high-temperature components to confirm their suitability under operating conditions.

Related ANSI Standard: N213, Gas-Cooled Reactor Design Criteria.

43. ES 0013-3, Material Limitations for Component Supports.

Scope: Endorses, with certain supplementary provisions, subsection NF of the ASME B & PVC, Section III. May be developed concurrently and in cooperation with an ASME Code Case.

Related ANSI Standard: Relates to Section III ASME code.

44. ES 014-3, Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—HTGR Edition.

Scope: Identifies the principal information needed by the Regulatory staff in evaluating applications for construction permits and operating licenses for HTGRs and describes a format for presenting this information.

Related ANSI Standard: Not applicable.

45. ES 015-3, Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants—LMFBR Edition.

Scope: Identifies the principal information needed by the Regulatory staff in evaluating applications for construction permits and operating licenses for LMFBRs and describes a format for presenting this information.

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Related ANSI Standard: Not applicable.

46. ES 016–3, Maintenance of Water Purity in PWR Secondary Systems.

Scope: Describes an acceptable method for minimizing the probability of corrosion-induced failure of steam generator tubing in pressurized water reactors by maintaining proper chemistry control in the secondary side water.

Related ANSI Standard: None.

47. ES 017–3, Prevention of Fracture at Structural Discontinuities in Reactor Pressure Vessel.

Scope: Describes acceptable procedures for fracture analysis of a reactor pressure vessel and for prediction of a margin of safety against fracture under conditions of high peak strain at structural discontinuities under operating, maintenance, testing, and postulated accident conditions. Supplements Appendix G of Section III of the ASME B & PVC. May be developed concurrently and in cooperation with an ASME Code Case.

Related ANSI Standard: Relates to Section III ASME code.

48. ES 030–2, Design Load Combinations for Component Supports.

Scope: Supplements ASME B & PVC, Section III, Subsection NF, in a manner similar to that in which Regulatory Guide 1.48, Design Limits and Loading Combinations for Seismic Category I Fluid System Components, and Regulatory Guide 1.57, Design Limits and Loading Combinations for Metal Primary Reactor Containment System Components, cover components under the scopes of Subsections NB, NC, ND and NE.

Related ANSI Standard: N249, Combinations of Loadings for the Design of Component Supports Under Upset, Emergency and Faulted Plan: Conditions.

49. ES 061–2, Inservice Inspection of Prestressed Concrete Containment Structures with Grouted Tendons.

Scope: Endorses, subject to possible supplementary provisions, ANSI standard N240 which addresses prestressed concrete containments with prestressing tendons permanently set in cement grout and therefore unavailable for direct inspection; inspection is based on an approach of detecting gross deterioration of the containment structure through changes in the overall structure, rather than through the tendons themselves. This regulatory guide will also supplement N266.

Related ANSI Standard: N266, Proposed Standard Code for Concrete Reactor Vessels and Containments—Appendix A; N240, Inservice Surveillance of Prestressed Concrete Containment Structures with and without Grouted Tendons.

50. ES 063–2, Primary Reactor Containment (concrete) Design and Analysis.

Scope: Supplement the Standard Format and Content of Safety Analysis Reports for Nuclear Power Plants by requesting additional information needed.

Related ANSI Standard: None.

51. ES 404–4, Seismic Response Combination of Modes and Spatial Components.

Scope: Describes the acceptable methods of combining the response of individual modes in a spectral analysis and the methods of combining the response system or components due to each of the three components of an earthquake.

Related ANSI Standard: ASME Agenda Item N–73–2, Task Group on Dynamic Analysis ASME B&PVC Code Section III SG on Design.

52. ES 421–4, Revision 2 to Regulatory Guide 1.31, Control of Stainless Steel Welding.

Scope: Describes an acceptable method of controlling ferrite content of austenitic stainless steel weld metal in light water nuclear reactor. This revision results from meetings with the Joint Task Group on Stainless Steel Welding Material, ASME Subcommittee on Nuclear Power and will reflect changes in Section III, ASME Boiler and Pressure Vessel Code as suggested by this Task Group.

Related ANSI Standard: Joint Task Group on Stainless Steel Welding Material ASME Subcommittee on Nuclear Power.

53. ES 431–4, Revision 1 to Regulatory Guide 1.43, Control of Stainless Steel Weld Cladding of Low-Alloy Steel Components.

Scope: Describes an acceptable method for controlling weld cladding processes to avoid underclad cracking in the low-alloy steel base material. This revision reflects new developments on the subject by nuclear vessel manufacturers and the draft review report of the Task Group on Underclad Cracking, Thermal and Mechanical Treatments Subcommittee, Pressure Vessel Research Committee.

Related ANSI Standard: Task Group on Underclad Cracking, Thermal and Mechanical Treatments Subcommittee, Pressure Vessel Research Committee of the Welding Research Council.

54. ES–501–4, Interim Guide on Tornado Missiles.

Scope: Develop reasonably conservative design missile descriptions for power plant design against missiles based on licensing assessment of recent applications:

Related ANSI Standard: None.

55. ES–432–4, Standard Format and Content of SARs for LWR Nuclear Power Plants.

Scope: Revision 2 of LWR editions of the Standard Format and Safety Analysis Reports for Nuclear Power Plants.

Related ANSI Standard: Not applicable.

56. FM 013–2, Standard Format and Content of License Applications for Fuel Reprocessing Plants.

Scope: Supplies guidance in the preparation of Safety Analysis Reports for fuel reprocessing plants.

Related ANSI Standard: Not applicable.

57. FM 020–2, Standard Format and Content of License Applications for Plutonium Fuel Fabrication and Recovery Plants.

Scope: Provides specific guidance on the format and content of an application for an AEC license authorizing construction and operation of plutonium fuel fabrication and recovery plant.

Related ANSI Standard: Not applicable.

58. FM 046–2, General Design for Process Building Ventilation Systems for Fuel Reprocessing Plants.

Scope: Provides information relative to establishing principal design criteria for process building ventilation systems for fuel reprocessing plants.

Related ANSI Standard: None.

59. FM 049–3, Standard Format and Content of License Applications for UO_2 Fuel Fabrication Plant.

Scope: Provides specific guidance on the format and contents of an application for an AEC license authorizing construction and operation of a UO_2 fuel fabrication plant.

Related ANSI Standard: Not applicable.

60. FM 052–3, Standard Format and Content of License Applications for Commercial Waste Burial Facilities.

Scope: Provides specific guidance on the format and contents of an application for an AEC license authorizing receipt of radioactive wastes from other persons for disposal by land burial at a commercially operated site.

Related ANSI Standard: Not applicable.

61. FM 055–4, General Fire Protection Guide for Fuel Reprocessing Plants.

Scope: Provides general guidance for fire protection in fuel reprocessing plants, including provisions for preventing, detecting, extinguishing, limiting, or controlling fires and explosions and their concomitant hazards and damaging effects.

Related ANSI Standard: N280, Fire Protection for Pu Fuel Fabrication Facilities.

62. FM 056–4, Quality Assurance for the Design, Construction, and Operation of Fuel Reprocessing Facilities.

Scope: Provides quality assurance criteria for the design, construction, maintenance, and modification of structures, systems, and components required to control normal operations, prevent accidents, and mitigate the consequences of accidents. Endorses ANSI N282.

Related ANSI Standard: N282, Quality Assurance for the Design, Construction, and Operation of Fuel Reprocessing Facilities.

63. FM 057–4, Guide for Design, Construction, and Operation of Ventilation Systems for Plutonium Fuel Manufacturing Plants.

Scope: Develops criteria and standards for design, testing, and operation of ventilation systems for plutonium fuel manufacturing plants. Endorses ANSI N290.

Related ANSI Standard: N290, Design, Construction, and Operation of Ventilation Systems for Mixed Oxide (U, Pu) Fuel Fabrication Plants.

64. FM 058–4, Criteria for Siting, Design, and Operation of Plants for the Manufacture of Mixed Oxide (U-Pu) Fuels.

Scope: Provides criteria for safety and protection of the environment in the siting, design, and operation of plutonium fuel manufacturing plants. Endorses ANSI N287.

Related ANSI Standard: N287, Criteria for Siting, Design and Operation of Plants for the Manufacture of Mixed Oxide (U-Pu) Fuel Fabrication Plants.

65. FM 059–4, Guide to the Preparation of Emergency Plans for Uranium and Plutonium Processing and Fuel Fabrication Plants.

Scope: Provides acceptable methods for complying with the program required of the applicant by the proposed emergency planning amendment to 10 CFR Part 70.

Related ANSI Standard: N299, Emergency Planning—Fuel Reprocessing Facilities.

66. FM 060–4, Guide for Design Criteria for Facilities for Spent Fuel Storage.

Scope: Provides the standardization criteria for design of acceptable facilities for storage of spent fuel at the site of a high temperature gas-cooled reactor. Endorses ANSI N372.

Related ANSI Standard: N372, HTGR Spent Fuel Storage Facilities.

67. FN 061–4, Protective Coatings (Paints) for the Nuclear Industry.

Scope: Defines exposure conditions and performance requirements for protective coatings applied to surfaces of nuclear facilities. Endorses ANSI N512.

Related ANSI Standard: N512, Protective Coatings (Paints) for the Nuclear Industry.

68. FM 062–4, Guide for Irradiated Fuel Receiving and Storage Facilities Design.

Scope: Provides criteria for design of acceptable facilities for receiving and storing irradiated fuel. Endorses ANSI N305.

Related ANSI Standard: N305, Design Objectives for Highly Radioactive Material Handling and Storage Facilities in a Reprocessing Plant.

69. FM 063–4, Guide for Design Criteria for Facilities for Spent Fuel Storage (LWR).

Scope: Provides criteria for design of acceptable facilities for storage of spent fuel at light water reactor sites. Endorses ANSI N210.

Related ANSI Standard: N210, LWR Spent Fuel Facilities.

70. FM 064–4, Stabilization of Uranium-Thorium Milling Waste Systems.

Scope: Provides general criteria on stabilization, control, maintenance, and inspection of inactive waste retention systems resulting from the milling and uranium and thorium ores. Endorses ANSI N313.

Related ANSI Standard: N313, Stabilization of Uranium-Thorium Milling Waste Retention Systems.

71. FM 065–4, Assumptions Used for Evaluating the consequences of a criticality accident in an LWR Fuel Fabrication Plant.

Scope: Provides acceptable assumptions for evaluating the consequences of a criticality accident in an LWR Fuel Fabrication Plant. Covers fission yield, radiation levels, effluent releases, atmospheric diffusion, and dose conversions.

Related ANSI Standard: N16.1, Nuclear Criticality Safety Standards in Operations with Fissionable Materials Outside Reactors. N16.2, Criticality Accident Alarm System. N16.3, Standard for Safety in Conducting Subcritical Neutron Multiplication Measurements in Situ.

72. FM 066–4, Selection, Training, and Qualification of Personnel for Fuel Reprocessing Plants.

Scope: Defines those categories of plant personnel for which special qualifications should be required and proposes appropriate training, experience, and individual criteria to be used in selecting personnel for such categories; describes additional on-the-job training requirements, and means to be used for the verification of qualifications.

Related ANSI Standard: N286, Personnel Selection and Training for Fuel Cycle Facilities. N181, Selection and Training of Personnel for Nuclear Power Plants.

73. FM 471–4, Temporary Storage of High-Level Liquid Waste at Fuel Reprocessing Plants.

Scope: Provides information relative to establishing principal design criteria for storage and equipment to store high-level liquid wastes, including retrievability.

Related ANSI Standard: N306, Interior Storage of High Level Liquid Waste at Fuel Reprocessing Plants.

74. FM 072–4, Assumptions Acceptable for Evaluating the Consequences of Accidental Nuclear Criticality in a Fuel Reprocessing Plant.

Scope: Defines for the subject accident, acceptable bases for assuming parameters such as number of fissions, duration, and physical effects and for evaluating the radiological consequences.

Related ANSI Standard: N16.4, Use of Borosilicate-Glass Raschig Rings as a Neutron Absorber in Solutions of Fissile Material. N16.11, Guide for the Storage of Uranium of Low Enrichment, in 235n. N16.12, Neutron Absorbers in Solutions of Fissile Materials.

75. FM 073–4, Assumptions Acceptable for Evaluating the Consequences of Accidental Nuclear Criticality in a Plutonium Processing or Fuel Fabrication Plant.

Scope: Defines for the subject accident, acceptable bases for assuming parameters such as number of fissions, duration, and physical effects and for evaluating the radiological consequences.

Related ANSI Standard: N16.6, Criteria for Nuclear Criticality Safety Controls in Operations Where Shielding Protects Personnel. N16.9, Validation of Calculational Methods for Nuclear Criticality Safety. N16.10, Nuclear Criticality Control and Safety of Pu-U Fuel Mixtures Encountered in Fuel Cycle Operations.

76. FM 476–4, Confinement Structures and Systems for Plutonium Processing and Fuel Fabrication Facilities.

Scope: Provides principles for design of acceptable confinement structures and systems for plutonium processing and fuel fabrication facilities. Discusses primary, secondary, and/or final confinement, including confinement principles related to process equipment, gloveboxes, cells, interior partitions, buildings, and building penetrations.

Related ANSI Standard: N287, Criteria for Siting, Design, Construction, and Operation of Plants for the Manufacture of Mixed Oxide (U,Pu) Fuel Fabrication Plants. N290, Design, Construction, and Operation of Ventilation Systems for Mixed Oxide (U,Pu) Fuel Fabrication Plants.

77. FM 478–4, Electrical Functional Performance and Reliability of Protection Systems at Fuel Cycle Facilities.

Scope: Provides an acceptable method for complying with the Commission's regulations regarding safety-related electrical, functional, and reliability requirements of protection systems of fuel cycle facilities (adaptation of 1EEE–279 for fuel cycle facilities).

Related ANSI Standard: N42.7, Design Criteria for Reactor Protection Instrumentation Systems and Actuator Systems.

78. FM 480–4, Emergency Water Systems for Fuel Reprocessing Plants and Plutonium Processing and Fuel Fabrication Plants.

Scope: Defines acceptable bases for designing emergency water systems with emphasis on fire protection and cooling.

Related ANSI Standard: N280, Fire Protection for Pu Fuel Fabrications Facilities.

79. FM 481–4, Protection Systems for Fuel Reprocessing Plants and for Plutonium Processing and Fuel Fabrication Plants.

Scope: Defines acceptable bases for performance and reliability of protection systems.

Related ANSI Standard: N297, Design Basis and Periodic Testing of Protection System.

80. FM 482–4, Design Basis Floods for Fuel Reprocessing Plants.

Scope: Describes an acceptable method of determining the design basis floods for fuel reprocessing plants.

Related ANSI Standard: N170, Guidelines for Determining Design Basis Flooding at Power Reactor Sites.

81. FM 501–4, Guidance on the License Application Siting Design and Plant Protection for an Independent Spent Fuel Storage Installation.

Scope: Title is self-explanatory.

Related ANSI Standard: Not applicable.

82. FM 579–4, Criteria for Gaseous Radioactive Effluent Systems at Fuel Reprocessing Plants.

Scope: Provides criteria for the selection, general design, and operation of fuel reprocessing plant gaseous radioactive effluent systems. Endorses ANSI N303.

Related ANSI Standard: N303, Criteria for Gaseous Radioactive Effluent Systems at Fuel Reprocessing Plants.

83. FM 587–4, Design Criteria for Decommissioning of Nuclear Fuel Reprocessing Plants.

Scope: To review and comment on, as well as participate in the preparation of, the ANSI standard N300 followed by endorsement, if appropriate.

Related ANSI Standard: N300, Design Criteria for Shutdown and Decommissioning of Nuclear Fuel Reprocessing Facilities.

84. FM588–4, Definition of Radioactive Waste Categories.

Scope: To review and comment on, as well as participate in the preparation of, the ANSI standard N525 followed by endorsement, if appropriate.

Related ANSI Standard: N525, Definition of Radioactive Waste Categories.

85. MP 012–3, Guide for Mass and Scales Calibration.

Scope: Endorses, with certain modifications, ANSI standard N15.18–1974 which describes methods for the calibration, equipment selection and characterization, selection of test objects, assignment of mass values to a test object, use of the UF_6 artifact cylinder as a certified standard weight, and a general guide to a measurement assurance program for masses and scales.

Related ANSI Standard: N15.18, Mass Calibration Techniques for Nuclear Materials.

86. MP 051–3, Radiometric Calibration Techniques.

Scope: Endorses, with certain modifications, ANSI standard N15.20 which describes calibration techniques and methods for the control, reduction, and evaluation of error contributions to nondestructive assay. Recommends procedures for the fabrication and verification of nondestructive assay standards and for the periodic verification of measurement precision and accuracy.

Related ANSI Standard: N15.20, Radiometric Calibration Techniques.

87. MP 055–3, Chemical, Nuclear, and Radiochemical Analysis of Uranyl Nitrate Solutions.

Scope: Endorses, with certain modifications, ASTM standard which sets forth a series of analytical methods for the chemical assay, impurity and isotopic analysis, and radiochemical analysis of uranyl nitrate solutions.

Related ANSI Standard: ASTM C–26.05 Chemical, Nuclear, and Radiochemical Analysis of Committee $UO_2(NO_3)_2$ Solution (Draft).

88. MP 056–3, Management Review of Materials and Plant Protection Programs.

Scope: Suggests the scope of the annual management review of the materials and plant protection program, the means for verifying the updating of and compliance with appropriate materials control and protection procedures, the depth of detail needed in the audit of the nuclear material records, and the detail required in the management report of the review and audit.

Related ANSI Standard: None.

89. MP 467–4, Sabotage Protection of Nuclear Power Plants.

Scope: Revises Regulatory Guide 1.17 which describes security criteria for the physical protection of nuclear power plants.

Related ANSI Standard: N18.17–1937, Industrial Security for Nuclear Power Plants.

90. MP 468–4, Plant Security Force Duties.

Scope: Discusses the duties of the members of the security force, during both routine operations and emergency conditions, with respect to protection of plants and materials.

Related ANSI Standard: None.

91. MP 469–4, Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants.

Scope: Describes the basic elements of a measurement control program for materials control and accounting. Describes each element basic to implementation of a successful control program in sufficient detail to allow management personnel to plan, establish, and maintain a program that meets the intent of 10 CFR Part 70.

Related ANSI Standard: None.

92. MP 474–4, Determination of Random Materials Accounting Measurement Errors.

Scope: Describes methods for generating measurement control data which is needed for the control of random errors of accounting measurements. Discusses random errors associated with bulk measurements, analytical and nondestructive measurements, and sampling.

Related ANSI Standard: None.

93. MP 475–4, Monitoring Transfers of Special Nuclear Material.

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Scope: Outlines acceptable procedures for monitoring of SNM, while it is being transferred, and while it is in storage at terminals. Covers the areas, (1) Proper identification of monitors, (2) Hand-off/sign-off procedures, (3) Monitoring of shipments. Item 3 includes a discussion of normal procedure, emergency procedures, communications equipment.

Related ANSI Standard: None.

94. MP 476–4, Determination of Bias and Systematic Measurement Errors.

Scope: Describes methods for generating measurement control data for the determination of bias corrections and for the estimation of systematic errors. Covers the topics, sampling, bulk-measurements, and analytical and nondestructive measurements.

Related ANSI Standard: None.

95. MP 477–4, Methods for the Accountability of Plutonium Dioxide Powder.

Scope: Describes methods for sampling, sample handling, subsampling, dissolution, assay, impurity determination, isotopic analysis and error analysis of PuO_2 powder for accountability purposes.

Related ANSI Standard: None.

96. MP 478–4, Interior Intrusion Alarm System.

Scope: Describes selection, use, and testing of interior intrusion alarm systems.

Related ANSI Standard: None.

97. MP 479–4, Perimeter Intrusion Alarm System.

Scope: Describes selection, use, and testing of perimeter intrusion alarm systems.

Related ANSI Standard: None.

98. MP 481–4, Nondestructive Assay (NDA) of Plutonium by Gamma-Ray Spectrometry.

Scope: Describes methods of determining applicability of NDA method to a particular material, methods of categorizing material, methods of calibrating and obtaining calibration standards, operational methods including attenuation correction, methods of error analysis, and measurements control procedures and frequencies.

Related ANSI Standard: None.

99. MP 482–4, Preparation of Interlaboratory Working Standards for Surveillance of Nuclear Materials Measurement Methods.

Scope: Providea procedures for preparing special nuclear material (SNM) standards from in-house batch material or from National Bureau of Standards-Standard Reference Material (NBS-SRM) plutonium.

Related ANSI Standard: None.

100. MP 483–4, Preparation of Working Standards for Intra- and Interlaboratory Surveillance of Nuclear Materials Measurement Methods—Uranium Nitrate Solution.

Scope: Describes methods of preparing, packaging, and analyzing working standards.

Related ANSI Standard: None.

101. MP 484–4, Shipping and Receiving Control.

Scope: Sets forth the methods by which a receiver takes physical control of material and the steps by which he assures himself of the accuracy of the shipper's statement of content. Also sets forth methods of evaluating the shipment quantity and the required reporting of shipping and receiving SNM.

Related ANSI Standard: None.

102. MP 490–4, Internal Transfer of Nuclear Material.

Scope: This guide will provide the fundamentals of an internal transfer system for nuclear materials, including types of information requires on transfer forms the procedures for accounting for such forms, the handling of identifiable discrete and nondiscrete items, and the procedures to be followed in making an internal transfer.

Related ANSI Standard: None.

103. MP 494–4, Standard Format and Content for the Special Nuclear Material Control and Accounting Sections of a License Application.

Scope: To provide guidance regarding the information required in the material control and accounting section of a license application and will prescribe the format for such information.

Related ANSI Standard: None.

104. MP 509–4, Standard Format and Content for the Physical Protection Sections of a License Application.

Scope: To provide guidance regarding the information required in the physical protection section of a license application and will prescribe the format for such information.

Related ANSI Standard: None.

105. OH 003–3, Surface Contamination Limits.

Scope: Endorses, with certain modifications, ANSI standard N328 which specifies acceptable levels of radioactive contamination on surfaces to be released for uncontrolled use. Provides guidance on the methods for ensuring that these limits are met.

Related ANSI Standard: N328, Control of Radioactive Surface Contamination on Material Equipment and Facilities to be Released for Uncontrolled Use.

106. OH 010–2, Dosimetry for Criticality Accidents.

Scope: Endorses, with certain modifications, ANSI standard N13.3–1969 which provides criteria for a system capable of measuring the doses received by personnel involved in a criticality accident.

Related ANSI Standard: N13.3–1969, Dosimetry for Criticality Accidents.

107. OH 013–3, Performance Specification for Reactor Emergency Monitoring Instrumentation.

Scope: Endorses, with certain modifications, ANSI standard N320 which defines the types of instrumentation, the essential performance parameters, and general placement criteria for monitoring the accidental release of radionuclides associated with a postulated serious accident at a reactor facility. Not specified are particular instruments or systems or the number and specific location of such instruments. For the purpose of this guide, rapid measurement of fission products is the predominant consideration in assessment of radiation emergencies.

Related ANSI Standard: N320 Performance Specifications for Reactor Emergency Monitoring Instrumentation.

108. OH 015–3, Neutron Dosimeters.

Scope: Endorses, with certain modifications, ANSI standard N319 which gives performance criteria and use factors for personal neutron dosimeters, but does not include accuracy criteria.

Related ANSI Standard: N320 Performance Specifications for Personnel Neutron Dosimeters.

109. OH 018–2, Criticality Accident Alarm Systems.

Scope: Endorses, with certain modifications, ANSI standard N16.2–1969 which describes acceptable criteria for criticality accident alarm systems. The Commission is considering changes in § 70.24 (38 FR 28301) and the guide will implement the amended regulation.

Related ANSI Standard: N16.2–1969, Criticality Accident Alarm Systems.

110. OH 020–2, Respiratory Protection.

Scope: Characterizes acceptable respiratory protection programs. Provides particular guidance on proper use of respirators when application of engineered controls on airborne radioactive materials is not practicable. A companion document, WASH–1267, "Respiratory Protection Against Airborne Radioactive Materials," to be issued, provides more detailed technical requirements and backup information.

Related ANSI Standard: Z88.2–1969, Practices for Respiratory Protection. Z88.1–1969, American National Standard Safety Guide for Respiratory Protection Against Radon Daughters.

111. OH 405–4, Bioassay for Plutonium.

Scope: Provides guidance for bioassay determinations for personnel potentially exposed to plutonium.

Related ANSI Standard: N317, In-plant Plutonium Monitoring for Personnel Protection.

112. PS 046–2, Classification and Testing of Self Luminous Services.

Scope: Endorses, with certain modifications, ANSI standard N540 which describes generally acceptable qualification testing procedures and results for radioactive self-luminous sources.

Related ANSI Standard: N540, Classification of Radioactive Luminous Light Sources.

113. PS 055–2, Leak Testing of Packages.

Scope: Endorses, with certain modifications, ANSI standard N14.5 which describes stable methods for leak testing packages or radioactive material to satisfy the performance standards for sensitivity now contained in IAEA regulations.

Related ANSI Standard: N14.5, Leakage Tests on Packages for Shipment of Radioactive Materials.

114. SS 001–2, Calculation of Annual Average Doses to Man from Routine Releases of Reactor Effluents for the Purpose of Implementing Appendix I of 10 CFR Part 50.

Scope: Describes basic features of calculational models and assumptions for the estimation of radiation doses to man from effluent releases.

Related ANSI Standard: None.

115. SS 001–2, Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Boiling Water Reactors (BWRs).

Scope: Describes a method for calculating annual average expected releases of radioactive material in liquid and gaseous effluents from boiling water reactors.

Related ANSI Standard: None.

116. SS 001–2, Calculation of Releases of Radioactive Materials in Liquid and Gaseous Effluents from Pressurized Water Reactors (PWRs).

Scope: Describes a method for calculating annual average expected releases of radioactive material in liquid and gaseous effluents from pressurized water reactors.

Related ANSI Standard: None.

117. SS 001–2, Methods for Estimating Atmospheric Dispersion of Gaseous Effluents from Routine Releases.

Scope: Describes meteorological data and atmospheric diffusion models for estimating effluents from routine releases.

Related ANSI Standard: None.

118. SS 001–2, Analytical Models for Estimating Radioisotope Concentration in Different Water Bodies.

Scope: Describes diffusion models for estimating dispersion of liquid effluents in different types of water bodies.

Related ANSI Standard: None.

119. SS 001–3, Cooling Water Systems—Protection of Aquatic Organisms (Entrapment).

Scope: Endorses, with certain modifications, proposed ANSI standard N223 which provides guidance to power plant cooling system siting, design, and operation for controlling damage to aquatic organism from entrapment and impingement.

Related ANSI Standard: N223, Entrapment/Impingement: Guide to Steam Electric Power Plant Cooling System Siting, Design, and Operations for Controlling Damages to Aquatic Organisms at Water Intake Structures.

120. SS 002–3, Cooling Water Systems—Protection of Aquatic Organisms (Entrainment).

Scope: Endorses, with certain modifications, proposed ANSI standard N517 which provides guidance to power plant cooling system siting, design, and operation for controlling damage to aquatic organisms from entrainment.

Related ANSI Standard: N517, Entrainments: Guide to Steam Electric Power Plant Cooling System, Siting, Design, and Operation for Controlling Damage to Aquatic Organisms.

121. SS 003–3, Cooling Water Systems—Protection of Aquatic Organisms (Cold Shock).

Scope: Endorses, with certain modifications, proposed ANSI standard N518 which provides guidance to power plant cooling system siting, design, and operation for controlling damage to aquatic organisms from cold shock.

Related ANSI Standard: N518, Cold Shock: Guide to Steam Electric Power Plant Cooling System Siting, Design, and Operation for Controlling Damage to Aquatic Organisms.

122. SS 005–3, Assessing Impacts of Transmission Lines.

Scope: Methods of assessing impacts of transmission lines from environmental, land use, and socioeconomic points of view and gives instructions for treating issues on transmission lines in environmental statements.

Related ANSI Standard: None.

123. SS 011–2, Nuclear Power Plants—General Environmental Siting Guides.

Scope: Siting criteria and site selection for nuclear power plants.

Related ANSI Standard: None.

124. SS 402–4, Interim Effluent Monitoring Guide UF_6 Conversion Facilities.

Scope: Provides interim guidance for licensees under 10 CFR Part 40 pertinent to effluent monitoring and reporting.

Related ANSI Standard: Not applicable.

125. SS 403–4, Interim Effluent Monitoring Guide for Uranium Milling.

Scope: Provide interim guidance for licensees under 10 CFR Part 40 pertinent to effluent monitoring and reporting.

Related ANSI Standard: Not applicable.

126. SS 404–4, Interim Effluent Monitoring Guide for Fuel Fabrication Facilities.

Scope: Provides interim guidance for licensees under 10 CFR Parts 40 and 70 pertinent to effluent monitoring and reporting.

Related ANSI Standard: Not applicable.

127. SS 405–4, Environmental Plant Performance Characteristics—Site Designation.

Scope: Identifies the site-interactive performance characteristics of a typical nuclear power facility. A numerical envelope for each characteristic will be provided as a basis for making impact assessments at designated sites.

Related ANSI Standard: Not applicable.

128. SS 406–4, Interim Effluent Monitoring Guide for Irradiated Fuel Reprocessing.

Scope: Provides interim guidance for licensees under 10 CFR Parts 40 and 70 pertinent to effluent monitoring and reporting.

Related ANSI Standard: Not applicable.

129. SS 407–4, Guide for the Preparation of Environmental Technical Specifications for Nuclear Power Plants.

Scope: Provide guidance on format and content for limiting conditions for operations, environmental surveillance, special surveillance and study activities, and administrative controls. Example and model technical specifications will be provided where appropriate.

Related ANSI Standard: Not applicable.

130. SS 409–4, Revision 1 to Regulatory Guide 4.2, Preparation of Environmental Reports for Nuclear Power Plants.

Scope: Revise Regulatory Guide 4.2 to update ecological and meteorological information requirement and to, take into account comments received from the public.

Related ANSI Standard: Not applicable.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 4th day of November, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74–26349 Filed 11–8–74; 8:45 am]

MANAGEMENT OF COMMERCIAL HIGH-LEVEL AND TRANSURANIUM CONTAMINATED RADIOACTIVE WASTES

Members of Presiding Board for Public Hearing Concerning Draft Environmental Impact Statement

On Thursday, September 12, 1974, the Atomic Energy Commission (AEC) announced in the FEDERAL REGISTER (39 FR 32929) the issuance of its Draft Environmental Impact Statement (DES), WASH 1539, entitled, "Management of Commercial High-Level and Transuranium Contaminated Radioactive Wastes." That notice also announced the scheduling of a public hearing concerning the DES and the AEC program which it assesses, starting at 10 a.m. on November 12, 1974, in the AEC Auditorium in Germantown, Maryland and sets forth the applicable hearing procedures. Those procedures provide that the hearing will be conducted by a Presiding Board to be composed of three members.

Notice is hereby given that the AEC has appointed as Presiding Board members Mr. George T. Frampton of the University of Illinois College of Law, Dr. Thomas Franklin Parkinson of the University of Missouri, and Mr. Joseph Coates of the Office of Technology Assessment of the United States Congress.

Dated at Germantown, Maryland, this 7th day of November, 1974.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74–26488 Filed 11–8–74; 10:16 am]

CIVIL AERONAUTICS BOARD

[Docket 26973]

AEROMAR, C. POR A.

Charter and Nonscheduled Authority—Dominican Republic-United States; Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on November 25, 1974, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before November 18, 1974.

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., November 5, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74–26378 Filed 11–8–74; 8:45 am]

[Docket No. 27153, etc.; Order 74–11–33]

HONOLULU-VANCOUVER ROUTE PROCEEDING, ET AL.

Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of November, 1974.

In the matter of Honolulu-Vancouver route proceeding, Docket 27153; applications of Hawaiian Airlines, Inc., Docket 27034; Northwest Airlines, Inc., Docket 26934; United Air Lines, Inc., Docket 27047; Western Air Lines, Inc., Docket 26703; for amendment of their certificates of public convenience and necessity; application of Western Air Lines, Inc., Docket 27038; for an exemption or other relief.

On May 8, 1974, a new bilateral air transport agreement between the United States and Canada was signed. This agreement provides for a number of new routes for United States and Canadian carriers, including authority between Honolulu and Vancouver for U.S. carriers, which authority was effective upon the date the agreement was signed. There is an established Canadian carrier on that route, CP Air.

Hawaiian Airlines (Docket 27034), Northwest Airlines (Docket 26934), United Air Lines (Docket 27047) and Western Air Lines (Docket 26703) have filed applications for amendment of their certificates of public convenience and necessity to include Honolulu-Vancouver authority.

On September 20, 1974, Western also filed an application, pursuant to section 416(b) of the Act, for an exemption from the provisions of section 401 of the Act insofar as they would otherwise prevent it from providing service between Honolulu and Vancouver. The carrier requests that the authority be made effective until final decision on its application in Docket 26703. In the alternative, Western moves the Board for an order to show cause why its certificate for route 52 should not be amended so as to authorize Honolulu-Vancouver service.

In support of its application for exemption/order to show cause, Western states, inter alia, that Honolulu-Vancouver was treated by the U.S. negotiators of the new bilateral agreement with Canada as "Western's route"; that the U.S. gave Canada new authority between Vancouver and Los Angeles, for which authority Canada has now designated CP Air, in exchange for the Honolulu-Vancouver route; that CP Air's application

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for the new Vancouver-Los Angeles authority will be acted upon favorably many months before a comparative hearing dealing with Honolulu-Vancouver could be completed; that Western requires the revenues from the Honolulu-Vancouver route to partially offset losses of over $3 million from the entrance of CP Air into the Vancouver-Los Angeles market; and that Western projects an operating profit of nearly $500,000 on the requested route in the year beginning July 1, 1975.

Answers in opposition to Western's application for exemption authority or for an order to show cause were filed by Hawaiian, United, Northwest, and Alaska Airlines.[1]

Upon consideration of the pleadings and of all the relevant facts, we have decided to (a) institute an investigation to be set down for hearing for the purpose of considering the need for U.S.-flag service between Honolulu and Vancouver; (b) consolidate for hearing in such a proceeding the applications of Hawaiian, Northwest, United and Western in, respectively, Dockets 27034, 26934, 27047 and 26703, insofar as their applications conform to the scope of the proceeding instituted herein; and (c) deny Western's application for exemption authority or, in the alternative, for an order to show cause.

This proceeding is clearly an inappropriate one for the use of show cause procedures. There are already four competing applicants for the Honolulu-Vancouver route and controversial and complex questions have been raised which cannot be resolved absent a full evidentiary hearing.[2] However, although we recognize the need to speedily resolve the question of whether there is a need for a U.S. carrier on the Honolulu-Vancouver route and, if necessary, to establish such a carrier in the market in competition with an already established Canadian carrier, we believe that the ordinary hearing processes are sufficient to accomplish those goals.

As for Western's request for exemption authority pending the disposition of its route application, the carrier has not persuaded us that the exercise by the Board of its extraordinary exemption powers under section 416(b) of the Act is required by the public interest. We believe, on the facts before us, that it would be undesirable to grant a pendente lite exemption to one of several competing applicants.

Finally, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 101(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based, therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should nonstop service be authorized. In its application for exemption authority pending final Board decision on its application in Docket 26703, Western proposes the addition of a single daily nonstop Honolulu-Vancouver round trip.[3] In view of the size of the Honolulu-Vancouver market (50,265 O&D passengers in 1972 and 49,235 in 1973 with a sixty-day CP air strike-July 25-September 22)[4] and the level of existing service,[5] it is unlikely that any of the candidates for the authority in issue would offer significantly more service. Such a service change must be placed against the large overall level of traffic at Honolulu. Honolulu ranked 16th among U.S. airports in air carrier passenger enplanements for fiscal year 1972. In 1973 there were 307,000 aircraft operations at Honolulu International Airport, with 309,000 projected for 1975 and 315,000 for 1976.[6] It can be assumed that the air traffic at Vancouver is also of a substantial order. Therefore, it is unreasonable to suppose on the face of the matter that authorization of nonstop service in the Honolulu-Vancouver market will lead to more than very minor environmental changes.

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, *It is ordered*, That:

1. A proceeding to be known as the Honolulu-Vancouver Route Proceeding, Docket 37153, be and it hereby is instituted and shall be set down for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted by paragraph 1, above, should include consideration of the following issues:

(a) Do the public convenience and necessity require the certification of an air carrier or air carriers to engage in foreign air transportation between Honolulu, Hawaii, and Vancouver, British Columbia, Canada?

(b) If the answer to (a) is in the affirmative, which air carrier(s) should be authorized to engage in such service?

(c) What conditions, if any, should be placed on the operation of such carrier(s)?

3. Insofar as they conform to the scope of the proceeding set forth in paragraph (2) above, the applications of Hawaiian Airlines, Inc., in Docket 27034, Northwest Airlines, Inc., in Docket 26934, United Air Lines, Inc., in Docket 27047, and Western Air Lines, Inc., in Docket 26703, be and they hereby are consolidated with the proceeding instituted by paragraph (1) above; to the extent not consolidated, the foregoing applications be and they hereby are dismissed without prejudice;

4. The application of Western Air Lines, Inc., in Docket 27038, be and it hereby is denied;

5. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed 20 days from the service date of this order and answers thereto should be filed five days thereafter;

6. The motion of Alaska Airlines, Inc. for leave to file a late-filed document, be and it hereby is granted; and

7. A copy of this order shall be served upon the following:

(a) The Departments of the Interior, Transportation, Commerce, Housing and Urban Development and Health, Education and Welfare; the National Aeronautics and Space Administration; the Federal Aviation Administration; the General Services Administration; and the Environmental Protection Agency;

(b) The Department of Planning and Economic Development, P.O. Box 2359, Honolulu, Hawaii 96804.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26380 Filed 11-8-74;8:45 am]

[1] Alaska's answer is accompanied by a motion for leave to file a late-filed document. We will grant that motion.

[2] In regard to Western's contention that U.S. negotiators of the bilateral agreement viewed Honolulu-Vancouver as "Western's route," as Western well knows, no 401 issues are decided in the course of bilateral negotiations and the Board is in no way bound by any U.S. positions taken during such negotiations. The proper forum for all such issues is in a Board proceeding in which the entire record and the positions of all parties are considered.

[3] Six days a week May-October.

[4] "Air Passenger Origin and Destination—Canada—United States Report," Statistics Canada.

[5] Honolulu-bound. CP Air provides a daily nonstop flight with an extra nonstop on Saturdays. In the opposite direction, it provides a daily (except Thursday) nonstop, with extra nonstops on Mondays and Saturdays.

[6] *Terminal Area Forecast, 1975–1985*, Department of Transportation, FAA, Office of Aviation Economics, Aviation Forecast Division, July 1973, pages IX and PC 5. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

[Docket No. 26609]

MODERN AIR TRANSPORT, INC.

Hearing and Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on December 10, 1974, at 10:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Alexander N. Argerakis.

Dated at Washington, D.C., November 5, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-26379 Filed 11-8-74;8:45 am]

[Docket No. 26238; Order 74-11-26]

PRIORITY AIR CARGO SERVICE

Order Extending and Modifying Authorization of Inter-Carrier Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of November, 1974.

By Order 74-2-118, dated February 27, 1974, as modified on reconsideration by Order 74-4-1, dated April 1, 1974, (petition for reconsideration of Order 74-4-1 denied by Order 74-5-74, dated May 14, 1974) the Board authorized discussions, subject to conditions, among the airlines then participating in air express service, concerning priority air cargo service.[1]

The airlines participating in these discussions have now filed a motion for modification of Order 74-4-1, requesting that the expiration date of the discussion authorization be changed to December 31, 1974, and that the conditions in ordering paragraphs 1(c), (d), (e), and (f) of Order 74-4-1[2] be waived with respect to contract negotiations conducted by interested airlines with other persons for the performance of air express ground and administrative services by such other persons.[3] In support of their motion, the airlines assert that substantial progress has been made at the discussions, but that certain problems have not yet been resolved, necessitating an extension of the authorization to the end of the year.[4] The airlines also contend that the conditions imposed by Order 74-4-1 are not conductive to the effective accomplishment of the type of business arrangement contemplated with a third party for ground services, and that the public interest will be protected, despite the partial waiver of these conditions, since the product of these negotiations will be an agreement subject to the scrutiny of all interested persons and to Board approval before it can become effective.

Answers to the airlines' motion have been filed by the Air Freight Forwarders Association (AFFA),[5] by REA Express, Inc., and in a joint filing by the National Small Shipments Traffic Conference, the Drug & Toilet Preparations Traffic Conference, and the Eastern Industrial Traffic League (the Conferences). A reply to the REA answer has been filed by some of the airlines participating in these discussions (the Task Force airlines).[6]

AFFA asserts that the stay issued by the court (see note 9, below) does not justify the requested extension of discussion authorization to the end of the year,[7] because (1) the discussions were not intended to provide a substitute for REA's service, but to establish a different type of service which is needed whether REA continues air express service or not, and (2) a number of carriers have now withdrawn from the Air Express agreement with REA (see note 11, below), and the court stay of the disapproval of that agreement does not affect the services of these carriers. AFFA also opposes the requested condition modifications, saying that the limited opportunities for outside party participation as provided in Order 74-4-1 were a retreat from the earlier discussion conditions, and that the airlines have not given sufficient justification for the requested modifications of the conditions. AFFA also requests that the Board direct the airlines to limit their discussions to interline coordination of extra-fast, next-flight-out cargo service, and to promptly file an agreement dealing with this subject.

The Conferences do not oppose the requested extension of the discussion authorization to December 31, and say that if no agreement is reached by then the Board should impose appropriate guidelines on the airlines. They oppose the requested condition modifications on the ground that mere public participation in the formal section 412 consideration process is not sufficient, since any agent chosen by the airlines for the performance of the air express ground and administrative services could become a very large indirect air carrier. The Conferences request that the Board undertake more rigorous enforcement of the discussion conditions, ending the airlines' use of task force meetings.[8]

REA contends that where the Board's discussion authorization orders are before a United States Court of Appeals for review, pursuant to section 1006 of the Act, and where that court has issued a stay of the effectiveness of some of the orders being reviewed,[9] the Board is without authority to modify or extend the discussion authorization, except by leave of the court. It also argues that the requested modifications of the discussion conditions are unfair and would fundamentally change the nature of the discussions from that originally authorized. Other contentions in the REA answer are that the airlines have been lax in complying with the procedural requirements of the discussion conditions; that the airlines' task force meetings have been held without Board approval and in contravention of the procedural safeguards of the discussion authorization; that the airlines prevented shippers from discussing the continuation of REA's air express service at the meetings, but discussed the matter among themselves in their private sessions; that these discussions are improper because of the ex parte Board contacts; that the elimination of government observers, as requested in the airlines' motion, would eliminate a check on the subjects being discussed; that pursuant to the modified discussion conditions the airlines would entirely exclude the opinions of the shipping community; that until an interline proposal is submitted, the airlines cannot consider any other matters but such an agreement at these discussions;

[1] The request for this authorization stemmed from the Board's decision in the Express Service Investigation (Docket 22388). By Order 73-12-36, as modified by Order 74-5-25, the Board decided that the air express exemption authority of REA Express, Inc., and the approvals of the agreements under which air express service is now offered jointly by REA and the airlines should be terminated. By Order 74-6-118, the Board denied REA's motion for a stay of the effectiveness of this decision, but the United States Court of Appeals for the Second Circuit granted a similar motion for a stay made by REA.

[2] These conditions basically require that the discussions take place in Washington, D.C., that representatives of the Board and the United States Departments of Transportation and Justice be permitted to observe the meetings, that notices, agenda, and minutes of the meetings be provided to interested persons, and that interested persons be permitted to make oral and written presentations at each meeting and before the adoption of any agreement.

[3] The minutes of these discussions, as filed with the Board, indicate that approximately seven airlines are planning to contract with Air Cargo Inc. (ACI), an airline-owned company, to provide such services for the air express shipments of those airlines. See note 6 below.

[4] The airlines say that the stay of the effectiveness of Order 74-5-25 by the court (see note 9, below) and the resultant continuation of the present air express service make the end of the year a realistic expiration date for these discussions.

[5] AFFA is representing its members in this proceeding, in accordance with Part 263 of the Board's Regulations, 14 C.F.R. Part 263.

[6] The Task Force airlines are Air Canada, American, Eastern, Northwest, Trans World, and Western, each of which has indicated an interest in the ACI negotiations mentioned above. The other airline which has expressed interest in the third party terminal operator idea is New York Airways. The Task Force airlines' reply was, in accordance with Rule 4(f) of the Board's Rules of Practice (14 C.F.R. section 302.4), accompanied by a motion for leave to file an unauthorized document, which will be granted.

[7] AFFA suggested an extension only until October 1, 1974.

[8] The airlines at their meetings have appointed two task forces to discuss specific topics and report back to the full group. One of these is the task force desiring to conduct contract negotiations with ACI for ground services; the other was concerned with interline forms and procedures for priority air cargo service.

[9] On May 7, 1974, REA petitioned the United States Court of Appeals for the Second Circuit for review of the Board's orders in the Express Service Investigation (Docket 22388) and the Air Express Rates Investigation (Docket 22387), as well as those orders concerning the discussion authorization in this docket. On July 16, 1974, that court granted a motion by REA for a stay of the effectiveness Order 74-5-25.

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that the airlines are attempting to usurp REA's goodwill by substituting ACI for REA, which action constitutes an unfair method of competition within the meaning of section 411 of the Act; that if the airlines' request is granted, their contract with ACI would be submitted to the Board as a fait accompli on a take-it-or-leave-it basis; that the agreement of the airlines should be put in final form and submitted to the Board only after presentation as a tentative agreement to the public in an open meeting; that the agreement should be made only among the direct air carriers, and the Board should determine which indirect carrier may participate in it; and that the Board should await disposition of the court review proceeding before taking further action in this docket.

The Board has considered REA's contention that it does not have the authority to modify or extend the discussion authorization at this time because of the pendency of REA's petition for court review of the Board's orders in the Express Service Investigation, the Express Rates Investigation, and the orders authorizing the discussions concerning priority air cargo service in this docket. We disagree. First, we reject the contention that section 1006(d) of the Act withdraws from the Board the jurisdiction to act upon matters under review by a court. As we have previously pointed out, the purpose of section 1006(d) is to determine where jurisdiction lies as between different courts, rather than as between a court and the Board.[10] Second, the case before the court will not be altered by our action herein.[11] Rather, the extension of the discussion authorization and modification of the discussion conditions will enable the airlines to finish their plannnig for the new priority air cargo service which the Board has found them obligated to offer. Thus, the continuation of the discussions will aid the airlines and the public by allowing proper planning to take place. In any case, the discussion authorization being reviewed was effective for three months after REA filed its petition for review with the court. A continuation of that authorization is not an attempt to evade the court's jurisdiction but, rather, will preserve the situation as it existed when that litigation began. Further, it is noted that some airlines have exercised their rights to withdraw from the Air Express agreement,[12] and the air cargo services of these airlines appear to be unaffected by the case before the court or its outcome.

It appears, from the information filed in this docket by the airlines and from the monitoring of these discussions by the Board's staff, that these discussions have been productive to date and that there is more to be done by the airlines on this subject. The reasons which existed previously for the authorization of these discussions are still applicable.[13] Therefore, it is found that an extension of the authorization, as requested, is in the public interest and should be granted.[14] In addition, available information concerning these discussions indicates that some modification and clarification of the discussion conditions, as detailed below, is necessary.

As to the airlines' request that certain of the discussion conditions be waived with respect to contract negotiations between interested airlines and third persons for ground and administrative services, the airlines have not shown that the present conditions impose any real burden on the discussants, and as the Board has previously indicated, as a rule the public should be made aware of the details of Board-authorized discussions as they take place.[15] It is noted that the conditions in Order 74-4-1 allowed a much more private type of discussion than that originally authorized, pursuant to the airlines' request. It has not been shown that the conditions of Order 74-4-1 are harmful to the progress of these discussions, and we will not impose different conditions for different aspects of these discussions.[16]

The Board does not feel that the airlines should be limited in their discussions as suggested in the answers, nor should they be prohibited from discussing any aspect of the present air express service or pending court or Board cases as they may affect the new priority air cargo service.[17] Prompt institution of nationwide high priority air cargo service is in the public interest. In our judgment, the most efficient way to develop that service is to allow the airlines broad scope to discuss what each of the various carriers considers the best way to provide that service. We are pursuaded that the potential benefits flowing from such discussions outweigh any possible impairment of the interests of any indirect air carrier. Thus we do not agree that the discussions must be limited solely to next-flight-out cargo service, or that the airlines should be prohibited from continuing their discussions until their interline agreement is submitted, or that the airlines should be precluded from discussing whether a high priority air cargo system should include the services of one or more ground service agents agreed upon by the airlines (or who that ground service agent or agents should be).[18]

As a last matter, it appears that the airlines have not complied in all respects with some of the conditions previously imposed by the Board in connection with these discussions. The airlines have not scheduled the types of public sessions originally contemplated by the Board,[19] they have used "task forces" to further the work of the group and the task forces have not complied with some of the conditions imposed by the Board on the discussions,[20] and they filed some of the minutes of their discussions later than the time authorized by the Board's discussion authorization order. We have considered whether such matters warrant the Board's refusal to renew the discussion authorization, and have concluded that in view of the importance of the discussions, the relatively limited nature of the violations of the Board's discussion order, and the fact that no party filed prompt objections to the carrier actions notwithstanding the airlines' disclosure of such actions, such violations do not warrant disapproval of the present discussion authorization request. However, all parties are reminded that carriers violating discussion orders do so at their peril, and that our discussion authorization provides for quick modification or clarification by the Director of the Bureau of Operating Rights if such is requested by any person and found necessary.

[10] See Order 73-9-61, at page 6.

[11] It is noted that the stay issued by the court on July 16 does not cover the discussion authorization orders which are before that court.

[12] Southern, Delta, and North Central withdrew from the agreement. (North Central later rejoined.) United, Piedmont, Ozark, Continental, and Northwest have given the required notice of their intent to withdraw from the agreement in November and December 1974. REA's petition to the Board to require Southern, Delta, North Central, and Northwest to remain in the Air Express tariff was denied in Order 74-10-37.

[13] See Orders 73-12-36, at pages 38-39, and 74-2-118, at page 1. We again reject REA's arguments that this discussion authorization is improper, or that it opens the Board to ex parte contracts. See Order 74-4-1, at page 3.

[14] Although the requested extension until December 31 will be granted, the carriers should be aware that any continued delay in formulating plans for high priority service may raise serious questions under section 404 (a) of the Act. Thus the Board expects that the airlines will promptly make such filings with the Board as are necessary to implement the service contemplated by the Board in Order 73-12-36, including individual priority air cargo tariffs, agreements relating to interline forms and procedures, and agreements relating to ground service agents (to the extent the airlines deem such agreements useful in providing the public with the best possible high priority air cargo service discussed by the Board in Order 73-12-36).

[15] See Orders 74-4-1, at page 2, and 74-5-76, at page 2.

[16] Certain modifications of the conditions, of a mostly editorial nature, will be made.

[17] While the chairman of the airline discussions was correct in noting at the April 18, 1974 meeting that the question of the continuation or elimination of REA's air express service is not a matter that can be resolved at these meetings, there should be no inhibition on anyone's referring to the present REA service for comparative purposes or to indicate the type of services desired in the new system.

[18] We do not here express any view on whether any agreement among airlines relating to one or more ground service agents for priority air cargo service would be in the public interest. The possibility of an agreement by the airlines with ACI, which would, of course, be subject to Board action, to provide services which REA alleges are similar to those which REA now provides is not sufficient for a finding of an unfair or deceptive practice or unfair method of competition, within the meaning of section 411 of the Act.

[19] See Order 74-4-1, ordering paragraph 1(e), last clause.

[20] The designation of a task force to conduct contract negotiations with ACI does not appear to adversely affect the public interest so long as its activities are conducted in accordance with this order, and it will be authorized. The discussants should note that all task forces are subject to the same conditions as are applicable to the full group meetings.

Accordingly, *It is ordered*, That:

1. Ordering paragraph "1" of Order 74-2-118 be and it hereby is modified to read as follows:

"1. The petition in this docket for authorization of inter-carrier discussions concerning priority air cargo service be and it hereby is granted, subject to the following conditions:

(a) All direct air carriers and direct foreign air carriers which have participated in air express service shall be permitted to participate in each of these discussion meetings, including any task force meetings;

(b) These discussions shall not include the subjects of rate level, structure, or division: *Provided*, That they may consider types of commodities, if such consideration is limited to operational matters, such as the interline handling of extraordinary items; and *Provided further*, That the discussions may consider the degree of priority, if any, which live animals should be given when shipped in a new priority service;

(c) These discussions shall take place in Washington, D.C., at a date, time and place determined by the discussants;

(d) Representatives of the Board, DOT, and DOJ shall be permitted to attend each of these discussion meetings as observers;

(e) Notices, agenda, ground rules for the oral presentation by interested persons of views, suggestions, and requests to the discussants, and an address to which written comments for consideration by the discussants can be sent, pertaining to each noncontinuous meeting[21] authorized herein shall be sent to (1) all carriers eligible to participate in these discussions, (2) the Board Docket Section, (3) all persons who filed documents in this docket, and (4) all other persons who so request, such items to be filed with the Board and sent to the other persons enumerated not later than 5 business days before each meeting: *Provided*, That the airlines shall provide for the consideration of oral and written presentations by interested persons before the start of, or during each noncontinuous meeting authorized herein,[22] and after an oral presentation by discussants of the tentative conclusions reached in their executive sessions;

(f) Complete and detailed minutes of these discussions, including task force meetings, shall be maintained by the participants, including a summary of each item discussed and the opinions expressed by the discussants on each point (but without identification of the airline or airline representative making each point), and such minutes shall be filed with the Board's Docket Section, and sent to all other persons who so request,[22] within 5 business days after the date of each meeting;

(g) Any agreement or agreements reached as a result of the discussions authorized herein shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's Economic Regulations (14 C.F.R. 261) and Subpart P of the Board's Rules of Practice (14 C.F.R. 302.1608), and shall not become effective unless and until approved by the Board pursuant to section 412(b) of the Act: *Provided*, That the airlines filing the agreement shall accompany their application with a detailed justification for each aspect of it, including the reasons for the denial of material requests or suggestions made at the oral presentations or in writing by interested persons to the airlines;[23]

(h) The authorization granted herein shall expire after December 31, 1974; and

(i) The authorization granted herein may be extended, modified, clarified, or revoked at any time by the Board or by the Director of its Bureau of Operating Rights (action by the Director of the Bureau of Operating Rights to be subject to the procedures for review of staff action contained in Subpart C of 14 C.F.R. 385);"

2. The motion of the Task Force airlines for leave to file a reply be and it hereby is granted;

3. Except to the extent granted herein, all other outstanding requests in this docket be and they hereby are denied; and

4. This order shall be served on all persons on whom Order 74-2-118 was served.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26376 Filed 11-8-74;8:45 am]

[21] By noncontinuous meeting, we mean a meeting beginning 5 or more business days since conclusion of the previous meeting.

[22] The discussants may, if necessary, limit the time available to those requesting an opportunity to make oral presentations, if that is done on a fair and equitable basis.

[23] The discussants are not precluded from setting a nominal charge to be paid for those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies.

[24] Formal requests or suggestions of a similar nature can be grouped together and answered collectively.

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Director for Manpower Utilization, Directorate for Manpower Utilization, Office of the Deputy Assistant Secretary of Defense (Manpower Research and Utilization), Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26330 Filed 11-8-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Administrator, SRS/Commissioner, Assistance Payments Administration, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26328 Filed 11-8-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commissioner revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Commissioner, Assistance Payments Administration, Social and Rehabilitation Service.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26329 Filed 11-8-74;8:45 am]

ADVISORY COUNCIL REPORT

Public Availability

Pursuant to section 10(b) of the Federal Advisory Committee Act, (Pub. L. 92-463) and OMB Circular A-63 of March 27, 1974, notice is hereby given of the availability of a Supplementary Report to the President and the Congress, "More Effective Public Service." The report was prepared by the Advisory Council on Intergovernmental Personnel Policy.

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It is available for public inspection and copying at the following location:

U.S. Civil Service Commission
Office of Management Analysis and Audits
Room 7558
1900 E Street, N.W.
Washington, D.C. 20415

DONALD J. BIGLIN,
Advisory Committee Management Officer, U.S. Civil Service Commission.

[FR Doc.74-26308 Filed 11-8-74;8:45 am]

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, December 4, 1974, in room 5323 of the U.S. Civil Service Commission building, 1900 E Street, N.W.

This meeting will be open to the public and will consist of a continuation of discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government. Any member of the public who wishes to file a written statement with the committee may do so by furnishing it to the undersigned in room 3H30 of the Civil Service Commission building at any time prior to the meeting. Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, so that this request may be considered in the context of the constraints imposed by the agenda schedule for the year.

Further information about this meeting may be obtained by contacting the undersigned at 632-5595.

For the President's agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-26304 Filed 11-8-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

SPACE HEATERS

Notice of Meeting

The Consumer Product Safety Commission gives notice that an open meeting concerning space heaters will be held Wednesday, November 20, 1974, at 9:30 a.m. in room 450, Westwood Towers Building, 5401 Westbard Avenue, Bethesda, Maryland.

This meeting is at the request of representatives of the American Gas Association and the Gas Appliance Manufacturers Association, who wish to present information concerning space heaters that may be of interest to the Commission. The Commission voted October 31, 1974, to initiate proceedings toward development of mandatory safety standards for space heaters.

The meeting will be attended by members of the Commission staff from the Office of Standards Coordination and Appraisal, Bureau of Engineering Sciences, and Bureau of Epidemiology.

Any other parties who wish to attend this meeting should notify Mr. Harvey Tauker, Office of Standards Coordination and Appraisal, telephone (301) 496-7197.

Dated: November 6, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-26315 Filed 11-8-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 290-3]

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Notice of Meeting

Pursuant to Pub. L. 92-463, notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Tuesday, November 26, 1974, in room 1133A of the U.S. EPA Region V Office, 230 S. Dearborn Street, Chicago, Illinois.

The purpose of this meeting is to discuss comments related to the 316(a) demonstration for Zion and Waukegan Stations and to discuss lakewide effects programs for 1975.

The meeting will be open to the public. Any member of the public wishing to attend the meeting should contact the Executive Secretary, Mr. William D. Franz, Environmental Protection Agency, Region V, Federal Activities Branch, 230 South Dearborn Street, Chicago, Illinois 60604. The telephone number is 312-353-5756. Minutes of the meeting will be made available for public inspection two weeks after the meeting at the EPA Region V Office.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-26275 Filed 11-8-74;8:45 am]

[FRL 291-7; opp-3200/138]

NOTICE OF RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered In Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before January 10, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 10, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 5590-RLT. Aerosol Techniques, Inc., Old Gate Lane, Milford CT 06460. SPRAY DISINFECTANT AND AIR DEODORANT CODE No. 226-46A AEROSOL SPRAY. Active Ingredients: Ethyl alcohol 59.9510%; o-phenylphenol 0.1500%; paratertamylphenol 0.0440%; Methyldodecylbenzyl trimethyl ammonium chloride 0.0320%; Methyldodecylxylylene bis (trimethyl ammonium chloride) 0.0060%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 241-EUU. American Cyanamid Co., PO Box 400, Agricultural Div., Princeton NJ 08540. PROWL 3E HERBICIDE Active Ingredients: [N-(1-ethylpropyl)-3, 4-dimethyl-2, 6-dinitrobenzenamine] 34.4%; Xylene 5.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 241-EUG. American Cyanamid Co., PO Box 400, Agricultural Div., Princeton NJ 08540. PROWL 4E HERBICIDE. Active Ingredients: [N-(1-ethylpropyl)-3, 4-dimethyl-2, 6-dinitrobenzenamine] 43.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11556-HT. Cutter Animal Health Lab., Div. of Bayvet Corp., PO Box 390, Shawnee Mission KS 66201. MALEX POUR-ON FOR LICE. Active Ingredients: Fenthion (0,0-Dimethyl 0-[4-(methylthio)-m-tolyl] phosphorothioate 7.6%; petroleum distillate 57.4%; Xylene 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 475-ROG. Boyle-Midway Inc., South Ave., & Hale St., Cranford NJ 07016. BLACK FLAG PROFESSIONAL POWER FLYING INSECT KILLER. Active Ingredients: d-trans allethrin (allyl homolog of Cinerin 1) 0.50%; Technical piperonyl butoxide (equivalent to 1.12% (butylcarbityl) (6-propylpiperonyl) ether and 0.28% related compounds) 1.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 498-OU. Chase Products Co., 19th & Gardner Rd., Broadview IL 60153. SPRAY-PAK SPRAY-FOG. Active Ingredients: Ronnel [0, 0-Dimethyl 0-(2,4,5,-Trichlorophenyl) Phosphorothioate] 2.00%; Dichlorvos (2,2-dichlorvinyl dimethyl Phosphate) 0.47%; Related Compounds 0.03%; Pyrethrins 0.4%; Technical Piperonyl Butoxide 0.80%; N-octyl bicycloheptene dicarboximide 1.38%; Petroleum Distillate 1.84%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7998-RG. Chemix Corp., 1141 108th St., Arlington TX 76011. C 56 DETERGENT SANITIZER. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 5.8%; Sodium dodecylbenzene sulfonate 4.0%; Sodium metasilicate 5.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7998-RE. Chemix Corp., 1141 108th St., Arlington TX 76011. C 280 WASH SANITIZER. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 28%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 100-501. Ciba-Geigy Corp., PO Box 11422, Greensboro NC 27409. SUPRACIDE LEMONS. Active Ingredients: O,O-dimethyl phosphorodithioate, S-ester with 4-(mercaptomethyl) -2-methoxy-Δ-1,3,4-thiazolin-5-one 24.4%; Aromatic petroleum solvent 6.8%; Xylene 60.9%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13437-U. Du Cor Chemical Corp., PO Box 6068, Orlando FL 32803. DU COR ROACH & ANT INSECTICIDE. Active Ingredients: Diazinon 0.50%; Pyrethrins 0.05%; Piperonyl Butoxide Technical 0.10%; Petroleum Distillate 99.19%; N-Octyl bicycloheptene dicarboximide 0.16%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13437-L. Du Cor Chemical Corp. DU COR POWER FOG. Active Ingredients: Malathion 3.000%; Pyrethrins 0.140%; Piperonyl Butoxide 0.298%; Synergist 264 0.498%; Petroleum Distillates 96.064%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13437-A. Du Cor Chemical Corp. DU COR CHLORDANE EMULSIFIABLE LIQUID INSECTICIDE. Active Ingredients: Chlordane Technical 35.9%; Xylene Range Aromatic Hydrocarbon Solvent 11.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13437-T. Du Cor Chemical Corp. DU COR CHINCH BUG E-RAD. Active Ingredients: O, O-Diethyl O-(2-isopropyl - 4 - methyl-6-pyrimidinyl) phosphorothioate 11.9%; Aromatic Petroleum Derivative solvent 75.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13437-G. Du Cor Chemical Corp. DU COR CONCENTRATED FLY INSECTICIDE. Active Ingredients: Aromatic petroleum distillate 46.24%; Malathion 45.78%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13437-L. Du Cor Chemical Corp. DU COR TURF INSECTICIDE. Active Ingredients: Chlordane Technical 35.9%; Malathion 18.3%; Petroleum Distillates 35.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2437-RG. Elkhorn Chemical Co., Inc., One Elk Lane, Elkhorn WI 53121. ELKO ELKODINE. Active Ingredients: alpha - (p-Nonylphenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 16.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2437-RU. Elkhorn Chemical Co., Inc., One Elk Lane, Elkhorn WI 53121. ELKO IODINE SANITIZER. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly(oxyethylene)-iodine complex 18.05%; Phosphoric 16.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 279-EOOG. FMC Corp., A.C.D. Industrial Sales Dept., 100 Niagara St., Middleport NY 14105. CODE 758.50 PYRENONE A.C. 11.667-2.333 INSECTICIDE FOR FORMULATION OF INSECTICIDES ONLY. Active Ingredients: Pyrethrins 2.333%; Piperonyl Butoxide, Technical 11.667%; Petroleum Distillate 52.667%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-2712. FMC Corp., Agricultural Chem. Div. FURADAN 10 GRANULES. Active Ingredients: Carbofuran 10%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 279-EOOU. FMC Corp., Agricultural Chem. Div. CODE 819.60 BPR AEROSOL CONCENTRATE INSECTICIDE FOR FORMULATION OF INSECTICIDES ONLY. Active Ingredients: Pyrethrins 0.961%; Piperonyl Butoxide, Technical 1.374%; Rotenone 0.045%; Other Cube Resin Extractives 0.092%; Petroleum Distillate 28.624%: Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9237-RG. Guardian Chemical Co., Inc., 7111 Radford St., No. Hollywood CA 91605. GUARDIAN ECONO-CHLOR POOL CHLORINE. Active Ingredients: Calcium Hypochlorite 35%; Sodium Carbonate 35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10107-RI. Harris Serum & Supply Co., Inc., PO Box 410, McCook NE 69001. HARRIS CHLORDANE 20G FOR SOIL INSECT CONTROL. Active Ingredients: Technical Chlordane 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10107-EN. Harris Serum & Supply Co., Inc. HARRIS DIAZINON 14-G GRANULAR INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10107-RO. Harris Serum & Supply Co., Inc. HARRIS DIAZINON AG 500. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48.00%; Xylene 39.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3618-EO. Industrial Colloids and Chemicals, Inc., PO Box 1946, Knoxville TN 37901. INDUSTRIAL FORMULA 20% LINDANE. Active Ingredients: Gamma isomer of benzene hexachloride from Lindane 20.00%; Xylene 55.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11411-G. Leslie's Pool Mart, Inc., 7756 Balboa Blvd., Van Nuys CA 91406. LESLIE'S CHLORINATOR TABLETS. Active Ingredients: Trichloro-s-Triazinetrione 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11411-E. Leslie's Pool Mart, Inc., 7756 Balboa Blvd., Van Nuys CA 91406. LESLIE'S POOL BRITE. Active Ingredients: Trichloro-s-Triazinetrione 70.0%; Sodium Carbonate (pH adjuster) 30.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1839-TG. Onyx Chemical Co., Div. of Millmaster Onyx Corp., 190 Warren St., Jersey City NJ 07302. BTC-40 CONCENTRATED GERMICIDE. Active Ingredients: n-Alkyl (C12 40%, C14 50%, C16 10%) Dimethyl Benzyl Ammonium Chlorides 40%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3835-ENE. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 1926 DISINFECTANT-DETERGENT. Active Ingredients: Isopropanol 10.97%; Sodium 2,4,5-trichlorophenate 4.34%; Tetrasodium ethylenediamine tetrasecetic acid 4.00%; Sodium o-benzyl-p-chlorophenate 3.46%; Sodium 4-chloro-2-cyclopentylphenate 3.25%; Sodium xylene sulfonate 3.20%; Sodium lauryl sulfate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2169-GLN. Patterson Chemical Company, Div. Curry-Cartwright, Inc., 1400 Union Avenue, Kansas City MO 64101. PATTERSON'S 25% CHLORDANE GRANULES. Active Ingredients: Technical Chlordane 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 432-LUN. S. B. Penick & Co., a Unit of CPC International, Inc., 100 Church St., New York NY 10007. SBP-1382/BIOALLETHRIN CONCENTRATE 10.10-67.28 FOR FORMULATION OF INSECTICIDES ONLY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2, 2 - dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 10.10%; Related compounds 1.38%; d-trans allethrin (allyl homolog of Cinerin I) 67.28%; Related compounds 5.06%; Aromatic petroleum hydrocarbons 13.37%; Petroleum distillate 2.41%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655-LRT. Prentiss Drug & Chemical Co., Inc., 363 Seventh Ave., New York NY 10001. PRENTOX 3 LB. HEPTACHLOR EMULSIFIABLE CONCENTRATE. Active Ingredients: Aromatic Petroleum Derivatives 51.0%; Heptachlor (Heptachlorotetrahydro-4,7-methanoindane) 33.1%; Related compounds 10.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655-LRA. Prentiss Drug & Chemical Co., Inc. PRENTOX PRENCHLOR 4-LB EMULSIFIABLE CONCENTRATE. Active Ingredients: Technical Chlordane 45.3%; Petroleum Distillate 49.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655-LRO. Prentiss Drug & Chemical Co., Inc. LIQUID HOUSEHOLD INSECT SPRAY #1. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide, Technical 0.26%; 0,0-diethyl 0-(2-isopropyl-6-methyl-4 - pyrimidinyl) phosphorothioate 0.50%; Petroleum Distillates 99.12%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 478–IO. Realex Corp., Box 78, Kansas City MO 64141. REAL–KILL AUTOMATIC INDOOR FOGGER. Active Ingredients: Pyrethrins 0.30%; n-octyl sulfoxide of isosafrole 1.32%; related compounds 0.18%; 2,2–dichlorovinyl dimethyl phosphate 0.28%; related compounds 0.02%; petroleum distillate 12.87%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5576–GU. Regal Supply & Chemical, Box 1955, El Paso TX 79950. O SO BRITE. Active Ingredients: Hydrogen Chloride 22.87%; Alkyl (C12 40%, C14 50%, C16 10%) dimethyl benzyl ammonium chloride 0.33%; Ortho-dichlorobenzene 1.07%; Essential oils 0.23%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10900–UA. Sprayon Products, 26300 Fargo Ave., Bedford, Heights OH 44140. SPACE AND RESIDUAL AQUEOUS SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2–dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%; Petroleum Distillate 6.500%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13142–L. Texas Industrial Chemicals, Inc., PO Box 6065, Beaumont, TX 77705. TEX–O–PINE. Active Ingredients: Isopropanol 4.75%; Pine oil 3.95%; Alkyl (C14 58%, C16 26%, C12 14%) dimethyl benzyl ammonium chloride 1.97%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 148–RROE. Thompson–Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. CASORON 99. Active Ingredients: Dichlobenil 99.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7546–RA. United States Chemical Corp., PO Box 366, Watertown, WI 53094. STOP NO. 272 GERMICIDAL DETERGENT FOR FLOORS AND GENERAL CLEANING. Active Ingredients: Isopropanol 10.00%; Sodium Dodecyl Benzene Sulfonate 6.50%; Tetrasodium Salt of Ethylenediamine Tetraacetic Acid 1.40%; Sodium Ortho Benzyl Para Chlorophenate 5.60%; Sodium Ortho Phenyl Phenate 1.50%; Sodium 4,6–Chloro–2–Phenyl Phenate 0.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7401–ELI. Voluntary Purchasing Groups, Inc., PO Box 460, Bonham TX 75418. FERTI–LOME HOME GARDEN TOMATO & VEGETABLE DUST. Active Ingredients: Carbaryl (1–Naphthyl N–Methylcarbamate) 5%; Maneb (Manganese ethylene bisdithiocarbamate) 6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935–UNU. Wilbur–Ellis Co., PO Box 1286, Fresno CA 93715. RED–TOP CHLORATE CONCENTRATE. Active Ingredients: Sodium Chlorate 18.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935–UNE. Wilbur–Ellis Co. RED–TOP BOTRAN 6 DUST. Active Ingredients: 2,6–Dichloro–4–nitroaniline 6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2935–UNG. Wilbur–Ellis Co. RED–TOP BOTRAN 6 SULFUR 25 DUST. Active Ingredients: 2,6–Dichloro–4–nitroaniline 6%; Sulfur 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9639–RE. Willard Products, 70 Chemical Way, Redwood City CA 94063. POOL CHLORINE CONCENTRATE. Active Ingredients: Sodium Dichloro–s–triazinetrione 100%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following items represent corrections in the list of Applications Received previously published in the FEDERAL REGISTER of October 17, 1974 (39 FR 37092).

EPA File Symbol 4206–GR. The Barcolene Co., 620 South St., Holbrook MA 02343. BARCOLENE START UP. Active Ingredients: Sodium dichloro–s–triazinetrione dihydrate 49.1%. . . . Originally published as Active Ingredients: Sodium dichloro–s–triazinetrione dyhydrate 49.1%.

EPA File Symbol 31521–RG. Biotech Products Corp., Lapp Rd., Waterford NY 12188. BIOTECH DISINFECTANT SURFACE SPRAY P220. Active Ingredients: O–Phenyiphenol 0.220%. . . . Originally published as Active Ingredients: O–Phenylphenol 0.20%.

The following item represents corrections and/or changes in the list of Applications Received previously published in the FEDERAL REGISTER of October 21, 1974 (39 FR 37417).

EPA File Symbol 6837–LN. Wilmar, Inc., PO Box 311, Charlotte NC 28203. BACTERIO. Active Ingredients: Alkyl (C12 61%, C14 23%, C16 11%, C8 & C10 2.5%, C18 2.5%). . . . Originally published as Active Ingredients: Alkyl (C12 61%, C14 23%, C16 11%, C8 & C10 .5%, C18 2.5%).

Dated: October 31, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74–26274 Filed 11–8–74;8:45 am]

FEDERAL MARITIME COMMISSION

SAN FRANCISCO PORT COMMISSION AND PACIFIC FAR EAST LINE INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Richard A. Bobier, Chief Counsel
Port of San Francisco
Ferry Building
San Francisco, California 94111

Agreement No. T–2297–2, between the San Francisco Port Commission (Port) and Pacific Far East Line, Inc. (PFEL), modifies the parties' basic agreement which provides for the 50-year lease of premises known as Pier 96. The premises will continue to be used for the docking and servicing of vessels, particularly LASH vessels and containerized vessels, and the transfer, etc., of cargo and passengers in connection therewith. The purpose of the modification is to provide that PFEL shall retire all past due indebtedness to the Port and assist the Port in its efforts to develop a proposal for the utilization of both Pier 96 and 94 to accomodate multi-users.

By Order of the Federal Maritime Commission.

Dated: November 6, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–26385 Filed 11–8–74;8:45 am]

[Docket No. 71–89]

CHICAGO FREIGHT HANDLERS AGREEMENT

Order of Clarification and Further Hearing

In the Matter of Agreement FF 71–7 (Cooperative Working Arrangement).

On March 22, 1974, the Commission approved, subject to certain modifications, a cooperative agreement between six Chicago area freight handling organizations (Applicants),[1] and denied the objections of five competing freight handlers (Protestants).[2] This agreement (No. FF 71–7A) provided for the incorporation of a separate company known as Customs Forwarders, Inc. (Customs), to be jointly owned and managed by Applicants, and for the transfer of Interstate Commerce Act (ICA) domestic freight forwarding rights held by Bernard to the joint venture corporation.[3] On May 13, the United States Court of Appeals for the District of Columbia Circuit seeking review of the Commission's March 22nd order. Shortly thereafter the Commission requested the Court's leave to clarify its Order and to conduct further administrative proceedings concerning the Applicants' agreement. The court granted this motion by order dated October 11, 1974, on the condition that further proceedings be promptly scheduled.

Clarification of March 22, 1974, Order. Some confusion has apparently arisen concerning the scope of the Commission's March 22, 1974, Order, which makes it desirable to clarify our holding therein.

The only agreement found subject to section 15, Shipping Act, 1916, and the only agreement approved by the Commission, was that comprised of: (1) Applicants' July 29, 1970, Pre–Incorporation Agreement; (2) Applicants' June 3, 1971, Memorandum of Understanding; and, (3) Applicants' May 24, 1973, Amendment substituting Chicago Container Services, Inc., for Nettles & Co., Inc. 1974 Protestants lodged a petition with These three documents alone constitute Agreement No. FF 71–7A, which was found to be a complete copy of all arrangements and understandings between the six Applicants.[4] Agreement No. FF 71–7A was approved as filed with the exception of two paragraphs whose deletion was not challenged by Applicants and which are not presently under consideration.[5]

The Commission's reference to the "agreement to purchase Bernard's rights" and the "Bernard-Customs Agreement" at pages 6, 7, and 21 of the March 22, 1974, Order was not intended to identify the September 1, 1970, contract between Customs and Bernard for the transfer of Bernard's Part IV forwarding rights. These phrases merely describe Agreement No. FF 71–7A itself, which had as its primary purpose the launching of Customs into the Part IV forwarding field. The July 29, 1970, Pre–Incorporation Agreement details the terms governing the sale of Bernard's Part IV forwarding rights to Customs.[6] Under these circumstances, the subsequent September 1, 1970, contract of sale between Bernard and the newly formed corporation is completely subsidiary to the principal agreement, and does not require separate consideration by the Commission. Accordingly, the violation of section 15, Shipping Act, 1916, attributed to Applicants by the March 22, 1974, Order, referred only to their failure to timely file the Pre–Incorporation Agreement and their unapproved implementation of Agreement No. FF 71–7A between July 29, 1970, and March 22, 1974. Applicants were not ordered to file the September 1, 1970, contract and no further proceedings concerning this subsidiary agreement are contemplated.[7]

Notice of Further Hearing. In addition to clarifying the matters mentioned above, the Commission has also decided to exercise its continuing jurisdiction over Agreement No. FF 71–7A as provided by sections 15 and 25, Shipping Act, 1916 (46 U.S.C. 814, 24). Docket No. 71–89 will be reopened in order to further investigate Chicago Container Services, Inc.'s role in Applicants' joint venture and to examine the details of Applicants' proposed operations in light of the United States Supreme Court's 1973 ruling in *Federal Maritime Commission* v. *Seatrain Lines, Inc.*, 411 U.S. 726, as further interpreted by *American Mail Line, Ltd.* v. *Federal Maritime Commission*, — F.2d —, case No. 73–1252, D.C. Cir., decided June 28, 1974.

The Seatrain decision held that section 15 does not reach agreements which are actually mergers or other "one time acquisitions of assets," and not true cooperative working agreements. In approving Agreement No. FF 71–7A on the express understanding that unrestricted, good faith competition would continue between all six Applicants, the Commission did not consider the possibility that Applicants' proposal was limited to the passive acquisition and ownership of shares in a Part IV forwarding business which includes no ongoing responsibilities affecting competition between persons subject to the Shipping Act.[8] We note that Agreement No. FF 71–7A is silent concerning the future relationships between Applicants' individual businesses and Custom's proposed operation and that the actual operation of Customs as a Part IV forwarder may require additional agreements or understandings between the parties which have yet to be filed with the Commission. See *Associated Banning Co.* v. *Matson Co.*, 5 F.M.B. 336, 342–3 (1957).

Inasmuch as the hearing record contains little or no evidence concerning the proposed daily operations of Customs and the methods by which continued competition between Applicants will be achieved, we believe it necessary to stay our Order approving Agreement No. FF 71–7A and refer this matter to the Office of Administrative Law Judges for the purpose of reaching findings of fact and conclusions of law on the four issues specified below.[9] This proceeding will be handled on an expedited basis, and a Supplemental Initial Decision shall be promptly prepared which may reverse or modify the Commission's March 22, 1974, order.

Wherefore, *it is thereby ordered*, That, the Commission's March 22, 1974, order in FMC Docket No. 71–89 is stayed, pending further order of the Commission;

It is further ordered, That, the Commission's March 22, 1974, order in FMC Docket No. 71–89 is clarified to the extent set forth above;

It is further ordered, That, FMC Docket No. 71–89 is hereby reopened for further investigation and hearing to determine whether the Commission's March 22, 1974, order should be modified or reversed pursuant to section 25, Shipping Act, 1916;

It is further ordered, That, FMC Docket No. 71–89 is assigned to the Office of Administrative Law Judges for handling on an expedited basis;

It is further ordered, That, further evidentiary hearings be conducted in FMC Docket No. 71–89, for the purpose of resolving the following issues:

1. Whether the proposed joint operation of Customs Forwarders, Inc., by the six parties to Agreement No. FF 71–7A, including the specific role, if any, to be played by Chicago Container Services, Inc., involves any plan or method for customer referral, customer pooling, or particularized sales efforts which would result in a lessening of competition between the parties in their customhouse brokerage or independent ocean freight forwarding businesses, or would create any other anti-competitive effects contrary to the public interest;

2. Whether the proposed joint ownership and operation of Customs Forwarders, Inc., involves a true cooperative working arrangement within the meaning of section 15, Shipping Act, 1916, or whether the parties' participation in Customs Forwarders, Inc., is a type of asset acquisition which would remove Agreement No. 71–7A from the Commission's jurisdiction under the standards adopted in *Federal Maritime Commission v. Seatrain Lines, Inc.*, 411 U.S. 726 (1973).

3. Whether that portion of Agreement No. FF 71–7A which proposes the continued joint

[1] J. E. Bernard & Co., Inc. (Bernard); Quast & Co., Inc.; E. Besler & Co., Inc.; K.S.A. Illinois, Inc; and William McGinty Co., are all independent ocean freight forwarders licensed by this Commission and also Customhorse Brokers regulated by the Treasury Department. The sixth Applicant Chicago Container Services, Inc., is engaged only in container packinig operations and is not a person subject to the Shippinig Act, 1916.

[2] Alltransport, Inc., (Alltransport) and Intervenor D. O. Andrews International, Inc. (Andrews), are customhouse brokers. C. S. Greene and Co., Inc. is a nonvessel operating common carrier and independent ocean freight forwarder; Lyons Transport, Inc., and Import Freight Carriers, Inc., as well as Alltransport, are ICA Part IV domestic freight forwarders.

[3] The transfer of these Part IV forwarding rights required ICC approval which was obtained, after hearing, on March 28, 1974. Protestants also opposed this administrative action, and appealed the award to the United States District Court for the Northern District of Illinois on April 8, 1974 (74C 983). The ICC then stayed its action pending appeal. Arguments before a three judge court are scheduled for November 7, 1974.

[4] Although the Commission's March 22, 1974, Order did not use the file number FF 71–7A, the "A" number was the technically correct designation subsequent to Applicants' May 24, 1973, Amendment.

[5] The stricken provisions were paragraphs 3 and 4 of the June 3, 1971, Memorandum of Understanding.

[6] These provisions are found in Article 11 of the Pre–Incorporation Agreement. The Commission concluded that Article 11 unquestionably placed the Pre–Incorporation Agreement within the broad scope of section 15, Shipping Act, 1916. March 22nd Order, page 6, paragraph 1.

[7] We reserve judgment as to whether such a sales contract would be subject to our jurisdiction in an independent factual context.

[8] Applicants' testimony indicated that the six joint venturers would continue to compete at arm's length in their other freight handling activities despite their mutual interest in Customs, that Customs would deal openly with all domestic freight forwarding customers without undue discrimination or favoritism, and that Applicants had formulated no understandings to the contrary.

[9] A stay is not inappropriate here since the ICC decision transferring Bernard's Part IV operating rights to Customs has been stayed since April 18, 1974. See note 3, supra.

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ownership and operation of Customs Forwarders, Inc., by Applicants following Custom's acquisition of Bernard's Part IV domestic forwarding rights is too vague and indefinite to permit Commission approval.

4. Whether, in light of all the facts and circumstances surrounding the proposed operations of Customs Forwarders, Inc., the substitution of Chicago Container Services, Inc., and Mr. Gene Sutterfield, for Nettles & Co., Inc. and Mr. L. Lee Nettles, as stockholder and director, respectively, defeats the Commission's jurisdiction over Agreement No. FF 71–7A.

It is further ordered, That, said hearings commence on or before January 21, 1975;

It is further ordered, That, the Administrative Law Judge to whom the further proceedings in FMC Docket No. 71–89 are assigned permit the introduction of evidence and prepare factual findings which include, but are not limited to, the following matters:

(a) The appropriate geographical market in which Customs Forwarders, Inc., will compete as a Part IV freight forwarder, and the difference, if any, between this market and the geographic markets for Applicants' other freight handling services;

(b) The number of businesses engaged in independent ocean freight forwarding, customhouse brokerage, Part IV forwarding, nonvessel operating common carriage, and container packing within Customs Forwarders, Inc.'s, proposed geographic market;

(c) the market share enjoyed by each individual Applicant in the lines of commerce listed in (b) above;

(d) the estimated Part IV business—in both dollar volume and number of potential customers—which each Applicant initially expects to refer to Customs Forwarders, Inc.;

(e) the dollar volume of each Applicant's business in each of the five relevant product lines and the relative size of this business compared to that of the Protestants;

(f) the methods by which the six Applicants will manage and operate Customs Forwarders, Inc., including their sales and customer referral plans and utilization of container packing services, if any;

(g) the likelihood that any of the Applicants other than J. E. Bernard & Co., Inc., would independently seek to enter the Part IV forwarding business were it not for the instant agreement; and,

(h) whether annual installment payments set forth in Article 11 of the Pre-Incorporation Agreement have been made to J. E. Bernard & Co., Inc., and if so, the source of such funds and the method of payment.

It is further ordered, That, the Administrative Law Judge to whom the further proceedings in FMC Docket No. 71–89 are assigned issue a Supplemental Initial Decision as to whether and to what extent the Commission's March 22, 1974, order should be reversed or modified in light of the findings of fact and conclusions of law entered on the four above-specified issues;

It is further ordered, That, a copy of this Order be forthwith published in the FEDERAL REGISTER and served upon all parties to FMC Docket No. 71–89, including Intervenor D. C. Andrews International, Inc., and that said respondents be duly served by the presiding Administrative Law Judge with notice of the time and place of all scheduled hearings and related matters.

It is further ordered, That, the Secretary of the Commission promptly mail copies of this Order to the Antitrust Division, United States Department of Justice, and the United States Court of Appeals for the District of Columbia Circuit.

It is further ordered, That, all further proceedings in FMC Docket No. 71–89 be governed by the Commission's rules of practice and procedure (46 CFR Part 502) as amended on September 11, 1974 (Docket No. 74–11, 39 FR 3322), and that all respondents wishing to avail themselves of pre-hearing discovery therefore commence such procedures on or before December 11, 1974.

All persons having an interest in this proceeding should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with § 502.72 of the Commission's rules, with a copy to all parties.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–26386 Filed 11–8–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–9078]

PUBLIC SERVICE COMPANY OF INDIANA

Notice of Filing of Supplement to Electric Power Contract

NOVEMBER 5, 1974.

Take notice that on October 25, 1974, Public Service Company of Indiana (PSCI) tendered for filing a proposed supplement, dated December 1, 1974, to its Interconnection Agreement with Northern Indiana Public Service Company (Northern), dated January 1, 1974.[1] PSCI states that the purpose of this supplement is to increase the demand charge for Short Term Power from 40 cents per kilowatt per week to 45 cents per kilowatt per week, a change necessitated by present and future costs.

PSCI states that Northern has agreed to the proposed supplement, as is evidenced by Northern's signature on the supplement, as well as a Certificate of Concurrence submitted by Northern.

PSCI requests an effective date of December 1, 1974, for the proposal contained herein.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26345 Filed 11–8–74;8:45 am]

[1] Designated as Service Company Rate Schedule FPC No. 227.

[Docket No. E–9084]

ROCHESTER GAS AND ELECTRIC CORP.

Notice of Filing of Initial Rate Schedule and Petition for Waiver of Notice Requirement

NOVEMBER 5, 1974.

Take notice that on October 29, 1974, Rochester Gas and Electric Corporation (Rochester) tendered for filing a proposed Contract and Rate Schedule for the sale of firm capability between Rochester and the Consolidated Edison Company of New York, Inc. (Con Ed), dated October 23, 1974.

The Contract provides that Rochester will deliver to Con Ed 150 MW of firm capability and the energy associated therewith for the period commencing October 27, 1974, through October 25, 1975. Rochester states that the capability charge will be $16,372.00 per day, and that the energy charge will be at a rate equal to 110 percent of the incremental cost of the next 150,000 kilowatts over its system requirements.[1] The total minimum amount of revenue estimated to be derived over the proposed contract period is $4,174,860.00.

Rochester alleges that a transmission agreement is currently being negotiated between Con Ed and Niagara Mohawk Power Corporation (Niagara) whereby Niagara will undertake to transmit the energy purchased by Con Ed from various metering points of transmission interconnections between the Rochester and Niagara systems. Arrangements for compensation to Niagara for transmission losses experienced from transmitting energy under this Rate Schedule are to be negotiated as well.

Inasmuch as execution of the subject Contract and Rate Schedule was delayed, Rochester requests a waiver of the notice requirements of the Commission's Rules and Regulations, and proposes an effective date of October 27, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20428, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26346 Filed 11–8–74;8:45 am]

[1] Rochester estimates this average energy charge to be 11 mills plus 10 percent per Kwh.

[Docket No. RP72–91, Phase II, et al.]

SOUTHERN NATURAL GAS CO.

Extension of Procedural Dates

NOVEMBER 4, 1974.

On October 23, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by Order issued July 19, 1974, in the above designated matter. The motion states that the company and all intervenors have been contacted and have no objections.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence by Staff, December 3, 1974.
Service of Evidence by Intervenors, December 17, 1974.
Service of Rebuttal Evidence by the Company, January 6, 1975.
Hearing, January 14, 1975 (10:00 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26347 Filed 11–8–74;8:45 am]

[Docket No. CP75–124]

TENNESSEE GAS PIPELINE CO.

Notice of Application

NOVEMBER 5, 1974.

Take notice that on October 21, 1974, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Applicant), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP75–124 an application pursuant to section 7 (b) and (c) of the Natural Gas Act and § 157.7(g) of the regulations thereunder (18 CFR 157.7 (g)) for a certificate of public convenience and necessity authorizing the construction and for permission for and approval of the abandonment, for the 12-month period commencing November 5, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's sales or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $3,000,000, nor will the cost of any single project exceed $500,000. Applicant states that the proposed facilities initially will be financed from Applicant's general funds and/or from borrowings under Applicant's revolving credit agreements, which borrowings are later retired with Applicant's general funds or with funds raised by permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26348 Filed 11–8–74;8:45 am]

[Docket No. E–8158]

WISCONSIN POWER & LIGHT CO.

Notice of Compliance Filing

NOVEMBER 1, 1974.

Take notice that on October 3, 1974, the Wisconsin Power & Light Company (WP&L) tendered for filing revised rate schedules pursuant to ordering paragraph (D) of the Commission's order issued September 4, 1974, in the above referenced docket. The revised rate schedules reflect the level of revenues contained in the settlement cost of service, and WP&L states that, based on the stipulated rates, appropriate refunds will be sent to its customers on October 15, 1974. In addition, the Company states that a report of such refunds will be sent to the Commission in accordance with the Commission's order issued September 4, 1974. Ordering paragraph (C) of the above order also required the deletion of certain restrictive language which restricted the resale of energy, and pursuant to this ordering paragraph, WP&L deleted said restrictive language. WP&L also states that copies of the compliance filing have been sent to each purchaser under such rates and the Public Service Commission of Wisconsin.

Any person desiring to be heard or to protest said filing should file comments with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before November 8, 1974. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26298 Filed 11–8–74;8:45 am]

[Docket No. RI74–235]

GROUP 27, AGENT

Order Setting Proceedings for Hearing

On May 16, 1974, Group 27, Agent (Group 27) [2] filed a letter with the Commission requesting that it be granted a rate of 75 cents per Mcf for sales of natural gas to the Tennessee Gas Pipeline Company, Division of Tenneco Inc. (Tennessee) from a single well on the M. D. Huebner Lease, South Lucky Field, Matagorda County, Texas (Texas R.R. District No. 3—Texas Gulf Coast Area). Group 27's letter request is being treated as an application for special relief pursuant to Section 4 of the Natural Gas Act [3] and § 2.76 [4] of the Commission's general policy and interpretations.

Group 27 proposes to expend $25,000 for the installation of salt water disposal equipment to restore production from the currently depleted subject well in order to produce an estimated 250 Mcf of gas per day for one year with five barrels of condensate per MMcf of gas. The gas is to be sold pursuant to a letter agreement dated June 13, 1974, between Tennessee and Group 27 at "the rate authorized by the Commission," and pursuant to an April 28, 1953 base contract who primary term expired April 28, 1973. Under an extension of the base contract, a small amount of gas has been sold to Tennessee as a result of swabbing operations.

Notice of Group 27's petition for special relief was issued on May 28, 1974, and appeared in the FEDERAL REGISTER at 39 FR 19984 on June 5, 1974. Tennessee filed a timely petition to intervene on June 17, 1974. The period for filing petitions to intervene or protest ended June 17, 1974.

Based on data supplied by Group 27, the Commission Staff prepared two unit cost of gas calculations.[4] Appendix A

[2] This group was granted a small producer certificate as Ted R. Stalder, Agent in Docket No. CS73–335.

[3] 15 U.S.C. 717, et seq.

[4] 18 C.F.R. 2.75; Order Promulgating Policy With Respect To Sales Where Reduced Pressures, Need For Reconditioning, Deeper Drilling, Or Other Factors Make Further Production Uneconomical At Existing Prices, Order No 481, Docket R–458, 49 FPC 992 (issued April 12, 1973).

[4] Attached hereto as Appendices A and B.

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utilizes the cost items exactly as presented by Group 27 while Appendix B utilizes costs that Staff feels are more appropriate. Because of the disparity between the results of the two calculations, the question is raised whether there is sufficient basis to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that this matter be set for hearing to determine what relief, if any, should be granted.

The Commission finds:

(1) It is in the interests of the public convenience and necessity that the instant proceedings be set for hearing.

(2) Good cause exists to grant Tennessee's petition to intervene in the instant proceedings.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Chapter 1), Docket No. RI74–235 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on December 17, 1974, 10:00 a.m. (EST) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Group 27 and any intervenor supporting the application shall file their direct testimony and evidence on or before November 20, 1974. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, the Commission Staff, and all parties to this proceeding.

(E) The Commission Staff, and any intervenor opposing the application, shall file their direct testimony and evidence on or before December 4, 1974. All testimony and evidence shall be served upon the Presiding Administrative Law Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before December 11, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Administrative Law Judge, the Commission Staff, and all other parties to the proceeding.

(G) The above-named petitioner is permitted to intervene in this proceeding subject to the rules and regulations of intervene; and *provided, further,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interest as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of such interest shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A.—*Group 27 Agent, Docket No. RI74–235, M. D. Huebner Lease, South Lucky Field, Matagorda County, Tex. (TGC Area)*

CALCULATION OF UNIT COST OF GAS

Line No.	Description (a)	Volumes (b)	Costs (c)
1	Volumes (N.W.I.):		
2	Gas—thousands of cubic feet	119,929	
3	Liquids—barrels	1,688	
4	Average rate base:		
5	Average net investment		$21,734
6	Average working capital allowance		3,162
7	Average rate base		24,896
8	Costs of production:		
9	Return on rate base		6,535
10	Production expense		44,269
11	DD&A expense		43,467
12	Liquid credit		(8,862)
13	Total cost of production		85,409
14	Unit cost of gas:		
15	Cost of production (cents per thousand cubic feet)		71.22
16	Production tax at 7.5 percent gross		5.77
17	Unit cost of gas (cents per thousand cubic feet)		76.99

NOTE.—The above cost data are based on representations of the applicant contained in his filing. The volumes are based on staff's recoverable reserve estimate of 159,906 Mcf.

Line 1: Net working interest is 75 percent of 159,906 Mcf.
Line 5: From sheet 2, line 6.
Line 6: (Line 10, sheet 2×12.5 percent) divided by 1.75 yr production life.
Line 9: (Line 7×15 percent) times 1.75 yr production life.
Line 10: From line 10, sheet 2.
Line 11: From line 5, sheet 2.
Line 12: Liquids are valued at $5.25 per barrel for this project.
Line 15: Line 13 divided by line 2.

SUMMARY OF APPLICANTS FILED DATA

Line No.	Description (a)	Costs (b)
1	Investment:	
2	Net book value of lease	$10,967
3	Equipment available	7,500
4	Proposed new investment	25,000
5	Total capital expenditure	43,467
6	Average net investment [1]	21,734
7	Production costs:	
8	Operating costs	44,030
9	Regulatory expense [2]	239
10	Total production expense	44,269

[1] The average net investment is based on the sum of each years net book investment balance at midyear, assuming equal annual production, divided by the 21-month production life. In this case, this works out to be ½ the total capital expenditure.
[2] Regulatory expense as adopted in Opinion No. 699, at 0.2 cents per thousand cubic feet X 119,929 Mcf.

APPENDIX B.—*Group 27, Agent, Docket No. RI74–235, M. D. Huebner Lease, South Lucky Field, Matagorda County, Tex. (TGC Area)*

CALCULATION OF UNIT COST OF GAS

Line No.	Description (a)	Volumes (b)	Costs (c)
1	Volumes (N.W.I.):		
2	Gas—thousands of cubic feet	119,929	
3	Liquids—barrels	1,688	
4	Average rate base:		
5	Average net investment		$17,984
6	Average working capital allowance		1,274
7	Average rate base		19,258
8	Costs of production:		
9	Return on rate base		5,055
10	Production expense		17,837
11	DD&A expense		35,967
12	Liquid credit		(8,862)
13	Total cost of production		49,997
14	Unit cost of gas:		
15	Cost of production (cents per thousand cubic feet)		41.69
16	Production tax at 7.5 percent gross		3.38
17	Unit cost of gas (cents per thousand cubic feet)		45.07

NOTE.—The above cost data are based on representations of the applicant contained in his filing. The volumes are based on staff's recoverable reserve estimate of 159,906 Mcf.

Line 1: Net working interest is 75 percent of 159,906 Mcf.
Line 5: From sheet 2, line 5.
Line 6: (Line 9, sheet 2×12.5 percent) divided by 1.75 yr production life.
Line 9: (Line 7×15 percent) times 1.75 yr production life.
Line 10: From line 9, sheet 2.
Line 11: From line 4, sheet 2.
Line 12: Liquids are valued at $5.25 per barrel for this project.
Line 15: Line 13 divided by line 2.

SUMMARY OF APPLICANTS FILED DATA

Line No.	Description (a)	Costs (b)
1	Investment:	
2	Net book value of lease	$10,967
3	Proposed new investment	25,000
4	Total capital expenditure	35,967
5	Average net investment [1]	17,984
6	Production costs:	
7	Operating costs [2]	17,598
8	Regulatory expense [3]	239
9	Total production expense	17,837

[1] The average net investment is based on the sum of each year's net book investment balance at midyear, assuming equal annual production, divided by the 21-month production life. In this case, this works out to be ½ the total capital expenditure.
[2] This is staff's estimate of average operating costs based on (average from recent special relief proceeding) $838/mo×21 mo=$17,598.
[3] Regulatory expense as adopted in Opinion No. 699, at 0.2 cents per thousand cubic feet×119,929 Mcf.

[FR Doc.74–26206 Filed 11–8–74;8:45 am]

[Docket No. E–9046]

MONTAUP ELECTRIC CO.

Notice of Correction to Filing

NOVEMBER 1, 1974.

Take notice that on October 10, 1974, Montaup Electric Company (Montaup) disclosed the following errors in its filing of October 1, 1974 (issued October 15, 1974):

1. References to Fall River in Exhibit A of the Amendatory Agreement pertaining to the Pascoag Fire District should apply to Blackstone. "1.5%" should appear in the blank in section E of Exhibit A, and "2.2%" should appear in section D thereof instead of "1.4%".

2. References to Blackstone in Exhibit B of the Amendatory Agreement pertaining to Tiverton should be to Fall River; and "1.4%" should appear in section D thereof instead of "2.2%".

3. The reference to $0.1720 in section B, paragraph 2 of the filing letter should be $0.01720.

Montaup states that copies of the aforementioned errors and corrections thereto have been mailed to recipients of the filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10).

In light of the changes noted above, the filing date for all such petitions or protests was extended until November 7, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26295 Filed 11–8–74;8:45 am]

[Rate Schedule Nos. 379, etc.]

CONTINENTAL OIL CO., ET AL.

Rate Change Filings

NOVEMBER 1, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed below.

Any person desiring to be heard or to make any protest with reference to said filings should on or before November 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Filing date	Producer	Schedule Rate No.	Buyer	Area
	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	379	Transwestern Pipeline Co.	Permian Basin.
Oct. 11, 1974	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	[1] 97	Arkansas Louisiana Gas Co.	Other Southwest.
Do.	do.	[2] 96	do.	Do.
Oct. 15, 1974	Turnbull & Zoch Drilling Co., P.O. Box 1166, Corpus Christi, Tex. 78403.	4	United Gas Pipe Line Co.	Texas Gulf Coast.
Oct. 18, 1974	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75202.	26	Texas Eastern Transmission Corp.	South Louisiana.

[1] Supersedes sales made under General American Oil Co. of Texas FPC Gas Rate Schedule Nos. 47, 48, 49, 50, 55, 56, and 57.
[2] Supersedes sales made under General American Oil Co. of Texas FPC Gas Rate Schedule Nos. 1A and 3.

[FR Doc.74–26297 Filed 11–8–74;8:45 am]

[Docket No. CP75–123]

ARKANSAS LOUISIANA GAS CO.

Notice of Application

NOVEMBER 5, 1974.

Take notice that on October 18, 1974, Arkansas Louisiana Gas Company (Applicant), P.O. Box 1734, Shreveport, Louisiana 71151, filed in Docket No. CP75–123 and application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Natural Gas Pipeline Company of America (Natural) and the construction and operation of related exchange facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has contracted to buy gas which is so located as to make it most economical for Applicant to have Natural receive the gas for Applicant's account and return thermally equivalent volumes to Applicant at an existing point of intersection between the two pipeline systems. Accordingly, Applicant states, the two parties have entered into an exchange agreement, for an initial term of 20 years, which provides for the delivery of up to 10,000 Mcf of gas per day from Applicant to Natural at a delivery point in section 36, Washita County, Oklahoma, and the return of thermally equivalent volumes from Natural to Applicant at a delivery point in section 2, Grady County, Oklahoma.

Applicant states that it will install, own and operate the necessary gas delivery facilities in Washita County. Applicant further states that the necessary facilities at the Grady County delivery point are in place, and that Natural will operate the measurement facilities at that location. In addition, Applicant states that Natural will install and own suitable side taps and valves on its pipeline for both the receipt and return of gas from Applicant.

Applicant estimates the cost of its proposed construction to be $66,500, which will be financed from funds on hand. Applicant claims that in addition it will reimburse Natural for the actual cost of Natural's equipment and installation expense in connection with the transaction and for the volume of the gas, if any, Natural loses as a result of the installation.

Applicant notes that there is presently only one well ready to deliver gas, so the initial volume to be delivered will be less than 2,000 Mcf per day. Applicant states that the exchange agreement provides that if exchange volumes become large enough an additional delivery point may be designated for deliveries from Applicant to Natural and an alternate delivery point may be designated for redeliveries from Natural to Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition

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for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26332 Filed 11-8-74;8:45 am]

[Docket No. CS71-127]

BETTIS, BOYLE AND STOVALL

Petition for Waiver of Regulations

NOVEMBER 5, 1974.

Take notice that Bettis, Boyle and Stovall (Petitioner), P.O. Box 1168, Graham, Texas 76046, filed in Docket No. CS71-127 by letters on March 13, 1974, a notice of its succession to the interest of Robert L. Austin (Austin) in the Casey-Wheeler gas lease and on September 13, 1974, a request for waiver in part of § 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.40(c)) so as to permit Petitioner to continue the sale of natural gas in interstate commerce from its interest in the Casey-Wheeler lease formerly owned by Mobil Oil Corporation (Mobil), all as more fully set forth in the letters which are on file with the Commission and open to public inspection.

Petitioner, a small producer certificate holder in the subject docket, states that effective May 1, 1973, it acquired the Casey-Wheeler lease in Woodward County, Oklahoma, from Austin. Petitioner indicates that Austin had acquired said lease from a large producer, Mobil, on April 6, 1973.

Section 157.40(c) provides in part that sales may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer. Petitioner seeks waiver of said subsection so that it might continue the sale of natural gas from the recently acquired leasehold to Cities Service Gas Company (Cities Service). Petitioner expresses its willingness to accept a condition to its small producer certificate limiting the price it may collect for the above mentioned sale to the applicable area ceiling rate.

Any person desiring to be heard or to make any protest with reference to said petition for waiver should on or before November 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26334 Filed 11-8-74;8:45 am]

[Docket No. E-9075]

BOSTON EDISON CO.

Proposed Termination of Rate Schedule

NOVEMBER 4, 1974.

Take notice that on October 21, 1974, Boston Edison Company (Boston Edison) tendered for filing a proposed termination of FPC Rate Schedule No. 75. This rate scheduled purportedly terminates by its own terms on October 31, 1974, and Boston Edison thus requests an effective termination date of November 1, 1974.

Boston Edison further requests that the thirty day notice requirement set forth in § 35.15 of the Commission regulations be waived to allow the proposed effective date. Boston Edison cites administrative oversight for not giving the required notice. This rate schedule, FPC Rate Schedule No. 75, is the subject of a proceeding commencing November 5, 1974, Docket No. E-8810.

Any person desiring to be heard or to protest said application should file a petition to intervene or portest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or portests should be filed on or before November 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26339 Filed 11-8-74;8:45 am]

[Docket No. RP74-99]

CASCADE NATURAL GAS CORP.

Further Extension of Procedural Dates

NOVEMBER 5, 1974.

On November 1, 1974, Staff Counsel filed a motion to further extend the procedural dates fixed by Order issued August 1, 1974, as most recently modified by Notice issued September 30, 1974, in the above-designated matter. Mountain Fuel Supply Company an intervenor, has no objection. On November 4, 1974, Cascade Natural Gas Corporation filed an answer in which they agreed to Staff's extension only if the date for rebuttal testimony and the hearing date were likewise extended.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Evidence, November 14, 1974.
Service of Intervenors Evidence, November 28, 1974.
Service of rebuttal evidence, January 6, 1975.
Hearing, January 15, 1975 (10:00 a.m e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26335 Filed 11-8-74;8:45 am]

[Docket No. E-8755]

CENTRAL KANSAS POWER CO.

Further Extension of Procedural Dates

NOVEMBER 4, 1974.

On November 1, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by Order issued July 2, 1974, as modified by Notice issued October 18, 1974, in the above designated matter. The motion states that all interested parties have been notified and have no objection.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, November 19, 1974.
Service of Intervenor's Testimony, December 3, 1974.
Service of Company's Rebuttal, December 17, 1974.
Hearing, January 13, 1975 (10:00 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26296 Filed 11-8-74;8:45 am]

[Docket No. RP75-27]

CITIES SERVICE GAS CO.

Proposed Changes in FPC Gas Tariff

NOVEMBER 1, 1974.

Take notice that Cities Service Gas Company (Cities Service) on October 23, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, consisting of the following tariff sheets:

Eleventh Revised Sheet PGA-1
Second Revised Sheet No. 37D
Original Sheet Nos. 37H, 37I, and 37J

Cities Service states that the filing proposes an increase above its presently effective rates which would increase revenues from jurisdiction sales by $8,948,536, based on sales volumes for the test period (the twelve months ended June 30, 1974, adjusted for known changes through March 31, 1975). Cities Service further states that such filing also includes a change in the base cost of purchased gas in Cities Service's PGA clause to reflect the average cost of purchased gas reflected in the increased rates.

Cities Service states that the increased rates are required to reflect a rate of return of 10.5 percent, an increase in composite book depreciation rates to 3.73 percent, increases in the cost of purchased gas, certain costs related to advance payments to producers for natural gas supplies, increases in plant and related cost of service items, increases in the cost of materials, supplies, wages, and services, increases in ad valorem, payroll, franchise and State income taxes, and a reduction in gas purchase and sales volumes.

Cities Service's filing also includes in its General Terms and Conditions a new Article 22 containing an advance payments rate adjustment provision.

Cities Service proposes an effective date of November 23, 1974, and states that copies of this filing were served on each of its customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26293 Filed 11-8-74;8:45 am]

[Docket No. RP72-122; PGA75-2]

COLORADO INTERSTATE GAS CO.

Proposed Change in Rates Under Purchased Gas Adjustment Clause Provision

NOVEMBER 5, 1974.

Take notice that Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), on October 23, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. The proposed changes would increase the commodity rate under each of CIG's jurisdictional rate schedules by 3.78 cents per Mcf.

CIG has requested Commission approval to withdraw its previously filed rate increase of October 15, 1974, and to substitute the instant filing in order to reflect a reduction in the rates from those originally filed by Northwest Pipeline Corporation in Docket No. RP72-154. The filing is proposed to be effective on November 1, 1974, the anticipated date of the Northwest increase to CIG, or on such other date as the Northwest increase is permitted to go into effect.

Copies of the filing have been served upon the Company's jurisdictional customers and other interested persons, including public bodies.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 13, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26338 Filed 11-8-74;8:45 am]

[Docket Nos. CP71-67, etc.]

COLUMBIA LNG CORP., ET AL.

Extension of Procedural Dates

NOVEMBER 5, 1974.

Columbia LNG Corporation, CP71-68; Consolidated System LNG Company, CP71-153; Southern Energy Company, CP71-151, CP71-264; Southern Natural Gas Company, CP71-276; Columbia LNG Corporation, Consolidated System LNG Company, CP71-289; Consolidated System LNG Company, CP71-290.

On October 31, 1974, Columbia LNG Corporation filed a motion for extension of the procedural dates fixed by Order issued October 22, 1974, in the above-designated matter. The motion states that the participating parties agree to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above designated matter are modified as follows:

Service of direct case, December 2, 1974.
Hearing, January 7, 1975 (10:00 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26337 Filed 11-8-74;8:45 am]

[Project No. 2338]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Extension of Time

NOVEMBER 4, 1974.

On October 29, 1974, Consolidated Edison filed a motion to extend the time in which to respond to the petition of Scenic Hudson Preservation Conference dated October 21, 1974, in the above-designated matter. The motion states that Scenic Hudson has no objection to the extension.

Upon consideration, notice is hereby given that the date for filing said answer is extended to and including November 11, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26336 Filed 11-8-74;8:45 am]

[Docket No. RI75-46]

EXXON CORP.

Order Setting Date for Hearing

NOVEMBER 4, 1974.

On September 23, 1974, Exxon filed with the Commission a notice of change in rate, designated as Supplement No. 41 to its Rate Schedule No. 357, for gas sold to Columbia Gas Transmission Corporation from acreage in the Louisiana and Offshore Louisiana areas. The proposed increases to 27.3766 cents per Mcf for onshore gas and 23.020 cents Mcf for offshore gas amount to $6,328,442 annually, and are alleged to be provided for by an agreement dated September 19, 1972, on file as Supplement No. 33 to Exxon's Rate Schedule No. 357. The proposed increases were suspended until November 28, 1974, by order issued October 23, 1974, in the above-entitled proceeding.

The proposed rates do not exceed the applicable just and reasonable ceiling established in Opinion No. 598[1] on a weighted average basis. There is, however, a question as to whether Exxon is contractually entitled to make the filing under its September 19, 1972 amendment.

Therefore, we deem it necessary that a hearing be held in this matter to decide the contractual issue.

The Commission finds:

It is necessary and in the public interest that the above-docketed proceeding be set for hearing.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Chapter 1), Docket No. RI75-46 is set for hearing and disposition.

(B) A public hearing on the contractual issue presented by the filing herein shall be held commencing on December 18, 1974, 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) Exxon Corporation shall file their direct testimony and evidence on or before November 27, 1974. All testimony and evidence shall be served upon the Presiding Judge, the Commission Staff and all parties to this proceeding.

(E) The Commission Staff, shall file their direct testimony and evidence on or before December 6, 1974. All testimony and evidence shall be served upon the Presiding Judge, and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before December 13, 1974. All parties submitting rebuttal testimony and evidence shall serve such testimony upon the Presiding Judge, the Commission Staff, and all other parties to the proceeding.

(G) Notices of intervention or petitions seeking leave to intervene in this

[1] Southern Louisiana Area Rate Proceeding, 46 FPC 86 (1971), affirmed, sub nom. Placid Oil Co. v. FPC, 5th Cir., 483 F.2d 880 (1973), affirmed sub nom. Mobile Oil Corp. v. FPC, ---- US ----, 42 U.S. L. Week 4842 (June 10, 1974).

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proceeding shall be filed with the Federal Power Commission, Washington, D.C., 18 CFR 1.8 and 1.37(f), on or before November 25, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26294 Filed 11-8-74;8:45 am]

[Docket No. RP75-1]

FLORIDA GAS TRANSMISSION CO.

Extension of Procedural Dates

NOVEMBER 4, 1974.

On October 30, 1974, Staff Counsel filed a motion for extension of the procedural dates fixed by Order issued July 31, 1974, in the above-designated matter. The motion states that the company and intervenors do not oppose the changes.

Upon consideration, notice is hereby given that the procedural dates in the above-matter are modified as follows:

Service of Staff Evidence, January 8, 1975.
Service of Intervenors Evidence, January 27, 1975.
Service of Company Rebuttal, February 18, 1975.
Hearing, March 11, 1975 (10:00 a.m., e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26299 Filed 11-8-74;8:45 am]

[Docket No. CP75-122]

GRAND GAS CORP.

Notice of Application

NOVEMBER 5, 1974.

Take notice that on October 17, 1974, Grand Gas Corp. (Applicant), P.O. Box 2806, Corpus Christi, Texas 78403, filed in Docket No. CP75-122 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale for resale and delivery of natural gas in interstate commerce to Northwest Pipeline Corporation (Northwest), successor to El Paso Natural Gas Company (El Paso), in the Cisco Dome and Book Cliffs fields in Grand County, Utah, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the sale to Northwest of gas which is purchased from the subject fields from various producers and transported through Applicant's gathering system. The sale of natural gas was authorized to be made to El Paso by Commission order issued on June 1, 1972, in Docket No. CP72-108 (47 FPC 1440), as amended by order issued January 28, 1974, in the same docket.

Applicant states that by Agreement of August 12, 1974, Applicant has agreed to sell to Northwest, on or before December 10, 1974, all assets, interests, rights and properties owned by Applicant. According to the August 12, 1974, agreement, Applicant will sell to Northwest all its issued and outstanding capital stock, which is owned by Tejas Gas Corp. (Tejas). Applicant's assets are said to include the gathering system used to transport the natural gas sold from the subject fields, which gathering system is a joint venture owned by Applicant and Treasure Resources, Inc. (Treasure). Northwest will purchase Treasure's share of the joint venture.

Applicant notes that its facilities relating to the subject sale of gas were determined by the order of June 1, 1972, not to be subject to the jurisdiction of the Commission. The application states that Northwest has informed Applicant that Northwest is of the opinion that it is not necessary for it to make any filing with the Commission in connection with its acquisition of all the gas gathering facilities and other assets of Applicant. Said assets include, in addition to the subject gas gathering system and right of way, gas purchase contracts, contractual rights and interests under certain rental equipment agreements between Applicant and Bethlehem Steel Corporation Supply Division, leasehold interests, and United States government permits.

According to the application, Applicant is party to the following gas purchase contracts, all dated October 19, 1971:

(1) contract with Union Texas Petroleum, Cabeen Exploration Corp., J. D. Wrather, Del E. Webb, Cerro Corp., Terra Resources and Julius Karosen;
(2) contract with Tenneco Oil Company, Tres Oil Company and Continental Oil Company;
(3) contract with Louis A. Chase and Marion Grossman;
(4) contract with Arlyne Lansdale and William G. Bush;
(5) contract with Ute Production Company;
(6) contract with Pumpelly-Stava Operator;
(7) contract with Arlyne Lansdale;
(8) contract with Eldon J. Card and John W. Moore;
(9) contract with Gulf Oil Corporation, Texaco, Inc., Humble Oil and Refining Co., and Great Yellowstone Corp.

Applicant further states that Northwest has advised that there will be no reduction in service to any of the parties involved with Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. f a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26331 Filed 11-8-74;8:45 am]

[Docket No. E-9080]

KANSAS GAS AND ELECTRIC CO.

Notice of Termination

NOVEMBER 5, 1974.

Take notice that on October 25, 1974 Kansas Gas and Electric Company (KG&E) tendered for filing a Notice of Termination of Supplement No. 9 to Rate Schedule FPC No. 75.

KG&E states that effective November 15, 1974, Supplement No. 9, effective May 15, 1974, and filed with the FPC by KG&E will terminate under the provisions of its own terms.

KG&E also states that notice of termination has been forwarded to the Oklahoma Gas and Electric Company, Oklahoma City, Oklahoma.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26340 Filed 11-8-74;8:45 am]

[Docket No. RP73-36; PGA75-1]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Changes in Rates and Charges

NOVEMBER 5, 1974.

Take notice that Panhandle Eastern Pipe Line Company (Panhandle) on October 15, 1974, tendered for filing Eleventh Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1, to be effective December 1, 1974. Panhandle states that the tendered tariff sheet contains changes in rates and charges intended to reflect increased cost of gas purchased from Trunkline Gas Company as a result of rate changes filed by Trunkline in Docket No. RP74-89 which were suspended until December 1, 1974. At the appropriate time, Panhandle states, it will file a change, if any, in its cost of purchased gas as a result of final disposition of the Trunkline rate increase in Docket No. RP74-89.

Panhandle states that it has forwarded a copy of the tendered revised tariff sheet to each of its jurisdictional customers and applicable State commissions. (No notice for publication in the FEDERAL REGISTER, pursuant to § 35.8(a) of the Commission's regulations, was included in the filing.)

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26341 Filed 11-8-74;8:45 am]

[Docket No. E-9076]

NEW BEDFORD GAS AND EDISON LIGHT CO. ET AL.

Filing of Amendment to Transmission Rate Schedules

NOVEMBER 4, 1974.

Take notice that on October 21, 1974, New Bedford Gas and Edison Light Company (New Bedford) filed, on behalf of itself, Boston Edison Company, Montaup Electric Company and New England Power Company, a letter agreement amending the below-listed Rate Schedules pursuant to section 205 of the Federal Power Act and the implementing provisions of the Commission's regulations thereunder:

(1) New Bedford Gas and Edison Light Company, Rate Schedule FPC No. 21.
(2) Boston Edison Company, Rate Schedule FPC No. 67 (concurs in (1) above).
(3) Montaup Electric Company, Rate Schedule FPC No. 27 (concurs in (1) above).

By the amendatory letter agreement tendered, New Bedford proposes to reduce its billings to Boston Edison Company and Montaup Electric Company for their respective shares of the carrying charges on certain 345 KV transmission facilities located in Southeastern Massachusetts.

New Bedford states that the proposed amendment is necessary due to the installation of a 115 KV circuit, wholly-owned by and benefitting only New Bedford, on a hitherto spare position of the double circuit transmission facilities extending from the Canal Electric Company switchyard to the Bourne Switching Station.

New Bedford requests that the Commission's notice requirements be waived to § 35.11 of its regulations in order to allow said letter agreement to become effective January 1, 1973.

Copies of the filing have been served by New Bedford upon Boston Edison Company, Montaup Electric Company, New England Power Company, and the Massachusetts Department of Public Utilities.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26342 Filed 11-8-74;8:45 am]

[Docket No. E-9018]

NORTHERN STATES POWER CO.

Notice of Application

NOVEMBER 1, 1974.

Take notice that on October 18, 1974, Northern States Power Company (Applicant), filed an application with the Federal Power Commission seeking authority pursuant to Section 204 of the Federal Power Act to issue and sell 2,300,000 additional shares of its common stock (par value $5.00). Applicant further requests that the issuance be exempt from the competitive bidding requirements of § 34.1a, (b) and (c) of the Commission's regulations under the Federal Power Act.

Applicant is incorporated under the laws of the State of Minnesota and is qualified as a foreign corporation in the States of North Dakota and South Dakota. Applicant owns and operates utilities properties and furnishes electric service at retail in 417 communities in adjacent rural territories and electric energy at wholesale for resale to 28 additional communities and to 14 other utility companies.

The proceeds from the issuance and sale of the additional shares of common stock will be used to finance the construction, completion, extension or improvement of electrical facilities.

Any person desiring to be heard or to make any protest with reference to the application should, on or before November 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26300 Filed 11-8-74;8:45 am]

[Docket No. E-9087]

NORTHERN STATES POWER CO. (MINNESOTA)

Notice of Application

NOVEMBER 5, 1974.

Take notice that on October 25, 1974, Northern States Power Company (Applicant) of Minneapolis, Minnesota, filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of unsecured Promissory Notes to commercial banks and to commercial paper dealers in amounts not exceeding in the aggregate $140,000,000 outstanding at any one time.

The Promissory Notes to be issued by the Applicant to commercial banks will be issued on various days in 1975, but no note will mature more than twelve months after date of issue or renewal. The interest rate of such notes will be at the prime loan interest rate of the banks in effect from time to time.

The Promissory Notes issued to commercial paper dealers will be issued on various days in 1975, but no note will mature more than nine months after date of issue nor will any note be ex-

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tended or renewed. The interest rate on such notes will be dependent upon the term of the notes and the money market conditions at the time of issuance. According to the application, the aggregate amount of commercial paper to be outstanding at any one time will not exceed $116,000,000 which is 25 percent of gross operating revenues ($466,034,000) for the twelve months ended June 30, 1974.

The proceeds from the issuance of the notes will be added to the general funds of the Applicant which general funds will be used, among other things, to finance in part the Applicant's 1975 construction program and advances to Northern States Power Company (Wisconsin), a wholly owned subsidiary, for similar purposes. Applicant estimates that construction expenditures for 1975 will total about $193,434,000 for NSP–MINN and $21,498,000 for NSP–WIS.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26343 Filed 11–8–74;8:45 am]

FEDERAL RESERVE SYSTEM

NEOSHO BANCSHARES, INC.

Order Denying Formation of Bank Holding Company

Neosho Bancshares, Inc., Thayer, Kansas, has applied for the Board's approval under section 3(a) (1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95.2 percent or more of the voting shares of The First State Bank, Thayer, Kansas ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the assets of Thayer Insurance Agency, Thayer, Kansas ("Agency"). Applicant would engage thereafter in the activities of a general insurance agency in a community not exceeding 5,000 inhabitants. Such activities have been determined by the Board in § 225.4(a)(9)(iii) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 30865). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in the respective Acts.

Applicant is a nonoperating corporation organized for the purpose of becoming a bank holding company through acquisition of Bank, and of acquiring the insurance agency business from the principal shareholders of Bank. Bank, with deposits of $5 million, representing less than 1 per cent of the commercial bank deposits in Kansas, is the fourth largest of six commercial banks operating in the Neosho County banking market.[1] Bank holds 8.1 percent of the total commercial deposits in this market. Inasmuch as the proposal represents merely a restructuring of Bank's ownership, the acquisition of Bank by Applicant would have no adverse effects on competition within the banking market. Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The Board has indicated on previous occasions that it believes a holding company should provide a source of strength for its subsidiary banks and that it will examine closely the condition of the applicant in each case with this view in mind. The present proposal entails a high level of acquisition debt which Applicant proposes to service over a period of 11 years through earnings from Agency, management fees from Bank, and dividends from Bank. It does not appear that Applicant's projected earnings are reasonable or attainable. Furthermore, even if Applicant's projections are realized, the projected earnings of Bank and agency do not, in the Board's view, provide Applicant with the necessary financial flexibility to meet its annual debt service requirements as well as any unforeseen financial problems that might arise at Bank. Accordingly, on the basis of the facts of record, the Board concludes that considerations relating to the financial aspects of Applicant's proposal weigh against approval of the application.

The proposed formation represents merely a restructuring of the ownership of Bank with no significant changes in Bank's operations or the services offered to customers. Consequently, considerations relating to the convenience and needs of the community to be served lend no weight toward approval of the application. On the other hand, as noted above, the servicing requirements of the acquisition debt incurred by Applicant could impair Bank's ability to continue to serve the community as a viable banking organization.

On the basis of all the circumstances concerning this application, the Board concludes that the financial considerations involved in the proposal present adverse factors bearing on the financial condition and prospects of Applicant and Bank. Such adverse factors are not outweighed by any procompetitive effects or by benefits which would result in serving the convenience and needs of the community.

Accordingly, it is the Board's judgment that approval of the application would not be in the public interest and that the application for approval to become a bank holding company should be denied.[2]

By order of the Board of Governors,[3] effective October 29, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74–26353 Filed 11–8–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LONG BRANCH COAL CO. ET AL.

Applications for Renewal Permits; Electric Face Equipment Standard Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4079–000, LONG BRANCH COAL COMPANY, Mine No. 2, Mine ID No. 15 02805 0, Partridge, Kentucky.
ICP Permit No. 4079–001 (Davis Drag Cable Shuttle Car, I.D. No. 1),
ICP Permit No. 4079–002 (Davis Drag Cable Shuttle Car, I.D. No. 2).

[1] All banking data are as of December 31, 1973 and reflect formations and acquisitions approved through September 30, 1974.

[2] In view of the Board's action with respect to the application to become a bank holding company, consideration of the section 4(c)(8) application to engage in insurance agency activities becomes moot.

[3] Voting for this action: Chairman Burns and Governors Sheehan, Bucher, Holland and Wallich. Absent and not voting: Governor Mitchell.

(2) ICP Docket No. 4320–000, BULLION HOLLOW COAL COMPANY, INC., Mine No. 19, Mine ID No. 44 01295 0, Wise, Virginia.
ICP Permit No. 4320–001–R–2 (Osborne 6.5x14x18 Push Out Car, Ser. No. 77),
ICP Permit No. 4320–002–R–2 (Wise 65x14x18 Push Out Coal Car, Ser. No. THR–3 #75),
ICP Permit No. 4320–003–R–2 (Wise THR–B Push Out Coal Car, Ser. No. 94),
ICP Permit No. 4320–004–R–2 (Wise THR–3 Push Out Coal Car, Ser. No. 84),
ICP Permit No. 4320–005–R–2 (Kersey 444 Rubber Tire Tractor, I.D. No. 6),
ICP Permit No. 4320–006–R–2 (Wise 4–S–L1 Rubber Tire Tractor, I.D. No. 2),
ICP Permit No. 4320–007–R–2 (Wise 4–S–L1 Rubber Tire Tractor, I.D. No. 1),
ICP Permit No. 4320–008–R–2 (Wise 4–S–L1 Rubber Tire Tractor, Ser. No. 313),
ICP Permit No. 4320–009–R–2 (Wise 4–S–L1 Rubber Tire Tractor, Ser. No. 346),
ICP Permit No. 4320–010–R–2 (Wise 4–S–L1 Rubber Tire Tractor, Ser. No. 351),
ICP Permit No. 4320–011–R–2 (Wise 4–S–L1 Rubber Tire Tractor, Ser. No. 321),
ICP Permit No. 4320–012–R–2 (Wise 4–S–L1 Rubber Tire Tractor, I.D. No. 3).

(3) ICP Docket No. 4326–000, PINE COAL CORPORATION, Mine No. 1, Mine ID No. 15 01367 0, Daisy, Kentucky.
ICP Permit No. 4326–003 (Kersey 744N Mine Tractor, I.D. No. T–1),
ICP Permit No. 4326–004 (Kersey 744N Mine Tractor, I.D. No. T–2),
ICP Permit No. 4326–005 (Kersey 744N Mine Tractor, I.D. No. T–3),
ICP Permit No. 4326–006 (Kersey BJD Mine Tractor, I.D. No. T–4).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before November 26, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

Dated: November 5, 1974.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

[FR Doc.74–26363 Filed 11–8–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 6, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce, Effect of Natural Gas Curtailment, Form DIB 977, Occasional, Weiner (395–4890), Business firms.

Ferrous Scrap, Form DIB 976, Single time, Caywood (395–3443), Largest dealers and consumers of ferrous scrap.

ENVIRONMENTAL PROTECTION AGENCY

Evaluation of Tertiary Granular Media Filters—Survey and Data Collection, Form ——, Single time, Weiner (395–4890), Wastewater plant technical staff.

REVISIONS

None.

EXTENSIONS

ENVIRONMENTAL PROTECTION AGENCY

Report of Pollution-Caused Fish Kill, Forms WQO 9265–A, WQO 9265–1B, Occasional, Evinger, Fish & game Comm. (395–3648).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–26459 Filed 11–8–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812–3705; Rel. No. 8577]

SOHIO/BP TRANS ALASKA PIPELINE FINANCE INC.

Filing of Application for Order of Exemption

NOVEMBER 7, 1974.

Notice is hereby given that Sohio/BP Trans Alaska Pipeline Finance Inc., 100 West Tenth Street, Wilmington, Delaware, 19899, a Delaware Corporation ("Applicant"), has applied, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission exempting Applicant from all provisions of the Act. All interested persons are referred to the application which is on file with the Commission for a statement of the representations made therein which are summarized below.

Applicant was organized by Sohio Pipe Line Company ("Sohio Pipe Line"), a Delaware Corporation, and BP Pipelines Inc., ("BP Pipelines"), a Delaware Corporation, wholy owned subsidiaries of The Standard Oil Company ("Sohio"), an Ohio Corporation, and the British Petroleum Company Limited, ("BP"), an English Corporation, respectively. Applicant contends that its sole purpose will be to assist Sohio Pipe Line and BP Pipelines ("the Pipeline Companies") in financing their respective costs of the Trans Alaska Pipeline System ("TAPS"), a 48-inch crude oil pipeline running 798 miles from the Prudhoe Bay oil field on the North Slope of Alaska to a tank farm and marine terminal at the ice-free port of Valdez on Alaska's southern coast.

Sohio Pipe Line owns a 33.34 percent undivided interest in TAPS and BP Pipelines owns an undivided 15.84 percent interest. The other owners of TAPS are six companies which also have interests in the Prudhoe Bay Field. Each owner is separately responsible for raising its share of the cost of construction of TAPS, expected to total in excess of $4,500,000,000 (not including interest).

BP owns shares of Sohio Special Stock which currently have rights equivalent to a 25% Common Stock interest in Sohio that can increase to an approximate 54% interest depending on levels of crude oil production from Sohio's Prudhoe Bay leases. In order to facilitate the financing of TAPS, BP agreed in July 1974 to cause BP Pipelines to acquire from Sohio Pipe Line a 15.84% interest in TAPS. The agreement also provided that Sohio and BP would cause Sohio Pipe Line and BP Pipelines to procure financing for the

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Pipeline Companies' respective interests in TAPS through the medium of a financing partnership.

Applicant proposes to purchase debt securities of Sohio Pipe Line and BP Pipeline which will be unconditionally guaranteed by Sohio and BP, respectively. To finance such purchases, Applicant plans to issue its own debt securities in the same aggregate principal amount and with the same maturities and interest rates as the debt securities of the Pipeline Companies. Applicant will lend approximately 68% of the proceeds of each sale of its debt securities to Sohio Pipe Line and the balance, or approximately 32%, to BP Pipelines (Sohio Pipe Line will own approximately 68% of Applicant's Common Stock and BP Pipelines will own the remaining shares).

Each series of debt securities issued by the Pipeline Companies, together with the guarantees of Sohio and BP, will be pledged as security to a trustee for the purchasers of the corresponding series of debt securities of Applicant. In addition, Sohio and BP will each enter into agreements with its respective pipeline company subsidiary to provide the subsidiary with funds necessary to meet its obligations under its debt securities issued to Applicant.

Applicant alleges that a series of public offerings, as well as one or more private placements, of debt securities of Applicant are contemplated. Any such securities which are publicly offered will be registered under the Securities Act of 1933 ("1933 Act"), and an indenture with respect to such publicly offered securities will be qualified under the Trust Indenture Act of 1939. The notes of the Pipeline Companies issued in connection with any public offering of Applicant's securities, as well as the related guarantees, will also be registered under the 1933 Act. Applicant proposes to file, about November 1, 1974, a registration statement under the 1933 Act registering between $200,000,000 and $300,000,000 principal amount of its debentures ("the Debentures"). The Debentures will be offered to the public through a firm commitment underwriting to be managed by Morgan Stanley & Co., Incorporated.

Applicant contends that through the joint financing BP Pipelines will have access to funds that would otherwise not be available to it because of the laws which restrict insurance company investments in foreign securities or in securities primarily secured by foreign guarantees.

Section 3(a)(3) of the Act defines the term "investment company" to include any issuer which "is engaged or proposes to engage in the business of investing, reinvesting, owning, holding, or trading in securities and owns or proposes to acquire investment securities having a value exceeding 40 per centum of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis." Since Applicant's proposed acquistion and holding of debt securities of the Pipeline Companies will constitute substantially all of the Applicant's assets, Applicant may be considered to be an investment company under the Act.

Applicant states that the Pipeline Companies will, in operating their interests in TAPS, be subject to regulation under the Interstate Commerce Act and its exemption from all the provisions of the Act would, therefore, be consistent with the spirit of section 3(c)(7) of the Act. Section 3(c)(7) exempts any company whose entire outstanding capital stock is owned or controlled by a company subject to regulation under the Interstate Commerce Act, provided that the assets of the controlled company consist substantially of securities issued by companies which are subject to regulation under the Interstate Commerce Act.

Applicant asserts that the character of its function as a conduit for the offering of notes of the Pipeline Companies and the related guarantees of Sohio and BP is indicated by the fact that, under Rule 140, promulgated under the 1933 Act, it is deemed to be engaged in the distribution of the notes and guarantees.

The payment of Applicant's debt securities will not depend on its operations or investment policies. Applicant will not deal or trade in securities but will invest only in the debt securities of the Pipeline Companies and will issue debt securities only in connection with future purchases of notes of the Pipeline Companies that are guaranteed by BP and Sohio. All of Applicants' equity securities will be owned solely by the Pipeline Companies. Applicant contends that both it and the Pipeline Companies, after registering their Debentures and notes under the 1933 Act, will be subject to the reporting requirements of the 1934 Act. Applicant also states that the proposed financing agreement will help to make available to the economy of the United States extensive resources of low sulphur oil.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person or transaction from any provision or provisions of the Act to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant has agreed, in the event that the Commission grants the application, to the insertion in the Commission's order of conditions that the Applicant will:

(1) File with the Commission, within 120 days after the close of each fiscal year of Applicant, commencing with the first fiscal year in which it issues and sells any debt securities: (a) the data required by Items 1.08 (except with respect to information relating to persons under common control with Applicant), 1.09, 1.10 and 1.11 of Form N–1R adopted by the Commission pursuant to Section 30(a) of the Act, and (b) an annual balance sheet, income and surplus statement, and a schedule of investments; and

(2) Not sell any debt securities (other than the Debentures) unless Applicant shall have first given written notice to the Commission describing the proposed issuance of such additional securities not less than 60 days prior to the date of such proposed issuance, subject however, to the right of the Commission, upon request of Applicant, to decrease such number of days. Applicant further agrees that if the Commission shall, after receipt of such written notice from Applicant, determine that a substantial question exists as to whether or not the exemption granted by the Order hereby requested should continue and the Commission shall mail or otherwise give notice to that effect to Applicant at its office at 100 West Tenth Street, Wilmington, Delaware 19899 with a copy addressed to Sullivan & Cromwell, 48 Wall Street, New York, New York 10005 (or such other addresses as any recipient may previously have specified in writing to the Commission), within 30 days after the receipt by the Commission of such written notice from Applicant, Applicant will not issue such additional securities unless, after receipt by Applicant of such notice from the Commission and not less than 30 days prior to the issuance of such additional securities, Applicant shall mail or otherwise give written notice to the Commission stating its intention to issue such additional securities, and upon the giving of such notice by Applicant the Order hereby requested shall be deemed to have been terminated as of the date Applicant shall have mailed or otherwise given such notice to the Commission.

Notice is further given that any interested person may, not later than November 27, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following November 27, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26466 Filed 11–8–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

HATO REY DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Hato Rey District Advisory Council will meet at 9:30 a.m., Eastern Standard Time, Tuesday, December 10, 1974, at the Pan American Building, 255 Ponce de Leon Avenue, Hato Rey, Puerto Rico, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Antonio Yordan, Small Business Administration, at the above-mentioned location, Zip 00919, (809) 763–6363.

Dated: November 1, 1974.

JOHN JAMESON, *Director,*
Office of Advisory Councils,
Small Business Administration.

[FR Doc.74–26358 Filed 11–8–74;8:45 am]

J & M INVESTMENT CORP.

Surrender of License To Operate as a Small Business Investment Company

Notice is hereby given that J & M Investment Corporation, Reno, Nevada, incorporated under the laws of Nevada on February 26, 1969, has surrendered its license (Number 09/12–0148) issued by the Small Business Administration on May 28, 1969.

Under the authority vested by the Small Business Investment Act of 1958, as amended, and pursuant to the regulations promulgated thereunder, the surrender of the license of J & M Investment Corporation is hereby accepted and it is no longer licensed to operate as a small business investment company.

Dated: October 30, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.74–26359 Filed 11–8–74;8:45 am]

LITTLE ROCK DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Little Rock District Advisory Council will meet at 12 Noon, Central Standard Time, Thursday, December 5, 1974, at the Holiday Inn, North Little Rock, Arkansas, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Maurice Britt, Small Business Administration, 611 Gaines Street, Suite 900, Little Rock, Arkansas 72201, (501) 378–5871.

Dated: November 4, 1974.

JOHN JAMESON, *Director,*
Office of Advisory Councils,
Small Business Administration.

[FR Doc.74–26360 Filed 11–8–74;8:45 am]

VETERANS ADMINISTRATION

COOPERATIVE STUDIES EVALUATION COMMITTEE

Notice of Meeting

The Veterans Administration gives notice pursuant to Public Law 92–463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 USC 4101, will be held in Room 119 of the main Veterans Administration building, 810 Vermont Avenue NW., Washington, D.C., on November 26, 1974. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Assistant Chief Medical Director for Research and Development through the Chief, Cooperative Studies Program on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 9 a.m. to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, DC, (202–389–3702) prior to November 15.

The meeting will be closed from 9 a.m. to 5 p.m. for consideration of specific proposals in accordance with provisions set forth in section 10(d) of Public Law 92–463 and sections 552(b)(2) and 552(b)(6) of Title 5, U.S. Code. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute an invasion of personal privacy.

Dated: November 7, 1974.

[SEAL] R. L. ROUDEBUSH,
Administrator.

[FR Doc.74–26457 Filed 11–8–74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

CERTIFICATION OF STATES TO THE SECRETARY OF THE TREASURY

Correction

In FR Doc. 74–25733 appearing at page 39111 in the issue for Tuesday, November 5, 1974, the headings should read as set forth above.

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY

Correction

In FR Doc. 74–25734 appearing at page 39111 in the issue for Tuesday, November 5, 1974, the headings should read as set forth above.

EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

Establishment, Delegation of Authority and Appointment of Members for the Joint Board for the Enrollment of Actuaries

Correction

In FR Doc. 74–25814, appearing at page 39111 in the issue for Tuesday, November 5, 1974, and filed jointly by the Department of the Treasury and the Department of Labor, the signature for the Secretary of Labor was inadvertently omitted; it should appear just opposite the signature of the Secretary of the Treasury and read as follows: "Peter J. Brennan, *Secretary of Labor.*"

COUNCIL ON WAGE AND PRICE STABILITY

RAW AND REFINED SUGAR

Notice of Hearing on Price Increases

Notice is hereby given under Pub. L. 93–387 of a hearing called by the Council on Wage and Price Stability concerning the price of raw and refined sugar to be held at 10 a.m., November 25, 1974, in Room 2008 of the New Executive Office Building, 17th and H Streets NW., Washington, D.C. The hearing will be chaired by Albert Rees, Council Director.

The hearing will consist of an inquiry into justification and reasons for the sugar price increases. It will consist of testimony by representatives of sugar producers, refiners, and industrial users as well as consumer groups.

Attendance is open to the interested public but is limited to the space available. Persons wishing to testify should contact the Council on Wage and Price Stability, (202) 456–6757, at least one day in advance of the meeting. Any member of the public may file a written statement with the Council before, during, or after the meeting.

ALBERT REES,
Director, Council on Wage and
Price Stability.

[FR Doc.74–26276 Filed 11–8–74;8:45 am]

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INTERSTATE COMMERCE COMMISSION

[Notice 148]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 1, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 13123 (Sub-No. 76TA), filed October 22, 1974. Applicant: WILSON FREIGHT COMPANY, 3636 Follett Avenue, Cincinnati, Ohio 45223. Applicant's representative: Milton H. Bortz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of The Firestone Tire & Rubber Company near Nashville, Tenn., as an off-route point in connection with applicant's authorized regular route operations, for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

NOTE.—Tacking will occur at Nashville, Tenn., with Applicant's MC 13123 Sub 18, authority to and from Nashville for service to and from all points Applicant is authorized to serve under Certificate No. MC 13123 and Subs, or operate under Temporary Authority, and beyond, via interline at appropriate convenient points.

No. MC 42487 (Sub-No. 826TA), filed October 21, 1974. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Holiday Press, Inc., located in the Holiday Industrial Park in DeSoto County, Miss., as an off-route point in connection with carrier's presently authorized operations, for 180 days.

NOTE.—Applicant intends to tack this authority to all its regular authority which permits tacking—MC 42487 and subs thereunder.

Supporting shipper: Holiday Inns, Inc., 3796 LaMar Avenue, Memphis, Tenn. 83118. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 45194 (Sub-No. 15TA), filed October 15, 1974. Applicant: LATTAVO BROTHERS, INC., 1620 Cleveland Avenue SW., Canton, Ohio 44707. Applicant's representative: James W. Muldoon, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roller bearings and equipment, materials, and supplies* used in the manufacture thereof, between the plant sites of the Timken Company located at Bucyrus, Canton, Columbus, and Wooster, Ohio, on the one hand, and, on the other, points in Ohio, restricted to shipments having a prior or subsequent movement by rail, for 180 days. Supporting shipper: The Timken Company, 1835 Dueber Avenue, SW., Canton, Ohio 44706. Send protests to: Frank L. Calvary, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 220 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, Ohio 43215.

No. MC 51146 (Sub-No. 400TA), filed October 16, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Warsaw, Ind., and Gallatin, Tenn., to Oshkosh, Wis., for 180 days. Supporting shipper: R. R. Donnelley & Sons, Inc., 2223 South King St., Chicago, Ill. 60616. Send protests to: District Supervisor John Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells St., Room 807, Milwaukee, Wis. 53203.

No. MC 59583 (Sub-No. 147TA), filed October 25, 1974. Applicant: THE MASON AND DIXON LINES, INCORPORATED, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: D. W. Penland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), to serve the plant site of Firestone Tire & Rubber Company near Nashville, Tenn., as an off-route point in connection with applicant's authority to serve Nashville, Tenn., for 180 days.

NOTE.—Applicant intends to tack the authority here applied for at Nashville, Tenn., to serve all other points it is authorized to serve in Docket No. MC 59583 and subs thereto.

Supporting shipper: The Firestone & Rubber Company, 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 69116 (Sub-No. 169TA), filed October 24, 1974. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60607. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading. Serving the plant and warehouse facilities of The Firestone Tire & Rubber Co., near Nashville (Davidson-Rutherford County), Tenn., as an off-route point in connection with applicant's authorized regular-route operations, for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway Akron, Ohio 44317. Send protests to: Charles R. Nesmith District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 69492 (Sub-No. 42TA), filed October 15, 1974. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, Clinton, Kentucky 42301. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tennessee 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, and *related advertising materials*, via irregular routes: (a) from St. Joseph, Mo., to Dyersburg, Dresden, and Jackson, Tenn., (b) from Louisville, Ky., to Woodland Mills and Jackson, Tenn., (c) from Fort Wayne, Ind., to Dresden and Jackson, Tenn., (d) from Milwaukee, Wis., to Dyersburg, Tenn.; (2) *wheat products*, *bran*, and *shorts*, in bags, via irregular routes: From Teutopolis, Ill., to Clinton, Ky.; (3) *lime*, in bulk, in dump vehicles, via irregular routes: from Jonesboro, Ill., to points in Hickman County, Ky.; (4) *lime*, in bags, via irregular routes, from Valmeyer, Ill., to Clinton, Ky., for 150 days. Supporting shippers: Moss Distributing Company, Dyersburg, Tenn., Baxter Smith Distributing Co., Jackson, Tenn., Latus Distributing Co., Woodland Mills, Tenn., Vincent Distributing Company, Martin, Tenn., Volunteer Distributing Co., 22 By-Pass, Dresden, Tenn., Haynes Distributing Company, Box 75 Jackson, Tenn., Farmer's Gin Company, Clinton, Ky., Bugg Brothers Feed & Supply, Clinton, Ky., Central Soya, Box 158, Clinton, Ky. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 75226 (Sub-No. 7TA), filed October 16, 1974. Applicant: DE CARLI'S EXPRESS, INC., 13 John Fitch Boulevard, South Windsor, Conn. 06074. Applicant's representative: John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) between South Windsor, Conn., on the one hand, and, on the other, points in Connecticut and (2) between Springfield, Mass., and 15 miles of Springfield, Mass., on the one hand, and, on the other hand, points in Litchfield, Fairfield, New London, and Windham Counties, Conn., restricted to traffic moving in connection with interstate common carriers, for 180 days. Supporting shippers: There are approximately 8 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor David J. Kiernan, Interstate Commerce Commission, Bureau of Operations, 324 U.S. Post Office Building, 135 High Street, Hartford, Conn. 06101.

NOTE.—Applicant states that in MC 75226 and subs thereof, it will tack at South Windsor, Conn., and at all points authorized.

No. MC 97699 (Sub-No. 42TA), filed October 21, 1974. Applicant: BARBER TRANSPORTATION CO., a Corporation, Deadwood Avenue, P.O. Drawer 2047, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring the use of special equipment), (a) serving Wanblee, Interior, and Cedar Pass Lodge, S. Dak., as off-route points in connection with carrier's otherwise authorized regular route, operating between Rapid City, S. Dak., and Omaha, Nebr., or Sioux City, Iowa, and (b) serving Nemo, S. Dak., as an off-route point in connection with carrier's otherwise authorized regular route operations between Rapid City, S. Dak., and Sturgis, S. Dak., for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: J. L. Hammond, District Supervisor, Interstate Comerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

NOTE.—Applicant states it will interline at Rapid City, S. Dak., Omaha, Nebr., Chicago, Ill., Minneapolis and St. Paul, Minn., and applicant also will tack with Sub 4, Sub 5, plus Sub 2 and Sub 22.

No. MC 99780 (Sub-No. 49TA), filed October 23, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale and retail grocers, from the plant site and storage facilities of Armour-Dial, Inc., located in Aurora Township, Kane County, Ill., to points in Milwaukee, Kenosha, Racine, and Waukesha Counties, Wis., for 180 days. Supporting shipper: Armour-Dial, Inc., 111 E. Wacker Drive, Chicago, Ill. 60601. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 105733 (Sub-No. 50TA), filed October 24, 1974. Applicant: H. R. RITTER TRUCKING CO., INC., 928 E. Hazelwood Avenue, Rahway, N.J. 07065. Applicant's representative: Andrew R. Jeltes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solvents and petrochemicals*, such as *benzene, benzol, toluol, toluene, gylcols, alcohols, methanol, butanol*, from Staten Island, N.Y., to St. Gabriel, La., Tuscaloosa, Ala., Willow Island, W. Va., Detroit, Mich., Ferndale, Mich., Mt. Clemens, Mich., Beaumont, Tex., Houston, Tex., and Jacksonville, Fla., restricted to shipments originating at the piers of TransAmerican Transport Service in Staten Island, N.Y., transshipped from Puerto Rico, for 180 days. Supporting shipper: Bayside Research Corporation, 2660 NE. 189th Street, Miami, Fla. 33163. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ 07102.

No. MC 107496 (Sub-No. 973TA), filed October 24, 1974. Applicant RUAN TRANSPORT CORPORATION, Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid foundry facing*, in bulk, in tank vehicles, from Highland, Ind., to points in Alabama, for 180 days. Supporting shipper: Therimum, Inc., 2550 Industrial Drive, Highland, Ind. 46322. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 107515 (Sub-No. 961TA), filed October 18, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE., Forest Park, Ga. 30050. Applicant's representative: Richard M. Tettelbaum, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Appendix A to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Lovejoy, Ga., to points in North Dakota, for 180 days. Supporting shipper: Talmadge Farms, Lovejoy, Ga. 30250. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 546, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 109533 (Sub-No. 66TA), filed October 22, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: C. H. Swanson, P.O. Box 1216, Richmond, Va. 23209. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving plant site of the Firestone Tire & Rubber Company, located at or near Nashville, Tenn., as an off-route point in connection with carrier's presently authorized regular routes, for 180 days. Supporting shipper: Lee Cisneros, Director, Corporate Transportation, The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: District Supervisor C. M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, 400 N. 8th Street, Richmond, Va. 23240.

NOTE.—Applicant states it will tack with authority held in MC 109533 and MC 109533 Sub 28.

No. MC 110988 (Sub-No. 317TA), filed October 23, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid caustic soda*, in bulk, in tank vehicles, from New York City, N.Y., Houston, Tex., and St. Louis, Mo., to Marion and Indianapolis, Ind., and the ports of entry at Detroit, Mich., and Niagara Falls, N.Y., restricted insofar as Detroit, Mich., and Niagara Falls, N.Y., are concerned, to traffic destined to Toronto, Canada, for 180 days. Supporting shipper: Pegmar Industries,

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Inc., 224 Cold Storage, Plymouth, Wis. (Michael Kuske, Vice President). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 472TA), filed September 26, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood samples, urine samples*, and *diagnostic reports* related thereto, between Fairfield, Conn., on the one hand, and on the other, points in Bronx, Kings, Nassau, New York, Richmond, Suffolk, Queens, and Westchester Counties, N.Y., for 90 days. Supporting shipper: Reference Diagnostics, Inc., P.O. Box No. 355, 1700 Post Road, Fairfield, Conn. 06430. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112520 (Sub-No. 293TA), filed October 22, 1974. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil fatty acids*, in bulk, in tank vehicles, from Panama City, Fla., to Perth Amboy, N.J., and Newark, N.J., and Milwaukee, Wis., for 180 days. Supporting shipper: Arizona Chemical Company, Berdan Avenue, Wayne, N.J. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 112617 (Sub-No. 322TA), filed October 22, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Hopkinsville, Ky., to points in Illinois and Indiana, for 180 days. Supporting shipper: Gary B. Sornsen, Transportation Manager, Cargill, Inc., Board of Trade Building, Suite 304, Peoria, Ill. 61602. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 112750 (Sub-No. 313TA), filed October 25, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Boston, Mass., on the one hand, and, on the other, points in Carroll County, N.H. (except Wolfeboro, N.H.), for 90 days. Supporting shipper: Daniel Aquilino—Senior Vice President, Federal Reserve Bank of Boston, 30 Pearl Street, Boston, Mass. 02106. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 112822 (Sub-No. 354TA), filed October 23, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire logs*, manufactured with vegetable fiber wax and compressed with binder content, to be burned in a fireplace, from Camilla, Ga., to Shreveport and Church Point, La.; Houston, Dallas, and San Antonio, Tex., and Oklahoma City, Okla., for 180 days. Supporting shipper: Royal Oak Charcoal Company, T. L. Clarkson, National Sales Mgr., P.O. Box 38, Memphis, Tenn. 38101. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 113908 (Sub-No. 327TA), filed October 25, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages bases, beverages, beverage concentrates, fruit emulsions, and fruit juices*, in bulk, from Chicago, Ill., and the commercial zone thereof, to Lawrence, Kans., and the commercial zone thereof, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., 2011 Swift Drive, Oak Brook, Ill. 60521. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114457 (Sub-No. 208TA), filed October 23, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation*, from the plant and warehouse facilities of Diversified Insulation, Inc., at or near Wellsville, Kans., to points in Kansas, Missouri, Arkansas, Oklahoma, Texas, Illinois, Iowa, Colorado, and Nebraska, for 180 days. Supporting shipper: Diversified Insulation, 2705 Highway 55 W. Hamel, Minn. 55340. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 209TA), filed October 24, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods*, from Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, Washington, Montana, Wyoming, Colorado, and Kentucky, restricted to traffic originating at the plant site and facilities of Universal-Rundle at Ottumwa, Iowa, and destined to the named destination states, for 180 days. Supporting shipper: Universal-Rundle, 217 N. Mill Street, P.O. Box 960, New Castle, Pa. 16103. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414, Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 115092 (Sub-No. 34TA) (Correction), filed September 24, 1974, published in the FEDERAL REGISTER issue of October 11, 1974, and republished as corrected this issue. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Thomas M. Zarr, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Applicant presently holds a Certificate of Public Convenience and Necessity authorizing it to operate as a common carrier described in Docket No. MC 115092 (Sub-No. 9), as follows: Irregular routes: *Well-servicing equipment and supplies*, and *drilling parts and supplies* (except drilling rigs), between points in Uintah County, Utah, on the one hand, and, on the other, points in New Mexico, Colorado, Arizona, Idaho, Wyoming, Nevada, and California. Restriction: The service authorized herein is restricted to the transportation of traffic originating at or destined to points in Uintah County, Utah; and (B) Applicant also holds motor carrier authority as a common motor carrier as more fully described in its base certificate, Docket No. MC 115092, as follows: Irregular routes: (1) *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, (a) between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colo., and (b) between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colo., on the one hand, and, on the other, points in Colorado; (2) *Machinery, equipment, materials, and supplies* (except gilsonite), used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and

distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with the construction or dismantling of pipeline, (a) between points in Garfield, Mesa, Moffat, and Rio Blanco Counties, Colo., on the one hand, and, on the other, points in Utah and (b) between points in Utah.

(3) *Crude oil*, in bulk, in tank trucks, between points in Colorado on and west of U.S. Highway 85, on the one hand, and, on the other, points in Utah; and (4) *Oil-based drilling mud*, in bulk, in tank trucks, (a) between points in Colorado, on the one hand, and, on the other, points in Wyoming, and (b) between points in Colorado, for 180 days. By this application, applicant seeks to remove the following restriction presently contained in its Sub 9 certificate and also seeks authority to tack the amended Sub 9 certificate with paragraphs (1) and (2) of its base certificate which are quoted above. Sub 9 restriction sought to be removed: "The service authorized herein is restricted to the transportation of traffic originating at or destined to points in Uintah County, Utah." Because the very purpose of this application embraces tacking with existing authority, applicant requests that the restrictions against tacking or joinder normally accompanying grants of temporary authority be negated. Supporting shippers: There are approximately 5 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 118202 (Sub-No. 42TA), filed October 24, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Clark, S. Dak., to points in Vermont, Massachusetts, Connecticut, Pennsylvania, New Jersey, West Virginia, Virginia, Delaware, Illinois, Missouri, Wisconsin, Michigan, Minnesota, Nebraska, New Mexico, and Denver, Colo., for 150 days. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Midwest Food Corporation at or near Clark, S. Dak. Supporting shipper: Midwest Food Corporation, P.O. Box 100, Clark, S. Dak. 57225. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 118803 (Sub-No. 8TA), filed October 17, 1974. Applicant: Atlantic Truck Lines, Inc., 45 Gilpin Avenue, Cardinal Industrial Park, Hauppauge, N.Y. 11787. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing materials*, from Clark, N.J.; Philadelphia, Pa.; Charleston, S.C.; Birmingham, Ala.; and Shreveport, La., to points in Florida, south and east of the Suwannee River; (2) *Sheet metal, sheet metal products, and sheet metal working tools* other than power; *air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, insulating materials and adhesives; rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*, from the plant site of Bieler National Industries, Inc., and Revere Aluminum Building Products, Inc., located at Hauppauge, Suffolk County, Long Island City, and Rochester, N.Y.; Newark, N.J.; Philadelphia, Pittsburgh, and Lancaster, Pa.; Martins Ferry, Ohio; Chicago, Ill.; Baltimore, Md.; Atlanta, Ga.; and Birmingham and Gadsden, Ala., to points in Florida south and east of the Suwannee River; and (3) *Returned shipments* of the commodities specified above, from points in Florida south and east of the Suwannee River, to their respective origin points. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts with the following shippers: Bieler National Industries, Inc., of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc., of Hauppauge, Suffolk County, N.Y. (4) *Floor coverings*, from New York, N.Y.; South Plainfield, N.J.; Chicago, Ill.; and Jackson, Miss., to points in Florida south and east of the Suwannee River.

(5) *Returned shipments* of floor coverings, from points in Florida south and east of the Suwannee River, to New York, N.Y.; South Plainfield, N.J.; Chicago, Ill.; and Jackson, Miss. Restriction: The operations authorized in the two paragraphs next above are limited to a transportation service to be performed under a continuing contract or contracts with Bieler National Industries, Inc., of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc., of Hauppauge, Suffolk County, N.Y.; (6) *Air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, and rain carrying gutters, downspouts, eaves, valleys elbows and fittings and roof ventilators*, from the plant site of Bieler National Industries, Inc. and Revere Aluminum Building Products, Inc., located at Hauppauge, Suffolk County and Long Island City, N.Y. and Rochester, N.Y.; Newark, N.J.; Philadelphia, Pittsburgh, and Lancaster, Pa.; Martins Ferry, Ohio; Chicago, Ill.; Baltimore, Md.; Atlanta, Ga.; and Birmingham and Gadsden, Ala., to points in Florida south and east of the Suwannee River; and (7) *Returned shipments* of the commodities specified immediately above, from points in the destination states named above to the plant site of Bieler National Industries, Inc. and Revere Aluminum Building Products, Inc., located at Hauppauge, Suffolk County and Long Island City, N.Y. Restriction: No authority is granted hereinabove to transport commodities in bulk, in tank vehicles.

(8) *Air-conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, grills, registers, rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*, from the plant site of Bieler National Industries, Inc. and Revere Aluminum Building Products, Inc. located at Hauppauge, Suffolk County and Long Island City, N.Y., to points in Kentucky, Tennessee, Iowa, Indiana, West Virginia, Illinois, South Carolina, New Hampshire, Maine, Michigan, Mississippi, Vermont, Wisconsin, points in Florida north and west of the Suwannee River, points in that part of New Jersey north of U.S. Highway 30, and points in Audrain, Callaway, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Monroe, Montgomery, Perry, Pike, Ralls, St. Charles, Saint Francois, St. Louis, St. Louis City, Ste. Genevieve, Warren, and Washington Counties, Mo.; (9) *Returned shipments* of the commodities described immediately above, from the immediately above-described destination points, to the plant site of Bieler National Industries, Inc., and Revere Aluminum Building Products, Inc. located at Hauppauge, Suffolk County and Long Island City, N.Y. Restriction: The operations authorized under the (4) commodity descriptions next above are limited to a transportation service to be performed under a continuing contract, or contracts with the following shippers: Bieler National Industries, Inc. of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc. of Hauppauge, Suffolk County, N.Y.

(10) *Air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*; from Hauppauge, Suffolk County, N.Y., and Long Island City, N.Y., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas, and Missouri (except points in Audrain, Callaway, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Monroe, Montgomery, Perry, Pike, Ralls, St. Charles, St. Francois, St. Louis, St. Louis City, Ste. Genevieve, Warren, and Washington Counties), with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts with the following shippers: Bieler National Industries, Inc. of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc. of Hauppauge, Suffolk County, N.Y.; (11) *Manufactured sheet metal roofing components, roofing materials, accessories, sheet metal working and roofing tools* (other than power), *and related hand tools and working supplies* for use at construction sites, *metal manufactured ventilating, air conditioning and heating components and parts, metal sheets, coils, tubing, wire, bars, forgings, cast-*

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Inc., 224 Cold Storage, Plymouth, Wis. (Michael Kuske, Vice President). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 111729 (Sub-No. 472TA), filed September 26, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Human blood samples, urine samples*, and *diagnostic reports* related thereto, between Fairfield, Conn., on the one hand, and on the other, points in Bronx, Kings, Nassau, New York, Richmond, Suffolk, Queens, and Westchester Counties, N.Y., for 90 days. Supporting shipper: Reference Diagnostics, Inc., P.O. Box No. 355, 1700 Post Road, Fairfield, Conn. 06430. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 112520 (Sub-No. 293TA), filed October 22, 1974. Applicant: MCKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil fatty acids*, in bulk, in tank vehicles, from Panama City, Fla., to Perth Amboy, N.J., and Newark, N.J., and Milwaukee, Wis., for 180 days. Supporting shipper: Arizona Chemical Company, Berdan Avenue, Wayne, N.J. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 112617 (Sub-No. 322TA), filed October 22, 1974. Applicant: LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221. Applicant's representative: Charles R. Dunford (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Hopkinsville, Ky., to points in Illinois and Indiana, for 180 days. Supporting shipper: Gary B. Sornsen, Transportation Manager, Cargill, Inc., Board of Trade Building, Suite 304, Peoria, Ill. 61602. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Bldg., Louisville, Ky. 40202.

No. MC 112750 (Sub-No. 313TA), filed October 25, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Boston, Mass., on the one hand, and, on the other, points in Carroll County, N.H. (except Wolfeboro, N.H.), for 90 days. Supporting shipper: Daniel Aquilino—Senior Vice President, Federal Reserve Bank of Boston, 30 Pearl Street, Boston, Mass. 02106. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 112822 (Sub-No. 354TA), filed October 23, 1974. Applicant: BRAY LINES INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire logs*, manufactured with vegetable fiber wax and compressed with binder content, to be burned in a fireplace, from Camilla, Ga., to Shreveport and Church Point, La.; Houston, Dallas, and San Antonio, Tex., and Oklahoma City, Okla., for 180 days. Supporting shipper: Royal Oak Charcoal Company, T. L. Clarkson, National Sales Mgr., P.O. Box 38, Memphis, Tenn. 38101. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 113908 (Sub-No. 327TA), filed October 25, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beverages bases, beverages, beverage concentrates, fruit emulsions, and fruit juices*, in bulk, from Chicago, Ill., and the commercial zone thereof, to Lawrence, Kans., and the commercial zone thereof, for 180 days. Supporting shipper: A. E. Staley Manufacturing Co., 2011 Swift Drive, Oak Brook, Ill. 60521. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut St., Kansas City, Mo. 64106.

No. MC 114457 (Sub-No. 208TA), filed October 23, 1974. Applicant: DART TRANSIT COMPANY, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cellulose insulation*, from the plant and warehouse facilities of Diversified Insulation, Inc., at or near Wellsville, Kans., to points in Kansas, Missouri, Arkansas, Oklahoma, Texas, Illinois, Iowa, Colorado, and Nebraska, for 180 days. Supporting shipper: Diversified Insulation, 2705 Highway 55 W. Hamel, Minn. 55340. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 114457 (Sub-No. 209TA), filed October 24, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods*, from Ottumwa, Iowa, to points in Illinois, Indiana, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, Washington, Montana, Wyoming, Colorado, and Kentucky, restricted to traffic originating at the plant site and facilities of Universal-Rundle at Ottumwa, Iowa, and destined to the named destination states, for 180 days. Supporting shipper: Universal-Rundle, 217 N. Mill Street, P.O. Box 960, New Castle, Pa. 16103. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414, Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 115092 (Sub-No. 34TA) (Correction), filed September 24, 1974, published in the FEDERAL REGISTER issue of October 11, 1974, and republished as corrected this issue. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Thomas M. Zarr, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) Applicant presently holds a Certificate of Public Convenience and Necessity authorizing it to operate as a common carrier described in Docket No. MC 115092 (Sub-No. 9), as follows: Irregular routes: *Well-servicing equipment and supplies*, and *drilling parts and supplies* (except drilling rigs), between points in Uintah County, Utah, on the one hand, and, on the other, points in New Mexico, Colorado, Arizona, Idaho, Wyoming, Nevada, and California. Restriction: The service authorized herein is restricted to the transportation of traffic originating at or destined to points in Uintah County, Utah; and (B) Applicant also holds motor carrier authority as a common motor carrier as more fully described in its base certificate, Docket No. MC 115092, as follows: Irregular routes: (1) *Machinery, materials, supplies, and equipment* incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development, and production of natural gas and petroleum, (a) between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colo., and (b) between points in Moffat, Rio Blanco, Mesa, and Garfield Counties, Colo., on the one hand, and, on the other, points in Colorado; (2) *Machinery, equipment, materials, and supplies* (except gilsonite), used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and

distribution of natural gas and petroleum and their products and by-products, not including the stringing or picking up of pipe in connection with the construction or dismantling of pipeline, (a) between points in Garfield, Mesa, Moffat, and Rio Blanco Counties, Colo., on the one hand, and, on the other, points in Utah and (b) between points in Utah.

(3) *Crude oil*, in bulk, in tank trucks, between points in Colorado on and west of U.S. Highway 85, on the one hand, and, on the other, points in Utah; and (4) *Oil-based drilling mud*, in bulk, in tank trucks, (a) between points in Colorado, on the one hand, and, on the other, points in Wyoming, and (b) between points in Colorado, for 180 days. By this application, applicant seeks to remove the following restriction presently contained in its Sub 9 certificate and also seeks authority to tack the amended Sub 9 certificate with paragraphs (1) and (2) of its base certificate which are quoted above. Sub 9 restriction sought to be removed: "The service authorized herein is restricted to the transportation of traffic originating at or destined to points in Uintah County, Utah." Because the very purpose of this application embraces tacking with existing authority, applicant requests that the restrictions against tacking or joinder normally accompanying grants of temporary authority be negated. Supporting shippers: There are approximately 5 statements of support attached to the application which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 118202 (Sub-No. 42TA), filed October 24, 1974. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 503, Winona, Minn. 55987. Applicant's representative: Stanley C. Olsen, Jr., 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Clark, S. Dak., to points in Vermont, Massachusetts, Connecticut, Pennsylvania, New Jersey, West Virginia, Virginia, Delaware, Illinois, Missouri, Wisconsin, Michigan, Minnesota, Nebraska, New Mexico, and Denver, Colo., for 150 days. Restriction: Restricted to traffic originating at the plantsite and storage facilities of Midwest Food Corporation at or near Clark, S. Dak. Supporting shipper: Midwest Food Corporation, P.O. Box 100, Clark, S. Dak. 57225. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 118803 (Sub-No. 8TA), filed October 17, 1974. Applicant: Atlantic Truck Lines, Inc., 45 Gilpin Avenue, Cardinal Industrial Park, Hauppauge, N.Y. 11787. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing materials*, from Clark, N.J.; Philadelphia, Pa.; Charleston, S.C.; Birmingham, Ala.; and Shreveport, La., to points in Florida, south and east of the Suwannee River; (2) *Sheet metal, sheet metal products, and sheet metal working tools* other than power; *air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, insulating materials and adhesives; rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*, from the plant site of Bieler National Industries, Inc., and Revere Aluminum Building Products, Inc., located at Hauppauge, Suffolk County, Long Island City, N.Y.; Newark, N.J.; Philadelphia, Pittsburgh, and Lancaster, Pa.; Martins Ferry, Ohio; Chicago, Ill.; Baltimore, Md.; Atlanta, Ga.; and Birmingham and Gadsden, Ala., to points in Florida south and east of the Suwannee River; and (3) *Returned shipments* of the commodities specified above, from points in Florida south and east of the Suwannee River, to their respective origin points. Restriction: The operations authorized above are limited to a transportation service to be performed, under a continuing contract, or contracts with the following shippers: Bieler National Industries, Inc., of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc., of Hauppauge, Suffolk County, N.Y. (4) *Floor coverings*, from New York, N.Y.; South Plainfield, N.J.; Chicago, Ill.; and Jackson, Miss., to points in Florida south and east of the Suwannee River.

(5) *Returned shipments* of floor coverings, from points in Florida south and east of the Suwannee River, to New York, N.Y.; South Plainfield, N.J.; Chicago, Ill.; and Jackson, Miss. Restriction: The operations authorized in the two paragraphs next above are limited to a transportation service to be performed under a continuing contract or contracts with Bieler National Industries, Inc., of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc., of Hauppauge, Suffolk County, N.Y.; (6) *Air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, and rain carrying gutters, downspouts, eaves, valleys elbows and fittings and roof ventilators*, from the plant site of Bieler National Industries, Inc. and Revere Aluminum Building Products, Inc., located at Hauppauge, Suffolk County and Long Island City, N.Y., to points in Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, Ohio, Delaware, Maryland, Virginia, North Carolina, Georgia, Alabama, and that part of New Jersey south of U.S. Highway 30 and (7) *Returned shipments* of the commodities specified immediately above, from points in the destination states named above to the plant site of Bieler National Industries, Inc. and Revere Aluminum Building Products, Inc., located at Hauppauge, Suffolk County and Long Island City, N.Y. Restriction: No authority is granted hereinabove to transport commodities in bulk, in tank vehicles.

(8) *Air-conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, grills, registers, rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*, from the plant site of Bieler National Industries, Inc. and Revere Aluminum Building Products, Inc. located at Hauppauge, Suffolk County and Long Island City, N.Y., to points in Kentucky, Tennessee, Iowa, Indiana, West Virginia, Illinois, South Carolina, New Hampshire, Maine, Michigan, Mississippi, Vermont, Wisconsin, points in Florida north and west of the Suwannee River, points in that part of New Jersey north of U.S. Highway 30, and points in Audrain, Callaway, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Monroe, Montgomery, Perry, Pike, Ralls, St. Charles, Saint Francois, St. Louis, St. Louis City, Ste. Genevieve, Warren, and Washington Counties, Mo.; (9) *Returned shipments* of the commodities described immediately above, from the immediately above-described destination points, to the plant site of Bieler National Industries, Inc., and Revere Aluminum Building Products, Inc. located at Hauppauge, Suffolk County and Long Island City, N.Y. Restriction: The operations authorized under the (4) commodity descriptions next above are limited to a transportation service to be performed under a continuing contract, or contracts with the following shippers: Bieler National Industries, Inc. of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc. of Hauppauge, Suffolk County, N.Y.

(10) *Air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, rain carrying gutters, downspouts, eaves, valleys, elbows and fittings and roof ventilators*, from Hauppauge, Suffolk County, N.Y., and Long Island City, N.Y., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas, and Missouri (except points in Audrain, Callaway, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Monroe, Montgomery, Perry, Pike, Ralls, St. Charles, St. Francois, St. Louis, St. Louis City, Ste. Genevieve, Warren, and Washington Counties), with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed under a continuing contract, or contracts with the following shippers: Bieler National Industries, Inc. of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc. of Hauppauge, Suffolk County, N.Y.; (11) *Manufactured sheet metal roofing components, roofing materials, accessories, sheet metal working and roofing tools* (other than power), *and related hand tools and working supplies* for use at construction sites, *metal manufactured ventilating, air conditioning and heating components and parts, metal sheets, coils, tubing, wire, bars, forgings, cast-*

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ings, and extrusions, and metal structural and ornamental building elements, accessories and materials, and related components, from the plant site of Bieler National Industries, Inc., Revere Aluminum Building Products, Inc., at Hauppauge (Suffolk County), N.Y., to points in the United States (except Alaska and Hawaii).

(12) *Returned shipments* of the commodities specified above, and *materials and related products* for use in the manufacture, fabrication, distribution and sales of the commodities described above, from points in the United States (except Alaska and Hawaii), to the plant site of Bieler National Industries, Inc. and Revere Aluminum Building Products, Inc., at Hauppauge (Suffolk County), N.Y. Restriction: The service authorized under the two commodity descriptions next-above is subject to the following conditions: The operations authorized under the (2) commodity descriptions next-above are restricted against the transportation of commodities in bulk and the operations authorized under the two commodity descripts next-above are limited to a transportation service to be performed under a continuing contract or contracts with the following shippers: Bieler National Industries, Inc. of Hauppauge, Suffolk County, N.Y. and Revere Aluminum Building Products, Inc. of Hauppouge, Suffolk County, N.Y., for 180 days. Supporting shipper: Revere Aluminum Building Products, Inc., 201 Mill Street, Rome, N.Y. 13440. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 118882 (Sub-No. 2TA), filed October 21, 1974. Applicant: JOE L. LAMBERT, doing business as LAMBERT TRUCKING SERVICE, 715 Fox Avenue, Harrisville, W. Va. 26362. Applicant's representative: John M. Freidman, P.O. Box 426, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Coal*, in bulk, in dump vehicles and (2) *Salt*, in bulk, in dump vehicles having prior movement by barge, (1) from mine sites located at or near Century, Buckhannon, Clarksburg, Jane Lew, and Jacksons Mill, Weston, Lost Creek, Keesling's Mill, Mabie, Dartmore and Philippi, W. Va., to the facilities of the Ohio Power Company located at or near Porterfield and Beverly, Ohio and (2) from Willow Island and Belmont, W. Va., to points in Jackson, Athens, Meigs, and Washington Counties, Ohio, for 180 days. Supporting shippers: Domtar Chemicals, Inc., Sifto Salt Division, 9950 W. Lawrence Ave., Schiller Park, Ill. 60176, Att.: H. J. Miller, Distr. Mgr.; Cable Tool & Drilling, Inc., P.O. Box 195, Buckhannon, W. Va. 26201, Att.: James E. Gaston, Pres.; Buckhannon Sales Co., Inc., P.O. Box 788, Buckhannon, W. Va. 26201, Att.: Roy Hosgrove, Asst. Secy.; C. J. Coal Corp., P.O. Box 587, Buckhannon, W. Va. 26201, Att.: Maxine Quertinmont, Secy. Treas.; and Bur Coal Company, P.O. Box 195, Buckhannon, W. Va. 26201, Att.: James E. Gaston, Pres. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 119934 (Sub-No. 200TA), filed October 17, 1974. Applicant: ECOFF TRUCKING, INC., 625 E. Broadway, Fortville, Ind. 46040. Applicant's representative: J. F. Crouch (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *sodium sulphate*, in bulk in hopper-type vehicles, equipped with blowers for unloading, from the plant site of Ashland Chemical Company, Lowland, Tenn., to plant site of Colgate-Palmolive Company, Jeffersonville, Ind., for 180 days. Supporting shipper: Colgate-Palmolive Company, 4th and Ormsby, Louisville, Ky. 40201. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. Street, Indianapolis, Ind. 46204.

No. MC 121568 (Sub-No. 5TA), filed October 25, 1974. Applicant: HUMBOLDT EXPRESS, INC., P.O. Box 11080, Nashville, Tenn. 37211. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, classes A and B explosives, commodities in bulk, and articles requiring special equipment), serving the plant site of the Firestone Tire & Rubber Company, at or near Nashville, Tenn., as an off-route point in connection with applicant's existing authority to serve Nashville, Tenn., and said authority to be used in conjunction with all of applicant's other authority, for 180 days.

NOTE.—Applicant does intend to tack authority here applied for in MC 121568 and subs at Nashville, Tenn. and will tack and will also interline traffic at Nashville and Memphis, Tenn.

Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 123407 (Sub-No. 206TA), filed October 15, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert Loser, 1009 Chamber of Commerce Bldg., 320 N. Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal drywall products*, from the plantsite of Phillips Manufacturing Co. at Omaha, Nebr., to points in Florida, Alabama, Georgia, Mississippi, Tennessee, North Carolina, South Carolina, Louisiana, and Kentucky, for 180 days. Supporting shipper: Phillips Manufacturing Co., 4601 South 76th Street, Omaha, Nebr. 68127. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 123407 (Sub-No. 207TA), filed October 23, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Rice & Rice (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tubing*, from Sebewaing, Mich., to points in Iowa and North Dakota, for 180 days. Supporting shipper: Acme Roll Forming Company, 812 N. Beck Street, Sebewaing, Mich. 48759. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 124813 (Sub-No. 118TA), filed October 16, 1974. Applicant: UMTHUM TRUCKING CO., 910 South Jackson, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, 7th & Walnut, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from Eagle Grove, Iowa, to points in Minnesota, Nebraska, Iowa, North Dakota, South Dakota, and Wisconsin; (2) from Duluth, Minnesota, to points in Iowa, South Dakota, Minnesota, and Nebraska, and (3) from Des Moines, Iowa, to points in Iowa, Minnesota, Nebraska, and South Dakota, restricted to traffic moving in flatbed equipment, for 180 days. Supporting shipper: Land O'Lakes, Inc. 2827 8th Avenue, Fort Dodge, Iowa 50501. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission Bureau of Operations 875 Federal Building Des Moines, Iowa 50309.

No. MC 126276 (Sub-No. 107TA), filed August 14, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends*, from the plantsite of National Can Corporation at Millis, Mass., to Milwaukee, Wis., for 180 days. Supporting shipper: Joseph L. Rich, Eastern Region Traffic Manager, National Can Corporation, 5959 S. Cicero Avenue, Chicago, Ill. 60638. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 108TA), filed October 22, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers*, from the plantsite of American Can Company, Chicago, Ill., to Melford, Del., Berkeley, R.I., and Marlboro, Va., for 180 days. Supporting shipper: American Can Company, 915 Harger Lane, Oak Brook, Ill. 60521. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 126276 (Sub-No. 109TA), filed October 22, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Richard A. Kerwin, 127 N. Dearborn Street, Suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from New Market, N.J., to Cedar Rapids, Iowa, for 180 days. Supporting shipper: Continental Can Company, 633 Third Avenue, New York, N.Y. 10017. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 126717 (Sub-No. 6TA), filed October 17, 1974. Applicant: WALT'S DRIVE-A-WAY SERVICE, INC., 1103 East Franklin St., Evansville, Ind. 47711. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mine or quarry drilling machinery*, in drive-away service, in initial movements, from Franklin, Pennsylvania, to all points in the United States, including Alaska, and except Hawaii, for 180 days. Supporting shipper: Chicago Pneumatic Tool Co., Franklin, Pa. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 127616 (Sub-No. 17TA), filed October 24, 1974. Applicant: SAVAGE TRUCKING COMPANY, INC., P.O. Box 27, Chester Depot, Vt. 05144. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precut timber frame buildings*, from Hartland, Vt., to points in Maryland, Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, Ohio, Indiana, Illinois, Michigan, and Wisconsin, for 180 days. Supporting shipper: Vermont Log Buildings, Inc., Hartland Vt. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 127616 (Sub-No. 18TA), filed October 24, 1974. Applicant: SAVAGE TRUCKING COMPANY, INC., P.O. Box 27, Chester Depot, Vt. 05144. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated log buildings*, from Fletcher, N.C., to points in New York, New Jersey, Pennsylvania, Connecticut, Maryland, Delaware, and West Virginia, for 180 days. Supporting shipper: Carolina Log Buildings, a Division of Vermont Log Buildings, Inc., Hartland, Vt. 05048. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 126297 (Sub-No. 4TA), filed October 10, 1974. Applicant: S & T MOTORS, INC., 6831 S. Kostner Avenue, Chicago, Ill. 60629. Applicant's representative: Carl L. Steiner, 39 S. LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, in containers, between Burns Harbor, Ind., on the one hand, and, on the other points in Cook, Du Page, Kane, Kankakee, Lake, and Will Counties, Ill., restricted to traffic having a prior or subsequent movement by water, for 180 days. Supporting shippers: Philip Carvatta, All Transport, Inc., 300 S. Wacker Dr., Chicago, Ill.; Hyman Smith, Capital Wine & Liquor Co., 2440 W. 34th Street, Chicago, Ill. 60623; Abe Cooper, Continental Distributing Co., Inc., 700 W. Chicago Avenue, Chicago Ill.; and Donald W. Moody, Federaged Distributors Inc., 4130 S. Morgan St., Chicago, Ill. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128375 (Sub-No. 120TA), filed October 18, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and personal care products and related items, and materials and supplies used in the manufacture and distribution thereof*, from Atlanta, Ga., and its commercial zone, to points in Mississippi, Alabama, Tennessee, Virginia, North Carolina, South Carolina, Florida, West Virginia, and Georgia, for 180 days. Supporting shipper: Frank W. Quinn, Transportation Manager, Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 128375 (Sub-No. 121TA), filed October 18, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68501. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household and personal care products, and related items and materials, and supplies used in the manufacture and distribution thereof*, from Arlington, Tex., and its commercial zone, to points in New Mexico, Kansas, Oklahoma, Missouri, Arkansas, and Louisiana, restricted under a continuing contract with the Amway Corporation, for 180 days. Supporting shipper: Frank W. Quinn, Transportation Manager, Amway Corporation, 7575 East Fulton Road, Ada, Mich. 49301. Send Protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 128521 (Sub-No. 5TA), filed October 23, 1974. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., P.O. 7429, Nashville, Tenn. 37210. Applicant's representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk, and articles requiring special equipment), serving the plant site of the Firestone Tire & Rubber Company at or near Nashville, Tenn., as an off-route point in conjunction with applicant's existing authority to serve Nashville, Tenn., for 180 days.

NOTE.—Applicant intends to tack authority here applied for at Nashville, Tenn., and intends to interline at Nashville, Tenn., and Birmingham, Ala.

Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 133221 (Sub-No. 20TA), filed October 25, 1974. Applicant: OVERLAND CO., INC., 1991 Buford Highway, Lawrenceville, Ga. 30245. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene egg cartons*, from Atlanta, Ga., to points in Alabama, Florida, Louisiana, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shipper: Plastics Division of Deep South Products, Inc., 55 Enterprise Blvd., SW., Atlanta, Ga. 30336. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 546 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 133695 (Sub-No. 1TA), filed October 16, 1974. Applicant: WILLIAM NORDSTROM, doing business as PIGGY BACK CARTAGE COMPANY, 1518 Garst Avenue, Boone, Iowa 50036. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, 7th & Walnut, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except in bulk, between Boone, Iowa, on the one hand, and, on the other, points in Webster, Hamilton, Boone, Story,

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Marion, Green, Polk, Marshall, and Dallas Counties, Iowa, restricted to shipments having a prior or subsequent movement by rail in TOFC service, for 180 days. Supporting shipper: Chicago and North Western Transportation Co., 400 West Madison Street, Chicago, Ill., 60606. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 135148 (Sub-No. 2TA), filed October 23, 1974. Applicant: MARTIN R. NEUMANN, doing business as SWANSON FUEL, 157 South Vista Way, Kelso, Wash. 98626. Applicant's representative: Martin R. Neumann, 157 S. Vista Way, Kelso, Wash. 98626. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals, from portable wood chipping machines*, from points in Columbia, Multnomah, Clackamas, Washington, and Clatsop Counties, Oreg., to Longview, Wash., for 180 days. Supporting shipper: Stan Witty Land, Inc., 3106 Green Mt. Road, Kalama, Wash. 98625. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 135248 (Sub-No. 13TA), filed October 25, 1974. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, P.O. Box 446, Worland, Wyo. 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from (1) Helena, Butte, Great Falls, and Billings, Mont. and Salt Lake City, Utah, to Denver, Colo.; (2) from Salt Lake City, Utah, to Pomona, Los Angeles, Stockton, and Antioch, Calif., and Snow Flake, Ariz.; and (3) from Mountain Home and Boise, Idaho, to Denver, Colo., for 180 days. Supporting shipper: Friedman and Son, Inc., 2345 Walnut Street, Denver, Colo. 80205. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006 Federal Building & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 135420 (Sub-No. 7TA), filed October 25, 1974. Applicant: L & H REFRIGERATED EXPRESS, INC., 2313 Fairview Drive, P.O. Box 61, Norfolk, Nebr. 68701. Applicant's representative: Marshall Becker, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen orange concentrate*, from processing and storage facilities of Humboldt Canning Co. in or near Sodus, Mich., to Moline, Ill.; Boone, Cedar Rapids, Chariton, Davenport, Des Moines, and Waterloo, Iowa; Bismarck, Fargo, and Minot, N. Dak., for 180 days. Supporting shipper: Humboldt Canning Company, Inc., 641 Vine Street, P.O. Box 367, Humboldt, Tenn. 38343. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Suite 620 Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No MC 135732 (Sub-No. 11TA), filed October 24, 1974. Applicant: AUBREY FREIGHT LINES, INC., 651 Grove Street, Elizabeth, N.J. 07208. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic expanded ceiling beams*, from the facilities of Paeco, Inc., Perth Amboy, N.J., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Paeco, Inc., 500 Market Street, Perth Amboy, N.J. 08861. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 136166 (Sub-No. 11TA), filed October 16, 1974. Applicant: CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Robert M. Bowden, P.O. Box 3062, Portland, Oreg. 97308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solubles, meat, fish or poultry*, consisting of no less than 50 percent water, having value only for animal/poultry feeding purposes, from Warrenton, Oreg., to St. Joseph, Mo. and Jefferson, Wis., for 150 days. Supporting shipper: Carnation Company, 5045 Wilshire Boulevard, Los Angeles, Calif. 90036. Send protests to: Claud W. Reeves, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 136285 (Sub-No. 12TA), filed October 24, 1974. Applicant: SOUTHERN INTERMODAL LOGISTICS, INC., P.O. Box 9165, Savannah, Ga. 31402. Applicant's representative: William P. Jackson, Jr., 919—18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Magnesite*, from Port Saint Joe, Fla., to Charleston, S.C.; Savannah, Ga.; and Jacksonville, Fla. and (2) *Empty cargo containers*, from Charleston, S.C.; Savannah, Ga.; and Jacksonville, Fla., to Port Saint Joe, Fla., for 180 days. Supporting shipper: Lobel Chemical Corporation, 100 Church Street, New York, N.Y. 10007. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

No. MC 136307 (Sub-No. 6TA), filed October 24, 1974. Applicant: BURKEWITZ TRANSPORT, INC., P.O. Box 47, Conventry, Vt. 05825. Applicant's representative: Frederick T. O'Sullivan, P.O. Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, wood lath, hardwood squares, pre-cut cabins and cabanas and lawn furniture, fencing parts and fencing accessories* (except commodities which because of size or weight require the use of special equipment), from the port of entry on the United States-Canada Boundary line at or near Derby Line, Vt., to points in Illinois, Indiana, Kentucky, Michigan, and West Virginia, for 180 days. Supporting shipper: Canadian Snow Fence Ltd., Box 643, Sherbrooke, Quebec, Canada. Send protects to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 136386 (Sub-No. 14TA), filed October 16, 1974. Applicant: GO LINES, INC., 8023 E. Slauson Avenue, Suite 6, Montebello, Calif. 90640. Applicant's representative: Harley E. Laughlin, P.O. Box 10875, Reno, Nev. 89510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from the plant site and/or storage facilities utilized by the supporting shipper in Morrow County, Oreg., to Longshot, Nev. (Long-Shot, Nev. is located in Lyon County, Nev. on Nevada State Highway 1C. Nevada State Highway 1C is known as the Weeks cutoff. It is approximately 4 miles west or south of Silver Springs and runs between U.S. Highway 50 and U.S. Highway 95 (alternate). Nevada State Highway 1C is in a remote location and is approximately 4 miles long. Long-Shot is in the approximate center thereof, or halfway between Highways 50 and 95 (alternate). The name Long-Shot has been assigned this location by its developer in order to simply identify the aforedescribed location as a point of reference), and (2) from Longshote, Nev., to points in Texas, Louisiana, Nevada, California, Arizona, and New Mexico, for 180 days. Note: Applicant intends to tack Paragraphs (1) and (2) for purposes of providing a storage in-transit privilege: transloading of cargo in transit, or stored in transit; co-mingling and/or reloading of shipments in transit storage with through direct shipments; pool trailers shipped across state lines in peddle-type, multiple delivery service as well as direct through trailer service. Supporting shipper: Gourmet Food Products, Inc., Boardman, Oreg. 97818. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 136818 (Sub-No. 8TA), filed October 25, 1974. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 West Elwood Road, Phoenix, Ariz. 85041. Applicant's representative: Donald E. Fernaays, Suite 312, 4040 East McDowell Road, Phoenix, Ariz. 85008. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baled waste paper and cardboard* for recycling purposes only, from Ogden, Clearfield, Salt Lake City, and Provo, Utah, and Las Vegas, Nev., to the plant site of Southwest Forest Industries at or near Snowflake, Ariz., for 180 days. Supporting shipper: Southwest Forest Industries, 3443 North Central Avenue S., P.O. Box 7548, Phoenix, Ariz. 85011. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 138557 (Sub-No. 6TA), filed October 16, 1974. Applicant: WALT KEITH TRUCKING, INC., Route No. 1, P.O. Box 30, Rushville, Mo. 64484. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites of Armour & Co. at or near Omaha, Nebr., Kansas City, Mo., and St. Joseph, Mo., to points in Iowa, Missouri, Illinois, Kansas, Oklahoma, Colorado, and Nebraska, for 180 days. Restrictions: Restricted to traffic originating at the plantsites of Armour & Co. at or near Omaha, Nebr., Kansas City, Mo., and St. Joseph, Mo., and destined to points in the named destination states. Further restricted to a transportation service to be performed under a continuing contract, or contracts, with Armour & Co. Supporting shipper: Armour & Co., P.O. Box 8526, Kansas City, Mo. 64114. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 138844 (Sub-No. 2TA), filed October 18, 1974. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, 11 Commerce Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, in bulk, in cryogenic tank vehicles, between East Alton, Ill. and Fairfield, Ala., for 180 days. Supporting shipper: Airco Industrial Gases, 575 Mountain Road, Murray Hill, N.J. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 138850 (Sub-No. 1TA), filed October 23, 1974. Applicant: Ohio Valley Transport, Inc., 762 Marion Road, Cincinnati, Ohio 45215. Applicant's representative: Norbert B. Flick, Executive Building, Cincinnati, Ohio 45202.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, for the account of The Equitable Bag Co., Inc., between Florence, Ky., and points in Ohio, for 180 days. Supporting shipper: Equitable Bag Co., Inc., 45-50 Van Dam Street, Long Island City, N.Y. 11101. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514-B Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 139321 (Sub-No. 4TA), filed October 25, 1974. Applicant: COILE CONTRACT CARRIER, INC., Blue Ridge Industrial Park, P.O. Box 705, Norcross, Ga. 30071. Applicant's representative: Richard M. Tettelbaum, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Lead bearing scrap materials, non-ferrous scrap metal, and equipment, materials, and supplies* used in the processing thereof, and (b) *Brass ferrules and brass flanges, lead wool solder, and scrap materials*, from points in Arkansas, Michigan, Delaware, Connecticut, and New Jersey, to the plantsites and warehouse facilities utilized by Seitzinger's, Inc., in Atlanta, Ga., for 180 days. Supporting shipper: Seitzinger's, Inc., 900 Ashby Street, Atlanta, Ga. 30310. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

No. MC 139336 (Sub-No. 5TA), filed October 21, 1974. Applicant: TRANSTATES, INC., 2449 Marseilles Way, Costa Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass bathtubs and shower bathstalls*, from points in Orange County, Calif., to points in Georgia and Florida, for 180 days. Supporting shipper: Kimstock, Inc., 220 South Yale Street, Santa Ana, Calif. 92704. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 139544 (Sub-No. 1 TA). Applicant: J & J TRANSPORTATION, INC., P.O. Box 125, Ellington, Mo. 63638. Applicant's representative: Kenneth R. Masterson, 301 N. New Madrid Street, Sikeston, Mo. 63801. By order of September 27, 1974, the Commission, Division 1, acting as an Appellate Division, on its own motion modified the order of the Motor Carrier Board dated May 20, 1974, and corrected the authority granted therein to read in its entirety: woodchips, for the account of Duncan Lumber Co., from Ellington, Mo., to Alton, Ill. Any interested party may file a petition for reconsideration within 30 days from the date of this FEDERAL REGISTER notice.

By the Commission.

No. MC 139784 (Sub-No. 2TA), filed October 17, 1974. Applicant: CATTLE AND GRAIN TRANSPORT, INC., Box 726 Professional Building, Scott City, Kans. 67871. Applicant's representative: Keen Brantley, 325 Main Street, Scott City, Kans. 67871. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural implements and parts, iron and steel articles*, from Pueblo, Colo., Kansas City, Mo., and Peoria and Sterling, Ill., to points in Kansas, for 180 days. Supporting shippers: There are approximately 19 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

NOTE.—Applicant states it will tack with MC 139784.

No. MC 140149 (Sub-No. 1TA), filed October 22, 1974. Applicant: M. C. BUNCH TRUCKING CO., 1500 Garland, Jonesboro, Ark. 72401. Applicant's representative: John R. Henry, P.O. Box 906, Harrisburg, Ark. 72432. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened vehicles and scrap metal* for recycling, between points in Arkansas, Missouri, Kansas, Iowa, Indiana, Illinois, Tennessee, Mississippi, Alabama, Louisiana, and Texas, for 180 days. Supporting shipper: Krushette Kleen, Inc., Box 661, Livingston, Mont. 59047. Send Protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 140258 (Sub-No. 1TA), filed October 16, 1974. Applicant: JOE E. ENNIS, JR., doing business as ENNIS TRUCKING COMPANY, 327 Barber Road, Ashland, Ky. 41101. Applicant's representative: John Friedman, P.O. Box 426, Hurricane, W. Va. 25526. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *coal*, from points in Lawrence, Johnson, and Martin Counties, Ky., to crusher plant in Louisa, Ky., for further transportation to barge and rail facilities in or near Coal Grove, Lawrence County, Ohio, and in or near rail facilities near Ft. Gay, Wayne County, W. Va., for 180 days. Supporting shipper: Ivan F. Hanner, Vice-President, Hewlett Coal Company, Inc., 202 Water Street, Louisa, Ky. 41230. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 140272 (Sub-No. 1TA), filed October 21, 1974. Applicant: L. R. DENNEY, INC., 7756 East Alondra Street, Paramount, Calif. 90723. Applicant's representative: William J. Monheim, P.O. Box 1257, City of Industry, Calif. 91749. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Crushed automobile bodies, scrap automobile engines and transmissions, and shredded scrap steel* for the account of Metal Recyclers Company, from points in Colorado and Wyoming and those points in Kansas and Nebraska on and west of U.S. Highway 281 to metal shredding and recycling facilities at or near Phoenix and Tempe, Ariz.; Etiwanda, Fontana, Los Angeles, Oakland, San Diego, San Francisco, Stockton, and Terminal

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Island, Calif.; Las Vegas, Nev.; Eugene and Portland, Oreg.; Provo and Salt Lake City, Utah; and Kent, Seattle, Spokane, and Renton, Wash., for 180 days. Supporting shipper: Metal Recyclers Company, 666 Sherman Street, Denver, Colo. 80203. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140281 (Sub-No. 1TA), filed October 15, 1974. Applicant: EXPORT METALS COMPANY, 3212 Brison Avenue, Murrysville, Pa. 15668. Applicant's representative: James C. Artman (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Scrap materials*, from Braddock, Pa., to Girard, Ohio, for 180 days. Supporting shipper: B. Zeff Co., Inc., 102 2nd Street, Braddock, Pa. 15104. Send protests to: James C. Donaldson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, Pa. 15222.

No. MC 140286 (Sub-No. 1TA), filed October 22, 1974. Applicant: JOHN GELSIMINO, doing business as G. & B. MACHINERY COMPANY, 34300 Lakeland Boulevard, Eastlake, Ohio 44094. Applicant's representative: Lewis S. Witherspoon, 88 East Broad Street, Suite 1330, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery* requiring the use of special equipment to load, unload, and transport, between Erie, Pa., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Massachusetts, Maine, Michigan, Minnesota, Mississippi, New Hampshire, New York, North Carolina, New Jersey, Ohio, Rhode Island, South Carolina, Tennessee, West Virginia, Virginia, Vermont, and Wisconsin, for 180 days. Supporting shipper: The National Erie Corporation, 505 Huron Street, Erie, Pa. 16502. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 140288 (Sub-No. 1TA), filed October 22, 1974. Applicant: PLANTAIN EXPRESS, INC., 7275 NW. 8th Street, Miami, Fla. 33166. Applicant's representative: Richard B. Austin, Palm Coast II Building, Suite 214, 5255 NW. 87th Avenue, Miami, Fla. 33166. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas* (plantain) in temperature controlled vehicles, and *agriculture commodities* exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act, from points in Dade County, Fla., to New York City Commercial Zone, with no transportation for compensation on return, for 180 days. Supporting shippers: Amado Quality Fruit, 1200 NW. 22 St., Store No. 88, Miami, Fla.; Valdez Farm, Inc., 4310 SW. 130 Ct., Miami, Fla. 33165; J & C Enterprises, Inc., 975 SW. 8 St., Miami, Fla.; Las Villas Produce, Inc., Store No. 37, 37 Bronx, Terminal Market, Bronx, N.Y.; Plantain, Inc., 163 Attorney St., New York City, N.Y.; and Julio Garcia Tropical Foods, Inc., Store No. 25, Bronx, Terminal Milt., Bronx, N.Y. Send protests to: Joseph B. Teichert, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 140290 (Sub-No. 1TA), filed October 24, 1974. Applicant: KESSEL TRUCKING CO., INC., 615 No. Main, Blue Earth, Minn. 56013. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete floorings* used in the construction of livestock buildings and precast concrete feed bunks, from Winnebago, Minn., to points in Iowa, Nebraska, North Dakota, and South Dakota, under a continuing contract with Winnebago Concrete Products Company, Division of Condux International, Inc., for 180 days. Supporting shipper: Winnebago Concrete Products Company, Division of Condux International, Inc., Winnebago, Minn. 56098. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 140300 (Sub-No. 1TA), filed October 23, 1974. Applicant: PHILLIPS FEED SERVICE, INC., Route 3, Box 519, Bath, Pa. 18014. Applicant's representative: S. Maxwell Flitter, 151 S. Seventh Street, Easton, Pa. 18042. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Alfalfa meal*, in blower equipped vehicles, (1) from Ormrod, Lehigh County, Pa., to Stanford and Binghamton, N.Y., Bridgewater, Mass., and Brattleboro, Vt.; (2) from Nazareth, Northampton County, Pa., to Frankford, Del.; and (3) from Bethlehem, Northampton County, Pa., Concord and Greenfield, N.H., Hillsdale, N.Y., and Rumford, R.I.; and (B) *Spent bone charcoal*, in blower equipped vehicles, from Brooklyn, N.Y., to Philadelphia, Pa., for 180 days. Supporting shippers: Trexler Farms, Division of Estate of Harry C. Trexler, Rt. 81, Springhouse Road, Allentown, Pa. 18105; Keystone Dehydrating Company, R.D. 2, Bethlehem, Pa.; Schoeneck Farms, Inc., Nazareth and Stockertown Road, Nazareth, Pa.; and Seaboard Supply Company, 35th and Grays Ferry Avenue, Philadelphia, Pa. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 140303 (Sub-No. 1TA), filed October 16, 1974. Applicant: FRANK QUESADA SALAZAR, doing business as HORSE BORDER CROSSING TRANSPORTATION CO., 319 Sycamore Road, San Ysidro, Calif. 92073. Applicant's representative: William R. Daly, 8135 Binney Place, La Mesa, Calif. 92041. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Horses* (livestock, other than ordinary), restricted to horses originating in or destined to foreign country of Mexico—foreign commerce only—no domestic interstate service to be provided, between the Ports of Entry of San Ysidro, Tecate, and Calexico, Calif.; San Luis, Nogales, and Douglas, Ariz.; El Paso, Eagle Pass, Laredo, and Brownsville, Tex.; and between said ports of entry and all points in California; Yavapai, Yuma, Pima, and Maricopa Counties, Ariz.; Santa Fe, Lincoln, and Dona Ana Counties, N. Mex.; and Bexar County, Tex., for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

NOTE.—Applicant states that horses to be interline at California points; Yuma, Phoenix, Prescott, and Tucson, Ariz.; Ruidoso, Sunland, and Santa Fe, N. Mex.; and El Paso and San Antonio, Tex.

No. MC 140304 (Sub-No. 1TA), filed October 24, 1974. Applicant: MAROTTA AIR SERVICE, INC., 1500 Boonton Avenue, Boonton, N.J. 07005. Applicant's representative: J. Aiden Connors, 145 East 49th Street, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games or toys and children's furniture*, between Parsippany, N.J., on the one hand, and, on the other, points in Rockland and Westchester Counties, N.Y., and New York, N.Y., for 180 days. Supporting shipper: F.A.O. Schwarz, Lackawanna Avenue, Parsippany, N.J. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 140307 TA, filed October 17, 1974. Applicant ASCO ENTERPRISES, INC., 5525 Santa Fe Avenue, Vernon, Calif. 90058. Applicant's representative: Robert Brown, P.O. Box 5345, Sherman Oaks, Calif. 91413. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petro Lube oil*, in drums, *proprietary antifreeze preparations* in drums, from the facilities of Refiners Marketing Company, Ltd., Los Angeles, Calif., to points in Arizona, California, Nevada, Oregon, and Washington, for 180 days. Supporting shipper: Refiners Marketing Co., Ltd., 100 South Seaside Avenue, Terminal Island, Calif. 90731. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 140308 TA, filed October 15, 1974. Applicant: DUNCAN E. SHINN, doing business as S & S STORAGE, P.O. Box 647, Tonopah, Nev. 89049. Applicant's representative: Duncan E. Shinn (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical and electronic telephone equipment, materials, and supplies*, necessary for maintenance of Nevada Bell Telephone Co., Microwave Stations, from Tonopah, Nev., to points in Nye and Esmeralda Counties, Nev., for 180 days. Supporting shipper: Western Electric Co., Inc., P.O. Box 1688, Las Vegas, Nev. 89101. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 140309 TA, filed October 16, 1974. Applicant: A–1 MOVERS TRANSFER & STORAGE, INC., Route 3, Box 88, Mineral Wells, Tex. 76067. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Mineral Wells, Tex., on the one hand, and, on the other, points in Palo Pinto, Erath, Hood, Parker, and Somervell Counties, Tex., for 180 days. Restriction: The operations authorized are restricted to the transportation of traffic having prior or subsequent movement in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Procurement Division, Carswell AFB, Texas, P.O. Box 500, Carswell AFB, Texas. Send protests to: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 819 Taylor Street, Room 9A27, Federal Building, Fort Worth, Tex. 76102.

No. MC 140310 TA, filed October 16, 1974. Applicant: WALTER J. GRIFFIN, JR., P.O. Box 327, Monroe, N.C. 28110. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Office or business machine stands, and office or business machine stand parts*, from Monroe, N.C., to Plymouth, Mich., for 180 days. Supporting shipper: Oro Manufacturing Company, Inc., P.O. Box 479, Monroe, N.C. 28110. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, N.C. 28205.

No. MC 140313 (Sub-No. 1 TA), filed October 22, 1974. Applicant: JAMES R. JAMERSON, doing business as J & R TRUCKING, 4104 83rd SE., Mercer Island, Wash. 98040. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen potato products*, from Quincy, Wash., to Minneapolis and St. Paul, Minn.; Madison, Wis.; St. Louis and Kansas City, Mo.; Denver, Colo.; rand Rapids, Mich.; Akron and Cleveland, Ohio, for 180 days. Supporting shipper: Washington Nu-Process Incorporated, Box 607, Quincy, Wash. 98848. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98174.

No. MC 140320 TA, filed October 21, 1974. Applicant: HARBOR AIRLINES, INC., P.O. Box 775, Oak Harbor, Wash. 98277. Applicant's representative: William H. Grady, 603 North Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to vehicle loads not to exceed 5,000 pounds, having a prior or subsequent movement by air, between Seattle and Bellingham, Wash., and between Oak Harbor and Seattle, Wash., restricted to substituted truck for air service when conditions necessitate use of vehicles for aircraft at times of weather conditions or overload of aircraft, for 180 days. Supporting shippers: Intalco Aluminum Corporation, P.O. Box 937, Ferndale, Wash. 98248; Northwestern Technology, Inc., 3950 Home Road, Bellingham, Wash. 98225; Lectron, Inc., P.O. Box A, Oak Harbor, Wash. 98277; Berg Ford Sales, Inc., 8039 80th NW. Street, Oak Harbor, Wash.; and Uniflite, Inc., P.O. Box 1095, Bellingham, Wash. 98225. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98174.

No. MC 140321 (Sub-No. 1TA), filed October 22, 1974. Applicant: J & J FREIGHT DISTRIBUTION SERVICE, INC., 1713 N. Tryon Street, Charlotte, N.C. 28206. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Department store supplies and merchandise, and toilet preparations*, from Mathews, N.C., to points in Abbeville, Anderson, Cherokee, Chesterfield, Darlington, Dillon, Florence, Greenwood, Laurens, Marion, Oconee, Marlboro, Pickins, and York Counties, S.C., for 180 days. Supporting shipper: Family Dollar Stores, P.O. Box 25800, Charlotte, N.C. 28212. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 140323 TA, filed October 22, 1974. Applicant: TERRY D. MOORE, doing business as WHITE ROCK TRANSIT COMPANY, Route 1, Box 486 AB, Mabelvale, Ark. 72103. Applicant's representative: Donald T. Jack, Jr., 1550 Tower Building, Little Rock, Ark. 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, rock, limestone, and quartz*, from points in Grant County, Ark., to points in Texas, Oklahoma, Kansas, New Mexico, Colorado, Louisiana, Missouri, Iowa, Illinois, Indiana, Ohio, West Virginia, Kentucky, Tennessee, Mississippi, Alabama, Pennsylvania, Michigan, Georgia, North Carolina, South Carolina, and Virginia, for 180 days. Supporting shipper: R. H. Hill, Jr., doing business as Grant County White Rock Company, Route 2, Box 149 A, Sheridan, Ark. 72150. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 140324TA, filed October 23, 1974. Applicant: DALE G. SMITH, doing business as D. G. SMITH TRUCKING CO., P.O. Box 53, Gladstone, Oreg. 97027. Applicant's representative: Robert R. Hollis, Pacific Building, Portland, Oreg. 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (A) *Meats, meat products and meat by-products, dairy products, articles distributed by meat-packing houses, and such commodities* as are used by meat packers in the conduct of their business, when destined to and for use by meat packers, when moving vehicles equipped with mechanical refrigeration, between facilities of Wilsey-Bennett Co. and Wilsey Foods, Inc., located at Los Angeles and San Francisco, Calif. and Salem, Oreg., on the one hand, and, on the other, points in California, Oregon, and Washington, under continuing contracts with Wilsey-Bennett Co. and Wilsey Foods, Inc., and (B) *Meats, meat products and meat by-products, dairy products, articles distributed by meat-packing houses, and such commodities* as are used by meat packers in the conduct of their business, when destined to and for use by meat packers, when moving in vehicles equipped with mechanical refrigeration in mixed shipments with commodities otherwise exempt from regulation under Section 203(b)(6) of the Interstate Commerce Act, between facilities of Wilsey-Bennett Co. and Wilsey Foods, Inc., located at Los Angeles and San Francisco, Calif., and Salem, Oreg., on the one hand, and, on the other, points in California, Oregon, and Washington under continuing contracts with Wilsey-Bennett Co. and Wilsey Foods, Inc., for 180 days. Supporting shippers: Wilsey Foods, Inc., 633 South Mission Road, Los Angeles, Calif. 90023, and Wilsey-Bennett Co., Inc., 633 South Mission Road, Los Angeles, Calif. 90023. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140325 TA, filed October 23, 1974. Applicant: T. J. LEASING, INC., 34162 E. Cloverdale, Creswell, Oreg. 97426. Applicant's representative: Jerry R. Woods, 620 Blue Cross Building, Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, parts and attachments thereof, aluminum auto wheels, aluminum automobile engine valve covers, aluminum computing ma-*

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chine parts, and cast aluminum aircraft components, from the plantsite of Ireco Industries, Inc., at Eugene, Oreg., to points in the United States; and (2) *Iron or steel articles, aluminum tubing, plastic tubing, steel tubing, aluminum ingot, grease in packages, lubricating and hydraulic oils, in packages galvanized steel spokes, orbit motors, and steel chain*, from points in the United States, to the plantsite of Ireco Industries, Inc., at Eugene, Oreg., for 180 days. Restriction: The transportation services authorized above are limited to be performed under contract with Ireco Industries, Inc. Supporting shipper: Ireco Industries, Inc., 1300 Bethel Drive, Eugene, Oreg. 97402. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

MOTOR CARRIERS OF PASSENGERS

No. MC 3700 (Sub-No. 73TA), filed October 24, 1974. Applicant: MANHATTAN TRANSIT COMPANY, a Corporation, Route 46, Elmwood Park, N.J. 07407. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip special operations, during authorized racing seasons, beginning and ending at Casser Tours Terminal, 41st Street and 7th Avenue, New York, N.Y., and extending to Keystone Race Track, Bensalem, Pa., for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 61802 (Sub-No. 10TA), filed October 22, 1974. Applicant: THE COLONIAL TRANSIT COMPANY, INCORPORATED, P.O. Box 508, Fredericksburg, Va. 22401. Applicant's representative: William R. Easley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Lake-of-the-Woods, Va., and Washington, D.C.: from Lake-of-the-Woods, Va., over Virginia State Highway 3 to Fredericksburg, Va., thence over Interstate Highway 95 to Washington, D.C., and return over the same route, serving intermediate points on Virginia State Highway 3, for 180 days. Supporting shippers: There are approximately 28 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor C. M. Harmon, Interstate Commerce Commission, Bureau of Operations, 400 North 8th Street, Room 10, 502 Federal Building, Richmond, Va. 23240.

NOTE.—Applicant states that it will tack with authority held in MC 6180 Sub 9TA.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc. 74-26395 Filed 11-8-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateways

NOVEMBER 6, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 21, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number

No. MC 2860 (Sub-No. E77), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in that part of New York on and east of a line beginning at the New York-New Jersey State line, thence along New York Highway 17 to junction Interstate Highway 87 to junction New York Highway 145, thence along New York 145 to Sharon Springs, thence along New York Highway 10 to junction New York Highway 8 to New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Maryland on and east of Interstate Highway 81, restricted against the transportation of traffic originating at, destined to, or received from or delivered to connection carriers at Somerville, N.J., or points in Morris County, N.J. The purpose of this filing is to eliminate the gateways of (1) Camden, N.J., and (2) any point in Somerset County, N.J.

No. MC 2860 (Sub-No. E78), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Pennsylvania on and south of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 78 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Pennsylvania Highway 93, thence along Pennsylvania Highway 93 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 15, thence along U.S. Highway 15 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in Connecticut, Boston, Mass., and points in Massachusetts within 25 miles thereof, and Providence and Westerly, R.I., restricted against the transportation of traffic originating at, destined to, or received from or delivered to connecting carriers at Somerville, N.J., or points in Morris County, N.J. The purpose of this filing is to eliminate the gateway of any point in Morris County, N.J.

No. MC 2860 (Sub-No. E80), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 1300, 1126 Sixteenth St. NW., Washington, D.C. 20036.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in New York on and north of a line beginning at the New York-Vermont State line, thence along New York Highway 7 to Troy, thence along Interstate Highway 787 to Albany, thence along U.S. Highway 20 to junction New York Highway 7, thence along New York Highway 7 to New York Highway 8, thence along New York Highway 8 to the New York-Pennsylvania State line, on the one hand, and, on the other, points in those parts of Bergen, Passaic, Sussex, Warren, Morris, Essex, Hudson, Union, Middlesex, Somerset, Hunterdon, Monmouth, and Ocean Counties, N.J., that are on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of any point in Morris County, N.J.

No. MC 2860 (Sub-No. E81), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over

irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in Bergen, Passaic, Morris, Essex, Hudson, Union, Middlesex, Somerset, and Monmouth Counties, N.J., on the one hand, and, on the other, points in that part of Pennsylvania west of the Susquehanna River. The purpose of this filing is to eliminate the gateway of any point in Morris County, N.J.

No. MC 24999 (Sub-No. E5), filed June 3, 1974. Applicant: ALLEN TRANSFER CO., INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Colorado west of Costilla, Huerfano, Pueblo, Lincoln, Yuma, Phillips, and Sedgwick Counties, on the one hand, and, on the other, points in St. Louis, Jefferson, Sainte Genevieve, Perry, Cape Girardeau, Scott, Mississippi, New Madrid, and Pemiscot Counties, Mo. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 29886 (Sub-No. E15), (correction), filed May 23, 1974, published in the FEDERAL REGISTER October 17, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample St., South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (limited to contractors' equipment and except truck tractors); (2) from points in Connecticut, Rhode Island, and points in that part of New York on and east of U.S. Highway 15 to points in that part of Kentucky on and west of U.S. Highway 127; (3) from points in Connecticut, Massachusetts, Rhode Island, and that part of New York on and east of U.S. Highway 15 to points in Michigan, Indiana, Illinois, Mississippi, Louisiana, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Washington, Oregon, Nevada, and California. The purpose of this filing is to eliminate the gateway of Batavia, N.Y. The purpose of this partial correction is to clarify the route description in (2) and in (3) and set forth the gateway. The remainder of the letter-notice remains as previously published.

No. MC 43670 (Sub-No. E1), (correction), filed May 14, 1974, published in the FEDERAL REGISTER October 21, 1974. Applicant: DELCHER BROTHERS STORAGE CO., P.O. Box 507, Jacksonville, Fla. 32201. Applicant's representative: Sheldon Silverman, Suite 550, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (4) between points in Oklahoma, on the one hand, and, on the other, points in that part of Alabama south and east of a line beginning at Mobile, thence along Interstate Highway 65 to junction Lowndes-Butler County line, thence along the Lowndes-Butler County line, the Lowndes-Crenshaw County line, the Montgomery-Crenshaw County line, the Montgomery-Pike County line, the Bullock-Pike County line, the Bullock-Barbour County line, and the Russell-Barbour County line to the Alabama-Georgia State line, that part of Georgia south of a line beginning at the Georgia-Alabama State line, thence along the Harris-Muscogee County line, and the Talbot-Muscogee County line to junction Georgia Highway 22, thence along Georgia Highway 22 to Geneva.

Thence along Georgia Highway 96 to junction Georgia Highway 358, thence along Georgia Highway 358 to junction U.S. Highway 80, thence along U.S. Highway 80 to the Effingham-Chatham County line, thence along the Effingham-Chatham County line to the Savannah River, and that part of South Carolina south and east of a line beginning at the South Carolina-Georgia State line, thence along U.S. Highway 17 to junction Alternate U.S. Highway 17, thence along Alternate U.S. Highway 17 to Walterboro, thence along U.S. Highway 15 to Santee, thence along Interstate Highway 95 to the South Carolina-North Carolina State line (points in Florida)*; and (5) between points in that part of Oklahoma south and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 60 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in that part of Alabama east and south of a line beginning at the Alabama-Mississippi State line.

Thence along the Washington-Mobile County line and the Mobile-Baldwin County line to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Montgomery-Lowndes County line, thence along the Montgomery-Lowndes County line, the Montgomery-Autauga County line, the Montgomery-Elmore County line, and the Montgomery-Macon County line, to junction Interstate Highway 85, thence along Interstate Highway 85 to the Alabama-Georgia State line, that part of Georgia south and east of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Macon, thence along Georgia Highway 22 to junction Interstate Highway 20, thence along Interstate Highway 20 to the Georgia-South Carolina State line, that part of South Carolina east of a line beginning at the Georgia-South Carolina State line, thence along Interstate Highway 20 to junction U.S. Highway 1, thence along U.S. Highway 1 to the South Carolina-North Carolina State line, that part of North Carolina east of a line beginning at the South Carolina-North Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 15, thence along U.S. Highway 15 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-Virginia State line, that part of Virginia east and south of a line beginning at the North Carolina-Virginia State line, thence along Interstate Highway 85 to Petersburg, thence along Virginia Highway 36 to Hopewell, thence along Virginia Highway 36 to junction Virginia Highway 156, thence along Virginia Highway 156 to junction Virginia Highway 5, thence along Virginia Highway 5 to Yorktown (points in Florida)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the destination territories.

No. MC 49052 (Sub-No. E6), filed June 3, 1974. Applicant: MACON TRADING POST, INC., 103 Cherry St., Macon, Ga. 31208. Applicant's representative: Thomas R. Kingsley, 1819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida, on the one hand, and, on the other, points in Virginia. The purpose of this filing is to eliminate the gateway of points in Telfair County, Ga.

No. MC 59150 (Sub-No. E42), filed October 29, 1974. Applicant: PLOOF TRANSFER CO., INC., P.O. Box 47, Jacksonville, Fla. 32206. Applicant's representative: Hampton M. Mills (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plant site and warehouse facilities of National Gypsum Company at Westwego and New Orleans, La., to points in West Virginia, Maryland, District of Columbia, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of the facilities of Temple Industries, Inc., at or near Thomson, Ga.

No. MC 78228 (Sub-No. E13), filed June 4, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, Silicon metal, and manganese metal*, in dump vehicles, from Philadelphia, Pa., to points in Missouri and Iowa; and (2) *Coke*, in dump vehicles, from Harriet, N.Y., to points in Virginia and West Virginia. The purpose of this filing is to eliminate the gateway of Graham, W. Va., Vandis, Ohio or Vancoran, Ohio for points in (1) above, and Pittsburgh, Pa., for points in (2) above.

No. MC 95540 (Sub-No. E389), filed May 15, 1974. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a com-

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mon carrier, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Omaha, Nebr., to points in Maryland on and south of a line beginning at Nauticoke on the Chesapeake Bay and extending along Maryland Highway 349 to Salisbury; thence along U.S. Highway 50 to Ocean City. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107496 (Sub-No. E135), filed June 4, 1974. Applicant: RUAN TRANSPORT CORPORATION, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: E. Check (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Madison, Wis., to points in Missouri. The purpose of this filing is to eliminate the gateway of the plant site or distribution terminal sites of Dundee Cement Company at or near Rock Island, Ill.

No. MC 107515 (Sub-No. E473), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Jackson and Columbus, Ohio to points in that part of Virginia on and east of a line beginning at the Virginia-North Carolina State line thence along Interstate Highway 85 to junction Virginia Highway 40, thence along Virginia Highway 40 to junction Virginia Highway 10, thence along Virginia Highway 10, to junction U.S. Highway 258, thence along U.S. Highway 258 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction U.S. Highway 58, thence along U.S. Highway 58 to the Atlantic Ocean. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E474), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products*, as described in section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Luling, Tex., to points in Ohio and that part of Kentucky on and east of a line beginning at the Tennessee-Kentucky State line, thence along Kentucky Highway 163 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction U.S. Highway 31E, thence along U.S. Highway 31E to junction Interstate Highway 264, thence along Interstate Highway 264 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Kentucky Highway 625, thence along Kentucky Highway 625 to junction U.S. Highway 421, thence along U.S. Highway 421 to the Kentucky-Indiana State line. The purpose of this filing is to eliminate the gateway of Carrollton, Ga.

No. MC 107515 (Sub-No. E475), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described in section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Palestine, Tex., to points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 127 to junction Cumberland Parkway, thence along Cumberland Parkway to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 19, thence along Kentucky Highway 19 to the Ohio River, and that part of Ohio on and east of a line beginning at the Kentucky-Ohio State line, thence along U.S. Highway 68 to junction Interstate Highway 73, thence along Interstate Highway 75 to Ohio-Michigan State line. The purpose of this filing is to eliminate the gateway of Carrollton, Ga.

No. MC 107515 (Sub-No. E476), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, meat products, meat by-products*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates* (except commodities in bulk), 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration; (1) from points in El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Bexar, Webb, Zapata, Starr, Hidalgo, Willacy, Cameron, Nueces, and San Patricio Counties, Tex., to points in Ohio and points in that part of Kentucky on and east of a line beginning at the Kentucky-Tennessee State line, thence along Kentucky Highway 99 to junction Kentucky Highway 100, thence along Kentucky Highway 100 to junction Kentucky Highway 87, thence along Kentucky Highway 87 to junction Kentucky Highway 921, thence along Kentucky Highway 921 to junction Kentucky Highway 249, thence along Kentucky Highway 249 to junction Kentucky Highway 90, thence along Kentucky Highway 90 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Interstate Highway 264, thence along Interstate Highway 264 to junction U.S. Highway 42, thence along U.S. Highway 42 to junction Kentucky Highway 53, thence along Kentucky Highway 53 to the Ohio Highway River; (2) from points in Webb, Zapata, Starr, Hidalgo, Willacy, Cameron, Nueces, and San Patricio Counties, Tex., to points in that part of Kentucky on and east of Interstate Highway 65, and points in that part of Indiana on and east of U.S. Highway 31; (3) from Maverick, Kinney, Val Verde, and Terrell Counties, Tex., to points in that part of Kentucky on and east of Interstate Highway 65, and points in that part of Indiana on and east of a line beginning at the Kentucky-Indiana State line, thence along Indiana Highway 62 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 36, thence along U.S. Highway 36 to junction Indiana Highway 9.

Thence along Indiana Highway 9 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Indiana Highway 29, thence along Indiana Highway 29 to the Indiana-Michigan State line; (4) from Brewster, Presidio, Jeff Davis, Culberson, Hudspeth, and El Paso Counties, Tex., to points in that part of Indiana beginning at the Indiana-Kentucky State line, thence along Indiana Highway 62 to junction Indiana Highway 3, thence along Indiana Highway 3 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 101, thence along Indiana Highway 101 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Ohio State line; (5) from Bexar County, Tex., to points in that part of Indiana on and east of a line beginning at the Kentucky-Indiana State line, and extending along U.S. Highway 31 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction Indiana Highway 15, thence along Indiana Highway 15 to the Indiana-Michigan State line; (6) from Dallas and Tarrant Counties, Tex., to Ashland, Ky., and to points in that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line, thence along Ohio Highway 93 to junction Ohio Highway 83, thence along Ohio Highway 83 to Lake Erie; (7) from Smith County, Tex., to points in that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line, thence along Ohio Highway 93 to junction Ohio Highway 83, thence along Ohio Highway 83 to Lake Erie; and (8) from points in Titus County, Tex., to points in that part of Ohio on and east of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of Carrollton, Ga.

No. MC 107515 (Sub-No. E491), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (a) *Frozen foods*, from points in South Carolina to points in Idaho, Utah, and Nevada; (b) *frozen poultry and*

frozen pies, from points in South Carolina to points in Colorado. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 107515 (Sub-No. E492), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meats and frozen edible meat products* (except commodities in bulk), from Norfolk, Va. (except imported frozen meats), to points in (a) Alabama, Georgia, Tennessee, Mississippi, Florida, and Louisiana (except Chalinette and New Orleans) (any point in North Carolina or South Carolina) *; and (b) New Orleans and Chalinette, La. (any point in Georgia) *. The purpose of this filing is to eliminate the gateways indicated by the points above.

No. MC 107515 (Sub-No. E493), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, and Kentucky, restricted (1) to transportation in vehicles equipped with mechanical refrigeration, and (2) against the transportation of traffic originating at points in Florida. The purpose of this filing is to eliminate the gateway of Richmond, Va.

No. MC 107515 (Sub-No. E494), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Alabama, Georgia, Florida, Tennessee, Louisiana, Mississippi, and Kentucky (Richmond, Va.) *; and (B) *Frozen foods*, from Baltimore, Md., to points in Alabama, Georgia, Florida, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, and Kentucky (Richmond, Va.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E495), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Baltimore, Md., to points in Alabama, Georgia, Florida, Tennessee, Louisiana, Mississippi, and Kentucky, restricted (1) to transportation in vehicles equipped with mechanical refrigeration, and (2) against the transportation of traffic originating at points in Florida. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 108449 (Sub-No. E188), filed June 2, 1974. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, Minn. 55113. Applicant's representative: W. A. Myllenbeck (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from points in Illinois on and north of U.S. Highway 6 (except points in Jo Daviess and Carroll Counties, Ill.) to Sioux Falls, S. Dak. The purpose of this filing is to eliminate the gateway of St. Paul, Minn.

No. MC 110420 (Sub-No. E133), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles from Boston, Mass., (1) to points in Iowa, Nebraska, Minnesota, and Missouri (2) to points in Arkansas, South Dakota, that part of Tennessee west of U.S. Highway 79, and that part of Kentucky west of U.S. Highway 79. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-No. E134), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles from Amsterdam, N.Y., (1) to Chicago, Ill. (Cudahy, Wis.) *; (2) to points in Iowa, Minnesota, and that part of Illinois on and north of Interstate Highway 80 (Cudahy, Wis.) *; (3) to points in Missouri (except points in the St. Louis, Mo., Commercial Zone) (Milwaukee, Wis., and Chicago, Ill.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E135), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Red Wing, Minn.; (1) to points in Tennessee, and that part of Arkansas on and east of U.S. Highway 65 and on and south of Interstate Highway 30 (Chicago, Ill.) *; (2) to Lititz, Pa., and Charlotte, N.C. (Chicago, Ill.) *; (3) to points in New Jersey, Delaware, Maryland, Westchester, Nassua, Bronx, Queens, Kings, and Richmond Counties, N.Y., and to the District of Columbia (Louisville, Ky.) * (4) to Buffalo, N.Y., (Clinton, Iowa) *; (5) to Louisville, Ky., to points in Indiana (except points within the Chicago, Ill., commercial zone), Illinois (except Chicago, and the plant sites of Anderson Clayton Co., near Jacksonville, Ill., and of the Humko Co., near Champaign, Ill.) (Waterloo, Iowa) *; (6) to Kingston, Harrisburg, Allentown, Downingtown, and Wilkes-Barre, Pa., Rochester, Olean, Buffalo, Binghamton, Brockport, Auburn, Syracuse, Utica, and New York, N.Y., Boston and Springfield, Mass., Ellicott City, Silver Spring, and Baltimore, Md., and Trenton, Jersey City, Newark, Hoboken, Camden, and Bayonne, N.J. (Waterloo, Iowa) *; and (7) to Portland, Maine (Cudahy, Wis.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E136), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Rochester, N.Y. to (1) points in Iowa, Nebraska, Minnesota, the Upper Peninsula of Michigan, that part of Missouri in and north of Buchanan, Clinton, Caldwell, Knox, and Lewis Counties, and in Carroll, Stephenson, and Jo Daviess Counties, Ill. (Milwaukee, Wis., and Chicago, Ill.) *; (2) to points in South Dakota, and that part of Arkansas in and west of Miller, Little River, Sevier, Polk, Scott, Sebastian, Crawford, and Washington Counties (Milwaukee, Wis., and Chicago, Ill.), (3) to points in North Dakota, South Dakota, Nebraska, that part of Wisconsin in and north of Douglas, Bayfield, Ashland, Iron, and Vilas Counties, and that part of Iowa in, north, and west of Plymouth, Cherokee, Buena Vista, Pocahontas, Palo Alto, and Emmet Counties (Milwaukee, Wis., and Red Wing, Minn.) *; The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E137), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from the facilities of CPC International, Inc., and Holly Sugar Corp., at or near Bonner Springs, Kans., to points in Mississippi (St. Louis, Mo.) *, and Utah (North Kansas City, Mo.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisk above.

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No. MC 110525 (Sub-No. E1082), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of Ohio on and south of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 30 to junction U.S. Highway 30N, thence along U.S. Highway 30N to junction U.S. Highway 30 thence along U.S. Highway 30 to the Ohio-Indiana State line, to points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 110525 (Sub-No. E1089), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Acetic acid*, in bulk, in tank vehicles, from Celriver, S.C., to points in (1) Maryland (Greensboro, N.C.)*, (2) Florida (Augusta, Ga.)*, and (3) that part of Alabama on and north of U.S. Highway 278 (Ranger, N.C., and Chattanooga, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1161), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line, thence along New Jersey Highway 73 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Atlantic Ocean, to points in Oswego, Oneida, Lewis, Jefferson, and St. Lawrence Counties, N.Y. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Penn., and Carteret, N.J.

No. MC 110525 (Sub-No. E1165), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from points in Delaware to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Lima, and Philadelphia, Penn., Newark, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. 1166), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Penn. 19335. Applicant's representative: Thomas J. O'Brien (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chemicals and linseed oil*, in bulk, in tank vehicles, from the District of Columbia and points in Delaware and Maryland, to points in that part of New Hampshire on and east of U.S. Highway 3 and on and south of U.S. Highway 302. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Penn., Newark, N.J., and Stoneham, Mass.

No. MC 111676 (Sub-No. E1), filed June 4, 1974. Applicant: CROWDER'S TRANSFER & STORAGE, INC., 1219 First St., Alexandria, Va. 22314. Applicant's representative: Thomas R. Kingsley, 17819 H St., NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Maryland within 40 miles of the District of Columbia, on the one hand, and, on the other, points in that part of New York in and north of Monroe, Wayne, Cayuga, Onondaga, Oneida, Herkimer, Montgomery, Schenectady, Albany, and Rensselaer Counties; (2) between points in Maryland within 210 miles of the District of Columbia (except points in Frederick, Howard, and Carroll Counties), on the one hand, and, on the other, points in that part of New York in and north of Chautauqua, Cattaraugus, Allegany, Steuben, Schuyler, Tompkins, Cortland, Chenango, Otsego, Schoharie, Albany, and Rensselaer Counties; (3) between points in Maryland within 40 miles of the District of Columbia (except points in Howard, Carroll, Baltimore, and Baltimore City Counties), on the one hand, and, on the other, points in the part of New York in and north of Monroe, Wayne, Cayuga, Onondaga, Madison, Otsego, Schoharie, Greene, Ulster, Sullivan, Orange, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk Counties; and (4) between points in Maryland within 40 miles of the District of Columbia (except points in Montgomery, Frederick, Howard, Carroll, Baltimore, and Baltimore City Counties), on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of the District of Columbia.

June 4, 1974. Applicant: CROWDER'S TRANSFER & STORAGE, INC., 1219 First Street, Alexandria, Va. 22314. Applicant's representative: Thomas R. Kingsley, 1819 H. St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Maryland within 40 miles of the District of Columbia, on the one hand, and, on the other, points in that part of New York in and north of Monroe, Wayne, Cayuga, Onondaga, Oneida, Herkimer, Montgomery, Schenectady, Albany, and Rensselaer Counties; (2) between points in Maryland within 210 miles of the District of Columbia (except points in Frederick and Carroll Counties), on the one hand, and, on the other, points in that part of New York in and north of Chautauqua, Cattaraugus, Allegany, Steuben, Schuyler, Tompkins, Cortland, Chenango, Otsego, Schoharie, Albany, and Rensselaer Counties; (3) between points in Maryland within 40 miles of the District of Columbia (except points in Howard, Carroll, Baltimore, and Baltimore City Counties), on the one hand, and, on the other, points in the part of New York in and north of Monroe, Wayne, Cayuga, Onondaga, Madison, Otsego, Schoharie, Greene, Ulster, Sullivan, Orange, Rockland, Westchester, Bronx, New York, Richmond, Kings, Queens, Nassau, and Suffolk Counties; and (4) between points in Maryland within 40 miles of the District of Columbia (except points in Montgomery, Frederick, Howard, Carroll, Baltimore, and Baltimore City Counties), on the one hand, and, on the other, points in New York. The purpose of this filing is to eliminate the gateway of the District of Columbia.

June 4, 1974. Applicant: CROWDER'S TRANSFER & STORAGE, INC., 1219 First Street, Alexandria, Va. 22314. Applicant's representative: Thomas R. Kingsley, 1819 H. St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Maryland within 40 miles of the District of Columbia (except points in Frederick and Carroll Counties), on the one hand, and, on the other, points in Erie and Crawford Counties, Penn.; (2) between points in Maryland within 40 miles of the District of Columbia (except points in Frederick, Carroll, Howard, and Montgomery Counties), on the one hand, and, on the other, points in that part of Pennsylvania in and west of Fayette, Westmoreland, Indiana, Jefferson, Elk, Cameron, Potter, and Tioga Counties; and (3) between points in Maryland within 40 miles of the District of Columbia (except points in Frederick, Carroll, Montgomery, Howard, Baltimore, and Baltimore City Counties), on the one hand, and, on the other, points in that part of Pennsylvania in and west of Franklin, Juniata, Snyder, Northumberland, Montour, Lycoming, Sullivan, Bradford, Wyoming, Lackawanna, Susquehanna, and Wayne Counties. The purpose of this filing is to eliminate the gateway of the District of Columbia.

No. MC 111676 (Sub-No. E3), filed June 4, 1974. Applicant: CROWDER'S TRANSFER & STORAGE, INC., 1219 First Street, Alexandria, Va. 22314. Applicants' representative: Thomas R. Kingsley, 1819 H. St. NW., Washington, D.C. 20006. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maryland within 40 miles of the District of Columbia, on the one hand, and, on the other, Newport News, Hampton, Norfolk, Portsmouth, Cheaspeake, and Virginia Beach, Va., and points in that part of Virginia in and west of Augusta, Albermarle, Louisa, Goochland, Henrico, Charles City, James City, and York Counties (including all independent cities encompassed by or adjacent to such counties). The purpose of this filing is to eliminate the gateway of the District of Columbia.

No. MC 112822 (Sub-No. E150), filed June 3, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California on and north of a line beginning at Santa Maria on U.S. Highway 101 to California Highway 41, thence eastward to California Highway 120, thence to junction U.S. Highway 395, thence northward to California-Nevada State line, to points in Florida on and south and east of a line extending along U.S. Highway 319 from the Georgia-Florida State line to Apalachicola, Fla. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 112822 (Sub-No. E151), filed June 3, 1974. Applicant: GRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California in and north of Santa Cruz, Santa Clara, Stanislaus, Tuolumne, and Alpine Counties, to points in Alabama, Arkansas, Georgia, and Mississippi. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 112822 (Sub-No. E156), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer materials and fertilizer ingredients*, dry, in bags, from Pryor and Tulsa, Okla., to points in Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company, at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E157), filed May 22, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bags, from Houston, Tex., to points in Colorado. The purpose of this filing is to eliminate the gateway of Tonkawa, Okla.

No. MC 112822 (Sub-No. E139), filed May 23, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer ingredients*, dry, from Tonkawa, Okla., to points in Illinois, Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company, at South River (Marion County), Mo.

No. MC 112822 (Sub-No. E147), filed June 3, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from Delta, Colo., to points in Oregon located in and west of the counties of Multnomah, Clackamas, Marion, Linn, Lane, Douglas, and Jackson, and points in Washington located in the counties of Grays Harbor, Mason, Thurston, Pierce, Pacific, Lewis, Wahkiakum, Cowlitz, Clark, and Skamania. The purpose of this filing is to eliminate the gateway of any point in California.

No. MC 113108 (Sub-No. E1), filed June 3, 1974. Applicant: THE BLUE DIAMOND COMPANY, 4401 E. Fairmont Ave., Baltimore, Md. 21224. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Baltimore, Md., to points in New Jersey (except points in Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties), points in that part of New York east of New York Highway 14, and points in Ashtabula, Carroll, Cuyahoga, Geauga, Guernsey, Lake, Monroe, Noble, Portage, Stark, Summit, Trumbull, Tuscarawas, and Washington Counties, Ohio. The purpose of this filing is to eliminate the gateway of the plant site of the Royster Company at East Hempfield Township (Lancaster County), Pa.

No. MC 114211 (Sub-No. E15), filed May 24, 1974. Applicant: WARREN TRANSPORT, INC., P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Kenneth R. Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, between points in that part of Kansas on and west of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 81 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Kansas Highway 196, thence along Kansas Highway 196 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 160, thence along U.S. Highway 160 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Kansas-Oklahoma State line, on the one hand, and, on the other, points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 69 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Iowa Highway 196, thence along Iowa Highway 196 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Interstate Highway 29, thence along Interstate Highway 29 to Council Bluffs. The purpose of this filing is to eliminate the gateway of Beatrice, Nebr.

No. MC 114457 (Sub-No. E127), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size weight require the use of special equipment), when moving in mixed loads with metal containers, from the plant site or warehouse facilities of Continental Can Company, Inc., at Mankato, Minn., to points in West Virginia, restricted to the transportation of shipments origination at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wisc., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 114457 (Sub-No. E128), filed June 2, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such edible animal fats, animal oils, vegetable oils*, including products and blends thereof, in packages, and *oleomargarine* in packages, as are preserved foodstuffs, from the site of the refinery plant of Swift & Company, at or near Bradley, Ill., to points in Montana, restricted to the transportation of shipments originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of Chanhassan, Minn.

No. MC 114457 (Sub-No. E142), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104, Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such meats and meat products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 as are frozen foods, from the plant site of Swift & Company at or near Grand Island, Nebr., to points in that part of Michigan in and north of Wayne, Oakland, Genesee, Saginaw, Middland, Clare, Osceola, Lake, and Mason Counties, restricted against the transportation of commodities in bulk, in tank vehicles, and restricted to the transportation of shipments originating at the plant site of the above-named shipper. The purpose of this filing is to eliminate the gateway of Madella, Minn.

No. MC 114457 (Sub-No. E143), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irrgeular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company, Inc., at Omaha, Nebr., to points in West Virginia, Kentucky (except Louisville and points in that part of Kentucky within the Cincinnati, Ohio, commercial zone, as defined by the Commission), that part of Ohio in and south of Preble, Montgomery, Clark, Madison, Franklin, Licking, Coshocton, Guernsey, Harrison, and Jefferson Counties (except points in that part of Ohio on and south of U.S. Highway 40), and that part of Louisiana in and east of East Feliciana, East Baton Rouge, Ascension, Assumption, and Terrebonne Parishes, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., LaCrosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E144), filed June 4, 1974. Applicant: DART TRAN-

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SIT COMPANY, 780 North Prior Ave., St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), from the plant site or warehouse facilities of Continental Can Company at Mankato, Minn., to points in that part of Texas in and south of Presidio, Brewster, Pecos, Terrell, Val Verde, Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, Lee, Milam, Robertson, Leon, Anderson, Smith, Upshur, Camp, Morris, and Bowie Counties, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E145), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require special equipment), from the plant site or warehouse facilities of Continental Can Company at Mankato, Minn., to points in Colorado, restricted to the transportation of shipments originating at the plant site or warehouse facilities of the above-named shipper at Mankato, Minn., St. Joseph, Mo., Omaha, Nebr., La Crosse, Wis., Peoria or Danville, Ill., Elwood, Ind., or St. Joseph, Mich. The purpose of this filing is to eliminate the gateway of Minneapolis, Minn.

No. MC 114457 (Sub-No. E146), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and container ends, and materials and supplies* used in the manufacture and distribution of metal containers (except commodities in bulk and those which because of size or weight require the use of special equipment), from the plant site or warehouse facilities of Federal Paper Board Company, Inc., at Elkhart, Ind., to points in Colorado, Louisiana, and Texas, restricted to the transportation of traffic originating at the above-named origin point. The purpose of this filing is to eliminate the gateway of St. Louis, Mo.

No. MC 114457 (Sub-No. E147), filed June 4, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such canned meats, pizza mix, and tomato paste* as are canned and preserved foodstuffs (except in bulk, in tank vehicles), from the plant site of Armour Grocery Products Co., located in Aurora Township, Kane County, Ill., to points in that part of Nebraska in and west of Keith, McPherson, Logan, Blaine, Loup, Holt, and Knox Counties. The purpose of this filing is to eliminate the gateway of the plant site of the Green Giant Company at or near Blue Earth, Minn.

No. MC 114457 (Sub-No. E148), filed June 3, 1974. Applicant: DART TRANSIT COMPANY, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such animal fats, animal oils, and vegetable oils, and products and blends* of said commodities, as are foodstuffs, in bulk, in tank vehicles, from Bradley, Ill., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Watertown, Wis.

No. MC 116073 (Sub-No. E6) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 21, 1974. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., P.O. Box 919, Moorhead, Minn. 56560. Applicant's representative: David L. Wanner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used mobile trailer homes*, in secondary movements, in truckaway service; (1) between points in Montana, on the one hand, and, on the other, points in Florida and Georgia; (2) between points in Montana, on the one hand, and, on the other, points in Arkansas and Louisiana; and (3) between points in Montana, on the one hand, and, on the other, Birmingham, Ala., and points within 15 miles thereof. The purpose of this filing is to eliminate the gateways of points in North Dakota, points in Arkansas, and Birmingham, Ala., and points within 15 miles thereof in (1); points in North Dakota in (2); and points in North Dakota and points in Arkansas in (3). The purpose of this correction is to clarify the route description.

No. MC 127840 (Sub-No. E22), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Nebraska, to points in Michigan, Ohio, Pennsylvania, New York, and New Jersey. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E23), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Nebraska in and north of Banner, Morrill, Garden, Arthur, McPherson, Logan, Blaine, Loup, Garfield, Wheeler, Antelope, Madison, Stanton, Cuming, and Burt Counties, to points in Indiana and Kentucky. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E24), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Kimball, Cheyenne, Deuel, Keith, Perkins, Chase, Hayes, Frontier, Lincoln, Gosper, Phelps, Dawson, Custer, Valley, Greeley, Boone, Buffalo, Hall, Sherman, Howard, Hamilton, York, Seward, Butler, Sarpy, and Washington Counties, Nebr., to points in Indiana north and east of Vigo, Sullivan, Knox, Pike, Warrick, and Vanderburgh Counties, and points in Kentucky in, north, and east of Vigo, Sullivan, Knox, Pike, Warrick, and Vanderburgh Counties, and points in Kentucky in, north, and east of Henderson, McLean, Webster, Hopkins, and Christian Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E28), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Colorado on and east of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 87 to its junction with Colorado Highway 1, thence along Colorado Highway 1 to its junction with U.S. Highway 87 at or near Denver, thence on and east of U.S. Highway 87 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with the Pueblo-Crowley County line, thence along the Pueblo-Crowley County line to its intersection with the southern county line of Lincoln County, thence along the southern county lines of Lincoln and Kit Carson Counties to their intersection with the Colorado-Kansas State line, to points in Indiana in, north, and east of Vigo, Clay, Owen, Monroe, Lawrence, Washington, and Clark Counties and points in Kentucky in, north, and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E34), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils*, from points in Minnesota, except Houston, Winona, Fillmore, Dodge, Olmstead, Wabasha, and Goodhue Counties, to Chicago, Ill., and points in Indiana, Michigan (except the Upper Peninsula), Ohio, Pennsylvania, New Jersey, New York, and Kentucky. The purpose of this filing is to eliminate the gateway of Chicago and Bradley, Ill.

No. MC 127840 (Sub-No. E35), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animals fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Kansas to points in Michigan (except the Upper Peninsula), New York, Pennsylvania, and New Jersey. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E36), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Kansas in, north, and east of Greeley, Logan, Sheridan, Norton, and Phillips Counties, to points in Ohio, points in, north, and east of Newton, Jasper, White, Tippecanoe, Boone, Marion, Hancock, Rush, and Franklin Counties, Ind., and points in, north, and east of Boone, Grant, Harrison, Bourbon, Clark, Estill, Jackson, Clay, Knox, and Bell Counties, Ky. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E37), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Kansas in and bounded by Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Jackson, Shawnee, Wabaunsee, Lyon, Chase, Butler, Sumner, Harper, Barber, Comanche, Clark, Meade, Seward, Stevens, Morton, Stanton, Hamilton, Wichita, Gove, Graham, and Rooks Counties, to points in Ohio and points in Newton, Jasper, White, Tippecanoe, Clinton, Hamilton, Hancock, Rush, and Franklin Counties, Ind. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E38), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *comon carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Kansas in and bounded by Smith, Jewell, Republic, Washington, Marshall, Nemaha, Brown, Jackson, Shawnee, Wabaunsee, Lyon, Chase, Butler, Sumner, Harper, Barber, Comanche, Clark, Meade, Seward, Stevens, Morton, Stanton, Hamilton, Wichita, Gove, Graham, and Rooks Counties, to points in Ohio and points in Newton, Jasper, White, Tippecanoe, Clinton, Hamilton, Hancock, Rush, and Franklin Counties, Ind. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E39), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Doniphan, Atchison, Jefferson, Leavenworth, Wyandotte, Douglas, Johnson, Osage, Franklin, Miami, Linn, Anderson, Coffey, Greenwood, Woodson, Allen, Bourbon, Crawford, Neosho, Wilson, Elk, Cowley, Chautauqua, Montgomery, Labette, and Cherokee Counties, Kans., to points in Indiana in, north and east of Lake, Porter, Starke, Pulaski, Fulton, Miami, Grant, Blackford, and Jay Counties, Ind., and points in Ohio in, north, and east of Mercer, Auglaize, Shelby, Champaign, Union, Franklin, Fairfield, Hocking, Vinton, and Gatlin Counties, Ind. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E40), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in and north of Woodbury, Ida, Sac, Calhoun, Webster, Hamilton, Hardin, Grundy, Black Hawk, Buchanan, Delaware, and Dubuque Counties, Kans., to points in Indiana, Ohio, and Kentucky. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E67), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago, Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products*, in bulk, in tank vehicles, from Chicago, Ill., to points in Colorado and New Mexico. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 127840 Sub-No. E69), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, and washing compounds*, in bulk, in tank vehicles, from St. Paul, Minn., to points in Lake, McHenry, Kane, Cook, DuPage, Kendall, Will, Grundy, Kankakee, Livingston, Ford, Iroquois, McLean, De Witt, Champaign, Vermillon, and Piatt Counties, Ill., and Decatur, Ill. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E70), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk beverage products*, in bulk, in tank vehicles, from points in Minnesota to Chattanooga, Tenn. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E71), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and citrus juices and concentrates thereof*, in bulk, in tank vehicles, from Frostproof, Fla., to points in Iowa, Nebraska, that part of Illinois north of a line beginning at the Illinois-Missouri State line from a point directly west of Springfield, Ill., and extending through Springfield to the Illinois-Indiana State line; that part of Colorado on and east of U.S. Highway 87 from the Wyoming-Colorado State line to its junction with Colorado Highway 1 at or near Wellington, thence

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on and east of Colorado Highway 1 to its junction with U.S. Highway 87 at or near Denver, thence on and east of U.S. Highway 87 to its junction with U.S. Highway 50, and points in Cheyenne, Rawlins, Decatur, Sheridan, Thomas, Sherman, Wallace, Logan, Grove, Lane, Scott, Wichita, and Greeley Counties, Kans. The purpose of this filing is to eliminate the gateway of Lyons, Ill.

No. MC 127840 (Sub-No. E72), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal oils*, in bulk, in tank vehicles, from points in Minnesota to points in Florida. The purpose of this filing is to eliminate the gateways of Bradley and Chicago, Ill.

No. MC 127840 (Sub-No. E73), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible animal and vegetable oils*, in bulk, in tank vehicles; (a) from points in Illinois in and north of Henderson, Warren, Knox, Peoria, Tazewell, McLean, Ford, and Iroquois Counties, to points in Florida; (b) from points in Hancock, Adams, Brown, Schuyler, McDonough, Fulton, Cass, Mason, Menard, Sangamon, Logan, Macon, De Witt, Piatt, Champaign, Vermillion, Douglas, and Edgar Counties, Ill., to points in Dade County, Fla. The purpose of this filing is to eliminate the gateways of Bradley and Chicago, Ill.

No. MC 127840 (Sub-No. E74), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid wax*, in bulk, in tank vehicles, from the plant site of Sun Oil Company's Refinery at or near Marcus Hook, Pa., to points in Kansas and that part of Colorado on and east of U.S. Highway 87 from the Wyoming-Colorado State line to its junction with Colorado Highway 1 at or near Wellington, thence on and east of Colorado Highway 1 to its junction with U.S. Highway 87 at or near Denver, thence on and east of U.S. Highway 87 to its junction with U.S. Highway 50 at or near Pueblo and on and north of U.S. Highway 50; (B) *Returned shipments of liquid wax*, in bulk, in tank vehicles, from points in Kansas and that part of Colorado on and east of U.S. Highway 87 from the Wyoming-Colorado State line to its junction with Colorado Highway 1 at or near Wellington, thence on and east of Colorado Highway 1 to its junction with U.S. Highway 87 at or near Denver, thence on and east of U.S. Highway 87 to its junction with U.S. Highway 50 and on and north of U.S. Highway 50 at or near Pueblo, and on and north of Illinois north of a line beginning at the Illinois-Missouri State line from a point directly west of Springfield, Ill., and extending through Springfield, to the Illinois-Indiana State line. The purpose of this filing is to eliminate the gateway of Whiting, Ill.

No. MC 128741 (Sub-No. E225), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts on and east of Interstate Highway 91, on the one hand, and, on the other, points in St. Joseph, Elkhart, Lagrange, and Steuben Counties, Ind. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E226), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Lagrange and Steuben Counties, Ind., on the one hand, and, on the other, points in West Virginia on, west, and south of a line from the Ohio-West Virginia State line along Interstate Highway 77 to the junction of U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E227), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Keokuk, Iowa, on the one hand, and, on the other, points in Kansas on and south of a line from the Missouri-Kansas State line along U.S. Highway 160 to the junction of U.S. Highway 54, thence along U.S. Highway 54 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Greene County, Mo.

No. MC 128741 (Sub-No. E228), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in West Virginia on and south of U.S. Highway 50, on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and points in the Lower Peninsula of Michigan on, west, and north of a line from the Indiana-Michigan State line and extending along U.S. Highway 27 to intersection with Interstate Highway 94, thence along Interstate Highway 94 to intersection with Michigan Highway 66, thence along Michigan Highway 66 to its juncture with the southern boundary of Antrim County, thence along the southern boundaries of Antrim, Otsego, Montmorency, and Alpena Counties to Lake Huron. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E229), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida on and east of a line from the Georgia-Florida State line, along U.S. Highway 221 to intersection with U.S. Highway 27, thence along U.S. Highway 27 to its point of crossing the Suwannee River, thence along the Suwannee River to the Gulf of Mexico, an the one hand, and, on the other, points in Oklahoma on and north of a line from the Missouri-Oklahoma State line along U.S. Highway 60 to intersection with U.S. Highway 64, thence along U.S. Highway 64 to the New Mexico-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E230), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana on and north of U.S. Highway 24, on the one hand, and, on the other, points in Pennsylvania on, south, and east of a line from the West Virginia-Pennsylvania State line, along Pennsylvania Highway 21 to its intersection with U.S. Highway 119, thence along U.S. Highway 119 to intersection with Interstate Highway 70/76, thence along Interstate Highway 70/76 to its intersection with U.S. Highway 15, thence along U.S. Highway 15 to its intersection with Interstate Highway 80, thence along Interstate Highway 80 to its intersection with Pennsylvania Highway 147, thence along Pennsylvania Highway 147 to its intersection with U.S. Highway 220, thence along U.S. Highway 220 to the New York-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E231), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Missouri on and north of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54 to its intersection with Missouri Highway 5, thence along Missouri Highway 5 to its intersection with U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Illinois State line, on the one hand, and, on the other, points in Tennessee on and east of a line beginning at the Kentucky-Tennessee State line and extending south along U.S. Highway 41 Alternate to its intersection with U.S. Highway 31, thence along U.S. Highway 31 to the Tennessee-Alabama State line. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E232), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line along Minnesota Highway 15 to its intersection with U.S. Highway 10, thence along U.S. Highway 10 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to intersection with Minnesota Highway 72, thence along Minnesota Highway 72 to the United States-Canada International Boundary line, on the one hand, and, on the other, points in Oklahoma on and south of a line beginning at the Arkansas-Oklahoma State line along Oklahoma Highway 33 to its intersection with Oklahoma Highway 51, thence along Oklahoma Highway 51 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateways of points in Barton, Dade, Cedar, and Green Counties, Mo.

No. MC 128741 (Sub-No. E233), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E234), filed June 4, 1974. Applicant: AMERICAN TRANS CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in Wyoming. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E235), filed June 4, 1974. Applicant: AMERICAN TRANS CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E236), filed June 4, 1974. Applicant: AMERICAN TRANS CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 So. 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Jasper County, Mo., on and north of U.S. Highway 66.

No. MC 128741 (Sub-No. E237), filed June 4, 1974. Applicant: AMERICAN TRANS CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in Florida. The purpose of this filing is to eliminate the gateways of Arnold, Nebr., and points within 40 miles thereof and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E238), filed June 4, 1974. Applicant: AMERICAN TRANS CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Jasper County, Mo., on and north of U.S. Highway 66 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E239), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in Missouri, Illinois, Indiana, Ohio, and Kentucky. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E240), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40 and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E241), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

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transporting: *Household goods*, as defined by the Commission, between points in Colorado, on the one hand, and, on the other, points in Minnesota, Iowa, Wisconsin, Michigan, and Ohio. The purpose of this filing is to eliminate the gateway of Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E242), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Florida on, east, and south of a line from the Georgia-Florida State line along U.S. Highway 301 to the junction with the southern boundary of Pasco County, thence along the southern boundary of Pasco County to the Gulf of Mexico, on the one hand, and, on the other, points in New Mexico on and north of a line from the Oklahoma-New Mexico State line along U.S. Highway 56 to the junction of Interstate Highway 25, thence along Interstate Highway 25 to the junction of Interstate Highway 40, thence along Interstate Highway 40 to the New Mexico-Arizona State line. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E243), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Wyoming, on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, and Arnold, Nebr., and points within 40 miles thereof.

No. MC 128741 (Sub-No. E244), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Mexico, on the one hand, and, on the other, points in Maryland. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., points in Jasper County, Mo., on and north of U.S. Highway 66, and points in Indiana south of U.S. Highway 40.

No. MC 128741 (Sub-No. E245), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas and Oklahoma. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40 and points in Cedars County, Mo., or points in Jasper County, Mo., on and north of U.S. Highway 66.

No. MC 128741 (Sub-No. E246), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 66, and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E247), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in El Paso County, Tex., on the one hand, and, on the other, points in Iowa on, south, and east of a line from the Nebraska-Iowa State line along U.S. Highway 30 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., and points in Jasper County, Mo., on and north of U.S. Highway 66.

No. MC 128741 (Sub-No. E250), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative, A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Texas on and west of a line from the Oklahoma-Texas State line along U.S. Highway 83 to intersection with U.S. Highway 87, thence along U.S. Highway 87 to intersection with U.S. Highway 181; thence along U.S. Highway 181 to its point of crossing Corpus Christi Bay, on the one hand, and, on the other, points in Iowa on, east, and north of a line beginning at the Minnesota-Iowa State line and extending along U.S. Highway 69 to intersection with U.S. Highway 18, thence east along U.S. Highway 18 to intersection with U.S. Highway 218; thence south along U.S. Highway 218 to the Iowa-Illinois State line. The purpose of this filing is to eliminate the gateways of points in Canadian County, Okla., and points in Jasper County, Mo., on and north of U.S. Highway 66.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26390 Filed 11-8-74;8:45 am]

No. MC 12874K (Sub-No. E248), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in New Mexico. The purpose of this filing is to eliminate the gateways of points in Indiana south of U.S. Highway 40, points in Jasper County, Mo., on and north of U.S. Highway 66, and points in Canadian County, Okla.

No. MC 128741 (Sub-No. E249), filed June 4, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Indiana south of U.S. Highway 40 and points in Jasper County, Mo., or points in Canadian County, Okla., and points in Jasper County, Mo., on and north of U.S. Highway 66.

[Notice No. 149]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 5, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2401 (Sub-No. 52TA), October 29, 1974. Applicant: MOTOR FREIGHT CORPORATION, 114 5th Avenue, New York, N.Y. 10011. Applicant's representative: G. G. Heller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk and those requiring special equipment), serving the plant site of the Firestone Tire & Rubber Company at or near Nashville, Tenn., as off-route to existing authority from and/or to Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—Applicant states that it will tack with authority held in MC 2401 and subs thereof.

No. MC 19157 (Sub-No. 19TA) (Correction), filed October 2, 1974, published in the FEDERAL REGISTER issue of October 17, 1974, and republished as corrected this issue. Applicant: MCCORMACK'S HIGHWAY TRANSPORTATION, INC., R.D. 3, Box 4, Campbell Road, Schenectady, N.Y. 12306. Applicant's representative: Anthony C. Vance, 1111 E Street NW., Washington, D.C. 20004.

NOTE.—The purpose of this republication is to add a supporting shipper, which was omitted in previous publication in the Federal Register. The supporting shipper is Applied Health Physics, Inc., 2986 Industrial Blvd., Bethel Park, Pa. 15102. The rest of the application will remain the same.

No. MC 30237 (Sub-No. 28TA), filed October 29, 1974. Applicant: YEATTS TRANSFER COMPANY, a Corporation, P.O. Box 666, Altavista, Va. 24517. Applicant's representative: J. Johnson Eller, Jr., Box 551, Altavista, Va. 24517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* as defined in Appendix II to the report in *Descriptions in Motor Carrier Certificate*, 61 MCC 209, from points in Appomattox County, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Delaware, New Jersey, New York, Rhode Island, Maryland, Pennsylvania, Virginia, West Virginia, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Alabama, Georgia, North Carolina, South Carolina, Florida, and the District of Columbia, for 180 days. Supporting shipper: Thomasville Furniture Industries, Inc., 101 East Main Street, Thomasville, N.C. 27360. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 30887 (Sub-No. 213TA), filed October 29, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 Patapsco Ave., Baltimore, Maryland 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste copper oxide slurry*, in bulk, in tank vehicles, from Baltimore, Maryland, to Rome, New York, for 180 days. Supporting shipper: John F. Bryant American Recovery Co., Inc., 2001 Benhill Road, Baltimore, Maryland 21226. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Maryland 21201.

No. MC 30887 (Sub-No. 214TA), filed October 29, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 Patapsco Avenue, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste oil*, in bulk, in tank vehicles, from Marcus Hook, Pa., to the plant site of American Recovery Company, Baltimore, Md., for 180 days. Supporting shipper: Edgar Kinney, Jr., President, Del-Mar-Va Pollution Control Corp., 2 Naamans Road, Claymont, Del. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Bldg., Baltimore, Md. 21201.

No. MC 44639 (Sub-No. 83TA), filed October 29, 1974. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Hermand B. J. Weckstein, 1 Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Big Stone Gap, Ewing, and Blackwater, Va., on the one hand, and, on the other, points in New Jersey, the New York, N.Y., Commercial Zone, and Copiague, Long Island, N.Y., for 180 days. Supporting shipper: Miss Virginia, Inc., Big Stone Gap, Va. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 69397 (Sub-No. 13TA), filed October 30, 1974. Applicant: JAMES H. HARTMAN & SON, INC., P.O. Box 85, Pocomoke City, Md. 21851. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibreglass tanks and accessories thereof*, from the plant site of The Justin Atlantic Corp., at or near Georgetown, Del., to points in the United States on and east of the Mississippi River, for 180 days. Supporting shipper: The Justin Atlantic Corp., P.O. Box 511, Sussex County Industrial Airpark, Georgetown, Del. 19947. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 317, Washington, D.C. 20423.

No MC 103051 (Sub-No. 324TA), filed October 25, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid wood preservative*, in tank trucks, from Conley, Ga., to points in Arkansas, Louisiana, and Texas; and (2) *Liquid arsenic acid*, in tank trucks, from Bryan, Tex., to Conley, Ga., for 180 days. Supporting shipper: Koppers Company, Inc., 850 Koppers Building, Pittsburgh, Pa. 15219. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 124353 (Sub-No. 5TA), filed October 29, 1974. Applicant: B & S HAULERS, INCORPORATED, P.O. Box 724, Franklin, N.C. 28734. Applicant's representative: James N. Golding, P.O. Box 7316, Asheville, N.C. 28807. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural limestone* (bag and bulk), from Luttrell, Tenn., to points in Georgia, North Carolina, and South Carolina, for 180 days. Supporting shipper: Luttrell Mining Co., Inc., P.O. Box 12009, Knoxville, Tenn. 37912. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 125518 (Sub-No. 6TA), filed October 16, 1974. Applicant: CLETUS RUHLMAN, doing business as C. RUHLMAN TRUCKING COMPANY, 265 South Riverside Drive, New Miami, Ohio 45012. Applicant's representative: Norbert B. Flick, Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Slag*, other than construction or road building, in bulk, in dump trucks, for the account of The Calumite Co., from Middletown, Ohio, to plant facilities of the Glass Container Corporation, 1301 South Keyston Avenue, Indianapolis, Ind., for 180 days. Supporting shipper: The Calumite Co., P.O. Box 157, Lower Ferry Road, Trenton, N.J. 08628. Send protests to: District Supervisor Paul J. Lowry, Interstate Commerce Commission, Bureau of Operations, 5514 Federal Office Building, 550 Main Street, Cincinnati, Ohio 45202.

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No. MC 125960 (Sub-No. 3TA), filed October 29, 1974. Applicant: ROLAND A. MONDLOCH, doing business as MONDLOCH TRANSFER, 1047 North Dakota Avenue, New Richmond, Wis. 54017. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* between New Richmond, Wisconsin, on the one hand, and, on the other, points in St. Croix, Polk, Pierce, Dunn, Eau Claire, Pepin, Buffalo, Clark, Rusk, Barron, Taylor, and Chippewa Counties, Wisconsin, restricted to traffic having a prior or subsequent movement, in containers, beyond the points named, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shipper: Department of Defense Regulatory Law Office, Office of the Judge Advocate General, Washington, D.C. 20315. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414, Federal Building & U.S. Courthouse, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 128030 (Sub-No. 89TA), filed October 22, 1974. Applicant: THE STOUT TRUCKING COMPANY, INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: James R. Madler, 327 S. LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crates, towers, water cooling air conditioner*, with or without blowers or fans, and *parts thereof*, from the plantsite of Baltimore Aircoil, Paxton, Ill., to points in Arkansas, Colorado, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Texas, and Wisconsin, for 180 days. Supporting shipper: Baltimore Aircoil Company, Inc., RR. #2, P.O. Box 7, Paxton, Ill., 60957. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 128951 (Sub-No. 12TA), filed October 25, 1974. Applicant: ROBERT H. DITTRICH, doing business as BOB DITTRICH TRUCKING, P.O. Box 432, 1000 N. Front St., New Ulm, Minn. 56073. Applicant's representative: Charles E. Nieman, 1110 Northwestern Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers*, from ports of entry on the United States-Canada boundary line located in North Dakota and Minnesota to points in Minnesota, Iowa, and Wisconsin, for 180 days. Supporting shipper: Bob Dittrich Merchandising, P.O. Box 432, New Ulm, Minn. 56073. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Courthouse, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 134478 (Sub-No. 6TA), filed October 29, 1974. Applicant: CONNOLLY CARTAGE CORP., P.O. Box 3660, 1088 North Snelling Avenue, St. Paul, Minn. 55165. Applicant's representative: James E. Ballenthin, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, in bulk, from Black River Falls and Connersville, Wisconsin, to Scott County, Minnesota, restricted to the transportation of wood chips, in bulk, destined to plant site and facilities of CertainTeed Products Corporation at Scott County, Minn., for 180 days. Supporting shipper: CertainTeed Products Corporation, P.O. Box 860, Valley Forge, Pa. 19482. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 414, Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 135486 (Sub-No. 5TA), filed October 29, 1974. Applicant: JACK HODGE TRANSPORT, INC., 2410 W. 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bakery products, and advertising and display material* in connection therewith, from the facilities of the Kroger Company at Solon, Ohio, to the facilities of the Kroger Company at Ft. Wayne, Ind., for 180 days. Supporting shipper: Kroger Brands Division of the Kroger Company, 1240 State Avenue, Cincinnati, Ohio 45204. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 135486 (Sub-No. 6TA), filed October 29, 1974. Applicant: JACK HODGE TRANSPORT, INC., 2410 W. 9th Street, Marion, Ind. 46952. Applicant's representative: Jacob Billig, 1126 16th Street NW., Room 300, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and *equipment, materials, and supplies* used in the conduct of such business, in vehicles equipped with mechanical refrigeration, from the facilities of the Kroger Company at Columbus and Cincinnati, Ohio, to the facilities of the Kroger Company at Dallas and Houston, Tex., for 180 days. Supporting shipper: Kroger Brands, Division of the Kroger Company, 1240 State Ave., Cincinnati, Ohio 45204. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 135556 (Sub-No. 5TA), filed October 22, 1974. Applicant: RAYMOND R. CARPENTER and JAMES E. CARPENTER, doing business as CARPENTER BROS. TRUCKING, Route #2, Box 2005. Bucyrus, Ohio 44820. Applicant's representative: Gerald P. Wadkowski, 85 East Gay St., Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk), in trailers-on-flat car service, and having an immediate prior or subsequent movement by air, between Columbus Ohio and Bucyrus, Ohio, for 180 days. Supporting shipper: Bucyrus Steel Company, P.O. Box 191 Bucyrus, Ohio 44820. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 136230 (Sub-No. 6TA), filed October 29, 1974. Applicant: INTERSTATE WAREHOUSING CORPORATION, doing business as INTERMODAL CONTAINER EXPRESS, 9805 North Main Street, Imeson Industrial Park, Jacksonville, Fla. 32218. Applicant's representative: John O'Moseley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rosin*, in drums loaded in ocean marine containers for subsequent movement by water, from Port St. Joe, Florida, to Jacksonville, Fla., for 180 days. Supporting shipper: Glidden-Durkee Division SCM Corporation, P.O. Box, 389 Jacksonville, Fla. 32201. G. H. Fauss, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W Bay St., Jacksonville, Fla. 32202.

No. MC 138438 (Sub-No. 10TA), filed October 30, 1974. Applicant: D. M. BOWMAN, INC., 15 East Oak Ridge Drive, Route 3, Box 26, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Richlands, Glasgow, Marion, Richmond, Somerset, and Salem, Va., to points in Snyder, Dauphin, Montour, Clinton, Union, Centre, Northumberland, Susquehanna, Wayne, Pike, Bradford, Tioga, Lycoming, Schuylkill, Northhampton, Lehigh, Monroe, Berks, Carbon, Columbia, Luzerne, Lackawanna, Wyoming, and Sullivan Counties, Pa., for 180 days. Supporting shipper: Wilkes Barre Clay Products Co., 140 Dilly Street, Forty Fort, Pa. 18704. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 317, Washington, D.C. 20423.

No. MC 138946 (Sub-No. 5TA), filed October 29, 1974. Applicant: MARKET TRANSPORT, LTD., a Corporation, 33 NE. Middlefield Road, Portland, Oreg. 97211. Applicant's representative: Philip C. Skofstad, 3076 E. Burnside, Portland, Oreg. 97214. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit, canned fruit juices, canned fruit concentrates*, from Hood River, Oreg., to points in California and Arizona, for 180 days. Supporting shipper: Diamond Fruit Growers, Inc., P.O. Box 180, Hood River, Oreg. 97021. Send protests to: District Supervisor Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 140326 TA, filed October 23, 1974. Applicant: LIBERTY PACIFIC, INC., 323 Clarence Street, Los Angeles, Calif. 90033. Applicant's representative: Roger L. Wayne, 1900 West Redondo Beach Boulevard, Gardena, Calif. 90247. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, linoleum, wood and metal furniture, and furnishings*, between points in California, Washington, Oregon, Idaho, Nevada, Arizona, Utah, Colorado, and New Mexico, for 180 days. Supporting shipper: La Salle-Deltch, Co., Inc., 12551 Fischer Road, Riverside, Calif. 92507. Send protests to: Phillip Yallowitz, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 140327 TA, filed October 29, 1974. Applicant: CUSTOM FREIGHT, INC., Route 2, Box 59C, Statesville, N.C. 28677. Applicant's representative: Edmund L. Gaines, P.O. Drawer 31, Statesville, N.C. 28677. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (woodcraft novelties) from Statesville, Iredell County, North Carolina, via Highway #21, U.S. Interstate #77 and U.S. Interstate #85 to Douglas Airport in Charlotte, Mecklenburg County, North Carolina. After commodities are delivered to Douglas Airport, they will be shipped by air to points outside the State of North Carolina, for 180 days. Supporting shipper: Rocky Creek Woodcraft, Inc., P.O. Box 40, Turnersburg, N.C. 28688. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 140328 TA, filed October 24, 1974. Applicant: WESTERN TURF EXPRESS, INC., 4400 Seattle First National Bank Bldg., Seattle, Wash. 98154. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Thoroughbred race horses or horses*, other than ordinary, together with *supplies and equipment* used in their care, exhibition, or racing, between points in Washington, Idaho, Oregon, and California and interstate, for 180 days. Supporting shippers: This application is supported by more than twenty-five letters of support and the letters may be inspected at the Interstate Commerce Commission in Washington, D.C., or the Seattle office. Send protests to: Transportation Specialist L. D. Boone, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98174.

No. MC 140329 TA, filed October 25, 1974. Applicant: PYRAMID VAN & STORAGE of SACRAMENTO, INC., 623 14th Street, Marysville, California 95901. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Sacramento, Placer, Nevada, Eldorado, Yuba, Sutter, Butte, Colusa, Lake, and Mendocino Counties, California, restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Pyramid Van Lines, Overseas Division, 479 South Airport Boulevard, San Francisco, Calif.; Northwest Consolidators, P.O. Box 55010, North City Station, Seattle, Washington, 98115. Send protests to: A. J. Rodriguez, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 140330 TA, filed October 25, 1974. Applicant: R. C. VAN LINES, INC., 1044 Northside Drive NW., Atlanta, Ga. 30318. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic resin, phenol, formaldehyde, caustic soda, and urea resin and ethylene glycol*, from plantsite of Chembond Corporation, Covington County, Ala., to points in Alabama, Florida, Georgia, Mississippi, Louisiana, and Arkansas, for 180 days. Supporting shipper: Chembond Corporation, P.O. Box 1377, Andalusia, Ala. 36420. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Room 546, Atlanta, Ga. 30309.

MOTOR CARRIERS OF PASSENGERS

No. MC 140319 (Sub-No. 1TA), filed October 22, 1974. Applicant: SALEM STAGE, INC., 819 Cedarbough, New Albany, Ind. 47150. Applicant's representative: Michael E. Sodrel (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers, express, and baggage of passengers*, between Salem, Ind., and Louisville, Ky., via Indiana State Highways 60 and 111 and U.S. Highway 460, serving all intermediate points, for 180 days. Supporting shippers: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. Street, Indianapolis, Ind. 46204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26394 Filed 11-8-74;8:45 am]

[Notice No. 627]

ASSIGNMENT OF HEARINGS

NOVEMBER 6, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after November 11, 1974.

MC 52657 Sub 714, Arco Auto Carriers, Inc., now assigned December 3, 1974, at Dallas, Texas, will be held in Room 5A15–15, Federal Office Bldg., 1100 Commerce St.

MC 95876 Sub 150, Anderson Trucking Service, Inc., now assigned December 5, 1974, at Dallas, Texas, will be held in Room 5A15–15, Federal Office Bldg., 1100 Commerce St.

MC 127253 Sub 50, R. A. Corbett Transport, Inc., now assigned December 9, 1974, at Dallas, Texas, will be held in Room 5A15–15, Federal Office Bldg., 1100 Commerce St.

MC 108340 Sub 27, Haney Truck Line, now assigned December 9, 1974, at Portland, Oreg., will be held in Room 204, Pioneer Courthouse, 555 SW. Yamhill St.

No. 35965, Bluebonnet Express, Inc. V. Texas Tex-Pack Express, Inc., now assigned December 11, 1974, at Dallas, Texas, will be held in Room 5A15–15, Federal Office Bldg., 1100 Commerce St.

MC 30844 Sub 505, Kroblin Refrigerated Xpress, Inc., now assigned December 12, 1974, at New York, N.Y., will be held in Room A–238, Court of Claims, 26 Federal Plaza.

MC 121673 Sub 1, Western Motor Freight, Inc., now assigned December 2, 1974, at Oklahoma City, Okla., will be held in Room 3011–C, U.S. Court Office Bldg., 200 NW. 4th St.

No. 36061, Increased Fares, Transport of New Jersey, now assigned December 9, 1974, at New York, N.Y., will be held in Room A–238, Court of Claims, 26 Federal Plaza.

MC 40978 Sub 21, Chair City Motor Express Company, now assigned November 12, 1974, at Columbus, Ohio, is postponed indefinitely.

MC 3647 Sub 447, Transport Of New Jersey, now assigned December 16, 1974 at Newark, N.J., is cancelled and transferred to Modified Procedure.

MC 134922 Sub 75, B. J. McAdams, Inc., now assigned December 12, 1974, New York, N.Y., is postponed indefinitely.

No. 35858, Consumers Steel & Supply Co., et al. V. Chicago and North Western Transportation Company, et al.; No. 35858 Sub 1, Erman-Howell Division of Luria Steel &

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Trading Co. V. Chicago and North Western Transportation Company, et al., & No. 35858 Sub 2, B. A. Jacobson Co., Inc., and Its Division Geneva Iron & Metal Co. V. Elgin, Joliet and Eastern Railway Company, now being assigned December 10, 1974 (4 days), at Chicago, Ill., in a hearing room to be designated later.

MC 1872 Sub 79, Ashworth Transfer, Inc.; MC 32882 Sub 67, Mitchell Bros. Truck Lines; MC 95876 Sub 140, Anderson Trucking Service, Inc.; MC 107456 Sub 20, Harry L. Young and Sons, Inc.; MC 108119 Sub 40, E. L. Murphy Trucking Co.; MC 113855 Sub 258, International Transport, Inc.; MC 123407 Sub 134, Sawyer Transport, Inc.; MC 123681 Sub 24, Wilding Transportation, Inc.; MC 125433 Sub 36, F-B Truck Line Company, and MC 127242 Sub 3, Houston Truck Lines, Inc., now assigned December 2, 1974, at San Francisco, Calif., is postponed to January 20, 1975, at San Francisco, Calif., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26392 Filed 11-8-74;8:45 am]

[Notice No. 186]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 11, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 2, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75416. By order of October 30, 1974, the Motor Carrier Board approved the transfer to James H. Russell, Inc., Smithfield, R.I., of the operating rights in Certificates Nos. MC 11727 and MC 11727 (Sub-No. 4), issued April 2, 1962, and April 5, 1963, respectively, to James H. Russell, Smithfield, R.I., authorizing the transportation of general commodities, with usual exceptions, between points in that part of Pennsylvania within 25 miles of the City Hall, Philadelphia, Pa., and that part of New Jersey within 15 miles of the City Hall, Camden, N.J.; between points in New Jersey (except those in Bergen, Cumberland, Hunterdon, Mercer, Passaic, Salem, Sussex, and Warren Counties), on the one hand, and, on the other, Providence, R.I., Corning, N.Y., points in that part of Pennsylvania east of the Susquehanna River, points in that part of New York within 150 miles of Newark, N.J., points in that part of Massachusetts on and east of U.S. Highway 5, and points in that part of Connecticut on and east of U.S. Highway 5 and those on U.S. Highway 1 between the New York-Connecticut State line and New Haven, Conn.; and between New York, N.Y., and points in Orange County, N.Y., on the one hand, and, on the other, points in Essex County, N.J. Francis E. Barrett, 10 Industrial Park Road, Hingham, Mass. 02043, attorney for applicants.

No. MC-FC-75458. By order entered October 31, 1974, the Motor Carrier Board approved the transfer to Makar Trucking, Inc., Whippany, N.J., of the operating rights set forth in Certificate No. MC-88798, issued June 15, 1954, to James McCoy, Paterson, N.J., authorizing the transportation of lumber, between points in New Jersey and New York within 50 miles of Hackensack, N.J. Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095, attorney for transferee, and Robert J. Cammarano, 136 Washington St., Paterson, N.J. 07505, attorney for transferor.

No. MC-FC-75461. By order entered 10-31-74, the Motor Carrier Board approved the transfer to Gary D. Maudlin, Grant City, Mo., of the operating rights set forth in Certificate No. MC-125094, issued June 11, 1963, to Norvel Nally, Parnell, Mo., authorizing the transportation of crushed rock, from points in Worth County, Mo., to points in Ringgold, Page, and Taylor Counties, Iowa. Gary D. Maudlin, 1005 South Briggs St., Grant City, Mo. 64456, transferee, and Norval Nally, Parnell, Mo. 64475, transferor.

No. MC-FC-75364. By order of October 30, 1974, the Motor Carrier Board approved the transfer to Jesse A. Kroninger, Inc., Mertztown, Pa., of the operating rights in Certificate No. MC 119282 (Sub-No. 9), issued February 1, 1972, to Kroninger Service, Inc., Mount Bethel, Pa., authorizing the transportation of various commodities between Kutztown and Mertztown, Pa., on the one hand, and, on the other, specified points and areas in Pennsylvania, New York, Delaware, Ohio, Maryland, New Jersey, Connecticut, Rhode Island, Massachusetts, and the District of Columbia. Christian V. Graf, 407 North Front St., Harrisburg, Pa., 17101, attorney for applicants.

No. MC-FC-75475. By order of October 31, 1974, the Motor Carier Board approved the transfer to Lewallen Transportation Service, Inc., Springdale, Ark., of the operating rights in Permit No. MC 127060, issued March 12, 1974, to Springdale Farms Produce Company, Inc., Springdale, Ark., authorizing the transportation of various commodities from Springdale, Ark., to points in California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, and from Kansas City, Kans., to Springdale, Ark. A. Alvis Layne, Pennsylvania Bldg., Washington, D.C. 20004, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26391 Filed 11-8-74;8:45 am]

[AB 5; (Sub-No. 136)]

PENN CENTRAL TRANSPORTATION CO.

Abandonment of Track

George P. Baker, Richard C. Bond, Jervis Langdon, Jr. and Willard Wirtz, trustees of the property of Penn Central Transportation Company, Debtor, Abandonment portion Plymouth secondary track Plymouth, Plymouth County, Massachusetts.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Plymouth County, Mass., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 21st day of October, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

GEORGE P. BAKER, RICHARD C. BOND, JERVIS LANGDON JR. AND WILLARD WIRTZ, TRUSTEES OF THE PROPERTY OF PENN CENTRAL TRANSPORTATION COMPANY, DEBTOR, ABANDONMENT PORTION PLYMOUTH SECONDARY TRACK PLYMOUTH, PLYMOUTH COUNTY, MASSACHUSETTS

The Interstate Commerce Commission hereby gives notice that by order dated October 21, 1974, it has been determined that the proposed abandonment by the trustees of Penn Central Transportation Company of its Plymouth Secondary Track in Plymouth County, Massachusetts, a distance of 0.2 mile, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. § 4321, *et seq.*, and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because traffic over the line has been declining and proposed land usage in the area will be supported by the release of an easement of the right-of-way by the applicant to the 350th Anniversary of Plymouth, Inc. Furthermore, the proposed abandonment is consistent with Department of Transportation and Massachusetts Bay Authority plans to include 0.2 miles of the right-of-way for the development of an urban mass transportation system. Since the right-of-way is 0.2 miles, approval of the abandonment should not significantly impair development of the urban mass transportation system.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 26, 1974.

[FR Doc.74-26393 Filed 11-8-74;8:45 am]

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federal register

MONDAY, NOVEMBER 11, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 218
PART II

FEDERAL TRADE COMMISSION

■

FOOD ADVERTISING

Proposed Trade Regulation Rule
and Staff Statement

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FEDERAL TRADE COMMISSION

[16 CFR Part 437]

FOOD ADVERTISING

Proposed Trade Regulation Rule; Explanation of Proceeding and Analysis; Statement of Issues; Opportunity to Submit Data, Views or Arguments

Notice is hereby given that the Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. section 41 et seq., the provisions of Part 1, Subpart B of the Commission's Procedures and Rules of Practice, 16 CFR 1.11 et seq., and section 553 of Subchapter II, Chapter 5, U.S. Code (Administrative Procedure) has initiated a proceeding for the promulgation of a Trade Regulation Rule concerning food advertising. In so doing, the Commission will entertain the written and oral presentation of data, views or arguments with respect to the provisions of and issues relating to the proposed rule, and with respect to issues relating to the proposal of further rule provisions requiring affirmative disclosures in food advertising.

In accordance with the above notice the Commission proposes to amend Subchapter D, Trade Regulation Rules, of 16 CFR Chapter I by adding a new Part 437 to read as follows:

Sec.

437.0 Preamble.

Subpart A—General

437.1 Definitions.
437.2 Form, content and method of making disclosures.

Subpart B—Voluntary Claims

437.3 Emphatic nutrition claims.
437.4 Nutrient comparison claims.
437.5 Nourishment claims.
437.6 Natural and organic food claims [Reserved].
437.7 Claims for foods intended to be combined with other foods.
437.8 Energy and calorie claims.
437.9 Fat, fatty acid and cholesterol content claims [Reserved].
437.10 Health and related claims [Reserved].

AUTHORITY: 38 Stat. 717, as amended; (15 U.S.C. 41–58).

§ 437.0 Preamble.

In connection with the advertising of foods in commerce, as "commerce" is defined in the Federal Trade Commission Act, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of food, it is an unfair method of competition and an unfair or deceptive act or practice within the meaning of sections 5 and 12 of that Act to fail to comply with the following provisions of this Trade Regulation Rule:

Subpart A—General

§ 437.1 Definitions.

For the purpose of this rule the following definitions shall apply:

(a) "Advertisement" or "Advertising". Any written or verbal statement, illustration, or depiction, other than a label or in the labeling, which is designed to effect the sale of any food product, or to create interest in the purchase of such product, whether the same appears in a newspaper, magazine, leaflet, circular, mailer, book insert, catalog, sales promotional material, other periodical literature (except professional or scientific journals), billboard, public transit card, or in a radio or television broadcast or in any other media. It does not include point-of-purchase advertising or any promotional material developed and/or disseminated by retail supermarket and food store establishments and wholesale food distributors the content of which refers solely to the price of an advertised food and which does not contain representations regarding nutrition, nourishment, or other nutrition claims relative to the product.

(b) "Food". Any article used for food or drink by humans, including chewing gum. However, it does not include:

(1) Special formula foods which are developed, intended or marketed exclusively for infants (persons not more than 12 months of age) and which provide the complete nutritional requirements of infants.

(2) Foods represented for use solely under medical supervision to meet nutritional requirements in specific medical conditions and advertised only in professional journals or publications.

(3) Alcoholic beverages subject to the provisions of the Federal Alcohol Administration Act of 1935 (27 U.S.C. section 201 et seq.).

(c) "Nutrients". Protein and those vitamins and minerals listed in 21 CFR 1.17(c) (7) (iv) and 21 CFR 125.1(b).

(d) "United States Recommended Daily Allowances" (U.S. RDA). The nutrients and levels established, subject to amendment, in 21 CFR 125.1.

(e) "Serving". That reasonable quantity of food suited for or practicable of consumption as part of a meal by an adult male engaged in light physical activity or by a child who is more than 12 months of age (when the food purports or is represented to be for consumption by any such child); or, if a nutrient label is affixed to the container of the advertised food, "serving" shall be the same measure as that which is stated on the label.

(f) "Portion." The amount of a food customarily used only as an ingredient in the preparation of a meal component or, if a nutrient label is affixed to the container of the advertised food, "portion" shall be the same measure as that which is stated on the label (e.g., ½ cup of flour, ½ tablespoon of cooking oil).

(g) "Clearly and Conspicuously Disclose". (1) Disclosing in a manner which can be easily understood (in the case of television and print advertising, also easily seen and read) by the casual observer, listener, or reader among members of the public and which conforms (except where otherwise provided in this rule), for advertising in any media, in all relevant respects to the Commission's Statement of Enforcement Policy of October 21, 1970. (See Vol. 2, CCH Trade Regulation Reporter section 7569.09.) Each disclosure shall be presented in the same language principally employed in the advertisement. (See Commission's Statement of Policy of July 24, 1973, as amended, 38 FR 21494–95.)

(2) In any television advertisement any disclosure of information shall be made in the manner and form prescribed by § 437.2(g).

(3) In any print advertisement any disclosure of information shall be made in the manner and form prescribed by § 437.2(h).

(h) "Representation" or "Represent". Any direct or indirect statement, suggestion or implication in advertising, including but not limited to one which is made orally, in writing, pictorially, or by any other audio or visual means, or by any combination thereof.

(i) "Protein Efficiency Ratio" (PER). The protein efficiency ratio (PER) shall be determined in accordance with the method described in 21 CFR 1.17(c)(4).

§ 437.2 Form, content and method of making disclosures.

Any disclosure required or described by any provision of this rule shall be made in accordance with the following general provisions of this rule and as may be specifically prescribed in a section dealing with that particular disclosure.

(a) *Nutrients.* (1) Any advertisement which contains a representation concerning a nutrient or a disclosure of a nutrient shall make such representation or disclosure only from among the nutrients listed in 21 CFR 1.17(c)(7)(iv) and 21 CFR 125.1(b).

(2) A food shall not be represented in advertising as containing a nutrient, unless (i) the nutrient's (a) identity (stated as the common or usual name) and (b) amount (expressed as a percentage of the U.S. RDA contained in a stated serving of the advertised food) are clearly and conspicuously disclosed in accordance with all the provisions of this subpart of this rule, and unless (ii) a serving of such food contains the identified nutrient in an amount of 10 percent or more of the U.S. RDA; *provided, however,* That, in instances where a food or a serving thereof is not required to contain a nutrient at a certain percentage of the U.S. RDA before a voluntary claim is made, an advertisement may represent the presence of nutrients contained in amounts of less than 10 percent of the U.S. RDA per serving if the identities of all nutrients required to be disclosed by 21 CFR 1.17 when a nutrition claim is made, as well as their respective percentages of the U.S. RDA per serving (including zero percent), are clearly and conspicuously disclosed in accordance with all of the provisions of this subpart of this rule. If a food or a serving thereof is required to contain any nutrient at a certain percentage of the U.S. RDA before a voluntary claim may be made (see Subpart B), the actual percentage (prior to any rounding off) of the U.S. RDA at which any such nutrient is contained in the advertised food or a serving thereof shall determine whether the condition(s) for making the claim has (have) been satisfied.

(3) An advertised food or a serving thereof may not be represented as containing a nutrient in an amount of 50 percent or more of the U.S. RDA, unless such food or serving contains the identified nutrient only in a naturally occurring (indigenous) form or such nutrient has been added in compliance with 21 CFR 1.17(a)(2).

(4) Disclosures of nutrients shall be expressed to the nearest two percent increment up to and including the 10 percent level; to the nearest five percent increment above the 10 percent level and up to and including the 50 percent level; and to the nearest 10 percent increment above the 50 percent level. If the percentage falls equidistant between the upper and lower increment in any percentage level, the disclosure shall be expressed as the lower increment.

(b) *Protein.* (1) The percentage of the U.S. RDA of protein present per serving of the advertised food shall be based on a U.S. RDA of 45 grams of protein, if the total protein has a PER equal to or greater than the PER or casein; or based on a U.S. RDA of 65 grams of protein, if the total protein has a PER less than that of casein.

(2) Except with respect to the amount of protein as permitted by the proviso in paragraph (a)(2) of this section, representations in advertising of the presence of protein may be made only if a serving of the advertised food contains protein at a level of 10 percent or more of the U.S. RDA and the total protein in the advertised food alone has a PER of 20 percent or more of the PER of casein.

(c) *Analytical methods.* The procedures and methods used for determining the amount of any nutrient contained in an advertised food shall be in accord with the provisions of 21 CFR 1.17 or, where applicable, 9 CFR.

(d) *Calories.* The energy content of a food shall be stated in calories per serving, expressed to the nearest two calorie increment up to and including 20 calories; to the nearest five calorie increment above 20 calories and up to and including 50 calories; and to the nearest 10 calorie increment above 50 calories. Calorie content shall be determined in the manner described in 21 CFR 1.17(c)(3).

(e) *Serving or portion.* Statements regarding servings or portions shall be consistently stated in terms of a convenient unit of such food or a convenient unit of measure that can be easily identified as an average or usual serving or portion and can be readily understood as such by purchasers of such food. Servings or portions may be expressed in terms of ounces, fluid ounces, tablespoonfuls, cupfuls, or other customary or usual units, and shall be consistent with the applicable provisions of 21 CFR 1.17. Provisions of this rule which refer to "servings" shall be construed to mean "portions" if the use of the latter term would be more appropriate with respect to a particular food or ingredient.

(f) *Identification and designation of foods.* A food shall be identified or designated in accordance with any applicable Federal regulations prescribed in the Code of Federal Regulations. Non-standardized foods shall be identified or designated by their respective common or usual names, if such exist, pursuant to 21 CFR Part 102.

(g) *Television advertisements—method and form of disclosures.* Under § 437.2 (a) and (b) and Subpart B of this rule, any disclosure in any television advertisement shall be made in the same portion (audio or video) of the advertisement in which the voluntary claim is made. The video portion of the disclosure in each advertisement shall be prominently displayed in the form of a super or title, or prominently displayed on the screen by itself so as to enable it to be completely and easily seen and read on all television sets, regardless of picture tube size, that are commonly available for purchase by the consuming public. Any disclosure required by Subpart B of this rule in any advertisement shall be made in immediate conjunction with the voluntary claim which creates the requirement for such disclosure.

(h) *Print advertisements—method and form of disclosures.* (1) Any disclosure in a print or display advertisement shall be prominently displayed in any sans serif type style consistent with the requirements set forth in § 437.1(g)(1) and hereinbelow, but in no event in condensed type. The type shall be set on a slug at least one point larger than the point size of the type (not solid), using only normal word and letter spacing. A determination of whether a particular disclosure is "clear and conspicuous" within the definition set forth under § 437.1(g)(1) of this rule shall be made by examining the context of the total advertisement, but in no event shall a disclosure be deemed clear and conspicuous unless it apears in type of at least the following sizes, size being measured by the height of the smallest letter employed in making the disclosure:

(i) At least 1/16 inch type, in advertisements of a trim size not larger than 65 square inches.

(ii) At least 3/32 inch type, in advertisements of a trim size larger than 65 square inches, but not larger than 110 square inches.

(iii) At least 1/8 inch type, in advertisements of a trim size larger than 110 square inches, but not larger than 180 square inches.

(iv) At least type of a size bearing the same proportion to the size of the advertisement as the proportion of 1/8 inch to 180 square inches, in print advertisements of a trim size larger than 180 square inches.

(v) For any billboard or other display advertisement (except one which is located in the interior of a public transit vehicle) normally viewed and read from a distance substantially greater than the normal range of reading distances for a book, newspaper, magazine, or other similar printed reading matter:

(*a*) At least ¼ inch type in advertisements of a trim size larger than 180 square inches, but not larger than 270 square inches.

(*b*) At least ½ inch type in advertisements of trim size larger than 270 square inches, but not larger than 1500 square inches.

(*c*) A size of one inch per 3000 square inches times the area of the advertisement expressed in square inches, [i.e., size=(1 inch/3000 square inches) × (area of the advertisement in square inches)], but in no event of a size less than ½ inch, in advertisements of trim size larger than 1500 square inches.

(2) If a print advertisement appears on more than one page, and if the total area of the advertisement is greater than the area of the largest page upon which it appears, the required type size shall be determined as though the advertisement were of an area equal to the area of the largest page upon which it appears.

(3) In the case of advertisements that are in whole or part lighted or reflectively surfaced or advertisements otherwise prepared for enhanced visibility, any disclosure shall be lighted or otherwise treated in the same manner as the most prominently lighted or otherwise specially treated portion of the advertisement.

(4) For multi-sided displays and like advertising material, the required type size shall be determined as though the advertisement were of an area equal to the area of the major display area of the display, and any disclosure shall be prominently positioned upon such display area.

(5) For unusual advertising materials or materials too small to reasonably comply with the requirements of paragraphs (h)(1) through (4) of this section, the Commission may establish acceptable alternative forms of making the required disclosures. A petition formally requesting permission to utilize an alternative form of disclosure may be submitted to the Secretary for due consideration by the Commission.

Subpart B—Voluntary Claims

§ 437.3 Emphatic nutrition claims.

Emphatic, extraordinary, positive or similar claims concerning the nutritional value of a food with general or specific reference to any nutrient(s) contained in such food, including but not limited to the use of terms such as "lots (or "full) of _____", "high (or "rich) in _____", "packed (or "loaded) with _____", and "excellent (or "significant or "good) source of _____" shall not be used in advertising unless:

(a) The identity of any nutrient upon which the claim is based, as well as the percentage of the U.S. RDA per stated serving provided by each such identified nutrient, is clearly and conspicuously disclosed; and

(b) A serving of the advertised food contains each nutrient identified pursuant to paragraph (a) of this section in an amount of at least 35 percent of the U.S. RDA.

§ 437.4 Nutrient comparison claims.

(a) Representations in advertising which make a comparative claim for the amount of any nutrient contained in an advertised food shall not be made, unless:

(1) The comparison is with an equal-sized serving of a commercially available food; and

(2) If a serving of the advertised food contains the same number of calories as or fewer calories than an equal-sized serving of the compared food, the compared food contains no more than two nutrients in amounts greater by 10 percent or more of the U.S. RDA than the amounts (including zero percent) at

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which the same two nutrients are contained in a serving of the advertised food; and

(3) If a serving of the advertised food contains more calories than an equal-sized serving of the compared food, the compared food contains no more than two nutrients in amounts greater on a per 100 calorie basis than the amounts (including zero percent) at which the same two nutrients are contained in a serving of the advertised food; and

(4) If the comparison concerns protein, a serving of the advertised food contains protein of at least the same quality as that contained in an equal-sized serving of the compared food; and

(5) The identities of the advertised and compared foods are clearly and conspicuously disclosed; and

(6) The advertised food and the food with which it is compared normally serve the same purpose in the diet; and

(7) The same nutrients are compared and the name of each such compared nutrient is clearly and conspicuously disclosed; and

(8) The percentage of the U.S. RDA of each compared nutrient provided by a stated serving of the advertised food is clearly and conspicuously disclosed; and

(9) If an advertised food is represented as one which contains any nutrient in any amount greater than the amount of such nutrient in another food, the amount contained in a serving of the advertised food exceeds that contained in an equal-sized serving of the compared food by at least 10 percent of the U.S. RDA.

(b) A food shall not be represented in advertising to be a substitute or replacement for another food (unless it is a food labeled "imitation" in compliance with 21 CFR 1.8), or as nutritious as another food, unless:

(1) A serving of the advertised food contains at least the same nutrients as those nutrients contained in an amount of 2 percent or more of the U.S. RDA in an equal-sized serving of the compared food, and each such nutrient is present in the advertised food in an amount which is at least equivalent to the amount at which each is contained in an equal-sized serving of the compared food; and

(2) If the compared food contains protein, a serving of the advertised food contains protein of at least the same quality as that contained in an equal-sized serving of the compared food; and

(3) The identity of the compared food and number of calories provided by equal-sized, stated servings of the advertised and compared foods, respectively, is clearly and conspicuously disclosed; and

(4) If the advertised food contains a higher fat content than the compared food, such fact, as well as the total fat content (in accordance with 21 CFR § 1.17(c)(6) and 1.18(c)(2)(i)), is clearly and conspicuously disclosed; and

(5) If an advertisement is for a food labeled "imitation" in compliance with 21 CFR 1.8, it is clearly and conspicuously disclosed that such food is not as nutritious as the food for which it is intended to be a substitute or replacement.

(c) A food shall not be represented in advertising to be nutritionally superior to another food, unless:

(1) The nutrients in a serving of the advertised food provide at least 10 percent more of the U.S. RDA than are provided by those nutrients contained in an amount of 2 percent or more of the U.S. RDA in an equal-sized serving of the compared food; and

(2) If the compared food contains protein, a serving of the advertised food contains protein of at least the same quality as that contained in an equal-sized serving of the compared food; and

(3) The identity of the compared food and number of calories provided by equal-sized, stated servings of the advertised and compared foods, respectively, is clearly and conspicuously disclosed; and

(4) If the advertised food contains a higher fat content than the compared food, such fact, as well as the total fat content (in accordance with 21 CFR 1.17(c)(6) and 1.18(c)(2)(i)), is clearly and conspicuously disclosed.

§ 437.5 Nourishment claims.

(a) An advertisement shall not represent a food to be "nourishing", "wholesome", "nutritious", or use any other term of similar import which in any way states, suggests or implies that such food is a valuable or significant source of nutrition, unless a serving of the food contains at least four nutrients, including protein, each of which is present in an amount of at least 10 percent of the U.S. RDA per 100 calories, and unless at least one of such nutrients is present in a serving of such food in an amount of at least 10 percent of the U.S. RDA; *provided, however,* That such terms may be used to describe any identified nutrient(s) which is (are) contained in such food (e.g., "nutritious Vitamin C"), subject to the provisions of § 437.2(a)(2) of this rule.

(b) A food or a serving thereof shall not be represented in advertising as providing all of the nutrients necessary for a sound, complete or balanced diet, unless it satisfies the U.S. RDA requirements for protein, vitamins and minerals prescribed in 21 CFR Part 125, and unless competent and reliable scientific tests demonstrate that such food is a total diet replacement.

(c) Subject to the provisions of paragraph (b) of this section, an advertisement shall not represent that an advertised food or a serving thereof alone is "perfect" or "nutritionally perfect", provides "complete nutrition", contains "all the good things you need", or use any other term of similar import which in any way states, suggests or implies that consumption of only the advertised food will provide enough nutrition to constitute a sufficient and full source of nutrition; or that consumption of the advertised food or a serving thereof maintains health, makes an individual well-fed or in any way is a unique, special or exclusive source of nutrition or health benefits.

(d) An advertisement shall not represent that a food or a serving thereof constitutes a nutritionally adequate meal, unless such advertised food or serving thereof complies with an applicable Federal regulation prescribed in the Code of Federal Regulations.

§ 437.6 Natural and organic food claims. [Reserved]

[See Explanation of Proceeding and Analysis and Statement of Issues by Section.]

§ 437.7 Claims for foods intended to be combined with other foods.

(a) If, in order to prepare a food for consumption, it is necessary for a consumer to add to an advertised food any other food(s), characterizing ingredient(s) or component(s), as such ingredient(s) or component(s) is (are) defined in 21 CFR 102.1, that fact shall be clearly and conspicuously disclosed in any advertisement for such food.

(b) An advertisement for a food described in paragraph (a) of this section may represent that consumption of a serving of the combination provides a designated percentage of the U.S. RDA of each of the nutrients contained in a serving of such combination, subject to the provisions of § 437.2(a)(2) of this rule. However, a representation that the advertised food alone provides a designated percentage of the U.S. RDA of the nutrients which are contained in a serving of such combination shall not be made.

(c) If a serving of the food(s), ingredient(s) or component(s) with which an advertised food is (are) necessarily combined contributes more than 50 percent of the U.S. RDA of any nutrient named in the advertisement, it shall be clearly and conspicuously disclosed that most of such nutrient is provided by such food(s), ingredient(s) or component(s).

(d) If an advertised food is frequently, but not necessarily, combined with any other food(s), ingredient(s) or component(s) for consumption, any representation regarding nutrition shall be based on the nutritional value of the advertised food alone.

§ 437.8 Energy and caloric claims.

(a) An advertisement shall not represent that a food or nutrient contains, produces, provides, enhances, or is a source of "energy" or "food energy", or use any other word, demonstration or depiction of similar import, unless it clearly and conspicuously discloses, in immediate conjunction with the making of each such representation, that "energy" or "food energy" is supplied by calories, as well as the number of calories contained in a stated serving of the advertised food.

(b) An advertisement shall not represent that consumption of a food or nutrient, by itself, will produce or provide health, general vigor, sustained energy or alertness, or that the energy from calories, by itself, will produce or provide strength, endurance, intellectual performance, or the prevention or relief of fatigue.

(c) An advertisement shall not represent that consumption of a food in any way enhances or contributes to a person's vigor, energy, alertness, strength or endurance, unless it clearly and conspicuously discloses, in immediate conjunction with the making of each such representation:

(1) That such vigor, energy, alertness, strength or endurance is enhanced by and depends, in part, upon the calories in the food; and

(2) The number of calories contained in a stated serving of the advertised food.

(d) An advertisement shall not represent that consumption of any food or meal is useful for, or contributes in any way to, or is useful in, regulating or maintaining caloric intake or body weight by the use of any demonstration or depiction, or any word or phrase such as "diet", "dietetic", "low calorie", "low in calories", "fewer calories", "calorie reduced", "contains artificial sweeteners", "artificially sweetened", or any other demonstration, depiction or term of similar import, unless:

(1) The advertised food complies with the provisions of 21 CFR 125.6; and

(2) The number of calories contained in a stated serving of the advertised food is clearly and conspicuously disclosed.

(e) An advertisement for a food which makes any representation described in paragraph (d) of this section, and which contains any artificial sweetener, except one which serves an authorized technological purpose (as defined in 21 CFR 125.1(l)) shall comply with the provisions of paragraphs (d)(1) and (2) of this section, and

(1) Shall clearly and conspicuously disclose the number of calories contained in a stated, equal-sized serving of the same food made with nutritive sweeteners; and

(2) If the artificially sweetened product contains a nutritive sweetener, the advertisement shall clearly and conspicuously make the following specific disclosure:

This food contains sugars and should not be used by diabetics without the advice of a physician.

(f) An advertisement shall not represent that a food is "sugarless", "sugar free", "contains no sugar" or use any other term of similar import, unless such food contains no sugars, including, but not limited to, sorbitol, mannitol, or other hexitol(s).

§ 437.9 Fat, fatty acid and cholesterol content claims. [Reserved]

[See Explanation of Proceeding and Analysis and Statement of Issues by Section.]

§ 437.10 Health and related claims. [Reserved]

[See Explanation of Proceeding and Analysis and Statement of Issues by Section.]

EXPLANATION AND BASIS OF PROCEEDING

The instant proceeding is designed for three purposes:

(1) To elicit comment on the Proposed Trade Regulation Rule on Food Advertising and on certain issues relating to voluntary claims in food advertising as to which the Commission has not as yet proposed particular rule provisions.

(2) To elicit comment on the issues raised by the Staff Statement of Fact, Law and Policy, including, in particular, the form which the disclosures called for therein should take.

The Proposed Trade Regulation Rule on Food Advertising is designed to eliminate deception and unfairness which may result from the making of certain affirmative claims with respect to nutrition. This proposed rule establishes uniform definitions for certain terms the use of which is subject to ambiguity and deception, and prohibits outright certain other claims the making of which is deceptive.

The Commission has long been recognized to have the power to prohibit claims that are deceptive or unfair.[1] The Commission has prohibited such claims by the promulgation of trade regulation rules in the past,[2] and has similarly utilized rules to establish preconditions to the making of certain claims heretofore.[3] Similarly, the courts have often affirmed the power of the Commission to order disclosure as a condition of making claims which would otherwise be deceptive.[4] In view of the considerable importance of nutrition information to consumers, as described in the staff statement, and in view of the deception and unfairness which may result from the use of various terms and claims relating to nutrition, the Commission believes that an adequate basis now exists to warrant promulgation for comment of a proposed rule regulating the use of such terms and representations.

In addition, the staff of the Commission is of the view, for reasons described at length in its statement, that it is an unfair and deceptive act or practice under section 5 for advertisers of food products to fail to disclose affirmatively certain information concerning the nutritive quality of advertised food products. The Commission is extremely concerned about the considerations discussed in the staff statement, including the implications for food advertising raised by the Food and Drug Administration's nutrient labeling program. The Commission has therefore concluded that it is in the public interest to solicit comment on the staff statement, including, in particular, the form which the affirmative disclosures called for in that statement might take.

[1] Sears, Roebuck & Co. v. F.T.C., 258 F. 307 (7th Cir. 1909). See also, "Developments in the Law—Deceptive Advertising," 80 Harv. L. Rev. 1005, 1019–1027 (1967).

[2] See, e.g., Incandescent Lamp (Light Bulb) Industry, 16 CFR 409; Power Output Claims for Amplifiers Utilized in Home Entertainment Products, 39 FR 15387 (May 3, 1974).

[3] See, e.g., Guides For the Feather and Down Products Industry, 16 CFR Part 253; Trade Regulation Rule: Misbranding and Deception As To Leather Content of Waist Belts, 16 CFR Part 409.

[4] J. B. Williams Co. v. F.T.C., 381 F.2d 884 (6th Cir. 1967); Keele Hair & Scalp Specialists, Inc. v. F.T.C., 275 F.2d 18 (5th Cir. 1960); See also, P. Lorillard Co. v. F.T.C., 186 F.2d 52, 58 (4th Cir. 1950) ("To tell less than the whole truth is a well known method of deception; and he who deceives by resorting to such method cannot excuse the deception by relying upon the truthfulness per se of the partial truth by which it has been accomplished.")

ANALYSIS AND STATEMENT OF ISSUES BY SECTION

This Analysis and Statement of Issues by Section is designed to facilitate comment on the Proposed Trade Regulation Rule on Food Advertising and on the staff statement respecting affirmative disclosure and to designate the issues which the Commission is particularly interested in having addressed during the time period provided for written comments. The issues which have been designated include matters of fact, law and public policy. Although the Commission has not finally determined the procedures that will be employed in a public hearing, it is the Commission's present intent to limit oral comment to issues of fact. Thus, any comments upon questions which relate to legal or public policy considerations should be submitted in writing. Since additional issues of fact may be raised by the written comments, a revised list of factual issues (which will not include the non-factual issues designated in this statement) will be specified prior to hearings on the proposed rule and staff statement.

The designation of issues in this Analysis and Statement of Issues by Section is not intended to limit public comment on the proposed rule and staff statement. Rather, the Commission invites the general public and all interested parties to comment in writing on any and all questions of fact, law or public policy raised by the proposed rule and the staff statement. Likewise, publication of the present proposed rule and staff statement is intended to invite rather than discourage comment concerning the content of a rule regulating food advertising.

All comments should be referenced specifically to the proposed rule or staff statement. Comments opposing the proposed rule or specific provisions in it should either argue, with reasons and data, why no rule at all should be imposed, or should propose a specific alternative. Proposals for alternative regulations should include reasons and data which indicate why the proposed alternatives would better serve the purposes of the proposed rule, including reasons and data showing how their adoption would better mitigate the deception or unfairness in food advertising. All comments should be supported by a full exposition of all relevant factual evidence and legal arguments.

Comments asserting matters of fact not based upon firsthand knowledge or personal experience of the person commenting or matters of fact or opinion requiring some special practical experience, training or education not possessed by the average layperson will be considered only if they are made and signed by a named person shown to possess such experience, training or education as to qualify him or her comment on the particular matter. The Commission also invites comments from all interested parties, including laypersons, which are shown to be based directly on firsthand knowledge, personal experience or general understanding of the particular issues, such as the desire or need for the information or standards required to be

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disclosed or implemented by the proposed rule.

The proposed rule consists of a preamble and two parts. Subpart A sets forth the definitions of terms embodied in the proposed rule and establishes the specific form, content and method for making disclosures required by the proposed rule. Subpart B establishes specific requirements which must be met before certain affirmative nutrition claims can be made in food advertising.

Subpart A—General

§ 437.1 Definitions.

(a) *"Advertisement" or "Advertising"*. Under this definition, the proposed rule covers all food advertising with the following two *exceptions:*

1. Advertisements promulgated by retail supermarkets, food stores and wholesale food establishments *if*

a. The contents of the advertisements relate only to price; and

b. The advertisements contain no nutrition claims; and

2. Point-of-purchase advertising for all foods.

(b) *"Food"*. Self-explanatory.

(c) *"Nutrients"*. This provision adopts, for purposes of the proposed rule, a definition of nutrients which parallels the definition utilized by the Food and Drug Administration in connection with its nutrient labeling program. The definition specifically includes protein and those other "primary" and "optional" nutrients (see Analysis and Statement of Issues by Section, § 437.2(a)) for which a U.S. Re-Recommended Daily Allowance (U.S. RDA) has been established, namely Vitamin A, Vitamin D, Vitamin E, Vitamin C, Folic Acid, Thiamine, Riboflavin, Niacin, Vitamin B_6, Vitamin B_{12}, Biotin, Pantothenic Acid, Calcium, Phosphorus, Iodine, Iron, Magnesium, Copper, and Zinc. It does not include other vitamins or minerals which are recognized as essential to human life but which have no established U.S. RDA. Nor have carbohydrates, fats, and water been included in the proposed rule's definition of "nutrients". The definition is restricted in this manner so as to limit criteria for claims established by Subpart B to those nutrients which are not only recognized as essential but for which the recommended daily quantities have been determined.

ISSUES

1. Would it better serve the purposes of the proposed rule to expand the definition of "nutrients" to include nutrients for which there is no established U.S. RDA? If so, which nutrient(s)?

(d) *"United States Recommended Daily Allowances" (U.S. RDA)*. This provision, by adopting the FDA-approved method for expressing in labeling the nutritional value of a food, enhances the compatibility of the proposed rule's advertising disclosures with the FDA required labeling disclosures.

(e) *"Serving"*. This provision is also designed to promote consistency between advertising and labeling claims by requiring nutrition claims in advertising to be based on the same serving size that appears on the label.

(f) *"Portion"*. Again, the purpose of this provision is to achieve consistency between advertising and labeling claims.

(g) *"Clearly and conspicuously disclose"*. This provision is intended to ensure that the disclosures required by the proposed rule will be visible and comprehensible to viewers or readers and is based upon the relevant Commission policy statements setting forth standards for clear and conspicuous disclosure. This provision is linked to other provisions of the proposed rule which set forth specific requirements for disclosures in television and print advertising.

(h) *"Representation" or "Represent"*. Self-explanatory.

(i) *"Protein Efficiency Ratio" (PER)*. This provision adopts the same method for determining the quality of a protein as that which was adopted by the Food and Drug Administration in connection with its nutrient labeling program.

§ 437.2 Form, content and method of making disclosures.

(a) *Nutrients*. This provision sets forth certain requirements with respect to representations concerning or disclosures of nutrients in advertising. This particular section is designed to ensure that any disclosures or representations of nutrient content of a food which are governed by the proposed rule will be made in a uniform manner so that they can be most easily understood and utilized by consumers in evaluating advertised foods and in comparing the nutritional values of advertised foods.

Subparagraph (1) provides that all disclosures or representations concerning nutrients must be made from among the nutrients for which there is an established U.S. RDA.

Subparagraph (2) requires the disclosure of a nutrient's identity (common and usual name) and amount (percentage of U.S. RDA) per stated serving each time a claim is made.

Subparagraph (2) further establishes the level of significance for advertising disclosures of nutrients at 10 percent of the U.S. RDA per stated serving. Since space is limited in advertising and it appears that advertising disclosures of nutrient content will be interpreted as positive statements about the food's content of that nutrient, disclosures or claims of nutrient content are permitted only if a nutrient is present in a significant amount. FDA's nutrient labeling program also prohibits claims that a food is a significant source of a nutrient unless the nutrient is present in a food in an amount of at least 10 percent of the U.S. RDA, although FDA requires disclosure of the amounts at which each of the eight primary nutrients is contained in a serving, including zero percent, thereby achieving a complete nutrition profile of specific nutrient data on the label, that may not be an appropriate required disclosure for all television and radio advertising.

If a particular provision of the proposed rule does not establish a minimum quantitative level at which a nutrient must be present before a voluntary claim may be made,[1] this subparagraph would permit a representation regarding a nutrient which is not contained in a significant amount, provided that there is full disclosure, in a clear and conspicuous form and manner as required by the proposed rule, of the identities and percentages (including zero percent) of the U.S. RDA per serving of all of the primary nutrients. In this instance, it is intended that any possibly deceptive implication that an identified nutrient is present in a nutritionally significant amount (10% or more of the U.S. RDA per serving) when such is not the fact will be effectively prevented by requirements which ensure that a fair and relatively full disclosure of the food's overall nutritional value is provided and that such a disclosure is clearly and conspicuously made in a form and manner which is suited to the particular advertising medium chosen by the advertiser to make the representation.

Subparagraph (2) also requires that the actual percentage of the U.S. RDA of a nutrient in an advertised food—prior to rounding-off—will be used to determine if the requirements for disclosure or for making a voluntary claim under Subpart B of the proposed rule have been met.

Subparagraph (3) allows claims referring to nutrient content in excess of 50% of the U.S. RDA only where the nutrient naturally occurs at those levels in the food or the food has been fortified in compliance with regulations of the Food and Drug Administration.

Subparagraph (4) provides for rounding-off of percentages of the U.S. RDA in nutrient disclosures. This is designed to prevent consumers from being misled by insignificant differences in the nutrient content of two foods.

ISSUES

1. Is it appropriate to permit in advertising (television? radio? print?) representations regarding nutrients which are not present in nutritionally significant amounts in view of the fact that a disclosure of the complete nutrition profile of specific nutrient data on the label will be required; or should such truthful representations be prohibited in advertising (television? radio? print?) due to the possibly misleading implications of nutritional significance that might follow from any reference to the presence of such nutrients?

(b) *Protein*. This provision is intended to prohibit claims for protein unless the protein is present in the advertised food in a significant quantity (except as otherwise permitted by the proviso contained in § 437.2(a)(2)) and the quality of the protein is sufficient so that it may be utilized by the human body in a meaningful way. It is based on the principle that individuals must eat a greater quantity of low quality protein to fulfill their nutritional requirements than they must eat if the protein is high in quality. The method of computation is the same as that used by the Food and Drug Administration in its nutrient labeling regulation.

[1] Section 437.3(b) illustrates a provision which does require the presence of a nutrient in a specified amount before any claim may be made.

ISSUES

1. Will the proposed specifications adequately ensure that disclosures are clear, conspicuous and comprehensible to consumers?

2. What alternative specifications, if any, would serve the purpose of the rule as well as, or better than, the proposed specifications, while further reducing the burden on advertisers?

Subpart B—Voluntary Claims

§ 437.3 Emphatic nutrition claims.

Vague claims mentioning nutrients are often used to exaggerate the nutritional characteristics of a food without providing any specific information concerning the actual value of the food. To remedy this unfair and deceptive practice, the proposed rule establishes minimum standards for the making of emphatic claims.

Under the proposed rule emphatic nutrition claims may be made only when:

1. The identity of any nutrient on which the claim is based is disclosed;

2. The percentage of the U.S. RDA of any identified nutrient contained in a stated serving of the advertised food is disclosed; and

3. A serving of the advertised food contains at least 35% of the U.S. RDA of each nutrient identified as a basis for an emphatic claim.

The 35% minimum is designed to ensure that a food for which emphatic nutrition claims are made makes a highly significant contribution of the claimed nutrient to the diet. Thus, such a food would have to contribute approximately one-third of the U.S. RDA for that nutrient.

While claims that a food "contains lots of nutrients" or "is rich in vitamins" could be made under the Proposed Rule, by requiring identification of nutrients and the percentage of U.S. RDA the rule would eliminate the vagueness which has heretofore attended such claims. (See also Analysis and Statement of Issues by Section, explanation of § 437.2(a)(2).) A claim that a food is a "good source of Vitamin C" would also be improper unless the percentage of Vitamin C in a normal serving size were disclosed and it constituted more than 35% of the U.S. RDA for the nutrient.

ISSUES

1. Is the fact that a serving of food contributes 35% of the U.S. RDA of the claimed nutrients a sufficient contribution to the diet to justify an emphatic claim?

2. Is there a lower percentage contribution which is sufficient to justify an emphatic claim?

§ 437.4 Nutrient comparison claims.

(a) *Comparative claims for the amount of any nutrient*. This provision specifies the prerequisites for making a comparative claim dealing with specific nutrients, e.g. that "Food X is higher in (or "contains more") Niacin than Food Y". The basic reasons for establishing various prerequisites to the making of such a claim are to be certain that: The exact nature and scope of the claim is clearly stated; equal-sized servings of commercially available foods are compared (in order to prevent dangling comparatives such as "more Vitamin C" or "highest in the Calcium"); a claim by one food that it contains a higher content of a particular nutrient than another food is based on a significant difference (10% of the U.S. RDA); and the advertised food and the compared food are relatively similar in all other respects. The last requirement is necessary to avoid the potentially deceptive implication that an advertised food is nutritionally superior to a compared food just because it contains more of one nutrient, even though in all or most other respects the compared food is nutritionally more valuable. Thus, the measure of parity is not only those nutrients present both in the compared food and the advertised food but, rather, all nutrients present in the compared food in significant amounts.

Three of the requirements for assuring relative nutritional parity are therefore:

1. The two foods must normally serve the same purpose in the diet;

2. If the comparison concerns protein, the protein in the advertised food must be of at least the same quality as that contained in the compared food; and

3. If the advertised food contains the same or fewer calories than an equal-sized serving of the compared food, not more than two nutrients can be present in the compared food in amounts greater by 10% or more than the amounts at which the same two nutrients are contained in the advertised food.

EXAMPLE.—*Actual percent of U.S. RDA per serving*[1]

	Advertised food X	Compared food Y
Protein..... percent..	4	11
Vitamin A.....do.....	61	16
Vitamin C.....do.....	11	31
Thiamine.....do.....	23	15
Riboflavin.....do.....	22	24
Niacin.....do.....	30	51
Calcium.....do.....	0	0
Iron.....do.....	21	38
Calories.....	120	140

[1] This hypothetical example is designed only to illustrate the operation of the proposed rule. It should be noted that the percentage comparisons must be made on the basis of the actual amount at which each nutrient is contained in a serving (see § 437.2(a)(2)).

The claim could not be made. Although the advertised food does contain Vitamin A in an amount greater by 10% or more of the U.S. RDA than the same nutrient is contained in the compared food, the compared food contains three nutrients which are present in amounts greater by 10% or more of the U.S. RDA than the amounts at which the same three nutrients are present in the advertised food. Thus, the percentage of U.S. RDA of Iron in a serving of the compared food is greater by at least 10% than the percentage of Iron in a serving of the advertised food. The same result occurs when the percentages of the U.S. RDA of Niacin and Vitamin C in the compared food are compared to the percentages of the U.S. RDA of those same nutrients in the advertised food.

In making the above determination the advertiser must look at all nutrients present in each food for which there is an

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established U.S. RDA to evaluate whether such a claim can be made. The underlying nutrient comparisons which determine whether a claim may be made under this paragraph, for § 437.4(a) (2) and (3), are between any nutrient in the compared food and the same nutrient in the advertised food.

Section 437.4(a) establishes one additional requirement which is intended to ensure relative nutritional parity between the foods about which a specific nutrient comparison is made. If a serving of the advertised food contains more calories than an equal-sized serving of the compared food, then the compared food may not contain more than two nutrients on a per 100 calorie basis in amounts greater than the amounts at which the same two nutrients are contained in a serving of the advertised food. The theory behind this requirement is that if a serving of the advertised food contains more calories than a comparable serving of the compared food and these calories do not provide an amount of nutrients proportionately equal to or greater than all but a maximum of two nutrients that are contained in a serving of the compared food, then it would be misleading to promote the advertised food for its higher content of one or more nutrients. Since the advertised food contains more calories per serving than the compared food (and is nutritionally inferior in that respect), it is important to ensure that its overall nutrient/calorie balance be comparable to the compared food before a nutrient comparison claim may be made. Here, as in § 437.4(a) (2) of the proposed rule, the comparisons are made between any nutrient in the compared food and the same nutrient in the advertised food.

The following is an example of the way in which a calculation is made using a nutrient-per-100-calorie basis. If a serving of food A (advertised food) contains 300 calories and 51% of the U.S. RDA for Vitamin A and a serving of food B (compared food) contains 200 calories and 40% of the U.S. RDA of Vitamin A, then food A has 17% per 100 calories and hence has a lower nutrient/calorie basis for Vitamin A than does food B which contains 20% per 100 calories. Under the proposed rule, if the nutrient-per-100-calorie calculations for two or more other (and, thus, a total of three or more) vitamins, minerals and/or protein in a serving of food B were greater than such calculation for the same two nutrients in food A, food A would not be able to claim that it had more Vitamin A per serving than a comparable serving of food B.

ISSUES

1. Should nutrient comparison claims permitted by the proposed rule be limited to foods which serve the same purpose in the diet?

2. Should the test for permitting a comparison between the quantity of a specific nutrient in the advertised food and the amount of that nutrient in the compared food be based on an overall comparison between those nutrients contained in the compared food and the same nutrients in the advertised food; or should the quantities of each nutrient in the compared food be compared with the quantity at which any nutrient is contained in the advertised food? Are there additional or alternative tests of nutritional equivalence which should be met before a nutrient comparison claim may be made?

(b) *Representations that a food is a substitute or replacement for, or as nutritious as, another food.* This provision contains five requirements for making claims that a food is a substitute or replacement for another food or is as nutritious as another food. These requirements mandate virtual nutritional equivalency between two foods before such claims are made, since the likely effect of such claims on consumers is to cause them to replace the compared food in their diet with the advertised food. The prerequisites to the making of such claims are intended to ensure that consumers will not suffer any significant nutritional detriment when they consume foods purchased on the bases of such claims. There are two absolute prerequisites to such a claim:

1. A serving of the advertised food must contain all nutrients present in "measurable amounts" (i.e., 2% of the U.S. RDA) in the compared food in at least the same amounts as they are contained in a serving of the compared food; and

2. If the compared food contains protein, the protein in the advertised food must be of at least the same quality.

If the above-described conditions exist, the identity of the compared food and the comparative caloric content of equal-sized stated servings of the advertised and compared foods must be disclosed.

Further, if the advertised food has a higher fat content than the compared food, that fact and the total fat content must be disclosed.

However, for the purposes of compatibility with the nutrient labeling program, a major exception is made to the provision: If the advertised food is labeled "imitation" in accordance with the Food and Drug Administration's regulations, it may be advertised as such and claimed as a substitute or replacement for the non-imitation product. However, any such advertisement must disclose that the food is not as nutritious as the food for which it is intended to be a substitute or replacement. This disclosure requirement in advertising merely incorporates the nutritional premise upon which FDA's nutrient labeling scheme bases its requirement that the food be designated as "imitation".

ISSUES

1. Is it appropriate to require a serving of the advertised food to contain all the nutrients contained in "measurable amounts" (i.e., 2% of the U.S. RDA) in at least the same amounts as they are contained in a serving of the compared food? If not all nutrients, as to what nutrients should there be parity?

2. Should nutrient comparisons (for purposes of satisfying the first prerequisite of making a claim under § 437.4 (b)) be between nutrients contained not at 2 percent but at some higher level (e.g., 10% of the U.S. RDA) in a serving of the compared food?

3. Will disclosures of comparative calorie and fat content be meaningful to consumers in the context of these claims or should there be prerequisites to the making of such claims which require that a serving of the advertised food have as many calories as, or fewer calories than, a serving of the compared food, and that a serving of the advertised food have the same fat content as, or a lower fat content than, a serving of the compared food, without any requirement of disclosure?

(c) *Representations that a food is nutritionally superior to another food.* The requirements for making a nutritional superiority claim for a food are the same as those for making a claim of nutritional equivalence outlined for § 437.4(b), supra, except that a serving of the advertised food must contain all nutrients contained in "measurable amounts" (2% of U.S. RDA) in a serving of the compared food in amounts greater by 10% or more of the U.S. RDA than the amounts contained in the compared food. Thus, a generalized claim of nutritional superiority will require superiority at a significant level for each such nutrient present in the compared food in a measurable amount.

ISSUES

1. Is it appropriate to require a serving of the advertised food to contain all the nutrients contained in "measurable amounts" (i.e., 2% of the U.S. RDA) in a serving of the compared food, in amounts greater by 10% or more of the U.S. RDA than the amounts contained in the compared food, before a nutritional superiority claim can be made? If not all nutrients, as to which nutrients should a comparison be made?

2. Should nutrient comparisons (for purposes of satisfying the first prerequisite of making a claim under paragraph (c)(1)) be between nutrients contained not at 2 percent but at some higher level (e.g., 10% of the U.S. RDA) in a serving of the compared food?

3. Will disclosures of comparative caloric and fat content be meaningful to consumers in the context of these claims or should there be prerequisites to the making of claims that a serving of the advertised food have as many calories as, or fewer calories than, a serving of the compared food, and that a serving of the advertised food have the same fat content as, or a lower fat content than, a serving of the compared food, without any requirement of disclosure?

§ 437.5 Nourishment claims.

(a) *Claims that a food is a valuable or significant source of nutrition.* Such claims are not permited unless a serving of an advertised food contains:

1. At least 4 nutrients, one of which must be protein, in amounts of 10% of the U.S. RDA per 100 calories; and

2. At least one of the nutrients is present in a serving of the advertised food in an amount of at least 10% of the U.S. RDA.

This paragraph is based on the proposition that, because calories are a limiting factor in the diet, a food is "nourishing" only if it provides a reasonable number of nutrients, given the calories supplied by that food. Therefore, a nourishment claim cannot be made for a food unless it provides 4 nutrients, including protein, in nutritionally significant amounts per 100 calories and a serving of the food provides at least one nutrient in a significant amount. (This provision does not apply to claims directed to a specific nutrient contained in a food.) The following is an example of a food that could make a nourishment claim: A serving of food X contains 50 calories and 5% of the U.S. RDA of Protein, Calcium, and Iron and 10% of the U.S. RDA of Vitamin A. Since a serving of the food contains 10% of the U.S. RDA of one nutrient and the food contains 10% per 100 calories of three others, including protein, it may claim that it is "nourishing." If a serving of food X contained 100 calories per serving but the same percentages of nutrients, no general nourishment claim for the food itself could be made, although a representation that it contained "nourishing Vitamin A" would be proper, since such a claim fulfills the requirements of § 437.2(a) (2).

ISSUES

1. Should the prerequisite for making a claim that a food is a valuable or significant source of nutrition be based on the content of 4 nutrients, including protein, in amounts of 10% of the U.S. RDA per 100 calories or should it be required that those or some of those 4 nutrients be present in amounts of 10% of the U.S. RDA per serving of the advertised food? Are there additional or alternative requirements that should be met before such a claim is allowed?

(b) *Claims that a food provides all the nutrients necessary for a sound, complete or balanced diet.*

(c) *Claims that a serving of an advertised food alone provides complete or perfect nutrition.*

These provisions collectively prohibit any representations that any food provides all the nutrients required to sustain human life unless competent and reliable scientific tests demonstrate that it constitutes a total diet replacement.

(d) *Representations that a food or a serving thereof constitutes a nutritionally adequate meal.* This provision prohibits claims that a food constitutes a nutritionally adequate meal unless it complies with any relevant federal regulation which exists or is developed to govern the making of such claims. On June 14, 1974, FDA published proposed regulations governing "formulated meal replacements" and "formulated meal bases" (see 21 CFR 100.8 and 102.21).

§ 437.6 Natural and organic food claims.

During the past several years claims have proliferated depicting food products as "natural" or "organic", or as "naturally grown", or "organically grown". Such claims have frequently stated or implied that the advertised foods possess superior nutritional characteristics. The Commission is seriously concerned with the ability of consumers to understand these terms which are used in a wide variety of confusing and conflicting contexts. Various ameliorative approaches are possible. The staff of the Commission proposes (see Staff Statement of Fact, Law, and Policy) a prohibition on the use of the terms "natural" or "organic" (as well as "naturally grown" or "organically grown"), allowing the advertisers instead to represent the facts which they believe would otherwise warrant the use of the terms (e.g., that a food product "does not contain any artificial preservatives" or that it "does not contain any artificial fertilizers"). An alternative approach would be the establishment of uniform definitions for the use of the terms "natural" (or "naturally grown") or "organic" (or "organically grown"), if that is possible. For example, a food product might be appropriately advertised as "natural" only if it does not contain any artificial or synthetic ingredients.

ISSUES

1. What, if any, is the proper definition of the term "natural food"? "Naturally grown food"? If any such definition exists for either term, is it generally accepted (among scientists or nutritionists; among consumers) or is there confusion, misunderstanding or disagreement about it?

2. What, if any, is the proper definition of the term "organic food"? "Organically grown food"? If any such definition exists for either term, is it generally accepted (among scientists or nutritionists; among consumers) or is there confusion, misunderstanding or disagreement about it?

3. What empirical evidence, if any, is there of consumer understanding of the terms "natural", "naturally grown", "organic" and "organically grown"? If such evidence exists, does it show a consumer understanding consistent with any generally accepted definitions of those terms?

4. What evidence, if any, is available to demonstrate that so-called "natural" (or "naturally grown") or "organic" (or "organically grown") foods are in any way superior to other foods other than the extent, if any, to which they are superior by reason of the facts enumerated (and allowed to be claimed) in § 437.6 (a) and (b) of the staff proposal on "Natural and Organic Food Claims"?

5. If the terms "natural" (or "naturally grown") and "organic" (or "organically grown") cannot be defined in a manner which will eliminate consumer misunderstanding, should their use in advertising be prohibited?

6. If the terms "natural" or "naturally grown" are to be prohibited in advertising, which, if any, of the following claims should be permitted where truthful:

a. "• • • does not contain any artificial or synthetic preservatives."?

b. "• • • does not contain any artificial or synthetic flavors."?

c. "• • • does not contain any artificial or synthetic colors."?

d. "• • • does not contain any (other) artificial or synthetic ingredients."?

What other claims, if any, should be allowed?

7. If the terms "organic" or "organically grown" are to be prohibited in advertising, which, if any, of the following claims should be permitted where truthful:

a. "• • • has not been grown with (or subjected to) pesticides (or artificial fertilizers; or artificial conditioners)."?

What other claims, if any, should be allowed?

8. If any specific factual claim referred to in issues 6 or 7 is to be permitted in advertising, should any further representation of nutritional superiority based on such claim be allowed?

§ 437.7 Claims for foods intended to be combined with other foods.

Paragraphs (a), (b), and (c) of § 437.7 deal with advertising problems involving food products to which a characterizing ingredient must be added in order to prepare it for consumption. This includes new products called "meat extenders" which have recently appeared on the market.

Paragraph (a) provides that for these foods it must be clearly and conspicuously disclosed that it is necessary for the consumer to add a characterizing ingredient to the product. This will lessen the likelihood of consumers being misled into believing that the advertised food contains everything needed to serve it.

Paragraph (b) allows the affirmative disclosures of nutrient content to be made for a serving of the combination as consumed, but prohibits a representation that the advertised food alone provides all the nutrients which are present in a serving of the combination. Since these foods are always combined when consumed, it is appropriate that the nutrient disclosures reflect the food as served.

To eliminate inflation of the advertised food's nutritional value through the disclosure provided by paragraph (b), paragraph (c) provides that if the food with which the advertised food is combined provides more than 50% of any nutrient named in the advertisement, it must be disclosed that most of that nutrient is provided by the other food.

Paragraph (d) treats a slightly different problem—foods which are frequently but not necessarily combined with other foods as consumed. In this situation, any nutrient claim or disclosure must be based on the advertised food alone. Breakfast cereals are examples of this type of food. Many of them presently provide such nutrient information on the boxes in which they are contained.

ISSUE

1. Should a food which is sometimes but not necessarily combined with another food be allowed to disclose the nutrients present in the combination so long as the nutrients present in the advertised food alone are disclosed with equal prominence? If so, should such additional disclosure be limited to print advertising, or be allowed in other media as well?

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§ 437.8 Energy and calorie claims.

(a) *Claims that a food provides "energy" or "food energy".* This provision is intended to prevent consumers from being misled to believe that the terms "energy" or "food energy" mean anything other than calories, or that a claim that a certain food is a good source of "food energy" means that it is nutritious. Thus, each time that an energy claim is made, the proposed rule requires a disclosure of the fact that "energy" or "food energy" is supplied by calories and the number of calories contained in a serving of the advertised food.

(b) *Claims that a food or nutrient provides health, general vigor, sustained energy or alertness, or that energy from calories will produce strength, endurance, intellectual performance, or prevents fatigue.* This provision prohibits claims that a food, nutrient, or calories will alone determine a person's general well-being or vigor, since these traits are influenced by a number of factors including heredity, general physical and emotional status, and environmental stimuli. This paragraph is intended to deal only with claims directed at general or sustained health as opposed to claims of short-term contributions to vigor provided by a food covered by § 437.8(c).

(c) *Claims that a food enhances or contributes to vigor, alertness, energy, strength or endurance.* This provision prohibits claims that a food enhances or contributes to vigor unless it is disclosed that this vigor, etc. is enhanced by and depends, in part, on calories in the food, and the advertisement discloses how many calories are in a stated serving of the food. It is recognized that when a person is temporarily deficient in available calories, as during strenuous physical exercise, eating a food which is a good source of calories may contribute to strength, endurance, etc. Therefore such a claim is permitted if it is made in a proper context and the number of calories provided by a serving is disclosed. The point that such claims must be made in a carefully qualified manner should be particularly noted. Simple compliance with the requirements of this provision would not alone render an energy claim per se fair and nondeceptive.

(d) *Claims that a food or meal contributes to or is useful in regulating of maintaining calorie intake or body weight, or depiction of a food as a "diet" or "low calorie" food.*

This provision prohibits low calorie or diet claims unless the food conforms to applicable regulations of the Food and Drug Administration for foods which are low in calories. Revised regulations are presently being developed by FDA. Subparagraph (2) would require that the number of calories in a stated serving of the advertised food be disclosed. This is designed to allow consumers to judge for themselves how useful the food will be in a program of weight control.

ISSUES

1. Is adequate and proper exercise a sufficiently useful way of altering daily caloric balance as to require the mention of this factor in advertisements for foods claiming to be useful in regulating or maintaining caloric intake or body weight?

2. Should advertisements for foods claiming to be useful in regulating or maintaining caloric intake or body weight be required to disclose, either alone or in addition to the disclosure presented in issue 1 above, that a reduction of total caloric intake should be combined with consumption of the advertised food?

(e) *Diet claims for foods containing artificial sweeteners.* This provision pertains to foods, such as "diet" soft drinks, which contain either only artificial sweeteners or a combination of artificial sweeteners and sugar. It requires disclosure of the number of calories in a stated equal-sized serving of the product with a nutritive sweetener so that the consumer can see how many calories he or she is getting in the food represented as a diet food. In addition, this regulation requires that a disclosure be made if the food does contain nutritive sweeteners so that diabetics who should not consume sugar are aware of the fact.

(f) *Representations that a food is "sugarless".* This provision is designed to prevent representations that a food is "sugarless" or similar representations unless the product in fact contains no sugars, including the sugar alcohols. It would prevent the possibility that diabetics and other persons who are attempting to avoid all forms of sugar are improperly misled.

§ 437.9 Fat, fatty acid and cholesterol content claims.

The Food and Drug Administration's nutrient labeling program strictly regulates the making of label claims regarding the fat, fatty acid and cholesterol content of foods. FDA prohibits any claim linking the consumption of a food to the prevention of coronary disease or to positive effects on existing coronary conditions. It is the Commission's understanding that the intent of the FDA regulations in this area is to eliminate any label representation which, in the absence of medical advice, would tend to confuse or misled consumers about the relationship between cardiovascular disease and the consumption of foods which contain or do not contain fat, fatty acid, and cholesterol. FDA's regulation embodies the view that a consumer's physician—not the consumer alone—should make the judgment as to what, if any, dietary changes should be made to reduce the risk of heart or artery disease or related conditions. The staff would propose a rule consistent with FDA's provision on this subject (see Staff Statement of Fact, Law, and Policy). The Commission is concerned that this approach when applied to advertising may prevent the making of certain limited claims which are both accurate and beneficial, and the questions raised below are intended to explore whether or not this concern is justified.

ISSUES

1. What claims, if any, concerning food and heart or artery disease or any attendant conditions or the fat, fatty acid, or cholesterol content of food, which are forbidden by 21 CFR 1.18 to be made in food labeling, should be permitted in advertising? Why should such claims be permitted in advertising but not in labeling? Is any such claim, even if literally true, likely to carry with it any additional implication(s) which would be deceptive or unfair?

2. Is there any claim concerning food and heart or artery disease or any attendant condition which is not forbidden by 21 CFR 1.18 and which should be allowed in food advertising?

§ 437.10 Health or related claims.

Nutrient labeling regulations of the FDA (21 CFR 1.17(i)) prohibit various claims which might distort the nutritive or medical benefits allegedly resulting from the consumption of a labeled food. Staff has proposed rule provisions which would apply FDA labeling prohibitions to advertising. The following questions are designed to elicit comment on the issue of whether, given the prohibitions established by FDA's nutrient labeling rule, any departure from these prohibitions is appropriate in the case of advertising.

Staff would further prohibit use of the general term "health food" on grounds that the term lacks definition and, therefore, is confusing and may deceive consumers into believing that a given food will, by itself, provide them with good health. Staff's proposal, however, would permit the making of specific positive nutrition claims about a food so long as the general requirements of the other provisions in Subpart B of the proposed rule are satisfied.

ISSUES

1. What claims, if any, concerning the nutritive or medical benefits allegedly resulting from the consumption of foods which are forbidden to be made in food labeling by 21 CFR 1.17(i) should be permitted in advertising? Why should such claims be permitted in advertising but not in labeling? Is any such claim, even if literally true, likely to carry with it any additional implication(s) which would be deceptive or unfair?

2. What, if any, is the proper definition of the term "health food"? If such a definition exists, is it generally accepted (among scientists or nutritionists; among consumers) or is there confusion, misunderstanding or disagreement about it?

3. What empirical evidence, if any, is there of consumer understanding of the term "health food"? If such evidence exists, does it show a consumer understanding consistent with any generally accepted definitions of those terms?

4. If the term "health food" cannot be defined in a manner which will eliminate consumer misunderstanding, should its use in advertising be prohibited?

EFFECTIVE DATE

180 days are allowed after final promulgation of the rule for all advertisers to bring their advertisements fully into compliance with the provisions of the rule.

STAFF STATEMENT AND AFFIRMATIVE DISCLOSURE

In addition to soliciting comment on the proposed rule, the Commission wishes to solicit comment on the Staff Statement of Fact, Law, and Policy as it relates to affirmative disclosure in nutrition advertising. All persons and organizations submitting comments and testimony concerning the staff statement are urged to address themselves to the issues set forth below and to propose specific disclosure schemes that would accomplish the purposes of the staff proposal together with detailed reasons why those specific proposals would be likely to be understood and utilized by a significant number of consumers. Each such proposal should also take into consideration the goal of minimizing interference with the basic format and design of food advertising.

The Commission views this portion of the proceeding as an opportunity for all interested persons to assist the Commission in an effort to evaluate the staff statement calling for industrywide disclosure requirements that will inform consumers of the nutritional worth of advertised food but will not unduly impede the advertiser's ability to promote a product in any truthful and fair way it chooses.

ISSUES

1. What evidence, including opinion, is there that bears upon the extent to which consumers want nutrition information in advertising, the extent to which such information can be understood and used by consumers, and the need for such information?

2. What is the relation between nutrition information in advertising and nutrition information in labeling? Should advertisements for foods which carry nutrient labels (either labels required by government regulation or voluntarily-placed labels) be required to include nutrient disclosures? Should such disclosures be limited to these foods?

3. What nutrition information should be disclosed in advertising?

4. Should the presence of specific nutrients be disclosed?

5. What nutrients should be disclosed? Should the percentage of U.S. RDA at which each such nutrient is present in a serving of the advertised food be disclosed?

6. Should nutrient disclosures be limited to nutrients for which a U.S. RDA has been established? If not, what other nutrients should be disclosed?

7. Should nutrient disclosures be prohibited unless the nutrient in question is contained in a serving of the advertised food at or above a certain percentage of the U.S. RDA? If so, what percentage?

8. Should the number of calories in a serving of the advertised food be disclosed?

9. Should the serving size of the advertised food be disclosed?

10. Should any other nutrition information or ingredient information concerning the advertised food be disclosed?

11. Should the required nutrition disclosure be a reproduction of the required portion of the nutrient label? Should this always be allowed as an alternative disclosure?

12. Should the disclosures in television advertisements be required in the audio and/or video portions of the commercials?

13. Should minimum time periods be set for the audio and/or video portions of nutrition disclosures in television advertisements? If so, what should they be?

14. Should the required disclosures be different for foods without nutrient labels than for foods with nutrient labels? If so, how should they differ?

15. Should raw agricultural commodities be exempted from nutrition information disclosures? If so, why?

16. If specific nutrition information disclosure is not required, should a disclosure such as "For nutrition information, see the food label" be required for foods with nutrient labels? Would such a disclosure tend to imply that the food is of significant nutritional worth? What would be the likely impact of such a disclosure on consumers in motivating them to use nutrient labels?

17. Should advertisements for foods which do not contain any nutrients in an amount in excess of some specified percentage of the RDA be required to disclose that fact?

18. Can foods be ranked according to overall nutritional value, and could such rankings be communicated in advertising in lieu of specific information on the identities and amounts of nutrients?

All interested persons, including the consuming public, are hereby notified that they may file written data, views or arguments concerning the proposed rule and the subjects and issues set forth in the Analysis and Statement of Issues by Section thereto by submitting twenty (20) copies thereof to William D. Dixon, Special Assistant for Rulemaking, Federal Trade Commission, Washington, D.C. 20580, not later than February 5, 1975.

All interested persons will also be given notice of an opportunity to orally present data, views, or arguments with respect to the proposed rule and the subjects and issues set forth in the Analysis and Statement of Issues by Section thereto at a public hearing to be held at a time and place to be announced at a later date and published in the FEDERAL REGISTER.

Each person desiring to orally present views at the later specified hearing will be required to inform the Special Assistant Director for Rulemaking in writing before a date which will be announced later (in advance of the hearing) and published in the FEDERAL REGISTER, stating the estimated time desired for an oral presentation.

Reasonable limitations upon the length of time allotted to any person will be imposed. In addition, each person desiring to deliver a prepared statement at the hearing (date and place to be announced) will be required to file twenty (20) copies of such statement with the Special Assistant Director for Rulemaking before a date which will be announced later (in advance of the hearing) and published in the FEDERAL REGISTER.

The data, views, or arguments presented with respect to the above-designated topics will be available for examination by interested persons in Room 130 of the Division of Legal and Public Records, Federal Trade Commission, Washington, D.C., and will be considered by the Commission in the establishment of a final Trade Regulation Rule.

All persons, firms, corporations or others engaged in food advertising in commerce, as "commerce" is defined in the Federal Trade Commission Act, may be subject to the requirements of any Trade Regulation Rule promulgated in the course of this proceeding.

Issued: November 7, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-26140 Filed 11-8-74;8:45 am]

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FEDERAL TRADE COMMISSION

FOOD ADVERTISING

Staff Statement of Fact, Law and Policy in Support of the Proposed Rule and in Support of Affirmative Disclosures in Food Advertising

This is a staff document which has not been adopted by the Commission.

I. INTRODUCTION

By Message of May 6, 1969, the President of the United States reported to the Congress that

• • • in the past few years we have awakened to the distressing fact that despite our material abundance and agricultural wealth, many Americans suffer from malnutrition. Precise factual descriptions of its extent are not presently available, but there can be no doubt that hunger and malnutrition exist in America, and that some millions may be affected.[1]

The President declared his intention to convene a White House Conference on food and nutrition. Thereafter, on June 11, 1969, work on the Conference began. In the words of the letter transmitting the Conference Report to the President:

A great deal of preliminary work was done during the summer and fall of 1969 by 26 panels and by eight task forces. The panels were made up of academic, medical, industry, and agriculture experts, as well as citizens chosen because of their particular concern rather than expertise. The task forces represented vast segments of our population such as social action groups, women's organizations, industrial and consumer interests, professional organizations, and religious denominations. All 800 or so participants in the preparatory work were highly conscious of their responsibility and spent considerable time in work and travel to insure that the 2,200 additional members of the Conference be provided with thoughtful and detailed provisional recommendations and background material.

• • • [T]he membership of the Conference—and of each discussion group—was as broad as possible. University professors and students, physicians, old and young, industry leaders and technicians, representatives of consumer organizations, members of all main religious denominations and of minority organizations, members of women's organizations with membership totaling over 60 million women, labor leaders, representatives of health organizations, agricultural and trade organizations, social action groups from all economic levels ranging from the National Association of Manufacturers to various organizations dealing with the very poor—and last but not least, over 400 of the very poor themselves: black, Mexican-American, Puerto Ricans, white, Indians, Alaskan natives, inhabitants of the Pacific Trust territories, and of our Carribean dependencies and migrant laborers were brought together to discuss the recommendations submitted to them by the panels and the task forces.[2]

Pertinent to our discussion here, the Conference found that:

Current problems are due—not to any shortage of nutrients—but rather to the following circumstances among others:

• • • A substantial and serious lack of nutritional knowledge and/or motivation to use it on the part of many people including some members of the medical profession.[3]

The section of the Conference Report prepared by the Panel on Popular Education underscored the causal link between the lack of nutrition information and malnutrition:

The panelists feel that one basic right of individuals in our society is the right to proper food. But in order to exercise this right effectively, every citizen must know enough about foods and nutrition to choose for himself those foods which will supply his nutritional needs.

It is clear that a great many of our citizens lack this necessary knowledge—both rich and poor, educated and uneducated—despite the great range and influence of our educational system, and our communications media. In fact, the gaps in our public knowledge about nutrition, along with actual misinformation carried by some media, are contributing seriously to the problem of hunger and malnutrition in the United States.[4]

The portion of the Conference Report prepared by the subpanel on deception and misinformation elaborated on the panel's finding that consumers are seriously injured by misinformation as well as by lack of information. Sharply criticizing both oppressive marketing techniques and the Government's efforts to regulate those techniques, the panel reported that:

Many travesties cheat the public of enormous sums of money, and of good health as well. Yet the American people falsely believe they are well protected, both by Government and by the ethics of commerce.

In many cases, labels, advertising and packaging imply a quality, quantity or content that is false. Here those who cannot afford poor food choices are especially exploited. The poor, in particular the old, the ill and the least educated, are • • • lured by advertising that suggests falsely that certain cheap, widely sold products, because they contain a few added vitamins or minerals, can replace usual foods or even whole meals.[5]

The subpanel then detailed at length the inadequacy of past law enforcement efforts to protect consumers and called upon the responsible agencies to display new vigor and imagination:

It is strongly urged that the Federal Government constantly search for law and procedures that have not traditionally been thought of as weapons in the war against deception and misinformation, or which lately have been overlooked to some extent.[6]

The proposed rule on food advertising, together with its supporting documents and this staff statement, is a response to the Conference's call for action to remedy deception in food advertising. It is also a response to developments since the Conference which have emphasized the public interest in remedying deception and unfairness in food advertising. These developments are considered in some detail below.

II. THE MATERIALITY OF NUTRITION INFORMATION

Among the law violations to which the staff believes a trade regulation rule on nutrition advertising should be addressed are deceptive and unfair omissions from advertising of material information, omissions that violate sections 5 and 12, as defined by section 15, of the Federal Trade Commission Act.[7]

While an explicit discussion of the materiality of a violation of the Federal Trade Commission Act is not ordinarily necessary to make out a case under section 5 of the Act[8] such a discussion is useful in the analysis of a violation arising from the non-disclosure of information. Accordingly, this Statement will first establish the materiality of nutrition information before turning to the specific analyses of the alleged law violations.

The materiality of information arises from the need or the preference of consumers for the information and from their ability to apply it in their purchase or use decisions. Data on the extent of malnutrition, and on the risk of malnutrition, in America speak in varying degrees to each of these elements. Accordingly, discussion of the materiality of nutrition information should begin with a general consideration of that data.

There is a great deal of evidence indicating the existence of malnutrition problems in America. The concern voiced by the President and the White House Conference have already been cited in illustration of this point. From among many sources, further evidence of the problem of American malnutrition can be found in two comprehensive studies, the Ten-State Nutrition Survey[9] and the First Health and Nutrition Examination Survey (HANES)[10], which were undertaken precisely to define the scope of the malnutrition problem.

The Ten-State Survey was the first comprehensive attempt ever undertaken to assess the nutritional status of the American people.[11] The Survey was created by the Department of Health, Education and Welfare following the express direction of the Congress that the prevalence, magnitude, and distribu-

[1] White House Conference on Food, Nutrition and Health, Final Report 1 (1968). Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. (Hereinafter cited as "White House Conference Report.")

[2] White House Conference Report, supra note 1, at 13.

[3] White House Conference Report, supra note 1, at 102.

[4] White House Conference Report, supra note 1, at 179.

[5] White House Conference Report, supra note 1, at 190.

[6] White House Conference Report, supra, note 1, at 194.

[7] 15 U.S.C. Sections 45, 52, 55 (1970).

[8] See, e.g., "Developments in the Law-Deceptive Advertising," 80 Harv. L. Rev. 1056–1057 (1967).

[9] U.S. Department of Health, Education, and Welfare, Health Services and Mental Health Administration, Ten-State Nutrition Survey 1968–1970. DHEW Publication No. (HSM) 72–8134. (Hereinafter cited as "Ten-State Survey.")

[10] U.S. Department of Health, Education, and Welfare, Public Health Service, Preliminary Findings of the First Health and Nutrition Examination Survey, United States, 1971–1972. DHEW Publication No. (HRA) 74–1219–1. (Hereinafter cited as "HANES.")

[11] Ten-State Survey, supra note 9, at I–9.

tion of malnutrition and related health problems within the United States be identified. To that end, demographic, dietary, clinical, anthropometric, dental, and biochemical data were gathered from primarily low income families in ten target states[12] plus New York City.

In the words of the survey report:

The results of the Ten-State Nutrition Survey indicated that a significant proportion of the population surveyed was malnourished or was at high risk of developing nutritional problems.[13]

Among the specific findings of the survey were evidence of general undernutrition among the elderly of every income and ethnic group,[14] widespread deficiencies of riboflavin among blacks and the young of every ethnic group,[15] subnormal hemoglobin for every age and ethnic group[16] and marginal protein nutrition for a large proportion of pregnant and nursing women, a problem all the more tragic for its adverse impact on successful pregnancy and infant mortality.[17]

Striking data, illustrative of the survey's findings can be cited. In the five low income ratio states, i.e., those in which more than half of the families surveyed were near or below the poverty line hemoglobin levels, which are in part a function of iron intake, were judged low or deficient in 15.6 percent of whites surveyed, 37.4 percent of blacks, and 20.6 percent of Spanish Americans. When broken down by age groups, the data are even more disturbing: For example, for children under 2 years old, 19.2 percent of the white, 35.4 percent of the black, and 12.6 percent of the Spanish American had subnormal levels. If one turns to males over age 59, the percentages are 26.7 for whites, 65.2 for blacks, and 45.1 for Spanish Americans.[18] Nor were these deficiencies limited to states with low-income survey populations: In the five higher income ratio states surveyed, i.e. those in which more than half the families surveyed were well above the poverty line, subnormal hemoglobin was still found in 9.3 percent of surveyed whites, 26.9 percent of blacks and 17.1 percent of Spanish Americans.[19]

Similar data were recorded for plasma vitamin A levels, which are a measure of the vitamin's long-term dietary intake. In the low-income ratio states surveyed 5.7 percent of examined whites, 9.0 percent of blacks, and 33.1 percent of Spanish Americans had subnormal levels.[20] For the high-income ratio states the figures were 7.5 percent of whites, 6.1 percent of blacks, and 2.3 percent of Spanish Americans.[21] And again, the age group data are striking: for example among low-income ratio state children age 2 to 5, 11.3 percent of whites, 21.2 percent of blacks, and 51.7 percent of Spanish Americans were low or deficient in plasma vitamin A.[22]

In the words of the survey report,

The data indicate that vitamin A nutriture is a major public health concern among Spanish-Americans in the low-income-ratio states. The relatively high prevalence of low vitamin A values among young persons of all races suggests that these age groups should undergo continuous surveillance of vitamin A status.[23]

In addition to biochemical measurements, dietary intake data, derived from survey respondents' reports of the foods they consume, were also employed by the Ten-State Survey as indicators of the adequacy of the survey populations' diets. Those data further support the conclusion that Americans have widespread malnutrition problems. For example, backing up the biochemical data indicating inadequate iron in the surveyed populations' diets is dietary intake data indicating that in the low-income ratio states surveyed, 88.8 percent of white, 93.5 percent of black and 76.2 percent of Spanish American females age 12 to 14 had dietary iron intakes below standard.[24] Figures on vitamin A intake likewise indicated inadequacies for substantial numbers in all three ethnic groups.[25] Again, as with the biochemical data cited above, this illustrative data is but a sampling of the Ten-State findings.

The second major survey substantiating and illustrating the problems of malnutrition in America is the HANES. A project of the National Center for Health Statistics, Department of Health, Education, and Welfare, the HANES was designed to comprehensively measure the nutritional status of the United States population and to monitor changes in that status over time.[26]

Only the preliminary findings of the first HANES are available, but they further substantiate the disturbing findings of the White House Conference and the Ten-State Survey.

For example, dietary intake data indicate that over 90 percent of all children age 1–5 and females age 18–44 have diets deficient in iron. Likewise, the data also show for low-income females age 18–44 that 73.54 percent of the whites and 64.42 percent of the blacks have substandard vitamin A intakes, while for high income whites and blacks alike more than 50 percent age 60 and over showed substandard vitamin A intakes.[27]

The preliminary report of the HANES biochemical data, as opposed to dietary intake data, is more optimistic about the state of the survey population's health, but it too confirms the prevalence of iron deficiency, and finds, for example, 9.08 percent of low-income black children and 10.34 percent of high income black children deficient in vitamin A[28] and 13.17 percent of whites age 60 and over[29] and 13.67 percent of white females age 18–44 notably low in protein, among those persons surveyed who had income above the poverty level.[30]

Also worth noting are data collected by a group of researchers who reviewed all studies published between 1950 and 1968 which contained dietary intake, biochemical or clinical evidence related to vitamin and mineral nutrition.[31] Again significant data emerged involving malnutrition. For example, biochemical tests found that 35 percent of individuals studied were "below acceptable" levels for riboflavin, 12 percent were "low", and 25 percent were "deficient". For vitamin A the figures were 24 percent, 15 percent, and 9 percent; for vitamin C, 37 percent, 21 percent, and 18 percent.[32]

Finally, trend data on the composition of American diets offers further cause for concern. The U.S. Department of Agriculture conducted a survey in the spring of 1965 on a nationwide sample of 7,500 households selected to represent housekeeping households in each of the four census regions.[33] The survey found that 50 percent of the households surveyed in 1965 had diets that were considered "good"—that is, they met the Recommended Daily Allowance for 7 nutrients. That figure was down from 60 percent in 1955. About 21 percent of the households in 1965 had diets which were rated "poor"—that is, supplied less than ⅔ of the Recommended Daily Allowance for one or more nutrients. That figure was up from 15 percent in 1955.[34] The report indicated that the nutrients most often in short supply were calcium, vitamin A and vitamin C. These nutrient shortages were associated with the use of less-than-recommended amounts of milk, milk products, vegetables, and fruit. Consumption of these foods declined from 1955 to 1965, while the consumption of soft drinks, punches, and prepared desserts rose sharply.[35]

Although a greater percentage of housholds had "good" diets at each successively higher level of income, high income alone was no assurance of good diets; of those households with income of $10,000 or more, 9 percent had poor diets, while 36 percent of those households with income under $3,000 had poor diets.[36]

These statistics provided by the USDA surveys most likely understate the ex-

[12] California, Kentucky, Louisiana, Massachusetts, Michigan, New York, South Carolina, Texas, Washington, and West Virginia.

[13] Ten-State Survey, "Highlights", supra note 9, at 8.

[14] Ten-State Survey, "Highlights", supra note 9, at 10.

[15] Ten-State Survey, "Highlights", supra note 9, at 12.

[16] Ten-State Survey, "Highlights", supra note 9, at 11.

[17] Ten-State Survey, "Highlights", supra note 9, at 12.

[18] Ten-State Survey, supra note 9, at IV–10.

[19] Ten-State Survey, supra note 9, at IV–11.

[20] Ten-State Survey, supra note 9, at IV–141.

[21] Ten-State Survey, supra note 9, at IV–144.

[22] Ten-State Survey, supra note 9, at IV–141.

[23] Ten-State Survey, supra note 9, at IV–137.

[24] Ten-State Survey, supra note 9, at V–172.

[25] Ten-State Survey, supra note 9, at V–156, 157, 201, 202, 219, 220.

[26] HANES, supra note 10, at 1.

[27] HANES, supra note 10, at 19.

[28] HANES, supra note 10, at 99.

[29] HANES, supra note 10, at 161.

[30] HANES, supra note 10, at 159.

[31] Thomas R. A. Davis, Stanley N. Gershoff and Dean F. Gamble, "Review of Studies of Vitamin and Mineral Nutrition in the United States (1950–1968)" Journal of Nutrition Education, Volume 1, Number 2, Supplement 1, (Fall 1969).

[32] Id., at 53. (Percentages cited are estimated from bar graphs.)

[33] U.S. Department of Agriculture, Agricultural Research Service, Dietary Levels of Households in the United States, Spring 1965, U.S. Government Printing Office, Washington, D.C. 20402.

[34] Id., at 1.

[35] Id., at 2–3, 7.

[36] Id. at 5.

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tent of nutritional problems in the households surveyed, since the data refer to the diets of the households rather than individuals, and, therefore, the nutrient intakes of those family members with the best diets are averaged with the intakes of those family members with the worst diets. This averaging process inevitably obscures instances of nutritional deficiencies.

One final issue related to malnutrition which is of concern to nutritionists and public health officials alike is the extent of obesity in the United States. The Ten-State Survey provides some relevant data on this issue. Over one-fifth of the white male population age 14 through 60 with income greater than 150 percent of the poverty level were diagnosed as being obese. Of the white females in the same age and income group, the percentage of individuals considered to be obese ranged from 9.3 to 41.5 percent. The percentages for blacks were also considerable. Obesity is definitely a problem for all age groups in this income category.[37]

In addition to these substantial indications of nutritional inadequacies involving large numbers of consumers, two other aspects of food and nutrition give further emphasis to the critical importance of individual decisions concerning the choice and consumption of foods, thereby further emphasizing that consumers need nutrition information.

First, some essential human nutrients must be consumed in their proper amounts almost daily in order to prevent deficiencies. Fat soluble nutrients, such as vitamin A, can be stored in the body in times of nutrient plenty and can be mobilized in times of nutrient poverty. But water soluble nutrients, which include the majority of vitamins, and among which is vitamin C, are not generally stored in the body for any great length of time. Thus, unless each day's diet, by chance or by intent, is adequate in its content of water soluble nutrients, a risk of deficiency may be present.[38]

The second consideration illustrative of the substantial injury which can attend improper food decisions—and, therefore, of the need for nutrition information—concerns the cost of food. Findings by the Federal Trade Commission made in 1971 and based on earlier data established that food costs are both high and sharply regressive, imposing the heaviest percentage burden on the poorest of families. The Commission found that 17 percent of the average family budget went to food and that for families with a disposable family income of $3,000 a year or less, the figure rose to 40%.[39]

In an era of rising food costs the impact of food purchases on the family budget is now of even greater concern. This concern can be expressed in two ways: First, the data on malnutrition taken with the data on food cost illustrate how important it is that very limited family financial resources be carefully spent so as to maximize the nutritional value of food purchases. Secondly, the data are a basis for concern that even families that are adequately nourished may be paying too high a price for their nourishment. For as discussed below, there is reason to believe that consumers may seek satisfaction of their nutritional needs from high cost (and in this sense, inefficient) sources of nutrients, To the extent, then, that from ignorance consumers are spending more than they need on food, they may be suffering serious economic injury. Further, to the extent that ill-informed expenditures on food are made at the expense of expenditures on other means of protecting the family's health, such as medical and dental care, then consumers' physical health is being injured as well. These considerations emphasize the importance to the well being of consumers of food purchase decisions which on a day-to-day basis are nutritionally accurate and therefore economically efficient.

A variety of data indicate that a significant portion of the malnutrition problem just discussed in large part arise from consumers' lack of awareness of the health significance of food choices and of the importance of nutrition and lack of information about the nutritive value of foods they buy.

As noted earlier, the White House Conference Report repeatedly attributes malnutrition not to an overall shortage of available nutrients but rather to, among other reasons, a lack of nutrition knowledge on the part of consumers and actual misinformation disseminated in advertising and other communications media.

Likewise, there should be recalled here the evidence presented by the 1965 USDA survey that changing patterns of food consumption are apparently leading to a deterioration of the American diet. While other factors may, in part, be at work, such changes are fairly attributable, in part, to decisions made by consumers who are unaware of the impact of their changing patterns of food consumption on the adequacy of their diets.

The Ten-State Survey, discussed above, lends at least inferential support to the proposition that lack of nutrition knowledge is contributing to current malnutrition and directly asserts that consumers are paying substantially more than is necessary to obtain needed nutrients:

> There was evidence that many persons made poor food choices that led to inadequate diets and to poor use of the money available for food. In particular, many households seldom used foods rich in vitamin A. Also, there was a heavy emphasis on meat in many diets, rather than use of less expensive but excellent protein sources such as fish and poultry, or legumes and nuts.[40]

It is reasonable to assume—particularly since many of the inadequate diets were found in low and moderate income households—that the poor food choices noted in the Ten-State Survey were often due to a lack of nutrition information and were not exclusively due to other factors.

The premise that consumers need nutrition information is further illustrated by findings of the Commissioner of the Food and Drug Administration. In the preamble to the proposal of the nutrient labeling program, the Commissioner made plain his determination that,

> The increasing number of processed and formulated foods makes it difficult for consumers to identify the nutritional qualities of the products they purchase.[41]

Thereafter, the Commissioner spoke further on the matter of remedying malnutrition. Addressing the American Association for the Advancement of Science, the Commissioner listed in order of their priority to FDA the six basic hazards associated with foods. First on his list was food borne disease, including botulism, salmonella, and the mycotoxis. He then turned to his next concern:

> In terms of importance, the second group of food hazards is malnutrition. While the potential for fatal consequences may be remote in the United States, nevertheless the incidence of nutritional deficiencies in the United States is provable and numbers in the millions. And these millions are not counted among the poor alone. It is a problem crossing all social and economic boundaries, often because of our national penchant for fads.
>
> The solution, as we see it, will come through individual consumers making better choices based on better information about the nutritional values available in the foods they buy.[42]

The need of consumers for nutrition information can thus be seen in the evidence of malnutrition, of unnecessary expenditures in instances where needed nutrients are being obtained, and of the lack of information contributing to malnutrition. The materiality of nutrition information can also be found in the evidence that consumers are capable of using nutrition information, and do express a desire to receive it.

Studies bearing on these issues have been reviewed by the Food and Drug Administration, and a summary of the studies' results, demonstrating that consumers can and do use nutrition information, has been published by the Commissioner as part of his proposal of the nutrient labeling program.

The studies provide substantial support for the conclusion that consumers are competent users of nutrition information. The proposed Rule to which this Statement pertains requires the disclosure of nutrition information in advertising. It is recognized that these studies involved information provided in a label, catalog, or survey questionnaire, and that a requirement for nutrition information in other media, particularly broadcast media, raises questions not fully answered by these studies. The studies do show, however, the understandability of nutrition information, even if they do not fully establish the ability to communicate the information in all other media. Thus, they do further establish the materiality of nutrition information. The specific propriety of this information being required to appear in advertising disclosures will be discussed subsequently in this Statement.

The first study, reported by the trade magazine Chain Store Age in 1970, exposed consumers to a selection of products, some of which fully disclosed their nutrient and calorie content. The study found slight but perceptible shifts in consumer preferences toward the brands with full disclosure labels, and in some cases, shifts of over 10% occurred.[43]

Following this study, the Food and Drug Administration contracted with the Consumer Research Institute to research consumer understanding and use of nutrition labeling. CRI then engaged in a two-phase test. The first phase used a panel of 950 educated middle-class Connecticut and Georgia households who purchased their groceries from a catalog. The conclusions relevant to this discussion reached by CRI were:

> 1. Nutrient information was used by the consumers observed in this study. This is demonstrated by the fact that their purchase patterns changed after the introduction of nutrient labeling.
>
> 2. In situations where a product or brand has a real nutritional advantage over its competitors, there was a major change in that product's share of the market.
>
> 3. The consumers' attitudes toward nutrition were found to be rather high before the introduction of nutrition labeling. The changes in attitude were positive but small, since the consumers in the test panel already had very positive attitudes about nutrition.
>
> 4. There was a considerable increase in the consumers' knowledge of nutrition, especially in their awareness of vitamins and minerals.[44]

In the second phase of the CRI study, mailed questionnaires and personal interviews were employed to assess the abilities of a national sample and of a low income sample in dealing with nutrition information presented in varying formats. Three formats were used: One format employed percentages of the Recommended Dietary Allowance at which nutrients were present in the food; the next employed adjectival descriptions of foods' nutrient contents; and the third employed representations of foods' contents by pictorally expressed units.

No matter which format was employed, nearly 80 percent of the national sample could sucessfully employ the nutrition information to pick the more nutritious food from among the test foods presented. For the low income sample responding to a questionnaire, about 70 percent correctly selected the more nutritious food when using the percentage format and 66 percent were still able to deal correctly with adjectival information. When 600 low income consumers were personally interviewed (and, hence, as the survey recognized, presumably better motivated to make their decisions carefully), 90 percent could make correct product choices using any of the three formats.[45]

Tests were also conducted with the cooperation of a number of food chain stores with two of the tests being evaluated for the Food and Drug Administration by Cornell University. A preliminary test in the evaluation program of a random sample of chain store customers before the labeling experiment began found 70 percent able to use the information correctly in selecting more nutritious foods. Twenty weeks later, after most consumers had presumably acquired some experience in working with the stores' new nutrient labeling, 80 percent of tested consumers were able to deal with the information correctly.[46]

The Commissioner of Food and Drugs found:

> The information provided in the various labeling formats was used by consumers. The questionnaire studies indicated that consumers, including those with low incomes and with less than a high school education, were able to understand and use nutrition labeling.[47]

Since malnutrition problems are so widespread, and since consumers have the facility to use nutrition information, it is not surprising that consumers explicitly express their desire to receive such information. Consumer representatives, nutrition educators, and nutritionists have addressed the Federal Trade Commission, calling for the provision of nutrition information in advertising, and the Commissioner of the Food and Drug Administration has noted the many requests by consumer groups that such information be made available in food labeling.[48] The chain store tests just noted found similar preferences expressed directly by consumers. In one chain store test, the majority of consumers asked that the store's nutrition labeling program be continued. In a second store's test, only three consumers out of several hundred responding opposed nutrition labeling, and they only because they feared it would lead to higher food prices.[49]

The CRI study also measured consumer preferences. Surveyed homemakers were asked what most concerned them in the daily care of their families: that they washed and bathed regularly; brushed their teeth; ate proper foods; or got to school and work on time. Prior to their introduction to the experimental labeling program, 74.4 percent identified proper foods as their first concern, and after experience with the information disclosures, the percentage rose to 78.8.[50] Finally, and most strikingly, in the Cornell University evaluation of the early chain store experiments, 97.6 percent of consumers surveyed agreed that it was a consumer's right to have nutrition information on food products.[51]

The simple fact that information may bear only on the exercise of personal preferences of a portion of the purchasing public for, say, lubricants refined form virgin crude oil, is sufficient cause to find that information material.[52] Thus the very fact that consumers desire nutrition information and may weigh it in making purchase and use decisions is sufficient to establish that information's materiality. The Commission, however, has substantial additional grounds for acting here. Since many consumers face substantial nutrition problems, either because they are malnourished or are at risk of malnourishment, and since consumers not only want nutrition information but can use nutrition information and use it with increasing accuracy even after a short period of practical experience, it is evident that the materiality of nutrition information is established, and, moreover, its provision to consumers as a remedy for deceptive and unfair advertising is very much in the public interest.[53]

III. THE FAILURE TO DISCLOSE NUTRITION INFORMATION IN ADVERTISING IS DECEPTIVE

It is well established by case law that deception actionable under section 5 of the Federal Trade Commission Act[54] can arise from the silence of the advertiser as well as from his affirmative representations.[55] Furthermore, in the case of food, section 15 of the Federal Trade Commission Act explicitly establishes as a violation of law the omission of facts material in light of affirmative claims made for the food or in the light of the consequences of use of the food:

> The term "false advertisement" means an advertisement, other than labeling, which is misleading in a material respect; and in de-

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[37] Ten-State Survey, supra note 9, at III-45. Diagnoses of obesity were made by measuring the thickness of fat at the back of the upper arm.

[38] HANES, supra note 10, at 3-4.

[39] Statement of Basis and Purpose, Trade Regulation Rule for Retail Food Store Advertising and Marketing Practices. 16 (1971) 36 Fed. Reg. 8777, 8780.

[40] Ten-State Survey, "Highlights", supra note 9, at 10.

[41] 37 FR 6493 (1972).

[42] Address by FDA Commissioner Schmidt, "The Role of the FDA in Food Safety", AAAS Symposium on Food Safety and the Organic Food Myth, Feb. 25, 1974, aSn Francisco, California.

[43] 37 FR 6494 (1972).

[44] Id., at 6495.

[45] Id., at 6495.

[46] Id., at 6495–6498.

[47] Id., at 6496.

[48] Id., at 6494.

[49] Id., at 6495.

[50] Raymond C. Stokes, Rafeal Hadock, Interim Report Of The First Two Phases Of The CRI/FDA Nutritional Labeling Research Program 30 (1972). Consumer Research Institute, Inc., Washington, D.C. 20006.

[51] 37 FR 6496 (1972).

[52] Kerran v. F.T.C., 265 F.2d 246, 248, (10th Cir. 1959), cert. denied, sub nom. Double Eagle Refining Co. v. F.T.C. 361 U.S. 818 (1959) ("But the public is entitled to know the facts with respect to lubricating oil sold by the petitioners being produced from previously used oil and then make its own choice with respect to purchasing such oil or oil produced from virgin crude; even though the choice is predicated at least in part upon ill-founded sentiment, belief, or caprice.")

[53] Data on how nutrition information affects use, as distinguished from purchase, decisions is not presently available. There is, however, data showing that interest in advertising for a product may actually increase after purchase of the product. Since daily intake of many vitamins is advisable, not only purchase, but also daily use decisions, as, for example, in selecting several foods to serve as a meal, are of very great consequence to the adequacy of each day's total diet. Thus, information bearing on those decisions if contained in advertising can come to the attention of a consumer at a time when critical, daily use decisions concerning the already purchased food are being made.

[54] 15 U.S.C. 45 (1970).

[55] See, e.g., Fisher & DeRitis, 49 F.T.C. 77 (1952); Stupell Enterprises, Inc. 67 F.T.C. 173 (1965); Bantam Books, Inc. v. F.T.C., 275 F.2d 680 (2nd Cir. 1960), cert. denied, 364 U.S. 819 (1960).

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termining whether any advertisement is misleading, there shall be taken into account (among other things) not only representations made or suggested by statement, word, design, device, sound, or any combination thereof, but also the extent to which the advertisement fails to reveal facts material in the light of such representations or material with respect to consequences which may result from the use of the commodity to which the advertisement relates under the conditions prescribed in said advertisement, or under such conditions as are customary or usual.[62]

The advertiser need not have taken any affirmative action to create consumer misbeliefs: A violation of law is established if the advertiser is silent about a material fact concerning which consumers may make erroneous assumptions.[63]

Likewise, it is sufficient that an advertisement has a tendency or capacity to deceive: actual deception need not be shown.[64] Thus, in the case of deception by silence, the misbelief need not always be at the forefront of the consumer's thinking at the time of purchase; rather, a violation may be made out even if consumers' erroneous assumptions are unfocused or inchoate.[65]

Cases finding deception by silence have ranged from those where consumers might incur minor economic injury [66] or the frustration of a mere preference that lacked any apparent rational basis in fact [67] to where physical safety or life was endangered.[68]

In determining whether there exists a capacity to deceive, the Commission is to view the representation through the eyes of the general public,

> • • • that vast multitude which includes the ignorant, the unthinking and the credulous, who, in making purchases, do not stop to analyze but too often are governed by appearances and general impressions [69]

and not through those of a "reasonable man" who carefully analyzes the claims made.[70] Likewise, in assessing the legality of an advertisement, it has been held that if the advertisement is capable of two meanings, one of which is false, then the advertisement is deceptive.[71]

Traditionally, the representations or omissions with which the Commission has been concerned have been those which might deceive consumers into the purchase of products or services; however, several recent trade regulation rules find actionable deception based on a capacity to deceive those who have already purchased goods and services as well as prospective purchasers.[72]

There having been set out the basic standards used in applying sections 5 and 12, as defined by section 15, of the Act, it should next be noted that in the case of food advertising, these standards are applicable with particular strictness for at least four reasons.

First, as has been seen, food, and information about food, has a major impact on consumers' health. The lesson of Rodale Press [73] and the Cigarette Rule,[74] inter alia, is that when advertising impacts health the Commission will hold the advertiser to a very high duty of care.

Second, because food has a tremendous impact on the average family budget and a powerfully regressive impact on the economic well being of the very poor, the potential scope of injury is unusually great.[75]

Third, food advertising is often directed, at least in part, to especially susceptible audiences—children, the poor, the elderly—and must therefore be judged in the light of the ability of these audiences to deal with and understand the full implications of the advertising.[76]

Fourth and finally, the food industry's history of massive and forceful advertising has given the industry tremendous influence in the market place over consumer purchase and use behavior. Possession of such power places an advertiser under a special duty of fair dealing towards consumers, especially since food products are so directly and intimately linked to consumers' health and economic well being.[77]

To this point, the materiality of nutrition-related claims and information and standards applied in determining violations of sections 5 and 12, as defined by section 15, of the Federal Trade Commission Act have been discussed. In the light of the materiality of nutrition information and the application of the standards of deception of food advertising, it may be concluded that the failure to provide nutrition information in food advertising is a deceptive practice in violation of sections 5, 12, and 15 of the Federal Trade Commission Act.[78]

[62] 15 U.S.C. 55 (1970).

[63] Manco Watch Strap Co., Inc., 60 F.T.C. 495 (1962); Mohawk Refining Corp., 54 F.T.C. 1071, 1077 (1958), "The appeal also contends that no power is conferred under the act to require revealing statements in cases of nondisclosure unless the challenged practice also is accompanied by false statements or affirmative misrepresentation pertaining to the articles offered. This legal concept is erroneous. The Commission has plenary power to require affirmative disclosure of material facts in situations where seller silmaterial facts in situations where seller silence results in deception of purchasers." [citations omitted], aff'd, Mohawk Refining 1959), cert. denied, 361 U.S. 814 (1959).

[64] Charles of the Ritz Distributor Corp. v. F.T.C., 143 F.2d 676, 680 (2d Cir. 1944).

[65] Manco Watch Strap Co., Inc., 60 F.T.C. 495, 508 (1962), speaking of a deceptive silence concerning a product's foreign origin: "Further, there is a wealth of testimony here that, in the absence of any disclosure of the country of origin on the packages containing the watch bands, many purchasers will—if, indeed, they think about it at all—assume that the bands were manufactured in the United States."; Stupell Enterprises, 67 F.T.C. 173, 187 (1965): "We merely apply to the facts here the well-established rule that where breakage is likely to occur in the normal use of the product, and the hazards of such breakage are not apparent or obvious, at least to many consumers, non-disclosure of such risk is deceptive and therefore unlawful • • • most consumers expect and assume, in the absence of some indication to the contrary, that a product marketed to the general public is safe for the use for which it is sold."

[66] Bantam Books, Inc. v. F.T.C., 275 F.2d 680 (2d Cir. 1960), cert. denied, 364 U.S. 819 (1960) [abridged or retitled paperback books].

[67] Kerran v. F.T.C., 265 F.2d 246 (10th Cir. 1959), cert. denied, sub nom. Double Eagle Refining Co. v. F.T.C., 361 U.S. 818 (1959) [re-refined oil].

[68] Stupell Enterprises, Inc., 67 F.T.C. 173 (1965) [goggles may fail to protect users' eyes from injury]; Fisher & DeRitis, 49 F.T.C. 77 (1952) [inflammable sweaters].

[69] Aronberg v. F.T.C., 132 F.2d 165, 167 (7th Cir. 1942).

[70] While affirmative claims of the advertiser may be illegal if they have a capacity or tendency to deceive the "unthinking", the Commission may, as a proper exercise of its power both to define and to remedy deception and unfairness, require the disclosure of information which may well not be utilized by the "unthinking" but will be utilized by many other consumers. With respect to affirmative claims, it may be precisely the "unthinking" who are most in need of protection; with respect to the disclosure of information, it would be improper to deny information to the reasonable consumer—thereby allowing deception and unfairness to continue as to him—on the grounds that not all consumers will be able to use or be interested in using the information.

[71] Rhodes Pharmacal Co. v. F.T.C., 208 F. 2d 382, 387 (7th Cir. 1953), modified on other grounds, 348 U.S. 940 (1955).

[72] Trade Regulation Rule: Care Labeling of Textile Wearing Apparel 22-23 (1972). [Hereinafter cited as the "Care Labeling Rule"] 36 FR 23889. Trade Regulation Rule Respecting Failure to Disclose the Lethal Effects of Inhaling Quick-Freeze Aerosal Spray Products Used for Frosting Cocktail Glasses, 16 CFR 417, 34 FR 2417, 4 CCH Trade Reg. Reporter par. 38,022 (1969); Trade Regulation Rule Respecting Failure to Disclose that Skin Irritation May Result From Washing or Handling Glass Fiber Curtain and Draperies and Glass Fiber Curtain and Drapery Fabrics, 16 CFR 413, 32 FR 11023, 4 CCH Trade Reg. Rptr. par 38,019 (1967); Trade Regulation Rule Respecting Deceptive Use of "Leakproof," "Guaranteed Leakproof," etc., as Descriptive of Dry Cell Batteries, 16 CFR 403, 29 FR 6535, 6536, 4 CCH Trade Reg. Reptr. par. 38,014 (1964).

[73] Rodale Press, Inc., 71 F.T.C. 1184, 1239, 1241 (1967), vacated and remanded on other grounds, Rodale Press v. F.T.C., 407 F. 2d 1252 (D.C. Cir. 1968).

[74] Trade Regulation Rule For The Prevention Of Unfair or Deceptive Advertising And Labeling of Cigarettes in Relation To The Health Hazards Of Smoking And Accompanying Statement Of Basis and Purpose Of Rule 93-94 (1964). 29 FR 8353-8354 [Hereinafter cited as "Cigarette Rule"] ["the seller of a product whose use may cause personal injury is held to a more stringent standard of truthfulness in advertising than other sellers. As to this, the Commission not only may, but must, insist upon the most literal truthfulness' (Moretrench Corp. v. F.T.C., 127 F. 2d 792, 795 (2d Cir. 1942)), and resolve all ambiguities and interpretive uncertainties against the seller."].

[75] See text at note 39, supra.

[76] S.S.S. Co. v. F.T.C., 416 F. 2d 226, 228, 231 (6th Cir. 1969) [urban and rural poor]; Mather Hearing Aid Distributors, Inc., 78 F.T.C. 709, 734 (1971) [elderly]; Stupell Enterprises, Inc., 67 F.T.C. 173, 186-87 (1965) [children]; Personal Drug Co., 50 F.T.C. 828, 834 (1954); aff'd per curiam, sub nom. Savitch v. F.T.C., 218 F. 2d 817 (2d Cir. 1955).

[77] This point is discussed more fully below in the text accompanying notes 95 to 99.

[78] As will be seen below, the provision of nutrition information in food advertising is a remedy not only necessary and appropriate to the violation just described but is also an appropriate partial or complete remedy to other acts and practices consisting of affirmative claims which are in themselves, quite apart from the deception just described, illegally deceptive.

In the statement of Basis and Purpose for the Care Labeling Rule, the Commission said:

> [I]t is deceptive not to reveal care instructions when silence on this subject can either mislead the public into using a care procedure which is harmful, or frustrate a basic assumption inherent in the initial purchase—that no special and costly maintenance will be required, and that the consumer will be able to distinguish between the whole range of possible care procedures and use the procedure which is both most effective and most economical.[79]

This passage describes a violation of law to which the omission of care instructions is central. Consumers, basing their action on such data as the appearance of garments and the often ill-informed advice of cleaners and salespeople, often assumed that a given care procedure might be appropriate to a given garment when in fact the procedure would be inappropriate and damage the garment or, if not damaging to the garment, all the same unnecessarily expensive and, hence, uneconomical and injurious to the consumers. Although manufacturers of the garment did not always directly benefit from this type of consumer ignorance, and although some manufacturers might not engage in affirmative acts creating or enhancing consumers' confusion, other than by participating in the marketing of a variety of garments made with a variety of materials, many of them being artificial materials about which consumers and service personnel had little traditional knowledge, manufacturers of garments were held to be in violation of the Federal Trade Commission Act since their silence left undisturbed material and erroneous assumptions consumers were making concerning the proper post-purchase care of garments.

Very much the same considerations apply in the case of food advertising except that arguably food, even more than clothing, is of central importance to consumers' health and finances. To paraphrase the Care Labeling Rule:

> It is deceptive not to reveal nutrition information when silence on this subject can either mislead the public into using food in their diet in a way which is nutritionally harmful or inadequate, or frustrate a basic assumption inherent in the initial purchase that the consumer will be able to distinguish between the whole range of nutrition values and characteristics of foods, and use those foods and daily patterns of consumption of foods which are most nutritionally effective and economical.[80]

Just how silence on the subject of nutrition can mislead the public in the ways asserted above can be seen by considering the number of ways in which consumers can make erroneous assumption and decisions about food:

(1) A consumer may assume a given food plays a nutritionally valuable, or nutritionally harmless, role in his diet, when, in fact, given the particular circumstance of the consumer or the nutritional characteristic of the food this is untrue. An example would be a weight-conscious consumer purchasing a food which is much higher in calories and lower in essential nutrients than the consumer assumes. Since the very act of unqualifiedly advertising a food to consumers represents the food as being appropriate for inclusion in the consumers' diets, this example illustrates, as do many of the following examples as well, a case coming within the definitions of section 15 of the Act requiring the disclosure of information material in the light of the consequences of use of the product.

(2) Consumers may assume that their choice of foods and their organization of foods into a diet does not have any particular significance for their health, when, to the contrary, good nutrition is necessary to good health.

(3) Consumers may assume that if they eat a reasonably varied diet, they need not have any conscious concern that they are receiving an adequate supply of all needed nutrients. But as shown above,[81] some nutrients need be consumed daily and major segments of the population are short on one or more nutrients. Increasing consumers' knowledge about the actual value of the foods they consume will help correct this type of misbelief.

(4) Consumers may assume that most foods or a large number of foods of a certain type contain so large a number of nutrients in such significant amounts that consumption of these foods will adequately balance or help balance the diet, when in fact this is not true.

(5) In a related fashion, consumers may likewise erroneously assume that consumption of widely advertised foods, or foods with which they and their families have traditionally been familiar, or foods which may be similar to such familiar foods, may adequately insure a balanced diet.

(6) It may be assumed that certain foods contain a certain nutrient or are the best or only source of that nutrient when such is not the case. As cited above, survey evidence shows that consumers rely upon meat to satisfy their protein needs. Many may be unaware that less expensive foods can provide necessary protein.[82]

(7) It may be assumed by consumers that their diet is deficient in some nutrients and that consequently food supplements, special foods, or increased consumption of certain foods is necessary when this simply is untrue. This misbelief and the misbelief cited under (6) take on added significance in light of the heavy and regressive burden food costs impose on the family budgets of the poor, for it is apparent that very substantial injury may flow from unnecessary food purchases. This same concern, and especially that the poor may be paying too much to obtain goods of adequate quality, was one basis for the Octane Rule.[83]

(8) Consumers may assume that foods which resemble one another are comparable in their nutrients and calories when they are not. The difference in nutrients and calories among processed or imitation foods and the traditional foods they resemble and among closely related varieties of traditional foods can be very great and quite beyond the reasonable expectations of most consumers.

(9) Finally, a variety of affirmative representations are made in food advertising which, unqualified by nutrition disclosures, can be seriously misleading. An example would be an advertisement that emphasizes the unusually high content of one nutrient in the advertised food but fails to disclose the unusually low content of all other nutrients.

These examples are not unrealistic, and it is evident that food advertising which fails to reveal nutrition information has the capacity or tendency to mislead many consumers in the manner indicated by the examples. As has been discussed above, the White House Conference found that the poor are often led by advertising into the misbelief that certain fortified foods are an adequate substitute for some nutritious foods or even whole meals,[84] and the Commissioner of the Food and Drug Administration found that the increasing number of processed foods make it difficult for consumers to identify the nutritional qualities of foods.[85] A Daniel Yankelovich survey found that in the absence of any information to the contrary from some authoritative source, consumers believe that heavily advertised name brands are good products and universally high in nutrient value.[86]

Moreover, the audience for food advertising is nearly synonymous with the consumers of food and, therefore, nearly universal in its composition. Thus, it must of necessity include substantial numbers of consumers with only very modest intellectual, educational, and experiential skills. Given this audience and given the evidence of consumer malnutrition, of poor consumer food choices, and of the enormous variety of foods produced by modern technology, it is inevitable that the basic misbeliefs identified above, and many more misbeliefs besides, are widely held by large numbers of consumers in the audience for food advertising. The endless combinations in which nutrients and calories occur in foods make it all the more unavoidable, absent the provision of specific nutrition information, that large numbers of consumers will be misled to the detriment of their health and economic well being.

Moreover, the findings of the White House Conference Report and the nutrition studies starkly illustrate that ill-advised consumer food choices, in part attributable to the absence of nutrition information, are a major cause of malnutrition. Finally, the findings that consumers want nutrition information, and can use it correctly, all go to establish that information about the nutritional value of foods is highly material to the purchase and use behavior of many consumers. Moreover, these findings provide strong indications that the widespread and frequent disclosures of nutrition information in advertising would increase the number of consumers to whom such information is material.

In light of all the above considerations, it is apparent that it is deceptive under sections 5, 12, and 15 of the Federal Trade Commission Act not to reveal nutrition information in food advertising, since such information is material and could correct erroneous assumptions

[79] Care Labeling Rule, supra note 65, at 22-23, 36 FR 23889.

[80] Cf., Care Labeling Rule, supra note 66, at 22, 36 FR 23889.

[81] See text accompanying note 38, supra.

[82] See text accompanying note 40, supra.

[83] Trade Regulation Rule Including A Statement Of Its Basis And Purpose: Posting Of Minimum Octane Numbers On Gasoline Dispensing Pumps (1972). 36 FR 23876 [Hereinafter cited as the "Octane Rule"].

[84] See text accompanying note 4, supra.

[85] See text accompanying note 41, supra.

[86] Daniel Yankelovich, Incorporated, Effects Of Nutritional Labeling On Food Purchasing, prepared for Chain Store Age, (October, 1970).

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concerning the nutritional value or lack of value of foods, assumptions which affect both the purchase of food and its use. This conclusion is strengthened by the recognition that food choices affect health; that food is a necessity and is regressive in its economic impact, taking a far higher share of low incomes than of middle and high ones; that the audience for food advertising is nearly universal and, therefore, includes many consumers of modest or low intellectual ability; and that the aggregate volume of food advertising creates a substantial degree of power over food choices; all of which, as argued earlier, make appropriate the imposition of particularly high standards in defining deception under sections 5, 12, and 15.

IV. THE FAILURE TO DISCLOSE NUTRITION INFORMATION IN ADVERTISING IS UNFAIR

The Courts have long recognized the Commission's broad authority to deal with unfair practices even though those practices are not deceptive, anticompetitive nor traditionally forbidden at common law.[42] Indeed, in deciding a case where respondent sought to limit the Commission's unfairness powers to matters of competitive injury, the Supreme Court likened the Commission to an equity court, saying:

> [L]egislative and judicial authorities alike convince us that the Federal Trade Commission does not arrogate excessive power to itself if, in measuring a practice against the elusive, but congressionally mandated standard of fairness, it, like a court of equity, considers public values beyond simply those enshrined in the letter or encompassed in the spirit of the antitrust laws.[43]

Silence that unfairly harms the economic interests of consumers has with some frequency been the subject of Federal Trade Commission Trade Regulation Rules. From an examination of four such rules—Care Labeling,[44] Octane,[45] Incandescent Lamps,[46] and Cigarettes [47]—the factors which may move the Commission to find unfairness in the failure to disclose information may be readily identified.

The Care Labeling Rule dealt with the needs of consumers who, faced with an enormous variety of clothing and fabrics, including many products made by non-traditional processes and/or from non-traditional materials, could not determine how to provide proper and economical care for the clothing they purchased," and could not comparison shop on the basis of economy of care.[48] The Commission found that under these circumstances care disclosures were required because "it is unduly oppressive and unfair to consumers to withhold information essential to the ordinary use of products." [49]

The Octane Rule likewise began with findings that consumers needed essential product information. In this instance, consumers faced a great variety of grades and brands of gasoline, and, absent octane disclosures, they could neither relate gasoline varieties to their automobile requirements so as to avoid engine damage nor price shop for gasoline.[50] Lacking octane information, consumers often purchased gasoline of higher expense and octane quality than their automobiles required.[51] Again, the Commission found that, under the circumstances, failure to disclose octane values was an unfair trade practice and so ordered their disclosure.[52]

Although the Statement of Basis and Purpose for the Incandescent Lamps Rule did not expressly invoke the statutory term "unfair," that Rule also dealt with a case where consumers, lacking basic product information, could not relate available products to their preferences and needs.[53]

At issue in these three rules was the ability of consumers to make basic determinations concerning the product and its value, the specific uses for which it is suited, its specific relation to the consumers' particular preferences or needs, or basic considerations involved in its proper use such as the care appropriate to it. Unfairness may thus arise when, due to the absence of information about the nature of the product, consumers cannot make these types of basic determinations concerning the product.

As the preceding sections of this Statement have shown, nutrition information is material to consumer use and purchase behavior, and, absent nutrition information, consumers cannot make basic determinations concerning food products. These facts alone are sufficient to establish the unfairness of withholding nutrition information in food advertising. Indeed, insofar as injury or the risk of injury to consumers is an important component of unfairness, the withholding of nutrition information in food advertising presents a more compelling instance of unfairness than was present in the rules which have been discussed. The individual losses associated with the purchase of unnecessarily expensive gasoline, or a lightbulb too dim or too short lived, did not, unlike unwise food choices, affect health at all.

The Commission has recognized that a special duty of fair dealing is particularly appropriate where the advertised product involves danger to human health.[54] While nutritionally unwise food choices do not ordinarily pose an imminent danger to health, they quite clearly do affect health adversely if they are habitual.

Particularly because food bears upon health, is a necessity and is a major item in the ordinary consumer's budget, the staff concludes that it is an unfair practice in violation of section 5 of the Federal Trade Commission Act to fail to disclose in food advertising nutrition information which is of importance in making basic determinations about the advertised food. With respect to such acts or practices which impair consumers" "freedom to choose among available products," the Commission has "a broad mandate to proscribe." [55]

Several additional considerations support the conclusion that the failure to disclose nutrition information in food advertising is an unfair practice under section 5. In the Statement of Basis and Purpose for the Cigarette Labeling and Advertising Rule, the Commission recognized that modern mass media advertising on a vast scale

> • • • is a form of power in the market place—power over the buying choice of consumers. It is lawful power. But just as the possession of lawfully-acquired market or monopoly power in the antitrust sense may nevertheless place a firm under a special duty of fair dealing toward its competitors, an advertiser's possession of great power vis-a-vis consumers may place him under a special duty of fair dealing toward them • • • [citations omitted].[56]

As previously noted, the food industry spends more than 800 million dollars a year in advertising; no industry spends more. These facts alone make appropriate the recognition of a special duty of fair dealing even apart from the fact that the products involved relate directly to health.

Far from emphasizing even nutrition in general, however, let alone brand-specific nutrition information, food advertising "(c)onsidered as a whole • • • has emphatically and persistently driven home, in the minds of its vast audience, the pleasure and desirability" of the advertised food wholly apart from considerations of nutrition." In the Cigarette Rule, the Commission found that the cigarette industry's

> • • • massive, continuous, mounting, and forceful advertising, coupled with the refusal to acknowledge or take any steps to inform the consuming public of the hazards to health, has blunted public awareness and appreciation of these hazards and has tended

[42] See, F.T.C. v. R. F. Keppel & Bros., Inc., 291 U.S. 304 (1934).

[43] F.T.C. v. Sperry & Hutchinson Co., 405 U.S. 233, 244 (1972).

[44] Care Labeling Rule, supra, note 66, 36 FR 23883.

[45] Octane Rule, supra, note 77, 36 FR 23871.

[46] Trade Regulation Rule Relating to Incandescent Lamps (Light Bulbs) (1971). 35 FR 11784. [Hereinafter cited as "Lamp Rule."]

[47] Cigarette Rule, supra, note 68, 29 FR 8324.

[48] Care Labeling Rule, supra note 66, at 7, 19, 24, 36 FR 23885, 23888, 23889.

[49] Care Labeling Rule, supra note 66, at 23, 24; 36 FR 23889.

[50] Id.

[51] Octane Rule, supra note 77, at 8–22, 41–42; 36 FR 23873–23876, 23880.

[52] Octane Rule, supra note 77, at 23–28, 43; 36 FR 23876–23877, 23881.

[53] Octane Rule, supra note 77, at 39–40, 36 FR 23880.

[54] Lamp Rule, supra, note 85, 35 FR 11784. The Lamp Rule itself does state that the withholding of information required to be disclosed is not only a deceptive but also an unfair practice.

[55] Cigarette Rule, supra note 68, at 93–95, 29 FR 8353–8354. Cf., Rodale Press, Inc., 71 F.T.C. 1184, 1239, 1241 (1967), vacated and remanded on other grounds, Rodale Press, Inc. v. F.T.C., 407 F.2d 1252 (D.C. Cir. 1968); Firestone Tire and Rubber Co., 81 F.T.C. 398, 451–452 (1972); as modified, Feb. 16, 1973, aff'd, 481 F.2d 246 (6th Cir. 1973), cert. denied, 414 U.S. 1112 (1973).

[56] Cigarette Rule, supra, note 68, at 104, 29 FR 8357.

[57] Cigarette Rule, supra, note 68, at 105, 29 FR 8357.

[58] Cigarette Rule, supra, note 68, at 104–105, 29 FR 8357

to maintain demand for the product in the face of growing public concern.[59]

Similarly, food advertising taken as a whole has tended to blunt public awareness of the health significance of food choices and to encourage patterns of consumption which are contributing to a decline in the nutritional status of major segments of the population.

These considerations relating to unfairness are given yet greater force by the nutrient labeling rules of the Food and Drug Administration.[60] Those rules require as a matter of law that nutrient information appear on the labeling of many types of foods. They do so, moreover, not simply under a general public interest standard, but, rather, under the misbranding provisions of the Food, Drug and Cosmetic Act. The importance of nutrition and nutrition information relating to specific brands has, therefore, already moved (unlike the issue of the health impact of smoking at the time of the Cigarette Rule) out of the realm of mere public concern to the status of a duty imposed by law. Advertising with the capacity or tendency to contradict nutrient labeling information, or to reduce the likelihood that it will be utilized, or to dilute its impact, is for that reason unfair under section 5. The relationship of food labeling and advertising will be discussed below in the Remedy section of this Statement. It will be seen that the failure to disclose nutrition information in food advertising can have just these effects.

For these reasons, the staff concludes that food advertising is unfair under section 5 of the Federal Trade Commission Act if it fails to disclose nutrition information relating to the advertised food. That failure makes it difficult for a consumer to reach basic determinations concerning food, tends to inhibit appreciation of the importance of nutrition, and causes injury both to health and to the pocketbook.

V. THE CHOICE OF REMEDY

It has been established in the preceding discussion that, because of deception and unfairness in advertising linked directly to both misleading representations and the failure to disclose relevant and material nutrition information about foods, consumers are unable at present to assess properly the nutritional value of many foods and to select the foods which they will purchase on the basis of such values. The question therefore arises as to how to provide such information to consumers so as to eliminate this deception and unfairness. As the Commission stated in the Cigarette Rule:

> Whether the ill effects of deceptive nondisclosure can be cured by a disclosure requirement limited to labeling, or whether a further requirement of disclosure in advertising should be imposed, is essentially a question of remedy. As such it is a matter within the sound discretion of the Commission. The question of whether in a particular case to require disclosure in advertising cannot be answered by application of any hard and fast principle. The test is simple and pragmatic: Is it likely that, unless such disclosure is made, a substantial body of consumers will be misled to their detriment? [100]

As a general proposition, since consumers are injured as a result of the deceptive and unfair non-disclosure of nutrition information in advertising, disclosure of some form of nutrition information in advertising would appear to be reasonably related to these violations and a means of avoiding such injury. The nature and extent of such disclosure involves resolution of numerous issues of fact. There is a general issue of policy, however, we wish to address prior to the receipt of public comment. That issue is whether the existence of FDA's nutrient labeling program eliminates the necessity for any disclosures in food advertising.

At the outset, it should be noted that not all foods will carry nutrient labels.[101] As to foods which do contain nutrient labels, it presently appears to the staff to be not only reasonable but necessary that the advertising for such foods also disclose nutrition information.

The existence of nutrient labeling is itself an affirmative reason in support of advertising disclosure. Without advertising disclosure, massive food advertising may well undermine or even defeat the intended purpose of nutrient labels. Massive food advertising which avoids the subject of brand-specific nutrition information—and instead attempts to sell food products solely for such factors as taste, appearance, and association with social pleasures—has the capacity or tendency to obscure the importance of nutrition and to reduce the importance or relevance of nutrient labels to consumers. It is highly pertinent to this point that the architects of the nutrient labeling program at FDA do not view that program as a panacea for problems of malnutrition but see other steps, including information in advertising, as necessary adjuncts to the elimination of ignorance and deception. For example, Doctor Charles C. Edwards, Assistant Secretary for Health, has stated:

> In my opinion, the nutritional labeling program is a remarkably important accomplishment • • •
>
> But I don't want to overestimate the importance of what we have managed to do so far.
>
> I will tell you flatly that this achievement will amount to nothing if we, as a nation, fail to complete the work that has been started.
>
> What I am saying is that the products have to change, *and so does the way they are presented to the American people.*
>
> Certainly, the primary function of food advertising is to get people to buy the product. But the way to do that, in my judgment, will be to present the public full and accurate information on what that product has to offer in the way of nutritional content.[102]

Similarly, as noted earlier, a study on the effects of nutrient labeling on food purchasing found that, in the absence of information to the contrary from an authoritative source, consumers believe that heavily advertised name brands are good products, high in nutrient value.[103] This assumption can vitiate the impact of nutrient labeling on many prospective purchasers and thus decrease its effectiveness.

Beyond simply maintaining the integrity of the FDA nutrient labeling program, nutrition disclosures in advertising can complement the label and increase its use, thereby substantially increasing the ability of consumers to obtain more nutritious food as part of their diets. It is particularly reasonable to complement nutrient labeling in view of the number of persons either malnourished or at risk of malnourishment, and in view of rapidly rising food prices that increase the utility to consumers of information about comparative nutrition values.[104]

Advertising is a powerful force for increasing the awareness of nutrition and for making nutrition a factor, along with others, to be regularly taken into account in food choices. By making nutrition more salient, the use of nutrition labels should be increased.

Moreover, food choices are often made before the consumer arrives at the supermarket and, therefore, before the label is seen. Advertising is an important part of this selection process. It is, indeed, the very purpose of advertising to induce a decision to purchase prior to actual shopping. By introducing information about nutrition at a stage in the selection process prior to actual shopping, advertising disclosures will provide an important complement to labeling, for example, by reducing the instances in which purchase decisions formed by advertising would have to be remade at the point of purchase through use of the label.

Therefore, the staff believes it is essential to the elimination of deception and unfairness in food advertising that nutrition information concerning advertised foods be required to be included in some form in virtually all food advertising, not merely that which makes explicit nutrition claims of the sort governed by Subpart B of the Commission's proposed rule.

[59] Cigarette Rule, supra, note 68, at 89–90, 29 FR 8352. (footnotes omitted)

[60] The foods that will be covered by general nutrient labels are, with certain limited exceptions, those that contain any added vitamins, minerals, or protein, or whose labeling or advertising contains claims or information concerning nutrition.

[100] Cigarette Rule, supra, note 68, at 105, 29 FR 8357.

[101] See, inter alia, 21 CFR 1.8, 1.17 1.16, Part 125. (1973).

[102] Address by Charles C. Edwards, M.D., "Nutritional Labeling And Public Health," delivered before the *Family Health* Annual Awards Luncheon, New York, October 9, 1973. [Italic added.]

[103] "Effects Of Nutritional Labeling On Food Purchasing," supra note 80 at 16.

[104] In addition to bearing upon the prevention of deception and unfairness, considerations of public policy directly involving nutrition are in themselves relevant to fashioning a remedy. The Supreme Court long ago recognized the "importance of taking fair account, in a civilized legal system, of every socially desirable factor in the final judgment • • •" Phelps Dodge Corp. v. NLRB, 313 U.S. 177, 197 (1941) (per Frankfurter, J.) (requiring NLRB to take account, in fashioning a back pay order, of "the healthy policy of promoting production and employment" 313 U.S. at 200).

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The following is the text of a staff proposal for achieving the affirmative disclosure of nutrition information in food advertising as to which the Commission wishes to elicit comments. However, neither the Commission nor the Bureau Director or the Assistant Director for National Advertising is presently prepared to propose the following provisions as part of the rule.

AFFIRMATIVE DISCLOSURE

SECTION 1—FOODS WITH NUTRIENT LABELS

If a food contains an added nutrient (except as provided in 21 CFR 1.17(h)), or if any nutrition claim or information respecting nutrition is made on the label, in labeling, or in advertising, or if its label or labeling is subject to the requirements of 21 CFR 1.17, an advertisement for such food shall clearly and conspicuously disclose the following information:

a. In the video portion of any television advertisement 30 seconds or less in length, for a minimum of six (6) seconds, the identities of at least four (4) of the following eight (8) nutrients using the following common or usual names: Protein, Vitamin A, Vitamin C, Thiamine, Riboflavin, Niacin, Calcium and Iron, which are present in a serving in amounts of 10 percent or more of the U.S. RDA (or, if the food contains less than four (4) such nutrients, each nutrient present in said amount), as well as the percentage of the U.S. RDA of each such nutrient and the number of calories contained in a stated serving.

1. Alternatively, the video portion of any such advertisement shall clearly and conspicuously disclose, for a minimum of fifteen (15) seconds, the nutrition information which is required to appear on the principal display panel and information panel(s) of the food label (see 21 CFR 1.8d) in the standard format described in 21 CFR 1.17; *Provided, however,* That any nutrient present in a serving in an amount less than 2 percent of the U.S. RDA shall be indicated either by a zero or by a notation (without the use of any asterisk) that such nutrient is present in an amount of less than 2 percent of the U.S. RDA.

2. If the alternative disclosure set forth in the immediately preceding paragraph is not made and if the advertised food does not contain at least one nutrient in an amount of 10 percent or more of the U.S. RDA per serving, such advertisement shall clearly and conspicuously make the following specific disclosure simultaneously in the audio and video portions:

This food does not contain 10% or more of the U.S. RDA of any vitamin, mineral or protein.

3. Immediately upon the conclusion of the disclosure of nutrient data in the video portion, or the simultaneous audio/video disclosure that the advertised food does not contain 10 percent or more of the U.S. RDA of any vitamin, mineral or protein, the audio portion of such advertisement shall clearly and conspicuously make the following specific disclosure:

Read the food label for more nutrition information.

b. In the video portion of any television advertisement greater than 30 seconds in length, for a minimum of twelve (12) seconds, the identity and percentage of the U.S. RDA per stated serving of each of the following eight (8) nutrients using the following common or usual names: Protein, Vitamin A, Vitamin C, Thiamine, Riboflavin, Niacin, Calcium, and Iron, which is present in a serving in an amount of 10 percent or more of the U.S. RDA, as well as the number of calories per stated serving.

1. Alternatively, the video portion of any such advertisement shall clearly and conspicuously disclose, for a minimum of fifteen (15) seconds, the nutrition information which is required to appear on the principal display panel and information panel(s) of the food label (see 21 CFR 1.8d) in the standard format described in 21 CFR 1.17; *Provided, however,* That any nutrient present in an amount less than 2 percent of the U.S. RDA per stated serving of each of the eight (8) nutrients listed in sections 1(a) and 1(b) above, as well as the number of calories per stated serving.

1. Alternatively, such advertisement shall clearly and conspicuously disclose the nutrition information which is required to appear on the principal display panel and information panel(s) of the food label (see 21 CFR 1.8d) in the standard format described in 21 CFR 1.17.

d. In any radio advertisement, the following specific disclosure:

Read the food label for nutrition information.

e. In any billboard or other display advertisement (except one which is located in the interior of a public transit vehicle) normally viewed and read from a distance substantially greater than the normal range of reading distances for a book, newspaper, magazine or other similar printed reading matter, the following specific disclosure:

Read the food label for nutrition information.

SECTION 2—FOODS WITHOUT NUTRIENT LABELS

a. If a food is not subject to the provisions of section 1 hereinabove, an advertisement for such food shall clearly and conspicuously disclose the following information:

1. The number of calories per stated serving; and

2. Unless it is demonstrated that relevant analytical data for the advertised food or, in the absence of such data, that relevant analytical data for the specific kind of advertised food indicate that a serving of food contains at least one nutrient in an amount of 10 percent or more of the U.S. RDA, the following specific disclosure:

This food does not contain 10% or more of the U.S. RDA of any vitamin, mineral or protein.

b. An advertisement which does not mention the distributor of a food or his brand(s) for fresh meat, fish or fowl; or a fresh vegetable; or a fresh fruit; or fresh potatoes which food, apart from the disclosure hereinafter provided, would not be subject to the provisions of section 1 hereinabove, may clearly and conspicuously disclose the common or usual name (without any designation of the percentage of the U.S. RDA per serving) of any of the eight (8) nutrients listed in sections 1(a) and 1(b) hereinabove which, according to relevant analytical data for the specific kind of advertised food, is found in such food in an amount of 10 percent or more of the U.S. RDA per serving; *Provided, however,* That such advertisement shall not be required to disclose the number of calories per stated serving in compliance with section 2(a) hereinabove.

The preceding proposal concerning affirmative disclosure is intended to be subject to the provisions of Subpart A of the Commission's proposed rule concerning definitions and form, content and method of making disclosures. In addition, staff would propose adding or substituting certain provisions in Subpart A of the Commission's proposed rule, were the preceding proposal to be incorporated in the rule:

(To § 437.1(a), add the following as parts of the proposed definition of "advertisement":)

1. Add to the proposed last sentence, after the words "It does not include point-of-purchase advertising", the phrase:

, except for a food covered by the provisions governing the advertising of 'natural' or 'organic' foods,.

2. Add a new last sentence stating:

Advertising by restaurants which contains any claim covered by Subpart B of this rule shall comply fully with the provisions therein, but shall be exempt from the provisions relating to affirmative disclosure.

(In place of the same lettered paragraphs and/or subparagraphs of § 437.2, substitute the following provisions:)

(a) *Nutrients.* (1) Except as otherwise specifically permitted under Section 1 of the provisions governing affirmative disclosure, any disclosure of a nutrient shall be made only from among the following nutrients (listed in descending order of percentage of the U.S. RDA per serving), using the following common or usual names: Protein, Vitamin A, Vitamin C, Thiamine, Riboflavin, Niacin, Calcium and Iron.

(i) In the video portion of an advertisement governed by section 1(a) of the provisions on affirmative disclosure which discloses the nutrient(s) contained at 10 percent or more of the U.S. RDA, or in the audio portion of an advertisement under section 1(b)(3) of those provisions, the nutrient(s) disclosed shall be the nutrient(s) contained in a serving of the advertised food at the highest percentage(s) of the U.S. RDA.

(ii) An advertisement for a food may represent that such food contains the common or usual name of any additional nutrient listed under 21 CFR 1.17(c)(7)(iv) and 21 CFR 125.1(b) if there is full compliance with § 437.2(a)(2) of this rule.

(2) Except as specifically permitted by the alternative video disclosures (of label information) in sections 1(a)(1) and 1(b)(1) of the provisions governing affirmative disclosure, or by section 1(c) of those provisions (disclosure of label information), and except by use of the terms "enriched" or "fortified" as part of the common or usual name of a standardized food, a food shall not be represented in advertising (whether by any required disclosure or voluntary claim) as containing a nutrient, unless (i) the nutrient's (*a*) identity (expressed as the common or usual name) and (*b*) amount (stated as a percentage of the U.S. RDA contained in a stated serving of the advertised food) are clearly and conspicuously disclosed in accordance with all the provisions governing affirmative disclosure, and unless (ii) a serving of such food contains the identified nutrient in an amount of 10 percent or more of the U.S. RDA. If a food or serving thereof is required to contain any nutrient at a certain percentage of the U.S. RDA before either a voluntary claim may be made (see Subpart B) or a disclosure is required under the provisions governing affirmative disclosure, the actual percentage (prior to any rounding off) of the U.S. RDA at which any such nutrient is contained in the advertised food or a serving thereof shall determine whether the condition(s) for making the claim or disclosing nutrient content has (have) been satisfied.

• • • • • •

(b) *Protein.* • • •

• • • • • •

(2) Representations in advertising of the presence of protein may be made only if a serving of the advertised food contains protein at a level of 10 percent or more of the U.S. RDA and the total protein in the advertised food alone has a PER of 20 percent or more of the PER of casein.

(g) *Television advertisements—method and form of disclosures.* Under § 437.2(a) and and (b) and Subpart B of this rule, any disclosure in any television advertisement shall be made clearly and conspicuously in the same portion (audio or video) of the advertisement in which the voluntary claim is made, and in immediate conjunction with and at least as clear and conspicuous as the voluntary claim which creates the requirement for such disclosure. Under the provisions governing affirmative disclosure, except as specifically provided otherwise (see section 1 of those provisions), any disclosure in any television advertisement shall be made simultaneously in the audio and video portions of the advertisement. The video portion of any disclosure in any television advertisement shall be prominently displayed in the form of a super or title, or prominently displayed on the screen by itself (except that in television advertisements covered by the provisions governing affirmative disclosure which are greater than 30 seconds in length the relevant nutrition information shall always be prominently displayed on the screen by itself, simultaneously with the required audio disclosure) so as to enable it to be completely and easily seen and read (see section 1 for certain specific requirements) on all television sets, regardless of picture tube size, that are commonly available for purchase by the consuming public.

(h) *Print advertisements—method and form of disclosures.* (1) Under § 437.2 (a) and (b) and Subpart B of this rule, any disclosure in any print or display advertisement shall be made clearly and conspicuously, either in immediate conjunction with and at least as clear and conspicuous as the voluntary claim which creates the requirement for such disclosure, or prominently displayed by itself in any sans serif type style consistent with the requirements set forth in § 437.1(g)(1) of this rule and hereinbelow, but in no event in condensed type. Under the provisions governing affirmative disclosure, any disclosure in any print or display advertisement shall always be prominently displayed by itself in any sans serif type style consistent with the requirements set forth in § 437.1(g)(1) of this rule and hereinbelow, but in no event in condensed type. Under any provision of this rule, where a disclosure is prominently displayed by itself (i.e., not in immediate conjunction with the voluntary claim) the type shall be set on a slug at least one point larger than the point size of the type (not solid), using only normal word and letter spacing. In the case of advertisements within the provisions of section 1(e) of the provisions governing affirmative disclosure, the complete disclosure shall be displayed in capital letters. A determination of whether a particular disclosure is "clear and conspicuous" within the definition set forth under § 437.1(g)(1) of this rule shall be made by examining the context of the total advertisement, but in no event shall a disclosure be deemed clear or conspicuous unless it appears in type of at least the following sizes, size being measured by the height of the smallest letter employed in making the disclosure.

(i) For any disclosure required by section 2,[105] at least 3/32 inch type; for all other disclosures, at least 1/16 inch type, in advertisements of a trim size not larger than 65 square inches.

(ii) For any disclosure required by section 2,[106] at least 1/8 inch type, for all other disclosures, at least 1/16 inch type, in advertisements of a trim size larger than 65 square inches, but not larger than 110 square inches.

(iii) For any disclosure required by section 2,[107] at least 5/32 inch type; for all other disclosures, at least 3/32 inch type, in advertisements of a trim size larger than 110 square inches, but not larger than 180 square inches.

(iv) In advertisements of a trim size larger than 180 square inches subject to section 1(c) or 1(c)(1): For any disclosure required by section 2,[108] type of at least a size bearing the same proportion to the size of the advertisement as the proportion of 5/32 to 180 square inches; for all other disclosures, at least type of a size bearing the same proportion to the size of the advertisement as the proportion of 3/32 to 180 square inches.

(v) For all disclosures, at least 1/4 inch type, in advertisements subject to section 1(e)[109] of a trim size larger than 180 square inches, but not larger than 270 square inches.

(vi) For all disclosures, at least 1/2 inch type, in advertisements subject to section 1(e)[110] of a trim size larger than 270 square inches, but not larger than 1500 square inches.

(vii) For all disclosures, a size of at least one inch per 3000 square inches times the area of the advertisement expressed in square inches [i.e., size=(1 inch/3000 square inches) × (area of the advertisement in square inches)], but in no event of a size less than 1/2 inch, in advertisements subject to section 1(e)[111] of a trim size larger than 1500 square inches.

(To § 437.2(h) add the following two provisions between proposed subparagraphs (2) and (3), renumbering the succeeding proposed subparagraphs as (5), (6) and (7)).

• • • • • •

(1) If an advertisement occupies part of two or more pages, any disclosure required by the provisions governing affirmative disclosure shall appear on that page which contains the greatest part of the advertisement. Where the largest portions of an advertisement appearing on more than one page are equal in size, any disclosure required by those provisions shall appear on the first page occupied by the first of the largest portions of the advertisements.

(2) Any disclosure required by any provision governing affirmative disclosure shall be sufficiently separated from the text consistent with the manner described hereinbelow so that it can be easily read and understood by the casual observer or reader, and shall be printed in black against a solid white background and shall not be contained as an intergral part of any specific pictorial design or illustration. Any such disclosure shall appear within a prominently ruled square or rectangle headed in capital letters "NUTRITION INFORMATION PER SERVING".

Further, the disclosure required by section 1(c) of the provisions governing affirmative disclosure shall be made in the form of a table containing the following items in the following order, with each item placed beneath the preceding item: (i) The heading, as required above, in capital letters stating: "NUTRITION INFORMATION PER SERVING"; (ii) serving size expressed as "serving size [size]"; (iii) calories per serving expressed as "calories per serving [number]"; (iv) a heading stating in capital letters " PERCENTAGE OF U.S. RECOMMENDED DAILY ALLOWANCES (U.S. RDA)"; and (v) the identity and percentage (including zero percent) of the U.S. RDA per stated serving of each of the eight (8) nutrients listed in section 1(a) of the provisions governing affirmative disclosure [nutrients], in descending order of percentage of the U.S. RDA per serving,[112] with the nutrients being set forth in parallel columns, one column listing the nutrients and the other listing the corresponding percentages of the U.S. RDA at which each is present in a serving of the advertised food.

---

[105] These sections refer to the provisions governing affirmative disclosure.
[106] Id.
[107] Id.
[108] Id.
[109] Id.
[110] Id.
[111] Id.
[112] See substitute § 437.2(a)(1) set forth above in connection with the preceding proposal on affirmative disclosure.

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Below are (vi) an example of the format specified for disclosures required by section 1(c) of the provisions governing affirmative disclosure; and (vii) an example of the format specified for disclosures required, as appropriate, by sections 2(a) (1) and (2) of those provisions. The examples are intended only to illustrate the required format, and in no way should be construed to represent actual type size or style.

(a)

NUTRITION INFORMATION PER SERVING

Serving size (ounces)	6
Calories per serving	210
PERCENTAGE OF U.S. RECOMMENDED DAILY ALLOWANCES (U.S. RDA)	
Vitamin A	20
Vitamin C	15
Niacin	10
Riboflavin	10
Protein	6
Iron	4
Calcium	2
Thiamine	0

(b)

NUTRITION INFORMATION PER SERVING

210 calories per 6 oz. serving.

This food does *not* contain 10% or more of the U.S. RDA of any vitamin, mineral or protein.

* * * * *

The following are specific provisions which staff would include in those sections of Subpart B of the proposed rule where the Commission is not presently prepared to propose particular provisions. The Commission wishes to elicit comment on these provisions.

§ 437.6—Natural and organic food claims.

(a) A food shall not be represented in advertising to be "natural" or a "natural food" or "naturally grown", or otherwise be depicted, designated or described by any term or demonstration of similar import. However, an advertisement may represent that a food does not contain any artificial or synthetic preservatives, flavors or colors, or any other artificial or synthetic ingredients, if such is the fact.

(b) A food shall not be represented in advertising to be "organic" or an "organic food" or "organically grown", or otherwise be depicted, designated or described by any term or demonstration of similar import. However, an advertisement may represent that a food has not been grown with or subjected to pesticides or artificial fertilizers or artificial conditioners, if such is the fact.

(c) An advertisement for a food which makes any representation permitted under § 437.6 (a) and (b) hereinabove shall not further represent that such food is nutritionally superior to any other food(s) on the basis of such permitted representation.

§ 437.9—Fat, fatty acid and cholesterol content claims.

(a) An advertisement shall not contain any representation regarding the fat, fatty acid or cholesterol content of an advertised food, unless such food meets the criteria set forth in 21 CFR 1.18 and carries a nutrient label in compliance with that regulation. If such food meets the criteria set forth in 21 CFR 1.18 and carries a nutrient label in compliance with that Regulation, an advertisement may contain only those representations which are permitted under 21 CFR 1.18.

(b) An advertisement shall not contain any representation that consumption of an advertised food or a serving thereof will prevent, mitigate or cure, or in any way contribute to the prevention, mitigation or cure of, heart or artery disease or any attendant condition.

(c) An advertisement shall not represent that consumption of an advertised food or a serving thereof will not cause or help cause, or will not increase or help increase the likelihood or risk of, heart or artery disease or any attendant condition.

§ 437.10—Health and related claims.[12]

(a) An advertisement shall not contain a representation that:

(1) A food, because of the presence or absence of certain vitamins and/or minerals, is adequate or effective in the prevention, cure, mitigation, or treatment of any disease or symptom.

(2) A balanced diet of ordinary foods cannot supply adequate amounts of nutrients.

(3) The lack of optimum nutritive quality of a food, by reason of the soil on which that food is grown, is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(4) The storage, transportation, processing or cooking of a food is or may be responsible for an inadequacy or deficiency in the quality of the daily diet.

(5) A food possesses any dietary property when such property is of no significant value or need in human nutrition. Ingredients or products such as rutin, or other bioflavonoids, para-aminobenzoic acid, inositol and similar substances which have not been shown to be essential in human nutrition shall not be represented in any way which states or implies nutritional benefit. Ingredients or products of this type may be advertised as individual products or mixtures thereof; *Provided, however,* That the possibility of nutritional, dietary or therapeutic value is not stated or implied. Examples of false or misleading statements or implications are:

(i) Statements to the effect that their need or usefulness in human nutrition has not been established.

(ii) Statements which otherwise disclaim nutritional, dietary or therapeutic value.

(6) A natural vitamin in a food is superior to an added or synthetic vitamin, or that there is a difference between vitamins, naturally present and those that have been added.

(b) A food shall not be represented in advertising as a "health food" or as containing "health foods," or otherwise be depicted, described or designated by any term or demonstration of similar import.

Issued: November 7, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-26141 Filed 11-8-74;8:45 am]

[12] See 21 CFR 1.17(1).

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NOTICE TO FEDERAL REGISTER READERS

As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

Our goal is twofold:

First—to make each document published in the FEDERAL REGISTER easily understandable, thus making compliance easier, more efficient, and less costly; and

Second—to identify and correct any existing Federal regulations which are obsolete, unnecessarily wordy, or unclearly stated.

We believe this effort is consistent with the objectives stated by President Ford in his October 8th speech on the economy in which he announced "a joint effort by the Congress, the executive branch and the private sector to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without any good reason in today's economic climate."

The Office of the Federal Register welcomes your comments and suggestions. The survey blank below is provided for that purpose. All comments received will be maintained in a public docket and will be available for inspection in the Office of the Federal Register to any interested persons or agencies. Comments which point out the need for substantive changes in existing regulations also will be forwarded to the responsible agency.

I. For the following reasons I found it difficult to understand the document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER:

☐ only technical language was used; ☐ document contained long and difficult sentences; ☐ preamble did not contain a clear and concise explanation of the document's purpose; ☐ other (explain) _____

_____

_____

II. I believe that the requirement(s) contained in:

A. The document from _____ (agency) in column _____, page _____ of the _____ (date) issue of the FEDERAL REGISTER, or

B. Section(s) _____ of Title _____ of the CODE OF FEDERAL REGULATIONS impose(s) an: ☐ unnecessary; ☐ unreasonable; ☐ impractical; or ☐ obsolete requirement on those persons subject to that regulation.

My reasons are: _____

_____

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III. (Optional) I suggest that the provision(s) mentioned above be rewritten as follows:

_____

_____

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Washington, D.C. 20408

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Title 3—The President

MEMORANDUM OF OCTOBER 29, 1974

[Presidential Determination No. 75–2]

Eligibility of Kenya, the Malagasy Republic, and Mauritius to Make Cash Purchases of Defense Articles and Defense Services Under The Foreign Military Sales Act as Amended

Memorandum for the Secretary of State

THE WHITE HOUSE, *Washington, October 29, 1974.*

Pursuant to the authority vested in me by Section 3(a)(1) of the Foreign Military Sales Act, as amended, I hereby find that the cash sale of defense articles and defense services to the Governments of Kenya, the Malagasy Republic, and Mauritius will strengthen the security of the United States and promote world peace.

You are directed on my behalf to report this finding to the Congress.

This finding, which amends Presidential Determination No. 73–10 of January 2, 1973 (38 F.R. 7211), as amended by Presidential Determinations No. 73–12 of April 26, 1973 (38 F.R. 12799), and No. 74–9 of December 13, 1973 (39 F.R. 3537), shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.74–26561 Filed 11–8–74;2:10 pm]

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MEMORANDUM OF OCTOBER 29, 1974

[Presidential Determination No. 75-3]

Military Assistance and Sales to Turkey

Memorandum for the Secretary of State

THE WHITE HOUSE, *Washington, October 29, 1974.*

By virtue of the authority vested in me by Section 6 of Public Law 93-448, I hereby determine that the suspension of the provisions of that section, section 505(d) of the Foreign Assistance Act of 1961, as amended, and sections 3(c) and 3(d) of the Foreign Military Sales Act, as amended, in the case of Turkey will further negotiations for a peaceful solution of the Cyprus conflict, and I, therefore, suspend the provisions of those sections.

You are requested, on my behalf, to report this determination to the Congress.

This determination shall be published in the FEDERAL REGISTER.

Gerald R. Ford

[FR Doc.74-26562 Filed 11-8-74;2:10 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-141, Amdt. 28]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Definition of "Parties"

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., November 7, 1974.

The Office of Consumer Affairs was established in December 1970 to serve as the Board's point of contact with users of air transportation and to achieve the Board's policy goal of an informed public. To a large degree, the office has been concerned with consumer complaints and advice to the Board concerning consumer matters. The office has been highly effective in focusing attention on the problems and requirements of users of air transportation. On review of its functions, we believe that its effectiveness would be enhanced by enabling it to participate directly as a party in appropriate Board proceedings.

The public interest is of course represented by counsel for the Bureau of Economics, the Bureau of Operating Rights, or the Bureau of Enforcement. These bureaus participate and take positions based on a broad range of concerns and reflecting all aspects of the public interest. But while their evaluation of policy factors encompasses consumer concerns, participation by the office directly and exclusively occupied with these matters would permit a more thorough exploration of consumer issues. In addition, it would give both the Administrative Law Judges and the Board the benefit of the specialized knowledge and expertise which that office is in a unique position to acquire.

We are therefore here amending our Rules of Practice to provide for participation of this office as a party in Board proceedings. In addition, by OR-90, issued simultaneously herewith, we are amending our Organization Regulations, Part 384, to redesignate the Office of Consumer Affairs the "Office of the Consumer Advocate" and to reflect, in the description of its role, the office's enlarged functions.

Since this regulation is a rule of agency organization and practice, the Board finds that notice and public procedure hereon are unnecessary and that it may become effective immediately.

Accordingly, the Civil Aeronautics Board hereby amends Part 302 of its Procedural Regulations (14 CFR Part 302) effective November 7, 1974, as follows:

Amend § 302.9 to read as follows:

§ 302.9 Parties.

The term "party" wherever used in this part shall include any individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and any trustee, receiver, assignee or legal successor thereof, and shall include the Bureaus of the Board and the Office of the Consumer Advocate in any proceeding.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324); Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-26469 Filed 11-11-74;8:45 am]

SUBCHAPTER E—ORGANIZATION REGUATIONS

[Regulation OR-90, Amdt. 5]

PART 384—STATEMENT OF ORGANIZATION, DELEGATION OF AUTHORITY, AND AVAILABILITY OF RECORDS AND INFORMATION

Redesignation of Office of Consumer Affairs as "Office of the Consumer Advocate" and Amendment of Description of Functions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., November 7, 1974.

By PR-141, issued simultaneously herewith, the Board has adopted a rule providing for participation of the Office of Consumer Affairs as a party in appropriate proceedings. Consistent with that action, we are here amending the description of the functions of that office to reflect the office's role as a party in proceedings and as advisor to the Board on consumer matters. We are also redesignating that office the "Office of the Consumer Advocate."

Since this regulation is a rule of agency organization and practice, the Board finds that notice and public procedure hereon are unnecessary and that it may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 384 of the Organizational Regulations (14 CFR Part 384) effective November 7, 1974, as follows:

Amend § 384.7 to read as follows:

§ 384.7 Organization and delegation of authority.

• • • • • •

(a) • • •

(7) The Office of the Consumer Advocate, which operates programs and provides services designed to achieve the Board's policy goal of an informed public, particularly air travelers, shippers, and individual investors in any phase of air transportation; which advises the Board with respect to the concerns of users of air transportation; and which, where appropriate, participates in proceedings before the Board to insure presentation of those concerns.

• • • • • •

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; (49 U.S.C. 1324); Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I.)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-26470 Filed 11-11-74;8:45 am]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 4, Amdt. 3]

PART 108—LOANS TO STATE AND LOCAL DEVELOPMENT COMPANIES

Interest Rate; Effective Date; Correction

The item concerning interest rates as published in the FEDERAL REGISTER on September 19, 1974 (39 FR 33689) is hereby corrected. It now reads as follows: Interest rate.

On August 23, 1974, Pub. L. 93-386 (88 Stat. 742) was approved establishing the rate of interest on section 7(a) business loans on a cost of money formula. Therefore, in keeping with the change the following amendment is made to Revision 4, § 108.502-1(h) covering loans to local development companies.

This change involves a matter peculiarly within the responsibility of the Agency; the desire to coordinate policies affecting all the Agency's programs; and the maintenance of the historical consistency of the interest rate in the affected program with the rate for section 7(a) business loan program. Further, comparatively recent comments had been solicited and considered.

This amendment is effective as of September 19, 1974.

§ 108.502-1 Section 502 loans.

• • • • • •

(h) *Interest rate.* Interest rate on a direct section 502 loan to a development company and on SBA's share of a section 502 loan made in participation with another lending institution shall be at a rate determined annually by the Administrator consistent with the rate set for section 7(a) business loans. For the purposes of this paragraph, bank's share of the guaranteed participation shall be the

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entire amount of the loan until such time as SBA shall actually purchase its participation.

* * * * *

Dated: November 5, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-26437 Filed 11-11-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33-5536, IC-8566]

PART 230—RULES AND REGULATIONS, SECURITIES ACT OF 1933

Investment Company Advertising and Statement Required in Prospectus

On January 18, 1973, the Securities and Exchange Commission published notice (Securities Act Release No. 5357) (published in FEDERAL REGISTER for February 14, 1973 (38 FR 4417) that it had under consideration the amendment of Rule 134 under the Securities Act of 1933 (the "Act") (17 CFR 230.134, 15 U.S.C. 77a et seq.) and the adoption of Rule 425B (17 CFR 230.425b) under the Act. All interested persons were invited to submit their views and comments on the proposals. The notice was published prior to commencement of the mutual fund distribution hearings in February in order to provide concrete proposals as a basis for discussion at the hearings. The comment period was extended two weeks after the close of the hearings to April 20, 1973[1] so that those wishing to comment might have an opportunity to consider the discussion of the proposals at the hearings. The Commission has considered the written comments and the relevant presentations at the hearings and has determined to adopt the amendment of Rule 134 in the form set forth below which incorporates the substance of proposed new Rule 425B, making adoption of that separate rule unnecessary.

The amendments adopted pursuant to sections 2(10)(b) and 19(a) of the Act (15 U.S.C. 77b(10)(b), 77s(a))[2] are another in the series of Commission efforts designed to allow a wider degree of advertising by mutual funds. Rule 134 which was adopted in 1955[3] was amended in 1972 to permit a general description of an investment company.[4] At the same time, the Commission adopted Rule 135A (17 CFR 230.135a) expanding investment company generic advertising and Rule 434A (17 CFR 230.434a) to permit investment companies to use summary prospectuses.[5] These steps reflect the fact that mutual fund distribution differs in many ways from the underwriting of other securities and that investment companies are subject to comprehensive regulation under the Investment Company Act of 1940. The adoption of these amendments is not intended, and should not be construed, to indicate any change in the Commissions views with respect to general publicity concerning offerings subject to the registration requirement of the Securities Act of 1933.

Amend Rule 134 as revised in response to comments. As proposed, amended Rule 134(a)(3)(C) (17 CFR 230.134(a)(3)(iii)) would have permitted an investment company with an effective registration statement to include in its advertisements not only a general description of an investment company as permitted by the May 1972 amendment, but also a description of its own special attributes. Such a description could consist of its investment objectives and policies, services and method of operation and the advertisement could also include identification of the company's principal officers and directors and a description of the background of key personnel of its adviser, the company's date of incorporation, its total net asset value and any design or illustration contained in the prospectus not involving performance figures. In addition, the proposals would have required that the advertisement also contain a statement of the sales charge, advisory and other fees and a coupon which the reader could mail to receive a prospectus. They also would have required that the prospectus sent in response contain a statement stressing the importance of reading the prospectus as required by proposed rule 425B.

Several provisions of the amended rule vary from the January 1973 proposal. The provisions were narrowed in only one respect—the provision permitting identification of fund directors and key personnel of the adviser was deleted. Several commentators pointed out the possibility that this provision might lend itself to abuse through appointments to boards of directors of celebrities with no investment expertise. Also, while investment company directors are responsible for the general management of the company, prospective investors may not understand the generally limited extent to which directors influence specific investment decisions. Moreover, the names of key advisory personnel would not generally appear to be meaningful to potential investors. Accordingly, under the amended rule only the principal officers of the fund, i.e., those with the primary responsibility for its management, may be named. In order to avoid any ambiguity, the amended rule defines the term "principal officers." The amended rule was also changed to make it clear that the new textual material and pictorial illustrations may be used only by open-end investment companies whose securities are the subject of a continuous offering pursuant to an effective registration statement.

Attention-getting headlines in tombstones have long been permitted by interpretation, as noted in the May 1972 release announcing adoption of earlier rule changes.[6] Permission to include illustrations which appear in the investment company's prospectus is, of course, a further step in what the Commission in Release No. 5248 called a "logical extension" of the attention-getting headline interpretation. Both illustrations and headlines, as well as designs, are now specifically permitted on the basis that they are devices for attracting the reader's attention. The Commission recognizes that such attention-getting devices are a necessity if investment companies are to compete with other investment management arrangements in advertising for the attention of investors. However, those devices must be limited to attracting attention and may not be employed to make or imply any promise of benefits, which would constitute an attempt to "sell" the investment company securities through the advertisement. Obviously, advertising represents a step in the overall distribution process. Nevertheless, there is a significant difference, which is crucial in terms of the legal requirements of section 2(10)(b) (of the Act) and Rule 134, between selling a product from the face of an advertisement and attracting the reader's attention and stimulating his interest in obtaining the legally-sanctioned selling document, the statutory prospectus. It is the latter advertising purpose which these rule changes are designed to permit and encourage.

Many of those commenting on the proposals pointed out that the required statement of the sales charges, management fees and other expenses in an expanded advertisement would be cumbersome and have an unduly negative impact. The rule as adopted requires only that the advertisement direct the reader's attention to the prospectus for information on such charges, fees, and expenses.

The proposed requirement that each advertisement contain a coupon which would be used to obtain a prospectus has been made optional. Thus, investment companies need not bear the expense of sending prospectuses to the idly curious. Instead, companies may include a statement that the prospectus provides more complete information along with directions for obtaining the prospectus.

Proposed Rule 425B would have required that each prospectus sent in response to a coupon request from an advertisement pursuant to amended Rule 134 contain a statement stressing the importance of reading the prospectus before making an investment decision. To avoid adding another legend to the prospectus cover, the legend will instead have to be contained in the expanded advertisement. Accordingly, the Commission is withdrawing proposed Rule 425B and is adding the legend which the proposal would have required to the statement required by amended Rule 134 along with the admonition "send no money." This is in keeping with the rationale of the rule amendment—that the purpose of tombstone advertising is to focus the reader's attention on the statutory prospectus.

Joint tombstones of funds in the same complex have been permitted by interpretation for some time. While the proposed amendment did not provide for joint tombstones, the rule as adopted codifies past interpretations and explicity permits funds having the same investment adviser or principal underwriter to use such joint tombstones.

The rule has also been amended to permit inclusion in a tombstone advertisement of the fund's and its investment adviser's period of existence and the aggregate investment company net assets under the adviser's management as well as the adviser's logo or corporate symbol. If the applicable requirements of the rule are satisfied, the specified items pertaining to the investment adviser may be included in the advertisement whether or not comparable information is provided with respect to the investment company itself.

The amended rule would not permit inclusion of any performance data, since such information might constitute a selling argument. However, the Commission is aware that some observers believe inclusion of performance figures to be the fairest way to get the most significant information about funds to the public before they are influenced by other material. The Commission will continue to study this question in connection with its review of the methods of measurement and presentation of performance and its consideration of the adequacy of the Statement of Policy. Development of clearer and more readily understood illustrations of performance to be used in sales literature may aid in resolving the performance-in-advertising controversy.

Staff interpretations and comments. The views of Commission staff members concerning proposed investment company advertisements are sometimes sought by means of telephone inquiries, often shortly before publication is intended. This practice makes it difficult for the staff to focus upon the total context of an advertisement and can, in some instances, result in delayed publication. To avoid such delays, requests for staff comments should ordinarily be submitted in writing well in advance of the date on which publication is intended. Such requests are subject to the Commission's rule and procedure for interpretive and no-action requests.[7] Public availability of staff responses should make the staff's views more widely known and thereby avoid the necessity of frequent inquiries in connection with investment company advertising. Commission Action:

1. Proposed Rule 425B (17 CFR 230.425b) under the Act is hereby withdrawn.

2. Pursuant to the authority in sections 2(10)(b) and 19(a) of the Securities Act of 1933, the Securities and Exchange Commission hereby amends paragraph (a)(3)(iii) of § 230.134 of Chapter II of Title 17 of the Code of Federal Regulations to read as follows:

§ 230.134 Communications not deemed a prospectus.

(a) * * *

(3) * * *

(iii) In the case of an investment company registered under the Investment Company Act of 1940, the company's classification and subclassification under that Act, whether it is a balanced, specialized, bond, preferred stock or common stock fund and whether in the selection of investments emphasis is placed upon income or growth characteristics, and a general description of an investment company including its general attributes, methods of operation and services offered: *Provided,* That such description is not inconsistent with the operation of the particular investment company for which more specific information is being given, identification of the company's investment advisor, any logo, corporate symbol or trademark of the company or its investment adviser, and any graphic design or device or an attention-getting headline, not involving performance figures, designed to direct the reader's attention to textual material included in the communication pursuant to other provisions of this section; and, with respect to an open-end investment company whose registration statement under this Act is effective and whose securities are the subject of a continuous offering pursuant to such registration statement, (A) a description of such company's investment objectives and policies, services, and method of operation; (B) identification of the company's principal officers; (C) the year of incorporation or organization or period of existence of the company, its investment adviser, or both; (D) the company's aggregate net asset value as of the most recent practicable date; (E) the aggregate net asset value as of the most recent practicable date of all registered investment companies under the management of the company's investment adviser; and (F) any pictorial illustration contained in the company's prospectus and not involving performance figures: *Provided,* (G) That if any material permitted by clauses (A) through (F) is included, such communication shall also contain either (*1*) the following legend in 12 point boldface type:

For more complete information about (Name of Company), including sales charges, management fees, and other expenses, see our prospectus. It is important to read the prospectus carefully before you decide to invest. A copy of the prospectus may be obtained from your securities dealer or by writing to (Distributor's Address). Send no money;

or (*2*) a coupon which the reader may mail to receive a prospectus, with the following legend in 12 point boldface type:

For more complete information about (Name of Company), including sales charges, management fees and other expenses, mail this coupon and we will send you our prospectus. It is important to read the prospectus carefully before you decide to invest. Send no money;

except that investment companies which do not charge a sales load may omit the words, "sales charges," from both legends.

(H) For purposes of clause (B) of this new subdivision (iii), "principal officers" means the president, secretary, treasurer, any vice-president in charge of a principal business function and any other person who performs similar policy making functions for the company on a regular basis.

(I) In the case of two or more registered investment companies having the same investment adviser or principal underwriter, the same information described in this subdivision (iii) may be included as to each such company in a joint communication on the same basis as it is permitted in communications dealing with individual companies under this subdivision (iii);

* * * * *

(Secs. 2(10)(b), 19(a), 48 Stat. 74, 85, sec. 209, 48 Stat. 908, (15 U.S.C. 77b(10)(b), 77s(a)))

The foregoing shall become effective on December 10, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 4, 1974.

[FR Doc.74-26467 Filed 11-11-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 292-8]

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

PROCYAZINE

A petition (FAP 5H5057) was filed by CIBA-GEIGY Corporation, PO. Box 11422, Greensboro, NC 27409, in accord-

[1] Securities Act Release No. 5379, Investment Company Act Release No. 7738.

[2] Section 2(10) defines "prospectus" as, "any prospectus, notice, circular, advertisement, letter or communication, written or by radio or television, which offers any security for sale or confirms the sale of any security, except that * * *

(b) A notice, circular, advertisement, letter or communication in respect to a security shall not be deemed to be a prospectus if it states from whom a written prospectus meeting the requirements of section 10 may be obtained and, in addition, does no more than identify the security, state the price thereof, state by whom orders will be executed, and contain such other information as the Commission by rules or regulations deemed necessary or appropriate in the public interest and for the protection of investors and subject to such terms and conditions as may be prescribed therein, may permit."

Section 19(a) gives the Commission authority, among other things, to make such rules and regulations as may be necessary to carry out the provisions of the Act.

[3] Securities Act Release No. 3568 (August 29, 1955) (20 FR 6524).

[4] Securities Act Release No. 5248 (May 9, 1972) (37 FR 10072).

[5] *Ibid.*

[6] Securities Act Release No. 5248 (37 FR 10072).

[7] See Securities Act Release Nos. 5098 (October 29, 1970) and 5127 (January 25, 1971) (36 FR 2600).

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ance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the herbicide procyazine (2-[[4-chloro-6-(cyclopropylamino) - 1,3,5-triazin-2-yl]amino] - 2 - methylpropanenitrile) in sweet corn cannery waste at 0.2 part per million to provide for residues that may occur from use of the herbicide in a proposed experimental program involving application to growing corn.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective December 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Having evaluated the data in the petition and other relevant material, it is concluded that:

1. Residues of the herbicide will result in sweet corn cannery waste from carryover and concentration under agricultural uses provided for by an experimental permit under the Federal Insecticide, Fungicide, and Rodenticide Act. (For a related document, see this issue of the FEDERAL REGISTER, page 39906.)

2. The proposed tolerance should be established to coincide with the experimental permit.

Therefore, pursuant to provisions of the Act (sec. 409(c) (1), (4), 72 Stat. 1786; 21 U.S.C. 348(c) (1), (4)), the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 F.R. 18305), Part 121 is amended by adding the following new section to Subpart C:

§ 121.349 Procyazine.

A tolerance of 0.2 part per million is established for residues of the herbicide procyazine (2-[[4-chloro-6-(cyclopropylamino) -1,3,5-triazin - 2-yl]amino]-2-methylpropanenitrile) in sweet corn cannery waste, resulting from application of the herbicide to the growing sweet corn. Such residues may be present therein only as a result of the application of the herbicide to the growing sweet corn treated under an experimental program, which expires November 6, 1975, and on which said corn a temporary pesticide tolerance for the herbicide expiring the same date has been established. Residues remaining in or on the above commodity after expiration of this tolerance will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/food additive tolerance.

Any person who will be adversely affected by the foregoing order may at any time on or before December 12, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on November 12, 1974.

(Sec. 409(c) (1), (4), 72 Stat. 1786; (21 U.S.C. 348(c) (1), (4)))

Dated: November 6, 1974.

HENRY J. KORP,
Deputy Assistant Administrator For Pesticide Programs.

[FR Doc.74-26405 Filed 11-11-74;8:45 am]

SUBCHAPTER C—DRUGS

SUBCHAPTER D—DRUGS FOR HUMAN USE

BENZATHINE PHENOXYMETHYL PENICILLIN

Technical Changes and Updating

In a notice of proposed rulemaking published in the FEDERAL REGISTER of May 6, 1974 (39 FR 15879), and corrected by notice published in the FEDERAL REGISTER of June 10, 1974 (39 FR 20399), the Commissioner of Food and Drugs proposed to amend 21 CFR Parts 141a and 146a as they apply to benzathine phenoxymethyl penicillin and to amend 21 CFR Part 149h by including monographs from Parts 141a and 146a which provide for the certification of benzathine phenoxymethyl penicillin drug products that are currently being marketed. In addition to recodification, certain revisions and updating of the monographs were proposed. Interested persons were invited to submit their comments in response to the notice of proposed rulemaking within 60 days. No comments were received. Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended as set forth below.

As a result of the overall recodification of antibiotic drug monographs for human use published in the FEDERAL REGISTER of May 30, 1974 (39 FR 18922), §§ 141a.83, 141a.87, 146a.105, and 146a.109 were recodified as §§ 440.57a(b), 440.157(b), 440.57a(a), and 440.157(a) respectively, and that change is reflected in this document. The monographs for antibiotic drugs for veterinary use were not recodified in the May 30, 1974 recodification document. Therefore, reference to §§ 141a.99 and 146a.19 is the same as in the May 6, 1974 proposal.

The bulk drug monograph has been redesignated as § 440.57 in this document since the existing § 440.57a denotes a sterile drug according to the new scheme of regulation numbering and the sterility requirement is deleted from this monograph.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; 21 U.S.C. 357, 360b(n)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS FOR VETERINARY USE; TESTS AND METHODS OF ASSAY

§ 141a.99 [Revoked]

1. By revoking § 141a.99 *Benzathine phenoxymethyl penicillin for aqueous injection veterinary.*

PART 146a—CERTIFIED PENICILLIN AND PENICILLIN-CONTAINING DRUGS FOR VETERINARY USE

§ 146a.19 [Revoked]

2. By revoking § 146a.19 *Benzathine phenoxymethyl penicillin for aqueous injection veterinary.*

PART 440—PENICILLIN ANTIBIOTIC DRUGS

3. By adding a new section to read as follows:

§ 440.57 Benzathine phenoxymethyl penicillin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality and purity.* Benzathine phenoxymethyl penicillin is the benzathine salt of phenoxymethyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 1,060 units and not more than 1,240 units per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not less than 5.0 percent and not more than 8.0 percent.

(iv) Its pH in a saturated aqueous solution is not less than 4.0 and not more than 6.5.

(v) Its phenoxymethyl penicillin content is not less than 62.3 percent and not more than 72.5 percent.

(vi) It is crystalline.

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, phenoxymethyl penicillin content, and crystallinity.

(ii) Samples required: 10 packages, each containing approximately 300 milligrams.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the iodometric assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed representative portion of the sample in sufficient absolute methyl alcohol to give a solution of convenient concentration. Immediately further dilute with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 unit of phenoxymethyl penicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter.

(2) *Safety.* Proceed as directed in § 436.33 of this chapter.

(3) *Moisture.* Proceed as directed in § 436.201 of this chapter.

(4) *pH.* Proceed as directed in § 436.202 of this chapter, using a saturated aqueous solution prepared by adding approximately 30 milligrams per milliliter.

(5) *Phenoxymethyl penicillin content.* Accurately weigh approximately 50 milligrams of sample, dissolve in absolute methyl alcohol, and dilute to 100 milliliters with absolute methyl alcohol. Treat a portion of the phenoxymethyl penicillin working standard in the same manner. Using a suitable spectrophotometer equipped with a quartz cell and absolute methyl alcohol as the blank, determine the absorbance at 276 nanometers. Calculate the phenoxymethyl in § 436.203(a) of this chapter.

$$\text{Percent phenoxymethyl penicillin} = \frac{\text{Absorbance of sample} \times \text{Weight in milligrams of standard} \times \text{Percent phenoxymethyl penicillin in standard}}{\text{Absorbance of standard} \times \text{Weight in milligrams of sample}}$$

§ 440.57a [Revoked]

4. By revoking § 440.57a *Sterile benzathine phenoxymethyl penicillin (benzathine phenoxymethyl penicillin salt).*

5. By revising § 440.157 to read as follows:

§ 440.157 Benzathine phenoxymethyl penicillin oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Benzathine phenoxymethyl penicillin oral suspension contains benzathine phenoxymethyl penicillin and one or more suitable dispersing agents, buffer substances, preservatives, colorings, and flavorings. Each milliliter contains benzathine phenoxymethyl penicillin equivalent to 17.7 milligrams (30,000 units) or 35.4 milligrams (60,000 units) of phenoxymethyl penicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of phenoxymethyl penicillin that it is represented to contain. Its pH is not less than 6.0 and not more than 7.0. The benzathine phenoxymethyl penicillin used conforms to the standards prescribed by § 440.57(a) (1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The benzathine phenoxymethyl penicillin used in making the batch for potency, safety, moisture, pH, phenoxymethyl penicillin content, and crystallinity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The benzathine phenoxymethyl penicillin used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Use either of the following methods; however, the results obtained from the iodometric assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Dissolve an accurately measured representative volume of the sample in sufficient absolute methyl alcohol to give a solution of convenient concentration. Immediately further dilute an aliquot with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to the reference concentration of 1.0 unit of phenoxymethyl penicillin (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, using a representative aliquot of the drug prepared for assay as described in paragraph (b) (2) of that section.

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted suspension.

Effective date. This order shall become effective on December 12, 1974.

(Secs. 507, 512(n), 59 Stat. 463, as amended, 82 Stat. 350–351; (21 U.S.C. 357, 360b(n)))

Dated: November 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26449 Filed 11-11-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Benzylpenicilloyl-Polylysine

Correction

In FR Doc. 74-22610 appearing at page 35346, in the issue of Tuesday, October 1, 1974, § 440.10(b) (1) (i) (c) should read as follows:

(b) • • •
(1) • • •
(i) • • •

(c) *Preparation of standard and sample solutions—(1) Standard solution (standard lipine solution* (2.5 x 10^{-4} M)). Transfer an accurately weighed portion of 54.8 milligrams of lysine dihydrochloride to a 100-milliliter volumetric flask. Dissolve and dilute to mark with citrate buffer. Make an accurate tenfold dilution of this solution with citrate buffer. The resulting standard solution is 2.5 x 10^{-4} M with respect to lysine.

SUBCHAPTER F—BIOLOGICS

PART 600—BIOLOGICAL PRODUCTS; GENERAL

Temperatures During Shipment

The Commissioner of Food and Drugs proposed to amend § 600.15 (21 CFR 600.15) (formerly 21 CFR 273.505) in the FEDERAL REGISTER of April 4, 1973 (38 FR 8600, corrected on May 7, 1973 (38 FR 11354)), to require that live measles, mumps and rubella virus vaccines, when prepared as single products or multiple component products, be maintained during shipment at a specified temperature, 10° C or colder, in order to ensure the safety, purity and potency of such products. The proposed shipping temperature was selected as a practical upper limit consistent with maintaining the quality of these products during shipment. Five comments were received concerning the proposal and in response to two comments an additional paragraph concerning "exemptions" has been added to § 600.15.

1. Two comments indicated that reference in the preamble of the proposal to the word "refrigeration" for a storage temperature of 10° C or colder may cause confusion, since it is inconsistent with the definition of a "refrigerated temperature," i.e., 2° C to 8° C, set forth in the National Formulary and the United States Pharmacopeia.

The term "refrigeration" in the proposal was used in the general sense to indicate that special efforts would be needed to keep the products cold. The Commissioner recognizes that the N.F. and U.S.P. definitions are generally accepted throughout the pharmaceutical community. However, since there is no reference to "refrigeration" in the regulation itself, no amendment in the final order is necessary. In order to clarify the scope of this regulation, it should be noted that it does not apply to temperatures required during storage, which are prescribed in § 610.53 (21 CFR 610.53) and in the compendia, but rather to temperatures required during shipment, which are prescribed in § 600.15.

2. Two comments from manufacturers argued that the proposed amendment is unnecessarily restrictive with respect to their products which are stable at temperatures above 10° C. For this reason, an exemption for such products was requested. The Commissioner agrees that if a manufacturer has shown that his particular product maintains its safety, purity, and potency at temperatures other than those prescribed for shipment in § 600.15, an exemption or modification may be appropriate for the specific manufacturer's product. Likewise, such exemption or modification should be permitted not only with respect to the subject vaccines, but for other products now subject to § 600.15 which have been shown by the manufacturer to be stable above those temperatures presently prescribed. Accordingly, a new paragraph

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(b) has been added to § 600.15 to provide for such exemption upon approval by the Director, Bureau of Biologics, on a product-by-product basis, in the form of an amendment to the product license.

3. One comment urged that as an alternative to prescribing a fixed shipping temperature, shipment of the products above 10° C be permitted for a specific period of time determined by each manufacturer based on the properties of the product, provided that the label on shipping containers and individual packages of such products contain a warning statement that "The temperature of this product must not be allowed to rise above 10° C for a period longer than (*insert period of time*)."

The Commissioner finds that the recommendation is inadequate. As stated in the preamble of the proposal, data before the Commissioner establish that continuous cold storage of the products is necessary to ensure that there is no loss of potency. The effect of removal from cold storage is unpredictable due to variances in the temperature of the environment to which these products are removed and the length of time they remain at that temperature. Temperatures can be expected to vary widely in different climates and weather conditions. Therefore, a uniform label storage statement does not provide a reliable means for assuring a temperature that will not compromise the product. It should be noted, however, that the Commissioner's order does not preclude removal of products from cold storage for short periods of time, as long as the temperature of the product does not rise above 10° C. Procedures must be developed by distributors of these measles, mumps and rubella virus vacines to ensure compliance with the temperature requirement. Such procedures are not unusual and are regularly used by distributors of other products subject to loss of potency or other similar alteration.

In the interest of having specific shipping temperature information readily accessible to everyone transporting the vaccines listed in § 600.15, the Commissioner will issue a proposal in the near future to amend § 610.61 (21 CFR 610.61) to require that such information be listed on the package label.

Having considered the comments received and all relevant material regarding specified shipping temperatures for live measles, mumps and rubella virus vaccines, the Commissioner concludes that the proposal should be adopted as modified (1) by designating the list of products as paragraph (a), (2) by amending the listing in the second column to quantify the expression "a temperature which will maintain ice continuously in a solid state" to a temperature of "0° C or colder" for poliovirus vaccine live, oral types 1, 2, 3, smallpox vaccine, liquid, and yellow fever vaccine, and (3) by adding a new paragraph (b) to provide for exemptions.

Therefore, pursuant to the provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), § 600.15 is revised as follows:

§ 600.15 Temperatures during shipment.

The following products shall be maintained during shipment at the specified temperatures:

(a) *Products.*

Product:	Temperature
Cryoprecipitated antihemophilic factor (human)	−18° C or colder.
Measles, mumps, and rubella virus vaccine, live	10° C or colder.
Measles and rubella virus vaccine, live	Do.
Measles-smallpox vaccine, live	Do.
Measles virus vaccine, live, attenuated	Do.
Mumps virus vaccine, live	Do.
Poliovirus vaccine, live, oral, type 1	0° C or colder.
Poliovirus vaccine, live, oral, type 2	Do.
Poliovirus vaccine, live, oral, type 3	Do.
Poliovirus vaccine, live, oral, trivalent	Do.
Red blood cells (human), frozen	−65° C or colder.
Red blood cells (human), liquid	Between 1° and 10° C.
Rubella and mumps, virus, live	10° C or colder.
Rubella virus vaccine, live	Do.
Single donor plasma (human), frozen	−18° C or colder.
Smallpox vaccine, liquid	0° C or colder.
Source plasma (human)	−5° C or colder.
Whole blood (human)	Between 1° and 10° C.
Yellow fever vaccine	0° C or colder.

(b) *Exemptions.* Exemptions or modifications shall be made only upon written approval, in the form of an amendment of the product license, issued by the Director, Bureau of Biologics.

Effective date. This order shall become effective on December 12, 1974.

(Sec. 351, 58 Stat. 702 as amended; (42 U.S.C. 262))

Dated: November 5, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26450 Filed 11-11-74;8:45 am]

Title 40—Protection of the Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 291-6]

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Opacity Provisions

On June 29, 1973, the United States Court of Appeals for the District of Columbia in "Portland Cement Association v. Ruckelshaus," 486 F. 2d 375 (1973) remanded to EPA the standard of performance for Portland cement plants (40 CFR 60.60 et seq.) promulgated by EPA under section 111 of the Clean Air Act. In the remand, the Court directed EPA to reconsider among other things the use of the opacity standards. EPA has prepared a response to the remand. Copies of this response are available from the Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, N.C. 27711, Attn: Mr. Don R. Goodwin. In developing the response, EPA collected and evaluated a substantial amount of information which is summarized and referenced in the response. Copies of this information are available for inspection during normal office hours at EPA's Office of Public Affairs, 401 M Street SW., Washington, D.C. EPA determined that the Portland cement plant standards generally did not require revision but did not find that certain revisions are appropriate to the opacity provisions of the standards. The provisions promulgated herein include a revision to § 60.11, Compliance with Standards and Maintenance Requirements, a revision to the opacity standard for Portland cement plants, and revisions to Reference Method 9. The bases for the revisions are discussed in detail in the Agency's response to the remand. They are summarized below.

The revisions to § 60.11 include the modification of paragraph (b) and the addition of paragraph (e). Paragraph (b) has been revised to indicate that while Reference Method 9 remains the primary and accepted means for determining compliance with opacity standards in this part, EPA will accept as probative evidence in certain situations and under certain conditions the results of continuous monitoring by transmissometer to determine whether a violation has in fact occurred. The revision makes clear that even in such situations the results of opacity readings by Method 9 remain presumptively valid and correct.

The provisions in paragraph (e) provide a mechanism for an owner or operator to petition the Administrator to establish an opacity standard for an affected facility where such facility meets all applicable standards for which a performance test is conducted under § 60.8 but fails to meet an applicable opacity standard. This provision is intended primarily to apply to cases where a source installs a very large diameter stack which causes the opacity of the emissions to be

greater than if a stack of the diameter ordinarily used in the industry were installed. Although this situation is considered to be very unlikely to occur, this provision will accommodate such a situation. The provision could also apply to other situations where for any reason an affected facility could fail to meet opacity standards while meeting mass emission standards, although no such situations are expected to occur.

A revision to the opacity standard for Portland cement plants is promulgated herein. The revision changes the opacity limit for kilns from 10 percent to 20 percent. This revision is based on EPA's policy on opacity standards and the new emission data from Portland cement plants evaluated by EPA during its reconsideration. The preamble to the standards of performance which were promulgated on March 8, 1974 (39 FR 9308) sets forth EPA's policy on opacity standards: (1) Opacity limits are independent enforceable standards; (2) where opacity and mass/concentration standards are applicable to the same source, the mass/concentration standards are established at a level which will result in the design, installation, and operation of the best adequately demonstrated system of emission reduction (taking costs into account); and (3) the opacity standards are established at a level which will require proper operation and maintenance of such control systems. The new data indicate that increasing the opacity limits for kilns from 10 percent to 20 percent is justified, because such a standard will still require the design, installation, and operation of the best adequately demonstrated system of emission reduction (taking costs into account) while eliminating or minimizing the situations where it will be necessary to promulgate a new opacity standard under § 60.11(e).

In evaluating the accuracy of results from qualified observers following the procedures of Reference Method 9, EPA determined that some revisions to Reference Method 9 are consistently able to evaluation showed that observers trained and certified in accordance with the procedures prescribed under Reference Method 9 are consistently able to read opacity with errors not exceeding + 7.5 percent based upon single sets of the average of 24 readings. The revisions to Reference Method 9 include the following:

1. An introductory section is added. This includes a discussion of the concept of visible emission reading and describes the effect of variable viewing conditions. Information is also presented concerning the accuracy of the method noting that the accuracy of the method must be taken into account when determining possible violations of applicable opacity standards.

2. Provisions are added which specify that the determination of opacity requires averaging 24 readings taken at 15-second intervals. The purpose for taking 24 readings is both to extend the averaging time over which the observations are made, and to take sufficient readings to insure acceptable accuracy.

3. More specific criteria concerning observer position with respect to the sun are added. Specifically, the sun must be within a 140° sector to the observer's back.

4. Criteria concerning an observer's position with respect to the plume are added. Specific guidance is also provided for reading emissions from rectangular emission points with large length to width ratios, and for reading emissions from multiple stacks. In each of these cases, emissions are to be read across the shortest path length.

5. Provisions are added to make clear that opacity of contaminated water or steam plumes is to be read at a point where water does not exist in condensed form. Two specific instructions are provided: One for the case where opacity can be observed prior to the formation of the condensed water plume, and one for the case where opacity is to be observed after the condensed water plume has dissipated.

6. Specifications are added for the smoke generator used for qualification of observers so that State or local air pollution control agencies may provide observer qualification training consistent with EPA training.

In developing this regulation we have taken into account the comments received in response to the September 11, 1974 (39 FR 35852) notice of proposed rulemaking which proposed among other things certain minor changes to Reference Method 9. This regulation represents the rulemaking with respect to the revisions to Method 9.

The determination of compliance with applicable opacity standards will be based on an average of 24 consecutive opacity readings taken at 15 second intervals. This approach is a satisfactory means of enforcing opacity standards in cases where the violation is a continuing one and time exceptions are not part of the applicable opacity standard. However, the opacity standards for steam electric generators in 40 CFR 60.42 and fluid catalytic cracking unit catalyst regenerators in 40 CFR 60.102 and numerous opacity standards in State implementation plans specify various time exceptions. Many State and local air pollution control agencies use a different approach in enforcing opacity standards than the six-minute average period specified in this revision to Method 9. EPA recognizes that certain types of opacity violations that are intermittent in nature require a different approach in applying the opacity standards than this revision to Method 9. It is EPA's intent to propose an additional revision to Method 9 specifying an alternative method to enforce opacity standards. It is our intent that this method specify a minimum number of readings that must be taken, such as a minimum of ten readings above the standard in any one hour period prior to citing a violation. EPA is in the process of analyzing available data and determining the error involved in reading opacity in this manner and will propose this revision to Method 9 as soon as this analysis is completed. The Agency solicits comments and recommendations on the need for this additional revision to Method 9 and would welcome any suggestions particularly from air pollution control agencies on how we might make Method 9 more responsive to the needs of these agencies.

These actions are effective on November 12, 1974. The Agency finds good cause exists for not publishing these actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

(1) Only minor amendments are being made to the opacity standards which were remanded.

(2) The U.S. Court of Appeals for the District of Columbia instructed EPA to complete the remand proceeding with respect to the Portland cement plant standards by November 5, 1974.

(3) Because opacity standards are the subject of other litigation, it is necessary to reach a final determination with respect to the basic issues involving opacity at this time in order to properly respond to this issue with respect to such other litigation.

These regulations are issued under the authority of sections 111 and 114 of the Clean Air Act, as amended (42 U.S.C. 1857c-6 and 9).

Dated: November 1, 1974.

JOHN QUARLES,
Acting Administrator.

Part 60 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

1. Section 60.11 is amended by revising paragraph (b) and adding paragraph (e), reading as follows:

§ 60.11 Compliance with standards and maintenance requirements.

. . . . . .

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in Appendix A of this part. Opacity readings of portions of plumes which contain condensed, uncombined water vapor shall not be used for purposes of determining compliance with opacity standards. The results of continuous monitoring by transmissometer which indicate that the opacity at the time visual observations were made was not in excess of the standard are probative but not conclusive evidence of the actual opacity of an emission, provided that the source shall meet the burden of proving that the instrument used meets (at the time of the alleged violation) Performance Specification 1 in Appendix B of this part, has been properly maintained and (at the time of the alleged violation) calibrated, and that the resulting data have not been tampered with in any way.

. . . . . .

(e) (1) An owner or operator of an affected facility may request the Admin-

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istrator to determine opacity of emissions from the affected facility during the initial performance tests required by § 60.8.

(2) Upon receipt from such owner or operator of the written report of the results of the performance tests required by § 60.8, the Administrator will make a finding concerning compliance with opacity and other applicable standards. If the Administrator finds that an affected facility is in compliance with all applicable standards for which performance tests are conducted in accordance with § 60.8 of this part but during the time such performance tests are being conducted fails to meet any applicable opacity standard, he shall notify the owner or operator and advise him that he may petition the Administrator within 10 days of receipt of notification to make appropriate adjustment to the opacity standard for the affected facility.

(3) The Administrator will grant such a petition upon a demonstration by the owner or operator that the affected facility and associated air pollution control equipment was operated and maintained in a manner to minimize the opacity of emissions during the performance tests; that the performance tests were performed under the conditions established by the Administrator; and that the affected facility and associated air pollution control equipment were incapable of being adjusted or operated to meet the applicable opacity standard.

(4) The Administrator will establish an opacity standard for the affected facility meeting the above requirements at a level at which the source will be able, as indicated by the performance and opacity tests, to meet the opacity standard at all times during which the source is meeting the mass or concentration emission standard. The Administrator will promulgate the new opacity standard in the FEDERAL REGISTER.

2. In § 60.62, paragraph (a)(2) is revised to read as follows:

§ 60.62 Standard for particulate matter.

(a) • • •

(2) Exhibit greater than 20 percent opacity.

• • • • •

3. Appendix A—Reference Methods is amended by revising Reference Method 9 as follows:

APPENDIX A—REFERENCE METHODS

• • • • •

METHOD 9—VISUAL DETERMINATION OF THE OPACITY OF EMISSIONS FROM STATIONARY SOURCES

Many stationary sources discharge visible emissions into the atmosphere; these emissions are usually in the shape of a plume. This method involves the determination of plume opacity by qualified observers. The method includes procedures for the training and certification of observers, and procedures to be used in the field for determination of plume opacity. The appearance of a plume as viewed by an observer depends upon a number of variables, some of which may be controllable and some of which may not be controllable in the field. Variables which can be controlled to an extent to which they no longer exert a significant influence upon plume appearance include: Angle of the observer with respect to the plume; angle of the observer with respect to the sun; point of observation of attached and detached steam plume; and angle of the observer with respect to a plume emitted from a rectangular stack with a large length to width ratio. The method includes specific criteria applicable to these variables.

Other variables which may not be controllable in the field are luminescence and color contrast between the plume and the background against which the plume is viewed. These variables exert an influence upon the appearance of a plume as viewed by an observer, and can affect the ability of the observer to accurately assign opacity values to the observed plume. Studies of the theory of plume opacity and field studies have demonstrated that a plume is most visible and presents the greatest apparent opacity when viewed against a contrasting background. It follows from this, and is confirmed by field trials, that the opacity of a plume, viewed under conditions where a contrasting background is present can be assigned with the greatest degree of accuracy. However, the potential for a positive error is also the greatest when a plume is viewed under such contrasting conditions. Under conditions presenting a less contrasting background, the apparent opacity of a plume is less and approaches zero as the color and luminescence contrast decrease toward zero. As a result, significant negative bias and negative errors can be made when a plume is viewed under less contrasting conditions. A negative bias decreases rather than increases the possibility that a plant operator will be cited for a violation of opacity standards due to observer error.

Studies have been undertaken to determine the magnitude of positive errors which can be made by qualified observers while reading plumes under contrasting conditions and using the procedures set forth in this method. The results of these studies (field trials) which involve a total of 769 sets of 25 readings each are as follows:

(1) For black plumes (133 sets at a smoke generator), 100 percent of the sets were read with a positive error[1] of less than 7.5 percent opacity; 99 percent were read with a positive error of less than 5 percent opacity.

(2) For white plumes (170 sets at a smoke generator, 168 sets at a coal-fired power plant, 298 sets at a sulfuric acid plant), 99 percent of the sets were read with a positive error of less than 7.5 percent opacity; 95 percent were read with a positive error of less than 5 percent opacity.

The positive observational error associated with an average of twenty-five readings is therefore established. The accuracy of the method must be taken into account when determining possible violations of applicable opacity standards.

1. *Principle and applicability.*

1.1 Principle. The opacity of emissions from stationary sources is determined visually by a qualified observer.

1.2 Applicability. This method is applicable for the determination of the opacity of emissions from stationary sources pursuant to § 60.11(b) and for qualifying observers for visually determining opacity of emissions.

2. *Procedures.* The observer qualified in accordance with paragraph 3 of this method shall use the following procedures for visually determining the opacity of emissions:

2.1 Position. The qualified observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140° sector to his back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his observations from a position such that his line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g. roof monitors, open baghouses, noncircular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of sight should not include more than one plume at a time when multiple stacks are involved, and in any case the observer should make his observations with his line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g. stub stacks on baghouses).

2.2 Field records. The observer shall record the name of the plant, emission location, type facility, observer's name and affiliation, and the date on a field data sheet (Figure 9–1). The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a field data sheet at the time opacity readings are initiated and completed.

2.3 Observations. Opacity observations shall be made at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. The observer shall not look continuously at the plume, but instead shall observe the plume momentarily at 15-second intervals.

2.3.1 Attached steam plumes. When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible. The observer shall record the approximate distance from the emission outlet to the point in the plume at which the observations are made.

2.3.2 Detached steam plume. When water vapor in the plume condenses and becomes visible at a distinct distance from the emission outlet, the opacity of emissions should be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

2.4 Recording observations. Opacity observations shall be recorded to the nearest 5 percent at 15-second intervals on an observational record sheet. (See Figure 9–2 for an example.) A minimum of 24 observations shall be recorded. Each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15-second period.

2.5 Data Reduction. Opacity shall be determined as an average of 24 consecutive observations recorded at 15-second intervals. Divide the observations recorded on the record sheet into sets of 24 consecutive observations. A set is composed of any 24 consecutive observations. Sets need not be consecutive in time and in no case shall two sets overlap. For each set of 24 observations, calculate the average by summing the opacity of the 24 observations and dividing this sum by 24. If an applicable standard specifies an averaging time requiring more than 24 observations, calculate the average for all observations made during the specified time period. Record the average opacity on a record sheet. (See Figure 9–1 for an example.)

3. *Qualifications and testing.*

3.1 Certification requirements. To receive certification as a qualified observer, a candidate must be tested and demonstrate the ability to assign opacity readings in 5 percent increments to 25 different black plumes and 25 different white plumes, with an error not to exceed 15 percent opacity on any one reading and an average error not to exceed 7.5 percent opacity in each category. Candidates shall be tested according to the procedures described in paragraph 3.2. Smoke generators used pursuant to paragraph 3.2 shall be equipped with a smoke meter which meets the requirements of paragraph 3.3.

The certification shall be valid for a period of 6 months, at which time the qualification procedure must be repeated by any observer in order to retain certification.

3.2 Certification procedure. The certification test consists of showing the candidate a complete run of 50 plumes—25 black plumes and 25 white plumes—generated by a smoke generator. Plumes within each set of 25 black and 25 white runs shall be presented in random order. The candidate assigns an opacity value to each plume and records his observation on a suitable form. At the completion of each run of 50 readings, the score of the candidate is determined. If a candidate fails to qualify, the complete run of 50 readings must be repeated in any retest. The smoke test may be administered as part of a smoke school or training program, and may be preceded by training or familiarization runs of the smoke generator during which candidates are shown black and white plumes of known opacity.

3.3 Smoke generator specifications. Any smoke generator used for the purposes of paragraph 3.2 shall be equipped with a smoke meter installed to measure opacity across the diameter of the smoke generator stack. The smoke meter output shall display instack opacity based upon a pathlength equal to the stack exit diameter, on a full 0 to 100 percent chart recorder scale. The smoke meter optical design and performance shall meet the specifications shown in Table 9–1. The smoke meter shall be calibrated as prescribed in paragraph 3.3.1 prior to the conduct of each smoke reading test. At the completion of each test, the zero and span drift shall be checked and if the drift exceeds ±1 percent opacity, the condition shall be corrected prior to conducting any subsequent test runs. The smoke meter shall be demonstrated, at the time of installation, to meet the specifications listed in Table 9–1. This demonstration shall be repeated following any subsequent repair or replacement of the photocell or associated electronic circuitry including the chart recorder or output meter, or every 6 months, whichever occurs first.

TABLE 9–1—SMOKE METER DESIGN AND PERFORMANCE SPECIFICATIONS

Parameter:	*Specification*
a. Light source	Incandescent lamp operated at nominal rated voltage.
b. Spectral response of photocell.	Photopic (daylight spectral response of the human eye—reference 4.3).
c. Angle of view	15° maximum total angle.
d. Angle of projection.	15° maximum total angle.
e. Calibration error.	±3% opacity, maximum.
f. Zero and span drift.	±1% opacity, 30 minutes.
g. Response time	≤5 seconds.

3.3.1 Calibration. The smoke meter is calibrated after allowing a minimum of 30 minutes warmup by alternately producing simulated opacity of 0 percent and 100 percent. When stable response at 0 percent or 100 percent is noted, the smoke meter is adjusted to produce an output of 0 percent or 100 percent, as appropriate. This calibration shall be repeated until stable 0 percent and 100 percent readings are produced without adjustment. Simulated 0 percent and 100 percent opacity values may be produced by alternately switching the power to the light source on and off while the smoke generator is not producing smoke.

3.3.2 Smoke meter evaluation. The smoke meter design and performance are to be evaluated as follows:

3.3.2.1 Light source. Verify from manufacturer's data and from voltage measurements made at the lamp, as installed, that the lamp is operated within ±5 percent of the nominal rated voltage.

3.3.2.2 Spectral response of photocell. Verify from manufacturer's data that the photocell has a photopic response; i.e., the spectral sensitivity of the cell shall closely approximate the standard spectral-luminosity curve for photopic vision which is referenced in (b) of Table 9–1.

3.3.2.3 Angle of view. Check construction geometry to ensure that the total angle of view of the smoke plume, as seen by the photocell, does not exceed 15°. The total angle of view may be calculated from: $\theta = 2\tan^{-1} d/2L$, where θ = total angle of view; d = the sum of the photocell diameter + the diameter of the limiting aperture; and L = the distance from the photocell to the limiting aperture. The limiting aperture is the point in the path between the photocell and the smoke plume where the angle of view is most restricted. In smoke generator smoke meters this is normally an orifice plate.

3.3.2.4 Angle of projection. Check construction geometry to ensure that the total angle of projection of the lamp on the smoke plume does not exceed 15°. The total angle of projection may be calculated from: $\theta = 2\tan^{-1} d/2L$, where θ = total angle of projection; d = the sum of the length of the lamp filament + the diameter of the limiting aperture; and L = the distance from the lamp to the limiting aperture.

3.3.2.5 Calibration error. Using neutral-density filters of known opacity, check the error between the actual response and the theoretical linear response of the smoke meter. This check is accomplished by first calibrating the smoke meter according to 3.3.1 and then inserting a series of three neutral-density filters of nominal opacity of 20, 50, and 75 percent in the smoke meter pathlength. Filters calibarted within ±2 percent shall be used. Care should be taken when inserting the filters to prevent stray light from affecting the meter. Make a total of five nonconsecutive readings for each filter. The maximum error on any ons reading shall be 3 percent opacity.

3.3.2.6 Zero and span drift. Determine the zero and span drift by calibrating and operating the smoke generator in a normal manner over a 1-hour period. The drift is measured by checking the zero and span at the end of this period.

3.3.2.7 Response time. Determine the response time by producng the series of five simulated 0 percent and 100 percent opacity values and observing the time required to reach stable response. Opacity values of 0 percent and 100 percent may be simulated by alternately switching the power to the light source off and on while the smoke generator is not operating.

4. *References.*

4.1 Air Pollution Control District Rules and Regulations, Los Angeles County Air Pollution Control District, Regulation IV, Prohibitions, Rule 50.

4.2 Weisburd, Melvin I., Field Operations and Enforcement Manual for Air, U.S. Environmental Protection Agency, Research Triangle Park, N.C., APTD–1100, August 1972. pp. 4.1–4.36.

4.3 Condon, E. U., and Odishaw, H., Handbook of Physics, McGraw-Hill Co., N.Y., N.Y., 1958, Table 3.1, p. 6–52.

[1] For a set, positive error = average opacity determined by observers' 25 observations — average opacity determined from transmissometer's 25 recordings.

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FIGURE 9-1
RECORD OF VISUAL DETERMINATION OF OPACITY

PAGE ___ of ___

COMPANY _____
LOCATION _____
TEST NUMBER _____
DATE _____
TYPE FACILITY _____
CONTROL DEVICE _____

HOURS OF OBSERVATION _____
OBSERVER _____
OBSERVER CERTIFICATION DATE _____
OBSERVER AFFILIATION _____
POINT OF EMISSIONS _____
HEIGHT OF DISCHARGE POINT _____

	Initial			Final
CLOCK TIME				
OBSERVER LOCATION				
Distance to Discharge				
Direction from Discharge				
Height of Observation Point				
BACKGROUND DESCRIPTION				
WEATHER CONDITIONS				
Wind Direction				
Wind Speed				
Ambient Temperature				
SKY CONDITIONS (clear, overcast, % clouds, etc.)				
PLUME DESCRIPTION				
Color				
Distance Visible				
OTHER INFORMATION				

SUMMARY OF AVERAGE OPACITY

Set Number	Time	Opacity	
	Start--End	Sum	Average

Readings ranged from ___ to ___ % opacity

The source was/was not in compliance with ___ at the time evaluation was made.

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FIGURE 9-2 OBSERVATION RECORD

PAGE ___ OF ___

COMPANY _____
LOCATION _____
TEST NUMBER _____
DATE _____

OBSERVER _____
TYPE FACILITY _____
POINT OF EMISSIONS _____

Hr.	Min.	Seconds 0	15	30	45	STEAM PLUME (check if applicable) Attached	Detached	COMMENTS
	0							
	1							
	2							
	3							
	4							
	5							
	6							
	7							
	8							
	9							
	10							
	11							
	12							
	13							
	14							
	15							
	16							
	17							
	18							
	19							
	20							
	21							
	22							
	23							
	24							
	25							
	26							
	27							
	28							
	29							

FIGURE 9-2 OBSERVATION RECORD (Continued)

PAGE ___ OF ___

COMPANY _____
LOCATION _____
TEST NUMBER _____
DATE _____

OBSERVER _____
TYPE FACILITY _____
POINT OF EMISSIONS _____

Hr.	Min.	Seconds 0	15	30	45	STEAM PLUME (check if applicable) Attached	Detached	COMMENTS
	30							
	31							
	32							
	33							
	34							
	35							
	36							
	37							
	38							
	39							
	40							
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	59							

[FR Doc.74-26150 Filed 11-11-74;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 293-2]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Parathion or Its Methyl Homolog

A petition (PP 1F1091) was filed (36 FR 8465) by the National Agricultural Chemicals Association, 1155 15th Street, NW., Washington, DC 20005, on behalf of the NACA Industry Task Force for Parathion and Methyl Parathion, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a) proposing establishment of tolerances for residues of the insecticide parathion or its methyl homolog in or on the raw agricultural commodities rye grain at 0.5 part per million and in or on almonds, filberts, pecans, potatoes, safflower seed, sorghum, sugar beets, sugarcane, sweet potatoes, and walnuts at 0.1 part per million (negligible residue).

Subsequently, the petitioner amended the petition by (1) deleting the proposed tolerance for residues in or on rye grain and (2) proposing tolerances for residues in or on almond hulls and sorghum fodder and forage at 3 parts per million and in or on sugar beet tops and sugarcane fodder and forage at 0.1 part per million (negligible residue).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.121 is amended by adding the new paragraphs "3 parts per million • • • and "0.1 part per million (negligible residue) • • •" after the paragraphs "5 parts per million • • •" and "0.1 part per million • • •", respectively, as follows:

§ 180.121 Parathion or its methyl homolog; tolerances for residues.

• • • • •

3 parts per million in or on almond hulls and sorghum fodder and forage.

• • • • •

0.1 part per million (negligible residue) in or on almonds, filberts, pecans, potatoes, safflower seed, sorghum, sugar beets, sugar beet tops, surgarcane, sugarcane fodder and forage, sweet potatoes, and walnuts.

Any person who will be adversely affected by the foregoing order at any time on or before December 12, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on November 12, 1974.

(Sec. 408(d)(2), 68 Stat. 512; (21 U.S.C. 346a(d)(2)))

Dated: November 6, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-26407 Filed 11-11-74;8:45 am]

[FRL 293-1]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations

In response to the notice published by the Environmental Protection Agency in the FEDERAL REGISTER of September 3, 1970 (39 FR 31920), proposing establishment of an exemption from tolerance requirements under provisions of section 408 of the Federal Food, Drug, and Cosmetic Act for 10 inert (or occasionally active) ingredients in pesticide formulations, no comments or requests for referral to an advisory committee were received. However, since publication of the proposal, it has been determined that the available data are not adequate to grant an exemption for sodium pentachlorophenate at this time.

It is concluded that the proposal, with sodium pentachlorophenate deleted, should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.1001(d) is amended by revising the item "Diethylene glycol • • •" in the table and by alphabetically inserting new items, as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

• • • • • •

(d) • • •

Inert ingredients	Limits	Uses
• • • • • • •		
Coal (derived only from anthracite and bituminous coals).	Soil application only	Carrier, extender.
• • • • • • •		
Coke (from anthracite and bituminous coals only and petroleum).	do	Do.
• • • • • • •		
Cyclohexanol		Solvent, cosolvent.
• • • • • • •		
Diethylene glycol and diethylene glycol monobutyl, monoethyl, and monomethyl ethers.		Deactivator for formulations used before crop emerges from soil, stabilizer.
• • • • • • •		
Dipropylene glycol monomethyl ether		Stabilizer.
• • • • • • •		
Ferric chloride	Not greater than 2 percent of pesticide formulation.	Suspending, dispersing agent.
• • • • • • •		
Isobutyl alcohol		Solvent.
• • • • • • •		
Maleic anhydride methylvinyl ether copolymer; average molecular weight 250,000.	Not more than 3 percent of pesticide formulation.	Suspending, dispersing agent.
• • • • • • •		
Propylene glycol monomethylether		Solvent.
• • • • • • •		

Any person who will be adversely affected by the foregoing order may at any time on or before December 12, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on November 12, 1974.

(Sec. 408 (c), (e) 68 Stat. 512, 514; (21 U.S.C. 346a (c), (e)))

Dated: November 6, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-26406 Filed 11-11-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5444]

REVOCATION OF WITHDRAWALS AFFECTING PATENTED OR PRIVATELY OWNED LANDS

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. All withdrawals heretofore made, or hereafter made, so far as they affect lands in which all right, title, or interest therein have been conveyed out of the United States, are hereby revoked, except for withdrawals for powersite reserves and powersite classifications pursuant to section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. section 818 (1970).

2. In the event the right, title, or interest in such lands are reconveyed to the United States, then the provisions of Executive Order No. 6910 of November 26, 1934, and Executive Order No. 6964 of February 5, 1935, or any other Executive Order or public land order, which by its terms indicates it is to become effective upon the acquisition of any right, title, or interest in the lands, shall become applicable to such lands.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 4, 1974.

[FR Doc.74-26480 Filed 11-11-74;8:45 am]

Title 45—Public Welfare

CHAPTER XVII—NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

PART 1700—ORGANIZATION AND FUNCTIONS

PART 1701—DISCLOSURE OF INFORMATION

Establishment

Pursuant to the Freedom of Information Act, Pub. L. 90-23, 5 U.S.C. 552, and 20 U.S.C. Chapter 34, the National Commission on Libraries and Information Science hereby adopts the following regulations. A new Chapter XVII—National Commission on Libraries and Information Science is hereby established as set forth above in Title 45—Public Welfare of the Code of Federal Regulations consisting of a new "Part 1700—Organization and Functions," and a new "Part 1701—Disclosure of Information."

These parts describe the organization of the Commission and the availability to the public of records of the National Commission on Libraries and Information Science pursuant to the Freedom of Information Act, 5 U.S.C. 552. It states the Commission's policy of the fullest possible disclosure of records consistent with those obligations of confidentiality and administrative necessity which are recognized by the Act.

Notice and public procedure are not required by the Administrative Procedure Act since this regulation is a rule of agency practice and procedure. However, interested persons may submit written comments concerning these rules to the National Commission on Libraries and Information Science, Washington, D.C. 20036.

Parts 1700 and 1701 shall become effective on November 12, 1974.

Approved by the Chairman of the Commission on November 6, 1974.

FREDERICK BURKHARDT,
Chairman, National Commission on Libraries and Information Science.

PART 1700—ORGANIZATION AND FUNCTIONS

Secs.
1700.1 Creation.
1700.2 The Commission.
1700.3 Responsibilities.
1700.4 Functions, authority and duties.
1700.5 Executive Director.
1700.6 Office of the Commission.

AUTHORITY: (5 U.S.C. 552, 20 U.S.C. 1501 et seq.).

§ 1700.1 Creation.

The National Commission on Libraries and Information Science was created on July 20, 1970, by the National Commission on Libraries and Information Science Act (20 U.S.C. 1051 et seq.) as an independent agency within the executive branch.

§ 1700.2 The Commission.

The Commission is composed of fifteen members, fourteen of whom are appointed by the President, subject to confirmation by the Senate and one of whom is the Librarian of Congress. One of the members of the Commission is designated by the President as Chairman.

§ 1700.3 Responsibilities.

The Commission is responsible for the development of overall plans to provide library and information services adequate to meet the needs of the people of the United States and to utilize most effectively the nation's educational resources in assuring optimum provision of such services.

§ 1700.4 Functions, authority and duties.

(a) *Functions.* To fulfill its responsibilities, the Commission is empowered to perform the following functions:

(1) To advise the President, Congress and other Federal, state and local governmental agencies, as well as private organizations regarding library and information services.

(2) To conduct studies, surveys and analyses of the library and informational needs of the nation, including the special needs of rural areas, economically, socially or culturally deprived persons and the elderly, and the means by which these needs may be met through the establishment or improvement of information centers, libraries in educational institutions, and through public, research, special and other types of libraries.

(3) To evaluate current library and information resources and services and current library and information science programs.

(4) To develop overall plans for meeting national library and information needs and for coordinating activities at the Federal, state and local levels.

(5) To extend and improve the nation's library and information-handling capabilities by the promotion of research and development.

(b) *Authority.* In carrying out its functions, the Commission is authorized:

(1) To contract with public and private agencies.

(2) To publish and disseminate reports, findings, studies and records including, but not limited to, reports of consultants, transcripts of testimony, summary reports, and reports of other Commission findings, studies, and recommendations.

(3) To conduct hearings.

(c) *Duties.* The Commission is obligated to submit to the President and the Congress (not later than January 31 of each year) a report on its activities during the preceding fiscal year.

§ 1700.5 Executive Director.

The Executive Director is directly responsible to the Commission, works under the supervision of the Chairman, and assists him in carrying out the Commission's organizational and administrative responsibilities. His principal role is to see that other staff units work together and promptly dispose of matters for which they are responsible. He is directly responsible for internal administrative matters such as personnel and budget planning.

§ 1700.6 Office of the Commission.

The Office of the Commission is located at 1717 K Street NW., Suite 601, Washington, D.C. 20036.

PART 1701—DISCLOSURE OF INFORMATION

Secs.
1701.1 Statement of policy.
1701.2 Disclosure of records and informational materials.
1701.3 Procedure.
1701.4 Denial of a request for records.
1701.5 Appeals.

AUTHORITY: (5 U.S.C. 552, 20 U.S.C. 1501 et seq.)

§ 1701.1 Statement of policy.

The records of the National Commission on Libraries and Information Science shall be available to the fullest extent possible consistent with the terms and policies of 5 U.S.C. section 552 and on request will be promptly furnished to any member of the public.

§ 1701.2 Disclosure of records and informational materials.

(a) With the exception of records and materials exempt from disclosure pursuant to paragraph (b) of this section, any person in accordance with the procedure provided in § 1701.3 may inspect and copy any document of the National Commission on Libraries and Information Science.

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(b) The provisions of 5 U.S.C. section 552 which require that agencies make their records available for public inspection and copying do not apply to Commission records which are:

(1) Specifically required by Executive Order to be kept secret in the interest of national defense or foreign policy;

(2) Related solely to the internal personnel rules and practices of the Commission;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and information which is privileged or which relates to the business, personal or financial affairs of any person and which is furnished in confidence;

(5) Inter-agency and intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Commission;

(6) Personnel, medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

§ 1701.3 Procedure.

(a) A member of the public who requests records or materials from the National Commission on Libraries and Information Science shall provide a sufficiently specific description of the records or materials sought so that such records or materials may be located with reasonable search or inquiry. A request for a record which is not identified by a sufficiently specific description shall be denied.

(b) Requests for identifiable records or materials should be directed to the Associate Director, National Commission on Libraries and Information Science, Suite 601, 1717 K Street NW., Washington, D.C. 20036.

(c) Records or materials will be available for inspection and copying at the offices of the Commission during the normal business hours of regular business days or they may be obtained by mail.

(d) Requests for records which originated in another Department or agency and are in the custody of the Commission shall be coordinated with that Department or agency and the person submitting the request shall be so notified.

(e) Fees.

(1) To the extent permitted by law, fees may be charged for services required to process requests, including locating and copying records. A fee shall not exceed $5.00 per hour for time expended in identifying and locating records, nor shall it exceed $0.25 per page for copying.

(2) A fee may be waived in whole or in part when the requester is unable to afford a fee, or other circumstances indicate that a waiver is appropriate.

(3) The Commission may limit the number of copies of any document which will be provided to any person.

§ 1701.4 Denial of a request for records.

(a) A request for identifiable records or materials may be denied by the Associate Director upon the basis of one or more of the exemptions set forth in § 1701.2(b).

(b) The reasons for a denial shall be specified in writing and furnished to the person submitting the request.

§ 1701.5 Appeals.

Any person aggrieved by any determination made or taken pursuant to the foregoing provisions may request the Commission to review that determination or action. A letter or other written statement directed to the Executive Director of the Commission at the address set forth in § 1701.3(b) stating the pertinent facts along with a copy of prior correspondence relevant to the determination made or action taken shall constitute an appeal.

[FR Doc.74-26454 Filed 11-11-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket 74-10; Notice 6]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

This notice responds to six petitions for reconsideration of recent amendments to Standard No. 121, Air brake systems, 49 CFR 571.121, which established a March 1, 1975, effective date for trucks and buses, and optional interim requirements until September 1, 1975, for trucks with certain heavy or front steerable drive axles. In addition, this notice also responds to several questions on the burnish procedure recently raised by International Harvester.

The NHTSA established the March 1, 1975, effective date for trucks and buses after comprehensive consideration of numerous petitions from manufacturers and users of air brake-equipped vehicles (39 FR 17550, May 17, 1974). Manufacturer concerns centered on the availability and reliability of components involved in the new brake systems, particularly antilock devices, and on leadtime necessary to modify vehicles to accept these components.

Ford Motor Company is the only manufacturer of air brake-equipped trucks which petitioned for reconsideration of the March 1, 1975, implementation date for the standard's basic provisions. After the time for petitions for reconsideration had closed, Chrysler Corporation reported on an accident which occurred during certification testing of a vehicle equipped with antilock devices, and urged the delay of Standard No. 121 for an indefinite period. The American Institute of Merchant Shipping also requested an indefinite delay in the standard's implementation.

Ford petitioned for a further 6-month delay in the standard as it applies to truck-tractors, and a one and one-half year delay as the standard applies to other trucks and buses. Ford asserts that the suspension and brake modifications necessary to meet the dry-stopping distance requirements will compromise vehicle handling and stability, increase the danger of load shifts, and force the introduction of antilock devices before Ford considers them reliable. The requested extension would be used to evaluate the effect of the new componentry on overall safety.

The issues in the Ford petition have been carefully considered by the NHTSA in the process of rulemaking and, with the exception of load shifting, were addressed in the preamble to the amendments which established the March 1, 1975, date. The NHTSA has reviewed each of Ford's concerns, and concludes that implementation of the standard as scheduled for trucks and buses is reasonable, practicable, and meets the need for motor vehicle safety.

With regard to the handling and stability problems experienced by some short-wheel-based vehicles in meeting the stopping distance requirements, the NHTSA maintains its determination that adequate time has been made available to make the major redesign necessary in some vehicles, or to make the decision to discontinue the production of models which are simply too short to meet the requirements despite design changes. International Harvester, in its comments on the rulemaking, indicated that it had been ready to meet the proposed January 1, 1975, effective date and would actually suffer economic losses in waiting for the March 1, 1975, implementation.

The availability and reliability of antilock systems which will be used by many manufacturers in meeting the requirements was questioned by Ford in its petition. In response to Ford's assertion that a manufacturer's report on field experience with 8,000 antilock units does not appear in the record, a letter from Kelsey-Hayes (February 1, 1974) containing this information was placed in the NHTSA Docket Section before March 1, 1974. The NHTSA continues to monitor antilock production and testing and cannot agree that the evidence indicates antilocks will decrease the safety of the new trucks in highway operation. Since May, the NHTSA engineering staff has visited six of the seven major antilock manufacturers to discuss antilock reliability and availability. At least half of these manufacturers pointed out that their plants were prepared for full production to meet the September 1, 1974, date, and that they had had to delay production schedules because of the six-month delay. Low volume production is presently available to vehicle manufacturers for their testing and evaluation.

Concerning antilock reliability, a substantial amount of proprietary information was reviewed as well as the publicly-known information that no highway accident has been attributed to the failure of antilock devices. Kelsey-Hayes pointed out that it is selling approximately 250 axle units each month for retrofit. Following these visits, the NHTSA sent the seven major antilock manufacturers requests for reliability data under its investigatory authority, which will become part of the record although it may be of a proprietary nature which would justify not making it public. This data will show millions of axle miles of antilock operation with a malfunction rate comparable to other equipment presently in highway service, and no highway accidents attributable to the device.

Chrysler Corporation reported on a proving-ground accident on May 16, 1974, in which an antilock-equipped truck rolled over after its rear wheels locked and caused skidding during a stop from 60 mph. The manufacturer of the antilock system reported that the device functioned as it was designed to but in response to a false signal. The important point, however, as noted in the May rulemaking, is that the accident occurred as a result of rear-wheel lockup during a panic-type, full brake application that would also have occurred if the vehicle had not been equipped with antilock. In other words, a panic stop always involves the risk of uncontrolled skid due to lockup, and the presence of the antilock only improves the chances of a safe stop in the vast majority of instances in which it functions properly.

Ford requested an interpretation of S5.5.1 of the standard that would permit use of a pressure limiting valve to the front axle that operates when it senses electrical failure of the antilock system. The NHTSA has advised Ford (and Bendix Corporation) that S5.5.1 does not prohibit use of such a valve designed to operate in the event of electrical failure.

Ford also raised the problem of load shift under heavy braking. The NHTSA has considered the effects of the standard and notes that, under normal circumstances, stops will continue to be made at the same deceleration as in the past, consistent with driver comfort and load stability. Only in emergency situations will the full torque of the new brakes be utilized and in this event, the NHTSA concludes that the shorter stopping distances outweigh the possible safety problem of load shift.

The Ford petition pointed out that any failure of component manufacturers to supply the new 121 components would make compliance with the standard impossible. As of this date the NHTSA finds that supplier production is on schedule and will provide components on time. As recently as July 26, 1974, Rockwell International assured the NHTSA that its production is on scheduled.

For these reasons the Ford petition and Chrysler request are denied. The NHTSA would like to establish the issuance of this notice as the final form of Standard No. 121 with regard to its effective date and the stopping distance requirements, for purposes of review under section 105(a)(1) of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. § 1394). Thus, while several areas treated later in this notice will be subject to further reconsideration, the effective dates and stopping distance requirements will be final as to any person who will be adversely affected by them.

While International Harvester supported the March 1, 1975, date for standard highway trucks and buses (it would have preferred a January 1, 1975, date), they did petition for reconsideration of the NHTSA decision to apply the full stopping distances to vehicles equipped with front steerable drive axles after September 1, 1975. White Motor Company and Diamond Reo Trucks, Inc., also petitioned for 1 year's delay in implementation of the full requirements for these axles.

The majority of front steerable drive axles are found on vehicles which use the road regularly at highway speeds and which require the same stopping capability as lighter vehicles. In most cases, their non-planetary construction permits an uncomplicated adaptation to the standard's torque requirements. Furthermore, one vehicle manufacturer indicates that it has successfully redesigned steerable drive axles in the 18,000- to 23,000-pound GAWR range to meet Standard No. 121. White, International Harvester, and Diamond Reo state that the lighter axles in this category are unavailable, but not technically unfeasible. The unavailability stems from supplier decisions to concentrate on the more common non-driving axles found on standard highway vehicles in great numbers. An August 8, 1974, letter from Rockwell Standard to Docket 74-10 supports the conclusion that the axles can be manufactured, but will not be available until September 1, 1976. Accordingly the NHTSA has reconsidered the present effective date of September 1, 1975, for full requirements applicable to front steerable drive axles and delays for one year the full requirements for those axle sizes which are not available until September 1, 1976.

Diamond Reo and White also requested reconsideration of the implementation of full requirements for vehicles equipped with a front steerable non-driving axle with a GAWR of 16,000 pounds or more, which are subject to interim dynamometer requirements from March 1, 1975, to September 1, 1975. The manufacturers base their requests for a 1-year delay on difficulties in securing a proven brake assembly capable of handling the higher torque levels. B. F. Goodrich recently dropped development of its heavy air-over-hydraulic disc brake system, to which at least one truck manufacturer, White Trucks, was committed. White states that disc brakes are necessary for heavy front axles and has encountered severe axle-to-axle imbalance problems in its attempts to use other disc brake assemblies at this date. A major axle supplier has notified the NHTSA that the axle itself can be ready by September 1975.

The NHTSA has evaluated the foundation brake assemblies available to this vehicle group and concludes that a year's field testing and experience is necessary and desirable to assure that the new components will perform as designed when placed in highway service. For this reason the full requirements of Standard No. 121 will become effective for vehicles with a front steerable axle of 16,000 pounds GAWR or more on September 1, 1976.

With regard to this vehicle group, International Harvester claimed that the requirement that the brakes be "fully applied" was unfairly introduced into the interim requirements and interferes with braking action. Apparently full pressure applications may cause erratic behavior in some large vehicles with very light bodies, during dry stops in the unloaded condition.

Full application is required to ensure that vehicles provide the lateral tractive capability of an unlocked wheel during panic braking. This interim requirement was proposed in March 1974 as relief from full requirements which have been in effect since February 1971. The NHTSA does not consider it unfair to propose and make final an optional stopping requirement which represents relief from more stringent requirements. More important, the NHTSA considers it crucial to maintain complete directional stability in a panic stop, loaded or unloaded, if the vehicle is unable to meet the stopping distance requirements in that condition. Accordingly, the International Harvester petition is denied.

Diamond Reo also requested that the interim stopping distances for standard highway vehicles be adopted as the full requirements. Their vehicles meet the shorter distances but not by a sufficient margin to absolutely assure them that every one of their vehicles will pass. The fact that the vehicles are capable of stopping well within the shorter distances persuades the NHTSA that this safety level can and should be maintained. Manufacturers are required by the Safety Act to "exercise due care" in certifying that vehicles comply with the applicable standards (15 U.S.C. 1397(b)(2)). In view of the statutory language, Diamond Reo's request for reconsideration is denied.

In a related matter, the NHTSA has been asked by the Office of the Federal Register to redesignate the present Table V as Table IIa, which is accomplished in this notice.

Manufacturers raised several matters which were not addressed by Notice 2 and are not, therefore, properly raised as petitions for reconsideration. The NHTSA finds it desirable, however, to respond to them in this notice, in view of the standard's imminent effective date.

Most important was a question by International Harvester in a July 27, 1974, visit by NHTSA engineers to their plant. They indicated that some 121 vehicles

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may have difficulty in achieving the required burnish temperatures because of the use of the automatic pressure limiting valve that tailors the torque at the front axle. The burnish conditions of Standard No. 121 essentially standardize the preparation of new truck, bus, and trailer brakes for testing under the standard.

In the absence of a specification for these valves, it appears that manufacturers have instituted various practices to assure uniformly good burnishes. It is apparent that different vehicles respond to the burnish procedure with distinctive problems and require solutions tailored to their particular brake packages.

From a regulatory standpoint, however, an optional procedure complicates enforcement of a standard, particularly where a manufacturer has tested one way and the NHTSA tests the other. Test results with the limiting valve, for example, may not be easily comparable with test results in which the valve was bypassed. Both the manufacturer and the NHTSA need a specification that permits flexibility in achieving a uniform burnish in different vehicles, but does not permit two burnish options.

To end this confusion, the NHTSA further specifies the burnish procedure to require that a limiting valve be in use except in the event the temperature of the hottest brake on a rear axle exceeds the temperature of the hottest brake on the front axle by 125°F. In this way the manufacturer and the NHTSA will follow the same test procedure. It should be emphasized that this specification in no way invalidates the testing undertaken to date. Such data can be the basis of certification.

In answer to another International Harvester question, brake adjustments can be made during the burnishing to control brake temperatures. It should be noted that NHTSA is considering a limit on adjustments to three, to be made only during the first 250 snubs. Finally, the NHTSA has indicated to Kelsey-Hayes that it would add "after-stop" to the burnish procedures to describe the specified temperatures more precisely. The NHTSA intends to measure the temperatures within 30 seconds of brake release, but will not reject manufacturer readings taken at any time if they are reasonably related to the temperatures actually generated by the snubs. This latitude is necessary to avoid invalidation of manufacturer testing up to this time.

International Harvester asked that the parking brake requirements of S5.6.2 be modified to require 20 percent grade holding ability "to the limit of traction". The NHTSA has determined that the present grade holding capability is desirable, and it has already provided an alternative requirement in the standard that brakes with a specified static retardation force be provided on all axles. The NHTSA concludes that the option makes a reduction of the grade-holding requirements unnecessary.

Diamond Reo requested that air reservoir volume on trucks and buses be reduced from present requirements. The NHTSA has already reduced the volume from 16 times the combined service brake chamber volumes to 12 times that volume, and concludes that a further reduction is not in the interests of motor vehicle safety. The Diamond Reo request concerning the antilock electrical circuit has already been answered by a letter denial of June 28, 1974.

Wagner Electric requested a minor revision of Figure 1, Trailer Test Rig, which the NHTSA makes in the interests of consistency of terminology. The word "control" is substituted for "pedal".

Finally, the NHTSA has been receiving some indications that manufacturers may arbitrarily specify a higher GAWR than normal simply to avoid requirements of the standard. The NHTSA therefore takes this opportunity to explain the manufacturer's responsibility to specify the GAWR of axle systems on his products.

The NHTSA defines gross axle weight rating as follows:

"Gross axle weight rating" or "GAWR" means the value specified by the manufacturer as the load-carrying capacity of a single axle system, as measured at the tire-ground interfaces.

Because the GAWR is measured at the tire-ground interfaces, it means that the tires, wheels, brakes, and suspension components are included in the determination. It is obvious that the GAWR of the whole system cannot exceed the rating of any one component, such as tires. Both the NHTSA in its compliance tests and defects investigations, and the Bureau of Motor Carrier Safety on the road, will judge the vehicle on the basis of the values assigned. Therefore it is in the interest of the manufacturer to assign values which accurately reflect the load-bearing ability of the vehicle and its tires and suspension.

In consideration of the foregoing, Standard No. 121 (49 CFR 571.121) is amended as follows:

1. S5.3.1.2 is amended to read:

S5.3.1.2 When stopped in accordance with S5.3.1, with its brakes fully applied, a truck manufactured before September 1, 1976, that has a front steerable nondriving axle with a GAWR of 16,000 pounds or more, or a front steerable drive axle with a GAWR of less than 18,000 pounds, and a truck manufactured before September 1, 1975, that has a front steerable drive axle of any GAWR, need not meet the requirement that it stop in the distances specified in Table II for stops on a surface with a skid number of 75 if its brakes conform to the retardation formula and values of S5.4.1 applied to the vehicle as a whole and to the front axle system separately. These vehicles must nevertheless meet the requirements of staying within the 12-foot lane and those relating to wheel lock-up.

2. The first sentence of S5.3.1.3 is amended by changing "Table V" to read "Table IIa".

3. S5.7.2.3.1 is amended to read:

S5.7.2.3.1 A truck manufactured before September 1, 1976, that has a front steerable non-driving axle with a GAWR of 16,000 pounds or more, or a front steerable drive axle with a GAWR of less than 18,000 pounds, and a truck manufactured before September 1, 1975, that has a front steerable drive axle of any GAWR, must stop in accordance with S5.7.2.3 without any part of the vehicle leaving the roadway, but need not stop in the distances specified.

4. S5.7.2.3.2 is amended by changing "Table V" to "Table IIa".

5. S6.1.8.1 is amended by replacing "a temperature" with "an after-stop temperature" and by the addition of two new sentences following the sentence which ends with "500°F.±50°F." to read:

Any automatic pressure limiting valve is in use to limit pressure as designed, except that any automatic front axle pressure limiting valve is bypassed if the temperature of the hottest brake on a rear axle exceeds the temperature of the hottest brake on a front axle by more than 125°F. A bypassed valve is reconnected if the temperature of the hottest brake on a front axle exceeds the temperature of the hottest brake on a rear axle by 100°F.

6. Table V is redesignated "Table IIa".

7. Figure 1 is amended by changing the word "pedal" to "control".

Effective date: March 1, 1975. Because the Standard's effective date for trucks and buses occurs sooner than 180 days and because these amendments create no additional burden, it is found for good cause shown that an earlier effective date than 180 days from the date of publication is in the public interest.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on November 6, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-26461 Filed 11-7-74;3:22 pm]

[Docket No. 1-8; Notice 17]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires; Permanent Labeling Requirements

This notice amends Motor Vehicle Safety Standard No. 117, *Retreaded Pneumatic Tires*, to require additional permanent labeling for retreaded tires. A notice of proposed rulemaking regarding this amendment was published January 28, 1974 (39 FR 3571).

The permanent labeling required to be on each retreaded tire by this notice is the actual number of plies in the tire's sidewall and the actual number of plies in its tread area (if different), and the generic name of each cord material used in the plies (both sidewall and tread area) of the tire. These requirements are in addition to the existing requirement that each retreaded tire be permanently labeled with its maximum permissible load.

Under the rule as hereby amended, retreaders do not have to relabel the ply and cord material information if it is retained on the casing sidewall through the retreading process. If the information is removed during processing, however, it must be relabeled so that it will be permanently affixed to the completed tire. If the information does not appear on the casing before retreading the casing may not be retreaded unless the retreader can otherwise determine the correct information.

The requirements for the permanent labeling of these information items are based specifically on section 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1421). The NHTSA did not include them in earlier versions of the standard, as it had concluded that their relationship to safety was not sufficient to justify permanent relabeling. In its opinion in "NTDRA v. Brinegar" 409 F. 2d 31 (D.C. Cir., 1974), however, the Court of Appeals stated that under the Safety Act the NHTSA was unauthorized to reach this conclusion, since Congress had determined that permanent labeling requirements for actual number of plies and cord material must be included in the standard. The proposal of January 28, 1974, was issued as a direct result of that opinion.

Many industry comments suggested that the NHTSA implement this aspect of the opinion by requiring the information to appear on completed retreaded tires only when the information was retained through the retreading process. In cases where the information could not be retained, one comment, from the National Tire Dealers and Retreader's Association (NTDRA), suggested the use of affixed paper or plastic labels to supply the information, so it could be available to the purchaser at the time of purchase. Most of the comments, however, suggested that when the information could not be retained, no requirement should be imposed. These comments argued that for the agency to require otherwise would present substantial burdens on retreaders because of the difficulties in labeling all of the possible combinations of ply and cord material. The industry comments further pointed out that the permanent labeling problem will eventually disappear because of the amendment to Standard No. 109, which requires all tires manufactured after July 1, 1973, to contain required labeling between the tire's maximum section width and bead. This labeling can be retained through the retreading process.

After careful consideration of the issues presented, the NHTSA has determined that it must issue the requirements in the form described. The agency is not unmindful that this will prevent the retreading of some casings otherwise usable, and will require relabeling of the information on others. The NHTSA believes that to issue the requirements in the form suggested by the industry comments would not be consistent with the requirements of section 201 of the Safety Act as interpreted by the Court of Appeals in "NTDRA v. Brinegar." To follow the industry suggestions would leave some tires without the information permanently labeled. It is impossible to reconcile this result with the statutory requirement as interpreted by the Court. Nor can the agency, in conformity with the statute, establish an effective date so far in the future as to provide sufficient time for tires not containing necessary labeling to enter the retreading process.

Based on its review of the record, the NHTSA does not find the requirement unreasonable or impracticable. Since the opinion in "NTDRA v. Brinegar," methods have been developed which allow for the permanent labeling or relabeling of retreaded tires using a rubber medallion which is cured to the sidewall of the tire when the tire is in the mold. The comments indicate that this method is presently being used to permanently label not only a tire's maximum permissible load, as required, but its size, ply rating, and whether it is tubeless or tube type as well. The technology for this labeling approach has been fully documented in retreading journals, and in communications to the docket. The NHTSA has furnished opinions stating that the use of the medallion conforms to the standard's permanent labeling requirements. The docket contains clear information regarding the cost of medallion labeling. Each label costs the retreader some 2.5 cents, and the record demonstrates that the cost of both label and application should not exceed 10 cents per tire. This differs from representations previously made regarding permanent labeling costs, which had been represented at $2.50 per tire.

An additional problem raised in the comments is that adding the two information items greatly increases the labeling burden due to the number of possible combinations of information. The NHTSA does not believe the record supports this contention. According to NHTSA estimates, the variations in ply and cord material are relatively few in bias and bias-belted constructions, with only six possible combinations of ply and cord material in the case of bias tires and ten possible combinations in bias-belted construction. Together, these constructions would necessitate a maximum of 16 labels. While NHTSA estimates show a greater number of possible combinations in the case of radial tires, the record in this rulemaking suggests that few radial tires are as yet being retreaded. It appears most radials used for retreading will have been manufactured after July 1, 1973, and will have casings on which no relabeling would be needed.

Furthermore, one comment, which claimed an increase from 67 to 2,000 possible labels, presumed that all of the information (size, ply rating, maximum permissible inflation pressure, tubeless or tube type, as well as maximum permissible load, number of plies, and generic name of the cord materials) is placed on one label. However, there is nothing to prohibit the use of an additional label for both ply and cord material information, or even an additional label for each. Finally, relabeling is necessary only when the specified information is not retained through the retreading process. Estimates furnished by the industry and placed in the docket show that the information added by this amendment is not in a retainable position in only 1 out of 10 tires otherwise suitable for retreading. The requirement would presently affect a maximum of 10% of retreaded tires, and by the time of its effective date that percentage should decrease.

Prior to this amendment, Standard No. 117 required that on or after August 1, 1974, the only casings that could be used for retreading would be those that bore, originally molded into or onto their sidewalls, the symbol DOT, the tire size, and the actual number of plies or ply rating. The notice of proposed rulemaking of January 28, 1974, proposed to delete the ply-rating alternative, making it necessary to use only casings that show the actual number of plies. It also proposed to add a requirement that the casings to be used would be only those that had originally been labeled with the generic names of their cord materials. These casing requirements were proposed on the assumption that the casing should already contain this information if it is to appear on the completed retreaded tire.

Several comments objected to these proposed requirements on the basis that they would cause a reduction in the number of retreadable casings in certain older and hard-to-find sizes. The NHTSA finds merit in these arguments, and the proposed requirements, that casings used for retreading must be only those that are originally labeled with their actual number of plies and their cord materials, are not adopted. Retreaded tires as they are finally produced must contain this information. But unlike "size" and "ply rating," which are crucial for safety and should only be based on original casing labeling, the NHTSA has decided that retreaders should be free to otherwise obtain information on the number of plies and cord materials and then place it permanently on the tire.

One objection raised in the comments with respect to the requirement that all casings bear the symbol DOT erroneously assumed that these requirements are part of the proposal. The requirement that on or after August 1, 1974, only DOT casings be retreaded was issued March 23, 1972 (37 FR 5950), because of the agency's concern over the continued use of older casings which were not manufactured to meet Standard No. 109. It was based on industry comments that a 6-year supply of casings was required to meet industry needs. August 1, 1974, is 6 years from the date that all new tires were required to be labeled with the specified safety information which is the source of both affixed and permanent labeling under this standard.

The existing casing requirements therefore remain unchanged: the only casings that may be used for retreading are those that bear original permanent labeling of the DOT symbol, size, and the actual number of plies or ply rating.

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In light of the above, § 571.117 of Title 49, Code of Federal Regulations (Motor Vehicle Safety Standard No. 117), is amended as set forth below:

1. In § 571.117, paragraph S5.2.3 is amended, S5.2.4 is deleted, and a new S6.3.3 is added as follows:

§ 571.117 Standard No. 117, Retreaded pneumatic tires.

• • • • •

S5.2.3 Each retreaded tire shall be manufactured with a casing that bears, permanently molded at the time of its original manufacture into or onto the tire sidewall, each of the following:

(a) The symbol DOT;

(b) The size of the tire; and

(c) The actual number of plies or ply rating.

S5.2.4 [Reserved]

• • • • •

S6.3.2. Each retreaded tire manufactured on or after May 12, 1975, shall bear permanent labeling (through molding, branding, or other method that will produce a permanent label, or through the retention of original casing labeling) in at least one location on the tire sidewall, in letters and numbers not less than 0.078 inches high, consisting of the following information:

(a) The tires maximum permissible load,

(b) The actual number of plies in the tire sidewall, and the actual number of plies in the tire tread area, if different; and

(c) The generic name of each cord material used in the plies (both sidewall and tread area) of the tire.

Effective date: May 12, 1975.

(Secs. 103, 112, 113, 114, 119, 201; Pub L. 89-563; 80 Stat. 718 (15 U.S.C. 1392, 1401, 1402, 1403, 1407, 1421); delegation of authority at 49 CFR 1.51)

Issued on November 6, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-26462 Filed 11-11-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Audubon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on November 12, 1974.

§ 33.5 Special regulations; sport fishing for individual wildlife refuge areas.

NORTH DAKOTA

AUDUBON NATIONAL WILDLIFE REFUGE

Lake Audubon within Audubon National Wildlife Refuge is open to all fishing December 15, 1974 through March 23, 1975 and is closed from March 24 through December 14, 1975.

Sport fishing on the Audubon National Wildlife Refuge, Coleharbor, North Dakota is permitted on all water areas throughout the refuge. The water area, comprising 5,900 acres is delineated on maps available at refuge headquarters or at the office of the Area Manager, U.S. Fish and Wildlife Service, Bismarck, North Dakota 58501.

Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) The open season for sport fishing on the refuge extends from December 15, 1974 through March 23, 1975, inclusive.

The provision of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 23, 1975.

DAVID C. MCGLAUCHLIN,
Refuge Manager, Audubon National Wildlife Refuge, Coleharbor, North Dakota 58531.

NOVEMBER 5, 1974.

[FR Doc.74-26431 Filed 11-11-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 967]

CELERY GROWN IN FLORIDA

Proposed Expenses and Rate of Assessment

Consideration is being given to authorize the Florida Celery Committee to spend not more than $75,065 for its operations during the fiscal period ending July 31, 1975, and to collect one cent per crate on assessable celery handled by first handlers under the program.

This committee was established under Marketing Agreement No. 149 and Order No. 967, both as amended (7 CFR Part 967). This marketing order program regulates the handling of celery grown in Florida, under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Washington, D.C. 20250, not later than November 26, 1974. All written comments will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposals are as follows:

§ 967.210 Expenses and rate of assessment.

(a) The expenses that are reasonable and likely to be incurred during the fiscal period ending July 31, 1975, by the Florida Celery Committee, for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate, will amount to $75,065.

(b) The rate of assessment to be paid by each handler in accordance with this part, shall be one cent ($0.01) per crate of celery handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 967.62.

(d) Terms used in this section shall have the same meaning as when used in the marketing agreement and this part.

Dated: November 6, 1974.

FRED DUNN,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-26446 Filed 11-11-74;8:45 am]

[7 CFR Parts 1002, 1004]

[Docket Nos. AO-160-A50, AO-71-A67]

MILK IN THE MIDDLE ATLANTIC AND NEW YORK-NEW JERSEY MARKETING AREAS

Tentative Marketing Agreements and Orders; Extension of Time

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the Middle Atlantic and New York-New Jersey marketing areas which was issued October 15, 1974 (39 FR 37926) is hereby extended to December 13, 1974.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on: November 7, 1974.

RICHARD P. BARTLETT, JR.,
Acting Administrator, Agricultural Marketing Service.

[FR Doc.74-26482 Filed 11-11-74;8:45 am]

[7 CFR Part 1136]

[Docket No. AO-309-A20]

MILK IN GREAT BASIN MARKETING AREA

Final Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Great Basin marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Pocatello, Idaho, on June 11-13, 1974, pursuant to notice thereof issued on May 17, 1974 (39 FR 18114).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Associate Administrator, on September 23, 1974, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto (39 FR 34555).

The material issues, findings and conclusions, ruling, and general findings on the recommended decision are hereby approved and adopted and are set forth in full herein, subject to the following modifications:

1. Three new paragraphs are added immediately following the 22nd paragraph under the subheading "1. Expansion of the marketing area."

2. A new paragraph is added immediately following the 12th paragraph under the subheading "3. Modification of location adjustments."

The material issues on the record of the hearing relate to:

1. Expansion of the marketing area.

2. Modification of the pool plant provisions.

3. Revision of the handler location adjustment provisions.

4. Miscellaneous or conforming changes.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Expansion of the marketing area.* The Great Basin marketing area should be expanded to include the Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, Franklin, Jefferson, and Madison.

The counties are located immediately north of the present marketing area and have a total population (1970 census) of 172,190. The principal centers of population in the proposed expanded area are the cities of Pocatello and Idaho Falls which had a population in 1970 of 40,036 and 35,776, respectively. The total population of the area recommended herein to be added equals about 17 percent of the population in the present marketing area.

Expansion of the marketing area was proposed by the Upper Snake River Valley Dairymen's Association, Inc., Mountain Empire Dairymen's Association, and Western General Dairies, Inc. These producer associations initially proposed that the area be extended to include the seven southeastern Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, Franklin, Jefferson, and Madison. At the hearing, proponents offered an alternative proposal which would extend the marketing area to include only the corporate limits of the towns of Blackfoot, Idaho Falls, Pocatello, Preston, and Rexburg. Under either proposal all of the principal dealers distributing milk in southeastern Idaho would become regulated.

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Proponents testified that Federal regulation of milk marketing in southeastern Idaho is needed because:

(1) Marketing conditions for Grade A fluid milk distributed in southeastern Idaho markets have been seriously disrupted for more than two years.

(2) A comprehensive system for paying southeastern Idaho producers according to the utilization of their milk has been unattainable.

(3) Available fluid outlets for milk have not yielded an adequate Class I return.

Proponent's position was supported by a Great Basin regulated handler who supplies packaged milk products throughout southeastern Idaho to stores owned by the firm.

Six Idaho distributors and two handlers regulated under the Great Basin order distribute milk in the seven southeastern Idaho counties recommended herein for inclusion in the marketing area. Two of the Idaho distributors' plans are located at Pocatello, two at Idaho Falls, and one each at Boise and Rigby. Five of these plants are located within or immediately adjacent to the seven-county area. The Boise plant in southwestern Idaho is more than 225 miles from Idaho Falls and Pocatello.

Estimated current monthly distribution of fluid milk products in the total proposed area of extension is five million pounds. More than 90 percent of the fluid milk products comprising this distribution are processed at plants which would become regulated as a result of area expansion. It is expected that six additional distributing plants would become regulated. Total route disposition of the two Great Basin regulated handlers in the proposed area of extension averaged monthly about 441,000 pounds in 1973.

Disorderly marketing conditions prevail in the handling of milk in the proposed area of extension. For more than two years there has been a significant variation among handlers in payments to dairy farmers for fluid milk distributed within this area of southeastern Idaho. Three distributors with high Class I utilization pay their dairy farmers on a flat price basis. The prices paid by these distributors have averaged more than $1 per hundredweight below the Great Basin order Class I price which is paid by regulated handlers. A distributor operating a plant in Pocatello (Powers County, Idaho), with substantial fluid distribution throughout most of the proposed area of extension, purchases his entire supply on a classified use basis from one of the proponent cooperative associations. However, the Class I price paid by this handler is substantially less ($1 per hundredweight less in June 1974) than the Great Basin order price, and there is no provision in the terms of sale for auditing the utilization of milk.

Western General—a principal proponent of area expansion—operates an unregulated processing plant at Idaho Falls, Idaho. This plant has the largest distribution of fluid milk in the southeastern Idaho area here under consideration. The cooperative has been unable to obtain for its members returns in any way comparable to those of producers under the Great Basin order. Because it directly competes primarily with other unregulated southeastern Idaho plants that do not purchase their milk on a classified use basis, the cooperative has been unable to establish such a plan or to return prices to its members that reasonably reflect the use value of their milk. Consequently, the cooperative can only return to its members the prevailing "flat" rate even though the milk is disposed of for fluid use.

The Boise, Idaho, distributor has route disposition of fluid milk products throughout the proposed area of extension. In April 1974, this distributor's disposition in the proposed area of extension was about 19 percent of the receipts of Grade A milk at its plant. The milk supply for this plant is provided by one of the proponent cooperative associations, and the firm accounts to the association on a classified use basis at specified prices, but without audit. The association's Class I price generally applicable to this handler is the Minnesota-Wisconsin manufacturing milk price plus $1.50 per hundredweight for milk distributed in southwestern Idaho. However, the Class I price for that milk distributed in southeastern Idaho is about 40 cents less. The cooperative is forced to accept this price concession for milk sold in southeastern Idaho in order to retain the outlet for its milk.

Such price concessions undercut the market structure in southastern Idaho, and contribute to market instability in the proposed area of extension. This is evidenced by the fact that the Boise plant, according to the testimony of a distributor witness, has made substantial inroads on the fluid milk sales of handlers located in southeastern Idaho.

Another factor contributing to disorderly marketing conditions in southeastern Idaho has been the proliferation of the use of "private label" milk distributed through stores at varying prices. Through the use of the various private labels, individual distributors have structured a multiple priced market. Because of this, distributors in southeastern Idaho do not actually know until after such private label sales are made (usually at the end of the month) how much they can "afford" to pay for Class I milk.

The principal Pocatello based distributor testified that since 1969 his company has experienced a significant continuing loss of milk sales in the area to private label milk packaged by processing plants far removed from the Pocatello area. Under this circumstance, the cooperative associations have been unable to achieve terms of sale by which their milk would be priced according to use.

At least one of the proponent cooperatives has had the nominal right to conduct audits of utilization at its buyers' plants, but it has not been possible, on a market basis, to conduct and enforce a comprehensive audit of the type made by a market administrator under a Federal order. As a group, producers have no means of achieving uniform milk classification, or of enforcing the payment of adjustments even if audits were made by any of the cooperative associations.

Several of the southeastern Idaho based distributors are supplied by dairy farmers who are not members of any cooperative association. Consequently, these dairy farmers have had little or no influence on the terms by which they are paid for their milk. Further, they do not have adequate verification of weights and butterfat tests of their milk, and they do not have access to marketwide data on which to evaluate marketing conditions under which their milk is sold.

A handler who operates both a pool distributing plant in Salt Lake City and an unregulated distributing plant in Boise, Idaho, testified that he did not object to the requested extension of the marketing area provided the Boise plant did not become fully regulated. This, he suggested, could be assured by limiting the area expansion to the five Idaho counties of Bannock, Bear Lake, Bingham, Bonneville, and Franklin, and by increasing the performance standard requirements of a fluid milk pool plant under the order.[1]

This handler's Boise operation, hereinbefore discussed, has substantial fluid milk distribution throughout the proposed area of extension. Notwithstanding, southeastern Idaho is, in fact, only a secondary area of distribution from the Boise plant since its principal area of sales is the southcentral and southwestern sections of Idaho. Based on its current distribution pattern, expansion of the marketing area to include the seven southeastern Idaho counties would almost certainly result in full regulation of this plant.

The handler asserted that full regulation would place him at a serious cost disadvantage since all of his competition in the primary area of distribution is not subject to Federal regulation. This was conceded by the proponents of area expansion.

Notwithstanding, regulation of the seven southeastern Idaho counties, recommended herein, is necessary in that it represents a compact area in which the same handlers generally compete for fluid milk sales. The Boise operation is a major distributor in this area. Currently this plant has about 20 percent of the total fluid sales in the seven southeastern Idaho counties recommended to be included in the marketing area.

This handler, however, has considerable flexibility in his operations to affect the regulatory status of his Boise operation. He could choose to serve the area in part or entirely from his presently regulated Salt Lake City plant, from his Boise, Idaho, plant, or elsewhere. In choosing one alternative as compared to another, the final choice will be based largely on relative Class I prices and cost of transporting packaged milk. However, since this handler's Salt Lake City plant is located substantially closer to the recomended area of expansion than the Boise plant, it appears the seven Idaho counties area could best be served from its Salt Lake City plant.

[1] Modification of the pool plant provisions is treated as a separate issue at a later point in this decision.

At the hearing, and in his brief, the principal Pocatello based dealer contended that if Federal regulation is justified for any part of southern Idaho, it should be made applicable to all of southern Idaho. It was this dealer's position that if his operation were brought under full regulation as a result of area extension, his principal competitors must likewise be fully regulated.

In support of his position, this dealer argued that since he had substantial route disposition beyond the area herein adopted for regulation, he would be forced to compete with unregulated handlers. He estimated that between 30 and 40 percent of his total route disposition would be outside of the recommended area of extension. Considering the sparsely populated area in which such out-of-area sales would occur, it appears that disposition to this extent would be unlikely. Further, this area is also served by handlers that are presently regulated or would become regulated as a result of the recommended marketing area extension. Therefore, it is extremely unlikely that unregulated milk would be a serious competitive factor affecting this dealer's operation.

Exception was taken by the Pocatello dealer to extending regulation covering the seven southeastern Idaho counties as proposed in the recommended decision since the dealer's plant would become a fully regulated distributing plant under the expanded order. The dealer, in his exceptions, reiterated the position taken at the hearing that since his route disposition extended beyond the area proposed to be added to the Great Basin marketing area, he would be forced to compete with unregulated handlers. In this connection, he strongly excepted to the conclusion reached in the recommended decision that it was extremely unlikely that he would be at a significant competitive disadvantage with unregulated handlers in view that such out-of-area distribution is insignificant.

In his exceptions, the dealer continued to maintain that out-of-area route distribution would represent a significant portion of his total fluid milk sales. As additional support, he specifically referred to five Idaho counties located immediately west of the additional area recommended to be regulated that had sufficient population to provide a potential market for 30–40 percent of his Class I sales.[2] The record evidence showed that at the time of the hearing the dealer had Class I sales in only one of the five counties listed in the exception. Moreover, this county—Powers—was the least populated of any of the counties thus cited as a potential market outlet for his sales.

In view of the foregoing and based on a complete reevaluation of the record evidence regarding the marketing area expansion issue, the conclusion reached in the recommended decision that "it is extremely unlikely that unregulated milk would be a serious competitive factor affecting this dealer's operation" is hereby reaffirmed.

Conceivably, in view of existing operations in the recommended area of extension, such area might be distinguishable as a separate marketing area. In fact, however, the location of this proposed area of extension in relation to the present regulated area, the interrelationship of producers and the relative small volume of Class I milk in the area under consideration supports the need for a single expanded and integrated order. Moreover, there is a growing economic relationship between southeastern Idaho and Great Basin.

Additionally, the proponent cooperative associations for area expansion market more than 90 percent of the milk of producers in the Great Basin order and supply about 90 percent of the milk received at the Idaho plants that would become subject to regulation under the recommended marketing area extension. With such a close interrelationship in location, distribution patterns, milk supply and producer representation, orderly marketing in the area will best be achieved by adding the Idaho territory to the Great Basin marketing area.

It it concluded that a uniform price plan applicable to all handlers purchasing milk for sale in the expanded area will stabilize and inmprove marketing conditions in the area. Accordingly, regulation of southeastern Idaho will effectuate the declared policy of the Act by providing for:

1. The establishment of uniform prices to handlers for milk received from producers according to a classified price plan based upon the utilization made of the milk;

2. An impartial audit of handler's records to verify the payments of required prices;

3. A system for verifying the accuracy of weights and butterfat content of the milk purchases; and

4. Uniform returns to producers supplying the market based upon an equalization sharing among all producers supplying the expanded market of the lower returns for the sale of reserve milk which cannot be marketed as Class I milk.

The public interest will be served by establishing orderly marketing conditions for milk in the proposed area that will assure a continuing and adequate supply of fluid milk for the area at reasonable prices.

It is concluded also that, except as modified by this decision, the present provisions of the Great Basin order are equally appropriate for the extended marketing area and they are hereby adopted for the identical reasons advanced in the decision adopting such provisions in the order.

2. *Modification of pool plant definition.* The performance standards under which a fluid milk plant may qualify as a pool plant under the Great Basin order should be revised. The order should provide that a pool fluid milk plant shall have not less than 15 percent of its receipts of fluid milk products as route disposition in the marketing area. No change should be made with respect to the percentage requirements that a fluid milk plant's total receipts of fluid milk products which must be disposed of as route disposition.

The order now provides that a fluid milk plant must distribute not less than 40 percent in May–August, 45 percent in March–April and 50 percent in September–February of its receipts as Class I on routes and that 15 percent of such plant's total route disposition is distributed in the marketing area if it is to qualify as a pool plant.

The handler who operates a pool distributing plant in Salt Lake City and an unregulated distributing plant in Boise, Idaho, proposed a revision of the pool fluid milk plant qualification requirement from the present minimum of 15 percent of a plant's total route disposition which must be disposed of in the marketing area to a minimum of 20 percent of such plant's total Grade A milk receipts to be disposed of on routes in the marketing area. This proposal was supported, in principle, by the cooperative proponents of marketing area expansion.

The handler's proposal to increase the performance requirements for a pool fluid milk distributing plant under the order was made to additionally assure for his Boise plant partially regulated status under the extended order. The plant, otherwise, would become fully regulated unless the handler made certain adjustments in distribution as between his Great Basin and Boise plants.

Performance standards, provide the basis of determining which plants and what milk constitute the regular and normal sources of supply for the market that should be subject to full regulation. Such standards apply uniformly to all plants wherever located. Any plant regardless of location may be brought under regulation or it may remain outside the scope of regulation dependent on the mode of operation elected by the operator of each plant. The determination and decision as to how a plant shall be operated remains vested in the plant operator.

As indicated elsewhere in this decision, the operator of the Boise distributing plant has considerable flexibility to assure that such plant will have partially regulated status under the expanded order without changing the present performance standards of distributing plants.

Proponent cooperatives requested that the performance requirement of a pool

[2] Note that at the hearing the dealer testified that in terms of the proponent's area expansion proposal, and as herein adopted, his out-of-area fluid sales would represent 30 to 40 percent of his total fluid sales.

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distributing plant be modified by requiring such plant to have at least 15 percent of its receipts of fluid milk products as route disposition in the marketing area. This modification, they contended, was necessary to provide additional assurance that the Class I sales of the recommended expanded marketing area will be shared among those producers who are an essential and regular part of the supply for the area.

Under current conditions, this requested modification of performance requirements by the proponent cooperatives would not affect the regulatory status of either the present order pool distributing plants or those additional plants that would become fully regulated under the recommended expanded order. Accordingly, this proposed revision of performance requirements of pool distributing plants is adopted in this decision.

3. *Modification of location adjustments.* The location adjustment provisions of the order should be revised to replace Ogden and Provo, Utah, with Salt Lake City as the basing point from which distances are measured in determining location adjustments.

The order now provides that the Class I and uniform prices be reduced 22 cents per hundredweight at a plant in the 150–160 mile zone from the nearest basing point of either Ogden or Provo, Utah. At a plant located beyond 160 miles, the location adjustment is increased 1.5 cents for each additional 10 miles or fraction thereof.

Proponents of extending regulation to southeastern Idaho proposed a complete restructuring of location adjustments. Under their proposal, four zones would be established. Zone I would include all territory located within 100 miles of the county courthouse in Provo, Utah, for which no location adjustment would be applicable. Zone II, under their proposal, would include specified Utah, Wyoming and Nevada counties located immediately adjacent to the area comprising Zone I. A 10 cents per hundredweight location adjustment would apply to this zone. Zones III and IV would be made up of certain designated Idaho and Utah counties. The applicable location adjustment for Zones III and IV would be 20 cents and 30 cents, respectively. Under proponents' proposal, the location adjustment at any plant outside of the designated zones would be 10 cents, plus 1.5 cents for each 10 miles or fraction thereof that such plant was situated in excess of 100 miles from Provo, Utah.

Their proposal, proponent contended, would: (1) Provide appropriate Class I prices at bottling plants that become regulated because of the marketing area expansion without changing the price structure at presently regulated plants; and (2) assure a more equitable pricing basis for milk not needed for processing at pool plants and diverted directly to nonpool manufacturing plants.

The immediate and primary problem of location pricing resulting from extending the marketing area is one of applying appropriate prices at all locations at which milk is delivered by producers; thereby facilitating the orderly movement of milk from farms to plants serving the principal market center.

Under the order milk is priced at the plant of physical receipt. No location adjustment is applicable when milk is received directly from the farm at a processing plant in the market center. Hence, the cost of transportation on milk so delivered is paid for by the individual producer through negotiation with haulers. When producers deliver their milk to a plant in the production area their hauling costs are naturally less than that of other producers in the same area who deliver to plants located in or near the market centers. This saving in transportation cost appropriately should be reflected in relative prices paid at different plant locations.

The southeastern Idaho plants that will become regulated under the area extension are all located a considerable distance from the principal population center of the marketing area and within an important production area from which presently regulated bottling plants in the market center obtain a substantial part of their milk supply. Under present order provisions, however, location adjustments would not apply to certain of these southeastern Idaho plants since such plants are located less than 150 miles from the nearest basing point of Ogden, Utah, as provided by the present order.

With Ogden, Utah, as a basing point (as presently provided) no location adjustment would apply to the Pocatello, Idaho, plants which are located less than fifty miles from the Idaho Falls plant. A location adjustment of 25 cents, however, would apply to the Idaho Falls plant. This situation could not promote continued orderly marketing over time since producers in this area delivering to plants in the central market area would net a lesser return because of the longer haul and hence higher hauling costs.

This result would not recognize the proper location value of milk received at the southeastern Idaho plants in relation to its value in the central market. Accordingly, the basing point at Ogden, Utah, should be discontinued.

An important consideration in establishing an appropriate basing point for computing location adjustments is to identify the major population center(s) of the expanded marketing area. The heaviest population center in the present and proposed expanded marketing area is Salt Lake City. The 1970 population of the Salt Lake City metropolitan area was 557,635, accounting for 47 percent of the population of the recommended expanded marketing area. Population of Ogden and Provo, the present basing points for location pricing, in 1970 was 126,278 and 137,776, respectively[1] These two cities represent the north-south extremities of the heaviest populated portion of the present and proposed expanded marketing area. More significantly, Salt Lake City is centrally located in this concentrated area. Ogden is about 35 miles north of Salt Lake City and Provo is 43 miles south of Salt Lake City.

Almost all of the pool distributing plants under the Great Basin order are now located in the Salt Lake City metropolitan area. In April 1974, nine of the 14 pool distributing plants under the order were located in the Salt Lake City metropolitan area. From these plants, fluid milk products are regularly distributed within a radius of about 150 miles.

In view of the foregoing, it is concluded, that Salt Lake City is the appropriate basing point for computing location adjustments at distant plants under current marketing conditions. The adoption of Salt Lake City as a basing point will result in no change in the applicable price at plants presently regulated under the order. The location adjustments applicable at Idaho plants that would be regulated as a result of the market area extension provided herein would approximate —23 cents at Pocatello, —31 cents at Idaho Falls, —32 cents at Rigby, and —49 cents at Boise.

Exceptors claimed that the recommended location adjustments applicable at Idaho Falls and Rigby plants provide such plants with a competitive advantage over plants located in Pocatello. The Idaho Falls and Rigby plants compete to a large extent with Pocatello based plants. The plants at Idaho Falls and Rigby are located 49 miles and 59 miles, respectively, from Pocatello. The record evidence showed that such handlers located there incur a larger expense in transporting packaged fluid milk than is provided at the bulk rate (location adjustment rate). Accordingly, for packaged milk delivered to Pocatello and its environs, the Idaho Falls handlers' cost of milk would equal or exceed the Pocatello handlers' cost for Class I milk. The same concept is applicable for fluid milk products packaged at Boise and sold in the Pocatello area. For fluid milk disposed of from Pocatello to Idaho Falls, virtually any location adjustment schedule will affect, of course, some handlers' costs relative to other handlers. The original issuance of an order, as in this case, is bound to alter handlers' costs in the absolute and in relation to one another as compared to conditions that existed prior to regulation. However, it is not unusual for handlers regulated under various orders to sell milk in lower-priced zones within the same market, or even into other regulated markets with somewhat lower Class I prices.

Under proponent's proposal a location adjustment of 10 cents would apply to milk diverted to manufacturing plants at Richmond and Smithfield, Utah. Both of these plants are located in close proximity of fluid milk plants in the Ogden-Salt Lake City area and under the present order no location adjustments are

[1] Official notice is taken of U.S. Census of Population, 1970 for Idaho, Nevada, Utah, and Wyoming, issued by the Bureau of Census U.S. Department of Commerce.

applicable. Any saving in the cost of transportation realized by diverting milk from farms to the same vicinity to these plants, as compared to hauling the milk to Ogden or Salt Lake City fluid processing plants could not be significant. Therefore diversions to such plants appropriately should not be subject to a location adjustment.

Beyond this, their proposal to establish location adjustments based on specified zones emanating from Provo as the center of the market was not supported with meaningful evidence. Further, the proposed zones were not geared to mileage considerations in such a manner that the adjustments would apply equally to plants similarly situated from a central basing point. For these reasons their proposed zoning procedure is not appropriate under the procedure here adopted.

Location adjustments would continue to be computed (as now provided by the Great Basin order) on a mileage basis, from a specified basing point. A rate of 1.5 cents per 10 miles (as now provided in the order) is appropriate to reflect the cost of hauling milk efficiently in bulk tank lots. It is recognized as a representative rate for transporting milk and is the rate most applicable in Federal orders throughout the United States. While proponents testified that transportation rates may be higher than those now provided in the Great Basin order, and in other Federal orders, no change in the rate was proposed.

To deter the uneconomic movement of reserve milk to the central market for manufactured uses from one pool plant to another, the present order provides a method of applying location adjustment credits by limiting the amount of such credit. For clarification purposes, only, this provision is revised herein to reflect greater specificity of the computation of location adjustment credits to transfers between pool plants.

4. *Miscellaneous or conforming changes.* (a) The method of accounting for milk and milk products on a handler system basis under the order should not be changed. Under this method of accounting milk and milk products are accounted for on the basis of the combined receipts and utilization at all pool plants operated by a single handler.

At the hearing, the operator of the Boise, Idaho, distributing plant proposed accounting for milk and milk products on an individual plant basis. Proponent held that handler system accounting results in unnecessary accounting problems for a multiple plant handler.

The proponent handler currently operates a pool distributing plant under the order. As indicated previously, it is possible that his Boise, Idaho, plant may also become fully regulated as a result of the recommended marketing area extension. Undoubtedly, the fact that both plants might be fully regulated, prompted the handler's proposal.

The record does not disclose what accounting problems proponent seeks to resolve through individual plant accounting. Moreover, under the present order, there is a multiple plant handler operating four pool distributing plants. Apparently, the handler system of accounting has operated satisfactorily in this instance. There has been no proposal for change from the Great Basin handler now subject to the provisions, and he introduced no supporting testimony at the hearing. In view of the foregoing, it would be inappropriate, at this time, to adopt the proposal.

(b) A handler proposed that, for the first month, the handlers who are to become newly regulated because of marketing area expansion should not be subject to the pricing and payment provisions of the order, but should report to the market administrator on a "dry run" basis as has been regularly practiced in the past with respect to newly promulgated orders.

It has been customary to provide the "dry run" period when an order has been newly promulgated. It is feasible to do so, at the inception of an order, because all handlers who would be regulated enter upon such regulation simultaneously. Consequently, a temporary period in which only reports are submitted and during which the pricing provisions would not apply would have uniform application among the handlers.

Such is not the case in an amendment proceeding. Any amendment to an order, including expanding the marketing area, is an integral part of the entire order and hence from the effective date of the amended order it is necessary to apply all provisions of the order to the affected handlers. Moreover, each newly regulated handler will have a minimum of 30 days' advanced notice of the terms and provisions of an amended order as prescribed in the final decision. This period should be adequate time for such handlers to apply the provisions of the amended order to their business. The proposal, therefore, is denied.

Rulings on Proposed Findings and Conclusions

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

General Findings

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held;

(d) All milk and milk products handled by handlers, as defined in the tentative marketing agreement and the order as hereby proposed to be amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(e) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1136.86 of the aforesaid tentative marketing agreement and the order as proposed to be amended.

Rulings on Exceptions

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

In an exception to the recommended decision, a request was made by a proprietary handler to reopen the hearing to review the proposed action contained in the recommended decision. Exceptor, however, did not provide any information from which it may be concluded that the hearing should be reopened. Moreover, the exceptor appeared at the hearing on which this decision is based and testified fully in opposition to any extension of the Great Basin area into southeastern Idaho. Accordingly, such request is hereby denied.

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MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Great Basin Marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement [1], be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

REFERENDUM ORDER TO DETERMINE PRODUCER APPROVAL; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENT

It is hereby directed that a referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 et seq.), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended, regulating the handling of milk in the Great Basin marketing area is approved or favored by producers, as defined under the terms of the order (as amended and as hereby proposed to be amended), who during the representative period were engaged in the production of milk for sale within the aforesaid marketing area.

The representative period for the conduct of such referendum is hereby determined to be June 1974.

The agent of the Secretary to conduct such referendum is hereby designated to be Earl C. Born.

Signed at Washington, D.C., on November 6, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

Order [1] amending the order, regulating the handling of milk in the Great Basin marketing area

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight of such agency will require the payment may prescribe, with respect to milk specified in § 1136.86.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Associate Administrator on September 23, 1974, and published in the FEDERAL REGISTER on September 26, 1974 (39 FR 34555) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein, subject to modification in §§ 1136.6, 1136.11, and 1136.53:

1. Section 1136.6 is revised as follows:

§ 1136.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all the territory, including all government reservations and installations and all municipalities, within the places listed below:

UTAH COUNTIES

Box Elder	Morgan
Cache (city of Logan only)	Salt Lake
Carbon	Sanpete
Daggett	Sevier
Davis	Summit
Duchesne	Tooele
Emery	Uintah
Grand	Utah
Juab	Wassatch
Miller	Webber

NEVADA COUNTIES

Elko	White Pine

WYOMING COUNTIES

Uinta (town of Evanston only)

IDAHO COUNTIES

Bannock	Franklin
Bear Lake	Jefferson
Bingham	Madison
Bonneville	

2. In § 1136.11, paragraph (a) is revised as follows:

§ 1136.11 Pool plant.

* * * * *

(a) A fluid milk plant, except a producer-handler plant, from which not less than 50 percent in any month of September through February, not less than 45 percent in any month of March and April, and not less than 40 percent in any month of May through August of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13 is disposed of on routes, and not less than 15 percent of such receipts are on routes in the marketing area.

* * * * *

3. Section 1136.53 is revised as follows:

§ 1136.53 Location adjustments to handlers.

(a) For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 1136.9(c) to a pool plant and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1136.50(a) shall be reduced as follows:

Distance (miles):	Rate per hundredweight (cents)
150 but not more than 160	22.0
For each additional 10 miles or fraction thereof in excess of 160	1.5

Such distance to be the shortest hard-surfaced highway distance as determined by the market administrator from the plant to the County Courthouse of Salt Lake County, Utah;

(b) In applying such credits to transfers of fluid milk products between pool plants, a Class I location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) From the pounds of skim milk remaining in Class I at the transferee-plant after the computations are made pursuant to § 1136.44(a)(10) subtract the pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1136.9(c);

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of fluid milk products from other pool plants, first to the transferor-plants at which no location adjustment applies and then in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plant pursuant to paragraph (b)(2) of this section by the applicable adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1136.44(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers received from such plants; and

(5) Class I location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (5) of this section.

[1] Filed as part of the original document.
[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1955]

[Docket No. SP-6]

STATE PLAN APPROVAL

Withdrawal Procedures

Notice is hereby given that under the authority of sections 8(g)(2) and 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 657(g)(2) and 667) (hereinafter called the Act), it is proposed to amend 29 CFR Chapter XVII by adding a new part, designated Part 1955.

The purpose of Part 1955 is to set out the policies and procedures by which the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), under a delegation of authority from the Secretary of Labor (Sec. Order 12–71, 36 FR 8754), will afford due notice and an opportunity for a hearing to a State in determining whether approval of that State plan should be withdrawn.

The circumstances that warrant withdrawal of approval are set out in the Act and implementing regulations. Under § 1902.2(b) of this chapter, plan approval shall be withdrawn when the Assistant Secretary finds, after due notice and an opportunity for a hearing, that a State has not substantially completed the developmental steps of the plan at the end of three years from the date of commencement of operations under the plan as defined in 29 CFR 1953.10(b). Plan approval may also be withdrawn when the Assistant Secretary finds, before the conclusion of the three year developmental period, that there is no longer a reasonable expectation that a State plan will meet the criteria in § 1902.3 of this chapter.

Approval of a State plan may also be withdrawn prior to as well as after an affirmative determination has been made under section 18(e) of the Act that the criteria in section 18(c) are being applied. In all such cases, a withdrawal proceeding shall be initiated under section 18(f) whenever the Assistant Secretary finds that in the operation or administration of a plan, or as a result of any modifications in a plan, there is a failure to comply substantially with any provision of the State plan, including any assurances required by the Act and implementing regulations.

The regulations contain examples of situations where procedures to withdraw plan approval would be warranted. These would apply either prior to or after a determination under section 18(e) of the Act on the effectiveness of the actual operations of the State plan.

Under sections 18 (b) and (c) of the Act, the State may also submit a modification of its plan, and if the plan as modified is approved as meeting the criteria of the Act and regulations, that approval will be taken into consideration in determining the scope of the decision on withdrawal of approval.

If after notice and an opportunity for a hearing, the Assistant Secretary finds that approval of a State plan should be withdrawn he shall give notice to the State. Where the State exercises its option to request a hearing on the withdrawal of approval finding of the Assistant Secretary, the procedures in this part providing for a formal determination by the Secretary of Labor shall apply. Issuance of a final withdrawal decision under these procedures operates as notice of termination of the grant awarded under section 23(g) of the Act for the administration of the plan (29 CFR 1951.25(c)). Upon receipt of the notice of the final decision on withdrawal of approval of a State plan, such plan shall cease to be in effect. But the State, in accordance with section 18(f) of the Act, may retain jurisdiction in any case commenced before receipt of such notice of the final decision withdrawing approval whenever the issues involved in those cases do not relate to the reason for the withdrawal of the plan.

The Act provides that the State may obtain judicial review of the final decision of the Secretary on withdrawal of approval in the United States court of appeals for the circuit in which the State is located. The standard for review will be substantial evidence in accordance with section 18(g) of the Act.

These regulations contain the rules of conduct for a formal proceeding to assure compliance with the Administrative Procedure Act, 5 U.S.C. 555 and 557. The rules provide that the Assistant Secretary shall have the burden of proof and that the State will submit a statement of which items in the Assistant Secretary's notice of proposed withdrawal are being contested along with a brief statement of the facts relied upon, including whether the use of witnesses is intended.

Participation as parties by persons other than the State and the Department of Labor may be permitted by the administrative law judge appointed under 5 U.S.C. 3105 where the decision will substantially affect them or they may contribute materially to the proceedings. In addition, other interested persons may file with the administrative law judge substantive written comments on the issues in the hearing.

The rules provide for pre-hearing conferences to determine or limit the issues and for submission of documentary evidence in advance of the hearing so as to

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provide sufficient opportunity for preparation of rebuttal arguments. There are also provisions for consent findings or settlement and for a summary decision where there is no genuine issue of fact.

In order to assure separation of functions between those employees of the Department of Labor evaluating the plan and presenting the case for withdrawal before the administrative law judge and those who will make the final determination, the initial decision of the administrative law judge may be appealed to the Secretary of Labor who, with the advice of the Under Secretary of Labor and the Solicitor of Labor, will make the final decision.

Interested persons are given until December 27, 1974, to submit written comments, suggestions, or objections regarding the proposed Part 1955 to the Associate Assistant Secretary for Regional Programs, Room 850, [Docket No. SP–6], 1726 M Street, NW., Washington, D.C. 20210.

Comments received will be available for public inspection and copying during normal business hours at the above address. The proposed rules may be revised prior to final publication to reflect suggestions made by the comments.

In accordance with the above, Chapter XVII of Title 29 Code of Federal Regulations is amended by adding a new Part 1955 as follows: Subpart E of 29 CFR Part 1902—"Procedures for Withdrawal of Plan Approval [Reserved]"—is deleted.

PART 1955—PROCEDURES FOR WITHDRAWAL OF APPROVAL OF STATE PLANS

Subpart A—General

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1955.20 Submission of documentary evidence.
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Subpart D—Consent Findings and Summary Decisions

1955.30 Consent findings and orders.
1955.31 Motion for a summary decision.
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Subpart E—Hearing and Decision

1955.40 Hearings.
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1955.43 Transmission of the record.
1955.44 Final decision.
1955.45 Effect of appeal of administrative law judge's decision.
1955.46 Finality for purposes of judicial review.
1955.47 Judicial review.

AUTHORITY: Sec. 8(g)(2), 18, 84 Stat. 1598, 1608 (29 U.S.C. 657(g)(2), 667).

Subpart A—General

§ 1955.1 Purpose and scope.

(a) This part contains rules of practice and procedure for formal administrative hearings on the withdrawal of initial or final approval of State plans in accordance with section 18(f) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667).

(b) These rules shall be construed to secure a prompt and just conclusion of the proceedings subject thereto.

§ 1955.2 Definitions.

As used in this part unless the context clearly requires otherwise:

"Act" means the Occupational Safety and Health Act of 1970;

"Secretary" means Secretary of Labor;

"Assistant Secretary" means Assistant Secretary of Labor for Occupational Safety and Health;

"Person" means an individual, partnership, association, corporation, business trust, legal representative, an organized group of individuals, or an agency, authority, or instrumentality of the United States or of a State;

"Party" includes the State agency or agencies designated to administer and enforce the State plan that is the subject of withdrawal proceedings, the Department of Labor, Occupational Safety and Health Administration (hereinafter called OSHA), represented by the Office of the Solicitor and any person participating in the proceedings pursuant to § 1955.17;

"Initial approval" means approval of a State plan, or any modification thereof under section 18(c) of the Act and Subpart C of 29 CFR Part 1902;

"Final approval" means approval of the State plan, or any modification thereof under section 18(e) of the Act and Subpart D of 29 CFR Part 1902.

"Notice of withdrawal of approval" means a notice of the Assistant Secretary's finding of withdrawal of approval where the State has not requested a hearing under this part, or the notice of the final decision on withdrawal of approval under § 1955.44 or § 1955.45, whichever is applicable.

§ 1955.3 General policy.

(a) The following circumstances shall be cause for initiation of proceedings under this part for withdrawal of approval of a State plan, or any portion thereof.

(1) Whenever the Assistant Secretary determines that under § 1902.2(b) of this chapter a State has not substantially completed the developmental steps of its plan at the end of three years from the date of commencement of operations as defined in § 1953.10(b) of this chapter, a withdrawal proceeding shall be instituted. Examples of a lack of substantial completion of developmental steps include but are not limited to the following: (i) a failure to develop the necessary regulations and administrative guidelines for an "at least as effective" enforcement program; (ii) failure to promulgate all or a majority of the occupational safety and health standards in an issue covered by the plan; or (iii) failure to enact the required enabling legislation.

(2) Whenever the Assistant Secretary determines that there is no longer a reasonable expectation that a State plan will meet the criteria of § 1902.3 of this chapter, including the completion of developmental steps, within the three year period immediately following commencement of operations as defined in § 1953.10(b) of this chapter, a withdrawal proceeding shall be instituted. Examples of a lack of reasonable expectation include but are not limited to the following: (i) A failure to enact enabling legislation in the first two years following commencement of operations where the remaining developmental steps cannot be completed within one year, and are dependent on the passage of enabling legislation; or (ii) repeal or substantial amendment of the enabling legislation by the State legislature so that the State program fails to meet the criteria of § 1902.3 of this chapter.

(3) Whenever the Assistant Secretary determines that in the operation or administration of a State plan, or as a result of any modifications to a plan, there is a failure to comply substantially with any provision of the plan, including assurances contained in the plan, a withdrawal proceeding shall be initiated in a State which has received final approval under section 18(e) of the Act, and may be initiated in a State which has received initial approval under section 18(c) of the Act. Examples of a lack of substantial compliance include but are not limited to the following: (i) Where a State over a period of time consistently fails to provide effective enforcement of standards; (ii) where the rights of employees are circumscribed in such a manner as to diminish the effectiveness of the program; or (iii) where a State, without good cause, fails to continue to maintain its program in accordance with the appropriate changes in the Federal program.

(b) A State may, at any time both before or after a determination under section 18(e) of the Act, voluntarily withdraw its plan, or any portion thereof, by notifying the Assistant Secretary in writing setting forth the reasons for such withdrawal. Such notification shall be accompanied by a letter terminating the application for related grants authorized under section 23(g) of the Act in accordance with 29 CFR 1951.25(d).

(c) Approval of a portion of a plan may be withdrawn under any of the paragraphs in this section when it is determined that that portion is reasonably separable from the remainder of the plan in a manner consistent with the provisions in § 1902.2(c) of this chapter defining the scope of a State plan. As an example, such a partial withdrawal of approval would be considered appropriate where a State fails to adopt, without good cause shown, Federal standards within a separable issue, such as occupational health.

§ 1955.4 Effect of withdrawal of approval.

(a) After receipt of notice of the final decision on withdrawal of approval of a State plan, as defined in § 1955.2, such plan, or any part thereof, shall cease to be in effect and the provisions of the Federal Act shall apply within that State. But the State, in accordance with section 18(f) of the Act, may retain jurisdiction in any case commenced before receipt of the notice of the final decision withdrawing approval of the plan, in order to enforce standards under the plan, whenever the issues involved in the case or cases pending do not relate to the reasons for withdrawal of the plan.

(b) Such notice of withdrawal of approval shall operate constructively as notice of termination of all related grants authorized under section 23(g) of the Act in accordance with 29 CFR 1951.25(c).

§ 1955.5 Petitions for withdrawal of approval.

(a) At any time following the initial approval of a State plan under section 18(c) of the Act, any interested person may petition the Assistant Secretary in writing to initiate proceedings for withdrawal of approval of the plan under section 18(f) of the Act and this part. The petition shall contain a statement of the grounds for initiating a withdrawal proceeding, including facts to support the petition.

(b)(1) The Assistant Secretary may request the petitioner for additional facts and may take such other actions as are considered appropriate such as: (i) Publishing the petition for public comment; (ii) holding informal discussion on the issues raised by the petition with the State and other persons affected; or (iii) holding an informal hearing in accordance with § 1902.13 of this chapter.

(2) Any such petition shall be considered and acted upon within a reasonable time. Prompt notice shall be given of the denial in whole or in part of any petition and the notice shall be accompanied by a brief statement of the grounds for the denial. A denial of a petition does not preclude future action on those issues or any other issues raised regarding a State plan.

Subpart B—Notice of Hearing

§ 1955.10 Publication of notice of hearing.

(a) The Assistant Secretary, prior to any finding of withdrawal of approval and notice of hearing under this subpart, may provide the State with an opportunity to show cause within 45 days why a proceeding should not be initiated for withdrawal of approval of a plan or any portion thereof.

(b)(1) Whenever the Assistant Secretary, on the basis of a petition under § 1955.5 or on his own initiative, determines that approval of a State plan or any portion thereof should be withdrawn, and the State has not waived its right under § 1955.3(b) or paragraph (a) of this section to a hearing, he shall publish a notice in the FEDERAL REGISTER as set out in § 1955.11 and cause such notice, in the form of a complaint, to be served on the State in accordance with § 1955.15.

(2) Not later than 5 days following the publication of the notice in the FEDERAL REGISTER, the State agency shall publish, or cause to be published, within the State reasonable notice containing a summary of the information in the Federal notice, as well as the location or locations where a copy of the full notice is available for inspection and public copying.

(3) Two copies of such notice shall be served on the Assistant Secretary in accordance with § 1955.15.

(c) Not less than 30 days following publication of the notice in the FEDERAL REGISTER, the State shall submit a statement of those items in the notice which are being contested and a brief statement of the facts relied upon, including whether the use of witnesses is intended. This statement shall be served on the Assistant Secretary in accordance with § 1955.15.

§ 1955.11 Contents of notice of hearing.

(a) A notice of hearing published under § 1955.10 shall include:

(1) A statement on the time, place, and nature of the hearing and addresses for filing all papers;

(2) The legal authority under which the hearing is to be held;

(3) A description of the issues;

(4) A specified period, generally not less than 30 days after publication of the notice in the FEDERAL REGISTER, for the State to submit a response to the statement of issues in the notice;

(5) A provision for designation of an administrative law judge under 5 U.S.C. 3105 to preside over the hearing.

(b) A copy of the notice of hearing stating the basis for the Assistant Secretary's determination that approval of the plan, or any portion thereof, should be withdrawn shall be referred to the administrative law judge.

§ 1955.12 Administrative law judge; powers and duties.

(a) The administrative law judge appointed under 5 U.S.C. 3105 and designated by the Chief Administrative Law Judge to preside over a hearing shall have all powers necessary and appropriate to conduct a fair, full, and impartial hearing, including the following:

(1) To administer oaths and affirmations;

(2) To rule upon offers of proof and receive relevant evidence;

(3) To provide for discovery, including the issuance of subpoenas authorized by section 8(b) of the Act and 5 U.S.C. 555(d) and 556(c)(2), and to determine the scope and time limits of the discovery;

(4) To regulate the course of the hearing and the conduct of the parties and their counsel;

(5) To consider and rule upon procedural requests, e.g. motions for extension of time;

(6) To hold pre-hearing conferences for the settlement or simplification of issues;

(7) To take official notice of material facts not appearing in the evidence in the record in accordance with § 1955.40(c);

(8) To render an initial decision;

(9) To examine and cross-examine witnesses;

(10) To take any other appropriate action authorized by the Act, the implementing regulations, or the Administrative Procedure Act, 5 U.S.C. 554–557 (hereinafter called the APA).

(b) On any procedural question not otherwise regulated by this part, the Act, or the APA, the administrative law judge shall be guided to the extent practicable by the pertinent provisions of the Federal Rules of Civil Procedure.

§ 1955.13 Disqualification.

(a) If an administrative law judge deems himself disqualified to preside over a particular hearing, he shall withdraw by notice on the record directed to the Chief Administrative Law Judge. Any party who deems an administrative law judge, for any reason, to be disqualified to preside, or to continue to preside, over a particular hearing may file a motion to disqualify and remove the administrative law judge, provided the motion is filed prior to the time the administrative law judge files his decision. Such motion must be supported by affidavits setting forth the alleged ground for disqualification. The Chief Administrative Law Judge shall rule upon the motion.

(b) Contumacious conduct at any hearing before the administrative law judge shall be ground for summary exclusion from the hearing. If a witness or party refuses to answer a question after being so directed, or refuses to obey an order to provide or permit discovery, the administrative law judge may make such orders with regard to the refusal as are just and proper, including the striking of all testimony previously given by such witness on related matters.

§ 1955.14 Ex parte communications.

(a) Except to the extent required for the disposition of ex parte matters, the administrative law judge shall not consult any interested person or party or their representative on any fact in issue or on the merits of any matter before him except upon notice and opportunity for all parties to participate.

(b)(1) Written or oral communications from interested persons outside the Department of Labor involving any substantive or procedural issues in a hearing directed to the administrative law judge, the Secretary of Labor, the Assistant Secretary, the Associate Assistant Secretary for Regional Programs, the Solicitor of Labor, or the Associate Solicitor

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for Occupational Safety and Health, or their staffs shall be deemed ex parte communications and are not to be considered part of any record or the basis for an official decision, unless the communication is made by motion to the administrative law judge and served upon all the parties.

(2) To facilitate implementation of this requirement, the above-mentioned offices shall keep a log of such communications which shall be made available to the public and which may, by motion, be entered into the record.

(c) No employee or agent of the Department of Labor engaged in the investigation or presentation of the withdrawal proceeding governed by this part shall participate or advise in the initial or final decision, except as a witness or counsel in the proceeding.

§ 1955.15 Manner of service and filing.

(a) Service of any document upon any party may be made by personal delivery of, or by mailing a copy of the document by certified mail, to the last known address of the party or his representative. The person serving the document shall certify to the manner and date of service.

(b) In addition to serving a copy of any documents upon the parties, the original and two copies of each document shall be filed with the administrative law judge. With respect to exhibits and transcripts, only originals need be filed.

§ 1955.16 Time.

Computation of any period of time under these rules shall begin with the first business day following that on which the act, event or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the Department of Labor is closed, the period shall run until the end of the next following business day. When such period of time is 7 days or less, each of the Saturdays, Sundays, and such holidays shall be excluded from the computation.

§ 1955.17 Determination of parties.

(a) The designated State agency or agencies and the Department of Labor, OSHA, shall be the initial parties to the proceedings. Other interested persons may, at the discretion of the administrative law judge, be granted the right to participate as parties if he determines that the final decision could substantially affect them or the class they represent or that they may contribute materially to the disposition of the proceedings.

(b) (1) Any person wishing to participate in any hearing as a party under paragraph (a) of this section shall submit a petition to the administrative law judge within 30 days after the notice of such hearing has been published in the FEDERAL REGISTER. The petition shall also be served upon the other parties. Such petition shall concisely state: (i) Petitioner's interest in the proceeding; (ii) how his participation as a party will contribute materially to the disposition of the proceeding; (iii) who will appear for petitioner; (iv) the issue or issues as set out in the notice published under § 1955.10 on which petitioner wishes to participate; and (v) whether petitioner intends to present witnesses.

(2) The administrative law judge shall, within 5 days of receipt of the petition, ascertain what objections, if any, there are to the petition. He shall then determine whether the petitioner is qualified in his judgment to be a party in the proceedings and shall permit or deny participation accordingly. The administrative law judge shall give each petitioner written notice of the decision on his petition promptly. If the petition is denied, the notice shall briefly state the grounds for denial. Persons whose petition for party participation is denied may appeal the decision to the Secretary within 5 days of receipt of the notice of denial. The Secretary will make the final decision to grant or deny the petition no later than 10 days prior to the commencement of the hearing.

(3) Where the petitions to participate as parties are made by individuals or groups with common interests, the administrative law judge may require all such petitioners to designate a single representative, or he may recognize one or more of such petitioners to represent all such petitioners.

§ 1955.18 Provision for written comments.

Any person who is not a party may submit a written statement of position with 4 copies to the administrative law judge at any time prior to or during the hearing, which statement shall be made available to all parties and may be introduced into evidence by a party. Mere statements of approval or opposition to the plan without any documentary support shall not be considered as falling within this provision.

Subpart C—Pre-Hearing Conference and Discovery

§ 1955.20 Submission of documentary evidence.

(a) The administrative law judge shall set a date by which all documentary evidence, which is to be offered during the hearing, shall be submitted to the administrative law judge and served on the other parties. Such submission date shall be sufficiently in advance of the hearing as to permit study and preparation for cross-examination and rebuttal evidence. Documentary evidence not submitted in advance may be received into evidence upon a clear showing that the offering party had good cause for failure to produce the evidence sooner.

(b) The authenticity of all documents submitted in advance shall be deemed admitted unless written objections are filed prior to the hearing, except that a party will be permitted to challenge such authenticity at a later date upon clear showing of good cause for failure to have filed such written objections.

§ 1955.21 Pre-hearing conference.

(a) (1) Upon his own motion, or the motion of a party, the administrative law judge may direct the parties to meet with him for a conference or conferences to consider: (i) Simplification of the issues; (ii) the necessity or desirability of amendments to documents for purposes of clarification, simplification, or limitation; (iii) stipulations of fact, and of the authenticity, of the contents of documents; (iv) limitations on the number of parties and of witnesses; (v) scope of participation of petitioners under § 1955.17; (vi) establishment of dates for discovery; and (vii) such other matters as may tend to expedite the disposition of the proceedings, and to assure a just conclusion thereof.

(2) The administrative law judge shall enter an order which recites the action taken at the conference, the amendments allowed to any documents which have been filed, and the agreements made between the parties as to any of the matters considered. Such order shall limit the issues for hearing to those not disposed of by admissions or agreements, and control the subsequent course of the hearing, unless modified at the hearing to prevent manifest injustice.

§ 1955.22 Discovery.

(a) (1) At any time after the commencement of a proceeding under this part, but generally before the pre-hearing conference, any party may request of any other party admissions that relate to statements or opinions of fact, or of the application of law to fact, including the genuineness of any document described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection or copying. The matter shall be deemed admitted unless within 30 days after service of the request, or within such shorter or longer time as the administrative law judge may prescribe, the party to whom the request is directed serves upon the party requesting the admission a specific written response.

(2) If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission and when good faith requires that a party qualify his answer or deny only a part of the matter on which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as the reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny.

(3) The party who has requested the admission may move to determine the sufficiency of the answers or objections.

Unless the administrative law judge determinals that an objection is justified, he may order either that the matter is admitted or that an amended answer be served. The administrative law judge may, in lieu of these orders, determine that final disposition of the requests be made at a pre-hearing conference, or at a designated time prior to the hearing. Any matter admitted under this section is conclusively established unless the administrative law judge on motion permits withdrawal or amendment of the admission. Copies of all requests and responses shall be served on all parties and filed with the administrative law judge.

(b) (1) The testimony of any witness may be taken by deposition. Depositions may be taken orally or upon written interrogatories before any person designated by the administrative law judge or having power to administer oaths.

(2) Any party desiring to take the deposition of a witness may make application in writing to the administrative law judge setting forth: (i) The time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; (ii) the name and address of each witness; and (iii) the subject matter concerning which each witness is expected to testify.

(3) Such notice as the administrative law judge may order shall be given by the party taking the deposition to every other party.

(c) (1) Each witness testifying upon deposition shall be sworn, and the parties not calling him shall have the right to cross-examine him. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing and shall be read to or by the witness unless such examination and reading are waived by the witness and the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness and certified by the officer before whom the deposition was taken. Thereafter, the officer shall seal the deposition, with copies thereof, in an envelope and mail the same by registered or certified mail to the administrative law judge.

(2) Subject to such objections to the questions and answers as were noted at the time of taking the deposition, and to the provisions in § 1955.40(b)(1), any part or all of a deposition may be offered into evidence by the party taking it as against any party who was present, represented at the taking of the deposition, or who had due notice thereof.

(d) Whenever appropriate to a just disposition of any issue in the hearing, the administrative law judge may allow discovery by any other appropriate procedure, such as by interrogatories upon a party or request for production of documents by a party.

(e) Upon motion by a party or by the person from whom discovery is sought, and for good cause shown, the administrative law judge may make any order which justice requires to limit or condition discovery in order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

§ 1955.23 Sanctions for failure to comply with orders.

(a) If a party or an official or agent of a party fails, without good cause, to comply with an order including but not limited to, an order for the taking of a deposition, written interrogatories, the production of documents, or an order to comply with a subpoena, the administrative law judge or the Secretary or both, for the purpose of permitting resolution of relevant issues and disposition of the proceeding without unnecessary delay despite such failure, may take such action as is just, including but not limited to the following:

(1) Infer that the admission, testimony, documents, or other evidence would have been adverse to the party;

(2) Rule that for the purposes of the proceeding, the matter or matters concerning which the order or subpoena was issued be taken as established adversely to the party;

(3) Rule that the party may not introduce into evidence or otherwise rely, in support of any claim or defense, upon testimony by such party, officer or agent, or the documents or other evidence;

(4) Rule that the party may not be heard to object to introduction and use of secondary evidence to show what the withheld admission, testimony, documents, or other evidence would have shown;

(5) Rule that a pleading, or part of a pleading, or a motion or other submission by the party, concerning which the order or subpoena was issued, be stricken or that decision on the pleading be rendered against the party, or both.

(b) Any such action may be taken by written or oral order issued in the course of the proceeding or by inclusion in the initial decision of the administrative law judge or an order or opinion of the Secretary. The parties may seek, and the administrative law judge may grant, such of the foregoing means of relief or other appropriate relief as may be sufficient to compensate for the lack of withheld testimony, documents, or other evidence.

§ 1955.24 Fees of witnesses.

Witnesses, including witnesses for depositions, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. Fees shall be paid by the party at whose instance the witness appears, and the person taking a deposition shall be paid by the party at whose instance the deposition is taken.

Subpart D—Consent Findings and Summary Decisions

§ 1955.30 Consent findings and orders.

(a) (1) At any time before the reception of evidence in the hearing, or during the hearing, a reasonable opportunity may be afforded to permit negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in the discretion of the administrative law judge, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues.

(2) Any agreement containing consent findings and a rule or order disposing of a proceeding shall also provide: (i) That the rule or order shall have the same force and effect as if made after a full hearing; (ii) a waiver of any further procedural steps before the administrative law judge and the Secretary; and (iii) a waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

(b) (1) On or before the expiration of the time granted for negotiations, the parties or their counsel may: (i) Submit the proposed agreement to the administrative law judge for his consideration; or (ii) inform the administrative law judge that agreement cannot be reached.

(2) In the event an agreement containing consent findings and a rule or order is submitted within the time allowed therefor, the administrative law judge may accept such agreement by issuing his decision based upon the agreed findings. Such decision shall be published in the FEDERAL REGISTER.

§ 1955.31 Motion for a summary decision.

(a) (1) Any party may, at least 20 days before the date fixed for the hearing, move, with or without supporting affidavits, for a summary decision on all or any part of the proceeding. Any other party may, within 10 days after service of the motion, serve opposing affidavits or file a cross motion for summary decision. The administrative law judge may, in his discretion, set the matter for argument and call for submission of briefs. The filing of any documents under this section shall be with the administrative law judge and copies of any such document shall be served on all the parties.

(2) The administrative law judge may grant such motion if the pleadings, affidavits, material obtained by discovery or otherwise obtained, or matters officially noticed, show that there is no genuine issue as to any material fact and that a party is entitled to summary decision. Affidavits shall set forth such facts as would be admissible in evidence in the hearing and shall show affirmatively that the affiant is competent to testify to the matters stated therein. When a motion for summary decision is made and supported as provided in paragraph (a)(1) of this section, the party opposing the motion may not rest upon the mere allegations or denials of his pleading; his response must set forth specific facts showing that there is a genuine issue of fact for the hearing.

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(3) Should it appear from the affidavits of a party opposing the motion that he cannot, for reasons stated, present by affidavit facts essential to justify his opposition, the administrative law judge may refuse the application for summary decision or may order a continuance to permit affidavits to be obtained, or depositions to be taken, or discovery to be had, or may make such other order as is just.

(b) (1) The denial of all or any part of a motion or cross motion for summary decision by the administrative law judge shall not be subject to interlocutory appeal to the Secretary unless the administrative law judge certifies in writing: (i) That the ruling involves an important question of law or policy as to which there is substantial ground for difference of opinion; and (ii) that an immediate appeal from the ruling may materially advance the ultimate termination of the proceeding.

(2) The allowance of such an interlocutory appeal shall not stay the proceeding before the administrative law judge unless the Secretary so orders.

§ 1955.32 Summary decision.

(a) (1) Where no genuine issue of material fact is found to have been raised, the administrative law judge shall issue an initial decision to become final 30 days after service thereof upon each party unless, within those 30 days, any party has filed written exceptions to the decision with the Secretary. Requests for extension of time to file exceptions may be granted if the requests are received by the Secretary no later than 25 days after service of the decision.

(2) If any timely exceptions are filed, the Secretary may set a time for filing any response to the exceptions with supporting reasons. All exceptions and responses thereto shall be served on all the parties.

(b) (1) The Secretary, after consideration of the decision, the exceptions; and any supporting briefs filed therewith and any responses to the exceptions with supporting reasons, shall issue a final decision.

(2) An initial decision and a final decision under this section shall include a statement of: (i) Findings of fact and conclusions of law and the reasons and bases therefor on all issues presented; (ii) reference to any material fact based on official notice; and (iii) the terms and conditions of the rule or order made. The final decision shall be published in the FEDERAL REGISTER and served on all the parties.

(c) Where a genuine material question of fact is raised, the administrative law judge shall, and in any other case may, set the case for an evidentiary hearing.

Subpart E—Hearing and Decision

§ 1955.40 Hearings.

(a) (1) Except as may be ordered otherwise by the administrative law judge, the Department of Labor shall proceed first at the hearing.

(2) The Department of Labor shall have the burden of proof to sustain the contentions alleged in the notice of proposed withdrawal, but the proponent of any factual proposition shall be required to sustain the burden of proof with respect thereto.

(b) (1) A party shall be entitled to present his case or defense by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Any oral or documentary evidence may be received, but the administrative law judge shall exclude evidence which is irrelevant, immaterial, or unduly repetitious.

(2) The testimony of a witness shall be upon oath or affirmation administered by the administrative law judge.

(3) If a party objects to the admission or rejection of any evidence, or to the limitation of the scope of any examination or cross-examination, or to the failure to limit such scope, he shall state briefly the grounds for such objection. Rulings on all objections shall appear in the record. Only objections made before the administrative law judge may be relied upon subsequently in the proceeding.

(4) Formal exception to an adverse ruling is not required.

(c) Official notice may be taken of any material fact not appearing in evidence in the record, which is among the traditional matters of judicial notice, or concerning which the Department of Labor by reason of its functions is presumed to be expert: *Provided*, that the parties shall be given adequate notice, at the hearing or by reference in the administrative law judge's and the Secretary's decision of the matters so noticed and shall be given adequate opportunity to show the contrary.

(d) When an objection to a question propounded to a witness is sustained, the examining party may make a specific offer of proof of what the party expects to prove by the answer of the witness orally or in writing. Written offers of proof, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

(e) Hearings shall be stenographically reported. Copies of the transcript may be obtained by the parties and the public upon payment of the actual cost of duplication to the Department of Labor in accordance with 29 CFR 70.62, as amended in 39 FR 10242, March 19, 1974.

(f) Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided. Corrections may be ordered by the administrative law judge or agreed to in a written stipulation by all parties or their representatives. Where the parties are in disagreement, the administrative law judge shall determine the corrections to be made and so order. Corrections may be interlineated in the official transcript so as not to obliterate the original text.

§ 1955.41 Decision of the administrative law judge.

(a) Proposed findings of fact, conclusions, and rules or orders. Within 30 days after receipt of notice that the transcript of the testimony has been filed with the administrative law judge, or such additional time as the administrative law judge may allow, each party may file with the administrative law judge proposed findings of fact, conclusions of law, and rules or orders, together with a supporting brief expressing the reasons for such proposals. Such proposals and brief shall be served on all other parties and shall refer to all portions of the record and to all authorities relied upon in support of each proposal.

(b) (1) Within a reasonable time after the time allowed for the filing of proposed findings of fact, conclusions of law, and rules or orders, the administrative law judge shall make and serve upon each party his initial decision which shall become final upon the 30th day after entry thereof unless exceptions are filed thereto.

(2) The decision of the administrative law judge shall be based solely upon substantial evidence on the record as a whole and shall state all facts officially noticed and relied upon. The decision of the administrative law judge shall include: (i) A statement of the findings of fact and conclusions of law, with reasons and bases therefor upon each material issue of fact, law, or discretion presented on the record; (ii) reference to any material fact based on official notice; and (iii) the appropriate rule, order, relief, or denial thereof.

§ 1955.42 Exceptions.

(a) Within 30 days after service of the decision of the administrative law judge, any party may file with the Secretary written exceptions thereto with supporting reasons. Such exceptions shall refer to the specific findings of fact, conclusions of law, or terms of the rule or order excepted to; the specific pages of the transcript relevant to the suggestions; and shall suggest corrected findings of fact, conclusions of law, or terms of the rule or order. Requests for extension of time to file exceptions may be granted if the requests are received by the Secretary no later than 25 days after service of the decision.

(b) If any timely exceptions are filed, the Secretary may set a time for filing any response to the exceptions with supporting reasons. All exceptions and responses thereto shall be served on all the parties.

§ 1955.43 Transmission of the record.

If exceptions are filed, the Secretary shall request the administrative law judge to transmit the record of the proceeding to the Secretary for review. The record shall include the State plan; a copy of the Assistant Secretary's notice of proposed rejection; the State's statement of items in contention; the notice of the hearing; any motions and requests filed in written form and rulings thereon; the transcript of the testimony taken at the hearing, together with any documents or papers filed in connection with

the pre-hearing conference and the hearing itself; such proposed findings of fact, conclusions of law, rules or orders, and supporting reasons as may have been filed; the administrative law judge's decision; and such exceptions, responses, and briefs in support thereof as may have been filed in the proceedings.

§ 1955.44 Final decision.

After review of any exceptions, together with the record references and authorities cited in support thereof, the Secretary shall issue a final decision ruling upon each exception and objection filed. The final decision may affirm, modify, or set aside in whole or in part the findings, conclusions, and the rule or order contained in the decision of the administrative law judge. The final decision shall also include reference to any material fact based on official notice or other extra record fact.

§ 1955.45 Effect of appeal of administrative law judge's decision.

An administrative law judge's decision shall not be operative pending a decision on appeal to the Secretary. If there are no exceptions filed to the decision of the administrative law judge, the administrative law judge's decision shall be published in the FEDERAL REGISTER as a final decision and served upon the parties.

§ 1955.46 Finality for purposes of judicial review.

Only a final decision by the Secretary under § 1955.44 shall be deemed final agency action for purposes of judicial review. A decision of an administrative law judge which becomes final for lack of appeal is not deemed final agency action for purposes of 5 U.S.C. 704.

§ 1955.47 Judicial review.

The State may obtain judicial review of a decision by the Secretary in accordance with section 18(g) of the Act.

Signed at Washington, D.C., this 6th day of November 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-26483 Filed 11-11-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 87]

[FRL 293-8]

CONTROL OF AIR POLLUTION FROM SUPERSONIC AIRCRAFT

Public Hearings; Correction

A notice of public hearings on proposed standards for supersonic aircraft was published in the FEDERAL REGISTER on Thursday, October 17, 1974, page 37068. The notice announced that public hearings would be held on SST emission standards in Boston on November 14 and 15, 1974, and Los Angeles, November 26 and 27, 1974.

The address for the Los Angeles hearing has been changed to:

California State Building
107 South Broadway
Room 1138
Los Angeles, California 90012

Dated: November 5, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel (EG-329).

[FR Doc.74-26405 Filed 11-11-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 107]

SMALL BUSINESS INVESTMENT COMPANIES

Proposed Requirement for Performing As Management Services

Notice is hereby given that pursuant to authority contained in section 308 of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 661 et seq., it is proposed to amend, as set forth below, sections 601 (a) and (b), Part 107 of Chapter I, Title 13 of the Code of Federal Regulations.

Prior to final adoption of such amendment, consideration will be given to any comments submitted in writing, in triplicate, to the Investment Division, Small Business Administration (SBA), Washington, D.C. 20416, on or before December 12, 1974.

Information. The amended sections would clarify SBA's requirements when a Licensee or its associate performs management services of any kind for small business concerns.

Services which are deemed to be merely advisory, and are provided by the Licensee to the portfolio concern would not need to have prior SBA approval, but records of time and charges must be kept and charges must be comparable to those of other professional consultants. Advice is defined as rejectable by the small concern to distinguish it from the actual performance of technical services.

Technical services by a Licensee to a portfolio concern must be performed pursuant to a written contract, require annual approval by the portfolio concern and by SBA, and also require recordkeeping and reasonable charges.

All services rendered by an associate of the Licensee to a portfolio concern must have prior SBA approval, and the Licensee must keep records for SBA's review.

The prior approval requirement stems from the close involvement of the SBIC or its associate with the business activities of a portfolio concern which could give rise to control or conflict-of-interest situations. The recordkeeping requirement makes it possible for SBA to review the services performed and fees charged to small concerns.

The reference to management services by independent contractors would be deleted, since no control or conflict-of-interest problem can arise between a portfolio concern of a Licensee and a professional acting on his own. Similarly, no such problem can arise between a Licensee or its associate, and a small concern that receives no financing from the Licensee, and the amendment would therefore make clear that SBA does not regulate such relations.

It is proposed that Part 107 be amended by revising § 107.601 (a) and (b) to read as follows:

§ 107.601 Management services.

(a) *General.* Management services may be advisory only or may, subject to § 107.901, include performance of any technical service relating to the financial, management, administrative or operating activity of a Small Concern. Services shall be deemed advisory only, where the Small Concern is free to accept or reject the advice rendered.

(b) *Conditions.* (1) Where a Licensee directly or indirectly provides management services to a Small Concern and such services are advisory only, no prior SBA approval is required. The Licensee shall maintain a record for examination by SBA of the time spent and charges made for such services and such charges shall not exceed comparable charges by established professional non-Licensee consultants.

(2) Where a Licensee directly or indirectly provides management services to a Small Concern which is being Financed by it and such services are not advisory only, such services shall be performed pursuant to a written contract with such Small Concern and approved annually by the Board of Directors or principals of the Small Concern and by SBA. An agreement to perform such services for a Small Concern which is not being Financed by the Licensee shall not require such annual approval. Records shall be kept and charges made in accordance with subparagraph (1) of this paragraph.

(3) Where an Associate of a Licensee provides management services to a Small Concern which is being Financed by such Licensee and such services are advisory only, prior written approval by SBA is required. Such advice shall be rendered pursuant to a written contract, and approved annually by the Board of Directors or the principals of the small business concern and by SBA. The Licensee shall maintain records of time spent and charges made in accordance with subparagraph (1) of this paragraph. Such services rendered to a Small Concern not being Financed by such Licensee are not subject to regulation by SBA until such time as Financing is provided.

(4) Where an Associate of a Licensee provides management services to a Small Concern which is being Financed by such Licensee and such services are not advisory only, such services shall be performed pursuant to a written contract, and approved annually by the Board of Directors or the principals of the Small Concern, and by SBA. Records shall be kept and charges made in accordance with subparagraph (1) of this paragraph. Such services rendered to a Small Concern not being Financed by the Licensee are not subject to regulation by SBA until such time as Financing is provided.

* * * * *

THOMAS S. KLEPPE,
Administrator.

NOVEMBER 5, 1974.

[FR Doc.74-26438 Filed 11-11-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-188]

NATIONAL REVIEW BOARD FOR THE CENTER FOR CULTURAL AND TECHNICAL INTERCHANGE BETWEEN EAST AND WEST

Notice of Meeting

The National Review Board for the Center for Cultural and Technical Interchange Between East and West (East-West Center) will meet in open session at the East-West Center, 1777 East-West Road, Honolulu, Hawaii on December 9 and 10, 1974. The meeting will be held in the Asia Room from 9:00 a.m. to 4:30 p.m. each day. The Board will discuss incorporation of the East-West Center.

Dated: November 4, 1974.

CAROL M. OWENS,
Executive Secretary.

[FR Doc.74-26441 Filed 11-11-74;8:45 am]

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-286]

WHITE OR IRISH POTATOES, OTHER THAN CERTIFIED SEED

Tariff-Rate Quota

NOVEMBER 6, 1974.

The tariff-rate quota for white or Irish potatoes, other than certified seed, pursuant to item 137.25, Tariff Schedules of the United States, for the 12-month period beginning September 15, 1974, is 45,000,000 pounds.

The estimate of the production of white or Irish potatoes, including seed potatoes, in the United States for the calendar year 1974, made by the United States Department of Agriculture as of October 1, 1974, was 33,776,700,000 pounds.

In accordance with headnote 2, part 8A, of schedule 1, Tariff Schedules of the United States, the quantity is not increased because the estimated production is greater than 21,000,000,000 pounds.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-26468 Filed 11-11-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD

Advisory Committee Meetings

A special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on December 3, 1974 in the Pentagon, Washington, D.C. The sub-committee meeting on this date will be concerned with Instrumentation.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with Pub. L. 92-463, section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a) (1) and (a) (3) of section 10, Pub. L. 92-463 are concerned.

Dated: November 7, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.74-26418 Filed 11-11-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

FILLMORE DISTRICT #3 ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of Fillmore District #3 Advisory Board will be held on December 3, 1974 at 9:00 a.m. at the Fillmore District Office, 10 East 5th North, Fillmore, Utah.

The agenda for the meeting will consist of: Consider Sec. 3 grazing applications, grazing, transfer applications, Sec. 4 applications, grazing fees, billing procedure change, exchange of use agreements, the National Advisory Committee Act, wild horse population, predator control program, wildlife projects, use of advisory board equipment, pending appeals and hearings, range improvement projects proposals and completions, range use problems and Gandy AMP Term Permits.

The meeting will be open to the public. Interested persons may make oral or written presentations to the board or file written statements. Such requests should be made to the official listed below at least one day prior to the meeting.

Further information concerning this meeting may be obtained from Lloyd H. Ferguson, District Manager, Bureau of Land Management, PO Box 778, Fillmore, Utah 84631. Minutes of the meeting will be available for public inspection and copying two weeks after the meeting at the address listed above.

LLOYD H. FERGUSON,
District Manager.

[FR Doc.74-26429 Filed 11-11-74;8:45 am]

FILLMORE DISTRICT #10 ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of Fillmore District #10 Advisory Board will be held on December 5, 1974 at 9:00 a.m. at the Fillmore District Office, 10 East 5th North, Fillmore, Utah.

The agenda for the meeting will consist of: Consider Sec. 3 grazing applications, grazing transfer applications, Sec. 4 applications, grazing fee and billing procedure change, exchange of use agreements, the National Advisory Committee Act, wild horse population, predator control program, wildlife projects, use of advisory board equipment, pending appeals and hearings, range improvement project proposals and completions, range use problems and Gandy AMP Term Permits.

The meeting will be open to the public. Interested persons may make oral or written presentations to the board or file written statements. Such requests should be made to the official listed below at least one day prior to the meeting.

Further information concerning this meeting may be obtained from Lloyd H. Ferguson, District Manager, Bureau of Land Management, PO Box 778, Fillmore, Utah 84631. Minutes of the meeting will be available for public inspection and copying two weeks after the meeting at the address listed above.

Dated: November 4, 1974.

LLOYD H. FERGUSON,
District Manager.

[FR Doc.74-26428 Filed 11-11-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

WHITE MOUNTAIN NATIONAL FOREST ADVISORY COMMITTEE

Notice of Renewal

The Assistant Secretary for Conservation, Research, and Education has renewed the White Mountain National Forest Advisory Committee for an additional 2-year period.

This is a local advisory committee established by the Forest Service in 1970 to advise the Forest Supervisor of the White Mountain National Forest in Laconia, New Hampshire, about policies, programs, and plans affecting management of the National Forest.

The Assistant Secretary has determined that continuation of this committee is in the public interest in connection with the duties imposed on the Department by law. This notice is given in compliance with Pub. L. 92-463.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

NOVEMBER 6, 1974.

[FR Doc.74-26445 Filed 11-11-74;8:45 am]

Soil Conservation Service

QUAPAW CREEK WATERSHED

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for that portion of the Quapaw Creek Watershed project described below.

The environmental assessment of this federal action indicates that this portion of the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the action. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection, flood prevent, recreation, irrigation, and municipal water supply. The portion of this project covered by the negative declaration includes the installation of remaining land treatment measures and 21 single-purpose floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken on or before November 27, 1974.

Dated: November 5, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-26416 Filed 11-11-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

EXPORTERS' TEXTILE ADVISORY COMMITTEE

Public Meeting

The Exporters' Textile Advisory Committee will meet at 10 a.m. on December 12, 1974, in Room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee, which is comprised of 26 members involved in textile and apparel exporting, advises Department officials concerning ways of increasing U.S. exports of textile and apparel products.

The agenda for the meeting is as follows:

1. Review of Export Trends.
2. Report on Conditions in the Export Markets.
3. Other Business.

A limited number of seats will be available to the public. The public will be permited to file written statements with the Committee before or after the meeting. To the extent time is available at the end of the meeting, the presentation of oral statements will be allowed.

Further information concerning the Committee may be obtained from Arthur Garel, Director, Office of Textiles, Main Commerce Building, U.S. Department of Commerce, Washington, D.C. 20230.

ALAN POLANSKY,
Acting Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.74-26442 Filed 11-11-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PANEL ON REVIEW OF ORTHOPAEDIC DEVICES

Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of October 18, 1974 (39 FR 37230), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is given that the meeting of the Panel on Review of Orthopaedic Devices scheduled for November 16, 1974 is cancelled.

Dated: November 6, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26448 Filed 11-11-74;8:45 am]

Office of Education

FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS

Proposed Criteria for Funding of Applications for Fiscal Year 1975

Pursuant to the authority contained in section 601(b) of the National Defense Education Act of 1958, as amended, (20 U.S.C. 511(b)), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below as the basis on which applications submitted under section 601(b) will be judged. Section 601(b) authorizes the Commissioner to pay stipends to individuals undergoing advanced training in modern foreign languages and area studies, international studies, and the international aspects of professional and other fields of study. In order to properly carry out this activity and to insure that such individuals receive training in programs of high quality, the Commissioner requests applications from institutions of higher education for quotas of fellowships. The Commissioner then allocates quotas of fellowships to institutions whose applications he has approved.

The criteria read as follows: In addition to evaluation on the basis of the criteria found in the Office of Education General Provisions at 45 CFR 100a.26(b) (38 FR 30654, November 6, 1973) the Commissioner will evaluate applications for quotas of foreign language and area studies fellowships from institutions of higher education in accordance with the following criteria:

(a) The quality of the institution's existing foreign language and area studies program as evidenced by course offerings, faculty, and library holdings;

(b) The degree to which the institution proposes to have intra-institutional cooperation with other foreign language and area programs and the nature and extent of coordination with the institution's professional schools and other special university programs;

(c) The degree of institutional commitment to the development of the program, as evidenced by faculty appointments, university scholarships and teaching assistantships, and funding of library acquisitions;

(d) The degree requirements of the institution's foreign language and area studies programs with special emphasis on the extent to which that degree requires proficiency in one or more foreign language;

(e) The extent to which the institution's foreign language and area studies program provides extracurricular activities which enhance the student's foreign language proficiency and knowledge of the world area he is studying; and

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(f) Lowest priority will be given to applications for fellowships in French, German, or Iberian Spanish.

(20 U.S.C. 511(b))

Interested persons are invited to submit written comments, suggestions, or objections regarding these criteria to the International Studies Branch, Division of International Education, Office of Education, ROB 3, Room 3923, 7th and D Streets, SW., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All revelant material must be received not later than December 12, 1974.

(Catalog of Federal Domestic Assistance Programs: 13.434 Foreign Language and Area Studies—Fellowships)

Dated: September 25, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 6, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74-26464 Filed 11-11-74;8:45 am]

FOREIGN LANGUAGE AND AREA STUDIES FELLOWSHIPS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section 601(b) of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(b)), applications are being accepted from institutions of higher education for quotas of fellowships under the Language and Area Studies Fellowships Program.

Applications must be received by the U.S. Office of Education Application Control Center on or before December 17, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.434. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the International Studies Branch, Division of International Education, Bureau of Postsecondary Education, Office of Education, Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education general provisions regulations (45 CFR Part 100a) and the criteria relating to Foreign Language and Area Studies fellowships published in this issue of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Number 13.434; Higher Education—Language and Area Fellowships Program)

Dated: September 25, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74-26465 Filed 11-11-74;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON POPULATION AFFAIRS

Meeting

The Services Task Force of the Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold a meeting on November 25, 1974. The meeting will be held in the Department's north building located at 330 Independence Ave. SW., Washington, D.C., Room 4137. The meeting is scheduled to convene at 9 a.m. and adjourn at 5:30 p.m.

The Task Force will discuss recommendations for the implementation of the World Population Plan of Action in the United States and related matters.

The meeting is open for public observation.

Dated: November 6, 1974.

LOUIS M. HELLMAN,
Chairman and Executive Secretary.

[FR Doc.74-26463 Filed 11-11-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA General Docket No. H-74-2]

TRAIN AIR BRAKE TEST PROGRAM

Notice of Hearing

On October 15, 1974, a notice was published in the FEDERAL REGISTER (39 FR 36878) by the Railroad Safety Board announcing that the Board was considering the establishment of a limited cold weather test program. In general terms the proposed test program would provide information on the feasibility of increasing the maximum brake pipe leakage for freight trains hauled by locomotives equipped with pressure maintaining type automatic brake valves during below freezing weather conditions.

The Railroad Safety Board has sought the views and comments of interested parties on the appropriateness of such a test program as well as on the terms and conditions, including the suggested list of participating railroads, if such a test program is established. In furtherance of that effort and in response to a request from the Congress of Railway Unions, the Railroad Safety Board will hold a public hearing on this proposed test program. Accordingly, a public hearing is hereby set for 1:30 p.m. on November 20, 1974, Room 7200, Nassif Building, 400 Seventh Street SW., Washington, D.C.

The hearing will be an informal one, and will be conducted in accordance with Rule 31 of the FRA Rule-Making Procedures (49 CFR 211.31), by a representative designated by the Board.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The representatives of the Board will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons who wish to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary, for the conduct of the hearing will be announced at the hearing.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-26551 Filed 11-11-74;8:45 am]

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

Pursuant to Docket No. HM-1, rulemaking procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 FR 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during October 1974.

Special permit No.	Issued to—subject	Mode or modes of transportation
SP 6014	Hercules Incorporated, Wilmington, Delaware, to ship Hercudet blasting caps, non-electric as prescribed in § 173.66 except that inside packaging may also consist of polyethylene plastic bags.	Motor vehicle.
SP 6024	Sobin Chemicals, Inc., Boston, Massachusetts, to ship Chloroplerin, liquid in DOT Specification 6A metal drums, made of 12 gage steel throughout, having rated capacity of 55-gallons.	Cargo vessel, Motor vehicle, Rail freight.
SP 6025	Economics Laboratory, Inc., St. Paul, Minn., to ship certain corrosive liquids in high density polyethylene bottles overpacked in an outside nonreuseable, non-DOT specification 200 pound test double-faced fiberboard box.	Cargo vessel, Motor vehicle, Rail freight.
SP 6028	McKesson Chemical Co., San Francisco, Calif., to ship Nitric acid in DOT Specification 5C steel drums except the hoops are made from ¾" x 1¼" carbon steel I-bar.	Motor vehicle, Rail freight.
SP 6029	U.S. Atomic Energy Commission, Washington, D.C., to ship semi-propulsive rocket motors, Class B explosives in packaging approved by the Bureau of Explosives (AAR).	Cargo vessel, Motor vehicle.
SP 6030	Coyne Chemical Co., Philadelphia, Pa., to ship Phosphoric acid not exceeding 85 percent strength in DOT Specification 57 stainless steel portable tanks.	Motor vehicle.
SP 6031	Celanese Chemical Company, Houston, Texas, to ship a propionic acid mixture in insulated aluminum tank cars built to AAR-201A50W specifications. Bottom outlets are prohibited.	Rail freight.
SP 6032	Ugine Kuhlmann of America, Inc., to ship Anhydrous hydrofluoric acid in a non-DOT specification portable tank constructed in accordance with Fauvet-Girel drawings.	Cargo vessel, Motor vehicle.
SP 6033	Osmose Wood Preserving Company, Buffalo, N.Y., to ship poisonous solids, n.o.s. in 15-gallon capacity metal drums complying with DOT Specification 17E except they are fabricated from 24 gauge steel.	Motor vehicle.
SP 6035	National Aeronautics and Space Administration, Washington, D.C., to make one shipment of Nitrogen tetroxide-nitric oxide mixture in DOT Specification 3A480 cylinders each equipped with gas tight valve and valve protection cap.	Cargo-only aircraft.
SP 6040	Agrico Chemical Company, Tulsa, Oklahoma, to ship Sulfuric acid concentration of greater than 77.5 percent to not over 95 percent in DOT Specification 103W tank car tanks. Bottom outlets are prohibited.	Rail freight.

ALAN I. ROBERTS,
Secretary.

[FR Doc.74-26268 Filed 11-11-74;8:45 am]

National Highway Traffic Safety Administration

[Docket No. 74-36; Notice No. 2]

HIGHWAY SAFETY ACT SANCTIONS REVIEW BOARD

Appointment of Members for Maryland Hearing; Postponement of Hearing

On October 11, 1974, the Federal Highway Administrator and the National Highway Traffic Safety Administrator acting jointly issued a notice (39 FR 37411, October 21, 1974) setting forth a proposed recommended determination to invoke the sanctions specified in 23 U.S.C. § 402 against the State of Maryland. The basis for the proposal was the failure of Maryland to enact a presumptive or prima facie blood-alcohol-concentration level set at 0.10 percent or lower before the end of the 1974 session of the Maryland legislature. The notice also announced that a public hearing would be held with respect to the proposed recommended determination on November 11, 1974.

Pursuant to § 1206.7 of Title 23, Code of Federal Regulations, a review board of three officials of the Department of Transportation has been appointed to conduct the hearing in accordance with the rules of procedure set forth in Part 1206 of Title 23, Code of Federal Regulations, for the purpose of receiving evidence and views from the State of Maryland and interested persons concerning the proposed recommended determination. The membership of the board is as follows:

Office of the Secretary Member and Presiding Officer: Glenn J. Sedam, Deputy Assistant Secretary for Environment, Safety and Consumer Affairs.

Federal Highway Administration Member: William G. Emrich, Director of the Office of Environment and Design, Region V.

National Highway Traffic Safety Administration Member: Frank Ephraim, Director of the Office of Program Evaluation.

On November 6, 1974, a request for postponement of the hearing was filed with the presiding officer on behalf of the State of Maryland. The request did not specify the duration of the requested postponement. The asserted grounds for the request were (1) that the parties are presently negotiating a settlement of the matter which could well result in the execution of a consent decree pursuant to the provisions of 23 CFR 1206.9, and (2) that the notice provided to Maryland was insufficient for purposes of preparing the presentation of the State's case.

The Federal Highway Administrator and National Highway Traffic Safety Administrator have advised the presiding officer that they are engaged in such negotiations and that they have no objection to a postponement of 14 days to carry on those negotiations.

Accordingly, so as to allow opportunity for the parties to pursue possible settlement negotiations and acting under the authority of 23 CFR 1206.7(b)(1), the hearing is hereby postponed until 10 a.m. on November 25, 1974. The location of the hearing remains the Department of Transportation Headquarters Building, Room 2230, 400 Seventh Street SW., Washington, D.C. 20590.

GLENN J. SEDAM,
Presiding Officer, Sanctions Hearing Board.

NOVEMBER 7, 1974.

[FR Doc.74-26567 Filed 11-8-74;3:17 pm]

Urban Mass Transportation Administration

ELDERLY AND HANDICAPPED REGULATIONS

Meeting

The Urban Mass Transportation Administration (UMTA) is considering issuing regulations which will state UMTA's current requirements for grant applications in the area of transportation service to the elderly and the handicapped and also establish new requirements. These regulations would be issued under the authority of section 16 of the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1612); section 165(b) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 142nt.); and delegation of authority from the Secretary of Transportation to the Urban Mass Transportation Administrator at 49 CFR 150.

Prior to formal rulemaking, UMTA officials will meet with interested parties to discuss a draft of the regulations. Meetings will be held on the following dates on the indicated subjects:

Date:	*Subject*
November 25, 1974	The regulations from the perspective of the elderly and handicapped.
November 26, 1974	The regulations from the perspective of transit operators.
November 27, 1974	The regulations from the perspective of manufacturers of buses and fixed guideway stations.

All meetings will begin at 10 a.m. in Room 10330, Nassif Building, 400 7th St. SW., Washington, D.C. 20590. The meetings will be open to the public.

The latest UMTA draft of the proposed regulations will be distributed at the meetings. The same draft will be discussed at all three meetings. Copies of the draft are available prior to the meetings from the Office of the Chief Counsel, Urban Mass Transportation Administration, Department of Transportation, Room 9315, 400 7th St. SW., Washington, D.C. 20590.

After the meetings a revised draft of the proposed regulations will be published in the FEDERAL REGISTER in a Notice of Proposed Rulemaking. No final rules will be issued until after a period for written comment by the public.

Issued in Washington, D.C. on November 12, 1974.

SALLYANNE PAYTON,
Chief Counsel, Urban Mass Transportation Administration.

[FR Doc.74-26621 Filed 11-11-74;9:46 am]

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ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Meeting

NOVEMBER 6, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting at 9 a.m. on December 3, 1974, in Room 1046 at 1717 H Street NW., Washington, D.C. This meeting will be closed to the public.

The Subcommittee will meet in closed session with the AEC Regulatory Staff to discuss the following working papers:

(1) Emergency Plans for Nuclear Power Plants.

(2) Instrumentation for Light Water Cooled Nuclear Power Plant Conditions During and Following An Accident.

(3) Design of Main Steam Isolation Valve Leakage Control Systems for Direct Cycle Boiling Water Nuclear Power Plants.

(4) Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.

(5) Investigation of Materials Under Nuclear Power Plant Foundations.

In connection with this matter, the Subcommittee may hold Executive Sessions, not open to the public, prior to and at the conclusion of the meeting with the AEC Regulatory Staff, to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463, that the closed session will consist of exchanges of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during this portion of the meeting will be inextricably intertwined with such exempt material and no separation of exempt and non-exempt material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-26410 Filed 11-11-74;8:45 am]

[Dockets Nos. STN 50-528 through 50-530]

ARIZONA PUBLIC SERVICE CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses and Availability of Applicants' Environmental Report; Time for Submission of Views on Antitrust Matters

Arizona Public Service Company on behalf of itself and five joint applicants—the Salt River Project Agricultural Improvement and Power District, Tucson Gas & Electric Company, El Paso Electric Company, Public Service Company of New Mexico, and Arizona Electric Power Cooperative, Inc. (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application, which was docketed on October 7, 1974, for authorization to construct and operate three generating units utilizing three pressurized water nuclear reactors. The application was tendered on July 11, 1974. Following a preliminary review for completeness, the Environmental Report, the general and financial, and antitrust information were found to be acceptable for docketing. However, the Preliminary Safety Analysis Report was rejected on August 29, 1974, for lack of sufficient information. The applicant submitted additional information on September 30, 1974, and the Preliminary Safety Analysis Report was found to be acceptable for docketing. Docket Nos. STN 50-528, STN 50-529, and STN 50-530, have been assigned to the application, and they should be referenced in any correspondence relating to the application.

The proposed nuclear facility, designated by the applicants as the Palo Verde Nuclear Generating Station, Units 1, 2, and 3, is located in Maricopa County, Arizona, about 15 miles west of Buckeye and 36 miles west of Phoenix. Each of the units is designed for initial operation at 3,800 megawatts (thermal), with a net electrical output of 1,307 megawatts.

A Notice of Hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 23, 1974. The request should be filed in connection with Docket Nos. STN 50-528-A, STN 50-529-A, and STN 50-530-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545, and at the Phoenix Public Library, 12 East McDowell Road, Phoenix, Arizona 85004.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report dated October 2, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Department of Economic Planning and Development, State of Arizona, Phoenix, Arizona 85007, and at the Maricopa Association of Governments, 300 N. Central Avenue, Phoenix, Arizona 85012.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Md., this 8th day of October, 1974.

For the Atomic Energy Commission.

RALPH A. BIRKEL,
Acting Chief, Light Water Reactor Project Branch 1-3, Directorate of Licensing.

[FR Doc.74-24442 Filed 10-21-74;8:45 am]

[Dockets Nos. 50-250 and 50-251]

FLORIDA POWER AND LIGHT CO.

Amendments to Facility Operating Licenses

The Atomic Energy Commission (the Commission) is considering the issuance of amendments to Facility Operating Licenses No. DPR-31 and DPR-41 issued to Florida Power and Light Company (the licensee) for operation of the Turkey Point Nuclear Generating Units 3 and 4 located in Dade County, Florida.

The amendments would revise the Technical Specifications in accordance with the licensee's applications dated October 24, 1974, and October 30, 1974. The revisions would modify those provisions in the Technical Specifications relating to fuel residence time and control rod insertion limits to allow operation through core cycle 2 for Turkey Point Nuclear Generating Unit 3 following refueling. The extended fuel residence time will allow operation of Unit 3 through core cycle 2 with cycle 1 fuel. The operating limits for Unit 4 set forth in its Technical Specifications will remain unchanged although the Technical Specifications will be modified to reflect the revisions to the Unit 3 Technical Specifications.

On or before December 12, 1974, any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene with respect to whether the amendments to the facility operating licenses should be issued.

Petitions for leave to intervene must be filed under oath or affirmation and in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by results of the proceeding, and the petitioner's contentions with respect to the proposed

licensing action. Such petitions must be filed in accordance with the provisions of the FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by December 12, 1974. A copy of the petition and/or request for hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Jack R. Newman, Esquire, Lowenstein, Newman, Reis & Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20006, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the applications for amendments dated October 24, 1974, and October 30, 1974, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Lily Lawrence Box Public Library, 212 NW. First Avenue, Homestead, Florida. As they become available, the Commission's related Safety Evaluation, and the proposed license amendments and attachments will also be available at the above locations. A copy of the Safety Evaluation and the proposed amendments and attachments, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 7th day of November, 1974.

For the Atomic Energy Commission.

GEORGE LEAR, *Chief,*
Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-26487 Filed 11-11-74;8:45 am]

[Docket No. 50-410]

NIAGARA MOHAWK POWER CORP.

Oral Argument

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order dated October 31, 1974, oral argument on the exceptions filed to the June 14, 1974 initial decision of the Licensing Board in this construction permit proceeding will be heard at 10 a.m. on Wednesday, December 4, 1974, in the Main Courtroom (second floor), The U.S. District Court and Post Office Building, Erie Boulevard and Genessee Street, Syracuse, New York 13201.

Dated: November 6, 1974.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74-26455 Filed 11-11-74;8:45 am]

[Docket Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO. ET AL.

Oral Argument

Notice is hereby given that, in accordance with the Atomic Safety and Licensing Appeal Board's Order dated October 31, 1974, oral argument on the exceptions filed by the applicant, intervenors and regulatory staff to the June 14, 1974 initial decision of the Licensing Board (RAI-74-6 1022) in these operating licensing proceedings, has been re-calendared for 10 a.m. on Wednesday, December 11, 1974, in the Appeal Panel Hearing Room, 5th floor, East West Towers Building, 4350 East-West Highway, Bethesda, Maryland.

Dated: November 6, 1974.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74-26456 Filed 11-11-74;8:45 am]

[Docket Nos. 50-272, 50-311]

PUBLIC SERVICE ELECTRIC AND GAS COMPANY, ET AL.

Order Dismissing Party

By motion dated October 7, 1974, the Applicant herein has moved that the Intervenor Citizens Opposed to Radiation Pollution (CORP) be dismissed as a party to this proceeding for its failure to participate in requested discovery.

with appropriate discovery.

It appears that: 1. The Board's Order of November 26, 1973, directed the parties, from and after that date, to proceed

2. On or about June 14, 1974, Applicant served its Notice of Deposition upon Intervenor CORP, requiring the oral depositions of certain members of CORP to be given beginning on July 29, 1974. The Intervenor CORP failed or refused to respond to this notice of deposition, necessitating cancellation of all scheduled depositions.

3. The Board's order of September 6, 1974, compelled certain of the discovery sought by and described in Applicant's June 14, 1974, notice of deposition. The Intervenor CORP failed or refused to respond to the order compelling discovery and made no appearance at the session attempted to be held in accordance with that order.

The Intervenor CORP is in default under the Commission's rules of practice. This Board may impose an appropriate sanction for the default (10 CFR. 2.707). For its failures hereinabove described, the Board hereby determines that the Intervenor CORP should be dismissed as a party to this proceeding.

The Applicant's motion of October 7, 1974, is granted, and Citizens Opposed to Radiation Pollution is hereby dismissed as a party to this proceeding.

There remaining no intervening parties and no request for hearing, under the Commission's rules of practice this proceeding must be, and it hereby is, dismissed.

Dated at Bethesda, Md., this 31st day of October 1974.

ATOMIC SAFETY AND LICENSING BOARD,
EDWARD LUTON,
Chairman.

[FR Doc.74-26411 Filed 11-11-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Agreement C.A.B. 24735; Order 74-11-32]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Increased Fuel Costs

Issued under delegated authority November 6, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated C.A.B. agreement number.

The agreement would increase Europe-Middle East cargo rates by four percent and Middle Eastern cargo rates by two percent effective January 1, 1975 to account for increased fuel costs. The agreement applies in air transportation as defined by the Act only to the extent it involves general cargo rates, which are combinable with general cargo rates to/from United States points.

Pursuant to authority duly delegated by the Board in the Board's Regulations 14 CFR 385.14:

It is not found that Resolutions 200 (Mail 215) 003pp and 200 (Mail 215) 003qq, which are incorporated in Agreement C.A.B. 24735 and which have indirect

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application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Agreement C.A.B. 24735 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26472 Filed 11-11-74;8:45 am]

[Docket No. 25513; Agreement C.A.B. 24734 R-1 and R-2; Order 74-11-30]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fare Matters

Issued under delegated authority November 6, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement was adopted at a Resolution 015a and 015b meeting at San Diego on September 12, 1974 and has been assigned the above C.A.B. agreement number.

The agreement adjusts proportional fares from Canada used to construct through fares between Canada and North/Central and South Pacific points to reflect a recent Canadian domestic fare increase. The agreement also adjusts certain U.S. transborder proportional fares to the extent necessary to maintain historical relationships *vis-a-vis* nearby Canadian points.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions, which are incorporated in Agreement C.A.B. 24734 as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24734:			
R-1	015b	North and Central Pacific Proportional Fares—North America	3/1 (N/C Pacific).
R-2	015a	South Pacific Proportional Fares—North America	3/1 (South Pacific).

Accordingly, it is ordered, That:

Agreement C.A.B. 24734 be and hereby is approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc. 74-26473 Filed 11-11-74;8:45 am]

[Dockets 26057 and 26075, Agreements CAB 24753, 24754, 24755, 24756, 24757, and 24758]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Fuel-Saving Capacity Limitation Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of November, 1974.

Pan American World Airways, Inc. (Pan Am), Trans World Airlines, Inc. (TWA), British Caledonian Airways (BCAL), and British Airways jointly request prior Board approval, pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act) and Subpart P of the Board's rules of practice, 14 CFR 302.1601, of capacity limitation agreements with respect to six United States-London markets. These agreements resulted from several discussion sessions held pursuant to authority granted by the Board in Order 73-11-34, November 8, 1973, as extended and expanded by Orders 74-4-29, April 4, 1974, and 74-7-33, July 8, 1974.[1]

The agreements establish maximum weekly nonstop scheduled frequencies to be operated by the applicants in the subject markets.[2] Provision is made for the temporary suspension of these limitations during a period of cessation of curtailment of operations by any of the parties resulting from a labor dispute or other cause beyond the control of the affected party. Allowance is also made for the use of unpublished extra sections either for operational reasons or to meet short periods of excessive demand. The agreements were to become effective, subject to prior Board approval, on November 1, 1974, and are to continue in effect until April 30, 1975, except for the New York-London agreement which is to terminate on April 15, 1975. Any party may terminate the agreement on 30 days' written notice.

In support of the application, the applicants assert that the agreements will result in a substantial reduction in fuel consumption. Specifically, the applicants estimate an aggregate fuel savings of approximately 40,303,323 gallons over the term of the agreement. The applicants also note that in extending the discussion authority originally granted in Order 73-11-34, the Board, in Order 74-7-33, broadened the basis for such discussions to include the radical price increase in, as well as the availability of, international aviation fuel.[3] In this respect, the applicants estimate that the fuel savings will translate into a total fuel-cost saving of approximately $13,874,880, even under the unlikely assumption that there are no further increase in fuel prices this winter.

The applicants emphasize that achieving these fuel and fuel-cost savings will not unwarrantedly reduce the level of United States-London services offered to the public. Assuming no growth in traffic

[1] Meetings among the applicants looking toward these agreements were held in London on July 31, 1974, in New York on August 7-8, 1974, and in Washington, D.C. on September 18, 1974. Reports of these meetings were filed with the Board.

[2] The markets involved and the weekly nonstop service levels pursuant to the various agreements are as follows:

Agreement CAB 24753, New York-London:

British Airways	7 B-747, 7 B-707, or VC-10.
BCAL	7 B-707.
Pan Am	7 B-747, 7 B-707.
TWA	7 B-747, 7 B-707.

Agreement CAB 24764, Los Angeles-London:

British Airways	5 B-707 or VC-10.
BCAL	5 B-707.
Pan Am	5 B-747.
TWA	5 B-747.

Agreement CAB 24755, Boston-London:

British Airways	7 B-707 or VC-10.
Pan Am	7 B-707.
TWA	7 B-707.

Agreement CAB 24756, Chicago-London:

British Airways	4 B-747.
TWA	4 B-747.

Agreement CAB 24757, Washington-London:

British Airways	4 B-747.
Pan Am	5 B-747.

Agreement CAB 24758, Detroit-London:

British Airways	4 B-747 (via an intermediate stop at an east coast coterminal point).
Pan Am	7 B-707 (via an intermediate stop at an east coast coterminal point).

[3] See Order 74-7-33, July 8, 1974, second full paragraph on page 3, and ordering paragraph 1. The applicants also cite the Board's language on page 5 of Order 74-4-149, April 26, 1974, wherein the Board, in approving certain international capacity agreements, stated that such fuel conservation measures take on added significance in light of the financial crisis facing both Pan Am and TWA.

for these markets over the 1973-74 winter period, the applicants estimate load factors ranging from a low of 45 percent in the Los Angeles-London market to a high of 64 percent in the Washington-London market. Even these load-factor estimates may be high, as British Airways foresees a drop in traffic from last year of at least six percent for all of these markets. Thus, the applicants conclude that service levels under the agreements will be adequate to meet the demands of the traveling public.

The applicants also request that the 21-day period for the filing of answers to this application, pursuant to 14 CFR 302.1608, be waived to permit Board action by the effective date of the agreements. Additionally, Pan Am and TWA request an exemption from section 405 (b) of the Act and all regulations enacted in pursuance thereof, to the extent necessary to permit implementation of the proposed schedule changes without ten days' prior notice to the Postmaster General.

The National Air Carrier Association (NACA) has filed an answer to the application.[4] NACA does not oppose the application, but requests that a condition be imposed on any approval of the agreements to prevent the use of any freed capacity in the transatlantic charter market. Specifically, NACA requests a condition which would require that, during any year in which an international capacity agreement is in effect, each agreement carrier limit the number of seats it operates in transatlantic charter services to the number of seats it operated during the 12-month period preceding the first international capacity agreement entered into in this proceeding. To permit flexibility, NACA also suggests a provision in its condition which would allow any carrier which increases its revenue passenger-miles in transatlantic scheduled service during an agreement period, over the corresponding preagreement period, to proportionately increase its charter capacity.

Pan Am has filed a reply to NACA's answer, opposing the requested condition.[5]

No other comments relative to the application have been received to date.[6]

In consideration of the foregoing, the Board notes that to the extent that the applicants have justified the proposed capacity limitation agreements on both a fuel and fuel-cost savings basis, the application appears to raise issues which are currently being considered in the Capacity Reduction Agreements Case, Docket 22908. However, these agreements relate to international markets, are all for a relatively short term, and in each case the proposed service appears adequate to meet the needs of the traveling public. The Board has previously stated that mutual reductions in international capacity, when carefully monitored by the Board, can help to provide the public with optimum service in the face of the constraints imposed by the international fuel situation.[7] Therefore, we have decided to approve these agreements.[8] Our decision herein, however, should not be construed as prejudging in any manner the Board's final decision with respect to any of the issues currently being considered in the Capacity Reduction Agreements Case.

With respect to the charter operations condition requested by NACA, we believe that the public interest does not require the imposition of such a condition on approval of these agreements at this time. The Board has repeatedly stated that the transfer of released capacity to any non-agreement markets, including charter markets, will not be tolerated,[9] and we will impose reporting requirements similar to those imposed on other such agreements, which requirements should provide adequate protection against the predatory use of any freed capacity.[10] We will also retain jurisdiction for the purpose of amending or revoking the approval granted herein at any future date.[11]

So that the agreement may be effectuated quickly, the applicants' request for waiver of the 21-day period for the filing of answers to this application will be granted. However, the Board will receive and consider any documents filed in this docket as part of its continuing evaluation of the impact of the agreement. It is found that enforcement of section 405(b) of the Act, requiring ten days' prior notice of schedule changes to the Postmaster General, would be an undue burden upon the air carrier applicants and is not in the public interest.

Finally, we have considered the impact of the agreement on the employees of both Pan Am and TWA. Based on the limited amount of information currently before us, we are unable to conclude that the public interest requires the imposition of any labor protective conditions. As noted, however, the Board will retain jurisdiction, and could impose such a condition should a showing be made that the public interest so requires.

Accordingly, it is ordered, That:

1. Agreements CAB 24753, 24754, 24755, 24756, 24757, and 24758 be and they hereby are approved subject to the following conditions:

(a) Jurisdiction shall be retained to amend or revoke approval at any time or take whatever action may be in the public interest;

(b) Schedule deletions resulting from the agreements herein, which occur at any of the controlled high-density airports[12] and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in Order 72-11-72, shall not be refilled by the air carrier applicants, nor be reallocated to other carriers by the respective Airline Scheduling Committee; *provided, however,* That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operates plus or minus three hours of the flight to be reinstated;[13]

(c) All schedule changes resulting from this agreement shall be reported to the Board within 15 days of the end of each month, in accordance with the format of Appendix A[14] hereto,[15] and copies of such reports shall be provided to all carriers requesting them; and

(d) Within 28 days of the date of service of this order, the air carrier applicants shall file with the Board's Docket Section a report containing the following additional data for the subject markets:

a. Seats operated in 1973/1974 (November through March).
b. Passengers carried in 1974 to date.
c. Forecast passengers in 1974/1975 (November through March).
d. Projected seats in 1974/1975 (November through March).
e. Fuel use by month for the system of each carrier in 1974 to date.
f. Fuel use by month in the subject agreement markets in 1974 to date.

[4] NACA represents the following supplemental air carriers: Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, and World Airways, Inc.

[5] Pan Am's reply was accompanied by a motion for leave to file an otherwise unauthorized document. Since Pan Am's reply falls within the standards established for such documents by 14 CFR 302.1606, that motion is unnecessary and will be dismissed.

[6] Copies of this application were served upon all persons upon whom copies of Order 73-11-34 were served, in accordance with 14 CFR 302.1605.

[7] See, for example, Order 73-11-34, November 8, 1973, and Order 74-1-111, January 23, 1974.

[8] The Board is aware of BCAL's current plans to terminate transatlantic service. We will approve as submitted those agreements to which BCAL is a party, so as not to preclude the reinstatement of transatlantic service by BCAL at some future date under the terms of the agreement. Even without BCAL in the transatlantic market, the load factors of the remaining applicants herein will not be unduly high during the effectiveness of these agreements.

[9] See, for example, Orders 73-10-110 (October 31, 1973), note 8a; 74-1-111 (January 23, 1974), at page 4; and 74-2-93 (February 22, 1974), at page 4.

[10] See ordering paragraph 1 and footnote 14, infra.

[11] Section 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement, whether or not previously approved by it, which it finds to be adverse to the public interest or in violation of the Act.

[12] Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport and LaGuardia Airport. See Order 72-11-72, November 16, 1972.

[13] Compare Order 73-12-32, December 7, 1973, at page 7.

[14] Appendix A filed as part of original document.

[15] In addition, Pan Am and TWA shall file with the Board's Docket Section a report stating, on a systemwide basis, average seat miles operated per gallon of fuel used, by type of equipment; and shall maintain records, subject to inspection by the Board or such other persons as the Board may authorize, detailing the fuel used each month, throughout their systems, on a city-pair and flight-by-flight basis (including charter operations).

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2. The request of the applicants for a waiver of the 21-day period for the filing of answers be and it hereby is granted;

3. The request of Pan Am and TWA for an exemption from section 405(b) of the Act, and regulations promulgated pursuant thereto, to the extent necessary to permit implementation of the proposed schedules without ten days' prior notice to the Postmaster General, be and it hereby is granted;

4. NACA's request for the imposition of its proposed condition on the approval granted herein be and it hereby is denied;

5. Pan Am's motion for leave to file an otherwise unauthorized document be and it hereby is dismissed; and

6. Copies of this order shall be served on the United States Departments of Defense, Justice, and Transportation; the United States Postal Service; the Port Authority of New York and New Jersey; the Massachusetts Port Authority; the City of Chicago, Department of Aviation; the City of Los Angeles, Director of Aviation; the City of Detroit; and all certificated route and supplemental air carriers.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26474 Filed 11-11-74;8:45 am]

[Docket Nos. 25864; 26878]

SATURN AIRWAYS, INC. AND AYHAN KAYMAK

Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on January 21, 1975, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Dated at Washington, D.C., November 7, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-26471 Filed 11-11-74;8:45 am]

COMMISSION ON REVISION OF THE FEDERAL COURT APPELLATE SYSTEM

PRELIMINARY REPORT ON STRUCTURE AND INTERNAL OPERATING PROCEDURES

Meeting

Notice is hereby given that the Commission on Revision of the Federal Court Appellate System will meet Wednesday, November 20, 1974, at 9:30 a.m., in Room S-146 of The Capitol.

The purpose of the meeting is to discuss recommendations which may be included in the Commission's Preliminary Report on structure and internal operating procedures of the Federal courts of appeal system. Use of central staff, limitation of oral argument, practices concerning publication of opinions, and utilization of two-judge panels are among the specific topics to be considered. Specialized courts and compensation of attorneys representing judges who are sued in their official capacity are also to be discussed.

The meeting is open to all interested persons.

A. LEO LEVIN,
Executive Director.

[FR Doc.74-26417 Filed 11-11-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

FEDERATIVE REPUBLIC OF BRAZIL

Cotton Textiles and Cotton Textile Products

NOVEMBER 7, 1974.

On July 8, 1972, there was published in the FEDERAL REGISTER (37 FR 13498) a letter dated June 29, 1972, from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing an administrative mechanism intended to preclude circumvention of the licensing system for exports to the United States of cotton textiles and cotton textile products, produced or manufactured in the Federative Republic of Brazil. One of the requirements is that the visa accompanying such shipments include the signature of a Brazilian official authorized to issue visas. The Government of the Federative Republic of Brazil has requested, and the Government of the United States has acceded to the request, that the following officials be authorized to issue visas in addition to those previously designated on January 25, 1974 (39 FR 3997):

Eduardo Jose Ferreira Barnes
Luiz Ramina
Publio Jackson Furiatti
Renato de Arruda Penteado Junior

Accordingly, there is published below a letter of November 7, 1974, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the letter of January 25, 1974, effective on November 18, 1974 to include the names of the aforementioned officials. Facsimiles of their signatures are filed as a part of the original document with the Office of the Federal Register.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

NOVEMBER 7, 1974.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive further amends, but does not cancel, the directive of June 29, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, that directed you to prohibit, under certain specified conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Brazilian official authorized to issue visas.

Pursuant to the provisions of the Bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of June 29, 1972 is further amended, effective on November 18, 1974, to authorize the following Brazilian officials to issue visas, in addition to those previously designated in our letter of January 25, 1974:

Eduardo Jose Ferreira Barnes
Luiz Ramina
Publio Jackson Furiatti
Renato de Arruda Penteado Junior

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance, U.S. Department of Commerce.

[FR Doc.74-26481 Filed 11-11-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 292-7]

CIBA-GEIGY CORP.

Establishment of Temporary Tolerances

CIBA-GEIGY Corp., Post Office Box 11422, Greensboro, NC 27409, submitted a petition (PP 4G1469) requesting establishment of temporary tolerances for negligible residues of the herbicide procyazine (2-[[4-chloro-6-(cyclopropylamino) - 1,3,5 - triazin - 2 - yl]amino] - 2-methylpropanenitrile) in or on the raw agricultural commodities fresh corn including sweet corn (kernels plus cob with husk removed), corn grain, and corn fodder and forage (excluding sweet corn fodder and forage) at 0.1 part per million.

It has been determined that these temporary tolerances will protect the public health. They are therefore established on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the CIBA-GEIGY Corp. name. (For a related document, see this issue of the FEDERAL REGISTER, page 39869.)

These temporary tolerances expire November 6, 1975. Residues remaining in or on the above commodities after expiration of these tolerances will not be considered actionable if the pesticide is legally applied during the term and in accordance with provisions of the temporary permit/tolerances.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805).

Dated: November 6, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-26404 Filed 11-11-74;8:45 am]

[FRL 292-1]

HAZARDOUS MATERIALS ADVISORY COMMITTEE

Public Availability of Report on Closed Meeting

Pursuant to the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and section 8d (3) of OMB Circular No. A-63, revised March 27, 1974, the Hazardous Materials Advisory Committee (HMAC), which held a partially closed meeting in 1973 has prepared a report on the activities of this meeting. Copies of the report have been filed and are available for public inspection at the following locations:

Library of Congress
Microform Reading Room
Room MB-140-B, Main Building
10 First Street, SE.
Washington, D.C. 20540

U.S. Environmental Protection Agency
Freedom of Information Center
Room 206, WSMW Tower
401 M Street, SW.
Washington, D.C. 20460

RUSSELL E. TRAIN,
Administrator.

NOVEMBER 5, 1974.

[FR Doc.74-26400 Filed 11-11-74;8:45 am]

[FRL 292-5; OPP-32000/139]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION DATA TO BE CONSIDERED IN SUPPORT OF APPLICATIONS

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before January 13, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 13, 1975.

APPLICATIONS RECEIVED

EPA Reg. No. 3533-63. Airkem, A Div. of Airwick Industries, Inc., 111 Commerce Rd., Carlstadt NJ 07072. AQUINOC GARBAGE COMPACTOR ODOR COUNTERACTANT INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-carboxylate 0.250%; Related Compounds 0.034%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5859-A. Aqualand Pool Co., Inc., Dakota at West Lake St., Minneapolis MN 55416. AQUALAND NEW FIRE RESISTANT CHLORINE CONCENTRATE. Active Ingredients: Sodium Dichloro-s-triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8436-U. Berman Chemical Co., 1316 Locust St., PO Box 567, Toledo OH 43693. DISCENT DETERGENT-DEODORANT - SANITIZER - DISINFECTANT FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34132-G. Cealin Chemicals, 6141 Arlington Expressway, Jacksonville FL 32211. CERES B-60. Active Ingredients: Dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34969-G. Central Solvents & Chemicals Co., 7601 S. 190th St., Kent WA 98031. HERCULES HERCO PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9404-EO. Chase & Co., PO Box 1697, Sanford FL 32771. SUNNILAND VAPAM SOIL FUMIGANT. Active Ingredients: Sodium methyl dithiocarbamate (anhydrous) 32.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3125-146. Chemagro, PO Box 4913, Kansas City MO 64120. BAYGON 70% WETTABLE POWDER. Active Ingredients: 2-(1-Methylethoxy) phenol methylcarbamate 70%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 7056-37. Chem Spray Aerosols Inc., PO Box 38073, Houston TX 77088. CHEM-SPRAY VACIDE FLY AND MOSQUITO AEROSOL. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.46%; related compounds 0.04%; Pyrethrins 0.03%; Technical Piperonyl Butoxide 0.06%; N-octyl Bicycloheptene Dicarboximide 0.10%; Petroleum distillate 14.31%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4652-U. Crown Chemical Co., 1416 N. Dixie Hwy., Hollywood FL 33020. CROWN WONDER BUG KILLER. Active Ingredients: Pyrethrins 0.05%; Piperonyl Butoxide Technical 0.26%; 0,0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.50%; Petroleum Distillates 99.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3770-304. Economy Products Co., Inc., PO Box 427, Shenandoah IA 51601. RABON VMI LIVESTOCK DUST READY TO USE INSECTICIDE. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34862-E. Esco Products Inc., PO Box 748, Taft TX 78390. ESCO END-A-BUG. Active Ingredients: Chloropyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 0.50%; Pyrethrins 0.10%; Piperonyl butoxide, technical 0.20%; N-octyl bicycloheptene dicarboximide 0.33%; Aromatic petroleum derivative solvent 1.00%; Petroleum distillate 97.83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 729-AE. Gulf Oil Corp., PO Box 1166, Pittsburgh PA 15230. GULF-SPRAY ANT ROACH KILLER FORMULA 20. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.50%; Petroleum distillates 76.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 729-AN. Gulf Oil Corp. GULF-SPRAY LIQUID BUG KILLER FORMULA/5. Active Ingredients: Petroleum Distillates 99.32%; 0,0-diethyl 0-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.50%; Pyrethrins 0.08%; Perfume Oil 0.10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 729-AR. Gulf Oil Corp. GULF-SPRAY LIQUID BUG KILLER FORMULA/8. Active Ingredients: o-Isopropoxyphenyl methylcarbamate 0.50%; Petroleum Distillates 91.47%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA Reg. No. 1598–110. FCX, Inc., PO Box 2419, Raleigh NC 27602. FCX SPECIAL BHC PINE TREE SPRAY. Active Ingredients: Gamma Isomer of Benzene Hexachloride 11.0%; Other Isomers of Benzene Hexachloride and Related Compounds 13.0%; Xylene 70.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1598–EGU. FCX, Inc., PO Box 2419, Raleigh NC 27602. FCX TOXAPHENE—EPN 42 COTTON SPRAY. Active Ingredients: Toxaphene 40.0%; O-ethyl O-p - nitrophenyl phenylphosphorothioate 20.0%; Xylene 33.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279–2900. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105. SPECTRUM 415 SPRAY OIL. Active Ingredients: Petroleum Oil 98.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8343–105. Gabriel Chemicals, Ltd., 204 21st Ave., Paterson NY 07509. AGRISECT BRAND MALATHION 57–E. Active Ingredients: Malathion (O,O-dimethyl Dithiophosphate of Diethyl Mercaptosuccinate) 57%; Aromatic Petroleum Solvent 37%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4584–OE. Gem, Inc., 1 Gem Blvd., Byhalia MS 38611. AEROCOS RESIDUAL INSECT SPRAY. Active Ingredients: Pyrethrins 0.052%; n-Octyl Sulfoxide of Isosafrole 0.380%; Related compounds 0.031%; O,O-diethyl-O-(2-isopropyl-6-methyl - 4 - pyrimidinyl) phosphorothioate 0.500%; Petroleum distillate 99.187%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10107–RT. Harris Serum & Supply Co., Inc., PO Box 410, McCook NE 69001. HARRIS ENDRIN E–1.6. Active Ingredients: Endrin 19.5%; Xylene 76.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 935–EA. Hooker Chemicals & Plastics Corp., Specialty Chemicals Div., PO Box 344, Niagara Falls NY 14302. HOOKER THIOSULFAN TECHNICAL INSECTICIDE. Active Ingredients: Endosulfan minimum assay 96%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8123–AA. Frank Miller & Sons, Inc., 13831 S. Emerald Ave., Chicago IL 60627. VEGETATION CONTROLLER. Active Ingredients: Diquat dibromide (6,7-dihydrodipyrido (1,2-a:2',1'-c) pyrazinedium dibromide) 0.464%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1157–31. Moorman Mfg. Co., 1000 N. 30th St., Quincy IL 62301. MOORMAN'S DUST WITH CO-RAL INSECTICIDE. Active Ingredients: O,O-Diethyl O-(3-chloro-4-methyl-2-oxo(2H)-1-benzopyran - 7 - yl) Phosphorothioate 1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7001–ENI. Occidental Chemical Co., A Div. of Occidental Petroleum Corp., PO Box 198, Lathrop CA 95330. LIME-SULFUR. Active Ingredients: Calcium Polysulfide 29.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1969–RRN. Parsons Chemical Works, Inc., Box 146, Grand Ledge MI 48837. PARSONS MOL-BAN. Active Ingredients: Technical Chlordane 5%. Method of Support: Application proceeds under 2(e) of interim policy.

EPA File Symbol 151–RL. Pioneer Chemical Co., 2051 Violet St., Los Angeles CA 90021. PIONEER SUPER 60. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5% Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2125–TE. Sciences Products Co., Inc., 5801 No. Tripp Ave., Chicago IL 60646. SCIENCE NO-SEED TOMATO BLOSSOM-SET LIQUID CONCENTRATE. Active Ingredients: p-Chlorophenoxyacetic acid 0.1652%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2125–TG. Science Products Co., Inc., 5801 No. Tripp Ave., Chicago IL 60646. SCIENCE NO-SEED TOMATO BLOSSOM-SET A HORMONE-TYPE SPRAY FOR TOMATOES. Active Ingredients: p-Chlorophenoxyacetic acid 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 3743–302. Southern Agricultural Chemicals, Inc., PO Drawer 527, Kingstree SC 29556. ROYAL BRAND 20% LINDANE E C. Active Ingredients: Gamma Isomer of benzene hexachloride 20% (from Lindane) Petroleum Hydrocarbons 74%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8587–G. Swimrite Inc., 15930 Oxnard St., Van Nuys CA 91406. SWIMRITE POOL CHLORINE CONCENTRATE. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6735–EDGE. Tide Products, Inc., PO Box 1020, Edinburg T–X 78539. TIDE SEVIMOL 4. Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 40.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30464–G. Willis Pool & Chemical Co., 1802 Butternut, Abilene TX 79602. WILLIS LEMON DISINFECTANT CONCENTRATE COEF. 7. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 2.00%; Isopropanol 1.00%; Essential oils 0.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30464–E. Willis Pool & Chemical Co. WILLIS MINT DISINFECTANT CONCENTRATE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.00%; Isopropanol 4.00%; Methyl salicylate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30464–U. Willis Pool & Chemical Co. WILLIS ALGICIDE CONCENTRATE. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30464–L. Willis Pool & Chemical Co. WILLIS LEMON DISINFECTANT CONCENTRATE COEF. 15. Active Ingredients: Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 769–209. Woolfolk Chemical Works, Inc., PO Box 938, Fort Valley GA 31030. SECURITY BHC EMULSIFIABLE CONCENTRATE. Active Ingredients: Gamma Isomer of Benzene Hexachloride 11.7%; Other Isomers of Benzene Hexachloride 15.7%; Aromatic Petroleum Derivative Solvents 68.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 769–159. Woolfolk Chemical Works, Inc., PO Box 938, Fort Valley GA 31030. SECURITY 20% LINDANE EMULSIFIABLE CONCENTRATE. Active Ingredients: Lindane 20%; Aromatic Petroleum Derivative Solvent 65.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270–RTT. Zep Manufacturing Co., PO Box 2015, Atlanta GA 30301. ZEP SUPER–5 INSECTICIDE. Active Ingredients: Pyrethrins 5%; Piperonyl butoxide, technical 25%; Petroleum distillate 70%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEMS

The following item represents a correction in the list of Applications Received published in the FEDERAL REGISTER of October 22, 1974 (39 FR 37530).

EPA File Symbol 498–OI. Chase Products, Inc., 19th & Gardner Rd., Broadview IL 60153. SPRAYPAK DOUBLE-ACTION INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%; Aromatic petroleum hydrocarbons 0.867%. Originally published as EPA File Symbol 498–01 and Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.834% • • •

The following item represents a correction in the list of Applications Received published in the FEDERAL REGISTER of October 23, 1974 (39 FR 37669).

EPA File Symbol 7478–RU. Chem-Pak Co., Box 757, So. Miami FL 33143. SCORCH NEW GRANULAR READY TO USE GRASS & WEED KILLER. Active Ingredients: Monuron Trichloroacetate [3-(p-chlorophenyl)-1,1-dimethylurea trichloroacetate] 22%. • • • Originally published as Active Ingredients: Monuron Trichloroacetate [3-(p-chlorophenyl)-1,1-dimethylurea trichloroacetate] 22%.

The following items represent corrections in the list of Applications Received published in the FEDERAL REGISTER of October 24, 1974 (39 FR 37808).

EPA File Symbol 704–GL. Chemical Systems Inc., 1735 W. Fullerton Ave., Chicago IL 60614. CHEMICAL SYSTEMS C.S.I. CONCENTRATE #3610. Originally published as EPA File Symbol 704–GI. Chemical Systems Inc., 1735 Fullerton Ave., Chicago IL 60614.

EPA File Symbol 1553–00. Momar Inc., 1830 Ellsworth Industrial Dr., N.W., Atlanta GA 30318. MOMAR BAN–BUG. Active Ingredients • • • Chloropyrifes (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 0.507%. Originally published as Active Ingredient • • • Chloropyrifos (0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 0.500%.

The following items represent a correction in the list of Applications Received published in the FEDERAL REGISTER of October 25, 1974 (39 FR 38023).

EPA File Symbol 11667–TE. Transvaal, Inc., PO Box 69, Jacksonville AR 72076. TRANSVAAL FUNGI—RHAP CU–56 FUNGICIDE. Active Ingredients: Copper Oxide (Equivalent to 53% as Metallic Copper) 71.0%. Method of Support: Application proceeds under 2(e) of interim policy.

EPA File Symbol 13926–U. Verpas Products, Inc., PO Box 825, URB. Industrial Julio N. Matos, Carolina PR 00630. DRAGON AEROSOL. Active Ingredients: Petroleum Distillates 69.19%; O,O-Diethyl O-(2-isopropyl-4-methyl-6-pyrimidinyl) phosphorothioate 0.50%; Piperonyl Butoxide Technical 0.26%; Pyrethrins 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: November 5, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74–26402 Filed 11–11–74;8:45 am]

[FRL 292–4; OPP–180009B]

STATE OF WYOMING

Strychnine Alkaloid in an Emergency Rabid Skunk Control Program; Amendment

The Environmental Protection Agency (EPA) granted a specific exemption from the registration provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973), on March 14, 1974, to the Wyoming Department of Agriculture (hereafter referred to as the "Applicant") to use strychnine alkaloid in eggs or paraffin lard baits as a means of emergency control of rabid skunks in Campbell and Crook counties only. This control program was to terminate on May 31, 1974. However, EPA extended the exemption twice after additional rabid skunks were reported in the two counties.

On September 20, 1974, the Applicant requested another extension of the program, due to identification of still more rabid skunks in the counties involved. In light of the information provided, the EPA has approved this amendment to the specific exemption, authorizing the extension of the program from October 1 to November 30, 1974. The original program authorized is to continue in effect, particularly in regard to bait dosages and placement sites. This extension was contingent upon submission of an interim report on the program to EPA on or before October 21; this report has been received. A final report is also expected within three weeks after the end of the program.

This exemption, as amended, is subject to withdrawal if it is determined by the Administrator, EPA, that the State of Wyoming is not complying with the governing regulations or if such action is necessary to protect man or the environment.

The official file on this subject will be available for review by interested parties during regular working hours (8:00 a.m. to 4:30 p.m.) and will be maintained in the Office of the Director, Registration Division (WH–567), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room 347, East Tower, Washington, D.C. 20460.

Dated November 5, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–26401 Filed 11–11–74;8:45 am]

[FRL 291–5]

PORTLAND CEMENT ASSOCIATION

Standards of Performance for New Stationary Sources

On June 29, 1973, the U.S. Court of Appeals for the District of Columbia remanded to EPA the new source performance standard for Portland cement plants (40 CFR 60.60 et seq.) promulgated by EPA under section 111 of the Clean Air Act. EPA has reviewed its standards for these plants pursuant to the remand and has concluded that the standards other than the opacity standard should not be revised.

A copy of EPA's response to the remand is available from Emission Standards and Engineering Division, Environmental Protection Agency, Research Triangle Park, North Carolina 27711, Attention: Mr. Don R. Goodwin. This response includes the justification for revising the opacity standard. The revised opacity standard is published in the rules and regulations section of this FEDERAL REGISTER.

Dated: November 1, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74–26149 Filed 11–11–74;8:45 am]

FEDERAL MARITIME COMMISSION

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Oglethorpe International Forwarders
John B. Hohenstein, III d/b/a
7 Drayton Street
Savannah, Georgia

Full Service Forwarders, Inc.
7211 Thornley Drive
New Orleans, Louisiana 70126
Officers:
Ronald J. Regusa, President
Laura Conway Regusa, Secretary/Treasurer
John J. Klingman
233 Broadway
New York, New York 10007

Monti Forwarding Corp.
925 Bergen Street
Brooklyn, New York 11238
Officers:
Montiano Ascanio, President
Trinidad Ascanio, Secretary/Treasurer

Howard S. Reeder, Inc.,
1001 North America Way, Suite 202
Miami, Florida 33132
Officers:
Howard S. Reeder, President
Howard S. Reeder, Jr., Vice President
Lawrence M. Reeder, Secretary/Treasurer

Basa Cargo Services, Inc.
7442 N.W. 55th Street
Miami, Florida 33166
Officers:
Ruperto Saez, President
Moises Bale, Secretary

Packers, Ltd.
Packers Enterprises Inc. d/b/a
100 Broad Avenue
Wilmington, California 90744
Officers:
Lawrence V. Blashaw, President
Nita V. Blashaw, Vice President
Donald P. Clark, Secretary
Edward O. Daut, Treasurer

Dated: November 7, 1974.

By the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–26480 Filed 11–11–74;8:45 am]

FEDERAL MEDIATION AND CONCILIATION SERVICE

ARBITRATION SERVICES ADVISORY COMMITTEE

Meeting

Notice is hereby given that the Federal Mediation and Conciliation Service Arbitration Services Advisory Committee, in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 86 Stat. 770) will meet on Monday, December 2, and Tuesday, December 3, 1974, starting at 10 a.m., in Conference Room 1106, Main Labor Building, 14th and Constitution Avenue NW., Washington, D.C.

The Committee will continue discussions involving the agenda items listed in the FMCS notice of the first meeting of the Arbitration Services Advisory Committee published in the FEDERAL REGISTER on Wednesday, August 28, 1974. Members of the public are invited to attend the proceedings.

Signed at Washington, D.C., this sixth day of November 1974.

W. J. USERY, JR.,
National Director.

[FR Doc.74–26419 Filed 11–11–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74–749, et al.]

CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES [1]

Applications

NOVEMBER 5, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

V 39 I 219 NOV 12 74 XUM

applications should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI74-749..... A 6-24-74 [1]	Placid Oil Co., 2500 First National Bank Bldg., Dallas, Tex. 75283.	Michigan Wisconsin Pipe Line Co., Vermilion Block 182, offshore Louisiana.	[2] [3] 42.86	15.025
CI75-184..... (G-8303) F 9-26-74	Herman Lang, d.b.a. L & B Oil & Gas Co., (successor to Skelly Oil Co., et al.), 625 North 11th St., Garden City, Kans. 67846.	Kansas-Nebraska Natural Gas Co., Inc., Hugoton Field, Finney and Haskell Counties, Kansas.	[3] 13.0	16.4
CI75-229..... A 10-15-74	Texas Oil & Gas Corp., Fidelity Union Tower Bldg., Dallas, Tex. 75201.	Transcontinental Gas Pipe Line Corp., Wearden Field, Jackson County, Tex.	[3] [4] 46.2	14.65
CI75-239..... A 10-17-74	Texas Gas Exploration Corp., (Operator) et al., 1100 First City National Bank Bldg., Houston, Tex. 77062.	Texas Gas Transmission Corp., West Chalkley Field Area, Calcasieu Parish, La.	[3] [5] 64.5	14.73
CI75-241..... A 10-18-74	Perry R. Bass and Base Enterprises Production Co., 3100 Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Natural Gas Pipeline Co. of America, Pecos Federal No. 1 Area, Eddy County, N. Mex.	[3] 60.0	14.65
CI75-242..... A 10-18-74	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex. 77002.	United Gas Pipeline Co., Crescent Farms Field, Terrebonne Parish, La.	[3] 60.0	15.025
CI75-243..... A 10-15-74	MAPCO, Inc., 1437 South Bolder Ave., Tulsa, Okla. 74119.	Florida Gas Transmission Co., North Montegut Field, Terrebonne Parish, La.	[3] 53.886	15.025
CI75-244..... A 10-15-74	Florida Gas Exploration Co., (Operator) et al., P.O. Box 44, Winter Park, Fla. 32789.	Florida Gas Transmission Co., do	[6] 53.886	15.025
CI75-245..... (CS71-51) F 10-17-74	Sun Calvert Co. (successor to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Lacy Area, Blaine and Kingfisher Counties, Okla.	19.105	14.65
CI75-246..... (CI64-250) F 10-18-74	Mitchell Energy Corp. (successor to Exxon Corp.), 3000 One Shell Plaza, Houston, Tex. 77002.	Natural Gas Pipeline Co. of America, Sal Del Rey Field, Hidalgo County, Tex.	[7] 35.0	14.65
CI75-247..... (CS71-51) F 10-18-74	Sun Calvert Co. (successor to Calvert Exploration Co.)	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Beaver County, Okla.	19.205	14.65
CI75-248..... (CS71-51) F 10-18-74	do	Panhandle Eastern Pipe Line Co., Six Mile Field, Beaver County, Okla.	19.0	14.65
CI75-249..... (CS71-51) F 10-18-74	do	Arkansas Louisiana Gas Co., Kinta and Wilburton Fields, Haskell and Latimer Counties, Okla.	[8] 57.01	14.65
CI75-250..... (CS71-51) F 10-18-74	do	Natural Gas Pipeline Co. of America, Camrick Southeast Gas Pool, Beaver County, Okla.	19.511	14.65
CI75-251..... A 10-23-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Columbia Gas Transmission Corp., Pecan Island Field, Vermilion Parish, La.	[9] 62.0	15.025
CI75-263..... A 10-21-74	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Crosby Deep Field, Lea County, N. Mex.	[3] 65.3119	14.73

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.
See footnotes at end of table.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI75-253..... (CS71-51) F 10-21-74	Sun Calvert Co. (successor to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	19.308	14.65
CI75-256..... A 10-22-74	CIG Exploration, Inc., Five Greenway Plaza East, Houston, Tex. 77046.	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	19.0	14.65
CI75-257..... A 10-22-74	CIG Exploration, Inc.....	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., acreage in Seward County, Kans.	[10] 49.2879 [11] 43.3033 [12] 49.6960	14.65 14.65 14.65
CI75-258..... A 10-22-74	Texas Eastern Exploration Co., P.O. Box 2521, Houston, Tex. 77001.	Texas Eastern Transmission Corp., South Thornwell Field, Cameron Parish, La.	[4] [5] 65.0	15.025
CI75-259..... A 10-22-74	Texas Eastern Exploration Co.....	Texas Eastern Transmission Corp., Hospital Bayou Field, Lafourche Parish, La.	[4] [5] 65.0	15.025
CI75-260..... A 10-22-74	CIG Exploration, Inc.....	Panhandle Eastern Pipe Line Co., acreage in Seward County, Kans.	[10] 49.2879	14.65
CI75-261..... (CI69-452) B 10-23-74	Bialk Oil Co., 203 Park Ave., Oklahoma City, Okla. 73102.	Northern Natural Gas Co., Unnamed field (wildcat area), Hutchinson County, Tex.	Uneconomical	.....

[1] Being renoticed, because by letter filed July 29, 1974, Applicant requests a certificate in accordance with Opinion No. 699.
[2] Subject to upward and downward Btu adjustment.
[3] Subject to downward Btu adjustment; estimated adjustment is 0.922 cents per Mcf.
[4] Applicant is willing to accept a certificate in accordance with Opinion No. 699.
[5] Includes 3.025 cents per Mcf upward Btu adjustment and 7 cents per Mcf tax reimbursement.
[6] Subject to downward Btu adjustment.
[7] Applicant requests a certificate in accordance with Opinion No. 699, however, the contract price is 35 cents per Mcf.
[8] Subject to upward Btu adjustment.
[9] Subject to upward and downward Btu adjustment; estimated upward adjustment is 0.28 cents per Mcf.
[10] Rate for gas from the Hauser No. 1 Well; includes 3.7215 cents per Mcf upward Btu adjustment and 2.7899 cents per Mcf tax adjustment.
[11] Rate for gas from the Lloyd No. 1 Well; includes 1.8394 cents per Mcf downward Btu adjustment and 2.4562 cents per Mcf tax adjustment.
[12] Rate for gas from the AGA No. 1 Well; includes 4.1065 cents per Mcf upward Btu adjustment and 2.8130 cents per Mcf tax adjustment.
[13] Includes 3.7215 cents per Mcf upward Btu adjustment and 2.7899 cents per Mcf tax reimbursement.

[FR Doc.74-26344 Filed 11-11-74;8:45 am]

[Docket No. RP73-23; PGA75-1]

LAWRENCEBURG GAS TRANSMISSION CORP.

Changes in Rates and Charges

NOVEMBER 5, 1974.

Take notice that Lawrenceburg Gas Transmission Corporation (Lawrenceburg) on October 15, 1974, tendered for filing Seventh Revised Sheet No. 3–A and Seventh Revised Sheet No. 18–B to its FPC Gas Tariff, Original Volume No. 1. The purpose of the filing, Lawrenceburg states, is to reflect the change in the cost of gas purchased pursuant to provisions of its FPC Gas Tariff. The proposed increase in rates and charges would reflect the rate increase filed by Texas Gas Transmission Corporation on October 4, 1974, which would be effective on November 2, 1974, in Docket No. RP72–156. Lawrenceburg requests waiver of the notice requirements of the Commission's regulations in order that its rate change may become effective on November 2, 1974; or on such other date as that on which Texas Gas' rate increase becomes effective.

Lawrenceburg states that copies of the tendered filing have been mailed to its two wholesale customers, Lawrenceburg Gas Company and Cincinnati Gas and Electric Company and to interested State commissions. (No notice for publication in the FEDERAL REGISTER, pursuant to § 35.8(a) of the Commission's regulations, was included in the tendered rate filing.)

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20425, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 11, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26506 Filed 11-11-74;8:45 am]

[Docket No. CS75-172 etc.]

"SMALL PRODUCER" CERTIFICATES [1]

Applications

NOVEMBER 5, 1974.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Any person desiring to be heard or to make any protest with reference to said applications should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No.	Date filed	Applicant
C375-172	Oct. 9, 1974	A. M. Park et al., Mt. Pulaski, Ill. 62548.
C375-173	Oct. 10, 1974	Rye, 73, Ltd., 111 Casa Grande, Odessa, Tex. 79763.
C375-174	do	Mary S. Mead, 5535 South Steele, Littleton, Colo. 80121.
C375-175	do	Dorothy M. Allbright, 640 South Park Ave., Hinsdale, Ill. 60524.
C375-176	Oct. 11, 1974	Sylvia Irene Layton, c/o Robert Lembke, 10333 East Colfax Ave., Aurora, Colo. 80010.
C375-177	do	Aspen Drilling Co., P.O. Box 733, Great Bend, Kans. 67530.
C375-178	do	Benjamin F. Hoffacker, Jr., 410 West Ohio, Midland, Tex. 79701.
C375-179	do	Johnson-Mizel Venture Number 1, 2015 South Pontiac Way, Suite 1B, Denver, Colo. 80222.
C375-180	do	Johnson-Mizel Oil Co.
C375-181	Oct. 15, 1974	Ralph H. Barman; 14004 West Omaha Station, Omaha, Nebr. 68514.
C375-182	do	Wayman W. Buchanan, 444 Petroleum Commerce Bldg., San Antonio, Tex. 78205.
C375-183	do	Delta Western Co., 801 First National Center, Oklahoma City, Okla. 73102.
C375-184	Oct. 7, 1974	Southern States Petroleum Corp., 641 Denver Club Bldg., Denver, Colo. 80202.
C375-185	Oct. 18, 1974	Donald W. Deitz, Rural Delivery Number 1, Clarion, Pa. 16214.
C375-186	Oct. 17, 1974	Sumter Oil & Gas Co., Box 973, Perryton, Tex. 79070.
C375-187	do	Eastman Dillon Oil & Gas Associates, 507 Park Tower, 5200 South Yale, Tulsa, Okla. 74135.
C375-188	Oct. 21, 1974	McNeill Oil & Gas Co., 212 Riverside Ave., St. Marys, W. Va. 26170.
C375-189	do	W. M. Cleed, 913 United Founders Tower, Oklahoma City, Okla. 73112.
C375-190	do	Ray H. Potts, 2700 Liberty Tower, Oklahoma City, Okla. 73102.
C375-191	do	Robert L. Stephenson, 2760 Liberty Tower, Oklahoma City, Okla. 73102.
C375-192	do	Adobe Oil & Gas Corp., 1100 Western United Life Bldg., Midland, Tex. 79701.
C375-193	do	Adobe Investment Corp.—1969 Program.
C375-194	do	Adobe Investment Corp.—1970 Program.
C375-195	do	Adobe Drilling Program—1971 Ltd.
C375-196	do	Adobe Drilling Program—1972 Ltd.
C375-197	do	Adobe Drilling Co.—1973 Program.
C375-198	do	Adobe Drilling Co.—1974 Program.
C375-200	Oct. 22, 1974	R. L. Hateber, 1304 Carlton, Liberal, Kans. 67901.
C375-201	do	Caliph Resources, Inc., Suite 1120, One Energy Square, Dallas, Tex. 75206.
C375-202	do	Mogul Petroleum Corp., Suite 1120, One Energy Square, Dallas, Tex. 75206.
C375-203	do	Grey Wolf Drilling Co., 2000 West Loop South—Suite 1730, Houston, Tex. 77027.
C375-204	do	Gulfstream Resources U.S.A., Inc., 1018 Patterson Bldg., 555 17th St., Denver, Colo. 80202.
C375-205	Oct. 23, 1974	Bond Oil Corp., 2600 Republic National Bank Bldg., Dallas, Tex. 75201.
C375-206	do	Charles R. Glenn, Box 113, Corsica, Pa. 15829.

[FR Doc.74-26333 Filed 11-11-74;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCORPORATION, INC.

Proposed Acquisition of Glasser-American Mortgage Company

American Bancorporation, Inc., Saint Paul, Minnesota, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire Glasser-American Mortgage Company, Englewood, Cliffs, N.J. Notice of the application was published on August 1, 1974, in The St. Paul Dispatch, St. Paul Pioneer Press, a newspaper circulated in St. Paul, Minnesota; August 2, 1974, in The New York Times, a newspaper circulated in New York, New York; on August 9, 1974, in the regional editions of The Wall Street Journal, a newspaper circulated in Chicago, Illinois, New York, New York, Palo Alto, California, and Dallas, Texas.

Applicant states that the proposed *de novo* subsidiary would engage in the activities of making or acquiring, for its own account or for the account of others, loans and other extensions of credit such as are normally made by a mortgage company and the servicing of such accounts for itself and for others. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than November 25, 1974.

Board of Governors of the Federal Reserve System, November 4, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26420 Filed 11-11-74;8:45 am]

AMERICAN FLETCHER CORP.

Order Denying Acquisition of Southwest Savings and Loan Association

American Fletcher Corporation, Indianapolis, Indiana, a bank holding company within the meaning of the Bank Holding Company Act of 1956, has applied for the Board's prior approval under section 4(c)(8) of the Act for permission to engage in the activity of the operation of a savings and loan association through the acquisition of Southwest Savings and Loan Association ("Southwest"), Phoenix, Arizona, a savings and loan association insured by the Federal Savings and Loan Insurance Corporation. Such activity has not previously been determined by the Board to be closely related to banking.[1]

Notice of the application, affording oportunity for interested persons to submit comments and views on whether such activity is closely related to banking, as well as on the public interest factors, has been duly published (38 FR 22802). The time for filing comments and views has expired and those filed, including testimony and exhibits received at the oral presentation before available members of the Board, held

[1] On February 17, 1972, and March 9, 1972, the Board approved separate affiliations of each of two savings and loan associations in Rhode Island with two banks in Rhode Island. 58 Fed. Res. Bulletins 313 and 417 (1972). At that time, the Board characterized the Rhode Island situation as "special" in view of the historical affiliation of mutual thrift institutions and commercial banks in that State and express State legislative provision for such affiliation. Therefore, the Board treated that situation "separately from the question whether operation of a savings and loan association by a bank holding company is so closely related to banking that it can be a permissible activity within the meaning of section 4(c)(8) of the Act."

October 30 and 31, 1973, have been considered.

Applicant[2] controls American Fletcher National Bank and Trust Company ("Bank"), Indianapolis, Indiana, the largest bank in that State, with total domestic deposits of $1.3 billion as of December 31, 1973. Through a nonbanking subsidiary, Applicant is engaged in mortgage banking activities in Indiana and nearby States.

Southwest (deposits of $116 million at year-end 1972) is the fourth largest savings and loan association in the State of Arizona and holds 7 per cent of the total deposits held by savings and loan associations in Arizona. It now operates 15 branch offices, 14 in central Maricopa County and one in Pima County. Southwest has two subsidiaries, one of which is engaged solely in providing advertising services to Southwest. Under section 4(a)(2) of the Act, a bank holding company may indirectly furnish services to its subsidiaries. The other subsidiary, Southwest Service Corporation, is engaged principally in providing bookkeeping and data processing services to Southwest, but also processes the accounts and billings for four mortgage servicing firms and rents the balance of available time on its data processing equipment to others who furnish their own personnel, supplies, and programs. This activity is generally permissible for bank holding companies.[3]

Savings and loan associations may be classified according to corporate structure into mutual, that is, depositor-owned, and stock, that is, non-depositor-owned. Only stock associations may be acquired by a bank holding company (or other corporate entity), and stock associations currently comprise only a minor part of the savings and loan industry. With certain limited exceptions, all federally-chartered savings and loan associations are mutual in form as are the majority of State-chartered savings and loan associations. As of December 31, 1972, there were 5,448 savings and loan associations in the United States, of which 665 (representing 12 per cent) were stock associations. Twenty-one States currently charter stock associations, and 438 of the 665 stock associations in existence at year-end 1972 were located in four of those States, California, Illinois, Ohio, and Texas. Conversion from mutual form to stock form would increase the number of savings and loan associations that would be potential candidates for acquisition by bank holding companies; however, Congress recently extended until June 30, 1976, with limited exceptions, a prohibition, originally imposed in 1965, against such conversions by savings and loan associations insured by the Federal Savings and Loan Insurance Corporation.[4]

[2] As of December 31, 1973, Applicant possessed consolidated resources of approximately $2.2 billion.

[3] 12 CFR 225.4(a)(8) and 12 CFR 225.123.

[4] As of December 31, 1972, 4,191 of the 5,448 savings and loan associations were federally-insured.

Operation of a savings and loan association traditionally and basically consists of the receipt of deposits in the form of share, certificate, or deposit accounts for the purpose of lending funds so received to finance the construction, sale, or purchase of housing and other real estate, and the actual lending of these funds for such purposes, all in the ordinary course of business. Banks have traditionally received deposits and loaned funds so received for various purposes, including financing the construction, sale, and purchase of housing and other real estate. Banks and savings and loan associations are financial intermediaries whose liability structures are dominated by deposits and whose asset structures are dominated by loans. Specifically, both receive time deposits and make mortgage loans. That being the case, banks and savings and loan associations are more closely related than are banks and mortgage companies. The Board has previously concluded, as a general matter, that mortgage companies engage in activities that are "closely related to banking or managing or controlling banks".[5]

Further, there is a discernible trend toward lessening distinctions between banks and savings and loan associations. Geographic restrictions on mortgage lending by savings and loan associations have been liberalized. Recently, savings and loan associations were permitted by the Federal Home Loan Bank Board to participate in the Federal funds market, previously dominated by commercial banks.[6] Savings and loan associations recently were authorized to offer large negotiable certificates of deposits.[7] The role of savings and loan associations in the nation's payments mechanism is growing. The President's Commission on Financial Institutions and others have made proposals to expand the powers of savings and loan associations. The close relationship between banking and operation of savings and loan associations would become even closer should these proposals be implemented. Should this trend continue to the point where savings and loan associations both accept demand deposits and engage in the business of making commercial loans, savings and loan associations would actually become "banks" for purposes of the Act.[8]

The Board is not unmindful of the specialized function savings and loan associations serve in the economy, nor of the separate statutory frameworks regulating banks and savings and loan associations. However, neither of these propositions is inconsistent with the determination, compelled by reality, that the operation of a savings and loan association is "closely related to banking or managing or controlling banks".

Southwest would, as an affiliate of Applicant, continue to serve the specialized purpose for which it was formed. Neither its attention nor its resources would be diverted from the acceptance of savings deposits primarily for mortgage lending to finance purchases of single-family residential properties.[9] The Bank Holding Company Act and other applicable Federal and State regulatory provisions would limit the operations of Southwest to that purpose.

The existence of separate regulatory frameworks for various industries has not barred the affiliation of corporations in those respective industries. Bank holding companies may be affiliated with investment advisers, consumer finance companies, industrial loan companies, credit insurance underwriters, and courier companies. In instances of "grandfathered" one-bank holding companies, banks are affiliated with air carriers, title insurance companies, life and health insurance companies, radio and television broadcasting companies, casualty insurance underwriting companies, and cable television companies. Each operates under a separate regulatory framework from that of commercial banks, yet no regulatory body, to the Board's knowledge, has found the existence of such frameworks a bar to affiliation with commercial banks.[10] Similarly, certain companies operating savings and loan associations are "grandfathered" one-bank holding companies, and such affiliations were approved by the Federal Savings and Loan Insurance Corporation.

In 1933, Congress, seeing a need to separate two industries, enacted the Banking Act of 1933, parts of which are known as the Glass-Steagall Act, to separate investment banking from commercial banking. That Act expressly prohibits the affiliation of member banks and securities companies. Congress has not similarly evidenced an intent to separate operation of savings and loan associations from commercial banking, although, by passage of the Glass-Steagall Act, it evidenced its awareness of the means to separate other industries from banking.[11] Rather, Congress has dele-

[5] 12 CFR 225.4(a)(1).

[6] 12 CFR 523.10(g)(4).

[7] 12 CFR 545.1-5.

[8] 12 U.S.C. 1841(c). Until that point is reached, if ever, savings and loan associations, although closely related to banking, may not be deemed "banks", and the affiliation of an out-of-State savings and loan association with a bank through common ownership by a bank holding company would not be prohibited by section 3(d) of the Act (12 U.S.C. 1842(d)).

[9] Provisions of the Savings and Loan Holding Company Act (12 U.S.C. 1730a) and enforcement of those provisions by the Federal Savings and Loan Insurance Corporation, as well as supervision of Southwest by the Federal Home Loan Bank Board, State Department of Banking of Arizona, and the Board, would effectively prevent improper diversion of funds from Southwest to Applicant and its subsidiaries.

[10] The list of common ownership of companies in two separately regulated industries is longer when expanded to include common ownership of two nonbanking industries; thus regulated air carriers own regulated radio and television broadcasters and vice-versa.

[11] Congress has also exhibited similar awareness in expressly prohibiting by statute the ownership of air carriers by other carriers. See 49 U.S.C. 1378(a)(5).

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gated to the Board the decision whether commercial banks should be permitted to affiliate with companies engaged in nonbanking activities, through common ownership by bank holding companies, and has promulgated standards in section 4(c)(8) of the Act that the Board is to apply in deciding particular cases, that is, whether the activities of a particular company are "so closely related to banking or managing or controlling banks as to be a proper incident thereto". In the absence of explicit Congressional action concerning the affiliation of banks and savings and loan associations, the Board has no alternative but to consider any such proposed affiliation under the existing standards of section 4(c)(8).

The Board, based upon the record before it, is compelled to conclude, and does conclude, that the activity in which Southwest is engaged is closely related to banking. Whether it is a "proper incident thereto" requires application of a second standard promulgated by Congress in section 4(c)(8) of the Act, that is, whether its performance by Southwest, as an affiliate of Applicant, can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

In order to make such a determination in any particular case, the Board must, under section 4(c)(8) of the Act, consider the competitive effects of the proposed affiliation. A competitive analysis in the case of affiliation of a particular bank holding company with a particular savings and loan association would be essentially similar to that the Board has regularly applied in cases involving the affiliation of two banks or of a bank holding company and a company engaged in an activity closely related to banking. Thus, anticompetitive effects in this area could be identified and avoided in the same manner as anticompetitive effects have been avoided in other cases falling within the Board's jurisdiction under the Act.

Four savings and loan associations are headquartered in Phoenix.[13] The two largest held approximately 80 per cent of the total deposits held by savings and loan associations headquartered in Phoenix,[14] as of June 30, 1972. At that time, Southwest was the third largest of the four and held approximately 10 per cent of the total deposits held by savings and loan associations in Phoenix. Applicant does not operate a savings and loan association although it does indirectly, through Bank, engage in the receipt of deposits and, through both Bank and American Fletcher Mortgage Company ("AFMC"), engage in the making of mortgage loans.

Bank, as of December 31, 1972,[15] held 20 savings and other time deposit accounts which amounted to $122,000 for persons located in Maricopa County, Arizona.[16] These accounts represent substantially less than 1 per cent of Bank's total savings and time deposit accounts. Bank has not made any mortgage loans to persons located in the Phoenix area. AFMC operates offices in Indiana, Illinois, Ohio, Kentucky, Florida, and the District of Columbia and specializes in the making of real estate mortgage loans for industrial, commercial, and multi-family construction projects and for land development. AFMC has only one mortgage loan outstanding to a borrower in the Phoenix area; it amounts to $425,000. Southwest has limited its mortgage activity to residential real property and derives no deposits from Indiana and no mortgage business from Indiana, Illinois, Ohio, Kentucky, Florida, or the District of Columbia. The Board concludes that consummation of the proposed transaction would foreclose no significant actual competition between Applicant and Southwest for savings and time deposits or in the making of mortgage loans.

It does not appear that Southwest is a likely entrant into mortgage loan or deposit markets in which Applicant or its subsidiaries presently conduct significant operations. Southwest may lawfully neither establish offices beyond the boundaries of the State of Arizona, nor make loans on property located beyond the territorial limits of that State. Although there do exist alternative means of entry into the Phoenix mortgage market by Applicant, it does not appear that Applicant is one of the most likely potential entrants into that market, particularly in view of the distance between Phoenix and markets presently served by Applicant. Statutory and regulatory barriers effectively bar Applicant's entry into the Phoenix market for savings and time deposits. Accordingly, it does not appear that consummation of the proposed transaction would foreclose any substantial probability of development of competition between Southwest and Applicant; nor does it appear that either Southwest or Applicant presently exerts any influence on competition in the market or markets respectively served by the other.

It does not appear that the affiliation of Southwest with Applicant may result in an undue concentration of resources in any section of the country, decreased or unfair competition, or conflicts of interests. The Board has also considered whether the affiliation of Southwest with Applicant would adversely affect the flow of funds into any housing market. The record contains no evidence supporting assertions to that effect. As an insured savings and loan association, Southwest is restricted by statute in its dealings with its affiliates [17] and is subject to comprehensive regulation by State supervisory authorities, the Federal Savings and Loan Insurance Corporation, the Federal Home Loan Bank Board, and, in the event of consummation of the proposed transaction, by this Board. The combined effect of statutory and regulatory prohibitions against, and limitations upon, Southwest's transactions with Applicant and its subsidiaries and effective supervision by the appropriate agencies would effectively bar any significant diversion of funds from Southwest to Applicant and any adverse effect upon the flow of housing funds in the area served by Southwest.

Rather than reduce funds available for housing in markets served by Southwest, the affiliation of Southwest with Applicant may increase the availability of such funds. Southwest has experienced problems in the past in maintaining growth of its capital accounts commensurate with the growth of its deposits. State law requires that its capital accounts be maintained in an amount equal to at least 5 per cent of its deposits. Southwest's inability to attract periodic infusions of capital has forced it actually to discourage deposits at times. Those lost deposits, assuming that they were not placed in other savings and loan associations, represent funds that otherwise would have been available to support housing in markets served by Southwest. Applicant has expressed its willingness to maintain the level of capital of Southwest commensurate with the deposit growth of Southwest. That deposit growth has been projected to approximately $500 million by 1980, requiring an influx of approximately $17 million in additional capital. Applicant is prepared to make a commitment to provide that capital.

Southwest's difficulties in raising capital to support its deposit growth have impeded its ability to attract deposits and indirectly its ability to make mortgage loans. Its capacity to compete vigorously has accordingly been hampered by those difficulties. To the extent Applicant would remedy these difficulties, the proposed affiliation may increase competition in areas served by Southwest.

These public benefits, however, are virtually entirely dependent upon the continuing infusion of capital by Applicant into Southwest. Applicant and Bank are both in generally satisfactory condition. However, Applicant's ratio of debt to equity is such that its capacity to deal with adverse conditions in the economic environment would be affected by the proposed acquisition of Southwest. Since Applicant would fund this acquisition with the proceeds of a loan from an unaffiliated bank, its leverage would be increased. In the Board's judgment, that should be avoided at this time.

The Board has previously expressed the view that at this time bank holding companies generally should slow their rate of expansion into new activities and should direct their energies toward strengthening existing operations, particularly where such expansion may be into new activities in which bank holding companies have not previously engaged.[18] That views is especially applicable to bank holding companies applying to acquire companies which are highly leveraged and which would require continuing infusions of capital.[19] The Board has frequently reiterated its view that the primary role of a bank holding company should be to serve as a source of financial strength and support for its subsidiaries. The financial and managerial resources of a bank holding company should not be unduly diverted from that role. Applicant has in the past two years consummated four significant nonbanking acquisitions. The acquisition of Southwest, even absent any commitment by Applicant to inject capital into Southwest, would further divert its resources away from Bank's possible future needs and would require a significant increase in Applicant's debt. Such diversion and increase in debt constitute significant adverse effects of the proposed affiliation which are not outweighed, at this time and under these circumstances, in the Board's judgment, by any benefits to the public that can reasonably be expected to be produced by the affiliation.

Based upon the foregoing and other considerations reflected in the record,[20] the Board is unable to determine, under section 4(c)(8) of the Act, that the proposed affiliation can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby denied.

By order of the Board of Governors,[21] effective November 4, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-26421 Filed 11-11-74;8:45 am]

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[13] It does not appear that inclusion of commercial banks in this market analysis would significantly alter the conclusions stated in the text.

[14] This datum is an approximation since deposits held by non-Phoenix offices of Phoenix savings and loan associations are included in reported head office totals and Phoenix deposit data for any particular association must be estimated by subtracting head office totals of other savings and loan associations headquartered in Phoenix from total savings and loan deposits deriving from the Phoenix area. Therefore, the market shares in the text may be somewhat overstated as the underlying data effectively attribute Phoenix deposits held by non-Phoenix-headquartered savings and loan associations to the two largest Phoenix associations.

[15] There is no reason to believe that any significant change has occurred in the textual data since December 31, 1972.

[16] Geographic markets for deposits in savings and loan associations are presumed to be local in nature as banking markets have been held to be.

[17] It appears that statutory provisions governing transactions between an insured savings and loan association that is a subsidiary of a savings and loan holding company and its affiliates are considerably more restrictive than are statutory provisions governing transactions between member banks and their affiliates. Compare 12 U.S.C. 1730 a(d) with 12 U.S.C. 371c.

[17] See Order of September 9, 1974, concerning the underwriting of real estate mortgage guaranty insurance, — Fed. Res. Bulletin —, 39 FR 33712, 33713 (September 19, 1974).

[18] See Order of June 29, 1973, denying application of Chemical New York Corporation to acquire CNA Nuclear Leasing, Inc., 59 Fed. Res. Bulletin 698, 699 (1973), 38 FR 18407, 18408 (July 10, 1973).

[19] Concurring statement of Governor Coldwell filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551 or to the Federal Reserve Bank of Chicago.

[20] Voting for this action: Chairman Burns and Governors Mitchell, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Governor Sheehan.

CULLEN BANKERS, INC.

Formation of Bank Holding Company

Cullen Bankers, Inc., Houston, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of the successors by merger to Cullen Center Bank & Trust, Houston, Texas and Citizens National Bank of Dallas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 21, 1974.

Board of Governors of the Federal Reserve System, November 4, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26424 Filed 11-11-74;8:45 am]

F & M BANCORPORATION

Formation of Bank Holding Company

F & M Bancorporation, Tulsa, Oklahoma, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 per cent (less directors' qualifying shares) of the voting shares of The F & M Bank & Trust Company, Tulsa, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

F & M Bancorporation, Tulsa, Oklahoma, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 100 per cent of the beneficial interest in the shares of Famisco, Inc., Tulsa, Oklahoma, and to indirectly acquire 100 per cent of the shares of Inland Life Insurance Company, a Texas corporation, with its sole business office located on the premises of the F & M Bank & Trust Company. Notice of the application was published on September 28, 1974, in Tulsa World, a newspaper circulated in Tulsa, Oklahoma.

Applicant states that the proposed subsidiary, Famisco, Inc., would engage in the activity of owning and holding common shares of F & M Bank & Trust Company and 100 per cent of the shares of Inland Life Corporation, as well as certain other common shares and bonds. In addition, Inland Life Insurance Company, also a proposed subsidiary, would engage in the activity of reinsuring credit life and credit accident and health insurance policies directly related to extensions of credit by F & M Bank & Trust Company. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 4, 1974.

Board of Governors of the Federal Reserve System, November 4, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26425 Filed 11-11-74;8:45 am]

MERCANTILE BANCORPORATION, INC.

Acquisition of Bank

Mercantile Bancorporation, Inc., St. Louis, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Bank of Eldon, Eldon, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of St. Louis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 25, 1974.

Board of Governors of the Federal Reserve System, November 5, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26426 Filed 11-11-74;8:45 am]

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UNION COMMERCE CORP.

Proposed Acquisition of Union Commerce Life Insurance Company

Union Commerce Corporation, Cleveland, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Union Commerce Life Insurance Company, Phoenix, Arizona. Notice of the application was published on September 13, 1974, in The Plain Dealer, a newspaper circulated in Cleveland, Ohio, and on September 14, 1974, in the Arizona Republic, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activities of acting as underwriter, on a reinsurance basis, of credit life insurance and credit accident and health insurance which is directly related to extensions of credit made by subsidiaries of the bank holding company system. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of §225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 4, 1974.

Board of Governors of the Federal Reserve System, November 5, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26427 Filed 11-11-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt and Approval of Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on October 17, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for approval of an amendment to CAB Form 41, Part 241—Uniform System of Accounts and Reports for Certificated Air Carriers. The amendment requires the reporting of fuel inventories on a system basis and fuel consumption by type of service and specific operational markets. Frequency is monthly; potential respondents are all route and supplemental air carriers; reporting burden is estimated at 4 hours for each respondent per response.

The CAB requested clearance under 10.9(d) of the GAO regulations because of the emergency need to begin receiving the information for the month of November. Pursuant to the requirements of the Administrative Procedures Act, the CAB found "good cause" to make the rule effective on less than 30 days' notice. Clearance was provided by GAO on November 4, 1974, under approval number B-180226 (R0087) and expires on September 30, 1976.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-26412 Filed 11-11-74;8:45 am]

REGULATORY REPORTS REVIEW

Receipt and Approval of Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 1, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL POWER COMMISSION

By the addition of new § 141.63 to Part 141—Statements and Report (Schedules) in Subchapter D—Approved Forms, Federal Power Act, Chapter I, Title 18 of the Code of Federal Regulations, the Commission issued Order (No. 515), directing utilities burning coal for all or part of their generation of electricity to make by telephone, telecopier or comparable rapid data transmission system weekly reports and projections of coal deliveries, coal stockpiles and coal consumption and system net generation on a company-by-company or system-by-system basis during the period November 3, 1974, through April 27, 1975. The first report is due by noon, Tuesday, November 5, 1974, for the utility reporting week ending November 1 or 2, 1974. The information provided in these reports will assist Federal government assessment of the national energy situation during the critical winter and early spring months. Information will also be made available to state and local governments for their use, and to the public. Potential respondents will number approximately 180; reporting burden is estimated to be about two man-hours per respondent per response. A Notice of Proposed Rulemaking was issued on October 15, 1974, and published in the FEDERAL REGISTER on October 21, 1974, 39 FR 37399.

The FPC requested clearance under 10.9(d) of the GAO regulations because of the emergency need to begin receiving the requested information the first week of November. Clearance was provided by GAO on November 4, 1974, under approval number B-180229 (R0091) and expires April 30, 1975.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-26413 Filed 11-11-74;8:45 am]

REGULATORY REPORTS REVIEW

Receipt of Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 1, 1974. See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the informal is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL TRADE COMMISSION

Request for clearance of a survey which calls for information regarding the organization and operation of large agricultural cooperatives. Frequency is on occasion and potential respondents are a sample of large agricultural cooperatives. Respondent burden is estimated to be 1 to 3 man hours for each respondent.

Request for clearance of a standard format for special reports on acquisitions and mergers by corporations in the fluid milk products industry. Frequency is on occasion and potential respondents are dairy processors involved in acquisitions and mergers. Respondent burden is estimated to be 15 hours for each response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-26414 Filed 11-11-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

ARCHIVES ADVISORY COUNCIL

Meeting

Notice is hereby given that the Region 9 Archives Advisory Council will meet at the time and place indicated. Anyone who is interested in attending or wants additional information should contact the person shown below.

REGIONAL ARCHIVES ADVISORY COUNCIL
REGION 9

Meeting date: December 13, 1974.
Time: 9:30 a.m.-5 p.m.
Place: Federal Archives and Records Center, GSA, 1000 Commodore Drive, San Bruno, CA 94066.
Agenda: Region 9 Bicentennial workshops and symposia, Current legislation, Archives training programs, Reports of Council members.

For further information contact:

Artel Ricks, NARS Regional Commissioner, 1000 Commodore Drive, San Bruno, CA 94066. 415-876-9015.

Issued in Washington, D.C., on November 4, 1974.

JAMES B. RHOADS,
Archivist of the United States.

[FR Doc.74-26452 Filed 11-11-74;8:45 am]

DATA AND MANAGEMENT SYSTEMS; RECOMMENDATIONS OF COMMISSION ON GOVERNMENT PROCUREMENT

Opportunity for Comment; Correction

The purpose of this notice is to correct the Opportunity for Comment on an interagency task group proposal on Recommendations A-33 and A-34 of the Commission on Government Procurement, which was published in the FEDERAL REGISTER, Volume 39, No. 204, Monday, October 21, 1974 (39 FR 37433).

In numbered paragraph 2., third line, of the task group proposal for an executive branch position, the word "and" is hereby changed to "ón" to reflect the intent of the recommendation. Paragraph 2. will now read as follows:

2. Establish government-wide criteria and policies for the application of management systems and data requirements on specific contracts.

Dated at Washington, D.C., on November 6, 1974.

R. E. ZECHMAN,
Associate Administrator for Federal Management Policy.

[FR Doc.74-26453 Filed 11-11-74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

PARTIALLY CLOSED MEETING

NOVEMBER 4, 1974.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a meeting Monday and Tuesday, December 16 and 17, 1974. The Monday session will be closed to the public under authorization of the Assistant Secretary of Commerce for Administration in a determination dated November 4, 1974,[1] and cosigned by the Assistant General Counsel for Administration, and attached to this notice. The Tuesday session will be open to the public and will be held in Room 6802 of the U.S. Department of Commerce Building, 15th and Constitution Avenue, NW., Washington, D.C., beginning at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92-125, on August 6, 1971. Its duties are to (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. All members of the Committee have appropriate security clearances.

A general agenda contains the following topics:

MONDAY—CLOSED

9:00 a.m. to noon. Briefings and discussion of the functions, missions, and requirements of the military and civil weather services and their interaction.

1:30 p.m. to 3:00 p.m. Briefing and discussion of the U.S. Navy's oceanographic research program.

TUESDAY—OPEN

9:00 a.m. to 1:00 p.m. NACOA work in progress, including working group reports on ocean engineering, IDOE,[2] and Coastal Zone Management.

The public is welcome at the Tuesday open session and will be admitted to the extent of the seating available. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

[1] Determination filed as part of original document.

[2] International Decade of Ocean Exploration, National Science Foundation.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967-3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.74-26399 Filed 11-11-74;8:45 am]

NATIONAL CREDIT UNION ADMINISTRATION

NATIONAL CREDIT UNION BOARD

Meeting and Agenda

Pursuant to the provisions of the Federal Advisory Committee Act, Pub. L. 92-463, 86 Stat. 770, notice is hereby given that the National Credit Union Board will hold its quarterly meeting on December 10-11, 1974, at the offices of the National Credit Union Administration, 2025 M Street, NW., Washington, D.C. 20456. The meetings will commence at 9:00 a.m. daily in Room 4210.

The agenda for this meeting will consist of an update briefing regarding the activities of the several offices of the National Credit Union Administration, a briefing on the progress of the Administration's library project, a briefing on share insurance activities, and other aspects of the Administration.

Matters for discussion will include legislative activities.

This meeting of the National Credit Union Board will be open to the public. Members of the public may file written statements with the Board either before or after the meeting. To the extent that time permits, interested persons may be permitted to present oral statements to the Board only on items listed in the aforementioned agenda. Requests to present such oral statements must be approved in advance by the Chairman of the Board. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

Dated: November 5, 1974.

HERMAN NICKERSON, Jr.,
Administrator.

[FR Doc.74-26440 Filed 11-11-74;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

DANCE TOURING PROGRAM

Guidelines for State Arts Agencies

The following are guidelines for State Arts Agencies under the Dance Touring Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

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Publication of these guidelines is for informational purposes only since application for funds are made by the State Arts Agencies.

Organization heads who are interested in sponsoring a dance company should contact their State Arts Agency or the Dance Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 634-6383.

Signed at Washington, D.C., on 23d October 1974.

FANNIE TAYLOR,
Director, Program Information.

INTRODUCTION

A Coordinated Residency Touring Program (CRTP) for dance companies was initiated in Fiscal Year 1968 as a pilot project. At that time four companies toured to eight communities in two states for a total of eight weeks. Since then the Program has grown with 74 companies touring in 52 states and jurisdictions for a total of 360 weeks during Fiscal Year 1975.

The CRTP, with the assistance of the State Arts Agencies, has fostered new sponsors for dance residencies, developed new audiences for American dance, and assisted those communities with a history of dance programs in presenting more of our nation's dance companies.

Integral to the Program since its inception have been the State Arts Agencies, without whose close involvement and active participation the Program could not have achieved its current success. In Fiscal Year 1975, State Arts Agencies, or their delegated organizations assumed primary administrative responsibility for the Program. The name was changed to the "Dance Touring Program."

State Arts Agencies are encouraged to assist their local sponsors in coordinating the three basic elements which contribute to a successful residency:

(1) Detailed advance work which will prepare the community for the residency so that it may take full advantage of the activities offered.

(2) Broad involvement of the community in the activities offered during the residency.

(3) Taking advantage of the "residual" benefits of the engagement.

In order to allow each local sponsor the flexibility to tailor each residency to its own needs and resources, and to use its own criteria in selecting the dance companies it wishes to engage, there is no longer a listing of companies based on qualitative review. Rather, any company meeting the quantitative criteria described in the Guidelines for Dance Companies, and meeting the qualitative judgments of the sponsor, may receive assistance. Sponsors, in other words, are given the responsibility for engaging companies on the basis of the sponsor's qualitative selection.

PURPOSE

The primary purpose of the Dance Touring Program is to provide professional dance residencies to the largest possible number of Americans. Through residency engagements and imaginative planning on the part of State Arts Agencies, sponsors, and companies, it is expected the following objectives will be achieved:

(1) To develop new audiences for dance, and to expand the public's awareness and appreciation of dance.

(2) To improve touring practices for both sponsors and companies.

It is hoped the State Arts Agencies will include the Dance Touring Program in the state's total plan for assistance to dance. Collaborative planning between the Dance Touring Program and other components of each state's program will greatly increase the effectiveness of all efforts.

PROCEDURES

ADMINISTRATIVE RESPONSIBILITIES

Outlined below are the basic procedures for the Dance Touring Program, followed by instructions for making application to the National Endowment for the Arts for funds.

Each State Arts Agency is given the option of administering the Dance Touring Program itself, or delegating another organization to administer it for the state. If the SAA chooses to delegate another organization, there are several routes it might take:

(1) It might select a willing state-wide organization capable of administering the Program within its state.

(2) It might join with several other neighboring states and delegate a single organization which would be willing and able to administer the Program for the several states involved. This is particularly advantageous in areas where there is to date little dance touring activity in any single state.

(3) It might, along with other member states, delegate an existing multistate organization willing and able to assume this responsibility.

In order to facilitate the Program, it is essential that each State Arts Agency notify the National Endowment for the Arts who will be responsible for administering the Dance Touring Program for the state (both the organization and individual in charge, with address and phone number) and for the designated organization to express its willingness to accept the responsibility in writing, by: October 1, 1974.

The National Endowment for the Arts will be happy to answer any questions concerning the selection of an administrative organization. Please feel free to write or call:

Dance Touring Coordinator
National Endowment for the Arts
Washington, D.C. 20506
(202) 634-6383

For the purposes of clarity, the term "State Arts Agency" (or "SAA") will be used when referring to "the State Arts Agency or its delegated administrative organization" for the remainder of these Guidelines. In general, the administrative organization should assume all responsibilities. If an individual State Arts Agency wishes to delegate only a portion of the responsibilities listed below, arrangements can be made with the Office of Dance Programs at the Endowment.

The State Arts Agency will be responsible for the following:

(1) Announcing and promoting the Dance Touring Program within its state or region. The Endowment will also send out an announcement of the Program nationally, and will inform the SAA which sponsors in their area have received Guidelines.

(2) Assisting sponsors within their state or region with carrying out the sponsor's part of the Program—selecting the companies, contracting the companies, preparing the schedule of community activities, et cetera.

(3) Receiving and reviewing company-sponsor contracts, and determining whether they meet the requirements of the Guidelines.

(4) Maintaining a master schedule of Dance Touring Program engagements in its state or region.

(5) Receiving and distributing the Endowment funds to each local sponsor promptly.

(6) Establishing and implementing evaluation procedures in accordance with the information requested by the Endowment.

(7) Where necessary, making application to the Endowment for assistance in planning and carrying out the Program, receiving these funds and administering them.

(8) Making application to the Endowment for the fee support funds for engagements taking place within the state or region, receiving these funds, and passing them on to the sponsors.

(9) Making final statistical and evaluative reports to the Endowment as requested in the grant letter. These reports will include only pertinent information, and are not expected to demand tremendous energies from the State Arts Agencies.

(10) All other financial management requirements as outlined in the "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments" which appears as Attachment A of these Guidelines.

The Endowment will maintain direct contact with the State Arts Agencies in order to facilitate communications. However, there are other organizations and people who may be of assistance. In addition to the regional coordinators working throughout the country, there are evolving regional organizations, some particularly related to dance, and others concerned with a broad spectrum of activities. It is to the State Arts Agency's advantage to keep in close contact with these individuals and organizations since they can provide invaluable assistance with the Program. The Endowment can help you contact these people.

WHO MAY BE A SPONSOR

Given the purposes of the Program, it is expected that sponsors will be community-oriented organizations or individuals with the capability of relating the activities of the companies in residence to the community visited. Examples of sponsors who have participated in the past include colleges and universities, community arts councils, community service organizations, parks and recreation departments, fraternal organizations, local dance companies or associations, orchestras, private and public schools and school systems, community arts centers, museums, theaters, et cetera. Frequently a group of organizations will cooperate in sponsoring dance companies under this Program. Cooperative sponsorship permits greater impact in the community and a sharing of the financial obligations. Generally, sponsors are nonprofit, tax-exempt organizations.

It is hoped that in the future the State Arts Agencies will take an active part in finding and developing new sponsorship for touring attractions in their region, as well as provide assistance to current sponsors.

WHAT IS A RESIDENCY?

Residencies are a minimum of one-half week (2½ working days) in length. Residencies may be lengthened by one-day increments, with a one-week residency equalling 5½ working days. It is expected that the company and the sponsor will involve broad segments of the community during the residency. Each company is unique in the services it offers to sponsors. Therefore, there are no set rules or regulations as to what activities a residency should include. The sponsor and company are expected to arrive at an agreeable residency schedule which will best serve the needs of the community and the purposes of the Program.

The Program is designed to aid in touring engagements. A touring engagement is one which requires that the company remain overnight at the place of the residency rather than returning home each night. (The quoted touring engagement fees are based on figures which include lodging and transportation expenses.) Therefore, residencies taking place within the immediate area of the company's home base are not eligible for support under this Program.

Except in extreme circumstances sponsors are expected to engage at least two companies for a minimum of one-half week each, or in some cases one company for a minimum of one week during Fiscal Year 1976. There are several reasons this is required. Given the great wealth and variety of American dance, communities are encouraged to experience at least two different companies which will bring the community some of the variety American dance offers or, in some cases, at least one company representing one artistic point of view in depth. Further, it is the strong feeling of the Endowment that a community should have the opportunity and the time to become involved in several activities in order to gain a better knowledge and appreciation of the dance. This is essential to audience development. Single "one shot" exposure inhibits the community in gaining a full appreciation of dance as a rich and varied art form.

The State Arts Agencies can be of great assistance to local sponsors by making them aware of the benefits of complying with these requirements, and by getting more than one sponsor together in a community so that individual financial and operational resources can be pooled to permit compliance.

In extenuating circumstances, the State Arts Agency can grant a waiver of the minimum residency requirement (i.e. two one-half week residencies or one full-week residency). The request for this waiver must be made in writing by the local sponsor, and the decision of the SAA must be conveyed to the sponsor in writing. A copy of these letters should be attached to the SAA's copy of the sponsor's contract for future reference.

When reviewing requests for waivers, the SAA should take into account the following:

(1) The over-all financial resources of the sponsor.

(2) The history of performing arts presentations in the community. Generally a community with a history of sponsorship in other forms can be expected to assume the minimum residency requirement.

(3) The appropriateness of the sponsor's choice of companies. There are many companies available with a great variety of fee structures. Sponsors should not be encouraged to engage companies which will tax their resources unduly. Communities have found it far more successful to keep their first residencies well within their resources, and to engage a variety of companies, rather than only one or two financially and technically demanding companies. As experience is gained and audiences are built, sponsors will find that they will quickly be able to assume sponsorship of these larger companies.

(4) Population. Obviously, very small and isolated communities face special problems.

(5) Other local conditions. Since the State Arts Agency is located in the immediate area of the sponsor, it will have personal knowledge of the local sponsor's situation.

If, after reviewing the waiver request, the SAA deems it absolutely essential a waiver be granted, it should be made clear to the sponsor that this is exceptional. *Waivers should be permitted for first-year sponsors only.*

The importance of granting this waiver as rarely as possible cannot be stressed enough. There is substantial evidence from the seven-year history of the Program that enforcement of the minimum residency requirement is essential to the success of the Program in each community. Only when a sponsor is committed to the presentation of dance in his community will the involvement necessary for successful and effective residencies readily be available.

ENDOWMENT FEE SUPPORT

The National Endowment, through direct grants to the State Arts Agencies, will provide sponsors of professional dance company residences with one-third (33⅓%) of the company's quoted minimum weekly, half-weekly or additional daily fee or $10,000 per week ($5,000 per half-week, $2,000 per day), whichever is less. The Endowment funds will be made available through the sponsors State Arts Agency with this organization making final payment to the sponsor.

From past experience, the Endowment has found that no formal application from the sponsor for the Endowment portion of the funding is required. Upon receipt of a contract (see "Contracts," page 8) the State Arts Agency may allocate the funds necessary for the residency on a first-come, first-served basis. However, some SAAs may wish to institute a more formal application procedure if they feel it is necessary. Sponsors should be notified when all funds have been allocated.

It is impossible to set a firm date for this occurrence, but in the past all funds have been allocated by late spring. The SAA should keep sponsors informed as funds become limited. Sponsors have been urged to confirm the availability of funds with their State Arts Agency before entering into a final contract with the companies.

Residencies taking place in the summer of 1975 (after July 1) will be included in the Fiscal Year 1976 Program. However, because of Congressional appropriation procedures, payment for these engagements may be delayed. Therefore, both the company and the local sponsor should plan to defer receipt of Endowment funds until late summer 1975. After that time sponsors may expect to receive the Endowment portion of the company fee from the SAA close to the time of the engagement.

COMPANIES AVAILABLE FOR TOURING UNDER THE PROGRAM

The application procedures for dance companies wishing to participate in the Program, and the review criteria to be applied to each company, are given in detail in the enclosed Guidelines for Dance Companies. State Arts Agencies are asked to read these Guidelines carefully.

THE "DIRECTORY OF DANCE COMPANIES"

All companies meeting the quantitative criteria will be included in a Directory of Dance Companies to be available from the Endowment in December. Companies not in the Directory are not eligible for participation in the FY 1976 Program. This Directory will provide potential sponsors with pertinent factual information about each company extracted from the Company Information Questionnaire. The Directory is intended only as an initial aid to sponsors, and cannot provide all the information needed by a sponsor to make final company selections. It includes only factual information and in no way implies any qualitative selection. Sponsors are advised to contact all companies in which they are interested in order to obtain more detailed information. It is the responsibility of the company to communicate directly with interested sponsors and to provide them with detailed information when requested.

NOTE: The administration of the touring engagements for the American Ballet Theatre, the City Center Joffrey Ballet and the New York City Ballet will continue to be handled directly by the Dance Program office of the Endowment. Because of the size and complexity of these few companies their touring activity requires somewhat different administrative and funding mechanisms. These companies are clearly marked in the Directory of Dance Companies and sponsors wishing to engage them should contact the Endowment directly.

SPONSOR SELECTION OF COMPANIES

Sponsors are expected to develop and apply their own qualitative criteria in selecting companies. Such criteria should take into acount the artistic quality, experience, style, size, repertory, and managerial stability of the company. Further, sponsors should seek to match the talents, resources, and available services of the companies with the needs and resources of the community.

The Directory will include lists of previous and current tour engagements for each company, and a listing of engagements taking place under the current FY 1975 Dance Touring Program. Sponsors should be encouraged to see companies in which they are interested whenever possible and to speak with sponsors who have previously engaged the company in order to make the most informed choices. State Arts Agencies can be of great help to sponsors in guiding them through the necessary evaluative steps, but should in no way participate in the final selection of companies. This qualitative decision is the full responsibility of the sponsor. The success of each residency is dependent upon the sponsor's careful selection.

CONTRACTS

Both sponsors and companies are advised in detail in the Guidelines for Sponsors and the Guidelines for Dance Companies on the contracting procedure to follow. It is in the area of contracting that many potential problems can be solved in advance. State Arts Agencies should aid sponsors, especially those new to sponsoring tour engagements, with the contracting procedure, making sure that all necessary items are included, and all questions answered. Please refer to the "Contracting the Company" section of the Guidelines for Sponsors.

Although sponsors are strongly urged to sign a formal contract, it is possible for the State Arts Agency to accept the following alternative agreements for the purpose of allocating fee support funds:

(1) A letter of agreement including all necessary items listed below.

(2) A "first priority" letter or contract including all necessary items listed below. (If a sponsor is unable to execute either a formal contract or letter of agreement because of a delay in budget approval or other internal funding problem which prevents commitment of funds to the engagement, the SAA can accept a letter or contract from the local sponsor which includes a clause certifying that, whether or not the sponsor's total budget is approved, the first monies received will be used for the engagements under the Dance Touring Program. The Endowment can provide a sample "first priority" agreement.)

If either a letter of agreement or first priority letter is used instead of a formal contract, sponsors should be strongly advised to obtain a formal contract as soon as possible. State Arts Agencies should be sure that letters of agreement and first priority letters contain all the necessary information listed below (No. 3, page 9).

It is the company's responsibility to provide a copy of all signed agreements to the appropriate State Arts Agency for the purpose of allocating the Endowment for support funds. Before confirming the availability of funds, the SAA should check the contract carefully to insure it is executed properly, and is in compliance with the Program Guidelines. Items which should be checked include:

(1) *The company's fee.* This fee must be at least equal to the minimum fee quoted in the Directory. It is possible for the company to negotiate a fee higher than this

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minimum, and/or to include arrangements to share net income with the sponsor over and above a set figure. In no case, however, can the guaranteed fee quoted in contract be less than the one appearing in the Directory. (State Arts Agencies should note that many companies quote several different minimum fees depending on the geographic region, length of stay, size of company, live or taped music and other variables. The SAA is advised to check carefully to be sure the fee in the contract is the appropriate one.)

(2) *Residency length.* The duration of each residency must be two and one-half working days or longer. Residencies may be increased by one-day increments. The following applies to residency lengths and the corresponding fee:

(a) One week equals five and one-half working days.

(b) One-half week equals two and one-half working days.

(c) Residencies may be lengthened by additional full working days.

(d) The company's minimum weekly fee is quoted in the Directory of Dance Companies.

(e) The company's minimum half-week fee is equal to exactly one-half its minimum weekly fee.

(f) The company's minimum additional daily fee is equal to exactly one-fifth its minimum weekly fee.

(g) The company's subsequent week fee for residencies taking place in the same community is quoted in the Directory of Dance Companies. (Some companies offer weekly fee reductions for residencies in excess of one week, while others do not.)

(3) *Information required on all contracts.* All contracts should include all the following information:

(a) Name, address and phone number of the company.

(b) Name, address and phone number of the person actually in charge of scheduling the details of the residency for the company.

(c) Name, address and phone number of the sponsor.

(d) Name, address and phone number of the person actually in charge of scheduling the details of the residency for the sponsor.

(e) Fee for the engagement.

(f) Specific dates and place of the engagement including beginning and ending times.

(g) Name and address of the local sponsor (person or agency) to whom checks should be made payable for the Endowment share of the company fee.

(h) Signatures of both parties (sponsor and company).

FLOW OF ENDOWMENT FEE SUPPORT FUNDS

Each State Arts Agency will make application for the fee support funds required in its state or region. (The application procedures are given on page 13). Upon review of these applications and the awarding of the grant, the SAA will be notified. The SAA then requests the funds, receives them and distributes them directly to the local sponsors in the state or region. The sponsor is responsible for paying the total contracted fee to the company. State Arts Agencies should not make payments directly to the companies.

EVALUATIONS AND FINAL REPORTS

As part of the final reporting procedures, the SAA is asked to assemble statistical and evaluative information for FY 1976 including:

(1) The schedule of activities offered during each residency.

(2) Attendance at each activity, and a general description of the make-up of the participants (i.e. dance students, community residents, et cetera).

(3) Admission charge for each activity.

(4) The over-all budget for the residency, including total expenses and sources of income.

(5) A general description and evaluation of the successes and failures of the residency.

(6) Any suggestions or recommendations for improving the Program and better achieving the goals outlined for the Program.

Sponsor should be reminded to assemble this information so that it will be available to the State Arts Agency when requested.

It is suggested that State Arts Agencies develop a simple form which can be circulated to local sponsors in order to collect this information. If the SAA would like other additional information for its own records, feel free to include additional questions. However, the Endowment would like to urge that the evaluation procedures be kept relatively uncomplicated so as not to burden the local sponsors unnecessarily.

The information collected should be submitted with the final report for the Endowment grant.

GUIDELINES FOR SPONSORS AND COMPANIES

Accompanying these Guidelines for State Arts Agencies are the Guidelines for Dance Companies. The Guidelines for Sponsors and the Directory of Dance Companies will be sent in December 1974. These are what each of the sponsors or companies will receive, and from which they will be working. Although there is some duplication of material, there is substantial information that is not included in these Guidelines for State Arts Agencies. Please read the Company and Sponsor Guidelines carefully.

THE BICENTENNIAL

The Endowment recognizes that the arts will play an important role in the celebration of our country's bicentennial. The National Council on the Arts believes that efforts to make America's cultural resources available to all citizens, through programs such as touring, is an appropriate thrust for the bicentennial era. Therefore, if engagements taking place under this Program are planned to be related to the Bicentennial, the sponsor should supply the SAA with a brief description of this relationship, and the SAA should make this relationship known to the Endowment.

PLANNING SCHEDULE

Planning Schedule. Outlined below is the basic schedule of activities for the time period September 1974 through later summer 1975:

July 1974. Dance Touring Program Guidelines for companies for FY 1976.

September 1974. Dance Touring Program Guidelines available for SAA for FY 1976.

August 19, 1974. Postmark deadline for companies wishing to be included in the FY 1976 Directory of Dance Companies.

October 1, 1974. Deadline for SAA's to notify Endowment who will be administering the Program for their state.

December 1974. Guidelines for Sponsors and Directory of Dance Companies available.

December 1974–March 1975. Peak period for tour engagement booking activities. Sponsors indicate their interest in participating in the Program to their State Arts Agency.

January–April 1975. Agreements between sponsor and company should be finalized, with a copy of the signed agreement going to the sponsor's State Arts Agency.

March 1, 1975. Deadline for SAA applications to the Endowment for FY 1976 fee support funds.

Early Spring 1975. Allocated fee support funds usually begin to become limited. SAA's should notify sponsors of this. The Program closes when all available funds have been committed.

July 1, 1975. FY 1976 Program begins (i.e. actual engagements).

Late Summer 1975. Endowment fee support funds released to State Arts Agencies.

September 1975. Cycle begins again for FY 1977 Program.

APPLICATION PROCEDURES

The National Endowment for the Arts will continue to offer support under the Dance Touring Program for partial costs of dance company fees. Fee Support funds will be provided to the local sponsors via their State Arts Agency to be used toward the touring company's engagement fee.

WHO MAKES APPLICATION?

In all cases, applications should come from an individual State Arts Agency or a properly delegated administrative organization. Applications should come from the organization that is assuming full responsibility for administering the project. If the applicant is an agency of the state or local government it should use the short form OMB No. 80–R0185. If the application is coming from another nonprofit, tax-exempt organization not a government agency, it should use the NEA's Project Grant Application, NEA–3 (Rev.).

FEE SUPPORT

Applications for the Endowment fee support for residencies taking place in FY 1976 must be postmarked no later than: March 1, 1975.

Since very few engagements will be confirmed by this date, an estimated amount of funds needed for engagements anticipated should be requested. This estimate should be based on the confirmed engagements known to that date, the tentative engagement known to that date, and an estimate of anticipated engagements based on past years' activity within the state. The figure requested may not exceed one-third of the total contracted fees anticipated, and should represent Endowment assistance based on 33⅓ % of each company's weekly, half-weekly, or additional daily fee, or $10,000 per week, $5,000 per half-week, $2,000 per additional day, whichever is less.

Once the Endowment is in receipt of all applications for fee support (March 1, 1975), the requests will be reviewed on the basis of the total funds anticipated to be available for the total national Program, and the State Arts Agencies will be given a tentative planning figure. State Arts Agencies should realize that the final commitments made as funds become limited must be carefully checked through the Endowment so that the Program is not over-committed.

REQUESTING CASH PAYMENTS

The Endowment is well aware that there have been some substantial problems in the past with disbursement of funds on time in this Program. One part of the problem has been in the area of the Cash Request itself.

As you know, funds may not be requested more than 90 days in advance of the time they are needed. Often this has been interpreted to mean that funds cannot be requested from the Endowment more than 90 days in advance of the residency of a dance company. A more realistic interpretation is that funds may be requested 90 days in advance of the date the SAA needs to receive the funds, process them, get cash in hand to local sponsors, allow time for the local sponsor to process the same and get cash in hand to the dance company. Consequently, if it takes six weeks of processing to get the money from the hands of the SAA to the dance company's, the SAA should request cash of the Endowment as much as 4½ months in advance of the residency (6 weeks plus 90 days).

Please try to keep close track of this necessary timetable to insure that, once the SAA has received the grant award, each dance company will receive the Endowment portion of the fee before its residency ends. Set up a calendar, if necessary, to show when cash requests will have to be sent in. Group as many residencies as possible into each cash request. If there are questions about the appropriate way to fill out the cash request or what can be included on it, please call (202/634–6383) before sending it in. To receive the speediest treatment, cash requests should be sent directly to:

Dance Programs
National Endowment for the Arts
Washington, D.C. 20506

REMINDERS

October 1, 1974. State Arts Agencies must notify the Endowment who will administer the Dance Touring Program for their state.

March 1, 1975. Deadline for applications for Fee Support funds for FY 1976.

In all published material and announcements regarding residencies sponsored under the Dance Touring Program, including publicity and program material, it is suggested that special notice be made that: "This engagement is supported in part by a grant from (name of State Arts Agency or administrative organization) with funds provided by the National Endowment for the Arts, A Federal Agency." If the State Arts Agency or administrative organization is also providing financial support for the residency, this statement should be altered to acknowledge that support as well. The SAA should notify the sponsor of the appropriate wording to be used.

NARRATIVE

Following are notes on dance touring in general and the Dance Touring Program in particular. We hope this informal narrative will be of help to you in planning for the Dance Touring Program.

NARRATIVE FOR STATE ARTS AGENCIES

HOW THE DANCE TOURING PROGRAM CAN RELATE TO YOUR REGIONAL, STATE AND LOCAL DANCE NEEDS

While the Dance Touring Program has been in the past a national, Federally-initiated program, we believe that it has, can, and should be well-used to stimulate and complement activity on regional, state and local levels, and can dovetail with plans each State Arts Agency may have for developing and assisting local activity in dance as well as the other arts.

While the National Endowment for the Arts would like to encourage additional support from State Arts Agencies for Dance Touring Program residencies beyond the Endowment support, such additional funding is by no means required. Many of the SAAs do put funds into Dance Touring Program residencies and have developed several different methods for this. In some states it is done by formula: All Dance Touring Program residencies receive an additional one-sixth or one-third of the companies' minimum weekly fees beyond the Endowment portion. In other states, additional support is by application and based on need or on innovative community involvement projects. In some states it is used as a method of developing new sponsorship: such sponsors might receive aid for the first year or two. State funds could certainly be used to advantage to encourage sponsorship where it would otherwise be economically impossible, or to assist new sponsors in meeting the requirement of engaging two companies for a half-week each or in some cases one company for a full week. The State Arts Agency is in a position to know, while the Endowment is not, which sponsors have real financial difficulties and which communities in their state have the greatest need or could gain the greatest benefits from a Dance Touring Program residency.

We hope that those State Arts Agencies which do not already have a policy of financial support for Dance Touring Program residencies will seriously consider the possibility of doing so, and that each agency will find methods of support that best serve its particular needs. Careful structuring of additional support can help the community maximize the residual benefits of a residency.

The Endowment believes that the development of new sponsorship, which may be undertaken in connection with the Dance Touring Program, will encourage increased employment of dance companies not working under the DTP and groups in areas other than dance. The Program offers substantial possibilities for implementing increased community participation and cooperation in all arts activities, particularly in the areas of cooperative sponsorship among local performing arts organizations and museums. We hope that the Program will be of substantial benefit to the SAAs and the activities they wish to promote in their own states beyond the presentation of a touring dance company.

We believe that the Dance Touring Program will be supportive of state and local programs for dance. While touring under the DTP involves only professional companies with some touring history and other companies cannot be surprised directly through this program, many indirect benefits can accrue to them through the Program: development of sponsorship for dance, increased awareness of dance activities in the community and in the media locally, classes with the professional companies, and so forth. Improvement in the quality and extent of dance criticism across the country can be another beneficial side effect of the Program and SAA involvement with it.

Occasionally a State Arts Agency may find that the type of goals and activities a potential sponsor has in mind are actually more appropriately undertaken through the Dance Component of Artists-in-Schools. In such a case, the SAA may wish to point this out to the sponsor and plan with the sponsor to accomplish the goals through the AIS Program.

THE STATE ARTS AGENCIES' RELATIONSHIP WITH THE DANCE COMPANIES TOURING UNDER THE DANCE TOURING PROGRAM

Both the sponsors and the dance companies have been told that it is not the responsibility of the State Arts Agencies to find touring engagements for dance companies. Some SAAs will take a more active role than others in coordinating activities throughout the state or region and in putting parties in touch with each other and, particularly in some of the more sparsely populated states where sponsorship is hard to find, the SAA may be very active in bringing the residency to fruition. Nevertheless, the dance companies should never expect the SAAs to do their work for them: finding engagements is the responsibility of the company.

Several SAAs have already compiled and do maintain a list of potential sponsors in their state which they will mail out on request to companies seeking engagements in that state. Compiling such a list, if you do not already have one, might be a first step toward identifying new sponsorship, and could, of course, be of as much benefit to your local companies as the visiting ones. A listing of FY 1974 and tentative FY 1975 sponsors under the Program is available from the Endowment.

The Endowment feels that the SAAs would be well advised to stay out of actual contractual negotiations between company and sponsor except to see that the contracts fulfill the terms of the Guidelines for participation in the Program. Details of the residency are a matter between sponsor and company.

We'd like to comment on the need of dance companies financially. Touring is the life blood of most dance companies, sometimes providing as much as 90 percent of their work and income. In most cases, touring does not simply extend their contractual season, as it does for many orchestras and theaters: it is a matter of life and death for dance. Most dance companies have little or no financial reserves. They tend to live financially from month to month and have great difficulty accommodating cash flow crises. This is by way of stressing the importance of getting the money for the residences out on time (once we get the money to you, of course). Companies are incurring expenses all the time while touring—hotels, rented cars and trucks, et ceters, as well as salaries—and the money to cover those expenses and usually come out of fees received while on tour. Substantial delays can be catastrophic.

Many dance companies have come to depend very heavily on the Dance Touring Program for their livelihood. Some companies have been touring under the Program for as many as 6 years.

USING THE DIRECTORY

The Directory is simply an aid to the sponsor in preliminary inquiries and searches for a company which fits the sponsor's needs and meets the Endowment requirements. The companies in the Directory have met, to the best of our knowledge, a substantial list of quantitative requirements. No qualitative imprimatur is given or implied by inclusion in the Directory. The qualitative choices are made under the DTP by those most affected by the choice: the sponsors.

The dance companies included in the Directory offer a very wide variety of styles, sizes, prices and services. They include ballet, modern, ethnic and mime companies of all sorts of aesthetic persuasions. Sizes range from soloists to full ballet companies and prices show a corresponding variety. Paralleling the continuing growth of professional dance outside New York City, the Directory includes companies from almost every part of the United States. The companies perform in many different kinds of environments, in terms of both performance facilities and communities. There is, in short, a dance company in the Directory for virtually any sponsor need and budget.

The responsibility for making the qualitative decisions has been transferred from the Endowment to the sponsors for two principal reasons. First, the phenomenal growth in dance touring activity over the last eight years—and the corresponding growth in the number and variety of sponsors for dance companies—has made it difficult to apply any single set of qualitative review criteria nationally. And secondly, it is the sponsor who is most immediately and intimately affected by the choice. A poor qualitative decision will be reflected at the box office.

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This shift in the decision-making has imposed a greater responsibility on the sponsor by providing a greater range of choices. The SAA can be invaluable in helping sponsors to meet this responsibility.

SAAs will be approached by sponsors, especially new ones, who need help in finding appropriate companies. You can help them in this task by first assisting them to identify their needs and be specific about their budgetary limitations. Once having identified their parameters, you can guide them to companies in the Directory that meet their needs.

The Directory will give a sponsor a good idea of how much touring experience a dance company has had, and will provide the names of several sponsors who have engaged the company previously. Sponsors searching for information on companies that interest them should be encouraged to contact previous sponsors of those companies.

You can also assist your sponsors by putting them in touch with other potential sponsors in your state or region. Joint sponsorship in a community where no single sponsor can afford a residency or has the expertise to carry out a residency could be developed out of these contracts. The dance companies and sponsors should keep you aware of which companies are planning on touring your state in a given season; passing this information on to sponsors who seek your assistance can save them a great deal of time in narrowing down the range of contacts.

All companies in the Directory will not be touring nationally. Some will prefer to tour only in their immediate region and some are managerially young enough that they should be touring in a limited geographic region closer to home. Others will tour more broadly and many will be available for national tours. Very few companies will be available to tour all parts of the country in a single year. Even if a company indicates its availability in the Directory as "Open," it will usually narrow down the possible geographic region as inquiries from sponsors come in. It is obviously to the company's advantage to arrange tours of coherent, logical bookings to minimize travel costs, as travel is usually amortized in the fee. If a sponsor is especially desirous of an engagement by a company not touring that region, the sponsor will usually have to pay the extraordinary travel costs to get the company there.

TRENDS IN SPONSORSHIP

Sponsorship in the early years of the Program was heavily college and university oriented. These organizations already had operative concert bureaus, appropriate physical facilities readily available, and built-in audiences, and their existing mechanisms were easily adaptable to the Dance Touring Program.

As the Program began to grow, however, the character of the sponsorship began diversifying subetantially. This is a trend we wish to see encouraged and strengthened. College and university sponsorship continues to be extremely important to the success of the Program particularly as those institutions expand their activities into the community beyond the campus, but other sponsorship has come to assume growing importance in the success of the Program. Examples of the variety of previous sponsorship are given in the Guidelines (page 4), and each SAA can undoubtedly think of other types of organizations in the state that could, with appropriate assistance, be excellent sponsors of dance companies. We hope you will look beyond obvious sponsorship to discover new and untapped resources in what might at first seem unlikely places.

We would particularly like to encourage local dance companies, as well as other arts organizations, to consider sponsorship of a touring company. Such sponsorship can be extremely useful to the local company in such ways as expanding and diversifying subscription seasons, taking class with the touring company, focusing attention on local dance activity, and so forth. Additionally, a local dance company should have the knowledge of and sensitivity to dancer's needs and abilities and to their local community that will help make the residency a success.

ABOUT THE MINIMUM FEE

We wish we didn't need to mention this, but as a precaution we think we should.

The Program is structured around a system of certified minimum fees which the companies list in the Directory, and to which they must adhere for similar engagements whether the engagements are supported under this Program or not. The reason for this is to avoid a situation in which a company would be asked to reduce its fee when performing in a similar engagement without Endowment support.

Obviously, ways can be found to attempt to circumvent this guideline. These ways might range from provision of services by the company which are the sponsor's responsibility to direct financial kick-back. Such actions of course could severely undermine the Program and certainly are in direct conflict with the Program Guidelines.

SAAs should be alert to such attempts to circumvent the minimum fee, keeping in mind that these attempts may sometimes but not always show up in the contracts.

All questionable arrangements, whether implied or stated, should be checked by the SAA before committing funds to the engagement.

Discovery of an attempt to circumvent this requirement would place parties involved in violation of the Program Guidelines and could be grounds for suspending Endowment participation in the residency and possibly excluding the company and/or the sponsor from further participation in the Program.

FINAL REPORTS AND EVALUATIONS

We cannot emphasize too much the importance of the final reports. The Dance Touring Program is a large and varied one serving several different constituencies and attempting to meet the needs of the rapidly growing and changing field of dance. The Program can best be adapted and refined to meet the needs of participants in the Program—sponsors, dance companies, and State Arts Agencies—all participate in evaluating both the problems and successes of the Program.

ATTACHMENT A: UNIFORM ADMINISTRATIVE REQUIREMENTS FOR GRANTS-IN-AID TO STATE AND LOCAL GOVERNMENTS

STANDARDS FOR GRANTEE FINANCIAL MANAGEMENT SYSTEMS

(1) This Attachment prescribes standards for financial management systems of grant-supported activities of State and local governments. Federal grantor agencies shall not impose additional standards on grantees unless specifically provided for in other Attachments to this Circular. However, grantor agencies are encouraged to make suggestions and assist the grantees in establishing or improving financial management systems when such assistance is needed or requested.

(2) Grantee financial management systems shall provide for:

(a) Accurate, current, and complete disclosure of the financial results of each grant program in accordance with Federal reporting requirements. When a Federal grantor agency requires reporting on an accrual basis and the grantee's accounting records are not kept on that basis, the grantee should develop such information through an analysis of the documentation on hand or on the basis of best estimates.

(b) Records which identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(c) Effective control over and accountability for all funds, property, and other assets. Grantees shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.

(d) Comparison of actual with budgeted amounts for each grant. Also, relation of financial information with performance or productivity data, including the production of unit cost information whenever appropriate and required by the grantor agency.

(e) Procedures to minimize the time elapsing between the transfer of funds from the U.S. Treasury and the disbursement by the grantee, whenever funds are advanced by the Federal Government. When advances are made by a letter-of-credit method, the grantee shall make drawdowns from the U.S. Treasury through his commercial bank as close as possible to the time of making the disbursements.

(f) Procedures for determining the allowability and allocability of costs in accordance with the provisions of Office of Management and Budget Circular No. A-87.

(g) Accounting records which are supported by source documentation.

(h) Audits to be made by the grantee or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The grantee will schedule such audits with reasonable frequency usually annually, but not less frequently than once every two years, considering the nature, size and complexity of the activity.

(i) A systematic method to assure timely and appropriate resolution of audit findings and recommendations.

(3) Grantees shall require subgrantees (recipients of grants which are passed through by the grantee) to adopt all of the standards in paragraph 2 above.

(No. A-102)

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EDUCATION PROGRAM

Artists-in-Schools; Guidelines

The following are guidelines for Artists-in-Schools under the Education Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Publication of these guidelines is for informational purposes only since application for funds are made by the State Arts Agencies.

Interested elementary and secondary public and non-public schools should direct inquiries to their state arts agency with information copies to their state education agency.

Signed at Washington, D.C., on 23d October 1974.

FANNIE TAYLOR,
Director, Program Information.

INTRODUCTION

HISTORY

The Artists-in-Schools Program of the National Endowment for the Arts (Endowment) is funded primarily through grants to state arts agencies (SAAs) and other cooperating organizations, such as the St. Paul Council of the Arts and Sciences, San Francisco Poetry Center and Poets and Writers, Inc. It involves the placement of professional artists in elementary and secondary schools to work and to demonstrate their artistic discipline.

The United States Office of Education, Department of Health, Education and Welfare has cooperated closely with the Arts Endowment in the development and funding of the program.

A pilot program was launched in 1969–70 with six states participating in a visual artist-in-residence program. Prior to this time, the Endowment had initiated a poets in schools program, now an integral part of Artists-in-Schools. Both these pilot programs were so successful that in the school year of 1970–71, 31 states participated in programs involving visual arts, theatre, dance, poetry and music residencies. During the 1971–72 school year, the film and architecture/environmental arts components were added and by the 1972–73 school year, all 50 states and the five special jurisdictions were operating one or more Artists-in-Schools components involving dancers, musicians, poets, painters, sculptors, graphic artists, photographers, craftsmen, actors, filmmakers, architects and environmentalists.

During the 1972–73 school year, for the first time, the Bureau of Indian Affairs joined with the Endowment and Office of Education to participate in a special Artists-in-Schools project involving drama, film, poetry and visual arts at the Institute of American Indian Arts in Santa Fe, New Mexico.

In the 1973–74 school year, funds appropriated under the Manpower Development and Training Act were provided for a special series of grants for training programs and technical assistance for artists (poets, dancers, filmmakers) throughout the United States. These funds were utilized primarily for workshops and seminars.

RESOLUTION BY THE NATIONAL ASSEMBLY OF STATE ARTS AGENCIES

In April 1974 at the request of the National Council on the Arts, state arts agency representatives met with staff representatives of the National Endowment for the Arts to discuss new directions for the Artists-in-Schools Program. Subsequently, at a meeting of the National Assembly of State Arts Agencies, the Assembly adopted a statement concerning future directions of Artists-in-Schools. The resolution follows:

The National Assembly of State Arts Agencies pledges its support of the National Endowment for the Arts' "Artists-in-Schools" program as it reflects the specific needs of all states and territories. The program is of great value to arts education in this nation and is reason for the following resolution:

"In reference to the 1975–76 (F.Y. 75 money) and future guidelines for the National Endowment for the Arts' "Artists-in-Schools" program, the National Assembly of State Arts Agencies resolves: (1) That the submission of a State Plan by each state arts agency be fundamental in the Artists-in-Schools guidelines; (2) that to insure that all schools have the opportunity for participation there should be the availability of matching the total State Plan on a dollar for dollar cash and/or in-kind basis rather than on an individual project basis; (3) that to assist the National Endowment for the Arts in formulating plans for future directions it is recommended that an advisory panel for the Artists-in-Schools program be established immediately; (4) that any proposed Artists-in-Schools budget format per art form be considered as frames of reference in preparation of State Plans, and may be adjusted to meet special circumstances which may exist in each state; (5) that the Artists-in-Schools program should substantially contribute to the advancement of the financial and creative life of the artists; and (6) that one of the prime functions of the advisory panel is to assist the National Endowment for the Arts in this national state-based program in maintaining the highest professional standards of excellence artistically and educationally." (Adopted by the National Assembly of State Arts Agencies, April 18, 1974.)

In May 1974 an advisory panel met in Washington and proposed modifications of the 1975–76 guidelines (Fiscal Year 1975 funds) to accord with the suggestions of state arts agencies and the recommendations of the National Council on the Arts.

PURPOSE

Artists-in-Schools is based on the reality that every citizen of the United States is required to make aesthetic decisions each day. Since the purpose of education is preparation for life, the development of aesthetic awareness and participation in the arts must be an integral part of learning experience in the school and the community.

Artists-in-Schools is a nationwide program to provide this experience through the cooperative efforts of professional artists, students and teachers. This exchange, which enriches the creativity of all three groups, should not be a casual or momentary encounter. It is intended to be a sustained interaction continuing through a significant portion of the school year which will be of mutual benefit to artists, teachers, students and the community.

The program is not designed to train a generation of professional artists. Its purposes are primarily to enhance children's powers of perception and their ability to express themselves and communicate creatively through using tools and skills they might not otherwise develop. The program is also intended to provide an opportunity for artists to function in schools and communities in a manner and under working circumstances conducive to their own artistic development. Artists-in-Schools recognizes the school is where the students are.

Within this overall framework, the program may provide a variety of different benefits for students, teachers, artists and the community:

For Students, it may:

Nourish the innate creativity of students.

Enhance perception, self-awareness and self-expression.

Establish a pattern of achievement in the arts leading to greater achievements in other subject areas.

Encourage more involvement in the arts—both as participants and as spectators.

Enhance knowledge of contemporary arts and artists, and of the artists' role in society.

Secure a fuller understanding of the creativity and artistic resources representative of all segments of the community.

For Teachers, it may:

Offer shared insights into the creative process.

Gain new respect for creativity in their students and in themselves.

Lead to shared methods for stimulating student interest in the arts, and in other subjects.

Enhance knowledge and understanding of contemporary arts and artists, and of the role of the arts in society.

For Artists, it may:

Enhance creative development through direct exchanges and cooperative efforts undertaken with students and teachers.

Create the opportunity and the ability to communicate with wider audiences.

Clarify the role of the artist in society.

For the Community, it may provide:

A growing interaction with students, parents, artists and schools.

A growing sense of the artists' role in the community and the importance of community participation in the creative process.

A recognition that there are artistic activities occurring in many segments of the community.

ELIGIBILITY

State Arts Agencies and Cooperating Organizations. Grants are made directly to state arts agencies and cooperating organizations to administer the Artists-in-Schools Program in each state.

Elementary and secondary public or non-public schools and professional artists may participate in the Program. Information concerning participation is listed under "Inquiries."

NOTE: (1) By statute the Endowment is limited to making grants to organizations only if no part of their net earnings inures to the benefit of a private stockholder or an individual and provided donations to such organizations are allowable as charitable contributions under Section 170(c) of the Internal Revenue Code of 1954, as amended. All organizations are required to submit a copy of their Internal Revenue Service tax exemption determination letter with each application.

(2) Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964, which bar discrimination in Federally assisted projects on the basis of race, color, or national origin.

INQUIRIES

Elementary and secondary public and non-public schools. Interested elementary and secondary public and non-public schools should direct inquiries to their state arts agency (see listing, page 22) with information copies to their state education agency.

Professional artists. Artists-in-Schools does not offer grants directly to individual professional artists. Artists interested in participating in one of the components should direct inquiries as follows:

Crafts Component

Education Program, National Endowment for the Arts, Washington, D.C. 20506 (Phone: 202/634–6028) or, State Arts Agency (see page 22).

Dance Component

Education Program, National Endowment for the Arts, Washington, D.C. 20506 (Phone: 202/634–6028).

Film Component

Center for Understanding Media, Inc., 75 Horatio Street, New York, New York 10014 (Phone: 212/989–1000) or, State Arts Agency (see page 22).

Poetry Component

Literature Program, National Endowment for the Arts, Washington, D.C. 20506 (Phone: 202/634–6044) or, State Arts Agency (see page 22).

except in—

California: San Francisco Poetry Center, San Francisco State College, San Francisco, California 94132 (Phone: 415/469–2227).

Minnesota: St. Paul Council of Arts and Sciences, 30 East 10th Street, St. Paul, Minnesota 55101 (Phone: 612/227–8241).

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New York: Poets and Writers, Inc., 201 West 54th Street, New York, New York 10019 (Phone: 212/757–2766).

Visual Arts Component

State Arts Agency (see page 22).

NOTE: Three pilot components (Architecture/Environmental Arts, Music and Theatre) are not as yet open to applications.

GRANT AMOUNTS

State agencies and cooperating organizations should request only moderate increases for the 1975–76 school year above the amounts received for the 1974–75 school year. Where possible, applicants are urged to submit a program balanced by art form.

SCREENING CRITERIA

Grants will be awarded to state arts agencies and cooperating organizations on the basis of:

(1) Quality of the proposed project,

(2) Ability to match Endowment monies, and

(3) Availability of funds to the Endowment.

ADMINISTRATIVE RESPONSIBILITIES

From the inception of the program, the National Endowment for the Arts has encouraged state arts agencies and cooperating organizations, in coordination with state education agencies to assume primary responsibility for administration of the program. Selection of artists and schools and administration of grants is largely the responsibility of the state arts agencies in consultation with artists and advisory groups. State agencies are encouraged to shape the program in accordance with local needs and objectives.

STATE ARTS AGENCY ROLE

Specific responsibilities of the state arts agencies and cooperating organizations will be to:

(1) Plan and coordinate each component of Artists-in-Schools with state and local public and private schools.

(2) Select sites and artists in consultation with state and local education agencies.

(3) Prepare applications for submission to the Endowment.

(4) Receive and administer the National Endowment for the Arts grants, in accordance with these guidelines.

(5) Prepare or arrange for the preparation of financial and narrative reports to the Endowment as requested in the grant award letter.

ARTISTS-IN-SCHOOLS COMPONENTS

At the present time, the major components of the Artists-in-Schools Program include: Crafts, dance, film, poetry, visual arts (e.g. graphics, painting, photography, sculpture). Pilot programs are also in operation in architecture/environmental arts, music, and theatre. A pilot effort in folk arts is planned for the 1975–76 school year. Guidelines for each of the components are set out below. These guidelines will be used by the staff, Artists-in-Schools Advisory Panel and National Council on the Arts in reviewing applications of state arts agencies.

In preparing applications, it should be noted that states may provide cash or in-kind matching for the total Artists-in-Schools state plan as well as on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each state for Artists-in-Schools.

In developing a state plan, the items listed in the "Addendum" pages 26–28 should be reviewed.

CRAFTS COMPONENT

Funds are for placement of professional craftsmen in elementary and secondary schools. The residency is usually for a full school year, but the year can be divided among two or more craftsmen. A portion of each grant can be used for visiting craftsmen selected by the resident artist.

The craftsman devotes part time to students and teachers and must be allowed time for his or her own work. Participating schools must provide adequate studio space, facilities and equipment necessary for the craftsman. Appropriate projects with state or local arts organizations may be undertaken at the craftsman's discretion. The craftsman is viewed not as a member of the teaching staff, but rather as a practicing artist working at his or her craft in a school situation.

Amount of grants. Generally, grants are in the amount of $6,100 which must be matched in dollars to provide $12,200 for one resident craftsman for a full school year.

Grantee-budget and matching—Budget Format.

Compensation and supplies for resident craftsman	$10,800
Honoraria for visiting craftsmen selected by resident craftsman to complement his or her work	1,200
Documentation	200
Total for one craftsman	12,200
Federal share	6,100
Grantee match	6,100

This budget could be modified in consultation with the Endowment.

Matching. Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on an overall state plan or on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each state for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating—perhaps as a bicentennial effort.

Selection of craftsmen. Selection is by a panel from within the State. Panel composition is approved by the Endowment. The Endowment's Crafts Coordinator (202/382–7068) will provide assistance as requested.

The panel should include the state arts agency Director (or designated representative), a professional artist, a professional craftsman, an art museum curator or director or a member of a professional arts school faculty, an art educator or art supervisor in schools. Consideration should be given only to thoroughly professional craftsmen who can relate to students and teachers—and can work at their craft in a school environment.

State Arts Agency role. (See page 7.)

DANCE COMPONENT [1]

The dance component of Artists-in-Schools is designed to utilize professional American dance companies and dance movement specialists in residency situations to:

(1) Present movement as an art form.

(2) Explore movement as a teaching tool.

(3) Employ movement as a means of encouraging self-expression and self-awareness in children.

[1] Detailed program information is provided to participating state arts agencies and state or local education agencies to assist with program planning.

Participating schools must provide release time for the in-school coordinators.

Amount of grants. Grants generally do not exceed $30,000 and in most cases will be considerably less. Endowment funds may be used only towards payment of the dance company(ies) in residence under Artists-in-Schools.

Matching. Endowment support in this component should be matched at least equally by *non-federal* funds. (However, matching can be on an overall state plan or an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each state for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating—perhaps as a bicentennial effort.

Selection of artists. The state arts agency working with state and/or local education agencies selects the dance company and movement specialists for the residency from the Directory of Dance Companies and Dance Movement Specialists provided by the Endowment.

A national advisory group of experts in the field of dance and education reviews those dance companies and dance movement specialists who wish to be considered for inclusion in Artists-in-Schools dance component in terms of professional experience, artistic quality, in-school teaching experience, company stability and suitability for the program. In addition, companies must meet the following quantitative qualifications required for participation in the Endowment's Dance Touring Program.

(1) The company must be a non-profit, tax-exempt organization to which donations are deductible as charitable contributions under section 170(c) of the Internal Revenue Code of 1954, and must submit a copy of its Internal Revenue Service Tax-Exempt Determination Letter to the Endowment.

(2) The company must certify to the Endowment that while on tour, it pays all professional performers, related or supporting staff, laborers and mechanics no less than the minimum compensation level as determined by the appropriate union in accordance with Part 505 of Title 29 of the Code of Federal Regulations. The Company must also meet the applicable requirements of Title VI of the Civil Rights Act of 1964.

(3) The company must have performed at least 15 public appearances for which the dancers and staff were paid no less than the minimum compensation level as defined by the appropriate union during the 1972–73 season, and must project at least 15 such performances for the 1973–74 season.

(4) The company must have adequate management to provide potential tour sponsors with the necessary services to contract and carry out tour engagements.

(5) The company must have a history of sound administrative practices. If there is a reason to question the administrative function of the company, such as a history of cancelled contracts, commitments unfulfilled, deviation from the minimum fee requirements, et cetera, the company will be required to describe what it has done to correct these problems before it will be considered eligible for participation in the Program. If the problem remains, the company will be ineligible for participation. Each company's participation in the Program will be reviewed annually to determine that the company is functioning within the Guidelines of the Program.

Implementation of the Program—(1) *Planning/Orientation Workshops.* Summer workshops for program participants (in-school coordinators and school administrators, dance company members, dance movement specialists and state arts agency representatives) are held prior to the school year in order to insure careful and effective planning of the residencies.

(2) *The Residencies.* In order to achieve in-depth impact:

The dance company must be in residence at each locale for a minimum of two weeks. Generally, the company will present at least one performance at the end of its residency for those students, teachers, administrators, school board members, and parents who have been directly involved in the program, as well as for community leaders and the general public.

The dance movement specialist must be in residence for at least four weeks preceding and/or following the company's residency.

(3) *The National Coordinator.* Under the direction of the Endowment, the responsibilities of the National Coordinator for the Dance Component are:

To aid dance companies and dance movement specialists to plan and execute their participation in the school residencies.

To provide liaison, guidance and coordination for the implementation of state programs through consultation with state arts agencies, educational units, dance movement specialists and dance companies in order to maximize the effect of the residencies.

To serve as a clearinghouse for the dissemination of information among participants in the AIS dance component.

To respond to inquiries regarding all aspects of the AIS dance component.

The National Coordinator is Mr. Charles Reinhart. Ms. Susan Hunter is the project coordinator. Their address is:

Charles Reinhart Management, Inc.
510 Madison Avenue
New York, New York 10022
(Phone: 212/PL 9–8931)

(4) *Artists' Fees.* Endowment funds may be used only towards payment of the dance company(ies) in residence under Artists-in-Schools. All dance company activities (including public performance) as well as transportation costs are included in the fee. The production cost of the public performance is the responsibility of the local sponsor or presenting organization. Participating dance companies must receive at least the minimum fee certified to the Endowment.

The dance movement specialists' fees are paid directly by the National Coordinator's Office from a separate grant.

(5) *In-School Coordinators.* Participating school districts must assign two in-school coordinators, an administrator and a dance-trained co-coordinator to provide liaison between the artists, classroom teachers and school administrators before and during the residencies and to plan and implement the local follow-up when the residencies are completed. The administrative in-school coordinator should have administrative ability, knowledge of the school district and necessary influence within the district to make all arrangements essential to the smooth operation of the program. The dance in-school coordinator should have dance background and training and the ability to continue to stimulate and expand dance activities in the school after the completion of the residencies. Their specific responsibilities include:

Making recommendations for the best use of the dance company and dance movement specialist in the school(s).

Facilitating communication between teachers, administrators, parents and students about purposes, events and expectations of the residency well in advance of residency dates.

Making all necessary local arrangements for artists in consultation with the state arts agency and/or state or local educational agency, and

Facilitating development of dance activities in the school and community after the residencies.

State Arts Agency Role. (See page 7.)

FILM COMPONENT

Funds are for placement of professional filmmakers in elementary and secondary schools. One of the objects of the film component is to create a lasting resource for the school, one that does not terminate at the end of the project. In addition to placing a professional filmmaker or animator in a school, there is provision for training teachers and administrators.

Professional filmmakers and teachers work closely in planning and implementation at each site. Each site will have a competent teacher, adequate budget for film rental and filmmaking—and the services of a live-action filmmaker and/or animator. Many filmmakers also provide training and experience in the use of videotape.

Amount of grants. Grants to individual states range in amount from $7,500 to $15,000.

Budget and matching—Budget Formats.

	⅓ Federal		
	$15,000 sites	$20,000 sites	$30,000 sites
Artists:[1]			
Honoraria	$5,000	$7,500	$10,000
Travel	1,000	1,000	2,000
Per diem	1,500	1,500	3,000
Total	7,500	10,000	15,000
Teachers:			
Summer and inservice local training	2,000	1,500	3,000
Release time	1,000	1,500	2,000
Total	3,000	3,000	5,000
Equipment	2,000	3,000	5,000
Film, processing, supplies	1,500	3,000	4,000
Administration	1,000	1,000	1,000

[1] Since one purpose of the program is to support and encourage the role of practicing artists within the schools, at least 25 percent of the total budget should be assigned for honoraria, travel, and living expenses for the artists.

Matching. Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on an overall program outline or on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each state for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating—perhaps as a bicentennial effort.

Selection of Artists. Filmmakers will be chosen to meet the needs at each site. This should be done in consultation with the state arts agency, Center for Understanding Media and appropriate education agencies.

Implementation of the Program.—Center for Understanding Media. The film component is coordinated by the Center for Understanding Media, Inc., 75 Horatio Street, New York, New York 10014 (Phone: 212/989–1060). The role of the Center is to provide guidance for state arts agencies in drawing up their initial project plans and budgets, assistance in the identification of competent professional filmmakers, provision of training programs for teachers and administrators, consultation on equipment, guidance in raising matching funds, and on-site visitations of projects. The project director for the Center is John Culkin. The project coordinator is Peter Haratonik. The Center should receive copies of all program plans and correspondence with the Endowment.

State Arts Agency Role. (See page 7.)

POETRY COMPONENT

The poetry component provides funds for the placement of professional creative writers in elementary and secondary classrooms. The poetry component is designed to:

(1) Encourage students to learn to use language for self-expression.

(2) Introduce students and classroom teachers to contemporary poetry and fiction.

(3) Provide teachers with suggested new techniques in the teaching of creative writing and inspiring children to read.

(4) Build audiences for contemporary writing.

(5) Effect positive changes in student attitudes toward learning.

Matching. Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on an overall program outline or on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each state for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating—perhaps as a bicentennial effort.

Selection of artists. Participating artists must be professional, published poets. Selection is made jointly by the state arts agency and the participating schools.

A Directory of American Poets, compiled with the assistance of the Endowment's Literature Program, is available at $6.00 paperbound and $12.00 hardbound from Poets & Writers, Inc., 201 West 54th Street, New York, New York 10019. The cost of the directory also includes a subscription to the newsletter CODA which periodically updates the list of writers interested in readings or work in the schools. In addition, the Endowment's Literature Program will provide assistance as requested.

Implementation of the Program. Orientation/training sessions for teachers should be made a part of the program and strong emphasis should be given to acquainting teachers with the work of contemporary writers. Classroom teachers should be thoroughly briefed on the visiting poets' work prior to the residencies.

Poets should work no less than four times with the same groups of students, preferably more than this. Visits to classrooms need not be on consecutive days. Poets should not be scheduled for more than four periods during the normal school day. Allowances should be made within the budget for travel since one poet can reach a number of schools over a state or community during a relatively short period of time. One-time visits by a poet can be a useful introductory device, but should not be the continuing basis for allocating a poet's time in a community.

Writing done by students should be collected and reproduced, if possible, so that it may be returned to the students in time for the poet's next visit. Schools should be encouraged to assume responsibility for this service as an in-kind contribution. A selec-

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tion of student writing should be part of the final report on the poetry component.

State Arts Agency Role. (See page 7.)

VISUAL ARTS COMPONENT

Funds are for placement of sculptors, painters, photographers, printmakers and other graphic artists, architects, and city planners in elementary and secondary schools. The residency is usually for a full school year, but the year can be divided among two or more artists. A portion of each grant can be used for visiting artists selected by the resident artist.

The artist devotes part time to students and teachers and part time to his or her own work. Participating schools must provide adequate studio space and time for the artist to pursue his or her own work. In practice, appropriate cooperative projects with state or local art organizations can occupy part of of the artist's time, at the artist's discretion. The artist is viewed not as a member of the teaching staff, but rather as a practicing artist working in his or her own art in a school situation.

Amount of grants. Generally, grants to individual states are in the amount of $12,200.

Budget and matching. Minimum Budget Format—

Compensation and supplies for one resident artist	$10,800
Honoraria for visiting artists selected by resident artist to complement his or her work	1,200
Documentation	200
Total for one artist	12,200

This budget can be modified in consultation with the Endowment.

Matching. Endowment support in this component should be matched at least equally by non-federal funds. (However, matching can be on an overall program outline or on an individual project basis. The National Council on the Arts has recommended that every effort be made to insure that a cash match is achieved at least in the overall funding provided to each state for Artists-in-Schools.) The application must include a statement on the source(s) of matching funds, which may be provided from school budgets, other public funds or private groups or individuals. Local businesses, civic associations, or foundations may be interested in participating—perhaps as a bicentennial effort.

Selection of Artists. Selection is by a panel within a state. Panel composition is approved by the Education Program of the Endowment.

The panel should include the state arts agency Director (or designated representative), a professional artist, an art museum curator or director or a member of a professional arts school.

MATERIALS AVAILABLE ABOUT THE ARTISTS-IN-SCHOOLS PROGRAM

PUBLICATIONS

The Artist in the School: A report on the Artist-in-Residence Project, CEMREL, Inc. 1970.

Report on the 1969 pilot visual arts component Artists-in-Schools Program.

Distribution: CEMREL, Inc., 10646 St. Charles Rock Road, St. Ann, Missouri 63074, Price: $4.00 per copy.

Artists in Schools: Like a humming in the air, by Bennett Schiff, National Endowment for the Arts, 1973.

Report on Artists-in-Schools projects operating in Alabama, Minnesota, Wyoming, California, Nebraska and Rhode Island during 1971–72 school year.

Distribution: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, Price: $2.75 domestic post paid or $2.50 GPO book store, Stock number: 3600–00015.

Artists in the Classroom, Connecticut Commission on the Arts, 1973.

A "how-to" book on the AIS program published by the Connecticut Commission on the Arts, Education Programs.

Distribution: Connecticut Commission on the Arts, 340 Capitol Avenue, Hartford, Connecticut 06106.

A Directory of American Poets, Poets and Writers, Inc., 1973.

Includes names and addresses of 1309 poets and contemporary writers whose work has been published in the U.S. A 1974 volume will be available in September 1974.

Distribution: Poets and Writers, Inc., 201 West 54th Street, New York, New York 10019, Price: $6.00 paperbound, $12.00 hardbound.

A Documentation of the City Building Educational Program for the National Endowment for the Arts and Humanities Within the Los Angeles Unified School District, 1971–72.

Distribution: Doreen Nelson, Director, City Building Educational Program, Sulphur Springs Union School District, 18830 Soledad Canyon Road, Saugus, California 91351.

Joy To the Word! Writing Poems with Children in Georgia, Rosemary Daniell.

Distribution: Georgia Council for the Arts, Suite 706, 225 Peachtree Street, N.E., Atlanta, Georgia 30303.

FILMS

Dance Component[1]

Dancers in Schools, 16mm color, 28 minutes.

Filmmaker D. A. Pennebaker was commissioned to document aspects of the dance component of the Artists-in-Schools Program jointly sponsored by the National Endowment for the Arts and the U.S. Office of Education. Film captures the excitement of demonstration/workshops conducted in Alabama and California by Murray Louis, Virginia Tanner and Bella Lewitzky.

Distribution: Pennebaker, Inc., 56 West 45th Street, New York, New York 10036, Rental: $15.00, Sale: $250.00.

Move! 16mm color, 28 minutes.

Documentary film on aspects of Artists-in-Schools Dance Component. Includes San Francisco conference of dance company members, dance movement specialists and administrators (August 1972) and residency of Bella Lewitzky Dance Company and Susan Cambigue, dance movement specialist (Reno, Nevada—Spring, 1973). Filmmaker: Steeg Productions, Inc.

Distribution: Program Information, National Endowment for the Arts, Washington, D.C. 20506.

Film Component

Children of The Media, 16mm color, 28 minutes.

Film documents 1971–72 film component of the Artists-in-Schools Program. Filmmaker: Thomas McDonough.

Distribution: Center for Understanding Media, Inc., 75 Horatio Street, New York, New York 10014, Rental: $25.00, Sale: $250.00.

Poetry Component

Wishes, Lies, and Dreams, 16mm color, 28 minutes.

The distinguished New York poet, Kenneth Koch, is recorded in the poetry in the schools program in New York City Public Schools.

Distribution: Association-Sterling Films, 1701 N. Fort Myer Drive, Arlington, Virginia 22209, Rental: Free.

Music Component

Music in The Air, 16mm color, 26 minutes.

Documentary film on music component of Artists-in-Schools Program (1972–73 school year). Filmmaker: Don Lenzer Films.

Distribution: Program Information, National Endowment for the Arts, Washington, D.C. 20506.

Theatre Component

Children's Theatre of John Donahue, 16-mm color, 28 minutes.

Filmmaker D. A. Pennebaker records the activities of the Children's Theatre Company of the Minneapolis Institute of the Arts in the Artists-in-Schools Program.

Distribution: Pennebaker, Inc., 56 West 45th Street, New York, New York 10036, Rental: $15.00, Sale: $250.00.

Visual Arts Component

Artist of the Arctic, 16mm color, 14 minutes.

Documentary film on the work of the Eskimo artist/craftsman in the schools at Point Barrow, Alaska. Filmmaker: Norman G. Dyhrenfurth.

Distribution: Alaska State Council on the Arts, 360 K Street, Suite 240, Anchorage, Alaska 99501.

See-Touch-Feel, 16mm color, 28 minutes.

Filmmaker Donald Wrye documents the 1969 pilot Artists-in-Schools Program in the visual arts.

Distribution: Association-Sterling Films, 1701 N. Fort Myer Drive, Arlington, Virginia 22209, Rental: Free.

GENERAL INFORMATION

THE BICENTENNIAL

The Endowment recognizes that the arts will play an important role in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within funds available to it, and insofar as they are directed to professional creation and presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. If funds under these guidelines are sought for projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application.

RESOLUTION ON THE ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (Pub. L. 90-480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments at the State and local levels to take the intent of this legislation into account when building or renovating cultural facilities. (Adopted by the National Council on the Arts, September 15, 1973.)

[1] A supplementary "How To" handbook for the Artists-in-Schools Dance Component accompanies the two dance component films. Filmmakers: Eric Breitbart and Alan Jacobs.

LIST OF STATE ARTS AGENCIES AND OTHER COOPERATING ORGANIZATIONS

Alabama State Council on the Arts and Humanities, M. J. Zakrzewski, Executive Director, 322 Alabama Street, Montgomery, Alabama 36104, (205) 269–7804.

Alaska State Council on the Arts, Roy H. Helms, Executive Director, 360 K Street, Suite 240, Anchorage, Alaska 99501, (907) 279–3824 or 272–5342.

American Samoa Arts Council, Mrs. John M. Haydon, Chairman, Office of the Governor, Pago Pago, American Samoa 96920.

Arizona Commission on the Arts and Humanities, Mrs. Louise Tester, Executive Director, 6330 North 7th Street, Phoenix, Arizona 85014, (602) 271–5884 (office) or 228 Madison Avenue, Yuma, Arizona 85364, (602) 783–7244.

The Office of Arkansas State Arts and Humanities, Dr. R. Sandra Perry, Executive Director, 404 Train Station Square, Victory-at-Markham, Little Rock, Arkansas 72201, (501) 371–2539 or 2530.

California Arts Commission, James D. Forward, Executive Director, 808 "O" Street, Sacramento, California 95814, (916) 445–1530.

The Colorado Council on the Arts and Humanities, Robert N. Sheets, Executive Director, 1550 Lincoln Street, Room 205, Denver, Colorado 80203, (303) 892–2617 or 2618.

Connecticut Commission on the Arts, Anthony S. Keller, Executive Director, 340 Capitol Avenue, Hartford, Connecticut 06106, (203) 566–4770.

Delaware State Arts Council, Mrs. Sophie Consagra, Executive Director, Wilmington Tower, Room 803, 1150 Market Street, Wilmington, Delaware 19801, (302) 571–3540.

D.C. Commission on the Arts and the Humanities, Leroy Washington, Acting Director, 543 Munsey Building, 1329 E Street NW., Washington, D.C. 20004, (202) 347–5905 or 5906.

Fine Arts Council of Florida, S. Leonard Pas, Jr., Executive Director, c/o Department of the State, The Capitol Building, Tallahassee, Florida 32304, (904) 488–2416.

Georgia Council for the Arts, George Beattie, Director, 706 Peachtree Center, South Bldg., 225 Peachtree Street, NE., Atlanta, Georgia 30303, (404) 656–3900.

Insular Arts Council of Guam, Mrs. Louis Hotaling, Director, P.O. Box EK (University of Guam), Agana, Guam 96910, 729–2466.

Hawaii State Foundation on Culture and the Arts, Alfred Preis, Executive Director, 250 South King Street, Room 310, Honolulu, Hawaii 96813, (808) 548–4145.

Idaho State Commission on Arts and Humanities, Miss Suzanne Taylor, Executive Director, c/o State House, Boise, Idaho 83720, (208) 384–2119.

Illinois Arts Council, Mrs. Michele Brustin, Acting Director, 111 North Wabash Avenue, Room 1610, Chicago, Illinois 60602, (312) 793–3520.

Indiana Arts Commission, John Bitterman, Executive Director, Union Title Building, 155 East Market, Suite 614, Indianapolis, Indiana 46204, (317) 633–5649.

Iowa State Arts Council, Jack E. Olds, Executive Director, State Capitol Building, Des Moines, Iowa 50319, (515) 281–5297 or 262–2803.

Kansas Cultural Arts Commission, Jonathan Katz, Executive Director, 117 West 10th Street, Suite 100, Topeka, Kansas 66612, (913) 296–3335.

Kentucky Arts Commission, Miss Nash Cox, Executive Director, 100 W. Main Street, Frankfort, Kentucky 40601, (502) 564–3757.

Louisiana Council for Music and Performing Arts, Inc., Mrs. E. H. (Lucile) Blum, President, International Building, Suite 804, 611 Gravier Street, New Orleans, Louisiana 70130, (504) 525–7241.

Maine State Commission on the Arts and the Humanities, Alden C. Wilson, Acting Director, State House, Augusta, Maine 04330, (207) 289–2724.

Maryland Arts Council, James Backas, Executive Director, 15 West Mulberry, Baltimore, Maryland 21210, (301) 685–7470.

Massachusetts Council on the Arts and Humanities, Miss Louise G. Tate, 14 Beacon Street, Boston, Massachusetts 02108, (617) 727–3668.

Michigan Council for the Arts, E. Ray Scott, Executive Director, Executive Plaza, 1200 Sixth Avenue, Detroit, Michigan 48226, (313) 256–3735.

Minnesota State Arts Council, Ruth Humleker, Acting Director, 100 East 22nd Street, Minneapolis, Minnesota 55404, (612) 296–2059 or 339–7691.

Mississippi Arts Commission, Mrs. Shelby R. Rogers, Executive Director, State Executive Building, P.O. Box 1341, Jackson, Mississippi 39205, (601) 354–7336 or 266–7246, (University of Mississippi).

Missouri State Council on the Arts, Mrs. Emily Rice, Executive Director, 111 South Bemiston, Suite 410, St. Louis, Missouri 63105, (314) 721–1672.

Montana Arts Council, David E. Nelson, Executive Director, 235 East Pine, Missoula, Montana 59801, (406) 543–8286 or 543–8287.

Nebraska Arts Council, Gerald Ness, Executive Director, P.O. Box 1536, Omaha, Nebraska 68101, (402) 345–2542.

Nevada State Council on the Arts, Merle Snider, Acting Director, 560 Mill Street, Reno, Nevada 89502, (702) 784–6231 or 6232.

New Hampshire Commission on the Arts, John G. Coe, Executive Director, Phenix Hall, 40 North Main Street, Concord, New Hampshire 03301, (603) 271–2789.

New Jersey State Council on the Arts, Brann J. Wry, Executive Director, 27 West State Street, Trenton, New Jersey 08625, (609) 292–6130.

The New Mexico Arts Commission, John Wyant, Executive Director, Lew Wallace Building, State Capitol, Santa Fe, New Mexico 87501, (505) 827–2061.

New York State Council on the Arts, Eric Larrabee, Executive Director, 250 West 57th Street, New York, New York 10019, (212) 586–2040.

North Carolina Arts Council, Halsy North, Executive Director, N.C. Dept. of Cultural Resources, Raleigh, North Carolina 27611, (919) 829–7897.

North Dakota Council on the Arts and Humanities, John Hove, Chairman, Department of English, North Dakota State University, Fargo, North Dakota 58102, (701) 237–7143.

Ohio Arts Council, James W. Edgy, Executive Director, 50 West Broad Street, Suite 2840, Columbus, Ohio 43215, (614) 466–2613.

Oklahoma Arts and Humanities Council, William M. Andres, Executive Director, 4400 N. Lincoln Blvd., Suite 258, Oklahoma City, Oklahoma 73105, (405) 424–1606.

Oregon Arts Commission, Terry R. Melton, Executive Director, 328 Oregon Building, 494 State Street, Salem, Oregon 97301, (503) 378–3625.

Commonwealth of Pennsylvania Council on the Arts, Robert Bernat, Executive Director, 503 North Front Street, Harrisburg, Pennsylvania 17101, (717) 787–6883.

Institute of Puerto Rican Culture, Luis M. Rodriguez Morales, Executive Director, Apartado Postal 4184, San Juan, Puerto Rico 00905, (809) 723–2115.

Rhode Island State Council on the Arts, Mrs. Anne Vermel, Executive Director, 4365 Post Road, East Greenwich, Rhode Island 02818, (401) 884–6410.

South Carolina Arts Commission, Rick George, Executive Director, 1205 Pendleton Street, Columbia, South Carolina 29201, (803) 758–3442.

South Dakota State Fine Arts Council, Mrs. Charlotte Carver, Executive Director, 108 West 11th Street, Sioux Falls, South Dakota 57102, (605) 339–6646.

Tennessee Arts Commission, Norman Worrell, Executive Director, 222 Capitol Hill Building, Nashville, Tennessee 37219, (615) 741–1701.

Texas Commission on the Arts and Humanities, Maurice D. Coats, Executive Director, P.O. Box 13406, Capitol Station, Austin, Texas 78711, (512) 475–6593.

Utah State Division of Fine Arts, Wilburn C. West, Director, 609 East South Temple Street, Salt Lake City, Utah 84102, (801) 328–5895.

Vermont Council on the Arts, Inc., Peter Fox Smith, Executive Director, 136 State Street, Montpelier, Vermont 05602 (802) 828–3291.

Virginia Commission on the Arts and Humanities, Frank R. Dunham, Executive Director, 1215 State Office Building, Richmond, Virginia 23219, (804) 770–4492 or 770–3591.

Virgin Islands Council on the Arts, Stephen J. Bostic, Executive Director, Caravelle Arcade, Christiansted, St. Croix, U.S. Virgin Islands 00820, (809) 773–3075, x3.

Washington State Arts Commission, James L. Haseltine, Executive Director, 1151 Black Lake Boulevard, Olympia, Washington 98504, (206) 753–3860.

West Virginia Arts and Humanities Council, Norman Fagan, Executive Director, State Office Building 6, Rm. B–531, 1900 Washington Street, East, Charleston, West Virginia 25305, (304) 348–3711.

Wisconsin Arts Board, Jerrald Rouby, Executive Director, One West Wilson Street, Madison, Wisconsin 53702, (608) 266–0190.

Wyoming Council on the Arts, Michael Haug, Executive Director, 200 West 25th Street, Cheyenne, Wyoming 82002, (307) 777–7742.

COOPERATING ORGANIZATIONS

Center for Understanding Media, Inc., 75 Horatio Street, New York, New York 10014, (212) 989–1000.

New York Foundation for the Arts, Inc., 60 East 42nd Street, Room 935, New York, New York 10017, (212) 986–3140.

Poets and Writers, Inc., 210 West 45th Street, New York, New York 10019, (212) 757–2766.

San Francisco Poetry Center, San Francisco State College, San Francisco, California 94132, (212) 469–2227.

St. Paul Council of Arts and Sciences, 30 East 10th Street, St. Paul, Minnesota 55101, (212) 227–8241.

ADDENDUM

In submitting their application for Artists-in-Schools, SAAs will be formulating a program outline. The format of the program outline is suggested as follows:

FOR EACH COMPONENT

(1) Description of goals and objectives.

(2) Artist selection procedures.

(3) School responsibilities, provision of: Facilities, Personnel (in-school coordinators,

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etc.), Ground transportation (if any) for artists.

(4) Component Implementation, Planning/Orientation: Workshops/meetings, Residencies, (A) Length, (B) Activities, Coordinator (if any).

(5) State Arts Agency Role.

(6) Other Related Aspects (e.g. Connection with Manpower Training Program, Elementary and Secondary Education Act, Emergency School Aid Act, consideration of questions itemized in this addendum, et ceteras).

(7) Reporting, Format, and Deadline(s).

The following questions have been raised in discussions with the state arts agencies, artists, and Endowment consultants and are listed here in the belief that they may assist the states in the preparation of their program outlines.

QUESTIONS:

(1) How does the program outline insure the involvement of the best available professional and practicing artists in the AIS Program under the national guidelines?

How does the program outline insure standards and balance by art form consistent with the national guidelines?

(2) How is the program to avoid concentration in only affluent school districts?

(3) How does the program outline insure establishment of state selection panels (as required) in accordance with the national guidelines?

(4) How are matching funds to be secured?

(5) How will evaluation be accomplished? (Artists-in-Schools is an artist-oriented program, so evaluation efforts should be tailored to the special nature of the program. Strictly educational criteria may not always accommodate to the uniqueness of the Artists-in-Schools Program.)

What provision is being made for the inclusion of the artists' viewpoint to be included in the evaluation process?

(6) What indication is there of concentration on "in-depth" as opposed to "spread" activity?

(7) What plan exists to assure follow-up in the second year? (Follow up or take-over funding is an essential ingredient for a good program outline.)

(8) What provision is made for a state Artists-in-Schools coordinator? What provision is being made for in-school coordinators at the individual project sites? What provisions will be made for adequate release time for these coordinators? (Locally, someone on site should be able to free the artist from administrative work so he or she can spend the maximum amount of time doing what he or she was brought there to do.)

(9) What provision is being made to insure that artists meet together and with school personnel to discuss the program at the inception, mid-term and conclusion of the project?

(10) What provision is being made for the orientation of the teachers in the methods and techniques employed by artists?

(11) Is the flexibility required for the successful operation of the program provided? (e.g. joining of components, if desired).

(12) What joint planning is going on under AIS with state departments of education, local schools, state arts agencies, or other related state groups?

(13) How are artists being involved each step of the way in AIS planning along with teachers, coordinators, and administrators to insure that the artists are doing what they want to do and are capable of doing in the schools, and not what someone else thinks matching in yearly increments?

(14) What provision does the program outline have for avoiding misunderstanding by offering contracts which are carefully negotiated with artists? (consideration should be given to health and other benefits).

(15) What provision is there for showings of AIS films? What provision for dissemination of evaluation reports?

(16) Does the program outline encourage schools to assume a larger amount of cash matching in yearly increments?

(17) Does the program outline provide for early notification to the artist of continuation of the residency of the following year?

(18) What provision, if any, in the program outline is there for purchase of artists/works through state or local resources?

(19) What provision is there in the program outline for accreditation of teacher workshops given by artists?

(20) What provision is there in the program outline to assure optimum working spaces for artists?

(21) What provision is there in the program outline to explore with administrators the possibilities for allowing artists to work with students for more than the usual class period?

(22) What provision is there in the program outline for an exhibition of the work of the resident artist early in the school year? (This might help generate support and stimulate community interest in the project.)

[FR Doc.74-26434 Filed 11-11-74;8:45 am]

MUSEUM PROGRAM

Guidelines

The following are guidelines for the Museum Program under the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadlines for the various programs are as follows:

December 2, 1974—Museum Purchase Plan, Aid to Special Exhibitions, Services to the Field, Fellowship for Museum Professionals.

February 28, 1975—Utilization of Museum, Collections, Catalogue, Museum Training, Wider Availability of Museums.

June 13, 1975—Conservation, Renovation (Climate Control, Security, Storage), Services to the Field, Fellowships for Museum Professionals.

Interested persons should contact John Spencer, Director, Museum Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 634-6164.

Signed at Washington, D.C., on 23d October 1974.

FANNIE TAYLOR,
Director, Program Information.

MUSEUM PROGRAM

INTRODUCTION

The Museum Program of the National Endowment for the Arts offers a number of program funding categories designed to:

(1) Assist museums in meeting the increased demands for their services by support of special exhibitions, or installation of the permanent collection (or its parts), of catalogues or cataloguing and in making the museum more accessible to its public.

(2) Assist in the training and preparation of the professional staff needed by museums to operate most efficiently and to serve in the best manner possible the needs of their public through support of training in museums and universities and through support of short leave programs for museum professionals.

(3) Assist museums in preserving the collections entrusted to their care through support of surveys for and installation of climate control, security and fire systems, improvement of storage facilities, through the training of conservators and through programs of aid in conserving individual objects.

(4) Assist museums and artists through purchase awards to museums for the acquisition of works of art by living American artists.

The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the programs listed. See General Programs, page 10.

Applications will not be accepted for operating expenses, construction, the funding of new museums, of the acquisition of works, by other than living American artists. All such applications will be returned.

GENERAL INFORMATION

ELIGIBILITY

(1) By statute, the Endowment is limited to making grants to organizations only if no part of their net earnings inures to the benefit of a private stockholder or an individual and provided donations to such organizations are allowable as charitable contributions under Section 170(c) of the Internal Revenue Code of 1954, as amended. All organizations are required to submit a copy of their Internal Revenue Service tax exemption determination letter with each application.

(2) Organizations receiving National Endowment for the Arts support must conduct their operations in accordance with the requirements of Title VI of the Civil Rights Act of 1964, which bars discrimination in Federally assisted projects on the basis of race, color, or national origin.

(3) All laborers and mechanics employed by contractors or subcontractors on construction projects assisted by National Endowment for the Arts grant funds shall be employed and paid in accordance with applicable Federal minimum wags and labor standards (Parts 3 and 5, Title 29, Code of Federal Regulations).

(4) Museums, organizations serving museums, organizations providing museum functions, state arts agencies, regional arts groups, and currently employed museum professionals are eligible to apply. The Endowment generally uses the definition of museums developed by the American Association of Museums:

"• • • a nonprofit institution essentially educational or esthetic in purpose with professional staff, which owns and utilizes tangible objects, cares for them, and exhibits them to the public in some regular schedule."

Accreditation by the American Association of Museums is not a prerequisite for eligibility.

(5) Although there are no restrictions on the number of applications submitted by each organization, the limited funds available to the Endowment make it unlikely that more than one project can receive support under any one category or sub-category.

(6) To be eligible for consideration, projects should be of national or regional impact and should have aesthetic and cultural significance. Size of the institution is not a criterion, but rather, the nature of the project and the capacity of the institution to execute the project successfully.

(7) In general, to be eligible for consideration, organizations should be in operation two years prior to submitting an application.

(8) Although the Endowment welcomes the vitality of new programs and under all conditions encourages applicants to develop

new sources of funds, applications first and foremost should represent the genuine needs of the applicant organization. Accordingly, applicants may request support to strengthen existing programs. Also, under the Services to the Field, General Programs, Museum Training, Conservation (training and regional conservation centers), and Wider Availability of Museums categories, support may be requested for the same project for more than one year. In no instance, however, should organizations attempt to extend their programs beyond their capacity to accommodate and sustain the level of proposed expansion.

STATE/REGIONAL/NATIONAL COOPERATION

The Endowment actively encourages cooperation among museums, service organizations, state arts agencies, and regional arts groups. Applications may be submitted by any of these groups for projects under the appropriate categories listed in these guidelines. All applications which involve more than one group must include a list of participating organizations and a letter from each of them confirming its participation.

BICENTENNIAL PROJECTS

The Endowment recognizes that the arts will play an important role in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within funds available to it, and insofar as they are directed to presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. Bicentennial project applications will be considered within the context of the current program categories for museum assistance.

If funds under these guidelines are sought for projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application. Applicants for bicentennial projects should observe the deadlines listed for the appropriate categories, e.g. Aid to Special Exhibitions, Renovation (Climate Control, Security, Storage), Conservation, Wider Availability of Museums, Catalogue, et cetera.

RESOLUTION ON ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPED

"One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (Pub. L. 90-480) legislation that would require all public buildings constructed, leased or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped." (Adopted by the National Council on the Arts, September 15, 1973.)

METHODS OF FUNDING

(1) *Program funds method.* Generally, grants will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence in the proper space (Section X) on the application (Project Grant Application/NEA-3 Rev.) that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified. Budgeted funds, as well as newly raised funds, may be used for matching in all programs except Museum Purchase Plan.

Example:

If an applicant requests from NEA	$30,000
Then applicant lists match of at least	30,000
And total project budget reflects at least	60,000

(2) *Treasury fund method.* When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-Federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-Federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining Federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Donations to the Endowment are generally deductible for Federal income, estate, and gift tax purposes. Donations may be received from individuals (unless the person is a paid employee or paid consultant of the institution) and from groups or organizations. Donations may be made to the Endowment, under its regular program guidelines, for the support of a nonprofit, tax-exempt, cultural organization which has been notified that the Endowment intends to award it a grant—such as a museum, a symphony orchestra, a dance, opera, or theatre company—or for an Endowment program, such as fellowships, touring, conferences, or workshops. When a donation is received, it frees an equal amount from the Treasury Fund and the doubled amount is then made available to pay 50 percent of the project costs.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

How a Treasury fund grant is arranged. Those interested in giving for a specific purpose should note the step by step process described below. We will use a museum as an example.

(1) If the project is eligible for consideration under the museum program guidelines, the museum submits to the Endowment a formal application, which may include a list of potential donors.

(2) The application is reviewed first by the appropriate Advisory Panel (in this case the Museum Advisory Panel) and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the museum.

(3) If the grant award is approved, the museum officials then request that the donors forward their contributions to the National Endowment for the Arts accompanied by a letter specifying the restricted purpose of the gift (i.e. the name of the museum and specific project supported).

Grantee as Collecting Agent. In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, grant recipients are encouraged to collect individual donations of cash or checks (including proceeds from benefits) made for the purpose of the grant and forward them to the Endowment in the form of a single check. If this method is used, the following conditions apply:

(1) The check representing the aggregate donations must be made payable to the National Endowment for the Arts and be accompanied by a list of donors' names, addresses, and amounts.

(2) A statement must also be forwarded with the aggregate check indicating that the check amount represents individual donations made to the grant recipient specifically for purposes of the Treasury Fund grant, and that the grant recipient will retain in its files evidence that the donation was made for such purposes. Generally a standard gift transmittal letter (of the type now in use) from each individual donor will suffice. In cases where benefit proceeds are to be so utilized, other material, such as benefit announcement circulars, posters, et cetera (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund), may be retained as evidence of donors' intent.

This procedure does not apply to pledges, each of which must be made to the National Endowment for the Arts and sent directly to National Endowment for the Arts. However, consistent with the above stated policy, payments on pledges may be made to and collected by the grantee organization, which then may forward such sums to the Endowment in aggregate form with a covering letter indicating that the sum is for application to, and reduction of, specifically named and unpaid pledges.

The process in terms of money

Donor's contribution(s) to the Endowment for	$25,000
Endowment matches from the Treasury Fund	25,000
	50,000
Therefore, amount of the Endowment grant is	50,000
Grantee's additional project cost	50,000
Total budget of project is at least	100,000

For further information, write to: Museum Program, National Endowment for the Arts, Washington, D.C. 20506.

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APPLICATION REVIEW PROCEDURE

All applications will be evaluated with the following criteria in mind:

(1) The significance and the qualitative level of the project.

(2) The ability of the museum staff to undertake and successfully execute the project.

(3) The degree and nature of potential local, regional, and national impact of the project.

(4) The evident need for the project in relation to the museum's total program.

(5) A realistic appraisal of anticipated costs and income related to the project.

The Endowment's Museum Program staff initially reviews applications.

They are subsequently reviewed and considered by special committees, the Museum Advisory Panel and the National Council on the Arts. Upon recommendation of these bodies and action by the Chairman of the National Endowment for the Arts the applicant will be notified in writing by the Endowment. Details of the grant award procedure are explained in the letter of notification.

OTHER ARTS ENDOWMENT PROGRAMS

Applicants may be interested in other Arts Endowment Programs such as Architecture + Environmental Arts, Dance, Expansion Arts, Music, Public Media, Theatre, and Visual Arts. Guide to Programs, explaining all of the Endowment's programs, eligibility requirements, application deadlines may be obtained by writing Program Information, National Endowment for the Arts, Washington, D.C. 20506. Guidelines and application forms may be obtained only by contacting the appropriate Program office(s), National Endowment for the Arts, Washington, D.C. 20506.

OTHER FEDERAL PROGRAMS FOR MUSEUMS

National Endowment for the Humanities
Division of Public Programs
Museum Program
Washington, D.C. 20506

National Museum Act
Smithsonian Institution
Washington, D.C. 20560

National Science Foundation
Washington, D.C. 20550

CATEGORIES OF FUNDING

VISITING SPECIALISTS

(Applications accepted and reviewed throughout the year.). This program category provides matching grants for temporary consultation services for a specific project. As the title of the program implies, the Visiting Specialist should be:

(1) A person of considerable expertise.

(2) A person not in the employ of the applicant institution.

(3) A person who is not to be considered as permanent staff but rather a person who can make a significant contribution to the applicant institution during a brief tenure.

Some possible projects are:

(1) Research on the permanent collection.

(2) Preparatory research for projected exhibitions.

(3) Development of improved methods of museum operations, such as administration, registration, installation techniques, including lighting, handling, and storage.

(4) Establishment of suitable museum library systems.

(5) Studies to determine the changes necessary to make the building more accessible to the physically handicapped.

(6) Plans for membership drives and other fund raising activities.

(7) Guidance for better education and public service programs.

(8) Development of coordinated graphics program.

Applications for other types of museum consultation services will also be considered. Note: Applications for cataloguing all or a part of the permanent collection or for preparing catalogue copy for eventual publication will be considered under the Catalogue Category, see page 15. Applications for surveys of conservation needs of museum collections will be considered under the Conservation Category, see page 18. Applications for engineering surveys will be considered under the Renovation (Climate Control, Security, Storage) Category, See page 19.

Deadline. Applications are accepted and reviewed throughout the year. Eight months should be allowed for application review and notification.

Grant period and notification. Notices of approval or rejection will be sent no earlier than eight months after receipt of application. Programs should not be scheduled to begin before notification.

General range of grants. Up to $15,000.

How to apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages if necessary.):

(1) Describe the project and the urgency of the need for a visiting specialist.

(2) How is the project related to the other activities of the museum?

(3) Identify the specialist and indicate his/her qualifications or attach a résumé (three copies). If you are considering a number of people for this project, submit their names and a description of their qualifications. In all cases, document the availability of the specialist.

GENERAL PROGRAMS

(Applications reviewed and accepted throughout the year.) The Endowment will consider proposals for specific projects which do not fit into any one or a combination of the categories listed. These grants will be awarded generally on a matching basis. Applications will not be accepted for operating expenses, construction, the funding of new museums or acquisition except under Museum Purchase Plan (see below).

Deadline. Applications are accepted and reviewed throughout the year. Eight months should be allowed for application review and notification.

Notification. Notices of approval or rejection will be sent no earlier than eight months after receipt of application. Projects should not be scheduled to begin before notification.

General range of grants. Up to $20,000.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) The qualifications of person(s) involved in the project.

(2) The unique characteristics of the project.

(3) If this is an experimental or research project, the plans for disseminating information about the results of the project.

MUSEUM PURCHASE PLAN

(Deadline: December 2, 1974.) This program category provides matching grants of $5,000, $10,000, $15,000, or $20,000 to museums for the purchase of works by living American artists. The objectives of the program are to encourage museums to add to their collections of contemporary American art, to create and expand public response to works by living artists through display of their works, to raise new funds for this purpose specifically, and to provide direct financial assistance for artists.

Among the types of art works that might be purchased are paintings, sculptures, photographs, graphic, folk and craft arts, industrial designs, costume and fashion design, and film prints by independent filmmakers.

The terms of the grant are as follows:

(1) The grant and matching funds must be used for the direct costs of purchasing two or more works by living American artists. Insurance, crating, shipping, installation, salaries, and travel costs are not to be included.

(2) Museums may apply for a $5,000, $10,000, $15,000, or $20,000 grant. The funds must be matched on a dollar-for-dollar basis from new money raised during the grant period specifically for this purpose. Matching funds must not come from already budgeted funds and must be from non-Federal sources.

(3) The grant period will be from September 1, 1975, through August 31, 1976. If more time is needed the grant period may extend through August 31, 1977.

Deadline. Applications and Supplementary Information Sheets must be postmarked no later than December 2, 1974.

Notification. Projects should not be scheduled to begin earlier than September 1975. Also, the new funds raised specifically for the purpose of matching this grant may not be received before the beginning of the project or September 1975 whichever is later. Applicants may wish to identify possible sources of new funds on their applications. Notices of approval or rejection will not be sent before August 1975.

How to apply. (1) Previous Museum Purchase Plan recipients are eligible provided a final report on an earlier grant has been submitted to the Museum Program. If a final report has not been submitted, a copy must be submitted with the application.

(2) Be sure to complete and return with your application the Museum Purchase Plan Supplementary Information Sheets. See page 23.

AID TO SPECIAL EXHIBITIONS

(Deadline: December 2, 1974). This program category provides matching grants to organize temporary exhibitions of esthetic and cultural significance. Matching grants may be available, especially in the case of smaller museums, to borrow exhibitions.

Expenses for planning and organizing the exhibition, catalogue, services of an outside specialist and related events (excluding costs of opening reception) may be included in the total budget.

For touring exhibitions, the applicant (organizing institution) must indicate on the Supplementary Information Sheets how rental fees will be reduced if an Endowment grant is awarded. If a museum takes an exhibition that was funded by an Endowment grant, the applicant may include costs for installation and related events but not the rental fee. If, however a museum takes an exhibition that was not initially funded under an Endowment grant, it may include costs for installation, related events and the rental fee.

Applications for temporary exhibitions of the permanent collection should be submitted under the Utilization of Museum Collections category.

Exhibitions related to the bicentennial celebrations are encouraged and should be noted on the application.

Deadline. Applications and Supplementary Information Sheets must be postmarked no later than December 2, 1974.

Grant period and notification. Projects, which may include initial planning, should not be scheduled to begin earlier than September 1975. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before August 1975.

General range of grants. Up to $75,000 for organizing institutions. Up to $20,000 for participating institutions. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method (see page 5).

How to Apply. (1) If a grant is awarded for an exhibition that includes catalogues, the grantee is required to deposit 150 complimentary copies of the catalogue with the USIA for distribution to their libraries abroad. Applicants are requested to make appropriate adjustment for the 150 copies in the budget.

(2) Please be sure to complete and return with your application the Aid to Special Exhibitions Supplementary Information Sheets. See page 27.

SERVICES TO THE FIELD

(Deadlines: December 2, 1974, June 13, 1975). This program category is designed to assist groups and organizations which provide services to the field such as research, publications, workshops. These grants will be awarded generally on a matching basis.

Deadline. Applications must be postmarked no later than the deadlines of December 2, 1974, or June 13, 1975.

Grant period and notification. For the December 2, 1974 deadline: Projects should not be scheduled to begin earlier than September 1975. Notices of approval or rejection will not be sent before August 1975.

For the June 13, 1975, deadline: Projects should not be scheduled to begin earlier than March 1976. Notices of approval or rejection will not be sent before February 1976.

General range of grants. Up to $30,000.

How to apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) The qualifications of person(s) involved in the project.

(2) How will the project benefit the field?

FELLOWSHIPS FOR MUSEUM PROFESSIONALS

(Deadline: December 2, 1974, June 13, 1975). Fellowships for museum professionals are to be awarded to professional members of museum staffs so that they may take leaves of absence for periods ranging from one to six months in order to study, conduct research, travel, write, engage in community projects or in other ways improve their professional qualifications. Proposals must be for specific projects and must clearly demonstrate in what way the leave of absence will improve the applicant's professional qualifications. Proposals, designed to be of direct benefit to the employing institutions should be made by the institution under the appropriate category and not by the individual.

Deadline. Applications must be postmarked no later than the deadlines, December 2, 1974, or June 13, 1975.

Grant period and notification. For the December 2, 1974, deadline: Projects should not be scheduled to begin earlier than September 1975. Notices of approval or rejection will not be sent before August 1975.

For the June 13, 1975, deadline: Projects should not be scheduled to begin earlier than March, 1976. Notices of approval or rejection will not be sent before February 1976.

Eligibility. Professional museum staff members of exceptional talent in areas such as administration, curatorial work, conservation or education.

General range of grants. Grants will be made to individuals on a non-matching basis with amounts varying according to the salaries of the applicants, travel requirements and the materials necessary for completion.

How to apply. (1) Applicants should use the "Individual Grant Application/NEA-2 (Rev.)."

(2) Each application should contain a description of the proposed project, an itemized budget including a salary item, travel (please provide a detailed breakdown of costs), and materials, if necessary.

(3) Applicants should indicate a specified period of time for the leave of absence.

(4) Complete the Career Summary Section of the application and/or attach a resume.

(5) Enclose a statement from the director of the museum to the effect that the museum is willing to grant the applicant a leave of absence for the specified time.

(6) Have three people complete the recommendation form (see page 35) and forward them to the Museum Program, National Endowment for the Arts, Washington, D.C. 20506, Attn: Fellowships for Museum Professionals.

Taxability of fellowships. The tax information on page 41 has been reprinted for your information. The Endowment cannot advise you as to the deductibility of all or any portion of a fellowship. Advice should be sought from your own tax counselor or local Internal Revenue Service Office.

UTILIZATION OF MUSEUM COLLECTIONS

(Deadline: February 28, 1975). This program category provides matching grants to assist museums in using their collections in imaginative ways for the benefit of the whole community they serve. The program provides funds for the innovative installation of permanent collections in museum galleries, or for the establishment of study-storage centers. Permanent collections may be construed to mean collections formerly in storage that are now to be put on view, recently received or acquired collections, objects presently on view that are now to be brought together or to be more effectively presented. Installation may be construed to include the materials and appurtenances requisite to effective presentation of the collection. Installation may not include major structural modifications of the building. Projects related to the bicentennial are encouraged and should be noted on the application.

Please Note. (1) Application for temporary exhibitions of the permanent collection should be submitted under this category and not under Aid to Special Exhibitions.

(2) Applications for costs of a catalogue or handbook to be produced in conjunction with a project supported under this category should be submitted under Catalogue.

Deadline. Applications must be postmarked no later than February 28, 1975.

Grant Period and Notifcation. The project should not be scheduled to begin earlier than December 1975. Notices of approval or rejection will not be sent before November 1975.

General range of grant. Up to $75,000. Grant amount exceeding $30,000 will generally be made through the Treasury Fund Method. See page 5.

How to apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) Be sure to identify the collection to be installed (has it ever been exhibited?) and the individual(s) who will be responsible. What are the qualifications of the person(s) involved?

(2) Include drawings of the proposed installation.

(3) How is the project related to your museum's purpose and direction and its existing programs and resources?

(4) Indicate any particular circumstances which give this project high priority in the museum's activities.

(5) Has the museum previously undertaken similar projects? If so, describe them.

CATALOGUE

(Deadline: February 28, 1975). This program category is designed to assist in the cataloguing of collections and in the publication of catalogues or handbooks on permanent collections of esthetic and cultural significance by matching grants. Projects related to the bicentennial are encouraged and should be noted on the application. Grants are available in the following areas:

Cataloguing. (1) Cataloguing of uncatalogued or inadequately catalogued permanent collections.

(2) Duplication of traditional catalogue information and/or conversion to machine readable form.

Publication. (1) Research and preparation of catalogue copy for publication. Services of an outside consultant may be included in the budget, if applicable.

(2) Publication of scholarly catalogues or handbooks of the whole or part of the permanent collection.

Where appropriate, applicants may wish to combine research and publication in the same application.

Deadline. Applications must be postmarked no later than February 28, 1975.

Grant period and notification. The project should not be scheduled to begin earlier than December 1975. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before November 1975.

General Range of Grants. Up to $30,000.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) The evident need for the project in relation to the museum's total need.

(2) A checklist or representative sample of the collection to be catalogued.

(3) The qualifications of the cataloguer.

(4) If you have catalogues of whole or part of the collection, submit a copy with your application (Note: These will not be returned).

(5) How many catalogues or handbooks will be published? Who will have the copyright? Please indicate approximate number of pages, black/white and color illustrations in the catalogue.

(6) If royalties are anticipated, please indicate amount.

(7) If a grant is awarded for a catalogue publication project, the grantee is required to deposit 150 complimentary copies of the catalogue with the USIA for distribution to their libraries abroad. Applicants are requested to make appropriate adjustments for the 150 copies in the budget.

MUSEUM TRAINING

(Deadline: February 28, 1975). This program category provides grants for the preparation of well-trained museum professionals. Grants in support of museum training are awarded to museums and universities on at least a dollar-for-dollar matching basis. Priority will be given to proposals which specifically include training for people from minority groups. Generally, the following types of projects will be considered for assistance:

(1) Graduate level programs in curatorial training, museum administration or museum education, conducted by universities, museums or both.

(2) Internships or other professional training provided by a museum. Specific programs designed to advance staff professionally will also be considered. For example, the program can support museum career training for persons who are suitably prepared in an appropriate discipline but who lack museum expertise. The program can also assist in provid-

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ing in-house training to prepare permanent staff for more responsible positions.

(3) A few undergraduate programs especially those directed toward minorities or unique disciplines.

Deadline. Applications must be postmarked no later than February 28, 1975.

Grant period and notification. Projects should not be scheduled to begin earlier than November 1975. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before October 1975.

General range of grants. Up to $60,000.

How to Apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages if necessary.):

(1) The number of students.
(2) Teacher/student ratio.
(3) Qualifications of the teacher(s) involved.
(4) Description of intern program or of any other "on the job" training.
(5) Placement of most recent graduating class.
(6) Syllabus of the courses.
(7) If you have previously received an Arts Endowment grant for a training program, be sure to include a copy of the interim of final report with this application, if you have not already sent it to the Endowment.

WIDER AVAILABILITY OF MUSEUMS

(Deadline: February 28, 1975). This program category is directed toward encouraging full community participation in the activities of museums. This category is broadly conceived, and includes the means of taking the museum to its audience or of bringing the audience to the museum or programs to heighten awareness in the audience. Each proposal whether from a single museum or a cooperating group of museums must clearly indicate in what way or by what means the museum is to be made more widely available to its public. Proposals containing provisions for long-range continuity and effective evaluation will be given special consideration.

The educational programs of museums are an important factor in making museums more widely available to the public. Support will be provided, for example, to projects that seek ways to upgrade the quality of the museum experience, that seek ways to adopt for museum use educational techniques that were designed for the classroom, or that expand or explore effective approaches to museum education. Support can also be provided to existing projects that have been tested on a limited basis (perhaps as a pilot program) and are now judged by the applicant museum to have wider applicability.

Grants will generally be awarded on a matching basis. This program category does not support the creation of a new museum, operating expenses, construction or acquisition.

Deadline. Applications must be postmarked no later than February 28, 1975.

Grant period and notification. Projects should not be scheduled to begin earlier than November, 1975. Notices of approval or rejection will not be sent before October, 1975

General range of grants. Up to $60,000. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method.

How to apply. Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) Describe how this project relates to the museum's purpose, direction and past performance.

(2) Please indicate staff who will implement program and their qualifications.

(3) If you previously received an Arts Endowment grant for this project, be sure to include a copy of the Interim of Final Report with this application, if it has not already been submitted.

(4) How will the program be funded in the future?

CONSERVATION

(Deadline: June 13, 1975.) This program category provides matching grants for conservation projects, including staff support and purchase of equipment. Assistance is available within the following areas:

Training in conservation. (1) Support for existing training centers (grants up to $75,000).

(2) Assistance for new training centers (grants up to $100,000).

(3) Support for short-term training workshops for museum staff (grants up to $10,000).

Regional conservation centers. (1) Assistance for existing regional centers to increase capacity (grants up to $30,000).

(2) Assistance for new regional centers (grants up to $80,000).

Assistance to museums for conservation work on collections. (1) Technical consultation for planning programs for museum conservation work (grants up to $10,000).

(2) Implementation of conservation treatment (grants up to $10,000).

Deadline. Applications must be postmarked no later than June 3, 1975.

Grant period and notification. Projects should not be scheduled to begin earlier than March 1976. The grant period may exceed 12 months. Notices of approval or rejection will not be sent before February 1976.

General range of grants. Grant amounts exceeding $30,000 will generally be made through the Treasury Fund Method. See page 5.

How to apply. For Conservation Training Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional copies, if necessary.):

(1) The anticipated number of students.
(2) Describe the placement of the most recent graduating class.
(3) Describe the qualifications of the teaching staff.
(4) Describe the conservation facilities.
(5) If you previously received an Arts Endowment grant for this project, include a copy of the interim or final report with this application, if it has not already been submitted.

For Regional Conservation Centers Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional copies, if necessary.):

(1) Describe the nature of your regional center—cooperative association, confederation, et cetera.
(2) List the organizations you propose to serve. Have you received their agreement? If so, please attach copies.
(3) List your staff and briefly describe their qualifications.
(4) Describe your facilities and equipment.
(5) How soon do you expect to be self-supporting?
(6) If you previously received an Arts Endowment grant for this project, include a copy of the interim or final report with this application, if it has not already been submitted.

For Conservation of Collections Applications. Please provide the following information in the project description (Section IV):

(1) Describe your conservation needs.
(2) Where will the work be done and who is your conservator (consultant for planning)? Please describe his/her qualifications.
(3) Identify the work(s) to be treated and describe the nature of the treatment. If possible, please submit a condition report.
(4) What sum do you budget annually for conservation of the permanent collection?

RENOVATION (CLIMATE CONTROL, SECURITY STORAGE)

(Deadline: June 13, 1975). This category is designed to assist museums in preserving collections of aesthetic and cultural significance. It encourages renovation of facilities for climate control, security and storage in existing structures. Funds will not be available for new construction or for renovation of exhibition spaces except for climate control and/or security systems in these areas. The National Council on the Arts warmly endorses the President's statement of May 1972 urging the public and private sectors to preserve our treasures for generations to come and has recommended that this program be designated as a bicentennial program. Assistance is available within the following areas:

Survey. Priority will be given to requests for consultation services to assess renovation needs in the areas of climate control, security and storage and to suggest concrete measures to alleviate those needs. All grants for consultant's services will be awarded on at least a dollar-for-dollar matching basis.

Installation. Where surveys have already been completed, including a projected plan of renovation and cost estimates, the Endowment will consider funding renovation projects.

NOTE: All such grants will be awarded on the basis of at least three dollars from non-federal sources for every dollar of Endowment funds, i.e. the National Endowment for the Arts will be providing no more than 25% of the total project costs, and in most cases, much less. Grants will be made through the Treasury Fund Method. Applicants are encouraged to document their ability to use this Method, whenever possible on the application form. Please see page 5.

Deadline. Applications for this program must be postmarked no later than June 13, 1975.

Grant period and notification. Projects should not be scheduled to begin earlier than March 1976. The grant period (installation projects only) may exceed 12 months. Notices of approval or rejection will not be sent earlier than February 1976.

How to apply. For Survey Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) Describe your collection.
(2) Who will do the survey? Submit copies of the estimates.

For Installation Applications: Please provide the following information in the project description (Section IV). (Attach no more than five additional pages, if necessary.):

(1) Describe your collection.
(2) Who will do the installation? Submit copies of the survey and bids or contracts.

TAX INFORMATION ON FELLOWSHIP GRANTS

FELLOWSHIPS

A fellowship grant generally means an amount paid or allowed to, or for the benefit of, an individual to aid him in the pursuit of study or research. The term also includes any amount received in the nature of a family allowance as a part of a fellowship grant.

A "research fellowship" grant awarded by the American Heart Association, Inc., to aid individuals in pursuing further training subject to the approval of the Association, qualifies as a fellowship grant.

However, "established investigatorship" awards given to individuals who have the ability to conduct independent research in the cardiovascular field are not fellowship grants since the primary purpose of the research activities is to benefit the grantor's program rather than to train the recipients.

Payments to National Teacher Corps teacher interns during training and in-service periods do not qualify as fellowships.

An award made by the National Foundation on the Arts and Humanities, an independent agency in the Executive Branch of the U.S. Government, to aid an individual in completion of his novel in progress, qualifies as a fellowship grant since it enables him to pursue a program of research, interpretation or original thought. Similarly, grants-in-aid by a tax-exempt foundation to creative writers to enable them to pursue their artistic talents without concern for making a living qualify as fellowship grants.

COMPENSATION FOR SERVICES

Payments that represent compensation for past, present, or future services performed by you are not excludable from gross income.

If the amounts you receive represent payment for services that are subject to the supervision or direction of the grantor, they do not qualify as "scholarships" or "fellowship" grants.

"Supervision or direction of the grantor" implies that the services are so subject to the grantor's discretion that they primarily benefit the grantor and only secondarily serve as an educational or research opportunity for the grantee.

In this context "supervision or direction of the grantor" goes beyond the supervision or direction which normally characterizes a student-teacher or instructor-trainee relationship.

Example 1. The constant direction or supervision a Certified Registered Nurse Anesthetist gives a student nurse so the student may receive the required clinical training to graduate is not "supervision or direction of the grantor" which would classify the compensation as primarily for the grantor's benefit and disqualify it as a scholarship or fellowship.

Example 2. A university established a work program as a requirement for a Bachelor of Science degree. Under the program the university assisted the students in securing outside employment.

Upon employment, it was solely within the discretion of the outside employer to determine what a student's activities were to be, based on the employer's needs. The students were paid amounts which equalled amounts received by regular employees with the same background.

Since the students were solely subject to the direction and supervision of the outside employer, their compensation could not be excluded from gross income as a scholarship or fellowship grant.

When resident physicians are paid stipends for medical research at a hospital and this research is optional, subject to the approval of the director of training, and the research findings are sometimes used in formulating management or treatment programs, the stipends are additional compensation and not scholarships or fellowship grants, since the duties performed primarily serve the operational needs of the hospital.

Amounts received by students for services performed on a research project, which a university contracted to perform for a consideration, are compensation regardless of how such consideration is designated. Such amounts are not converted to scholarships or fellowship grants merely because the research can be used for credits toward degrees or may be required to obtain a degree. Normally, if the services are required of all candidates for a particular degree (whether or not recipients of scholarships or fellowship grants) as a condition of receiving the degree, the compensation for the services may be excluded from gross income.

DOES YOUR GRANT QUALIFY

If there is some doubt as to the qualification of your grant, you first should consult the grantor. He may have received advice from the Internal Revenue Service about its appropriate tax treatment. You may also write to the District Director of the Internal Revenue Service for the district in which you reside or to the Commissioner of Internal Revenue, Washington, D.C. 20224, Attention: T:I:I:, for further information. Be sure to request the information as soon as possible, so that you can receive a timely answer for filing your return. If you request advice by mail be sure to include:

(1) A copy of the application for the grant.
(2) A copy of the grant itself.
(3) A statement as to whether you are a candidate for a degree. If not, include a list of grants received since January 1, 1954, while you were not a candidate for a degree, showing amounts excluded as scholarships and fellowship grants and the number of months for which such amounts were excluded.
(4) A statement as to whether any amounts are received specifically to cover expenses for travel, research, clerical help, or equipment incident to the scholarship or fellowship grant.
(5) A statement showing precisely what your duties and obligations are under the grant; for example, whether you have freedom of choice in your studies research or they are performed subject to supervision and control; also, whether they are accomplished during the course of a specific project of the grantor.
(6) A copy of any published literature or pamphlets describing the grant.

TAXATION OF SCHOLARSHIP AND FELLOWSHIP GRANTS

If your grant qualifies as a scholarship or fellowship grant, then the extent of the amount excludable from income will be determined by whether or not you are a candidate for a degree.

CANDIDATE FOR DEGREE

A candidate for a degree is an individual, whether an undergraduate or a graduate, who is pursuing studies or conducting research to meet the requirements for an academic or professional degree conferred by a college or university. It is not essential that the study or research be pursued or conducted at an educational institution that confers these degrees if its purpose is to meet the requirements for a degree of a college or university that does confer them. A student who receives a scholarship for study at a secondary school or other educational institution is considered to be a candidate for a degree.

The scholarship or fellowship grant of a candidate for a degree is fully excluded from income for the following:

(1) The basic scholarship or fellowship grant, which consists of the full amount of the grant and the value of any contributed services and accommodations (for example, room and board); plus

(2) Any amount received incident to the grant that is specifically designated to cover expenses for travel (including meals and lodging while traveling and an allowance for travel of the individual's family), research, clerical help, and equipment. To be excluded from income these amounts must actually be spent for the purpose of the grant.

Amounts received under the grant that represent payments for teaching, research, or other part-time employment required as a condition for receiving the grant are taxable, unless required as a condition of receiving a degree. If the grant also includes amounts for travel, research, clerical help, and equipment, the portion of these amounts attributable to the compensation is also included in income.

Studies leading to certification to practice a profession do not qualify you as a candidate for a degree.

Example 1. Miss Harris, a registered nurse, received a grant from a charitable foundation to attend a local university to take training leading to certification as a psychiatric nurse. Her studies for certification are not equivalent to being a candidate for a degree.

Example 2. Mr. Smith, who possesses a Ph. D. degree in psychology, accepted a grant from an educational institution to pursue a 4-year study program leading to certification enabling him to practice psychoanalysis.

The study program does not qualify Mr. Smith as a candidate for a degree.

GRADUATE STUDENT TEACHING ASSISTANTSHIPS

Generally, such teaching assistantships are includable in income. To be excludable from income, the graduate student teaching assistantship must meet the general requirements of a scholarship or fellowship grant. (See "Scholarship and Fellowship Grants," on page 2.)

It is immaterial that the teaching requirement is imposed on all candidates for the graduate degree since the exclusion from income is inapplicable unless it is first established that a scholarship or fellowship grant exists.

If you received 2 or more grants during the year, all the amounts should be totaled to determine what portion may be excluded from income. If these amounts are received during the same month or months within the year, each month is counted only once in determining the number of months in which you received amounts under the grants.

NOT A CANDIDATE FOR DEGREE

Individuals who are not candidates for degrees treat their scholarships or fellowship grants for tax purposes, in the following manner:

(1) The basic grant, which consists of the amount of the scholarship or fellowship plus the value of contributed services and accommodations such as room and board received incident to the grant, is excluded from income in any tax year to the extent of $300 times the number of months for which amounts under the grant were received during that year. There is a further limitation to the amount of this exclusion, discussed under the "36-month limit;" below.

(2) Amounts received incident to the grant that are specifically designated to cover expenses for travel (including meals and lodging while traveling, and an allowance for travel of the individual's family), research, clerical help, and equipment are fully excluded if actually spent for the stated purposes, but see below.

For an individual who is not a candidate for a degree to receive the tax benefit described above, the grantor of the scholarship or fellowship grant must be one of the following:

(1) A nonprofit organization exempt from Federal income tax and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or the prevention of cruelty to children or animals;

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(2) A foreign government;

(3) An international organization, or a binational or multinational educational and cultural foundation or commission created or continued pursuant to the Mutual Educational and Cultural Exchange Act of 1961 (the Fulbright Hays Act); or

(4) The United States, or an instrumentality or agency thereof, a state, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

If the grantor is not one of these the grant is taxable income.

The limitation of $300 per month applies only to the basic grant. It does not apply to amounts received pertaining to the grant that are specifically designated to cover expenses for travel, research, clerical help, or equipment. Such amounts are generally entirely excludable if they are actually spent for these purposes during the term of the scholarship or fellowship grant or within a reasonable time before and after that term. If the amounts are not spent for these purposes they must be included in gross income unless they are returned to the grantor. If the amounts received to cover these expenses are not specifically so designated in the grant they are taxable whether or not spent.

36-month limit. The $300 per month exclusion may not be claimed for an aggregate of more than 36 months. These 36 months need not be consecutive. Each month for which such an individual receives (or has received) a grant counts, including those months during which he may have received less than $300. The claiming of the exclusion for the maximum period of 36 months by an individual who is not a candidate for a degree will not prevent the individual from claiming a further exclusion, as explained earlier in this publication, should he or she become a candidate for a degree.

If the basic grant becomes taxable because of the expiration of the 36-month benefit period, amounts pertaining to the basic grant received for travel, research, clerical help, or equipment also become taxable.

Example 1. Mr. Baker, who is not a candidate for a degree and has not exhausted his 36-month benefit period, was awarded a postdoctorate fellowship by a tax-exempt U.S. foundation to pursue specified studies at a university in State Y. Under the terms of the grant he is to receive $500 per month for the nine-month period beginning September 1972. He is also to receive $250 for research supplies. The State Y Educational Commission awarded him $400 to cover travel expenses. The university is contributing room and board, which has a value of $100 a month. He computes the amount of taxable income for the years 1972 and 1973 in the following manner:

1972:	
Fellowship (4 mo×$500)	$2,000
Contributed room and board (4 mo×$100)	400
Travel expenses, $400 [1]	0
Research supplies, $250 [1]	0
Total	2,400
Exclusion (4 mo×$300)	1,200
Amount subject to tax	1,200
1973:	
Fellowship (5 mo×$500)	2,500
Contributed room and board (5 mo×$100)	500
Total	3,000
Exclusion (5 mo×$300)	1,500
Amount subject to tax	1,500

[1] The last two items are excluded if they are spent for the designated purposes.

Example 2. All the facts are the same as in Example 1, except that Mr. Baker received his entire fellowship of $4,500 (9 months×$500) in September 1972.

1972:	
Fellowship (9 mo×$500)	$4,500
Contributed room and board (4 mo×$100)	400
Total	4,900
Exclusion (9 mo×$300)	2,700
Amount subject to tax	2,200
1973:	
Contributed room and board (5 mo×$100)	500
Exclusion	0
Total	500

Mr. Baker has no exclusion in 1973 because his $300 per month exclusion for the first five months of 1973 was applied in 1972. The grant must be considered for tax purposes in the year in which it is received. The amounts he received for travel and research supplies are not included in income if they are spent for the designated purposes.

Additional information and applications forms may be obtained from the Museum Program, National Endowment for the Arts, Washington, D.C. 20506.

[FR Doc.74-26433 Filed 11-11-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ROSS ICE SHELF PROJECT

Summary Statement of Proposed Federal Action Affecting the Environment

This summary statement is published pursuant to section 102 of the National Environmental Policy Act (P.L. 91-190) and the Guidelines of the Council on Environmental Quality (38 FR 20550, August 1, 1973).

The proposed Federal activity is in support of the Ross Ice Shelf Project (RISP) which involves investigations in the Antarctic of the physical, chemical, biological, and geological conditions on and in the Ross Ice Shelf, the water mass beneath the sea, and in the soft sediments and bedrock at the bottom of the sea.

The Ross Ice Shelf Project (RISP) will be conducted by the University of Nebraska on the Ross Ice Shelf in the Antarctic as a four-season field operation, 1973-74 and 1976-77. The main effort will involve drilling through the shelf to allow access to the water column and the sea floor below. The field effort of the first two years will employ explosion seismology and other suface geophysical and glaciological techniques to define details of a designated portion of the Ross Ice Shelf.

Several holes will be drilled: the first will be drilled to a depth of about 75 meters. Larger holes will then be drilled to allow access to the water and the sea floor beneath the ice shelf. Biological and oceanographic experiments in the sea water will then be possible. Drilling of the sea-floor bottom will also be done to remove sediment and rock samples.

Initially, a small base camp may be necessary near the first drill site; later, there will be a need for a camp to support up to 50 people for a period of five months.

No impacts of great magnitude or significance are anticipated. Those which do occur will be short-term and extremely localized, such as those associated with the field camp. Such impacts will be monitored throughout the RISP operations. Solid and liquid wastes will be removed from the site, or disposed of onsite by proven and accepted techniques which have been employed in both the Arctic and Antarctic.

During drilling into the sea bottom, there is the remote possibility of encountering an oil deposit under pressure. Planned preventive measures should render the uncontrolled release of hydrocarbons even less likely. Drilling will be held to reasonable depths with concurrent examination of cores for traces of hydrocarbons.

Copies of the draft Environmental Impact Statement are available from the Deputy Assistant Director for National and International Programs, National Science Foundation, Washington, D.C., 20550. Comments from Federal agencies, State and local entities, and private organizations and individuals, addressed as above, should be submitted on or before December 27, 1974.

Dated: November 4, 1974.

T. O. JONES,
Acting Assistant Director for National and International Programs.

[FR Doc.74-26436 Filed 11-11-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 7, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF DEFENSE

Department of the Army:
Kansas City Water Resources Urban Study Public and Private Water Supply Systems Survey Industrial and Power Utility Water Supply Systems Survey, Form ----, Single time, Weiner (395-4890), Lowry (395-3772), Water utilities and industries—Kansas City Region.
Kansas City Water Resources Urban Study Institutional Questionnaire Federal Institutions Questionnaire, Form ----, Single time, Weiner (395-4890), Lowry (395-3772), Water resource agencies in Kansas City Region.
Solar Control Window Film—User Information, Form CERL 104, Single time, Caywood (395-344), Bldg. owners or managers.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Outlook for Space Study Student Questionnaire, Form ----, Single time, ESD (395-3810), Caywood (395-3443), Students.

VETERANS ADMINISTRATION

Beneficiary Designation Form (VGLI and SGLI—Retired Reservists), Form SGL 175A Occasional, Caywood (395-3443), Retired reservists.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Regulations—Food Stamp Program and Disaster Procedures, Form ----, Occasional, Lowry (395-3772), State and local agencies.
Rural Electrification Administration: Monthly Operating Reports and Annual Supplement—REA Electric Borrowers, Form REA 12a, 12h, Annual, Lowry (395-3772), REA power supply borrowers.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-26595 Filed 11-11-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

NOVEMBER 4, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 5, 1974 through November 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26397 Filed 11-11-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

NOVEMBER 4, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 5, 1974 through November 14, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26398 Filed 11-11-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

SAN ANTONIO DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration San Antonio District Advisory Council will meet at 9:30 a.m., Central Standard Time, Tuesday, December 3, 1974, at the Small Business Administration, Conference Room, 301 Broadway, San Antonio, Texas 78205, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write James S. Reed, at the above address (512) 225-4966.

Dated: November 6, 1974.

JOHN JAMESON, *Director,*
Office of Advisory Councils,
Small Business Administration.

[FR Doc.74-26439 Filed 11-11-74;8:45 am]

TARIFF COMMISSION

[337-L-78]

CERTAIN HIGH FIDELITY AUDIO AND RELATED EQUIPMENT

Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on July 26, 1974, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Audio Warehouse Sales, Inc., Washington, D.C., Douglas T.V. Hi-Fi Stereo Center Corp., Washington, D.C., and Plaza Audio Video, Inc., Hyattsville, Md., alleging unfair methods of competition and unfair acts, including but not limited to resale price maintenance, in the importation and sale of certain high fidelity audio and related equipment, which unfair acts have the effect or tendency to restrain or monopolize trade and commerce in the United States. The complaint names U.S. Pioneer Electronics Corp., Moonachie, N.J., and Pioneer Electronic Corp., Tokyo, Japan, as engaging in the unfair acts.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located at 6 World Trade Center.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than December 13, 1974. Extension of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued: November 7, 1974.

By oredr of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-26459 Filed 11-11-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

VERMONT

Availability of Extended Unemployment Compensation

The Vermont Unemployment Compensation Law establishes a program of extended unemployment compensation in accordance with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Extended unemployment compensation is payable under the program to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Federal-State Extended Unemployment Compensation Act of 1970, notice is hereby given that Madelyn Davidson, Commissioner of

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the State of Vermont Department of Employment Security, has determined that there was a State "on" indicator in Vermont for the week ending October 5, 1974, and that an extended benefit period commenced with the week beginning October 20, 1974.

Signed at Washington, D.C., this 6th day of November 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74-26432 Filed 11-11-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 628]

ASSIGNMENT OF HEARINGS

NOVEMBER 7, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 138741 Sub 10, E. K. Motor Service, Inc., now being assigned January 14, 1975 (3 days), at Chicago, Ill., in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 117068 Sub 29, Midwest Harvestore Transport, Inc., now being assigned January 17, 1975 (1 day), at Chicago, Ill., in Room 1086A, Everett McKinley Dirksen Building, 219 S. Dearborn St.

MC 138896 Sub 6, Ajax Transfer Co. now assigned December 16, at St. Paul, Minn., is postponed indefinitely.

MC 119422 Sub 53, EE-Jay Motors Transports, Inc. Extension, now being assigned January 16, 1975, at the offices of The Interstate Commerce Commission, Washington, D.C.

MC 1872 Sub 79, Ashworth Transfer, Inc.; MC 32882 Sub 67, Mitchell Bros., Truck Lines; MC 95876 Sub 140, Anderson Trucking Service, Inc.; MC 107456 Sub 20, Harry L. Young and Sons, Inc.; MC 108119 Sub 40, E. L. Murphy Trucking Co.; MC 113855 Sub 258, International Transport, Inc.; MC 123407 Sub 134, Sawyer Transport Inc.; MC 123681 Sub 24, Widing Transportation, Inc.; MC 125433 Sub 36, F-B Truck Line Company; and MC 127242 Sub 3, Houston Truck Lines, Inc., now assigned December 16, 1974, at Minneapolis, Minn., is postponed to February 3, 1975, at Minneapolis, Minn., in a hearing room to be later designated.

MC 108942 Sub 7, C. G. Todd Trucking Company, A Corporation; and MC 129635 Sub 3, Royal's Motor Service, Inc., now being assigned hearing January 14, 1975 (2 days), at Dallas, Texas, in a hearing room to be later designated.

MC 2229 Sub 182, Red Ball Motor Freight, Inc., now being assigned hearing January 16, 1975 (2 days), at Dallas, Tex., in a hearing room to be designated later.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26476 Filed 11-11-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 7, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General rules of practice (49 CFR 1100.40) and filed on or before November 27, 1974.

FSA No. 42894—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd. (No. 12), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in Japan, Korea, Hong Kong, People's Republic of China, Taiwan, and The Republic of The Philippines.

Grounds for relief—Water competition.

Tariff—K-Line's Westbound Tariff No. 3, I.C.C. No. 3. Rates are published to become effective on December 10, 1974.

FSA No. 42895—*Joint Water-Rail Container Rates—Phoenix Container Liners, Ltd.* Filed by Phoenix Container Liners, Ltd. (No. 8), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in Japan, Korea, Hong Kong, and Taiwan.

Grounds for relief—Water competition.

Tariff—Phoenix Westbound Tariff No. 2, I.C.C. No. 2. Rates are published to become effective on December 10, 1974.

FSA No. 42896—*Joint Water-Rail Container Rates—Kawasaki Kisen Kaisha, Ltd.* Filed by Kawasaki Kisen Kaisha, Ltd. (No. 11), for itself and interested rail carriers. Rates on general commodities, between ports in The Republic of the Philippines, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

FSA No. 42897—*Joint Water-Rail Container Rates—Orient Overseas Line, Inc.* Filed by Orient Overseas Line, Inc. (No. 2), for itself and interested rail carriers. Rates on general commodities, between ports in Japan, Korea, Hong Kong, and Taiwan, and rail carriers-terminals on the U.S. Atlantic and Gulf Coasts.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26475 Filed 11-11-74;8:45 am]

[Notice 187]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 12, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 2, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-35458. By order of November 1, 1974, the Motor Carrier Board approved the lease to W. B. Tom, Jr., doing business as Swabo, Dayton, Texas, of Certificate of Registration No. MC-120571 (Sub-No. 1) issued October 11, 1973, to Dixie Vacuum Tanks, Inc., Beaumont, Texas, evidencing a right to engage in transportation in interstate commerce as described in a portion of Specialized Motor Carrier's Permanent Certificate of Convenience and Necessity No. 25479 issued by the Railroad Commission of Texas. Austin L. Hatchell, 1102 Perry Brooks Bldg., Austin, Texas, 78701, attorney for applicants.

No. MC-FC-75314. By order of November 4, 1974, the Motor Carrier Board approved the transfer to Travel & Tour Service, Inc., Milwaukee, Wisc., of License No. MC-12638, issued November 1974 to Regina Tours, Inc., Chicago, Ill., authorizing it to engage in operations as a broker of passengers and their baggage, beginning and ending at Chicago, Ill., and extending to points in the United States. William C. Dineen, 710 North Plankinton Ave., Milwaukee, Wisc. 53203, attorney for applicants.

No. MC-FC-75430. By order entered 10.30.74 the Motor Carrier Board approved the transfer to Greenwood Storage & Trucking Co., Inc., Greenwood, Miss., of the operating rights set forth in Permits Nos. MC-111214, MC-111214 (Sub-No. 9), and MC-111214 (Sub-No. 11), issued by the Commission April 4, 1955, September 12, 1967, and April 9, 1974, respectively, to Clark V. Graham, doing business as Contract Trucking Company, Jackson, Miss., authorizing the transportation of cast building stone and concrete building blocks, precast concrete products, animal, fish, and poultry feed, and feed ingredients, from, to, or between points in Alabama, Arkansas, Louisiana, Mississippi, Misouri, and Tennessee. Donald B. Morrison, 717 Deposit Buaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205, attorney for applicants.

No. MC-FC-75460. By order of November 1, 1974, the Motor Carrier Board approved the transfer to Olin L. Chamberlain, Covington, Pa., of the operating rights in Certificate No. MC-115337 issued January 25, 1956, to John J. Antonio, Mansfield, Pa., authorizing the transportation of passengers and their baggage, in round-trip charter operations, and in special operations in round-trip sightseeing or pleasure tours, beginning and ending at Knoxville, Elkland, Lawrenceville, Westfield, and points in the Townships of Lawrence, Elkland, Osceola, Nelson, Deerfield, Brookfield, Westfield, and Farmington, , Rioga County, Pa., and extending to points in New York, New Jersey, Maryland, Ohio, West Virginia, and the District of Columbia. Herbert R. Nurick, 100 Pine St. Harrisburg, Pa. 17108, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26477 Filed 11-11-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

NOVEMBER 7, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission on or before December 12, 1974. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 59531 (Sub-No. 98G), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 1, 1974. Applicant: AUTO CONVOY CO., 3020 South Haskell Ave., Dallas, Tex. 75223. Applicant's representative: Robert D. Schuler, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and chassis*, in initial and secondary movements, in truckaway and driveaway service, between points in Louisiana, on the one hand, and, on the other, points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of Dallas, Tex. The purpose of this correction is to correct the gateway.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before Nov. 22, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 1931 (Sub-No. E51), filed June 2, 1974. Applicant: VONDER AHE VAN LINES, INC., 600 Rudder Ave., Fenton, Mo. 63026. Applicant's representative: Russell L. Von Der Ahe (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in Arizona (points in Colorado and Utah*), points in Minnesota (Boston, Mass.*), points in Iowa (Boston, Mass.*), points in Mississippi (Boston, Mass., and points in Illinois*), points in that part of Alabama on, east, and north of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 231 to junction Alabama Highway 12, thence along Alabama Highway 12 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Georgia State line (Boston, Mass., and points in Illinois or Florida*), and points in that part of New York on, west, and south of a line beginning at the St. Lawrence River, thence along Interstate Highway 81 to junction New York Highway 26, thence along New York Highway 26 to junction New York Highway 28, thence along New York Highway 28 to junction U.S. Highway 4, thence along U.S. Highway 4 to the New York-Vermont State line (Boston, Mass.*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 24999 (Sub-No. E12), filed November 1, 1974. Applicant: ALLEN TRANSFER COMPANY, INC., 221 Reeser Road, Camp Hill, Pa. 17011. Applicant's representative: Thomas R. Kingsley, 1819 H. Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Minnesota, on the one hand, and, on the other, points in that part of Oklahoma in, east, and south of Jackson, Kiowa, Caddo, Canadian, Logan, Payne, Pawnee, and Osage Counties; (2) between points in that part of Oklahoma in and west of Harmon, Greer, Washita, Custer, Blaine, Kingfisher, Noble, and Kay Counties, on the one hand, and, on the other, points in that part of Minnesota in and east of Faribault, Blue Earth, Nicolett, Sibley, McLeod, Meeker, Stearns, Douglas, Otter Tail, Clay, Norman, Polk, Marshall, and Kittson Counties; (3) between points in Kansas, on the one hand, and, on the other, points in that part of Minnesota in and east of Lake of the Woods, Beltrami, Clearwater, Hubbard, Wadena, Todd, Morrison, Benton (except St. Cloud), Sherburne (except St. Cloud), Wright, McLeod, Sibley, Nicollet, Blue Earth, and Faribault Counties; and (4) between points in Minnesota in and west of Roseau, Marshall, Pennington, Red Lake, Polk, Mahnomen, Becker, Otter Tail, Douglas, Stearns, Meeker, Renville, Redwood, Brown, Watonwan, and Martin Counties, on the one hand, and, on the other, points in that part of Kansas in and east of Leavenworth, Johnson, Franklin, Anderson, Allen, Neosho, and Montgomery Counties. The purpose of this filing is to eliminate the gateways of Des Moines, Iowa, and Marshalltown, Iowa, and points within 100 miles thereof.

No. MC 59150 (Sub-No. E47), filed May 28, 1974. Applicant: PLOOF TRANSFER COMPANY, INC., P.O. Box 47, Station C, 1901 Hill Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, (1) from points in that part of Florida in and east of Leon and Wakulla Counties, to points in Tennessee; and (2) from points in that part of Florida in and west of Gadsden, Liberty, and Franklin Counties, to points in that part of Tennessee in and east of Sumner, Wilson, Cannon, Coffee, Bedford, and Lincoln Counties. The purpose of this filing is to eliminate the gateway of the plantsite of Panel Products Company at or near Lithonia, Ga.

No. MC 83539 (Sub-No. E35), filed June 4, 1974. Applicant: C & H TRANSPORTATION, 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to op-

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erate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, and *parts* of such commodities when moving in connection therewith; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in Missouri, on the one hand, and, on the other, points in Texas. Restriction: The operations authorized in (1) above are restricted against the stringing or picking up of commodities in connection with main or trunk pipelines. The operations in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Kansas or points in that part of Texas north of U.S. Highway 80 and east of U.S. Highway 281.

No. MC 83539 (Sub-No. E36) filed June 4, 1974. Applicant: C & H TRANSPORTATION, 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, and *related machinery parts* and *related contractor's materials and supplies*, when their transportation is incidental to the transportation by carrier of commodities which because of size or weight require special equipment, between points in that part of California in and south of Sonoma, Napa, Yolo, Sacramento, and El Dorado Counties, on the one hand, and, on the other, Duluth, Minn., and points in Carlton, Pine, Kanabec, Isanti, Chisago, Washington, Ramsey, Anoka, Hennepin, Dakota, Rice, Steele, Freeborn, Goodhue, Dodge, Mower, Wabasha, Olmsted, Winona, Fillmore, and Houston Counties, Minn. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 83539 (Sub-No. E37), filed June 4, 1974. Applicant: C & H TRANSPORTATION, 2010 W. Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representtive: Kenneth Weeks (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight requires the use of special equipment, between points in the District of Columbia, on the one hand, and, on the other, points in Vermont (except points in Bennington and Windham Counties). The purpose of this filing is to eliminate the gateway of Philadelphia, Penn., East Port Chester, Conn., Worcester, Mass., and points in New York.

No. MC 83539 (Sub-No. E38), filed June 4, 1974. Applicant: C & H TRANSPORTATION, 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery*, which because of size or weight, requires the use of special equipment, between points in New Hampshire, on the one hand, and, on the other, points in Oregon, Washington (Worcester, Mass., points in New York, Pennsylvania, and points in that part of Montana on and south of a line extending north and south through Dupuyer and Butte *), and Wyoming (Worcester, Mass., points in New York and Pennsylvania *); and (2) *Commodities*, which because of size or weight require the use of special equipment, between points in Rhode Island, on the one hand, and, on the other, points in Arkansas (Philadelphia and Braddock, Pa.*). The purpose of this filing is to eliminate the gateways designated by the asterisks above.

No. MC 83539 (Sub-No. E58), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight, requires the use of special equipment, and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities, which because of size or weight require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in that part of Idaho on and north of U.S. Highway 12, on the one hand, and, on the other, points in Utah. Restriction: The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in that part of Montana on and west of a line extending north and south through Dupuyer and Butte.

No. MC 83539 (Sub-No. E59), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 West Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, and *parts* of such commodities when moving in connection therewith, between points in Texas, on the one hand, and, on the other, points in that part of Minnesota on and south of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 212 to junction U.S. Highway 23, thence along U.S. Highway 23 to Duluth. Restriction: The operations authorized herein are restricted against service performed in the stringing or picking up of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 83539 (Sub-No. E60), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, and *parts* of such commodities when moving in connection therewith, between points in Delaware, on the one hand, and, on the other, points in Mississippi (except points in that part of Mississippi in and south of Lauderdale, Newton, Scott, Smith, Simpson, Lawrence, and Walthall Counties). The purpose of this filing is to eliminate the gateway of Philadelphia and Braddock, Pa.

No. MC 106401 (Sub-No. E24), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Russell County, Ala., on the one hand, and, on the other, Graniteville, S.C. The purpose of this filing is to eliminate the gateway of Columbus, Ga.

No. MC 106401 (Sub-No. E25), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Russell County, Ala., on the one hand, and, on the other, that area of West Virginia on and north of a line extending from the Ohio-West Virginia State line near Point Pleasant along U.S. Highway 35 to the junction of U.S. Highway 60, thence along U.S. Highway 60 to Charleston, thence along U.S. Highway 119 to the junction of West Virginia Highway 4 at Clendenin, thence along West Virginia Highway 4 to the Braxton County line, thence along the southern and eastern boundary of Braxton County to the southern boundary of Lewis County to the Lewis-Upshur County line, thence along the southern boundary of Upshur County to junction of unnumbered highway east of Czar, thence along

unnumbered Highway via Blue Rock and Adolph to the junction of U.S. Highway 219 at Mill Creek, thence along U.S. Highway 250 via Huttonsville and Cheat Bridge to the Randolph County line, thence along the southern boundary line of Randolph County to the Randolph-Pendleton County line, thence along Pendleton County line to West Virginia Highway 28, thence along West Virginia 28 via Cherry Grove to junction U.S. Highway 33, thence along U.S. Highway 33 to the West Virginia-Virginia State line, and points in Pennsylvania on and west of U.S. Highway 219. The purpose of this filing is to eliminate the gateways of Columbus, Ga., and Belpre, Ohio.

No. MC 106401 (Sub-No. E26), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Russell County, Ala., on the one hand, and, on the other, points in Charleston, Georgetown, Horry, Berkeley, Dorchester and Colleton Counties, S.C. The purpose of this filing is to eliminate the gateways of Columbus, Ga., and Charleston, S.C., and points within 10 miles thereof.

No. MC–106401 (Sub-No. E27), filed May 13, 1974. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, N.C. 28234. Applicant's representative: Thomas G. Sloan (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Alamance, Burke, Cabarrus, Caldwell, Catawba, Chatham, Cumberland, Davidson, Davie, Durham, Forsyth, Guilford, Granville, Harnett, Iredell, McDowell, Mecklenburg, Moore, Orange, Randolph, Rowan, Stokes, Surry, and Stanly Counties, N.C. (except points on U.S. Highway 29 between the Gaston-Mecklenburg County line and Charlotte, points on Highway 49 between Charlotte and the junction of unnumber Highway just south of Concord), points on unnumbered Highway between junction of North Carolina Highway 49 and Concord; points on Alternate U.S. Highway 29 between Concord and junction of U.S. Highway 29; points on U.S. Highway 29 between junction of Alternate U.S. Highway 29 and High Point; points on Alternate U.S. Highway 29 between High Point and Greensboro; points on Alternate U.S. Highway 70 between Greensboro and junction of U.S. Highway 70; points on U.S. Highway 70 between junction of Alternate U.S. Highway 70 and Durham; points on U.S. Highway 15 between Durham and Oxford; points on U.S. Highway 158 between Oxford and the Granville-Vance County line; points on U.S. Highway 220 between the Montgomery-Randolph County line and the junction of U.S. Highway 331, south of Randleman; points on U.S. Highway 311 between junction of U.S. Highway 220 and High Point; points on U.S. Highway 70 between Durham and junction of U.S. Highway 24 (formerly unnumbered U.S. Highway); points on North Carolina Highway 54 between junction of U.S. Highway 70 and the Durham-Wake County line; points on U.S. Highway 29 between Greensboro and the Guilford-Rockingham County line; points on U.S. Highway 70 between Salisbury and Hickory; points on U.S. Highway 321 between Hickory and junction of Alternate U.S. Highway 321; and points on Alternate U.S. Highway 321 between junction of U.S. Highway 321 to Valmead), to points in Russell County, Ala. The purpose of this filing is to eliminate the gateways of Graniteville, S.C., and Columbus, Ga.

No. MC 107515 (Sub-No. E477), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration, from Galveston, Tex., to points in Ohio and that part of Kentucky on and east of Kentucky Highway 61. The purpose of this filing is to eliminate the gateway of Carrollton, Ga.

No. MC 107515 (Sub-No. E478), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Abilene, Tex., to points in that part of Ohio on and north of a line beginning at the Kentucky-Ohio State line at or near the junction of U.S. Highway 25 and Interstate Highway 275 southeast of Cincinnati, thence along Interstate Highway 275 to junction Ohio Highway 4, thence along Ohio Highway 4 to junction Ohio Highways 177, thence along Ohio Highway 177 to the Indiana-Ohio State line, Mariemont, Brentwood, and Newtown, Ohio, and points in their commercial zones. The purpose of this filing is to eliminate the gateway of Carrollton, Ga.

No. MC 107515 (Sub-No. E479), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in South Carolina, to that part of Kentucky on and west of a line beginning at the Kentucky-Ohio State line, thence along Interstate Highway 75 to Lexington, thence along U.S. Highway 27 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 107515 (Sub-No. E480), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 25 to Greenville, thence along Interstate Highway 26 to the Atlantic Ocean, to that part of Ohio on and west of a line beginning at Lake Erie, thence along U.S. Highway 58 to junction Interstate Highway 71, thence along Interstate Highway 71 to Columbus, thence along U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 107515 (Sub-No. E481), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in Section A of the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, canned commodities, and chili con carne), in vehicles equipped with mechanical refrigeration, from Houston, Austin, and San Angelo, Tex., and the plantsite of Armour and Co., at Jetero, Tex., to Covington, Ky., and points in Ohio. The purpose of this filing is to eliminate the gateway of Carrollton, Ga.

No. MC 107515 (Sub-No. E482), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite

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375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in South Carolina, to points in Missouri, Minnesota, Nebraska, Iowa, Wisconsin, Illinois, Indiana, Texas, Oklahoma, and Arkansas. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 107515 (Sub-No. E483), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats and meat products*, from points in South Carolina, to points in that part of Kentucky on and east of U.S. Highway 431. The purpose of this filing is to eliminate the gateway of Bristol, Tenn.

No. MC 107515 (Sub-No. E484), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration, from points in South Carolina, to points in Texas, Oklahoma, and that part of Arkansas on and west of U.S. Highway 65. The purpose of this filing is to eliminate the gateways of (1) any point that is both within ten miles of Atlanta, Ga., and within the Atlanta commercial zone, except Atlanta, and (2) Montgomery, Ala.

No. MC 107515 (Sub-No. E485), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., Inc., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, from points in South Carolina, to points in Texas. The purpose of this filing is to eliminate the gateway of (1) any point that is both within ten miles of Atlanta, Ga., and within the Atlanta Commercial zone, except Atlanta, and (2) Chattanooga, Tenn.

No. MC 107515 (Sub-No. E487), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., Inc., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from Burris, Tex., to points in that part of Florida on and east of Florida Highway 85. The purpose of this filing is to eliminate the gateway of Albany, Ga.

No. MC 107515 (Sub-No. E488), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., Inc., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products* (except commodities in bulk), from Norfolk, Va., to points in Massachusetts. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E489), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., Inc., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products*, from Norfolk, Va., to New York, N.Y., points in Nassau and Suffolk Counties, N.Y., Wisconsin, Minnesota, Illinois, Michigan, Indiana, Ohio, Rhode Island, New Hampshire, Vermont, Maine, Connecticut, and that part of Pennsylvania on and north of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 220 to junction U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-Ohio State line. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E498), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, pineapples*, from West Palm Beach, Port of Palm Beach, Port of Everglades, and Tampa, Fla., to points in Minnesota, Ohio, and that part of Missouri on and north of a line beginning at the Illinois-Missouri State line, thence along Missouri Highway 74 to junction Missouri Highway 25, thence along Missouri Highway 25 to junction Missouri Highway 91, thence along Missouri Highway 91 to junction Missouri Highway 34, thence along Missouri Highway 34 to junction Missouri Highway 21, thence along Missouri Highway 21 to junction Missouri Highway 106, thence along Missouri Highway 106 to junction Missouri Highway 17, thence along Missouri Highway 17 to junction Missouri Highway 38, thence along Missouri Highway 38 to junction U.S. Highway 66, thence along U.S. Highway 66 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Missouri-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110420 (Sub-No. E138), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar, in bulk*, in tank vehicles, from Cedar Rapids, Iowa; (1) to points in Clark, Jefferson, and Switzerland Counties, Ind., that part of Kentucky in and east of Jefferson, Bullett, Nelson, Larue, Hart, Glasgow, and Allen Counties, that part of Ohio in and south of Hamilton, Clermont, Brown, Highland, Pike, Jackson, Gallia, and Meigs Counties, that part of West Virginia in and south of Cabell, Putnam, Kanawha, Clay, Nicholas, Webster, Randolph, and Tucker Counties, and that part of Tennessee in and east of Sumner, Davidson, Williamson, Maury, and Giles Counties (Louisville, Ky.)*; and (2) to Huntington, W. Va. (South Ashland, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E574) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in that part of Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line, thence along U.S. Highway 219 to Ebensburg, thence along U.S. Highway 22 to Duncansville, thence along U.S. Highway 220 to the Pennsylvania-Maryland State line, to points in that part of Ohio on and south of Interstate Highway 70 and on and east of U.S. Highway 23. The purpose of this filing is to eliminate the gateway of Pittsburgh, Pa. The purpose of this correction is to correct the Pennsylvania route description.

No. MC 110525 (Sub-No. E840) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Butler, Hamilton, Lake Mahoning, Trumbull, and Wayne Counties, Ohio, to points in that part of New Hampshire on and south of U.S. Highway 302 and on and east of U.S. Highway 3. The purpose of this filing is to eliminate the gateways of Jersey City, N.J., and Stoneham, Mass. The purpose of this correction is to clarify the points in New Hampshire to be served.

No. MC 110525 (Sub-No. E846) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: CHEMICAL LEAMAN TANK

LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals and coal tar products*, in bulk, in tank vehicles, from points in Oswego, Oneida, Lewis, Jefferson, and St. Lawrence Counties, N.Y., to points in that part of New Jersey on and south of a line beginning at the Pennsylvania-New Jersey State line, thence along New Jersey Highway 73 to Berlin, thence along U.S. Highway 30 to Atlantic City. The purpose of this filing is to eliminate the gateways of Johnstown, Pa. Claymont, Del., and Lima, Pa. The purpose of this correction is to clarify the origin points.

No. MC 110525 (Sub-No. E891) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water gas tar*, in bulk, in tank vehicles, from Lancaster, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Kearny, N.J. The purpose of this correction is to clarify the destination territory.

No. MC 110525 (Sub-No. E892) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except classes A and B explosives), in bulk, in tank vehicles, from Allentown, Pa., and points within 5 miles thereof, (1) to points in that part of New York on and south of Interstate Highway 84 (Phillipsburg, N.J.)*, and (2) to points in Connecticut, Massachusetts, and Rhode Island (Phillipsburg, N.J., and New York, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this correction is to clarify the origin point.

No, MC 110525 (Sub-No. E1023) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* * * * (3) to points in Arkansas, Florida, Louisiana, Mississippi, and Texas (Springfield, Mass., and Atlanta, Ga.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to substitute Arkansas for Alabama. The remainder of the letter-notice remains as previously published.

No. MC 110525 (Sub-No. E1144) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plant site of Lonza, Inc., located at or near Mapleton, Ill., (1) to points in Rockland County, N.Y., and Chester, Montgomery, Delaware, Schuylkill, and Philadelphia Counties, Pa. (New Castle, Del.) * * * The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to reflect the counties in Pennsylvania to be served. The remainder of the letter-notice remains as previously published.

No. MC 111545 (Sub-No. E87), filed May 22, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, from points in South Carolina to points in that part of Arkansas on, north, and west of a line beginning at the Arkansas-Texas State line, thence along Interstate Highway 30 to Little Rock, thence along Interstate Highway 40 to the Arkansas-Tennessee State line. The purpose of this filing is to eliminate the gateway of points in Missouri or Oklahoma.

No. MC 111545 (Sub-No. E180), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, (1) between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in that part of South Carolina on, north, and east of a line beginning at the South Carolina-Georgia State line, thence along U.S. Highway 301 to Allendale, thence along U.S. Highway 278 to Almeda, thence along South Carolina Highway 68 to Yemassee, thence along U.S. Highway 21 to Beaufort; and (2) between points in that part of Alabama on and north of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Birmingham, thence along U.S. Highway 11 to junction U.S. Highway 82, thence along U.S. Highway 82 to the Alabama-Mississippi State line, and within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in South Carolina. The purpose of this filing is to eliminate the gateway of points in that part of North Carolina on that part of South Carolina within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E213), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, between points in Wyoming, on the one hand, and, on the other, points in that part of Arkansas on and east of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 167 to Little Rock, thence along U.S. Highway 65 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateways of points in Iowa and Illinois.

No. MC 111545 (Sub-No. E218), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, (1) between points in that part of South Carolina on and north of U.S. Highway 78, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to Marshall, thence along U.S. Highway 80 to Longview, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 87 to Port Lavaca; and (2) between points in South Carolina, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to Marshall, thence along U.S. Highway 80 to Longview, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to Lufkin, thence along Texas Highway 94 to Trinity, thence along Texas Highway 19 to Huntsville, thence along Texas Highway 30 to Roans Prairie, thence along Texas Highway 90 to Brenham, thence along U.S. Highway 290 to Giddings, thence along U.S. Highway 77 to Victoria, thence along U.S. Highway 87 to Port Lavaca. The purpose of this filing is to eliminate the gateway of points in Oklahoma.

No. MC 111545 (Sub-No. E237), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment, restricted against the transportation of any such commodities to be used in, or in connec-

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tion with, main or trunk pipelines; (1) from points in Arizona to points in that part of Arkansas on, north, and east of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 71 to Fayetteville, thence along Arkansas Highway 16 to St. Paul, thence along Arkansas Highway 23 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Arkansas-Tennessee State line; and (2) from Topock and Ehrenberg, Ariz., to points in that part of Arkansas on and north of a line beginning at the Arkansas-Oklahoma State line, thence along Arkansas Highway 24 to Camden, thence along Arkansas Highway 7 to the Arkansas-Louisiana State line. The purpose of this filing is to eliminate the gateway of points in that part of Missouri within 100 miles of Kansas City, Kans.

No. MC 111545 (Sub-No. E241), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment; (1) between points in that part of Ohio and north of U.S. Highway 40, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to Houston, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 87 to Port Lavaca; (2) between points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in Texas; and (3) between points in Ohio, on the one hand, and, on the other, points in that part of Texas on and west of a line beginnnig at the Texas-Oklahoma State line, thence along Interstate Highway 35 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateways of points in Iowa and Missouri.

No. MC 111545 (Sub-No. E266) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of (1) points in that part of Tennessee or that part of Kentucky within 175 miles of Chattanooga, Tenn., (2) points in Iowa, and (3) points in that part of Kansas within 100 miles of Kansas City, Kansas, and within 300 miles of Ames, Iowa, or that part of Missouri within 100 miles of Kansas City, Kansas. The purpose of this correction is to reflect the correct "E" number—previously published as E66.

No. MC 111545 (Sub-No. E266), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Georgia 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateways of (1) points in that part of Tennessee or that part of Kentucky within 175 miles of Chattanooga, Tenn., (2) points in Iowa, and (3) points in that part of Kansas within 100 miles of Kansas City, Kansas, and within 300 miles of Ames, Iowa, or that part of Missouri within 100 miles of Kansas City, Kansas.

No. MC 111545 (Sub-No. E352), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of West Virginia on and south of a line beginning at the West Virginia-Virginia State line, thence along West Virginia Highway 39 to Belva, thence along West Virginia Highway 16 to Gauley Bridge, thence along U.S. Highway 60 to Charleston, thence along U.S. Highway 119 to the West Virginia-Kentucky State line, to points in that part of Washington on and west of a line beginning at the International Boundary line between the United States and Canada, thence along U.S. Highway 97 to Wenatchee, thence along Washington Highway 28 to Quincy, thence along Washington Highway 281 to junction Interstate Highway 90, thence along Interstate Highway 90 to Moses Lake, thence along Washington Highway 17 to junction U.S. Highway 395, thence along U.S. Highway 395 to the Washington-Oregon State line. The purpose of this filing is to eliminate the gateways of points in North Carolina and Springfield, Mo.

No. MC 111545 (Sub-No. E265), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment, between points in Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in Virginia (except points in that part of Virginia within 175 miles of Chattanooga, Tenn.). The purpose of this filing is to eliminate the gateway of points in that part of North Carolina within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E276), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (other than machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof), the transportation of which, because of size or weight, requires the use of special equipment; (1) between points in Mississippi, on the one hand, and, on the other, points in that part of Oklahoma on, south, and west of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 77 to Oklahoma City, thence along U.S. Highway 270 to junction U.S. Highway 183, thence along U.S. Highway 183 to the Oklahoma-Kansas State line; and (2) betweeen points in that part of Mississippi on and south of Interstate Highway 20, on the one hand, and, on the other, points in Oklahoma. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 111545 (Sub-No. E278), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines and commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use

of special equipment, between points in that part of West Virginia on, east, and south of a line beginning at the West Virginia-Virginia State line, thence along U.S. Highway 52 to Welch, thence along West Virginia Highway 16 to Beckley, thence along U.S. Highway 19 to junction U.S. Highway 60, thence along U.S. Highway 60 to the West Virginia-Virginia State line, on the one hand, and, on the other, points in that part of Utah on and south of a line beginning at the Utah-Colorado State line, thence along U.S. Highway 40 to the Utah-Nevada State line. The purpose of this filing is to eliminate the gateways of Charlotte, N.C., and Kansas City, Kans., or points in that part of Kansas within 100 miles thereof.

No. MC 111545 (Sub-No. E288), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines and agricultural machinery and implements, other than hand, as defined by the Commission), the transportation of which, because of size or weight requires the use of special equipment; (1) between points in Kansas, on the one hand, and, on the other, points in that part of Florida on and east of Florida Highway 85; (2) between points in that part of Kansas on and north of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to Dodge City, thence along U.S. Highway 50 to the Kansas-Colorado State line, on the one hand, and, on the other, points in Florida; (3) between points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks, on the one hand, and, on the other, points in Oklahoma; and (4) between points in Florida, on the one hand, and, on the other, points in Indiana, Michigan, and Ohio. The purpose of this filing is to eliminate the gateway of Atlanta, Cartersville, or Marietta, Ga., or Columbia, S.C., or points in Georgia or South Carolina within 50 miles thereof.

No. MC 111545 (Sub-No. E293), filed May 17, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except commodities to be used in, or in connection with, main or trunk pipelines), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Arizona on and south of a line beginning at the Arizona-New Mexico State line, thence along U.S. Highway 60 to Springerville, thence along U.S. Highway 180 to Flagstaff, thence along U.S. Highway 66 to the Arizona-California State line, to points in Wisconsin. The purpose of this filing is to eliminate the gateways of points in Iowa, Arkansas, and that part of Missouri within 100 miles of Kansas City, Kans.

No. MC 111545 (Sub-No. E300), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, from points in that part of Tennessee on and east of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to Murfreesboro, thence along Tennessee Highway 96 to junction U.S. Highway 70, thence along U.S. Highway 70 to Smithville, thence along Tennessee Highway 56 to junction Interstate Highway 40, thence along Interstate Highway 40 to junction Tennessee Highway 42, thence along Tennessee Highway 42 to the Tennessee-Kentucky State line, to points in South Dakota, restricted to the transportation of commodities which, because of size or weight, requires the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E391), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron soil pipe and fittings and bituminized fibre pipe and fittings*, the transportation of which because of size or weight, requires the use of special equipment, from points in that part of Georgia within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Georgia-Alabama State line, thence along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, thence along U.S. Highway 78 to the Georgia-South Carolina State line, to points in that part of Missouri on and west of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Holt, Ala.

No. MC 111545 (Sub-No. E443), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC. P.O .Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment and parts, attachments, and accessories* for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of West Virginia on, south, and east of a line beginning at the West Virginia-Kentucky State line, thence along U.S. Highway 119 to Charleston, thence along West Virginia Highway 4 to Sutton, thence along U.S. Highway 19 to the West Virginia-Pennsylvania State line, to points in New Mexico. The purpose of this filing is to eliminate the gateways of points in North Carolina and Springfield, Mo.

No. MC 111545 (Sub-No. E463), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment and parts, attachments, and accessories* for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment; (1) from points in Florida to points in Montana, Nevada, North Dakota, Oregon, South Dakota, Utah ,Washington, and Wyoming; and (2) from points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks, to points in Arizona, California, and Colorado. The purpose of this filing is to eliminate the gateways of points in Georgia and Springfield, Mo.

No. MC 111545 (Sub-No. E523), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids; (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids; and (3) *Parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in Maine, to points in that part of Tennessee on and west of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to Fayetteville, thence along U.S. Highway 64 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to junction Tennessee Highway 55, thence along Tennessee Highway 55 to Manchester, thence along U.S. Highway 41 to Nashville, thence along Alternate U.S. Highway 41 to the Tennessee-Kentucky State line, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is

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performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of the plant and warehouse facilities of the Trane Company at Clarksville, Tenn., and points in North Carolina within 175 miles of Chattanooga, Tenn.

No. MC 111545 (Sub-No. E528), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Forest Park, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers* or equalizers for air, gas, or liquids; (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids; and (3) *Parts, attachments, and accessories* for the use in installation and operations of items (1) and (2) above, from points in that part of Iowa on, east, and north of a line beginning at the Iowa-Missouri State line, thence along U.S. Highway 69 to Osceola, thence along U.S. Highway 34 to junction U.S. Highway 169, thence along U.S. Highway 169 to Ft. Dodge, thence along U.S. Highway 20 to Holstein, thence along U.S. Highway 59 to the Iowa-Minnesota State line, to points in that part of Mississippi on, east, and south of a line beginning at the Mississippi-Louisiana State line, thence along U.S. Highway 51 to Winona, thence along U.S. Highway 82 to junction Alternate U.S. Highway 45, thence along Alternate U.S. Highway 45 to Shannon, thence along U.S. Highway 45 to the Mississippi-Tennessee State line, restricted in (1), (2), and (3) above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of the plant and warehouse facilities of the Trane Company at Clarksville Tenn.

No. MC 111545 (Sub-No. E561), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment; (1) between points in Louisiana, on the one hand, and, on the other, points in Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia; and (2) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of West Virginia on and east of a line beginning at the West Virginia-Kentucky State line, thence along U.S. Highway 119 to Charleston, thence along Interstate Highway 77 to the West Virginia-Ohio State line. The purpose of this filing is to eliminate the gateways of points in South Carolina and North Carolina.

No. MC 111545 (Sub-No. E609), filed May 27, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machiney and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Iowa on and north of a line beginning at the Iowa-South Dakota State line, thence along Iowa Highway 10 to junction U.S. Highway 75, thence along U.S. Highway 75 to Le Mars, thence along Iowa Highway 3 to Humboldt, thence along U.S. Highway 169 to Fort Dodge, thence U.S. Highway 20 to the Iowa-Illinois State line, to points in that part of Alabama on, south, and east of a line beginning at the Alabama-Mississippi State line, thence along Interstate Highway 10 to Mobile, thence along Interstate Highway 65 to Montgomery, thence along U.S. Highway 80 to the Alabama-Georgia State line. The purpose of this filing is to eliminate the gateway of Atlanta or East Point, Ga.

No. MC 112422 (Sub-No. E167), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in that part of Kansas on and north of a line beginning at the Kansas-Colorado State line, and extending U.S. Highway 40 to Junction City, thence along U.S. Highway 77 to Herington, thence along U.S. Highway 56 to the Kansas-Missouri State line, to points in California. The purpose of this filing is to eliminate the gateway of Logan, Smithfield, or Wellsville, Utah.

No. MC 112822 (Sub-No. E158), filed May 22, 1974. Applicant: BRAY LINES, INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site of Bowaters Southern Corporation at Calhoun, Tenn., to points in Arizona, California, Nevada, and Oregon. The purpose of this filing is to eliminate the gateway of the plant sites of Southland Paper Mills, Inc., at Herty and Sheldon, Tex.

No. MC 112822 (Sub-No. E159), filed June 3, 1974. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in that part of Kansas on, east, and south of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction U.S. Highway 50, thence along U.S. Highway 50 to the Kansas-Missouri State line to points in that part of Nebraska east of U.S. Highway 281, North Dakota, and South Dakota (except Rapid City). The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC 112822 (Sub-No. E162), filed June 3, 1974. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Tulsa, Okla., to points in Alabama, and points in that part of Tennessee on and east of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 45E to Jackson, thence along U.S. Highway 45 to the Mississippi-Tennessee State line. The purpose of this filing is to eliminate the gateway of Coffeyville, Kans.

No. MC 112822 (Sub-No. E163), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Enid, Okla., to points in Alabama; points in Mississippi on and north of a line beginning at the Mississippi-Arkansas State line and extending along U.S. Highway 82 to junction U.S. Highway 49W, thence along U.S. Highway 49W to junction U.S. Highway 49, thence along U.S. Highway 49 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Alabama State line; points in that part of Louisiana bounded by a line beginning at the Louisiana-Mississippi State line and extending along Louisiana Highway 4 to Columbia, thence along U.S. Highway 165 to Alexandria, thence along U.S. Highway 167 to Lafayette, thence along U.S. Highway 90 to the Mississippi River, thence north along the Mississippi River to the point of beginning; and points in Tennessee on and east of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Coffeyville, Kans.

No. MC 112822 (Sub-No. E164), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in that part of California north of the counties of Monterey, San Benito, Fresno, and Inyo. The purpose of this filing is to eliminate the gateway of Logan, Smithfield, and Wellsville, Utah.

No. MC 112822 (Sub-No. E166), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in Kansas, to points in California in and north of Monterey, San Benito, Fresno, and Inyo Counties. The purpose of this filing is to eliminate the gateway of Logan, Smithfield, or Wellsville, Utah.

No. MC 112822 (Sub-No. E170), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Enid, Okla., to points in Georgia. The purpose of this filing is to eliminate the gateway of Wichita, Kans.

No. MC 119657 (Sub-No. E2), filed June 4, 1974. Applicant: GEORGE TRANSIT, 760–764 N.E. 47th Pl., Des Moines, Iowa 50313. Applicant's representative: Kenneth E. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed ingredients*, dry, in bulk, between points in Minnesota on the one hand, and, on the other, points in Missouri; (2) *Animal and poultry feed ingredients*, dry, in bulk, from points in Wisconsin to points in Nebraska and points in Kansas north of U.S. Highway 40; (3) *Animal and poultry feed ingredients*, dry, in bulk, from points in Indiana to points in Nebraska and South Dakota; (4) *Animal and poultry feed ingredients*, dry, in bulk, from points in Arkansas, to points in Minnesota. The purpose of this filing is to eliminate the gateway of points in Polk County, Iowa.

No. MC 127840 (Sub-No. E41), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Mills, Montgomery, Adams, Union, Clarke, Pottawattamie, Cass, Adair, Madison, Warren, Marion, Mahaska, Harrison, Shelby, Audubon, Guthrie, Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Cedar, Scott, Clinton, Jackson, Jones, Linn, Benton, Tama, Marshall, Story, Boone, Greene, Carroll, Crawford, and Monona Counties, Iowa to points in north and east of Newton, Benton, Tippecanoe, Montgomery, Hendricks, Morgan, Brown, Jackson, Scott, and Clark Counties, Ind., and in north and east of Jefferson, Bullitt, Nelson, Marion, Taylor, Adair, Russell, and Clinton Counties, Ky. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E42), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils* (except liquid chemicals), in bulk, in tank vehicles, from points in Fremont, Page, Taylor, Ringgold, Decatur, Lucas, Wayne, Monroe, Appanoose, Davis, Wapello, Keokuk, Washington, Muscatine, Louisa, Des Moines, Lee, Van Buren, and Jefferson Counties, Iowa, to points in, north and east of Lake, Jasper, Pulaski, Cass, Howard, Grant, Delaware, Randolph, and Wayne Counties and points in Ohio. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E46), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal fats and animal oils* (except fatty acids), from points in Minnesota to points in Ohio east of Interstate Highway 71, points in that part of Kentucky on, south and east of a line beginning at the Kentucky-Ohio State line, thence along Interstate Highway 71 to its junction with Interstate Highway 65, thence along Interstate Highway 65 to its junction with U.S. Highway 62 to Paducah. The purpose of this filing is to eliminate the gateways of Chicago and Bradley, Ill.

No. MC 127840 (Sub-No. E47), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, animal oils, and vegetable oils, including products and blends of said commodities*, in bulk, in tank vehicles, from Chicago, Illinois, to points in Connecticut, Delaware, Maine (except points in Aroostock County other than Bangor, Maine) Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Bradley, Ill.

No. MC 127840 (Sub-No. E48), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Chicago, Ill., and Blue Island, Ill., to points in Washington, Oregon, California, Idaho, Colorado, Oklahoma, Kansas, Nebraska, North Dakota (except points east of a line beginning at Grand Forks on U.S. Highway 2 and extending to its intersection with North Dakota Highway 18, thence along North Dakota Highway 18 to its intersection with North Dakota Highway 200, thence along North Dakota Highway 200 to its intersection with North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line), South Dakota (except points east of a line beginning at the South Dakota-North Dakota State line, thence along South Dakota Highway 37 to its intersection with South Dakota Highway 10, thence along South Dakota Highway 10 to the South Dakota-Minnesota State line), Minnesota (except points east of a line beginning at Ortonville, Minn., on U.S. Highway 75, thence along U.S. Highway 75 to its intersection with U.S. Highway 212, thence along U.S. Highway 212 to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to its intersection with U.S. Highway 14, thence along U.S. Highway 14 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to its intersection with Minnesota Highway 60, thence along Minnesota Highway 60 to its intersection with Minnesota Highway 15, hence along Minnesota Highway 15 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to its intersection with U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line), Missouri (except points east of a line beginning at the Missouri-Iowa State line, thence along Missouri Highway 5 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to its intersection with Missouri Highway 11, thence along Missouri Highway 11 to its intersection with U.S. Highway 24, thence along U.S. Highway 24 to its intersection with Missouri Highway 13, thence along Missouri Highway 13 to its intersection with U.S. Highway 54, thence along U.S. Highway 54 to its intersection with Missouri Highway 39, thence along Missouri Highway 39 to its intersection with Interstate Highway 44, thence along Interstate Highway 44 to its intersection with Missouri Highway 97, thence along Missouri Highway 97 to its intersection with Missouri Highway 86, thence along Missouri Highway 86 to its intersection with Missouri Highway 76, thence along Missouri Highway 76 to its intersection with Arkansas Highway 94, thence along Arkansas Highway 94 to the Missouri-Arkansas State line), Arkansas (except points east of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 94 to its intersection with U.S. Highway 62, thence along U.S. Highway 62/71 to Ft. Smith, thence along U.S. Highway 71/59 to De Queen, thence along Arkansas Highway 41 to the Arkansas-Texas State line), Texas (except

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points east of a line beginning at the Texas-Arkansas State line, thence along Texas Highway 8 to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to its intersection with U.S. Highway 96, thence along U.S. Highway 96 to Port Arthur, Tex. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 127840 (Sub-No. E49), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from the plant site and storage facilities of Glidden-Durkee, a division of S.C.M. Corp., located at or near Lorenzo (Will County), Ill. to points in California, Idaho, Oregon, Washington, Oklahoma, and Texas (except points in Bowie, Morris, Cass, and Marion Counties), restricted to the transportation of shipments originating at the above-named plant site and storage facilities. The purpose of this filing is to eliminate the gateway Des Moines, Iowa.

No. MC 127840 (Sub-No. E50), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago, Ave., Lansing Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from Des Moines, Iowa, to points in Vermont, Delaware, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Bradley, Ill.

No. MC 127840 (Sub-No. E54), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from points in Macon County, Ill., to points in North Dakota in and west of Bottineau, McHenry, Sheridan, Burleigh and Emmons Counties, N. Dak., and points in South Dakota in and west of Campbell, Walworth, Potter, Sully, Hughes, Lyman, and Gregory Counties, S. Dak. The purpose of this filing is to eliminate the gateways of Bradley and Chicago, Ill., and Des Moines, Iowa.

No. MC 127840 (Sub-No. E55), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil*, in bulk, in tank vehicles, from points in Lake, McHenry, Kane, Du Page, Cook, Kendall, Will, Grundy, Kankakee, Ford, Iroquois, Champaign, and Vermilion Counties, Ill., to points in Oklahoma in and west of Beaver County, and points in Texas in and west of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Stonewall, Fisher, Nolan, Coke, Tom Green, Schleicher, Sutton, Edwards, and Kinney Counties. The purpose of this filing is to eliminate the gateways of Bradley and Chicago, Ill., and Des Moines, Iowa.

No. MC 127840 (Sub-No. E57), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal and vegetable oil residues* (except fatty acids), in bulk, in tank vehicles, from Rochester, N.Y., to points in Colorado, Illinois, Iowa, Kansas, Minnesota, Nebraska; and to points in Lake, Porter, Newton, Jasper, Benton, Warren, Tippecanoe, Fountain, Montgomery, Parke, Vermillion, Putnam, Vigo, Clay, Owen, Sullivan, Greene, Knox, Daviess, Martin, Gibson, Pike, DuBois, Posey, Vanderburgh, Warrick, and Spencer Counties, Ind.; and to points in Ballard, Carlisle, Hickman, Fulton, McCracken, Graves, Livingston, Marshall, Callaway, Crittenden, Lyon, Trigg, Union, Webster, Caldwell, Henderson, Hopkins, Christian, Muhlenberg, McLean, and Daviess Counties, Ky. The purpose of this filing is to eliminate the gateway of Bradley, Ill.

No. MC 127840 (Sub-No. E59), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils residues*, in bulk; (1) from Rochester, N.Y., to points in Washington, Oregon, Idaho, California, North Dakota, South Dakota, Texas, Oklahoma, and points in Missouri in and north and west of Putnam, Sullivan, Linn, Chariton, Saline, Pettis, Beaton, St. Clair, and Bates Counties; (2) from Yorkville, Ohio, to points in Washington, Oregon, Idaho, California, North Dakota, South Dakota, and points in Missouri in and west of Worth, Gentry, DeKalb, Clinton, Clay, Jackson, and Cass Counties and points in Texas in and west of Grayson, Collin, Dallas, Rockwell, Ellis, Hill, McLennon, Bell, Williamson, Bastrop, Gonzales, Karnes, Live Oak, Duval, Jim Hogg, and Starr Counties, and points in Oklahoma in and west of Alfalfa, Major, Blaine, Caddo, Comanche, and Cotton Counties. The purpose of this filing is to eliminate the gateways of Bradley, Ill., and Des Moines, Iowa.

No. MC 127840 (Sub-No. E62), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used by meat packinghouses* (except petroleum products, fertilizers, and chemicals), in bulk, in tank vehicles, from Denver, Colo., to points in Wisconsin, Duluth, Minn., and points in Houston, Fillmore, Olmsted, Winona, Wabasha, Washington, Chisago, Pine, and Carlton Counties, Minn. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 127840 (Sub-No. E63), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal and vegetable oil residues* (except fatty acids, fertilizers, and chemicals), in bulk, in tank vehicles, from Rochester, N.Y., and Yorkville, Ohio, to points in Wisconsin in and west of Iron, Prince, Taylor, Clark, Jackson, Monroe, Vernon, Richland, and Grant Counties. The purpose of this filing is to eliminate the gateways of Bradley, Ill., and Dubuque, Iowa.

No. MC 127840 (Sub-No. E64), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and citrus juices and concentrates thereof*, in bulk, in tank vehicles, from Frostproof, Fla., to points in Wisconsin and Minnesota. The purpose of this filing is to eliminate the gateway of Lyons, Ill., and Dubuque, Iowa.

No. MC 127840 (Sub-No. E65), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk and milk products*, in bulk, in tank vehicles, from Dubuque, Iowa, to points in Nebraska, Colorado, New Mexico, Florida, Massachusetts, New Jersey, points in Pennsylvania in and east of Wayne, Lackawanna, Luzerne, Schuylkill, Dauphin, and York Counties, points in New York in and east of Oswego, Onondaga, Madison, Chenango, and Delaware Counties, points in Louisiana in and south of Beauregard, Allen, Evangeline, St. Landry, and Pointe Coupee Counties, points in Texas (except points in Cass, Morris, Camp, Titus, Hopkins, Franklin, Lamar, Red River, and Bowie Counties), and points in Oklahoma in and west of Kay, Noble, Payne, Lincoln, Seminole, Pontotoc, Johnston, and Bryan Counties. The purpose of this filing is to eliminate the gateway of Spring Grove, Minn.

No. MC 127840 (Sub-No. E66), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicants' representative: William H. Towle, Suite 1133, 127 N. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Milk and milk products*, in bulk, in tank vehicles, from Denver, Colo., to points in Massachusetts, New Jersey, New York, Pennsylvania, and Ohio in and north of Belmont, Guernsey, Coshocton, Knox, Morrow, Marion, Hardin, Allen, and Van Wert Counties. The purpose of this filing is to eliminate the gateway of Spring Grove, Minn., and Dubuque, Iowa.

No. MC 129872 (Sub-No. E1), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Canpp, Wisconsin 54749. Applicants' representative: Bradford E. Kistler, P.O. Box 80228, Lincoln, Nebr. 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Farm machinery, (1) between points in Illinois and Wisconsin, on the one hand, and, on the other, points in Nebraska and South Dakota; and (2) between points in Missouri, on the one hand, and, on the other, points in South Dakota and Minnesota. The purpose of this filing is to eliminate the gateway of LeMars, Iowa, and points within 25 miles thereof.

No. MC 134838 (Sub-No. E2), filed June 4, 1974. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., Plant Atkinson Road NW., P.O. Box 39236, Bolton Station, Georgia 30318. Applicant's representative: James F. Flint, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Poles and posts*, (1)(a) from points in Bladen, Pender, and Columbus Counties, N.C., to points in that part of Virginia in and west of Bland, Wythe, and Grayson Counties, Va. (Florence, S.C.*), (b) from points in Aiken County, S.C., to points in Virginia (Augusta, Ga.*), (c) from points in Richland and Lexington Counties, S.C., to points in that part of Virginia east of Giles, Montgomery, Floyd, and Patrick Counties (Florence, S.C.*), (d) from points in Chester and Fairfield Counties, S.C., to points in that part of Virginia east of Shenandoah, Rappahannock, Culpeper, Orange, Louisa, Goochland, Cumberland, Prince Edward, and Charlotte Counties, (Florence, S.C.*), (e) from points in Chester and Fairfield, S.C., to points in Patrick, Henry, Pittsylvania, and Halifax Counties, Va. (Florence, S.C.*), and (f) from points in York County, S.C., to points in Southampton, Nansemond, Northampton, and York Counties, Va. (Florence, S.C.*); and (2) *Rough Lumber*, between points in that part of Alabama in and south of Washington, Clarke, Monroe, Butler, Crenshaw, Pike, and Barbour Counties, on the one hand, and, on the other, points in that part of Tennessee in and east of Fentress, Cumberland, Bledsoe, and Hamilton Counties (Atlanta, Ga.*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26478 Filed 11-11-74;8:45 am]

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COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Establishment

The Committee for Purchase from the Blind and Other Severely Handicapped was established by Pub. L. 92-28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46-48) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the Federal Register a procurement list of:

(1) Commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency

which the Committee determines are suitable for procurement by the Government pursuant to the Act.

The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity which is available from Federal Prison Industries, Inc.

A Government entity is defined as any entity of the legislative branch or judicial branch, any executive agency or military department (as such agency and department are respectively defined by sections 102 and 105 of title 5, United States Code), the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

Notice is hereby given pursuant to section 2 of the Act that Procurement List 1975 is established as set forth below. Procurement List 1975 supersedes Procurement List 1974, November 29, 1973 (38 FR 33038) and subsequent changes thereto through November 7, 1974.

By the Committee.

C. W. FLETCHER,
Executive Director.

ASSIGNMENT CODES

Central nonprofit agency:	Code
Goodwill Industries of America	GI
International Association of Rehabilitation Facilities	RF
Jewish Occupational Council	JO
National Easter Seal Society for Crippled Children and Adults	ES
National Industries for the Blind	IB
United Cerebral Palsy Association	CP

COMMODITIES

CLASS 1005

Sling, Adjustable, Small Arms (IB)
1005-00-167-4336

CLASS 1095

Scabbard, Bayonet-Knife (IB)
1095-00-508-0339

CLASS 1730

Chock Assembly, Wheel (IB)
Unpainted
1730-00-294-3694
1730-00-063-4095
1730-00-294-3696
1730-00-294-3695
1730-00-945-8450
Painted
1730-00-294-3694
1730-00-063-4095
1730-00-294-3696
1730-00-294-3695
1730-00-945-8450
Codit reflecting
1730-00-294-3694
1730-00-063-4095
1730-00-294-3696
1730-00-294-3695
1730-00-945-8450

CLASS 2540

Belt, Automobile, Safety (IB)
2540-00-894-1273
2540-00-894-1274
2540-00-894-1275
2540-00-894-1276

CLASS 3510

Net, Laundry (IB)
3510-00-273-9738
3510-00-273-9739

CLASS 5140

Bag, Tool (IB)
5140-00-772-4142

CLASS 5330

Packing, Preformed (Grommets) (IB)
5330-00-543-7172
5330-00-543-7173
5330-00-242-3676
5330-00-543-7174
5330-00-242-3679
5330-00-543-7175
5330-00-242-3675
5330-00-543-7176

Packing, Preformed (Grommets) (IB) (Continued)
5330-00-543-7177
5330-00-543-7178
5530-00-543-7179

CLASS 5440

Stepladder (IB)
5440-00-514-4483
5440-00-514-4485
5440-00-514-4487

Note: IB will furnish requirements for GSA Regions 8, 9, and 10 only.

CLASS 5510

Stakes, Wood (RF)
Location Stakes
5510-00-171-7701
5510-00-171-7700
5510-00-171-7734
Hub Stakes
5510-00-171-7733
5510-00-171-7732

Note: RF will furnish requirements for GSA Region 10 only.

CLASS 6230

Light, Marker, Distress (RF)
6230-00-067-5209

CLASS 6505

Ammonia Inhalant Solution, Aromatic (JO)
6505-00-106-0875

CLASS 6515

Kit, Shaving, Surgical Preparation (IB)
6515-00-676-7372

Tourniquet, Non-Pneumatic (IB)
6515-00-383-0565

CLASS 6530

Catheter, External (IB)
6530-00-290-8292

Cover, Litter (IB)
6530-00-784-1035
6530-00-784-1250

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CLASS 6530 cont'd

Drape, Surgical (IB)
6530-00-299-9608
6530-00-299-9607
6530-00-299-9605
6530-00-299-9604

Strap, Webbing, Patient Securing (IB)
6530-00-784-4205

Wrapper, Sterilization (IB)
6530-00-299-9603
6530-00-719-0000
6530-00-299-9602
6530-00-719-0030
6530-00-299-9601
6530-00-719-0035
6530-00-299-9600
6530-00-719-0040
6530-00-299-9599
6530-00-719-0045
6530-00-850-8613
6530-00-197-9223
6530-00-197-9228
6530-00-197-9283
6530-00-926-4902
6530-00-926-4903
6530-00-926-4904
6530-00-926-4905

CLASS 6532

Cap, Operating, Surgical (IB)
6532-00-299-9614
6532-00-299-9613
6532-00-299-9612
6532-00-543-7378
6532-00-122-0468
6532-00-250-5041
6532-00-250-5042

Clothing, Operating Room (JO)
6532-00-261-9005
6532-00-290-1887
6532-00-172-3509
6532-00-172-3507
6532-00-172-3506
6532-00-158-9890
6532-00-009-7174

Gown, Operating, Surgical (JO)
6532-00-009-2034
6532-00-009-2035

Pillowcase, Disposable (IB)
6532-00-634-9828

Robe, Dressing, Nomex (JO)
6532-00-003-3057
6532-00-006-3482

CLASS 6532 cont'd

Smock, Man's, Dental Operating (JO)
6532-00-159-4881
6532-00-926-9964
6532-00-926-9975
6532-00-926-9976

CLASS 6540

Case, Spectacle (IB)
6540-00-735-5157

CLASS 6625

Test Set, Lead (RF)
6625-00-553-1442

CLASS 6695

Kit, Spectro Oil Analysis (IB)
6695-00-925-2982

Sampler-Spectro, Analysis Oil Kit (IB)
6695-00-758-1355

CLASS 7195

Bulletin Board (IB)
7195-00-989-2370 7195-00-844-9036
7195-00-989-2371 7195-00-844-9037
7195-00-989-2372 7195-00-844-9038
7195-00-990-0615 7195-00-843-7938

CLASS 7210

Bedspread (IB)
7210-00-728-0188
7210-00-728-0186
7210-00-728-0189
7210-00-728-0190
7210-00-728-0191
7210-00-728-0187
7210-00-728-0176
7210-00-728-0173
7210-00-728-0177
7210-00-728-0178
7210-00-728-0179
7210-00-728-0175

Bedspring (IB)
7210-00-582-7540
7210-00-582-0984
7210-00-110-8104
7210-00-582-7541
7210-00-110-8105
7210-00-559-5085
7210-00-559-6025

Cover, Mattress (IB)
7210-00-291-8419
7210-00-205-3083
7210-00-205-3082

CLASS 7210 cont'd

Cover, Mattress (IB) (Continued)
7210-00-067-7969
7210-00-998-7745
7210-00-883-8492
7210-00-883-8492 (GFM)
7210-00-171-1091
7210-00-935-6619
7210-00-230-1041
7210-00-241-9718

Mattress (IB)
Cotton-Felt
7210-00-531-6517
7210-00-205-3574 7210-00-205-3893
7210-00-205-3575 7210-00-680-0938
7210-00-205-3576 7210-00-205-3894
7210-00-139-6555
7210-00-205-3579 7210-00-205-3889
7210-00-252-9628 7210-00-716-0500
7210-00-274-3780 7210-00-274-7001
7210-00-205-3581 7210-00-205-3485
7210-00-139-6538
7210-00-531-6477 7210-00-531-6480
7210-00-205-3906 7210-00-205-3532
7210-00-205-3907 7210-00-205-3454
7210-00-253-4649 7210-00-205-3455
7210-00-253-4648 7210-00-269-9198
7210-00-205-3904 7210-00-205-3915
7210-00-205-3905 7210-00-205-3916
7210-00-205-3902 7210-00-205-3913
7210-00-205-3900 7210-00-205-3896

Innerspring
7210-00-205-3585
7210-00-205-3535
7210-00-139-6424
7210-00-716-0706
7210-00-551-5497
7210-00-139-6411
7210-00-205-3534
7210-00-205-3488
7210-00-205-3489
7210-00-205-3490
7210-00-139-6434
7210-00-139-6428
7210-00-110-8102
7210-00-110-8103

Innerspring, Plastic-Coated
7210-00-995-1093
7210-00-682-7146

Foam Rubber

	Order Quantity
7210-00-682-6503	1 to 20
	21 to 99
	100 or over
7210-00-682-6504	1 to 20
	21 to 99
	100 or over

CLASS 7210 cont'd

Mattress and Bedspring Set (IB)
Innerspring

Mattress	Bedspring
7210-00-139-6428	7210-00-582-0984
7210-00-139-6411	7210-00-559-5085
7210-00-139-6411	7210-00-582-7540
7210-00-139-6434	7210-00-559-6025
7210-00-139-6434	7210-00-582-7541

Pad, Mattress (IB)
7210-00-227-1526
7210-00-753-3042

Pillow, Bed (IB)
7210-00-619-8262
7210-00-894-1144

Pillowcase (IB)
7210-00-299-9609
7210-00-170-5478
7210-00-171-1100
7210-00-205-3101
7210-00-716-9000
7210-00-761-1472
7210-00-054-7910
7210-00-259-9005
7210-00-259-9006
7210-00-119-7356
7210-00-231-2373
7210-00-259-9004
7210-00-259-8897
7210-00-081-1380

Protector, Hospital Bed, Pillow, (IB)
7210-00-958-9118

Sheet, Bed (Crib) (IB)
7210-00-634-1288

Sheet, Crib (IB)
7210-00-717-0000

Towel, Dish (IB)
7210-00-171-1144

Washcloth (IB)
7210-00-060-6008
7210-00-082-2065

CLASS 7220

Mat, Floor (IB)
7220-00-205-3099
7220-00-224-6491
7220-00-205-3100
Standard Size
7220-00-224-6489
7220-00-205-2807
7220-00-205-2808

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CLASS 7220 cont'd

Mat, Floor (IB) (Continued)
7220-00-224-6490
7220-00-224-6487
7220-00-238-8852
7220-00-224-6488
7220-00-224-6486
Special size made to order.
48 x 96" is largest size made in one piece. Larger sizes are made in sections.

7220-00-205-2805
Standard Size

7220-00-238-8854
Special size made to order.

48 x 96" is largest size made in one piece. Larger sizes are made in sections.

7220-00-205-2806

Door Mat (IB)
7220-00-165-7020

CLASS 7230

Curtain, Shower (IB)
7230-00-205-1762

CLASS 7290

Cover, Ironing Board (IB)
7290-00-130-3271

CLASS 7330

Pad, Bakery (IB)
7330-00-379-4439
Note: IB will furnish requirements for GSA Regions 5 and 8 only.

CLASS 7360

Dining Packet (IB)
7360-00-935-6407

Dining Packet, Inflight (IB)
7360-00-660-0526

CLASS 7430

Cover, Typewriter (RF)
7430-00-823-8080
7430-00-823-8081
7430-00-823-8082
7430-00-823-8083

CLASS 7430 cont'd

Cover, Typewriter (RF) (Continued)
7430-00-823-8084
7430-00-823-8085
7430-00-823-8090
7430-00-823-8086
7430-00-823-8087

CLASS 7510

Binder, Looseleaf (IB)
7510-00-281-4309
7510-00-281-4314
7510-00-582-4201
7510-00-281-4310
7510-00-281-4311
7510-00-281-4313
7510-00-281-4315
7510-00-286-7792
7510-00-286-7794
7510-00-582-5488
7510-00-286-7791
7510-00-582-3807
7510-00-782-2663
7510-00-782-2664

Binder, Note Pad (IB)
7510-00-286-6954
7510-00-145-0296
7510-00-728-8060

Calendar Pad (ES)
7510-00-405-9305 (1976)
7510-00-405-9306 (1977)

Eraser, Mechanical (IB)
7510-00-865-5292
7510-00-082-2665

Pencil (IB)
7510-00-286-5757
7510-00-281-5234
7510-00-281-5235
Note: Procurement from IB is limited to 60% of the Government's annual requirement.

Pencil Pointer (GI)
7510-00-237-4926

Portfolio (IB)
7510-00-558-1572
7510-00-616-7241
7510-00-551-9813
7510-00-558-1573
7510-00-616-7239
7510-00-558-1571
7510-00-995-4856
7510-00-995-4857
7510-00-995-4854
7510-00-995-4852

CLASS 7510 cont'd

Portfolio (IB) (Continued)
7510-00-995-4853
7510-00-995-4850

Refill, Ballpoint Pen (IB)
7510-00-543-6792
7510-00-543-6793
7510-00-754-2687
7510-00-543-6795
7510-00-754-2688
7510-00-754-2689
7510-00-754-2690
7510-00-754-2691

CLASS 7520

Arch Board File (IB)
7520-00-281-4848
7520-00-240-5498
7520-00-191-1074
7520-00-191-1075
7520-00-281-4845
7520-00-255-7081

Ballpoint Pen (IB)
7520-00-935-7136
7520-00-935-7135
7520-00-664-5198
7520-00-664-5200
7520-00-663-0059
7520-00-664-5197
7520-00-298-7045
7520-00-754-2516
7520-00-298-7046
7520-00-754-2517
7520-00-543-7149

Book Ends (IB)
7520-00-264-5479

Box, Filing (GI)
7520-00-285-3147
7520-00-285-3143

Box, Filing (RF)
7520-00-285-3144
7520-00-285-3145
7520-00-285-3146
7520-00-285-3148

Case, Maintenance and Operational Manuals (IB)
7520-00-559-9618

Clipboard, File (IB)
7520-00-281-5918
7520-00-254-4610
7520-00-240-5503
7520-00-274-5496
7520-00-281-5892

CLASS 7520 cont'd

Marker, Tube Type (IB)
7520-00-973-1059
7520-00-973-1060
7520-00-079-0285
7520-00-973-1061
7520-00-079-0286
7520-00-079-0287
7520-00-973-1062
7520-00-079-0288
7520-00-558-1501
7520-00-904-1265
7520-00-904-1268
7520-00-935-0979
7520-00-904-1267
7520-00-935-0981
7520-00-935-0982
7520-00-904-1266
7520-00-935-0980
7520-00-051-5031
7520-00-051-5035
7520-00-116-2888
7520-00-051-5036
7520-00-116-2886
7520-00-116-2889
7520-00-051-5033
7520-00-116-2887

Pencil, Mechanical (IB)
7520-00-223-6672
7520-00-223-6673
7520-00-223-6674
7520-00-268-9913
7520-00-223-6675
7520-00-223-6676
7520-00-268-9912
7520-00-577-4570
7520-00-285-5826
7520-00-285-5822
7520-00-285-5823
7520-00-205-1645
7520-00-724-5606
7520-00-285-5817
7520-00-161-5664
7520-00-164-8950
7520-00-268-9915
7520-00-285-5818
7520-00-268-9916
7520-00-634-3475

Pen Set, Desk (IB)
7520-00-106-9840

Stand, Calendar Pad (IB)
7520-00-162-6153
7520-00-139-4286
7520-00-139-4335

Trimmer, Paper (IB)
7520-00-224-7621
7520-00-282-2137

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CLASS 7530

Card, Guide, File (IB)
7530-00-989-0184
7530-00-989-2425
7530-00-988-6541
7530-00-988-6542
7530-00-988-6543
7530-00-988-6549
7530-00-988-6550
7530-00-988-6551
7530-00-988-6544
7530-00-988-6545
7530-00-988-6546
7530-00-988-6547
7530-00-988-6548
7530-00-988-6515
7530-00-988-6516
7530-00-988-6520
7530-00-988-6521
7530-00-988-6517
7530-00-988-6518
7530-00-988-6522

Card Set, Guide, File (IB)
7530-00-989-0698
7530-00-989-0697
7530-00-989-0683
7530-00-082-2635
7530-00-989-0684
7530-00-989-0686
7530-00-989-0692
7530-00-989-0694
7530-00-989-0693
7530-00-989-0695

Folder, File (IB)
7530-00-889-3555
7530-00-559-4512
7530-00-281-5907
7530-00-281-5908
7530-00-926-8978
7530-00-273-9845
7530-00-926-8980

Folder Set, File (IB)
7530-00-281-5905

Pad, Writing Paper (IB)
IB will provide requirements for GSA regions shown in parentheses.

7530-00-285-3090 (1,6)
7530-00-239-8479 (1,4,5,6,7,8)
7530-00-285-3088 (1,2,3,4,6,7,8)
7530-00-285-3083 (1,5,6)
7530-00-285-3090 (GFM) (1,6)
7530-00-239-8479 (GFM) (1,4,5,6,7,8)

CLASS 7690

Decalcomania (RF)
NO SMOKING
7690-00-857-9662
7690-00-857-9574
7690-00-857-9700
7690-00-857-9613
7690-00-858-3403
7690-00-858-3365
7690-00-310-6627
7690-00-311-7272
7690-00-328-9517
7690-00-329-0205
U.S. ARMY
7690-00-857-9575
7690-00-857-9663
7690-00-857-9614
Code 600 USPSW
Code 607 USPSW
7690-00-311-7276
7690-00-329-0206
7690-00-858-3405
7690-00-858-3366
7690-00-310-9208
MAX SPEED
7690-00-857-9572
7690-00-857-9660
Code 633 USPSW
7690-00-857-9611
7690-00-857-9698
7690-00-328-9507
7690-00-329-0204
NO RIDERS
Code 635 USPSW
7690-00-857-9573
Code 636 USPSW
7690-00-857-9612
7690-00-857-9699
LIFT HERE
Code 622 L-USPSW
FOR OFFICIAL USE ONLY
7690-00-329-0538
Code 669 L-USPSW
Code 666 L-USPSW
Code 672 L-USPSW
Code 667 L-USPSW
Code 675 L-USPSW
Code 668 L-USPSW
NUMBERS AND LETTERS
7690------1-1/2"
7690------2"
7690-00-311-7128
7690------4"

CLASS 7920

Broom, Push (IB)
7920-00-267-2967

CLASS 7920 cont'd

Broom, Upright (IB)
7920-00-292-4371
7920-00-292-4375
7920-00-292-4372
7920-00-291-8305

Broom, Whisk (IB)
7920-00-240-6350

Brush, Chassis and Running Gear (IB)
7920-00-255-7536

Brush, Cleaning (IB)
7920-00-281-7009 Tampico Fibers
Polypropylene Fibers

Brush, Dusting (IB)
7920-00-178-8315

Brush, Floor Sweeping (IB)
7920-00-238-2442
7920-00-243-3407
7920-00-238-2443
7920-00-292-2363
7920-00-263-9848
7920-00-292-2367
7920-00-292-2366
7920-00-264-4638
7920-00-292-2362
7920-00-292-2365

Brush, Sanitary (IB)
7920-00-772-5800
7920-00-234-9317

Brush, Scrub (IB)
7920-00-240-7174
7920-00-951-8795
7920-00-282-2470 Tampico Fibers
Styrene Fibers
7920-00-297-1511
7920-00-324-2746
7920-00-619-9162

Brush, Shoe and Stove (IB)
7920-00-852-8170

Brush, Wire, Scratch (IB)
7920-00-291-5815
7920-00-282-9246
7920-00-246-8501
7920-00-223-7649

Brush, Wire, Stainless Steel (IB)
7920-00-958-1157

Brush Set, Shoe and Stove (IB)
7920-00-205-0200

CLASS 7920 cont'd

Cloth, Polishing (IB)
7920-00-205-1656
7920-00-205-3170
7920-00-664-0103

Handle, Mop (IB)
7920-00-205-1168
7920-00-267-1218
7920-00-205-1167
7920-00-550-9902
7920-00-550-9911
7920-00-550-9912
7920-00-998-2485
7920-00-998-2486
7920-00-851-0140
7920-00-851-0142
7920-00-246-0930
7920-00-205-1170

Handle, Paint Roller (IB)
7920-00-682-6512

Handle, Wood (IB)
7920-00-177-5106
7920-00-141-5452
7920-00-263-0328

Mop, Dusting, Cotton (IB)
7920-00-205-0481
7920-00-205-0483
7920-00-205-0484
7920-00-245-8289

Mop, Wet (IB)
7920-00-224-8726

Mop, Wet, Cellulose (IB)
Mop, Complete
7920-00-432-7117
7920-00-728-1167
Sponge Refill
7920-00-471-2876

Mophead, Dusting, Cotton (IB)
7920-00-634-0201
7920-00-267-4921
7920-00-998-2482
7920-00-998-2483
7920-00-998-2484
7920-00-851-0141
7920-00-205-0485
7920-00-205-0487
7920-00-205-0488

Mophead, Wet (IB)
7920-00-205-0425
7920-00-205-0426
7920-00-141-5549
7920-00-171-1148
7920-00-141-5550

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CLASS 7920 cont'd

Mophead, Wet (IB) (Continued)
7920-00-141-5547
7920-00-141-5548
7920-00-141-5544
7920-00-141-5542
7920-00-245-8290
7920-00-141-5543
7920-00-923-0448
7920-00-141-5541
7920-00-926-5492
7920-00-926-5493
7920-00-926-5494
7920-00-926-5495
7920-00-926-5496
7920-00-926-5497
7920-00-926-5498
7920-00-926-5499
7920-00-926-5500
7920-00-926-5501
7920-00-926-5502
7920-00-926-5503
7920-00-634-0202
7920-00-634-0203

Scraper and Squeegee (IB)
7920-00-045-2556

Squeegee (RF)
7920-00-224-8339

CLASS 8105

Bag, Cloth (IB)
8105-00-282-8183

Bag, Cotton (IB)
8105-00-183-6981
8105-00-281-3924
8105-00-183-6982
8105-00-179-0089
8105-00-271-1511
8105-00-183-6985
8105-00-174-0836
8105-00-183-6989
8105-00-290-3360

Bag, Lunch (RF)
8105-00-664-3715

Bag, Motion Sickness (IB)
8105-00-835-7212

CLASS 8115

Box, Set-Up, Mailing, Dental (IB)
8115-00-511-5750

CLASS 8120

Cap, Compressed Gas Cylinder (IB)
8120-00-178-9814
8120-00-179-0076

CLASS 8345

Case, Flag, Interment (IB)
8345-00-782-3010

Flag, Signal (IB)
8345-00-935-0588
8345-00-935-0589
8345-00-935-0590
8345-00-935-0591
8345-00-935-0592
8345-00-935-0594
8345-00-935-0595
8345-00-935-0597
8345-00-935-0598
8345-00-935-0599
8345-00-935-0602
8345-00-935-0604
8345-00-935-0607
8345-00-935-0608
8345-00-935-0633
8345-00-935-1840
8345-00-935-0634
8345-00-935-0638
8345-00-935-0639
8345-00-935-0640
8345-00-926-9977
8345-00-926-9216
8345-00-926-9978
8345-00-926-6804
8345-00-926-6806
8345-00-926-9979
8345-00-926-6807
8345-00-926-6809
8345-00-926-9980
8345-00-926-9219
8345-00-935-0582
8345-00-926-9984
8345-00-926-6003
8345-00-926-9985
8345-00-935-0619
8345-00-935-1839
8345-00-935-0620
8345-00-935-0623
8345-00-935-0409
8345-00-935-0624
8345-00-935-0445
8345-00-926-6803
8345-00-935-0446
8345-00-926-6805
8345-00-935-0447
8345-00-926-9987
8345-00-935-0448
8345-00-926-6810
8345-00-926-9988
8345-00-935-0450
8345-00-935-0451
8345-00-935-0453
8345-00-926-6002
8345-00-926-6814
8345-00-935-0436
8345-00-935-0437
8345-00-935-0438

CLASS 8345 cont'd

Flag, Signal (IB) (Continued)
8345-00-935-0408
8345-00-935-0441
8345-00-935-0442
8345-00-935-0464
8345-00-935-0465
8345-00-935-0466
8345-00-935-0467
8345-00-935-0468
8345-00-935-0470
8345-00-935-0471
8345-00-935-0473
8345-00-935-0474
8345-00-935-0475
8345-00-935-0478
8345-00-935-0480
8345-00-935-0483
8345-00-935-0484
8345-00-935-0626
8345-00-935-1838
8345-00-935-0627
8345-00-935-0407
8345-00-935-0630
8345-00-935-0631

Pennant, Signal, and Special Flags (IB)
8345-00-935-0420
8345-00-935-0517
8345-00-935-4755
8345-00-825-1847
8345-00-935-3201
8345-00-935-4756
8345-00-935-0522
8345-00-914-6086
8345-00-935-4753
8345-00-935-4754
8345-00-935-0404
8345-00-935-0514
8345-00-825-1868
8345-00-935-0406
8345-00-935-0509
8345-00-926-5988
8345-00-935-0512
8345-00-921-4497
8345-00-935-3199
8345-00-825-1839
8345-00-935-0526
8345-00-914-6076
8345-00-914-6080
8345-00-914-6083
8345-00-935-0524
8345-00-926-5987
8345-00-926-5989
8345-00-935-0539
8345-00-926-5991
8345-00-825-1840
8345-00-935-0521
8345-00-914-6087
8345-00-926-6026
8345-00-935-0403

CLASS 8345 cont'd

Pennant, Signal, and Special Flags (IB)
8345-00-935-0536
8345-00-926-9210
8345-00-926-9213
8345-00-926-6028
8345-00-935-0508
8345-00-935-0519
8345-00-935-0415
8345-00-914-6085
8345-00-926-9215
8345-00-935-0411
8345-00-926-9212
8345-00-914-7411
8345-00-914-6079
8345-00-914-6082
8345-00-935-0523
8345-00-935-0417
8345-00-926-5990
8345-00-935-0421
8345-00-926-9207
8345-00-935-0542
8345-00-935-0520
8345-00-935-0492
8345-00-935-0493
8345-00-926-9214
8345-00-935-0513
8345-00-935-0490
8345-00-935-0495
8345-00-926-9208
8345-00-935-0518
8345-00-935-0511
8345-00-914-6084
8345-00-935-0405
8345-00-935-0410
8345-00-935-0525
8345-00-914-6075
8345-00-914-6077
8345-00-914-6081
8345-00-935-0419
8345-00-935-0416
8345-00-935-0537
8345-00-935-0538
8345-00-935-0540
8345-00-935-0541
8345-00-926-9211
8345-00-935-0499
8345-00-935-0500
8345-00-935-0501
8345-00-825-1818
8345-00-935-0497
8345-00-935-0504
8345-00-935-1841
8345-00-935-0418
8345-00-825-1819
8345-00-926-1551
8345-00-935-0503
8345-00-935-0534
8345-00-935-1843
8345-00-926-1548
8345-00-926-1549
8345-00-926-1552

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CLASS 8410

Havelock (IB)
8410-00-782-2782

CLASS 8415

Apron (IB)
Construction Worker's
8415-00-205-3895
8415-00-257-4290
8415-00-257-4290 (GFM)
Food Handling
8415-00-255-8577
8415-00-634-0205
8415-00-051-1173

Band, Helmet, Camouflage (IB)
8415-00-576-2873

Cap, Food Handler's (IB)
Cloth furnished by Government agency.
8415-00-234-7677
8415-00-234-7678
8415-00-234-7679

Cover, Helmet (IB)
Cotton duck furnished by Government agency.
8415-00-261-6833

Traffic Safety Clothing (IB)
See also Class 8465
8415-00-177-4978
8415-00-177-4974

CLASS 8430

Slide Fastener Unit, Laced Boot (IB)
8430-00-465-1888
8430-00-465-1889
8430-00-465-1890

CLASS 8440

Neckerchief (IB)
8440-00-240-4922

Necktie (IB)
8440-00-926-6604
8440-00-926-6604 (GFM)
8440-00-926-4933
8440-00-926-4933 (GFM)
8440-00-426-1999
8440-00-426-1999 (GFM)
8440-00-216-6130
8440-00-216-6130 (GFM)
8440-00-316-2519
8440-00-316-2519 (GFM)

CLASS 8460

Kit Bag, Flyer's (IB)
8460-00-606-8366

CLASS 8465

Bag, Barrack (IB)
8465-00-530-3692
8465-00-530-3692 (GFM)

Bag, Duffel (IB)
8465-00-265-4928

Bag, Sleeping (IB)
8465-00-338-5415

Bag, Sleeping, Firefighter's (IB)
8465-00-081-0798
IB will be responsible for providing one-third of Government requirements.

Bag, Soiled Clothes (IB)
8465-00-286-5455

Bag, Soiled Clothes, Submarine (IB)
8465-00-762-7671 Nylon duck to be furnished by ordering office

Belt, M.P. (IB)
8465-00-527-8843

Case, Field, First Aid Dressing (IB)
8465-00-935-6814

Case, Maintenance Equipment, Small Arms (IB)
8465-00-781-9564

Clothes Stop (IB)
8465-00-377-5701

Cover, Water Canteen, Nylon (IB)
8465-00-860-0256
Note: Procurement from IB is limited to 30% of the Government annual requirement.

Pocket, Ammunition Magazine (IB)
8465-00-782-2239 (GFM)

Protector, Trousers, Pistol Holster (IB)
8465-00-682-6741

Suspenders, Field Pack (IB)
8465-00-577-4922
8465-00-577-4923
8465-00-823-7231

CLASS 8465 cont'd

Traffic Safety Clothing (IB)
See also Class 8415
8465-00-177-4977
8465-00-177-4975
8465-00-177-4976

CLASS 8470

Strap, Soldier's Steel Helmet, M-1 (IB)
8470-00-030-8003

CLASS 8940

Condiment Packet (Dietetic) (IB)
8940-00-177-4958
8940-00-177-4959
8940-00-177-4960
8940-00-177-4961
8940-00-177-4962
8940-00-177-4963
8940-00-935-6416
8940-00-935-6417
8940-00-935-6420
8940-00-935-6421

CLASS 8950

Condiment Packet (IB)
8950-00-935-6408
8950-00-935-6409
8950-00-935-6410
8950-00-935-6411
8950-00-935-6412
8950-00-935-6413

CLASS 9920

Ash Receiver, Tobacco (IB)
9920-00-682-6757

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MILITARY RESALE COMMODITIES

Procedures for ordering military resale commodities are contained in Section 51-5.6, Code of Federal Regulations, Title 41.

ITEM NO.	ITEM NAME
903	Broom, Parlor (IB)
904	Broom, Corn (IB)
905	Broom, Plastic Filament (IB)
906	Broom, Corn, Fan-Flare (IB)
909	Broom, Whisk (IB)
910	Broom, Whisk (IB)
911	Brush, Floor, with handle (IB)
913	Brush, Lint (IB)
915	Brush, Counter (IB)
916	Brush, Sanitary (IB)
918	Brush, Scrubbing (IB)
919	Brush, Scrubbing (IB)
920	Handle, Spring-Lever (IB)
921	Mop, Self-wringing (IB)
922	Applicator, Wax (IB)
924	Mop, Block Sponge (IB)
925	Mop, Dusting (IB)
926	Mop, Stick or Yacht, Wet (IB)
928	Mop, Cotton, Wet (IB)
929	Mop, Dusting (IB)
930	Applicator, Wax (IB)
931	Refill, Wring-Easy Mop (IB)
932	Refill, Wax Applicator (IB)
934	Refill, Sponge (IB)
936	Mophead, Viscose & Rayon (IB)
937	Mophead, Cotton, Wet (IB)
938	Refill, Wax Applicator (IB)
939	Refill, Mophead, Dusting (IB)
941	Cloth, Dish, (Pg. of 4) (IB)
942	Cloth, Dish, (Pg. of 2) (IB)
943	Cloth, Dishwashing (IB)
944	Scrubber (IB)
945	Towel, Kitchen, (Pg. of 2)(IB)
946	Potholder (IB)
949	Mitt, Oven (IB)
950	Mop, Dish & Bottle (IB)
951	Mop, Glassware and Dishware (IB)
952	Brush, Percolator (IB)
953	Scrubber (IB)
954	Scrubber, Nylon (IB)
955	Brush, Vegetable (IB)
956	Brush, Bottle (IB)
957	Brush, Dish & Pan (IB)
958	Brush, Grooming (IB)
959	Brush, Pastry & Basting (IB)
962	Cover & Pad Set, I.B. (IB)
964	Cover, Ironing Board (IB)
967	Bag, Laundry (IB)
968	Bag, Dampening (IB)
969	Cover, Ironing Board (IB)
970	Bag, Washing Machine (IB)
974	Clothesline, Plastic (IB)
980	Cloth, All-purpose, Pg. of 4 (IB)
981	Cloth, All-purpose, Pg. of 2 (IB)
982	Cloth, Polishing and Dusting, Pg. of 2 (IB)
983	Cloth, Polishing and Dusting Pg. of 4 (IB)
984	Cloth, Wash, Pg. of 2 (IB)
985	Bib, Terrycloth, Pg. of 2 (IB)
986	Cloth, Wash, Pg. of 4 (IB)
988	Opener, Pour & Store, Set of 3 (IB)
992	Mat, Floor (IB)
993	Sponge, Body (IB)
994	Swatter, Fly (IB)
995	Dustpan (IB)
997	Duster, All-purpose (IB)

SERVICES

Services are identified by industrial group number as provided in the Standard Industrial Classification Manual prepared by the Technical Committee on Industrial Classification, Statistical Policy Division, Office of Management and Budget.

SIC 0782
GROUNDS MAINTENANCE
Naval Air Station
Whidbey Island, Washington (RF)

Special Training Building & Complex
U. S. Secret Service
Beltsville, Maryland (RF)

SIC 7211
LAUNDERING OF WOOL BLANKETS
Naval Administrative Command Supply Depot
Great Lakes, Illinois (GI)

SIC 7331
MAILING SERVICE
U. S. Dept. of Agriculture
Washington, D.C. (D.C. metropolitan area only, excluding Foreign Agriculture Services, Management Services Division) (RF)

U. S. Dept. of H.E.W., for following offices only:
Office of the Secretary, Washington, D.C. (RF)
National Institutes of Health, Bethesda, Maryland (RF)
Center for Disease Control, Bethesda, Maryland (RF)
Office of Assistant Secretary for Health, Rockville, Maryland (RF)
Health Services Administration, Rockville, Maryland (RF)
Health Resources Administration, Rockville, Maryland (RF)
Food & Drug Administration, Rockville, Maryland (RF)
Alcohol, Drug Abuse & Mental Health Adminsitration, Rockville, Maryland (RF)

U. S. Coast Guard Academy
New London, Connecticut (ES)

SIC 7349
JANITORIAL/CUSTODIAL SERVICE
Boise Interagency Fire Center
Boise, Idaho (RF)

Homestead Air Force Base, Florida
Dental Clinic (Building 686) (JO)
Hospital (Building 990) (JO)

U. S. Courthouse & Federal Building
Rapid City, South Dakota (RF)

SIC 7374
KEYPUNCH AND VERIFICATION
GSA Region 2, Automated Data Management Services Division overflow requirements (JO)

SIC 7395
FILM DEVELOPING
Photographic Processing for the GSA self-Service Store #1
Denver Federal Center
Denver, Colorado (IB)

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SIC 7699
ASSEMBLY
#Belt, Trousers (IB)

#Food Packet, Isolated Site (8 Menus) (IB)

#Food Packet, Survival, Abandon Ship (IB)
TPK-1 (Regular packing)
TPK-2 (Weather-resistant packing)

#Food Packet, Survival, General Purpose, Individual (IB)

MICROFILM STRIPPING
Defense Logistics Service Center
Battle Creek, Michigan (GI)

SEWING SERVICE
Redstone Arsenal, Alabama (ES)
(Provide specified end items produced through use of customized heavy duty sewing service)

SIC 7641
FURNITURE REHABILITATION
Houston, Texas, plus 50-mile radius (GI)

Lackland and Randolph Air Force Bases
San Antonio, Texas (GI)

Long Beach, California, plus 100-mile radius, excluding San Diego County and San Clemente (GI)

Monterey, California, plus 10-mile radius, including Fort Ord (GI)

Sacramento, California, plus 60-mile radius, excluding San Joaquin County (RF)

Seattle, Washington, plus 30-mile radius (RF)

Spokane, Washington, plus 30-mile radius from city limits (GI)

Tacoma-Auburn, Washington, plus 30-mile radius, including McChord Air Force Base and Fort Lewis (RF)

Wright-Patterson Air Force Base
Dayton, Ohio (GI)

Lockbourne Air Force Base
Columbus, Ohio (GI)

SIC 7699
MATTRESS AND BOX SPRING REHABILITATION (IB)
IB will provide requirements for mattress and box spring renovation for GSA Regions 3, 4, 5, 6, and 7 only.

REPAIR & MAINTENANCE OF OFFICE MACHINES & CALCULATORS
26 Federal Plaza
New York, New York (JO)

U. S. Customs, 6 World Trade Center
New York, New York (JO)

TYPEWRITER REPAIR & MAINTENANCE
26 Federal Plaza
New York, New York (JO)

U. S. Customs, 6 World Trade Center
New York, New York (JO)

Veterans Administration Center & Hospital
Wood, Wisconsin (JO)

Veterans Administration Regional Office
Milwaukee, Wisconsin (JO)

SIC 8231
LENDING LIBRARY SERVICE
50 States, Washington, D.C., and the Commonwealth of Puerto Rico (CP)
(Domestic portion only)

#All Government requirements.

[FR Doc.74-26225 Filed 11-11-74;8:45 am]

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federal register

TUESDAY, NOVEMBER 12, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 219

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

1975 AND SUBSEQUENT MODEL YEAR VEHICLES

Protection of Emission Control Systems

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

[FRL 275-2]

FUELS AND FUEL ADDITIVES

Protection of Emission Control Systems; 1975 and Subsequent Model Year Vehicles

The Environmental Protection Agency promulgated regulations on January 10, 1973, that provide for the general availability of one grade of unleaded gasoline by July 1, 1974 (38 FR 1254). The regulations as amended [1] also prohibit the introduction of leaded gasoline into any motor vehicle which is labeled "unleaded gasoline only" or which is equipped with a gasoline tank filler inlet designed for the introduction of unleaded gasoline. The purpose of these regulations is to protect the emission control systems that will be installed on 1975 and subsequent model year vehicles. The regulations also establish labeling and equipment requirements for pumps for the sale of unleaded gasoline.

On July 3, 1974, EPA promulgated laboratory test procedures to measure the lead and phosphorus content of gasoline. These test methods will be utilized to test samples of gasoline represented as unleaded to determine whether the fuel has been contaminated. If these tests indicate that the gasoline contains excessive lead or phosphorus, EPA will initiate proceedings to determine which party in the chain of distribution caused the violation. Civil penalties will subsequently be assessed upon those ultimately held responsible.

The necessity for monitoring unleaded gasoline results from the degradation of certain emission control devices when exposed to gasoline contaminated with lead or phosphorus. In particular, catalytic converters which will be installed on 65 percent to 80 percent of 1975 model year vehicles are sensitive to very small quantities of these elements. The catalyst oxidizes the exhaust gas pollutants of carbon monoxide and hydrocarbons to carbon dioxide and water. Lead and phosphorus form compounds which coat the active materials in the converter and create a barrier which the exhaust gases must penetrate before oxidation can occur. As this barrier increases, the efficiency of the catalyst diminishes and eventually the pollutant emissions emanating from the vehicle exceed federal standards. For this reason, unleaded gasoline containing no more than 0.05 gram of lead per gallon and 0.005 gram of phosphorus per gallon will be required for 1975 and later model year vehicles equipped with catalytic converters.

Since the deleterious effect of excess lead and phosphorus on catalyst efficiency is cumulative, it is imperative that every effort be made to avoid the contamination of gasoline represented as unleaded and, when it does occur, to prevent its introduction into catalyst-equipped cars. Thus, when contaminated unleaded gasoline is discovered through the EPA enforcement activities, it is not sufficient to merely assess penalties against those parties liable for causing the violation. In addition, EPA must be able to immediately stop the sale of contaminated unleaded gasoline as soon as it becomes apparent that contamination exists.

Section 80.22(a) prohibits retailers from selling, dispensing, or offering for sale contaminated gasoline as unleaded and from causing or allowing the introduction of leaded gasoline into a vehicle labeled "unleaded gasoline only." The purpose of the regulations proposed below is to supplement § 80.22(a) by providing a procedure that will more readily permit the enforcement of the prohibitions against the introduction of contaminated gasoline into a vehicle requiring unleaded fuel.

In order to facilitate enforcement of § 80.22(a), EPA has been working in conjunction with the American Society of Testing and Materials (ASTM) to develop a standardized field test method for measuring the lead content in gasoline dispensed from unleaded pumps. As a result, ASTM has developed a test which may be utilized by EPA fuel inspectors in the field to determine with a 99 percent or greater level of confidence whether the amount of lead in a sample of gasoline exceeds the federal maximum. EPA now proposes to adopt the ASTM test method for a field determination of lead in gasoline represented to be unleaded (hereafter referred to as the "field test").

The field test will usually be performed at the retail outlet where gasoline is stored and dispensed. The test results will be the inspector's basis for notifying the retailer that the fuel samples are in apparent violation of the federal standard of 0.05 gram of lead per gallon. Then, under the proposed regulations, sale of any gasoline from a pump served by the storage tank containing the contaminated fuel will be prohibited. By prohibiting the sale of this gasoline from an unleaded pump to any vehicle, both those requiring unleaded fuel as well as those which can operate on leaded product, an EPA inspector can verify by a meter reading that this contaminated gasoline was not dispensed through the unleaded pumps after the retailer was notified. Pumps served by the storage tank containing the contaminated gasoline would also be posted with a notice of contamination under these proposed regulations. This notice would remain posted until such time as the contamination is cured or disposal is made of the gasoline.

Prohibition of sales on the basis of an on-site field test is required in order to preclude catalyst deactivation during the period of time between detection of the apparent violation and confirmation by the laboratory test. In addition to constituting a violation under the present § 80.22(a), the regulation proposed below will add an additional paragraph which will make it a separate violation to sell contaminated gasoline from a pump subject to a notice of contamination after the retailer has been notified of the contamination.

At this time, no field test to determine the amount of phosphorus in gasoline is proposed for adoption. However, EPA will take immediate action to notify retailers whose gasoline has been found to be contaminated on the basis of the phosphorus laboratory test as well as from a lead laboratory test whether or not the field test has been performed on the sample.

The statutory authority for the prohibition discussed above is contained in section 211(c)(1)(B) of the Clean Air Act which states, in part, that the Administrator may "by regulation, control or prohibit the manufacture, introduction into commerce, offering for sale, or sale of any fuel or fuel additive for use in a motor vehicle or motor vehicle engine • • • if emission products of such fuel or fuel additive will impair to a significant degree the performance of any emission control device or system which is in general use • • •."

The sale or introduction of gasoline represented to be unleaded and contaminated with lead or phosphorus into a motor vehicle equipped with a catalyst constitutes a circumstance in which significant impairment of the catalyst will occur. Control of unleaded gasoline for this purpose was explicitly approved by the Senate Public Works Committee when it reported the Clean Air Act Amendment to the Senate. As stated in Senate Report No. 91-1196 of September 17, 1970:

> Another reason for prohibiting or controlling the sale of a fuel involves its effect on an emission control device or system. The most obvious example that came to light in hearings is the effect of leaded gasoline on a catalytic muffler. Such mufflers have been proposed to control emissions of hydrocarbons and carbon monoxide from vehicle engines. The effect of lead on catalysts can reduce the effectiveness of such mufflers by up to 90 percent. Since the use of catalytic mufflers may be essential for compliance with standards established under section 202, the Committee has adopted language permitting the Secretary to control fuels in order to facilitate the use of emission control systems.

The field test proposed by these regulations will be contained in detail in Appendix C to Subpart A, 40 CFR Part 80, Regulation of Fuels and Fuel Additives. A Subpart C is proposed covering procedures in case of contamination, as follows:

(a) A sample of gasoline from a pump dispensing gasoline represented as unleaded will be collected by the EPA inspector.

(b) The sample will usually be tested for lead content in a mobile laboratory or its equivalent in accordance with the field test described in Appendix C. A measurement by that procedure of 0.07 gram per gallon or above for one sample, for example, indicates at least a 99 percent level of confidence that the gasoline contains lead additives in excess of 0.05 gram per gallon.

[1] 38 FR 28301, October 12, 1973; 39 FR 13174, April 11, 1974; 39 FR 16123, May 7, 1974; 39 FR 16137, May 7, 1974.

(c) If the field test indicates with an adequate level of confidence that the gasoline contains lead in excess of the federal standards, contamination will be indicated. In order to assure test accuracy, it is contemplated that tests indicating contamination will be interspersed at appropriate intervals with the same test conducted on a standard fuel sample which contains a predetermined quantity of lead. If the results of the test of the standard correspond with the known amount of lead in the sample, the inspector will be certain that the testing equipment is properly calibrated, the reagents are in good working order, and he is following proper testing procedures. A second fuel sample may be taken from the unleaded pump and tested as described in (b) to increase EPA's confidence in the test results.

(d) The retailer or his employee or agent will then be notified of the contamination. This written notification will be signed by the Regional Administrator or his delegate and will inform the retailer: (i) That further sale of gasoline as leaded or unleaded from all pumps serviced by the same storage tank which serviced the pump from which the contaminated fuel sample was taken is prohibited by regulation; (ii) that the contaminated gasoline must be disposed of or otherwise brought within allowable limits of lead concentration, and for retailers required by § 80.22(b) of the regulations to make unleaded gasoline available, unleaded gasoline must be made available for sale within 6 days after the notification of the contamination; and (iii) that the retailer or his employee or agent will be notified in writing as to the procedure which will be used to remove the notice of contamination.

(e) The EPA inspector or the retailer, as directed by the Regional Administrator or his delegate, will post a notice of contamination on each pump dispensing the contaminated gasoline, in a prominent position, indicating that the gasoline is contaminated with lead or phosphorus and that further sale of gasoline from the pump is prohibited until the contaminated gasoline is disposed of or made to comply with federal specifications, and the notice is removed.

(f) The Fuel Inspector will use the second sample of gasoline for confirmatory laboratory testing.

Disposition or cure of the gasoline will be allowed in any reasonable manner, but not by sale or otherwise dispensing it from a pump which is subject to a notice of contamination. The retailer, for instance, may transfer the contaminated gasoline (but not by dispensing from a pump subject to a notice of contamination) into storage tanks containing leaded gasoline and sell the gasoline through pumps labeled for sale of leaded gasoline, or he may introduce sufficient quantities of unleaded gasoline into the storage tank containing the contaminated gasoline so as to dilute it until the mixture is in compliance with regulations. Alternatively, the retailer may return the contaminated gasoline to his supplier and replace it with unleaded. The retailer will in most cases be automatically released from the prohibition of the regulation upon the mailing to the Regional Administrator or his delegate of a notarized statement indicating the method of disposition or cure of the contaminated gasoline. However, the Regional Administrator or his authorized representative may inform the recipient of the notification that he will require confirmation by specific procedures provided for in the regulations that gasoline is uncontaminated before the release of the prohibition is authorized. He may, further, provide procedures for the retailer to obtain extensions of the 6-day time period if circumstances beyond the control of the retailer make compliance impossible.

An additional alternative available to the retailer to obtain release from the prohibition is for him to have the atomic absorption laboratory test for lead (or the laboratory test for phosphorus, as applicable) performed on the gasoline subject to the notice by the procedures prescribed in § 80.3, Appendix B (or § 80.3, Appendix A, as applicable). If the results from the test indicate that the sample contains 0.05 or less gram of lead per gallon (or 0.005 or less gram of phosphorus, as applicable), and this is uncontradicted by laboratory test results obtained by the Agency, which have been made known to the retailer, the retailer will be released from the prohibition upon submission of a notarized statement of satisfactory test results to the appropriate personnel at the EPA regional office. Documentation of the test results and that the proper procedures were followed may be required by the regional office.

The procedures outlined by the proposed regulations are necessary both to reduce the possibility of catalyst control system deactivation and to reestablish the availability of unleaded gasoline as quickly as practicable. In order to ensure that the proposed requirements are fully complied with, the proposed regulations explicitly identify actions on the part of the retailer which will constitute violations and will render him liable to the civil penalty provision provided for the § 80.5. These violations are in addition to those already existing under § 80.22. Specifically these actions are: (i) The sale, offering for sale or dispensing of contaminated gasoline from a pump subject to a notice of contamination after the retailer has been notified of the contamination and prior to the disposition or cure of the contaminated gasoline and removal of the notice of contamination; (ii) the removal of a notice of contamination prior to the time that the conditions for removal of such notice have been complied with; and, (iii) the filing with the Regional Administrator or his delegate of false or misleading information concerning a material fact in regard to the release of the prohibition on sale of the contaminated gasoline. A delay in making unleaded gasoline available, if no extension of the time period has been granted, is also a violation, but it covered under § 80.22(b).

Interested persons may submit written comments on the proposed test and regulatory provisions in triplicate to the Director, Mobile Source Enforcement Division (EG-340), Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460. All relevant comments postmarked on or before December 12, 1974, will be considered. Comments received will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the Freedom of Information Center, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of sections 211 and 301 of the Clean Air Act, as amended (42 U.S.C., 1857f-6(c), 1857g (a)).

Dated: November 1, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 80 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

1. In § 80.2, Paragraph (o) is added as follows:

§ 80.2 Definitions.

• • • • • • •

(o) "Contaminated Gasoline" means leaded gasoline as defined by paragraph (f) of this section which is sold, offered for sale, or dispensed from a pump labeled for the sale of unleaded gasoline in accordance with § 80.22(e)(1) or which is otherwise represented to be unleaded gasoline.

2. Section 80.3 is revised as follows:

§ 80.3 Test methods.

(a) The lead and phosphorus content of gasoline shall be determined in accordance with test methods set forth in the Appendices to this part.

(1) The laboratory test for the determination of phosphorus content in gasoline is described in Appendix A to this part and is essentially identical to the ASTM "Method of Test for the Determination of Phosphorus in Gasoline," #D3221-73 and shall be hereafter referred to as "Lab Test for Phosphorus" (LTP).

(2) The laboratory test for the determination of lead content in gasoline is described in Appendix B and is essentially identical to the ASTM "Standard Method of Test for Lead in Gasoline by Atomic Absorption Spectrometry," #D3237-73 and shall be hereafter referred to as "Lab Test for Lead" (LTL).

(3) The field test for the determination of lead content in gasoline shall be the "Field Test for Lead" (FTL) set forth in Appendix C of this part.

§ 80.22 [Amended]

(3) Renumber § 80.22(a) as § 80.22 (a)(1).

(4) Establish new § 80.22(a)(2).

(2) Any of the following actions on the part of a retailer or his employee or

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agent shall constitute a violation of this subpart and subject the retailer to penalties as set forth in § 80.5.

(i) Sale, offering for sale, or dispensing gasoline from a pump after the retailer or his employee or agent has been notified pursuant to § 80.30(b) or § 80.30 (c) that gasoline in a storage tank which serves that pump is contaminated gasoline and prior to removal of a notice of contamination in accordance with § 80.32.

(ii) Removal or defacement of a notice of contamination from a pump prior to the time that each of the conditions of § 80.32 has been fully complied with.

(iii) Filing of false or misleading information with regard to a material fact in any submission to EPA regarding disposition or cure of contaminated gasoline, or the results of any test on gasoline.

(5) The first sentence of § 80.23 is revised to refer to paragraph (a)(1) of § 80.22.

(6) A new Subpart C is added as follows:

Subpart C—Notice of Contamination

Sec.
80.30 Testing: Notice of contamination.
80.31 Disposition or cure of contaminated gasoline.
80.32 Removal of notice of contamination.

AUTHORITY: Secs. 211, 301(a), Clean Air Act, as amended, (42 U.S.C. 1857f–6(c), 1857g(a)).

Subpart C—Notice of Contamination

§ 80.30 Testing: Notice of contamination.

(a) The Regional Administrator or his authorized representative may test gasoline samples from pumps dispensing gasoline represented as unleaded.

(b) If the result of a FTL, LTL, or LTP indicates that gasoline is contaminated, the retailer or his employee or agent will be so notified in writing.

(c) A notice will be affixed by an EPA inspector or the retailer as directed by the Regional Administrator or his authorized representative to each pump serviced by the underground tank servicing the pump from which the sample of contaminated gasoline was taken, in a prominent and conspicuous location, stating: "The gasoline in this pump has been found contaminated by excess lead or phosphorus additives. Federal law prohibits sale of gasoline from this pump until the contamination is eliminated, and this notice is removed in accordance with EPA regulations (40 CFR 80.32)." *Provided, however,* That the notice need not be affixed if the retailer notifies the Regional Administrator or his authorized representative that the gasoline represented by the sample found to be contaminated has been sold or disposed of and replaced by unleaded gasoline in conformity with the requirements of this part.

§ 80.31 Disposition or cure of contaminated gasoline.

(a) Disposition or cure of contaminated gasoline shall be made in any reasonable manner, but may not be accomplished by sale as unleaded gasoline or as leaded gasoline from any pump labeled for the sale of unleaded gasoline or from a pump subject to a notice of contamination.

(b) (1) Disposition or cure of contaminated gasoline shall be accomplished within 6 days following issuance of the notice of contamination. The retailer or his employee or agent shall notify the Regional Administrator or his authorized representative by mailing information detailing the method of disposition or cure of the gasoline or mailing results of an LTL or LTP, as applicable, showing that the gasoline is not, in fact, contaminated. This information shall be contained in a notarized statement.

(2) Any retailer required by § 80.22(b) to make unleaded gasoline available shall make unleaded gasoline available within 6 days following issuance of the notice of contamination.

(3) Extension of the 6 day time period may be granted by the Regional Administrator or his authorized representative upon receipt of an application for extension from the retailer demonstrating to the satisfaction of the Regional Administrator why he cannot comply with such time period. Such application may be made verbally.

§ 80.32 Removal of notice of contamination.

(a) The provision of § 80.22(a)(2)(i) and (ii) shall no longer apply upon satisfaction of the following conditions:

(1) Disposition or cure of the contaminated gasoline has been completed or results of an LTL or LTP, as applicable, obtained by the retailer or his employee or agent demonstrate that the gasoline in question is not contaminated. If EPA has tested this gasoline by an LTL or LTP, as applicable and has determined that the gasoline is contaminated and has so notified the retailer or his employee or agent, the notice of contamination may be removed only by disposition or cure of the contaminated gasoline;

(2) A notarized statement containing information regarding disposition, cure or satisfactory test results has been sent to the Regional Administrator or his authorized representative; and

(3) Fulfillment of the following additional requirements, if any, which the Regional Administrator or his authorized representative has made known to the notice recipient at the time of notification, to provide confirmation that the cured or replacement gasoline is uncontaminated:

(i) Submission of a sample of the cured or replacement unleaded gasoline,

(ii) Submission of the results of an LTL or LTP, as applicable, obtained by the retailer or his employee or agent of a sample of the cured or replacement unleaded gasoline,

(iii) Submission of a notarized statement signed by a distributor, his employee, or agent that unleaded gasoline was delivered to cure or replace the contaminated gasoline at the retail outlet. The statement shall contain such additional information with regard to the delivered gasoline as the Regional Administrator or his authorized representative may require. These requirements will be considered fulfilled when the sample, test result, and/or statement have been sent to the Regional Administrator or his authorized representative.

7. A new Appendix C is added as follows:

FIELD TEST FOR LEAD (FTL)

APPENDIX C—FIELD TEST FOR DETERMINATION OF LEAD CONTENT IN UNLEADED GASOLINE

1. *Scope.*

1.1 This method is intended for use in the field by nontechnical people for the quantitative measurement of lead in unleaded gasoline in the range from 0.01 to 0.10 g Pb/U.S. gal. The method applies to all commercial gasolines and responds to all types of lead alkyls as well as to other organic and inorganic forms of lead.

2. *Summary of Method.*

2.1 The gasoline is treated with iodine and tetraethyl ammonium chloride in chloroform and subjected to ultraviolet light. The lead alkyls form water-soluble lead alkyl iodides, which are removed from the gasoline by shaking it with an aqueous ammonium nitrate solution. The aqueous extract is filtered into a solution of 4-(2-pyridylazo)-resorcinol disodium salt (PAR) and ammonium hydroxide. The lead is determined by measuring its PAR complex colorimetrically at 490 nm using a previously prepared calibration curve.

3. *Apparatus.*

3.1 "Ultraviolet Lamp," long wavelength, 3660 Å, placed in a standard 4-watt fluorescent fixture.

3.2 Measuring Block, aluminum, drilled to hold an 18 by 150-mm test tube, with a mark at a level equal to 5.0 ml of liquid in the test tube.

3.3 "Colorimeter, portable," capable of operating at 490 mm. Any equivalent instrument capable of measurement near 514 mm (the optimum Pb-PAR complex wavelength) may be used.

3.4 "Test tubes" borosilicate, 18 by 150 mm.

3.5 "Pipets," glass, dropping, capable of delivering 2.0 ml with a 2-ml bulb.

NOTE 1: Caution. Gasoline or any of the reagents must not come in contact with rubber. If this happens, discard the bulb and pipet and start again.

3.6 "Funnel," plastic, 2.5 inch inside diameter.

3.7 "Filter paper," ashless, 11.00 cm in diameter.

3.8 "Graduated cylinder," plastic, 10-ml.

3.9 Glass Vials, with caps, disposable, 1-oz. capacity.

4. *Reagents.*

4.1 *Purity of reagents.* Reagent grade chemical shall be used in all tests. Unless otherwise indicated, it is intended that all reagents conform to the specifications of the Committee on Analytical Reagents of the American Chemical Society, where such specifications are available. Other grades may be used, provided it is first ascertained that the reagent is of sufficiently high purity to permit its use without lessening the accuracy of the determination.

4.2 Ammonium Hydroxide (sp. gr. 0.90)—Concentrated ammonium hydroxide (NH_4OH).

4.3 Ammonium Nitrate Solution (Reagent B)—Dissolve 15.0±0.1 g of ammonium nitrate (NH_4NO_3) in 750 ml of water in a 1-litre volumetric flask. Dilute to the mark with water.

4.4 *Chloroform* ($CHCl_3$).

4.5 *Disodium Salt of 4-(2-pyridylazo) Resorcinol Dihydrate* (*PAR, $2H_2O$*) (*Reagent C*). Dissolve 25.0±0.1 mg of PAR in 750 ml of water in a 1 liter volumetric flask. Add 10.0±0.1 ml concentrated NH_4OH. Dilute to the mark with water. Store this in brown bottles out of direct sunlight or in the dark.

NOTE 2: Caution—Low results are obtained if the mono-sodium or unsalted PAR is used in this test.

4.6 *Gasoline, Lead-Free.* Gasoline containing less than 0.001 g PB/gal.

4.7 *Iodine.*

4.8 *Iodine/TEAC/$CHCl_3$ Solution* (*Reagent A*). Dissolve 1.000 g±1 mg of iodine in 75 ml of chloroform ($CHCl_3$) in a 100-ml volumetric flask. Add 1.000 g±1 mg of tetraethylammonium chloride (TEAC) and mix until dissolved. Dilute to the mark with $CHCl_3$.

NOTE 3: Solutions 4.3, 4.5, and 4.8 have been found to be stable for at least 2 months.

4.9 *Lead Standards.* This method was developed using lead standards prepared by addition of known amounts of various lead alkyls to be blended unleaded gasoline to cover the range of this method.

4.11 *Tetraethylammonium Chloride Monohydrate* (*TEAC*).

5. *Calibration.*

5.1 Prepare a calibration curve to be used with the portable colorimeter. Such a curve should be prepared as frequently as necessary to assure that accurate test results are being obtained. Use at least four gasoline standards of known lead content that cover the range from 0.01 to 0.10 g Pb/gal. to prepare the curve.

5.1.1 Rinse the 2-ml graduated pipet three times with the gasoline sample. Add 2.0 ml of the sample to a 1-oz glass vial. Add 2.0 ml of Iodine/TEAC/$CHCl_3$ solution (Reagent A) from another pipet, to the vial containing the gasoline. Tightly cap the vial.

5.1.2 Place the vial on the ultraviolet light and set the timer to give the sample a 3-minute exposure. *Caution.* Ultraviolet light can be harmful to the eyes. Do not remove any protective shields. DO NOT stare at the light.

5.1.3 After exposure, remove and uncap the vial. Measure 10.0 ml of ammonium nitrate solution (Reagent B) into the 10-ml graduated cylinder. Add this to the vial containing the sample. Recap and shake the vial vigorously for 1 minute.

5.1.4 Place a clean 18-mm test tube in the aluminum measuring block. Add 5.0 ml of PAR solution (Reagent C) to the test tube using the mark on the block such that the upper level of liquid in the tube is equal to the mark on the block. Place the plastic funnel in the test tube. Fold a piece of filter paper and place in the funnel.

5.1.5 When the two layers of liquid in the vial have separated (5.1.3), pour the entire contents of the vial inside the filter paper. The aqueous layer will remain in the filter paper. Tap the funnel to add any remaining drops of aqueous solution to the test tube. Remove the funnel and discard its contents. Swirl the test tube gently using a wrist action to obtain a uniform color.

NOTE 4: The lead-PAR complex formed in 5.1.5 must be measured within 10 minutes after starting 5.1.5.

NOTE 5: A few drops of the organic layer may come through the filter paper. This will not alter the results and can therefore be tolerated. However, if more than 10 drops do come through, refilter the aqueous layer through a fresh filter paper into a clean empty test tube.

NOTE 6: Swirling may cause air bubbles to be trapped in the liquid. Wait for these to settle before continuing. Wipe the test tube off with a clean towel to remove any fingerprints that may be present on the surface of the tube.

5.2 Zero and standardize the colorimeter as follows:

5.2.1 Set the colorimeter at 490 nm. Set zero absorbance (100 percent transmittance) with water in an 18-mm test tube. Read and record the absorbance (or percent transmittance) obtained for the standards prepared under 5.1.5.

5.2.2 Plot the absorbance values versus concentration on rectangular coordinate paper. (If percent transmittance values are used, plot them versus concentration using semilog paper, with the percent transmittance value on the log scale.) Draw a best fit line by eye. When plotting absorbance versus concentration, note that the curve does not pass through the origin.

6. *Procedure.*

6.1 Prepare the sample in accordance with the directions given in 5.1.1 through 5.1.5.

6.2 Place the test tube containing the water in the colorimeter and set the absorbance to zero, or the transmittance to 100%.

6.3 Place the sample in the colorimeter and read the absorbance or percent transmittance.

NOTE 7: *Time limit.* The PAR-lead solution obtained for the sample in 6.1 must be read within 10 minutes after the step described in 5.1.5.

6.4 From the calibration curve, find the lead content of the sample. Determine the lead content to the nearest 0.001 g/gal value.

6.4.1 Round the value obtained in 6.4 to the nearest 0.01 g/gal value. This will be the value reported.

7. *Precision.*

7.1 The following criteria should be used for judging the acceptability of results (95 percent confidence):

7.1.1 *Repeatability.* Duplicate results by the same operator should be considered suspect if they differ by more than 0.01 g/gal.

7.1.2 *Reproducibility.* The results submitted by each of two laboratories should not be considered suspect unless the results differ by more than 0.02 g/gal.

APPENDIX D—[REDESIGNATED]

2. Appendix C—List of counties with population densities less than 50 persons per square mile (excluding cities with populations equal to or greater than 50,000 persons) is changed to Appendix D.

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federal register

TUESDAY, NOVEMBER 12, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 219

PART III

ENVIRONMENTAL PROTECTION AGENCY

UNLEADED GASOLINE

Availibility: Information and Reports

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

FUELS AND FUEL ADDITIVES

[FRL 275–3]

Availability of Unleaded Gasoline: Information and Reports

Regulations were promulgated on January 10, 1973 by the Environmental Protection Agency to require certain gasoline retail outlets to offer unleaded gasoline for sale in order to protect catalytic emission control systems that will be installed on a substantial number of 1975 and subsequent model year light duty motor vehicles. Those regulations obligate every owner or operator of a retail outlet at which 200,000 or more gallons of gasoline were sold during any calendar year beginning with 1971 to offer for sale one grade of unleaded gasoline after July 1, 1974. The regulations require that unleaded gasoline contain no more than 0.05 gram of lead per gallon and a maximum of 0.005 gram of phosphorus per gallon. They also impose certain labeling, sign, and equipment requirements which must be complied with by all retailers (38 FR 1254). On May 7, 1974, EPA proposed to amend the regulations to increase the availability of unleaded gasoline in rural counties (39 FR 16137). If the proposed rule is adopted, certain retail outlets located in rural counties (counties with a population density of fewer than 50 persons per square mile, excluding cities with a population of 50,000 or more persons) will be required to offer one grade of unleaded gasoline for sale if 150,000 or more gallons of gasoline were sold at that outlet during any year of the base period.

Notice is hereby given that the Agency proposes to amend the regulations by adding a provision that requires refiners, distributors, and retailers to provide certain enforcement-related information to the Administrator, the Regional Administrator, or their delegates upon request. A new § 80.7 would be added. Section 80.7(a) would require any refiner, distributor, or retailer to provide information regarding the receipt, transfer, delivery, or sale of gasoline within the previous six months to the Administrator, the Regional Administrator, or their delegates upon request. Under § 80.7(a)(1) any refiner or distributor would be required to provide (1) the business or corporate names and addresses of distributors and retail outlets to which gasoline represented to be unleaded has been transferred, sold, or delivered; (2) the quantity of gasoline involved, (3) the date of delivery, (4) the particular delivery vehicle utilized, and (5) the storage location from which the shipment originated. Section 80.7(a)(2) would require retailers to provide for each bulk shipment of gasoline represented to be unleaded (1) the business name and address of the distributor, (2) the quantity of gasoline received, and (3) the date of receipt. Section 80.7(a)(3) would require any retailer to provide information regarding the annual total gallonage of gasoline sold at each of his retail outlets during 1971 or any year thereafter.

Section 80.7(b) of the proposed regulations would require any refiner, distributor, or retailer to provide other information which the Administrator, the Regional Administrator, or their delegates may require to determine compliance with section 211(c) of the Act and the regulations thereunder. Such information shall be provided to the Administrator, the Regional Administrator, or their delegates upon request, and the section confers the right to reproduce any relevant records which have been provided. The proposed requirements are often the sole source of such information to the Administrator.

The need to control the content of lead and phosphorus in gasoline arises from the deleterious effect these elements have on the catalytic converter which will be installed on 1975 and subsequent model year cars. The catalyst oxidizes the exhaust pollutants of carbon monoxide and hydrocarbons into carbon dioxide and water. A catalyst-equipped vehicle which has been operated on more than one tankful of leaded gasoline will manifest an increase in exhaust emissions as the efficiency of the catalyst is diminished by the lead and phosphorus contaminants.

The EPA regional offices will monitor compliance with the unleaded gasoline regulations by means of a field inspection program. EPA fuels inspectors will visit gasoline retail outlets and perform an on-site inspection to determine whether unleaded gasoline is available and whether the labeling, sign, and equipment specifications of the regulations are being followed. At those retail outlets which offer unleaded gasoline for sale, the inspector will sample the product being dispensed from an unleaded gasoline pump and perform an on-site test of the sample to determine its lead content.

If unleaded gasoline is not being offered for sale by a retail outlet, EPA regional personnel may initiate follow-up action to determine whether the outlet is required to carry the product and whether a violation of the general availability provisions of the regulations has occurred. If unleaded gasoline is offered for sale but is found to be contaminated, follow-up investigatory action by the fuels inspector may be undertaken in an effort to determine the source of contamination.

In order to implement a successful field inspection program to monitor compliance with the regulations and to perform follow-up investigation, it will be necessary to be able to obtain, on occasion, information which identifies those retail outlets which are required to offer unleaded gasoline for sale under the regulations. Information of this kind (i.e., annual gasoline sales volume) is kept by many retail outlets owners and operators, and by distributors who retain such information for the retail outlets they supply.

Upon the discovery of contaminated gasoline by the inspector, successful implementation of a subsequent investigation may require that he be able to obtain information which identifies other retail outlets supplied by the same distributor who supplied the retail outlet at which the contaminated gasoline was found. Information of this nature will serve two purposes. First, it may enable a fuels inspector to detect a batch of contaminated gasoline and to prevent its further distribution and sale as unleaded gasoline. Secondly, the results of follow-up visits may eliminate or confirm certain parties in the distribution system as causes of the contamination. This information can be used to narrow the scope of inquiry at subsequent proceedings to determine liability and assess penalties, thus aiding a prompt resolution of some of the factual issues.

It is the Administrator's understanding that the information proposed to be reported is currently collected by many of the affected parties in conjunction with ordinary business and tax recordkeeping activities. Therefore, the proposed regulations are not expected to impose any new or additional recordkeeping duties and little, if any, additional burden would be imposed on the refiners, distributors, and retailers affected. The Administrator has considered imposing comprehensive periodic reporting requirements on refiners, distributors, and retailers as an alternate means of obtaining the desired information. The proposed requirement that information be made available upon request should obviate the need for such periodic reporting requirements.

Any interested person may file comments on this proposal on or before December 12, 1974. Comments should be sent in triplicate to the Director, Mobile Source Enforcement Division (EG–340), 401 M Street, SW, Washington, D.C. 20460. All relevant comments postmarked within the stipulated time will be considered. Comments received pursuant to this proposal will be available for public inspection during normal working hours (8:00 a.m. to 4:30 p.m.) at the Freedom of Information Center, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

This notice of proposed rulemaking is issued under the authority of sections 211 and 301(a) of the Clean Air Act as amended, (42 U.S.C. 1857f–6(c), 1857g (a)).

Dated: November 1, 1974.

JOHN QUARLES,
Acting Administrator.

§ 80.7 Information and reports.

(a) Any refiner, distributor or retailer shall report to the Administrator, the Regional Administrator, on their delegates upon request the following information regarding receipt, transfer, delivery, or sale of gasoline and shall allow the reproduction of such information at all reasonable times.

(1) For any bulk shipment of gasoline represented to be unleaded gasoline which is transferred, sold, or delivered within the previous six months by a refiner or a distributor to a distributor or a retail outlet, the refiner or distributor shall provide the following information as applicable:

(i) Business or corporate name and address of distributors to retail outlets to which the gasoline has been transferred, sold, or delivered.

(ii) Quantity of gasoline involved.

(iii) Date of delivery.

(iv) Identification of delivery vessel (e.g., truck number). If delivery vessel was a contract or common carrier, include the name and address of the carrier.

(v) Storage location of gasoline prior to transit via delivery vessel (e.g., location of a bulk terminal).

(2) For any bulk shipment of gasoline represented to be unleaded gasoline received by a retail outlet within the previous six months, whether by purchase or otherwise, the retailer shall provide the following information:

(i) Business or corporate name and address of the distributor.

(ii) Quantity of gasoline received.

(iii) Date of receipt.

(3) Any retailer shall, upon request, provide documentation of his annual total sales volume in gallons of gasoline for each retail outlet for each calendar year beginning with 1971.

(b) Any refiner, distributor, or retailer shall provide such other information as the Administrator, the Regional Administrator, or their delegates may reasonably require to enable him to determine whether such refiner, distributor, and retailer has acted or is acting in compliance with section 211(c) of the Act and the regulations thereunder and shall, upon the request of the Administrator, the Regional Administrator, or their delegates, produce and allow reproduction of any relevant records at all reasonable times.

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WASHINGTON, D.C.
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PART IV

ENVIRONMENTAL PROTECTION AGENCY

■

REGULATION OF FUELS AND FUEL ADDITIVES

Administrative Procedures For Challenging Liability and Penalty Assessment

V 39 219 NOV 12 74 XUM

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 80]

[FRL 275–4]

REGULATION OF FUELS AND FUEL ADDITIVES

Administrative Procedures for Challenging Liability and Penalty Assessment

Regulations were promulgated by the Environmental Protection Agency on January 10, 1973 to ensure the general availability of suitable unleaded gasoline for use in 1975 model year motor vehicles. These regulations, as amended,[1] required compliance by July 1, 1974. These regulations were recently sustained in most major respects by the United States Court of Appeals for the District of Columbia Circuit. "Amoco Oil Company v. EPA" 6 ERC 1481 (1974). Section 80.5, pursuant to authority granted in section 211 of the Clean Air Act, as amended (42 U.S.C. 1857f–6(c)), provides that violators of these regulations may be required to pay a civil penalty of $10,000 for each day of noncompliance. Furthermore, it provides that the Administrator may remit or mitigate such penalties upon application by the violators. However, those regulations are silent as to the nature of the administrative proceedings which should be utilized in the assessment and mitigation or remission of the penalties. Therefore, regulations have been developed to explain the administrative proceedings and are now being proposed for promulgation.

The regulations which follow would establish a formal administrative hearing procedure to determine both liability for penalties and their amount. The fact-finding would be done by an Administrative Law Judge assigned to EPA or by an impartial Presiding Officer not connected with enforcement activities and his decision would be subject to review by the appropriate Regional Administrator. Judicial review of the final administrative decision would be available to determine whether it was "unsupported by substantial evidence" within the meaning of 5 U.S.C. 706(2)(E). This formal hearing procedure will only be used where less formal settlement negotiations between EPA and the alleged violator had failed to produce a mutually satisfactory agreement.

It is EPA's position that under the principle of exhaustion of administrative remedies, fact-finding would always take place at the administrative level under these procedures and the record made in this fashion would be the only subject for judicial review.

These procedures, in our opinion, are authorized by the language of section 211(d). That section provides that the Administrator "shall have authority to determine the facts" whenever an application for remission or mitigation of penalties is made. This language will not have any real meaning unless it is interpreted to say that the Administrator's factual determinations are entitled to deference on judicial review. The language quoted would not add anything to the content of the statute if the Administrator's factual determinations could automatically be put aside in court and a trial de novo held.

If the Administrator's findings are to be legally entitled to this deference, however, the full range of procedural protections available to those who are the subject of administrative enforcement actions should be afforded. For this reason, the fact-finding procedure proposed is a formal hearing under the formal hearing provisions of 5 U.S.C. 556 and 557. Though in certain cases the Presiding Officer may not be an Administrative Law Judge, he will in all cases be organizationally separate from agency enforcement and air pollution control activities.

We believe that there are significant policy advantages to a reading of the language of section 211 that fixes the fact-finding function at the administrative level. These are well summarized in Recommendation 72–6 of the Administrative Conference of the United States, adopted December 17, 1972, and in the accompanying study by Professor Harvey Goldschmid of Columbia Law School, Goldschmid: "An Evaluation of the Present and Potential Use of Civil Money Penalties as a Sanction by Federal Administrative Agencies." (Report to the Committee on Compliance and Enforcement Proceedings of the Administrative Conference of the United States, November 17, 1972). A copy of this report is in the public comment file.

In that recommendation, the Administrative Conference listed seven factors which, when present, make the assessment of civil penalties through administrative hearings desirable. Six of those seven factors are present in the unleaded gasoline program. One factor—the likelihood that an impartial forum will be established—will be satisfied by the formal hearing procedure called for by these regulations. Five other factors, turning basically on the facts of the particular regulatory scheme, further support the use of administrative hearings under section 211(d). These are:

1. *An anticipated large number of cases.* Approximately one-half of the 350,000 retail gasoline outlets in this country will be required to offer unleaded gasoline under the regulations in question. In addition, many of the remaining outlets are expected to voluntarily carry the product. Each of these outlets is, at least potentially, the subject of EPA regional enforcement activity. The substantial number of cases that are expected to result would place a significant burden on the district courts in each region.

2. *Speedy adjudication is important to the enforcement scheme.* The purpose of the substantive regulations to be enforced by these proposed procedures is to greatly increase the availability and the freedom from contamination of unleaded gasoline provided by the petroleum distribution system. Unleaded gasoline must be generally available to serve vehicles produced during the 1975 model year since most cars and light-duty trucks will be equipped with lead-sensitive catalytic converters to reduce exhaust emissions. These catalysts are deactivated by lead and phosphorus in gasoline. Since the timetable for the introduction of catalyst-equipped vehicles is fixed, and the number of these vehicles is expected to grow steadily from the time of introduction, it is imperative that the supply of uncontaminated unleaded gasoline be increased commensurately. To ensure this, a quick and flexible enforcement scheme is required.

3. *There is a need for specialized knowledge and Agency expertise.* EPA plans to enforce the regulations at issue here through mobile laboratories that will examine samples of gasoline from an individual station by a field test. If contamination is suspected, the sample will be returned to a laboratory for analysis by atomic absorption spectrometry for lead content and by a complex wet chemical test for phosphorus determination. These sophisticated test procedures will take some time to explain in formal proceedings. It would be far more economical to assign the fact-finding function to a few qualified Hearing Officers who would become sufficiently familiar with the technical issues that will be common to almost all cases than to assign it to perhaps scores of Federal District Judges each of whom would have to have the technical issues explained to him for the first time.

4. *Issues of law will be rare.* The basic issues of law have been settled already by the Amoco case, supra. The questions arising during enforcement proceedings can be expected to be almost exclusively issues of fact, involving whether the gasoline being sold is contaminated by lead or phosphorus and, if it is, which party should be held responsible for its shortcomings.

5. *Greater consistency of outcome is important.* Gasoline retailers are composed of many individual entrepreneurs with economic and business problems and practices that are often similar. Given the similarity of conditions that can thus be expected to arise from case to case, it is particularly important that there be coherence to the pattern of penalties assessed in individual circumstances.

To aid in ensuring that this last objective is attained, the EPA will utilize the "Guidelines for Assessment of Civil Penalties under section 211(d) of the Clean Air Act" and the "Civil Penalty Assessment Table" in the assessment of penalties. Both are published as appendices to the proposed regulations. A prospectus of the manner in which these two documents will combine to form an assessment and mitigation procedure will also be published as an appendix.

It should be noted that under the rules laid down by these documents, the maximum penalty collected will be considerably less than the statutory maximum of $10,000 per day in the overwhelming majority of cases.

Interested persons may submit written comments on these proposed regulations, in triplicate, to the Director, Mobile Source Enforcement Division (EG–340), Office of Enforcement and General Counsel, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

All relevant comments postmarked on or before December 12, 1974 will be considered. The 30-day comment period is necessary due to the introduction of catalyst-equipped vehicles in September 1974. Comments received will be available for public inspection during normal working hours (8 a.m. to 4:30 p.m.) at the Office of Public Affairs, Room 329C, Environmental Protection Agency, Waterside Mall, 401 M Street, SW., Washington, D.C. 20460.

Dated: November 1, 1974.

JOHN QUARLES,
Acting Administrator.

A new Subpart D is added as follows:

Subpart D—Rules for Assessment of Civil Penalties

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80.302 Use of number and gender.
80.303 Definitions.
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80.305 Filing and service of pleadings and documents.
80.306 Filing and service of rulings, orders, and decisions.
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MOTION TO RECONSIDER

80.331 Motion to reopen hearings, to rehear or reargue proceedings, or to reconsider a final order.
80.332 Procedure for disposition of motions.

AUTHORITY: Section 211 of the Clean Air Act, as amended (42 U.S.C. 1857 f–6c).

Subpart D—Rules for Assessment of Civil Penalties

GENERAL

§ 80.301 Scope of these rules.

(a) These rules of practice shall govern all proceedings conducted in the assessment against any person of any civil penalty pursuant to the provisions of section 211(d) of the Clean Air Act (as amended) (84 Stat. 1698; 42 U.S.C. 1857f–6c(d)).

(b) In the absence of specific provisions in these rules, and where appropriate, questions arising at any stage of the proceeding shall be resolved at the discretion of the Presiding Officer or of the Regional Administrator as appropriate pursuant to the provisions of section 80.315(c) hereof.

§ 80.302 Use of number and gender.

As used in these rules of practice, words in the singular shall be deemed to import the plural and words in the masculine gender shall be deemed to import the feminine and vice versa, as the case may require.

§ 80.303 Definitions.

As used herein:

(a) The term "Act" means the Clean Air Act, as amended (42 U.S.C. 1857 et seq.) and any other legislation supplementary thereto and amendatory thereof.

(b) The term "Presiding Officer" means an Administrative Law Judge appointed pursuant to 5 U.S.C. 3105 (see also 5 CFR Part 930, as amended by 37 FR 16787). Such term is synonymous with the term "Hearing Examiner" as used in the Act or in Title 5 of the United States Code. In cases where an Administrative Law Judge is not available to serve as Presiding Officer, the Regional Administrator may designate one of the Regional Judicial Officers to serve as Presiding Officer instead. In such cases, the hearing shall in all respects other than the nature of the Presiding Officer be conducted in conformity with the requirements of 5 U.S.C. sections 556 and 557. Where circumstances warrant, the Regional Administrator may also designate persons having the qualifications of Regional Judicial Officers to serve exclusively as Presiding Officers at the hearing level and without responsibility for appellate review.

(c) The term "Administrator" means the Administrator of the United States Environmental Protection Agency.

(d) The term "Agency" means the United States Environmental Protection Agency.

(e) The term "Complainant" means the Agency acting through any person authorized by the Regional Administrator to issue a complaint to persons alleged to be in violation of the Act. The complainant shall not be the Regional Judicial Officer or the Regional Administrator.

(f) The term "Complaint" or "Complaint and Notice of Opportunity for Hearing" means a written communication issued by the complainant to a person alleging one or more violations of specific provisions of the Act or regulations promulgated thereunder. The required contents of the complaints are set forth in § 80.314(a).

(g) The term "Consent Agreement" means any written document containing stipulations of fact, conclusions regarding material issues of law, fact, or discretion, and a specified proposed penalty acceptable to both complainant and respondent which results from any settlement conference conducted pursuant to § 80.318.

(h) The term "Default Order" means an order issued pursuant to § 80.317 disposing of a matter of controversy between respondent and the Agency upon (1) the failure of respondent to file a timely answer to the complaint, or (2) motion of the complainant to the Regional Administrator or the Presiding Officer as appropriate pursuant to § 80.315(c) because of respondents' failure to comply with an order of the Regional Administrator or Presiding Officer.

(i) The term "Final Order" means an order issued by the Regional Administrator disposing of a matter of controversy between any respondent and the Agency. No matter of controversy which reaches conclusion upon the (1) default of the respondent; (2) ratification of a consent agreement; (3) completion of a hearing; or (4) rendering of an accelerated decision pursuant to the provisions of § 80.320 may be disposed of except by a final order of the Regional Administrator.

(j) The term "Hearing" means a hearing open to the public and conducted pursuant to the provision of Chapter 5 Subchapter II of Title 5 of the United States Code and these rules of practice.

(k) The term "Hearing Clerk" means the Hearing Clerk, United States Environmental Protection Agency, Washington, D.C. 20460.

(l) The term "Initial Decision" means the decision issued by the Presiding Officer based upon the record of the hearing out of which it arises or upon the rendering of an accelerated decision pursuant to the provisions of § 80.320.

(m) The term "Party" means any person, group, organization, agency, or department that participates in a hearing as complainant, respondent, or intervenor.

(n) The term "Person" includes any individual, partnership, association, corporation, and any organized group of persons whether incorporated or not.

(o) The term "Regional Administrator" means the Administrator of any Regional Office of the Agency or any officer or employee thereof to whom authority is duly delegated, to act in his stead. Where the Regional Administrator has

[1] 38 FR 1254, January 10, 1973 (promulgated), 38 FR 28301, October 12, 1973 (proposed rulemaking), 39 FR 16123, May 7, 1974 (promulgated), 39 FR 16137, May 7, 1974 (proposed rulemaking).

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authorized the Regional Judicial Officer to act, the term "Regional Administrator" shall include the "Regional Judicial Officer."

(p) The term "Regional Hearing Clerk" means an individual duly authorized by the Regional Administrator to serve as hearing clerk for a given Region. Correspondence may be addressed to the Regional Hearing Clerk, United States Environmental Protection Agency (address of Regional Office).

(q) The term "Regional Judicial Officer" means an officer or employee of the Agency duly authorized by the Regional Administrator to serve as the Judicial Officer for the region as provided in these rules of practice.

(r) The term "Respondent" means any person proceeded against in the complaint.

(s) The term "Regulations" means any regulations set forth under this Part 80.

(t) Terms defined in the Act and not explicitly defined herein are used herein with the meanings given in the Act.

§ 80.304 Powers and duties of the Regional Administrator, Regional Judicial Officer and the Presiding Officer; disqualification.

(a) *Regional Administrator.* The Regional Administrator shall exercise all powers and duties as prescribed or delegated under the Act and these rules of practice.

(b) *Regional Judicial Officer.* (1) *Office.* One or more Regional Judicial Officers may be designated by the Regional Administrator to perform functions hereinafter provided within the Region of their designation.

(2) *Qualifications.* A Regional Judicial Officer shall be an attorney who is a permanent or temporary employee of the Agency and who may perform other duties within the Agency. Such Regional Judicial Officer shall not be employed by the Region's Air and Water Programs Division, Surveillance and Analysis Division or Enforcement Division, and shall have had no connection with the preparation or presentation of evidence for any hearing in which he participates as Regional Judicial Officer. He may be a member of the staff of the Regional Counsel.

(3) *Functions.* The Regional Administrator may delegate to the Regional Judicial Officer all or part of his authority to act in a given proceeding. The Regional Administrator may separately delegate to the Regional Judicial Officer his authority to make findings of fact and draw conclusions regarding material issues of law, fact or discretion in a particular proceedings. This delegation shall not, however, preclude the Regional Judicial Officer from referring any motion or case to the Regional Administrator when such referral is appropriate.

(c) *Presiding Officer.* It shall be the duty of the Presiding Officer to conduct a fair and impartial hearing, assure that the facts are fully elicited, adjudicate all issues, and avoid delay. The Presiding Officer shall have authority to:

(1) Conduct administrative hearings held pursuant to section 211(d) of the Act and these rules of practice;

(2) Rule upon motions, requests, and offers of proof and issue all necessary orders;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine witnesses, receive documentary or other evidence, and for good cause, upon motion or sua sponte, order the production of persons, documents, or other nonprivileged evidence, failing which adverse inferences may be drawn;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law; and

(7) Do all other acts and take all measures necessary for the maintenance of order and for the efficient, fair and impartial adjudication of issues of fact and law arising in proceedings in section 211(d) of the Act.

(d) *Disqualification; withdrawal.* The Regional Administrator, Regional Judicial Officer or Presiding Officer may not perform functions provided for in these rules of practice regarding any matter in which he (1) has a financial interest; (2) has any relationship with a party or with the subject matter which would make it inappropriate for him to act; or (3) is unable for any reason to act. Any party may at any time by motion made to the Regional Administrator request that the Regional Judicial Officer, or Presiding Officer, be disqualified from the proceeding. The Regional Administrator shall then rule upon such motion. Any party may at any time by motion to the Administrator request that the Regional Administrator be disqualified from the proceeding. The Administrator shall then rule upon such motion. The Regional Administrator, Regional Judicial Officer or Presiding Officer may at any time withdraw from any proceeding in which he deems himself disqualified or unable to act for any reason.

(e) *Effect of disqualification or withdrawal.* In the event of the disqualification or withdrawal of the Regional Administrator or Regional Judicial Officer, the Administrator or Regional Administrator, respectively, shall select a qualified individual with no such conflicting interest in the matter or with no such inability to act who shall serve as may be necessary in the proceeding. In the event of disqualification or withdrawal of the Presiding Officer, a new Presiding Officer with no such conflicting interest in the matter or with no such inability to act shall likewise be assigned. This assignment shall be made by the Chief Administrative Law Judge if the original Presiding Officer was an Administrative Law Judge. If the original Presiding Officer was not an Administrative Law Judge, or if the Chief Administrative Law Judge certifies to the Regional Administrator that no Administrative Law Judge is available as a replacement, the Regional Administrator shall designate the new Presiding Officer. In all cases of disqualification or withdrawal, upon designation of a replacement, the proceeding shall continue without abatement unless otherwise ordered to facilitate the proceeding and to protect the interests of the parties.

§ 80.305 Filing and service of pleadings and documents.

(a) *Filing of pleadings and documents prior to the filing of an answer to the complaint.* Documents filed after the complaint is issued and prior to the filing of an answer to the complaint shall be served directly upon all other parties to the proceeding. The file of the complainant shall be the official file of the proceeding prior to the filing of an answer to the complaint. No file of a proceeding shall be maintained by the Regional Hearing Clerk prior to the filing of an answer to the complaint. Each document shall contain the docket number assigned pursuant to § 80.313. A certificate of service shall accompany each document served or filed.

(b) *Filing of pleadings and documents after the filing of an answer to the complaint.* (1) After the filing of an answer to the complaint, complainant shall prepare and shall file with the Regional Hearing Clerk the original and one copy of each document in the official file of the proceedings. The original shall be included in the file maintained by the Regional Hearing Clerk and the duplicate shall be forwarded by the Regional Hearing Clerk to the Presiding Officer assigned to preside over the proceeding pursuant to § 80.321. The Presiding Officer shall promptly notify the parties that he has been assigned to preside over the proceeding.

(2) Thereafter, the original of any document served in the proceeding shall be forwarded directly to the Regional Hearing Clerk by the party serving the document and a duplicate copy shall be forwarded to the Presiding Officer. Except as otherwise provided, a party filing documents with the Regional Hearing Clerk shall serve copies thereof upon all other parties at the same time. Each document filed shall contain the docket number assigned pursuant to § 80.313. A certificate of service shall accompany each document filed.

(3) When the Presiding Officer corresponds directly with the parties, the original of such correspondence shall be sent to the Regional Hearing Clerk and a duplicate copy shall be maintained by the Presiding Officer in the duplicate file. Parties who correspond directly with the Presiding Officer shall in addition to serving all other parties send a duplicate copy of all such correspondence to the Regional Hearing Clerk. A certificate of service shall accompany each document served under this subsection.

(c) *Service of Complaint.* (1) Service of the complaint may be made personally on the respondent (or his representative), or by certified mail, return receipt requested.

(2) Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common

name shall be made by personal service or certified mail, as prescribed by paragraph (c)(1) of this section, directed to an officer, a managing or general agent, or to any other agent authorized by appointment or by Federal or State Law to receive service or process.

(3) Proof of service of the complaint shall be made by affidavit of the person making personal service, or by properly executed return receipt. Such proof of service shall be filed with complainant immediately upon completion of service.

(d) *Service of documents other than complaint.* All documents other than the complaint may be served personally or by regular mail. Copies shall be served upon all parties of a proceeding unless otherwise ordered by the Presiding Officer. Documents to be served by mail upon the complainant shall be addressed in accordance with the address set forth in the complaint. A certificate of service shall accompany each document served.

§ 80.306 Filing and service of rulings, orders, and decisions.

All rulings, orders, decisions, or other documents made or signed by the Regional Administrator, the Regional Judicial Officer or the Presiding Officer as appropriate pursuant to § 80.315(c) shall be filed with the complaint if made prior to the filing of an answer to the complaint and thereafter with the Regional Hearing Clerk except as provided in § 80.305(b)(3). Such rulings, orders, decisions or other documents shall be served directly upon all parties by the Regional Administrator, Regional Judicial Officer, or Presiding Officer as appropriate pursuant to § 80.315(c).

§ 80.307 Computation and extension of time.

(a) *Computation.* In computing any period of time prescribed or allowed in these rules of practice, except as otherwise provided, the day of the act, event, or default from which the designated period begins to run shall not be included in computing the time allowed for the filing of any document or paper. Saturdays, Sundays, and legal holidays shall be included in computing the time allowed for such filing. When such time expires on a Saturday, Sunday, or legal holiday, however, such period shall be extended to include the next following business day.

(b) *Extensions of time.* A prescribed period of time within which a party is required or permitted to do an act shall be computed from the time of service. Extensions of time for the filing of any pleading, document, or motion shall be granted sua sponte or upon timely motion of a party to the proceeding only for good cause shown and after consideration of prejudice to other parties. Such motions may be made ex parte and need not be served upon other parties. Motion for an extension of time shall be filed in advance of the date on which the pleading, document or motion is due to be filed, unless the failure of a party to make timely motion for extension of time was the result of excusable negligence. Such motions shall be decided in accordance with the provisions of § 80.315(c).

(c) *Service by mail.* Service shall be deemed complete upon mailing. However, where service of a pleading or document is by mail, three (3) days shall be added to the time allowed by these rules of the filing of a responsive pleading.

§ 80.308 Ex parte discussion of proceeding.

At no time after the issuance of the complaint shall be Regional Administrator, Regional Judicial Officer, or Presiding Officer discuss ex parte the merits of the proceeding with any person who is connected with the proceeding in an advocative, investigative, or expert capacity, or with any representative of such person. The Regional Administrator, the Regional Judicial Officer, or the Presiding Officer may discuss the merits of the case with any such person only if all parties to the proceeding, or their representatives, have been given reasonable notice and opportunity to be present. Any memorandum or other communication addressed to the Regional Administrator, Regional Judicial Officer or the Presiding Officer during the pendency of the proceeding, and relating to the merits thereof, by or on behalf of any party, shall be regarded as argument made in the proceeding and shall be served upon all other parties. Such other parties may be given an opportunity to reply thereto. Nothing in this section shall limit discussion between respondent and complainant for the purpose of exploring settlement of the case.

§ 80.309 Examination of documents filed.

(a) Subject to the provisions of law restricting the public disclosure of confidential information, any person may, during Agency business hours, inspect and copy any document filed in any proceeding. Such documents may be made available by complainant if the request to inspect is made prior to the filing of an answer to the complaint by the Regional Hearing Clerk if the request to inspect is made after the filing of an answer to the complaint.

(b) The cost of duplicating documents filed in any proceeding shall be borne by the person seeking copies of such documents filed.

PARTIES AND APPEARANCES

§ 80.310 Appearances.

(a) *Representatives.* Any party may appear in person or by counsel or other representative; a partner may appear on behalf of a partnership and an officer may appear on behalf of a corporation. Persons who appear as counsel or other representative must conform to the standards of conduct and ethics as required of practitioners before the courts of the United States.

(b) *Failure to appear.* Any party to the proceeding, who after being duly notified and without good cause being shown, fails to appear at any prehearing conference shall be subject to whatever orders or determinations the Presiding Officer may make in his discretion. The failure of a party to appear at a hearing shall constitute a waiver of the right to present evidence at such hearing. Where respondent fails to appear at a hearing, the Presiding Officer shall require the presentation by complainant of such evidence as the Presiding Officer deems necessary to develop a prima facie case against respondent. Upon conclusion of the hearing, the Presiding Officer shall cause a copy of the initial decision to be served upon respondent.

§ 80.311 Intervention.

(a) *Motion.* Any person may file a motion for leave to intervene in any proceeding conducted under these rules of practice. Such motion must set forth the grounds for the proposed intervention, the position and interest of movant in the proceedings, and the likely impact that such intervention will have on the expeditious progress of the proceeding.

(b) *When filed.* A motion for leave to intervene in a proceeding must ordinarily be filed prior to the first prehearing conference or, in the absence of a prehearing conference, prior to the initiation of correspondence pursuant to § 80.319(d), or if there is no such correspondence, prior to the setting of a time and place for a hearing. Any motion filed after that time must include in addition to the information set forth in paragraph (a) above, a statement of good cause for the failure to file in a timely manner. Such motion for leave to intervene shall be granted only upon a finding that (1) extraordinary circumstances justify the granting of the motion; and (2) the intervenor shall be bound by any agreements, arrangements and other matters previously made in the proceeding.

(c) *Disposition.* Leave to intervene will be granted only insofar as movant demonstrates that (1) there exist common questions of fact or law; (2) he may be adversely affected by a final order of the Regional Administrator; and (3) his presence in the case would not unreasonably broaden the issues as already presented, or unduly prolong or otherwise prejudice the adjudication of the rights of the original parties. If leave is granted, the movant shall thereby become a party to the proceeding. Any party, or the movant if leave is denied, may request that the ruling on any motion for leave to intervene on a proceeding conducted under these rules of practice be certified on interlocutory appeal to the Regional Administrator as provided in § 80.328.

(d) *Amicus curiae.* Persons not parties to the proceeding who wish to file briefs therein may, upon good cause shown, so move the Presiding Officer or the Regional Administrator as apropriate pursuant to § 80.315(c). Such motion for leave to file briefs shall identify the interest of the applicant and shall state the reasons why the proposed amicus

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brief is desirable. In the event such motion is granted, the Presiding Officer or Regional Administrator shall issue an order setting the time for filing such brief. An amicus curiae shall be eligible to participate in any briefing following the granting of his motion, and shall be served with all brief, reply briefs, motions and orders relating to issues to be briefed.

§ 80.312 Consolidation and severance.

(a) *Consolidation.* The Regional Administrator may, by motion or sua sponte, consolidate any or all matters at issue in two or more proceedings docketed under these rules of practice in his Region where there exist common parties, common questions of fact and law, and where such consolidation would expedite or simplify consideration of the issues. Consolidation shall not prejudice any rights granted parties to proceedings conducted under these rules of practice and shall not affect the right of any party to raise issues that could have been raised if consolidation had not occurred.

(b) *Severance.* The Presiding Officer may, by motion or sua sponte, for good cause shown, order any proceedings severed with respect to some or all parties or issues.

PREHEARING PROCEDURES

§ 80.313 Issuance of complaint; docket number.

If the complainant has reason to believe that a person has violated any provision of the Act or the regulations, he may institute a proceeding for the assessment of a civil penalty by issuing a complaint. Prior to service of the complaint to respondent, complainant shall consult with the Regional Hearing Clerk for the assignment of a docket number. Thereafter, each document filed in the proceeding shall bear such assigned docket number.

§ 80.314 Contents of the complaint.

(a) *Alleged violation.* Each complaint shall include (1) specific reference to each provision of the Act or regulations which respondent is alleged to have violated; (2) the amount of the civil penalty which is proposed to be assessed; (3) a statement indicating the appropriateness of the proposed penalty; and (4) notice of respondent's right to request a hearing on any material fact contained in the complaint, or on the appropriateness of the amount of the proposed penalty.

(b) *Derivation of proposed civil penalty.* The dollar amount of the civil penalty which is proposed to be assessed in the complaint shall be determined on the basis of (1) the gravity of the violation, (2) the size of the respondent's business, and (3) respondent's history of compliance with the Act and the regulations and such penalty shall be derived by complainant in accordance with the guidelines for the Assessment of Civil Penalties published as an Appendix to these rules of practice.

(c) *Amendment of the complaint.* At any time prior to the filing of an answer to the complaint the complainant may amend the complaint as a matter of right. Respondent shall have twenty (20) additional days from the date of service of the amended complaint to file his answer. At any time after the filing of an answer to the complaint, the complaint may be amended upon motion granted by the Presiding Officer.

§ 80.315 Motions.

(a) *General.* All motions, except those made orally on the record during a hearing, shall (1) be in writing; (2) state with particularity the grounds therefor; (3) set forth the relief or order sought; and (4) be accompanied by any affidavit, certificate, or other evidence relied upon. Such motions shall be served in accordance with the provisions of § 80.305.

(b) *Response to motions.* Except as otherwise provided by the Presiding Officer or the Regional Administrator, as appropriate pursuant to § 80.315(c), any party may file a response in support of or in opposition to any written motion within ten (10) days after service of such motion. This response shall be accompanied by any affidavit, certificate, or other evidence relied upon. If no response is filed within the designated period, the parties shall be deemed to have waived any objection to the granting of the motion. The Presiding Officer may set a shorter time for response, or make such other orders concerning the disposition of motions as he deems appropriate.

(c) *Decision.* The Regional Administrator shall rule upon all motions filed or made prior to the filing of an answer to the complaint or after the filing of an initial decision. The Presiding Officer shall rule upon all motions filed after filing of an answer to the complaint and prior to the filing of his initial decision. Oral argument on motions will be permitted where the Presiding Officer or the Regional Administrator deems it necessary or desirable.

§ 80.316 Answer to the complaint.

(a) *General.* Where respondent (1) contests any material fact alleged in the complaint to constitute a violation of the Act or regulations, or (2) contends that the amount of the penalty proposed in the complaint is inappropriate to such violation; or (3) contends that he is entitled to judgment as a matter of law, he shall file a written answer to the complaint with the Regional Hearing Clerk. Any such answer to the complaint must be filed with the Regional Hearing Clerk within twenty (20) days after service of the complaint. The initiation of informal conferences with the Agency pursuant to § 80.318 does not enlarge this twenty (20) day period.

(b) *Contents of the answer.* The answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the complaint with regard to which respondent has any knowledge. Such answer shall state (1) the circumstances or arguments which are alleged to constitute the grounds of defense, (2) the facts which respondent intends to place at issue, and (3) whether a hearing is requested.

(c) Request for hearing upon the issues raised by the complaint and answer shall be held upon request of respondent in the answer. In addition, a hearing may be held at the discretion of the Presiding Officer, sua sponte, or upon grant of request therefor of any party other than the respondent.

(d) *Failure to answer specifically.* Failure of respondent to plead specifically to any material factual allegation contained in the complaint shall constitute a binding admission of such allegation.

(e) *Withdrawal of the complaint.* At any stage in the proceeding where on the basis of new information or evidence complainant concludes that no violation of the Act or the Regulations has been committed by respondent or that the issuance of the complaint was otherwise inappropriate, the complainant may withdraw the complaint once without prejudice.

§ 80.317 Failure to answer the complaint: Default order.

(a) *Default.* Respondent may be found to be in default upon his (1) failure to file a timely answer to the complaint; (2) failure to comply with prehearing or hearing order of the Regional Administrator or the Presiding Officer, as appropriate pursuant to § 80.315(c), or (3) failure to appear or to proceed at a prehearing conference or at a hearing. Default of respondent shall constitute an admission of all facts alleged in the complaint and a waiver of respondent's right to a hearing on such factual allegations. The penalty proposed to be assessed in the complaint shall become due and payable by respondent without further proceedings upon the issuance by the Regional Administrator of a final order issued upon default.

(b) *Procedures upon default.* (1) Where a default results from respondent's failure to file a timely answer to the complaint, complainant shall prepare and transmit to the Regional Administrator a proposed final order to be issued upon default.

(2) Where the Presiding Officer finds a default to have occurred after the filing of an answer to the complaint, the Presiding Officer may render a proposed default order to be issued against the defaulting party. For the purpose of appeal pursuant to § 80.329 such order shall be deemed to be the initial decision of the Presiding Officer.

(c) Contents of a final order issued upon default. A final order issued upon default shall include findings of fact, conclusions regarding all material issues of law, fact, or discretion, and the penalty which is therein assessed. An order issued by the Administrator upon the default of respondent shall constitute a final order in accordance with the terms of § 80.330.

§ 80.318 Informal settlement and consent agreement.

(a) *Settlement policy.* The Agency encourages settlement of the proceeding at any time after the issuance of a complaint if such settlement is consistent with the provisions and the objectives of the Act and the Regulations. Whether or not respondent request a hearing, he may confer with complainant concerning the facts stated in the complaint or concerning the amount of the proposed civil penalty. In the event a settlement is reached, the terms of any settlement agreement shall be expressed in a written consent agreement. Conferences with complainant concerning possible settlement shall not affect the requirement to file a timely answer pursuant to § 80.316.

(b) *Consent agreement.* A written consent agreement signed by the parties shall be prepared by complainant and forwarded to the Regional Administrator whenever settlement or compromise is proposed. The consent agreement shall state that, for the purpose of this proceeding, respondent (1) admits the jurisdictional allegations of the complaint; (2) admits the facts as stipulated in the consent agreement or neither admits nor denies specific factual allegations contained in the complaint; and (3) consents to the assessment of a given proposed civil penalty. The consent agreement shall include (i) the terms of the agreement; (ii) any appropriate conclusions regarding material issues of law, fact or discretion as well as reasons therefor; and (iii) a proposed final order of the Regional Administrator.

(c) *Final order.* No settlement and no consent agreement shall be dispositive of any action pending under section 211 (d) of the Act without a final order of the Regional Administrator. In preparing such final order, the Regional Administrator may require that any or all of the parties to the settlement appear before him to answer inquiries relating to the proposed consent agreement.

§ 80.319 Prehearing conference.

(a) *Purpose of prehearing conference.* When it appears that such procedure will expedite the proceeding, the Presiding Officer, at any time prior to the commencement of the hearing, may request the parties and their counsel or other representative to appear at a conference before him to consider:

(1) The possibility of settlement of the case,

(2) The simplification of issues and stipulation of facts not in dispute;

(3) The necessity or desirability of amendments to pleadings;

(4) The possibility of obtaining admissions or stipulations of fact and of documents which will avoid unnecessary proof;

(5) The limitation of the number of expert or other witnesses;

(6) The setting of a time and place for the public hearing, given consideration to the convenience of all parties and witnesses and to the public interest; and

(7) Any other matters as may expedite the disposition of the proceeding.

(b) *Exchange of witness lists and documents.* Unless otherwise ordered by the Presiding Officer each party shall at the prehearing conference make available to each other the names of the expert and other witnesses he intends to call, together with a brief narrative summary of their expected testimony. Copies of all documents and exhibits which the party intends to introduce into evidence shall be marked for identification as ordered by the Presiding Officer. Thereafter, witnesses, documents, or exhibits may be added and narrative summaries of expected testimony amended only upon motion by a party.

(c) *Record of the prehearing conference.* No transcript of any prehearing conference shall be made unless ordered upon motion of a party or sua sponte by the Presiding Officer. The Presiding Officer shall prepare and file for the record a written summary of the action taken at such conference. Such summary shall incorporate any written stipulations or agreements made by the parties, all rulings upon matters considered at such conference, and appropriate orders containing directions to the parties. Such summary shall direct the subsequent course of the proceeding, unless modified by the Presiding Officer, on motion or sua sponte, to prevent manifest injustice.

(d) *Location of Prehearing Conference.* Unless otherwise agreed in writing by all parties, the prehearing conference shall be held in the city in which the Environmental Protection Agency Regional Office is located.

(e) *Unavailability of a prehearing conference.* Where circumstances render a prehearing conference unnecessary or impracticable, the Presiding Officer, on motion or sua sponte, may request the parties to correspond with him for the purpose of accomplishing any of the objectives set forth in this section. The Presiding Officer shall include such correspondence for the record and a written summary of any stipulation or agreements reached by means of such correspondence as provided in § 80.319(c).

§ 80.320 Accelerated decision.

(a) *General.* The Presiding Officer or the Regional Administrator as appropriate pursuant to §80.315(c) upon motion or sua sponte, may at any time render an accelerated decision in favor of complainant or respondent as to all or any portion of the proceeding, without further proceedings or upon such limited additional evidence such as affidavits as he may require, under any of the following conditions:

(1) Failure to state a claim upon which relied can be granted, or direct or collateral estoppel; or

(2) There is no genuine issue or any material fact and a party is entitled to judgment as a matter or law; or

(3) Such other and further reasons as are just.

(b) *Effect.* (1) In the event an accelerated decision is issued by the Presiding Officer, the decision shall be treated for the purpose of these rules of practice in the same manner as an initial decision of the Presiding Officer rendered after completion of a hearing under § 80.327.

(2) In the event an accelerated decision is issued by the Regional Administrator, the Regional Administrator shall proceed to issue a final order disposing of all or part of the case as may be appropriate under § 80.330.

HEARING PROCEDURE

§ 80.321 Scheduling the hearing.

(a) *Assignment of Presiding Officer.* Upon filing of an answer the Regional Hearing Clerk shall refer the proceeding to the Chief Administrative Law Judge who shall assign himself or another Administrative Law Judge as Presiding Officer, or shall certify to the appropriate Regional Administrator that no Administrative Law Judge is available to serve as Presiding Officer. Upon receipt of such a certification the Regional Administrator shall assign the Presiding Officer.

(b) *Notice of hearing.* In the event that a hearing is requested by respondent in his answer, or is ordered by the Presiding Officer pursuant to the provisions of § 80.316(c), the Presiding Officer shall, after consideration of the convenience of the parties, forthwith serve upon parties a notice of a hearing. This notice may set a time and place for such hearing and may contemplate a future prehearing conference between the parties.

(c) *Postponement of hearing.* Except for good cause shown, no request for postponement of a hearing will be granted. Such request must be received in writing at least three (3) days in advance of the time set for the hearing. In case of postponement, the hearing shall be rescheduled for a date as early as circumstances will permit.

(d) *Location of hearing.* Unless otherwise agreed in writing by all parties, the hearing shall be held in the city in which the Environmental Protection Agency Regional Office is located.

§ 80.322 Evidence.

(a) *General.* The Presiding Officer shall admit all evidence which is relevant, competent and material, and is not unduly repetitious. Relevant, competent and material evidence may be received at the hearing although such evidence may be inadmissible under the rules of evidence applicable to judicial proceedings. The weight to be given all evidence shall be determined by its reliability and probative value. In the presentation, admission, disposition, and use of evidence, the Presiding Officer shall preserve the confidentiality of trade secrets and other privileged commercial and financial information. The confidential or trade secret status of any evidence shall not, however, preclude its being introduced into evidence. The Presiding Officer may make such orders as may be necessary to consider such evidence in camera, including the preparation of a supplement initial decision to consider questions of fact and conclusions regarding material issues of law, fact or discretion which arise out of that portion of the evidence which is confidential or which includes trade secrets.

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(b) *Examination of witnesses.* Except as otherwise provided in these rules of practice or by the Presiding Officer, witnesses shall be examined orally, under oath or affirmation. Parties shall have the right to cross-examine a witness who appears at the hearing provided that such cross-examination is not unduly repetitious.

(c) *Verified statements.* The Presiding Officer may admit and insert into the record as evidence in lieu of oral testimony, statements of fact or opinion prepared by a witness. The admissibility of the evidence contained in such statement shall be subject to the same rules as if such testimony were produced under oral examination. The witness shall be subject to oral cross-examination on the contents of such statements. Before any such statement is read or admitted into evidence, the witness shall deliver a copy of the statement to the Presiding Officer, the reporter, and opposing counsel. The witness presenting the statement shall swear to or affirm the statement and shall be subject to oral cross-examination upon the contents thereof. Such statements shall not be admitted when it appears to the Presiding Officer that the memory or the demeanor of the witness is of importance.

(d) *Exhibits.* Except where the Presiding Officer finds it impracticable, an original and one copy of each exhibit shall be filed with the Presiding Officer for the record and a copy shall be furnished to each party. A true copy of an exhibit may be substituted for the original.

(e) *Official notice.* Official notice may be taken of any matter judicially noticed in the Federal courts, and of other facts within the specialized knowledge and experience of the Agency. Opposing parties shall be given adequate opportunity to show that such facts are erroneously noticed.

§ 80.323 Objections and offers of proof.

(a) *Objection.* Any objection concerning the conduct of the hearing, the admission or rejection of evidence, the limitation of the scope of any examination or cross-examination, or a ruling by the Presiding Officer may be stated orally if on the record, or in writing. The party raising the objection must supply a short statement of the grounds for the objection. The transcript shall not include any argument or debate thereon, unless the Presiding Officer orders that such argument be transcribed. The ruling and the reasons given therefor by the Presiding Officer on any objection shall be a part of the transcript. An exception to each objection overruled shall be automatic and is not waived by further participation in the hearing.

(b) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof for excluded oral testimony shall consist of a brief statement describing the nature of the evidence excluded. The offer of proof for excluded documents or exhibits shall consist of the insertion in the record of the documents or exhibits excluded. Where the Regional Administrator decides that the ruling of the Presiding Officer in excluding the evidence was both erroneous and prejudicial, the hearing may be reopened to permit the taking of such evidence, or, where appropriate, the Regional Administrator may evaluate such improperly excluded evidence in preparing his final order. In the event that the Regional Administrator in the preparation of his final order relies upon any evidence excluded at the hearing by the Presiding Officer, he shall explicitly identify in the final order any such excluded evidence relied upon and his reasons therefor.

§ 80.324 Burden of presentation; burden of persuasion.

In establishing that the violation occurred as set forth in the complaint and that the civil penalty assessed is appropriate, the complainant has the burden of going forward with and of proving an affirmative case. Following the establishment of a prima facie case, respondent shall have the burden of presenting and of going forward with any affirmative defense (subject to any limitation provided for in this Part) to the allegations set forth in the complaint. Each matter of controversy shall be determined by the Presiding Officer upon a preponderance of the evidence.

§ 80.325 Filing the transcripts.

The hearing shall be transcribed verbatim. Promptly following the taking of the last evidence, the reporter shall transmit to the Regional Hearing Clerk as many copies of the transcript of testimony as are called for in the reporter's contract with the Agency, and shall transmit to the Presiding Officer the original transcript. A certificate of service shall accompany each copy of the transcript. The Regional Hearing Clerk shall promptly furnish all parties with a copy of the transcript of the hearing without cost. Any person not a party to the proceeding may receive a copy of such transcript upon payment of the costs of reproduction of such transcript.

§ 80.326 Filing of briefs, proposed findings of fact and conclusions of law, and proposed order.

Unless otherwise ordered by the Presiding Officer, each party may within twenty (20) days after service of the transcript of a hearing as provided in § 80.325 file with the Regional Hearing Clerk and serve upon all other parties proposed findings of fact, conclusions regarding material issues of law, fact or discretion, a proposed order based solely upon the record, and a brief in support thereof, together with references to relevant pages of the transcript and to relevant exhibits. Within ten (10) days thereafter each party may file a reply brief concerning matters contained in opposing briefs and containing alternative findings of fact, conclusions regarding material issues of law, fact or discretion and proposed orders. Oral argument may be had at the discretion of the Presiding Officer on motion of any party or sua sponte. The hearing shall be deemed closed at the conclusion of the briefing period.

§ 80.327 Initial decision.

(a) *Contents of initial decision.* The Presiding Officer shall as soon as practicable after the close of the hearing, evaluate the record before him, and prepare and file his initial decision with the Regional Hearing Clerk. The initial decision shall contain his findings of fact, conclusions regarding all material issues of law, fact or discretion as well as reasons therefor, a recommended civil penalty assessment, and a proposed final order assessing a civil penalty. The Regional Hearing Clerk shall, in accordance with provisions made for service in section 80.305(d) serve upon each of the parties a copy of the initial decision, and shall also serve one copy upon the Regional Administrator, and shall transmit two copies to the Hearing Clerk.

(b) *Evaluation of proposed civil penalty.* In determining the dollar amount of the recommended civil penalty assessed in the initial decision, the Presiding Officer shall consider all elements regarding the appropriateness of civil penalty set forth in section 80.330(b). In determining the appropriate penalty to be assessed, the Presiding Officer may consult and rely upon the guidelines for the Assessment of Civil penalties, published as an Appendix to these rules of practice. The Presiding Officer may at his discretion increase or decrease the assessed penalty from the amount proposed to be assessed in the complaint.

(c) *Effect of initial decision.* The initial decision of the Presiding Officer shall become the final order of the Regional Administrator within thirty (30) days after transmission thereof by the Regional Hearing Clerk to the Regional Administrator and without further proceedings unless (1) an appeal to the Regional Administrator is taken from it by a party to the proceedings, or (2) the Regional Administrator elects, sua sponte, to review the initial decision.

APPEALS AND ADMINISTRATIVE REVIEW

§ 80.328 Appeal from or review of interlocutory orders or rulings.

(a) *Request for interlocutory appeal.* Except as provided in this section, appeals to the Regional Administrator shall obtain as a matter of right only from an initial decision of the Presiding Officer. Appeals from other orders or rulings shall lie only if the Presiding Officer, upon motion of a party, certifies such orders or rulings to the Regional Administrator on appeal. Requests to the Presiding Officer for such certification shall be filed in writing within five (5) days of notice of the ruling or service of the order and shall state briefly the grounds to be relied upon on appeal.

(b) *Availability of interlocutory appeal.* The Presiding Officer may certify a ruling for appeal to the Regional Administrator when (1) the order or ruling involves an important question of law or policy concerning which there is substantial ground for difference of opinion; and (2) either (i) an immediate appeal from the order and ruling will materially advance the ultimate termination of the proceeding, or (ii) review after the final order is issued will be inadequate or ineffective.

(c) *Decision.* If the Regional Administrator determines that certification was improvidently granted, or if he takes no action within thirty (30) days of the certification, the appeal shall be deemed dismissed. When the Presiding Officer declines to certify an order or ruling to the Regional Administrator on interlocutory appeal, it may be reviewed by the Regional Administrator only upon appeal from the initial decision, except when the Regional Administrator determines, upon motion of a party and in exceptional circumstances, that to delay review would be deleterious to the public interest. Such motion shall be made within five (5) days of service of an order of the Presiding Officer refusing to certify a ruling for interlocutory appeal to the Regional Administrator. Ordinarily, the interlocutory appeal will be decided on the basis of the submissions made by the Presiding Officer. The Regional Administrator may, however, allow further briefs and oral argument.

(d) *Stay of proceedings.* The Presiding Officer may stay the proceedings pending a decision by the Regional Administrator upon an order or ruling certified by the Presiding Officer for an interlocutory appeal, or upon the denial of such a certification by the Presiding Officer. Except in extraordinary circumstances proceedings will not be stayed. Where a stay is granted, a stay of more than thirty (30) days must be separately approved by the Regional Administrator.

§ 80.329 Appeal from or review of initial decisions.

(a) *Exceptions and request for oral argument.* (1) Within twenty (20) days after service of the Presiding Officer initial decision, any party may take exception to any matter set forth in such decision or to any adverse order or ruling to which he objected during the hearing and may appeal such exceptions to the Regional Administrator. Appeal may be made by filing exceptions in writing with the Regional Hearing Clerk. Such exceptions shall contain alternative findings of fact, conclusions regarding material issues of law, fact or discretion and a proposed order together with references to the relevant pages of the record and initial decision. A copy of each such document taking exception to the initial decision shall be served upon each other party and amicus curiae. Within the same period of time each party filing exceptions and amicus curiae shall file with the Regional Hearing Clerk and shall serve upon all parties a brief concerning each of the exceptions being appealed. The party shall include in its brief, page references to the relevant portions of the record and to the Presiding Officer's initial decision.

(2) With ten (10) days of the service of exceptions and briefs under paragraph (1) of this section, any other party or amicus curiae may file and serve a reply brief responding to exceptions or arguments raised by any party, together with references to the relevant portions of the record, initial decision, or opposing brief. Reply briefs shall not, however, raise additional exceptions.

(b) *Sua sponte review by Regional Administrator.* Whenever the Regional Administrator determines sua sponte to review an initial decision, notice of such intention shall be served upon the parties by the Regional Hearing Clerk within thirty (30) days after the date of service of the initial decision. Such notice shall include a statement of issues to be briefed by the parties and a time schedule for the service and filing of briefs.

(c) *Scope of appeal or review.* Except when the Regional Administrator determines that additional issues should be argued, the appeal of the initial decisions shall be limited to the issues raised by appellant. Where it is determined that additional issues should be argued, counsel for the parties shall be given reasonable written notice of such determination to permit preparation of adequate argument.

(d) *Argument before the Regional Administrator.* Failure of a party to request oral argument on the exceptions filed shall constitute a waiver of oral argument. The Regional Administrator may, nonetheless, sua sponte, set a matter for oral argument. The time and place for such oral argument shall be assigned after giving consideration to the convenience of the parties.

FINAL ORDER

§ 80.330 Final Order.

(a) *Contents of the final order.* As soon as practicable after service upon the Regional Administrator of the initial decision of the Presiding Officer, the Regional Administrator shall issue his final order. Such final order shall include findings of fact, conclusions regarding material issues of law, fact or discretion as well as reasons therefor, and an order assessing a civil penalty. Such final order may accept or reject all or part of the initial decision of the Presiding Officer.

(b) *Evaluation of civil penalty.* The final order of the Regional Administrator shall consider the appropriateness of the penalty proposed to be assessed in the consent agreement, (§ 80.318(b), default order (§ 80.319(b) or the initial decision (§ 80.320 or § 80.327) out of which the final order originates.

(1) In evaluation the appropriateness of such proposed penalty, the Regional Administrator must consider (i) the gravity of the violation, (ii) the size of respondent's business, (iii) respondent's history of compliance with the Act, (iv) the action taken by respondent to remedy the specific violation, (v) the effect of such proposed penalty on respondent's ability to continue in business, and (vi) in extraordinary situations where equity cannot be achieved by application of the preceding five criteria, other special circumstances as approved by the Director, Mobile Source Enforcement Division.

(2) In determining the appropriate penalty to be assessed, the Regional Administrator may consult and rely upon the guidelines for the Assessment of Civil Penalties, published as an Appendix to these rules of practice. The Regional Administrator may, at his discretion, increase or decrease the assessed penalty from the amount recommended to be assessed in the initial decision, or in the guidelines for the Assessment of Civil Penalties.

(c) *Payment of a civil penalty.* (1) Motions made pursuant to § 80.331 or § 80.332 or petitions seeking judicial review of a final order of the Regional Administrator, payment of the full amount of the civil penalty assessed in the final order shall be made within sixty (60) days of service upon respondent of the final order. Such payment shall be made by forwarding to the Regional Hearing Clerk a cashier's check or certified check in the amount of the penalty assessed in such final order. Such check shall be payable to the United States of America.

(2) Failure to make timely payment of the penalty assessed in the final order shall result in reference of the matter to the Attorney General who shall recover such amount by action in the appropriate United States District Court pursuant to section 311(d) of the Act.

MOTION TO RECONSIDER

§ 80.331 Motion to reopen hearings; to rehear or reargue proceedings; or to reconsider a final order.

(a) *Filing and service.* A motion to reopen a hearing to take further evidence, to rehear or reargue any matter related to such proceeding, or to reconsider any final order, must be made by motion to the Regional Administrator, in accordance with § 80.315(a), and filed with the Regional Hearing Clerk. Every such motion must state the specific grounds upon which relief is sought.

(b) *Motion to reopen hearing.* A motion to reopen a hearing for the purpose of taking further evidence may be filed at any time after the service of the initial decision of the Presiding Officer and prior to the issuance of the Regional Administrator's final order. Each such motion shall state briefly the nature and purpose of the evidence to be adduced, shall show that such evidence is not cumulative, and shall set forth a good reason why such evidence was not adduced at a hearing.

(c) *Motion to rehear, reargue, or reconsider.* Motions to rehear or reargue any matter related to a hearing or to reconsider the final order shall be filed within ten (10) days after the date of service of the final order. Every such motion must state specifically the matters

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claimed to have been erroneously decided. The nature of any alleged error must be briefly stated.

§ 80.332 Procedure for disposition of motions.

Within ten (10) days following the service of any motion provided for in § 80.331 any other party to the proceeding may file with the Regional Hearing Clerk and serve on all other parties an answer thereto. As soon as practicable thereafter, the Regional Administrator shall announce his intent to grant or to deny such motion. Unless the Regional Administrator determines otherwise, implementation of the final order shall not be stayed pending the decision to grant or to deny the motion. The conduct of any proceeding which may be required as a result of the granting of any motion allowed in this section shall be governed by the provisions of the applicable section of these rules.

APPENDIX E—GUIDELINES FOR ASSESSMENT OF CIVIL PENALTIES UNDER SECTION 211(d) OF THE CLEAN AIR ACT (42 U.S.C. 1857f–6(c))

I. *Purpose.* Section 211(d) of the Act and § 80.5 of the regulations provide for the assessment of a civil penalty in the amount of $10,000 per day against anyone who violates the substantive provisions of section 211 or the regulations promulgated thereunder. In addition, both sections provide that the Administrator may, upon application by the violator, remit or mitigate such penalty, and that he shall have authority to determine the facts upon all such applications. Furthermore, §§ 80.314(b) and 80.330(b)(1) of the regulations provide that the following criteria form the basis for determining the amount of the penalty: (1) the gravity of the offense, (2) the respondent's history of performance under the regulations, (3) the appropriateness of the penalty in relation to the size of the respondent's business, (4) the action taken by the respondent to remedy the specific violation, (5) the respondent's inability to continue in business, and (6) in extraordinary situations where equity cannot be achieved by application of the preceding five criteria, other special circumstances may be considered.

These guidelines establish a procedure which can be utilized to determine the proper penalty in accordance with the criteria stated above. This procedure is designed to ensure that penalties of generally uniform magnitude will be assessed among regions for violations where similar circumstances prevail.

II. *Determination of an alleged violation and complaint.* Section 80.303(e) of the regulations authorizes the Regional Administrator to designate a person to act for the Agency as the complainant in cases where a violation is alleged to have occurred. This person may not be the Regional Administrator. In cases where the complainant has reason to believe that a violation has occurred, he may issue a complaint, pursuant to § 80.313 of the regulations. The basis for the complaint will be the fuel inspector's report and a chemical analysis of the gasoline according to § 80.3, Appendix A or B. The complaint must specifically state the violation or violations which the respondent is alleged to have committed, and must also describe with particularity the facts upon which such allegations are based. Sections 80.4, 80.7, 80.21, 80.22, and 80.23 of the regulations combine to specifically state twelve independent and distinguishable violations. They are described with appropriate section references in Appendix F. The allegations of the complaint shall be limited to these twelve violations.

The complaint will also state the amount of the penalty that is proposed to be assessed for every day of the continuance of the violation. This amount shall be referred to as the "unadjusted" penalty (see section III below).

Finally, the complaint will apprise the respondent of the courses of action available to him. These include the following: (1) He is entitled to a formal hearing before an administrative law judge to decide both the validity of the allegations in the complaint and the reasonableness of the proposed assessment. In order to preserve his right to a hearing, he must file an answer to the complaint within 20 days of its receipt, and must respond to the allegations of the complaint and/or state the basis for his belief that the proposed assessment is inappropriate. Failure to file an answer will result in a default, in which case the proposed penalty becomes the assessed penalty. (2) Whether or not he requests a hearing, he may request a mitigation of the proposed penalty. This will be accomplished by means of informal settlement negotiations and, in the event agreement is reached, a consent decree. The mitigated penalty amount shall be determined within the restrictions of the appropriate criteria, and it shall be referred to as the "adjusted" penalty (see section III below). If the parties agree to enter a consent decree, the adjusted penalty becomes the assessed penalty. However, if the respondent decides to proceed with a hearing in lieu of accepting the settlement offer, the unadjusted penalty remains the assessed penalty. (3) He may elect to pay the proposed penalty in lieu of requesting either a formal hearing or a settlement conference.

III. *Determination of the Amount of the Assessed Penalty.* As explained above, the assessed penalty may either be the unadjusted or the adjusted penalty, depending on the procedure which the respondent elects to follow. The unadjusted penalty is determined through a purely objective procedure which utilizes a Civil Penalty Assessment Table. The table consists of a series of schedules in which graduated penalties are set out in accordance with the applicable criteria as they are discussed below (see Section III below). There is a schedule for each of the violations stated in Appendix F.

The procedure provides for no administrative discretion in establishing the penalty initially assessed for a particular individual violation. Rather, administrative discretion was utilized during the initial determination of the appropriateness of the criteria to be used and penalty amounts to be assigned when the schedules were developed. In contrast, the adjusted penalty is arrived at through a subjective process wherein the complainant is empowered to exercise administrative discretion in reaching the conclusion that the circumstances of a particular case justify the further mitigation of the unadjusted penalty. However, this conclusion must be based on an analysis of the appropriate criteria and be justified by adequate documentation (see Section III–C below).

A. *Factors Considered in Determining the Unadjusted Penalty.* Three of the six criteria listed in the Regulations are involved in the selection of the appropriate unadjusted penalty. These are the respondent's history of performance, the size of his business, and the gravity of the offense.

1. *History of Performance.* This criterion is a direct function of the number of violations which the respondent has committed prior to the one in question. It is restricted to previous occurrences of the same type of violations that the respondent is currently being charged with. A prior history of committing other acts prohibited by the Regulations will not affect the penalty applicable in the present action. However, prior complaints which culminated in assessments against the respondent but which did not result from a formal hearing (i.e., default judgments and consent decrees) will be considered when applying the past history criterion. Penalties are graduated in each schedule on the basis of whether the respondent has had zero, one, two, or three or more previous violations.

2. *Size of the Business.* The appropriateness of a given penalty is also a function of the size of the respondent's business. When the respondent is a business entity, size is expressed in terms of the gross sales (i.e., total business revenues from all business operations) for the respondent's prior fiscal year. When the respondent is an individual, size is expressed in terms of the individual's gross income from all sources for the individual's prior fiscal year. Each schedule is graduated into four categories of size. Category I includes respondents whose gross sales (or income, as applicable) were less than $250,000. Category II encompasses the range from $250,000 to less than $1,000,000. Category III, $1,000,000 to less than $5,000,000; and Category IV includes those respondents which had gross sales (or income, as applicable) of $5,000,000 and above. (If the data for the last fiscal year are demonstrably unrepresentative of the respondent's general performance in terms of gross sales (or income, as applicable), gross sales (or income, as applicable) for the three previous years may be analyzed in determining a representative figure.

3. *Gravity of the Violation.* The criterion that primarily influenced the penalty amounts assigned to the schedule cells was the gravity of the offense. First, a determination was made as to the relative severity of the violations possible under the regulations. (They are listed in order of decreasing gravity in Appendix F.) This determination was made on the basis of the potential for the violation to cause vehicle emissions to exceed standards and the influence of the violation on the effective enforcement of the program. Then the maximum per day penalty for each schedule was assigned based on the relative rank that violation occupies in the order of severity. The assigned maximums were determined in consideration of the statutory maximum of $10,000. Finally, the penalties were assigned to the individual cells of each schedule by graduation down from the maximum as size of business, gravity of violation, and number of past violations decreased.

Special notice should be taken of the manner in which the gravity of the violation criterion affects the selection of the unadjusted penalty for two particular violations. Both violations involve the sale, offer for sale, dispensing, or transfer of contaminated unleaded gasoline. Unadjusted penalties for these violations are shown in schedules 2 and 3. Like the other ten violations, the gravity of the violation influences both the maximum penalties assigned to the schedules and the rate at which they are reduced within each schedule. However, unlike the other ten, these two violations are sub-categorized within each cell. That is, the severity of these particular violations is also a function of the lead or phosphorus content of the gasoline found to be in violation of the standard. Thus, these two schedules also reflect this added aspect of the violations. This is done by stating the penalty of each schedule cell as a range rather than as a single amount. If a violation involves gasoline which only slightly exceeds the maximum federal standard of 0.05 grams of lead per gallon or 0.005 grams of phosphorus per gallon, the low end of the range becomes the unadjusted penalty. If the lead or phosphorus content substantially exceeds the standard, however, the high end of the range is applied.

B. *Using the Civil Penalty Assessment Schedule.* The seven schedules that correspond to the twelve violations of Appendix F are shown in Appendix G. The history-of-violations criterion for each is listed on the vertical axis and increases in number of violations from bottom to top. The size-of-the-business criterion is listed along the horizontal axis and increases in category number from left to right. The appropriate unadjusted penalty dollar amount for each possible violation is found by first selecting the proper schedule and then locating the cell which corresponds to the respondent's violation history and business size. In addition, if violations 2 or 3 are involved, the proper point within the range stated in the cell must be determined. This monetary figure would be multiplied by the number of days over which the violation continued.

C. *Adjusting the Unadjusted Penalty.* The procedures outlined in section II place the burden on the respondent to justify any further mitigation of the proposed penalty. The procedure for establishing the unadjusted penalty provides for a measure of mitigation initially in light of the statutory provision for a $10,000 penalty per violation. However, if the respondent believes that he should not have been charged with liability or the circumstances of his case justify a further mitigation of the penalty, the procedures empower him to request a settlement conference. Then the complainant may further reduce the penalty if he feels the circumstances justify it. However, he is limited to the restrictions of the criteria outlined below.

1. *Action Taken to Remedy the Violation.* This is the fourth criterion listed in § 80.330(b)(1) of the regulations. It can be analyzed in terms of the respondent's good faith in reacting as quickly as possible to remedy the conditions which caused the violation and to initiate action to ensure that similar violations will be less apt to occur in the future. The complainant may, at his discretion, mitigate the unadjusted penalty upon a showing by the respondent of the remedial action taken to an amount he determines is reasonable for businesses in Categories I and II but may only reduce the maximum to 75 percent of the unadjusted penalty for businesses in Categories III and IV. The burden of persuasion rests with the respondent, and the complainant shall base the amount of mitigation allowed upon the degree to which he is persuaded of the respondent's good faith.

2. *Inability to Continue in Business.* An unlimited adjustment may be made in the unadjusted penalty upon consideration of the effect that the proposed penalty will have upon the respondent's ability to continue in business. This consideration is merely the logical extreme of the criterion that relates the penalty to the size of the business for it is questionable if a penalty is ever appropriate, regardless of the previous year's gross sales (or income, as applicable), if a business must be terminated because of its current financial status. Again, the burden of persuasion rests with the respondent, and any such showing must include total business revenues (or income, as applicable) from all sources. A determination of such adverse effects shall be made only upon an analysis by the complainant of a certified financial report of the business or its equivalent. Such reports shall be provided to the Agency at the respondent's expense. These documents must be founded upon generally recognized accounting procedures.

3. *Special Circumstances.* Should a case arise in which the complainant determines that equity cannot be served by adjusting the penalty within the limitations described above, he may petition the Director of the Mobile Source Enforcement Division to make an extraordinary adjustment in the proposed penalty. Such petition should state with particularity (1) the facts of the case, (2) why the penalty provided by the Assessment Table would be inequitable, (3) why the criteria for adjusting the unadjusted penalty are insufficient, and (4) how the public interest would be protected by such an extraordinary adjustment in the penalty.

D. *Record of the Settlement Conference.* A summary of the settlement conference, in the form of a memorandum, shall be filed by the complainant, and shall become part of the record of the case that will be retained by the complainant. It shall state the nature of the evidence which the respondent presented in support of his request for a penalty adjustment and shall also describe in detail the evidence and the conclusions upon which the complainant relied in either granting or rejecting the request for adjustment. Copies of all relevant documents submitted by the respondent shall be attached to the summary.

APPENDIX F.—*Possible violations*

Schedule No.	Section reference	Description
1	80.22(a)(1) (80.23(d) liability).	Introduction of leaded gasoline from a leaded pump into a vehicle requiring unleaded gasoline.
1	80.22(a)(2)(i)	Sale of gasoline from a pump subject to a notice of contamination.
1	80.22(a)(2)(ii)	Unauthorized removal of a notice of contamination.
1	80.22(a)(2)(iii)	Filing of false or misleading information to EPA concerning disposition or cure of contaminated gasoline.
1	80.4	Refusal of retailer or distributor to permit entry, inspection, sampling, or testing.
2	80.22(a)(1) (80.23 (a), (b), and (c) liability).	Dispensing or offering for sale gasoline represented to be unleaded which does not conform to the lead or phosphorus standards (contamination).
3	80.21	Sale or transfer of leaded gasoline represented to be unleaded to a distributor or retailer.
4	80.22(b)	Failure to offer for sale a grade of unleaded gasoline.
4	80.7	Failure to provide information upon request of the Regional Administrator or his authorized delegate.
5	80.22(f)	Failure to equip gasoline pumps with proper nozzles.
6	80.22(e)	Failure to properly label gasoline pumps.
7	80.22(d)	Failure to post the required sign at a retail outlet.

APPENDIX G.—Civil penalty assessment table

Schedule No.	Number of previous violations	I	II	III	IV
1	3 or more	7,000	10,000	10,000	10,000
	2	4,000	6,000	8,000	9,000
	1	2,000	4,000	7,000	8,000
	0	1,000	2,000	6,000	7,000
2	3 or more	6,000–7,000	8,000–10,000	9,000–10,000	9,000–10,000
	2	3,000–4,000	5,000– 6,000	7,000– 8,000	8,000– 9,000
	1	1,000–2,000	3,000– 4,000	6,000– 7,000	7,000– 8,000
	0	500–1,000	1,000– 2,000	5,000– 6,000	6,000– 7,000
3	3 or more	5,000–6,000	7,000– 8,000	9,000–10,000	9,000–10,000
	2	2,000–3,000	4,000– 5,000	6,000– 7,000	7,000– 8,000
	1	800–1,500	2,000 3,000	5,000– 6,000	6,000– 7,000
	0	400– 800	800– 1,500	4,000– 5,000	5,000– 6,000
4	3 or more	5,000	7,000	9,000	9,000
	2	2,000	3,000	6,000	7,000
	1	1,000	2,000	4,000	5,000
	0	500	1,000	2,000	3,000
5	3 or more	1,500	2,000	2,500	3,000
	2	1,150	1,500	2,000	2,500
	1	800	1,100	1,500	2,000
	0	500	800	1,000	1,500
6	3 or more	1,400	1,800	1,800	2,000
	2	1,000	1,250	1,450	1,650
	1	700	900	1,100	1,300
	0	450	600	800	950
7	3 or more	700	800	900	1,000
	2	600	700	800	900
	1	500	600	700	800
	0	400	500	600	700

NOTE.—The dollar amount in each cell should be multiplied by the number of days over which the violation continued.

[FR Doc.74-26157 Filed 11-11-74;8:45 am]

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As part of its continuing program to improve the quality of the daily FEDERAL REGISTER and CODE OF FEDERAL REGULATIONS, the Office of the Federal Register is soliciting the views of interested persons on the effectiveness of individual Federal Register documents and on regulations contained in the CODE OF FEDERAL REGULATIONS.

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☐ only technical language was used; ☐ document contained long and difficult sentences; ☐ preamble did not contain a clear and concise explanation of the document's purpose; ☐ other (explain) _____

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WEDNESDAY, NOVEMBER 13, 1974

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Volume 39 ■ Number 220

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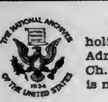
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Note.—No acts approved by the President were received by the Office of the Federal Register from Friday, Nov. 1 to Friday, Nov. 8, 1974.

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Title 3—The President

PROCLAMATION 4333

Thanksgiving Day, 1974

By the President of the United States of America

A Proclamation

America and the world have changed enormously since the first Thanksgiving 353 years ago. From a tiny coastal enclave on an untamed continent, we have grown into the mightiest, freest nation in human history. A civilization whose farthest reach was once the earth's uncharted seas has now plumbed the secrets of outer space.

But the fundamental meaning of Thanksgiving still remains the same. It is a time when the differences of a diverse people are forgotten and all Americans join in giving thanks to God for the blessings we share—the blessings of freedom, opportunity and abundance that make America so unique.

This year, in the midst of plenty, we still face serious problems and massive challenges. In giving thanks for the many things we hold dear, let us also pray for the courage, resourcefulness and sense of purpose we will need to continue America's saga of progress, and to be worthy heirs of the Pilgrim spirit. May we, too, find the strength and vision to leave behind us a better world, and an example that will inspire future generations to new achievements.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, in accordance with Section 6103 of Title 5 of the United States Code, do hereby proclaim Thursday, November 28, 1974, as a day of national thanksgiving.

I call upon all Americans to gather together in homes and places of worship on this date, to join in offering gratitude for the countless blessings our people enjoy, and to share with the elderly and the unfortunate this special day that brings us all closer together.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of November, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-26794 Filed 11-12-74;11:55 am]

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MEMORANDUM OF NOVEMBER 4, 1974

[Presidential Determination No. 75-7]

Finding and Determination—Syria

Memorandum for the Secretary of State; the Secretary of Agriculture

THE WHITE HOUSE, *Washington,* November 4, 1974.

Pursuant to the authority vested in me under the Agricultural Trade Development and Assistance Act of 1954, as amended (hereinafter "the Act"), I hereby:

(a) Find, pursuant to Section 103(d)(3) of the Act, that the making of an agreement with the Government of Syria for the sale, under Title I of the Act, of 75 thousand metric tons of wheat and 25 thousand metric tons of rice is in the national interest of the United States; and

(b) Determine and certify, pursuant to Section 410 of the Act and Section 620(e) of the Foreign Assistance Act of 1961, as amended, that, in the event it may be applicable, it is in the national interest of the United States to waive the prohibitions contained in those sections against assistance under Title I of the Act for the sale to Syria of 75 thousand metric tons of wheat and 25 thousand metric tons of rice.

Gerald R. Ford

STATEMENT OF REASONS THAT SALES UNDER TITLE I OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED (PUB. L. 480), TO SYRIA ARE IN THE NATIONAL INTEREST

Syria is a key to our efforts to achieve a just and lasting peace in the Middle East. Our success will depend in part on Syrian confidence in our intention to develop a broad and constructive bilateral relationship with that country. A program for concessional sales of agricultural commodities to Syria will constitute a tangible demonstration of our intended role in that regard.

In response to current Syrian needs, it is proposed to export to that country 75 thousand metric tons of wheat and 25 thousand metric tons of rice financed under Title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (Pub. L. 480). This amount is based on Syria's needs for not more than one fiscal year.

In order to enter into an agreement with the Government of Syria for such a sale under Title I, it is necessary that the President find and determine that such sales would be in the national interest of the United States. Section 103(d)(3) of Pub. L. 480 prohibits the sale of agricultural commodities under Title I of the Act to any nation which sells or furnishes or permits ships or aircraft under its registry to transport to or from Cuba or North Vietnam any equipment, materials, or commodities (so long as

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those countries are governed by Communist regimes). However, if such activities are limited to the furnishing, selling, or selling and transporting to Cuba medical supplies, non-strategic agricultural or food commodities, sales agreements may be made if the President finds they are in the national interest of the United States.

Although Syria has been trading with Cuba in recent years, our information indicates that it has not traded with North Vietnam. Syrian ships or aircraft have not called at Cuba or North Vietnam. The best information available indicates that current Syrian trade with Cuba is limited to non-strategic agricultural commodities within the meaning of Section 103(d)(3).

Section 410 applies to assistance under Title I of Pub. L. 480 the prohibitions contained in Section 620(e) of the Foreign Assistance Act of 1961, as amended, relating to naturalization or expropriation of property owned by Americans; the prohibitions of Section 620(e), however, may be waived by the President if he determines and certifies that such a waiver is important to the national interest of the United States. There are several potential claims involving property rights and interests of Americans in Syria which might make Section 410 applicable to Syria, and these will be the subject of separate negotiations with Syria.

The considerations noted above, however, make the proposed sale important to the national interest of the United States notwithstanding the prohibitions contained in Sections 103(d)(3) and 410 of Pub. L. 480.

[FR Doc.74-26702 Filed 11-11-74;3:48 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-WE-18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On September 17, 1974 a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 33377) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a new transition area for Delano Municipal Airport, Delano, California.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No comments were received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 GMT, January 2, 1975.

This amendment is issued under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on November 4, 1974.

ROBERT O. BLANCHARD,
Acting Director,
Western Region.

In § 71.181 (39 FR 440) the following transition area is added:

DELANO, CALIF.

That airspace extending upward from 700 feet above the surface within a 3-mile radius of Delano Municipal Airport (latitude 35°-44'48" N., longitude 119°14'08" W.) and within 3 miles each side of the Bakersfield VORTAC 336° T radial, extending from the 3-mile radius area to 12 miles NW of the VORTAC.

[FR Doc.74-26519 Filed 11-12-74;8:45 am]

Title 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1974 Crop Barley Supplement, Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1974 Crop Barley Loan and Purchase Program

On July 9, 1974, Commodity Credit Corporation (CCC) issued regulations, published at 39 FR 25219, which set forth specific requirements with respect to loans and purchases for the 1974 crop of barley. It has now been determined that, in the absence of a set-aside program for 1974, an acreage allotment for a farm will not be required, and the producer will not be required to file a notice of intention to participate.

Inasmuch as barley is currently being harvested in many parts of the barley-producing area, compliance with the notice of proposed rulemaking procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without following such procedure.

§ 1421.73 [Deleted]

§§ 1421.74, 1421.75, 1421.76 [Amended]

The regulations published at 39 FR 25219 are hereby amended as follows:

§ 1421.73, "Compliance requirements" is hereby deleted and §§ 1421.74, "Availability", 1421.75, "Maturity of loans", and 1421.76, "Loan rates and discounts" are renumbered §§ 1421.73, 1421.74, 1421.75 respectively.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421))

Effective date: November 13, 1974.

Signed at Washington, D.C., on November 7, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-26599 Filed 11-12-74;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Flaxseed Supplement, Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1970 and Subsequent Crops Flaxseed Loan and Purchase Program; Warehouse Receipts

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 11456, as amended, containing provisions for price support loans and purchases applicable to 1970 and subsequent crops of flaxseed are further amended as follows:

Section 1421.155(c) is amended to provide that a warehouseman may have a lien only for warehouse handling charges at not to exceed the Uniform Grain Storage Agreement rates.

§ 1421.155 Warehouse receipts.

* * * * *

(c) *Liens.* Warehouse receipts and the flaxseed represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges at not to exceed the UGSA rates. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the flaxseed when CCC is holder of the warehouse receipt.

* * * * *

Since this amendment is necessary to carry out the flaxseed loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 401, 63 Stat. 1053, 1054, as amended (7 U.S.C. 1447, 1421))

Effective date: November 13, 1974.

Signed at Washington, D.C., on November 7, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-26596 Filed 11-12-74;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Soybean Supplement, Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1970 and Subsequent Crops Soybean Loan and Purchase Program; Warehouse Receipts

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 13971 and 14501, as amended, containing provisions for price support loans and purchases applicable to 1970 and subsequent crops of soybeans are further amended as follows:

Section 1421.370(d) is amended to provide that a warehouseman may have a lien only for warehouse handling charges at not to exceed the Uniform Grain Storage Agreement rates.

§ 1421.370 Warehouse receipts.

* * * * *

(d) *Liens.* Warehouse receipts and the soybeans represented thereby stored in an approved warehouse operating under

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the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges at not to exceed the UGSA rates. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the soybeans when CCC is holder of the warehouse receipt.

• • • • • •

Since this amendment is necessary to carry out the soybean loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 301, 401, 63 Stat. 1053, 1054, as amended (7 U.S.C. 1447, 1421))

Effective date: November 13, 1974.

Signed at Washington, D.C., on November 7, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-26597 Filed 11-12-74;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Grain Sorghum Supplement, Amdt. 3]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1970 and Subsequent Crops Grain Sorghum Loan and Purchase Program; Warehouse Receipts

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 10745, as amended, containing provisions for price support loans and purchases applicable to 1970 and subsequent crops of grain sorghum are further amended as follows:

Section 1421.214(d) is amended to provide that a warehouseman may have a lien only for warehouse handling charges at not to exceed the Uniform Grain Storage Agreement rates.

§ 1421.214 Warehouse receipts.

• • • • • •

(d) *Liens.* Warehouse receipts and the grain sorghum represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges at not to exceed the UGSA rates. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the grain sorghum when CCC is holder of the warehouse receipt.

• • • • • •

Since this amendment is necessary to carry out the grain sorghum loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421))

Effective date. November 13, 1974.

Signed at Washington, D.C. on November 6, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-26538 Filed 11-12-74;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Oat Supplement, Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1970 and Subsequent Crops Oat Loan and Purchase Program; Warehouse Receipts

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 8340, as amended, containing provisions for price support loans and purchases applicable to 1970 and subsequent crops of oats are further amended as follows:

Section 1421.250(d) is amended to provide that a warehouseman may have a lien only for warehouse handling charges at not to exceed the Uniform Grain Storage Agreement rates.

§ 1421.250 Warehouse receipts.

• • • • • •

(d) *Liens.* Warehouse receipts and the oats represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges at not to exceed the UGSA rates. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the oats when CCC is holder of the warehouse receipt.

• • • • • •

Since this amendent is necessary to carry out the oat loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c), secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421))

Effective date. November 13, 1974.

Signed at Washington, D.C. on: November 6, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-26534 Filed 11-12-74;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Corn Supplement, Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1970 and Subsequent Crops Corn Loan and Purchase Program; Warehouse Receipts

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 13969, as amended, containing provisions for price support loans and purchases applicable to 1970 and subsequent crops of corn are further amended as follows:

Section 1421.94(d) is amended to provide that a warehouseman may have a lien only for warehouse handling charges at not to exceed the Uniform Grain Storage Agreement rates.

§ 1421.94 Warehouse receipts.

• • • • • •

(d) *Liens.* Warehouse receipts and the corn represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges at not to exceed the UGSA rates. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the corn when CCC is holder of the warehouse receipt.

• • • • • •

Since this amendment is necessary to carry out the corn loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421))

Effective date. November 13, 1974.

Signed at Washington, D.C., on November 6, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-26535 Filed 11-12-74;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Rye Supplement, Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1970 and Subsequent Crops Rye Loan and Purchase Program; Warehouse Receipts

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 10355, as amended, containing provisions for price support loans and purchases applicable to 1970 and subsequent crops of rye are further amended as follows:

Section 1421.340(d) is amended to provide that a warehouseman may have a lien only for warehouse handling charges at not to exceed the Uniform Grain Storage Agreement rates.

§ 1421.340 Warehouse receipts.

• • • • • •

(d) *Liens.* Warehouse receipts and the rye represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges at not to exceed the UGSA rates. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the rye when CCC is holder of the warehouse receipt.

• • • • • •

Since this amendment is necessary to carry out the rye loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714 b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421))

Effective date. November 13, 1974.

Signed at Washington, D.C., on: November 6, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-26537 Filed 11-12-74;8:45 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Barley Supplement, Amdt. 4]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

1970 and Subsequent Crops Barley Loan and Purchase Program; Warehouse Receipts

The regulations issued by the Commodity Credit Corporation (CCC) published in the FEDERAL REGISTER at 35 FR 11166 and 11902, as amended, containing provisions for price support loans and purchases applicable to 1970 and subsequent crops of barley are further amended as follows:

Section 1421.54(d) is amended to provide that a warehouseman may have a lien only for warehouse handling charges at not to exceed the Uniform Grain Storage Agreement rates.

§ 1421.54 Warehouse receipts.

• • • • • •

(d) *Liens.* Warehouse receipts and the barley represented thereby stored in an approved warehouse operating under the Uniform Grain Storage Agreement (hereinafter called "UGSA") may be subject to liens only for warehouse handling charges at not to exceed the UGSA rates. However, in no event shall a warehouseman be entitled to satisfy the lien by sale of the barley when CCC is holder of the warehouse receipt.

• • • • • •

Since this amendment is necessary to carry out the barley loan and purchase program more effectively, compliance with the notice of proposed rulemaking and public participation procedure would be impracticable and contrary to the public interest. Therefore, this amendment is issued without compliance with such procedure.

(Secs. 4 and 5, 62 Stat. 1070, as amended (15 U.S.C. 714b and c); secs. 105, 401, 63 Stat. 1051, as amended (7 U.S.C. 1441 note, 1421))

Effective date. November 13, 1974.

Signed at Washington, D.C., on: November 6, 1974.

GLENN A. WEIR,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-26536 Filed 11-12-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Amendment to Correct Republication of Part 211

On September 25, 1974, the Federal Energy Administration issued a republication of certain of its regulations including Part 211—Mandatory Petroleum Allocation Regulations. The republication appeared at 39 FR 35427, October 1, 1974.

As printed in the FEDERAL REGISTER, three inadvertent errors occurred. Clauses (i), (ii), and (iii) of § 211.12(e)(3) were omitted, one sentence in subparagraph (h)(1) of § 211.65 was omitted, and paragraph (b) of § 211.127 was replaced with the language of § 211.141(b). This amendment corrects these inadvertent omissions.

Since this amendment does not make any substantial changes in the existing regulations, it is not necessary to provide notice of proposed rulemaking, opportunity for public participation, or any delay in effective date under either section 7(i) of the Federal Energy Administration Act of 1974 or 5 U.S.C. § 553. In addition, because this amendment merely corrects the republication to reflect the wording of existing regulations, this amendment is made effective September 25, 1974, the date of the republication.

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective September 25, 1974.

Issued in Washington, D.C. on November 7, 1974.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 211.12 is corrected in paragraph (e)(3) to read as follows:

§ 211.12 Purchaser's allocation entitlement.

• • • • • •

(e) New wholesale-purchasers. • • •

(3) *Assignments.* Any wholesale purchaser which does not have a base period supplier or a new supplier as provided in § 211.10(e)(1) (including all wholesale purchaser-consumers which cannot locate a supplier under paragraph (e)(1) of this section) or whose base period supplier(s) or new supplier as provided in § 211.10(e)(1) is unable to supply it with sufficient amounts of allocated product may apply to FEA as provided in Subpart C of Part 205 of this chapter to be assigned a supplier and a base period volume on a temporary or permanent basis.

(i) To the extent practicable, the FEA shall continue any existing supplier/purchaser relationships in making such assignments.

(ii) The wholesale purchaser shall certify to the FEA documented evidence justifying its proposed base period volume as normal and reasonable for the intended use.

(iii) FEA may assign the wholesale purchaser to one or more suppliers and will assign a base period volume to the wholesale purchser when the assignment to a supplier(s) is made. In assigning base period volumes, FEA will consider, among other relevant criteria, the quantity of allocated products previously sold or purchased at the purchaser's site, the projected volume as calculated prior to construction of the purchaser's site, and the criteria specified in § 211.13(c)(1).

2. Section 211.65 is corrected in paragraph (h)(1) to read as follows:

§ 211.65 Method of Allocation.

• • • • • •

(h) *Failure to negotiate transactions.* (1) Each refiner-buyer shall use its best effort to consummate the purchases of crude oil under this subpart from refiner-sellers prior to requesting assistance from the FEA. A refiner-buyer that is unable to negotiate a contract to purchase crude oil within 15 days of the publication of the notice specified in paragraph (e) of this section may request after the expiration of such 15 day period in accordance with the procedures established under Subpart G of Part 205 of this chapter, that the FEA direct one or more refiner-sellers to sell an acceptable type of crude oil to such refiner-buyer. Such a request must be made within 30 days of the publication of such notice. Upon such request, the FEA may direct one or more refiner-sellers which have not sold their required allocation quarter quantity to sell crude oil to the refiner-buyer. If the refiner-buyer declines to purchase the crude oil specified by the FEA, the rights of that refiner-buyer to purchase that volume of crude oil are forfeited during that allocation quarter, provided that

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the refiner-seller or refiner-sellers have fully complied with all of the provisions of this section.

3. Section 211.127 is corrected in paragraph (b) to read as follows:

§ 211.127 **Procedures and reporting requirements.**

* * * * *

(b) The general reporting and record-keeping requirements contained in Subpart L of this part apply to this subpart.

[FR Doc.74-26485 Filed 11-12-74;8:45 am]

Title 12—Banks and Banking

CHAPTER I—COMPTROLLER OF THE CURRENCY, DEPARTMENT OF THE TREASURY

PART 20—INTERNATIONAL OPERATIONS REGULATION

Foreign Exchange Reports

The Department of the Treasury published in the FEDERAL REGISTER on October 16, 1974 (39 FR 36962) miscellaneous amendments to 31 CFR 128 which will become effective on November 29, 1974. The Treasury amendments require bankers and banking institutions in the United States to make certain foreign currency reports to a Federal Reserve Bank at weekly and monthly intervals.

The Comptroller of the Currency has determined that national banks should submit copies of such reports to the Comptroller of the Currency at the times required by the Treasury regulation (31 CFR Part 128) and pursuant to the authority contained in the national banking laws (12 U.S.C. 1 et seq.) is amending Part 20 for that purpose. Since the amendment does not impose substantial new requirements for which further notice would be necessary and desirable, delayed effectiveness is unnecessary and contrary to the public interest. This amendment accordingly will become effective on November 29, 1974, which is also the effective date of the Treasury amendment.

In 12 CFR Part 20 is amended as follows:

1. Section 20.1 is amended by revising paragraph (b)(2) and adding a new paragraph (b)(3).

§ 20.1 **Authority and policy.**

* * * * *

(b) *Policy.* * * *

(2) Reports on certain other international activities and on foreign exchange activities shall be made to the Comptroller of the Currency as specified in §§ 20.4 and 20.5 of this part.

(3) The required notifications and reports will provide the basis, where needed, for special examinations by this Office, and for the issuance of appropriate instructions.

* * * * *

2. A new § 20.5 is added as follows.

§ 20.5 **Reporting of foreign exchange activities.**

The submission of Foreign Currency Forms FC–1, FC–2, FC–1a, and FC–2a is required by the Department of the Treasury under the provisions of 31 CFR Part 128. Copies of these report forms shall be submitted by each national bank to the Comptroller of the Currency at each filing time specified in 31 CFR Part 128.

Dated: November 8, 1974.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

[FR Doc.74-26460 Filed 11-12-74;8:45 am]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 74-1134]

PART 525—ADVANCES

Amendments Regarding Bank Advances Secured by Home Mortgages

OCTOBER 31, 1974.

The following summary of amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. Regulations Prior to Present Amendments. Prior to the enactment of the Emergency Home Purchase Assistance Act of 1974 (Pub. L. No. 93-449; October 18, 1974), home mortgages exceeding $40,000 were not eligible collateral to secure Federal Home Loan Bank advances and the Board had no authority to increase this dollar figure.

II. Amended Regulations. To provide that a home mortgage having a principal balance of not exceeding $55,000, at the time a Bank advance is made, may be accepted as collateral if it is otherwise eligible and to implement the Board's authority to increase the $55,000 amount to $82,500 with respect to dwellings in Alaska, Guam, and Hawaii.

III. Reason for Changing the Regulations. Implement, in part, section 4 of the Emergency Home Purchase Assistance Act of 1974 (Pub. L. No. 93-440, October 18, 1974).

Section 4 of the Emergency Home Purchase Assistance Act of 1974, amended, among other things, the collateral requirements for Federal Home Loan Bank advances to members in section 10(b) of the Federal Home Loan Bank Act (12 U.S.C. 1430(b)). Prior to the amendment, this section 10(b) required, in part, that "No home mortgage shall be accepted as collateral security for an advance by a Federal Home Loan Bank if, at the time such advance is made * * * (2) the home mortgage exceeds a sum equal to $40,000 for each home or other dwelling unit covered by such mortgage, * * *". This language was amended by striking the dollar figure $40,000 and inserting in lieu thereof $55,000 (except that with respect to dwellings in Alaska, Guam, and Hawaii the foregoing limitation may, by regulation of the Board, be increased by not to exceed 50 per centum)".

The Federal Home Loan Bank Board considers it advisable to amend Part 525 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 525) for the purpose of authorizing Federal Home Loan Banks to accept home mortgage collateral having the maximum principal amount permitted by statute. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 525 by revising §§ 525.10 and 525.13 thereof to read as set forth below. Since these amendments relieve restriction, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments is unnecessary; and the Board hereby provides that said amendments shall become effective November 13, 1974.

§ 525.10 **Terms of advances.**

The Banks may make advances to members on the security of home mortgages and/or obligations of the United States, as provided in section 10 of the Act, for periods of not to exceed ten years. Under section 10(b)(2) of the Act, the Board authorizes the banks to accept as collateral security a home mortgage of not to exceed $82,500 with respect to dwellings in Alaska, Guam, and Hawaii.

* * * * *

§ 525.13 **Home mortgages exceeding $55,000.**

A home mortgage which was originally written for more than a sum equal to $55,000, or $82,500 with respect to dwellings in Alaska, Guam, and Hawaii, for each home or other dwelling unit covered by such mortgage, but which has been reduced to not more than said sum, may be accepted as collateral, if otherwise eligible.

* * * * *

(Secs. 10, 17, 47 Stat. 731, 736, as amended; 12 U.S.C. 1430, 1437. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., P 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-26571 Filed 11-12-74;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74-1162]

PART 563d—SECURITIES OF INSURED INSTITUTIONS

Amendment Relating to Interim Procedure for Compliance With Securities Exchange Act

NOVEMBER 5, 1974.

The following summary of the amendments adopted by this regulation is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Regulations Prior to Present Amendment*—None; no authority in the Board. Prior authority under sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the Securities Exchange Act of 1934 with respect to securities issued by insured institutions was vested in the Securities and Exchange Commission.

II. *Reasons for New Regulation*—Effective October 28, 1974 section 12(i) of the Securities Exchange Act of 1934 was amended by Public Law 93-495 to vest in the Board the authority previously vested in the Commission under the above-mentioned sections with respect to securities issued by insured institutions. The Board was instructed by such law to publish its regulations in the FEDERAL REGISTER within 120 days of such date. This amendment will implement the Board's new authority on an interim basis until its permanent regulations are made effective.

III. *New Regulation*—This interim regulation provides that the rules and regulations (including forms) published by the Commission under such sections shall, after October 28, 1974, continue to apply to securities issued by insured institutions; that references to the "Commission" in such sections with respect to such securities shall mean the Board; and that all related filings and fees with respect to such securities are to be made with or paid to the Board.

The Federal Home Loan Bank Board hereby amends the rules and regulations for Insurance of Accounts (12 CFR Chapter V, Subchapter D) by adding a new Part 563d thereto, immediately after 563c thereof, containing new § 563d.1, to read as set forth below, effective October 28, 1974.

Public Law 93-495 amended section 12(i) of the Securities Exchange Act of 1934 by providing that in respect of any securities issued by institutions the accounts of which are insured by the Federal Savings and Loan Insurance Corporation, the powers, functions, and duties vested in the Commission to administer and enforce sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 are vested in the Board. These sections of the Securities Exchange Act relate to registration requirements, reporting requirements, proxy requirements and requirements imposed on directors, officers, and owners. Section 563d.1 is a temporary regulation to provide that insured institutions which issue securities required to be registered or are otherwise registered pursuant to section 12 of the Securities Exchange Act of 1934 and certain owners of the securities and officers and directors of such insured institutions shall submit all filings required by or under the Securities Exchange Act of 1934 to the Board, in conformity with the rules and regulations of the Securities and Exchange Commission (17 CFR, Chapter II), until the Board has adopted its own securities regulations pursuant to section 12(i) of the Securities Exchange Act, as amended.

Section 12(i) of the Securities Exchange Act of 1934, as amended by Public Law 93-495, requires the Board to issue substantially similar regulations to regulations and rules issued by the Commission under said sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16, unless the Board finds that implementation of substantially similar regulations with respect to insured institutions is not necessary or appropriate in the public interest or for the protection of institutions, and publishes such findings, and the detailed reasons therefor, in the FEDERAL REGISTER. Section 12(i), as amended, also requires that such regulations of the Board, or the reasons for failure to publish such substantially similar regulations to those of the Commission, shall be published in the FEDERAL REGISTER within 120 days after the enactment of the amendment to section 12(i) (that is, by the close of February 26, 1975) and, thereafter, within 60 days of any changes made by the Commission in its relevant regulations and rules.

The Board intends to propose for public comment regulations pursuant to its authority under section 12(i) of the Securities Exchange Act of 1934, as amended. In the meantime, said sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 involve ongoing responsibilities on the part of affected insured institutions and their directors, officers and owners. The temporary regulation adopted by this Resolution requires that until such time as the Board has adopted further final regulations under section 12(i) such affected entities and persons shall continue to follow the regulations and rules of the Commission except that all filings required by the Commission's regulations and rules shall be made with the Board. Further, all requests for interpretations of the Commission's regulation and rules shall be addressed to the Board. In addition, all fees required to be paid to the Commission in connection with such filings are to be paid to the Board.

Since the above amendment does not involve a substantive change in the requirements which are applicable to insured institutions, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinabove set forth.

A new Part 563d of Chapter V, of Title 12 of the Code of Federal Regulations is added to read as follows:

§ 563d.1 **Interim requirements under certain sections of the Securities Exchange Act of 1934.**

In respect of any securities issued by insured institutions, the powers, functions, and duties vested in the Securities and Exchange Commission to administer and enforce sections 12, 13, 14(a), 14(c), 14(d), 14(f) and 16 of the Securities Exchange Act of 1934 are vested in the Federal Home Loan Bank Board effective October 28, 1974. The rules and regulations (including forms) prescribed by the Commission pursuant to such sections and in effect on such date or as thereafter amended shall continue to apply to securities issued by insured institutions until this part has been amended to otherwise provide. The term "Commission" as used in such rules and regulations shall with respect to securities issued by insured institutions be deemed to refer to the Board unless the context otherwise requires. All filings with respect to securities issued by insured institutions required by such rules and regulations to be made with the Commission on and after October 28, 1974 shall be made with the Board by submitting such filings to the Securities Division, Office of the General Counsel, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, and any related filing fees shall be paid to the Board. A filing with respect to securities issued by insured institutions made with the Commission between October 28, 1974 and November 12, 1974, shall be deemed to have been filed with the Board.

(Sec. 12(i), 48 Stat. 881, as amended (15 U.S.C. 781(i)); Secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp. p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-26504 Filed 11-12-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Reg. No. 16]

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974——)

Subpart Q—Referral for Rehabilitation Services, Other Benefits, Other Services, and Assistance

REFERRALS FOR VOCATIONAL REHABILITATION SERVICES AND TREATMENT FOR DRUG ADDICTION AND ALCOHOLISM

On January 30, 1974, there was published in the FEDERAL REGISTER (39 FR 3831) a Notice of Proposed Rule Making with proposed amendments to Subpart Q of Regulations No. 16 relating to the refusal to accept vocational rehabilitation services, the referral of drug addicts and alcoholics for treatment, and the refusal to accept treatment for drug addiction and alcoholism under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92-603) approved October 30, 1972. These proposed regulations provided: (1) That blind or disabled individuals will be ineligible to receive benefits because of refusal, without good cause to accept

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vocational rehabilitation services, (2) examples of situations in which an individual would be found to have good cause for refusing vocational rehabilitation services, (3) that disabled individuals who are medically determined to be drug addicts and alcoholics will be referred for appropriate, available treatment, and (4) that refusal to accept such treatment will result in ineligibility.

Interested parties were given 30 days in which to submit data, views or arguments. Two letters of comment were received in response to the proposals.

There follows a discussion of the comments:

One writer contended that the intent of Public Law 92–603 is to provide an income floor for all adults in need. He further stated that proposed § 416.1705, which provides that a recipient of benefits who has been referred to an appropriate State agency administering a plan for vocational rehabilitation services shall not be eligible for benefits for any month in which he refuses such services, adds another requirement the ramifications of which may not have been fully intended by Congress. He urged that the Supplemental Security Income program contain a non-mandatory provision that would allow persons to accept rehabilitation services deemed appropriate without an actual requirement that they do so.

Section 1615 of the Social Security Act (42 U.S.C. 1382d) specifically provides that no blind or disabled individual shall be eligible for benefits if he refuses without good cause to accept the vocational rehabilitation services made available to him under a State plan for vocational rehabilitation services approved under the Rehabilitation Act. Since it would conflict with the law and be contrary to Congressional intent, the Social Security Administration cannot by regulations provide that the individual has the option of accepting or refusing vocational rehabilitation services.

The same writer raised the objections that from an administrative standpoint it would seem impossible for the Social Security Administration to ensure that every Supplemental Security Income recipient accepts the vocational rehabilitation services made available to him and that he accepts them for each month referred. The writer commented that this type of regulation would be impossible to enforce uniformly. However, the Social Security Administration's experience in administering a similar provision in the title II disability insurance program regarding vocational rehabilitation services has been highly successful. It is not anticipated that any difficulties will arise in monitoring in a uniform manner a recipient's participation in vocational rehabilitation services or in applying the provisions of the Act.

The same writer suggested that § 416.1707 of the proposed regulations, containing examples of situations where good cause for refusal of vocational rehabilitation services would be found to exist, be expanded. This suggestion has been adopted and additional examples of "good cause" have been provided.

The same writer expressed concern that if the above sections are promulgated, additional regulations are needed to make clear the due process rights of an individual prior to the suspension of benefits. Section 416.1336 (Subpart M) of the proposed regulations provides that written notice of intent to discontinue payment because of an event requiring suspension, reduction, or termination of payments must be given prior to effectuation of the action (subject to certain exceptions not ordinarily applicable in refusal of vocational rehabilitation services situations, i.e., confirmed death of the recipient, amendments to Federal law, where clerical or mechanical error has been made or where the facts supplied by a recipient are complete and not subject to conflicting interpretations), and § 416.1328 makes clear that the refusal of vocational rehabilitation services is an event requiring suspension. The recipient is allowed 30 days from receipt of the advance notice to request reconsideration, and payments will be continued for this period of time and, if such review is requested, benefits will continue until a reconsidered determination is rendered and notice thereof transmitted to the recipient. Even where written advance notice is not required, a concurrent notice will, nevertheless, be mailed to the recipient which states the basis for the determination and informs him of his right to the pertinent administrative appellate process.

Another writer expressed full support to efforts to increase the involvement of recipients in available rehabilitation resources. However, this agency questioned the provision in § 416.1711 that treatment be a required condition of eligibility for persons medically determined to be drug addicts or alcoholics. The writer expressed concern as to the financial burden on local welfare agencies in situations where the individual who refuses treatment subsequently loses his eligibility for Supplemental Security Income benefits (and possibly for Medicaid benefits) and resultantly is placed on the local general assistance rolls. The agency recommends that rehabilitation services be provided as an adjunct to the income maintenance of the Supplemental Security Income program but that while these services would be made available to all individuals, obtaining treatment would not be a requirement for eligibility.

The provisions of §§ 416.1710 and 416.1711 implement section 1611(e)(3)(A) of the Social Security Act (42 U.S.C. 1382(e)(3)(A)) which provides that "No person (who is eligible on the basis of disability) * * * shall be an eligible individual or eligible spouse * * * if such individual is medically determined to be a drug addict or alcoholic unless such individual is undergoing any treatment that may be appropriate for his condition as a drug addict or alcoholic * * * (so long as such treatment is available) and demonstrates that he is complying with the * * * requirements of such treatment * * *" Since the referral and treatment requirements are, thus, prescribed by law, the changes recommended by this agency could only be effected by legislative change and not by regulations.

Accordingly, with the aforementioned changes and additions, the proposed amendments are adopted as set forth below.

(Secs. 1102, 1611(e)(3)(A), 1615, and 1631 of the Social Security Act, as amended, 49 Stat. 647, as amended, 86 Stat. 1466, 1474, and 1475 (42 U.S.C. 1302, 1382(e)(3)(A), 1382d, and 1383))

Effective date. These amendments shall be effective November 13, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: October 18, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 8, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding §§ 416.1701, 416.1703, 416.1705, 416.1707, 416.1710, and 416.1711 to read as follows:

Subpart Q—Referral for Rehabilitation Services, Other Benefits, Other Services, and Assistance

Sec.

416.1701 Scope of subpart.
416.1703 Referral of blind and disabled individuals for vocational rehabilitation services.
416.1705 Ineligibility for benefits because of refusal to accept vocational rehabilitation services.
416.1707 Good cause for refusal of vocational rehabilitation services.
416.1710 Referral of drug addicts and alcoholics for treatment.
416.1711 Refusal to accept treatment for drug addiction or alcoholism.

§ 416.1701 Scope of subpart.

This Subpart Q contains provisions:

(a) Implementing section 1615 of the Act (42 U.S.C. 1382d) with respect to referrals of blind or disabled recipients for vocational rehabilitation services;

(b) Implementing section 1611(e)(3) of the Act (42 U.S.C. 1382(e)(3)) with respect to the referral of disabled individuals medically determined to be drug addicts or alcoholics for appropriate treatment, where available, at an institution or facility approved for such purpose; and

(c) Implementing the provisions of sections 1612(b)(4)(A)(iii), 1612(b)(4)(B)(ii), and 1613(a)(4) of the Act (42 U.S.C. 1382a(b)(4)(a)(iii), 1382a(b)(4)(B)(ii), and 1382b(a)(4)) with respect to the exclusion of countable income and resources of a blind or disabled individual necessary to fulfill a plan for achieving self-support.

§ 416.1703 Referral of blind and disabled individuals for vocational rehabilitation services.

A disabled or blind individual under age 65 and receiving benefits under this part will be referred to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Rehabilitation Act of 1973 (see also 45 CFR 401.120ff published at 39 FR 25436, July 10, 1974) for a review of his need for and utilization of available vocational rehabilitation services. Such referrals will be made: (a) At the time it is determined that an individual is eligible for benefits based on disability or blindness; and (b) at such other times as may be scheduled according to individual circumstances.

§ 416.1705 Ineligibility for benefits because of refusal to accept vocational rehabilitation services.

A disabled or blind individual under age 65, who is receiving benefits under this part, and who has been referred to an appropriate State agency administering a State plan for vocational rehabilitation shall not be eligible for benefits for any month in which he refuses, without good cause, to accept vocational rehabilitation services available to him under a State plan approved under the Rehabilitation Act of 1973 (see § 416.1328(a)).

§ 416.1707 Good cause for refusal of vocational rehabilitation services.

(a) An individual may refuse to accept vocational rehabilitation services and continue to be eligible for benefits if his refusal is based on good cause. For example, an individual has good cause for refusing vocational rehabilitation services where:

(1) The person is receiving rehabilitation services under another governmental or private plan which may be expected to restore his ability to engage in substantial gainful activity; or he is a student regularly attending a school, college, or university, or a course of vocational or technical training designed to prepare him for gainful employment.

(2) The services offered would conflict with the person's prescribed medical regimen.

(3) The person is physically or mentally incapable of accepting the services offered.

(4) The training or other services for which he has been found eligible is not designed to restore him to substantial gainful activity.

(5) The individual is a member or adherent of any recognized church or religious sect which teaches its members or adherents to rely solely, in the treatment and care of any physical or mental impairment, on prayer or spiritual means through the application and use of the tenets or teachings of such church or sect; and his refusal to accept rehabilitation services was due solely to his adherence to the teachings or tenets of his church or sect.

(b) A recipient claiming to have good cause for refusal of vocational rehabilitation services has the burden of establishing such good cause.

§ 416.1710 Referral of drug addicts and alcoholics for treatment.

An individual under age 65 and not blind who is determined to be disabled and is medically determined to be a drug addict or alcoholic (see § 416.981) will be referred to an approved institution or facility (see § 416.984) for appropriate and available treatment of his drug addiction or alcoholism.

§ 416.1711 Refusal to accept treatment for drug addiction or alcoholism.

An individual described in § 416.1710 who has been referred for appropriate, available treatment shall not be eligible for benefits for any month in which he refuses to accept appropriate and available treatment for his drug addiction or alcoholism (see § 416.1326).

[FR Doc.74-26577 Filed 11-12-74;8:45 am]

Title 17—Commodity and Securities Exchange

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11056, File No. 57–515]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Amendments to Regulation of Short Sales of Securities; Temporary Suspension

Correction

In FR Doc. 74–24935 in the issue of Friday, October, 25, 1974, on page 37972, in the second paragraph, the thirteenth line should read: "U.S.C. 80a–18, 80a–19, 80a–23], subject".

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

Subpart C—Sponsors of Approved Applications

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Tylosin

The Commissioner of Food and Drugs has evaluated a new animal drug application filed by M & M Livestock Products Co., Eagle Grove, IA 50533 (96–837V), proposing safe and effective use of tylosin premix in the manufacture of swine feed. This application is approved.

To facilitate referencing, the firm is being assigned a sponsor code number and placed in the list of firms in 21 CFR 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 135, § 135.501(c) is amended by adding a sponsor as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *

Code No.:	*Firm name and address*
* * * * * * *	
125 ---------	M & M Livestock Products Co., Eagle Grove, Iowa 50533.

2. In Part 135e, § 135e.10 is amended by adding a new paragraph (b)(22) to read as follows:

§ 135e.10 Tylosin.

* * * * * * *

(b) * * *

(22) To 125: 10 grams per lb., item 4.

* * * * * * *

Effective date. This order shall be effective November 13, 1974.

(Sec. 512(i), 82 Stat. 347, 21 U.S.C. 360b(i))

Dated: November 7, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74-26525 Filed 11-12-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Dichlorvos

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (33–803V) filed by Shell Chemical Co., a Division of Shell Oil Co., Agricultural Division, San Ramon, CA 94583, providing for, in addition to other things, safe and effective use of dichlorvos in the treatment of additional helminth infestations of dogs. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135c.50 is amended by revising paragraph (f)(1), (3), and (4) and by adding new paragraph (f)(5), (6), and (7) to read as follows:

§ 135c.50 Dichlorvos.

* * * * * * *

(f) *Conditions of use in dogs.* (1) For removal of *Toxocara canis* and *Toxascaris leonina* (roundworms), *Ancylostoma caninum* and *Uncinaria stenocephala* (hookworms), and *Trichuris vulpis* (whipworm) residing in the lumen of the gastrointestinal tract.

* * * * * * *

(3) In some dogs, efficacy against *Trichurias vulpis* (whipworm) may be erratic. Dogs that do not develop a negative stool for *Trichuris vulpis* ova 10 to 14 days following intial treatment should be re-treated. If a negative stool is not obtained in 10 to 14 days following retreatment, alternate means of therapy should be considered.

(4) Do not use in dogs infected with *Dirofilaria immitis.*

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(5) Do not use with other anthelmintics, taeniacides, antifilarial agents, muscle relaxants, or tranquilizers.

(6) The drug is a cholinesterase inhibitor. Not for use simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals.

(7) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

* * * * *

Effective date. This order shall be effective November 13, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 7, 1974.

C. C. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74-26523 Filed 11-12-74;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Styrylpyridinium; Diethylcarbamazine Tablets

The Commissioner of Food and Drugs has evaluated a new animal drug application (96-031V) filed by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, proposing safe and effective use of a tablet containing styrylpyridinium chloride and diethylcarbamazine citrate for the treatment of certain helminth infections of dogs. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347 (21 USC 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended by adding a new section as follows:

§ 135c.134 **Styrylpyridinium, diethylcarbamazine tablets, veterinary.**

(a) *Chemical names.* Styrylpyridinium: 2-(*p*-chlorostyryl)-1-methylpyridinium. Diethylcarbamazine: *N,N*-diethyl-4-methyl-1-piperazinecarboxamide.

(b) *Specifications.* Each tablet contains 50 milligrams of styrylpyridinium chloride and 60 milligrams of diethylcarbamazine citrate.

(c) *Sponsor.* See code No. 004 in § 135.501(c) of this chapter.

(d) *Conditions of use.* (1) Use in dogs as an aid in the control of large roundworms (*Toxocara canis*) and hookworms (*Ancylostoma caninum*), and in the prevention of heartworm disease (*Dirofilaria immitis*).

(2) Administer orally at a rate of one tablet per 20 pounds of body weight per day.

(3) Do not use in dogs that may be infected with heartworms.

(4) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective November 13, 1974.

(Sec. 512(i), 82 Stat. 347 (21 U.S.C. 360b(i)))

Dated: November 7, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74-26522 Filed 11-12-74;8:45 am]

SUBCHAPTER F—BIOLOGICS

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

Inactivated Influenza Vaccine General Safety Test

The Commissioner of Food and Drugs proposed in a notice published in the FEDERAL REGISTER of August 2, 1974 (39 FR 27916) that a new § 610.11a be added to Part 610 to specify an added alternative test and safety standard which must be met before certain lots of influenza vaccine may be released.

As with nearly all licensed products, inactivated influenza vaccine must comply with the requirements of the general safety test in § 610.11 (21 CFR 610.11). The general safety test is intended to be a final check on each filling of each lot of product intended for administration to man. The purpose of the test is to detect the presence of any toxic contaminant that may have resulted from the manufacturing process.

The general safety test requires that the product be injected parenterally into each of two mice and into each of two guinea pigs and that the animals be observed for a period of no less than 7 days. If neither significant symptoms nor death results during the observation period, the product meets the requirements for general safety.

The proposal dealt with the general safety testing requirement for licensed, inactivated influenza vaccine only. It was proposed because of difficulties encountered in testing the vaccine formulated for use during the 1974–75 respiratory virus season. These difficulties concerned the unexpected toxicity of numerous lots of this year's vaccine when administered intraperitoneally to guinea pigs, resulting in occasional guinea pig deaths and, therefore, general safety test failure. A complicating factor was the absence of any such deaths when similar quantities of the same vaccine were administered subcutaneously to guinea pigs.

Preliminary study by the Bureau of Biologics, Food and Drug Administration, has indicated that the guinea pig deaths are apparently related to two primary factors: (1) The amount of viral antigen in the vaccine, and (2) the level of bacterial endotoxins in the vaccine. In assessing the significance of these factors, it is important to have an appreciation of certain relevant background information from the general experience with influenza over the years. To provide significant protection, influenza vaccine must be prepared from viruses that are similar in antigenic configuration to those likely to be encountered during the ensuing respiratory season. Therefore, the composition of influenza vaccine, unlike other licensed biological products, must be changed frequently due to the periodic shifting in antigenic characteristics of influenza viruses. These shifts may be major, such as those occurring at the time of worldwide pandemics, or may be minor, such as those occurring in interpandemic periods. More potent vaccines (containing more viral antigen) are often required for adequate protection during the period following major viral mutations like that observed with Hong Kong influenza virus type B in 1973.

Because of such a recent major viral mutation, the bivalent vaccine (containing both type A and type B viral antigens) prepared for the 1974–75 respiratory season contains antigens derived from the new Hong Kong strain of type B influenza virus, rather than the older Massachusetts strain. To ensure adequate protection against the new Hong Kong strain, the new vaccine contains 40 percent more type B antigen than last year's bivalent vaccine.

The new influenza vaccine also contains bacterial endotoxins, which are undesirable but unavoidable contaminants, resulting from the manufacturing process. It should be noted, however, that the amount of endotoxin in the 1974–75 vaccine is within the range of that present in earlier influenza vaccines, which had not been recognized as producing toxic effects in guinea pigs.

Recent experiments conducted by the Bureau of Biologics in August and September 1974 have confirmed that either influenza antigens or endotoxins alone could be toxic to guinea pigs if given in sufficient concentration; furthermore, recent studies indicate that the effects of influenza antigens and endotoxins are additive, for when as little as 6 micrograms/milliliter of a reference endotoxin were mixed with current formula influenza vaccine, guinea pig deaths occurred after the 5-milliliter intraperitoneal injection. Other experiments using mixtures of reference endotoxin and monovalent influenza viral antigens confirm these additive effects. Finally, additional studies also suggest that the new Hong Kong type B antigen administered to guinea pigs, with or without added endotoxin, is more toxic to guinea pigs than either the current type A antigen or the older B Massachusetts strain which it replaced.

In retrospect, for the reasons cited above, it could be expected that the 1974–75 bivalent vaccine, with its 40 percent increase in type B antigen, and its varying amounts of unavoidable endotoxins, would be capable of causing deaths in at least some guinea pigs. Since it seemed surprising that some vaccine of earlier years had not been toxic for guinea pigs, repeat testing of a number of influenza vaccines produced between 1967 and 1973 was performed. These tests used larger numbers of guinea pigs than the two required by the general safety test. The results indicated that several of these vaccines did, indeed, kill a percentage of the animals.

It is important to appreciate the limitations of a two-guinea-pig test in recognizing an effect that is only occasionally lethal for guinea pigs. Those 1974–75 vaccine lots failing an initial test in two guinea pigs inoculated intraperitoneally would likely pass if the test were repeated several times. Although none of the current vaccines failing the general safety test has been released for marketing, it is unlikely that these lots are substantially different from other lots passing the test and now in distribution. The levels of viral antigen and endotoxin in influenza vaccines can be quantitated far more accurately by methods other than the test in guinea pigs. For example, for endotoxin the limulus lysate assay method is far more sensitive. This assay method has confirmed the fact that the majority of lots of this year's influenza vaccine which have failed the general safety test contain quantities of endotoxin similar to or slightly greater than other lots which have passed the test. It is for these reasons that the Commissioner proposed to amend the general safety test to require a precise measure of endotoxin.

At the same time, the general safety test in guinea pigs will be retained using the subcutaneous route of inoculation, which still affords a means of assessing the presence of other toxic materials which might be incorporated inadvertently into the vaccine.

At the time the proposal was published, the Bureau of Biologics estimated that approximately 12,000,000 doses of the vaccine were represented by batches that have resulted or would result in guinea pig death if the general safety test were conducted intraperitoneally and that failure to amend the general safety test regulations in the manner indicated would result in a similar number of Americans not receiving protection against influenza. However, testing of recent lots of vaccine both by the manufacturer and the Bureau of Biologics reveals that the scope of the problem is more limited than had been estimated in early August 1974. It is now evident that approximately 4,000,000 doses of vaccine are involved. This represents about 15 percent of the influenza vaccine that would normally be administered this fall.

This change in the estimate made in August 1974 resulted from the Bureau's action in making the industry aware of the nature of the problem and their efforts to prepare final vaccine from individual production batches low in endotoxin and guinea pig toxicity. Thus, more vaccine doses were available than were anticipated on the basis of the early testing experience.

Three letters commenting on the proposal were received from two manufacturers of inactivated influenza vaccine and from a state commissioner of health.

1. Two comments objected to the proposed requirement that an endotoxin assay be performed on each lot of influenza vaccine. The objections were based on the fact that such assays would involve the use of new procedures on a crash basis, without adequate time for comparative testing and standardization.

The Commissioner recognizes the general desirability of allowing a reasonable time for transition to the use of a new technical procedure by the manufactures; however, he regards it as essential that the new requirement pertaining to a maximum permissible level of endotoxin be immediately implemented since the presence of high levels of endotoxin could conceivably have an adverse effect on vaccine recipients. To implement this requirement, therefore, the Bureau of Biologics will test all bulk lots of influenza vaccine for permissible endotoxin until such time as the individual manufacturers develop assay capability.

2. One comment stated that a test specifically pertaining to influenza vaccine should more appropriately be incorporated into additional standards for that vaccine rather than into Part 610 of the regulations.

The Commissioner agrees with this comment, but, until additional standards for inactivated influenza vaccine can be developed and published, it is appropriate to insert requirements relating to a modification of the general safety test for final containers of influenza vaccine in Part 610 of the regulations.

3. One comment asserted that because purified, "high potency" vaccines have been available for at least 5 years, the Commissioner's statement in the proposal that the guinea pig deaths are at least in part attributable to increased vaccine potency is not accurate. The comment further stated that until such time as the precise reason for the guinea pig deaths is isolated, no lots of vaccine which cause guinea pig deaths should be released.

The influenza vaccine formulated for the 1974–75 respiratory season is not similar in potency to other recent vaccines. As specifically stated in the preamble to the proposal, this year's vaccine contains 40 percent more type B influenza antigen than last year's bivalent product so as to provide adequate protection against the new Hong Kong strain of type B influenza virus. The Commissioner is convinced that this particular increase in vaccine potency, coupled with the presence of endotoxin, accounts for the increased toxicity of the new vaccine for guinea pigs. More important than the specific etiology of the guinea pig deaths, however, is the effect of the vaccines in terms of clinical reactivity in man. As demonstrated by the clinical studies conducted earlier this year, there was no unusual clinical reactivity in patient populations receiving influenza vaccine which has killed intraperitoneally inoculated guinea pigs.

4. One comment stated that the wide range of endotoxins in influenza vaccines suggests that there is considerable room for technical improvement in the manufacture of influenza vaccine. Further, that without access to information concerning the double blind clinical studies which assessed the reactivity of endotoxin-containing vaccine, it was felt that the commentator was not able to comment upon whether or not the Commissioner's position was tenable.

The Commissioner fully agrees that it should be possible to reduce the endotoxin content of influenza vaccines, and in so doing improve the quality of the vaccines. The proposed new requirement establishing a maximum level of endotoxin for the 1974–75 vaccine is a first step in this direction; and it is anticipated that as a result of new data, leading to changes in production methodology, it will be possible to reduce these levels of endotoxins still further by next year. With reference to the types of clinical studies conducted to assess vaccine reactivity, the Commissioner points out that summaries of the results of the two double blind clinical studies were placed on public display in the office of the Hearing Clerk, Food and Drug Administration, on August 2, 1974, as part of the pertinent data and information referred to in the proposal. These studies support fully the Commissioner's position that vaccines should be released for distribution during the 1974–75 respiratory virus season, if appropriate limits are established with respect to endotoxin.

5. One comment questioned the appropriateness of referencing larger quantities of endotoxin in other vaccines, such as typhoid vaccine, in comparison with the influenza vaccines in question.

The Commissioner at no time intended to argue that the presence of substantial quantities of endotoxin in common bacterial vaccines in any way provides a justification for accepting similar levels of endotoxin in influenza vaccine. His intention in making reference to the endotoxin content of common bacterial vaccines was rather to identify an area of clinical experience in the subcutaneous and intramuscular administration of endotoxins at levels far exceeding those found in contemporary influenza vaccines. The Commissioner emphasizes that endotoxins are undesirable, albeit unavoidable, contaminants of influenza vaccines; however, a review of extensive clinical experience with influenza vaccines, which have been manufactured and administered in recent years, all containing at least some endotoxin, fails to demonstrate a relationship between endotoxin content and vaccine reactivity for man.

6. Another comment concerned the Commissioner's statement that "the test no longer serves as a screen for toxic contaminants." It was argued that there must have been something that distinguished those vaccine batches which did not result in guinea pig fatality from those which did, and that the assumption made in the August 2, 1974 proposal that the general safety test was not screening out toxic contaminants in those instances was not justified.

The Commissioner agrees that there was something that distinguished some of these lots from other lots of influenza vaccines. The important question concerns the significance of these guinea

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pig fatalities and, more specifically, whether or not the guinea pig fatalities would be indicative of increased clinical reactivity in man. There is no evidence whatever that this is the case.

7. Another comment argued that inasmuch as influenza vaccine is recommended primarily for high-risk patients, including those over the age of 65, and inasmuch as those groups might be more likely to be sensitive to endotoxins, it is important to assess the effect of these endotoxin-containing vaccines upon these particular population groups.

The Commissioner recognizes the validity of this point, but points out that some of the general experience cited with reference to influenza vaccines has come from the use of these vaccines in high-risk patients. Additionally, the Commissioner points out that although the groups in question could perhaps be more sensitive to endotoxin, they are also precisely those groups which suffer most from the adverse effects of influenza; therefore, their need for adequate protection against these diseases is the most significant of all population groups. Because there is no data which indicate that any lots of influenza vaccine meeting the provisions of proposed § 610.11a would be excessively reactive in humans, the Commissioner must balance the benefit-to-risk ratio in determining whether the regulations should be amended as proposed. In light of the clear risk associated with leaving substantial numbers of the high-risk population unprotected, as opposed to the strictly theoretical risk of possibly increased reactivity, the Commissioner feels that his position as stated in the August 2, 1974 proposal is the proper one.

8. One comment requested that precautionary labeling and other warning statements be included with lots of the vaccines if lots failing the general safety test, as it now exists, are released pursuant to the proposed revisions.

The Commissioner in rejecting this suggestion emphasizes that the general public has been made aware of the proposed changes in the regulations governing the testing of influenza vaccines through publication in the FEDERAL REGISTER. This information has also been disseminated to state and territorial health officers, and to the several major advisory committees concerned with vaccine safety and vaccine use. Informal discussions of new data being generated will continue at influenza scientific workshops periodically held by the Bureau of Biologics, all of which are open to the public. In the absence of any information indicating any particular risk associated with the use of 1974–75 formula influenza vaccine, in the Commissioner's judgment, there is no need to require changes in product labeling at this time.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262) and under authority delegated to the Commissioner (21 CFR 2.120), Part 610 of Subchapter F is amended by adding a new section to read as follows:

§ 610.11a Inactivated influenza vaccine, general safety test.

For inactivated influenza vaccine, the general safety test shall be conducted in the manner indicated in § 610.11 of this chapter except that, with reference to guinea pigs, the test shall be satisfied if the product provides satisfactory results using either the subcutaneous or intraperitoneal injection of 5.0 milliliters of inactivated influenza vaccine into each guinea pig. The requirements for general safety for inactivated influenza vaccine shall not be considered to be satisfied unless each lot of influenza vaccine is assayed for endotoxin in comparison to a reference preparation provided by the Food and Drug Administration, and such lot is found to contain no more endotoxin than the reference preparation.

Effective date. This order shall be effective November 13, 1974.

(Sec. 351, 58 Stat. 702, as amended (42 U.S.C. 262))

Dated: November 8, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-26521 Filed 11-12-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRTION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-310]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On July 12, 1974, in 39 FR 25649, the Federal Insurance Administrator published a list of communities with special flood hazard areas and the map number and locations where flood insurance rate maps were available for public inspection. This list included Davenport, Iowa, as an eligible community and included map No. H 190242 11 which indicates that Lot No. 35 of G-Mar Heights Second Addition as recorded in Volume D, pages 2 and 15, of the records of the City Engineer, in Davenport, Iowa (present address: 3205 Spring Street, Davenport, Iowa), is in its entirety within the special flood hazard area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the special flood hazard area. Accordingly, effective June 21, 1974, map No. H 190242 11 is hereby corrected to reflect that the above property is not within the special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 23, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26540 Filed 11-12-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On Tuesday, December 7, 1971, in 36 FR 23215, the Federal Insurance Administrator published a list of communities with special flood hazard areas and the map number and locations where flood insurance rate maps were available for public inspection. This list included New Castle County, Delaware, as an eligible community and included map No. H 10 003 0000 08 which indicates that Taylortowne, a subdivision development in New Castle County, Delaware, recorded at Microfilm No. 2597 on Sheets 1, 15, and 17 of 17 in the Office of the Recorder of Deeds for New Castle County, Delaware, is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the special flood hazard area. Accordingly, effective July 23, 1971, map No. H 48 439 0260 16 is hereby corrected to reflect that the above property is not within the special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 30, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26589 Filed 11-12-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On July 23, 1971, in 36 FR 13675, the Federal Insurance Administrator published a list of communities with special flood hazard areas and the map number and locations where flood insurance rate maps were available for public inspection. This list included Arlington, Texas, as an eligible community and included map No. H 48 439 0260 16 which indicates that a subdivision, Rushmoor, First Increment, as shown on page 3 of the Plat Record Volume 388–94, and Second Increment as recorded in Volume 388–95, page 8–9, of the Map Records of Tarrant County, Texas, are in their entirety within the special flood hazard area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the special flood hazard area. Accordingly, effective July 23, 1971, map No. H 48 439 0260 16 is hereby corrected to reflect that the above property is not within the special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 30, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26586 Filed 11-12-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On August 17, 1971, in 36 FR 15532, the Federal Insurance Administrator published a list of communities with special flood hazard areas and the map number and locations where flood insurance rate maps were available for public inspection. This list included Tulsa, Oklahoma, as an eligible community and included map No. H 40 143 4780 16 which indicates that buildings No. 1 through 42, and clubhouse of the South Shore Townhomes Condominiums, as recorded on Hammond Engineering Company Site Plan for South Shore Condominiums (Job No. 74–P1) and dated December 14, 1973, and located within lot 1 of Block 1 of South Shore, a subdivision of Tulsa, a subdivision of Part of the w/2, sw/4, of Section 32, T–19–N, R–13–E, Tulsa, Oklahoma, recorded on Instrument No. 303769 in Plat No. 3443 in the Office of the Clerk for the County of Tulsa, Oklahoma, are in their entirety within the special flood hazard area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above is not within the Special Flood Hazard Area. Accordingly, effective November 20, 1970, map No. H 40 143 4780 16 is hereby corrected to reflect that the above property is not within the special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 30, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26541 Filed 11-12-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On August 17, 1971, in 36 FR 15532, the Federal Insurance Administrator published a list of communities with special flood hazard areas and the map number and locations where flood insurance rate maps were available for public inspection. This list included Tulsa, Oklahoma, as an eligible community and included map No. H 40 143 4780 16 which indicates that buildings No. 1 through 42, and clubhouse of the South Shore Townhomes Condominiums, as recorded on Hammond Engineering Company Site Plan for South Shore Condominiums (Job No. 74–P1) and dated December 14, 1973, and located within lot 1 of Block 1 of South Shore, a subdivision of Tulsa, a subdivision of Part of the w/2, sw/4, of Section 32, T–19–N, R–13–E, Tulsa, Oklahoma, recorded on Instrument No. 303769 in Plat No. 3443 in the Office of the Clerk for the County of Tulsa, Oklahoma, are in their entirety within the special flood hazard area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above is not within the Special Flood Hazard Area. Accordingly, effective November 20, 1970, map No. H 40 143 4780 16 is hereby corrected to reflect that the above property is not within the special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 21, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26542 Filed 11-12-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with special flood hazard areas and the map number and locations where flood insurance rate maps were available for public inspection. This list included the unincorporated areas of Fairfax County, Virginia, as an eligible community and included map No. H 51 059 0000 07 which indicates that Lots No. 1 through 103, Section 1, Cinnamon Creek Subdivision, Fairfax County, Virginia, as recorded in Fairfax County Deed Book Number 3575 at Page 738 and Deed Book 3595 at Page 587, and Lots No. 104, 105, and 106 of Parcel A of the Cinnamon Creek Plat Map recorded at Deed Book 3703 Pages 365 and 467 of the records of Fairfax County, Virginia, are in their entirety within the special flood hazard area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the special flood hazard area. Accordingly, effective January 7, 1972, Map No. H 51 059 0000 07 is hereby corrected to reflect that the above property is not within the special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 31, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26543 Filed 11-12-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On January 8, 1972, at 37 FR 281, the Federal Insurance Administrator published a list of communities with special hazard areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included Fairfax County, Virginia (except the communities of Vienna, Herndon and Clifton) as a community with special hazard areas and included map No. H 51 059 0000 24 which indicates that Newington Estates, a subdivision development in Fairfax County, Virginia, is, in its entirety within the special flood hazard area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that Newington Estates, Section 2T, Springfield District, as shown on the Plat dated December 1971 and located on Assessment Map, No. 98–4, is not within the special flood hazard area. Accordingly, effective January 7, 1972, map No. H 51 059 0000 24 is hereby corrected to reflect that the above property is not within the special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: October 30, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26544 Filed 11-12-74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities; Correction

On August 17, 1971, in 36 FR 15532, the Federal Insurance Administrator published a list of communities with special flood hazard areas and the map number and locations where flood insurance rate maps were available for public inspection. This list included Tulsa, Oklahoma, as an eligible community and included map No. H 40 143 4780 16 which indicates that Lot 2 of Block 2, Lou North, Woodland Acres, an addition in Tulsa County, Oklahoma (present street address: 5207 South Oswego Avenue) as recorded on Instrument No. 225043 in Plat No. 1971 in the Office of the Clerk for the County of Tulsa, Oklahoma, is in its entirety within the special flood hazard area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the special flood hazard area. Accordingly, effective November 20, 1970, map No. H 40 143 4780 16 is hereby corrected to reflect that the above property is not within the special flood hazard area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680,

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February 27, 1969, as amended by 39 FR 2787, January 24, 1974).

Issued: October 21, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26545 Filed 11-12-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 277-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Virginia; Approval of Plan Revision

On May 24, 1974, the Commonwealth of Virginia submitted to the Administrator a proposed revision to the Virginia Implementation Plan for the attainment and maintenance of national ambient air quality standards. The revision simply deletes the existing preface to the State "Regulations for the Control and Abatement of Air Pollution."

The preface consisted primarily of background information. It explained in general terms the State-Federal relationship set up by the Clean Air Act (42 U.S.C. 1857 et seq.). The preface also discussed the powers given under state law to the State Air Pollution Control Board.

In addition, the preface included a number of policy statements. One statement was that the Board, in making regulations and issuing orders, would take into consideration factors such as "the practicability both scientific and economic" of achieving compliance. Another policy statement was that the Board would apply the regulations on an individual case basis to the extent necessary to:

1. Maintain ambient air quality standards,
2. Prevent public nuisances,
3. Prevent substantial degradation of air quality where that quality is superior to national standards.

Virginia has deleted the preface from its regulations and wishes to delete it from the implementation plan because experience has shown that the preface creates confusion about the matters it is supposed to clarify. Furthermore, Virginia points out that the preface was never officially adopted by vote of the State Air Pollution Control Board.

On July 11, 1974 (39 FR 25503), the receipt of this revision was announced and the public was requested to comment on its approvability. The only comment received was from the Natural Resources Defense Council, which favored elimination of the preface.

This revision to the Virginia Implementation Plan received public advertisement and hearing in accordance with 40 CFR 51.4, with the exceptions noted in the July 11, 1974 announcement of opportunity for public comment. The curative actions outlined in the July 11, 1974 announcement have been completed by Virginia. In accordance with the policy reflected in 40 CFR 51.4(e), the Administrator approves the actions taken by Virginia as completing compliance with §§ 51.4(b) (1), (4) and (5).

The Administrator's own evaluation of this plan revision is that it should be approved. The preface being eliminated by this revision contained policy statements inconsistent with the Clean Air Act (42 U.S.C. 1857 et seq.) as it has been interpreted by the Federal courts. Furthermore, certain statements on enforcement policy made in the preface presented possible problems under the equal protection clause of the United States Constitution.

Therefore, in light of the comments received, and the Administrators own evaluation, it is the Administrator's judgement that the proposed change meets the substantive and procedural requirements of section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans. The change is approved as a revision to the Virginia Implementation Plan. Since the approval of this revision imposes no additional regulatory burdens, but merely ratifies removal of an official provision of the plan, the Administrator finds good cause to make this revision immediately effective. This revision is effective on November 13, 1974.

Dated: November 7, 1974.

(42 U.S.C. 1857c-5)

JOHN QUARLES,
Acting Administrator.

Part 52, Chapter I of Title 40 of the Code of Federal Regulations is amended by revising § 52.2420(c) as follows:

Subpart VV—Virginia

§ 52.2420 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) May 4, 1972 and May 24, 1974, by the Virginia Air Pollution Control Board, and

(2) June 30, July 26, 1972 and April 11, May 30, July 11, August 20, and December 6, 1973.

[FR Doc.74-26495 Filed 11-12-74;8:45 am]

[FRL 294-3]

SUBCHAPTER H—OCEAN DUMPING

PART 227—CRITERIA FOR THE EVALUATION OF PERMIT APPLICATIONS

Correction

On May 16, 1973, EPA promulgated Interim Ocean Dumping Criteria (38 FR 12872) which were to be used for the evaluation of permit applications to dispose of materials into ocean waters. Immediately following § 227.80 of such interim Criteria a list of "Approved Interim Dumping Sites" was published (38 FR 12875-77). On October 15, 1973, final regulations and criteria with respect to ocean dumping were promulgated (38 FR 28610). The final regulations and criteria inadvertently failed to republish the list of "Approved Interim Dumping Sites." The preamble to the final regulations and criteria stated that the list of "Approved Interim Dumping Sites" continued to be effective until such time as regulations with respect to the selection and use of dump sites were promulgated. As of November 13, 1974, the regulations relating to the selection and use of dump sites have not been promulgated, although it is anticipated that they will be published for public comment in the near future.

It has come to our attention that the promulgation of the final regulations and criteria on October 15, 1973, without republication of the list of "Approved Interim Dumping Sites" may make it more inconvenient to locate the list in the FEDERAL REGISTER and may give rise to uncertainty as to the continued effectiveness of the list of "Approved Interim Dumping Sites". The list of "Approved Interim Dumping Sites" continues to be effective and the final regulations and criteria published October 15, 1973, at 38 FR 28610, are hereby corrected by adding to the end thereof the list of "Approved Interim Dumping Sites", published May 16, 1973, at 38 FR 12875-77.

The two entries (the second and the last) in the table entitled "Approved Interim Dumping Sites", EPA Region 1, under the first column headed "Location" and "*Latitude and longitude*" should be amended as follows:

(1) The second entry in the column, *Latitude and longitude*, is amended by deleting 43°38', 70°10' and by inserting 43°33' N, 69°55' W.

(2) The last entry in the column, *Latitude and longitude*, is amended by deleting 42°35', 70°26' and by inserting 42°26' N, 70°35' W.

In addition, one site in Region VI was changed from 27 degrees 28 minutes—27 degrees 44 minutes N, 94 degrees 28 minutes—94 degrees 44 minutes W, to 27 degrees 12 minutes—27 degrees 28 minutes N, 94 degrees 28 minutes—94 degrees 44 minutes W because of the close proximity to a valuable coral reef area.

This was done after prior public notice and hearing as action on a permit application, and the appropriate change was not made in the publication of the final regulations.

Dated: October 15, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-26501 Filed 11-12-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

Intermediate Care and Skilled Nursing Facility Services Provider Agreements

Notice of proposed regulations setting forth the procedures for examining the validity of provider agreements between

State agencies and skilled nursing or intermediate care facilities under title XIX of the Social Security Act (Medicaid) and for withholding Federal financial participation in payments to those facilities found not to have valid provider agreements was published in the FEDERAL REGISTER of July 8, 1974 (39 FR 24914).

The following major areas of concern were expressed in the comments received.

1. Comment: The regulations represent a further Federalization of the Medicaid nursing home program and usurp the authority, responsibility and control of the State title XIX agencies. The State title XIX agency and/or participating facilities are being penalized for actions and events beyond their control.

Response: These regulations must be considered within the context of all of the regulations governing Federal financial participation in State payments to skilled nursing and intermediate care facilities under the program. These regulations represent a clarification of the criteria to be used by the Department in determining for purposes of Federal payment a State's compliance with the requirements and procedures already established and effective under 45 CFR 249.33. Nothing under the provisions of the regulations should be interpreted as abridging or superseding the authority and responsibility of the State title XIX agency under 45 CFR 250.100. While the State title XIX agency must accept the professional judgment of the State survey agency as to whether a facility does or does not meet Federal standards, the State title XIX agency retains full responsibility for administering and monitoring the interagency agreement to assure that all of the Federal requirements for State survey, State certification and State provider agreements are being implemented and adhered to under the State Medicaid program. However, the Department must assure that Federal financial participation is only made available, on behalf of eligible providers, based upon a valid survey and certification.

2. Comment: States will need a lead-in time to incorporate the new facility standards in State regulations and to recertify all long-term facilities.

Response: Such consideration lies beyond the scope of these regulations. Federal requirements with respect to skilled nursing facility and intermediate care facility standards and certification, with lead-in provisions, were established under 45 CFR 249.33, effective February 19, 1974. These are unchanged. The subject regulations specify the conditions and procedures to be employed by the Department in determining when Federal financial participation in State payments made to facilities would not be proper.

3. Comment: Federal financial participation after a facility's provider agreement has terminated should be extended from 30 days to 60 days.

Response: This condition is a prior provision and was also included in the regulations only for organizational and clarity purposes. Federal regulations already provide for a 2-month extension of provider agreements where such extension is necessary to prevent irreparable harm to the individuals being furnished items and services. Extending Federal financial participation beyond 30 days after the actual termination of an agreement is not warranted.

4. Comment: Once a State medical assistance plan is approved by the Secretary as comporting with the statutory requirements of title XIX, should the Secretary call into question the continuing conformity of the plan or its administration, he must provide reasonable notice and opportunity for a conformity hearing to the State.

Response: Nothing under the provisions of these regulations may be interpreted as abridging or otherwise changing the rights and procedures established for questions relating to State plan compliance with Federal requirements. Under the provisions of 45 CFR 249.33(a)(10), a State's plan must provide that facilities which do not qualify are not recognized as skilled nursing or intermediate care facilities for purposes of title XIX payment—a matter of plan conformity. However, where Federal audit or review reveals individual instances of payment in violation of the State's plan or unauthorized by Federal law or regulations, 45 CFR 201.13 authorizes Federal exception to such payment—a matter of individual Federal matching. In accordance with section 1116(d) of the Social Security Act, whenever the Secretary determines that any item claimed under title XIX shall be disallowed, the regulations provide the State with a reconsideration of the disallowance.

5. Comment: Safeguards must be provided to assure State participation in all reviews and to provide the State with an opportunity for some sort of hearing, appeal, or discussion before the Secretary makes his final decision.

Response: Nothing under the regulations precludes State participation in the Federal review process. 45 CFR 201.13 sets forth the procedures for the disposition of proposed exceptions and provides the State with an opportunity to respond to them and to appeal any proposed exception in which it has not concurred.

Accordingly, the proposed regulations are adopted without change.

Part 249, Chapter II, Title 45, Code of Federal Regulations is amended as set forth below.

1. Section 249.10(b)(4)(i)(b) is revised to read as follows:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) *Federal financial participation.*

* * *

(4) (i) * * *

(b) Provided by a facility or distinct part of a facility which is certified to meet all of the requirements for participation pursuant to § 249.33 as evidenced by an agreement, executed in accordance with the certification provisions of § 249.33, between the single State agency and the facility for the provision of skilled nursing facility services and the making of payments under the plan; except that with respect to skilled nursing facility services furnished by a skilled nursing facility whose provider agreement has expired or has otherwise terminated, the State agency may continue to claim Federal financial participation in payments on behalf of eligible individuals for such services furnished by such institution during a period not to exceed 30 days starting with the date of expiration or other termination of its provider agreement, but only if such individuals were admitted to the facility before the date of expiration or other termination of its provider agreement, and if the State agency makes a showing satisfactory to the Secretary that it has made reasonable efforts to facilitate the orderly transfer of such individuals from such institution to another facility.

The provider agreement referred to in this paragraph (b)(4)(i)(b) shall not be considered valid evidence that the facility meets all requirements for certification pursuant to § 249.33 if the Secretary establishes on the basis of on-site validation surveys or other Federal reviews, or State certification records, or such other reports as he may prescribe that:

(*1*) The survey agency failed to apply the Federal standards for the certification of a skilled nursing facility required under § 249.33(a)(1)(i);

(2) The survey agency failed to follow the rules and procedures for the certification of a skilled nursing facility set forth under § 249.33(a)(4) (i) through (v);

(*3*) The survey agency in connection with its duties in determining whether a facility meets Federal standards, failed to perform any one of the functions in § 249.33(a)(5);

(*4*) The survey agency failed to use the Federal standards and the forms, methods and procedures required under § 250.100(c)(1); or

(*5*) The terms and conditions of a provider agreement do not meet the requirements of § 249.33(a)(6), (9) and (10).

States upon request shall receive a reconsideration of the Secretary's determination under the provisions of this subdivision in accordance with section 1116(d) of the Act.

2. Section 249.10(b)(15) is amended by adding a new subdivision (vi) as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) Federal financial participation.

* * *

(15) *Intermediate care facility services (othor than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902*

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(a)(31)(A) *of the Act, to be in need of such care.*

* * * * *

(vi) The provider agreement referred to in paragraph (b)(15)(i)(e) of this section shall not be considered valid evidence that the facility meets all requirements for certification pursuant to § 249.33 of this chapter if the Secretary establishes on the basis of on-site validation surveys or other Federal reviews, or State certification records, or such other reports as he may prescribe that:

(a) The survey agency failed to apply the Federal standards for certification of an intermediate care facility required under § 249.33(a)(2);

(b) The survey agency failed to follow the rules and procedures for the certification of an intermediate care facility set forth under § 249.33(a)(4)(ii) through (v);

(c) The survey agency in connection with its duties in determining whether a facility meets Federal standards, failed to perform any one of the functions in § 249.33(a)(5);

(d) The survey agency failed to use the Federal standards and the forms, methods and procedures required under § 250.100(c)(1); or

(e) The terms and conditions of a provider agreement do not meet the requirements of § 249.33(a)(6), (7), (8) and (10).

States upon request shall receive a reconsideration of the Secretary's determination under the provisions of this subdivision in accordance with section 1116(d) of the Act.

* * * * *

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective Date: November 13, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: October 15, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: November 8, 1974.

CASPER W. WEINBERGER,
Secretary.

[FR Doc.74-26575 Filed 11-12-74;8:45 am]

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

Extension Metering of Broadcast Transmitters; Report and Order

Corrections

In FR Doc. 74-25505, appearing on page 38653, in the issue for Friday, November 1, 1974, the second line of the amendatory language of paragraph 6 for § 73.114 on page 38655 should read "a new paragraph (a)(1)(vii) to read as".

PART 73—RADIO BROADCAST SERVICES

Corrections

In FR Doc. 74-25508, appearing at page 38650, in the issue for Friday, November 1, 1974, the fifth line of § 73.565(e) in the second column on page 38652, should read "graph or radiotelephone license, a second-class".

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-258 (Sub-No. 4)]

PART 1048—COMMERCIAL ZONE

Kansas City, Mo.-Kansas City, Kans., Commercial Zone (Johnson County Industrial Airport); Order

At a session of the Interstate Commerce Commission, Review Board Number 2, Members Boyle, Parker, and Eaton, held at its office in Washington, D.C., on the 23rd day of October, 1974.

It appearing, that the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone were originally defined in 31 M.C.C. 5 (1941); that the limits have been considered and redefined subsequently in 51 M.C.C. 833 (1950), 54 M.C.C. 288 (1952), 79 M.C.C. 513 (1959), 81 M.C.C. 24 (1959), 100 M.C.C. 75 (1965), 103 M.C.C. 19 (1966), 105 M.C.C. 750 (1967), 110 M.C.C. 136 (1969), 111 M.C.C. 131 (1970), 112 M.C.C. 103 (1970), and 118 M.C.C. 462 (1973) (49 CFR 1048.8); and that by petition filed March 7, 1974, the Board of County Commissioners of Johnson County, Kans., and the Johnson County Airport Commission seek redefinition of the limits of the zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from points beyond the zone, is partially exempt from certain requirements of the Interstate Commerce Act under the provisions of section 203(b)(8) thereof, so as to include therein the former Olathe Naval Air Station, now owned and operated by Johnson County and the Airport Commission, and known as the Johnson County Industrial Airport;

It further appearing, that pursuant to section 553 of the Administrative Procedure Act, notice of the filing of the petition was published in the FEDERAL REGISTER on April 9, 1974, which notice stated that no oral hearing was contemplated, and that persons desiring to participate in the proceeding were invited to file representations supporting or opposing the relief sought; and that additional data were filed in support of the petition by petitioner, and no representations were filed in opposition to the petition;

And it further appearing, that the above-described area which is proposed for inclusion within the Kansas City, Mo.-Kansas City, Kans., commercial zone limits, is, in fact economically and commercially a part of Kansas City, Mo.-Kansas City, Kans.;

Wherefore, and good cause appearing therefor:

It is ordered, That the proceeding be, and it is hereby, reopened for reconsideration.

It is further ordered, That the 49 CFR 1048.8 as prescribed in the order entered in this proceeding on June 1, 1973, be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 1048.8 Kansas City, Mo.-Kansas City, Kans.

The zone adjacent to and commercially a part of Kansas City, Mo.-Kansas City, Kans., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuing carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b)(8) of the Interstate Commerce Act (49 U.S.C. 303(b)(8)), includes and is comprised of all points as follows:

Beginning on the north side of the Missouri River at the western boundary line of Parkville, Mo., thence along the western and northern boundaries of Parkville to the Kansas City, Mo., corporate limits, thence along the western, northern, and eastern corporate limits of Kansas City, Mo., to its junction with U.S. Bypass 71 (near Liberty, Mo.), thence along U.S. Bypass 71 to Liberty, thence along the northern and eastern boundaries of Liberty to its junction with U.S. Bypass 71 south of Liberty, thence south along U.S. Bypass 71 to its junction with the Independence, Mo., corporate limits, thence along the eastern Independence, Mo., corporate limits to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with the Blue Springs, Mo., corporate limits, thence along the western, northern, and eastern corporate limits of Blue Springs, Mo., to its junction with U.S. Highway 40, thence east along U.S. Highway 40 to its junction with Brizen-Dine Road, thence south along the southerly extension of Brizen-Dine Road to its junction with Missouri Highway AA, thence along Missouri Highway AA to its junction with the Blue Springs, Mo., corporate limits, thence along the southern and western corporate limits of Blue Springs, Mo., to its junction with U.S. Highway 40, thence west along U.S. Highway 40 to its junction with the Lee's Summit, Mo., corporate limits.

Thence along the eastern Lee's Summit corporate limits to the Jackson-Cass County line, thence west along Jackson-Cass County line to the eastern corporate limits of Belton, Mo., thence along the eastern, southern, and western corporate limits of Belton to the western boundary of Richards-Gebaur Air Force Base, thence along the western boundary of said Air Force Base to Missouri Highway 150, thence west along Missouri Highway 150 to the Kansas-Missouri State line, thence north along the Kansas-Missouri State line, to 110th Street, thence west along 110th Street to its junction with U.S. Highway 69, thence north along U.S. Highway 69 to its junction with 103d Street, thence west along 103d Street to its junction with Quivera Road (the corporate boundary of Lenexa, Kans.), thence along the eastern and southern boundaries of Lenexa to Black Bob Road, thence south along Black Bob Road to 119th Street, thence east along 119th Street to the corporate limits of Olathe, Kans., thence south and east along the Olathe corporate limits to Schlagel Road, thence south along Schlagel Road to Olathe Morse Road, thence west along Olathe Morse Road to the northeast corner of Johnson County Airport, thence south, west, and north along the boundaries of said airport to Pflumm Road, thence north along Pflumm Road to its junction with Olathe Martin City Road, thence west along Olathe Martin City Road to its junction with Murden Road, thence south along Murden Road to its junction with Olathe Morse Road (the corporate boundary of Olathe, Kans.), thence west and north along said corporate boundary to its intersection with U.S. Highway 56, thence southwest along U.S. Highway 56 to its junction with 159th Street.

Thence west along 159th Street to its junction with the Johnson County Industrial Airport, thence south, west, north and east along the boundaries of said airport to the point of beginning, on 159th Street, thence, east along 159th Street to its junction with U.S. Highway 56, thence northeast along U.S. Highway 56 to its junction with Parker Road, thence north along Parker Road to the northern boundary of Olathe, thence east and north along the northern corporate limits of Olathe to Pickering Road, thence north along Pickering Road to 107th Street (the corporate boundary of Lenexa, Kans.), thence along the western and northern boundaries of Lenexa to Pflumm Road, thence north along Pflumm Road to its junction with Kansas Highway 10, thence along Kansas Highway 10 to its junction with Kansas Highway 7, thence along an imaginary line due west across the Kansas River to the Wyandotte County-Leavenworth County line (142d Street) at Loring, Kans., thence westerly along County Route No. 32, a distance of three-fourths of a mile to the entrance of the facilities at Mid-Continent Underground Storage, Loring, thence from Loring in a northerly direction along Loring Lane and Lindwood Avenue to the southern boundary of Bonner Springs, Kans.

Thence along the southern, western, and northern boundaries of Bonner Springs to its intersection with Kansas Highway 7, thence southeast along Kansas Highway 7 to its junction with Kansas Highway 32, thence east on Kansas Highway 32 to the corporate boundary of Kansas City, Kans., thence north, west, and east along the corporate boundaries of Kansas City, Kans., to its junction with Cernech Road and Pomeroy Drive, thence northwesterly along Pomeroy Drive to its junction with 79th Street, thence along 79th Street to its junction with Walcotte Drive at Pomeroy, Kans., thence due west 1.3 miles to its junction with an unnamed road, thence north along such unnamed road to the entrance of Powell Port facility, thence due north to the southern bank of the Missouri River, thence east along the southern bank of Missouri River to a point directly across from the western boundary of Parkville, Mo., thence across the Missouri River to the point of beginning. (49 Stat. 543, as amended, 544, as amended, 546, as amended; 49 U.S.C. 302, 303, and 304.)

It is further ordered, That this order shall become effective on the 23rd day of December, 1974, and shall continue in effect until further notice of this Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board Number 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26608 Filed 11-12-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 301]

COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES

Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such reuglations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by December 13, 1974. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in itts entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by December 13, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 7805 (68A Stat. 917; 26 U.S.C. 7805) and 7654(e) (86 Stat. 1496; 26 U.S.C. 7654(e)) of the Internal Revenue Code of 1954.

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by the Act of October 31, 1972 (Pub. L. 92-606, 86 Stat. 1494), relating to coordination of United States and Guam individual income taxes. The Act applies in the case of taxable years beginning after December 31, 1972, unless otherwise noted, infra.

The Act adds to section 881 a new subsection (b) which provides that for purposes of section 881, relating to tax on income of foreign corporations not connected with United States business, a Guamanian corporation will not be treated as a foreign corporation for taxable years beginning after December 31, 1971.

The Act adds to section 931(c) the provision that Guam will not be treated as a possession of the United States with respect to citizens of the United States having income from sources within Guam.

The Act amends section 932(a) so as to make such section inapplicable to Guam. Thus, a citizen of Guam will not be treated as a nonresident alien for purposes of various sections of the Code, some of which are listed in § 1.932-1(b) as proposed.

The Act amends section 932(c) to provide a cross-reference to sections 935 and 7654 of the Code and to sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h anr 1421i) for provisions relating to the individual income tax in the case of Guam.

The Act adds a new section 935 to the Code, relating to coordination of United States and Guam individual income taxes. Section 935(a) provides that the section applies to any individual for the taxable year who (1) is a resident of Guam, (2) is a citizen of Guam but not otherwise a citizen of the United States, (3) has income from Guam for the taxable year and is a citizen or resident of the United States, or (4) files a joint return for the taxable year with an individual described in (1), (2), or (3). Section 1.935-1(a)(3) as proposed provides rules for determining the residence and citizenship of individuals.

Section 935(b) provides that an individual to whom section 935 applies for a taxable year shall file his income tax return for the year with the United States if he is a resident thereof or with Guam if he is a resident thereof. An individual who is not resident in either jurisdiction shall file his income tax return with Guam if he is a citizen of Guam but not otherwise a citizen of the United States. In all other cases, the individual shall file his income tax return with the United States. Determinations of residence and citizenship for a taxable year are made as of the close of the year under § 1.985-1(a)(3) as proposed. In the case of a joint return, the residence and citizenship of the spouse having the greater adjusted gross income (without regard to community property laws) for the year are the bases for determining with which jurisdiction the joint return should be filed. Section 1.935-1(b)(4) as proposed provides certain tax accounting standards for an individual who files his return under this section with one of the jurisdictions for a prior taxable year and must, under this section, file his return for a later taxable year with the other jurisdiction.

Section 935(c) provides that with respect to an individual to whom section 935 applies for a taxable year, for purposes of the taxes imposed by chapter 1 of the Code (other than under sections 935 and 7654), the United States will be treated as including Guam and, for purposes of the Guam Territorial income tax, Guam will be treated as including the United States. Such individual who is required to file his income tax return under section 935(b) with one jurisdiction will not be liable for income tax for the year to the other jurisdiction. Section 1.935-1(c)(1) as proposed sets forth the significance and application of the foregoing rules under which one jurisdiction may be treated as including the other jurisdiction.

Section 935(d) provides that, if it appears that section 935 will apply to an individual for a taxable year, he shall file any declaration of estimated income tax with the jurisdiction with which he would be required to file his income tax return for the year under section 935(b) if his year closed on the date he is first required to file his declaration. He need not file a declaration with the other jurisdiction. However, his liability for underpayments of estimated income tax is to the jurisdiction with which he is required to file his income tax return for the year under section 935(b). Section 1.935-1(d)(2) as proposed expands the application of the foregoing rules to the filing of joint declarations. Section 1.935-1(e) as proposed illustrates the application of section 935.

The Act adds to section 1442 of the Code a new subsection (c) which provides that for purposes of section 1442, relating to withholding of tax on foreign corporations, a Guamanian corporation will not be treated as a foreign corporation after October 31, 1972. Thus, section 1.1441-1, relating to withholding of tax on foreign persons, is amended to provide that a Guamanian corporation will not be treated as a foreign corporation with respect to payments made after October 31, 1972.

The Act adds a new section 6687 to the Code, relating to assessable penalties with respect to information required to be furnished under section 7654 of the Code as added by the Act. Section 6687 was redesignated as section 6688 by section 1016(b)(4) of Pub. L. 93-406, 88 Stat. 932. A person who fails without reasonable cause to furnish information required by the regulations under section 7654 shall pay upon notice and demand a penalty of $100 for each such failure. Section 301.6688-1(c) as proposed defines reasonable cause.

The Act adds a new section 7654 to the Code, relating to coordination of United States and Guam individual income taxes. Section 7654(a) provides that net collections of income taxes, imposed with respect to an individual to whom section 935 applies if he has (or, in the case of a joint return, he and his spouse have) adjusted gross income of $50,000 or more and gross income of $5,000 or more from sources within the jurisdiction (either the United States or Guam) with which he is not required under section 935(b) to file his income tax return, shall be covered into the Treasury of the United States if attributable to United States source income or the treasury of Guam if attributable to Guam source income. Other net collections of taxes are covered into the treasury of the jurisdiction with which the individual is required under section 935(b) to file his income tax return.

Section 7654(b)(1) provides for taking into account credits and refunds of income taxes in determining net collections for a taxable year. Additional substantive rules are provided in proposed § 301.7654-1(c)(1) with respect to the credit for taxes withheld under section 3402 on wages, for underpayments of tax, and for net operating losses. The term "income taxes" is defined in section 7654(b)(2), and a cross-reference is provided in section 7654(b)(3) for determining the source of income.

Proposed § 301.7654-1(d), which is based upon the authority of section 7654(e)(2), provides for the filing of information returns by individuals to whom section 7654(a) applies.

Section 7654(c) provides for transfer of funds to be made between the jurisdictions not less frequently than annually. Section 301.7654-1(f) as proposed substantially elaborates this rule.

Section 7654(d) provides that the United States shall pay to Guam the amount of taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces stationed in Guam who have no income tax liability to Guam by reason of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C., sec. 501 et seq.).

The Act amends section 7701(a)(12)(B), relating to the performance of certain functions in Guam, by defining the term "delegate" for such purposes to include certain officers and employees.

In order to conform the Income Tax Regulations and Regulations on Procedure and Administration to such changes, the regulations are hereby amended as follows:

PART 1—INCOME TAX REGULATIONS

1. Section 1.881 is amended by redesignating paragraph (b) as paragraph (c), by adding a new paragraph (b) to such section, and by revising the historical note, to read as follows:

§ 1.881 Statutory provisions; tax on income of foreign corporations not connected with United States business.

SEC. 881. *Tax on income of foreign corporations not connected with United States business.* * * *

(b) *Exception for Guam corporations.* For purposes of this section, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

(c) *Doubling of tax.* For doubling of tax on corporations of certain foreign countries, see section 891.

[Sec. 881 as amended by sec. 104(a), Foreign Investors Tax Act 1966 (80 Stat. 1555); sec. 313 (a) and (c), Rev. Act 1971 (85 Stat. 526); sec. 1(e)(1), Act of Oct. 31, 1972 (Pub. L. 92-606, 86 Stat. 1497)]

2. Section 1.881-1 is amended by revising paragraph (c) to read as follows:

§ 1.881-1 Manner of taxing foreign corporations.

* * * * *

(c) *Meaning of terms.* For the meaning of the term "engaged in trade or business within the United States", as used in section 881 and this section, see section 864(b) and the regulations thereunder. For determining when income, gain, or loss of a foreign corporation for a taxable year is effectively connected for that year with the conduct of a trade or business in the United States, see section 864(c), the regulations thereunder, and § 1.882-2. The term "foreign corporation" has the (a)(3) and (5) and § 301.7701-5 of this (a)(3) and (5) and § 301.7701-5 of this chapter (Regulations on Procedure and Administration), except that, for purposes of section 881, § 1.881-2, and § 1.882-2 in the case of taxable years beginning after December 31, 1971, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam. Thus, for example, for such a taxable year paragraph (b)(1) of this section does not apply to a Guamanian corporation; moreover, in applying paragraph (b)(2) of this section to a Guamanian corporation.

* * * * *

3. Section 1.931 is amended by revising paragraph (c) and the historical note to read as follows:

§ 1.931 Statutory provisions; income from sources within possessions of the United States.

SEC. 931. *Income from sources within possessions of the United States.* * * *

(c) *Definition.* For purposes of this section, the term "possession of the United States" does not include the Virgin Islands of the United States, and such term when used with respect to citizens of the United States does not include Puerto Rico or Guam.

[Sec. 931 as amended by sec. 107, Foreign Investors Tax Act 1966 (80 Stat. 1571); sec. 502(d), Rev. Act 1971 (85 Stat. 550); sec. 1(f)(1), Act of Oct. 31, 1972 (Pub. L. 92-606, 86 Stat. 1497)]

4. Section 1.931-1 is amended by revising the heading and paragraph (a)(1) to read as follows:

§ 1.931-1 Citizens of the United States and domestic corporations deriving income from sources within a possession of the United States.

(a) *Definitions.* (1) As used in section 931 and this section, the term "possession of the United States" includes American Samoa, Guam, Johnston Island, Midway Islands, the Panama Canal Zone, Puerto Rico, and Wake Island. However, the term does not include (i) the Virgin Islands and (ii), when used with respect to citizens of the United States, the term does not include Puerto Rico or, in the case of taxable years beginning after December 31, 1972, Guam.

* * * * *

5. Section 1.932 is amended by revising paragraphs (a) and (c) and the historical note to read as follows:

§ 1.932 Statutory provisions; taxation of citizens of possessions of the United States.

SEC. 932. *Citizens of possessions of the United States*—(a) *General rule.* Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States shall be subject to taxation under this subtitle in the same manner and subject to the same conditions as in the case of a nonresident alien individual. This section shall have no application in the case of a citizen of Puerto Rico or Guam.

* * * * *

(c) *Guam.* For provisions relating to the individual income tax in the case of Guam, see sections 935 and 7654; see also sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h and 1421i).

[Sec. 932 as amended by sec. 103(m), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 1(f)(2) and (3), Act of Oct. 31, 1972 (Pub. L. 92-606, 86 Stat. 1497)]

6. Section 1.932-1 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 1.932-1 Status of citizens of United States possessions.

(a) *General rule*—(1) *Definition and treatment.* A citizen of a possession of the United States (except Puerto Rico and, for taxable years beginning after December 31, 1972, Guam), who is not otherwise a citizen or resident of the United States, including only the States and the District of Columbia, is treated

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for the purpose of the taxes imposed by subtitle A of the Code (relating to income taxes) as if he were a nonresident alien individual. However, for purposes of the tax imposed on self-employment income by chapter 2 of the Code, the term "possession of the United States" as used in section 932 and the preceding sentence does not include American Samoa, Guam, or the Virgin Islands. See section 1402(a)(9). See subpart A (section 871 and following), part II, subchapter N, chapter 1 of the Code, and the regulations thereunder, for rules relating to imposition of tax on nonresident alien individuals. For Federal income tax purposes, a citizen of a possession of the United States who is not otherwise a citizen of the United States is a citizen of a possession of the United States who has not become a citizen of the United States by naturalization in a State, Territory, or the District of Columbia. The fixed or determinable annual or periodical income from sources within the United States of a citizen of a possession of the United States who is treated as if he was a nonresident alien individual is subject to withholding. See section 1441.

. . . . .

(b) *Nonapplication to citizen of Puerto Rico or Guam.* The provisions of section 932(a) and paragraph (a) of this section do not apply in the case of a citizen of Puerto Rico or, for taxable years beginning after December 31, 1972, a citizen of Guam. Thus, for example, any such citizen who is not a resident of the United States will not be treated by the United States as a nonresident alien individual for purposes of section 2 (b)(3)(A) or (d), relating to definitions and special rules; section 4(d)(1), relating to taxpayers not eligible to use the optional tax tables; section 37(h), relating to denial of retirement income credit; section 116(d), relating to taxpayers ineligible for dividend exclusion; section 142(b)(1), relating to taxpayers ineligible for standard deduction; section 152(b)(3), relating to definition of "dependent"; section 402(a)(4), relating to distributions by the United States to nonresident aliens; section 545(d), relating to certain foreign corporations; section 565(e), relating to certain consent dividends; section 861(a)(1), relating to interest from sources within the United States; sections 871 to 877, relating to nonresident alien individuals; section 1303(b), relating to individuals not eligible for income averaging; section 1371(a)(3), relating to definition of small business corporation; section 1402(b), relating to definition of "self-employment income"; section 1441, relating to withholding of tax on nonresident aliens; section 3401(a), relating to definition of wages; section 6013(a)(1), relating to inability to make a joint return; section 6015 (b) and (l), relating to declaration of estimated income tax by nonresident alien individuals; section 6017, relating to self-employment tax returns; section 6042(b)(2), relating to returns regarding payments of dividends; section 6049(b)(2), relating to returns regarding payments of interest; section 6072(c), relating to time for filing returns of nonresident alien individuals; section 6091(b), relating to place for filing returns of nonresident aliens; and section 6096(a), relating to designation of tax payments to Presidential Election Campaign Fund. For other rules applicable to citizens of Puerto Rico, see §§ 1.1–(b) and 1.933–1 For other rules applicable to citizens of Guam, see §§ 1.1–1(b) and 1.935–1 of this chapter (Income Tax Regulations) and § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

7. The following new sections are inserted immediately after § 1.934–1:

§ 1.935 Statutory provisions; coordination of United States and Guam individual income taxes.

SEC. 935. *Coordination of United States and Guam individual income taxes*—(a) *Application of section.* This section shall apply to any individual for the taxable year who—

(1) Is a resident of Guam,

(2) Is a citizen of Guam but not otherwise a citizen of the United States,

(3) Has income derived from Guam for the taxable year and is a citizen or resident of the United States, or

(4) Files a joint return for the taxable year with an individual who satisfies paragraph (1), (2), or (3) for the taxable year.

(b) *Filing requirement*—(1) *In general.* Each individual to whom this section applies for the taxable year shall file his income tax return for the taxable year—

(i) With the United States, if he is a resident of the United States,

(ii) With Guam, if he is a resident of Guam, and

(iii) If neither subdivision (i) nor subdivision (ii) applies—

(A) With Guam, if he is a citizen of Guam but not otherwise a citizen of the United States, or

(B) With the United States, if clause (A) does not apply.

(2) *Determination date.* For purposes of this section, determinations of residence and citizenship for the taxable year shall be made as of the close of the taxable year.

(3) *Special rule for joint returns.* In the case of a joint return, this subsection shall be applied on the basis of the residence and citizenship of the spouse who has the greater adjusted gross income (determined without regard to community property laws) for the taxable year.

(c) *Extent of income tax liability.* In the case of any individual to whom this section applies for the taxable year—

(1) For purposes of so much of this title (other than this section and section 7654) as relates to the taxes imposed by this chapter, the United States shall be treated as including Guam,

(2) For purposes of the Guam territorial income tax, Guam shall be treated as including the United States, and

(3) Such individual is hereby relieved of liability for income tax for such year to the jurisdiction (the United States or Guam) other than the jurisdiction with which he is required to file under paragraph (b).

(d) *Special rules for estimated income tax.* If there is reason to believe that this section will apply to an individual for the taxable year, then—

(1) He shall file any declaration of estimated income tax (and all amendments thereto) with the jurisdiction with which he would be required to file a return for such year under paragraph (b) if his taxable year closed on the date he is required to file such declaration.

(2) He is hereby relieved of any liability to file a declaration of estimated income tax (and amendments thereto) for such taxable year to the other jurisdiction, and

(3) His liability for underpayments of estimated income tax shall be to the jurisdiction with which he is required to file his return for the taxable year (determined under subsection (b)).

[Sec. 935 as added by sec. 1(a), Act of Oct. 31, 1972 (Pub. L. 92–606, 86 Stat. 1494)]

§ 1.935–1 Coordination of U.S. and Guam individual income taxes.

(a) *Application of section*—(1) *Scope.* Section 935 and this section set forth the special rules relating to the filing of income tax returns, income tax liabilities, and estimated income tax of individuals described in subparagraph (2) of this paragraph. For additional rules relating to the collection of income tax at source on the wages of certain individuals, the furnishing of certain information with the returns of certain individuals, and the covering over to the treasury of Guam of net collections of income taxes imposed on certain individuals, see section 7654 and § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

(2) *Individuals covered.* This section shall apply for a taxable year to any individual who—

(i) Is a resident of Guam, whether or not he is a citizen of the United States,

(ii) Is a citizen of Guam but not otherwise a citizen of the United States,

(iii) Has income derived from Guam for the taxable year and is a citizen or resident of the United States, or

(iv) Files a joint return for the taxable year with any individual described in subdivision (i), (ii), or (iii) of this subparagraph.

(3) *Determination of residence and citizenship.* For purposes of this section, determinations of residence and citizenship for a taxable year shall be made (except as provided to the contrary in paragraph (d) (1) and (2) of this section) as of the close of the taxable year. A citizen of the United States is any individual who is a citizen within the meaning of paragraph (c) of § 1.1–1, except that the term does not include an individual who is a citizen of Guam but not otherwise a citizen of the United States. An individual who is a citizen of Guam but not otherwise a citizen of the United States is any individual who has become a citizen of the United States by birth or naturalization in Guam. Whether an individual is a resident of Guam or a resident of the United States shall generally be determined by applying to the facts and circumstances in each case the principles of §§ 1.871–2 through 1.871–5 relating to what constitutes residence or non-residence, as the case may be, in the United States in the case of an alien individual. However, for special rules for determining the residence for tax purposes of individuals under military or naval orders, see section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940, 50 App. U.S.C. 574. The residence of an individual, and, therefore, the jurisdiction with which he is required to file an income tax return under paragraph (b) of this section, may change from year to year.

(b) *Filing requirement*—(1) *Tax Jurisdiction.* An individual described in paragraph 1(a)(2) of this section shall file his return of income tax for the taxable year—

(i) With the United States if he is a resident of the United States, whether or not he is a citizen of the United States,

(ii) With Guam if he is a resident of Guam, whether or not he is a citizen of Guam, or

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies,

(A) With Guam if he is a citizen of Guam but not otherwise a citizen of the United States, as defined in paragraph (a)(3) of this section, or

(B) With the United States if he is a citizen of the United States, as defined in paragraph 1(a)(3) of this section.

Thus, for example, if a U.S. citizen employed by the United States in Guam becomes a resident of Guam for the taxable year, he must file his return of income tax for such year with Guam. The tax shown on the return shall be paid to the jurisdiction with which such return is required to be filed and shall be determined by taking into account any credit under section 31 for tax withheld by Guam or the United States on wages, any credit under section 6402(b) for an overpayment of income tax to Guam or the United States, and any payments under section 6315 of estimated income tax paid to Guam or the United States. See paragraph 1(a)(3) of this section for the rule that determinations of residence and citizenship are to be made as of the close of the taxable year.

(2) *Joint returns.* In the case of married persons, if one or both spouses is an individual described in paragraph (a)(2) of this section and they file a joint return of income tax, the spouses shall file their joint return with, and pay the tax due on such return to, the jurisdiction where the spouse who has the greater adjusted gross income for the taxable year would be required under subparagraph (1) of this paragraph to file his return if separate returns were filed. For this purpose, adjusted gross income of each spouse is determined under section 62 and the regulations thereunder but without regard to community property laws; and, if one of the spouses dies, the taxable year of the surviving spouse shall be treated as ending on the date of such death.

(3) *Place for filing returns*—(i) *U.S. returns.* A return required under this paragraph to be filed with the United States shall be filed in accordance with § 1.6091–2, except that such return of a citizen or resident of the United States who is described in § 301.7654–1(a)(2) of this chapter (Regulations on Procedure and Administration) shall be filed with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

(ii) *Guam returns.* A return required under this paragraph to be filed with Guam shall be filed with the Commissioner of Revenue and Taxation, Agana, Guam 96910.

(4) *Tax accounting standards.* A taxpayer who has filed his return with one of the jurisdictions named in subparagraph (1) of this paragraph for a prior taxable year and is required to file his return for a later taxable year with the other such jurisdiction may not, for such later taxable year, change his accounting period, method of accounting, or any election to which he is bound with respect to his reporting of taxable income to the first jurisdiction unless he obtains the consent of the second jurisdiction to make such change. However, such change will not be effective for returns filed thereafter with the first jurisdiction unless before such later date of filing he also obtains the consent of the first jurisdiction to make such change. Any request for consent to make a change pursuant to this subparagraph must be made to the office where the return is required to be filed under subparagraph (3) of this paragraph and in sufficient time to permit a copy of the consent to be attached to the return for the taxable year.

(c) *Extent of liability for income tax*—(1) *Extension of territory*—(i) *General rule.* With respect to an individual who, for a taxable year, is described in paragraph (a)(2) of this section—

(A) For purposes of so much of the Internal Revenue Code of 1954 as relates to the normal taxes and the surtaxes imposed by chapter 1 thereof, the United States shall be treated, in a geographical and governmental sense, as including Guam, and

(B) For purposes of the Guam Territorial income tax (48 U.S.C. 1421i), Guam shall be treated, in a geographical and governmental sense, as including the United States,

except that this subdivision shall not apply for purposes of this section, section 7651, and section 7654.

(ii) *Application of general rule.* (A) The significance of the application of the rule of subdivision (i) of this subparagraph will depend upon the facts and circumstances of the particular case. It will not be applied where its application would be manifestly inapplicable or incompatible with the intent thereof. Thus, for example, it will not be applied for purposes of section 3401, relating to definition of wages. On the other hand, some of the conclusions which may be reached as a result of the application of such subdivision to a U.S. taxpayer (that is, an individual described in paragraph (b)(1)(i) or (iii)(B) of this section) are as follows. Sections 861 through 863, and the regulations thereunder, will be so construed as to cause Guam source income (determined without regard to section 935(c) and this subparagraph) to be U.S. source income, with the result that a U.S. taxpayer may not include the Guam source income in the numerator of the limiting fraction under section 904(a). Income tax paid to Guam may be taken into account under sections 31, 6315, and 6402(b) as payments to the United States. Dividends paid to a U.S. taxpayer by a corporation created under the laws of Guam will be treated for purposes of sections 861 and 862 as dividends paid by a domestic corporation. Taxes paid to Guam and otherwise satisfying the requirements of section 164(a) will be allowed as a deduction under that section, but income taxes paid to Guam will be disallowed as a deduction under section 275(a). For purposes of section 1372(e)(4), income derived from sources in Guam will not be treated as derived from sources outside the United States. The amount included in gross income under section 1373(b) with respect to a Guamanian corporation will be treated as a dividend paid by a domestic corporation.

(B) If a U.S. taxpayer has a net operating loss carryback or carryover under section 172, a foreign tax credit carryback or carryover under section 904, an investment credit carryback or carryover under section 46, a capital loss carryover under section 1212, or a charitable contributions carryover under section 170, the United States will take such carryback or carryover into account for a taxable year for which the taxpayer's return is required to be filed with the United States, and make a refund to the extent required under section 6402, even though the return of the taxpayer for the taxable year (whether beginning on, before, or after December 31, 1972) giving rise to the carryback or carryover was required to be filed with Guam.

(C) For purposes of income averaging of a U.S. taxpayer under sections 1301 through 1305, the taxpayer will not be denied status as an "eligible individual" merely because he was during the base period defined in section 1302(c)(2) treated under section 932 as a nonresident alien individual because he was a citizen of Guam but not otherwise a citizen of the United States. See section 1303(b). Furthermore, in determining the base period of such a U.S. taxpayer under section 1302(c)(2), taxable years for which a return was required to be filed with Guam shall be taken into account.

(D) In applying the Guam Territorial income tax the converse of the preceding rules under this subdivision will

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apply. Thus, for example, income tax paid to the United States may be taken into account under sections 31, 6315, and 6402(b) as payments to Guam. Moreover, a citizen of the United States (as defined in paragraph (a)(3) of this section) not a resident of Guam will not be treated as a nonresident alien individual for purposes of the Guam Territorial income tax. Thus, for example, a citizen of the United States (as so defined), or a resident of the United States, will not be treated as a nonresident alien individual for purposes of section 1371(a)(3) of the Guamanian Territorial income tax.

(2) *Liability to other jurisdiction*—(i) *Filing with Guam.* If for a taxable year an individual is required under paragraph (b)(1) of this section to file a return with Guam, he is relieved of liability to file an income tax return with, and to pay an income tax to, the United States for the taxable year.

(ii) *Filing with the United States.* If for a taxable year an individual is required under paragraph (b)(1) of this section to file a return with the United States, he is relieved of liability to file an income tax return with, and to pay an income tax to, Guam for the taxable year.

(d) *Special rules for estimated income tax*—(1) *Declaration of estimated income tax.* If, under all the facts and circumstances existing at the date an individual is required to file a declaration of estimated income tax, there is reason to believe that he will, for the taxable year, be an individual described in paragraph (a)(2) of this section, he must file his declaration of estimated income tax (and all amendments thereof) with the jurisdiction with which he would be required to file a return under paragraph (b)(1) of this section if his taxable year had closed on the date he is first required to file a declaration of estimated income tax for the taxable year. If an individual has in fact filed a declaration of estimated income tax earlier than the time he is first required to file a declaration, and such declaration was not filed where it is required to be filed under the immediately preceding sentence, only subsequent amendments of the declaration are required to be filed pursuant to such preceding sentence with the other jurisdiction and only subsequent installments of the estimated income tax are required to be paid to the other jurisdiction. Except as provided in subparagraph (5) of this paragraph (relating to underpayments of estimated income tax), payments of estimated income tax shall be made to the jurisdiction with which he is required to file the declaration even though for the taxable year he is required under paragraph (b)(1) of this section to file his return with the other jurisdiction. In determining the amount of such estimated income tax, income tax paid to Guam may be taken into account under sections 31 and 6402(b) as payments to the United States, and vice versa. For rules relating to the determination of, and time for filing, declarations of estimated tax, see sections 6015 and 6073; for rules relating to the time for paying installments of the tax, see section 6153.

(2) *Joint declaration of estimated income tax.* In the case of married persons, if, under all the facts and circumstances existing at the date a spouse is required to file a declaration of estimated income tax, there is reason to believe that he will, for the taxable year, be an individual described in paragraph (a)(2) of this section and the spouses file a joint declaration of estimated income tax, the spouses must file their joint declaration of estimated income tax (and all amendments thereof) with the jurisdiction where the spouse who has the greater estimated adjusted gross income for the taxable year would be required under subparagraph (1) of this paragraph to file his declaration of estimated income tax if separate declarations were filed. For this purpose, estimated adjusted gross income of each spouse for the taxable year is determined without regard to community property laws. Except as provided in subparagraph (5) of this paragraph, payments of estimated income tax shall be made to the jurisdiction with which the spouses are required to file the joint declaration.

(3) *Place for filing declarations.* A declaration of estimated income tax required under subparagraph (1) of this paragraph to be filed with Guam, shall be filed as prescribed in paragraph (b)(3)(ii) of this section. A declaration of estimated income tax required under subparagraph (1) of this paragraph to be filed with the United States shall be filed at the place prescribed by § 1.6073–1(c).

(4) *Liability to other jurisdiction*—(i) *Filing with Guam.* If, for a taxable year, an individual is required under this paragraph to file a declaration of estimated income tax with Guam, he is relieved of liability to file a declaration of estimated income tax (and any amendments thereof) with, and to make payments of estimated income tax to, the United States for the taxable year.

(ii) *Filing with the United States.* If, for a taxable year, an individual is required under this paragraph to file a declaration of estimated income tax with the United States, he is relieved of liability to file a declaration of estimated income tax (and any amendments thereof) with, and to make payments of estimated income tax to, Guam for the taxable year.

(5) *Underpayments.* The liability of an individual described in paragraph (a)(2) of this section for underpayments of estimated income tax for a taxable year, as determined under section 6654 and the regulations thereunder, shall be to the jurisdiction with which he is required under paragraph (b) of this section to file his return for the taxable year.

(e) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). B, an individual, files returns on a calendar year basis. B is a resident of the United States at the time he is required to file his declaration of estimated income tax for 1974. If, under the facts and circumstances, B does not reasonably expect at the time he files his declaration of estimated income tax that he will be a resident of Guam at the close of 1974, he will not be subject to this section at the time of such filing. However, B subsequently receives Guam source income which necessitates an amendment of his declaration, and some time later in 1974 he becomes a resident of Guam for the remainder of the year. B is required under paragraph (d)(1) of this section to file his amended declaration with the United States and to make payments of the estimated tax to the United States. However, B is required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

Example (2). C, an individual, files returns on a calendar year basis. On March 1, 1974, C is a resident of the United States, files his declaration of estimated income tax for 1974 with the United States, and pays his first installment of estimated tax to the United States. Prior to the date C would otherwise be required to file his declaration of estimated income tax for 1974 (April 15, 1974), C becomes a resident of Guam for the remainder of the year. C is required under paragraph (d)(1) of this section to make only his remaining payments of installments of estimated tax to Guam. C is also required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

Example (3). D, an individual, files returns on a calendar year basis. On August 1, 1974, D ceases to be a resident of the United States for the year and becomes a resident of Guam for the remainder of the year. D is first required to file a declaration of estimated income tax for 1974 on September 15, 1974, because of his receipt of an extraordinary item of income after June 15, 1974. D is required under paragraph (d)(1) of this section to file his declaration with Guam and to make payments of the estimated tax to Guam. D is also required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

(f) *Effective date.* This section shall apply for taxable years beginning after December 31, 1972.

Section 1.1441–1 is revised to read as follows:

§ 1.1441–1 Requirement for withholding of tax on nonresident aliens, foreign partnerships, and foreign corporations.

Except as otherwise provided in §§ 1.1441–3, 1.1441–4, and 1.1441–6, to the extent that the items specified in § 1.1441–2 constitute gross income from sources within the United States, withholding of a tax of 30 percent is required in the case of items of income specified in paragraphs (a) and (b) of § 1.1441–2 when such income is paid to a nonresident alien individual, a foreign partnership, or a foreign corporation, except that with respect to payments made after March 4, 1964, withholding of a tax of 14 percent is required in the case of

items of income specified in paragraph (c) of § 1.1441–2. The rate of 30 percent or 14 percent shall be reduced as may be provided by a treaty with any country. See §§ 1.894–1 and 1.1441–6, relating to income affected by treaty. For purposes of this section, the term "nonresident alien individual" includes an alien resident of Puerto Rico. In the case of payments occurring after October 31, 1972, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

9. Section 1.1442 is amended by revising paragraph (a) by adding a new paragraph (c) to section 1442, and by revising the historical note, to read as follows:

§ 1.1442 Statutory provisions; withholding of tax on foreign corporations.

SEC. 1442. *Withholding of tax on foreign corporations*—(a) *General rule.* In the case of foreign corporations subject to taxation under this subtitle, there shall be deducted and withheld at the source in the same manner and on the same items of income as is provided in section 1441 or section 1451 a tax equal to 30 percent thereof; except that, in the case of interest described in section 1451 (relating to tax-free covenant bonds), the deduction and withholding shall be at the rate specified therein. For purposes of the preceding sentence, the references in section 1441(b) to sections 871(a)(1)(C) and (D) shall be treated as referring to sections 881(a)(3) and (4), the reference in section 1441(c)(1) to section 871(b)(2) shall be treated as referring to section 842 or section 882(a)(2), as the case may be, the reference in section 1441(c)(5) to section 871(a)(1)(D) shall be treated as referring to section 881(a)(4), and the reference in section 1441(c)(8) to section 871(a)(1)(C) shall be treated as referring to section 881(a)(3).

* * * * *

(c) *Exception for Guam corporations.* For purposes of this section, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

[Sec. 1442 as amended by sec. 104(c), Foreign Investors Tax Act 1966 (80 Stat. 1557); sec. 313(e), Rev. Act 1971 (85 Stat. 528); sec. 1(e)(2), Act of Oct. 31, 1972 (Pub. L. 92–606, 86 Stat. 1497)]

10. Section 1.6091–1 is amended by adding a new subparagraph (16) to paragraph (b), as follows:

§ 1.6091–1 Place for filing returns or other documents.

* * * * *

(b) *Place for filing certain information returns.* * * *

(16) For the place for filing information returns on Form 5074 with respect to the allocation of individual income tax to Guam, see paragraph (b)(3) of § 1.935–1 and paragraph (d) of § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

11. Section 1.6091–4 is amended by adding a new paragraph, as follows:

§ 1.6091–4 Exceptional cases.

* * * * *

(c) *Residents of Guam.* Income tax returns of an individual citizen of the United States who is a resident of Guam shall be filed with Guam, as provided in paragraph (b)(1) of § 1.935–1.

PART 301—REGULATIONS ON PROCEDURE AND ADMINISTRATION

12. The following new sections are inserted immediately after § 301.6685–1:

§ 301.6688 Statutory provisions; assessable penalties with respect to information required to be furnished under section 7654.

SEC. 6688. *Assessable penalties with respect to information required to be furnished under section 7654.* In addition to any criminal penalty provided by law, any person described in section 7654(a) who is required by regulations prescribed under section 7654 to furnish information and who fails to comply with such requirement at the time prescribed by such regulations unless it is shown that such failure is due to reasonable cause and not to willful neglect, shall pay (upon notice and demand by the Secretary or his delegate and in the same manner as tax) a penalty of $100 for each such failure.

[Sec. 6688 as added by sec. 1(c), Act of Oct. 31, 1972 (Pub. L. 92–606, 86 Stat. 1496); as amended by sec. 1016(b)(4), Employee Retirement Income Security Act 1974 (88 Stat. 932)]

§ 301.6688–1 Assessable penalties with respect to information required to be furnished under section 7654 on allocation of tax to Guam or the United States.

(a) *In general.* Each individual to whom paragraph (a)(2) of § 301.7654–1 applies for a taxable year who fails to file for such year the information return required by paragraph (d) of such section within the time prescribed therein, or who files such a return but does not show the information required thereon, shall, in addition to any criminal penalty provided by law, pay a penalty of $100 for each such failure.

(b) *Manner of payment.* The penalty set forth in paragraph (a) of this section shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(c) *Reasonable cause.* The penalty set forth in paragraph (a) of this section shall not apply if it is established, to the satisfaction of the district director (or of the Commissioner of Revenue and Taxation of Guam if the individual was required to file his return of income tax for the taxable year with Guam) that the failure to file the information return or furnish the information within the prescribed time was due to reasonable cause and not to willful neglect. An individual who wishes to avoid the penalty must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file the information return on time, or furnish the information on time, in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement must be filed with the district director (or with the Commissioner of Revenue and Taxation, Agana, Guam 96910, if the individual was required to file his return of income tax for the taxable year with Guam). In determining whether there was reasonable cause for failure to furnish the required information, account will be taken of the fact that the individual was unable to furnish the required information in spite of the exercise of ordinary business care and prudence in his effort to furnish the information. An individual will be considered to have exercised ordinary business care and prudence in his effort to furnish the required information if he made reasonable efforts to furnish the information but was unable to do so because of a lack of sufficient facts on which to make a proper determination. See paragraph (b) of § 1.935–1 of this chapter (Income Tax Regulations) for the rules which specify where returns of income tax must be filed for the taxable year by individuals to whom this section applies.

(d) *Effective date.* This section shall apply for taxable years beginning after December 31, 1972.

13. Section 301.7654 is amended to read as follows:

§ 301.7654 Statutory provisions; coordination of United States and Guam individual income taxes.

SEC. 7654. *Coordination of United States and Guam individual income taxes*—(a) *General rule.* The net collections of the income taxes imposed for each taxable year with respect to any individual to whom this subsection applies for such year shall be divided between the United States and Guam according to the following rules:

(1) Net collections attributable to United States source income shall be covered into the Treasury of the United States;

(2) Net collections attributable to Guam source income shall be covered into the treasury of Guam; and

(3) All other net collections of such taxes shall be covered into the treasury of the jurisdiction (either the United States or Guam) with which such individual is required by section 935(b) to file his return for such year.

This subsection applies to an individual for a taxable year if section 935 applies to such individual for such year and if such individual has (or, in the case of a joint return, such individual and his spouse have) (A) adjusted gross income of $50,000 or more and (B) gross income of $5,000 or more derived from sources within the jurisdiction (either the United States or Guam) with which the individual is not required under section 935(b) to file his return for the year.

(b) *Definitions and special rules.* For purposes of this section—

(1) *Net collections.* In determining net collections for a taxable year, appropriate adjustment shall be made for credits allowed against the tax liability for such year and refunds made of income taxes for such year.

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(2) *Income taxes.* The term "income taxes" means—

(i) With respect to taxes imposed by the United States, the taxes imposed by chapter 1, and

(ii) With respect to Guam, the Guam territorial income tax.

(3) *Source.* The determination of the source of income shall be based on the principles contained in part I of subchapter N of chapter 1 (section 861 and following).

(c) *Transfers.* The transfers of funds between the United States and Guam required by this section shall be made not less frequently than annually.

(d) *Military personnel in Guam.* In addition to any amount determined under subsection (a), the United States shall pay to Guam at such times and in such manner as determined by the Secretary or his delegate the amount of the taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such compensation by reason of the Soldiers and Sailors Civil Relief Act (50 App. U.S.C., sec. 501 et seq.).

(e) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 935, including (but not limited to)—

(1) Such regulations as are necessary to insure that the provisions of this title, as made applicable in Guam by section 31 of the Organic Act of Guam, apply in a manner which is consistent with this section and section 935, and

(2) Regulations prescribing the information which the individuals to whom section 935 may apply shall furnish to the Secretary or his delegate.

[Sec. 7654 as revised by sec. 1(b), Act of Oct. 31, 1972 (Pub. L. 92-606, 86 Stat. 1495)]

14. The following new section is added immediately after § 301.7654:

§ 301.7654–1 Coordination of U.S. and Guam individual income taxes.

(a) *Application of section*—(1) *Scope.* Section 7654 and this section set forth the general procedures to be followed by the Government of the United States and the Government of Guam in the division between the two governments of revenue derived from collections of the income taxes imposed for any taxable year beginning after December 31, 1972, with respect to any individual described in subparagraph (2) of this paragraph and paragraph (e) of this section. To the extent that section 7654 and this section are inconsistent with the provisions of section 30 of the Organic Act of Guam (48 U.S.C. 1421h), relating to duties and taxes to be covered into the treasury of Guam and held in account for the Government of Guam, such section 30 is superseded.

(2) *Individuals covered.* Paragraph (b) of this section applies only to an individual who, for a taxable year, is described in paragraph (a)(2) of § 1.935–1 of this chapter (Income Tax Regulations) and has (or in the case of a joint return, such individual and his spouse have)—

(i) Adjusted gross income of $50,000 or more, and

(ii) Gross income of $5,000 or more from sources within the jurisdiction (either the United States or Guam) other than the jurisdiction with which the individual is required to file his income tax return under paragraph (b) of § 1.935–1 of this chapter.

For the determination of gross income and adjusted gross income see sections 61 and 62, and the regulations thereunder, or, when applicable, the corresponding provisions as made applicable in Guam by the Guam Territorial income tax (48 U.S.C. 1421i). For purposes of this subparagraph, gross income consisting of compensation for military or naval service shall be taken into account, except to the extent incompatible with section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574). However, see paragraph (2) of this section.

(b) *Allocation of tax.* (1) Net collections of income taxes imposed for each taxable year beginning after December 31, 1972, with respect to each individual described in paragraph (a)(2) of this section for such year shall be divided between the United States and Guam by the Commissioner of Internal Revenue and the Commissioner of Revenue and Taxation of Guam as follows:

(i) Net collections attributable to income from sources within the United States shall be covered into the Treasury of the United States,

(ii) Net collections attributable to income from sources within Guam shall be covered into the treasury of Guam, and

(iii) Net collections not described in subdivision (i) or (ii) of this subparagraph (i.e., net collections attributable to income from sources other than within the United States or Guam) shall be covered into the treasury of the jurisdiction (either the United States or Guam) with which the individual is required to file his return under paragraph (b) of § 1.935–1 of this chapter for such year.

(2) The amount of tax of any individual for a taxable year which shall be allocated to Guam for purposes of determining the portion of the net collections from such individual which shall be covered into the treasury of Guam by the United States for such year shall be that amount which bears the same ratio to such amount of tax as the adjusted gross income of that individual for such year which is allocable to sources in Guam bears to the total adjusted gross income of such individual for such year. For purposes of such allocation by the United States, the adjusted gross income of the taxpayer shall be determined without taking into account any compensation of any member of the Armed Forces for services performed in Guam the withheld tax on which is paid into the treasury of Guam pursuant to paragraph (e) of this section. The amount of tax of any individual for any taxable year which shall be allocated to the United States for purposes of determining the portion of the net collections from such individual which shall be covered into the Treasury of the United States by Guam for such year shall be that amount which bears the same ratio to such amount of tax as the adjusted gross income of that individual for such year which is allocable to sources in the United States bears to the total adjusted gross income of such individual for such year.

(c) *Definitions and special rules.* For purposes of this section—

(1) *Net collections.* (i) In determining net collections for a taxable year, appropriate adjustment between the two jurisdictions shall be made on a proportionate basis for underpayments of income taxes for such taxable year, credits allowed against the income tax for such taxable year, and refunds made of income taxes paid with respect to such taxable year. Thus, if a net operating loss results in a carryback to an earlier taxable year which gives rise to a refund for that earlier year, an adjustment must be made based upon the proportion which the amount of tax covered by one jurisdiction into the treasury of the other jurisdiction for that earlier year bears to the total amount of tax paid for that earlier year, even though the loss may have resulted from activities in one jurisdiction and the income, against which the loss was offset, was earned in the other jurisdiction. Similar adjustments must be made for foreign tax credit carrybacks even though different jurisdictions are involved. If, for example, an individual pays income tax of $30,000 to the United States for 1974 and $10,000 of such tax is covered into the treasury of Guam, and if for 1975 such individual has a net operating loss attributable to a trade or business carried on in the United States which loss is carried back to 1974 and gives rise to a refund of $15,000 by the United States, Guam must cover into the Treasury of the United States the amount of $5,000 which is the adjustment based upon the refund ($15,000×$10,000/$30,000=$5,000).

(ii) Tax withheld from the compensation of any member of the Armed Forces described in paragraph (a)(2) of this section which is paid to Guam pursuant to section 7654 (d) and paragraph (e) of this section shall be taken into account in determining the amount required to be covered into the treasury of Guam under paragraph (b)(1)(ii) of this section.

(iii) For purposes of this subparagraph, any underpayment of tax is treated as attributable on a pro rata basis to income from sources within the United States, Guam, and sources other than within the United States or Guam, respectively, and is divided between the United States and Guam under the rules in paragraph (b) of this section.

(iv) For purposes of this subparagraph, any underpayment of tax is treated as attributable on a pro rata basis to income from sources within the United States, Guam, and sources other than within the United States or Guam, respectively, and is divided between the United States and Guam under the rules in paragraph (b) of this section.

(2) *Income taxes.* The term "income taxes" means—

(i) With respect to taxes imposed by the United States, the income taxes imposed by chapter 1 of the Code, and

(ii) With respect to taxes imposed by Guam, the Guam Territorial income tax (48 U.S.C. 1421i).

(3) *Source rules.* The determination of the source of income shall be based on the principles contained in sections 861 through 863, and the regulations thereunder, or, when applicable, in those sections as made applicable in Guam by the Guam Territorial income tax. However, see also section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574) for determining the source of income of members of the Armed Forces. For purposes of this subparagraph, the provisions in section 935 (c) treating Guam as part of the United States, and vice versa, do not apply. For definition of the terms "United States" and "Guam" see section 7701(a)(9) of the Code and section 2 of the Organic Act of Guam (48 U.S.C. 1421).

(d) *Information return.* Each individual described in paragraph (a)(2) of this section for a taxable year who is required by paragraph (b)(1) of § 1.935–1 of this chapter to file his return of income for such year with the United States shall timely file a properly executed Form 5074 (Allocation of Individual Income Tax to Guam) by attaching such form to his income tax return. Each individual described in paragraph (a)(2) of this section for a taxable year who is required by paragraph (b)(1) of § 1.935–1 of this chapter to file his return of income for such year with Guam shall timely file such information as may be required by the Commissioner of Revenue and Taxation with respect to his income derived from sources within the United States. See section 6688 and § 301.6688–1 for the penalty for failure to comply with this paragraph.

(e) *Military personnel in Guam.* The Commissioner of Internal Revenue shall arrange to pay to Guam the amount of the taxes deducted and withheld by the United States under section 3402 from wages paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such wages by reason of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574). Section 514 of that Act provides in effect that for purposes of the taxation of income by Guam a person shall not be deemed to have lost a residence or domicile in the United States solely by reason of being absent therefrom in compliance with military or naval orders and the compensation for military or naval service of such a person who is not a resident of, or domiciled in, Guam shall not be deemed income for services performed within, or from sources within, Guam. Any amount paid to Guam under this paragraph in respect of a member of the Armed Forces described in paragraph (a)(2) of this section shall be taken into account in determining the amount required to be covered into the treasury of Guam under paragraph (b)(1)(ii) of this section. For purposes of this paragraph, the term "Armed Forces of the United States" has the meaning provided by § 301.7701–8 of this chapter. This paragraph does not apply to wages for services performed in Guam by members of the Armed Forces of the United States which are not compensation for military or naval service. In determining the amount of tax to be covered into the treasury of Guam under this paragraph with respect to remuneration for services performed in Guam by members of the Armed Forces of the United States, the special procedure agreed upon with the Department of Defense in 1951 shall not apply to remuneration paid after December 31, 1974. Under that procedure the tax withheld under section 3402 upon such remuneration for services performed in Guam during April and October of each year was to be projected for the appropriate six-month period of which the base month is a part, thereby arriving at an estimated figure for semi-annual withholding tax to be covered over.

(f) *Transfers of funds.* The transfers of funds between the United States and Guam required to effectuate the provisions of this section shall be made when convenient for the two governments, but not less frequently than once in each calendar year. In complying with paragraph (b) of this section, only net balances will be transferred between the two governments. Further, amounts transferred pursuant to paragraph (b) of this section may be determined on the basis of estimates rather than the actual amounts derived from information furnished by taxpayers, except that the net collections for 1973 and every third calendar year thereafter are to be transferred on the basis of the information furnished by taxpayers pursuant to paragraph (d) of this section. In order to facilitate the transfer of funds pursuant to this section, the Commissioner of Internal Revenue and the Commissioner of Revenue and Taxation of Guam shall exchange such information, including copies of income tax returns, as will ensure that the provisions of section 7654 and this section are being properly implemented.

15. Section 301.7701 is amended by revising paragraphs (12)(B) and (32) and the historical note to read as follows:

§ 301.7701 Statutory provisions; definitions.

SEC. 7701. *Definitions*—(a) • • •

(12) *Delegate.* • • •

(B) *Performance of certain functions in Guam or American Samoa.* The term "delegate", in relation to the performance of functions in Guam or American Samoa with respect to the taxes imposed by chapters 1, 2, and 21, also includes any officer or employee of any other department or agency of the United States, or of any possession thereof, duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform such functions.

• • • • •

(32) *Cooperative bank.* The term "cooperative bank" means an institution without capital stock organized and operated for mutual purposes and without profit, which—

(i) Either—

(A) Is an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C., sec. 1724 (a)), or

(B) Is subject by law to supervision and examination by State or Federal authority having supervision over such institutions, and

(B) Meets the requirements of subparagraphs (B) and (C) of paragraph (19) of this subsection (relating to definition of domestic building and loan association).

In determining whether an institution meets the requirements referred to in subparagraph (B) of this paragraph, any reference to an association or to a domestic building and loan association contained in paragraph (19) shall be deemed to be a reference to such institution.

• • • • •

[Sec. 7701, as amended by sec. 22 (g) and (h), Alaska Omnibus Act (73 Stat. 146, 147); sec. 18 (i) and (j), Hawaii Omnibus Act (74 Stat. 416); sec. 103(t), Social Security Amendments 1960 (74 Stat. 941); secs. 6(c) and 7(h), Rev. Act 1962 (76 Stat. 982, 988); sec. 5, Act of Oct. 23, 1962 (Pub. L. 87-870, 76 Stat. 1161); secs. 204(a)(3) and 234(b)(3), Rev. Act 1964 (78 Stat. 36, 114); sec. 102(b)(5), Tax Adjustment Act 1966 (80 Stat. 64); sec. 103(i)(1), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 103(e)(6), Revenue and Expenditure Control Act 1968 (82 Stat. 264); sec. 432 (c) and (d), Tax Reform Act 1969 (83 Stat. 622, 623); sec. 1(f)(4), Act of Oct. 31, 1972 (Pub. L. 92-606, 86 Stat. 1497)]

[FR Doc.74-26617 Filed 11-12-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1301]

EMPLOYMENT CLEARANCES

Proposed Employee Screening Procedures for Non-Practitioners

The Drug Enforcement Administration (DEA) is considering the adoption of various proposals related to the screening and hiring of employees by non-practitioner registrants. This Notice of Proposed Rule Making is being published to allow concerned parties to make comments and recommendations concerning this matter.

Because of the many complexities involved in the employment area, this notice is intended to primarily affect the matter of employment clearances, and not the general system of employee security. It is the intention to establish DEA requirements and recommended procedures in this employee screening area which may be relied on as a base of control for State requirements and company procedures related to employee security. It is the position of DEA that such employee screening is an integral part of overall security and is necessary for a firm to engage in controlled substances activities.

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Therefore, under the authority vested in the Attorney General by section 501 (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 871(b)], delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, and to the Deputy Administrator by Directive 73-2, 38 FR 34662, December 17, 1973, it is proposed that four new sections be added to Part 1301 of Title 21 of the Code of Federal Regulations as follows:

EMPLOYEE SCREENING—*Non-Practitioners*

§ 1301.90 Drug company screening procedures.

Questions asked of applicants for employment, or persons being transferred into areas in which they may have access to controlled substances, must be framed to strike a balance between obtaining information from persons which would indicate them as a drug security risk and protecting the person from the disclosure of information having no relation to drug security. In this regard, it is believed that conviction for crime, and the abuse of certain drugs, are activities that are proper subjects for inquiry.

Hence, it is the position of DEA that as a matter of business necessity and as a part of overall controlled substance security, at least the following questions and advice must be utilized in the employee screening procedures:

Question. Have you ever been convicted of a crime, or are you now under charges for any criminal offense? (Include any military general court-martial conviction, but exclude any traffic violation—or juvenile offense.) If the above answer is yes, furnish details of conviction, charges, offense, location, date and sentence.

Question. In the past three years, have you ever been an abuser of narcotics, amphetamines or barbiturates, or have you ever regularly used such drugs other than when prescribed by a physician? If answer is yes, furnish details.

Advice. The person must authorize, in writing, the company or its agent to make inquiries regarding the information furnished, including inquiries of courts regarding charges and convictions and law enforcement agencies regarding possible records of conviction. The person must affirm that he realizes that any false information, or omission of information may be a basis for denial or dismissal from employment.

It should be emphasized that the answers furnished by the person, or a record of conviction, are to be considered in the overall evaluation of the person. Certainly, the age of the person at the time of a conviction of a crime, the length of time since conviction, the nature of offense, employment record since conviction, etc., are all factors to be closely considered in determining if the person is a current security risk.

§ 1301.91 Furnishing diversion information.

It is the position of DEA that an employee who has knowledge of drug diversion from the employer by a fellow employee, an employee of a carrier, or other persons, has an obligation to the company to report the information to an appropriate company official. Moreover, a failure to report such information should be grounds for disciplinary action against the employee who does not report the information.

§ 1301.92 Illicit activities by employees.

It is the position of DEA that to protect internal drug firm security, a drug firm will take appropriate action against any person knowingly involved in the illicit possession, sale, use or diversion of drugs.

§ 1301.93 Criminal record inquiries by drug company.

The information obtained from inquiries regarding a person's criminal record is not intended to necessarily preclude employment of the person. Rather, such information should be included in the overall evaluation of the person's suitability for the position involved. The maintaining of fair employment practices, the protection of the person's right of privacy, and the assurance that the results of such inquiries will be treated by the company in confidence should all be emphasized.

Although the following recommended procedures are not mandatory, DEA recommends the suggested inquires be made a part of the screening procedures for persons who may have access to controlled substances:

Local inquiries—Local inquiries should be made by name, date and place of birth, and other identifying information, to local courts for records of charges and convictions, and to enforcement agencies for records of convictions for the person. Local practice may require such inquiries to be made in person, rather than by mail, and a copy of a waiver from the person may be required by certain local enforcement agencies.

DEA inquiries—The identifying information should also be furnished to DEA for a check of DEA files for records of conviction.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Drug Enforcement Administration, Department of Justice, Room 1203, 1405 I Street NW., Washington, D.C. 20537, and must be received on or before January 13, 1974.

Dated: November 8, 1974.

ANDREW C. TARTAGLINO,
Acting Deputy Administrator,
Drug Enforcement Administration.

[FR Doc.74-26603 Filed 11-12-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Montana

Basis and Purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 FR 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director BIAM 3.1 (34 FR 637, January 16, 1969) and by authority delegated to the Project Engineer and to the Superintendent by the Area Director April 30, 1971, Release 10-2, 10 BIAM 7.0, § 2.70-2.75, notice is hereby given of the intention to modify § 221.12 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are not subject to the jurisdiction of the several irrigation districts. Purpose of this amendment is to establish the assessment charges for the season 1975 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are not included in the irrigation districts organizations.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to the Area Director, U.S. Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana 59101, on or before December 13, 1974.

Section 221.12 is amended to read as follows:

§ 221.12 Charges.

In compliance with the provisions of the Act of August 1, 1914 (38 Stat. 583; 25 U.S.C. 385), the operation and maintenance charges, for irrigable lands under the Crow Indian Irrigation Project and under certain private ditches for the calendar year 1975 and subsequent years until further notice, are hereby fixed as follows:

	Per acre
For the assessable nondistrict area under constructed works on all Government-operated units excepting Coburn Ditch	$4.60
For the assessable area under constructed works on certain tracts of irrigable trust patent Indian land within and benefited by the Two Leggins Unit	2.30
For the assessable area on certain tracts of irrigable trust patent Indian land within and benefited by the Bozeman Trail Unit	1.40
For all lands in Indian ownership under the Bozeman Trail Unit on June 28, 1946, and under constructed works on all Government-operated units in the Little Big Horn watershed; for non-Indian, non-irrigation district lands, under private ditches, contracting for the benefits and repayment for the costs of the Willow Creek Storage Works; for operation of said works	.20
For certain tracts of irrigable trust patent Indian lands within and benefited by the Two Leggins Drainage District (contract dated June 29, 1932)	.85

GEORGE A. LAVERDURE,
Superintendent,
Crow Agency.

[FR Doc.74-26591 Filed 11-12-74;8:45 am]

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Crow Indian Irrigation Project, Montana

Basis and Purpose. Notice is hereby given that pursuant to the authority contained in the Acts of Congress approved August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 FR 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director BIAM 3.1 (34 FR 637, January 16, 1969) and by authority delegated to the Project Engineer and to the Superintendent by the Area Director April 30, 1971, Release 10-2, 10 BIAM 7.0, § 2.70–§ 2.75, notice is hereby given of the intention to modify §§ 221.13a, 221.13b, and 221.13c of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Crow Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. Purpose of this assessment is to establish the assessment charges for for the season 1975 and thereafter until further notice, and which charges are applicable to all irrigable lands in the Crow Indian Irrigation Project that are included in the irrigation districts organization that are subject to the jurisdiction of the three irrigation districts.

It is the policy of the Department of the Interior, whenever practicable, to afford the public the opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed amendment to Area Director, U.S. Bureau of Indian Affairs, 316 North 26th Street, Billings, Montana on or before December 13, 1974.

§ 221.13a Charges, Big Horn Irrigation District.

Pursuant to a contract executed by the Big Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice, for the operation and maintenance of the irrigation systems which serve the portion of the project within the confines and under the jurisdiction of the Big Horn Irrigation District. This assessment is applicable to an area of approximately 8,000 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(26 FR 6713, July 27, 1961)

§ 221.13b Charges, Lower Little Horn and Lodge Grass Irrigation District.

(a) Pursuant to a contract executed by the Lower Little Horn and Lodge Grass Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve the portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District. This assessment is applicable to an area of approximately 2,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of twenty cents ($.20) per acre is hereby fixed for the season of 1975 and subsequent years until further notice for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Lower Little Horn and Lodge Grass Irrigation District.

(26 FR 6713, July 27, 1961)

§ 221.13c Charges, Upper Little Horn Irrigation District.

(a) Pursuant to a contract executed by the Upper Little Horn Irrigation District, Crow Indian Irrigation Project, Montana, and approved by the Secretary of the Interior on June 28, 1948, notice is hereby given that an assessment of $4.60 per acre is hereby fixed for the season of 1975 and subsequent years until further notice for the operation and maintenance of the irrigation systems which serve storage water either directly or by substitution to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District. This assessment includes an area of approximately 1,500 acres; does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

(b) Pursuant to a second contract executed by the above district and approved by the Assistant Secretary of the Interior on June 28, 1951, notice is hereby given that an assessment of twenty cents (0.20) per acre is hereby fixed for the season of 1975 and subsequent years until further notice, for the operation and maintenance of the Willow Creek storage works which serve storage water either directly or by substitutions to that portion of the project within the confines and under the jurisdiction of the Upper Little Horn Irrigation District.

(26 FR 6713, July 27, 1961)

GEORGE A. LAVERDURE,
Superintendent,
Crow Agency.

[FR Doc.74-26590 Filed 11-12-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

REA SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Proposed Changes in REA Specifications for Plastic-Insulated Wires and Cables

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue revised pages to Bulletins 345-13, -14, -20, -67, -70, -59 and -61 to announce revisions in REA Specifications PE-22, PE-23, PE-28, PE-39, PE-54, PE-71, and PE-72.

These changes will require manufacturers to conduct temperature and humidity exposure tests on samples of finished wires and cables to determine long-term electrical stability of these facilities. It is proposed that the changes will become effective January 1, 1975. On issuance of these bulletins, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the changes to the specifications may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than December 13, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the proposed changes to each of these specifications may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: November 7, 1974.

C. R. BALLARD,
Assistant Administrator-Telephone.

[FR Doc.74-26533 Filed 11-12-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 281]

INFORMATION AND PROCEDURE REQUIRED UNDER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

Notice of Proposed Rulemaking

Notice is hereby given that Part 281 of Title 46 of the Code of Federal Regulations setting forth reporting requirements for operators of liner vessels subject to operating-differential subsidy contracts is proposed to be amended. Regulations, including reporting requirements, for bulk operators with operating-differential contracts were published for comment in the FEDERAL REGISTER on June 3, 1974 as Part 252 of Title 46. Part 281 is not applicable to operators with vessels insured or guaranteed under the provisions of Title XI of the Merchant

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Marine Act, 1936, as amended (the Act) (46 U.S.C. 1211) unless such operators have an operating-differential subsidy contract covering liner operations. Regulations, including reporting requirements, for operation with Title XI mortgage guarantees are being prepared and will be published for comment in the FEDERAL REGISTER as Part 289 of Title 46 of the Code of Federal Regulations before being finally adopted.

Section 801 of the Act provides that every contract executed by the Maritime Administration under Title VI or VII of the Act shall require the contractor to file, upon notice from the Maritime Administration, balance sheets, profit and loss statements, and such other statements of financial operations, special report, memoranda or any facts and transactions, that in the opinion of the Maritime Administration affect the performance of, or transactions or operations under such contract. Such prescribed financial reports enable the Maritime Administration to meet its statutory responsibilities to determine the financial resources of subsidized operators (section 601(a) (3) of the Act), to investigate the operation of ocean services, routes and lines essential to the foreign commerce of the United States and cost related thereto (section 211 of the Act), and to prepare its annual report to the Congress (section 208 of the Act).

Part 281 sets forth the information that each liner operator who is a party to an ODS agreement shall submit to the Maritime Administration in compliance with the terms of such agreement. It is proposed to revise paragraph (f) of § 281.1 to require that the contractor periodically submit internal management reports, balance sheets, income statements and vessel performance reports. Paragraph (f) as proposed also sets forth the allocation bases to be used in the preparation of vessel performance reports.

This proposed amendment of 46 CFR Part 281 reflects the Maritime Administration's recent revision of the Uniform System of Accounts for Maritime Carriers (46 CFR Part 282, 39 FR 16445, May 9, 1974). The new technology of the maritime industry employing barges, containers and related equipment required the revision of the Uniform System of Accounts. The system was also reorganized to reflect specific cost centers to permit more useful analysis of data.

The insertion of the word "liner" in the title of Part 281 and the first paragraph of § 281.1 is being proposed to clarify which segment of the industry is subject to this part. The bulk operators will be required to comply with reporting requirements in Part 252 of Title 46 of the Code of Federal Regulations when Part 252 is adopted.

While the rulemaking procedure relating to the administration of public grants under Titles VI and VII of the Act is exempt from the notice requirements of 5 U.S.C. 553, this amendment to 46 CFR Part 281 is nevertheless published in proposed form. Comments by interested parties are solicited and will be considered before final adoption of the proposed amendment. Comments should be submitted in three copies, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, on or before November 29, 1974.

Accordingly, Part 281 of 46 CFR is proposed to be revised to read as follows:

1. Revised the title of Part 281 to read as follows:

PART 281—INFORMATION AND PROCEDURE REQUIRED UNDER LINER OPERATING-DIFFERENTIAL SUBSIDY AGREEMENTS

2. Revised the heading, the first paragraph, and paragraph (f) of § 281.1 to read as follows:

§ 281.1 Information and procedure required under liner operating-differential subsidy agreements.

In compliance with the terms of the operating-differential subsidy agreement, the following information shall be submitted to the Maritime Administration by each operator who is a party to any such agreement and operates liner type vessels pursuant to such agreement.

* * * * *

(f) *Current financial reports.* Each operator shall prepare current financial reports as specified below and shall submit one copy to the appropriate Region Director of the Maritime Administration and three copies to the Director, Office of Financial Analysis, Maritime Administration, Washington, D.C. 20230, as follows:

(1) *Internal management reports.* Each month the operator shall submit current monthly internal management financial statements.

(2) *Balance sheet.* The operator shall prepare balance sheets as of March 31, June 30, and September 30 of each calendar year in conformity with § 282.6(A) of the Uniform System of Accounts (Part 282 of this chapter) and shall submit these balance sheets as soon as practicable but not later than 45 days after the end of the respective quarter. The operator shall submit a balance sheet as of December 31, prepared in conformity with Maritime Administration Form 172 not later than March 31 of the succeeding year, as required by paragraph (f) (4) of this section. If the operator is unable to submit Form 172 by March 31 of the succeeding year, he shall submit by such date a balance sheet prepared as of December 31 in conformity with § 282.6(A) of the Uniform System of Accounts.

(3) *Income statement.* The operator shall prepare income statements for the quarterly periods January 1 to March 31, April 1 to June 30, and July 1 to September 30, and for cumulative periods from January 1 to the end of the second and third quarters of each calendar year in conformity with § 282.6(B) of the Uniform System of Accounts (Part 282 of this chapter) and shall submit these income statements as soon as practicable but not later than 45 days after the end of the respective period. Not later than March 31 of the succeeding year the operator shall submit an annual income statement prepared in conformity with Maritime Administration Form 172, as required by paragraph (f) (4) of this section. If the operator is unable to submit Form 172 by March 31 of the succeeding year, he shall submit by such date an income statement for the quarterly period October 1 to December 31 and an annual income statement for the calendar year in conformity with § 282.6(B) of the Uniform System of Accounts.

(4) *Annual Financial Reports.* The operator shall submit Maritime Administration Form 172 for each calendar year by March 31 of the succeeding year.

(5) *Vessel Performance Reports.* Vessel performance reports shall be prepared for the period January 1 to March 31 of each calendar year, and from January 1 to the end of each succeeding quarter of the calendar year, in the form provided in Exhibit A of paragraph (f) (7) of this section and consistent with the allocation bases provided in paragraph (f) (6) of this section and shall include:

(i) A grand summary of all terminated voyage results for the reporting period including any idle status period occurring during the reporting period;

(ii) Summaries for each service by vessel type, except that reports prepared as of December 31 of each year shall also include individual reports by vessel for each voyage terminated during the annual reporting period; and

(iii) Individual reports by vessel for each idle status period occurring during any reporting period.

The vessel performance reports shall be submitted with the balance sheets and income statements required under paragraph (f) (2) and (f) (3) of this section and must be reconciled with the voyage revenue and expense from all operations as reported in the income statement. Properly filed vessel performance reports will satisfy the reporting requirements for sub-schedules 3002 of the Maritime Administration Form 172 Financial Reports.

(6) *Allocation bases.* The allocation bases to be applied in preparation of vessel performance reports required by paragraph (f) (5) of this section are as follows:

(i) *Terminal expenses.* Terminal expenses defined by accounts 855 through 866 of the Uniform System of Accounts (§ 282.3(E) of this chapter), including depreciation accounts, shall be allocated between terminated and unterminated voyages on the basis of freight payable tons loaded and discharged on each vessel and voyage during the reporting period, except that in the case of terminals handling only one cargo carriage technology type (CCTT), which can be expressed in common units such as twenty foot equivalent container units (TEU's) or the number of individual barges, such common units may be used for allocating terminal expenses by vessel and voyage, as shown in Exhibit B of paragraph (f) (7) of this section.

(ii) *Container/barge expense*—(A) *Allocation of expense.* Container/barge expense defined by accounts 867 through 899 of the Uniform System of Accounts (§ 282.3(F) of this chapter), including depreciation accounts, shall be segregated between container and barge cost pools. Accounts 879, 880 and 894 shall be allocated between container and barge cost pools on an allocation basis developed by the operator.

(B) *Allocation of cost pools.* Container and barge cost pools shall be allocated among vessels by voyage and idle status period for each vessel in the same ratio that the total container or barge capacity of each vessel multiplied by vessel days bears to the total container or barge capacity of the operator's entire fleet multiplied by vessel days. Total container or barge capacity of a vessel means the total container or barge capacity of the vessel, expressed in TEU's for containers and single units for barges, multiplied by the total number of containers or barges acquired for each available container or barge slot on the vessel. Vessel days means the number of days in the period for which an allocation of cost pools is being made. Containers and barges purchased by an operator for utilization in a particular trade route shall be allocated by vessel capacity among the vessels in the trade route for which they were purchased. See Exhibit C of paragraph (f) (7) of this section.

(iii) *Administrative and General Expenses.* Administrative and general expenses defined by accounts 901 through 979 of the Uniform System of Accounts (§ 282.3(G) of this chapter) shall be allocated to terminated voyages for each vessel type by service or for each vessel by voyage, as required by paragraph (f) (5) of this section, based on the ratio that total terminated voyage operating expenses (accounts 701–773 of the Uniform System of Accounts) plus total terminated voyage operating revenue (accounts 601–624 of the Uniform System of Accounts) for each bears to the total terminated voyage operating expense plus total terminated voyage operating revenue for the period, except that account 945 (advertising passengers) will be allocated directly to passenger vessels based on passengers carried, account 955 (contributions to pools) may be allocated as an administrative and general expense or directly to vessel and voyage based on pool statements, and that portion of accounts 960 and 961 (interest expense) representing interest on vessels shall be allocated to vessels and voyages in the same ratio that depreciation is distributed among all vessels in the fleet. In addition to the above exceptions, significant interest expenses related to purchases of containers and barges should be charged directly to container and barge pools prior to allocation of the container and barge pools.

(7) *Exhibits.*

A *Vessel performance report.*

B *Sample allocation of terminal expenses by vessel and voyage.*

C *Sample allocation of container/barge expenses by vessel and voyage.*

(Section 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114), Reorganization Plans No. 21 of 1950 (64 Stat. 1273) and No. 7 of 1961 (75 Stat. 840) as amended by Pub. L. 91-469 (84 Stat. 1036), Department of Commerce Organization Order 10-8 (38 FR 19707, July 23, 1973))

Dated: November 5, 1974.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

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Exhibit A

NAME OF OPERATOR _____

VESSEL PERFORMANCE REPORT

FOR THE PERIOD ENDED _____

TYPE OF REPORT (1) COMMENCE ( ) (2) CLOSE ( ) (3) VESSEL/VOYAGE ( ) (4) IDLE STATUS BY VESSEL ( )

SERVICE AND TYPE OF VESSEL _____ VOYAGE DATE _____

NUMBER OF VOYAGE TERMINATIONS _____ VOYAGE NUMBER _____ MILES TRAVELED _____

VESSEL CONTAINER CAPACITY —TEU's _____ VESSEL RANGE CAPACITY _____ DAYS IN PORT _____

DAYS AT SEA _____

	OUTWARD	INTERMEDIATE	INWARD	TOTAL
Passengers Carried				
Freight Payable Tons Carried				
Number of Containers —TEU's				
Number of Barges				
[7001 OPERATING REVENUE				
01 Freight - Foreign	$	$	$	$
02 Freight - Intercoastal				
03 Passenger - Foreign				
04 Passenger - Intercoastal				
20 Charter Revenue	$	$	$	$
29 Other Voyage Revenue				
TOTAL VESSEL OPERATING REVENUE	$	$	$	$

[7001 OPERATING EXPENSES:

Vessel Expenses:

01 Wages	$	$	$
10 Domestic Subsistence			
16 Domestic Stores, Supplies and Equipment			
28 Other Maintenance & Repair			
29 Insurance - Hull and Machinery			
30 Vessel Fuel			
40 Vessel Agents - Domestic			
42 Depreciation - Vessels	(STRAIGHT LINE DEPRECIATION BASED ON STATUTORY LIFE WITH RESIDUAL VALUE		
43 Charter Hire - Time and Trip			
46 Bareboat Charter Hire - Short Term			
49 Other Vessel Expense			
TOTAL VESSEL EXPENSE			

Voyage Expenses:

80 Allocated Expenses-Container & Barge (A/C 607-854)			
82 Cargo Handling			
83 Transportation Expense-Port Commercial			
70 Wharfage and Dockage			
TOTAL VOYAGE EXPENSES			
DIRECT PROFIT (LOSS) BEFORE SUBSIDY			
825 OPERATING-DIFFERENTIAL SUBSIDY			
DIRECT PROFIT (LOSS) AFTER SUBSIDY FROM VESSEL OPERATIONS			
809 OVERHEAD — ACCOUNTS 601/855, 863, 875/878, 890			
882 INTEREST EXPENSE VESSELS			
PRETAX TERMINATED VOYAGE RESULTS			

04 Payroll Taxes
14 Foreign
18 Parallel
34 Other
41 Foreign
45 Affiliates
48 Long Term Affiliates
47 Long Term
51 Terminal Expense (A/C 655-864)
53 CFS
56 Other
58 Inland Commercial
59 Substituted Service-Commercial
72 Port Costs Pass
73 Canal Tolls
74 Port Costs
77 Other Port
78 Inland Military
79 Substituted Service-Military
81 Port Military
87 Substituted Service-Military

EXHIBIT B.—*Sample allocation of terminal expenses by vessel and voyage*

Type of facility	Total units loaded and discharged			Voyage status end of the period [1]		Ratio vessel/voyage to total (percent)	Terminal cost by vessel/voyage		
	Vessel	Voyage	Total units [1]	Terminated	Unterminated		Totals	Terminated	Unterminated
Container yard	Cont-1	1	500	500		31.7	$326.51	$326.51	
	LASH-2	1	260	260		16.5	169.95	169.95	
	LASH-2	2	359		359	22.7	233.81		$233.81
	B/B-4	1	110	110		6.9	71.07	71.07	
	Cont-5	1	200	200		12.7	130.81	130.81	
	Cont-6	2	150		150	9.5	97.85		97.85
			(a) 1,579	1,070	509	100.0	1,030.00	698.34	331.66
Container freight station/break bulk	LASH-2	1	17,002	17,002		22.8	175.56	175.56	
	LASH-2	2	11,002		11,002	14.8	113.96		113.96
	RO/RO-3	1	30,525	30,525		41.0	315.70	315.70	
	B/B-4	1	1,000	1,000		1.3	10.01		
	Bulk-5	1	15,000	15,000		20.1	154.77	154.77	
			(b) 74,529	63,527	11,002	100.0	770.00	656.04	113.96
Barge terminal	LASH-2	1	37	37		68.5	445.25	445.25	
	LASH-2	2	17		17	31.5	204.75		204.75
			(c) 54	37	17	100.0	650.00	445.25	204.75

[1] See the following notes:
(a) Units for container yard=20-foot equivalent units (TEU's).
(b) Units for container freight station and break bulk operation=freight payable tons (FPT's).
(c) Units for barge terminal=number of barges unless barges differ in size. Barges of different capacity must be reduced to equivalent units.

NOTE.—Other terminal facilities (not illustrated) handling many or all cargo carriage technology types will allocate period costs on freight payable tons loaded and discharged during the period.

EXHIBIT C.—*Sample allocation of container barge expenses by vessel and voyage*

EXAMPLE

Assumptions

Service A—1 container vessel with an actual capacity of 1,050 containers with 2 containers acquired for each container slot.
Service B—1 LASH vessel with an actual capacity of 450 containers with 4 containers purchased for each container slot.
Service C—1 roll on-roll off vessel with an actual capacity of 300 containers with 3 containers acquired for each container slot.
1 break-bulk vessel with an actual capacity of 100 containers with 4 containers acquired for each container slot.
Total container pool costs for a 90-day period equals $414,675.

Calculations

(A) Service	(B) Vessel	(C) Voyage	(D) Vessel days in period: Terminated	(D) Vessel days in period: Unterminated	(E) Actual container capacity of vessel	(F) Containers acquired for each slot	(G) Total container capacity col. (E)×(F)	(H) Allocation base col. (D)×(G)	(I) Allocation percentages	(J) Allocation of container pool
A	Container-1	1	90		1,050	2	2,100	189,000	39.3	$162,967
B	LASH-2	1	90		450	4	1,800	108,000	22.4	92,887
	LASH-2	2		30	450	4	1,800	54,000	11.2	46,444
C	RO/RO-3	1	70		350	3	1,050	73,500	15.3	63,445
	RO/RO-3	I.S.	20		350	3	1,050	21,000	4.3	17,831
	Break Bulk-4	1		90	100	4	400	36,000	7.5	31,101
	Totals		240	120				481,500	100.0	414,675

[FR Doc.74-26247 Filed 11-12-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 416]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Certain Individuals Deemed To Meet Income and Resources Test

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments, set forth below, amend Subparts K and L of Part 416 at § 416.1175 (Income exclusions for certain blind individuals) and § 416.1260 (a) (Special resource provision for recipients under a State plan). These sections reflected the provisions of sections 1611(g) and 1611(h) of the Act in Public Law 92-603. However, sections 1611(g) and 1611(h) of the Act in Public Law 92-603 were further amended by sections 18(d) and 18(e) of Public Law 93-233. The purpose of these amendments is to reflect these changes.

Title XVI of the Social Security Act was amended by section 18 of Public Law 93-233 to limit the use of the State plan exclusion for persons who were eligible in December 1973. This section provides that an individual cannot qualify for supplemental security income payments through application of the State plan income and resource criteria described above if the individual, after December 1973, became ineligible for a supplemental security income benefit for more than 6 consecutive months or abandoned his residence in the State under whose State plan approved under title I, X, XIV or XVI of the Social Security Act for December 1973 he received aid or assistance.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the supplemental security income program during the period from January 1, 1974, when the new program became effective, until final regulations are adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before December 13, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1611, 1612, 1613, 1614, and 1631 of the Social Security Act, 49 Stat. 647, as amended, 86 Stat. 1466, 1468,

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1470, 1471 and 1475; 42 U.S.C. 1302, 1382, 1382a, 1382b, 1382c, and 1383, 86 Stat. 1466.

(Catalog of Federal Domestic Assistance Program No. 13,807, Supplemental Security Income Program.)

Dated: October 16, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 8, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. Section 416.1175 is revised to read as follows:

§ 416.1175 Income exclusions for certain blind individuals.

For an individual (or individual and spouse, as the case may be) who is blind as determined under a State plan as in effect in October 1972, which was approved under title X or XVI of the Act, and who for the month of December 1973 was a recipient of aid or assistance under such State plan (see § 416.121), the maximum amount of any earned or unearned income which could have been disregarded under such State plan will be disregarded in determining countable income under § 416.1115 in lieu of applying the exclusions from income set forth in § 416.1145 if application of the provisions in § 416.1145 would result in a larger amount of countable income, provided that such individual (or individual and spouse, as the case may be):

(a) Has, since December 1973, resided continuously in the State under whose plan he was eligible for the month of December 1973. An individual will cease to continually reside in the State under whose plan he was eligible for the month of December 1973 if he leaves the State with the present intention to abandon his home there. Departure from the State will be considered failure to reside continuously in the State unless it can be demonstrated that the individual had a present continuing intention to maintain his principal home in that State and that his absence was of a temporary nature; and

(b) Has not, since December 1973, been ineligible for a period exceeding 6 calendar months for a supplemental security income benefit.

2. In section 416.1260 paragraph (a) is revised to read as follows:

§ 416.1260 Special resource provision for recipients under a State plan.

(a) *General.* In the case of any individual (or individual and spouse, as the case may be) who for the month of December 1973 was a recipient of aid or assistance under a State plan approved under title I, X, XIV, or XVI, of the Act (see § 416.121), the resources of such individual (or individual and spouse, as the case may be) shall be deemed not to exceed the amount specified in § 416.1205 during any period that the resources of such individual (or individual and spouse, as the case may be) do not exceed the maximum amount of resources specified in such State plan as in effect in October 1972, provided that such individual:

(1) Has, since December 1973, resided continuously in the State under whose plan he was eligible for the month of December 1973. An individual will cease to continually reside in the State under whose plan he was eligible for the month of December 1973, if he leaves the State with the present intention to abandon his home there. Departure from the State will be considered failure to reside continuously in the State unless it can be demonstrated that the individual had a present continuing intention to maintain his principal home in that State and that his absence was of a temporary nature; and

(2) Has not, since December 1973, been ineligible for a period exceeding 6 calendar months for a supplemental security income benefit.

* * * * *

[FR Doc.74-26576 Filed 11-12-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-NW-8-AD]

AIRWORTHINESS DIRECTIVES

BOEING MODEL 727 SERIES AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by amending Amendment 39-1836 (39 FR 16875), AD 74-10-08. That directive requires inspection of the horizontal stabilizer hinge pins on all Boeing 727 series airplanes for integrity and installation of threaded retention rods to prevent migration of the hinge pin should it fail. Subsequent to issuance of Amendment 39-1836, it was reported that the self-locking nuts used on the retention rods could be installed on some P/N 69-67076-2 rods without the use of a wrench. This condition could result in the nut backing off and loss of the retention capability of the rod. The inability to obtain positive nut retention is attributed to the thread on the rod being a Class 2 thread. Therefore, this proposal would amend AD 74-10-08 to require a nut torque check inspection of the P/N 69-67076-2 rod installations or any other rod installations utilizing a rod with a Class 2 thread. Boeing Alert Service Bulletin No. 727-55-59 was revised to incorporate procedures for the torque check inspection.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, 9010 East Marginal Way South, Seattle, Washington 98108, Attention: The Regional Counsel, Airworthiness Rules Docket. All communications received on or before December 30, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), it is proposed that § 39.13 of the Federal Aviation regulations (Amendment 39-1836 (39 FR 16875)), AD 74-10-08 be amended by adding the following new paragraph at the end thereof:

(D) If a threaded rod, P/N 69-67076-2, or an equivalent fabricated rod made from threaded rod NAS 1454-( )-( ), or any other rod with a Class 2 thread has been installed, unless already accomplished, conduct, before September 6, 1975, the hinge pin retainer nut torque inspection in accordance with Paragraph III, Part II of Boeing Alert Service Bulletin No. 727-55-59, Revision 2, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

If the torque required to rotate the self-locking nut is less than 30 inch-pounds, replace the rod in accordance with Boeing Alert Service Bulletin No. 727-55-59, Revision 3, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

This amendment is proposed under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington, November 5, 1974.

C. B. WALK, Jr.,
Director,
Northwest Region.

[FR Doc.74-26520 Filed 11-12-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Physical Protection of Special Nuclear Material in Transit

In view of the need for increased protection of special nuclear material (SNM) in the interest of the common defense and security, the Atomic Energy Commission is proposing amendments to its regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials," which would provide for an increased level of physical protection for shipments by licensees of special nuclear material of high strategic value. This action is being taken in view of the increase in terrorist activities and the general availability of information concerning possible use of special nuclear material as a basis of terrorist activities.

The proposed amendments would apply to shipments of either uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope) uranium-233, or plutonium, or any combination of these materials, which is 5,000 grams or more computed by the formula, grams=(grams contained U-235)+2.5 (grams U-233+grams plutonium).

The proposed amendments would require that shipment by road be made either in a truck or trailer with special design features to improve cargo security containing at least two armed guards accompanied by a separate escort vehicle with at least two armed guards, or that an armored car be used accompanied by two separate escort vehicles each containing two armed guards (total of six guards) when communication is not always available during the course of the shipment because of inadequate communication range, or that an armored car containing at least two armed guards be used accompanied by one escort vehicle with at least two armed guards when communication coverage is always available during the course of the shipment.

Other proposed changes would require (1) two armed guards to escort all air and sea shipments, (2) five armed guards to escort rail shipments, (3) use of U.S. registered carriers only for air and sea shipments, (4) two armed guards to monitor transfers, (5) seals at all times on cargo compartments of trucks or the outermost container of SNM, (6) open railroad cars only when the shipment weighs 5,000 pounds or more, and (7) submission of a revised plan updating existing transportation plans by licensees who ship at or above 10 CFR 73 threshold quantities and through licensees by carriers who supply transportation services. The Commission is considering alternatives which would discontinue the armored car option and would allow only shipment via specially designed truck with an escort vehicle. Also, alternatives to implement a continuous communication network for truck and rail shipments are being examined. It is expected that these measures could be required early in 1976.

The Commission has decided not to prepare an environmental impact statement for the proposed amendments to 10 CFR Part 73. Concurrently with the publication of this notice of proposed rule making, the Commission is making available in its Public Document Room at 1717 H Street NW., Washington, D.C. its "Environmental Impact Appraisal of Amendments to 10 CFR Part 73, Require for the Physical Protection of Strategic Nuclear Materials in Transit".

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 73 is contemplated. All interested persons who wish to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by December 13, 1974. Copies of Comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C.

1. Paragraph (g) is deleted and paragraphs (c) and (e) of § 73.30 are amended to read as follows:

§ 73.30 General requirements.

* * * * *

(c) Special nuclear material shall be shipped in containers which are sealed by tamper indicating type seals. The container shall also be locked if it is not in another container or vehicle which is locked. The outermost container or vehicle shall also be sealed by tamper indicating type seals. Only containers weighing 5,000 pounds or more shall be shipped in open railroad cars. This paragraph does not apply to shipments of quantities specified in § 73.1(b)(3).

* * * * *

(e) By (sixty days after publication) each licensee who has previously submitted a plan to ship quantities of special nuclear material in excess of those specified in § 73.1(b)(2) shall update his plan outlining the procedures that will be used to meet the new requirements of §§ 73.30(c), 73.31(c), 73.32 (b) and (c), 73.33(a), 73.34 (a), (b) and (c), and 73.35 (a) and (b).

* * * * *

2. Paragraph (f) is deleted and paragraph (c) of § 73.31 is amended to read as follows:

§ 73.31 Shipment by road.

* * * * *

(c) A shipment shall be accompanied by at least two guards in the vehicle containing the shipment. The shipment shall be further protected by one of the following methods:

(1) The shipment shall be made in a specially designed truck or trailer which reduces the vulnerability to theft. Design features of the truck or trailer shall permit immobilization of the van and provide barriers or deterrents to physical penetration of the cargo compartment. A separate escort vehicle, with at least two guards shall accompany the shipment. Guards shall maintain continuous vigilance for the presence of conditions or situations which might threaten the security of the shipment, take such action as circumstances might require to avoid interference with continuous safe passage of the cargo vehicle, provide assistance to, or summon aid for crew of cargo vehicles in case of emergency, check seals and locks at each stop where time permits, and observe the cargo vehicle and adjacent areas during stops. The vehicle containing the shipment shall be under continuous visual surveillance by at least two guards during rest stops. Continuous radio communication capability shall be provided between the cargo vehicle and the escort vehicles. Escort vehicles shall also be equipped with a radiotelephone. The licensee may use his own employees as guards or he may use an agent.

(2) The shipment shall be made in an armored car accompanied by two separate escort vehicles with at least two guards in each vehicle when the ability to communicate by radiotelephone or radio is not always available during the course of the shipment because of inadequate communication range. When communication coverage is always available during the course of the shipment, armored car shipments may be made with only one separate escort vehicle containing at least two guards. The escorts' duties shall be the same as those specified in § 73.31(c)(1).

* * * * *

3. Paragraph (d) is deleted and paragraphs (b) and (c) of § 73.32 are amended to read as follows:

§ 73.32 Shipment by air.

* * * * *

(b) Shipments on cargo aircraft of either uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233 or plutonium, or any combination of these materials which is 5,000 grams or more computed by the formula, grams=(grams contained U-235)+2.5 (grams U-233+grams plutonium) shall be made only on U.S. registered aircraft and shall be accompanied by two guards. Transfers of these shipments shall be minimized and shall be conducted in accordance with § 73.35.

(c) Export shipments shall be accompanied by two guards from the last terminal in the United States until the shipment is unloaded at a foreign terminal. They shall perform monitoring duties at foreign terminals as described in § 73.35, except that such guards need not be armed at foreign terminals.

4. Paragraph (c) is deleted and paragraph (a) of § 73.33 is amended to read as follows:

§ 73.33 Shipment by rail.

(a) A shipment by rail shall be escorted by five guards, in the shipment car or an escort car of the train, who shall keep the shipment cars under observation and who shall detrain at stops when practicable and time permits to guard the shipment cars under observation and check car or container locks and seals. Radiotelephone communication shall be maintained with a licensee or his agent to relay position every 2 hours or less, and at scheduled stops in the event that radiotelephone coverage was not available in the last 5 hours before the stop. The licensee or agent with whom communications shall be maintained for different segments of the shipment shall be predesignated before a shipment is made. In the event no call is received in accordance with these requirements, the licensee or his agent shall immediately notify an appropriate

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law enforcement authority and the appropriate Atomic Energy Commission Regulatory Operations Regional Office listed in Appendix A of this part.

• • • • •

5. Paragraph (e) is deleted and paragraphs (a), (b), and (c) of § 73.34 are amended to read as follows:

§ 73.34 Shipment by sea.

(a) Shipments shall be made on American flag vessels making the minimum ports of call. Transfers to and from other modes of transportation shall be in accordance with § 73.35, except that such guards need not be armed at foreign terminals.

(b) Export shipments shall be accompanied by two guards from the last port in the United States until the shipment is unloaded at a foreign port. They shall perform monitoring duties at foreign ports as described in § 73.35, except that such guards need not be armed at foreign terminals.

(c) The shipment shall be placed in a secure compartment which is locked and sealed. Locks and seals shall be periodically inspected in transit, if possible, by the two guards.

• • • • •

6. Paragraph (d) is deleted and paragraphs (a) and (b) of § 73.35 are amended to read as follows:

§ 73.35 Transfer of special nuclear material.

All transfers shall be monitored by two guards. Monitoring of special nuclear material transfers shall be conducted as follows:

(a) At scheduled intermediate stops where special nuclear material is not scheduled for transfer, the guards shall observe the opening of the cargo compartment and assure that the shipment is not removed. The guards shall maintain continuous visual surveillance of the cargo compartment. Continuous visual surveillance of the cargo compartment shall be maintained up to the time the vehicle is ready to depart.

(b) At points where special nuclear material is transferred from vehicle to storage, from one vehicle to another, or from storage to a vehicle, the guards shall keep the shipment under continuous visual surveillance by observing the opening of the cargo compartment of the incoming vehicle and assuring that the shipment is complete by checking locks and/or seals. Continuous visual surveillance of a shipment shall be maintained at all times it is in the terminal or in storage. Shipments shall be preplanned in order to avoid storage times in excess of 24 hours. Continuous visual surveillance of the cargo compartment shall be maintained up to the time the vehicle is ready to depart from the terminal.

• • • • •

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201)).

Dated Washington, D.C. the 7th day of November 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Assistant Secretary of the Commission.

[FR Doc.74-26569 Filed 11-12-74;8:45 am]

[10 CFR Part 73]

PHYSICAL PROTECTION OF PLANTS AND MATERIALS

Requirements for the Physical Protection of Nuclear Power Reactors

The Atomic Energy Commission has under consideration amendments to its regulations in 10 CFR Part 73, "Physical Protection of Plants and Materials," which, in the interest of the common defense and security and the public health and safety, would identify measures to be taken for the protection of all nuclear power reactors against industrial sabotage. Part 50 of the Commission's regulations now requires licensees to submit physical security plans developed, in part, to protect against sabotage. Guidance as to physical security criteria generally acceptable for the protection of nuclear power reactors against acts of industrial sabotage is provided by Regulatory Guide 1.17, "Protection of Nuclear Power Plants Against Industrial Sabotage," which references ANSI Standard N18.17, "Industrial Security for Nuclear Power Plants."

The proposed amendments to 10 CFR Part 73 would establish in a new § 73.55 specific requirements for nuclear power reactor licensees to establish a physical security organization, to provide access control to and within the nuclear power reactor using qualified and trained guards, and to establish other physical security measures including communications, liaison with local law enforcement authority, and visitor restrictions for non-employees.

The new § 73.55 would apply to persons who are licensed or who apply for a license to operate a nuclear power reactor regardless of the enrichment or type of special nuclear material to be used in the reactor. Such persons who store or possess special nuclear material of certain types, enrichments, and amounts (other than in a reactor core or in irradiated fuel) must also comply with the requirements of 10 CFR 73.50 and 73.60 which deal with the physical protection of special nuclear material. A proposed amendment to § 73.50 of 10 CFR Part 73 would clarify which persons licensed to operate nuclear reactors are required to meet the physical protection requirements of § 73.50.

In addition, an appropriate change would be made to § 73.70, *records*, to reflect the addition of § 73.55.

If the Commission adopts the proposed amendments to 10 CFR Part 73, each licensee would be given a period of 90 days following the publication in the FEDERAL REGISTER to submit a physical security plan. In addition, each licensee would be given a period of 180 days after approval of a security plan or amended plan in which to fully implement such plans and comply with the requirements of these rules.

Concurrently with the publication for comments of this notice of proposed rule making, the Commission is making available in its Public Document Room at 1717 H Street NW., Washington, D.C. its "Environmental Impact Appraisal of Proposed Amendments to 10 CFR Part 73, Requirements for Physical Protection of Licensed Activities in Nuclear Power Reactors Against Industrial Sabotage." Since the requirements of the proposed rule would not significantly affect the quality of the human environment, the Commission has decided not to prepare an environmental impact statement for the proposed amendments to 10 CFR Part 73.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 73 is contemplated. All interested persons who desire to submit written comments or suggestions with respect to the foregoing, or any other matter pertinent to the subject of this notice, should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by January 13, 1975.

Copies of comments on the proposed amendments may be examined in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

1. The introductory language of § 73.50 is amended to read as follows:

§ 73.50 Requirements for physical protection of licensed activities.

In addition to any other requirements of this part, each licensee who is authorized to operate a fuel reprocessing plant pursuant to Part 50 of this chapter or who possesses or uses uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, grams = (grams contained U-235) + 2.5 (grams U-233 + grams plutonium), including licensees who are authorized to operate a nuclear reactor pursuant to Part 50 of this chapter who possess or store such material shall comply with the following requirements. The requirements of this section do not apply to reactor licensees who possess such material only when it is inserted or located in the core of a nuclear reactor and/or who possess or store such material only when it is contained in irradiated fuel elements removed from the reactor core.

• • • • •

2. A new § 73.55 is added to read as follows:

§ 73.55 Requirements for physical protection of licensed activities in nuclear power reactors against industrial sabotage.

Each applicant for a license to operate a nuclear power reactor pursuant to Part 50 of this chapter shall include in the physical security plan required by § 50.34 (c) the information identified in paragraphs (a) through (g) of this section. Each licensee who is authorized to operate a nuclear power reactor licensed pursuant to Part 50 of this chapter shall submit an amended physical security plan describing how the licensee will comply with the following requirements by (90 days after publication of effective rule). The licensee shall implement his plan and comply with the provisions of this physical security section within a period of 180 days from the date of Commission approval of the amended physical security plan.

(a) *Physical security organization.*

(1) The licensee shall establish a security organization including guards, to protect his facility against industrial sabotage.

(2) At least one supervisor of the security organization shall be on site at all times.

(3) The licensee shall establish, maintain and follow written security procedures which document the structure of the security organization and which detail the duties of guards, watchmen, and other individuals responsible for security.

(4) The licensee shall not permit an individual to act as a guard or watchman unless such individual has been properly trained and qualified and has demonstrated: (i) an understanding of the licensee's security procedures, and (ii) the ability to execute all duties required of him by such procedures. Each guard and watchman shall be requalified at least annually. Such requalification shall be documented.

(b) *Physical barriers.*

(1) The licensee shall locate vital equipment only within a vital area, which in turn, shall be located within a protected area such that access to vital equipment requires passage through at least two physical barriers. More than one vital area may be located within a single protected area.

(2) The physical barrier at the perimeter of the protected area shall be separated from any other barrier designated as a physical barrier within the protected area, and the intervening space monitored or periodically checked to detect the presence of persons or vehicles so that the facility security organization can respond to suspicious activity or to the breaching of any physical barrier.

(3) An isolation zone shall be maintained around the physical barrier at the perimeter of the protected area and any part of a building used as part of that physical barrier. The isolation zone shall be monitored to detect the presence of individuals or vehicles within the zone so as to allow response by armed members of the licensee security organization to be initiated at the time of penetration of the protected area. Parking facilities, both for employees and visitors, shall be located outside the isolation zone.

(4) Isolation zones and clear areas between barriers shall be provided with illumination sufficient for the monitoring and observation requirements of paragraphs (b)(2), (b)(3) and (g)(3) of this section.

(5) Windows in walls and doors of the control room as well as the doors themselves, shall provide bullet penetration resistance. In addition, a means shall be provided for quickly locking all doors leading into the control room.

(c) *Access requirements.*

(1) The licensee shall control all points of personnel and vehicle access into a protected area. Identification and search of all personnel shall be made and authorization shall be checked at such points. At these control points, the search function shall be physically separate from the identification function and shall proceed progessively from the detection of firearms and explosives to identification and admission, if approved. The search shall be conducted either by a physical search or by the use of equipment capable of detecting such devices. During any access control function the individual(s) performing the identification and controlling admittance shall be housed in a suitable structure capable of providing physical protection to the occupants to assure their ability to respond or to summon assistance.

(2) At the point of personnel and vehicle access into a protected area, all hand-carried packages shall be searched for devices such as firearms, explosives, and incendiary devices, or other items which could be used for industrial sabotage.

(3) All packages for delivery into the protected area shall be checked for proper identification and authorization. To the extent practicable all vehicles shall be off loaded outside the protected area. All such cargo shall be checked for items which could be used for sabotage purposes prior to entry into the protected area. If vehicle access into the protected area is required, the vehicle and cargo shall be searched upon entry for explosives and incendiary devices or other items which could be used for industrial sabotage. Either the driver of the vehicle permitted access into the protected area shall possess an AEC personnel security clearance, or the vehicle shall be driven by an employee of the licensee while within the protected area.

(4) A picture badge identification system shall be used for all individuals who are authorized access to protected areas without escort. An individual not employed by the licensee but who requires frequent and extended access to protected and vital areas may be authorized access to such areas without escort provided that he receives a picture badge upon entrance into the protected area which must be returned upon exit from the protected area and which indicates (i) non-employee—no escort required; (ii) areas to which access is authorized and (iii) the period for which access has been authorized.

(5) Individuals not authorized by the licensee to enter protected areas without escort shall be escorted by a watchman, or other individual designated by the licensee, while in a protected area and shall be badged to indicate that an escort is required. In addition, each such individual shall be required to register his name, date, time, purpose of visit, employment affiliation, citizenship, name and badge number of escort, and name of the individual to be visited.

(6) The licensee shall control all points of personnel and vehicle access into vital areas. Access to vital areas shall be permitted for individuals who are authorized access to vital equipment and who require such access to perform their duties. Authorization for access to vital areas for such individuals shall be indicated by a badge identification system. Unoccupied vital areas shall be protected by an active intrusion alarm system.

(7) Access to containment shall be through doors or hatches of substantial construction and installation and shall be locked or otherwise secured to offer penetration resistance and impede both surreptitious and forced entry. Any time frequent access is permitted to containment such as during refueling or major maintenance, positive access control to containment shall be exercised by the licensee, with a guard or watchman.

(8) Appropriate barriers shall be provided to obstruct ready access to vital areas such as the containment by ground vehicles (e.g., trucks). Any time vehicle access is permitted, positive access control shall be exercised by the licensee using guards or watchmen.

(9) Visiting by non-employees within vital areas for the purpose of general familiarization and other non-work-related activities shall not be authorized except for good cause shown to the licensee.

(10) No vehicles used primarily for the conveyance of individuals except designated emergency or security vehicles shall be permitted within a protected area except under emergency conditions.

(11) Keys, locks, combinations and related equipment used to control access to protected and vital areas shall be controlled to reduce to the extent practicable the probability of compromise and promptly changed whenever there is evidence that they may have been compromised.

(d) *Detection aids.*

(1) All alarms required pursuant to this part shall annunciate in a continuously manned central alarm station located within the protected area and in at least one other continuously manned station, not necessarily on site, such that a single act cannot remove the capability of calling for assistance or

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otherwise responding to an alarm. The on site central alarm station shall be considered a vital area. The walls, doors, ceilings and any windows in the walls and/or in the doors shall provide bullet penetration resistance. Where practicable, the on site central alarm station shall be located within a building such that is is not visible from the isolation zone.

(2) All alarms shall be self-checking and tamper indicating. The annunciation of an alarm at the on site central alarm station shall indicate the type of alarm (e.g., intrusion alarm, emergency exit alarm, etc.) and location. All intrusion alarms, emergency exit alarms, alarm systems, and line supervisory systems shall at minimum meet the performance and reliability levels indicated by GSA Interim Federal Specification W–A–00450 B (GSA–FSS).

(3) All emergency exits in each protected area and each vital area shall be alarmed.

(e) *Communication requirements.*

(1) Each guard or watchman on duty shall be capable of maintaining continuous communication with an individual in a continuously manned central alarm station within the protected area who shall be capable of calling for assistance from other guards and watchmen and from local law enforcement authorities.

(2) The alarm stations required by paragraph (d)(1) of this section shall have conventional telephone service for communication with the law enforcement authorities as described in paragraph (e)(1) of this section.

(3) To provide the capability of continuous communication, radio or microwave transmitted two-way voice communication, either directly or through an intermediary shall be established in addition to conventional telephone service, between local law enforcement authorities and the facility and shall terminate in a continuously manned central alarm station within the protected area.

(4) Non-portable communications equipment required by this section shall remain operable from independent power sources in the event of the loss of primary power.

(f) *Testing and maintenance.*

Each licensee shall test and maintain intrusion alarms, emergency alarms, communications equipment, physical barriers, and other security related devices or equipment utilized pursuant to this section as follows:

(1) All alarms, communication equipment, physical barriers, and other security related devices or equipment shall be maintained in operable and effective condition.

(2) Each intrusion alarm shall be functionally tested for operability and required performance at the beginning and end of each interval during which it is used for security, but not less frequently than once every seven (7) days.

(3) Communications equipment required for communications on site shall be tested for operability and performance not less frequently than once at the beginning of each security personnel work shift. Communications equipment required for communications off site shall be tested for operability and performance not less than once a day.

(g) *Response requirement.*

(1) The licensee shall establish liaison with local law enforcement authorities. In developing his physical security plan, the licensee shall take account of the probable size and response time of the local law enforcement authority assistance.

(2) Upon detection of abnormal presence of activity of persons or vehicles within an isolation zone, a protected area, or a vital area, or upon evidence of intrusion into a protected area or vital area, the facility security organization shall (i) determine whether or not a threat exists, (ii) assess the extent of that threat, if any, and (iii) take immediate measures to neutralize the threat, either by appropriate action by facility guards or by calling for assistance from local law enforcement authorities, or both.

(3) To facilitate initial response to detection of penetration of the protected area and assessment of the possible existence of a threat while affording protection of the security organization members who may be responding, a capability of observing the isolation zone and the clear area adjacent to the physical barrier at the perimeter of the protected area shall be provided, preferably by means of closed circuit television, or by other suitable means which limit exposure of responding personnel to possible attack.

3. The prefatory language of § 73.70 is changed to read as follows:

Each licensee subject to the provisions of §§ 73.30 through 73.36 and/or § 73.50 and/or § 73.55 and/or § 73.60 shall keep the following records:

* * * * *

(Sec. 161, Pub. L. 83–703, 68 Stat. 948, Pub. L. 93–377, 88 Stat. 475 (42 U.S.C. 2201))

Dated at Washington, D.C. this 7th day of November 1974.

For The Atomic Energy Commission.

GORDON M. GRANT,
Assistant Secretary of the Commission.

[FR Doc.74–26574 Filed 11–12–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 294–4]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Availability of Background Materials and Extension of Comment Period for the Proposed Amendments to the Parking Management Regulations

The Environmental Protection Agency (EPA) recently held public hearings on proposed amendments to the parking management regulations contained in various transportation control plans. These amendments were proposed in the FEDERAL REGISTER on August 22, 1974 (39 FR 30440) and the hearing dates were listed in the FEDERAL REGISTER on September 23, 1974 (39 FR 34070).

EPA has received numerous comments on the proposed regulations since their publication. In view of the continued public interest in this proposal, it has been determined that additional time should be provided for comment. Accordingly, public comments on the parking management amendment proposals will be accepted until November 30, 1974.

Some of the comments previously received have raised questions and issues about the costs of modelling, the relationship of vehicle miles traveled (VMT) and parking management, the costs of parking facilities, and the feasibility of VMT minimization measures. Because of this extensive public interest, EPA has developed additional background materials on these and other parking related matters for public review and comment. These materials can be read in the EPA Regional Offices or at EPA Headquarters, Freedom of Information Office, Room 205 West Tower, 401 M Street, SW., Washington, D.C. 20460.

All comments should be submitted in triplicate to Roger Strelow, Assistant Administrator for Air and Waste Management, Attention: Transportation and Land Use Policy Office, AW–443, EPA, 401 M Street, SW., Washington, D.C. 20460.

Dated: November 7, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74–26502 Filed 11–12–74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 74–1112]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating to Preparation of Tax Returns by Service Corporations

OCTOBER 24, 1974.

The following outline regarding the amendment proposed herein is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. Present Situation.

Service corporations are not authorized to provide tax return preparation services to the public.

II. Proposed Regulation.

Federal association service corporations would be authorized to prepare tax returns for noncorporate accountholders of, or borrowers from, a savings and loan association which is a stockholder in such Federal association service corporation.

III. Reason for Proposed Change.

To expand the services which may be offered by service corporations to savings and loan association customers.

The Federal Home Loan Bank Board considers it advisable to propose an amendment to § 545.9–1(a)(4) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1(a)(4)) for the purpose of permitting service corporations in which Federal savings and loan associations may invest under § 545.9–1 to prepare as a preapproved activity tax returns for noncorporate accountholders of, or borrowers from, a savings and loan association which is a stockholder in such Federal association service corporation. The type of tax returns which could be prepared would not be limited by the regulation and would include Federal and State income tax returns, estate and inheritance tax returns, gift tax returns, and sales and use tax returns. Appropriate stylistic revisions would be made in current §§ 545.9–1(a)(4)(xi) and 545.9–1(a)(4)(xii).

By a companion resolution (Resolution No. 74–1113; October 24, 1974), the Board also proposes a similar amendment to Part 584 of the Regulations for Savings and Loan Holding Companies (12 CFR Part 584) for multiple savings and loan holding companies.

Accordingly, the Board hereby proposes to amend § 545.9–1(a)(4) by revising paragraph (xi) thereto, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by December 16, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.9–1 Service corporations.

(a) *General service corporations.*

* * * * *

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the following:

* * * * *

(xi) Preparation of State and Federal tax returns for accountholders of or borrowers from (other than an accountholder or borrower which is a corporation operated for profit) a savings and loan association which holds stock in such service corporation;

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–26569 Filed 11–12–74;8:45 am]

[12 CFR Part 584]

[No. 74–1113]

SAVINGS AND LOAN HOLDING COMPANIES

Proposed Amendment Relating to Preparation of Tax Returns by Multiple Holding Companies

SUMMARY

OCTOBER 24, 1974.

The following outline regarding the amendment proposed herein is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. Present Situation.

Multiple holding companies are not authorized to provide tax return preparation services to the public.

II. Proposed Regulation.

Multiple holding companies and their subsidiaries, which are neither insured institutions nor service corporations of a subsidiary insured institution, would be authorized as a preapproved activity to prepare tax returns for noncorporate accountholders of, or borrowers from, a subsidiary insured institution of such multiple savings and loan holding company.

III. Reason for Proposed Change.

To expand the services which may be offered through multiple holding companies to savings and loan association customers.

The Federal Home Loan Bank Board considers it advisable to propose an amendment to § 584.2–1(b) of the regulations for Savings and Loan Holding Companies (12 CFR 584.2–1(b)) for the purpose of permitting multiple holding companies and their subsidiaries, which are neither insured institutions nor service corporations of a subsidiary insured institution, to prepare as a preapproved activity tax returns for noncorporate accountholders of, or borrowers from, a subsidiary insured institution of such multiple savings and loan holding company. The type of tax returns which could be prepared would not be limited by the regulation and would include Federal and State income tax returns, estate and inheritance tax returns, gift tax returns, and sales and use tax returns.

By a companion resolution (Resolution No. 74–1112; October 24, 1974), the Board also proposed a similar amendment to Part 545 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Part 545) for Federal association service corporations.

Accordingly, the Board hereby proposes to amend § 584.2–1(b) by adding a new paragraph (10) thereto, to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW., Washington, D.C. 20552, by December 16, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 584.2–1 Service and activities of multiple savings and loan holding companies.

* * * * *

(b) *Prescribed services and activities.* Subject to the provisions of paragraph (c), a multiple savings and loan holding company or a subsidiary thereof which is neither an insured institution nor a service corporation of a subsidiary insured institution may furnish or perform the following services and engage in the following activities to the extent that it has legal power to do so:

* * * * *

(10) Preparation of State and Federal tax returns for accountholders of or borrowers from (other than an accountholder or borrower which is a corporation operated for profit) an affiliated insured institution.

(Sec. 408, 48 Stat. 1256, as amended; sec. 408, 48 Stat. 1261, as added by 73 Stat. 691, as amended; 12 U.S.C. 1725, 1730a. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74–26570 Filed 11–12–74;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Public Debt Series—No. 14–74]

7¾ PERCENT TREASURY NOTES

Supplement to Department Circular

NOVEMBER 8, 1974.

The Secretary of the Treasury announced on November 7, 1974, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 14–74, dated October 31, 1974, will be 7¾ percent per annum. Accordingly, the notes are hereby redesignated 7¾ percent Treasury Notes of Series B–1981. Interest on the notes will be payable at the rate of 7¾ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74–26563 Filed 11–12–74;8:45 am]

[Public Debt Series—No. 13–74]

7¾ PERCENT TREASURY NOTES

Supplement to Department Circular

NOVEMBER 7, 1974.

The Secretary of the Treasury announced on November 6, 1974, that the interest rate on the notes described in Department Circular—Public Debt Series—No. 13–74, dated October 31, 1974, will be 7¾ percent per annum. Accordingly, the notes are hereby redesignated 7¾ percent Treasury Notes of Series E–1977. Interest on the notes will be payable at the rate of 7¾ percent per annum.

JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR. Doc.74–26564 Filed 11–12–74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "EXPORT OF U.S. TECHNOLOGY; IMPLICATIONS TO U.S. DEFENSE"

Notice of Advisory Committee Meeting

The Semiconductor Subcommittee of a special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" will meet in closed session on 5 December 1974 in the Pentagon, Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense. The special advisory committee will provide an assessment of the implications to U.S. defense of current and impending exports of U.S. technology to serve as a basis for determination of Defense policy.

In accordance with Pub. L. 92–463, section 10, Paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

NOVEMBER 8, 1974.

[FR Doc.74–26578 Filed 11–12–74;8:45 am]

United States Mission to NATO

DEFENSE INDUSTRY ADVISORY GROUP IN EUROPE (DIAGE)

Notice of Closed Meeting

The Defense Industry Advisory Group in Europe (DIAGE) will hold a closed meeting on 5 December 1974, in the United States Mission to the North Atlantic Treaty Organization, Brussels, Belgium, on matters which come under the purview of subparagraph (4), section 552(b) Title 5 USC.

The agenda topics will be Transnational Organizations, status of NATO projects, and discussion of activities of U.S. defense industry firms in Europe.

Any person desiring information about the advisory group may telephone Brussels 241.44.00 ext 5728, or write to the Executive Secretary, Defense Industry Advisory Group—Europe, USNATO, HQS NATO, 1110 Brussels, Belgium.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

NOVEMBER 8, 1974.

[FR Doc.74–26530 Filed 11–12–74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

METHYLPHENIDATE

Manufacture of Controlled Substances; Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on August 5, 1974, Pharmaceuticals Division, Ciba-Geigy Corporation, Old Mill Road, Suffern, N.Y. 10901, made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of Methylphenidate a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methylphenidate in bulk may, on or before December 13, 1974, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: November 7, 1974.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74–26601 Filed 11–12–74;8:45 am]

METHYLPHENIDATE

Manufacture of Controlled Substances; Application

Section 303(a)(1) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 823(a)(1)) states:

The Attorney General shall register an applicant to manufacture controlled substances in schedules I or II if he determines that such registration is consistent with the public interest and with United States obligations under international treaties, conventions, or protocols in effect on the effective date of this part. In determining the public interest, the following factors shall be considered:

(1) Maintenance of effective controls against diversion of particular controlled substances and any controlled substance in schedule I or II compounded therefrom into other than legitimate medical, scientific, research, or industrial channels, by limiting the importation and bulk manufacture of such controlled substances to a number of establishments which can produce an adequate and uninterrupted supply of these substances under adequately competitive conditions for legitimate medical, scientific, research, and industrial purposes;

Section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)) provides that the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedules I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Pursuant to § 1301.43 of Title 21 of the Code of Federal Regulations, notice is hereby given that on July 26, 1974, Pharmaceuticals Division, Ciba-Geigy Corporation, 556 Morris Avenue, Summit, New Jersey 07901, made application to the Drug Enforcement Administration to be registered as bulk manufacturer of Methylphenidate, a basic class controlled substance listed in schedule II.

Any person registered to manufacture Methylphenidate in bulk may, on or before December 13, 1974, file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of the Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: November 7, 1974.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74–26602 Filed 11–12–74;8:45 am]

SCHEDULES OF CONTROLLED SUBSTANCES

Petition to Transfer Oxycodone to Schedule III, When in Combination With Naloxone Hydrochloride, Accepted for Filing

On October 16, 1974, the Drug Enforcement Administration received a petition for the initiation of proceedings to transfer oxycodone from Schedule II to Schedule III of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Pub. L. 91–513), when that drug is combined with naloxone hydrochloride. The petitioner is Bristol Laboratories, Division of Bristol-Myers Company.

By a letter dated November 5, 1974, the Drug Enforcement Administration notified Bristol Laboratories that the above petition has been accepted for filing in accordance with § 1308.44(c) of Title 21 of the Code of Federal Regulations. The Drug Enforcement Administration is presently reviewing and evaluating the petition in order to determine whether the grounds upon which the petitioner relies are sufficient to justify the initiation of the requested proceedings.

If and when the Administrator determines that such proceedings should be initiated, a general notice of any proposed rulemaking will be published in the FEDERAL REGISTER.

Dated: November 8, 1974.

JOHN R. BARTELS, JR.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74–26600 Filed 11–12–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

[Int. Des. 74–102]

LOWER SNAKE GRID REINFORCEMENT

Notice of Availability of Draft Supplement to Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a draft facility location supplement to its Fiscal Year 1976 Environmental Statement. This supplement covers the proposal for the Lower Snake Grid Reinforcement.

The Lower Snake Grid Reinforcement proposal involves the construction of approximately 35 miles of single-circuit 500-kV transmission line between Little Goose Dam and Lower Granite Dam in southeast Washington; and construction of approximately 40 to 60 miles of single-circuit 500-kV transmission line between Lower Monumental Dam and the H. J. Ashe Substation in the northeastern section of the AEC Hanford Reservation near Richland, Washington.

Copies of the draft supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE. Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; the Walla Walla Area Office, West 101 Poplar, Walla Walla, Washington 99362; and at the Spokane Area Office, U.S. Court House, W. 920 Riverside Avenue, Spokane, Washington 99201.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Walla Walla or Spokane Area Managers at the above addresses. Comments on the supplement should be sent to the Environmental Office by

Dated: November 6, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–26529 Filed 11–12–74;8:45 am]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93–205).

Applicant:
Patuxent Wildlife Research Center
U.S. Fish and Wildlife Service
U.S. Department of the Interior
Laurel, Maryland 20810
Dr. Lucille F. Stickel, Director

MEMORANDUM

JULY 12, 1974.

To: Director, U.S. Fish and Wildlife Service.

From: Director, Patuxent Wildlife Research Center.

Subject: Authorization to obtain black-footed ferret from the wild for research and propagation studies in captivity at Patuxent.

Intensive field studies of the black-footed ferret (*Mustela nigripes*) have been in progress in South Dakota and elsewhere for the past decade. Much information has been gathered on their above-ground behavior, and excavation of their burrows has yielded knowledge of their food habits from examination of scats. Little, however, is known of their home range, subterranean habits, familial relations throughout the year, time and distance of dispersal of offspring, mobility of adult males and females, longevity, estral cycle, and a host of other voids in their life history that must be better understood if they are to be managed successfully. Existing knowledge is insufficient to form a basis for describing the areal, topographic, and edaphic characteristics and requirements of a ferret refuge, or to even indicate that this type of management is needed. Short of seeing them, there is no known way to positively detect and verify the presence of ferrets, even when they are known to be in continuous residence in a given prairie dog town. Hence, no survey methods have been developed which can be utilized to positively certify that a prairie dog town is or is not ferret-free where animal control is planned by the landowner.

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Research is now in progress at Patuxent to develop techniques which should substantially enhance the field effort and contribute information on ferret biology impossible to obtain from this species in the wild. These studies followed three years of intenpean polecat or fitch. Efforts are also being sive study of a Eurasian relative, the Euromade to obtain a more closely related species, the Siberian polecat, from the USSR for certain research that, because of risk factors, cannot be attempted with the American black-foot. In the meantime, studies of the black-footed ferret are being carried out with three males and two females captured on prairie dog towns scheduled for control treatment. A permit issued by the South Dakota Department of Game, Fish and Parks approves the capture and out of state shipment of one additional ferret this year. Federal authorization is sought to live-trap and deliver it to Patuxent, accompanied by a representative of the Endangered Wildlife Research Program, and to attempt propagation and related nonterminal research with it.

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

LUCILLE F. STICKEL,
Director.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 13, 1974, will be considered.

Dated: November 7, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-26554 Filed 11-12-74;8:45 am]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Notice is hereby given that the following application for a permit is deemed to have been received under section 10 of the Endangered Species Act of 1973 (Pub. L. 93-205).

Applicant:
Patuxent Wildlife Research Center
U.S. Fish and Wildlife Service
U.S. Department of the Interior
Laurel, Maryland 20810
Dr. Lucille F. Stickel, Director

SEPTEMBER 9, 1974.

To: Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

From: Director, Patuxent Wildlife Research Center.

Subject: Endangered Species Act of 1973—Permit for Patuxent Wildlife Research Center.

We wish to obtain a permit for our studies relative to endangered species that have previously been authorized by Federal Permits 5-SC-590 and 5-PR-1008. Most of this work is conducted in the Endangered Wildlife Research Program, but other aspects are considered in the Environmental Pollution Research Program.

I would like to have the permit issued to me with the provision (per 50 CFR 13.25) that it may be duplicated and provided to our personnel who will be engaged in the various phases of investigation, with delegation of responsibility to them in writing by me. The permit should also cover individuals who are working under the operational direction of our own biologists. This is essential, for during certain portions of the research projects we must have the assistance of persons not administratively within our own programs.

Our permit should be a "zoological, educational, scientific or propagation" endangered wildlife permit. Attached are descriptions of the activities for which this permit is needed, as well as a general description of the overall program.

The work is conducted throughout the United States, Puerto Rico, and Pacific Trust Territories. Whooping crane eggs are picked up during some years in the Canadian breeding area and transported to the Patuxent Center. The egg collections are covered by Special Canadian permits when they have received mutual agreement of the Canadian Wildlife Service and the U.S. Fish and Wildlife Service. Other projects are authorized by pertinent State permits.

We desire to have the permit immediately effective and to have the maximum possible duration. Current research projects have been severely curtailed pending our receipt of the necessary permit. Hence, your issuance of interim authority to proceed with ongoing work will be very much appreciated.

LUCILLE F. STICKEL,
Director.

OCTOBER 23, 1974.

To: Chief, Division of Law Enforcement.
From: Director, Patuxent Wildlife Research Center.

Subject: Endangered Species Act of 1973—Certification for Patuxent Wildlife Research Center permit request.

Following is the certification required in accordance with 50 CFR 13.12(7):

I hereby certify that I have read and am familiar with the regulations contained in Title 50, Part 13, of the Code of Federal Regulations and the other applicable parts of Subchapter B of Chapter I of Title 50, and I further certify that the information submitted in this application for a permit is complete and accurate to the best of my knowledge and belief. I understand that any false statement hereon may subject me to the criminal penalties of 18 U.S.C. 1001.

LUCILLE F. STICKEL,
Director.

ENDANGERED SPECIES RESEARCH OF THE PATUXENT WILDLIFE RESEARCH CENTER

ENDANGERED WILDLIFE RESEARCH PROGRAM

The Endangered Wildlife Research Program of the Patuxent Center was established by the Bureau of Sport Fisheries and Wildlife (now U.S. Fish and Wildlife Service) in 1965 for the scientific study and propagation of endangered wildlife species of the United States. It was intended to provide special attention to those severely decimated or declining species whose future appeared to be in jeopardy.

The overall research program involves work at field stations in coordination with the Patuxent staff where other aspects are studied. Research biologists study endangered wildlife species where they occur in the wild, undertaking surveys to determine status and distribution, investigating their ecology, behavior, and physical characteristics and, based upon research findings, devising management methods to improve the security of endangered and threatened species. They assist in the location of stock in the wild for captive study and propagation, evaluate candidate release areas, and undertake followup observations to determine the fates of transplantings. They make a special effort to achieve close cooperation and coordination with conservation agencies and organizations. Their findings are published and otherwise made available to contemporary researchers and the public.

Other researchers are engaged in studies of various aspects of the basic biology (veterinary medicine, physiology, nutrition, and behavior) of endangered wildlife species. This group also provides diagnostic and consultative services to other elements of this Program. Among the principal areas of research to which this group directs its attention are the development of catalogues of physiological, nutritional, pathological, and behavioral norms of endangered species, and all aspects of avian and mammalian biology concerned with maintaining the health, comfort, and productivity of live specimens of endangered species in confinement.

An experienced corps of biological technicians and animal handlers maintains stocks of endangered wildlife and surrogate or "test" animal species used in experiments to develop safe methods to be employed with the endangered or threatened forms. This staff is scheduled as a 365-day-year operation and, during special periods, on a round-the-clock basis.

In the operation of the Endangered Wildlife Research Program, surplus stock of endangered and other species become available for bona fide research, public display and information, and other worthy purposes. Requests for such stock are handled in accordance with Federal and State regulations. Dead specimens or their parts are conveyed to the National Fish and Wildlife Laboratory for incorporation in their scientific collections, and any requests for such specimens are referred to that Laboratory. From time to time, it is necessary to ship endangered stock or their parts to Patuxent, or to various recipients, in the conduct of the research program for diagnostic or experimental purposes. These and other uses of such specimens are listed in the attached outline, along with a list of species now being studied, or expected to be the subjects of research, by personnel of the Endangered Wildlife Research Program.

ENVIRONMENTAL POLLUTION RESEARCH PROGRAM

Wild birds and mammals are exposed to pesticides, industrial wastes, and other environmental pollutants in their habitat. The Fish and Wildlife Service has the responsibility for assessing the nature and extent of chemical contamination in wild species and evaluating the effects of environmental pollutants on the animal's survival and reproduction. Studies conducted at the Patuxent Center have dealt specifically with three species of birds considered endangered, although the responsibility extends to all species.

The brown pelican represents a classic example of the adverse effects induced by certain organochlorine pesticides. Eggshell thinning has been demonstrated in practically every colony where eggs have been collected; the degree of thinning is often related to the population decline. The objective of our work with the eastern brown pelican has been to determine the identity and quantity of pesticides and other environmental contaminants (e.g., heavy metals and polychorinated biphenyls) in field-collected pelicans and pelican eggs. Studies involve both a general collection of eggs from nesting colonies throughout the range of the eastern brown pelican and an intensified investigation of the breeding population at the Cape Romain National Wildlife Refuge in South Carolina.

Declines of peregrine falcon populations have been attributed to the adverse effects of organochlorine pesticides, particularly DDT, on reproduction. The species seems to be unusually sensitive to adverse effects of organochlorine pesticides. No experimental studies have been conducted on the effects of toxic chemicals on peregrine reproduction or characteristics of the eggshell. Therefore, it is imperative that we develop a small captive breeding colony of peregrines that can be used for experimental studies with environmental pollutants.

In recent years reproductive success of bald eagles has been poor in parts of their range where populations are declining. In many places young eagles are no longer produced, although the adults continue to build nests and lay eggs. Eggs collected from these areas often contain high concentrations of organochlorine pesticides. Moreover, brains of adult eagles frequently contain lethal amounts of these environmental pollutants. The objective of our work with eagles has been to identify and quantify organochlorine pesticides, polychlorinated biphenyls, and heavy metals in eagle tissues and eggs and to gain an understanding of the effects of environmental pollutants on the birds. The work involves both field monitoring and experimental aspects. Bald eagles found dead in the field are sent to Patuxent by cooperators throughout the United States. Carcasses are autopsied to determine cause of death and to investigate and record parasites and diseases. Selected tissues are analyzed for organochlorine pesticides and other pollutants. An effort is made to determine geographic patterns of specific pollutants and trends in contamination through succeeding years.

In addition to these three species, we are capable of performing chemical analyses of animals of all other species when they become available. We do not have active projects for the collection of such animals. However, when they are available through other sources it would be highly desirable that we be able to conduct analyses to determine the residue levels of environmental pollutants. Such analyses should be performed to evaluate the possible role of environmental pollutants in the status of the species.

LIST OF ACTIVITIES FOR WHICH AUTHORIZATION IS REQUIRED

1. Field observation.
2. Photography.
3. Capture of live specimens and release uninjured at capture site.
   a. Examination in hand.
   b. Measurement, banding, marking, or use of radio-tracking devices.
   c. Sampling of blood or other tissues.
   d. Taking of fecal and urine specimens.
   e. Vaccination or innoculation.
4. Capture and direct release elsewhere.
5. Take and ship specimens obtained from wild.
   a. Eggs.
   b. Animals taken alive for captive study.
   c. Animals (and/or their parts) when found dead.
6. Receive specimens (eggs or whole animals) from cooperators for chemical analyses.
7. Hold in confinement for experimentation or propagation.
   a. Temporarily.
   b. Indefinitely.
   c. For eventual release of stock or descendants.
8. Ship specimens, or their parts, produced in captivity to:
   a. Other USFWS field stations.
   b. Other agencies of USDI.
   c. Other Federal agencies.
   d. Non-Federal agencies, organizations, and persons.
   (1) Public research organizations (universities, foundations).
   (2) Public display organizations (most large zoos).
   (3) Bona fide researchers.
   (4) Bona fide propagators.
   (5) Other organizations or individuals.
   e. Release in the wild.
9. Conveyance.
   a. Transfer of actual ownership of live specimens.
   b. Transfer on loan, with Government retaining ownership.
   (1) Retaining ownership of descendants.
   (2) Not retaining ownership of descendants.
   c. Exchange, with or without retention of ownership.
10. Manipulation of habitat of endangered species.
   a. Visual inspection of nests or dens, eggs, or young.
   b. Measuring characteristics of nest or den, egg, or young.
   c. Modification of nests or dens for research or management studies.
   d. Provision of artificial nest or den sites for management studies.
   e. Use of artificial or live decoys for scientific study purposes.

LISTS OF SPECIES

Attached are two lists of species considered in the Patuxent Center's research projects relative to endangered species. List A includes those species that are the subjects of current or anticipated studies. List B includes those additional species for which we do not have current collecting projects, but that we should analyze for environmental pollutants whenever specimens are available from other sources.

LIST A

ENDANGERED SPECIES SUBJECTS OF RESEARCH BY THE PATUXENT WILDLIFE RESEARCH CENTER

ENDANGERED BIRDS

Petrel, Hawaiian dark-rumped (*Pterodroma phaeopygia sandwichensis*)
Pelican, Brown (*Pelecanus occidentalis*)
Duck, Hawaiian (koloa) (*Anas wyvilliana*)
Duck, Laysan (*Anas laysanensis*)
Duck, Mexican (*Anas diazi*)
Goose, Aleutian Canada (*Branta canadensis leucopareia*)
Goose, Hawaiian (nene) (*Branta sandvicensis*)
Condor, California (*Gymnogyps californianus*)
Eagle, Southern bald (*Haliaeetus leucocephalus leucocephalus*)
Falcon, American peregrine (*Falco peregrinus anatum*)
Falcon, Arctic peregrine (*Falco peregrinus tundrius*)
Hawk, Hawaiian (io) (*Buteo solitarius*)
Kite, Florida everglade (*Rostrhamus sociabilis plumbeus*)
Prairie Chicken, Attwater's greater (*Tympanuchus cupido attwateri*)
Quail, Masked bobwhite (*Colinus virginianus ridgwayi*)
Coot, Hawaiian (*Fulica americana alai*)
Crane, Mississippi sandhill (*Grus canadensis pulla*)
Crane, Whooping (*Grus americana*)
Rail, California clapper (*Rallus longirostris obsoletus*)
Rail, Light-footed clapper (*Rallus longirostris levipes*)
Rail, Yuma clapper (*Rallus longirostris yumanensis*)
Curlew, Eskimo (*Numenius borealis*)
Stilt, Hawaiian (*Himantopus himantopus knudseni*)
Parrot, Puerto Rican (*Amazona vittata*)
Parrot, Thick-billed (*Rhynchopsitta pachyrhyncha*)
Woodpecker, Ivory-billed (*Campephilus principalis*)
Woodpecker, Red-cockaded (*Dendrocopus borealis*)
Crow, Hawaiian (alala) (*Corvus tropicus*)
Honeycreeper, Akiapolaau (*Hemignathus wilsoni*)
Honeycreeper, Crested (akohekohe) (*Palmeria dolei*)
Honeycreeper, Hawaii akepa (akepa) (*Loxops coccinea coccinea*)
Honeycreeper, Kauai akialoa (*Hemignathus procerus*)
Honeycreeper, Maui parrotbill (*Pseudonestor xanthorphrys*)
Honeycreeper, Maui akepa (akepulé) (*Loxops coccinea ochraceu*)
Honeycreeper, Molokai creeper (kakawahie) (*Loxops maculata flammea*)
Honeycreeper, Oahu creeper (alauwahio) (*Loxops maculata maculata*)
Honeycreeper, Ou (*Psittirostra psittacea*)
Honeycreeper, Palila (*Psittirostra bailleui*)
Honeycreepers, Laysan & Nihoa finches (*Psittirostra cantans*)
Honeycreepers, Kauai & Maui nukupuus (*Hemignathus lucidus*)
Honey-eater, Kauai Oo (oo aa) (*Moho braccatus*)
Sparrow, Cape sable (*Ammospiza maritima mirabilis*)
Sparrow, Dusky seaside (*Ammospiza maritima nigrescens*)
Sparrow, Santa Barbara (*Melospiza melodia graminea*)
Thrush, Large Kauai (Kauai omao) (*Phaeornis obscurus myadestina*)
Thrush, Molokai (olomau) (*Phaeornis obscurus rutha*)
Thrush, Small Kauai (puaiohi) (*Phaeornis palmeri*)
Warbler, Nihoa millerbird (*Acrocephalus kingi*)
Warbler, (Wood), Bachman's (*Vermivora bachmanii*)
Warbler, (Wood), Kirtland's (*Dendroica kirtlandii*)

ENDANGERED MAMMALS

Bat, Hawaiian Hoary (*Lasiurus cinereus semotus*)
Kangaroo Rat, Morro Bay (*Dipodomys heermanni morroensis*)
Mouse, Salt marsh harvest (*Reithrodontomys raviventris*)
Prairie Dog, Utah (*Cynomys parvidens*)
Squirrel, Delmarva Peninsula fox (*Sciurus niger cinereus*)
Cougar, Eastern (*Felis concolor cougar*)
Ferret, Black-footed (*Mustela nigripes*)
Panther, Florida (*Felis concolor coryi*)
Wolf, Eastern timber (*Canis lupus lycaon*)
Wolf, Northern Rocky Mountain (*Canis lupus irremotus*)
Wolf, Red (*Canis rufus*)

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Manatee, West Indian (Florida) (*Trichechus manatus*)
Deer, Columbian white-tailed (*Odocoileus virginianus leucurus*)
Deer, Key (*Odocoileus virginianus clavium*)
Pronghorn, Sonoran (*Antilocapra americana sonoriensis*)

ENDANGERED SNAKES

Snake, Puerto Rican boa (*Epicrates inornatus*)

LIST B

ENDANGERED SPECIES UPON WHICH CHEMICAL ANALYSES SHOULD BE PERFORMED WHEN ANIMALS ARE AVAILABLE

ENDANGERED FISHES

Sturgeon, Shortnose (*Acipenser brevirostrum*)
Cisco, Longjaw (*Coregonus alpenae*)
Trout, Arizona (Apache) (*Salmo* sp.)
Trout, Gila (*Salmo gilae*)
Trout, Greenback cutthroat (*Salmo clarki stomias*)
Trout, Lahontan cutthroat (*Salmo clarki henshawi*)
Trout, Paiute cutthroat (*Salmo clarki seleniris*)
Bonytail, Pahranagat (*Gila robusta jordani*)
Chub, Humpback (*Gila cypha*)
Chub, Mohave (*Siphateles mohavensis*)
Cui-ui (*Chasmistes cujus*)
Dace, Kendall Warm Springs (*Rhinichthys osculus thermalis*)
Dace, Moapa (*Moapa coriacea*)
Squawfish, Colorado River (*Ptychocheilus lucius*)
Woundfin, (*Plagopherus argentissimus*)
Gambusia, Big Bend (*Gambusia gaigei*)
Gambusia, Clear Creek (*Gambusia heterochir*)
Gambusia, Pecos (*Gambusia nobilis*)
Killifish, Pahrump (*Empetrichythys latos*)
Pupfish, Comanche Springs (*Cyprinodon elegans*)
Pupfish, Devil's Hole (*Cyprinodon diabolis*)
Pupfish, Owens River (*Cyprinodon radiosus*)
Pupfish, Tecopa (*Cyprinodon nevadensis calidae*)
Pupfish, Warm Springs (*Cyprinodon nevadensis pectoralis*)
Topminnow, Gila (*Poeciliopsis occidentalis*)
Stickleback, Unarmored threespine (*Gasterosterus aculeatus williamsoni*)
Darter, Fountain (*Etheostoma fonticola*)
Darter, Maryland (*Etheostoma sellare*)
Darter, Okaloosa (*Etheostoma okaloosae*)
Darter, Watercress (*Etheostoma nuchale*)
Pike, Blue (*Stizostedion vitreum glaucum*)

ENDANGERED AMPHIBIANS

Salamander, Desert slender (*Batrachoseps aridus*)
Salamander, Santa Cruz long-toed (*Ambystoma macrodactylum croceum*)
Salamander, Texas blind (*Typhlomolge rathbuni*)
Toad, Houston (*Bufo houstonensis*)

ENDANGERED REPTILES

Alligator, American (*Alligator mississipiensis*)
Lizard, Blunt-nosed leopard (*Crotaphytus silus*)
Snake, San Francisco garter (*Thamnophis sirtalis tetrataenia*)

SUMMARY OF RESEARCH PROJECT PLANS

Name of Project: Nutrition of Wildlife in Captivity.

Objective: To develop nutritionally adequate diets for wild, threatened and related species in captivity to permit their successful propagation.

Name of Project: Propagation of threatened birds of the United States.

Objectives: 1. To develop or improve captive propagation methods.

2. To determine methods of conditioning stock to provide the greatest likelihood of their survival when released to the wild.

3. To determine the physical and behavioral characteristics of threatened wildlife species in captivity.

Name of Project: Reproductive Physiology of Rare and Endangered Wildlife.

Objectives: 1. To obtain and document existing reproductive physiology information for rare and endangered species or closely related animals.

2. To determine the most essential factors for successful reproduction in selected groups of birds and mammals.

3. To enhance reproductive performance in these selected groups through application of findings under objectives one and two.

SUMMARY OF RESEARCH PROJECT PLANS

Name of Project: Environmental Physiology of Rare and Endangered Wildlife of the United States.

Objectives: 1. To obtain available information on environmental studies of threatened wildlife or related species and to document this material for further reference.

2. To clarify through experimentation and application environmental conditions conducive to good health and productivity of captive wildlife.

3. To evaluate the information obtained in objectives one and two for the effectiveness of techniques and its adaptability to common husbandry practices, and formulate with the most promising material, and in cooperation with other staff members, a program to produce threatened species in captivity for release to perpetuate them in the natural environment.

Name of Project: Physiological Norms of Rare and Endangered Wildlife.

Objectives: 1. To obtain available information from the literature and zoological collections on physiological norms of threatened wildlife or related species.

2. To develop techniques for the collection of biological samples.

3. To obtain physiological information from the captive wildlife population in the Endangered Wildlife Research Program and, where necessary, from a wild population.

4. To determine the cause(s) of variations in physiological norms in the captive population from the norms in the wild population.

SUMMARY OF RESEARCH PROJECT PLANS

Name of Project: Propagation of threatened mammals of the United States.

Objectives: 1. To develop or improve captive propagation methods.

2. To determine methods of conditioning stock to provide the greatest likelihood of their survivial after release to the wild.

3. To determine the physical and behavioral characteristics of threatened mammalian species in captivity.

Name of Project: The development of veterinary treatment methods for captive wildlife.

Objectives: To test and devise new veterinary treatment techniques and procedures for captive animals.

Name of Project: Detection, Identification and Treatment of Bacterial and Viral Agents Affecting Captive Wildlife.

Objectives: 1. To isolate and identify viral or bacterial agents which may be the primary or secondary cause of disease or illness in captive wildlife.

2. Based upon the information obtained under Objective 1, to develop a treatment rationale and, most importantly, to develop a program of sanitation and preventive medicine for each species.

SUMMARY OF RESEARCH PROJECT PLANS

Name of Project: Life History and Management Studies of Rare and Endangered Wildlife of the Hawaiian Islands National Wildlife Refuge.

Location: Patuxent Wildlife Research Center—field station, Kauai, Hawaii.

Objectives: 1. Determine the size, distribution and dynamics of the populations of rare and endangered wildlife on the Hawaiian Islands National Wildlife Refuge.[1]

2. Acquire needed data to evaluate various management proposals for rare and endangered species, particularly interisland transplants, and determine the success or failure of management methods initiated.

3. Monitor the quantity, kinds and trends of the vegetation on those islands of importance to endangered birds.

SUMMARY OF RESEARCH PROJECT PLANS

Name of Project: Investigations of Puerto Rican Parrot Ecology and Management, and Status of other Threatened Wildlife Species in Puerto Rico and the Virgin Islands.

Location: Endangered Wildlife Research Station, Patuxent Wildlife Research Center—Field Station at Loquillo Experimental Forest, Palmer, Puerto Rico.

Objectives: 1. Determine distribution limits of the Puerto Rican Parrot in regions of former occurrence on Puerto Rico and on nearby Vieques and Culebra Islands.

2. Determine the ecological and life history characteristics of the Puerto Rican Parrot in Luquillo Experimental Forest.

3. Develop a management plan to perpetuate and increase its population.

4. Obtain information on the past and present distribution of other threatened birds in Puerto Rico and the Virgin Islands as the parrot studies permit. The following birds will receive primary attention:

Rare: Puerto Rican Whip-poor-will (*Caprimulgus noctitherus*), Puerto Rican Plain Pigeon (*Columbia inornata wetmorei*).

Peripheral: Atlantic Sooty Tern (*Sterna fuscata fuscata*), Atlantic Noddy Tern (*Anous stolidus stolidus*), West Indian Nighthawk (*Chordeiles minor vacinus*).

Status Undetermined: St. Thomas Screech Owl (*Otus nudipes newtoni*), Puerto Rican Short-eared Owl (*Asio flammeus portoricensis*), Puerto Rican Bullfinch (*Loxigilla p. portoricensis*).

SUMMARY OF RESEARCH PROJECT PLANS

Name of Project: Status, Life History, and Ecology of Threatened Wildlife of the Southeastern United States.

Location: Endangered Wildlife Research Station, Patuxent Wildlife Research Center—Field Station, Delray Beach, Florida.

Objectives: 1. To obtain information on the past and present status and distribution of threatened wildlife species and subspecies in the southeastern United States. The following forms will be the principal subjects of investigation:

ENDANGERED

MAMMALIA

Indiana Bat (*Myotis sodalis*)
Delmarva Peninsula Fox Squirrel (*Sciurus niger cinereus*)
Atlantic Right Whale (*Eubalaena glacialis*)
Red Wolf (*Canis niger*)
Florida Panther (*Felis concolor coryi*)
Caribbean Monk Seal (*Monachus tropicalis*)
Florida Manatee (*Trichechus manatus latirostris*)
Key Deer (*Odocoileus virginianus clavium*)

[1] Certain aspects of these objectives are of identical intent to current studies by the Division of Wildlife Refuges, while other aspects are supplemental.

AVES

Florida Everglade Kite (*Rostrhamus sociabilis plumbeus*)
Southern Bald Eagle (*Haliaeetus l. leucocephalus*)
Eskimo Curlew (*Numenius borealis*)
American Ivory-billed Woodpecker (*Campephilus p. principalis*)
Bachman's Warbler (*Vermivora bachmanii*)
Kirtland's Warbler (*Dendroica kirtlandii*)
Dusky Seaside Sparrow (*Ammospiza nigrescens*)
Cape Sable Sparrow (*Ammospiza mirabilis*)

REPTILIA

American Alligator (*Alligator mississippiensis*)

RARE

AVES

Florida Great White Heron (*Ardea o. occidentalis*)
American Peregrine Falcon (*Falco peregrinus anatum*)
Greater Sandhill Crane (*Grus canadensis tabida*)
Florida Sandhill Crane (*Grus canadensis pratensis*)
Ipswich Sparrow (*Passerculus princeps*)

REPTILIA

Bog Turtle (*Clemmys muhlenbergi*)

AMPHIBIA

Pine Barrens Tree Frog (*Hyla andersoni*)

2. Determine the ecological and life history characteristics of the Everglade kite in southern Florida.

3. Determine the factor(s) responsible for the decline of the Florida Everglade kite and develop a management plan to perpetuate and increase its population in southern Florida.

SUMMARY OF RESEARCH PROJECT PLANS

Name of Project: Distributional and Ecological Studies of the Rare and Endangered Species of the Southwestern United States.

Location: Endangered Wildlife Research Station, Patuxent Wildlife Research Center—field station, Tucson, Arizona.

Objectives: 1. To obtain and document information on the past and present status and distribution of the rare and endangered wildlife species in southwestern United States and northern Mexico. The following species will be within the scope of investigation:

ENDANGERED

Red Wolf (*Canis niger*)
Black-footed ferret (*Mustela nigripes*)[2]
Sonoran pronghorn (*Antilocapra americana sonoriensis*)
Mexican duck (*Anas diazi*)
Attwater's prairie chicken (*Tympanuchus cupido attwateri*)
Masked bobwhite (*Colinus virginianus ridgwayi*)
Yuma clapper rail (*Rallus longinostris yumanensis*)

RARE

Spotted bat (*Euderma maculatum*)
Black-tailed prairie dog (*Cynomys ludovicianus*)
Utah prairie dog (*Cynomys parvidens*)
Kaibab squirrel (*Sciurus kaibabensis*)
Lesser prairie chicken (*Tympanuchus pallidicinctus*)
Western burrowing owl (*Speotyto cunicularis*)
Golden-cheeked warbler (*Dendroica chrysoparia*)

[2] Study of this species limited to incidental assistance on an existing project.

2. Develop a detailed ecological and life history background for the masked bobwhite in its present range in northern Mexico (State of Sonora).

3. Formulate a plan to perpetuate and increase masked bobwhite populations in Mexico and to reestablish the species into ancestral range of Arizona.

SUMMARY OF RESEARCH PROJECT PLANS

Name of Project: The Life History, Ecology, and Management of the California Condor (*Gymnogyps californianus*).

Location: Ojai, California: Field Station of the Patuxent Wildlife Research Center.

Objectives: 1. To determine the continuing population status of the California condor. 2. To describe the life history, behavior, ecology and other characteristics of the California condor. 3. To develop a comprehensive condor management plan.

Name of Project: Ecology and Management of the Black-footed Ferret.

Location: Rapid City, South Dakota, Field Station of the Patuxent Wildlife Research Center, Laurel, Maryland.

Objectives: 1. Summarize the past status and distribution of black-footed ferrets.

2. Investigate the life history, present status and distribution, and ecology of the ferret.

3. Develop management recommendations, including ferret detection methods, to preserve and enhance the species and strengthen cooperative efforts toward that end.

Name of Project: Preliminary Survey of Rare and Endangered Birds and Their Habitats in the Hawaiian Islands.

Location: Patuxent Wildlife Research Center; Field Station, Honolulu, Hawaii.

Objectives: 1. Evaluate the past and present status and distribution of rare and endangered birds in Hawaii.

2. Develop preliminary land acquisition goals needed for the preservation of endangered species.

3. Formulate a detailed research plan for gathering information, on a priority basis, on the physical and biological environmental factors affecting perpetuation of threatened forms.

RESEARCH PROJECT PLAN

Name of Project: Ecology and Management of the Eastern Timber Wolf and other Forest Carnivores in Minnesota.

Objectives: 1. To determine social organization and relationships of individual wolves, packs and populations.

2. To determine wolf populations size and trends.

3. To determine responses of wolf populations to prey species and availability.

4. To determine the taxonomic identity of Minnesota wolves.

5. To characterize the physical, behavioral, and physiological traits of wolves.

6. To develop wolf population re-establishment techniques.

7. To determine the status of other forest carnivore species in Minnesota.

RESEARCH PROJECT PLAN

Name of Project: Effects of pesticides on birds of prey.

Objectives: To determine the effects of pesticides, particularly those that are common in the ecosystem, on mortality and reproductive success of selected species of predatory birds. Where necessary, studies will consider the possibility of deranged behavior of adults, physiological or morphological changes in young or adults, and determination of the mechanism and point of injury by which pesticides act on the birds or their eggs, if such action is found to occur.

RESEARCH PROJECT PLAN

Name of Project: Effects of pesticides on brown pelicans.

Objective: To determine whether pesticides are exerting an adverse effect upon populations of the eastern brown pelican.

RESEARCH PROJECT PLAN

Name of Project: Effects of environmental pollutants on brown pelicans.

Objective: To determine the effects of environmental pollutants upon reproduction and populations of the eastern brown pelican.

RESEARCH PROJECT WORK UNIT

Name of Project: Effects of environmental pollutants on brown pelicans.

Objectives: 1. To determine the identity and quantity of pesticides and other environmental contaminants in field collected pelicans and pelican eggs.

2. To determine what differences in residue levels exist between areas of declining populations of breeding pairs with areas of apparently stable populations.

RESEARCH PROJECT WORK UNIT

Name of Project: Effects of Pesticides on Brown Pelicans.

Objectives: 1. To assess the populations, behavior, and reproductive status of the brown pelican, royal tern, black skimmer, and associated bird species on the Cape Romain National Wildlife Refuge and nearby areas in South Carolina, and to gather as much data as possible on the small brown-pelican colony in North Carolina.

2. To inventory and assess the kinds and degrees of organochlorine pesticide contamination in estuarine birds, their eggs, and their food in these areas, with particular attention to species differences.

3. To integrate these findings into an evaluative appraisal of the pollution ecology of the Cape Romain National Wildlife Refuge and surrounding areas.

RESEARCH PROJECT WORK UNIT

Name of Project: Effects of environmental pollutants on birds of prey.

Objective: To compare the levels of environmental pollutants in the eggs of bald eagles from areas of diverse reproductive success and to relate these levels to the amounts that are believed to be critical from comparative and experimental studies of other species of birds of prey.

RESEARCH PROJECT WORK UNIT

Name of Project: Effects of Pesticides on Birds of Prey.

Name of Work Unit: Mortality Factors, Diseases, and Parasites of the Bald Eagle.

Objectives: 1. To determine causes of death of bald eagles found dead in the field.

2. To investigate and record parasites and diseases of bald eagles.

RESEARCH PROJECT WORK UNIT

Name of Project: Effects of Environmental pollutants on brown pelicans.

Name of Work Unit: Environmental pollutants: Brown Pelicans and estuarine birds.

Objectives: 1. To inventory and assess kinds and degrees of contamination by environmental pollutants in estuarine birds, their eggs, and their food in the Cape Romain National Wildlife Refuge and surrounding areas, with particular attention to species differences.

2. To integrate these findings into an evaluative appraisal of the pollution ecology of the Cape Romain National Wildlife Refuge and surrounding areas.

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RESEARCH PROJECT WORK UNIT

Name of Project: Effects of Pesticides on Birds of prey.

Name of Work Unit: Trends of pesticidal residues in field collected eagles.

Objective: To determine the identity and quantities of pesticides and other environmental contaminants in eagles found dead, and to determine changes in contamination in succeeding years.

RESEARCH PROJECT WORK UNIT

Name of Project: Effects of Pesticides on Birds of Prey.

Name of Work Unit: Pesticide Residues in the Eggs of Bald Eagles.

Objective: To compare the levels of pesticidal residues in the eggs of bald eagles from various areas in the United States and to relate these to residues shown to be harmful in field or experimental studies of other species of birds of prey.

RESEARCH PROJECT WORK UNIT

Name of Project: Effects of pesticides on birds of prey.

Name of Work Unit: Kestrels and peregrines as experimental subjects for pollution research.

Objectives:

Peregrines: Breed peregrines in large outdoor flight pens.

Kestrels: 1. Identify and eliminate the chemical or pathogenic agent that has reduced kestrel reproductive success.

2. Increase kestrel colony to a size suitable for reproductive studies with environmental pollutants.

RESEARCH PROJECT WORK UNIT

Name of Project: Effects of Pesticides on Birds of Prey.

Name of Work Unit: Breeding and care of captive bald eagles for pollution research.

Objectives: 1. To develop and maintain a group of bald eagles for use in experiments to determine the effects of environmental pollutants, and to improve maintenance techniques.

2. To breed bald eagles in captivity and to determine the factors responsible and/or necessary for their reproductive success.

RESEARCH PROJECT WORK UNIT

Name of Project: Significance and kinetics of pesticide residues in animals.

Name of Work Unit: Effects of dieldrin in captive bald eagles and black ducks.

Objectives: 1. To determine the loss rate of dieldrin in bald eagles and black ducks.

2. To determine the relationships between plasma enzyme activity and dieldrin residues in bald eagles and black ducks.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street, NW., Washington, D.C.

Interested persons may comment on this application by submitting written data, views, or arguments, preferably in triplicate, to the Director (FWS/LE), Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before December 13, 1974 will be considered.

Dated: November 7, 1974.

C. R. BAVIN,
Chief, Division of Law Enforcement, U.S. Fish and Wildlife Service.

[FR Doc.74-26555 Filed 11-12-74;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, November 22, 1974, at 1:30 pm, at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Massachusetts.

The Commission was established by Pub. L. 87-126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The purpose of the meeting is to consider the following Agenda items: (1) Review of the nude bathing issue, and (2) review of oversand vehicle operations. The Superintendent will give a progress report covering current problems and items of interest, which will be reviewed and discussed.

The meeting is open to the public. It is expected that 15 persons will be able to attend the session in addition to Commission members. Interested persons may make oral/written presentations to the Commission or file written statements. Such requests should be made to the official listed below at least seven days prior to the meeting.

Further information concerning this meeting may be obtained from Lawrence C. Hadley, Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts 02663 (telephone: 617-349-3785). Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at Office of the Superintendent, Cape Cod National Seashore, South Wellfleet, Massachusetts.

Due to administrative delay this document was not submitted for publication prior to November 11, 1974.

Dated: October 24, 1974.

JERRY D. WAGERS,
Regional Director, North Atlantic Region.

[FR Doc.74-26677 Filed 11-12-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

PREPARATION OF ENVIRONMENTAL IMPACT STATEMENTS

Guidelines

On January 29, 1974, the Animal and Plant Health Inspection Service (APHIS) published in the FEDERAL REGISTER (39 FR 3696) for comment, proposed guidelines for Preparation of Environmental Impact Statements in compliance with the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.), in accordance with the guidelines of the Council on Environmental Quality (CEQ) appearing as 40 CFR Part 1500, published in the FEDERAL REGISTER August 1, 1973 (38 FR 20549).

Written comments received on the proposed APHIS guidelines published in the FEDERAL REGISTER, January 29, 1973, were given full consideration in developing the final guidelines. APHIS also consulted with CEQ, the Secretary's Office, and other agencies in finalizing the guidelines. The final guidelines set forth herein are in large part identical to the proposed guidelines. Changes were made in the proposed guidelines to conform with the revised Department (USDA) guidelines as published in the FEDERAL REGISTER (39 FR 18678) May 29, 1974, as well as for purposes of clarification. In addition, the following changes were made in response to comments that were received:

1. Section 3(e)(1)(vii)—Environmental impact statements for USDA administrative actions. Comment suggested possible conflict between the number of acres cited in this section with the number of acres in section 3(e)(2)(b) [1].

We agree and the figures now conform.

2. Section 3(e)(2)(b)—Environmental impact statements for USDA administrative actions. Comment suggested the addition of "usually" between "not" and "require" in section 3(e)(2).

We agree and the language has been changed.

3. Section 3(e)(2)(b)—Environmental impact statements for USDA administrative actions. A time frame should be specified between notice of a negative declaration and initiation of administrative action. We recommend at least fifteen (15) days.

We presume comment refers to section 3(e)(2)(f). We agree and the following sentence is added to section 3(e)(2)(f). "No administrative action ~~on implementation~~ of the proposal is to be taken for 15 days after the notice of negative declaration is published in the FEDERAL REGISTER."

4. Section 4(a), fourth paragraph, last sentence. Between "length" and "of the EIS" delete "or detail."

As suggested, this wording has been deleted.

5. A comment was received suggesting more extensive public notice in newspapers at various stages during preparation of the draft and final EIS. The comment referred specifically to provisions of section 4(a)—General considerations; section 4(f), formerly 4(e), and section 5(g)—Public information and involvement.

We concluded that the guidance provided by sections 4 (a) and (f), and section 5(g) are adequate to provide for meeting the full intent of the suggestions where appropriate.

Effective date. These guidelines will become effective on November 13, 1974.

1. *Authority and purpose.* These guidelines state policy and provide guidance for the preparation of environmental statements required by section 102(2)(C) of the National Environmental Policy Act (NEPA) (42 U.S.C. 4321 et seq.). This section requires detailed environmental impact statements (EIS) on proposed major Federal actions significantly affecting the quality of the human environment.

Additional authority, direction, and instructions are contained in:

i. Executive Order No. 11514.

ii. Council on Environmental Quality (CEQ) Revised Guidelines for Statements on the Proposed Federal Action Affecting the Environment as published in the "FEDERAL REGISTER," Vol. 38, No. 147, August 1, 1973, Part II.

iii. Secretary's Memorandum No. 1695 and supplements.

iv. Section 309 Clean Air Act Amendments of 1970.

The purpose of an environmental statement is to provide a means for giving environmental quality careful and appropriate consideration in the planning and decision-making process. The environmental statement must be of sufficient detail to allow a responsible official to make an accurate decision regarding the environmental impacts to be expected from any applicable APHIS action.

2. *Policy*—(a) *General.* In fulfilling the requirements of section 102(2)(C) of NEPA the responsible APHIS official will, as early as possible, and in all cases prior to an Agency decision concerning a major action that significantly affects the quality of the human environment, in consultation with other appropriate Federal, State, and local agencies, and the public, assess in detail the potential environmental impact in order to avoid or minimize adverse effects including secondary effects whenever possible and to restore or enhance environmental quality to the fullest extent practicable. In particular, alternative actions that will avoid or minimize adverse impact should be explored and both the long- and short-range implications of a proposed action to man, his physical and social surroundings and to nature should be evaluated.

The analysis supporting an environmental statement should utilize a systematic interdisciplinary approach integrating the natural and social sciences and the environmental design arts in planning and in decision-making. Those disciplines relevant to the program and represented on the staffs should be utilized in making the analysis. Where such disciplines are not represented, appropriate use should be made of relevant Federal, State, and local agencies, including professional services of universities and consultants. This approach should not be limited to the preparation of the statement but should also be used in the early planning of the proposed action.

Assessments of the environmental impacts of a proposed action should be undertaken concurrently with initial technical and economic studies. Draft EIS's on administrative actions should be prepared in time to accompany the proposal through the existing Agency review processes and prior to the first significant point of decision in the Agency formal review process for such action. General policy is that, to the fullest extent possible, the NEPA section 102(2)(C) process will be completed before any irreversible decision is made on major APHIS actions significantly affecting the quality of the human environment.

NEPA will supplement existing authorities except where prohibited by law.

In order to more fully implement the Act, and where applicable, existing cooperative agreements and memoranda of understanding should be amended and new documents should include such language as will involve the cooperator in carrying out the requirements of Public Law 91-190 the National Environmental Policy Act of 1969.

(b) *Responsible official.* The Administrator and Deputy Administrators are responsible for determining the need for, and preparation of, environmental statements on specific APHIS actions.

(c) *Lead Agency.* Where USDA and one or more other Departments are involved in an action, the USDA Office of the Coordinator of Environmental Quality Activities (office of the coordinator) and CEQ will assist in determining the feasibility of the preparation of a joint EIS by all parties concerned or the designation of a lead Agency responsible for the preparation of the statement.

The relevant factors as given by CEQ in determining the proper Agency to assume a lead role include:

(1) Relative expertise with respect to the project's environmental effects.

(2) Magnitude of respective involvement for evaluation of the entire project.

(3) Time sequence in which the agencies become involved in the project. When the use of pesticides in Federal-State cooperative pest control programs involve large acreage of the private sector and a lesser acreage of adjoining lands of the public domain, APHIS should exert a strong role in the environmental statement process. Where authority is more or less equal and consequences are major for each of two or more Federal Agencies, statements may be jointly prepared.

In certain instances, several USDA Agencies have program responsibilities relative to a major Federal action having a significant effect on the human environment. In such cases, the lead Agency will be determined in consultation with the office of the coordinator. The lead Agency will coordinate the input of all concerned USDA Agencies in the development of the EIS.

APHIS, when designated as lead Agency for an EIS, will be responsible for consulting with and obtaining information from other involved Agencies with respect to their jurisdiction and expertise.

3. *Actions requiring environmental statements*—(a) *General.* The NEPA, section 102(2)(C), requires that environmental statements be prepared and submitted with every recommendation or report on proposals for legislation, and for other "major Federal actions significantly affecting the quality of the human environment." The Administrator and Deputy Administrator are responsible for identifying major actions significantly affecting the environment and determining when environmental statements are required. The action must be a (1) "major" action, (2) which is a "Federal action," (3) which has a significant effect, and (4) which involves the quality of the environment. The words "major" and "significantly" are used to imply thresholds of importance and impact that must be met before a statement is required.

"Major" actions and "significant" environmental effects are difficult to define precisely and uniformly because of the great variation in social, economic, political, and ecological conditions. The following categories of criteria should be considered in determining whether or not a statement is appropriate.

(1) Degree of ecosystem disturbance; both onsite and offsite effects should be recognized.

(2) Irreversible effects on basic resources; short-term versus long-term commitments

(3) Cumulative effects of many small actions.

(4) Chain reactions or secondary effects of interrelated activities.

(5) National versus regional and local importance.

(6) Uniqueness or rareness of resources.

(7) Scope of anticipated public involvement and controversy anticipated.

(8) Interaction with other Federal projects and actions of the private sector.

The size or scope of an administrative action is a factor which may be considered in determining whether the action is a "major" action.

(b) *Environmental impact statements for recommendations or favorable reports on proposals for legislation.* When APHIS has primary responsibility for the subject matter involved in a bill referred to USDA or legislative proposals from the Department, the Administrator is responsible for determining which legislative proposals or reports require EIS's and will prepare the APHIS EIS.

The Administrator may, when necessary, consult with appropriate Agencies during each preparation prior to the submission of legislative proposals or reports to the Office of Management and Budget (OMB).

The comments and views of such Agencies should be considered in the EIS. When time does not permit and prior consultation is necessary, it will be accomplished concurrently with the formal review of the legislative proposals or reports carried out by the OMB.

The Office of Management and Finance will be responsible for forwarding copies of the EIS's on legislation to CEQ through the office of the coordinator. Where there is an EIS on a legislative proposal or report submitted to OMB for clearance, an information copy of the EIS will accompany each copy of the proposal or report. Sufficient copies of the EIS's will be furnished as enclosures to the proposal or report.

APHIS will respond promptly to requests from other Agencies for information or other assistance needed for developing statements.

(c) *Environmental impact statements for establishing or modifying regulations, rules, procedures, and policy.* When regulations or policy statements are necessary and APHIS has determined that an EIS is required, it will be developed and prepared as outlined in subsection 4(b) (1) thru (9) and distributed and reviewed as outlined in subsection 4(c) and 5 (a), (b), (c), and (d) of these guidelines in time to accompany the proopsed regulations or policy statement through the review process.

(d) *Statement of Continuing Programs.* After a statement has been developed and approved for a program, additional review will not be required each year unless significant changes are made in program operations. Revised statements will be prepared when:

(1) Important changes are made in conduct of the program, e.g., changes in control agents, methods of application, etc.

(2) The scope of the program is expanded significantly to include new geographical or different ecological areas.

Where program action is controversial but there are no major changes in operational procedures, only an addendum will be issued to cover the area to be treated in the current year.

Availability and distribution of the addendum will be handled in the same manner as a final impact statement.

(e) *Environmental impact statements for USDA administrative actions.* (1) Environmental statements will be prepared on major proposed plans, laboratory facilities, programs, and projects undertaken by APHIS which may significantly affect the quality of the environment. This may include but is not limited to:

(a) Use of pesticides—considered for their effect on production needs, and environmental consequences. Major program actions generally will require an environmental statement if any of the following conditions are encountered:

(1) Significant contamination cannot be avoided in water, air, or soil—the effects of the program may conflict with known national, State, or local standards and policies relating to the environment, including water, air quality, or soil residues.

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(ii) The action involves shorelines, scenic areas, wilderness areas, estuaries, or similar areas of public interest—the visual or aesthetic quality of an area or the natural ecological, cultural, scenic or recreational resources of national, State, or local significance may be substantially affected.

(iii) The action involves densely populated areas—the environmental effects of the program will cause substantial adverse effects on human beings, either directly or indirectly. It may lead to a noticable change in the ambient noise level for a substantial number of people.

(iv) Persistent or highly toxic chemicals are to be used in ways which have a significant effect on the environment—the program may be in conflict with environmental plans and goals that have been adopted by the Department. See Secretary's Memorandum 1695 and supplements.

(v) Public controversy is anticipated—there is, or is anticipated, to be a sizeable group or body of opinion that considers or will consider the effect of the program to be adverse.

(vi) Rare and endangered species are present in the area involved—it could alter the pattern of behavior for species or interfere with breeding, nesting, or feeding grounds.

(vii) Actions involving areas exceeding 640 contiguous acres.

(b) Laboratory facilities and waste disposal therefrom.

(c) Sanitation requirements for food processing and storage facilities—major changes which could adversely affect the environment. Examples of significant changes would be:

(i) Measurement of the amount of liquid effluent generated by any change in sanitation requirements versus the amount generated by present requirements.

(ii) Measurement of solid waste generated by any change in sanitation requirements as compared to the amount generated by present requirements.

(iii) The chemical makeup of the liquid and/or solid waste generated by any change in sanitation procedures as compared to the present procedures.

(2) The types of actions which are excluded are those that are not major Federal actions significantly affecting the environment and will not usually require the preparation of EIS's. These include but are not limited to:

(a) Regulatory actions.[1]
(b) Control treatments on a limited area.[2]
(c) Reorganization.
(d) Personnel decision.

(f) *Action in which need for EIS will be determined by an environmental analysis.* All new or revised APHIS policies, regulations, programs, and procedures which may affect the quality of the environment will have an environmental analysis prepared.

The environmental analysis should assess the same areas of environmental impact as would be covered in an environmental statement but in considerably less detail.

When the environmental analysis does not indicate controversy or a significant environmental impact, the Administrator may decide that an environmental statement is not required. In these situations the Administrator will make a written report setting forth his determination that there will be no significant impact upon the quality of the environment or controversy if the proposed action is undertaken. The written determination may be part of the environmental analysis report or may be a separate document. In either case, the report and determination will be available to the public for inspection. No administrative action on implementation of the proposal is to be taken for 15 days after the notice of negative declaration is published in the FEDERAL REGISTER.

4. *Preparation and distribution of environmental impact statements*—(a) *General considerations.* An environmental statement is prepared in two stages. A draft environmental statement is the first formal statement for filing with CEQ and for review and comment by other Agencies and the public. It must fulfill requirements of NEPA section 102(2)(C). A final environmental statement reflects the results of the draft review process, and it is also filed with CEQ.

An analysis of alternatives that will reduce adverse impacts or enhance positive effects will be thoroughly explored and should be included in the preparation of a draft environmental statement.

Preliminary consultation with other Federal, State, and local agencies and public involvement should start early in the analysis process. Public involvement will be through a variety of means, such as individual contacts, meetings, workshops, and advisory committees. This should be a useful document for review and comment by other Agencies and the public. The statement should clearly describe the analysis process so reviewers may comment specifically. The comments received must then be considered and evaluated for preparation of the final environmental statement.

Environmental impact statements will be documents complete enough to stand on their own. They should be as succinct and understandable as possible. Highly technical and specialized analyses and data should, if needed, be appended to the body of the statement. Particular attention should be given to the substance of the information conveyed rather than to the particular form, or length of the EIS.

APHIS may request cooperators to furnish analyses and information in connection with cooperative programs with States, local governments, and other Federal Agencies.

Agency NEPA procedures should provide for appropriate consultation and coordination in accordance with the requirements of the Fish and Wildlife Coordination Act or the wildlife requirement of the Watershed Protection and Flood Prevention Act, National Historic Preservation Act and section 4(f) of the Department of Transportation Act 49 U.S.C. 1653(f). To the extent possible statements or findings required by these statutes concerning environmental impact should be combined with the environmental impact statement requirements of section 102(2)(C) of NEPA to yield a single document which meets all applicable requirements.

(b) *Content of environmental impact statements.* The following points must be covered in EIS's. Refer to 4(b)(8) of these guidelines for format.

(1) *Description.* The proposed action must be clearly described by including enough information and technical data to give readers a clear understanding of the nature of the proposed action. Highly technical and specialized data should be avoided in the draft. Such data should be attached as appendices of footnoted. Refer to 4(b)(9) of these guidelines. Where appropriate, describe the present environment, location, size, land ownership and status, physiography, ecosystem, climate, and other special features. Where relevant, maps or other graphic material should be provided. The objectives and purposes of the proposal must be given, along with other relevant background information. A section entitled "Statutory Basis for Conduct of Program" should be included in this item.

The interrelationships of the proposed action with other projects and possible cumulative effects should be presented. As appropriate, APHIS should also identify growth characteristics of the affected area and any population and growth assumptions used. Where available, OBERS Projections are to be used, CEQ Guidelines 1500.8(a)(1).

The relationship of the proposal to land use plans, policies, and controls for the affected area must be described. Where conflicts exist, the proposed resolution of these conflicts or the reasons why they cannot be resolved must be thoroughly addressed.

(2) *Environmental impacts.* This requires analyses and descriptions of both the anticipated favorable and adverse impacts of the proposed action as it affects the environment. Where appropriate, the international environmental impacts are to be assessed. The environment in this case includes both the natural environment and the social and economic environment. Discuss both primary and secondary effects. Identify, analyze, and discuss the full range of social, physical, and biological factors which change as a result of direct or indirect effects of the proposal. Air quality, water quality, land use, fish and wildlife, soil, plants, and outdoor recreation are examples of areas of environmental impact. Assessments of social impacts shall include consideration of civil rights, minority groups and low income persons.

Both primary and secondary consequences should be considered in the analyses. The distinction between primary and secondary impacts is important for insuring consideration of all alternatives. One way to describe the distinction is that program inputs generally cause primary impacts and program outputs generally cause secondary impacts. Primary impacts are generally easier to analyze and measure, while secondary impacts may require analyses by a number of agencies because they generally are not within any single agency area of responsibility or expertise. Secondary impacts may, in fact, be more important or more damaging than primary impacts.

Any planned measures to minimize and mitigate adverse environmental impacts of the proposal should be discussed.

(3) *Summary of probable adverse environmental effects which cannot be avoided.* Identify and discuss the probable favorable and adverse environmental effects which cannot be avoided, such as water or air pollution, undesirable land use patterns, damage to life systems, urban congestion, threats to health or other consequences adverse to the environmental goals set out in section 101(b) of NEPA. The relationship of the proposal to land use plans, policies and controls for the affected area must be described. Where conflicts exist, the proposed resolution of these conflicts or the reasons why they can't be resolved must be thoroughly addressed. If appropriate, describe the present environment, location, size, landownership, and status, physiography, ecosystems, climate, and other special features. The interrelationships of this proposed action with other projects and possible cumlative effects shall be presented.

(4) *Relationship between local short-term use of man's environment and the maintenance and enhancement of long-term productivity.* This in essence requires the assessment of the action for cumulative and long-term effects from the perspective that each generation is trustee of the environment for succeeding generations. Discuss the extent of tradeoffs between short- and long-term impacts.

(5) *Irreversible and irretrievable commitment of natural, cultural, and other resources.* This requires identification of the extent to which the action curtails the range of potential beneficial uses of the environment.

(6) *Alternatives of the proposed action.* The intent of this section is to assure that the responsible officer has identified the objective(s) and formulated the alternatives to achieve the objectives. A rigorous exploration and objective evaluation of the environment impacts of all reasonable alternative actions, particularly those that might enhance environmental quality or avoid some or all of the adverse environmental effects, is essential. Sufficient analysis of such alternatives and their environmental benefits, costs and risks should accompany the proposed action through the APHIS review process in order not to foreclose prematurely options which might enhance environmental quality or have less detrimental effects. The cost benefit analyses should clearly indicate the extent to which environmental costs have not been reflected in the analyses. In the review, the "best" alternative is selected as the proposed action or several alternatives are presented pending selection of the best alternative and presented to others for review and criticism. The impacts and consequences of each alternative should be presented so that others may form an independent view of the worth of the proposed action and possible alternative courses of action. In the course of review of the draft statement, additional viable alternatives may be identified. Examples of such alternatives include: The alternative of taking no action, and alternatives requiring actions of a significantly different nature which would provide similar benefits with different environmental impacts.

In each case, the analysis of alternatives should be sufficiently detailed and rigorous to permit independent and comparative evaluation of the benefits, costs, and environmental risks of the proposed action and each alternative. To the extent possible, the analysis of each alternative should indicate the deficiency of the environmental impact information, especially as it relates to benefit-cost data.

(7) *Consultation with appropriate Federal Agencies and review by State and local agencies and public involvement.* In the draft environmental statement, list the agencies, groups, and individuals consulted in the preliminary consultation phases and summarize the comments received. Also, list the agencies and groups to whom the draft environmental statement will be sent.

In the final environmental statement, this section will include a discussion of reviews and comments on the draft environmental statement. Particular attention should be given to making meaningful reference to opposing views. Comments received from Federal, State, and local agencies, private organizations, and substantive comments received from individuals which influence decisionmaking must be attached.

A list and summary of meetings and hearings should be attached to the final statement.

(8) *Formats for cover sheet, summary sheet, and environmental impact statements.* All USDA EIS's will include a cover page and a summary sheet constructed as shown below. The cover page should not include the description title shown on the left margin, but only that information within the box, which is given as an example:

COVER PAGE

Report No.[1]	USDA–APHIS, (ADM)–74–1.
Title	Mormon Cricket Cooperative Control Program.
Subtitle	Draft (or final) environmental statement.
Responsible official	Frank J. Mulhern, Administrator, Animal and Plant Health Inspection Service.
Performing organization	U.S. Department of Agriculture.
Name and address	Animal and Plant Health Inspection Service, Washington, D.C. 20250.
Date prepared	August 14, 1974.
Sponsoring agency	Prepared by:
Name and address	USDA, Animal and Plant Health Inspection Service, Washington, D.C. 20250.

[1] USDA, APHIS, Environmental Statement (Administrative), fiscal year 1974, sequential No. 1, within that year, draft or F for final. Some USDA Agencies may wish to use a unit code in addition to the Agency abbreviation. Draft and final statements for the same action should be assigned identical report numbers, even though final statements may be prepared in the subsequent fiscal year.

USDA ENVIRONMENTAL STATEMENT

"TITLE"

PREPARED IN ACCORDANCE WITH SEC. 102(2)(C) OF PUB. L. 91–190

SUMMARY SHEET

(Check one):
☐ Draft
☐ Final environmental statement

Name of responsible Federal Agency (with name of operating division where appropriate). Name, address, and telephone number of individual at the Agency who can be contacted for additional information about the proposed action or the statement.

1. Name of action (check one):
☐ Administrative Action.
☐ Legislative Action.
2. Brief description of action and its purpose. Indicate what States (and counties) particularly affected and what other proposed Federal actions in the area, if any, are discussed in the statement.
3. Summary of environmental impacts and adverse environmental effects.
4. Summary of major alternatives considered.
5. (For draft statements) List all Federal, State, and local agencies and other parties from which comments have been requested. (For final statements) List all Federal, State, and local agencies and other parties from which written comments have been received.
6. Date draft statement (and final environmental statement, if one has been issued) made available to the CEQ and the public.

USDA Animal and Plant Health Inspection Service Environmental Statement*

(Title)

Prepared in Accordance with Section 102(2)(C) of Public Law 91–190

Type of Statement: (Draft or final).
Type of Action: (Administrative or legislative).
Responsible Official: (Name, title, and address).

CONTENTS

I. Description.
II. Environmental impacts.
III. Summary of probable adverse environmental effects which cannot be avoided.
IV. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
V. Irreversible and irretrievable commitment of resources.
VI. Alternatives to the proposed action.
VII. Consultation with appropriate Federal Agencies and review by State and local agencies developing and enforcing environmental standards.

(9) *The EIS should document data sources.* The following language should be included at the bottom of the first page of the statement with an asterisk after "statement" at top of page:

*There are a number of references cited in this document, which are listed in the appendix and which are incorporated by reference into this Statement. Such references are identified herein as (1) and (2), etc. All of such references have been thoroughly considered in connection with preparation of this document, even though there is not set forth in the Statement a detailed analysis of each reference and each item of information contained therein.

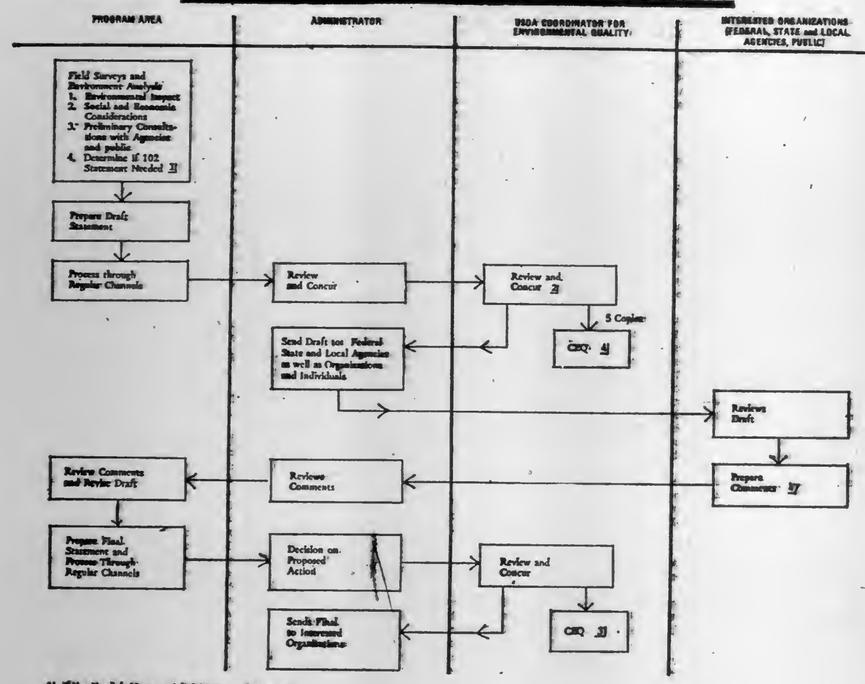
(c) *Processing environmental statements initiated and prepared by APHIS.* The following flow chart shows the review points through which environmental statements must pass before a final decision is made. The chart also shows the minimum time required for review. However, responsible officials are encouraged to allow more time for review whenever possible.

[1] These are the routine regulatory actions taken on a day-to-day basis to prevent the foreign introduction or interstate movement of animal and plant pests.

[2] For the purpose of these instructions, a limited area will be considered not to exceed 640 contiguous acres.

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FLOW CHART - PROCESSING ENVIRONMENTAL STATEMENTS INITIATED AND PREPARED BY APHIS



1/ If Not Recalled—Memo to Administrator with Reasons.
2/ 90- Day Minimum Before Action.
3/ 30- Day Minimum Before Action.
4/ 60- Day Minimum for Comments from Agencies.

(d) *Distribution of environmental impact statements to CEQ.* APHIS is responsible for furnishing five copies of draft EIS's and five copies of final EIS's to CEQ through the Office of the Coordinator. Following is the sample for the transmittal letter:

Subject: USDA (Draft/Final) Environmental Statement on (title of statement).
To: Chairman, Council on Environmental Quality.
Through: Office of the Coordinator of Environmental Quality Activities, USDA.

Enclosed are five copies of the (draft/final) environmental statement on (title) issued by the Animal and Plant Health Inspection Service. The responsible official is Administrator, APHIS, Francis J. Mulhern.

(Double space the letter and do not complete the signature block.)

5 Enclosures.

(e) *Availability of environmental impact statements to the public.* Copies of draft and final EIS's are to be made available to the public by the responsible APHIS official without charge to the extent practicable. Consistent with general guidelines for in-office maintenance of records, APHIS will maintain at headquarters a historical file of EIS's available for public inspection.

(f) FEDERAL REGISTER *Notice.* The availability of APHIS draft and final EIS's will be published in the FEDERAL REGISTER. Copies of the draft or final will be retained for public inspection at designated locations listed in the FEDERAL REGISTER notice. The notice of availability will be forwarded to FEDERAL REGISTER at the time the draft or final EIS is forwarded to CEQ. See 5(g) of these guidelines concerning lists of such actions to be provided CEQ quarterly.

5. *Consultation, review, and public involvement*—(a) *Preliminary consultation and advice.* For APHIS proposals, consultation with other appropriate Agencies and the public should be obtained at the earliest possible time. Generally, this should be during the analysis phase and before the draft environmental statement is prepared. The approach can be varied to best fit the situation. This preliminary consultation should be documented, but early proposals and analyses should not be titled draft environmental statements.

(b) *Draft environmental statement and OMB procedures.* The official review period for other Agencies and the public begins when the draft environmental statement is transmitted to CEQ. Documents titled "Draft Environmental Statement" should not be sent to other Agencies and the public prior to transmission to CEQ.

After a draft environmental statement is issued, additional information may occasionally become available which could significantly influence the comments on the statement. A responsible officer may at any time supplement or amend a draft or final environmental statement, particularly when substantial changes are made in the proposed action, or significant new information becomes available concerning its environmental aspects. In such cases, the agency should consult with CEQ with respect to the possible need for or desirability of recirculation of the statement for the appropriate period.

After notification that the draft environmental statement has been officially transmitted to CEQ, the responsible official should distribute copies to, and solicit comments from appropriate Federal, State, and local agencies and the public. State and local agencies should be contacted directly and through clearinghouses as described in OMB Circular No. A-95.

Responsible officials should maintain a list of individuals, groups, organizations, and governmental agencies which may be interested in reviewing environmental statements. An automatic mailing list will not be maintained. The list will be used as an aid in mailing distribution on a case-by-case basis. Notification of drafts and finals available for public inspection will be published in the FEDERAL REGISTER and through other appropriate means. The draft environmental statement can be the basis for news releases, discussion, public meetings, or hearings. The public must be informed about actions having an impact on the environment, and public comments and suggestions will be encouraged.

(c) *EPA review.* Draft environmental statements must also be submitted to the Environmental Protection Agency (EPA) for review and comment by the Administrator in accordance with section 309 of the Clean Air Act, as amended. Responsible officials will report comments in accordance with EPA procedures.

This review must be made whenever APHIS action is related to air or water quality, pesticide regulation, solid waste disposal, radiation criteria, and standards, or other provisions of the authority of the EPA are involved, but all statements should be submitted for their review and comment unless they specifically ask that the statement not be sent to them.

(d) *Circulation for review and comment, Federal, State, and local agencies and time limit.* The draft environmental statement shall be circulated for review and comment by Federal, State, and local agencies having jurisdiction by law or special expertise with respect to environmental impacts (see Appendix II, CEQ Guidelines, August 1, 1973) and shall be made available for comment by the public. A time limit of not less than 60 days from the date of transmittal by the responsible official to CEQ will be observed to receive comments by reviewers. No decision or administrative action should be taken sooner than 90 days after a draft environmental statement has been filed with the CEQ and circulated for comment. Neither should decisions be made or administrative action be taken sooner than 30 days after the final environmental statement is filed with CEQ, made available to the public, and notice published in the FEDERAL REGISTER.

(e) *Final environmental statement.* A final environmental statement is prepared after careful consideration of comments received from other Federal, State, and local agencies and the public on an APHIS draft statement. The statement should set forth major contentions and opinions. There should be meaningful reference to substantive comments. The rejection of comments or problems raised in the review process should be explained. Oral consultation with other Agencies should also be documented, and copies of all substantive written comments must be attached to the final statement.

Copies of final environmental statements should be sent at the same time as the final EIS is filed with CEQ, to those Agencies, organizations, and individuals who submitted substantive comments in a timely manner. Copies may also be sent to other agencies, groups, or individuals and anyone requesting a copy.

The final environmental statement is processed in the same manner as the draft statement.

(f) *Expedited procedures.* Where emergency circumstances make it necessary to take action with significant environmental impact without observing the provisions of subparagraphs (a), (b), (c), and/or (d) of this section, APHIS shall work through the office of the coordinator in consulting with the CEQ about alternative arrangements.

Written explanation and justification for the action is required by CEQ.

(g) *Public information and involvement.* APHIS will use appropriate procedures to insure the fullest practicable provision of timely public information, understanding, and involvement in APHIS plans and programs with environmental impact in order to obtain views and information on alternative courses of action (Executive Order No. 11514 of March 5, 1970, and Secretary's Memorandum No. 1695, Supplement 5, of December 1, 1970).

It is an objective of APHIS to involve the public early and continue throughout the process in developing its policies and in formulating and implementing its programs. APHIS will discharge its environmental responsibilities in ways that make the management processes visible and its people available. APHIS will utilize timely and effective procedures such as direct verbal contact, meetings, printed materials, news media, public notices and hearings, as appropriate, to accomplish these objectives.

When public hearings are utilized as a result of statutory requirement or agency practice to promulgate or amend quarantines and regulations, the environmental aspect of the proposed action will be considered. Also, when appropriate, public hearings shall be held on major actions with environmental impact providing the public with relevant information, including information on alternative courses of action. In deciding whether a public hearing is appropriate, APHIS shall consider:

(1) The magnitude of the proposal in terms of economic costs, the geographic area involved, and the uniqueness or size of commitment of the resources involved; (2) the degree of interest in the proposal, as evidenced by requests from the public and from Federal, State, and local authorities that a hearing be held; (3) the complexity of the issue and the likelihood that information will be presented at the hearing which will be of assistance to the agency in fulfilling its responsibilities under the Act; and (4) the extent to which public involvement already has been achieved through other means, such as earlier public hearings, meetings with citizen representatives, and/or written comments on the proposed action.

In the event hearings are held to review draft EIS's, such drafts must be available at least 15 days in advance of the hearing.

APHIS will maintain a list of environmental statements under preparation, revise, and make the list available to CEQ on a quarterly basis. The list will be available for public inspection on request. If APHIS decides that an environmental statement is not necessary for a proposed action which: (1) Has been identified as normally requiring preparation of a statement, (2) is similar to actions for which the agency has prepared a significant number of statements, (3) has been previously announced would be the subject of a statement, or (4) a negative determination has been made in response to a request from the Council, they shall prepare a publicly available record briefly setting forth the Agency's decision and the reasons for that determination.

Lists of negative determinations shall be prepared and made available in the same manner as lists for those statements under preparation.

6. *Review of other Agencies' environmental impact statements.* The APHIS will review and comment on proposals for legislation or other major actions initiated by other Agencies as requested and/or determined appropriate to do so because of jurisdiction by law or special expertise with respect to the environmental impact involved.

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Reviewers must be alert to the need to bring in special expertise, when available, for reviews on particularly important actions.

In all cases, comments should be specific, substantive, and factual. It may be appropriate for reviewers to indicate the adequacy of the environmental statements, the need for change, or more information and conclusions as to the advisability of the proposed action. Where unfavorable views or where a recommendation against a proposed action is indicated, these will first be discussed with the Agencies proposing the actions and the APHIS Environmental Coordinator.

The review and subsequent action should be performed in a constructive and cooperative manner.

7. *CEQ requests and consultation.* In order to assist the CEQ in fulfilling its responsibilities under NEPA and under Executive Order 11514, the APHIS will give careful consideration to requests from the CEQ for reports, other information, and actions dealing with issues arising in connection with the implementation of NEPA.

8. *Execution, Monitoring, and Evaluating.* The decision reached following completion of the environmental statement process should be publicly announced through appropriate means.

Major Federal programs and projects which may significantly affect the environment must be carefully monitored during the life of the action to insure that: (1) Environmental safeguards are executed according to plan; (2) necessary adjustments are made during the execution phase in order to protect the environment; and (3) information is fed back so that we are constantly learning and improving our planning, decisionmaking, and execution.

When practicable, the planned monitoring program should be described in the EIS.

Done in Washington, D.C. on November 5, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-26307 Filed 11-12-74;8:45 am]

Commodity Credit Corporation

[Amdt. No. 4]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1975)

The CCC monthly sales list for the fiscal year ending June 30, 1975, published in 39 FR 24634 is amended by the insertion of a section 33 which reads as follows:

33. *Peanuts, farmers stock, restricted use sales.* When stocks are available in their area of responsibility, the quantity, type, and grade offered are announced in weekly lot lists or invitations to bid issued by the following:

GFA Peanut Association, Camilla, Ga. 31730.
Peanut Growers Cooperative Marketing Association, Franklin, Va. 23851.
Southwestern Peanut Growers' Association, Gorman, Texas 76454.

Terms and conditions of sale are set forth in Announcement-TP-1 as amended September 1, 1974.

Farmers stock. Segregation 1 peanuts may be purchased for (a) Milling to U.S. No. 1 or better grade shelled peanuts for export with remaining kernels to be crushed domestically or exported after fragmentation or (b) domestic crushing or export after fragmentation.

Segregation 2 peanuts may be purchased for domestic crushing or export after fragmentation.

Sales are made on the basis of competitive bids submitted each Tuesday to the Tobacco and Peanut Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

Effective date. 2:30 p.m. (e.s.t.) October 31, 1974.

Signed at Washington, D.C. on November 7, 1974.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.74-26598 Filed 11-12-74;8:45 am]

Forest Service

GRAND MESA NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Grand Mesa National Forest Grazing Advisory Board will meet at 2:00 p.m., December 2, 1974, in the Federal Court Room (Room 322), Federal Building, 4th and Rood, Grand Junction, Colorado.

The purpose of the meeting is to provide National Forest grazing permittees a means for the expression of their recommendations concerning the management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify District Ranger Donald K. Wood, P.O. Box 1150, Grand Junction, Colorado 81501, telephone 242-8211; or District Ranger Doyne Mayberry, P.O. Box 338, Collbran, Colorado 81624, telephone 487-3249.

Written statements may be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: to the extent the time permits, interested persons may be permitted by the Board Chairman to present oral statements at the meeting.

JEROLD R. MARTINEZ,
Acting Forest Supervisor.

OCTOBER 31, 1974.

[FR Doc.74-26528 Filed 11-12-74;8:45 am]

NORTH END DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

The North End District Grazing Advisory Board will meet at 9:00 a.m., December 9, 1974, in the Federal Court Room (Room 322), Federal Building, 4th and Rood, Grand Junction, Colorado.

The purpose of the meeting is to provide National Forest grazing permittees a means for the expression of their recommendations concerning the management and administration of National Forest grazing lands.

The meeting will be open to the public. Persons who wish to attend should notify District Ranger Larry D. Robinson, P.O. Box 1150, Grand Junction, Colorado 81501, telephone 242-8211, or Donald P. Whiting, Board President, Whitewater, Colorado 81527, telephone 227-3926.

Written statements may be filed with the Board before or after the meeting.

The Board has established the following rule for public participation: to the extent that time permits, interested persons may be permitted by the Board Chairman to present oral statements at the meeting.

JEROLD R. MARTINEZ,
Acting Forest Supervisor.

NOVEMBER 5, 1974.

[FR Doc.74-26586 Filed 11-12-74;8:45 am]

Soil Conservation Service

JACOB SWAMP WATERSHED, NORTH CAROLINA

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Jacob Swamp Watershed Project, Robeson County, North Carolina.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Jesse L. Hicks, State Conservationist, Soil Conservation Service, USDA, Room 542, Federal Building, 310 Bern Avenue, Raleigh, North Carolina 27611, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, a 2.8 mile dike and the improvement of an existing agricultural drainage system.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, Room 542, Federal Building, 310 New Bern Avenue, Raleigh, North Carolina 27611

No administrative action on implementation of the proposal will be taken until November 29, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 7, 1974.

[FR Doc.74-26585 Filed 11-12-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-430]

DELTA STEAMSHIP LINES, INC.

Application

Notice is hereby given that Delta Steamship Lines, Inc., a Louisiana corporation, has filed an application, dated March 26, 1974, as amended, with the Maritime Subsidy Board pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended, for a long term operating-differential subsidy contract for operation on services designated as Trade Route No. 14-2 (U.S. Gulf ports/West Coast of Africa) and Trade Route No. 20 (U.S. Gulf ports/East Coast of South America), which services include calls at ports on Trade Route No. 19 (U.S. Gulf ports/Caribbean).

Delta Steamship Lines, Inc., is now operating under operating-differential subsidy contract No. FMB-63 which is scheduled to expire on December 31, 1977. The application is for a new long-term contract to be effective on or after January 1, 1976.

Delta Steamship Lines, Inc. proposes no change in its services, contract route descriptions or sailings as they exist under its present operating-differential subsidy contract, but is proposing to increase the number of its vessels from 11 to 13. Until replaced as required by the United States, the applicant's present fleet of 11 vessels (three MA design C3-S-43a, five MA design C3-S-76a, three MA design C9-S-81d) plus the two additional vessels would continue to operate in the services described as follows:

(1) Trade Route No. 14, Service 2—a minimum of 24 sailings per annum between U.S. Gulf ports and the West Coast of Africa, with privilege calls at other areas including certain ports in Mexico, Central and South America, the Caribbean, Bermuda and islands adjacent to the West African Coast.

(2) Trade Route No. 20—a minimum of 43 sailings per annum between U.S. Gulf ports and the East Coast of South America, with privilege calls at other areas including certain ports in Mexico, Central America, the North Coast of South America, Puerto Rico and the West Indies.

The Operator is subject to an overall maximum of 79 sailings per annum.

Interested parties may inspect the application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, Fourteenth and E Streets NW., Washington, D.C. 20230.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on December 16, 1974. The Maritime Subsidy Board will consider these views and comments, and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS)).

Dated: November 7, 1974.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc.74-26619 Filed 11-12-74;8:45 am]

[Docket No. S-431]

FARRELL LINES INC.

Application

Notice is hereby given that Farrell Lines Incorporated, a New York corporation, has filed an application, dated July 26, 1974, with the Maritime Subsidy Board (Board) pursuant to Title VI (46 U.S.C. 1171-1183) of the Merchant Marine Act, 1936, as amended (the Act), for a twenty-year operating-differential subsidy contract for operation on services designated as Trade Route No. 14-Service 1 (U.S. Atlantic ports/West Coast of Africa), Trade Route No. 15-A (U.S. Atlantic ports/South and East Coasts of Africa) and Trade Route No. 16 (U.S. Atlantic and Gulf ports/Australia and New Zealand).

Farrell Lines Incorporated is now operating under operating-differential subsidy contract No. FMB-64 which is scheduled to expire on December 31, 1977. The application is for a new twenty-year contract, to become effective as of the date of approval of the application by the Maritime Subsidy Board.

Farrell Lines Incorporated proposes no change in its services, contract route descriptions or minimum and maximum sailings as they exist under its present operating-differential subsidy contract. Until replaced as required by the United States, the applicant's present fleet of 13 vessels (one MA design C4-S-1p, six MA design C4-S-58a, two MA design C4-S-64a and four MA design C6-S-85a) would continue to operate in the services described as follows:

1. Trade Route No. 14, Service 1—a minimum of 20 sailings per annum between U.S. Atlantic ports and the West Coast of Africa, with privilege calls at certain other areas, including Madeira, Azores, Canary, Cape Verde and other islands adjacent to the West African Coast, Canadian Atlantic, St. Lawrence River and Great Lakes ports.

2. Trade Route No. 15-A—a minimum of 20 and a maximum of 30 sailings per annum between U.S. Atlantic ports and the South and East Coasts of Africa, with privilege calls at certain other areas including islands off the East Coast of Africa, Ascension, St. Helena, and Cape Verde Islands, Trinidad, and Canadian Atlantic, St. Lawrence River and Great Lakes ports, and with an experimental provision for privilege calls at ports on the Operator's subsidized service on Trade Route No. 14-1.

3. Trade Route No. 16—a minimum of 16 sailings per annum between U.S. Atlantic and Gulf ports and Australia, with privilege calls at certain other areas including New Zealand, Tasmania, Tahiti and Canadian Atlantic, St. Lawrence River ports and Caribbean or Gulf of Mexico ports.

The Operator is subject to an overall maximum of 89 sailings per annum.

Interested parties may inspect the application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, Fourteenth and E Streets NW., Washington, D.C. 20230.

Any person, firm or corporation having an interest in such application who desires to offer views and comments thereon for consideration by the Maritime Subsidy Board should submit them in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by close of business on December 16, 1974. The Maritime Subsidy Board will consider these views and comments, and take such action with respect thereto as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS)).

Date: November 7, 1974.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.
Secretary.

[FR Doc.74-26620 Filed 11-12-74;8:45 am]

SS SANTA ROSA

Invitation for Bids for Sale for Operation Under U.S. Flag or for Scrapping Within the United States

Notice is hereby given that pursuant to the provisions of the Merchant Marine Act, 1936, as amended, the Maritime Administration has issued Invitation for Bids No. PD-X-989, dated November 5, 1974, inviting sealed bids for the purchase of the SS SANTA ROSA, Official No. 276598, located at the James River, Virginia, Reserve Fleet.

The SS SANTA ROSA is a P2-S2-11A twin kingpost steam screw passenger and freight vessel built in 1958 by Newport News Shipbuilding and Dry Dock Company. The ship is of 11,353 gross registered tons, 540.3' registered length, 84.1' in breadth, 29.5' in depth and with a draft of 27'2".

The Maritime Administration is inviting sealed bids from citizens of the United States only. The ship may be purchased for operation under U.S. flag for either cash or on mortgage terms, or for scrapping within the United States on cash terms.

The ship is offered for sale on an "as is, where is" basis under the terms and conditions set forth in the Invitation.

No published minimum acceptable bid price is placed on this ship. The Contract of Sale to be given in connection therewith shall be executed within 45

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days from the date of award of the ship to the Buyer. The Buyer shall pay to the Maritime Administration, in cash, or certified or cashier's check made payable to "Maritime Adm.-Commerce", concurrently with the execution of the contract, the full purchase price of the ship, if purchased for cash, or an amount not less than twenty-five (25) percent of the purchase price of the ship, if purchased under mortgage terms.

A ten (10) percent bid deposit is required with each bid.

In evaluating the bids received preference will be given in the following order:

1. for U.S. flag operation on a cash basis;
2. for U.S. flag operation under mortgage terms, and
3. for scrapping.

However, the Maritime Administration reserves the right to reject any and all bids received.

Each bid for operation is to be accompanied by a suitably detailed outline of the proposed operation of the ship, together with sufficient detail concerning the financial resources of the bidder to enable the Maritime Administration to determine the ability of the bidder to consummate the transaction and operate the ship in the manner contemplated.

Bids will be received until 2:15 p.m., Eastern Standard Time, December 19, 1974, and public opening will be held at that time on that date at the offices of the Maritime Administration, Room 4833, Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C. 20230.

Any person, firm or corporation (citizens of the United States) desiring to submit bids pursuant to the foregoing notice may obtain copies of the Invitation for Bids No. PD–X–989 by writing to Burt Kyle, Director, Office of Domestic Shipping, Maritime Administration, Department of Commerce, Washington, D.C. 20230, or if calling in person may pick up same in Room 6628, Department of Commerce, Washington, D.C.

Dated: November 8, 1974.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–26618 Filed 11–12–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

HIGHER EDUCATION PROGRAMS

Notice of Additional Funding Criteria for Reviewing Fiscal Year 1975 Applications

Notice is hereby given that, pursuant to the authority contained in sections 431D(b), 446 and 463(a) of the Higher Education Act of 1965, as amended (20 U.S.C. 1070b–3, 42 U.S.C. 2756 and 20 U.S.C. 1087cc(a)), applications submitted during Fiscal Year 1975 for participation, during the academic year 1975–76, in the Supplemental Educational Opportunity Grants Program (SEOG), the College Work-Study Program (CWS) and the National Direct Student Loan Program (NDSL)—Title IV, Part A–2; Title IV, Part C; and Title IV, Part E of the Higher Education Act, respectively, will be evaluated in accordance with the criteria and procedures described in paragraph C below, in addition to the criteria and procedures set forth in previously published regulations.

A. *Background.* Currently applicable regulations governing these three programs are set forth in 45 CFR Part 176 for SEOG, 45 CFR Part 175 for CWS and 45 CFR Part 144 for NDSL. In preparing applications for these programs, eligible institutions must estimate the number of needy students that will be in attendance at the institution and the amount of funds necessary to meet the financial aid needs of such students. In making these estimates, applicants may utilize one of the various need analysis systems which have been approved by the Commissioner of Education for this purpose. The need analysis systems used by the predominant number of applicants are those developed by the American College Testing Program (ACT) and the College Scholarship Service (CSS).

Applications submitted for these programs are reviewed by Regional Panels of qualified persons appointed by the Commissioner, in accordance with the procedures and criteria set forth in the applicable regulations. (45 CFR 176.6 and 176.7, 175.14 and 175.14a, and 144.4 and 144.4a). The recommendations of the Regional Panels are subject, upon request of the applicant, to review by the Regional Offices of Education and by a National Review Panel, before the Commissioner establishes an approved level of funding for each applicant.

Prior to the current fiscal year, the various need analysis systems produced comparable results and were generally being revised, in accordance with changes in the Consumer Price Index or other measures of changing economic conditions, in a comparable manner. During Fiscal Year 1974, the results diverged somewhat more widely than previously, but remained within acceptable limits, because ACT changed the timing of its adjustment for inflation from February to December, thus making a one-time, 22-month update in its system. In August of this year, CSS announced new schedules which were based on a similar 22-month updating for inflation. However, because this change was made during a period of rapid inflation, and because other revisions were made which had the effect of reducing the amount of expected family contributions, the results obtained from using the new CSS system in preparing Fiscal Year 1975 applications (which were due in early October) are not reasonably comparable to results obtained from the use of other systems. Consequently, it is apparent that, irrespective of whether the revised CSS schedules are reasonable in light of recent rates of inflation, serious inequities would arise between those institutions, and the students therein, which used the new CSS schedules in preparing Fiscal Year 1975 applications and those institutions, and the students therein, which used other systems, if such applications were not adjusted during the review process in recognition of the lack of comparability among such systems. The Office of Education has therefore concluded that the Regional Review panels should be instructed to make adjustments, according to the criteria and procedures set forth in paragraph C, in the requested levels of funding submitted by Fiscal Year 1975 applicants. Such adjustments constitute additional review criteria, to be used in conjunction with the criteria or reasonableness and other criteria set forth in previously published regulations.

B. *Applicability.* The criteria set forth in paragraph C will be applied to all applications for Fiscal Year 1975 funding except:

(a) Applications for which the total program request (the sum for all three programs) for the academic year 1975–76 does not exceed the total funding request approved by the Commissioner for the academic year 1974–75 by more than 10 percent;

(b) Applications submitted on the "short form" (available for those institutions whose total program request for the academic year 1975–76 does not exceed the total funding request approved by the Commissioner for the academic year 1974–75), and;

(c) Applications submitted by institutions which did not participate in these programs in the academic year 1974–75.

C. *Review criteria and procedures.* The Regional Panels will focus seriatim on two factors in the applicant's calculations for requested level of funding and will adjust these factors, as necessary, to make them comparable to what they would have been if the applicant had used a need analysis system comparable to those used in preparing the Fiscal Year 1974 application, adjusted uniformly for increases in the Consumer Price Index and increases in family incomes. First, the applicant's projection of its total number of needy students for the academic year 1975–76 (line 34, column c of the application form) will be compared with the criteria and table described in paragraph (1) and, if any adjustments are called for, a new projected total will be set by the panel. Second, any change in the applicant's projected average expected family contribution from academic year 1974–75 to academic year 1975–76 (obtained from line 37, columns b and c of the application form) will be compared with the criteria and table described in paragraph (2) and any adjustments made. The normal review procedures and calculations will then be followed, using the results obtained from any adjustments made under paragraphs (1) and (2), to arrive at the panel's recommendation for an approved total funding request.

The tables used in paragraphs (1) and (2) will be based on data obtained from the Student Resource Survey, a sample survey conducted by the College Entrance Examination Board in 1972–74, and on the use of a need analysis system comparable to those used in Fiscal Year 1974, adjusted for a 10 percent increase in the Consumer Price Index and a 6 percent increase in family incomes. In constructing and applying these tables, institutions will be grouped according to levels of institutional costs and amounts of increases in institutional costs.

(1) *Adjustments in projected number of needy students.* The panel will evaluate the reasonableness of projected increases by examining the following three components:

(a) *Growth due to increased enrollment.* Based on the applicant's recent data for total enrollment and for percentage of needy students, the panel will determine a reasonable expected percentage of growth in projected needy students for 1975–76. If the applicant's projection comes within this figure the panel will accept the projection and proceed to paragraph (2); if the applicant's projection exceeds the panel's determination, the panel will proceed to the next component.

(b) *Growth due to increased institutional costs and decreased expected family contributions.* After evaluating the applicant's projected average cost per student (from line 36 in the application), the panel will use a table which projects expected increases in the percentage of needy students, by level of institutional cost and amount of change in institutional cost, based on the effect of inflation on institutional costs and expected family contributions. If the sum of the percentage obtained from the table and the percentage determined by the panel in (a) is equal to or greater than the percentage which the applicant has projected, then the panel will proceed to paragraph (2); if the appplicant's projection exceeds this sum, the panel will proceed to the next component.

(c) *Growth due to other factors.* The panel will review the narrative portion of the application to determine whether there are other factors which account for a larger increase in the number of needy students, including such factors as an exceptionally high rate of unemployment in the area served by the applicant, or a change in the composition of the student body of the applicant due to changing recruitment or admissions policies, and other similar factors. The panel will then determine a figure for the number of needy students and proceed to paragraph (2).

(2) *Adjustments in the average expected family contribution.* The panel will have a table which projects any change in the average expected family contribution, by level of institutional cost and amount of change in institutional cost, based on changes in the Consumer Price Index and the impact of inflation on family income. The panel will compare the figure obtained from this table with the information submitted by the applicant and will determine a reasonable projected average expected family contribution. When multiplied by the panel's determination in paragraph (1) of the projected number of needy students, this results in an adjusted Gross Family Contribution (line 37, column c of the application).

(20 U.S.C. 1070b–3, 1087cc(a) and 42 U.S.C. 2756)

D. *Review of the Regional Panel recommendations.* Pursuant to the regulations governing these programs, an applicant will have an opportunity to request a review of the recommendations made by the Regional Panel and to submit whatever information it believes will demonstrate that the criteria and standards set forth herein have not been properly applied to its application. (See 45 CFR 176.7, 175.14a, and 144.4a.)

E. *Waiver of public comment.* The procedures and criteria set forth in this Notice were developed in consultation with representatives of the College Scholarship Service, the American College Testing Program, and the National Association of Student Financial Aid Administrators. In view of the urgent need to develop the tables described herein, to develop instructions to the Regional Panels, and to begin the application review process, in order that awards under these programs may be made on a timely basis before the expiration of the fiscal year, it has been determined, in accordance with Title 5, section 553 of the United States Code that further resort to proposed rule making procedures with respect to these criteria would be impracticable and contrary to the public interest.

Effective date. Pursuant to section 431 (d) of the General Education Provisions Act, as amended, (20 U.S.C. 1232(d)) this notice has been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

(Catalog of Federal Domestic Assistance No. 13.418, Supplemental Educational Opportunity Grant Program; No. 13.463, Higher Education Work-Study, No. 13.471, National Direct Student Loans)

Dated: October 30, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 8, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74–26559 Filed 11–12–74;8:45 am]

Food and Drug Administration

[FAP 5A3041]

DOW CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5A3041) has been filed by Dow Chemical U.S.A., 2030 Dow Center, Midland, MI 48640, proposing that § 121.1091 *Chemicals used in washing or to assist in lye peeling of fruits and vegetables* (21 CFR 121.1091) be amended to provide for safe use of sodium monoalkylphenoxybenzenedisulfonate and sodium dialkylphenoxybenzenedisulfonate mixtures, where the alkyl group is C_6–C_{15}, in the washing or assisting in the lye peeling of fruits and vegetables.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 4, 1974.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.74–26624 Filed 11–12–74;8:45 am]

PRESIDENT'S CANCER PANEL

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given of the meeting of the President's Cancer Panel, National Cancer Institute, December 12, 1974, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 2. This meeting will be open to the public from 9:30 a.m. to 12 noon for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available. The meeting will be closed to the public from 1:30 p.m. to adjournment for review and discussion of the proposed fiscal year 1976 budget in accordance with the provisions set forth in section 552(b)(5) of Title 5 U.S. Code and 10(d) of Pub. L. 92–463.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide substantive program information.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

NOVEMBER 6, 1974.

[FR Doc.74–26580 Filed 11–12–74;8:45 am]

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National Institutes of Health

DIVISION OF RESEARCH GRANTS

Meetings

Notice is hereby given of Workshops to be held by the following Study Sections on the dates and places listed below:

Endocrinology Study Section. Workshop on Growth Factors, to be held at 9 a.m. on January 10, 1975 at the Sheraton Inn, Silver Spring, Md.

Further information may be obtained from Mr. Morris Graff, Executive Secretary Endocrinology Study Section, Westwood Building, Room 333, telephone 496–7346.

Medicinal Chemistry B Study Section. Workshop on Bioinorganic Chemistry to be held at 9 a.m. on January 6, and 7, 1975, at the University of New Orleans, New Orleans, Louisiana.

Further information may be obtained from Mr. Richard P. Bratzel, Executive Secretary Medicinal Chemistry B Study Section, Westwood Building, Room 222, telephone 496–7286.

Nutrition Study Section. Workshop on Evaluation of Nutrition Intervention Research to be held at 1 p.m. on Wednesday afternoon January 15, 1975 at Building 31, Room 4, Bethesda, Md.

Further information may be obtained from Dr. John Schubert, Executive Secretary Nutrition Study Section, Westwood Building, Room 204, telephone 496–7178.

Reproductive Biology Study Section. Workshop on the Glycoprotein Hormones and their Receptors to be held on January 16 and 17, 1975, beginning 9:00 a.m. at the Holiday Inn, Bethesda, Maryland.

Further information may be obtained from Dr. Robert T. Hill, Executive Secretary Reproductive Biology Study Section, Westwood Building, Room 206, telephone 496–7318.

Toxicology Study Section. Workshop on Behavioral Toxicology to be held at 9 a.m. on January 16, 1975, at the Westwood Building, Room D, Bethesda, Md.

Further information may be obtained from Dr. Rob S. McCutcheon Executive Secretary Toxicology Study Section, Westwood Building, Room 226, telephone 496–7570.

The above meetings will be open to the public with attendance limited to space available.

SUZANNE L. FREMEAU,
Committee Management Officer,
National Institutes of Health.

NOVEMBER 6, 1974.

[FR Doc.74–26579 Filed 11–12–74;8:45 am]

Social Security Administration

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the Subcommittee on Financing of the Advisory Council on Social Security, established pursuant to 706(a) of the Social Security Act, as amended, will meet on Monday, November 25, 1974, from 8:00 a.m. to noon in Room 5051, HEW-North Building, Third and Independence Avenues, SW., Washington, D.C. The meeting of the Subcommittee is open to the public.

Further information on the Advisory Council's Subcommittee on Financing may be obtained from Mary Ross, Executive Secretary of the Subcommittee, Room 438, Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–2514. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Program Numbers 13.800–13.807, Social Security Program)

Date: November 7, 1974.

MARY ROSS,
Executive Secretary,
Advisory Council on Social Security,
Subcommittee on Financing.

[FR Doc.74–26587 Filed 11–12–74;8:45 am]

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meetings

Notice is hereby given, pursuant to Public Law 92–463, that the Advisory Council on Social Security, established pursuant to section 706(a) of the Social Security Act, as amended, will hold two meetings in December 1974. The first meeting will be Sunday, December 8, 1974, from 10:00 a.m. to 4:00 p.m., and Monday, December 9, 1974, from 9:00 a.m. to 5:00 p.m. The second meeting will be Friday, December 20, 1974, from 10:00 a.m. to 4:00 p.m., and Saturday, December 21, 1974, from 9:00 a.m. to 5:00 p.m. Both meetings will be held in the Mt. Vernon Room, Sheraton-Carlton Hotel, 16th and K Streets, NW., Washington, D.C. A subcommittee of the Advisory Council dealing with treatment of men and women under social security (with respect to sex and marital status) will meet at 2:30 p.m. on Saturday, December 7, and at 4:00 p.m. on Sunday, December 8, and Friday, December 20, in the South Lounge of the Sheraton-Carlton. A subcommittee dealing with social security financing will meet at 4:00 p.m. on Sunday, December 8, and Friday, December 20, in the Council Room of the Sheraton-Carlton. A task force on the purposes, objectives, and principles of the social security program will meet at 4:00 p.m. on Sunday, December 8, and Friday, December 20, in the Mt. Vernon Room of the Sheraton-Carlton. The meetings of the Advisory Council, its subcommittees, and the task force are open to the public.

Further information on the Council and the task force may be obtained from John Trout, Executive Secretary of the Council, Room 440 Altmeyer Building, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235, telephone (301) 594–2510. Further information on the Council's subcommittee on financing may be obtained from Mary Ross, Executive Secretary of the Subcommittee, Room 438 Altmeyer Building, telephone (301) 594–2514. Further information on the Council's subcommittee on treatment of men and women under social security may be obtained from James Crum, Executive Secretary of the Subcommittee, Room 454 Altmeyer Building, telephone (301) 594–2834. Members of the public planning to attend should send written notice of intent to the Executive Secretary.

(Catalog of Federal Domestic Assistance Programs Numbers 13.800–13.807, Social Security Programs)

Dated: November 7, 1974.

JOHN TROUT,
Executive Secretary, Advisory
Council on Social Security.

[FR Doc.74–26586 Filed 11–12–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket No. RSFC–74–5]

DULUTH, MISSABE AND IRON RANGE RAILWAY CO.

Waiver of Freight Car Standards

The Duluth, Missabe and Iron Range Railway Company (DM&IR) has petitioned the Federal Railroad Administration (FRA) for exemption from certain requirements of the FRA Freight Car Safety Standards pertaining to the stenciling of freight cars and the lubrication of journal bearings. The DM&IR has requested a total exemption from the requirement of FRA regulations (49 CFR 215.11) that the reporting marks on freight cars must be displayed in at least 7 inch letters and numbers. The DM&IR has also requested limited permission to continue operating a portion of its fleet of 7,300 ore cars without compliance with the periodic lubrication of journal bearings required under FRA regulations (49 CFR 215.97).

The DM&IR seeks to have its entire 7,335 car fleet of ore cars and its 58 car caboose fleet exempted from the stenciling requirements (49 CFR 215.11) since its fleet of hopper cars and cabooses is not generally subject to interchange and, therefore, does not have the same identification problems which are associated with freight cars that are freely interchanged. Petitioner asserts that its well known emblem with which its cars are presently marked is a sufficient display of the company ownership.

The DM&IR has also requested a limited exemption from the requirements (49 CFR 215.97) that plain bearing journals be repacked at 24 month intervals. The DM&IR operates approximately 7335 ore hopper cars. These cars have traditionally been lubricated at 48 month intervals since they have low mileage accumulation each year and are idle during winter months. The maintenance program utilized for the last five years provided that one fourth of this hopper car fleet would receive the lubrication maintenance each year.

Petitioner states that half of its ore car fleet is presently in compliance with the lubrication requirements. In order to maintain these cars at 24 month intervals and to bring the entire fleet in compliance with the 24 month interval DM&IR requests that the ore cars bearing DM&IR identification numbers in the series between 23975 to 33499 be exempted until December 31, 1978. During this time extension petitioner intends to bring increasing proportions of its entire fleet into compliance. DM&IR proposes to have 67% of its fleet in compliance by December 31, 1976; 83% by December 31, 1977; and 100% by December 31, 1978.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 25, 1974. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC–74–5) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 10, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 7, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74–26582 Filed 11–12–74;8:45 am]

[FRA Waiver Petition Docket No. RSFC–74–15]

NEVADA NORTHERN RAILWAY

Waiver of Freight Car Standards

The Nevada Northern Railway (NNR) has petitioned the Federal Railroad Administration (FRA) for exemption from §§ 215.223 and 215.11 of the FRA Freight Car Safety standards in order to continue operating 316 freight cars which are not used in interchange service. Three hundred of these cars are gondolas used for hauling ore between Copper Flat and McGill in the State of Nevada. The remaining cars are used primarily for railroad maintenance and occasionally used to haul scrap metal in this same region. All of the cars are equipped with components which are prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

The gondola cars, which are 70 and 80 ton capacity open top steel ore gondolas, are all equipped with K-type brakes. The cars bear Kennecott Copper Company reporting marks and carry assorted Kennecott Copper Company numbers in the series between 500 to 600, 900 to 1,000 and 1,000 to 1,200. These cars are used exclusively in hauling ore from the mine to the mills at McGill, Nevada, a distance of twenty miles.

The remaining 16 cars covered by this petition include 6 box cars, 3 flat cars, 3 hopper cars, 3 standard gondolas and 1 tank car. All of these cars are equipped with cast iron wheels. These cars are used for railroad maintenance purposes. They carry Nevada Northern reporting marks and bear Nevada Northern identification numbers 5, 11, 21, 21, 1020 and 1025 and 400 to 405. The box cars and the tank cars are used only within the confines of the yard trackage at East Ely, Nevada. The remaining cars normally operate within a 15 mile radius of East Ely and are occasionally used in revenue service hauling scrap material.

All of the cars covered by this petition are more than 48 years old. In addition to being outfitted with the prohibited components listed each of the cars has one or more components whose use is restricted under FRA regulations (49 CFR 215.225).

Petitioner states that the low speed at which the equipment is operated, approximately 20 miles per hour, and the high level of maintenance which they receive warrant these cars being given a permanent exemption from the pertinent regulations. Petitioner asserts that the good safety record maintained over a number of years supports the granting of this petition.

The petition also seeks to have the steel ore gondolas exempted from the stenciling requirements of FRA regulations (49 CFR 215.11). These cars are unloaded by a rotary dumper. During winter months the cold temperatures necessitate the use of torches to loosen the ore from the bottom and sides of the cars during this unloading process. This operation would burn off any stenciling applied to these cars. Petition asserts that this operating method would necessitate almost daily repainting which is unduly expensive. A permanent exemption, therefore, is sought from the stenciling requirement.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 25, 1974. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC–74–15) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 10, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 6, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74–26553 Filed 11–12–74;8:45 am]

Highway Safety Act Sanctions Review Board

[Docket No. 74–37; Notice 2]

PUERTO RICO HEARING

Appointment of Board Members

On October 11, 1974, the Federal Highway Administrator and the National Highway Traffic Safety Administrator acting jointly issued a notice (39 FR 37411, October 21, 1974) setting forth a proposed recommended determination to invoke the sanctions specified in 23 U.S.C. section 402 against the Commonwealth of Puerto Rico. The basis for the proposal was the failure of Puerto Rico to enact a presumptive or prima facie blood-alcohol-concentration level set at 0.10 percent or lower before the end of the 1974 session of the Puerto Rico legislature. The notice also announced that a public hearing would be held with respect to the proposed recommended determination at the Federal Aviation Administration Building, Rooms 6A, B, and C, 800 Independence Avenue SW., Washington, D.C. 20591, at 10 a.m. on November 15, 1974.

Accordingly, pursuant to § 1206.7 of Title 23, Code of Federal Regulations, a review board of three officials of the Department of Transportation has been appointed to conduct the hearing in accordance with the rules of procedure set forth in Part 1206 of Title 23, Code of Federal Regulations, for the purpose of receiving evidence and views from the Commonwealth of Puerto Rico and interested persons concerning the proposed recommended determination. The membership of the board is as follows:

Office of the Secretary Member and Presiding Officer: Glenn J. Sedam, Deputy Assistant Secretary for Environment, Safety and Consumer Affairs.

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Federal Highway Administration Member: Francis J. Locke, Regional Counsel, Region III.

National Highway Traffic Safety Administration Member: Frank Ephraim, Director of the Office of Program Evaluation.

GLENN J. SEDAM,
Presiding Officer,
Sanctions Hearing Board.

NOVEMBER 6, 1974.

[FR Doc.74-26568 Filed 11-12-74;8:45 am]

ACTION

NATIONAL VOLUNTARY SERVICE ADVISORY COUNCIL

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following Council meeting:

Name: National Voluntary Service Advisory Council.
Date: November 19 and 20, 1974.
Place: ACTION, 806 Connecticut Avenue, NW., Washington, D.C., Room 522.
Time: 9 am.

Purpose of the meeting: To discuss the work of each of the Council's committees and to finalize the annual report of the Council.

Meeting of the Advisory Council is open to the public. Public attendance depending on available space, may be limited to those persons who have notified the Advisory Council Executive Officer in writing at least five days prior to the meeting, of their intention to attend the November 19 and 20 meeting.

Any member of the public may file a written statement with the Council before, during, or after the meeting. To the extent that time permits, the Council Executive Officer may allow public presentation of oral statements at the meeting.

All communications regarding this Advisory Council should be addressed to Mr. John Burgess, Advisory Council Executive Officer, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

LIBBY ALLEMANG,
Staff Assistant to the Director.

[FR Doc.74-26676 Filed 11-12-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR-39 and Amendment No. 2 to Facility Operating License No. DPR-48 issued to Commonwealth Edison Company which revised Technical Specifications for operation of the Zion Nuclear Power Station Units 1 and 2, located in Zion, Lake County, Illinois. These amendments are effective as of November 13, 1974.

These amendments remove a conflict of requirements in the technical specifications. The technical specifications require continuous recirculation of the Boron Injection Tank and also require testing of the tank inlet and outlet valves on a monthly frequency. This change makes allowance for no recirculation while the valves are being cycled open and closed.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendments dated October 29, 1974, (2) Amendment No. 5 to License No. DPR-39 and Amendment No. 2 to License No. DPR-48, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland this 1st day of November 1974.

For The Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-26493 Filed 11-12-74; 8:45 am]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO.

Issuance of Amendments to Facility Operating Licenses

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Facility Operating License No. DPR-39 and Amendment No. 3 to Facility Operating License No. DPR-48 issued to Commonwealth Edison Company which revised Technical Specifications for operation of the Zion Station Units 1 and 2, located in Zion, Lake County, Illinois. These amendments are effective as of November 13, 1974.

These amendments provide for a temporary change to the technical specifications to permit continued operation of the facilities while adjustments are made in certain function generators that provide signals to the reactor protection system.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to this action, see (1) the application for amendments dated November 5, 1974, (2) Amendment No. 6 to Facility Operating License No. DPR-39 and Amendment No. 3 to Facility Operating License No. DPR-48, with any attachments, and (3) the Commission's related safety evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 5th day of November, 1974.

For The Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch No. 1, Directorate of Licensing.

[FR Doc.74-26492 Filed 11-12-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON SEABROOK STATION, UNITS 1 AND 2

Notice of Meeting

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Seabrook Station, Units 1 & 2 will hold a meeting on December 4, 1974 in Room 1146 at 1717 H Street, N.W., Washington, D.C. The purpose of the meeting will be to develop information for consideration by the ACRS in its review of the application of the Public Service Company of New Hampshire for a permit to construct this nuclear power plant. The facility will be located in Rockingham County, New Hampshire. The plant site is approximately 8 miles southeast of Exeter, New Hampshire and 5 miles northeast of Amesbury, Massachusetts.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, December 4, 1974—9:00 a.m. until the conclusion of business

The Subcommittee will hear presentations by representatives of the Regulatory Staff and the Public Service Company of New Hampshire and will hold discussions with these groups pertinent to its review of the application of the Public Service Company of New Hampshire for a permit to construct the Seabrook Station, Units 1 & 2.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at 8:30 a.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee members and internal deliberations for the purpose of formulating recommendations to the ACRS.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b); and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than November 27, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 and at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 10:00 a.m. and 12:00 noon on December 4, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 2, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 5, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 and within approximately nine days at the Exeter Public Library, Front Street, Exeter, New Hampshire 03833. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, N.E., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(i) On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545 after March 5, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-26489 Filed 11-12-74;8:45 am]

[Docket No. 50-331]

IOWA ELECTRIC LIGHT & POWER CO., ET AL.

Notice of Issuance of Amendment to Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-49 issued to Iowa Electric Light & Power Company, Central Iowa Power Cooperative and Corn Belt Power Cooperative which revised Technical Specifications for operation of the Duane Arnold Energy Center, located near Palo in Linn County, Iowa. The amendment is effective as of its date of issuance.

The amendment permits a change to the Technical Specifications pertaining to the Reactor Protection System Trip to specify a time interval following start of Turbine Control Valve Fast Closure rather than an oil pressure setting and to the Suppression Chamber Water level at which the High Pressure Core Injection Pump Suction transfers to the Suppression Chamber.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated June 21, 1974, (2) Amendment No. 4 to License No. DPR-49, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Reference Service, Cedar Rapids Public Library, 426 Third Avenue SE., Cedar Rapids, Iowa 52401.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 5th day of November 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-26490 Filed 11-12-74;8:45 am]

[Docket No. 50-171]

PHILADELPHIA ELECTRIC CO.

Notice of Issuance of Amendment to Provisional Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Provisional Operating License No. DPR-12 issued to Philadelphia Electric Company which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Unit No. 1, located in York County, Pennsylvania. The amendment is effective as of its date of issuance.

The amendment permits a reduction in the staff to a level adequate for removal of fuel and other related fuel handling operations.

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The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated August 29, 1974, (2) Amendment No. 5 to Provisional Operating License No. DPR-12, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Martin Memorial Library, 159 E. Market Street, York, Pennsylvania 17401.

A copy of items (2) and (3) may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 5th day of November, 1974.

For the Atomic Energy Commission.

GEORGE E. LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-26491 Filed 11-12-74;8:45 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility Operating License No. DPR-27 issued to Wisconsin Electric Power Company and Wisconsin Michigan Power Company (the licensees) for operation of the Point Beach Nuclear Plant, Unit No. 2 located in the town of Two Creeks, Manitowoc County, Wisconsin.

The amendment would revise provisions in the Technical Specifications to allow operation of core cycle 2 of Point Beach Nuclear Plant, Unit 2, following refueling using pre-pressurized fuel that is of a higher pressure than the present fuel.

The notice provides that within 30 days after publication of notice in the FEDERAL REGISTER on November 13, 1974, any member of the public whose interest may be affected by the proceeding may file a request for a public hearing in the form of a petition for leave to intervene with respect to whether the amendment to the facility operating license should be issued.

Petitions for leave to intervene must be filed under oath or affirmation and in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. Petitions for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of the FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by December 13, 1974. A copy of the petition and/or request for hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulations, Atomic Energy Commission, Washington, D.C. 20545 and to Mr. Bruce W. Churchill, Shaw, Pittman, Potts, Trowbridge & Madden, 910 17th Street NW., Washington, D.C. 20006, attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or the licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated August 30, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. and at the Manitowoc Public Library, 803 Hamilton Street, Manitowoc, Wisconsin. As they become available, the Commission's related Safety Evaluation, and the proposed license amendment and attachment will also be available at the above locations. A copy of the Safety Evaluation and the proposed amendment and attachment, when available, may be obtained upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 7th day of November, 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-26988 Filed 11-12-74;8:45 am]

[Docket Nos. 50-445, 50-446]

TEXAS UTILITIES GENERATING CO. ET AL.

Notice of Continuation of Evidentiary Hearing

In the matter of Texas Utilities Generating Company, et al. (Comanche Peak Steam Electric Station, Units 1 and 2).

Take notice that further evidentiary hearings will be conducted in the above-captioned proceeding, to begin at 10:00 a.m. local time, on Monday, November 25, 1974, at Assembly Hall, Glen Lake Methodist Camp, Glen Rose, Texas 76043. The public is invited to attend the hearing, which will deal with the remaining issues in this construction permit proceeding, including radiological health and safety matters.

It is so ordered.

Issued at Bethesda, Maryland this 7th day of November, 1974.

ATOMIC SAFETY AND LICENSING BOARD,
ROBERT M. LAZO,
Chairman.

[FR Doc.74-26573 Filed 11-12-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25990; Order 74-11-35]

AMERICAN AIRLINES, INC.

Order Authorizing Discussions and Denying Motions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 7th day of November, 1974.

American Airlines, Inc., has filed an application for Board authorization of inter-carrier discussions concerning (1) extension of the fuel-related capacity limitation agreements approved by the Board in Orders 74-7-105 and 74-7-106,[1] and (2) possible fuel-related capacity limitation agreements with any other carrier in any market.

Agreement CAB 23703-A2: American, TWA, and United

Chicago—San Francisco
New York/Newark—Los Angeles
New York/Newark—San Francisco
Washington/Baltimore—Los Angeles

Agreement CAB 24328: American, TWA, and United

Boston—Los Angeles
Cleveland—Los Angeles
Detroit—Los Angeles
Hartford—Los Angeles
Philadelphia—Los Angeles

Agreement CAB 24013-A2: TWA and United

Boston—San Francisco
Chicago—Las Vegas
New York—Denver
New York—Las Vegas
Philadelphia—Chicago
Philadelphia—San Francisco
Washington/Baltimore—Denver
Washington/Baltimore—San Francisco

[1] These orders approved the following fuel-related capacity limitation agreements among the following carriers in the markets listed, expiring December 14, 1974:

Agreement CAB 24330: American, TWA, and United

New York—Chicago

Agreement CAB 24329: American and TWA

Chicago—Phoenix
New York—Cincinnati
New York—Dayton

Agreement CAB 24012-A2: American and United

Chicago—San Diego
Washington—San Diego

Agreement CAB 24124-A1: American, Eastern, and Pan American

New York/Newark—San Juan

Agreement CAB 24108-A1: Eastern and Pan American

Miami—San Juan
Miami—St. Croix
Miami—St. Thomas

Answers have been filed by United Air Lines and Trans World Airlines (TWA) in support of this application, and by Braniff Airways, Delta Air Lines, Northwest Airlines, and the United States Department of Justice (DOJ),[2] in opposition to the application. TWA has filed a reply to the answers in opposition to the application.[3] Northwest and Delta have also filed motions requesting the Board to terminate the approvals of fuel-related capacity limitation agreements, and to end the proceedings in this docket. Answers in support of the Northwest and/or Delta motions have been filed by the Air Line Pilots Association, International (ALPA), Braniff, and DOJ. Answers in opposition have been filed by American, United and TWA. The application, answers, and motions are summarized in the appendix hereto.

Prior to October, 1973, the Board authorized discussions of capacity limitation agreements in certain markets on several occasions.[4] In each such case, the authorization was preceded by the request of a specific carrier or carriers to discuss such agreements with other named carriers in specific markets.[5] By Order 73-7-147, the Board decided to initiate a formal investigation, characterized the Capacity Reduction Agreements Case, Docket 22908, for the purpose of determining policy issues relative to capacity limitation agreements.[6] A hearing has been held in that proceeding, and briefs have been submitted by the parties to the presiding Administrative Law Judge.

[2] The DOJ answer was accompanied by a motion for leave to file it as a late document, which will be granted.

[3] This reply was accompanied by a motion for leave to file an unauthorized document, which will be granted.

[4] See, for example, Orders 70-7-120, 71-5-68, 72-1-86, and 73-7-21.

[5] In Order 70-11-35, the Board disapproved a capacity limitation agreement when the carriers did not obtain Board authorization for their discussions.

[6] By Order 73-8-59 the agreement dealing with the New York/Newark-San Juan market was set for hearing and consolidated with the transcontinental markets agreement under consideration in that proceeding.

By Order 73-10-50, the Board authorized discussions to consider schedule adjustments to accommodate the national fuel allocation program, announced at the same time,[7] with the least possible reduction of service to the public. Pursuant to that authorization (as amended by Orders 73-10-79 and 73-11-50) discussions were held and several fuel-related capacity limitation agreements relating to domestic markets were filed with and approved by the Board, including those approved in Orders 74-7-105 and 74-7-106.[8] The fuel-related domestic capacity limitation discussion authorization expired March 13, 1974.

The Board has carefully examined the application, answers, and motions, and for the reasons discussed below, has concluded to grant the application in part, and to deny it in part. Discussions concerning extension beyond December 14, 1974 of the fuel-related capacity limitation agreements approved in Orders 74-7-105 and 74-7-106 will be authorized,[9] but we will not authorize discussions of capacity limitation agreements in unspecified markets among unnamed carriers.

While the nation's fuel availability problem may appear to have eased somewhat in comparison to last winter's crisis, there are several potential fuel-related problems that compel the Board to permit the airlines to plan to meet fuel emergencies that may occur this winter. We note that the regulations of the Federal Energy Administration continue to provide for the allocation of aviation fuels, with air carriers limited to no more than their 1972 fuel usage, despite traffic increases since that time, unless they can show compelling situations requiring adjustments to base-period use.[10] The Board also notes the distinct possibility of labor disputes leading to a curtailment in the supply of energy sources other than oil; the fact that many airlines' fuel supply contracts have recently expired or will shortly expire;[11] the heavy use of middle distillate fuels for home heating purposes in the coming winter season; and the threat of another disruption of fuel supplies resulting from continued instability in the fuel-producing areas of the world.[12] Considering all of these matters, it seems clear that there remains a substantial element of uncertainty as to the availability of the required amounts of fuel for the airlines this winter.[12a]

The Board has previously stated its view that capacity limitation agreements appear to fulfill an important transportation need when allocation of fuel resources is necessitated by present or impending shortages of airline fuel.[13] No new facts have been presented that would warrant a change in this conclusion. At the outset, we remain of the view that in a situation in which fuel supplies are limited, capacity agreements can result in a better allocation of that limited supply of fuel. Secondly, it appears that the existing agreements have had that effect, in that they have reduced capacity to reasonable levels in markets in which the carriers too easily might otherwise have operated excessive schedules.[14] Thus, the number of frequencies in the agreement markets in August, 1974, was 22.1 percent below that of August, 1973. Moreover, we are not convinced that the carriers would maintain their present capacity levels after the current agreements end, absent further agreements, since load factors in some of the agreement markets, together with the competitive history of the agreement carriers,

[7] Energy Policy Office Reg. 1, October 12, 1973, 38 FR 28660; see 10 CFR Part 211.

[8] The Board, in Dockets 26057 and 26075, also authorized discussions of, and approved several fuel-related capacity limitation agreements in, international markets. See, for example, Orders 73-11-34, 74-7-33, 73-12-109 and 74-10-6.

[9] This authorization shall expire after November 22, 1974. In Orders 74-7-105, ordering paragraph 3, and 74-7-106, ordering paragraph 2, the Board said that applications for extension of the agreements approved therein would not be entertained if filed after October 30, 1974. In view of the date of this order, we will change the original deadline for the filing of any requests for extension of the Order 74-7-105 and 74-7-106 agreements to November 22, 1974.

[10] Mandatory Petroleum Allocation Regulations, 11 CFR 211, Subpart H, § 211.143(c). Effective January 1, 1975, the allocation level of trunk carriers will be 100 percent of 1972 fuel usage (39 FR 37969). While 11 CFR 211.145(b) provides procedures for civil air carriers to apply for an adjustment to base-period use based upon changed circumstances, there has been no indication that this has resulted in the air carriers obtaining their full fuel needs. Also, the fact that recent T-90 reports of the agreement carriers show increases in fuel use by them, compared with last autumn and winter, is not an indication that there is sufficient fuel to meet all of the carriers' needs, especially since the traffic of these carriers peaks sharply during the summer months.

[11] See Application for authorization of discussions concerning pricing policies and related practices of fuel suppliers, Docket 27067.

[12] See the address of President Ford delivered before a joint session of the Congress, October 8, 1974, 10 Weekly Compilation of Presidential Documents 1239, 1240, 1246 (October 14, 1974). Also see Orders 74-10-6, footnote 2, and 74-7-105, at pages 4-6, and the Federal Energy Administration Act of 1974, 88 Stat. 96, Section 2(a).

[12a] Considering the suddenness with which any of these circumstances may affect the nation's air transportation system, we would be remiss in withholding our authorization of the proposed discussions until any of such circumstances occur. Moreover nothing in this order will prevent the discussants from considering agreements, the effectiveness of which would be contingent upon some future event.

[13] See, for example, Order 74-7-105, at 6.

[14] As noted in Orders 74-7-105 and 74-7-106, the markets affected by the agreements considered in those orders are the kind that, because of airline economics, have a tendency to attract more capacity than the public interest warrants. These are high-density markets, including long-haul segments which depend on local and connecting traffic for support, and short-haul transit segments for related beyond-segment traffic flow.

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suggest that capacity would be added.[14a] Thirdly, while the agreements have raised load factors and reduced frequencies, it does not appear that passengers have been unduly inconvenienced in the agreement markets, taking into consideration the fact of the aviation fuel shortage.

Finally, it would be inappropriate at this time to take action to prevent the continuation of the subject agreements or discussions on their possible extension, since that would preclude the possibility of maintaining the status quo in these markets pending a final decision in the nearly completed Capacity Reduction Agreements Case.

For all of these reasons, the motions to terminate approval of the fuel-related capacity limitation agreements approved in Orders 74–7–105 and 74–7–106 will be denied, and the application for authorization to discuss extension of those agreements will be granted. We will not grant the requested general discussion authorization, but this does not preclude carriers from filing specific requests for capacity discussions in other markets.

The Board will monitor these discussions very carefully, and we will scrutinize any resulting agreements in detail to discern the fuel-saving effects, if any, they will have in these markets. In any application for approval of such extension agreements, the carriers will have to be specific in describing the actual amount of fuel that will be saved in the agreement markets by extensions of these agreements.

We again emphasize as strongly as possible that nothing in this order is to be interpreted in any manner as the Board's views on any of the issues in the Capacity Reduction Agreements Case, or a prejudgment of the merits of any agreements which might result from these discussions. The discussions authorized herein are for a limited purpose, and the reasons for our actions herein are similarly limited and of an interim nature. It is in the context of the Capacity Reduction Agreements Case that the Board's long-term policy on capacity limitation agreements will be formulated.[15]

Accordingly, it is ordered, That:

1. The application of American Airlines for authorization of inter-carrier discussions concerning extensions of the fuel-related capacity limitation agreements approved in Orders 74–7–105 and 74–7–106, be and it hereby is approved, subject to the following conditions:

(a) All certified air carriers authorized to serve the markets under discussion shall be permitted to participate in the discussions;

(b) The discussions shall be held in Washington, D.C., on a date and time, and at a place chosen by the participants;

(c) Notices and agenda of the discussions shall be filed with the Board's Docket Section, and sent to all certificated air carriers and all other persons who so request to the applicant herein, at least 48 hours prior to each meeting;

(d) Representatives of the Board and all other interested persons shall be permitted to attend the discussions as observers;

(e) A full transcript of the discussions shall be maintained, at the expense of the participants, and two copies of such transcripts shall be filed with the Board's Docket Section within 5 business days of each meeting;

(f) Any agreements reached at these discussions shall be filed with the Board, in accordance with section 412(a) of the Federal Aviation Act of 1958 and 14 CFR 261 and 302, Subpart P, on or before November 22, 1974, and such agreements shall not become effective until and unless the Board first approves them in accordance with section 412(b) of the Act; and

(g) This authorization shall expire after November 22, 1974;

2. Except to the extent indicated above, the application herein be and it hereby is denied;

3. The motions of Northwest and Delta to terminate the approval of the agreements approved in Orders 74–7–105 and 74–7–106 be and they hereby are denied;

4. The motions of DOJ for acceptance of its answer to the application and of TWA for acceptance of its reply to the answers be and they hereby are granted;

5. Except to the extent granted above, all other requests herein be and they hereby are denied; and

6. This order shall be served on all certificated air carriers, the United States Departments of Justice and Transportation, the United States Postal Service, and all other parties in Docket 22908.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[16]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26592 Filed 11-12-74;8:45 am]

[Docket No. 27071; Order 74-11-37]

AMERICAN AIRLINES, INC.

Order Authorizing Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of November, 1974.

By application filed with the Board on October 4, 1974, American Airlines, Inc. (American) requests authorization for discussions among all U.S. scheduled air carriers and jointly with suppliers of computer equipment and programs, as well as travel agents and "commercial accounts" for the purpose of (1) performing a detailed study of the practicality and costs of developing an industry-wide computerized reservations system, and (2) if feasible, developing an agreement for the establishment of such a system.[1]

In support of its request, American states that such a system would provide significant efficiencies for travel agents and commercial accounts, important economies for air carriers, and substantial benefits to the public. The contemplated system would include the following capabilities:

(a) Display seat availability of all flights of all carriers;

(b) Display schedules of all carriers by market;

(c) Provide fare data;

(d) Take reservations for available space;

(e) Print tickets;

(f) Validate credit cards;

(g) Make reservations for ancillary travel services, such as hotels and rental cars;

(h) Provide information useful for agency accounting purposes;

(i) Interface with other travel oriented computer systems; and

(j) Provide record integrity, i.e. protect records from unauthorized access by other participants.

Answers in support of the application were filed by several carriers.[2] An answer was filed by the National Passenger Traffic Association, Inc. (NPTA)[3] which voiced no objection to the application but requested that the Board specifically include it as a necessary party to any discussion or study undertaken by the carriers.

Control Data Corporation, a firm involved in the data processing field, filed an answer in which it related that it had recently completed a study, conducted in cooperation with the American Society of Travel Agents (ASTA), which concerned the technical and financial feasibility of a data processing system to provide travel agents with passenger flight information. Control Data submits that it can be of material assistance in the proposed system study and the Board should require that it be made a full member of any carrier study group. Control Data also requests that the minutes of any discussions be recorded and filed with the Board and that all discussions be open to Board representatives.

[1] Any agreement that is consummated by the carriers will, of course, be subject to Board approval before implementation.

[2] National Airlines, Inc.; Delta Air Lines, Inc.; Trans World Airlines, Inc.; United Air Lines, Inc.; Braniff Airways, Inc.; and Allegheny Airlines, Inc. The motion of Allegheny for leave to file a late answer will be granted.

[3] NPTA represents itself to be anonprofit, nationwide voluntary association of business organizations including "commercial accounts" who provide over one billion dollars annually in gross airline revenues.

[14a] For example, in 1973, the termination of the capacity agreement between American, TWA, and United in the transcontinental markets was followed by a substantial increase in capacity by one of the carriers. See Order 73–7–147, at page 5 and Appendix B.

[15] Compare Order 74–10–6, at page 3.

[16] Joint dissenting statement of Members Minetti and West filed as part of the original document. Summary of application, answers, and motions.

American submitted a reply[4] to the answers of Control Data and Braniff.[5] It is American's contention that the discussion conditions proposed by Control Data and Braniff would destroy the "flexibility" necessary for completion of the project and "frustrate the potential for expeditious development of a feasible system." American is opposed to having Control Data made a member of any industry study group because of its inherently conflicting position as a supplier of the very service and products being studied. In response to any requests for disclosure of information, American submits that the study must be a full-time undertaking by the carriers and other interested parties requiring their active participation and that interim reports and minutes will thus be unnecessary paperwork. American contends that the nature of the work will be such that formal committee meetings in Washington, Board observers, and minutes or a transcript would be inappropriate.[6] American doubts that the ATA committee suggested by Braniff could devote the necessary time to the contemplated study.

As a matter of general policy, the Board has permitted carrier discussions of matters which are proposed to serve a serious transportation need and thus secure important public benefits.[7] Board authorization of the discussions relieves the discussants from the operations of the antitrust laws, insofar as may be necessary to enable them to engage in the discussions, by virtue of section 414 of the Federal Aviation Act of 1958, as amended (Act). The Board thus evaluates any discussion request in light of antitrust policy and principle.[8] In addition, the request is generally reviewed to determine whether the intended result by individual carrier action.[9]

We believe that American's request falls within the foregoing principles, and we have decided to grant the request, subject to certain conditions. An industry-wide computerized reservation system, under which travel agents and commercial accounts would have access to all flights of all carriers, would fulfill a need in the air transportation industry which was identified by a government-sponsored research study, undertaken several years ago.[10] One of the principal conclusions of the study was that, "[a] common airline reservations system is needed for travel agencies."[11] Workable concepts had been proposed but none had been implemented.[12] We believe that a properly planned, common reservations system could provide important public benefits.[13]

All the major carriers are now fully computerized. Because the purpose of the proposed study is to devise a common reservations system for all the carriers and one that might be compatible with existing computer systems, the study appears to be possible only through a common effort, as opposed to individual carrier action. The Board has previously viewed the establishment of a common automated reservations system as a more efficient one, with resulting benefits for the airlines, travel agents, commercial accounts and the public at large. A common system was also viewed as possibly reducing the incidence of ticket oversales and resulting denied boardings. Order No. E–25635 dated September 6, 1967.

The system proposed by American is not the first common automated reservations system to come before the Board for consideration. An agreement was filed with the Board several years ago by the Air Traffic Conference of America (ATC), on behalf of eleven certificated air carrier members, seeking approval of their agreement pertaining to the development and implementation of such a system.[14] The system, termed the ATAR System (ATARS), was a facility provided by ATAR Computer Systems, Inc. which linked "selling agents" with the reservations centers of air carriers. Because of the complexity of the agreement and its impact, the Board deferred action on the agreement and called for written comments and oral argument on the matter.[15] Certain irreconcilable differences between the parties and others, plus the obscurity of several underlying facts and possible inferences, prompted the Board to institute an investigation of the agreement to establish a more complete record on which to base a decision.[16] One of the basic questions to be determined was whether the existence of a market structure conducive to maximum feasible competition would be imperiled by approval of the agreement.[17] And beyond that, the Board sought to discover whether there was a serious transportation need which the agreement would fulfill, and if so, whether that would outweigh the detriments to competition.[18]

Due to substantial advances in computer technology, equipment and airline practices, as well as substantial reductions in computer equipment costs, American contends that the anticompetitive problems involved with the sole source supplier in the ATAR System can be avoided. American submits that it is now possible to have an overall system which would be technically compatible with the equipment of many different manufacturers and also be financially attractive to equipment suppliers. While the American request for authorization to discuss

[4] American's motion for leave to file the reply will be granted.

[5] In addition to supporting American's application, Braniff's answer urges that conditions be attached to any discussion authorization to ensure that all carriers have complete and meaningful information on the conduct of the study. Braniff asks that any discussions be arranged by a unit of the Air Transport Association (ATA), such as the Data Processing Committee of the Economic and Finance Council, rather than an ad hoc industry group. Further, Braniff asks that minutes be kept of all meetings and that they be circulated to all air carriers and also that periodic progress reports be made to all carriers and to the Board.

[6] American envisions the creation of an airline/travel industry task force which would consult with suppliers, travel agents and commercial accounts to identify and resolve the technical problems associated with integration of separate reservation systems and development of a common reservation system for the travel industry. The task force would perform a feasibility study with the intention of producing a system description and a proposed plan of system implementation. The task force would have technical working groups or subcommittees which would meet at locations throughout the country, such as manufacturers' offices, and which would examine the problems in each particular area involved. The work would be done on an informal basis with few formal committee meetings. The study may require six months to complete.

[7] Cf. Local Cartage Agreement Case 15 CAB 850, 852–853 (1952).

[8] Id.

[9] See Pan American World Airways, Inc., Order 74–7–147 dated July 31, 1974.

[10] A research study of passenger reservations and ticketing in the transportation industry, with an emphasis on the air transportation industry, was conducted by the Ralph M. Parsons Company for the Department of Transportation (DOT), Office of Facilitation. The results were published in April 1971.

[11] Passenger Reservations and Ticketing, prepared for DOT, Office of Facilitation (April 1971), at page 17 of Executive Summary edition.

[12] Id.

[13] An industry-wide reservations system involving travel agents could offer time and cost savings for the carriers and the public, as well as the agents. Before the carriers computerized the processing of a reservations transaction, with its complex behind-the-scene filing procedures, the transaction required approximately 45 minutes; now the same task requires approximately 3 seconds, according to the DOT study.

Again, from the DOT study, airline travel agents were the contact for about 30 percent of air travelers. However, most agents make reservations for the traveler by telephone contact, just as the traveler would do for himself. A computerized common reservation system would automate the function. Passenger Reservations and Ticketing, supra note 11, at pages 2–5, 2–19, and 2–34 of Final Report edition.

The DOT study also identified several other problem areas concerning passenger ticketing which are included in the study proposed by American. They involve such items as automatic credit card validation, computer ticket printing, remote processing of ticket documentation, and electronic transmission and sorting of accounting and sales data. Passenger Reservations and Ticketing, supra note 11, at pages 18, 19, and 20.

[14] Agreement CAB 20953, Docket 20929, filed on April 21, 1969.

[15] Order 69–7–74 dated July 15, 1969; Order 70–1–39 dated January 8, 1970; Order 70–4–148 dated April 29, 1970.

[16] Order 70–9–10 dated September 1, 1970.

[17] This question arose from the structure of the ATARS agreement in which the ATC carriers designated one vendor, ATAR Computer Systems, Inc., to supply all hardware and software and service necessary to link-up all the participating carriers and their travel agents.

[18] Order 70–9–10 dated September 1, 1970 at page 4. Shortly after the investigation was initiated, the ATC carriers withdrew their request for approval of their agreement (letter dated September 18, 1970) and the Board ultimately terminated its investigation (Order 71–11–90 dated November 24, 1971).

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and plan an industry-wide system with multi-supplier participation can be distinguished from the ATC request for approval of an agreement involving a single-supplier ATAR System, the concerns expressed by the Board, when reviewing the ATAR System, are present here and should guide the discussants during their study.

Because of the nature of the study being undertaken, with such features as technical working groups and random meetings with manufacturers, we will depart from some of the customary conditions we have recently imposed in discussion authorizations. We will not require that all meetings be held in Washington, D.C. or that detailed minutes be maintained of any technical working subcommittees. However, we are concerned that the necessarily informal nature of certain aspects of the study may result in a closed atmosphere surrounding the discussions. Travel agents, commercial accounts, various equipment and service suppliers, and government agencies, as well as all air carriers, may have a keen interest in the on-going details of the study. We mean to accommodate the interests of all persons desiring to simply observe or make fair contributions to the joint carrier discussions while allowing the study to progress in an expeditious and businesslike manner.[9] We are not persuaded that any legitimate interest of either NPTA or Control Data requires that the Board condition the discussion authorization to make them full members of any study groups. The conditions we have established for noncarrier participation in the study will provide that their comments will be given attention by the carrier members.

Accordingly, it is ordered, That:

1. The application herein for authorization of inter-carrier discussions concerning the creation of an industry-wide computerized reservation system be and it hereby is granted, subject to the following conditions:

(a) All U.S. certificated scheduled air carriers shall be given an opportunity to participate in all discussions and activities held pursuant to this order, to include such items as the planning of any discussion guidelines, the establishment of objectives for the study, the conduct of technical team work, or the decisions on study proposals;

(b) The discussion meetings, and other study activities authorized by this order may take place at dates, times, and locations determined by the participants;

(c) Representatives of the Board, the Department of Transportation, and the Department of Justice shall be permitted to attend each of these discussion meetings as observers;

(d) Notices, agenda, ground rules for the oral presentation by interested persons of their views, suggestions, and requests to the discussants, as well as an address to which written comments for consideration by the discussants can be sent, pertaining to each noncontinuous meeting[10] authorized herein, shall be sent to (1) all carriers participating in these discussions, (2) the Board's Docket Section, (3) all persons who filed documents in this docket, and (4) all other persons who so request; such items are to be filed with the Board and sent to the other persons enumerated not later than 5 business days before each meeting; further the airlines shall provide for the consideration of oral and written presentations by interested persons before the start of, or during each noncontinuous meeting authorized herein,[11] and then after an oral presentation by discussants of the tentative conclusions reached in their executive sessions;

(e) Complete and detailed minutes of these discussions[12] shall be maintained by the participants, including a summary of each item discussed and the opinions expressed by the discussants on each point (but without identification of the airline or airline representative making each point); such minutes shall be filed with the Board's Docket Section, and sent to all other persons who so request,[13] within 5 business days after the date of each meeting;

(f) Any agreement or agreements reached as a result of the discussions authorized herein shall be filed with the Board, pursuant to the requirements of section 412(a) of the Act (49 U.S.C. 1382) and Part 261 of the Board's economic regulations (14 CFR 261) and Subpart P of the Board's rules of practice (14 CFR 302.1608) and shall not become effective unless and until approved by the Board pursuant to section 412(b) of the Act; the airlines filing the agreement shall accompany their application with a detailed justification for each aspect of it, including the reasons for the denial of material requests or suggestions made at the oral presentation or in writing by interested persons to the airlines;[14]

(g) The authorization granted herein shall expire after May 1, 1975; and

(h) The authorization granted herein may be extended, modified, clarified, or revoked at any time by the Board or by the Director of its Bureau of Operating Rights (action by the Director of the Bureau of Operating Rights to be subject to the procedures for review of staff action contained in Subpart C of 14 CFR 385);

2. The motions of American and Allegheny for leave to file a reply and late answer, respectively, be and they hereby are granted; and

3. Except to the extent granted herein, all other outstanding requests in this docket be and they hereby are denied.

This order shall be served on all certificated scheduled air carriers, on all other persons who responded to the application herein, and on the United States Departments of Transportation and Justice. This order shall also be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26593 Filed 11-12-74;8:45 am]

[Docket Nos. 27157 and 26838; Order 74-11-38]

WESTERN AIR LINES, INC.

Order of Investigation and Consolidation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 8th day of November, 1974.

By tariff revisions bearing an issue date of October 10 and marked to become effective November 10, 1974, Western Air Lines, Inc. (Western) proposes to establish premium container rates for a "priority reserved freight service." The proposed rates and charges amount to 130 percent of the currently applicable general commodity container rates and charges. The shipper would be provided a reservation, which is defined as a commitment by the carrier to transport a predetermined volume of freight on a specific flight. Advance reservation must be completed with the carrier at least 3 hours prior to flight departure and shipment must be tendered to the carrier's air freight terminal at least 60 minutes prior to the scheduled flight departure.

If the shipment is not delivered on the specified flight on which the reservation is made, the carrier will refund to the shipper the difference between the proposed rates and charges and the applicable rates and charges for standard container service, unless such misdelivery is caused by weather conditions, mechanical delay of the aircraft, etc. Freight tendered to the carrier in excess of the net freight quantity reserved by the shipper will be accepted as a priority shipment only if space on a particular flight is available.

In support of its proposal, Western asserts, inter alia, that (1) it intended the justification for priority reserved freight service, which became effective on July 5, 1974, should not apply exclusively to bulk freight but should also apply to containerized shipments; (2) to withhold the application of priority reserved service for containerized shipments would be both contradictory to Western's and to the customer's best interests for promoting and using containers; (3) the numerous advantages of containerized freight have been established by the industry and should require no further justification at this time; (4) the proposed container priority rates and charges are established in the same manner as applied to bulk general commodity rates; and (5) a costing factor of 30 percent is computed to cover the approximate added costs of personnel and reservations of providing this new priority service.

By Order 74-6-136, dated June 28, 1974, Docket 26838, the Board instituted an investigation of the "Priority Reserved" bulk air freight rates proposed by Western, but permitted them to become effective. The reasons for our action on this proposal are equally applicable to the instant filing, since the current proposal merely represents an effort by the carrier to extend its priority reserved service to include containerized freight. Consistent with the foregoing order regarding Western's bulk filing and upon consideration of all other relevant factors, the Board finds that Western's current proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. We shall, furthermore, consolidate this investigation with that instituted in Docket 26838.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions in Rule No. 20(C) on 6th and 7th Revised Pages 30 and 2nd and 3rd Revised Pages 30-A; and "PRF" rates, charges, and provisions on pages 265 through 273 making reference to Rule No. 20(C) for application, and subsequent reissues or revisions thereof, in Tariff C.A.B. No. 227, issued by Airline Tariff Publishers, Inc., Agent, and rules, regulations, or practices affecting such charges and provisions are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions and rules, regulations, and practices affecting such provisions; and

2. The investigation initiated herein, designated Docket 27157, is hereby consolidated into the Priority Reserved Air Freight Rates Investigation, Docket 26838.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26594 Filed 11-12-74;8:45 am]

[Order 74-10-106; Docket No. 26494; Agreement C.A.B. 24623 R-1 through R-40]

NORTH AND MID-ATLANTIC PASSENGER FARES

Notice of Agreement

Correction

In FR Doc. 74-25236, appearing at page 38706, in the issue for Friday, November 1, 1974, the last line of the second table on page 38709 should read:

"R-39 ——— 016a Mid-Atlantic Fare Development Program (New) ——— ½; Mid-Atlantic."

In Appendix F, on page 38712, the title should be "*U.S. North Atlantic carriers, selected economic indicators, 2d quarter 1973 compared with 2d quarter 1974.*"

ENVIRONMENTAL PROTECTION AGENCY

[FRL 293-7; OPP-36009A]

HARRIS PRODUCTS CO., INC.

Denial of Pesticide Registration; Correction

In FR Doc. 74-24918 appearing on page 38025 in the issue for Friday, October 25, 1974, make the following change:

In the fifth line, first paragraph, please replace "DDT" with "sodium arsenate."

Dated: November 7, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-26497 Filed 11-12-74;8:45 am]

[FRL 293-4]

MISSOURI

Notice of Approval of State Program for Control of Discharges of Pollutants to Navigable Waters

Notice is given hereby that the Environmental Protection Agency has granted the State of Missouri's request for approval of its program for controlling discharges of pollutants to navigable waters in accordance with the National Pollutant Discharge Elimination System (NPDES), pursuant to section 402(b) of the Federal Water Pollution Control Act, as amended (Pub. L. 92-500, 86 Stat. 816, 33 U.S.C. 1251; the Act).

Section 402 of the Act establishes a permitting system, known as the National Pollutant Discharge Elimination System, under which the Administrator of the Environmental Protection Agency (EPA) may issue permits for the discharge of any pollutant, upon condition that the discharge meets the applicable requirements of the Act. Section 402(b) provides that any State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit such program to the Administrator. If the Administrator determines that the State has adequate authority to carry out the requirements of the Act, he shall approve the submitted program and suspend the issuance of permits as to those navigable waters subject to such program, except with respect to agencies and instrumentalities of the Federal Government. Guidelines specifying procedural and other elements for State NPDES programs appear at 40 CFR Part 124 (as amended by 38 FR 18000, July 5, 1973, and 38 FR 19894, July 24, 1973).

On August 1, 1974, Missouri submitted a program for carrying out the NPDES. On September 18, 1974, EPA conducted a public hearing on the proposed approval in Jefferson City, Missouri. After a thorough review of the Missouri program, the accompanying legal certification, and all comments submitted by the public during and following the public hearing, the Administrator determined that the State's authority was adequate to carry out the requirements of the Act, and so informed Governor Christopher S. Bond in a letter dated October 30, 1974.

As of October 31, 1974, the Missouri NPDES permit program is being administered by the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65101 (telephone (314) 751-4422). Mr. James L. Wilson is Director of the Department of Natural Resources. The Missouri program is being administered in accordance with Missouri statutes and regulations and a Protocol Working Agreement between Missouri and the EPA Region VII office, 1735 Baltimore Avenue, Kansas City, Missouri 64108 (telephone (816) 374-5493). All pertinent documents are available for inspection at the Missouri State agency and EPA Regional offices at the addresses given above and EPA Headquarters in Room 3201, Waterside Mall, 401 M Street S.W., Washington, D.C. 20460.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

NOVEMBER 7, 1974.

[FR Doc.74-26496 Filed 11-12-74;8:45 am]

[FRL 293-5]

VIRGINIA

Public Hearing and Request for State Program Approval for Control of Discharge of Pollutants to Navigable Waters

The Commonwealth of Virginia has submitted a request for approval of its state program for control of discharges of pollutants into navigable waters pursuant to section 402 of the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251-1376 (1973 Supp.) (referred to herein as the "Act").

A public hearing to consider Virginia's request will be held on December 9, 1974,

[9] Costs, time factors, and other considerations contributing to the efficiency of the study will undoubtedly guide its conduct. However the study must generally be established to provide an opportunity to interested persons to follow the progress of the study and to make desired contributions to it. The discussion conditions we have imposed, infra, are designed to allow such noncarrier participation.

[10] By noncontinuous meeting, we mean a meeting beginning 5 or more business days after conclusion of the previous meeting.

[11] The discussants may, if necessary, limit the time available to those requesting an opportunity to make oral presentations, if that is done on a fair and equitable basis.

[12] While technical working subcommittee discussions are relieved from this condition, it is expected that in the conduct of the study, the work of the subcommittee will be periodically reported to a parent group for review and approval. It is at such meetings that the requirements involving the maintenance of minutes and presentations by interested parties will be in effect.

[13] The discussants are not precluded from setting a nominal charge to be paid for those requesting copies of the minutes; such charge should not exceed the cost of duplicating and sending such copies. American will serve as the party to contact to make such requests. Communications should be addressed to William D. Stewart, Jr., Vice President, American Airlines, Inc., 633 Third Avenue, New York, New York 10017.

[14] Formal requests or suggestions of a similar nature can be grouped together and answered collectively.

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in the Presidential Room of the Colony House Executive Motor Inn, 5215 West Broad Street, Richmond, Virginia starting at 10:00 a.m.

Section 402(b) of the Act provides that the Governor of a State desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmental Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. To administer the NPDES program, the State must have, among others, the following authorities: (1) Authority to issue permits complying with all pertinent requirements of the Act; (2) authority, including civil and criminal penalties, to abate violations of permits or of the permit program; and (3) authority to ensure that the Administrator, the public, and any affected States and agencies are given notice of and opportunity for a public hearing regarding each permit application. The State must also have and commit itself to use manpower and other resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing "State Program Elements Necessary for Participation in the NPDES" were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR Part 124), beginning at page 28390.

The Commonwealth of Virginia proposes that the Virginia State Water Control Board, 2111 North Hamilton Street, Richmond, Virginia (telephone (804) 770–1411), operate this program for control of discharges into navigable waters of the Commonwealth in compliance with the Act.

The hearing panel will consist of the Environmental Protection Agency Administrator, or his representative, who will serve as the Presiding Officer, the Executive Secretary of the State Water Control Board or his representative, and the Environmental Protection Agency Regional Administrator, Region III, or his representative.

This request and program description may be inspected by the public at the Virginia State Water Control Board or at the United States Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia 19106 (telephone (215) 597–9800).

All interested persons wishing to comment upon the Commonwealth's request or its program submission are invited to appear at the public hearing to present their views. Written comments may be presented at the hearing or submitted by December 19, 1974, either in person or by mail, to the Environmental Protection Agency, Region III, at the previously mentioned address.

Oral statements will be received and considered. For the accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to furnish additional copies for the use of the hearing panel and other interested persons. The presiding officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments received by December 19, 1974, or presented at the public hearing will be considered by the Environmental Protection Agency in taking final action on Virginia's request for state program approval.

Please bring the foregoing to the attention of persons who you know would be interested.

Dated: November 7, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-26494 Filed 11-12-74;8:45 am]

[OPP-32000/140; FRL 292-6]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB–31, East Tower, 401 M Street, SW, Washington, D.C. 20460.

By January 13, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Admininstrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH–569), Office of Pesticide Programs, 401 M Street, SW, Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until January 13, 1975. If no claims are received on or before January 13, 1975, the 2(c) application will be processed according to normal procedure. However, if claims are received on or before January 13, 1975, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 13, 1975.

APPLICATIONS RECEIVED

EPA Reg. No. 14651–2. Agricultural Enterprises, Inc., 933 W. 6th, Fremont, NE 68025. AGRI-BON LIVESTOCK DUST. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32427–EN. Allied Services, Div. of Allied Equities Corp., 765 Lnadess Ave., Milpitas, CA 95035. ALLIED SERVICES SODIUM TCA. Active Ingredients: Sodium Trichloroacetate 90.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32427–RI. Allied Services. ALLIED SERVICES AL-TROL "S–2". Active Ingredients: Alkanolamine salts (of the ethanol and isopropyl series) of 2,4-dichlorophenoxy-acetic acid (2,4-dichlorophenoxyacetic acid equivalent 0.48%) 1.47%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 1.06%; Monosodium metharsenate (total arsenic 0.44) 0.95%. Method of support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32427–RT. Allied Services. ALLIED SERVICES AL-TROL "S–1". Active Ingredients: Alkanolamine salts (of the ethanol and isopropyl series) of 2,4-dichlorophenoxy-acetic acid (2,4-dichlorophenoxyacetic acid equivalent 0.48%) 0.74%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 1.06%; Monosodium metharsenate (total arsenic 0.22%) 0.48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32427–RO. Allied Services. ALLIED SERVICES AL-TROL "S–3". Active Ingredients: Sodium chlorate 10.61%; Sodium metaborate, anhydrous 8.49%; Bromacil (5-bromo-3-sec-butyl-6-methyluracil) 0.42%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5481–RTT. Amvac Chemical Corp., 4100 E. Washington Blvd., Los Angeles, CA 90023. ALCO STOP GROW. Active Ingredients: Diethanolamine Salt of 6 Hydroxy-3-(2H)-Pyridazinone 58%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5185–ETI. Bio-Lab, Inc., PO Box 1489, Decatur GA 30031. SPOT KILL 56 ALGAE DESTROYER. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35088–G. Buffalo Solvents & Chemical Corp., PO Box 73, Station B, Buffalo NY 14207. HERCULES YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35088–E. Buffalo Solvents & Chemicals Corp. HERCULES HERCO PINE OIL. Active Ingredients: Pine Oil 99.4%; Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35088–R. Buffalo Solvents & Chemicals Corp. HERCULES YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 20087–R. Carrol Chemical Co., 13th & D St., Smyrna TN 37167. CARROLL OIL OF CITRONELLA. Active Ingredients: Citronella Oil 100%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 704–GT Chemical Systems, Inc., 1735 W. Fullerton Ave., Chicago IL 60614. CHEMICAL SYSTEMS IS–1382 INSECTICIDE. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl)cyclopropanecarboxylate 0.500%; Related compounds 0.068%; Aromatic petroleum hydrocarbons 0.662%; Petroleum distillate 98.750%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 704–GA. Chemical Systems, Inc., 1735 W. Fullerton Ave., Chicago IL 60614. CS KLEENER/SANITIZER 77. Active Ingredients: Sodium hypochlorite 3.25%; Sodium Phosphate expressed as Na_3PO_4 12H20 91.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 21340–T. Chemlab Products 4925 Airport Hwy., Birmingham AL 35212. CHEM–GUARD LEMON DISINFECTANT CONCENTRATE COEF, 38. Active Ingredients: Alkyl (C14 56%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 10.00%; Isopropanol 5.00%; Essential oils 1.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7173–RLU. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. CHEMPAR ROZOL BLOCKETTE (APPLE FLAVOR). Active Ingredients: 2-[p-chlorophenyl)phenylacetyl]-1, 3-indandione 0.005%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7173–RLL. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. FOUR-WAY ACTION INSECT KILLER. Active Ingredients: d-trans Allethrin (allyl homolog of Cinerin I) 0.25%; Piperonyl butoxide, Technical 0.80%; N-octyl bicycloheptene dicarboximide 0.40%; Petroleum distillate 8.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 239–EUGN. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. OMITE 4 DUST. Active Ingredients: Propargite 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite 4.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7273–RUU. Crown Chemicals, 4995 N. Main St., Rockford IL 61101. CROWN HOUSE AND GARDEN DOUBLE ACTION BUG KILLER. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.350%; Related compounds 0.048%; Aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3160–UN. Davis Manufacturing Co., Inc., PO Box 7269, San Antonio TX 78265. ALGAECIDE CONCENTRATE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 5%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2337–IG. DeMert & Dougherty, Inc., 5000 W. 41st St., Chicago, IL 60650. DEMERT FOG–A–YARD OUTDOOR SPRAY WITH REPELLENT. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; 2-Hydroxyethyl n-octyl sulfide 0.950%; Related Compounds 0.050%; Aromatic Petroleum Solvent 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2337–IE. DeMert & Dougherty, Inc. DEMERT RAM. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2337–IR. DeMert & Dougherty, Inc. DEMERT FLYING INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2 - dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.011%; Aromatic petroleum hydrocarbons 0.271%; Petroleum distillate 19.333%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2337–IN. DeMert & Dougherty, Inc. DEMERT INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250%; Related compounds 0.034%; Aromatic petroleum hydrocarbons 0.332%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2337–TO. DeMert & Dougherty, Inc. DEMERT HOUSE & GARDEN INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.200%; Related compounds 0.015%; Aromatic petroleum hydrocarbons 0.265%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5736–UA. DuBois Chemicals, 3630 E. Kemper Rd., Sharonville OH 45241. BGC–3 GERMICIDAL SYNTHETIC CLEANER. Active Ingredients: Sodium Lauryl Ether Sulfate 9.00%; Sodium Ortho-Phenylphenate 8.90%; Sodium Ortho-Benzyl Para-Chlorophenate 8.29%; Isopropyl alcohol 7.50%; Sodium Para-Tertiary Amylphenate 2.05%; Sodium 4- and 6-Chloro-2-Phenylphenate 2.00%; Trisodium Ethylene Diamine Tetraacetic Acid 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13437–RR. DuCor Chemical Corp., PO Box 6086, Orlando FL 32803. DUCOR EDGE-R LIQUID GRASS EDGER NON-SELECTIVE. Active Ingredients: Ammonimum Sulfamate 19%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 904–EEI. P. G. Pratt Div., Gabriel Chemicals LTD., 204 21st Ave., Paterson NJ 07509. PRATT 14% DIAZINON GRANULAR. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 14.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2136–GN. J. L. Hoffman Co., Inc., 1415 Court St., Allentown PA 18102. HOFFMAN'S ACTIVATED PINE TYPE DISINFECTANT. Active Ingredients: Pine Oil 20.1%; Soap 9.3%; Ortho-benzyl-parp-chlorophenol 1.2%; Tetrasodium Ethylene Diamine Tetraacetate 0.25%; Isopropanol 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35090–R. Hoosier Solvents & Chemicals Corp., PO Box 283, New Haven IN 46774. HERCULES YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35090–G. Hoosier Solvents & Chemicals Corp. HERCULES YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35090–E. Hoosier Solvents & Chemical Corp. HERCULES HERCO PINE OIL. Active Ingredients: Pine Oil 99.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2393–ETE. Hopkins Agricultural Chemical Co., PO Box 584, Madison WI 53701. HOPKINS PARATHION. Active Ingredients: Parathion (O,O-diethyl O-P-nitrophenyl phosphorothioate) 80.2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32460–U. Hydrology Laborstories Inc., PO Box 714, Smithtown NY 11787. SWIM FREE BROAD SPECTRUM ALGAECIDE FOR SWIMMING POOLS SUPER STRENGTH. Active Ingredients: Poly [Oxyethylene(dimethyliminio)ethylene (dimethyliminio) ethylene dichloride] 60%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1239–GI. Industrial Chemical Lab., Inc., 1015 N. 14 St., Omaha NB 68102. BUFFERALL LIME AND TILE CLEANER SANITIZER DISINFECTANTS. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.105; n-Alkyl (68% C12, 32% C14) dimethyl ethyl benzyl ammonium chlorides 0.105%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 30943–RO. Lea Chemicals, Inc., PO Box 868, Marianna FL 32446. LEASAN DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34635–R. MacSan Co., PO Box 24454, San Jose CA 95154. DEER SCAT DEER REPELLENT. Active Ingredients: Felidae waste 5.0%; Polycyclic Musk (1,1, 4,4-tetramethyl-6-ethyl-7 acetyl 1-1,2,3,4, tetrahydronaphthaline) 0.05%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635–ENG. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 525. Active Ingredients: Pyrethrins 5%; Piperonyl butoxide technical 25%; Petroleum distillate 70%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3635–ENU. Oxford Chemicals, PO Box 80202, Atlanta GA 30341. OXFORD 3610. Active Ingredients: Pyrethrins 3%; Piperonyl butoxide, technical 6%; N-octyl bicycloheptene dicarboximide 10%; Petroleum distillate 81%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 13680–EN. Ozark Chemical Co., 413 S. 10th St., N. Little Rock AR 72118. VIRO-X DISINFECTANT. Active Ingredients: alpha-(p-Nonylphenyl)-omega-hydroxypoly (oxyethylene)-iodine complex 18.05%; Phosphoric Acid 15.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8773–RA. American Fertilizer & Chem. Co., a Subsidiary of Phillips Petroleum Co., PO Box 98, Henderson CO 80640. CHLORDANE 4–E AN AGRICULTURAL INSECTICIDE EMULSIFIABLE LIQUID. Active Ingredients: Xylene Range Aromatic Solvent 52.0%; Chlordane Technical 42.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8773–RL. American Fertilizer & Chem. Co., a Subsidiary of Phillips Petroleum Co., PO Box 98, Henderson CO 80640. METHYL PARATHION 4–E. Active Ingredients: O,O-dimethyl O-p-nitrophenyl thiophosphate 44.5%; Xylene Range Aromatic Hydrocarbon Solvent 48.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11561–E. Pressure Products Co., 519 S. George St., Charles Town WV 25414. INSECTICIDE SPECIAL FORMULA NO. G–1554. Active Ingredients: Pyrethrins 0.50%; Technical Piperonyl Butoxide 3.00%; Petroleum Distillates 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9779–EEN. Riverside Chemical Co., PO Box 171199, Memphis TN 38117. RIVERSIDE STAND 10G. Active Ingredients: 1,4-dichloro-2,5-dimethyloxybenzene 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9779–ERO. Riverside Chemical Co., PO Box 171199, Memphis TN 38117. RIVERSIDE STAND 10G-PLUS. Active Ingredients: 1,4-dichloro-2,5-dimethoxybenzene—7.5%; O,O-diethyl S-2-(ethylthio) ethyl phosphorodithioate 10.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 707–98. Rohm and Haas, Independence Mall West, Philadelphia PA 19105. KERB 50–W A SELECTIVE HERBICIDE. Active Ingredients: 3,5-dichloro-N-(1,1-dimethyl-2-propynyl)-benzamide 50.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35134–R. S.N.P.E., 12, Quai Henri IV, 75181 Paris Cedex 04, France, U.S. Agent: Stevens, Davis, Miller & Mosher, 1911 Jefferson Davis Hwy. Suite 600, Crystal Mall #1, Arlington VA 22202. DINOSEB. Active Ingredients: Dinoseb 2-sec-Butyl-4,6-dinitrophenol 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35134–E. S.N.P.E., 12, Quai Henri IV, 75181 Paris Cedex 04, France, U.S. Agent: Stevens, Davis, Miller & Mosher, 1911 Jefferson Davis Hwy. Suite 600, Crystal Mall #1, Arlington VA 22202. (DNOC). Active Ingredients: 4,6-Dinitro-O-cresol 92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11547–GL. Share Corp., PO Box 9, Brookfield WI 53005. SHARE CORP. HEAVY DUTY WEED AND BRUSH CONTROL. Active Ingredients: Isooctyl ester of 2,4-dichlorophenoxyacetic acid 34.7%; Isooctyl ester of 2,4,5-trichlorophenoxyacetic acid 33.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 201–GTI. Shell Chemical Co., Suite 200, 1025 Connecticut Ave., N.W., Washington DC 20036. ACCEL PLANT GROWTH REGULATOR. Active Ingredients: adenine, N-benzyl-9-(tetrahydro-2H-pyran-2-yl) 1.3%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 11849–ER. Silak Co., Inc., PO Box 173, Hospers IA 51238. SILAK SULPHURIZED OIL. Active Ingredients: Sulphur 0.20%; Mineral Oil 99.80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4000–AL. Southern Chemical Products Co., PO Box 205, Macon GA 31202. RESIDUAL ROACH KILLER. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl -3-(2-methylpropenyl)cyclopropanecarboxylate 0.350%; related compounds 0.048%; aromatic petroleum hydrocarbons 0.464%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6720–EUN. Southern Mill Creek Products Co., Inc., PO Box 1096, Tampa FL 33601. SMCP CHLORDANE/MALATHION TURF INSECTICIDE. Active Ingredients: Chlordane 35.0%; Malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) 18.0%; Aromatic petroleum derivative solvent 37.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11715–UN. Speer Products, Inc., PO Box 9383, Memphis TN 38109. SPEER FOOD PLANT PRESSURIZED INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.500%; related compounds 0.068%; aromatic petroleum hydrocarbons 0.664%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10687–U. Stanley Home Products, Inc., Industrial Div., Easthampton MA 01027. FORMULA 53 CLEANER DEODORIZER DISINFECTANT FUNGICIDE. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C18, 5% C12) dimethyl benzyl ammonium chlorides 2.26%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetrasodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9367–ER. Theochem Lab., Inc., PO Box 15367, TAMPA FL 33614. T–C 505 GERMICIDAL CLEANER. Active Ingredients: Isopropanol 3.0%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chlorides 2.5%; Essential oils 2.0%; O-Benzyl-p-chlorophenol 1.2%; Tetrasodium ethylenediaminetetraacetate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 226–EGO. Tobacco States Chemical Co., Inc., PO Box 479, Lexington KY 40501. TOBACCO STATES BRAND 4 LB. ALDRIN EMULSION FOR TERMITE CONTROL. Active Ingredients: Aldrin 41.22%; Aromatic Petroleum Solvent 54.78%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34910–R. Ulrich Chemical, Inc., 398 Division St., Indianapolis IN 46221. BLEACH CLEANER-DEODORIZER. Active Ingredients: Sodium Hypochlorite 12.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168–LNC. Wasatch Chemical Division, 1979 S. 7th West, Salt Lake City UT 84106. MORGRO HOUSE AND GARDEN INSECT SPRAY. Active Ingredients: Pyrethrins 0.2%; Piperonyl Butoxide, Technical 1.0%; Petroleum Distillate 0.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32965–G. Water Chemists, Inc., PO Box 228, Fairland IN 46126. MICROBIOCIDE M–316. Active Ingredients: Poly (oxyethylene (dimethyliminio) ethylene (dimethyliminio)-ethylene dichloride) 7.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32965–E. Water Chemists, Inc., PO Box 228, Fairland IN 46126. MICROBIOCIDE M–216. Active Ingredients: Poly (oxyethylene (dimethyliminio) ethylene (dimethyliminio)-ethylene dichloride) 15.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1270–RIT. Zep Manufacturing Co., 1310 Seaboard Industrial Blvd., NW., PO Box 2015, Atlanta GA 30301. ZEP G–12 GRANULAR WEED KILLER. Active Ingredients: Monuron Trichloroacetate 3-p-chlorophenyl)-1,1-dimethylurea trichloroacetate 5.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270–RII. Zep Manufacturing Co., 1310 Seaboard Industrial Blvd., N.W., PO Box 2015, Atlanta GA 30301. ZEPOPINE–8 PINE-TYPE DISINFECTANT-DEODORANT. Active Ingredients: Isopropyl Alcohol 15.9%; Pine Oil 8.2%; Potassium o-benzyl-p-chlorophenate 5.6%; Soap 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated November 5, 1974.

JOHN B. RITCH, JR.,
Director,
Registration Division.

[FR Doc.74–26403 Filed 11–12–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20099]

AMERICAN TELEPHONE AND TELEGRAPH CO., ET AL.

Offer of Facilities for Use by Other Common Carriers

In the matter of postponing comment dates (39 FR 35705).

1. In view of the substantial progress being made at the on-going settlement conferences in this proceeding and the expectation that agreement can be reached on most if not all the issues within the next few weeks, it would appear that a further postponement of the various procedural dates would be in the public interest.

2. Therefore, it is ordered, pursuant to delegated authority contained in § 0.303(c) of the Commission's rules, that the dates for filing comments, responses and replies are hereby postponed until further order of the Chief, Common Carrier Bureau.

Adopted: November 5, 1974.

Released: November 6, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief,
Common Carrier Bureau.

[FR Doc.74–26557 Filed 11–12–74;8:45 am]

[Docket Nos. 20216, 20217; File No. BPH–8709; BPH–8717]

BIG COUNTRY RADIO CO. AND BEE BROADCASTING, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of G. E. Lehmann, Gordon H. Monroe and Ashley T. Joyner, d/b/a Big Country Radio Co., Beeville, Texas, requests: 104.9 MHz; Channel No. 285; 3 kW(H&V); 300 feet. Bee Broadcasting, Inc., Beeville, Texas, requests: 104.9 MHz; Channel No. 285; 3 kW (H&V); 300 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications, which are mutually exclusive in that they seek the same channel in Beeville, Texas.

2. Big Country Radio Co. [Big Country] will require a total of $121,864 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Down payment of equipment	$9,050
12 months' principal payments on equipment	9,050
12 months' interest payments on principal balance at 7 percent	1,901
Land	1,563
Buildings	5,000
Loan curtailments	18,000
Loan interest at 12 percent	10,800
Miscellaneous	6,500
Working capital	60,000
Total	121,864

To meet this requirement Big Country relies on a bank loan of $90,000 and existing capital of $5,082. Big Country also has $4,918 of prepaid expenses. Thus, if all funds are available, the total will be $100,000, or $21,864 less than required. Accordingly, a financial issue will be specified.

3. Big Country fails to indicate the dates on which its ascertainment of the needs and problems of its community was accomplished. Further, the individual who interviewed the representatives of the agricultural/ranching group is not identified, and therefore the validity of these contacts has not been established. In light of the requirements of questions and answers 11(a), 13(a) and 15 of the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650 (1971), and the Commission's recent decision in Voice of Dixie, Inc., 45 FCC 2d 1027 (1974), an appropriate issue will be included.

4. Bee Broadcasting, Inc. [BBI], will require a total of $57,990 to construct and operate the proposed facility for a period of one year, without revenue, itemized as follows:

Downpayment on equipment	$38,400
Loan curtailments and interest	8,590
Miscellaneous	3,000
Working capital	8,000
Total	57,990

To meet this requirement BBI relies on a $48,000 bank loan, profits of $5,195 from existing operations, $6,037 of existing capital, and a $12,000 loan from one of its principals. BBI has established the availability of the bank loan and the profits from its other operations. However, its balance sheet indicates available capital of only $751. Further, the balance sheet of the proposed creditor reveals insufficient liquid assets in excess of current liabilities to support a $12,000 loan. Thus, no funds are available from this source. The applicant therefore has shown available funds of $53,946 to meet a $57,990 requirement. Finally, the applicant has failed to show the source of its equipment at the price indicated, as required by section III, paragraph 4, of FCC Form 301. In light of all of the above, a financial issue will be specified.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the application of Big Country Radio Company:

a. The source of additional funds to construct and operate as proposed for one year without revenue;

b. Whether, in light of the evidence adduced pursuant to (a) above, the applicant is financially qualified.

2. To determine the efforts made by Big Country Radio to ascertain the community problems of the area to be served and the means by which the applicant proposes to meet those problems.

3. To determine with respect to the application of Bee Broadcasting, Inc.:

a. The source of additional funds to construct and operate as proposed for one year without revenue;

b. Whether the cost figures supplied by the applicant are consistent with those offered by the equipment manufacturer;

c. Whether, in light of the evidence adduced pursuant to (a) and (b), above the applicant is financially qualified to construct and operate as proposed.

4. To determine which of the proposals would, on a comparative basis, better serve the public interest.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

7. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

8. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission or the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 5, 1974.

Released: November 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–26558 Filed 11–12–74;8:45 am]

[Docket No. 20218; FCC 74–1178]

SERVICE ELECTRIC CABLE TV, INC., ET AL.

In the matter of Service Electric Cable TV, Inc., tr/as Mountain City TV Co. Hazleton, Pennsylvania, Service Electric Cable TV, Inc., tr/as Teleservice of Wyoming Valley Wilkes-Barre, Pennsylvania, Service Electric Cable TV, Inc. Mahanoy City, Pennsylvania, Service Electric Cable TV, Inc. Allentown and Bethlehem, Pennsylvania, Walson Cable TV, Inc., tr/as Jepko Community System Mt. Carmel, Pennsylvania, Kar-Mel CATV Systems, Inc. Mt. Carmel, Pennsylvania, Ashland Video Co. Ashland, Pennsylvania, Municipal TV Corporation Bloomsburg, Pennsylvania, Pioneer Cable TV, Inc. Gordon, Ringtown and Union Township, Pennsylvania, BKP TV Systems, Inc. Sunbury and Northumberland, Pennsylvania.

Memorandum Opinion and Order Instituting a Hearing

1. On January 4, 1973 and on June 14, 1973, Service Electric Cable TV, Inc. tr/as Teleservice of Wyoming Valley filed applications for certificates of compliance with the Commission to commence cable television service in six communities in Luzerne County, Pennsylvania. These applications were the subject of oppositions filed by WBRE–TV, Inc., licensee of WBRE–TV, Wilkes-Barre, Pennsylvania, by Scranton Broadcasters, Inc., licensee of WDAU–TV, Scranton, Pennsylvania, and by Taft Broadcasting Company, licensee of WNEP–TV, Scranton, Pennsylvania, which asserted that the Commission should withhold certificates of compliance pending a determination that the above-captioned Service Electric et al. cable systems, owned and operated by John Walson, are in full compliance with applicable Commission Rules. By Commission decisions in Service Electric Cable TV, Inc., FCC 74–1176, ____ FCC 2d ____ (released November 6, 1974), and FCC 74–1177 FCC 2d ____ (released November 6, 1974), we stated that the appropriate remedy concerning the alleged violations was to institute an evidentiary hearing pursuant to Section 403 of the Communications Act of

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1934, as amended.[1] Accordingly, we are now setting for hearing the allegations herein.

2. In objections originally filed in a "Joint Petition to Deny Microwave Renewal Applications" on May 5, 1971,[2] Stations WBRE–TV, WDAU–TV, and WNEP–TV asserted numerous violations of Commission Rules by Service Electric and other John Walson-owned cable systems which may be classified in the following categories: (a) Allegations that the carriage of certain distant television signals on several Service Electric and other John Walson-owned cable systems is in violation of the Commission's signal carriage rules; (b) allegations of expansion of service by Service Electric-owned systems into non-grandfathered communities, without having sent requisite notices, pursuant to former Sections 74.1105 and 74.1107 of the Commission's rules, or without receiving a certificate of compliance pursuant to § 76.11 of the rules; (c) allegations of violations of former § 74.1103 of the rules relating to program exclusivity protection and single-channel carriage by Service Electric-owned systems; (d) allegations of violations of Commission orders by Service Electric and other John Walson-owned systems pertaining to (a), (b), and (c) above. To these allegations, Service Electric replied. However, on May 10, 1974, Station WDAU–TV updated its list of continued violations of Commission Rules by Service Electric and other John Walson-owned systems with the filing of a "Supplement to Petition to Deny Microwave Renewal Applications and Supplement to Objections to Applications for Certificates of Compliance." Similarly, Station WBRE–TV listed subsequent violations of Commission Rules by Service Electric in an "Opposition of WBRE–TV, Inc. to Petition for Expedited Action," which requested, as did Station WDAU–TV, an extensive examination by the Commission into Service Electric's and John Walson's cable operations. Service Electric filed a reply to the opposition of WBRE–TV. We shall now proceed with the discussion of the specific claims made by the Stations.

A. Illegal Signal Carriage and Illegal Expansion by John Walson-Owned Systems

3. The Stations claim that Ashland Video Co. serving the communities of Ashland, Centralia, Fountain Springs and Locust Dale, Pennsylvania, commenced carriage of the signals of WOR–TV, WPIX, and WNEW–TV, New York, New York without having sent requisite notices pursuant to former § 74.1105 of the Commission's rules and without obtaining a waiver of the requirements of former § 74.1107 of the rules. In addition, Station WDAU–TV claims that Ashland Video Co. has expanded cable service into the communities of Barry Township, Butler Township, Conyngham Township and East Cameron without having complied with the notice provisions of former § 74.1105 and without obtaining certificates of compliance pursuant to § 76.11 of the rules.

4. Municipal TV Corporation serving the communities of Bloomsburg, Almedia, Catawissa, Espy, Lightstreet, Lime Ridge, Rupert and Sunken Hills, Pennsylvania, commenced carriage of WPHL–TV, WKBS–TV, both Philadelphia, Pennsylvania, and carriage of WOR–TV, WPIX, both New York, New York, without notice being sent pursuant to former § 74.1105 and contrary to the provisions of former § 74.1107(a) of the rules, according to the Stations. Moreover, Station WDAU–TV claims that the distant signals of WNEW–TV, WCBS–TV, WABC–TV, New York, New York and WLYH–TV, WTAF–TV, Philadelphia, Pennsylvania, have since been added to Municipal TV Corporation's cable operations without its following the requirements of former §§ 74.1105 and 74.1107 of the rules and without obtaining certification pursuant to § 76.13 of the rules. In addition, it alleges that the list of communities served by Municipal TV Corporation now includes the communities of South Centre Township, Montour Township, Hemlock, Orange Township, Franklin Township, Catawissa Township and Scott Township, Pennsylvania, without the requisite notices sent pursuant to former § 74.1105 of the rules.

5. The Stations allege that Service Electric Cable TV, Inc. systems serving Mahanoy City, and Wilkes-Barre, Pennsylvania, carried the television signal of WABC–TV, New York, New York on November 23, 1970, without first complying with the provisions of former §§ 74.1105 and 74.1107, in order to show an NFL football game between the New York Giants and Philadelphia Eagles which was not carried by the local television stations within the "blackout area." In addition to the carriage of the WABC–TV signal, Station WDAU–TV claims that Service Electric's Mahanoy City system has added the television signals of WCBS–TV, WLYH–TV, and WNBG–TV, Binghamton, New York, without complying with the requirements of former §§ 74.1105 and 74.1107 of the rules and without obtaining certification for these signals under the revised rules. Furthermore, Station WDAU–TV asserts that Service Electric's Mahanoy City system has expanded into the communities of Mahanoy Township, West Penn, New Ringgold, Walker Township and East Brunswick, Pennsylvania, without having provided notification pursuant to former § 74.1105 of the rules. In addition, Station WBRE–TV asserts that the Service Electric Wilkes-Barre system has added the signals of WABC–TV, WNBG–TV and WLVT without Commission authorization.

6. Station WDAU–TV claims that Service Electric Cable, Inc. serving Hazleton, Pennsylvania, is carrying the signals of WCAU–TV, Philadelphia, Pennsylvania, WLVT–TV, Allentown, Pennsylvania, WHYY–TV, Wilmington, Delaware and WNBG–TV, Binghamton, New York, in addition to the signals of KWY–TV and WLYH–TV, both Philadelphia, Pennsylvania, without having complied with the requirements of former §§ 74.1105 and 74.1107 of the rules. Further, it is claimed by Station WDAU–TV that Service Electric Cable TV, Inc. has expanded service to the communities of Freeland, McAdoo, Kline Township, Rush Township, Banks Township, East Union Township, Pennsylvania, without providing notice pursuant to former § 74.1105, without obtaining a waiver of former § 74.1107 and without obtaining certification for these new communities pursuant to § 76.13 of the rules.

7. Station WDAU–TV claims that Pioneer Cable TV, Inc. serving the communities of Gordontown, Ringtown, and Union Township, Pennsylvania, commenced signal carriage of WPIX, WCBS–TV, WNEW–TV, WOR–TV, WABC–TV, New York, New York, WCAU–TV, WPVI–TV, KYW–TV, Philadelphia, Pennsylvania and WBNG–TV, Binghamton, New York without complying with the procedures of former § 74.1107 of the rules or before obtaining certification pursuant to § 76.11 of the rules.

8. BKP TV Systems, Inc. serving the communities of Sunbury and Northumberland, Pennsylvania, has commenced carriage of the New York signals abovementioned in paragraph 7 without complying with former § 74.1107 of the rules, according to Station WDAU–TV. On June 22, 1967, BKP TV Systems, Inc. did file a request for waiver of former § 74.1107 but on November 5, 1973, this waiver request was dismissed, states Station WDAU–TV. Moreover, Station WDAU–TV indicates that BKP TV Systems, Inc. has illegally expanded into the communities of Penn Township, Monroe Township, Rockefeller Township, Upper Augusta, Shamokin Dam and Point Township, Pennsylvania. It is similarly alleged that Municipal TV Corporation serving the communities of Selinsgrove, Shamokin Dam and Hummels Wharf added the same New York signals without notice pursuant to former § 74.1105, without waiver pursuant to former § 74.1107, and without certification pursuant to § 76.13 of the rules. Furthermore, WDAU–TV alleges, two other Service Electric and John Walson-owned cable companies, Walson CATV System, Inc. tr/as Jepko Community System and Kar-mel CATV Systems, Inc. have illegally added these same New York signals on their systems. In addition, it is alleged that these companies, initially serving Mt. Carmel, have expanded into the communities of Mt. Carmel Township, Kulpmont, and Marion Heights, Pennsylvania, without complying with the requirements of the Commission's Rules.

B. Program Exclusivity and Single Channel Carriage Violations

9. Stations WBRE–TV, WDAU–TV and WNEP–TV claim that the Service Electric-owned systems at Hazleton, Wilkes-Barre, and Mahanoy City, Pennsylvania, have afforded single-channel carriage and non-duplication (program exclusivity) protection pursuant to former §§ 74.1103 (d) and (f) (now §§ 76.55 and 76.93) of the rules with no consistency or reliability, as evidenced by affidavits of the Stations' employees who monitored the cable systems during a typical week, chosen at random, in September, 1971. In addition, Station WDAU–TV asserts that a systematic monitoring of the Service Electric Wilkes-Barre system, serving Kingston, Pennsylvania, for a period of January 12, 1974 through March 24, 1974, indicates the defiance and disregard of the Commission's rules by Service Electric in failing to comply with carriage and exclusivity requirements. The Stations also claim that Kar-Mel CATV Systems, Inc. and Walson CATV Systems, Inc., previously mentioned, have failed to provide program exclusivity protection as required by former § 74.1103 (now § 76.93) of the rules. The Stations further claim that Service Electric Cable TV, Inc., serving the Allentown and Bethlehem, Pennsylvania area have failed to comply with the provisions of former §§ 74.1103 (d) and (f) (now §§ 76.55 and 76.93) of the rules.[3] The Stations also assert that Ashland Video Co., previously mentioned, has failed to accord single-channel carriage on its systems in violation of former § 74.1103 (now § 76.55) of the rules.

C. Allegations of Violations of Commission Orders

10. The Stations assert that Service Electric's alleged violations on the Mahanoy City and Wilkes-Barre systems in failing to provide program exclusivity protection and single-channel carriage is, additionally, inconsistent with the Commission's decision in Service Electric Co., 12 FCC 2d 925 (1968), which directed Service Electric to comply with the requirements of former § 74.1103 on its cable systems at Hazleton, Wilkes-Barre, Mahanoy City, Prackville, Girardville, St. Clair and Tamaqua, Pennsylvania. In that case, Service Electric had requested a waiver of the requirements of former § 74.1103 for a period of two years to enable the conversion of its low-band systems to a twelve-channel capacity. Since the requested waiver period expired and no further requests were made by Service Electric, the waiver requests were dismissed as moot and Service Electric was directed to comply forthwith.

11. The Stations also assert that the Kar-Mel Cable Systems, Inc. and Jepko Community System have failed to comply with the Commission's order in Kar-Mel CATV Systems, Inc., 24 FCC 2d 197 (1970), which directed these cable systems to comply with the program exclusivity provisions of former § 74.1103 of the rules by August 7, 1970. The Stations point out that subsequent to that decision, an agreement was reached between the Stations and John Walson's Counsel whereby in return for an additional two-week extension of time to comply with the order, the system would provide both single-channel carriage and exclusivity protection. However, it is alleged on August 21, 1970, this commitment on John Walson's part was repudiated. It is further asserted that although John Walson states that the systems are complying with the requests of Station WNEP–TV and WBRE–TV, they are not complying on a consistent basis.

12. Similarly, the Stations claim that Ashland Video Co. has failed to accord single-channel carriage which is in violation of the Commission's order in Shen-Heights TV Association, 11 FCC 2d 814 (1968), which directed Ashland Video Co. to comply with § 74.1102 (a) and (f) of the rules upon proper request and notification from Station WBRE–TV and WNEP–TV.

13. Carriage of the signals of WCAU–TV, WHYY–TV, WLVT–TV, and WNBF on the Service Electric Cable TV, Inc. system at Hazleton is contrary to the Commission's decision in Service Electric Cable TV, Inc., 23 FCC 2d 468 (1970) which ordered that these signals be dropped, according to Stations WBRE–TV and WDAU–TV. Similarly, it is alleged carriage of the signal of WLVT–TV on Service Electric's system at Wilkes-Barre is in violation of the Commission's order in Service Electrc Cable TV, Inc., 23 FCC 2d 468 (1970).

14. To the various allegations raised, Service Electric states that the television stations have been unwilling to extend reasonable cooperation toward Service Electric's efforts to comply with the Commission's rules but rather are intent in harassing the cable operations of John Walson and Service Electric. For example, Service Electric states that on February 6, 1971, Station WBRE–TV made a request for program exclusivity protection on the Sunbury and Selinsgrove cable systems. Twelve days later, before any attempt was made to contact the systems to determine if, in fact, any steps were taken to comply with this request, Station WBRE–TV filed with the Commission a "Request for Issuance of Cease and Desist Order" directed against these systems. On the very day of this filing, Service Electric, on its own initiative, informed Station WBRE–TV that it would comply with its request and within twenty-one days, it complied. Thus, such allegations concerning program exclusivity violations are untrue and unsubstantiated, according to Service Electric, which maintains that it has accorded the Stations, when required, with carriage and exclusivity protection. Furthermore, Service Electric states that it is ludicrous to suppose that it would "secure two million dollars to convert the systems" from low-band to a twelve-channel capacity and "spend thousands upon thousands of dollars on carriage and non-duplication equipment and personnel, and then deliberately or negligently fail to provide the carriage and program exclusivity." Service Electric further states that "the state of the art is such that non-duplication cannot be provided with absolute precision" and that occasional malfunctions of switching equipment are not violations of the rules especially when considering the "very technical and complex switching arrangement" involved. In addition, Service Electric alleges that occasional or inadequate notification from the stations or a change in program times not brought to the attention of the cable systems have contributed to the difficult task of the cable systems. This surely is not a basis upon which the Stations should request action by the Commission against the cable systems, according to Service Electric. With respect to the Stations' assertions of illegal signal carriage and illegal expansion, it characterizes such charges as "simply wild accusations with no basis in fact". Specifically, in reply to the illegal carriage of signals on the Ashland and Bloomsburg cable systems, it asserts that the previous owners had informed John Walson that carriage of the reputed illegal signals commenced prior to February 15, 1966, and that the cable systems were merely upgrading a service which was grandfathered. Thus, it is claimed this is but one example which refutes the insinuations of the Stations that John Walson engages in wilful and deliberate violations of the Commission's Rules. Further, Service Electric disputes the Stations' claims that its Mahanoy and Wilkes-Barre systems illegally carried the signal of WABC–TV which broadcasted the Eagles-Giants NFL game in the "blacked-out" area on November 23, 1970. It claims that this signal had been carried for years on an occasional basis on these two cable systems which John Walson alleges is supported by notations in the microwave records kept by the system. In addition, it claims that many of the allegations are merely general statements by the Stations predicated on alleged inconsistencies between various FCC Forms 325 submitted by

[1] Section 403 of the Communications Act of 1934, as amended, provides:

The Commission shall have full authority and power at any time to institute an inquiry, on its own motion, in any case and as to any matter or thing concerning which complaint is authorized to be made, to or before the Commission by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Commission shall have the same powers and authority to proceed with any inquiry instituted on its own motion as though it had been appealed to by complaint or petition under any of the provisions of this Act, including the power to make and enforce any order or orders in the case, or relating to the matter or thing concerning which the inquiry is had, excepting orders for the payment of money.

[2] Taft Broadcasting Company, licensee of Station WNEP–TV, Scranton, Pennsylvania, joined with Stations WBRE–TV and WDAU–TV in that petition directed against a grant of applications filed by Service Electric and Penn Service Microwave Company for renewal of point-to-pont microwave radio stations (File Nos. 2316–C1–R–71; 95–C1–R–71; 1856–C1–R–71; 96–C1–R–71; 97–C1–R–71; and 3629–C1–R–71).

[3] In Service Electric Cable TV, Inc. 44 FCC 2d 455 (1973), the Commission directed the Service Electric systems serving Allentown and Bethlehem to comply with the full time carriage provisions of Section 76.57(a)(1) of the Rules. The program exclusivity request by Station WBRE–TV was withdrawn. Hence, this matter will not be considered further.

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Service Electric and other John Walson-owned systems. However, a closer examination of the facts would reveal that the FCC Forms 325 are in fact not inconsistent and no rule violations have taken place. Further, many of the allegations of violations by its cable systems have already been acted upon by the Commission while still others relating to carriage and non-duplication protection are based upon alleged events over three years old which no longer obtain. Finally, Service Electric reiterates its belief that its operations comply with the rules but, nonetheless, "[I]f the administrative resolution of those charges by the Commission is adverse to Service Electric, it will alter its system operations to comply with those determinations as soon as possible."

15. It is clear from the above allegations that there are many serious questions concerning the compliance of John Walson's systems with the Commission's rules and orders. In view of the foregoing, we believe that the public interest would most be served by an evidentiary hearing at which all these allegations will be examined. At this hearing, the burden of going forward with the production of evidence will be on the broadcasters to substantiate their allegations. Action on the microwave renewal application referred to in footnote 2 above (File Nos. 2316–C1–R–71; 95–C1–R–71; 1856–C1–R–71; 96–C1–R–71; 97–C1–R–71; and 3629–C1–R–71) will be withheld pending the findings in the hearing, which findings will be used to evaluate the renewal applications. The Trial Staffs of the Common Carrier Bureau and Cable Television Bureau will be made parties to the proceedings.[4]

Accordingly, it is ordered, That pursuant to section 403 of the Communications Act of 1934, as amended, John Walson, Service Electric Cable TV, Inc., Scranton Broadcasters, Inc., Taft Broadcasting Company, and WBRE–TV, Inc., are directed to appear and give evidence with respect to the matters described above at a hearing to be held at Washington, D.C. at a time and place before an Administrative Law Judge to be specified by subsequent Order.

It is further ordered, That separated trial staffs from the Common Carrier Bureau and the Cable Television Bureau will participate in this proceeding and that these staffs will be separated from the Commission, the presiding Administrative Law Judge, the Office of the General Counsel, and the Chief, Deputy Chief, and all Division Chiefs of the Common Carrier Bureau and the Cable Television Bureau, but are unrestricted in their access to all other Commission personnel.

It is further ordered, That the Secretary of the Commission shall send copies of this Order by Certified Mail to John Walson, Service Electric Cable TV, Inc., Scranton Broadcasters, Inc., Taft Broadcasting Company, and WBRE–TV, Inc.

Adopted: October 31, 1974.

Released: November 6, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–26556 Filed 11–12–74;8:45 am]

[4] As parties, the trial staffs of the respective bureaus are not to be considered decision-making personnel.

FEDERAL MARITIME COMMISSION

[Docket No. 555]

PRACTICES, ETC., OF SAN FRANCISCO BAY AREA TERMINALS

Filing of Petition for Partial Modification of Order

On November 7, 1974, Encinal Terminals (Encinal), a respondent in Practices, Etc. of San Francisco Bay Area Terminals, Docket 555, 2 USMC 588, 709, petitioned the Commission for an order modifying the order in Docket 555 to permit 30 days' free time allowance on imported crude rubber discharged at petitioner's terminal (or at the terminals of any of the respondents in Docket 555) destined for OCP territory.

The order in Docket 555, issued September 11, 1941, as modified June 15, 1944, inter alia, set a maximum 7-day free time period on inbound foreign commerce.

Encinal's petition alleges that the limitation of free time places Encinal and the other respondents in Docket 555 in an impossible competitive position with respect to terminals which were not named as respondents in Docket 555. Specific reference is made to the Port of Tacoma which allows 30 days' free time on "Rubber, natural or synthetic." (Tacoma Terminal Tariff No. 5, FMC No. 3, Item 269).

Encinal's petition also contends that "a number of factual distinctions in the receipt and delivery" of imported crude rubber at marine terminals "justify the greater allowance of free time for crude rubber."

Additionally, Encinal asserts that "its participation in any of the import rubber business now or in the future is dependent upon Encinal now being able to promptly amend its tariff to match Tacoma's free time." Furthermore, Encinal alleges that the establishment of a new alternative service from Southeast Asia to California is dependent upon crude rubber shipments since this item is a major commodity in support of that service.

Interested parties may inspect and obtain a copy of the petition at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the petition at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on the petition, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before November 29, 1974. Any persons desiring a hearing on the proposed modification shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to Edward D. Ransom, Esq., Lillick, McHose, Wheat, Adams & Charles, 311 California St., San Francisco, California, 94104, and the statement should indicate that this has been done.

By Order of the Federal Maritime Commission.

Dated: November 8, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–26589 Filed 11–12–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E–9040]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Filing of Supplemental Data and Petition for Waiver of Notice Requirements

NOVEMBER 6, 1974.

Take notice that on October 30, 1974 Central Vermont Public Service Corp. (Central Vermont) tendered supplemental data intended to make complete its original filing of September 27, 1974 in the above docket. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Central Vermont requests that the thirty day notice requirement under section 205(d) of the Federal Power Act be waived in light of the fact that its September 27, 1974 filing was in substantial compliance with the Commission's regulations, and none of its customers will be adversely affected thereby. The requested effective date therefore remains October 31, 1974.

Central Vermont indicates that it has mailed copies of the subject supplemental data to all parties on the official service list in the above-mentioned docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26509 Filed 11–12–74;8:45 am]

[Docket No. CP75–79]

COLORADO INTERSTATE GAS CO.

Amendment to Application

NOVEMBER 5, 1974.

Take notice that on October 22, 1974, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP75–79 an amendment to its application filed in said docket pursuant to section 7(c) of the Natural Gas Act by requesting, in addition to its request in the original application for authorization to increase peak-day jurisdictional sales, authority to revise annual natural gas sales, all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

In the original application, notice of which was published in the FEDERAL REGISTER on September 23, 1974 (39 FR 34107), Applicant requested authority to increase transmission system peak-day jurisdictional sales by 22,000 Mcf per day beginning January 1, 1975. Applicant proposes to reduce firm entitlements of two of its nonjurisdictional customers and reallocate said volumes on a pro rata basis to certain jurisdictional customers who have indicated a need for additional peak-day volumes.

By the instant amendment, Applicant proposes to increase annual volume sales to its customers, for the period October 1, 1974, to September 30, 1975, generally supplying additional volumes to customers with noncurtailable requirements at the expense of those customers with curtailable requirements. Applicant states that the proposed changes in annual sales volumes include a net increase of 4,114,000 Mcf for transmission system jurisdictional customers, a decrease of 4,343,000 Mcf for nonjurisdictional transmission system customers, and an increase of 228,000 Mcf in jurisdictional field system sales to Northern Natural Gas Company. This entire reallocation, according to Applicant, will not result in any change in total annual transmission system volumes. Applicant further states that it will increase nonjurisdictional field sales and special sales made under initial rate schedules by an estimated 411,000 Mcf, supported from existing supply sources. Applicant proposes no new facilities to implement the revisions requested herein.

According to the application, annual jurisdictional sales will increase by the following volumes:

Customer:	Volume (Mcf)
City of Colorado Springs, Colo.	725,000
City of Fort Morgan, Colo.	104,000
City of Trinidad, Colo.	96,000
City of Walsenburg, Colo.	35,000
Eastern Colorado Utility Co.	38,000
Northern Natural Gas Co.	591,000
Public Service Co. of Colorado.	3,607,000
Raton Natural Gas Co.	73,000
Town of Keyes, Okla.	3,000
Total	5,272,000

Decreases in volumes delivered to jurisdictional customers will be as follows:

Customer:	Volume (Mcf)
Cheyenne Light, Fuel & Power Co.	66,000
Citizens Utilities Co.	72,000
Greeley Gas Co.	337,000
Western Gas Interstate Corp.	71,000
Western Slope Gas Co.	612,000
Total	1,158,000

No change will result in the annual jurisdictional sales volumes to the following customers of Applicant, as a result of the instant proposal:

Kansas-Nebraska Natural Gas Company, Inc.
Mountain Fuel Supply Company
Natural Gas Pipeline Company of America
Northern Gas Company

Applicant states that, as a result of the instant proposals, its net annual revenues will decrease by $228,048.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before November 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have already filed to intervene in the instant docket need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26507 Filed 11–12–74;8:45 am]

[Docket No. RP72–134, PGA 75–4]

EASTERN SHORE NATURAL GAS CO.

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 6, 1974.

Take notice that Eastern Shore Natural Gas Company (Eastern Shore) October 30, 1974, tendered for filing Third Substitute Ninth Revised Sheet No. 3A and Third Substitute Ninth Revised PGA–1 to its FPC Gas Tariff, Original Volume No. 1 to become effective October 1, 1974. The proposed changes modify the increase heretofore filed effective as of the same date and would increase annual revenues from jurisdictional sales and service by approximately $16,148 (instead of $23,148 resulting from the filing hereby superseded) based on sales for the 12-month period ending September 30, 1974.

Pursuant to the Purchased Gas Adjustment Clause contained in its tariff Eastern Shore proposes to increase the commodity or delivery charges in its rate schedules CD–1, CD–E, G–1, PS–1, E–1 and I by 0.6c per Mcf equivalent to the increases in the similar rates of its sole supplier, Transcontinental Gas Pipe Line Corporation, as contained in the latter's filing in Docket No. RP73–3 dated October 11, 1974. Eastern Shore requests waiver of the notice of requirements of § 154.22 of the regulations under the Natural Gas Act and § 20.2 of the General Terms and Conditions of its Tariff, the extent necessary, to permit the proposed tariff sheets to become effective as of October 1, 1974, coincident with the proposed effective date of Transcontinental's rate changes.

Copies of the filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such Petitions or Protests should be filed on or before November 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–26511 Filed 11–12–74;8:45 am]

[Docket No. CP75–96]

EL PASO ALASKA CO.

Notice of Application

NOVEMBER 1, 1974.

Take notice that on September 24, 1974, El Paso Alaska Co. (El Paso Alaska), P.O. Box 1492, El Paso, Texas 79978, filed an application in Docket No. CP75–96 pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline and liquefaction facilities in the State of Alaska, and the transportation of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

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The application states that El Paso Alaska, a wholly-owned subsidiary of El Paso Natural Gas Company (El Paso Natural),[1] proposes a project, the Trans-Alaska gas project, designed to make Alaskan gas available to markets in the State of Alaska and in the lower 48 states. El Paso Alaska's Trans-Alaska project contemplates the movement of such quantities of Alaskan gas from the Prudhoe Bay area by pipeline to Gravina Point, Alaska, where the gas will be liquefied, and the resultant liquefied natural gas (LNG) loaded onto LNG carrier vessels for transportation to Point Conception, California, where it will be offloaded, stored and regasified utilizing facilities to be constructed and operated by Western LNG Terminal Company (Western Terminal), a wholly-owned subsidiary of Pacific Lighting Corporation. Following regasification, El Paso Alaska states, the Alaskan gas will be transported and delivered, either directly or through displacement, to market areas in the lower 48 states, primarily by utilizing existing natural gas pipeline systems.

El Paso Alaska's estimate of in-place gas reserves in the Prudhoe Bay area of Alaska's North Slope is 35,000 billion Mcf of which in excess of 29,000 billion Mcf are recoverable. El Paso Alaska's production forecast for such reserves shows a 10-year gradual build-up to approximately 4,000,000 Mcf of gas per day which level should be maintained for approximately 14 years with declining volumes thereafter. El Paso Alaska notes, however, that 12.15 percent of the total energy contained in the natural gas it shall receive at Prudhoe Bay will be consumed in the liquefaction and transportation of such gas to the California coast. El Paso Alaska points out that apart from the Prudhoe Bay area, significant potential exists in northern Alaska for development for additional gas reserves.

Specifically, El Paso Alaska seeks certification for:

(i) The construction and operation of the Alaskan Gas Pipeline System;

(ii) The construction and operation of the Alaskan LNG plant; and

(iii) The transportation of natural gas to points of delivery in Alaska and to the outlet of the Alaskan LNG plant.

However, El Paso Alaska notes that specific authorization is not sought herein for the LNG carrier fleet,[2] nonjurisdictional terminaling facilities, or those facilities which fall within the purview of § 2.55(a) of the Commission's general policy and interpretations (18 CFR 2.55(a)).

El Paso Alaska proposes to transport such reserves by means of a buried (except in minor areas) 42-inch O.D. pipeline which will extend southerly from Prudhoe Bay a distance of 809 miles to a point of termination near Gravina Point on Prince William Sound, Alaska. El Paso Alaska states that the proposed pipeline system will be designed to use high pressure, refrigerated gas to increase the flow rate and mitigate permafrost degradation.[3] El Paso Alaska states further that the pipeline system will include twelve compressor stations (having an aggregate of 561,600 gas compression horsepower) and appurtenant facilities and will be able to receive up to 3,500,000 Mcf of gas daily from the Prudhoe Bay area and deliver up to 3,375,000 Mcf daily to the proposed LNG plant at Gravina Point. El Paso Alaska claims that said pipeline along with the proposed LNG plant, marine terminal and LNG carrier fleet can be expanded, through the addition of incremental facilities in each project component, to transport volumes above the full design level in the event substantial additional Alaskan gas reserves are developed.

El Paso Alaska proposes to construct the pipeline system within the Utility Corridor designated by the U.S. Secretary of the Interior,[4] (except for the southernmost forty-mile segment and minor deviations) and generally parallel to the Alyeska oil pipeline now under construction. El Paso Alaska claims that by using the Alyeska oil pipeline corridor and by utilizing the construction aids developed for that project, El Paso Alaska will avoid proliferation of rights-of-way and duplication of construction effort.

El Paso Alaska intends to contract with Prudhoe Bay area producers and with gas purchasers to transport gas to markets in Alaska or the lower 48 states by means of said pipeline. El Paso Alaska states that such transportation will be rendered on a cost-of-service basis. In addition, El Paso Alaska intends to deliver, directly or through affiliates, for the State of Alaska its royalty share and to purchase such royalty share which is surplus to the needs of the State of Alaska.

El Paso Alaska further proposes to construct an LNG plant, to be located on the southeastern shore of the Gravina Peninsula, which will be composed of four operational sections:

(1) Gas treating to remove carbon dioxide,

(2) Dehydration to remove water vapor,

(3) Refrigeration and compression to condense the gas to a liquid form, and

(4) LNG product storage[5] and handling to accumulate and transfer the LNG product to carriers.

The proposed LNG plant will include eight process trains which will treat, dehydrate, and liquefy the natural gas at a rate of up to 3,030,000 Mcf per day of LNG equivalent loaded onboard the LNG carrier vessels.

El Paso Alaska also intends to construct, in Orca Bay adjacent to the proposed LNG plant, marine terminal facilities for loading and servicing two LNG carrier vessels simultaneously. El Paso Alaska states that major terminal components include a trestle, two berths, and a small boat harbor. El Paso Alaska states that the proposed liquefaction and terminaling service will be rendered on a cost-of-service basis.

To transport the Alaskan gas from Gravina Point to Point Conception, California, and the lower 48 states market, El Paso Alaska proposes to contract with an affiliate to provide ocean shipping by means of an LNG carrier fleet at cost-based prices. El Paso Alaska states that it has determined that the most desirable fleet design for such gas transportation is eleven 165,000 cubic meter cargo tankers, with each ship capable of completing the 3,804 nautical mile round-trip in 11½ days. El Paso Alaska states that the fleet will deliver an average daily rate equivalent to 2,809,000 Mcf of natural gas and with each ship operating 330 days per year the fleet will transport 308 shiploads annually.[6]

In implementing the LNG importation of El Paso Alaska's Trans-Alaska gas project, El Paso Alaska has contracted with Western Terminal for the terminaling, offloading, storage, regasification, and downstream transportation service of the Alaskan gas. El Paso Alaska states that Western Terminal has agreed, by letter dated September 19, 1974, to provide said services at its proposed Point Conception terminal on a cost-of-service basis.[7]

El Paso Alaska states that the final link of the Trans-Alaska gas project is comprised of El Paso Natural's interstate transmission system which extends from the Arizona-California boundary easterly a distance of some 765 miles to head compressor stations connecting field transmission pipelines in the Permian Basin producing area of west Texas and to a connecting pipeline facility extending into the Texas-Oklahoma Panhandle portion of the Anadarko Basin area. El Paso Alaska claims that this system possesses a westerly throughput capability from its present producing areas of approximately 4,000,000 Mcf daily. El Paso Alaska states that the Alaskan gas will be transported through Western Terminal's pipeline facilities and, after diversion of necessary volumes to purchasers in California and Northeast United States, into El Paso Natural's system and thence, after diversion of necessary volumes to El Paso Natural's customers, into the Permian and Anadarko Basin areas for subsequent transportation to other market areas in the United States.[8] El Paso Alaska points out that such transportation of gas to markets east of California is to be made by means of displacement, but even if the Permian Basin gas supply is depleted the El Paso Natural system can be converted at low cost from westerly to easterly flow and Alaskan gas can still serve market areas throughout the United States.

El Paso Alaska estimates the total capital cost for those transportation components of the proposed project extending between Prudhoe Bay and Point Conception to be approximately $5.6 billion at 1973 prices[9] (approximately $1.15 per million Btu plus the cost of gas once determined for the first full year of operation). Applicant breaks down this total cost as follows:

Description:	Cost (thousands)
Alaskan gas pipeline	$1,351,413
LNG plant	1,176,133
Marine terminal	30,273
LNG carrier fleet	1,590,550
Total direct cost	4,148,369
Add:	
General overhead	52,468
Contingency	129,492
Contract project management fee	61,565
Intangible plant	15,888
Allowance for funds used during construction	1,477,874
Line pack	2,909
Startup costs	(303,097)
Total project cost	5,585,468

In support of its proposed Trans-Alaska project, El Paso Alaska submits that there is a critical need in the U.S. for the North Slope gas, and the Trans-Alaska proposal is a better alternative for marketing Alaskan gas than the competing Trans-Canada proposal for the following reasons:

(1) The Trans-Alaska project will further the national goal of energy independence.

(2) Choosing the Trans-Canada line will effectively commit all future Alaskan gas finds, as well as Prudhoe Bay gas, to the Canadian route.

(3) The Trans-Alaska project will be operative sooner[10] because less construction will be necessary, construction will be expedited through the use of facilities from the Alyeska oil pipeline, and fewer regulatory authorizations are needed.

(4) Because there will be no payments to other governments, the Trans-Alaska project will not adversely impact U.S. balance of payments. (El Paso Alaska estimates tax benefits to the U.S. over the project's life of $8.3 billion.)

(5) The Trans-Alaska project will generally stimulate Alaska's economy, especially from tax, employment and industrial standpoints.

(6) Due to the coincident location of the Trans-Alaska pipeline with the Utility Corridor and the use of idle capacity for transmission in the lower 48 states, the cost and environmental impact of the Trans-Alaska project will be minimized.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26516 Filed 11-12-74;8:45 am]

[Docket Nos. RP74-22, RP74-23 and RP74-57]

EL PASO NATURAL GAS CO.

Tariff Filing

NOVEMBER 6, 1974.

Take notice that on October 30, 1974, El Paso Natural Gas Co. ("El Paso") filed, pursuant to Part 154 of the Commission's regulations under the Natural Gas Act, the following revised tariff sheets, to become effective December 1, 1974:

Original Volume No. 1, Fourteenth Revised Sheet No. 3-B.
Third Revised Volume No. 2, Fourth Revised Sheet No. 1-D.
Original Volume No. 2A, Sixth Revised Sheet No. 1-C.

El Paso states that the rates set forth on the tendered tariff sheets differ from the rates which were made effective July 10, 1974, at Docket No. RP74-57 and later reduced as a result of the Commission's order of July 15, 1974, in Docket Nos. RP74-22 and RP74-57, in that such rates have been adjusted to (1) restore as a result of liability being fixed and payments being made the 1.99¢ per Mcf (1.98¢ per Mcf under production area rate schedules) attributable to the increased cost of El Paso's special overriding royalties which had been excluded from rates as a result of the Commission's said order of July 15, 1974, and (ii) include the net increase in rates of 1.79¢ per Mcf proposed in El Paso's notice of change in rates filed August 16, 1974, at Docket Nos. RP72-155 and RP74-57, pursuant to the purchased gas cost adjustment provisions ("PGAC") applicable to El Paso's said tariff.

El Paso has filed concurrently a motion at Docket Nos. RP74-57, RP74-22 and RP74-23, respecting the special overriding royalty issue and those settlement arrangements which have been concluded with the special overriding royalty interest owners. The filing indicates that settlement was reached with the special overriding royalty owners on October 29, 1974, whereby El Paso has agreed to commence payment to all special overriding royalty interest owners in the amount of 40¢ per Mcf from June 1, 1974. Such amount is the same as that projected in El Paso's filing in Docket No. RP74-57. Attached as a part of said motion is a *pro forma* copy of the Settlement Agreement, providing the conditions under which agreement has been reached between El Paso and the special overriding royalty interest owners. El Paso states that it is in process of concluding settlement arrangements with

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[1] El Paso Alaska states that as a result of a recent corporate reorganization, El Paso Natural has become a wholly-owned subsidiary of The El Paso Company. El Paso Alaska anticipates that it, too, will become a wholly-owned subsidiary of The El Paso Company.

[2] El Paso Alaska cites the Commission's Order Terminating Proposed Rulemaking Proceeding issued May 4, 1973, in Docket No. R-377 (49 FPC 1078).

[3] El Paso Alaska states that the objective of refrigerating the gas is to prevent thawing of frozen ground, since permafrost thawing could result in differential settlement and loss of support by the soils around the pipeline.

[4] Public Land Order 5150, 36 FR 25410 (1971), as amended by Public Land Order 5151, 37 FR 142 (1972).

[5] El Paso Alaska states that the LNG will be stored above ground in four 550,000 barrel storage tanks at about −256 degrees F. and 15.2 psia and facilities will be capable of recovering all LNG vapors from such sources as storage tank boil-off and loading displacement.

[6] Equal to 1,189 trillion Btu.

[7] Western Terminal filed on September 17, 1974, in Docket No. CP75-83 an application for authorization to provide such service.

[8] El Paso Alaska projects by 1980 idle transmission capacity in major pipeline extending from Anadarko of 2,900,000 Mcf per day and from the Gulf Coast Area of 7,200,000 Mcf per day. El Paso Alaska reasons, therefore, that through construction of appropriate facilities from Permian to Anadarko and the Gulf Coast area such idle capacity can be utilized to serve the major U.S. markets with Alaskan gas.

[9] El Paso Alaska states that of such amount $3.3 billion is attributable to those jurisdictional facilities for which specific authorization is requested herein; $300 million is attributable to those facilities which are proposed to be constructed and operated under § 2.55(a) of the Commission's general policy and interpretations (18 CFR 2.55(a)); and the remaining 2.1 billion is attributable to facilities which El Paso Alaska regards to be non-jurisdictional.

[10] El Paso Alaska claims that given reasonably prompt certification of the Trans-Alaska project (by late 1975 or early 1976), first deliveries of Prudhoe Bay gas thereafter can be initiated in 54 months, or by mid-1980. On the basis of this schedule, in excess of 1.5 million Mcf of Alaskan gas daily could be moving to Alaska and lower 48 markets by late 1980. The Trans-Alaska Gas project could by fully implemented and fully operational by late 1981.

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the remaining interest owners, and expects to conclude such agreements prior to the effective date of the increase proposed herein. A copy of El Paso's motion and all attachments thereto is attached and is incorporated as part of the instant tariff filing by reference. El Paso states that the purpose of the instant tariff filing is to implement the procedures underlying El Paso's said motion and is consistent with the settlement reached with the special overriding royalty interest owners.

El Paso states that the rates proposed to become effective December 1, 1974, will not compensate El Paso for payments which will be made by El Paso to the special overriding royalty owners, pursuant to the terms of the settlement agreements, covering the period June 1, 1974, through November 30, 1974. The filing indicates that the amount of such exposure cannot at this time be accurately determined; however, based upon the increased special overriding royalty amounts of $20,806,852 included in Docket No. RP74-57, the costs associated therewith for the above six (6) month period will approximate $10,431,929. Accordingly, in order for El Paso to recoup the actual increased special overriding royalty amounts to occur during the period June through November, 1974, from its jurisdictional customers, El Paso proposes to collect an amortization charge as a part of its jurisdictional rates during the period April 1, 1975, through September 30, 1975, in accordance with the procedure described in the instant tariff tender.

To the extent necessary, El Paso has requested that waiver be granted of all applicable rules and regulations of the Commission in order to effectuate the instant filing.

El Paso states that copies of the filing and attachments thereto have been served upon all parties of record in Docket Nos. RP74-22, RP74-23 and RP74-57 and, otherwise, upon all affected customers and interested state regulatory commissions.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26506 Filed 11-12-74;8:45 am]

[Docket Nos. RP71-107, Phase H, RP72-127 and RP74-9 PGA75-1]

NORTHERN NATURAL GAS CO.

Proposed Purchased Gas and Research and Development Cost Adjustment Rate Change

NOVEMBER 6, 1974.

Take notice that on October 25, 1974, Northern Natural Gas Co. (Northern) tendered for filing, as part of Northern's FPC Gas Tariff, Third Revised Volume No. 1 and Original Volume No. 2, the following tariff sheets:

Third Revised Volume No. 1
- Sixth Revised Sheet No. 4a
- First Substitute Sixth Revised Sheet No. 4a
- Second Substitute Sixth Revised Sheet No. 4a

Original Volume No. 2
- Fifth Revised Sheet No. 1c
- First Substitute Fifth Revised Sheet No. 1c
- Second Substitute Fifth Revised Sheet No. 1c

Sixth Revised Sheet No. 4a is filed pursuant to Northern's Purchased Gas Adjustment provision of its FPC Gas Tariff, Third Revised Volume No. 1. Fifth Revised Sheet No. 1c is filed pursuant to Northern's Purchased Gas Adjustment Clause applicable to Volume No. 2 sales. This change in Northern's rates reflects the increase in Northern's average estimated cost of purchased gas for the Year 1975, as adjusted for the unrecovered cost of purchased gas incurred during the twelve month period ending September 30, 1974. The change in rates also reflects an increase in the cost of Research and Development expenditures estimated for the twelve months ended September 30, 1975, as adjusted for the unrecovered cost incurred during the twelve months ended September 30, 1974. Sixth Revised Sheet No. 4a provides for a total increase of four and seventy-two hundredths cents (4.72¢) per Mcf in the Commodity portion of Northern's jurisdictional rates, and will result in an increase in annual jurisdictional revenues of approximately $28,072,000 for Volume No. 1 sales and approximately $1,224,000 for Volume No. 2 sales.

Northern proposes that Sixth Revised Sheet No. 4a and Fifth Revised Sheet No. 1c become effective on December 27, 1974.

Northern also included for filing to be effective December 27, 1974, tariff sheets identified as First Substitute Sixth Revised Sheet No. 4a and First Substitute Fifth Revised Sheet No. 1c. These tariff sheets provide for an additional increase of one and fifty-six hundredths cents (1.56¢) per Mcf in the commodity portion of all jurisdictional rates which will result in an additional increase in annual jurisdictional revenues of approximately $9,278,000 for Volume No. 1 sales and approximately $404,000 for Volume No. 2 sales. This additional increase in rates reflects the inclusion in the estimated 1975 cost of purchased gas the effect of the proposed nationwide rates as provided in the Nationwide Rulemaking, Docket No. R-478. Northern proposes that if the Commission issues an Order and establishes nationwide rates in Docket No. R-478 by December 27, 1974, then First Substitute Sixth Revised Sheet No. 4a and First Substitute Fifth Revised Sheet No. 1c will be effectuated and Sixth Revised Sheet No. 4a and Fifth Revised Sheet No. 1c will be withdrawn. If, however, the Commission has not established nationwide rates so as to allow effectuation by December 27, 1974, then Northern proposes the effectuation of these tariff sheets be suspended for one day and made effective December 28, 1974, subject to refund.

Northern also included for filing to be effective December 27, 1974, tariff sheets identified as Second Substitute Sixth Revised Sheet No. 4a and Second Substitute Fifth Revised Sheet No. 1c. These tariff sheets provide for an increase of six hundredths cents (0.06¢) per Mcf in the commodity portion of the Base Tariff Rate of all jurisdictional rates which will result in an increase in annual jurisdictional revenues of approximately $357,000 for Volume No. 1 sales and $16,000 for Volume No. sales. These tariff sheets reflect the increase in rates resulting from the inclusion in rates of tracking the Dallas Center Undergfound Storage Development expenditures. Northern proposes that if the Commission has not granted, by December 27, 1974, the authority to track these expenditures as requested by Northern in Docket No. RP74-9, then these tariff sheets should be suspended for one day and be made effective December 28, 1974, subject to refund.

The Company states that copies of the filing have been mailed to each of the Gas Utility customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26510 Filed 11-12-74;8:45 am]

[Docket No. RP75-26]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

NOVEMBER 6, 1974.

Take notice that Southern Natural Gas Company, on October 14, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 3. The proposed changes would increase revenues from a field sale to United Gas Pipe Line Company under Southern's Rate Schedule No. F-10 by $3,300 based on an estimated sales volume for the twelve-month period succeeding the proposed effective date of December 1, 1974.

Southern states that this filing is being made pursuant to § 154.94 and is consistent with Southern's gas sales contract provisions to reflect reimbursements for increases in the severance tax rate as a result of the State of Louisiana enacting an amendment to its severance tax law effective August 1, 1974, changing part of the requirements for qualifying for a reduced severance tax rate. Consequently, gas produced from the Driscoll Field is now subject to a severance tax rate of seven cents (7.0¢) per Mcf effective August 1, 1974, instead of four cents (4.0¢) per Mcf.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26513 Filed 11-12-74;8:45 am]

[Docket No. RP74-39-14]

TEXAS EASTERN TRANSMISSION CORP., ET AL

Petition for Extraordinary Relief

NOVEMBER 6, 1974.

Public notice is hereby given that on October 30, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corp. (TETCO) to deliver to Penn Fuel through the latter's subsidiary, Huntingdon Gas Co. (Huntingdon), sufficient gas to allow Huntingdon to deliver up to 225 Mcf per day to its customer Owens-Corning-Fiberglas Corp. (Fiberglas). Penn Fuel requests that relief be granted on a temporary basis pending a final determination on the merits of the petition. The petition further requests that the relief be granted through April 15, 1975.

Penn Fuel is a public utility holding company with several affiliated gas distribution companies that provide natural gas service in the eastern half of Pennsylvania. Several of these distributors including Huntingdon [1] purchase their entire natural gas requirements from TETCO.

Penn Fuel alleges the following facts concerning Fiberglas:

Fiberglas operates a plant in Huntingdon, Pennsylvania for the production of fiberglass products, primarily textile and industrial. The principal products of the plant are fiberglass mats and reinforced plastic components used by the automobile industry and for electrical applications including electrical transmission.

Natural gas is used to heat ovens in which the fiberglass mats are cured during various stages of the manufacturing process. Alternate fuels including electricity, Penn Fuel states, are either technically or economically infeasible.

Fiberglas employes 1,070 people. Absent the requested relief, Penn Fuel states, Fiberglas will have to lay off approximately 140 employees. On the date Penn Fuel filed its petition, Fiberglas was being curtailed at a rate of 97 percent of its natural gas requirements.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26515 Filed 11-12-74;8:45 am]

[Docket No. RP74-39-15]

TEXAS EASTERN TRANSMISSION CORP. AND PENN FUEL GAS, INC./BRUSH WELLMAN

Petition for Extraordinary Relief

NOVEMBER 6, 1974.

Public notice is hereby given that on October 31, 1974, a petition for extraordinary relief was filed by Penn Fuel Gas, Inc. (Penn Fuel) pursuant to § 1.7 (b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to deliver to Penn Fuel through its distributor subsidiary, Hamburg Gas Company (Hamburg), sufficient volumes to enable Hamburg to deliver to its customer Brush Wellman of Shoemakersville, Pennsylvania, up to 172.5 Mcf per day. Penn Fuel requests that the relief be granted for a period of two months (presumably commencing on the day the petition was filed), and that relief be granted on a temporary basis pending a final determination on the merits of the petition.

Penn Fuel is a public utility holding company with several affiliated gas distribution companies that provide natural gas service in the eastern half of Pennsylvania. Several of these distributors, including Hamburg [1] purchase their entire natural gas requirements from TETCO.

Penn Fuel alleges the following facts concerning Brush Wellman:

Brush Wellman is one of two American producers of Beryllium Copper alloys which are used in missiles, aerospace, communications, computers, electronics, and transportation.

The Brush Wellman Shoemakersville plant employs 140 people. Penn Fuel does not state that Brush Wellman will close the plant absent relief, but says that if the plant should close, Brush Wellman would also close its Elmore, Ohio facility putting another 200 people out of work.

Brush Wellman would use the gas as follows:

	Mcf per day
Nitrogen generator	18.0
Pickling line	10.0
Caustic lines	33.0
Salt bath	36.0
Strand annealing furnace	44.5
Rolling hearth furnace	31.0
Total	172.5

Brush Wellman has no presently installed alternate fuel capability although it plans to have temporary propane backup capability by mid-November, 1974 and permanent capability by the end of 1974.

Recent curtailments to Brush Wellman have reached more than 95 percent.

Any person desiring to be heard or to make protest with reference to said application should on or before November 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26512 Filed 11-12-74;8:45 am]

[1] Huntingdon is listed under Pottsville Gas Company, et al. (Pottsville Group) in TETCO's Index of Purchasers.

[1] Hamburg is listed under Pottsville Gas Company, et al. (Pottsville Group) in TETCO's Index of Purchasers.

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[Docket No. RP74-39-11]

TEXAS EASTERN TRANSMISSION CORP. AND BOROUGH OF CHAMBERSBURG PENNSYLVANIA

Supplemental Petition for a Declaratory Order

NOVEMBER 6, 1974.

Public notice is hereby given that on October 21, 1974, a supplemental petition for a declaratory order was filed by the Borough of Chambersburg, Pennsylvania (Chambersburg) pursuant to § 1.7(c) of the Commission's rules of practice and procedure. Chambersburg requests that the Commission issue an order directing Texas Eastern Transmission Corp. (TETCO) (1) to cease and desist from its present method of implementing its Demand Charge Adjustment (DCA) provisions[1] and (2) to implement its DCA in a manner which would lower Chambersburg's demand charges by reflecting the difference between Chambersburg's requirements and its actual takes.

Chambersburg purchases all of its gas from TETCO under the latter's DCQ–D Rate Schedule (Maximum Daily Quantity (MDQ): 5,279 Dth) and WS Rate Schedule (MDQ: 2653 Dth).

TETCO placed its DCA provisions into effect on July 1, 1974. They apply to all customers taking gas under a two-part rate schedule.

TETCO calculates its DCA on a daily basis. TETCO holds that a customer is ineligible to receive the adjustment on any day on which it fails to draw at least 96 percent of its curtailed MDQ, because it assumes that said customer did not require more than it actually took.

Chambersburg states that it must take less than 96 percent of its curtailed MDQ on the great majority of days in order to avoid overrunning its curtailed Annual Quantity Entitlement (AQE). A customer is billed a $3.00 penalty charge on each Mcf taken in excess of its curtailed AQE.

Chambersburg objects to TETCO's implementation, and it claims that TETCO's assumption that a customer taking less than 96 percent of its MDQ did not require more gas is wholly invalid.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26514 Filed 11-12-74;8:45 am]

[1] The relevant DCA provisions appear at Sections 6.2 and 7.2 of TETCO's FPC Gas Tariff, Fourth Revised Volume No 1.

[Docket No. CP75-118]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

NOVEMBER 4, 1974.

Take notice that on October 15, 1974, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP75-118 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale in interstate commerce of increased volumes of liquefied natural gas (LNG) and the reduction of other sales of LNG, commencing with the 1974–75 winter season, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to render a total of 42,472 Mcf per day of additional LNG storage service under its Rate Schedule LG–A, dividing among nineteen existing customers requesting such service. To enable it to render all of such service, Applicant also proposes the reduction of Rate Schedule LG–A allocations to three customers, at their request, totaling 20,640 Mcf per day.

Applicant states that of the 400,000 Mcf per day deliverability of Applicant's existing LNG storage facility at Carlstadt, New Jersey, all but 36,500 Mcf per day has previously been allocated to customers pursuant to Commission authorizations. Applicant explains that principally because of a delay in constructing a second LNG storage tank, three of Applicant's customers have provided for their own LNG requirements and now desire to relinquish their allocations related mainly to the second tank. Accordingly, Applicant proposes that these three allocations be revised, thereby increasing the amount of unallocated deliverability from the present 36,500 Mcf per day to a total of 57,140 Mcf per day. From such increased availability, Applicant proposes to render the aforementioned additional LNG service.

The application indicates that the proposed revisions to Applicant's LNG service under its Rate Schedule LG–A as set forth in executed service agreements with the respective customers are as follows:

Customer:	*Liquefaction demand increase (decrease) (Mcf per day at 14.7 psia)*
Atlanta Gas Light Co.	15,522
Buford, Georgia, city of	500
Carolina Pipeline Co.	2,000
Clinton-Newberry Natural Gas Authority	600
East Central Alabama Gas District	100
Eastern Shore Natural Gas Co.	500
Fort Hill Natural Gas Authority	143
Greenwood, South Carolina, city of	886
Madison, Georgia, city of	100
Monroe, Georgia, city of	200
North Carolina Gas Service, Division of Pennsylvania & Southern Gas Co.	3,071
North Carolina Natural Gas Corp.	5,000
Pennsylvania Gas and Water Co.	5,000
Public Service Co. of North Carolina, Inc.	5,000
Sugar Hill, Georgia, city of	250
Toccoa, Georgia, city of	400
Tri-County Natural Gas Co.	200
Union Gas Co.	1,000
United Cities Gas Co., Georgia Division	2,000
Commonwealth Natural Gas Corp.	(140)
Delmarva Power & Light Co.	(2,000)
Piedmont Natural Gas Co., Inc.	(18,500)

Applicant states that no additional facilities are required in order to render the proposed service.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26517 Filed 11-12-74;8:45 am]

[Docket No. R-472]

NATURAL GAS COMPANIES

Annual Report of Supply and Requirements; FPC Form No. 16; Notice of Public Meeting

NOVEMBER 12, 1974.

Pursuant to § 1.3 of the Commission's rules of practice and procedure (18 CFR 1.3), notice is hereby given that a public conference shall be convened on Monday, November 18, 1974, in Hearing Room A of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 at 10 a.m.

This conference will concern proposed revisions of FPC Form No. 16 "Report of Supply and Requirements", and coordination with the Federal Energy Administration in the collection, assimilation and utilization of the data elicited by said form.

The conference is open to members of the general public and will be of record.

This document fails to meet the 15 day requirement for notice of meetings due to delay in approval by the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-26725 Filed 11-12-74;10:25 am]

FEDERAL RESERVE SYSTEM

FIRST BANCGROUP-ALABAMA, INC.

Acquisition of Bank

First Bancgroup-Alabama, Inc., Mobile, Alabama, has applied for the Board's approval under § 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to merge with United Alabama Bancshares, Inc., Birmingham, Alabama. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors of the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 5, 1974.

Board of Governors of the Federal Reserve System, November 6, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26582 Filed 11-12-74;8:45 am]

FIRSTBANK OF ILLINOIS CO.

Formation of Bank Holding Company

Firstbank of Illinois Co., Springfield, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The First National Bank of Springfield, Springfield, Illinois. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 30, 1974.

Board of Governors of the Federal Reserve System, November 6, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26581 Filed 11-12-74;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Texas, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of North Austin State Bank, Austin, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 6, 1974.

Board of Governors of the Federal System, November 6, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26583 Filed 11-12-74;8:45 am]

K-THREE ENTERPRISES, INC.

Formation of Bank Holding Company

K-Three Enterprises, Inc., Ames, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), to become a bank holding company through acquisition of 80 percent of the voting shares of University Bank and Trust Company, Ames, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than November 26, 1974.

Board of Governors of the Federal Reserve System, November 8, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26584 Filed 11-12-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR COMPUTER SCIENCE AND ENGINEERING

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Advisory Panel for Computer Science and Engineering to be held at 9 a.m. on December 5–6, 1974, in room 511 at 1800 G Street, NW., Washington, D.C.

The purpose of the Panel is to provide advice and counsel concerning the status and new directions of computer science and engineering research.

The agenda shall include the review of NSF research programs, and computer science and engineering programs, and consideration of research priorities in computer science and engineering.

This meeting shall be open to the public. Individuals who wish to attend the meeting or would like more information about this Panel should contact Mr. Kent Curtis, Section Head, Computer Science and Engineering, Rm. 648, National Science Foundation, Washington, D.C. 20550, or by telephone, 202/632-7346.

R. GAIL ANDERSON,
Acting Committee Management Officer.

NOVEMBER 8, 1974.

[FR Doc.74-26560 Filed 11-12-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 8, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

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NEW FORMS

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service: Cooperative Economic Insect Report Readers Survey, Form PPQ Form T-2, Single time, Lowry (395-3772). University and library officials and entomologists.

Agricultural Stabilization and Conservation Service: 1974 Public Access Performance Report, Form ASCS 676, Annual; Planchon (395-3898), Participants in annual programs.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: National Day Care Consumer Survey—Pretest Instrument, Form OS 47-74, Single time, Reese (395-5630), Households with children 13 or under.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research: Housing Assistance, Supply Experiment, Survey of Landlords, Wave 2, Form —, Single time, CVA (395-3532), Sunderhauf (395-4911), Owners of real estate in SMSA.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census:

Survey of Record Keeping Practices Retail Multiunit Firms, Form S-189(II), Single time, Weiner (395-4890) Retail stores.

Survey of Industrial Research and Development During 1974, Form RD-1, Annual, Weiner (395-4890), Large industrial corporations.

Sheets, Pillowcases, and Towels, Production, Shipments, and Inventories, Form MA-23X, Quarterly, Peterson (395-5631), Sheets and towels manufacturers.

FEDERAL RESERVE BOARD

Commercial and Industrial Loans by Industry, Form FR 416a, Weekly, Hulett (395-4730), 160 large commercial banks.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application for Federal Assistance (Nonconstruction Programs) for the Follow-through Program—Instructions and Supplementary Questionnaire, Form OE 4473, Annual, Lowry (395-3772), Educational agencies and institutions of higher education.

DEPARTMENT OF LABOR

Manpower Administration: Special Monthly Labor Market Information Report, Form —, Monthly, Collins (395-3756), Ellett (395-6172), State ES agencies.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Navy: Academic Certification Form—Officer Candidate Program, Form NAVMC 10469, Occasional, Lowry (395-3772), Accredited colleges and universities.

DEPARTMENT OF AGRICULTURE

Forest Service: Observing Wild Animals, Form —, Single time, Planchon (395-3898), Persons who participate in guided expeditions on National Forests in Minnesota.

FEDERAL HOME LOAN BANK BOARD

Monthly Survey of Rates and Terms on Conventional 1-Family Nonfarm Mortgage Loans, Form FHLBB 877A and B, Monthly, Hulett (395-4730), Savings and loan associations, mortgage bankers.

DEPARTMENT OF THE INTERIOR

Bureau of Mines: Weekly Coal Monitoring System, Form 6-1400-W, Weekly, Weiner (395-4890), Consumers of Coal.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-26687 Filed 11-12-74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

OWNERS AND TENANTS ADVISORY BOARD

Notice of Meeting

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a meeting of the Owners and Tenants Advisory Board will be held on Tuesday, November 26, 1974 at 2:00 p.m.

The meeting will be held in the conference room of the Pennsylvania Avenue Development Corporation, Suite 1148 at the Pennsylvania Building, 425 13th Street, Northwest, Washington, D.C.

The purpose of the meeting will be to continue the review of the Board's charter and the discussion of what posture the Board's activity should and could take in the future.

The meeting will be open to the public to the extent that space and facilities will permit.

For further information call Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343-9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74-26503 Filed 11-12-74;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on December 5, 1974, at 10 a.m., the Philadelphia Station Committee on Educational Allowances shall at Philadelphia conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Perkiomen Airways, Ltd., Myerstown, Pa., should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: November 6, 1974.

S. W. MELIDOSIAN,
Director, VA Center, Philadelphia, Pa.

[FR Doc.74-26531 Filed 11-12-74;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Notice of Meeting

Notice is hereby given pursuant to Section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on December 6, 1974, at 10 a.m., the Philadelphia Station Committee on Educational Allowances shall at Philadelphia conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Cherry Ridge Plane Services, R.D. #2, Honesdale, Pa., should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: November 6, 1974.

S. W. MELIDOSIAN,
Director, VA Center, Philadelphia, Pa.

[FR Doc.74-26532 Filed 11-12-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 629]

ASSIGNMENT OF HEARINGS

NOVEMBER 8, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

AB 69 Sub 1, Western Maryland Railway Company Abandonment of Portion of Its Line of Railroad between Tonoloway, Md., and Connellsville, Pa. and between Ridgely, W. Va., and Dawson, Md.; and F.D. 27406, Western Maryland Railway Company, The Baltimore and Ohio Railroad Company in Pennsylvania application for Western Maryland Railway Company to Acquire Trackage Rights Over the Line of the Baltimore and Ohio Railroad Company and the Baltimore and Ohio Railroad Company in Pennsylvania between Cherry Run, W. Va. and Connellsville, Pa. and between Cumberland, Md., and West Virginia Central Junction, W. Va., now being assigned December 17, 1974, at Cumberland, Md., in a hearing room to be later designated.

MC 23618 Sub 21, McAlister Trucking Company, now being assigned January 20, 1975 (2 days), at Dallas, Tex., in a hearing room to be later designated.

MC 120851 Sub 3, Blaschke Trucking Company, now being assigned January 22, 1975 (3 days), at Dallas, Tex., in a hearing room to be later designated.

MC 55896 Sub 44, R-W Service System, Inc., now assigned November 19, 1974, at Washington, D.C., is postponed indefinitely.

AB-83, Maine Central Railroad Co., Abandonment Between Carroll, New Hampshire, and Canaan, Vermont, in Coos County, New Hampshire, and Essex County, Vermont, now being assigned January 15, 1975 (3 days), at Colebrook, New Hampshire, in Town Hall, Bridge Street.

F.D. 27620, Maine Central Railroad Company V. Amoskeag Company, Frederick C. Dumaine, and Dumaines, and F.D. 27621, Amoskeag Company—Control—Maine Central Railroad Company; now being assigned January 20, 1975 (2 weeks), at Bangor, Maine, Room 221, Federal Building.

No. 35967, Household Goods, Increased Rates Nationwide, now being assigned for continued hearing on November 11, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-8033, Baggett Transportation Company V. Dowda Motor Freight, Inc., et al., now assigned February 11, 1975, at Atlanta, Ga., is canceled.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26610 Filed 11-12-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 8, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed on or before November 29, 1974.

FSA No. 42898—*Joint Water-Rail Container Rates—Nippon Yusen Kaisha.* Filed by Nippon Yusen Kaisha, (No. 5), for itself and interested rail carriers. Rates on general commodities, from rail stations on the U.S. Atlantic and Gulf Seaboard, to ports in Japan, Korea, Hong Kong and Taiwan.

Grounds for relief—Water competition.

Tariff—Nippon Yusen Kaisha tariff I.C.C. No. 2. Rates are published to become effective on December 10, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26607 Filed 11-12-74;8:45 am]

[Notice 22]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 8, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules-motor carriers of passengers, 1969 (49 CFR 1042.2(c)(9) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before December 13, 1974.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules-motor carriers of property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 680) (Cancels Deviation No. 577) (Correction) filed September 25, 1974, published in the October 10, 1974 issue of the FEDERAL REGISTER and republished, as corrected, this issue. GREYHOUND LINES—EAST, Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (1) From Chicago, Ill., over Interstate Highway 94 to junction Interstate Highway 57, thence over Interstate Highway 57 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 55 (also designated as U.S. Highway 66), thence over Interstate Highway 55 to junction U.S. Highway 66 at Gardner, Ill., and (2) From Harvey, Ill., over 147th Street (also known as Sibley Blvd.) to junction Interstate Highway 57, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Chicago, Ill., over U.S. Highway 66 to junction Illinois Highway 53, thence over Illinois Highway 53 via Joliet, Ill., to junction U.S. Highway 66 near Gardner, Ill., and return over the same route. The purpose of this republication is to include cancellation of Deviation No. 577 and to corrrectly describe the proposed deviation route in (1) above.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26605 Filed 11-12-74;8:45 am]

[Notice 36]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION

NOVEMBER 8, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before December 13, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 112713 (Deviation No. 27), YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Ave., Shawnee Mission, Kans. 66207, filed November 1, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Nashville, Tenn., over Interstate Highway 40 to junction U.S. Highway 69 near Checotah, Okla., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Nashville, Tenn., over Alternate U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 41 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction Kentucky Highway 56, thence over Kentucky Highway 56 to Blackburn, Ky., thence across the Ohio River to Shawneetown, Ill., thence over Illinois Highway 13 to junction Illinois Highway 142, thence over Illinois Highway 142 to junction U.S. Highway 460, thence over U.S. Highway 460 to Mt. Vernon, Ill., thence over Illinois Highway 15 to Belleville, Ill., thence over Illinois Highway 13 to East St. Louis, Ill., thence across the Mississippi River to St. Louis, Mo., thence over U.S. Highway 66 to junction U.S. Highway 63 (formerly U.S. Highway 66) near Rolla, Mo., thence over U.S. Highway 63 to Rolla, Mo., thence over unnumbered highway (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway (formerly U.S. Highway 66) near Waynesville, Mo., thence over unnumbered highway to Waynesville, Mo., thence over Missouri Highway 17 (formerly U.S. Highway 66) to junction U.S. Highway 66, thence over U.S. Highway

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66 to junction unnumbered highway (formerly U.S. Highway 66) near Conway, Mo., thence over unnumbered highway via Conway, Mo., to junction U.S. Highway 66, thence over U.S. Highway 66 to junction U.S. Highway 69 near Vinita, Okla., thence over U.S. Highway 69 to junction Interstate Highway 40 near Checotah, Okla., and return over the same route.

No. MC 1824 (Deviation No. 18), PRESTON TRUCKING COMPANY, INC., 151 Easton Blvd., Preston, Md. 21655, filed October 16, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 11 and 15 and U.S. Highways 22 and 322 over U.S. Highways 22 and 322 to Lewistown, Pa., thence over U.S. Highway 322 to junction Pennsylvania Highway 144, thence over Pennsylvania Highway 144 to junction Pennsylvania Highway 26, thence over Pennsylvania Highway 26 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Pennsylvania Highway 255, thence over Pennsylvania Highway 255 to Du Bois, Pa., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highways 11 and 15 and U.S. Highways 22 and 322 over U.S. Highway 15 to junction Interstate Highway 76, thence over Interstate Highway 76 to Pittsburgh, Pa., thence over Pennsylvania Highway 28 to Brookville, Pa., thence over U.S. Highway 322 to junction U.S. Highway 219, thence over U.S. Highway 219 to junction Pennsylvania Highway 830, thence over Pennsylvania Highway 830 to Falls Creek, Pa., and return over the same route.

No. MC 108461 (Deviation No. 6), WHITFIELD TRANSPORTATION, INC., 300–316 N. Clark Rd., P.O. Drawer 9897, El Paso, Tex. 79989, filed October 8, 1974. Carrier's representative: James E. Snead, 215 Lincoln Ave., Santa Fe, New Mexico 87501. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Phoenix, Ariz., over Interstate Highway 17 to Flagstaff, Ariz., thence over Interstate Highway 40 to Albuquerque, N. Mex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Phoenix, Ariz., over Interstate Highway 10 to Deming, N. Mex., thence over New Mexico Highway 26 to junction Interstate Highway 25 near Hatch, N. Mex., thence over Interstate Highway 25 to Albuquerque, N. Mex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26606 Filed 11-12-74;8:45 am]

[Notice 188]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 13, 1974.

Synopses of orders entered by Division 3 of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 13, 1974. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75148. By order of November 1, 1974, Division 3, acting as an Appellate Division, approved, on reconsideration, the transfer to Floyd Schlickman, Jr., doing business as City Cartage, Chana, Ill., of Certificate No. MC 39751 issued by the Commission January 19, 1973, to Franklin L. Anderson, Richard J. Anderson, and Phillip F. Anderson, a partnership, doing business as City Cartage, Beloit, Wis., authorizing the transportation of household goods, as defined by the Commission, between Beloit, Wis., on the one hand, and, on the other, points in Illinois within 20 miles of Beloit. Mr. Robert M. Kaske, Registered Practitioner, 2017 Wisteria Road, Rockford, Ill. 61107.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26604 Filed 11-12-74;8:45 am]

[AB 1 (Sub-No. 2)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Conover and Phelps, Vilas County, Wisconsin; Order

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in a newspaper of general circulation in Vilas County, Wis., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 31st day of October, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

ABANDONMENT BETWEEN CONOVER AND PHELPS, VILAS COUNTY, WISCONSIN

The Interstate Commerce Commission hereby gives notice that by order dated October 31, 1974, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad extending from Conover to Phelps in Vilas County, Wis., a distance of approximately 9.2 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. sections 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that traffic although increasing, is still low, alternate rail service is available at several sites in the area and diversion to motor carrier operation should not produce a substantial deterioration of air quality. Some potentially adverse environmental effects, however, could develop. Forest management might be affected as a result of increased freight rates. A reduction in tree cutting would limit the browse for deer and reduce the quality timber for future harvests. An increase in energy consumption would be expected, the magnitude of which depends upon hauling distance from forest to alternate rail service or to the paper mills.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before November 29, 1974.

[FR Doc.74-26609 Filed 11-12-74;8:45 am]

[AB 1 (Sub-No. 6)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Tekamah and Lyons, Burt County, Nebraska

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, That no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. sections 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed action will not be significant because the abandonment will be consistent with local land use plans; specifically, it will facilitate the construction of the flood control project along Tekamah-Mud Creek. At the present time, rail service will still be maintained to Oakland and Lyons by a branch line of the Burlington Northern Inc. Therefore, the diversion of traffic from rail to truck will be minimal.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202–343–2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C., 20423, on or before November 29, 1974.

[FR Doc.74-26611 Filed 11-12-74;8:45 am]

[Notice 91]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 8, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 491 (Notice of filing of petition to amend certificate), filed October 16, 1974. Petitioner: MARSH EXPRESS, INC., P.O. Box 447, Glassboro, N.J. 08028. Petitioner's representative: Martin Werner, 2 West 45th Street, New York, N.Y. 10036. Petitioner holds a motor *common carrier* certificate in No. MC 491, issued May 1, 1969, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, high explosives, commodities in bulk, commodities requiring special equipment, and those injurious of contaminating to other lading), between Philadelphia, Pa., on the one hand, and, on the other, points in that part of New Jersey (inclusive of the points specified) bounded by a line beginning at Camden, N.J., and extending in a southerly direction along New Jersey Highway 45 to junction New Jersey Highway 77 (formerly New Jersey Highway 46), thence in a southeasterly direction along New Jersey Highway 77 to Pittsgrove, N.J., thence in an easterly direction through Elmer and Willow Grove, N.J., to Newfield, N.J., and thence in a northerly direction through Malaga and Glassboro, N.J., to junction New Jersey Highways 47 and 41 to the point of beginning. By the instant petition, petitioner seeks the certificate to read: over regular routes, *"General commodities* (except those of unusual value, high explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), (1) Between Philadelphia, Pa., and Newfield, N.J., serving all intermediate points: (a) From Philadelphia over U.S. Highway 76 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 45, thence over New Jersey Highway 45 to junction New Jersey Highway 77, thence over New Jersey Highway 77 to junction U.S. Highway 40, thence over U.S. Highway 40 to junction unnumbered highway, thence over unnumbered highway to Newfield, and return over the same route; (b) From Philadelphia over U.S. Highway 30 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 45, thence over the route described in (1)(a) above to Newfield and return over the same route; (2) Between Philadelphia, Pa., and Newfield, N.J., serving all intermediate points:

(a) From Philadelphia over U.S. Highway 76 to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction New Jersey Highway 41, thence over New Jersey Highway 41 to junction New Jersey Highway 47, thence over New Jersey Highway 47 to junction with unnumbered highway, thence over unnumbered highway to Newfield, and return over the same route; (b) From Philadelphia over U.S. Highway 30 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 42, thence over the same route described in (2)(a) above, to Newfield, and return over the same route; (c) From Philadelphia over Pennsylvania Highway 73 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 45, thence over the route described in (1)(a) above to Newfield, and return over the same route; (2) Between Philadelphia, Pa., and Newfield, N.J., serving all intermediate points:

(a) From Philadelphia over U.S. Highway 76 to junction New Jersey Highway 42, thence over New Jersey Highway 42 to junction New Jersey Highway 41, thence over New Jersey Highway 41 to junction New Jersey Highway 47, thence over New Jersey Highway 47 to junction with unnumbered highway, thence over unnumbered highway to Newfield, and return over the same route; (b) From Philadelphia over U.S. Highway 30 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 42, thence over the same route described in (2)(a) above, to Newfield, and return over the same route; (c) From Philadelphia over Pennsylvania Highway 73 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction U.S. Highway 130, thence over U.S. Highway 130 to junction New Jersey Highway 42, thence over the route described in (2)(a) above to Newfield, and return over the same route; (d) From Philadelphia over Pennsylvania Highway 73 to junction New Jersey Highway 73, thence over New Jersey Highway 73 to junction County Route 607, thence over County Route 607 to junction County Route 537, thence over County Route 537 to junction County Route 611, thence over County Route 611 to junction New Jersey Highway 41, thence over New Jersey Highway 41 to junction New Jersey Highway 47, thence over the route described in (2)(a) above, and return over the same route; and (3) Between Woodbury, N.J., and Glassboro, N.J., serving all intermediate points and the off-route point of Pitman, N.J.: From Woodbury, N.J. over County Route 553 to Glassboro, N.J., and return over the same route." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support or against the petition on or before December 13, 1974.

No. MC 38320 (Sub-No. 13) (Notice of filing of petition for modification of certificate) filed October 29, 1974. Petitioner: CENTRAL MOTOR EXPRESS, INC., Industrial Drive, P.O. Drawer "C", Campbellsville, Ky. 42718. Petitioner's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Petitioner holds a motor *common carrier* certificate in No. MC 38320 (Sub-No. 13) issued July 15, 1970, authorizing transportation, over irregular routes, of *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between the plant site and storage

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facilities of the Ingersoll-Rand Company, Campbellsville, Ky., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana (except Anderson, Fort Wayne, Indianapolis, and Marion), Louisiana, Mississippi, Missouri, North Carolina, Ohio (except Cincinnati and Dayton), Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. By the instant petition, petitioner seeks modification of the certificate to read: "*General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading), between Campbellsville, Ky., on the one hand, and, on the other, points in Alabama, Georgia, Illinois, Indiana (except Anderson, Fort Wayne, Indianapolis, and Marion), Louisiana, Mississippi, Missouri, North Carolina, Ohio (except Cincinnati and Dayton), Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before December 13, 1974.

No. MC 114389 (Sub-No. 14) (Notice of filing of petition to add a contracting shipper) filed September 26, 1974. Petitioner: GALE B. ALEXANDER, 120 S. Ward St., Ottumwa, Iowa 52501. Petitioner's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Petitioner holds a motor *contract carrier* permit in No. MC 114389 (Sub-No. 14), issued April 17, 1972, authorizing transportation, as pertinent, over irregular routes, of (1) *Car crushers, office machine crushers, motor block breakers, and engine pullers*, from the plant site and facilities of Al-Jon, Incorporated, near Ottumwa, Iowa, to points in the United States (except Alaska and Hawaii), with no transportation for compensation on return except as otherwise authorized and (2) *motor and engine puller tractors*, from Omaha, Nebr., to the plant site and facilities of Al-Jon, Incorporated, near Ottumwa, Iowa, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts with Al-Jon, Incorporated, of Ottumwa, Iowa. By the instant petition, petitioner seeks to add the name of Al-Jon Sales, Inc., as a contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition on or before December 13, 1974.

No. MC 118803 (Partial correction of a notice of filing of petition to add a contracting shipper) filed October 1, 1974, published in the FEDERAL REGISTER issue of October 23, 1974, and republished, as corrected in part this issue. Petitioner: ATLANTIC TRUCK LINES, INC., 140 Market Street, Paterson, N.J. 07505. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306.

NOTE.—The purpose of this partial republication is to correctly state that the petitioner's authority in part (10) of the permit should read; "(10) *air conditioning and heating ducts, pipes, elbows, fittings, vents, dampers, flues, grills, registers, rain carrying gutters, downspouts, edves, valleys, elbows and fittings, and roof ventilators*, from Hauppauge, Suffolk County, N.Y., and Long Island City, N.Y., to points in Arkansas, Kansas, Louisiana, Nebraska, Oklahoma, Texas, and Missouri (except points in Audrain, Callaway, Crawford, Franklin, Gasconade, Jefferson, Lincoln, Monroe, Montgomery, Perry, Pike, Ralls, St. Charles, St. Francois, St. Louis, St. Louis City, Ste. Genevieve, Warren, and Washington Counties), with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized next above are limited to a transportation service to be performed, under a continuing contract, or contracts, with L. Bieler & Sons, Inc., of Hauppauge, Suffolk County, N.Y., and Long Island City, N.Y., National Elbow and Fitting Corporation, of Hauppauge, Suffolk County, N.Y., and Long Island City, N.Y., Bieler International Corp., of Hauppauge, Suffolk County, N.Y., Southern Diversified Industries, Inc., of Hauppauge, Suffolk County, N.Y., and Sevojno-Bieler Trading Co. of Hauppauge, Suffolk County, N.Y." The rest of the notice remains as originally published. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129352 (Notice of filing of petition to add origin points) filed October 24, 1974. Petitioner: CREAGER TRUCKING CO., INC., P.O. Box 17007, 710 North Columbia Boulevard, Portland, Oreg. 97217. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Petitioner holds a motor *contract carrier* permit in No. MC 129352 issued March 3, 1971, authorizing transportation, as pertinent, over irregular routes, of *Flat glass products*, from Fresno, Fullerton, and Strathmore, Calif., to points in Grant, Benton, Chelan, and Yauma Counties, Wash., and points in that part of Washington in and west of Whatcom, Skagit, Snohomish, King, Pierce, Lewis, and Skamania Counties, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with F. L. Hartung Glass Company, Inc., of Seattle, Wash. By the instant petition, petitioner seeks to add the additional origin points of Union City and Lathrop, Calif., Tulsa, Okla., and Wichita Falls, Tex. to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136814 (Sub-No. 2) (Notice of filing of petition to add contracting shippers) filed October 21, 1974. Petitioner: JESSE E. MATLOCK, doing business as MATLOCK TRANSPORTATION, 456 Valley Boulevard, Rialto, Calif. 92376. Petitioner's representative: Jerry Solomon Berger, 9454 Wilshire Blvd., Penthouse, Beverly Hills, Calif. 90212. Petitioner holds a motor *contract carrier* permit in No. MC 136814 (Sub-No. 2), issued December 14, 1973, authorizing transportation, as pertinent, over irregular routes, of (1) *Magazines*, from Los Angeles, Calif., to Chico and Redding, Calif., Medford, Eugene, and Portland, Oreg., Seattle, Olympia, and Tacoma, Wash., with no transportation for compensation on return except as otherwise authorized and (2) *magazine paper*, from Oregon City, Oreg., to Los Angeles, Calif., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts with Time, Incorporated, of Los Angeles, Calif. By the instant petition, petitioner seeks to add Newsweek, Inc., and U.S. News and World Report, Inc., as contracting shippers to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 138776 (Notice of filing of petition to add a contracting shipper) filed October 16, 1974. Petitioner: SCOTT DANIEL, INC., c/o Irving Lowe, 270 E. Kilbourn Ave., Milwaukee, Wis. 53202. Petitioner's representative: Thomas C. Dorsey, 915 Pennsylvania Building, Washington, D.C. 20004. Petitioner holds a motor *contract carrier* permit in No. MC 138776 issued October 31, 1974, authorizing transportation, as pertinent, over irregular routes, of *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides and skins, or pieces thereof), from Gibbon and Hastings, Nebr., Menominee, Mich., and Milwaukee, Wis., to points in Colorado, Conneticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Peck Meat Packing Corporation, of Milwaukee, Wis. By the instant petition, petitioner seeks to add Gibbon Packing, Inc., as a contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATE OR PERMIT WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 74681 (Sub-No. 4), filed October 15, 1974. Applicant: STEVENS VAN LINES, INC., 121 South Niagara Street, Saginaw, Mich. 48602. Applicant's representative: Nancy Pyeatt, 1750 New York Ave. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Alabama, Arkansas, Delaware, Florida, Georgia, Kansas, Massachusetts, Mississippi, New Hampshire, North Carolina, Oklahoma, and Rhode Island, on the one hand, and, on the other, points in Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Michigan, Maryland, Minnesota, Missouri, Nebraska, Ohio, New York, New Jersey, North Dakota, Pennsylvania, South Dakota, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—Common control may be involved. Applicant seeks authority to control, and to merge its operating rights with, Hammel Moving and Storage, Inc. in MC 48806. This is a matter directly related to the Section 5 proceeding in MC-F-12211 published in the FEDERAL REGISTER issue of October 17, 1974. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich. or Chicago, Ill.

No. MC-F-11170. (Amendment) (HYMAN FREIGHTWAYS, INC.—CONTROL—TRI-D TRUCK LINE, INC.), published in the May 19, 1971, issue of the FEDERAL REGISTER. By decision and order of the Commission, Division 3, served August 8, 1974, the initial decision of the Administrative Law Judge served June 21, 1973, was modified so as to change the application from a control proceeding to a purchase proceeding. The Commission authorized the purchase by Hyman of the operating rights and property of Tri-D, and acquisition of control by Eugene Pikovsky of said operating rights and property through the purchase provided however that applicants submit for Commission approval, an amended purchase agreement in conformity with the transaction authorized therein.

By petition filed October 4, 1974, Hyman Freightways, Inc., requests among other things, that the decision and order of the Commission, Division 3, served August 8, 1974, be amended to permit Hyman to acquire control of Tri-D through the purchase of its stock as initially proposed and then to transfer the operating rights and properties of Tri-D to Hyman.

No. MC-F-12283. (Amendment) (FIDERAK TRUCKING, INC.—PURCHASE—VERNA GALGOCY, Executrix Estate of MICHAEL KALNASH), published in the August 14, 1974, issue of the FEDERAL REGISTER on page 29264. By amendment filed October 25, 1974, JOHN P. FIDERAK, Lafayette St., R.D. 2, Tamaqua, PA 18252, joins in as party applicant.

No. MC-F-12303. (Correction) A. DUDLEY'S TRANSCONTINENTAL MOVERS, INC., P.O. Box 82046, Lincoln, NE 68501; AA. GRAY MOVING & STORAGE, INC., 1290 S. Pearl, Denver, CO 80210; and AAA. R. C. VAN LINES, INC., 1044 Northside Drive NW., Atlanta, GA 30318, purchase portion of the operating rights of TRANSWORLD MOVERS, INC., published in the September 18, 1974, issue of the FEDERAL REGISTER on page 33564. Prior notice should be modified to read as follows: A. *New furniture*, from Chicago, Ill., to points in Nebraska and Oklahoma; *household goods*, between points in Grant County, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas, between points in Grant County, Okla., and points within 30 miles of Grant County, on the one hand, and, on the other, points in Kansas, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Utah on and east of U.S. Highway 91, and those in Colorado on and west of U.S. Highway 85; *emigrant movables*, between points in Montrose, Delta, and Gunnison Counties, Colo., on the one hand, and, on the other, points in Nebraska and Kansas. AA. *Household goods* as defined by the Commission, between points in Illinois south of U.S. Highway 36; point in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; and points in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; points in that part of Illinois south of U.S. Highway 16, between points in Illinois south of U.S. Highway 36; points in that part of Indiana south of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; and points in that part of Wisconsin north of U.S. Highway 16, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia. AAA. *Household goods* as defined by the Commission, between points in that part of Illinois on and north of U.S. Highway 36; points in that part of Indiana on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 36 to Indianapolis, Ind., and thence along U.S. Highway 40 to the Indiana-Ohio State line; points in that part of Michigan on and south of a line beginning as Muskegon, Mich., and extending eastward along Interstate Highway 96 to Grand Rapids, Mich., thence continue along Interstate Highway 96 to Detroit, Mich.; and points in Wisconsin on and south of U.S. Highway 16, on the one hand, and, on the other, points in Delaware, Kansas, North Carolina, North Dakota, Rhode Island, South Carolina, South Dakota, and West Virginia; *household goods*, between Litchfield, Nebr.; and points within 25 miles of Litchfield, on the one hand, and, on the other, points in Wyoming, Iowa, Kansas, Missouri, South Dakota, and Colorado, between Cozad, Nebr., and points in Nebraska within 25 miles of Cozad, on the one hand, and, on the other, points in Iowa, Kansas and Colorado, between points in Harper, Alfalfa, Garfield and Major Counties, Okla., on the one hand, and, on the other, points in Missouri, Kansas, Texas, and Arkansas; and between points in Woods and Woodward Counties, Okla., on the one hand, and, on the other, points in Kansas, between points in Iowa, on the one hand, and, on the other, points in Nebraska, Minnesota, Illinois, and Kansas.

No. MC-F-12320. (Correction) (T.I.M.E.-DC, INC.—PURCHASE (PORTION)—DEALERS TRANSIT, INC.), published in the October 10, 1974, issue of the FEDERAL REGISTER on page 36549. Prior notice should be modified to read, Classes A and B explosives, between Knoxville, Tenn., on the one hand, and, on the other, Memphis, Tenn.

No. MC-F-12331 (Correction) (AERO TRUCKING, INC.—PURCHASE (PORTION)—MILLER'S MOTOR FREIGHT, INC.), published in the October 17, 1974, issue of the FEDERAL REGISTER, on page 37149. Prior notice should include that under the proposed transaction vendee proposes to tack vendor's authority with vendee's present authority at York, Pa., or points within 10 miles thereof (gateway) to perform through service in the transportation of commodities which by reason of size or weight require the use of special equipment from points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, South

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Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. Vendee also seeks as a part of the transaction to eliminate the gateway of York, Pa., and points within 10 miles thereof where permissible under the guidelines established in *Ex Parte No. 55 Sub 8*, 119 M.C.C. 530. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12335. Authority sought for purchase by ROY GERNER & SONS, INC., P.O. Box 1977, Butler, PA 16001, of the operating rights and property of JOSEPH E. DAVIS, R.R. #1, Cabot, PA 16023, and for acquisition by MORGAN MANAGEMENT COMPANY, also of Butler, PA 16001, of control of such rights and property through the purchase. Applicants' attorney: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. Operating rights sought to be transferred: *Meats, meat products, meat by products,* and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), as a *common carrier* over irregular routes, from Pittsburgh, Pa., to points in New York, New Jersey, Maryland, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in Iowa, Kentucky, Pennsylvania, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12352. Authority sought for purchase by DANIELS TRANSFER COMPANY, 338 Grant St., Franklin, PA 16323, of a portion of the operating rights of S. T. KARNS TRANSPORTATION COMPANY, also of Franklin, PA 16323. Applicants' attorney: H. Ray Pope, Ten Grant St., Clarion, PA 16214. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between Franklin, Pa., on the one hand, and, on the other, points in Pennsylvania within 50 miles of Franklin; *machinery and parts* between Franklin, Pa., on the one hand, and, on the other, points in Ohio, West Virginia, and those in New York, on and west of New York Highway 2. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Virginia, West Virginia, and the District of Columbia. Under the proposed transaction vendee proposes to tack its authority in Franklin, Pa., with the authority being purchased herein to provide a through service. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12353. Authority sought for merger by FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, Nashville, TN 37209, of the operating rights and property of MAYBELLE TRANSPORT COMPANY, P.O. Box 849, Lexington, NC 27292, and for acquisition by FLEET MANAGEMENT COMPANY, also of Nashville, TN 37209, of control of such rights through the transaction. Applicants' attorney: Harlan Dodson, P.O. Box 2524, Nashville, TN 37201. Operating rights sought to be merged: *Paper and paper products*, as a *contract carrier* over irregular routes, between the plantsite of Owens-Illinois Glass Co., Paper Products Division, near Spencer, N.C., on the one hand, and, on the other, points in Georgia, South Carolina, Virginia, and that part of Tennessee on and east of a line beginning at Bristol, Tenn., on the Tennessee-Virginia State line and extending along U.S. Highway 11W to Knoxville, Tenn., and thence along U.S. Highway 11 to the Tennessee-Georgia State line, between the plantsite of the Albermarle Paper Co., at Lexington, N.C., on the one hand, and, on the other, points in Virginia, with restrictions; *ceramic products, and materials used in the manufacture, installation, repair,* and *maintenance* of ceramic products, from Lexington, N.C., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, New Jersey, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia; *ceramic products*, from Trenton, N.J., Daisy, Tenn., Lafayette, Ga., and Biglerville, Pa., to Lexington, N.C.; materials used in the manufacture, installation, repair, and maintenance of ceramic products, from Jacksonville and Edgar, Fla., Atlanta, Cartersville, and Savannah, Ga., Andrews, Clover, and Charleston, S.C., Mayfield, Ky., Dilwyn and Norfolk, Va., York, Pa., and Paris and Nashville, Tenn., to Lexington, N.C., with restrictions, also holds authority to operate as a common carrier, asphalt and road oils, in bulk, in tank vehicles, from points within 3 miles of Salisbury, N.C., to points in Greenville, Spartanburg, York, Cherokee, and Pickens Counties, S.C., from Fayetteville and Salisbury, N.C., to points in that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line and extending east along U.S. Highway 33 to Richmond, Va., thence along U.S. Highway 60 to the Atlantic Ocean.

Liquid corn products and blends of liquid corn products and liquid sugar, in tank vehicles, in bulk, from points in North Carolina to points in Alabama, Florida, Georgia, Kentucky, Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; *liquid sugar and blends of liquid sugar and corn syrup*, in bulk, in tank vehicles, from Charlotte and Lexington, N.C., to points in South Carolina, Georgia, that part of Tennessee on and east of a line beginning at Bristol, Tenn.-Va., and extending along U.S. Highway 11W to Knoxville, and thence along U.S. Highway 11 to Chattanooga, and that part of Virginia on and west of Virginia Highway 16; *corn syrup*, in bulk, in tank vehicles, from Greenville, S.C., to points in Georgia, North Carolina, and that part of Tennessee on and east of a line beginning at the Virginia-Tennessee State line and extending along U.S. Highway 11W to Knoxville, Tenn., and thence along U.S. Highway 11 to the Tennessee-Georgia State line, including Knoxville, Tenn., from Greeneville, Tenn., to points in Alabama, Georgia, North Carolina, South Carolina, and Virginia, with restrictions; *corn syrup*, in bulk, in tank vehicles, from Atlanta, Ga., to points in North Carolina; *paint, lacquers, lacquer sealer, enamels, varnishes, stains, thinner, and finishing materials* used in the manufacture of furniture, in bulk, in tank vehicles, from Grand Rapids, Mich., to points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia; *liquid and invert sugar*, in bulk, in tank vehicles, from Port Wentworth, Ga., to Lexington, N.C., from Charlotte, N.C., to points in that part of Kentucky on, south, and east of a line beginning at the Kentucky-West Virginia State line and extending along U.S. Highway 60 to Versailles, Ky., thence along U.S. Highway 62 to Elizabethtown, Ky., thence along U.S. Highway 31W to the Kentucky-Tennessee State line, and that part of Tennessee on and east of a line beginning at the Tennessee-Kentucky State line and extending along U.S. Highway 31W to Nashville, Tenn., and thence along U.S. Highway 31 to the Tennessee-Alabama State line; *dry cement*, from Harleyville, S.C., and certain specified points in Tennessee to points in North Carolina; *liquid and invert sugar, and blends of liquid sugar and corn syrup*, in bulk in tank vehicles, from Richmond, Va., to points in Maryland, North Carolina, Pennsylvania, South Carolina, Tennessee, West Virginia, and the District of Columbia.

Corn syrup and blends of corn syrup and liquid sugar, in bulk, in tank vehicles, from Augusta, Ga., to points in North Carolina and South Carolina, points in that part of Tennessee on and east of U.S. Highway 11W from the Tennessee-Virginia State line to and including Knoxville, Tenn., and on and east of U.S. Highway 11 from Knoxville to the Tennessee-Georgia State line, and points in that part of Virginia on and south of U.S. Highway 60; *liquid fertilizers*, in bulk, in tank vehicles, from Hopewell, Va., to points in Georgia, North Carolina, and South Carolina; *sugar, dry*, in bulk, in vehicles designed for loading through top hatches and discharging by gravity, from Baltimore, Md., to points in North Carolina; *dry cement*, in bulk, from Salisbury, N.C., to points in Virginia, West Virginia, and South Carolina; *dry cement*, in bulk, in tank vehicles, from Salisbury, N.C., to points in North Carolina; *liquid sugar*, in bulk in tank vehicles, from Lexington, N.C., to points in Virginia east of Virginia Highway 16; *cement and mortar*, in packages, from Selma, N.C., to points in North Carolina, South Carolina, and Virginia; *dry corn products*, in bulk, from Lexington, N.C., to points in North Carolina from Greer, S.C., and points within 5 miles thereof, to points in North Carolina, South Carolina, and Georgia, from Greer, S.C., to points in Tennessee; *salt*, in bulk, and *salt*, in packages, in mixed loads with salt, in bulk, from Spartanburg, S.C., to points in West Virginia, Virginia, Tennessee, North Carolina, South Carolina, and Georgia; *dry polyvinyl alcohol*, in bulk, from the plantsite or facilities utilized by Texize Chemicals, Inc., at or near Greer, S.C., to points in Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee (except Kingsport); *dry polyvinyl alcohol*, in bulk, in tank vehicles, from Charleston and North Charleston, S.C., to points in Georgia, North Carolina, South Carolina, and Virginia; *cement* from Statesville, N.C. to points in that part of South Carolina in and north of Aiken, Lexington, Calhoun, Florence, Marion, and Dillon Counties, S.C., and to those points in that part of Virginia in and west of Craig, Botetourt, Bedford, Campbell, Charlotte, and Halifax Counties, Va.

Corn Syrup and blends of corn syrup and liquid sugar, in bulk, from Atlanta, Ga., to points in Alabama, Florida, South Carolina, and Tennessee, from Collegedale, Tenn., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; corn syrup, in bulk, from Cullman, Ala., to points in Alabama, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee; *blends of corn syrup and liquid sugar*, in bulk, from Atlanta, Ga., to points in North Carolina; *corn syrup*, from Birmingham, Ala., to Atlanta, Ga., and Nashville, Tenn., from Selma, Ala., to points in Georgia and Tennessee; *dry plastic materials*, in bulk, from Hopewell, Va., to points in North Carolina, South Carolina, Georgia, and Alabama; *salt*, in bulk, from Charlotte and Lexington, N.C., to points in North Carolina; *corn products and blends of corn products and sugar*, in bulk, from Greer, S.C., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia; *potato starch, dry*, in bulk, from Greer, S.C., to points in North Carolina; with restrictions. FLEET TRANSPORT COMPANY, INC., is authorized to operate as a *common carrier* in Georgia, Tennessee, Alabama, Florida, South Carolina, North Carolina, Louisiana, Arkansas, Oklahoma, Virginia, Delaware, Kentucky, Maryland, Ohio, Indiana, West Virginia, District of Columbia, Mississippi, New York, Illinois, Massachusetts, New Jersey, Texas, Michigan, and Missouri. Application has not been filed for temporary authority under section 210a(b).

NOTE.—Pursuant to order dated August 27, 1971, in No. MC–F–11001, Transferee acquired control of Transferor.

No. MC–F–12354. Authority sought for purchase by JOHN L. KERR AND G. O. KERR, JR., doing business as SHIPPERS EXPRESS, P.O. Box 8308, Jackson, MI 39204, of the operating rights of REESE TRUCK LINE, INCORPORATED, 700 Petroleum Bldg., Jackson, MI 39201. Applicants' attorney: Dan McCullen, P.O. Box 22567, Jackson MI 39205. Operating rights sought to be transferred: *General commodities*, with exceptions as a *common carrier* over regular routes, between Gloster, Miss., and New Orleans, La., serving the intermediate point of Centreville, Miss., between Centreville, Miss., and the Mississippi-Louisiana State line, serving all intermediate points, and the off-route point of Summit, Miss., between McComb and Brookhaven, Miss., serving no intermediate points, between Gloster and Fayette, Miss., serving Crosby, Miss., as an intermediate point and serving Roxie, Miss., as an off-route point, between Centreville and Woodville, Miss., serving no intermediate points, over one alternate route for operating convenience only. Vendee is authorized to operate as a *common carrier* in Louisiana and Mississippi. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12355. Authority sought for purchase by C & J COMMERCIAL DRIVEWAY, INC., 2400 W. St. Joseph, Lansing, MI 48903, of a portion of the operating rights of DEALERS TRANSIT, INC., 2200 E. 170th St., Lansing, IL 60438, and for acquisition by NATIONAL CITY LINES, INC., P.O. Drawer 17–G, Terminal Annex, Denver, CO 80217, of control of such rights through the purchase. Applicants' attorneys: Robert E. Joyner, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, and John R. Sims, Jr., Suite 600, 1707 H St. NW., Washington, DC 20006. Operating rights sought to be transferred: *Trucks and commercial automotive vehicles* (except passenger automobiles) in subsequent or secondary movements, in driveway service, as a *common carrier* over irregular routes, from Union City, Ind., to all points in the United States, except (1) those in Alaska, Arizona, Hawaii, Oregon, Nevada, and Vermont, and except (2) between plantsites or other facilities including railheads of Ford Motor Company in the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, points in Illinois, Indiana, Michigan, Wisconsin, and Iowa. Vendee is authorized to operate as a *common carrier* in Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12358. Authority sought for control by GEORGE R. ROMANO, 1065 Belvoir Rd., Norristown, PA 19401, of ROMANO'S BULK CARRIERS, INC., also of Norristown, PA 19401. Applicants' attorney: William P. Jackson, Jr., 919 Eighteenth St. NW, Washington, DC 20006. Operating rights sought to be controlled: *Bituminous concrete, asphalt, crushed stone, sand, gravel,* and *brick*, as a *common carrier* over irregular routes, from points in Upper Merion Township, Montgomery County, Pa., and points within 10 miles of Upper Merion Township, to points in New Jersey, Delaware, and Maryland; *ground limestone*, from Norristown, Pa., and points in Chester and Delaware Counties, Pa., to points in Delaware and Maryland. GEORGE R. ROMANO, holds no authority from this Commission. However, he is affiliated with BIVINS' FREIGHT SERVICE, INC., South 15th St., Millville, NJ 08332, which is authorized to operate as a *common carrier* in New Jersey, Pennsylvania, Maryland, Delaware, Connecticut, New York, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

PROPOSED NOTICE

Burlington Northern Inc., a common carrier by rail with headquarters at St. Paul, MN hereby gives notice that it has filed an application with the Interstate Commerce Commission pursuant to Sec. 5(2) of the Interstate Commerce Act for an order authorizing it to acquire control of Green Bay and Western Railroad Company, also a common carrier. If approved, control will be effected by the purchase of not less than 80% of the Common Stock and certain Class A and Class B debentures of Green Bay and Western pursuant to an Offer of Purchase (tender offer) by Burlington Northern, Inc. dated October 22, 1974 which expires January 20 ,1975 unless extended by the purchaser. This application has been assigned Finance Docket No. 27770.

Green Bay and Western Railroad Company is a Class I carrier, which operates 256 route miles in both interstate and intrastate commerce between Winona, MN on the west and Kewaunee, WI on the east. It serves the intermediate points of Green Bay, Black Creek, New London, Plover, Stevens Point, Wisconsin Rapids, Merrillan and East Winona, all in the State of Wisconsin. It connects with Burlington Northern Inc.'s Chicago-Twin Cities line at East Winona, WI and with the cross-lake car ferry lines of the Ann Arbor Railroad Company and the Chesapeake and Ohio Railway Company at Kewaunee, WI.

Burlington Northern Inc. operates various lines of railroad between Chicago and Duluth-Superior on the east to Denver and major points in the Pacific Northwest, including a route via the upper Mississippi River Valley which makes the mentioned connection at East Winona, WI.

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Applicant's attorneys are Frank S. Farrell, James R. Walker, and Richard M. Gleason, all of 176 East Fifth Street, St. Paul, MN 55101.

In the opinion of the applicant, the proposal is not a major Federal Action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than December 13, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26613 Filed 11-12-74;8:45 am]

[Notice 150]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 6, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 5227 (Sub-No. 16TA), filed October 29, 1974. Applicant: ECONOMY MOVERS, INC., P.O. Box 201, Mead, Nebr. 68041. Applicant's representative: Gailyn L. Larsen, Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polystyrene* (except in bulk), from Parsippany, N.J., and Pittsburgh, Pa., to the plant site and facilities of Mid-America Industries at or near Mead, Nebr.; and (2) *Roofing tile and insulation*, from the plant site and facilities of Mid-America Industries, Inc., at or near Mead, Nebr., to Abilene, Tex., and Denver, Colo., for 180 days. Supporting shipper: John H. McLaughlin, President, Mid-America Industries, Inc., Mead, Nebr. 68041. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 56553 (Sub-No. 28TA), filed October 30, 1974. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Ave., Nashville, Tenn. 37203. Applicant's representative: Charles M. Locke, P.O. Box 1081, Nashville, Tenn. 37203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, and those requiring special equipment), serving the plant site and warehouse facilities of Firestone Tire & Rubber Co., in Rutherford County, Tenn., near LaVergne, Tenn., as an off-route point in connection with carrier's regular-route operation to and from Nashville, Tenn., for 180 days. NOTE.—Applicant does intend to interline at all authorized service points embraced in Certificate No. MC 56553 and Subs 15, 16, 20, 21, and 22. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803-1808 West End Building, Nashville, Tenn. 37203.

No. MC 107403 (Sub-No. 921TA), filed October 29, 1974. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Oswego, N.Y., to points in Bradford, Lackawanna, Luzerne, Monroe, Pike, Sullivan, Susquehanna, Tioga, Wayne, and Wyoming Counties, Pa., restricted to traffic having a prior movement by water, for 180 days. Supporting shipper: R. J. Fowlie, Distribution Manager, Northeast Cement Co., Inc., State Tower Bldg., Syracuse, N.Y. 13202. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 111401 (Sub-No. 434TA), filed October 29, 1974. Applicant: GREEN-DYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock, P.O. Box 632, Enid, Okla. 73701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid livestock feed*, in bulk, in tank vehicles, from Atchison, Kans., to Humboldt, Omaha, Fremont, and Norfolk, Nebr., for 180 days. Supporting shipper: Midwest Solvents Company, Inc., Warren W. Graves, 1300 Main Street, Atchison, Kans. 66002. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 114457 (Sub-No. 210TA), filed October 30, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared frozen foodstuffs*, from the facilities of Kitchens of Sara Lee, Inc., located at or near Deerfield and Chicago, Ill., to points in Indiana, Michigan, and Ohio, restricted to the transportation of shipments originating at the above described origin points and destined to the above-described destinations, for 180 days. Supporting shipper: Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, Ill. 60015. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 414 Federal Building & U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 128375 (Sub-No. 122TA), filed October 30, 1974. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, Nebr. 68502. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Nashua, N.H., and Westbrook, Maine, to points in Iowa, Kansas, Nebraska, and Kansas City, Mo., including its commercial zone, for 180 days. Supporting shipper: W. R. Hearshman, President, Western Paper Company, Suite 450, General Square Court, 9800 Metcalf, Overland Park, Kans. 66204. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 129171 (Sub-No. 15TA), filed October 30, 1974. Applicant: ARTHUR SHELLEY, INC., R.D. No. 2, Dallas, Pa. 18612. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Bethlehem, Pa., to Omaha, Nebr.; Minneapolis, Minn., and Salt Lake City, Utah, for 180 days. Supporting shipper: Just Born, Inc., Bethlehem, Pa. 18018. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136246 (Sub-No. 6TA), filed October 29, 1974. Applicant: GEORGE BROS. INC., P.O. Box 492, Sutton, Nebr. 68979. Applicant's representative: Marshall D. Becker, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, from York, Willow Island, and Minatare, Nebr., to points in Kansas (Kansas points—Oberlin, Ruleton, Hugoton, St. Francis, Prairie View, Larned, Stuttgart, Ellis, Minneapolis, Esbon, Hunter, Roxbury, and Levant), for 180 days. Supporting shipper: Kenneth M. Green, General Manager, Mid West PMS, Box 366, Minatare, Nebr. 69356. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 139336 (Sub-No. 6TA), filed October 29, 1974. Applicant: TRANSTATES, INC., 2449 Marseilles Way, Costa Mesa, Calif. 92626. Applicant's representative: David P. Christianson, 606 South Olive Street, Suite 825, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass bathtubs and shower bathstalls*, from points in Orange County, Calif., to points in Arkansas, Tennessee, South Carolina, Virginia, and Pennsylvania, for 180 days. Supporting shipper: Kimstock, Inc., 220 South Yale Street, Santa Ana, Calif. 92704. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif. 90012.

No. MC 140334 TA, filed October 29, 1974. Applicant: AM-CAN TRANSPORT SERVICE, INC., P.O. Box 859, Anderson, S.C. 29621. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Materials, supplies and equipment* used in the manufacture, production, and distribution of tires and test products, between International Ports of Entry in Maine, on the one hand, and, on the other, points at or near Greenville and Sandy Springs, S.C., for 180 days. Restrictions: (1) To traffic either originating at or destined to the facilities of Michelin Tire Corporation; (2) To foreign commerce originating at or destined to points in Canada; (3) Against the transportation of commodities in bulk, in tank vehicles; and (4) All traffic under a continuing contract with Michelin Tire Corporation. Supporting shipper: Michelin Tire Corporation, General Traffic Manager, Mfg. Division, P.O. Box 2846, Greenville, S.C. 29602. Send protests to: District Supervisor E. E. Strotheid, Interstate Commerce Commission, Bureau of Operations, Room 302, 1400 Building, 1400 Pickens St., Columbia, S.C. 29201.

No. MC 140337 TA, filed October 29, 1974. Applicant: JESSE SHERMAN, doing business as SHERMAN TRAILER TRANSPORTATION, P.O. Box 3343, Cheyenne, Wyo. 82001. Applicant's representative: Robert S. Stauffer, 3589 Boston Road, Cheyenne, Wyo. 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, between points in Wyoming, Colorado, Nebraska, North Dakota, South Dakota, Montana, Idaho, and Utah, for 180 days. Supporting shippers: Gerald F. Gobel, Boeing Co., P.O. Box 425, Kimball, Nebr.; Erwin W. Gibbs, Construction Manager, Boeing Co., P.O. Box 33, Kimball, Nebr.; Mrs. Ronald M. Hiett, Union Pacific Railroad, P.O. Box 263, Kimball, Nebr.; United Mobile Homes, Robert L. Kidd, Lot Manager, 425 S. Greeley Highway, Cheyenne, Wyo. 82001; and Western Brokers, Charlie H. Schoeffer, Owner, Rt. 2, Box 1722, Cheyenne, Wyo. 82001. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1006, Federal Building & Post Office, 100 East "B" Street, Casper, Wyo. 82601.

No. MC 140338 TA, filed October 30, 1974. Applicant: FRANKLIN MILLING COMPANY, INC., South Main Street, Louisburg, N.C. 27549. Applicant's representative: Mark L. Warren (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed supplements*, in bulk, in tank vehicles, from Savannah, Ga., to all counties in North Carolina lying to the East of U.S. Highway #220, for 180 days. Supporting shipper: Ralston Purina Company, P.O. Box 2028, Wilson, N.C. 27893. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

MOTOR CARRIERS OF PASSENGERS

No. MC 140336 TA, filed October 24, 1974. Applicant: BURKHOLDER BUS LINE, Rt. No. 1, Box 95-4, Winchester, Va. 22601. Applicant's representative: Howard J. Burkholder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers only*, between Paw Paw, W. Va., and Winchester, Va., serving all immediate points, traveling West Virginia state routes 9, 29, and 45 and Virginia state route 45 and U.S. Route 522, to Winchester, Va. and return, for 180 days. Supporting shippers: National Fruit Product Company, Inc., P.O. Box 609, Winchester, Va. 22601; J. Schoeneman, Inc., Winchester Industrial Park, P.O. Box 630, Winchester, Va. 22601; O'Sullivan, Corp., P.O. Box 603, Winchester, Va. 22601; and Abex Corp., P.O. Box 607, Winchester, Va. 22601. Send protests to: District Supervisor W. C. Hersman, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Room 317, Washington, D.C. 20423.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 74-26612 Filed 11-12-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 8, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 25, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2860 (Sub-No. E70), filed June 4, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.S. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line, between the United States and Canada to points in that part of Virginia of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of (1) the junction of the Pennsylvania Turnpike and U.S. Highway 130 at Philadelphia, (2) any points in Salem County, N.J., (3) any point in Delaware east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal.

No. MC 17600 (Sub-No. E1), filed June 4, 1974. Applicant: PARAMOUNT MOVING & STORAGE CO., INC., 3 Commercial Ave., Garden City, N.Y. 11530. Applicant's representative: Joseph Verderber (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in Vermont, Massachusetts, Rhode Island, and Connecticut, on the one hand, and, on the other, points in New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia; and (2) between Ohio, Indiana, and Illinois, on the one hand, and, on the other, points in Vermont, Massachusetts, Connecticut, and Rhode

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Island. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 56224 (Sub-No. E1), filed May 13, 1974. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from points in Adams County, Pa. (except Aspers, Biglerville, Gardners, Orrtanna, and Peach Glen), to points in Illinois, Indiana, Kentucky, and Michigan (Inwood, W. Va.)*; (2) *Canned fruits and vegetables*, from New Windsor and Westminster, Md., and New Freedom, Pa., to points in Illinois, Indiana, Kentucky, and Michigan (Biglerville, Chambersburg, Gardners, Greencastle, New Freedom, Orrtanna, and Peach Glen, Pa., or Inwood, W. Va.)*; (3) *Canned fruits and vegetables*, from New Windsor and Westminster, Md., and New Freedom, Pa., to points in Iowa and Missouri (points in Adams County, Pa.)*; (4) *Canned fruit and vegetable products* from Baltimore, Md., to points in Iowa and Missouri (points in Adams County, Pa.)*; (5) *Dried corn, beans, and peas, fresh vegetables, salt, labels* used in the labeling canned fruits and vegetables, and *empty containers* used in packing and shipping canned fruits and vegetables, (a) from Hoopeston, Ill., to Littlestown, Pa., and New Windsor and Westminster, Md. (New Freedom or Orrtanna, Pa.)*, and (b) from Fort Wayne, Ind., to Littlestown, Pa., and New Windsor and Westminster, Md. (New Freedom, Pa.)*; (6) *Fresh fruit*, from points in Frederick, Clarke, Shenandoah, Warren, Madison, Culpepper, Rappahannock, Fauquier, Augusta, Albermarle, and Loudoun Counties, Va., to Baltimore, Md., New York, N.Y., and Paterson, N.J. (Biglerville, Gardners, or Peach Glen, Pa.)*; and (7) *Fresh fruit*, from points in Morgan, Jefferson, Berkeley, Hampshire, and Mineral Counties, W. Va., to Baltimore, Md., New York, N.Y., and Paterson, N.J. (Biglerville, Gardners, or Peach Glen, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 83539 (Sub-No. E33), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require special equipment (except boats); and (2) *Self-propelled articles*, each weighing 15,000 pounds or more (except in driveaway service), and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in California, on the one hand, and, on the other, points in Alabama, Georgia, Florida, and Tennessee. The purpose of this filing is to eliminate the gateway of points in Utah, Colorado, and Texas.

No. MC 83539 (Sub-No. E34), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, between points in Massachusetts, on the one hand, and, on the other, points in Pennsylvania (except points in Warren, McKean, Potter, Tioga, Bradford, Susquehanna, Wayne, Pike, Monroe, Carbon, Luzerne, Lackawanna, Wyoming, Columbia, Montour, Sullivan, and Lycoming Counties). The purpose of this filing is to eliminate the gateway of Philadelphia, Pa.

No. MC 83539 (Sub-No. E41), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, and *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Alaska, on the one hand, and, on the other, points in Vermont and New Hampshire. Restriction: The operations authorized in (2) above are restricted to the commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Utah.

No. MC 83539 (Sub-No. E42), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO. INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (3) *Earth drilling machinery and equipment*, and *machinery, equipment, materials, supplies, and pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in that part of California in and south of Sonoma, Napa, Yolo, Sutter, Yuba, and Nevada Counties, on the one hand, and, on the other, points in that part of Alaska on the Kenai Peninsula, and on, south, and east of a line beginning at the United States-Canada International Boundary line, thence along U.S. Highway 2 to junction U.S. Highway 3, thence along U.S. Highway 3 to Anchorage. Restriction: The operations authorized in (2) above are restricted to pipelines used for the transmission of natural gas and petroleum and their products and byproducts, and restricted against the stringing or picking up of pipe in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of points in Wyoming.

No. MC 83539 (Sub-No. E45), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities, which* because of size or weight require the use of special equipment, and parts thereof when their transportation is incidental to the transportation of commodities, which because of size or weight require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Florida, on the one hand, and, on the other, points in that part of Kentucky on, west, and north of a line beginning at the Tennessee-Kentucky State line, thence along Interstate Highway 75 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Kentucky-West Virginia State line. Restriction: The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Nashville, Tenn., and points within 50 miles thereof.

No. MC 83539 (Sub-No. E53), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO. INC., 2010 W. Commerce, P.O. Box 5976, Dallas, Tex. 75222. Applicant's represenative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by Motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, between points in that part of New York on and east of U.S. Highway 81, on the one hand, and, on the other, points in that part of Alabama on and north of U.S. Highway 80.

The purpose of this filing is to eliminate the gateway of Nashville, Tenn., and points within 50 miles thereof, points in Virginia, and Philadelphia, Pa.

No. MC 83539 (Sub-No. E55), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO. INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require the use of special equipment, and parts of such commodities when moving in connection therewith, between points in New Mexico, on the one hand, and, on the other, points in that part of Minnesota on and south of a line beginning at the Minnesota-South Dakota State line, thence along U.S. Highway 212 to junction U.S. Highway 23, thence along U.S. Highway 23 to Duluth. Restriction: The operations authorized herein are restricted against service performed in the stringing or picking up of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 95876 (Sub-No. E44) (Correction), Published in the FEDERAL REGISTER October 2, 1974. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, St. Cloud, Minn. 56301. Applicant's representative: Arthur A. Budde (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Construction equipment, materials*, and *supplies*, (except commodities in bulk or those requiring the use of special equipment); and (2) *Building materials*, when used as contractors' or construction materials and supplies, between Fargo, N. Dak., on the one hand, and, on the other, points in Iowa, Wisconsin, and points in Minnesota on, south, and east of a line beginning at International Falls and extending along U.S. Highway 53 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fergus Falls, Minn., and points within 20 miles of Fergus Falls. The purpose of this correction is to clarify the route description in (2) above.

No. MC 83539 (Sub-No. E47), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, and *parts* of such commodities when moving in connection therewith, between points in Arkansas, on the one hand, and, on the other, points in that part of Minnesota on and east of U.S. Highway 71. Restriction: The operations authorized herein are restricted against service performed in the stringing and picking up of the above commodities in connection with main or trunk pipelines. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 83539 (Sub-No. E52), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, and *parts* thereof when moving in connection with such commodities; and (2) *Self-propelled* articles, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Wyoming, on the one hand, and, on the other, points in that part of Missouri on, south, and east of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 92 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Missouri-Iowa State line. Restriction: The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Wichita, Kans., and points in Colorado, or points in South Daktoa.

No. MC 107515 (Sub-No. E147), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 376, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, tansporting: *Frozen citrus products*, from points in that part of Florida on and east of U.S. Highway 231, to points in Kansas. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E148), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 376, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, from West Palm Beach, Port of Palm Beach, and Port Everglades, Fla., to points in North Dakota, Texas, and Oklahoma. The purpose of this filing is to eliminate the gateway of Jacksonville, Fla.

No. MC 107515 (Sub-No. E150), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, and *dairy products* as described in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, from Quincy, Fla., and points in that part of Florida on and east of U.S. Highway 319, to points in that part of Louisiana on and north of a line beginning at the Texas-Louisiana State line, thence along Louisiana Highway 8 to Leesville, thence along Louisiana Highway 28 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Louisiana-Mississippi State line. The purpose of this filing is to eliminate the gateway of any point that is both within 10 miles of Montezuma, Ga., and within the Montezuma commercial zone, except Montezuma.

No. MC 107515 (Sub-No. E151), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, and *dairy products*, as described in the Appendix to the Report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, from points in that part of Florida on and east of U.S. Highway 319 to Nashville and McMinnville, Tennessee. The purpose of this filing is to eliminate the gateway of any point that is both within 10 miles of Atlanta, Ga., and within the Atlanta Commercial Zone (except at Atlanta).

No. MC 107515 (Sub-No. E152), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts* as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carriers Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), in vehicles equipped with mechanical refrigeration, from Ocala and Tampa, Fla., to points in that part of South Carolina on and north of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 321 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction South Carolina Highway 63 thence along South Carolina Highway 63 to junction U.S. Alternate Highway 17, thence along U.S. Alternate Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 301, thence along U.S. Highway 301 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

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No. MC 107515 (Sub-No. E187), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen pizza pies and frozen purees*, from Baltimore, Md., to points in Arkansas, Texas, Nevada, Oklahoma, and Utah, restricted to the transportation of traffic originating at Baltimore, Md., and Washington, D.C., and (2) against the transportation of traffic destined to points in Florida. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 107515 (Sub-No. E486), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (a) from points in South Carolina, to the District of Columbia, and points in New York, Connecticut, Massachusetts, Maryland, New Jersey, Delaware, and that part of Pennsylvania on and east of U.S. Highway 219 (Rocky Mount, N.C.)*; and (b) from points in South Carolina, to points in that part of Virginia on and east of U.S. Highway 52 (the plant sites of Family Foods, Inc., and Ambrosia Chocolate Company, Division of W. R. Grace and Co., at Charlotte, N.C.)*. The purpose of this filing is to eliminate the gateways of the points indicated by asterisks above.

No. MC 107515 (Sub-No. E490), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 521, to Sumter, thence along U.S. Highway 15 to junction Interstate Highway 26, thence along Interstate Highway 26 to the Atlantic Ocean, to points in the lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 110420 (Sub-No. E139), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Chicago, Ill., to (1) points in Nebraska (Milwaukee, Wis.)*; (2) points in that part of Kansas in and west of Norton, Osborne, Lincoln, Saline, Ellsworth, Barton, Pawnee, Edwards, Ford, and Meade Counties (Milwaukee, Wis., and Lincoln, Nebr.)*; (3) points in Texas (Milwaukee, Wis., and Granite City, Ill.)*; (4) points in Louisiana (Milwaukee, Wis., and Granite City, Ill.)*; (5) points in Oklahoma (Milwaukee, Wis., and Pekin, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E140), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Chicago, Ill., to (1) points in Maryland (Hammond, Ind.)*; (2) points in Mississippi (Roby, Ind.)*; (3) points in North Dakota (Hammond, Ind.)*; (4) to Johnstown, Pa. (Detroit, Mich.)*; (5) to points in Kansas (St. Louis, Mo.)*; (6) to points west and south of Sharp, Jackson, Woodruff, and St. Francis Counties, Ark. (Clinton, Iowa)*; (7) to points in South Dakota, Oklahoma, and Texas (Cedar Rapids, Iowa)*; (8) to points in Tennessee and that part of West Virginia west and south of Wood, Wirt, Calhoun, Clay, Nicholas, and Greenbrier Counties (Louisville, Ky.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E141), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Louisville, Ky., to (1) points in South Dakota and Texas (Granite City, Ill.)*; (2) points in that part of Arkansas in and west of Fulton, Izard, Stone, Cleburne, Faulkner, Pulaski, Grant, Dallas, Calhoun, and Union Counties, and that part of Louisiana in and west of Claiborne, Bienville, Natchitoches, Vernon, Beauregard, Calcasieu and Cameron Parishes (Granite City, Ill.)*; (3) points in Minnesota (the plant site of Union Starch and Refining Company, Inc., at Granite City, Ill.)*; (4) points in Iowa (Chicago, Ill.)*; (5) points in Wisconsin, the Upper Peninsula of Michigan, and Cheboygan and Emmet Counties, Mich. (Chicago, Ill.)*; (6) points in Kenosha, Racine, Milwaukee, Ft. Atkinson, and Waukesha, Wis. (Chicago, Ill.)*; (7) points in Beaver, Harper, Ellis, Roger Mills, Beckham, Greer, Harmon, and Jackson Counties (Pekin, Ill.); (8) points in North Dakota (Hammond, Ind.)*; (9) points in that part of Michigan in and east of Emmet, Otsego, Crawford, Roscommon, Clare, Isabella, Gratiot, Clinton, Ingham, Jackson, and Lenawee Counties, Mich. (Toledo, Ohio)*; and (10) points in that part of Nebraska in, north, and west of Dakota, Wayne, Stanton, Madison, Antelope, Wheeler, Garfield, Custer, Lincoln, and Perkins Counties (Chicago, Ill., and Milwaukee, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 111545 (Sub-No. E401), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe) as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way, from points in that part of Texas on, south, and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along Texas Highway 24 to Greenville, thence along Interstate Highway 30 to Dallas, thence along U.S. Highway 77 to Waco, thence along U.S. Highway 81 to Laredo, to points in Idaho, North Dakota, South Dakota, and Wyoming, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundary Company, at or near Tyler, Tex.

No. MC 111545 (Sub-No. E404), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* (except knitting machines), each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith, between points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on west of a line beginning at the Tennessee-Kentucky State line, thence along U.S. Highway 127 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction Tennessee Highway 58, thence along Tennessee Highway 58 to Decatur, thence along Tennessee Highway 30 to Etowah, thence along U.S. Highway 411 to the Tennessee-Georgia State line, on the one hand, and, on the other, points in New Jersey, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E433), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such incinerators and refuse-treatment equipment, and parts, attachments and accessories*, for incinerators and refuse-treatment equipment, as are machinery and contractors' equipment, which because of size or weight requires the use of special equipment, (1) from points in Kansas to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (2) from points in that part of Nebraska on and south of a line beginning at the Nebraska-Missouri State line, thence along U.S. Highway 136 to Beatrice, thence along Nebraska Highway 4 to junction U.S. Highway 281, thence along U.S. Highway 281 to junction U.S. Highway 6, thence along U.S. Highway 6 to Holdrege, thence along U.S. Highway 183 to Elm Creek, thence along U.S. Highway 30 to the Nebraska-Wyoming State line, to points in New York and Pennsylvania; (3) from points in that part of Nebraska on and south of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction U.S. Highway 281, thence along U.S. Highway 281 to Grand Island, thence along U.S. Highway 30 to the Nebraska-Wyoming State line, to points in that part of New York on and east of New York Highway 14;

(4) From points in that part of Nebraska on and south of U.S. Highway 30, to points in that part of Pennsylvania on, south, and east of a line beginning at the Pennsylvania-New Jersey State line, thence along Interstate Highway 78 to Harrisburg, thence along Interstate Highway 83 to the Pennsylvania-Maryland State line; (5) from points in that part of Nebraska on and south of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to Grand Island, thence along U.S. Highway 30 to the Nebraska-Wyoming State line, to points in West Virginia; (6) from points in that part of Nebraska on and south of a line beginning at the Nebraska-Iowa State line, thence along U.S. Highway 30 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to Valentine, thence along U.S. Highway 83 to the Nebraska-South Dakota State line, to points in Connecticut, Delaware, Maine, Rhode Island, and the District of Columbia; (7) from points in that part of Nebraska on and south of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to Thedford; thence along U.S. Highway 83 to the Nebraska-South Dakota State line, to points in Maryland, Massachusetts, New Jersey, Vermont, and Virginia; and (8) from points in that part of Nebraska on and south of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to Thedford, thence along U.S. Highway 83 to the Nebraska-South Dakota State line, to points in New Hampshire. The purpose of this filing is to eliminate the gateway of Springfield, Mo.

No. MC 111545 (Sub-No. E439), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe and fittings*, the transportation of which, because of size or weight requires the use of special equipment, (1) from points in that part of Georgia on and west of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 23 to Macon, thence along Interstate Highway 75 to the Georgia-Tennessee State line, to points in Kentucky; and (2) from points in Georgia to points in that part of Kentucky on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateways of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and Chattanooga, Tenn.

No. MC 111545 (Sub-No. E496), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except Knitting machines, and agricultural machinery and implements, other than hand, as defined by the Commission), the transportation of which, because of size or weight, requires the use of special equipment, (1) between points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks, on the one hand, and, on the other, points in that part of Texas on, west, and north of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Paris, thence along U.S. Highway 82 to Wichita Falls, thence along U.S. Highway 277 to San Angelo, thence along U.S. Highway 67 to the International Boundary line between the United States and Mexico; and (2) between points in that part of Florida on and south of a line beginning at Tampa, thence along Interstate Highway 4 to Orlando, thence along Florida Highway 50 to junction Florida Highway 520, thence along Florida Highway 520 to junction Florida Highway 528, thence along Florida Highway 528 to Cape Canaveral, on the one hand, and on the other, points in that part of Texas on, north, and west of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 67 to junction U.S. Highway 259, thence along U.S. Highway 259 to Lone Star, thence along Texas Highway 557 to Pittsburg, thence along U.S. Highway 271 to junction Interstate Highway 30, thence along Interstate Highway 35E to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Texas Highway 22, thence along Texas Highway 22 to Meridian thence along Texas Highway 6 to Hico, thence along U.S. Highway 281 to Lampasas, thence along U.S. Highway 190 to Brady, thence along U.S. Highway 87 to San Angelo, thence along U.S. Highway 67 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateways of Atlanta, Cartersville, or Marietta, Ga. or points in that part of Georgia within 50 miles thereof, and points in Oklahoma.

No. MC 111545 (Sub-No. E498), filed May 19, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30026. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Pennsylvania on, east, and south of a line beginning at the Pennsylvania-Ohio State line, thence along U.S. Highway 62 to junction Interstate Highway 79, thence along Interstate Highway 79 to Erie, on the one hand, and, on the other, points in that part of Texas on, south, and west of a line beginning at the Texas-New Mexico State line, thence along U.S. Highway 66 to Amarillo, thence along U.S. Highway 287 to Wichita Falls, thence along U.S. Highway 82 to Paris, thence along U.S. Highway 271 to junction U.S. Highway 67, thence along U.S. Highway 67 to Omaha, thence along U.S. Highway 259 to junction U.S. Highway 59, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 75 to Galveston. The purpose of this filing is to eliminate the gateways of Atlanta, Cartersville, or Marietta, Ga., or points in that part of Georgia within 50 miles thereof, and points in Oklahoma.

No. MC 112822 (Sub-No. E171), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and north of a line beginning at Monterey and extending along California State Highway 68 to junction California State Highway

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J–1, thence along California State Highway J–1 to junction California State Highway 180, thence along California State Highway 180 to junction California State Highway 168, thence along California State Highway 168 to Bishop, thence along Interstate Highway 395 to junction California State Highway 168 to the California-Nevada State line, to points in Kansas on and north of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction U.S. Highway 154, thence along U.S. Highway 54 to the Kansas-Missouri State line. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 112822 (Sub-No. E172), filed June 3, 1974. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Houston, Tex., to points in Oregon, Washington, and Montana. The purpose of this filing is to eliminate the gateway of (1) points in Kansas, and (2) Kansas City, Kans.

No. MC 112822 (Sub-No. E173), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Ponca City, Okla., to points in California in and north of San Mateo, Santa Clara, Stanislaus, Mariposa, and Mono Counties. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC 112822 (Sub-No. E174), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Oklahoma City, Okla., to points in California in and north of Humboldt, Trinity, Tehama, Butte, Plumas, and Sierra Counties. The purpose of this filing is to eliminate the gateway of Kansas City, Kans.

No. MC 112822 (Sub-No. E176), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone, (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Stoud, Okla., to points in California in and north of San Mateo, Santa Clara, Stanislaus, Mariposa, and Mono Counties. The purpose of this filing is to eliminate the gateway of Kansas City, Kansas.

No. MC 112822 (Sub-No. E177), filed June 3, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone, (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Coffeyville, Kans., to points in Alabama on, north, and east of a line extending from the Alabama-Tennessee State line along U.S. Highway 43 to Grove Hill, thence along U.S. Highway 84 to Alabama Highway 41, thence along Alabama Highway 41 to the Alabama-Florida State line, and points in Tennessee east of Tennessee Highway 22. The purpose of this filing is to eliminate the gateway of Coffeyville, Kansas.

No. MC 114019 (Sub-No. E423), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), in mechanically refrigerated vehicles (except commodities in bulk, in tank vehicles), restricted to the transportation of commodities moving from warehouses and other facilities of retail food business houses, from the plant site of Swift and Company, at or near Grand Island, Nebr., to Detroit, Grand Rapids, St. Joseph, Benton Harbor, Niles, Buchanan, Sturgis, and Three Rivers, Mich., Nashville, Tenn., Bowling Green, Ky., and points in Kentucky on and east of Kentucky Highway 61. The purpose of this filing is to eliminate the gateways of points in Indiana, Chicago, Ill., Louisville, Ky., and Evansville, Ind.

No. MC 114019 (Sub-No. E374), filed June 3, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, when transported in same vehicle with frozen foods, in vehicles equipped with mechanical refrigeration, restricted to shipments moving from warehouses or other facilities of wholesale food business houses, from Bowling Green, Ky., to points in New Jersey, Delaware, and points in that part of Maryland, on and east of U.S. Highway 522. The purpose of this filing is to eliminate the gateways of Cincinnati, Ohio, and Hershey, Pa.

No. MC 114019 (Sub-No. E375), filed May 22, 1974. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 S. Pulaski Rd., Chicago, Ill. 60629. Applicant's representative: Arthur J. Sibik (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers and accessories therefor, and paper cartons*, used in the packing or shipping of glass articles, from Lancaster, Ohio, to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Minnesota, points in Wisconsin (except Milwaukee and points in the Milwaukee, Wis., commercial zone, as defined by the Commission, and points in Racine, Milwaukee, and Kenosha Counties, Wis.), and points in that part of Iowa on, north, and west of a line beginning at the Illinois-Iowa State line and extending west along Iowa Highway 78 to junction Iowa Highway 1, thence along Iowa Highway 1 to the Iowa-Missouri State line. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Anchor Hocking Glass Corporation at or near Gurnee, Ill.

No. MC 115841 (Sub-No. E7), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Bakery goods*, in vehicles equipped with mechanical refrigeration, from Elizabeth, N.J., to (a) points in Alabama, Louisiana, Mississippi, and Tennessee (*Union City, N.J.); and (b) points in Arkansas, Texas, California, Oregon, and Oklahoma, restricted against the transportation of frozen bakery goods to points in Oklahoma (*Union City, N.J., and Birmingham, Ala.); and (2) frozen bakery goods, from Elizabeth, N.J., to points in Georgia on and west of Interstate Highway 75 (*Union City, N.J., and Chattanooga, Tenn.). The purpose of this filing is to eliminate the gateways indicated by the asterisks.

No. MC 115841 (Sub-No. E8), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 11th St., NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products*, and *articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report of Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, when such commodities are foodstuffs, in vehicles equipped with mechanical refrigeration (except commodities in bulk), from points in that part of New York, N.Y., Commercial Zone, as defined by the Fifth Supplemental Report in Commercial Zones and Terminal Area, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided in Section 203 (b)(8) of the Interstate Commerce Act, to points in Alabama, Kentucky, Louisiana, Mississippi, Tennessee, and Virginia (*Springfield, N.J.), California, Oregon, and Washington (*Springfield, N.J., and Birmingham, Ala.), and Arkansas and points in Georgia on and west of Interstate Highway 75 (*Springfield, N.J., and Chattanooga, Tenn.).

The purpose of this filing is to eliminate the gateways indicated by the asterisks.

No. MC 117883 (Sub-No. E68) (Correction), filed May 31, 1794, published in the FEDERAL REGISTER, October 23, 1974. Applicant: SUBLER TRANSFER, INC., P.O. Box 62, Versailles, Ohio 45380. Applicant's representative: Edward J. Subler (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Columbus and Terre Haute, Ind., and Danville, Ill., to Harrisburg, York, Scranton, Philadelphia, and Wilkes-Barre, Pa., New York, N.Y., and the District of Columbia. The purpose of this filing is to eliminate the gateway of Baltimore, Md. The purpose of this correction is to reflect the correct "E" number—previously published as E67.

No. MC 119657 (Sub-No. E1), filed June 5, 1974. Applicant: GEORGE TRANSIT LINE, INC., 760–4 NE. 47th Place, Des Moines, Iowa 50313. Applicant's representative: Kenneth F. Dudley, Yates Bldg., 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal* and *poultry feed ingredients*, dry, in bulk, and in bags, when moving in the same vehicle and at the same time with animal and poultry feed ingredients, in bulk, from points in Colorado to points in Wisconsin (points in Polk County, Iowa)*. (2) *Animal* and *poultry feed ingredients*, dry, in bulk, between points in Minnesota on and east of a line from the Iowa-Minnesota State line along Interstate Highway 35 to the junction of U.S. Highway 494, thence along U.S. Highway 494 to the junction of Interstate Highway 94, thence along Interstate Highway 94, to the junction of Minnesota Highway 101, thence along Minnesota Highway 101 to the junction of U.S. Highway 169, thence along U.S. Highway 169 to the junction of Minnesota Highway 38, thence along Minnesota Highway 38 to the junction of Minnesota Highway 6, thence along Minnesota Highway 6 to the United States-Canadian International Boundary line, on the one hand, and, on the other, points in Nebraska on and south of a line from the Iowa-Nebraska State line along U.S. Highway 30 to the junction of Nebraska Highway 22, thence along Nebraska Highway 22 to the junction of Nebraska Highway 70, thence along Nebraska Highway 70 to the junction of Nebraska Highway 92, thence along Nebraska Highway 92–70 to the junction of Nebraska Highway 61, thence along Nebraska Highway 61 to the junction of Nebraska Highway 2, thence along Nebraska Highway 2 to the junction of Nebraska Highway 71, thence along Nebraska Highway 71 to the junction of Nebraska Highway 29, thence along Nebraska Highway 29 to the junction of U.S. Highway 20, thence along U.S. Highway 20 to the Nebraska-Wyoming State line (points in Polk County, Iowa)*.

(3) *Animal* and *poultry feed ingredients*, dry, in bulk, between points in Illinois on and south of a line from the Illinois-Iowa State line along Illinois Highway 64 to the junction of U.S. Highway 34, thence along U.S. Highway 34 to the junction of Interstate Highway 74, thence along Interstate Highway 74 to the Illinois-Indiana State line, on the one hand, and, on the other, points in Minnesota (except points east of a line from the Minnesota-Iowa State line along Interstate Highway 35 to Burnsville, thence along unnumbered highway to the junction of Minnesota Highway 52, thence along Minnesota Highway 52 to the junction of Minnesota Highway 55, thence along Minnesota Highway 55 to the Minnesota-Wisconsin State line (points in Polk County, Iowa)*; (4)(a) *Animal and poultry feed ingredients*, dry, in bulk, from points in Illinois to points in South Dakota on, south, and west of a line from the Minnesota-South Dakota State line along Interstate Highway 90 to the junction of U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line (points in Polk County, Iowa)*; (b) *Animal and poultry feed ingredients*, dry, in bulk, from points in South Dakota on, south and west of a line from the Minnesota-South Dakota State line along Interstate Highway 90 to the junction of U.S. Highway 281, thence along U.S. Highway 281 to the North Dakota-South Dakota State line to points in Illinois (except points in the Chicago, Ill., commercial Zone as defined by the Commission). (Points in Polk County, Iowa)*.

(5) *Animal and poultry feed ingredients*, dry, in bulk, bags, and containers, from points in Nebraska to points in Wisconsin on south and east of a line from the Wisconsin-Iowa State line along Wisconsin Highway 60 to the junction of U.S. Highway 12, thence along U.S. Highway 12 to Wisconsin Dells, thence along Wisconsin Highway 13 to the junction of Wisconsin Highway 34, thence along Wisconsin Highway 34 to the junction of U.S. Highway 51, thence along U.S. Highway 51 to the junction of Wisconsin Highway 17, thence along Wisconsin Highway 17 to Parrish, thence along unnumbered highway to the junction of Wisconsin Highway 47, thence along Wisconsin Highway 47 to the junction of U.S. Highway 45, thence along U.S. Highway 45 to the United States-Canada International Boundary line, (points in Polk County, Iowa)*; (6) *Animal and poultry feed ingredients*, dry, in bulk, bags, and containers, from points in Kansas to points in Wisconsin (points in Polk County, Iowa)*; (7) (a) *Animal and poultry feed ingredients*, dry, in bulk, bags, and containers, from points in Nebraska to points in Illinois on and north of U.S. Highway 50 (except points in the Chicago, Ill., Commercial Zone as defined by the (Commission) (points in Polk County, Iowa)*, (b) *Animal and poultry feed ingredients*, dry, in bulk, from points in Illinois north of U.S. Highway 50 to points in Nebraska. (points in Polk County, Iowa)*; (8) *Animal and poultry feed ingredients*, in bulk and in bags, when moving in the same vehicle and at the same time with animal and poultry feed ingredients, in bulk, from points in South Dakota to points in Indiana. (The plant site of Hooker Chemical Corp., near Montpelier, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 124151 (Sub-No. E1), filed May 24, 1974. Applicant: VANGUARD TRANSPORTATION, INC., Lafayette St., Carteret, N.J. 07008. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products* (except asphalt, tar, medicinal oils, and paraffin wax), *alcohol and inflammable commercial paint, lacquer, and cleaning solvents, inflammable lacquer, and inflammable acetates*, from New York, N.Y., to points in Connecticut on, north, and east of a line from the New York-Connecticut State line along Connecticut Highway 55 to the junction of Connecticut Highway 37, thence along Connecticut Highway 37 to the junction of U.S. Highway 7, thence along U.S. Highway 7 to New Milford, thence along the Housatonic River to Shelton, thence along Connecticut Highway 34 to the junction of Connecticut Highway 121, thence along Connecticut Highway 121 to Long Island Sound (points in Bergen County, N.J.)*; (2) *Lubricating oil*, from Douglasville, Pa., to New York, N.Y. (Newark, N.J.)*; (3) *Petroleum products* (except asphalt, tar, medicinal oils, and paraffin wax), *alcohol and inflammable commercial paint, lacquer, and cleaning solvents, and inflammable lacquer, and inflammable acetates*, from points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., to points in Connecticut, east of the Connecticut River, traversing New York for operating convenience only (Jersey City, N.J.)*; and (4) *Petroleum products* (except asphalt, tar, medicinal oils, and paraffin wax), *alcohol and inflammable commercial paint, lacquer and cleaning solvents, inflammable lacquer, and inflammable acetates*, from New York, N.Y., to points in Dutchess, Rockland, Ulster, Sullivan, Orange, and Saratoga Counties, N.Y., and points in Connecticut on and west of the Connecticut River (points in Berken County, N.J.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC–127840 (Sub-No. E11), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal*

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fats, animal oils, and vegetable oils, and edible blends and edible products of animal fats, animal oils, and vegetable oils (except liquid chemicals), from points in Illinois and that part of Indiana included in the Chicago commercial zone, to points in Delaware, Maryland, Michigan (except the Upper Peninsula), Pennsylvania, New Jersey, and New York. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E32), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Bradley, Ill., to points in Washington, Oregon, California, Idaho, Colorado, Nebraska, North Dakota (except points east of a line beginning at Grand Forks on U.S. Highway 2 and extending along U.S. Highway 2 to its intersection with North Dakota Highway 18, thence along North Dakota Highway 18 to its intersection with North Dakota Highway 200, thence along North Dakota Highway 200 to its intersection with North Dakota Highway 1, thence along North Dakota Highway 1 to the North Dakota-South Dakota State line), South Dakota (except points east of a line beginning at the South Dakota-North Dakota State line, thence along South Dakota Highway 37 to its intersection with South Dakota Highway 10, thence along South Dakota Highway 10 to the South Dakota-Minnesota State line), Minnesota (except points east of a line beginning at Ortonville, Minn., on U.S. Highway 75, thence along U.S. Highway 75 to its intersection with U.S. Highway 212, thence along U.S. Highway 212 to its intersection with U.S. Highway 59, thence along U.S. Highway 59 to its intersection with U.S. Highway 14, thence along U.S. Highway 14 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to its intersection with Minnesota Highway 60, thence along Minnesota Highway 60 to its intersection with Minnesota Highway 15, thence along Minnesota Highway 15 to its intersection with U.S. Highway 16, thence along U.S. Highway 16 to its intersection with U.S. Highway 169, thence along U.S. Highway 169 to the Minnesota-Iowa State line), Missouri (except points east of a line beginning at the Missouri-Iowa State line on U.S. Highway 65, thence along U.S. Highway 65 to its intersection with U.S. Highway 36, thence along U.S. Highway 36 to its intersection with Missouri Highway 13, thence along Missouri Highway 13 to its intersection with U.S. Highway 24, thence along U.S. Highway 24 to its intersection with Missouri Highway 7, thence along Missouri Highway 7 to its intersection with U.S. Highway 71, thence along U.S. Highway 71 to its intersection with Missouri Highway 52, thence along Missouri Highway 52 to the Missouri-Kansas State line), Kansas (except points east of a line beginning at the Kansas-Missouri State line on Kansas Highway 52, thence along Kansas Highway 52 to its intersection with U.S. Highway 69, thence along U.S. Highway 69 to the Kansas-Oklahoma State line), Oklahoma (except points east of a line beginning at the Oklahoma-Kansas State line on U.S. Highway 69 thence along U.S. Highway 69 to its intersection with Indian Nation Turnpike, thence along Indian Nation Turnpike to its intersection with U.S. Highway 271, thence along U.S. Highway 271 to the Oklahoma-Texas State line), and Texas (except points east of a line beginning at the Texas-Oklahoma State line on U.S. Highway 271, thence along U.S. Highway 271 to its intersection with Texas Highway 19, thence along Texas Highway 19 to its intersection with U.S. Highway 75, thence along U.S. Highway 75 to the Gulf of Mexico at Galveston, Tex. The purpose of this filing is to eliminate the gateway of Des Moines, Iowa.

No. MC 127840 (Sub-No. E44), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting. *Animal fats, animal oils*, and *vegetable oils*, and *edible blends* and *edible products of animal fats, animal oils*, and *vegetable oils* (except liquid chemicals), in bulk, in tank or hopper-type vehicles, from points in that part of Colorado bounded by a line beginning at the Colorado-Kansas State line, thence along Interstate Highway 25 to junction U.S. Highway 50, thence along U.S. Highway 50 to its junction with Interstate Highway 70 to the Colorado-Kansas State line, to points in Michigan, Ohio, Pennsylvania, New York, New Jersey, Indiana (except points west of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 150 to its intersection with Indiana Highway 46, thence along Indiana Highway 46 to its intersection with Indiana Highway 37, thence along Indiana Highway 37 to its intersection with U.S. Highway 150, thence along U.S. Highway 150 to the Indiana-Kentucky State line), and Kentucky (except points west of a line beginning at the Kentucky-Indiana State line, thence along U.S. Highway 150 to its intersection with Kentucky Highway 55, thence along Kentucky State Highway 55 to its intersection with U.S. Highway 127, thence along U.S. Highway 127 to the Kentucky-Tennessee State line.) The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 127840 (Sub-No. E51), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oil* in bulk from Winnebago, Boone, McHenry, Lake, Ogle, Lee, De Kalb, Kane, DuPage, Cook, LaSalle, Kendall, Grundy, Will, Kankakee, Iroquois, Ford, McLean, and Livingston Counties, Ill., to points in Colorado. The purpose of this filing is to eliminate the gateway of Bradley and Chicago, Ill., and Des Moines, Iowa.

No. MC 127840 (Sub-No. E68), filed June 4, 1974. Applicant: MONTGOMERY TANK LINES, INC., 17730 S. Chicago Ave., Lansing, Ill. 60438. Applicant's representative: William H. Towle, Suite 1133, 127 N. Dearborn St., Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid inedible grease* (except fertilizers and chemicals, in bulk, in tank vehicles), from Woburn, Mass., to points in Minnesota and Wisconsin. The purpose of this filing is to eliminate the gateway of Whiting, Ind., and Dubuque, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-26614 Filed 11-12-74;8:45 am]

federal register

WEDNESDAY, NOVEMBER 13, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 220

PART II

DEPARTMENT OF COMMERCE

Economic Development Administration

■

GRANT AND LOAN PROGRAM

Proposed Rules

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DEPARTMENT OF COMMERCE

Economic Development Administration

[13 CFR Parts 301, 302, 304, 305, 306, 307, 308, 309, and 312]

GRANT AND LOAN PROGRAM

Notice of Proposed Rulemaking

The Economic Development Administration hereby gives notice of a proposal to amend Title 13 of the Code of Federal Regulations, Parts 301, 302, 303, 304, 305, 306, 307 and adds Parts 308 and 312.

In that the material contained herein is a matter relating to the grant and loan program of the Economic Development Administration and because a delay in implementing these regulations would be contrary to the public interest, the relevant provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, opportunity for public participation and delay in effective date are inapplicable.

However, in accordance with the spirit of the public policy set forth in 5 U.S.C. 553 interested persons may submit written comments or suggestions to the Assistant Secretary for Economic Development, U.S. Department of Commerce, Room 7814, Washington, D.C. 20230 by December 9, 1974.

The purpose of these amendments is to make technical changes, to clarify existing language and procedures, and to promulgate new regulations in accordance with Public Law 93–423.

The amendments:

Change eligibility of title I areas to title IV.

Establish operating grants for Health projects.

Allow economic development districts to contain one redevelopment area instead of requiring two.

Provide that a project benefiting a redevelopment area may be located in an economic development district outside of a redevelopment area.

Qualify uninhabited Indian reservations, trust or restricted Indian-owned land for designation as a redevelopment area.

Additionally, Part 306 is restated and includes procedures to make available working capital loans and working capital guarantees and lease guarantees as authorized under section 202 of the Act.

Part 307 is amended by adding a new Subpart D to expand economic development planning capabilities of States and Substates as authorized under section 302 of the Act.

A new Part 308 is added which describes procedures by which eligible recipients may receive assistance under title IX of the Act pursuant to a plan to alleviate economic adversity. Grants may be used for public facilities, public services, business development, planning, unemployment compensation, rent supplements, mortgage payment assistance, research, technical assistance, training, relocation of individuals, and other appropriate assistance.

Part 312 is added and describes program as provided under section 304 of the Act which grants funds to States in accordance with a prescribed formula. Funds are authorized to supplement projects under titles I, II, and IV of the Act, and also may be used for "first-dollar" assistance when funds are unavailable under title I, II, and IV of the Act for projects that comply with these titles.

In consideration of the foregoing, it is proposed to amend Chapter 3 of Title 13 of the Code of Federal Regulations as follows:

PART 301—ESTABLISHMENT AND ORGANIZATION

1. Section 301.2 is amended by deleting the definition of "Title I Area"; by changing the definitions of "Designated Area", "Disaster Area", "Economic Development District", and "Qualified Area"; and by adding a new definition "Section 302 Planning Grants".

§ 301.2 Definitions.

* * * * * * *

"Designated Area" means any area or center which has been determined by the Assistant Secretary pursuant to sections 401 or 403 of the Act as eligible to apply for financial assistance.

"Disaster Area" means areas designated under title IV of the Act and designated by the President under the Disaster Relief Act of 1970 (Pub. L. 91–606) or Disaster Relief Act of 1974 (Pub. L. 93–288). The disaster area shall remain such for as long a period as it retains both EDA and Disaster designations, and such concurrent designations have not exceeded 1 year in duration.

* * * * * * *

"Economic Development District" means a geographic area composed of adjoining and economically related areas which are of proper size to permit effective economic planning, including at least one redevelopment area and one or more economic growth center(s) and which has been designated by the Assistant Secretary.

* * * * * * *

"Qualified Area" means an area which meet the criteria of the Act for designation as "redevelopment area".

* * * * * * *

"Section 302 Planning Grants" means economic development planning grants authorized under section 302 of the Act.

* * * * * * *

2. Section 301.20 is amended by deleting the period at the end of paragraph (a)(1) and (b) and inserting "and parts of economic development districts.", and adding a new paragraph (c) to read as follows:

§ 301.20 Public works and development facility grants.

* * * * * * *

(c) Under section 304 of the Act the Secretary is authorized to make grants to the States for the purpose of supplementing or making grants and loans authorized under titles I, II, and IV of the Act.

3. Section 301.21 is revised to read as follows:

§ 301.21 Loans and guarantees.

(a) Loans are authorized for public works, public service, and development facility projects in redevelopment areas and parts of economic development districts.

(b) Loans are authorized for industrial and commercial purposes in redevelopment areas and parts of economic development districts.

(c) Guarantees are authorized for loans made to private borrowers by private lending institutions and for rental payments of loans in redevelopment areas and parts of economic development districts.

4. A new § 301.23 is added to read as follows:

§ 301.23 Special Economic Development and Adjustment Assistance.

Grants may be made to States, political subdivisions of States, redevelopment areas, economic development districts, and Indian tribes to meet special needs arising from economic dislocation. Such grants may be used for public facilities, public services, business development, planning unemployment compensation, rent supplements, mortgage payment assistance, research, technical assistance, training, relocation of individuals, and other appropriate assistance.

5. Section 301.42 is amended by amending paragraphs (b), (6) and (8) to read as follows:

§ 301.42 Economic Development Regional Offices.

* * * * * * *

(b) * * *

(6) The Public Works Division, subject to general guidance from the Director, Office of Public Works, advises Regional Office personnel, Economic Development Representatives, appropriate community officials and the public of possible uses of public works and development facilities assistance to meet the objectives of the Act; * * *

* * * * * * *

(8) The Technical Support Division, subject to general guidance by the Director of the Office of Public Works with respect to public works activities, provides the Public Works, Planning and Technical Assistance Divisions, and Economic Development Representatives, with financial and technical guidance needed to assist prospective applicants in the planning of acceptable applications; applies established criteria in the engineering and financial evaluation of proposed projects except Business Development projects); prepares special conditions for Public Works projects; initiates * * *

* * * * * * *

PART 302—DESIGNATION OF AREAS

6. Section 302.4 is amended by adding a new paragraph (b)(1)(i) to read as follows:

§ 302.4 Standards for designation on the basis of Indian lands.

* * * * * * *

(b) * * *

(1) * * *

(i) The Assistant Secretary upon consultation with the Secretary of Interior or an appropriate State agency may designate under this section uninhabited Federal or State Indian reservations or trust or restricted Indian-owned land areas where such designation would permit assistance to Indian tribes, with a direct beneficial effect on the economic well-being of Indians.

* * * * * * *

7. Section 302.11 is redesignated § 302.12.

8. A new Section 302.11 is added to read as follows:

§ 302.11 Standards for designation on the basis of substantial unemployment.

The Assistant Secretary shall designate as redevelopment areas those areas which the Secretary of Labor determines, on the basis of average annual available unemployment statistics, were areas of substantial unemployment during the preceding calendar year. Substantial unemployment for the purpose of this section is defined as an annual average unemployment rate of 6 percent or more.

9. Subpart C in its entirety is deleted.

10. Subpart D in its entirety is redesignated Subpart C.

§ 302.40 [Amended]

11. Section 302.40 is amended by deleting the reference "§ 302.11 and § 302.30," and inserting "§ 302.12" in paragraph (a).

§ 302.41 [Amended]

12. Section 302.41 is amended by deleting the reference "§ 302.11" and inserting "§ 302.12" in paragraph (b)(3).

§ 302.50 [Amended]

13. Section 302.50 is amended by deleting the reference "§ 302.11" and inserting "§ 302.12" and by deleting the reference "and § 302.30" in paragraph (a)(1).

PART 303—ECONOMIC DEVELOPMENT DISTRICTS

14. Section 303.1 is amended to read as follows:

§ 303.1 Authorization of economic development districts.

(a) The Assistant Secretary may authorize, at the request of the Governor(s) of the State or States, the delineation of economic development district (hereinafter district) boundaries as a prerequisite to designation of an economic development district and as a prerequisite to the provision of planning grants, Subpart B of Part 307 of this Chapter.

(b) Authorization of delineation may be made:

(1) Where the State or States after analyzing economic and social relationships among the various redevelopment area counties proposed to EDA a district boundary delineation.

* * * * * * *

15. Section 303.2 is amended by amending paragraph (b) to read as follows:

§ 303.2 Designation of economic development districts.

* * * * * * *

(b) Where the proposed district contains at least one redevelopment area.

* * * * * * *

16. A new § 303.9 is added to read as follows:

§ 303.9 Notice to Regional Commission.

Each economic development district designated by the Assistant Secretary under § 303.2 shall as soon as practicable after September 27, 1974, or after its designation provide a copy of the district OEDP to the appropriate regional commission established under title V of the Act, if any part of such district is located within such a region, or to the Appalachian Regional Commission established under the Appalachian Regional Development Act of 1965, if any part of such district is located within the Appalachian region.

17. Section 303.21 is amended by correcting the first sentence to read as follows:

§ 303.21 Economic development center project characteristics.

Projects in economic development centers shall have one or more of the following characteristics:

* * * * * * *

PART 304—OVERALL ECONOMIC DEVELOPMENT PROGRAM

§ 304.1 [Amended]

18. Section 304.1 is amended by deleting the words ", title I area," in paragraph (a) and (b).

§ 304.8 [Amended]

19. Section 304.8 is amended by deleting the words "and title I" in paragraph (a) and by deleting the words ", or title I area" in paragraph (b).

PART 305—PUBLIC WORKS AND DEVELOPMENT FACILITIES PROGRAM

20. Section 305.3 is amended by adding a new paragraph (c) to read as follows:

§ 305.3 Direct grants for Public Works projects.

* * * * * * *

(c) In the case of a project to be located in an economic development district pursuant to section 403(j) of the Act such project shall meet the requirements as would be applicable to the project if it were located wholly within the redevelopment area for which it is determined to be a direct and substantial benefit.

21. Section 305.5 is amended by deleting the words "Title I" in the first sentence of paragraphs (b)(3)(v), (vi), and (vii); by amending paragraph (b)(3)(iv); and by adding a new paragraph (d) to read as follows:

§ 305.5 Supplementary grants.

* * * * * * *

(b) * * *

(3) * * *

(iv) Projects located in areas designated under title IV of the Act, which areas have been designated by the President of the United States under the Disaster Relief Act of 1970 (Public Law 91–606) or the Disaster Relief Act of 1974 (Public Law 91–288), provided: (a) Such areas retain both EDA and disaster designations, and (b) Such concurrent designation has not exceeded one year in duration_____ 80

* * * * * * *

(d) The applicable maximum grant rate for projects located in economic development districts pursuant to section 403(j) of the Act shall be the same as the grant rates for the redevelopment areas for which such projects are determined to be a direct and substantial benefit.

22. Section 305.6 is amended by designating the first paragraph "(a)", redesignating the second paragraph "(1)", redesignating the third paragraph "(2)", and by adding a new paragraph (b) to read as follows:

§ 305.6 Ten percent bonus supplemental grants.

* * * * * * *

(b) Projects assisted in districts outside redevelopment areas pursuant to section 403(j) of the Act shall not be eligible for 10 percent bonus grants under this section.

23. A new § 305.7 is added to read as follows:

§ 305.7 Operating grants for health facilities.

(a) The Assistant Secretary pursuant to section 102 of the Act may make grants for the operation of any health project approved for assistance under title I of the Act after the 27th day of September, 1974. Such assistance will be available only in the most needy circumstances.

(b) Grants made under this section may be made up to 100 per centum of the estimated cost of the first fiscal year of operation, and up to 100 per centum of the deficit in funds otherwise available for operation of the facility during the second fiscal year of operation. No grant shall be made under this section unless the operation of the facility will be conducted under efficient management practices designed to obviate operating deficits as determined by the Secretary of Health, Education, and Welfare. No grant shall be made for the second fiscal year of operation unless the operating agency has adopted a plan for the funding of operations on a permanent basis which is satisfactory to the Secretary of Health, Education, and Welfare.

24. Section 305.23 is amended by adding a new paragraph (f) to read as follows:

§ 305.23 Loan requirements.

* * * * * * *

(f) In the case of a project to be located in an economic development dis-

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trict pursuant to section 403(j) of the Act, such project shall meet the requirements as would be applicable to the project if it were located wholly within the redevelopment area for which it is determined to be a direct and substantial benefit.

25. Section 305.58 is redesignated § 305.59 and a new § 305.58 is added to read as follows:

§ 305.58 Architect/Engineer Agreements.

(a) The Architect/Engineer Agreement shall provide for all services required by the owner to plan, design and supervise construction of the proposed project. Appropriate standards or guides developed by such professional organizations as the Consulting Engineers Council (CEC), American Society of Civil Engineers (ASCE), National Society of Professional Engineers (NSPE), and/or the American Institute of Architects (AIA), may be used where the grantee does not have standard procurement documents.

(b) It is EDA policy to require the utilization of fixed-price or cost-ceiling contracts. Agreements allowing compensation to the Architect/Engineer based on a percentage-of-construction-cost type of fee contract are generally not acceptable.

26. Part 306 is revised to read as follows:

PART 306—BUSINESS DEVELOPMENT PROGRAM

Subpart A—Financial Assistance for Industrial and Commercial Purposes

Sec.

306.1 Purpose.
306.2 Eligible applicants.
306.3 Types of financial assistance.
306.4 Location.
306.5 Limitations.
306.6 State approval.
306.7 Alleviation of unemployment.
306.8 Financing.
306.9 Repayment.
306.10 Term.
306.11 Interest and fees.
306.12 Allowable project costs for projects involving fixed assets.
306.13 Amount of assistance.
306.14 Equity capital requirements.
306.15 Required community share in direct fixed asset loan projects.
306.16 Indian tribes.
306.17 Waiver of community share.
306.18 EDA's security with respect to assets of the applicant.
306.19 Special considerations for projects located in economic development centers or in non-designated areas of economic development districts.
306.20 Project financing.
306.21 Financing information.
306.22 Restrictive convenants on operations.
306.23 Indian reservation projects.
306.24 Feasibility reports.

Subpart B—Project Closing and Servicing

306.31 Project closing.
306.32 Project servicing.
306.33 Liquidation and administration of loans, guarantees and evidences of indebtedness.

AUTHORITY: Sec. 701, Pub. L. 89-136 (August 26, 1965) (42 U.S.C. 3211), 79 Stat. 570 and Department of Commerce Organization Order 10-4, April 1, 1970 (35 FR 5970).

Subpart A—Financial Assistance for Industrial and Commercial Purposes

§ 306.1 Purpose.

(a) The purpose of this subpart is to set forth policies and procedures under which qualified applicants may obtain financial assistance under section 202 of the Act. The following types of financial assistance are available for business development projects:

(1) Direct loans or purchase of evidences of indebtedness to provide fixed assets.

(2) Direct loans to provide for working capital.

(3) Guarantees of loans to private borrowers by private lending institutions to provide fixed assets.

(4) Guarantees of loans to private borrowers by private lending institutions to provide working capital.

(5) Guarantees of rental payments of leases from qualified lessors for buildings and equipment.

(b) These programs are administered by EDA for the prime purpose of achieving the long-range economic development goals of the Act—creating jobs, increasing incomes, and diversifying local economies—and not to underwrite commercial ventures.

(c) Lease guaranty assistance is primarily available to increase the business development opportunities in distressed areas of large cities, particularly in special impact areas, where vacant buildings are available. This program is intended to be a supplement to, and not a duplication of, the Small Business Administration's lease guaranty program.

(d) Direct working capital loans will only be made if other sources of working capital are not available. Such loans will be available first to businesses which have experienced, or may be reasonably foreseen to experience, temporary but severe problems involving actual or potential job loss, for reasons including but not limited to the closing of Federal installations, environmental orders resulting in plant shutdowns, and Federal energy allocations.

§ 306.2 Eligible Applicants.

(a) Applications for financial assistance shall be made to EDA by the beneficiary of such financial assistance, or by public or quasi-public developers of a proposed facility. Where the financial assistance is to be in the form of a government guaranty, the application will contain an assurance by the private lending institution or lessor, in the case of lease guaranty applications, that it will provide the loan or lease which the government is being asked to guarantee.

(b) Private lending institutions include, but are not limited to, commercial banks, savings and loan institutions, insurance companies, factoring companies, investment banking organizations, and venture capital investment companies. Any of the following entities or enterprises may be eligible as an applicant:

(1) A business enterprise including sole proprietorship, partnership, or corporation.

(2) A non-profit organization or association.

(3) A State or political subdivision thereof including municipalities and all agencies, instrumentalities and quasi-public corporations or authorities created by a State or political subdivision thereof.

(4) Indian tribes.

§ 306.3 Types of Financial Assistance.

The Assistant Secretary is authorized to approve financial assistance, on terms and conditions he shall establish, to:

(a) Provide fixed assets for eligible applicants by either making direct loans or by guaranteeing loans or leases to enable the applicant to purchase, develop or lease commercial or industrial land and/or facilities.

(1) The following are the normal kinds of fixed asset costs allowed by EDA:

(i) Land acquisition and improvements.

(ii) Machinery and/or equipment (including also furniture and fixtures).

(iii) Construction costs for new buildings.

(iv) Rehabilitation costs for abandoned or unoccupied buildings.

(v) Alteration, conversion and enlargement costs for existing buildings.

(2) Where fixed assets are leased, lease costs cannot be included as an eligible item for a direct fixed asset loan. Under the lease guaranty program, lease rentals must be reasonable in relationship to the actual costs to the lessor.

(b) Provide working capital for eligible applicants by either making direct loans or by guaranteeing loans by qualified private lending institutions. The following are the normal kinds of working capital items for which EDA may make or guarantee a working capital loan:

(1) Start-up costs including employee training, pre-production sales efforts, and the acquisition of raw materials and supplies.

(2) Cash to meet the borrower's obligations to pay those costs and expenses incident to the conduct of current business such as wages, salaries, material purchases, rents, utilities, taxes, interest and the like and to pay current liabilities other than those incurred in the acquisition of non-current assets or in the reduction of shareholder's equity.

(c) EDA will not ordinarily guarantee revolving type or open-end working capital loans.

(d) The substance of all loan or lease agreements which EDA is being asked to guarantee must be approved by the Assistant Secretary prior to issuance of the guarantee.

(e) Guaranteed loans or leases may be assigned, but such assignments may only be made with the prior approval of the Assistant Secretary.

(f) Lease guarantees by EDA shall extend only to rental payments and not other obligations created under the lease.

§ 306.4 Location.

A business development project must be located within a redevelopment area or an economic development center. It may also be located within a non-eligible part of an economic development district provided it can be shown that the project will provide a substantial direct benefit to a redevelopment area within such district.

§ 306.5 Limitation.

The requirements stated in Part 309 of this chapter are pertinent to business development projects as appropriate.

§ 306.6 State Approval.

No application for a business development project will be approved by EDA until such application is approved by an agency or instrumentality of the State or political subdivision in which the project is to be located.

(a) Such agency or instrumentality must be directly concerned with the problems of economic development in such State or political subdivision.

(b) Such approval must include a determination that the project is consistent with the redevelopment area's approved OEDP, except areas which will be designated under the criteria of Section 401(a)(4) of the Act. Redevelopment areas or economic development districts which do not have a currently approved OEDP will also be evaluated if:

(1) The area will be designated within a reasonable period of time, or

(2) Appropriate steps have been taken to secure the approval by EDA of an OEDP.

(c) Such approval of an agency or instrumentality shall be in a form satisfactory to EDA.

(d) Such approval may be waived by EDA if the application is to provide working capital for the operation of a commercial or industrial project whose land and/or facilities have been purchased, developed, or leased with the aid of EDA financial assistance.

§ 306.7 Alleviation of Unemployment.

A business development project must reasonably provide more than temporary alleviation of unemployment or underemployment within the area in which the project will be located.

§ 306.8 Financing.

A business development applicant must provide evidence that other financing is not available on terms and conditions which, in the opinion of the Assistant Secretary, would permit completion and/or the successful operation or accomplishment of the project. Such evidence will include:

(a) Letters from at least two qualified lending institutions declining to finance any part of the project or in the case of direct EDA loans, to participate in EDA's share of the financing.

(1) In the event only one qualified lending institution is located in the project area or lends in the project area, a letter from one qualified lending institution will be sufficient.

(2) In the event no qualified lending institutions are located in the project area or lend in the project area, applicant's certification to that effect will be sufficient.

(b) In the case of financial assistance involving direct EDA loans for fixed assets, the applicant must include evidence that no qualified lending institution will assist in the project financing other than on a first lien basis.

(c) In the case of guaranteed loans, the applicant must include evidence that no direct financing is available from private lending institutions, as above, and that the lending institution making the loan would not assist in the project financing without the EDA guaranty. In addition, no working capital loan will be guaranteed which is secured by a prior lien on the same assets which secure an EDA fixed asset loan or guarantee.

(d) Evidence that other Federal financial assistance is not available to the project.

(e) In the event that the applicant is a large corporation which would normally have its own funds available or appears to have access to non-Federal funds sufficient to finance the project, such corporation must certify that it would not locate the proposed project within the area if it were not for the benefits of EDA's financial assistance.

(f) In the case of financial assistance involving a direct loan by EDA, the applicant must also show that other lenders will not participate with EDA in its loan.

§ 306.9 Repayment.

No financial assistance will be approved unless the Assistant Secretary has determined there is a reasonable assurance that the applicant can repay any loans made or guaranteed by EDA or can reasonably be expected to make any lease payments required in connection with the project.

(a) The applicant shall provide, at a minimum, the following financing information to permit the Assistant Secretary to make this determination unless the Assistant Secretary determines certain or all of such information is not necessary.

(1) Current audited financial statements of the applicant, including balance sheets, an income statement with auditors' footnotes, and supporting statements for applicant's three most recent fiscal years.

(2) Audited consolidated financial statements and income statements, with auditors' footnotes, of parent and subsidiaries for the three most recent fiscal years.

(3) Audited financial statements including balance sheets, income statements, and auditors' footnotes, of all affiliated companies for the three most recent fiscal years.

(4) Most recent interim financial statements of applicant, its parent and subsidiaries, certified to by officers of the respective companies and maintained current during EDA loan processing.

(5) Projected pro forma balance sheets, income statements, cash flows and supporting statements of the applicant quarterly from the date of the latest interim financial statements to the date of the commencement of project operations.

(6) Projected pro forma balance sheet at the commencement of project operations, and pro forma balance sheets, income statements, cash flow and supporting statements of the applicant monthly, for the first twelve months of project operations and annually for the three succeeding twelve-month periods. Such statements and balance sheets should reflect applicant's ability to repay debt principal out of earnings commencing within the first three years of operations.

(b) In addition, the applicant shall provide as much of the following non-financial information as EDA determines is necessary to allow the Assistant Secretary to substantiate the pro forma projections:

(1) Estimates, firm quotations, receipts, contracts, orders, invoices, leases, or equivalent documentation from architects, engineers, contractors, subcontractors, materialmen, suppliers, lessors or others involved in the sale, lease or construction of fixed assets, if any, for applicant's project including schedules of implementation.

(2) Back-up information regarding applicant's operating costs, including projected employment by job category and applicable wage rates, cost and availability of raw materials and energy.

(c) Applicants are also required to provide EDA with general information about management capabilities, including resumes of top management, and marketing plans.

(d) Applicants will also supply such additional back-up information as EDA may require regarding other collateral securing EDA's financial assistance, such as appraisals and valuations of non-project assets and guarantees.

§ 306.10 Term.

The term of the financial assistance should be consistent with the purpose for which it will be used and the collateral position of EDA.

(a) The term of a fixed asset loan or guaranty or lease guaranty will ordinarily not be greater than the weighted average useful life of the project fixed assets.

(b) The term of a working capital loan, whether direct or guaranteed, generally should not exceed five (5) years and the loan should be amortized in full during its term.

(c) The term of a guaranty of a lease will generally not be less than five (5) years.

(d) No financial assistance including renewals or extensions may be made for a period exceeding twenty-five years from the date of the note evidencing a loan, the date of purchase of evidences of indebtedness, or the date of a guaranteed lease. In the case of lease guarantys, the lease itself may extend beyond twenty-five years but the Government's

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liability for guaranteed payments shall cease after the twenty-fifth year.

§ 306.11 Interest and Fees.

Financial assistance under this subpart shall bear interest or involve fees at the following rates:

(a) Direct fixed asset loans and evidences of indebtedness purchased by EDA will bear interest at a rate not less than a rate determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States with remaining periods to maturity comparable to the average maturities of such loans, adjusted to the nearest one-eighth of one percent, plus such additional charge, if any, toward covering other costs of the program as the Assistant Secretary may determine to be consistent with its purpose.

(b) Interest charges for direct working capital loans shall be computed based on the interest rate for direct fixed asset loans and purchases of evidences of indebtedness, plus such additional charge as the Assistant Secretary determines is reasonable in view of the higher risk and more limited collateral associated with working capital loans.

(c) Interest on guaranteed loans by private lending institutions must be at not more than their prevailing rates, and must be reasonable with respect to the project.

§ 306.12 Allowable project costs for projects involving fixed assets.

Allowable project costs for EDA fixed asset projects (loans, guaranteed loans, and lease guarantys) may include the cost of land, building, machinery and equipment, and reasonable contingency reserves to cover the possibility of cost increase during processing of the application and during construction, if applicable.

(a) In arriving at the total fixed asset cost of the project, EDA cannot, under the Act, include any item which is considered as properly allocable to working capital.

(b) Other types of costs which cannot be financed include: leasehold interests or lease-purchase obligations (except as such may be financed indirectly via an EDA lease guaranty), mineral reserves, patents, organization expenses, preproduction costs, research and development expenses, goodwill, trade or brand names, franchises and licenses.

(c) Land included in the total project cost may include the following:

(1) Land acquisition costs, including reasonable real estate commission if paid by borrower.

(2) Cost of engineering fees, surveys, plats, title insurance, recording fees and legal fees incurred in connection with acquisition of land.

(3) Costs of nondepreciable grading and site improvements, as well as costs of necessary depreciable land improvements.

(4) Costs of soil tests and test borings.

(5) Preparation of plans and specifications.

(d) Buildings included in total project cost may include the following:

(1) Building acquisition costs, including reasonable real estate commission if paid by purchaser.

(2) Cost of constructing, altering, converting, rehabilitating, or enlarging buildings.

(3) Engineering, architectural, and legal fees paid in connection with the preparation of plans and specifications and the acquisition, construction, etc., of buildings and building equipment.

(4) Insurance during construction, including hazard insurance, performance, labor and material bonds.

(e) Machinery and equipment included in total cost may include the following:

(1) Machinery acquisition costs including cost of delivery and reasonable costs of installation.

(2) Engineering, architectural and legal fees paid in connection with machinery selection, design, acquisition and installation.

(3) Insurance during installation including hazard insurance, performance, labor and material bonds.

(f) In projects involving EDA direct fixed asset loans, land, buildings, machinery and equipment already owned by the applicant lien-free may be included in project costs and be treated as an in-kind equity injection and credited against the 10 percent equity required by the Act; provided they will be an integral part of the expanded operation. However, such in-kind equity credit will generally be limited to the lesser of (1) appraised fair market value, or (2) net book value (cost less accumulated depreciation) in the hands of the applicant, its principals, parent, subsidiaries, or affiliates; provided, however, that such credit as may be allowed for fixed assets owned by the applicant may not be used to provide the 5 percent required by the Act to come from a local government or nonprofit organization. In-kind injections of fixed assets owned by a local government or non-profit organization may be credited toward the required local participation (State, political subdivisions or agencies thereof, and community or area organizations) to the extent of appraised fair market value. If the local government or non-profit organization does not own fixed assets, its required 5 percent share must be put into the project in cash regardless of whether the community share is waived according to § 306.17 or not. The granting of in-kind equity credit for fixed assets does not apply to any form of EDA financial assistance other than the direct fixed asset loan program.

(g) Other eligible project costs may include:

(1) Interest on interim construction financing and other necessary costs of obtaining financing, with prior concurrence of EDA.

(2) Sales and use taxes incurred in the acquisition of project fixed assets.

(3) Other costs contributing directly to the value of project fixed assets, with prior concurrence of EDA, but not including the cost of feasibility studies.

(h) Adequate contingency reserves are a necessary part of the provision for project costs in order to avoid the problem of incurring an overrun in total expenditures for the project and thereby forcing a renegotiation of the loan commitment. The contingency amount should be established according to the anticipated length of time for project construction, terms of contract, type of machinery and equipment, and technological and other developments which might be expected to increase cost.

(1) Contingency reserves for building construction and machinery and equipment should be established at a reasonable figure and justified by the applicant, depending upon the characteristics of the specific project.

(2) Construction bids or estimates and machinery and equipment quotes should allow for sufficient time and remain valid during the estimated period of project processing or until execution of firm contracts. These quotes should not be over sixty days old when the application is submitted to EDA.

(3) Contingency reserves for land must be considered in the event an option to purchase, earnest money agreement, or real estate contract provides for a renegotiation of terms prior to project funding. The applicant will be required to provide evidence of ability to acquire the project land and any contractural arrangement therewith must be carefully reviewed in reference to establishment of a contingency for increased land costs above the project valuation at time of submission of the application.

(i) Allowable project costs for lease guaranty projects may include all reasonable rents, including attendant costs and taxes and other expenses as are customary with respect to comparable property.

§ 306.13 Amount of Assistance.

EDA financial assistance is limited to the following percentages of project cost:

(a) Direct fixed asset loan assistance shall never exceed 65 percent of the aggregate project cost. In the event other Federal aid is available and used to pay part of the project cost, such other Federal aid shall be subtracted from the aggregate project cost and the remainder shall be the aggregate cost for the purposes of business development fixed asset loan.

(b) Direct working capital loan assistance may be in an amount sufficient to include all of the applicant's allowable working capital needs.

(c) Lease guarantys shall never exceed 90 percent of the remaining rental payments required by the lease, provided no rental payments which accrue later than twenty-five years from the effective date of the guaranty shall be covered by the guaranty.

(d) No working capital guaranty shall at any time exceed 90 percent of the amount of the outstanding unpaid balance of the working capital loan by the private lending institution.

(e) No fixed asset loan guaranty shall at any time exceed 90 percent of the amount of the outstanding unpaid balance of the fixed asset loan by the private lending institution.

§ 306.14 Equity capital requirements.

The Act requires a minimum equity contribution only for direct fixed asset loan projects. However, all projects should be supported by equity capital to the following extent:

(a) Not less than 15 percent of the aggregate cost of a direct fixed asset loan project (which may include amounts required by § 306.15) shall be provided as equity capital or a standby loan.

(b) In projects involving EDA guarantys of fixed asset loans by a private lending institution, the guaranteed loan to applicant-beneficiary should not exceed 85 percent of the total cost of fixed assets to be purchased. The remaining 15 percent of the total project cost should be provided as equity capital. EDA's guaranty will be limited solely to the fixed asset loan; an EDA required standby loan is considered a form of equity capital.

(c) An application for either an EDA guaranteed working capital loan or an EDA direct working capital loan will not ordinarily be approved until the applicant is in operation of its facilities. In projects involving EDA direct fixed asset loans, guaranteed fixed asset loans or lease guarantys, all project financing including applicant's equity must ordinarily be disbursed before the guaranteed working capital loan may be disbursed by the lender. Working capital loans will be restricted to working capital needs and cannot be diverted into fixed or other noncurrent assets. Applicants should have existing net working capital equal to not less than 15 percent of its total working capital needs. The remaining working capital requirements can then be met with either an EDA guaranteed working capital loan or, where justified, with an EDA direct working capital loan. If the applicant is in a negative net working capital position or has less than 15 percent of its total working capital needs, it should bring its net working capital up to the required level by obtaining cash either from equity capital or a standby loan.

(d) In EDA lease or lease-purchase guaranty projects, the applicant should have expended an amount equal to not less than 15 percent of the value of the assets to be leased. Such expenditures shall be for either leasehold improvements or the types of fixed assets which can be allowable project costs under § 306.12. If applicant is not paying for needed leasehold improvements or fixed assets, its working capital should be augmented instead. Cash for the expenditures required by this subsection shall be obtained by applicant either from equity capital or a standby loan.

(e) Where funds are provided from a standby loan:

(1) Such loan shall be repayable in no shorter period of time and at no faster rate of amortization than the financial assistance provided by EDA and subordinate in rights of repayment to EDA.

(2) If such loan is secured, the security must be subordinate and inferior to the lien or liens securing the financial assistance provided by EDA.

§ 306.15 Required community share in direct fixed asset loan projects.

Not less than 5 percent of the aggregate cost of a direct fixed asset project shall be supplied by:

(a) State or any agency or instrumentality thereof.

(b) A political subdivision of a State or any agency or instrumentality thereof; or

(c) A community or area organization which is nongovernmental in character.

§ 306.16 Indian tribes.

Projects involving financial participation by Indian tribes are not required to meet the provisions of § 306.15. In such case, the 5 percent shall be supplied by the borrower as equity or by standby loan subject to the provision of § 306.14 (e).

§ 306.17 Waiver of community share.

The Assistant Secretary may waive all or part of the 5 percent community share of the aggregate cost of a direct fixed asset loan project which is required by § 306.15 if he determines that all or part of the community share is not reasonably available to the project because of the economic distress of the area or for other good cause. The portion of the community share thus waived may be supplied by the applicant or by such other non-Federal sources as may be reasonably available to the project.

(a) In determining whether all or part of the community share is not reasonably available because of the economic distress of the area, the Assistant Secretary may consider the following factors:

(1) The extent of economic distress of the redevelopment area or district, as measured by unemployment, underemployment and income levels.

(2) The nature and extent of the funds reasonably available to comprise the community share, as made known by the community.

(3) The extent of local support for the project, as manifested by previous bona fide community efforts to assist it financially.

(4) The extent of previous bona fide, broadly based efforts to obtain local financial support for community economic development activities generally.

(b) In determining whether all or part of the community share of the aggregate project cost is not reasonably available for other good cause, the Assistant Secretary may consider, in addition to the factors listed above, the following situations as representing sufficient good cause for waiver:

(1) Where the financial assistance is requested to replace, rehabilitate, or expand the facilities of an industrial or commercial enterprise already existing in the locality, and local investors can show a need to conserve their funds in order to encourage the establishment of new industry which will broaden the economic base of the community; or

(2) Where the Assistant Secretary determines that a bona fide community fund raising drive either has been made or, if made, would be unsuccessful in raising the necessary funds for the project, and provided that the total prior community investment in projects already assisted by either the Area Redevelopment Administration or EDA is equal to or exceeds the following amounts:

(i) Redevelopment areas eligible for 50 percent public works grants—$10 per area resident;

(ii) Redevelopment areas eligible for 60 percent public works grants—$7 per area resident;

(iii) Redevelopment areas eligible for 70 percent public works grants—$5 per area resident; or

(iv) Redevelopment areas eligible for 80 percent public works grants—$3 per area resident.

§ 306.18 EDA security with respect to assets of the applicant.

EDA's financial assistance will usually be secured either directly or indirectly by liens or assignments of rights in assets of the applicant as follows:

(a) In order to encourage financial participation in a direct fixed asset loan project by other lenders and investors and to the extent necessary, the EDA loan may be repayable only after other loans made in connection with the project have been repaid in full. The lien position of EDA may be subordinate and made inferior to lien or liens securing other loans made in connection with the project.

(b) In projects involving EDA direct working capital loans, EDA will normally obtain collateral such as liens on inventories, receivables and/or fixed assets. Such liens may be subordinate only to existing liens of record.

(c) In projects involving EDA guaranteed loans, the lending institution ordinarily will be required to maintain a collateral position, to which EDA is subrogated, in the assets of the borrower and/or principals of the borrower such as by taking liens on inventories, receivables, and/or fixed assets. However, such liens if taken on fixed assets will not be placed by EDA subordination into a prior position to liens securing loans previously made or guaranteed under the ARA or EDA programs.

(d) In lease guaranty projects and other projects involving leased assets, EDA will require such collateral as is appropriate.

(e) Regardless of the type of EDA financial assistance extended, full personal guarantees of principals of applicant and/or related corporate guarantees by closely held corporate applicants or by the parent corporation of subsidiary corporate applicants, secured by collateral where deemed necessary, will

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be ordinarily required. Likewise, cross guarantees of related corporations will be required when deemed necessary to properly support the EDA financial assistance.

(1) Guarantees should be understood to provide not only additional collateral benefits, but also to provide the necessary personal involvement of the principals required to provide assurance of continuity of job opportunities provided by the project.

(2) Applicants will provide, in the case of personal guarantors, current (not over ninety days old at the time of filing) personal financial statements signed by both husband and wife and disclosing community and individual assets and indebtedness.

(f) In addition to the above types of security, EDA may also require security in the form of assignment of patents and licenses, the acquistion of hazard and other forms of insurance, and such other additional security as the Assistant Secretary determines is necessary to support EDA's exposure.

(g) Applications submitted by closely held corporations, partnerships, or proprietorships dependent for their continuing success on certain individuals will ordinarily be expected to provide and assign to EDA life insurance on these key men.

(h) In projects involving EDA guar- the financial assistance (and assigned institutions or of leases, if the lender or lessor secured by the EDA guaranty is also secured by a third party with respect to its exposure remaining above the EDA guaranteed portion, the guaranty agreement shall be modified to provide that any interest which the secured party would receive in the collateral taken for the financial assistance (and assigned to EDA upon redemption) shall not be subrogated to the third party's interest if the third party is a principal or equity shareholder in the applicant until all of the applicant's indebtedness to EDA is paid in full. The purpose of this provision is to ensure that those persons responsible through ownership for the operation of a project do not share in the proceeds of collateral until EDA recovers fully against all its exposures.

(i) Nothing contained in this section shall affect the subordinate lien position required for standby loans under § 306.14.

§ 306.19 Special considerations for projects located in economic development centers or in non-designated areas of economic development districts.

(a) Financial assistance approved for projects located in economic development centers shall be subject to the following restrictions and limitations:

(1) The project must be consistent with a currently approved OEDP for the economic development district.

(2) The amount of the business development loan approved must be reasonably related to the size, population, and economic needs of such district.

(3) The project must enhance the economic growth potential in such district or result in additional long-term employment opportunities commensurate with the amount of financial assistance extended.

(b) Financial assistance approved for projects located in non-designated areas in economic development districts shall be subject to the following restrictions and limitations:

(1) The project will be of substantial direct benefit to a redevelopment area within the district.

(2) The project must be consistent with a currently approved OEDP for the district.

(3) A finding by the State(s), or any agency, instrumentality, or local political subdivision thereof that the project is consistent with the district OEDP.

§ 306.20 Project financing.

Each project will be evaluated with the intent of obtaining a financing structure which demonstrates a minimum EDA participation in project financing to accomplish the project with maximum reliance on equity and junior lenders. Moreover, an EDA participation of $10,000 per job will ordinarily be the maximum acceptable for any particular project. In calculating the EDA participation per job, indirect jobs created in other parts of the local economy will not be considered. Seasonal jobs will be converted into full time job equivalents.

§ 306.21 Financing information.

The following information shall be included with respect to all participants, other than EDA, in project financing:

(a) A written commitment or firm letter of intent from each participating lending institutions stating amount, interest rate, repayment terms, collateral and lien position it will require, or such other evidence as EDA may require to assure availability of funds. EDA requires that the proposed project financing upon which it bases a decision to lend remain firm, in order to obviate the lengthy reanalysis required by financing alterations after EDA acceptance of an application.

(b) A written commitment by the applicant to provide equity funds, stating both the source and actual availability of funds and/or assets to be injected, and the names of the principal shareholders or owners.

(c) Where applicable, a written commitment of the participating local development organization or public body, where applicable, stating amount of commitment, interest rate, repayment terms, collateral and lien position required.

(d) Where applicable a determination of the source and actual availability of local development organization funds or assets to be injected.

(e) A statement of any special conditions attaching to the financing arrangements proposed.

§ 306.22 Restrictive covenants on operations.

Conditions for the granting of EDA financial assistance for new ventures, closely held corporations and all marginally capitalized applicants shall include restrictive convenants similar to those required by private financial lending institutions except in cases in which modification or omission of one or more of them can be clearly shown not to jeopardize reasonable assurance of repayment of the financial assistance and the long-term continuity of the project's employment. Restrictive convenants for well-capitalized business expansion borrowers will be tailored to the financial status of individual companies.

§ 306.23 Indian reservation projects.

In view of the inherent problems of collateralizing financial assistance for projects to be located on Indian reservations due to the inability to obtain mortgages on such lands, project funding should afford EDA maximum collateral protection without undue hardship on the borrower. A lease agreement will enable EDA, in the event of a default, to reassign the right of occupancy to a third party and thereby improve the chances for continued operation of the project and the preservation of collateral value.

§ 306.24 Feasibility reports.

(a) All applications for financial assistance for new ventures involving a total project costing $1 million or more shall be accompanied by a technical and economic feasibility report from an acceptable independent consultant. New venture projects of less than $1 million must be accompanied by sufficient documentation to permit a determination by EDA of technical and economic feasibility.

(b) In projects which are expansions of a successful existing business or projects sponsored by a capable and financially sound parent organization, the requirement for a technical and economic feasibility report from an acceptable independent consultant may be waived by EDA. However, the prospective borrower shall provide all technical and economic information necessary for EDA to properly evaluate the application.

(c) An economic feasibility report from an acceptable independent consultant in connection with projects involving tourism and recreation facilities will be required if the cost of the proposed project exceeds $150,000. Evidence must be submitted that the proposed facility will provide services or have special attributes that tend to induce a net increase in tourist visits to the area and is part of a larger, area-wide program expected to attract tourists and provide jobs in the area. In cases where total project investment is less than the above minimums, sound judgment may require an independent feasibility study in light of the specific nature of the project.

Subpart B—Project Closing and Servicing

§ 306.31 Project closing.

EDA projects are closed and disbursed in accordance with detailed policies and procedures as set forth in the Office of Business Development Guide to Loan

Closing. The major activities engaged in during this period are as follows:

(a) At the time an application for EDA financial assistance is approved by the Assistant Secretary, he also approves the primary document on which the financial assistance will be given; either a loan agreement or a guaranty agreement. The signed agreement is offered to the appropriate party for its acceptance, at which time a binding legal agreement between EDA and the applicant or guaranteed party takes effect. A preclosing conference will be arranged by the Regional Director, whenever the applicant requests one, to discuss the terms and conditions contained in the agreement and how these terms and conditions can be met.

(b) Immediately after acceptance, the Regional Office shall arrange with the applicant for the preparation, review, and signing of the promissory note, or lease, collateral documents, and other documents necessary for the financial assistance.

(c) Periodic inspections of construction of projects involving fixed assets will be made by the Regional Office to determine the satisfactory progress of the project and application of monies toward implementation of the project as set forth in the agreement. Particular attention will be paid to financial or management changes which might adversely affect the project. The Regional Office will, for example, determine whether there is: conformance with plans and specifications, proper installation of equipment, sufficiency of funds for the completion of the project, substantiation of costs incurred, proper labor costs for compliance with the Davis-Bacon Act, and EDA approval of contract change orders.

(d) Disbursements of direct EDA loans will be made after a request by the borrower, to the Regional Office, on EDA Form ED–270, "Borrower's Certification of Current Status and Request for EDA Action." The disbursement will be based on costs incurred as certified to EDA at such time or times as the Regional Office shall require. Certifications as to project costs are made on EDA Form ED–268 "Status of Payments on Project Accounts." Certifications as to the status of project construction for projects involving fixed assets are made on EDA Form ED–269, "Business Loan Project Inspection and Certification of Project Acceptability." Requests for disbursement shall be supported by such documents as the Regional Office may require; for example, but not limited to, copies of unpaid invoices to be paid from disbursement; copies of fully paid invoices together with lien waivers, where apropriate; and copies of cancelled checks. The Regional Office may withhold 10% of all requested disbursements on all project costs except land costs. When the Regional Office determines that the status of the project is such as would place EDA's interest in jeopardy, the Regional Office may withhold a greater percentage after stating in writing to the borrower the basis for such decision. The borrower shall, on EDA Form ED–265, "Disbursement of Business Loan Funds," acknowledge receipt of each disbursement made by EDA.

(e) Requests by an applicant for a modification of the terms on which its EDA financial assistance has been extended shall be submitted to the Regional Director, supported by such documentation and facts as would justify the requests.

§ 306.32 Project servicing.

EDA personnel will make periodic visits to projects until such time as the financial assistance has been fully repaid. Such personnel will consult with employees and officers of the applicant and obtain such information as is necessary to determine the employment levels as well as the soundness of its financial condition and management. Requests by an applicant for a modification of the terms on which its EDA financial assistance has been extended shall be submitted to the Regional Director, supported by such documentation and facts as would justify the requests.

§ 306.33 Liquidation and administration of loans, guarantees and evidences of indebtedness.

In the event that the Assistant Secretary determines it is necessary or desirable to take actions to protect or further the interests of EDA in connection with loans or guarantees made or evidences of indebtedness purchased under the Act, the Assistant Secretary may:

(a) Assign or sell at public or private sale, or otherwise dispose of for cash or credit, in his discretion and upon such terms and conditions as he shall determine to be reasonable, any evidence of debt, contract, claim, personal or real property, or security assigned to or held by him in connection with financial assistance extended under the Act.

(b) Collect or compromise all obligations assigned to or held by him in connection with EDA financial assistance projects until such time as such obligations may be referred to the Attorney General for suit or collection.

(c) Take any and all other actions determined by him to be necessary or desirable in purchasing, servicing, compromising, modifying, liquidating, or otherwise administratively dealing with or realizing on loans or guarantys made or evidences of indebtedness purchased under the Act.

27. Part 307 is amended by adding a new Subpart D to read as follows:

Subpart D—State and Local Economic Development Planning Grants

Sec.

307.50 Purpose.
307.51 Objectives.
307.52 Eligible applicants.
307.53 Submission of applications.
307.54 Application requirements.
307.55 Grant limitations.
307.56 Annual reports.
307.57 Coordination.
307.58 Requirements.

Subpart D—State and Local Economic Development Planning Grants

§ 307.50 Purpose.

The purpose of this subpart is to set forth regulations pursuant to which eligible applicants may apply for and receive direct grants for economic development planning under section 302 of the Act.

§ 307.51 Objectives.

(a) Planning grants develop and strengthen the economic development planning capabilities of the State, its political subdivisions and other eligible organizations by establishing or augmenting comprehensive economic development planning processes and coordinating the comprehensive planning activities of the various governmental levels and development organizations.

(b) Any overall State economic development planning shall be a part of a comprehensive planning process that shall consider the provision of public works to stimulate and channel development, economic opportunities and choices for individuals; to support sound land use, to enhance and protect the environment including the conservation and preservation of open spaces and environmental quality; to provide public services, and to balance physical and human resources through the management and control of physical development. The comprehensive planning process involves public and private officials in analyzing local economies, defining development goals, determining project opportunities and formulating and implementing development programs. This planning process is conducted cooperatively by the State, cities and other political subdivisions and economic development organizations (including redevelopment areas and economic development districts) located in whole or in part within the State, and incorporates the goals and objectives of local and economic development district planning.

(c) Planning grants for cities, other political subdivisions, and sub-State planning and development organizations shall be used to develop plans to reduce unemployment and increase incomes.

(d) Additionally, grants may be made to economic development districts to enable them to:

(1) Provide technical assistance other than by grant to local governments within the districts.

(2) Carry out review procedures required under Title IV of the Intergovernmental Cooperation Act of 1968, if designated by the State to conduct this review.

§ 307.52 Eligible applicants.

Eligible applicants are:

(a) The Governor of a State or an agency designated by him, and the Chief Executive Officer of the District of Columbia, Puerto Rico, Virgin Islands, Guam and American Samoa.

(b) Chief Officer of governing bodies of sub-State planning units, economic development districts, and redevelopment areas.

(c) Chief executive of cities and counties meeting EDA eligibility criteria and not located wholly within larger multicounty planning and development organizations receiving planning funds under section 301 of the Act.

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(d) Chief executives of cities, counties, and redevelopment areas in multi-county organizations receiving funds under section 301 of the Act, and which demonstrates exceptional need for planning assistance beyond that provided through the multi-county organization and whose applications are endorsed by the Boards of the multi-county organizations.

(e) Eligible applicants cited under this subpart, if the Secretary determines that planning assistance is necessary and other funds are not available to develop a plan required by Title IX of the Act.

§ 307.53 Submission of applications.

An initial request for assistance shall be submitted to the Assistant Secretary. If the Assistant Secretary approves the initial request, the applicant may submit an application.

§ 307.54 Application requirements.

An application shall indicate the scope of the proposed planning activity, and provide evidence that the grantee will meet the following requirements:

(a) Where the grantee is a State:

(1) That the grant shall be administered by the Governor or by an agency he designates as responsible for the comprehensive economic development planning process.

(2) That an ongoing economic development process exists or will be established. This process shall incorporate the goals and objectives of sub-State planning programs and procedures to assure that State and sub-State development activities are not inconsistent. This process shall include a forum for the expression of the views of individual citizens and public and civic interest groups, and associations. While this planning process shall be concerned with all aspects of State economic development, emphasis shall be placed on the development of a meaningful, coordinated policy toward geographic areas with persistent unemployment and low incomes.

(3) That the results of the planning process shall be incorporated in the executive decisionmaking process in some formalized manner. The emphasis of the assistance, however, is on the planning process rather than the production of a plan.

(b) Where the grantee is a sub-State planning district or economic development district:

(1) That technical assistance provided by districts to local governments under section 302(b) of the Act shall increase their capabilities to participate in ongoing district planning programs.

(2) That A–95 review procedures funded under title III shall be consistent with the purpose of the Act.

(3) That districts funded under section 302(a) of the Act shall develop, in cooperation with the State, procedures for incorporating the goals of their ongoing economic development programs into the State's comprehensive planning process.

(c) Where the grantee is a city or county:

(1) That the grant shall be administered by the Chief executive officer of a unit of government which has authority to undertake broad planning activities and develop a continuous planning process.

(2) That planning shall involve both public officials and private citizens. If no procedure exists for this involvement, a special planning committee of public and private citizens should be established in the Office of the Mayor or county executive.

(3) That the primary emphasis of the planning process shall be on the formulation of a program to reduce unemployment and increase incomes.

(4) That a systematic approach shall be taken to analyze the local economy, define development goals, determine project opportunities, and formulate and implement a development program. OEDP or other guidelines for areas may be used in accomplishing this requirement.

(5) That, if a city or county is located in a larger planning unit, activities funded with a planning grant shall be coordinated with the larger unit.

§ 307.55 Grant limitations.

Planning grants shall be made on terms established by the Assistant Secretary subject to the following limitations:

(a) Grants may not cover the costs of work already performed or of services already provided.

(b) Grants under section 302 may be provided in addition to assistance available under section 301(b) of the Act, but may neither supplant this assistance nor fund activities normally funded under 301(b).

(c) A planning grant may not exceed 75 percent of the total amount of funds required for the project.

(d) No Federal funds may be included in the 25 percent non-Federal share.

(e) In determining the amount of the non-Federal share, the Assistant Secretary shall give consideration to contributions both in cash and in-kind.

(f) This assistance shall be provided in accordance with the review procedure required under Title IV of the Intergovernmental Cooperation Act of 1968, as amended, and shall be used in conjunction with any other available Federal planning assistance to further the comprehensive nature of this planning program, and to assure the efficient utilization of all available planning resources in the achievement of the objectives of this grant.

(g) Grantees will conform to EDA financial requirements including those requirements promulgated in Federal Management Circular (FMC) 74–7 (OMB Circular A–102).

§ 307.56 Annual reports.

Grant recipients shall submit to the Assistant Secretary an annual report 60 days before the anniversary of their grants. The report shall include:

(a) States.

(1) How requirements in section 307.54 have been met.

(2) Review of the planning process and program activities in relation to proposed planning activities, and evaluation of the effectiveness of the planning process assisted.

(3) Policy, planning and development documents that have resulted from the assisted planning activities.

(b) Sub-State Planning Districts and Economic Development Districts.

(1) Cooperative procedures established to include district information in the State planning process, if funded for this purpose.

(2) Planning information exchanged with the State and other districts, and an evaluation of how this has affected the district's ability to achieve its development goals, if funded for this purpose.

(3) Review of the planning process and program activities in relation to proposed planning activities.

(4) For grants under 302(b) of the Act, describe the nature of the technical assistance provided to local governments and document the results.

(5) Description of the A–95 review process funded under 302(b) of the Act, and improvements made in relating it to the State planning process.

(c) Cities and Counties.

(1) Review the planning process and program activities in relation to the proposed planning activities.

(2) Evaluation of the progress made in formulating a development program.

§ 307.57 Coordination.

The Secretary through the Assistant Secretary for Economic Development shall coordinate his activities in making grants under this subpart with the Title V Regional Commissions and the Appalachian Regional Commission acting through the Federal and State Cochairman. Where a project is to be located wholly or partially within the boundaries of a Title V or the Appalachian region, or is of national or regional significance, the Federal and State Cochairman shall be furnished notice of project activity during the early phases of development and be kept advised of significant developments through the application review and final grant process.

§ 307.58 Requirements.

Part 309 of EDA's Rules and Regulations, as amended, apply to planning grants under this subpart.

28. A new Part 308 is added to read as follows:

PART 308—SPECIAL ECONOMIC DEVELOPMENT AND ADJUSTMENT ASSISTANCE GRANTS

Subpart A—Requirements for Adjustment Grants Under Title IX

Sec.
308.1 Purpose.
308.2 Definitions.
308.3 Applications.
308.4 Award of Adjustment Grants.
308.5 Use of Adjustment Grants.
308.6 Planning Requirements.

Subpart B—Specific Uses of Grants to Carry Out Economic Adjustment

308.21 Purpose.
308.22 Definitions.
308.23 Public Facilities.
308.24 Business Development.

Sec.
308.25 Planning, Research and Technical Assistance.
308.26 Unemployment Compensation.
308.27 Other Uses.
308.28 General Requirements.

Subpart C—Reports

308.50 Purpose.
308.51 Reports by Eligible Recipients.

AUTHORITY: Sec. 701, Pub. L. 89–136 (August 26, 1965); (42 U.S.C. 3211), 79 Stat. 570 and Department of Commerce Organization Order 10–4, April 1, 1970 (35 FR 5970).

Subpart A—Requirements for Adjustment Grants Under Title IX

§ 308.1 Purpose.

The purpose of this part is to set forth the requirements and procedures under which eligible recipients may receive grants under title IX of the Act.

§ 308.2 Definitions.

"Eligible recipient" as used in this part means a redevelopment area or economic development district established under title IV of this Act, an Indian tribe, a State, a city or other political subdivision of a State, or a consortium of such political subdivisions.

§ 308.3 Applicants.

Eligible recipients as defined in section 308.2 may apply for grants.

§ 308.4 Award of adjustment grants.

(a) The Assistant Secretary may make grants directly to an eligible recipient in an area which the Secretary determines has experienced, or may reasonably be foreseen to be about to experience, a special economic development need. This need may arise from actual or threatened severe unemployment caused by economic dislocation, including unemployment caused by actions of the Federal Government or by compliance with Federal regulations, and economic adjustment problems resulting from severe changes in economic conditions. Grants will not be made which would have the purpose and effect of replacing the efforts of the economic adjustment program of the Department of Defense.

(b) The Assistant Secretary may approve a plan or planning application if he finds that it meets the requirements of section 308.6, and is satisfied that the projects included in the plan will be properly and efficiently administered, operated, or maintained. The approval by the Assistant Secretary of a plan or the making of an adjustment grant depends on a number of factors which may include the following:

(1) The level of appropriations for title IX.

(2) The number of other plans approved.

(3) The severity of the economic adjustment problem.

Preference will be given to situations where at least 500 jobs, or a significant percent of jobs in the planning area have been threatened or affected.

(4) The responsiveness of the plan to severe unemployment and adjustment problems.

(5) The degree to which the plan is anticipatory and innovative to meet either an abrupt or erosive change in economic conditions.

(6) The capability of the eligible recipient to solve these problems.

(7) The relation between the title IX funds needed to implement the plan and the degree to which the plan would carry out the purpose of title IX.

(8) The extent that Federal Government action may be related to the problem.

(9) The level of unemployment of the area.

(c) Approval of a plan or planning application is a prerequisite for a grant, but approval of a plan does not obligate the Assistant Secretary to make a grant, nor does approval of a plan require funding at the full level requested.

§ 308.5 Use of adjustment grants.

Grants shall be used to develop or carry out economic adjustment plans. Disbursement of grants by eligible recipients shall be in accordance with plans or planning applications submitted under § 308.6, and the following requirements;

(a) Adjustment grants received by eligible recipients to develop plans shall be used to develop plans that meet the requirements of section 308(a). The purpose of these grants is to assist eligible recipients to qualify for title IX grants to carry out their plans. The awarding of a grant to develop a plan, however, does not obligate the Assistant Secretary to make a subsequent grant to carry out the plan.

(b) An Adjustment received by an eligible recipient to carry out a plan may be used for one or more of the following purposes:

(1) Public facilities;
(2) Business Development;
(3) Planning;
(4) Research;
(5) Technical assistance;
(6) Public service;
(7) Rent supplements;
(8) Mortgage payment assistance;
(9) Relocation of individuals;
(10) Training;
(11) Unemployment compensation if the eligible recipient is a State; and
(12) Other appropriate assistance.

(c) Adjustment grants to carry out a plan may be disbursed by eligible recipients through direct expenditures or through redistribution by them to public and private entities in grants, loans guarantees, or other appropriate assistance. No grant, however, may be made by eligible recipients to a private profit-making entity.

§ 308.6 Planning requirement.

(a) Plans submitted by eligible recipients to the Assistant Secretary as a prerequisite for qualifying for a grant to carry out economic adjustment under title IX shall contain the following:

(1) An identification of each economic development and adjustment need of the area for which assistance is sought. This should be an explanation of anticipated or existing economic problems and their impact on the eligible recipient.

(2) A description of each activity planned to meet each need. This explanation should include all activities that the eligible recipient has taken or plans to take regardless of whether funding is sought for them under title IX, and should indicate how each activity will contribute to the solution of economic problems. Each major component of each intended activity to be funded under title IX shall be identified. It is not necessary, however, to identify each project unless this is known.

(3) An explanation of the method of carrying out each planned activity. This should be an explanation for each activity of the amount of funds spent or needed, how each activity was or will be brought into operation, and how each activity is or will be operated. The costs for each activity should be broken down into construction or start up costs, and operating costs. A plan should clearly indicate how a grant under title IX, if made by the Assistant Secretary, would be used.

(4) A statement regarding the goals of each planned activity. For example, a public health project might provide employment for 100 people, treat 3,000 people a year, and induce new industry to move into an area.

(5) Assurances, if an eligible recipient intends to redistribute funds provided in a title IX grant through loans, that the proceeds from the repayment of the loans will be used for economic adjustment in a manner consistent with title IX. Assurances shall include a contractual agreement between EDA and the eligible recipient describing how repayment proceeds will be used.

(6) Evidence that the plan was developed in cooperation with regional commissions, States, political subdivisions, Indian tribes, and economic development organizations (including redevelopment areas and economic development districts) that, based on reasonable expectations, may be affected by implementation of the plan.

(7) An identification and analysis of the potential environmental impacts of the planned activities, including identifiable projects.

(b) Planning applications submitted by eligible recipients to the Assistant Secretary as a prerequisite for a grant to develop a plan required under subsection (a) shall contain the following:

(1) An identification of each economic development and adjustment need of the area for which assistance is sought. This should be a detailed explanation of anticipated or existing economic problems and their impact on the eligible recipient. The amount of detail, however, does not have to be as great as in paragraph (a)(1), and may be altered in the subsequent plan.

(2) A description of each activity planned to meet each need. This may be a very tentative identification of activi-

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ties that the eligible recipient has taken or may take to solve economic problems. This description may be brief, and may be altered in the subsequent plan.

(c) In submitting plans or planning applications, the review procedures of Office of Management and Budget Circular A–95, as amended, shall be followed. Eligible recipients shall also provide copies of their plans or planning applications to the State, and if applicable, the Regional Commission in which the eligible recipient is located. States and Regional Commissions may comment on plans and planning applications, and the Assistant Secretary shall give due consideration to their comments prior to awarding an adjustment grant.

Subpart B—Specific Uses of Grants To Carry Out Economic Adjustment

§ 308.21 Purpose.

The purpose of this Subpart is to elaborate upon the specific uses of grants to carry out economic adjustment § 308.5(b) listed how title IX grants may be used, and their Subpart states requirements regarding each specific use.

§ 308.22 Definitions.

As used in this Subpart, individual specific uses of grants have the following meanings.

(a) "Public facilities" means public works, public service, and development facility projects of a nature that EDA assists under titles I and section 201 of the Act.

(b) "Business development" means industrial and commercial projects of a nature that EDA assists under section 202 of the Act.

(c) "Planning, Research and Technical Assistance" means technical assistance and related activities of a nature that EDA undertakes under title III of the Act.

(d) "Unemployment compensation" means unemployment compensation provided by the Secretary of Labor.

§ 308.23 Public facilities.

(a) An adjustment grant may be used for a public facility if the public facility has a reasonable relation to the purpose of title IX. Grants may be used for the acquisition or development of land and improvements for public works or development facility usage; the acquisition, construction, rehabilitation, alteration, expansion, or improvement of these facilities, including related machinery and equipment; and the operation of these facilities.

(b) An eligible recipient may redistribute an adjustment grant by grant or loan to a private or public nonprofit organization or association, but not to a private profitmaking entity.

(c) Title IX grants may be used for part or all of the cost of the activities described in this section.

§ 308.24 Business development.

(a) An adjustment grant may be used for business development if the business development has a reasonable relation to the purpose of title IX. Grants may be used for the purchase, development and operation of land and facilities (including machinery and equipment) for industrial or commercial usage, including the contruction of new buildings, the rehabilitation of abandoned or unoccupied buildings, and the alteration, conversion, or enlargement of existing buildings by (A) purchasing evidences of indebtedness, (B) making loans and working capital loans (which may include participation in loans), (C) guaranteeing loans and working capital loans made to private borrowers by private lending institutions for any of the purposes of this subsection upon application by the lending institution, and (D) guaranteeing rental payments of leases for buildings and equipment.

(b) Title IX grants may be used for funding part or all of the cost of the activities described in this section.

§ 308.25 Planning, research and technical assistance.

(a) An adjustment grant may be used for planning, research and technical assistance if these activities have a reasonable relation to the purpose of title IX. Grants may be used for project planning; feasibility studies; management and operational assistance; administrative expenses; studies evaluating the needs of, and developing potentialities for, economic growth; and other related activities. This assistance is in addition to assistance available under title III of the Act.

(b) Title IX grants may be for part or all of the costs of the activities described in this section.

§ 308.26 Unemployment compensation.

(a) If the Assistant Secretary determines a need for title IX assistance because of an increase in unemployment, and makes an adjustment grant, he may transfer funds available under the grant to the Secretary of Labor for purposes of unemployment compensation in accordance with section 903(d) of the Act.

(b) Adjustment grant funds for unemployment compensation may be made available only to States. The eligible recipient, therefore, shall be a State, or obtain a prior agreement with the State to administer these funds.

§ 308.27 Other uses.

(a) Adjustment grants may be made available by the Assistant Secretary for public services, rent supplements, mortgage payment assistance, relocation of individuals, training, and for other appropriate purposes if reasonably related to the purposes of title IX, and if useful to carry out a plan.

(b) Grants may be used to assist in the relocation of unemployed workers and their families living with them when it is reasonably clear that alternative employment for them will not occur in their location during the process of long range economic adjustment.

§ 308.28 General requirements.

(a) An eligible recipient shall agree that it will as a condition precedent to utilizing Title IX grant funds through direct expenditures, or through redistribution by grants, loans, loan guarantees or other appropriate assistance, determine with respect to the project or activity proposed to be assisted, and certify to the Assistant Secretary with supporting evidence that:

(1) Such project or activity complies with the requirements and conditions set forth in §§ 309.1, 309.3, 309.4, 309.5, 309.6, 309.9, 309.14, 305.15 and Part 310 of these regulations, and section 702 of the Act, and that

(2) The recipients of the grant or loan or the beneficiaries of any guarantee (or "other parties" as defined in 15 CFR Subtitle A, Part 8) have executed assurances of compliance with Title VI of the Civil Rights Act of 1964, as amended; with Civil Rights Regulations of the Department of Commerce (15 CFR, Subtitle A, Part 8, as amended); and with Section 112 of Public Law 92–65 relating to discrimination on the basis of sex.

(b) In addition to the certification required by paragraph (1) and (2) immediately above, an eligible recipient shall provide sufficient environmental data as required by the Assistant Secretary to assist him in determining that the requirements of the National Environmental Policy Act and the National Historic Preservation Act have been met with respect to the project or activity proposed to be assisted. Compliance with these requirements shall be a condition precedent to utilizing title IX grant funds.

(c) The retention and custodial requirements for records specified in Federal Management Circular 74–7 (Office of Management and Budget Circular A–102), as amended, shall be followed.

(d) After making an adjustment grant, the grantee must provide evidence satisfactory to the Secretary regarding each specific project to be funded under title IX that such project is consistent with title IX and the general purposes of the Act.

Subpart C—Reports

§ 308.50 Purpose.

The purpose of this subpart is to describe required reports.

§ 308.51 Reports by eligible recipients.

An eligible recipient which receives title IX assistance directly from the Assistant Secretary shall make a complete report each year that the assistance continues and for three years thereafter to the Assistant Secretary. The report shall include:

(a) Whether planned activities are completed and operational, and, if not completed, when it is anticipated they will be completed;

(b) The costs incurred for each activity partially completed, and completed;

(c) The operational costs of activities if operational;

(d) The degree to which activities have achieved their planned goals as described in the original plan; and

(e) A general evaluation of the effectiveness of the title IX assistance provided to the recipient.

PART 309—GENERAL REQUIREMENTS FOR FINANCIAL ASSISTANCE

29. Section 309.7 is amended by amending paragraph (a) to read as follows:

§ 309.7 Employment of expediters or administrative employees; compensation of persons engaged by or on behalf of applicants.

(a) No application or plan for financial assistance shall be approved by EDA under sections 101, 201, 202, 301, 403, or 903 of the Act unless the applicant:

* * * * *

30. Section 309.10 is amended by amending the first sentence to read as follows:

§ 309.10 Assurance of job opportunities for the unemployed.

(a) Applicants for business development loans under section 202 of the Act and direct and substantial beneficiaries of title IX grants and EDA assisted public works project * * *

* * * * *

31. A new Part 312 is added to read as follows:

PART 312—SUPPLEMENTAL AND BASIC ASSISTANCE UNDER SECTION 304 OF THE ACT

Sec.
312.1 Purpose.
312.2 Apportionment among States.
312.3 State Matching Share.
312.4 Selection and qualification of projects for supplementary assistance.
312.5 Selection and qualification of projects for basic grant or loan assistance.
312.6 Construction Management and Disbursement.
312.7 Conditions for disbursement of funds.

AUTHORITY: Sec. 701, Pub. L. 89–136 (August 26, 1965); (42 U.S.C. 3211), 79 Stat. 570 and Department of Commerce Organization Order 10–4, April 1, 1970 (35 FR 5970).

§ 312.1 Purpose.

The purpose of this subpart is to set forth the requirements and procedures governing the extension of assistance under Section 304 of the Act.

§ 312.2 Apportionment among States.

The Assistant Secretary shall determine as of the end of each fiscal year the total of all grants obligated for each State under Title I of the Act since August 26, 1965, and the total of all such grants obligated for all the States since August 26, 1965. Funds appropriated and made available for carrying out the purpose of Section 304 of the Act shall be obligated to the several States in the ratio that grants obligated in each State under Title I from August 26, 1965, to the end of the preceding fiscal year bear to the total of all such grants made to all States during the same period. The obligation of Section 304 funds to the States shall be effected by an agreement or acceptance setting forth or identifying the terms and conditions for the use and availability of such funds, which shall include the provisions of Section 304 of the Act and rules and regulations issued by the Assistant Secretary pursuant thereto.

§ 312.3 State matching share.

Funds obligated to a State shall be available for supplementing or making grants and loans authorized under Titles I, II and IV of the Act for projects within such States provided that the State makes a contribution which is equal to at least 25% of the funds being made available to a particular project from funds appropriated under Section 304 of the Act. Participations in or contributions to a project by local subdivisions of a State or private individuals or organizations shall not be deemed contributions by the State as required by this section.

§ 312.4 Selection and qualification of projects for supplementary assistance.

The selection of projects to be assisted by the use of funds in supplementing grants or loans made by EDA under Titles I, II or IV of the Act shall be made by the States and communicated to the Assistant Secretary on forms prescribed by the Assistant Secretary. Eligibility and compliance of a project for assistance shall be determined by the Assistant Secretary incident to the evaluation of the application for the underlying basic grant or loan assistance for such project.

§ 312.5 Selection and qualification of projects for basic grant or loan assistance.

(a) In those cases where the States propose to use funds for basic grant or loan assistance for projects meeting requirements for assistance under Titles I, II, or IV of the Act, and for which funds have been determined to be unavailable by the Assistant Secretary under Titles I, II, or IV, the States shall communicate the proposed use of the funds to the Assistant Secretary on forms prescribed by the Assistant Secretary. A proposal shall contain or be accompanied by documentation or certification evidencing compliance with the requirements, conditions, and limitations as would be applicable to such project if it were being considered for funding under Titles I, II, or IV of the Act. The Assistant Secretary may accept appropriate certifications by the State as evidence of compliance with requirements conditions, and limitations except for those matters for which there exists a specific statutory requirement for a determination otherwise, including compliance with the National Environmental Policy Act and the National Historic Preservation Act.

(b) A proposal by a State for the use of funds for a basic grant or loan shall be accompanied by evidence that the principal governing authorities for the area in which a project is to be located have approved the project.

(c) Requests for the disbursement of funds for basic loans by a State shall be accompanied by assurances that the proceeds from the repayment of the loans will be used for economic development in a manner consistent with the Act. Assurances shall include a contractual agreement between EDA and the State describing how repayment proceeds will be used.

(d) Funds may not be used by a State as a grant to a private profitmaking entity.

§ 312.6 Construction management and disbursement.

(a) Projects assisted through the use of funds in supplementing EDA grants or loans under titles I, II, or IV of the Act shall be subject to the same procedures and requirements relating to post-approval compliances, construction management, and disbursement as applicable to projects funded under title I, II, and IV of the Act.

(b) In the case of projects furnished basic grant or loan assistance where EDA is not providing grant or loan assistance under titles I, II, or IV funds shall be made available to the States pursuant to a disbursement agreement in which the States shall assume the responsibility for construction management and disbursement to the grantee/borrower and for securing compliance with laws and regulations applicable.

§ 312.7 Conditions for disbursement of funds.

(a) It shall be a condition for the disbursement of funds that a State shall conform to the requirements of the Act and provide acceptable evidence of compliance with requirements conditions and limitations applicable to projects assisted under titles I, II, and IV of the Act. States shall be promptly notified of proposals which do not meet requirements.

(b) Subsequent to July 1, 1975, it shall be a condition for the disbursement of funds for any project that the State must make a showing:

(1) That such funds will be used in a manner consistent with the State planning process assisted under Subpart D of Part 307 if such a planning process has been established; or

(2) That such State is not receiving planning assistance under Subpart D of Part 307 but has an economic development planning process meeting the standards required for assistance under Subpart D of Part 307 and that the proposed use of funds is consistent with such planning process; or

(3) that the project is clearly of such nature that the Assistant Secretary may conclude that its implementation would not impair the benefits intended to be derived from an orderly economic development planning process.

(Sec. 701, Public Law 89–136 (August 26, 1965); 42 U.S.C. 3211; 79 Stat. 570 and Department of Commerce Organization Order 10–4, April 1, 1970 (35 FR 5970))

Dated: November 7, 1974.

WILLIAM W. BLUNT, JR.,
Assistant Secretary, for Economic Development.

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PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

■

Office of Assistant Secretary for Community Planning and Development

Community Development Block Grants

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Title 24—Housing and Urban Development

CHAPTER V—OFFICE OF ASSISTANT SECRETARY FOR COMMUNITY PLANNING AND DEVELOPMENT

[Docket No. R–74–292]

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

Notice was given on September 17, 1974, at 39 FR 33482 that the Department of Housing and Urban Development was proposing to amend Title 24 of the Code of Federal Regulations by adding a new Part 570 to Chapter V.

The purpose of Part 570 is to set forth regulations governing the use of funds under Title I of the Housing and Community Development Act of 1974, Pub. L. 93–383, which provides for a new program of community development block grants which begins on January 1, 1975.

These regulations deal with those funds which under the new legislation are distributed by entitlements to cities and other units of general local government on a needs formula or hold-harmless basis. The law directs that financial assistance be provided to communities with minimum delay, and establishes a Federal review process of not more than 75 days. The review standards assume approval of applications from entitlement cities unless findings to the contrary, as presented by the statute, can be specified by the Secretary.

At a later date regulations will be published which will deal with the distribution and application process for discretionary funds under this Title. In addition, regulations will be published at a later date governing: grant close-out procedures; marketing of notes and interest rates; grants for taxable obligations; HUD administrative services for rehabilitation loans and grants; requirements for completion of renewal projects prior to financial settlement, and HUD reports.

The Department has received more than 200 responses to the September 17, 1974, publication. All of these comments were seriously considered and many changes have been incorporated in these regulations as a result. The principal changes are set forth below.

Subpart A, General Provisions, was changed to add several new definitions and language clarifying the scope and purposes of the program. § 570.1 was changed to reflect the continuation of the authority to make Section 312 rehabilitation loans to August 22, 1975. The "maintenance of effort" language, formerly contained in Subpart G, Other program requirements, has been included in § 570.2. In response to various comments, definitions were inserted as follows: "applicant;" "chief executive officer;" "identifiable segment of the total group of lower income persons in the community;" "low and moderate income families;" "lower income families;" "low and moderate income persons;" and "lower income persons."

Subpart B, Allocation and Distribution of Funds, contains a new explanation of the effect of annexations on eligibility for grants; a clarification of the hold harmless regulations; and a change in the elements required to qualify an urban county for entitlement funds by permitting consideration of the activities undertaken by designated agencies and deleting wording concerning consideration, for eligibility determination, of activities previously undertaken by the county.

Subpart C, Eligible Activities, now includes publicly owned low rent housing modernization as an eligible activity. In response to numerous comments, language clarifying the eligibility of continuing model cities program activities was added. In § 570.201, certain ineligible activities are more clearly defined and libraries and nursing homes are added as ineligible activities.

Subpart D, Applications for Entitlement Grants, contains changes reflecting a significant number of comments on application submission and review requirements. Of particular concern to local officials, planning agencies and State governments, were the requirements for complying with OMB Circular A–95. The language of § 570.300(c) of the regulations has been changed to encourage A–95 clearinghouse comments to HUD pertaining to the statutory determinations to be made by HUD in reviewing the application. In § 570.303(a) applicants are required to explain any inconsistencies with area-wide plans.

New language has been aded in § 570.302(c) authorizing entitlement applicants to incur costs to plan and prepare for the implementation of eligible community development activities beginning with the effective date of these regulations, with reimbursement dependent upon the availability of appropriated funds. The housing assistance plan requirements described in § 570.303(c), have been simplified. Language has been added indicating that applicants shall take HUD site and neighborhood standards into consideration when describing the general location of new construction or substantial rehabilitation for housing to be assisted by HUD.

Many comments were received with respect to the certifications called for in § 570.303(e). Most of the suggestions indicated that HUD should prescribe more fully the procedures, process and local structure for citizen participation in § 570.303(e)(2) and in § 570.900(d). Such comments were given careful consideration and rejected since the proposed requirements would have imposed upon HUD the responsibility for specifying the manner in which local general purpose government related to its citizens. This role was not considered appropriate for HUD.

Language was added to § 570.303(e)(5) to have applicants comply with Federal Management Circulars 74–4 and 74–7 and OMB Circular No. A–95.

Section 570.306(b)(2) has been revised to delete language requiring HUD determinations concerning the Federal Government's financial interest in existing renewal projects as a condition to approval of an application.

In Subpart F, Grant Administration, language has been added permitting the applicant to designate one or more public agencies to undertake a Community Development Program in whole or in part. Language on the release of funds has been clarified in § 570.504.

In response to several queries, in § 570.506(c), the definition and handling of program income has been revised to make it clear how different sources of income, including rehabilitation loan repayments, shall be treated.

Audit requirements have been revised in § 570.509, in response to comments to require a local audit at least every two years.

Part G, Other Program Requirements, has been renumbered, with language added with respect to complying with the Hatch Act, the National Flood Insurance Program, the Clean Air Act, and the Federal Water Pollution Control Act requirements. In response to comments, language was deleted from the relocation requirements relating to the payment of relocation costs for assisted housing with community development funds.

Part H, Loan Guarantees, contains several significant changes. Applications for loan guarantees must be submitted at the time the applicant applies for entitlement grants.

Several objections and suggestions were received concerning the language on marketing of notes and interest rates. § 570.704 has been reserved for new language to be inserted at a later date on this subject. In addition, revised language will be entered at a later date on grants for taxable obligations.

Subpart I, Financial Settlement of Urban Renewal Projects, has no changes. Requirements for completion of renewal projects prior to financial settlement will be entered at a later date.

Subpart J, Program Management, contains re-numbered paragraphs and clarification of performance standards on relocation and equal opportunity.

The Assistant Secretary for Community Planning and Development has determined that the public interest would be best served by making these regulations effective immediately. This is consistent with the Act which directs that financial assistance be provided to communities with minimum delay. Therefore, deferral of the effective date under 5 U.S.C. 55–3(d) is waived and these regulations shall become effective upon publication in the FEDERAL REGISTER.

Accordingly, Title 24 is amended as follows:

A new Part 570, Community Development Block Grants is added to Chapter V to read as set forth hereinafter:

Subpart A—General Provisions

Sec.
570.1 Applicability and scope.
570.2 Objective and purpose of program.
570.3 Definitions.

Subpart B—Allocation and Distribution of Funds

570.100 General.
570.101 Allocation between metropolitan and nonmetropolitan areas.
570.102 Basic grant amounts.
570.103 Hold-harmless grants.
570.104 Funds for discretionary grants.
570.105 Qualification as urban county.
570.106 Qualification and submission dates.
570.107 Reallocation of funds.
570.108 Offset against entitlement.

Subpart C—Eligible Activities

570.200 Eligible activities.
570.201 Ineligible activities.

Subpart D—Applications for Entitlement Grants

570.300 Pre-submissions.
570.301 Program year.
570.302 Advance of funds and authorization to incur costs.
570.303 Application requirements.
570.304 Waiver of application requirements.
570.305 Program amendments.
570.306 HUD review and approval of application.

Subpart E—Applications and Criteria for Discretionary Grants

570.400 [Reserved]

Subpart F—Grant Administration

570.500 Designation of public agency.
570.501 Grant agreement.
570.502 Method of payment.
570.503 Disbursement of transition and planning advances.
570.504 Release of funds pursuant to 570.603 and 570.607.
570.505 Financial management systems.
570.506 Program income.
570.507 Procurement standards.
570.508 Bonding and insurance.
570.509 Audit.
570.510 Retention of records.
570.511 HUD administrative services for rehabilitation loans and grants [Reserved].
570.512 Grant closeout procedures [Reserved]

Subpart G—Other Program Requirements

570.600 Limitations on local option activities and contingency accounts.
570.601 Nondiscrimination.
570.602 Relocation and acquisition.
570.603 Environment.
570.604 Historic preservation.
570.605 Labor standards.
570.606 Architectural Barriers Act of 1968.
570.607 Activities for which other Federal funds must be sought.
570.608 Hatch Act.
570.609 National Flood Insurance Program.
570.610 Clean Air Act and Federal Water Pollution Control Act.

Subpart H—Loan Guarantees

570.700 Eligible applicants.
570.701 Application requirements.
570.702 Guaranteed loan amount.
570.703 Federal guarantee.
570.704 Marketing of notes and interest rates [Reserved].
570.705 Grants for taxable obligations [Reserved].

Subpart I—Financial Settlement of Urban Renewal Projects

570.800 General.
570.801 Projects which can be completed without capital grants.
570.802 Projects which cannot be completed without additional capital grants.
570.803 Requirements for completion of projects prior to financial settlement [Reserved].

Subpart J—Program Management

570.900 Performance standards.
570.905 Reports to be submitted by recipient.
570.906 Annual performance report.
570.907 Records to be maintained by recipient.
570.908 HUD reports [Reserved].
570.909 Secretarial reviews and monitoring of recipient's performance.
570.910 Evaluation by HUD.
570.911 Secretarial adjustment of annual grants.
570.912 Non-discrimination compliance.
570.913 Other remedies for non-compliance.

AUTHORITY: Title I of the Housing and Community Development Act of 1974 (Pub. L. 93–383); and sec. 7(d), Department of Housing and Urban Development, (42 U.S.C. 3535(d)).

Subpart A—General Provisions

§ 570.1 Applicability and scope.

(a) The policies and procedures contained herein are applicable to the making of community development program block grants and loan guarantees on behalf of urban communities under the provisions of Title I of the Housing and Community Development Act of 1974.

(b) This Part covers policies and procedures relating to the roles and responsibilities of HUD and general local government with regard to the allocation and distribution of funds; eligible activities; application for entitlement grants; applications and criteria for discretionary grants; grant administration; other program requirements; loan guarantees; financial settlement of urban renewal projects; and program management.

(c) The community development block grant program under this Part replaces the following programs consolidated by the Act:

(1) Urban renewal (and neighborhood development programs) under title I of the Housing Act of 1949;

(2) Model Cities under Title I of the Demonstration Cities and Metropolitan Development Act of 1966;

(3) Water and sewer facilities under section 702 of the Housing and Urban Development Act of 1965;

(4) Neighborhood facilities under section 703 of the Housing and Urban Development Act of 1965;

(5) Public facilities loans under Title II of the Housing Amendments of 1955;

(6) Open space land under Title VII of the Housing Act of 1961; and

(7) Rehabilitation loans under section 312 of the Housing Act of 1964, except that such loans may be made under the authority of section 312 of the Housing Act of 1964, as amended, until August 22, 1975.

§ 570.2 Objective and purpose of program.

(a) The primary objective of the Community Development Program is the development of viable urban communities, including decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income. Consistent with this primary objective, the Federal assistance provided in this Part is for the support of community development activities which are directed toward the following specific objectives:

(1) The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income;

(2) The elimination of conditions which are detrimental to health, safety, and public welfare, through code enforcement, demolition, interim rehabilitation assistance, and related activities;

(3) The conservation and expansion of the Nation's housing stock in order to provide a decent home and a suitable living environment for all persons, but principally those of low and moderate income;

(4) The expansion and improvement of the quantity and quality of community services, principally for persons of low and moderate income, which are essential for sound community development and for the development of viable urban communities;

(5) A more rational utilization of land and other natural resources and the better arrangement of residential, commercial, industrial, recreational, and other needed activity centers;

(6) The reduction of the isolation of income groups within communities and geographical areas and the promotion of an increase in the diversity and vitality of neighborhoods through the spatial deconcentration of housing opportunities for persons of lower income and the revitalization of deteriorating or deteriorated neighborhoods to attract persons of higher income; and

(7) The restoration and preservation of properties of special value for historic, architectural or esthetic reasons.

(b) It is also the purpose of this Part to further the development of a national urban growth policy by consolidating a number of complex and overlapping programs of financial assistance to communities of varying sizes and needs into a consistent system of Federal aid which:

(1) Provides assistance on an annual basis, with maximum certainty and minimum delay, upon which communities can rely in their planning;

(2) Encourages community development activities which are consistent with comprehensive local and areawide development planning;

(3) Furthers achievement of the national housing goal of a decent home and a suitable living environment for every American family; and

(4) Fosters the undertaking of housing and community development activities in a coordinated and mutually supportive manner.

(c) It is intended under this Part that the Federal assistance made available hereunder not be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of such assistance.

§ 570.3 Definitions.

(a) "Act" means Title I of the Housing and Community Development Act of 1974, P.L. 93–383.

(b) "Applicant" means the State or unit of general local government which makes application pursuant to the provisions of Subpart D or Subpart E. One or more public agencies, including existing local public agencies, may be designated by the chief executive officer of a

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State or a unit of general local government to undertake a Community Development Program in whole or in part, but only the State or unit of general local government may be the applicant under Subpart D and E.

(c) "Basic grant amount" means the amount of funds which a metropolitan city or urban county is entitled to receive under this Part as determined by the formula based on factors pertaining to population, extent of poverty, and extent of housing overcrowding provided in Subpart B.

(d) "Chief executive officer" of a unit of local government means the elected official, or the legally designated official, who has the primary responsibility for the conduct of that unit's governmental affairs. Examples of the "chief executive officer" of a unit of local government may be: The elected mayor of a municipality; the elected county executive of a county; the chairman of a county commission or board in a county that has no elected county executive; the official designated pursuant to law by the governing body of the unit of local government; or the chairman, governor, chief, or president (as the case may be) of an Indian tribe or Alaskan native village.

(e) "City" means for purposes of basic grant eligibility, (1) any unit of general local government which is classified as a municipality by the United States Bureau of the Census or (2) any other unit of general local government which is a town or township and which, in the determination of the Secretary, (i) possesses powers and performs functions comparable to those associated with municipalities, (ii) is closely settled and (iii) contains within its boundaries no incorporated places as defined by the United States Bureau of the Census.

(f) "Community Development Program" means the program formulated by the applicant in its application to HUD as described in Subpart D which (1) includes the activities to be undertaken to meet its community development needs and objectives identified in its summary community development plan, together with the estimated costs and general location of such activities, (2) indicates resources other than those provided under this Part which are expected to be made available toward meeting its identified needs and objectives, and (3) takes into account appropriate environmental factors.

(g) "Discretionary grant" means a grant made from the Secretary's fund, from the transition fund for urgent community development needs, and from the general purpose funds for metropolitan and nonmetropolitan areas as described more fully in § 570.104(a), (b), (c)(1), and (c)(2), respectively.

(h) "Entitlement amount" means the amount to be received by a unit of general local government consisting of its basic grant amount and/or hold-harmless grant under § 570.102 and § 570.103.

(i) "Extent of housing overcrowding" means the number of housing units with 1.01 or more persons per room based on data compiled and published by the United States Bureau of the Census for 1970.

(j) "Extent of poverty" means the number of persons whose incomes are below the poverty level based on data compiled and published by the United States Bureau of the Census for 1970 and the latest reports of the Office of Management and Budget. For the purposes of this Part, the Secretary has determined that it is neither feasible nor appropriate to make adjustments at this time in the computations of "extent of poverty" for regional or area variations in income and cost of living.

(k) "Hold-Harmless amount" means the amount which represents the average past level of funds received by a unit of general local government under the consolidated programs cited in § 570.1(c) and which is used to determine the amount of the Hold-Harmless grant.

(l) "Hold-Harmless grant" means that amount of funds which a unit of general local government is entitled to receive in excess of its basic grant amount under § 570.103.

(m) "HUD" means the Department of Housing and Urban Development.

(n) "Identifiable segment of the total group of lower-income persons in the community" means women, and members of a minority group which includes Negroes, Spanish-Americans, Orientals, American Indians and other groups normally identified by race, color, or national origin.

(o) "Low and moderate income families" or "lower income families" means families whose incomes do not exceed 80 percent of the median family income of the area as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income limits higher or lower than 80 percent of the median for the area on the basis of his findings that such variations are necessary because of prevailing levels of construction cost, unusually high or lower family incomes, or other factors.

(p) "Low and moderate income persons" or "lower income persons" means persons for whom the income of the family conforms with the definition of lower income families as established in § 570.3(o) above.

(q) "Metropolitan area" means a standard metropolitan statistical area, as established by the Office of Management and Budget.

(r) "Metropolitan city" means (1) a city within a metropolitan area which is the central city of such area, as defined and used by the Office of Management and Budget, or (2) any other city, within a metropolitan area, which has a population of fifty thousand or more.

(s) "Population" means the total resident population based on data compiled and published by the United States Bureau of the Census for 1970.

(t) "Secretary" means the Secretary of Housing and Urban Development.

(u) "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(v) "Unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; Guam, the Virgin Islands, and American Samoa or a general purpose political subdivision thereof; a combination of such political subdivisions recognized by the Secretary; the District of Columbia; the Trust Territory of the Pacific Islands; and Indian tribes, bands, groups, and nations, including Alaska Indians, Aleuts, and Eskimos, of the United States. Such term also includes a State or a local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), a community association, or other entity, which is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of section 712 of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968.

(w) "Urban county" means any county within a metropolitan area which, pursuant to § 570.105, (1) is authorized under State law to undertake essential community and housing assistance activities in its unincorporated areas, if any, which are not units of general local government, and (2) has a combined population of two hundred thousand or more (excluding the population of metropolitan cities therein) in such unincorporated areas and in its included units of general local government (i) in which it has authority to undertake essential community development and housing assistance activities and which do not elect to have their population excluded or (ii) with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential community development and housing assistance activities.

Subpart B—Allocation and Distribution of Funds

§ 570.100 General.

(a) This subpart describes the policies and procedures governing the determination of entitlement for eligible units of general local government to receive grants, the entitlement amounts, and the allocation of appropriated funds among the several distribution categories provided under Title I of the Housing and Community Development Act of 1974.

(b) In determining eligibility for a Basic Grant and allocating funds under this subpart, current corporate status and geographic boundaries will be considered, in accordance with the following, to the extent such information is available from the U.S. Bureau of the Census at such time as the allocation of funds is to be made each year:

(1) Incorporation of a community having population of at least 50,000 based on latest national census;

(2) Change in boundaries or annexations resulting in the population of the unit of general local government reaching or exceeding 50,000 based on latest national census; and

(3) Changes in boundaries or annexations cumulatively resulting in an increase or decrease in population of the unit of general local government of at least five percent based on latest national census.

§ 570.101 Allocation between metropolitan and nonmetropolitan areas.

Eighty percent of the funds appropriated each year for the purposes of this Part, excluding amounts for the Secretary's discretionary fund and the transition fund described in Subpart E and excluding fifty million dollars in each of Fiscal Years 1975 and 1976 as specified in § 570.104, will be allocated to metropolitan areas, with the balance of twenty percent allocated to nonmetropolitan areas, for community development block grants in metropolitan and nonmetropolitan areas, respectively.

§ 570.102 Basic grant amounts.

(a) *Metropolitan cities.* (1) Of the amount allocated to metropolitan areas pursuant to § 570.101, the Secretary will allocate to all metropolitan cities an amount of funds which bears the same ratio to the allocation for such metropolitan areas as the average of the ratios between:

(i) The population of all metropolitan cities and the population of all metropolitan areas;

(ii) The extent of poverty in all metropolitan cities and the extent of poverty in all metropolitan areas; and

(iii) The extent of housing overcrowding by units in all metropolitan cities and the extent of housing overcrowding by units in all metropolitan areas.

(2) Of the amount allocated to all metropolitan cities, the Secretary will allocate to each metropolitan city a basic grant amount which bears the same ratio to the allocation for all metropolitan cities as the average of the ratios between:

(i) The population of that city and the population of all metropolitan cities;

(ii) The extent of poverty in that city and the extent of poverty in all metropolitan cities, and

(iii) The extent of housing overcrowding by units in that city and the extent of housing overcrowding by units in all metropolitan cities.

(3) In determining the average of ratios under paragraph (a) (1) and (2) of this section, the ratio involving the extent of poverty will be counted twice.

(4) Towns or townships having population of 50,000 or more may be eligible for entitlement to basic grant amounts although they are not classified as municipalities by the U.S. Bureau of the Census. In determining eligibility, primary reliance shall be placed on information available from the U.S. Bureau of the Census with respect to population level, closeness of settlement, and presence of incorporated places within the boundaries of the unit of general local government.

(b) *Urban counties.* (1) Of the amount allocated to metropolitan areas pursuant to § 570.101, the Secretary will allocate to each urban county a basic grant amount determined by:

(i) Calculating the total amount that would have been allocated to all metropolitan cities and urban counties together under paragraph (a) (1) of this section if data pertaining to the population, extent of poverty, and extent of housing overcrowding in all urban counties were included in the numerator of each of the fractions described in that paragraph; and

(ii) Determining for each urban county the amount which bears the same ratio to the total amount calculated under paragraph (b) (1) (i) of this section as the average of the ratios between:

(A) The population of that urban county and the population of all metropolitan cities and urban counties;

(B) The extent of poverty in that urban county and the extent of poverty in all metropolitan cities and urban counties; and

(C) The extent of housing overcrowding by units in that urban county and the extent of housing overcrowding by units in all metropolitan cities and urban counties.

(2) In determining the average of ratios under paragraph (b) (1) (ii) of this section, the ratio involving the extent of poverty will be counted twice.

(3) In computing amounts or exclusions with respect to an urban county in any fiscal year, there will be excluded any metropolitan city, any other unit of general local government within the county which is to receive a hold-harmless grant for that fiscal year pursuant to § 570.103, and any other unit of general local government the population of which has been excluded from the county's population as part of the urban county qualification process, pursuant to § 570.105.

(4) In excluding the population, poverty, and housing overcrowding data of units of general local government which are to receive a hold-harmless grant from the computations in this paragraph, as required by paragraph (b) (3) of this section, the Secretary will exclude only two-thirds of such data for Fiscal Year 1978 and one-third of such data for Fiscal Year 1979.

(c) *Phase-in provisions.* During the first three years for which funds are approved for distribution to a metropolitan city or urban county, the basic grant amount of those cities and counties as computed under paragraphs (a) and (b) will be adjusted if the amount so computed for the first year exceeds the city's or county's hold-harmless amount for that year as determined under § 570.103. The adjustments will be made so that:

(1) The amount for the first year does not exceed one-third of the full basic grant amount or the hold-harmless amount, whichever is the greater;

(2) The amount for the second year does not exceed two-thirds of the full basic grant amount, or the hold-harmless amount, or the amount allowed under paragraph (c) (1) of this section, whichever is the greatest; and

(3) The amount for the third year does not exceed the full basic grant amount.

§ 570.103 Hold-harmless grants.

(a) *Metropolitan cities and urban counties.* Any metropolitan city or urban county having a hold-harmless amount, as calculated under paragraph (c) of this section, in any fiscal year which exceeds its basic grant amount for that year as computed under § 570.102 will be entitled to receive a hold-harmless grant, in addition to its basic grant. Except as provided in paragraph (d) of this section, the amount of the hold-harmless grant will be equal to the difference between the basic grant amount and the hold-harmless amount.

(b) *Other units of general local government.* Any other unit of general local government will be entitled to receive a hold-harmless grant if, during the five fiscal year period ending June 30, 1972 (or June 30, 1973, in the case of a locality which first received a grant for a neighborhood development program in that fiscal year), it had been carrying out one or more urban renewal projects, code enforcement programs, or neighborhood development programs under Title I of the Housing Act of 1949, or model cities programs under Title I of the Demonstration Cities and Metropolitan Development Act of 1966, under commitments for assistance entered into with HUD during that period. Except as provided in paragraph (d) of this section, such hold-harmless grant will equal the hold-harmless amount as computed under paragraph (c) of this section.

(c) *Calculation of hold-harmless amount.* (1) For each unit of general local government having entitlement for either a basic grant amount or a hold-harmless grant, the Secretary will calculate a hold-harmless amount for each of the first five fiscal years beginning with Fiscal Year 1975, and, for a unit of general local government first qualifying for a basic grant amount after the fourth such fiscal year, for the first two years that unit of general local government receives a basic grant amount.

(2) The hold-harmless amount will be the sum of:

(i) The annual average during the five fiscal years ending June 30, 1972, of:

(A) Commitments for grants for urban renewal (excluding neighborhood development programs) under Part A of Title I of the Housing Act of 1949. For the purposes of this calculation, "commitments for grants" means any of the following conditions occurring during the five year base period:

(*1*) Funds reserved and not either cancelled or allocated;

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(2) Funds reserved and allocated; and funds allocated which had not previously been reserved.

(B) Loans made for the purpose of rehabilitation of property under section 312 of the Housing Act of 1964;

(C) Grants for open space land projects, including urban beautification and historic preservation, under Title VII of the Housing Act of 1961;

(D) Grants for water and sewer projects under section 702 of the Housing and Urban Development Act of 1965;

(E) Grants for neighborhood facilities under section 703 of the Housing and Urban Development Act of 1965; and

(F) Loans for public facilities under Title II of the Housing Amendments of 1955; and

(ii) The average annual grant for a neighborhood development program under Part B of Title I of the Housing Act of 1949 made during the five fiscal years ending June 30, 1972, or during Fiscal Year 1973 in the case where the initial grant for this purpose was made in that fiscal year; and

(iii) In the case of a unit of general local government having a model cities program which was funded or extended in Fiscal Year 1973 for a period ending after June 30, 1973, amounts based on the following percentages of the average annual grant made for the model cities program under Title I of the Demonstration Cities and Metropolitan Development Act of 1966 during fiscal years ending June 30, 1972:

(A) One hundred percent for each of a number of years, which, when combined with the number of funding years for which the unit of general local government has received grants prior to Fiscal Year 1975, equals five.

(B) Eighty percent for the year immediately following year five as determined in paragraph (c)(2)(iii)(A) of this section;

(C) Sixty percent for the year immediately following the year provided in paragraph (c)(2)(iii)(B) of this section; and

(D) Forty percent for the year immediately following the year provided in paragraph (c)(2)(iii)(C) of this section.

For the purpose of calculating hold-harmless amounts, the average annual grant under paragraphs (c)(2)(ii) and (iii) of this section will be established by dividing the total amount of grants made to the unit of general local government by the number of months of program activity for which such grants were made and multiplying the result by twelve. In calculating the hold-harmless amount, any portion of grants which were made as one-time payments for relocation costs under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601) will be excluded. In calculating the average annual grant under paragraph (c)(2)(iii) of this section, the Secretary will exclude Planned Variations grants and grants for such other special purposes as relocation costs for Project Rehab in model cities programs. In attributing credit to metropolitan cities for grants or loans for the purpose of calculating the hold-harmless amount, the Secretary will be guided primarily by the location of the project, and, in addition, the identity of the local government which contracted for such grants or loans. Thus, where a county park authority received a grant to provide recreational facilities in a metropolitan city, the city would be credited with the grant in the hold-harmless calculation, and not the county.

(d) *Phase-out of hold-harmless.* (1) In determining the hold-harmless grant for Fiscal Years 1975, 1976, and 1977, the full hold-harmless amount calculated under paragraph (c) of this section will be used in accordance with paragraphs (a) and (b) of this section. In Fiscal Years 1978 and 1979, if the hold-harmless amount exceeds the basic grant amount for a locality in any such year, as computed under § 570.102, it will be reduced so that—

(i) In Fiscal Year 1978, the excess of the hold-harmless amount over the basic grant amount for that year will equal two-thirds of the difference between such hold-harmless and basic grant amounts; and

(ii) In Fiscal Year 1979, the excess of the hold-harmless amount over the basic grant amount for that year will equal one-third of the difference between such hold-harmless and basic grant amounts.

(2) In Fiscal Year 1980, no hold-harmless grants will be made.

(3) In determining the adjustments under paragraph (d)(1) of this section for units of general local government not qualifying for a basic grant, the provisions of paragraph (d)(1)(i) and (ii) of this section will be applied as though such units had entitlement to a basic grant amount of zero.

(e) *Waiver of hold-harmless.* Any unit of general local government qualifying for a hold-harmless grant under the conditions contained in paragraph (b) of this section may, not later than thirty days prior to January 1, 1975, or not later than 30 days prior to the beginning of any fiscal year thereafter, irrevocably waive its eligibility for such grants. Such waiver must be submitted to the Secretary in writing. In the case of such a waiver, the unit of general local government shall not be excluded from the computations described in § 570.102(b)(3) and § 570.104(c)(1) and (2).

§ 570.104 Funds for discretionary grants.

(a) *Secretary's fund.* From the amount appropriated for community development block grants each fiscal year, excluding the transition fund described in paragraph (b) and fifty million dollars in each of Fiscal Years 1975 and 1976, HUD will determine an amount which is two percent of such appropriated funds for use in making grants:

(1) In behalf of new communities approved under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968;

(2) To States and units of general local government which jointly apply for such funds for addressing problems that are areawide in scope;

(3) In Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands;

(4) To States and units of general local government for use in demonstrating innovative community development projects;

(5) To States and units of general local government for use in meeting emergency community development needs caused by disasters that, in the determination of the President, are of sufficient severity and magnitude to warrant major disaster assistance by the Federal government, (but not more than one-fourth of the total amount reserved and set aside in the Secretary's fund under this section for each year will be used for this purpose); and

(6) To States and units of general local government where HUD finds it necessary to correct inequities resulting from the allocation provisions of this subpart.

Grants from the Secretary's fund may be made in addition to any other community development block grants which may be made to the same recipient under this subpart.

(b) *Transition fund.* Using funds appropriated for Fiscal Years 1975, 1976 and 1977 for this purpose, grants may be made to units of general local government having urgent community development needs which cannot be met through the operation of the allocation provisions of this subpart. Grants under this paragraph may not exceed the total amount appropriated in each fiscal year for this purpose.

(c) *General purpose funds*—(1) *Metropolitan areas.* Any portion of the amount allocated to metropolitan areas under § 570.101, which remains after the allocation of (i) basic grant amounts to metropolitan cities and urban counties under § 570.102, and (ii) hold-harmless grants to which units of general local government in metropolitan areas are entitled, under § 570.103, plus fifty million dollars in each of Fiscal Year 1975 and Fiscal Year 1976, will be allocated for grants to units of general local government, other than metropolitan cities and urban counties, and to States for use in metropolitan areas, allocating for each such metropolitan area an amount which bears the same ratio to the total of those remaining amounts as the average of the ratios between:

(A) The population of that metropolitan area and the population of all metropolitan areas;

(B) The extent of poverty in that metropolitan area and the extent of poverty in all metropolitan areas; and

(C) The extent of housing overcrowding by units in that metropolitan area and the extent of housing overcrowding by units in all metropolitan areas.

In determining the average ratios for metropolitan areas, the ratio involving the extent of poverty will be counted twice; and in computing amounts for

metropolitan areas there will be excluded any metropolitan cities, urban counties, and any units of general local government which receive hold-harmless grants under § 570.103(b).

(2) *Nonmetropolitan areas.* Any portion of the amount allocated to nonmetropolitan areas under § 570.101 which remains after providing the allocation of hold-harmless grants to which units of general local government in nonmetropolitan areas are entitled under § 570.103(b), will be allocated for grants to units of general local government in nonmetropolitan areas or to States for use in nonmetropolitan areas, allocating for the nonmetropolitan areas of each State an amount which bears the same ratio to the total of those remaining amounts as the average of the ratios between:

(i) The population of the nonmetropolitan area in that State and the population of the nonmetropolitan area in all States.

(ii) The extent of poverty in the nonmetropolitan area in that State and the extent of poverty in the nonmetropolitan area in all States; and

(iii) The extent of housing overcrowding by units in the nonmetropolitan area in that State and the extent of housing overcrowding by units in the nonmetropolitan area in all States.

In determining the average of ratios for nonmetropolitan areas, the ratio involving the extent of poverty will be counted twice; and in computing amounts for nonmetropolitan areas there will be excluded units of general local government in nonmetropolitan areas which receive hold-harmless grants under § 570.103(b).

(d) *Adjustment to exclusions for hold-harmless grants.* In excluding the population, poverty and housing overcrowding data of units of general local government which receive hold-harmless grants as required under paragraphs (c)(1) and (2) of this section, only two-thirds of such data will be excluded for Fiscal Year 1978 and one-third of such data for Fiscal Year 1979.

(e) *Criteria.* Specific criteria for determining recipients of discretionary funds may be found in Subpart E, Applications and Criteria for Discretionary Grants.

§ 570.105 Qualification as urban county.

(a) *Determination of qualification.* The Secretary will determine the qualifications of counties to receive entitlements as urban counties pursuant to § 570.102(b) upon receipt of applications from counties in a form and manner prescribed by HUD. The Secretary shall determine eligibility and applicable portions of each eligible county for purposes of fund allocation under § 570.102(b) on the basis of information available from the U.S. Bureau of Census with respect to population and other pertinent demographic characteristics, and based on information provided by the county and its included units of general local government.

(b) *Qualification as an urban county.* A county will qualify as an urban county if such county:

(1) Is in a metropolitan area;

(2) Is authorized under State law to undertake essential community development and housing assistance activities ("essential activities") in its unincorporated areas, if any, which are not units of general local government; and

(3) Has a combined population of 200,000 or more (excluding the population of metropolitan cities therein) consisting of persons residing:

(i) In such unincorporated areas.

(ii) In its included units of general local government in which it is authorized under State law to undertake essential activities (without the consent of the governing body of the locality, or upon the consent of the governing body of the locality and the county has received such consent) and which do not elect to have their population excluded from that of the county pursuant to § 570.102(b)(3) or

(iii) In its included units of general local government with which it has entered into cooperation agreements to undertake or to assist in the undertaking of essential activities pursuant to community development block grants. Such cooperation agreements may consist of the provision by the county of funds or services or both in behalf of such essential activities.

(c) *Essential activities.* For purposes of this section, the term "essential activities" means community renewal and lower income housing activities. In determining whether a county has the required powers, the Secretary will consider both its authority and, where applicable, the authority of its designated agency or agencies.

(d) *Opinion as to authority.* A county wishing to qualify as an urban county shall, at a time designated by HUD and in a form prescribed by HUD, describe its authority for undertaking essential activities. Such description shall include an opinion with respect to such authority by the appropriate legal officer of the county.

§ 570.106 Qualification and submission dates.

The Secretary will fix qualification and submission dates necessary to permit the computations and determinations required under this Subpart to be made in a timely manner and all such computations and determinations will be final and conclusive.

§ 570.107 Reallocation of funds.

(a) *Metropolitan areas.* Any amounts allocated to a metropolitan city, urban county, or other unit of general local government for basic grants or hold-harmless grants in metropolitan areas in any fiscal year which are not applied for by the date fixed by the Secretary for that purpose, or which are disapproved by the Secretary as part of the application review or program monitoring processes, will be reallocated for use by the Secretary in making grants to States, metropolitan cities, urban counties, or other units of general local government; first, in any metropolitan area in the same State, and second, in any other metropolitan area. Any other amounts allocated to a metropolitan area for any fiscal year under § 570.104(c)(1) which the Secretary determines, on the basis of applications and other evidence available, are not likely to be fully obligated by the Secretary during the fiscal year for which the allocation has been made, will be reallocated by the Secretary sufficiently prior to the close of the fiscal year to allow a reasonable expectation that the funds may be used for making grants within that fiscal year to States, metropolitan cities, urban counties, and other units of general local government, first, in that or any other metropolitan area in the same State, and second, in any other metropolitan area.

(b) *Nonmetropolitan areas.* Any amounts allocated to a unit of general local government for any fiscal year for hold-harmless grants in a nonmetropolitan area which are not applied for by the date fixed by the Secretary for that purpose, or which are disapproved by the Secretary as part of the application review or program monitoring processes, will be reallocated by the Secretary for use in making grants to units of general local government in nonmetropolitan areas in any State or to any State for use outside of metropolitan areas. Any other amounts allocated to nonmetropolitan areas of a State for any fiscal year under § 570.104(c)(2) which the Secretary determines, on the basis of application and other evidence available, are not likely to be fully obligated during the fiscal year for which the allocation has been made, will be reallocated by the Secretary sufficiently prior to the close of the fiscal year to allow a reasonable expectation that the funds may be used for making grants within that fiscal year to units of general local government in nonmetropolitan areas of other States and to other States for use in nonmetropolitan areas.

(c) *Policies governing reallocation.* Each fiscal year, HUD will publish the policies to be employed in the reallocation of funds for that year.

(d) *Fiscal year reallocation.* Metropolitan area funds reallocated for any fiscal year which are not used within that fiscal year will remain available in the next subsequent fiscal year for the same area. Nonmetropolitan area funds reallocated for any fiscal year which are not used within that fiscal year will remain available in the next subsequent fiscal year for the same area.

§ 570.108 Offset against entitlement.

To the extent that grants under Title I of the Housing Act of 1949 (urban renewal) or Title I of the Demonstration Cities and Metropolitan Development Act of 1966 (model cities) are payable from appropriations made for Fiscal Year 1975, and are made with respect to a project or program being carried on in any unit of general local government having a basic or hold-harmless grant entitlement for Fiscal Year 1975 under § 570.102 or 570.103, the amount of such grants made under such urban renewal

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or model cities legislation will be considered to have been made against the entitlement amount of the unit of general local government as determined under this subpart, and will be deducted from such entitlement amount for Fiscal Year 1975. Deductions for this purpose will be made after the allocation of funds pursuant to this subpart and shall not otherwise affect the allocation of funds. The deduction required for such grants shall be disregarded in determining the amount of grants made to any unit of general local government that may be applied, pursuant to § 570.802(b), to payment of temporary loans in connection with urban renewal projects under Title I of the Housing Act of 1949.

Subpart C—Eligible Activities

§ 570.200 Eligible activities.

(a) Grant assistance for a community development program may be used only for the following activities:

(1) Acquisition in whole or in part by purchase, lease, donation, or otherwise, of real property (including air rights, water rights, and other interests therein), which is—

(i) Blighted, deteriorated, deteriorating, undeveloped, or inappropriately developed from the standpoint of sound community development and growth, as determined by the recipient pursuant to State and local laws;

(ii) Appropriate for rehabilitation or conservation activities;

(iii) Appropriate for the preservation or restoration of historic sites, the beautification of urban land, the conservation of open spaces, natural resources, and scenic areas, the provision of recreational opportunities, or the guidance of urban development;

(iv) To be used for the provision of public works, facilities, and improvements eligible for assistance under paragraph (a)(2) of this section; or

(v) To be used for other public purposes, including the conversion of land to other uses where necessary or appropriate to the community development program.

(2) Acquisition, construction, reconstruction, or installation of the following public works, facilities, and site or other improvements: neighborhood facilities, senior centers, historic properties, utilities, streets, street lights, water and sewer facilities, foundations and platforms for air rights sites, pedestrian malls and walkways, and parks, playgrounds, and other facilities for recreational participation; flood and drainage facilities in cases where assistance for such facilities has been determined to be unavailable under other Federal laws or programs pursuant to the provisions of § 570.608; and parking facilities, solid waste disposal facilities, and fire protection services and facilities which are located in areas or which serve areas in which other activities described in § 570.303(b) are being, or are to be, carried out.

(3) Code enforcement in deteriorated or deteriorating areas in which such enforcement, together with public improvements and services to be provided, may be expected to arrest the decline of the area.

(4) Clearance, demolition, removal, and rehabilitation of buildings and improvements (including (i) interim assistance to alleviate harmful conditions in which immediate public action is needed and (ii) financing rehabilitation of privately owned properties through the use of grants, direct loans, loan guarantees, and other means, when in support of other activities described in § 570.303 (b), and (iii) demolition and modernization (but not new construction) of publicly owned low-rent housing.

(5) Special projects directed to the removal of material and architectural barriers which restrict the mobility and accessibility of elderly and handicapped persons.

(6) Payments to housing owners for losses of rental income incurred in holding for temporary periods housing units to be utilized for the relocation of individuals and families displaced by program activities.

(7) Disposition, through sale, lease, donation, or otherwise of any real property acquired pursuant to this Part or its retention for public purposes, provided that the proceeds from any such disposition shall be expended only for activities in accordance with this part.

(8) Provision of public services not otherwise available in areas, or serving residents of areas, in which the recipient is undertaking, or will undertake, other activities described in § 570.303(b), where such services are determined to be necessary or appropriate to support such other activities and where assistance in providing or securing such services under other applicable Federal laws or programs has been applied for and denied or not made available pursuant to the provisions of § 570.607. For the purposes of this paragraph, such services shall be directed toward (i) improving the community's public services and facilities including those concerned with the employment, economic development, crime prevention, child care, health, drug abuse, education, welfare, or recreation needs of persons residing in such areas, and (ii) coordinating public and private development programs.

(9) Payment of the non-Federal share required in connection with a Federal grant-in-aid program undertaken as part of the community development program pursuant to § 570.303(b), *provided*, That such payment shall be limited to activities otherwise eligible under this section.

(10) Payment of the cost of completing a project funded under Title I of the Housing Act of 1949, including the provisions for financial settlement contained in Subpart I.

(11) Relocation payments and assistance for individuals, families, businesses, organizations, and farm operations displaced by activities assisted under this Part, including all benefits at least equal to the minimum levels established under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601).

(12) Activities necessary (i) to develop a comprehensive community development plan (which plan may address the needs, strategy, and objectives to be summarized in the application pursuant to § 570.303(a) but may treat only such public services as are necessary or appropriate to support activities meeting such needs and objectives), and (ii) to develop a policy-planning-management capacity so that the recipient may more rationally and effectively (A) determine its needs, (B) set long-term goals and short-term objectives, (C) devise programs and activities to meet the goals and objectives, (D) evaluate the progress of such programs in accomplishing these goals and objectives, and (E) carry out management, coordination, and monitoring of activities necessary for effective planning implementation.

(13) Payment of reasonable administrative costs and carrying charges related to the planning and execution of community development and housing activities, including the provision of information and, at the discretion of the recipient, of resources to residents of areas in which other community development activities described in § 570.303(b) and the housing activities covered in the Housing Assistance Plan described in § 570.303(c) are to be concentrated with respect to the planning and execution of such activities.

(b) Notwithstanding anything to the contrary in this section or in § 570.201, any ongoing activity being carried out in a model cities program shall be eligible for funding under this Part from that portion of the hold-harmless amount attributable to such model cities program until the applicant has received five years of funding for such activities as calculated pursuant to § 570.103(c)(2)(iii). For the purpose of this paragraph, the term "ongoing activity" means any model cities activity underway as of January 1, 1975, that was approved and funded by HUD on or before June 30, 1974.

(c) Costs incurred in carrying out the program, whether charged to the program on a direct or an indirect basis, must be in conformance with the requirements of Federal Management Circular 74-4, "Cost Principles Applicable to Grants and Contracts with State and Local Governments," except as modified in these regulations.

§ 570.201 Ineligible activities.

Any type of activity not described in § 570.200 is ineligible. The following list of examples of ineligible activities is merely illustrative, and does not constitute a list of all ineligible activities.

(a) *Public facilities.* The general rule is that a public facility is ineligible to be acquired, constructed, reconstructed, rehabilitated, or installed unless it is specifically mentioned in § 570.200(a)(2), or was previously eligible under any of the

programs consolidated by the Act (except the public facilities loan program, the model cities program, and as an urban renewal local grant-in-aid eligible under section 110(d)(3) of the Housing Act of 1949) and cited in § 570.1(c). Examples of facilities which cannot be provided with these funds include the following:

(1) Buildings and facilities for the general conduct of government, such as city halls and other headquarters of government (where the governing body meets regularly), of the recipient and which are predominantly used for municipal purposes, courthouses, police stations, and other municipal office buildings;

(2) Stadiums, sports arenas, auditoriums, concert halls, cultural and art centers, convention centers, museums, libraries, and similar facilities which are used by the general public primarily as spectators or observers, except cultural, art, museum, library, and similar facilities undertaken as part of a neighborhood facilities project;

(3) Schools generally, including elementary, secondary, college and university facilities, but excluding a neighborhood facility or senior center in which classes in practical and vocational activities (such as first aid, homemaking, crafts, etc.) may be taught;

(4) Airports, subways, trolley lines, bus or other transit terminals, or stations, and other transportation facilities; and

(5) Hospitals, nursing homes, and other medical facilities, but excluding a neighborhood facility or senior center in which health services are but part of the services offered.

(b) *Operating and maintenance expenses.* Except for the public services described in § 570.200(a)(8), and the interim assistance authorized under § 570.200(a)(4), operating and maintenance expenses in connection with community services and facilities are not eligible. Examples include maintenance and repairs of water and sewer and parking facilities, and salaries of staff operating such facilities.

(c) *General government expenses.* Except for the provisions of § 570.200(c), expenses required to carry out the regular responsibilities of the unit of general local government are not eligible. Examples include all ordinary general government expenditures not related to the community development program described pursuant to § 570.303(b) and not related to activities eligible under § 570.200.

(d) *Political activities.* No expenditure may be made for the use of equipment or premises for political purposes, sponsoring or conducting candidates' meetings, engaging in voter registration activity or voter transportation (except where part of the communitywide registration drive sponsored by the unit of general local government), or other partisan political activities.

(e) *New housing construction.* Construction of new permanent residential structures, or any program to subsidize or finance such construction, is not a permissible use of funds provided under this Part, except as provided under the last resort housing provisions of 24 CFR Part 43.

(f) *Income payments.* Except as authorized under § 570.200, funds may not be expended for direct income payments for housing or for any other purpose, except as provided under the last resort housing provisions of 24 CFR Part 43. Examples include payments for income maintenance and housing allowances.

Subpart D—Applications for Entitlement Grants

§ 570.300 Pre-submissions.

(a) *Timing of submission of applications.* The Secretary will establish from time to time the earliest and latest dates for submission of an application for each fiscal year. Applications, or draft materials relating to applications, received before the earliest date will be returned to the applicant without review. For fiscal year 1975, the earliest date for submission of an application shall be December 1, 1974; the latest date shall be April 15, 1975. Prior to the earliest date for submission of an application for each fiscal year, HUD will provide all applicants with forms and instructions, including the actual or estimated entitlement amount. Entitlement applicants wishing to apply for discretionary grants shall follow the procedures described in Subpart E Applications and Criteria for Discretionary Grants.

(b) Upon receiving advice from HUD that the application has been received for processing, the applicant shall make reasonable efforts to inform citizens involved in the local citizen participation process that the application has been submitted to HUD and is available to interested parties upon request. This requirement may be satisfied by publication of a notice to that effect in a periodical or general circulation in the jurisdiction of the applicant.

(c) *Meeting the requirement of OMB Circular No. A-95.* Applicants must comply with the procedures set forth in OMB Circular No. A-95 which require the submission of the application to the State and areawide clearinghouses for review and comment prior to submission to HUD. For Fiscal Year 1975 submissions only, the Office of Management and Budget has granted an exception to the length of review time for block grant applications to permit clearinghouses a single 45-day period for review. In addition, clearinghouses should divide their comments into two sections. The first will cover comments relating to facts and data relevant to HUD's making its statutory determination on the application in accordance with § 570.306(b). The second section will include all other comments and recommendations which clearinghouses desire to submit to the applicant.

§ 570.301 Program year.

(a) *First program year.* The first program year shall start on the date of HUD approval of the application and shall run for twelve consecutive months, except when modified under the provision of paragraph (b) of this section.

(b) *Subsequent program years.* The second program year shall normally begin twelve months after the beginning date of the first program year. However, an applicant may request to shorten the first program year by no more than three calendar months in order to meet urgent local needs and objectives, to reflect activity funded with Fiscal Year 1975 appropriations for the urban renewal and model cities programs, or to conform the program year to State or local budgeting requirements. The applicant shall not submit an application for a program year beginning prior to the end of the preceding twelve-month program year without the prior concurrence of the HUD Area Office.

§ 570.302 Advances and authorization to incur costs.

(a) *Request for advance.* For the first program year beginning after January 1, 1975, an applicant may request an advance of funds in an amount not to exceed ten percent of its entitlement amount. A request for advance may be submitted to the appropriate HUD Area Office no earlier than December 1, 1974. An advance of funds may not be approved prior to January 1, 1975, and the applicant's program year does not begin until approval of a full application for a grant. The request for advance shall be in a form and manner prescribed by HUD and shall identify and estimate the cost of the activities to be carried out with the advance.

(b) *Eligible uses of advance funds.* Advance funds will be made available for the following purposes:

(1) To plan and prepare for the implementation of activities to be assisted under this part; and

(2) To continue previously approved urban renewal (including Neighborhood Development Program) activities being carried out under Title I of the Housing Act of 1949 and/or previously approved model cities activities being carried out under Title I of the Demonstration Cities and Metropolitan Development Act of 1966. The phrase "previously approved" in the preceding sentence shall mean those urban renewal and model cities activities that were approved and funded by HUD on or before June 30, 1974.

(c) *Authorization to incur costs.* Upon the effective date of these regulations, applicants, by appropriate resolution of the local governing body and as of the date of such resolution, may begin to incur costs for the planning and preparation of an application for funds available under this part. The resolution shall recognize that reimbursement for such costs will be dependent upon the availability of funds to implement this part, and submission of a timely application in accordance with § 570.303. Costs incurred with local funds pursuant to this paragraph may be reimbursed from an advance of funds. The total of

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all costs incurred pursuant to this section may not exceed ten percent of the applicants' entitlement amount and must be fully documented in the applicants' files.

§ 570.303 Application requirements.

An application for a grant shall conform to and be limited to the prescribed HUD forms and shall include the following items:

(a) *Community development plan summary.* The application shall include a summary of a three-year community development plan which identifies community development needs, demonstrates a comprehensive strategy for meeting those needs, and specifies both short- and long-term community development objectives which have been developed in accordance with areawide development planning and national urban growth policies. The plan shall be written in a manner to encompass the needs, strategy and objectives, and to described a program, which is designed to eliminate or prevent slums, blight, and deterioration where such conditions or needs exist, and to provide improved community development facilities and public improvements, including the provision of supporting health, social and similar services where necessary and appropriate. In identifying the needs, the applicant shall take into consideration any special needs found to exist in any identifiable segment of the total group of lower income persons in the community. With respect to areawide planning, the applicant must give careful consideration to applicable areawide plans but need not conform rigidly to such plans or secure approval of areawide planning agencies. Where areawide activities are determined in the A–95 comments transmitted by the area wide planning agency to be inconsistent with applicable areawide plans, then the applicant shall provide in the application to HUD an explanation of the reasons for the inconsistencies.

(b) *Community development program.* (1) The application shall include a summary of a community development program which:

(i) Includes the activities to be undertaken with the funds provided under this part for the program year to meet the community development needs and objectives together with the estimated costs and general location of such activities;

(ii) Indicates resources other than those provided under this Part which are expected to be made available during the program year toward meeting the identified needs and objectives; and

(iii) Takes into account appropriate environmental factors.

(2) The applicant shall submit maps of the geographic jurisdiction of the applicant. Such maps shall indicate the general location of proposed activities to be undertaken with funds provided under this Part and indicate, by each census tract, the concentrations of minority groups and lower-income persons.

(3) An applicant may provide in the community development program for the planned expenditure of program year funds in the subsequent program year.

(c) *Housing assistance plan.* The application shall contain a housing assistance plan which:

(1) Accurately surveys the condition of the housing stock in the community. The applicant shall present in summary form a description of housing conditions by number of units in standard condition and in substandard condition, and to the extent such information is generally available, the units suitable for rehabilitation, and in each case distinguishing the numbers which are occupied and which are vacant.

(2) Estimates the housing assistance needs of lower income persons (including lower-income persons who are elderly and handicapped persons, large families, and persons displaced or to be displaced) either already residing in the community, or planning or expected to reside in the community as a result of planned or existing employment facilities. The assessment of housing assistance needs of lower income persons should take into consideration and summarize any special needs found to exist in any identifiable segment of the total group of lower-income persons in the community.

(3) Specifies a realistic annual goal for the number of dwelling units or persons to be assisted including the relative proportion of new, rehabilitated and existing dwelling units, and the sizes and types of housing projects and assistance best suited to the needs of lower income persons in the community. This statement of the annual goal for dwelling units to be assisted shall take into consideration the housing conditions and needs summarized pursuant to the two preceding paragraphs of this section. The goals for new, rehabilitated, and existing units should be consistent with the findings pursuant to § 570.303(c)(1) with respect to the availability of existing units of standard quality and units suitable for rehabilitation. HUD field offices will advise applicants, upon request, of housing assistance resources available to field office jurisdictions pursuant to section 213 of the Housing and Community Development Act of 1974 prior to submission of the housing assistance plan by the locality.

(4) Indicates the general location by census tract or groups of census tracts of proposed new housing construction projects and substantial rehabilitation projects for lower income persons on maps as called for in § 570.303(b)(2), (and for those projects proposed for HUD assistance, considering the site and neighborhood standards established by HUD for the housing assistance payments program), with the objectives of:

(i) Furthering the revitalization of the community, including the restoration and rehabilitation of stable neighborhoods to the maximum extent possible.

(ii) Promoting greater choice of housing opportunities and avoiding undue concentrations of assisted persons in areas containing a high proportion of low-income persons.

(iii) Assuring the availability of public facilities and services adequate to serve proposed housing projects.

(d) *Community development budget.* The applicant shall submit a community development budget on forms prescribed by HUD. Sufficient amounts shall be included in each year's budget to fully fund relocation payments and assistance for all persons expected to be displaced by that year's community development program activities even if such displacement will not occur until a later program year.

(e) *Certifications.* The applicant shall submit certifications, in such forms as HUD may prescribe, providing assurances that:

(1) The program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (Pub. L. 88–352); Title VIII of the Civil Rights Act of 1968 (Pub. L. 90–284); section 109 of the Housing and Community Development Act of 1974; section 3 of the Housing and Urban Development Act of 1968; Executive Order 11246; Executive Order 11063, and any HUD regulations issued to implement these authorities.

(2) Prior to submission of its application, the applicant has:

(i) Provided citizens with adequate information concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements;

(ii) Held at least two public hearings to obtain the views of citizens on community development and housing needs; and

(iii) Provided citizens an adequate opportunity to participate in the development of the application and in the development of any revisions, changes, or amendments.

The Act provides that no part of this paragraph shall be construed to restrict the responsibility and authority of the applicant for the development of the application and the execution of its community development program. Accordingly, the citizen participation requirements of this paragraph do not include concurrence by any person or group involved in the citizen participation process in making final determinations concerning the findings and contents of the application. The sole responsibility and authority to make such final determinations rests exclusively with the applicant.

(3) The applicant will comply with the relocation requirements of Title II and the acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and implementing regulations in 24 CFR Part 42.

(4) The applicant's certifying officer (i) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 insofar as the provisions of such act apply pursuant to this Part, and (ii) is authorized and consents on behalf of the applicant and himself to accept the jurisdiction of the Federal courts for the purpose of enforcement of his responsibilities as such an official.

(5) The applicant will comply with the requirements of Federal Management Circular 74–4, "Cost Principles Applicable to Grants and Contracts with State and Local Government," and with the applicable requirements of Federal Management Circular 74–7 "Uniform Administrative Requirements for Grants-in-Aid to State and Local Governments," as specified in these regulations.

(6) The applicant has met the requirements of OMB Circular No. A–95 and any comments or recommendations made by or through the clearinghouses are attached and were considered prior to submission of the application, or, no clearinghouse comments or recommendations have been received.

(7) The Community Development program has been developed so as to give maximum feasible priority to activities which will benefit low- or moderate-income families or aid in the prevention or elimination of slums or blight. Where all or part of the community development program activities are designed to meet other community development needs having a particular urgency, the applicant may request a determination by the Secretary that the program activities are so designed to meet such needs as specifically described in the application.

(8) The applicant will administer and enforce the labor standards requirements set forth in § 570.605 and HUD regulations issued to implement such requirements.

(f) *Performance report.* Beginning with the application submitted in fiscal year 1976, and each fiscal year thereafter, the applicant shall submit an annual performance report as described in § 570.906.

§ 570.304 Waiver of application requirements.

(a) *Eligible applicants for waiver.* The Secretary may waive all or part of the application requirements contained in § 570.303 (a) and (b) if the applicant meets the following criteria:

(1) The applicant has a population of less than 25,000 according to the most recent data compiled by the Bureau of Census and is located:

(i) Outside a standard metropolitan statistical area, or

(ii) Inside such an area but not outside an "urbanized area," as defined by the Bureau of Census;

(2) The application relates to the first community development activity to be carried out by such locality with assistance under this part; and

(3) The assistance requested is for a single development activity under this Part of a type eligible for assistance under § 570.200(a)(1)(iii); or neighborhood facilities, water and sewer facilities, historic properties, and parks, playgrounds, and similar recreational facilities authorized pursuant to § 570.200 (a)(2).

(b) *Secretarial determination.* In determining that, having regard to the nature of the activities to be carried out, a waiver is not inconsistent with the purpose of this part, the Secretary will approve a waiver: Provided, That the funds applied for do not exceed $1,000,000.

§ 570.305 Program amendments.

(a) *Mid-program year amendments.* An applicant shall submit an amended application to the HUD Area Office if the applicant's community development program is being revised so that more than ten percent of the community development budget, excluding unspecified local option activities, is to be used for new or different activities not included in the approved community development program. An amendment shall also be submitted whenever the cumulative effect of a number of smaller changes add up to an amount that exceeds ten percent of the budget, excluding unspecified local option activities. The amendment submitted to HUD shall include only those elements of the application that are changed, except that the amendment shall always include the certifications and assurances described in § 570.303(e).

(b) *Other program amendments.* Program amendments not requiring prior HUD approval pursuant to the preceding paragraph may be undertaken by the applicant, provided all other requirements of this part are satisfied. Such amendments shall be reported to HUD as part of the annual performance report, as described in § 570.906, required with the subsequent annual application.

(c) *Reprogramming unobligated funds.* Funds that will be unobligated at the end of a program year may be reprogrammed as a part of a subsequent year's annual application for a grant so as to avoid subsequent program amendment. Such a reprogramming is not a requirement inasmuch as an applicant may continue to carry out activities included in a prior year's application.

§ 570.306 HUD review and approval of application.

(a) *Acceptance of application.* (1) Upon receipt of an application, the HUD Area Office will accept it for review, provided that:

(i) It has been received before the close of business on the final date established by HUD for submission of applications for each fiscal year;

(ii) The application requirements specified in § 570.303 are complete, unless specifically waived pursuant to § 570.304;

(iii) The funds requested do not exceed the entitlement amount;

(iv) The required certifications have been properly executed; and

(v) The applicant has attached or enclosed any comments or recommendations made by or through State and areawide clearinghouses or has stated that no comments or recommendations have been received within the 45-day review period.

(2) If the application is accepted in accordance with the preceding paragraph, the date of acceptance of the application will be the date of receipt of the application in the HUD field office, and the applicant will be so notified in writing. If the application is not accepted for review, the applicant will be so notified in writing, and will be advised of the specific reasons for nonacceptance.

(b) *Scope of review.* (1) The Secretary will normally base his review upon the applicant's certifications, statements of facts and data and other programmatic decisions. The Secretary reserves the right, however to consider substantial evidence which contradicts or challenges the certifications, or significant facts and data, in accordance with the review criteria in this section and to require additional information or assurances from the applicant as warranted by such evidence.

(2) Based on that review, the Secretary will approve the application unless:

(i) On the basis of significant facts and data, generally available (whether published data accessible to both the applicant and the Secretary, such as census data, or other data available to both the applicant and the Secretary, such as recent local, areawide or State comprehensive planning data) and pertaining to community and housing needs and objectives, the Secretary determines that the applicant's description of such needs and objectives is plainly inconsistent with such facts or data, or

(ii) On the basis of the application, the Secretary determines that the activities to be undertaken are plainly inappropriate to meeting the needs and objectives identified by the applicant, or

(iii) The Secretary determines that the application does not comply with the requirements of this part or other applicable Federal laws, or proposes activities which are ineligible under this part.

(c) *Approval or disapproval of application.* Within seventy-five days of the date of receipt of the application, or at such earlier time as review is completed, the Secretary will notify the applicant in writing that the application has been approved, partially approved, or disapproved. In the event the Secretary has not mailed a notification to the applicant within seventy-five days from the date of acceptance of the application that it has been disapproved, the application shall be deemed to be approved. If the application is disapproved, the applicant shall be informed of the specific reasons for disapproval.

(d) *Approval of less than full entitlement.* The Secretary may adjust the entitlement amount to the extent identified in an application submitted under this part designated for an activity or activities that are not eligible under § 570.200, and the deficiency has not been corrected prior to the expiration of the 75-day review period for the application. Funds not approved under the preceding sentence will be reallocated pursuant to § 570.107.

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(e) *Conditional approval.* The Secretary may make a conditional approval, in which case the full entitlement amount will be approved but the utilization of funds for affected activities will be restricted. Conditional approvals may be made only where local environmental reviews under § 570.604 have not yet been completed, where the requirements of § 570.607 regarding the provision of public services or flood or drainage facilities have not yet been satisfied, or where the provisions of § 570.802 are exercised.

Subpart E—Applications and Criteria for Discretionary Grants

§ 570.400 [Reserved]

Subpart F—Grant Administration

§ 570.500 Designation of public agency.

One or more public agencies, including existing local public agencies, may be designated by the governor of a State or the chief executive officer of a unit of general local government to undertake a Community Development Program in whole or in part. Notwithstanding such designations, the State or unit of general local government shall be the applicant, and, in the absence of special circumstances in which there is a legal incapacity on the part of the applicant to accept funds for eligible activities, the grant agreement shall be between HUD and the State or unit of general local government. Such designations do not relieve the State or unit of general local government of its responsibilities in assuring the administration of the program in accordance with all HUD requirements, including these regulations.

§ 570.501 Grant agreement.

Upon approval of the application, the Secretary will authorize the execution of a grant agreement. These regulations become a part of the grant agreement.

§ 570.502 Method of payment.

(a) *Advance payments.* Advance payments will be made by either a letter of credit or by U.S. Treasury checks to recipients when the following conditions are met:

(1) The recipient has demonstrated to the Secretary, initially through certification in a form prescribed by HUD and subsequently through performance, its willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds to it and its disbursement of such funds;

(2) The recipient's financial management system meets the standards for fund control and accountability prescribed in Appendix G of Federal Management Circular 74–7.

(b) *Reimbursement.* Recipients which do not meet the above conditions will receive grant payments by U.S. Treasury checks on a reimbursement basis.

§ 570.503 Disbursement of advances against entitlement.

Advances against entitlement made available pursuant to § 570.302 will be made through the same disbursement method as is appropriate for the recipient during the first program year.

§ 570.504 Release of funds pursuant to § 570.603 and § 570.607.

Recipients may spend funds for projects requiring environmental review pursuant to § 570.603, and for public services activities or for flood and drainage facilities for which other Federal funds must be sought pursuant to § 570.607, only after notification to HUD that the requirements of these sections have been met and receipt of authorization to spend funds for affected activities. If recipients receive funds through a letter of credit, the letter of credit shall, at the time of approval of the application, be in the amount of all grant funds approved in the application including those portions subject to the environmental review provisions of § 570.603, the requirements of § 570.607 regarding activities for which other Federal funds must be sought, and the provisions of Subpart I. However, these provisions must be satisfied prior to authorized use of funds by the recipient for affected activities.

§ 570.505 Financial management systems.

Each recipient shall be required to maintain a financial management system which complies with Appendix G of Federal Management Circular 74–7, "Standards for Grantee Financial Management Systems" or use the existing facilities of a constituent municipal, county or State government (or unit thereof) to perform the necessary fiscal and accounting functions for the grantee.

§ 570.506 Program income.

(a) Units of general local government shall be required to return to the Federal Government interest (except for interest described in paragraph (c) of this section) earned on grant funds advanced by Treasury check or letter of credit in accordance with Appendix E of Federal Management Circular 74–7.

(b) Proceeds from the sale of personal property shall be handled in accordance with Appendix N of Federal Management Circular 74–7 pertaining to Property Management.

(c) All other program income earned during the grant period, including proceeds from the disposition of real property, payments of principal and interest on rehabilitation loans, and interest earned on revolving funds, shall be retained by the recipient and in accordance with the grant agreement, shall be added to funds committed to the program and be used in accordance with the provisions of this part.

(d) Recipients shall record the receipt and expenditure of revenues related to the program (such as taxes, special assessment, levies, fines, etc.) as a part of the grant program transactions.

§ 570.507 Procurement standards.

Recipients shall comply with the requirements of Appendix O of Federal Management Circular 74–7, "Procurement Standards."

§ 570.508 Bonding and insurance.

Recipients shall comply with the requirements of Appendix B of Federal Management Circular 74–7, "Bonding and Insurance."

§ 570.509 Audit.

(a) The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to all books, accounts, records, reports, files, and other papers or property of recipients of their subgrantees and contractors pertaining to funds provided under this Part for the purpose of making surveys, audits, examinations, excerpts and transcripts.

(b) Recipient financial management systems shall provide for audits to be made by the recipient or at his direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations and administrative requirements. The recipient will schedule such audits with reasonable frequency, usually annually, but not less frequently than once every two years, considering the nature, size, and complexity of the activity. Audits performed by, or at the direction of recipients, for activities funded under this Part may be paid for from community development block grants, but the responsibility for payment of these audits rests with the recipient.

(c) The Secretary shall, at least on an annual basis, audit or arrange for the audit of recipients as appropriate. The results of audits made by recipients which follow criteria prescribed by the Secretary will be given full consideration in determining the frequency and scope of audits by the Secretary.

§ 570.510 Retention of records.

Financial records, supporting documents, statistical records, and all other records pertinent to the grant program shall be retained by the recipient for a period of three years from the date of the submission of the annual performance report, except as follows:

(a) Records that are the subject of audit findings shall be retained for three years after such findings have been resolved.

(b) Records for nonexpendable property which was acquired with Federal grant funds shall be retained for three years after its final disposition.

(c) Records for any displaced person shall be retained for three years after he has received final payment.

§ 570.511 HUD administrative services for rehabilitation loans and grants. [Reserved]

§ 570.512 Grant close out procedures. [Reserved]

Subpart G—Other Program Requirements

§ 570.600 Maintenance of effort.

Funds made available under this part shall not be utilized to reduce substantially the amount of local financial support for community development activities below the level of such support prior to the availability of such assistance.

§ 570.601 Limitations on local option activities and contingency accounts.

No more than ten per centum of the estimated costs which are expected to be incurred during any program year may be designated for unspecified local option activities, which are eligible pursuant to Subpart C, or for a contingency account for activities designated by the applicant pursuant to § 570.303(b).

§ 570.601 Nondiscrimination.

(a) *Discrimination prohibited.* Section 109 of the Housing and Community Development Act of 1974 requires that no person in the United States shall on the ground of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with community development funds made available pursuant to this Part. For purposes of this section "program or activity" is defined as any function conducted by an identifiable administrative unit of the recipient, or by any unit of government or private contractor receiving community development funds or loans from the recipient. "Funded in whole or in part with community development funds" means that community development funds in any amount in the form of grants or proceeds from HUD guaranteed loans have been transferred by the recipient to an identifiable administrative unit and disbursed in a program or activity.

(b) *Specific discriminatory actions prohibited.* (1) A recipient may not, under any program or activity to which the regulations of this part may apply, directly or through contractual or other arrangements, on the ground of race, color, national origin, or sex:

(i) Deny any facilities, services, financial aid or other benefits provided under the program or activity.

(ii) Provide any facilities, services, financial aid or other benefits which are different, or are provided in a different form from that provided to others under the program or activity.

(iii) Subject to segregated or separate treatment in any facility in, or in any matter or process related to receipt of any service or benefit under the program or activity.

(iv) Restrict in any way access to, or in the enjoyment of any advantage or privilege enjoyed by others in connection with facilities, services, financial aid or other benefits under the program or activity.

(v) Treat an individual differently from others in determining whether the individual satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any facilities, services or other benefit provided under the program or activity.

(vi) Deny an opportunity to participate in a program or activity as an employee.

(2) A recipient may not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination on the basis of race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.

(3) A recipient, in determining the site or location of housing or facilities provided in whole or in part with funds under this part, may not make selections of such site or location which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, national origin, or sex; or which have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act and of this section.

(4) (i) In administering a program or activity funded in whole or in part with community development block grant funds regarding which the recipient has previously discriminated against persons on the ground of race, color, national origin or sex, the recipient must take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of such prior discrimination, a recipient in administering a program or activity funded in whole or in part with community development block grant funds should take affirmative action to overcome the effects of conditions which would otherwise result in limiting participation by persons of a particular race, color, national origin or sex. Where previous discriminatory practice or usage tends, on the ground of race, color, national origin or sex, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purpose of the Act.

(iii) A recipient shall not be prohibited by this part from taking any action eligible under § 570.200 to ameliorate an imbalance in services or facilities provided to any geographic area or specific group of persons within its jurisdiction, where the purpose of such action is to overcome prior discriminatory practice or usage.

(5) Notwithstanding anything to the contrary in this section, nothing contained herein shall be construed to prohibit any recipient from maintaining or constructing separate living facilities or rest room facilities for the different sexes. Furthermore, selectivity on the basis of sex is not prohibited when institutional or custodial services can properly be performed only by a member of the same sex as the recipients of the services.

§ 570.602 Relocation and acquisition.

(a) Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (40 U.S.C. 4601), hereafter referred to as the Uniform Act, and the regulations at 24 CFR Part 42 are applicable to all displacement of persons, businesses, nonprofit organizations, and farms occurring as a direct result of any acquisition of real property assisted under this Part.

(b) Title III of the Uniform Act and the regulations at 24 CFR Part 42 are applicable to all acquisition of real property assisted under this part.

(c) The costs of relocation payments and assistance under Title II of the Uniform Act shall be paid from funds provided by this Part and/or such other funds as may be available to the locality from any source.

§ 570.603 Environment.

In order to assure that the policies of the National Environmental Policy Act of 1969 are most effectively implemented in connection with the expenditure of funds under this Part the recipient shall comply with HUD Environmental Review Procedures (24 CFR Part 58) leading to certification for the release of funds for particular projects. These procedures set forth the regulations, policies, responsibilities and procedures governing the carrying out of environmental review responsibilities of recipients.

§ 570.604 Historic preservation.

Recipients must take into account the effect of a project on any district, site, building, structure, or object listed on or nominated for listing on the National Register of Historic Places, maintained by the National Park Service of the U.S. Department of the Interior. Recipients should make every effort to eliminate or minimize any adverse effect on a historic property. Activities affecting such properties will be subject to requirements set forth in § 570.604(b). Recipients must meet the historic preservation requirements of P.L. 89–665 and the Archeological and Historic Preservation Act of 1974, Pub. L. 93–291 and Executive Order 11593, including the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR Part 800.

§ 570.605 Labor standards.

All laborers and mechanics employed by contractors or subcontractors on construction work assisted under this Part shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–332), and the contractors and subcontractors shall comply with all regulations issued pursuant to these Acts and with other applicable Federal laws and regulations pertaining to labor standards. This section shall apply to the rehabilitation of residential property only if such property is designed for residential use of eight or more families. The Secretary of Labor has, with respect to the labor standards specified in this section, the authority

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and functions set forth in Reorganization Plan Number 14 of 1950 (5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

§ 570.606 Architectural Barriers Act of 1968.

The Architectural Barriers Act of 1968, 42 U.S.C. 4151 is applicable to assistance under this Part and requires that the design of any facility constructed with funds from this title comply with the "American Standard Specification for Making Buildings and Facilities Accessible, and Usable by, the Physically Handicapped," Number A–117.1–1961, as modified (41 CFR 101–17.703).

§ 570.607 Activities for which other Federal funds must be sought.

A recipient may use community development funds for the provision of public services as described in § 570.200(a)(8) for activities (other than those previously approved under the model cities program and described in § 570.200(b)); or for flood or drainage facilities as described in § 570.200(a)(2), provided that:

(a) The recipient has applied or inquired in writing to the Federal agency or agencies which conduct a program or programs most likely to meet the needs for which community development funds are being considered, or of the State or local agency or agencies, if any, which customarily receive funds from such programs and administer them within the recipient's jurisdiction.

(b) The recipient has received (1) a written statement of rejection from such Federal, State or local agency; (2) a written statement that funds cannot be made available for at least 90 days after the request; or (3) no response from the Federal, State or local agency within a 90 day period from the date of application or inquiry; and

(c) The recipient has notified HUD of the results of the application or inquiry.

§ 570.608 Hatch Act.

Neither the Community Program nor the funds provided therefor, nor the personnel employed in the administration of the program shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 of Title 5, United States Code.

§ 570.609 National Flood Insurance Program.

The provisions of the Flood Disaster Protection Act of 1973 (Pub. L. 93–234) and the regulations thereunder (24 CFR Chapter X, Subpart B) apply to assistance under this part.

§ 570.610 Clean Air Act and Federal Water Pollution Control Act.

The recipient must comply with the provisions of the Clean Air Act, as amended (42 U.S.C. 1857 et seq.), and the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.), and the regulations thereunder (40 CFR Part 15).

Subpart H—Loan Guarantees

§ 570.700 Eligible applicants.

Units of general local government, which are eligible for grant assistance as specified in Subpart B, may apply for loan assistance under this subpart. Applications may also be made by public agencies designated by such units of general local government if the unit of general local government certifies that it does not have the legal capacity to carry out the activities for which the loan assistance is being made available and/or to accept the loan assistance.

§ 570.701 Application requirements.

(a) *Timing of submission of loan application.* Applications for loan guarantees must be submitted at the time of submission of an application for grant funds as specified in Subparts D and E.

(b) *Submission requirements.* Applications for loan guarantees must be made in the form prescribed by HUD. Units of general local government will be required to furnish full faith and credit pledges, or pledges of revenues approved by HUD, pursuant to § 570.702(c).

§ 570.702 Guaranteed loan amount.

(a) *Eligible costs.* Guarantees of loans may be made to cover the costs for acquisition or assembly of real property and the related expenses of interest, demolition, relocation, and site improvements, as identified and approved in the grant application.

(b) *Prohibition on loans to benefit private individuals or corporations.* No guarantee shall be issued in behalf of any agency designed to benefit, in or by the flotation of any issue, a private individual or corporation.

(c) *Security requirements.* No guarantee or commitment to guarantee shall be made unless:

(1) The Secretary has reserved and withheld, from the applicant's entitlement or discretionary amount for the applicable program year, for the purpose of paying the guaranteed obligations (including interest), an amount which is at least equal to 110 percent of the difference between the cost of land acquisition and related expenses and the estimated disposition proceeds, which amount may subsequently be increased by the Secretary to the extent he determines such increase is necessary or appropriate because of any unanticipated, major reduction in such estimated disposition proceeds;

(2) The unit of general local government pledges its full faith and credit or revenues approved by the Secretary for the repayment of any amounts required to be paid by the United States pursuant to its guarantee as is equal to the difference between the principal amount of the guaranteed loan and interest thereon and the amount to be reserved and withheld under the preceding paragraph. If revenues are pledged, the applicant must submit evidence to the satisfaction of the Secretary that: (i) There is a reasonable expectation that the revenues will be available; and (ii) the revenues are unencumbered by any superior claim under the pledge; and

(3) The unit of general local government pledges the proceeds of any grants to which it may become eligible under this for the repayment of any amounts which are required to be paid by the United States pursuant to its guarantee, and which are not otherwise fully repaid when due pursuant to paragraphs (c)(1) and (2) of this section.

§ 570.703 Federal guarantee.

The full faith and credit of the United States is pledged to the payment of all guarantees made under this section. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

§ 570.704 Marketing of notes and interest rates. [Reserved]

§ 570.705 Grants for taxable obligations. [Reserved]

Subpart I—Financial Settlement of Urban Renewal Projects

§ 570.800 General.

This subpart contains regulations governing the transition from the urban renewal and neighborhood development programs (NDP) pursuant to Title I of the Housing Act of 1949, as amended to the programs undertaken pursuant to this Part.

§ 570.801 Projects which can be completed without additional capital grants.

(a) Urban renewal and NDP projects which can be completed without additional capital grants may continue to completion under the existing contracts executed under Title I of the Housing Act of 1949, as amended.

(b) At the request of the local public agency (LPA) carrying out the project, with the approval of the governing body of the unit of general local government in which the project is located, the Secretary may approve a financial settlement of the project if a surplus of capital grant funds will result after full repayment of temporary loan indebtedness. The form of the request for financial settlement will be prescribed by the Secretary. Financial settlements so requested shall be made at the discretion of the Secretary.

(1) *Disbursement and use of surplus funds.* Surplus grant funds remaining after financial settlement will be made available to the unit of general local government for use in accordance with the provisions of this Part.

(i) *Entitlement recipients.* Entitlement recipients may use surplus funds for activities previously approved in their application as specified in Subpart D. If activities not previously approved are to be undertaken with surplus funds, the recipient may either follow the amendment policy as specified in § 570.305, or it may include the proposed use of surplus funds in the first application for entitlement funds which is submitted after financial settlement. If the unit of general local government wishes to stage the use of surplus urban renewal funds over a period of years, it may request the Secretary to make the funds available on a schedule specified by the unit of general local government. In this event, the application or amendment must include only the surplus funds to be used in the program year covered by the application. The use of remaining surplus funds will be governed by subsequent years' applications. Amounts not identified in the application or amendment will be obligated to the recipient by contract and reserved until the use of funds is included in an approved application.

(ii) *Non-Entitlement communities.* Surplus funds resulting from a financial settlement under this section will be made available to a unit of general local government which receives no entitlement amount under Subpart B upon approval of an application as specified in Subpart E, Applications and Criteria for Discretionary Grants.

(2) *Release from contractual obligations under Title I of the Housing Act of 1949.* Prior to financial settlement of the project, the Secretary will negotiate with the LPA the requirements which must be met for completion of the project under the contract executed under Title I of the Housing Act of 1949, as amended, in accordance with § 570.803.

§ 570.802 Projects which cannot be completed without additional capital grants.

(a) *Use of funds by locality.* Units of general local government may use funds made available under this Part to complete projects funded under Title I of the Housing Act of 1949, as amended, as specifically authorized by § 570.200(a)(10).

(b) *HUD review of locality's intended use of funds.* The Secretary will review the application submitted pursuant to § 570.303 to determine whether the unit of general local government's use of funds will be sufficient to protect the Federal Government's financial interest in existing urban renewal projects. The Federal Government's financial interest in the existing urban renewal projects shall be determined to be sufficiently protected if the unit of general local government's proposed use of funds will ultimately result in full repayment of outstanding temporary loans plus accrued interest. In the event that full repayment of outstanding temporary loans is proposed to be accomplished over a period of more than three years, the proposed use of funds for payment of interest on outstanding temporary loans until full repayment can be accomplished shall be reviewed. If he determines that the unit of general local government's intended use of funds does not sufficiently protect the Federal Government's financial interest in the existing urban renewal project, the Secretary may, after consultation with the chief executive of the unit of general local government and the local public agency, deduct up to 20 percent from the unit of general local government's entitlement funds in any fiscal year for application to outstanding temporary loans plus accrued interest.

(c) *Deductions at the request of the locality.* The Secretary is authorized to make deductions from a unit of general local government's entitlement for repayment of temporary loans plus accrued interest if the local public agency carrying out the project submits to the Secretary a request which is concurred in by the governing body of the unit of general local government.

(d) *Release from contractual obligations under Title I of the Housing Act of 1949.* Prior to financial settlement of the project, the Secretary will negotiate with the LPA the requirements which must be met for completion of the project under the contract executed under Title I of the Housing Act of 1949, as amended, in accordance with § 570.803.

§ 570.803 Requirements for Completion of Projects Prior to Financial Settlement [Reserved].

Subpart J—Program Management

§ 570.900 Performance Standards.

Performance standards are the standards against which the Secretary will determine whether the recipient has complied with the specific requirements of this Part. Performance standards are operational program requirements complementing the simplified application review requirements of this part which are designed to provide financial assistance, with maximum certainty and minimum delay, upon which communities can rely in their planning. The Secretary's review of performance against the standards set forth in this section, will serve as the basic assurance that grants are being used properly to achieve the objectives of this Part. The Secretary may, either during or after performance, review, monitor, and evaluate the recipient's community development program. The Secretary will use the following standards in determining compliance with this Part of the recipient's performance, including determinations under § 570.911.

(a) *Relocation.* The recipient has established operating procedures under which:

(1) All displaced persons were provided sufficient information in an assimilable form so that they fully understood the reason for their displacement and the relocation rights, payments, and assistance to which they were entitled;

(2) All displaced persons received formal notice establishing their eligibility for relocation payments;

(3) All displaced families and individuals were provided a reasonable number of referrals to comparable decent, safe, and sanitary housing and were provided assistance in obtaining such housing;

(4) All displaced businesses, organizations, and farm operations were offered assistance in obtaining replacement locations;

(5) All displaced persons were provided appropriate advisory services in order to minimize hardships to such persons in adjusting to relocation;

(6) All displaced persons received all the relocation payments to which they were entitled in a prompt manner;

(7) Displacement and relocation activities under the community development program were coordinated with those of other governmental agencies in the community carrying out programs resulting in concurrent displacement; and

(8) A locally developed administrative review process provides full opportunity for displaced persons to obtain reconsideration of determinations as to their eligibility for, or the amount of, a relocation payment made and consideration of complaints regarding the adequacy of replacement housing. The process assures that complaints of displaced persons are handled in a timely and responsive manner, that conflicts are resolved fairly and expeditiously, that the recipient will review determinations upon request, and that an appeal may be made to the HUD Area Office when necessary.

(b) *Acquisition.* Local acquisition policy complies with Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

(c) *Equal opportunity.* (1) The recipient will be required to document the actions undertaken to assure that no person, on the ground of race, color, national origin, religion, or sex, has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any activity funded under this Part. Such documentation should indicate:

(i) Any methods of administration designed to assure that no person, on the ground of race, color, national origin or sex, has been excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any activity funded under this Part.

(ii) Criteria used in selecting sites for public facilities designed to further the accomplishment of the objectives of the programs or activities conducted under this Part with respect to any identifiable segment of the total group of lower-income persons in the community.

(iii) Any actions undertaken to overcome the effects of conditions which may have resulted in limited participation, in the past, in programs or activities of the type funded under this Part, by any identifiable segment of the total group of lower-income persons in the community.

(iv) Any actions undertaken to promote equal employment opportunities for any identifiable segment of the total group of lower-income persons in the community.

(2) The recipient will be required to document the actions undertaken to further fair housing. Such documentation should indicate:

(i) Any actions undertaken to encourage the development and enforcement of fair housing laws.

(ii) Any actions taken to prevent discrimination in housing and related facilities developed and operated with assistance under this Part, and in the lending practices, with respect to residential

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property and related facilities, of lending institutions.

(iii) Any action taken to assure that land use and development programs funded under this Part provide greater housing opportunities throughout the planning area for any identifiable segment of the total group of lower-income persons in the community.

(iv) Any site selection policies adopted to promote equal opportunity in housing.

(d) *Citizen participation.* (1) A local citizen participation plan has been developed and made public. The recipient shall specify in the plan how it intends to meet the citizen participation requirements of this Part, inclusive of a timetable specifying: (i) When and how information will be disseminated concerning the amount of funds available for projects that may be undertaken, along with other important program requirements; (ii) when in the initial stage of the planning process public hearings will be held; (iii) when and how citizens will have an opportunity to participate in the development of the application prior to submission; (iv) when and how any technical assistance the recipient may choose to provide, will be made available to assist citizen participants to understand program requirements such as Davis-Bacon, environmental policies, equal opportunity requirements, relocation provisions and like requirements, in the preapplication process; and (v) the nature and timing of citizen participation in the development of any future community development program amendments, including reallocation of funds and designation of new activities or locations.

(2) A local process has been developed which permits citizens likely to be affected by community development and housing activities, including low and moderate income persons, to articulate needs, express preferences about proposed activities, assist in the selection of priorities, and otherwise participate in the development of the application, and have individual and other complaints answered in a timely and responsive manner. (Applicants may wish to provide bilingual opportunities for citizen participation, if feasible, where significant numbers of non-English speaking persons are likely to be affected by community development program activities.)

§ 570.905 Reports to be submitted by recipient.

(a) *General.* Recipients will submit such reports, including litigation reports as the Secretary may require.

(b) *Financial management.* Each recipient shall submit such financial reports as are deemed necessary by the Secretary, consistent with the requirements of Federal Management Circular 74–7.

(c) *Relocation and acquisition reports.* Recipients will report at least annually on a form prescribed by the Secretary on numbers of persons and businesses relocated, numbers remaining in the relocation workload, and a general breakdown of relocation costs and on real property acquired.

(d) *Equal opportunity reports.* Recipients shall submit such reports as may be necessary, pursuant to the rules and regulations under Title VI, Civil Rights Act of 1964; Title VIII, Civil Rights Act of 1968; Section 3 of the Housing and Urban Development Act of 1968; Section 109 of the Act, Executvie Order 11246 as amended, and Executive Order 11063, or any reports as may be further prescribed by the Secretary.

§ 570.906 Annual performance report.

(a) *Submission.* Prior to the beginning of fiscal year 1977 and prior to each fiscal year thereafter, each recipient shall submit a performance report.

(a) *Submission.* Beginning with the application submitted in Fiscal Year 1976, and each fiscal year thereafter, each recipient shall submit a performance report.

(b) *Contents*—(1) *Progress on planned activities.* The recipient shall indicate, on a form prescribed by HUD, progress on each of the activities that were to be carried out pursuant to its approved application for the previous fiscal year, including requirements described in § 570.305(b).

(2) *Recipient Assessment.* The performance report must include the recipient's assessment of the effectiveness of the program of community development activities conducted under this Part in meeting the objectives of this Part and the needs and objectives identified in the recipient's previous fiscal year application for funding under this part.

(3) *Housing Assistance Provided.* If the recipient's last application indicated that any housing assistance planned under § 570.303(c)(3) was to be provided, the performance report should indicate, on a form prescribed by HUD, progress in providing such assistance.

(4) *Listing of Environmental Reviews.* The performance report should indicate, on a form prescribed by HUD, the nature and status of all environmental reviews, including historic preservation reviews, and status of all environmental reviews required on projects funded pursuant to this part.

(5) *Equal Opportunity.* The recipient shall indicate compliance with the performance standards outlined in § 570.900(c).

(6) *Citizen Participation.* The recipient shall indicate compliance with the performance standards outlined in § 570.900(d).

(c) *Public information.* The recipient will, at the time of submission of the annual performance report, make public notice of the availability of the report for examination by the public. The recipient will keep copies of the performance report for release as public information and make such copies available to the public at no charge.

§ 570.907 Records to be maintained by recipient.

(a) *Financial management.* Recipients are to maintain records, in accordance with Federal Management Circular 74–7, Attachment G, which identify adequately the source and application of funds for grant supported activities. These records shall contain information pertaining to grant awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.

(b) *Citizen participation.* Recipients shall maintain the following records with respect to the citizen participation requirements outlined in § 570.900(d):

(1) narrative or other records describing the process used to inform citizens concerning the amount of funds available for proposed community development and housing activities, the range of activities that may be undertaken, and other important program requirements.

(2) records of public hearings held to obtain the views of citizens on community development and housing needs.

(3) narrative or other records of the opportunities provided citizens to participate in the development of block grant applications.

(c) *Other resources.* All recipients, under the provisions of § 570.303(b), are required to set forth a community development program which includes activities to be undertaken to meet identified community development needs and objectives and indicates resources other than block grants which are expected to be made available toward meeting identified needs and objectives. Records shall be maintained in a form prescribed by HUD which indicate what amount of the resources indicated in the previous application were annually provided for community development activities and for which activities they were used.

(d) *Relocation.* The recipient shall maintain a management control mechanism that indicates the overall status of the relocation workload and a separate relocation record for each person, business, organization, and farm operation displaced or in the relocation workload as a result of activities as described in § 570.602(a). Each separate record shall include:

(1) Name, address, and relocation needs of person(s) to be displaced; a description of the services and assistance provided; a statement of the type and amount of relocation payments made; and the location and a description of the replacement dwelling or nonresidential accommodation to which the person(s) relocated.

(2) The pertinent claim form(s) and supporting documentation submitted by the displaced person and a copy of the worksheet or other document used by the recipient to determine eligibility for and the amount of the payment(s) made.

(3) A copy of any grievance filed by the displaced person, a description of the actions taken to resolve it, and a copy of all pertinent determinations.

(e) *Acquisition.* Recipients' files shall contain the following records concerning real property acquisition governed by the provisions of § 570.603:

(1) Invitation to owner to accompany appraiser during inspection.

(2) Property appraisal.

(3) Statement of basis for the determination of just compensation.

(4) Written offer of just compensation.

(5) Purchase agreement, deed, declaration of taking, and any similar or related documents involving conveyance.

(6) Settlement cost reporting statement.

(7) Notice to surrender possession of premises.

(f) *Equal opportunity.* (1) The recipient shall maintain demographic data by census tract. The data shall include prevailing population characteristics relating to race, ethnic group, sex, age, and head of household.

(2) The recipient shall maintain racial, ethnic, and gender data showing the extent to which these categories of persons have participated in, or benefited from, programs and activities funded under this Part.

(3) The recipient shall maintain data which records its affirmative action in equal opportunity employment, including but not limited to employment, upgrading, demotions, transfers, recruitment or recruitment advertising, layoffs or terminations, pay or other compensation, and selection for training.

(4) The recipient shall maintain data which records its good faith efforts to identify, train and/or hire lower-income residents of the project area and to utilize business concerns which are located in or owned in substantial part by persons residing in the area of the project.

(g) *Labor Standards.* Recipients shall maintain records regarding compliance of all contractors performing construction work with grant funds, with the obligations imposed upon them by § 570.605.

(h) *Unavailability of other Federal assistance.* Recipients using funds provided under this Part for the provision of public services as described in § 570.200(a)(8) or for the acquisition, construction, reconstruction, or installation of flood and drainage facilities as described in § 570.200(a)(2), shall maintain records of compliance with the procedures as set forth in § 570.607 indicating that assistance for such facilities under other Federal laws or programs is unavailable.

(i) *OMB Circular A–95 comments.* The recipient shall retain copies of all letters, correspondence, or other records received as a result of review of the community development program application by the appropriate clearinghouse pursuant to the provisions of OMB Circular A–95.

(j) *Record-keeping period.* Records required to be retained under this section shall be kept for a period of three years, or such longer period as HUD may require in specific cases.

§ 570.908 HUD Reports [Reserved].

§ 570.909 Secretarial review and monitoring of recipient's performance.

(a) *General.* The Secretary will review each recipient's annual performance. The review of the recipient's performance will take place where possible, prior to approval of the succeeding year's application for grant.

(b) *Objective.* The review system is designed to determine:

(1) Whether the recipient has carried out a program substantially as described in its application;

(2) Whether that program conformed to the requirements of this Part and other applicable laws and regulations;

(3) Whether the recipient has demonstrated a continuing capacity to carry out in a timely manner the approved community development program. To determine the recipient's continuing capacity, the Secretary will consider:

(i) The recipient's performance in moving activities into execution or accomplishing activities undertaken as a part of the community development program in substantial conformance with the recipient's schedule or timetable for its activities; and

(ii) The recipient's performance in utilizing its resources, including funds received under this Part, at a rate which indicates substantial conformance with the recipient's planned rate of expenditure or utilization.

In making determinations concerning a recipient's continuing capacity, the Secretary will be guided by the experience of other recipients of similar size with similar entitlement amounts as judged by the above factors. Where a recipient's performance with respect to the above factors lags substantially behind that of similar recipients, or for any other reason, the Secretary desires further information, the Secretary may require submission of additional information concerning the administrative, planning, budgeting, management, and evaluation functions of the recipient to determine whether a lack of capacity is the source of the recipient's substantial nonperformance. The Secretary shall further determine by this review if action on the part of the recipient to eliminate the causes of substantial nonperformance will satisfy the requirement of a finding that the necessary capacity to carry out in a timely manner its community development program in succeeding years exists.

(c) *Basis for Review.* Each recipient shall assist the Secretary in performing his review function with respect to:

(1) Review of reports and records of recipients;

(2) Review of certification by the recipient of conformance to applicable laws and regulations;

(3) Site visits and inspections on a routine sampling basis including interviews with citizens and local officials.

§ 570.910 Evaluation by HUD.

(a) The Secretary shall, in addition to his annual reviews and audits, evaluate programs conducted under this Part and their effectiveness in meeting the objectives of this Part.

(b) The Secretary may conduct such evaluation using HUD personnel, or by contract or other arrangement with public or private agencies.

(c) Recipients under this Part may be required to supply data or make available such records as are necessary for the accurate completion of these evaluations.

§ 570.911 Secretarial adjustment of annual grants.

When the Secretary determines on the basis of such reviews and audits as may be necessary or appropriate, that the recipient has not carried out a program substantially as described in its application, that the program did not conform to the requirements of the Act and other applicable laws, or that the recipient does not have a continuing capacity to carry out in a timely manner the approved community development program, he then may make appropriate adjustment in the amount of the annual grants in accordance with his findings pursuant to such reviews and audits. Adjustments may be made in annual grants for the current program period, the forthcoming program period, or both. Where the determination involves a failure to comply substantially with any provision of the Act, the provisions of § 570.913 shall apply.

§ 570.912 Nondiscrimination compliance.

Whenever the Secretary determines that a State or unit of general local government which is a recipient of either grant or loan assistance under this Part has failed to comply with the provisions of § 570.601, he shall notify the Governor of such State or the chief executive officer of such unit of general local government of the noncompliance and shall request the Governor or the chief executive officer to secure compliance. If within a reasonable period of time, not to exceed sixty days, the Governor or the chief executive officer fails or refuses to secure compliance, the Secretary is authorized to (a) refer the matter to the Attorney General with a recommendation that an appropriate civil action be instituted; (b) exercise the powers and functions provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); (c) exercise the powers and functions provided for in § 570.913; or (d) take such other action as may be provided by law. When a matter is referred to the Attorney General pursuant to the preceding sentence, or whenever he has reason to believe that a State government or unit of general local government is engaged in a pattern or practice in violation of the provisions of § 570.601(a),

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the Attorney General may bring a civil action in any appropriate United States district court for such relief as may be appropriate, including injunctive relief.

§ 570.913 Other remedies for noncompliance.

(a) *Secretarial referral to the Attorney General.* The Secretary may, if he has reason to believe that a recipient has failed to comply substantially with any provision of the Act, refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted. Upon such a referral the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this Part which was not expended in accordance with it, or for mandatory or injunctive relief.

(b) *Secretarial actions on payments.* If the Secretary finds a recipient has failed to comply substantially with any provision of this Part, he may, provided his finding of failure to comply is made after reasonable notice and opportunity for hearing,

(1) Terminate payments to the recipient; or

(2) Reduce payments to the recipient by an amount equal to the amount of such payments which were not expended in accordance with this Part; or

(3) Limit the availability of payments to programs, projects, or activities not affected by such failure to comply.

The following regulations govern the procedure and practice requirements involving adjudications where the Secretary desires to take action requiring reasonable notice and opportunity for hearing. The regulations in this part shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Administrative Procedure Act (5 U.S.C. 551 et seq.) where applicable shall be a guide in any situation not provided for or controlled by this subpart, but shall be liberally construed or relaxed when necessary.

(c) *Reasonable notice and opportunity for hearing.* (1) Whenever the Secretary has reason to believe that a recipient has failed to comply substantially with any section of the Act or of the provisions of this part, and that termination, reduction, or limiting the availability of payments is required, he shall give reasonable notice and opportunity of hearing to such recipient prior to the invocation of any sanction under the Act.

(2) Except in proceedings involving willfulness or those in which the public interest requires otherwise, a proceeding under this part will not be instituted until such facts or conduct which may warrant such action have been called to the attention of the chief executive officer of the recipient in writing and he has been accorded an opportunity to demonstrate or achieve compliance with the requirements of the Act and of this part. If the recipient fails to meet the requirements of the Act and regulations within such reasonable time as may be specified by the Secretary, a proceeding shall be initiated. Such proceeding shall be instituted by the Secretary by a complaint which names the recipient as the respondent.

(3) A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against it so that it is able to prepare a defense to the charges. Notification shall be given in the complaint as to the place and time within which the respondent shall file its answer, which time shall be not less than 30 days from the date of service of the complaint. The complaint shall also contain notice that a decision by default will be rendered against the respondent in the event it fails to file its answer as required.

(4) (i) *Service of Complaint.* The complaint or a true copy therefore may be served upon the respondent registered or by certified mail, return receipt requested; or it may be served in any other manner which has been agreed to in writing by the respondent. Where the service is by certified mail, the return Postal Service receipt duly signed on behalf of the respondent shall be proof of service.

(ii) *Service of papers other than complaint.* Any paper other than the complaint may be served upon the respondent or upon its attorney of record by registered or certified mail, return receipt requested. Such mailing shall constitute complete service.

(iii) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a proceeding under this Part, and the place of filing is not specified in this subpart or by role or order of the administrative law judge, the paper shall be filed with the Secretary, Washington, D.C. 20410. All papers shall be filed in duplicate.

(iv) *Motions and Requests.* Motions and requests shall be filed with the designated administrative law judge, except that an application to extend the time for filing an answer shall be filed with the Secretary pursuant to § 570.913 (c) (4) (iii).

(5) (i) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint, unless on application the time is extended by the Secretary. The respondent's answer shall be filed in duplicate with the Secretary.

(ii) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which it knows to be true; nor shall a respondent state that it is without sufficient information to form a belief when in fact it possesses such information. The respondent may also state affirmatively special matters of defense.

(iii) *Failure to deny or answer allegation in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing.

(iv) *Failure to file answer.* Failure to file an answer within the time prescribed in the complaint, except as the time for answer is extended under § 570.913(c) (5) (i), shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the administrative law judge shall make his findings and decision by default without a hearing or further procedure.

(v) *Reply to answer.* No reply to the respondent's answer is required unless the administrative law judge so requests. Otherwise, the Secretary may file a reply in his discretion, but in any event within 10 days from his receipt of respondent's answer.

(vi) *Referral to administrative law judge.* Upon receipt of the answer by the Secretary or upon filing a reply if one is deemed necessary, or upon failure of the respondent to file an answer within the time prescribed in the complaint or as extended under § 570.913(c) (5) (i), the complaint (and answer, if one is filed) shall be referred to the administrative law judge. Where an answer has been filed, the administrative law judge shall set a time and place for hearing and shall serve notice thereof upon the parties at least 15 days in advance of the hearing date.

(6) (i) If it appears to the Secretary that the respondent in its answer falsely and in bad faith, denies a material allegation of fact in the complaint or states that it has no knowledge sufficient to form a belief, when in fact it does possess such information, or if it appears that the respondent has knowingly introduced false testimony during the proceedings, the Secretary may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare its defense thereto.

(ii) In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the administrative law judge may order or authorize amendment of the pleading to conform to the evidence: *Provided*, The party that would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegation of the pleading as amended. The administrative law judge shall make findings on any issue presented by the pleadings as so amended.

(iii) A respondent may appear in person through its chief executive officer and must be represented by counsel. Respondent's counsel may also appear as a

witness in the proceeding. The Secretary shall be represented by the General Counsel of HUD.

(d) *Administrative Law judge; powers.* (1) *Appointment.* An administrative law judge, appointed as provided by Section 11 of the Administrative Procedure Act (5 U.S.C. 3105), shall conduct proceedings upon complaints filed under this subpart.

(2) *Powers of administrative law judge.* Among other powers provided by law, the administrative law judge's authority, in connection with any proceeding under this subpart, shall include authority to:

(i) Administer oaths and affirmations;

(ii) Making ruling upon motions and requests. Prior to the close of the hearing no appeal shall lie from any such ruling except, at the discretion of the administrative law judge, in extraordinary circumstances;

(iii) Determine the time and place of hearing and regulate its course and conduct. In determining the place of hearing the administrative law judge may take into consideration the requests and convenience of the respondent or its counsel;

(iv) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(v) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(vi) Take or authorize the taking of dispositions;

(vii) Receive and consider oral or written arguments on facts or law;

(viii) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(ix) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(x) Make initial findings and decision.

(e) *Hearings.* (1) In general: The administrative law judge shall preside at the hearing on a complaint. Testimony of witnesses shall be given under oath or affirmation. The hearing shall be stenographically recorded and transcribed. Hearings will be conducted pursuant to section 7 of the Administrative Procedure Act (5 U.S.C. 556).

(2) Failure to appear: If, after proper service and notice, a respondent fails to appear at the hearings, it shall be deemed to have waived the right to a hearing and the administrative law judge shall make his findings and decision against the respondent by default.

(3) Waiver of hearing: A respondent may waive the hearing by informing the administrative law judge, in writing on or before the date set for hearing, that it desires to waive hearing. In such event the administrative law judge shall make his findings and decision based upon the pleadings before him. The decision shall plainly show that the respondent waived hearing.

(4) The administrative law judge shall prior to or at the beginning of the hearing require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of facts concerning which there is no substantial dispute. The administrative law judge shall take similar action, where it appears appropriate, throughout the hearing and shall call and conduct any conferences which he deems advisable with a view to the simplification, clarification, and disposition of any of the issues involved.

(f) *Evidence.* (1) Any evidence which would be admissible under the rules of evidence governing proceedings in matters not involving trial by jury in the Courts of the United States, shall be admissible and controlling as far as possible. Provided that, the administrative law judge may relax such rules in any hearing when in his judgment, such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded by the administrative law judge.

(2) *Depositions.* The deposition of any witness may be taken pursuant to § 570.913(g) and the deposition may be admitted.

(3) *Proof of documents.* Official documents, records and papers of a respondent shall be admissible as evidence without the production of the original provided that such documents, records and papers are evidenced as the original by a copy attested to or identified by the chief executive officer of the respondent or the custodian of the document, and contain the seal of the respondent.

(4) *Exhibits.* If any document, record, paper, or other tangible or material thing is introduced in evidence as an exhibit, the adminstrative law judge may authorize the withdrawal of the exhibit subject to any conditions he deems proper. An original document, paper or record need not be introduced and a copy duly certified (pursuant to paragraph (b) of this section) shall be deemed sufficient.

(5) *Objections.* Except as requested by counsel or the administrative law judge, oral or written objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include subsequent argument thereon, except as permitted by the administrative law judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the right of either party to the proceeding.

(g) *Depositions.* (1) *In general.* Depositions for use at a hearing may, with the written approval of the administrative law judge, be taken by either the Secretary or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 15 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes. Such written notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 15 days written notice may be waived by the parties in writing, and depositions may then be taken from the persons and at times and places mutually agreed to by the parties.

(2) *Written interrogatories.* When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogatories shall be mailed by first class mail or delivered to the opposing party at least 10 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file with the administrative law judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

(h) *Stenographic record; oath of reporter, transcript.* (1) *In general.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact in all proceedings. Arguments of counsel may be heard on request. A transcript of the proceedings (and evidence) at the hearing shall be made in all cases.

(2) *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the administrative law judge, to be filed in the record of the case, that he (or she) will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his (or her) ability.

(3) *Transcript.* Copies of the transcript may be obtained from the reporter at rates not to exceed the actual cost of duplication. Copies of exhibits introduced at the hearings or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (31 U.S.C. 483(a)).

(i) *Proposed findings and conclusions.* Except in cases where a respondent has failed to appear to answer the complaint or has failed at the hearings, or has waived the hearing, the administrative law judge, prior to making his initial decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

(j) *Initial decision of the Administrative Law Judge.* Within 30 days after the conclusion of a hearing, the administrative law judge shall make his initial decision. However, where proposed findings and conclusions are timely submitted by the parties, such decision shall be made within 30 days after receipt of the findings and conclusions. The initial decision shall include a statement of the findings of fact and the conclusions therefrom, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion preserved on the record, and may provide for one of the following orders:

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(1) An order that the respondent's payments be terminated, or

(2) An order that the respondent's payments be reduced, or

(3) An order that the Secretary limit the availability of payments to activities not affected by respondent's failure to comply, or

(4) An order in favor of respondent.

After reaching his initial decision the administrative law judge shall certify to the complete record, together with a certified copy of his initial decision, to the Secretary. The administrative law judge shall serve also a copy of the initial decision upon the Secretary and the respondent. The administrative law judge shall serve also a copy of the initial decision by certified mail to the chief executive officer of the respondent or to its attorney of record.

(k) *What constitutes record.* The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding together with all findings, decisions and orders, shall constitute the exclusive record in the matter.

(l) *Procedure on review of decision of administrative law judge*—(1) *Appeal to the Secretary.* Within 30 days from the date of the initial decision and order of the administrative law judge, the respondent may appeal to the Secretary and file his exceptions to the initial decision and his reasons therefor. The respondent shall transmit a copy of his appeal and reasons therefor to the HUD counsel who may, within 30 days from receipt of the respondent's appeal, file a reply brief in opposition to the appeal. A copy of the reply brief, if one is filed, shall be transmitted to the respondent or its counsel of record. Upon the filing of an appeal and a reply brief, if any, the Secretary shall make the final agency decision on the record of the administrative law judge submitted to him.

(2) *Absence of appeal.* In the absence of exceptions by the respondent within the time set forth in paragraph (l)(1) of this section or a review initiated by HUD counsel within 45 days after the initial decision, such initial decision of the administrative law judge shall constitute the final decision of the Department.

(m) *Decision of the Secretary.* On appeal from or review of the initial decision of the administrative law judge, the Secretary will make the final agency decision. In making his decision the Secretary will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. The Secretary may affirm, modify, or revoke the findings and initial decision of the administrative law judge. A copy of the Secretary's decision shall be transmitted immediately to the chief executive officer of the respondent or its counsel of record.

(n) *Publicity of proceedings.* (1) *In general.* A proceeding conducted under this subpart shall be open to the public and to elements of the news media provided that in the judgment of the administrative law judge, the presence of the media does not detract from the decorum and dignity of the proceeding.

(2) *Availability of record.* The record established in any proceeding conducted under this subpart shall be made available to inspection by the public as provided for and in accordance with regulations of the Department of HUD pursuant to 24 CFR Part 15.

(3) *Decisions of the administrative law judge.* The statement of findings and the initial decision of the administrative law judge in any proceedings, whether or not on appeal or review shall be indexed and maintained by the Secretary and made available for inspection by the public at the public documents room of the Department. If practicable, the statement of findings and the decisions of the administrative law judge shall be published periodically by the Department and offered for sale through the Superintendent of Documents.

(4) Based on written advice from the Department of Justice that publicity of the proceedings or public release of the record pursuant to (n) (1), (2), and (3) of this section would adversely affect criminal prosecution, the Secretary may deem the applicability of (n) (1), (2), and (3) stayed.

(o) *Judicial review.* (1) Actions taken under administrative proceedings pursuant to this subpart shall be subject to judicial review pursuant to Section 111(c) of the Act. If a respondent desires to appeal a decision of the administrative law judge which has become final, or a final order of the Secretary for review of appeal, to the U.S. Court of Appeals, as provided by law, the Secretary, upon prior notification of the filing of the petition for review, shall have prepared in triplicate, a complete transcript of the record of the proceedings, and shall certify to the correctness of the record. The original certificate together with the original record shall then be filed with the Court of Appeals which has jurisdiction.

(2) Any recipient which receives the final agency decision of the termination, reduction or limitation of payments under this title may, within sixty days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who, shall represent the Secretary in the litigation.

(3) The Secretary shall file in the court the record of the proceeding on which he based his action, as provided in Section 2112 of Title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(4) The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify his findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and he shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file his recommendations, if any, for the modification or setting aside of his original action.

(5) Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in Section 1254 of Title 28, United States Code.

Effective date. This part shall be effective November 13, 1974.

DAVID O. MEEKER, JR.,
Assistant Secretary for Community Planning and Development.

[FR Doc.74-26565 Filed 11-12-74;8:45 am]

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 121—FOOD ADDITIVES

Subpart B—Exemption of Certain Food From the Requirements of Tolerances

LOCUST (CAROB) BEAN GUM; AFFIRMATION OF GRAS STATUS WITH LIMITATIONS AS DIRECT HUMAN FOOD INGREDIENT AND AFFIRMATION OF GRAS STATUS FOR INDIRECT HUMAN FOOD USE

Correction

In the document with the above heading appearing at page 38896 of the Monday, November 4, 1974 issue make the following change:

The page number in the first line of item 2 now reads "34184." It should read "34182."

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 149b—AMPICILLIN FOR VETERINARY USE

Ampicillin for Oral Suspension, Veterinary

The Commissioner of Food and Drugs has evaluated a new animal drug application (55–061V) filed by E. R. Squibb & Sons, Inc., New Brunswick, NJ 08903, proposing safe and effective use of ampicillin for oral suspension, veterinary, for the treatment of dogs and cats. The application is approved.

The drug is subject to the batch certification provisions of section 512(n) of the Federal Food, Drug, and Cosmetic Act. This order provides for appropriate amendments to the antibiotic drug certification regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350–351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 135c by adding a new section as follows:

§ 135c.137 Ampicillin for oral suspension, veterinary.

(a) *Specifications.* The drug contains ampicillin as ampicillin trihydrate and conforms to the requirements of § 149b.28 of this chapter. When reconstituted as directed in the labeling, it contains 125 milligrams of ampicillin per 5 milliliters of suspension.

(b) *Sponsor.* See code No. 035 in § 135.501(c) of this chapter.

(c) *Conditions of use*—(1) *Dogs.* (i) It is indicated in the treatment of respiratory tract infections (tracheobronchitis and tonsillitis) due to *E. coli, Pseudomonas spp., Proteus spp., Staphylococcus spp.,* and *Sterptococcus spp.,* urinary tract infections (cystitus) due to *E. coli, Staphylococcus spp., Streptococcus spp.,* and *Proteus spp.;* bacterial gastroenteritus due to *E. coli;* generalized infections (septicemia) associated with abscesses, lacerations, and wounds, due to *Staphylococcus spp.* and *Streptococcus spp.;* bacterial dermatitis due to *Staphylococcus spp., Streptococcus spp., Proteus spp.,* and *Pseudomonas spp.*

(ii) It is administered orally, 5 to 10 milligrams per pound of body weight 2 or 3 times daily, 1 to 2 hours prior to feeding. In severe or acute conditions, 10 milligrams per pound of body weight 3 times daily.

(2) *Cats.* (i) It is indicated in the treatment of respiratory tract infections (bacterial pneumonia) due to *Staphylococcus spp., Streptococcus spp., E. coli,* and *Proteus spp.;* urinary tract infections (cystitis) due to *E. coli, Staphylococcus spp., Streptococcus spp., Proteus spp.,* and *Corynebacterium spp.;* generalized infections (septicemia) associated with abscesses, lacerations, and wounds, due to *Staphylococcus spp., Streptococcus spp., Bacillus spp.,* and *Pasteurella spp.*

(ii) It is administered orally, 10 to 30 milligrams per pound of body weight 2 or 3 times daily, 1 to 2 hours prior to feeding.

(3) *Duration of treatment.* In dogs and cats, duration of treatment is usually 3 to 5 days. Continue treatment 48 hours after the animal's temperature has returned to normal and all other signs of infection have subsided. If no response is obtained within 3 to 5 days, reevaluate diagnosis and treatment. Appropriate laboratory tests should be conducted, including in vitro culturing and susceptibility tests on samples collected prior to treatment.

(4) *Restrictions.* Federal law restricts this drug to use by or on the order of a licensed veterinarian.

2. In Part 149b by adding a new section as follows:

§ 149b.28 Ampicillin trihydrate for oral suspension, veterinary.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Ampicillin trihydrate for oral suspension, veterinary, is a mixture of ampicillin trihydrate with one or more suitable and harmless colorings, flavorings, buffers, sweetening ingredients, and preservatives. When reconstituted as directed in the labeling, it contains ampicillin trihydrate equivalent to 25 milligrams of ampicillin per milliliter. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of milligrams of ampicillin that it is represented to contain. Its moisture content is not more than 2.5 percent. Its pH, when reconstituted as directed in the labeling, is not less than 5.0 and is not more than 7.5. The ampicillin trihydrate used conforms to the standards prescribed by § 440.7(a)(1) of this chapter.

(2) *Labeling.* The drug shall be labeled in accordance with the requirements prescribed by §§ 148.3 and 135c.137 of this chapter, and in addition, it shall be labeled "ampicillin for oral suspension, veterinary".

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The ampicillin trihydrate used in making the batch for potency, safety, loss on drying, pH, ampicillin content, concordance, crystallinity, and identity.

(*b*) The batch for potency, moisture, and pH.

(ii) Samples required:

(*a*) The ampicillin trihydrate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of six immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Assay for potency by either of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive:

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 436.105 of this chapter, preparing the sample for assay as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured representative portion of the sample into a suitable volumetric flask and dilute to volume 0.1*M* potassium phosphate buffer, pH 8.0 (solution 3), to give a convenient concentration. Mix well. Further dilute an aliquot with solution 3 to the reference concentration of 0.1 microgram of ampicillin per milliliter (estimated).

(ii) *Iodometric assay.* Proceed as directed in § 436.204 of this chapter, preparing the sample as follows: Reconstitute the drug as directed in the labeling. Place an accurately measured aliquot, usually a single dose, into an appropriate-sized volumetric flask and dilute to volume with 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Mix well. Further dilute with solution 1 to the prescribed concentration.

(2) *Moisture.* Proceed as directed in § 436.201 of this chapter.

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(3) *pH.* Proceed as directed in § 436.-202 of this chapter, using the drug reconstituted as directed in the labeling.

Effective date. This order shall be effective November 14, 1974.

(Sec. 512 (i) and (n), 82 Stat. 347, 350–351; 21 U.S.C. 360b (i) and (n).)

Dated: November 7, 1974.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.74–26527 Filed 11–13–74;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Levamisole Hydrochloride (Equivalent)

The Commissioner of Food and Drugs has evaluated two supplemental new animal drug applications (44–015V, 45–455V) filed by American Cyanamid Co., Princeton, NJ 08540, proposing a labeling revision for safe and effective use of levamisole hydrochloride (equivalent) in cattle and swine feed. The supplemental applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135e.59(f) is amended in the table by revising the text of items 1 and 2 under the "Limitations" column to read as follows:

§ 135e.59 Levamisole hydrochloride (equivalent).

* * * * *

(f) * * *

Principal ingredient	Grams per pound	Limitations	Indications for use
1 * * *	* * *	For cattle, administer medicated feed mixed thoroughly in one half the usual amount of morning feed; the medicated feed mix should be consumed within 6 hours; when medicated feed is consumed resume normal feeding; medicated feed is to be fed at the rate of 0.36 gram of levamisole hydrochloride (equivalent) per 100 lb of body weight; conditions of constant helminth exposure may require retreatment within 2 to 4 weeks after the first treatment; do not slaughter for food within 48 hours of treatment; consult veterinarian before using in severely debilitated animals; do not administer to dairy animals of breeding age; for use in pelleted or meal feeds only; the label shall bear the caution, "Muzzle foam may be observed. However, this reaction will disappear within a few hours. If this condition persists, a veterinarian should be consulted. Follow recommended dosage carefully."	* * *
2 * * *	* * *	For swine; it is recommended that regular feed be withheld overnight and worming feed administered the following morning; feed 1 lb of worming feed per 100 lb of body weight of pigs to be treated; may be fed as sole feed or thoroughly mixed with 1 to 2 parts of regular feed prior to feeding; when medicated feed is consumed, resume normal feeding. Pigs maintained under conditions of constant worm exposure may require re-treatment within 4 to 5 weeks after the first treatment due to reinfection; do not treat within 72 hours of slaughter for food; the label shall bear the caution, "Excessive salivation or muzzle foam may be observed. This reaction is occasionally seen and will disappear in a short time after medication. If pigs are infected with mature lungworms, coughing and vomiting may be observed soon after medicated feed is consumed. This reaction is due to the expulsion of worms from the lungs and will be over in several hours."	* * *

Effective date. This order shall be effective November 14, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated: November 7, 1974.

C. D. VAN HOUWELING,
Bureau of Veterinary Medicine.

[FR Doc.74–26526 Filed 11–13–74;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74–172]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Harvey Canal, La.

This amendment changes the regulations for the Missouri Pacific-Texas Pacific railroad bridge across the Harvey Canal to allow closed periods from 7–9 a.m. and 4–6 p.m., Monday through Friday, except holidays. The purpose of this amendment is to provide for the use of the railroad bridge for vehicular traffic occurring during peak hours while the severely damaged highway bridge adjacent to this railroad bridge is being reconstructed. This work is scheduled to commence on November 15, 1974 and is estimated to be completed in 15 to 18 months. Commercial navigation and the New Orleans District, Corps of Engineers have concurred in this matter.

The Coast Guard has found that good cause exists for granting this change without notice of proposed rule making on the basis that it would be contrary to the public interest to delay this work.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by adding a new § 117.536 immediately after § 117.535 to read as follows:

§ 117.536 Harvey Canal, La., Missouri Pacific-Texas Pacific railroad drawbridge, mile 0.2.

The draw shall open on signal except that from 7 to 9 a.m. and 4 to 6 p.m., Monday through Friday, except holidays, the draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Effective date. This revision shall become effective on November 15, 1974.

Dated: October 25, 1974.

R. I. PRICE,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.74–26681 Filed 11–13–74; 8:45 am]

Title 36—Parks, Forests and Public Property

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Padre Island National Seashore, Tex.; Off-road Use of Vehicles, Hunting, and Prohibited Operations

A proposal was published at page 14950 of the FEDERAL REGISTER of April 29, 1974, to add a new paragraph (a), amend paragraph (b), and revise paragraph (e) of § 7.75 of Title 36 of the "Code of Federal Regulations." The effect of the amendments is to eliminate the section on fishing which is no longer needed in view of the provisions of Part 2 of this chapter; to clarify the regulation concerning hunting; to add a section on off-road vehicle operation as required by sections 3 and 4 of Executive Order 11644 and Part 4 of this chapter; and to modify the section on towing of persons and include it under a new section on prohibited vehicle operations.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendments. No comments, suggestions or objections have been received and the proposed amendments are hereby adopted without change and are set forth below. These amendments shall take effect on December 16, 1974. (5 U.S.C. 553; 16 U.S.C. 3; * * *)

Section 7.75 is amended by adding a new paragraph (a), amending paragraph (b) and revising paragraph (e) to read as follows:

§ 7.75 Padre Island National Seashore.

(a) *Off-road motor vehicle and motorcycle operation.* (1) The following regulations pertain to the operation of motor vehicles and motorcycles off established roads and parking areas. The operation of such vehicles and motorcycles is subject also to the applicable provisions of Part 4 of this chapter and paragraphs (e) and (g) of this section.

(i) No person may operate a motor vehicle or motorcycle without a valid operator's license or learner's permit in his possession; an operator who has a learner's permit must be accompanied by an adult who has a valid operator's license; a driver's license or learner's permit must be displayed upon the request of any authorized person.

(ii) In addition to the requirements of §§ 4.1, 4.12, 4.19 and 4.21 of this chapter, every motor vehicle and motorcycle must have an operable horn, windshield wiper or wipers (except motorcycles), brake light or lights, and rearview mirror.

(iii) No person may operate or ride as a passenger on a motorcycle without wearing approved protective headgear (a helmet constructed to meet the requirements of Department of Transportation Standard Numbered Z90.1).

(iv) Motor vehicles and motorcycles must have valid license plates.

(v) Every motor vehicle and motorcycle must have a valid State vehicle inspection certificate when such certificate is required for highway use in the State in which the vehicle is licensed.

(vi) When two motor vehicles or motorcycles meet on the beach, the operator of the vehicle in southbound traffic shall yield the right-of-way, where necessary, by turning out of the track to the right.

(2) *Off-road motor vehicle and motorcycle use areas and routes.* The following routes and areas are open to such vehicles: (i) Travel is permitted on all of the beach adjacent to the Gulf of Mexico, except for the approximately 4½ miles of beach between the North and South Beach Access Roads.

(ii) The route west of Big Shell Beach, locally known as the Back Road. This route begins on the beach adjacent to the Gulf of Mexico approximately three miles south of Yarborough Pass and returns to the beach approximately 15 miles south of Yarborough Pass.

(iii) The route beginning on the beach adjacent to the Gulf of Mexico approximately 11 miles south of Yarborough Pass and ending with its intersection with the Back Road approximately one mile west of the beach. This route is locally known as the Dunn Ranch Road.

(iv) Travel is permitted in an area within 200 feet of the north bank of the Mansfield Channel, beginning on the beach adjacent to the Gulf of Mexico and ending approximately ¾ mile west of the beach.

(v) Authorized emergency vehicles, as defined in § 4.2(g) of this chapter, may be operated in closed areas to provide for the safety of persons utilizing these areas.

(b) *Hunting.* Hunting is prohibited, except that during the open season prescribed by State and Federal agencies, hunting of waterfowl is permitted upon the waters of Laguna Madre wherever a floating vessel of any type is capable of operating, at whatever tide level may exist: *Provided,* That the waters immediately adjacent to North and South Bird Islands shall be closed to all hunting as posted. Such hunting, where authorized, shall be in accordance with all applicable Federal, State and local laws for the protection of wildlife.

* * * * *

(e) *Prohibited vehicle operations.* The following operations are prohibited on and off established roads and parking areas.

(1) The use of ground effect or air-cushion vehicles is prohibited.

(2) The use of vehicles propelled by the wind, commonly known as sail cars, is prohibited.

(3) Towing of persons behind vehicles on a sled, box, skis, surfboard, parachute, or in any other way is prohibited.

(4) Riding on fenders, tailgate, roof, or any other position outside of the vehicle is prohibited.

* * * * *

JOHN F. TURNEY,
Superintendent, Padre Island National Seashore.

[FR Doc.74–26679 Filed 11–13–74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 220—SERVICES FOR FAMILIES AND CHILDREN: TITLE IV PARTS A AND B OF SOCIAL SECURITY ACT

Federal Financial Participation; Correction

In FR Doc. 74–25356, published at page 38380, Thursday, October 31, 1974 providing that Federal sharing in emergency services shall be at the 50 percent rate, § 220.61(f)(1)(i) should have read as set forth below:

§ 220.61 Federal financial participation; AFDC.

* * * * *

(f) *Rates of Federal financial participation.* (1) (i) Federal financial participation at the 75 percent rate is available for the service costs identified in paragraphs (d) and (e) of this section; and for training and staff development including costs of training provided to welfare staff by courts or law enforcement officials; and at the 50 percent rate for emergency services.

* * * * *

Approved: November 11, 1974.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.74–26706 Filed 11–13–74;8:45 am]

CHAPTER VIII—UNITED STATES CIVIL SERVICE COMMISSION

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Alabama

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing," one additional place for filing in Alabama:

ALABAMA

County; Place for filing; beginning date

* * * * *

Talladega; Talladega—Federal Building and U.S. Post Office; Room 215; East Street North and Coosa Street; November 4, 1974.

* * * * *

(Secs. 7, 9, Voting Rights Act of 1965; Public Law 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–26699 Filed 11–13–74;8:45 am]

PART 801—VOTING RIGHTS PROGRAM

Appendix A; Mississippi

Appendix A to Part 801 is amended as set out below to show, under the heading "Dates, Times, and Places for Filing", one additional place for filing in Mississippi:

MISSISSIPPI

County; Place for filing; beginning date

* * * * *

Kemper; DeKalb—U.S. Post Office; Lobby; Seventh Street and Eighth Avenue; November 4, 1974.

* * * * *

(Secs. 7, 9, Voting Rights Act of 1965; Public Law 89–110)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–26700 Filed 11–13–74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74 219]

PART 50—GENERAL PROVISIONS

Marine Inspection Office Identification Letters

The purpose of this amendment is to make a change to the letter designations that identify the marine inspection offices of the Officer In Charge, Marine Inspection.

Effective March 6, 1974, Part 3 of Chapter I of Title 33 of the Code of Federal Regulations was amended to expand the Portsmouth Marine Inspection Zone and to rename it the Hampton Roads Marine Inspection Zone. The Zone's marine inspection office was moved from Portsmouth, Virginia, to Norfolk (Hampton Roads), Virginia.

Table 50.10–30 in Subchapter F of Title 46 of the Code of Federal Regulations lists in alphabetical order the letter designations used to identify the various marine inspection offices. These letter designations form a portion of the Coast Guard number that is required to be placed on the nameplate of boiler and pressure vessels. Due to an oversight, the letters used to designate the Portsmouth office were not stricken from the list nor were the letters that identify the Hampton Roads office added to the table. This amendment is designed to correct that oversight.

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Inasmuch as this amendment consists of only an editorial change and does not affect the substance of the regulations amended, good cause exists pursuant to 5 U.S.C. 553(b)(3)(B) for omitting notice and opportunity for public participation.

In consideration of the foregoing, Table 50.10–30 of § 50.10–30 of Part 50 of Chapter I of Title 46 of the Code of Federal Regulations is amended as follows:

1. By adding the letters "HRV" directly below the letters "HOU" in the column headed *"Identification"* and by adding the words "Hampton Roads, Va." directly below the word "Houston" in the column headed *"Marine Inspection Office."*

2. By striking the letters "PVA" from the column headed *"Identification"* and the words "Portsmouth, Va." from the column headed *"Marine Inspection Office."*

(46 U.S.C. 361, 362, 375, 391, 391a, 392, 399, 404–409, 411, 412, 416, 435, 481, 489, 366, 395, 363, 367, 526p, 1333, 390b; 49 U.S.C. 1655(b); 50 U.S.C. 198; 14 U.S.C. 633; 49 CFR 1.4(a)(2), (f); E.O. 11239)

Effective Date: This amendment is effective on November 14, 1974.

Dated: November 6, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard, Acting Commandant.

[FR Doc.74–26680 Filed 11–13–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19311; FCC 74–985]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Digital Modulation Techniques in Microwave Radio

Correction

In FR Doc. 74–22858 appearing at page 35658 in the issue of Thursday, October 3, 1974, the following changes should be made:

1. In § 2.1 (page 35664), the word "bands" in the second line of the definition of Symbol rate should read "bauds."

2. In § 21.100(d) (page 35665), the 14th line, now reading "frequency usage with stations in the", should read "frequency interference or restricted ul-"; and the reference in the 19th line to "Section 21706 (c) and (d)" should read "§ 21.706 (c) and (d)."

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Lake Ilo National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on November 14, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

NORTH DAKOTA

LAKE ILO NATIONAL WILDLIFE REFUGE

Winter Sport fishing on the Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota, is permitted from December 15, 1974 through March 23, 1975, inclusive. The area open to fishing comprises 1050 acres, and is delineated on maps available at refuge headquarters, 1 mile west of Dunn Center, North Dakota and from the Area Manager, U.S. Fish and Wildlife Service, Post Office Box 1897, Bismarck, North Dakota 58501. Sport fishing shall be in accordance with all applicable State regulations, subject to the following special conditions.

(1) Fishing at all times shall be limited to daylight hours only.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through March 23, 1975.

CHARLES S. PECK,
Refuge Manager, Lake Ilo National Wildlife Refuge, Dunn Center, North Dakota 58626.

NOVEMBER 8, 1974.

[FR Doc.74–26688 Filed 11–13–74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 398]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

(24 CFR § 1914.4)

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
California	Stanislaus	Newman, city of	Nov. 7, 1974. Emergency			
Colorado	San Juan	Silverton, town of	do	June 14, 1974		
Indiana	Madison	Anderson, city of	do	Feb. 15, 1974		
Kentucky	Simpson	Franklin, city of	do	June 7, 1974		
Massachusetts	Middlesex	Ayer, town of	do	Mar. 22, 1974		
Nebraska	Keith	Ogallala, city of	do	May 31, 1974		
New York	Schenectady	Scotia, village of	do			
Do	Ontario	Manchester, town of	do	Nov. 1, 1974		
Do	Oneida	Clinton, village of	do	Feb. 15, 1974		
North Carolina	Lenoir	Kinston, city of	do	Mar. 15, 1974		
Ohio	Franklin	Groveport, village of	do	May 31, 1974		
Oregon	Umatilla	Hermiston, city of	do	Apr. 5, 1974		
Pennsylvania	Montgomery	Limerick, township of	do			
Do	do	Norristown, borough of	Oct. 29, 1974. Suspension withdrawn.			
South Carolina	Horry	Conway, town of	Nov. 7, 1974. Emergency	May 17, 1974		
Tennessee	Cumberland	Crab Orchard, city of	do	June 14, 1974		
Do	Rutherford	Smyrna, town of	do	May 31, 1974		
Texas	Williamson	Taylor, city of	do	Mar. 29, 1974		
Do	Young	Graham, city of	do	June 28, 1974		
Utah	Davis	Clearfield, city of	do	Aug. 2, 1974		
Do	Cache	Hyrum, city of	do	May 24, 1974		
Washington	Chelan	Wenatchee, city of	do	Feb. 1, 1974 and Aug. 9, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

Issued: November 1, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–26546 Filed 11–13–74;8:45 am]

[Docket No. FI 399]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arizona	Pima	South Tucson, town of	Nov. 11, 1974. Emergency	Apr. 05, 1974		
Indiana	Lake	Munster, town of	do	Dec. 17, 1973		
Iowa	Monona	Mapleton, city of	do	Dec. 28, 1973		
Maine	Oxford	Norway, town of	do	Sept. 13, 1974		
Massachusetts	Berkshire	Adams, town of	do	Oct. 18, 1974		
New Hampshire	Hillsborough	Merrimack, town of	do	Apr. 12, 1974		
New York	Westchester	Pelham Manor, village of	do	May 10, 1974		
Oregon	Curry	Gold Beach, city of	do	Nov. 23, 1973 Sept. 13, 1974		
Pennsylvania	Bedford	West Providence, township of	do			
Do	North umberland	Rush, township of	do	Sept. 06, 1974		
Do	Lancaster	Millersville, borough of	do	Aug. 02, 1974		
South Dakota	Minnehaha	Unincorporated areas	do			
Virginia	Appomattox	Pamplin, town of	do			
Vermont	Chittenden	Milton, town of	do			
Wisconsin	Clark	Greenwood, city of	do	Jan. 09, 1974		
West Virginia	Barbour	Belington, town of	do	May 31, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

Issued: November 4, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–26547 Filed 11–13–74;8:45 am]

[Docket No. FI 400]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Alabama	Bullock	Union Springs, city of	Nov. 8, 1974. Emergency			
Alaska	Greater Sitka Borough.	Sitka, city of	do	June 28, 1974		
California	Orange	Buena Park, city of	do			
Iowa	Carroll	Manning, town of	do	Aug. 23, 1974		
Missouri	St. Louis	Country Club Hills, city of	do			
Minnesota	Lyon	Lynd, city of	do			
New York	Rockland	Piermont, village of	do	Mar. 15, 1974		
Ohio	Tuscarawas	Strasburg, village of	do	Apr. 5, 1974		
Oregon	Tillamook	Manzanita, city of	do			
Pennsylvania	Delaware	Darby, township of	do	Aug. 30, 1974		
Do	Washington	Cecil, township of	do			
Do	Allegheny	Pitcairn, borough of	do			
Do	Bradford	Smithfield, township of	do	Sept. 20, 1974		
Do	Lawrence	New Wilmington, borough of	do	July 19, 1974		
Utah	Davis	South Weber, city of	do	July 26, 1974		
Vermont	Chittenden	Richmond, town of	do	Mar. 22, 1974		
Virginia	Buchanan	Grundy, town of	do	May 24, 1974		
Do	do	Unincorporated areas	do			
West Virginia	Preston	Rowlesburg, town of	do	Feb. 1, 1974		
Do	Randolph	Elkins, city of	do	Feb. 15, 1974		
Wisconsin	Barron	Chetek, city of	do	Dec. 7, 1973		
Do	Washburn	Shell Lake, city of	do	July 7, 1974		

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(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

Issued: November 4, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–26548 Filed 11–13–74;8:45 am]

[Docket No. FI 401]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arkansas	Union	Calion, city of	Oct. 25, 1974, Emergency	Apr. 12, 1974		
Do.	do.	El Dorado, city of	do.	May 3, 1974		
California	Fresno	Coalinga, city of	do.	Mar. 1, 1974		
Colorado	San Juan	Unincorporated areas	do.			
Illinois	Bureau	DePue, village of	do.			
Do.	Henderson	Gladstone, village of	do.	Dec. 28, 1973		
Minnesota	Wright	Hanover, city of	do.			
New Jersey	Ocean	Beachwood, borough of	do.	June 28, 1974		
New York	Nassau	Bayville, village of	do.	May 3, 1974		
Ohio	Adams	Manchester, village of	do.	Apr. 5, 1974		
Pennsylvania	Armstrong	Freeport, borough of	do.	May 31, 1974		
Do.	Washington	West Pike Run, township of	do.			
Tennessee	Obion	Union City, city of	do.	June 7, 1974		
Texas	Harris	Humble, city of	do.			
Wisconsin	Grant	Muscoda, village of	do.	May 10, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

Issued October 21, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–26549 Filed 11–13–74;8:45 am]

[Docket No. FI 402]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Palm Beach	Lake Worth, city of	Nov. 6, 1974, Emergency	Aug. 2, 1974		
Iowa	Butler	New Hartford, town of	do.	May 31, 1974		
Kentucky	Nicholas	Carlisle, city of	do.	May 24, 1974		
Michigan	Allegan	Casco, township of	do.			
New Jersey	Monmouth	Asbury Park, city of	do.	July 13, 1973		
Pennsylvania	Adams	Cumberland, township of	do.			
Texas	Bee	Unincorporated areas	do.	Oct. 18, 1974		
Do.	Bastrop	Smithville, city of	do.	April 5, 1974		
Do.	Bexar	Kirby, city of	do.	Jan. 23, 1974		
Washington	King	North Bend, city of	do.	May 17, 1974		
Wisconsin	Barron	Unincorporated areas	do.			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969) as amended 39 F.R. 2787, Jan. 24, 1974.

Issued: November 4, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–26550 Filed 11–13–74;8:45 am]

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R–74–299]

PART 2205—FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Interim Regulations

Certain authorities and responsibilities of the President under the Disaster Relief Act of 1974, Public Law 93–288 (hereinafter referred to as the "Act") are assigned to the Secretary of Housing and Urban Development by Executive Order 11795, dated July 11, 1974, and further delegated by the Secretary to the Administrator of Federal Disaster Assistance on August 5, 1974. Regulations implementing most of those authorities and responsibilities were published in the FEDERAL REGISTER of August 5, 1974, as Title 24 of the Code of Federal Regulations, §§ 2205.1–2205.74. Regulations concerning section 201 of the Act, Federal and State Disaster Preparedness Programs, are issued herewith.

Because of time limitations imposed by the Act for financial assistance to the States under section 201(c), these new regulations must be operative as soon as possible. Notice and public procedure are impractical and contrary to the public interest. However, interested parties and government agencies are encouraged to submit written comments, views or data regarding these interim regulations promulgated hereby to the Administrator, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410. All such submissions received on or before January 13, 1975 will be considered prior to the promulgation of the final FDAA regulations. Inasmuch as these amendments bring the Federal Disaster Assistance Program into compliance with current statutory law and confer a benefit on the public, good cause exists for making them effective upon publication in the FEDERAL REGISTER.

Pursuant to the authority contained in section 7(d) of the Department of Housing and Urban Development Act (79 Stat. 670, 42 U.S.C. section 3535(d)), new Subpart G is added to Part 2205 of Title 24 of the Code of Federal Regulations, as follows:

Subpart G—Disaster Preparedness Assistance

Sec.
2205.75 General.
2205.76 Definitions.
2205.77 Federal Disaster Preparedness Program.
2205.78 Technical assistance.
2205.79 Financial assistance.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (79 Stat. 670, 42 U.S.C. 3535(d)).

Subpart G—Disaster Preparedness Assistance

§ 2205.75 General.

(a) The purpose of this subpart is to prescribe the standards and procedures to be followed in implementing Public Law 93–288 Title II—Disaster Preparedness Assistance, section 201, Federal and State Disaster Preparedness Programs.

(b) The disaster preparedness program shall be carried out in accordance with the policies set forth in § 2205.3 and the following priorities:

(1) To prepare for the efficient and expeditious provision of disaster relief.

(2) To mitigate potential disaster effects on persons and property through warning, evacuation, and emergency protective measures.

(3) To reduce the effects of hazards through effective land use and construction practices, thereby eliminating or lessening disaster-producing events.

§ 2205.76 Definitions.

As used in this part:

(a) "Disaster preparedness plans" means those plans prepared by Federal, State, and local governments in advance of anticipated disasters for the purpose of assuring effective management and delivery of aid to disaster victims, and providing for disaster mitigation, warning, rehabilitation, and short- and long-term recovery.

(b) "State emergency plan," as used in section 301(b) of the Act, means that State plan which is designed specifically for State-level response to emergencies or major disasters, and which sets forth the actions to be taken by the State and local governments, including those for implementing Federal disaster assistance.

(c) "State plan" means a work plan, submitted in application for a development grant, for achieving the objectives set forth in that section of the Act.

(d) "Financial assistance" means grants from the President's Disaster Relief Fund under authority of section 201 of the Act.

(e) "State disaster preparedness coordinator" means the Governor's designee for overall disaster preparedness program coordination or management responsibility.

(f) "Technical assistance" means provision of guidance through advice and consultations, workshops and conferences, studies and analyses, reports and instructional materials, and other services.

(g) "Vulnerability analysis" means a systematic investigation of potential disasters in terms of probability, frequency, magnitude, and location, in order to forecast their probable effects, in specific geographical areas, on the people, systems, facilities, resources, and institutions.

§ 2205.77 Federal Disaster Preparedness Program.

(a) The Administrator is authorized to establish a program of disaster preparedness that utilizes the services of all appropriate agencies and to provide overall management of that program by:

(1) Providing policy guidance to Federal agencies and conducting program reviews of Federal activities relating to disaster preparedness.

(2) Directing the preparation and review of Federal disaster preparedness plans.

(3) Determining requirements and arranging for training of Federal and State personnel, and conducting exercises, critiques, and evaluations to enhance disaster preparedness programs.

(4) Sponsoring and monitoring disaster-related research and the application of science and technology to Federal, State, and local disaster preparedness plans and programs.

(b) The Regional Director shall establish a regional program of disaster preparedness that is consistent with the overall national program and with the State programs within his region and shall manage that regional program by:

(1) Reviewing Federal agency, State, and local disaster preparedness and response activities and recommending improvements.

(2) Assisting the States in accordance with the Act and these regulations.

(3) Coordinating the disaster preparedness programs of Federal agencies within his region.

(4) Preparing plans and conducting training, exercises, critiques, and evaluations to enhance coordinated Federal and State disaster preparedness and response.

§ 2205.78 Technical assistance.

(a) The Regional Director shall, upon request, provide technical assistance to the States, in accordance with the priorities specified in § 2205.75(b) of these regulations, for comprehensive plans and practical programs for preparation against disasters, including hazard reduction, avoidance, and mitigation; for assistance to individuals, businesses, and State and local governments following such disasters; and for recovery of damaged or destroyed public and private facilities and economic recovery.

(b) Particular emphasis shall be given to technical assistance in the following aspects of disaster preparedness:

(1) The drafting of disaster related State legislation and executive authorities.

(2) Vulnerability analyses.

(3) Work plans and other documentation for disaster preparedness grants.

(4) State and local disaster preparedness programs and procedures.

(5) Staff training, workshops, and seminars.

(6) Disaster assistance exercises.

(7) Program evaluation.

(8) Public information and education programs.

(9) Application of technological information to the disaster preparedness program.

(c) The Regional Director shall also advise the States regarding complementary Federal programs that will enhance State and local disaster assistance and preparedness.

(d) Requests for Federal technical assistance under section 201(b) of the Act shall be made by the Governor or his authorized representative to the Regional Director.

(1) The request for technical assistance shall indicate as specifically as possible the objectives, nature, and duration of

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the requested assistance; the recipient agency or organization within the State; the State official responsible for utilizing such assistance; the manner in which such assistance is to be utilized; and any other information needed for a full understanding of the need for such requested assistance.

(2) The State shall provide assurance that technical assistance does not duplicate any existing State capability, any State or local effort funded by the Federal Government, or any Federal assistance provided under other authority.

(e) Nothing in these regulations shall be construed to prevent the States from obtaining appropriate technical assistance from other sources, including other Federal agencies under such agencies' own statutory or delegated authorities.

§ 2205.79 Financial assistance.

(a) The Regional Director may provide the following financial assistance to the States, in accordance with the priorities specified in § 2205.75(b) of these regulations, upon written request by the Governor or his authorized representative:

(1) An initial development grant, not to exceed in the aggregate $250,000, for the development of plans, programs, and capabilities for disaster preparedness and prevention, provided that such grant is applied for by May 22, 1975.

(2) An annual improvement grant of up to $25,000 but not to exceed 50 per cent of the cost of improving, maintaining, and updating State disaster assistance plans.

(b) Any financial assistance provided under Public Law 91–79 or Public Law 91–606 for these purposes shall not preclude assistance in the full amount authorized by Public Law 93–288 for further development of disaster preparedness plans, programs, and capabilities.

(c) Application for a development grant shall include a State work plan that:

(1) Sets forth a comprehensive and detailed program of work to develop adequate capability for preparation for short- and long-term assistance following emergencies and major disasters, including provisions for assistance to individuals, businesses, and local governments.

(2) Indicates the designated State agency or agencies that will be involved in the development effort and the State disaster preparedness coordinator appointed by the Governor.

(3) Provides for appointment and training of appropriate staffs, formulation of necessary regulations and procedures, and conduct of required exercises.

(4) Describes the relationship of the proposed work with other disaster-related plans, programs, and capabilities under development.

(d) The following minimum requirements shall apply to financial assistance under section 201 of the Act in the development of the comprehensive and detailed State disaster preparedness program:

(1) A "State emergency plan" for implementation as required by section 301 (b) of the Act shall be developed.

(2) The State shall take into account the kinds of disasters to which it is most vulnerable and the particular requirements therefrom for disaster response and mitigation.

(3) State guidance and assistance shall be provided to local jurisdictions in the development of their short- and long-term disaster preparedness plans, programs, and capabilities.

(4) The State plan shall indicate the environmental factors that were taken into account in formulating the plan. In addition, the State plan shall establish substantive criteria and methods for the assessment of the environmental impact of State disaster assistance.

(e) The development grant may apply to such preparedness programs and capabilities as:

(1) Planning for short- and long-term disaster response in general, for specific disaster contingencies in special locales, for local and area mutual emergency support under State sponsorship, and for disaster mitigation and hazard reduction.

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(2) Revision, as necessary, of State legislation, implementating orders, regulations, and other authorities and assignments relevant to disaster preparedness and assistance.

(3) Disaster-related mutual aid compacts and agreements.

(4) Conduct of vulnerability analyses not otherwise available but necessary for the development of State and local disaster preparedness plans and programs.

(5) Design of disaster-related emergency systems.

(6) Training and exercises.

(7) Program reviews and postdisaster critiques.

(8) Public information and education programs.

(f) Federal funds provided to the State, or through the State to local government, under the provisions of section 201 of this Act may not be used to procure or repair equipment, materials, or facilities except that required for administration of the grant.

(g) The Regional Director may accept a letter from the Governor requesting grant assistance as meeting the application time limit prescribed by the Act for a development grant.

(h) Work under a development grant shall be scheduled so that the entire effort specified can be completed within three years of approval of the formal application, unless special exception is approved by the Administrator.

(i) Application for an improvement grant shall include:

(1) The designated agency or agencies that will be involved in the improvement effort.

(2) A work plan setting forth those elements of the comprehensive and detailed program that are to be improved under this grant and any additional or subordinate plans to be developed for specific contingencies or disaster functions in accordance with the State's disaster preparedness program.

(j) A grant application may be amended at any time prior to the scheduled completion of work under the grant if warranted on the basis of new requirements, changes in Federal or State statutes or other legal authorities, or other sufficient reason, provided such proposed modifications are mutually agreed upon by the Governor or his authorized representative and by the Regional Director.

(k) All grants under section 201 of the Act are subject to the appropriate provisions of OMB Circulars No. A–95, Federal and Federally Assisted Programs and Projects: Evaluation, Review and Coordination (revised November 13, 1973, and effective January 1, 1974), No. A–87, Principles for Determining Costs Applicable to Grants and Contracts with State and Local Governments (issued May 9, 1968, and amended June 19, 1970), and No. A–102, Uniform Administrative Requirements for Grants-In-Aid to State and Local Governments (revised October 19, 1971). In accordance with these requirements the following provisions shall also apply:

(1) Financial status and performance reports shall be made quarterly to the Regional Director.

(2) At the request of the State and with the approval of the Regional Director, an advance of funds not to exceed the first 90 days' estimated operational expenses may be made.

(3) (i) State audits shall be made to determine, as a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations, and administrative requirements. The State shall schedule such audits with reasonable frequency, usually annually, but not less frequenty than once every two years, considering the nature, size, and complexity of the activity. A final audit of the grant shall be conducted upon completion of all work presented in the State application, including amendments thereto.

(ii) Federal audits shall be scheduled as deemed necessary.

Effective date. These interim regulations shall be effective on November 14, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–26651 Filed 11–13–74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3105 is amended to show that not to exceed ten positions in the Office of Trade, Energy, and Financial Resources Policy Coordination are excepted under Schedule A when filled by individuals with special qualifications for the particular study being undertaken. The positions are at the equivalent of GS–13 through GS–17 and are established to supplement the permanent staff in the study of complex problems relating to international trade and energy policies and programs of the Government. Employment under this authority is limited to four years.

Effective on November 14, 1974, § 213.3105(c) is added as set out below.

§ 213.3105 Treasury Department.

* * * * *

(c) *Office of Trade, Energy, and Financial Resources Policy Coordination.* (1) Not to exceed 10 positions at the equivalent of GS–13 through GS–17 to supplement the permanent staff in the study of complex problems relating to international trade and energy policies and programs of the Government, when filled by individuals with special qualifications for the particular study being undertaken. Employment under this authority may not exceed 4 years.

(5 U.S.C. secs. 3301, 3302, E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–26701 Filed 11–13–74;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Grapefruit Reg. 40]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Quality and Size Requirements

This regulation sets a minimum grade of U.S. No. 2 and a minimum diameter of 3$^{6}/_{16}$ inches for the handling of grapefruit grown in California and Arizona except that initial handlers may handle grapefruit smaller than 3$^{6}/_{16}$ inches in diameter directly to destinations in states other than California, Arizona, Florida, and Texas providing that grapefruit so handled to destinations in Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah shall measure not smaller than 3$^{1}/_{16}$ inches in diameter. The establishment of such requirements under Marketing Order 909 is necessary to provide the market with fruit of acceptable quality in the interests of producers and consumers

On October 30, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 38233), regarding a proposed regulation to be made effective pursuant to Marketing Order No. 909, as amended (7 CFR Part 909) regulating the handling of fresh grapefruit grown in Arizona and designated part of California. The proposed regulation was recommended by the Administrative Committee established pursuant to the said marketing order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This regulation imposes minimum grade and size requirements on the handling of grapefruit. The regulation is based upon an appraisal of the crop and prospective market conditions as required in § 909.51 of said marketing order. Seasonal shipments of grapefruit from the production area are expected to begin on or about the effective date hereof. Grapefruit is reported to be of good quality this year, and sizes are reported to be larger than last year. This regulation is necessary during the period November 15, 1974, through August 31, 1975, to prevent the handling of any grapefruit of lower grades and smaller sizes than those herein specified, so as to provide the trade and consumers with fruit of acceptable quality pursuant to the declared policy of the act.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Administrative Committee (established pursuant to the marketing order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective time. Seasonal shipments of grapefruit are expected to begin on or about the effective date hereof; the recommendation and supporting information for regulation during the period November 15, 1974, through August 31, 1975, were promptly submitted to the Department after an open meeting of the Administrative Committee on October 16, 1974; notice of the proposed regulation was published in the October 30, 1974, issue of the FEDERAL REGISTER, and no objections were received either to the regulation or to the proposed effective date; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth, so as to provide for the regulation of the handling of such grapefruit, and compliance with this regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective date hereof.

§ 909.340 Grapefruit Regulation 40.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period November 15, 1974, through August 31, 1975, no handler shall handle from the State of California or the State of Arizona to any point outside thereof except Mexico:

(i) Any grapefruit which do not meet the requirements for the U.S. No. 2 grade which for purpose of this section shall include the requirement that the grapefruit be fairly well colored, instead of slightly colored, and including as a part of the fairly well formed requirement, the requirement that the fruit be free from peel that is more than 1 inch in thickness at the stem end (measured from the flesh to the highest point of the peel): *Provided*, That in lieu of the tolerance provided for the U.S. No. 2 grade, the following tolerances, by count, shall be allowed for the defects listed:

(*a*) 10 percent for fruit which is not at least fairly well colored;

(b) 10 percent for defects other than color, but not more than one-twentieth of this amount, or one-half of 1 percent shall be allowed for decay and not more than one-half, or 5 percent, shall be allowed for any single defect caused by broken skins, sunburn, scars, or peel that is more than 1 inch in thickness at the stem end; or

(ii) Any grapefruit which measure less than 3$^{6}/_{16}$ inches in diameter: *Provided*, That such diameter requirement shall not apply to individual packages containing 10 pounds or less in a lot and individual packages containing more than 10 pounds in a lot may contain not to exceed 10 percent of grapefruit of a size smaller than 3$^{6}/_{16}$ inches in diameter, if the lot as a whole does not contain more than 5 percent of such size: *Provided, further*, That in determining the percentage of grapefruit in any lot which are smaller than 3$^{6}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller.

(2) Subject to the requirements of subparagraph (1) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3$^{6}/_{16}$ inches in diameter directly to a destination in Zones 4, 5, or 6 and if the grapefruit is so handled to Zone 4, the grapefruit does not measure less than 3$^{4}/_{16}$ inches in diameter: *Provided*, That such diameter requirement shall not apply to individual packages containing 10 pounds or less in a lot and individual packages containing more than 10 pounds in a lot may contain not to exceed 10 percent of grapefruit of a size smaller than 3$^{4}/_{16}$ inches in diameter, if the lot as a whole does not contain more than 5 percent of such size: *Provided, further*, That in determining the percentage of grapefruit in any lot which are smaller than 3$^{4}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{11}/_{16}$ inches in diameter and smaller.

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(b) As used herein, "handler", "grapefruit", "handle", "Zone 4", "Zone 5", and "Zone 6" shall have the same meaning as when used in said amended marketing order; the terms "U.S. No. 2", "fairly well colored", "slightly colored", and "fairly well formed" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), 7 CFR 51.925–51.955; and "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 12, 1974, to become effective November 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–26834 Filed 11–13–74;8:45 am]

[Navel Orange Reg. 326]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 15–21, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.626 Navel Orange Regulation 326.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges not yet established. Prices f.o.b. averaged $5.40 a carton on a reported sales volume of 167 carlots last week, compared with an average f.o.b. price of $5.72 per carton and sales of 56 carlots a week earlier. Track and rolling supplies at 7 cars were down 3 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 12, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 15, 1974, through November 21, 1974, are hereby fixed as follows:

(i) District 1: 1,104,000 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: 96,000 cartons.

(2) As used in this section, "handled," "District 1, "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–26871 Filed 11–13–74;11:43 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Release of Areas Quarantined

This amendment releases a portion of Bailey County and a portion of Castro County in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas. No areas in Texas remain under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (a) relating to the State of Texas is deleted.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective on November 8, 1974.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of November 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–26674 Filed 11–13–74;8:45 am]

SUBCHAPTER G—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

Recognized Breeds and Books of Record

Statement of considerations. The purpose of this amendment is to include the Australian Kelpie in the listing of recognized breeds and books of record contained in 9 CFR, § 151.9(a). The Working Kelpie Council Stud Book has been researched by the Animal and Plant Health Inspection Service and found to meet the requirements contained in Part 151.

Accordingly, the chart in § 151.9(a) is amended by inserting the following in alphabetical order under the heading "Dogs":

Code	Name of breed	Book of record	By whom published
7306	Australian Kelpie.....	The Working Kelpie Council National Stud Book.	The Working Kelpie Council, P.O. Box E31 St. James, Sidney 2000, Australia.

(Sec. 101, 76 Stat. 72, Item 100.01, Title I, Tariff Act of 1930, as amended; 19 U.S.C. 1202, Item 100.01; 37 F.R. 18464, 18477; 38 F.R. 19141.)

The effect of the amendment is to provide for duty-free entry of certain purebred animals and, in order to be of maximum benefit to persons desiring to import such animals, the amendment should be made effective promptly to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedures provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 8th day of November 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–26675 Filed 11–13–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER–883, Amdt. 16]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting Airport Activity Statistics for Scheduled and Nonscheduled Services

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 17, 1974.

By notice of proposed rule making EDR–259, dated December 21, 1973,[1] the Board proposed to amend Part 241 of its Economic Regulations (14 CFR Part 241) so as to require the reporting of off-line as well as on-line airport activity statistics on Form 41 Schedule T–3. The purpose of the proposed amendment was to provide for off-line airport activity statistics to meet various costing needs and to permit a proper evaluation of airport activities.

The only two comments in response to the rule making notice were received from Northwest Airlines, Inc. (Northwest) and Pan American World Airways, Inc. (Pan American). Upon consideration of these comments, the Board has determined for the reasons set forth hereinafter to adopt the proposed rule but with one modification. Except as modified, the tentative findings and conclusions set forth in EDR–259 are incorporated herein and made final.

Both carriers opposed the proposed rule. The basic thrust of their comments may be briefly summarized as follows: (1) the percentage of off-line departures is relatively small, when compared to the on-line statistics, so that the additional reporting burden would produce data having little value; and (2) the Board's need for information concerning the total number of departures can be met adequately from the detailed information provided specifically by the carriers in connection with MAC rate proceedings and from statistics compiled by the Federal Aviation Administration (FAA) relating to landing and takeoff activity at each airport.

The Board has not found these arguments to be persuasive. While the percentage of off-line data may be relatively small when compared to on-line statistics, the need for off-line data by the Board and FAA has nevertheless existed for quite some time. As indicated in EDR–259, on-line and off-line data will be used by the Board's staff to meet various costing needs and to augment its analysis of MAC rate reviews. Two of these costing requirements are: (1) to develop an all-revenue services average stage length by aircraft type for reporting unit evaluation costs for all revenue services, and (2) to develop the costing inputs to be used for determining air carrier cost structures.

With regard to the contention that the Board's needs can be met with data provided in connection with MAC rate proceedings, it should be noted that such data are submitted sporadically and would not always be available when required for costing and other purposes. Moreover, the regularized reporting of off-line airport activity statistics will allow access to current information, and thereby provide all users greater analytical flexibility on an ongoing basis.[2]

The Board's own need for off-line airport activity, both domestically and internationally, could be satisfied by submission of this data in total amounts, rather than by reporting off-line activity for each airport separately. However, as indicated in EDR–259, we recognize that airport activity data reported to the Board is also utilized by FAA; and we have been advised that FAA has a need for data disclosing off-line as well as on-line activity at individual airports in performing its statutory responsibilities.[3] FAA has further advised us that, unless our Schedule T–3 is amended so as to include off-line data at individual airports, FAA would have to establish its own method of collecting airport activity data from individual carriers, thereby increasing the overall reporting burden on carriers and the taxpayers' cost entailed by a largely duplicative system of data collection. In view of our own regulatory need for total off-line airport data, and accepting FAA's judgment that it has a need for individual off-line airport data, we therefore concur in FAA's suggestion that the carriers' reporting burden and the public cost of administering reporting requirements should be minimized by this slight expansion of our reporting regulation so as to meet the needs of both agencies.

By the same token, insofar as Pan American's comment correctly notes that FAA has no need for international off-line airport activity, we shall modify our proposed amendment so as to require that such data be reported only in the total amounts which the Board itself needs.

In sum, as modified herein, the revised Schedule T–3 will require off-line airport activity statistics to be reported

[1] 39 FR 822, January 3, 1974 (Docket 26249).

[2] It should also be noted that the Board recently proposed in EDR–271, dated June 4, 1974, an amendment to Part 243 which would require the reporting of total departures by aircraft type in MAC operations on a regular recurrent basis. This amendment, if adopted, would strengthen the tie-in to the full report of airport activity statistics on the Form 41 reports.

[3] E.g., under the Airport and Airways Development Act of 1970 and the Airport and Airways Revenue Act of 1970.

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in the following manner: (1) data relating to domestic points shall be furnished separately for each airport, and (2) data relating to international points shall be reported in total amounts.

In our view, the compilation and reporting of this information should not impose a significant burden on carriers, particularly as modified;[4] and in any event, this slight revision of our existing reporting requirement hardly appears to impose so great a burden as to outweigh the respective regulatory needs of the Board and FAA to have this information readily and regularly available.

This rule is being made effective January 1, 1975, so that it will be applicable to reports due May 10, 1975, for the quarter ended March 31, 1975. This should provide adequate time for achieving compliance with the rule, given the length of time between its date of publication and the prescribed due date for the quarterly report.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (14 CFR Part 241), effective January 1, 1975, as follows:

[4] It appears that the carriers normally retain this information for their own purposes; indeed, it is noteworthy that in the past many carriers had been reporting on Schedule T–3 their off-line as well as on-line airport data, even though only the latter data has heretofore been required.

Section 25—Traffic and Capacity Elements

1. Amend the text for Section 25, Schedule T–3—Airport Activity Statistics, by revising paragraph (d), as follows:

Schedule T–3—Airport Activity Statistics

* * * * *

(d) Data shall be given for each on-line and domestic off-line point and for total international off-line points. The air carrier's scheduled certificated authority with respect to each reporting entity shall determine whether a point is on-line or off-line for that entity. Where a point is served by more than one airport, on-line and domestic off-line data pertaining to each airport shall be separately identified. The data relating to on-line points shall be separately grouped and listed in column 1 in alphabetical sequence and the indicated data reported in columns 2 through 15, inclusively. The on-line data shall be totaled. Immediately following the totals for on-line data, the data relating to domestic off-line points shall also be separately grouped and listed in alphabetical sequence in column 1 with the indicated data reported in columns 2 through 15, inclusively. The domestic off-line data shall be totaled. Immediately following the totals for domestic off-line data, the totals for international off-line data shall be reported in columns 2 through 15, inclusively. The on-line total and off-line domestic and international data totals will then be added and the sums appropriately noted. The schedule shall include the following items:

Item	Scheduled service	Nonscheduled service
Airport code		
Revenue aircraft departures scheduled	K520	
Scheduled revenue departures completed	K521	
Revenue aircraft departures performed:		
Total by aircraft type	K510	V510
Revenue passengers enplaned	K110	V110
Revenue cargo tons enplaned:		
U.S. mail-priority	K213	V214
U.S. mail-nonpriority	K214	V215
Foreign mail	K215	V216
Express	K216	V217
Freight	K217	V213

2. Amend CAB Form 41 by revising Schedule T–3 (a), (b), and (c) Airport Activity Statistics in the form attached hereto as Exhibits A, B, and C.[5]

(Secs. 204(a), 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–26715 Filed 11–13–74;8:45 am]

[5] Exhibits A, B, and C are filed as part of the original document.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 912]

HANDLING OF GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Proposed Rulemaking With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1974–75 Fiscal Period and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $25,375, the rate of assessment of $0.0025 per box of grapefruit, and the carryover as a reserve of unexpended funds to support the activities of the Indian River Grapefruit Committee for the 1974–75 fiscal period under the amended marketing agreement and Order No. 912.

Consideration is being given to the following proposals submitted by the Indian River Grapefruit Committee, established pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Indian River Grapefruit Committee, during the period August 1, 1974, through July 31, 1975, will amount to $25,375.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 912.41, be fixed at $0.0025 per standard packed box.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended July 31, 1974, and prior years shall be carried over as a reserve in accordance with § 912.42 of said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than November 29, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 11, 1974.

CHARLES R. BRADER, *Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[FR Doc.74–26709 Filed 11–13–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74–NE–45]

PRATT & WHITNEY JT8D AIRCRAFT ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation regulations by adding an Airworthiness Directive applicable to Pratt & Whitney Aircraft Model JT8D–1, –1A, –7, and –7A turbofan engines due to failures of low turbine shafts. These failures have been caused by excessive taper wear or plate peeling of the No. 2 compressor hub spline which imposes an uneven loading of the shaft spline surfaces resulting in fatigue failure of the shaft. Early investigations indicated that the shafts separated at the root of the last thread of the threaded forward section which mates with the No. 2 compressor hub coupling nut. To reduce the stress levels in the threaded area, Pratt & Whitney released a rework procedure to undercut the threads. Shafts reworked in accordance with this procedure have been found with the failures originating in the shaft spline. Since this condition is likely to exist in other JT8D engines, an airworthiness directive is being proposed to require the removal of low turbine shafts that have not been reworked and to require a repetitive inspection on shafts with reworked splines at intervals of 6700 cycles in service. The AD will also require an inspection of the No. 2 compressor hub spline when inspecting the shaft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before December 2, 1974, will be considered before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Office of the Regional Counsel for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 [49 U.S.C. 1354(a), 1421, 1423] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney JT8D–1, –1A, –7, and –7A model turbofan engines

Compliance required as indicated.

To prevent failure of the low turbine shaft spline accomplish the following:

1. Remove from service low turbine shaft P/Ns 479796, 493412, 511215, 524958, 528365, 528366, 538951, 540354, 540355, 540452, 562503, 562504, 576305, 576312, 576313, 576314, and 587679 prior to the accumulation of 6700 cycles in service since new, or within the next 2000 cycles in service after the effective date of this AD, whichever is later.

2. Inspect low turbine shaft P/Ns540354–S/B2452, 540355–S/B2452, 540452–S/B2452, 676276, 676277, 676278, 676279, 676280, 676282, 676283, 676284, 676285, 676286, and 676287 for cracked splines in accordance with the eddy current spline inspection procedure in Pratt & Whitney Service Bulletin 2452, Revision 9, or later FAA approved revision, or equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, New England Region, prior to the accumulation of 6700 cycles in service since last spline inspection or within the next 2000 cycles in service after the effective date of this AD, whichever is later, unless already accomplished. Inspect thereafter at intervals not to exceed 6700 cycles in service from the last inspection. Remove shafts with cracks from service before further flight.

3. When the turbine shafts are removed or inspected in accordance with Paragraph 1 and 2 above, inspect the No. 2 hub spline for wear or plate peeling in accordance with Pratt & Whitney Alert Service Bulletin 4357, Paragraph IV.1, IV.2, IV.3, or IV.4 as applicable. Remove hubs with wear in excess of .010 inch or plate peeling from service before further flight.

The manufacturer's service bulletins identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the

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manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, 400 Main Street, East Hartford, Connecticut 06108. These documents may also be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803, and at Federal Aviation Administration Headquarters, 800 Independence Avenue, S.W., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the Federal Aviation Administration at its headquarters in Washington, D.C., and at the New England Regional Office in Burlington, Massachusetts.

NOTE: Pratt & Whitney Alert Service Bulletin 4357 pertains to this subject.

Issued in Burlington, Massachusetts, on November 1, 1974.

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register on June 19, 1967.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-26622 Filed 11-13-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-10; Notice 7]

MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

This notice proposes an amendment of Standard No. 121, *Air brake systems*, 49 CFR 571.121, that would exempt a small category of oversize and construction vehicles from the applicability of the standard, and would establish new test procedures (and an effective date) for highly specialized tractor-trailor vehicle combinations. This notice also denies the petition of Motor Coach Industries for a 60-day delay in the effective date of the standard as it applies to their bus production, and the petition of Lufkin Industries, Inc. for a 1-year delay of the standard. In a third area, this notice proposes new brake retardation force requirements in response to a Wagner Electric Company petition.

Standard No. 121 is effective for trailers on January 1, 1975, and for trucks and buses on March 1, 1975. In a recent notice responding to petitions for reconsideration of the standard, the NHTSA refused to delay the implementation of the standard as a whole (39 FR 39880, November 12, 1974). At this time, several manufacturers of axles and vehicles have petitioned for relief from the standard due to the imminence of the effective dates. This notice responds to these petitions and describes the NHTSA policy for implementation of Standard No. 121.

The NHTSA will not delay the effective date of Standard No. 121 based on anticipated delays in delivery of 121-type components. Motor Coach Industries petitioned for a 60-day delay in effective date on the grounds that the 1-month period allowed by present delivery dates for transition to new components is inadequate, and that it expects that the components in question will not be delivered on time. Lufkin states that supply problems may be greater than anticipated in May 1974. Based on comments to the air brake docket, the NHTSA determined in May 1974 that suppliers would be able to supply needed components by March 1, 1975. That date was recently reaffirmed, and the NHTSA concludes that the delivery dates are now subject only to the commercial fluctuations faced by all manufacturers, not necessarily related to the effective date of a standard. The NHTSA cannot delay the standard without some loss in safety benefit, and finds that a delay simply based on possible supply uncertainties is unjustified. Furthermore, any delay at this late date will cause unjustified expenses and difficulties for manufacturers who are now fully prepared to meet the standard. Accordingly, the petitions of Motor Coach Industries and Lufkin Industries are denied.

While the NHTSA has maintained the effective dates for implementation of the standard as a whole, its recent notice did delay the full requirements of the standard as they apply to most vehicles equipped with a front steerable drive axle. At the same time the NHTSA has had under consideration a Grove Manufacturing Company petition for a 3-year temporary exemption of its motor cranes (most of which include a front steerable drive axle) from the standard. In addition, American-Coleman, a manufacturer of front steerable drive axles, has petitioned for permanent exemption of all vehicles equipped with a front steerable drive axle that exceeds 8,000 pounds gross vehicle weight rating (GAWR).

In considering the vehicle class which employs these axles, the NHTSA has tentatively determined that the specialized configuration of a small category of oversize and construction vehicles makes compliance with the standard so difficult and expensive that an exemption from the standard is justified. In these cases, the vehicle function necessitates a configuration, such as a complex running gear assembly, that complicates any modification of the brake system. As pointed out by American-Coleman and Grove, these complexities and design limits greatly increase the expense of modifications to meet the standards.

At the same time, the vehicle function generally results in restricted operation on the highway, e.g., at low speed, in permit operation, or during daylight hours. Operators of this vehicle type have asserted that they have a better safety record than that of more conventional air-braked vehicles. The distinctive configuration of the vehicles may, of itself, diminish the likelihood of accident involvement.

Based on the difficulty and expense of compliance with the standard and the lesser safety benefit to be achieved by compliance, this notice proposes exemption from applicability of Standard No. 121 for any vehicle that has an overall width of 108 inches or more, or is equipped with an axle of 29,000 pounds GAWR or more, or two or more front steerable drive axles of 16,000 pounds GAWR or more, or any front steerable drive axle driven through a gear reduction contained within the wheel.

The overwidth and 29,000-pound criteria describe vehicles which generally operate in permit or restricted highway operations and have a running gear configuration which makes brake redesign particularly difficult. The front steerable drive axle criteria describe a category of construction equipment characterized by a very high center of gravity, an inflexible suspension, and limited highway speed. Based on the information received, these criteria comprehensively describe the small category of vehicles which the NHTSA has concluded should be exempted from the standard.

These criteria do not describe all of the vehicles which American-Coleman and Grove asked to have exempted from the standard. For example, there are many front steerable drive axles above 8,000 pounds GAWR which equip vehicles that make unrestricted and regular use of the highways and should have the same stopping capability as lighter vehicles. One manufacturer has indicated its heavy front steerable drive axle has been successfully redesigned to meet the full stopping distances of the requirement. In addition, one major carrier has indicated plans to equip standard highway truck-tractors with a front steerable drive axle for unlimited highway use in the Rocky Mountains. The NHTSA adheres to its earlier findings that this category of vehicle can be equipped with upgraded axles at reasonable cost which will contribute significantly to motor vehicle safety.

A separate category of truck-trailer manufacturers has recently indicated that, while their combination vehicles can be made to comply with the standard, testing of these vehicles under the present procedures is unfeasible. Truck-trailer combinations which transport new automobiles are representative of this category. Three of the major manufacturers of auto transporters, Bethlehem Fabricators, Inc., Bankhead Transportation Equipment, and Delevan, Inc., have petitioned for combination testing of vehicles, aid in certification of modified truck-tractors, and a delay in the effective date of the standard until January 1, 1977.

To optimize the transportation of automobiles, the configuration of auto transporters has developed differently from that of typical tractor-trailer combinations. Payload is carried over the cab of the towing vehicle and vehicles are loaded and unloaded by a system of trailer ramps which accommodate the automobile's clearances while taking up a minimum of space. The vehicles have, as a result, been designed to carry payload over the cab portion only when it can be loaded by means of a trailer designed with matching ramps.

Standard No. 121 requires that trucks and trailers be tested separately. This approach recognizes that trucks and trailers typically are built by separate manufacturers who cannot be held responsible for performance of another manufacturer's vehicle. Equally important is that most trucks and trailers are designed to operate with a wide variety of other trailers or trucks and that they should be certified as capable of meeting minimum requirements without regard to the capabilities of vehicles to which they are attached.

A trailer is tested by attaching it to any tractor and then stopping both vehicles by means of the trailer brake only. A tractor is tested by attaching a "control trailer" to the tractor or by mounting a weight at the tractor's fifth wheel location.

Separate truck-tractor and trailer testing does not appear suitable for integral combination vehicles such as auto transporters. While separate trailer testing might be feasible, the two test methods for truck-tractors could be dangerous and unrealistic for fully-loaded truck-tractors. The truck-tractor would be unstable in stopping tests when loads are placed in the rack and at the fifth wheel without a trailer attached. Use of the control trailer method can also be impracticable because the fifth wheel is often relocated behind and below its normal position.

In actual practice, these truck-tractors operate fully loaded only in combination with a trailer designed for use with that tractor, because the only practical way to load an automobile over the cab is by means of the trailer ramps which mate with the over-cab ramps. It would be unrealistic to test these truck-tractors in a potentially dangerous configuration which is not encountered in actual operation.

For this reason the NHTSA proposes stopping distance tests in combination for trucks and trailers manufactured by a single manufacturer for use in combination. The category, called integral truck-trailer, would be defined as designed to carry cargo on the towing vehicle at a location other than the fifth wheel, which can be loaded only by means of a trailer designed for use with the towing vehicle. The combination would be required to stop in the same distance as that required for trucks and buses. All requirements for trailers other than the stopping distances, and for trucks other than the stopping distances in the loaded condition, would continue to apply to the truck and trailer portions of these vehicles separately. Because of the new testing, it is proposed that the standard for these vehicles become effective on September 1, 1976.

The NHTSA also responds in this notice to petitions from Wagner Electric Company and Molded Materials Company in the area of retardation force requirements for all trailers. A recent meeting with Great Dane Trailers also raised the subject of the retardation force requirements listed in Table III of the standard.

Essentially the three companies state that brake lining performance, in tests on a dynamometer in combination with the brake assembly and all its tolerances, varies by as much as 22 percent from mean performance. They express the concern that certification of 100 percent compliance with minimum retardation force requirements will require use of a more aggressive, short-lived and noisy lining than is necessary to provide 121-level stopping performance. Unless the Table III values are reduced, they consider the overly aggressive lining to be the only means to assure that each brake assembly will meet those requirements.

The NHTSA specified the minimum retardation forces in Table III to establish a desirable ratio of about 60 pounds of retardation force on each axle per 100 pounds of axle weight. The torque developed at this 60-pound value is calculated to provide trailer stopping distances comparable to those required of buses and trucks. Several brake linings have been manufactured to develop a mean value of about 60 pounds of force, and have provided 121-level performance in B. F. Goodrich testing conducted for Great Dane.

The NHTSA finds that these brake linings, supplying a mean performance of approximately 60 pounds, should provide the desired level of retardation force. The information submitted indicates, however, that the variation from the mean of these linings in this retardation test is on the order of 20 percent, so that they cannot met the present requirements of the standard, necessarily stated as minimum performance levels. To permit these linings to be used in January on trailers conforming to Standard 121, it appears necessary and desirable, at least for an interim period, to establish Table III values that would accommodate the few cases that testing shows will fall 20 percent below the mean. The statutory requirement that each vehicle must comply with the standard would apparently ensure that the mean force remains at the desired 60-pound level. Accordingly, for an interim period, reduced values are proposed for Table III.

It is possible that comments on this proposal will include information which indicates the reduced values should be permanently entered into the requirements of S5.4.1. Therefore, comments are solicited on permanent reduction of the values as well as comments on reduced requirements for an interim period.

The NHTSA recognizes that this modification would also reduce the interim values specified in S5.3.1.2 for heavy-axle trucks.

In response to a request of Molded Materials, it should be noted that S5.4.1, which specifies the sum of retardation forces, means that retardation forces from tests of all of the wheels on a vehicle may be used in arriving at a retardation force for the vehicle.

The effective date of these amendments to Standard No. 121 would be January 1, 1975, to minimize interference in the production of vehicles which the proposal affects.

In consideration of the foregoing, it is proposed that Standard No. 121 (49 CFR 571.121) be amended as follows:

1. S3. would be amended to read:

S3. *Application.* This standard applies to trucks, buses, and trailers equipped with air brake systems. However, it does not apply to a fire fighting vehicle manufactured before September 1, 1975, or a heavy hauler trailer manufactured before September 1, 1976, or to any vehicle manufactured before September 1, 1976, that has a gross axle weight ratng (GAWR) for any axle of 24,000 pounds or more or to any vehicle which, in combination with another vehicle, constitutes a part of an "Integral tractor-trailer" as defined in S4. In addition, the standard does not apply to any vehicle that has an overall width of 108 inches or more, or is equipped with an axle that has a GAWR of 29,000 pounds or more, two or more front steerable drive axles with a GAWR of 16,000 pounds or more for each axle, or a front steerable drive axle driven through gear reduction contained within the wheel.

2. S4. would be amended by the addition of two new definitions following "Heavy hauler trailer" to read:

"Integral tractor-trailer" means a truck and a trailer designed by a single manufacturer, or person who alters a certified vehicle, for use in combination, in that the towing vehicle is designed to carry cargo at a location other than the fifth wheel and to load its cargo only by means of the towed vehicle.

"Overall width" means the measurement in a transverse plane of the vehicle between the outer edges of the tires on the widest axle system, or between the outer edges of the fenders at their widest point, whichever is greater.

3. S5.3 would be amended by the addition of a new sentence at the end of the text to read:

However, the truck and trailer portions of an integral tractor-trailer shall, in combination, meet the requirements of S5.3.1 as they apply to a single unit truck or bus, in place of the requirements of S5.3.2 as they apply to the trailer portion, and in place of the requirements of S5.3.1 as they apply to the truck portion in the loaded condition.

4. Table III would be revised for an interim period from January 1, 1975, to September 1, 1976, by replacing the figures 0.100, 0.175, 0.250, 0.325, 0.400, 0.475, and 0.550 in the first column of Table III (Brake Retardation Force GAWR) with the figures 0.06, 0.13, 0.20, 0.27, 0.34, 0.41, and 0.48. In the alternative, it is proposed that the new figures replace the present figures permanently.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

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All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: December 16, 1974.

Proposed effective date: January 1, 1975.

(Sec. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on November 11, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74–26631 Filed 11–11–74;10:34 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 413]

[FRL 294–8]

ELECTROPLATING POINT SOURCE CATEGORY

Notice of Proposed Reconsideration

On Thursday, March 28, 1974, notice was published in the FEDERAL REGISTER of the adoption by the Environmental Protection Agency of effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources for the electroplating of copper, nickel, chromium, and zinc on ferrous and nonferrous materials subcategory of the electroplating category of point sources. The purpose of this notice is to announce that the Environmental Protection Agency intends to reconsider these guidelines and standards and solicits comments, data, and information thereon.

In connection with the preparation of the guidelines and standards, EPA took into account all the information at its disposal. This included data developed by the Agency and its contractor, and data and comments submitted by the public. Due to the necessity of compliance with judicially imposed deadlines, however, the final guidelines were published at a time when the Agency's data base was not as thoroughly corroborated as was preferred.

It is the Agency's goal to ensure that its rules have the soundest possible foundation of data and analysis. Accordingly, in connection with the publication of this notice, we are making available for inspection and copying all data and information which have been collected subsequent to the promulgation of the standards and guidelines. We invite comments and analysis to assist us in assessing this material. Finally, we solicit additional information, data and comments to help ensure that the guidelines and standards receive full reconsideration.

Subsequent to promulgation of the guidelines the contractor studied and sampled in detail six electroplating facilities. Composite 32 hour sampling was performed at seven influent and effluent sites. These data were summarized and analyzed in a supplemental contractor's report.

On June 10, 1974 a public hearing was held for the purpose of discussing the pretreatment guidelines for the electroplating industry proposed on March 28, 1974. The pretreatment guidelines will require the same degree of control as is required after application of the best practicable control technology currently available. At this time evidence was submitted concerning the ability of a plant to achieve the levels of reduction outlined by best practicable control technology currently available from an independent survey of the contractor's chosen four plants.

All of these data and reports are available for copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M. St. SW., Washington, D.C. 20460.

Comments and verifiable data are particularly solicited in the following areas:

(1) If any commenter believes that the rules promulgated on March 28, 1974 cannot be practicably achieved, detailed data in support of such belief should be provided. Such data should be adequate to support modifications in the standards as promulgated.

(2) What are the levels of waste reduction attainable by the segregation of streams and sulfide or hydroxide precipitation? What additional costs may be anticipated in a waste water treatment system involving stream segregation?

(3) Between proposal and promulgation the guidelines underwent two major changes. Those facilities plating less than 33 sq m/hr or having an installed current capacity of less than 2000 amperes are only required to perform pH adjustment, waste stream equalization and cyanide destruction. Additionally, the water use factor of the guidelines was revised from 80 l/sq m to 160 l/sq m resulting in a more lenient guidelines by a factor of two. What effect do these changes have on the industry?

(4) What is the capitalization (including total investment and liquid or other assets) in shops employing less than four employees? What relationship exists between number of employees and capitalization? Between capacity and capitalization?

The additional data and material heretofore reviewed by the Agency appear to confirm the assessments made at the time the rules were promulgated. Accordingly, although we intend to reconsider the rules fully, we find that there is no basis for suspending the applicability of the rules during the reconsideration period.

Interested persons may participate in this reconsideration by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460. Attention: Mr. Philip B. Wisman. All comments received on or before December 16, 1974, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Dated: November 8, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74–26724 Filed 11–13–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20222]

FM BROADCAST STATIONS

Boise, Idaho

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Boise, Idaho). Docket No. 20222, RM–2206, RM–2270.

1. The Commission has under consideration two petitions which propose the amendment of § 73.202(b) of the rules by assigning a third and fourth Class C FM channel assignment to Boise, Idaho. One was filed on May 31, 1973, by Gem State Broadcasting Corporation (Gem State), licensee of unlimited-time AM Station KGEM, Boise, requesting the assignment of Channel 286 (RM–2206); the other petition was filed on October 25, 1973, by KYME Broadcasters, Inc. (KYME), licensee of daytime-only AM Station KYME, Boise, requesting the assignment of Channel 282 (RM–2270). Both channels could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting any of the assignments in the FM Table of Assignments. Boise (population 74,990), capital and largest city in the State of Idaho, is also the seat of Ada County (population 112,230).[1] Aural service is presently provided to Boise by six AM stations (3 unlimited time) and two FM stations (KBBK–FM, Channel 222 and KBIO–FM, Channel 250).

2. In support of their request petitioners show that major growth in Boise's population more than doubled between the Census years 1960 and 1970. They add that the Ada County Council of Government indicate that by 1980, Boise's population will be 117,000. Petitioners point out that Boise is the major industrial, commercial, and financial center of the State of Idaho and the marketing center for commodity distributors and wholesalers serving an area comprised of a population of over 290,000. It is the location of the head offices of some of the most important U.S. industrial corporations such as Idaho Power Company, Morrison-Knudson, and Boise-Cascade Corporation. Petitioners contend that additions of both proposed channels is justified because of the growing needs and diverse interests of an estimated 1972 population of 84,300.

3. Information contained in the engineering statements submitted by both petitioners indicate that large areas are precluded on both adjacent and co-channels, however, the areas are essentially rural. There are a number of unused channel assignments still available to applicants for some of the communities located in the precluded area. As to other communities, there are a number of other channels available for assignment. These facts considerably lessen the impact of assigning the requested channels to Boise.

4. It would appear that petitioners have made a sufficient public interest showing to warrant issuance of a Notice of Proposed Rule Making as to their proposals. Considering the size of Boise which qualifies the community for four assignments, and its anticipated steady growth, we are of the opinion that institution of rule making looking toward the assignment of two additional Class C FM channels to Boise, Idaho, merits consideration.

5. In view of the foregoing and pursuant to authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's Rules and Regulations, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows for the named community below:

City	Channel No.	
	Present	Proposed
Boise, Idaho	222, 250	222, 250, 282, 286

6. *Showing Required.* Comments are invited on the proposals discussed above. Proponents will be expected to answer whatever questions that may be presented in initial comments. The proponents of the proposed assignments are also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

7. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with the proposal in this notice, they will be considered as comments in the proceedings, and public notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

8. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 19, 1974, and reply comments on or before January 7, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street, N.W., Washington, D.C.

Adopted: November , 1974.

Released: November , 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74–26684 Filed 11–13–74;8:45 am]

[47 CFR Part 73]

[Docket No. 20223]

FM BROADCAST STATIONS

Certain Cities in New York

In the matter of amendment of §73.202(b), Table of Assignments, FM Broadcast Stations. (Southold, Center Moriches, and Westhampton Beach, New York). Docket No. 20223, RM–2205, RM–2239, RM–2350.

1. Notice of Proposed rule making is hereby given of proposed amendment of § 73.202(b) of the Rules, the FM Table of Assignments, with regard to the above-mentioned communities.

2. This proceeding consolidates petitions by three parties, Peconic Bay Broadcasting Corp. (Peconic), East Coast Broadcasting Corp. (East Coast) and MAC Broadcasting Corp. (MAC). Peconic (RM–2205) seeks assignment of Channel 269A to Southold, New York. East Coast (RM–2239) seeks assignment of that channel to Center Moriches, New York. East Coast's petition, which is mutually exclusive with that of Peconic, was filed as a counterproposal in opposition to the Peconic petition. MAC (RM–2350) seeks the assignment of Channel 296A to Westhampton Beach,[1] New York. Although MAC opposes consolidation of its channel 296A proposal with the Channel 269A proposal contending that it would result in delay in the processing of its petition, it is the Commission's view that concurrent consideration of them is called for because the communities involved are near each other and the number of channels available for assignment to this area is limited.

3. Long Island extends from west to east for a length of 116 miles. It is narrow (21 miles at its widest area) and its four counties follow each other in a line, with Kings (Brooklyn) at the western end extending 10 miles; Queens, 9 miles; Nassau, 14 miles; and Suffolk extending the remainder of the land mass for 83 miles. The western end of the island is separated from New Jersey and from mainland New York City by the Upper Bay and the East River, respectively; the eastern end and the southern side of the island are bounded by the Atlantic Ocean; the northern side is separated from Connecticut and a southwesterly tip of New York State by Long Island Sound. At the community of Riverhead located approximately 40 miles east into Suffolk County, the county divides into two forks separated by a number of bays. The North Fork is 28 miles long, extending from Riverhead on the west to Orient Point on the east. Its widest area measures 4.5 miles. The South Fork is 43 miles long, extending from Riverhead on the west to Montauk Point on the east. Its widest area measures 9 miles. Shelter Island, approximately 18 miles east across the bays from Riverhead receives ferries at its northern and southern ends to provide transportation between the forks.

4. Counties in New York State are subdivided into townships (called towns). Six towns are pertinent to the present discussion. From 17 miles east into Suffolk County, Brookhaven Town covers the entire width of Long Island for 14 miles and covers the southern half of Long Island for another 7 miles. Riverhead Town, which fills the northern portion of Long Island above Brookhaven Town is 15 miles long. Its eastern boundary is contiguous with Southold Town which is 22 miles long and covers all of the North Fork east of Riverhead Town. South of Riverhead Town and east of Brookhaven Town, Southampton Town is 22 miles long and extends into the South Fork. East Hampton Town is 23 miles long and from its boundary contiguous with Southampton Town covers the remainder of the South Fork. The sixth pertinent town is Shelter Island.

5. The unincorporated community of Southold (pop. 2,030)[1] for which Peconic seeks an assignment is centrally located in Southold Town (pop. 16,804). Except for its western boundary which is contiguous with Riverhead Town, all of Southold Town is surrounded by water. There are no broadcast stations or channel assignments anywhere on the North Fork. North Fork residents therefore listen to stations located in Connecticut, in the South Fork, or in communities in

[1] All population figures are from the 1970 U.S. Census.

[1] All population figures are from the 1970 U.S. Census.

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Long Island located west of the North and South Forks, such as Riverhead. However, Peconic avers that the needs and interests of North Fork residents differ from those of the residents of the communities where such stations are located. In support of this contention, Peconic contrasts the activity of the community of Southold [2] which, it says, discourages industry and promotes tourism to that of the community of Riverhead which encourages the establishment of new industry. It also states that the physical separation between Southold and communities in Connecticut and the South Fork forecloses the existence of a community of interest between Southold and those communities from which it presently receives aural service. Peconic avers that due to the waste inherent in advertising on stations that are far from the advertiser's location and due to lack of a community of interest, Southold advertisers do not advertise on these stations. Peconic avers that there is no daily newspaper on the North Fork. It cites this paucity of available media for the immediate transmission of items of news and local interest to demonstrate that a broadcast assignment is needed to act as a unifying force on the North Fork and specifically mentions adjoining North Fork communities that would benefit from an FM station located in Southold. Peconic points out that a new Southold FM station could provide 1 mV/m service to virtually the entire North Fork. The population of Southold Town, we are told, swells in the summer with a heavy influx of tourists which greatly increases its year-round population of 16,804. Peconic mentions a local planning study that concludes that the town is only at a seven percent saturation level and has a growth rate of 2.91 percent which it compares to the national growth rate of 0.8 percent.

6. Statements in opposition to Peconic's petition filed by East Coast, licensee of Stations WLNG and WLNG–FM, Sag Harbor, N.Y. (on the South Fork) and Island Broadcasting System (Island), licensee of AM Station WRIV, Riverhead, contend that the North Fork is adequately served. They argue that local service is provided to Southold by 2 AM stations and one FM station located at Riverhead, one AM and one FM station at Sag Harbor, and an FM station at Southampton (located on the South Fork). Island avers that it has an employee assigned to cover Southold and the North Fork. East Coast says that its stations maintain a stringer on the North Fork. They contend that their stations provide adequate local service to Southold.

7. Center Moriches (pop. 3,802), an unincorporated community in Brookhaven Town (pop. 245,260), is near the Atlantic Ocean. It is 26 miles southwest of Southold. East Coast avers that a channel assignment to Center Moriches would allow the adjacent communities of Shirley (pop. 6,280) and Mastic Beach (pop. 4,870) to apply for a license to operate a station on that channel (FCC Rules and Regulations § 73.203(b)).[3] East Coast cites a study which places the growth rate of the town of Brookhaven at 7.1 percent per year. East Coast avers that the population of Center Moriches, Mastic Beach and Shirley increases substantially during the summer months. It states that a maximum Class A facility operating from one of these communities could provide a 1 mV/m signal to 141,500 persons.[4] Peconic argues that of the 141,500 persons that East Coast claims will be served 31,500 live in Riverhead and Southampton towns. Thus, it says, the Center Moriches facility would serve no more than 110,000 persons in Brookhaven Town, or less than 45 percent of the town's total population. Peconic argues that Brookhaven Town receives adequate aural service from two FM stations licensed to Patchogue, each of which places a 1 mV/m signal over the entire town, and two Patchogue AM stations. Patchogue is 12 miles west of Center Moriches and has shores on the Great South Bay. Peconic advances the view that the demographic similarities between Patchogue and Center Moriches, each of which is located on a bay separated from the Atlantic Ocean by the Fire Island National Seashore and on the same state road, would indicate a commonality of interest between these two communities. East Coast has not disagreed. As mentioned above, East Coast, the proponent of an assignment of Channel 269A to Center Moriches, is the licensee of WLNG and WLNG–FM, Sag Harbor, on the South Fork. Sag Harbor is 29 miles east of Center Moriches.

8. Westhampton Beach (pop. 1,926) is an incorporated community in Southampton Town (pop. 36,154) and is located seven miles east of Center Moriches and twenty miles southwest of Southold. Southampton Town extends approximately twenty-seven miles along the Atlantic Ocean. MAC's petition for rule making is unopposed. MAC avers that a good deal of the business in the Westhampton area is related to the tourist trade, but adds that agriculture and commercial fishing make up a substantial portion of the area's commercial enterprise. The nearest commercial radio stations to Westhampton Beach are standard broadcast Stations WHRF and WRIV and FM broadcast Station WRCN, all at Riverhead (7 miles away) and FM broadcast Station WWRJ, licensed to the community of Southampton (22 miles away). MAC's contentions are similar to Peconic's in that MAC avers a lack of a community of interest with these stations' cities of license due to Riverhead's commercial character and Westhampton's separation from Southampton by the Shinnecock and Hampton bays. Peconic, in support of MAC's petition, contends that the MAC proposal, if adopted, has the potential to serve the same general area as does a Channel 269A assignment to Center Moriches as proposed by East Coast. It states that while a Westhampton Beach Channel 296A assignment could not be licensed to Center Moriches it could be licensed to East Moriches, immediately adjacent to Center Moriches, and from this location could provide greater than 1 mV/m signal strength to all of Center Moriches as well as the communities of Mastic Beach and Shirley (FCC rules and regulations § 73.203(b)). A substantial portion of Center Moriches, it avers, would receive a 3.16 mV/m, or better, signal. Peconic argues that the Westhampton Beach proposal, if adopted, has the potential to become the same sort of south shore Long Island FM station as would be a Center Moriches station. It therefore argues that the requirements of section 307(b) of the Communications Act for a fair, efficient and equitable distribution of radio services are better met by an assignment to the North Fork which is now without any broadcast station of any kind and which would be deprived of any future opportunity for such a station than by assignments to both Westhampton Beach and Center Moriches.

9. As can be seen from the foregoing, the three petitions bear striking resemblance to each other. The petitions are all for FM channel assignments to small communities which cater to the tourist trade and thereby greatly expand their populations during the summer months. All of the petitions seek these assignments for low density population areas that are experiencing a high growth rate when compared to the national norm. None of these communities has its own daily newspaper. All receive some FM service, but none has its own FM broadcast assignment.

10. Providing service to unserved or underserved communities are important priorities in making FM channel assignments. Peconic avers that a Southold station would provide 1,303 people (9.5 square miles) with a first FM service, 8,828 people (30 square miles) with a second FM service, and 30,252 people (151 square miles) with a third FM service. On the other hand, it states, the Center Moriches proposal would provide no first or second FM services to anyone and would provide a third FM reception service to only 4,953 people (8.8 square miles). East Coast disputes the foregoing. It states that the Peconic proposal would not provide a first FM service to anyone. Although East Coast does not specifically set out the populations or sizes of the land areas to be served, figure 2 of its "Reply to Opposition," filed October 24, 1973, indicates that the Southold proposal would provide a first FM service to

[2] All following references to Southold refer to the community of Southold unless the Town is indicated.

[3] Although Shirley is the largest of the 3 communities, it appears that East Coast seeks the assignment for Center Moriches because it is the only community of the three that would receive a city grade signal from each of 3 suggested transmitter site locations. Thus one site would provide such service only to Center Moriches, another only to Mastic Beach and Center Moriches and the other to all three communities.

[4] This assumes transmission from a site that would place a city grade signal only over Center Moriches. See note 3.

no area, and a second FM service to a small area. The differences between the Peconic and East Coast showings result from the application of different criteria. East Coast's Figure 2 showing is based upon *Roanoke Rapids* criteria (9 F.C.C. 2d 672 (1967)). Peconic argues [5] that use of the *Roanoke Rapids* method for measuring the service area of WLNG–FM at Sag Harbor would result in unrealistic service assumptions because East Coast, licensee of WLNG–FM at Sag Harbor and petitioner for the proposed assignment to Center Moriches, would, if licensed to operate a Center Moriches station, run afoul of the Commission's multiple ownership rules (FCC rules and regulations § 73.240(a)(1)) by being the licensee of two FM broadcast stations with overlapping 1 mV/m contours. East Coast argues that while it may succeed in obtaining an assignment to Center Moriches it may fail to receive a license to operate on the assigned channel, and that therefore, consideration of a possible multiple ownership infraction is not cognizable at the rule making level. In addition, East Coast avers that should it desire to operate WLNG–FM with maximum facilities, it could do so as the licensee of both WLNG–FM and a Center Moriches station by relocating its WLNG–FM transmitter at a point to the east of its present location.

11. In this connection, it should be noted that the Commission does not normally assign a channel to a community the size of Center Moriches without a representation that a party stands ready to apply for its use and build a station if a channel is assigned. Thus, should no other party come forward in the present proceeding, the only expressed interest in the assignment would be that of East Coast. However, another party may come forward in the comments invited herein. Therefore, in order to build a full record on which to make informed decisions, and because of the importance of the question of first and second service to a decision in this proceeding, supportive information should be submitted based on *Roanoke Rapids* data using both the present transmitter site for WLNG–FM and an assumed site that would remove any duopoly problem concerning common ownership of the Sag Harbor station and a Center Moriches station. In addition, information should be submitted as to the areas and populations which will receive a first and second aural service, including AM nighttime service as well as FM service, using the present and an assumed site for East Coast at Sag Harbor. (*Anamosa and Iowa City, Iowa*, 46 F.C.C. 2d 520 (1974).)

[5] Both Peconic and East Coast have submitted pleadings not contemplated by § 1.415 of the FCC Rules and Regulations. These pleadings deal with site availability and the *Roanoke Rapids* criteria. The Commission has determined that site availability is not seriously in question here. See paragraph 12. However, the pleadings will be accepted as regards the *Roanoke Rapids* criteria to allow the petitioners to direct themselves to appropriate matters raised by this Notice of Proposed Rule Making.

12. East Coast and East Shore Broadcasting Corp. (East Shore) (licensee of standard broadcast Station WHRF and FM broadcast Station WRCN, Riverhead, who filed an opposition to Peconic's petition) aver that a licensee under a Southold assignment would be required to locate its transmitter on Long Island's South Fork. This contention is based upon zoning restrictions applicable to available North Fork sites. East Coast and East Shore posit at this location would prove to be so distant from the broadcast station facilities that repair would be difficult and that in effect such an assignment would merely represent an additional assignment to the South Fork. However, we note that it is not unusual for a transmitter to be located some distance from the community of license, and this is permissible so long as the principal community to be served lies with the 3.16 mV/m contour of the station. Further, neither East Shore nor East Coast has shown that it would be impossible (nor as unlikely as they represent) to locate a transmitter on the North Fork. The diversity of opinion and lack of a definite response that results when zoning is brought into the question generally makes it an inappropriate subject for consideration in a rule making proceeding. Such matters are more appropriately dealt with at the application stage.

13. Island Broadcasting System, licensee of Station WRIV, Riverhead, in an opposition to Peconic's petition for rule making, states that Southold "is an area [and] not an incorporated community." In the instant proceeding this is true of both Southold and Center Moriches. This is not a critical factor. The Commission's mandate provides that the Commission shall make a fair, efficient and equitable distribution of radio services among the "several states and communities" (Communications Act of 1934, as amended, section 307(b)). A community has not been interpreted to mean only an incorporated area. An area is considered a community for assignment purposes where there is a community of interest that would be served by an assignment to that area (*Sierra Pacific Radio Corp.* (11050), 7 F.C.C. 2d 61 (1967); *Yorktown, Virginia*, Notice of Proposed Rule Making, 38 FR 6695, Docket No. 19698 (1973)). It should be noted that the New York State Town Law (61 McKinney 1 to 342 (1932)) confers or imposes upon towns specific duties of local government and administration. The Town Law may, in effect, discourage the establishment of incorporated areas because the town itself furnishes many necessary services to its residents. As such, it is not surprising to find large unincorporated areas within New York's towns. Where such areas contain residents with related interests, it cannot be said that these areas are any less of a community under section 307(b) considerations merely because their residents found that no significant benefits would inure to them if they incorporated. It would appear from the pleadings that Southold qualifies as a community for section 307(b) purposes. However, parties may wish to comment further on the question of "community" status of Southold and Center Moriches.

14. It is the Commission's opinion that the aforementioned proposals merit further exploration in a rule making proceeding. Therefore, pursuant to authority contained in sections 4(i), 303, 307(b), and 5(d)(1) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, the FM Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Southold, N.Y.		269A
Westhampton Beach, N.Y.		296A

or alternatively:

City	Channel No.	
	Present	Proposed
Center Moriches, N.Y.		269A
Westhampton Beach, N.Y.		296A

15. *Showings required.* Comments are invited on the proposals discussed and set forth above. Proponents of proposed assignments are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. Proponents should also restate their present intention to apply for the channels if they are assigned, and, if authorized, to build the stations promptly. Failure to file may lead to denial of the request.

16. *Cut-off procedure.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in this proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

17. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before December 19, 1974, and reply comments on or before January 7, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

18. In accordance with the provisions of § 1.419 of the rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission. These will be available for public inspection during regular business

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hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

Adopted: November 5, 1974.

Released: November 7, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-26683 Filed 11-13-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 141, 260]

[Docket No. RM75-12]

FUTURE FINANCING REQUIREMENTS

Notice of Proposed Rulemaking

NOVEMBER 6, 1974.

Revisions to FPC Annual Report Forms No. 1 and No. 2 to Obtain Future Financing Requirements.

Pursuant to 5 U.S.C. 553, sections 301, 304, and 309 of the Federal Power Act (49 Stat. 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h) and sections 8, 10, and 16 of the Natural Gas Act (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o), the Commission gives notice it proposes to amend for the reporting year 1974:

A. FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18, CFR.

B. FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18, CFR.

The proposed amendment to the Commission's Annual Report Forms No. 1 and No. 2 would add one additional schedule page to each of the aforementioned forms. The schedule page would be numbered and entitled schedule page 120, Forecast of Financing Requirements.

On May 26, 1972, the Commission issued a notice of proposed rulemaking Docket No. R-443 (37 FR 11192, June 3, 1972) on this subject. The rulemaking was terminated by Commission Order dated May 10, 1973 (38 FR 13491, May 22, 1973).

The Commission believes that developments since the termination of Docket No. R-443 make imperative the need for projections of financial requirements and expected sources of capital to meet such needs. Some of the developments affecting the financial viability of electric utilities since the termination of Docket No. R-443, caused mainly by increasing inflation, are a higher cost of money and increased cost of goods and services, particularly fuel. Utilities are also confronted with increased environmental problems and strong customer resistance to higher rate levels. Such developments have caused many utility stocks to be priced below book value, downward changes in bond ratings, and cancellation or cutbacks in construction programs. Thus, these developments have significantly changed the financial outlook for electric utilities.

The Commission also believes that as a result of the tremendous capital requirements of the electric utility and natural gas pipeline industries, and in light of the serious difficulties being experienced by utilities in raising required capital at the present time due to the extreme and unusual conditions prevailing in the nation's capital markets, it is essential that the Commission have available to it a reliable measure of the capital requirements projected by the utilities subject to its jurisdiction. This information is needed in order that the Commission may give proper consideration to regulatory action which may be required to facilitate the acquisition of capital needed by utilities to maintain adequate and reliable service to their customers and to the nation.

A measure of the composite capital requirements of electric utilities is contained in a report issued on September 11, 1974, by the Commission's Office of Accounting and Finance entitled "A Study of the Electric Utility Industry". This report (page 21) states that:

> Assuming a 7 percent to 8 percent growth rate in consumption of electricity, capital expenditures for the electric utility industry during the next 12 years are estimated at $450 billion of which $293 billion (65 percent) must be raised from external sources. • • • These figures are staggering • • •

In a separate report also issued on September 11,[1] the Commission's Office of Economics, in referring to the capital-intensive nature of the electric utility industry and the magnitude of the industry's capital requirements, stated that these characteristics "combined with double digit inflation, increasing costs per unit of output and public opposition create conditions inimical to the continued economic vitality of the nation's largest industry." (page 2). Finally, the Commission's Bureau of Power, in a third report also issued on September 11, 1974,[2] stated that "If, as a result of problems in obtaining money to build new plant, fewer generating units are built, there will be a decline in system reliability given a confirmation of load projections." (page 3).

The pipeline companies are also confronted with a higher cost of money and increases in the cost of goods and services. In addition, the growth rates for domestic natural gas production and sales have been flattening out in recent years and, in 1973, total marketed production and gas utility sales declined—the first decline since the 1930's. In the past six years, we have used twice as much gas as we have found. As a result of the dwindling gas supply, interstate pipelines have made increasingly severe curtailments of firm service. To overcome the shortage of domestic natural gas, pipeline companies have announced plans for investing large sums of money to obtain new natural gas supplies or alternate sources of supplies.

[1] The report is entitled "An Analysis of The Electric Utility Industry's Financial Requirements".

[2] The report is entitled "Effects of Generating Unit Construction Slippage On Adequacy And Reliability of Power Supply".

Accordingly, the Commission proposes to amend its Annual Report Forms No. 1 and No. 2 by adding a new schedule page 120 entitled "Forecast of Financing Requirements" which will provide for the reporting of estimated future financial requirements.

The proposed amendment to FPC Form No. 1 would be issued under the authority granted the Federal Power Commission by the Federal Power Act, particularly sections 301, 304 and 309 (49 Stat. 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h).

The proposed amendment to FPC Form No. 2 would be issued under the authority granted the Federal Power Commission by the Natural Gas Act, as amended, particularly sections 8, 10 and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717i, 717o).

(A) Effective for the reporting year 1974, it is proposed to amend FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new schedule page 120 entitled Forecast of Financing Requirements, as set out in Attachment A hereto.

(B) Effective for the reporting year 1974, it is proposed to amend FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by § 260.1, Chapter I, Title 18 of the Code of Federal Regulations, by adding a new schedule page 120 entitled Forecast of Financing Requirements, as set out in Attachment A hereto.

(C) Amend subparagraph (d) of § 141.1 in Part 141, Subchapter D of Chapter I, Title 18 of the Code of Federal Regulations as follows:

(1) Add a new schedule titled "Forecast of Financing Requirements" immediately following schedule "Statement of Changes in Financial Position—Statement E", so that it will read:

§ 141.1 Form No. 1, Annual report for electric utilities, licensees and others (Class A and Class B).

• • • • • •

(d) This annual report contains the following schedules:

• • • • • •

Forecast of Financing Requirements.

• • • • • •

(D) Amend subparagraph (c) of § 260.1 in Part 260, Subchapter G of Chapter I, Title 18 of the Code of Federal Regulations as follows:

(1) Add a new schedule titled "Forecast of Financing Requirements" immediately following schedule "Statement of Changes in Financial Position—Statement E", so that it will read:

§ 260.1 Form No. 2, Annual report for natural gas companies (Class A and Class B).

• • • • • •

(c) This annual report contains the following schedules:

• • • • •

Forecast of Financing Requirements

• • • • • •

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 23, 1974, data, views, comments or suggestions in writing concerning the amendments to the annual report forms proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The Staff, in its discretion, may grant or deny requests for conference.

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

FPC Form No. 1 and No. 2

FORECAST OF FINANCING REQUIREMENTS

(This forecast represents the company's best estimates at the time the estimates were made (____, 19__) and is based on current trends. However, it is not a definite financing plan and is subject to revisions due to changing customers' demands, economic conditions, security market forces, and other factors not under the control of the utility management.)

1. Report in millions of dollars.
2. If forecasts of capital requirements for the plant include allowance for funds used during construction, show amounts (by years) in footnotes.
3. Show inflation factor assumed (if any) for construction requirements, by years on line 39.

Line No.	ITEM (a)	ACTUAL CURRENT YEAR 19__ (b)	FIVE 19__ (a)	19__ (d)
1	CAPITAL REQUIREMENTS			
2	Construction or Acquisition of Plant:			
3	Electric Plant:			
4	Production.....	$		
5	Transmission..			
6	Distribution.....			
7	Intangible and General			
8	Total Electric Plant..	$		
9	Natural Gas Plant:			
10	Production.	$		
11	Natural Gas storage..			
12	Transmission..			
13	Distribution			
14	Intangible and General.			
15	Total Natural Gas Plant..	$		
16	Synthetic Natural Gas Plant	$		
17	Liquified Natural Gas Plant.			
18	Coal Gasification Plant			
19	Nuclear Fuel..			
20	Other Utility			
21	For Subsidiaries (See instruction 5)			
22	Bond Maturities			
23	Sinking Fund			
24	Other Capital Requirements.			
25	Total Capital Requirements	$		
26	Environmental plant included in line 8..	$		
27	Environmental plant included in line 15.	$		
28	Environmental plant included in line 16 thru 21	$		
29	CAPITAL SOURCES			
30	Internal Sources.	$		
31	Outside Financing (Tentative):			
32	Debt .	$		
33	Preferred Stock.			
34	Common Stock. .			
35	Other			
36	Total Outside Financing	$		
37	Total Source of Capital	$		
38	Cost of Leased Property			
39	Average Inflation Factor	X X X X X		

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FPC Form No. 1 and No. 2

FORECAST OF FINANCING REQUIREMENTS (Continued)

4. Attach any notes regarding assumptions made in preparing forecasts or any comments deemed necessary to any understanding of the forecast, including any significant variation from forecasts contained in other reports such as FPC Form 12 and reports prepared pursuant to Order 383-2, issued 4/18/74.

NOTE: In reporting Synthetic, Liquified and Coal Gasification Plant include capital requirements for plants to be owned by subsidiaries and disclose in a footnote these capital requirements (owned by subsidiaries.) Do not include these amounts again under "For Subsidiaries."

YEAR ESTIMATES 19 (e)	19 (f)	19 (g)	NOTES (h)	Line No.
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[FR Doc.74-26516 Filed 11-13-74;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 3]

VETERANS BENEFITS

Termination of Incompetency

The Administrator of Veterans' Affairs proposes a regulatory change to delete an obsolete provision in § 3.353(b) of Title 38, Code of Federal Regulations.

Currently § 3.353 authorizes rating agencies to make determinations of incompetency and competency. This authorization includes determinations for the purpose of direct payments to beneficiaries subject to the qualification "unless the claimant is under legal disability". Prior to enactment of Pub. L. 93-295 (88 Stat. 180) direct payment could not be authorized to a beneficiary under legal disability. Pub. L. 93-295 amended section 3202 of Title 38, United States Code to permit direct payment to a beneficiary under legal disability or to a relative or other person for the beneficiary's use when it is determined to be in the best interest of the beneficiary. Section 3.850 of Title 38, Code of Federal Regulations, was amended to incorporate these provisions of Pub. L. 93-295. Therefore, the qualifying language in § 3.353 is no longer applicable and it is proposed to delete it as indicated below.

In addition minor editorial changes have been made to §§ 3.352 and 3.353 (a) and (d) to reflect agency policy of using precise terms denoting gender.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (27A1), Veterans Administration, 810 Vermont Avenue, NW., Washington, DC 20420. All relevant material received before December 16, 1974, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays), during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

The proposed amendment to § 3.353 (b) would be effective July 1, 1974, the effective date of the enabling provisions in Pub. L. 93-295.

1. Section 3.352 is revised to read as follows:

§ 3.352 Determination of permanent need for regular aid and attendance and "permanetly bedridden".

(a) *Basic criteria.* The following will be accorded consideration in determining the need for regular aid and attendance: inability of claimant to dress or undress himself (herself), or to keep himself (herself) ordinarily clean and presentable; frequent need of adjustment of any special prosthetic or orthopedic appliances which by reason of the particular disability cannot be done without aid (this will not include the adjustment of appliances which normal persons would be unable to adjust without aid, such as supports, belts, lacing at the back, etc.); inability of claimant to feed himself (herself) through loss of coordination of upper extremities or through extreme weakness; inability to attend to the wants of nature; or incapacity, physical or mental, which requires care or assistance on a regular basis to protect the claimant from hazards or dangers incident to his or her daily environment. "Total blindness" as well as "bedridden," will be a proper basis for the determination. For the purpose of this section "bedridden" will be that condition which, through its essential character, actually requires that the claimant remain in bed. The fact that claimant has voluntarily taken to bed or that a physician has prescribed rest in bed for the greater or lesser part of the day to promote convalescence or cure will not suffice. It is not required that all of the disabling conditions enumerated in this paragraph be found to exist before a favorable rating may be made. The particular personal functions which the veteran is unable to perform should be considered in connection with his or her condition as a whole. It is only necessary that the evidence establish that the veteran is so helpless as to need regular aid and attendance, not that there be a constant need. Determinations that the veteran is so helpless, solely by reason of service-connected compensable disease or injuries (38 U.S.C. 310 and 331) or without regard to service connection (38 U.S.C. 511 and 512) as to be in need of regular aid and attendance will not be based solely upon an opinion that the claimant's condition is such as would require him or her to be in bed. They must be based on the actual requirement of personal assistance from others. If the claimant is able to be out of bed and can walk around entirely unassisted by others, he or she cannot generally be regarded as meeting the requirements of the law and VA regulations; however, the other enumerated types of personal assistance must be considered.

(b) *Hospitalization at veteran's expense.* Where a beneficiary is hospitalized at his or her own expense in a private institution, the same criteria will be necessary in determining the need for regular aid and attendance as would be required were he or she at home, and the hospitalization will not be considered as a fact indicating the existence of the need.

(c) *Attendance by relative.* The performance of the necessary nursing or attendant's service by a relative of the beneficiary or other member of his or her household will not prevent the granting of the additional allowance.

2. In § 3.353, paragraphs (a), (b) and (d) are revised to read as follows:

§ 3.353 Determinations of incompetency and competency.

(a) *Definition of mental incompetency.* A mentally incompentent person is one who because of injury or disease lacks the mental capacity to contract or to manage his or her own affairs, including disbursement of funds without limitation.

(b) *Authority.* Rating agencies are authorized to make official determinations of competency and incompetency for the purpose of existing laws, VA regulations and VA instructions. Such determinations will be controlling for purposes of insurance (38 U.S.C. 722), the discontinuance and payment of amounts withheld because of an estate in excess of $1,500 (§ 3.557(b)), and, subject to § 13.56 of this chapter, direct payment of current benefits. Where the Veteran is rated incompetent the Veterans Services Officer of jurisdiction will be informed of the possible necessity for the appointment or recognition of a fiduciary. The Veterans Services Officer will develop information as to the veteran's social, economic and industrial adjustment. If the Veterans Services Officer upon review of this evidence concurs in the rating of incompetency he or she will proceed to effect the appointment of a fiduciary, or if the veteran is married, to recommend release of payments to the veteran's wife or husband as provided in § 13.57 of this chapter (38 U.S.C. 3202(f)), or recommend payment in accordance with § 13.56 of this chapter. The recommendation will be effectuated. If the Veterans Services Officer is of the opinion that the veteran is capable of administering the funds payable without limitation, the evidence on which that opinion is based will be referred to the rating agency with a statement as to his or her conclusion. The rating agency will consider this evidence together with all other evidence of record in determining whether its prior decision should be revised or continued. Reexamination may be requested as provided in § 3.327(d) if necessary to properly evaluate the extent of disability.

. . . . . .

(d) *Presumption in favor of competency.* Where there is doubt as to whether the veteran is capable of administering his or her funds such doubt will be resolved in favor of competency.

Approved: November 8, 1974.

[SEAL] R. L. ROUDEBUSH, *Administrator.*

[FR Doc.74-26704 Filed 11-13-74;8:45 am]

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Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE—TECHNOLOGY SUB-PANEL

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Technology Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee will hold a closed meeting on December 2 and 3, 1974, at the Pentagon, Washington, D.C. The sessions will commence at 9 a.m. and terminate at 5:30 p.m.

The agenda will consist of matters which are classified in the interest of national security, including intelligence systems and applications, weapons and ship design, and long-range Navy plans and policy. The Secretary of the Navy has determined in writing that the meeting of the Technology Sub-Panel of the Chief of Naval Operations Executive Panel Advisory Committee should be closed to the public because it will be concerned with matters listed in section 552(b) of title 5, United States Code.

Dated: November 7, 1974.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.74-26635 Filed 11-13-74;8:45 am]

SECRETARY OF THE NAVY'S ADVISORY BOARD ON EDUCATION AND TRAINING (SABET)

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is given that the Secretary of the Navy's Advisory Board on Education and Training (SABET) will meet on December 9, 10, and 11, 1974, at the Marine Corps Development and Education Command, Quantico, Virginia. It will convene at various schools on December 9 and at the Instructor Training School on December 10 and 11. The sessions on December 9 and 10 will commence at 9 a.m. and terminate at 4:30 p.m. The session on December 11 will commence at 8:30 a.m. and terminate at 12 noon.

The agenda will consist of visits to selected Marine Corps schools for indoctrination and familiarization with Marine Corps training; presentations on education and training in the Marine Corps in order to increase the Board's understanding of Marine training and education through a broad overview; and discussion of observations and policy matters presented.

Dated: 7 November 1974.

H. R. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

[FR Doc.74-26634 Filed 11-13-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BAKERSFIELD DISTRICT ADVISORY BOARD

Notice of Meeting

NOVEMBER 6, 1974.

Notice is hereby given that the Bakersfield, California, District Advisory Board will hold a meeting on December 19, 1974, beginning at 9 a.m., P.s.t., in Room 224, Federal Building, 800 Truxtun Avenue, Bakersfield, California. The purpose of this meeting will be to hear protests of the adverse recommendations pertaining to the 1975–76 grazing applications, make recommendations regarding transfer of grazing privileges, take action on late applications, discuss the status of Grazing Advisory Boards.

This meeting will be open to the public. Those wishing to appear or file a written statement must inform the chairman in writing prior to the meeting. Written statements and requests to appear before the board should be submitted to the Advisory Board Chairman, c/o Louis A. Boll, District Manager, Bureau of Land Management, Federal Building, Room 311, 800 Truxtun Avenue, Bakersfield, California 93301.

LOUIS A. BOLL,
Bakersfield District Manager.

[FR Doc.74-26686 Filed 11-13-74;8:45 am]

[CA 1729]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

NOVEMBER 8, 1974.

The Bureau of Reclamation, U.S. Department of the Interior has filed application CA 1729 for the withdrawal of 22.50 acres of National Forest lands described herein, from all forms of entry or disposition under the public land laws, including the mining laws (30 U.S.C. Ch 2) but not from leasing under the mineral leasing laws, subject to valid existing rights, for reclamation purposes.

The lands are located within the El Dorado National Forest and have been open to entry under the general mining laws, subject to valid existing rights. The lands are required for the location of a reservoir and related facilities to be built as a part of the federally constructed El Dorado Irrigation District distribution system. The reservoir will be used as a pressure reducing pond and sedimentation basin.

On or before December 18, 1974, all persons who wish to submit comments, suggestions or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent each interested party.

The lands involved in the application are as follows:

MOUNT DIABLO MERIDIAN

T. 10 N., R. 12 E.
Sec. 13, SW¼NE¼SE¼SE¼, S½NW¼SE¼SE¼, SW¼SE¼SE¼, W½SE¼SE¼SE¼.

The area described aggregates 22.50 acres.

WALTER F. HOLMES,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-26685 Filed 11-13-74;8:45 am]

[NM 23342]

NEW MEXICO

Application

NOVEMBER 5, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 30 E.,
Sec. 35, N½S½.

This pipeline will convey natural gas across .851 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-26638 Filed 11-13-74;8:45 am]

[NM 23620]

NEW MEXICO

Application

NOVEMBER 4, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 6W.,
Sec. 16, NE¼SW¼.

This pipeline will convey natural gas across .054 mile of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-26636 Filed 11-13-74;8:45 am]

[NM 23430, 23431, 23432, 23433, 23435]

NEW MEXICO

Applications

NOVEMBER 5, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for five 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 N., R. 7 W.,
Sec. 8, SW¼NW¼, N½SW¼, SE¼SW¼.
T. 28 N., R. 7 W.,
Sec. 10, Lots 3, 4, SW¼SW¼;
Sec. 15, NW¼NE¼, NW¼SE¼;
Sec. 17, W½SW¼;
Sec. 29, SE¼SW¼.

These pipelines will convey natural gas across .854 mile of national resource lands in Rio Arriba County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-26637 Filed 11-13-74;8:45 am]

[Wyoming 48325]

WYOMING

Application

NOVEMBER 8, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 17, lot 5.

The pipeline will convey natural gas across 0.067 miles of national resource lands.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

GLENNA M. LANE,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.74-26643 Filed 11-13-74;8:45 am]

National Park Service

GOLDEN GATE NATIONAL RECREATION AREA CITIZENS' ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Golden Gate National Recreation Area Citizens' Advisory Commission will be held at 9 a.m. on December 7, 1974 at the St. Francis Yacht Club, located on the San Francisco Marina, San Francisco, California.

The purpose of the Golden Gate National Recreation Area Citizens' Advisory Commission is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the National Park system in Marin and San Francisco counties.

Members of the Advisory Commission are as follows:

Mr. Frank Boerger, Chairman
Mr. Ernest C. Ayala
Mr. Richard Bartke
Mr. Fred Blumberg
Mr. Joseph Caverly
Mr. Lambert Lee Choy
Mrs. Daphne Greene
Mr. Peter Haas, Sr.
Mr. Joseph Mendoza
Mrs. Amy Meyer
Mr. John M. Mitchell
Mr. Merritt Robinson
Mr. William Thomas
Mr. Gene Washington
Dr. Edgar Wayburn

The major items on the agenda will be election of officers for 1975, a briefing by the U.S. Coast Guard, and a briefing by the GGNRA planning staff on the GGNRA public hearing process.

This meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements may contact William J. Whalen, General Superintendent, Golden Gate/Point Reyes, Fort Mason, San Francisco, California 94123, telephone 415–556–2920.

Minutes of the meeting will be available for public inspection by December 20, 1974 in the Office of the General Superintendent, Golden Gate National Recreation Area, Fort Mason, San Francisco.

Dated: November 4, 1974.

JERRY L. SCHOBER,
Acting General Superintendent.

[FR Doc. 74-26678 Filed 11-13-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-152]

INDIAN CREEK MINING CORP.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c) (1970), Indian Creek Mining Corp. has filed an amended petition* to modify the application of 30 CFR 75.1405 to its Fort Grand No. 1 Mine, Morgantown, West Virginia.

30 CFR 75.1405 provides:

All haulage equipment acquired by an operator of a coal mine on or after March 30, 1971, shall be equipped with automatic couplers which couple by impact and uncouple without the necessity of persons going between the ends of such equipment. All

*The original petition bearing docket number M 74-152 was published in 39 FR 26302.

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haulage equipment without automatic couplers in use in a mine on March 30, 1970, shall also be so equipped within 4 years after March 30, 1970.

Petitioner amends its original petition for modification of 30 CFR 75.1405 as follows:

1. During an investigation by MESA personnel, mine officials have decided that the mine cars can be modified with a lever located across the end of each car which would allow the coupling pin to be raised and lowered from the side of the car.

As a result of MESA's investigation and the conclusion reached, Petitioner hereby amends its original application and proposes an alternative method for coupling and uncoupling mine cars. The alternate method will at all times guarantee the miners the same measure of protection as would be provided by the automatic coupler. The alternative method is as follows:

(a) Each mine car will be provided with a lever system mounted on the non-dumping end of the car. The lever will extend towards the side of the car and be of sufficient length to allow the miner to uncouple without placing himself between the cars. By pushing down on the lever, the pin will raise from the car bumper and disengage the link which couples one car to another. The lever will be operated from the clearance side of the car.

Because Petitioner's dumping procedure requires the dumper to uncouple the cars from the wire side, there will be a pull rod-cable connection tied in with the lever system to allow him to remain clear of the car during the coupling procedure.

(b) Coupling hooks will be issued to workers who couple mine cars. The hooks will be used to align the links between the two cars to be coupled. The hooks will be of sufficient length to permit the coupling procedure to be performed without the worker having to place himself or his hands between the cars that are to be coupled.

(c) All employees whose duties involve coupling and uncoupling of mine cars will be instructed in the proper operation of the uncoupling lever and the use of the coupling hook to align the links. Proper use of these devices will be mandatory procedure for coupling and uncoupling of all mine cars.

(d) Supervisory personnel will observe transportation crews to assure that haulage practices comply with company policy, as well as with federal and state requirements.

2. MESA officials have completed their evaluation of the lever system. The system has been installed on five cars for trial use, and coupling hooks have been provided to men who couple cars. The haulage personnel have been instructed in the proper use of the installed devices.

3. Petitioner believes that this alternative method will guarantee to the miners no less than the same measure of protection than would be provided by automatic couplers. Because of peculiar characteristics of this mine, certain hazards will be eliminated if the automatic couplers are not required.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 16, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

Dated: November 7, 1974.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

[FR Doc.74-26644 Filed 11-13-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number AO86]

STEELE COUNTY, NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in North Dakota:

Steele

The Secretary has found that this need exists as a result of a natural disaster consisting of a hailstorm driven by high winds on August 1, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3 (b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 30, 1974, for physical losses and August 1, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 6th day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-26673 Filed 11-13-74;8:45 am]

Forest Service

MODOC NATIONAL FOREST GRAZING ADVISORY BOARD

Meeting

The Modoc National Forest Grazing Advisory Board will meet at 10 a.m., December 3, 1974 in the Forest Supervisors Office, 441 N. Main, Alturas, California.

This special meeting will be held to discuss the Triangle Ranch Land Exchange.

The meeting will be open to the public. Persons who wish to attend should notify Kenneth C. Scoggin, Box 611, Alturas, California 96101, Telephone 916-233-3521. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at meeting after the special board meeting is completed.

Dated: November 5, 1974.

KENNETH C. SCOGGIN,
Forest Supervisor.

[FR Doc.74-26639 Filed 11-13-74;8:45 am]

SILVER BASIN WINTER SPORTS DEVELOPMENT

Availability of Final Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the Silver Basin Winter Sports Development, Eldorado National Forest, USDA-FS-R5-FES (Adm)74-2.

The environmental statement concerns the proposed expansion of a ski area in the Corral Flat area of the Eldorado National Forest, in Amador and El Dorado Counties, California. Facilities constructed to date include two chair lifts, day lodge, motel, first aid building, maintenance building, parking lot and access road. Existing capacity is about 550 skiers. The proposed ultimate development will include an additional four ski lifts and facilities and services to support a total of 2,700 skiers. Approximately 1,040 acres of National Forest land and 90 acres of private land are included within the project boundary.

This final environmental statement was transmitted to CEQ on November 5, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agricultural Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Eldorado National Forest
100 Forni Road
Placerville, CA 95667

USDA, Forest Service
California Region
630 Sansome St., Rm. 531
San Francisco, CA 94111

Amador Ranger District
P.O. Box 1327
Jackson, CA 95642

A limited number of single copies are available upon request to Joseph H. Harn, Forest Supervisor, Eldorado National Forest, 100 Forni Road, Placerville, CA 95667.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: November 5, 1974.

T. W. KOSKELLA,
Deputy Regional Forester.

[FR Doc.74-26640 Filed 11-13-74;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with section 102(2)(c) of the National Environmental Policy Act of 1969 in connection with an anticipated loan guarantee for Arizona Electric Power Cooperative, Inc., P.O. Box 670, Benson, Arizona 85602.

The anticipated loan will provide for the construction of two 175 MW coal-fired generating units and associated facilities to be located at AEPCO's existing Apache Plant in Cochise County.

Interested persons are invited to submit comments which may be helpful in preparing the draft EIS.

Comments should be forwarded to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 8th day of November, 1974.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.74-26710 Filed 11-13-74;8:45 am]

TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application for financing from Tri-State Generation and Transmission Association, Inc., 10520 Melody Drive, Northglenn, Colorado, (Mailing Address: P.O. Box 29198, Denver, Colorado 80229). The statement covers a proposed generating station near Wray, Colorado, consisting of three 67 MW combustion turbine powered generating units, a later fourth combustion powered generating unit and appurtenant fuel storage facilities and transformation facilities.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW., Washington, D.C., Room 4310, or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Due to the urgent needs for power in the area involved and the fact that the nature of the installation should lend itself to a rapid review, it is requested that comments be received by REA on or before December 16, 1974, be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 8th day of November, 1974.

DAVID H. ASKEGAARD,
Acting Administrator, Rural Electrification Administration.

[FR Doc.74-26711 Filed 11-13-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

BATTELLE MEMORIAL INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 75-00066-75-44500. Applicant: Battelle Memorial Institute, Columbus Laboratories, 505 King Avenue, Columbus, Ohio 43201. Article: Leitz 056 Research Micro-Metallograph System. Manufacturer: Ernst Leitz, West Germany. Intended use of article: The article is intended to be used for the study of sections of irradiated and radioactive nuclear reactor fuels and other components such as claddings, pressure vessels, control rods, piping, and fission monitors. In general, the experiments conducted on the article consist of examination of radioactive materials (generally reactor materials) after irradiation to determine any changes that have occurred as a result of irradiation or reactor operation. Typical experiments will include studies of changes in pore morphology in reactor fuels, and studies of corrosion phenomena of cladding and component materials.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability described above is peractive materials. The National Bureau of Standards (NBS) advised in its memorandum dated October 18, 1974 that (1) the capability described above is pertinent to the applicant's use in the study of nuclear reactor fuels, fuel elements, and other reactor components which are radioactive, (2) domestic metallographs are available, but are not suitable because they lack adequate shielding and use optics that are subject to radiation damage and (3) modification of available domestic instruments to satisfy the applicant's needs would constitute a development effort. Finally, NBS advised that it knows of no available domestic metallograph of equivalent scientific value to the foreign article for the applicant's intended purposes.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-26671 Filed 11-13-74;8:45 am]

CHILDREN'S CANCER RESEARCH FOUNDATION, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 4, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

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A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00159–33–90000. Applicant: Children's Cancer Research Foundation, Inc., 35 Binney Street, Boston, Mass. 02115. Article: EMI Scanner System with Magnetic Tape Machine and High Definition Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for investigation of central nervous system problems and for the assessment of absorption differences in various types of intracerebral tissues and fluids. The article will also be used to train medical students, interns and residents in the most up-to-date techniques for evaluating intracerebral abnormalities. Application received by Commissioner of Customs: October 15, 1974.

Docket number: 75–00160–33–46500. Applicant: The University of Michigan, School of Dentistry, Ann Arbor, Michigan 48104. Article: Ultramicrotome, Model Om U2. Manufacturer: C. Reichert Optische Werke AG, Austria. Intended use of article: The article is intended to be used to prepare serial sections of tissues which have been taken from various animals and humans suffering from oral diseases (periodontal and gingival regression).

The article will also be used to teach both undergraduate dental students and graduate dental students in both didactic academic courses as well as clinical patient/dentist relationships.

Application received by Commissioner of Customs: October 18, 1974.

Docket number: 75–00161–33–46040. Applicant: Harvard Medical School, Berman-Gund Laboratory, Massachusetts Eye and Ear Infirmary, 243 Charles Street, Boston, Mass. 02114. Article: Electron Microscope, Model JEM 100C. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of mammalian retinal tissues derived from experimental animals, human donors and biopsy which exhibit normal and pathogenic structure. Material will also be obtained from mammalian cell cultures and purified extracts of cells. The experiments to be conducted include: (1) The study of localization and distribution of enzymes in retinal cell membranes, (2) experiments to elucidate the supramolecular architecture of biological membrane systems, and (3) studies of the physiologic and pathologic changes in retinal cell ultrastructure under experimentally induced and hereditary degeneration. Application received by Commissioner of Customs: October 18, 1974.

Docket number: 75–00162–33–90000. Applicant: Henry Ford Hospital, 2799 West Grand Blvd., Detroit, Michigan 48202. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in the following investigations:

(1) The differential radiodensity of a portion of the brain affected by a stroke and a similar portion affected by a brain tumor in different individuals.

(2) Investigation of low pressure hydrocephalus.

(3) Investigation of epileptic patients to try and better define the focus of excitation.

(4) Definition of the area of brain damage from a stroke by distinguishing the actual area of damage from the much wider area of surrounding edema.

(5) Evaluation of various treatments for malignant brain tumors.

(6) Diagnosis of immediate life threatening conditions such as subdural and epidural hematomas.

Application received by Commissioner of Customs: October 18, 1974.

Docket number: 75–00163–33–90000. Applicant: The Methodist Hospital, 6516 Bertner Drive, Houston, Texas 77025. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in studies of tumors of the brain in patients. In particular, the subtle absorption between normal and abnormal brain tissue will be examined and charted. Patients with a wide variety of suspected central nervous system disease will be evaluated on this article. The diagnosis will be correlated with current available techniques to understand the best diagnostic approach to patients. In addition, the article will be used for training residents in radiology, neuroradiology, neurosurgery; neuroradiology fellows in nuclear medicine, neuroradiology and radiation physics clinicians and research scientists through evaluation of patients with neuroradiological diseases.

Application received by Commissioner of Customs: October 23, 1974.

Docket number: 75–00164–33–46040. Applicant: Brown University, Division of Biological & Medical Sciences—Cell Biology, 68 Brown Street, Providence, Rhode Island 02912. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a wide variety of studies ranging from the three dimensional structure of immumoglobulins to the crystalloid inclusions of reproductive cells. Specific studies will include the following:

(1) The cytochemical localization of $Na^+ - K^+$ activated adenosine triphosphatase activity in the plasma membranes of transport epithelia.

(2) The morphogenesis and substructure of melanin granules in normal melanocytes and in melanomas of the skin.

(3) The sizing, distribution, and chemical characterization of surface coats on the plasma membranes of salt secreting cells under different physiological conditions.

(4) The macromolecular assembly of tubulin protein in the formation of microtubules in yeast.

(5) The localization of specific enzymes and proteins in the subcellular compartments of hepatoma cells.

(6) Cytoplasmic and membrane morphology during cell division in algae.

(7) Morphogenesis and fate of crystalloids during cogenesis in Amphibia.

The article will also be used in training undergraduates, graduate students, post-doctoral fellows, research associates, and hospital residents, through its use in their various research programs. In addition, the article will be used in demonstrating special techniques for the course of instruction in electron microscopy, Biomed 216 "Ultrastructure."

Application received by Commissioner of Customs: October 23, 1974.

Docket number: 75–00165–33–46070. Applicant: Yale University, Purchasing Department, 20 Ashmun Street, New Haven, Conn. 06520. Article: Scanning Electron Microscope, Model JFSM–30. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of cells and subcellular components, primarily membranes, obtained from normal and diseased tissue specimens collected from humans or experimental animals. The experiments to be conducted involve structural analysis of membrane surfaces and the identification of components present on these surfaces in normal and diseased cell and tissue specimens. The article will also be used in part in advanced training at the postdoctoral fellow and research associate level. Application received by Commissioner of Customs: October 23, 1974.

Docket number: 75–00166–33–90000. Applicant: Montefiore Hospital Association of Western Pennsylvania, 3459 Fifth Avenue, Pittsburgh, Pa. 15213. Article: EMI Scanner System, Magnetic Tape System and High Density Display Unit. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article is intended to be used in research to evaluate the effectiveness of computerized transaxial tomography in the diagnosis of neurological disease. The article will also be used to teach the application, interpretation, and analysis of computerized transaxial tomography to technical personnel and radiologists in the University Health Center of Pittsburgh. Application received by Commissioner of Customs: October 23, 1974.

Docket number: 75–00167–33–46040. Applicant: State of Florida Department of Citrus, 1115 E. Memorial Blvd., P.O. Box 148, Lakeland, Florida 33802. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to study the ultrastructure of citrus, particularly organelles such as mitochondria and chloroplasts, and tissues suspected of being infected with virus or virus-like agents. Application received by Commissioner of Customs: October 23, 1974.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–26670 Filed 11–13–74;8:45 am]

UNIVERSITY OF CALIFORNIA-LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00085–75–27000. Applicant: University of California, Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, New Mexico 87544. Article: Imacon Camera System. Manufacturer: John Hadlund Ltd., United Kingdom. Intended use of article: The article is intended to be used to photograph the motion of the high-temperature plasma column in the Scyllac thetapinch device, a large controlled fusion research device which is part of the U.S. program to produce energy for peaceful purposes through controlled nuclear fusion. Specific experiments to be conducted include: a. Studies of the phenomena involved in the plasma heating processes (shock heating and adiabatic compression heating). b. Studies of the plasma equilibrium and stability in the magnetic confining fields. c. Determination of the detailed plasma properties such as temperature, density, and confinement time. d. Study of the nuclear fusion reactions which occur in the hot plasma.

The basic objective pursued in these experiments is the production of a stable high-temperature plasma which can be confined by magnetic fields for times sufficiently long so that enough nuclear fusion reactions can occur to produce a net energy gain.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides the capability of operation at framing rates of at least 10^4 per second and at up to 20 frames per run. The most closely comparable domestic instrument, the Model ID3–5–20, manufactured by Quantrad Corporation provides the capability for either 3 or 5 frames per run at a rate of at least 10^4 frames per second. The National Bureau of Standards (NBS) advised in its memorandum dated October 25, 1974 that the capability of article to provide 6 to 20 frames per run at a rate of 10^6 frames per second is pertinent to the applicant's intended purposes. NBS also advised that it knows of no available domestic image converter camera of equivalent scientific value to the foreign article for the applicant's intended use.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–26672 Filed 11–13–74;8:45 am]

Maritime Administration

[Docket No. S–432]

PACIFIC FAR EAST LINE, INC.

Application for Approval of Certain Cruises

Notice is hereby given that Pacific Far East Line, Inc. has applied for approval, pursuant to section 613 of the Merchant Marine Act, 1936, as amended, of the following cruises for the carriage of passengers and cargo not in direct competition with other United States-flag operators:

Ship	Approximate cruise dates 1975	Itinerary
SS Mariposa	Feb. 16–Mar. 6	San Francisco, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, Los Angeles, San Francisco.
	Apr. 27–May 15, May 16–June 3, June 4–June 22, June 23–July 11, July 12–July 30, July 31–Aug. 18, Aug. 19–Sept. 6.	(Each cruise) San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco.
	Sept. 7–Oct. 11	San Francisco, Los Angeles, San Diego, Acapulco, Mazatlan, Panama Canal, San Juan, St. Croix, La Guaira, Cartagena, Willemstad (Curacao), Fort-de-France (Martinique), Port-of-Spain (Trinidad), Bridgeton (Barbados), Montego, Paarden Baai (Aruba), Panama Canal, Los Angeles, San Francisco.
	Oct. 12–Oct. 30	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco.
	1976	
	Dec. 14–Jan. 1	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco.
SS Monterey	Jan. 16–Feb. 3	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco.
	Mar. 21–Apr. 8	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco.
	Apr. 15–June 21	San Francisco, Los Angeles, San Diego, Balboa, Cristobal, Curacao, Santa Cruz do la Palma, Tanger, Palermo, Iraklion, Al Iskandariyah (Alexandria, Egypt), Bayrut, Rodhos, Piraeus, Kerkura (Corfu), Dubrovnik, Napoli, Villefranche, Barcelona, Palma (Majorca), Gibraltar, Lisboa, Funchal, San Juan, Cristobal Balboa, Los Angeles, San Francisco.
	June 22–July 5, July 6–July 19, July 20–Aug. 1, Aug. 2–Aug. 15, Aug. 16–Aug. 28, Aug. 29–Sept. 11.	(Each cruise), San Francisco, Los Angeles, Vancouver, Juneau, Glacier Bay, Haines, Sitka, Victoria, San Francisco.
	Sept. 12–Sept. 30	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco.
	Nov. 20–Dec. 8	San Francisco, Los Angeles, Honolulu, Hilo, Lahaina, Nawiliwili, Honolulu, San Francisco.

Any person, firm or corporation having any interest in the foregoing, within the meaning of section 613 of the Merchant Marine Act, 1936, as amended, who desires to offer data, views, or arguments should submit the same in writing, in triplicate, to the Secretary, Maritime Subsidy Board, Washington, D.C. 20230, by the close of business on November 29, 1974.

In the event an opportunity to present oral argument is also desired, specific reason for such request should be included. The Maritime Subsidy Board will consider these comments and views and take such action with respect thereto as in its discretion it deems warranted.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By Order of the Maritime Subsidy Board.

Dated: November 11, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–26718 Filed 11–13–74;8:45 am]

V 39 I 221 NOV 14 74 XUM

National Oceanic and Atmospheric Administration

MARINE MAMMALS TAKEN IN COMMERCIAL FISHING OPERATIONS

Change in Hearing Date, Time, and Location

The National Marine Fisheries Service announced on October 18, 1974 (39 FR 37230), that an informal public hearing would be held on November 21, 1974, commencing at 9 a.m. in the National Marine Fisheries Service Penthouse Conference Room, Page Building 1, 2001 Wisconsin Avenue NW., Washington, D.C., to obtain the comments and views of interested parties with respect to possible amendments to existing regulations established pursuant to the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) governing yellowfin tuna purse-seine fishing.

Notice is hereby given that the date, time, and place of that hearing have been changed. The hearing will be held in the Civil Service Commission Auditorium, 1900 E Street NW., Washington, D.C., commencing at 9:30 a.m., on December 10, 1974. Written comments will be accepted for the official record provided they are received by the Director, National Marine Fisheries Service, Washington, D.C. 20235, no later than December 27, 1974. Notice is also hereby given that the hearing procedures established by publication in the FEDERAL REGISTER on November 6, 1974 (39 FR 39302), for the November 21, 1974 hearing, shall govern the hearing commencing on December 10, 1974. The date has been changed because the non-National Marine Fisheries Service scientific review team will not complete its review and report on the National Marine Fisheries Service draft porpoise-tuna report until approximately December 9, 1974. The new hearing date will allow the public to view this review report at the hearing and to obtain copies thereof immediately thereafter. In order to provide a more complete hearing record, it is the desire of the National Marine Fisheries Service to ensure that all of the review team reports are available to the public as early as possible so as to allow the public to submit comments on the reports prior to the closing of the record. Changes, if any, in these regulations and in the yellowfin tuna purse-seine fishing general permit issued thereunder, made as a result of information obtained at the hearing, will be effective by January 1, 1975. Other changes in the regulations, and the general permits issued thereunder, may be made from time to time, in conformance with the provisions of the Marine Mammal Protection Act of 1972 and the regulations thereunder.

Dated: November 13, 1974.

ROBERT W. SCHONING,
Director.

[FR Doc.74–26854 Filed 11–13–74;9:52 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

UNIFORM EFFECTIVE DATE FOR NEW FOOD LABELING REGULATIONS

Notice to Manufacturers, Packers, and Distributors Concerning Requests for Temporary Extensions

In a notice published in the FEDERAL REGISTER of October 10, 1974 (39 FR 36501), the Commissioner of Food and Drugs set forth procedures to be followed by the Food and Drug Administration in granting requests for extensions of time beyond the uniform effective date of December 31, 1974, as announced in the FEDERAL REGISTER of January 19, 1973 (38 FR 2163) for compliance with certain new food labeling regulations.

However, recent developments have caused the Commissioner to reconsider certain portions of that notice.

On October 8, 1974, the President of the United States adressed a joint session of the Congress to present his program for dealing with the Nation's economic problems. In his address, the President stated that the recent Conference on Inflation found broad agreement "that the Federal Government imposes too many hidden and inflationary costs on our economy." He then disclosed his intention to require all major legislative proposals, regulations, and rules emanating from the Executive Branch to include an inflation impact statement that certifies that their effect on inflation has been carefully weighed. The President is requesting the Congress to establish a National Commission on Regulatory Reform whose purpose will be to identify and eliminate existing Federal rules and regulations that increase costs to the consumer without good reason. Furthermore, the Council on Wage and Price Stability was directed by the President to find and expose all restrictive practices, public or private, which raise food prices, such prices being one of the primary inflationary factors.

The Commissioner has also received additional information in response to the notice of October 10, 1974 from industry representatives. For example, by letter dated October 17, 1974, the Milk Industry Foundation (MIF) pointed out that, when all of the new and revised regulations recently promulgated by the Food and Drug Administration are taken into consideration, it will be necessary to redesign totally many dairy packages to comply with all of the new requirements. The MIF contends that a serious economic and perplexing legal situation will exist in the fluid milk industry if an extension of time is not granted for the entire industry beyond December 31, 1974. The MIF cites, as reasons for its request, the fact that certain existing Federal regulations and those in effect in several States are not uniform. These State legislatures will not be convening until 1975 in order to make the State definitions uniform with the Federal regulations. Another factor asserted by the MIF is that industry-wide action, undertaken immediately upon the finalization of the nutrition labeling regulation (21 CFR 1.17), has resulted in only a recent distribution of approved and statistically evaluated nutritional values to be used by the entire industry in connection with several dairy products. Lastly, the MIF asserts that shortages both in the plastic and in the paper industry have made it necessary for processors to maintain larger packaging inventories and, thus, that processors will require a longer period to utilize existing inventories. It is estimated by the MIF that the economic impact of the labeling changes presently foreseeable will run approximately $10,000,000, and that this figure would be increased substantially if effective dates require more than one labeling change. Such a substantial economic burden would be forced on the milk industry at a time when the MIF alleges that ingredient costs have nearly doubled in the last 18 months and other packaging and processing costs have risen sharply. The MIF requests that a 6-month extension beyond December 31, 1974 be accorded for milk and cream products, and 9 months for cottage cheese, yogurt, and sour cream, for compliance with all aspects of existing Federal regulations.

The Grocery Manufacturers of America, Inc. (GMA) has also submitted a letter, dated October 30, 1974, to the Commissioner which includes the results of a recently completed GMA survey. The GMA states that almost half of the 35 companies that responded to their survey were having problems meeting the December 31, 1974 uniform effective date. Nineteen companies signified that they had no problems; 16 indicated such problems as excess label and lithographed can inventories or finished goods on hand that were not in compliance. The GMA did not indicate the number of companies that failed to respond to their survey.

By letters dated November 11, 1974, the GMA and the National Canners Association (NCA) have advised the Food and Drug Administration that by December 31, 1974 approximately 95 percent of the labels being applied to food products subject to the new regulations will be in compliance and that most of the remaining label changes can be effected within the following 6 months.

The above-mentioned letters from the MIF, GMA, and NCA are on file in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, Rockville, MD 20852, and may be examined by any interested party.

The Commissioner has carefully considered this matter and concludes as follows:

I. *Extension of uniform effective date.* Based upon the President's directives and additional information from industry, the Commissioner is granting an extension of the December 31, 1974 uniform effective date through June 30, 1975 for compliance by products covered by the following regulations: § 1.17 *Food; nutrition labeling*, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6951); § 1.18 *Labeling of foods in relation to fat, fatty acid, and cholesterol content*, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6961), as clarified in the FEDERAL REGISTER of July 27, 1973 (38 FR 20071); § 102.5 *Seafood cocktails* (common or usual name), published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6964); § 102.9 *Diluted orange juice beverages* (common or usual name), published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6968); § 100.5 *Frozen "heat and serve" dinner* (nutritional quality guideline), published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6969); § 1.8(e) (concerning labeling of foods as "imitation"), published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20702); § 1.12 *Food labeling; spices, flavorings, colorings, and chemical preservatives*, published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20718), as amended in the FEDERAL REGISTER of December 3, 1973 (38 FR 33284); § 102.12 *Foods packaged for use in the preparation of "main dishes" or "dinners,"* § 102.10 *Non-carbonated beverage products containing no fruit or vegetable juice*, published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20742); § 102.11 *Frozen "heat and serve" dinner* (common or usual name regulations), published in the FEDERAL REGISTER of August 2, 1973 (38 FR 20740, 20742); § 1.8d *Food labeling; information panel*, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6950), except that the effective date for this regulation is postponed until December 31, 1975 for products for which no other labeling changes have been or will be made subsequent to March 14, 1973.

The Commissioner has also determined that a similar 6-month extension through June 30, 1975, shall be granted for compliance with the following food standard regulations which were to become effective on or about December 31, 1974: § 15.1 *Flour, white flour, wheat flour, plain flour* • • •, § 15.50 *Self-rising flour* • • •, § 15.80 *Whole wheat flour, graham flour, entire wheat flour* • • •, § 15.140 *Enriched farina* • • •, published in the FEDERAL REGISTER of November 28, 1973 (38 FR 32787); § 15.10 *Enriched flour* • • •, § 15.60 *Enriched self-rising flour* • • •, published in the FEDERAL REGISTER of October 15, 1973 (38 FR 28558), as amended in the FEDERAL REGISTER of February 11, 1974 (39 FR 5188); § 17.2 *Enriched bread and enriched rolls or enriched buns* • • •, published in the FEDERAL REGISTER of October 15, 1973 (38 FR 28558), as amended in the FEDERAL REGISTER of February 11, 1974 (39 FR 5188); "Part 18—Milk and Cream," published in the FEDERAL REGISTER of October 10, 1973 (38 FR 27924); sour cream and related products standards (21 CFR 18.500, 18.555, 18.560, 18.565, 18.570, 18.575), published in the FEDERAL REGISTER of May 7, 1974 (39 FR 15993), as corrected in the FEDERAL REGISTER of June 27, 1974 (39 FR 23193); § 19.525 *Cottage cheese dry curd* • • •, § 19.530 *Cottage cheese* • • •, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6886); § 19.515 *Cream cheese* • • •, § 19.520 *Neufchatel cheese* • • •, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6883); cottage cheese dry curd and cottage cheese standards (21 CFR 19.525 and 19.530), published in the FEDERAL REGISTER of October 30, 1974 (39 FR 38222); § 19.531 *Lowfat cottage cheese*, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6886); § 19.775 *Pasteurized process cheese spread* • • •, § 19.782 *Cream cheese with other foods* • • •, § 19.783 *Pasteurized neufchatel cheese spread with other foods* • • •, published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6883); § 19.750 *Pasteurized process cheese* • • •, § 19.765 *Pasteurized process cheese food*, § 19.775 *Pasteurized process cheese spread* • • •, § 19.782 *Cream cheese with other foods* • • •, § 19.783 *Pasteurized neufchatel cheese spread with other foods* • • •, § 19.785 *Cold-pack cheese, club cheese* • • •, § 19.787 *Cold-pack cheese food* • • •, § 19.790 *Grated American cheese food* • • •, published in the FEDERAL REGISTER of April 23, 1973 (38 FR 9996); § 20.8 *Mellorine* • • •, published in the FEDERAL REGISTER of July 25, 1974 (39 FR 27128); § 26.1 *Dextrose monohydrate*, § 26.2 *Dextrose anhydrous* • • •, § 26.3 *Glucose syrup* • • •, § 26.4 *Dried glucose syrup* • • •, published in the FEDERAL REGISTER of September 17, 1973 (38 FR 25985), as amended in the FEDERAL REGISTER of March 4, 1974 (39 FR 8157); § 27.90 *Canned grapefruit, identity* • • •, § 27.91 *Canned grapefruit, quality* • • •, § 27.92 *Canned grapefruit, fill of container* • • •, published in the FEDERAL REGISTER of May 29, 1974 (39 FR 18643); § 29.2 *Fruit jelly* • • •, § 29.3 *Preserves, jams* • • •, published in the FEDERAL REGISTER of August 28, 1974 (39 FR 31304); "Part 30—Table sirup," published in the FEDERAL REGISTER of June 14, 1974 (39 FR 20879); § 37.10 *Canned Pacific Salmon; identity*, published in the FEDERAL REGISTER of February 9, 1973 (38 FR 3960); § 45.1 *Margarine, oleomargarine* • • •, published in the FEDERAL REGISTER of September 14, 1973 (38 FR 25671); frozen pea standards (21 CFR 50.1, 50.2, and 50.3), published in the FEDERAL REGISTER of January 28, 1974 (39 FR 3541); and canned corn standards (21 CFR 51.20, 51.21, and 51.22), published in the FEDERAL REGISTER of February 15, 1974 (38 FR 5760), as amended in the FEDERAL REGISTER of September 24, 1974 (39 FR 34268).

II. *Inability to comply because of intervening events.* With regard to an inability to comply with the new uniform effective date because of unforeseeable intervening events, extensions up to, but, except in extraordinary circumstances, not exceeding 6 months beyond June 30, 1975, will be granted on a case-by-case basis if good cause is shown in the manner set forth in the October 10, 1974 notice. Extension requests must be submitted as prescribed by the notice of October 10, 1974. Such requests will not be honored if recieved after May 1, 1975. No request will be necessary unless an extension beyond June 30, 1975 is needed.

III. *Products subject to pending rule making.* The Commissioner advises that there are no changes from the notice of October 10, 1974, except that the deadline for receipt of requests is May 1, 1975, and no extension beyond December 31, 1975 will be granted except in extraordinary circumstances.

IV. *Food for special dietary uses (21 CFR Parts 80 and 125).* The Commissioner advises that there are no changes from the notice of October 10, 1974.

Dated: November 12, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74–26795 Filed 11–13–74;8:45 am]

National Institutes of Health

AD HOC REVIEW COMMITTEE FOR FREDERICK CANCER RESEARCH CENTER BASIC RESEARCH PROGRAM

Notice of Establishment

The Director, National Institutes of Health, announces the establishment on October 18, 1974, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410A of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92–463) setting forth standards governing the establishment and use of advisory committees.

Name. Ad Hoc Review Committee for Frederick Cancer Research Center Basic Research Program.

Purpose. The Committee provides to the Director, NCI and the Director, Division of Cancer Cause and Prevention, advice on the establishment of a basic research program at the Frederick Cancer Research Center, Frederick, Maryland, to include interdisciplinary research in cell differentiation and growth, immunology of viral and chemical carcinogenesis, cellular immunology and immunogenetics and biology of metastasis. This committee will terminate March 15, 1975.

Dated: November 11, 1974.

ROBERT S. STONE,
Director,
National Institutes of Health.

[FR Doc.74–26781 Filed 11–13–74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EDUCATION PROFESSIONS DEVELOPMENT

Meeting

Notice is hereby given, pursuant to Section 10(a)(2), Pub. L. 92–463, that the

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next meeting of the National Advisory Council on Education Professions Development will be held on Wednesday, December 4, 1974, 9 a.m. to 5 p.m., Thursday, December 5, 1974, 9 a.m. to 5 p.m., and Friday, December 6, 1974, 9 a.m. to 2 p.m., local time, at the Fort Brown Motor Hotel, Brownsville, Texas.

The National Advisory Council on Education Professions Development is established under section 502 of the Education Professions Development Act (Pub. L. 90–35). The Council is charged with the review of the Education Professions Development Act and of all other Federal programs for the training and development of educational personnel.

The meeting of the Council shall be open to the public. The proposed agenda includes discussion of the Federal role and legislative proposals in education professions development, the bilingual education field and a tour of bilingual educational facilities in the Brownsville area.

Since the meeting on Thursday, December 5, 1974 involves site visits to bilingual schools in Brownsville, members of the public planning to attend must provide their own transportation and must give advance notice by calling the Council (202–382–8712) or by mail no later than December 2, 1974.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Council offices, located at 1111 20th Street, NW., Suite 308, Washington, D.C. 20036.

Signed at Washington D.C., on November 8, 1974.

DAVID C. NICHOLS,
Acting Director.

[FR Doc.74–26641 Filed 11–13–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D–74–301]

SECRETARY, ASSOCIATE REGIONAL COUNSEL FOR PRIVATE MARKETING FINANCING, ATLANTA

Designation; Delegation of Authority To Cause Department Seal To Be Affixed and To Authenticate Copies of Documents

The Secretary's delegation of authority to employees of the Department of Housing and Urban Development to cause the Department seal to be affixed and to authenticate copies of documents as published at 36 FR 23835, December 15, 1971, and amended at 37 FR 23468, November 3, 1972, is further amended by adding paragraph 16 to read as follows:

16. Secretary to the Associate Regional Counsel for Private Market Financing, Atlanta Regional Office, Region IV.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d))

Effective date. This amendment of delegation of authority is effective on publication in the FEDERAL REGISTER November 14, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74–26649 Filed 11–13–74;8:45 am]

Federal Disaster Assistance Administration

[Docket No. D–74–289]

REGIONAL DIRECTORS OF FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Redelegation of Authority

Effective August 5, 1974, the Redelegation of Authority from the Administrator of the Federal Disaster Assistance Administration to the Regional Directors of the Federal Disaster Assistance Administration, Docket No. D–74–289, 39 FR 32046, is amended by striking subparagraph 2 in its entirety and renumbering subparagraphs 3 through 9 to become subparagraphs 2 through 8.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74–26650 Filed 11–13–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[74–269]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92–463, section 10(a), approved October 6, 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, December 4, 1974, in the Auditorium of Building 108, Governors Island, New York beginning at 10:30 a.m.

Members of the Committee and their industry positions are:

Admiral John M. Will, USN (Ret.) (Chairman), State of New York Board of Commissioners of Pilots.
Captain H. C. Breitenfeld, United New York Sandy Hook Pilots' Benevolent Association.
Captain W. H. Burrill, State of New Jersey Board of Commissioners of Pilots.
Mr. Richard Dewling, U.S. Environmental Protection Agency.
Commissioner V. J. Fossella, P.E., New York City Department of Marine and Aviation.
Captain T. J. McGovern, United New Jersey Sandy Hook Pilots' Benevolent Association.
Mr. A. Giallorenzi, American Institute of Merchant Shipping-Petroleum Industry Representative.
Mr. A. Hammon, Port Authority of New York and New Jersey.
Captain T. A. King, U.S. Department of Commerce, Maritime Administration.
Commodore F. LINDER, Long Island Sound Commodores Association.
Colonel H. W. LOMBARD, USA, Department of the Army, Corps of Engineers.
Mr. R. W. SANDERS, New York Harbor Panel, Marine Towing and Transportation Industry.
Captain R. D. SANTE, USN, U.S. Navy, Military Sealift Command.
Captain S. M. SELEDEE, American Institute of Marine Underwriters.
Captain J. G. STILLWAGGON, Interport Pilots' Associates, Inc.
Captain K. C. TORRENS, American Institute of Merchant Shipping.

The Agenda for the December 4, 1974 meeting consists of:

1. Status Report of the Executive Committee given by Captain K. C. TORRENS, Chairman of the Executive Committee.
2. Status Report of the Hudson River Sub-Committee given by Captain H. C. BREITENFELD, Chairman of the Hudson River Sub-Committee.
3. Status Report of the Long Island Sound Sub-Committee given by Captain D. M. KENNEDY, Chairman of the Long Island Sound Sub-Committee.
4. Report from the Vessel Traffic System Staff relating to:
   a. System Implementation Status Report.
   b. Status of Data Collection Project relating to communications and traffic densities.
5. Comments or questions from the floor.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander, Third Coast Guard District on April 1, 1973, to advise on the need for, and development, installation and operation of a Vessel Traffic System for the New York harbor. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander H. A. Pledger, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, New York, New York 10004, or by calling (212) 264–0409.

Dated: 23 October 1974.

W. F. REA III,
Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc.74–26682 Filed 11–13–74;8:45 am]

National Highway Traffic Safety Administration

NATIONAL HIGHWAY SAFETY ADVISORY COMMITTEE

Public Meeting

On December 2 and 3, 1974, the National Highway Safety Advisory Committee will hold open meetings at the Quality Inn-Pentagon City, 300 Army-Navy Drive, Arlington, Virginia, and at the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C.

The National Highway Safety Advisory Committee is composed of 35 members appointed by the President in accordance with the Highway Safety Act of 1966 (23 U.S.C. 401 et seq.). The Committee consists of representatives of State and local governments, State legislatures, public and private interests contributing to, affected by, or concerned with highway safety, other public and private agencies, organizations, and groups demonstrating an active interest in highway safety, and research scientists and other experts in highway safety.

The Advisory Committee advises, consults with, and makes recommendations to the Secretary of Transportation on matters relating to the activities of the Department in the field of highway safety. The Committee is specifically authorized (1) to review research projects or programs, and (2) to review, prior to issuance, standards proposed to be issued by the Secretary under the national highway safety program.

On December 2 at 9:00 am at the Quality Inn-Pentagon City Hotel in the Ballroom West the Advisory Committee will meet with the following agenda:

Opening Remarks.
Report of Executive Subcommittee.
New Subcommittee Structure.
New Subcommittee Officers.
New Committee Role and Objectives.

On December 2 at the Quality Inn-Pentagon City in the Ballroom West at 10:00 am the Driver Subcommittee will meet with the following agenda:

Bicyclist Safety.
Advance Notice of Proposed Rulemaking.
Old Business/New Business.

On December 2 at 10 am at the Quality Inn-Pentagon City in the Arlington Room South the Ad Hoc Task Force on Adjudication will meet with the following agenda:

Mandatory Sanctions.
Report and Recommendations.
Future Areas of Task Force Involvement.
Old Business/New Business.

On December 2 at 1:30 pm at the Quality Inn-Pentagon City in the Arlington Room South the Vehicle Subcommittee will meet with the following agenda:

Effect of Truck Size and Weights on Highway Safety.
Effect of Reduced Speed Limits on Highway Safety.
Highway Safety Hazards of Trucking Caused by Excessive Federal Economic Regulation.

At 3:00 pm on December 2 at the Quality Inn-Pentagon City in Parlor C the Ad Hoc Task Force on Driver Education will meet with the following agenda:

Review of Report and Recommendations of Task Force.

On December 3 at 9 am at the DOT Headquarters Building in room 2232 the Highway Environment Subcommittee will meet with the following agenda:

Orientation and Future Plans.

On December 3 at 9:30 am at the DOT Headquarters Building in room 6202 the State-Federal Relations Subcommittee will meet with the following agenda:

Organization of Subcommittee.
Plans for Future State Liaison Meetings.

On December 3 at 10 am at the DOT Headquarters Building in room 2232 the full Committee will meet with the following agenda:

Welcoming Remarks.
Report of Driver Subcommittee.
Report of Adjudication Task Force.
Status Report—DOT Bicycling Program.
Report of State-Federal Relations Subcommittee.
Report of Vehicle Subcommittee.
Report of Highway Environment Subcommittee.
Old business.
Trip reports.
New business.
Future Areas of Committee Involvement.

The above meetings are subject to the approval of the Secretary.

Further information may be obtained from the Executive Secretariat, National Highway Traffic Safety Administration, Department of Transportation, 400 Seventh Street SW., Washington, D.C. 20590, telephone 202–426–2872.

This notice is given pursuant to section 10(a)(2) of Public Law 92–463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

Issued: November 12, 1974.

WM. H. MARSH,
Executive Secretary.

[FR Doc.74–26617 Filed 11–12–74;3:03 pm]

ATOMIC ENERGY COMMISSION

[Docket No. 50–323; NEPA]

PACIFIC GAS AND ELECTRIC CO.

Hearing

NOVEMBER 7, 1974.

In the Matter of Pacific Gas and Electric Company (Diablo Canyon Nuclear Power Plant, Unit No. 2).

1. Take notice that oral argument on the exceptions filed to the Licensing Board's August 2, 1974 initial decision on National Environmental Policy Act aspects of this construction permit proceeding will be heard at 10:00 am on Wednesday, December 18, 1974 at the Royal Inn, Gold Room A, 214 Madonna Road, San Luis Obispo, California. Counsel should arrange to be in the hearing room no later than 9:45 am.

Each side is allotted one hour for argument; the appellant may reserve a portion of its time for rebuttal. Of course, the parties need not use all the time allotted. The parties should advise the Secretary to this Board by letter, no later than December 8, 1974, of the name of counsel who will present argument.

2. In accordance with our established practice, the Board will review the entire initial decision and the full record underlying it. Unless the parties are advised otherwise by later Board order, the oral argument will be confined to issues raised by the exceptions and the briefs filed in support or in opposition thereto. Counsel will be expected to be fully familiar with the portions of the record bearing upon those issues. In their preparation and presentation of oral argument, counsel may assume that the Board will have carefully examined all briefs on file with it and will therefore be familiar with the positions of the respective parties.

3. Further notice is hereby given that the Board has arranged to visit the Diablo Canyon facility site on Tuesday, December 17, 1974. All parties to this proceeding are invited to participate in the site visit. Counsel or any other representative of the parties who wish to do so should provide advance notice to Philip Crane, Esquire, Counsel to Pacific Gas & Electric Company. The purpose of the site visit is to facilitate the Board's understanding of the issues raised by the exceptions. Those exceptions assert that methods approved in the initial decision for measuring the potential adverse effects of the facility's coolant discharge on the marine environment are both inadequate and too limited in scope to permit proper evaluation of the effects of certain geographic configurations and local conditions on the facility's coolant discharge plume. The site visit is essential to enable us to put in perspective the descriptions in the record of the relevant physical characteristics and conditions. Of course, all discussion of those characteristics and conditions will be reserved for oral argument the following day.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74–26669 Filed 11–13–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74–10–60; Docket No. 24576, etc.]

ALLEGHENY AIRLINES, INC., ET AL.

Order on Reconsideration

Correction

In FR Doc. 74–24058 appearing at page 37000 of the issue of Wednesday, October 16, 1974, the following changes should be made:

1. In the second column on page 37001, in the 15th line of the first paragraph under "The Memphis-Nashville-Indianapolis Markets", the word "circuitous" should read "non circuitous."

2. In footnote 6 to that same paragraph (referenced in the last line of the column), the word "circuit" in the fourth line should read "circuitry."

3. In the third full paragraph in the first column on page 37002, the word "circuitry" in the 8th line should read "circuitry."

4. On page 37003, in the second paragraph under "The North Central Markets", the word "circuitry" appearing in the 6th and 11th lines should read "circuitry."

[Docket No. 27080; Order 74–9–110]

IBERIA, LINEAS AEREAS de ESPANA, S.A.

Order Regarding Use of a Trade Name

Correction

In FR Doc. 74–23049 appearing on page 35702 in the issue of Thursday, October 3, 1974, the following should be inserted immediately preceding the first paragraph:

"Issued under delegated authority, September 30, 1974."

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FLYING TIGER LINE INC.

Notice of Meeting

Notice is hereby given that a briefing will be made by The Flying Tiger Line Inc. on November 19, 1974, at 4 p.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., on the overall economic condition of the carrier.

Dated at Washington, D.C., November 11, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26716 Filed 11-13-74;8:45 am]

[Docket No. 26487; Order 74-11-47]

TRANSATLANTIC, TRANSPACIFIC, AND LATIN AMERICAN MAIL RATES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 11th day of November, 1974.

By Order 74-10-15, dated October 4, 1974, the Board directed the parties to show cause why the Board should not establish a 13.36 percent fuel surcharge to the temporary international mail rates, effective March 8, 1974. The Flying Tiger Line Inc. (FTL), Pan American World Airways, Inc. (Pan American), and the Department of Transportation (DOT) indicated in responses to the show cause order that they believed the proposed surcharge to be inadequate, and they urged the Board to consider further increases in the temporary mail rates.[1]

In addition, Pan American had previously requested the Board to consider establishing temporary rates at levels higher than those proposed in the show cause order in an answer[2] to the motion to expedite filed in this proceeding by DOT. Responses to Pan American's request for higher temporary rates were filed by the Postal Service and the Department of Defense (DOD).

Pan American stated in response to the fuel surcharge show cause order that the Board's proposal was inadequate with respect to increases in the cost of fuel and did not deal with cost increases other than those for fuel. The carrier referred the Board to the temporary rates it had proposed in its answer filed October 3, 1974, which by its calculations would result in a retroactive increase of about $9 million and an increase in annual revenues of approximately $17 million for Pan American. In arriving at these proposed rates, the carrier calculated increases in common economic unit costs[3] applicable to all traffic for U.S. scheduled international air carriers incurred since international mail rates were established in the late 1960's[4] (exclusive of increases in fuel costs for the period after September 30, 1973). In addition, the mail rates were adjusted by Pan American to reflect the fuel-related percentage increases in IATA passenger fares which have been approved by the Board since January 1, 1974.

FTL in an answer dated October 21, 1974, withdrew its objection to the temporary rates proposed by Order 74-10-15 so that the industry could obtain urgently needed funds. However, FTL pointed out that the proposed fuel surcharge covers only those fuel cost increases incurred through February 1974 and ignores subsequent fuel cost increases experienced by the U.S. carriers offering international mail services.[5] Moreover, FTL maintained that the Board's approach to the setting of temporary international mail rates is deficient since it fails to consider increases in non-fuel related carrier costs.[6] Thus, FTL believes that the Board should at the minimum establish temporary rates to reflect those recognized cost increases.[7]

In a response dated October 15, 1974, DOT urges the Board to finalize the rates proposed by Order 74-10-15 as an interim temporary increase and issue another show cause order proposing a further temporary increase. DOT believes the troubled financial condition of Pan American and Trans World Airlines, Inc. (TWA) requires that temporary mail rates be established at levels equal to the best available cost estimates of carrying mail and at least should fully bear the escalation of fuel prices. DOT maintains that the temporary rates proposed by the Board do not reflect a full passthrough of increased fuel costs nor do they include any element for general cost increases. Thus, DOT believes a further fuel-related increase in the temporary rates is necessary and concludes that a 6.3 cent per revenue-ton-mile fuel pass-through would constitute a reasonable surcharge.[8]

On October 23, 1974, the Postal Service filed an answer to the temporary rates proposed by Pan American in its October 3, 1974 response.[9] The Postal Service contends that the current mail rates were not cost-based but rather were agreed to by the parties to terminate a formal proceeding and thus Pan American's comparison technique is flawed.[10] Moreover, the Postal Service points out that Pan American's methodology includes two different rates of return which produces an artificially high increase in the current over base-year costs. Finally, the Postal Service believes that rates set forth in Pan American's answer are excessive since mail revenue-ton-miles (RTM) have declined as a percentage of total RTM's in the Atlantic and Pacific rate areas.[11] However, the Postal Service does propose non-fuel related increases in the temporary rates which it would regard as fair and reasonable on a temporary basis.[12]

The DOD stated in its response to Pan American's proposed temporary rates that it does not oppose rates which reflect increases other than those for fuel. However, the DOD argued that the carrier had overstated the cost increases that should be attributed to mail, noting specifically the carrier's failure to consider reductions in mail traffic as a percentage of total traffic. DOD urged the Board to adjust the allocation of costs to reflect this change in traffic mix.

On November 1, 1974, Pan American filed a reply to the responses by the Postal Service and DOD, with a motion for leave to file an unauthorized document. In the absence of any objection, we will grant the motion. Pan American contends, *inter alia*, that: (1) Postal Service index computations for MOM and SAM common economic costs are inconsistent in that they are based upon a worldwide average cost in the base year related to only the transatlantic and transpacific average costs in the current year; and, (2) the Postal Service's argument that the prior final rates, which serve as the current base temporary rates, were not cost based and, therefore, should not be the base for the current temporary

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[1] The parties did not object to the establishment of the proposed fuel surcharge *per se* (FTL filed a *notice* of objection which it subsequently withdrew), and the proposed surcharge was subsequently adopted by the Board, Order 74-10-125, dated October 24, 1974.

[2] Dated October 3, 1974.

[3] The term common economic unit cost as used by Pan American and the Postal Service refers to those costs common to all traffic which excludes passenger service promotion and sales and associated general and administrative costs. The costs also include return and taxes and are translated into average cost per revenue-ton-mile.

[4] Transatlantic and Transpacific Service Mail Rates 49 C.A.B. 41 (1968) and Latin American Service Mail Rates for Priority Mail, Order 69-10-149 dated October 30, 1969.

[5] FTL alleges that the cost of fuel has increased 10 percent during the period March-August 1974.

[6] FTL maintains that non-fuel related carrier costs have increased approximately 30 percent for the period 1968 through June 30, 1974.

[7] FTL states that it intends to file a petition seeking an additional increase in the temporary mail rates applicable to international services in which it will fully delineate the increased costs incurred and the specific rate adjustment needed.

[8] DOT also indicates that it will shortly file a pleading with the Board proposing a further temporary increase for non-fuel related cost increases.

[9] The postal Service filed its answer pursuant to § 302.303(d) of the Board's Procedural Regulations claiming that Pan American's purported answer of October 5, 1974 was in fact a petition for the establishment of temporary rates.

[10] The Postal Service maintains that the use of Pan American's technique would produce temporary rates at levels ranging from 108 to 135 percent of current economic costs.

[11] Only in Latin America have mail RTM's increased as a percentage of total RTM's.

[12] These increases range from 1.6 percent in the Pacific to 36.2 percent in Latin America.

rate determinations is in error. With respect to the first point, Pan American claims that the index and its application should both be based either on worldwide average costs or the transatlantic/transpacific average costs in the base and for the current periods. As to the second item, Pan American states that the prior final rates were submitted by the parties and recognized by the Board as the result of cost analyses of international services performed by U.S.-flag carriers,[13] and that the variations from common economic costs reflect adjustments for extreme directionality, densities and priorities for the international mail traffic.[14]

Upon review of these pleadings and other relevant matters, we have determined that an increase in the temporary international mail rates retroactive to March 8, 1974 is necessary. Based upon the findings set forth below and in the appendices attached hereto, we tentatively conclude that the Transatlantic, Transpacific, and Latin American temporary rates should be increased by 26.96 percent, 14.96 percent, and 49.56 percent, respectively; that the temporary rates for MOM and SAM should be increased by 42.56 percent and 26.86 percent, respectively; and, that these increases constitute a reasonable adjustment for temporary rate purposes.[15]

In its answer of October 3, Pan American set out the trend of common economic costs per revenue-ton-mile (exclusive of fuel costs) for international services from the base period for the prior final service mail rates to the current operations performed in the year ended June 30, 1974.[16] The carrier, starting with the percentage increase in the unit costs, then added percentage rate impacts for increased fuel costs in addition to annualized labor and material cost increases effective August 1 and October 1, 1974. Exclusive of the annualizations for labor and material costs, this methodology appears to be consistent with that employed by the Board in 1964,[17] 1966,[18] 1968,[19] and 1969 [20] to adjust the various international priority mail rates reflecting changing trends in common economic costs per revenue-ton-mile, including provision for return and taxes. However, as noted previously, the Postal Service took exception to Pan American's application of the methodology, and we find its exceptions to be well taken. We agree with the Postal Service contention that, as a maximum, the temporary mail rate levels should not exceed the common economic unit costs.[21] The temporary rate adjustments set forth by Pan American in its answer filed October 3, 1974 appear to exceed reasonable levels based upon the limited data on hand. However, in its reply of November 1, 1974, Pan American has raised a valid question as to the use by the Postal Service of different geographic areas in deriving common economic cost estimates for MOM and SAM services for the base and current periods. Therefore, we will adjust the Postal Service averages to recognize increases based upon the same geographic areas for MOM and SAM current common economic unit-cost estimates,[22] thus producing increases of 29.2 and 13.5 percent, respectively, and temporary rates of 28.22 cents and 14.76 cents per mail ton-mile exclusive of a fuel surcharge.

In accepting, for temporary rate purposes, the methodology proposed by the Postal Service, as modified herein, we do not, of course, prejudge the ultimate issues in the final rate proceeding. It is clear that a detailed analysis of the relevant data and an allocation of operating costs in the international mail services would undoubtedly produce different results from the rate adjustments arrived at herein. However, as we stated in our recent order proposing a fuel-related increase in the temporary rates,[23] such a detailed costing must await the development of the facts in the establishment of final rates. In the interim, we tentatively conclude that the temporary rates proposed herein are reasonable bearing in mind that the total rates are subject to a final adjustment retroactive to March 8, 1974.

The rate methodology of the Postal Service, which is herein proposed for the establishment of temporary international service mail rates, fails to assign different classes of traffic allocations of common economic cost based upon differing characteristics of the several traffics. Costing principles involving priority, space requirements, directional imbalance, and other unique cost attributes of mail versus other traffics should be determined after investigation produces a proper evidentiary record.

In view of the prevailing financial dilemma of some of the air carriers, and the willingness of the Postal Service to pay the increased temporary rate levels, to which we give great weight, it appears altogether proper for the Board to accord the carriers prompt revenue relief. The rate-making responsibility of the Board can be fully exercised in the determination of final rates notwithstanding this response to the emergency need of the air carriers.

Based on the foregoing, the Board tentatively finds and concludes that the fair and reasonable temporary rates to be paid to the carriers on or after March 8, 1974, for the transportation of military ordinary mail (MOM), space available mail (SAM), and all other mail by aircraft, the facilities used and useful therefor, and the services connected therewith for the services under investigation herein are those set forth in Appendix B attached hereto for the areas set forth therein.

It is ordered, That:

1. Pan American's motion to file an unauthorized document is hereby granted, and its reply dated November 1, 1974, is accepted;

2. Airlift International Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Hughes Air Corp., d/b/a Hughes Airwest, Mackey International, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Postmaster General, the Department of Defense, and the Department of Transportation are directed to show cause why the Board should not establish for the period on and after March 8, 1974, the fair and reasonable temporary rates, as set forth in Appendix B attached hereto,[24] to be paid for the transportation of mail by aircraft, the facilities used and useful therefor and the services connected wherewith in the areas specified in Appendix B;

3. The terms and conditions applicable to the transportation of each class of mail at the rates proposed herein shall be those set forth in Order 68-9-8, September 4, 1968, as amended, for MOM; Order E-25654 (47 C.A.B. 957 (1967)), as amended for SAM; Order 68-9-9, September 4, 1968, as amended, for Transatlantic and Transpacific mail; and Order 69-10-149, October 30, 1969, as amended, for Latin American mail. The mail ton-miles shall be based upon nonstop great-circle ton-miles in accordance with Order 73-4-16, April 3, 1973;

4. Further procedures herein shall be in accordance with 14 CFR Part 302, and, if there is any objection to the rates or to the related findings and conclusions proposed herein, notice thereof shall be filed within 8 days after the date of service of this order, and, if notice is filed, written answer and supporting documents shall be filed within 15 days after date of service of this order;

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[13] Order 68-8-21, August 6, 1968.

[14] Adjustments proposed by the Postal Service in Order 69-10-65, October 14, 1969.

[15] The temporary rates proposed by Order 74-10-15, October 4, 1974, and finalized by Order 74-10-125, October 24, 1974, to be effective from March 8, 1974, include a fuel factor of 13.36 percent which would be superseded by the rates proposed herein.

[16] Inclusive of provision for return and taxes, as indicated on Appendix B therein.

[17] Order E-21458, October 28, 1964 and Order E-21514, November 19, 1964.

[18] Orders E-23642, May 5, 1966 and E-23753, May 31, 1966.

[19] Orders 68-8-21, August 6, 1968 and 68-9-9, September 4, 1968.

[20] Orders 69-10-65, October 14, 1969 and 69-10-149, October 30, 1969.

[21] By an index basing, these cost units were extended to the nonpriority MOM and SAM rates to arrive at the maximum rates proposed by the Postal Service for these classes of mail.

[22] Predicated on a base-year average for transatlantic and transpacific common economic costs per revenue-ton-mile of 25.36 cents.

[23] Order 74-10-15.

[24] This order is not intended to disturb the other service or subsidy mail rates established, or to be established, by separate order of the Board. Appendix B is filed as part of the original document.

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5. If notice of objection is not filed within 8 days or if notice is filed and answer is not filed within 15 days after service of this order or, if an answer timely filed raises no material issue of fact, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix the rates specified herein;

6. If notice of objection and answer are filed presenting issues for hearing, issues going to the establishment of the fair and reasonable temporary rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR § 302.307; and

7. This order shall be served upon the parties listed in paragraph 2 above.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.*

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26717 Filed 11-13-74;8:45 am]

DEFENSE NUCLEAR AGENCY

ADVANCED MISSILE RESEARCH GROUP

Notice of Meeting

The next meeting of the Advanced Missile Materials Research (AMMRES) Group, sponsored by the Defense Nuclear Agency (DNA), will be held during the period 5–6 December 1974 at the Air Force Weapons Laboratory, Kirtland Air Force Base, New Mexico. AMMRES members will evaluate MIGHTY EPIC (which is a future underground test at the Nevada test site) advanced materials proposals. Since all of the MIGHTY EPIC proposals contain classified information, the meeting will be closed to the public under the provisions of sections 552(b) (1) and (3) of Title 5, United States Code.

J. F. MOULTON, Jr.,
Chief, Aerospace Systems Division.

[FR Doc.74-26630 Filed 11-13-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[(FRL 293-8); OPP-32000/141]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c) (1) (D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before January 13, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c) (1) (D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 13, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 3862-LU. A.B.C. Compounding Co., Inc., PO Box 932, Atlanta GA 30301. CHERRY-O-DIS 19-30 CHERRY ODOR DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3862-LG. A.B.C. Compounding Co., Inc. LEM-O-DIS 19-30 LEMON ODOR DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3862-LL. A.B.C. Compounding Co., Inc. PINE-O-DIS 19-30 PINE ODOR DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 3862-LA. A.B.C. Compounding Co., Inc. MINT-O-DIS 19-30 MINT ODOR DISINFECTANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.6%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.6%; Sodium Carbonate 3.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 3125-252. Chemagro, Div. of Baychem Corp., PO Box 4913, Kansas City MO 64120. DASANIT+DI-SYSTON 7½%-7½% GRANULAR INSECTICIDE-NEMATICIDE. Active Ingredients: O,O-Diethyl s-[2-(ethylthio)ethyl] phosphorodithioate 7.5%; O,O-Diethyl O-[p-(methylsulfinyl) phenyl] phosphorothioate 7.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 3125-277. Chemagro, Div. of Baychem Corp., PO Box 4913, Kansas City MO 64120. SENCOR 50% WETTABLE POWDER HERBICIDE. Active Ingredients: 4 - Amino-6-tert-butyl-3-(methylthio) -astriazin-5-(4H)-one 50%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1130-T. Burnishine Products, Inc., 8140 N. Ridgeway Ave., Skokie IL 60078. KRYSTYL-EEN LAST TANK SANITIZER. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 20%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 20%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 991-EO. Carnie-Campbell, Inc., 925 Watson Industrial Park, St. Louis MO 63126. PLEASANTLY SCENTED CAMICIDE TWO IN ONE INDUSTRIAL STRENGTH FLYING AND CRAWLING INSECT KILLER. Active Ingredients: Pyrethrins 0.05%; Piperonyl butoxide, technical 1.00%; N-octyl bicycloheptene dicarboximide 1.67%; Petroleum distillate 11.83%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 239-2286. Chevron Chemical Co., 940 Hensley St., Richmond CA 94804. CHEVRON ORTHO 'GRAMOXONE' CL. Active Ingredients: Paraquat dichloride (1,1'-dimethyl - 4,4'-bipyridinium dichloride) 29.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33436-R. Clean-Flo Laboratories, Inc., 4334B Shady Oak Rd., Hopkins MN 55343. CLEAN-FLO LAKE CLEANSER. Active Ingredients: Calcium sulfate 80.0%; Aluminum sulfate 17.0%; Boric acid 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33436-E. Clean-Flo Laboratories, Inc., 4334B Shady Oak Rd., Hopkins MN 55343. CLEAN-FLO II. Active Ingredients: Aluminum sulfate 55.0%; Calcium sulfate 42.0%; Boric acid 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9444-GA. Cline-Buckner, Inc., 16317 Piuma Ave., Cerritos CA 90701. PURGE TOTAL RELEASE INSECTICIDE WITH VAPONA AND BAYGON. Active Ingredients: 2,2-dichlorovinyl Dimethyl Phosphate 8.50%; related compounds 0.50%; O-Isopropoxyphenyl methylcarbamate 1.00%; Epichlorohydrin 0.25%; Petroleum distillates 6.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1802-EG. Continental Chemical Co., PO Box 15318, Sacramento CA 95815. CON-O POOL CHLORINE. Active Ingredients: Sodium Hypochlorite 12.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 19713-RE. Drexel Chemical Co., 2602 Corporate Ave. E., Suite 1, PO Box 31023, Memphis TN 38132. DREXEL DEFOL DEFOLIANT WITH FIRE RETARDANT. Active Ingredients: Sodium Chlorate 28.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-247. E. I. DuPont De Nemours & Co., Inc., Biochemicals Dept., Legal Dept., Wilmington DE 19898 KARMEX DIURON WEED KILLER. Activie Ingredients: Diuron [3-(3,4-dichlorophenyl)-1,1-dimethylurea] 80%. Method of Support: Applicaton proceeds under 2(a) of interim policy.

EPA File Symbol 4704-UG. J. C. Ehrlich Chemical Co., Inc., 800 Iesters Lane, Reading PA 19605. MAGIC CIRCLE FOOD PLANT SPRAY. Active Ingredients: Pyrethrins 0.400%; Piperonyl butoxide, technical 0.800%; N-octyl bicycloheptene dicarboximide 1.335%; Petroleum distillate 97.465%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12454-T. Environmental 2000 LTD., 924 Fourth Ave. S., Denison IA 51442. E-2000 BRITE N' CLEAR WATER CLARIFIER AND ALGAE INHIBITOR. Active Ingredients: Aluminum Sulfate 14.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 279-2445. FMC Corp., 100 Niagara St., Agricultural Chem. Div., Middleport NY 14105. C-O-C-S ZINC 24-24. Active Ingredients: Copper expressed as metallic 24.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 534-II. FS Services, Inc., 1701 Towanda Ave., Bloomington IL 61701. FARMTOWN LAWNFOOD PLUS 11-4-7 BALANCED FEEDING AND PREVENTS CRABGRASS. Active Ingredients: Dimethyl Tetrachloroterephthalate 2.28%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 270-RNT. Farnam Co., PO Box 21447, Phoenix AZ 85036. FARNAM ROLL-ON FLY REPELLENT AA FOR HORSES, PONIES. Active Ingredients: Pyrethrins 0.40%; Piperonyl Butoxide Technical (Equivalent to 0.80% (Butylcarbityl) (6-Propylpiperonyl), ether and 0.20% of related compounds) 1.00%; Di-n-Propyl isocinchomeronate 1.00%; N-octyl-Bicycloheptene Dicarboximide 0.40%; Pine Oil 4.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 410-80. Franklin Laboratories Inc., 1777 S. Bellaire St., Denver CO 80222. FRANKLIN LOUSE-FLY KILLER A DUSTING POWDER. Active Ingredients: 2-chloro-1-(2,4,5-trichlorophenyl) vinyl dimethyl phosphate 3.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7124-GG. Alden Leeds, Inc., 55 Jacobus Ave., South Kearny NJ 07032. NEW NUCLO GRANULAR POOL CHLORINE WITH LO LEVEL STABILIZER FOR SPARKLING POOL WATER. Active Ingredients: 1,3-dichloro-5,5-dimethyl hydantoin 90%; syanuric acid 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5967-RUU. Moyer Chemical Co., 1310 Bayshore Highway, PO Box 945, San Jose CA 95108. MOYER MALATHION SPRAY No. 8-E. Active Ingredients: Malathion 79.62%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 33576-26. Olin Water Services, 120 Long Ridge Rd., Kansas City KS 66115. OLIN 3202. Active Ingredients: Bis (tributyltin) oxide 2.38%; n-Alkyl (60% C14, 30% 16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 6.25%; n-Alkyl (50% C12, 30% C14, 17% C16, 3% C18) dimethyl ethylbenzyl ammonium chlorides 6.25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4758-RRO. Pet Chemicals, Inc., PO Box 660656, 7781 NW. 73rd Court, Miami Springs FL 33166. HOLIDAY INDOOR FOGGER KILLS ALL EXPOSED ROACHES, ANTS, TICKS, FLEAS, FLYING MOTHS, SPIDERS, SCORPIONS. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2 - methylpropenyl cyclopropanecarboxylate 1.00%; Related compounds 0.136%; 2,2-Dichlorovinyl dimethyl phosphate 0.47%; Related compounds 0.03%; Aromatic petroleum hydrocarbons 1.324%; Petroleum distillate 9.192%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34873-R. Prokem, PO Box 911, Lewisville TX 75067. PRO-KEM "PURE WHITE" WATERBUG & ROACH KILLER POWDER. Active Ingredients: Boric Acid 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 491-ERA. Selig Chemical Industries, 840 Selig Dr., SW, Atlanta GA 30336. DRB-74. Active Ingredients: Pyrethrins 3%; Piperonyl butoxide, technical 6%; N-octyl bicycloheptene dicarboximide 10%; Petroleum distillate 81%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 491-ERT. Selig Chemical Industries, 840 Selig Dr., SW, Atlanta GA 30336. SELIG SUPER SE-FLY-GO. Active Ingredients: Pyrethrins 1.50%; Piperonyl butoxide, technical 3.00%; N-octyl-bicycloheptene dicarboximide 5.00%; Petroleum distillate 90.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11849-RT. Silak Co., PO Box 173, Hospers IA 51238. SILAK VAPONA INSECTICIDE SCATTER BAIT. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.46%; Related Compounds 0.04%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11849-RA. Silak Co., Inc., PO Box 173, Hospers IA 51238. SILAK 1% VAPONA INSECTICIDE READY-TO-USE ANIMAL SPRAY SOLUTION. Active Ingredients: 2,2-dichlorovinyl dimethyl phosphate 0.93%; Related Compounds 0.07%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3743-GUG. Southern Agricultural Chemicals, Inc., PO Drawer 527, Kingstree SC 29556. ROYAL BRAND MANEB—LINDANE SPRAY. Active Ingredients: Maneb (Manganese ethylenebisdithiocarbamate) 48%; Gamma Isomer of benzene hexachloride (from Lindane) 10%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 476-ERAU. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. ASPON 67.64% MANUFACTURING CONCENTRATE SOIL INSECTICIDE. Active Ingredients: 0,0,0-Tetrapropyl Dithiopyrophosphate 67.64%; Xylene Range Aromatic Hydrocarbon Solvent 15.72%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1148-RROG. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66110. DED-WEED AMINE-T AMINE SALT. Active Ingredients: Triethylamine Salt of 2,4,5-Trichlorophenoxyacetic Acid 57.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1386-559. Universal Cooperatives, Inc., 111 Glamorgan St., Alliance OH 44601. UNICO BAN AMINE WEED KILLER. Active Ingredients: Dimethylamine salt of dicamba (3,6-dichloro-o anisic acid) 153%; Dimethylamine salt of related acids 2.4%; Dimethylamine salt of 2,4-Dichlorophenoxyacetic Acid 30.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 8177-11. The Valspar Corp., 200 Sayre St., Rockford IL 61101. VALSPAR ANTI-FOULING BOTTOM PAINT 3594 ESCOLUX BRONZE. Active Ingredients: Copper as metal 36.2%; Copper Oxide 0.56%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 550-RNR. Van Waters & Rogers, PO Box 3200, San Francisco CA 94119. GUARDSMAN PENTA CONCENTRATE. Active Ingredients: Pentachlorophenol 35.2%; other Chlorophenols and related compounds 4.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10367-A. N. I. Weinberg Co., 17th & Walnut, Louisville KY 40203. STAPH CLEAN DISINFECTANT CLEANER. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Isopropanol 0.63%; Sodium carbonate 2.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10367-G. N. I. Weinberg Co. STAPH CLEAN LEMON-SCENT DISINFECTANT CLEANER. Active Ingredients: Alkyl (C14 90%, C12 5%, C16 5%) dimethyl dichlorobenzyl ammonium chloride 2.50%; Alkyl (C14 58%, C16 28%, C12 14%) dimethyl benzyl ammonium chloride 1.25%; Alkyl (C14 90%, C12 5%, C16 5%) dimethyl ethyl ammonium bromide 1.25%; Isopropanol 0.63%; Sodium carbonate 2.00%; Ethylenediaminetetraacetic acid, tetrasodium salt 0.38%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10367-U. N. I. Weinberg Co. LEMON SCENT DISINFECTANT. Active Ingredients: Alkyly (C14 58%, C16 28%. C12 14%) dimethyl benzyl ammonium chloride 4.0%; Isopropanol 2.0%; Essential oils 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35138-R. Winco Chemical Co., PO Box 104, Jackson MS 39205. WINCO FOGOUT. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.500%; Related compounds 0.068%; Aromatic petroleum hydrocarbons 0.662%; Petroleum distillate 98.750%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: November 5, 1974.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.74-26498 Filed 11-13-74;8:45 am]

[FRL 294-5; OPP-180030]

ARMY CORPS OF ENGINEERS

Receipt of Application for Specific Exemption To Control Water Hyacinth

The Army Corps of Engineers has applied to the Environmental Protection Agency (EPA) for a specific exemption to use 2,4-D to control water hyacinth in the Sabine, Ouachita, and Pearl Rivers in Louisiana. This specific exemption, if

* Minetti and West, members, filed a joint dissent, which, along with appendices A and B, is filed as part of the original document.

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granted, will be valid for no longer than one (1) year from the date of approval by the EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice does not indicate a decision by this Agency on the application. Interested parties may review the application in the Office of the Director, Registration Division (WH–567), Office of Pesticide Programs, EPA, 401 M St., SW., Room E–347, Washington, D.C. 20460.

Dated: November 7, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74–26626 Filed 11–13–74;8:45 am]

[FRL 291–3]

VOLUNTARY SELF-CERTIFICATION PROGRAM FOR CERTAIN AFTERMARKET PARTS

Advance Notice of Proposed Guidelines

SUMMARY

The purpose of this advance notice is to outline a proposed program for the voluntary self-certification of certain automotive aftermarket parts. The Agency has determined that such a program is essential if the warranty, recall, antitampering, and maintenance instructions provisions of the Clean Air Act are to be fully implemented while allowing the aftermarket parts industry the opportunity to protect its market and the consumer the right to select from a variety of acceptable parts. Parts covered by the program would be those which are important to vehicle or engine emissions performance. The program would focus on developing standards for such parts that would result in economical testing methods and procedures to demonstrate that parts built to such standards do not cause vehicles or engines in which the parts are installed to exceed applicable emissions standards. EPA and vehicle owners will then have a basis for assuring that installation of a certified part in a vehicle does not jeopardize the emission control warranty coverage and recall protection which the Clean Air Act requires vehicle and engine manufacturers to provide. Likewise, manufacturers of certified parts will have a basis for advertising that installation of their products does not constitute tampering which is prohibited under the Act. A basis will also exist for encouraging uniformity in state and local laws aimed at emissions-related aftermarket parts.

An EPA approved "label" is under consideration for the use of manufacturers of certified parts. Manufacturers desiring to certify aftermarket parts would be required to agree to abide by the conditions of the program before they may use the label and claim that their product is certified. These conditions may include:

(a) Providing *warranty* coverage to consumers that installation of a certified part, according to instructions, will not cause the vehicle or engine in which the part is installed to exceed applicable emission standards within the useful life of the vehicle or engine or the recommended service period of the part, whichever comes first;

(b) Agreeing to *recall* certified parts in certain cases where the part is improperly certified;

(c) Agreeing to *withdraw certification* in certain instances when the part is improperly certified;

(d) Agreeing to keep certain *records* and to allow the EPA reasonable access to these records and to manufacturing premises.

The bulk of the work necessary to the program's success, especially on the technical guidelines, would be accomplished by the automotive industry under the coordination of the Automotive Liaison Council. Proposed standards for the various parts covered in the program and other guidelines for the program would be published in the FEDERAL REGISTER as soon as the Agency concurs with the Council that such guidelines are ready for publication.

BACKGROUND

"Aftermarket parts" are those parts, components, and systems intended for in-use vehicles and engines which are not identical to "original equipment." They are not subject to EPA's program for the certification of new vehicles and engines.

Since the enactment of the Clean Air Act of 1970, 42 U.S.C. section 1857 *et seq.*, the manufacturers of aftermarket parts have expressed concern to EPA regarding the potential impact on their industry of various provisions of the Act. They claim that rigidly enforced 5 year/50,000 mile *emissions warranties* (under section 207(a) and section 207(b) of the Act) could cause a substantial loss of their market in favor of original equipment. They are also concerned about the *recall* provisions (section 207(c)(1)), the provision requiring that *maintenance instructions* be provided to the ultimate purchaser of a vehicle (section 207(c)(3)), and the *antitampering* provision (section 203(a)(3)) of the Act. The potential for a plethora of *conflicting state laws* regulating the aftermarket has also caused great concern.

The concern of the aftermarket parts manufacturers over the antitampering provisions led to the promulgation on December 22, 1972, of an "Interim Tampering Enforcement Policy" by EPA's Mobile Source Enforcement Division in which a policy was set forth whereby parts manufacturers could provide assurance to vehicle dealers that installation of aftermarket parts does not cause applicable emission standards for the vehicle or engine in which the part is installed to be exceeded and, hence, does not constitute tampering. The Interim Policy (which was republished on June 25, 1974, with minor modifications) has done much to quell objections raised by the aftermarket parts industry in the area of tampering enforcement, but it is not a permanent solution. The Policy does not adequately delineate different categories of aftermarket parts (e.g., the distinction between "replacement parts" and "add-on parts"). Nor does it specify standards, testing methods and procedures that will assure the adequacy of the parts, short of subjecting the entire vehicle or engine in which the part is installed to the complete Federal Test Procedure (FTP), possibly including durability testing. Although the FTP is presently the basic criterion for determining the impact of parts on vehicle and engine emissions, the time and expense of subjecting many aftermarket parts—even just prototype parts—to the FTP would be prohibitive to much of the industry. The Interim Policy did not attempt to address the aftermarket's concern with the warranty, recall, and maintenance instructions provisions.

In December 1972, pursuant to a request by EPA, the Motor and Equipment Manufacturers Association (MEMA) agreed to undertake the task of determining whether it is possible to ascertain critical parameters for emission related parts such that, if a particular part were built to the appropriate parameters, reasonable assurance would exist that the part would not cause applicable emission standards to be exceeded for the vehicle or engine in which the part was installed. The purpose of this project was to attempt to develop standards and testing methods and procedures for emission related parts which would be less time consuming and expensive than the FTP. In order to provide definitiveness to the undertaking EPA asked MEMA to focus its search for critical parameters on four specific parts; PCV valves, carburetors, ignition points, and exhaust valves.

Coordination of the MEMA project was subsequently taken over by the Automotive Liaison Council (ALC), a group which represents most of the aftermarket parts trade associations. Last fall, the ALC reported back to EPA that they had made substantial progress in determining critical parameters for emission related components. At this time the ALC outlined a "systems approach" to the determination of critical parameters. Under this approach, the critical parameters would be determined for those vehicle systems ascertained to be important to emissions. Among the systems to be studied are: (1) PCV valves; (2) exhaust modifier systems; (3) EGR system; (4) evaporative control; (5) basic engine; (6) carburetor; (7) ignition system; (8) distributor; (9) exhaust system. An aftermarket parts manufacturer would then only have to provide assurance, through testing of the system rather than emissions testing the vehicle, that a particular component or part does not adversely affect the critical system parameters in order to ensure that the vehicle in which the part is intended to be installed will meet applicable standards and remain fully eligible for warranty and recall repairs under section 207. Of course, a fall-back to the FTP would always be allowed, but this should not be necessary if the systems approach leads to technically valid and economically feasible testing methods and procedures for most parts covered by the program. The Agency believes that the systems approach appears viable and should form a central part of the voluntary self-certification program outlined below.

In an attempt to determine the full extent of concern of the aftermarket over the Clean Air Act provisions listed above, the Agency developed and distributed a voluntary questionnaire to the aftermarket (primarily through trade associations), vehicle and engine manufacturers, selected state air pollution control agencies and public interest groups. The questionnaire also appeared in its entirety in the July 9, 1973, FEDERAL REGISTER (38 FR 18264).

Eighty-eight responses to the questionnaire were received by the Agency. A report analyzing these responses ("Summary Report of the Responses to EPA's Automotive Aftermarket Parts and Service Questionnaire") has been compiled and can be obtained from the Environmental Protection Agency, Mobile Source Enforcement Division (EG–340), 401 M Street, SW., Washington, D.C. 20460.

In the area of aftermarket parts, the major conclusions that EPA has drawn from the questionnaire responses are:

1. There is little or no quantifiable data demonstrating that aftermarket parts in general pose a threat to air quality. Further study of the impact on air quality of aftermarket parts is indicated.

2. Although the aftermarket parts industry has not yet suffered because of the Clean Air Amendments of 1970, there is a great fear within the industry that loss of business will occur if steps to allow the industry to remain competitive do not accompany strengthening of in-use enforcement programs under the Act.

3. Increased control of aftermarket parts must occur if the warranty, recall, and tampering provisions of the Act are to be fully and effectively enforced.

4. A considerable portion of the aftermarket parts industry supports a self-certification program for certain categories of aftermarket parts.

THE PROGRAM

Because of the need to more fully implement the in-use enforcement provisions of the Clean Air Act and EPA's belief that this cannot be accomplished without providing a positive program for aftermarket parts, the Agency proposes to develop such a program. The Agency further believes that an aftermarket parts program will promote continued competition in the manufacture and sale of automotive parts, encourage the widespread availability of parts, and preserve the customers' right to choose from among many acceptable parts. Basically, the program will consist of voluntary self-certification by the manufacturer for certain aftermarket parts to industry developed, EPA approved standards. Conditions will be attached to certification to enable the Agency to effectively monitor the program. Possible strategies to be included within the program are discussed below.

Parts to be covered by the program will consist of those important to vehicle or engine emissions performance. These parts will be brought into the program as their criticalness to emissions performance is clearly demonstrated.

The central feature of the proposed program is the development, promulgation, and continued updating of *standards* to which parts with the potential for affecting vehicle or engine emissions can be built to assure that they do not cause applicable emission standards to be exceeded. In order for the standards to prove workable at a reasonable cost to the aftermarket and the consumer, relatively simple, quick, and inexpensive non-emissions testing methods and procedures to demonstrate compliance must be developed. Installation of the part in a vehicle or engine and testing of exhaust emission pursuant to the FTP, including durability testing, would provide a backup certification procedure. But, if simpler methods to demonstrate compliance are not available for the bulk of aftermarket parts, the program is unlikely to receive widespread industry support.

Under a voluntary self-certification program, manufacturers of emission related aftermarket parts would not be legally required to certify. A penalty would not automatically follow the selling of uncertified parts merely because they are uncertified. However, EPA believes that widespread certification will occur, providing reasonable standards, testing methods and procedures can be developed. This will allow the Agency to focus on those emissions-related parts which are uncertified, and, if the parts degrade emissions performance, bring pressure to correct deficiencies against the manufacturers, distributors and installers of such parts through the warranty, recall, maintenance instructions and antitampering provisions. If EPA becomes convinced that uncertified parts are creating a serious emissions problem and the voluntary program is not an adequate answer, legislative authority can be sought to make the program mandatory.

The establishment of a voluntary program does not mean that sanctions or other enforcement tools would be unavailable against those who choose to certify or who claim to certify, but do so improperly. EPA will establish ground rules for the certification program. Persons claiming certification will be required to abide by the rules or the Agency will consider their products to be uncertified.

In order for the program to be effective, it must be clear to the automotive industry, the consumer, and the government whether or not a particular part is certified. Perhaps the best method would be to require that certified parts (or the packaging of the part) bear or contain a "label" officially santioned by the Agency. To use this label a person would be required to agree to the conditions of the program. EPA would coordinate with the Federal Trade Commission to establish false advertising claims against persons using the label without abiding by its conditions. Possible conditions which conditions. Possible conditions which could be attached to use of the label will be discussed below.

The certification of aftermarket parts will provide a basis for a *warranty* by the parts manufacturer that installation of the part, according to instructions, will not cause emissions to exceed applicable standards for the useful life of the vehicle or the recommended service period of the part, whichever occurs first. EPA believes that this warranty is an essential element of the program and should be a condition of using an EPA approved label. Since vehicle and engine manufacturers must provide a useful life warranty for their product, it is only reasonable to require the aftermarket parts manufacturer who voluntarily certifies to provide a comparable warranty.

The program must enable EPA to ascertain whether parts have been properly certified. The Agency believes that the parts manufacturer rather than EPA should perform all testing. As a condition of voluntarily certifying, manufacturers of parts should be required to keep *records* of all tests conducted, of their production, of their quality control procedures, etc., for a specified period of time. EPA would also be granted access to these records and to the manufacturing premises, perhaps including permission to talk with employees.

When EPA determines that a part is improperly certified, certain steps would follow. A condition of voluntary certification could be an agreement by the parts manufacturer to abide with EPA's determination that the part was improperly certified. Provisions allowing for a hearing could also be included. If EPA concluded that certification of a part were false or otherwise improper and a manufacturer continued to advertise it as certified, evidence of false advertising could be referred to the FTC.

A further condition of using EPA's certification label could be to agree to the *recall* of improperly certified parts after appropriate procedural safeguards had been satisfied. Recall could be carried out by various means. The manufacturer might be required to agree to stop the further distribution of certified parts still in the stream of commerce. EPA Consumer Bulletins could be used to provide notice to persons who had already purchased the part that the manufacturer

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was paying for a free replacement with an adequate part. The recall of parts in a voluntary program presents many difficulties. It may be that other enforcement alternatives are more effective. This enforcement strategy will be studied as the program develops.

The warranty, recall and tampering provisions of the Act are all applicable to 1972 and later model year vehicles. The tampering provision extends back to all vehicles with emission control systems, that is, all vehicles since the 1968 model year. However, emission control equipment was considerably less extensive prior to the 1972 model year. Therefore, the program should focus on 1972 and later model year vehicles.

Because of the magnitude and complexity of the proposed Aftermarket Parts Program, the Agency believes that the program can succeed only with the active cooperation of the automotive industry. It is contemplated that industry and the Agency will work jointly to determine those parts to be covered by the program. Industry, under the coordination of the Automotive Liaison Council and subject to review of the Agency, will develop the technical standards and suitable testing methods and procedures. The Agency will coordinate the development of compliance strategies to be employed in the program, but will seek industry advice as to desirable strategies.

When EPA is satisfied that any phase of the program is sufficiently advanced, proposed guidelines for that phase will be published in the FEDERAL REGISTER. These guidelines could consist of the voluntary certification standards for a particular part or system or could specify procedural aspects of the program, such as requirements for using an EPA approved "label." Copies of public comments on the proposed guidelines will be given to the Automotive Liaison Council for review in addition to the Agency review. The Council will then make its final recommendation to the Agency prior to promulgation of the final guidelines.

Federal funds are not presently available to pay the salaries or personal expenses of any member of industry involved in this program. Nor are funds expected to be available in the foreseeable future. All persons and organizations desiring to participate in the program will be required to pay their own expenses. Although limited federal funds may be available for certain aspects of the program, most tasks will be carried out by industry on a voluntary basis. It is further envisioned that industry will donate the necessary administrative support to the program.

Although most of the tasks necessary to the program will be performed by industry, the Agency intends to pursue certain tasks independently. For example, an initial task involving the use of a government contract will focus on the long range scope of coverage of the program by examining the relationship between defective aftermarket parts and vehicle emissions. Other tasks may be pursued independently either because industry has recommended such action to EPA or the Agency has determined that independent action is in the best interest of the program. Of course, all proposed and final guidelines will be subject to Agency review.

COMMENTS

Comments are solicited on all aspects of the proposed self-certification program for aftermarket parts. Comments should be sent to: Mobile Cource Enforcement Division (EG-340), U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. They should reach the Agency no later than January 31, 1975.

Dated: November 7, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-26629 Filed 11-13-74;8:45 am]

[FRL 294-6; OPP-50010]

PREDATOR CONTROL (COYOTES)

Issuance of Experimental Use Permit to Kansas

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), Kansas State University applied to the Environmental Protection Agency (EPA) for an experimental use permit. This permit (No. 34898-EXP-1G) is hereby issued in accordance with 40 CFR 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939) and allows the shipment and use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA in 40 approved counties in the State of Kansas only, under the supervision and control of approved SCSLEM applicators as designated by the Kansas State University Agricultural Extension Service.

This program will begin on February 1, 1975, and will expire on June 30, 1975. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

EPA invites interested persons to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW, Room E-421, Washington, DC 20460. Three copies of the comments must be submitted to facilitate the work of EPA and others interested in inspecting them. The comments must be received within 30 days from the publication of this notice and should bear the notation OPP-50010. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m., Monday through Friday.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW, Washington, DC.

PROGRAM FOR EXPERIMENTAL USE OF SODIUM CYANIDE SPRING-LOADED EJECTOR MECHANISM (SCSLEM) FOR COYOTE DAMAGE CONTROL IN STATE OF KANSAS

I. PURPOSE

Sodium cyanide will be used in the spring-loaded ejector mechanism (SCSLEM) in an experimental program in the State of Kansas. This experimental program is designed to measure the usefulness of the SCSLEM as a method of reducing domestic livestock losses due to predation by coyotes when other methods are not feasible. This program will also evaluate the effect of the SCSLEM on non-target species and compare the cost and effectiveness of the SCSLEM with non-chemical predator control methods.

II. OBJECTIVES

A. Determine the effects of the use of the mechanisms in coyote damage control with regard to human safety.

B. Determine the selectivity of the SCSLEM's when used to control coyote damage.

C. Determine the effects of the SCSLEM's on livestock losses by coyotes where the SCSLEM's are used as compared to livestock losses where the SCSLEM's are not used.

D. Determine the most effective placement location of the SCSLEM for taking coyotes.

E. Determine the amount of coyote control that can be achieved through the use of the SCSLEM's without causing "unreasonable adverse effects" on the environment.

F. Determine the effectiveness and cost of controlling coyotes with the SCSLEM as compared to controlling coyotes with nonchemical methods such as trapping, shooting, etc.

G. Determine the economic benefits derived from the use of the SCSLEM and other methods of controlling coyotes in Kansas.

H. Determine the effects of the use of the SCSLEM's on the non-target species in the SCSLEM use areas.

III. CONTROL

A. *State Coordinator.* The program will be directed by the Kansas State University Agricultural Extension Service in cooperation with the Kansas Forestry, Fish and Game Commission; data will be analyzed by the Agricultural Experiment Station of Kansas State University. The State Coordinator of this program will be F. Robert Henderson.

B. *County Coordinator.* The county agricultural Extension Agent in each county in the program will serve as County Coordinator. The responsibilities of the County Coordinator are as follows:

1. Work with State Coordinator/Extension Specialist in wildlife damage control to arrange for and coordinate the training of applicators.

2. Assist in gathering data reports.

3. Maintain a list giving the name, address, and locations of land of each person certified as an approved applicator.

4. Assist applicators in obtaining information on special problems from the State Coordinator/Extension Specialist in wildlife damage control.

C. The Extension Service will assume responsibility for seeing that the county agricultural Extension Agents in the counties concerned are fully apprised of their responsibilities in the conduct of the program and will monitor this phase of the program to see that the duties outlined above are carried out in accordance with the intent of this proposal.

IV. PROCEDURES FOR IMPLEMENTATION

A. *Applicators' Qualifications.* Applicators of the SCSLEM will be ranchers or farmers in the counties in the program. These applicators will be approved by the Kansas Forestry, Fish and Game Commission after the permit seeker fills out an application for use of the SCSLEM to control coyotes, and receives preliminary approval of the application from the Kansas Agricultural Extension Service.

The training program will include information necessary for the approved SCSLEM applicator to understand the nature of the chemical and the mechanism, the techniques of selection of placement sites, selection of SCSLEM baits or scents, actual setting of the mechanisms, visitation periods, record keeping and reporting, legal responsibility, identifying methods of tripping device other than pull, training to identify kill types, locating kills from device, proper storage of the chemical capsule and mechanism when not in use, and method for disposal of used or inoperative capsules. Special emphasis will be given to environmental and human safety precautions to be observed when using the SCSLEM. This training will include on-the-site training and assistance with placement of the SCSLEM's. Each trainee must be thoroughly familiar with Kansas rules and regulations on cyanide use.

B. *Distribution of Chemical Capsules and Mechanisms.* Mechanisms and capsules will only be available to approved SCSLEM applicators. These approved applicators may rent mechanisms only from the Extension Specialist in wildlife damage control. Capsules may be purchased by approved applicators for use in the spring-loaded ejector mechanisms provided the mechanism owners agree to abide by the conditions of the experimental use program and reporting system. No explosive devices will be permitted.

The antidote, amyl nitrite capsules, must be available for users of the SCSLEM. Each purchaser must be advised of the antidote and the availability of this antidote at the time of purchase of capsules and/or mechanisms.

C. *Record Keeping.* A record of each applicator who obtains the chemical capsules and/or mechanisms will be kept. These records will include:

1. Name of approved applicator of the SCSLEM.

2. Location of ranch or farm headquarters, directions and mileage from nearest town.

3. The number of acres and livestock by type to be protected from depredation on the ranch.

4. The number of capsules and mechanisms purchased.

5. A signed agreement to comply with the terms of the damage assessment reporting system and the conditions of the experimental program.

D. *Data Reporting.* Each applicator must submit the following information to the county agricultural Extension Agent at least once each month.

1. Name of ranch or farm where SCSLEM's are placed, and name of owner.

2. Type of ranch or farm operation [cattle, horses, sheep or other, including the type of livestock production conducted; i.e., range (herded, fenced pastures), ewe, lamb, purebred, farm flock, feeder lambs (pasture, feedlot), etc.].

3. Name of applicator of SCSLEM.

4. Number of SCSLEM's in use each month at each specific SCSLEM location.

5. Number of capsules used each month at each specific SCSLEM location, including the number of capsules replaced.

6. Map showing location of each SCSLEM placed in the field. The map should be of sufficient detail so that a person unfamiliar with the placement of the SCSLEM will be able to locate them.

7. Description of any climatic effects upon the SCSLEM's.

8. Number of coyotes and non-target species taken each month.

9. Number of discharges each month at each SCSLEM location which results in no animal recovery.

10. Number of livestock losses from February 1, 1974 to June 30, 1974 (need only be included in first monthly report) to:

a. Coyotes.

b. Other known causes (listed by name).

c. Unknown causes.

11. Number and type of livestock losses each month of SCSLEM use to:

a. Coyotes.

b. Other known causes (list by name).

c. Unknown causes.

12. Number and type of accidents causing injury to humans, domestic animals or livestock.

13. Other control measures used at the same time that SCSLEM's are in use and animals taken.

Permission must be granted in writing at time of issuance of the permit to allow representatives or designated agents of the Kansas Forestry, Fish and Game Commission and Environmental Protection Agency to enter upon his property for the purpose of inspecting and monitoring all aspects of the experimental program. Any person found to be using the materials improperly or falsifying required data will have his permit revoked and will be denied further use of the device and capsules.

An approved applicator may be subject to the civil and criminal penalties under the Federal Insecticide, Fungicide, and Rodenticide Act, as amended.

Furthermore, failure to adhere to the provisions of this program on the part of any persons engaged in this program may result in suspension of the program.

V. DATA SUMMARIZATION AND ANALYSIS

A. The Kansas State University Agricultural Extension Service through the designated county Extension Agents will be responsible for collecting required SCSLEM data report forms from approved applicators. These data report forms will be referred to the Kansas Agricultural Experiment Station for summary and computation of data. Copies of these data report forms shall be sent to the State Coordinator and Pesticide Director of the Environmental Protection Agency office in Kansas City on a monthly basis. The Kansas State University Extension Service will collect requested data from control areas where the SCSLEM is not used and send this data to the Kansas Agricultural Experiment Station for summarization and comparison with data from SCSLEM use areas. The State Coordinator will also send this information to the EPA office in Kansas City on a quarterly basis.

The data from control areas will consist of livestock losses due to coyote predation, losses due to other or unknown causes, and coyote kills due to other control methods, such as trapping, shooting, etc.

A precensus of livestock to be protected and an index of coyote populations both in the control areas and in those counties in the SCSLEM use program must be conducted prior to the introduction of SCSLEM use.

A postcensus of livestock populations and the index of coyote populations will be conducted in both areas at the completion of the program.

B. Evaluation will include determination of the cost of controlling coyotes with the SCSLEM as compared to trapping, shooting, or other methods used to control damage caused by coyotes.

C. This program will begin about February 1, 1975 and end June 30, 1975. No mechanisms or capsules may be distributed after June 1, 1975. Final data summaries and analyses must be submitted to the Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Washington, DC 20460 by September 15, 1975.

D. Use of the SCSLEM will not be permitted where use of the mechanism will harm endangered or threatened species that may be attracted to the SCSLEM.

VI. EXPERIMENTAL PROGRAM

A. *Location of SCSLEM Sites.* This program will be conducted in 40 counties in central and western Kansas. The designated counties were selected on the material basis of the occurrence of greatest predation losses of livestock. The following is a list of the 40 counties.

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Barber	Kiowa
Butler	Lane
Clark	Lincoln
Cloud	Marion
Comanche	McPherson
Cowley	Meade
Decatur	Mitchell
Dickinson	Norton
Edwards	Osborne
Ellis	Phillips
Finney	Reno
Ford	Republic
Gove	Rice
Graham	Rooks
Gray	Russell
Harper	Scott
Hodgeman	Sheridan
Jewell	Smith
Kearney	Sumner
Kingman	Trego

1. The total number of devices and capsules for the entire program will not exceed 150 devices and 2000 capsules.

2. All expenses incurred in renting, purchasing and placement of the mechanisms and sodium cyanide capsules will be the responsibility of the approved applicators.

3. No SCSLEM's will be used in 65 counties in Kansas. These counties will serve as control areas for the program. Other methods of controlling will be permitted such as trapping, shooting, etc. SCSLEM's will be used in the 40 counties only when other methods (trapping, etc.) seem least likely to stop the loss. Livestock loss, coyote and non-target species kill data, effectiveness and economic data will be collected from these counties.

B. *Work to be accomplished.* 1. Training af approved applicators.

2. Collection of program data from approved applicators.

3. Establishment of activities needed for monitoring and surveillance of all aspects of the experimental program by the Kansas Forestry, Fish and Game Commission and EPA.

4. Establishment of a method to evaluate selectivity of the SCSLEM's.

5. Establishment of a method to evaluate the program as a mechanism for measuring efficacy of the SCSLEM's in order to meet the program objectives.

6. Establishment of a method for an economic analysis of coyote control with the SCSLEM's.

7. Establishment of methods to census the livestock and coyote populations in the SCSLEM use areas and the areas where no SCSLEM's are used.

8. Collection of monthly program data from SCSLEM use areas and control areas where no SCSLEM's are in use.

9. Submission of all data to the Kansas Agricultural Experiment Station for summarization, analysis and distribution to the Kansas Forestry, Fish and Game Commission and the EPA.

Dated: November 7, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-26627 Filed 11-13-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

RETAIL DEALERS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Retail Dealers Advisory Committee will meet Monday, December 2, 1974 at 9 a.m., at the Statler Hilton Hotel, 33rd & 7th Avenue, New York, N.Y.

The Committee was established to provide the Federal Energy Administration with technical and timely information on a wide range of business activities associated with the retailing of gasoline and diesel fuel.

The agenda for the meeting is as follows:

A. OLD BUSINESS

1. Discussion of problems associated with leases and rents.
2. Review of voluntary conservation practices.
3. Review of amendments to petroleum price and allocation regulations.
4. Review of unleaded gasoline sales.

B. NEW BUSINESS

1. Discussion of trade practices.
2. Discussion of compliance problems.
3. Review of crude price equalization program.
4. Review of problems associated with changes in supplier's distribution.
5. Remarks from the floor (10 minute rule).

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office, (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C. on November 8, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74-26623 Filed 11-13-74;8:45 am]

FEDERAL MARITIME COMMISSION

PENINSULAR AND ORIENTAL STEAM NAVIGATION CO.

Order of Revocation

In the matter of Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-37 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,034; The Peninsular and Oriental Steam Navigation Company, c/o P & O Lines (North America) Inc., 165 Post Street, San Francisco, California 94108, Order of Revocation.

Whereas, The Peninsular and Oriental Steam Navigation Company (P & O Lines) has ceased to operate the passenger vessel, ORSOVA.

It is ordered, That Certificate (Performance) No. P-37 and Certificate (Casualty) No. C-1,034 applying only to the ORSOVA be, and are hereby revoked effective November 7, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the Certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-26707 Filed 11-13-74;8:45 am]

STATE OF ALASKA

Order of Revocation

In the matter of Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation No. P-66 and Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages No. C-1,062; State of Alaska, Department of Public Works, Division of Marine Transportation, Pouch R, Juneau, Alaska 99801, Order of Revocation.

Whereas, The State of Alaska has ceased to operate the passenger vessel WICKERSHAM.

It is ordered, That Certificate (Performance) No. P-66 and Certificate (Casualty) No. C-1,062 covering the WICKERSHAM be, and are hereby revoked effective November 7, 1974.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the Certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-26708 Filed 11-13-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9081]

ARIZONA PUBLIC SERVICE CO.

Filing of Transmission Agreement

NOVEMBER 7, 1974.

Take notice that on October 29, 1974, Arizona Public Service Company (APS) tendered for filing an "Agreement for the Transmission of Electric Power and Energy for Resale" (Agreement) with Arizona Electric Power Cooperative, Inc. (AERCO). Under the terms of the Agreement, APS would permit AEPCO to interconnect to Round Valley Switching Station, owned by APS, in order to provide electric service to Mohave Electric Cooperative, Inc.

APS states that the charges for the transmission facilities to be used pursuant to this Agreement are the same as those charges under Rate Schedule FPC Nos. 50, 52, 57, 58 and 59 for local facilities. The adjustment clauses contained in these rate schedules, which clauses are identical to those in the tendered Agreement, are now under investigation by the Commission (Docket Nos. E-8621, *et al.*), APS states, and hearing thereon is pending.

APS states that estimated revenues to be derived under the tendered Agreement are $18,360 for the period November 1, 1974 through October 31, 1975. This figure includes a monthly transmission service charge of $1,385, plus adjustments equal to $145 per month. The adjustments concern income tax, ad valorem tax, and materials, supplies and labor.

APS has requested an effective date of "early November, 1974" since, the Company states, AEPCO has requested that deliveries under this Agreement be commenced at that time. APS accordingly requests waiver of applicable Commission regulations in order to permit such an effective date.

APS states that copies of this Agreement have been mailed to the Arizona Corporation Commission and to AEPCO.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 15, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26663 Filed 11-13-74;8:45 am]

[Docket No. RP74-4]

CITIES SERVICE GAS CO.

Certification of Stipulation and Agreement

NOVEMBER 7, 1974.

Take notice that on September 12, 1974, the Presiding Administrative Law Judge certified to the Commission a Stipulation and Agreement (Stipulation) which would resolve all issues outstanding in the above-entitled proceeding. The Stipulation was presented for certification along with the entire record, including the evidence of all parties and the Commission's staff, at a hearing held on September 10, 1974.

The Agreement would result in the reduction of a jurisdictional rate increase proposed by Cities Service Gas Company (Cities), and made effective subject to refund January 23, 1973, from $20,990,103 as originally proposed to $11,529,722. The Stipulation contains provisions for the tracking of rate changes for advance payments and for changes in effective federal income taxes.

Cities states that copies of the Stipulation were served on all parties to the above-entitled proceeding.

Any person desiring to comment upon the Stipulation should file such comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, on or before November 22, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26657 Filed 11-13-74;8:45 am]

[Docket No. E-9091]

GEORGIA POWER CO.

Proposed Changes in Rates and Charges

NOVEMBER 7, 1974.

Take notice that Georgia Power Company, on October 31, 1974, tendered for filing proposed changes in its FPC Electric Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $42,981,351.00, based on the twelve month period ending December 31, 1975. The filing contains a proposed Rate Schedule WR-8 which would replace Rate Schedule WR-7, the subject of consideration in Docket No. E-8170, as revised by the settlement agreement presently pending before the Commission.

The Company asserts that its costs have escalated steadily since the filing of its WR-7 rate, resulting not only in a large increase in the revenue requirement from wholesale service, but also reducing earnings to a point below the level at which first mortgage bonds and preferred stock may be issued because of coverage limitations. The data submitted with the Company's filing allegedly demonstrates that rate WR-7, as amended by the settlement agreement, does not provide a fair rate of return on the Company's wholesale service.

Copies of the filing were served upon the Company's jurisdictional customers and on the Georgia Public Service Commission.

Any person desiring to be heard or to protest said application should file a Petition to Intervene or Protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a Petition to Intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26655 Filed 11-13-74;8:45 am]

[Docket No. RI74-188]

INDEPENDENT OIL AND GAS ASSOCIATION OF WEST VIRGINIA, ET AL.

Extension of Procedural Dates

NOVEMBER 7, 1974.

In the matter of Independent Oil and Gas Association of West Virginia, Petitioner *vs.* Consolidated Gas Supply Corporation, Columbia Gas Transmission Corporation, Carnegie Natural Gas Company, Equitable Gas Company, Respondent.

On November 4, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by the Presiding Administrative Law Judge and adopted by the Secretary's Notice issued October 30, 1974, in the above-designated matter. On November 5, 1974, the Independent Oil and Gas Association of West Virginia filed a motion in response to the above.

Upon consideration, notice is hereby given that the date for filing comments is extended to and including December 2, 1974, and the date for filing replies to comments is extended to and including December 11, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26667 Filed 11-13-74;8:45 am]

[Docket No. CI75-273]

INTRASTATE GATHERING CORP.

Application

NOVEMBER 7, 1974.

Take notice that on October 25, 1974, Interstate Gathering Corporation (Applicant), 8626 Tesoro Drive, San Antonio, Texas 78217, filed in Docket No. CI75-273 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipe Line Company (United) from Porcioner 81 and 85, Starr County, Texas, and delivery of said gas to Tennessee Gas Pipeline Company, a Division of Tenneco Inc., for the account of United, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas to United on October 15, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 60 days from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and

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Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 210,000 Mcf of gas per month at 85.0 cents per Mcf at 14.65 psia.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26662 Filed 11-13-74;8:45 am]

[Docket No. RP74-26]

LOUISIANA-NEVADA TRANSIT CO.

Postponement of Hearing Date

NOVEMBER 7, 1974.

On October 11, 1974, the City of DeQueen, Arkansas, filed a motion to extend the hearing date fixed by Order issued October 31, 1973, as most recently modified by Notice issued September 4, 1974, in the above-designated matter. On October, 17, 1974, and November 4, 1974, Louisiana Nevada Transit Company and Staff Counsel filed motions suggesting different hearing dates due to schedule conflicts.

Upon consideration, notice is hereby given that the date for hearing in the above matter is rescheduled for January 20, 1975, at 10:00 am, e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26665 Filed 11-13-74;8:45 am]

[Docket No. RP74-96]

NATURAL GAS PIPE LINE COMPANY OF AMERICA

Extension of Procedural Dates

NOVEMBER 7, 1974.

On October 30, 1974, Staff Counsel filed a motion for extension of the procedural dates fixed by order issued June 28, 1974, in the above-designated matter. The parties have no objection to the motion.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Evidence, January 31, 1975.
Service of Intervenor Evidence, February 28, 1975.
Service of Company Rebuttal Evidence, March 14, 1975.
Hearing, March 28, 1975 (10:00 am e.d.t.).

By direction of the Commission.

MARY B. KIDD,
Acting Secretary.

[FR Doc.74-26666 Filed 11-13-74;8:45 am]

[Docket No. E-9043]

METROPOLITAN EDISON CO.

Revisions to Interconnection Agreement and Certificate of Concurrence Therewith

NOVEMBER 7, 1974.

Take notice that on September 30, 1974, the Metropolitan Edison Company (ME) tendered for filing proposed revisions to Appendix C of its Interconnection Agreement with Pennsylvania Power and Light Company (PL) dated October 30, 1964. The proposed revisions will, among other matters, replace estimated costs with actual investment values and change the carrying charge rate to be used in calculating the monthly payment to be made by PL to ME.

PL's Certificate of Concurrence is also submitted with the above-mentioned filing.

ME requests that November 1, 1974, be designated as the effective date of the proposed revisions.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before November 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26656 Filed 11-13-74;8:45 am]

[Docket Nos. CP62-59, CP74-124]

PACIFIC GAS TRANSMISSION CO.

Petition To Amend

NOVEMBER 7, 1974.

Take notice that on October 25, 1974, Pacific Gas Transmission Company (Petitioner), 77 Beale Street, San Francisco, California 94106, filed in Docket Nos. CP62-59 and CP74-124 a petition to amend the Commission's orders issued pursuant to section 7(c) of the Natural Gas Act on April 6, 1962 (27 FPC 671), as amended, and January 23, 1974 (51 FPC —), in the respective dockets by authorizing Petitioner to construct a new delivery point at Mica, Washington, and to reallocate a portion of the volumes of natural gas currently delivered for Northwest Pipeline Corporation (Northwest) at the Spokane, Washington, delivery point to the Mica delivery point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued April 6, 1962, Petitioner was authorized to construct facilities necessary to transport natural gas in behalf of El Paso Natural Gas Company (El Paso) (predecessor to Northwest). By order issued January 23, 1974, Petitioner was authorized a certain allocation among delivery points of the gas Petitioner delivered for the account of El Paso.

Petitioner proposes to establish at Mica a new mainline delivery point which will be used for the sale of natural gas by Northwest to the Washington Water Power Company (WWPC) for resale in Mica and in the WWPC's existing Spokane distribution system. Petitioner states that Mica, located at the end of the Spokane distribution system, currently receives natural gas service by way of the Spokane delivery point. The petition indicates that since Mica is a rapidly growing area, a new delivery point at Mica will reinforce the existing distribution system and will enable the WWPC to make more efficient use of the system. Petitioner proposes that the maximum daily demand for the Mica delivery point shall be 8,490 Mcf of gas and that the Spokane delivery point shall be reduced accordingly. Petitioner states that the proposed delivery point will not alter the total volume of gas transported and delivered by Petitioner for Northwest. Petitioner further states that none of the gas involved will be used as boiler fuel.

To effectuate this service, Petitioner proposes to install a mainline tap and a meter station at an estimated cost of $114,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CSR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26663 Filed 11-13-74;8:45 am]

[Project No. 477]

PORTLAND GENERAL ELECTRIC CO.

Issuance of Annual License

NOVEMBER 8, 1974.

On November 13, 1973, Portland General Electric Company, Licensee for Bull Run Project No. 477, located in Mount Hood National Forest on the Sandy River, in Clackamas County, Oregon, filed an application for a new license under Section 15 of the Federal Power Act and Commision regulations thereunder (§§ 16.1–16.6).

The License for Project No. 477 was issued effective November 17, 1924 for a period ending November 16, 1974. In order to authorize the continued operation and maintenance of the Bull Run Project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Portland General Electric Company for continued operation and maintenance of Project No. 477.

Take notice that an annual license is issued to Portland General Electric Company (Licensee) under section 15 of the Federal Power Act for the period November 17, 1974 to November 16, 1975 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Bull Run Project No. 477, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26652 Filed 11-13-74;8:45 am]

[Docket No. E-9085]

PUBLIC SERVICE COMPANY OF INDIANA

Filing of Supplement to Electric Power Contract

NOVEMBER 7, 1974.

Take notice that on October 29, 1974 Public Service Company of Indiana (PSCI) tendered for filing a proposed supplement, dated December 1, 1974, to its Interconnection Agreement with The Cincinnati Gas and Electric Company (Cincinnati), dated September 1, 1970.[1]

PSCI states that the purpose of this supplement is to increase the demand charge for Short Term Power from 40 cents per kilowatt per week to 45 cents per kilowatt per week, a change necessitated by present and future costs.

PSCI states that Cincinnati has agreed to the proposed supplement, as is evidenced by Cincinnati's signature on the supplement, as well as a certificate of concurrence submitted by Cincinnati.

PSCI requests an effective date of December 1, 1974, for the proposal contained herein.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26653 Filed 11-13-74;8:45 am]

[Docket No. E-9086]

PUBLIC SERVICE COMPANY OF INDIANA

Filing of Supplement to Electric Power Contract

NOVEMBER 7, 1974.

Take notice that on October 29, 1974 Public Service Company of Indiana (PSCI) tendered for filing a proposed supplement, dated December 1, 1974, to its Interconnection Agreement with Louisville Gas and Electric Company (Louisville), dated February 1, 1974.[1] PSCI states that the purpose of this supplement is to increase the demand charge for Short Term Power from 40 cents per kilowatt per week to 45 cents per kilowatt per week, and to amend the definition of "out-of-pocket cost" to include reference to replacement costs of fuel purchased for, or supplied from, the supplying party's storage inventories.

PSCI states that Louisville has agreed to the proposed supplement, as is evidenced by Louisville's signature on the supplement, as well as a certificate of concurrence submitted by Louisville.

PSCI requests an effective date of December 1, 1974, for the proposal contained herein.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26658 Filed 11-13-74;8:45 am]

[Docket No. RP73-92; PGA 75-1-A]

RATON NATURAL GAS CO.

Change in Rates

NOVEMBER 7, 1974.

Take notice that Raton Natural Gas Company (Raton) on October 29, 1974 tendered for filing proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Substitute Fourth Revised Sheet No. 3a. The change in rates is for jurisdictional gas service.

Raton states that the instant notice of change in rates is occasioned solely by, and will compensate Raton only for, increases in the cost of gas purchased from Colorado Interstate Gas Company (CIG) without any reallocation of cost of service to rate design formula prescribed by the Commission in Opinion No. 671, as filed by Raton on September 20, 1974.

Ration has requested waiver of all applicable rules and regulations of the Commission as may be necessary to permit the tendered tariff sheet to become effective on October 1, 1974, or such other date as the Commission makes effective CIG Tariff Sheets under which Raton purchases gas.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26654 Filed 11-13-74;8:45 am]

[Docket No. CI73-694]

RODMAN CORP.

Extension of Procedural Dates

NOVEMBER 7, 1974.

On November 5, 1974, the Rodman Corporation filed a motion to extend the

[1] Designated as PSCI Rate Schedule FPC No. 218.

[1] Designated as PSCI Rate Schedule FPC No. 208.

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date for filing rebuttal testimony and the hearing date fixed by Order issued May 15, 1974, as most recently modified by Notice issued October 16, 1974, in the above-designated matter. The motion states that Staff Counsel and the intervenor have been notified and have no objection.

Upon consideration, notice is hereby given that the date for filing rebuttal testimony is extended to and including November 15, 1974. The hearing date is rescheduled for November 21, 1974, at 10 am, e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26660 Filed 11-13-74;8:45 am]

[Docket Nos. RP72-121; PGA75-3]

SOUTHWEST GAS CORP.

Tendered PGA Tariff Revision

NOVEMBER 6, 1974.

Take notice that on October 17, 1974, Southwest Gas Corporation (SGC) tendered for filing Third Substitute Sixth Revised Sheet No. 3A, constituting Original PGA-1, to its FPC Gas Tariff, Original Volume No. 1. The tariff sheet is proposed to become effective December 1, 1974.

SGC states that the purpose of this filing is to reflect proposed increases of 2.964 cents per therm and .272 cents per therm by SGC's sole supplier, Northwest Pipeline Corporation Northwest).[1] SGC further states that it intends to accrue into Account 191 the 2.964 cents per therm increase from November 1, 1974, or such date granted Northwest by Commission order, until December 1, 1974. On December 1, 1974, SGC would then increase its rates by 3.263 cents per therm.[2] Since SGC has only a single supplier, it proposes that Exhibit A attached to Commission Order No. 452 in Docket No. R-406 is not required and therefore requests a waiver of same.

SGC states that copies of this filing are being posted in accordance with § 154.16 of the Commission's rules and regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26668 Filed 11-13-74;8:45 am]

[Docket No. CS72-258]

S.S.C. GAS PRODUCING CO.

Petition To Amend and Request for Waiver of Regulations

NOVEMBER 7, 1974.

On August 14, 1974, S.S.C. Gas Producing Company (Petitioner) filed in Docket No. CS72-258 a petition to amend the order of the Commission issuing a small producer certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the Commission's regulations thereunder by authorizing the continuation of a sale of natural gas to Texas Eastern Transmission Corporation from developed acreage in the Strauch-Wilcox Field, Bee County, Texas, which Petitioner has acquired from Union Texas Petroleum, a Division of Allied Chemical, and Texas Pacific Oil Company, Inc. (Union Texas, *et al.*), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner acquired from Union Texas, *et al.* by assignment effective as of June 1, 1972, interests in certain leases in Bee County, Texas, which constitute the acquisition of developed reserves in place from a large producer. Petitioner seeks herein authorization to continue the sale of natural gas from such leases under its small producer certificate at a rate not in excess of the applicable area rate. In this regard Petitioner requests waiver of § 157.40(c) of the regulations under the Natural Gas Act (18 CFR 157.30(c) which provides in part that sales of natural gas may not be made pursuant to a small producer certificate from reserves acquired by a small producer by purchase of developed reserves in place from a large producer.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 29, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26659 Filed 11-13-74;8:45 am]

[Docket Nos. CI70-355; CI73-575]

TRICENTROL UNITED STATES, INC.

Redesignation

NOVEMBER 7, 1974.

On September 20, 1974, notification was received by the Commission of the corporate name change of High Crest Oils, Inc. to Tricentrol United States, Inc. (Tricentrol). In addition, the new corporation requested certain redesignations.

Accordingly, the certificates of public convenience and necessity issued in Docket Nos. CI70-355 and CI73-575 pursuant to section 7(c) of the Natural Gas Act are redesignated as those of Tricentrol. The Rate Schedule Nos. 1 and 2 related to such certificates are also redesignated as those of Tricentrol.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26661 Filed 11-13-74;8:45 am]

GENERAL ACCOUNTING OFFICE

CIVIL AERONAUTICS BOARD

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 6, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of an amendment to require air taxi operators to list the address and telephone number of their local FAA office on their registration form, and to utilize CAB 298-A to report any changes in their operations. This reporting requirement is mandatory under the Federal Aviation Act. Potential respondents are approximately 3200 registered air taxi operators that are required to re-register and file Form 298-A every two years. Throughout the year there will be new operators registering with the Board for the first time, and there will also be others submitting changes on an irregular basis. Respondent burden is estimated at one-half hour for each respondent per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-26703 Filed 11-13-74;8:45 am]

[1] Proposed to become effective November 1, 1974 (Docket No. RP72-154) and December 1, 1974 (Docket No. RP74-95) respectively.

[2] (2.964 + .272) cents per therm x 1.0084 (to reflect the jurisdictional portion of the compressor station fuel and unaccounted for gas) =3.263 cents per therm.

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

MEETING

NOVEMBER 12, 1974.

A Committee of the National Advisory Council on Economic Opportunity, authorized by section 605 of the Economic Opportunity Act of 1964, as amended, will hold a two day working session at its offices at 1016 16th Street, NW. (Room 601), Washington, D.C. on Monday, November 18, 1974 and Tuesday, November 19, 1974. Each working session will begin at 9:30 a.m. This working session is open to the public.

The Committee of the National Advisory Council will discuss its research effort for its Eighth Annual Report as well as legislation pending to continue Economic Opportunity Act Programs.

It is requested that the above information be published in the FEDERAL REGISTER as required by section 9 of the Federal Advisory Committee Act of 1972. Although we are aware that fifteen days notice is required for publication of notice in the FEDERAL REGISTER, there were unanticipated scheduling problems encountered in coordinating a Washington, D.C. based meeting since the Council's membership is not Washington, D.C. based.

JOSEPH A. DOOLING,
Chairman, Advisory Council Committee.

[FR Doc.74-26796 Filed 11-13-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PUBLIC PROGRAMS PANEL

Meeting

OCTOBER 29, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C. on December 5 and 6, 1974.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-26714 Filed 11-13-74;8:45 am]

PUBLIC PROGRAMS PANEL

Meeting

NOVEMBER 11, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet in Washington, D.C. on December 9 and 10, 1974.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-26713 Filed 11-13-74;8:45 am]

PUBLIC PROGRAMS PANEL

Meeting

NOVEMBER 13, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given that a meeting of the Public Programs Panel will meet in Washington, D.C. on December 13, 1974.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74-26712 Filed 11-13-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EXPANSION ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Expansion Arts Advisory Panel to the National Council on the Arts will be held from 9 a.m.-5 p.m. on December 2, 3 and 4, 1974 in the 11th floor conference room of the Shoreham Building, 806 15th Street, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-26647 Filed 11-13-74;8:45 am]

LITERATURE ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a meeting of the Literature Advisory Panel to the National Council on the Arts will be held from 9 a.m.-5 p.m. on December 6 and from 3 p.m.-5 p.m. on December 7, 1974 at the DeSoto Hilton in Savannah, Georgia.

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A portion of this meeting will be open to the public on December 7 from 3 p.m.–5 p.m. on a space available basis. Accommodations are limited. During the Open session on December 7 information about the Arts Endowment will be given to the southern writing community.

The remaining session of this meeting on December 6 will be for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74–26648 Filed 11–13–74;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Public Media Advisory Panel to the National Endowment for the Arts will be held on November 30 thru December 3, 1974, at the Beverly-Hilton, Los Angeles, California.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74–26645 Filed 11–13–74;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held from 9 a.m.–5 p.m. on December 3 and from 9 a.m.–5 p.m. on December 4, 1974 in the 1st floor conference room of the Shoreham Building, 806 15th Street, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74–26646 Filed 11–13–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 11, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which apear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Economic Research Service: Convenience Foods: Consumer Use and Attitude, Form ----, Single time, Sunderhauf (395–4911), Gonzales (395–3793), Individual in household who prepares the food.

U.S. CIVIL SERVICE COMMISSION

Continuance of Child's Eligibility to Receive Benefit, Form BRI 49–233, Occasional, Caywood (395–3443), Parent or guardian of student child survivor annuitant.

U.S. TARIFF COMMISSION

Importers' and Producers' Questionnaire Electronic Printing Calculators, Form ----, Single time, Evinger (395–3648), Importers' and producers of electronic printing calculators.

Purchasers' Questionnaire, Tapered Roller Bearings Form ----, Single time, Evinger (395–3648), U.S. tapered rolled bearing purchasers.

REVISIONS

DEPARTMENT OF DEFENSE

Department of the Navy: Fraudulent Enlistment Warning, Form NAVPERS 1130/2, Occasional, Lowry (395–3772) Navy enlistment applicant.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application to Participate in the State Student Incentive Grant Program, Form OE 1288, Annual, Lowry (395–3772), State agencies.

THE RENEGOTIATION BOARD

Standard Form of Contractors Report, Statement of Non-applicability of the Renegotiation Act of 1951, Form RB–1, RB–90, Monthly, Caywood (395–3443), Defense and aerospace contractors.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–26814 Filed 11–13–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812–3714]

CAPITAL SHARES, INC. AND CAPITAL INVESTORS GROWTH FUND, INC.

Filing of Application

NOVEMBER 6, 1974.

Notice is hereby given that Capital Shares, Inc. ("Capital") and Capital Investors Growth Fund, Inc. ("Growth Fund") (collectively referred to as the "Funds"), 2727 Allen Parkway, Houston, Texas 77019, both registered under the Investment Company Act of 1940 ("Act") as open-end investment companies, have filed an application pursuant to section 17(b) of the Act for an order of the Commission exempting from the provisions of section 17(a) of the Act the proposed exchange of substantially all of the assets of Growth Funds for shares of Capital. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

The application states that Capital and Growth Fund have entered into an Agreement and Plan of Reorganization ("Plan") under which substantially all the assets of Growth Fund are to be purchased by Capital in exchange for shares of Capital at net asset value as of the Valuation Date as defined in the Plan. The Capital shares will be distributed to holders of shares of Growth Fund in liquidation.

Growth Fund and Capital both have as their primary objective growth of capital through investment in common stocks and other securities with current income and incidental objectives. The investment restrictions of each Fund are substantially the same. Growth Fund has a limited power to borrow money for investment purposes which it has never used and which Capital does not have. Capital has a prohibition against investing in companies in which directors or officers, or the investment adviser own certain amounts, and is limited in amounts it may invest in companies with less than a three-year record of continuous operations, while Growth Fund has no such restrictions. Growth Fund is also permitted to invest indirectly in commodities while Capital is not. The Funds' directors and the officers, except for Presidents, are identical. The investment advisory agreements which each Fund has with Investors Counsel, Inc., are the same in all respects.

On June 30, 1974, net assets of Growth Fund and Capital amounted to $1,274,688 and $23,245,244, respectively. Under the Plan all securities and cash of Growth Fund (subject to the retention by it of cash estimated to be sufficient to pay its liabilities and expenses of liquidation and dissolution but not to exceed 10 percent of its net assets nor 30 percent of its gross assets) will be delivered to Capital in exchange for shares of Capital. The exchange will be based on the adjusted net asset value per share of Growth Fund and the net asset value of Capital as of the close of business on the Valuation Date. If the transaction had taken place (on the basis of unaudited financial statements) at June 30, 1974, the shareholders of Growth Fund would have received .570 shares of Capital having a value of $4.09 per share for each share of Growth Fund held by them.

There is no adjustment contemplated to give credit for the tax consequences which might inhere, in different proportions, in the respective portfolios of Capital and Growth Fund for realized and unrealized capital gains and losses. As of June 30, 1974, Growth Fund had unrealized capital losses of $1,403,414. The application states that the long-term benefit to the shareholders of Capital, however, would be highly theoretical because Capital, itself had, as of that date, unrealized losses of $18,886,868, more than ample to offset its realizable gains. It is further stated that one theoretical purpose of such tax adjustment is to limit the benefit which an acquiring fund derives from realized losses of the acquired fund; but this benefit inures only to a fund with a portfolio market value in excess of its tax-cost basis. The portfolios of both Capital and Growth Fund have market values substantially less than their respective tax-costs bases.

The Plan is contingent upon (1) approval by the shareholders of Growth Fund; (2) receipt of an opinion of counsel to the effect that the proposed transaction will constitute a tax-free reorganization and that no gain or loss will be recognized for Federal Income Tax purposes by either of the Funds or their shareholders as a result of the transaction; and (3) the distribution, immediately prior to the effective date of the transaction, by Growth Fund to its shareholders of a dividend consisting of substantially all of its undistributed net income and capital gains. The application states that the Plan is for the benefit of both of the Funds. Growth Fund, it is alleged, offers increased diversification of investments and anticipated savings of expenses as a per cent of assets; e.g. various fixed expenses such as legal, auditing, stockholder reports, Commission filings and other administrative costs can be reduced. Capital will benefit by the acquisition of portfolio securities without incurring the usual transaction costs or brokerage fees. In the opinion of management of Capital, all of the securities in Growth Fund's portfolio are consistent with Capital's investment policies and no sale of portfolio securities would be required as a result of the acquisition.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered company any security or other property, subject to certain exceptions, unless the Commission upon application, pursuant to section 17(b) of the Act, grants an exemption from the provisions of section 17(a) of the Act upon a finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve over-reaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act, and is consistent with the general purposes of the Act.

Funds submit that the proposed transaction meets all the standards of section 17(b) of the Act, because, among other things, the exchange is to take place solely on the basis of relative net asset values; nothing in the recited policy of either of the Funds forbids the proposed transaction; shareholders of Growth Fund are being fully advised of the investment policies of Capital; the transaction will serve to reduce the per-share amount of certain fixed expenses which presently duplicate one another and the transaction is consistent with the general purposes of the Act because as part of the Plan, the shareholders of Growth Fund will become shareholders of Capital which is itself a registered investment company.

Notice is further given, that any interested person may, not later than December 2, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reasqn for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Funds at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26694 Filed 11–13–74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed New Rules and Rules Amendments and Deletions to Option Plan

Notice is hereby given the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed new rules and rules amendments and deletions to its Option Plan filed pursuant to Rule 9b–1 under the Securities Exchange Act of 1934 (17 CFR 240.9b–1). The proposed CBOE rules changes are necessary because of the proposed changes in the By-Laws and Rules of the Chicago Board Options Exchange Clearing Corporation (the "Clearing Corporation"). The changes are as follows:

Amendments to Rules 1.1(d), 1.1(m), 4.9, 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 5.2, 5.3, 5.5, 5.6, 5.7, 6.40, 6.50, 6.51(d), 9.7(c), 9.17, 10.2, 11.1, 12.3(a)(5), 12.3(b), 12.3(c), 12.5, 13.4, 15.2 and 15.3, and the Schedule to Rule 14.5 (a)(1);
New Rules 6.54, 6.55, 6.56, 6.57 and 6.58;
Deletions of Rules 11.4, 12.4 and 12.6.

The amendment to Rule 1.1(d) is simply to reflect name changes of the Clearing Corporation.

The amendment to Rule 1.1(m) is deemed advisable to make it clear that options which are the subject of transactions that are rejected by the Clearing

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Corporation are still "option contracts" under CBOE's Rules.

Rule 4.9 is being amended to add the words "clearing corporation."

Rules 4.11, 4.12, 4.13, 4.14, 4.15, 4.16, 9.7(c), 9.17 and 15.3 are being amended to reflect the possibility of multiple trading in options. In addition, Rule 4.11 is being further amended to remove the 500 contracts per expiration month limit insofar as it pertains to covered short positions and certain spread positions. Such limits appeared to be too restrictive on customers having large positions in the underlying stock or spread positions and to be unnecessary for such positions in light of the continued applicability of the 1,000 contracts per class limit. Rule 4.13 is also being amended to increase the reporting requirement from 100 contracts to 250 contracts, since the additional reports have proved a burden on both staff and members and have not proved useful in surveillance. Rule 4.16 is also being amended to delete the last sentence thereof (the subject matter of which is being added to the Clearing Corporation's By-Laws).

Rules 5.2, 5.6, 5.7, 11.1 and 11.4 are being amended to reflect the fact that portions of the subject matter thereof will be added to the By-Laws of the Clearing Corporation. Rule 5.3 is being amended to refer to the proposed Participant Exchange Agreement. In addition, these Rules and Rule 5.5 are being amended in minor respects to improve the drafting and to eliminate some obsolete references.

Rule 6.40 is being amended to reflect the proposed amendment to Rule 5.6.

The amendments to Rules 6.50, 6.51(d) and 15.2 and new Rules 6.54–6.58 are necessary as a result of the Exchange's taking over the responsibility for trade comparison.

Rules 12.3 through 12.6 need to be amended to reflect the fact that options will be traded on other exchanges. Moreover, CBOE understands that the New York Stock Exchange's Board of Governors will shortly consider proposed amendments to that Exchange's margin rules insofar as they pertain to options.

Accordingly, CBOE deemed it appropriate to amend its margin rules at this time to reflect both the initiation of trading on other exchanges and the adoption of uniform rules by NYSE and CBOE. Although the proposed amendments to CBOE's margin rules are in a different verbal format from NYSE's, CBOE believes they are substantively the same with one possible exception related to the treatment accorded to over-the-counter options.

The amendment to Rule 13.4 is simply a drafting "clean up" made necessary by the recent amendment to Rule 13.2.

The amendment to the Schedule in Rule 14.5(a)(1), which has been approved for filing by the Executive Committee of CBOE, is to be considered by the Board of Directors on November 14 but is not to become effective until approved by a vote of members after the Commission's comments have been received. **Although the effectiveness of common clearing is not dependent on the approval of this amendment, it is hoped that the amendment may be submitted for a vote of members at a meeting scheduled for December 9, which would require a mailing to members not later than November 22.** (In such mailing CBOE would make clear, assuming it had not yet received the Commission's comments, that effectiveness would depend on non-disapproval by the Commission.)

CBOE is aware of proposed Rule 19b–3 requiring termination of all fixed rates, including floor brokerage rates, by May 1, 1975. If the Commission determines in the current proceedings to adopt proposed Rule 19b–3 in respect of floor brokerage rates, the proposed new schedule (or any amended schedule) would continue in effect only until the effective date of such rule.

As compared with the present schedule, the proposed new schedule is designed to reduce the general level of floor brokerage and at the same time to simplify treatment of the subject. Overall, based on trading data for the first six months of 1974, it is estimated that a reduction of approximately 26 percent would result.

However, since the proposed simplification would involve decreasing the number of price categories (horizontal lines on the schedule) from thirteen to six and decreasing the number of size categories (vertical columns in the schedule) from six to two, there are a few places where the new schedule would produce a higher rate than the old. In particular this could occur as to options with premiums in the $5–$6 or $10–$14 range, but basically only as to large orders. For example, for an option with a premium in the range of $12–$14 the existing schedule would produce a rate of $102.85 for sixty contracts whereas the new schedule would produce $105. Based on data for the first six months of 1974, it is estimated that less than 1% of total CBOE volume would be subject to a possible rate increase in this way.

There are other places where the new schedule shows a higher rate in the last column but where the total rate, taking account of the new lower rate for the first ten units in an order, would nevertheless be lower. For example, for an option with a premium in the range of $6–$8, even though the last column in the old schedule shows a lower rate than in the new one, the old schedule would produce a total rate of $80.60 for sixty contracts whereas the new schedule would produce a total rate of $80.

The proposed new rules and rules amendments and deletions will become effective upon the 30th day after this notice appears in the FEDERAL REGISTER, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the change in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed new rules and rules amendments and deletions to CBOE's plan either before or after they have become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10–54. The proposed new rules and rules amendments and deletions are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, N.W., Washington, D.C.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 6, 1974.

[FR Doc.74–26691 Filed 11–13–74;8:45 am]

[812–3299]

DIVERSIFIED TAX-EXEMPT BOND FUND, CALIFORNIA SERIES I AND BLYTH EASTMAN DILLON & CO., INC.

Filing of Application

NOVEMBER 6, 1974.

NOTICE IS HEREBY GIVEN that Diversified Tax-Exempt Bond Fund, California Series I ("Fund"), aunit investment trust registered under the Investment Company Act of 1940 ("Act"), and its sponsor, Blyth Eastman Dillon & Co. Incorporated ("Sponsor"), (the Fund and the Sponsor hereinafter collectively referred to as "Applicants"), 555 California Street, San Francisco, California 94104, have filed an application pursuant to section 6(c) of the Act for an order of the Commission, amending a prior Commission order, exempting Fund and all subsequent national or state series of the same or similar title of which Sponsor is a sponsor or co-sponsor ("the Subsequent Series") from the provisions of section 14(a) of the Act, in order to permit the possible distribution and redemption of Units of one or more Subsequent Series by an underwriting syndicate as well as by the sponsor acting alone. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

The Fund is a unit investment trust organized under the laws of the State of California. Sponsor acts as sole sponsor of the Fund.

The Sponsor had filed a Registration Statement on Form S–6 under the Securities Act of 1933 (the "1933 Act"), which has subsequently been amended to cover an aggregate of 9,000 units (including 4,000 Units to be resold from time to time by the Sponsor in connection with its market making activities) to be offered to investors at a public offering price as set forth in the prospectus which became effective on June 19, 1974. The Sponsor has also filed a notification of registration on Form N–8A and a Registration Statement on Form N–8B–2 relating to the Fund.

The Fund is governed by a trust agreement (the "Trust Agreement") under

which the Sponsor acts as such and Bank of America National Trust and Savings Association ("Bank") acts as Trustee and Evaluator. Pursuant to the Trust Agreement, the Sponsor deposited with the Trustee $5,000,000 principal amount of bonds (the "Bonds") which were accumulated for such purpose. Thereafter, the Trustee delivered to the Sponsor registered certificates for 5,000 Units, which represent the entire ownership of the Fund. These Units were in turn offered for sale to the public by the Sponsor.

Applicants state that the Bonds were not pledged or in any other way subjected to any debt by the Fund at the time they were deposited with the Trustee. All of the Bonds were tax free municipal bonds, selected to insure exemption from Federal and California income tax, diversity and value. Bank acts as Bond Advisor to the Fund and advises the Sponsor regarding the Fund's bond portfolio. For these services Bank received a fee of $20,000.

The assets of the Fund consist and will consist of the Bonds, bonds acquired upon certain refundings, accrued and undistributed interest and undistributed cash. Units in the Fund represent fractional individual interests; they remain outstanding until redeemed or until termination of the Trust Agreement.

Pursuant to an order of the Commission issued on April 20, 1973 (Investment Company Act Release No. 7780) ("1973 Order") the Fund and all Subsequent Series were exempted, pursuant to section 6(c) of the Act, from various provisions of the Act and rules thereunder. Upon the Sponsor's undertaking of various financial responsibilities, discussed more fully below, the Fund and all Subsequent Series were exempted from the net worth requirements of section 14(a) of the Act. Furthermore, the Fund and all Subsequent Series were exempted from the capital gains dividend distribution restrictions in Rule 19b–1(a) and from secondary market operations restrictions in Rule 22c–1.

Section 14(a) of the Act requires that a registered investment company (a) having a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at the time have had a net worth of $100,000; or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

The 1973 Order exempts the Applicants from the provisions of section 14(a) of the Act. In connection with such order the Sponsor had undertaken (i) to refund, on demand and without deduction, all sales charges to purchasers of Units of the Fund and of a Subsequent Series if within 90 days after the Registration Statement of the Fund or of a Subsequent Series under the 1933 Act becomes effective, the net worth of the Fund or of a Subsequent Series shall be reduced to less than $100,000 or if the Fund or the Subsequent Series is terminated; (ii) to instruct the trustee on the date the bonds are deposited in the Fund and each Subsequent Series that in the event that redemption by the Sponsor of Units which constitute a part of the unsold Units shall result in the Fund or a Subsequent Series having a net worth of less than 10 percent of the principal amount of bonds originally deposited, the trustee shall terminate the Fund or the Subsequent Series in the manner provided in the governing Trust Agreement and distribute any bonds, or other assets deposited with the trustee pursuant to the Trust Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above, to refund any sales load to any purchaser of Units of the Fund or any Subsequent Series purchased from the Sponsor or any dealer participating in the underwriting, on demand, and without any deduction.

Applicant submits that should an underwriting syndicate be used in the distribution of one of the Subsequent Series the sales load on Units sold by Syndicate) and also that such members members and not to the Sponsor (except to the extent it is a member of a Syndicate) and also that such members might tender Units for redemption. Consequently, Applicants believe it necessary to amend the 1973 order so as to reflect the effects of such possible distributions and redemptions upon their Section 14(a) exemption and the Sponsor's undertakings in connection therewith.

Applicants seek an exemption from the provisions of section 14(a) of the Act in order to make a possible future public offering of a Subsequent Series through a distribution and redemption mechanism of an underwriting syndicate as well as by the Sponsor acting alone. In connection with this requested exemption the Sponsor has modified its prior section 14(a) undertakings as follows: the Sponsor agrees (i) to refund or cause to be refunded by members of a Syndicate, if any, on demand and without deduction all sales charges to purchasers of Units of any Subsequent Series if within 90 days after the Registration Statement of any Subsequent Series under the 1933 Act becomes effective, the net worth of said Subsequent Series shall be reduced to less than $100,000 or if the Subsequent Series is terminated; (ii) to instruct the trustee on the date the bonds are deposited in each Subsequent Series that in the event that redemption by the Sponsor or members of a Syndicate, if any, of Units of the Subsequent Series which constitute a part of the unsold Units shall result in said Subsequent Series having a net worth of less than 10% of the principal amount of bonds originally deposited, the trustee shall terminate said Subsequent Series in the manner provided in the governing Trust Agreement and distribute any bonds or other assets deposited with the trustee pursuant to the Trust Agreement as provided therein; and (iii) in the event of termination for the reasons described in (ii) above to refund or cause to be refunded by members of a Syndicate if any any sales load to any purchaser of Units of any Subsequent Series purchased from the Sponsor any member of the Syndicate, or any dealer participating in the underwriting, on demand, and without any deduction.

Section 6(c) of the Act provides, in part, that the Commission may, upon application, conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities or transactions from any provision of the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 2, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of any attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following November __, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26695 Filed 11–13–74;8:45 am]

[File No. 500–1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

NOVEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America

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being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 8, 1974 through November 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-26696 Filed 11-13-74;8:45 am]

[812-398]

SAVINGS BANK INVESTMENT FUND

Filing of Application

NOVEMBER 6, 1974.

Notice is hereby given that Savings Bank Investment Fund ("Applicant"), 50 Congress Street, Boston, Massachusetts 02109, a corporation duly organized pursuant to a special act of the Massachusetts legislature, effective August 8, 1945, and registered under the Investment Company Act of 1940 ("Act") as an open-end diversified investment company, has filed an amendment to its application pursuant to sections 6(c), 18(i) and 22(e) of the Act requesting an order supplementing the Commission's exemptive order of December 17, 1946 (Investment Company Act Release No. 988) declaring that the amendment of Applicant's Charter effective September 12, 1974 and the exercise by the Board of Directors of the authority granted thereby have no effect upon the validity of the exemptions granted by the December 17, 1946 exemptive order. The 1946 order granted Applicant exemptions from sections 13(a), 15(a), 16(a), 18(i), 22(d) and (e), 24(d), 32(a)(2) and (3) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Applicant states that it is an investment fund created by the Commonwealth of Massachusetts, the securities of which may be sold only to Massachusetts savings banks and a related entity and to Massachusets co-operative banks, the investment powers of which are prescribed by statute, and which is subject to control of the Commissioner of Banks of the Comomnwealth of Massachusetts. The special act of the Massachusetts legislature which comprises Applicant's Charter has been amended by an act of the Massachusetts legislature effective September 12, 1974. The amendment authorizes Applicant's Board of Directors: (a) to establish one or more additional distinct portfolios or investment funds in which Applicant's assets would be held, each such fund to be represented by a separate class of shares of beneficial interest of Applicant and each such fund to be subject to the investment restrictions presently contained in Applicant's Charter; (b) to enter into one or more investment advisory contracts with respect to any one or more of such funds on the same terms and conditions presently contained in the Charter; provided, however, that no adviser, at the time its contract is approved, may advise any such fund or combination of funds amounting to more than ½ of 1 percent of all deposits in Massachusetts savings banks; and (c) to pay dividends with respect to any class of Applicant's shares.

Section 49 of Chapter 168 of the Massachusetts General Laws has also been amended effective September 12, 1974 so that the limits on investment by savings banks in Applicant's shares contained in that section would reflect the fact that there may be more than one fund within Applicant.

Applicant has undertaken to declare and pay dividends to shareholders of a given fund only out of income and capital gains attributable to that fund. Applicant represents that the purpose of the amendment to Applicant's Charter is to permit the creation of two new funds within Applicant, one of which would invest in long-term debt securities and the other of which would invest principally in short-term debt instruments. Applicant states that its present portfolio consists principally of equity securities, and would constitute a third distinct fund within Applicant. Applicant submits that the purpose of the amendment is in accord with Applicant's original purpose of giving Massachusetts savings banks an opportunity to participate in a professionally-managed portfolio which is permitted to invest in a broader range of securities than such banks may invest in directly.

Notice is further given that any interested person, may, not later than December 2, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the isues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant in care of Gaston Snow & Ely Bartlett, 82 Devonshire Street, Boston, Massachusetts 02109, attention: Sheldon A. Jones, Esquire.

Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-26697 Filed 11-13-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

NOVEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5% and 6%), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 8, 1974 through November 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-26698 Filed 11-13-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

NOVEMBER 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 8, 1974 through November 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-26692 Filed 11-13-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1099]

LOUISIANA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Louisiana as a major disaster following severe storms beginning on or about October 28, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following Parish: Acadia and adjacent affected areas. Adjacent areas include only parishes within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
Plaza Tower—17th Floor
1001 Howard Avenue
New Orleans, Louisiana 70113

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than January 6, 1975. EIDL applications will not be accepted subsequent to August 4, 1975.

Dated: November 6, 1974.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.74-26690 Filed 11-13-74;8:45 am]

[License No. 03/03-5114]

MODEDCO INVESTMENT CO.

Filing of Application for Change of Ownership of Licensed Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to 13 CFR 107.701 (1974) for a change of ownership of MODEDCO Investment Company (MODEDCO), 1325 Massachusetts Avenue, NW., Suite 110, Washington, D.C. 20005, a Federal Licensee under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act), (15 U.S.C. 661 et seq.).

MODEDCO was licensed by SBA on March 5, 1973, as a wholly owned subsidiary of Model Cities Economic Development Corporation (MODEL), a nonprofit corporation funded by the District of Columbia Model Cities Demonstration Agency with grants received from the Department of Housing and Urban Affairs.

Pursuant to a Plan of Merger involving, among others, MODEL and the District of Columbia Development Corporation (DCDC), and approved by the board of directors of both corporations, MODEL is being merged with and into DCDC, the survivor of the merger. DCDC is a nonprofit corporation organized under the laws of the District of Columbia and has its principal office located at 1120 Connecticut Avenue, NW., Washington, D.C. 20036.

As a result of this merger, MODEDCO will become a wholly owned subsidiary of DCDC and will maintain its office at 1120 Connecticut Avenue, NW., Washington, D.C. 20036, the same address as its parent company.

No management changes are contemplated for MODEDCO as a result of the change of ownership.

Matters involved in SBA's consideration of the application include the general business reputation of the new owner and the probability of successful operation of the company under such ownership (including adequate profitability and financial soundness) in accordance with the Act and SBA regulations.

Notice is further given that any person may, not later than November 29, 1974, submit written comments on the proposed change of ownership of the Licensee to Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

Dated: November 7, 1974.

JAMES THOMAS PHELAN, *Deputy Associate Administrator for Investment.*

[FR Doc.74-26689 Filed 11-13-74;8:45 am]

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Open Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that an open meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation will be held in the offices of the Corporation on the 8th floor at 800 Independence Avenue, SW, Washington, D.C. on December 12, 1974 at 3 p.m.

Agenda items are as follows:

(1) Opening remarks by the Administrator;
(2) Approval of minutes of prior meeting;
(3) Administrative report;
(4) Program reviews;
(5) Closing remarks.

Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, at the above address, or by calling 202-426-3574.

Issued: November 7, 1974.

[SEAL] D. W. OBERLIN, *Administrator.*

[FR Doc.74-26642 Filed 11-13-74;8:45 am]

VETERANS ADMINISTRATION

ADVISORY COMMITTEE ON CEMETERIES AND MEMORIALS

Meeting

The Veterans Administration gives notice that a meeting of the Administrator's Advisory Committee on Cemeteries and Memorials, authorized by section 1001, title 38, United States Code, will be held at the Veterans Administration Central Office, 810 Vermont Avenue, NW., Washington, D.C., on December 3 and 4, 1974, at 9 a.m. The meeting will be held to conduct routine business.

The meeting will be open to the public up to the seating capacity of the conference room which is about 40 persons. Because of the limited seating capacity and the need for building security, it will be necessary for those wishing to attend to contact Ms. Charlotte Withers in the office of the Director, National Cemetery System, Veterans Administration Central Office (phone 202-389-5211) prior to December 3, 1974.

Any interested person may attend, appear before, or file statements with the Committee—which statements, if in written form, may be filed before or after the meeting.

Oral statements and/or reports from the public will be heard only between 3 p.m. and 5 p.m. on December 3, 1974, due to the number of items on the agenda for the meeting.

Dated: November 8, 1974.

[SEAL] R. L. ROUDEBUSH, *Administrator.*

[FR Doc.74-26705 Filed 11-13-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 630]

ASSIGNMENT OF HEARINGS

NOVEMBER 11, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

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No amendments will be entertained after the date of this publication.

MC 119767 Sub 315, Beaver Transport Co., application dismissed.

MC 136786 Sub 52, Robco Transportation, Inc., application dismissed.

MC 128878 Sub 34, Service Truck Line, Inc., now being assigned January 14, 1975 (2 days), at New Orleans, La., in a hearing room to be later designated.

MC 107107 Sub 434, Alterman Transport Lines, Inc., now being assigned January 16, 1975 (2 days), at New Orleans, La., in a hearing room to be later designated.

I & S No. M 27990, Increased Rates, September, 1974, Alaska Carriers Association, now being assigned January 14, 1975 (4 days), at Anchorage, Alaska, in a hearing room to be later designated.

I & S No. 8982, Soda Ash, SFA Territory, and FSA No. 42837, Soda Ash Within The South, now being assigned January 3, 1975, at the Offices of the Interstate Commerce Commission, Wash., D.C.

MC 22229 Sub 82, Terminal Transport Co., Inc., now being assigned January 20, 1975 (1 week), at Tampa, Fla., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26722 Filed 11-13-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 11, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the Federal Register.

FSA No. 42899—*Rubber to Andover, Massachusetts.* Filed by Southwestern Freight Bureau, Agent (No. B-491), for interested rail carriers. Rates on rubber, etc., in carloads, as described in the application, from points in Louisiana and Texas, to Andover, Massachusetts.

Grounds for relief—Rate relationship and water competition.

Tariff—Supplement 100 to Southwestern Freight Bureau, Agent, tariff 13-E, I.C.C. No. 4982. Rates are published to become effective on December 13, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26719 Filed 11-13-74;8:45 am]

[Notice 189]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 14, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 2, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75115. By order of November 1, 1974, the Motor Carrier Board approved the transfer to Booth Refrigerated Lines, Inc., Central City, Nebr., of that portion of the operating rights in Certificates Nos. MC 121168 (Sub-No. 2), and MC 121168 (Sub-No. 4), issued August 24, 1973, and April 19, 1973, as corrected May 8, 1973, to Booth Transfer, Inc., Clarks, Nebr., authorizing the transportation of fresh meat, from the plant site and storage facilities of Swift & Co., at or near Grand Island, Nebr., to Council Bluffs, Iowa, and frozen onions, from the facilities of Delicious Food Company at Grand Island, Nebr., to Chicago, Ill., and points in Iowa and Wisconsin. Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-75395. By order entered 11-4-74, the Motor Carrier Board approved the transfer to W. A. Wagner, Inc., Garden Prairie, Ill., of the operating rights set forth in Certificate No. MC 33401, issued April 22, 1974, to Chas. Ind. Co., Rockford, Ill., authorizing the transportation of machinery, equipment, and supplies used in, or incidental to, the construction of roads and buildings, between a specified area in Illinois, on the one hand, and, on the other, specified areas in Iowa and Wisconsin. Robert H. Levy, 29 S. LaSalle St., Chicago, Ill. 60603, attorney for applicants.

No. MC-FC-75437. By order entered 11-7-74, the Motor Carrier Board approved the transfer to Hillsdale Cartage, Inc., 94 West Hallett, R.F.D. No. 4, Hillsdale, Mich. 49242, of the operating rights set forth in Permit No. MC 110645, issued September 26, 1949, to Wells Beebe, doing business as Hillsdale Cartage, Hillsdale, Mich., authorizing the transportation of such commodities, except food, as are dealt in by chain, retail, and mail-order department stores, from Hillsdale, Mich., to points and places in Michigan, Ohio, and Indiana within 50 miles of Hillsdale, Mich., and damaged, defective, repossessed, and trade-in merchandise, from the above-specified destination points and places to Hillsdale, Mich.

No. MC-FC-75443. By order entered 11-4-74, the Motor Carrier Board approved the transfer to Gene Steuart and Herb Davies, doing business as Steuart-Davies Truck Line, Topeka, Kans., of the operating rights set forth in Certificate No. MC 124950, issued May 21, 1963, and those evidenced by Certificates of Registration Nos. MC 124950 (Sub-No. 1), and MC 124950 (Sub-No. 2), issued by the Commission April 26, 1965, and August 2, 1965, respectively, to Herb Davies, doing business as Davies Truck Line, Topeka, Kans., authorizing the transportation of general commodities, with the usual exceptions, between points in Kansas. Floyd E. Gehrt, P.O. Box 5186, Topeka, Kans. 66605, attorney for applicants.

No. MC-FC-75484. By order of November 7, 1974, the Motor Carrier Board approved the transfer to Woldorf Transportation Service, Inc., Philadelphia, Pa., of the operating rights in Certificate No. MC 128402 (Sub-No. 1), issued August 1, 1969, to Morris Woldorf, doing business as Woldorf Transportation Service, Philadelphia, Pa., authorizing the transportation of passengers and their baggage, in special operations, between King of Prussia, Fort Washington, and Willow Grove, Pa., on the one hand, and, on the other, New York, N.Y. Raymond A. Thistle, Jr., 4 Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26720 Filed 11-13-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 11, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 25, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 59367 (Sub-No. E3), filed June 3, 1974. Applicant: DECKER TRUCK LINES, INC., Box 915, 3584 Fifth Avenue South, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Solid fiber shipping containers, paper, and paper products*, from Chicago, Ill., to Dakota City, Nebr. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 83539 (Sub-No. E30), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) *machinery, equipment, materials*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, and (3) *earth drilling machinery* and *equipment*, and *machinery, equipment, materials, supplies*, and *pipe*, incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Arkansas, on the one hand, and, on the other, points in that part of California in and north of Santa Cruz, Santa Clara, Merced, Tulumne, and Mono Counties. The purpose of this filing is to eliminate the gateways of points in Colorado, Wyoming and Kansas.

No. MC 83539 (Sub-No. E49), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, and *parts* of such commodities when moving in connection therewith; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in Utah, on the one hand, and, on the other, points in Kansas (except points in Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Jewell, Mitchell, Osborne, Rooks, Graham, Sheridan, Thomas, Sherman, Wallace, Logan, Gove, Trego, Ellis, Russell, and Lincoln Counties). Restriction: The operations authorized in (1) above are restricted against service performed in the stringing or picking up of commodities in connection with main or trunk pipelines. The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of Wichita, Kans., and points in Colorado.

No. MC 83539 (Sub-No. E50), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce Street, P.O. Box 5976, Dallas, Tex. 75202. Applicant's representative: Wiley C. Willingworth (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more (except in driveaway service), and *related machinery, tools parts*, and *supplies* moving in connection therewith, between points in that part of California in and north of Monterey, Kings, Tulare, and Inyo Counties, on the one hand, and, on the other, points in that part of New Mexico in, north, and east of Eddy, Chaves, De Baca, Guadalupe, Torrance, Santa Fe, Sandoval, and Rio Arriba Counties. Restriction: The operations in (2) above are restricted to commodities which as transported on trailers. The purpose of this filing is to eliminate the gateways of points in Utah and Colorado.

No. MC 100666 (Sub-No. E217), filed May 19, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plant site of the West Virginia Pulp and Paper Company located at or near Wickcliffe, Ky., to points in Arizona, California, Idaho, Nevada, Oregon, Washington, and points in Utah on and south of a line from the Utah-Nevada State line along Interstate Highway 80 to the junction of Alternate U.S. Highway 50, thence along Alternate U.S. Highway 50 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the Utah-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Little River County, Ark.

No. MC 100666 (Sub-No. E221), filed May 24, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing* from points in Kansas to points in Mississippi. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 100666 (Sub-No. E224), filed September 18, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Insulating materials;* (1) from the plant site of the Celotex Corporation at or near Hamlin, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; (2) from Duke, Okla., and points within one mile thereof, to points in Alabama, Connecticut, Delaware, Florida, Georgia, points in Kentucky east of U.S. Highway 45, points in Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, points in Ohio on and east of U.S. Highway 71, points in Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; (3) from Acme, Tex., to points in Connecticut, Delaware, Florida, Georgia, Indiana, Maine, Maryland, Massachusetts, points in the Lower Peninsula of Michigan on and east of a line from the Michigan-Indiana State line along U.S. Highway 131 to the junction of Michigan Highway 37, thence along Michigan Highway 37 to Traverse City, and points in New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; (4) from Florence, Ky., to points in Arizona, points in California on and south of California Highway 20 and points in New Mexico on and south of a line from the New Mexico-Texas State line along U.S. Highway 66 to the junction of New Mexico Highway 44, thence along New Mexico Highway 44 to the Colorado-New Mexico State line; (5) from West Memphis, Ark., to points in Arizona, California, points in Colorado on and west of a line from the Colorado-New Mexico State line along U.S. Highway 24 to the junction of Colorado Highway 13, thence along Colorado Highway 13 to the Colorado-Wyoming State line, and points in Idaho, Nevada, New Mexico, Oregon, Utah, and Washington; (6) from the plant site and warehouse facilities of the Celotex Corporation in Wayne County, N.C., to points in Arizona, California, Colorado, Idaho, points in Montana on and west of a line from the Montana-Wyoming State line along U.S. Highway 87 to the junction of U.S. Highway 91, thence along U.S. Highway 91 to the United States-Canada International Boundary line, and points in Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

(B) *Insulating materials* (except commodities in bulk), from the plant site and warehouse facilities of National Gypsum Co., at or near Rotan, Tex., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky,

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Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. (C) *Insulating sheathing*, from Irving, Tex., to points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maine, Maryland, Massachusetts, points in the Lower Peninsula of Michigan, points in New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and points in Wisconsin on, east, and south of a line from Prairie du Chien, along Wisconsin Highway 27 to the junction of U.S. Highway 8, thence along U.S. Highway 8 to the Wisconsin-Michigan State line and Birmingham, Selma, and Mobile, Ala., and points in the District of Columbia. (D) *Insulating boards;* (1) from Macon, Ga., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, South Dakota, Utah, Washington, Wyoming, and points in North Dakota on and west of U.S. Highway 83; (2) from Pensacola, Fla., to points in Arizona, California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and Dallas and Fort Worth, Tex. The purpose of this filing is to eliminate the gateway of the plant site of Fibreboard Company at or near Grambling, La.

No. MC 100666 (Sub-No. E225), filed Sept. 20, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden beams, joists, and trusses*, from Delaware, Ohio, to points in Colorado on and south of U.S. Highway 50 and points in New Mexico (Duke, Okla., and points within 1 mile thereof) *, points in Arizona (Texarkana, Tex.) *, points in Kansas on and south of a line from the Kansas-Missouri State line along U.S. Highway 54 to the junction of Interstate Highway 35, thence along Interstate Highway 35 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the Colorado-Kansas State line, and points in Missouri on and south of a line from the Missouri-Arkansas State line along U.S. Highway 60 to the junction of U.S. Highway 66, thence along U.S. Highway 66 to the Missouri-Kansas State line and points in Tennessee within 250 miles of Texarkana, Tex. (points in Arkansas) *, points in Tennessee on, west, and south of a line from the Tennessee-Missouri State line along Tennessee Highway 20 to the junction of U.S. Highway 45, thence along U.S. Highway 45 to the Tennessee-Mississippi State line, (points in Arkansas or Mississippi) *, and points in Alabama on, west, and south of a line from the Alabama-Tennessee State line along Interstate Highway 65 to the junction of U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line (points in Arkansas or Mississippi) *. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E227), filed Aug. 12, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, from Bakers, N.C., to points in Arkansas, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, Oregon, South Dakota, Utah, Washington, and Wyoming and points in North Dakota on and west of North Dakota Highway 3 and points in Arkansas on, west, and north of a line from the Arkansas-Missouri state line along Arkansas Highway 7 to the junction of Arkansas Highway 27 to the junction of Arkansas Highway 8, thence along Arkansas Highway 8 to the Arkansas-Oklahoma State line. (Moffett, Okla.) *; (2) *Plastic pipe* (except oilfield commodities as described by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459 from Bakers, N.C., to ponits in Arkansas on, west, and south of a line from the Arkansas-Louisiana State line along Arkansas Highway 7 to the junction of Arkansas Highway 8, thence along Arkansas Highway 8 to the Arkansas-Oklahoma State line (Columbia, Miss.) *. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E226), filed August 23, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe and fittings*, from the plant site and warehouse facilities of Kyle-Gifford-Hill, Inc., at or near Newberry, Fla., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming (plant site of Smith Plastics, Inc., at Little Rock, Ark.) *; and (2) *Plastic pipe* (except oilfield commodities, as described by the Commission in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459), from the plant site and warehouse facilities of Kyle-Gifford-Hill, Inc., at or near Newberry, Fla., to points in Missouri (Columbia, Miss.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106398 (Sub-No. E146), (Correction), filed May 31, 1974, published in the FEDERAL REGISTER, November 5, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, tubing, conduit, valves, or fittings, compounds, joint sealer, primer, coating, thinner, and accessories* used in the installation of such products (except commodities in bulk), when intended for use in the construction of buildings, from the plant site of Carlon Products Division of Continental Oil Company, at Ohio, to points in Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, California, Nevada, Oregon, Washington, South Carolina, Georgia, Alabama, and Florida. The purpose of this filing is to eliminate the gateway of the plant site of Metal Deck, Inc., at Oregon, Ohio. The purpose of this correction is to correct the E number, previously published as E46.

No. MC 108380 (Sub-No. E1), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Newcastle, Wyo., to points in Nebraska east of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Pennington County, S. Dak.

No. MC 108380 (Sub-No. E2); filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Petroleum and petroleum products*, from Mandan, N. Dak., to points in Colorado, Wyoming, and those in Nebraska in and west of Sheridan, Garden, and Devel Counties. The purpose of this filing is to eliminate the gateway of Butte County, S. Dak.

No. MC 110420 (Sub-No. E116) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 5, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis., 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Chicago, Ill.; to (1) Portland, Maine (Cudahy, Wis.) *; (2) points in North Dakota (Clinton, Iowa) *; (3) points in Arkansas, Kentucky, and Tennessee (Indianapolis, Ind.) *; (4) points in North Dakota and South Dakota (Red Wing, Minn.) *; and (5) to points in Arkansas (St. Louis, Mo.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to correct the "E" number, previously published as E115 and to correct the applicant's address.

No. MC 110420 (Sub-No. E142), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles from Pekin, Ill., to (1) Johnstown, Penn. (Detroit, Mich.) *; (2) points in Huron, Tuscola, Sanilac, Genesee, Tapeer, St. Clair, Oakland, Macomb, Wayne, and Monroe Counties, Mich. (Toledo, Ohio) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E143), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street, NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles from Pekin, Ill., to points in Floyd, Clark, Jefferson, and Switzerland Counties, Ind. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110420 (Sub-No. E144), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Granite City, Ill., to points in West Virginia and to points in Floyd, Clark, Jefferson, and Switzerland Counties, Ind. The purpose of this filing is to eliminate the gateway of Louisville, Ky.

No. MC 110420 (Sub-No. E145), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from the facilities of CPC International Inc., and Holly Sugar Corp., at or near Bonner Springs, Kans.; to (1) points in McKenzie, Williams, Divide, Burke, Mountrail, Ward, Renville, and Bottineau Counties, N. Dak (Cedar Rapids, Iowa) *; (2) Upjohn, Mich. (Clinton, Iowa) *; (3) points in Michigan and Mississippi (St. Louis, Mo.) *; and (4) points in Utah (North Kansas City, Mo.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110988 (Sub-No. E3) (Correction), filed May 17, 1974, published in the FEDERAL REGISTER October 8, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (3) *Concentrated spent sulphite* (sulphur waste liquor), in bulk, in tank vehicles, (b) from Rhinelander, Wis., to points in Pennsylvania, West Virginia, Kentucky, Alabama, Mississippi, Louisiana, Arkansas, Texas, Oklahoma, Colorado, Kansas, points in that part of Tennessee west of U.S. Highway 27, points in that part of Wyoming on and south of a line beginning at the Idaho-Wyoming State line, thence along U.S. Highway 30N to junction U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Nebraska State line, points in that part of Missouri on, south, and east of a line beginning at the Missouri-Nebraska State line, thence along Missouri Highway 6 to junction Missouri Highway 5, thence along Missouri Highway 5 to the Iowa-Missouri State line (the plant site of Philadelphia Quartz Co., at Utica, Ill.) *, points in Pennsylvania, West Virginia (Otsego, Mich.) *, New York, New Jersey (South Beloit, Ill.) *; * * * (8) *Liquid glue*, in bulk, in tank vehicles, from Forest Park, Ill., to points in that part of Wisconsin on and north of a line beginning at Prescott, thence along U.S. Highway 10 to junction U.S. Highway 57, thence along U.S. Highway 57 to Green Bay, and points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 16 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to the Minnesota-Wisconsin State line (Kimberly, Wis.) *.

(13) *Sulphuric acid*, in bulk, in tank vehicles, from Joliet, Ill., to points in that part of Minnesota on and north of a line beginning at the Minnesota-North Dakota State line, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls (Groos, Mich.) *. (14) *Chemicals* (except liquid hydrogen, liquid oxygen, and liquid nitrogen), in bulk, in tank vehicles, from the plant and warehouse sites of the Philadelphia Quartz Co., at Utica, Ill., to points in New York and New Jersey (South Beloit, Ill.) *.*(15) *Chemicals*, in bulk, in tank vehicles, from the plant and warehouse sites of Philadelphia Quartz Co., at Utica, Ill., to points in Minnesota (Portage, Wis.) *. (18) *Fertilizer and fertilizer ingredients*, in bulk, in tank or hopper type vehicles, from the plant site of Stauffer Chemical Co., at or near Morris, Ill., to points in Pennsylvania, and points in that part of West Virginia on, north, and east of a line beginning at the Ohio-West Virginia State line, thence along U.S. Highway 250 to junction U.S. Highway 19, thence along U.S. Highway 19 to the West Virginia-Virginia State line (Otsego, Mich.) *, points in North Dakota, and points in that part of South Dakota on and north of a line beginning at the Wyoming-South Dakota State line, thence along U.S. Highway 16 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line (Rothschild, Wis.) *.

(21) *Liquid chemicals* (except liquid hydrogen, liquid oxygen, liquid nitrogen, wood preservatives, and water repellants), in bulk, in tank or hopper type vehicles, from points in that part of Wisconsin on, north, and west of a line beginning at Green Bay, thence along U.S. Highway 41 to junction U.S. Highway 151, thence along U.S. Highway 151 to the Wisconsin-Illinois State line (except Superior), to points in Pennsylvania, points in that part of West Virginia on and north of Interstate Highway 70, and points in that part of Ohio on and east of a line beginning at Cleveland, thence along Interstate Highway 77 to junction Ohio Highway 43, thence along Ohio Highway 43 to the Ohio-West Virginia State line (Ostego, Mich, and that part of the South Beloit, Ill., commercial zone which lies in Wisconsin) *. (31) *Phosphoric acid and phosphatic fertilizer solutions*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on and east of U.S. Highway 41, to points in Indiana, points in that part of Illinois on and south of U.S. Highway 6, and points in that part of Iowa on and south of U.S. Highway 6 (the plant site of Hydrite Chemical Co., at Milwaukee, Wis.) *. (35) *Chromium sulphate*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, (b) from points in that part of Wisconsin on and north of U.S. Highway 16 (except Superior) to points in Pennsylvania, Tennessee, Virginia, and West Virginia (Milwaukee, Wis.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this partial correction is to clarify descriptions previously published. The remainder remains as previously published.

No. MC 111545 (Sub-No. E12) (Correction), filed May 19, 1974, published in the FEDERAL REGISTER, October 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines and agricultural machinery and implements, other than hand, as defined by the Commission), the transportation of which, because of size or weight, requires the use of special equipment, from points in Florida to points in Colorado. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Cartersville, or Marietta, Ga., or points in that part of Georgia within 50 miles thereof, and (2) points in Oklahoma. The purpose of this correction is to reflect Florida as the origin point.

No. MC 111545 (Sub-No. E45), filed May 27, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born

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(same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment, (1) from points in that part of Virginia on and east of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 11 to Winchester, thence along U.S. Highway 50 to Arlington, thence along Interstate Highway 95 to Richmond, thence along U.S. Highway 1 to South Hill, thence along U.S. Highway 58 to South Boston, thence along U.S. Highway 501 to the Virginia-North Carolina State line, to points in that part of Tennessee on and west of a line beginning at the Tennessee-Mississippi State line, thence along U.S. Highway 45 to Jackson, thence along Tennessee Highway 20, to the Tennessee-Missouri State line; (2) from Norfolk, Va., to points in that part of Tennessee on and west of Tennessee Highway 69; and (3) from points in that part of Virginia on and east of a line beginning at the Virginia-Kentucky State line, thence along U.S. Highway 23 to Pound, thence along Virginia Highway 83 to Fremont, thence along Virginia Highway 63 to St. Paul, thence along Alternate U.S. Highway 58 to Hansonville, thence along U.S. Highway 19 to the Virginia-Tennessee State line, to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line. The purpose of this filing is to eliminate the gateways of points in that part of North Carolina within 175 miles of Chattanooga, Tenn., and Atlanta, Ga.

No. MC 111545 Sub-No. E107), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operates as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids; (2) *Machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving of air, gas, or liquids; and (3) *parts, attachments, and accessories* for use in the installation and operation of (1) and (2) above, the transportation of which, because of size or weight requires the use of special equipment, from points in that part of Wisconsin on and east of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 53 to Chippewa Falls, thence along Wisconsin Highway 178 to Cornell, thence along Wisconsin Highway 27 to Brule, thence along U.S. Highway 2 to the Wisconsin-Minnesota State line (except points in that part of Wisconsin east and south of a line beginning at the Wisconsin-Illinois State line, thence along Interstate Highway 90 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to Jefferson, thence along U.S. Highway 18 to Milwaukee), to points in that part of Louisiana on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateways of points in Iowa and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E155), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Commodities* (except knitting machines), the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Maryland on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to Baltimore, thence along Interstate Highway 95 to the District of Columbia, to points in that part of Colorado on and south of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 24 to Limon, thence along U.S. Highway 40 to Craig, thence along Colorado Highway 789 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateways of Atlanta, Cartersville, or Marietta, Ga., or points in Georgia within 50 miles thereof, and points in Oklahoma.

No. MC 111545 (Sub-No. E318), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment* and *parts, attachments*, and *accessories* for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on, east, and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to Birmingham, thence along U.S. Highway 11 to the Alabama-Mississippi State line, to points in Wyoming and that part of Colorado on, north, and west of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 24 to Limon, thence along Colorado Highway 71 to junction Colorado Highway 10, thence along Colorado Highway 10 to Walsenburg, thence along U.S. Highway 160 to Alamosa, thence along U.S. Highway 285 to the Colorado-New Mexico State line. The purpose of this filing is to eliminate the gateways of points in Georgia within 175 miles of Chattanooga, Tenn., and Springfield, Mo.

No. MC 111545 (Sub-No. E328), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe*, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Texas on, south, and east of a line beginning at the Texas-Louisiana State line, thence along Texas Highway 49 to junction U.S. Highway 67, thence along U.S. Highway 67 to Greenville, thence along U.S. Highway 380 to Denton, thence along Interstate Highway 35W to Ft. Worth, thence along U.S. Highway 81 to Laredo, to points in Kansas. The purpose of this filing is to eliminate the gateway of the plant site of McGraw-Edison Company near Sherman, Tex.

No. MC 111545 (Sub-No. E342), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in that part of Texas on, south, and east of a line beginning at the Texas-Arkansas State line, thence along Interstate Highway 30 to Greenville, thence along Texas Highway 34 to Italy, thence along U.S. Highway 77 to the International Boundary line between the United States and Mexico, to points in that part of Colorado on, north, and west of a line beginning at the Colorado-Kansas State line, thence along U.S. Highway 24 to Colorado Springs, thence along U.S. Highway 85 to Pueblo, thence along U.S. Highway 50 to Salida, thence along U.S. Highway 285 to junction Colorado Highway 17, thence along Colorado Highway 17 to Alamosa, thence along U.S. Highway 285 to the Colorado-New Mexico State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundary Company, at or near Tyler, Tex.

No. MC 111545 (Sub-No. E358), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories* for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment; (1)

from points in that part of Tennessee, within 175 miles of Chattanooga, Tenn., and on, east, and south of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 11 to Knoxville, thence along U.S. Highway 441 to the Tennessee-North Carolina State line, to points in South Dakota; and (2) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Tennessee-Alabama State line, thence along Tennessee Highway 56 to junction U.S. Highway 70N, thence along U.S. Highway 70N to Cookeville, thence along Tennessee Highway 42 to the Tennessee-Kentucky State line, to points in Colorado. The purpose of this filing is to eliminate the gateways of points in Georgia within 175 miles of Chattanooga, Tenn., and Springfield, Mo.

No. MC 111545 (Sub-No. E366), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in that part of Georgia on and south of U.S. Highway 278, to points in that part of Wyoming on, west, and north of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 87 to Cheyenne, thence along Interstate Highway 80 to Rawlins, thence along U.S. Highway 287 to Muddy Gap, thence along Wyoming Highway 220 to Casper, thence along U.S. Highway 87 to junction Interstate Highway 90, thence along Interstate Highway 90 to Gillette, thence along Wyoming Highway 59 to the Wyoming-Montana State line, restricted to the transportation of commodities which, because of size and weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Cartersville, or Marietta, Ga., or points in that part of Georgia within 50 miles thereof, (2) points in Oklahoma, and (3) the plant site and warehouse facilities of Western Foundary Co., at or near Tyler, Tex.

No. MC 111545 (Sub-No. E369), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment; (1) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 31 to Nashville, thence along Alternate U.S. Highway 41 to the Tennessee-Kentucky State line, to points in California and Washington; (2) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on, east, and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 31 to Columbia, thence along Tennessee Highway 99 to Unionville, thence along U.S. Alternate Highway 41 to Tullahoma, thence along Tennessee Highway 55 to McMinnville, thence along U.S. Highway 70S to junction U.S. Highway 70, thence along U.S. Highway 70 to Knoxville, thence along U.S. Highway 11W to the Tennessee-Virginia State line, to points in Idaho, Montana, Nevada, and Oregon; (3) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 31 to Nashville, thence along U.S. Highway 31W to the Tennessee-Kentucky State line, to points in Arizona; (4) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on, east, and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to Murfreesboro, thence along U.S. Highway 70S to junction Tennessee Highway 42, thence along Tennessee Highway 42 to the Tennessee-Kentucky State line, to points in New Mexico; (5) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on, east, and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to Fayetteville, thence along U.S. Highway 64 to junction Tennessee Highway 50, thence along Tennessee Highway 55 to McMinnville, thence along U.S. Highway 70S to junction U.S. Highway 70, thence along U.S. Highway 70 to Knoxville, thence along Tennessee Highway 33 to Tazewell, thence along U.S. Highway 25E to the Tennessee-Kentucky State line, to points in Wyoming; and (6) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to Fayetteville, thence along U.S. Highway 64 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to Lynchburg, thence along Tennessee Highway 55 to McMinnville, thence along U.S. Highway 70S to junction Tennessee Highway 42, thence along Tennessee Highway 42 to the Tennessee-Kentucky State line, to points in Utah. The purpose of this filing is to eliminate the gateway of Anniston, Alabama.

No. MC 111545 (Sub-No. E506), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transporation of which, because of size or weight, requires the use of special equipment (except commodities to be used in, or in connection with, main or trunk pipelines), from points in that part of Utah on and south of a line beginning at the Utah-Colorado State line, thence along U.S. Highway 666 to Monticello, thence along U.S. Highway 163 to Crescent Junction, thence along U.S Highway 6 to junction Interstate Highway 70, thence along Interstate Highway 70 to Salina, thence along Utah Highway 26 to Delta, thence along U.S. Highway 6 to the Utah-Nevada State line, to points in that part of the lower peninsula of Michigan on, north and east of a line beginning at the Michigan-Indiana State line, thence along Michigan Highway 66 to junction Interstate Highway 96, thence along Interstate Highway 96 to junction Michigan Highway 46, thence along Michigan Highway 46 to Muskegon. The purpose of this filing is to eliminate the gateways of points in that part of Missouri within 100 miles of Kansas City, Kans., and the plant site of Continental Homes, Inc., at or near Malden. Mo.

No. MC 111956 (Sub-No. E1), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from Westmoreland County, Pa., to points in that part of Ohio west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 250 to its intersection with Ohio Highway 21, thence along Ohio Highway 21 to Cleveland, Ohio; materials and supplies (except commodities in bulk), used in the products, sale, distribution, and transportation of paper partitions, from points in that part of Ohio west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 250 to its intersection with Ohio Highway 21, thence along Ohio Highway 21 to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of Donora, Pa.

No. MC 111956 (Sub-No. E3), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and caps, stoppers, and covers*, therefor, in cartons (in truck loads except to points in Ohio),

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from Salem, N.J., to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., in Ohio (except Cleveland), and in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago; and *Returned, rejected, or damaged shipments of glassware, glass containers, and caps, stoppers, and covers, therefor,* in cartons, from points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Pa., in Ohio (except Cleveland), and in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago or Salem, N.J. The purpose of this filing is to eliminate the gateways of Connellsville and Washington, Pa.

No. MC 111956 (Sub-No. E5), filed June 4, 1974. Applicant: SUWAK TRUCKING CO., 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and caps, stoppers, and covers therefor*, in truck loads, from points in Allegheny, Fayette, Greene, Washington Counties, Pa., to Boston and Cambridge, Mass., Keene, N.H., Clinton, Conn., and points in Rhode Island and New York; *returned and rejected or damaged shipments of glassware, glass containers, and caps, stoppers, and covers, therefore, and material and supplies used in the manufacture of glassware and glass containers*, from Boston and Cambridge, Mass., Keene, N.H., Clinton, Conn., and points in Rhode Island and New York to points in Allegheny, Fayette, Greene, and Washington Counties, Pa. The purpose of this filing is to eliminate the gateway of Washington, Pa.

No. MC 111956 (Sub-No. E6), filed June 4, 1974. Applicant: SUWAK TRUCKING CO., 1105–15 Fayette Co., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glassware, glass containers, and caps, stoppers, and covers therefor* (in truckloads, except to points in Ohio), from points in Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., and points in Bedford, Blair, Fulton, Franklin, and Huntingdon Counties, Pa., within 50 miles of Bedford, Pa., to points in that part of Ohio on and west and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 250 to its intersection with Ohio Highway 21, thence along Ohio Highway 21 to Cleveland, Ohio, and to points in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago; *returned and rejected or damaged shipments of glassware, glass containers, and caps, stoppers, and covers therefor and material and supplies used in the manufacture of glassware and glass containers*, from points in that part of Ohio on and west and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 250 to its intersection with Ohio Highway 21, thence along Ohio Highway 21 to Cleveland, Ohio, points in Illinois within 50 miles of the intersection of Clark and Madison Streets in Chicago, to points in Allegheny, Fayette, Washington, and Westmoreland Counties, Pa., and points in Bedford, Blair, Fulton, Franklin, and Huntingdon Counties, Pa., within 40 miles of Bedford, Pa. The purpose of this filing is to eliminate the gateways of Bedford, Washington, and New Stanton, Pa.

No. MC 111956 (Sub-No. E7), filed June 14, 1974. Applicant: SUWAK TRUCKING CO., 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps for glass containers*, from Allegheny and Westmoreland Counties, Pa., to points in that part of West Virginia on and south of a line beginning at the Maryland-West Virginia State line, and thence along West Virginia Highway 7 to the Ohio-West Virginia State line; *returned and rejected or damaged shipments of glass containers and caps for glass containers*, from points in that part of West Virginia on and south of a line beginning at the Maryland-West Virginia State line and thence along West Virginia Highway 7 to the Ohio-West Virginia State line to points in Allegheny and Westmoreland Counties, Pa. The purpose of this filing is to eliminate the gateway of Connellsville, Pa.

No. MC 111956 (Sub-No. E8), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons, paper sheets, cullet, and tin plate*, from points in that part of Ohio west and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 250 to Ohio Highway 21, thence along Ohio Highway 21 to Cleveland, Ohio, to points in Westmoreland County, Pa., and *rejected or refused shipments of paper carton, paper sheets, cullet, and tin plate*, from points in Westmoreland County, Pa., to points in that part of Ohio west and south of a line beginning at the Ohio-Pennsylvania State line, thence along Ohio Highway 250 to Ohio Highway 21 and thence along Ohio Highway 21 to Cleveland, Ohio. The purpose of this filing is to eliminate the gateway of Connellsville, Pa.

No. MC 111956 (Sub-No. E9), filed June 4, 1974. Applicant: SUWAK TRUCKING CO., 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons, paper sheets, cullet, and tin plate*, from points in that part of West Virginia on and south of a line beginning at the Virginia-West Virginia State line, thence along West Virginia Highway 50 to the Ohio-West Virginia State line to points in Allegheny and Westmoreland Counties, Pa. The purpose of this filing is to eliminate the gateway of Connellsville, Pa.

No. MC 111956 (Sub-No. E10), filed June 4, 1974. Applicant: SUWAK TRUCKING CO., 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons, paper sheets, cullet, and tin plates*, from points in Ohio, to points in Fayette County, Pa., and *rejected or refused shipments of paper cartons, paper sheets, cullet, and tin plate*, from points in Fayette County, Pa., to points in Ohio. The purpose of this filing is to eliminate the gateway of Connellsville, Pa.

No. MC 111956 (Sub-No. E11), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper cartons, paper sheets, cullet, and tin plate*, from points in Delaware, Maryland, New Jersey, and that part of New York east of New York Highway 14, to Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Penn., and rejected or refused shipments of paper cartons, paper sheets, cullet, and tin plate, from points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Penn., to points in Delaware, Maryland, New Jersey, and that part of New York east of New York Highway 14. The purpose of this filing is to eliminate the gateway of Connellsville, Penn.

No. MC 111956 (Sub-No. E12), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper cartons, paper sheets, cullet, and tin plate*, from points in that part of Ohio on and south and west of a line beginning at Portsmouth, Ohio, thence along Ohio State Highway 73 to Oxford, Ohio, thence along Ohio Highway 27 to the Indiana-Ohio State line, to points in Allegheny County, Pa., and *rejected or refused shipments of paper cartons, paper sheets, cullet, and tin plate*, from points in Allegheny County, Pa., to points in that part of Ohio on and south and west of a line beginning at Portsmouth, Ohio, thence along Ohio Highway 73 to Oxford, thence along Ohio Highway 27 to the Indiana-Ohio State line. The purpose of this filing is to eliminate the gateway of Connellsville, Pa.

No. MC 111956 (Sub-No. E13), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tin plate*, from points in that part of Ohio on and south of U.S. Highway 40 and points in that part of West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to its junction with West Virginia Highway 60, thence on West Virginia Highway 60 to the Ohio-West Virginia State line, to points in that part of New York on and east of a line beginning at Oswego, N.Y., thence along New York Highway 48 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, and rejected or refused shipments of tin plate, from points in that part of New York on and east of a line beginning at Oswego, N.Y., thence along New York Highway 48 to its junction with U.S. Highway 11, thence along U.S. Highway 11 to the New York-Pennsylvania State line, to points in that part of West Virginia on and west of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 19 to West Virginia Highway 60, thence along West Virginia Highway 60 to the Ohio-West Virginia State line and points in that part of Ohio on and south of U.S. Highway 40. The purpose of this filing is to eliminate the gateway of Connellsville-Washington, Penn.

No. MC 111956 (Sub-No. E14), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fibreboard boxes and parts thereof*, between points in that part of Ohio on and south of U.S. Highway 40 on one hand, and, on the other, points in that part of New York bounded by a line beginning at Peekskill, N.Y., and extending east to the Connecticut-New York State line, points in New Jersey, and thence along U.S. Highway 6. The purpose of this filing is to eliminate the gateway of Connellsville-McKees Rocks, Penn.

No. MC 111956 (Sub-No. E15), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fibreboard boxes*, between points in Allegheny County, Pa., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of McKees Rocks, Pa.

No. MC 111956 (Sub-No. E16), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fibreboard boxes*, between points in Delaware, New Jersey, and New York on the one hand, and, on the other, points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Penn. The purpose of this filing is to eliminate the gateway of McKees Rocks, Penn.

No. MC 111956 (Sub-No. E17), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated fibreboard boxes*, between points in that part of Ohio west of a line beginning at Portsmouth, Ohio, thence along U.S. Highway 23 to Toledo, Ohio, on the one hand, and, on the other, points in Allegheny, Fayette, and Westmoreland Counties, Pa. The purpose of this filing is to eliminate the gateway of McKees Rocks, Pa.

No. MC 111956 (Sub-No. E18), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro-alloys and ferro-compounds*, from points in Allegheny, Fayette, Greene, and Washington Counties, Penn., to Newport, Ky., Buffalo, Dunkirk, Lockport, and Syracuse, N.Y., and refused or damaged shipments of fero-alloys and ferro-compounds and empty cartons, therefor, from Newport, Ky., Buffalo, Dunkirk, Lockport, and Syracuse, N.Y., to points in Allegheny, Fayette, Greene, and Washington Counties, Penn. The purpose of this filing is to eliminate the gateway of Washington, Penn.

No. MC 111956 (Sub-No. E19), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Pa. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferro-molybdenum, molybdenum oxide, calcium molybdate, ferro-tungsten, and tungsten powder*, from points in Allegheny, Fayette, Greene, and Washington Counties, Penn., to Harrison, N.J., and rejected or damaged shipments of ferro-molybdenum, molybdenum oxide, calcium molybdate, ferro-tungsten, tungsten powder, and empty containers therefor, from Harrison, N.J., to points in Allegheny, Fayette, Greene, and Washington Counties, Penn. The purpose of this filing is to eliminate the gateway of Washington, Penn.

No. MC 111956 (Sub-No. E20), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro-molybdenum, molybdenum oxide, calcium molybdate, ferro-tungsten, and tungsten powder*, from points in Allegheny, Fayette, Greene, and Washington Counties, Penn., to points in that part of Ohio on and west of a line beginning at Marietta, Ohio, thence along Interstate Highway 77 to Cleveland, Ohio (except Akron and Cleveland), and rejected or damaged shipments of ferro-molybdenum, molybdenum oxide, calcium molybdate, ferro-tungsten, tungsten powder and empty containers therefor, from points in that part of Ohio on and west of a line beginning at Marietta, Ohio, thence along Interstate Highway 77 to Cleveland, Ohio (except Akron and Cleveland), to points in Allegheny, Fayette, Greene, and Westmoreland Counties, Penn. The purpose of this filing is to eliminate the gateway of Washington, Penn.

No. MC 111956 (Sub-No. E21), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Ferro-molybdenum, molybdenum oxide, calcium molybdate, ferro-tungsten, and tungsten powder*, from points in Allegheny, Fayette, Greene, and Westmoreland Counties, Penn., to points in that part of Ohio on and west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 250 to its junction with Interstate Highway 77, thence along Interstate Highway 77 to Cleveland, Ohio, and *rejected or damaged shipments of ferro-molybdenum, molybdenum oxide, calcium molybdate, ferro-tungsten, tungsten powder, and empty containers* therefor, from points in that part of Ohio on and west of a line beginning at the Ohio-Pennsylvania State line and thence along U.S. Highway 250 to its junction with Interstate Highway 77, thence along Interstate Highway 77 to Cleveland, Ohio, to points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties, Penn. The purpose of this filing is to eliminate the gateway of Washington, Pa.

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No. MC 111956 (Sub-No. E22), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, materials, and supplies used in the packing and shipping of glassware and glass containers*, between points in Fayette and Westmoreland Counties, Penn. on the one hand, and, on the other, Lancaster, Ohio. The purpose of this filing is to eliminate the gateway of Connellsville, Penn.

No. MC 111956 (Sub-No. E23), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Allegheny, Fayette, Greene, Washington, and Westmoreland Counties on the one hand, and, on the other, Newark, N.J. Restriction: The service authorized herein is restricted to the transportation of traffic received from or delivered to connecting motor carriers at Newark, N.J. The purpose of this filing is to eliminate the gateways of points within 5 miles of Washington, Penn.

No. MC 111956 (Sub-No. E24), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Oil City, Penn., to points in Maryland and in West Virginia within 35 miles of Cumberland, Md. The purpose of this filing is to eliminate the gateway of Cumberland, Md.

No. MC 111956 (Sub-No. E25), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette Street, Washington, Penn. 15301. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from points in Allegheny and Westmoreland Counties, Penn., to points in that part of West Virginia on and south and west of a line beginning at the Maryland-Virginia State line, thence along U.S. Highway 250 to its intersection at U.S. Route 50, thence along U.S. Highway 50 to the Ohio-West Virginia State line, and *materials and supplies* (except commodities in bulk), used in the production, sale, distribution, and transportation of paper partitions, from points in that part of West Virginia on and south and west of a line beginning at the Maryland-Virginia State line, thence along U.S. Highway 250 to its intersection with U.S. Highway 50 thence along U.S. Route 50 to the Ohio-West Virginia State line, to Allegheny and Westmoreland Counties, Penn. The purpose of this filing is to eliminate the gateway of Donora, Penn.

No. MC 111956 (Sub-No. E26), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Penn. 15219. Applicant's representative: Henry M. Wick Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper partitions*, from points in Allegheny, Fayette, Greene, and Washington Counties, Pa., to points in Delaware, New Jersey (except points in Ocean and Monmouth Counties and points in those parts of Mercer, Middlesex, Union, and Essex Counties on and south of U.S. Highway 1), New York, Indiana, and the Lower Peninsula of Michigan, and *Materials and supplies* (except commodities in bulk) used in the production, sale, distribution, and transportation of paper partitions, from points in Delaware, New Jersey (except points in Ocean and Monmouth Counties and points in those parts of Mercer, Middlesex, Union, and Essex Counties on and south of U.S. Highway 1), New York, Allegheny, Fayette, Greene, and Washington Counties. The purpose of this filing is to eliminate the gateway of Donora, Pa.

No. MC 111956 (Sub-No. E27), filed June 4, 1974. Applicant: SUWAK TRUCKING COMPANY, 1105–15 Fayette St., Washington, Penn. 15301. Applicant's representative: Henry M. Wick Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper partitions*, from points in Allegheny and Fayette Counties, Pa., to points in that part of Ohio on and west of a line beginning at Portsmouth, Ohio, thence along U.S. Highway 23 to its intersection with Ohio State Highway 4, thence along Ohio State Highway 4 to Sandusky, Ohio, (2) *Materials* and *supplies* (except commodities in bulk), used in the production, sale, distribution, and transportation of paper partitions, from points in that part of Ohio on and west of a line beginning at Portsmouth, Ohio, thence along U.S. Highway 23 to its intersection with Ohio State Highway 4, thence along Ohio State Highway 4 to Sandusky, Ohio, to points in Allegheny and Fayette Counties, Pa. The purpose of this filing is to eliminate the gateway of Donora, Pa.

No. MC 112822 (Sub-No. E179), filed June 3, 1974. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from Stroud, Okla., to points in Alabama and Tennessee. The purpose of this filing is to eliminate the gateway of Coffeyville, Kans.

No. MC 112822 (Sub-No. E180), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in New Mexico (except Clovis, Lea, and Eddy Counties), to points in Missouri. The purpose of this filing is to eliminate the gateway points in Colorado.

No. MC 112822 (Sub-No. E181), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from the site of the warehouse of Dierks Forests, Inc., at or near Broken Bow, Okla., to points in California north of San Mateo, Santa Clara, Stanislaus, Tuolumne, and Mono Counties. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC 112822 (Sub-No. E183), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, in tank vehicles, from Rodsy Ford, Colo., to points in Iowa east of U.S. Highway 59 (except Cedar Rapids, Clinton, and Keokuk). The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 112822 (Sub-No. E184), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia liquid*, in bulk, in tank vehicles, from the plant and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Illinois on, north, and west of a line extending from the Illinois-Wisc. State line along U.S. Highway 51 to El Paso, thence along U.S. Highway 24 to the Illinois-Missouri State line, Minnesota, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of American Cyanamid Company, at South River, Mo.

No. MC 112822 (Sub-No. E185), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition lumber*, from Craig (McCurtain County), Okla., to points in California

north of San Mateo, Santa Clara, Stanislaus, Tuolumne, and Mono Counties. The purpose of this filing is to eliminate the gateway of points in Colorado.

No. MC 112822 (Sub-No. E186), filed May 16, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Sugar*, in bulk, from Bonner Springs, Kans., to points in Arkansas (except Little Rock), Iowa (except Cedar Rapids, Clinton, Keokuk), and Nebraska (except Omaha). The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 112822 (Sub-No. E188), filed May 16, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from Casper, Wyo., to points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Kansas and Stroud, Okla.

No. MC 112822 (Sub-No. E191), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in containers, from points in Minnesota on and south of a line beginning at the Minnesota-South Dakota State line and extending along U.S. Highway 14 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to Marshall, thence along U.S. Highway 59 to junction U.S. Highway 14, thence along U.S. Highway 14 to Rochester, thence along U.S. Highway 52 to its junction U.S. Highway 16, thence along U.S. Highway 16 to junction Minnesota Highway 76, thence along Minnesota Highway 76 to the Minnesota-Iowa State line, to points in Wisconsin south of a line beginning at Genoc and extending along Wisconsin Highway 56 to junction U.S. Highway 14, thence along U.S. Highway 14 to Madison, thence along U.S. Highway 151 to junction Wisconsin Highway 26, thence along Wisconsin Highway 26 to junction U.S. Highway 41, thence along U.S. Highway 41 to Green Bay, thence along Wisconsin Highway 57 to junction Wisconsin Highway 54, thence along Wisconsin Highway 54 to Algoma. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 112822 (Sub-No. E193), filed June 5, 1974. Applicant: BRAY LINES INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Minnesota on and south of a line beginning at the Minnesota-North Dakota State line and extending along U.S. Highway 52 to St. Paul, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line, to points in Wisconsin on and south of a line beginning at the Wisconsin-Iowa State line and extending along Wisconsin Highway 171 to junction U.S. Highway 14, thence along U.S. Highway 14 to Madison, thence along Interstate Highway 94 to Milwaukee. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 112822 (Sub-No. E195), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Jacksonville, Ill., to points in Arizona (except Cochise County), and Nevada. The purpose of this filing is to eliminate the gateway of Delta, Colo.

No. MC 115841 (Sub-No. E9), filed June 3, 1974. Applicant: COLONIAL RERIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except commodities in bulk, in tank vehicles, and hides), from the plant site of Missouri Beef Packers, Inc., located at or near Phelps City, Mo., to points in Alabama, Georgia, North Carolina, South Carolina, and Virginia (Chattanooga, Tenn.)* and points in Kentucky, Connecticut, Massachusetts, New Jersey, Rhode Island, and those in New York on and south of Interstate Highway 84 (points in Tennessee)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115841 (Sub-No. E10), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *meats* (except canned meats) and *dairy products*, in vehicles with mechanical refrigeration, restricted against the transportation of commodities in bulk or in tank vehicles or when frozen, from Brundidge, Ala., and points in Alabama on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.) to points in Kansas, Iowa, Missouri, Minnesota, Nebraska, Oklahoma, South Dakota, and Texas. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 115841 (Sub-No. E11), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk or in tank vehicles), when such commodities are foodstuffs, from Brundidge, Ala., and points in Alabama on and north of U.S. Highway 80 (except traffic originating at Cullman, Ala.), to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Birmingham, Ala.

No. MC 119988 (Sub-No. E1), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203 (b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to Los Angeles and San Francisco, Calif. The purpose of this filing is to eliminate the gateway of Lufkin, Tex.

No. MC 119988 (Sub-No. E2), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to Fort Smith, Ark. The purpose of this filing is to eliminate the gateway of Lufkin, Tex.

No. MC 119988 (Sub-No. E3), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter,

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from New Orleans, La., to points in that part of Arkansas on, north, and west of a line beginning at the Arkansas-Oklahoma State line, thence along Interstate Highway 40 to junction Arkansas Highway 21, thence along Arkansas Highway 21 to the Arkansas-Missouri State line. The purpose of this filing is to eliminate the gateway of Lufkin, Tex.

No. MC 119988 (Sub-No. E4), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise except from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in that part of California on and south of a line beginning at the California-Arizona State line at or near Needles, thence along Interstate Highway 40 to junction California Highway 58, thence along California Highway 99 to junction California Highway 46, thence along California Highway 46 to Cambria (except Los Angeles). The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 119988 (Sub-No. E5), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in that part of California (except San Francisco) north of a line beginning at the California-Arizona State line at or near Needles, thence along Interstate Highway 40 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 46, thence along California Highway 46 to Cambria. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E6), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 210 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Arizona. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E7), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise except from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E8), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Idaho. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E9), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Iowa. The purpose of this filing is to eliminate the gateway of Texarkana, Tex.

No. MC 119988 (Sub-No. E10), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Kansas. The purpose of this filing is to eliminate the gateway of Texarkana, Tex.

No. MC 119988 (Sub-No. E13), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 2010 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Nebraska. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 128741 (Sub-No. E196) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 5, 1974. Applicant: AMERICAN TRANS-CONTINENTAL VAN LINES, INC., P.O. Box 80266, Lincoln, Nebr. 68501. Applicant's representative: A. J. Swanson, 521 South 14th St., P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Iowa, on the one hand, and, on the other, points in New York, Pennsylvania, Massachusetts, New Jersey, Maryland, West Virginia, Virginia, North Carolina, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Indiana south of U.S. Highway 40. The purpose of this correction is to correct the E number, previously published as E195.

No. MC 134838 (Sub-No. E3) filed June 4, 1974. Applicant: SOUTHEASTERN TRANSFER AND STORAGE CO., INC., 2567 Plant Atkinson Rd. NW., Atlanta, Ga. 30318. Applicant's representative: Charles Ephraim, Suite 600, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden poles;* (1) between points in that part of Alabama north of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Georgia State line (except points in, south, and west of Marion, Walker, Jefferson, Shelby, Chilton, and Autauga Counties, and the cities of Florence, Athens, and Huntsville), on the one hand, and, on the other, points in that part of Florida in and east of Gadsden, Liberty, and Franklin Counties; (2) from points in Alabama (except points in that part of Alabama in and north of Colbert, Lawrence, Morgan, Madison, and Jackson Counties), to points in Virginia; (3) from points in that part of Alabama in and north of Colbert, Lawrence, Morgan, Madison, and Jackson Counties, Ala., to points in Virginia (except points in that part of Virginia in and west of Tazewell, Smyth, and Washington Counties); (4) between points in that part of Alabama north of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Georgia State line, on the one hand, and, on the other, points in that part of Georgia in, south, and east of Rabun, Habersham, Banks, Hall, Gwinnett, De Kalb, Henry, Butts, Monroe, Bibb, Twiggs, Bleckley, Pulaski, Wilcox, Ben Hill, Irwin, Berrien, Cook, and Lowndes Counties; (5) between points in that part of Alabama in and north of Franklin, Lawrence, Morgan, Marshall, Etowah, and Cherokee Counties, on the one hand, and, on the other, points in Seminole, Miller, Baker, Mitchell, Colquitt, Decatur, Grady, Thomas, and Brooks Counities, Ga.; (6) between points in Lauderdale, Colbert, Franklin, Lawrence, Limestone, Morgan, and Madison Counties, Ala., on the one hand, and, on the other, points in Heard, Coweta, Fayette, Spalding, Troup, Meriwether, Pike, Lamar, Upson, Harris, Talbot, Taylor, Crawford, Peach, Houston, Dooly, Macon, Schley, Marion, Muscogee, Stewart, Webster, Sumter, Crisp, Quitman, Randolph, Terrell, Lee, Worth, Turner, Tift, Dougherty, Calhoun, Clay, and Eady Counties, Ga.; and (7) between points in that part of Alabama north of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Georgia State line (except points in Jackson, De Kalb, Marshall, Etowah, and Cherokee Counties), on the one hand, and, on the other, points in Fannin, Union, Towns, White, Lumpkin, Gilmer, Pickens, Dawson, Cherokee, Forsyth, Fulton, and Cobb Counties, Ga. The purpose of this filing is to eliminate the gateways of Macon, Ga., for points in (1) above, points in Georgia for points in (2) above, Atlanta, Ga., for points in (3) above, and Atlanta and Macon, Ga., for points in (4), (5), (6), and (7) above.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26721 Filed 11-13-74;8:45 am]

[Notice 90]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 8, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and, on or before January 13, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER, issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 297 (Sub-No. 7) filed October 15, 1974. Applicant: WOODLAND TRUCK LINE, INC., 635 Park Street, Woodland, Wash. 98674. Applicant's representative: Lawrence V. Smart, Jr., 419 N.W. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk): Between Woodland, Wash., and Spirit Lake, Wash.: From Woodland over Interstate Highway 5 to junction Washington Highway 504, thence over Washington Highway 504 to Spirit Lake, and return over the same route, serving all intermediate points, and serving the off-route points of Longview, Wash., and all points within 10 miles of Washington Highway 504, restricted against service between Longview and Kelso, Wash., on the one hand, and, on the other, Portland, Oreg. and Vancouver, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 2780 (Sub-No. 5) (Correction), filed August 5, 1974, published in the FEDERAL REGISTER issue of September 6, 1974, and republished as corrected this issue. Applicant: HORN'S MOTOR EXPRESS, INC., 2020 Lincoln Way East, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except high explosives, household goods when transported as a separate and distinct service in connection with so-called "household movings," commodities in bulk, and commodities requiring special equipment), serving York, Pa., and Newberrytown, Pa., as off-route points in connection with applicant's regular route authority between Harrisburg, Pa., and Baltimore, Md., for the purpose of interlining with authorized motor carriers at the indicated off-route points, restricted to the transportation of traffic received from or delivered to authorized motor carriers at the named off-route points. The purposes of this republication are to indicate that applicant seeks regular-route authority and to clarify the nature of the operations to be performed at the requested off-route points. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 2900 (Sub-No. 266), filed October 16, 1974. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, Fla. 32209. Applicant's representative: S. E. Somers, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Serving the plantsite and warehouse facilities of Federal Mogul Corporation, located at or near Jacksonville, Ala., as an off-route point in connection with carrier's regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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No. MC 2962 (Sub-No. 54), filed October 18, 1974. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Bldg., P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), serving Santa Claus, Ind., as an off-route point in connection with applicant's regular route authority in MC 2962 and Sub-No. 12 thereunder.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 13095 (Sub-No. 10), filed October 4, 1974. Applicant: WUNNICKE TRANSFER LINES, INC., 101 S. Buchanan Street, Boscobel, Wis. 53805. Applicant's representative: Glen L. Gissing, 8 South Madison Street, Evansville, Wis. 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1). *Whey, whey by-products, lactose, feeds, and feed ingredients*, from Boscobel, Wis., and Dundee, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies, and equipment* used or useful in the manufacture and distribution of (1) above, from points in the United States (except Alaska and Hawaii), to Boscobel, Wis., and Dundee, Ill., under contract with Milk Specialties Co., Division of Cudahy Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison or Milwaukee, Wis.

No. MC 13499 (Sub-No. 7), filed October 7, 1974. Applicant: PACIFIC TRANSPORTATION LINES, INC., 443 Delaware Avenue, Buffalo, N.Y. 14202. Applicant's representative: William J. Hirsch, 43 Court Street, Suite 1125, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foodstuffs*, from Solon, Ohio, and Cleveland, Ohio, to Syracuse, N.Y., and *returned, refused, and rejected shipments* on return; and (2) *frozen merchandise* as is dealt in by grocery and food business houses, between Geddes, N.Y., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, Ohio, and West Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 20722 (Sub-No. 25), filed October 9, 1974. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, N.Y. 14240. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and chassis*, new, used, and unfinished, in secondary movements, in truckaway and driveaway service, between points in Delaware, Maryland, New Jersey, Pennsylvania, New York, Connecticut, Massachusetts, Ohio, Illinois, Indiana, Michigan, Missouri, West Virginia, Arkansas, Oklahoma, points in Kentucky contiguous to Indiana and Illinois, and points in that part of Iowa east of a line beginning at the Minnesota-Iowa State Boundary line and extending along U.S. Highway 52 to Dubuque, Iowa, thence along U.S. Highway 67 to Davenport, Iowa, thence along U.S. Highway 61 to the Iowa-Missouri State Boundary line, including points on the indicated portions of the highway specified.

NOTE.—By the instant application, applicant seeks to eliminate the gateways of New York, Pennsylvania, Ohio, Missouri, and St. Louis, Mo. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 21684 (Sub-No. 24), filed October 10, 1974. Applicant: CHARLES E. DANBURY CO., a Corporation, 292 South Fifth Street, Williamsburg, Ohio 45176. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck bodies* and *accessories, parts and equipment therefor*, from West Plaines, Mo., to points in the United States (except Alaska and Hawaii), under a continuing contract or contracts with Pullman Incorporated, Trailmobile Division.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 22426 (Sub-No. 16), filed October 10, 1974. Applicant: LONGVIEW MOTOR TRANSPORT, INC., 763 Seventh Avenue, P.O. Box 1366, Longview, Wash. 98632. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), between Kelso, Wash., and points in its Commercial Zone, and Gilmore Corners, Wash.: From Kelso, Wash., and points in its Commercial Zone over Interstate Highway 5 to junction Washington Highway 504, thence over Washington Highway 504 to Gilmore Corners, Wash., and return over the same route, serving all intermediate points and their Commercial Zones, and all off-route points located within 10 miles of that section of Washington Highway 504 between the junction of Interstate Highway 5 and Washington Highway 504, and Gilmore Corners, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Longview, Wash., or Portland, Oreg.

No. MC 25798 (Sub-No. 267), filed October 17, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* exempt from economic regulations under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from New Orleans, La., and Gulfport, Miss., to points in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, New Mexico, Ohio, Oklahoma, Texas, and Wisconsin, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La.

No. MC 28956 (Sub-No. 18), filed October 21, 1974. Applicant: RYALS TRUCK LINE, INC., 908 N. Pacific Highway, P.O. Box 634, Albany, Oreg. 97321. Applicant's representative: Lawrence V. Smart, Jr., 419 NW. 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, between the plantsite of the Western Kraft Corporation, near Albany, Oreg., on the one hand, and, on the other, points in Thurston, Pierce, and King Counties, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Portland, Oreg.

No. MC 30887 (Sub-No. 212), filed October 18, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, P.O. Box 3483, Baltimore, Md. 21225. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue, Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to Birmingham, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 31389 (Sub-No. 188), filed October 11, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Western Electric Company, located at or near intersection of N.Y. Highway 422 and Maple Street, Elma Township, Erie County, N.Y., as an off-route point in connection with applicant's regular route operations to and from Buffalo, N.Y.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 32213 (Sub-No. 7), filed October 15, 1974. Applicant: PORTER TRUCK SERVICE, INC., 1217 West Cherokee Street, Sioux Falls, S. Dak. 57105. Applicant's representative: Hans O. Pedersen, Jr., P.O. Box 866, Sioux Falls, S. Dak. 57101. Authority sought to operate as a *common carrier*, by motor *vehicle*, over irregular routes, transporting: (1) *Lumber and building materials and supplies*, from Sioux Falls, S. Dak., to points in South Dakota, Nebraska, Iowa, Minnesota, and North Dakota; and (2) *lumber and building materials and supplies* (except cement), from Minneapolis, Minn., to Sioux Falls, South Dakota.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls or Pierre, S. Dak.

No. MC 35628 (Sub-No. 364), filed October 24, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville, SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Safes, safe and vault parts*, and *insulated filing cabinets*, serving the plantsite of Schwab Safe Co., Inc., at or near Cannelton, Ind., as an off-route point in connection with applicant's authorized regular route operations between Evansville, Ind. and Owensboro, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 35807 (Sub-No. 52), filed October 11, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Currency, coin, bonds, securities, and other valuables*, between El Paso, Tex., on the one hand, and, on the other, points in Cochise, Pima, Graham, Santa Cruz, Maricopa, and Greenlee Counties, Ariz., and points in Otero, Eddy, Grant, Lincoln, Curry, Luna, Lea, DeBaca, Chaves, Dona Ana, Quay, Hildalgo, Roosevelt, Guadalupe, Socorro, Sierra, Torrance, and Catron Counties, N. Mex., under a continuing contract or contracts with banks and banking institutions.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C., or El Paso, Tex.

No. MC 42487 (Sub-No. 827), filed October 23, 1974. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Oldenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment): Serving the facilities of Economy Baler Company, at or near Manchester, Mich., as an off-route point in connection with carrier's existing regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 46054 (Sub-No. 78), filed October 11, 1974. Applicant: BROWN EXPRESS, INC., 428 South Main Avenue, San Antonio, Tex. 78285. Applicant's representative: Phillip Robinson, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), (1) Between Mission, Tex., and LaGloria, Tex.: From Mission over Texas Highway 107 to Junction Farm Road 681, thence over Farm Road 681 to junction Farm Road 1017, thence over Farm Road 1017 to LaGloria, and return over the same route, serving all intermediate points; (2) Between Linn, Tex. and Puerto Rico, Tex.: From Linn over Farm Road 1017 to Puerto Rico, and return over the same route, serving all intermediate points; (3) Between junction U.S. Highway 281 and Farm Road 490 and junction Farm Road 490 and Farm Road 755: From junction U.S. Highway 281 and Farm Road 490 over Farm Road 490 to junction Farm Road 755, and return over the same route, serving all intermediate points; (4) Between McCook, Tex., and junction Farm Road 2058 and Farm Road 681: From McCook over Farm Road 2058 to junction Farm Road 681, and return over the same route, serving all intermediate points; (5) Between LaReforma, Tex. and El Centro, Tex.: From LaReforma over unnumbered county road to El Centro, and return over the same route, serving all intermediate points; (6) Between junction Farm Road 1017 and Farm Road 2294 and junction Farm Road 2294 and Farm Road 655: From junction Farm Road 1017 and Farm Road 2294 and Farm Road 755: From junction Farm Road 755, and return over the same route, serving all intermediate points; and (7) Between junction Farm Road 2294 and Farm Road 2844 and junction Farm Road 2844 and Farm Road 490: From junction Farm Road 2294 and Farm Road 2844 over Farm Road 2844 to junction Farm Road 490, and return over the same route, serving all intermediate points.

NOTE.—Common control was approved in MC-F-4807. If a hearing is deemed necessary, applicant requests it be held at either Houston or Austin, Tex.

No. MC 51518 (Sub-No. 8), filed October 16, 1974. Applicant: EDWARD VESELY AND FRANCES VESELY, a partnership, doing business as VESELY BROTHERS, "THE MOVERS", P.O. Box 455, Fayette City, Pa. 15438. Applicant's representative: Thomas M. Mulroy, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies* sold, used, distributed, or dealt in by a manufacturer of cosmetics (except in bulk) from Butler, Pa., to points in Armstrong, Beaver, Butler, Centre, Clarion, Clearfield, Crawford, Elk, Erie, Forest, Indiana, Jefferson, Lawrence, McKean, Mercer, Venango, and Warren Counties, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 52657 (Sub-No. 715) (Correction), filed April 1, 1974, published in the FEDERAL REGISTER issue of May 9, 1974, and republished as corrected this issue. Notice of Hearing Assignment published in the FEDERAL REGISTER issue of October 29, 1974 also corrected in this republication. Applicant: ARCO AUTO CARRIERS, INC., 2140 West 79th Street, Chicago, Ill. 60620. Applicant's representative: S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers, and trailer chassis* (except those designed to be drawn by passenger automobiles) and *trailer converter dollies*, in secondary movements in truckaway service, between points in the United States (excluding Alaska and Hawaii).

NOTE.—The above-entitled proceeding is assigned for hearing on January 14, 1975, at 9:30 a.m., Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C. The purposes of these republications are to indicate applicant's correct name.

No. MC 56553 (Sub-No. 27), filed October 10, 1974. Applicant: PULASKI HIGHWAY EXPRESS, INC., 640 Hamilton Street, Nashville, Tenn. 37203. Applicant's representative: A. O. Buck, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between Tuscumbia, Ala. and Fayette, Ala.: From Tuscumbia over U.S. Highway 43 to Fayette, and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Florence, Ala.

No. MC 59531 (Sub-No. 101), filed October 17, 1974. Applicant: AUTO CONVOY CO., a limited partnership, 3020 S.

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Haskell Avenue, Dallas, Tex. 75223. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Rd., Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial motor vehicles*, in secondary movements, in driveaway service, from El Paso, Tex., to points in Cochise, Graham, Greenlee, Pima, and Santa Cruz Counties, Ariz., and Catron, Chaves, De Baca, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Roosevelt, Sierra, and Socorro Counties, N. Mex., restricted to traffic having an immediate prior movement by rail.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Dallas, Tex.

No. MC 59531 (Sub-No. 102), filed October 17, 1974. Applicant: AUTO CONVOY CO., a limited partnership, 3020 South Haskell Avenue, Dallas, Tex. 75223. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses* as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements, in truckaway service, from Freeport, Tex., to points in Mississippi, Tennessee, and Alabama.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C., or Dallas, Tex.

No. MC 59583 (Sub-No. 146), filed October 16, 1974. Applicant: THE MASON AND DIXON LINES, INCORPORATED, Eastman Road, P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel castings*, from the plantsite and facilities of Central Foundry Company at Holt, Ala., to points in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia.

NOTE.—Common control was approved in MC-F-6347. If a hearing is deemed necessary, the applicant requests it be held at either Birmingham, Ala., or Washington, D.C.

No. MC 62388 (Sub-No. 5), filed October 15, 1974. Applicant: HASTON POORE, Route 1, Box 262, Hanceville, Ala. 35077. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including laminated beams*, from points in Alabama (except Cullman County), to points in Indiana, Kentucky, and Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 66886 (Sub-No. 45), filed October 24, 1974. Applicant: BELGER CARTAGE SERVICE INC., 2100 Walnut Street, Kansas City, Mo. 64108. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Conveying systems*, (2) *parts and accessories* for conveying systems; (3) *iron and steel articles* used in the manufacture of conveying systems; and (4) *materials, supplies, tools and equipment* used in the erection and dismantling of conveying systems, between points in Clay, Jackson, Ray, and Cass Counties, Mo., and points in Wyandotte, Johnson, and Leavenworth Counties, Kans., on the one hand, and, on the other, points in the United States in and east of New Mexico, Colorado, Wyoming, and Montana, restricted to shipments originating at or destined to the above mentioned counties in Missouri and Kansas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 72140 (Sub-No. 64), filed October 21, 1974. Applicant: SHIPPERS DISPATCH, INC., 1216 West Sample Street, South Bend, Ind. 46619. Applicant's representative: Richard L. Andrysiak (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, as described in Appendix VI to the report to the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 279, from the plantsite of Globe Industries, Inc., at Whiting, Ind., to points in Illinois.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 74321 (Sub-No. 106), filed October 15, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17-B, Denver, Colo. 80217. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from the plantsite of Chaparral Steel Company in Ellis County, Tex., to points in Tennessee; and (2) *scrap iron and steel*, from points in Arkansas, Colorado, Louisiana, Mississippi, New Mexico, Oklahoma, and Tennessee, to the plantsite of Chaparral Steel Company in Ellis County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 82841 (Sub-No. 146), filed October 8, 1974. Applicant: HUNT TRANSPORTATION, INC., 10770 "I" Street, Omaha, Nebr. 68127. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Farm and stock trailers*, set up, and *parts and accessories thereof; and* (2) *axles, wheels, and accessories* used in the manufacture of trailers, (1) from Falls City, Nebr., to points in Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, New Mexico, North Dakota, Ohio, South Dakota, Utah, Wisconsin, and Wyoming; and (2) from Wausau, Wis., to points in Falls City, Nebr.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

No. MC 83539 (Sub-No. 397), filed October 15, 1974. Applicant: C & H TRANSPORTATION CO., INC., 1936–2010 West Commerce Street, P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, wood products, and composition board*, (1) from points in Idaho and Montana, to points in Utah; (2) from points in Montana, Idaho, and Wyoming, to points in California, Washington, and Oregon; and (3) from points in Oregon and Washington, to points in California.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 87511 (Sub-No. 17), filed September 23, 1974. Applicant: SAIA MOTOR FREIGHT LINE, INC., P.O. Box 10157, Station One, Houma, La. 70360. Applicant's representative: Harold D. Miller, Jr., 700 Petroleum Bldg., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities which because of size or weight require the use of special equipment): (1) Between Shreveport, La., and Fort Worth, Tex.: From Shreveport over Interstate Highway 20 to Fort Worth, and return over the same route, serving all intermediate points; (2) Between the junction of Interstate Highway 20 and U.S. Highway 80 at or near Waskom, Tex., and the junction of Interstate Highway 20 and U.S. Highway 259 near Longview, Tex.: From the junction of Interstate Highway 20 and U.S. Highway 80 at or near Waskom, Tex., over U.S. Highway 80 to Longview, thence over U.S. Highway 259 to junction Interstate Highway 20 near Longview, and return over the same route, serving all intermediate points; (3) Between the junction of Interstate Highway 20 and U.S. Highway 271 and the junction of Interstate Highway 20 and U.S. Highway 69: From the junction of Interstate Highway 20 and U.S. Highway 271 over U.S. Highway 271 to Tyler, Tex., thence over U.S. Highway 69 to junction Interstate Highway 20, and return over the same route, serving all intermediate points;

(4) Between the junction of Interstate Highway 20 and U.S. Highway 259 near Longview, Tex., and Kilgore, Tex.: From the junction of Interstate Highway 20 and U.S. Highway 259 near Longview over U.S. Highway 259 to Kilgore, and return over the same route, serving all intermediate points; (5) Between Shreveport, La., and Houston, Tex.: From Shreveport over Interstate Highway 20 to junction U.S. Highway 79, thence over U.S. Highway 79 to junction U.S. Highway 59 at or near Carthage, Tex., thence over U.S. Highway 59 to Houston, and return over the same route; (6) Between Dallas, Tex. and Beaumont, Tex.: From Dallas over U.S. Highway 175 to Jacksonville, Tex., thence over U.S. Highway 69 to Beaumont, and return over the same route, serving Beaumont for joinder purposes only; (7) Between Shreveport, La. and El Dorado, Ark.: From Shreveport over Interstate Highway 20 (and also U.S. Highway 80) to Minden, La., thence over U.S. Highway 79 to Homer, La., thence over Louisiana Highway 9 to Junction City, La., thence over U.S. Highway 167 to El Dorado, and return over the same route, serving Homer as an intermediate point; (8) Between Minden, La., and El Dorado, Ark.: From Minden over Interstate Highway 20 to Ruston, La., thence over U.S. Highway 167 to El Dorado, and return over the same route, serving all intermediate points on U.S. Highway 167 north of Ruston, and serving Minden for joinder purposes only; (9) Between Baton Rouge, La. and Natchez, Miss.: From Baton Rouge over U.S. Highway 61 to Natchez, Miss., and return over the same route; (10) Between Natchez, Miss., and Monroe, La.: From Natchez over U.S. Highway 84 to Ferriday, La., thence over Louisiana Highway 15 to Monroe, and return over the same route, as an alternate route for operating convenience only; (11) Between Alexandria, La., and Natchez, Miss.: From Alexandria over Louisiana Highway 28 to junction U.S. Highway 84 at or near Archie, La., thence over U.S. Highway 84 to Natchez, and return over the same route, serving all intermediate points; (12) Between Shreveport, La., and Monroe, La.: From Shreveport over U.S. Highway 80 (and also Interstate Highway 20) to Monroe, and return over the same route, serving all intermediate points; and (13) serving the plant and facilities of Western Kraft Paper Company at or near Campti, La., Continental Can Corporation at or near Hodge, La., and Great Plains Bag Company at or near Hodge, La., as off-route points in connection with carrier's regular-route operations requested in (1) through (12) above, restricted against the transportation of shipments between New Orleans, La., and points within its commercial zone, on the one hand, and, on the other, Natchez, Miss., and points in Mississippi within its commercial zone, and further restricted against the transportation of shipments between points in Texas.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Dallas, Tex., Shreveport, New Orleans, and Lafayette, La.

No. MC 94201 (Sub-No. 128), filed October 24, 1974. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, Ga. 30316. Applicant's representative: Maurice F. Bishop, 601–09 Frank Nelson Bldg., Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite, warehouse, and storage facilities of Gulf States Paper Corporation at or near Tuscaloosa, Ala., to Nicholasville, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 97699 (Sub-No. 43), filed October 21, 1974. Applicant: BARBER TRANSPORTATION CO., a Corporation, P.O. Drawer 2047, Rapid City, S. Dak. 57701. Applicant's representative: Leslie R. Kehl, Suite 1600 Lincoln Center Bldg., 1660 Lincoln St., Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (a) Serving Wanbee, Interior, and Cedar Pass Lodge, S. Dak., as off-route points in connection with carrier's otherwise authorized regular route operations between Rapid City, S. Dak., and Omaha, Nebr., or Sioux City, Iowa; and (b) Serving Nemo, S. Dak., as an off-route point in connection with carrier's otherwise authorized regular route operations between Rapid City, and Sturgis, S. Dak.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Rapid City, S. Dak.

No. MC 99780 (Sub-No. 48), filed October 15, 1974. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 N.E. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers of soya flour*, from the premises of Central Soya Company, Inc., at Gibson City, Ill., to railheads located in Illinois, restricted to traffic destined for export only.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 103826 (Sub-No. 5), filed October 8, 1974. Applicant: R. O. HARRELL, INC., P.O. Box 97, South Boston, Va. 24592. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank vehicles, from the site of the pipeline terminal of the Dixie Pipe Line Company located at or near Apex, N.C., to points in Virginia, on, east, and north of a line beginning at the Virginia-North Carolina State Boundary line and extending north along U.S. Highway 29 to Amherst, Va., thence west along U.S. Highway 60 to the Virginia-West Virginia State Boundary line.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Richmond, Va.

No. MC 105375 (Sub-No. 52), filed October 15, 1974. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid animal feed* and *liquid animal feed supplements*, in bulk, in tank vehicles, from Blair, Nebr., to points in Iowa, Illinois, Missouri, Kansas, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, Wyoming, Montana, and Oklahoma; and (2) *anhydrous ammonia*, in bulk, in tank vehicles, from Algona and Iowa Falls, Iowa, to points in Minnesota, Wisconsin, South Dakota, and Illinois.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 105375 (Sub-No. 53), filed October 30, 1974. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1650 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, or washing compounds*, in bulk, in tank vehicles, from Cordova, Ill., to points in Prairie du Chien, Wis.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 106674 (Sub-No. 141), filed October 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shower bath stalls*, plastic, with or without frames or doors, with or without receptors, set up, and *plastic bath tubs and accessories*, from the plantsite and facilities of Powers Fiat Corporation located at or near Monroe, Ohio, to points in Alabama, Arkansas, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, North Carolina, South Carolina, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and points in that part of New York on and west of Interstate Highway 81.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

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No. MC 106674 (Sub-No. 142), filed October 15, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used in the maintenance and operation of printing plants (except commodities in bulk, in tank vehicles), between the plant site and warehouse facilities of R. R. Donnelley & Sons Company, at or near Gallatin, other, points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, North Tenn., on the one hand, and, on the Carolina, Ohio, Pennsylvania, South Carolina, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 106674 (Sub-No. 143), filed October 17, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic resins and plastic sheets* (except in bulk), from Mt. Vernon, Ind., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin; and (2) *materials, equipment, and supplies* used in the manufacture, distribution, and sale of plastic resins and plastic sheets, from points in the above-named states to Mt. Vernon, Ind., restricted to the transportation of traffic originating at or destined to Mt. Vernon, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Indianapolis, Ind.

No. MC 107002 (Sub-No. 461), filed October 15, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: H. E. Miller, Jr., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients, liquid*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 107295 (Sub-No. 747), filed October 21, 1974. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, netting, wire, fence stretcher, gates and post* (except commodities which because of size or weight require the use of special equipment), from Houston, Tex., to points in the United States (except Alaska, Hawaii, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Tennessee, Virginia, West Virginia, and Wisconsin).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 107295 (Sub-No. 748), filed October 23, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural and fabricated steel*, from Lufkin, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 107295 (Sub-No. 749), filed October 21, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Houses and buildings, complete, knocked down and in sections;* and *wall, roof, and floor sections*, from points in Chester County, S.C., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 107295 (Sub-No. 750), filed October 21, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Precast concrete products*, from points in Winnebago County, Wis., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107295 (Sub-No. 751), filed October 21, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cotton gin machinery, parts, and accessories and mobile home parts*, from Sherman, Tex., to points in Arizona, New Mexico, Oklahoma, Arkansas, Louisiana, Alabama, Mississippi, Georgia, Tennessee, North Carolina, and South Carolina.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 107295 (Sub-No. 752), filed October 21, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete additives, flooring compounds, grouting compounds, building mortar, and curing compounds* (except in bulk), from Cucamonga, Calif., to points in the United States in and west of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107818 (Sub-No. 71), filed October 21, 1974. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 N.W. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from the facilities of Peter Paul, Inc., at or near Frankfort, Ind., to points in Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 111170 (Sub-No. 217), filed October 11, 1974. Applicant: WHEELING PIPE LINE, INC., P.O. Box 1718, El Dorado, Ark. 71730. Applicant's representative: Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid chemicals*, in bulk, in tank vehicles, between the plantsite of Michigan Chemical Corporation at or near El Dorado, Ark., and St. Louis, Mich.; and (2) *chemicals, N.O.I.*, in bulk, in tank vehicles, from points in Union County, Ark., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Little Rock, Ark., or Memphis, Tenn.

No. MC 111729 (Sub-No. 467), filed October 2, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and payroll checks*, between Youngstown, Ohio, and Kendallville, Ind.; (2) *hydraulic pumps, hydraulic motors, pressed metal tank heads, and underground tunnel supports*, between Youngstown, Ohio, and Kendallville, Ind.; (3) *whole human blood and blood derivatives*, between Milwaukee, Wis., and Chicago, Ill.; (4) *processed and/or cured meat specimens* for the purpose of laboratory testing, *and supplies* related thereto, from Wagner, S. Dak., to Sioux City, Iowa; (5) *business papers, records, audit and accounting media of all kinds*, between Milwaukee, Wis., and Hannibal, Mo.; (6) *business papers, records, of all kinds; small emergency automotive replacement parts, accessories, and samples*, (a) between Lock Haven, Pa., and Baltimore, Md.; and (b) between Lock Haven and Philadelphia, Pa., on traffic having a prior or subsequent movement by air; and (7) *denture impressions, models, bites, articulators, and products* related to the dental industry, between Toledo, Ohio, on the one hand, and, on the other, points in Hillsdale, Jackson, Lenawee, Monroe, St. Joseph, and Washtenaw Counties, Mich.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 112750 and subs thereunder, therefore dual operations may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 111812 (Sub-No. 510), filed October 15, 1974. Applicant: MIDWEST COAST TRANSPORT, INC., 900 West Delaware, P.O. Box 1233, Sioux Falls, S. Dak. 57101. Applicant's representative: Ralph H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery products*, from (1) the Port of New York located at or near New York City, N.Y., the Port of Newark located at or near Newark, N.J., and Port Elizabeth located at or near Elizabeth, N.J., and Hazelton, Pa., to points in Ohio, Michigan, Indiana, Illinois, Wisconsin, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington; (2) from Detroit, Mich., to points in Wisconsin, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington; (3) from Minneapolis, Minn., to points in Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington; and (4) from Chicago, Ill., to points in Colorado, Wyoming, and Utah (except Salt Lake City), restricted to traffic originating at the plantsites and warehouse facilities utilized by the Cadbury Corporation and destined to the named destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Boston, Mass., or Washington, D.C.

No. MC 113158 (Sub-No. 27), filed October 9, 1974. Applicant: TODD TRANSPORT COMPANY, INC., Secretary, Md. 21664. Applicant's representative: V. Baker Smith, 2107 The Fidelity Bldg., Philadelphia, Pa. 19109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen foods and commodities in bulk), from the plantsites and storage facilities utilized by Acme Markets, Inc., located in the Counties of Caroline, Dorchester (except the City of Hurlock), Talbot, and Wicomico, Md., to points in Philadelphia, Johnstown, and Forty Ft., Pa.; Syracuse and Buffalo, N.Y., and Kearny, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 113459 (Sub-No. 92), filed October 18, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rough castings*, from Mayes, County, Okla., to points in the United States (excluding Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 113784 (Sub-No. 57), filed October 11, 1974. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton, Ontario, Canada L8L 4M1. Applicant's representative: David A. Sutherlund, 2001 Massachusetts Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors and tractor parts and accessories*, between the plantsite and facilities of the Ford Motor Co. at Romeo, Mich., on the one hand, and, on the other, ports of entry on the International Boundary Line between the United States and Canada on the St. Clair River, restricted to traffic moving in foreign commerce.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113843 (Sub-No. 214), filed October 21, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Oleomargarine, salad dressing, coconut oil, vegetable oil, cooking oil, shortening, stearine, stearate, mayonnaise* (except in bulk, in tank vehicles), and *related advertising matter*, when moving in mixed shipments with oleomargarine, salad dressing, coconut oil, vegetable oil, cooking oil, shortening, stearine, stearate, and mayonnaise (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Columbus, Ohio, to points in Michigan.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 113855 (Sub-No. 299), filed October 16, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, S.E., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles* weighting 15,000 lbs. or more, and *attachments, accessories, and parts* of such articles, and *materials and supplies* used in the manufacture thereof, between points in Horry County, S.C., on the one hand, and, on the other, points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114273 (Sub-No. 222), filed October 17, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citric acid*, in bags, drums, and containers, from the plantsite of Pfizer, Inc., located at or near Southport, N.C., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Missouri, and Wisconsin.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114332 (Sub-No. 8), filed October 4, 1974. Applicant: O C TRANSPORTATION CO., INC., Pennsylvania Ave., P.O. Box 236, Beverly, N.J. 08010. Applicant's representative: Bert Collins, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sugar, sugar products, materials, supplies and equipment*, used in the conduct of such business, between New York, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Pennsylvania on and east of U.S. Highway 220, and the District of Columbia, under contract with Sucrest Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114632 (Sub-No. 80), filed October 24, 1974. Applicant: APPLE LINES, INC., 212 SW. Second, Madison, S. Dak. 57042. Applicant's representative: Andrew Clark, 1000 First National Bank Bldg., Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beet pulp*, from Drayton, and E. Grand Forks, N. Dak., and Crookston, Moorhead, and Renville, Minn., to

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points in Iowa, Illinois, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 129706, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 115242 (Sub-No. 12), filed October 17, 1974. Applicant: DONALD MOORE, 601 North Prairie, Prairie du Chien, Wis. 53821. Applicant's representative: John Duncan Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in the Fulton, Ill., Commercial Zone, to points in the Dubuque, Iowa, Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis., or Chicago, Ill.

No. MC 115667 (Sub-No. 10), filed October 18, 1974. Applicant: ARROW TRANSFER CO., LTD., 320 Seymour Blvd., North Vancouver, British Columbia, Canada V7J 2J3. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nails*, in cartons weighing 50 pounds or more, from ports of entry on the International Boundary Line between the United States and Canada at or near Blaine, Lynden, and Sumas, Wash., to Kirkland, Auburn, and Spokane, Wash., and Portland and Eugene, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle or Olympia, Wash.

No. MC 115669 (Sub-No. 146), filed October 18, 1974. Applicant: DAHLSTEN TRUCK LINE, INC., 101 West Edgar Street, P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Soybean meal, soybran mill run*, and *soybean hulls*, dry, in bulk and in bags, from the plantsite of Farmland Industries, Inc., at or near Sergeant Bluff, Iowa, to points in Idaho, Illinois, Montana, Utah, and Wisconsin, and (2) *mineral mixtures, dry animal and poultry feed and ingredients thereof*, and *dry fertilizer and ingredients thereof*, from the plantsites of Micro-Lite, Inc., at or near Buffalo and Chanute, Kans., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, New Mexico, North Dakota, Ohio, South Dakota, Texas, Wisconsin, and Wyoming.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 116063 (Sub-No. 135), filed October 15, 1974. Applicant: WESTERN-COMMERCIAL TRANSPORT, INC., 2929 W. 5th Street, P.O. Box 270, Fort Worth, Tex. 76101. Applicant's representative: W. H. Cole (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal fats, vegetable oils*, and *blends thereof*, in bulk, in tank vehicles, from Chattanooga, Tenn. (except those points in the Chattanooga Commercial Zone located in Georgia), to Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Fort Worth or Dallas, Tex.

No. MC 116325 (Sub-No. 67), filed October 8, 1974. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board, and wood products* (except in bulk), from Bon Wier, Cleveland, and Silsbee, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 116519 (Sub-No. 24), filed October 10, 1974. Applicant: FREDERICK TRANSPORT LIMITED, R.R. 6, Chatham, Ontario, Canada. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors), *agricultural implements and machinery, and attachments and equipment* designed for use with such articles when moving in mixed loads therewith, from Rock Island and East Moline, Ill., to the ports of entry on the International Boundary line between the United States and Canada located in New York, Maine, Michigan, and Vermont, restricted to the transportation of traffic originating at the facilities of International Harvester Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 116626 (Sub-No. 11), filed October 24, 1974. Applicant: C. W. EANES, R.F.D. 1, Box 6, Gretna, Va. 24557. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden desk skids*, from the facilities of Spaulding Lumber Co. at Chase City and Keysville, Va., to the U.S. Penitentiary, at Marion, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va., or Richmond, Va.

No. MC 116763 (Sub-No. 295), filed October 15, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsites and warehouse facilities of PPG Industries, Inc., located at or near Mt. Holly Springs, Pa. and Cumberland, Md., to points in Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 116763 (Sub-No. 296), filed October 15, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from the plantsites and warehouse facilities of PPG Industries, Inc., located at or near Wichita Falls, Tex., and Crystal City, Mo., to points in Tennessee, North Carolina, South Carolina, Georgia, Alabama, Mississippi, and Florida.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 119118 (Sub-No. 37), filed October 17, 1974. Applicant: McCURDY TRUCKING, INC., P.O. Box 388, Latrobe, Pa. 15650. Applicant's representative: Paul F. Sullivan, 711 Washington Bldg., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and related advertising material moving therewith, from Raddison (Lysander Township), New York, to points in Connecticut, Delaware, Maine, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont; and (2) *empty malt beverage containers*, on return movements.

NOTE.—Applicant holds contract carrier authority in MC 116564 and sub 22, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 119489 (Sub-No. 40), filed October 17, 1974. Applicant: PAUL ABLER, doing business as CENTRAL TRANSPORT COMPANY, P.O. Box 249, Norfolk, Nebr. 68701. Applicant's representative: A. J. Sindelar, 2500 North 13th Street, Norfolk, Nebr. 68701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Packing house offal* in leak proof vehicles, from Gering, Nebr., to Denver, Colo.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 119789 (Sub-No. 225), filed October 23, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Turkey, N.C., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and District of Columbia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Peoria, Ill., or Dallas, Tex.

No. MC 119789 (Sub-No. 226), filed October 21, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in mechanically refrigerated equipment, from New Albany, Ind., to points in California.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Dallas, Tex.

No. MC 120257 (Sub-No. 22), filed October 16, 1974. Applicant: K. L. BREEDEN & SONS, INC., 401 Alamo Street, Terrell, Tex. 75160. Applicant's representative: Bernard H. English, 6270 Firth Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board, and wood products* (except in bulk), from the plantsite and storage facilities of Kirby Lumber Company at Silsbee and Bon Weir, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Dallas or Houston, Tex.

No. MC 123009 (Sub-No. 1), filed October 3, 1974. Applicant: SHANTZ CARTAGE, INC., 165 N. Case Avenue, Akron, Ohio 44305. Applicant's representative: Harry Stein, 1 Cascade Plaza, Akron, Ohio 44308. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Beauty and barber supplies*, either in individual packaging or in bulk self-contained containers, from Stow, Ohio, to points in New York, Indiana, Michigan, and Illinois, under a continuing contract or contracts with Milo Beauty and Supply Company, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 123272 (Sub-No. 10), filed October 17, 1974. Applicant: FAST FREIGHT, INC., 9651 South Ewing Avenue, Chicago, Ill. 60617. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), between the plantsites of Pet, Inc. located at Greenville, Ill. and Bowling Green, Ky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 123335 (Sub-No. 3), filed October 15, 1974. Applicant: R. E. & J. E. FRIARS LIMITED, P.O. Box 215, Foster Thurston Drive, St. John, New Brunswick, Canada. Applicant's representative: Rodney J. Gillis, 133 Prince William Street, P.O. Box 1174, St. John, New Brunswick, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, from ports of entry on the International Boundary line between the United States and Canada at or near Calais, Houlton, and Vanceboro, Maine, to points in Maine; and (2) *return of damaged or refused shipments*, under a continuing contract or contracts with Maritime Cement Company, Ltd., Division of Canada Cement LaFarge, Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 123407 (Sub-No. 208), filed October 7, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings, metal building components, and supplies and equipment* used in the construction thereof, from points in Oregon, to points in South Dakota, North Dakota, Wyoming, Colorado, Utah, Arizona, Minnesota, Iowa, Kansas, Idaho, Nevada, and Nebraska.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Omaha, Nebr. or Washington, D.C.

No. MC 123407 (Sub-No. 209), filed October 21, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from Greenville, Vicksburg, and Natchez, Miss., to points in Mississippi, Arkansas, and Louisiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 124078 (Sub-No. 617), filed October 17, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sand*, in bulk, from Benton County, Tenn., to points in Pennsylvania; (2) *pulverized coal*, from Birmingham, Ala., to points in Mississippi; and (3) *fly ash*, from the plantsites of Monongahela Power Company located at or near Shinnston, Morgantown, Albright, and Willow Island, W. Va., to points in Ohio, Pennsylvania, Maryland, and Virginia.

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub. 68, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 123777 (Sub-No. 1), filed September 20, 1974. Applicant: MICHAEL W. WOOD, INC., Ridge Road, P.O. Box 63, Fairfield, Maine 04937. Applicant's representative: Michael W. Wood (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chain drugstore merchandise*, from Winslow, Maine, to Portsmouth, N.H., under a continuing contract or contracts with LaVerdiere's Enterprises.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 123972 (Sub-No. 12), filed October 16, 1974. Applicant: LEO J. UMERLEY, INC., 9813 Philadelphia Road, Baltimore, Md. 21237. Applicant's representative. Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and materials and supplies* used in the installation thereof, from the plantsite of Lloyd A. Fry Roofing Co., located at or near Patuxent Industries Park, Jessup, Md., to points in Delaware, the District of Columbia, Pennsylvania, Virginia, and West Virginia, under a continuing contract or contracts with Lloyd A. Fry Roofing Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124017 (Sub-No. 7), filed October 15, 1974. Applicant: ROBERT A. JEFFREY, doing business as R. JEFFREY & SONS, Rural Delivery No. 1, Elysburg, Pa. 17824. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Luzerne County, Pa., to points in New York on and west of a line beginning at Sodus Point, N.Y., and extending along New York Highway 14 to Horsehead, N.Y., thence along New York Highway 17 to Waverly, N.Y., and thence along U.S. Highway 22 to the New York-Pennsylvania State Boundary line.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 124025 (Sub-No. 5), filed October 15, 1974. Applicant: GLASS TRUCKING COMPANY, a corporation, P.O. Box 276, Newkirk, Okla. 74647. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a

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contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Flour*, from the milling and/or warehousing facilities of Ross Industries, Inc., at or near Wichita, Wellington, and Newton, Kans., to points in Oklahoma, Arkansas, Texas, and Missouri, under a continuing contract or contracts with Ross Industries, Inc., in (1) above; and (2) *flour*, from the milling and/or warehousing facilities of Sunny Kansas Flour Mills, a division of Cereal Food Processors, Inc., at or near Wichita, Kans., to points in Texas, New Mexico, Missouri, and Oklahoma, under a continuing contract or contracts with Sunny Kansas Flour Mills, a division of Cereal Food Processors, Inc., in (2) above.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124328 (Sub-No. 67), filed October 21, 1974. Applicant: BRINK'S INCORPORATED, 234 East 24th Street, Chicago, Ill. 60616. Applicant's representative: John G. O'Keefe, O'Hare Plaza, Suite 650, 5725 East River Road, Chicago, Ill. 60631. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Nobel metals*, between Solon, Ohio, and Shreveport, La.; and (2) *Canadian olympic coins*, from ports of entry on the International Boundary line between the United States and Canada at Niagara Falls, N.Y., and at or near Lansdowne, Ontario, Canada, to Englewood, Ohio, under a continuing contract or contracts with Automotive Products Division of Universal Oil Products Company and Olympic Coin Program of the Government of Canada.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124511 (Sub-No. 28), filed October 7, 1974. Applicant: JOHN F. OLIVER, E. Highway 54, P.O. Box 223, Mexico, Mo. 65265. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Centerville, Iowa, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Pennsylvania, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 124905 (Sub-No. 3), filed October 15, 1974. Applicant: COLUMBIA TRANSPORT, INC., Rural Delivery No. 1, Columbia, N.J. 07832. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, stone, and excavated materials*, between points in Warren County, N.J., on the one hand, and, on the other, points in Monroe, Lehigh, and Northampton Counties, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 126489 (Sub-No. 27), filed October 15, 1974. Applicant: GASTON FEED TRANSPORTS, INC., 1203 West Fourth, P.O. Box 1066, Hutchinson, Kans. 67501. Applicant's represetnative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Atlantic, Iowa, to points in Graham County, Ariz.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 126717 (Sub-No. 7), filed October 18, 1974. Applicant: WALT'S DRIVE-AWAY SERVICE, INC., 1103 East Franklin Street, Evansville, Ind. 47711. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mine or quarry drilling machinery*, in drive-away service, in initial movements, from Franklin, Pa., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 128412 (Sub-No. 6) (Correction), filed September 16, 1974, published in the FEDERAL REGISTER issue of October 10, 1974, and republished as corrected this issue. Applicant: LO-TEMP EXPRESS, INC., 1810 Tenth Avenue, Altoona, Pa. 16603. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and such commodities* as are dealt in by wholesale and retail grocery stores (except commodities in bulk), between Altoona, Lemoyne, and State College, Pa., on the one hand, and, on the other, points in Vermont, New Hampshire, Maine, Rhode Island, Connecticut, Kentucky, North Carolina, South Carolina, Tennessee, Arkansas, Alabama, Louisiana, Oklahoma, Mississippi, North Dakota, South Dakota, Minnesota, Kansas, Nebraska, Texas, Indiana, and the District of Columbia, under a continuing contract with Sky Bros., Inc.; Sky Bros. of Lemoyne, Inc.; Cold, Inc.; and Frozen Farm Products, Inc.

NOTE.—The purpose of this correction is to indicate the correct address of the Applicant, as 1810 Tenth Avenue, Altoona, Pa. 16603, instead of Burns Ave., Cannon Street, Duncansville, Pa. 16635. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 128841 (Sub-No. 5), filed October 16, 1974. Applicant: MUR-GAIL, INC., 301 North Fifth Street, Minneapolis, Minn. 55403. Applicant's representative: Samuel Rubenstein (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, in tank vehicles, from Minneapolis, Minn., to Chicago (except those points in the Chicago, Ill. Commercial Zone in Indiana) and Kankakee, Ill.; Sioux City, Iowa; Norfolk, Nebr.; Bismark and Grand Forks, N. Dak.; Aberdeen, Huron, Sioux Falls, and Watertown, S. Dak.; Appleton, Ashland, Eau Claire, Janesville, La Crosse, Madison, and Superior, Wis., under a continuing contract or contracts with Northern Printing Ink Corp.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 128866 (Sub-No. 53), filed October 3, 1974. Applicant: B & B TRUCKING, INC., P.O. Box 128, Cherry Hill, N.J. 08034. Applicant's representative: J. Michael Farrell, 1725 K St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum foil and sheet*, (a) from the plantsite of the Aluminum Company of America, at or near Lebanon, Pa., to Atkins, Ark.; and (b) from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., to Searcy and Atkins, Ark.; and (2) *aluminum food containers*, (a) from the plantsite of Penny Plate, at Cherry Hill, N.J., to Batesville, Ark., and Wethersfield, Conn.; and (b) from the plantsite of Penny Plate, Inc., at Deerfield, Ill., to Fort Wayne and Winchester, Ind.; Chambersburg, Erie, and King of Prussia, Pa.; and Oconomowoc, Wis., under contract with Penny Plate, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 129282 (Sub-No. 23), filed October 21, 1974. Applicant: BERRY TRANSPORTATION, INC., P.O. Box 2147, Longview, Tex. 75601. Applicant's representative: Fred S. Berry (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and materials and supplies* used in the manufacture and distribution thereof, from San Antonio, Tex., to points in Arkansas (except Texarkana) and Mississippi, and *empty containers and dunnage*, on return.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either San Antonio or Dallas, Tex.

No. MC 129973 (Sub-No. 14), filed October 11, 1974. Applicant: FIELD MARKETING SERVICES, INC., 825 Third Avenue, New York, N.Y. 10022. Applicant's representative: William J. Lippman, Suite 550, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise, equipment, and supplies*, sold, used, or distributed by a manufacturer of household products, restricted to packages weighing 50 pounds or less, between points in Massachusetts, under a continuing contract with Amway Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 129994 (Sub-No. 6), filed October 15, 1974. Applicants: RAY BETHERS, 165 West Central Avenue, Salt Lake City, Utah 84107. Applicant's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products, gypsum wallboard, lathe, plaster, lime, and materials and supplies* used in the manufacture, installation or distribution thereof, from points in Clark County, Nev., to points in Utah and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Las Vegas, Nev.

No. MC 133708 (Sub-No. 15), filed October 15, 1974. Applicant: FIKSE BROS., INC., 12647 East South Street, Artesia, Calif. 90701. Applicant's representative: Carl H. Fritze, 1545 Wilshire Boulevard, Los Angeles, Calif. 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorspar*, in bulk, from the mine and plant sites of J. Irving Crowell, Jr. & Sons at or near Beatty, Nev., to the plant sites of Bethlehem Steel Corporation at or near Vernon, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif.

No. MC 134477 (Sub-No. 81), filed October 11, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Belgium, Random Lake, Sturgeon Bay, and Green Bay, Wis., to points in Minnesota, North Dakota, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn. or Madison, Wis.

No. MC 134477 (Sub-No. 83), filed October 18, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Thomas D. Fischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, and varnishes and compounds* used for reducing, removing, thickening, or thinning such commodities (except commodities in bulk) from Rockford, Ill. and Minneapolis, Minn., to Oklahoma City, Okla. and Dallas, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 134501 (Sub-No. 14), filed October 24, 1974. Applicant: UFT TRANSPORT COMPANY, a Corporation, P.O. Box 3128, Irving, Tex. 75061. Applicant's representative: T. M. Brown, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture and fixtures*, from the plantsite of Loughman Cabinet Company, a division of BBC Banc Products Corporation in Overland, Mo., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either St. Louis, Mo., Washington, D.C., or Dallas, Texas.

No. MC 134734 (Sub-No. 18), filed October 17, 1974. Applicant: NATIONAL TRANSPORTATION, INC., P.O. Box 37106, Omaha, Nebr. 68137. Applicant's representative: Lanny N. Fauss, P.O. Box 37096, Omaha, Nebr. 68137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Kenosha, Wis., to points in Tennessee under a continuing contract with Ocean Spray Cranberries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 134922 (Sub-No. 106), filed October 21, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations and toilet articles*, in vehicles equipped with mechanical refrigeration, from Elizabethton, Tenn., to points in Georgia, Florida, South Carolina, North Carolina, San Diego, Long Beach, Fresno, Oakland, Sacramento, and San Jose, Calif., Maryland, Pennsylvania, Ohio, Indiana, Michigan, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Vermont, New Hampshire, Maine, Kansas, Wisconsin, Illinois, and Milwaukie, Oreg.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Detroit, Mich.

No. MC 135152 (Sub-No. 16), filed October 18, 1974. Applicant: CASKET DISTRIBUTORS, INC., Rural Route No. 2, West Harrison, Ind. 45030. Applicant's representative: Jack B. Josselson, 700 Atlas Bank Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated caskets, casket displays, funeral supplies, and crated caskets* in mixed loads with uncrated caskets, from (1) New York, N.Y., and Brooklyn, N.Y., to points in the United States (except Alaska and Hawaii); and (2) from Elgin, Ill., to points in Sacramento, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 135732 (Sub-No. 10), filed October 10, 1974. Applicant: AUBREY FREIGHT LINES, INC., P.O. Box 503, 615 Grove Street, Elizabeth, N.J. 07202. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Greenhouses* and *equipment, materials and supplies*, used or useful in the manufacture and sale of greenhouses (except commodities in bulk), between Eatontown, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 136008 (Sub-No. 46), filed October 7, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106 Bixler Bldg., 2400 Northwest 23d St., Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bentonite*, from points in Natrona County, Wyo., to points in Arkansas, Kansas, Oklahoma, and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 136291 (Sub-No. 5), filed October 15, 1974. Applicant: CUSTOMIZED PARTS DISTRIBUTION, INC., 3600 NW. 82d Ave., Miami, Fla. 33166. Applicant's representative: Walter N. Bieneman, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories*, (1) between Teterboro, N.J., on the one hand, and, on the other, Baltimore and Marlowe Heights, Md.;

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Alexandria, Falls Church, and Richmond, Va.; and the District of Columbia; and (2) between Pennsauken, N.J., on the one hand, and, on the other, Marlowe Heights, Md.; Alexandria, Falls Church, and Richmond, Va.; and the District of Columbia, under a continuing contract or contracts with Ford Marketing Corporation, Ford Parts Division.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 136407 (Sub-No. 6), filed October 17, 1974. Applicant: COORS TRANSPORTATION COMPANY, 5101 York Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery, chocolate, chocolate coating, cocoa, cocoa and/or chocolate compounds, cocoa butter, and flavoring syrup* in vehicles equipped with mechanical refrigeration, from Oakdale, Calif., to points in Arizona, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming, under a continuing contract with Hershey Foods Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 136882 (Sub-No. 6), filed October 18, 1974. Applicant: BTA TRUCKING CO., INC., Route No. 4, P.O. Box 134, Smithville, Tenn. 37166. Applicant's representative: Robert L. Baker, Suite 618, Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum storm doors and windows*, from Woodbury, Tenn., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Maryland, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Texas, Virginia, West Virginia, and Wisconsin, under a continuing contract or contracts with V. E. Anderson Mfg. Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 138069 (Sub-No. 2), filed October 16, 1974. Applicant: LUCIUS, INC., 9250 North Wadsworth Blvd., Broomfield, Colo. 80020. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and non-alcoholic beverages mixes* (except commodities in bulk), from points in California, Oklahoma, and St. Louis, Mo. (except those in the St. Louis, Mo. Commercial Zone in Illinois), to Denver, Colo., restricted to traffic originating at the named origins and destined to the facilities of Davis Bros., Inc., at Denver, Colo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo.

No. MC 138503 (Sub-No. 1), filed October 4, 1974. Applicant: JOHN GEORGALLAS BANANA DISTRIBUTORS OF NEW YORK, INC., 420-22 Hunts Point Avenue, Bronx, N.Y. 10474. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Baltimore, Md., to Floral Park, N.Y.; Ipswich, Mass.; and points in Bronx County, N.Y.; (2) from Wilmington, Del., to Ipswich, Mass.; and Floral Park, N.Y.; (3) from Albany, N.Y., to Ipswich, Mass.; and (4) from Philadelphia, Pa., to Floral Park, N.Y. and points in Bronx County, N.Y.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 138557 (Sub-No. 7), filed October 15, 1974. Applicant: WALT KEITH TRUCKING, INC., Route #1, P.O. Box 30, Rushville, Mo. 64484. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites of Armour & Co., at or near Omaha, Nebr., and Kansas City, and St. Joseph, Mo., to points in Iowa, Missouri, Illinois, Kansas, Oklahoma, Colorado, and Nebraska, restricted to traffic originating at the plantsites of Armour & Co., at or near Omaha, Nebr., and Kansas City and St. Joseph, Mo. and destined to points in the named destination states and further restricted to transportation under a continuing contract or contracts with Armour & Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Kansas City, Mo. or Omaha, Nebr.

No. MC 138632 (Sub-No. 2) (correction), filed August 21, 1974, published in the FEDERAL REGISTER issue of September 26, 1974, and republished as corrected this issue. Applicant: JOSEPH F. HALE, doing business as JOE HALE TRUCKING CO., P.O. Box 715, Dublin, Va. 24084. Applicant's representative: John R. Bagileo, Suite 700, 918 16th St. NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corrugated metal pipe, fibre pipe, pipe end sections, and pipe connecting bands, bolts, fittings and related articles*, from Dublin, Va., to points in Georgia, Kentucky, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, and West Virginia; and returned or rejected shipments on return; and (2) *steel sheets bolts, rivets, lugs and pipe end sections, corrugated metal pipe, and cardboard containers*, from Monroe, Ga., Baltimore and Sparrows Point, Md.; Maryville, Mo.; Dunellen, N.J.; Ballaton Spa, Bath, and Lackawanna, N.Y.; and Bedford, Bethlehem, King of Prussia, and Pulaski, Pa., to Dublin, Va., under a continuing contract or contracts with Lane Metal Products Company, Inc., at Dublin, Va.

NOTE.—The purpose of this correction is to indicate the correct address of the applicant's representative as 918 16th St. NW., instead of 718 16th St. NW. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Roanoke, Va.

No. MC 139193 (Sub-No. 21), filed October 17, 1974. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products and articles distributed by meat-packinghouses*, as defined by the Commission in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., located at Arkansas City, Kans., to points in the United States (except Alaska and Hawaii); and (2) *such commodities* as are used by meat packers in the conduct of their business, from points in the United States (except Alaska and Hawaii), to Arkansas City, Kans., restricted to traffic transported under contract with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 139313 (Sub-No. 1), filed October 22, 1974. Applicant: P. KRIMBEL, doing business as, KRIMBEL TRUCKING CO., 600 Hill Road, P.O. Box 294, Aberdeen, Wash. 98520. Applicant's representative: P. Krimbel (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Beer and wine*, from Lodi, Los Angeles, Madera, Reedley, Modesto, San Francisco, and Saratoga, Calif., to Aberdeen, Olympia, and Everett, Wash., under contract with Crown Distributors, Inc., and Friendly Distributors, Inc., at Everett, Wash.; Cammarano Bros., Inc., at Olympia, Wash.; and Crown Dist. Co., Inc., at Aberdeen, Wash.; and (2) *red cedar shakes and shingles, ridge and trim*, from points in Grays Harbor County, Wash., to points in California, under contract with A. E. Erickson Enterprises, Inc., at Seattle, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 139420 (Sub-No. 9), filed October 15, 1974. Applicant: ART GREENBERG, doing business as GLACIER TRANSPORT, P.O. Box 428, Grand Forks, N. Dak. 58201. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Non-alcoholic beverages and containers* therefor, between points in Minnesota and North Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, or St. Paul, Minn., or Fargo, N. Dak.

No. MC 139482 (Sub-No. 4), filed October 16, 1974. Applicant: NEW ULM FREIGHT LINES, INC., County Road No. 29 West, New Ulm, Minn. 56073. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, Minn. 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Chicago, Ill., to the plantsite and facilities of Haas Corporation, at Sleepy Eye, Minn.

NOTE.—Applicant holds contract carrier authority in MC 133882 Sub 1, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New Ulm, Mankato, or Minneapolis-St. Paul, Minn.

No. MC 139539 (Sub-No. 4), filed October 15, 1974. Applicant: AFRO-URBAN TRANSPORTATION, INC., 1167 Atlantic Avenue, Brooklyn, N.Y. 11216. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, and iron and steel articles*, (a) from the plantsite of Bethlehem Steel Corporation located at or near Sparrows Point, Md., to points in the New York, N.Y., Commercial Zone as defined by the Commission, points in Pennsylvania on and east of U.S. Highway 15, and points in New Jersey; and (b) from the plantsite of Bethlehem Steel Corporation located at or near Bethlehem, Pa., to points in the New York, N.Y., Commercial Zone as defined by the Commission, to points in the District of Columbia Commercial Zone, and points in Maryland and New Jersey.

NOTE.—Applicant holds contract carrier authority in MC 135713 Sub No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 139784 (Sub-No. 3), filed October 17, 1974. Applicant: CATTLE AND GRAIN TRANSPORTS, INC., 310 Court Street, Scott City, Kans. 67871. Applicant's representative: Keen Brantley, 325 Main Street, Scott City, Kans. 67871. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agriculture implements and parts, iron and steel articles*, from Pueblo, Colo.; Kansas City, Mo.; Peoria, Ill., and Sterling, Ill., to points in Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans., or Denver, Colo.

No. MC 139871 (Sub-No. 2), filed October 15, 1974. Applicant: CHI-RU LEASING & TRUCKING, INC., 2425 South Wood Street, Chicago, Ill. 60608. Applicant's representative: Arlene Pagone (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except automobiles, trucks, tractors, trailers, buses, chassis, commodities in bulk, and commodities having a prior or subsequent movement by air), between points in the Chicago, Ill. Commercial Zone (except those points located in Indiana), on the one hand, and, on the other, points in Illinois and Milwaukee, Wis., restricted to shipments having a prior or subsequent movement by rail, truck, or water common carrier.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 140003 (Sub-No. 3), filed October 17, 1974. Applicant: BALL MOTOR LINE OF APOPKA, INC., P.O. Drawer AL, Apopka, Fla. 32703. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products, machine parts and molds*, and *materials and supplies* used in the manufacture and distribution of plastic products (except commodities in bulk): (1) From Chicago, Ill., to Rockmart, Ga.; S. Rockwood, Mich.; and Kissimmee, Fla.; (2) from S. Rockwood, Mich., to Kissimmee and Apopka, Fla.; Semmes, Ala.; Rockmart, Ga.; and Malvern, Pa.; (3) from Malvern, Pa., to Kissimmee and Apopka, Fla.; Semmes, Ala.; and Rockmart, Ga.; (4) from Rockmart, Ga., to Kissimmee and Apopka, Fla.; Malvern, Pa.; and S. Rockwood, Mich.; (5) from Kissimmee and Apopka, Fla., to Semmes, Ala.; Rockmart, Ga.; S. Rockwood, Mich.; Malvern, Pa.; and Houston, Tex.; and (6) from Houston, Tex., to Kissimmee and Apopka, Fla.; S. Rockwood, Mich.; Semmes, Ala.; and Rockmart, Ga., under a continuing contract or contracts with Better Plastics, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140030 (Sub-No. 1), filed October 7, 1974. Applicant: RAY KURTZ AND LINDA FARLEY, a partnership, doing business as PLASTIC EXPRESS, 11452 Eckhoff Street, Orange, Calif. 92668. Applicant's representative: Jerry Solomon Berger, 9454 Wilshire Blvd., Penthouse, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, and related fittings, valves, parts, and accessories, and materials, equipment and supplies* used in the installation of plastic pipe systems, (a) From the plantsite and storage facilities of Celanese Piping Systems, Inc., located at points in Orange County, Calif., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Texas, Utah, Washington, and Wyoming, (b) from the plantsite and storage facilities of Celanese Piping Systems, Inc., at or near Denver, Colo., to points in Arizona, California, New Mexico, Texas, and Utah; and (2) *plastic granules*, from Deer Park and Bishop, Tex., to Denver, Colo., and points in California, on return movements, under a continuing contract or contracts with Celanese Piping Systems.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Orange or Los Angeles, Calif.

No. MC 140091 (Sub-No. 1), filed October 8, 1974. Applicant: AMBASSADOR TRANSPORT, INC., 790 Broad Street, Newark, N.J. 07102. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel*, (1) from South Kearny, Harrison, Saddle Brook, Port Newark, Port Elizabeth, and Elizabeth, N.J.; New York, N.Y.; Bridgeport, New Haven, and West Haven, Conn.; Philadelphia, Eddystone, and Fairless Hill, Pa.; and Baltimore, Md., to Worcester, Mass., and points in Massachusetts east of State Highway 12; Bristol, Conn.; ports of entry on the International Boundary line between the United States and Canada, at Champlain, Buffalo, and Niagara Falls, N.Y., and Calais, Maine; Chicago, Danville, and East Moline, Ill., and Auburn, Rome, and Wellsville, N.Y.; and (2) from Buffalo, N.Y., to Boston, Mass., and Hamilton, Ohio, under a continuing contract with Ambassador Metals, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York, N.Y.

No. MC 140163, filed August 12, 1974. Applicant: POST & SONS TRANSFER CO., a Corporation, 323 East D Street, Tacoma, Wash. 98421. Applicant's representative: Arthur R. Paulsen, 906 So. 10th Street, P.O. Box 5327, Tacoma, Wash. 98405. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and bulk containers, plywood, building materials, and construction steel*, between San Francisco, Redding, Sacramento, Eureka, Susanville, Anderson, and Red Bluff, Calif., and points in Idaho, Washington, and Oregon, and those points on the International Boundary line between the United States and Canada in Idaho and Washington, in non-radial movements.

NOTE.—If a hearing is deemed necessary the applicant requests it be held at Seattle, Wash.

No. MC 140210 (Sub-No. 1), filed October 11, 1974. Applicant: W. W. ALLEN TRUCK LEASING, INC., Route 4, Box 27, Sheridan, Ark. 72510. Applicant's representative: Don A. Smith, P.O. Box 43, 13 North 7th St., Fort Smith, Ark.

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72901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips, and wood shavings*, from the plant sites and warehouse facilities of International Paper Company at or near Leola, Ark., to the plant sites and warehouse facilities of International Paper Company at or Springhill, La., under a continuing contract or contracts with International Paper Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either little Rock or Fort Smith, Ark.

No. MC 140241 (Sub-No. 2), filed October 15, 1974. Applicant: DALKE TRANSPORT, INC., Box 7, Moundridge, Kans. 67107. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Steel coils*, from Ashland, Ky., Lansing, Madison, Chicago, Des Plaines, Hennepin, Elk Grove Village, Granite City, Bensenville, and Broadview, Ill., Hebron and Gary, Ind., Cleveland, Perry, and Youngstown, Ohio, Birmingham, Ala., and Sedalia, Mo., to Moundridge, Kans.; (2) *metal fabricating equipment*, from Moundridge, Kans., to points in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and District of Columbia; (3) agricultural and industrial trailers, from the plantsite and/or storage facilities of Jantz Mfg., Inc., located at or near Hutchinson and Moundridge, Kans., to points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; and (4) *steel articles*, from points in Arkansas, Colorado, Illinois, Iowa, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, to the plantsite and/or storage facilities of Jantz Mfg., Inc., located at or near Hutchinson and Moundridge, Kans.

NOTE.—If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 140278 (Sub-No. 1), filed October 16, 1974. Applicant: F. E. BEITZ, doing business as BEITZ WRECKER SERVICE, Highway 65, Redfield, Ark. 72132. Applicant's representative: Thomas J. Presson, P.O. Box 71, Redfield, Ark. 72132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles of all types including truck tractors, automobiles, straight trucks and any other self-propelled vehicle, and semi-trailers or full trailers* when attached to a power unit, when such vehicles are in need of emergency towing service due to wreck, upset, breakdown or other stoppage which renders the vehicle unable to move under its own power, between points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Little Rock, Ark., or Memphis, Tenn.

No. MC 140283 (Sub-No. 2), filed October 10, 1974. Applicant: McHENRY TRUCK LINE, INC., P.O. Box 575, McHenry, Ill. 60050. Applicant's representative: Stephen H. Loeb, 327 South La Salle St., Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Timers, outdoor-lighting systems, and heaters*, from Spring Grove, Ill., to Chicago, Ill. (except those points in the Chicago, Ill. Commercial Zone in Indiana); and (2) *equipment, materials, and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk), from Chicago, Ill. (except those points in the Chicago, Ill. Commercial Zone in Indiana), to Spring Grove, Ill., restricted to traffic having a prior or subsequent movement by rail, under a continuing contract or contracts with Intermatic, Inc. of Spring Grove, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Washington, D.C.

No. MC 140332, filed October 10, 1974. Applicant: B & E LINES, INC., Rural Route 7, Box 127, Winchester, Va. 22601. Applicant's representative: Bill R. Davis, Suite 101, 2814 New Spring Road, Atlanta, Ga. 30339. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods:* (a) between Winchester, Va., and Ranson, W. Va.; and (b) from Winchester, Va., and Ranson, W. Va., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* used in the manufacture, processing, sale, and distribution of frozen foods, from points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, to Winchester, Va., and Ranson, W. Va., under a continuing contract or contracts with the Zeropack Company and Ranson Fruit Co., Inc.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

PASSENGER APPLICATIONS

No. MC 106798 (Sub-No. 9), filed October 16, 1974. Applicant: GARDEN STATE COACHWAYS, a corporation, 690 N. Pearl Street, Bridgeton, N.J. 08302. Applicant's representative. Raymond A. Thistle, Jr., Suite 1012, Four Penn Center Plaza, Philadelphia, Pa. 19103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express packages and newspapers* in the same vehicle with passengers, Between Bridgeton, N.J., and New York, N.Y., serving intermediate points between Bridgeton, N.J., and the junction of New Jersey Highway 45 and Interstate Highway 295, and the intermediate point of Exit 5 of the New Jersey Turnpike: From Bridgeton over New Jersey Highway 77 to junction New Jersey Highway 45, thence over New Jersey Highway 45 to junction Interstate Highway 295, thence over Interstate Highway 295 to junction County Road 541, thence over County Road 541 to junction Exit 5 of the New Jersey Turnpike, thence along the New Jersey Turnpike to Exit 16, thence along Interstate Highway 495 to the Lincoln Tunnel, thence through the Lincoln Tunnel to New York City, N.Y., and return over the same route.

NOTE.—Applicant holds contract carrier authority in MC 118815, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Woodbury or Camden, N.J., or Philadelphia, Pa.

No. MC 120781 (Sub-No. 5), filed October 15, 1974. Applicant: KRAF-TOURS CORPORATION, 2715 South Memorial Drive, Tulsa, Okla. 74129. Applicant's representative: Maxwell A. Howell, 1100 Investment Building, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in one-way and round-trip sightseeing and pleasure tours, from points in Kansas, to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Kans.

No. MC 139869 (Sub-No. 2), filed October 4, 1974. Applicant: FLEET LINE CABS LTD., 100 View St., Nelson, British Columbia, Canada. Applicant's representative: George Kargianis, 2120 Pacific Bldg., Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and*

their baggage, between points in Spokane County, Wash., and the Port of Entry on the International Boundary line between the United States and Canada at Metaline Falls, Wash.; and (2) *passengers and their baggage*, in round-trip charter operations, between points in Spokane County, Wash., and the Port of Entry on the International Boundary line between the United States and Canada at Metaline Falls, Wash.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Spokane or Seattle, Wash.

WATER CARRIER APPLICATIONS

No. W 377 (Sub-No. 15), filed October 7, 1974. Applicant: DIXIE CARRIERS, INC., 1616 West Loop South, Houston, Tex. 77027. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *Commodities generally*, (1) by tug and barge service, between ports and points on: (a) The Mississippi River between its confluence with the Illinois River and its confluence with the Red River, and between New Orleans, La., and the mouth of the Mississippi River; (b) the Illinois Waterway between the junction of the Illinois and Mississippi Rivers and Chicago, Ill., and the other Lake Michigan Ports between and including Waukegan, Ill., and Michigan City, Ind. (but not including service between Lake Michigan Ports); (c) the Ohio River below and including Pittsburgh, Pa.; (d) the Allegheny River below and including Kittanning, Pa.; (e) the Monongahela River below and including Fairmont, W. Va.; (f) the Tennessee River and its tributaries below and including Knoxville, Tenn.; (g) the Gulf Intracoastal Waterway and the Gulf of Mexico, and connecting waterways, between and including Apalachicola and Tampa, Fla. (including all points on or reached via Tampa Bay); (h) the Gulf of Mexico between Brownsville, Tex., and Tampa, Fla. (including all points on or reached via Tampa Bay); (i) Mobile River System, including the Tombigbee, Alabama, Warrior, and Black Warrior Rivers, from Mobile Bay to the respective heads of navigation on the various segments of the System; (j) the Apalachicola, Chattahoochee, and Flint Rivers below and including Columbus and Bainbridge, Ga.; (k) the Arkansas-Verdigris Waterway System below and including Catoosa (Tulsa), Okla.; (l) between ports and points included in each of the lettered segments described above, and points and ports included in each of the other lettered segments described above; and (m) between ports and points described above and ports and points included in applicant's present operating authority as set forth in its Tenth Amended Certificate and Order issued in Docket No. W-377 under date of September 18, 1968; and

(2) By towage service, between (a) ports and points described in (1)(a) through (k) above; (b) ports and points on the Mississippi River from Baton Rouge, La. to its confluence with the Red River, the Red River to its confluence with the Black River, the Black River to its confluence with the Ouachita River, and the Ouachita River to and including Camden, Ark.; (c) ports and points on the Gulf Intracoastal Waterway and connecting waters between New Orleans, La., and Apalachicola, Fla., inclusive; (d) between ports and points included in each of the segments numbered (a), (b), and (c) immediately above, and ports and points in each of the other segments so lettered; and (e) between ports and points in each of the said lettered segments immediately above, on the one hand, and, on the other, ports and points included in the applicant's present towage authority as described in its Tenth Amended Certificate and Order issued in Docket No. W-377 under date of September 18, 1968.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. W-536 (Sub-No. 14), filed October 22, 1974. Applicant: HENNEPIN TOWING COMPANY, a Corporation, 7703 Normandale Road, Minneapolis, Minn. 55435. Applicant's representative: William F. King, Suite 400, Overlook Bldg., 6121 Lincolnia Rd., Alexandria, Va. 22312. Authority sought to engage in operation, in interstate or foreign commerce as a *common carrier by water* in the transportation of *General commodities*, by non-self-propelled vessels with the use of separate towing vessels, and by towing vessels in the performance of general towage, between ports and points on the Kaskaskia River between and including the head of navigation near Fayetteville, Ill. and the confluence of the Kaskaskia and Mississippi Rivers near St. Louis, Mo.

NOTE.—Applicant intends to join or tack the requested authority with its existing authority to provide through service in both affreightment and towage to and from points along the Mississippi River below and including Minneapolis, Minn., the Minnesota River below and including Shakopee, Minn., St. Croix River below and including Stillwater, Minn., the Illinois River below and including the Lake Michigan Ports between and including Waukegan, Ill. and Michigan City, Ind., the Ohio River below and including Pittsburgh, Pa., the Allegheny River below and including East Brady, Pa., the Monongahela River below and including Fairmont, W. Va., the Kanawha River below and including Gauley Bridge, W. Va., the Licking River below and including Ryland Lakes, Ky., and the Arkansas-Verdegris Waterway. Applicant proposes to provide through service between points sought to be served in this application and the Ports of Port Everglades, Fort Lauderdale, and Miami, Fla. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill. or Washington, D.C.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

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PART II

ENVIRONMENTAL PROTECTION AGENCY

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TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Proposed Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

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ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 429]

[FRL 293–6]

TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Proposed Effluent Limitations and Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA). On April 18, 1974, EPA promulgated a regulation adding Part 429 to Chapter 40 of the Code of Federal Regulations (39 FR 13942). That regulation with subsequent amendments established effluent limitations and guidelines for existing sources and standards of performance and pretreatment standards for new sources for the timber products processing point source category. The regulation proposed below will amend 40 CFR 429—timber products processing point source category by adding thereto the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory (Subpart P), the wood furniture and fixture production without water wash spray booth(s) but with laundry facilities subcategory (Subpart Q), the wood furniture and fixture production with water wash spray booth(s), but without laundry facilities subcategory (Subpart R), and the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory (Subpart S) pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316 (b) and 1317 (c); 86 Stat. 816 et seq.; P.L. 92–500) (the Act).

(a) *Legal authority*—(1) *Existing point sources.* Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304(b) of the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting forth the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedural innovations, operating methods and other alternatives. The regulation proposed herein sets forth effluent limitations and guidelines, pursuant to sections 301 and 304(b) of the Act, for the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory (Subpart P), the wood furniture and fixture production without water wash spray booth(s) but with laundry facilities subcategory (Subpart Q), the wood furniture and fixture production with water wash spray booth(s) but without laundry facilities subcategory (Subpart R), and the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory (Subpart S) of the timber products processing point source category.

(2) *New sources.* Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624) a list of 27 source categories, including the timber products processing category. The regulations proposed herein set forth the standards of performance applicable to new sources for the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory (Subpart P), the wood furniture and fixture production without water wash spray booth(s) but with laundry facilities subcategory (Subpart Q), the wood furniture and fixture production with water wash spray booth(s) but without laundry facilities subcategory (Subpart R), and the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory (Subpart S) of the timber products processing point source category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 429.166, 429.176, 429.186, and 429.196, proposed below, provide pretreatment standards for new sources within wood furniture and fixture production without water wash spray booth(s) and with laundry subcategory (Subpart P), the wood furniture and fixture production without water wash spray booth(s) but with laundry facilities subcategory (Subpart Q), the wood furniture and fixture production with water wash spray booth(s) but without laundry facilities subcategory (Subpart R), and the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory (Subpart S) of the timber products processing point source category.

Section 304(c) of the Act requires the Administrator to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under section 306 of the Act. The report or "Development Document" referred to below provides, pursuant to section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) *Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.*

(1) *General methodology.* The effluent limitations, guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different segments of the point source category. The raw waste characteristics for each such segment were then identified. This included an analysis of the source, flow and volume of water used in the process employed, the sources of waste and waste waters in the operation and the constituents of all waste water. The constituents of the waste waters which should be subject to effluent limitations and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which is existent or capable of being designed for each segment. It also included an identification of, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the nonwater quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise and radiation was identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, nonwater quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under 40 CFR 128. The basis for such standards is set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly to navigable waters, except for § 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 429.166, 429.176, 429.186, and 429.196 below amend section 128.133 to specify the application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) *Summary of conclusions with respect to the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory (Subpart P), the wood furniture and fixture production without water wash spray booth(s) but with laundry facilities subcategory (Subpart Q), the wood furniture and fixture production with water wash spray booth(s) but without laundry facilities subcategory (Subpart R), and the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory (Subpart S) of the timber products processing points source category.*

(i) *Categorization.* The production of wood furniture and fixtures includes many processes that may or may not be utilized, depending on the type of product being made and the quality desired. The water requirements for the production of wood products in Standard Industrial Classification, Major Group 25 are minimal.

The nature of raw materials does not enter into the subcategorization considerations because of the fact that raw material storage is usually under cover and the production processes are generally dry with regard to water contact with the material during processing. Glue makeup and washup and the use of different finishing materials cause variations in waste water constituents. However, because waste waters from these operations are usually handled together, not as individual streams, subcategorization on this basis is not appropriate.

Plant location and land availability may be significant in terms of climatic effects on operation and control and treatment technology, and the availability of land for the construction of treatment facilities. The treatment and control technology options considered in the development of the proposed limitations eliminate the necessity of subcategorization on this basis.

Water usage in this segment of the timber products processing industry is significant only in water wash spray booth operations, and the in-plant laundry. Therefore, subcategorization results from the existence of water wash spray booths and in-plant laundry facilities.

(ii) *Waste characteristics.* The primary sources of waste water from the furniture and fixture manufacturing segment are spray booths, laundry facilities, and glue cleanup operations.

The pH of spray booth waste water is usually high because of the presence of alkaline agents in the water which are added to disperse the finishing materials. COD levels are also high while BOD levels in some cases may indicate a low biodegradability.

Laundry facility waste water shows a high pH and solids concentration as a result of adding soda ash, caustics such as sodium hydroxide, and clay to the wash water.

Glue system waste water characteristics very depending on the nature and type of glue and the volume of water used for cleanup operations.

(iii) *Origin of waste water pollutants.* Volumes of waste water generated by wooden furniture and fixture manufacturing facilities are primarily dependent on the presence of water wash spray booths, laundry facilities, and the presence of glue applicators. The volume of water discharged from a water wash spray booth varies between 760 liters per week, and 5,700 liters per week. Glue washup waste water is quite variable (75 to 800 liters per day). Waste water from laundry facilities is also quite variable, dependent on the size of the plant, the type of product produced, the number of loads per day, and operating practice differences.

(iv) *Treatment and control technology.* Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

An estimated ninety-five percent of all wood furniture and fixture manufacturing facilities either discharge their waste water to municipal treatment systems or dispose of the waste water by contractual arrangements with commercial disposal companies.

Inplant contract measures to reduce the volume of waste water generated by gluing operations consist of manually cleaning the mixing tanks, glue spreaders and adjacent areas before the application of water. The use of high pressure water and steam or steam-water mixtures on metal surfaces can result in a water savings of as much as fifty percent. Water wash spray booth waste water volumes of discharge may be reduced by prolonging the batch life; however, the spray booth loses its efficiency to control air-borne emissions as pollutants build up in the water system.

Existing end-of-pipe treatment systems include septic tanks followed by tile fields. The efficiency and applicability of this type of treatment are dependent on the nature of the waste water, the soil type, hydrologic conditions, and the availability of land. Oxidation ponds or lagoons may provide a degree of treatment although that type of treatment may not show a good level of reduction efficiency on the pollutants generated by this industry.

Incineration of pollutants on hog fuel is an available technique where a hog Fuel boiler exists and the volume of waste water is such that the operation of the boiler cannot be maintained. Evaporation of waste water from a lagoon by natural or mechanical evaporation with sludge disposal in a landfill is an alternative. Spray irrigation utilizes soil microorganisms' ability to decompose organic matter to achieve waste water treatment and control. Pretreatment of sedimentation and skimming is usually necessary before spray irrigation.

Solid waste control must be considered. Solid wastes may be generated by the treatment and control technologies used to achieve these proposed regulations. The majority of these materials are wood based and are degradable. Some materials, used mainly in the finishing operations may require special consideration. Best practicable control technology and best available control technology as they are known today, require disposal of the pollutants removed from waste waters in this industry in the

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form of solid wastes and liquid concentrates. In most cases these are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to insure long-term protection of the environment from these hazardous or harmful constituents, special consideration of disposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction in which the site is located.

(v) *Cost estimates for control of waste water pollutants.* A wood furniture and fixture manufacturing facility that has waste water from two glue spreaders and no laundry or spray booth waste water to dispose of (Model 1) is presented with four alternatives to achieve the proposed limitations. Total yearly costs range between $300 and $3,330. Facilities that have dry booths, laundry facilities and two glue spreaders (Model 2) show a range of costs between $300 and $11,630. A facility with water wash spray booths, no laundry, and two glue spreaders shows a range of costs between $300 and $4,740. Plants with water wash booths, laundry facilities and two glue spreaders have total yearly costs between $300 and $12,000. It is expected that in most facilities a lower cost alternative will be available.

(vi) *Energy requirements and nonwater quality environmental impacts.* Energy requirements for the model 1 plant show a maximum of $110 per year in the use of the evaporation pond alternative. Solids to be disposed of amount to 14 kg per day. Model 2 plants show a maximum energy requirement of $580 per year with a solid waste load of 59 kg per day. Model 3 plants have a maximum energy requirement of $320 per year and produce 92 kg per day of solids. Model 4 plants have a power requirement of up to $820 per year and a total solids load of 145 kg per day.

The solids listed above may not have an environmental impact depending on the control alternative selected by the facility, e.g., disposal of process waste water pollutants in a hog fuel boiler would resolve any disposal problem for organic solid waste.

(vii) *Economic impact analysis.* The cost of compliance for these industry sectors is not expected to significantly affect prices, industry production, employment or growth. The proposed guidelines will only affect up to 10% of the plants in these sectors because the remaining plants already discharge their waste waters to municipal waste water treatment systems, contract them to be hauled away by commercial disposal companies, or use a combination of these methods. For those plants affected by these guidelines, prices are expected to increase from 0.1 to 2 percent and, as a result, profits are not expected to be affected. The capital costs associated with meeting the proposed effluent limitations will range from 0.1 to 3.5 percent of net assets and are not expected to present a capital availability problem. Therefore, no closures, unemployment or community impacts are expected. Further, abatement costs are not expected to affect the balance of trade or industry growth.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Wood Furniture and Fixture Manufacturing Segment of the Timber Products Processing Point Source Category" details the analysis undertaken in support of the regulation being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis prepared for EPA of the possible economic effects of the proposed regulation is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulation or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

On June 14, 1973, the Agency published procedures designed to insure that, when certain major standards, regulations, and guidelines are proposed, an explanation of their basis, purpose and environmental effects is made available to the public (38 FR 15653). The procedures are applicable to major standards, regulations and guidelines which are proposed on or after December 31, 1973, and which prescribe national standards of environmental quality or require national emission, effluent or performance standards and limitations.

The Agency determined to implement these procedures in order to insure that the public was apprised of the environmental effects of its major standards setting actions and was provided with detailed background information to assist it in commenting on the merits of a proposed action. In brief, the procedures call for the Agency to make public the information available to it delineating the major nonenvironmental factors affecting the decision, and to explain the viable options available to it and the reasons for the option selected.

The procedures contemplate publication of this information in the FEDERAL REGISTER, where this is practicable. They provide, however, that where, because of the length of these materials, such publication is impracticable, the material may be made available in an alternate format.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the Wood Furniture and Fixtures Manufacturing Segment of the Timber Products Processing Point Source Category" contains information available to the Agency concerning the major environmental effects of the regulation proposed below, including:

(1) The pollutants presently discharged into the Nation's waterways by manufacturers of wood furniture and fixtures and the degree of pollution reduction obtainable from implementation of the proposed guidelines and standards (see particularly Sections IV, V, VI, IX X, and XI);

(2) The anticipated effects of the proposed regulation on other aspects of the environment including air, solid waste disposal and land use, and noise (see particularly Section VIII); and

(3) Options available to the Agency in developing the proposed regulatory system and the reasons for its selecting the particular levels of effluent reduction which are proposed (see particularly Sections VI, VII, and VIII).

The supplementary report entitled "Economic Analysis of Proposed Effluent Guidelines, Wood Furniture and Fixture Manufacturing Segment of the Timber Products Processing Industry" contains an estimate of the cost of pollution control requirements and an analysis of the possible effects of the proposed regulation on prices, production levels, employment, communities in which wood furniture and fixture manufacturing plants are located, and international trade. In addition, the Development Document describes, in Section VIII, the cost and energy consumption implications of the proposed regulations.

The two reports described above in the aggregate exceed 200 pages in length and contain a substantial number of charts, diagrams, and tables. It is clearly impracticable to publish the material contained in these documents in the FEDERAL REGISTER. To the extent possible, significant aspects of the material have been presented in summary form in foregoing portions of this preamble. Additional discussion is contained in the following analysis of comments received and the Agency's response to them. As has been indicated, both documents are available for inspection at the Agency's Washington, D.C. and regional offices and at State water pollution control agency offices. Copies of each have been distributed to persons and institutions affected by the proposed regulations or who have placed themselves on a mailing list for this purpose. Finally, so long as the supply remains available, additional copies may be obtained from the Agency as described above.

When this regulation is promulgated, revised copies of the Development Document will be available from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Copies of the Economic Analysis will be available through the National Technical Information Service, Springfield, Virginia 22151

(c) *Summary of public participation.* Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations, guidelines and standards proposed for the wood furniture and fixture manufacturing category. All participating agencies have been informed of project developments. An initial draft of the Development Document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) all State and U.S. Territory Pollution Control Agencies; (3) American Society of Mechanical Engineers; (4) The Conservation Foundation; (5) Businessmen for the Public Interest; (6) Environmental Defense Fund; (7) Natural Resources Defense Council; (8) The American Society of Civil Engineers; (9) Water Pollution Control Federation; (10) National Wildlife Federation; (11) Southern Furniture Manufacturers Association; (12) Hardwood Plywood Manufacturers Association; (13) American Plywood Association; (14) American Hardboard Association; (15) Furniture Manufacturers' Association of Grand Rapids; (16) National Forest Products Association; (17) Natural Association of Furniture Manufacturers, Inc.; (18) Northwest Furniture Manufacturing Association; (19) Southwest Furniture Manufacturing Association; and (20) Furniture Manufacturers' Association of California.

The following responded with comments: the state of Nebraska Department of Environmental Control; the state of Delaware Department of Natural Resources and Environmental Control; the Minnesota Pollution Control Agency; the Southern Furniture Manufacturers' Association; the North Carolina Department of Natural and Economic Resources; the U.S. Department of the Interior; the U.S. Department of Agriculture; the state of Colorado Department of Public Health; the Furniture Manufacturers' Association of California; and the Delaware River Basin Commission.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) One criticism was that the data base on which the proposed guidelines and standards are based was too limited, and also that the time frame of the study was short.

There are more than 7,000 establishments subject to these proposed regulations. It was obviously not feasible to survey or sample all or even a majority of these plants. Rather, a sufficient number of these plants were surveyed and sampled to adequately determine and confirm the existence and practice of procedures and methods that could be considered as best practicable control technology currently available. The material processing steps required in the manufacture of wood furniture are limited in number and to a degree similar in the 7,000 plus establishments. The time was sufficient to categorize the industry, characterize the waste waters, identify the treatment and control technologies and develop the proposed effluent guidelines and standards.

(2) A commenter discussed the options available to a furniture manufacturing facility, as presented in the draft report, to eliminate the discharge of pollutants, and reviewed circumstances where each of the options might not be appropriate.

The options presented in the draft report were exhibited as alternative techniques to achieve the best practicable control technology limitations. It is acknowledged that each control scheme may not be appropriate for every establishment. The fact that there are a minimum of five options available indicates that the limitations are achievable.

(3) One commenter suggested that the industry should be allowed to discharge pollutants at a level equal to effluent levels permitted for municipal treatment facilities.

Section 304(b) of the Act states that the best practicable control technology (BPCT) determination shall include consideration of the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, and shall also take into account the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes, non-water quality environmental impact, and other factors. Consideration of these factors resulted in the conclusion that BPCT should be no discharge of process waste water pollutants to navigable waters.

(4) A comment was received that suggested that the industry should be further subcategorized on the basis of size, number of employees, and amount of pollutants generated.

These factors were considered during the effluent guidelines development program and it was determined that these factors were not significant with regard to subcategorization as their effects seemed to be minor.

(5) It was pointed out that some of the alternatives presented as techniques for achieving the no discharge of process waste water proposed limitation are land based technology; some plants subject to these proposed limitations may not have land available to install the appropriate control systems and may not have options available to them that are not land based. This situation limits the options available to the permit issuing office.

A combination of circumstances might exist where none of the techniques presented in the support document for these regulations are applicable. The waste water generated in wood furniture manufacturing industry is usually of a small volume. It may, however, contain a wide range of pollutants. Additional information and data are specifically requested by EPA regarding the applicability of treatment, the efficiency of treatment, the constituents controlled, the levels of pollutant discharge being controlled, and other factors related to treatment of wood furniture process waste water before discharge to the environment.

(6) A number of comments of an editorial type were received.

These were considered and in most cases were corrected or incorporated in the Development Document.

Interested persons may participate in this rulemaking submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulation are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which are available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data are essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitations guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternatives better satisfies the detailed requirements of sections 301, 304(b), 306, and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, S.W., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above, and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. The EPA information regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before December 16, 1974, will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 F.R. 21202).

Dated: November 4, 1974.

JOHN QUARLES,
Administrator.

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PART 429—TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

Subpart P—Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Laundry Facilities Subcategory

Sec.

429.160 Applicability; description of the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory.
429.161 Specialized definitions.
429.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application attainable by the application of the best practicable control technology currently available.
429.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.164 [Reserved]
429.165 Standards of performances for new sources.
429.166 Pretreatment standards for new sources.

Subpart Q—Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) but With Laundry Facilities

429.170 Applicability; description of the furniture and fixture production without water wash spray booth(s) but with laundry facilities subcategory.
429.171 Specialized definitions.
429.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.174 [Reserved]
429.175 Standards of performances for new sources.
429.176 Pretreatment standards for new sources.

Subpart R—Wood Furniture and Fixture Production With Water Wash Spray Booth(s) but Without Laundry Facilities

429.180 Applicability; description of the wood furniture and fixture production with water wash spray booth(s) but without laundry facilities subcategory.
429.181 Specialized definitions.
429.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.184 [Reserved]
429.185 Standards of performance for new sources.
429.186 Pretreatment standards for new sources.

Subpart S—Wood Furniture and Fixture Production With Water Wash Spray Booth(s) and With Laundry Facilities

Sec.

429.190 Applicability; description of the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory.
429.191 Specialized definitions.
429.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.
429.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.
429.194 [Reserved]
429.195 Standards of performance for new sources.
429.196 Pretreatment standards for new sources.

Subpart P—Wood Furniture and Fixture Production Without Water Wash Spray Booth(s) or Laundry Facilities Subcategory

§ 429.160 Applicability; description of the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of wood furniture and fixtures at establishments that (a) do not utilize water wash spray booths to collect and contain the overspray from spray applications of finishing materials and (b) do not maintain on-site laundry facilities for fabric utilized in various finishing operations.

§ 429.161 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 429.162 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.163 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.164 [Reserved]

§ 429.165 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.166 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the wood furniture and fixture production without water wash spray booth(s) or laundry facilities subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitons set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.165; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart Q—Wood Furniture and Fixture Production Without Water Wash Spray Booth but With Laundry Facilities

§ 429.170 Applicability; description of the wood furniture and fixture production without water wash spray booth but with laundry facilities subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of wood furniture and fixtures at establishments that (a) do not utilize water wash spray booths to collect and contain the overspray from spray applications of finishing materials (b) but do maintain on-site laundry facilities for fabric utilized in various finishing operations.

§ 429.171 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 429.172 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.173 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achieveable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.174 [Reserved]

§ 429.175 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.176 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the wood furniture and fixture production without water wash spray booth but with laundry facilities subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.175; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart R—Wood Furniture and Fixture Production With Water Wash Spray Booth(s) but Without Laundry Facilities Subcategory

§ 429.180 Applicability; description of the wood furniture and fixture production with water wash spray booth(s) but without laundry facilities subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of wood furniture and fixtures at establishments that (a) do utilize water wash spray booth to collect and contain overspray from spray applications of finishing materials but (a) do not maintain on-site laundry facilities for fabric utilized in various finishing operations.

§ 429.181 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 429.182 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or

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are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.183 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.184 [Reserved]

§ 429.185 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.186 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the wood furniture and fixture production with water wash spray booth(s) but without laundry facilities subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.185; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

Subpart S—Wood Furniture and Fixture Production With Water Wash Spray Booth(s) and With Laundry Facilities Subcategory

§ 429.190 Applicability; description of the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of wood furniture and fixtures at establishments that (a) do utilize water wash spray booth to collect and contain overspray from spray application of finishing materials and (b) do maintain on-site laundry facilities for fabric utilized in various finishing operations.

§ 429.191 Specialized definitions.

For the purpose of this subpart the general definitions, abbreviations and methods of analysis set forth in 40 CFR Part 401 shall apply to this subpart.

§ 429.192 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

(a) In establishing the limitations set forth in this section, EPA took into account all information it was able to collect, develop and solicit with respect to factors (such as age and size of plant, raw materials, manufacturing processes, products produced, treatment technology available, energy requirements and costs) which can affect the industry subcategorization and effluent levels established. It is, however, possible that data which would affect these limitations have not been available and, as a result, these limitations should be adjusted for certain plants in this industry. An individual discharger or other interested person may submit evidence to the Regional Administrator (or to the State, if the State has the authority to issue NPDES permits) that factors relating to the equipment or facilities involved, the process applied, or other such factors related to such discharger are fundamentally different from the factors considered in the establishment of the guidelines. On the basis of such evidence or other available information, the Regional Administrator (or the State) will make a written finding that such factors are or are not fundamentally different for that facility compared to those specified in the Development Document. If such fundamentally different factors are found to exist, the Regional Administrator or the State shall establish for the discharger effluent limitations in the NPDES permit either more or less stringent than the limitations established herein, to the extent dictated by such fundamentally different factors. Such limitations must be approved by the Administrator of the Environmental Protection Agency. The Administrator may approve or disapprove such limitations, specify other limitations, or initiate proceedings to revise these regulations.

(b) The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best practicable control technology currently available: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.193 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a point source subject to the provisions of this subpart after application of the best available technology economically achievable: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.194 [Reserved]

§ 429.195 Standards of performance for new sources.

The following standards of performance establish the quantity or quality of pollutants or pollutant properties, controlled by this section, which may be discharged by a new source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants to navigable waters.

§ 429.196 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act for a source within the wood furniture and fixture production with water wash spray booth(s) and with laundry facilities subcategory, which is a user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants to the navigable waters), shall be the standard set forth in 40 CFR Part 128, except that, for the purpose of this section, 40 CFR 128.133 shall be amended to read as follows: "In addition to the prohibitions set forth in 40 CFR 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works shall be the standard of performance for new sources specified in 40 CFR 429.195; provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall, except in the case of standards providing for no discharge of pollutants, be correspondingly reduced in stringency for that pollutant."

[FR Doc.74-26505 Filed 11-13-74;8:45 am]

federal register

THURSDAY, NOVEMBER 14, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 221

PART III

OFFICE OF MANAGEMENT AND BUDGET

■

FY 75 RESCISSIONS AND DEFERRALS

Cumulative Report

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OFFICE OF MANAGEMENT AND BUDGET

FY 1975 RESCISSIONS AND DEFERRALS

Cumulative Report

NOVEMBER 7, 1974.

HONORABLE JAMES O. EASTLAND,
President pro tempore,
United States Senate,
Washington, D.C. 20510.

DEAR SENATOR EASTLAND: The President has directed me to submit the enclosed report required by section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974. In accordance with that Act, the report is also being transmitted to the House and will be published in the FEDERAL REGISTER.

Sincerely,

ROY L. ASH,
Director.

CUMULATIVE REPORT OF FISCAL YEAR 1975 RESCISSIONS AND DEFERRALS, NOVEMBER 1974

This report is submitted in fulfillment of the requirements of section 1014 of the Congressional Budget and Impoundment Control Act of 1974 (P.L. 93-344). Section 1014 provides for a monthly report listing all budget authority for the current fiscal year with respect to which, as of the first day of such month, a special message has been transmitted to the Congress.

This November report includes those deferrals and rescissions in the four Special Messages sent by the President to the Congress in September and October. Attachment A lists, by agency and account, a total of $678 million proposed for rescission. Attachment B identifies, by agency and account, all deferred funds reported. They total $23,168 million. Some of the actions reported in the Special Messages are not, in the opinion of the Attorney General, subject to congressional ratification or disapproval under the new Act since they were concluded before it became effective on July 12, 1974. These items are marked by asterisks and included in the report to provide more complete information on the status of withheld funds.

STATUS OF DEFERRALS

Unlike proposed rescissions of budget authority, funds reported as deferred (Section 1013 of the Act) are often planned to be made available for obligation, in whole or in part, during the course of the fiscal year. In this November report, releases in six accounts reduce by $26.4 million the $23,168 million reported as deferred in the September and October Special Messages. These releases are detailed in Attachment B which shows, for each deferral, the amount of deferred funds made available by the Office of Management and Budget and other Federal agencies in the current year, the date the funds were made available, and the balance of funds being deferred as of the first of the month for which the report is submitted.

ACTIONS BY CONGRESS ON RESCISSIONS AND DEFERRALS

The report formats provide for showing the effect of congressional action and inaction on both deferrals and proposed rescissions. On November 1, 1974, however, no action had been completed on any of the items reported in the President's four Special Messages forwarded in September and October. Further, none of the items proposed for rescission had lain before the Congress for 45 days of continuous session without action and thus no funds proposed for rescission had been made available.

INFORMATION FROM THE SPECIAL MESSAGES

The four special messages covered by the cumulative report are contained in the FEDERAL REGISTER of Monday, September 23 (Vol. 39, No. 185, Part III), of Tuesday, October 8 (Vol. 39, No. 196, Part V), and of Tuesday, November 5 (Vol. 39, No. 214, Part III).

STATUS OF RECISSIONS
FISCAL YEAR 1975, AS OF NOV. 1, 1974

[Dollar amounts in thousands]

Agency bureau account	Rescission No.	Amount proposed for rescission	Date special message transmitted to Congress	Amount rescinded by Congress	Date rescission act signed
Funds Appropriated to the President: Appalachian Regional Development Commission Appalachian Regional Development Programs.[1]	R75-1	$40,000	Sept. 20, 1974		
Department of Agriculture:					
Agricultural Stabilization and Conservation Service: Agricultural Conservation Program (REAP).[1]	R75-3	85,000	Oct. 4, 1974		
Rural Electrification Administration Loans [1] Program (REAP).[1]	R75-2	455,635	Sept. 20, 1974		
Forest Service: Forest Road and Trails and Roads and Trails for State National Forest Fund.[1]	R75-4	63,553	Oct. 4, 1974		
Department of Housing and Urban Development: Housing Production and Mortgage Credit College Housing.[1]	R75-5	14,518	do		
Department of the Interior:					
Bureau of Land Management: Public Lands Development Roads and Trails [1]	R75-6	4,891	do		
National Park Service Road Construction	R75-7	14,000	do		
Total rescissions		677,597			

[1] Action concluded prior to July 12, 1974, the day the Impoundment Control Act became effective.

STATUS OF DEFERRALS
FISCAL YEAR 1975

[Dollar amount in thousands]

Bureau/account	Deferral No.	Amount transmitted in special message	Date of action	Subsequent actions taken by— OMB/agency	House	Senate	Amount deferred as of Nov. 1, 1974
AGENCY: FUNDS APPROPRIATED TO THE PRESIDENT							
Agency for International Development: Prototype Desalting Plant, Economic Assistance.[1]	D75-19	$20,000	Oct. 4, 1974				$20,000
Total		20,000					20,000
AGENCY: DEPARTMENT OF AGRICULTURE							
Agricultural Research Service: Agricultural Research Service (Construction).[1]	D75-11	[1] 770	Sept. 20, 1974				770
Foreign Agriculture Service: Special Foreign Currency Program [1]	D75-20	[1] 2,516	Oct. 4, 1974				2,516
Agricultural Stabilization and Conservation Service: Emergency Conservation Measures.	D75-21	5,000	do				5,000
Agricultural Marketing Service:							
Marketing Services [1]	D75-22	[1] 903	do				903
Perishable Agricultural Commodities Act Fund [1]	D75-23	[1] 341	do				341

Bureau/account	Deferral No.	Amount transmitted in special message	Date of action	Subsequent actions taken by— OMB/agency	House	Senate	Amount deferred as of Nov. 1, 1974
Forest Service:							
Forest Roads and Trails and Roads and Trails for State National Forest Fund.[1]	D75-24	[1] 420,000	do				420,000
Forest Fire Prevention	D75-25	152	do				152
Expense, Brush Disposal [1]	D75-26	[1] 18,747	do				18,747
Total		448,429					448,429
AGENCY: DEPARTMENT OF COMMERCE							
Domestic and International Business Administration: Financial and Technical Assistance, Trade Adjustment Assistance.[1]	D75-27	[1] 1,780	Oct. 4, 1974				1,786
United States Travel Service: Inter-American Cultural and Trade Center.[1]	D75-28	[1] 4,891	do				4,891
National Bureau of Standards: Construction and Facilities [1]	D75-29	[1] 231	do				231
National Oceanic and Atmospheric Administration:							
Coastal Zone Management [1]	D75-30	[1] 3,175	do				3,175
Fisheries Loan Fund [1]	D75-12	[1] 4,039	Sept. 20, 1974				4,039
Office of the Assistant Secretary for Science and Technology: Scientific and Technical Research and Services.[1]	D75-31	[1] 2,468	Oct. 4, 1974				2,468
Total		16,584					16,584
AGENCY: DEPARTMENT OF DEFENSE, MILITARY							
Shipbuilding and Conversion, Navy	D75-32	497,990	Oct. 4, 1974				497,990
Military Construction, AR	D75-33	156,893	do	−$19,598			137,295
			Oct. 25, 1974				
Special Foreign Currency Program Appropriations	D75-34	955	Oct. 4, 1974				955
Total		655,838		−19,598			636,240
AGENCY: DEPARTMENT OF DEFENSE, CIVIL							
Corps of Engineers, Civil:							
Construction, General	D75-1	108	Sept. 20, 1974				108
	D75-81	43,945	Oct. 31, 1974				43,945
Flood Control, Mississippi River and Tributaries	D75-82	14,503	do				14,503
Soldiers' and Airmen's Home: Capital Outlay [1]	D75-35	[1] 613	Oct. 4, 1974	−179			434
			Oct. 1, 1974				
Panama Canal Zone Capital Outlay [1]	D75-36	[1] 500	Oct. 4, 1974				500
Wildlife Construction Military Reservations [1]	D75-37	[1] 297	do				297
Total		59,966		−179			59,787
AGENCY: DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE							
Health Services Administration:							
Health Services Delivery [1]	D75-38	[1] 2,250	Oct. 4, 1974	−2,250			
			Oct. 31, 1974				
Indian Health Facilities [1]	D75-39	[1] 88	Oct. 4, 1974				88
National Institutes of Health: Buildings and Facilities [1]	D75-40	[1] 10,441	do				10,441
Health Resources Administration: Health Manpower	D75-87	100	Oct. 31, 1974				100
Office of Assistant Secretary for Health: Scientific Activities Overseas [1]	D75-41	[1] 21,714	Oct. 4, 1974				21,714
Education Division:							
Office of Education:							
School Assistance in Federally Affected Areas	D75-6	16,000	Sept. 20, 1974				16,000
Higher Education [1]	D75-42	[1] 8,788	Oct. 4, 1974				8,788
(University Community Services)	D75-3	2,906	Sept. 20, 1974				2,906
(Land Grant Colleges)	D75-4	9,500	do				9,500
(State Postsecondary Education Commission)	D75-5	350	do				350
Library Resources: (Public Libraries)	D75-2	5,437	do				5,437
Social and Rehabilitation Service:							
Public Assistance (Child Welfare Assistance)	D75-8	375	do				375
Rehabilitation Services (Innovation and Expansion)	D75-7	5,000	do				5,000
Research and Training Activities Overseas	D75-43	8,158	Oct. 4, 1974				8,158
Social Security Administration: Limitation on Construction [1]	D75-44	[1] 15,393	do				15,393
Special Institutions:							
Model Secondary School for the Deaf [1]	D75-45	[1] 803	do				803
Howard University [1]	D75-46	[1] 11,490	do				11,490
Total		118,793		−2,250			116,543
AGENCY: DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT							
Housing Production and Mortgage Credit:							
Nonprofit Sponsor Assistance [1]	D75-47	[1] 7,995	Oct. 4, 1974				7,995
Homeownership Assistance [1]	D75-48	[1] 264,117	do				264,117
Community Planning and Development:							
Open Space Land Programs [1]	D75-49	[1] 55,161	do				55,161
Grants for Neighborhood Facilities [1]	D75-50	[1] 48	do				48
Grants for Basic Water and Sewer Facilities [1]	D75-51	[1] 401,734	do				401,734
Public Housing Loans [1]	D75-52	[1] 199,290	do				199,290
New Communities Administration: New Communities Assistance Grants [1]	D75-53	[1] 1,799	do				1,799
Total		930,144					930,144
AGENCY: DEPARTMENT OF THE INTERIOR							
Bureau of Land Management:							
Public Lands Development Roads and Trails [1]	D75-54	[1] 30,000	Oct. 4, 1974				30,000
Oregon and California Grant Lands [1]	D75-13	[1] 23,693	Sept. 20, 1974				23,693
Bureau of Reclamation:							
Loan Program	D75-83	900	Oct. 31, 1974				900
Construction and Rehabilitation	D75-14	1,055	Sept. 20, 1974	−25			1,030
			Sept. 20, 1974				
	D75-84	17,955	Oct. 31, 1974				17,955
Colorado River Basin Project	D75-85	2,525	do				2,525
Upper Colorado River Storage Project	D75-86	1,730	do				1,730
Upper Colorado River Basin Fund	D75-15	1,150	Sept. 20, 1974				1,150
Bureau of Outdoor Recreation: Land and Water Conservation Fund [1]	D75-55	[1] 30,000	Oct. 4, 1974				30,000

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Bureau/account	Deferral No.	Amount transmitted in special message	Date of action	Subsequent actions taken by— OMB/agency	House	Senate	Amount deferred as of Nov. 1, 1974
Fish and Wildlife Service:							
Federal Aid in Fish Restoration and Management [1]	D75-56	[1] 6,924	do				6,924
Federal Aid in Wildlife Restoration [1]	D75-57	19,375	do				19,375
National Wildlife Refuge Fund	D75-58	3,642	do				3,642
Proceeds from Sales, Water Resources Development Projects [1]	D75-59	[1] 4	do				4
National Park Service: Road Construction	D75-60	312,098	do				312,098
U.S. Geological Survey: Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920 [1]	D75-61	[1] 28	do				27
Bureau of Mines: Drainage of Anthracite Mines [1]	D75-62	[1] 3,575	Oct. 25, 1974 Oct. 4, 1974				3,575
Bureau of Indian Affairs:							
Road Construction	D75-63	110,423	do				110,423
Acquisition of Land and Loans to Indians of Oklahoma, Act of June 26, 1939 [1]	D75-64	[1] 105	do				105
Total		565,182		—26			565,156
AGENCY: DEPARTMENT OF JUSTICE							
Bureau of Prisons: Buildings and Facilities [1]	D75-65	[1] 19,320	Oct. 14, 1974				19,320
Total		19,320					19,320
AGENCY: DEPARTMENT OF STATE							
Administration of Foreign Affairs: Acquisition, Operation, and Maintenance of Buildings Abroad	D75-66	33,310	Oct. 4, 1974				33,310
International Boundary and Water Commission, U.S. and Mexico: Construction [1]	D75-67	[1] 4,696	do				4,696
International Center, Washington, D.C.	D75-16	500	Sept. 20, 1974				500
Total		38,506					38,506
AGENCY: DEPARTMENT OF TRANSPORTATION							
United States Coast Guard: Acquisition, Construction, and Improvements	D75-68	7,614	Oct. 4, 1974				7,614
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Civil Supersonic Aircraft Development Termination and Civil Supersonic Aircraft Development	D75-69	8,113	do				8,113
Facilities and Equipment	D75-70	260,824	do				260,824
Federal Highway Administration:							
Rail Crossings—Demonstration Projects	D75-72	8,015	do				8,015
National Scenic and Recreational Highway and Trust Fund Share of Other Highway Programs	D75-71	90,000	do				90,000
Federal Aid Highways:							
1975 and prior	D75-17	4,370,090	Sept. 20, 1974				4,370,090
1976	D75-17	6,357,500	do				6,357,500
Total		11,102,156					11,102,156
AGENCY: ATOMIC ENERGY COMMISSION							
Plant and Capital Equipment	D75-73	1,500	Oct. 4, 1974				1,500
Total		1,500					1,500
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Construction Grants [1]	D75-9	[1] 9,000,000	Sept. 20, 1974				9,000,000
Total		9,032,000					9,032,000
AGENCY: GENERAL SERVICES ADMINISTRATION							
Automatic Data Processing	D75-10	18,300	Sept. 20, 1974 Sept. 30, 1974	—4,300			14,000
Total		18,300		—4,300			14,000
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Federal Energy Administration: Salaries and expenses	D75-77	11,929	do				11,929
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American Revolution Bicentennial Administration:							
Salaries and Expenses	D75-78	11,000	Oct. 4, 1974				11,000
Commemorative Activities Fund	D75-79	6,310	do				6,310
Railroad Retirement Board: Railroad Unemployment Administrative Expenses Trust Fund. [1]	D75-80	[1] 4,716	do				4,716
Total		141,255					141,255

[1] Action concluded prior to July 12, 1974, the day the Impoundment Control Act became effective.

[FR Doc.74-26632 Filed 11-13-74;8:45 am]

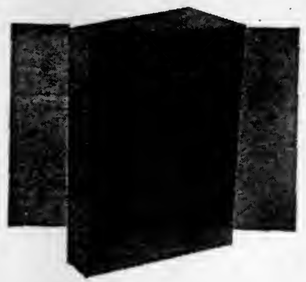
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222

November 15, 1974—Pages 40247–40489

federal register

FRIDAY, NOVEMBER 15, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 222
Pages 40247–40489
PART I

HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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There were no items published after October 1, 1972 eligible for inclusion in this list.

page no. and date

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Department of Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Director, Office of Management and Finance

Part 2, Subtitle A of Title 7, Code of Federal Regulations, is amended to transfer a function from the Director, Office of Operations to the Director, Office of Management and Finance.

Sections 2.75(a) (13) (ii) is added and 2.79(a) (1) (iii) is revoked and reserved.

§ 2.75 Director, Office of Management and Finance.

(a) • • •

(13) • • •

(ii) Promulgate Departmental policies, standards, techniques, and procedures for the conduct of reviews and analyses of the utilization of the resources of state and local governments and of the private sector in domestic program operations; maintain the Departmental inventory of government commercial or industrial activities resulting from such reviews, in accordance with the Office of Management and Budget Circular A-76 (revised).

• • • • • •

§ 2.79 Director, Office of Operations.

(a) • • •

(1) • • •

(iii) [Reserved]

• • • • • •

Effective date: November 15, 1974.

Dated: November 11, 1974.

JOSEPH R. WRIGHT, JR.,
Assistant Secretary for Administration.

[FR Doc.74-26833 Filed 11-14-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Expenses of Raisin Administrative Committee, and Rate of Assessment, for 1974–75 Crop Year

Notice was published in the October 23, 1974, issue of the FEDERAL REGISTER (39 FR 37648) regarding proposed expenses of the Raisin Administrative Committee, and rate of assessment, for the 1974–75 crop year, under §§ 989.79 and 989.80 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The total expenses proposed in the notice were $142,740; the assessment rate proposed was 78 cents per ton of assessable raisins. The assessable tonnage was estimated by the Committee at 183,000 tons.

The notice afforded interested persons opportunity to submit written data, views, or arguments on the proposal. None were received.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the Raisin Administrative Committee, and other available information, it is found that the expenses of the Raisin Administrative Committee and the rate of assessment for the crop year beginning September 1, 1974, shall be contained in a new § 989.325 in Subpart—Budget of Expenses and Rate of Assessment (7 CFR 989.324).

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing agreement and order require that the rate of assessment fixed for a particular crop year which handlers are required to pay shall be applicable to all free tonnage raisins of the crop year; and (2) the current crop year began on September 1, 1974, and the rate of assessment fixed herein will automatically apply to all such raisins beginning with that date.

Section 989.325 reads as follows:

§ 989.325 Expenses of the Raisin Administrative Committee and rate of assessment for the 1974–75 crop year.

(a) *Expenses.* Expenses (other than those specified in § 989.82) in the amount of $142,740 are reasonable and likely to be incurred by the Raisin Administrative Committee during the crop year beginning September 1, 1974, for the maintenance and functioning of the Committee and the Raisin Advisory Board and for such purposes as the Secretary may, in accordance with § 989.79, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which each handler is required, under § 989.80, to pay to the Raisin Administrative Committee as his pro rata share of the expenses is fixed at 78 cents per ton applicable to each of the following:

(1) Free tonnage raisins acquired by the handler during the crop year, exclusive of such quantity thereof as represents the assessable portion of other handlers' raisins under paragraph (b) (3) of this section;

(2) Reserve tonnage raisins released or sold to the handler for use as free tonnage, during that crop year; and

(3) Standard raisins (which he does not acquire) recovered by the handler by the reconditioning of off-grade raisins but only to the extent of the aggregate quantity of the free tonnage portions of these standard raisins that are acquired by other handlers during the crop year.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: November 12, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74-26788 Filed 11-14-74;8:45 am]

[Lemon Regulation 666]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulations fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period Nov. 17–23, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.966 Lemon Regulation 666.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions

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of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons is easier overall and order business continues to lag. Auction markets have ample supplies of lemons. Average f.o.b. price was $5.09 per carton the week ended November 9, 1974, compared to $5.47 per carton the previous week. Track and rolling supplies at 153 cars were down 11 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 12, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 17, 1974, through November 23, 1974, is hereby fixed at 190,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 13, 1974.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–26928 Filed 11–14–74;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

Data on Disaster Areas

By notice of proposed rulemaking appearing in the FEDERAL REGISTER for Thursday, September 26, 1974 (38 FR 34554), regulations were proposed to stabilize the data factors of recipient governments designated as being within a major disaster area by the President. Interested persons were given until October 28, 1974, to submit written comments, suggestions, or objections regarding the proposed regulations. No comments, suggestions or objections were received.

Accordingly, the proposed regulations are adopted by this document without change and will become effective on December 16, 1974.

The foregoing regulations are issued under the authority of the State and Local Fiscal Assistance Act of 1972 (Title I, Pub. L. 92–512), and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342).

Dated: November 11, 1974.

[SEAL] GRAHAM W. WATT,
Director, Office of Revenue Sharing.

Approved:

EDWARD C. SCHMULTS,
Under Secretary.

Subpart C of Part 51 is amended to add a new paragraph (e) to § 51.20 to read as follows:

§ 51.20 Data.

• • • • • •

(e) *Data affected by major disaster*—(1) *In general.* Any change in data otherwise eligible for use in determining the entitlement of a recipient government after April 1, 1974, shall be disregarded for a period of 60 months if that change:

(i) Resulted from a major disaster determined by the President under section 301 of the Disaster Relief Act of 1974 (Pub. L. 93–288) and

(ii) Results in a data factor which is less beneficial than the previous data factor for purposes of the revenue sharing allocation process.

(2) *Eligibility requirements.* In order for a recipient government to be eligible for the data stabilization benefit of paragraph (e) (1) of this section, it shall:

(i) Be located within a State declared by the President as a major disaster area, and

(ii) Be located within a geographical subdivision of the State as certified to the Office of Revenue Sharing as a major disaster area by the Administrator of the Disaster Assistance Administration of the Department of Housing and Urban Development.

Further, each recipient government within the specific geographic area so designated will be notified pursuant to the data improvement program, provided for in § 51.28 of this Subpart, of each of its data factors developed subsequent to the major disaster designation and shall be required to verify, through its chief executive officer, that the data was adversely affected by the major disaster. In addition, the Secretary may require that such verifications be accompanied by substantiating documentation evidencing a causal relationship between the major disaster and the less favorable revenue sharing allocation value of the subject data factor. The Secretary, upon being satisfied that all of the requirements of this section have been met with respect to any post-disaster data factor, shall refrain from using the post-disaster data factor in the allocation process, and shall continue to use the pre-disaster data factor, until whichever of the following occurs first: (1) A data factor more beneficial than the pre-disaster data factor currently being used is developed, or (2) 60 months have expired from the designation by the President of the specific major disaster area.

[FR Doc.74–26735 Filed 11–12–74;8:45 am]

Title 45—Public Welfare

CHAPTER V—FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

SUBCHAPTER C—RECEIPT, ADMINISTRATION AND PAYMENT OF CLAIMS UNDER THE INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949, AS AMENDED

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

Deadline for Filing Claims Against the Government of Hungary and Official Claim Form

Pursuant to Public Law 93–460, approved October 20, 1974, which implements the Hungarian Claims Agreement of March 6, 1973, the Foreign Claims Settlement Commission of the United States is authorized to receive claims of United States nationals against the Government of Hungary for losses resulting from the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and March 6, 1973. The Commission is also authorized to receive the claim of any national of the United States who did not receive a notice concerning filing a claim under the first Hungarian Claims Program administered by the Foreign Claims Settlement Commission, which was concluded on August 9, 1959, as a result of administrative error in placing a nonexistent address on the notice.

Therefore, in accordance with the provisions of Public Law 93–460, the following amendments to the Regulations of the Commission are set forth below.

1. Section 531.1 of the Commission's regulations is hereby amended by adding a new paragraph (h) which reads as follows:

§ 531.1 Time for filing.

• • • • • •

(h) Claims against the Government of Hungary, in accordance with the Hungarian Claims Agreement of March 6, 1973, subsection (5) of section 303, and claims referred to under subsection (d) of section 306, Title III of the International Claims Settlement Act of 1949, as amended by Pub. L. 93–460, approved October 20, 1974, must be filed with the Commission on or before May 15, 1975.

• • • • • •

2. Section 531.2, paragraph (h), is hereby amended to read as follows:

§ 531.2 Form content and filing of claims.

• • • • • •

(h) FCSC Form 285–A—Statement of Claim against the Government of (Bulgaria, Rumania, and Italy under Title III of the International Claims Settlement Act of 1949, as amended by Pub. L. 90–421, approved July 24, 1968; and Hungary in accordance with the Hungarian Claims Agreement of March 6, 1973, subsection (5) of section 303, and subsection (d) of section 306, Title III of the International Claims Settlement Act of 1949, as amended by Pub. L. 93–460, approved October 20, 1974).

These amendments shall become effective November 15, 1974.

Dated: November 4, 1974.

WAYLAND D. MCCLELLAN,
General Counsel.

[FR Doc.74–26325 Filed 11–14–74;8:45 am]

Title 29—Labor

CHAPTER XX—OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

PART 2200—RULES OF PROCEDURE

Petitions for Discretionary Review: Reports of Judges

On page 9202 and 9203 of the FEDERAL REGISTER of March 8, 1974, there was published a notice of proposed amendments to the Rules of Procedure of the Occupational Safety and Health Review Commission. It was proposed to amend 29 CFR 2200.90 and 2200.91 to provide that the proposed decision of the Administrative Law Judge be mailed to the parties and they would be afforded a period of 20 days for the filing of any petition for discretionary review with the Judge. The Judge would include any such petitions as a part of his report filed with the Commission in accordance with the provisions of 29 U.S.C. 661(i). The proposed amendments would give the Commission members an opportunity to examine the Judge's report in the light of any petition for review during the full 30 day period allowed the Commission for review. Parties may also file a petition for discretionary review during the 30 day review period directly with the Commission.

Interested persons were invited to submit comments on the proposed amendments and due consideration has been given to all comments received.

Almost all of the comments, including that of the American Bar Association, urged the adoption of the amendments in the form proposed.

Several commentators expressed opposition on the grounds that this simply delayed the processing of cases. In addition, the Solicitor's Office of the U.S. Department of Labor indicated that these proposals would impose additional administrative burdens on the Solicitor's office and were beyond our power. Several commentators felt that because of the vagaries of the mail system the proposed time limits were unrealistic. The Commission having considered all of the comments received has decided that the opportunity to consider petitions for discretionary review during the full 30 day review period outweighs the objections raised and that their adoption is within our power.

Accordingly, the proposed amendments are adopted without change as set forth below.

Effective Date: These amendments are effective December 15, 1974.

(Sec. 12(g), Pub. L. 91–596, 84 Stat. 1604 (29 U.S.C. 661(f)))

Dated: November 11, 1974.

For the Commission.

[SEAL] WILLIAM S. MCLAUGHLIN,
Executive Secretary.

1. Section 2200.90 is revised to read as follows:

§ 2200.90 Decisions and reports of Judges.

(a) Upon completion of any proceeding, the Judge shall prepare a decision. When a hearing is held, the decision shall comply with 5 U.S.C. 557. Copies of the decision shall be mailed to all parties. Thereafter, the Judge shall file with the Executive Secretary a report consisting of his decision, the record in support thereof, and any petitions for discretionary review of his decision, or statements in opposition to such petitions, that may be filed in accordance with § 2200.91. The Judge shall file his report on the day following the close of the period for filing petitions for discretionary review, or statements in opposition to such petitions, but no later than the twenty-first day following the date of the mailing of the decision to the parties.

(b)(1) Promptly upon receipt of the Judge's report, the Executive Secretary shall docket the case and notify all parties of that fact. The date of docketing shall be the date that the Judge's report is made for purposes of section 12(j) of the Act (29 U.S.C. 661).

(2) On or after the date of docketing of the case, all pleadings or other documents that may be filed in the case shall be addressed to the Executive Secretary.

(3) In the event no Commission Member directs review of a decision on or before the thirtieth day following the date of docketing of the Judge's report, the decision of the Judge contained therein shall become a final order of the Commission.

2. Section 2200.91 is amended by revising paragraph (b) and by adding a new paragraph (e) to read as follows:

§ 2200.91 Discretionary review; petitions for; statements in opposition.

• • • • • •

(b)(1) Except as provided in paragraphs (b) (2) and (3) of this section, any petition must be received by the Judge at his office on or before the twentieth day following his mailing of a copy of the decision to the parties.

(2) When there is no objection by any party, when an expedited proceeding has been directed pursuant to § 2200.101, or for other good cause, the Judge is empowered to prescribe a shorter time for filing petitions for discretionary review following the mailing of his decision.

(3) Petitions for review of a Judge's decision may be filed directly with the Executive Secretary subsequent to the filing of the Judge's report. Such petitions will be considered to the extent that time and resources permit. Parties filing such petitions should be aware that any action by a Commission Member directing review must be taken within thirty (30) days following the filing of the Judge's report.

(4) In the case of proposed settlements or other proposed dispositions by consent of all parties, petitions for discretionary review shall not be allowed, except for good cause shown.

• • • • • •

(e) Statements in opposition to petitions for discretionary review may be filed at the times and places specified in this section for the filing of petitions for discretionary review. Any Statement shall contain a concise statement on each portion of the petition to which it is addressed.

[FR Doc.74–26739 Filed 11–14–74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Export of Production and Utilization Facilities

On September 26, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 26814) proposed amendments to its regulation, "Licensing of Production and Utilization Facilities," 10 CFR Part 50, which would

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specify the contents of applications for licenses to export utilization facilities such as power, test, and research reactors and critical facilities, and would also indicate the conditions under which reexport, resale, or other disposal or disposition of items exported under such licenses would be permitted. The proposed amendments would also provide general guidance pertaining to the submission of applications for licenses to export production facilities. The amendments would not, however, contain detailed information concerning the contents of applications for production facility export licenses.

Interested persons were invited to submit written comments or suggestions in connection with the proposed amendments within 60 days after publication of the notice of proposed rule making in the FEDERAL REGISTER. After careful consideration of the comments received and other factors involved, the Commission has adopted the amendments in the form published for comment with one minor change. Paragraph 50.65(c)(2) has been revised to provide explicitly that an applicant for an export license need only identify the items proposed for export by appropriate category titles in lieu of an item-by-item list if the specific items to be exported fall within categories identified in that paragraph as being normally associated with the construction, maintenance, and operation of a utilization facility.

Although, under the provisions of the Atomic Energy Act of 1954, as amended, an AEC license is required for the export of production and utilization facilities, including nuclear reactors,[1] Commission regulations do not presently specify the contents of applications for licenses authorizing export only of production or utilization facilities, the standards for issuing such licenses, and the conditions of such licenses.

These amendments will facilitate preparation of an application for a license to export a utilization facility by permitting the applicant to identify items proposed for export by appropriate category titles in lieu of an item-by-item list if the specific items to be exported fall within categories of structures, systems, and components which the amendments identify as those normally associated with the construction, maintenance and operation of a utilization facility. The applicant will only be required to itemize in his application those structures, systems, and components of the utilization facility proposed for export which do not fall within one of the recognized categories. Under the amendments, this item-by-item list will be set out in a special section of the application entitled "Other structures, systems, and components." The AEC will review all the items listed in this section of the application, will determine for each item whether it is or is not associated with the construction, maintenance, or operation of the utilization facility, and will exclude from the AEC export license those items which it determines are not associated with the construction, maintenance, or operation of the utilization facility. Applicants should apply directly to the Department of Commerce for export licenses for the excluded items.

No reexports, resale, retransfer or other disposal or disposition may be made of items exported to specified ultimate consignees under an AEC facility export license unless such reexport, resale, retransfer or other such disposal or disposition is included in the application and approved by the AEC in its issuance of the export facility license, or unless specific written authorization is received from the AEC subsequent to the issuance of the export license.

The Commission recognizes that certain equipment or tools are related to startup, testing, and repair of a facility and are not intended by the applicant to be left with the facility. Authority to reexport such equipment and tools may also be requested in the initial export license application. The application should specify which items in the category of "Equipment or tools" are intended to be reexported, the name and address of the ultimate consignees of the reexport, and the end use of equipment and tools. These items could not be otherwise retransferred or disposed of without written authorization of the AEC but must be returned to the United States upon conclusion of the use, or in any event, expiration of the term of the facility export license under which they were originally exported.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 50, are published as a document subject to codification.

§ 50.30 [Amended]

1. Paragraph (c)(1) of § 50.30 is amended by substituting a period for the semicolon at the end of subdivision (iii) and by deleting subdivision (iv).

§ 50.44 [Deleted]

2. Section 50.44 is deleted.

3. An undesignated center head "Export Licenses" and a new § 50.65 are added to 10 CFR Part 50 following § 50.60 to read as follows:

EXPORT LICENSES

§ 50.65 Export of production and utilization facilities.[2][3]

(a) *Filing of application.* (1) Each application for a license to export a production or utilization facility, or amendment thereof, should be filed with the Director of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. Communications, reports, and applications may be delivered in person at the Commission's offices at 1717 H Street, NW., Washington, D.C.; at 7920 Norfolk Avenue, Bethesda, Maryland; or at Germantown, Maryland.

(2) Each application for a license to export a production or utilization facility, or amendment thereof, should be executed in three signed originals by the applicant or duly authorized officer thereof, under oath or affirmation.

(3) Each filing of an application for a license to export a production or utilization facility, or amendment thereof, should include three copies in addition to the three signed originals.

(b) *Contents of applications: general information.* Each application for a license to export a production or utilization facility shall state:

(1) Name of applicant;

(2) Address of applicant;

(3) Description of business or occupation of applicant;

(4) (i) If applicant is an individual, state citizenship;

(ii) If applicant is a partnership, state name, citizenship, and address of each partner and the principal location where the partnership does business;

(iii) If applicant is a corporation or an unincorporated association, state (A) the State where it is incorporated or organized and the principal location where it does business; and (B) whether it is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and if so, give details;

(iv) If the applicant is acting as agent or representative of another person in filing the application, identify the principal and furnish information required under this paragraph with respect to such principal;

(5) Name and address of persons or organizations who are arranging for export, if different from the applicant;

(6) Name and address of ultimate consignee;

(7) Name and address of intermediate consignee(s) or parties to export;

(8) Date of proposed first shipment;

(9) Date of proposed completion of shipment;

(10) Proposed criticality date or date of start of operation;

(11) Proposed expiration date of export license;

(12) Total value of all items to be exported from the United States under the license being applied for.

(c) *Contents of application; additional information for utilization facilities.* Each application for a license to export a utilization facility shall contain the following:

[1] This license requirement is unaffected by the fact that export of the facility may be made in multiple shipments or that some of the facility parts may be supplied by foreign sources.

Byproduct material, source material, and special nuclear material are not included in any facility export licenses issued by the AEC. Separate applications should be made to the AEC for authority to export these radioactive materials. Exports of technical data are also not included in the facility export license. Questions related to the export of technical data should be directed to the Director, Division of International Security Affairs, USAEC.

[2] For other provisions of Part 50 relating to requirements for export licenses, ineligibility of certain applicants for export licenses and jurisdictional limitations, see § 50.10, 50.21, 50.22, 50.36, and 50.53.

[3] The requirements contained in § 50.65 have been approved by GAO under B-180225 (ROO62). The approval expires 5/31/77.

(1) General information:

(i) Type of facility,

(ii) Design power level, if a nuclear reactor, in terms of thermal and (where appropriate) electrical watts or kilowatts,

(iii) Name by which the facility is or will be known,

(iv) Location where the facility is to be installed or built.

(2) A list of structures, systems, or components to be exported which are associated with the construction, maintenance, and operation of the utilization facility proposed for export and which fall within the categories described in paragraphs (c)(2)(i) through (vi) of this section. Such list need only identify the items by appropriate category titles in lieu of a specific item-by-item list.

(i) *Reactor coolant pressure boundary.* Those structures, systems, and components of a nuclear reactor located within or forming a part of the reactor coolant pressure boundary as defined in § 50.2(v).

(ii) *Instrumentation.* Instrumentation systems for indication, control, and protection of a nuclear reactor, including their associated equipment, which are directly associated with structures, systems, and components located within or forming part of the reactor coolant pressure boundary and which are normally required for routine startup, power operation, or shutdown of the reactor, or for periodic testing. Portions of other instrumentation systems of the facility mounted in a common panel with the covered systems are included in this category.

(iii) *Fuel handling equipment.* Fuel handling equipment used to load new or recycled fuel into a reactor core, to unload fuel from a reactor core, or to transfer fuel within a reactor facility and place it into a facility povided for onsite storage or into fuel shipping equipment.

(iv) *Experimental facilities.* Experimental facilities whose primary purpose is the irradiation or activation of material by radiation from a nuclear reactor, or which are used with a reactor to provide a source of nuclear radiation for tests or experiments.

(v) *Spare or replacement components.* Spare or replacement components or parts for items in paragraphs (c)(2)(i) through (iv) of this section, which are furnished during duration of the export license as part of the initial purchase or under a warranty from the vendor.

(vi) *Equipment or tools.* Special equipment or tools needed to service, maintain, or replace items in paragraphs (c)(2)(i) through (v) of this section. Equipment or tools falling under this category which are not intended by the applicant to remain with the facility being exported but are intended to be reexported, resold, retransferred, disposed of, or returned to the United States shall be identified and their proposed disposal or retransfer described. Complete names and addresses of parties outside of the United States other than the ultimate consignee named in the application, to whom resale, reexport, retransfer, or other such disposal or disposition of equipment and tools exported in connection with the proposed facility export license is intended, shall be included. The end use and uses of such equipment or tools by each consignee shall be described.

(3) An itemized list of other structures, systems, or components to be exported which are associated with the construction, maintenance, and operation of the utilization facility proposed for export but which do not fall within the categories listed in paragraph (c)(2) of this section. Such itemized list should identify the specific items to be exported and should reflect the commodity control list numbers set forth in the regulations of the Office of Export Administration, U.S. Department of Commerce (see 15 CFR Part 399). The Commission will determine, for each listed item, whether its export should be licensed by the Commission.

(d) *Standards for licenses authorizing export only.* A license authorizing the export of production or utilization facilities may be issued by the Commission upon determining that:

(1) The issuance of the license to the applicant for export of the facility involved is within the scope of and consistent with the terms of an agreement for cooperation pursuant to Section 123 of the Atomic Energy Act of 1954, as amended, and the export would not be inconsistent with U.S. obligations under any treaty or other international agreement; and

(2) The application complies with the requirements of the Atomic Energy Act, as amended, and the regulations set forth in this chapter.

(e) *Conditions of licenses.* The following shall be deemed to be conditions in each facility export license:

(1) No authority to export special nuclear material, byproduct material, or source material shall be conferred by the license.

(2) Neither the license, nor any right thereunder, shall be transferred, assigned, or disposed of in any manner, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of the Act and gives its consent in writing.

(3) The license shall be subject to revocation, suspension, modification, or amendment for cause as provided in the Act and Commission regulations, in accordance with procedures provided by the Act and the regulations in this chapter.

(4) The license shall be subject to the provisions of the Act now or hereafter in effect and to all rules, regulations, and orders of the Commission. The terms and conditions of the license shall be subject to amendment, revision, or modification, by reason of amendments of the Act or by reason of rules, regulations, and orders issued in accordance with the terms of the Act.

(5) No items shall be exported under the license unless specifically required for the facility licensed for export.

(6) No items exported under the license shall be reexported or otherwise disposed of by the licensee or used by the licensee for any purpose other than that stated in the application, unless the Commission approves in writing of the disposition or use.

Effective date: This amendment becomes effective on December 16, 1974.

(Sec. 101, 103, 161; Pub. L. 83-703; 68 Stat. 936, 948; sec. 4; Pub. L. 91-560; 84 Stat. 1472 (42 U.S.C. 2131, 2133, 2201)).

Dated at Bethesda, Maryland this 30th day of July 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-26770 Filed 11-14-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-SW-38; Amdt. 39-2011]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Model 206A, 206B, 206A-1 and 206B-1, Helicopters

Amendment 39-1973 (39 FR 33790), AD 74-20-3 required removal of certain main rotor grips within five hours for the Bell Model 206A, 206B, 206A-1 and 206B-1 helicopters. After issuing the amendment two reports of cracked grips were allegedly received by the manufacturer. The manufacturer believed that additional grips should be subject to their inspection for subsurface cracks in the interest of safety. As a result of this latest inspection program the agency has determined that additional main rotor grips should be subject to removal from service within five hours' time in service. Therefore, the AD is being superseded by a new AD that requires removal of the same grips specified in Amendment 39-1973 within five hours time in service after September 23, 1974 and requires removal of certain other grips within five hours time in service after the effective date of this AD.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BELL. Applies to Bell Models 206A, 206B, 206A-1 and 206B-1 helicopters certificated in all categories

Compliance required as indicated, unless already accomplished.

To prevent possible failure of certain main rotor blade grips, conduct the following:

a. Within five hours' time in service after September 23, 1974, inspect the serial numbers of both main rotor grips and replace

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the following grips, P/N 206-010-102-9, before further flight:

S/N JI1-5824, JI1-5861, JI1-5875 through and including 5878; JI1-5880 through and including 5903; JI1-5906 through and including 5912; JI1-5914 through and including 5938; JI1-5940 and 5941; and JI1-6044 through and including 5958.

b. Within five hours' time in service after November 15, 1974, inspect the serial numbers of both main rotor grips and replace the following grips P/N 206-010-102-9, before further flight:

S/N JI1-5393 through and including 5413; JI1-5417; JI1-5420 through and including 5439; JI1-5469; JI1-5516 through and including 5519; JI1-5521 through and including 5531; JI1-5533 through and including 5544; JI1-5548 through and including 5550; JI1-5552 through and including 5587; JI1-5589 through and including 5594; JI1-5595 through and including 5632; JI1-5634 through and including 5636; JI1-5638 through and including 5642; JI1-5644 through and including 5646; JI1-5648 through and including 5654; JI1-5656 through and including 5695; JI1-5697 through and including 5710; JI1-5712 through and including 5759; JI1-5761 through and including 5785; JI1-5787; JI1-5789 through and including 5794; JI1-5796 through and including 5803; JI1-5805 through and including 5823; JI1-5825 through and including 5860; JI1-5862 through and including 5874; JI1-5972; JI1-5993 and 5994; JI1-6045 and 6046; JI1-6160.

c. Main rotor grips that have been inspected by the manufacturer and found airworthy will be given a new serial number by Bell Helicopter Company and may be returned to service.

This supersedes Amendment 39-1973 (39 F.R. 33790), AD 74-20-3.

(Telefax messages dated September 6, and October 10, 1974 from Bell Helicopter Company to all 206 operators pertain to this subject.)

This amendment becomes effective November 15, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas, November 1, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-26762 Filed 11-14-74;8:45 am]

[Docket No. 74-SO-107; Amdt. 39-2015]

PART 39—AIRWORTHINESS DIRECTIVE

Lockheed Model 382 Series

There have been cracks in the lower center wing section of the Lockheed Model 382 series airplanes which could result in wing failures. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require modification of the lower center wing section on Lockheed Model 382 series airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED. Applies to all Model 382 series airplanes, Serial Numbers 3946 and 4101 through 4296, certificated in all categories, except those airplanes which have been modified in accordance with STC ST441SO, or equivalent.

Compliance required within the next 200 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent cracks in the lower center wing section, modify the wing in accordance with Lockheed Service Bulletin 382-121, or later FAA approved revision, or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Southern Region.

This amendment becomes effective November 20, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Georgia on November 7, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74-26765 Filed 11-14-74;8:45 am]

[Airworthiness Docket No. 74-WE-46-AD; Amdt. 39-2018]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Models DC-10-10, DC-10-10F, DC-10-30, DC-10-30F, and DC-10-40 Airpanes

Amendment 39-1181 (39 FR 11991), AD 74-08-04 requires certain cargo door modifications on DC-10 series airplanes in accordance with McDonnell Douglas Service Bulletins 52-27, A52-35, 52-43, 52-44, 52-49, 52-54, and 52-37 unless S.B. 52-49 is accomplished. In addition, special checks of the cargo doors are required prior to each flight.

After the issuance of AD 74-08-04, McDonnell Douglas developed test circuit improvements in the existing snap-switch cargo door warning circuits and new proximity switch cargo door warning systems with separate indicator lights in the flight deck. These improvements are now available in Douglas Service Bulletin 52-109, dated September 18, 1974. Various operators have installed, and are installing these improvements on their DC-10 airplanes.

The FAA has determined that, upon installation of these improvements on an operator's entire fleet, either by the S.B. 52-109 or by McDonnell Douglas production changes (Ref. Functional Check TXA 7002 (L)), the special checks of the cargo doors before each flight required by paragraph 2 of AD 74-08-04 may be discontinued as an AD compliance item. The operators will, however, continue to ensure, by appropriate procedures that the cargo doors are properly secured prior to each flight.

Therefore, this amendment to AD 74-08-04 is being issued to provide for that relief. The FAA will soon be issuing a notice of proposed rule making proposing the accomplishment of S.B. 52-109, or later FAA-approved revisions, and providing for the incorporation of Production Changes by the manufacturer, as a mandatory compliance item in an additional amendment to AD 74-08-04.

Since this amendment imposes no additional burden and provides for relief from requirements previously imposed, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1811 (39 FR 11991), AD 74-08-04, is amended by adding a new paragraph (10) at the end thereto.

"10. Upon completion of either Douglas Service Bulletin 52-109 dated September 10, 1974, or later FAA-approved revisions, or the production change (Ref. Functional Check TXA 7002(L)) or later FAA-approved revisions, or an equivalent installation approved by the Chief, Aircraft Engineering Division, FAA Western Region, on all DC-10 airplanes of an operator's fleet, the special checks required in paragraph 2, above, are no longer required.

NOTE: This amendment to AD 74-08-04 does not relieve the operator from ensuring, by appropriate procedures, that the cargo door is properly secured."

This amendment becomes effective November 21, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, California on November 7, 1974.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.74-26764 Filed 11-14-74;8:45 am]

[Airworthiness Docket No. 74-SW-37; Amdt. 39-2012]

PART 39—AIRWORTHINESS DIRECTIVES

Swearingen Models SA226-T, SA226-AT, and SA226-TC Airpanes

Amendment 39-1950 (31 FR 13697), AD 74-18-14, requires repetitive inspections of the horizontal stabilizer for cracks and repair as necessary on Swearingen Models SA226-T, SA226-AT, and SA226-TC airplanes. After issuing Amendment 39-1950, the FAA determined that the horizontal stabilizer rear spar cracking problem in the vicinity of the outboard elevator hinge bracket attachment was more critical for the Model SA226-TC, less critical for the SA226-AT, and least critical for the SA226-T. Therefore, the AD is being superseded by a new AD that requires a stabilizer rear spar reinforcement for the Models SA226-TC and SA226-AT and that permits an optional spar reinforcement for the SA226-T. The periodic inspection interval is also extended from 50 to 200 hours for the Models SA226-TC and SA226-AT in conjunction with the required stabilizer rear spar reinforcement and for the SA226-T without the optional rear spar reinforcement. A periodic inspection will not be required for the SA226-T after incorporating the rear spar reinforcement.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator, 31 FR 13697, § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

SWEARINGEN. Applies to Models SA226-T, SA226-AT, and SA226-TC airplane.

Compliance required as indicated.

To detect cracks and provide for repair and reinforcement of the horizontal stabilizer rear spar at the outboard elevator hinge bracket attachment accomplish the following inspection and modifications:

(a) After September 2, 1974, conduct the following inspection for the Model SA226-TC before the next flight unless already accomplished and for the Models SA226-T and SA226-AT within the next 10 hours time in service unless already accomplished. Inspect horizontal stabilizer rear spar in the vicinity of the left and right outboard elevator hinge bracket attachment for spanwise cracking above and below the hinge bracket in the bend radii of the spar flanges in accordance with paragraphs II.A.1. through 4. of Swearingen Service Bulletins A27-40-3067, revised October 9, 1974, for the Model SA226-T and A27-40-2064-4067, revised October 9, 1974, for the Models SA226-TC and SA226-AT or later FAA approved revisions.

(b) If cracks are found, before further flight, repair horizontal stabilizer rear spar in accordance with:

(1) Paragraph II.B. of Swearingen Service Bulletin A27-40-3067, revised October 9, 1974 or later FAA approved revision for the Model SA226-T, or

(2) Paragraph II.B. of Swearingen Service Bulletin A27-40-2064-4067 revised October 9, 1974 or later FAA approved revision for the Models SA226-TC and SA226-AT.

(c) If no cracks are found, accomplish the following:

(1) Continue the inspections specified in (a) for the Model SA226-T at intervals not to exceed 200 hours time in service after the effective date of this AD. These periodic inspections may be discontinued after installation of the spar reinforcement specified in paragraph II.C. of Swearingen Service Bulletin A27-40-3067 revised October 9, 1974 or later FAA approved revision.

(2) Within 50 hours time in service after the effective date of this AD, unless already accomplished for the Models SA226-TC and SA-226-AT, install the spar reinforcement specified in paragraph II.C. of Swearingen Service Bulletin A27-40-2064-4067 revised October 9, 1974, or later FAA approved revisions.

(3) After the rework specified in (c)(2), continue the inspections specified in (a) for the Models SA226-TC and SA226-AT at intervals not to exceed 200 hours time in service from the date of rework or from the effective date of this AD if the rework was accomplished before the effective date.

(d) Alternate methods of spar repair and reinforcement must be approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, FAA.

This supersedes Amendment 39-1950 (31 FR 13697), AD 74-18-14.

This amendment becomes effective November 18, 1974.

This amendment is made under the authority of section 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Texas on November 4, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-26763 Filed 11-14-74;8:45 am]

[Docket No. 74-CE-21-AD; Amdt. 39-2016]

PART 39—AIRWORTHINESS DIRECTIVES

Various Beech Model Airplanes

Amendment 39-1980, AD 74-20-11, published in the FEDERAL REGISTER on September 26, 1974 (39 FR 34512), is an Airworthiness Directive (AD) applicable to Beech Models F33A, V35B, A36, 95-B55, 95-B55A, E55, E55A, 58, 58A, A60, B60, 70, B80, C90, E90, B99, 100, A100 and 200 airplanes. AD 74-20-11 requires deactivation of the Grimes strobe light assembly (P/N 30-0467-1) installed on these aircraft until electrical bonding of this system is accomplished, per the requirements outlined in the AD.

After issuing AD 74-20-11, it has been determined that the possibility of strobe light arcing is still present, even though the electrical bonding of the system, as required by the AD, is accomplished. The light manufacturer has developed a kit (P/N 30-1114-1) which when installed puts these strobe lights in an explosion-proof configuration. In addition, the aircraft manufacturer advises that the Grimes P/N 30-0467-3 strobe light assembly is susceptible to the same problem as the Grimes P/N 30-0467-1 strobe light assembly. Further, it has been ascertained that some strobe light systems have switch type circuit breakers that cannot be banded or taped to preclude reactivation. Beech Service Instructions No. 0655-362, Revision I, covers the aforementioned problem areas.

The conditions described herein are likely to exist or develop in other airplanes of the same type design. Since further investigations have disclosed additional areas of concern, a new AD is being issued superseding Amendment 39-1980, AD 74-20-11, applicable to the aforementioned Beech model airplanes. The new AD will require deactivation of the strobe light system and its subsequent modification in accordance with Beech Service Instructions No. 0655-362, Revision I. If an airplane has been modified by the aircraft manufacturer in accordance with the service instruction and the aircraft manufacturer has made an entry in the aircraft permanent maintenance record that the modification was "in accordance with AD 74-20-11, as amended" or words to that effect, such modification meets the requirements of this new AD.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to the following models and serial numbered airplanes if equipped with either Grimes P/N 30-0467-1 or Grimes P/N 30-0467-3 strobe light assemblies:

F33A, Serials CE-436 through CE-537
V35B, Serials D-9468 through D-9692
A36, Serials E-424 through E-603, E-605 through E-607
95-B55 and 95-B55A, Serials TC-1526 through TC-1804 and TC-1806 through TC-1811
E55 and E55A, Serials TE-904 through TE-1000, TE-1002 and TE-1003
58 and 58A, Serials TH-303 through TH-482, and TH-484 through TH-527
A60 and B60, Serials P-223 through P-307, P-309 and P-310
70, Serial LB-35
B80, Serials LD-441 through LD-490
C90, Serials LJ-502 through LJ-643
E90, Serials LW-1 through LW-117
B99, Serials U-152 through U-159
100 and A100, Serials B-52 through B-204
200, Serials BB-1 through BB-14, BB-16 through BB-21, and BB-29

Compliance: Required as indicated, unless already accomplished.

A. To preclude possible ignition of flammable fluids or vapors by arcing between the strobe lights and the aircraft structure, within the next 25 hours' time in service after the effective date of this AD, deactivate the strobe light system in accordance with Beech Service Instruction No. 0655-362, Rev. I, or later approved revisions and add a temporary placard near the strobe light switch stating "STROBE LIGHT SYSTEM DEACTIVATED". This requirement is only applicable until the strobe light system is modified per Paragraph B of this AD.

B. To assure proper electrical bonding of the Grimes strobe light P/N 30-0467-1 or P/N 30-0467-3, to the aircraft structure so as to eliminate a possible ignition source in an area where fuel/fuel vapor can exist, on or before July 1, 1975, modify the strobe light system in accordance with Beech Service Instructions No. 0655-362, Rev. I, or later approved revisions.

C. Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region. If an airplane has been modified by the aircraft manufacturer in accordance with Paragraph B above and the aircraft manufacturer has made an entry in the aircraft permanent maintenance record that the modification was "in accordance with AD 74-20-11, as amended", or words to that effect, such modification meets the requirements of Paragraph B of this AD.

This AD supersedes Amendment 39-1980, AD 74-20-11.

This amendment becomes effective November 22, 1974.

This amendment is made under the authority of sections 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49

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U.S.C. 1354(a), 1421 and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on November 8, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-26766 Filed 11-14-74;8:45 am]

[Airspace Docket No. 74-GL-32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 33807 of the FEDERAL REGISTER dated September 20, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Muncie, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective January 30, 1975.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on October 30, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

MUNCIE, INDIANA

That airspace extending upward from 700 feet above the surface within a five mile radius of Delaware County—Johnson Field (Latitude 40°14'26" N., Longitude 85°-23'43" W.) within three miles each side of the Muncie VOR 136° radial, extending from the seven-mile radius, area to 13.5 miles southeast of the VOR; within three miles each side of the Muncie VOR 125° radial, extending from the seven-mile radius area to eight miles southeast of the VOR; within three miles each side of the Muncie VOR 017° radial, extending from the seven-mile radius area to eight miles north of the VOR; and within 3½ miles each side of the Muncie VOR 320° radial, extending from the seven-mile radius area to 10 miles northwest of the VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

[FR Doc.74-26760 Filed 11-14-74;8:45 am]

[Airspace Docket No. 74-GL-29]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Pages 33807 and 33808 of the FEDERAL REGISTER dated September 20, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Frankfort, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective January 30, 1975.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on October 30, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

FRANKFORT, INDIANA

That airspace extending upward from 700 feet above the surface within a five mile radius of Frankfort Municipal Airport (Latitude 40°16'25" N., Longitude 86°33'45" W.) and within three miles each side of the 221° bearing from the airport extending from the five mile radius area to 8.5 miles southwest.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

[FR Doc.74-26761 Filed 11-14-74;8:45 am]

[Docket No. 14117; Amdt. No. 941]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 FR 5609).

SIAP's are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR-VOR/DME SIAP, effective December 19, 1974:

Concord, Calif.—Buchanan Field, VOR Rwy 19R, Amdt. 6
Dillon, Mont.—Dillon Arpt., VOR-A, Amdt. 6
Dillon, Mont.—Dillon Arpt., VOR/DME-B, Orig.
Kendallville, Ind.—Kendallville Municipal Arpt., VOR-A, Amdt. 1
Moses Lake, Wash.—Grant County Arpt., VOR Rwy 32R, Amdt. 12

* * * effective October 24, 1974:

Lexington, Tenn.—Franklin Wilkins Arpt., VOR Rwy 33, Amdt. 6

2. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective December 19, 1974:

Glendive, Mont.—Dawson Community Arpt., NDB Rwy 12, Amdt. 1
Marshfield, Wis.—Marshfield Municipal Arpt. NDB Rwy 4, Amdt. 7
Marshfield, Wis.—Marshfield Municipal Arpt., NDB Rwy 16, Amdt. 3
Moses Lake, Wash.—Grant County Arpt., NDB Rwy 32R, Amdt. 7
Sturgis, Mich.—Kirsch Municipal Arpt., NDB Rwy 24, Amdt. 3
Troy, Ala.—Troy Municipal Arpt., NDB Rwy 7, Orig.

3. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective December 19, 1974:

Bremerton, Wash.—Kitsap County Arpt., ILS Rwy 19, Amdt. 1
Kansas City, Mo.—Kansas City Int'l Arpt., ILS Rwy 1, Amdt. 3
Moses Lake, Wash.—Grant County Arpt., ILS Rwy 32R, Amdt. 9
Troy, Ala.—Troy Municipal Arpt., ILS Rwy 7, Orig.

These amendments are made effective under the authority of (secs. 307, 313, 601, 1110, Federal Aviation Act of 1948; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on October 31, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTES Incorporation by reference provisions §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969 (39 FR 5160).

[FR Doc.74-26759 Filed 11-14-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-884; Consolidation, Recodification and Revision]

PART 202—CERTIFICATES AUTHORIZING SCHEDULED ROUTE SERVICE: TERMS, CONDITIONS, AND LIMITATIONS

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY; FOREIGN AIR TRANSPORTATION

Consolidation, Recodification and Revison

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., November 11, 1974.

Parts 202 and 203 of the Economic Regulations contain terms, conditions, and limitations on certificates of public convenience and necessity (other than certificates for supplemental air transportation) with respect to interstate and overseas air transportation (Part 202) and foreign air transportation (Part 203). Many of the provisions of Parts 202 and 203 are duplicative, and the Board believes that no purpose is served by the placement in separate parts of the terms, conditions, and limitations on certificates authorizing scheduled route service. Accordingly, Part 203 is being consolidated into Part 202, which is being retitled "Certificates Authorizing Scheduled Route Service: Terms, Conditions, and Limitations." In addition, the consolidated provisions are being recodified into a more logical order. Finally, certain of the present provisions are being revised or deleted. The more significant of the latter are explained below.

1. Section 202.1 (Applicability) consolidates present §§ 202.1 and 203.1 and revises the present language which is not cast in terms of applicability.

2. Section 202.2 (Failure to comply) consolidates §§ 202.7 and 203.6 and revises the present language.

3. Present §§ 202.8 and 203.9 Name of air carrier) have been deleted in the consolidated part. The provision is considered superfluous, since, in any event, certificates are subject to Part 215 (Names of Air Carriers and Foreign Air Carriers), and no corresponding provision is contained, for example, in Parts 208 (supplemental air carriers) or 213 and 214 (foreign air carriers).

4. Section 202.21 consolidates §§ 202.5 and 203.8, which concern filing and service of documents, procedures thereon, and petitions for reconsoideration. The language has been revised to make a number of editorial changes, among which the following may be noted. Present §§ 202.5(c) and 203.8(c) require that petitions for reconsideration and memoranda with respect thereto be served upon designated persons. Such persons do not include the applicant air carrier, and if a petition or memorandum is filed by other than the applicant, no service is literally required on the applicant. The rule now requires service on "the applicant air carrier (where the petition or memorandum is filed by other than the applicant)" in addition to the persons otherwise specified. See § 202.21(c).

5. Section 202.22 (Persons upon whom notices and applications must be served) consolidates §§ 202.3(c), 202.4(c), and 203.7. All changes but one are directed towards consistency and clarity. The exception requires service of Termination of Service Notices, a requirement which has been omitted in the present rules through oversight. Thus, present § 202.5 (a) provides that a termination of service notice, among other filings, shall set forth "the names and addresses of the persons required to be served and stating that service has been made on all such persons by personal service or by registered or certified mail, and the date of service." The section also states: "Each copy of a notice or application served pursuant to this part shall state such service is made pursuant to this part." However, a requirement of service of a Termination of Service Notice has not been implemented elsewhere in Part 202.[1]

Nor does Appendix B to Part 202 (Recommended Termination of Service Notice) include a Certificate of Service. Similarly, there is no provision in Part 203 requiring service of a Termination of Service Notice,[2] and Appendix B to Part 203 does not include a Certificate of Service. This oversight has been corrected by providing for service of such notices (§§ 202.22 (b) and (d)) and including reference to a Certificate of Service in Appendix B.

The following cross-reference table shows the relationship between present and new section numbers:

PART 202

Present section:	*New section*
202.1	202.1.
202.2	202.11.
202.3(a)	202.13(a).
202.3(b)	202.13(b).
202.3(c)	202.22 (a), (b).
202.3(d)	202.13(c).
202.4(a)	202.14(a).
202.4(b)	202.14(b).
202.4(c)	202.22 (a), (c).
202.5	202.21.
202.6	202.12.
202.7	202.2.
202.8	Deleted.

[1] See §§ 202.3(c) and 202.4(c).
[2] See § 203.7.

PART 203

Present section:	*New section*
203.1	202.1.
203.2	202.15.
203.3	202.11.
203.4	202.16.
203.5(a)	202.13(a).
203.5(b)	202.13(b).
203.5(c)	202.13(c).
203.5(d)	202.13(d).
203.6	202.2.
203.7	202.22 (a), (d), (e), and (f).
203.8	202.21.
203.9	Deleted.

The amendments being made herein are procedural or nonsubstantive in nature, and the Board finds that notice and public procedure thereon are unnecessary.

Accordingly, Part 202 of the Economic Regulations (14 CFR Part 202) is recodified, revised and republished as set forth below, effective December 15, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

1. Part 202 is recodified, revised and republished to read as follows:

PART 202—CERTIFICATES AUTHORIZING SCHEDULED ROUTE SERVICE: TERMS, CONDITIONS, AND LIMITATIONS

Sec.
202.1 Applicability.
202.2 Failure to comply.
202.11 Nonstop authorization.
202.12 Provisions as to scheduled stops-interstate and overseas air transportation.
202.13 Airport Notice; application for permission to use an airport; automatic revocation and Termination of Service Notice; Airport Notice-foreign air transportation-change required by foreign country.
202.14 Application for change in service pattern—interstate and overseas air transportation.
202.15 Application for change in Approved Service Plan—foreign air transportation.
202.16 Notice of additional stop required by foreign country; notice of terminal change required by foreign country.
202.21 Filing and service of documents; procedures thereon; petitions for reconsideration.
202.22 Persons upon whom notices and applications must be served.
Appendix A—Recommended notice form.
Appendix B—Recommended termination of service notice.

AUTHORITY: Secs. 204, 401 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended by 76 Stat. 143), 49 U.S.C. 1324, 1371.

§ 202.1 Applicability.

Unless the certificate or the order authorizing its issuance shall otherwise provide, such terms, conditions and limitations as are set forth in this part, and as may from time to time be prescribed by the Board, shall apply to the exercise of the privileges granted by each certificate issued under section 401 of the Act, other than a certificate for supplemental air transportation.

§ 202.2 Failure to comply.

It shall be a condition upon the holding of a certificate that any intentional failure by the holder to comply with any

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provision of Title IV of the Act or any order, rule, or regulation issued thereunder or any term, condition, or limitation of such certificate shall be a failure to comply with the terms, conditions, and limitations of the certificate within the meaning of section 401(g) of the Act even though the failure to comply occurred without the territorial limits of the United States, except to the exent that such failure shall be necessitated by an obligation, duty, or liability imposed by a foreign country.

§ 202.11 Nonstop authorization.

Subject to the provisions of section 405(b) of the Act, the holder of a certificate may inaugurate scheduled nonstop service between any two points not consecutively named in its certificate or approved service plan (if such certificate or approved service plan authorizes service between such points and does not prohibit nonstop service between them) upon the effective date of a schedule, showing such nonstop service, filed with the Board in accordance with Part 231 of this subchapter.

§ 202.12 Provisions as to scheduled stops—interstate and overseas air transportation.

(a) With respect to any flight scheduled to carry passengers in interstate or overseas air transportation, a stop at a point within the continental United States shall not be scheduled to exceed 45 minutes, if the origination or termination of such flight at such point is prohibited by any restriction in the certificate: *Provided*, That where the scheduled stop is at a point which is specified as a "large hub" city in the most recent edition of "Airport Activity Statistics of Certificated Route Carriers," the scheduled stop shall not be scheduled to exceed one hour.

(b) With respect to any flight scheduled to carry only property or mail in interstate or overseas air transportation, a stop at a point within the continental United States shall not be scheduled to exceed two hours, if the origination or termination of such flight at such point is prohibited by any restriction in the certificate.

(c) With respect to interstate or overseas air transportation, a certificate containing a condition or restriction which has the effect of permitting the origination of a flight only at a certain point or points shall not be deemed to permit an increase in passenger or property-carrying capacity (by change of gauge, substitution of equipment, addition of extra sections, or otherwise) on any such flight at any point other than a point at which the origination of such flight is authorized. A certificate containing a condition or restriction which has the effect of permitting the termination of a flight only at a certain point or points shall not be deemed to permit a decrease in passenger or property-carrying capacity on any such flight at any point other than a point at which the termination of such flight is authorized. With respect to a particular flight, a point shall not be deemed to be beyond another specified point within the meaning of such condition or restriction unless the holder serves such other specified point on such flight or omits service thereto pursuant to regulation or other specific authorization (such as authority to render nonstop service, or to suspend service to such point) of the Board.

§ 202.13 Airport Notice; application for permission to use an airport; automatic revocation and Termination of Service Notice; Airport Notice—foreign air transportation—change required by foreign country.

(a) *Airport Notice.* An Airport Notice is required to be filed with the Board if the holder of a certificate desires to serve regularly a point named in such certificate, or a point which the holder is otherwise authorized to serve regularly used or authorized to be used by the holder to serve such point: *Provided, however*, That if the holder of a certificate desires to serve a point through an airport through which it already serves another point on its route, and to retain both points in its certificate, the holder is required to file with the Board an Application for Permission to Use an Airport (see § 202.13(b)); and such holder shall not file an Airport Notice. Airport Notices and Applications for Permission to Use an Airport are not required of Alaskan air carriers, holders of certificates authorizing use of rotary wing aircraft only, and holders of certificates limited to community center service and interairport service. When an Airport Notice is required hereunder, the certificate holder shall file it with the Board at least 30 days prior to the proposed date of inauguration of the use of the airport. Such notice shall be conspicuously entitled Airport Notice; shall, as a minimum amount of information, describe such airport by name and, if it is not an airport already being used by an air carrier subject to the provisions of this part, state its location; shall state the date of intended inauguration of service and whether a waiver of the 30-day notice provision is requested; and shall contain a notice to the persons served that they may, within 15 days of the date the notice was filed, file and serve memoranda in support of, or in opposition to, the notice. A recommended format of Airport Notice is set forth in Appendix A. The use of such airport may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification from the Board) unless and until the Board finds upon application filed by the holder, pursuant to paragraph (b) of this section, that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the Airport Notice whenever the circumstances warrant such action. In no event shall the provisions of this section be construed as authorizing an air carrier to receive at one airport and discharge at any other airport serving the same point passengers or property moving locally between the two airports, or passengers or property moving as part of a through journey to or from some other point which such carrier receives from, or transfers to, another air carrier at one of the two airports. This prohibition does not apply to the carriage between airports of through traffic which the air carrier performing the interairport service receives from, or transfers to, one of its own flights.

(b) *Application for permission to use an airport.* (1) Where an air carrier seeks to serve a point through an airport through which it already serves another point on its route and to retain both points in its certificate, it shall file with the Board an Application for Permission to Use an Airport.

(2) Following notification by the Board that the use of an airport proposed in an Airport Notice filed pursuant to § 202.13(a) may adversely affect the public interest, the air carrier may file an Application for Permission to Use an Airport.

An application filed pursuant to either subparagraph (1) or (2) of this paragraph shall be conspicuously entitled "Application for Permission to Use the _____ Airport for Serving _____" and shall set forth the information required in the Airport Notice as well as any other facts relied upon to establish that the proposed airport use is in the public interest, a statement of economic data or other matters which it is desired that the Board officially notice, and shall contain a notice to the persons served that they may, within 20 days of the date the application was filed, file and serve memoranda in support of, or in opposition to, the application.

(c) *Automatic revocation and Termination of Service Notice.* (1) Where a certificate holder has been authorized to serve a point located in the United States regularly through two or more airports, failure to provide regularly scheduled air transportation through one of those airports for 60 days shall automatically revoke any authorization to regularly use that airport. Regular service through the airport may be resumed only upon compliance with and pursuant to the procedures set forth in paragraph (a) of this section: *Provided, however*, That the following shall not be included in the 60-day period: (i) Nonuse of an airport for any period in which regularly scheduled service is offered through the airport on a flag-stop basis; and (ii) periods during which a carrier has failed to regularly use an airport as a result of any of the conditions listed in § 205.8(a) of this subchapter.

(2) A carrier's suspension of service to a point located in the United States for one year, pursuant to a provision in its certificate or pursuant to Board order or exemption, shall revoke any authorization to use an airport to serve that

point. Regular service through the airport may be resumed only upon compliance with and pursuant to the procedures set forth in paragraph (a) of this section.

(3) Within 30 days after the day a carrier's airport authorization is automatically revoked by the terms of this section, the carrier shall file with the Board a notice conspicuously entitled Termination of Service Notice, setting forth, as a minimum amount of information, the name of the airport and date of cessation of regular service. A recommended format of the Termination of Service Notice is set forth in Appendix B to this part.

(d) *Airport Notice—foreign air transportation—change required by foreign country.* (1) If at any time the holder of a certificate is required, in order to comply with any obligation, duty, or liability imposed by any foreign country, to serve regularly a point or points in such foreign country through any airport not then regularly used by such holder, such holder shall file with the Board notice of such requirement: *Provided, however*, That this paragraph shall not apply to any obligation, duty or liability arising out of a contract or other agreement entered into between any air carrier or any officer or representative thereof, and any foreign country, if such contract or agreement shall have been disapproved by the Board as being contrary to the public interest.

(2) Such notice shall be filed within 20 days after the air carrier shall have been advised of such requirement; shall be conspicuously entitled Airport Notice—Foreign Air Transportation—Change Required by Foreign Country; and shall fully set forth the facts and circumstances relating to such requirement. The use of such airport may be inaugurated immediately upon the filing of such notice and may be continued unless and until the Board, after notice and public hearing, shall disapprove the use of such airport as being contrary to the public interest, or unless and until the Board shall find, after investigation, that such requirement of the foreign country is not in effect.

§ 202.14 Application for change in service pattern—interstate and overseas air transportation.

(a) *Applicability.* This section shall be applicable only to certificates authorizing interstate and/or overseas air transportation which contain a condition requiring that each trip operated by the holder of the certificate between points named in the route or a segment thereof shall (subject to exceptions set forth in such certificate) serve each terminal and intermediate point.

(b) *Application for change in service pattern.* If at any time the holder of such a certificate desires to establish a service pattern omitting one or more of the points served or required to be served pursuant to such condition of the certificate, the holder shall make application to the Board for approval thereof. Such application shall be conspicuously entitled Application for Change in Service Pattern, and shall set forth the facts relied upon to establish that the proposed service pattern is in the public interest and consistent with the holder's performance of a local air transportation service. Such application shall contain a statement of matters which the applicant desires the Board to officially notice, and a detailed analysis of the anticipated effect of such authorization on the operating results of the holder, including, but not limited to, the following economic and operating data, on an annual basis:

(1) Present and proposed schedules, by type of aircraft;

(2) Number of departures, plane-miles, passengers, and passenger-miles;

(3) Estimate of self-diversion or diversion from other carriers, if applicable;

(4) Anticipated operating revenues;

(5) Estimate of impact of proposal on operating expenses, computed according to Subpart K of Part 302 of this chapter;

(6) Estimate of allowance for return on investment and taxes, computed according to Subpart K of Part 302 of this chapter;

(7) Increase or decrease in subsidy requirements; and

(8) Increase or decrease in subsidy payments under the applicable class rate formula.

The application shall also contain a notice to the persons served that they may, within 20 days of the date the application was filed, file and serve memoranda in support of, or in opposition to, the application. The Board will grant such application to such extent, for such periods of time, and subject to such conditions as the Board deems proper and adequate, if it finds that such conditions and the proposed service pattern are in the public interest and consistent with the holder's performance of a local air transportation service.

§ 202.15 Application for change in Approved Service Plan—foreign air transportation.

If the holder of a certificate authorizing it to engage in foreign air transportation to a general area desires, as part of its approved service plan, to engage in foreign air transportation to a point in such area not then included in its approved service plan, or to cease to engage in foreign air transportation to a point in such area not then included in its approved service plan, such holder shall make application to the Board for approval therefor. Such application shall be conspicuously entitled Application for Change in Approved Service Plan—Foreign Air Transportation, shall clearly describe such point, its location, the segment of the approved service plan to which such point is to be added or from which it is to be removed, and shall set forth the facts relied upon to establish that the proposed change in the approved service plan is in the public interest. After the filing of such application the holder may submit to the Board additional information in support of such application. The Board will grant such application if it finds that such proposed change in the approved service plan is not inconsistent with the public interest.

§ 202.16 Notice of additional stop required by foreign country; Notice of Terminal Change Required by Foreign Country.

(a) If, at any time, the holder of a certificate is required, in order to comply with any obligation, duty or liability imposed by any foreign country: (1) To add a stop at a point not named in the certificate, or not included in the approved service plan, and situated in such foreign country; or (2) to change the terminal point in such foreign country; such holder shall file with the Board notice of such requirement: *Provided, however*, That this section shall not apply to any obligation, duty, or liability arising out of a contract or other agreement entered into between an air carrier or any officer, or representative thereof, and any foreign country, if such contract or agreement shall have been disapproved by the Board as being contrary to the public interest.

(b) Such notice shall be filed within 20 days after the air carrier shall have been advised of such requirement. The notice shall be conspicuously entitled Notice of Additional Stop Required by Foreign Country or Notice of Terminal Change Required by Foreign Country, as the case may be, and shall fully set forth the facts and circumstances relating to such requirement. Service in accordance with the notice may be inaugurated immediately upon the filing of such notice and may be continued unless and until the Board, after notice and public hearing, shall disapprove such service as being contrary to the public interest, or unless and until the Board shall find, after investigation, that such requirement of the foreign country is not in effect.

§ 202.21 Filing and service of documents; procedures thereon; petitions for reconsideration.

(a) *Number of copies and certificate of service.* An executed original and three copies of each notice and an original and nineteen copies of each application required by this part shall be filed with the Board, marked for the attention of the Director, Bureau of Operating Rights, each setting forth the names and addresses of the persons required to be served (see § 202.22) and certifying that service has been made pursuant to this part on all such persons by personal service or by registered or certified mail, and the date of such sevice. In the case of service by mail, the date of mailing shall be considered the date of service.

(b) *Pleadings by interested persons.* Any interested person may file with the Board a memorandum in opposition to, or in support of, an Airport Notice (except an Airport Notice—Foreign Air Transportation—Change Required by

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Foreign Country). Application for Permission to Use an Airport, or Application for Change in Service Pattern within 15 days of the filing of such a notice or within 20 days of the filing of such an application. Such memoranda shall be served on the air carrier filing the notice or application and on those persons required to be served under §§ 202.22(a), (b), (c), or (d), as the case may be. Such memoranda shall set forth in detail the reasons for the position taken, with a statement of economic data and other matters which it is desired that the Board shall officially notice. An original and three copies of memoranda concerning such a notice and an original and 19 copies of memoranda concerning such applications shall be filed with the Board, marked for the attention of the Director, Bureau of Operating Rights. Unless ordered by the Board, upon application or upon its own motion, further pleadings will not be entertained, except as provided in paragraph (c).

(c) *Petitions for reconsideration.* A petition for reconsideration of the Board's determination on an Application for Permission to Use an Airport or an Application for Change in Service Pattern may be filed by any interested person within ten days after the date thereof. Except for the date of filing, such petitions shall conform to the provisions of Rule 37 of the rules of practice (§ 302.37 of this chapter). Any interested person may file a memorandum in opposition to, or in support of, the petition within ten days after it is filed. An original and nineteen copies of such petition or memorandum shall be filed with the Docket Section, and copies thereof shall be served upon the applicant air carrier (where the petition or memorandum is filed by other than the applicant) and upon the persons described in § 202.22(a), (b), (c), or (d), as the case may be. Unless ordered by the Board, upon application or upon its own motion, further pleadings will not be entertained.

§ 202.22 Persons upon whom notices and applications must be served.

(a) A copy of each notice or application required by this part shall be served upon such persons as the Board may designate in a particular case and, as the case may be, upon the persons specified in paragraphs (b), (c), (d), (e), or (f) of this section.

(b) A copy of each Airport Notice, Application for Permission to Use an Airport, and Termination of Service Notice with respect to interstate or overseas air transportation shall be served upon:

(1) The Postmaster General, marked for the attention of the Director, Logistics Department;

(2) Each scheduled air carrier which regularly renders service to or from the point intended to be served through either the currently used or proposed airport;

(3) The chief executive of each point with respect to which the notice or application has been filed;

(4) The governor of each State in which are located the currently used airport, the proposed airport, and the point to be served: *Provided, however,* That if in any such State there is a commission or agency having jurisdiction over transportation by air, the notice or application shall be served upon the latter, rather than upon the governor of such State;

(5) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point;

(6) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the currently used and proposed airports; and

(7) The Federal Aviation Administration, marked for attention of the Director of Airport Services.

(c) A copy of each Application for Change in Service Pattern shall be served upon:

(1) The Postmaster General, marked for the attention of the Director, Logistics Department;

(2) Each scheduled air carrier which regularly renders service to or from any point named on the route segment, the service pattern of which the holder proposes to change;

(3) The chief executive of each point on such route segment;

(4) The governor of each State in which are located the points on such route segment: *Provided, however,* That if in any such State there is a commission or agency having jurisdiction over transportation by air, the application shall be served upon the latter, rather than upon the governor of such State; and

(5) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point.

(d) A copy of each Airport Notice-Foreign Air Transportation, Application for Permission to Use an Airport with respect to foreign air transportation, and Termination of Service Notice-Foreign Air Transportation shall be served upon:

(1) Each scheduled air carrier which regularly renders service to or from the point intended to be served through the proposed airport;

(2) The Postmaster General, marked for the attention of the Director, Logistics Department, if the holder's certificate authorizes the transportation of mail;

(3) The Secretary of State, marked for the attention of the Director, Office of Aviation;

(4) The chief executive of any point located in the United States, with respect to which the notice or application is filed;

(5) The governor of each State, or chief executive of any territory or possession of the United States, in which is located any point with respect to which the notice or application is filed: *Provided, however,* That if in any State, territory or possession there is a commission or agency having jurisdiction over transportation by air, the notice or application shall be served upon such commission or agency rather than upon the governor or chief executive;

(6) The board, commission, manager, or other body or individual having direct supervision over and responsibility for the management of the airport being used to serve each such point; and

(7) The Federal Aviation Administration, marked for the attention of the Director of Airport Services.

(e) An Application for Change in Approved Service Plan—Foreign Air Transportation (and any additional information in support of such application) shall be served upon:

(1) The persons specified in paragraph (d) (2) through (6) of this section;

(2) Each scheduled air carrier which is authorized to serve the same general area in which is located the point to which the holder, as part of its approved service plan, desires to engage, or cease to engage, in foreign air transportation; and

3) Each scheduled air carrier which is authorized to serve a general area contiguous to the general area wherein such point is situated.

(f) Each Notice of Additional Stop Required by Foreign Country or Notice of Terminal Change Required by Foreign Country shall be served upon:

(1) The person specified in paragraphs (d) (2) through (6) of this section; and

(2) Each scheduled air carrier which regularly renders service to or from such additional stop or new terminal point, as the case may be.

APPENDIX A—RECOMMENDED AIRPORT NOTICE FORM

Date_____

To: Director, Bureau of Operating Rights
Civil Aeronautics Board
Washington, D.C. 20428

Re: Airport Notice filed pursuant to Part 202 of Economic Regulations

Dear Sir: Transmitted herewith are an original and three copies of this notice to advise that _____ (air carrier) intends to inaugurate service to the following points through the following airports:

Point _____
Airport _____
Service to be inaugurated on or after _____

Give exact longitude and latitude of the airport to be served (applicable only if the airport is not already being used by an air carrier pursuant to this part) _____
Indicate whether waiver of 30-day provision is requested _____

NOTICE: The regulations of the Civil Aeronautics Board provide that memoranda in support of or in opposition to this airport notice may be filed with the Board within 15 days of the date of filing hereof. Such memoranda shall be served on the applicant carrier and the persons on whom this notice has been served.

_____
(Signature)
_____
(Title)

CERTIFICATE OF SERVICE (Interstate and Overseas Air Transportation)

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General, marked for the attention of the Director, Logistics Department; the Federal Aviation Administration, for the attention of the Director, Airport Services; the Mayor or Chief Executive of the cities of _____ (address), and the Governor of the State of _____ (address), (or the State commission or agency having jurisdiction of transportation by air within the State of _____ (address)); the following scheduled air carriers _____ (name and address); and the airport managers of the following airports: _____ (airport name and address).

_____
(Signature)
_____
(Title)

APPENDIX B—RECOMMENDED TERMINATION OF SERVICE NOTICE

Date_____

TO: Director, Bureau of Operating Rights
Civil Aeronautics Board
Washington, D.C. 20428

RE: Termination of Service Notice filed pursuant to Part 202 o Economic Regulations

Dear Sir: Transmitted herewith are an original and three copies of this notice to advise that _____ (air carrier) will cease to provide regular service on _____ (date) to the following points through the following airports:

Point _____
Airport _____

_____
(Signature)
_____
(Title)

CERTIFICATE OF SERVICE (Foreign Air Transportation)

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General, marked for the attention of the Director, Logistics Department (if the holder's certificate authorizes the transportation of mail); the Secretary of State, marked for the attention of Director, Office of Aviation; the Mayor or Chief Executive of the cities _____ (address), and the Governor of the State of _____ (address), (or the State Commission or agency having jurisdiction of transportation by air within the State of _____ (address)); the airport managers of the following airports _____ (airport name and address), the Federal Aviation Administration, for the attention of the Director, Airport Services; and the following scheduled air carriers: _____ _____ _____ (name and address).

_____
(Signature)
_____
(Title)

PART 203—[REMOVED]

2. Part 203 is deleted.

[FR Doc.74-26827 Filed 11-14-74;8:45 am]

[Reg. ER-885, Amdt. 11]

PART 203—TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY: FOREIGN AIR TRANSPORTATION

Repeal of Part

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., November 11, 1974.

By ER-884, issued contemporaneously, the Board, inter alia, consolidated Part 203 into Part 202 of the Economic regulations. Accordingly, Part 203 is being repealed. Since repeal merely implements ER-884 and is otherwise without substantive effect, the Board finds that notice and public procedure thereon are unnecessary.

Accordingly, the Civil Aeronautics Board hereby repeals Part 203 of the Economic regulations (14 CFR Part 203) effective December 15, 1974.

(Sec. 204 of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26828 Filed 11-14-74;8:45 am]

[Reg. ER-886, Amdt. 5]

PART 213—TERMS, CONDITIONS AND LIMITATIONS OF FOREIGN AIR CARRIER PERMITS

Termination of Service Notices and Editorial Comments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. November 11, 1974.

In ER-884, issued contemporaneously, the Board consolidated Part 203[1] into Part 202[2] of the Economic regulations, including recodification and revision of certain provisions. In addition, by ER-885, also issued contemporaneously, the Board repealed Part 203. In ER-884, the Board, among other things, corrected an oversight by providing for service of Termination of Service Notices, and we are now correcting a similar oversight in section 213(c) of Part 213 which also fails to provide for service of these Notices.[3] In addition reference to Part 203 in § 213.4(a) and in Appendices B and C will be corrected,[4] and the titles of certain officials referred to in §§ 213.4(c)(1) and (2) will be brought up to date. Since the amendments herein conform Part 213 with Parts 202 and are either procedural or editorial in nature, the Board finds that notice and public procedure thereon are unnecessary.

Accordingly, the Board hereby amends Part 213 of the Economic regulations (14 CFR Part 213) effective December 15, 1974, as follows:

1. Amend § 213.4(a), (b-1)(3) and (c)(1) and (2) to read as follows:

§ 213.4 Airport authorization.

(a) *Airport notice.* An airport notice is required to be filed with the Board if the holder of a permit desires to serve regularly a point in the United States, its territories or possessions named in such permit, through an airport not then regularly used or authorized to be used by the holder to serve such point. Such application shall conform in all respects to the procedure set forth in paragraphs (b) and (c) of this section and § 213.5. When an airport notice is required hereunder, the permit holder shall file it with the Board at least 30 days prior to the proposed date of inauguration of the use of the airport. Such notice shall be conspicuously entitled "Airport Notice—Foreign Air Transportation"; shall, as a minimum amount of information, describe such airport by name and, if it is not an airport already being used by an air carrier subject to the provisions of Part 202 of this chapter or a foreign air carrier subject to the provisions of this part, state its location; shall state the date of intended inauguration of service and whether a waiver of the 30-day notice provision is requested; and shall contain a notice to the persons served that they may, within 15 days of the date the notice was filed, file and serve memoranda in support of, or in opposition to, the notice. A recommended format of the airport notice is set forth in Appendix A to this part. The use of such airport may be inaugurated 30 days after the filing of such notice, unless the Board notifies the holder within said 30-day period that it appears to the Board that such use may adversely affect the public interest, in which event such use shall not thereafter be inaugurated (except as may be expressly permitted by such notification from the Board) unless and until the Board finds, upon application filed by the holder, pursuant to paragraph (b) of this section, that the public interest would not be adversely affected by such use. The Board may permit the use of an airport at any time after the filing of the airport notice whenever the circumstances warrant such action. In no event shall the provisions of this section be construed as authorizing a foreign air carrier to receive at one airport and discharge at any other airport serving the same point passengers or property moving locally between the two airports, or passengers or property moving as part of a through journey to or from some other point which such carrier receives from, or transfers to, another carrier at one of the two airports. This prohibition does not apply to the carriage between airports of through traffic which the foreign air carrier performing the interairport service receives from, or transfers to, one of its own flights.

. . . . . .

(b-1) *Automatic revocation.* . . .

. . . . . .

(3) Within 30 days after the day a carrier's airport authorization is automatically revoked by the terms of this section, the carrier shall file with the Board a notice conspicuously entitled "Termination of Service Notice," setting forth, as a minimum amount of information, the name of the airport and date of

[1] Terms, conditions and limitations of certificates of public convenience and necessity; foreign air transportation.

[2] Retitled "Certificates authorizing scheduled route service: terms, conditions, and limitations."

[3] In addition, Appendix C (Recommended Termination of Service Notice) will include a Certificate of Service.

[4] Appendices "B" and "C" will be redesignated "A" and "B." Corresponding amendments will be made in §§ 213.4(a) and (b-1)(3).

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cessation of regular service. A recommended format of the Termination of Service Notice is set forth in Appendix B to this part.

(c) *Persons to be served.* A copy of each airport notice, application for permission to use an airport, or termination of service notice, filed with the Board pursuant to this part by a permit holder, shall be served upon such persons as the Board may designate in a particular case, and shall be served upon the following persons in all cases:

(1) The Postmaster General, marked for attention of the Director, Logistics Department, if the holder's permit authorizes the transportation of mail;

(2) The Secretary of State, marked for attention of Director, Office of Aviation;

* * * * *

2. Redesignate Appendices "B" and "C" as "A" and "B" and amend each to read as follows:

APPENDIX A

RECOMMENDED AIRPORT NOTICE—FOREIGN AIR TRANSPORTATION

Date ----------

To: Director, Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428

Re: Airport notice filed pursuant to Part 213 of economic regulations.

DEAR SIR: Transmitted herewith are an original and three copies of this notice to advise that ---------- (foreign air carrier) intends to inaugurate service to the following points through the following airports:

Point ----------

Airport ----------

Service to be inaugurated on or after ----------

Give exact longitude and latitude of the airport to be served (applicable only if airport is not already being used by an air carrier pursuant to Part 202 (14 CFR Part 202) or by a foreign air carrier pursuant to this part) ----------

---

Indicate whether waiver of 30-day provision is requested ----------

NOTICE: The regulations of the Civil Aeronautics Board provide that memoranda in support of or in opposition to this airport notice may be filed with the addressee above within 15 days of the date of filing hereof. Such memoranda shall be served on the applicant carrier and the persons on whom this notice has been served.

(Signature)

(Title)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General marked for the attention of the Director, Logistics Department (if the holder's permit authorizes the transportation of mail); the Secretary of State, marked for the attention of Director, Office of Aviation; the Secretary of the Treasury, marked for the attention of Commissioner of Customs, Bureau of Customs; the Federal Aviation Administration for the attention of the Director, Airport Services; the Mayor or Chief Executive of the cities of ---------- (address), and the Governor of the State ---------- (address), (or the State commission or agency having jurisdiction of transportation by air within the State of ---------- (address)); the airport managers of the following airports ---------- (airport name and address); and the following scheduled foreign air carriers and scheduled air carriers: ---------- (name and address).

(Signature)

(Title)

APPENDIX B

RECOMMENDED TERMINATION OF SERVICE NOTICE—FOREIGN AIR TRANSPORTATION

To: Director, Bureau of Operating Rights
Civil Aeronautics Board
Washington, D.C. 20428

Re: Termination of Service Notice filed pursuant to Part 213 of Economic Regulations.

DEAR SIR: Transmitted herewith are an original and three copies of this notice to advise that ---------- (foreign air carrier) will cease to provide service on ---------- (date) to the following points through the following airports:

Point ----------

Airport ----------

(Signature)

(Title)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served (state manner of service) copies of this airport notice on the Postmaster General marked for the attention of the Director, Logistics Department (if the holder's permit authorizes the transportation of mail); the Secretary of State, marked for the attention of Director, Office of Aviation; the Secretary of the Treasury, marked for the attention of Commissioner of Customs, Bureau of Customs; the Federal Aviation Administration for the attention of the Director, Airport Services; the Mayor or Chief Executive of the cities of ---------- (address), and the Governor of the State ---------- (address), (or the State commission or agency having jurisdiction of transportation by air within the State of ---------- (address)); the airport managers of the following airports ---------- (airport name and address); and the following scheduled foreign air carriers and scheduled air carriers: ---------- (name and address).

(Signature)

(Title)

(Secs. 204(a) and 406 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 757; 49 U.S.C. 1324, 1372)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26829 Filed 11-14-74;8:45 am]

[Reg. ER-887, Amdt. 4]

PART 244—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR AIR FREIGHT FORWARDERS AND INTERNATIONAL AIR FREIGHT FORWARDERS; FILING OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., September 16, 1974.

In EDR-258,[1] the Board gave notice that it proposed to amend Part 244 of the Economic Regulations (14 CFR Part 244) so as to establish a uniform system of accounts and reports for air freight forwarders, international air freight forwarders and the air express operations of REA Express, Inc.,[2] and establish certain statistical reporting on standard forms for foreign air freight forwarders.

Comments in response to the notice were received from the Airborne Freight Corporation (Airborne), the Air Freight Forwarders Association (AFFA), Air-Sea Forwarders, Inc., filing jointly with Carmichael International Service and International Customs Service, Inc. (Air-Sea, Carmichael and ICS), Amerford International Corporation (Amerford), Behring International, Inc. (Behring), Common Market Forwarders, Inc. (Common Market), Harle Consolidators International (Harle), Jet Air Freight, Inc. (Jet), the Los Angeles Customs and Freight Brokers Association, Inc. (L.A. Customs), the National Customs Brokers and Forwarders Association of America, Inc. (NCBFAA), Pandair Limited, UK (Pandair), REA Express, Inc. (REA), and Simat, Helliesen and Eichner, Inc. (Simat). Upon consideration of all of the comments received, the Board has determined for the reasons set forth hereinafter and in EDR-258, to adopt the rule with the modifications set forth below. Except as modified, the tentative findings set forth in the explanatory statement to the proposed rule are incorporated herein by reference and made final.

The principal modifications to the proposed rule are: (1) The dollar criterion for the establishment and maintenance of the uniform system of accounts has been raised to three million dollars in air freight forwarding revenues during any calendar year from the one million dollar figure originally proposed; (2) the line of demarcation for the two-tiered reporting system has been raised to three million dollars in air freight forwarding revenues during any calendar year; (3) paragraphs have been inserted in the general reporting instructions applicable to both U.S. international and foreign air freight forwarders which will provide for confidential treatment of international schedule T-2b, "Destination Station Report"; and (4) the base of allocation between international and domestic entities for the Sales and Advertising account group has been changed to percent of revenues.

[1] Docket 26196, December 20, 1973, 38 FR 34870 and February 8, 1974, 39 FR 4930.

[2] Board Orders 73-12-36 (December 7, 1973) and 74-5-35 (May 6, 1974) in the Express Service Investigation, Docket 22388, terminate the exemption of REA Express, Inc., to act as the exclusive indirect carrier of air express and award REA nationwide air freight forwarder authority. While REA Express has received a stay of the aforementioned Board Orders, it will nevertheless remain subject to reporting requirements contained herein as further discussed on pages 12 and 13.

Air-Sea, Carmichael and ICS commented that, in their view, the Board failed to establish a need for the proposed rule in the explanatory statement. They assure the Board that the guidance they receive in accounting matters from their own accounting staffs, as well as outside auditors, is more than adequate. In addition, they state that "economic justifications of the individual forwarders are not all that important in evaluating forwarder rates."

In EDR-258, the Board stated that the dramatic growth of the air freight forwarding industry necessitated more effective regulation. In the Board's view, one of the essential keys toward the accomplishment of this objective is the development of a more sound and reliable data base which will permit more accurate financial and statistical comparisons both between forwarders and between accounting periods. In order to make such comparisons, there must be a significant degree of uniformity among the forwarders in their accounting for similar services. As the air freight forwarding industry has grown, the present reporting regulations have grown less adequate. With each forwarder independently developing their own accounting systems, there cannot help but result a lack of uniformity which is not conducive to reaching overall conclusions affecting the industry. The Board has no reason to doubt the assurance of Air-Sea, Carmichael and ICS that they do now receive adequate guidance in accounting matters. However, the same can be said of most large forwarders, and in the absence of assurances that they account for similar services, on a basis comparable to each other, to a degree which would facilitate the regulatory decision-making process, we cannot regard the comment of the respondents as effectively countering the need for a uniform system of accounts and reports.[3]

The Board also believes that economic justifications are important in evaluating forwarder rates. Some forwarders are primarily "expeditors" while others are primarily "consolidators." The degree to which the forwarders' operations consist of "expediting" or "consolidating" has a material impact on rates. Thus, economic justifications do represent an important aspect of forwarder rates.

The rule as proposed would have required forwarders whose air freight forwarding revenues exceeded one million dollars during any calendar year to adopt the uniform system of accounts. In addition, forwarders meeting this criterion would have been subject to more expanded reporting requirements than those whose revenues never exceeded one million dollars during a calendar year.

Before turning to the matter of the burden involved as it applies to small forwarders, it should be noted that there may have been a misunderstanding of what the Board anticipates when it makes reference to this uniform system of accounts. Almost every respondent made reference to the cost and burden involved with the adoption of the system. The Board is not requiring a wholesale jettison of existing accounting systems where such systems are comparable to the uniform system prescribed and the information contained in the reports to the Board can be traced back through the forwarders' system to the original items accounted for. A forwarder may have as many accounts as deemed necessary by the forwarder for internal management purposes. The numbering system prescribed in the uniform system of accounts is designed as a key to relate forwarder accounts to the information contained in the Board's reports and vice versa. Accounts may have more than one number or different numbers. For example, an account in the forwarders' books may bear a number which differs from the number prescribed by the CAB, but with the aid of a conversion chart the same result is accomplished as if the number prescribed by the CAB was used for that account in the forwarders' books. If these results can be achieved, the forwarders' systems may be regarded as satisfying the intent of the rule.

Air-Sea, Carmichael, and ICS commented that the one million dollar criterion was too low and that it would work a severe hardship on the small forwarders. Additionally, these respondents recommended that, as a minimum, the floor for the adoption of the uniform system of accounts and expanded reporting requirements should be raised to ten million dollars in calendar year revenues.

While there were other objections to the accounting and reporting burden, the volume and nature of the responses does not indicate that the burden is the life or death matter for small forwarders that Air-Sea, Carmichael, and ICS claim. There were only fifteen respondents to the proposed rule. The Board cannot logically attribute the lack of convincing responses by small forwarders to an inability to respond. Several small forwarders did respond to the proposed rule.[4] In addition, the Board is aware that at least one trade association (NCBFAA) includes among its members a number of small forwarders, and it should be noted that they did not object to the proposed rule on the grounds that it would pose an unworkable hardship.

Nevertheless, the Board recognizes that a burden is involved in the adoption of a uniform system of accounts and the expanded reporting requirements which will have a greater impact on small forwarders than their large competitors. Upon consideration of the burden to be imposed as opposed to the significance of the data to be received, we have decided to raise the one million dollar criterion to three million dollars. This criterion, although based on calendar year revenues, is consistent with the distinction made in Part 239 of the Economic Regulations[5] between those reporting more detailed data and those reporting the minimum data. It has the advantage of providing a significant measure of relief to the smaller forwarders while not materially altering the significance of the data to be received.[6]

Air-Sea, Carmichael and ICS also stated that the accounting and reporting requirements this regulation would require air freight forwarders to adopt is the same system that the Board presently requires of certificated air carriers and that by imposing such a system the Board has failed to acknowledge many important distinctions between forwarders and certificated air carriers.

The conclusion that the two accounting and reporting systems are the same is mistaken. While the format of presentation is similar, there are significant differences in the nature and number of the accounts prescribed and their degree of complexity, as well as the nature and number of the reports required. The accounting system prescribed by the Board under Part 241 of the Economic Regulations for the smallest certificated air carriers' (Group I) utilizes approximately twice the number of balance sheet accounts and three times the number of income and expense accounts as the system contained in this rule making. In addition, the air carrier system (Part 241) prescribes in detail 19 general accounting policies ranging from allocations between entities to accounting for pension plans. The air freight forwarding system prescribes six general accounting policies. A comparison of their complexity will result in the conclusion that the same burden is not being imposed on air freight forwarders.[7]

Eight of the respondents[8] contend that the reporting requirements would jeopardize the competitive status of U.S. international air freight forwarders in relation to foreign air freight forwarders operating in the United States. More specifically, they object in principle to the disclosure of detailed financial information and leading international origin and destination stations while their foreign counterparts, in contrast, will only be required to disclose their top origin stations for freight outbound from the United States, their top destination stations for freight inbound to the United

[3] In EDR-258, the Board pointed out that the sophisticated accounting systems already developed vary considerably from forwarder to forwarder.

[4] Bellair, Common Market, and Harle.

[5] Part 239 of the Economic Regulations requires "The Report of Freight Loss and Damage Claims."

[6] The same cannot be said of the ten million dollar suggestion. While it would provide a significant measure of relief, it would materially alter the significance of the data to be received. Based on a recent BOR study, "Air Freight Forwarding: The Decade 1963–1972," only twelve forwarders would report expanded data.

[7] The differences between the accounting systems required for Group II and Group III carriers and the air freight forwarder's system are even greater.

[8] An extension of the comparison into the reporting requirements will also result in the same conclusion.

[9] AFFA, Air-Sea, Carmichael, ICS, Behring, Common Market, L.A. Customs, and the NCBFAA.

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States, and an international city-pair traffic flow report. Air-Sea, Carmichael, and ICS recommend that, at the very minimum, foreign forwarders should be required to report the same information as the smallest U.S. forwarders and AFFA recommends the elimination of international schedule T–2b for U.S. international forwarders.

We have considered the comments of each of the eight respondents on this matter and we are not persuaded that the reporting requirements as proposed in EDR–258 will create a competitive advantage for foreign forwarders.[9] Most of those who commented that it will, did not acknowledge that most of the information contained in the proposed reports are already public information. AFFA's comments excepted, objections specifically related to new data or greater degrees of disclosure of data presently prescribed were few in number.

AFFA urged the Board to omit international schedule T–2b, "Destination Station Report," because of its value from a competitive point of view. AFFA stated the information filed may be unreliable because the Board does not have the power to audit reports submitted by foreign forwarders and as a result of unequal access to accurate competitive information, AFFA states the position of U.S. forwarders may be needlessly hurt.

While the Board has no reason to believe that the information to be required of foreign forwarders will prove to be inaccurate, we do acknowledge that the Board is not in a position to audit reports submitted by foreign forwarders.[10] Despite this, the information of the type to be reported will be useful to the Board and it has been brought forward into the final rule. However, we have inserted a paragraph in the general reporting instructions which will provide for confidential treatment of this schedule for 12 months following the calendar year to which the data relates. This treatment is consistent with a precedent established in Part 241 of the Board's Economic Regulations for service segment data of the certificated air carriers. This treatment should eliminate AFFA's concern for the dissemination of what many of the international forwarders consider proprietary information.

The Board has also concluded that it would be inappropriate to grant such confidential treatment to U.S. international forwarders while not permitting the same treatment for foreign air freight forwarders. Accordingly, the schedule T–2b to be filed by foreign air freight forwarders will be accorded identical confidential treatment.

AFFA also suggested that schedule T–2a, "Orign Station Report," be expanded to show the air origin of all forwarder freight. We have considered this suggestion very carefully and have concluded that the top 20 domestic stations and top 10 international stations should be sufficient. Accordingly, this schedule has been brought forward into the final rule, as it was proposed in EDR–258.

Simat states that schedules T–3a, "City-Pair Traffic Flow Report—Domestic," and T–3b, "City-Pair Traffic Flow Report—International," will correct an existing problem which is the failure of many forwarders to report traffic data in major markets because the flow is not one of the "Top 10" of a particular forwarder. However, Simat also states that because of present traffic trends,[11] the traffic flow data currently reported on schedule T–3, "Traffic Flow Data," should continue to be reported. Simat contends that a failure to do so could actually result in a loss of useful information because there seems to be no provision for reporting emerging domestic and international markets so that the changes to the Board designated markets can be made on a logical and timely basis.

We do not agree with Simat that the top 10 city pairs, reported individually by each forwarder on schedule T–3, "Traffic Flow Data," should continue to be reported, or that such reporting provides a reliable basis for the selection of Board designated markets for the proposed schedules T–3a and T–3b. As Simat has already acknowledged, the major deficiency of the presently required schedule T–3 is the failure of many forwarders to report traffic in major markets.[12] Because of the deficiency, the Board does not believe this schedule will provide a reliable basis for selecting Board designated markets.[13] Accordingly, we will not adopt Simat's suggestion to continue the reporting on the present schedule T–3.

Also in connection with the statistical reporting, it should be noted that one of the comments of Bellair Expediting seems to indicate a misunderstanding of the reporting requirements. Bellair states that schedules T–4 and T–6 would necessitate hiring new personnel to fulfill the Board's reporting requirements. The requirement of these schedules is not new; they are being brought forward from the present reporting requirements. Accordingly, since Bellair is not now required to file these schedules, it will not be required to do so by the final rule.

Air-Sea, Carmichael, ICS, and AFFA express concern over schedule B–3, "Accounts Receivable and Payable Aging and Allowance for Uncollectible Accounts." They state, among other things, that this schedule, even if properly prepared, could cause forwarders to be reflected in a bad light. They state that this is attributable to the billing practices of the direct air carriers which are not always timely.

We have taken this matter into consideration and have amended the report form to specify that all uninvoiced payables be recorded as current items 0–30 days old and that the calculation of the aging begin with the invoice date. We will not dispense with this schedule as it represents a valuable tool in the determination of forwarder viability.

We have decided to adopt Airborne's suggestion with regard to the allocation of sales and advertising expenses between entities. Airborne suggested that percent of revenues rather than percent of pounds is a more logical base for allocating sales and advertising expenses between domestic and international entities. We have accepted Airborne's suggestion primarily because of the relationship between these expenses and the revenues they are designed to produce.

We have not accepted Airborne's suggestion that percent of shipments is a more logical allocation base than percent of revenues for general and administrative expenses. Airborne, in its argument in favor of the allocation described in the preceding paragraph, acknowledges that revenues are higher per shipment for international shipments than per domestic shipments. Airborne also acknowledges that the cost involved in processing international shipments are higher than the costs involved with domestic shipments.[14] Since this is an established fact, we are essentially declining to equalize general and administrative expenses on a per shipment basis which such an allocation base assumes.

Airborne, Amerford, and AFFA objected to the numbering system used for the accounts. The essential objection was that the proposed system would not accommodate many of the subaccounts used by forwarders. Airborne and Amerford suggested alternative numbering systems which were materially different.[15]

As previously stated, the numbering system prescribed in this uniform system of accounts is designed as a key to relate forwarder accounts to the information contained in the Board's reports and vice versa. Accounts may have more than one number or different numbers. Forwarders may continue to retain as many subaccounts as they deem necessary for management purposes. If the forwarder elects to carry the CAB assigned numbers into subsidiary accounts, an alphabetic or numeric suffix can be added to the CAB account number. In our view, this does not constitute the imposition of a burden when it is recognized that the utilization of subaccounts is entirely at the option of the forwarder. Moreover, the Board should not be placed in the position of deciding for the forwarder how many subaccounts represent a reasonable number. Therefore, we do not believe it necessary to change the numbering system which was originally proposed.

REA Express, Inc. states that the proposed rule would require the maintenance of two systems of account, one for the ICC and one for the CAB, the use of two computer systems and double coding of each and every invoice which would constitute an intolerable burden. As earlier stated, the accounts used by a forwarder need not necessarily be the same as the accounts prescribed by the CAB, as long as the accounts used by the forwarder can generate the information required in the Board's reports and the information in the Board's reports can be traced back through the forwarder's system to the items originally accounted for in the books of account. While this will require some modification, it will not necessarily require the maintenance of two separate accounting systems.

It should also be noted that other air freight forwarders besides REA also maintain an ICC system of accounts and not one of these voiced similar objections. REA's objection did not establish sufficient peculiarities to warrant treatment different from other forwarders and accordingly, REA will be required to abide by the final rule.

Acting upon several of AFFA's other suggestions which we believe have merit, we have separated utility expenses from communications services and clarified Section 6–5 so as to make clear that the Station Cargo Handling expense category includes clerical expenses at the terminal level associated directly with the movement of air freight. We have also established two new specific expense accounts in the nonoperating expense account group, account 320 Income from Other Operations and account 330 Foreign Exchange Adjustments. Several other clarifications have been made which are in the nature of editorial changes and do not materially affect the original proposal.[17]

This rule is being made effective January 1, 1975, so that it will be applicable to the reports die May 15, 1975. This should permit adequate time for achieving compliance with the rule.

Accordingly, the Civil Aeronautics Board hereby amends and reissues Part 244 of the Economic Regulations (14 CFR Part 244), effective January 1, 1975, the reissued part to read as follows:

Sec.
01 Authority Under Which Accounting and Reporting Rules and Regulations are Prescribed and Administered.
02 Definitions for the Purposes of This System of Accounts and Reports.

1 Introduction to System of Accounts and Reports

1–1 Applicability.
1–2 Waivers from this system of accounts and reports.
1–3 General description of system of accounts and reports.
1–4 Records.
1–5 Associated companies and accounting entities.
1–6 Interpretation of accounts.
1–7 Address for reports and correspondence.
1–8 Conversion to this system of accounts and reports.

2 General Accounting Policies

2–1 Bases of allocation of revenues and expenses between entities.
2–2 Bases of allocation of expenses between account groups.
2–3 Accounting year.
2–4 Identification of expenses by location.
2–5 Federal income taxes.
2–6 Foreign exchange adjustments.

3 Chart of Balance Sheet Accounts

4 Balance Sheet

4–1 Current assets account group.
4–2 Investments and special funds account group.
4–3 Property and equipment account group.
4–4 Intangible assets account group.
4–5 Deferred charges account group.
4–6 Current liabilities account group.
4–7 Noncufrent liabilities account group.
4–8 Deferred credits account group.
4–9 Proprietary equity account group.
4–10 Stockholder equity account group.

5 Chart of Income and Expense Accounts

6 Income and Expense Account Groups

6–1 Numbering system.
6–2 Operating revenues.
6–3 Air transportation purchased.
6–4 Pickup and delivery.
6–5 Station cargo handling.
6–6 Sales and advertising.
6–7 General and administrative.
6–8 Nonoperating income and expense.
6–9 Income taxes.

7 Specific Income and Expense Accounts

8 Reports

8–1 Reporting instructions.
8–2 Due dates of schedules in CAB Form 244 report.

9 Filing of Reports by Foreign Air Freight Forwarders

9–1 Reporting instructions.
9–2 Due dates of reports filed by foreign air freight forwarders.

10 Filing of Reports by Cooperative Shippers Associations

10–1 Annual report.

Section 01—Authority Under Which Accounting and Reporting Rules and Regulations Are Prescribed and Administered.

This Uniform System of Accounts and Reports for Air Freight Forwarders, REA and International Air Freight Forwarders is issued, prescribed and administered under the following provisions of the Federal Aviation Act of 1958, as amended (72 Stat. 731, 49 U.S.C. 1301):

GENERAL POWERS

Sec. 204. (a) The Board is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of this Act, as it shall deem necessary to carry out the provisions of, and to exercise and perform its powers and duties under this Act.

FILING OF REPORTS

Sec. 407. (a) The Board is empowered to require annual, monthly, periodical, and special reports from any air carrier; to prescribe the manner and form in which such reports shall be made; and to require from any carrier specific answers to all questions upon which the Board may deem information to be necessary. Such reports shall be under oath whenever the Board so requires. The Board may also require any air carrier to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such air carrier and any other carrier or person, in relation to any traffic affected by the provisions of this Act.

DISCLOSURE OF STOCK OWNERSHIP

Sec. 407. (b) Each air carrier shall submit annually, and at such other times as the Board shall require, a list showing the names of each of its stockholders or members holding more than 5 per centum of the entire capital stock or capital, as the case may be, of such air carrier, together with the name of any person for whose account, if other than the holder, such stock is held; and a report setting forth a description of the shares of stock, or other interest, held by such air carrier, or for its account, in persons other than itself. Any person owning, beneficially or as trustee, more than 5 per centum of any class of the capital stock or capital, as the case may be, of an air carrier shall submit annually, and at such other times as the Board may require, a description of the shares of stock or other interest owned by such person, and the amount thereof.

FORM OF ACCOUNTS

Sec. 407. (d) The Board shall prescribe the forms of any and all accounts, records, and memoranda to be kept by air carriers, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records, and memoranda shall be preserved; and it shall be unlawful for air carriers to keep any accounts, records, or memoranda other

[9] The Board believes that a discussion of the competitive status of U.S. international air freight forwarders and foreign air freight forwarders goes well beyond the scope of this rule making and, further, that the Board's Rules of Practice provide a means for petitioning for Board action. L.A. Customs' request for a hearing in this proceeding is therefore denied.

[10] This was one of the reasons for not imposing the uniform system of accounts or expanded financial reporting on foreign air freight forwarders (over and above the financial data now required in their permits). The other reason is that to do so could set an undesirable international precedent.

[11] Simat cites the following example: "• • • the largest forwarder, Emery Air Freight, did not report its traffic in six of the ten largest freight forwarder markets in the United States during the last six months of 1972 because none of those six were among Emery's ten largest."

[12] Forwarder traffic is becoming less concentrated between their larger stations.

[13] In this connection, the Board plans to make more extensive use of the information reported on schedules T–2a and T–2b.

[14] It should be noted that clerical expenses at the terminal level will be accounted for in the Station Cargo Handling account group.

[15] Airborne's began with the number 1000 and essentially involved a realignment of the spacing between the numbers of various accounts. Amerford suggested a numbering system beginning with 0001.

[17] In answer to questions raised by Pandair, all forwarders will be reporting their leading Origin and Destination stations in terms of pounds. Schedules T–2a and T–2b to be filed by foreign air freight forwarders will not agree and appropriate changes will be made on forms to be supplied to foreign forwarders. Coloads will not be excluded from the reporting requirements of schedule T–2a.

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than those prescribed or approved by the Board: Provided, That any air carrier may keep additional accounts, records, or memoranda if they do not impair the integrity of the accounts, records, or memoranda prescribed or approved by the Board and do not constitute an undue financial burden on such air carrier.

INSPECTION OF ACCOUNTS AND PROPERTY

Sec. 407. (e) The Board shall at all times have access to all lands, buildings, and equipment of any carrier and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; and it may employ special agents or auditors, who shall have authority under the orders of the Board to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda. The provisions of this section shall apply, to the extent found by the Board to be reasonably necessary for the administration of this Act, to persons having control over any air carrier, or affiliated with any air carrier within the meaning of section 5(8) of the Interstate Commerce Act, as amended.

CLASSIFICATION

Sec. 416. (a) The Board may from time to time establish such just and reasonable classifications or groups of air carriers for the purposes of this title as the nature of the services performed by such air carriers shall require; and such just and reasonable rules and regulations, pursuant to and consistent with the provisions of this title, to be observed by each such class or group, as the Board finds necessary in the public interest.

FAILURE TO FILE REPORTS; FALSIFICATION OF RECORDS

Sec. 902. (e) Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to make a report to the Board or Administrator as required by this Act, or to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board or Administrator, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000.

REFUSAL TO TESTIFY

Sec. 902. (g) Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to the subpoena or lawful requirement of the Board or Administrator, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $100 nor more than $5,000, or imprisonment for not more than one year, or both.

FILING OF COMPLAINTS AUTHORIZED

Sec. 1002. (a) Any person may file with the Administrator or the Board, as to matters within their respective jurisdictions, a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provisions of this Act, or of any requirement established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, it shall be the duty of the Administrator or the Board to investigate the matters complained of. Whenever the Administrator or the Board is of the opinion that any complaint does not state facts which warrant an investigation or action, such complaint may be dismissed without hearing. In the case of complaints against a member of the Armed Forces of the United States acting in the performance of his official duties, the Administrator or the Board, as the case may be, shall refer the complaint to the Secretary of the department concerned for action. The Secretary shall, within ninety days after receiving such a complaint, inform the Administrator or the Board of his disposition of the complaint, including a report as to any corrective or disciplinary actions taken.

INVESTIGATIONS ON INITIATIVE OF ADMINISTRATOR OR BOARD

Sec. 1002. (b) The Administrator or Board, with respect to matters within their respective jurisdictions, is empowered at any time to institute an investigation, on their own initiative, in any case and as to any matter or thing within their respective jurisdictions, concerning which complaint is authorized to be made to or before the Administrator or Board by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Administrator or the Board shall have the same power to proceed with any investigation instituted on their own motion as though it had been appealed to by complaint.

ENTRY OF ORDERS FOR COMPLIANCE WITH ACT

Sec. 1002. (c) If the Administrator or the Board finds, after notice and hearing, in any investigation instituted upon complaint or upon their own initiative, with respect to matters within their jurisdiction, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Administrator or the Board shall issue an appropriate order to compel such person to comply therewith.

Section 02—Definitions for the Purposes of This System of Accounts and Reports

Account; clearing. An account used for the temporary accumulation of costs that are redistributed to the appropriate accounts.

Act. The Federal Aviation Act of 1958, as amended.

Affiliated company. A company in which the accounting forwarder owns 20 percent or more of the outstanding issued capital stock or, a company which owns 20 percent or more of the outstanding issued capital stock of the forwarder.

Airbill. The non-negotiable shipping document used by domestic air carriers as evidence of an air freight shipment. The document contains shipping instructions, commodity description and transportation charges applicable to the freight shipped.

Air cargo. Manufactured goods or commodities shipped by air. This cargo includes air freight, air mail and air express services.

Air carrier, direct. Any air carrier directly engaged in the operation of aircraft pursuant to a certificate of public convenience and necessity issued under section 401 of the Federal Aviation Act of 1958 or under authority conferred by any applicable regulation or order of the Civil Aeronautics Board.

Air carrier, indirect. Any citizen of the United States which engages indirectly in air transportation (as defined in section 101(10) of the Act), of property and which does not engage directly in the operation of aircraft in air transportation.

Air freight. Manufactured goods or commodities shipped by air and transported by a direct air carrier under tariffs filed with the Board. Air freight does not include air mail or air express.

Air freight forwarder. Any indirect air carrier which (1) in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating property for shipment by air, or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, and is responsible for the transportation of property from the point of receipt to the point of destination and utilizes for the whole or any part of such transportation, the services of a direct air carrier.

Allocate. To assign an item or group of items of investment to an object, activity, process, or operation, in accordance with responsibilities, benefits received, or other measure of apportionment.

Allocation, bases of. The bases of distribution whereby revenues, expenses and/or costs are equitably apportioned among revenues, expense and other accounts.

Amortization. The gradual extinguishment of an amount in an account by the distribution of such amount over a fixed period, over the life of the asset or liability to which it applies or over the period during which it is anticipated the benefit will be realized.

Assembly service. The assembly of shipments from a number of shippers and the transportation of such shipments as one shipment to one receiver.

Asset, contingent. An asset the existence, value or ownership of which depend upon the occurrence or non-occurrence of a specific event or upon the performance or non-performance of a specified act.

Associated company. A company in which the accounting forwarder holds a

percentage of the outstanding proprietary interest or a company which holds at least 5 percent of the outstanding proprietary interest in the accounting forwarder.

Blocked space. A program under which direct air carriers offer lower rates to volume shippers in return for the shipment of a predetermined minimum of freight between the same two cities for a specified period of time.

Board. The Civil Aeronautics Board.

Charges advanced. A service under which incidental charges such as customs fees and duties, warehousing costs and other charges are paid by the forwarder.

Collect-on-Delivery (COD). A service under which the purchase price of goods are collected from the receiver at the destination and subsequently transmitted by the carrier to the shipper.

Compensation (of personnel). Remuneration to air carrier employees for personal services. Includes salaries, wages, overtime pay, cost-of-living differentials, bonuses, etc., as distinguished from per diem allowances or reimbursement for expenses (i.e., travel) incurred by personnel for the benefit of the forwarder.

Consignee. A person named as the receiver of a shipment.

Consignor. A person designating the receiver of a shipment. A shipper.

Consolidation. A number of shipments travelling from one airport to another under one airline airbill or other documents serving the same purpose.

Containerization. The practice of using a box-like device in which a number of items may be transported as a single unit.

Continental United States. The 48 contiguous states and the District of Columbia.

Cooperative shippers association. A bona fide association of shippers, operating as an indirect air carrier on a non-profit basis, which: (1) Undertakes to ship property for the account of such association or its members, by air, in the name of either the association or the members, in order to secure the benefits of volume rates or improved services for the benefits of its members and (2) utilizes for the whole or any part of such transportation the services of a direct air carrier.

Cost. The amount of cash (or its equivalent) actually paid for property, materials and supplies, and services, including the amount paid to put the property or materials and supplies in readiness for use.

Cost, book. The amount at which an asset is recorded in an account without the deduction of amounts in related reserves or other accounts.

Cost, depreciated. The cost of property and equipment less the related reserves for depreciation.

Debt, expense on. Expenses incurred by or for the forwarder in connection with the issuance and sale of evidences of debt (exclusive of the sale of reacquired securities), such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper, etc.

Deferred service. A program under which lower rates are offered because of the increased flexibility arising from the deferral of delivery for a specified number of days.

Depreciation. The loss in service value, not restored by current maintenance, incurred in the course of service from causes known to be in current operation, against which the forwarder is not protected by insurance, and the effect of which can be forecast with reasonable accuracy. The causes of depreciation include wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand, and requirements of public authorities.

Dimensional rule. A practice applicable to low density shipments under which transport charges are based on cubic dimensions rather than weight.

Discount (of securities issued or assumed by the forwarder). The excess of (1) the par or stated value of securities over (2) the then current money value of the consideration received from their sale less the amount included for dividend or interest accrued.

Distribution service. The distribution of one shipment from one shipper to a number of receivers.

Entity, domestic. A segregation established for accounting and reporting purposes which reflects the results of operations within and between the continental United States, Alaska, and Hawaii, and any territories or possessions of the United States.

Entity, international. A segregation established for accounting and reporting purposes which reflects the results of operations between: (1) domestic and foreign points and (2) between foreign points.

Equipment. Tangible property other than land, structures, and improvements.

Expense, capital stock. Expenses incurred by or for the air carrier in connection with the initial issuance and sale of capital stock (exclusive of the sale of reacquired capital stock), such as fees and commissions paid to promoters, underwriters, brokers, and salesmen; fees for legal services; cost of soliciting subscriptions for capital stock; including fees, commissions, and advertising; fees and taxes for issuance of capital stock and listing on exchanges; and the cost of preparing, engraving, printing, issuing, and distributing prospectuses and stock certificates.

Foreign air freight forwarder. Any person, not a citizen of the United States holding a permit issued by the Civil Aeronautics Board under the authority granted in section 402(b) of the Federal Aviation Act of 1958, as amended, authorizing it to engage in indirect air transportation of property only.

General commodity rate. Rates applicable on all commodities except those for which specific rates have been filed.

Group basis (in depreciation accounting). A plan under which (1) depreciation is based upon the application of a single depreciation rate to the total cost of all property included in a given depreciable property and equipment account or class, despite differences in service lives of individual items of property and equipment, (2) the full original cost, less any salvage value realized of an item of depreciable property or equipment retired is charged to the accumulated depreciation account regardless of the age of the item, and (3) no gain or loss is recognized on the retirement of individual items of property and equipment.

Improvement. An addition or alteration to land, a building, or a unit of equipment that results in a better piece of property, in the sense of greater durability or increased productivity or efficiency.

Insurance-self. The assumption by a forwarder of a risk of loss or liability arising from an accident or other contingent event.

IATA sales agent. A sales agent appointed by the International Air Transport Association to solicit and process international air freight for shippers. Commissions are paid for these services by airlines.

In bond. This term indicates a procedure under which air freight parcels travel intact and customs clearance is postponed until it reaches a point for custom clearance rather than clearing at gateway cities.

International airwaybill. The non-negotiable, uniform shipping document used in international air freight transportation.

Intermodal authority. Authority which enables forwarders to transport a shipment under more than one form of transportation, i.e., rail, air truck, etc.

Item, extraordinary. A material gain or loss which is not expected to recur frequently such as: the sale or abandonment of fixed assets, the sale of an investment not acquired for resale, the write-off of intangibles which have lost their value because of unusual events, the condemnation of property or the major devaluation of a foreign currency.

Long-haul motor carrier. A motor carrier holding operating rights issued by the Interstate Commerce Commission to haul general commodities between any pair of points which are over 500 air miles apart.

Pickup and delivery service. A service for surface transportation of shipments from the shipper's door to the forwarder's originating terminal and from the forwarder's destination terminal to the receiver's door.

Pickup and delivery expense. Expenses incurred in the surface transportation of freight from the shipper's door to the forwarder's terminal and from the forwarder's terminal to the receiver's door and between the forwarder's terminal and the airline's terminal and vice versa.

Premium (as applied to securities issued or assumed by the forwarder). The

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excess of (1) the then current money value of the consideration received from their sale less the amount included therein for dividends or interest accured, over (2) their par or stated value.

Railroad carrier. A common carrier by railroad subject to Part I of the Interstate Commerce Act.

Residual value. The predetermined portion of the cost of a unit of property or equipment excluded from depreciation. It shall represent a fair and reasonable estimate of recoverable value at the end of the service life over which the property or equipment is depreciated.

Retirement. The permanent withdrawal of assets from services of the corporate entity through sale, abandonment, demolition or other disposal.

Service life. The period between the date of installation of property or equipment and its date or retirement.

Shipment. One or more pieces of freight delivered by one shipper to a forwarder for transport from one location to another.

Tariff published. A publication containing rates applicable to the transportation of cargo and rules relating to or affecting such rates or transportation filed with the Civil Aeronautics Board.

Unit basis (in depreciation accounting). A plan under which depreciation expense is accrued on the basis of book cost of the individual item of property, in relation to the service life and salvage value of the particular item.

Section 1—Introduction to System of Accounts and Reports

Section 1–1 Applicability.

(a) Each air freight forwarder shall keep its books of accounts, records, and other memoranda in accordance with this system of accounts and reports if, during the calendar year ended December 31, 1973, or in any calendar year after December 31, 1973, its gross air freight forwarding revenues exceed three million dollars.

(b) Any air freight forwarder whose air freight forwarding revenues did not exceed three million dollars during the calendar year ended December 31, 1973, and do not exceed this limitation for any calendar year after December 31, 1973, shall not be subject to the system of accounts prescribed herein, but will be subject to the report requirements specified in section 8.

(c) Each foreign air freight forwarder will be subject only to the report requirements specified in section 9.

(d) Each cooperative shippers association will be subject only to the reporting requirements specified in section 10.

Sec. 1–2 Waivers from this system of accounts and reports.

A waiver from any provision of this system of accounts or reports may be made by the Civil Aeronautics Board upon its own initiative or upon submission of written request therefor from any air freight forwarder provided that such waiver is in the public interest and each request for waiver demonstrates that: existing peculiarities or unusual circumstances warrant a departure from a prescribed procedure or technique; a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal of operating results or financial condition, consistent with the principles embodied in the provisions of this system of accounts and reports; and the application of such alternative procedure or procedures will maintain or improve uniformity in accounting for similar services among air freight forwarders.

Sec. 1–3 General description of system of accounts and reports.

(a) This system of accounts and reports is designed to prescribe a minimum number of balance sheet and profit and loss accounts so as to accurately and uniformly reflect the financial and statistical results of operations and permit comparisons of these results between forwarders.

(b) Under the system of accounts prescribed, balance sheet elements and profit and loss elements are to be accounted for in a fixed pattern of specific accounts which are classified in one or more account groups that are descriptive of the general nature of the specific accounts contained therein. Both balance sheet and profit and loss accounts and account groupings are designed in general to embrace all activities and provide for the separation of elements identifiable exclusively with other than air transport activities.

(c) In order to afford as much flexibility and freedom as possible in establishing general ledger and subsidiary accounts to meet individual needs, a minimum number of accounts have been prescribed. However, balance sheet and profit and loss subaccounts established at the option of the forwarder to meet individual needs shall be readily discernable as subaccounts and identifiable with the accounts, prescribed by this system, to which they relate.

Sec. 1–4 Records.

(a) All books, records and memoranda shall be housed so as to afford protection from loss of all types and shall not be destroyed or otherwise disposed of, except in conformance with Part 249 of the Economic Regulations of the Civil Aeronautics Board. The books and records referred to herein include not only accounting records in a limited technical sense, but all other records such as organization tables and charts, internal accounting manuals, minute books, contracts, cost distribution work sheets, correspondence, etc.

(b) All books, records, and memoranda shall be preserved and filed in such a manner as to permit the audit and examination thereof by representatives of the Civil Aeronautics Board.

Sec. 1–5 Associated companies and accounting entities.

(a) Separate records shall be maintained for each associated company.

(b) Accounting entities, as further described in Sections 2–1 and 2–2, shall be established for reporting purposes, so as to uniformly segregate and maintain distinction between domestic operations and international operations.

Sec. 1–6 Interpretation of accounts.

To the end that uniform accounting may be maintained within the prescribed system, questions involving matters of significance which are not clearly provided for should be submitted to the Director, Bureau of Accounts and Statistics, for explanation, interpretation or resolution.

Sec. 1–7 Address for reports and correspondence.

Reports, statements and correspondence submitted to the Civil Aeronautics Board in accordance with or related to instructions and requirements contained herein shall be addressed to the Director, Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428.

Sec. 1–8 Conversion to this system of accounts and reports.

(a) The provisions of this system of accounts and reports shall be effective as of January 1, 1975.

(b) All air freight forwarders whose gross air freight forwarding revenues exceeded three million dollars during the calendar year ended December 31, 1973, shall restate all balance sheet account balances as of the opening of business January 1, 1975, to conform with the provisions of this system of accounts.

(c) All air freight forwarders whose gross air freight forwarding revenues exceed three million dollars during any calendar year after December 31, 1973, shall restate all balance sheet account balances as of the opening of business twelve months after the close of the calendar year in which gross air freight forwarding revenues exceeded three million dollars, to conform to this system of accounts.

(d) Once this system of accounts and reports has been adopted by an air freight forwarder it shall not be abandoned in favor of any other system as long as the forwarder is authorized by the Civil Aeronautics Board to conduct air freight forwarding operations.

Section 2—General Accounting Policies

Sec. 2–1 Bases of allocation of revenues and expenses between entities.

(a) For the purposes of this system of accounts and reports, revenues and expenses shall be assigned to or apportioned between one of two entities. They are as follows: (1) domestic and (2) international. The domestic entity shall include operations within and between the continental United States, Alaska, and Hawaii and any territories or possessions of the United States and the Commonwealth of Puerto Rico. The international entity shall include operations between a domestic point and a foreign point and between two foreign points.

(b) Revenues and expenses shall be assigned to or apportioned between entities on bases which will recognize services provided in the operations of each entity. Expenses of the following account groups shall be allocated between entities on the following bases:

Account group:	*Bases of Allocation*
Operating revenues	Type of shipment—International or Domestic.
Air transportation purchased.	Direct.
Pickup and delivery	Number of shipments.
Station cargo handling.	Percent of pounds.
Sales and advertising.	Percent of revenues.
General and administrative.	Percent of revenues.

(c) Forwarders who wish to retain or establish methods of assigning or apportioning revenues and expenses between entities which differ from those set forth above shall file with the Director, Bureau of Accounts and Statistics a clear and complete statement of such procedures for approval. In no event will a forwarder be permitted to retain or establish procedures which detract from the comparability of accounting for similar services between air freight forwarders, or which distort the accurate portrayal of operating results or financial condition.

Sec. 2–2 Bases of allocation of expenses between account groups.

Expense items which contribute to more than one account group shall be assigned to the account group to which it predominantly relates.

Sec. 2–3 Accounting year.

The accounting year of each reporting forwarder shall be the calendar year unless otherwise approved by the Director, Bureau of Accounts and Statistics.

Sec. 2–4 Identification of expenses by location.

For the purposes of this uniform system of accounts and reports, reporting forwarders shall maintain expense records in such a manner as will allow identification by location of expenses classified in the Pickup and Delivery Account Group, the Station Cargo Handling Account Group and the Sales and Advertising Account Group. Such information will be supplied to the Board upon request.

Sec. 2–5 Federal income taxes.

(a) For the purposes of this uniform system of accounts and reports, income taxes may be deferred for all material timing differences between income recognized for book purposes and income recognized for tax purposes.

(b) The tax effects of loss carry-backs shall be recognized in the loss periods and tax benefits of loss carry-forwards shall not be recognized until realized. In cases where the tax benefits of loss carry-forwards are not realized until subsequent periods, the tax benefits shall be reported as extraordinary items in the year of realization.

(c) Investment tax credits realized may be deferred and amortized over the useful life of the property to which related (Deferred Method) or they may be treated as reduction of income tax expense in the year they are actually realized.

Sec. 2–6 Foreign exchange adjustments.

The monetary/nonmonetary method should be used in adjusting assets and liabilities for changes in exchange rates. Under this method, only those assets and liabilities (monetary) that are affected by exchange fluctuations are translated at current exchange rates. These monetary assets include cash, current and noncurrent receivables, current payables and long-term liabilities. Nonmonetary assets such as inventories, current prepayments, fixed assets, and deferred charges should be translated at historical exchange rates.

Income or loss related to foreign exchange adjustments should be accounted for through specific account 8330, "Foreign Exchange Adjustments."

Section 3—Chart of Balance Sheet Accounts

Account group and specific	*Account No.*
Current assets account group:	
Cash	1000
Temporary cash investments	1010
Accounts receivable—trade	1020
Accounts receivable—associated companies	1030
Notes and accounts receivable—other	1040
Allowance for uncollectible accounts	1050
Materials and supplies	1060
Short-term prepayments	1070
Other current assets	1080
Investments and special funds account group:	
Investment in affiliated companies	1100
Investments in other associated companies	1110
Other investments and noncurrent receivables	1120
Special funds	1130
Property and equipment account group:	
Motor vehicles and trailers	[1] 1200
Buildings and other improvements	[1] 1210
Terminal and platform equipment	[1] 1220
Furniture, fixtures, and office equipment	[1] 1230
Other property and equipment	[1] 1240

[1] The total of these accounts are reported as one line item, "Buildings and Equipment," on Schedule B–1—Balance Sheet.

Accumulated depreciation—motor vehicles and trailers	[2] 1250
Accumulated depreciation—Buildings and other improvements	[2] 1260
Accumulated depreciation—Terminal and platform equipment	[2] 1270
Accumulated depreciation—furniture, fixtures and office equipment	[2] 1280
Accumulated depreciation—other property and equipment	[2] 1290

[2] The total of these accounts are reported as one line item, "Accumulated Depreciation—Buildings and Equipment," on Schedule B–1—Balance Sheet.

Account group and specific	*Account No.*
Leasehold improvements	1300
Accumulated amortization	1310
Land	1320
Construction work in progress	1330
Intangible assets account group [3]	1400
Deferred charges account group [3]	1450

[3] This account shall, for the purposes of this system, be called an account group even though only one account is prescribed.

Current liability account group:	
Current notes payable	1500
Accounts payable—general	1510
Accounts payable—associated companies	1520
Air transportation—accounts payable	1530
Other transportation—accounts payable	1540
Collections—as agent	1550
Accrued personnel compensation	1560
Accrued Federal income taxes	1570
Other accrued taxes	1580
Dividends payable	1590
Noncurrent liability account group:	
Long-term debt	1600
Noncurrent payables to associated companies	1610
Pension liability	1620
Other noncurrent liabilities	1630
Deferred credits account group:	
Deferred federal income taxes	1700
Investment tax credit	1710
Reserve for self-insurance	1720
Other deferred credits	1730
Proprietary equity account group:	
Proprietary or partnership capital	1800
Undistributed profits	1810
Stockholder equity account group:	
Preferred stock	1900
Common stock	1910
Capital stock subscribed and unissued	1920
Additional paid-in capital	1930
Retained earnings	1940
Treasury stock	1950

Section 4—Balance Sheet

Sec. 4–1 Current assets account group.

(a) Include in this classification all resources which may reasonably be expected to be realized in cash or sold or consumed within one year, except that securities of others, classified in investment and special fund elements at date of acquisition need not be reclassified until their disposition.

(b) Specific accounts.

1000 *Cash.* (a) Record here all general and working funds available on demand as of the date of the balance sheet which are not formally restricted or earmarked for specific objectives.

(b) This account shall be subdivided in such a manner that the balances can be readily segregated as between balances in United States currency and each foreign currency.

1010 *Temporary cash investments.* (a) Record here the cost of securities and other obligations acquired for the purpose of temporarily investing cash, such as investments in short-term United States Government securities, readily marketable securities, short-term drafts, demand loans, time loans, time deposits with banks and trust companies, special funds or securities deposited and held for payment of current obligations

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and other investments of a temporary nature.

(b) Deposits of more than one year, if not offset by current liabilities, shall be recorded in Account 1120, "Other Investments and Special Funds."

(c) This account shall be subdivided in such a manner that balances can be readily segregated as between balances in United States currency and each foreign currency.

1020 *Accounts receivable—trade.* Record here receivables due from others for the transportation of freight and other related operations.

1030 *Accounts receivable—associated companies.* (a) Record here gross amounts due from associated companies, including amounts receivable for the transportation of freight and related operations, which are normally settled currently. This account shall also include the current portion of loans and notes due from associated companies.

(b) Balances payable to associated companies shall not be offset against amounts recorded in this account.

1040 *Notes and accounts receivable—other.* (a) Record here notes receivable and accounts receivable from others which are to be settled currently and are not related to the transportation of freight and related operations or due from associated companies.

(b) This account shall include notes and accounts receivable from company employees.

1050 *Allowance for Uncollectible Accounts.* (a) Record here accruals for estimated losses from uncollectible amounts.

(b) A review shall be made at least annually to determine the reasonableness of the basis for accruals and the adaquacy of the balance reserved to meet future demands.

1060 *Materials and Supplies.* (a) Record here the cost of parts, materials, supplies and other articles which would ordinarily be recurrently expended and replaced rather than repaired or replaced.

(b) The term "costs" as used herein mean purchase price plus sales use or excise taxes and transportation to the point of delivery, less purchase or trade discounts.

(c) Materials and supplies held in small supply and purchased currently may be charged to appropriate expense accounts when purchased.

(d) Items shall be charged to appropriate expense accounts when issued for use. Any inventory adjustment shall be made through the appropriate expense accounts.

1070 *Short-Term Prepayments.* Record here payments of obligations which, if not paid in advance, would require the expenditure of working capital within one year.

1080 *Other Current Assets.* Record here current assets not provided for in any other current asset account.

Sec. 4–2 Investments and special funds account group.

(a) Include in this classification, long-term investments in securities of others which are not readily marketable, funds set aside for specific purposes or involving restrictions preventing current use such as contract performance deposits and other securities, receivables, or funds not available for current operations.

(b) Investments in affiliated companies as defined in section 02 shall be recorded at cost plus the equity in undistributed earnings or losses since acquisition. Investments in associated companies in which the forwarder owns 20 percent or less of the voting capital stock will be recorded at cost.

1100 *Investments in Affiliated Companies.* (a) Record here the cost of investments in subsidiary companies plus the equity in undistributed earnings or losses since acquisition. In the event dividends are declared by such companies, the forwarder shall credit this account for its share in dividends declared and debit accounts receivable associated companies.

(b) This account shall separately state the cost of such investments at date of acquisition, the equity in undistributed earnings or losses since acquisition, and notes and accounts receivable not due within one year.

(c) This accounting shall not apply to foreign nontransport subsidiary companies set up merely to satisfy local statutory requirements.

1110 *Investments in Other Associated Companies.* Record here the cost of investments in associated companies other than affiliated companies. The cost shall represent the amount paid at the date of acquisition without regard to subsequent changes in the net assets through earnings or losses of such associated companies.

1120 *Other investments and noncurrent receivables.* (a) Record here notes and accounts receivable not due within one year and investments in securities issued by others.

(b) This account shall include investments in and advances to nontransport divisions. It shall not include notes and accounts receivable from associated companies, which shall be recorded as an investment in associated companies.

1130 *Special funds.* Record here special funds not of current nature and restricted as to general availability. The term "special funds" includes but is not limited to: sinking funds, equipment purchase funds, employee benefit funds, funds for uninsured losses, miscellaneous utility deposits, etc.

Sec. 4–3 Property and equipment account group.

(a) All investments of the air freight forwarder in land and units of tangible property and equipment shall be included within this general classification.

(b) Property and equipment shall be accounted for in accordance with the following instructions:

(1) Investment in property and equipment shall be recorded at total cost including all expenditures applicable to acquisition, other costs of a preliminary nature, costs incident to placing in position or conditioning for operations and costs of additions, betterments, improvements and modifications.

(2) The cost of additions, betterments, improvements and modifications shall be charged to the appropriate property and equipment account.

(3) The forwarder shall maintain property and equipment records setting forth the description of major items of property and equipment recorded in the balance sheet accounts. With respect to each major unit or major group of property or equipment recorded in the balance sheet account, the record shall show the date of acquisition, the original cost, cost of additions and betterments, rates of depreciation and residual values not subject to depreciation and the date of retirement or other disposition.

(4) If different classes of property and equipment chargeable to more than one property account are purchased for a single sum and cost of each class cannot be definitely ascertained, apportionment shall be based upon the most accurate information available.

(5) The balance sheet classification "accumulated depreciation" shall include the accumulation of all provisions for losses occurring in property and equipment attributable to current lessening in service value due to wear and tear from use and the action of time and the elements, as well as losses occasioned by obsolescence, supercession, discoveries or requirement of public authority.

(6) Depreciation chargeable to operations shall be calculated from the date of acquisition or in the case of constructed assets the date on which a building, structure, or unit of property contributes to operations and shall cease on the date such property is retired by reason of sale, retirement, abandonment, or dismantling, or when the difference between cost and residual value has been charged to expense.

(7) Property for which depreciation shall not be chargeable against operations shall include: (i) Land held in perpetuity and (ii) expenditures on uncompleted units of property and equipment during construction or manufacture.

(8) Upon disposal by sale, retirement, abandonment, dismantling or otherwise, of depreciable property or equipment, the forwarder shall credit the accounts in which the costs related to the property or equipment are carried with the balances thereof; charge the related depreciation account with the balances applicable to the property disposed of; charge the proceeds of the sale to the appropriate asset accounts; differences resulting from consideration received shall be recorded in the appropriate capital gain or loss accounts.

(9) When owned property and equipment is applied as part payment of the purchase price of new property and equipment, the new property and equipment shall be recorded at its full purchase price provided excessive allowance is not made for assets traded in. The difference between the depreciated cost of assets applied as payment and the amount allowed therefor shall be treated as retirement gain or loss.

1200 *Motor vehicles and trailers.* Record here the cost of trucks, tractors, semitrailers and trailers engaged in transportation services. This account should include radio communication apparatus, refrigeration machinery, hoists, lifts and other like equipment installed on vehicles to improve their efficiency and performance.

1210 *Buildings and other improvements.* Record here the total cost of buildings, structures, and related improvements used in freight forwarder operations. Total cost includes the cost of the buildings themselves plus the cost of permanent fixtures, heating, lighting, air conditioning, plumbing, elevators, vaults and other permanent fixtures required to fit the buildings for occupancy.

1220 *Terminal and platform equipment.* Record here the cost of equipment used in loading, unloading, sorting, arranging, moving or other handling of freight shipments and consolidations at terminals and warehouses. This account should include items such as conveyor lines, chutes, automatic sorters, drag lines, forklifts, and platform vehicles of all types.

1230 *Furniture, fixtures and office equipment.* Record here the installed cost of office furniture and fixtures and office machines and equipment wherever located.

1240 *Other property and equipment.* Record here the cost of all types of property and equipment not provided for elsewhere.

1250–1290 *Accumulated depreciation—property and equipment.* (a) Record in accounts 1250 through 1290, inclusive, the accruals for depreciation of property and equipment as provided in section 5–3.

(b) As set forth in section 3, Chart of Balance Sheet Account, separate accounts shall be established for accumulated depreciation to parallel balance sheet accounts established for recording the cost of property and equipment.

1300 *Leasehold improvements.* Record here the total cost to the forwarder incurred in connection with modification, conversion or other improvements to leased property and equipment.

1310 *Accumulated Amortization.* Record here the accumulation of all provisions for the amortization of the cost of leasehold improvements over the term of the lease. The cost of leasehold improvements shall not be amortized over a period extending beyond the term of the lease unless there is an option to renew the lease and evidence that the option will be exercised.

1320 *Land.* Record here the initial cost of land purchased by the forwarder including any nondepreciable improvements made subsequent to purchase.

1330 *Construction Work in Progress.* (a) Record here the direct and indirect costs to the forwarder accumulated as at the balance sheet date in connection with the constructing and readying for installation in operations, property and equipment of all types and classes.

(b) At the option of the forwarder, this account may be used as a clearing account for recording the cost of property and equipment acquisition prior to the distribution thereof to the appropriate property and equipment accounts whether or not conditioning or modification is necessary before placing in service.

Sec. 4–4 (1400) Intangible assets account group.

(a) Record here items which possess economic value but lack physical substance, such as patents, trademarks, and rights and privileges acquired from other forwarders.

(b) For the purpose of this system of accounts and reports, this account will be called an account group because of the differing nature and characteristics of the account which precludes it from classification with other accounts.

Sec. 4–5 (1450) Deferred charges account group.

(a) Include in this classification all debit balances of a general clearing nature including charges held in suspense pending receipt of information necessary for final disposition and prepayments chargeable to operations over a period of years.

(b) Discount on debt securities shall not be recorded in this account but shall be deducted from the face value of the securities.

(c) For the purposes of this system of accounts and reports, this account will be called an account group beeause of the differing nature and characteristics which precludes it from classification with other accounts.

Sec. 4–6 Current liabilities account group.

Include in this classification all debts or obligations the liquidation or payment of which is reasonably expected to require the use, within one year, of existing resources.

1500 *Current notes payable.* Record here the face value of all notes, drafts, acceptances or other similar evidences of indebtedness payable on demand or within one year to other than associated companies, including the portion of long-term debt payable within one year of the balance sheet date.

1510 *Accounts payable — General.* Record here all accounts payable within one year of the balance sheet date which is not provided for elsewhere in current liability accounts.

1520 *Accounts payable—associated companies.* (a) Record here amounts payable to associated companies which are normally settled currently. This account also include the current portion of loans and notes due associated companies within one year.

(b) Balances receivable from associated companies shall not be offset against amounts recorded in this account.

1530 *Air transportation—accounts payable.* Record here amounts payable currently to air carriers for the transportation of freight.

1540 *Other transportation—accounts payable.* Record here amounts payable currently to all types of carriers other than air carriers for the transportation of air freight.

1550 *Collections as agent.* Record here amounts collected for the account of others such as sales, transportation taxes, collect-on-delivery shipments and amounts deducted from employee salaries and wages for payments to others.

1560 *Accrued personnel compensation.* Record here amounts accrued for unpaid compensation to personnel, which have been charged to profit and loss or capitalized as compensation for the period in which accrued. This account shall also include forwarder installments for employee stock option plans which have been charged to profit and loss.

1570 *Accrued Federal income taxes.* Record here accruals for currently payable Federal income taxes.

1580 *Other accrued taxes.* Record here accruals for taxes, exclusive of Federal income taxes, constituting a charge borne by the forwarders as opposed to those collected as agent for others.

1590 *Dividends payable.* Record here all dividends declared but unpaid on capital stock.

Sec. 4–7 Noncurrent liabilities account group.

(a) This classification shall include all debts or obligations the liquidation or payment of which is not reasonably expected to require the use within one year of existing resources.

(b) Gains or losses on liquidation of bonds, debentures or other debt securities of the forwarder should be classified in the Nonoperating Income and Expense classification. Gains and losses or adjustments to liabilities accrued from expenses incurred in operations shall be entered in the expense accounts initially charged.

1600 *Long-term debt.* Record here the face value or principal amount of debt securities issued or assumed by the forwarder and held by other than associated companies, which has not been retired or cancelled and are not payable within one year. Discounts or premiums shall be added to or deducted from the face value of debt securities issued.

1610 *Noncurrent payable to associated companies.* Record here net amounts due associated companies for notes, loans and advances which are not settled currently. Balances payable to and receivable from different associated companies shall not be offset.

1620 *Pension liability.* Record here the liability of the forwarder under employee pension plans, to which either the employees or the forwarder, or both, contribute, if the plan is administered by the forwarder.

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1630 *Other noncurrent liabilities.* Record here noncurrent liabilities not provided for in other noncurrent liability accounts. This account shall include advances from nontransport divisions.

Sec. 4–8 Deferred credits account group.

Include in this classification all credit balances in general clearing accounts including credits held in suspense pending receipt of information necessary for final disposition. Premiums on debt securities issued shall not be recorded in this account but as an addition to the face value of the debt securities issued.

1700 *Deferred Federal income taxes.* (a) Record here deferred income tax credits and debits arising from different treatment for tax and book accounting purposes.

(b) This account shall be debited or credited as appropriate, and the profit and loss income tax account shall be debited or credited with deferred income taxes applicable to differences for which the related income tax effect is deferred. Deferred tax provisions may be, at the option of the forwarder, computed using the "Gross-Change" method or the "Net-Change" method.

(c) Under the "Gross-Change" method, provisions are determined using two separate computations for each similar group of timing differences, one for currently originating differences at current tax rates and the other for the tax effects of reversing differences attributable to prior periods at tax rates effective in those prior periods.

(d) Under the "Net-Change" method, provisions are determined using a single computation for the net cumulative tax effect of currently originating differences and revising differences of prior periods at current tax rates.

(e) Methods employed in computing provisions must be consistently applied.

(f) In the event that a loss carryforward arises in a period when net deferred tax credits exist because of prior timing differences, all or part of a loss carry-forward may be recognized as an offset to net deferred tax credits.

1710 *Deferred investment tax credits.* Record here investment tax credits utilized as a reduction of tax liabilities, when the forwarder exercises the option to defer such credits for amortization over the service life of related equipment.

1720 *Reserve for self-insurance.* (a) Record here provisions for uninsured losses. Retained earnings segregated for uninsured losses shall not be recorded in this account.

(b) All losses for which accruals are being made shall be charged to this account.

(c) Each forwarder shall maintain appropriate records for each type and class of losses for which self-insurance reserves are provided.

(d) A redetermination of the adequacy of the reserves and accruals thereto shall be made at least annually and any excess of amounts reserved over the amount required to cover current risks borne by the forwarder shall be credited to insurance expense accounts.

1730 *Other Deferred Credits.* Record here credits, not provided for elsewhere, the final disposition of which cannot be effected until additional information has been received.

This account shall not include premiums on debt securities issued.

Sec. 4–9 Proprietary equity account group.

This general classification shall include all items which record the interest of sole proprietors or partners in the assets of the forwarder.

1800 *Proprietary or partnership capital.* Record here partner's or proprietor's permanent capital investment and increases or decreases thereto.

1810 *Undistributed Profits.* Record here partner's or proprietor's equity in undistributed earnings. This account shall represent the undistributed profits after giving effect to profits or losses and drawings.

Sec. 4–10 Stockholder equity account group.

This general classification shall include all items which record the aggregate interests of holders of the forwarder's stock in the assets of the company.

1900 *Preferred stock.* Record here in separate subdivisions for each class and series, the par or stated value of preferred capital stock issued or in the case of no par stock without stated value, the full consideration received.

1910 *Common stock.* Record here in separate subdivisions for each class and series, the par or stated value, or the subscription price in the case of no par stock without stated value, the full consideration received.

1920 *Capital stock subscribed and unissued.* Record here in separate subdivisions for each class and series, the par or stated value, or the subscription price in the case of stock without par or stated value, of legally enforceable subscriptions to the capital stock of the forwarder.

1930 *Additional paid-in capital.* Record here in separate subdivisions for each class and series, the difference between the price of which the capital stock is sold and the par or stated value of such stock; gains or losses arising from the reacquisition and the resale or retirement of each class and series of capital stock; donations; the excess of retained earnings capitalized over par or stated value of capital stock issued; and the adjustments in capital resulting from the reorganization or recapitalization.

1940 *Retained earnings.* Record here the net income or loss from operations of the forwarder and dividends declared on capital stock.

1950 *Treasury stock.* (a) Record here the cost of capital stock issued by the forwarder and reacquired by it and not retired or cancelled.

(b) Separate records shall be established for each class and series of capital stock held in this account.

No.	Specific account	Account group number						
		2	3	4	5	6	7	8	9
010	Transportation revenues	X							
020	Accessorial revenues	X							
030	IATA Agent revenues	X							
040	Incidental revenues-gross	X							
050	Air transportation purchased		X						
060	Salaries and wages			X	X	X	X		
070	Employee benefits and pensions			X	X	X	X		
080	Payroll taxes			X	X	X	X		
090	Depreciation			X	X	X	X		
100	Insurance expense			X	X	X	X		
110	Uninsured losses			X	X	X	X		
120	Amortization of leasehold improvements			X	X	X	X		
130	Leases and rentals			X	X	X	X		
140	Uncollectable accounts						X		
150	Containers and materials and supplies			X	X	X	X		
160	Pickup and delivery service purchased			X					
170	Fuels, oils, and maintenance service purchased			X	X	X	X		
180	Other purchased services			X	X	X	X		
190	Public utilities expense			X	X	X	X		
200	Communications services			X	X	X	X		
210	Tariffs and schedules						X		
220	Professional fees			X	X		X		
230	Promotional publicity and advertising				X				
240	Travel and entertainment			X	X	X	X		
250	Taxes—other than payroll			X	X	X	X		
260	Other expenses			X	X	X	X		
270	Capital gains or losses							X	
280	Income from affiliated companies							X	
290	Dividend income							X	
300	Interest income							X	
310	Interest and debt expense							X	
320	Net income from other operations							X	
330	Foreign exchange adjustments							X	
340	Miscellaneous nonoperating items							X	
350	Provision for Federal income taxes								X
360	Provision for deferred Federal income taxes								X
370	Investment tax credits deferred and amortized								X
380	Extraordinary items								X

Section 6—Income and Expense Account Groups

Sec. 6–1 Numbering system.

The income and expense account group number shall be the first digit of a four digit number. The second, third and fourth digits shall be the number of the specific account. Income and expense account groups shall be numbered 2 through 9 as follows:

Sec. 6–2 Operating revenues.

This account group shall be composed of revenue accounts which are used to record revenues of a character usually and ordinarily derived from air freight forwarding and air express services, including revenues from accessorial services, revenues as IATA agent, and revenues from services provided incidental to/or in conjunction with air freight forwarding.

Sec. 6–3 Air transportation purchased.

This account group shall include the cost of air transportation purchased from air carriers for the movement of freight (see section 7–050).

Sec. 6–4 Pickup and delivery.

This account group shall include accounts used to record expenses incurred in the pickup and delivery operations of the forwarder. It shall include expenses incurred for the surface movement of air freight between the shippers door and the forwarders terminal; between the forwarders terminal and the receivers door and for the purposes of the system of accounts and reports, the surface movement of freight between the forwarders terminal and the airline's terminal and vice versa. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–5 Station cargo handling.

This account group shall include accounts used to record the expenses incurred in loading, unloading, sorting, consolidating and loading air freight at forwarder terminals. It shall also include break-bulk operations at forwarder terminals for reconsolidation of shipments and all other cargo handling operations at forwarder terminals including routing and clerical activities. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–6 Sales and advertising.

This account group shall include accounts used to record expenses incurred in the solicitation of traffic and creating a public preference for the forwarder and its services. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–7 General and administrative.

This account group shall include accounts used to record expenses of a general nature and in performing activities which benefit all other operating functions, such as general financial accounting activities, representation of law, and other general operational administration. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–8 Nonoperating income and expense.

This account group shall include accounts used to record income and loss from commercial ventures not inherently related to the performance of air freight forwarding operations. This account group shall also include other revenues and expenses attributable to financing and other activities which are extraneous to and not an integral part of air forwarding operations. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Sec. 6–9 Income taxes.

This account group shall include accounts used to record provisions for Federal, State, local and foreign taxes which are based upon the net income of the forwarder for the current period. The specific accounts to be included in this account group are set forth in section 5, Chart of Income and Expense Accounts.

Extraordinary items. This account shall include extraordinary items as defined by section 02 and shall include the tax effect of extraordinary items. It shall be afforded the same treatment in this system of accounts and reports as a separate account group. No specific accounts are prescribed and extraordinary items shall be reported net on Schedule P–1 "Income Statement" with appropriate footnotes on Schedule P–2 "Notes to Income Statement."

Section 7—Specific Income and Expense Accounts

010 *Transportation revenues.* Record here revenues derived from the forwarding of air freight under the reporting forwarder's air bills. This account shall be charged with refunds for overcharge errors in routing and billing.

020 *Accessorial revenues.* Record here revenues derived from services provided by the forwarder such as the preparation of extra documents, storage beyond the free period, customs inspections, assembly and distribution services, etc. Advanced accessorial charges may be netted in this account.

030 *IATA agent revenues.* Record here revenues derived from activities performed as IATA agent.

040 *Incidental revenues-gross.* Record here revenues derived from activities which are incidental to air freight forwarding operations, such as agency commissions of all types, except as IATA agent, and all other incidental revenues not provided for elsewhere.

050 *Air transportation purchased.* Record here the cost of air transportation purchased from air carriers for the movement of air freight. Transportation purchased for the movement of air freight by surface in lieu of air shall also be recorded in this account.

060 *Salaries and wages.* Record here compensation including vacation and sick leave pay of all employees whether full or part-time.

070 *Employee benefits and pensions.* Record here all costs for the benefit or protection of employees including all pension expenses whether payments to or on behalf of retired employees or for accruals or annuity payments to provide for pensions; and all expenses for accident, sickness, hospital, and death benefits to employees or the cost of insurance or provisions for self insurance to provide these benefits. This account shall include Workmen's Compensation insurance. Do not include vacation or sick leave pay.

080 *Payroll taxes.* Record here all taxes levied against the forwarder based upon or directly related to the compensation of personnel.

090 *Depreciation.* Record here provisions for depreciation of property and equipment carried in the balance sheet account.

100 *Insurance expense.* Record here provisions for self insurance and the cost of purchased insurance of all types excluding Workmen's Compensation.

110 *Uninsured losses.* Record here the remainder of gains or losses after offsetting insurance recoveries. This account shall not include gains or losses from retirement of property and equipment resulting from casualties, which shall be recorded in the appropriate capital gain or loss account.

120 *Amortization of leasehold improvements.* Record here the amortization of leasehold improvements over the term of the lease of property and equipment to which related.

130 *Leases and rentals.* Record here rentals, fees or charges for the use of property and equipment of all types provided by others.

140 *Uncollectible accounts.* Record here losses from uncollectible accounts and provisions and adjustments thereto, for such losses. When allowances for uncollectible accounts are established, losses as realized shall be charged to the allowance account and shall not be charged to this account.

150 *Containers and materials and supplies.* Record here the cost of containers used for the shipment of air freight and the cost of materials and supplies of all types which are expensed when purchased. Record here adjustments for overage, shortage, or shrinkage of inventories carried as current assets in the balance sheet. Postage expenses shall be charged to this account.

Separate subaccounts shall be maintained for (1) containers and (2) other materials and supplies.

160 *Pickup and delivery services purchased.* Record here the cost of outside pickup and delivery services purchased.

170 *Fuels, oils, and maintenance services purchased.* (a) Record here the cost of fuels and oils issued from the inventory of the forwarder or purchased direct from service stations for use in motor vehicles of all types used by the forwarder.

(b) Record here the cost of motor vehicle maintenance services performed by others in cases where the forwarder does not maintain its own vehicles. Include here the maintenance cost of leased vehicles if such costs are identifiable in the lease agreement.

180 *Other purchased services.* Record here charges for services performed for the forwarder by others, including associated companies.

190 *Public utilities.* Record here expenses, including related taxes, incurred for light, heat, power and water.

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200 *Communications services.* This account shall also include the rental of communications services and expenses incurred for communication services of all types and classes not provided by personnel of the forwarder such as telephone, teletype, private line services and charges for communications services.

210 *Tariffs and schedules.* Record here the production and distribution cost, excluding compensation of forwarder personnel, of all tariffs, operating schedules, circulars and reference charts.

220 *Professional fees.* Record here fees and expenses incurred for outside professional and technical services which are reimbursed or borne by the forwarder. This account shall include legal fees and expenses, audit fees, and other technical consultant fees.

230 *Promotional publicity and advertising.* Record here the cost, excluding compensation of forwarder personnel, of all space, direct mail spot and other advertising for the purpose of increasing traffic and publicizing services offered by the forwarder.

240 *Travel and entertainment.* Record here expenses for travel, lodgings, meals and entertainment of individuals whether for the benefit of the forwarder or the individual benefit of such persons borne directly or indirectly by the forwarder.

250 *Taxes—other than payroll.* Record here all taxes levied against the forwarder not otherwise provided for in operating expense accounts.

260 *Other expenses.* Record here all expenses ordinarily associated with air forwarding and its incidental services not provided for elsewhere.

270 *Capital gains or losses.* Record here gains or losses on retirements of property and equipment and investments in securities.

280 *Income from Affiliated companies.* Record here income from the equity in net earnings or losses of affiliated companies. This account shall not include dividends of affiliated companies which shall be recorded as a deduction of the carrying value of the investment account.

290 *Dividend income.* Record here income arising from out of dividends declared on stocks of companies in which the forwarder owns less than 20 percent of the voting capital stock.

300 *Interest income.* Record here interest income from all sources. This account shall include as an increase or reduction of interest received the proportionate amortization of any discount or premium on the purchase price of securities of others held by the forwarder.

310 *Interest and debt expense.* Record here interest on all classes of debt, including interest on unpaid taxes; premium, discount, and expense on short-term and long-term obligations.

320 *Income from other operations—net.* Record here net income attributable to operations unrelated to air freight forwarding if these operations are conducted by the same corporate entity holding air freight forwarding authority. Include net income from long-haul motor carrier operations, railroad operations and maritime operations. Do not include in this account income or expenses from operations incidental to air movement of freight.

330 *Foreign exchange adjustments.* Record here gains or losses from transactions involving currency conversions resulting from nonroutine, unusual changes in rates of foreign exchange.

340 *Miscellaneous nonoperating items.* Record here all items of a nonoperating character not provided for elsewhere.

350 *Provision for Federal income taxes.* Record here quarterly provisions for accruals of Federal, State, local and foreign taxes based upon net income computed at normal tax and surtax rates in effect during the current accounting year. In general, this account shall reflect provisions within each period for currently accruing tax liabilities and any subsequent adjustments, including credits from the carryback of losses in the year in which losses occur, credits for the carryforward of losses in the year in which each tax credit is utilized to reduce the liability of income taxes.

360 *Provision for deferred Federal income taxes.* Record here provisions for income taxes applicable to income tax elements for which the related income tax effect is deferred, deferred tax amounts previously accrued which are allocable to income for the current period and deferred taxes related to any adjustment or elimination of an income element for which income taxes were previously deferred.

370 *Investment tax credits deferred and amortized.* (a) Record here investment tax credits deferred, which shall reflect the credits of the current period that are to be utilized in the reduction of income tax liabilities in subsequent periods and investment tax credits amortized, which reflect the amounts of previously deferred investment tax credits amortized during the current period.

380 *Extraordinary items.* Record here extraordinary credits and debits, not expected to recur frequently, that would materially distort the total operating revenues or the total operating expenses. This amount shall also include income taxes applicable to the extraordinary items.

Section 8—Reports

Each air freight forwarder shall prepare and file, in duplicate, with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C., 20428, CAB Form 244 entitled, "Financial and Operating Report for Air Freight Forwarders and International Air Freight Forwarders," in accordance with the requirements of this part and in such form which is incorporated herein by reference and annexed hereto.[1]

[1] Exhibits A–V are filed as part of the original document.

Schedule No.	Title	Entity: Systems	Entity: Domestic	Entity: International	Filing frequency
A	Certification	X			Quarterly.
B–1	Balance Sheet	X			Do.
B–2	Notes to Balance Sheet	X			Do.
B–3	Accounts Receivable and Accounts Payable Aging and Allowance for Doubtful Accounts	X			Do.
B–4	Accounts with Associated Companies	X			Semiannual.
B–5	Property and Equipment	X			Annual.
G	Corporate and Securities Data	X			Do.
I	Insurance Coverage	X			Semiannual.
P–1	Income Statement	X	X	X	Quarterly.
P–2	Notes to Income Statement	X	X	X	Do.
P–3	Schedule of Specific Expense Accounts	X			Do.
T–1	Operating Statistics Schedule	X			Do.
T–2a	Origin Station Report		X	X	Do.
T–2b	Destination Station Report		X	X	Do.
T–3a	City Pair Traffic Flow Report—Domestic		X		Do.
T–3b	City Pair Traffic Flow Report—International			X	Do.
T–4	Originating Air Station Data		X	X	Do[1].
T–5	Supplemental Operating Statistics		X	X	Do[1].
T–6	Analysis of Traffic by Weight Breaks		X		Do[1].

[1] Applicable only to certain forwarders. See instructions for Schedules T–4, T–5, and T–6.

Sec. 8–1 Reporting instructions.

General. (a) Each forwarder whose gross air freight forwarding revenues exceeded three million dollars during the calendar year ended December 31, 1973, or exceeds three million dollars for any calendar year after December 31, 1973, shall be subject to the reporting requirements of this section in its entirety beginning twelve months after the close of the calendar year in which air freight forwarding revenues exceeded three million dollars.

(b) Each forwarder whose gross air freight forwarding revenues did not exceed three million dollars during the calendar year ended December 31, 1973, and do not exceed three million dollars for any calendar year after December 31, 1973, shall file only schedules A, B–1, G, I, P–1, T–1, T–2a, T–3a and T–3b in accordance with the instructions of this section beginning January 1, 1975. Some forwarders who do not exceed the dollar cut-off may be required to file schedules T–4, T–5 and T–6 in addition to the foregoing if they are affiliated with long-haul motor carriers or railroads.

(c) Blank copies of all of the schedules contained in this section will be supplied annually by the Civil Aeronautics Board.

(d) Each schedule contains a five block carrier code and a four block date code. The five block carrier code is the same code currently in use for reports filed under Part 239 of the Board's

Economic Regulations. The four block date code will be used to record the year and the month, the first two blocks representing the year and the second two blocks representing the number of the month in the calendar year. Months will be numbered consecutively beginning with 01 for January and continuing through 12 for December. Thus, the reports filed for the quarter ended March 31, 1975, will be recorded 7503. Both the carrier code and the date code shall be completed in spaces provided on each form filed.

(e) Each schedule, in the lower left hand corner, contains a block for an original filing and a block for a revised filing. Indicate the nature of the report being filed by placing an "x" in the box next to the word original or an "x" in the box next to the word revision.

(f) Schedule T–2b—Destination Station Report-International, will be held confidential for twelve months following the close of the calendar year to which data relate.

Schedule A—Certification. This certification shall be filed as part of this report and shall be signed on the original copy by the chief accounting officer of the reporting forwarder, and it shall apply and be attached to each set of schedules required to be filed as part of this report at such time as set forth in these reporting instructions.

Schedule B–1—Balance Sheet. (a) This schedule shall be filed quarterly and shall reflect account balances at the close of business on the last day of each quarter for the overall or system operations of each reporting forwarder.

(b) Individual proprietors or partnerships shall report their equity in the caption Proprietary Equity and leave blank the caption Stockholder Equity.

Schedule B–2—Notes to Balance Sheet. This schedule shall be filed quarterly and shall set forth all substantive matters which may materially influence interpretations or conclusions in regard to the financial condition of the forwarder which are not clearly identified in the body of the balance sheet. Items set forth in this schedule shall be appropriately cross referenced to the balance sheet account affected.

Schedule B–3—Accounts Receivable and Payable Aging and Allowance for Doubtful Accounts Schedule. (a) This schedule shall be filed quarterly for the overall or system operations of the forwarder.

(b) Each reporting forwarder shall list on the lines provided under air transportation, the top 15 carriers to whom amounts are owed for transportation provided. Each line item shall then be aged as indicated. The data reported in the total amount column shall be in agreement with the balance sheet.

(c) Each reporting forwarder shall provide the indicated information on changes in the Allowance for Doubtful Accounts in the spaces provided. The balance shown for the end of the period shall agree with the amounts shown on the balance sheet.

Schedule B–4—Accounts with associated Companies. (a) This schedule shall be filed semi-annually for the overall or system operations of the forwarder.

(b) Each reporting forwarder shall provide the indicated information in the columns provided. The associated companies are subdivided between affiliated companies and other associated companies as defined in section 02.

Schedule B–5—Property and Equipment. (a) This schedule shall be filed annually for the overall or system operation of the forwarder.

(b) "Additions" shall reflect the book cost of property and equipment acquired and the cost of improvements, betterments or other additions to each group of property and equipment listed.

(c) "Retirements" shall reflect the book cost of property and equipment retired during the reporting period.

(d) "Transfers" shall reflect the book cost of assets reclassified between property and equipment accounts during the reporting period. Such transfers, if any, shall be footnoted and explained in the spaces provided at the bottom of the form.

(e) "Balance at End of Period" shall reflect the cost of each group of property and equipment listed at the close of business on the last day of the quarter. Where applicable the amounts shown in this column shall agree with amounts shown on the balance sheet.

(f) "Accumulated Depreciation" shall reflect the accumulation of all provisions for losses attributable to current lessening of service value due to wear and tear from use and the action of time and the elements. No amounts will be shown in this column for land or construction work-in-progress. Where applicable, the amounts shown in this column shall agree with amounts shown on the Balance Sheet.

Schedule G—Corporate and Securities Data. (a) This schedule shall be filed annually for the system or overall operations of the forwarder.

(b) This schedule is divided into three parts, Part I—"Corporate and Securities Data," Part II—"General Officers and Directors," and Part III—"Listing of Stockholders."

(c) In the "Corporate and Securities" part, report the indicated data in the spaces provided. If the indicated data for any line is not applicable, put N/A in the space provided.

(d) In the "General Officers and Directors" part, report the indicated data in the appropriate column. If the forwarder is a partnership or single proprietorship, report the indicated data for all partners or proprietor as appropriate.

(e) In the "Listing of Stockholders" part, report the indicated data in the appropriate column for each person holding in excess of 5 percent of total outstanding capital.

Schedule I—Insurance Coverage. (a) This schedule shall be filed semi-annually for the system or overall operations of the forwarder; or at any other time when a change occurs in the insurance, self-insurance or surety bond.

(b) This schedule shall reflect as indicated the reporting forwarder's door-to-door cargo and public liability insurance coverage under a policy, self-insurance plan and/or surety bond as required by Parts 296 and/or 297 of this chapter.

Schedule P–1—Income Statement. (a) Separate Income Statements shall be filed quarterly for each separate entity and the overall or system operations of the reporting forwarder.

(b) Data reported on this schedule shall conform with the instructions pertaining to income and expense classifications within this uniform system of accounts and reports except that Nonoperating Income and Expense-Net, Income Taxes, and Extraordinary Items shall be reported for system income statement only and not for each separate entity.

(c) Data reported in the "Calendar Year to Date" column shall reflect the results of operations beginning January 1 of each year unless otherwise approved by the Director BAS, under section 2–3.

Schedule P–2—Notes to Income Statement. (a) Separate schedules shall be filed quarterly for each separate entity and the overall or system operations of the reporting forwarder.

(b) This schedule shall set forth all substantive matters which may materially influence interpretations or conclusions in regard to the financial condition of the forwarder which are not clearly identified in the body of the income statement. Extraordinary Items, if any, shall be clearly and completely described. Items set forth in this schedule shall be appropriately cross referenced to the income statement account affected. The amount of revenues derived from air express service included in the transportation revenues account shall be identified on this schedule.

Schedule P–3—Total Operating Marketing and Administrative Expenses. (a) This schedule shall be filed quarterly for the system or overall operations of the reporting forwarder.

(b) Totals for each account group shall be in agreement with Schedule P–1 "Income Statement" for the overall or system operation of the forwarder.

Schedule T–1—Operating Statistics Schedule. (a) This schedule shall be filed quarterly for the overall or system operations of the forwarder. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations."

(b) The indicated data shall be provided for the domestic and international entities and the system data shall equal the sum of the data reported for each entity.

(c) The "Amount Purchased" reported for each entity and the system or overall operations shall be in agreement with the amounts reported in the Schedule P–1 "Income Statement" for the respective entity.

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Schedule T–2a—Origin Station Report. (a) Separate Origin Station Reports shall be filed quarterly for each entity.

(b) The forwarders shall indicate the entity for which the report is filed by placing an "x" in the box beside either the "Top 20 Domestic Stations" for the domestic filing or the "Top 10 International Stations" for the international entity. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations."

(c) Forwarders shall list either the top 20 domestic stations or the top 10 international stations in the "Station" column as appropriate and complete the indicated data for each station listed individually and all other domestic or international stations (whichever shall apply) in the aggregate.

(d) The number of "Pounds" reported for "Outbound Traffic Tendered to Airlines" shall equal the sum of the "Pounds" reported for shipments received from customers plus the "Pounds" reported for shipments received from other stations.

(e) The total number of "Shipments" and "Pounds" of "Traffic Received from Customers" for all stations shall be in agreement with the total number of "Shipments" and "Weight (lbs.)" of "Shipments Received for Delivery to Customers" reported on Schedule T–2b "Destination Station Report" for the related entity being reported.

Schedule T–2b—Destination Station Report. (a) Separate Destination Station Reports shall be filed quarterly for each entity.

(b) The forwarder shall indicate the entity for which the report is filed by placing an "x" in the box beside either the "Top 20 Domestic Stations" for the domestic filing or the "Top 10 International Systems" for the international entity. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations."

(c) Forwarders shall list either the top 20 domestic stations or the top 10 international stations in the "Station" column as appropriate and complete the indicated data for each station listed individually and all other domestic or international stations (whichever shall apply) in the aggregate.

(d) The total number of "Shipments" and the "Weight (lbs.)" of "Shipments Received for Delivery to Customers" for all stations shall be in agreement with the number "Shipments" and "Pounds" of "Traffic Received from Customers" reported on Schedule T–2a "Origin Station Report" for the related entity being reported.

Schedule T–3a—City Pair Traffic Flow Report—Domestic. (a) This schedule shall be filed quarterly for the domestic entity. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations."

(b) The pairs of points to be reported will be specified by the Civil Aeronautics Board and will be changed as needs require. It should be noted that in cases where more than one airport serves a single city, such airports will be combined for reporting purposes, i.e., JFK, LGA, and EWR will be reported as NYC.

Schedule T–3b—City Pair Traffic Flow Report—International. (a) This schedule shall be filed quarterly for the international entity. If the forwarder conducted no operations during the quarter, an "x" shall be placed in the box next to the words "no operations."

(b) The pairs of points to be reported will be specified by the Civil Aeronautics Board and will be changed as needs require.

Schedule T–4—Originating Air Station Data. (a) This schedule shall be filed by (1) long-haul motor carriers of general commodities, and railroad carriers, which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers.

(b) This schedule shall pertain only to the air freight forwarding operations of the reporting forwarder and not to its operations conducted as an agent of a shipper or as the commissioned agent of a direct air carrier.

(c) Report weights in short tons (2,000 pounds), computed to two decimal places.

(d) For the purpose of this report, "Domestic" shall apply to operations between or within the continental United States, Alaska and Hawaii and any territories or possessions of the United States. The term "Overseas/Foreign" shall apply to all operations other than Domestic.

(e) Where the reporting forwarder tenders both domestic and overseas/foreign freight the forwarder shall file two separate reports listing the air stations for the domestic operations on one schedule and the air stations for the overseas/foreign operations on the other. Check either Domestic or Overseas/ Foreign in the heading as applicable.

(f) The originating air stations from which the reporting forwarder conducts its air freight forwarding operations shall be listed in Column 1 and the indicated data reported in Columns 2 through 11. List them in alphabetical order until the volume of tons enplaned from these originating air stations represent 100% of the reporting forwarder's total tons enplaned domestically. The same limits and instructions would apply when filing the Overseas/Foreign schedule.

(g) Column 2, "Tons Enplaned (exclusive of reconsolidations)," shall reflect the tons tendered to direct air carriers at each Originating Air Station. This will include tons delivered to the reporting forwarder by individual shippers, picked up by the reporting forwarder and picked up by surface carriers (including a surface affiliate or surface operation of the reporting forwarder). Tons being reconsolidated *should not* be included.

(h) Columns 3 through 6, "Source of Tons Enplaned," shall reflect the source, with regard to surface movement, of the tons enplaned reported in Column 2. Those tons delivered to the reporting forwarder, picked up by the reporting forwarder, and picked up by surface carriers (including a surface affiliate or surface operation of the reporting forwarder) from points within 49 miles of the airport shall be reported in Column 3. Those tons delivered to and picked up from points 50–149 miles, 150–299 miles and 300 miles or more from the airport shall be reported in Columns 4 through 6, respectively.

(i) Column 7, "Tons Deplaned (exclusive of reconsolidations)," shall reflect the tons deplaned by the reporting forwarder at each Originating Air Station. This will include tons picked up from the reporting forwarder by designated consignees, delivered by the reporting forwarder and delivered by surface carriers (including a surface affiliate or surface operation of the reporting forwarder). Tons being reconsolidated *should not* be included.

(j) Columns 8 through 11, "Distribution of Tons Deplaned," shall reflect the distribution, with regard to surface movement, of the tons deplaned reported in Column 7. Those tons picked up from the reporting forwarder, delivered by the reporting forwarder, and delivered by surface carriers (including a surface affiliate or surface operation of the reporting forwarder) at points within 49 miles of the airport shall be reported in Column 8. Those tons picked up and delivered at points 50–149 miles, 150–299 miles and 300 or more miles from the airport shall be reported in Columns 9 through 11 respectively.

Schedule T–5—Supplemental Operating Statistics—Long-Haul Motor Carriers or Railroad Carriers as Air Freight Forwarders. (a) This schedule shall be filed by (1) long-haul motor carriers of general commodities and railroad carriers which are authorized to operate as air freight forwarders or international air freight forwarders, and (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers.

(b) For the purposes of this report, "Domestic" shall apply to operations between or within the continental United States, Alaska and Hawaii, and any territories or possessions of the United States. Term Overseas/Foreign shall apply to all operations other than Domestic.

(c) Report weights in short tons (2,000 pounds), computed to two decimal places.

(d) *Item 1.* Report in the appropriate columns the number and weight of those shipments which the reporting forwarder received from an affiliated long-haul motor carrier or railroad carrier (including a carrier which operates as a separate division within the forwarder's corporate structure) prior to transporting them in its air freight forwarding operations.

(e) *Item 2.* Report in the appropriate columns the number and weight of those shipments which the reporting forwarder delivered to an affiliated long-haul motor carrier or railroad carrier (including a carrier which operates as a separate division within the forwarder's corporate structure) subsequent to transporting them in its air freight forwarding operations.

(f) *Item 3.* Report in the appropriate columns the number and weight of those shipments which the reporting forwarder accepted for air freight forwarding, but substituted means other than air for their transportation.

(g) *Items 4 and 5.* Report in the appropriate columns the number and weight of those shipments handled by the reporting forwarder in its agency capacity as applicable under §§ 296.3 and 297.3 of Parts 296 and 297, respectively, of this chapter, of the Board's Economic Regulations.

Schedule T–6—Analysis of Traffic by Weight Breaks. (a) This schedule shall be filed by (1) long-haul motor carriers of general commodities and railroad carriers which are authorized to operate as air freight forwarders or international air freight forwarders, (2) air freight forwarders or international air freight forwarders which are affiliates of long-haul motor carriers or railroad carriers and (3) long-haul motor carriers or railroad carriers affiliated with air freight forwarders or international air freight forwarders or operating as a separate division within the forwarder's corporate structure. The indicated data shall reflect air freight forwarding operations and long-haul motor carrier or railroad carrier operations, respectively.

(b) Each long-haul motor carrier and railroad carrier, in addition to reporting data for the current quarter, shall report comparable data insofar as they are available, relative to its long-haul motor carrier or railroad operations for the corresponding quarter of each of the preceding five years.

(c) Check either "Air" or "Motor Surface" or "rail Service" as appropriate in the heading.

(d) This schedule shall apply only to domestic operations and reflect in the specified weight breaks, the number and weight of shipments and the revenues received for the shipments.

(e) "Shipment" shall be defined as a single consignment of one or more pieces, from one shipper, at one time, at one address, receipted for in one lot, and moving on one airbill to one consignee at one destination address.

(f) Report weights in short tons (2000 pounds), computed to two decimal places.

(g) Column 2, "Shipments: Total Number" shall reflect, for the specified weight breaks in column 1, the total number of shipments received for air freight forwarding, long-haul shipping or railroad carriage, as appropriate.

(h) Column 3, "Shipments: Percentage of Total" shall reflect the total number of shipments in each weight break divided by the total number of shipments in the specified weight breaks, in aggregate.

(i) Column 4, "Tonnage: Total Weight" shall reflect, for the specified weight breaks in column 1, the total weight in tons of the shipments reported in column 2.

(j) Column 5, "Tonnage: Percentage of Total" shall reflect the total weight of the shipments in each weight break divided by the total weight of the shipments in the specified weight breaks, in aggregate.

(k) Column 6, "Revenue: Total Dollars" shall reflect, for the specified weight breaks in column 1, the total revenue received for the shipments reported in Column 2.

(l) Column 7, "Revenue: Percentage of Total" shall reflect the total revenue received for the shipments in each weight break divided by the total revenue received for the shipments in the specified weight breaks, in aggregate.

Sec. 8–2 Due dates in schedules in CAB Form 244 report.

Sec. 8–2 Due date[1]:	*Schedule No.*
Feb. 15	A, B–1, B–2, B–3, B–4, B–5, G, I, P–1, P–2, P–3, T–1, T–2a, T–2b, T–3a, T–3b, T–4*, T–5*, T–6*.
May 15	A, B–1, B–2, B–3, P–1, P–2, P–3, T–1, T–2a, T–2b, T–3a, T–3b, T–4*, T–5*, T–6*.
Aug. 15	A, B–1, B–2, B–3, B–4, I, P–1, P–2, P–3, T–1, T–2a, T–2b, T–3a, T–3b, T–4*, T–5*, T–6*.
Nov. 15	A, B–1, B–2, B–3, P–1, P–2, P–3, T–1, T–2a, T–2b, T–3a, T–3b, T–4*, T–5*, T–6*.

[1] Due dates falling on a Saturday, Sunday, or national holiday will become effective the 1st following working day.

*Schedules T–4, T–5, and T–6 do not apply to all air freight forwarders (see instructions).

If circumstances prevent the filing of a report on or before the prescribed due date, consideration will be given to the granting of an extension upon receipt of a written request therefor. To provide ample time for consideration and communication to the forwarder of the action taken, such a request must be delivered to the Board in writing at least three (3) days in advance of the due date, setting forth good and sufficient reason to justify the granting of an extension and the date when the report can be filed. Except in cases of emergency, no such request will be entertained which is not in writing and received by the Director, Bureau of Accounts and Statistics, at least three (3) days before the prescribed due date. If a request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

Section 9—Filing of Reports by Foreign Air Freight Forwarders

Each foreign air freight forwarder holding a permit issued by the Board under the authority granted in section 402(b) of the Federal Aviation Act of 1958, as amended, shall file the reports hereinafter described with the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428.

Schedule No.	Title	Filing frequency
A	Certification	Quarterly.
T–2a	Origin Station Report—Foreign Forwarders.	Do.
T–2b	Destination Station Report—Foreign Forwarders.	Do.
T–3b	City Pair Traffic Flow Report—International.	Do.

§ 9–1 Reporting instructions.

(a) Blank copies of all of the schedules contained in this section will be supplied annually by the Civil Aeronautics Board.

(b) Each schedule contains a five block carrier code and a four block date code. The five block carrier code is the same code currently in use for reports filed under Part 239 of the Board's Economic Regulations. The four block date code will be used to record the year and the month, the first two blocks representing the year and the second two blocks representing the number of the month in the calendar year. Months will be numbered consecutively beginning with 01 for January and continuing through 12 for December. Thus, the reports filed for the quarter ended March 31, 1975, will be recorded 7503. Both the carrier code and the date code shall be completed in spaces provided on each form filed.

(c) Schedule T–2b—Destination Station Report—International, will be held confidential for twelve months following the close of the calendar year to which data relate.

Schedule A—Certification. This certification shall be filed as part of this report and shall be signed on the original copy by the chief accounting officer and it shall apply and be attached to each set of schedules required to be filed as part of this report at such time as set forth in these reporting instructions.

Schedule T–2a—Origin Station Report—Foreign Forwarders. (a) An Origin Station Report shall be filed quarterly for air freight outbound from the continental United States, Alaska and/or Hawaii by each foreign air freight forwarder.

(b) The foreign air freight forwarder shall place an "x" in the box next to the words "Top 10 International Stations." If the forwarder had no air freight outbound from the continental United States, Alaska or Hawaii during the quarter reported, an "x" shall be placed in the box next to the words "No Operations."

(c) Foreign Air Freight Forwarders shall list the top ten stations, in terms of pounds received from customers, in the "Stations" column and complete the indicated data (with the exception of the column entitled "Traffic Received from Other Stations") for each station within the continental United States, Alaska or Hawaii which is listed individually and all other stations within the continental United States, Alaska, or Hawaii in the aggregate.

(d) The number of "Pounds" reported for "Outbound Traffic Tendered to Airlines" shall equal the number of "Pounds" reported for shipments received from customers.

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(e) For this report, the word consolidation is defined as one airline airwaybill.

Schedule T–2b—Destination Station Report—Foreign Forwarders. (a) A Destination Station Report shall be filed quarterly for air freight inbound to the continental United States, Alaska and/or Hawaii by each foreign air freight forwarder.

(b) The foreign air freight forwarder shall place an "x" in the box next to the words "Top 10 International Stations." If the forwarder had no air freight inbound to the continental United States, Alaska or Hawaii during the quarter reported, an "x" shall be placed in the box next to the words "No Operations."

(c) Foreign Air Freight Forwarders shall list the top ten stations, in terms of pounds delivered to customers in the "Stations" column and complete the indicated data for each station within the continental United States individually listed and all other stations within the continental United States, Alaska or Hawaii in the aggregate.

(d) The lines entitled "Shipments Lost in Transit" and "Shipments in Transit" shall not be applicable to reports filed by foreign air freight forwarders and shall be left blank.

Schedule T–3b—City Pair Traffic Flow Report—International. (a) This schedule shall be filed quarterly by each foreign air freight forwarder.

(b) If the forwarder did not have any shipments between the points indicated during the quarter reported, an "x" shall be placed in the box next to the words "No Operations."

(c) The pairs of points to be reported will be specified by the Civil Aeronautics Board and will be changed as needs require.

Sec. 9–2 Due dates of reports filed by foreign air freight forwarders.

Schedules required by this section shall be filed as follows:

Reporting period:	*Due date* [1]
Quarter ended Mar. 31	May 15.
Quarter ended June 30	Aug. 15.
Quarter ended Sept. 30	Nov. 15.
Quarter ended Dec. 31	Feb. 15.

[1] Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following workday.

All reports shall be addressed as follows:

Bureau of Accounts and Statistics
Civil Aeronautics Board
Washington, D.C. 20428

Section 10—Filing of Reports by Cooperative Shippers Association

Each cooperative shippers association as defined in Part 298 of the Economic Regulations shall file with the Board the financial and operating report entitled "Annual Report of Cooperative Shippers Association," (CAB Form 244A) hereinafter described. Each such association shall file this report regardless of whether it is inactive during the report period and where items are not applicable the word "none" should be inserted.

Sec. 10–1 Annual Report.

(a) Each cooperative shippers association shall file CAB Form 244A entitled "Annual Report of Cooperative Shippers Associations" in accordance with the requirements of this part and the instructions set forth in said form which is made a part hereof and annexed hereto.[1]

(b) The aforesaid report shall be filed annually and in sufficient time so as to be received by the Board within forty-five (45) days after the termination of the prescribed period. All documents filed in connection with the report shall be considered a part thereof and included within the certification pertaining to the report. The report shall be addressed to the Bureau of Accounts and Statistics, Civil Aeronautics Board, Washington, D.C. 20428.

(c) This report shall contain a dscription of the association, the identities, and interests in the association, of its officers and directors, the identities and holding in the association of persons with more than a five percent interest therein, investments of the association, amount of revenue earned and/or received, and the total number of shipments received during the year for carriage by air. These items shall be shown as more fully set forth on the aforesaid report form.

(Secs. 204(a), 407, Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766 (49 U.S.C. 1324, 1377))

Effective: January 1, 1975.

Adopted: September 16, 1974.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–2682 Filed 11–14–74;8:45 am]

SUBCHAPTER E—ORGANIZATION REGULATIONS

[Reg. OR–92, Amdt. 44]

PART 385—DELEGATIONS AND REVIEW OF ACTIONS UNDER DELEGATION; NONHEARING MATTERS

Revision of Citations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. November 11, 1974.

By ER–884, issued contemporaneously, the Board consolidated Part 203[1] into Part 202[2] of the Economic regulations, including recodification and revision of certain provisions. In addition, by ER–885, also issued contemporaneously, the Board repealed Part 203. The amendments herein revise the citations to sections of Parts 202 and 203 in §§ 389.25(d) and (e) to correspond to the new citations. In addition, through oversight, § 389.25(d) does not require a filing fee for an application for permission to use an airport under present Part 203, but only under Part 202. This oversight is being corrected. Finally, the language of § 389.25 (e) is being clarified to remove ambiguities. Since the amendments herein, to the extent indicated, cure an oversight and are otherwise purely editorial and nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary.

Accordingly, the Board hereby amends § 385.13 (m) (1) and (o) of Part 385 (14 CFR Part 385) effective December 15, 1974, as follows:

§ 385.13 Delegation to the Director, Bureau of Operating Rights.

* * * * *

(m) In respect of service patterns:

(1) Approve or disapprove all applications filed under § 202.14 of this chapter (Economic Regulations) by local service carriers for authority to effect temporary or seasonal changes in service patterns;

* * * * *

(o) Approve, when no person disclosing a substantial interest protests, or disapprove applications filed under § 202.15 of this chapter (Economic Regulations) by air carriers certificated to engage in foreign air transportation to a general area, for authority to effect changes in approved service plans.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324. Reorganization Plan No. 3 of 1961, 75 Stat. 837, 26 FR 5060; 49 U.S.C. 1324 (note))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–26831 Filed 11–14–74;8:45 am]

[Reg. OR–91, Amdt. 19]

PART 389—FEES AND CHARGES FOR SPECIAL SERVICES

Revision of Citations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. November 11, 1974.

By ER–884, issued contemporaneously, the Board consolidated Part 203[1] into Part 202[2] of the Economic regulations, including recodification and revision of certain provisions. In addition, by ER–885, also issued contemporaneously, the Board repealed Part 203. The purpose of the amendments herein is to revise the citations to sections of Parts 202 and 203 in §§ 385.13 (m) (1) and (o) to correspond to the new citations. Since these amendments are editorial and nonsubstantive in nature, the Board finds that notice and public procedure thereon are unnecessary.

[1] Exhibits A–V are filed as part of the original document.

[1] Terms, Conditions and Limitations of Certificates of Public Convenience and Necessity; Foreign Air Transportation.

[2] Retitled "Certificates Authorizing Scheduled Route Serivce: Terms, Conditions, and Limitations.".

[1] Terms, Conditions, and Limitations of Certificates of Public Convenience and Necessity; Foreign Air Transportation.

[2] Retitled: "Certificates Authorizing Scheduled Route Service: Terms, Conditions, and Limitations."

Accordingly, the Board hereby amends § 389.25 of Part 389 (14 CFR Part 389) effective December 15, 1974, as follows:

§ 389.25 Schedule of filing and license fees.

* * * * *

(d) *Airport notice or authorization.* The filing fee (1) for an airport notice, under § 202.13(a) of this chapter, to permit a certificated route carrier to serve a point regularly through an airport not then regularly used by such carrier, or (2) for an application under § 202.13(b) of this chapter, for permission to use an airport, is $40.

(e) *Change in service pattern, approved service plan or flight pattern.* The filing fee (1) for an application for a change in service pattern or change in approved service plan under §§ 202.14 and 202.15 of this chapter, respectively, is $300; and (2) for an application for a change in flight pattern under Part 376 of this chapter, is $40.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 324)

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74–26830 Filed 11–14–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER II—PACKERS AND STOCKYARDS ADMINISTRATION, DEPARTMENT OF AGRICULTURE

PART 201—REGULATIONS UNDER THE PACKERS AND STOCKYARDS ACT

Instructions for Weighing Livestock

On August 21, 1974, there was published in the FEDERAL REGISTER (39 FR 30151) a notice of rulemaking pursuant to sections 402 and 407(a) of the Packers and Stockyards Act, 1921, as amended, (42 Stat. 169, as amended: (7 U.S.C. 222, 228(a)), proposing to amend § 201.73–1 (9 CFR 201.73–1) of the regulations under said Act (9 CFR Part 201).

All interested parties were afforded an opportunity to submit written data, views or arguments concerning the proposed amendment by no later than October 21, 1974. After consideration of all relevant matters presented with respect to the proposal, and under said sections 402 and 407(a) of the Act and said sections of the regulations, the instructions as so published are hereby adopted, subject to the change set forth below:

In § 201.73–1(a)(1) the final sentence in the paragraph shall be changed to read as follows:

"In addition, the zero balance of the scale shall be verified whenever a weigher resumes weighing duties after an absence from the scale and also whenever a load exceeding half the scale capacity or 10,000 pounds (whichever is less) has been weighed and is followed by a load of less than 1,000 pounds, verification to occur before the weighing of the load of less than 1,000 pounds."

This change is made in response to recommendations from the industry and is similar to the language in the existing regulation.

The change is not substantive in nature. The purpose of the amendments as explained in the "Statement of Considerations" in the original proposal is to include instructions for weighing livestock on electronic digital scales, since numerous installations of such scales have been made in public livestock markets in recent years. Present instructions issued in 1968 are confined to scales equipped with type registering weighbeams or mechnical dials with ticket printers.

Section 201.73–1 is revised to read:

§ 201.73–1 Instructions for weighing livestock.

Stockyard operators, market agencies, dealers, and packers who operate scales on which livestock is weighed in purchase or sales transactions are responsible for the accurate weighing of such livestock. They shall supply copies of the instructions in this section to all persons who perform weighing operations for them and direct such persons to familiarize themselves with the instructions and to comply with them at all times. This section shall also apply to any additional weighers who are employed at any time. Weighers must acknowledge their receipt of these instructions and agree to comply with them, by signing in duplicate, P&SA Form 215[1] provided by the Packers and Stockyards Administration. (A facsimile copy of this form appears at the end of this section.) One copy of the form is to be filed with an area office of the Packers and Stockyards Administration and the other retained by the agency employing the weighers.

(a) *Balancing the empty scale.* (1) The empty scale shall be balanced each day before weighing begins, and maintained in correct balance which weighing operations continue. The zero balance shall be verified at intervals of not more than 15 drafts or 15 minutes, whichever is completed first. In addition, the zero balance of the scale shall be verified whenever a weigher resumes weighing duties after an absence from the scale and also whenever a load exceeding half the scale capacity or 10,000 pounds (whichever is less) has been weighed and is followed by a load of less than 1,000 pounds, verification to occur before the weighing of the load of less than 1,000 pounds.

(2) The time at which the empty scale is balanced or its zero balance verified shall be recorded on scale tickets or other permanent records. Balance tickets must be filed with other scale tickets issued on that date.

(3) Before balancing the empty scale, the weigher shall assure himself that the scale gates are closed and that no persons or animals are on the scale platform or in contact with the stock rack, gates, or platform. If the scale is balanced with persons on the scale platform, the zero balance shall be verified whenever there is a change in such persons. When the scale is properly balanced and ready for weighing, the weigher shall so indicate by an appropriate signal.

(4) Weighbeam scales shall be balanced by first seating each poise securely in its zero notch and then moving the balance ball to such position that a correct zero balance is obtained. A scale equipped with a balance indicator is correctly balanced when the pointer comes to rest at zero. A scale not equipped with a balance indicator is correctly balanced if the weighbeam, when released at the top or bottom of the trig loop, swings freely in the trig loop in such manner that it will come to rest at the center of the trig loop.

(5) Dial scales shall be balanced by releasing all drop weights and operating the balance ball or other balancing device to obtain a correct zero balance. The indicator must visually indicate zero on the dial and the ticket printer must record a correct zero balance.

(6) Electronic digital scales should be properly warmed up before use. In most cases, it is advisable to leave the electric power on continuously. The zero load balance shall be verified by recording the zero balance on a scale ticket. The main indicating element and the remote visual weight display shall indicate zero when the balance is verified. The proper procedure for balancing this type of scale will vary according to the manufacturer. Refer to the operator's manual for specific instructions.

(b) *Weighing the load.* (1) Before weighing a draft of livestock, the weigher shall assure himself that the entire draft is on the scale platform with the gates closed and that no persons or animals off the scale are in contact with the platform, gates, or stock rack.

(i) On a weighbeam scale with a balanse indicator, the weight of a draft shall be determined by seating the poises at such positions that the pointer will come to rest within the central target area or within ¼ (0.25) inch of the zero mark.

(ii) On a weighbeam scale without a balance indicator, the weight shall be determined by seating the poises at such positions that the weighbeam, when released from the top or bottom of the trig loop, will swing freely and come to rest at the approximate center of the trig loop.

(iii) On a dial scale, the weight is indicated automatically when the indicator moves around the dial face and comes to rest.

(iv) On an electronic digital scale, the weight of a draft is indicated automatically when the weight value indicated stabilizes.

(2) The correct weight of a livestock draft is the value in pounds indicated when a correct load balance is obtained. The weigher should always concentrate his attention upon the beam tip, balance indicator or dial indicator while weighing and not concern himself with reading the visible weight indications until

[1] Form filed as part of original document.

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correct load balance is obtained. On electronic digital scales, the weigher should concentrate on the pulsing or flickering of weight values to assure that the unit indicates a stable weight before activating the print button.

(c) *Recording the weight.* (1) The weight of each draft shall be recorded immediately after the load balance is obtained and before any poises are moved or the load is removed from the scale platform. The weigher shall make certain that the printed weight record agrees with the weight value visually indicated when correct load balance is obtained. He shall also assure himself that the printed weight value is distinct and legible.

(2) The weight printing device on a scale shall be operated only to produce a printed or impressed record of the weight value while the livestock load is on the scale and correctly balanced. If the weight value is not printed clearly and correctly, the ticket shall be marked void and a new one printed before the livestock is removed from the scale.

(d) *Scale tickets.* (1) Scale tickets used to record the weight values of livestock in purchase or sales transactions shall be used, at any given scale, in the order of their consecutive serial numbers unless otherwise marked to show the order of their use. All tickets shall show the date of the weighing and the name or initials of the weigher performing the weighing service.

(2) No scale tickets shall be destroyed or otherwise disposed of because they are soiled, damaged, incorrectly executed, or voided. They shall be preserved and filed to comprise a complete serial number sequence.

(3) No scale ticket shall be used to record the weight of a livestock draft for "catch-weight," inventory, transportation charge or other nonsale purposes unless the ticket is clearly marked to show why the weight was determined.

(4) When weight values are recorded by means of automatic recording equipment directly on the accounts of sale or other basic records, such record may serve in lieu of a scale ticket.

(e) *Weigher's responsibilities.* (1) The primary responsibility of a weigher is to determine and accurately record the weight of livestock drafts without prejudice or favor to any person or agency and without regard for livestock ownership, price, condition, fill, shrink, or other considerations. A weigher shall not permit the representations or attitudes of any persons or agencies to influence his judgment or action in performing his duties.

(2) Unused scale tickets, or those which are partially executed but without a printed weight value, shall not be left exposed or accessible to unauthorized personnel. All such tickets shall be kept under lock when the weigher is not at his duty station.

(3) Accurate weighing and correct weight recording require that a weigher shall not permit his operations to be hurried to the extent that inaccurate weights or incorrect weight records may result. Each draft of livestock must be weighed accurately to the nearest minimum weight value that can be indicated or recorded. Manual operations connected with balancing, weighing, and recording shall be performed with the care necessary to prevent damage to the accurately machined and adjusted parts of weighbeams, poises, and printing devices.

(4) Livestock owners, buyers, or others having legitimate interest in a livestock draft must be permitted to observe the balancing, weighing, and recording procedures, and a weigher shall not deny them that right or withhold from them any information pertaining to the weight of that draft. He shall check the zero balance of the scale or reweigh a draft of livestock when requested by such parties.

(f) *Sensitivity control.* (1) A scale must be sensitive in response to platform loading if it is to yield accurate weights. It, therefore, is the duty of a weigher to assure himself that interferences, weighbeam friction, or other factors do not impair sensitivity. He should satisfy himself, at least twice each day, that the scale is sufficiently sensitive, and if the following requirements are not met, he should report the facts to his superior or employer immediately.

(2) a weighbeam scale with a balance indicator is sufficiently sensitive if, when the scale is balanced with the pointer at the center of the target, movement of the fractional poise one graduation will change the indicator rest point (¼) inch (0.25) or the width of the central target area, whichever is greater.

(3) A weighbeam scale without a balance indicator is sufficiently sensitive if, when the scale is balanced with the weighbeam at the center of the trig loop, movement of the fractional poise two graduations will cause the weighbeam to come to rest at the bottom of the trig loop.

(4) Adjustable damping devices are incorporated in balance indicators and in dial scales to absorb the effects of load impact and assist in bringing the indicator to rest. The weigher should be familiar with the location and adjustment of these damping devices and should keep them adjusted so that the pointer will oscillate freely through at least one complete cycle of movement before coming to rest at its original position.

(5) Friction at weighbeam bearings may reduce the sensitivity of the scale, cause sluggish weighbeam action and affect weighing accuracy. A weigher should inspect the weighbeam assembly daily to make certain that there is clearance between the weighbeam and the pivot bearings.

(6) Interferences or binding of the scale platform, stock rack, gates or other "live" parts of the scale are common causes of weighing inaccuracy. A weigher should satisfy himself, at the beginning of each weighing period, that all such "live" parts have sufficient clearance to prevent interferences.

(g) *General precautions.* (1) The poises of weighbeam scales are carefully adjusted and sealed to a definite weight at the factory and any change in that weight seriously affects weighing accuracy. A weigher, therefore, should be certain that poise parts do not become broken, loose or lost and that no material is added to a poise. Balancing or weighing shall not be performed while a scale ticket is in the slot of a weighbeam poise.

(2) Stops are provided on scale weighbeams to prevent movement of poises back of the zero graduation when balancing or weighing. When the stops become worn or broken and allow a poise to be set behind the zero position, this condition should be reported and corrected without delay.

(3) Foreign objects or loose material in the form of nuts, bolts, washers or other material on any part of the weighbeam assembly, including the counterbalance hanger or counter-balance weights, are potential sources of weighing error. Loose balancing material must be enclosed in the shot cup of the counter-balance hanger, and counterbalance weights must not be of the slotted type which can readily be removed.

(4) Whenever for any reason a weigher has reason to believe that a scale is not functioning properly or not yielding correct weight values, he shall discontinue weighing, report the facts to the parties responsible for scale maintenance, and request inspection, test, or repair of the scale.

(5) When a scale has been adjusted, modified, or repaired in any manner which may affect the accuracy of weighing or weight recording, the weigher shall not use the scale until it has been tested and inspected and found to be accurate.

(6) Count-off men, gate men, or others assigned to open or close scale gates or to drive livestock on or off the scale, shall perform those functions as directed by the weigher's signals or spoken instructions. They shall prevent persons or animals off the scale from being in contact with any part of the scale platform, stock rack, or gates while the scale is being balanced or used for weighing. They shall not open gates or remove livestock from the scale until directed by the weigher.

The foregoing amendments shall become effective December 1, 1974.

(Sec. 402 and 407(a) (Stat. 169, as amended (7 U.S.C. 222 and 228(a)))

The reporting and recordkeeping requirements of the revised regulations have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942 (44 U.S.C. Chapter 12).

Done at Washington, D.C. this 11th day of November 1974.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.74-26703 Filed 11-14-74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

Monitoring of Bituminous Coal and Anticipated Exports [1]

Section 4(c)(1) of the Export Administration Act of 1969, as amended, provides that the Secretary of Commerce shall "monitor exports and contracts for exports of any article, material, or supply * * * when the volume of such exports in relation to domestic supply contributes, or may contribute, to an increase in domestic prices or a domestic shortage and such price increase or shortage has, or may have, a serious adverse impact on the economy or any sector thereof." Considering the generally low inventories of bituminous coal in certain key domestic industries, as well as the current disruption of production, a monitoring system on exports and contracts for exports of bituminous coal is necessary to provide accurate information on a weekly basis of exports and contracts for export of bituminous coal.

In an initial report, exporters who will have shipped bituminous coal during the period October 1, 1974 through November 15, 1974, are required to report their exports and the prices FOB port (average value) thereof during that period on Form DIB–6005P.

Exporters are also required to report on Form DIB–6005P all contracts for export of bituminous coal by country of destination under which, as of November 15, 1974, there will remain quantities not yet exported. Prices FOB port (average value) are also required to be reported.

The reports on Form DIB–6005P must be submitted by mail with a U.S. Postal Service postmark dated no later than November 16, 1974, or be actually received by the Office of Export Administration no later than November 19, 1974.

Following the initial submission, each exporter shall file a weekly supplemental report of exports and contracts for export on Form DIB–6006P, updating the original submission. The reports shall be due every Tuesday, showing changes as of the week ending at the close of business the previous Friday. Therefore, the reports for the week ending November 22 shall be due on Tuesday, November 26.

Details on who shall file, instructions on completing the forms and other requirements are contained in new § 376.3, below.

Alternate means of submission. Exporters who choose to deliver the required forms directly to the Office of Export Administration must have these hand-carried to Room 1613, Main Department of Commerce Building, 14th and E Streets, NW, Washington, D.C. After normal business hours, a receiving desk will be maintained in the main lobby of the building on Tuesday, November 19, until 10:00 p.m. An exporter who does not find it feasible to insure delivery of the required initial report and the supplemental reports in the hands of the Office of Export Administration on a Tuesday, may avail himself of the following options in satisfaction of the Tuesday filing deadline:

A. Exporters using the mails are advised that the Department has opened a post office box to avoid delays in mail sorting. Accordingly, all reports which are mailed should be mailed to the Office of Export Administration at the address shown below:

Office of Export Administration
Post Office Box 7138
Ben Franklin Station
Washington, D.C. 20044

Those exporters located in cities served by the Guaranteed Overnight Express Mail Service are advised to inquire into this service.

B. Reports sent to the above post office box will be deemed to have been timely filed irrespective of whether these are in fact received by the Office of Export Administration within the Tuesday deadline, but only if the reports are postmarked no later than 12 noon of the Saturday preceding a Tuesday deadline. The requirement of a Saturday postmark refers to a postmark by the U.S. Postal Service. A date affixed by postal meter will not satisfy this requirement, nor will mere depositing in a postal letter box if the U.S. Postal Service does not actually affix a postmark by the Saturday noon deadline.

C. The report may be transmitted to this Department by Telex or TWX before midnight on the required Tuesday; however, after such transmission, the forms must be actually received by the Office of Export Administration in Washington, D.C.

The need to obtain timely filed reports with which to collect accurate estimates of anticipated exports is of paramount importance, and the Department of Commerce wishes to stress that in light of the aforementioned measures to alleviate filing difficulties, the deadlines for filing will be strictly enforced subject to the penalties provided in the Export Administration Regulations.

Accordingly, the Export Administration Regulations are revised by adding a new § 376.3 to read as follows:

§ 376.3 Monitoring of bituminous coal exports and anticipated exports.[2]

(a) *Initial report of prior exports and unfilled contracts.* All exporters who exported bituminous coal (Schedule B No. 321.4020) during the period October 1, 1974 through November 15, 1974, shall submit a report of such exports. The prices FOB port (average value) thereof by country of destination shall be included in the "total exports for" column of Form DIB–6005P. Form DIB–6005P shall also be used for the submission of an initial report of the unfilled balance of contracts for export of bituminous coal. Exporters shall submit a report on such form of all contracts for export of bituminous coal under which, as of November 15, 1974, there remained quantities not yet exported. The report must show, for each country, the quantity in short tons not yet exported as of the close of business on November 15, 1974. The quantities committed for export and prices FOB port (average value) thereof during the balance of November 1974, shall be reported in the first "month of" column. Quantities committed for export and prices FOB port (average value) during December 1974 and January and February 1975, shall be reported, respectively, in the second, third, and fourth "month of" columns. The reports on Form DIB–6005P must be submitted by mail with a U.S. Postal Service postmark dated not later than November 16, 1974, or be actually received in the Office of Export Administration no later than November 19, 1974. If there are no unfilled export contracts to report as of November 15, 1974, the initial report of such contracts shall be submitted on Form DIB–6005P no later than the Tuesday following the week in which contracts are accepted, and show the unfilled export commitments through the end of February 1975.

(b) *Subsequent reports.* Following the initial submission, each exporter shall file a weekly supplemental report of exports, export contracts, and prices FOB port (average value) by country of destination on Form DIB–6006P, updating the original submission. The reports shall be due every Tuesday, with respect to the week ending at the close of business the previous Friday. Each weekly report shall include a summary of changes indicating separately by country of destination the deductions from and additions to the quantities anticipated to be shipped to such a country in the "contracts cancelled" and "new contracts" columns, respectively. An updating of the total quantities anticipated to be exported to each country and the prices FOB port (average value) are to be reported for each month through February 1975 in the "months of" columns.

(c) *Definitions.* For purposes of the reports required by this section, the terms "contracts accepted" and "new contracts" include any increase in quantity, whether by wholly new contract or by amendment to an existing contract. The term "contracts cancelled" includes any decrease, in whole or in part, to the quantity on a previously reported contract.

(d) *Reporting requirements*—(1) *Manner of reporting.* All reports required under this section must be filed in an original and one copy. Except as provided in this paragraph (d)(1) of this section such reports shall be deemed filed only

[1] The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

[2] All forms referred to in this section are available from any of the Commence Department Domestic and International Business Administration District Offices, or from the Office of Export Administration, U.S Department of Commerce, Washington, D.C. 20230.

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when actually received by the Office of Export Administration. Reports sent by mail must be addressed to: The Office of Export Administration, Post Office Box 7138, Ben Franklin Station, Washington, D.C. 20044, and will be deemed to have been timely filed irrespective of whether these are in fact received by the Office of Export Administration within the Tuesday deadline, but only if the reports are postmarked by the U.S. Postal Service no later than 12:00 noon of the Saturday preceding the Tuesday deadline. Additionally, reports on Form DIB–6006P may be filed by Telex (892536) or TWX (710–822–0181) no later than the Tuesday following the week being reported. If Telex or TWX is used, the message must certify that confirmation on a Form DIB–6006P will be mailed to the above address. A confirmation form, marked "Confirmation of Telex (or TWX) Report," must be subsequently submitted.

(2) *Date of export.* In reporting actual exports during the period, a commodity shall be considered as exported on the date the exporting carrier is expected to depart from the United States. If, because of a carrier's earlier or delayed departure or for other reasons, data reported are found to have been incorrect, correction shall be made in accordance with paragraph (d)(3) of this section.

(3) *Corrections.* Reports filed pursuant to this section that are found to be incorrect or incomplete shall be corrected by filing a new report marked "REVISION" at the top of the form, with an explanation set forth in detail on the reverse thereof.

(4) *Who shall file reports.* For purposes of these reporting requirements only, in order to prevent duplication as well as to insure complete and adequate coverage of pending orders and shipments, the exporter as the principal party in interest in the export transaction will have the sole responsibility of reporting any and all information even though there may also be a U.S. order party involved. The exporter will have the sole responsibility of reporting the anticipated exports whether the exporter employs a freight forwarder to handle the shipping of the material or deliver the material to a carrier for export out of the country.

Effective date of action: November 12, 1974.

RAUER H. MEYER,
Director,
Office of Export Administration.

[FR Doc.74–26822 Filed 11–12–74;3:32 pm]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket C–2533]

PART 13—PROHIBITED TRADE PRACTICES

Care-Free Swimming Pool Manufacturing Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages or connections;* 13.15–225 Personnel or staff; 13.15–250 Qualifications and abilities; § 13.70 *Fictitious or misleading guarantees;* § 13.125 *Limited offers or supply;* § 13.155 *Prices;* 13.155–100 Usual as reduced, special, etc. Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1535 *Qualifications.*—Goods: § 13.1647 *Guarantees;* § 13.1747 *Special or limited offers.*—Prices: § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46) Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Care-Free Swimming Pool Manufacturing Corp., et al., Copiague, N.Y., Docket C–2533, Aug. 27, 1974]

In the Matter of Care-Free Swimming Pool Manufacturing Corp., Care-Free Swimming Pool of Copiague, Inc., and Monaco Mfg. Corp., Corporations, and Lewis Goldstone and Michael Weiss, Individually and as Officers of Said Corporations

Consent order requiring a Copiague, N.Y., manufacturer, seller, and installer of in-ground and above-ground swimming pools and two wholly-owned subsidiaries, among other things to cease misrepresenting its offers as limited, prices as special or reduced; its guarantees; and the qualifications and abilities of its personnel and staff.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:[1]

It is ordered, That respondent Care-Free Swimming Pool Manufacturing Corp., its successors and assigns, Care-Free Swimming Pool of Copiague, Inc., its successors and assigns, and Monaco Mfg. Corp., its successors and assigns, and Lewis Goldstone and Michael Weiss, individually and as officers of said corporations, and respondents' officers, agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution or installation of in-ground and/or above-ground swimming pools, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that any of respondents' offers to sell products, installations or services are limited as to time or restricted or limited in any other manner, unless such represented limitations or restrictions are actually in force or in good faith adhered to.

2. Representing, directly or by implication, that any price for respondents' products, installations or services is a special or reduced price, unless such price constitutes a significant reduction from an established selling price at which such products, installations or services have been sold in substantial quantities by respondents in the recent regular course of their business; or misrepresenting, in any manner, their prices or the savings available to their purchasers.

3. Representing, directly or by implication, that any of respondents' products, installations or services are warranted or guaranteed unless the nature and extent of the warranty or guarantee, the identity of the warrantor or guarantor and the manner in which the warrantor or guarantor will perform thereunder are clearly and conspicuously disclosed in immediate conjunction therewith; and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such warranty or guarantee.

4. Making representations that installation of respondents' swimming pools will will be handled by workmen who are skilled, reliable and dependable unless respondents can demonstrate to the Federal Trade Commission that their workmen have actually performed in the past for respondents or others in such manner.

5. Promising to complete pool installations by a given date, as an inducement to the customer or for any other reason, unless respondents have a reasonable basis for believing such promised completion date is realistic and can be met in the normal course of their business operations.

6. Failing, after work has commenced on the installation of any pool, to provide continuous installation until completion except where such is impossible due to circumstances beyond the control of respondents. Contract commitments to other purchasers either prior to or subsequent to the commencement of the installation shall not be considered circumstances beyond the control of respondents.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the offering for sale or sale of respondents' products, installations or services, in the consummation of any extensions of consumer credit or in any aspect of preparation, creation or placing of advertising and that respondents secure a signed statement acknowledging receipt of such order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this Order.

The decision and order issued by the Commission August 27, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74–26782 Filed 11–14–74;8:45 am]

[1] Copies of the complaint, decision and order filed with original document.

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–8569]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Amendments of Rule Permitting Quantity Discounts for Certain Group Purchases of Mutual Fund Shares

On December 21, 1972, the Securities and Exchange Commission published notice (Investment Company Act Release No. 7571 (38 FR 1284)) that it had under consideration the adoption of amendments to Rule 22d–1 under the Investment Company Act of 1940 ("Act") [17 CFR 270.22d–1] to permit quantity discounts for certain group purchases of redeemable securities issued by registered investment companies. All interested persons were invited to submit their views and comments on the proposal. The proposed amendments and related matters were also discussed at the hearings on mutual fund distribution and the potential impact of the repeal of section 22(d) [15 U.S.C. 80a–22(d)] of the Act held in February and March of 1973. The Commission has considered all the comments and suggestions received and has determined to adopt amendments to Rule 22d–1 in the form set forth below. The amendments are adopted pursuant to the authority granted the Commission in sections 6(c), 22(d), and 38(a) of the Act [15 U.S.C. 80a–6(c), 80a–22(d), 80a–37(a)].

Section 22(d) of the Act prohibits a registered investment company, its principal underwriter, or a dealer in its redeemable securities from selling such securities to "any person" except "at a current public offering price described in the prospectus." The purpose of the section, as described in the Congressional reports on the Act, is to prohibit investment companies from selling redeemable securities to any person other than a dealer or principal underwriter at a price less than that at which the security is sold to the public. Section 6(c) of the Act provides that the Commission by rule, regulation, or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

In 1958 the Commission adopted Rule 22d–1, which in most respects codified prior administrative interpretations of section 22(d) of the Act as well as exemptive orders granted under section 6(c) of the Act. The rule permits reductions in the sales loads charged upon the sale of mutual fund shares in connection with quantity purchases and in other specified circumstances. (Investment Company Act Release No. 2798, December 2, 1958.) However, the last sentence of paragraph (a) of Rule 22d–1 provides that quantity discounts are not available to "a group of individuals whose funds are combined, directly or indirectly, for the purchase of redeemable securities of a registered investment company jointly or through a trustee, agent, custodian, or other representative * * * of such a group of individuals." This so-called antigrouping provision reflected Commission concern in 1958 that, if continued, quantity discounts in such circumstances could disrupt the orderly effective distribution of mutual fund shares.[1]

The amendment to the Rule, as proposed and as adopted, gives each issuer a choice between (a) giving quantity discounts, but denying them to groups in the manner the rule has heretofore provided or (b) offering quantity discounts to certain "bona fide" groups as well as to purchasers presently eligible. This is accomplished by retaining paragraph (a) of the Rule and inserting a new paragraph (b) which is similar for the most part to paragraph (a) except that paragraph (b) employs a new term "purchaser" with a broader definition than the term "any person" now used in paragraph (a).

Thus, an investment company would have the option of distribution to "persons" in the manner specified in Rule 22d–1(a) or to "purchasers" in the manner specified in Rule 22d–1(b). As adopted paragraph (b) does not have an antigrouping clause, but it denies quantity discounts to any corporation or other "company," including an unincorporated group of individuals, which has not been in existence for at least six months or which has no purpose other than to purchase mutual fund shares at a discount.

As adopted, the rule contains a further limitation which was not originally proposed. If a mutual fund chooses to avail itself of the distribution option provided by new paragraph (b) it must condition sales at quantity discounts to any "company" [other than certain pension and profit-sharing trusts and single fiduciary accounts] which is a "purchaser" under new paragraph (b) on the satisfaction of uniform criteria selected by the fund relating to economies of scale in sales effort and sales related expenses. Such criteria could include, for example, the payment by the purchaser of record-keeping and other administrative charges attendant on group purchases.

Also, in order to limit the availability of quantity discounts, at least in the context of the present amendment, new paragraph (b) of the rule makes such discounts impermissible for credit cardholders of a company; policyholders of an insurance company; and customers of either a bank or broker-dealer or clients of an investment adviser. This listing may be narrowed or expanded by further amendment to the rule if experience shows that it would be appropriate.

The Commission also has determined to amend paragraph (e) of Rule 22d–1 (which is relettered (f)) to permit issuers to extend quantity discounts, or other reductions in or eliminations of sales load, to employee benefit and payroll deduction plans not qualified under section 401 of the Internal Revenue Code. Unless such a plan is organized in the form of a trust, it may not be one of the legal entities included in the definition of "company" in the Act, including an unincorporated organized group of persons. Further, the Commission believes that discounts are appropriate for groups of employees and that for such groups it is unnecessary to require the creation or use of a separate organized group such as a recreational or welfare association or credit union. Prior to the present amendment, paragraph (e) allowed a reduced sales load pursuant to a uniform offer made to all tax exempt organizations enumerated in sections 501(c)(3) or (13) of the Internal Revenue Code or employees' trusts, pension, profitsharing or other employee benefit plans qualified under section 401 of the Code. These preferences are based on public policy considerations as expressed in the tax laws. The amendment the Commission is adopting is based on similar public policy grounds to encourage systematic saving through payroll deduction plans.[2] A broad definition of employee benefit plan is made a part of the amendment.

[1] This antigrouping provision in effect defines "any person" more narrowly than sections 2(a)(28) and 2(a)(8) of the Act, taken together. Section 2(a)(28) provides that "person" means a natural person or a company. Section 2(a)(8) provides (among other things) that "company" means a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not.

[2] As in the case of new paragraph (b), funds which choose to avail themselves of the distribution option provided by this amendment to paragraph (e) (relettered (f)) must condition sales at reduced or eliminated sales loads to non-qualified plans upon the satisfaction of uniform criteria relating to the realization of economies of scale in sales effort and sales related expenses.

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New paragraph (f) affords still another option to issuers. They may continue to offer quantity discounts only to "persons" as used in paragraph (a), not avail themselves of new paragraph (b), and extend the availability of a discount for group sales to employees of a common employer.

The amendment would not relax the obligation under the Securities Act of 1933 of broker-dealers and other distributors of investment company shares to provide prospectuses to all persons who are solicited. Thus, it is assumed that a prospectus would be furnished to each member of any group being solicited. It is also assumed that after purchases of investment company shares, all proxy soliciting material and reports to shareholders required by the Act and rules thereunder would be provided in a manner deemed consistent with the Act.

It should be noted that in order to avoid problems under the Securities Act of 1933, the Securities Exchange Act of 1934, and the Investment Company Act of 1940, all group purchases would have to be handled in a manner substantially similar to ordinary brokerage transactions (See Securities Act of 1933 Release No. 4790, July 13, 1965.)[1] Thus, where limitations are imposed on the rights of an individual participant, or special charges are made, a separate security may be created which would have to be registered under the Securities Act of 1933 and the issuer of which may be an investment company required to register under the Investment Company Act of 1940. For example, such problems would arise if: (1) Sums were accumulated for material periods of time before investment; (2) special fees or charges, such as a front-end load, were imposed;[2] (3) limitations were imposed on the right of participants to withdraw securities held in custody; or (4) limitations were imposed on the rights and privileges of participants as shareholders.

A number of commentators on the rule have expressed concern that if group sales were permitted, mutual fund dealers and salesmen could be penalized for non-adherence to suitability rules if they did not point out to each prospective purchaser that quantity discounts might be available through group purchases. The adoption of the present rule amendment will not diminish present suitability requirements. However, the Commission does not believe that such requirements necessarily include an obligation on sellers of mutual fund shares to assure that individual purchasers make use of all group purchase opportunities.

Although the Commission is not persuaded that the distribution of fund shares will be disrupted unless an issuer is allowed to place specific limitations on the amount of mutual fund shares that can be purchased by a participant in a group in a given period, no objection will be raised at this time to a limitation on the maximum value of shares which can be purchased in a given period, provided such maximum applies equally to all investors.[4]

The text of the Commission action, pursuant to the authority granted to the Commission in sections 6(c), 22(d) and 38(a) of the Act, is as follows:

Section 22d–1 under the Investment Company Act of 1940 is amended effective December 16, 1974 as follows:

I. A new paragraph (b) is inserted. The first two paragraphs of new paragraph (b) are identical to the first two paragraphs of present paragraph (a) except that wherever the word "person(s)" appears, it is changed to read "purchaser(s)." The last paragraph of new paragraph (b) reads as follows:

(3) As used in this paragraph (b), the term "purchaser" shall have the same meaning as the word "person" set forth in section 2(a)(28) of the Act but shall also include (i) an individual, or an individual, his spouse and their children under the age of 21, purchasing securities for his or their own account, and (ii) a trustee or other fiduciary purchasing securities for a single trust estate or single fiduciary account (including a pension, profit-sharing, or other employee benefit trust created pursuant to a plan qualified under section 401 of the Internal Revenue Code) although more than one beneficiary is involved. *Provided, however,* That the term "purchaser" shall not include any "company" within the meaning of section 2(a)(8) of the Act (other than a company of the character described in clause (ii) of this paragraph) (a) which has not been in existence for at least six months, (b) which has no purpose other than to purchase redeemable securities of a registered investment company at a discount, or (c) which does not satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales related expense selected by the issuer and described in the prospectus; *and further provided* That the term "purchaser" shall not include any group of individuals whose sole organizational nexus is that the participants are credit cardholders of a company; policyholders of an insurance company; customers of either a bank or broker-dealer; or clients of an investment adviser.

II. Paragraphs (b), (c), (d), (e), (f), (g), and (h) are redesignated paragraphs (c), (d), (e), (f), (g), (h) and (i).

III. References to paragraph (b) and (c) in redesignated paragraph (e) are corrected to refer to redesignated paragraphs (c) and (d).

IV. Redesignated paragraph (f) is amended by substituting a comma for the period after the final sentence and adding the following:

or employee benefit plans not qualified under Section 401 of such Code provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales related expense selected by the issuer and described in the prospectus. As used in this paragraph, "employee benefit plan" shall mean any plan or arrangement which provides a means for employees or an employer on behalf of employees to purchase shares of a registered open-end investment company or companies by means of periodic payroll deductions or otherwise, and "employer" shall mean a single employer or two or more employers each of which is an affiliated person of the other under section 2(a)(3)(C) of the Investment Company Act.

As so amended, Section 22d–1 reads:

§ 22d–1 Variations in sales load permitted for certain sales of redeemable securities.

* * * * *

(b)(1) In accordance with a scale of reducing sales load varying with the quantity of securities purchased by any purchaser. The quantity entitling any purchaser to any such reduced sales load may be computed on any of the following bases, and may include redeemable securities of other registered investment companies having the same principal underwriter as the issuer of such securities: (i) the aggregate quantity of securities being purchased at any one time; (ii) the aggregate quantity of securities previously purchased or acquired and then owned plus the securities being purchased; or (iii) the aggregate quantity of securities purchased by any purchaser within a period of no more than 13 months from the date of and pursuant to a written statement of his intention, accepted by the underwriter, which provides that the purchaser intends, but is not obligated, to purchase securities within such period in a specified aggregate amount which would entitle the purchaser to a quantity discount if purchased at one time, and which further provides that each purchase made pursuant to the statement shall be made either (A) at the price applicable to the quantity of securities being purchased in each separate transaction until at least a sufficient quantity of securities has been purchased to qualify for a discount pursuant to the statement, or until the aggregate quantity specified therein has been purchased, whereupon a retroactive price adjustment for all purchasers theretofore made under the statement to reflect the quantity discount to which the purchaser is then entitled pursuant to the statement shall be made by the underwriter and the dealer involved, if any, or (B) at the price applicable to the intended aggregate quantity of securities specified by the purchaser, provided that an amount of the securities purchased shall be retained by the underwriter or held by a bank escrow agent pursuant to terms and conditions which will reasonably assure that the full applicable sales load will be charged if the purchaser does not complete the intended purchases. The statement of intention may also provide that, if the total purchases made within the period covered by the statement exceed the amount specified by the the dealer involved, if any, for all purchases, and equal an aggregate amount which would, if purchased at a single time, qualify for an additional quantity discount, a retroactive price adjustment shall be made by the underwriter and the dealer involved, if any, for all purchases made under the statement to reflect the quantity discount applicable to the aggregate amount of such purchases.

(2) The scale of reducing sales load and the method of computation utilized shall be specifically described in the prospectus and shall be applicable to sales to all purchasers.

(3) As used in this paragraph (b), the term "purchaser" shall have the same meaning as the word "person" set forth in Section 2(a)(28) of the Act but shall also include (i) an individual, or an individual, his spouse and their children under the age of 21, purchasing securities for his or their own account, and (ii) a trustee or other fiduciary purchasing securities for a single trust estate or single fiduciary account (including a pension, profit-sharing, or other employee benefit trust created pursuant to a plan qualified under section 401 of the Internal Revenue Code) although more than one beneficiary is involved: *Provided, however,* That the term "purchaser" shall not include any "company" within the meaning of section 2(a)(8) of the Act (other than a company of the character described in clause (b)(3)(ii) of this section) (A) which has not been in existence for at least six months, (B) which has no purpose other than to purchase redeemable securities of a registered investment company at a discount, or (C) which does not satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales related expense selected by the issuer and described in the prospectus; *and further provided,* The term "purchaser" shall not include any group of individuals whose sole organizational nexus is that the participants are credit cardholders of a company; policyholders of an insurance company; customers of either a bank or broker-dealer; or clients of an investment adviser.

* * * * *

(e) For the purpose of paragraphs (c) and (d) of this section hereof, "separate opportunity" to reinvest dividends or distributions shall include a right given to security holders to elect to receive such dividend or distribution in stock or cash, or to reinvest a cash payment within a specified period of time after receipt thereof.

(f) Upon the sale pursuant to a uniform offer described in the prospectus and made to tax-exempt organizations enumerated in sections 501(c)(3) or (13) of the Internal Revenue Code, or employees' trusts, pension, profit-sharing, or other employee benefit plans qualified under section 401 of the Internal Revenue Code, or employee benefit plans not qualified under section 401 of such Code provided such non-qualified plans satisfy uniform criteria relating to the realization of economies of scale in sales effort and sales related expense selected by the issuer and described in the prospectus. As used in this paragraph, "employee benefit plan" shall mean any plan or arrangement which provides a means for employees or an employer on behalf of employees to purchase shares of a registered open-end investment company or companies by means of periodic payroll deductions or otherwise, and "employer" shall mean a single employer or two or more employers each of which is an affiliated person of the other under section 2(a)(3)(C) of the Investment Company Act.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 4, 1974.

[FR Doc.74-26798 Filed 11-14-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-389-B; Opinion No. 699-F]

PART 157—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND FOR ORDERS PERMITTING AND APPROVING ABANDONMENT UNDER SECTION 7 OF THE NATURAL GAS ACT

Order Denying Applications and Petitions for Rehearing and for Modification

NOVEMBER 7, 1974.

In the matter of just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

Natural Gas Pipeline Company of America (Natural), Texas Eastern Transmission Corporation and Transwestern Pipeline Company (hereinafter jointly referred to as Texas Eastern), Senator Abourezk, Associated Gas Distributors (AGD), United Gas Pipe Line Company (United), Transcontinental Gas Pipe Line Corporation (Transco) and Union Oil Company of California (Union), have petitioned for rehearing of Opinion No. 699–B[1] and/or Opinion No. 699–C.[2]

Texas Eastern's petition concerns the status of an emergency purchase which terminated after the issuance of Opinion No. 699. This question has been resolved by the issuance of an errata notice pertaining to Opinion No. 699–C, and, therefore, Texas Eastern's petition is moot.

Natural objects to our requirement that the proposed price in a limited-term proceeding be supported "by substantial evidence that the price for which certification is sought is the lowest price of gas may be obtained for the interstate market and that the supply of gas may be obtained only for the limited period for which certification is sought."[3] Natural states that this requirement "unduly impedes operation of the limited-term certificate procedure", and that it "has been unsuccessful in attempting to augment its [gas] supply through use of the limited-term procedure." While we are concerned with Natural's and all other natural gas pipelines' existing difficulty in obtaining new supplies of natural gas, Opinion No. 699–B does nothing more than restate the language of section 19(b)[4] which requires that the Commission's findings be affirmed if supported by "substantial evidence."[5] If a pipeline seeks to purchase gas in interstate commerce for only a short period of time at a price in excess of the national rate, there must be credible evidence demonstrating that the gas is to be purchased at the lowest price for which the pipeline could have obtained the gas, and that such gas supply is not available for a long-term dedication at the present national rate. Accordingly, Natural's petition for rehearing and modification of Opinion No. 699–B should be denied.

Senator Abourezk objects to the reinstatement by our Opinion Nos. 699–B and 699–C of the limited-term and emergency provisions. He contends that the rates allowed for such purchases will not be "just and reasonable", that pregranted abandonment is unlawful, and that the allowance of such purchases is counterproductive. We are not persuaded by Senator Abourezk's arguments.

The standards set forth in Opinion No. 699–B are designed to assure that the rates allowed for emergency and limited-term purchases are, at least, required by the public convenience and necessity considering all of the circumstances. Such an assurance is that which is required by section 7 of the Act. It has been made clear that the Act does not necessarily require that we make a determination that the proposed rate is just and reasonable in a section 7 proceeding as it does in either section 4 or section 5, although, in fact, we may so do.[6] Atlantic Refining Co. v. Public Service Commission of the State of New York, 360 U.S. 378, 390–391 (1959).

It should be apparent that the national rate prescribed in Opinion No. 699 was not intended to apply to all situations for we preserved the optional procedure, special relief, and made specific provision for special relief for deeper drilling and deeper water depths. In Opinion No. 699–B, we provided that emergency and limited-term purchases may be allowed where the applicant's have demonstrated "by substantial evidence that the [proposed] price * * * is the lowest price at

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[1] In this connection, it should be borne in mind that any person who is paid any portion of a sales load or who receives other special compensation in connection with the purchase or sale of securities would probably be required to register as a broker-dealer pursuant to section 15(a) of the Securities Exchange Act of 1934.

[2] It has been suggested that such maximum might be stated as a percentage of the purchaser's income. We believe this would be unjustly discriminatory and thus unlawful.

[1] — F.P.C. — (September 9, 1974).

[2] — F.P.C. — (September 26, 1974) (Errata issued October 3, 1974).

[3] — F.P.C. —, Opinion No. 699–B at 6.

[4] 52 Stat. 831 (1938); 15 U.S.C. § 717r(b) (1970).

[5] *Mobil Oil Corp. v. F.P.C.*, 483 F 2d 1238, (1973).

[6] See: *Freeport Oil Company*, Docket No. CI74–78, order issued October 31, 1974, — FPC —.

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which that particular supply of gas may be obtained for the interstate market and that the supply of gas may be obtained only for the limited period for which certification is sought." Thus, there is not untrammeled discretion conferred upon pipelines to seek limited-term purchases simply for their own advantage, there must be a valid reason for seeking to make such purchases. Moreover, the emergency purchases are subject to refund if the sale continues beyond 60 days by the filing of an application for a temporary or permanent certificate within 15 days of the commencement of delivery, and a certificate for the continued sale of the gas has not been issued within the 60 day period. Otherwise, such sales must terminate upon expiration of the 60 day period.[7] As to the rates allowed for emergency purchases, we call attention to the fact that the purchasing pipeline will be allowed to recover in its purchased gas cost only that portion of the price that "a reasonably prudent pipeline purchaser would pay for gas under the same or similar circumstances."[8]

Finally, as to pregranted abandonment, we disagree with Senator Abourezk that such action is "clearly unlawful." We are of the opinion that the Court erred in the Moss case[9] in holding that pregranted abandonment is beyond the scope of the Commission's discretion in all cases." The Supreme Court and the Tenth Circuit have held that in a proper case the Commission does have the power to issue a certificate of limited duration which permits the jurisdictional service to cease when the certificate expires without further action of the Commission. Sunray Mid-Continent Oil Co. v. F.P.C., 364 U.S. 137 (1960), affirming 267 F.2d 471 (10th Cir. 1959); Sunray Mid-Continent Oil Co. v. F.P.C., 239 F.2d 97 (10th Cir. 1956), reversed on other grounds, 353 U.S. 944 (1957). In Opinion No. 699–B we specifically provided that where emergency or limited term purchases of natural gas were to be made in the offshore Federal domain, the seller thereof must prove by substantial evidence that the supply of gas would be available for sale only for the limited period of the sale. Likewise, we provided that in considering an application for a limited term certificate for a sale of gas within the domain of a state, we would require the applicant to prove that the supply of gas would be available only for the limited period for which certification is sought. These limitations, alone, justify our apparent contradictory action to the Court's determination in Moss.

AGD and United both ask us to modify our determination in Opinion Nos. 699–B and 699–C to limit an emergency sale authorized thereby to a single period of sixty (60) days so as to authorize such a sale to be made for a period of one hundred, eighty (180) days. The contentions and averments of AGD and United, made in their respective applications, were made by them, and others, in the oral argument we heard herein on August 22 and 23, 1974. We gave consideration to each of those contentions and averments, and the arguments made in support thereof, when we issued our Opinion Nos. 699–B and 699–C. Upon reconsideration of the matters, we find no cause to change or modify that which we provided in each of the above mentioned opinions. Consequently, we shall deny the application for rehearing and modification of AGD as well as that filed by United.

In its application for rehearing, Transco focuses upon the restriction in our Opinions on emergency sales to a single period of sixty (60) days "regardless of a change in the identity of the purchaser." Transco states that the basis for the prohibition of more than a single sixty (60) day sale to the same purchaser is understandable, but that the logical basis of that prohibition does not support the prohibition against more than one sixty (60) day sale to different purchasers. In other words, Transco would have the reinstated § 157.29 read to authorize a producer to make a sixty (60) day emergency sale to one purchaser where there existed on its own system: "imminent danger to life and property"; a necessity "to assure maintenance of adequate natural gas service on the purchaser's pipeline system"; "or where serious curtailment of service exists or is threatened on purchaser's system" (emphasis added) and also be authorized to make such a sale for a single sixty (60) day period from the same well or wells to a different purchaser if and when the aforementioned conditions should occur or prevail on the second purchaser's own pipeline system. It may well be that § 157.29, as reinstated by Opinion No. 699–B, could now be interpreted as granting authority to a producer to make such a second, single, sixty (60) day sale to more than one pipeline system. We believe that such an interpretation is reasonable, but also we believe it necessary to caution that that interpretation may not be strained to authorize more than a single sale to the same pipeline system even if there be an interruption of such sale, or an intervening sale to one or more other purchasers. Nor will sales to a pipeline system for exchange with another; for the benefit of another or on account of another, be countenanced.

Consequently, we shall amend Ordering Paragraph (B) of Opinion No. 699–C by striking the last clause: "—and regardless of a change in the identity of a purchaser." and inserting a period preceding that clause after the word "owned."

Union seeks clarification of the proscription of more than a single sale for a sixty (60) day period to the same pipeline system from the same well or wells regardless of the identity of the seller or sellers. Union states that there may be an instance or instances where a joint owner sells gas reflecting only its interest, from a well or wells, and other owners would then be precluded from selling the gas reflecting their interests, either jointly or severally, for a different period, or differing periods under the sixty (60) day emergency procedure. Union is correct; it is exactly that type of procedure we intended to prohibit. We were not of the opinion, and are not now of the opinion that the prohibition will prevent the interstate market from obtaining the equivalent of 100 percent of the well's or wells' production for a single sixty (60) day period authorized.

The Commission orders. (A) Except as provides in Ordering Paragraph (B) below, for all of the foregoing reasons the aforementioned petitions seeking rehearing or modification of Opinion Nos. 699–B and 699–C are in all respects hereby denied.

(B) Ordering Paragraph (B) of Opinion No. 699–C, issued in this proceeding on September 26, 1974 (39 FR 35787, Oct. 4, 1974), is hereby amended to read:

"(B) However, it should be emphasized that in answering the petition for clarification in the affirmative it is confined strictly to thoes instances where the previous emergency sale was initiated and terminated prior to the issuance of Opinion No. 699–B, and that there will be permitted only a single period of sixty (60) days for sales from the same well or wells under the provisions of § 157.29, as amended, regardless of the identity of the seller or sellers—in those cases where the well or wells may be jointly owned."

By the Commission.[1]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26750 Filed 11-14-74;8:45 am]

[7] — FPC —; Opinion No. 699–B at 5, 9–10.

[8] — FPC —; Opinion No. 699–B at 4.

[9] *Moss, et al.* v. *F.P.C.*, — U.S. App. D.C. —, — F.2d — (DC Cir., No. 72–1837, August 15, 1974)

[10] We would note that the Moss decision is not yet final and that the Commission has requested the Solicitor General to petition the Supreme Court for certiorari.

[1] Commissioner Moody dissenting statement joined by Commissioner Brooke, filed as part of the original document.

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 429—DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Certain Modifications of Insulin Certification Requirements

Currently, there are six modified insulin products as well as the regular insulin product available pursuant to 21 CFR Part 429 (formerly 21 CFR 164, recodified and published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680)). Each product has its own distinct characteristics, and physicians select the product or combination of products to suit the individual needs of the diabetic.

Insulin injection (regular) is available, and is being certified in concentrations of 40, 80, or 100 U.S.P. Units of insulin per milliliter over-the-counter to diabetics. The modified insulin products are available, and are being certified, in concentrations of 40 and 80 U.S.P. Units of insulin per milliliter over-the-counter to diabetics.

Two manufacturers of insulin-containing products requested approval under the certification provisions of section 506 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356) for a concentration of 100 U.S.P. Units per milliliter for all of their modified insulin preparations. These are not new forms of insulin, but merely a new strength of the currently available products.

Section 506 of the act provides that a batch of insulin shall be certified if it has such characteristics of identity and the batch has such characteristics of strength, quality, and purity as prescribed in regulations as necessary to adequately ensure safety and efficacy of use. However, in order to certify the modified insulins containing 100 units per milliliter, it is only necessary to prescribe the distinguishing colors to be used on the packages of such products and the type of containers to be used. The standards of quality and purity and the tests and methods of assay do not have to be prescribed to certify the modified insulins since 21 CFR Part 429 already contains such standards. As indicated previously, only a new strength of the modified insulins will be certified, not a new modified insulin.

Pending the amendment to the regulations to prescribe distinguishing colors and the type of container to be used, batches of the modified insulins containing 100 units of insulin are being released as provided for in section 506 of the act. In obtaining such a release, the manufacturer must demonstrate compliance with the applicable standards of Part 429 for quality, purity, and strength. In addition, the manufacturers have agreed to use, and are using, the distinguishing colors and type of container provided for by this amendment.

Prior to releasing any batches of modified insulins containing 100 units per milliliter, the Food and Drug Administration met on several occasions with representatives of the American Diabetes Association, the United States Pharmacopeia, and the domestic manufacturers of insulin to discuss the 100-unit concentration of modified insulins. Although it was recognized that the marketing of an additional concentration of insulin could be confusing to health care professionals and diabetics, it was concluded that this disadvantage could be minimized with proper introduction of the 100-unit products and with appropriate education of such individuals.

It was further concluded that the needs of the diabetic patient could best be served by eventually having a single concentration of the insulin-containing products available. With only one single concentration available and with insulin syringes marked specifically for the 100-unit products, many errors of dosage-related to insulin selection, or choice of scale on a U–40/U–80 syringe would be eliminated. Further, a standard concentration of 100 units per milliliter makes dosage calculation and measurement more easily understandable.

The United States Pharmacopeia has revised U.S.P. XVIII monographs for modified insulin products to provide for the concentration containing 100 U.S.P. Units per milliliter.

At its June 1974 meeting, the Board of Directors of the American Diabetes Association (ADA) approved a recommendation from their Committee on Use of Therapeutic Agents that the ADA reaffirm February 1975 as the date for discontinuing certification of batches of U–80 insulin. This recommendation was transmitted to the Food and Drug Administration in a letter of June 25, 1974.

This recommendation was also communicated to the Food and Drug Administration's Endocrinology and Metabolism Drug Advisory Committee in a meeting on June 21, 1974. This committee recommended that, since the 100-unit concentration is now available, certification of the 80-unit concentration be discontinued according to the schedule suggested by the American Diabetes Association, namely February 1975.

The Commissioner of Food and Drugs accepts the recommendation of the American Diabetes Association and the recommendation of the Endocrinology and Metabolism Drug Advisory Committee. Elsewhere in this issue of the FEDERAL REGISTER the Commissioner is issuing a notice of proposed rule making (39 FR 40301) proposing to discontinue certifying all U–80 insulins as of February 1975. A period of 90 days is being provided for comments on that proposal.

The major intent of this amendment is to provide for the certification of the 100-unit modified insulins. In addition, the Commissioner concludes that several minor changes to achieve consistency and to correct outdated references should be made to Part 429 as follows:

1. Since the distinguishing colors for the modified insulins containing 100 U.S.P. Units per milliliter are to be "black and white," the distinguishing color for the regular insulin containing 100 U.S.P. Units per milliliter is changed from "orange" to "white" for consistency.

2. Globin zinc insulin injection is now recognized in the U.S.P. rather than the National Formulary (N.F.). Therefore, appropriate changes throughout Part 429 have been made to show that this product is now a U.S.P. drug.

3. The Commissioner of Food and Drugs, as well as the U.S.P. and the American Diabetes Association, has concluded that the square-shaped and hexagonal-shaped bottles have lost their historical significance and that the use of such bottles should not be required for the 100-unit concentration of modified insulin products. Therefore, § 429.10 (formerly § 164.5) is amended to permit the 100-unit products to be packaged in cylindrical glass containers.

4. Currently § 429.40(g)(1) (formerly § 164.2(g)(1)) of the insulin regulations provides that certain samples and test results are not required to be submitted if the batch contains 80 U.S.P. Units of insulin per milliliter, and the Commissioner has previously approved a trial mixture containing 40 U.S.P. Units of insulin per milliliter prepared from the same materials and in the same manner (except for adjustments of pH of the buffer solution) as such batch containing 80 U.S.P. Units of insulin per milliliter is to be made. The Commissioner has concluded that a comparable exemption is applicable to products containing 100 U.S.P. Units per milliliter. Therefore § 429.40(g)(1) (formerly § 164.2(g)(1) is amended to provide manufacturers of the 100-unit products the same exemption that is currently in effect for the 80-unit products.

5. The fee for sterility testing of insulin products is set forth in § 429.55(b)(9) (formerly § 164.10(b)(9)) of the regulations. Currently, the fee is $58.80 for all packages in the sample submitted for the initial sterility test and $117.60 for all packages in the sample submitted for any repeat sterility test. The fee for the sterility testing of antibiotics was increased to $59 by an order published in the FEDERAL REGISTER of June 7, 1973 (38 FR 14917). Since the amount of work performed in conducting the sterility test is the same for both antibiotics and insulin, the Commissioner concludes that the sterility test fee for insulin prescribed in § 429.55(b)(9) should be increased to $59 for one test and $118 for a repeat test, to be consistent with the antibiotic regulations.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 506, 55 Stat. 851; 21 U.S.C. 356) and under authority delegated to the Commissioner (21 CFR 2.120), Part 429 (formerly Part 164) is amended as follows:

1. In § 429.3 (formerly § 164.1) by revising paragraph (j) to read as follows:

§ 429.3 Definitions and interpretations.

• • • • • •

(j) The term "globin zinc insulin injection" means the globin zinc insulin injection recognized in the U.S.P.

• • • • • •

2. In § 529.10 (formerly § 164.5) by revising the last sentence to read as follows:

§ 429.10 Packaging.

• • • The shape of the containers shall be cylindrical, except that the cross-section of the containers for isophane insulin suspension containing less than 100 U.S.P. Units of insulin per milliliter shall be a rounded square, and the shoulder of the containers for insulin zinc suspension, prompt insulin zinc suspension, or extended insulin zinc suspension containing less than 100 U.S.P. Units of insulin per milliliter shall be hexagonal.

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§ 429.12 [Amended]

3. Section 429.12 (formerly § 164.7) is amended:

a. In paragraph (a) by revising the entry "Orange, if it contains 100 U.S.P. Units of insulin per milliliter" to read "White, if it contains 100 U.S.P. Units of insulin per milliliter."

b. In paragraphs (b), (c), (d) and (e) by adding after the last entry the following new entry: "Black and white, if it contains 100 U.S.P. Units of insulin per milliliter."

§ 429.30 [Amended]

4. Section 429.30 (formerly § 164.15) is amended:

a. In paragraph (a) by deleting the phrase "or N.F."

b. In paragraph (f)(2) by deleting "N.F." and substituting "U.S.P."

§ 429.40 [Amended]

5. Section 429.40 (formerly § 164.2) is amended:

a. In paragraph (e)(5) by deleting "N.F." and substituting "U.S.P."

b. In paragraph (g)(1) by inserting the phrase "or 100" after the number "80" each time it appears.

§ 429.45 [Amended]

6. In § 429.45(b)(1) (formerly § 164.4 (b)(1)) by deleting the phrase "or N.F."

7. In § 429.55 (formerly 164.10) by revising paragraph (b)(9) to read as follows:

§ 429.55 Fees.

• • • • • •

(b) • • •

(9) Ten dollars for each package in the sample of the finished batch submitted for all tests except sterility; $59.00 for all packages in the sample submitted for the initial sterility test in accordance with § 429.40(d)(10); and $118.00 for all packages in the sample submitted for any repeat sterility test, if necessary, in accordance with the U.S.P.

• • • • •

Effective date. This order shall be effective December 16, 1974. The Commissioner finds that the changes to Part 429 covered by this order are such that notice and public procedure are unnecessary and not prerequisites to this promulgation. The changes to Part 429 to provide for the certification of modified insulins containing 100 units per milliliter are minor changes and are already being followed by the manufacturers of insulin. The other changes to Part 429 are for consistency purposes and to remove the reference to the N.F. and will not adversely affect any party. However, comments on this regulation may be submitted to the Hearing Clerk, Food, and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, on or before December 16, 1974. Comments received and supportive materials may be seen in the office above during working hours, Monday through Friday. Comments received may result in modification of this order.

(Sec. 506, 55 Stat. 851; (21 U.S.C. 356).)

Dated: November 11, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26780 Filed 11-14-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF SPECIAL FLOOD HAZARD AREAS

List of Communities Eligible for Flood Insurance; Correction

On February 20, 1973, at 38 FR 4669, the Federal Insurance Administrator published a list of communities eligible for flood insurance and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the Village of Palatine, Illinois, as an eligible community and included map No. I 17 031 6650 02 which indicates that Block 207 of Lot 218 Willowood as recorded in the Cook County Register of Deeds Docket No. 2046942, Volume 148, Page 315 (present address: 704 North Stark Drive, Palatine, Illinois) is in its entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective February 16, 1973, map No. I 17 031 6650 02 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974.

Issued: October 31, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26773 Filed 11-14-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 288-3]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revocation and Revision of Certain Sections of the New Jersey Transportation Control Plan

On November 13, 1973 (38 FR 31388), the U.S. Environmental Protection Agency (EPA) published in the FEDERAL REGISTER the New Jersey Transportation Control Plan containing regulations which prohibit, beginning May 1, 1975, the pick-up and delivery of goods between the hours of 6 a.m. and 11 a.m. from May 1 through September 30 (§ 52.1586), and which control the emissions of non-methane hydrocarbons into the atmosphere from the use of volatile organic substances (§ 52.1596).

The purpose of the pick-up and delivery prohibition was to reduce peak hour concentrations of photochemical oxidants by delaying emissions of hydrocarbons beyond the morning hours of 6 a.m. through 11 a.m. The regulation was found to be ineffective in reducing the level of peak photochemical oxidant concentration. It also caused minor enforcement problems.

Therefore, EPA is revoking that regulation. In the proposed rulemaking section of today's FEDERAL REGISTER (39 FR 40308), EPA is proposing a new Section 52.1586 that will require the retrofit of gasoline-powered motor vehicles of 10,000 lbs. gross vehicle weight (GVW) or more. Also, a revision of § 52.1583 that will require the inspection and maintenance of such heavy-duty vehicles is proposed.

Strategies for Achievement of Photochemical Oxidant Standard by May 31, 1977—New Jersey-New York-Connecticut AQCR

	Annual (T/yr)	Percent reduction
Stationary source emissions without control strategy	116,310	
Expected reductions:		
Control of petroleum storage	42,723	10.0
Control of solvent emissions from dry cleaning	7,167	1.7
Gasoline marketing vapor controls	10,074	2.3
Other stationary source controls	8,229	1.9
Emissions remaining	48,117	
Aircraft emissions	17,575	
Mobile source emissions without control strategy	294,962	
Expected reductions:		
FMVCP-LDV's	129,290	30.1
FMVCP-HDV's	3,578	0.8
I/M-LDV's	8,258	1.9
I/M-MDV's	2,450	0.6
EGR-Airbleed-LDV's	9,414	2.2
Catalytic retrofit—LDV's	11,149	2.6
Retrofit—MDV's	4,925	1.1
Reduction in VMT	[1] 50,064	11.7
Emissions remaining	75,834	
Total emissions without control strategy	428,867	
Total reductions	287,341	66.9

[1] Represents a VMT reduction of 58 percent.

Because the 6 a.m. to 11 a.m. analysis presented in the November 13, 1973 FEDERAL REGISTER reflected the impact of the prohibition, EPA is revising its analysis to show the reductions that will result on a yearly basis from each measure. This analysis is shown in Table 1. This table replaces Table 3 of the New Jersey Transportation Control Plan (38 FR 31391).

Table 1 shows that a 58 percent reduction in vehicle miles traveled is now necessary for attainment of the national standard for photochemical oxidants in the New Jersey portion of the New Jersey-New York-Connecticut Interstate Region. It also incorporates some changes in reductions from other measures. The changes result from computational errors that were identified through comments submitted to EPA from various sources. The changes are in the reduction attributed to those measures that apply to medium-duty motor vehicles and arise from the fact that EPA originally misinterpreted available data and concluded that 27 percent of all gasoline fueled trucks are between 6,000 pounds and 10,000 pounds GVW. In reality 77 percent of these vehicles are between 6,000 pounds and 10,000 pounds GVW. The effect of this reinterpretation is to increase the reductions that result from the inspection/maintenance and retrofit of medium-duty vehicles.

During the period between its public hearings in July 1973 and its final promulgation on November 13, 1973, EPA substantially revised § 52.1596, Volatile organic substances. In its revised form, the regulation is designed to control non-methane hydrocarbons not photochemically reactive hydrocarbons as was originally proposed. The change was made to reflect the approach taken by the New Jersey Department of Environmental Protection in its proposed regulation to control hydrocarbon emissions from stationary sources.

During the 30-day comment period following promulgation of the New Jersey Transportation Control Plan, EPA received a number of comments from affected industries regarding the technical feasibility of its regulation. Strong opposition was voiced by various industries comprising the National Paint and Coating Association, the Ford Motor Company, and General Motors. The comments were analyzed and subsequent meetings between EPA and technical representatives of the paint and varnish industry were held. Based on data presented at these meetings, EPA concluded that it does not have adequate data to determine that § 52.1596 as promulgated is an available method for controlling non-methane hydrocarbon emissions from painting operations within the time frame set in the regulation. Furthermore, under the current EPA regulation reformulation of paints and solvents is discouraged because of the lack of exemption for coatings which come into contact with flame, as happens during baking in direct-fired ovens. This, therefore, would be a disincentive to reformulation to waterbase and high solids coatings, contrary to EPA's desire to encourage such measures.

On this basis EPA is revoking § 52.1596, Volatile organic substances, and is revising § 52.1597, Federal compliance schedules, to delete the compliance dates applicable to § 52.1596. In the proposed rulemaking section of today's FEDERAL REGISTER, EPA is proposing a revised § 52.1596 that is based upon photochemical reactivity of hydrocarbons.

Comments on these actions may be submitted on or before December 16, 1974. These comments may be submitted to the U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

(Sec. 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.))

Dated: November 7, 1974.

JOHN QUARLES,
Acting Administrator, Environmental Protection Agency.

Part 52 of Chapter 1, Title 40, Code of Federal Regulations is amended as follows:

Subpart FF—New Jersey

§ 52.1586 [Reserved]

1. Section 52.1586 is revoked and reserved.

§ 52.1596 [Reserved]

2. Section 52.1596 is revoked and reserved.

3. Paragraphs (a), (b), (c)(1), and (c)(3) of § 52.1597 are revised to read as follows:

§ 52.1597 Federal compliance schedules.

(a) Except as provided in paragraph (c) of this section, the owner or operator of any stationary source subject to the requirements of § 52.1594 or § 52.1595 shall comply with the compliance schedule in paragraph (b) of this section.

(b)(1) On or before February 15, 1974, submit to the Administrator a final control plan that describes at a minimum the steps that must be taken by the source to achieve compliance with §§ 52.1594 and 52.1595.

(2) On or before April 15, 1974, negotiate and sign all necessary contracts for emission control systems or process modifications, or issue orders for the purchase of components to accomplish emission control or process modification for compliance with §§ 52.1594 and 52.1595.

(3) On or before July 1, 1974, initiate on-site construction or installation of emission control equipment or process modification for compliance with §§ 52.1594 and 52.1595.

• • • • • •

(c) Paragraph (b) of this section shall not apply to:

(1) A source which is presently in compliance with §§ 52.1594, 52.1595 and which has certified such compliance to the Administrator by February 15, 1974. The Administrator may request whatever supporting information he considers necessary for proper certification.

• • • • • •

(3) A source whose owner or operator submits to the Administrator by February 15, 1974 a proposed alternative schedule for §§ 52.1594 and 52.1595. No such schedule may provide for compliance after May 31, 1975. If approved and promulgated by the Administrator, such schedule shall satisfy the requirements of this section for the affected source.

[FR Doc.74-26628 Filed 11-14-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Procurement by Formal Advertising

This change to the General Services Administration Procurement Regulations (GSPR) updates and transfers materia advertising procurement by formal advertising from Chapter 5, GSPR, to Chapter 5A, GSPR, and updates related portions of Chapter 5A, GSPR.

The table of contents for Part 5A-2 is amended to delete § 5A-2.203-71 and to add the following new entries:

5A-2.201-55	Soliciting bids by telephone.
5A-2.201-56	Telegraphic solicitations.
5A-2.202-50	Postponement of bid openings.
5A-2.203-2	Displaying in public places.
5A-2.301	Responsiveness of bids.
5A-2.302	Time of bid submission.
5A-2.303	Late bids.
5A-2.303-1	General.
5A-2.303-7	Disposition of late bids.
5A-2.304	Modification or withdrawal of bids.
5A-2.401	Receipt and safeguarding of bids.
5A-2.406-4	Disclosure of mistakes after award.
5A-2.406-50	Submissions to the Comptroller General.
5A-2.407-50	All or none bids.
5A-2.407-52	Evaluation of f.o.b. prices.

1. Section 5A-2.201 is amended as follows:

§ 5A-2.201 Preparation of invitations for bids.

(a) *Content.* The information to be included in invitations for bids shall be in accordance with § 1-2.201 and this section. In addition, when preparing invitations for bids involving Federal Supply Schedules, the instructions set forth in Part 5A-73 must be observed.

(b) *Arrangement.* The following format guidelines shall be observed when preparing invitations for bids. The objective is to produce logically arranged and readily understandable invitations. The GPO Style Manual shall be used as a general guide in all editorial phases of manuscript preparation.

Normally, the following sequence of content (including captions and subcaptions, where appropriate) shall be used when composing invitations for bids. Information concerning item (1) and, where applicable, item (2), below, shall be entered on page one of each invitation.

(1) *General description.* Describe the general character of the items to be procured, including, as appropriate, the FSC number, description of the commodity or service, place of delivery, and the contract period.

(2) *Special notices to bidders.*

(i) *Set-asides.* If applicable, enter a statement concerning set-asides for small business concerns (see § 5A-1.706) or labor surplus area concerns (see § 5A-1.804-2).

• • • • •

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2. Section 5A–2.201–53 is revised as follows:

§ 5A–2.201–53 Grouping of items for aggregate award.

(a) To the maximum extent feasible, contract awards shall be made on an individual item basis. However, aggregate awards of grouped items may at times best serve the Government's interest. This may occur when furniture or fixtures are required for a single project, where uniformity of design is desirable, when the articles required will be assembled and used as a unit, or when factors such as carload shipment, production runs, and quantity discount are involved.

(b) Items should not be grouped for aggregate award if it will unduly restrict competition or place a significant portion or class (e.g., small business concerns) of prospective bidders at a disadvantage in competing with other prospective bidders.

(1) Only items of a related character, normally handled by the majority of interested bidders, should be included in a single group. The grouping of nonrelated items tends to limit competition, provides inequitable treatment to bidders who cannot bid on all items, and may cause increased Government cost.

(2) The grouping (for aggregate award) of requirements for two or more widely dispersed geographic locations should be avoided. It tends to restrict competition and results in higher bid prices because some prospective bidders may not be able to offer competitive prices on requirements for some of the locations within the group. Item grouping may be justified, for example, (1) where one location has a large requirement and another location has a requirement too small to individually attract competitive bids, or (2) where it is industry practice to serve outlying locations on a route basis and complete coverage of all locations cannot be obtained economically, except by grouping them for aggregate award. Determinations for group requirements covering widely dispersed geographic locations shall not be made below the GS–14 contracting officer level. The procurement case file shall be documented to show the reason for such determinations.

(c) When aggregate awards are contemplated, the invitation for bids shall state the basis on which awards will be made and require bidders to insert unit prices for each item.

3. Section 5A–2.201–54 is revised as follows:

§ 5A–2.201–54 Weighting of items for aggregate awards (indefinite quantity contracts).

(a) When it has been determined that provision should be made for aggregate awards under an invitation for bids for requirements contracts and that the weighted item method of making such awards should be used instead of the price list method (see § 5A–2.201–74), clearly state the basis on which the low bidder will be determined.

(1) Include a provision which sets forth a formula for weighting items and states how the formula will be used in determining award. The formula shall indicate the relative weight to be applied to each item in a group for award purposes. (For example, in weighting a group of five items, four might be shown as the weight for the first item, three for the second, six for the third, five for the fourth, and two for the fifth).

(2) For definite quantity contracts, use only the quantity of individual items as the basis for evaluating bids on items grouped for aggregate award.

(b) (1) Items in an aggregate group are assigned weights in order to establish a basis for selecting the bid which is likely to result in the lowest overall cost to the Government. Since the actual costs to the Government will depend upon the quantities of each item purchased under the resulting contract, the weight assigned to each item must be based on the best available information, i.e. previous purchases, sound estimates of requirements, or commercial ratios. Care should be exercised to ensure that the formula is sound, based on practical considerations, and will not unfairly restrict competition.

(2) Weights shall not be based on the estimated dollar value of purchases. Weights based on dollar values are more likely to distort bid evaluation and result in the making of awards which will not be at the lowest overall cost to the Government. This distortion will increase as the variation among the prices of the items composing the aggregate becomes greater. In some instances, however, the dollar values of previous purchases (e.g., total dollar value of orders under recent contract) are the only data available. In such cases, satisfactory estimates of the required quantities may be obtained by dividing the total dollar value of purchases of an item by the unit price paid to determine the quantity purchased, and then adjusting that quantity to reflect any expected increase or decrease.

(c) Using the full estimated quantities as weights provides the most accurate results. However, the estimated quantity figures may be reduced to smaller numbers to simplify the computations [when] evaluating bids. Care should be taken to ensure that the reduced figures are substantially in the same proportion as the estimated quantities so that the results will not be distorted. For example, using the reduced figures in column B, below, as weights in lieu of the quantities in column A, would not materially distort the results and would simplify the evaluation process.

Column A	*Column B*
756,000	76
272,000	27
176,000	18

(d) Weights shall not be adjusted to total a set figure (e.g., 100). Such totals are inconsequential and may create errors which could distort the relative proportions.

4. Section 5A–2.201–55 is added as follows:

§ 5A–2.201–55 Soliciting bids by telephone.

Bids shall not be solicted by telephone when the contract is to be made by formal advertising.

5. Section 5A–2.201–56 is added as follows:

§ 5A–8.201–56 Telegraphic solicitations.

(a) Bids may be solicited by telegraph when the contracting officer determines that such action is necessary in order to satisfy an urgent need. However, all other applicable requirements of formal advertising must be fulfilled.

(b) Prior to solicitation by telegraph, consideration shall be given to:

(1) The factors justifying deviation from the range of bidding times prescribed in § 5A–2.202–1;

(2) Use of time of delivery clauses designed to ensure delivery or performance to meet the Government's requirements; and

(3) Authorizing submission of telegraphic bids (see § 1–2.202–2) using prescribed forms for solicitation of such bids.

(c) The use of telegraphic solicitations does not relieve the contracting officer from responsibility for ensuring full and free competition. Accordingly, the contracting officer shall solicit a sufficient number of prospective bidders to ensure adequate response.

(d) Written justification for using telegraphic solicitation shall be placed in the procurement file.

6. Section 5A–2.201–71 is revised as follows:

§ 5A–2.201–71 Special minimum bid acceptance time requirements.

(a) The standard bid acceptance time provision on the face of Standard Form 33 provides that the Government will have a period of 60 days from the bid opening date to accept a bid unless the bidder specifies a different period. This provision is adequate for most solicitations for offers.

(b) A special minimum bid acceptance time requirement as authorized in § 1–2.201(a)(15) shall not be used unless advance approval has been obtained from the appropriate division director. Such approval may be given only in those cases where, based on experience with previous procurements of the same or similar items, it is relatively certain that either (1) more than 60 days bid acceptance time will be needed, or (2) a bid acceptance time of 60 days or less (e.g., 30 or 45 days) will be adequate, but one or more bidders will specify less than that amount of time for acceptance.

7. Section 5A–2.201–79 is amended as follows:

§ 5A–2.201–79 Request for brand name information—limitation.

* * * * *

(c) *Procurements of qualified products.* This limitation applies to procurements using "restricted advertising" techniques as described in § 1–1.706–5 and Subpart 1–6.8.

8. Section 5A–2.201–82 is revised as follows:

§ 5A–2.201–82 Bid and performance bonds.

Invitations for bids shall not provide for the submission of either bid or performance bonds, except as provided in Parts 1–10 and 5A–10.

9. Section 5A–2.202–50 is added as follows:

§ 5A–2.202–50 Postponement of bid openings.

(a) When determined by the contracting officer to be in the best interest of the Government, bid openings may be postponed by issuance and distribution to all prospective bidders of an amendment (see § 1–2.207) to the invitation for bids. Notices of postpónement shall be issued by mail or telegraph as early as possible and prior to the time specified for the opening of bids. However, when emergencies or unanticipated events of the type referred to in paragraph (c) of this § 5A–2.202–50 occur, and the use of normal postponement procedures is impracticable, bid openings may be postponed without prior notice to prospective bidders. The new time and date set for the opening of bids shall be as soon thereafter as practicable. Where circumstances will permit, prior notice of the new time and date set for the opening of bids shall be given to all prospective bidders originally solicited.

(b) Bid openings shall be postponed when an important segment of prospective bidders request additional time for filing bids or the contracting officer is on notice, or has reason to believe, that the specified opening date is not appropriate or is not conducive to the maximum practicable competition.

(c) If determined by the contracting officer to be in the best interest of the Government, bid openings may be postponed, when an emergency interrupts the normal governmental processes so as to make the conduct of bid openings as scheduled impracticable, or when the contracting officer has reason to believe that the bids of an important segment of bidders have been delayed in the mails for causes beyond their control, and without fault or negligence of the bidders concerned, such as, but not limited to, flood, fire, accident, heavy snow, or strikes.

(d) Under the circumstances described in paragraph (c) of this § 5A–2.202–50, bids and modifications received before the new time and date set for the opening of bids shall be considered for award. Bids and modifications received thereafter shall be handled in accordance with the provisions of §§ 1–2.303 and 1–2.305 regarding late bids and modifications.

10. Section 5A–2.202–70 is revised as follows:

§ 5A–2.202–70 Unsolicited samples, descriptive literature, or brand name references.

The following provision (Article 25 of GSA Form 1424) shall be inserted in each invitation for bids.

UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE OR BRAND NAME REFERENCES

Where procurement is effected under specifications or purchase descriptions (other than "brand name or equal") and the Government does not specifically request bid samples, descriptive literature, or references to brand names, models or part numbers as an integral part of the bid, bids which are accompanied by any of the foregoing will be rejected unless it is clear from the bid or accompanying papers that the samples, descriptive literature, or references to brand names, models, or part numbers are not intended to qualify the bid and that the bidder proposes to furnish items fully in accordance with the specifications or purchase descriptions. Where offers contain unsolicited material such as samples, descriptive literature, or references to brand names, models, or part numbers, the Government will not be responsible in any way for determining whether the items which are offered meet the Government's requirements set forth in the applicable specifications or purchase descriptions.

(End of Provision)

The following notice shall be included in GSA Form 1602, Notice to Prospective Bidders:

NOTICE CONCERNING UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE, OR BRAND NAME REFERENCES

Bidders are cautioned that the submission of unsolicited material will result in rejection of bids under the provisions of this solicitation unless it is clear from the bid or accompanying papers that the samples, descriptive literature, or references to brand names, models, or part numbers are not intended to qualify the bid and that the bidder proposes to furnish items fully in accordance with the specifications or purchase descriptions (see Article 25 of GSA Form 1424). It is also emphasized that the Government will not be responsible for determining if unsolicited material offered meets the requirements of the specifications or purchase description of the solicitation.

(End of Notice)

11. Section 5A–2.203–1 is revised as follows:

§ 5A–2.203–1 Mailing or delivering to prospective bidders.

(a) Invitations for bids shall be distributed not later than the day indicated as the issuance date through the use of appropriate bidders mailing lists maintained in accordance with § 5A–76.306.

(b) The use of envelopes larger than 5¾'' x 11½'' should be avoided. Specific arrangements to achieve this objective shall be made with the local printing and distribution activity.

(c) A copy of each invitation for bids for direct delivery purchases shall be forwarded to the requisitioning office concerned. (Also see § 5A–72.105–23(a)(3).)

(d) Procuring activities shall ensure that active bidders, i.e., current contractors and bidders that responded to recent similar solicitations, will be provided with new complete bid sets for the same or similar items. After identifying the active bidders (also see § 5A–76.306(g), Handlists), their names shall be checked against the bidders mailing list printout. If their names are not on the printout, action shall be taken in accordance with § 5A–76.306(1)(2).

(e) Addressees on the bidders mailing list printout shall be furnished one copy of the invitation. Active bidders (see paragraph (d) of this section) shall be furnished complete bid sets. Unless otherwise justified, these sets should consist of three copies of the invitation, two to be submitted with the bid and one to be retained for the bidder's own record. Where active bidders are also listed in the bidders mailing list printout, procuring activities shall void this printout label or take such other actions necessary to ensure that active bidders will not receive BOTH the single copy of the invitation AND the complete bid set, but only the latter. Procuring activities shall manually prepare the required gummed address labels or addressed envelopes for the active bidders and furnish them to the local printing and distribution activity.

(f) The initial distribution of invitations shall include quantities required by the Business Service Center in the region where the invitation originates. Business Service Centers shall keep the contracting offices currently advised concerning quantities required for public display, reference and for filing of business and public requests for copies.

(g) Firms in debarred or ineligible status will be treated in accordance with § 1–1.604.

(h) To facilitate identification and handling, invitations for bids shall provide instructions to bidders giving the exact address where offers are to be mailed or delivered. When appropriate, Optional Form 17, Sealed Bid Label, may be used as an aid in the proper identification and handling of bids.

(i) All invitations for bids shall contain the Solicitation Copies clause set forth in § 5A–2.203–70.

(j) Contracting officers are responsible for ensuring that all amendments to invitations and related notices are furnished promptly to addressees which were previously furnished invitations by the contracting officer and by the Business Service Center.

12. Section 5A–2.203–2 is added as follows:

§ 5A–2.203–2 Displaying in public places.

The Business Service Centers shall display copies of invitations so that they are readily available and accessible for public examination. After the bid opening date, copies shall be removed from display.

13. Section 5A–2.203–4 is revised as follows:

§ 5A–2.203–4 Synopsis of invitations for bids.

Proposed purchases to be made by formal advertising shall be included in the synopsis of proposed purchases in accordance with § 5A–1.1003.

14. Section 5A–2.203–71 is deleted.

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§ 5A–2.203–71 [Removed]

15. Section 5A–2.205–2 is revised as follows:

§ 5A–2.205–2 Removal of names from bidders mailing lists.

Concerns which have been debarred or otherwise determined to be ineligible pursuant to Subpart 1–1.6 shall be removed from the FSS bidders mailing lists. This action will be taken by the Centralized Mailing List Services in Region 8. Debarred and ineligible concerns shall also be removed from any locally maintained bidders mailing lists (handlists), and this should be accomplished upon receipt of interim notices issued by the Office of Investigations. (See also § 5A–76.306(j).)

16. Section 5A–2.301 is added as follows:

§ 5A–2.301 Responsiveness of bids.

Any bid which is not signed by the bidder or his authorized representative shall be disregarded, unless the bid is accompanied by other evidence which demonstrates the bidder's intention to be bound by the unsigned bid document, such as a bid guarantee or a letter signed by the bidder referring to and clearly identifying the bid itself. The contracting officer, after consultation with legal counsel, may waive the deficiency as a minor informality or irregularity (see § 1–2.405) and shall document the file accordingly.

17. Section 5A–2.302 is added as follows:

§ 5A–2.302 Time of bid submission.

Where a telegraphic bid is received by telephone under the circumstances described in § 1–2.302, the identity of the telegraph office employee telephoning the message shall be obtained and recorded in the invitation for bids file.

18. Sections 5A–2.303, 5A–2.303–1, and 5A–2.303–7 are added as follows:

§ 5A–2.303 Late bids.

§ 5A–2.303–1 General.

(a) Upon receipt of a late bid delivered by mail (or telegraph, when authorized), the bid custodian shall record it on the duplicate copy of the list of bidders and have it delivered immediately to the responsible contracting officer.

(b) The delivery of a bid after the bid opening time by other than mail or telegram shall not be accepted. Should a bid custodian find himself unavoidably in possession of such a bid, it shall be immediately time stamped and handled in the same manner as prescribed for mailed bids in (a), above. In addition, the bid custodian shall note on the duplicate copy of the list of bidders when and how he came into possession of the bid.

§ 5A–2.303–7 Disposition of late bids.

A late bid returned to a bidder shall be accompanied by a statement from the contracting officer that the bid was not considered because of its late receipt.

19. Section 5A–2.304 is added as follows:

§ 5A–2.304 Modification or withdrawal of bids.

(a) Bid modifications received prior to bid opening time shall be handled in the same manner as bids and shall be attached to the related bid envelope to ensure opening at the same time. Where a telegraphic modification or withdrawal of a bid is received by telephone under the circumstances described in § 1–2.304, the identity of the telegraph office employee telephoning the message shall be obtained and recorded in the invitation for bids file. When such a modification results in a bid most advantageous to the Government, the contract award shall be withheld until receipt of the copy of the written telegram.

(b) The receipt required by § 1–2.304 for withdrawal of a bid in person by a bidder or his authorized representative before the time set for opening shall be worded as follows:

I certify that I am a bona fide, fully authorized agent for or representative of (enter Bidder's name and address) _____ whose bid on IFB No. _____ is scheduled for opening on _____. I hereby withdraw that bid from consideration and acknowledge receipt of the unopened bid.

_____ _____
(name and telephone no.) (date)

20. Section 5A–2.370 is revised as follows:

§ 5A–2.370 Copies of bids required in submission.

(a) Normally the bidding set mailed to each prospective bidder shall consist of three copies of the invitation for bids including three copies of all material which the invitation states is attached and incorporated. When material is incorporated by reference and is not required to be returned with the bid, a single copy of such material, if not previously furnished, should be included with each bidding set, as necessary or appropriate. Bids shall be submitted in an original and one copy, the third copy being retained by the bidder for his records. The original copy will be used by the procurement activity for the tabulation and evaluation of bids. The copy will be retained by the Business Service Center for public information until the bid abstract is available to replace it. After award the procurement activity shall furnish the successful bidder documentation of award in accordance with the provisions of § 5A–2.407–82.

(b) When it is necessary to vary the normal distribution prescribed in (a), above, the approval of the Director of the appropriate procurement division shall be obtained.

21. Section 5A–2.401 is added as follows:

§ 5A–2.401 Receipt and safeguarding of bids.

(a) Bids (including modifications and samples) received in response to invitations for bids shall be received and safeguarded by the appropriate Business Service Center until the time specified for opening.

(b) Each Regional Director of Business Affairs shall designate bid custodians and alternates as may be required, to perform the functions incident to the receipt, custody, and recording of bids.

(c) Adequate space and facilities shall be provided for the receipt and safeguarding of bids and samples received in conjunction therewith, and for the holding of public bid openings. This shall include the providing of a locking-type bid box located within sight of the bid custodian and at an accessible point where bidders or their representatives can readily deposit bids.

(d) Bids received shall be handled as follows:

(1) At the initial point of receipt, each envelope (or other covering) received by mail and identified as containing a bid shall be immediately time stamped or otherwise legibly indicated thereon the place, date, and time of receipt by authorized personnel, and then shall be delivered by special handling to the bid custodian in the Business Service Center.

(2) Bids received in unidentified or unsealed envelopes and bids opened by mistake shall be handled in accordance with § 1–2.401(b).

(3) Mailed bids (and modifications) delivered to the bid custodian prior to bid opening time shall be recorded on the list of bidders (see § 5A–2.401(d)(7)) on the same day they are delivered and then placed in a suitable locked cabinet.

(4) Insufficient postage on bid envelopes or samples shall not be a reason for failure to accept delivery of such bids or samples.

(5) Bids delivered in person by bidders (or their representatives) prior to bid opening time will normally be deposited by them in the locked bid box in the Business Service Center. In the event such a hand-carried bid is not placed in the bid box by the bidder, but is handed to the bid custodian or other Business Service Center personnel, it shall be time stamped immediately and then handled in the same manner as provided in § 5A–2.401(d)(3) for mailed bids. The bid custodian shall have custody of a key or combination to this receptacle. At least once daily (and immediately preceding the time for each scheduled bid opening), the bid custodian shall remove and time stamp such bids, record them in accordance with § 5A–2.401(d)(7), and place them with any other bids received previously (see § 5A–2.401(d)(1)).

(6) Telegraphic bids and modifications shall be sealed in envelopes immediately upon receipt, appropriately identified, and handled in the same manner as bids submitted by mail (see § 5A–2.401(d)(3)).

(7) The bid custodian shall prepare (for each invitation) a list, in duplicate, of the bidders whose bids are received before bid opening time (see paragraphs (3), (5), and (6) of this § 5A–2.401(d)). The list shall show the invitation number and the name and address of each bidder. In addition, where a bid modification is received before bid opening time or where a bid previously recorded on the list is withdrawn (see § 5A–2.304(b)), the list shall so indicate.

(8) At the scheduled bid opening time, the bid custodian shall deliver all bids received in response to the invitation, together with both copies of the list of bidders, to the authorized bid opening official or his designee who shall acknowledge receipt of the bids by signing the duplicate copy of the list and returning it to the bid custodian. The original list shall become a part of the contract file.

22. Section 5A–2.402 is revised as follows:

§ 5A–2.402 Opening of bids.

(a) Public bid openings shall be held in the Business Service Center except when determined to be impracticable by the Business Service Center and the contracting officer. The schedule for such openings shall be developed jointly by the Business Service Center and the contracting officer in order to avoid conflicts. The contracting officer shall be responsible for obtaining space for bid openings which are to be held outside the Business Service Center. Whenever, and as soon as it is justifiably determined to hold the bid opening elsewhere, the contracting officer shall inform the Business Service Center serving the geographic area in which the contracting office is located of the invitation number and the location where the public bid opening will be held.

(b) All bids shall be opened by the contracting officer or his designee responsible for the procurement. The designee shall be a fully qualified employee of the contracting office. However, upon authorization by the Head of the Service or Staff Office involved, and the Director of Communications (ALV), bids may be opened by selected Business Service Center personnel. Normally, this authorization will be requested only when the geographic distance separating the Business Service Center where bids are to be delivered and the contracting office makes it impracticable for the contracting officer or his designee to be present to open bids.

(c) Bid openings shall be open to business representatives, members of the press, and the general public.

(d) To ensure that bids will be opened at the exact time specified, the bid opening official shall verify that the timepiece to be used is accurate.

(e) For the information of those bidders present, approximately 1-minute prior notice of bid opening will be audibly announced by the bid opening official.

(f) The bid opening official shall take precaution to ensure that the exact time of opening has arrived and shall audibly announce this fact citing the invitation or invitations scheduled for opening. He shall then proceed with the opening of bids in full view of the parties present. (See § 1–2.402.)

(g) In reading bids, the following information from each bid shall be announced when considered practicable and feasible in accordance with § 1–2.402(a): The name of the bidder, the unit price for each item bid on, and other pertinent information, such as delivery and discount terms. A copy of each bid submitted in multiple copies shall remain in the bid opening room and be available for public examination until the bid abstract is completed and made available in lieu thereof. Bids submitted in an original only shall be made available for examination in accordance with § 1–2.402(c).

(h) Under no circumstances shall anyone tamper with any bid after it has been formally opened. This includes making any alterations or notations with pencil or ink, or disassembling, or withdrawing pages or adding pages not submitted with the bid.

(i) When invitations for bids provide for the submission of bid or performance bonds or like guarantees, arrangements shall be made by the contracting officer or his designee to have a bonded collection officer present when bids are opened to assumed custody of guarantees other than bonds. The contracting officer shall retain bonds for checking acceptability. As soon as awards have been made, the contracting officer shall request the collection officer to return guarantees other than bonds to unsuccessful bidders. Bonds need not be returned.

(j) A record of persons attending each bid opening shall be maintained. As a minimum, this record shall include the names of persons present, firms or organizations represented, date and time of opening, and the invitation numbers in which each person is interested. The record may be in any suitable form, such as appropriate notations on the reverse of GSA Form 289, Abstract of Bids, or GSA Form 1081, Record of Bid Opening. The record shall be made a part of the invitation for bids file.

(k) If two or more bid openings are scheduled for the same date and hour and are to be conducted by the same bid opening official, normally the bid opening in which the greatest number of persons present is interested shall be conducted first.

(l) When bids are received in more than one copy, the bid opening official shall verify the entries on all copies.

(m) Envelopes in which bids and bid modifications are received shall be retained in a temporary file until after all awards have been made. At that time, those which bear notations concerning abnormal receipt conditions shall be made a part of the invitation for bids file and the remainder may be destroyed.

23. Section 5A–2.403 is revised as follows:

§ 5A–2.403 Recording of bids.

(a) The contracting office shall be responsible for the abstracting and tabulation of all bids. GSA Form 289, Abstract of Bids, and GSA Form 289a, Abstract of Bids (Continued), illustrated in §§ 5A–16.950–289 and 5A–16.950–289a, respectively, shall normally be used. However, in cases where unusual circumstances require a specialized form for abstracting bids, GSA Form 289 need not be used. If special abstract forms are used recurrently in a class of cases in lieu of GSA Form 289, a copy of each such form shall be forwarded to the Director, Policy and Procedures Division.

(b) The abstracting and tabulation of bids shall normally be completed within 24 hours after bid opening and a legible copy shall be immediately delivered to the appropriate Business Service Center where it shall be made available for public examination. Late bids determined eligible for consideration shall be included on the tabulation. However, if eligibility is established after delivery of the original tabulation, the bids shall be recorded separately, identified as an amendment to the original tabulation, and delivered to the Business Service Center.

(c) As soon as possible, but not later than 24 hours after notices of awards have been dispatched to the contractors, a legible copy of the bid tabulation showing the awards made shall be furnished to the Business Service Center where it shall be made available for public examination for a minimum period of 30 days.

(d) The original of all abstracts or tabulations shall be made a part of the official procurement file.

24. Section 5A–2.404–50 is revised as follows:

§ 5A–2.404–50 Multiple bidding.

(a) Where more than one bid is received from a person or firm, or affiliates thereof, in response to an invitation for bids, such bids shall be considered for award if responsive and otherwise acceptable. If the contracting officer determines that these bids would give such bidders an unfair advantage over other bidders or would otherwise be prejudicial to the best interests of the Government, such bids shall be rejected. See § 5A–2.407–6 involving multiple bids which are equal low bids.

(b) If a bidder submits bids on two or more products in response to the same item in an invitation and one of those bids is the lowest received which meets the requirements of the invitation, it may be accepted regardless of whether it is designated by the bidder as an "alternate."

25. Section 5A–2.406–3 is revised as follows:

§ 5A–2.406–3 Other mistakes disclosed before award.

(a) Upon receipt of evidence in support of an alleged or suspected mistake in bid (other than apparent clerical mistakes within the purview of § 1–2.406–2), the contracting officer shall prepare the statement required by § 1–2.406–3(d)(3)(iv), which shall include a recommended course of action. The action recommended shall be compatible with that provided in § 1–2.406–3(a). The contracting officer shall attach thereto all available documentary evidence specified in § 1–2.406–3(d)(3) and

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forward the statement, in duplicate, as provided in paragraph (a) (1) and (2) of this section.

(1) In cases arising in the Central Office procurement divisions where a mistake is self-evident and properly documented, and there is no doubt by the buying division and assigned counsel, the division director shall submit the case directly to the appropriate division of the Office of General Counsel. A copy of the written statement (required by § 1–2.406–3(d)(3)(iv)) pertinent to such a case shall be furnished to the appropriate Assistant Commissioner. If there is any question as to whether or not a mistake in bid has been made, the statement required by § 1–2.406–3(d)(3)(iv) shall be prepared for the signature of the appropriate Assistant Commissioner and the case processed by the contracting officer through channels to the appropriate Assistant General Counsel.

(2) Cases arising in regional offices shall be processed by the contracting officer through channels to the Regional Counsel, who shall review the case for form, technical accuracy of the findings and determination, and general adequacy of the supporting evidence. The Regional Counsel will transmit the case with appropriate recommendations to the Office of General Counsel.

(b) The case will be reviewed and approved or disapproved by the General Counsel or his representative (an Associate or Assistant General Counsel).

(c) Where the recommendation of the contracting officer is approved, the General Counsel or his representative will sign both copies of the statement and return the original to the Regional Counsel or directly to the Central Office contracting officer, as appropriate, for necessary action.

(d) When time is of the essence, the Regional Counsel or the Central Office contracting officer may request approval of proposed recommendations directly from the General Counsel or his representative by telephone, teletype, or any other expeditious manner. This method of obtaining approval shall be used only in cases of great urgency and, when used, shall thereafter be documented in accordance with this § 5A–2.406–3.

(e) Doubtful cases shall be submitted to the Comptroller General pursuant to § 5A–2.406–50.

(f) The statement reflecting the action of the General Counsel or his representative shall be included with the appropriate invitation file and a reference thereto shown on any contract awarded in such case pursuant to this § 5A–2.406–3.

26. Section 5A–2.406–4 is added as follows:

§ 5A–2.406–4 Disclosure of mistakes after award.

(a) Where rescission or reformation of a contract is proposed, the contracting officer shall prepare a findings of fact and a determination regarding the alleged mistake, including the relief, if any, to be granted pursuant to § 1–2.406–4(b). The findings and determination shall be prepared in duplicate and both copies signed by the contracting officer. These copies shall be forwarded, with the data required by § 1–2.406–4(f), to legal counsel, as prescribed in paragraph (b) of this section.

(b) Cases arising in regional offices shall be forwarded through channels to the Regional Counsel for review as to form, technical accuracy of the findings and determination, and general adequacy of the supporting evidence. The Regional Counsel shall transmit the case with appropriate recommendations to the Office of General Counsel. Cases arising in the Central Office shall be forwarded by the contracting officer through channels to the Office of General Counsel.

(c) The findings and determination shall be reviewed and approved or disapproved by the General Counsel or his representative (an Associate or Assistant General Counsel).

(d) Where the determination of the contracting officer is approved, the General Counsel or his representative will sign both copies of the findings and determination and return the original to the Regional Counsel or directly to the Central Office contracting officer, as appropriate, for necessary action.

(e) Doubtful cases shall be submitted to the Comptroller General pursuant to § 5A–2.406–50.

(f) A copy of each findings and determination of the contracting officer indicating the action taken by the Office of General Counsel shall be attached to each copy of any resulting contract amendment or modification. When applicable, a copy of any Comptroller General decision on the particular case shall also be attached. In addition, all documents and correspondence returned by the Office of General Counsel concerning the case shall be included in the contract file.

27. Section 5A–2.406–50 is added as follows:

§ 5A–2.406–50 Submissions to the Comptroller General.

(a) Except as provided in (b), below, where the General Counsel determines that a mistake in bid case is sufficiently doubtful or that an administrative determination is precluded by the limitations set forth in § 1–2.406, the decision on the matter shall be requested from the Comptroller General.

(b) If time is of the essence, a contracting officer may submit, with the concurrence of legal counsel, cases of mistake in bid alleged prior to award directly to the Comptroller General.

28. Section 5A–2.407–1 is amended as follows:

§ 5A–2.407–1 General.

* * * * *

(b) Instructions for the preparation of bid acceptance documents and for notifying successful bidders of contract award are contained in §§ 5A–2.407–82 and 5A–2.407–83.

(c) Pre-award inquiries from bidders normally shall be directed to the Business Service Center in accordance with § 5A–2.408(b). If the inquiry concerns the status of an award and notice of award has not been issued, the Business Service Center personnel or the contracting personnel, as appropriate, shall normally limit their response to a statement that final award determination has not been made. This does not preclude advising a bidder who is pressing for award status that award will not be made to him when such conclusion has been reached at the appropriate level required by the GSA Delegations of Authority Manual nor does it preclude, when applicable, advising the bidder that his case has been referred to the Small Business Administration for consideration as to Certificate of Competency action and the reasons therefor. However, no information shall be furnished concerning the status of a proposed award being processed through GSA approval channels. When pressed for information under these circumstances, bidders shall be advised that our policy and procedures do not permit the release of information about status of awards while they are in process. Any action or discussion which may create false impressions in the eyes of prospective contractors about any forthcoming award must be avoided. Bidders must clearly understand that, until a formal notice of award is issued, no communication by the Government, whether written or oral, shall be interpreted as a promise that an award will be made. This includes, but is not limited to, requests for clarification of a bid, requests to extend the bid acceptance time, or requests for information for the purpose of verifying a bidder's ability to perform any resultant contract. In conformance with the foregoing, the following provision shall be included in all invitations for bids:

AWARD

Until a formal notice of award is issued, no communication by the Government, whether written or oral, shall be interpreted as a promise that an award will be made.

(End of Provision)

* * * * *

29. Section 5A–2.407–6 is revised as follows:

§ 5A–2.407–6 Equal low bids.

(a) In breaking a tie of equal low bids, the factors used in accordance with § 1–2.407–6 for determining the successful bidder must have existed on the date of bid opening. Certifications which are granted after the bid opening date cannot be applied to breaking an equal low bid tie.

(b) When a bidder has submitted multiple bids which are equal in all respects to other low bids received under the same invitation, only one such bid shall be selected by lot to represent the bidder in the award by lot. (See § 1–2.407–6(b).) This will preclude any bidder from gaining an unfair advantage.

30. Section 5A–2.407–8 is revised as follows:

§ 5A–2.407–8 Protests against award.

(a) All protests against award shall be handled in accordance with § 1–2.407–8 and this section.

(b) *Protests before award.* Decisions by the contracting officer require approval by Legal counsel. When appropriate, approval is required from other officials (including any contract review committee) who are required to approve the contract awards involved in the protest.

(c) *Protests after award.* Upon the receipt of a protest, the contracting officer shall develop the facts, review with LP and reply for the signature of the division director.

(d) *Protests received from GAO.* Replies to protests received through GAO are prepared by the appropriate division, reviewed by appropriate General Counsel and submitted for concurrence to the appropriate Assistant Commissioner. The Assistant Commissioner shall review the decision to delay or to proceed with an award, reflected in the statement to be furnished in accordance with paragraph (d)(3) of this section.

(1) Within 5 working days after receipt of protest from GAO, the responsible FSS office shall submit an administrative report to the Office of General Counsel. If the report cannot be prepared within 5 working days, a written statement for approval by the appropriate Regional Commissioner, FSS, or Assistant Commissioner explaining the delay and projecting the submission date is required. The short time frame is to facilitate the timely preparation and submission of the final agency report to the General Accounting Office.

(2) Any additional information requested by GAO shall be submitted through the Office of General Counsel, within 10 working days.

(3) A contracting officer findings citing the urgency of need, with concurrence from the Regional Commissioner, FSS, or the appropriate Assistant Commissioner is required. The statement must include the extent to which delay in award may result in significant supply difficulties and should indicate a date by which a determination is needed on pending awards for stock items. The contracting officer shall consult with the National Item Management Division (FXN).

(4) Award shall not be made prior to a ruling by the Comptroller General unless a written finding specifying the reason which will not permit a delay in the award is approved by the Commissioner, FSS, or his designee and GAO is notified.

(5) Upon receipt of a notice from GAO that a protest has been filed, the contracting officer shall promptly notify the contractor (if award has been made) or all bidders who appear to have a substantial and reasonable prospect of receiving an award if the protest is denied. (See § 1–2.407–8.)

(6) The contracting officer shall, with the concurrence of the appropriate division of the Office of the General Counsel, furnish copies of the protest to the contractor (if award has been made) or to those bidders who have received notice of the protest as described in paragraph (d)(5) of this section. The covering letter should advise that views or comments may be submitted to the General Counsel, GAO, within 10 days after receipt, with a copy to the contracting officer and the Office of General Counsel. (For a sample letter see § 5A–76.121.)

31. Section 5A–2.407–50 is added as follows:

§ 5A–2.407–50 All or none bids.

(a) *Definite quantities.* The lowest acceptable bid, exclusive of "all or none" bids, shall be selected with respect to each item. The total cost of all items thus determined shall be compared with the total of the lowest acceptable "all or none" bid. Award shall then be made so as to result in the lowest total cost to the Government.

(b) *Indefinite quantities.* When the invitation for bids does not provide for aggregate awards only (see § 5A–2.201–54), bids submitted on an "all or none" basis shall not be considered unless the bid is low on each item to which the "all or none" offer applies.

32. Section 5A–2.407–52 is added as follows:

§ 5A–2.407–52 Evaluation of f.o.b. prices.

(a) When an invitation for bids provides for bid prices based on delivery at destination, all bids based on f.o.b. shipping point shall be rejected. Where no acceptable bids based on f.o.b. destination are received, or where comparison of prices f.o.b. shipping point and f.o.b. destination indicates that readvertisement would otherwise be in the best interest of the Government, the requirement should be readvertised and provision made for bidders to bid both f.o.b. shipping point and f.o.b. destination.

(b) When the invitation permits bid prices on an f.o.b. destination basis or an f.o.b. shipping point basis, or both, bids shall be considered and award made on whichever basis will result in the lowest overall cost to the Government. In such cases, all pertinent factors, including transportation costs and bill of lading preparation and processing costs, shall be considered.

(c) The assistance of traffic management personnel shall be obtained whenever transportation must be considered in evaluating bids.

33. Section 5A–2.407–53 is revised as follows:

§ 5A–2.407–53 Disposition of contract documents.

(a) The originals of all rejected bids, related correspondence, and a copy of the abstract of bids shall be retained by the procuring activity for a period of 1 year. They shall then be forwarded to the appropriate administrative activity for processing in accordance with current procedures on retention and disposal of records. These records shall be kept available for inspection by authorized representatives of the General Accounting Office and the Office of Administration and may be forwarded to such offices upon request. Copies of rejected bids which are not needed shall be destroyed after award.

(b) Each no-bid response to an invitation for bids (original only) shall be retained by the buying activity for a period of 3 months after the date of contract award and thereafter destroyed.

34. Section 5A–2.407–72 is amended as follows:

§ 5A–2.407–72 Extension of time for bid acceptance.

* * * * *

(c) If a bidder does not grant the additional bid acceptance time requested, special action shall be taken to accomplish acceptance within the time allowed by the bidder (see § 5A–2.407–1). Should it be advisable to permit the bid to expire, the contracting officer shall promptly, and before the expiration of the bid, refer the case to the appropriate division director for decision.

* * * * *

35. Section 5A–2.407–78 is revised as follows:

§ 5A–2.407–78 Consideration of administrative costs before making small value awards.

(a) Administrative costs for issuing and administering separate contracts or purchase orders of small value may at times be greater than savings which appear attainable by purchasing all items from the lowest bidder. To reduce the incidence of making these small awards at net losses to the Government, $50 shall be added in preaward evaluations as the Government's administrative expense for each separate award which does not exceed $2500.

(b) If, according to the foregoing, it is found to be advantageous for the Government to add a small award ($2500 or less) to a bidder already in line for award on other item(s), the de facto low bidder shall be advised that an award to him, even though he is the low bidder, would be costlier to the Government than if the award is made to the bidder already in line for other items because of the expense to the Government for administering a separate award. The low bidder may not be interested in receiving only a small part of the items quoted on because of the high administrative expense for small orders for himself and would be inclined to agree to forego the small award. Contracting officers shall obtain the offeror's agreement in writing and make it a part of the contract file.

(c) The above procedures do not apply in cases where a separate small award would further procurement objectives with regard to establishing competitive sources on new items for which initial demand is low or unknown, assisting

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small businesses including minority entrepreneurs, or maintaining bidding opportunities for local suppliers who have previously satisfactorily furnished the items involved.

36. Section 5A-2.407-79 is revised as follows:

§ 5A-2.407-79 Bid guarantees.

See FPR 1-10 and GSPR 5A-10.

37. Section 5A-2.407-80 is revised as follows:

§ 5A-2.407-80 Availability of funds.

Prior to award, the contracting officer shall make certain that funds are available for the proposed purchase. See §5A-1.5306.

38. Section 5A-2.407-82 is amended as follows:

§ 5A-2.407-82 Preparation of documents for acceptance.

* * * * *

(c) Assignment of contract number. See § 5A-1.352-1 regarding the requirement and system for contract numbering.

39. Section 5A-2.408 is revised as follows:

§ 5A-2.408 Information to bidders.

(a) When considering whether to provide notice to other unsuccessful bidders (see § 1-2.408(a)(3), contracting officer shall consider the following factors:

(1) Size of the particular procurement;

(2) Number of items and the complexity of the invitation;

(3) Number of bids received;

(4) Necessity for bidders to make arrangements for securing necessary materials, financing, bonding, and other commitments;

(5) Whether procurement of the particular commodity would have any significant impact upon other bidders; and

(6) Availability of the information in Business Service Centers, the Department of Commerce Synopsis, and from any other sources which may be available to anyone having an interest in such information.

(b) Normally, written inquiries received from bidders or prospective bidders and all inquiries from other sources, whether oral or written, requesting information concerning the status of any bid or invitation for bids, including those not yet publicly opened and those already opened, and those for which abstracts have been prepared, shall be directed to the appropriate Business Service Center for reply.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date: These regulations are effective October 10, 1974.

Dated: October 10, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74-26810 Filed 11-14-74;8:45 am]

Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amendment E-155]

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

Reutilization of Automatic Data Processing Equipment and Supplies and Reporting Excess or Exchange/Sale ADPE

Correction

In FR Doc. 74-25782 appearing at page 39041 in the issue for Tuesday, November 5, 1974, on page 39043, the second column, the second line in the last paragraph which reads "been or will be made to apply to exchange" should read "been or will be made to apply the exchange".

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER N—DANGEROUS CARGOES

[CGD 72-162R]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD CARGO VESSELS

Addition of Dichlorobutene to Corrosive Liquids, N.O.S. List and Table and Editorial Changes

The purpose of these amendments to Part 146 of Title 46, Code of Federal Regulations, is to add dichlorobutene to the commodity list in § 146.04-5 and to the corrosive liquids table in § 146.23-100 under the entry for "corrosive liquids, n.o.s." Certain editorial changes to that corrosive liquids table are also made.

Interested persons have been afforded an opportunity to participate in the making of these amendments by notice of proposed rule making that was published in the FEDERAL REGISTER on August 30, 1972 (37 FR 17562), and by a public hearing that was held on October 24, 1972. Neither oral nor written comments were received.

The amendments that add dichlorobutene to the commodity list in § 146.04-5, "List of explosives and other dangerous articles and combustible liquids," and to column 1 of the table in § 146.23-100, "Table F—Classification: Corrosive liquids," under "corrosive liquids, n.o.s.," are adopted.

An amendment to column 4 of the table in § 146.23-100 that was published in the FEDERAL REGISTER of April 12, 1974 (39 FR 13276), provided that all corrosive liquids, n.o.s. may be carried in tank cars that comply with Department of Transportation regulations. Therefore, the list of specific corrosive liquids, n.o.s. in columns 4 and 7 of the table and the provision which authorizes the carriage of those specific articles in tank cars that comply with the Department's regulations, that immediately follows that list, are duplication and are deleted. Furthermore, the proposed amendment in the notice of August 30, 1972 that would add dichlorobutene to that list of specific corrosive liquids, n.o.s. in columns 4 and 7 is unnecessary and is not adopted.

Since the deletions in columns 4 and 7 of § 146.23-100 are editorial changes, further notice and public procedure are unnecessary under 5 U.S.C. 553(b)(3)(B).

Compliance with these amendments before the effective date is considered by the Coast Guard as compliance with existing regulations.

In consideration of the foregoing, Part 146 of Title 46, Code of Federal Regulations is amended as follows:

1. By adding dichlorobutene to § 146.04-5, "List of explosives and other dangerous articles and combustible liquids," as follows:

§ 146.04-5 List of explosives and other dangerous articles and combustible liquids.

Article	Classed as—	Label required
* * *	*	*
Dichlorobutene (See "Corrosive liquids, n.o.s.")		
* * *	*	*

§ 146.23-100 [Amended]

2. By amending the entry for "Corrosive liquids, n.o.s." in § 146.23-100, "Table F—Classification: Corrosive liquids," by adding the word "Dichlorobutene" in column 1 before the words "Ethyl chlorothioloformate."

3. By amending the entry for "Corrosive liquids, n.o.s." in § 146.23-100, "Table F—Classification: Corrosive liquids," by deleting, from columns 4 and 7, the following:

"The following outside containers may be used for ethyl phosphonothioic dichloride anhydrous; ethyl phosphorodichloridate; methyl phosphonothioic dichloride, anhydrous:

Tank cars complying with DOT regulations (trainships only)."

((46 U.S.C. 170, 391a, 49 U.S.C. 1655(d)(1)) 49 CFR 1.46(b))

Effective date: This amendment becomes effective on February 13, 1975.

Dated: November 8, 1974.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.74-26816 Filed 11-14-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19930; FCC 74-1206; RM-2104]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations; Proceeding Terminated

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Weatherford, Oklahoma).

1. The Commission has before it a notice of proposed rulemaking adopted January 31, 1974, 39 FR 5641, inviting comments on a petition filed by KWEY, Inc. (petitioner), which requested the assignment of Class C FM Channel 247 to Weatherford, Oklahoma. This channel could be assigned to Weatherford in conformity with the Commission's minimum mileage separation rule and without affecting any of the presently assigned channels in the FM Table of Assignments. There were no oppositions to the proposal. Supporting comments were filed by petitioner.

2. Weatherford, with a population of 7,959,[1] is located about 75 miles west of Oklahoma City, Oklahoma. Weatherford has a daytime-only AM station, KWEY, which is licensed to the petitioner. It has no FM assignments.

3. In supporting comments petitioner states that Weatherford is recognized as the fastest growing community in Western Oklahoma, the Bureau of Census reporting that the population has grown 76.9 percent in the ten-year period from 1960–1970. It points out that Weatherford has become an important retail center for Western Oklahoma serving communities within a radius of more than 35 miles with retail sales increasing more than 100 percent from 1967 to 1973. It notes that two 3-M manufacturing plants have been established in Weatherford since 1970 and these plants expect to triple employment within the next few years; that Weatherford has recently been established as headquarters for Centrifuge of Oklahoma, an oil well servicing company, a frozen food warehouse and distribution center, serving nine counties in the area. Petitioner adds that Weatherford serves several groups and organizations as district headquarters; The State Department of Public Welfare has offices at Southwestern State College; The Bureau of Indian Affairs and the Deer Creek Soil and Water Conservation District have offices in Weatherford; and a district office for the Department of Mental Health serves Western Oklahoma from offices in Weatherford. Petitioner asserts that more than any other single factor, Southwestern State College, with its great history of service to Western Oklahoma families, has guided the city of Weatherford to its present role of prominence in cultural and social activity.

[1] Population figures cited are from the 1970 U.S. Census.

4. Since the proposed allocation would preclude the use of Channels 244A, 247, 248 and 249A in four communities which do not presently have local aural broadcast facilities, information as to the availability of alternate channels for these communities was requested in our Notice of Proposed Rule Making. In response, petitioner stated that alternate channels are available for all of the precluded communities; Fairview, Oklahoma, Channel 221A; Sayre, Oklahoma, Channel 221A; Burkburnett, Texas, Channel 221A (Channel 221A could be assigned to each of these three communities); and Electra, Texas, Channel 285A. Petitioner also corrected his engineering analysis indicating that 9,770 persons would receive a first service and 64,197 persons would receive a second service from a Weatherford station operating at 62 kW at 350 feet HAAT.

5. We believe that Channel 247 should be assigned to Weatherford, Oklahoma. Since it has been shown that there are other channels available for assignment to communities that are located within the precluded area, that there is a demand for its use, that the assignment could provide for an FM station which could render a first and second FM service to significant areas, and that it would provide for a first local nighttime broadcast transmission facility as well as a second local daytime broadcast transmission facility to Weatherford, the public interest would be served by the assignment.

6. Authority for the adoption of the amendment contained herein appears in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. In review of the foregoing, *it is ordered,* That effective December 20, 1974, § 73.202(b) of the Commission's rules, the FM Table of Assignments, is amended to read as follows:

City:	*Channel No.*
Weatherford, Okla.	247

8. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: November 6, 1974.

Released: November 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

[FR Doc.74-26805 Filed 11-14-74;8:45 am]

[FCC 74-1186]

PART 95—CITIZENS RADIO SERVICE

Order Regarding Application for Class D Citizens Radio Station License

In the matter of Amendment of § 95.13 of the Commission's rules to delete the requirement for unincorporated associations to make special showings upon application for a Class D citizens radio station license.

1. In order to render less burdensome the filing of license applications by unincorporated associations seeking Class D licenses in the Citizens Radio Service, it has been determined that § 95.13(b) of the rules should be amended to delete the requirement that unincorporated associations make a special showing of need.

2. Section 95.13(b) of the Commission's rules was adopted in July, 1964, to safeguard against communications between members of an association which could be accomplished under licenses issued to individual members thereof. Experience over the years has shown that creation of combines or associations to unlawfully avoid the operating restrictions limiting interstation communications in the Citizens Radio Service to specific channels has not been a serious problem. It is only necessary that the unincorporated association have a valid purpose and the communications by individual members be for the associations' legitimate activities. See § 95.87(b)(4) of the Commission's rules. It is determined, therefore, that the special showing requirement serves no useful purpose and only tends to delay and hinder our processing of Citizens radio station license applications. Consequently, we believe that a deletion of the special showing provision applicable to unincorporated associations will expedite the transaction of public business and thus be in the public interest, convenience and necessity.

3. Because the rule change herein is not expected to generate any opposing comments and that the issuance of a notice would only delay the relief of a restriction it is determined that prior notice and public procedure are unnecessary pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553.

Since the amendment relieves a rule restriction the effective date of the rule change may be made effective immediately pursuant to the Administrative Procedure Act. Authority for adoption of this amendment is contained in sections 4(i), and 303(r) of the Communications Act of 1934, as amended.

4. In view of the foregoing, *it is ordered,* effective November 19, 1974 that § 95.13 of the Commission's rules is amended as set forth below.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: November 6, 1974.

Released: November 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 95 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

Section 95.13(a) is revised and § 95.13(b) is deleted and shown as reserved as follows:

§ 95.13 Eligibility for station license.

(a) Subject to the general restrictions of § 95.7, any person is eligible to hold

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an authorization to operate a station in the Citizens Radio Service: Provided, That if an applicant for a Class A or Class D station authorization is an individual or partnership, such individual or each partner is eighteen or more years of age; or if an applicant for a Class C station authorization is an individual or partnership, such individual or each partner is twelve or more years of age. An unincorporated association, when licensed under the provisions of this paragraph, may upon specific prior approval of the Commission provide radio-communications for its members.

NOTE: While the basis of eligibility in this service includes any state, territorial, or local governmental entity, or any agency operating by the authority of such governmental entity, including any duly authorized state, territorial, or local civil defense agency, it should be noted that the frequencies available to stations in this service are shared without distinction between all licensees and that no protection is afforded to the communications of any station in this service from interference which may be caused by the authorized operation of other licensed stations.

(b) [Reserved]

* * * * *

[FR Doc.74-26806 Filed 11-14-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—OTHER REGULATIONS RELATING TO TRANSPORTATION

[Ex Parte No. 55 (Sub-No. 3)]

PART 1100—GENERAL RULES OF PRACTICE

General Rules of Practice; Discovery Rules

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of October 1974.

Notice of proposed rulemaking was published in the FEDERAL REGISTER on January 13, 1971 (36 FR 438) setting forth a proposal to amend the regulations of the Interstate Commerce Commission with respect to the discovery rules contained in its general rules of practice in 49 CFR Part 1100.

Interested parties were invited to submit comments and suggestions for consideration pertaining to the proposed rulemaking by March 17, 1971, later extended to June 15, 1971, with statements in reply by August 16, 1971. Upon consideration of the comments received, including three separate sets of proposed rules, the Commission has adopted new discovery rules.

The Commission's prior discovery rules included specific provisions only for depositions and generally provided for such other discovery relief as a party might seek. The adopted rules specifically provide four distinct discovery devices: depositions (upon both oral examination and written questions); production of documents and things and entry upon land for inspection and other purposes; written interrogatories of parties; and requests for admissions from parties. The first two devices require prior affirmative action by the Commission before they can be utilized; the last two devices may be utilized without prior affirmative action by the Commission, but only upon notification to the Commission of the scope of the discovery being conducted.

These new discovery rules are being promulgated in order that proceedings conducted before the Commission will more closely conform to those in the courts. To that end, where applicable, the adopted rules parallel the Federal Rules of Civil Procedure. The Commission anticipates that these rules will enable the parties to develop a more accurate and complete record, and, in turn, will enable the Commission to render decisions on a more complete basis.

Due to the nature of the amendments in the adopted rules, the amendments will be effective January 14, 1975.

Pursuant to the Interstate Commerce Act, as amended, and sections 553 and 559 of Title 5 of the United States Code, the following amendments of 49 CFR Part 1100 are published as a document subject to codification.

It appearing, That the Commission, on this date, has made and filed its report in this proceeding setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof;

It is ordered, That Subchapter B of Chapter X of Title 49 of the Code of Federal Regulations be, and it is hereby, amended as follows:

1. The caption preceding § 1100.55 is amended to read, NOTICE OF HEARING; SUBPENAS; DISCOVERY; DEPOSITIONS.

§ 1100.102 [Amended]

2. Section 1100.102 is amended by eliminating the phrase ", which relief shall be construed as including appropriate discovery procedures,"

3. Sections 1100.57 through 1100.67 are revised to read as follows:

§ 1100.57 Discovery. (Rule 57)

(a) *In general.* Unless otherwise ordered in accordance with these rules, or as required by the Interstate Commerce Act or other applicable statutes, parties may obtain discovery regarding any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding (other than those informal proceedings specified in rules 200 and 225), including the existence, description, nature, custody, condition, and location of any books, documents, or other tangible things and the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the information sought will be inadmissible as evidence if the information sought appears reasonably calculated to lead to the discovery of admissible evidence.

(b) *Protective conditions.* Upon motion by any party, by the person from whom discovery is sought, or by any person with a reasonable interest in the data, information, or material sought to be discovered, and for good cause shown, any order which justice requires may be entered to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, or to prevent the raising of issues untimely or inappropriate to the proceeding. Relief through a protective order may include one or more of the following: (1) That the discovery not be had; (2) that the discovery may be had only on specified terms and conditions, including a designation of the time and place; (3) that the discovery may be had only upon such terms and conditions as the Commission may impose to insure financial responsibility in indemnifying the party or person against whom discovery is sought to cover the reasonable expenses incurred; (4) that the discovery may be had only by a method other than that selected by the party seeking discovery; (5) that certain matters not be inquired into, or that the scope of discovery be limited to certain matters; (6) that discovery be conducted with no one present except persons designated in the protective order; (7) that a deposition after being sealed be opened only by order of the Commission; (8) that a trade secret or other confidential research development, or commercial information not be disclosed or be disclosed only in a designated way; and (9) that the parties simultaneously file specified documents or information enclosed in sealed envelopes to be opened only upon direction or order of the Commission.

If the motion for a protective order is denied in whole or in part, the Commission may, on such terms and conditions as it deems just, enter an order requiring any party or person to provide or permit discovery.

(c) *Sequence and timing of discovery.* Unless the Commission upon motion, for the convenience of parties and witnesses and in the interest of justice, orders otherwise, methods of discovery may be used in any sequence and the fact that a party is conducting discovery, whether by deposition or otherwise, shall not operate to delay any other party's discovery.

(d) *Stipulations regarding discovery.* Unless otherwise ordered, the parties may by written stipulation filed with the Commission (1) provide that depositions be taken before any person, at any time or place, upon sufficient notice, and in any manner and when so taken may be used like other depositions, and (2) modify the procedures provided by these rules for other methods of discovery.

§ 1100.58 Deposition. (Rule 58)

(a) *Purpose.* The Commission will either upon its own initiative, or upon receipt of a verified petition filed by a party or one who reasonably expects to be a party to a proceeding, and upon good cause shown, issue an order to take the testimony of any person, including a party, by deposition upon oral examination (1) for use as evidence, (2) for discovery, or (3) for any person who desires to perpetuate his testimony or that of another person regarding any matter

that may be cognizable in any proceeding before the Commission.

(b) *Petitions.* A petition requesting an order to take a deposition and perpetuate testimony or to produce documents and materials (1) shall be filed with due regard to the time periods specified in § 1100.59(c); (2) shall set forth the facts it desires to establish and the substance it expects to elicit; (3) shall be served upon all parties to the proceeding and upon the person sought to be deposed and/or the custodian of the documents or materials sought to be produced; (4) shall set forth the name and address of the witness, the place where, the time when, the name and office of the officer before whom, and the cause or reason why such deposition should be taken; and (5) shall specify with particularity the documents and materials which the deponent is requested to produce.

(c) *Order.* If the Commission is convinced on its own initiative or by the petition requesting an order to take a deposition that the deposition will prevent a failure or delay of justice, it shall issue an order, which action may be taken without awaiting the filing of a reply, and serve such order upon the parties and the witness, naming the witness whose deposition is to be taken, specifying the time when, the place where, and the officer before whom the deposition is to be taken, and specifying the subject matter of the examination and whether the depositions shall be taken upon oral examination or written interrogatories. The provisions for the taking of the deposition specified in the Commission's order may or may not be the same as requested in the petition. The deposition may then be taken in accordance with these rules, and the Commission or presiding officer may make orders of the character provided by § 1100.67.

§ 1100.59 Depositions, location, officer, time, fees, absence, disqualification. (Rule 59)

(a) *Where deposition shall be taken.* Unless otherwise ordered or agreed to by stipulation, depositions shall be taken in the city or municipality where the deponent is located.

(b) *Officer before whom taken.* Within the United States or within a territory or insular possession subject to the dominion of the United States, depositions shall be taken before an officer authorized to administer oaths by the laws of the United States or of the place where the examination is held. Within a foreign country, depositions may be taken before an officer or person designated by the Commission or agreed upon by the parties by stipulation in writing to be filed with the Commission.

(c) *When taken.* Unless under special circumstances and for good cause shown, no deposition shall be taken within 10 days prior to the date assigned for commencement of hearing or the filing of opening statements of fact and argument under the modified procedure, and when the deposition is taken in a foreign country it shall not be taken within 30 days prior to such date.

(d) *Fees.* A witness whose deposition is taken pursuant to these rules and the officer taking same, unless he be employed by the Commission, shall be entitled to the same fee paid for like service in the courts of the United States, which fee shall be paid by the party at whose instance the deposition is taken.

(e) *Failure to attend or to serve subpena; expenses.* (1) If the party who filed a petition pursuant to § 1100.58(b) fails to attend and proceed with the taking of the deposition and another party attends in person or by representative pursuant to an order entered under § 1100.58 (c), the Commission may order the party who filed the petition to pay to such other party the reasonable expenses incurred by him and his representative in so attending, including reasonable attorney's fees.

(2) If the party who filed a petition pursuant to § 1100.58(b) fails to serve a subpena upon the witness and the witness because of such failure does not attend, and if another party attends in person or by representative because he expects the deposition of the witness to be taken, the Commission may order the party who filed the petition to pay to such other party the reasonable expenses incurred by him and his representative in so attending, including reasonable attorney's fees.

(f) *Disqualification for interest.* No deposition shall be taken before a person who is a relative or employee or representative or counsel of any of the parties, or is a relative or employee of such representative or counsel or is financially interested in the proceeding.

§ 1100.60 Depositions. Procedures (Rule 60)

(a) *Examination.* Examination and cross-examination of witnesses shall proceed as permitted at a hearing. All objections made at the time of the examination to the qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented, or to the conduct of any party, and any other objection to the proceedings, shall be noted by the officer upon the deposition. Evidence objected to shall be taken subject to the objections. In lieu of participating in the oral examination, parties may serve written questions in a sealed envelope on the party taking the deposition, and he shall transmit them to the officer, who shall open the sealed envelope, propound the questions to the witness, and record the answers verbatim.

(b) *Use of depositions.* At the hearing, any part or all of a deposition, so far as admissible under the rules of evidence, may be used against any party who was present or represented at the taking of the deposition or who had due notice thereof, in accordance with any one of the following provisions:

(1) Any deposition may be used by any party for the purpose of contradicting or impeaching the testimony of the deponent as a witness.

(2) The deposition of a party or of anyone who at the time of taking the deposition was an officer, director, or managing agent, or a person designated to testify on behalf of a public or private corporation, partnership, association or governmental agency (other than this Commission, except in those instances where the Commission itself is a party to the proceeding) which is a party, may be used by an adverse party for any purpose.

(3) The deposition of a witness, whether or not a party, may be used by any party for any purpose if the presiding officer or Commission finds: (i) That the witness is dead; or (ii) that the witness is at a greater distance than 100 miles from the place of hearing, or is out of the United States, unless it appears that the absence of the witness was procured by the party offering the deposition; or (iii) that the witness is unable to attend or testify because of age, illness, infirmity, or imprisonment; or (iv) that the party offering the deposition has been unable to procure the attendance of the witness by subpena; or (v) upon application and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the testimony of witnesses orally at public hearing, to allow the deposition to be used.

(4) If only part of a deposition is offered in evidence by a party, an adverse party may require him to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts.

Substitution of parties does not affect the right to use depositions previously taken.

(c) *Effect of taking or using depositions.* A party shall not be deemed to make a person his own witness for any purpose by taking his deposition. The introduction in evidence of the deposition or any part thereof for any purpose other than that of contradicting or impeaching the deponent makes the deponent the witness of the party introducing the deposition, but this shall apply to the use by an adverse party of a deposition under paragraph (b) (2) of this section. At the hearing any party may rebut any relevant evidence contained in a deposition whether introduced by him or by any other party.

(d) *Motions to protect.* At any time during the taking of the deposition, on motion of any party or of the deponent and upon a showing that the examination is being conducted in bad faith or in such manner as unreasonably to annoy, embarrass, or oppress the deponent or party, the Commission may order the officer conducting the examination to cease forthwith from taking the deposition, or may limit the scope and manner of the taking of the deposition as provided in § 1100.57(b). If the order made terminates the examination, it shall be resumed thereafter only if so ordered. Upon demand of the objecting party or deponent, the taking of the deposition shall be suspended for the time necessary to make a motion for an order.

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(e) *Recordation.* The officer before whom the deposition is to be taken shall observe the provisions of §§ 1100.15 and 1100.71 respecting appearances and typographical specifications, shall put the witness on oath, and shall personally, or by someone acting under his direction and in his presence, record and transcribe the testimony of the witness as required by these rules.

(f) *Signing.* When the testimony is fully transcribed or otherwise recorded, the deposition shall be submitted to the witness for examination and shall be read to or by him unless such examination and reading are waived by the witness and the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness within 15 days of its submission to him, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefor; and the deposition may then be used fully as though signed, unless, on a motion to suppress, it is found that the reasons given for refusal to sign require rejection of the deposition in whole or in part.

(g) *Attestation.* The officer shall certify on the deposition that the witness was duly sworn by him and that the deposition is a true record of the testimony given by the witness, and that the officer is not a relative or employee or representative or counsel of any of the parties, or is a relative or employee of such representative or counsel, or is financially interested in the proceeding.

(h) *Return.* The officer shall securely seal the deposition in an envelope indorsed with sufficient information to identify the proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send the original and one copy of all exhibits, by registered mail to the Secretary of the Commission. A deposition to be offered in evidence must reach the Commission not later than 5 days before the date it is to be so offered.

(i) *Notice.* The party taking the deposition shall give prompt notice of its filing to all other parties.

(j) *Copies.* Upon payment of reasonable charges therefor, the officer before whom the deposition is taken shall furnish a copy of it to any interested party or to the deponent.

§ 1100.61 Effect of errors and irregularities in depositions. (Rule 61)

(a) *As to disqualification of officer.* Objection to taking a deposition because of disqualification of the officer before whom it is to be taken is waived unless made before the taking of the deposition begins or as soon thereafter as the disqualification becomes known or could be discovered with reasonable diligence.

(b) *As to taking of deposition.* (1) Objection to the competency of a witness or to the competency, relevancy, or materiality of testimony are not waived by failure to make them before or during the taking of the deposition, unless the ground of the objection is one which might have been obviated or removed if presented at that time.

(2) Errors and irregularities occurring at the oral examination in the manner of taking the deposition, in the form of the questions or answers, in the oath or affirmation, or in the conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection thereto is made at the taking of the deposition.

(c) *As to completion and return of deposition.* Errors and irregularities in the manner in which the testimony is transcribed or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filed, or otherwise dealt with by the officer under §§ 1100.59 and 1100.60 are waived unless a motion to suppress the deposition or some part thereof is made with reasonable promptness after such defect is, or with due diligence might have been, ascertained.

§ 1100.62 Written interrogatories to parties. (Rule 62)

(a) *Availability; procedures for use.* Any party may serve upon any other party written interrogatories to be answered by the party served, or if the party served is a public or private corporation, partnership, association, or governmental agency (other than this Commission, except in those instances where the Commission itself is a party to the proceeding), by any officer or agent, who shall furnish such information as is available to the party. Copies of any interrogatories served shall also be filed with the Commission. Each interrogatory shall be answered separately and fully in writing, unless it is objected to, in which event the reasons for objection shall be stated in lieu of an answer. The answers are to be signed by the person making them and subscribed by an appropriate verification generally in the form prescribed in No. 6 of appendix B to these rules. Objections are to be signed by the representative or counsel making them. The person upon whom the interrogatories have been served shall serve a copy of the answers and objections within the time period designated by the party submitting the interrogatories, but not less than 15 days after the service thereof.

(b) *Option to produce business records.* Where the answer to an interrogatory may be derived or ascertained from the business records of the party upon whom the interrogatory has been served or from an examination, audit, or inspection of such business records, or from a compilation, abstract, or summary based thereon, and the burden of deriving or ascertaining the answer is substantially the same for the party serving the interrogatory as for the party served, it is a sufficient answer to such interrogatory to specify the records from which the answer may be derived or ascertained and to afford to the party serving the interrogatory reasonable opportunity to examine, audit, or inspect such records and to make copies thereof, or compilations, abstracts, or summaries therefrom. If information sought is contained in computer runs, punchcards, or tapes which also contain privileged or proprietary information or information the disclosure of which is proscribed by the Interstate Commerce Act, it shall be sufficient response under these rules that the person upon whom the interrogatory has been served is willing to make available to and permit an independent professional organization not interested in the proceeding and paid by the party serving the interrogatory to extract from such runs, punchcards, or tapes the information sought in the interrogatory that is not privileged or proprietary information or information the disclosure of which is proscribed by the Interstate Commerce Act.

(c) *When written interrogatories must be served.* Unless under special circumstances and for good cause shown, no written interrogatories shall be served within 10 days prior to the date assigned for commencement of hearing or the filing of opening statements of fact and argument under the modified procedure, and when the written interrogatories are to be served in a foreign country, they shall not be served within 30 days prior to such date.

§ 1100.63 Request for admission. (Rule 63)

(a) *Availability; procedures for use.* A party may serve upon any other party a written request for the admission, for purposes of the pending proceeding only, of the truth of any matters within the scope of § 1100.57(a) set forth in the request, including the genuineness of any documents described in the request for admission. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. Copies of any requests for admission served shall also be filed with the Commission. Each matter of which an admission is requested shall be separately set forth. The matter is admitted unless, within a period designated in the request, not less than 15 days after service thereof, the party to whom the request is directed serves upon the party requesting the admission a written answer or objection addressed to the matter, signed by the party or his representative or counsel. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify his answer or deny only a part of the matter of which an admission is requested, he shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless he states that he has made reasonable inquiry and that the information known or readily obtainable by him is insufficient to enable him to admit or deny. A party who considers that a matter of which an admission has been requested presents a genuine issue for hearing may not on that ground alone, object to the request; he may, subject to the provisions of § 1100.67(c), deny the matter or set forth reasons why he cannot admit or deny it. Copies of any answers or objections shall be filed with the Commission.

(b) *Effect of admission.* Any matter admitted under this rule is conclusively established unless upon petition and a showing of good cause the Commission enters an order permitting withdrawal or amendment of the admission. Any admission made by a party under this rule is for the purpose of the pending proceeding only and is not an admission by him for any other purpose nor may it be used against him in any other proceeding.

(c) *When written requests for admission must be served.* Unless under special circumstances and for good cause shown, no requests for admission shall be served within 10 days prior to the date assigned for commencement of hearing or the filing of opening statements of fact and argument under the modified procedure, and when requests for admission are to be served in a foreign country, they shall not be served within 30 days prior to such date.

§ 1100.64 Depositions, requests for admission, and written interrogatories: inclusion in record. (Rule 64)

At the oral hearing, or upon the submission of statements under the modified procedure, depositions, requests for admission, and written interrogatories may be offered in evidence by the party at whose instance they were taken. If not offered by such party, they may be offered in whole or in part by any other party. If only part of a deposition, request for admission, or written interrogatory is offered in evidence by a party, any other party (where the matter is being heard orally) may require him to introduce all of it which is relevant to the part introduced, and any party may introduce any other parts. Such depositions, requests for admission, and written interrogatories shall be admissible in evidence subject to such objections as to competency of the witness, or competency, relevancy, or materiality of the testimony as were noted at the time of their taking or are made at the time they are offered in evidence.

§ 1100.65 Supplementation of responses. (Rule 65)

A party who has responded to a request for discovery with a response that was complete when made is under a duty to supplement his response to include information thereafter acquired in the following instances:

(a) A party is under a duty seasonably to supplement his response with respect to any question directly addressed to (1) the identity and location of persons having knowledge of discoverable matters, and (2) the identity of each person expected to be called as an expert witness at the hearing, the subject matter on which he is expected to testify, and the substance of his testimony.

(b) A party who knows or later learns that his response is incorrect is under a duty seasonably to correct his response.

(c) A duty to supplement responses may be imposed by order, agreement of the parties, or at any time prior to the hearing or the submission of verified statements under the modified procedure through new requests for supplementation of prior responses.

§ 1100.66 Production of documents and things and entry upon land for inspection and other purposes (Rule 66)

(a) *Scope.* Upon petition by any party and upon good cause shown, the Commission may issue an order and direct any party (1) to produce and permit the petitioning party to inspect any designated documents (including writings, drawings, graphs, charts, photographs, phonograph records, tapes, and other data compilations from which information can be obtained, translated, if necessary, with or without the use of detection devices into reasonably usable form), or to inspect and copy, test, or sample any tangible things which constitute or contain matters within the scope of § 1100.57 (a) and which are in the possession, custody, or control of the party upon whom the order is served, but if the writings or data compilations (including computer runs, punchcards, and tapes) include privileged or proprietary information or information the disclosure of which is proscribed by the Interstate Commerce Act, such writings or data compilations need not be produced under this rule but may be provided pursuant to § 1100.62 (b); or (2) to permit, subject to appropriate liability releases and safety and operating considerations, entry upon designated land or other property in the possession or control of the party upon whom the order is served for the purpose of inspection and measuring, surveying, photographing, testing, or sampling the property or any designated object or operation thereon, within the scope of § 1100.57(a).

(b) *Procedure.* The petition shall set forth the items to be inspected either by individual item or by category and describe each item and category with reasonable particularity. The petition shall specify a reasonable time, place, and manner of making the inspection and performing the related acts.

§ 1100.67 Failure to respond to discovery. (Rule 67)

(a) *Failure to answer.* If a deponent fails to answer or gives an evasive or incomplete answer to a question propounded under § 1100.60(a), or a party fails to answer or gives evasive or incomplete answers to written interrogatories served pursuant to § 1100.62(a), the party seeking discovery may apply for an order compelling an answer, by motion filed with the Commission and served on all parties and persons affected thereby. On matters relating to a deposition on oral examination, the proponent of the question may complete or adjourn the examination before he applies for an order.

(b) *Failure to comply with order.* (1) If a party or other witness refuses to be sworn or refuses to answer any question after being directed to do so by the Commission, such refusal may subject the refusing party or person to action by the Commission under sections 12(3) and 12 (4) of the Interstate Commerce Act to compel appearance and compliance with the Commission's order.

(2) If any party or an officer, director, managing agent, or employee of a party or person refuses to obey an order made under paragraph (a) of this section requiring him to answer designated questions, or an order made under § 1100.66 requiring him to produce any document or other thing for inspection, copying, testing, sampling, or photographing or to permit it to be done, or to permit entry upon land or other property, the Commission may make such orders in regard to the refusal as are just, and among others the following:

(i) An order that the matters regarding which the questions were asked, or the character or description of the thing or land, or the contents of the paper, or any other designated facts shall be taken to be established for the purposes of the proceeding in accordance with the claim of the party obtaining the order:

(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting him from introducing in evidence designated documents or things or items of testimony;

(iii) An order striking out pleadings or parts thereof, or staying further proceedings until the order is obeyed, or dismissing the proceeding or any part thereof.

(c) *Expenses on refusal to admit.* If a party, after being served with a request under § 1100.63 to admit the genuineness of any document or the truth of any matter of fact, serves a sworn denial thereof, and if the party requesting the admission thereafter proves the genuineness of any such document or the truth of any such matter of fact, the Commission may order the party making such denial to pay to such other party the reasonable expenses incurred in making that proof, including reasonable attorney's fees.

(d) *Failure of party to attend or serve answers.* If a party or a person or an officer, director, managing agent, or em-

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ployee of a party or person willfully fails to appear before the officer who is to take his deposition, after being served with a proper notice, or fails to serve answers to interrogatories submitted under § 1100.62, after proper service of such interrogatories, the Commission on motion and notice may strike out all or any part of any pleading of that party or person, or dismiss the proceeding or any part thereof.

(e) ***Expenses against United States.*** Expenses and attorney's fees are not to be imposed upon the United States under this rule.

It is ordered, That notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26723 Filed 11-14-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 369]

INSULIN SYRINGES

Proposed Warning and Caution Statements

The Food and Drug Administration has recently become aware of reports of potential insulin dosage errors when Regular Insulin is mixed with a modified insulin in insulin syringe systems of varying design. The problem is one attributed to the holdup (dead space) volume in certain designs of syringes. Holdup or "dead space" volume is that volume of insulin contained in the hub of the syringe, hub of a needle, and shaft of a needle. This volume becomes a potential source of error when two different types of insulin are drawn, measured, and mixed in the same syringe. The recent introduction of U-100 insulin syringes appears to have contributed to the problem.

A study by Kochevar and Fry on "Insulin and Dead Space Volume" reported in the January 1974 issue of *Drug Intelligence and Clinical Pharmacy* on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, concluded that as the total dose of the insulins and the ratio of insulins vary, so will the error produced by the "dead space" volume. The error will also depend on the order of the mixing of the insulins. If the order of mixing is reversed, the ratio of insulins in the dose will change. In patients stabilized on a particular dose, technique, and syringe system, there appears to be little problem as long as that regimen remains unchanged. However, changing the total dose, ratio of insulins, mixing technique, and/or the syringe system may have a considerable effect on maintaining an expected glycemic response. In pediatric and some adult cases, variances in the dosages delivered to the diabetic can be critical.

The problem that "dead space" volume presents in preparing insulin mixtures in the syringe is illustrated by the following example: Assume the "dead space" to be 8 insulin units of volume and the mixture to be prepared is 20 units of NPH Insulin (one of the modified insulins) and 10 units Regular Insulin. The desired ratio of insulins in this example is 2: 1 (NPH to Regular). When Regular Insulin is drawn into the syringe to the 10-unit mark, a total of 18 units is actually present in the syringe (measured volume + "dead space" volume). Then NPH Insulin is drawn to the 30-unit mark. The final mixture in the syringe is composed of 18 units of Regular Insulin and 20 units of NPH Insulin. The patient will receive a total of 30 units of insulin but instead of the 20 units of NPH Insulin and 10 units of Regular Insulin (2: 1), he will receive 15.8 units of NPH Insulin and 14.2 units of Regular Insulin (1.1: 1). The error in the ratio of this particular example is considerable. Reversing the order of drawing the insulins would change the ratio, and, instead of a ratio of 2: 1, it would be 2.8: 1.

If only one type of insulin is involved in the dosage, there is no problem since the syringes are calibrated to take into account the dead space and only the measured dosage of insulin will be delivered to the patient.

On March 7, 1974, a meeting was called by the Food and Drug Administration to afford all interested parties the opportunity to comment on the most effective ways to eliminate or reduce the problem. Representatives of insulin syringe manufacturers, insulin drug manufacturers, and the American Diabetes Association attended the meeting. Participants at that meeting agreed that a performance standard for syringes was needed. Such a standard is being developed under the direction of the Food and Drug Administration and will be published in the FEDERAL REGISTER as a proposal.

They also agreed that in view of the time required to develop a performance standard, a warning to patients who mix two types of insulin should be added to the labeling for syringes without delay. The insulin drug manufacturers now have included the warning in the inserts accompanying their insulin product.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs 201 (m), 502, 701(a), 52 Stat. 1041, 1050-1051 as amended, 1055; 21 U.S.C. 321(m), 352, 371(a)) and under authority delegated to him, (21 CFR 2.120), the Commissioner of Food and Drugs proposes that Part 369 be amended in § 369.30 by alphabetically adding a new warning statement as follows:

§ 369.30 Devices recommended warning and caution statements.

• • • • •

INSULIN SYRINGES

Warning—For patients who mix two types of insulin: Do not change: (a) The order of mixing that the physician has prescribed or (b) the model and brand of the syringe or needle, without first consulting your physician. Failure to heed this warning can result in dosage error.

• • • • •

Interested persons may, on or before January 14, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 11, 1974.

SAM D. FINE, *Associate Commissioner for Compliance.*

[FR Doc.74-26779 Filed 11-14-74;8:45 am]

[21 CFR Part 429]

INSULIN

Proposal To Discontinue Certifying All 80-Unit Insulins

Elsewhere in this issue of the FEDERAL REGISTER (39 FR 40284), the Commissioner of Food and Drugs is promulgating a final order providing for the certification of modified insulins containing 100 units per milliliter, and providing for a few other minor changes to the insulin regulations in 21 CFR Part 429 (formerly 21 CFR Part 164, recodified and published in the FEDERAL REGISTER of March 29, 1974 (39 FR 11680)). Thus, there will be available for certification regular insulin and six modified insulins in concentrations of 40, 80, and 100 units per milliliter over-the-counter to diabetics. Pending the amendment to Part 429 providing for the certification of modified insulins containing 100 units per milliliter, batches of these modified insulins have been released as provided for in section 506 of the Federal Food, Drug, and Cosmetic Act.

Prior to releasing any batches of modified insulins containing 100 units, the Food and Drug Administration met on several occasions with representatives of the American Diabetes Association, the United States Pharmacopeia, and the three domestic manufacturers of insulin to discuss the advisability of marketing a third concentration of insulin. During these meetings, it was clearly recognized that the marketing of an additional concentration of insulin could be confusing to physicians, nurses, pharmacists, and diabetics and could in fact become a factor leading to patient error. It was concluded, however, that

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this disadvantage could be minimized with proper introduction of the 100-unit material and with appropriate education of all health care professionals and diabetics.

Further, it was believed that the needs of diabetics could best be served by eventually having only one concentration of insulin available. A single concentration of insulin for general use would eliminate many errors of dosage related to insulin selection, syringe selection, or choice of scale on a U–40/U–80 syringe. One major advantage of the 100-unit concentration is its conformance to the decimal system. A standard concentration of 100 units per milliliter makes dosage calculation and measurement more easily understandable. The 100-unit concentration also offers the advantage of minimum volume per injection.

Before revoking the regulations providing for certification of the 40- and 80-unit products, it was recognized that physicians, patients, and others in the health care professions must be adequately informed regarding the availability and use of the insulin products containing 100 units per milliliter. During this period of education and acceptance of a single concentration, all three strengths will remain available.

Upon the release of the 100-unit products, the American Diabetes Association began a professional education program concerning the new, higher concentration of insulin, indicating that the ultimate goal was to have only one strength of insulin available. Likewise, the manufacturers began promoting the 100-unit products to physicians through detailmen and mailings to physicians, hospitals, nurses, and pharmacists. In the May 1973 issue of the *Drug Bulletin*, the Food and Drug Administration notified health care professionals of the availability of the 100-unit products, indicating that the 40- and 80-unit products would continue to be available until the use of the 100-unit products is generally accepted. Representative examples of the mailings, letters, and other informational material that have been made available to physicians, nurses, pharmacists, and diabetics have been assembled and are on display in the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during regular working hours, Monday through Friday.

The subject of eventually having only one concentration of insulin available in this country was discussed by the Food and Drug Administration's Endocrinology and Metabolism Drug Advisory Committee during their June 1974 meeting. This advisory committee went on record in favor of the 100-unit concentration instead of the 80-unit concentration. They further recommended that sufficient notice be provided and that suitable syringes be available for administering the 100-unit products before certification of the 80-unit material is discontinued.

At its June 1974 meeting, the Board of Directors of the American Diabetes Association approved a recommendation from their Committee on Use of Therapeutic Agents that the date for discontinuance of certification of batches of U–80 insulin be February 1975. This recommendation was transmitted to the Food and Drug Administration in a letter dated June 25, 1974, by Dr. John Floyd, chairman of that committee. The American Diabetes Association further indicated that it views the phasing out of U–80 insulin as the first step toward removal from the market of both U–40 and U–80 insulin in the United States. A copy of this letter is also on file with the Hearing Clerk.

The Commissioner of Food and Drugs concludes that, since use of the 100-unit products has gained considerable acceptance and suitable syringes are available for administering the 100-unit products, the certification provisions for the 80-unit products could be revoked. He further concludes that February 1975, the date to discontinue certifying 80-unit insulins recommended by the American Diabetes Association, is a reasonable proposed date. If such a proposal is finalized, it would mean that no new batches of 80-unit insulin would be certified after February 28, 1975. However, batches certified prior to that date would remain on the market until they became outdated, which would be 24 months after they had been certified.

Recognizing that many diabetics and private physicians who may be affected by the final order do not normally have access to the FEDERAL REGISTER, the Food and Drug Administration plans to achieve as wide a distribution of this proposal as possible through the cooperation of groups such as the American Diabetes Association. In order for this information to be disseminated broadly and all affected persons to have an opportunity to comment, a period of 90 days is being provided for comments.

Although this proposal is limited to 80-unit insulin, comments regarding the possibility of revoking the certification provisions for the 40-unit products at some future date will also be considered. Such a proposal would not be made, however, until suitable standardized syringes, capable of accurately measuring small quantities of insulin, are available, and the Commissioner concludes that eliminating the 40-unit concentration would be in the best interest of the consumer.

The ultimate goal of having only one insulin concentration available is applicable only to insulins obtained over-the-counter. The availability of the 500-unit product, which is a prescription drug, will not be affected by this action.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 506, 55 Stat. 851; 21 U.S.C. 356) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that Part 429 (formerly Part 164) be amended effective February 28, 1975, by removing all references to 80-unit insulins as follows:

§ 429.11 [Amended]

1. In the first sentence of § 429.11(c) (formerly 164.6(c)) by deleting the number "80" and the commas preceding and following it.

§ 429.12 [Amended]

2. Section 429.12 (formerly 164.7) is amended:

a. In paragraph (a) by deleting the entries "Green if it contains 80 U.S.P. Units of insulin per milliliter" and "Green and gray, if it contains 80 U.S.P. Units of insulin per milliliter."

b. In paragraph (b) by deleting the entry "Green and white, if if contains 80 U.S.P. Units of insulin per milliliter."

c. In paragraph (c) by deleting the entry "Green and brown, if it contains 80 U.S.P. Units of insulin per milliliter."

d. In paragraph (d) by deleting the entry "Green and blue, if it contains 80 U.S.P. Units of insulin per milliliter."

e. In paragraph (e) by deleting the entry "Green and lavender if it contains 80 U.S.P. Units of insulin per milliliter."

§ 429.40 [Amended]

3. In § 429.40(g)(1) (formerly 164.2 (g)(1)) by deleting the phrase "80 or" prior to the number "100" each time it appears.

Interested persons may, on or before February 13, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 11, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26778 Filed 11-14-74;8:45 am]

Office of the Secretary

[45 CFR Part 19]

MAXIMUM ALLOWABLE COST FOR DRUGS

Notice of Proposed Rule Making

The Department of Health, Education, and Welfare is concerned that payment for and reimbursement of the costs of health services and products from public funds be made in a manner which ensures the most economical expenditures consistent with the maintenance of a high standard of care. Insofar as drugs are concerned, this involves two principal elements: the cost of the drug to the provider and the provider's charge for dispensing.

I. DRUG COSTS

The Department is aware that a number of drugs containing the same active ingredients in the same dosage form are available from different producers and labelers at significantly different prices. Studies of drug prices in the multiple-source market indicate that savings of 22 to 36 percent would result from the dispensing of lower cost equivalent products. This would be equivalent to savings of 5 to 8 percent of overall prescription drug expenditures.

II. DRUG QUALITY

The existence of different prices for the same drug has raised questions about differences in quality and effectiveness. The Department has an obligation to see that all drugs, not just those potentially cost-reimbursable in Federal programs, are formulated to be safe and effective and are manufactured under optimal conditions to assure consistently high quality. The most important measures the Department employs to achieve these goals are the quality assurance regulations and programs developed under the Food, Drug, and Cosmetic Act. These include stringent requirements for drug testing and clinical experience reporting, as well as quality control assurances prior to approval for marketing. The Department, through the Food and Drug Administration, maintains an extensive drug surveillance program designed to assure adherence to drug standards. This program includes batch certification of antibiotics, insulin, and other selected drugs which the drug surveillance program has revealed to vary significantly from official standards.

The Food and Drug Administration works with interested individuals or groups and with the official standard-setting organizations—the U.S. Pharmacopeia, and the National Formulary—to develop improved laboratory methods and to revise or develop new standards as the necessary technology permits such changes. Meanwhile, the existing drug and manufacturing standards, drug surveillance system, batch testing requirements, and other standards such as bioavailability requirements, where needed, will assure safe and effective drugs of consistently high quality.

III. ESTABLISHMENT OF COST LIMITATIONS

Considering both cost and quality, the Department proposes to limit cost reimbursement for multiple source drugs under the health financing and service programs administered by the Department to the lowest cost at which chemically equivalent drugs are "generally available;" that is, marketed so as to be widely and consistently available to providers in the United States. This would be termed the "maximum allowable cost", or "MAC". While the greatest potential for savings exists with those drugs which are the most frequently prescribed, the policy would apply to all multiple-source drugs with significant price differentials. The MAC limitation would not apply when a prescriber certifies in writing that only a specific brand of drug is effective for or can be tolerated by a particular patient.

To develop and revise the list of drugs subject to MAC limitations, the Secretary proposes to establish a Pharmaceutical Reimbursement Board. The Board will consist of five regular Departmental employees, representing the principal program areas involved in developing and implementing the cost determination, who will devote part time to their duties as Board members. The Board will draw upon a Pharmaceutical Reimbursement Advisory Committee for advice and technical assistance. Members of the Advisory Committee will be selected from persons outside the Government to provide a broad range of knowledge, experience and judgment in the areas of pharmacy, pharmacology, medicine, pharmaceutical marketing, public health and consumer affairs.

Before establishing a MAC for any drug, the Board will request a statement from the Food and Drug Administration advising of any pending regulatory activity, including the establishment of a bioavailability requirement, that would warrant delay in applying a MAC to that drug.

Opportunities will be provided for individuals and organizations to submit relevant drug price information, propose additions to, revisions of, and deletions from the list, offer comments, and participate in oral hearings on proposed MAC limits.

It should be noted that the proposed MAC regulation does not establish procedures for fixing the actual amount of reimbursement to which providers will be entitled for dispensing drugs. Rather, it establishes procedures for setting a limit on what the individual program regulations and policies might otherwise provide. If the authorizing legislation for a particular program, or the program regulations or policies adopted or issued under that legislation, provide for a lower rate of reimbursement than the Departmental MAC regulation permits, then the program reimbursement rate, being lower, will necessarily control the actual payment.

IV. ACQUISITION COST

The Department recognizes that published wholesale prices for drugs, including single-source drugs that would not be subject to the MAC policy, are frequently higher than prices actually paid by providers. Current regulations under Medicaid governing drug cost specify that cost is to be defined by the State agency. This has permitted a number of cost determination methods, resulting in significant cost differences among identical drugs. Some States reimburse providers on the basis of published wholesale prices; others pay on the basis of published prices less a volume discount to the program; still others pay the actual cost to the provider. Similar inconsistencies exist in other Department supported programs.

The Department believes that significant savings can be achieved in non-institutional settings by specifying payment for the cost portion of the provider's charge on the basis of actual acquisition cost. To promote economical purchases of multiple-source drugs subject to MAC limitations, the proposed regulation would allow retention by such providers of 25 percent of the difference between actual acquisition cost and the maximum allowable cost of any listed drug.

The Commissioner of the Social Security Administration, the Administrator of the Social and Rehabilitation Service, and the Assistant Secretary for Health will propose conforming regulations.

V. PRICE INFORMATION

The Department recognizes that the MAC policy and the acquisition cost policy proposed herein would not affect the prices charged by manufacturers for single-source drugs. The Department believes that additional cost savings can be achieved by providing current and comparative drug price information to physicians, pharmacists, and other health professionals. There is growing evidence that such information does promote cost-consciousness and economy in prescribing. Therefore, the Department plans to develop a simple and convenient format for communicating such information to drug prescribers and providers. The Department will conduct appropriate studies of the economic aspects and cost effectiveness of the proposed policies.

Therefore, the Secretary proposes to amend Subtitle A of Title 45 of the Code of Federal Regulations by adding a new Part 19, to read as set forth below.

PART 19—LIMITATIONS ON PAYMENT OR REIMBURSEMENT FOR DRUGS

Sec.
19.1 Purpose.
19.2 Definitions.
19.3 Cost limitation.
19.4 Establishment of Pharmaceutical Reimbursement Board and Advisory Committee.
19.5 Determination of maximum allowable cost.
19.6 Review and revision of maximum allowable cost determinations.

AUTHORITY: Pub. L. 92–603, section 224; (40 U.S.C. 486c; 42 U.S.C. 1302, 1395f(b), 1395x(v), 1395hh; 42 U.S.C. 1396b(i)(1); 42 U.S.C. 242(b), 246(d)(e), 247b, 247c, 299d; 42 U.S.C. 2688N–1); secs. 301, 311 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970; 84 Stat. 1849, 88 Stat. 129; (42 U.S.C. 4571, 4577); secs. 409, 410, of the Drug Abuse Office and Treatment Act; 86 Stat. 81, 82 (42 U.S.C. 1176, 1177).

§ 19.1 Purpose.

This Part establishes Department of Health, Education, and Welfare procedures for determining drug costs and where applicable dispensing charges which the Department will use for the purpose of:

(a) Reimbursement to providers and health maintenance organizations under the Medicare program.

(b) Reimbursement to States under State administered health, welfare and social service programs.

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(c) Allowable costs under direct project grants.

(d) Departmental purchase of drugs.

This Part does not establish procedures for fixing the actual amount of reimbursement to which providers will be entitled for dispensing drugs. Rather, it establishes procedures for setting a limit on what the individual program regulations and policies might otherwise provide. If the authorizing legislation for a particular program, or the program regulations or policies adopted or issued under that legislation, provide for a lower rate of reimbursement than the Departmental MAC regulation permits, then the program reimbursement rate, being lower, will necessarily control the actual payment.

§ 19.2 Definitions.

For the purposes of this Part:

(a) "Drug" means a drug product containing one or more active ingredients in a specified dosage form and strength. Each dosage form and strength of a drug is a separate drug.

(b) "Multiple-source drug" means a drug marketed or sold by two or more formulators or labelers.

(c) "Provider" means one who furnishes medical services or supplies for which he is entitled to reimbursement under any of the programs referred to in § 19.1.

(d) "Actual Asquisition Cost" means the cost of a product to the provider, including such reasonable warehousing and other distributional costs as are incurred by a provider that maintains a warehouse separate from its retail place of business.

§ 19.3 Cost limitation.

(a) The amount to be recognized for reimbursement or payment purposes for any drug used in the programs or activities described in § 19.1 shall not exceed the cost of a drug, pursuant to paragraph (b) of this section, plus a reasonable dispensing fee, except that where the charge for drug dispensing is included in some other reimbursable amount, a separate dispensing fee shall not be recognized.

(b) For each multiple-source drug for which a maximum allowable cost (MAC) has been established in accordance with § 19.5, cost will be limited to the lesser of (1) the MAC and (2) the actual acquisition cost plus, if the drug is provided on an outpatient basis, 25 percent of the amount, if any, by which the MAC excedes the acquisition cost. With respect to a drug prescribed for a patient which the prescriber has certified in writing is the only brand of that drug which the patient can tolerate or which will be effective for that patient, and with respect to drugs other than those described in the preceding sentence, cost shall be actual acquisition cost.

§ 19.4 Establishment of Pharmaceutical Reimbursement Board and Advisory Committee.

(a) *Pharmaceutical Reimbursement Board.* There is established in the Office of the Assistant Secretary for Health a Pharmaceutical Reimbursement Board consisting of five fulltime employees of the Department, representing the principal program areas involved in developing and implementing the cost determination. The Assistant Secretary for Health shall serve as Chairman of the Board.

(b) *Pharmaceutical Reimbursement Advisory Committee.* There is established in the Office of the Assistant Secretary for Health a Pharmaceutical Reimbursement Advisory Committee consisting of nine members who are not in the fulltime employment of the United States. The members shall be selected for terms of two years, except that four of the initial members shall serve for one year. The Secretary will select the members to provide as full a range as possible of knowledge, experience and judgment in the areas of pharmacy, pharmacology, medicine, pharmaceutical marketing, public health and consumer affairs. The Secretary shall designate one of the members as Chairman. The Committee will:

(1) Advise the Board on the appropriateness of proposed MAC determinations submitted by the Board to the Committee.

(2) Upon request, advise the Secretary and the Board concerning general policies and procedures of the Department in reimbursing or paying the cost of drugs used in Departmentally funded programs.

§ 19.5 Determination of maximum allowable cost.

(a) *Identification of drugs to which a MAC may be applied.* The Board will identify those multiple-source drugs for which significant amounts of Federal funds are or may be expended under the programs and for the activities described in § 19.1 and for which there are or may be significantly different prices charged by various product formulators and labelers.

(b) *Review by the Food and Drug Administration.* For each drug identified in accordance with paragraph (a) of this section, the Board will request of the Food and Drug Administration a written statement advising the Board of any pending or anticipated regulatory activity, including the establishment of a bioavailability requirement, which would warrant delay in establishing a MAC for that drug.

(c) *Proposed MAC determination.* For each drug identified in accordance with paragraph (a) of this section, in the absence of a statement from the Food and Drug Administration advising delay in accordance with paragraph (b) of this section, the Board will determine the lowest unit price at which the drug is widely and consistently available to providers throughout the nation. Such unit price will be the proposed MAC for that drug. If it appears to the Board that a drug is in fact unavailable to providers in one or more localities at the MAC price, although it is widely and consistently available at the MAC price elsewhere in the nation, the Board shall make a separate MAC determination for each such locality. In making its determinations, the Board may consider any published and unpublished data and information available to it concerning the marketing and sales price of specific dosage forms and strengths of drugs, as well as any other materials it deems relevant.

(d) *Pharmaceutical Reimbursement Advisory Committee.* After making such determination, the Board shall submit the proposed MAC, together with such data as the Board relied upon or considered in making its determination to the Committee for its advice and recommendations. The Committee shall consider the proposed MAC, the data submitted, and any other relevant information available to it and promptly report back to the Board its advice and recommendations. The Board shall, after considering the advice and recommendations of the Committee, determine whether the MAC, or a modification of MAC, should be proposed for adoption.

NOTE: Meetings of the Committee shall be open to the public.

(e) *Notice and comment.* The Board shall publish as a notice in the FEDERAL REGISTER the proposed MAC determined pursuant to this section, including the report and recommendations of the Committee and shall invite submission of written comments by any interested person or organization within 30 days from the date of the notice. Comments and data received will be maintained for public inspection at the office of the Board.

(f) *Public hearing.* Any person or organization may, within 30 days of publication of notice of a proposed MAC, request in writing an informal hearing before the Board on whether a different, or any, MAC should be established for the drug described in the notice. Each such request for hearing shall state the reasons for the request and shall summarize any evidence or argument intended to be presented at the hearing and shall give the source of any published data to be relied upon. If it appears to the Board from the request that it will be aided in its deliberations or determinations by an informal hearing, it may grant such hearing. Notice of a hearing granted will be published in the FEDERAL REGISTER at least 30 days prior to the hearing.

(g) *Conduct of hearing.* The informal hearing may be before the full Board, a panel of three or more members of the Board, or an administrative law judge. Persons and organizations wishing to appear at the hearing, including those who requested the hearing, shall, no later than 10 days prior to the hearing, submit in writing to the Board a statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and references to any published data to be relied upon. On the basis of the submittals, the Board, panel, or an administrative law judge shall determine which persons and organizations shall be heard, what time should be allotted to each and what issues shall be considered. The hearing shall be open to the public and a written record shall be made of the proceedings. If the hearing is not before the full Board, the panel or administrative law judge conducting the hearing shall submit recommendations in writing to the Board. Such recommendations shall be available for public inspection at the office of the Board.

(h) *Final determination.* After considering the written comments, the presentations made at any public hearing and, if the hearing was not before the full Board, the recommendations of the panel or administrative law judge, the Board shall decide whether a MAC should be established for each drug for which a notice of proposed MAC was published and, if so, shall determine the MAC for each drug. Notice of such determination shall be published in the FEDERAL REGISTER.

§ 19.6 Review and revision of maximum allowable cost determinations.

The Board will maintain and make publicly available a list of MAC determinations and will regularly review the list to assure that continued application of each MAC is justified. Any individual or organization may at any time request in writing that a MAC determination be revised or withdrawn. The request shall set forth the specific change requested, the justification for the change, and available data in suport of the request. Whenever it appears to the Board that there are substantial grounds for reviewing a MAC determination, it shall institute such review in accordance with the procedures set forth in § 19.5.

Interested persons are invited to submit written comments to the Hearing Clerk, Food and Drug Administration, Room 4–65, Parklawn Building, 5600 Fishers Lane, Rockville, Md. 20852, no later than January 14, 1975. Written material submitted will be available for public inspection at the above address.

Dated: November 12, 1974.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

[FR Doc. 74–26823 Filed 11–14–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74–WE–45–AD]

LOCKHEED AIRCRAFT SERVICE COMPANY, MODEL 209 DIGITAL FLIGHT DATA RECORDER

Notice of Proposed Airworthiness Standard

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the Lockheed Aircraft Service Company Model 209 Digital Flight Data Recorder installed in, but not limited to, Boeing 727, 737, and 747, Douglas DC–8, DC–9, and DC–10, Lockheed L–1011, Dassault/Sud Fan Jet Falcon, Hawker-Siddeley DH–125 and 748 and Fokker F–28 airplanes.

There have been instances where the recorded data have been insufficient for the data reduction process to provide the required flight data parameters being recorded. It has been determined that this data insufficiency is caused by improper installations for the required vibration isolation. Since this condition is likely to exist on all affected airplanes on which the recorder is not properly isolated from vibration, the proposed airworthiness directive would require vibration isolated installations for the Model 209 Recorder.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rules Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before December 20, 1974 will be considered by the agency before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

LOCKHEED AIRCRAFT SERVICE COMPANY.—Applies to Lockheed Aircraft Service Company Model 209 Digital Flight Data Recorder installed in, but not limited to, Boeing 727, 737 and 747, Douglas DC–8, DC–9, and DC–10, Lockheed L–1011, Dassault/Sud Fan Jet Falcon, Hawker-Siddeley DH–125 and 748, and Fokker F–28 airplanes.

Compliance required within ninety calendar days after the effective date of this AD, unless already accomplished.

To provide satisfactory recording of the required flight data parameters, install four vibration isolators, Barry Division of Barry Wright Corporation, P/N L44–BA–10, under the Model 209 Digital Flight Data Recorder, in accordance with Lockheed Aircraft Service Company Drawing No. 10077J500, Revision D, or later FAA-approved revisions.

Equivalent vibration isolators and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

Issued in Los Angeles, California on November 5, 1974.

ROBT. O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.74–26767 Filed 11–14–74;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 74–SW–36]

DESIGNATION OF TEMPORARY RESTRICTED AREAS

Notice of Proposed Rulemaking

Correction

In FR Doc. 74–24659 appearing at page 37652, in the issue of Wednesday, October 23, 1974, make the following changes:

1. In the third column, under designation "R–5120B Gallant Shield 75", lines 6 and 7 should be deleted and the following inserted: "106°18'20'' W.; thence north-northeast".

2. In the third column, under designation "R–5120C Gallant Shield 75", in line 7 the figure reading "333°" should read "33°".

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74–41; Notice 1]

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Extension of Flammability Standard

This notice proposes to extend the applicability of Federal Motor Vehicle Safety Standard No. 302, Flammability of Interior Materials (49 CFR 571.302) to campers and trailers other than those sold exclusively for the transportation of cargo.

On June 7, 1974, the Recreational Vehicle Institute, Inc. (RVI), a trade organization representing manufacturers of recreational vehicles, petitioned NHTSA to extend the applicability of FMVSS No. 302 to several types of recreational vehicles as well as slide-in campers and pickup covers. RVI argued that there is a similarity in design and materials between the multipurpose passenger vehicles currently included within the standard and the vehicles they have petitioned to include. Further, RVI stated that it believed that a potential flammability safety problem exists. Based on accident investigation reports of fires in campers and trailers obtained from the Consumer Product Safety Commission, the NHTSA concurs in this belief. Copies of these reports have been placed in the Docket for inspection.

As RVI indicated in their petition, a number of States, as well as the American National Standards Institute (ANSI), have recognized this potential

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danger, and either have issued or are in the process of issuing their own standards to alleviate the risk. Inasmuch as a Federal motor vehicle safety standard would preempt inconsistent State standards, the views of the States and ANSI are particularly solicited.

Based on RVI's recommendation, the proposed effective date for the amendment would be March 1, 1975.

Accordingly, it is proposed that S3. of § 571.302 of title 49, Code of Federal Regulations, be amended to read as follows:

§ 571.302 Standard No. 302; Flammability of Interior Materials.

* * * * *

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, campers, and trailers other than those sold exclusively for the transportation of cargo.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW. Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: January 17, 1975.

Proposed effective date: September 1, 1975.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on: November 12, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-26836 Filed 11-14-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 288-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Heavy-Duty Gasoline-Powered Vehicle Retrofit Regulation

On November 13, 1973 (38 FR 31388), the U.S. Environmental Protection Agency (EPA) published in the FEDERAL REGISTER the New Jersey Transportation Control Plan. The Plan contained a combination of stationary and mobile source emission control measures for attaining and maintaining the national ambient air quality standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions. At that time, regulations were promulgated for the retrofit of light-duty vehicles (gasoline-powered motor vehicles rated at 6,000 lb. gross vehicle weight (GVW) or less) and medium-duty vehicles (gasoline-powered motor vehicles rated at more than 6,000 lb. GVW but less than 10,000 lb. GVW). Regulations for the retrofit of heavy-duty vehicles were not included in the November 13, 1973 New Jersey Transportation Control Plan because the necessary technology was not available. Also it was anticipated that emission reductions from this class of vehicle were to be reduced using a program of limited delivery prohibition. Since the time of promulgation of the plan, it has been determined that control of emissions by the use of the limited delivery prohibition has caused enforcement and other implementation problems. EPA, in the rules and regulations section of today's FEDERAL REGISTER, is withdrawing that regulation. The regulation now being proposed which will require the retrofit of heavy-duty gasoline-powered vehicles (GVW greater than 10,000 lbs.), is intended to replace the limited delivery prohibition, 40 CFR 52.1586 (38 FR 31388).

It is also necessary to propose a revision to § 52.1583, regulation for annual inspection and maintenance. This proposed revision will ensure that the retrofit devices which are installed on heavy-duty gasoline-powered vehicles continue to operate correctly. The proposed regulation will reduce hydrocarbon emissions from heavy-duty gasoline-fueled vehicles in excess of 10,000 lbs. GVW by May 31, 1977. The reductions in emissions resulting from the proposed regulation are shown in Table 1. The timetable for compliance which is being proposed is designed to provide time for the technological advances while, at the same time, meeting the final implementation deadline of May 31, 1977.

The city of New York with EPA funding is conducting a program to evaluate the effectiveness of gasoline-powered vehicle retrofit devices. The program is designed to review a wide range of devices for control of hydrocarbons and carbon monoxide and final results will be available by July 1, 1975. Data to be used in the selection of appropriate devices is expected to result from this jointly funded project.

It is recognized that the heavy-duty retrofit program proposed here will have to be coordinated with the heavy-duty retrofit programs in other parts of the New Jersey-New York-Connecticut AQCR, e.g., the New York City Transportation Control Plan already contains a regulation requiring retrofit and inspection of heavy-duty vehicles.

Table 1

	Annual (T/yr)	Percent reduction
Stationary source emissions without control strategy	116,310	
Expected Reductions:		
Control of petroleum storage	42,723	10.0
Control of solvent emissions from dry cleaning		1.7
Gasoline marketing vapor controls		2.3
Other stationary source controls	8,229	1.9
Emissions remaining	48,117	
Aircraft emissions	17,575	
Mobile source emissions without control strategy	294,982	
Expected Reductions:		
FMVCP-LDV's	129,290	30.1
FMVCP-HDV's	3,578	0.8
I/M-LDV's	8,258	1.9
I/M-MDV's	2,450	0.6
I/M-HDV's	723	
EGR-Airbleed-LDV's	9,414	2.2
Catalytic retrofit—LDV's	11,149	2.6
Retrofit—MDV's	4,925	1.1
Retrofit—HDV's	1,485	
Reduction in VMT	[1] 47,876	11.7
Emissions remaining	75,834	
Total emissions without control strategy	428,867	
Total reductions	287,341	66.9

[1] Represents a VMT reduction of 54.1 percent.

Public hearings on this proposal will be held no sooner than 30 days from the date of this notice. Exact dates, times, and place will be announced in the FEDERAL REGISTER and newspapers in the affected areas.

Written comments on the proposal may be submitted on or before December 16, 1974, to Mr. Gerald M. Hansler, Regional Administrator, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

(Secs. 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.))

Dated: November 7, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

It is proposed to amend Part 52, Chapter 1, Title 40, Code of Federal Regulations as follows:

Subpart FF—New Jersey

1. Section 52.1583 is revised to read as follows:

§ 52.1583 Regulation for annual inspection and maintenance.

(a) Definitions:

(1) "Inspection and maintenance program" means a program to reduce emissions from in-use vehicles through identifying vehicles that need emission control related maintenance and requiring that such maintenance be performed.

(2) "Light-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb. GVW or less.

(3) "Medium-duty vehicle" means a gasoline-powered motor vehicle rated at more than 6,000 lb. GVW and less than 10,000 lb. GVW.

(4) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at more than 10,000 lb. GVW.

(5) All other terms used in this paragraph that are defined in 40 CFR Part 51, Appendix N, are used herein with the meanings therein defined.

(b) This section is applicable in the New Jersey portion of the New Jersey-New York-Connecticut AQCR for light, medium and heavy-duty vehicles, and applicable in the New Jersey portion of the Metropolitan Philadelphia AQCR for light-duty vehicles only.

(c) The State of New Jersey shall continue to administer and enforce its own inspection and maintenance program in effect on the date of promulgation of this section, and, in addition, shall establish an inspection and maintenance program applicable to all heavy-duty and medium-duty vehicles registered in the affected Regions that operate on streets and highways over which it has ownership or control in conformity with the requirements of this section. No later than July 1, 1974, the State shall submit to the Administrator legally adopted regulations for that portion of the program that pertains to light-duty and medium-duty vehicles. For that portion of the program that pertains to heavy-duty vehicles the State shall submit legally adopted regulations by May 31, 1975. The State may exempt any class or category of vehicles which the State finds are rarely used on public streets and highways (such as classic or antique vehicles). The regulations shall include:

(1) Provisions for inspection of all such motor vehicles at periodic intervals at least once each year by means of the test in use by the State on the date of promulgation of this section or such other type of test as may be approved by the Administrator.

(2) Provisions for inspection failure criteria consistent with the failure of 30 percent of the vehicles tested during the first inspection cycle.

(3) Provisions to require that failed vehicles receive, within 2 weeks, the maintenance necessary to achieve compliance with the inspection standards. These provisions shall include sanctions against non-complying individual owners and repair facilities, retest of failed vehicles following maintenance, a certification program to insure that repair facilities performing the required maintenance have the necessary equipment, parts and knowledgeable operators to perform the tasks satisfactorily, and such other measures as may be necessary or appropriate.

(4) A program of enforcement, such as a spot check of idle adjustment, to insure that, following maintenance, vehicles are not subsequently readjusted or modified in such a way as would cause them no longer to comply with the inspection standards. This program shall include appropriate penalties for violation.

(5) Designation of an agency or agencies responsible for conducting, overseeing, and enforcing the inspection and maintenance program.

(d) Commencing January 1, 1975, the State shall not register or allow to operate on its highways any light-duty vehicles or medium-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. Commencing May 31, 1977 the State shall not register or allow to operate on its highways any heavy-duty vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(e) Commencing January 1, 1975, no owner of a light-duty or medium duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. Commencing May 31, 1977 no owner of a heavy-duty vehicle shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (c) of this section. This shall not apply to the initial registration of a new motor vehicle.

(f) The State of New Jersey shall submit, no later than April 15, 1974, a detailed compliance schedule showing the steps it will take (or has taken) to establish and enforce a state-operated inspection and maintenance program for light-duty and medium-duty vehicles pursuant to paragraph (c) of this section, including the text of any adopted legislation and any needed regulations that it will propose for adoption. For heavy-duty vehicles, the State shall submit no later than September 1, 1975, a similar compliance schedule. The compliance schedule for each portion of the program shall also include:

(1) The date by which the State will recommend any needed legislation to the State legislature;

(2) The date by which any additional necessary equipment will be ordered;

(3) A statement from the Governor and State Treasurer identifying the sources and amounts of funds for the program. If funds cannot be legally obligated under existing statutory authority, the text of needed legislation must be submitted.

2. Section 52.1586 is revised to read as follows:

§ 52.1586 Heavy duty retrofit.

(a) Definitions:

(1) "Heavy-duty retrofit" means a system or device such as modification to the engine's carburetor or positive crankcase ventilation system that results in reductions in exhaust emissions of hydrocarbon and carbon monoxide from heavy-duty vehicles of at least 30 and 40 percent, respectively.

(2) "Heavy-duty vehicle" means a gasoline-powered motor vehicle rated at 10,000 lb. gross vehicle weight (GVW) or more.

(3) All other terms used in this section that are defined in Part 51, Appendix N, of this chapter are used herein with meanings so defined.

(b) This section is applicable within the New Jersey portion of the New Jersey-New York-Connecticut AQCR.

(c) The State of New Jersey shall establish a retrofit program to ensure that on or before May 31, 1977 all heavy-duty vehicles registered in the area specified in paragraph (b) of this section are equipped with an appropriate retrofit device, as approved by the Administrator that will reduce exhaust emissions of hydrocarbons and carbon monoxide to the same extent as noted above. No later than September 1, 1975 the State of New Jersey shall submit to the Administrator a detailed compliance schedule showing the steps it will take to establish and enforce a retrofit program pursuant to this section. The compliance schedule shall include a date by which the State shall evaluate and approve devices for use in this program. Such date shall be no later than January 1, 1976.

(d) No later than January 1, 1976 the State shall submit legally adopted regulations to the Administrator establishing such a program. The regulations shall include:

(1) Designation of an agency responsible for evaluating and approving devices for use on vehicles subject to this section.

(2) Designation of an agency responsible for ensuring that the provisions of paragraph (d)(3) of this section are enforced.

(3) Provisions for beginning the installation of the retrofit devices by May 31, 1976 and completing the installation of the devices on all vehicles subject to this section no later than May 31, 1977.

(4) A provision that starting no later than May 31, 1977, no vehicle for which retrofit is required under this section shall pass the annual emission tests provided for by § 52.1583 unless it was first equipped with an approved retrofit device, which the test has shown to be installed and operating correctly. The regulations shall include test procedures and failure criteria for implementing this provision.

(5) Methods and procedures for ensuring that those installing the retrofit devices have the training and ability to perform the needed tasks satisfactorily and have an adequate supply of retrofit components.

(6) Provision (apart from the requirements of any general program for periodic inspection and maintenance of vehicles) for emissions testing at the time of device installation or some other positive assurance that the device is installed and operating correctly.

(e) After May 31, 1977, the State shall not register or allow to operate on its streets or highways any vehicle that does not comply with the applicable standards and procedures adopted pursuant to paragraph (d) of this section.

(f) After May 31, 1977, no owner of a vehicle subject to this section shall operate or allow the operation of any such vehicle that does not comply with the applicable standards and procedures implementing this section.

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(g) The State may exempt any class or category of vehicles from this section which the State finds are rarely used on public streets and highways (such as classic or antique vehicles) or for which the State demonstrates to the Administrator that retrofit devices approved pursuant to this section are not commercially available.

[FR Doc.74-26625 Filed 11-14-74;8:45 am]

[40 CFR Part 52]

[FRL 288-2]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed New Jersey Organic Material Regulation

On July 3, 1973 (38 FR 17782) the U.S. Environmental Protection Agency (EPA) proposed the New Jersey Transportation Control Plan. The plan contained a combination of stationary and mobile source emission control measures for attaining and maintaining the national standards for carbon monoxide and photochemical oxidants (hydrocarbons) in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Regions ("the Regions"). Section 52.1594 of this proposed plan was a measure to control the use of organic solvents and was modeled after Los Angeles Air Pollution Control District (LAAPCD) Rule No. 66. As such it was based upon the photochemical reactivity of solvents being used.

Public hearings on the proposed plan were held on July 16, 17, and 18, 1973 in Camden, Trenton, and Newark, New Jersey. Testimony and comments that were submitted at the hearings by representatives of affected industrial sources supported this proposed regulation on organic solvent usage.

During the period immediately following the hearings, the New Jersey State Department of Environmental Protection (NJDEP) presented to EPA a proposed regulation that it had developed for controlling organic solvent usage. This NJDEP proposed regulation was not based upon the photochemical reactivity of the organic solvents.

EPA in an effort to minimize disruptions that could occur when NJDEP adopted its regulation modified its proposal to reflect the approach NJDEP was proposing to take. The final EPA regulation was promulgated on November 13, 1973 as § 52.1596, Volatile organic substances.

During the comment period following promulgation of the New Jersey Transportation Control Plan (38 FR 31388) the National Paint and Coating Association (NPCA) and other industrial companies such as General Motors and the Ford Motor Company contended that EPA's regulation was not technically feasible. Subsequent meetings were held with NPCA, General Motors, Ford Motor Company, and other companies to discuss the technical feasibility of the regulation. Based on data presented at these meetings, EPA concluded that it does not have adequate data to determine that § 52.1596 as promulgated is an available method for controlling non-methane hydrocarbon emissions from painting operations. Therefore, in the rules and regulations section of today's FEDERAL REGISTER, EPA has revoked § 52.1596, Volatile organic substances, and has revised § 52.1597, Federal compliance schedules, to delete the compliance dates for § 52.1596.

At this time EPA is proposing a modified § 52.1596, Volatile organic materials, to reflect the technical information that was presented at the previously mentioned meetings with technical representatives of NPCA, General Motors, Ford Motor Company and other industrial companies. The revised regulation is based upon photochemical reactivity of hydrocarbons as defined in LAAPCD Rule No. 66. Also, the proposal now allows for reformulation of paints and solvents as a method of control when the solvents come into contact with direct-flame, as happens during baking in direct-fired ovens. Based upon technical information presented at these meetings, EPA proposes to exempt those paints and solvents that contain less than 30 percent by volume of volatile organic materials provided that the volatile organic fraction is not photochemically reactive as defined in the proposal.

The compliance schedule provisions which apply to Section 52.1596 have been modified to provide for flexibility in dealing with sources of volatile solvent emissions. The regulation itself is planned primarily to prevent emissions of photochemically reactive hydrocarbons and to encourage the development of new process technology which will significantly reduce the quantities of solvents presently being used. Because the types of processes affected by this regulation are extremely varied, they do not lend themselves to any particular categorical schedule of compliance. For this reason, no categorical schedule has been included in the regulation and each source will be required to submit an individual compliance schedule for approval. However, these individual schedules must provide for emission reductions as expeditiously as practicable and must represent a good faith effort to achieve the goals of this section.

The provision allowing a process source the alternative to submit a schedule for implementation of new technology is quite limited in its scope. The source will be required to demonstrate a present high state of development of the new low solvent technology before such a compliance schedule will be accepted. In addition to the development schedule, the source must submit a schedule for installation of conventional abatement equipment to be applicable if the new technology development falls behind schedule or if the new process appears to be unacceptable.

Some other regulations promulgated by EPA which are similar to this proposal and similar to LAAPCD Rule No. 66 (e.g., 40 CFR § 52.254 for California) have a final compliance date of July 31, 1975. Since one of the major features of the LAAPCD Rule No. 66 approach is to encourage sources to reformulate solvents and other materials, it has been argued that providing a later final compliance date will provide a greater incentive to sources to pursue that alternative. On the other hand, a later date may lead to one or two additional years of relatively high emissions which would not be desirable. Comments are invited on whether the final compliance date should be 1975, 1976, or 1977. One alternative would be a 1975 compliance date for sources with a potential emission rate (see Table 1 of the proposed regulation) of 2500 pounds/hour or greater, a 1976 compliance date for those sources with a potential emission rate of 1000 to 2499 pounds per hour, and a 1977 compliance date for those with a potential emission rate of less than 1000 pounds per hour.

Other regulations (e.g., 40 CFR § 52.-254) limit the volatile content of an exempted material to 30 percent initially and lower it to 20 percent at a later time. Comment also is invited on this possibility.

Public hearings on this proposal will be held no sooner than 30 days from the date of this notice. Exact dates, times, and places will be announced in the FEDERAL REGISTER and newspapers in the affected areas.

Written comments on the proposal may be submitted on or before December 16, 1974, to Mr. Gerald M. Hansler, Regional Administrator, U.S. Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

(Section 110(c) and 301(a) of the Clean Air Act (42 U.S.C. 1857 et seq.))

Dated: November 7, 1974.

JOHN QUARLES,
Acting Administrator,
Environmental Protection Agency.

It is proposed to amend Part 52, Chapter 1, Title 40 of the Code of Federal Regulations as follows:

Subpart FF—New Jersey

1. Section 52.1596 is revised to read as follows:

§ 52.1596 Organic materials.

(a) Definitions:

(1) "Organic materials" means chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate and having a vapor pressure of 0.02 pounds per square inch absolute or greater at 70° F and 14.7 psia., including but not limited to petroleum fractions, petro-chemicals and solvents.

(2) "Photochemically reactive organic material" means any organic material with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified below or which exceeds any of the following individual percentage composition limitations, referred to the total volume of the liquid:

(i) A combination of hydrocarbons, alcohol, aldehydes, esters, ethers, or ketones having an olefinic or cyclo-olefinic type of insaturation: 5 percent;

(ii) A combination of aromatic hydrocarbons with eight or more carbon atoms to the molecule except ethyl benzene: 8 percent;

(iii) A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.

Whenever any organic material or any constituent of an organic material may be classified from its chemical structure into more than one of the above groups of organic compounds, it shall be considered as a member of the most reactive chemical group, that is, that group having the least allowable percentage of the total volume of liquid.

(3) "Potential emission rate" means the mass rate of organic materials emitted or to be emitted from any machine, article, equipment, or other contrivance into the outdoor air exclusive of any type of control apparatus.

(4) "Maximum allowable emission rate" means the maximum amount of organic materials which may be emitted into the outdoor air at any instant in time or during any prescribed interval of time.

(b) This section is applicable in the New Jersey portions of the New Jersey-New York-Connecticut and Metropolitan Philadelphia Interstate Air Quality Control Regions.

(c) A person shall not emit into the atmosphere photochemically reactive organic materials from any article, machine, equipment, or other contrivance unless said discharge conforms with the limitations set forth in Table 1.

(d) Emissions from any article, machine, equipment, or other contrivance where the organic materials come into contact with flame or are baked, heat cured, or heat polymerized, and during which the temperature of the organic material reaches 180° F or greater in the presence of oxygen, shall be the same as those set forth in Table 1 with the following exceptions:

(1) Sources with a potential emission rate of 20 lbs/hr or less shall have a maximum allowable emission rate of not more than 3 lbs/hr.

(2) Sources with a potential emission rate between 20 lbs/hr and 50 lbs/hr shall achieve an 85 percent reduction in the potential emission rate.

TABLE 1.—EMISSION LIMITATIONS (POUNDS PER HOUR)

Potential emission rate:	*Maximum allowable emission rate*
50 or less	8
100	15
500	75
1,000	150
2,500 or greater	200

Notice: (1) For the requirements of Table 1, the potential emission rate shall be the sum of the potential emission rates of all source operations discharging through a single stack or chimney. (2) For potential emission rate between any two consecutive emission rates stated in Table 1, the maximum allowable emission rate shall be determined by linear interpolation.

(e) Those portions of any series of articles, machines, equipment, or other contrivance designed for processing a continuous web, strip, or wire which emit photochemically reactive organic materials and use operations described in this section shall be collectively subject to compliance with this section.

(f) Emissions of photochemically reactive organic materials from any article, machine, equipment, or other contrivance described in paragraphs (c) and (d) of this section shall be included with other emissions or organic materials from that article, machine, equipment, or other contrivance for determining compliance with this section.

(g) Emissions of organic materials into the atmosphere to be controlled by the provisions of paragraphs (c), (d), and (f) of this section shall be reduced by:

(1) Incineration, provided that 90 percent or more of the carbon in the organic material being incinerated is oxidized to carbon dioxide, or

(2) Adsorption, or

(3) Other means determined by the Administrator to be not less effective than paragraph (g) (1) or (2) of this section.

(h) A person incinerating, adsorbing, or otherwise processing organic materials pursuant to this section shall provide, properly install, and maintain in calibration, in good working order and in operation, devices as specified under any permit to construct or certificate to operate, or as specified by the Administrator for indicating temperatures, pressures, and rates necessary to determine the degree and effectiveness of air pollution control.

(i) Any person using organic materials or substances containing organic materials shall supply the Administrator, upon request and in the manner and form prescribed by the Administrator, written evidence of the chemical composition, physical properties, and amount consumed for each organic solvent used.

(j) The provisions of this section shall not apply to:

(1) The manufacture of organic solvents, or the transport or storage of organic solvents or material containing organic solvents.

(2) The use of equipment for which requirements are specified by § 52.1598.

(3) The spraying or other employment of insecticides, pesticides, or herbicides.

(4) The use of any material in any machine, article, equipment, or other contrivance described in paragraphs (c), (d), and (f) of this section, for the application of a surface coating, if:

(i) The material contains no more than 30 percent by volume of volatile organic materials, and

(ii) Said volatile content is not reactive as defined in subparagraph (a)(2), and

(iii) The emissions of volatile organic materials are not in excess of 200 pounds per hour.

(k) For the purposes of this section, organic solvents include dilutants and thinners which are liquids at standard conditions and which are used as dissolvers, viscosity reducers, or cleaning agents.

(l) Within 60 days after the date of promulgation of this section, the owner or operator of any stationary source subject to the requirements of this section shall submit to the Administrator for his approval a compliance plan and schedule of compliance in conformance with either the requirements of paragraphs (l)(1) or (2) of this section.

(1) An abatement technoology compliance plan and schedule shall consist of:

(i) A plan describing the emission source and the abatement equipment planned for control of the emission of organic material from such source, and

(ii) A schedule of the progress expected toward installation of the abatement equipment including specific dates by which:

(A) Contracts shall be negotiated and signed for emission controls systems or process modifications, purchase orders shall be issued for purchase of component parts to accomplish emission control or process modification.

(B) On-site construction or installation of emission control equipment or process modification shall be initiated.

(C) On-site construction or installation of emission control equipment or process modification shall be completed.

(D) Final compliance with the regulation shall be achieved.

(2) A low solvent or solvent free technology compliance plan and schedule shall include:

(i) A demonstration to the Administrator by written report that new process technology will allow the source to meet the provisions of this paragraph without the addition of separate abatement equipment and that such new process technology has been developed to a stage that a schedule of future development may be prepared to which adherence may be reasonably expected.

(ii) A schedule of compliance including a schedule of future development work with increments of progress specified at intervals of six months or less, and a plan and schedule of compliance conforming with the requirements of paragraph (l)(1) of this section commencing with sufficient time to insure compliance with this paragraph should low solvent or solvent free technology prove infeasible or should its development fall behind schedule.

(3) No schedule submitted in conformance to either paragraphs (l) (1) or (2)

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of this section may provide for compliance after May 31, 1977.

(m) The Administrator reserves the authority to disapprove any compliance plan or schedule of compliance if he determines either that it will not result in emission reductions as expeditiously as practicable or that it does not represent a good faith effort to achieve the goals of this regulation. If he disapproves a plan or schedule, the Administrator shall issue a schedule or plan for such source.

[FR Doc.74-26624 Filed 11-14-74;8:45 am]

[40 CFR 52]

[FRL 295-1]

PENNSYLVANIA IMPLEMENTATION PLAN

Proposed Revision

On April 15, 1974, the Commonwealth of Pennsylvania submitted to the Regional Administrator a proposed amendment to the City of Philadelphia portion of the approved Pennsylvania Implementation Plan for the attainment and maintenance of national ambient air quality standards.

The proposed amendment to the Pennsylvania Implementation Plan was publicly advertised and a hearing was held on September 5, 1973 in accordance with 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of State Implementation Plans.

The major provision of the proposal would postpone until March 31, 1975, a decrease in sulfur in fuel oils limits from 0.5 percent to 0.3 percent. This decrease had been scheduled for October 1, 1973. There is also a provision for allowing non-commercial fuel users to average stack emissions throughout a facility if it can be shown that air quality will not be adversely affected.

The public is invited to submit comments on whether the proposed amendment should be approved or disapproved as required by Section 110 of the Clean Air Act and 40 CFR Part 51. Only comments received by December 16, 1974, will be considered. The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirements of section 110(a)(2) (A)-(H) of the Act and EPA regulations in 40 CFR 51.

Copies of the proposed amendment is available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Second Floor, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106; at the Office of the Philadelphia Air Management Services, 4320 Wissahickon Avenue, Philadelphia, Pennsylvania 19129; at the Office of the Pennsylvania Department of Environmental Resources, Third and Locust Streets, Harrisburg, Pennsylvania 17120; and at the Freedom of Information Center, EPA, 401 M Street, Washington, D.C. 20460. All comments should be addressed to the Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106.

(42 U.S.C.S. 1857 c-5)

Dated: November 7, 1974.

JOSEPH M. MANKO,
Acting Regional Administrator.

[FR Doc.74-26726 Filed 11-14-74;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

NONIMMIGRANT STUDENT SUMMER EMPLOYMENT

Policy Statement

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103) and 28 CFR 0.105(b), notice is hereby given of the intention of the Immigration and Naturalization Service to terminate its policy of annually making a determination whether to authorize school officials to permit nonimmigrant students as defined in section 101(a)(15)(F) of the Act (66 Stat. 166; 8 U.S.C. 1101(a)(15)(F)) to engage in employment during the summer vacation period.

Section 101(a)(15)(F) of the Immigration and Nationality Act defines a nonimmigrant student as "an alien * * * who seeks to enter the United States temporarily and solely for the purpose of pursuing * * * a (full) course of study at an established institution of learning or other recognized place of study in the United States * * *. 8 CFR 214.2(f) prescribes the conditions for admission and employment of nonimmigrant students. Those regulations provide that the Service may approve student applications for permission to engage in off-campus employment part time when the necessity for working occurs due to unforeseen circumstances arising subsequent to entry into the United States. They further provide that applications may also be approved to permit employment for practical training in a field relating to the student's course of study. This proposed policy change does not affect the existing right of students to apply for or be granted permission to engage in employment in accordance with current regulations.

In addition to the foregoing regulatory provisions regarding employment of students, the Service, for a number of years prior to 1974, annually authorized school officials to grant nonimmigrant students permission to engage in summer employment under specified conditions. Such annual authorization followed consultation with the Department of Labor with regard to the anticipated impact a student summer employment program would have on the labor market. In recent years, the Service has also consulted the Department of State on the foreign relations aspect of the program. In April 1974, as a result of strong representations by the Department of Labor regarding the high unemployment rate among American youth, including Viet Nam veterans and members of minority groups, the Service decided to withhold such authorization for the summer of 1974.

Upon review of Service policy, it has been concluded that the exercise of the authority to regulate the conditions of admission of nonimmigrants conferred by the Congress on the Attorney General by section 214(a) of the Immigration and Nationality Act (66 Stat. 189; 8 U.S.C. 1184(a)) should be delegated only to immigration officials. Accordingly, the Service proposes to discontinue the policy under which school officials may be authorized to permit nonimmigrant students to engage in summer employment.

In accordance with the spirit of the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street, NW., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to this policy proposal. Such representations may not be presented orally in any manner. All relevant material received by December 14, 1974, will be considered and acted upon in the same manner as if this document was a notice of proposed rulemaking.

Dated: November 11, 1974.

L. F. CHAPMAN, JR.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-26797 Filed 11-14-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

RIVERTON UNIT, PICK-SLOAN MISSOURI BASIN PROGRAM, WYOMING

Sale of Lands

1. *Statutory authority:* One hundred and five federally owned parcels of land located in the Riverton Unit, Fremont County, Wyoming, acquired by the United States, in whole or in part, under the authority of the Act of August 15, 1953 (67 Stat. 592), will be disposed of in accordance with the Act of September 25, 1970 (84 Stat. 861). A map designated Exhibit "A," showing the locations of the parcels, can be obtained from the Project Manager, Bureau of Reclamation, P.O. Box 31, Riverton, Wyoming 82501, or the Regional Director, Bureau of Reclamation, 316 North 26th Street, Billings, Montana 59103.

2. *Public sale:* On February 11, 1975, at 9 a.m. in the office of the Bureau of Reclamation, 521 North 12th Street, Riverton, Wyoming, said parcels will be offered at Public Auction to qualified resident landowners, contract purchasers or entrymen on the Unit who have a prior right of purchase, as provided in section 5 of the Act of September 25, 1970, and sold to the highest bidder at not less than the appraised fair market value. Any parcels not sold to individuals having a prior right of purchase will be offered to the general public and sold to the highest bidder at not less than the appraised fair market value immediately following the sale to individuals having a prior right of purchase. The sale will be from 9 a.m. to 12 noon and from 1 p.m. to 5 p.m. on February 11, 1975, and on succeeding days until all parcels have been offered to individuals with prior rights of purchase and to the general public.

3. A. *Qualified resident landowner, contract purchaser or entryman with prior right of purchase:* For the purpose of having a prior right of purchase at this sale, a qualified resident landowner is defined as an individual who:

(1) Owns farmland on the Riverton Unit, Pick-Sloan Missouri Basin Program, Wyoming, in fee simple; is the contract purchaser of such farmland; or is an entryman who has entered land in the Riverton Unit under the Homestead or Desert Land Acts administered by the Bureau of Land Management and is still the holder thereof;

(2) Did not obtain relief under the Act of March 10, 1964, as amended;

(3) Is a citizen of the United States; and

(4) Actually resides on farmland on the Riverton Unit on the date of the first publication of notice in the local paper.

B. *Relief under the Act of March 10, 1964, as amended,* is defined as: The sale of lands by owners or entrymen on the Third Division, Riverton Project, Wyoming, to the United States under the Act of March 10, 1964, as amended.

C. *Acreage limitation:* No parcel included under this notice may be disposed of in a manner which will result in total ownership within the Riverton Unit by any one owner in excess of one hundred and sixty acres of Class 1 land or the equivalent thereof in other land classes, as determined by the Secretary of the Interior. The limitation of lands held in beneficial ownership which are eligible to receive project water, as established in section 4 of the Act of September 25, 1970, is three hundred and twenty acres of Class 1 land or the equivalent thereof in other land classes when held in joint ownership by a husband and wife.

D. *Land class equivalent:* The relative equivalent acreage of irrigable land classes of the Riverton Unit shall be calculated in accordance with the following ratio factors: Class 1=1.100; Class 2=.67; Class 3=.50; Class 4=.25.

Any individual who owns irrigable land on the Riverton Unit who wishes to bid for one or more of the land parcels should establish the Land Class 1 equivalent of their present holdings for the purpose of determining the size of par-

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cel they are eligible to buy. Land classification records of the Riverton Unit are on file at the office of the Midvale Irrigation District, Pavillion, Wyoming.

E. *Suspended Lands:* Certain lands within the parcels offered for sale which have previously been classified as irrigable have been suspended from the status of irrigable lands. Water rights held by the United States in trust for irrigable lands of the Riverton Unit do not extend to these or other non-irrigable lands.

F. *Affidavit of eligibility and qualification for prior right of purchase:* No person will be eligible to bid unless he has obtained a bidder's identification number by signing and delivering to the office of the Bureau of Reclamation, 521 North 12th Street, Riverton, Wyoming, on or before February 11, 1975, the following documents:

(1) *Affidavit of eligibility:* Every purchaser must affirm that:

a. He is a citizen of the United States;

b. The parcel is being purchased for his own benefit and use; and

c. No one else, except his immediate family, is acquiring an interest therein; and

d. That he meets the acreage limitations set forth in Article 3(c) above.

(2) *Affidavit of qualification for prior right of purchase:* In addition to signing the Affidavit of Eligibility, an individual claiming prior right of purchase under the Act of September 25, 1970, must meet the qualifications set forth in Article 3(A) above and sign an affidavit thereto.

(3) Both forms will be furnished by the Bureau of Reclamation and will be available at the office of the Bureau of Reclamation, 521 North 12th Street, Riverton, Wyoming, or the Regional Office, Bureau of Reclamation, Billings, Montana. Copies of both forms are attached to Exhibit "B" which is a land sale contract and which may be obtained from the Riverton Office or the Regional Office, Bureau of Reclamation, Billings, Montana.

4. A. *Superintendent:* A representative of the Division of Water and Land Operations, Regional Office, Bureau of Reclamation, Billings, Montana, will be designated as the Superintendent of sale and as auctioneer.

B. *Authority of superintendent:* The Superintendent conducting the sale is authorized to refuse any and all bids for any parcel and to suspend, adjourn, and postpone the sale of any parcel to such time and place as he may deem proper. Immediately after all the parcels have been offered to qualified resident landowners of the Riverton Unit who have a prior right of purchase, the Superintendent will offer all remaining parcels for sale to the general public in accordance with Article 2 of these regulations above. Any parcel remaining unsold will be subject to private sale at any time by the Regional Director, Bureau of Reclamation, Billings, Montana, or his delegated representative, in accordance with existing law.

5. *Minimum acceptable bids:* The parcels may not be sold at less than the fair market value at the time of sale. These values will be established by qualified professional appraisers. The appraised values will be made available in advance of the sale to any interested prospective bidder upon inquiry at the office of the Project Manager, Bureau of Reclamation, 521 North 12th Street, Riverton, Wyoming.

6. *Terms and conditions of sale*—A. *Down Payment.* The successful bidder will pay to the United States in cash or check, at the time of execution of the land sale contract one of the following: (1) Five percent of the sale price or $1,000 whichever is the greatest if the sale price is over $1,000; (2) the entire sale price if less than $1,000.

B. *Sale agreement:* A land sale contract will be executed by every successful bidder within fifteen (15) days of the auction sale. A copy of a sample sale agreement is designated as Exhibit "B" and can be obtained from the Riverton or Regional Office of the Bureau of Reclamation.

C. *Balance:* The balance of the sale price will be paid in full on or before December 31, 1975, together with interest accumulated at the rate of one-half of one percent per month from the date of execution of the sale agreement.

D. *Forfeiture:* Any successful bidder who fails to comply with Articles 6(B) and 6(C) above will forfeit his down payment made in accordance with 6(A) above. In addition, he will forfeit any and all payments made to the Midvale Irrigation District which are required by these regulations and under 6(E) and 6(F) below. He will have 60 days to remove any improvements which he has made and must leave the premises in like condition to when he entered.

E. *Inclusion in Midvale Irrigation District:* The successful bidder for any parcel of land sold under these regulations will be required at the time of execution of a land sale contract to petition for the inclusion of the parcel into the Midvale Irrigation District and to be obligated by the terms of repayment contract No. 14–06–600–444A and such future amendatory repayment contracts as may be entered into between the United States and the Midvale Irrigation District.

7. *Restrictions in deeds:* Upon receipt of full payment for a parcel of land sold under these regulations, a quitclaim deed or patent will be issued to the purchaser.

All deeds or patents will be subject to the following reservations, limitations and conditions:

A. Reservation of right-of-way for ditches or canals constructed by authority of the United States.

B. Reservation of coal, oil, gas and other minerals to the United States for the benefit of the Shoshone and Arapahoe Tribes of the Wind River Reservation, Wyoming, pursuant to 72 Stat. 935, August 27, 1958).

C. All non-irrigable lands are subject to Sections 41 (permanently unproductive lands) and 43 (temporarily unproductive lands), of the Act of May 25, 1926 (44 Stat. 644), as amended April 23, 1930 (46 Stat. 249). Copies of which are available at the Riverton Office of the Bureau of Reclamation or at the Midvale Irrigation District office.

D. Irrigation water shall be available only for those lands in Classes 1–4, upon payment of the appropriate annual District assessments for construction and operation and maintenance.

E. Subject to existing rights of third persons, including but not limited to public utilities, drains, roads, oil pipelines, and so on of record or in use, including reasonable access for purposes of operation and maintenance.

F. If future drains are required, landowners whose title is derived from this sale will donate rights-of-way for any closed drains which will be constructed.

G. Parcels in the Third Division of the Riverton Unit sold under these regulations are not entitled to drainage or other rehabilitation and betterment work under the provisions of the Act of September 25, 1970.

8. *Assignments:* No assignment of a sale agreement or of any right arising out of these regulations shall be effective without the written approval of the Regional Director of the Bureau of Reclamation, or his delegated representative.

9. *Employees of the Department of the Interior:* Employees of the Department of the Interior, persons who are not citizens of the United States, and stockholding corporations other than family farming corporations, are not eligible to bid for or acquire land under these regulations.

10. *Notice of Sale.* A. A notice of sale will be published in a newspaper of general distribution published in Fremont County, at least once a week for at least five (5) consecutive weeks prior to the auction sale. Such notice will also be posted in at least three (3) public places within such county, posted upon the land, and also posted at Midvale Irrigation District Headquarters and the Riverton Project Office, United States Bureau of Reclamation. Said notice will also be released to the newspaper in press releases and posted elsewhere as the Regional Information Officer sees fit.

B. The notice will contain the time and place of sale, authority for sale, general location of parcels to be sold and terms of sale.

C. The notice of sale, a copy of these regulations, Exhibits "A" and "B," and such other information as may be deemed necessary by the Bureau of Reclamation will be made available to any interested prospective bidders.

11. *Warning:* All persons are warned against forming any combination or agreement which will prevent any parcel from selling advantageously or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

ROBERT L. MCPHAIL,
Regional Director.

[FR Doc.74-26742 Filed 11-14-74;8:45 am]

National Park Service

SOUTHEAST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southeast Regional Advisory Committee will be held at 1 p.m., e.s.t., on December 1, 1974, at the Monson Motor Lodge, 32 Avenida Menendez, St. Augustine, Florida. After touring historic areas and structures at San Juan National Historic Site Puerto Rico, Virgin Islands National Park and Christiansted National Historic Site, the meeting will reconvene at 2 p.m., e.s.t., on December 7, 1974 at the Comanche Club in Christiansted, St. Croix, Virgin Islands.

The purpose of the Southeast Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on problems and programs pertinent to the Southeast Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mrs. Charles Edward Lee (Chairman)
Columbia, South Carolina
Mrs. Ann Smith Bedsole
Mobile, Alabama
Mr. Tutt S. Bradford
Maryville, Tennessee
Mr. Robert Gable
Frankfort, Kentucky
Mr. Alfredo Heres Gonzalez
Santurce, Puerto Rico
Honorable Donald Kincaid
Lenoir, North Carolina
Dr. John M. King
Jackson, Mississippi
Mrs. Jane Hurt Yarn
Atlanta, Georgia
The Very Reverend Monsignor Michael V. Gannon
Gainesville, Florida

The matters to be discussed at this meeting are: (1) The historic preservation program of the Southeast, with specific attention to maintaining the ancient fortifications and other historic struetures of the Caribbean parks, (2) Environmental Assessment on the Cape Hatteras Coastal Processes Policy Statement, (3) Wilderness study for Gulf Islands National Seashore, (4) Establishment of Tuskegee National Historic Site, and (5) Review of the Cape Canaveral National Seashore Proposal.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting or who wish to submit written statements, may contact Paul C. Swartz, Chief, Cooperative Activities Division, Southeast Regional Office, at 404/526-7560. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the office of the Southeast Region, 3401 Whipple Ave., Atlanta, Georgia.

PAUL C. SWARTZ,
Chief, Cooperative Activities Division, Southeast Region, National Park Service.

[FR Doc.74-26736 Filed 11-14-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Exchange Authority

TRADING IN LEVERAGE CONTRACTS IN GOLD AND SILVER

Notice of Inquiry

Section 217 of Pub. L. 93-463, enacted October 23, 1974, provides for regulation by the newly-established Commodity Futures Trading Commission, of transactions for the delivery of silver bullion, gold bullion or bulk silver and gold coins pursuant to a standardized contract commonly known as a margin account, margin contract, leverage contract or leverage account. (Hereinafter referred to as "leverage trading" or "leverage contracts.") Under this section, effective April 21, 1975, all persons will be forbidden to offer to enter into, enter into, or confirm the execution of any such transaction contrary to any rule, regulation, or order of the Commodity Futures Trading Commission designed to insure the financial solvency of the transaction or prevent manipulation or fraud.

Pursuant to sections 418 and 104 of Pub. L. 93-463, the Administrator of the Commodity Exchange Authority is inviting all persons interested in, or affected by, such leverage trading in gold or silver to give their views for the benefit of the Commission in considering what rules, regulations or orders should be issued with respect to such trading.

To assist the Commission in considering this matter, all interested persons are requested to submit their views as to what rules, regulations or orders are in the public interest to insure the financial solvency of leverage contracts or to prevent manipulation or fraud. Any person who believes that an account of his actual experiences will be of value to the Commission is requested to submit them in writing.

All persons dealing in, or proposing to deal in, leverage contracts in silver bullion, gold bullion or bulk silver and gold coins are requested to submit their views as to regulation; copies of the types of contracts they write; a description of how they solicit, or plan to solicit, business, including copies of advertising and other promotional literature; a description of how they insure, or plan to insure, the financial solvency of their contracts; and any other information they believe will be of interest to the Commission in considering this matter.

Written statements of interested persons should be mailed to the Administrator, Commodity Exchange Authority, United States Department of Agriculture, Washington, D.C. 20250, prior to December 31, 1974. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Issued: November 12, 1974.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.74-26787 Filed 11-14-74;8:45 am]

Farmers Home Administration

[Notice of Designation Number A092]

IOWA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Iowa:

Clarke	Muscatine
Decatur	Plymouth
Linn	Wayne

The Secretary has found that this need exists as a result of a natural disaster consisting of drought July 1 through August 12, 1974, in Clarke, Decatur, Plymouth and Wayne Counties; excessive rainfall with high winds and flooding May 13 through June 23, 1974, in Decatur, Muscatine and Wayne Counties; and hail and a tornado August 12, 1974, in Linn County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendataion of Governor Robert D. Ray that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 6, 1975, for physical losses and August 6, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of November, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-26789 Filed 11-14-74;8:45 am]

[Notice of Designation Number A088]

NEW YORK

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in New York:

Onondaga	Oswego

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The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall, flooding, high winds, and hailstorms May 1 through August 5, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Malcolm Wilson that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 30, 1974, for physical losses and August 1, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–26790 Filed 11–14–74;8:45 am]

[Notice of Designation Number A089]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Nebraska:

Boyd	Nemaha
Burt	Otoe
Cass	Stanton
Cuming	Wayne
Holt	

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought in all of these counties from June 9 through August 10, 1974; killing frost September 2, 3, 12, and 13, 1974, in Boyd and Holt Counties and September 2, 1974, in Stanton and Wayne Counties; and a hailstorm September 7, 1974, in Wayne County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 30, 1974, for physical losses and August 1, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–26791 Filed 11–14–74;8:45 am]

[Notice of Designation Number A087]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas:

Garza	Runnels
Lynn	Somervell

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought from October 1, 1973, through August 15, 1974. Farmers and ranchers in Garza and Lynn Counties also suffered because of hailstorms from August 9 through August 12, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than December 30, 1974, for physical losses and August 1, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 8th day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–26792 Filed 11–14–74;8:45 am]

Office of the Secretary

NATIONAL ADVISORY COUNCIL ON CHILD NUTRITION

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby being given that the National Advisory Council on Child Nutrition, which was established to make a continuing study of the child nutrition programs of the Department of Agriculture, is scheduled to hold a meeting on December 9, 1974, from 9 a.m. to 4:30 p.m. The meeting will be held at the Scottsdale Hilton, Scottsdale, Arizona. The meeting will include a program update, a review of participation trends, status reports on nutrition education projects, the status of FY '75 appropriations, and the comprehensive report on child nutrition programs submitted to Congress as required by Public Law 93–150. The draft of the 1974 annual report of the Council will be reviewed. The meeting will be open to the public. Additional information can be obtained by contacting the executive secretary, Herbert D. Rorex, at 202–447–6603.

Dated: November 12, 1974.

RICHARD L. FELTNER,
Assistant Secretary and Chairman, National Advisory Council on Child Nutrition.

[FR Doc.74–26835 Filed 11–14–74;8:45 am]

Soil Conservation Service

LITTLE WASHITA RIVER WATERSHED, OKLAHOMA

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for that portion of the Little Washita River Watershed Project described below, in Grady, Comanche and Caddo Counties, Oklahoma.

The action concerns the installation of 27 floodwater retarding structures, 462 acres of critical area treatment and land treatment.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until December 2, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: November 8, 1974.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74–26812 Filed 11–14–74;8:45 am]

SHORT CREEK WATERSHED PROJECT, KENTUCKY

Availability of Final Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and Section 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental impact statement (EIS) for the Short Creek Watershed Project, Grayson County, Kentucky, USDA–SCS–EIS–WS–(ADM)–73 – 43(F) KY.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, 3 floodwater retarding structures, and about 4½ miles of channel modification for flood prevention.

The final EIS has been filed with the Council on Environmental Quality.

A limited supply is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, Kentucky 40504

(Catolog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: November 8, 1974.

JOSEPH W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74–26813 Filed 11–14–74;8:45 am]

VERMONT

Equipment Grant Eligibility Determination

Notice is hereby given, in accordance with 7 CFR 662.2(c) of a determination that the White River Natural Resources Conservation District, Randolph, Vermont, 05060, is eligible for a grant of the following item of equipment to carry out soil and water conservation work:

One Truck Tractor, 4 x 10, short wheelbase, with fifth wheel.

The grant is subject to the availability of the equipment from federal excess property sources, and may be made after December 16, 1974.

CRAIG M. RIGHT,
State Conservationist.

[FR Doc.74–26758 Filed 11–14–74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S–416]

AMERICAN EXPORT LINES, INC.

Notice of Amended Application

Notice is hereby given that American Export Lines, Inc. (the Operator), has further amended its application of April 26, 1974, as amended, for authority to make a minimum of four and maximum of eight subsidized breakbulk liner sailings annually between U.S. North Atlantic, U.S. South Atlantic, and U.S. Gulf ports and ports in the U.S.S.R., with the privilege of calling at ports in Poland, Lithuania, Latvia, and Estonia, by requesting one additional subsidized vessel for operation in this proposed new service.

Notice of the Operator's original application was published in the FEDERAL REGISTER on May 17, 1974 (39 FR 17571). The Operator filed an amendment to its application, notice of which was published in the FEDERAL REGISTER on August 30, 1974 (39 FR 31677).

Any person, firm, or corporation having any interest in this amended application should, by close of business on November 25, 1974, notify the Secretary, Maritime Subsidy Board, in writing, in triplicate, and file petition for leave to intervene in accordance with the Rules of Practice and Procedure of the Maritime Subsidy Board.

(Catalog of Federal Domestic Assistance Program No. 11.504 Operating-Differential Subsidies (ODS).)

By order of the Maritime Subsidy Board/Maritime Administration.

Dated: November 13, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–26920 Filed 11–14–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Applications for Certification of Certain Gas Detector Tube Units

In the FEDERAL REGISTER of May 8, 1973 (38 FR 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health will accept applications for certification of gas detector tube units pursuant to the following schedule:

	Gas	Dates for submittal	Test standard
1.	2-Butanone (C_4H_8O) (Methyl Ethyl Ketone).	December 1 to December 31, 1974.	200 ppm.
2.	Acetone (C_3H_6O)	January 1 to January 31, 1975.	1,000 ppm.
3.	Ethylene, Chloro (C_2H_3Cl) (Vinyl Chloride).	February 1 to February 28, 1975.	1 ppm.

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Laboratory, 944 Chestnut Ridge Road, Morgantown, West Virginia 26505.

Dated: November 12, 1974.

JOHN LOGEN,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.74–26864 Filed 11–14–74;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

	Committee name	Date, time, place	Type of meeting and contact person
1.	Subcommittee on Monitors of the Panel on Review of Cardiovascular Devices.	December 2, 9:30 a.m., Room 1409, FB–8, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 1:30 p.m., closed after 1:30 p.m. Glenn A. Rahmoeller, (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–2876.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of cardiovascular devices currently in use.

Agenda. Open session: Discussion of electrical safety standards for cardiovascular devices; discussion of existing standards from the International Electrotechnical Commission (IEC), the National Fire Protection Association (NFPA), Underwriters Laboratories (UL), the Association for the Advancement of Medical Instrumentation (AAMI), the Institute of Electrical and Electronics Engineers (IEEE), the Instrument Society of America (ISA), and the Veterans Administration (VA). Closed session: Formulation of recommendations as to the acceptability of these standards for FDA adoption.

	Committee name	Date, time, place	Type of meeting and contact person
2.	Panel on Review of Physiatry Devices.	December 3, 9 a.m., Room 1409, FB–8, 200 C St. SW., Washington, D.C.	Open 9 a.m. to 10:30 a.m., closed after 10:30 a.m. R. C. Livingston, Ph.D., (HFK–400), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4499.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of physical medicine (physiatry) devices currently in use.

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Agenda. Open session: Orientation briefings and comments and presentations by interested persons. Closed session: Review of the panel device list and discussion of the classification logic scheme and the classification of several representative devices.

Committee name	Date, time, place	Type of meeting and contact person
3. Statistics Subcommittee of the Diagnostic Products Advisory Committee.	December 3, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Eloise Eavenson, Ph.D., (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852 301-443-3590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Development of guidelines for defining, measuring, and evaluating the performance characteristics of diagnostic products embodied in product class standards.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Drugs.	December 3 and 4, 9 a.m., Room 1813, FB-8, 200 C St. SW., Washington, D.C.	Closed December 3, 9 a.m. to 3:30 p.m., open December 3 after 3:30 p.m., closed December 4. Thomas D. DaCillis, (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing cough, cold, allergy, bronchodilator, and antiasthmatic drug products.

Agenda. Closed session: Review of the draft of the final report. Open session: Comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
5. Obstetrics and Gynecology Advisory Committee.	December 4, 9 a.m., Conference Room E, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. A. T. Gregoire, Ph.D., (HFD-140), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3490.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for use in the practice of obstetrics and gynecology.

Agenda. Open session: Cervical-vaginal dystrophy (adenosis) and its association with in utero exposure to synthetic estrogen: oral contraceptives and congenital limb-reduction defects; and comments and presentations by interested persons. Closed session: Discussion of NDA 17-553 (Alza Corp.).

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Dentifrices and Dental Care Agents.	December 4 and 5, 9 a.m. Conference Room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 4, 9 a.m. to 10 a.m., closed December 4 after 10 a.m., closed December 5. Michael D. Kennedy, (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products for human use containing dentifrices and dental care agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter dentifrices and dental care agent drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
7. Panel on Review of Anesthesiology Devices.	December 5, 8:30 a.m., Board Room, Guggenheim Hall, Nurse's Residence, 5 East 98th St., New York, N.Y.	Open 8:30 a.m. to 9:30 a.m., closed after 9:30 a.m. Franklyn Coombs, (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of anesthesiology devices currently in use.

Agenda. Open session: Establishment of subcommittees and range of devices to be studied by each subcommittee; and comments and presentations by interested persons. Closed session: Completion of review of the device list and preparation of a preliminary report for the end of classification.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Allergenic Extracts.	December 6 and 7, 9 a.m., Room 121, Bldg. 29, Natl. Inst. of Health, 8600 Rockville Pike, Bethesda, Md.	Open December 6, 9 a.m. to 11 a.m., closed December 6 after 11 a.m., closed December 7. Clay Sisk, (HFB-5), 8600 Rockville Pike, Bethesda, Md. 20014, 301-496-288.3

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently marketed biological products or materials either singly or in combination, that are administered to man for the diagnosis, prevention, or treatment of allergies and allergic diseases.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of allergenic extracts under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Ophthalmic Drugs.	December 6 and 7, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 6, 9 a.m. to 10 a.m., closed December 6 after 10 a.m., closed December 7. John T. McElroy, (HFD-100), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing ophthalmic drugs.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter ophthalmic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
10. Microbiology Subcommittee of the Diagnostic Products Advisory Committee.	December 9, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open 9 a.m. to 10 a.m., closed after 10 a.m., Eloise Eavenson, Ph.D., (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Classification of products for the diagnosis of gram positive *Cocci, Neisseria, Hemophilus, Bordetella, Moraxella,* and *Corynebacteria* (including diphtheroid *bacilli*) and their related disease syndromes.

Committee name	Date, time, place	Type of meeting and contact person
11. Panel on Review of Dental Devices.	December 9 and 10, 9 a.m., Room 1813, FB-8, 200 C St. SW., Washington, D.C.	Open December 9, 9 a.m. to 11 a.m., closed December 9 after 11 a.m., closed December 10. D. Gregory Singleton, D.D.S., (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4499.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of dental devices currently in use.

Agenda. Open session: Discussion of Rotopro and Ionator by manufacturers' representatives; proposals for good manufacturing practices for dental materials; and comments and presentations by interested persons. Closed session: Discussion of status of nonprescription denture repair kits and denture reliners; discussion of interpanel priority system for all medical devices; and formulation of plan to initiate standards considerations, with establishment of subcommittees.

Committee name	Date, time, place	Type of meeting and contact person
12. Panel on Review of Ear, Nose, and Throat Devices.	December 9 and 10, 9:30 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open December 9, 9:30 a.m. to 10:30 a.m., closed December 9 after 10:30 a.m., closed December 10. Edward P. Mueller, (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning the safety, effectiveness, and reliability of ear, nose, and throat devices currently in use.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Completion of the revised version of the ear, nose, and throat device classification list; and classification of devices categorized as prosthetics.

Committee name	Date, time, place	Type of meeting and contact person
13. Panel on Review of Internal Analgesic Including Antirheumatic Drugs.	December 9 and 10, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 9, 9 a.m. to 10 a.m., closed December 9 after 10 a.m. Lee Geismar, (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products for human use containing internal analgesic agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of nonprescription internal analgesic drug products under investigation.

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Committee name	Date, time, place	Type of meeting and contact person
14. Panel on Review of Obstetrical and Gynecology Devices.	December 9 and 10, 9:30 a.m., Room 6821, FB-8, 200 C St., SW., Washington, D.C.	Open December 9, 9:30 a.m. to 11:30 a.m., closed December 9 after 11:30 a.m., closed December 10. Lillian Yin, Ph.D., (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available data concerning safety, effectiveness, and reliability of obstetrical and gynecology devices currently in use.

Agenda. Open session: Review of the clinical uses and biologic effects of ultrasound by Dr. Melvin Sikov; report on the device panel chairmen's meeting which was held in Rockville, MD, on September 17, 1974, by Dr. Horace Thompson. Closed session: Discussion of criteria for devices which were classified in the standards category and those characteristics of the device for which standards should be written.

Committee name	Date, time, place	Type of meeting and contact person
15. Clinical Chemistry Subcommittee of the Diagnostic Products Advisory Committee.	December 11 and 12, 9 a.m., Room 1409, FB-8, 200 C St. SW., Washington, D.C.	Open December 11, 9 a.m. to 10 a.m., closed December 11 after 10 a.m., closed December 12. Eloise Eavenson, Ph.D., (HFK-200), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4590.

Purpose. Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by the Food and Drug Administration.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Review of revised draft of the proposed calibrator product class standard and classification of in vitro diagnostic products in the clinical chemistry laboratory.

Committee name	Date, time, place	Type of meeting and contact person
16. Gastrointestinal Drugs Advisory Committee.	December 16 and 17, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Joan C. Standaert, (HFD-110), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4740.

Purpose. Reviews and evaluates all available data concerning the safety and effectiveness of presently marketed and new prescription drug products proposed for marketing for the treatment of gastrointestinal diseases.

Agenda. Reconsideration of protocol for chenodeoxycholic acid; finalizing protocol for duodenal ulcer; finalizing protocol for functional bowel syndrome; evaluation of status of azulfidine; and comments and presentations by interested persons.

Committee name	Date, time, place	Type of meeting and contact person
17. Panel on Review of Ophthalmic Devices.	December 19 and 20, 9:30 a.m., Room 6821, FB-8, 200 C St. SW., Washington, D.C.	Open December 19, 9:30 a.m. to 10:30 a.m., closed December 19 after 10:30 a.m., closed December 20. R. A. Hawkins, Ph.D., (HFK-400), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3550.

Purpose. Reviews and evaluates available information concerning safety, effectiveness, and reliability of ophthalmic devices currently in use.

Agenda. Open session: Discussion of the scientific review category by Glenn Rahmoeller and comments and presentations by interested persons. Closed session: Formation of comprehensive list of ophthalmic devices and classification of ophthalmic devices.

Committee name	Date, time, place	Type of meeting and contact person
18. Panel on Review of Antimicrobial Agents.	December 20, 21 and 22, 9 a.m., Conference Room B, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 20, 9 a.m. to 10 a.m., closed December 20 after 10 a.m., closed December 21 and 22. Armond M. Welch, (HFD-109), 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose. Reviews and evaluates available information concerning the safety and effectiveness of active ingredients of currently marketed non-prescription drug products containing antimicrobial agents.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antimicrobial agents drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committeee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: November 8, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-26633 Filed 11-14-74;8:45 am]

National Institutes of Health

LIPID METABOLISM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Lipid Metabolism Advisory Committee, National Heart and Lung Institute, December 16, 1974, National Institutes of Health, Building 31, Conference Room 3.

The entire meeting will be open to the public from 9 a.m. to 5 p.m. on December 16, 1974 to discuss the status of the Lipid Research Clinic Program and the role of the Central Patient Registry and Coordinating Center. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart and Lung Institute, Building 31, Room 5A21, National Institutes of Health, Bethesda, Maryland 20014, phone (301) 496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Basil M. Rifkind, Chief, Lipid Metabolism Branch, National Heart and Lung Institute, Building 31, Room 4A19, phone (301) 496-1681, will provide substantive program information.

Dated: November 7, 1974.

ROBERT S. STONE,
Director,
National Institute of Health.

[FR Doc.74-26757 Filed 11-14-74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting and Agenda

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on December 10, 1974 from 9 a.m. to 4:30 p.m., Central Standard Time, at the Fairmott Hotel, New Orleans, Louisiana.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meeting of the Council shall be open to the public. The proposed agenda includes;

December 10, 1974: 9 a.m.-Noon: Review of HEW Policy on Career Education. Review of GAO Recommendations on Vocational Education. Other General Business.
Noon-4:30 p.m.: Committee Meetings.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C. on November 11, 1974.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.74-26811 Filed 11-14-74;8:45 am]

Office of the Secretary

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Meeting

The Child and Family Development Research Review Committee will meet on Tuesday, December 3, 1974 through Friday, December 6. The meeting will be held daily from 2 a.m. to 5 p.m. in Room 5549, Office of Child Development, 400 Sixth Street, NW, Washington, D.C., and will be closed to the public except for the opening remarks. The purpose of the Committee is to review applications for research and demonstration projects in the areas of child development and child welfare and to make recommendations to the Director, Office of Child Development, as to which projects should be funded. The agenda of this meeting will consist of opening remarks by the Acting Director, Office of Child Development, followed by the review of research and demonstration proposals concerned with child abuse and neglect which have been submitted to the Office of Child Development for the award of grants. These applications are exempt from mandatory disclosure under 5 U.S.C. 552(b) (4) and (6) in that they contain trade secrets, commercial and financial information obtained from a person and privileged or confidential, and other personnel records, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard
Research and Evaluation Division
Office of Child Development
P.O. Box 1182
Washington, D.C. 20013
(202) 755-7758

Dated: October 30, 1974.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.74-26837 Filed 11-14-74;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74-256]

KEY BISCAYNE, FLORIDA

Security Zone—Termination

The Security Zone established by the Commander, Seventh Coast Guard District, as published in the November 3, 1971 issue of the FEDERAL REGISTER (36 FR 21086), was terminated on October 18, 1974.

(46 Stat. 220, as amended, § 6(b), 80 Stat. 937 (50 U.S.C. § 191, 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Dated: November 8, 1974.

A. C. WAGNER,
Rear Admiral, United States Coast Guard, Commander, Seventh Coast Guard District.

[FR Doc.74-26815 Filed 11-14-74;8:45 am]

Federal Railroad Administration

[FRA Waiver Petition Docket No. RSFC-74-16]

SOUTHERN PACIFIC TRANSPORTATION CO.

Proposed Waiver of Freight Car Standards

The Southern Pacific Transportation Company (SP) has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of the FRA Freight Car Safety Standards in order to continue operating 120 log cars. These cars are used for lumber service between Scotia and Carlotta in the State of California. They are equipped with cast iron wheels which are prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

These cars, which are equipped with one or more pairs of cast iron wheels, are standard flat cars of either 80,000 pounds or 100,000 pounds load carrying capacity. The cars carry Pacific Lumber Company reporting marks and bear Pacific Lumber Company identification numbers in the series between 400 and 630 inclusive.

In addition to being equipped with prohibited wheels, these cars are also outfitted with arch bar trucks and riveted yokes. The use of cars equipped with these components is restricted under FRA regulations (49 CFR 215.225).

Petitioner states that these cars operate exclusively between Scotia and Carlotta a distance of approximately 12 miles. The cars are operated at a maximum speed of 25 miles per hour and are not interchanged. Petitioner, therefore, seeks a permanent exemption for the prohibited components and permanent approval to continue operating with the restricted components.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 29, 1974. All communications concerning these petitions should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-16) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 15, 1974, will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 8, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-26785 Filed 11-14-74;8:45 am]

Highway Safety Act Sanctions Review Board

[Docket No. 74-37; Notice No. 3]

PUERTO RICO

Postponement of Hearing

On November 12, 1974, a request for postponement of the hearing scheduled for November 15, 1974, in the matter of a proposed recommended determination to invoke the sanctions under 23 U.S.C. 402 against the Commonwealth of Puerto Rico was filed with the presiding officer on behalf of the Governor of Puerto Rico.

By separate communication a request has been made of the Federal Highway Administrator and the National Highway Traffic Safety Administrator for an opportunity for Puerto Rico to submit a proposed settlement to the Administrators.

The Federal Highway Administrator and National Highway Traffic Safety Administrator have advised the presiding officer that they have no objection to a postponement of 10 days to allow the submission and possible negotiation of a settlement.

Accordingly, so as to allow opportunity for the parties to pursue possible settlement negotiations and acting under the authority of 23 CFR 1206.7 (b) (1), the hearing is hereby postponed until 10 a.m. on November 26, 1974, at the Department of Transportation Headquarters Building, Room 2230, 400 Seventh Street, SW, Washington, D.C. 20590.

GLENN J. SEDAM, JR.,
Presiding Officer, Sanctions Hearing Board.

NOVEMBER 12, 1974.

[FR Doc.74-26938 Filed 11-13-74;4:33 pm]

ATOMIC ENERGY COMMISSION

[Docket No. 50-471]

BOSTON EDISON CO. ET AL.

Order

In the matter of Boston Edison Company et al. (Pilgrim Nuclear Generating Station, Unit 2).

The Board has before it for consideration the following pleadings: a Motion to Reschedule Special Prehearing Conference filed by Intervenors Alan R. Cleeton and Marion W. Cleeton on October 28, 1974; Applicant's Response in Opposition to Intervenors' Motion, filed October 31, 1974; AEC Regulatory Staff's Answer to Intervenors' Motion, filed November 5, 1974; and Commonwealth of Massachusetts' Response to Intervenors' Motion, filed November 4, 1974.[1]

Intervenors seek a rescheduling of the prehearing conference to some time in the future, not stated in the motion, basically on the grounds that they have not yet received various items of information and other materials which they had requested from the Staff and the Applicant, and that they needed additional time for proper preparation for the case.

The Board has given careful consideration to the motion and to the responsive pleadings, and has conducted conferences by telephone with the parties on October 31 and November 7 in connection therewith. Upon such review, the Board is of the opinion that the grounds given by Intervenors Cleeton in support of their motion do not warrant a postponement of the scheduled prehearing conference. The asserted need for the materials and information constitutes a request in the nature of discovery, rather than being related to the current consideration of the contentions as submitted. Under the Commission's regulations, discovery procedures are begun only after the contentions are resolved by the Board as issues to be tried in the case. (See § 2.740(b) (1) of the Commission's regulations.)

Therefore, the Board would be inclined to deny the Cleetons' motion as submitted. However, the Staff in its response submitted an alternative request for postponement in order to make further progress in negotiations with the parties toward the reaching of agreements and stipulations on the various contentions. As the Board has indicated in earlier orders in this proceeding, it urges the parties to cooperate toward this end and favors the resolution, if possible, of these matters by stipulation and agreement. Accordingly, the Board feels that the need for more time for negotiations looking toward stipulations and agreements is a justifiable reason for a further delay in the scheduled prehearing conference.

The Board will, therefore, grant a postponement of the Further Prehearing Conference until December 4, 1974, but solely on the grounds stated in the Staff's request, i.e., to provide more time for negotiations looking toward stipulations and agreements on the parties' contentions.[2] The Further Prehearing Conference will be held at the Suffolk County Courthouse, Pemberton Square, Courtroom 313, Boston, Massachusetts, commencing at 11 a.m., local time, on Wednesday, December 4, 1974.

It is so ordered.

Dated at Bethesda, Maryland, this 11th day of November, 1974.

For the Atomic Safety and Licensing Board.

MAX D. PAGLIN,
Chairman.

[FR Doc.74-26772 Filed 11-14-74;8:45 am]

[1] The Intervenors Cleeton have also submitted a "Response by Intervenors Cleetons to the Applicant's Response Opposing Intervenors Motion to Reschedule Special Prehearing Conference", under date of November 4, 1974. Under the provisions of § 2.730(c) of the Commission's Regulations, the moving party does not have a right to reply except as permitted by the Board. Accordingly, no consideration has been given to this latter pleading in the Board's disposition of Intervenors' Motion.

[2] During the above-mentioned conference call of November 7, it was further agreed by the parties that, on or before November 22, 1974, such stipulations as were arrived at by the parties during the current negotiations would be served upon (i.e., in the hands of) the Board and all parties; and that, to the extent stipulations were not so filed, responses to the Intervenors' contentions would be delivered by the same date. Further, on or before November 29, 1974, replies to the aforesaid responses to contentions, should they be necessary, could likewise be served on the Board and all parties.

[Docket No. 50-155]

CONSUMERS POWER CO.

Issuance of Amendment to Facility Operating License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the Federal Register on August 26, 1974 (39 FR 30854), the Atomic Energy Commission (the Commission) has issued Amendment No. 8 to Facility Operating License No. DPR-6 to the Consumers Power Company (the licensee) for the Big Rock Point Plant (the facility), a boiling water reactor located in Charlevoix County, Michigan, and currently authorized for operation at power levels up to 240 MWt. The amendment is effective as of its date of issuance.

The license amendment revised the Technical Specifications for the facility to incorporate increased interim surveillance requirements for the high energy fluid piping outside containment pending completion and acceptance of certain modifications to the facility to assure that 't will withstand the consequences of postulated ruptures in the high energy fluid piping outside containment without loss of capability to achieve and maintain safe shutdown of the facility as required by the Commission's regulations.

The Commission has found that the information filed by the licensee pertaining to the above action dated June 29, 1973 and February 7, 1974, comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations published in 10 CFR Chapter I.

The Commission's Directorate of Licensing has completed its evaluation of the above action and a Safety Evaluation is being issued concurrently with this notice concluding that there is reasonable assurance that the health and safety of the public will not be endangered by the operation of the facility with the changes to the Technical Specifications as authorized by Amendment No. 8 to License No. DPR-6.

Copies of (1) Amendment No. 8 with Change No. 45 to the Technical Specifications of Facility Operating License No. DPR-6, and (2) the Commission's concurrently issued Safety Evaluation are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and at the Charlevoix Public Library, 107 Clinton Street, Charlevoix, Michigan 49720. Single copies of items 1 and 2 may be obtained upon request addressed to the U.S. Atomic Energy Commission, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 5th day of November, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74-26771 Filed 11-14-74;8:45 am]

[Docket Nos. STN 50-518, etc.]

TENNESSEE VALLEY AUTHORITY

Receipt of Application for Construction Permits and Facility Licenses; Availability of Environmental Report; Submission of Views on Antitrust Matters

The Tennessee Valley Authority (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 13, 1974, for authorization to construct and operate four generating units utilizing four boiling water reactors. The application was tendered on July 1, 1974. Following a preliminary review for completeness, the application [environmental report and site suitability information required for an authorization to conduct certain onsite work in accordance with 10 CFR 50.10(e)] was found to be acceptable for docketing. Docket Nos. STN 50-518, STN 50-519, STN 50-520, and STN 50-521 have been assigned to the application and they should be referenced in any correspondence relating to the application. The Preliminary Safety Analysis Report (PSAR) was also tendered on July 1, 1974. However, it was determined that additional information was required prior to initiation of the review. It is anticipated that the PSAR will be resubmitted by November 11, 1974.

The proposed nuclear facilities designated by the applicant as the Hartsville Nuclear Plant A, Units 1 and 2; and B, Units 1 and 2, are to be located approximately 5 miles southeast of Hartsville in Trousdale and Smith Counties, Tennessee. Each unit is designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1220 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 26, 1974. The request should be filed in connection with Docket Nos. STN 50-518-A, STN 50-519-A, STN 50-520-A, and STN 50-521-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Fred A. Vought Library, 311 White Oak Street, Hartsville, Tennessee 37074.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report, dated September 10, 1974. The report, which discusses environmental consideration related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Mid-Cumberland Council of Governments, 226 Capitol Boulevard Building, Nashville, Tennessee 37219; and Upper Cumberland Development District, Box 5076, Tennessee Technological University, Cookeville, Tennessee 38501.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State

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and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 11th day of October, 1974.

ATOMIC ENERGY COMMISSION,
DENNIS M. CRUTCHFIELD,
Acting Chief, Light Water Reactors Projects Branch 2-1, Directorate of Licensing.

[FR Doc.74-24745 Filed 10-24-74;8:45 am]

[Docket Nos. STN 50-502 and STN 50-503]

WISCONSIN ELECTRIC POWER CO., ET AL.

Receipt of Application for Construction Permits and Facility Licenses; Availability of Applicants' Environmental Report: Submission of Views on Antitrust Matters

Wisconsin Electric Power Company, Wisconsin Power & Light Company, Wisconsin Public Service Corporation, and Madison Gas and Electric Company (the applicants), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, have filed an application which was docketed August 9, 1974, for authorization to construct and operate two nuclear generating units utilizing two pressurized water reactors (the facilities). The application was tendered on May 28, 1974. Following a preliminary review for completeness, the application was found to be acceptable for docketing on July 9, 1974. Docket Nos. STN 50-502 and STN 50-503 have been assigned to the application and should be referenced in any correspondence relating to the application. The proposed nuclear facilities, designated by the applicants as Koshkonong Nuclear Plant, Units 1 and 2, are to be located in Jefferson County, Wisconsin, and each is designed for initial operation at 2785 megawatts thermal with a net electric output of 900 megawatts. The application was filed and is being processed pursuant to the "Duplicate Plant" approach of the Commission's standardization policy for nuclear power plants.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before December 24, 1974. The request should be filed in connection with Docket Nos. STN 50-502-A and STN 50-503-A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Dwight Foster Public Library, 102 Milwaukee Avenue, East, Fort Atkinson, Wisconsin 53538.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, and environmental report dated September 6, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facility, is being made available for public inspection at the aforementioned locations and at the State Clearinghouse, Bureau of Planning and Budget, Department of Administration, 1 West Wilson, State Office Building, Madison, Wisconsin 53702.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 10th day of October 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.74-24637 Filed 10-24-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27153]

HONOLULU-VANCOUVER ROUTE PROCEEDING

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on December 19, 1974, at 10 a.m. (local time), in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Associate Chief Administrative Law Judge Ross I. Newmann.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before December 2, 1974, and the other parties on or before December 12, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., November 12, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-26826 Filed 11-14-74;8:45 am]

[Docket No. 25908, etc.]

TRANSATLANTIC ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that further public hearings in the Transatlantic Route Proceeding, Docket 25908, et al., will be held on December 9, 1974, at 10 a.m. (local time) in Room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Associate Chief Administrative Law Judge Ross I. Newmann.

The issues to be considered at the reopened hearing are as follows:

1. The environment insofar as it relates to the designation of Hartford as a domestic coterminal point; and
2. The realignment of the transatlantic routes of Pan American and TWA.

These are the only issues which will be considered at the reopened hearing. As stated in the Notice to All Parties dated November 5, and in the Notice dated November 12, 1974, direct exhibits are due on November 22, and rebuttal exhibits on December 2, 1974.

Dated at Washington, D.C., November 12, 1974.

[SEAL] ROSS I. NEWMANN,
Associate Chief Administrative Law Judge.

[FR Doc.74-26825 Filed 11-14-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

INDIANA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Indiana State Advisory Committee (SAC) to this Commission will convene at 10 a.m. on December 7, 1974, at the Marriot Inn, Fort Wayne, Indiana 47702.

Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to review the draft of the Indiana migrant labor report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 11, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Office.

[FR Doc.74-26740 Filed 11-14-74;8:45 am]

KANSAS STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Kansas State Advisory Committee (SAC) to this Commission will convene at 8:30 a.m. on December 18, 1974, at the Shawnee County Court House, 200 East 7 Street, Topeka, Kansas 66603. This meeting shall be open to the public.

Closed or executive SAC sessions may be held at such time and place as deemed necessary to discuss matters which may tend to defame, degrade, or incriminate individuals. Such sessions will not be open to the public.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice which affect persons residing in the State of Kansas with special emphasis on credit availability for women in the State; to appraise denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, national origin, or in the administration of justice as these pertain to credit availability to women in the State; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, national origin, or in the administration of justice with respect to credit availability to women in the State of Kansas; and to related areas.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 11, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26741 Filed 11-14-74;8:45 am]

MAINE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Maine State Advisory Committee (SAC) to this Commission will convene at 7:30 p.m. on December 3, 1974, on the Orono Campus, University of Maine, Orono, Maine 04473.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss plans for the release of the Maine Indian report.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C. November 8, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26737 Filed 11-14-74;8:45 am]

MICHIGAN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Michigan State Advisory Committee (SAC) to this Commission will convene at 1:30 p.m. on December 5, 1974, at 1365 Washington Boulevard, Detroit, Michigan 48226.

Persons wishing to attend this meeting should contact the Committee Chairman or the Midwestern Regional Office of the Commission, Room 1428, 219 South Dearborn Street, Chicago, Illinois 60604.

The purpose of this meeting shall be to discuss possible projects to be undertaken by the Michigan SAC during the remainder of FY 1975.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 11, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-26738 Filed 11-14-74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from November 4 through November 8, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (December 30, 1974) The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331-E, Administration Building, Washington, D.C. 20250. (202) 447-3965.

FOREST SERVICE

Draft

Petit Jean Unit Plan, Ouchita N.F., Logan, Scott, and Yell Counties, Arkansas, November 6: The proposed action is to manage, administer and utilize the forest resources of the Petit Jean Unit, Ouchita National Forest, from July 1, 1975 to June 30, 1985. Major actions are regenerating commercial timber stands on approximately 16,200 acres, thinning timber on approximately 39,040 acres, increasing wildlife habitat, providing minimum needs for recreation uses, managing the range resource, and constructing 102 miles of road by timber purchases. Adverse impacts will be on soils, water quality, vegetation and forest aesthetics. (ELR Order No. 41679.)

Piney River Unit, Geo. Washington N.F., Nelson and Amherst Counties, Virginia, November 5: The statement refers to the proposed 10 Year Plan for the Piney River Unit in the George Washington National Forest. The Unit contains 27,456 acres of National Forest and 47,632 acres of private lands. Proposed management direction emphasizes dispersed recreation, protection of the Appalachian Trail, Crabtree Falls environment, and soil and water values. There will be short-term adverse effects from timber harvest with associated road construction. (ELR Order No. 41673.)

Final

Northern Region's Slash Disposal Program, November 7: The statement discusses the Northern Region's Slash Disposal Program. Slash treatment options include: treatment with prescribed fire; mechanical treatment; isolation and/or limited treatments; and no treatment. Adverse impact may occur to air quality, and soil stability. Comments made by: DOI, HEW, HUD, EPA, State agencies and concerned private organizations. (ELR Order No. 41684.)

Swan Lake Planning Unit, Flathead N.F., Lake County, Montana, November 5: The statement refers to a proposed multiple-use plan for the 60,000 acre Swan Lake Planning Unit, Flathead National Forest. The plan would allow road construction and timber harvesting recreational use, and wildlife habitat protection. Seven thousand three hundred and sixty acres of currently roadless area is proposed for development (86 pages). Comments made by: EPA, DOI, State agencies, and concerned citizens. (ELR Order No. 41674.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Combustion Turbine No. 3, Apache Station, Cochise County, Arizona, November 6: The statement refers to the granting of an REA loan to the Arizona Electric Power Cooperative, Inc. for the installation of a new 65 MW combustion turbine at the Apache Generating Station. The Unit will be capable of utilizing natural gas, distillate fuel oil, and residual fuel oil. The proposed unit will be used primarily for emergency and peaking power. There will be some release of nitrogen and sulfur oxides, and particulate matter (two volumes). Comments made by: DOI, EPA, USDA, FPC, State agencies. (ELR Order No. 41676.)

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SOIL CONSERVATION SERVICE

Draft

Indian Brook Watershed, Lancaster, Coos County, New Hampshire, November 5: The statement refers to a proposed watershed protection, flood prevention, and fish and wildlife development project in the Indian Brook Watershed, located in Coos County, New Hampshire. The water shed drainage area is 1,420 acres. Adverse impacts are the inundation of 3,600 ft. of stream and 30 acres of land to the project, and temporary noise, water and air pollution (65 pages). (ELR Order No. 41671.) (NTIS Order No. (none).)

Final

Short Creek Watershed Project, Grayson County, Kentucky, November 11: The statement refers to a protection project on the 24,300 acre watershed, including land treatment measures and the construction of 3 flood water retarding structures and 4.5 miles of channel works. The purpose of the project is the reduction of potential flood damage. Two hundred and five acres of agricultural land and wildlife habitat will be adversely affected by the project (50 pages). Comments made by: COE, HEW, DOI, USCG, EPA, State agencies. (ELR Order No. 41664.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN-PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue, S.W., Washington, D.C. 20314, (202) 693-7168.

Draft

Eastpoint Breakwater, Apalachicola Bay, Florida, November 5: The statement refers to the construction of a 7,180 ft. breakwater at Eastpoint, Apalachicola Bay, Florida. The breakwater would be constructed with material excavated from the existing channel. The channel would be deepened 4 feet. Adverse impacts include the disturbances of 10 acres of bay bottom, increased turbidity during construction and a long-term degradation of water quality shoreward of the breakwater (Mobile District) (16 pages). (ELR Order No. 41668.)

Oologah, Hulah, and Heyburn Lakes, Oklahoma, November 5: The statement discusses the operation and maintenance activities at Oologah, Hulah, and Heyburn Lakes. The project consists of reservoir regulation, flood control, management of land resources and facilities, management of leases, easement and other outgrants, and project management activities. Adverse impacts are soil erosion, drainage or loss of vegetation, and minor construction disruptions. (ELR Order No. 41663.)

Gulf Intracoastal Waterway, Texas Section, Texas, November 5: The statement refers to the continued maintenance of the Texas section of the Gulf Intracoastal Waterway and its tributaries by periodic dredging of shoal deposits. Adverse impacts include disturbance of benthic community and vegetation, temporarily increased turbidity, loss of productive marsh habitat, and increased odor due to the disposal of materials on land areas. (Galveston District). (ELR Order No. 41665.)

Maintenance Dredging on Sheboygan Harbor, Wisconsin, November 8: The proposed action consists of maintenance dredging to restore project depth in the authorized channels at Sheboygan Harbor, Wisconsin, and the construction of a diked disposal confinement area in Lake Michigan at Sheboygan for disposal of the dredged materials over the next ten-year period. Adverse impacts include: resuspension of toxic sediment; increased congestion within the harbor area during dredging; possible health and safety hazards; increased turbidity; annual destruction of the aquatic lake bottom environment; and the removal of 12.5 acres of lake environment. (ELR Order No. 41685.)

Final

Cache River Basin Project (2), Arkansas, November 8: The statement, a revised draft, refers to the proposed construction of 231.5 miles of channel enlargement and realignment, in order to provide adequate drainage outlets and reduce flooding on 788,500 acres of land. Also recommended is the acquisition of not more than 70,000 acres to mitigate project-induced loss of fish and wildlife. Existing terrestrial and aquatic communities will be adversely affected; a considerable amount of basin woodlands will be cleared as an indirect result of the project; wetland habitat will be damaged; localized changes in waterfowl use patterns will occur as a result of reductions in overbank flooding (Memphis District) (5 volumes). Comments made by: DOC, HEW, DOI, DOT, EPA, HUD, State and local agencies, and concerned citizens. (ELR Order No. 41689.)

Minot Project, Souris River (2), Ward County, North Dakota, November 8: The statement refers to the proposed construction of channel modifications and related works along 37 miles of the Souris River channel, for the purpose of controlling flood waters. Adverse impact of the project will include the loss of 405 acres of riverine forest, and the disposal of 2,200,000 cubic yards of excavated material over an area of 150 acres (St. Paul District) (205 pages). Comments made by: USDA, HUD, EPA, DOI, State and local agencies. (ELR Order No. 41690.)

DELAWARE RIVER BASIN COMMISSION

Draft

Dock and Oil/Chemical Storage Facilities, Bristol, Bucks County, Pennsylvania, November 8: The statement discusses the Bristol Oil Corporation's proposed construction of a docking facility and oil storage terminal on the Delaware River near Bristol. The docking facility would provide berthing for oceangoing oil and chemical tankers. Low sulfur-fuel oil would be off loaded to six 56 ft. high storage tanks. The tanks would store approximately 1 million barrels of #6 utility grade turbine fuel oils. Adverse impacts are increased potential for massive spills, loss of revenue for the Penn Central Railroad, and temporary impacts such as noise from pile driving, increased turbidity from dredging, and erosion along the pipeline excavation. (ELR Order No. 41686.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240 (202) 343-3891.

BONNEVILLE POWER ADMINISTRATION

Draft

Lower Snake Grid Reinforcement, Washington, The statement refers to the construction of approximately 35 miles of single-circuit 500-kV transmission line between Little Goose Dam and Lower Granite Dam in southeast Washington; and construction of approximately 40 to 60 miles of single-circuit 500-kV transmission line between Lower Monumental Dam and the H. J. Ashe Substation in the northeastern section of the AEC Hanford Reservation near Richland, Washington. Adverse impacts include the acquisition of additional land for rights-of-way, some limitations on irrigation and use of farm machinery, and normal construction disturbances (76 pages). (ELR Order No. 41682.)

INTERSTATE COMMERCE COMMISSION

Final

Increased Freight Rates on Recyclable Commodities, November 5: The statement refers to a proposed three percent increase in the freight rate on recyclable commodites shipped by railroad. The major impact anticipated is a decrease by one percent in the consumption of ferrous and non-ferrous metals there is no expected diversion to other forms of transportation. Comments made by: EPA, DOI. (ELR Order No. 41675.)

NATIONAL SCIENCE FOUNDATION

Contact: Dr. Thomas O. Jones, Deputy Assistant to the Director, National and International Programs, Room 703, Washington, D.C. 20550 (202) 632-4180.

Draft

Ross Ice Shelf Project, November 4: The statement discusses the proposed investigations in the Antarctic of the physical, chemical, biological, and geological conditions on and in the Ross Ice Shelf, the water mass beneath the sea, and in the soft sediments and bedrock at the bottom of the sea. (ELR Order No. 41662.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street, S.W., Washington, D.C. 20590, (202) 426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

San Jose Municipal Airport Land Acquisition, Santa Clara County, California, November 7: Proposed is the purchase in two phases of 117 acres of land to the south of the San Jose Municipal Airport. The project would provide a clear, safe approach for aircraft and would relocate the over 610 displaced families to an area without the noise hazard unavoidable near the airport. Adverse impacts include: the displacement of families and probably the businesses in the area, the reduction of the city's low and moderate income housing, and the impact of inflation on the available housing supply. (ELR Order No. 41683.)

Tallahassee Municipal Airport, Leon County, Florida, November 4: The statement refers to the proposed improvement of the Tallahassee Municipal Airport, Leon County, Florida. The project involves construction of an E-W runway including blast pads, grooving, lighting and VA SI-System, and a parallel taxiway. Adverse impacts are the clearing of some young pine trees, increased noise levels, and short-term construction disturbances (100 pages). (ELR Order No. 41661.)

Roscoe Turner Field Airport Project, Corinth, Alcorn County, Mississippi, November 8: The statement concerns the proposed expansion of Roscoe Turner Field in Corinth, Mississippi. The project provides for the extension of the runway and apron, construction of a hangar, taxiway, fuel storage tank, a General Aviation Terminal, and additional auto parking. Adverse impacts include displacement of three families, a probable increase in noise and air pollution, and temporary effects normally associated with construction. (ELR Order No. 41688.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

Las Positas Interchange Revision, Santa Barbara County, California, November 6: The proposed project will revise the existing Las Positas Interchange which separates Las Positas Road and Rte. 101 in Santa Barbara. There are 4 alternative proposals for construction. It is also proposed that the closure of the northbound off-ramp at Pueblo St. be done concurrently with revision of the interchange. Additional land must be acquired for right-of-way purposes. A 4(f) determination is necessary concerning the Earl Warren Showgrounds. (ELR Order No. 41677.)

Colorado Forest Highway Rte. 15, Gunnison County, Colorado, November 5: The statement refers to the proposed improvement of 6.7 miles of Colorado Forest Highway Rte. 15 (S.R. 133), White River National Forest. This section will connect the bottom of McClure Pass to the roadway along the Paonia Reservoir. Adverse impacts include: the disruption of agricultural land displacement of wildlife and temporary effects normally associated with construction. (ELR Order No. 41672.)

I-590, Rochester Outer Loop, New York, November 5: The statement refers to the proposed construction of I-590 (Rochester Outer Loop) between Scottsville Road in Chili and Winton Road in Brighton. The length of this project is 4.25 miles. Adverse impacts are increased air and noise pollution and disturbances normally associated with construction. A 4(f) determination is necessary concerning the Genessee Valley Park (256 pages). (ELR Order No. 41666.)

U.S. 33, Lancaster, Fairfield County, Ohio, November 8: The statement discusses the construction of U.S. 33 bypass of the city of Lancaster, Ohio. This facility will consist of approximately 8.5 miles of new alignment combined of two 24 ft. roadways with a 60 ft. depressed median and will be fully limited access. Adverse impacts are the acquisition of 400 acres of land for right-of-way, rechannelization of 2,000 ft. of Hunter's Run, and the displacement of 60 families and 2 businesses (41 pages). (ELR Order No. 41669.)

Draft

U.S. 77, Shields Boulevard, Oklahoma County, Oklahoma, November 7: Proposed is the development of the Shields Boulevard extension, a primary arterial, beginning at SE 25th St. and extending 1.6 miles northerly to SW 3rd St. in Oklahoma City. The structures would be elevated from the ground by means of a bridge. Adverse impacts include the displacement of 13 families and 15 businesses. (ELR Order No. 41681.)

Garden Valley-Fairgrounds Interchange, Douglas County, Oregon, November 5: The statement refers to the proposed improvement of the Garden Valley-Fairgrounds Interchange in Roseburg, Oregon. The project involves the removal of approximately 978,000 cu. yds. of material from the flank of Mt. Nebo in order to accommodate a flattened curve on I-5. Adverse impacts are disturbance of acquatic and terrestrial habitat, and disturbances normally associated with construction. (ELR Order No. 41667.)

Wayne County Routes 1 and 29, Wayne County, West Virginia, November 5: The statement refers to the proposed relocation of Wayne County 1 and 29 between Prichard and Fort Gay in Wayne County. The total length of the project is 10.5 miles. Adverse impacts include the displacement of between 25 to 41 residences and 1 church, and increases in air and noise pollution during construction. (ELR Order No. 41670.)

14th Street, Sheboygan, Sheboygan County, Wisconsin, November 6: The project involves the widening of 14th St. in Sheboygan from Erie Avenue to Superior Avenue, the widening of the intersection of Erie Avenue and 14th Street, and the extending of North 14th Street northerly from Superior Avenue approximately 1,800 feet to connect with Calumet Drive. Adverse impacts are acquisition of property for right-of-way increased noise levels, and the displacement of 9 families (29 pages). (ELR Order No. 41687.)

Final

Troy Avenue, Pueblo, Pueblo County, Colorado, November 7: Proposed is the construction of a 1.9 mile arterial linking Fourth Street (State Highway 96) and State Highway 47 in the City of Pueblo. Construction of the project will affect traffic flow, land use and the existing neighborhood environment (165 pages). Comments made by: COE, USDA, DOI, EPA, HUD, State agencies. (ELR Order No. 41680.)

S.R. 30, Sterling Rd. to Springfield, Idaho, November 6: The project involves the construction of a rural 2-lane highway from Sterling Rd. to Springfield in Bingham County. The length of the project will be 7 miles. Adverse impacts are disruption and severance to some existing agricultural units, and the displacement of 1 family and the possible displacement of 1 business. Comments made by: HUD, EPA, DOI, DOC, State and local agencies. (ELR Order No. 41678.)

S.R. 9, Horry County, South Carolina, November 4: The statement refers to the proposed multi-lane widening of S.C. Route 9 in Horry County. The 30-mile project would extend from U.S. 17 near the Intracoastal Waterway to west of Green Sea. Adverse impacts include loss of some farm and woodland, temporary affects on wildlife, and displacement of families and businesses (35 pages). Comments made by: COE, DOI, DOC, EPA, State agencies. (ELR Order No. 41660.)

The following list, filed with the Council by the Department of Health, Education, and Welfare pursuant to CEQ Guideline 40 CFR 1500.6(e), indicates those administrative actions that HEW has determined will require the preparation of an environmental impact statement under NEPA.

Program: Food and Drug Administration.
Authorization: 21 CFR 6.1(b).
Proposed Action: Food Additive Petitions—Plastic Barrier Bottles for Carbonated Soft Drink and Beer Use.
Environment Affected: National.
Project Date for Completion: October 30, 1974.

Program: Food and Drug Administration.
Authorization: 21 CFR 6.1(b).
Proposed Action: Food Additive Regulations for Use of Animal Wastes as Animal Feed.
Environment Affected: National.
Project Date for Completion: February 1, 1975.

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-26802 Filed 11-14-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 296-1]

AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING APPROVALS

Area and Agency Designations

Pursuant to section 208 of the Federal Water Pollution Control Act Amendments of 1972, notice is hereby given of approvals of designation of areawide waste treatment management planning areas and agencies for the period September 28, 1974 thru November 1, 1974.

The following area and agency designations have been approved by the Environmental Protection Agency:

Denver, Colorado (Denver Regional Council of Governments)
Chattanooga, Tennessee (Chattanooga Area Regional Council of Governments/Southeast Tennessee Development District)
Oklahoma City, Oklahoma (Association of Central Oklahoma Governments)
Nashville, Tennessee (Mid-Cumberland Council of Governments/Development District)

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

NOVEMBER 11, 1974.

[FR Doc.74-26727 Filed 11-14-74;8:45 am]

[FRL 295-3]

RHODIA, INC.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1554) has been filed by Rhodia Inc., Chipman Division, 23 Belmont Drive, Somerset, NJ 08873, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the herbicide oxadiazon (2-*tert*-butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ^2-1,3,4-oxadiazolin-5-one) and its metabolites (2-*tert*-butyl-4-(2,4-dichloro-5-hydroxyphenyl)-Δ^2-1,3,4-oxadiazolin-5-one and 2-carboxyisopropyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ^2-1,3,4-oxadiazolin-5-one) in or on the raw agricultural commodities soybean hay at 0.20 part per million and soybeans at 0.05 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas-liquid chromatographic procedure utilizing an electron-capture detector.

Dated: November 5, 1974.

MARTIN H. RAGOFF,
Acting Director, Registration Division.

[FR Doc.74-26729 Filed 11-14-74;8:45 am]

[FRL 295-4]

AMERICAN CYANAMID CO.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1556) has been filed by American Cynamid Co., P.O. Box 400, Princeton, NJ 08540, proposing establishment of tolerances (40 CFR Part 180) for combined negligible residues of the herbicide *N*-(1-ethylpropyl)-3,4-dimethyl-2,6-dinitrobenzenamine and its metabolite 4-[(1-ethylpropyl)aminol]-2-methyl-3,5-dinitro benzyl alcohol in or on the raw agricultural commodities corn grain, fodder, and forage and cottonseed at 0.1 part per million.

The analytical method proposed in the petition for determining residues of parent compounds is a gas chromatographic procedure using an electron capture detector. Residues of the metabolite are determined by a procedure in which the residue is acetylated by reaction with acetic anhydride. This compound is then

V 39 N 222 NOV 15 74 XUM

determined by gas chromatography using an electron capture detector.

Dated: November 5, 1974.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.74-26730 Filed 11-14-74;8:45 am]

[FRL 295-5]

ROHM AND HAAS CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1552) has been filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, proposing an increase in the established tolerance (40 CFR Part 180) for combined residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl)benzamide and its metabolites (calculated as the herbicide) in or on the raw agricultural commodities fresh forage and hay of alfalfa from 5 to 10 parts per million.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the sample is refluxed with sulfuric acid and methanol to form the ester methyl 3,5-dichlorobenzoate. The latter is determined by electron capture gas chromatography.

Dated: November 5, 1974.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.74-26731 Filed 11-14-74;8:45 am]

[FRL 295-6]

CIBA-GEIGY CORP.

Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1555) has been filed by CIBA-GEIGY Corp., P.O. Box 11422, Greensboro, NC 27409, proposing establishment of a tolerance (40 CFR Part 180) for residues of the insecticide methidathion (*O,O*-dimethyl phosphorodithioate, *S*-ester with 4-(mercaptomethyl)-2-methoxy-Δ^2-1,3,4-thiadiazolin-5-one) in or on the raw agricultural commodity lemons at 2 parts per million.

The analytical method proposed in the petition for determining residues of the insecticide is a gas chromatographic procedure using a flame photometric detector with either phosphorus (526 nanometers) or sulfur (394 nanometers) specific filters.

Dated: November 5, 1974.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.74-26732 Filed 11-14-74;8:45 am]

[FRL 295-7]

CHEMAGRO DIVISION OF MOBAY CHEMICAL CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1559) has been filed by Chemagro Division of Mobay Chemical Corp., Post Office Box 4913, Kansas City, MO 64120, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the herbicide 4-amino-6-(1,1-dimethylethyl)-3-(methylthio)-1,2,4-triazin-5(4*H*)-one and its triazinone metabolites in or on the raw agricultural commodity potatoes at 0.6 part per million.

The analytical method proposed in the petition for determining residues of the herbicide is a gas chromatography procedure using electron capture detection.

Dated: November 5, 1974.

MARTIN H. RAGOFF,
Acting Director,
Registration Division.

[FR Doc.74-26733 Filed 11-14-74;8:45 am]

[OPP-32000/142; FRL 294-1]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before January 14, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street, SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60-day period has expired. If no claims are received within the 60-day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60-day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 14, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 554-RGR. AGSCO, Inc., PO Box 458, Grand Forks ND 58201. TECHNICAL MCP ESTER. Active Ingredients: Isooctyl ester of 2-methyl-4-chlorophenoxyacetic acid 99.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35124-E. Atlanta Solvents & Chemicals Co., 2323 Lanasol Rd., Doraville GA 30340. HERCO PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35124-G. Atlanta Solvents & Chemicals Co. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35124-R. Atlanta Solvents & Chemicals Co. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35071-E. John H. Calo Co., Inc., 99 W. Hawthorne Ave., Valley Stream NY 11580. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35071-G. John H. Calo Co., Inc. HERCO PINE OIL. Active ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35071-R. John H. Calo Co., Inc. YARMOR 302W PINE OIL. Active ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 16017-G. Central Solvents & Chemicals Co., 7050 W. 71st St., Chicago IL 60638. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 168-LNU. Wasatch Chemical Div., Entrada Industries, Inc., 1979 S. Seventh W., PO Box 6219, Salt Lake City UT 84106. WASCO SANITAL II DISINFECTANT - DEODORIZER - SANITIZER. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 5785-4. Great Lakes Chemical Corp., PO Box 2200, West Lafayette IN 47906. BROM-O-GAS. Active Ingredients: Methyl Bromide 98 percent; Chloropicrin 2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32460-G. Hydrology Laboratories Inc., PO Box 714, Smithtown NY 11787. SWIM FREE BROAD SPECTRUM ALGAECIDE. Active Ingredients: Poly [oxyethylene(dimethyliminio)ethylene(dimethyliminio) ethylene dichloride 15 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 8123-AT. Frank Miller & Sons, Inc., 13831 S. Emerald Ave., Chicago IL 60627. FRUIT TREE SPRAY INSECTICIDE, MITICIDE, FUNGICIDE. Active ingredients: Technical Methoxychlor 10.0 percent; N-trichloromethylmercapto-4-cyclohexenedicarboximide (Captan) 7.0 percent; Malathion (O,O-dimethyl Dithiophosphate of diethylmercaptosuccinate) 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2831-UE. Napasco International, PO Box 1219, Thibodaux LA 70301. NAPASCO MINT FRAGRANT-22 DETERGENT - DISINFECTANT - SANITIZER - DEODORANT-PATHOGENIC FUNGICIDE. Active Ingredients: Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 2.5 percent; Isopropanol 2.0 percent; Methyl salicylate 0.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2831-UG. Napasco International, PO Box 1219, Thibodaux LA 70301. NAPASCO MINT FRAGRANT-44 DETERGENT-DISINFECTANT SANITIZER-DEODORANT-PATHOGENIC FUNGICIDE. Active Ingredients: Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 4.00 percent; Isopropanol 4.00 percent; Methyl salicylate 1.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 29203-E. Texas Solvents & Chemicals Co., PO Box 10406, Dallas TX 75207. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 29203-G. Texas Solvents & Chemicals Co. HERCO PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 29203-R. Texas Solvents & Chemicals Co. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9886-A. Union Camp Corp., 1600 Valley Rd., Wayne NJ 07470. UNIPINE 75. Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9886-E. Union Camp Corp. UNIPINE 85. Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9886-G. Union Camp Corp. UNIPINE 8510. Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9886-I. Union Camp Corp. UNIPINE S-70. Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9886-L. Union Camp Corp. UNIPINE 8050. Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9886-O. Union Camp Corp. UNIPINE NCL. Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9886-T. Union Camp Corp. UNIPINE S. Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9886-U. Union Camp Corp. UNIPINE 80. Active Ingredients: Pine Oil 100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10367-L. N. I. Weinberg, 17th & Walnut, Louisville KY 40203. MINT FRAGRANT DISINFECTANT. Active Ingredients: Alkyl (C14 58 percent, C16 28 percent, C12 14 percent) dimethyl benzyl ammonium chloride 4.00 percent; Isopropanol 4.00 percent; Methyl salicylate 1.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: November 6, 1974.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc.74-26499 Filed 11-14-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20199]

CPI MICROWAVE, INC. ET AL.

Postponement of Procedural Dates

In the matter of Joint Petition of CPI Microwave, Inc. and Midwestern Relay Company for an Order to Show Cause with respect to American Telephone and Telegraph Company, Illinois Bell Telephone Company and Southwestern Bell Telephone Company.

1. The parties to the proceeding in the above-captioned Docket, AT&T, CPI, MRC and WTCI, have requested that the procedural dates set forth in the Commission's designation Order, adopted on September 26, 1974 and released on September 27, 1974, FCC 74-1029, be delayed pending further informal conferences among all the parties under Commission aegis in order to expeditiously resolve as many of the issues in the proceeding as possible.

2. We believe that, to the extent it is possible to resolve the issues herein outside the context of formal procedures, it would be in the public interest to continue holding informal conferences in this Docket with the view in mind that such informal conferences may lead to an accelerated resolution of the issues.

3. Therefore, since all parties support such delay, *it is ordered*, pursuant to the authority delegated under § 0.303(c) of the Commission's rules, that the date on which comments are due, originally scheduled for November 17, 1974, will be postponed indefinitely pending further conferences.

4. *It is further ordered*, That such further informal conferences as are appropriate will be held at a time and place to be specified by the Chief, Common Carrier Bureau.

Adopted: November 7, 1974.

Released: November 11, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74-26809 Filed 11-14-74;8:45 am]

INDUSTRIAL COMMUNICATIONS SERVICES SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of the Industrial Communications Services Subcommittee, National Industry Advisory Committee, to be held December 5, 1974. The Committee will meet in the FCC Building, 1919 M Street, NW, Washington, D.C.—Room 752. The meeting is scheduled to commence at 10 am.

Purpose: To consider and submit recommendations to the Federal Communications Commission concerning; (1) a revised Rules for Industrial radio services emergency operations; (2) a proposed Industrial Communications Emergency Plan; and (3) a revised FCC Priority System for the Use and Restoration of Leased Intercity Private Line Services.

AGENDA ITEMS

1. Proposed revision of § 91.161, Subpart D, Part 91, FCC Rules and Regulations—Industrial Radio Services Emergency Operation.

2. Proposed Industrial Communications Emergency Plan (ICEP).

3. Proposed amendment to Appendix A, Subpart D, Part 64, FCC Rules and Regulations—Priority System for the use and Restoration of Common Carrier-Provided Intercity Private Line Services and proposed revision of FCC Form 915.

4. New Business.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-26807 Filed 11-14-74;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meeting Cancellations

Advance notification of the following meetings (November 19-20-21) of the Radio Technical Commission for Marine Services was published in the FEDERAL REGISTER of November 7, 1974. However, the minimum advance notification of 12 days, 13 days, and 14 days respectively, does not meet the statutory requirements of Pub. L. 92-463 and interpretations of the Office of Management and Budget. Accordingly, all of the below-listed meetings originally scheduled for November 19-20-21 have been cancelled. The December 4 meeting of Special Committee #65, "SHIP RADAR", will be held as

V 39 I 222 NOV 15 74 XUM

originally listed in the November 7 FEDERAL REGISTER.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

SC-67: "Vessel Traffic Systems", Chairman: Captain B. E. Smith, Gulf Oil Trading Company, Tuesday, November 19, 1974—9:30 a.m. (Phone: [215] 667-9000 (Ext. 705), Conference Room 847, 1919 M Street, NW., Washington, D.C.

SC-66: "Receiver Standards for the Maritime Mobile Service", Chairman: H. R. Smith, ITT Mackay Marine (Phone: [201] 527-0300), Wednesday, November 20, 1974—9 a.m. (All-day meeting), Conference Room A-205, 1229-20th Street, NW., Washington, D.C.

SC-68: "Marine Radiotelephone Operator Education", Chairman: A. N. Garden, Raytheon Co. (Phone: [617] 862-6600, Ext. 414), Wednesday, November 20, 1974—9:30 a.m., Conference Room 847, 1919 M Street, NW., Washington, D.C.

RTCM: Executive Committee, Chairman: FCC Commissioner Robert E. Lee, Thursday, November 21, 1974—9:30 a.m., Conference Room 847, 1919 M Street, NW., Washington, D.C.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat. (Phone: (202) 632-6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc.74-26808 Filed 11-14-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1190]

C. M. THOMPSON JR. OCEAN FREIGHT FORWARDER

Order of Revocation

Clyde M. Thompson, Jr. d/b/a C. M. Thompson, Jr. Ocean Freight Forwarder, P.O. Box 2128, Savannah, Georgia 31402 voluntarily surrendered his Independent Ocean Freight Forwarder License No. 1190 for revocation.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(f) (dated September 15, 1973);

It is ordered, That Independent Ocean Freight Forwarder License No. 1190 be and is hereby revoked effective October 30, 1974, without prejudice to reapply for a license at a later date.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Clyde M. Thompson, Jr. d/b/a C. M. Thompson Jr. Ocean Freight Forwarder.

ROBERT S. HOPE,
Managing Director.

[FR Doc.74-26820 Filed 11-14-74;8:45 am]

SEATRAIN INTERNATIONAL, S.A. AND SERVICIO NACIONAL DE TRANSPORTE, MARITIMO, S.A.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Juan, Puerto Rico and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before November 25, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Paul D. Coleman, Esquire
Coles & Goertner
1000 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 10146, between the above named parties, establishes a joint service to be known as "Seatrain-Servimar" to operate in the trade between the Dominican Republic and ports in Puerto Rico, the Virgin Islands, Continental United States, Europe and the Far East.

By order of the Federal Maritime Commission.

Dated: November 12, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-26821 Filed 11-14-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 74]

STEVEN SHIPPING CO.

Order of Revocation

By letter dated September 13, 1974, Ernest Hochstadt, d/b/a Steven Shipping Company, 15 William Street, New York, New York was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 74 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 11, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Ernest Hochstadt, d/b/a Steven Shipping Company has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 74 of Ernest Hochstadt, d/b/a Steven Shipping Company be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 74 be and is hereby revoked effective October 11, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon Ernest Hochstsadt, d/b/a Steven Shipping Company.

ROBERT S. HOPE,
Managing Director.

[FR Doc.74-26818 Filed 11-14-74;8:45 am]

[Independent Ocean Freight Forwarder License No. 1358]

TROPIC DELIVERIES

Order of Revocation

By letter dated September 30, 1974, William F. Downey Jr. d/b/a Tropic Deliveries, P.O. Box 3563, St. Thomas, U.S. Virgin Islands 00801 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1358 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before October 28, 1974.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

William F. Downey Jr. d/b/a Tropic Deliveries has failed to furnish a valid surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9/15/73);

It is ordered, That Independent Ocean Freight Forwarder License No. 1358 of William F. Downey Jr. d/b/a Tropic Deliveries be returned to the Commission for cancellation.

It is further ordered, That Independent Ocean Freight Forwarder License No. 1358 be and is hereby revoked effective October 28, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served upon William F. Downey Jr. d/b/a Tropic Deliveries.

ROBERT S. HOPE,
Managing Director.

[FR Doc.74-26819 Filed 11-14-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8952]

CONNECTICUT LIGHT AND POWER CO.

Order Denying Petition for Rehearing and Reconsideration

NOVEMBER 8, 1974.

On October 11, 1974, the Municipal customer intervenors in the above-entitled proceeding (hereinafter referred to as Cities or Municipal group) filed a petition for clarification, rehearing and reconsideration of the Commission's order issued in this docket on September 27, 1974. The pertinent facts giving rise to the petition are as follows:

On August 2, 1974, Connecticut Light and Power Company (Connecticut) filed with the Commission in the instant docket a proposed rate increase for its jurisdictional sales of electricity to the municipal customers. The new rate, designated R-2, was proposed by Connecticut to become effective on September 1, 1974, 30 days after filing. On August 30, 1974, the Commission (Commissioner Smith dissenting) [1] suspended the proposed increase for one day and set the matter for hearing. Connecticut's increased rate thus became effective on September 2, 1974, subject to refund. The Commission found however, that Connecticut's proposed fuel cost adjustment clause, which was incorporated as a part of its rate R-2, did not comply with the terms of Commission Opinion No. 633, and stated that "The suspension of the fuel clause will be lifted upon receipt of a filing in satisfactory compliance with Opinion No. 633."

On September 6, 1974, the Municipal customer group filed with the Commission a "petition for emergency stay pending rehearing and petition for rehearing" of the August 30 order. The Cities took exception to the one day suspension ordered by the Commission and argued for the imposition of the maximum statutory suspension period of 5 months. The Cities further argued that suspension of the proposed R-2 fuel clause would have the effect of leaving in effect the underlying (R-1) fuel clause and that the application the R-1 fuel clause in conjunction with the R-2 rate would result in excessive charges to the Cities.

On September 27, 1974, the Commission issued its order amending and clarifying the prior order and denying the Cities' request for an emergency stay and for rehearing. In that order the Commission stated that the R-2 fuel clause was being suspended for one day until September 2, 1974, rather than being suspended indefinitely pending the filing of a properly conforming fuel clause. The Commission further found against the Cities on the so-called "price squeeze" issue, and also refused (Commissioner Smith dissenting) to extend the one day suspension period.

On September 30, 1974, Connecticut filed a substitute fuel clause in purported compliance with the order of August 30, requesting that such clause be permitted to become effective on September 2, 1974, the same effective date as the basic R-2 rate. No action has as yet been taken on the revised clause. The present petition was filed by the Cities in response to the September 27 order. The Cities argue (1) that the August 30 and September 27 orders are not consistent with respect to the suspension of the R-2 fuel clause, (2) that the Commission is without authority to give Connecticut's revised fuel clause a "retroactive" effective date of September 2, 1974, (3) that the Commission relied on erroneous information in ordering a one day suspension, and (4) that the Cities will be irreparably injured by the one day suspension because they may not have sufficient time to adjust their own rates to recover Connecticut's increase. We consider these contentions in turn.

Cities' argument with respect to the alleged inconsistency between the August 30 and September 27 is unpersuasive. In our September 27 order, we merely restated the fact that the August 30 order suspended all of the proposed changes in CL&P's filing for one day until September 2, 1974, when they were permitted to become effective, subject to refund. Neither the August 30 order nor the September 27 order contemplated an indefinite suspension of the revised fuel clause. Those orders did contemplate that upon the filing of a substitute fuel clause in conformance with Opinion 633, the Commission would lift the suspension as it relates to the fuel clause, make the substitute fuel clause effective as of September 2, 1974; order such interim refunds as may be required, and terminate CL&P's refund obligation with respect to the fuel clause.

Cities' second argument states that it would be improper to give the substitute fuel clause a "retroactive" effective date of September 2, 1974, even though such action would, according to Cities, be beneficial to Cities. Since we have not completed review of Cities' substitute fuel clause filed by CL&P on September 30, 1974, we shall not decide in this order the appropriate action to be taken with respect thereto. However, should we find CL&P's substitute fuel clause to be in conformance with Opinion 633, we believe it would be appropriate to make the substitute clause effective as of September 2, 1974, and order such interim refunds as may be required. This would not, as Cities allege, be "retroactive ratemaking" but would be a summary disposition of one issue in this proceeding and thus entirely within our authority under the Federal Power Act.

The Cities continue to argue that the Commission relied on erroneous information in approving a one day suspension. In the August 30 order, the Commission stated that Connecticut's estimated realized rate of return under the new rate would be 5.61 percent. This figure was erroneous, and represented a measure of the percentage increase in rates rather than a measure of Connecticut's rate of return, which was estimated to be 9.16 percent. Both figures are contained in Connecticut's filing in this docket and were before the Commission in its determination of the suspension period. We stated in the order of September 27 that we were aware of the estimated rate of return of 9.16 percent. We reiterate that we were aware of the correct figure, and relied on the correct figure of 9.16 percent in reaching our decision. We did not rely on the erroneous figure of 5.61 percent. Upon further consideration of the information available to us, including the representations and supporting factual data submitted by Connecticut as a part of its filing herein, and the subject petition and other pleadings filed by the intervenors, we reaffirm our decision to suspend Connecticut's proposed rate R-2 for one day.

The Cities argue that they may be unable to recover a part of the increased costs occasioned by Connecticut's rate increase due to potential delays in obtaining authorization to include and thereby recover such increased costs in their own rates. The Cities have not demonstrated an inability to recover their full costs, including those occasioned by Connecticut's increase at issue here. However assuming arguendo that this is the case, nevertheless we do not believe that the procedures required by the various state jurisdictions concerning retail rate adjustments should dictate the suspension period to be established for increased rates filed with this Commission. Carried to its logical extreme, such a policy would lead to different suspension periods for different customers, depending on individual state tracking procedures. It would effectively deprive this Commission of its discretionary authority under the Federal Power Act to determine the suspension period, and would act as an incentive for jurisdictions to delay retail rate adjustments.

We believe that where a utility complies with the statutory 30 days' notice requirement, we cannot and should not entertain allegations of inadequate notice by affected customers. Accordingly, we find that the Cities' arguments provide no basis for a change in the suspension period.

Based on the foregoing, we find that Cities' petition for rehearing and reconsideration should be denied.

The Commission finds. Cities' October 11, 1974, pleading raises no new facts or principles of law which were not considered in our August 30, 1974, and September 27, 1974, orders in this docket, as

[1] Commissioner Smith would have suspended the increase for 5 months instead of one day.

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which, having now been considered, warrant modification of those orders.

The Commission orders. (A) The Cities' petition for rehearing and reconsideration is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission. Commissioner Smith, dissenting, would grant the petition for rehearing and reconsideration and suspend the increase for five months from the proposed effective date.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26755 Filed 11-14-74;8:45 am]

CONSOLIDATED GAS SUPPLY CORP.

[Docket Nos. RP72-157 (PGA 75-2, PGA 75-2-A) and RP75-5 (R&D 75-1)]

Order Accepting for Filing Proposed PGA and R&D Rate Change Consolidating Proceedings and Granting Waiver of Notice Requirements

NOVEMBER 8, 1974.

On September 16, 1974, as amended on September 25, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing a proposed change in rates and charges[1] to become effective November 1, 1974, which reflects (1) a $3,330,954 increase in the increased costs of gas purchased from Texas Eastern and Transco which became effective November 1, 1974, and October 1, 1974, respectively; and (2) a surcharge to recover the $931,169 balance accumulated in the unrecovered purchased gas cost account pursuant to Consolidated's PGA clause; and (3) a $279,521 increase in research and development (R&D) expenditures pursuant to its R&D adjustment clause made effective by order issued September 24, 1974, in Docket No. RP75-5. Subsequent to the filing of the PGA rate increase by Consolidated, Texas Eastern and Transco filed reduction of 0.35¢ and 0.2¢ per Mcf in their PGA increases being tracked by Con Gas. However, Con Gas requests that its filing be permitted to become effective November 1, 1974, without adjustment and states that it has reflected the Texas Eastern adjustment in its rate change to become effective December 1, 1974, and will reflect the Transco adjustment in its filing to become effective January 1, 1975. In the interim, Consolidated states that the temporary undercollection will be more than offset by the monthly deficit of approximately $200,000 occurring in the deferred purchased gas cost account. Consolidated requests waiver of the applicable notice requirements to permit the November 1, 1974, effective date.

The filing was noticed with comments due on or before October 18, 1974. No comments have been received.

Our review of the purchased gas portion of Consolidated's filing indicates that it is in conformance with its PGA clause and § 154.38(d)(4) of the regulations and should be accepted for filing to become effective November 1, 1974, subject to Consolidated making the appropriate adjustments in its deferred purchased gas account and in future filings to reflect the decreased charges from its suppliers. However, our review of the R&D portion of the filing indicates that the costs reflected therein have not been shown to be just and reasonable and in conformance with the definition of R&D expenditures set forth in Order No. 483. Accordingly, pursuant to Consolidated's R&D clause, we shall accept for filing the R&D portion of the filing and make it effective, subject to refund, as of November 1, 1974, and set a hearing to determine the lawfulness of the R&D costs reflected therein. We note that the base R&D cost reflected in Consolidated's R&D clause are equal to the level of R&D costs reflected in the rates currently in effect, subject to refund, in Docket No. RP73-107 and that these costs, in many instances, relate to R&D projects for which additional costs have been included in the instant filing. Accordingly, we shall consolidate the hearing on the R&D costs included in the instant filing with Docket No. RP73-107 and provide that the consolidated proceedings shall be subject to the procedures prescribed in Docket No. RP73-107.

For good cause shown, we shall grant waiver of the notice requirements in § 154.38(d)(4) and (5) of the regulations to permit the November 1, 1974, effective date for Consolidated's filing.

The Commission finds. (1) Good cause exists to accept for filing and make effective, without refund obligation, the purchased gas portion of Consolidated's filing, as of November 1, 1974.

(2) It is necessary and appropriate to accept for filing and make effective, as of November 1, 1974, subject to refund, the R&D portion of Consolidated's filing; set a hearing to determine the lawfulness of such expenditures; and to consolidate such hearing with the proceeding in Docket No. RP73-107, as hereinafter ordered and conditioned.

(3) Good cause exists to grant Consolidated's requested waiver of the notice requirements in §§ 154.38(d)(4) and (5) of the Regulations to permit the November 1, 1974, effective date for Consolidated's filing.

The Commission orders. (A) The purchased gas portion of Consolidated's rate filing is accepted for filing to become effective, without refund obligation, as of November 1, 1974.

(B) The R&D portion of Consolidated's filing is accepted for filing to become effective, subject to refund, as of November 1, 1974.

(C) Pursuant to the authority of the Natural Gas Act, particularly section 4 thereof, and the Commission's rules and regulations, a hearing shall be held to determine the lawfulness of the R&D expenditures included in Consolidated's filing; this hearing shall be consolidated, for purposes of hearing and decision, with the proceeding in Docket No. RP73-107; and the consolidated proceedings shall be subject to the procedures prescribed in Docket No. RP73-107.

(D) For good cause shown, the notice requirements of § 154.38(d)(4) and (5) are waived to permit the November 1, 1974, effective date for Consolidated's filing.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26752 Filed 11-14-74;8:45 am]

[1] Alternate Seventh Substitute Twenty-Fourth Revised Sheet No. 8 to FPC Gas Tariff, First Revised Volume No. 1.

[Docket No. CP75-130]

EL PASO NATURAL GAS CO.

Application

NOVEMBER 7, 1974.

Take notice that on October 29, 1974, El Paso Natural Gas Company (El Paso), P.O. Box 1492, El Paso, Texas 79978, filed in Docket No. CP75-130 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing: (i) The construction, on a budget-type basis, during the calendar year 1975, and limited-term operation of natural gas sales facilities or the limited-term operation of existing sales facilities, where available, to be utilized for interstate pipeline system sales, on a direct basis, of natural gas for uses associated with the the production of oil or gas other than such uses permitted under § 157.22(b) of the Commission's regulations (18 CFR 157.22(b)); and (ii) the interstate pipeline system sale, on a limited-term basis, during the calendar year 1975, of natural gas for resale for uses associated with the drilling of oil or gas wells; all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that El Paso anticipates, during the calendar year 1975, requests for short-term direct gas service for such purposes as pumping, injection, pressure maintenance, equipment fuel, various lease and camp uses and emergency standby service. The application further states that El Paso anticipates, during the calendar year 1975, requests for both direct and resale gas service for use in drilling oil or gas wells. In addition to the certificate authorization requested, El Paso submits that it will file annually with the Commission all relevant data including the name of purchaser, description and location of facilities, volume of gas delivered, actual revenues received and dates service contracted, commenced and terminated, respecting each new project supplied with gas pursuant to the instant authorization sought herein.

El Paso states that preparing and filing the numerous certificate applications that would otherwise be required for the facilities set forth herein is not cost justifiable.

El Paso claims that the total cost of the facilities proposed will not exceed $42,500 with no more than 25 separate sales facilities to be installed. El Paso plans to finance these facilities through the use of working funds, supplemented, as necessary, by short-term borrowings.

El Paso proposes that all new sales initiated on either a direct or resale basis consistent with the limited-term, budget-type authorization requested be made, for the respective terms thereof, at a rate identical to that in effect under Rate Schedule X-1 of El Paso's FPC Gas Tariff, Original Volume No. 1, at the time each such sale is commenced. El Paso states that with respect to drilling gas sales, made on either a direct or resale basis, which would be for a very short duration, customarily not exceeding 120 days, and to any other new sale of similar short duration, a purchaser would be required to pay a connection charge of $900.00 and a $9.00 daily facility charge unless, as to direct drilling gas sales made in the San Juan Basin, the $900.00 charge is waived in those instances where the gas well completed is dedicated to El Paso.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26743 Filed 11-14-74;8:45 am]

[Docket No. E-9099]

ESSEX CO. ET AL.

Order To Show Cause

NOVEMBER 8, 1974.

It appearing to the Commission that:

(a) The Essex Company of Boston, Massachusetts, and the Merrimac Paper Company, Inc., the Atlantic Enterprise, the Rowland Industries, the Pleasant Valley Paper Company, Inc., the Everett Mills Properties, the Lawrence Paper Board Corporation and the General Tire Rubber Co., (Companies) all of Lawrence, Massachusetts, are presently operating and maintaining a hydroelectric power development (Development) at Lawrence, Massachusetts on the Merrimack River, over which Congress has jurisdiction under its authority to regulate commerce with foreign nations and among the several States; the Merrimack River having been determined a navigable water of the United States in Concord Electric Company (Project No. 1903, June 22, 1944). 4 F.P.C. 635;

(b) The Companies have failed, after a reasonable time, to participate actively in the process of applying for license under the Federal Power Act for the Development.

The Commission orders that the Companies shall, under oath, show cause, if any there be, within 60 days of the issuance of this order:

(1) Why the Commission should not assert jurisdiction over the Development;

(2) Why the Commission should not issue such other and further order as it may find appropriate, expedient, and in the public interest to facilitate the timely application for license for the Development, under the terms of the Federal Power Act.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26744 Filed 11-14-74;8:45 am]

[Docket Nos. RP71-119; RP74-31-23]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Petition for Extraordinary Relief

NOVEMBER 8, 1974.

By order issued November 6, 1973, in Docket No. RP71-119, we accepted and made effective as of November 1, 1973, certain revised tariff sheets tendered by Panhandle Eastern Pipe Line Company (Panhandle). Those revised tariff sheets contain a curtailment plan filed by Panhandle which conformed to the curtailment procedures contained in the Commission's Statement of Policy, issued in Docket No. R-469, Order No. 467-B.

Numerous petitions for extraordinary relief from this curtailment plan have been filed by Panhandle's customers. The Commission by order issued on December 13, 1973, in Docket Nos. RP74-31-1, et al. set numerous such petitions for formal hearing and assigned the various petitions for extraordinary relief filed thereafter by customers of Panhandle an appropriate docket number in this series.

Take notice that on October 31, 1974, Ohio Gas Company (Ohio Gas) filed a petition pursuant to § 1.7(b) of the Commission's rules of practice and procedure requesting temporary and permanent extraordinary relief from the natural gas curtailments imposed under the provisions of the presently effective 467-B interim plan which was filed by Panhandle on November 6, 1973.

Ohio Gas requests that it be granted temporary extraordinary relief from the curtailment plan of Panhandle to the extent of 400,000 Mcf to be purchased pursuant to Panhandle's G-1 Rate Schedule during the period November 1, 1974, to February 28, 1975. The relief sought is specifically for the latter period of time; however, Ohio Gas urges that it be accorded temporary relief pending final dispostion of its petition.

Ohio Gas alleges that under the interim curtailment plan of Panhandle placed in effect by Order of the Commission issued November 6, 1973, Panhandle's deliveries to Ohio Gas will fall short of the requirements of Ohio Gas' customers for the period November 1974 to March 1975 by a substantial margin.

Ohio Gas asserts that to offset this deficiency and in the interest of maintaining full service to its residential customers, it moved the Public Utilities Commission (PUC) of Ohio to issue an order authorizing Ohio Gas to promulgate an allocation plan for supplying gas to its industrial customers. On October 24, 1974, the PUC entered an order empowering Ohio Gas to "restrict the usage [of natural gas] to individual industrial users by such percentages, month by month, which would be necessary so that the servicing requirements of residential users would be fully met * * *" It contends, however, that this order exempted the Grain Dryers from a month by month allocation and, instead, directed that allocations be made to the Grain Dryers on a "seasonal basis." The exemption has the effect of assuring that the Grain Dryers will receive their full requirements of natural gas during the months in which their activity is greatest and, consequently, will result in a drastic decrease in deliveries of natural gas to Ohio Gas' other industrial customers during the period of high usage by the Grain Dryers.

Ohio Gas contends that it is requesting extraordinary relief in its petition to avert the harsh curtailment of its industrial customers during this period of time.

It appears reasonable and consistent with the public interest in this proceeding to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to protest

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said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10) on or before November 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene in accordance with the Commission's rules. This filing which was made with the Commission is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26748 Filed 11-14-74;8:45 am]

[Docket No. E-9088]

PHILADELPHIA ELECTRIC CO.

Application

NOVEMBER 8, 1974.

Take notice that on October 29, 1974, Philadelphia Electric Company (Applicant) filed an application pursuant to section 203 of the Federal Power Act, seeking authority to acquire 200,000 shares of the Common Stock of Philadelphia Electric Power Company, par value $25. The consideration for the said 200,000 shares is to be a cash payment of the aggregate par value of $5,000,000. The proposed transaction relates solely to the acquisition of Common Stock.

Applicant is a public utility incorporated under the laws of the Commonwealth of Pennsylvania, and pursuant to lawful authority, furnishes electric, gas and steam service throughout the State of Pennsylvania. Applicant is domesticated in the State of New Jersey.

Pennsylvania Electric Power Company is a public utility incorporated under the laws of the Commonwealth of Pennsylvania, with charter power to generate and supply electric energy to the public in certain portions of Pennsylvania.

Pennsylvania Electric Power Company plans permanent financing by the issuance and sale of its parent, Pennsylvania Electric Company of 200,000 shares of Common Stock, $25 par value, with an aggregate par value of $5,000,000. The proceeds of such sale will be used to liquidate $4,400,000 of outstanding bank loans; to provide Pennsylvania Electric Power Company with working capital; and to meet its sinking fund payments.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26749 Filed 11-14-74;8:45 am]

[Docket No. CP63-177]

TEXAS EASTERN TRANSMISSION CORP. AND TENNESSEE GAS PIPELINE CO.

Petition To Amend

NOVEMBER 8, 1974.

Take notice that on October 29, 1974, Texas Eastern Transmission Corporation (TETCO), P.O. Box 2521, Houston, Texas 77001, and Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP63-177 a petition to amend the order issued in said docket on March 18, 1963 (29 FPC 535), as amended February 7, 1974 (52 FPC ____), pursuant to section 7(c) of the Natural Gas Act by authorizing the construction and operation of two additional exchange points between the systems of the two companies, all as more fully set forth in the petition to amend, which is on file with the Commission and open to public inspection.

The petition states that there is a currently effective exchange agreement between TETCO and Tennessee dated July 30, 1974, which provides for the exchange of natural gas on an Mcf for Mcf basis at various onshore points. This exchange, according to the application, was authorized by the said previous orders in the instant docket.

By the instant petition, Petitioners propose the following interconnections as additional points of exchange:

(1) The interconnection of TETCO's 20-inch Caillou pipeline and Tennessee's Muskrat line in Terrebonne Parish, Louisiana (Caillou delivery point);

(2) The interconnection of TETCO's 36-inch Venice pipeline and Tennessee's 30-inch pipeline in R27E, T21S Plaquemines Parish, Louisiana (Venice delivery point).

Petitioners state that by agreement dated October 17, 1974, they have provided for the additional exchange points, and that pursuant to said agreement the parties will individually install on their systems the requisite taps, valves and connecting piping and will jointly own and equally share the costs of the meter and regulator stations. Petitioners estimate the cost of the proposed facilities to be $2,178,000 to be financed initially from available cash.

The petition further states that the proposed interconnections will also be used as redelivery points under a separate October 17, 1974, agreement, which provides for delivery through said exchange points of up to 140,000 Mcf per day. The use of the interconnections as redelivery points are treated in a separate application, according to the instant petition to amend.

Petitioners state that they desire to use the interconnections as additional exchange points under the certificate issued in the instant docket in order to provide flexibility under the existing exchange arrangement and to enable either company to assist the other in maximizing the use of its respective gas supplies in the event of operating needs and/or emergencies on either company's system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26747 Filed 11-14-74;8:45 am]

[Docket No. RP75-30]

UNITED GAS PIPE LINE CO.

Proposed Changes in FPC Gas Tariff

NOVEMBER 8, 1974.

Take notice that United Gas Pipe Line Company (United), on November 4, 1974, tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. The proposed changes are based on the 12-month period ending August 31, 1974, as adjusted. United states that this filing would increase jurisdictional revenues by $102,366,409 composed of $14,252,319 in non-gas cost and $88,114,090 in gas cost, which absent this filing, would be recovered through United's purchased gas cost adjustment clause provisions.

United further states that the principal reasons for the proposed rate increase are (1) increase in cost of transporting gas by Stingray Pipeline Company, (2) increase in balance of unrecovered purchased gas cost, (3) decline in sales volumes of 133 million Mcf from the volumes included in Docket No. RP74-83, and (4) increase in overall rate of return necessary to maintain the company's financial stability.

According to United, copies of the filing have been served upon United's jurisdictional customers and the public service commissions in the states of Alabama, Florida, Louisiana and Mississippi, and the Texas Railroad Commission. The proposed effective date of the filing is December 20, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26751 Filed 11-14-74;8:45 am]

[Docket No. RP74-85]

WESTERN GAS INTERSTATE CO.

Certification of Settlement Agreement

NOVEMBER 8, 1974.

Take notice that on October 18, 1974, the Presiding Law Judge certified to the Commission for approval a proposed settlement agreement in the above-entitled proceeding. The settlement agreement, if approved, would resolve all issues in this docket.

Any person wishing to do so may submit comments in writing concerning the proposed settlement agreement to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments should be submitted on or before November 27, 1974. Copies of the settlement agreement are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26746 Filed 11-14-74;8:45 am]

FEDERAL RESERVE SYSTEM

CORONADO, INC.

Formation of Bank Holding Company

Coronado, Inc., Sterling, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 85 percent or more of the voting shares of The Farmers State Bank, Sterling, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Coronado, Inc., Sterling, Kansas, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire 89.8 percent of the voting shares of The Farmers State Agency, Inc., Sterling, Kansas. Notice of the application was published on August 22, 1974 in the Sterling Kansas Bulletin, a newspaper circulated in Sterling, Kansas.

Applicant states that the proposed subsidiary would engage in the conduct of a full service insurance agency business, including the sale of life insurance, health and accident insurance and fire, casualty and surety insurance on the premises of The Farmers State Bank in Sterling, Kansas, a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 6, 1974.

Board of Governors of the Federal Reserve System, November 7, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26786 Filed 11-14-74;8:45 am]

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

CLAIMS AGAINST GOVERNMENT OF HUNGARY BY UNITED STATES NATIONALS

Notice of Time for Filing

Notice is hereby given that pursuant to paragraph (c) of section 306, Title III of the International Claims Settlement Act of 1949 (64 Stat. 12), as amended, the Foreign Claims Settlement Commission of the United States will receive at its principal office located at 1111 20th Street, NW, Washington, D.C. 20579, during the period beginning on the publication date of this notice, and ending May 15, 1975, claims against the Government of Hungary under the Hungarian Claims Agreement of March 6, 1973, as implemented by subsection (5) of section 303; and, subsection (d) of section 306, Title III of the International Claims Settlement Act of 1949, as amended by Public Law 93-460, approved October 20, 1974 (88 Stat. 1386), and in accordance with the Regulations of the Commission made with respect thereto.

Subsection (5), section 303 of the International Claims Settlement Act of 1949, as amended by Public Law 93-460, provides for the payment of compensation for the nationalization, compulsory liquidation, or other taking of property of nationals of the United States in Hungary, between August 9, 1955, and March 6, 1973, the effective date of the claims agreement between the Governments of the United States and Hungary.

Subsection (d) of section 306 of the Act provides that any national of the United States who was mailed a notice by any department or agency of the Government of the United States under the prior Hungarian Claims Program administered by the Foreign Claims Settlement Commission which was concluded on August 9, 1959, with respect to filing a claim against the Government of Hungary under paragraphs (1), (2), or (3) of section 303, Title III of the International Claims Settlement Act of 1949, and who did not receive the notice as a result of administrative error in placing a nonexistent address on the notice, may file with the Commission a claim under any such paragraph within the period specified in this notice.

Details concerning the filing and claim applications may be obtained by contacting the Office of the General Counsel, Foreign Claims Settlement Commission, Washington, D.C. 20579.

Dated: November 4, 1974.

WAYLAND D. MCCLELLAN,
General Counsel.

[FR Doc.74-26326 Filed 11-14-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

Federal Supply Service

JOINT FEDERAL, STATE, AND LOCAL GOVERNMENT ADVISORY PANEL ON PROCUREMENT AND SUPPLY

Emergency Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, October 6, 1972, notice is hereby given of the November 20-21, 1974, meeting of the Joint Federal, State, and Local Government Advisory Panel on Procurement and Supply. The meeting will convene at 9:00 a.m. each day in Room 1129, Crystal Mall Building 4, 1941 Jefferson Davis Highway, Arlington, Virginia.

The Panel provides a forum for discussion between all levels of government on problems and policies pertaining to procurement and supply to the end that all resources, experience and expertise may be fully utilized.

The agenda will include discussions on: (1) Report on Centralized Procurement Patterns and Permissive/Mandatory Features, (2) State and Local Government Purchasing Study, (3) Procurement of Professional Services, (4) Procurement Commission Recommendations, (5) Audiovisual/Photocopy Services, and (6) Shortages of Petrochemical Products.

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This meeting is open to the public (within limitations of conference room facilities). Anyone who wishes to attend or desires further information should contact Mr. Dale McInroy, Office of Interagency Support, FSS (telephone, 703–557–2300).

Publication of this notice was delayed in order to complete the agenda and include topics which are of particular concern to panel members at this time.

Dated at Washington, D.C., November 7, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

[FR Doc.74–26882 Filed 11–14–74;8:45 am]

PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 7, for December 3, 1974, from 9:30 a.m. to 4 p.m., Room 12A01, Fritz G. Lanham Federal Building, 819 Taylor Street, Fort Worth, Texas.

Because the meeting will be concerned with the review of the conceptual design for a Border Station, Laredo, Texas, it has been determined that the meeting would fall within exemption (5) of 5 U.S.C. 522(b) and that it is essential to close the meeting to the public.

Meetings of the National Public Advisory Panel on Architectural and Engineering Services and meetings of Regional Public Advisory Panels on Architectural and Engineering Services are called for various purposes including evaluating and recommending changes to the conceptual design of new construction projects awarded by contract to an architectural firm. The panels help insure that the approach to the design problem will produce the best possible design solution through free critical analysis.

For the same reason that subsequent deliberations among agency officials are exempted by the above quoted exceptions, the proceedings of the panels must be exempted.

JAY H. BOLTON,
Regional Administrator.

[FR Doc.74–26768 Filed 11–14–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Public Law 92–463, notice is hereby given of a meeting of an ad hoc panel of the Business Advisory Council on Federal Reports to be held in Room 2010, New Executive Office Building, 726 Jackson Place, NW., Washington, D.C. on Tuesday, December 3, 1974 at 9:30 a.m.

The purpose of the meeting is to obtain advice on reporting problems involved in the proposed Commerce Department form BE–12 "Survey of Foreign Direct Investment in the United States—1974." This form investigates the foreign direct investments in the United States under the Foreign Investment Studies Act, Pub. L. 93–479. The meeting will be open to public observation and participation.

Further information regarding the meeting may be obtained from the Statistical Policy Division, Office of Management and Budget, Room 10208, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395–4730.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74–26769 Filed 11–14–74;8:45 am]

CLEARANCE OF REPORTS
List of Request

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 12, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce: Report of Coal Exports and Export Commitments, Forms DIB 6005P, DIB 6006P, Weekly, Lowry (395–3772), Exporters of coal.

NATIONAL ENDOWMENT FOR THE HUMANITIES

Evaluation of Youthgrants Program, Form —, Single time, HRD (395–3532), Lowry (395–3772), Program applicants, grantees, advisors, review panellats.

REVISIONS

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service: Procedure for Conducting and Reporting State Wide Quality Control Accountability Reviews—FS Program, Form —, Annual, HRD (395–3772), Households and state agencies.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: 1975 Retirement History Survey, Form SSA 9508, Single time, Sunderhauf (395–4911), National sample of persons aged 64–69 yrs. of age.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration: Health and Safety Analysis Center, Interview Questionnaire, Form 6–572, Occasional, Ellett (395–6172), Miners and mine operators.

DEPARTMENT OF STATE

Application for Passport or Registration, Form FS 176, Occasional, Lowry (395–3772), Passport applicants.

U.S. ATOMIC ENERGY COMMISSION

Nuclear Related Technician Survey, Form —, Annual, Strasser (395–3880), Technical and vocational schools.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management
Officer.

[FR Doc.74–26887 Filed 11–14–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

BIO-MEDICAL SCIENCES, INC.

Notice of Suspension of Trading

NOVEMBER 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 10, 1974 through November 19, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26800 Filed 11–14–74;8:45 am]

[File No. 500–1]

CONTINENTAL VENDING MACHINE

Notice of Suspension of Trading

NOVEMBER 8, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 11, 1974 through November 20, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26801 Filed 11–14–74;8:45 am]

[File No. 500–1]

GREATER WASHINGTON INVESTORS, INC.

Notice of Suspension of Trading

NOVEMBER 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Greater Washington Investors, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 4:45 p.m. (e.s.t.) on November 7, 1974 through midnight (e.s.t.) on November 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26803 Filed 11–14–74;8:45 am]

[File No. 24SF–3946]

MAURY WILLS ENTERPRISES, INC.

Order Permanently Suspending Exemption

NOVEMBER 7, 1974.

I. Maury Wills Enterprises, Inc. ("the Issuer"), Room 202, 1285 South La Brea Avenue, Los Angeles, California 90019, incorporated in the State of Nevada on March 27, 1969, filed with the Commission a Notification on Form 1–A and an Offering Circular on September 20, 1972, concerning an offering of 200,000 shares of its $.10 par value common stock at $2.50 per share for an aggregate offering price of $500,000. The filing was made for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933 ("the Act") pursuant to the provisions of section 3(b) thereof, and Regulation A thereunder. Koss Securities Corp. ("Koss"), a registered broker-dealer having its place of business at 1266 East 24th Street, Brooklyn, New York, was named as underwriter of the proposed offering.

II. The Commission on the basis of information provided by its staff, had reason to believe that:

A. The Notification and Offering Circular of the Issuer contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to identify the parties with whom the Issuer has negotiated lease option agreements for installation of twenty-five valet stands including the terms of these agreements and the location of these facilities;

2. The failure to disclose the reasons for a non-interest-bearing loan of $2,000 by the Issuer to its Secretary-Treasurer;

3. The failure to disclose the terms of and the reasons for an outstanding loan to the Issuer of $5,000 from its Vice President;

4. The failure to substantiate the net asset value of the Issuer's predecessor, Eighth Street West, which is described as the consideration paid by the officers and directors of the Issuer in return for 55.6% of the common stock of the Issuer.

5. The failure to disclose the rights of first refusal for subsequent public offerings and for representation on the Issuer's board of directors allowed the underwriter under the terms of the underwriting agreement;

6. The failure to accurately state those jurisdictions in which the securities were proposed to be issued; and

7. The failure to provide financial statements covering at least two full fiscal years as required by Item 11 of Schedule I under Regulation A.

B. On September 24, 1973, an indictment alleging violations of Sections 17(a) and 24 of the Securities Act and sections 10b, 15(a)(1), 32 and Rule 10b–5 of the Exchange Act was returned against Theodore Koss and Koss Securities Corporation by a Federal Grand Jury sitting in the Southern District of New York. Pursuant to Rule 261(a)(6) of the Act, indictment of the designated underwriter is grounds for suspension of the Issuer's Regulation A exemption.

C. The Issuer failed to cooperate with the Commission in that the Issuer and its officers failed or refused to reply to two comment letters and three telephone requests from the Commission's staff with respect to the amending of the Notification and Offering Circular or to its withdrawal.

D. The offering, if made, would be in violation of section 17 of the Securities Act of 1933.

III. No hearing having been requested by Maury Wills Enterprises, Inc. or any other interested party within thirty days after the entry of an order temporarily suspending the exemption of the Issuer under Regulation A, the Commission finds that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be permanently suspended;

It is ordered, Pursuant to Rule 261(a) of the General rules and regulations under the Securities Act of 1933, as amended, that the exemption of the Issuer under Regulation A be, and it hereby is, permanently suspended.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26804 Filed 11–14–74;8:45 am]

[812–3635]

ONE HUNDRED FUND, INC., ET AL.

Filing of Application

In the matter of The One Hundred Fund, Inc., George P. Caulkins, Jr., William Grant, Gerald M. Greenberg, Walter K. Koch, E. Warren Willard, Swanson Properties, Ltd., James C. Owen, Jr., Paul D. Holleman, Richard G. Wohlgenant, c/o Davis, Graham & Stubbs, 1200 American National Bank Building, Denver, Colorado 80202.

Notice is hereby given that the One Hundred Fund, Inc. (the "Fund") an open-end, diversified management investment company registered under the Investment Company Act of 1940, as amended ("Act"), and George P. Caulkins, Jr., William Grant, Gerald M. Greenberg, Walter K. Koch, E. Warren Willard, Swanson Properties, Ltd., James C. Owen, Jr., Paul P. Holleman, and Richard G. Wohlgenant (collectively referred to as the "purchasers") (the Fund and purchasers collectively referred to as the "Applicants") have filed an application pursuant to Section 17(b) of the Act for an order exempting from section 17(a) of the Act the sale by the Fund of shares of Denver Real Estate Investment Association ("DREIA"), an unincorporated business trust formed under the laws of the State of Colorado on May 9, 1961, to purchasers, all of whom are persons who are either present or former Trustees, advisers or counsel of DREIA. All interested persons are referred to the Application on file with the Commission for a statement of the representations made therein, which are summarized below.

The Application states that pursuant to an agreement between the Fund and Purchasers the Fund proposes to sell to one or more of the Purchasers between 65,000 and 85,000 shares of beneficial interest in DREIA (constituting approximately 6 percent and 7.8 percent of the outstanding shares of DREIA) owned by the Fund. It further states that under this agreement the purchase price per share for the shares to be sold by the Fund to the Purchasers will be the mean of the over-the-counter bid and asked quotations for DREIA shares, as reported by the National Association of Securities Dealers and published in the Wall Street Journal, Pacific Coast Edition, for the last ten business days that bid and asked quotations are so published immediately preceding the date of the order of the Commission granting the exemption requested herein, provided that such purchase price is between $5 per share and $8 per share. It is also understood that until the closing of the transaction, no party is bound to sell or purchase the shares and that the Fund has the right at any time to otherwise dispose of the shares which are the subject of this agreement to other parties even though this application is pending or has been approved.

The Application states that Purchasers have negotiated the transaction at arm's

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length and that both the Purchasers and the Fund believe the proposed transaction to be in the Fund's best interest and that the price at which the transaction will be executed is fair and that no party is overreached.

The Fund contends that its sale of this block of shares to the Purchasers is consistent with the Fund's investment objective of long-term capital growth by investment in securities of established companies and that in view of present market conditions and the present size of the Fund, if the transaction is consummated as contemplated by the agreement, the proceeds of the transaction can be invested in other securities which are more appropriate to the investment objective of the Fund.

The Fund owns 99,000 shares of beneficial interest in DREIA or approximately 9.1 percent of its outstanding voting securities and, therefore, DREIA and the Fund are deemed to be affiliated persons of each other within the definition of "affiliated person" set forth in Section 2(a)(3) of the Act. Section 2(a)(12) of the Act defines, as here pertinent, "director" as meaning any director of a corporation or any person performing similar functions with respect to any organization, whether incorporated or unincorporated. Under the foregoing definition purchasers Caulkins, Grant, Greenberg, and Koch, who are Trustees of DREIA are deemed to be affiliated persons of DREIA under the Act, and such persons are therefore deemed to be affiliated persons of an affiliated person of the Fund. The remaining purchasers, while denying any affiliation with DREIA, within the meaning of section 2(a)(3) of the Act, have joined in the application to eliminate any question as to their status. Section 17(a)(2) of the Act provides, in pertinent part, that it shall be unlawful for any affiliated person or promoter of a registered company knowingly to purchase from such registered company any security or other property (except securities of which the seller is the issuer). Section 17(b) of the Act provides that, notwithstanding section 17(a), any person may file with the Commission an application for an order exempting a proposed transaction from one or more provisions of that Section, and that the Commission shall grant such application and issue such order of exemption if evidence establishes that:

(1) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) The proposed transaction is consistent with the policy of each registered investment company concerned as recited in its registration statement and reports filed under the Act; and

(3) The proposed transaction is consistent with the general purposes of the Act.

Applicants assert that the proposed transaction meets the requirements contained in Section 17(b) of the Act.

Notice is further given that any interested person, may, not later than December 3, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26799 Filed 11-14-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1098]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October, because of the effects of a certain disaster, damage resulted to property located in the State of New York;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Monroe County, New York, and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred October 29, 1974. Adjacent areas include only counties within the state for which the declaration is made and do not extend beyond state lines.

Office: Small Business Administration, District Office, Fayette and Salina Streets, Syracuse, New York 13202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 6, 1975. EIDL applications will not be accepted subsequent to August 6, 1975.

Dated: November 4, 1974.

LOUIS F. LAUN,
Acting Administrator.

[FR Doc.74-26784 Filed 11-14-74;8:45 am]

TARIFF COMMISSION

[TEA-F-66]

HADDAD SHOE CORP.

Investigation and Hearing

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962 on behalf of the Haddad Shoe Corp., Lancaster, Pennsylvania, the United States Tariff Commission, on November 6, 1974, instituted an investigation under section 301(c)(1) of the said Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men, youths and boys and women, misses and children (of the types provided for in items 700.35, 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by the aforementioned firm, are being imported into the United States in such increased quantities as to cause, or threaten to cause, serious injury to such firm.

A public hearing in connection with this investigation will be held beginning at 10 a.m., e.s.t., on November 26, 1974, in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets, NW, Washington, D.C. Requests for appearances at the hearing should be entered with the Secretary of the Commission, in writing, at his office in Washington, D.C., no later than noon, Thursday, November 21, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW, Washington, D.C. 20436, and at the New York City office of the Tariff Commission located at 6 World Trade Center.

By order of the Commission.

Issued: November 12, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-26824 Filed 11-14-74;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

LOUIS SHOE CO., INC.

Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of October 4, 1974, the U.S. Tariff Commission made a report of its investigation (TEA-W-243) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to a petition for determination of eligibility to apply for adjustment assistance submitted on behalf of former workers of the Louis Shoe Co., Inc., Amesbury, Mass. In this report the Commission found that articles like or directly competitive with footwear for women produced by the Louis Shoe Co., Inc. are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

Upon receipt of the Tariff Commission's affirmative finding, the Department, through the Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted an investigation.

Following this, the Director made a recommendation to me relating to the matter of certification (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342; 37 FR 2472; 39 FR 37021; 29 CFR Part 90). In the recommendation she noted that concession generated imports like or directly competitive with women's footwear produced by Louis Shoe Co., Inc. increased substantially. On April 23, 1971, following an investigation by the Tariff Commission, the Louis Shoe Co. was determined to be threatened with serious injury in major part because of concession generated increased imports. The company was subsequently awarded financial and technical assistance from the Department of Commerce which enabled the company to improve its competitive position vis-a-vis foreign producers of footwear. Company footwear sales increased in 1972 and 1973 but then declined sharply in early 1974. Increased import competition was the major factor preventing the company from obtaining the new accounts necessary to continue in business. The company ceased production in June 1974 and laid off all its workers. Significant unemployment or underemployment at the Louis Shoe Co. caused in major part by increased imports began in November 1973 and continued until the plant closed in July 1974. After due consideration, I make the following certification:

All hourly and salaried workers of the Louis Shoe Co., Inc., Amesbury, Massachusetts who became unemployed or underemployed after November 3, 1973 and before July 31, 1974, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C. this 11th day of November 1974.

JOEL SEGALL,
Deputy Under Secretary, International Affairs.

[FR Doc.74-26783 Filed 11-14-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 631]

ASSIGNMENT OF HEARINGS

NOVEMBER 12, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after November 15, 1974.

MC 20872 Sub 15, Lime City Trucking Company now assigned December 2, 1974, at Indianapolis, Ind., is cancelled and the application is dismissed.
MC 128375 Sub 113, Crete Carrier Corp., application dismissed.
MC 61592 Sub 315, Jenkins Truck Line, Inc., application dismissed.
MC 115113 Sub 168, J&M Transportation Co., Inc., application is dismissed.
MC-C-8455, Chem-Haulers, Inc.—Investigation and Revocation of Certificates—now being assigned January 14, 1975 (1 day), at Birmingham, Alabama, in a hearing room to be later designated.
MC 109689 Sub 264, W. S. Hatch Co., now being assigned January 14, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be later designated.
MC 126305 Sub 58, Boyd Brothers Transportation Co., Inc., now being assigned January 15, 1975 (1 day), at Birmingham, Ala., in a hearing room to be later designated.
MC 138882 Sub 4, Wiley Sanders, Inc., now being assigned January 16, 1975 (2 days), at Birmingham, Ala., in a hearing room to be later designated.
MC 60787 Sub 5, Garrison Van and Warehouse Corp., Inc., now being assigned January 20, 1975 (1 week), at Birmingham, Ala., in a hearing room to be later designated.
MC 1872 Sub 79, Ashworth Transfer, Inc., now assigned January 20, 1975, at San Francisco, Calif., and February 3, 1975, at Minneapolis, cancelled and the application is dismissed.
MC 83539 Sub 394, C & H Transportation, Inc., and MC 112048 Sub 310, Diamond Transportation System, Inc., now being assigned January 16, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be later designated.
MC-F-12275, W. J. Digby, Inc., and Robert R. Digby—Investigation of Control—Riteway Transport, Inc., Padre Freight Lines, and Cibola Freight Lines, now being assigned January 20, 1975 (1 week), at Phoenix, Ariz., in a hearing room to be later designated.
MC 136183 Sub 2, Joe Costa, d.b.a. Trinidad Freight Service, now being assigned January 27, 1975 (1 week), at Albuquerque, N. Mex., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26839 Filed 11-14-74;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

NOVEMBER 12, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before December 2, 1974.

FSA No. 42900—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-492), for interested rail carriers. Rates on brick and/or tile, in carloads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Intrastate rates and maintenance of rates from and to points in other states not subject to the same competition.

Tariff—Supplement 58 to Southwestern Freight Bureau, Agent, tariff 87-J (T-LFB Series), I.C.C. No. 1159. Rates are published to become effective on December 13, 1974.

AGGREGATE OF INTERMEDIATES

FSA No. 42901—*Class and Commodity Rates Between Points in Texas.* Filed by Southwestern Freight Bureau, Agent (No. B-493), for interested rail carriers. Rates on various commodities, in carloads and tank-car loads, as described in the application, from, to, and between points in Texas, over interstate routes through adjoining states.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 58 to Southwestern Freight Bureau, Agent, tariff 87-J (T-LFB Series), I.C.C. No. 1159. Rates are published to become effective on December 13, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26840 Filed 11-14-74;8:45 am]

TRANSPORT STATISTICS

Proposed Revision

NOVEMBER 1, 1974.

The purpose of this notice is to announce the proposed revision to Table 17, Part 7, Motor Carriers, Transport Statistics in the United States.

Over the past twenty years, the number of large Class I motor carriers of property has increased proportionately with the increased volume of trade goods in interstate commerce. At present, over 580 Class I carriers are listed in Table 17,

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Part 7, Transport Statistics in the United States, with gross revenue of $5,000,000 or more. The inclusion of all these carriers in the statistical listings for Table 17 has become unwieldy and impractical.

It is proposed that Table 17 of Part 7, Motor Carriers, Transport Statistics in the United States be limited to the 100 largest motor carriers. The use of these 100 motor carriers for statistical information will be more useful and offer a uniform set of revenues and expenses in a year to year tabulation. It will be comparable to the Bureau of Accounts quarterly publication entitled "Selected Earnings Data or Large Class I Motor Carriers of Property".

In summary, it is the purpose of this proposal to limit the size of Table 17, Part 7, of Transport Statistics in the United States and, thereby, make its use more efficient. The statistical data for the eliminated carriers would still be available to interested parties on special computer printouts.

Interested persons are invited to participate in the proposed revision by submitting such written data, views, or arguments as they may desire. Communications should identify the notice number and be submitted in duplicate to: John A. Grady, Director, Interstate Commerce Commission, Bureau of Accounts, 12th Street and Constitution Avenue, Room 6133, Washington, D.C. 20423. All communications received on or before November 29, 1974, will be considered before taking action on the proposed revision. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date, for review in the Rules Docket for examination by interested persons.

This revision notice is proposed under the authority of section 17 of the Interstate Commerce Act, as amended (49 U.S.C. 17).

[SEAL] JOHN A. GRADY,
Director, Bureau of Accounts.

[FR Doc.74-26841 Filed 11-14-74;8:45 am]

[Rule 19, Ex Parte No. 241; Exemption No. 88]

BRITISH COLUMBIA RAILWAY CO. (BCOL)

Mandatory Car Service Exemption

It appearing, That because of a cessation of operations due to a labor dispute the British Columbia Railway Company (BCOL) is unable to accept its cars when returned empty by connecting railroads; that such cars may be used by United States railroads for movement of traffic destined to points in Canada or routed over railroad lines passing through Canada; that, because of this cessation of operations by the BCOL, there is no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the British Columbia Railway Company, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Effective November 5, 1974.

Expires November 20, 1974.

Issued at Washington, D.C., November 5, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-26843 Filed 11-14-74;8:45 am]

[Rev. S.O. No. 1124; Rev. Exception No. 1]

BOXCARS

Notice of Exceptions

NOVEMBER 4, 1974.

Pursuant to the authority vested in me by section (a)(1)(viii) of Fifth Revised Service Order No. 1124 the following exceptions to Revised Service Order No. 1124 are hereby adopted as exceptions to Fifth Revised Service Order No. 1124.

Exception No. 2—Effective April 1, 1973 (Newport News—Norfolk, VA terminal)
Exception No. 3 vacated, effective November 4, 1974.
Exception No. 4—Effective April 1, 1973 (Penn Central ore cars located on Penn Central, Canton Railroad, or Patapsco and Back River)
Exception No. 5—Effective April 1, 1973 (Extended free time at remote stations—various railroads named in Demurrage Tariff 4-J, ICC H-59)
Exception No. 6—Effective April 7, 1973 (Certain special service gondolas on Chicago, Rock Island and Pacific)
Exception No. 7—Effective April 1, 1973 (Penn Central ore cars on Philadelphia, Bethlehem and New England)
Exception No. 10—Effective July 1, 1973 (Denver and Rio Grande Western special gondola cars in dolomite service Canyon City, Colorado)
Exception No. 11—Effective July 1, 1973 (Denver and Rio Grande Western special gondola cars in limestone service at Monarch, Colorado)

As information, the issuance of Fourth Revised Service Order No. 1124, removing boxcars from the car types subject to the order had the effect of cancelling Exceptions Nos. 1, 8 and 9 which were applicable only to boxcars.

Effective November 4, 1974.

Issued at Washington, D.C., November 4, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-26842 Filed 11-14-74;8:45 am]

federal register

FRIDAY, NOVEMBER 15, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 222

PART II

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications and Supersedeas Decisions

General Wage Determination Decisions. General wage determination decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and Supersedeas Decisions to General Wage Determination Decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

New General Wage Determination Decisions.

New Jersey	AR–2073, AR–2074, AR–2075.
Ohio	AR–3169.

Modifications to General Wage Determination Decisions. The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Florida:	
AQ–4050	Oct. 25, 1974
AQ–4070	Aug. 30, 1974
Iowa:	
AM–6712	Apr. 12, 1972
AR–19; AR–26; AR–27; AR–57; AR–58; AR–60; AR–61; AR–62; AR–63; AR–64; AR–65; AR–66; AR–67	Sept. 20, 1974 Oct. 11, 1974
Kentucky:	
AR–4014	Aug. 2, 1974
AR–4018	Aug. 9, 1974
Nebraska:	
AR–13	Aug. 16, 1974
Ohio:	
AR–3048	Aug. 2, 1974
Pennsylvania:	
AQ–2079	Mar. 29, 1974
AQ–2080	Apr. 5, 1974
AR–2001	July 5, 1974
AR–2009	July 19, 1974
AR–2030	Aug. 30, 1974
Texas:	
AR–38; AR–41	Sept. 20, 1974
AR–48	Sept. 27, 1974
AR–55	Oct. 4, 1974
AR–69	Oct. 18, 1974
Wyoming:	
AR–1004	July 26, 1974

Supersedeas Decisions to General Wage Determination Decisions. The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Arkansas:	
AQ–89(AR–71)	Mar. 29, 1974
Idaho:	
AR–1011(AR–1046)	Sept. 27, 1974
Illinois:	
AR–3063, AR–3073(3170); AR–3065, AR–3066, AR–3067, AR–3075(AR–3168)	Aug. 9, 1974
Louisiana:	
AR–56(AR–78)	Oct. 4, 1974
Missouri:	
AQ–85(AR–79)	Mar. 8, 1974
Nebraska:	
AQ–65(AR–76)	Dec. 14, 1973
AR–14(AR–77)	Aug. 16, 1974
New Jersey:	
AQ–2094(AR–2077)	Apr. 5, 1974
AQ–2105(AR–2078)	Apr. 26, 1974
New York:	
AR–2060(AR–2072)	Oct. 18, 1974
Pennsylvania:	
AQ–2057(AR–2035)	Feb. 15, 1974

Signed at Washington, D.C., this 9th day of November 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

Page 2 of 3

DECISION NO. AR-2073

	Basic Hourly Rates	Fringe Benefit Payments: H & V	Pensions	Vacation	App. Tr.
PAINTERS: (cont'd)					
Steel, Bosun Chair	8.65	.50	.50		
Commercial Spray & Dipping	9.05	.50	.50		
Brushing Hazardous Material on Commercial Work	9.35	.50	.50		
Brushing Hazardous Material on Steel	9.30	.50	.50		
Sandblasting	9.30	.50	.50		
Using Rollers on Tanks	9.30	.50	.50		
Spraying Hazardous Material on Steel and Tanks	9.75	.50	.50		.02
Piledrivermen and Dock Builders	9.92	1.28	.90	d	.07 .05
Plasterers	9.27				
Plumbers and Steamfitters:					
Alloway Township, Alliance, Brotmanville, Canton, Centerton, Conway, Frieburg, Lower Alloway Creek Township, Norma, Oakwood Beach, Olivet, Penn (Beach), Quinton Township and Shirley:	10.58	.42	.42	1.00	.025 .05
Remainder of County	8.80	.37	.85		
Roofers:					
Composition	8.815	1.00	.55	e	
Composition Helpers	4.70	.80	.55	e	
Slate, Tile and Asbestos	9.40	1.00	.50		
Slate, Tile and Asbestos Helpers	5.83	1.00	.50		
Asphalt Shingle	7.94	1.00	.50		
Asphalt Shingle Helpers	5.83	1.00	.50		.01
Sheet Metal Workers	10.69	.52	.50		
Sprinkler Fitters:					
Penns Grove (excluding Penns Grove Airport)	9.70	.30	.50		.04
Remainder of County	10.00	.50	.70		.08

NEW DECISION

STATE: NEW JERSEY COUNTY: SALEM

DECISION NO.: AR-2073 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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	Basic Hourly Rates	Fringe Benefit Payments: H & V	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.09	4%	1.00	10%	.03
Boilermakers	9.48	8%	1.97	10%	.01
Boilermakers' Helpers	8.95	8%	1.97	10%	.01
Bricklayers	9.10	.80	.80		
Carpenters, Insulators, Millwrights and Soft Floor Layers	10.00	.30	6%		.02
Cement Masons	9.15	.55	.70	.15+15	.05
Electricians	9.80	.39+3%	.15+3%		
Elevator Constructors:				2%+a+b	
Mechanics	10.23	.44	.29	2%+a+b	.02
Helpers	7.16	.44	.29		.02
Probationary Helpers	5.115				
Glaziers	8.38	.35	.30		.01
Ironworkers:					
Structural, Ornamental and Reinforcing	10.30	.64	1.06		.03
Laborers, Building:					
Laborers	6.70	.35	.40		
Brick Tenders, Mortar Mixers, Scaffold Builders (brick), Hod Carriers (brick), Power Tool Operators	6.80	.35	.40		
Burners, Nozzle Man (gunnite) and Motorized Buggy Operators	6.925	.35	.40		
Lathers' Tenders and Plasterers' Tenders	7.20	.35	.40		
Jackhamer Operators, Concrete Vibrator and Barco Tamper Operators	7.05	.35	.40		.01
Lathers	8.61	.225	.20	c	
Lead Burners	9.25	.35			
Painters:					
Southern half of Salem County at and south of the town of Malaga running west to north of the town of Salem (including both towns):					
Brush	7.20				
Steel & Scrg Hazardous Work	7.85				
Spray & Roller	7.80				
Sandblasting	7.80				
Remainder of County:					
Commercial & Industrial	8.25	.50	.50		
Spackling Machine	8.25	.50	.50		

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular schedule work days immediately preceeding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veterans' Day or Thanksgiving Day.

e. Paid Holiday: Election Day

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.50	.75	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.50	.75	a	
Timberman	7.05	.50	.75	a	
Form setters	7.10	.50	.75	a	
Grademan	7.10	.50	.75	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.50	.75	a	
Wagon drill op., & drill masters	6.90	.50	.75	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.50	.75	a	
Signal man	6.60	.50	.75	a	
Wrapping and coating of all pipe	6.50	.50	.75	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron man, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - contn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping systen, pumpcrete, squeezcrete & similar types, & conveyors (125' & over), econosobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexonatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS-CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains coepressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, autiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation end maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-coeon,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), econosobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), conpressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), punps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY
GROUP I: Warehouseman, fork lift truck and part men

GROUP II: Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, pickup trucks (only when transporting material), flat bed trucks, seeding trucks, fertilizing trucks, dumporete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type equipment

GROUP III: Straight truck driver (helper)

GROUP IV: Winch straight tractor & trailer truck driver and Euclid trailer dump (not self loading), fuel truck drivers & asphalt oil distributors on dumporete trucks, transit-mixers, flat bed trucks, low bed trucks, tanks, water tank, fuel trucks, euclid water sprinkler, asphalt distrubutor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar types of equipment

GROUP V: Ten wheel dump truck driver and trailer dump driver off site

GROUP VI: Mechanics

GROUP VII: Mechanice (helper)

GROUP VIII: All truck towing

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
GROUP I:	$6.45	a	b	c&d		
GROUP II:	6.50	a	b	c&d		
GROUP III:	6.30	a	b	c&d		
GROUP IV:	6.85	a	b	c&d		
GROUP V:	5.80	a	b	c&d		
GROUP VI:	7.00	a	b	c&d		
GROUP VII:	6.50	a	b	c&d		
GROUP VIII:	6.65	a	b	c&d		

FOOTNOTE:
a. Employer contributes $2.70 per day to Health and Welfare.

b. Employer contributes $2.20 per day to a Pension Fund.

c. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 yrs but less than 15 years-125 hours; 15 years or more-165 hours.

d. Paid holidays for employees available for work on at least 2 days in the week in which the holiday falls include A-F plus Washingtons Birthday, President Election date and Armistice Day.

NEW DECISION

STATE: NEW JERSEY COUNTY: WARREN

DECISION NO.: AR-2074 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers:					
Townships of Franklin, Greenwich, Harmony, Lopatcong, Oxford, Phillipsburg, Pohatcong, Washington and White	$9.85	.50	.50		.025
Remainder of County	9.202	.5803	.4974		.02
Boilermakers	9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Bricklayers, Cement Masons, Plasterers, Stone Masons, Marble Masons, Terrazzo Workers and Tile Setters	9.99	.30	.30		.02
Carpenters & Insulators:					
Carpenters & Insulators	9.51	6%	6%		.02
Millwrights	9.76	6%	6%		.02
Electricians & Cable Splicers	9.50	4%	1%+.20		½ of 1%
Elevator Constructors:					
Mechanics	9.10	.395	.26+a	b+c	.015
Helpers	6.83	.395	.26+a	b+c	.015
Probationary Helpers	4.55				
Modernization	8.33	.395	.26+a	b+c	.015
Modernization Helpers	6.25	.395	.26+a	b+c	.015
Repair	7.48	.395	.26+a	b+c	.015
Repair Helpers	5.61	.395	.26+a	b+c	.015
Phillipsburg:					
Mechanics	8.69	.345	.23	2%+d+e	.015
Helpers	6.08	.345	.23	2%+d+e	.015
Probationary	4.345				
Glaziers	8.70	.70	.65	f	.02
Ironworkers:					
Structural, Ornamental & Reinforcing	10.00	.64	1.06		
Laborers, Building:					
Laborers	7.10	.30	.20		
Plasterers' Tenders & Hod Carriers	7.35	.30	.20		
Power Tool Operators	7.35	.30	.20		
Lead Burners	9.25	.35		g	.01
Painters:					
Brush	8.40	.50	.50	.10	
Structural Steel & Tanks under 30'	8.55	.50	.50	.10	
Structural Steel & Tanks 30' & over	9.00	.50	.50	.10	
Bridges, TV, Radio, Water Towers & Stacks	9.00	.50	.50	.10	

DECISION NO AR-2074 21-N.J.-1-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers & Steamfitters Area encompassed by the Delaware River, Hunterdon and Morris County lines, Belvidere and south thereof.	$9.32	.40	.90	1.00	.15
Remainder of County	8.07	.35	.75	.90	.10
Roofers:					
Dunfield to Delaware to Manunka to Buttsville to Port Colden and areas east thereof to County lines					
Composition, Damp and Waterproofers	10.27	.70	.50		
Slate & Tile	9.05	.30	.20		
Slate & Tile Helpers	7.95	.30	.20		
Remainder of County:					
Composition & Slate	8.35	.25	.25		
Composition & Slate Helpers	4.63	.25	.25		
Sheet Metal Workers	9.18	.52	.50		.01
Soft Floor Layers	9.43	6%	5%	.37	
Sprinkler Fitters	10.00	.50	.70		.08

DECISION NO. AR-2074 21-N.J.-1-2-3-A

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas.

FOOTNOTES:

a. Employer contributes $8.00 per day to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day and Armistice Day.

c. Employer contributes 6.4% basic hourly rate for 5 years or more of service, or 4.2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

e. Paid Holidays: A through F

f. One week vacation after one year's work; two weeks vacation after four year's work.

g. Paid Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holidays, and the regular schedule work days immediately preceeding and following the holidays.

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

XUM

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$ 7.20	.51	.54	a		
Rakers	7.05	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.80	.51	.54	a		
Plant:						
Scale mixer and burner men	7.05	.51	.54	a		
Feeders and dust men	6.80	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary(except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & simlar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors umder D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

XUM

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-coach, subgrader, base hfl. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-contr. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), crance (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (rosinous, troyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, pilcdriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumprete, squeezecrete and similar types, conveyors (125' and over), econombiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumprete (unit type), pumprete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (Letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (rosr & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-B), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constiutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App Tr
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

MAY 15 1974 NORTHWESTERN UNIVERSITY

DECISION NO.AR-2074 P.13 NJ-4-KO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, perranent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO.AR-2074 P.14 NJ-4-TD-1-2-3-J 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	a	.71	b+c	
Euclids, international harvesters walcos, caterpiller, koehring, tractors and wagons, dumpster, straight, bottom, rear and side dump, carry-alls and scrapers (not self-loading - loading over the top), water sprinkler trailers, water pulls and similar types of vehicles	7.15	a	.71	b+c	
Tractor and trailer type vehicles, flat, floats, I-Beams, low beds, water sprinkler, bituminous, transit mix, road oil, fuel, bottom dump hopper, rear dump, office, shanty, epoxy, asphalt, agitator mixer, mulching stringer, seeding, fertilizing pole, spread bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer	7.15	a	.71	b+c	
Straight three axle materials: Trucks and floats	7.05	a	.71	b+c	
Straight dumps, flats, floats, pickups, container haulers, fuel, water sprinkler, road oil, stringer, lead, hot pass, bus, dumperete transit mixers, agitator mixer, half track, winch truck, side-o-matic, dynamite, powder, x-ray, welding skid, jeep, station wagon, stringer A-Frame, all dual purpose trucks, trucks with mechanical tail gates, asphalt distributor, batch trucks, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor,					

DECISION NO.AR-2074 P.15 NJ-4-TD-1-2-3-J 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd) hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor and spreader nipper, fuel trucks (drivers on fuel trucks including handling of hose and nozzle - entire unit) team drivers, vacuum or vac-all trucks (entire-unit), concrete mobile trucks (entire unit), expediter, beltcrete trucks, line truck reel truck, wreckers or tow trucks, utility trucks, tack trucks	$7.00	a	.71	b+c	
Helper, when required on broyhill coal tar expoxy truck, asphalt, bituminous distributor truck	7.00	a	.71	b+c	
Drivers on broyhill coal tar epoxy trucks, littleford bituminous distributor, slurry seal truck or vehicle, thiokol trackmaster pickup (swamp cat pickup), bucket loader dump truck or any rubber tired tractor used in pulling and towing farm wagons and trailers of any description	7.00	a	.71	b+c	
Teamster mechanic	7.00	a	.71	b+c	
Mechanic helper	6.77	a	.71	b+c	

FOOTNOTES:
b. Paid Vacations: Employees working 80 days within a year shall receive 1 week, 125 days receive two weeks vacation, 145 days receive 2 weeks vacation, 15 years seniority and 145 days worked shall receive 4 weeks vacation.

c. Paid Holidays: A-F, Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day providing the employee has been assigned to work or shall one day of the calendar week during which the holiday occurs.

WNX 39 FR 40384 11-15-74

NEW DECISION

STATE: NEW JERSEY COUNTY: SUSSEX

DECISION NO.: AR-2075 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

19-N.J.-1-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.202	.5803	1.974		.02
Boilermakers	9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Bricklayers, Cement Masons, Plasterers and Stone Masons:					
Lafayette, Odgensburg, Sparta, Lake Mohawk, Andover, Hopatcong and Stanhope	10.00	.35	.35		
Branchville, Flatbrookville, Swartswood, Halsey, Newton and Stillwater	9.99	.30	.30		.02
Remainder of County	9.40	.65	.74		.02
Carpenters & Insulators:					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Electricians	10.81	4%	1%+.50		
Elevator Constructors:					
Mechanics	9.10	.395	.26+a	b+c	.015
Helpers	6.83	.395	.26+a	b+c	.015
Probationary Helpers	4.55				
Modernization	8.33	.395	.26+a	b+c	.015
Modernization Helpers	6.25	.395	.26+a	b+c	.015
Repair	7.48	.395	.26+a	b+c	.015
Repair Helpers	5.61	.395	.26+a	b+c	.015
Glaziers	8.70	.70	.65	d	.02
Ironworkers; Structural Ornamental and Reinforcing - nearest town as listed below:					
Easton, Pennsylvania	10.00	.64	1.06		
Perth Amboy	9.62	7%	23%	10%	1%
Laborers, Building:					
Laborers, Air Tool Operators, Jackhammers, Vibrators, Mason Tenders & Pipe Layers, Wreckers, Excavation	6.70	.50	.50		
Lathers	6.65	.25	.25		.01
Lead Burners	9.25	.35		e	.01
Linemen & Pipe Type Cable:					
Linemen, Cable Splicers, Hole Digging Equipment, Truck with winch or pole and Steel Handling Truck with out winch	10.81	4%	1%+.50		

DECISION NO AR-2075

19-N.J.-1-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Marble Setters	$7.80	.78	.94		
Marble Setters' Helpers	7.33	.74	.88		
Painters:					
Commercial & Industrial	7.70	.84	1.38	.38	
Steel, High Hazardous Work and Bridges	8.20	.84	1.38	.38	
Spray	9.77	.84	1.38	.38	
Plumbers & Steamfitters	8.07	.35	.75	.90	.10
Roofers:					
Composition, Damp and Waterproofing	10.27	.70	.50		
Slate, Tile and Asbestos	9.05	.30	.20		
Slate, Tile and Asbestos Helpers	7.95	.30	.20		
Soft Floor Layers	9.43	6%	5%	.37	
Sprinkler Fitters	10.53	.50	.70		.07
Sheet Metal Workers	9.75	5%	4%+.03		.07
Terrazzo Workers	8.71	.45+.62	1.19		
Terrazzo Workers' Helpers	7.43	.45+.45	.45		
Terrazzo Machine Operators	7.68	.45+.45	.45		
Tile Setters	8.10	.60	1.00+.50		

FOOTNOTES:

a. Employer contributes $8.00 per day to an Annuity Fund.

b. Paid Holidays: New Year's Day; Lincoln's Birthday; Washington's Birthday; Memorial Day; Independence Day; Labor Day; Columbus Day; Election Day; Armistice Day; Thanksgiving Day; Christmas Day.

c. Employer contributes 6.4% of the basic hourly rate for 5 years or more of service or 4.2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week's Vacation after one year's work; two weeks Vacation after 4 years work; three weeks Vacation after 15 years work.

e. Paid Holidays: New Year's Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day - plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular schedule work days immediately preceding and following the holiday.

DECISION NO. AR-2075 P.3 N.J.-2-LAB-2-3-C 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hanger and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, chaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

DECISION NO. AR-2075 P.4 N.J.-2-LAB-2-3-C 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

XUM

LABORERS, ASPHALT	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
Streets:						
Head rakers	$ 7.20	.51	.54	a		
Rakers	7.05	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.80	.51	.54	a		
Plant:						
Scale mixer and burner men	7.05	.51	.54	a		
Feeders and dust men	6.80	.51	.54	a		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base tricmor (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econosobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pump-orete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders heitel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:
curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

XUM

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-comb., subgrader, base M.D. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-comb. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumperete, squeezecrete and similar types, conveyors (125' and over), econocobbles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumperete (unit type), pumprete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and accustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:

compressor or hydraulic unit), pipe bending machine (power), pitch pots, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gac or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric convertors of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

XUM

DECISION NO. AR-2075 P. 13 NJ-4-TD-1-2-3-J 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	a	.71	b+c	
Euclids, international harvesters, watcos, caterpiller, koehring, tractors and wagons, dumpster, straight, bottom, rear and side dump, carry-alls and scrapers (not self-loading - loading over the top), water sprinkler trailers, water pulls and similar types of vehicles	7.15	a	.71	b+c	
Tractor and trailer type vehicles, flat, floats, I-Beams, low beds, water sprinkler, bituminous, transit mix, road oil, fuel, bottom dump hopper, rear dump, office, shanty, epoxy, asphalt, agitator mixer, mulching stringer, seeding, fertilizing pole, spread bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer	7.15	a	.71	b+c	
Straight three axle materials: Trucks and floats	7.05	a	.71	b+c	
Straight dumps, flats, floats, pickups, container haulers, fuel, water sprinkler, road oil, stringer, bead, hot pass, bus, dumpcrete transit mixers, agitator mixer, half track, winch truck, side-o-matic, dynamite, powder, x-ray, welding skid, jeep, station wagon, stringer A-Frame, all dual purpose trucks, trucks with mechanical tail gates, asphalt distributor, batch trucks, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor,					

DECISION NO. AR-2075 P.14 NJ-4-TD-1-2-3-J 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd) hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor and spreader nipper, fuel trucks (drivers on fuel trucks including handling of hose and nozzle - entire unit), team drivers, vacuum or vac-all trucks (entire-unit), concrete mobile trucks (entire unit), expediter, beltcrete trucks, line truck reel truck, wreckers or tow trucks, utility trucks, tack trucks	$7.00	a	.71	b+c	
Helper, when required on broyhill coal tar expoxy truck, asphalt, bituminous distributor truck	7.00	a	.71	b+c	
Drivers on broyhill coal tar epoxy trucks, littleford bituminous distributor, slurry seal truck or venicle, thiokol trackmaster pickup (swamp cat pickup), bucket loader dump truck or any rubber tired tractor used in pulling and towing farm wagons and trailers of any description	7.00	a	.71	b+c	
Teamster mechanic	7.00	a	.71	b+c	
Mechanic helper	6.77	a	.71	b+c	

FOOTNOTES:

b. Paid Vacations: Employees working 80 days within a year shall receive 1 week, 125 days receive two weeks vacation, 145 days receive 2 weeks vacation, 15 years seniority and 145 days worked shall receive 4 weeks vacation.

c. Paid Holidays: A-F, Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day providing the employee has been assigned to work or shapes one day of the calendar week during which the holiday occurs.

NEW DECISION

STATE: NEW JERSEY COUNTY: HUNTERDON

DECISION NO.: AR-2076 DATE: DATE OF PUBLICATION

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

10-H.J.-1-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers:					
Tewksbury and Califon	$9.202	.5803	.4971		.02
Remainder of County	9.85	.50	.50		.02
Boilermakers	9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Bricklayers, Cement Masons, Plasterers and Stone Masons: Califon, Oldwick, Annandale, Lebanon, White House Station, Readington, Stanton and Three Bridges	9.80	.50	.50		
Remainder of County	9.99	.30	.30		.02
Carpenters & Insulators: Baptistown, Barbertown, Croton, Flemington, Flemington Junction, Frenchtown, Lambertville, Linvale, Lockton, Mt. Airy, Muirheic, Raven Rock, Reaville, Rosemont, Ringoes, Three Bridges, Sergeantville, Sand Brook, Stockton, Unionville and Wertsville:					
Carpenters & Insulators	9.85	.50	.55		.02
Millwrights	9.85	.50	.55		.02
Remainder of County:					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Electricians and Cable Splicers	10.83	4%	15%+.30		.02
Elevator Constructors:					
Mechanics	9.10	.395	.26+c	a+b	.015
Helpers	6.83	.395	.26+c	a+b	.015
Probationary Helpers	4.55				
Modernization	8.33	.395	.26+c	a+b	.015
Modernization Helpers	6.25	.395	.26+c	a+b	.015
Repair	7.48	.395	.26+c	a+b	.015
Repair Helpers	5.61	.395	.26+c	a+b	.015
Glaziers	8.70	.70	.65	d	.02
Ironworkers; Structural, Ornamental and Reinforcing - nearest town as listed below:					
Easton, Pennsylvania	10.00	.64	1.06		
Perth Amboy	9.62	7%	23%	10%	1%

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DECISION NO. AR-2076 10-H.J.-1-2-3-A

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers, Building: Laborers	$7.10	.30	.20		
Plasterers' Tenders and Hod Carriers	7.35	.30	.20		
Power Tool Operators	7.35	.30	.20		
Lathers	6.65	.25	.25		
Lead Burners	9.25	.35		f	.01
Marble Setters	7.80	.78	.94		
Marble Setters' Helpers	7.33	.74	.88		
Painters: Brush	8.40	.50	.50	.10	
Structural Steel & Tanks under 30'	8.55	.50	.50	.10	
Structural Steel & Tanks 30' and over	9.00	.50	.50	.10	
Bridges, TV, Radio, Water Towers and Stacks	9.00	.50	.50	.10	
Plumbers & Steamfitters	9.15	.64	.77	1.10	.09
Roofers	9.70	.40	.50		
Sheet Metal Workers	8.93	.30	.50		.02
Soft Floor Layers	9.43	6%	5%	.37	
Sprinkler Fitters	10.00	.50	.70		.08
Terrazzo Workers	8.71	.45+.62	1.39		
Terrazzo Workers' Helpers	7.43	.925	.475		
Terrazzo Machine Operators	7.68	.925	.475		
Tile Setters	8.10	.60	1.50		
Welders - rate prescribed for craft performing operation to which welding is incidental.					

XUM

DECISION NO. AR-2076 10-N.J.-1-2-3-A

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. T
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, pavef, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dunpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.67	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F; plus Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

b. Employer contributes 6.4% of the basic hourly rate for 5 years or more of service or 4.2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Employer contributes $8.00 per day to an Annuity Fund.

d. One week vacation after one year's work; two weeks vacation after four years' work; three weeks vacation after 15 years' work.

e. Employer contributes 1.50 to a combined Health & Welfare and Pension fund.

f. Paid Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceeding and following the holiday.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	Apr. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$ 7.20	.51	.54	a		
Rakers	7.05	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.80	.51	.54	a		
Plant:						
Scale mixer and burner men	7.05	.51	.54	a		
Feeders and dust men	6.80	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

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BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or consolo type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary(except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theirse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeeze-crete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

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DECISION NO. AR-2076 P.11 NJ-2-PEO-3-B 2 of 3

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:

compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

DECISION NO. AR-2076 P.12 NJ-2-PEO-3-B 3 of 3

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

DECISION NO. AR-2076 P.13 NJ-4-PEO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO. AR-2076 - P.14 New Jersey 1-TD-1-2-3-0 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	.61½	.69	a + b	
Euclid, International Harversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	7.15	.61½	.69	a + b	
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	7.05	.61½	.69	a + b	
Straight three-axle materials: Truck and floats	7.00	.61½	.69	a + b	
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch trucks side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader,					

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DECISION NO. AR-2076 P.15

New Jersey 1-TD-1-2-3-G 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (CONT'D) nipper, fuel trucks (driver on fuel including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), belcrete trucks, pump-crete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	$7.00	.61½	.69	a + b	
Teamster mechanic	7.00	.61½	.69	a + b	
Mechanic helper	6.77	.61½	.69	a + b	

FOOTNOTES:

a. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hrs.), 125 days receive two weeks vacation (96 hrs.), 145 days receive 15 days (120 hrs.), 15 years seniority and 145 days receive 4 weeks vacation (160 hrs.).

b. Paid Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day, provided the employee has been assigned to work or shapes one day of the calendar week during which the holiday falls.

NEW DECISION

AR-3169 P. 2

STATE: Ohio COUNTY: Ashtabula
DECISION NUMBER: AR-3169 DATE: Date of Publication
DESCRIPTION OF WORK: Building, including Residential Construction

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos worker (Cities of Ashtabula & Geneva)	$11.38				
Asbestos Worker (Remainder of Co.)	9.69	.30	.30		.04
Boilermaker	10.03	.50	.85	.	.01
Bricklayer & Stonemason	8.77	.50	.45	1.00	
Carpenters	10.50	.47	.60		.03
Millwrights	10.50	.47	.60		.03
Piledrivermen	10.30	.47	.80		.03
Cement masons	8.77	.50	.45	1.00	
Electricians: (Colebrook, Wayne, Williamsfield, Orwell & Windsor Townships)	10.40	.40	5%		.1%
Electricians: (Remainder of County)	10.45	.45	1%+.50		.2%
Elevator constructors	8.82	.39	.26	2½%+a+b	.02
Elevator constructor's helpers	70%NR	.39	.26	2½%+a+b	.02
Elevator constructor's helpers (prob.)	50%NR				
Glaziers	9.73	.40	.65		.01
Lathers	10.41				.01
Leadburners	8.75		.30	a	
Marble setters	8.77	.50	.45	1.00	
Painters:					
Commercial & Residential brush	7.22	.25	.10		
Old work - Industrial	7.47	.25	.10		
New work - Industrial	7.77	.25	.10		
Spray; Sandblast & Waterblast	8.05	.25	.10		
Pipefitters & Sprinkler fitters	10.12	.75	.70		.05
Plasterers	8.77	.50	.45	1.00	
Plumbers	10.23	.55	.70		.02
Roofers	10.63	.25	.50		
Sheet metal workers	10.58		.80		.02
Soft floor layers (resilient)	10.50	.47	.60		.03
Terrazzo workers	8.77	.50	.45	1.00	
Tile setters	8.77	.50	.45	1.00	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

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PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D- Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Six paid Holidays, A through F.

b. Employer contributes 1% of regular hourly rate to Vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to Vacation Pay Credit for employee who has worked in business less than 5 years.

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Colebrook, Orwell, Wayne, Williamsfield & Windsor Townships:					
Linemen, Cablesplicer Operator, pole digging equipment operator	$10.75	.30	1%		
Groundman - over 18 mos.	9.75	.30	1%		
Groundman - 3rd 6 mos.	9.71	.30	1%		
Groundman - 2nd 6 mos.	9.65	.30	1%		
Groundman - 1st 6 mos.	9.60	.30	1%		
Remainder of Ashtabula County:					
Lineman, Equipment operator					
Cable splicer, line truck driver	10.45	.45	1%+.50		.2%
Groundman: over 12 mos.	7.85	.45	1%+.50		.2%
Groundman: 6-12 mos.	6.80	.45	1%+.50		.2%
Groundman: 0-6 mos.	5.75	.45	1%+.50		.2%

OHIO - 26 - LAB K

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Other
LABORERS:						
Powder Blasters	$8.20					
Gunnite operators	8.15					
Tunnel laborers	8.05					
Stackmen, swinging scaffold men	7.95					
Air & machine driven tool op., sewer pipe layers, bottom men (6 ft. & over), power driven wheelbarrows & sweepers, brick batter & droppers	7.85					
Spreader box men (asphalt), stone masons' assistant plasterers or motor mixers squeegee man	7.80					
Sheeting & shoring men, asphalt rakers and tampers, dumpmen (batch truck), signalmen, concrete workers, building wreckers, tool checkers, carpenters' tenders, construction laborers, all work not mentioned in above classifications to be paid at the rate of Construction Laborers	7.65					

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DECISION NO. AR-3035

OHIO 3-PEO A

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP A	$10.17	.46	.80		.11
GROUP B	10.02	.46	.80		.11
GROUP C	9.67	.46	.80		.11
GROUP D	8.89	.46	.80		.11
GROUP E	8.57	.46	.80		.11
GROUP F	7.84	.46	.80		.11

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, O.M.I. type equipment, endloaders, Rohlan type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher; rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finichin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

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MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4050 - Mod. #1 (39 FR 38077 - October 25, 1974) Dade County, Florida Change: Decision Number to Read: AR-4050					
DECISION #AQ-4070 - Mod. #2 (39 FR 31791 - August 30, 1974) Alachua County, Florida Change: Decision Number on Mod. #1 to Read: AR-4026					
DECISION #AR-26--MOD. #2 (39-FR-33948--September 20, 1974) Woodbury County (City of Sioux City & abutting municipalities), Iowa CHANGE: BUILDING CONSTRUCTION: Electricians Sprinkler Fitters	 $8.98 9.40	 .27 .50	 1% .70	 	 1% .08
DECISION #AM-6712--MOD. #1 (37-FR-7429--April 14, 1972) Carroll,Cass,Clay,Crawford,Howard, Monona,O'Brien,Osceola,Ringgold, Taylor,Van Buren Counties, Iowa OMIT FROM LOCATION: Van Buren County					

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-62--MOD. #2 (39-FR-36736--October 11, 1974) Dubuque County (City of Dubuque and abutting municipalities), Iowa CHANGE: Roofers Ironworkers (Remainder of County) Sprinkler Fitters	 $7.35 9.10 9.40	 .50	 .70	 	 .02 .08	
DECISION #AR-27--MOD. #2 (39-FR-33950--September 20, 1974) Johnson County (City of Iowa City & abutting municipalities), Iowa CHANGE: BUILDING CONSTRUCTION: Sprinkler Fitters	 $9.40	 .50	 .70	 	 .08	
DECISION #AR-57--MOD. #2 (39-FR-36724--October 11, 1974) Linn County, Iowa CHANGE: BUILDING CONSTRUCTION: Sprinkler Fitters	 $9.40	 .50	 .70	 	 .08	
DECISION #AR-61--MOD. #2 (39-FR-36733--October 11, 1974) Polk County, Iowa CHANGE: BUILDING CONSTRUCTION: PAINTERS: Brush,roller,drywall,finisher Paperhangers Spray,Structural Steel, Sandblasting Tower work over 100',Stack Sheet Metal Workers Sprinkler Fitters	 $8.14 8.39 8.64 9.24 8.725 9.40	 .35 .50	 .20 .70	 	 .03 .03 .03 .03 .05 .08	

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-65--MOD. #2 (39-FR-36745--October 11, 1974) Black Hawk County (City of Waterloo & abutting municipalities), Iowa CHANGE: BUILDING CONSTRUCTION: Sprinkler fitters	 $9.40	 .50	 .70	 	 .08	
DECISION #AR-66--MOD. #2 (39-FR-36748--October 11, 1974) Cerro Gordo County (City of Mason City), Iowa CHANGE: BUILDING CONSTRUCTION: Sprinkler Fitters ADD: BUILDING CONSTRUCTION: Sheet Metal Workers	 $9.40 7.03	 .50 .35	 .70 .20	 	 .08 .02	
DECISION #AR-64--MOD. #2 (39-FR-36742--October 11, 1974) Clinton County (City of Clinton & abutting municipalities), Iowa CHANGE: BUILDING CONSTRUCTION: Sprinkler Fitters	 $9.40	 .50	 .70	 	 .08	
DECISION #AR-58--MOD. #2 (39-FR-36727--October 11, 1974) Des Moines County (City of Burlington & abutting municipalities and Burlington Ordnance Plant), Iowa CHANGE: BUILDING CONSTRUCTION: Sprinkler Fitters Roofers	 $9.40 6.35	 .50	 .70	 .25	 .08	

MODIFICATIONS P. 4

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
DECISION #AR-67--MOD. #2 (39-FR-36751--October 11, 1974) Pottawattamie County (City of Council Bluffs & the area within 3 miles from the city limits), Iowa CHANGE: BUILDING CONSTRUCTION: Bricklayers; Stonemasons Electricians Sprinkler Fitters	 $8.375 10.08 9.40	 .35 .48 .50	 .30 1% of .50 .70	 .60 	 1% .08	
DECISION #AR-19--MOD. #2 (39-FR-33926--September 20, 1974) Scott County, Iowa CHANGE: BUILDING CONSTRUCTION: Sprinkler Fitters	 $9.40	 .50	 .70	 	 .08	
DECISION #AR-63--MOD. #1 (39-FR-36739--October 11, 1974) Story County, Iowa, (City of Ames & abutting municipalities) CHANGE: BUILDING CONSTRUCTION: Sprinkler Fitters	 $9.40	 .50	 .70	 	 .08	
DECISION #AR-60--MOD. #1 (39-FR-36730--October 11, 1974) Webster County (City of Fort Dodge), Iowa CHANGE: BUILDING CONSTRUCTION: Sprinkler Fitters	 $9.40	 .50	 .70	 	 .08	

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4014 - Mod. #2 (39 FR 28044 - August 2, 1974) McCracken County, Kentucky					
Change:					
Plasterers	7.01				
Roofers	6.30		.10		.03
POWER EQUIPMENT OPERATORS					
Class A	8.35	.25	.25		
Class B	6.51	.25	.25		
Class C	6.02	.25	.25		
DECISION #AR-4018 - Mod. #2 (39 FR 28836 - August 9, 1974) Fayette County, Kentucky					
Change:					
Bricklayers	8.50	.25	.25		
Plumbers & Steamfitters	9.30	.25	.45		.02
Stonemasons	8.50	.25	.25		
DECISION NO AR-13 - Mod. #3 (39 FR 29884 - August 16, 1974) Douglas and Sarpy Counties, Nebraska					
Change:					
Roofers:					
Composition	$6.88	.15	.20	.20	.01
Slate; tile	7.18	.15	.20	.20	.01
DECISION #AR-3048 - Mod. #4 (39 FR 27992 - August 2, 1974) Statewide, Ohio					
Change:					
Linemen					
Zone 2 - Allen, Auglaize, Hardin, Logan, Mercer, Shelby, Van Wert Countiee & remainder of Wyandot County	$ 9.54	.32	~~.34~~ .37		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision # AR-2001 - Mod. # 3 (39 FR 24803 - July 5, 1974) Franklin County, Pennsylvania					
Change:					
Painters:					
Townships of Metal Letterkenny, Hamilton, Greene, S. Hampton, Lurgan, Fannett, Chambersburg, Shippensburg, Orinda & Tempo					
Borough:					
Brush	$7.43	.20	.15		
Structural Steel	7.88	.20	.15		
Spray	8.18	.20	.15		
Sheet metal workers	9.18	.52	.50		.01
Decision # AR-2009 - Mod. #2 (39 FR 26619 - July 19, 1974) Cumberland, Dauphin, Perry, Junita, New Cumberland Depot in York County, Pennsylvania					
Change:					
Boilermakers	10.20	.65	1.00		.02
Painters:					
Brush	7.43	.20	.15		
Structural Steel	7.88	.20	.15		
Spray	8.18	.20	.15		
Tank, bridges, stacks	8.68	.20	.15		
Sheet metal workers	9.18	.52	.50		.01
Roofers	8.36	.25	.30		
Decision # AR-2030 - Mod. # 1 (39 FR 31851 - August 30, 1974) Lancaster County, Pennsylvania					
Change:					
Painters:					
Elizabeth Dowetal Township					
Brush	7.43	.20	.15		
Steel	7.88	.20	.15		
Spray	8.18	.20	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Decision # AQ-2079 - Mod. # 2 (39 FR 11803 - March 29, 1974) Lycoming County, Pennsylvania					
Change:					
Bricklayers & Stonemasons	$8.60	.40	.30	.015	.015
Electricians	8.88	.28	17+ .10	.40	.02
Laborers:					
Unskilled laborers, scaffold builders, wrecking, window cleaners & demolition	6.30	.20	.25		
Mason tender	6.40	.20	.25		
Operator of jackhammers, paving breakers, vibrators & other pneumatic & mechanical tools comlog under the jurisdiction of laborers, wagon drill operators, excavating for caisson, under pinning & pier holes (below 12'), non-metallic pipe layers, plaster tenders, mortar men (mixed by hand), handling & using cutting or burning torches in the wrecking of buildings	6.45	.20	.25		
Painters:					
Brush	6.95		.20		
Steel	7.25		.20		
Spray	7.65		.20		
Sandblasting	7.80		.20		--
Plumbers & Steamfitters	8.31	.41	.35	.20	.03
Decision # AQ-2080 - Mod. # 4 (39 FR 12571 - April 5, 1974) Lebanon County, Pennsylvania					
Change:					
Glaziers:					
Twps. of Bethel, Jackson, Mill Creek, Lebanon, E. of Rte. 72, Heidleberg and Richland	8.14	.35	.10		.01
Painters (West of Route 72)					
Brush	7.43	.20	.15		
Steel	7.88	.20	.15		
Spray	8.18	.20	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-38 - Mod. #4 (39 FR 34000 - September 20, 1974) Kleberg & Nueces Counties, Texas					
Change:					
Bricklayers	$6.98	.18	.15		.02
Marble setters	6.38				.02
Plasterers	7.75				.01
Plumbers-steamfitters	6.85	.15	.25		.035
Terrazzo workers	6.38				.02
Tile setters	6.38				.02
DECISION #AR-41 - Mod. #4 (39 FR 34005 - September 20, 1974) Galveston & Harris Counties, Texas					
Change:					
Painters:					
Remainder of Harris County:					
Group 1	7.545	.275	.30	.40	.04
Group 2	7.92	.275	.30	.40	.04
Group 3	7.67	.275	.30	.40	.04
Group 4	8.17	.275	.30	.40	.04
Galveston County:					
Group 1 - Painter on new work	6.75	.55	.45	.665	.02
Group 2 - Painters on swinging stage work or using materials injurious to the skin on new work	7.00	.55	.45	.665	.02
Group 3 - Painters on rework and repaint	6.50	.55	.45	.665	.02
Pipefitters:					
That part of Galveston County East of the Trinity River:					
Commercial work up to $50,000	7.74	.275	.30		.02
Commercial work $50,000 & over	8.17	.275	.30		.02

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MODIFICATIONS P. 9

DECISION #AR-41 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Plumbers:					
Harris County	$8.36	.36	.52	.50	.10
Galveston County:					
Commercial work up to $50,000	7.74	.275	.30		.02
Commercial work $50,000 & over	8.17	.275	.30		.02
DECISION #AR-48 - Mod. #2 (39 FR 35060 - September 27, 1974) Jefferson & Orange Counties, Texas					
Change:					
Carpenters: Residential construction of not more than two units and condominium townhouses of not more than 6 units, excluding all apartment construction and multiple buildings for rental purposes	$7.45		.30		
DECISION #AR-55 - Mod. #2 (39 FR 35901 - October 4, 1974) Bowie County, Texas					
Change:					
Ironworkers	7.95	.30	.35		.04
DECISION #AR-69 - Mod. #2 (39 FR 37352 - October 18, 1974) El Paso County, Texas					
Change:					
Electricians:					
Electricians	7.45	.25	1%		1/2%
Cable splicers	7.70	.25	1%		1/2%
Glaziers	5.47	.24			
Line construction:					
Lineman-technician; Equipment operators	7.45	.25	1%		1/2%
Cable splicers	7.70	.25	1%		1/2%
Groundman	75%JR	.25	1%		1/2%
Groundman (less than 6 months)	50%JR	.25	1%		1/2%

MODIFICATIONS P. 10

DECISION #AR-69 (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush, paperhangers	$5.51	.24			.01
Steel after erection, steam cleaning, buffing with power driven tools	5.925	.24			.01
Spray, sandblasting, water-blasting, swing stage	6.215	.24			.01
Tapers, roller 9" in width	5.51	.24			.01
Ames tools	5.73	.24			.01
Striping machine	6.21	.24			.01
Sheet metal workers	7.70	.29	.20		.005
Soft floor layers	5.36 /	.24			.01
DECISION #AR-100A - Mod. #2 (39 FR 27415 - July 26, 1974) Converse, Goshen, Laramie, Natrona, Niobrara and Platte Counties, Wyoming					
Change:					
Cement Masons:					
Cement Masons	$7.05				
Working with composition material; Scaffold, swinging stage or temporary platform over 8' high; Operator of power machines	7.30				
Working on scaffold, swing stage or temporary platform over 20' high	7.55				
Electricians:					
Converse and Natrona Counties Electricians	8.39	.42	1%		4/10%

SUPERSEDEAS DECISION

STATE: Arkansas COUNTY: Statewide
DECISION NO.: AR-71 DATE: Date of Publication
Supersedes Decision No. AQ-89, dated March 29, 1974 in 39 FR 11822
DESCRIPTION OF WORK: Construction, alteration, and/or repair of streets, highways, runways, and water and sewer utilities.

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DECISION NO. AR-71

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Bricklayers	$4.26				
Carpenters	4.26				
Concrete finisher	4.00				
Ironworkers:					
Structural	3.80				
Reinforcing	3.00				
Laborers:					
Air tool operator	3.00				
Asphalt heater operator	3.00				
Asphalt raker	3.50				
Carpenter helper	3.10				
Chain saw operator	3.00				
Checker grade	3.10				
Concrete finisher helper	3.00				
Concrete joint sealer	3.00				
Concrete saw operator	3.00				
Form setter (pavement)& pipelayer	3.26				
Laborer	2.50				
Powderman	3.76				
Vibratorman	3.00				
Painter	3.76				
Pile driver leadman	3.74				
Power Equipment Operators:					
Aggregate spreader operator	3.26				
Asphalt plant drier operator	2.76				
Asphalt plant fireman	2.76				
Batch plant operator	3.30				
Backhoe operator rubber tired (1 yard or less)	3.76				
Bulldozer Operator:					
Finish	4.00				
Rough	3.60				
Bull float operator	3.50				
Cherry picker operator	3.60				
Concrete curing machine operator	3.76				
Concrete mixer operator (less than 5 sacks)	3.00				
Concrete mixer operator (5 sacks or over)	4.00				
Concrete paver operator	4.00				
Concrete spreader operator	4.00				
Crane, Derrick, Dragline, Shovel, Backhoe operator (1½ yd. or less)	4.26				
Crane, Derrick, Dragline, Shovel, Backhoe Operator (over 1½ yd.)	4.26				
Power Equipment Operators (cont'd)					
Crusher operator	$3.26				
Distributor operator	3.26				
Drill operator (wajon or truck)	3.56				
Elevating grader operator	4.00				
Euclid or like equipment operator (bottom or end dump)	3.26				
Finishing machine operator (concrete or asphalt)	3.76				
Fork lift operator	3.00				
Form grader operator	3.00				
Front and loader operator:					
Finish	4.00				
Rough	3.60				
Hydro seeder operator	3.26				
Mechanic	4.00				
Mechanic helper	3.00				
Motor patrol operator:					
Finish	4.00				
Rough	3.60				
Mulching machine operator	3.26				
Oiler and greaser	3.10				
Pile driver operator	3.74				
Pub mill operator	3.00				
Roller operator (self-propelled)	3.00				
Scraper Operator:					
Finish	4.00				
Rough	3.60				
Sod slicing machine operator	3.00				
Stabilizer mixing machine operator	3.40				
Tractor operator (crawler type)	3.24				
Tractor operator (farm & wheel)	3.00				
Tractor operator wheel type (with attachments 1 yard or under)	3.26				
Trenching machine operator	3.26				
Stonemasons	4.26				
Truck Drivers:					
Distributor truck driver	3.26				
Semi-trailer	3.40				
Lowboy driver	3.60				
Transit mix truck driver	3.10				
Truck driver (heavy-maximum pay load in excess of 3000 lbs.)	3.00				
Truck driver (light-maximum pay load 300 lbs.)	3.00				
Welder, finish	4.00				
Welder, rough	3.60				

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SUPERSEDEAS DECISION

STATE: Idaho
DECISION NUMBER: AR-1046
COUNTIES: Statewide
DATE: Date of Publication
Supersedes Decision No. AR-1011 dated September 27, 1974 in 39 FR 34985
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and nigmway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Northern half of Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	$ 9.70	.44	.75		
Remainder of Counties and Southern half of Idaho	8.71	.50	.82		
BOILERMAKERS	7.95	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons:					
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, Twin Falls Counties	7.40	.25			
Bingham (South half), Bannock, Bear Lake, Caribou, Franklin, Oneida, Power Counties	7.15	.25	.30		
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	7.40	.40	.30		
Idaho, Clearwater, Latah, Lewis, Nez Perce Counties	8.15	.30			
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	8.11				
CARPENTERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the Northern boundary of Township 29 North), Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Carpenters	7.89	.50	.55		.045
Piledrivermen; Sawfilers; Stationary Power Woodworking Tool Operator; Floor Layer; Floor Finisher; Floor Sander	8.04	.50	.55		.045
Shingler (wood and composition)	8.09	.50	.55		.045
Carpenters (burned, charred, creosoted or similarly treated material); Boom Man	8.14	.50	.55		.045
Millwrights and Machine Erector	8.39	.50	.55		.045
Piledriver (creosoted material)	8.29	.50	.55		.045

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS: (Cont'd)					
Remainder of Counties and Idaho County (South of the Northern boundary of Township 29 North)					
Carpenters; Floor Layer; Shingler; Drywall Applicator and Installer	$ 7.42	.32	.30	.40	.10
Saw Filer; Piledriverman; Bridgeman and Wharf Builders	7.59	.32	.30	.40	.10
Millwrights; Machine Erectors; Piledriverman's Boom Man	7.71	.32	.30	.40	.10
CEMENT MASONS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Cement Masons	7.83	.45	.60		.04
Gunnite; Power Machine; Power Tools; Power Troweling Machine; Troweling Magnesite or other material with oxichloride base	7.98	.45	.60		.04
Remainder of Counties and Idaho County (South of 46th Parallel)					
Cement Masons	7.20	.40	.30	.20	.10
Power Trowel; Power Grinder; Gunnite and Compoeition Floor Layer	7.40	.40	.30	.20	.10
ELECTRICIANS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Electricians	8.05	.35	1% + .40		.02
Cable Splicers	8.45	.35	1% + .40		.02
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties					
Electricians	8.48	.40	1%+.25		1%
Cable Splicers	9.328	.40	1%+.25		1%
Remaining Counties					
Electricians-Technicians	8.50	.40	1% + .25		1%
Cable Splicers	9.35	.40	1% + .25		1%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Elevator Constructors	7.94	.395	.26	2% + a	
Elevator Constructors' Helpers	70%JR	.395	.26	2% + a	
Elevator Constructors' Helpers (Prob.)	50%JR				
Remainder of Counties and Idaho County (South of 46th Parallel)					
Elevator Constructors	7.50	.395	.26	2% + a	
Elevator Constructors' Helpers	70%JR	.395	.26	2% + a	
Elevator Constructors' Helpers (Prob.)	50%JR				
GLAZIERS:					
Bonner, Boundary, Kootenai, Shoshone Counties	6.345	.25		b	
Benewah, Clearwater, Idaho (North of 46th Parallel), Latah, Lewis, Nez Perce Counties	6.29	.25		b	
Ada, Adams, Boise, Canyon, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western part of County from a line running north and south through the eastern limits of Bliss), Idaho (Southern part of County from a line running east and west through the North limits of Elk City), Owyhee, Payette, Valley, Washington Counties	6.14	.25	.30	.23	
IRONWORKERS (Ornamental-Structural-Reinforcing)					
Adams, (North of the Weiser-Gibbonsville Line), Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lemhi (North of the Weiser-Gibbonsville Line), Lewis, Nez Perce, Shoshone, Valley, (North of the Weiser-Gibbonsville Line), Washington (North of the Weiser-Gibbonsville Line) Counties	7.95	.48	.80		.05
Remaining Counties and Adams, Lemhi, Valley, Washington Cos. South of the Weiser-Gibbonsville Line	8.09	.50	.75		.01

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington and Idaho County (South of the 46th Parallel)	$6.65				
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	8.48	.45			
MARBLE SETTERS:					
Clearwater, Idaho, Latah, Lewis, Nez Perce Counties	8.15	.30			
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minnidoka, Twin Falls Counties	7.40	.25			
PAINTERS:					
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Camas, Caribou, Cassia, Clark, Custer, Franklin, Fremont, Gooding (except Bliss and Western 1/3 of County), Jefferson, Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties					
Brush; Perfatapers	6.31	.25	.10		
Structural Steel; Swing Stage; Spray	6.76	.25	.10		
Ada, Adams, Boise, Elmore, (except Mt. Home AFB), Gem, Gooding, (Western 1/3 of County incl. Bliss), Owyhee, Idaho (South of the 46th Parallel), Valley, Washington Counties					
Brush, Paperhangers; Drywall Tapers	6.56	.25	.10		.02
Steel	6.66	.25	.10		.02
Sign	6.68	.25	.10		.02
Spray; Sandblasting; Toxic Material	7.03	.25	.10		.02
Elmore (Mt. Home AFB)					
Brush; Paperhangers	7.11	.25	.10		
Structural Steel	7.21	.25	.10		
Spray; Sandblasting; Pressure Roller	7.58	.25	.10		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS: (Cont'd)					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.					
Brush	$8.06	.31	.45		.02
Spray; Steel; Steam Cleaning; Rollers (over 9" or 10' handle), Finish Drywall Taper	8.31	.31	.45		.02
Swing Stage and over 30 feet high	8.41	.31	.45		.02
Bituminastic; Sand Blast; Bridges; Towers; Stacks; Steeples; Tanks on legs	8.45	.31	.45		.02
Electric, TV and Radio Transmission Towers	8.81	.31	.45		.02
PLASTERERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties	8.48	.45			
Remaining Counties	7.00	.32	.20	.20	
PLUMBERS:					
Benewah, Bonner, Boundary, Clearwater, Idaho (North of the 46th Parallel), Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	9.14	.33	.85	.56	.10
Remaining Counties and Idaho Co. (South of the 46th Parallel)	8.14	.37	.40		.10
ROOFERS:					
Bannock, Bear Lake, Bingham, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	7.25		.20		
Ada, Adams, Boise, Camas, Canyon, Custer, Elmore, Gem, Idaho, (South of the 46th Parallel), Lemhi, Owyhee, Payette, Valley, Washington Counties					
Roofers; Kettlemen	7.05	.33	.20		
Roofers working with coal tar and pitch products	8.55	.33	.20		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties					
Roofers	7.00	.30	.15		
Roofers working with pitch products	8.00	.30	.15		

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS: (Cont'd)					
Clearwater, Idaho (North of the 46th parallel), Latah, Lewis, Nez Perce, Counties					
Roofers; Kettleman; Water-proofers	$7.45				
SHEET METAL WORKERS:					
Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone Cos.	8.05	.32	.78	.50	
Bannock, Bear Lake, Bingham, Blaine, Bonneville, Butte, Caribou, Clark, Franklin, Fremont, Jefferson, Madison, Oneida, Power, Teton Counties	7.28	.32	.24		.02
Remaining Counties	7.41	.32	.30		.04
SOFT FLOOR LAYERS:					
Bannock, Bear Lake, Bingham, (South from a line running east and west thru northern limits of Blackfoot incl. AEC Test Site), Blaine, Butte (South from a line running east and west thru northern limits of the AEC Test Site), Bonneville (South from a line running east and west thru northern limits of Blackfoot), Camas, Caribou, Cassia, Clark, Franklin, Fremont, Gooding, Jefferson, (that portion containing AEC Test Site), Jerome, Lemhi, Lincoln, Madison, Minnidoka, Oneida, Power, Teton, Twin Falls Counties	6.70				
SPRINKLER FITTERS	9.40	.50	.70		.08
TERRAZZO WORKERS and TILE SETTERS:					
Ada, Adams, Boise, Canyon, Elmore, Gem, Owyhee, Payette, Valley, Washington Counties	6.25	.40	.30		
Bannock, Bear Lake, Bingham, (Southern half), Caribou, Franklin, Oneida, Power Counties	6.25	.25	.30		
Benewah, Bonner, Boundary, Kootenai, Shoshone Counties	7.98				
Blaine, Camas, Cassia, Gooding, Jerome, Lincoln, Minidoka, and Twin Falls Counties	7.40	.25			

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS' and TILE SETTERS' HELPERS					
Benewah, Bonner, Boundary, Clearwater, Idaho, Kootenai, Latah, Lewis, Nez Perce, Shoshone Counties					
Terrazzo and Tile Setters' Helpers	$6.10				
Finisher Helper	6.55				

WELDERS: Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer credits 4% basic hourly rate of employee with over 5 years' service, 2% basic hourly rate for 6 months to 5 years' service to vacation plan. Six Paid Holidays: A through F.
b. All employees who have been employed for a period of one year after the effective data of this agreement shall have two weeks vacation with pay. All employees with 10 years continuous service shall receive three weeks' vacation with pay.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Idaho, Latah, Lewis, Nez Perce and Shoshone Counties)					
Cable Splicers; Leadman Pole Sprayer	$9.68	.35	1%	.10	1/2%
Lineman; Pole Sprayer; Heavy Line Equipment Man; Certified Lineman Welder	8.74	.35	1%	.10	1/2%
Tree Trimmer	7.88	.35	1%	.10	1/2%
Line Equipment Man	7.52	.35	1%	.10	1/2%
Head Groundman (chipper); Head Groundman; Powderman; Jackhammer Man	6.56	.35	1%	.10	1/2%
Groundman; Tree Trimmer Helper	6.18	.35	1%	.10	1/2%
Hole Digger	5.91	.35	1%	.10	1/2%
LINE CONSTRUCTION (AREA 2) (Remaining Counties)					
All work over 34.5 KV and all work on steel towers and/or multiple wood structures and all substations of 1,000 KVA or greater capacity, all communications, underground work, 34.5 KV, street and highway lighting and motor traffic controls:					
Groundman	5.66	.35	1%		3/4%
Equipment Operators	6.85	.35	1%		3/4%
Lineman	7.52	.35	1%		3/4%
Cable Splicer	8.272	.35	1%		3/4%
All power construction of 34.5 KV and under when performed for an operating utility. Street lighting when performed for an operating utility or municipality					
Groundman	5.45	.35	1%		3/4%
Equipment Operator	6.39	.35	1%		3/4%
Lineman	7.10	.35	1%		3/4%

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LABORERS (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$6.55	.40	.55		.02
Group 2	6.70	.40	.55		.02
Group 3	6.80	.40	.55		.02
Group 4	6.85	.40	.55		.02
Group 5	6.90	.40	.55		.02
Group 6	6.95	.40	.55		.02
Group 7	7.00	.40	.55		.02
Group 8	7.20	.40	.55		.02
Group 9:					
Class A	6.60	.40	.55		.02
Class B	6.65	.40	.55		.02
Class C	7.05	.40	.55		.02
Class D	7.10	.40	.55		.02
LABORERS (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	5.82	.40	.45	.20	.10
Group 2	5.92	.40	.45	.20	.10
Group 3	6.02	.40	.45	.20	.10
Group 4	6.12	.40	.45	.20	.10
Group 5	6.17	.40	.45	.20	.10
Group 6	6.42	.40	.45	.20	.10
Group 7	6.67	.40	.45	.20	.10
UNDERGROUND WORK					
Group 8	5.97	.40	.45	.20	.10
Group 9	6.12	.40	.45	.20	.10
Group 10	6.42	.40	.45	.20	.10

POWER EQUIPMENT OPERATOR-(AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)	Basic Hourly Rates	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
				H & W	Pensions	Vacation	App. Tr.
	ZONE 1*	ZONE 2*	ZONE 3*				
Group 1	$ 7.25	$ 7.75	$ 8.20	.65	.75		.03
Group 2	7.55	8.05	8.50	.65	.75		.03
Group 3	8.05	8.55	9.00	.65	.75		.03
Group 4	8.20	8.70	9.15	.65	.75		.03
Group 5	8.35	8.85	9.30	.65	.75		.03
Group 6	8.60	9.10	9.55	.65	.75		.03
Group 7	8.85	9.35	9.80	.65	.75		.03

*ZONE 1: Within a 15 mile radius from the City center of the following Cities: Coeur d' Alene and Lewiston, Idaho; and Sookane, Washington.
*ZONE 2: From a 15 to 45 mile radius from the center of the above named Cities.
*ZONE 3: Over a 45 mile radius from the center of the above named Cities.

POWER EQUIPMENT OPERATORS-(AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 6.95	.50	.45		.10
Group 2	7.11	.50	.45		.10
Group 3	7.33	.50	.45		.10
Group 4	7.64	.50	.45		.10
Group 5	7.81	.50	.45		.10
Group 6	7.99	.50	.45		.10
Group 7	8.35	.50	.45		.10
Group 8	8.58	.50	.45		.10
Group 9	8.81	.50	.45		.10
Group 10	9.05	.50	.45		.10

TRUCK DRIVERS - (AREA 1) (Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group 1	$ 7.35	.72	.65		
Group 2	7.40	.72	.65		
Group 3	7.45	.72	.65		
Group 4	7.55	.72	.65		
Group 5	7.65	.72	.65		
Group 6	7.70	.72	.65		
Group 7	7.75	.72	.65		
Group 8	7.80	.72	.65		
Group 9	7.90	.72	.65		
Group 10	7.95	.72	.65		
Group 11	8.15	.72	.65		
Group 12	8.30	.72	.65		
Group 13	8.45	.72	.65		
Group 14	8.60	.72	.65		
TRUCK DRIVERS - (AREA 2) (Remaining Counties and that portion of Idaho County South of the 46th Parallel)					
Group 1	6.70	.50	.50	.15	.10
Group 2	6.76	.50	.50	.15	.10
Group 3	6.82	.50	.50	.15	.10
Group 4	6.88	.50	.50	.15	.10
Group 5	6.93	.50	.50	.15	.10
Group 6	7.04	.50	.50	.15	.10
Group 7	7.10	.50	.50	.15	.10
Group 8	7.16	.50	.50	.15	.10
Group 9	7.27	.50	.50	.15	.10
Group 10	7.33	.50	.50	.15	.10
Group 11	7.39	.50	.50	.15	.10
Group 12	7.45	.50	.50	.15	.10
Group 13:					
Class A	6.93	.50	.50	.15	.10
Class B	7.04	.50	.50	.15	.10
Class C	7.27	.50	.50	.15	.10
Class D	7.45	.50	.50	.15	.10
Class E	7.56	.50	.50	.15	.10
Class F	7.68	.50	.50	.15	.10
Class G	7.96	.50	.50	.15	.10
Class H	8.19	.50	.50	.15	.10
Class I	8.42	.50	.50	.15	.10
Group 14	7.84	.50	.50	.15	.10

LABORERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Brush Hog Feeder; Carpenter Tender; Concrete Crewman (to include stripping of forms, hand operating jacks on slip form construction, application of concrete curing compounds, pumpcrete machine, handling the nozzle of squeezecrete or similar machine - 6" and smaller); Concrete Signalman; Crusher Feeder; Demolition (to include clean-up, burning, loading, wrecking and salvage of all material); Driller Helper; Dumpman; Fence Erector (to include guard rails, guide and reference posts, sign posts, and right of way markers); General Laborer; Grout Machine Header Tender; Nipper; Riprap Man; Scaleman; Stake Jumper; Structural Mover (to include separating foundation preparation, cribbing, shoring, jacking and unloading of structure); Tailhosemen (water nozzle); Track Laborer (RR); Truck Loader; Timber, Bucker and Faller (by hand); Window Cleaner (prior to completion of construction)

Group 2: Cement Finisher Tender; Cement Handler; Demolition Torch; Dope Pot Fireman, non-mechenicel; Form Cleaning Machine - Feeder, Stacker; Form Setter, paving; Driller Helper (when required to move and position machine); Nozzleman. water and air or steam; Pipe Layer, corrugated metal culvert; Pipewrapper; Pot Tender; Powderman Helper; Power Tool Operator, gas, electric, pneumatic; Sandblast Tailhoseman; Scaffold Erector, wood or steel; Railroad Equipment, power driven, except dual mobile power spiker or puller; Rodder and Spreader; Wheelbarrow, power driven; Well-point Man; Vibrator up to 4"

Group 3: Asphalt Raker; Asphalt Roller, walking; Chain Saw Operator with attachments; Concrete Saw Walking; Grade Checker, using level; Jackhammer Operator; Multi-section Pipe Layer; Nozzleman (to include squeeze and flocrete nozzle); Pavement Breaker; Power Buggy Operator; Railroad Power Spiker or Puller, dual mobile; Tamper (to include operation of Barco, Essex and similar tamper and pavement breakers); Trencher, Shawnee; Water Pipe Liner; Wagon Drills

Group 4: Chain Saw (faller); Laser Beam Operator; Pipe Layer (Caulker, Collarman, Jointer, Mortarman, Rigger, Jacker, Shorer and Lagger but not including laying corrugated metal culvert pipe)

Group 5: Concrete Stack; Mortar Mixer

Group 6: Caisson Worker, free air; High Scaler

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LABORERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 7: Brush Machine (to include Horizontal Construction Joint Clean-up Brush Machine, power propelled); Drills (to include Down-the-hole Drills with 3½ inch piston or larger and Out-of-the-hole Drills with 4½ inch piston or larger); Gunnite (to include operation of machine and nozzle); Hod Carrier; Monitor Operator, Air Track or similar mounting; Nozzleman (to include Jet Blasting Nozzleman over 1,200 pounds, Jet Blast Machine, power propelled, Sand Blast Nozzle); Vibrator, 4 inches and over

Group 8: Air Track Drills with Dual Masts and Drills; Powderman

TUNNEL AND SHAFT, FREE AIR

Group 9:
Class A: Bull Gang, Pump Crete Crewman including distributing pipe, assembling and dismantle and Nipper
Class B: Brakeman, Dumpman
Class C: Miner and Nozzleman for concrete and Laser Beam Operator on tunnels
Class D: Raise and Shaft Miner and Laser Beam Operator on raises and shafts

LABORERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: General Laborers, Sloper, Clearing and Grading; Form Stripper; Concrete Crew; Concrete Curing Crew; Carpenter Tender; Asphalt Laborer; Hopper Tender; Flagman, (including Pilot Car), Watchman, Heater Tender; Stake Jumper, Choker Setter; Spreader and Weighman; Power Wheelbarrow; Scouring Concrete; Rip Rap Man (hand placed); Fence Erector and Installer - manual or mechanical (includes the installation and erection of fences, guard rails, median rails, reference posts, guide posts and right-of-way markers); Crusher Helper; Cribbing and Shoring (in open ditches); Machinery and Parts Cleaner; Leverman - manual or mechanical; Demolition - salvage; Landscaper; Tool Room Man; Janitor

LABORERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 2: Chuck Tender; Driller Helper; Air Tampers; Gunite Nozzleman Tender; Pipewrapper Tar Pot Tender; Concrete Sawyer; Signalman, handling cement; Dumpman; Steam Nozzleman; Air and Water Nozzleman (Green Cutter, concrete); Vibrator (less than 4"); Pumpcrete and Grout Pump Crew; Hydraulic Monitor

Group 3: Pipelayer, including sewer, drainage, sprinkler systems and water lines; Free Air Caisson; Jackhammer; Paving Breaker; Powderman Helper; Asphalt Raker, Gasoline Powered Tamper; Electric Ballast Tamper; Sand Blasting Form Setter - Airport Paving; Gunman (Gunite); Manhole Setter; Hand Guided Machines, such as Roto Tillers, Trenchers, Post Hole Diggers, Walking Garden Tractors, etc.; Form Setter (Highway Curb and Gutter); Vibrator (4" and over); Timber Faller and Bucker; Metal Pan Installer

Group 4: Hod Carrier; Mason Tender; Plaster Tender; Mason Tender (concrete); Terrazzo-Tile Tender

Group 5: Highscaler; Wagon Drill; Grade Checker; Gunite Nozzleman; Diamond Drillers on Drills.

Group 6: Drill with Manufacturers' rating 3" or over

Group 7: Powderman

UNDERGROUND WORK

Group 8: Reboundman; Chucktender; Nipper; Dumpman; Vibrator (less than 4"); Brakeman; Muckers; Bullgang

Group 9: Form Setter and Mover

Group 10: Miners; Machinemen; Timbermen; Steelmen; Drill Doctors; Spaders and Tuggers; Spiling and/or Caisson Workers, Vibrator (on 4")

POWER EQUIPMENT OPERATORS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Bit Grinders; Bolt Threading Machine; Compressors, under 2,000 cu. ft. per minute gas, diesel or electric power; Crusher Feeder (mechanical); Deckhand; Drillers' Helper; Fireman and Heater Tender; Grade Checker; Helper (mechanic or welder, H.D.); Oiler; Oiler and Cable Tender, Mucking Machine; Pumpman; Rollers, all type on subgrade (farm type, Case, John Deere and similar - or compacting or vibrator) except when pulled by dozer with operable blade; Steam Cleaner; Welding Machine

POWER EQUIPMENT OPERATORS (Area 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: A-Frame Truck (single-drum); Assistant Refrigeration Plant (under 1,000 tons); Assistant Plant Operator, Fireman or Pugmixer (asphalt); Bagley or Stationary Scraper; Batch Plant and Wet Mix Operator, single unit (concrete); Belt Finishing Machine; Bending Machine (pipeline); Blower Operator (cement); Cement Hog; Compressor (2,000 cu. ft. or over, 2 or more - gas, diesel, or electric power); Concrete Saw (multiple cut), Distributor Leverman; Elevator Hoisting Materials; Dope Pots (power agitated); Fork Lift or Lumber Stacker, Hydra-lift and similar; Gin Trucks (pipeline); Hoist, single drum; Loader (Bucket Elevators and Conveyors); Longitudinal Float; Mixer (portable-concrete); Pavement Breaker (Hydra-hammer and similar); Post Hole Auger or Punch; Power Broom; Railroad Ballast Regulation Operator, (self-propelled); Railroad Power Tamper Operator, (self-propelled); Railroad Power Tamper Jack Operator, (self-propelled); Spray Curing Machine (concrete); Spreader Box (self-propelled); Straddle Buggy (Ross and similar on construction job site); Tractor (farm type R/T with attachments except Backhoe); Tugger Operator; Ditch Witch or similar

Group 3: A-Frame Truck (2 or more drums); Assistant Refrigeration Plant and Chiller Operator (over 1,000 tons); Backfillers (Cleveland and similar); Belt-crete Conveyors with Power pack or similar; Belt Loader (Kocal or similar); Blade Operator (motor patrol and attachments); Boat Operators; Boom Cats (side); Boring Machine (earth); Boring Machine (rock under 5" bit)(Quarry Master, Joy or similar); Bump Cutter (Wayne, Saginaw or similar); Canal Linning Machine (concrete); Chipper (without crane); Cleaning and Doping Machine (pipeline); Concrete Pumps (squeeze-crete, flow-crete, pumpcrete, Whitman and similar); Drills (Churn, Core, Calyx, or Diamond); Elevating Belt-type Loader (Euclid, Barber Greene, or similar); Elevating Grader-type Loader (Dumor, Adams, or similar); Equipment Serviceman, Greaser and Oiler; Generator Plant Engineers (diesel, electric); Gunite Combination Mixer and Compressor; Hoist, (2 or more drums or tower hoist); Loaders (overhead and front-end under 4 yards, R/T); Locomotive Engineer; Mixer-mobile; Mucking Machines; Paver or Curb Extruder (asphalt and concrete); Pump (Grout or Jet); Rollerman (finishing pavement); Rubber-tired Scraper (one motor with one scraper, under 40 yards); Screed Operator; Soil Stabilizer (P & H or similar); Spreader Machine; Tractor (Crawler, including Dozer, Scraper, Drills, Booms, Rollers, etc.); Traverse Finishing Machine; Trenching Machines (under 7 feet depth capacity); Turnhead Operator; Vacuum Drill (reverse circulation drill, under 8")

POWER EQUIPMENT OPERATORS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 4: Asphalt Plant Operator; Crusher, Grizzle and Screening Plant Operator; H. D. Mechanic; H. D. Welder; Refrigeration Plant Engineer (under 1,000 ton); Rubber-tired Scraper, Multi-engine power, with one scraper (Euclid, TS-24 and similar); Rubber-tired Scrapers, one motor with one scraper (40 yards and over); Surface Heater and Planer Machine; Turnhead (with re-screening)

Group 5: Automatic Subgrader (ditches and trimmers) (Autograde, ABC, R.A. Hansen and similar on grade wire); Backhoes (under 3 yards); Batch and Wet Mix Operator - multiple units (2 and including 4); Chipper (with crane); Clamshell Operator (under 3 yards); Concrete Slip Form Paver; Cranes all (under 65 tons); Derricks and Stifflegs (under 65 tons); Draglines (under 3 yards); Drilling Equipment (8" bit and over)(Robbin's Reverse Circulation and similar); Loader Operator (Front end and Overhead 4 yards to 8 yards); Piledriving Engineers; Paver (dual drum); Quad-track or similar equipment; Railroad Track Liner Operator (self-propelled); Rubber-tired Scrapers, multi-engine, power with one scraper (Euclid, TS-24 and similar); Push Pull or Help Mate in use; Rubber-tired Scrapers, multiple engines with two scrapers; Shovels (under 3 yard yards); Refrigeration Plant Engineer (1,000 tons and over); Signalmen (Whirleys, Highline Hammerheads or similar); Trenching Machines (7 feet depth and over); Multiple Dozer units with single blade

Group 6: Backhoes (3 yards and over); Batch Plant (over 4 units); Cableway Controller - Dispatcher; Cableway Operator; Clamshell Operator (3 yards and over); Cranes, all - 65 tons and over; Derricks and Stifflegs (65 tons and over); Draglines (3 yards and over); Elevating Belt (Holland type); Loader (360 degrees revolving Koehring Scooper or similar); Loaders (overhead and front-end over 8 to 12 yards); Rubber-tired Scrapers (multiple engine with three or more scrapers); Shovels (3 yards and over); Tower Crane; Whirleys and Hammerheads (all)

Group 7: Helicopter Pilot; Loaders (overhead and front-end - over 12 yards)

POWER EQUIPMENT OPERATORS (AREA 2)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 1: Brakemen; Crusher; Plant Feeder (mechanical); Deckhand; Drill Helpers; Grade Checkers; Heater Tender; Land Plane; Oilers; Pumpman; Rear Chainman

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POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County, South of the 46th Parallel

Group 2: Air Compressor, Assistant Refrigeration Plant Operator, Bell Boy, Bit Grinder Operator, Blower Operator (cement), Bolt Threader Machine Operator, Broom, Cement Hog, Concrete Mixer, Concrete Saw - Multiple Cut, Discing - Harrowing or Mulching (regardless of motive power), Distributor Leverman, Drill Steel Threader Machine Operator, Fireman - All, Heavy Duty Mechanic Helper or Welder Helper, Head Chainman, Hoist - single drum, Hydraulic Monitor Operator - skid mounted, Oiler (single piece of equipment), Pugmixer - Box or Screed Operator, Spray Curing Machine, Tractor - Rubber Tired Farm type using attachments

Group 3: A-Frame Truck (Hydra Lift, Swedish Cranes, Ross Carrier, Hyster on construction jobs), Battery Tunnel Locomotive, Belt Finishing Machine, Cable Tenders (Underground), Chip Spreader Machine (self-propelled), Hoist - 2 or more drums or Tower Hoist, Hydralift - Fork Lift and similar (when hoisting), Oilers (Underground), Power Loader (Bucket Elevator, Conveyors), Rodman, Road Roller (regardless of motive power).

Group 4: Boring Machine (Earth or Rock) (Jerrymaster - Joy - Tractor mounted, Drills: Churn - Core - Calyx or Diamond, Front End and Overhead Loaders and similar Machines - (up to and including 4 yards) - (Rubber-tired), Grout Pump, Hydra-hammer, Instrument Man, Locomotive Engineer, Longitudinal Float Machine, Mixermobile, Spreader Machine, Tractor - Rubber-tired - using Backhoe, Transverse Finishing Machine, Trenching Machines, Waggoner Compactor and similar, Asphalt Spreaders

Group 5: Concrete Plant Operator, Concrete Road Paver (Dual), Elevating Grader Operator, Euclid Elevating Loader, Generator Plant Operator-Mechanic (diesel electric), Post Hole Auger or Punch Operator, Power Shovels and Draglines - under 1 yard, Pumpcreta, Refrigeration Plant Operator, Road Roller (Finishing High Type Pavement), Skidder - Rubber-tired, Sub Grader, Multiple Station Beltline Operator (Teton Dam Project only); Service Oiler

Group 6: Asphalt Pavers - self-propelled, Asphalt Plant Operator, Blade Operator (Motor Patrol), Concrete Slip Form Paver, Cranes - up to and including 50 ton, Crusher Plant Operator, Derrick Operator, Drilling Equipment (Bit under 8 inches) (Robbins Reverse Circulation and similar), Front End and Overhead Loaders and similar Machines-(over 4 yards to and including 7 yards), Koehring Scooper, Heavy Duty Mechanic or Welder, Mucking Machine (Underground), Multi-batch Concrete Plant Operator, Piledriver Engineer, Power Shovels and Draglines (1 yard to and including 3½ yards), Tower Crane Operator, Tractor - Crawler Type - including all attachments, Refrigeration Plant Operator (over 1,000 tons), Trimmer Machine Operator, Tournapulls - Euclid and similar - to and including 40 yards

POWER EQUIPMENT OPERATORS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 7: Cableway Operator, Continuous Excavator (Barber Greene WL-50), Cranes - over 50 ton, Dredges, Drilling Equipment (Bit 8 inches and over) (Robbins Reverse Circulation and similar), Fine Grader - CMI or Equivalent, Front End and Overhead Loaders and similar Machines - (over 7 yards), Power Shovels and Draglines over 3-½ yards, Quad type Tractors with all attachments, Tournapulls - Euclid and similar - over 40 yards to and including 50 yards, Multiple Scraper Units.

Group 8: Tournapulls - Euclid and similar - over 50 yards to and including 75 yards

Group 9: Tournapulls - Euclids and similar - over 75 yards to and including 100 yards

Group 10: Tournapulls - Euclids and similar - over 100 yards

TRUCK DRIVERS (AREA 1)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 1: Flat Bed Truck, single rear axle; Escort Driver; Fish Truck; Fork Lift, 3,000 pounds and under; Fuel Truck Driver (Steam Cleaner and Washer);(Helper and Swamper; Leverperson loading (trucks at bunkers; Pickup hauling material; Seeder and Mulcher; Stationary Fuel Operator; Team Driver; Tractor (small rubber tired pulling trailer or similar equipment); Water Tank Truck 1,800 gallons.

TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 2: Bus Driver or Employeehaul Driver; Flat bed truck, dual rear axle; Power Boat hauling employees or material; Tireperson No. 1; Warehouseperson

Group 3: Buggy Mobile and similar; Bulk Cement Tanker; Oil Tank Driver; Power Operated Sweeper; Semi-trailer, low bed, truck and trailer; Straddle Carrier (Ross Hyster and similar); Transit Mixers and trucks hauling concrete (3 yards and under); Trucks, side, end, and bottom dump (under 6 yards); Water tank truck (1,801 - 4,000 gallons)

Group 4: Auto Crane - 2,000 pounds capacity; Bulk Cement Spreader; Dumptor (6 yards and under); Flaherty Spreader, Box Driver; Flat bed truck (using power take off); Fork Lift (over 3,000 pounds); Oil Distributor Driver (road, bootperson, leverperson helper); Rubbertired tunnel jumbo; Scissor truck; Slurry Truck Driver; Transit mixers and trucks hauling concrete (over 3 yards to 6 yards); Water tank truck (4,001 - 6,000 gallons); Wrecker and tow trucks

Group 5: Low Boy (under 50 tons); Service Greaser; Tireperson No. 2 Truck, side, end, and bottom dump (over 6 yards to 12 yards)

Group 6: A-Frame (Swedish Crane, Iowa 3,000, Hydrolift); Water tank truck (over 6,001 - 8,000 gallons)

Group 7: Dumptor (over 6 yards); Transit mixers and trucks hauling concrete (6 yards to 10 yards); Trucks, side, end, and bottom dump (over 12 yards including 20 yards)

Group 8: Low Boy (over 50 tons), Water tank truck (8,001 - 10,000 gallons)

Group 9: Transit mixers and trucks hauling concrete, (10 yards to 15 yards); Trucks, side, end and bottom dump (over 20 yards including 30 yards); Water tank truck (10,001 - 12,000 gallons)

Group 10: Mechanic, field

Group 11: Tournarocker, D.W.'s and similar, with 2 or 4 wheel power tractor with trailer, gallonage or yardage scale, which is greater; Transit Mixers and Trucks hauling concrete (15 yards to 20 yards); Trucks, side, end and bottom dump (over 30 yards to 40 yards); Water tank truck (12,001 - 14,000 gallons)

Group 12: Transit mixers and trucks hauling concrete (over 20 yards); Trucks, side, end and bottom dump (over 40 yards to 50 yards)

Group 13: Truck, side, end and bottom dumps, (over 50 yards to 100 yards)

TRUCK DRIVERS (AREA 1) (Cont'd)

Benewah, Bonner, Boundary, Clearwater, Kootenai, Latah, Lewis, Nez Perce, Shoshone and that portion of Idaho County North of the 46th Parallel

Group 14: Helicopter Pilot hauling employees or material; Trucks, side, end and bottom dump (over 100 yards)

TRUCK DRIVERS (AREA 2)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 1: Leverman loading at bunkers; Pilot Car or Escort Driver

Group 2; Flat bed - 2 axle and pickup hauling material; Water tank truck (1,800 gallons and under); Fork lift (3,000 and under)

Group 3: Flat bed - 3 axle, fuel truck (1,000 gallons and under); Greaser; Tireman; Serviceman; Buggymobile; Man haul (Shuttle truck or bus)

Group 4: Transit mix truck - 3 yds. and under; Warehouseman; Truck helpers; Slurry or concrete pumping truck

Group 5: Flat bed using power takeoff; Water tank truck (over 1,800 - 4,000 gallons); Semi-trailer - Low boy - up to 96,000 lbs. GVW, Bulk cement tanker - up to 96,000 lbs. GVW; Fork lift - over 3,000 lbs. (Bull lift, Hydro lift); Ross, Hyster and similar straddle equipment; "A" Frame truck (Swedish Crane, Iowa 3,000, Hydro-lift)

Group 6: Transit mix truck, over 3 yds. - 6 yds.

Group 7: Water tank truck - over 4,000 gallons; Fuel truck - over 1,000 gallons; Distributor or spreader truck

Group 8: Transit mix truck - over 6 yds. - 8 yds.; Dumptors; Field Tireman; Serviceman

Group 9: Transit mix truck - over 8 yds. - 10 yds.; Snow Plow (Truck Mounted)

Group 10: Low boy - 96,000 lbs. GVW and over; Bulk cement tanker - 96,000 lbs. GVW and over

Group 11: Transit mix truck - over 10 yds.

Group 12: Turnarocker and similar equipment

TRUCK DRIVERS (AREA 2) (Cont'd)

Remaining Counties and that portion of Idaho County South of the 46th Parallel

Group 13:
Truck - aids, end and bottom dump
Class A: 6 yds. and under
Class B: Over 6 yds. - including 12 yds.
Class C: Over 12 yds. - including 20 yds.
Class D: Over 20 yds. - including 30 yds.
Class E: Over 30 yds. - including 40 yds.
Class F: Over 40 yds. - including 50 yds.
Class G: Over 50 yds. - including 75 yds.
Class H: Over 75 yds. - including 100 yds.
Class I: Over 100 yds.

Group 14: Truck mechanic

SUPERSEDEAS DECISION

STATE: Illinois
COUNTIES: Champaign & Vermilion
DECISION NUMBER: AR-3170
DATE: Date of Publication
Supersedes Decisions AR-3063 dated August 9, 1974, in 39 FR 28798 and AR-3073, dated August 9, 1974 in 39 FR 28824
DESCRIPTION OF WORK: Building Construction (Excluding Single Family Homes and Garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.00	.30	.20		.02
Boilermakers	8.55	.40	.65		.01
Bricklayers; Stonemasons; Marble-Tile-Terrazzo Workers					
Champaign County					
Bricklayers; Stonemasons;	8.925	.30			.02
Marble-Tile-Terrazzo Workers	9.10				
Vermilion County					
Bricklayers; Stonemasons; Tile-Marble-Terrazzo Workers	9.325	.30			
Tile Setters	9.075	.30			
Carpenters; Soft Floor Layers; Millwrights; Piledrivermen					
Champaign County					
Carpenters; Soft Floor Layers	8.815	.30	.60		.08
Millwrights; Piledrivermen	9.165	.30	.60		.08
Vermilion County					
North of Rossville					
Carpenters; Millwrights; Soft Floor Layers & Piledrivermen	9.56	.35	.30		
Remainder of County					
Carpenters; Piledrivermen; Soft Floor Layers	8.79	.45	.25		.02
Millwrights	9.04	.45	.25		.02
Cement Masons & Plasterers					
Champaign County					
Cement Masons	8.375	.30			.025
Vermilion County					
Cement Masons & Plasterers	7.75				
Electricians					
Champaign County	9.00	.30	1%+.20		.4%
Vermilion County	8.77	.30	1%+.30		.25%
Elevator Constructors	7.89	.39	.26	2½%+a&b	.02
Helpers	70%JR	.39	.26	2½%+a&b	.02
Helpers (Prob.)	50%JR				
Glaziers					
Champaign County	7.55	.25	.15		
Ironworkers	8.70	.40	.60		.08
Lathers	8.09	.30	.20		.01
Leadburners	9.25	.35		c	.01
Painters					
Champaign County					
Brush	8.47	.40	.20		.03
Open & Erected Steel	9.47	.40	.20		.03

DECISION NO. AR-3170

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plumbers & Steamfitters					
Champaign County	$7.95	.30	.50		.12
Vermilion County	8.65	.30	.25		.05
Roofers					
Champaign County - Composition	7.93	.25	.10		.02
Slate & Tile	8.18	.25	.10		.02
Helpers	80%JR				
Vermilion County					
Slate; Tile; Composition; Asbestos	8.35				
Sheet Metal Workers	8.925	.375	.30		.02
Sprinkler Fitters	9.40	.50	.70		.08
Welders -receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a.-Six paid holidays; A through F.

b.-Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c.-Nine paid holidays. A through F plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

VERMILION COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMMON LABORERS	$7.05	.35	.50		.035
SEMI-SKILLED	7.25	.35	.50		.035
SKILLED	7.40	.35	.50		.035

CHAMPAIGN COUNTY	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
COMMON LABORERS	$7.30	.30	.30		.035
SEMI-SKILLED	7.50	.30	.30		.035
SKILLED	7.65	.30	.30		.035

CLASSIFICATIONS

COMMON LABORERS: All sewer workers plus depth pay; Asphalt Plant Laborers; Bankmen on Floating Plant; Batch Dumpers; Carpenters Tenders, Cleaning Lumber; Cofferdam workers plus depth pay,Deck Hand, Dredge Hand and shore laborer; Dispatchers; Driving of Stakes, Stringlines for all machinery; Fencing Laborers; Firemen or Salamander Tenders; Fireproofing Laborers; Fire Shop Laborers; Flagman; Form Handlers; Gravel Box Men, Dumpmen and Spotters; Janitors; Laborers with De-Watering Systems; Landscapers; Laying of Sod; Material Checkers; Material Handlers; Pit Men; Plastic Installers Planting of Trees; Removal of Trees; Rip Rap Men; Rod and Chairmen; Scaffold Workers; Tool Cribmen; Track Laborers; Unloading Explosives; Unloading and Carrying Lath; Unloading and Carrying of re-bars; Wrecking, Dismantling Building, Wallmen and Housemovers; Wrecking Laborers; Writer of Scale Tickets;

SEMI-SKILLED: Asphalt Workers with machine, Asphalt Raker and Layers; Cement Handlers; Cement Silica, Clay, Fly Ash, Lime and Plasters, Handler (Bulk or Bag) Chain Saw; Chloride Handlers; Concrete Workers (wet); Grade Checker; Handling of materials treated with oil, creosote, asphalt and/or any foreign material harmful to skin or clothing; Kettle and Tar men; Mason Tenders; Mortar Mixer Operators; Motorized Buggies or Motorized Unit used for wet concrete or handling of Building Materials; On Concrete Paving, Placing, Cutting and Typing of Reinforcing; Signal Man on Crane Tank Cleaning Tunnel Helpers in free air; Vibrator Operators

SKILLED: Air Tamping Hammerman; Caisson Workers Plus Depth; Concrete Burning Machine Operator; Concrete Saw Operator; Corning Machine Operator; Gunnite Nozzle Men; Jackhammer and Drill Operators; Laborers handling masterplate or similar materials; Laborers Tending Masons with hot material or where foreign materials are used; Laser Beam Operator; Layout Man and/or Tile Layer Leadman on sewer work Lutemen; Multiple Concrete Dust - Leadman; Plasterer Tenders; Ready Mix Scalemen, Portable or temporary plant; Screenman on Asphalt Pavers; Steel Form Setters - Street and Highway; Welders, Cutters, Burners, and Torchmen

POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	$8.575	.30	.50		.05
CLASS II	8.475	.30	.50		.05
CLASS III	8.30	.30	.50		.05
CLASS IV	6.55	.30	.50		.05

CLASSIFICATIONS

CLASS I: Master Mechanic

CLASS II: Utility Operator

CLASS III: Power cranes, Draglines, Derricks, Electric overhead cranes, Shovels, Gradall, Mechanics, Repair and Maintenance of all equipment, Tractor highlift shovel, Forklifts, Tournamixer, 2 drums machine or 2 cage hoists, Cableways, Tower machines, Motor Patrol, Boom tractor, Boom or winch truck, Truck Crane, Tournapull, Tractor operating scoops, Bulldozer, Push tractor, Finishing machine on Asphalt, Large rollers & rollers on asphalt, Gravel Macadam & Brick surface, Ross carrier or similar machine, Asphalt Plant Engineer or Pug Mill, Two (2) air compressors, Hetherington paver operator, Farm tractor with ½ yard bucket and/or backhoe attachment, Trench machines cutting over 24," Dredging equipment, Central mix plant engineer, concrete spreader, Air compressors 200 cu. ft. or over, Standard or Dinkey locomotives, Scoopmobiles, Euclid loader, Soil cement machine, Mixers 1½S capacity or less, Trench Machine cutting 24" & under, Backfiller, Elevating machine, Power Blade, Asphalt Plant Engineer, Well drilling Machines, Paint Machine, Pipe Cleaning Machine, Pipe Wrapping Machine, Pipe Bending Machine, Apsco paver, Boring Machine, w/o winch, Head equipment, Greasers, Barber Green Loaders, Formless paver, Farm Tractor with less than half-yard bucket and other attachments except backhoe, Well Point System

CLASS IV: Power Sub-Grader, Bull Float, Form grader, Finishing machine, Pavement breaker, Rock Crushers, One drum machine, air compressor less than 200 cu. ft. capacity, Conorete pump, Gunnite machine, Air Tuggers, Truck crane drivers, House Elevators when used for temporary heat, Small rollers on earth, Engine tenders, Fireman on paint pots, Fireman, Wagon Drill, Flexaplane, Conveyor, 2 to 4 Water Pumps, Siphon & Pulsometer, Switchman, Fireman on Asphalt plants, Distributor operator on trucks, Tampers, Power Broom, Post Hole Digger, Self Propelled Concrete Saw, Striping Machine (Motor Driven), Form Tamper, Seaman Tiller, Bulk Cement Plant Equipment Greaser

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and firemen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$6.90	.40	a12.00		
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.30	.40	a12.00		
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.50	.40	a12.00		

FOOTNOTE: a.-Employer contributes $12.00 per week per employee.

40422 NOTICES
NOTICES 40423
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SUPERSEDEAS DECISION

STATE: Illinois
DECISION NUMBER: AR-3168
COUNTIES: DuPage, Kane, Lake & Will
DATE: Date of Publication

Supersedes Decisions AR-3065, dated August 9, 1974, in 39 FR 28802, AR-3066, dated August 9, 1974, in 39 FR 28805, AR-3067, dated August 9, 1974, in 39 FR 28807 and AR-3075, dated August 9, 1974 in 39 FR 28828.

DESCRIPTION OF WORK: Building (Including Residential), Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.35	.58	.67		.03
Boilermakers	8.75	.40	.90	4%	.01
Boilermakers' Helpers	8.65	.40	.90	4%	.01
Bricklayers & Stonemasons:					
DuPage County:					
N. of Butterfield Road; Argonne Vic. (Nat'l. Accl. Lab.) AEC Plant	9.95	.50	.60		.03
S. of Butterfield Road-From East to West	10.05	.40	.60		.03
Kane County	9.95	.50	.60		
Lake County	9.95	.50	.60		.03
Will County	10.20	.50	.35		
Marble-Tile & Terrazzo Workers:					
DuPage, Lake & Will Counties					
Marble Setters	9.57	.50		.50	
Terrazzo Workers	8.60	.30	.30		
Tile Setters	9.15	.30625	.425		
Tile Setters' Helpers	8.10	d2.43	d3.40		
Carpenters:					
Carpenters; Soft Floor Layers; Millwrights & Piledrivermen					
DuPage & Lake Counties	9.65	.55	.63		.06
Kane County	9.585	.35	.53		
Will County	9.67	.40	.75		
Cement Masons:					
DuPage County	9.85	.50	.55		.05
Kane County	9.95	.45	.52		
Lake County	8.77	.55	.60		.03
Will County	9.87	.40	.65		.04
Electricians:					
DuPage County:	10.25	3%	5%	7½%	½ of 1%
Kane County:					
No. ½ of County	10.35	4%	4%	7%	.5 of 1%
So. ½ of County	9.60	4½%	1%	6%	½%
Lake County	10.47	.50	12+.30		.1%
Will County:					
Building	11.38	.30	1%+.20		.2%
Residential	8.35	.30	12+.20		.2%

DECISION NO AR-3168

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Elevator Constructors:					
DuPage-Lake & Will Counties					
Constructors	$9.445	.39	.26	2½%+a&b	.02
Helpers	70%JR	.39	.26	2½%+a&b	.02
Helpers (Prob.)	50%JR				
Ironworkers:					
DuPage Co: (Argonne) & Will Co.	9.25	1.75	.225		.02
Kane Co; & the Remainder of DuPage County	10.89	.50	.525		.045
Lake County	10.08	.79	.98		.05
Lathers:					
DuPage & Lake Counties	8.85	.46	.345		
Kane County	9.05	.40			.01
Will County	9.60		.25		
Lasdburners	9.25	.35		c	.01
Painters:					
DuPage & Kane Counties (Brush)	8.045	.50	.40		.04
Spray	8.445	.50	.40		.04
Lake County:					
Brush, Paperhangers & Tapers	8.30	.425	.25		.007
Will County:					
Residential & Commercial	8.80	.42	.35		.03
Plasterers:					
DuPage County	8.53	.40	.60		
Kane County	9.25	.40	.50		
Lake County	8.395	.55	.60		.03
Will County	8.895	.40	.25		.045
Plumbers-Pipefitters & Steamfitters					
DuPage Co:(Argonne-AEC Plant)					
Plumbers	9.97	.50	.50		.05
Pipefitters	10.35	.55	.70		.02
DuPage Co;(Remainder of County)					
Plumbers & Pipefitters					
Wheaton & N. DuPage County	10.05	.35	.43	.15	.05
Naperville & S. DuPage County	10.15	.30	.50		.05
Kane County:					
Plumbers; Steamfitters & P/F					
Elgin & Vicinity	9.98	.28	.30	.34	.02
Aurora & Vicinity	10.45	.44	.29	.25	.02
Lake County:					
Plumbers	10.04	.38	.47		.15
Steamfitters & Pipefitters	10.35	.55	.70		.02
Will County:(City Limits of Joliet)					
Plumbers & Pipefitters	10.00	.60	.65		.07
Remainder of County:					
Plumbers	9.97	.50	.50		.05
Pipefitters	10.35	.55	.70		.02

DECISION NO. AR-3168

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Roofers:					
DuPage & Lake Counties					
Composition & Waterproof	$10.00	.65	.30		.02
Slate & Tile	9.40	.55	.35		.02
Kane County	9.35	.40	.15	.30	
Will County	10.15	.60	.40		
Sprinkler Fitters:					
DuPage County	10.00	.60	.70		.15
Kane County	9.40	.50	.70		.02
Lake County:					
Within 30 Mile Radius of Chicago City Hall	10.00	.60	.70		.15
Remainder of Lake Co. & Will Co.	9.40	.50	.70		.08
Sheet Metal Workers:					
DuPage County	8.10	.30	.30	.20	
Kane County	7.56	.30	.15	.57	.02
Lake County	8.15	.35	.34		.01
Will County	10.55	.35	.60		.02
Truck Drivers:					
2-3 Axle Trucks	6.60	d15.00	d19.00		
4-Axle Trucks	6.75	d15.00	d19.00		
5-Axle Trucks	6.95	d15.00	d19.00		
6-Axle Trucks	7.15	d15.00	d19.00		
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Years Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Employer contributes 4% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular rate to vacation pay credit for employee who has worked in business less than 5 years.
b. Six Paid Holidays: A through F.
c. Nine Paid Holidays; A through F plus Washington's Birthday, Good Friday & Xmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, & the regular scheduled work immediately preceding and following the Holiday.
d. Per Week Per Employee.

DUPAGE COUNTY

KANE COUNTY - NAT'L. ACCL. LAB.

ILL-22-LAB-1-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS 1	$6.90	.47	.65		
CLASS 2	7.00	.47	.65		
CLASS 3	7.05	.47	.65		
CLASS 4	7.10	.47	.65		
CLASS 5	7.15	.47	.65		
CLASS 6	7.25	.47	.65		
CLASS 7	7.25	.47	.65		
CLASS 8	7.35	.47	.65		

CLASSIFICATIONS

CLASS 1: Building Laborers, Grade Separation Laborers, Sewer & Water Laborers, Pumps for Dewatering and other Unclassified Laborers.
CLASS 2: Cement Gun Laborers, Scaffold Laborers, Chimney Laborers (over 40').
CLASS 3: Cement Gun Laborers (Gunnite), Windlass Men, Plasterers' Laborers.
CLASS 4: Stone Derricksmen & Handlers.
CLASS 5: Plumbers' Laborers, Jackhammer, Power Driven Concrete Saws, Tampers and Pneumatic Tools, Concrete Vibrators.
CLASS 6: Firebrick and Boiler Setter Laborers
CLASS 7: Caisson Diggers, Well Point System Men, Chimney Laborers (on Firebrick).
CLASS 8: Boiler Setter Plastic Laborers.

ILLINOIS-4-LAB-1

KANE COUNTY (REMAINDER OF COUNTY)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
CLASS I	$ 7.10	.47	.77		
CLASS II	7.20	.47	.77		
CLASS III	7.35	.47	.77		
CLASS IV	7.35	.47	.77		
CLASS V	7.25	.47	.77		
CLASS VI	7.60	.47	.77		
CLASS VII	7.45	.47	.77		

CLASSIFICATIONS

CLASS I
Common laborers

CLASS II
Power Vibrator

CLASS III
Jackhammer & Air Spade Operators

CLASS IV
Chain Saw

CLASS V
Motar Mixers

CLASS VI
Dynamiters & Caisson laborers

CLASS VII
Tile Layers & Bottom men

ILL-8-LAB-1-2-3 1 of 2

WILL COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS					
CLASS 1	$7.35	.47	.85		
CLASS 2	7.30	.47	.85		
CLASS 3	7.20	.47	.85		
CLASS 4	7.60	.47	.85		
CLASS 5	7.85	.47	.85		
CLASS 6	7.10	.47	.85		

CLASSIFICATIONS

LABORERS

CLASS 1: Tunnel miners and all laborers inside tunnel, compressed air laborers, air-blow pipemen, mortering men on sewer and drain pipe (the applying of mortar and composition mixers), all bottom men on sewer work-all sewer and drain pipe layers-multiple concrete duct or any other type of pipe used on public utility work--8 feet or more below ground level, and all other sewer and trench laborers 8 feet or more below ground level, all labor work inside cofferdam, the use of a 10 feet or more drill steel for hand-held drills, caisson laborers ground level down to 15 feet, all air tools 8 feet or more below ground level, and all laborers on swinging and suspended scaffolds, chimney and silo laborers working at a height of 48 to 100 feet, all tamping hammers over 150 lbs., all laborers working inside of a sphere or any type or make of tank at a height of 48 feet to 100 feet, all hydraulic, electric and air tools, or any other type 8 feet or more below ground level

CLASS 2: Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters, wagon and tower drillers on land and floating plant used on dredging, asphalt gunners and plug men (undercoating on road work), mortar pump laborers and plaster pump laborers

CLASS 3: Outside tunnel miner helpers, sewer and drain pipe layers and multiple concrete duct or any other type of pipe used on public utility work, ground level down to 8 feet, blasting men helpers, pumpcrete pipe handlers

CLASS 4: Gunnite nozzle men, caisson laborers from 15 feet below ground level down to 50 feet

CLASS 5: Caisson laborers 50 feet or more below ground level, laborers working under radio active conditions, blasting men (powdermen)

CLASS 6: Mortar mixers, handling asphalt shingles, patented scaffolds, sewer and trench work - ground level fown to 8 feet, catch basis and manhole diggers, mesh handling on road work, cement and mineral filler handler, concrete puddlers, batch dumpers, (cement and asphalt) vibrator operators, sand and stone wheelers to mixer (handlers), concrete wheelers, air-tamping hammermen concrete and paving breakers, rock drillers, jamchammermen, 1-bag mixer, asphalt laborers, chain and power saw, pit men, all fence laborers, mason tenders, (mortar and brick wheeler), wagon and tower drill helpers, kettlemen and tarmen, tank cleaners, scaffold and staging laborers, pot firemen (tarmen), Salamander tenders for any purpose, water pumps,

LABORERS (Cont d)

CLASS 6 (Cont d): water pumps, rip rap, electrician, plumber and finisher helpers (minimum), handling of slab steel road forms in any type manner, except form setting, setting center strips, contraction and expansion joints (road work), unloading and h handling thereof the following; brick, transite materials, cast iron water pipe, reinforced concrete rods, sewer and drain tile, railroad ties and all other creosoted materials, paving blocks and concrete forms, handling of insulation of any type, all mortar and composition mixers for sewer work, track laborers, chimney and silo laborers working at a height of one to 48 feet, all laborers working on swinging, suspended or any type or make or scaffolding one foot to 48 feet, all laborers working inside a sphere or any type or make of tank--minimum rate, all laborers working inside a sphere or any type or make of tank from bottom to a height of 48 feet--minimum rate, form strippers (any type), mechanical or motized buggies, handling multiple concrete duct or any type of pipe used in publis utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, Concrete or asphalt clipper type saws and self-propelled saws, shoulder and grade laborers, all hydraulic electric and air or any other type of tools, grouting and caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand shore laborers, bankmen on floating plant, tool and material checkers, signalmen and flagmen on all construction work defined herein, cleaning, of devrit, removal of trees, concrete curing, temporary concrete protection, regardless of manner or materials used, truck helpers, wrecking and demolition laborers, all laborers, all landscaping, laying or sod, and planting of trees

ILLINOIS-25-LABORERS-1-2-3

LAKE COUNTY	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
CLASS I	$ 7.10	.47	.85		
CLASS II	7.425	.47	.85		
CLASS III	7.55	.47	.85		
CLASS IV	7.45	.47	.85		
CLASS V	7.20	.47	.85		
CLASS VI	7.40	.47	.85		
CLASS VII	7.10	.47	.85		
CLASS VIII	7.325	.47	.85		
CLASS IX	7.25	.47	.85		
STREET PAVING, GRADE SEPARATION, SEWER & WATER MAIN EXTENSIONS					
CLASS X	7.10	.47	.85		
CLASS XI	7.45	.47	.85		
CLASS XII	7.325	.47	.85		
CLASS XIII	7.175	.47	.85		
CLASS XIV	7.375	.47	.85		

CLASSIFICATIONS

LABORERS

CLASS I: Building Laborers, General Laborers, Wrecking and Demolition, Fireproofing & Fire Shop Laborers

CLASS II: Firebrick & boiler Setter Laborers

CLASS III: Boiler Setter Plastic Laborers, Stone Derrickmen & Handlers

CLASS IV: Caisson Diggers, Well Point System, Chimney Laborers on Firebrick

CLASS V: Chimney Laborers (over 40') Scaffold Laborers, Wall Men or Wreckers

CLASS VI: Windlass and Operator

CLASS VII: Plasters Laborers

CLASS VIII: Jackhammer Men, Power Driven Concrete Saws

CLASS IX: Cement Gun Nozzle Laborers (Gunnite)

CLASS X: General Laborers, Asphalt Plant Laborers, Flagmen, Asphalt Laborers, Top Laborers

CLASS XI: Form Setters, Well Point System, Jackhammermen & Bottom Men, Pipelayers on drain Catch Basin Diggers, Pipelayer Men, All Tunnel Work, Power Driven Concrete Saws

CLASS XII: Second Bottom Men

CLASS XIII: Tampers, Smoothers & Cement Gun Laborers

CLASS XIV: Rackers, Lutemen, Machine Screwmen & Mitre Box Spreaders

XUM

ILLINOIS 12 - PEO-1

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$10.00	.50	.50	.20	.05
CLASS II	8.70	.50	.50	.20	.05
CLASS III.	7.65	.50	.50	.20	.05
CLASS IV	6.45	.50	.50	.20	.05

CLASSIFICATIONS:

CLASS I: Asphalt plant, asphalt spreader, auto-grad, batch plant, Benoto (requires two engineers), boiler & throttle valve, caisson rigs, central redi-mix plant, combination backhoe front end-loader machine, compressor & throttle valve, concrete breaker (truck mounted), concrete conveyor, concrete paver, concrete placer, concrete tower, cranes (all), derricks (all), grader, elevating, grouting machines, highlift shovels or front endloader 2½ yd. & over, hoists, one, two & three drum, hoists, two & three drum, hoists, two tugger one floor, hydraulic boom trucks, locomotives (all), mechanic, motor patrol, pile drivers & skid rig, post-hole digger, pre-stress machine, pump crete dual ram (requiring frequent lubrication & water), pumpcretes, squeeze cretes - screw type pumps, Gysum bulker & pump, rock drill (self-propelled), rock drill (truck mounted), scoops - tractor drawn, slip form paver, straddle buggies, tournapull, tractor with boom & side boom, trenching machines

CLASS II: Boilers, bulldozers, broom, all power propelled, concrete mixer (2 bag & over), conveyor, portable, forklift trucks greaser engineer, highlift shovels or front endloaders under 2½ yd., hoists, automatic, hoists, all elevators, hoists, tugger single drum, rollers, all, steam generators, stone crushers, tractors, all, winch trucks with "A" frame

CLASS III: Air compressor - small 150 & under (1) to 5 not to exceed a total of 300 ft.), Air compressor - large over 150, combination - small equipment opr., generators under & over 50 KW, heaters, mechanical, pumps, over 3" (1 to 3 not to exceed a total of 300 ft.), pumps, well points, welding machines (2 through 5), winches, 4 small electric drill winches

CLASS IV: Oilers

SUPERSEDEAS DECISION

STATE: Louisiana PARISH: Statewide
DECISION NO.: AR-78 DATE: Date of Publication
Supersedes Decision No. AR-56, dated October 4, 1974, in 39 FR 35920
DESCRIPTION OF WORK: Building (including Residential in Bossier, Caddo & Calcasieu Parishes only) Construction and Construction of Highways, Roads, Streets and Parking Areas (except those let with a building contract)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS					
ZONE 1	$8.145	.325	.30		.04
ZONE 2	7.98	.30	.51		.025
ZONE 3	7.25	.40	.90		
ZONE 4	7.78	.30			

AREA COVERED BY ASBESTOS WORKERS ZONES

ZONE 1 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Rapides, Vermilion & Vernon Parishes
ZONE 2 - Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, Grant, Jackson, Lincoln, Natchitoches, Ouachita, Red River, Sabine, Union, Webster & Winn Parishes
ZONE 3 - Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Baton Rouge, East Feliciana, Iberia, Iberville, Jefferson, Lafayette, Lafourche, LaSalle, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 4 - East Carroll, Franklin, Madison, Morehouse, Richland, Tensas & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BOILERMAKERS	$7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS					
ZONE 1	7.74	.20	.15		.06
ZONE 2	6.68				
ZONE 3	7.85	.43	.20		.02
ZONE 4	8.69	.25	.15		.035
ZONE 5	7.25				
ZONE 6	6.68				
ZONE 7	7.45	.30	.30		
ZONE 8	7.75		.30		
ZONE 9	8.00		.10		
ZONE 10	8.00				

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AREA COVERED BY BRICKLAYERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Evangeline, Pointe Coupee & St. Landry Parishes
ZONE 3 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs & Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 5 - St. Tammany (north half including Covington north of Highway #190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Natchitoches & Sabine Parishes
ZONE 9 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 10 - Iberia, Lafayette, St. Martin & St. Mary Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS					
ZONE 1	$6.88				
ZONE 2	6.945	.25	.18		.05
ZONE 3	5.80				
ZONE 4	7.35	.20	.20		.04
ZONE 5	7.95	.20	.20		.04
ZONE 6	7.765	.20	.20		.04
ZONE 7	6.70				
ZONE 8	7.15	.10	.25		.03
ZONE 9	6.70				
ZONE 10	6.60	.35	.20		.05

AREA COVERED BY CARPENTERS ZONES

ZONE 1 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Ponchatoula running north & south to Amite, Louisiana in Tangipahoa Parish including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa & Washington Parishes

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AREA COVERED BY CARPENTERS ZONES (CONT'D)

ZONE 4 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 5 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 6 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 7 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 8 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 9 - Natchitoches & Sabine Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS (BUILDING CONSTRUCTION)					
ZONE 1	$6.235				
ZONE 2	6.70				
ZONE 3	6.40	.40	.25		.05
ZONE 4	7.205	.25	.30		.04
ZONE 5	6.35				
ZONE 6	5.00				
ZONE 7	6.90				
ZONE 8	6.82		.10		
ZONE 9	5.75		.30		

AREA COVERED BY CEMENT MASONS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 4 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (southern portion) & Terrebonne Parishes
ZONE 5 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS (HIGHWAY CONSTRUCTION)					
On concrete lined ditches:					
ZONE 1	$8.195				
ZONE 2	6.25				
On other work:					
ZONE 1	6.20				
ZONE 2	6.05				
ZONE 3	6.05				
ZONE 4	6.00				
ZONE 5	5.46				

AREA COVERED BY CEMENT MASONS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, U.S. Highway 61 in East Feliciana & West Feliciana Parishes
ZONE 3 - Bossier, Caddo, Calcasieu & Cameron Parishes
ZONE 4 - Acadia, Allen, Assumption, Avoyelles, Beauregard, Bienville, Claiborne, DeSoto, East Feliciana (excluding U.S. Highway 61), Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Madison, Natchitoches, Ouachita, Pointe Coupee, Rapides, Red River, Richland, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Vernon, Webster & West Baton Rouge Parishes
ZONE 5 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Morehouse, Sabine, Tensas, Union, Washington, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS					
Electricians					
ZONE 1	$8.80	.25	1%+.30		3/10%
ZONE 2	7.50		1%		
ZONE 3	8.95	.35	1%+.20		1/10%
ZONE 4	9.05	.25	1%		
ZONE 5	8.90	.30	1%+.20		.03
ZONE 6	8.45	.30	1%		1/2%
ZONE 7	7.95	.45	1%		1%
ZONE 8	7.95		1%	.30	1/2%

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Cable splicers					
ZONE 1	$9.05	.25	1%+.30		3/10%
ZONE 2	8.00		1%		
ZONE 3	9.20	.35	1%+.20		1/10%
ZONE 4	9.35	.25	1%		
ZONE 5	8.90	.30	1%+.20		.03
ZONE 6	8.95	.30	1%		1/2%
ZONE 7	8.45	.45	1%		1%
ZONE 8	8.20		1%	.30	1/2%

AREA COVERED BY ELECTRICIANS ZONES

ZONE 1 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 2 - St. Tammany, Tangipahoa & Washington Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELEVATOR CONSTRUCTORS					
ZONE 1					
Elevator constructors	$7.93	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				
ZONE 2					
Elevator constructors	6.68	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers	70%JR	.395	.26	2.5%+a+b	.02
Elevator constructors' helpers (prob.)	50%JR				

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FOOTNOTES FOR ELEVATOR CONSTRUCTORS:
a - 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate
b - Paid Holidays: New Years' Day; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Day

AREA COVERED BY ELEVATOR CONSTRUCTORS ZONES

ZONE 1 - Acadia, Allen, Ascension, Assumption, Beauregard, Calcasieu, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GLAZIERS					
ZONE 1	$5.55				
ZONE 2	5.90				
ZONE 3	7.175	.17	.30		.01
ZONE 4	4.35				
ZONE 5	6.50				
ZONE 6	5.60				

AREA COVERED BY GLAZIERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north & west of Highway #22), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway #22), Pointe Coupee, St. Helena, Tangipahoa (west of Highway #51), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway #22), Assumption (south of Grand Bayou), Jefferson, Lafourche, Livingston (east & south of Highway #22), Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany, Tangipahoa (east of Highway #51), Terrebonne & Washington Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to the city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 6 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS (BUILDING CONSTRUCTION)					
ZONE 1	$7.75	.20	.35		.02
ZONE 2	8.09	.30	.25		.015
ZONE 3	7.95	.30	.35		.04
ZONE 4	7.95	.30	.35		.04
ZONE 5	6.65	.30	.35		.04
ZONE 6	7.50	.30	.35		.025

AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - All of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist & St. Tammany Parishes; Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, east of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico)

ZONE 2 - All of Ascension, Assumption, Avoyelles, East Baton Rouge, East Feliciana, Iberia, Iberville, Pointe Coupee, St. Helena, St. Martin, St. Mary, West Baton Rouge & West Feliciana Parishes; Parts of Acadia, Evangeline, Lafayette, St. Landry & Vermilion Parishes (east of a line drawn from the meeting point of the boundaries of the Parishes of Rapides, Avoyelles & Evangeline, southwest along the western city limits of Abbeville, Louisiana, to the Gulf of Mexico); Parts of Lafourche, Livingston, St. James, Tangipahoa, Terrebonne & Washington Parishes (west of a straight line drawn from the Louisiana-Mississippi border, west of the city limits of Warrenton, Louisiana, southwest through Hammond, Louisiana to the Gulf of Mexico);Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (south of a line drawn from Natchez, Mississippi southwesterly to the city of Kolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)

ZONE 3 - All of Bossier, Caddo, DeSoto, Red River & Webster Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (West of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Sabine Parish (north of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Grant, Jackson, Lincoln, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Bienville, Claiborne, Natchitoches & Winn Parishes (east of a line drawn directly south from the Arkansas-Louisiana border through the cities of Arcadia & Cloutierville); Part of Madison Parish (except the cities of Mound, Delta & adjacent areas); Parts of Catahoula, Concordia, LaSalle & Rapides Parishes (north of a line drawn from Natchez, Mississippi southwesterly to the city of Kolin, from there northwesterly through the city of Boyce to the Natchitoches Parish boundary)

ZONE 5 - That part of Madison Parish (including the cities of Mound, Delta & adjacent areas)

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AREA COVERED BY IRONWORKERS (BUILDING CONSTRUCTION) ZONES (CONT'D)

ZONE 6 - All of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes; Parts of Acadia, Evangeline, Lafayette, Rapides, St. Landry & Vermilion Parishes (west of a line drawn from the city of Kolin, southwest along the western city limits of Abbeville, Louisiana to the Gulf of Mexico and southwest of a line drawn from Kolin through Boyce to the Natchitoches-Rapides Parish boundary); Part of Sabine Parish south of a line drawn from the Natchitoches Parish boundary west through the city of Peason to the Texas-Louisiana border)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS (HIGHWAY CONSTRUCTION)					
ZONE 1	$8.32				
ZONE 2	8.08				
ZONE 3	8.30				
ZONE 4	7.90				
ZONE 5	7.76				
ZONE 6	6.67				
ZONE 7	6.15				
ZONE 8	5.57				

AREA COVERED BY IRONWORKERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson & Orleans Parishes
ZONE 2 - Plaquemines, St. Bernard & St. Charles Parishes
ZONE 3 - East Baton Rouge Parish
ZONE 4 - Calcasieu Parish
ZONE 5 - Bossier & Caddo Parishes
ZONE 6 - Lafayette, Ouachita & Rapides Parishes
ZONE 7 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 8 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (that portion south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$3.90	.10			
GROUP 2	4.05	.10			
GROUP 3	4.15	.10			
ZONE 2					
GROUP 1	4.42	.15			.05
GROUP 2	4.62	.15			.05
ZONE 3					
GROUP 1	5.23	.15	.10		
GROUP 2	5.33	.15	.10		
GROUP 3	5.38	.15	.10		
GROUP 4	6.19	.15	.10		
GROUP 5	5.75	.15	.10		
GROUP 6	5.49	.15	.10		
GROUP 7	5.28	.15	.10		
ZONE 4					
GROUP 1	5.03	.15	.10		.10
GROUP 2	5.13	.15	.10		.10
GROUP 3	5.18	.15	.10		.10
ZONE 5					
GROUP 1	4.63	.15	.10		.10
GROUP 2	4.73	.15	.10		.10
GROUP 3	4.78	.15	.10		.10
ZONE 6					
GROUP 1	5.91	.15	.10		.05
GROUP 2	6.01	.15	.10		.05
GROUP 3	6.16	.15	.10		.05
GROUP 4	6.04	.15	.10		.05
GROUP 5	6.14	.15	.10		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1	$5.625	.15	.10		.05
GROUP 2	5.775	.15	.10		.05
GROUP 3	5.825	.15	.10		.05
ZONE 8					
GROUP 1	3.95	.15	.10		
GROUP 2	4.15	.15	.10		
GROUP 3	4.20	.15	.10		
GROUP 4	4.25	.15	.10		
GROUP 5	4.60	.15	.10		
ZONE 9					
GROUP 1	4.23	.15	.10		
GROUP 2	4.33	.15	.10		
GROUP 3	4.38	.15	.10		
GROUP 4	4.43	.15	.10		
ZONE 10					
GROUP 1	4.29	.15	.10		.05
GROUP 2	4.39	.15	.10		.05
GROUP 3	4.54	.15	.10		.05

CLASSIFICATION DEFINITIONS

LABORERS - ZONE 1

GROUP 1 - Building and labor construction
GROUP 2 - Stone mason helpers; mechanical tool operators; sewerman (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet or over); tender of all crafts; sandblaster (nozzlemen); Sandblaster (pot tender); laying non-metallic pipe over 4 feet deep, including sewer pipe, drain pipe, and underground tile; septic tank diggers and installers, over 4 feet deep; gas & oil pipeline laborers and wrappers
GROUP 3 - Cunite tool operators

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LABORERS - ZONE 2

GROUP 1 - Building laborer; rotary drill laborers; foundation drill crewman
GROUP 2 - Mason mixer; plaster mixer; mechanical tool operator; sandblaster; laying concrete pipe, clay pipe, plastic pipe, asbestos cement pipe,casing pipe and corrugated metal pipe, as sewer pipe, drain pipe, and underground tile (caulkers, joint wrappers, hot pot and pipe layers); gas and oil pipelina laborers, wrappers and dopers

LABORERS - ZONE 3

GROUP 1 - Building and general laborer; tenders (carpenter, plaster, cement finisher, mason); tank and vessel cleaners
GROUP 2 - Air tool operators (except jackhammer); interior of closed tanks and vessels power equipment
GROUP 3 - Mortar mixers and jackhammer operators
GROUP 4 - Blasterers
GROUP 5 - Blaster helpers; concrete cutters behind paving machine and puddlers; form setters and lines asphalt worker
GROUP 6 - Wiping joints, laying pipe and tile from pumpcrete
GROUP 7 - Interior of closed tanks and vessels manually

LABORERS - ZONES 4 & 5

GROUP 1 - Building and general laborers, carpenter tenders
GROUP 2 - Power tool operators (harmer men, tamper, vibrators, power buggies, concrete chippers or cutters, chain saw operators, etc.); pipelayers (non-metallic)
GROUP 3 - Mason tenders, plaster tenders, cement mix (wet or dry) tenders, hod carrier tender; mortar mixers & cement mixers (wet or dry)

LABORERS - ZONE 6

GROUP 1 - Building laborers
GROUP 2 - Laborers handling steel pans, stone masons helpers, mechanical tool operators, sewermen (bottom men, caulkers, tenders, joint wipers, hot pot, grade carriers, layers and ditchers 4 feet and over), sand blaster (nozzlemen and pot tender), laying non-metallic pipe over 4 feet deep, septic diggers and installers over 4 feet deep, gas and oil pipeline laborers and wrappers
GROUP 3 - Gunite tool operators
GROUP 4 - Bricklayers tenders and mason tenders
GROUP 5 - Hod carriers using prime mover to serve a bricklayer; mortar mixers

LABORERS - ZONE 7

GROUP 1 - Common laborers
GROUP 2 - Jackhammermen, sewermen, mason tenders, plasterer tenders, stone masons helpers, vibratormen
GROUP 3 - Mortar mixers

LABORERS - ZONE 8

GROUP 1 - Common laborers; carpenter helpers; mason tenders (other than cement); plasterers' tenders; stone mason helpers; concrete workers; scaffold builders
GROUP 2 - Air tool operators (jackhammer, vibrator, and tamper); sewer pipe joiners and setters; concrete cutters; hod carriers; creosote materials handler; acid worker; mason tenders (cement); mortar mixer (wet or dry); motorized buggy operator; waterproofers (mastic); form setters (steel paving forms)
GROUP 3 - Chain saw operator
GROUP 4 - Asphalt raker, tamper, smoother and shovelers; sewer pipe layers; blaster helpers
GROUP 5 - Powderman

LABORERS - ZONE 9

GROUP 1 - Building laborers
GROUP 2 - Mason tenders, plasterer tenders; Asphalt rakers, asphalt smoothers
GROUP 3 - Mortar mixers
GROUP 4 - Air jack operators, vibrator operators; Sewer pipe layers, sewer pipe wipers

LABORERS - ZONE 10

GROUP 1 - Laborers, tenders (bricknasons, stonemasons, cement masons, carpenter, plasterers); Stripping & dismantling; concrete form work; loading, unloading, carrying & handling steel & steel mesh; assisting to the setting of cut stone, granite or artifical stone; building scaffolds; shoring
GROUP 2 - Mechanical tool operator (air, electric, motor, engine, etc.); sewer pipe layers; mortar mixers (hand or machine); gunite operator
GROUP 3 - Pipe dopers & burners

AREA COVERED BY LABORERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - St. Tammany (as far south as Bayou Lacombe and east to the Mississippi State Line at Pearlington), Tangipahoa (except that portion south of a line running due east from the western boundary of Tangipahoa Parish which follows the northern city limits of Independence, Louisiana to 20 miles east of U.S. Highway 51, than running south parallaling Highway 51 at a 20 mile distance to Lake Pontchartrain) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, West Baton Rouge & West Feliciana Parishes; Parts of Assumption, St. James, St. John the Baptist Parishes (north of a line drawn from the southern limits of the town of St. James in St. James Parish to the northern limits of the town of Napoleonville, in Assumption Parish & then directly west to the Parish line, all of St. James Parish except that part which is east of a line drawn from Lutcher, Louisiana to U.S. Highway 61 (Airline Highway) then west on U.S. 61 to Blind River and on a direct line to Manchac, Louisiana)
ZONE 5 - Livingston, St. Helena & Tangipahoa (south & west of a line running from the western parish line to a point directly east which touches the northern limits of the town of Independence, then directly south to Lake Pontchartrain) Parishes
ZONE 6 - Jefferson (except Grand Isle), Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist (on the west bank of the Mississippi River and the portion of St. John the Baptist on the east bank of the Mississippi River as far as the Sycamore Inn Lutcher and north to Blind River and Manchac) & St. Tammany (north as far as Bayou Lacombe, east to the Mississippi State Line at Pearlington) Parishes
ZONE 7 - Assumption (north of Napoleonville), Jefferson (Grand Isle), Lafourche, St. James (on the west bank and including the town of Vacherie) & Terrebonne Parishes
ZONE 8 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides & Winn Parishes
ZONE 9 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes
ZONE 10 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes

LABORERS (HIGHWAY CONSTRUCTION)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1					
ZONE 1	$4.65	.10	.10		.05
ZONE 2	4.35	.10	.10		.05
ZONE 3	3.95	.10	.10		.05
ZONE 4	4.65	.10	.10		.05
ZONE 5	3.90	.10	.10		.05
ZONE 6	3.65	.10	.10		.05
ZONE 7	3.55	.10	.10		.05
GROUP 2					
ZONE 1	4.75	.10	.10		.05
ZONE 2	4.45	.10	.10		.05
ZONE 3	4.05	.10	.10		.05
ZONE 4	4.75	.10	.10		.05
ZONE 5	4.00	.10	.10		.05
ZONE 6	3.75	.10	.10		.05
ZONE 7	3.65	.10	.10		.05
GROUP 3					
ZONE 1	5.20	.10	.10		.05
ZONE 2	4.90	.10	.10		.05
ZONE 3	4.50	.10	.10		.05
ZONE 4	5.20	.10	.10		.05
ZONE 5	4.45	.10	.10		.05
ZONE 6	4.20	.10	.10		.05
ZONE 7	4.10	.10	.10		.05
GROUP 4					
ZONE 1	5.45	.10	.10		.05
ZONE 2	5.15	.10	.10		.05
ZONE 3	4.75	.10	.10		.05
ZONE 4	5.45	.10	.10		.05
ZONE 5	4.65	.10	.10		.05
ZONE 6	4.40	.10	.10		.05
ZONE 7	4.30	.10	.10		.05

CLASSIFICATION DEFINITIONS

GROUP 1 - Laborers, including but not limited to signalman, foundation driller, and demolishing and dismantling man
GROUP 2 - Raker, concrete spreader, carpenters helpers, distributor man, finishers helpers, formsetters helpers, jackhammer operator, jetting laborer, painters helpers, pit man, pipelayer or tile layer, power monkey helper, tamper, tree pruner, stone masons helper, stoker, asphalt raker, concrete shovelers, power tool operator and motorized buggy operator
GROUP 3 - Formsetter, head or master--high type pavement
GROUP 4 - Powderman

AREA COVERED BY LABORERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Bienville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (that portion north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Mary, St. Martin (that portion south of Iberia Parish), Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

LATHERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$6.90				.01
ZONE 2	7.63	.20	.20		.05
ZONE 3	6.00	.125			.01
ZONE 4	7.475				.01
ZONE 5	6.25				.01

AREA COVERED BY LATHERS ZONES

ZONE 1 - All of Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, Vermilion, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James (up to a 40 mile radius of Baton Rouge); Parts of Evangeline & St. Mary (up to a 40 mile radius of Lafayette)
ZONE 2 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne & Washington Parishes; Parts of Assumption & St. James Parishes (beyond a 40 mile radius of Baton Rouge); Part of St. Mary Parish (beyond a 40 mile radius of Lafayette)
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Evangeline (that portion beyond a 40 mile radius of Lafayette), Jefferson Davis & Vernon Parishes
ZONE 4 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Lincoln, Natchitoches, Red River & Webster Parishes
ZONE 5 - Rapides Parish

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LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Linemen	$8.90	.30	1%+.20		.03
Operator hole digging equipment; operator, tractor with winch & derrick; operator line truck with winch & derrick working hot lines	75%JR	.30	1%+.20		.03
Operator using hole truck & trailer, or pole hauling & setting truck (not in energized lines)	65%JR	.30	1%+.20		.03
Operator using truck without winch; Groundmen (starting rate to 1½ years service)	45%JR	.30	1%+.20		.03
Groundmen (1½ years service or over)	50%JR	.30	1%+.20		.03
ZONE 2					
Linemen, line equipment & line truck operators	8.80	.25	1%+.30		3/10%
Cable splicers	9.05	.25	1%+.30		3/10%
ZONE 3					
Linemen, equipment operators	8.95	.35	1%+.20		1/10%
Cable splicers	9.20	.35	1%+.20		1/10%
Groundmen	6.95	.35	1%+.20		1/10%
ZONE 4					
Linemen & equipment operators	7.80	.25	1%		
Cable splicers	8.45	.25	1%		
Groundmen	50%JR	.25	1%		
ZONE 5					
Linemen & equipment operators	7.95		1%	.30	1/2%
Cable splicers	8.20		1%	.30	1/2%
Groundmen	60%JR		1%	.30	1/2%
ZONE 6					
Linemen & equipment operators	8.45	.30	1%		1/2%
Cable splicers	8.95	.30	1%		1/2%
Groundmen, 1st 6 months	2.85	.30	1%		1/2%
Groundmen, 2nd 6 months	3.44	.30	1%		1/2%
Groundmen, after 1 year	3.73	.30	1%		1/2%

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	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 7					
Linemen	$7.95	.45	1%		1%
Cable splicers	8.45	.45	1%		1%

AREA COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Martin (that portion south of Iberia Parish), St. Mary (that portion northeast of the Atchafalaya River) & Terrebonne Parishes
ZONE 2 - Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. Landry, West Baton Rouge & West Feliciana Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Martin (that portion north of Iberia Parish), St. Mary (that portion southwest of the Atchafalaya River) & Vermilion Parishes
ZONE 5 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle, Natchitoches (that portion southwest of the Red River), Rapides, Sabine, Vernon & Winn Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (that portion northeast of the Red River), Red River & Webster Parishes

MARBLE SETTERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.69	.25	.15		.035
ZONE 2	7.85	.43	.20		.02
ZONE 3	8.00				
ZONE 4	7.07		.10		
ZONE 5	5.50				
ZONE 6	7.30				

AREA COVERED BY MARBLE SETTERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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MARBLE SETTERS' HELPERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 1	$5.85	.25			
ZONE 2	4.39	.15	.10		.05
ZONE 3	3.99				

AREA COVERED BY MARBLE SETTERS' HELPERS

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Tammany (extending northward to that part of St. Tammany Parish from the Tangipahoa Parish line on the west along U.S. Highway #190 through the lower limits of Covington, along State Highway #58, through the lower limits of Abita Springs and Talisheek and on a line due east from Talisheek to the Mississippi State Line), Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

MILLWRIGHTS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.145				.05
ZONE 2	8.24	.20	.20		.04
ZONE 3	7.975				.01
ZONE 4	7.605				
ZONE 5	7.45				
ZONE 6	7.65	.10	.25		.03
ZONE 7	7.45				
ZONE 8	7.50	.35	.20		.05

AREA COVERED BY MILLWRIGHTS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany, Tangipahoa, Terrebonne & Washington Parishes
ZONE 3 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 4 - Acadia, Evangeline, Iberia (west of the Atchafalaya River), Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River) & Vermilion Parishes

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AREA COVERED BY MILLWRIGHTS ZONES (CONT'D)

ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes.

PAINTERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ZONE 1					
GROUP 1 - Brush, wood or wall	$6.01				
GROUP 2 - Brush on steel, buffer on wood or wall	6.135				
GROUP 3 - Paperhanging, taping & floating	6.21				
GROUP 4 - Spray, wood & wall, rollers	6.355				
GROUP 5 - Steeplejack, sandblasting, spider operator, rubberizing & pyroflexing, steam jennier, spray, steel	6.495				
ZONE 2					
GROUP 1 - Brush; Taping; floating & texture	6.45		.10		
GROUP 2 - Industrial & steel	7.12		.10		
GROUP 3 - All spray painting; roller operator & using of mitts; All power tools for cleaning & preparing surfaces for painting; All work on stacks, steeples, flag poles and all towers and tanks over 50 feet; All work off swing stage, bosun chair and spiders; All work with creosote material or any similar material as service cement paint	6.70		.10		

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1 - Painters, paperhangers and sheetrock tapers & floaters	$6.375	.175	.20		.05
GROUP 2 - Structural steel painters of new buildings under construction; the following overall of 30 feet: tanks, air conditioning, towers, smoke stacks, sprinkler systems, wharves and structural steel in old buildings; spray painters, swing stage painters	6.75	.175	.20		.05
GROUP 3 - Industrial	7.625	.175	.20		.05
ZONE 4					
GROUP 1 - Brush, wood or wall	5.85				
GROUP 2 - Industrial & steel	6.22				
GROUP 3 - Textone, paperhanging, wall covering & spray	6.10				
ZONE 5					
GROUP 1 - Commercial brush	5.00				
GROUP 2 - Industrial	5.60				
GROUP 3 - Roller, power tools; sheetrock finishers	5.25				
GROUP 4 - Spray, sandblasting	6.05				
ZONE 6					
GROUP 1 - Painters, paperhangers, tapers, floaters; Commercial steel, such as churches or any commercial building with closed roof deck or walls	5.75				
GROUP 2 - Other commercial work, brush spray, stage, window jacks, flagpoles and steeple work	6.10				
GROUP 3 - All industrial work including sandblasting or power tools of any kind	6.60				

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1 - Painters, tape & float & paperhangers; Stage, window jacks & structural steel	$6.75				
GROUP 2 - Stage, window jacks & structural steel over 30 feet	7.00				
GROUP 3 - Stage, window jacks & structural steel over 75 feet	7.25				
GROUP 4 - Sandblasting, spray	7.35				
ZONE 8					
GROUP 1 - Painters, paperhangers, tapers, floaters	5.80				
GROUP 2 - Stage window jacks, boson chairs; Structural steel, roller, equipment painting; sandblasting, spray; Stack, sign, tank painting, steeple jack work	6.80				
GROUP 3 - Structural steel, brush	6.30				

AREA COVERED BY PAINTERS ZONES

ZONE 1 - Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (north & west of Highway 022), Assumption (north of Grand Bayou), East Baton Rouge, East Feliciana, Iberville, Livingston (north & west of Highway 022), Pointe Coupee, St. Helena, Tangipahoa (west of Highway #51), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (east & south of Highway 022), Assumption (south of Grand Bayou), Lafourche, Livingston (east & south of Highway 022), Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Mary (Morgan City Area), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Acadia, Iberia, Lafayette, St. Landry (south half), St. Martin, St. Mary (except Morgan City Area) & Vermilion Parishes
ZONE 5 - St. Tammany (northern portion), Tangipahoa (east of Highway #51) & Washington Parishes
ZONE 6 - Allen (northeast corner), Avoyelles, Catahoula, Evangeline, Grant, LaSalle, Natchitoches (south half), Rapides, St. Landry (north half) & Winn (south half) Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches (to city of Natchitoches), Red River, Sabine & Webster Parishes
ZONE 8 - Caldwell, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn (north half) Parishes

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PILEDRIVERMEN					
ZONE 1	$6.10				
ZONE 2	7.35	.20	.20		.04
ZONE 3	8.05	.20	.20		.04
ZONE 4	7.335				.05
ZONE 5	7.20				
ZONE 6	7.40	.10	.25		.03
ZONE 7	7.20				
ZONE 8	7.10	.35	.20		.05

AREA COVERED BY PILEDRIVERMEN ZONES

ZONE 1 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Ponchatoula running north & south to Amite, Louisiana in Tangipahoa Parish, including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa & Washington Parishes
ZONE 2 - Ascension (north of the Mississippi River), East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, St. James (north of the Mississippi River), West Baton Rouge & West Feliciana Parishes
ZONE 3 - Ascension (south of the Mississippi River), Assumption, Iberia (northeast of the Atchafalaya River), Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River), St. John the Baptist, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Evangeline, Iberia (west of the Atchafalaya River), Jefferson Davis, Lafayette, St. Landry, St. Martin (west of the Atchafalaya River), St. Mary (west of the Atchafalaya River), Vermilion & Vernon Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLASTERERS					
ZONE 1	$6.20				
ZONE 2	6.20				.01
ZONE 3	7.17				
ZONE 4	6.545				.01
ZONE 5	7.05	.30	.20		.03
ZONE 6	5.50				.01
ZONE 7	7.55			.50	
ZONE 8	8.00		.10		
ZONE 9	7.75		.30		

AREA COVERED BY PLASTERERS ZONES

ZONE 1 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 2 - Acadia, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 4 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. James, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 5 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany (parish line on the west, along U.S. Highway #190 through the lower limits of Covington and Abita Springs along State Highway #435 to Talisheek and on a line due east from Talisheek to the Mississippi State Line) & Terrebonne Parishes
ZONE 6 - Avoyelles, Catahoula, Concordia, Evangeline, Grant, LaSalle & Rapides Parishes
ZONE 7 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 8 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 9 - Natchitoches & Sabine Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS & PIPEFITTERS					
ZONE 1	$8.55	.40	.60		.06
ZONE 2	7.90	.465	.375		.035
ZONE 3	7.65	.35	.25		.05
ZONE 4	7.37	.35	.45		.02
ZONE 5	7.34		.30	.55	.06
ZONE 6	7.88	.42	.32		.06

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AREA COVERED BY PLUMBERS & PIPEFITTERS ZONES

ZONE 1 - Jefferson, Lafourche (except small portion of western part of Parish), Livingston (northeast corner), Orleans, Plaquemines, St. Bernard, St. Charles, St. James (northern 2/3 of Parish), St. John the Baptist, St. Tammany, Tangipahoa (southern 1/3 of Parish), Terrebonne (eastern 1/3 of Parish) & Washington Parishes

ZONE 2 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberia (eastern 1/2 of Parish), Iberville, Lafourche (small portion of western part of Parish), Livingston (except northeast corner), Pointe Coupee (except northwest corner), St. Helena, St. James (western 1/3 of Parish), St. Landry (eastern 2/3 of Parish), St. Martin (southern part of eastern 1/2 of Parish), St. Mary (except western tip), Tangipahoa (northern 1/2 of Parish), Terrebonne (western 2/3 of Parish), West Baton Rouge & West Feliciana Parishes

ZONE 3 - Allen (northeast corner), Avoyelles, Evangeline (except southwest corner), Grant, Natchitoches (south of Highway 84 & 86 from Winnfield to Natchitoches & southeast from Natchitoches to Anacoco through Bellwood), Rapides, Vernon (northeast of Highway 910) & Winn Parish (south of a line drawn from Natchitoches through Winnfield to Standard); Parts of Catahoula, Concordia & LaSalle Parishes (south of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 and west of a line drawn from that junction to the meeting place of the Concordia-West Feliciana Parish Line)

ZONE 4 - All of Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes; Parts of Catahoula, Concordia & LaSalle Parishes (north of a line drawn from Standard southeast through Harrisonburg to the junctions of U.S. 84 & State Route 15 and east of a line drawn south from that junction to the meeting place of the Concordia-West Feliciana Parish Line); Part of Winn Parish (east of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson & north of a line drawn east from Winnfield to Standard)

ZONE 5 - All of Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River, Sabine & Webster Parishes; Parts of Natchitoches & Vernon Parishes (northwest from a line drawn from Natchitoches to Anacoco through Bellwood & north of Highway 6111 between Anacoco & Haddens); Part of Winn Parish (west of a line drawn from Winnfield to the junction of the Parish boundaries of Winn, Bienville & Jackson)

ZONE 6 - Acadia, Allen (except northeast corner), Beauregard, Calcasieu, Cameron, Evangeline (southwest corner), Iberia (western 1/2 of Parish), Jefferson Davis, Lafayette, Pointe Coupee (northwest corner), St. Landry (western 1/3 of Parish), St. Martin (west of Highway 931), St. Mary (western tip), Vermilion & Vernon (south of Highway 6111 & southwest of Highway 910) Parishes

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION)					
ZONE 1 (Excluding Residential Residential Construction in Caddo & Bossier Parishes)					
GROUP 1	$5.83	.25	.30		.05
GROUP 2	6.09	.25	.30		.05
GROUP 3	6.36	.25	.30		.05
GROUP 4	6.41	.25	.30		.05
GROUP 5	6.67	.25	.30		.05
GROUP 6	7.00	.25	.30		.05
ZONES 2, 3 & 4					
GROUP 1	5.98	.25	.15		.05
GROUP 2	6.24	.25	.15		.05
GROUP 3	6.51	.25	.15		.05
GROUP 4	6.56	.25	.15		.05
GROUP 5	6.82	.25	.15		.05
GROUP 6	7.95	.25	.15		.05
ZONE 5					
GROUP 1	6.015	.25	.30		.05
GROUP 2	5.805	.25	.30		.05
GROUP 3	5.635	.25	.30		.05
GROUP 4	6.245	.25	.30		.05
GROUP 5	7.975	.25	.30		.05
GROUP 6	6.525	.25	.30		.05
GROUP 7	7.03	.25	.30		.05
ZONE 6					
GROUP 1	6.95	.25	.30		.05
GROUP 2	5.525	.25	.30		.05
GROUP 3	5.365	.25	.30		.05
GROUP 4	5.74	.25	.30		.05
GROUP 5	6.26	.25	.30		.05
GROUP 6	6.975	.25	.30		.05
GROUP 7	7.85	.25	.30		.05
GROUP 8	8.10	.25	.30		.05
GROUP 9	8.35	.25	.30		.05
GROUP 10	8.60	.25	.30		.05

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 7					
GROUP 1	$8.62	.25	.30		.05
GROUP 2	8.87	.25	.30		.05
GROUP 3	6.30	.25	.30		.05
GROUP 4	6.65	.25	.30		.05
GROUP 5	7.18	.25	.30		.05
GROUP 6	8.37	.25	.30		.05

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS - ZONES 1, 2, 3 & 4

GROUP 1 - Oiler

GROUP 2 - Mechanic helper

GROUP 3 - Oiler-Driver

GROUP 4 - Scaleman

GROUP 5 - Air compressor; Asphalt Plant Operator; Bulldozers, D-4 and equivalent & under; Bullfloats; Concrete Spreader; Finishing Machines; Concrete Mixer (16-s or less); Concrete Saw; Distributors (Bitum Surface); Dowell Bar Machine; Farm-Type Tractor (with all attachments except backhoe); Fireman; Fork Lifts (other than setting steel, machinery or pipe); Hoist, 1 drum or less than 4 stories; Kolum Buff Machine; Pull Cats; Pump (3" and over); Pump, concrete (under 6"); Rollers, except on asphalt or brick; Straddle Buggies; Sweepers on streets & roads (Motorized); Winch Truck, A-Frame (other than handling steel or pipe)

GROUP 6 - Asphalt Spreader; Backhoe; Bulldozer, over D-4 and equivalent; Cableways; Concrete Mixer, over 16-s; Cranes; Derricks; Ditching or Trenching Machines; Draglines; Fork Lifts (setting steel, machinert or pipe); Front-End Loaders (except Farm-type tractors); Grease Serviceman; Hoist, 1 drum, 4 stories or more or 40 feet (on structures other than buildings); Hoist, 2 drums and over; Hydrolifts; Heavy Duty Mechanic; Motor Patrols; Piledrivers; Pump, concrete (6" & over); Road Pavers; Rollers on asphalt or brick; Scoopmobiles; Scrapers; Sideboom Cats; Shovels; Tractorvators; Welder, journeyman; Well Point System; Winch Cats (hoisting); Winch Truck, A-Frame (handling steel or pipe)

POWER EQUIPMENT OPERATORS - ZONE 5

GROUP 1 - Scale operator; Oiler-Driver on Motor Crane; Batch Plant Operator

GROUP 2 - Pumps under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Fireman

GROUP 5 - Combination Oiler-Compressor; Combination Oiler-Fireman; Asphalt Spreader; Backhoe (all types); Bulldozers; Cableways; Cherry Pickers (all types); Concrete Mixers (over 1 sack); Cranes; Deck Winch (2 drums or over); Front End Loaders (except farm type); Grease Serviceman; Hoist (1 drum, 4 stories, or 40 feet) on construction other than buildings; Hoist (2 drums or over); Locomotives (all types); Mechanic; Mixer Plant Operator, Central Mix; Motor Patrols; Piledrivers; Pull Cat; Pump Crete, 6" and over discharge; Push Cat; Road Pavers; Derricks; Ditching or Trenching Machines (riding type); Draglines; Dredges; Fork Lifts (other than farm type) outside warehouses; Foundation Drill; Rollers (plant mix asphalt); Scrapers; Shovels; Sideboms; Unit Operator; Welder, journeyman; Well Point System; Whirleys; Winch Cats (Cat D-4 and over); Winch Trucks with A-Frame (5 tons and over); Work Boats, requiring licensed operator

POWER EQUIPMENT OPERATORS - ZONE 5 (CONT'D)

GROUP 6 - Bush Hog; Compressors; Concrete Pumps, under 6" discharge; Concrete Saw; Kolum Buff Machines; Mixers (1 sack and under); Motorized street sweepers self-propelled; Pumps (3 inch and over); Deck Winch (1 drum); Distributors; Dowel Bar Machine; Farm-type tractors (when used to pull discs, grass cutters, etc.); Test Pump, Internal, combustion engine powered; Ditching or Trenching Machines (non-riding type); Water Blast Pumps; Hoist, 1 drum under 4 stories on buildings); Hoist, 1 drum (40 feet or under on structures other than buildings

GROUP 7 - Asphalt Plant Operator; Boom Trucks; Bullfloats; Concrete Spreader; Farm Type Front End Loaders; Rollers (other than plant mix asphalt); Straddle Buggies; Winch Truck with A-Frame (under 5 tons); Work Boat, not requiring licensed operator; Finishing Machines

POWER EQUIPMENT OPERATORS - ZONE 6

GROUP 1 - Snatch Cat; Pumps, 3 inch suction or more

GROUP 2 - Pumps, under 3 inch suction; Mechanic Helper

GROUP 3 - Oiler

GROUP 4 - Batch Plant Operator

GROUP 5 - Air Compressor; Asphalt Plant Engineer; Blade Grader; Distributor (Bitum Surface); Finishing Machine (Concrete, Paving); Hoist, 1 drum, less than 4 stories; Concrete Mixer under 16S; Oiler Driver; Pump Crete; Street and Road Sweeper; Roller (except on asphalt or brick); Roller, asphalt or brick (under 5 tons); Post-Hole Digger; Tractor operated Bush Hog and similar grass or bush cutting equipment

GROUP 6 - A-Frame Truck; Bulldozer, under 6; Crew Boat Operator; Fireman; Fork Lift; Straddle Buggy; Traxcavator, Scoopmobile and similar front-end loading equipment with Scoopmobile or Bucket under one (1) cubic yard capacity; Locomotive; Well Point System; Unit Operator; Hoist, 1 drum, 4 stories or over

GROUP 7 - Backhoe; Cableway; Concrete Mixer, 16S & up; Crane; Derrick; Dragline; Dredge; Equipment Maintenance Mechanic; Hoist, 2 drum; Locomotive Crane; Paving Mixer; Piledriver; Road Paver; Roller on Asphalt or Brick (5 tons & over); Shovel; Sideboom Cat; Bulldozer, 6 and over; Motor Patrol; Scraper; Hydrolift Crane, Hydrolift Truck, Yard Crane; Cherry Picker, etc.; Foundation Boring and Reaming Machine; Cement Stabilizer; Trenching Machine; Asphalt Spreader; Traxcavator and similar front-end loading equipment with scoop or Bucket of one (1) cubic yard or more capacity; Tug Boat Operator; Turnapull; Euclid, DW-10 and other similar self-loading earth moving equipment; Concrete Pump (not Pump Crete

GROUP 8 - Crane Operator, 69 tons & over; Crane Operator, Boom 100 feet & over; Piledriver operator, Leads 100 feet & over

GROUP 9 - Crane Operator, 100 tons & over; Crane Operator, Boom 150 feet & over; Piledriver Operator, Leads 150 feet & over

GROUP 10 - Crane Operator, Boom 250 feet & over; Piledriver Operator, Leads over 250 feet

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POWER EQUIPMENT OPERATORS - ZONE 7

GROUP 1 - Assistant Master Mechanic
GROUP 2 - Master Mechanic
GROUP 3 - Oilers
GROUP 4 - Batch Plant Operators; Mechanic Helpers; Oilers (Drivers)
GROUP 5 - A-frame truck, except when working with ironworkers or pipefitters; Air Compressor; Asphalt Plant Engineers; Asphalt Finisher, Screed Men; Blade Graders; Boat Operator; Bullfloats; Concrete Joining Machines; Concrete Mixers, 16s and under; Concrete Spreader; Crusher Operator; Deck Winch Operator (1); Distributors, asphalt "Ditch Witch" and similar equipment; Electric Elevators (inside); Finishing Machine; Fireman; Form Graders; Fork Lifts; Hoist, 1 drum, under 4 stories; Power Subgrader; Pug Mill Operators; Pull Tractors; Pump, Pump Crete; Rollers, except on brick and asphalt; Rubber tired Front End Loader (with or without blade attachments) less than 1 cu. yd. capacity; Scale Operator; Scoopmobile; Snatch Cats; Spray Machines; Stabilizers, less than 3 drums; Straddle-Buggy; Track Machines and equivalent Machines; Tractors or Bulldozers smaller than D-6
GROUP 6 - A-Frame Truck, when working with ironworkers or pipefitters; Bulldozers D-6 and larger; Cable Ways; Concrete Mixers, over 16-s paving machines; Cranes, Derricks; Draglines and Clam Shells; Deck Winches (2); Cradealls; Hi-Ho and similar type equipment; Hoist, 1 drum, 4 stories and over; Hoist, 2 drums or more; Hydro Cranes; Mechanic; Motor Patrols; Piledrivers; Rollers on brick and asphalt; Rubber Tired Front End Loader, with or without blade attachments, 1 cu. yd. capacity or more; Scrapers; Shovels; Backhoes (all types); Sideboom Cats; Stabilizers, 3 drums or more; Traxcavators; Trenching Machines; Unit Operator; Welder, journeymen; Well Point Systems (gas, diesel, electric, etc.); Concrete Pump/Boom Combinations

AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 2 - All of Acadia, Lafayette & Vermilion Parishes; Parts of Iberia, St. Martin & St. Mary Parishes (West of a line drawn from the city of Berwick to the junction of the Iberville-St. Landry Parishes border)
ZONE 3 - Avoyelles, Evangeline, Grant, LaSalle, Natchitoches, Rapides, Sabine, St. Landry & Winn Parishes
ZONE 4 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 5 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 6 - All of Ascension, East Baton Rouge, East Feliciana, Iberville, Pointe Coupee, St. Helena, West Baton Rouge & West Feliciana Parishes; Parts of Assumption & St. James Parishes (northwest of a straight line drawn from the city of Berwick to the city of Lutcher); Parts of Iberia & southern & northern St. Martin Parishes (east and west of a line from the city of Berwick north to the eastern boundary of the city of Krotz Springs; Parts of Livingston, Tangipahoa & Washington Parishes (west of a line drawn north from the city of Lutcher to the east side of the city of Hammond to the Louisiana-Mississippi border)

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AREA COVERED BY POWER EQUIPMENT OPERATORS (BUILDING CONSTRUCTION) ZONES (CONT'D)
ZONE 7 - All of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, St. Tammany & Terrebonne Parishes; Parts of Assumption, Livingston, St. James, St. Martin, St. Mary, Tangipahoa & Washington Parishes (that part of southeastern Louisiana bounded on the north by the State of Mississippi, on the east by the State of Mississippi and the Mississippi Sound, on the south by the Gulf of Mexico and on the west by a line drawn as follows: beginning at a point on the Louisiana-Mississippi boundary in Washington Parish, Louisiana, due north of the town of Hackley, Louisiana, thence southwesterly in a straight line to a point on the east bank of the Mississippi River at the southernmost point of Lutcher (including Gravercy in the area), thence in a more southwesterly direction in a straight line to midstream of the Atchafalaya River at Morgan City-Berwick (including Morgan City in this area), thence southerly on a line following midstream of the Atchafalaya River to Atchafalaya Bay and in a line due south to the Gulf of Mexico)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$7.86	.25	.21		.05
ZONE 2	7.73	.25	.21		.05
ZONE 3	7.52	.25	.21		.05
ZONE 4	7.68	.25	.21		.05
ZONE 5	6.46	.25	.21		.05
ZONE 6	5.94	.25	.21		.05
ZONE 7	5.36	.25	.21		.05
GROUP 2					
ZONE 1	8.11	.25	.21		.05
ZONE 2	7.98	.25	.21		.05
ZONE 3	7.77	.25	.21		.05
ZONE 4	7.93	.25	.21		.05
ZONE 5	6.71	.25	.21		.05
ZONE 6	6.19	.25	.21		.05
ZONE 7	5.61	.25	.21		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 3					
ZONE 1	$7.61	.25	.21		.05
ZONE 2	7.48	.25	.21		.05
ZONE 3	7.27	.25	.21		.05
ZONE 4	7.43	.25	.21		.05
ZONE 5	6.21	.25	.21		.05
ZONE 6	5.69	.25	.21		.05
ZONE 7	5.11	.25	.21		.05
GROUP 4					
ZONE 1	6.70	.25	.21		.05
ZONE 2	6.63	.25	.21		.05
ZONE 3	6.42	.25	.21		.05
ZONE 4	6.43	.25	.21		.05
ZONE 5	5.39	.25	.21		.05
ZONE 6	4.86	.25	.21		.05
ZONE 7	4.32	.25	.21		.05
GROUP 5					
ZONE 1	6.40	.25	.21		.05
ZONE 2	5.96	.25	.21		.05
ZONE 3	5.96	.25	.21		.05
ZONE 4	5.59	.25	.21		.05
ZONE 5	4.86	.25	.21		.05
ZONE 6	4.34	.25	.21		.05
ZONE 7	3.86	.25	.21		.05
GROUP 6					
ZONE 1	5.85	.25	.21		.05
ZONE 2	5.37	.25	.21		.05
ZONE 3	5.37	.25	.21		.05
ZONE 4	5.37	.25	.21		.05
ZONE 5	4.71	.25	.21		.05
ZONE 6	4.18	.25	.21		.05
ZONE 7	3.70	.25	.21		.05

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 7					
ZONE 1	$5.59	.25	.21		.05
ZONE 2	5.11	.25	.21		.05
ZONE 3	5.11	.25	.21		.05
ZONE 4	5.11	.25	.21		.05
ZONE 5	4.71	.25	.21		.05
ZONE 6	4.18	.25	.21		.05
ZONE 7	3.70	.25	.21		.05
GROUP 8					
ZONE 1	6.70	.25	.21		.05
ZONE 2	6.63	.25	.21		.05
ZONE 3	6.42	.25	.21		.05
ZONE 4	6.43	.25	.21		.05
ZONE 5	5.39	.25	.21		.05
ZONE 6	4.86	.25	.21		.05
ZONE 7	4.32	.25	.21		.05
GROUP 9					
ZONE 1	6.95	.25	.21		.05
ZONE 2	6.86	.25	.21		.05
ZONE 3	6.67	.25	.21		.05
ZONE 4	6.68	.25	.21		.05
ZONE 5	5.64	.25	.21		.05
ZONE 6	5.11	.25	.21		.05
ZONE 7	4.57	.25	.21		.05
GROUP 10					
ZONE 1	5.84	.25	.21		.05
ZONE 2	5.36	.25	.21		.05
ZONE 3	5.36	.25	.21		.05
ZONE 4	5.36	.25	.21		.05
ZONE 5	4.96	.25	.21		.05
ZONE 6	4.43	.25	.21		.05
ZONE 7	3.95	.25	.21		.05

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CLASSIFICATION DEFINITIONS

GROUP 1 - 60 ton crane & over; Crane with 125' boom
GROUP 2 - Crane with 175' boom
GROUP 3 - Heavy Duty Operators-Crane all types; deck winches (2); Hi-Ho and similar type equipment; three drum (or more) stabilizers; pulls all types; concrete mixer one yard and over; all pavers; ditching or trenching machines (track type); mechanics and equipment welders; well-point systems; hoist, two drums or more; hoist, one drum, forty vertical feet or more; scrapers; bulldozers, rubber-tired or track other than farm-type; scoopmobiles; motor patrol; gradall; rollers on hot mix; asphalt paving machines; front end loaders, other than farm-type, one cubic yard or over; shovels and backhoes, all types, and equivalent equipment; piledriver operator; sideboom cats; A-frame trucks when handling steel or pipe; work boats requiring licensed operators; tugboats; fork lifts over ten ton capacity; and foundation drilling machines
GROUP 4 - Medium Duty Operators-Two drum stabilizers; front end loaders under 1 cubic yard; A-Frame truck except when handling steel or pipe; finishing machines (concrete); power subgraders; two tractors (crawler type); one drum hoist under 40 vertical feet; fireman; concrete spreader; pugmill operator; bituminous distributor on surface treatment and equivalent; bull floats and equivalent; job grease man on "Highway Construction"; unit operator (all Highway Zones); work boats not requiring licensed operators; inboard motored crew boats
GROUP 5 - Light Duty Operators-Single drum stabilizer; concrete mixer under one yard; spray curing machines; rollers on subgrade; one air compressor over 125 cubic feet; form graders; asphalt finisher screed man; pump over 4 inches; scale operators; crusher operators; concrete jointing machines; concrete saw; tack machines and equivalent equipment; pump crete; electric elevator (inside); oiler driver; farm-type, rubber-tired tractor, with attachments, except backhoes; Kolum buff and similar equipment; fork lifts, ten ton capacity and under; outboard motored crew boats
GROUP 6 - Mechanic Helper; Batch Plant Operator
GROUP 7 - Oiler
GROUP 8 - Fireman
GROUP 9 - Fireman Operating Steam Valve
GROUP 10 - Oiler on Crane Using Air to Drive Piles

AREA COVERED BY POWER EQUIPMENT OPERATORS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - Ascension, East Baton Rouge, Iberville & West Baton Rouge Parishes
ZONE 3 - Bossier, Caddo & Red River Parishes
ZONE 4 - Calcasieu, Cameron & Jefferson Davis Parishes
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Bienville, DeSoto, Iberia, Livingston, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipahoa, Vermilion, Washington & Webster Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS					
ZONE 1					
Roofers	$6.88		.10		
Roofers' helpers	5.38		.10		
ZONE 2					
Roofers	6.96	.50	.45		.25
ZONE 3					
Roofers	6.155	.35	.30		.04
Roofers' helpers	4.535	.35	.30		.04
ZONE 4					
Roofers, steep	5.80				
Roofers, flat	5.55				
Roofers, kettlemen	5.30				
Roofers' helpers	4.25				
ZONE 5					
Roofers	5.70		.20		.02
Kettlemen	3.97		.20		.02
Roofers' helpers	3.60		.20		.02

AREA COVERED BY ROOFERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Evangeline, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 2 - Assumption, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, South St. Martin, St. Mary, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Ascension, East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, North St. Martin, Tangipahoa, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Caldwell, Catahoula, Concordia, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Ouachita, Rapides, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SHEET METAL WORKERS					
ZONE 1	$8.03	.25	.15		.06
ZONE 2	7.315	.25	.40	.25	.10
ZONE 3	7.75	.20	.50		.12
ZONE 4	7.25	3%+.40	.25		.05

AREA COVERED BY SHEET METAL WORKERS ZONES

ZONE 1 - Calcasieu Parish
ZONE 2 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, St. John the Baptist, St. Tammany, Terrebonne & Washington Parishes
ZONE 3 - Acadia, Allen, Ascension, Assumption, Beauregard, Cameron, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson Davis, Lafayette, Livingston, Pointe Coupee, St. Helena, St. Landry, St. Martin, St. Mary, Tangipahoa, Vermilion, West Baton Rouge & West Feliciana Parishes
ZONE 4 - Avoyelles, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SOFT FLOOR LAYERS					
ZONE 1	$6.965	.25	.18		.05
ZONE 2	7.95	.20	.20		.04
ZONE 3	7.785	.20	.20		.04
ZONE 4	5.80				
ZONE 5	6.70				
ZONE 6	7.15	.10	.25		.03
ZONE 7	6.70				
ZONE 8	6.60	.35	.20		.05

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AREA COVERED BY SOFT FLOOR LAYERS ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Camerun, Jefferson Davis & Vernon Parishes
ZONE 2 - Ascension (south of the Mississippi River), Assumption, Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James (south of the Mississippi River) & St. John the Baptist Parishes
ZONE 3 - Iberia (northeast of the Atchafalaya River), Lafourche, St. Martin (southern segment), St. Mary (northeast of the Atchafalaya River), St. Tammany (southern portion) & Terrebonne Parishes
ZONE 4 - St. Tammany (to the overpass at Slidell, Louisiana, along State Highway #464 in St. Tammany Parish to the city limits of the town of Pontchatoula running north and south to Amite, Louisiana in Tangipahoa Parish including the town of Covington, Louisiana in St. Tammany Parish), Tangipahoa, & Washington Parishes
ZONE 5 - Avoyelles, Grant, LaSalle & Rapides Parishes
ZONE 6 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes
ZONE 7 - Natchitoches & Sabine Parishes
ZONE 8 - Caldwell, Catahoula, Concordia, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SPRINKLER FITTERS	$8.75	.50	.70		.08
TERRAZZO WORKERS					
ZONE 1	7.80	.25			
ZONE 2	7.85	.43	.20		.02
ZONE 3	6.25				
ZONE 4	7.07		.10		
ZONE 5	5.50				
ZONE 6	7.30				

AREA COVERED BY TERRAZZO WORKERS ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, Vermilion & Vernon Parishes
ZONE 3 - Iberia, Lafayette, St. Martin & St. Mary Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS' HELPERS					
ZONE 1	$5.85	.25			
ZONE 2	4.39	.15	.10		.05
ZONE 3	3.30				

AREA COVERED BY TERRAZZO WORKERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, West St. Tammany, Tangipahoa, Terrebonne, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & West Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS					
ZONE 1	$7.80	.25			
ZONE 2	5.87		.20		
ZONE 3	6.75				
ZONE 4	7.07		.10		
ZONE 5	5.50				
ZONE 6	7.30				

AREA COVERED BY TILE SETTERS' ZONES

ZONE 1 - Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. John the Baptist, West St. Tammany & Terrebonne Parishes
ZONE 2 - Acadia, Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 3 - St. Tammany (northern half including Covington north of Highway #190) & Washington Parishes
ZONE 4 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union, West Carroll & Winn Parishes
ZONE 5 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine & Webster Parishes
ZONE 6 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Livingston, St. Helena, Tangipahoa, West Baton Rouge & West Feliciana Parishes

DECISION NO. AR-78

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TILE SETTERS' HELPERS					
ZONE 1	$5.85	.25			
ZONE 2	4.39	.15	.10		.05
ZONE 3	3.00				

AREA COVERED BY TILE SETTERS' HELPERS ZONES

ZONE 1 - Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. John the Baptist, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge & West Feliciana Parishes
ZONE 2 - Caldwell, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Richland, Tensas, Union & East Carroll Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Natchitoches, Red River, Sabine, Webster & Winn Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (BUILDING CONSTRUCTION)					
ZONE 1					
GROUP 1	$4.91				
GROUP 2	5.34				
GROUP 3	5.55				
GROUP 4	5.35				
GROUP 5	5.55				
GROUP 6	5.45				
GROUP 7	5.55				
GROUP 8	5.37				
GROUP 9	5.76				
ZONE 2					
GROUP 1	4.63				
GROUP 2	4.63				
GROUP 3	5.51				
GROUP 4	5.39				
GROUP 5	5.77				
GROUP 6	5.84				
GROUP 7	6.09				
GROUP 8	6.24				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1	$4.87				
GROUP 2	4.95				
GROUP 3	5.20				
GROUP 4	5.35				
GROUP 5	5.50				
GROUP 6	5.70				
GROUP 7	6.05				

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS - ZONE 1

GROUP 1 - Teamsters, Pick-up drivers & chauffeurs
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Trucks trailer & dumps over 8 yds.
GROUP 4 - Mixers on trucks up to and including 3 yds.
GROUP 5 - Mixers on trucks over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment (up to and including 8 yds.)
GROUP 8 - Trucks - dump
GROUP 9 - Mississippi wagons & Koehring dumpsters & similar dirt moving equipment over 8 yds.

TRUCK DRIVERS - ZONE 2

GROUP 1 - Teamster, pick-up drivers
GROUP 2 - Stake bodies (all sizes)
GROUP 3 - Truck & trailer; Dump
GROUP 4 - Mixers on trucks, up to and including 3 yds.
GROUP 5 - Mixers on trucks over 3 yds.
GROUP 6 - Winch trucks
GROUP 7 - Mississippi wagons & Koehring dumpsters, tandem and similar dirt moving equipment, up to and including 8 yds.
GROUP 8 - Mississippi wagons, Koehring dumpsters, tandem and similar dirt moving equipment, over 8 yds.

TRUCK DRIVERS - ZONE 3

GROUP 1 - Pick-up drivers, spotters & dumpers of dirt, gravel, asphalt & rock; Truck helpers
GROUP 2 - Stake bodies; flat beds (all sizes)
GROUP 3 - Single axle dumps & water trucks; transit mix, up to & including 3 yds.
GROUP 4 - Tandem axle dump, hatch and water trucks over 3 tons, pickups with trailer
GROUP 5 - Mississippi wagons; floats; tractor trailers; rubber tired tractors and wobble wheels
GROUP 6 - Euclids, low-boys, Dempsey dumpsters, Koehring-dumps, five axle trucks, transit mix over three (3) yards, fuel truck
GROUP 7 - Fork lift

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AREA COVERED BY TRUCK DRIVERS (BUILDING CONSTRUCTION) ZONES

ZONE 1 - Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis & Vernon Parishes
ZONE 2 - Acadia, Evangeline, Iberia, Lafayette, St. Landry, St. Martin, St. Mary & Vermilion Parishes
ZONE 3 - Bienville, Bossier, Caddo, Claiborne, DeSoto, Red River & Webster Parishes

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (HIGHWAY CONSTRUCTION)					
GROUP 1					
ZONE 1	$4.99				
ZONE 2	4.99				
ZONE 3	4.78				
ZONE 4	5.12				
ZONE 5	4.25				
ZONE 6	4.15				
ZONE 7	4.05				
GROUP 2					
ZONE 1	5.10				
ZONE 2	5.10				
ZONE 3	4.86				
ZONE 4	5.22				
ZONE 5	4.36				
ZONE 6	4.26				
ZONE 7	4.16				
GROUP 3					
ZONE 1	5.15				
ZONE 2	5.15				
ZONE 3	5.04				
ZONE 4	5.27				
ZONE 5	4.41				
ZONE 6	4.31				
ZONE 7	4.21				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 4					
ZONE 1	$5.20				
ZONE 2	5.20				
ZONE 3	5.20				
ZONE 4	5.33				
ZONE 5	4.46				
ZONE 6	4.36				
ZONE 7	4.26				
GROUP 5					
ZONE 1	5.36				
ZONE 2	5.36				
ZONE 3	5.54				
ZONE 4	5.48				
ZONE 5	4.62				
ZONE 6	4.52				
ZONE 7	4.42				

CLASSIFICATION DEFINITIONS

GROUP 1 - One ton and under: Warehouseman, material checker, receiving clark, spottar and dumper
GROUP 2 - One and one-half (1½) tons to and including two (2) tons (exclusive of dump trucks), truck mechanic helper
GROUP 3 - Single axle dump trucks, single axle water trucks
GROUP 4 - Heavy equipment, tandem axle dump and tandem axle water trucks, winch lift, transit mix, floats, pole trailers, four axle trailer and truck mechanic
GROUP 5 - Special equipment, euclids and five axle moving equipment

AREA COVERED BY TRUCK DRIVERS (HIGHWAY CONSTRUCTION) ZONES

ZONE 1 - Jefferson, Orleans, Plaquemines, St. Bernard & St. Charles Parishes
ZONE 2 - East Baton Rouge Parish
ZONE 3 - Bossier & Caddo Parishes
ZONE 4 - Calcasieu Parish
ZONE 5 - Lafayette, Ouachita & Rapides Parishes
ZONE 6 - Acadia, Ascension, Blanville, Cameron, DeSoto, Iberia, Iberville, Jefferson Davis, Livingston, Red River, Richland, St. James, St. John the Baptist, St. Landry, St. Martin (north of Iberia Parish), St. Tammany, Tangipanoa, Vermilion, Washington, Webster & West Baton Rouge Parishes
ZONE 7 - Allen, Assumption, Avoyelles, Beauregard, Caldwell, Catahoula, Claiborne, Concordia, East Carroll, East Feliciana, Evangeline, Franklin, Grant, Jackson, Lafourche, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Pointe Coupee, Sabine, St. Helena, St. Martin (south of Iberia Parish), St. Mary, Tensas, Terrebonne, Union, Vernon, West Carroll, West Feliciana & Winn Parishes

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental

SUPERSEDEAS DECISION

STATE: Missouri
DECISION NO: AR-79 DATE: Date of Publication
Supersedes Decision No. AQ-85, dated March 8, 1974 in 39 FR 9371.
DESCRIPTION OF WORK AND LOCATION:
Highway Construction
Statewide except Jasper County
Heavy Construction

Adair	Gasconade	Montgomery
Andrew	Gentry	Morgan
Atchison	Greene	Newton
Audrain	Grundy	Nodaway
Barton	Harrison	Osage
Bates	Henry	Perry
Benton	Hickory	Pettis
Bollinger	Holt	Phelps
Boone	Howard	Pike
Buchanan	Jackson	Platte
Caldwell	Jefferson	Polk
Callaway	Johnson	Pulaski
Camden	Knox	Putnam
Cape Girardeau	Laclede	Ralls
Carroll	Lafayette	Randolph
Cass	Lawrence	Ray
Cedar	Lewis	St. Charles
Chariton	Lincoln	St. Clair
Clark	Linn	St. Francois
Clay	Livingston	St. Louis
Clinton	McDonald	Ste. Genevieve
Cole	Macon	Saline
Cooper	Madison	Schuyler
Crawford	Maries	Scott
Dade	Marion	Scotland
Dallas	Mercer	Shelby
Daviess	Miller	Sullivan
DeKalb	Moniteau	Vernon
Franklin	Monroe	Warren
		Washington
		Worth

DECISION NO AR-79

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN:					
ZONE 1	$8.76	.40	.50	.50	.03
ZONE 2	8.62	.33	.30	.25	.05
ZONE 3	8.66	.30	.30		
ZONE 4	8.61	.40	.50	.50	.03
ZONE 5	9.12	.33	.30		.03
ZONE 6	8.52	.33	.30		.03
ZONE 7	7.75	.40	.50	.50	.03
ZONE 8	8.95	.20			.03
ZONE 9	8.82	.33			.03
ZONE 10	8.72	.23			.03
ZONE 11	8.67	.33	.15		.03

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

ZONE 1 - Franklin, Jefferson, St. Charles, Lincoln and Warren Counties.
ZONE 2 - Clay, Jackson, Platte and Ray Counties
ZONE 3 - St. Louis County
ZONE 4 - Pike, St. Francois & Washington Counties
ZONE 5 - Cass and Lafayette Counties
ZONE 6 - Atchison, Andrew, Barry, Barton, Bates, Buchanan, Caldwell, Camden, Carroll, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas Gentry, Greene, Grundy, Harrison, Henry, Hickory, Holt, Johnson, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Saline, Stone, Taney, Vernon, Webster, Worth & Wright Counties
ZONE 7 - Crawford, Dent, Gasconade, Iron, Madison, Maries, Montgomery, Phelps, Pulaski, Reynolds, Shannon and Texas Counties.
ZONE 8 - Boone, Cooper & Howard Counties
ZONE 9 - Adair, Audrain, Benton, Callaway, Chariton, Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Morgan, Pettis, Putnam, Ralls, Randolph, Schuyler, Scotland, Shelby and Sullivan Counties
ZONE 10 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Ste. Genevieve, Scott, Stoddard and Wayne Counties
ZONE 11 - Cole, Miller, Moniteau and Osage Counties.

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CEMENT MASONS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1	$8.275	.20	.25		
ZONE 2	8.90	.40	.40		
ZONE 3	8.15	.40	.40		
ZONE 4	8.905	.20	.45	.30	.03
ZONE 5	6.40	.65		.25	
ZONE 6	6.75				
ZONE 7	7.45				
ZONE 8	8.325				
ZONE 9	8.25				
ZONE 10	6.60				
ZONE 11	7.65				
ZONE 12	8.25				

AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Bates, Carroll, Cass and Lafayette Counties
ZONE 2 - Crawford, Franklin, Iron, Jefferson, Lincoln, Madison, Reynolds, Shannon, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Warren & Washington Counties
ZONE 3 - Crawford, Iron, Madison, Reynolds, Shannon, St. Francois, Ste. Genevieve and Washington Counties on projects less than $75,000.00
ZONE 4 - Clay, Jackson, Platte, and Ray Counties
ZONE 5 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Ripley, Scott, Stoddard and Wayne Counties
ZONE 6 - Cedar, Christian, Dade, Dallas, Douglas, Greene, Howell, Laclede, Ozark, Polk, Stone, Taney, Webster and Wright Counties
ZONE 7 - Dent, Phelps, Pulaski and Texas Counties
ZONE 8 - Benton, Henry, Hickory, Johnson, Morgan, Pettis, Saline and St. Clair Counties
ZONE 9 - Adair, Audrain, Boone, Chariton, Cooper, Howard, Knox, Linn, Macon, Moniteau, Monroe, Randolph, Shelby and Sullivan Counties.

ZONE 10 - Barry, Barton, Lawrence, McDonald, Newton and Vernon Counties
ZONE 11 - Andrew, Atchison, Buchanan, Caldwell, Clinton, Daviess, DeKalb, Gentry, Grundy, Harrison, Holt, Livingston, Mercer, Nodaway and Worth Counties
ZONE 12 - Callaway, Camden, Cole, Gasconade, Maries, Miller, Montgomery, and Osage Counties.

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ELECTRICIANS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 1					
Electrical contracts over $5,000.	$8.50	4%	1%	11½%	
Electrical contracts $5,000. and under	7.15	4%	1%	11½%	
ZONE 2	9.22	.23	1%+.27	.80	.03
ZONE 3					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.67	.23	1%+.27	.80	.03
ZONE 4					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.67	.23	1%+.27	.80	.03
ZONE 5					
Electrical contracts over $5,000.	9.22	.23	1%+.27	.80	.03
Electrical contracts $5,000. and under	8.06	.23	1%+.27	.80	.03
ZONE 6	8.93	5%	1%+5½%	15½%	1%
ZONE 7					
Electrical contracts over $7,500.	8.19	5%	1%+5½%	15½%	1%
ZONE 8					
Electrical contracts $7,500. and under	6.51	5%	1%+5½%	15½%	1%
ZONE 9					
Electrical contracts $7,500. and under	6.38	5%	1%+5½%	15½%	1%
ZONE 10					
Electrical contracts $7,500. and under	6.25	5%	1%+5½%	15½%	1%

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ELECTRICIANS CONTD:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ZONE 11					
Electrical contracts $7,500.00 and under	$6.10	5%	1%+5½%	15½%	1%
ZONE 12	9.16	.37	1%	6%	.02
ZONE 13	9.65	.37	1%	6%	.02
ZONE 14	9.04	.35	1%	7%	.01
ZONE 15					
Electrical contracts over $10,000.	9.27	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.04	.35	1%	7%	.01
ZONE 16					
Electrical contracts over $10,000.00	9.63	.35	1%	7%	.01
Electrical contracts $10,000. and under	9.04	.35	1%	7%	.01
ZONE 17					
Electricians	7.95	.25	1%		.005
Cable splicers	8.30	.25	1%		.005
ZONE 18					
Electricians	8.40	.27	1%	7%+.30	.25%
Cable Splicers	8.65	.27	1%	7%+.30	.25%

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AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Adair, Audrain (That part east of Highway 19), Clark, Knox, Lewis, Linn, Macon, Marion, Monroe, Montgomery, Pike, Putnam, Rails, Schuyler, Scotland, Shelby and Sullivan Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 2 - Western half of Clay & Jackson Cos. not including Blue Springs; Northern half of Platte Co.; North Western portion of Cass Co. not including Pleasant Hill
ZONE 3 - Remainder of Clay, Jackson, Platte & Cass Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 4 - Bates, Benton, Henry, Johnson, Lafayette and Pettis Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 5 - Carroll, Cooper, Morgan, Ray & Saline Counties:
Electrical contracts over $5,000.00
Electrical contracts $5,000.00 and under
ZONE 6 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties
ZONE 7 - Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Iron, Madison, Mississippi, New Madrid, Pemiscot, Perry, Reynolds, Ripley, Scott, St. Francois, Ste. Genevieve, Stoddard, Washington, and Wayne Counties:
Electrical contracts over $7,500.00
ZONE 8 - Bollinger, Cape Girardeau, Perry, St. Francois, and Ste. Genevieve, Counties:
Electrical contracts $7,500.00 and under
ZONE 9 - Iron, Madison, Reynolds, Washington, and Wayne Counties:
Electrical contracts $7,500.00 and under
ZONE 10 - Butler, Carter, Mississippi, New Madrid, Ripley, Scott and Stoddard Counties:
Electrical contracts $7,500.00 and under
ZONE 11 - Dunklin and Pemiscot Counties:
Electrical contracts $7,500.00 and under
ZONE 12 - Christian, Dallas, Douglas, Greene, Hickory, Howell, Laclede, Oregon, Ozark, Polk, Shannon, Stone, Taney, Texas, Webster and Wright Counties
ZONE 13 - Pulaski County
ZONE 14 - Andrew, Buchanan, Clinton and DeKalb Counties
ZONE 15 - Caldwell, Daviess, Gentry, Holt and and Nodaway Counties:
Electrical contracts over $10,000.00
Electrical contracts $10,000.00 and under
ZONE 16 - Atchinson, Grundy, Harrison, Livingston, Mercer and Worth Counties:
Electrical contracts $10,000.00 and under
Electrical contracts over $10,000.00
ZONE 17 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair, and Vernon Counties:

ZONE 18 - Audrain (except Cuivre Township), Boone, Callaway, Camden, Chariton, Cole, Crawford, Dent, Gasconade, Howard, Maries, Miller, Moniteau, Osage Pheiphs and Randolph Counties:

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS:					
ZONE 1	$8.825	.50	.65		.05
ZONE 2	8.90	.60	.80	1.00	.05
ZONE 3	8.775	.60	.80	1.00	.05
ZONE 4	8.34	.30	.35		.08
ZONE 5	8.54	.40	.30		
ZONE 6	7.53	.35	.25		.04
ZONE 7	7.40	.45	.50		.02

AREAS COVERED BY IRONWORKERS ZONES

ZONE 1 - Audrain, Boone, Callaway, Cole, Crawford, Dent, Franklin, Gasconade, Iron, Jefferson, Lincoln, Madison, Maries, Miller, Montgomery, Osage, Perry, Phelps, Pike, Pulaski, Reynolds, Shannon, St. Charles, St. Francois, St. Louis, Ste. Genevieve, Texas, Warren, Washington, and Wright Counties:

ZONE 2 - Andrew, Atchison, Barton, Bates, Benton, Buchanan, Caldwell, Camden, Carroll, Cass, Cedar, Chariton, Clay, Clinton, Cooper, Dallas, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Hickory, Holt, Howard, Jackson, Johnson, Laclede, Lafayette, Linn, Livingston, Mercer, Moniteau, Morgan, Nodaway, Pettis, Platte, Polk, Putnam, Randolph, Ray, St. Clair, Saline, Sullivan, Vernon and Worth Counties.

ZONE 3 - Christian, Dade, Douglas, Greene and Webster Counties:

ZONE 4 - Barry, Lawrence, McDonald, Newton and Stone Counties:

ZONE 5 - Adair, Clark, Knox, Lewis, Macon, Marion, Monroe, Ralls, Schuyler, Scotland and Shelby Counties:

ZONE 6 - Howell, Oregon, Ozark and Taney Counties

ZONE 7 - Butler, Bollinger, Carter, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Ripley, Scott, Stoddard and Wayne Counties;

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP 1					
ZONE 1	$6.98	.50	.50	.50	.10
ZONE 2	5.78	.50	.50	.50	.10
ZONE 3	5.03	.50	.50	.50	.10
ZONE 4	7.35	.40	.50		.10
ZONE 5	6.35	.40	.50		.10
ZONE 6	6.35	.40	.50		.10
GROUP 2					
ZONE 1	7.13	.50	.50	.50	.10
ZONE 2	5.93	.50	.50	.50	.10
ZONE 3	5.18	.50	.50	.50	.10
ZONE 4	7.50	.40	.50		.10
ZONE 5	6.50	.40	.50		.10
ZONE 6	6.50	.40	.50		.10
GROUP 3					
ZONE 1	7.28	.50	.50	.50	.10
ZONE 2	6.08	.50	.50	.50	.10
ZONE 3	5.33	.50	.50	.50	.10
ZONE 4	7.65	.40	.50		.10
ZONE 5	6.65	.40	.50		.10
ZONE 6	6.65	.40	.50		.10
GROUP 4					
ZONE 1	7.48	.50	.50	.50	.10
ZONE 2	6.28	.50	.50	.50	.10
ZONE 3	5.53	.50	.50	.50	.10
ZONE 4	7.85	.40	.50		.10
ZONE 5	6.85	.40	.50		.10
ZONE 6	6.85	.40	.50		.10
GROUP 5					
ZONE 1	$7.73	.50	.50	.50	.10
ZONE 2	6.53	.50	.50	.50	.10
ZONE 3	5.78	.50	.50	.50	.10
ZONE 4	8.10	.40	.50		.10
ZONE 5	7.10	.40	.50		.10
ZONE 6	7.10	.40	.50		.10

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CLASSIFICATION DEFINITIONS

GROUP 1 - General Labor - Carpenter Tenders; salamander tenders; dump man and ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler - bulk or sack; dump man on earth fill; georgie buggie man; material batch hopper man; scale man; spreader on asphalt machine; material mixer man (except on manholes); coffer dams; riprap pavers - rock, block or brick; signal man; scaffolds over ten feet not self-supported from ground up; skipman on concrete paving; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; puddlers (paving only); straw blower nozzleman.

GROUP 3 - Second Semi-Skill - Asphalt plant platform man; chuck tender; crusher feeder; men handling creosote ties or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe and ditch work; vibrator man; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; deck hands; pile dike and revetment work; all laborers working on underground tunnels less than 25 feet where compressed air is not used; abutment and pier hole men working six (6) feet or more below ground; men working in coffer dams for bridge piers and footings in the river

GROUP 4 - Third Semi-Skill - Laser beam man; asphalt raker; barco tamper; jackson or anyother similar tamp; wagon driller; churn drills; air track drills and all other similar drills; cutting torch man; form setters; liners and stringline men on concrete paving, curb, gutters, ditch liners, etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builder helpers and mortar men on brick or block manholes; sand blasting and gunite nozzle men; rubbing concrete; air tool operator in tunnels; caulker and lead man; screed man on asphalt machine, chain or concrete saw; cliff scalers working from scaffolds, bosuns' chairs or platforms on dams or power plants over ten (10) feet above ground; grade checker on cuts and fills; string line man for electronic grade control; pressure groutmen.

GROUP 5 - Fourth Semi-Skill - Manhole builders - brick or block; dynamite and powder men; welder

AREA COVERED BY LABORERS

ZONE 1 - Buchanan, Cass, and Lafayette Counties

ZONE 2 - Andrew, Barton, Bates, Benton, Caldwell, Carroll, Cedar, Christian, Clinton, Dade, Dallas, DeKalb, Greene, Henry, Johnson, Laclede, Lawrence, Livingston, Newton, Pettis, Polk, St. Clair, Saline, Vernon, Webster and Wright Counties

ZONE 3 - Atchison, Barry, Camden, Daviess, Douglas, Gentry, Grundy, Harrison, Hickory, Holt, McDonald, Mercer, Morgan, Nodaway, Ozark, Stone, Taney and Worth Counties

ZONE 4 - Franklin, Jefferson, and St. Charles Counties

ZONE 5 - Audrain, Bollinger, Boone, Callaway, Cape Girardeau, Chariton, Cole, Cooper, Crawford, Dent, Gasconade, Howard, Iron, Lincoln, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, New Madrid, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Ralls, Randolph, Reynolds, St. Francois, Ste. Genevieve, Scott, Warren and Washington Counties.

ZONE 6 - Adair, Butler, Carter, Clark, Dunklin, Howell, Knox, Lewis, Linn, Macon, Oregon, Putnam, Ripley, Schuyler, Scotland, Shelby, Shannon, Stoddard, Sullivan, Texas and Wayne Counties.

DECISION NO. AR-79

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
St. Louis County					
ZONE 7					
GROUP 1	$7.325	.40	.60		.03
GROUP 2	7.20	.40	.60		.03
GROUP 3	7.675	.25	.20		
GROUP 4	7.60	.30	.30		
GROUP 5	6.45	.30	.50		
GROUP 6	7.825	.40	.60		.03

CLASSIFICATION DEFINITIONS

GROUP 1 - Unskilled
GROUP 2 - Wrecking
GROUP 3 - Plasterers tenders
GROUP 4 - Plumbers laborers
GROUP 5 - Mason tenders (hod carriers)
GROUP 6 - Dynamiter or powderman

AREA COVERED BY LABORERS

ZONE 7 - St. Louis County

XUM

DECISION NO. AR-79

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS:					
ZONE 8					
GROUP 1	$7.20	.50	.50	.50	.10
GROUP 2	7.35	.50	.50	.50	.10
GROUP 3	7.50	.50	.50	.50	.10
GROUP 4	7.70	.50	.50	.50	.10
GROUP 5	8.00	.50	.50	.50	.10

CLASSIFICATION DEFINITIONS

GROUP 1 - General Laborer - Carpenter tenders, salamander tenders; dump man, & ticket takers on stock piles; flagmen; loading trucks under bins, hoppers and conveyors; track men and all other general laborers

GROUP 2 - First Semi-Skill - Air tool operator; cement handler (bulk or sack); chain or concrete saw; deck hands; dump man on earth fill; grade checkers on cuts and fills; georgie buggies man; material batch hopper man; scale man; material mixer man (except on manholes, coffer dams, abutments and pierhole men working below ground), riprap pavers rock, block or brick; signal man; scaffolds over 10 ft. not self-supported from ground up; skipman on concrete paving; vibrator man; wire mesh setters on concrete paving; all work in connection with sewer, water, gas, gasoline, oil, drainage pipe, conduit pipe, tile & duct lines and all other pipe lines; power tool operator; all work in connection with hydraulic or general dredging operations; form setter helpers; pudlers (paving only)

GROUP 3 - Second Semi-Skill - Crusher feeder; men working with and handling epoxy material or creosote materials; men working with and handling epoxy material or materials (where special protection is required); head pipe layer on sewer work; topper of standing trees; batter board man on pipe & ditch work; feeder man on wood pulverizers; board and willow mat weavers and cable tiers on river work; all laborers working on underground tunnels where compressed air is not used

GROUP 4 - Third Semi-Skill - Spreader on screed man on asphalt machine; asphalt raker; laser beam man; barco tamper; jackson or any other similar tamp; wagon driller, churn drills, air track drills and all other similar drills; cutting torch man; form setter; liners and stringline men on coocrete paving, curb, gutters and etc.; hot mastic kettleman; hot tar applicator; hand blade operators; manhole builders helpers and mortarmen on brick or block manholes; sand blasting and gunnite nozzle men; rubbing concrete; air tool operator in tunnels

GROUP 5 - Fourth Semi-Skill - Manhole builder (brick or block); dynamite and powder men.

AREA COVERED BY LABORERS

ZONE 8 - Clay, Jackson, Platte and Ray Counties

DECISION NO. AR-79

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Lineman	$8.71	.35	1%+.15		½%
Heavy equipment operator	8.10	.35	1%+.15		½%
Groundman Powderman	6.04	.35	1%+.15		½%
Groundman	5.73	.35	1%+.15		½%
Groundman (1st year)	4.91	.35	1%+.15		½%
ZONE 2					
Lineman	8.32	.35	1%+.15		½%
Heavy equipment operator	7.93	.35	1%+.15		½%
Groundman Powderman	5.76	.35	1%+.15		½%
Groundman	5.32	.35	1%+.15		½%
Groundman (1st year)	4.04	.35	1%+.15		½%
ZONE 3					
Lineman & Cable splicers	8.07	3%	1%	12½%	½%
Groundman - winch driver	6.03	3%	1%	12½%	½%
Groundman - driver	5.83	3%	1%	12½%	½%
Equipment operator	7.25	3%	1%	12½%	½%
Groundman - 1st 6 mos.	4.73	3%	1%	12½%	½%
Groundman - next 12 mos.	4.92	3%	1%	12½%	½%
Groundman - next 12 mos.	5.37	3%	1%	12½%	½%
Groundman - thereafter	5.83	3%	1%	12½%	½%
ZONE 4					
Lineman	8.85	.35	1%		.25%
Groundman - Class I	7.55	.35	1%		.25%
Groundman - Class II	6.18	.35	1%		.25%
Groundman - Class A	5.63	.35	1%		.25%
Groundman - 1st 6 mos.	5.38	.25	1%		.25%

AREAS COVERED BY LINE CONSTRUCTION

ZONE 1 - Bates, Benton, Carroll, Cass, Clay, Henry, Johnson, Jackson, Lafayette, Pettis, Platte, Ray and Saline Counties

ZONE 2 - Andrew, Atchison, Barry, Barton, Buchanan, Caldwell, Cedar, Christian, Clinton, Dade, Dallas, Daviess, DeKalb, Douglas, Gentry, Greene, Grundy, Harrison, Hickory, Holt, Laclede, Lawrence, Livingston, McDonald, Mercer, Newton, Nodaway, Ozark, Polk, St. Clair, Stone, Taney, Vernon, Webster, Worth and Wright Counties

ZONE 3 - Crawford, Franklin, Iron, Jefferson, Reynolds, St. Charles, St. Francois, St. Louis, Washington, Adair, Audrain, Boone, Callaway, Camden, Carter, Chariton, Clark, Cole, Cooper, Dent, Gasconade, Howard, Howell, Knox, Lewis, Lincoln, Linn, Macon, Maries, Marion, Miller, Moniteau, Monroe, Montgomery, Morgan, Oregon, Osage, Perry, Phelps, Pike, Pulaski; Putnam, Ralls, Randolph, Ripley, Ste. Genevieve Schuyler, Scotland, Shannon, Shelby, Sullivan, Texas and Warren Counties

ZONE 4 - Bollinger, Butler, Cape Girardeau, Dunklin, Madison, Mississippi, New Madrid, Pemiscot, Scott, Stoddard, and Wayne Counties

DECISION NO. AR-79

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
ZONE 1					
Brush & roller	$8.74	.30	.35		.06
Spray	9.74	.30	.35		.06
Bridge	9.49	.30	.35		.06
ZONE 2					
Brush	5.95		.10		
Spray	6.70		.10		
ZONE 3					
Brush	6.05				
Spray	6.35				
ZONE 4					
Brush or roller	6.75	.45	.35		
Spray, Structural steel and Sandblasting	10.00	.45	.35		
ZONE 5					
Brush	6.75				
Spray, taping machine	7.25				
Swing stages, window jacks,	7.00				
Bridges 75 ft. in height	7.50				
All structural steel over 50 ft. in height; sand blasting	7.25				
ZONE 6					
Brush	7.25	.20	.35		
Spray	8.00	.20	.35		
Structural steel 30 ft. or more	7.65	.20	.35		
ZONE 7					
Brush	5.25				
Spray	5.75				
Contracts under $35,000.00					
Brush	3.25				
Spray	3.60				
ZONE 8					
Brush, roller	6.28		.15		
Spray	6.655		.15		

DECISION NO. AR-79

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS CONT'D:					
ZONE 9					
Brush	7.40		.20		
Spray	7.90		.20		
ZONE 10					
Brush	8.135	.20	.30	.21	
Spray	9.635	.20	.30	.21	
ZONE 11					
Brush, bridge & construction steel	7.50				
Spray	8.00				

AREA COVERED BY PAINTERS

ZONE 1 - Bates, Caldwell, Carroll, Cass, Clay, Henry, Jackson, Johnson, Lafayette, Livingston, Platte, and Ray Counties

ZONE 2 - Bollinger, Cape Girardeau, Dunklin, Mississippi, New Madrid, Pemiscot, Scott and Stoddard Counties

ZONEN 3 - Lincoln and Pike Counties

ZONE 4 - Camden, Crawford, Dent, Laclede, Maries, Miller, Phelph, Pulaski, and Texas Counties

ZONE 5 - Benton, Cooper, Moniteau, Morgan, Pettis and Saline Counties

ZONE 6 - Andrew, Atchison, Buchanan, DeKalb, Gentry, Holt, Nodaway and Worth Counties

ZONE 7 - Adair, Knox, Linn, Macon, Putnam, Schuyler, Scotland, Shelby and Sullivan Counties

ZONE 8 - Barry, Barton, Cedar, Dade, Lawrence, McDonald, Newton, St. Clair and Vernon Counties

ZONE 9 - Audrain, Boone, Callaway, Chariton, Cole, Gasconade, Howard, Monroe, Montgomery, Osage and Randolph Counties.

ZONE 10 - Jefferson, St. Charles, and St. Louis Counties

ZONE 11 - Christin, Dallas, Douglas, Greene, Hickory, Howell, Ozark, Polk, Stone, Taney, Webster and Wright Counties

XUM

DECISION NO. AR-79

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
GROUP I	$9.00	.50	.55	.75	.10
GROUP II	8.75	.50	.55	.75	.10
GROUP III	8.50	.50	.55	.75	.10
GROUP IV	8.00	.50	.55	.75	.10
GROUP V	9.25	.50	.55	.75	.10
GROUP VI	9.50	.50	.55	.75	.10
GROUP VII	9.00	.50	.55	.75	.10
ZONE 2					
GROUP I	8.52	.35	.40		
GROUP II	8.52	.35	.40		
GROUP III	7.97	.35	.40		
GROUP IV	7.52	.35	.40		
GROUP V	9.32	.35	.40		
GROUP VI	10.07	.35	.40		
GROUP VII	10.52	.35	.40		
GROUP VIII	11.27	.35	.40		
GROUP IX	9.02	.35	.40		
GROUP X	8.02	.35	.40		
GROUP XI	8.52	.35	.40		
ZONE 3					
GROUP I	8.75	.35	.50	.40	.02
GROUP II	8.55	.35	.50	.40	.02
GROUP III	8.35	.35	.50	.40	.02
GROUP IV	7.75	.35	.50	.40	.02
GROUP V	9.00	.35	.50	.40	.02
GROUP VI	9.25	.35	.50	.40	.02
GROUP VII	9.50	.35	.50	.40	.02
ZONE 4					
GROUP I	8.30	.35	.50	.40	.02
GROUP II	7.95	.35	.50	.40	.02
GROUP III	7.75	.35	.50	.40	.02
GROUP IV	6.90	.35	.50	.40	.02
GROUP V	8.55	.35	.50	.40	.02
GROUP VI	8.80	.35	.50	.40	.02
GROUP VII	9.05	.35	.50	.40	.02

DECISION NO. AR-79

POWER EQUIPMENT OPERATORS CONTD:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 5					
GROUP I	9.25	.50	.50	.50	.10
GROUP II	9.05	.50	.50	.50	.10
GROUP III	8.85	.50	.50	.50	.10
GROUP IV	8.00	.50	.50	.50	.10
GROUP V	9.50	.50	.50	.50	.10
GROUP VI	9.75	.50	.50	.50	.10
GROUP VII	10.00	.50	.50	.50	.10
GROUP VIII	8.50	.50	.50	.50	.10
ZONE 6					
GROUP I	8.30	.50	.40	.50	.05
GROUP II	7.95	.50	.40	.50	.05
GROUP III	7.75	.50	.40	.50	.05
GROUP IV	7.00	.50	.40	.50	.05
GROUP V	8.55	.50	.40	.50	.05
GROUP VI	8.80	.50	.40	.50	.05
GROUP VII	9.05	.50	.40	.50	.05
GROUP VIII	7.50	.50	.40	.50	.05
ZONE 7					
GROUP I	8.50	.40	.25		.02
GROUP II	8.15	.40	.25		.02
GROUP III	7.95	.40	.25		.02
GROUP IV	6.95	.40	.25		.02
GROUP V	8.75	.40	.25		.02
GROUP VI	9.00	.40	.25		.02
GROUP VII	9.25	.40	.25		.02
GROUP VIII	7.70	.40	.25		.02
ZONE 8					
GROUP I	8.50	.40	.25		.02
GROUP II	8.15	.40	.25		.02
GROUP III	7.95	.40	.25		.02
GROUP IV	6.95	.40	.25		.02
GROUP V	8.75	.40	.25		.02
GROUP VI	9.00	.40	.25		.02
GROUP VII	9.25	.40	.25		.02
GROUP VIII	7.70	.40	.25		.02

DECISION NO. AR-79

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP I - Aspahlt paver and spreader, asphalt plant console operator; auto grader; back hoe; blade operator, all types; boilers-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshall operator; compressor maintenance operator-2; concrete plant operator, central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; highloader-fork lift; hoising engine-2 active drums; locomotive operator, standard gauge; mechanics and welders, field or shop; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (Leroy or Equal-not Ait Trac); shovel operator; side descharge spreader; side boom cats; skimmer scoop operator; slip-form paver (CMI, REX; OR Equal); throttle man; truck crane; welding machine maintenance operator-2

GROUP II - "A" frame truck; aspahlt hot mix silo; asphalt plant fireman; drum or boiler; aspahlt plant mixer operator; asphalt plant man; asphalt roller operator; backfiller operator; chip spreader; concrete batch plant, dry, power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engin-1 drum; Latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 h.p.

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; compressor maintenance operator - 1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form greder operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator- combination boiler and booster; tractor, 50 hp or less, without attachments; vibrating machine operator, not hand; welding machine maintanance operator - 1

GROUP IV - Meachanic's helper, oiler

GROUP V - Clamshells, 3 yd. capacity or over, crane or rigs 80 ft. of boom or over (including jib); draglines, 3 yd. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd, capacity or over

GROUP VI - Crane or rigs, over 200 ft. of boom (including jib).

GROUP VII - Hoist (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or coffer dams) of twenty-five (25) ft. or more in length or depth will be paid fifty cents (50c) per hour above the regular classification.

DECISION NO. AR-79

POWER EQUIPMENT OPERATORS ZONE 2

GROUP I - Backhoe; cableway; crane, crawler or truck; crane, hydraulic-truck or cruiser mounted - 16 tons & over; crane, locomotive; derrick, steam; derrick car & derrick boat; dragline; dredge; gradeall, crawler or tire mounted; locomotive, gas, steam & other powers; pile driver, land or floating; scoop, skimmer; shovel, power (steam, gas, electric or other powers) switch boat; whirley

GROUP II - Air tugger w/air compressor; anchor-placing barge; asphalt spreader; athey force feed loader (self-propelled); backfilling machine; boat operator-push boat or tow boat (job site); boiler, high pressure breaking in period; boom truck, placing or erecting; boring machine footing foundation; bullfloat; cherry picker; combination concrete hoist & mixer such as mixermobile; compressors, two, not more than 20 ft. apart; compressors, not more than five ft. apart; compressor-welder combination; concrete breaker (truck or tractor mounted), concrete pump, such as a pump-crete machine; concrete spreader; conveyor, large (not self-propelled) hoisting or moving brick and concrete into, or into and on floor level, one or both; crane, hydraulic-rough terrain, self-propelled; crane hydraulic-truck or cruiser mounted-under 16 tons; drilling machines, self-powered, used for earth or rock drilling or boring (wagon drills and any hand drills obtaining power from other sources including concrete breakers, jackhammers and barco equipment - no engineer required); elevating grader; engine man, dredge; excavator or powerbelt machine; finishing machine, self-propelled oscillating screed; forklift; grader, road with power blade; highlift; hoist; concrete and brick (brick cages on concrete skips operating in or on tower, towermobile, or similar equipment); hoist, stack; hydro-hammer; lad-a-vator, hoisting brick or concrete; loading machine (such as barber-greene); mechanic, on job site; mixer, paving; mixermobile; mucking machine; pipe cleaning machine; pipe wrapping machine; plant asphalt; plant, concrete producing or ready-mix job site; plant heating-job site; plant mixing-job site; plant, power, generating-job site; pump, self-powered, over 2" (one operator will operate two); pumps, electric submersible, one through three, over 4"; quad-track; roller, asphalt, top or sub-grade; scoop, tractor drawn; spreader box; sub-grader; tie tamper; tractor-crawler, or wheel type with or without power unit, power take-offs, and attachments regardless of size; trenching machine; tunnel boring machine; vibrating machine, automatic, automatic propelled; welding machines (gasoline or diesel) more than one but not over four (regardless of size); well drilling machine

GROUP III - Air tugger w/plant air; boiler, for power or heating on construction projects; boiler, temporary; compressor, air-one; compressor air (mounted on truck); concrete saw, self-propelled; conveyor, large (not self-propelled); conveyor, large (not self-propelled moving brick and concrete (distributing) on floor level; curb finishing machine; ditch paving machine; elevator (building construction or alteration); endless chain hoist; fireman; form grader; generator, one over 30 KW or any number developing over 30 KW; greaser; hoist, one drum regardless of size (except brick or concrete); lad-a-vator, other hoistings; manlift; mixer, asphalt, over 8 cu. ft. capacity, mixer, if two or more mixers of one bag capacity or less are used by one employer on job, an operator is required; mixer, with outside loader, 2 bag capacity or more; mixer, with side loader, regardless of size, not paver; oiler on dredge; oiler on truck crane;

POWER EQUIPMENT OPERATORS ZONE 2 CONTD

GROUP III CONTD - pug mill operator; pump, sump-self-powered, automatic controlled over 2" during use in connection with construction work; sweeper, street; welding machine, one over 400 amp.; winch operating from truck

GROUP IV - Boat operator-outboard motor (job site); conveyor (such as con-vay-it) regardless of how used; oiler; sweeper, floor

GROUP V - Air pressure; oiler engineer; operating under ten pounds

GROUP VI Air pressure, oiler engineer operating over ten pounds

GROUP VII Air pressure engineer operating under ten pounds

GROUP VIII Air pressure engineer operating over ten pounds

GROUP IX Crane-pile driving with leads; crane using rock socket tool; dragline - 7 cu. yds. & over; shovel, power - 7 cu. yds, and over; crane, climbing (such as Linden); derrick, diesel, gas, electric hoisting material and erecting steel - 150' or more above ground; hoist, three or more drums; scoop, tandem; tractor, tandem crawler

GROUP X Heaters
Crane, with boom (including jib) over 100' from pin to pin (add 1c per foot to maximum of 75c) above basic rate for crane

GROUP XI Mud jack (where mud jack is used in conjunction with an air compressor, operator)
Work in tunnel or tunnel shaft, .25c above base rate

POWER EQUIPMENT OPERATORS ZONE 3 and 4

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; autograder; automatic slipform paver; backhoe; blade operator - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clam shell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; scoop operator; sideboom cats; skimmer scoop operator; trenching machine operator; truck crane; shovel operator.

GROUP II - A-Frame; asphalt hot-mix silo; asphalt roller operator; asphalt plant fireman (drum or boiler); asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor; pavement breaker; powerbroom - self-propelled; powervahield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

POWER EQUIPMENT OPERATORS ZONE 3 and 4 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine, operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator (other than dredge); roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination Boiler & Booster); uimac, ulric or similar spreader; vibrating machine operator, not hand; welding machine maintenance operator - 1; Tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib); hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft of boom or over (incl. jib)

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8

GROUP I - Asphalt finishing machine & trench widening spreader; asphalt plant console operator; automatic slipform paver; autograder; backhoe; blade operator, - all types; boat operator - tow; boilers - 2; central mix concrete plant operator; clamshell operator; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dozer operator; dragline operator; dredge booster pump; dredge engineman; dredge operator; drill cat with compressor mounted on cat; drilling or boring machine rotary self-propelled; highloader; hoisting engine - 2 active drums; launchhammer wheel; locomotive operator - standard gauge; mechanics and welders; mucking machine; piledriver operator; pitman crane operator; push cat operator; quad-trac; shovel operator; sideboom cats; skimmer scoop operator all types; trenching machine operator; truck crane.

GROUP II - A-frame; asphalt hot mix silo; asphalt plant fireman (drum or boiler); asphalt roller operator; asphalt plant man; asphalt plant mixer operator; backfiller operator; barber-greene loader; boat operator (bridge & dams); chip spreader; compressor maintenance operator - 2; concrete mixer operator - skip loader; concrete plant operator; concrete pump operator; crusher operator; dredge oiler; elevating grader operator; fork lift; greaser-fleet; hoisting engine - 1; locomotive operator - narrow gauge; multiple compactor, pavement breaker; powerbroom - self-propelled; power shield; rooter; slip form finishing machine; stumpcutter machine; side discharge concrete spreader; throttle man; tractor operator (over 50 hp); welding machine maintenance operator - 2 winch truck

POWER EQUIPMENT OPERATORS ZONES 5, 6, 7, and 8 CONTD

GROUP III - Boilers - 1; chip spreader (front man); churn drill operator; clef plane operator; compressor maintenance operator - 1; concrete saw operator (self-propelled); conveyor operator; curb finishing machine; distributor operator; finishing machine operator; fireman - rig; flex plane operator; float operator; form grader operator; generator-maintenance operator; light plant maintenance operator; maintenance operator; oiler driver; pugmill operator; pump maintenance operator other than dredge; roller operator, other than high type asphalt; screening & washing plant operator; Siphons & Jets; subgrading machine operator; spreader box operator, self-propelled (not asphalt); tank car heater operator (combination boiler & booster); uimac, ulric or similar spreader; vibrating machine operator; welding machine maintenance operator - 1; tractor operator (50 hp or less)

GROUP IV - Oiler

GROUP V - Dragline operator - 3 yds. & over; shovel - 3 yds. & over; clamshell - 3 yds. & over; crane, rigs or piledrivers, 100' to 150' of boom (incl. jib), hoists - each additional active drum over 2 drums

GROUP VI - Tandem scoop operator; crane, rigs or piledrivers, 150' to 200' of boom (incl. jib)

GROUP VII - Crane, rigs or piledrivers 200 ft. of boom or over (incl. jib).

GROUP VIII - Oiler - drivers

AREAS COVERED BY POWER EQUIPMENT OPERATORS ZONES

ZONE 1 - Clay, Jackson, Platte and Ray Counties

ZONE 2 - St. Louis County

ZONE 3 - Franklin, Jefferson, Lincoln, St. Charles, and Warren Counties

ZONE 4 - Adair, Audrain, Bollinger, Boone, Butler, Callaway, Cape Girardeau, Carter, Clark, Cole, Crawford, Dent, Dunklin, Gasconade, Howell, Iron, Knox, Lewis, Macon, Madison, Maries, Marion, Miller Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Oregon, Osage, Pemiscot, Perry, Phelps, Pike, Pulaski, Putnam, Ralls, Randolph, Reynolds, Ripley, St. Francois, Ste. Genevieve, Schuyler, Scotland, Scott, Shannon, Shelby, Stoddard, Texas, Washington, and Wayne Counties

ZONE 5 - Buchanan, Cass, Clinton and Lafayette Counties

ZONE 6 - Andrew, Atchison, Bates, Benton, Caldwell, Carroll, Chariton, Cooper, Daviess, DeKalb, Gentry, Grundy, Harrison, Henry, Holt, Howard, Johnson, Linn, Livingston, Mercer, Nodaway, Pettis, Saline, Sullivan and Worth Counties

ZONE 7 - Christian, Greene, Lawrence and Taney Counties

ZONE 8 - Barry, Barton, Camden, Cedar, Dade, Dallas, Douglas, Hickory, Laclede, McDonald, Newton, Ozark, Polk, St. Clair, Stone, Vernon, Webster and Wright Counties

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 1					
GROUP 1	6.99	a	b	c&d	
GROUP 2	7.19	a	b	c&d	
GROUP 3	7.29	a	b	c&d	

FOOTNOTES:
a - Employer contribution of $12.50 per week.
b - Employer contribution of $12.50 per week.
c - Paid Holidays: New Year's Day, Thanksgiving Day, Memorial Day, Independence Day, Friday after Thanksgiving Day, Labor Day, Veterans Day, Christmas Day.
d - Paid vacation of 3 days for 600 hours of service in any one contract year;
4 days paid vacation for 800 hours of service in any one contract year;
5 days paid vacation for 1,000 hours of service in any one contract yeer

CLASSIFICATION DEFINITIONS

GROUP 1 - Truck or trailers of a water level capacity of 11.99 cu. yds. or less, for lift trucks, job site ambulances, pick-up trucks, flat bed trucks

GROUP 2 - Trucks or trailers of a water level capacity of 12.0 cu. yds. up to 22.0 cu. yds. including euclids, speedace & similar equipment of same capacity

GROUP 3 - Truck or trailers of a water level capacity of 22.0 cu. yds. & over including euclids, speedace & all floats, flat bed trailers & boom trucks & similar equipment of same capacity

AREA COVERED BY TRUCK DRIVERS ZONE

ZONE 1 - St. Louis County

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 2					
GROUP 1	7.89	.50	.50	.50	
GROUP 2	8.09	.50	.50	.50	
GROUP 3	8.40	.50	.50	.50	
GROUP 4	8.55	.50	.50	.50	
GROUP 5	7.665	.50	.50	.50	

CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - One team; station wagons; pickups, material, single axle; tank wagon, single axle
GROUP 2 - Two teams; material, tandem; semi-trailers; winch; fork; distributor drivers and operators; agitator and transit mix; tank wagon, tandem or semi-trailer; insley wagons; dump; excavating, 5 cu. yds. & over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment
GROUP 3 - A-frame; low boy; boom
GROUP 4 - Mechanics & welders
GROUP 5 - Mechanic's helpers, oilers & greasers

AREA COVERED BY TRUCK DRIVERS ZONES

ZONE 2 - Clay, Jackson, Platte and Ray Counties

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ZONE 3					
GROUP 1	$9.40				
GROUP 2	9.55				
GROUP 3	9.62				
GROUP 4	9.51				
GROUP 5	9.30				
ZONE 4					
GROUP 1	8.70				
GROUP 2	8.85				
GROUP 3	8.92				
GROUP 4	8.81				
GROUP 5	8.60				
ZONE 5					
GROUP 1	8.69	.50	.50		
GROUP 2	8.84	.50	.50		
GROUP 3	8.91	.50	.50		
GROUP 4	8.80	.50	.50		
GROUP 5	8.59	.50	.50		
ZONE 6					
GROUP 1	7.83	.50	.50		
GROUP 2	7.98	.50	.50		
GROUP 3	8.10	.50	.50		
GROUP 4	7.99	.50	.50		
GROUP 5	7.73	.50	.50		
ZONE 7					
GROUP 1	7.10	.50	.50		
GROUP 2	7.25	.50	.50		
GROUP 3	7.37	.50	.50		
GROUP 4	7.26	.50	.50		
GROUP 5	7.00	.50	.50		

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CLASSIFICATION DEFINITIONS
TRUCK DRIVERS

GROUP 1 - Flat bed trucks - single axle; station wagon; pickup trucks; material trucks - single axle; tank wagon - single axle
GROUP 2 - Flat bed trucks - tandem axle; material trucks, - tandem axle; tank wagon - tandem axle
GROUP 3 - Semi and/or pole trailers; winch fork and steel trucks; Insley wagons, dumpsters, half tracks, speedace, euclids, and other similar equipment, A-frame and derrick trucks, float or low boy, distributor drivers and operators, tank wagon, semi-trailer
GROUP 4 - Agitator and transit mix trucks
GROUP 5 - Warehouseman

AREAS COVERED BY TRUCK DRIVERS ZONES

ZONE 3 - Franklin, Jefferson and St. Charles Counties
ZONE 4 - Lincoln and Warren Counties
ZONE 5 - Buchanan, Cass, Johnson and Lafayette Counties
ZONE 6 - Andrew, Audrain, Barton, Bates, Benton, Bollinger, Boone, Caldwell, Calleway, Camden, Cape Girardeau, Carroll, Carter Cedar, Chariton, Christian, Clinton, Cole, Cooper, Crawford, Dade, Dallas, Daviess, DeKalb, Dent, Douglas, Gasconade, Greene, Henry, Hickory, Howard, Iron, Laclede, Lawrence, Linn, Livingston, Macon, Madison, Maries, Marion, Miller, Mississippi, Moniteau, Monroe, Montgomery, Morgan, New Madrid, Newton, Osage, Pemiscot, Perry, Pettis, Phelps, Pike, Polk, Pulaski, Rails, Randolph, Reynolds, St. Clair, St. Francois, Ste. Genevieve, Saline, Scott, Shannon, Shelby, Stoddard, Texas, Vernon, Washington, Wayne, Webster, and Wright Counties.
ZONE 7 - Adair, Atchison, Barry, Butler, Clark, Dunklin, Gentry, Grundy, Harrison, Holt, Howell, Knox, Lewis, McDonald, Mercer, Nodaway, Oregon, Ozark, Putnam, Ripley, Schuyler, Scotland, Stone, Sullivan, Taney, and Worth Counties

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SUPERSEDEAS DECISION

STATE: Nebraska COUNTY: Lancaster
DECISION NO.: AR-76 DATE: Date of Publication
Supersedes Decision No. AQ-65, dated December 14, 1973, in 38 FR 34597
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	$ 9.44	.60	.60	4%	.03
BOILERMAKERS	8.35	.60	1.00		.02
BRICKLAYERS; Stonemasons	7.35	.20	.20		
CARPENTERS:					
Carpenters	7.25	.20	.20		
Piledrivermen	7.50	.20	.20		
CEMENT MASONS:					
Cement masons	7.125	.30	.20		
Swing stage	7.375	.30	.20		
ELECTRICIANS:					
Electricians:					
Zone A	9.26	.30	1%		.03
Zone B	9.56	.30	1%		.03
Zone C	9.86	.30	1%		.03
Zone D	10.26	.30	1%		.03
Cable Splicers:					
Zone A	9.51	.30	1%		.03
Zone B	9.81	.30	1%		.03
Zone C	10.11	.30	1%		.03
Zone D	10.51	.30	1%		.03

ELECTRICIANS-CABLE SPLICERS' ZONE DEFINITION

Electricians-Cable splicers from the main Post Office in Lincoln, Nebraska:
Zone A - 0 to 15 miles
Zone B - 15 to 30 miles
Zone C - 30 to 75 miles
Zone D - Over 75 miles

ELEVATOR CONSTRUCTORS	8.53	.395	.26	2½%+a&b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%	.395	.26	2½%+a&b	.02
ELEVATOR CONSTRUCTORS HELPER (PROB.)	50%				
GLAZIERS	6.75	.35	.20		.01
IRONWORKERS	7.45	.20	.20	.30	
LABORERS:					
Common laborers	5.425	.20	.20		
Machine & air tool operators; mason tenders	5.575	.20	.20		
Plasterer tenders	5.65	.20	.20		
LATHERS	7.62				.01

DECISION NO. AR-76

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION					
LINE CONSTRUCTION:					
Linemen	$7.35	.35	1%		1/2%
Cable splicers	7.75	.35	1%		1/2%
Truck driver	5.33	.35	1%		1/2%
Equipment operator	6.92	.35	1%		1/2%
GROUNDMEN:					
(Inexperienced) 1st 6 months	2.50	.35	1%		1/2%
(Inexperienced) 2nd 6 months	3.65	.35	1%		1/2%
Thereafter	4.83	.35	1%		1/2%
PAINTERS:					
Brush	6.525	.20	.10		
Spray; steel; swing stage	7.025	.20	.10		
Paperhangers; taper	6.775	.20	.10		
PLASTERERS	7.475	.30	.20		
PLUMBERS; Pipefitters	7.92	.58	.58		
POWER EQUIPMENT OPERATORS:					
Group I	5.75	.125	.10		
Group II	5.875	.125	.10		
Group III	5.90	.125	.10		
Group IV	6.075	.125	.10		
Group V	6.225	.125	.10		
Group VI	6.325	.125	.10		
Group VII	6.35	.125	.10		
Group VIII	6.40	.125	.10		
Group IX	6.50	.125	.10		
Group X	6.75	.125	.10		

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATOR'S CLASSIFICATION DEFINITION

GROUP I
Firemen Oilers; greasers; mechanic's helpers; industrial type tractor without attachments

GROUP II
Pumps - 4 inches and over

GROUP III
Industrial type tractor with attachments

GROUP IV
Forklift or similar type equipment

GROUP V
Compressors - 300 cu. ft. or over, or a series of compressors equalling 300 cu. ft. or over

GROUP VI
Economobile

GROUP VII
Single drum trucks or boom hoists; wench trucks; concrete pumps

GROUP VIII
One drum hoists; air tugger; mixer with capacity of 1 yard or more; blade graders; bulldozers; front end loaders; hydraulic backhoe on industrial type tractor

GROUP IX
Rubber tired earth moving equipment; hydrocrane

GROUP X
Two drum hoists; mechanics; cranes; piledrivers; shovels; draglines; clamshells; orange peel; backhoe; all shovel type equipment; all derricks and cranes

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BUILDING CONSTRUCTION (CONT'D)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition	$6.15				
Slate & tile	6.40				
SHEET METAL WORKERS	7.26	.35			.01
SPRINKLER FITTERS	8.85	.40	.60		.07
TRUCK DRIVERS:					
Single axle	5.825	.20	.25		
Tandem axle	5.95	.20	.25		
Trailers & lowboys	6.075	.20	.25		
Lumber carriers	6.25	.20	.25		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

FOOTNOTES:
a. Employer contributes 2% of the basic hourly rate for 6 months to 5 years service and 4% of the basic hourly rate for over 5 years service as vacation pay credit.

b. The following paid holidays: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

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SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Carpenter	$4.60				
Carpenter helper	3.65				
Cement finisher	4.30				
Concrete saw operator	3.50				
Form setter (road)	4.40				
Form setter (structures)	3.50				
Laborer	3.10				
Manhole builder	3.45				
Painter	3.30				
Piledriver leadsman	3.25				
POWER EQUIPMENT OPERATORS:					
All purpose spreader	3.80				
Asphalt distributor	3.80				
Asphalt distributor helper	3.25				
Asphalt headerman	3.50				
Asphalt paving machine	4.45				
Asphalt paving machine screedman	3.60				
Stationary Pl. (base or stabilization)	3.80				
Stationary Pl. (asphalt or concrete)	4.40				
Beginner operator	3.80				
Bulldozer:					
Less than 115 drawbar H. P.	4.25				
115 drawbar H.P. and over	4.55				
Cement handler	3.35				
Clamshell, dragline, backhoe, crane, pile driver or shovel	4.70				
Concrete mixer	3.30				
Concrete paver	4.15				
Slip form paver	4.55				
Conveyor	3.30				
Crusher (incl. those with integral screening plant)	4.35				
Dredge pump under 10"	3.65				
Dredge pump 10" and over	4.15				
Fireman (boiler)	3.50				
Front End Loader:					
3½ cu. yds. or less	4.10				
Over 3½ cu. yds.	4.30				
Mechanic	4.70				
Mechanic helper	4.00				
Motor grader	4.55				

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
SITE PREPARATION, EXCAVATING AND INCIDENTAL PAVING (CONT'D)					
Oiler or greaser	$3.80				
Roller, self-propelled(hot mix)	4.10				
Roller or compactor, self-propelled (other)	4.00				
Scraper under 16 cu. yds.	4.30				
Scraper 16 cu. yds. and over	4.55				
Power grade machine (trimmer)	4.50				
TRACTOR:					
Farm type (towing)	3.50				
Farm type (with attachments)	3.80				
Less than 115 drawbar H.P.	4.25				
115 drawbar H.P. and over	4.35				
Traveling plant (stabilization)	4.30				
Traveling plant helper(stabilization)	3.65				
Concrete finishing machine and spreader	4.50				

SUPERSEDEAS DECISION

STATE: Nebraska
DECISION NO.: AR-77
COUNTIES: Douglas and Sarpy
DATE: Date of Publication
Supersedes Decision No. AR-14 dated August 16, 1974 in 39 FR 29885
DESCRIPTION OF WORK: Commercial Building Construction (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BUILDING CONSTRUCTION					
ASBESTOS WORKERS	$10.00	.40	.51		.015
BOILERMAKERS	7.80	.30	.85		.02
BOILERMAKERS' HELPERS	7.55	.30	.85		.02
BRICKLAYERS, STONEMASONS	8.375	.35	.30	.60	
CARPENTERS:					
Carpenters	7.88	.35	.30	.40	.05
Millwrights	8.13	.35	.30	.40	.05
Piledrivermen	8.005	.35	.30	.40	.05
CEMENT MASONS	8.34	.35	.30	.40	.05
DRYWALL:					
Tapers and finishers	7.34	.35		.50	.01
Spray	7.59	.35		.50	.01
ELECTRICIANS	9.73	.48	1%+.50		1/4%
ELEVATOR CONSTRUCTORS	8.53	.395	.26	2½%a	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%	.395	.26	2½%a	.02
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%				
GLAZIERS	6.75	.35	.20		
IRONWORKERS	7.35	.25	.25	.30	
LABORERS:					
Common laborers	5.62	.25	.25		.02
Buggymobile operators; mortar mixers	5.765	.25	.25		.02
Mason tenders	5.765	.25	.25		.02
LATHERS	7.15	.25	.25	.40	
LINE CONSTRUCTION:					
Linemen	7.35	.35	1%		1/2%
Cable splicers	7.75	.35	1%		1/2%
Truck driver	5.33	.35	1%		1/2%
Equipment operators	6.92	.35	1%		1/2%
Groundmen:					
(Inexperienced) 1st 6 months	2.50	.35	1%		1/2%
(Inexperienced) 2nd 6 months	3.65	.35	1%		1/2%
Thereafter	4.83	.35	1%		1/2%
MARBLE SETTERS; Tile and Terrazzo workers	7.70	b	.25		
MARBLE, Tile and Terrazzo workers' helpers	5.20				
PAINTERS:					
Brush	7.65		.25		
Structural steel and paperhangers	7.90		.25		
Spray; swing stage; hazardous and sandblasting	8.15		.25		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PLASTERERS	$7.55	.25	.25		
PLASTERER TENDERS	5.935	.25	.25		.02
PLUMBERS; Steamfitters	9.51	.35	.50		.10
POWER EQUIPMENT OPERATORS:					
Group I	6.78	.35	.30		
Group II	6.88	.35	.30		
Group III	7.13	.35	.30		
Group IV	8.02	.35	.30		
Group V	8.12	.35	.30		
Group VI	8.37	.35	.30		

CLASSIFICATION DEFINITION
POWER EQUIPMENT OPERATORS

GROUP I
Oilers; greasers; mechanics helper
GROUP II
Oiler drivers (motor truck crane)
GROUP III
Conveyors; heaters; tractors, 35 HP or under; air compressors; pump and welding machine operator
GROUP IV
Bulldozers; forklifts; concrete pumps; tractors over 35 HP; one drum hoist; straddle trucks; spread oiler
GROUP V
Blades; end loaders; self propelled scrapers
GROUP VI
Two drum hoists; trenching machines; pile drivers; dredges; heavy duty mechanics; shovels; draglines; clamshells; orange peels; cranes; derricks; backhoes; winch trucks and side booms or cat booms; locomotives; firemen used on high pressure boilers in construction work; economobile; electric hammers and extractors

ROOFERS:					
Composition	6.88	.15	.20	.20	.01
Slate; tile	7.18	.15	.20	.20	.01
SHEET METAL WORKERS	8.86	.35	.20		.02
SOFT FLOOR LAYERS	8.00			c	
SPRINKLER FITTERS	8.85	.40	.60		.07
TRUCK DRIVERS:					
Single axle	6.145	.25	.25		
Tandem axle	6.22	.25	.25		
Lowboy; trailer	6.345	.25	.25		
Lumber carriers	6.52	.25	.25		

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Welders - Receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS:
A-New year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day; G-Christmas Eve; H-Day after Thanksgiving.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for over 5 years' service and 2% basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. Also 6 paid holidays - A through F

b. Employer agrees to provide one-half cost of a Health and Welfare Plan (one-half cost to be paid by employee) which will provide benefits at least equal to the Omaha Construction Industry Health and Welfare Plan shall pay $0.20 per hour in cash.

c. Eight paid Holidays, A thru H; Also employees with one year's continuous service with the same employer but less than 4 years shall receive 1 week's paid vacation; after 4 year's continuous service with the same employer shall receive 2 weeks paid vacation.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: ATLANTIC & CAPE MAY COUNTIES, NEW JERSEY

DECISION NO.: AR-2077 DATE: DATE OF PUBLICATION
Supersedes Decision No. AQ-2094 dated April 5, 1974, in 39 FR 12657
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.22	.50	.50		
Boilermakers	9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Bricklayers	9.27	.55	.20		.02
Carpenters, Millwrights & Insulators	10.00	.30	6%		.02
Cement Masons	9.02	.55	.20		.02
Electricians	8.94	4%	1%+.35		.02
Elevator Constructors:					
Mechanics	10.23	.44	.29	2%+a+b	.02
Helpers	7.16	.44	.29	2%+a+b	.02
Probationary Helpers	5.115				
Ironworkers:					
Structural, Ornamental & Reinforcing	10.10	.64	1.06		.05
Laborers, Building Construction:					
Laborers, Concrete Workers, Mason Tenders & Plasterers' Tenders	6.35	.55	.15		
Nozzle Gun Operators	6.45	.40	.15		
Air Tool Operators & Gunnite Men	6.80	.55	.15		
Lathers	7.85		.15		.01
Leadburners	9.25	.35		c	.01
Line Construction:					
Linemen, Technicians, Equipment Operators & Cable Splicers	10.00	.25	.60+1%		3/8of1%
Truck Drivers	7.30	.25	.60+1%		3/8of1%
Groundmen	6.75	.25	.60+1%		3/8of1%
Marble Setters	9.27	.55	.20		.02
Painters:					
Brush & Roller	8.25	.45	.45		
Paperhanging, Vinyl-wall Covering	8.25	.45	.45		
Structural Steel, Tanks & Flag Poles	9.25	.45	.45		
Spray	9.25	.45	.45		
Sandblasting & Stripping of Lines by Mechanical Machines	9.25	.45	.45		
Piledrivermen & Dock Builders	9.92	1.28	.90	d	.07
Plasterers	9.27	.55	.20		.02
Plumbers & Steamfitters	10.58	.42	.42		.025
Roofers:					
Composition, Rollermen & Kettlemen	8.60	.30	.30		
Slate, Tile & Dampproofers	8.85	.30	.30		
Sheet Metal Workers	9.45	.40	.50		
Soft Floor Layers	10.00	.30	6%		.02
Stone Masons	9.27	.55	.20		.02
Sprinkler Fitters	10.00	.50	.70		.08

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Terrazzo Workers	$9.02	.55	.20		.02
Tile Setters	9.02	.55	.20		.02
Truck Drivers:					
Truck Drivers	5.55	e+f	g	h+i	
Truck Drivers' Helpers & Warehousemen	5.45	e+f	g	h+i	
Euclids, 10-wheel Tractors & Tractor Trailer Trucks, Lowbeds & Pole Trailers	5.85	e+f	g	h+i	
Tractors, Trailers, Transit Mix, 10-wheel Flats & Dumps	5.70	e+f	g	h+i	
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service, or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. Paid Holiday: A through F.

c. Paid Holidays: A through F; Washington's Birthday, Good Friday and Christmas Eve providing employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regularly scheduled work days immediately preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veteran's Day or Thanksgiving Day.

e. $1.00 per week employer contribution to Life Insurance Fund.

f. Employer contributes $2.30 per day to an employees Health & Wealth Benefit Funds.

g. Employer contributes $1.60 per day to an employee's Pension Fund.

h. One week vacation after one year's work; two weeks vacation after 3 year's work.

i. Paid Holidays: A through F; Washington's Birthday, Armistice Day, Presidential Election Day provided an employee works 3 days in the week in which the holiday falls.

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NJ-1-LAB-2-3-F 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.50	.75	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.50	.75	a	
Timberman	7.05	.50	.75	a	
Pore setters	7.10	.50	.75	a	
Grademan	7.10	.50	.75	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.50	.75	a	
Wagon drill op., & drill masters	6.90	.50	.75	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.50	.75	a	
Signal man	6.60	.50	.75	a	
Wrapping and coating of all pipe	6.50	.50	.75	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

DECISION NO. AR-2077 P.5

N.J. 4-LAB-5-0

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

DECISION NO. AR-2077 P.6

NJ-1-PRO-1-2-B

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BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), econosmobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (rose & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary(except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

DECISION NO. AR-2077 P.7 NJ-1-PEO-1-2- B 2 of 3

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:
curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tanping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

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DECISION NO. AR-2077 P.8 NJ-1-PEO-1-2- B 3 of 3

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

DECISION NO. AR-2077 P.9 NJ-2-PEO-3-B 1 of 2

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:
GROUP I: Autograde-comb., subgrader, base MTL. spreader & base trimer (CMI & similar types), autograde placer-trimer-spreader-comb. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete punping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cuting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete punping machines regardless of size), hoist (Chicago Boors), scrapers (letourneau, dw's ukes), side booms, squeeze-crete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boon type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

DECISION NO. AR-2077 P.10 NJ-2-PEO-3-B 2 of 3

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic imaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tanping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

XUM

DECISION NO. AR-2077 P.11 NJ-2-FEO-3-H 3 of 3

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

DECISION NO. AR-2077 P.12 NJ-4-FEO-2-A

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers; straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: BERGEN

DECISION NO.: AR-2078 DATE: DATE OF PUBLICATION
Supersedes Decision No. AQ-2105 dated April 26, 1974, in 39 FR 14873.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.202	.5803	.4977		.02
Boilermakers	9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Bricklayers, Cement Masons, Plasterers and Stone Masons: Garfield, Lodi, Wallington and E. Patterson (south of Route 4) N. Arlington, Lynhurst, E. of Ridge and N. to Rutherford Ave., and Berry's Creek W. of the Hackensack River	9.40	.65	.74		.02
Remainder of County	9.85	.70	.60		.02
Carpenters, Millwrights and Insulators: Cliffside Park, Fort Lee, Grantwood, Palisades Park, Ridgefield, Edgewater, Fairview, Leonia and Coytesville	9.15	.80	.65		.02
Remainder of County: Carpenters & Insulators	9.05	8%	8%+.40		.02
Millwrights	9.73	6%	6%		.02
Dock Builders	9.98	6%	6%		.02
Electricians and Cable Splicers	9.36	.90	1.53	.56	.02
Elevator Constructors:	11.23	3%	6%+.58		1.5%
Mechanics	9.10	.395	a+.26	b+c	.015
Helpers	6.83	.395	a+.26	b+c	.015
Probationary Helpers	4.55				
Modernization	8.33	.395	a+.26	b+c	.015
Modernization Helpers	6.25	.395	a+.26	b+c	.015
Repair	7.48	.395	a+.26	b+c	.015
Repair Helpers	5.61	.395	a+.26	b+c	.015
Glaziers	8.27	.45	.70		.01
Ironworkers; Structural, Ornamental and Reinforcing	9.62	7%	23%	10%	1%
Laborers, Building: Garfield, Passaic and Wallington Townships, Lodi, Lodi Borough and E. Patterson: Laborers, Air Tool Operators (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Pipe-Layers (concrete and clay), and Plasterers' Tenders	6.85	.50	.70		

2-H,J,-1-2-3-Z

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Building: (cont'd) Remainder of County: Laborers, Air Tool Operators (jackhammer, vibrator), Mason Tenders, Mortar Mixers, Pipe-layers (concrete and clay), Plasterers' Tenders, Wrecking and Excavation	$6.80	.65	.60		
Lathers	6.65	.25	.25		.02
Lead Burners	9.25	.35		d	.01
Marble Setters	7.80	.78	.94		
Marble Setters' Helpers	7.33	.74	.88		
Painters: Commercial and Industrial Steel, High or Hazardous Work, Tanks, Cables, Smokestacks, bridges, Radio Towers, Swing Scaffold or Boatswain Chairs, and Rollers	7.70	.84	1.38	.38	
Spray	8.20	.84	1.38	.38	
Paper Hangers	9.77	.84	1.38	.38	
Piledrivermen	7.70	.84	1.38	.38	
Pipefitters	9.36	.90	1.53	.56	.02
Plumbers: E. Patterson, Fairlawn, Mahawah, Glen Rock, Ridgewood, Midland Park, Hohokus, Waldwick, Alendale, Ramsey, Oakland, Franklin Lakes, Saddle River	9.50	.30	.75	1.00	.25
Ridgefield, Fairview, Cliffside Park, Fort Lee and Edgewater	8.95	.475	1.16	1.00	.04
Remainder of County	9.10	.61	.55	1.00	.02
Roofers:	9.30	.60	.65	1.00	.03
Composition	9.75	.65	1.00		
Slate and Tile	8.90	.35	.75		
Slate and Tile Helpers	6.65	.35	.60		
Sheet Metal Workers	9.35	.5175	.4575	.4260	.02
Soft Floor Layers	9.43	6%	5%	.37	
Sprinkler Fitters	10.53	.50	.70		.07
Terrazzo Workers	8.71	.45+.62	1.19		
Terrazzo Workers' Helpers	7.43	.925	.475		
Terrazzo Machine Operators	7.68	.925	.475		
Tile Setters	8.10	.60	1.50		

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DECISION NO. AR-2078

2-N.J.-2-2-3-Z

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to an Annuity Fund.

b. Paid Holiday: A through F; Lincoln's Birthday; Washington's Birthday; Columbus Day; Election Day; Armistice Day.

c. Employer contributes 6.4% of the basic hourly rate for 5 years or more of service or 4.2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. Paid Holidays: A through F; Washington's Birthday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceeding and following the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hanner and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$ 7.20	.51	.54	a		
Rakers	7.05	.51	.54	a		
Tampers and smoothers, kettleman; painters, top shovelers and roller boys	6.80	.51	.54	a		
Plant:						
Scale mixer and burner men	7.05	.51	.54	a		
Feeders and dust men	6.80	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

XUM

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), derricks (land or floating), drillcaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grador, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping syste, pumperete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), groove cutting machine, heater planer, pans (letourneau, dw's ukes), pump-crete (unit type), pumperete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary/ except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, autiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including subaersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug raster (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pupp (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors umder D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all conbination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumperete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumperete (unit type), pumperete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeeze-crete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.: compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump tr[illegible] (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form lino graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.83	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS: H & W	PENSIONS	VACATION	APP. TR.	OTHERS
TRUCK DRIVERS						
Winch Trailer	$7.25	1.31½		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	7.15	1.31½		a+b		
Straight three-axle materials: trucks and floats	7.05	1.31½		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	7.00	1.31½		a+b		
Mechanics helpers	6.77	1.31½		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day;
C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; Good Friday; providing has worked or shaped one day of the calendar week in which the holiday occurs.

b. Employees who have worked or have received pay for 80 days shall receive 48 hours vacation pay; 125 days - 96 hours vacation pay; 145 days - 120 hours vacation pay; an employee with 145 days credit and at least 15 years seniority shall receive 160 hours vacation pay.

SUPERSEDEAS DECISION

STATE: NEW YORK
DECISION NO.: AR-2072
COUNTY: DUTCHESS
DATE: Date of Publication

Supersedes Decision No. AR-2060 dated October 11, 1974 in 39 FR 36777 (See Correction October 18, 1974 in 39 FR 37354)

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction

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BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$12.144	5%	6%		
Boilermakers	10.57	5%	15%	7%	.01
Bricklayers, cement masons, marble setters, plasterers, stone masons and tile setters	9.00	.80	1.60	g	
Carpenters, Building:					
Wappingers Falls, New Hackensack, Pawling and Beacon, Carpenters, piledrivermen and soft floor layers	9.04	.63	.45+.45	.45+1	.10
Remainder of County:					
Carpenters and soft floor layers	8.14	6%	6%		.05
Carpenters, Heavy and Highway:					
Wappingers Falls, New Hackensack, Pawling, and Beacon:					
Carpenters	9.04	.63	.45+.45	.45+1+m	.10
Remainder of County:					
Carpenters	8.14	6%	6%		.05
Cement masons, Bricklayers, Stone masons (Heavy & Highway)	9.50	.80	1.60	h	
Electricians:					
Beacon and Fishkill	8.70	.40	1%+.64	.60	1%
Remainder of County:	8.75	.50	1%+.85	5%+a +n	½ of 1%
Elevator constructors	9.16	.395	.26	c+d	.02
Elevator constructors' helpers	6.41	.395	.26	c+d	.02
Elevator constructors' helpers (prob)	4.58				
Glaziers	8.75	.66	1.66	.365	.03
Ironworkers, structural, orna. & reinforcing	8.92	.95	1.67	1.20	.04
Lathers	7.70	9%	.55		.01
Lead Burners	9.25	.35		e	.01
Line Construction:					
Lineman	9.79	.50	1%+.50	f	3/8%
Cable Splicer	10.54	.50	1%+.50	f	3/8%
Groundman digging machine operator	8.81	.50	1%+.50	f	3/8%
Groundman mobile equipment operator	8.30	.50	1%+.50	f	3/8%
Groundman truck driver and mechanic	7.90	.50	1%+.50	f	3/8%
Groundman dynamite man	8.30	.50	1%+.50	f	3/8%
Marble setters helpers	7.50	1.05		1.15+b	

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14-New York-1-2-3-W 2 of 3

BUILDING, HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Brush	$ 6.90	.42	1	k	
Bridges, towers, fire escapes, smoke stacks, flag poles, swing stage, window jacks, boatswain chair, saftey belts, and spray structural steel	7.90	.42	1	k	
Piledrivermen, dock & wharf builders	9.61	.95	.83+70	.61	.02
Plumbers and steamfitters	9.57	.38	.83	1.24	.05
Roofers, composition & shingle	9.60	9%	4%+.86		
Roofers, slate, tile asbestos	9.85	9%	4%+.86		
Roofers, pitch	12.06	9%	4%+.86		
Sheet metal workers	10.34	8%	8%	8%	.02
Sprinkler fitters	9.60	.50	.70		.08
Terrazzo workers' helpers	7.55	1.05		1.15+b	
Tile setters' helpers	7.20	1.05		1.15+b	
Welders - receive prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS: A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F; (provided employee is on the payroll two weeks prior to the holiday).

b. Paid Holidays: A through F, Washington's Birthday, Lincoln's Birthday, Good Friday and Columbus Day provided the employee is employed 3 days before the holiday or any of the 3 days following the holiday.

c. Holidays: A through F.

d. Employer contributes 2% of the basic hourly rate for 6 month to 5 years of service or 4% of the basic hourly rate for 5 years or more of service as vacation pay credit.

e. Holidays: A through F; Washington's Birthday, Good Friday and Xmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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FOOTNOTES (CONT'D)

f. Holidays: A through F; Washington's Birthday, Election Day for President of the United States and Election of Governor of New York (provided employee works the day before and the day after the holiday).

g. Holidays: A through F; and two hours off on Election Day for the purpose of voting.

h. Holidays: A through F; Washington's Birthday; Good Friday; Columbus Day; Veteran's Day and Nov. Election Day.

i. Employer contributes $.30 per hour to an annuity fund.

k. Holiday C providing the employee works within the period of (June 20 to July 4th).

l. Employees receive two hours off on Election Day for purpose of voting.

m. Holidays A through F providing the employee works 7 days before and after the holiday.

n. Employee receives two hours off on Election Day for the purpose of voting.

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BUILDING CONSTRUCTION	Basic Hourly Rate	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Other
Laborers:						
General Laborers	$7.60	.61	1.31	a+.40		
Hod carriers (plasterers' helpers), scaffold builders (padlock & self-supporting scaffold 14 ft. or under all runways), mortar mixers (machine & hand), concrete mixers (by machine under 21-E), vibrators, form setters, pipe layers, asphalt rakers, handling reinforcement rods, working labor foreman, drillers & jackhammer op., signalmen, gunniting, motor buggs, water pumps 2" or under, Barco machines, wreckers, paving breakers, power saw operator, other machine operators	7.85	.61	1.31	a+.40		
Blasters, laser beam op.	8.00	.61	1.31	a+.40		

FOOTNOTE:

a. Two hours off with pay on Election Day.

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP I: Backhoe Oliver 88, Fordson, dynahoe, dual purpose & similar machine, Barber Green loader-Euclid loader or similar type, cherry picker (cableway), compressor (Steel erection), conway or similar mucking machines, dragline, gradall, shovel, backhoe, etc., (crawler or truck), front end loaders, hydraulic boom, Jersey spreader, Letourneau or Tournapull (scrapers over 20 yds. struck), mucking machines, pavement breaker (air ram), paver (concrete), pulsemeter, push button (buzz box) elevator, road boring machine, road mix machines, Ross carrier & similar machines, post hole digger, shovel (tunnels), side boom, spreader (asphalt), scoopmobile-tractor-shovel over 1-½ yds., trenching machines, tractor type demolition equipment, winch truck "A" Frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 & similar tractors with a draw bar horsepower of 100 & over maintenance engineer, mechanic (outside) all types, welder, scraper-20 yds. struck & under, machine pulling sheep's foot roller, etc., roller 4 ton and over, vib. roller

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 & similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete mixing plants, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), joy drill or similar tractor drilling machine, loader-1-½ yds., & under, lighting unit (portable & generator), locomotive (all sizes), mixer concrete-21E & over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone cursher, welding machine (steel erection excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine concrete, material hooper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump, pump station (water & sewer), pump-gypsum, etc., concrete, pump-plaster roller under 4 ton, spreading & fine grading machine, steam Jenny, steel Jenny, steel cutting machine, sweeper, syphon pump air steam, tar joint machine, Turbo jet burner or similar equipment vibrator (1 to 5) fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler (fuel truck), oiler (grease truck), paint compressor, welder's helper

GROUP VI:
- A. Master mechanic
- B. Helicopter hoist op.
- C. Oiler, asphalt paver, utility man
- D. Welder - certified
- E. Second engineer on cranes 30 ton and over
- F. Cable splicer
- G. Helicopter pilot
- H. Helicopter signalman
- I. Engineer, all tower cranes, all climbing cranes and all cranes of 100 ton capacity or greater (3900 maintowac or similar) irrespective of manufacturer and regardless of how the same is rigged (except for pile rigs).

POWER EQUIPMENT OPERATORS - BUILDING CONSTRUCTION:

GROUP VI (CONT'D):
- J. Cranes (crawlers or truck) 100 ft. but less than 149 ft
- K. Cranes (crawlers or truck) 149 ft. and over
- L. Loaders op. (over 5 yd. capacity)
- M. Shovel op. (over 4 yd. capacity)

GROUP VII: Concrete-portable hoist, crane & hoist engineer-steel (concrete, material, super structure, sub-structure), derrick (stone-steel), elevator & cage, engineer-pile driver, overhead crane, power house plant, telephies, whirly, hoist (single, double or triple drum), hoist (portable mobile unit), hoist engineer-concrete (crane, derrick, mine hoist), hoist engineer material

POWER EQUIPMENT OPERATORS, BUILDING	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$12.285	6%+.875	8%	a	1%
GROUP II	11.37	6%+.875	8%	a	1%
GROUP III	11.2275	6%+.875	8%	a	1%
GROUP IV	11.085	6%+.875	8%	a	1%
GROUP V	9.9425	6%+.875	8%	a	1%
GROUP VI					
A	13.655	6%+.875	8%	a	1%
B	12.7975	6%+.875	8%	a	1%
C	8.9975	6%+.875	8%	a	1%
D	11.7975	6%+.875	8%	a	1%
E	10.5125	6%+.875	8%	a	1%
F	11.37	6%+.875	8%	a	1%
G	16.5125	6%+.875	8%	a	1%
H	9.9425	6%+.875	8%	a	1%
I	16.2275	6%+.875	8%	a	1%
J	14.5125	6%+.875	8%	a	1%
K	15.5125	6%+.875	8%	a	1%
L	12.785	6%+.875	8%	a	1%
M	13.285	6%+.875	8%	a	1%
GROUP VII	12.5125	6%+.875	8%	a	1%

Remainder of County:
BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP 1: Oilers

GROUP 2: Firemen and heavy duty greasers, all boilers and steam generators

GROUP 3: Pumps, vibrators, concrete mixers, spreaders, concrete finishing machines, mortar mixers, air compressors, dust collectors, welding machines well points, two or more Herman Nelson and like heaters, batch and plant op., seed and mulching machines, generators, temporary light plants, concrete pump, beltcrete power pac (beltcrete system), electric submersible pump 4" and over

GROUP 4: Dinkey locomotives, Barber Greene loaders, loaders and conveyors, tractors, scoopmobiles, bulldozers, road rollers, form fine graders, power brooms and sweepers

GROUP 5: Black top spreaders, black top rollers, high lifts, fork lifts, one drum hoist or hod hoists, post hole diggers, traxcavators, core and well well drillers (one drum), economobile and similar type machines, elevators, A-L frame winches, power hoisting (single drum)

GROUP 6: LeTourneau graders or scrapers, trenching machines, push cart

GROUP 7: Tractor road pavers, cranes, power road graders, shovels, backhoes, draglines, pile drivers, hoists two or more drums, three drum engines, hysters, two drum and swinging engines, three drum swinging engine, locomotive cranes, gradalls, hydrocrane, model CHB Vibrotamp or similar, Murphy type diesel generator-beltcrete system, side booms, hydro hammer, tractor mounted drill (quarry master), euclid loaders, concrete pumps, all CMI equipment, concrete central mix plant, autorated asphalt, concrete central plant, derrick, whirlies, tower cranes, cableways, hydraulic cranes, power hoisting (2 drum and over), mucking machine

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.91	.70	.40	a	.10
GROUP 2	7.96	.70	.40	a	.10
GROUP 3	8.05	.70	.40	a	.10
GROUP 4	8.22	.70	.40	a	.10
GROUP 5	8.49	.70	.40	a	.10
GROUP 6	8.605	.70	.40	a	.10
GROUP 7	8.76	.70	.40	a	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Oth.
Laborers:						
General laborers	$ 7.06	9%	7%+.80	a		
Concrete men, joint setter, signal man, mason tender, pipe layer, riprap and dry stone layers, asphalt workers, screed bar operator, steel tod carrier, jackhammerman, wagon driller, air-trac operator, nippers, powderman, high scalers, power buggy operator, vibratory operator, other compactor, wrecking laborers, gunite and sandblasting, coal passer	7.31	9%	7%+.80	a		
Concrete finisher on Highways, blaster, form setter	7.66	9%	7%+.80	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

a. Lincoln's Birthday, Washington's Birthday, Good Friday, Columbus Day, Veteran's Day and November Election Day provided the employee works (7) calendar days before or after the holiday.

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Poughkeepsie and South Thereof:

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS:

GROUP I: Auger, auto grader, backhoe Oliver 88, Fordson, dynahoe, dual purpose and similar machines, barber green loader-euclid loader or similar type, central mix plant operator, cherry picker (cableway), compactor with blade, compressor (steel erection), concrete portable hoist, C.M.I. or similar Conway or similar mucking machines, Crane (crawler or truck) dragline, gradall, shovel backhoe, etc., derrick (stone-steel), elevator & cage, front end loaders, hoist single, double, triple drum, hoist portable mobile unit, hoist engineer-concrete (crane-derrick-mine hoist), hoist engineer-material, hydraulic boom, LeTourneau or Tournapull (scrapers over 20 yards struck), mucking machines, overhead crane, paver (concrete), power house plant, pulsometer, push button (buzz box) elevator, road mix machines, Ross carrier and similar machines, shovel (tunnels), side boom, spreader (Asphalt), scoopmobile-tractor-shovel over 1½ yards, trenching machines, telepines, tractor type demolition equipment, whirly, winch truck "A" frame

GROUP II: Compactor self-propelled, grader, bulldozer D7 and similar tractors with a draw bar horsepower of 100 and over, maintenance engineer, mechanic (outside) all types, welder, scrapers 20 yards struck and under, shop foreman, vibratory roller, etc., roller 4 ton and over

GROUP III: Asphalt plant, boiler (high pressure), bulldozer D6 and similar tractors with a draw bar horsepower less than 100, compressor, compressor plant, concrete pump, conveyor belt machine-irrespective of motor size, fireman, forklift, forklift (electric), jay drill or similar tractor drilling machine, loader-1½ yds. and under, lighting unit (portable & generator), locomotive (all sizes), machine pulling sheeps foot roller, mixer concrete-21E and over, portable asphalt plant, portable batch plant, portable crusher, quarry master, stone crusher, welding machine (steel erection-excavation), well drilling machine, well point system

GROUP IV: Air tractor drill, batch plant, bending machine, concrete breaker, concrete spreader, compressor to 125 cu. ft., curb cutter machine, dust collector, farm tractor (all types), finishing machine-concrete, material hopper-sand-stone-cement, mixer-concrete-under 21E, mulching grass spreader, heater-all types, pump 4 inches and over, pump station (water & sewer), pump-gypsum, etc., pump-plaster, roller under 4 ton, shop mechanic (not employed on job site), spreading & fine grading machine, steam jenny, steel cutting machine, sweeper, syphon pump-air-steam, tar joint machine, Turbo jet burner or similar equipment, vibrator (1 to 5), fine grading machine

GROUP V: Concrete saw, mechanic's helper, oiler, oiler (fuel truck), oiler (grease truck), stockroom or stockroom attendant, paint compressor, pump under 4" or any combination not equal to 4". roller motorized (walk behind), welder's helper

HEAVY & HIGHWAY - POWER EQUIPMENT OPERATORS (CONT'D):

GROUP VI: Hoist engineer-steel, sub-struct., engineer-pile driver

GROUP VII: Welder-certified crawlers or truck: 100 ft. but less than 149 ft. $2.00 per hour additional crawlers or truck: 149 ft. and over $3.00 per hour additional loader operators: Over 5 cu. yd. capacity $.50 per hour additional shovel operators: over 4 cu. yd. capacity $1.00 per hour additional

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$10.75	6%	8%+a	b	1½%
GROUP II	9.95	6%	8%+a	b	1½%
GROUP III	9.825	6%	8%+a	b	1½%
GROUP IV	9.70	6%	8%+a	b	1½%
GROUP V	8.70	6%	8%+a	b	1½%
GROUP VI	10.95	6%	8%+a	b	1½%
GROUP VII	10.325	6%	8%+a	b	1½%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. $.66 per hour.

b. Holidays: A through F; Lincoln's Birthday; Washington's Birthday; Good Friday; Columbus Day; November Election Day and Veteran's Day.

REMAINDER OF COUNTY:

HEAVY & HIGHWAY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Automated concrete spreader (CMI), automatic fine grader, backhoe (except tractor mounted, rubber tired), belt placer (CMI type), blacktop plant (automated), cherry picker (over 5 tons capacity), concrete pump (8" or over), crane, cranes & derricks (steel erection), dragline, dredge, dual drum paver, excavator (all purpose-hydraulically operated), fork lift (factory rated 15 ft. and over), front end loader 4 c.y. and over), head tower (sauerman or equal), hoist (2 or 3 drum), mine hoist, mucking machine or mole, overhead crane (gantry or straddle type), piledriver, power grader, quarry master (or equivalent), scraper, shovel, sideboom, slip form paver (if second man is muded, he shall be on oiler), tractor drawn belt type loader, truck crane, tunnel shovel

GROUP II: Backhoe (tractor mounted, rubber tired), bituminous spreader and mixer, blacktop plant (non-automated), blast or rotary drill truck or tractor mounted), boring machine, cage-hoist, central mix plant (non-automated) and all concrete batching plants), cherry picker (5 tons capacity and under), compressors (4 or less) exceeding 2000 C.F.M. combined capacity, concrete paver (over 16S), concrete pump (under 6"), crusher, diesel power unit, drill rigs (tractor mounted), front end loader (under 4 c.y.), hi-pressure - boiler (15 lbs. and over), hoist (one drum), Kolman plant loader and similar type loaders (if another man is required to clean screen or to mountain the equipment, he shall be on oiler), locomotive, maintenance/engineer/greaseman/welder, mixer (for stabilized base self-propelled), monorail machine, plant engineer, pump crete, ready mix concrete plant, refrigeration equipment (for soil stabilization), road widener, roller (all above subgrade), tractor with dozer and/or pusher, trencher, tugger-hoist, winch, winch cot

GROUP III: A-frame truck, compressors (4 not to exceed 2000 C.F.M. combined capacity or 3 or less with more than 1200 C.F.M. but not to exceed 200 C.F.M.), compressors (any size but subject to other provisions for compressors), dust collectors, generators, pumps, welding machines (4 of any type or combination), concrete pavement spreaders and finishers, conveyor, drill-core, drill-well, electric pumps used in conjunction with well point system, farm tractor with accessories, fine grade machine, fork lift (under 15 ft.), gunite machine, homers (hydraulic-self propelled), post hole digger and post driver, power sweeper, roller (grade and fill), submersible electric pump (when used in lieu of well point system), tractor with towed accessories, vibratory compactor, vibro tamp, well point

GROUP IV: Aggregate plant, boiler (used in conjunction with production), cement and bin operator, compressors (3 or less not to exceed 1200 c.f.m. combined capacity), compressor (any size, bust subject to other provisions for compressors), dust collectors, generators pumps, welding machines (3 or less of any combination), concrete paver or mixer (16S and under), concrete saw (self propelled), fireman, form tamper, hydraulic pump (jacking system), lighting plants, mulching machine, oiler, parapet concrete or pavement grinder, power broom (towed), power heaterman, revinius widener, shell winder, steam cleaner, tractor

HEAVY & HIGHWAY CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.70	.45	.45+a	b	.10
GROUP II	8.40	.45	.45+a	b	.10
GROUP III	7.85	.45	.45+a	b	.10
GROUP IV	7.15	.45	.45+a	b	.10

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $.30 per hour to an Supplemental Unemployment Benefit Fund.

b. Paid Holidays A through F; providing the works the day day before and after the holiday.

NOTICES

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NOTICES

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION — N.Y. 2-TD-1-2-3-F

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
TRUCK DRIVERS:						
Drivers on LeTourneau tractors, double barrel Euclids, Athey wagon and similar equipment (except when hooked to scrapers), low beds, I-Beam, pole trailers, road oil distributors, tire trucks, tractors and trailers with 5 axle and over	$7.66	.70	.70	a		
Equipment 25 yards and over up to and including 30 yard bodies, cable dump trailers, powder and dynamite trucks	7.56	.70	.70	a		
Equipment up to and including 24 yards bodies, mixer trucks, dump crete trucks and similar types of equipment, fuel trucks, batch trucks and all other tractor trailers	7.36	.70	.70	a		
Ten wheelers, grease trucks and tiller man	7.26	.70	.70	a		
Straight trucks	7.16	.70	.70	a		
Pick-up trucks used for hauling material, parts, escort man over the road	7.16	.70	.70	a		
Helpers	7.06	.70	.70	a		

Paid Holidays:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTE:

a Holidays: A through F; Washington's Birthday; Election Day; Veteran's Day

SUPERSEDEAS DECISION

STATE: Pennsylvania — County: Beaver
DECISION NO.: AR-2035 — DATE: Date of Publication
Supersedes Decision No. AQ-2057, dated February 15, 1974, in 39 FR 5943
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

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BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$ 9.92	.35	.70		
Boilermakers	9.07	7%	7%		.01
Bricklayers	8.525	.40	.45	.80	
Carpenters	8.92	5%	7%	6%	.4 of 1%
Cement masons	9.98				1½%
Electricians	9.20	.64	1%+.19	.75	1½%
Elevator constructors	9.20	.39	.26	2½%+a+b	.02
Elevator constructors' helpers	6.44	.39	.26	2½%+a+b	.02
Elevator constructors' helpers (prob.)					
Glaziers	7.89	.35	.44	.33	.01
Ironworkers, structural	8.775	.785	.775		.03
Ironworkers, reinforcing	8.775	.785	.775		.03
Laborers:					
Laborers, carryable, pumps, west brick buggy or Similar, Vibrator Operators, Walk Behind Forklift or Similar (Non Self-Propelled) Stripper and movers, cement masons, footers, window cleaner, tool room man, all material conveyor (regardless of pwoer used) including starting and stopping	7.15	.40	.40		
West Brick Buggy or Similar (Self-Propelled), Power Wheelbarrows and Buggies, Walk behind Forklift or Similar, (self-Propelled) Wagon Drill helper, Drill Runner, Drill Runner's Helper, (Including Drill Mounted on truck, track or similar), Blaster's Helper, all operators of compacting equipment, pipe layer, burner, jack-hammer, man-concrete buster	7.275	.40	.40		
Mod carrier, scaffold builder, bell and bottom man on furnances & stacks, mortar mixer, mortar mixing machine (regardless of power used, including starting & stopping), grout machine feeder & pump operator	7.40	.40	.40		
Concrete saw operators	7.40	.40	.40		
Cunnite nozzleman	7.65	.40	.40		
Blaster & wagon drill operator	7.85	.40	.40		
Lathers	8.18		.10		
Lead burners	9.25	.35		c	.01

4-PA-1- Z — 2 of 2

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Painters	Vacation	App. Tr.
Line Construction:					
Linemen	$10.33	.30	1%		3/8%
Cable splicers	10.33	.30	1%		3/8%
Groundmem	6.20	.30	1%		3/8%
Winch truck operator	7.23	.30	1%		3/8%
Marble setters	8.525	.40	.45	.80	
Marble setters' helpers	7.95		.10		
Millwrights	7.66	5%	2.5%	26%	1%
Painters:					
Bruch, commercial	7.15	.35	.30		
Spray	7.65	.35	.30		
Painters, Industrial:					
Painters, bush	8.15	.35	.30		
Roller	8.65	.35	.30		
Piledrivermen	9.27	5%	7%		.50 of 1%
Plasterers	9.55				.01
Roofers	9.21	.37	1.10		
Sheet metal workers	8.83	.65	.85		.02
Soft floor layers, carpet cutters	8.245	5%	5%	4.5%	½%
Sprinkler fitters	9.45	.50	.70		.08
Stone masons	8.525	.40	.45	.80	
Terrazzo workers	8.525	.40	.45	.80	
Tile setters	8.525	.40	.45	.80	
Welders - rate for craft					

Paid Holidays: (Where Applicable)

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

Footnotes:

a. Employer contributes 4% basic hourly rate for 5 years or more of Service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

b. 6 paid holidays: A through F

c. Paid holidays, A through F and Washington's Birthday and Good Friday, Christmas Day, provided employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the day preceding and following the holiday.

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PA-2-PEO-1-M 1 of 3

BUILDING CONSTRUCTION POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
CLASS I	9.875	.50	.50		.09
CLASS 1-A	10.125	.50	.50		.09
CLASS 1-B	10.375	.50	.50		.09
CLASS 1-C	10.625	.50	.50		.09
CLASS II	9.725	.50	.50		.09
CLASS III	9.15	.50	.50		.09
CLASS 3-A	9.65	.50	.50		.09
CLASS IV	9.15	.50	.50		.09
CLASS V	8.40	.50	.50		.09
CLASS VI	8.15	.50	.50		.09
CLASS 6-A	8.25	.50	.50		.09
CLASS 6-B	8.40	.50	.50		.09

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CLASS I: Austin-Western or similar type up to 25 ton, austin-western or similar type 25 ton or over, auto grader (CMI or similar), backhoe, batch plant when conveyors are used for direct feeding or discharge, batch plant - no conveyors for direct feeding or discharge (without oiler) cableway, caisson drill, central mix plant, cranes (excluding overhead) (truck or crawler type) cranes - tower (mobile) cranes tower (climbing type), derrick-traveler (self propelled), derrick (all types) (when assistance required it will be an oiler or apprentice), derrick boats, dragline, dredge, engineer-maintenance (mechanic weekly rated), franki or similar type, pile driver, gradall (remote control or otherwise), heliocopter (when used for erection purposes), helicopter hoist operators (when used for erection purposes, Hi Lift 4 yds. or over hoist-hod (2 cages up to 10 floors) hoist-single cage with chicago boom attached hoist (50 ft. or over) (stacks stoves or furnaces), hoist (slipform jobs) hop-to or similar type with 180° swing, hop-to or similar type with 360° swing, koaal, koehring scooper, metro chip harvester or similar type, mix mobile or similar type (with self-loading attachment), mix mobile or similar type, mucking machine (tunnel), multiple bowl machines, pipe driver (sonic or similar type) (when assistance required it will be an oiler or apprentice), post driver - guard rail (truck mounted pumpkrete-mobile or similar type, quad nine, shovels (all types), slip form paver (CMI or similar, tractors - boom mounted (all types) tractors (all types with hydraulic backhoe attached), tug boat, whirley

CLASS 1-A: Austin-Western or similar type up to 25 tons with jib, austin western or similar type 25 ton or over with jib, cranes (boom or mast 100 ft. or over up to & including 150 ft. (truck or crawler type) cranes - mobile (any type 15 ton or over) hoist-rod (2 cages over 10 floors)

CLASS 1-B: Cranes (boom or mast over 150 ft. up to & including 200 ft. (truck or crawler type), engineer - lead.

CLASS 1-C: Cranes (boom or mast over 200 ft. + .75

CLASS II: auger - truck or tractor mounted, back filling machine, boat - material or personnel carrying (powered) boat of job work (inboard or outboard), bulldozer, cable layer, compactor with blade, concrete belt placer, crane - overhead, crushing & screening plants, drill - davey or similar type, drill - core (truck or skid mounted), drill - well & core (truck mounted) elevator (new buildings and major remodeling old), euclid loader, excavating equipment (all other), forklift-lull or similar, grader, grader-elevating, greaser-equipment (head), Hi-lift less than 4 yds, hoist - one drum (4 floors or over), hoist - hod (buildings 4 floors or more), hoist - (2 drums or more in one unit), jumbo operator, locomotive, lift slab machine (hydraulic), mixer - paving, mucking machine, pipe cleaning machine, refrigeration plant (used for constr. jobs ie. cooling, concrete & holding banks), rose carrier (or similar type) scoop (single bowl) self-powered & tractor drawn) spreader - concrete, asphalt and stone, Tower Mobile (hoisting or lowering material) trencher, well point systems, grout pump (10 H.P. or over) paver operator asphalt (spreader), pumpcrete or similar type (not self-propelled) pumpkrete machine operator (stationary), tire repairman (when assigned to job), welder repariman) Asphalt plant operator, sthey loader.

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CLASS III: Boiler, compactor (ridden or self-propelled), crane (carry) curb builder (self-propelled) drills-wells and horizontal, elevator (alterations of old building), forklifts (ridden or self-propelled), hoist one drum (regardless of power used) pavement breaker (self-propelled or ridden), pipe dream, roller, saw (concrete), soil stabilizer (pump type), stone crusher, stone spreader self-propelled, tractors (when used for snaking and hauling), tube finishing (CMI or similar type), tugger, truck (winch) truck or hydraulic boom (when hoisting & placing), ballast regulator, boring machine, broom, power (except push type), conveyor over 1 and up to units (regardless of power used) form line machine, hoists (monorail) regardless of power used) hoist roof (regardless of power used), huck machine or similar type, mixer concrete (regardless of power used), mixer mortar - over 10 cu. ft. (regardless of power used), spray cure machine power driven steam jenny (or similar type) syphon (steam or air), welding machine single (300 amp or over) (other than electrically driven

CLASS 3-A: Conveyors 4 units or more

CLASS IV: Ballast Regulator, Boring Machine, Broom, power (except push type), Compressor - Single (over 65 CFM), conveyor over 1 and up to 3 units (regardless of power used), Form line machine, Generator (over 5 KW). Hoists (Monorail) (regardless of power used), Hoist Roof (regardless of power used), Huck machine or similar type. Mixer Concrete (regardless of power used), Mixer Mortar - over 10 cu ft (regardless of power used), pump (over 1½" discharge regardless of power used), Spray Cure Machine (power Driven). steam jenny (or similar type), syphon (steam or air), Welding machine single (300 amp or over) other than electrically driven. plant, private or industrial air or steam valve

CLASS V: Compreasor - 65 cu. ft. or under (regardless of power used), conveyor one (1) unit (regardless of power used), heaters - up to and including 6, jack motor hydraulic (single type) power driven, ladavator, mixer mortar (10 cu. ft. or under), mulching machine, pin puller (powered), pulverizer, pump - 1½" discharge or less, seeding machine, spreader side delivery, shoulder (attachment), tie tamper (multiple heads), tractor farm (when used for landscaping), water blaster

CLASS VI: Brake man, deck hand, helicopter signalman, oiler

CLASS 6-A: Crane truck oiler and fireman

CLASS 6-B: Oiler truck crane 50 ton or over, mechanic helper

PA-2-TD-1-F

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Truck Drivers:					
Warehousemen, service trucks (pick-up, jeep, station wagon, panel truck)	$5.855	.30	.30	a	
Dumps and flat tops	5.905	.30	.30	a	
Transit-mix, single axle	5.93	.30	.30	a	
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Distributed truck over 33,00 lbs. gross weight	5.905	.30	.30	a	
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FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day and Veterans Day & Good Friday, provide the employee is available for work the day before and the day after the holiday and has been employed by the employer a minimum of 40 hours each calendar month for two consecutive months.

[FR Doc.74-26566 Filed 11-14-74;8:45 am]

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federal register

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Volume 39 ■ Number 223

Pages 40491–40566

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–AL–16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone at Valdez, Alaska

On September 20, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 33807) stating the Federal Aviation Administration proposed an amendment to Part 71 of the Federal Aviation Regulations which would designate a control zone at Valdez, Alaska.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the submission of comments.

All but one of the comments received concurred with the proposal to establish a control zone, although some commentators recommended that the control zone be larger than was proposed. The one objection to the establishment of a control zone, while suggesting several alternative proposals, did not indicate the reason why the proposal was objectionable.

After careful consideration of all of the comments, it is our finding that the three-mile control zone will minimize the impact that designated controlled airspace will have on the user in this small operating area and, at the same time, meet the initial need for controlled airspace protection conforming to the minimum requirements.

Modification to this control zone may be considered at a later time if such modification is required for more efficient handling of aircraft operations in the Valdez terminal area.

The establishment of the Valdez Combined Station Tower on or about January 1, 1975, is expected to provide an additional degree of safety and service to the pilot. We recognize that some delay may occur under certain weather and traffic situations. However, when an air traffic facility at the Valdez Airport and additional (planned) communications outlets at Valdez Narrows, Johnstone Point, and Boswell Bay are commissioned, we expect minimum of delay to Valdez terminal air traffic.

Therefore, in consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t. January 2, 1975, as hereinafter set forth.

1. In § 71.171 (39 FR 354) the Valdez, Alaska, control zone is designated to read:

VALDEZ, ALASKA

Within a three-mile radius of the Valdez Municipal Airport, latitude 61°07'58" N, longitude 146°14'24" W. This control zone is effective from 0600 to 1600 local time daily from mid-October to mid-May, and from 0600 to 2200 local time daily from mid-May to mid-October or during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the U.S. Government Flight Information Publication Supplement Alaska.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Anchorage, Alaska, on November 8, 1974.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.74–26857 Filed 11–15–74;8:45 am]

[Docket No. 14121, Amdt. 942]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the rules docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective December 26, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., VOR Rwy 27R, Orig.
Cheraw, S.C.—Cheraw Municipal Arpt., VOR-A, Amdt. 3
Ely, Minn.—Ely Municipal Arpt., VOR Rwy 12, Amdt. 1
Ely, Minn.—Ely Municipal Arpt., VOR Rwy 30, Amdt. 1
Escanaba, Mich.—Delta County Arpt., VOR Rwy 9, Amdt. 9
Escanaba, Mich.—Delta County Arpt., VOR Rwy 18, Amdt. 2
Escanaba, Mich.—Delta County Arpt., VOR Rwy 27, Amdt. 7
Frankfort, Ky.—Capital City Arpt., VOR Rwy 6, Amdt. 2
Frankfort, Ky.—Capital City Arpt., VOR Rwy 24, Amdt. 2
Haleyville, Ala.—Posey Field, VOR–A, Orig., canceled
Haleyville, Ala.—Posey Field, VOR/DME–A, Orig.
Haleyville, Ala.—Posey Field, VOR/DME Rwy 18, Orig.
Manistique, Mich.—Schoolcraft County Arpt., VOR Rwy 27, Amdt. 3
Miles City, Mont.—Miles City Arpt., VOR DME Rwy 22, Amdt. 7
Miles City, Mont.—Miles City Apt., VOR Rwy 4, Amdt. 10
Sherman, Tex.—Sherman Municipal Arpt., VOR/DME Rwy 34, Amdt. 1

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, effective December 26, 1974:

Akron, Ohio—Akron-Canton Regional Arpt., LOC(BC) Rwy 19, Amdt. 4
Los Angeles, Calif.—Los Angeles Int'l. Arpt., LOC(BC) Rwy 6L, Amdt. 6
Los Angeles, Calif.—Los Angeles Int'l. Arpt., LOC(BC) Rwy 7R, Amdt. 10

• • • effective November 28, 1974:

Tacoma, Wash.—Tacoma Industrial Arpt., LOC Rwy 17, Amdt. 2

• • • effective November 21, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., LOC(BC) Rwy 5R, Orig., canceled

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3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective December 26, 1974:

Akron, Ohio—Akron-Canton Regional Arpt., NDB Rwy 1, Amdt. 21
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 9L, Orig.
Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., NDB Rwy 27R, Orig.
Conrad, Mont.—Conrad Arpt., NDB Rwy 23, Amdt. 2
Frankfort, Ky.—Capital City Arpt., NDB Rwy 24, Amdt. 8
Miles City, Mont.—Miles City Arpt., NDB Rwy 4, Amdt. 4
Painesville, Ohio—Casement Arpt., NDB-A, Amdt. 4

• • • effective November 28, 1974:

Tacoma, Wash.—Tacoma Industrial Arpt., NDB Rwy 17, Amdt. 2

• • • effective November 21, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., NDB Rwy 5R/L, Amdt. 9

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective December 26, 1974:

Akron, Ohio—Akron-Canton Regional Arpt., ILS Rwy 1, Amdt. 25
Los Angeles, Calif.—Los Angeles Int'l Arpt., ILS Rwy 6R, Amdt. 4
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 7L, Amdt. 11
Los Angeles, Calif.—Los Angeles Int'l Arpt., ILS Rwy 24L/R, Amdt. 7
Los Angeles, Calif.—Los Angeles Int'l. Arpt., ILS Rwy 25L/R, Amdt. 9

• • • effective November 21, 1974:

Cleveland, Ohio—Cleveland Hopkins Int'l. Arpt., ILS Rwy 5R, Orig.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective December 26, 1974:

Atlanta, Ga.—The William B. Hartsfield Atlanta Int'l. Arpt., RADAR-1, Amdt. 23
Middletown, Pa.—Harrisburg Int'l. Arpt.—Olmsted Field, RADAR-1, Amdt. 3

• • • effective November 28, 1974:

Tacoma, Wash.—Tacoma Industrial Arpt., RADAR-1, Amdt. 3

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective November 1, 1974:

Tucson, Ariz.—Tucson Int'l. Arpt. RNAV-Rwy 11L, Amdt. 1

Correction: In Docket Nr. 14117, Amendment Nr. 941 to Part 97 of the Federal Aviation Regulations published in the FEDERAL REGISTER under §§ 97.27 and 97.29, effective December 19, 1974—Destroy Troy, Ala.—Troy Municipal Arpt., NDB Rwy 7, Orig., and ILS Rwy 7, Orig.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510), sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on November 7, 1974.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-26856 Filed 11-15-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting from Contact with Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

Notice was given, published in the FEDERAL REGISTER of September 25, 1973 (38 FR 26747), that a petition (FAP 2B2945) had been filed by American Cyanamid Co., Wayne, NJ 07470, proposing that § 121.2571(b)(2) (21 CFR 121.2571(b)(2)) be amended to provide for safe use of antimicrobial agents dodecylguanidine acetate and dodecylguanidine hydrochloride in paper and paperboard in contact with dry foods.

The Commissioner of Food and Drugs, having evaluated the data in the petition and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for safe use of these antimicrobial agents as petitioned. He further concludes that this additional use should be included in the current listings for these additives under § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) rather than under § 121.2571(b)(2) as proposed. The current provisions for the use of these additives are being revised editorially to permit addition of their uses, correct errors in their nomenclature, and reinstate the word "exceed," which was omitted in the Code of Federal Regulations, in the limitations for the item "*N*-Dodecylguanidine acetate" so that the phrase reading "not to 0.4 percent" will read "not to exceed 0.4 percent."

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in § 121.2526(a)(5) by revising the listings for the items "*N*-Dodecylguanidine acetate" and "Dodecylguanidine hydrochloride" to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

• • • • • •

(a) • • •
(5) • • •

List of substances:	*Limitations*
n-Dodecylguanidine acetate	For use only as an antimicrobial agent in paper and paperboard under the following conditions: 1. For contact only with nonalcoholic food having a pH above 5 and provided it is used at a level not to exceed 0.4 percent by weight of the paper and paperboard. 2. For use in the outer ply of multiwall paper bags for contact with dry food of Type VIII described in Table I of paragraph (c) of this section and provided it is used at a level of 0.8 percent by weight of the paper.
n-Dodecylguanidine hydrochloride	For use only as an antimicrobial agent in paper and paperboard under the following conditions: 1. For contact only with nonalcoholic food having a pH above 5 and provided it is used at a level not to exceed 0.4 percent by weight of the paper and paperboard. 2. For use in the outer ply of multiwall paper bags for contact with dry food of Type VIII described in Table I of paragraph (c) of this section and provided it is used at a level of 0.8 percent by weight of the paper.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before December 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 18, 1974.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)))

Dated: November 12, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26867 Filed 11-15-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

IRRADIATION OF ETHYLENE-VINYL ACETATE COPOLYMERS

In the FEDERAL REGISTER of May 22, 1974 (39 FR 17977), the Commissioner of Food and Drugs proposed that the food additive regulations be amended in § 121.2570(d) (21 CFR 121.2570(d)) to (1) provide for the irradiation of ethylene-vinyl acetate copolymers at a maximum energy of 3 million electron volts of ionizing radiation from an electron beam source, at dosage levels not exceeding 8 megarads to produce molecular crosslinking, (2) replace the current melt index limitation with an extraction end test, and (3) provide for a total accumulated dosage of 8.0 megarads for ethylene-vinyl acetate copolymer films irradiated for crosslinking purposes and later exposed to further radiation to control the growth of microorganisms.

No comments were received in response to the proposal. Accordingly, the Commissioner concludes that the proposed amendment should be adopted with editorial modification as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2570 is amended by revising paragraph (d) to read as follows:

§ 121.2570 Ethylene-vinyl acetate copolymers.

• • • • • •

(d) Ethylene-vinyl acetate copolymers may be irradiated under the following conditions to produce molecular crosslinking of the polymers to impact desired properties such as increased strength and increased ability to shrink when exposed to heat:

(1) Electron beam source of ionizing radiation at a maximum energy of 3 million electron volts; maximum absorbed dose not to exceed 8 megarads.

(2) The finished food-contact film shall meet the extractives limitations prescribed in paragraph (e)(2) of this section.

(3) The ethylene-vinyl acetate copolymer films may be further irradiated in accordance with the provisions of paragraph (e)(1) of this section: *Provided*, That the total accumulated radiation dose from both electron beam and gamma ray radiation does not exceed 8.0 megarads.

• • • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before December 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 18, 1974.

(Sec. 409(d), 72 Stat. 1787 (21 U.S.C. 348(d)))

Dated: November 11, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-26868 Filed 11-15-74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—GENERAL MANAGEMENT AND ADMINISTRATION

PART 12—FEDERAL-AID HIGHWAY PROGRAMS—STATE INTERNAL AUDIT RESPONSIBILITY

State Compliance Requirements

Office of Management and Budget (OMB) Circular A-102 (Revised), dated October 19, 1971, promulgated standards for establishing consistency and uniformity among Federal agencies in the administration of grants to State and local governments. Attachment G to the Circular was added on September 8, 1972, to provide standards for grantee financial management systems. The provisions of OMB Circular A-102 were converted to 34 CFR Part 256 (39 FR 35787, October 4, 1974).

The Federal Highway Administration has implemented the audit requirements of OMB Circular A-102 (Revised) and Attachment G (Appendix G to 34 CFR Part 256) by the issuance of Volume 1, Chapter 9, Section 1, Subsection 1 (Audit Responsibility) of the Federal-Aid Highway Program Manual. Those portions of the Manual addition which impose an obligation on States which must be complied with to obtain Federal assistance are hereby published.

The affected matters relate to grants, benefits, or contracts within the purview of 5 USC 553(a)(2), therefore general notice of proposed rulemaking is not required

The regulations in this part will take effect upon the date of issuance set forth below.

Issued on November 11, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

Sec.
12.1 Purpose.
12.2 Definitions.
12.3 Policy.
12.4 Applicability.
12.5 Audit Standards.
12.6 Retention of Records.
12.7 State Procedure Submissions.

AUTHORITY: 23 U.S.C. 315; 49 CFR 1.48(b).

§ 12.1 Purpose.

The purpose of the regulations in this part is to establish the State responsibility for internal audit and to identify the standards under which the audits will be accomplished.

§ 12.2 Definitions.

(a) The word "audit" means a systematic review and appraisal of the accounting, administrative and operational controls in Federal-aid related activities to determine and report on whether:

(1) Financial operations are properly conducted;

(2) Financial reports and claims are presented fairly; and

(3) Applicable Federal and State laws and regulations have been complied with.

(b) The word "State" means any of the several States of the United States, the District of Columbia, and Commonwealth of Puerto Rico, or any territory or possession of the United States.

§ 12.3 Policy.

The correctness and propriety of Federal-aid claims and compliance with governing laws and regulations are inherent in the certifying responsibility of the State. Consistent with this responsibility, audits are to be made by the State or at its direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws, regulations and administrative requirements. The audits will be scheduled with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, size and complexity of the activity. Audits which are reviewed and determined acceptable by the Federal Highway Administration will be used in lieu of Federal audits.

§ 12.4 Applicability.

The regulations in this part apply to all organizations that have the delegated authority to administer the State highway program involving Federal-aid

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funding under Title 23, United States Code.

§ 12.5 Audit Standards.

All internal audits will be conducted in accordance with the Standards for Audit of Governmental Organizations, Programs, Activities and Functions, issued by the Comptroller General of the United States in June 1972.

§ 12.6 Retention of Records.

Working papers and audit reports prepared by the State shall be retained by the State and made available for review by authorized Federal officials for the period set forth in Subpart A of Part 17 of this title.

§ 12.7 State Procedure Submissions.

(a) States shall forward to the Federal Highway Administration, on or before February 18, 1975, a submission evidencing compliance with this part. The submission should include:

(1) Organization and functional statements delineating and assigning internal audit responsibility;

(2) Policy directives which conform to the audit standards and requirements set forth in this part; and

(3) Present staffing levels, planned staffing levels and collateral duties of internal audit personnel.

(b) States that do not meet the requirements of § 12.7(a) must submit, on or before February 18, 1975, an implementation plan outlining the steps proposed to be taken to meet the requirements of this part.

[FR Doc.74-26853 Filed 11-15-74;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 131—COLLEGE LIBRARY RESOURCES PROGRAM

Notice of proposed rulemaking was published in the FEDERAL REGISTER on May 21, 1974 at 39 FR 17856, setting forth proposed regulations governing the administration of the program for college library resources under sections 201–208 of Title II (Part A) of the Higher Education Act of 1965, as amended by section 111 of the Education Amendments of 1972, 20 U.S.C. 1021–1028. Section 202 provides for basic grants to institutions of higher education, to combinations of such institutions, to new institutions of higher education in the fiscal year preceding the fiscal year in which students are to be enrolled, and other public and private nonprofit library institutions whose primary function is to provide library services to institutions of higher education on a formal, cooperative basis. Section 203 provides for a program of supplemental grants and section 204 provides for a program of special purpose grants.

Pursuant to section 503 of the Education Amendments of 1972, a public hearing was held on June 17, 1974, in Washington, D.C., on the proposed regulations. In addition, written comments were invited. Several comments were received, each of which is discussed below.

Summary of comments. A commenter objected to the application, in § 131.11, of the maintenance of effort requirements to basic grants, pointing out that libraries in institutions of higher education with reduced funds would most need the basic grant. Since, however, section 202 of the Act, 20 U.S.C. 1022, requires that the applicant for a basic grant provide assurance that it will expend for library purposes not less than the average expended for such purposes during the two previous fiscal years, this requirement must be applied to basic grants. It should be noted also, that Section 202 of the Act authorizes the Commissioner to waive the maintenance of effort requirement in the event of special and unusual circumstances. The regulations on waiver of the maintenance of effort requirement for basic grants are set forth in § 131.13 of the proposed regulations. Accordingly, no change was made in the proposed regulations.

Two commenters raised questions in relation to the participation of American Indian institutions in the program. One commenter noted the ineligibility of the majority of the members of an American Indian higher education consortium to participate in the program because of inability to meet eligibility requirements for institutions of higher education under §§ 131.10, 131.20, and 131.30 of the proposed regulations. The eligibility requirements for institutions of higher education contained in §§ 131.10, 131.20, and 131.30 are based on the definition of "institution of higher education" contained in § 131.2. This definition is, in turn, based on the definition in Title XII, *General Provisions* of the Act, particularly sections 1201, 20 U.S.C. 1141.

The second commenter asked that the following American Indian public library institutions be included in the program: (a) All adult learning centers in Indian communities, and (b) Indian communities which already have or wish to have local history programs. Sections 202 and 204 of the Act, 20 U.S.C. 1022 and 1024, define the public and private nonprofit library institutions eligible for participation in the program as those whose primary function is to "provide library and information services to institutions of higher education on a formal, cooperative basis." Thus the public libraries with Indian adult learning centers and local history programs cannot qualify under the Act. The eligibility requirements in the regulations follow the requirements in the Act. Congressional action would be required to change the eligibility requirements. Accordingly, no change has been made in the proposed regulations.

A commenter from a community college suggested that the definition of "Public and private nonprofit library institutions," as defined in § 131.2, be broadened to include library institutions which provide, on the basis of a formal agreement, at least 75 percent of the library and information services of one or more institutions of higher education. Sections 202 and 204 of the Act, 20 U.S.C. 1022 and 1024, define the public and private nonprofit library institutions eligible for grants as those whose "primary purpose" is to provide library and information services to institutions of higher education. "Primary purpose" is defined in § 131.2 of the regulations as the provision of over 50 percent of their services to institutions of higher education. Congressional action would be required to change sections 202 and 204 of the Act to permit the inclusion of public libraries which, though not as their primary purpose, nevertheless serve institutions of higher education, as suggested by the commenter. Accordingly, no change has been made in the proposed regulations.

Another commenter, in addition to comments on some problems related to the administration of the program which did not contain suggestions for amending the proposed regulations, suggested that in § 131.2, in order to prevent misunderstanding, a reference to the eligibility of the cost of the first binding of a newly acquired book should be included within the definition of "Acquisition of books and other materials to be used for library purposes." This commenter pointed out that reference to first binding costs is included in § 131.2 in the definitions of "Law library materials" and "Library materials". The suggestion is accepted and the definition of "Acquisition of books and other materials to be used for library purposes" has been amended to include a reference to first binding costs.

Another commenter recommended that "new forms" of library equipment, specifically video cassettes and microforms, should be eligible for purchase under the program. The definition of "Library materials" in § 131.2 already includes audio-visual materials such as video cassettes and microforms. The definition, however, cannot be enlarged to include library equipment inasmuch as this is not included in the definition of "library resources" in section 201(c)(1) of the Act, 20 U.S.C. 1021(c)(1). A legislative change would be necessary to include library equipment. Accordingly, no change is deemed necessary in the regulations. (It should be noted that Title VI–A of the Higher Education Act, 20 U.S.C. 1121–1129a, provides Federal assistance for the acquisition of instructional equipment, materials, and related minor remodeling).

Several changes of a minor, technical, or grammatical nature have also been made in the proposed regulation.

Assistance provided under this program is subject to the provisions in the governing legislation, as well as the provisions in this part. Assistance under this program is also subject to the applicable provisions of Subchapter A of this Chapter (45 CFR Part 100a, published at 38 FR 30654, 30662, November 6, 1973).

Part 13 of Title 45 of the Code of Federal Regulation is amended to read as set forth below.

Effective date. Pursuant to section 431(d) of the General Education Provisions Act, as amended (20 U.S.C. 1232(d)) these regulations have been transmitted to the Congress concurrently with the publication of this document in the FEDERAL REGISTER. That section provides that regulations subject thereto shall become effective on the forty-fifth day following the date of such transmission, subject to the provisions therein concerning Congressional action and adjournment.

Dated: October 2, 1974.

(Catalog of Federal Domestic Assistance Program No. 13.406, College Library Resources)

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 8, 1974.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

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131.2 Definitions.
131.3 Program purposes.
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131.11 Application for a basic grant.
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Subpart C—Supplemental Grants

131.20 Eligible applicants.
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Subpart D—Special Purpose Grants

131.30 Eligible applicants.
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Appendix A—Point Scores for Review of Applications for Supplemental Grants.
Appendix B—Point Scores for Review of Applications for Special Purpose Grants.

AUTHORITY: Sec. 201–208 of Pub. L. 89–329, 79 Stat. 1224–1226, as amended (20 U.S.C. 1021–1028), unless otherwise noted.

Subpart A—General

§ 131.1 Applicability.

The regulations in this part apply to grants made by the Commissioner to assist and encourage improvements in library resources for institutions of higher education pursuant to his authority under Title II–A of the Higher Education Act of 1965, as amended.

(20 U.S.C. 1021–1028)

§ 131.2 Definitions.

As used in this part:

"Act" means Title II–A of the Higher Education Act of 1965, Public Law 89–329, 79 Stat. 1219, as amended.

(20 U.S.C. 1021–1028)

"Acquisition of books and other materials to be used for library purposes" means the purchase, lease-purchase, or straight lease of such books and other materials. It includes the necessary costs of ordering, processing, and cataloging such books and other materials, including necessary first binding of such books and other materials, and delivery of them to the initial place at which they are to be available for use: *Provided*, That such costs should ordinarily exceed neither the average of $2.75 per volume or item acquired nor 20 percent of the total grant awarded.

"Basic grant" means a grant made pursuant to section 202 of the Act.

(20 U.S.C. 1022)

"Branch" means a campus of an institution of higher education located in a community in the United States different from that of the parent institution, not within a reasonable commuting distance from the main campus, and which has college level programs for which library facilities, services, and materials are necessary.

"Combination of institutions" means a group of institutions of higher education that have entered into a cooperative arrangement for the purposes of carrying out a common objective on their behalf or a public or private nonprofit agency, organization, or institution designated or created by a group of institutions of higher education for the purpose of carrying out a common objective for the benefit of said institution.

(20 U.S.C. 1022)

"Full-time equivalent of the number of part-time students" is determined by dividing the total number of credit hours of part-time students by the student-hour load required by the institution for full-time student standing.

"Full-time student" means a student who is carrying a sufficient number of credit hours or their equivalent (including research or special studies) to secure the degree or certificate toward which he is working in no more than the number of semesters or terms normally taken therefor at the institution in which he is enrolled.

(20 U.S.C. 1023(a))

"Institution of higher education" means an educational institution in any State which meets all of the following criteria:

(a) It admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(b) It is legally authorized within such State to provide a program of education beyond secondary education.

(c) It provides at least one of the following types of programs:

(1) An educational program for which it awards a bachelor's degree;

(2) A program of not less than 2 years which is acceptable for full credit toward a bachelor's degree;

(3) A program of not less than 1 year of training to prepare students for gainful employment in a recognized occupation.

(d) It is a public or other nonprofit institution.

(e) It is either accredited by an organization named in a published list of the Commissioner as a nationally recognized accrediting agency or association or meets at least one of the following requirements:

(1) The Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, that the institution will meet the accreditation standards of such an agency or organization within a reasonable period of time and that the institution will be deemed to be within this paragraph (e) if the Commissioner determines that there is satisfactory assurance that, upon acquisition of the library resources with respect to which assistance under this part is sought, to be acquired within a reasonable time, the institution will meet the accreditation standards of such agency or association.

(2) It is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

(20 U.S.C. 1026, 1141(a))

"Joint-use library facilities" means those library facilities, services, or materials provided by and for the use of a combination of institutions of higher education.

(20 U.S.C. 1024)

"Law library materials" means books, periodicals, documents, magnetic tapes, phonograph records, audio-visual materials, cataloging materials, and other printed and published materials which are suitable for inclusion in the law library resources of institutions of higher education and other eligible library institutions and which (with the exception of periodicals and newspapers) with reasonable care and use may be expected to last for more than one year. Such term also includes necessary binding for such printed and published materials, but shall not include equipment and supplies.

(20 U.S.C. 1021)

"Library materials" means books, periodicals, documents, magnetic tapes, phonograph records, audio-visual materials, cataloging materials, and other printed and published materials which are suitable for inclusion in the library resources of institutions of higher education and other eligible library institutions and which (with the exception of periodicals and newspapers) with reasonable care and use may be expected to last for more than one year. Such terms also include necessary first binding of such printed and published materials, but shall not include equipment or supplies.

(20 U.S.C. 1021(c))

"Library purposes," as applied to expenditures, means expenditures for the

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maintenance and operation of libraries, such as salaries, wages, supplies, materials, and equipment. Such term does not include expenditures for construction, acquisition, expansion or improvement of buildings, initial equipment therefor, site acquisition, or other capital expenditures.

"New institution of higher education" means an educational institution in any State which demonstrates to the Commissioner that it has undertaken procedures preparatory to the enrollment of students in the fiscal year following the fiscal year for which a grant is requested and that, upon enrollment of such students, it will be an institution of higher education as defined in this section.

(20 U.S.C. 1022, 1141(a), (b))

"Public and private nonprofit library institutions" means a library agency which is not part of an institution of higher education and whose primary function is to provide library and information services to institutions of higher education on a formal cooperative basis. A library agency shall be deemed to meet this requirement if it demonstrates that it provides over 50 percent of its library and information services to students, faculty, and independent researchers of institutions of higher education (excluding from that percentage the general public and students at the elementary and secondary level) on the basis of a formal written agreement with one or more institutions of higher education to make available library and information services on a cooperative basis.

(20 U.S.C. 1021, 1022)

"School or department of divinity" means an institution of higher education or a department or branch of such an institution whose program is specifically for the education of students to prepare them to become ministers of religion, to enter upon some other religious vocation, or to prepare them to teach theological subjects.

(20 U.S.C. 1141(1), 1027)

"Special purpose grant" means a grant made pursuant to section 204 of the Act.

(20 U.S.C. 1024)

"Supplemental grant" means a grant made pursuant to section 203 of the Act.

(20 U.S.C. 1023)

"Volume" means any printed, typewritten, handwritten, mimeographed, or processed work contained in one binding or portfolio, hardbound or paperbound, which has been classified, cataloged, or otherwise prepared for library use, including bound periodical volumes and nonperiodical Government documents.

(20 U.S.C. 1021–1028)

§ 131.3 Program purposes.

Funds appropriated under the Act shall be used by the Commissioner to make grants to eligible applicants to assist them in the acquisition of books and related library materials to be used for library purposes. Such grants shall be made in the following manner:

(a) From the amount available for grants under this part, a basic grant shall be made to each eligible applicant which makes application;

(b) Not more than 25 percent of the amounts available for grants under this part for any fiscal year may be used for special purpose grants for either:

(1) Meeting a special need for additional library resources which will make a substantial contribution to the quality of an institution's educational resources (hereinafter referred to as Type A);

(2) Meeting special national or regional needs in the library and information sciences (hereinafter referred to as Type B);

(3) Establishing and strengthening joint-use library facilities (hereinafter referred to as Type C); and

(4) Assisting other public and private library institutions which provide library and information services to institutions of higher education on a formal, cooperative basis (hereinafter referred to as Type D).

(c) The remainder of such appropriation not used for basic or special purpose grants may be used for supplemental grants.

(20 U.S.C. 1021–1024)

§ 131.4 Ineligible purposes.

No grants may be made under this part for library materials to be used—

(a) For sectarian institution or religious worship;

(b) Primarily in connection with any part of a program of a school or department of divinity; or

(c) Primarily in connection with any medical library or related scientific communication instrumentality which is eligible for assistance under the Medical Library Assistance Act of 1965 (Pub. L. 89–291).

(20 U.S.C. 1027, 42 U.S.C. 280b et seq.)

§ 131.5 Cross reference to general provisions regulations.

Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative, property management, and other matters).

(20 U.S.C. 1021–1028)

Subpart B—Basic Grants

§ 131.10 Eligible applicants.

The following are eligible to apply for a basic grant:

(a) An institution of higher education on its own behalf;

(b) An institution of higher education on behalf of a branch;

(c) A combination of institutions of higher education;

(d) A new institution of higher education (as defined in § 131.2) which shall be eligible for only one basic grant as a new institution of higher education; and

(e) Public and private nonprofit library institutions.

(20 U.S.C. 1022)

§ 131.11 Application for a basic grant.

Each application for a basic grant shall contain information sufficient to enable the Commissioner to determine—

(a) The eligibility of the applicant pursuant to § 131.10;

(b) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes an amount not less than the average annual amount it expended for such purposes, exclusive of construction expenditures, during the two fiscal years preceding the fiscal year for which assistance is being sought; and

(c) The applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for library materials an amount not less than the amount received and expended for such materials during the two fiscal years preceding the fiscal year for which assistance is being sought.

(20 U.S.C. 1022)

§ 131.12 Amount of grant.

The amount of a basic grant shall, for any fiscal year, be equal to the amount expended by the applicant for library resources during that year from funds other than funds received under this part, except that no basic grant shall exceed $5,000 for each eligible applicant. In the case of an application from a combination of institutions, the amount of the basic grant may not exceed $5,000 for each member institution or branch on whose behalf the application is filed.

(20 U.S.C. 1022)

§ 131.13 Waiver.

(a) If the Commissioner determines that there are special and unusual circumstances which prevent the applicant from making the assurances required by § 131.11 (b) and (c), he may waive such requirements for such assurances.

(b) Such waiver will be granted under the following circumstances and to the following extent:

(1) A recently established institution or branch, after making unusually high expenditures for library materials and total library purposes in its initial five years of operation to establish a basic program of library service, may reduce expenditures to a level adequate to maintain normal standards of operation.

(2) A well-established institution, after undergoing sudden substantial increases in enrollment or in program activity requiring an unusually high level of expenditures for library materials and for total library purposes for a temporary period of time, may decrease such expenditures to a level adequate to maintain normal standards of operation.

(3) A well-established institution after making an unusual "one-time" expenditure for library materials to acquire a special collection, may decrease such expenditure to a level to maintain normal standards of operation. If the "one-time" expenditure also resulted in a substantial increase in expenditure for all library purposes, it may also decrease expenditures for such purposes to a level adequate to maintain normal standards of operation.

(4) An institution which is unable to maintain a normal level of expenditures because of theft, vandalism, fire, flood, earthquake, or other catastrophic occurrence, may temporarily reduce the level of expenditures for library materials and total library purposes.

(5) When an institution has made unusually high expenditures for library materials or total library purposes to replace losses from theft, vandalism, fire, flood, earthquake, or other catastrophic occurrence in order to return to prior standards of library service, it may reduce such expenditures to a level adequate to maintain normal standards of operation.

(c) The Commissioner may also grant a waiver to the extent appropriate, based on the applicant's ability to provide other evidence of special and unusual circumstances that the requirements for such assurances cannot be met for reasons other than those specified in paragraph (b) of this section.

(20 U.S.C. 1022)

Subpart C—Supplemental Grants

§ 131.20 Eligible applicants.

The following are eligible to apply for a supplemental grant:

(a) An institution of higher education;

(b) A branch of an institution of higher education;

(c) A combination of institutions of higher education;

Provided, That in the fiscal year for which the grant is requested that the applicant institution or branch, either individually or as a member of a combination, has also applied for and is eligible to receive a basic grant in excess of $1,500 for or on behalf of such institution or branch.

(20 U.S.C. 1023(a); H.R. Report No. 1178, 89th Cong., 1st Sess. (to accompany H.R. 9567) at p. 60 (1965))

§ 131.21 Application for a supplemental grant.

Each application for a supplemental grant shall contain information sufficient to enable the Commissioner to determine—

(a) The eligibility of the applicant pursuant to § 131.20;

(b) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes, exclusive of construction expenditures, an amount not less than the average annual amount it expended for such purposes during the two fiscal years preceding the fiscal year for which assistance is being sought;

(c) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for library materials an amount not less than the average annual amount it expended for such resources during the two fiscal years preceding the fiscal year for which assistance is being sought;

(d) The size and quality of the library resources of the application in relation to—

(1) Its present enrollment and expected increase in its enrollment;

(2) Any special circumstances which are impeding or will impede the proper development of its library resources;

(3) How a supplemental grant would be used to improve the size or quality of its library resources; and

(e) The relative priority of the application in light of the criteria established by the Commissioner and set forth in § 131.22.

(20 U.S.C. 1023)

§ 131.22 Criteria for review of application for a supplemental grant.

The following criteria shall be applied by the Commissioner in approving applications for supplemental grants, in accordance with the point scores set forth in Appendix A to this part:

(a) Degree of deficiency in the number of volumes of the applicant's library in relation to recent and expected increase in such enrollment and the type of institution or branch applying for a grant;

(b) Participation in other Federal programs aiding disadvantaged students;

(c) Number of economically disadvantaged students enrolled;

(d) Recency of the establishment of the library collection; and

(e) Efforts made to improve resources through membership in a library consortium or other efforts through participation in joint-use library facilities.

(20 U.S.C. 1023; H.R. Rept. No. 621, 89th Cong., 1st Sess. at p. 11 (1965); and Senate Rept. No. 673, 89th Cong., 1st Sess. at p. 24 (1965))

§ 131.23 Amount of grant.

(a) *Supplemental grant.* The amount of a supplemental grant may not exceed $20 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in the applicant institution or branch except that, where an application is made both by a parent institution and a branch thereof, the number of students enrolled in the branch may not be considered in computing the amount of the grant for the applicant parent institution. In the case of an application for a combination of institutions of higher education, the amount of the supplemental grant may not exceed $20 for each full-time student (including the full-time equivalent of the number of part-time students) enrolled in each eligible member institution: *Provided, however,* Where a member institution has also applied for and received in the same fiscal year a supplemental grant on its own behalf, the number of students so enrolled may not be counted in computing the amount of the grant for the combination.

(20 U.S.C. 1023(a))

§ 131.24 Waiver.

The Commissioner may waive the assurances required by § 131.21 (b), (c) under the same circumstances and to the same extent as set forth in § 131.13(b) and (c).

(20 U.S.C. 1023)

Subpart D—Special Purpose Grants

§ 131.30 Eligible applicants.

The following are eligible to apply for a special purpose grant:

(a) Types A and B—

(1) An institution of higher education;

(2) A branch of an institution of higher education;

(b) Type C—

(1) A combination of institutions of higher education;

(c) Type D—

(1) Public and private nonprofit library institutions.

(20 U.S.C. 1024(a)(2))

§ 131.31 Application for a special purpose grant.

Each application for a special purpose grant shall contain information sufficient to enable the Commissioner to determine—

(a) The eligibility of the applicant pursuant to § 131.30;

(b) Whether the purpose for which the grant is requested is one of the four purposes set forth in § 131.3;

(c) That the applicant will expend during the fiscal year for which the grant is requested (from funds other than funds received under this part) for all library purposes, exclusive of construction expenditures, an amount not less than the average annual amount it expended for such library purposes during the fiscal years 1964 and 1965 or during the two fiscal years preceding the fiscal year for which the grant is requested, whichever is the lesser;

(d) That the application (or applicants jointly in the case of a combination of institutions) will expend, during the fiscal year for which the grant is requested (from funds other than funds received under this part) for the same purpose as such grant, an amount from such other sources equal to not less than 33⅓ percent of such grants;

(e) The relative priority of the application in light of the criteria, applicable to grants Type A, Type B, Type C, or Type D, as appropriate, which the Commissioner has established and set forth in § 131.32.

(20 U.S.C. 1024)

§ 131.32 Criteria for review of a special purpose grant.

The following criteria will be applied by the Commissioner (using the point scores in Appendix B of this part) in approving applications for special purpose grants:

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(a) *Type A grant.* (1) Location in a community characterized by significant social and economic deprivation;

(2) Location in a designated Model Cities area;

(3) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other);

(4) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged and black communities described; and

(5) Degree to which grant and matching funds will meet the special needs described.

(b) *Type B grant.* (1) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other) in professional schools;

(2) Availability of special collections to support the research and training of graduate students who expect to work in areas affecting the economically disadvantaged of the community;

(3) Availability of printed catalog or other guides to collection and number of academic institutions receiving and utilizing the above catalogs and guides; and

(4) Degree to which the program of acquisition will contribute to the criteria described in subparagraphs (2) and (3) of this paragraph (b).

(c) *Type C grant.* (1) Degree to which members of combinations are supportive of research and training activities which prepare persons to work in areas affecting the disadvantaged, including those supported by other Federal programs;

(2) Number of institutions applying as members of the combination submitting application;

(3) Availability and adequacy of catalog or other guides to collection and existence of computerized system or other center in operation;

(4) Employment of full-time director by the combination with adequate supporting staff, equipment, and facilities;

(5) Adequate evidence that combination will be able to continue without the support of Federal funds; and

(6) Degree to which grant and matching funds will meet the special needs described.

(d) *Type D grant.* (1) Number and type of institutions of higher education with which applicant has a formal, cooperative agreement to provide library and information services;

(2) Availability of a published catalog of or other guide to the available collection;

(3) Existence of a comprehensive collection which meets the special needs of institutions of higher education;

(4) Adequacy of staff, equipment, and facilities; and

(5) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged.

(20 U.S.C. 1024)

§ 132.33 Amount of grant.

The amount of the special purpose grant will be determined by the Commissioner on the basis of the special needs demonstrated by the applicant and the funds available for special purpose grants.

(20 U.S.C. 1024)

APPENDIX A

COLLEGE LIBRARY RESOURCES PROGRAM

Point Scores for Review of Applications for Supplemental Grants.

SEC. 1. *System of points scores.* In applying the criteria set forth in § 131.32 of the regulations for this program (45 CFR Part 131), the Commissioner shall employ a system of scoring in the review of supplemental grant applications as set forth below.

SEC. 2. *Points.* A maximum of 60 points may be scored in relation to the criteria as follows:

(a) Degree of deficiency in the number of volumes of the applicant's library in relation to the recent and expected increase in student enrollment and the type of institution or branch applying for a grant. (12 points)

(b) Participation in other Federal programs aiding disadvantaged students. (10 points)

(c) Number of economically disadvantaged students enrolled. (30 points)

(d) Recency of the establishment of the library collection. (3 points)

(e) Efforts made to improve resources through membership in a library consortium or other efforts through participation in joint-use library facilities. (5 points)

Maximum score (60 points).

SEC. 3. *Detailed explanation of scoring.* Each of the criteria, (a)–(e) in Sec. 2 above, is scored as follows:

(a) *Degree of deficiency in the number of volumes in the applicant's library in relation to the recent and expected increase in student enrollment and the type of institution or branch applying for a grant.* When for the year of application the number of volumes held by the library falls below the minimum for its types of institution (as set forth below under "Minimum for Institutions") to the following degree:

Deficiency percentage:	*Maximum points*
90 or more	12
80 to 89	11
70 to 79	10
60 to 69	9
50 to 59	8
40 to 49	7
30 to 39	6
20 to 29	5
10 to 19	4
Under 10	3
None	0

Maximum score, 12.

The minimum for institutions shall be:

"One year institutions" enrolling up to 50,000 full-time students: 10,000 volumes, increased by 2,500 volumes for each additional 250 full-time students enrolled.

"Two year colleges" enrolling up to 1,000 full-time students: 20,000 volumes, increased by 5,000 volumes for each additional 500 full-time students enrolled.

"Four and five year colleges" granting bachelor's and master's degrees enrolling up to 600 full-time students: 50,000 volumes, increased by 10,000 for each additional 200 full-time students enrolled to a maximum of 300,000 volumes.

"Universities" granting Ph.D. degrees: 500,000 volumes maximum.

(b) *Participation in other Federal programs aiding disadvantaged students.* (1) If the institution participates in, or is assisting a developing institution or a consortium of such institutions, under a HEA Title III Grant, (3 points) or

(2) If the institution participates in or is assisting a developing institution or a consortium of such institutions, under a HEA Title III Grant, WITH A LIBRARY COMPONENT. (5 points)

(3) Participation in the programs for students from disadvantaged backgrounds, Title IV of the Higher Education Act.

(i) If the institution received a grant of less than $50,000 under Title IV (HEA). (1 point)

(ii) If the institution received a grant of $50,000 to $100,000 under Title IV (HEA). (2 points)

(iii) If the institution received a grant of $100,000 to $150,000 under title IV (HEA). (3 points)

(iv) If the institution received a grant of $150,000 to $200,000 under Title IV (HEA). (4 points)

(v) If the institution received a grant of over $300,000 under Title IV (HEA). (5 points)

Maximum score—(10 points).

(c) *Number of economically disadvantaged students enrolled.* (1) Percentage of student population whose family income is under $6,000 per annum.

	Score per criterion
0 to 20	1
21 to 40	2
41 to 60	3
61 to 80	4
81 to 100	5

(2) Number of students whose family income is under $6,000 per annum.

1 to 100	1
101 to 250	2
251 to 500	3
501 to 750	4
751 and over	5

(3) C(1)____ × C(2)____ = ____
Score Score (Total)

(4) Number of minority group students enrolled in the institution—such as American Indian, Negro, Oriental, Spanish-Surnamed American, Disadvantaged Appalachians or other specified groups.

	Score per criterion
500 or more	5
400 to 499	4
300 to 399	3
200 to 299	2
100 to 199	1
99 or below	0
Maximum score	30

The number of students supported under the Federal College Work-Study Program may be used in lieu of the income factor in this criterion.

(d) *Recency of the establishment of the library collection.* The institution's library collection and services were first made available to the applicant's body during the year of application or the two academic years immediately preceding the year of application.

(1) If first made available in the year of application—3 points.

(2) If first made available in the year preceding the year of application—2 points.

(3) If first made available in the second year preceding the year of application—1 point.

Maximum score—3 points.

(e) *Efforts made to improve resources through membership in a library consortium or other efforts through participation in joint-use library facilities.* An institution of higher education is a member of library consortium, including participation in programs assisted by Title III of the Library Services and Construction Act. (5 points)

Maximum score. (5 points)

(20 U.S.C. 1023)

APPENDIX B

COLLEGE LIBRARY RESOURCES PROGRAM

Point Scores for Review of Applications for Special Purpose Grants.

In addition to the criteria set forth in § 100a.26(b) of the Office of Education General Provisions Regulations (45 CFR 100a.26(b)) and in applying the criteria set forth in § 131.32 of the regulations for this program (45 CFR Part 131), the Commissioner shall employ the following system of scoring in the review of the special purpose grant applications:

	Points
Type A Grant:	
(1) Location in a community characterized by significant social and economic deprivation	5
(2) Location in a designated Model Cities Area	5
(3) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other)	5
(4) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged and black communities described	10
(5) Degree to which grant and matching funds will meet the special needs described	5
Type B Grant:	
(1) Degree of concentration of graduate students from minority groups (American Indian, Negro, Oriental, Spanish-Surnamed American and other) in professional schools	5
(2) Availability of special collections to support the research and training of graduate students who expect to work in areas affecting the economically disadvantaged of the community	10
(3) Availability of printed catalog or other guides to collection and number of academic institutions receiving and utilizing the above catalogs and guides	5
(4) Degree to which the program of acquisition will contribute to goals described in (2) and (3) above	5
Type C Grant:	
(1) Degree to which members of combinations are supportive of research and training activities which prepare persons to work in areas affecting the disadvantaged, including those supported by other Federal programs	5
(2) Number of institutions applying as members of the combination submitting application	5
(3) Availability and adequacy of catalog or other guides to collection and existence of computerized system or other center in operation	5
(4) Employment of full-time director by the combination with adequate supporting staff, equipment, and facilities	5
(5) Adequate evidence that combination will be able to continue without the support of Federal funds	5
(6) Degree to which grant and matching funds will meet the special needs described	5
Type D Grant:	
(1) Number and type of institutions of higher education with which applicant has a formal, cooperative agreement to provide library and information services	5
(2) Availability of a published catalog or other guide to the available collection	5
(3) Existence of a comprehensive collection which meets the special needs of institutions of higher education	10
(4) Adequacy of staff, equipment, and facilities	5
(5) Potential for strengthening and upgrading existing library materials to support the training of leaders to serve the disadvantaged	5

[FR Doc.74-26915 Filed 11-15-74;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Rev. S.O. 1108, Amdt. 6]

PART 1033—CAR SERVICE

Reading Co., Authorized to Operate Over Tracks of Lehigh Valley Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the eleventh day of November 1974.

Upon further consideration of Revised Service Order No. 1108 (37 FR 28634; 38 FR 5876, 23792; 39 FR 1851, 10591, and 20799), and good cause appearing therefor:

It is ordered, That: § 1033.1108 *Revised Service Order No. 1108* (Reading Company, Andrew L. Lewis, Jr., and Joseph L. Castle, trustees, authorized to operate over tracks of Lehigh Valley Railroad Company, John F. Nash and Robert C. Haldeman, trustees) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., April 15, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m. November 15, 1974.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2))

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26945 Filed 11-15-74;8:45 am]

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[Sixth Rev. S.O. 1124]

PART 1033—CAR SERVICE

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, held in Washington, D.C., on the 11th day of November 1974.

It appearing, that an acute shortage of certain types of freight cars exists throughout the country; that certain carriers are unable to furnish adequate supplies of such freight cars to shippers located on their lines; that these shortages of freight cars are impeding the movement of many commodities; that many freight cars are held by shippers for excessive periods awaiting loading, unloading, or disposition instructions; that such practices immobilize large numbers of freight cars needed by shippers for the transportation of other freight; and that the existing demurrage and detention rules, regulations, and practices of the railroads are ineffective to control such use of freight cars. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1124 Service Order No. 1124.

(a) *Demurrage and free time on freight cars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1119 and 1120 under the headings: "Class 'G'—Gondola Car Type," "Class 'H'—Hopper Car Type," and all covered hopper cars[1] mechanical designation "LO" as described under heading "Class 'L'—Special Car Type," including cars bearing mechanical designations modified in the manner described in the various notes thereto. (See subdivisions (iii), (iv), (v), (vi), (vii), and (viii) of this subparagraph.)

(iii) *Exception.* This order shall not apply to cars held at or outside of ocean, Great Lakes, or river ports, for loading or unloading with freight requiring transfer between rail and water carriers.

(iv) *Exception.* This order shall not apply to freight cars of Mexican ownership while held by or for shippers at Mexican border crossings, viz:

Brownsville, Texas	Douglas, Arizona
Laredo, Texas	Naco, Arizona
Eagle Pass, Texas	Nogales, Arizona
Presidio, Texas	Calexico, California
El Paso, Texas	

(v) *Exception.* This order shall not apply to cars subject to Freight Tariff 8–O, I.C.C. H–30, issued by B. B. Maurer, supplements thereto, or reissues thereof, Car Demurrage Rules on Cars Used in Handling Coal or Coke Products at Coal Mines, etc.

(vi) *Exception.* This order shall not apply to cars made exempt from demurrage by the provisions of Section B, Rule 1, Item 900, of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(vii) *Exception.* The provisions of Rule 8, Item 935 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or similar provisions of other applicable demurrage, detention, or storage tariffs shall govern the adjustment, cancellation, or refund of demurrage assessed as a result of the causes described in such rules.

(viii) *Exception.* Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(ix) The terms "loading", "unloading", "constructive placement", and "forwarding directions" as defined in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(x) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(2) *Free Time.* (i) Not more than a total of 48 hours' free time, computed in accordance with the provisions of the applicable tariffs naming demurrage or detention rules and charges, shall be allowed for loading, unloading, or furnishing of forwarding or disposition instructions on cars held for orders.

(ii) If the maximum free time authorized in applicable tariffs is less than the 48-hour period described in subdivision (i) of this subparagraph, the free-time periods, if any, provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis.* (i) After the expiration of the free-time period described in subparagraph (2) of this paragraph, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days.
$20.00 per car per day, or fraction of a day, for each of the next two days.
$30.00 per car per day, or fraction of a day, for each of the next two days.
$50.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in demurrage Rule 6, Section B of General Car Demurrage Tariff 4–J, I.C.C. H–59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7 a.m., or expires at or before 11:59 p.m., of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars subject to average demurrage basis.* (i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, or fraction of a day, and $30.00 per car per day, or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iii) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, or subject to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made by the railroad on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying subdivision (iv) of this subparagraph, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(v) Credits earned on cars subject to this order shall not be used in offsetting debits accruing on cars not subject to this order; nor shall debits accruing on cars subject to this order be offset by credits earned on cars not subject to this order.

(5) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(6) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundredweight, per bushel, or other unit of measure, for all freight held in cars in excess of the free-time periods provided in subparagraph (2) of this paragraph.

(7) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(8) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, the giving of arrival or constructive placement notice of freight destined for unloading or transshipment, shall apply.

(ii) If no such rules with respect to arrival, or regarding constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules and free-time periods granted by authority of Part 1, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Notification of shipper required.* (1) Carriers shall send or deliver a written notice to shippers or consignees of the requirements of this order at or prior to the time of actual or constructive placement of cars for loading or unloading or at the time notice of arrival or of constructive placement is given. On cars held for instructions from the shipper or qualified owner of the freight, such notices must accompany or precede the arrival notice.

(2) If a notice described in subparagraph (1) of this paragraph has been given to a shipper or receiver at origin, destination, or hold point, no further notices of the requirements of this order need be given.

(3) Carriers are required to maintain a copy of all notices of the requirements of this order sent to shippers, receivers, or qualified owners of freight, at the station of point from which sent.

(4) Failure of a carrier to send and preserve copies of the notices required by subparagraph (1) of this paragraph shall not be deemed as nullifying the requirements of paragraphs (a) and (b) of this section.

(d) *Effective date.* This order shall become effective at 7:00 a.m., November 18, 1974.

(e) *Expiration date.* This order shall expire at 6:59 a.m., February 1, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2)))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and care hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–26046 Filed 11–15–74;8:45 am]

[S.O. 1201]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of November 1974.

It appearing, that an acute shortage of covered hopper cars exists throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to shippers located on their lines; that these shortages of covered hopper cars are impeding both the domestic and export movement of agricultural, mineral, forest, and manufactured products and other commodities; that certain existing tariff rules and regulations provide excessive free-time periods for loading or unloading at ports, and demurrage, detention or storage rates at levels below those applicable to domestic freight; that such rules, regulations, and demurrage, detention or storage rates are ineffective in securing prompt release of cars held at the ports. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1201 Service Order No. 1201.

(a) *Demurrage and free time at ports.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service.

(1) *Application.* (i) The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(ii) This order shall apply to all covered hopper cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 393, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation "LO".

(iii) This order shall apply to all freight cars described herein which are held by or for shippers, consignees, or their designated agents, at ocean, Great Lakes, or river ports; or at any station outside of such ports because of any condition attributable to the shipper, consignee, or his designated agent, and regardless of whether moved on rates designated as export, import or railwater, or moved on rates also applicable to other traffic.

(iv) Ocean, Great Lakes, or river ports are hereby defined as being any station at which shipments are transferred between rail carriers and water carriers, whether by direct car-vessel transfer or by intermediate handling through a port elevator, wharf, dock, or warehouse capable of both the loading and unloading of rail cars and the loading and unloading of vessels.

(v) Multiple-car shipments are hereby defined as shipments made under tariff provisions specifically requiring the loading of two or more cars in order to qualify for the rate.

(vi) Constructive placement is hereby defined as the holding of a car by the carrier because of the inability of the consignee or shipper to receive it.

(vii) The terms "loading", "unloading", and "forwarding directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(viii) The term "holidays" means holidays as listed in Item 25 of General Car

[1] Covered hopper cars added.

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Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(ix) Exception: Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) Exception: This order shall not apply to cars of Mexican ownerships held at Texas Gulf ports.

(xi) Exception: This order shall not apply to emergency relief supplies, other than bulk grain or soybeans, when billed to an agency of the United States Government.

(2) *Free time.* (i) Not more than a total of 72 hours' free time, excluding Saturdays, Sundays, and holidays, shall be allowed for loading or unloading freight cars described in subparagraph (1) (ii) of this paragraph at ocean, Great Lakes, or river ports with freight requiring transfer between rail and water carriers, either direct or through port elevators, wharves, docks, or warehouses.

(ii) When freight cars described in subparagraph (1) (ii) of this paragraph are held by rail carriers at any point outside the port because of any condition attributable to the shipper or consignee, the combined total of the free time allowed at the port and at the point where cars are held shall not exceed 72 hours, excluding Saturdays, Sundays, and holidays.

(iii) If the maximum free time authorized in applicable tariffs is less than the 72-hour period described in subdivision (i) of this subparagraph, the free-time periods provided in such tariffs shall apply.

(3) *Demurrage, detention, or storage charges—cars not subject to average demurrage basis.* (i) After the expiration of the free-time period described in subparagraph (2) of this paragraph, or without free-time allowance when none is provided, demurrage charges shall be assessed at the following rates, until car is released:

$10.00 per car per day, or fraction of a day, for each of the first two days.
$20.00 per car per day, or fraction of a day, for each of the next two days.
$30.00 per car per day, or fraction of a day, for each of the next two days.
$5.00 per car per day, or fraction of a day, for each subsequent day.

(ii) Except as provided in Demurrage Rule 6, Section B of General Car Demurrage Tariff 4–J, I.C.C. H–59, the applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time, or without free time when none is provided, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins, provided such last day of free time begins to run at or before 7:00 a.m., or expires at or before 11:59 p.m., of the day immediately prior to the Saturday, Sunday, or holiday.

(4) *Cars subject to average demurrage basis.* (i) The provisions of this part shall apply exclusively to cars for which an Average Demurrage basis is specifically authorized by tariff.

(ii) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of the free time (or the adjusted free time if provided in applicable tariffs), one debit per car per day, or fraction of a day, will be charged for each of the first two days. In no case shall more than one credit be allowed on any one car, and in no case shall more than four credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20.00 per car per day, or fraction of a day, will be made for each of the next two days, $30.00 per car per day, or fraction of a day, for each of the next two days, and $50.00 per car per day, or fraction of a day, for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(iii) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offsetting debits accruing on cars held for loading.

Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iv) Credits cannot be earned by private cars subject to Rule 1, Section B, Paragraph 4(a) of General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof or to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars

(v) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10.00 per debit will be charged for the remainder. (See Note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying subdivision (v) of this subparagraph when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(vi) Records of detention and computation of demurrage charges on cars subject to this order shall be separate from records of detention and computation of demurrage charges on cars not subject to this order.

(5) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

(6) Existing tariff rules requiring the placement or release, as a unit, of all cars in a multiple-car shipment shall remain in effect.

(7) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundredweight, per bushel, or other unit of measure, for all freight held at ports in cars in excess of the free-time periods provided herein.

(8) *Notices of arrival, constructive placement, etc.* (i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of run-arounds, the giving of arrival or constructive placement notice on freight destined for unloading or trans-shipment at the ports shall apply.

(ii) If no such rules with respect to arrival, run-around, or constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, I.C.C. H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part I, Section 22 of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective date.* This order shall become effective at 7:00 a.m., November 18, 1974.

(d) *Expiration date.* This order shall expire at 6:59 a.m., February 1, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, 17(2)). Interprets or applies secs. 1(10–17), 15(4), 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10–17), 15(4), 17(2)))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–26947 Filed 11–15–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 245—OFFSHORE SHRIMP FISHERIES

Maximum Number of Vessels Allowed In Agreement Area

On October 10, 1974, there was published in the FEDERAL REGISTER (39 FR 36489) a notice of proposed rulemaking to amend § 245.10 of Part 245 of the regulations with proposed rules to control the maximum number of vessels allowed to be present in the area of agreement at any one time to one hundred and sixty (160) under section 8(a)(4) of the Offshore Shrimp Fisheries Act of 1973 (the "Act") (Pub. L. 93–242, 87 STAT 1061). The Act implements a treaty between the United States and the Federative Republic of Brazil, concerning the conservation of shrimp resources off Brazil.

The proposed amendment adding new paragraphs (d) and (e) to § 245.10 of Part 245 of the regulations would require permit holding vessel owners to submit quarterly estimates of the number of vessels which they will be employing in the agreement area. If the total estimate of vessels to be employed in the agreement area by all permit holding vessel owners is more than one hundred and sixty, then a ratio will be established to determine what percentage of vessels an owner can employ in the agreement area. In the regulations this limiting procedure is handled by a mathematical formula.

Interested persons were given thirty (30) days in which to submit written comments, views, or objections regarding the proposed regulations. No written comments, views, or objections have been received and therefore the proposed regulations are hereby adopted without change.

Effective date. These regulations become effective on November 14, 1974.

Issued in Washington, D.C., on November 14, 1974.

JACK W. GEHRINGER,
Acting Director.

Add new paragraphs (d) and (e) of § 245.10 to read as follows:

§ 245.10 Enforcement.

• • • • • •

(d) The Director will monitor the number of vessels fishing in the area of agreement at any one time by utilizing the logbooks, and other data required by § 245.7 of these regulations, and information obtained as a result of law enforcement activities pursuant to paragraphs (a) and (b) of this section. A report from each permit holder shall be filed with the Regional Director no later than the close of business on the last day of December for the period covered by the months of March, April, and May; by the last day of March for the period covered by the months of June, July, and August; and the last day of June for the period covered by the months of September, October, and November. Each report shall state the total number of vessels with permits that will operate from South American or Caribbean ports during the period and the total number of vessels that will operate during the period in the agreement area. When the Regional Director determines that two hundred and ten (210) or more vessels with permits are operating from South American or Caribbean ports vessel owners will be notified and the following report for each period shall be required. This report shall be in lieu of the report required in this paragraph but shall be due at the times established in this paragraph.

(1) Each report shall state the total number of vessels the permit holder expects to employ during the period in the area of agreement, the UB number of each vessel that will not be so employed during the period, and the rank order by UB number of each vessel which is expected to be employed during the period in the area of agreement. This rank order will be used to determine which vessels cannot be used in the applicable period if a restriction on the number of vessels in the agreement area is necessary. Example: If a permit holder submits a listing of 10 UB numbers and it is necessary to restrict his participation to 7 vessels, then the last 3 UB numbers on the list furnished by him will be prohibited from operating in the agreement area during the applicable period.

(2) The Regional Director shall compile a list of permit holders showing the estimate for the period of vessels expecting to be operating in the agreement area. From the number of vessels so estimated by all of the permit holders, the Regional Director will determine the number of vessels each permit holder will be allowed to employ in the agreement area during the applicable period. The number of vessels which each permit holder will be allowed to employ in the agreement area shall be determined by the following mathematical formula:

$$\frac{(\text{Individual estimate}) \times 160}{\text{Total estimate for all permit holders}} = \text{Number of vessels allowed}$$

EXAMPLE: If an individual estimate of vessels to be employed in the agreement area is 12, and the total estimate of vessels to be employed in the agreement area by all permit holders is 240, and where 160 is equal to the maximum number of vessels allowed in the agreement area, then $\frac{12 \times 160}{240}$ = Number of vessels allowed or 8 vessels allowed

(3) The Regional Director shall notify each permit holder of the UB number of each vessel he may not employ in the agreement area for the applicable period.

(4) The Regional Director will notify officials of the Federative Republic of Brazil 30 days after reports are due from permit holders of the UB numbers prohibited from engaging in fishing in the area of agreement for the applicable period.

(5) Substitutions for vessels shall be allowed provided that written notice is made to the Regional Director stating the name and UB number of the vessel that is to be substituted and the name and UB number of the vessel that is to be replaced. No later than 10 days following receipt of such notice, the Regional Director shall notify officials of the Federative Republic of Brazil of the substitution and shall notify the permit holder in writing that he is authorized to make the substitution no earlier than 30 days subsequent to the date of the letter of authorization. The letter authorizing the substitution shall be carried aboard the substitute vessel by the master or other person in charge of the vessel. The vessel displaced by the substitution shall not be permitted to fish within the agreement area later than 30 days after the date of the letter authorizing the substitution. A permit holder may make as many substitutions as he desires, except that a vessel removed from the agreement area by substitution shall not be a substitute for another vessel during the same period.

(e) Failure of any permit holder to timely submit the reports under paragraph (d) or (d)(1) of this section may result in withdrawal of any or all permits held by him and the denial of the right to fish within the area of agreement. In lieu of the penalty herein provided, the Regional Director, at his discretion may determine the maximum number of vessels that shall be employed in the agreement area by each permit holder failing to timely file the required reports and shall determine the UB number of each vessel which is to be excluded from fishing in the agreement area.

[FR Doc.74–26963 Filed 11–15–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1427]

AMERICAN UPLAND COTTON IN WORLD MARKETS

Procedures and Factors for Determining Three-Year Average Price

The Agriculture and Consumer Protection Act of 1973, Pub. L. 93–86, requires the Secretary to determine the three-year average price for American upland cotton in world markets annually pursuant to a published regulation specifying the procedures and factors to be used in making the determination. The act also requires the Secretary to determine and announce the loan level for the next crop of cotton by November 1 of the calendar year preceding the marketing year for which such loan is to be effective. The average price determination is a prerequisite to the loan level determination.

The regulation specifying the procedures and factors used in making the determination was published in the FEDERAL REGISTER on August 22, 1973 (38 FR 22543). Such procedures and factors were used in determining the loan levels for the 1974 and 1975 crops. The current regulation contemplated use of market prices quoted in principal markets of the world, backed off to average U.S. location. This procedure has to lead to some problems; during the past year prices were not regularly quoted in foreign markets and, in many cases, quotations were described as "nominal". Further, large quantities of U.S. cotton are exported to markets for which market price quotations are not available. This situation suggests the need for a better system based on more relevant statistical information as may be available.

Notice is hereby given that the Secretary of Agriculture proposes to use the following procedures and factors in determining the three-year average price for American upland cotton in world markets as a prerequisite to determining the loan level for the 1976 and 1977 crops of upland cotton:

It is proposed to amend Part 1427 by revising the following sections to read as follows:

PART 1427—COTTON

Sec.
1427.1101 Legislative directive.
1427.1102 General statement.
1427.1103 Procedures and factors.

AUTHORITY: Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714b and c; (7 U.S.C. 1441, 1444, 1421).

§ 1427.1101 Legislative directive.

Section 602 of the Agricultural Act of 1970 as amended by the Agriculture and Consumer Protection Act of 1973, further amended section 103 of the Agricultural Act of 1949, as amended, effective beginning with the 1974 crop of upland cotton, by amending subsection (e) to read in part as follows:

(e)(1) The Secretary shall • • • make available for the 1971 through 1977 crops of upland cotton to cooperators nonrecourse loans • • • at such level as will reflect for Middling one-inch upland cotton (micronaire 3.5 through 4.9) at average location in the United States 90 per centum of the average price of American cotton in world markets for such cotton for the three-year period ending July 31 in the year in which the loan level is announced, except that if the loan rate so calculated is higher than the then current level of average world prices for American cotton of such quality, the Secretary is authorized to adjust the current calculated loan rate for cotton to 90 per centum of the then current average world price. The average world price for such cotton for such preceding three-year period shall be determined by the Secretary annually pursuant to a published regulation which shall specify the procedures and the factors to be used by the Secretary in making the world price determination. The loan level for any crop of upland cotton shall be determined and announced not later than November 1 of the calendar year preceding the marketing year for which such loan is to be effective. • • •

§ 1427.1102 General statement.

Prices in world markets for identical grades and staple lengths of American cotton vary because of factors such as the variety, locality where grown, Pressley strength, micronaire reading and storage area. Less than one-half of one percent of the American crop in recent years has been Middling 1-inch cotton, consequently, such quality is not universally quoted in foreign markets. Most foreign market quotations are basis Strict Middling one and one-sixteenth inch cotton. Prices are not always regularly quoted, some quotations are identified as "nominal", and large quantities of U.S. cotton moves to markets for which price quotations are not available. Further, reliable price quotations, based on U.S. quality standards are notably meager in all foreign markets. It is generally conceded that quality determinations made in most world markets are more tolerant than those made under evaluations in the United States. The complexity of this situation makes the determination of a precise average price of American cotton in world markets extremely difficult when based on available foreign market quotations. Published data of world quotations is monthly information required of exporters of American cotton by the Department of Commerce. These reports cover both the quantity and value of all cotton exported during the previous month, with the value basis free along side the shipping conveyance at point of export (f.a.s.).

§ 1427.1103 Procedures and factors.

The following procedures and factors shall be used in determining the average price of American cotton in world markets basis Middling 1-inch (micronaire 3.5 through 4.9) at average location in the United States for the three-year period ending July 31 in the year in which the loan level for the following crop of upland cotton is announced:

(a) The quantity and value of all American upland cotton exported as reported each month by U.S. exporters to the Department of Commerce will be obtained.

(b) The weighted average price for the applicable three-year base period will be obtained by dividing the total value of all upland cotton exported during the three-year period by the total quantity exported.

(c) The three-year average price of exported American upland cotton determined under paragraph (b) of this section shall be adjusted to a U.S. Middling 1-inch (micronaire 3.5 through 4.9) net weight basis by using three-year average spot-market differentials between the average quality exported and the base quality of Middling 1-inch (micronaire 3.5 through 4.9).

(d) The average cost per pound of appropriate charges and costs related to marketing, handling, and transporting exported upland cotton from average U.S. location to f.a.s. shipping conveyance, point of export shall be determined on the basis of the latest information available at the time.

(e) Such average cost per pound determined under paragraph (d) of this section shall be deducted from the three-year average price, adjusted, as provided under paragraph (c) of this section, to adjust such price to average location in the United States.

Comments and suggestions are invited relating to the above proposal. Prior to making a decision concerning the proposal, consideration will be given to any data, views and recommendations relative to the matter which are submitted in writing to the Director, Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250.

In order to be sure of consideration, all submissions must be received by the Director not later than January 10, 1975. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Room 5725, Agriculture Department's South Building, during regular business hours (8:15 a.m. to 4:45 p.m.).

Signed at Washington, D.C., on November 12, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74–26933 Filed 11–15–74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL ELECTRIC AND TELEPHONE DIVISION

Environmental Protection

Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to adopt the following bulletin to implement Executive Order 11738 (38 FR 25161) issued by the President on September 10, 1973, and proposed Environmental Protection Agency regulations relating to Administration of the Clean Air Act and the Federal Water Pollution Control Act (40 CFR, Part 15). If there are significant revisions in EPA's proposed regulations (39 FR 11099) when adopted as final regulations, this may result in revision of REA's proposed bulletin.

Interested persons may submit written comments or suggestions to the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, on or before December 18, 1974. All written submisions received on or before December 18, 1974, shall be considered.

The text of the bulletin is as follows:

[REA BULLETIN 20–23 (Electric); REA BULLETIN 320–23 (Telephone)]

ADMINISTRATION OF THE CLEAN AIR ACT AND THE FEDERAL WATER POLLUTION CONTROL ACT WITH RESPECT TO FEDERAL CONTRACTS, GRANTS, OR LOANS

I. *Purpose and authority.* This bulletin provides for the implementation of Executive Order 11738 (38 FR 25161) issued by the President on September 10, 1973, and proposed Environmental Protection Agency regulations (39 FR 11099) relating to Administration of the Clean Air Act and the Federal Water Pollution Control Act (40 CFR Part 15).

II. *National Policy—A. Executive Order 11738.* It is the policy of the Federal Government to improve and enhance environmental quality. In furtherance of that policy the program prescribed in Executive Order 11738 has been instituted to assure that each Federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each Federal agency empowered to extend Federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act.

B. *EPA regulations—40 CFR Part 15.* 1. The purpose of these EPA regulations (copy enclosed) is to provide certain prohibitions and requirements concerning administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal contracts, grants, or loans. The regulations apply to all agencies in the Executive Branch of the Government which award contracts, grants, or loans. The regulations also apply to contractors and subcontractors and recipients of funds under grants and loans.

2. Section 15.20 provides for the establishment of a List Violating Facilities by the EPA Administrator and prohibits an agency from extending Federal financial assistance by way of a nonexempt grant, loan, or contract where a facility listed would be utilized for the contract, grant, or loan.

3. A "facility" is defined to mean "any building, plant, installation, structure, mine, location or site of operations owned, leased, or supervised by an applicant, contractor, subcontractor, grantee, subgrantee, borrower or subborrower to be utilized in the performance of a contract, grant, or loan. Where a location, or site of operations contains or includes more than one building, plant, installation or structure, the entire location or site shall be deemed to be a facility • • •."

4. Facilities will be listed upon a determination by EPA of continuing or recurring noncompliance with clean air or clean water standards. "Federal, State and local criminal convictions, civil adjudications, and administrative determinations of noncompliance may serve as a basis for consideration of listing facilities. However, the listing of a facility based on a State or local civil adjudication or administrative findings of noncompliance shall not be considered unless the Governor of the State has referred" the matter to EPA.

III. *Application of Executive Order 11738 and EPA Regulations (40 CFR Part 15) to REA Borrowers.* A. REA will not enter into, renew, or extend any loan where a facility listed by EPA under 40 CFR 15.20, would be utilized for the loan.

B. REA requires through its loan contract provisions that borrowers comply with all applicable Federal, State and local requirements for the protection of the environment.

C. The following borrower undertakings are included in its loan contract environmental obligations:

1. *Stipulation of nonutilization of listed facilities.* The borrower shall not utilize any facility listed on the EPA List of Violating Facilities for the performance of any nonexempt loan or subloan.

2. *Compliance agreement.* The borrower shall comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and Water Act, respectively, and all regulations and guidelines issued thereunder.

3. *Notification agreement.* The borrower shall give prompt notification to the Administrator of REA of the receipt of any communication from the Director, Office of Federal Activities, U.S. Environmental Protection Agency, that a facility to be utilized is under consideration to be listed on the EPA List of Violating Facilities. Compliance with this provision shall be a condition prerequisite to REA entering into any contract for nonexempt loan and to REA advancing any funds thereunder.

IV. *Exemptions.* A. The following transactions are exempt from the requirements of this bulletin:

1. All loans not exceeding $100,000.

2. All loans, the principal purpose of which is to assist a facility to comply with any Federal, State or local law, regulation, limitation, guideline, standard or other requirement relating to the abatement, control, or prevention of environmental pollution.

B. The rules and regulations of this bulletin shall not apply to loan guarantee commitments and interconnection agreements.

Dated: November 11, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74–26875 Filed 11–15–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. OSH–38]

EMPLOYMENT RELATED HOUSING (TEMPORARY LABOR CAMPS)

Safety and Health Standards; Extension of Comment Period

On Monday, September 23, 1974, pursuant to section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), Secretary of Labor's Order No. 12–71 (36 FR 8754), and 29 CFR Part 1911, a proposal concerning employment related housing (29 CFR 1910.142) was published in the FEDERAL REGISTER (39 FR 34057).

The notice invited interested persons to submit written data, views and arguments concerning the proposal, and informed interested parties of their right to file objections and request a hearing on the proposal. Several responding parties indicated that additional time was necessary in order to compile relevant information concerning the proposal. In view of these requests, the period for submitting comments and filing objections is hereby extended from October 23, 1974 until December 15, 1974. Comments and objections should be submitted by mail to the U.S. Department of Labor, Occupational Safety and Health Administration, Docket Officer, Docket OSH–38, Room 220, 1726 M Street, NW., Washington, D.C. 20210.

Several requests for a hearing were also submitted in response to the notice of proposed rulemaking. Accordingly, a notice of hearing, announcing the time(s), place(s) and nature of the hearing, and inviting public participation therein, will be published in the FEDERAL REGISTER in the near future.

Signed at Washington, D.C., this 12th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–26922 Filed 11–15–74;8:45 am]

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 169]

STRENGTHENING DEVELOPING INSTITUTIONS

Proposed Rule Making

In accordance with section 503 of the Education Amendments of 1972 (Pub. L. 92-318), and pursuant to the authority contained in Title III of the Higher Education Act of 1965, as amended (Strengthening Developing Institutions), the Commissioner of Education with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Title 45, Part 169, of the Code of Federal Regulations to read as set forth below.

1. *Program purpose.* Title III of the Higher Education Act provides for assistance to developing institutions of higher education to strengthen their academic, administrative, and student services programs. Funds are available for cooperative arrangements, teaching fellowships, and professors emeriti awards.

2. *Section 503 procedures and effect.* Section 503 of the Education Amendments of 1972 requires the Commissioner to study all rules, regulations, guidelines, or other published interpretations or orders issued by him or by the Secretary after June 30, 1965, in connection with, or affecting, the administration of Office of Education programs; to report to the Committee on Labor and Public Welfare of the Senate and the Committee on Education and Labor of the House of Representatives concerning such study; and publish in the FEDERAL REGISTER such rules, regulations, guidelines, interpretations, and orders, with an opportunity for public hearing on the matters so published. The regulations proposed below reflect the results of this study as it pertains to the program under Title III of the Higher Education Act. Upon publication of revised Part 169 in final form, incorporating amendments proposed to the Office of Education by written comment or through public hearing, all preceding rules, regulations, guidelines, and other published interpretations and orders issued in connection with or affecting Part 169 will be superseded effective thirty days after such publication.

3. *Citations of legal authority.* As required by section 431(a) of the General Education Provisions Act (20 U.S.C. 1232(a)) and section 503 of the Education Amendments of 1972, a citation of statutory or other legal authority for each section of the regulations and guidelines has been placed in parentheses on the line following the text of the section.

On occasion, a citation appears at the end of a subdivision of the section. In that case the citation is to all that appears in that section between the citation and the next preceding citation. When the citation appears only at the end of the section, it applies to the entire section.

4. *Opportunity for public hearing.* Pursuant to section 503(c) of the Education Amendments of 1972, the Commissioner will provide interested parties an opportunity for a public hearing on these regulations, as follows:

A hearing will take place at the U.S. Office of Education on December 19, 1974 in the auditorium of Regional Office Building Three (ROB-3), 7th and D Streets, SW., Washington, D.C. 20202, beginning at 10 a.m.

The purpose of the hearing is to receive comments and suggestions on the published materials.

Interested parties may also submit written comments and recommendations to U.S. Office of Education, Room 2085, Federal Office Building Six, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: Chairman, Office of Education Task Force on section 503. All relevant materials received prior to the date of the hearing will be considered. Comments and suggestions submitted in writing will be available for review in the above office between the hours of 9 a.m. and 4:30 p.m., Monday through Friday of each week.

Parties interested in attending the hearing should notify the Office of Education at the 400 Maryland Avenue, SW., address, shown above, and are urged to submit a written copy of their comments with such notification. Each party planning to make oral comments at the hearing is urged to limit his presentation to a maximum of fifteen minutes.

(Catalog of Federal Domestic Assistance Program Number 13.454; Strengthening Developing Institutions)

Dated: August 21, 1974.

(SGD.) T. H. BELL,
U.S. Commissioner of Education.

Approved: November 8, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

PART 169—STRENGTHENING DEVELOPING INSTITUTIONS PROGRAM

Subpart A—General Provisions

Sec.
169.1 Statement of purpose.
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Subpart B—Criteria for Identifying Developing Institutions

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169.28 Evaluation and award procedures.
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Subpart D—Advanced Institutional Development Program

169.31 Scope and purpose of the advanced institutional development program.
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169.33 Allowable activities.
169.34 Institutional plan.
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169.36 Application requirements.
169.37 Grantee selection.
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AUTHORITY: Section 301-306 of Title III of the Higher Education Act of 1965, as amended by section 121(a) of Title I of Pub. L. 92-318, 86 Stat. 241-245 (20 U.S.C. 1051-1056), unless otherwise noted.

Subpart A—General Provisions

§ 169.1 Statement of purpose.

The purpose of this part is to assist developing institutions of higher education which demonstrate a desire and potential to make a substantial contribution to the higher education resources of the nation but which for financial and other reasons are struggling for survival and are isolated from the main currents of academic life. The Commissioner will support the establishment of cooperative arrangements under which these developing institutions may draw on the talent and experience of the stronger colleges and universities, on the educational resources of business and industry, and on the strengths of other developing institutions in an effort to improve their academic programs, administrative and management resources and their student services. The Commissioner will also support National Teaching Fellows and Professors Emeritus under this part.

(20 U.S.C. 1051-1054, 1056)

§ 169.2 Definitions.

As used in this part:

"Act" means Title III of the Higher Education Act of 1965, as amended.

"Academic Year" means a period of time usually eight or nine months in which a full-time student would normally be expected to complete the equivalent of two semesters, two trimesters, three quarters, twenty-eight semester hours, forty-two quarter hours or 900 clock hours of instruction.

(20 U.S.C. 1051-1054, 1056)

"Developing Institution" is an institution of higher education that is so classified under Subpart B.

(20 U.S.C. 1052)

"Institution of Higher Education" means an educational institution as defined in section 1201(a) of the Higher Education Act of 1965.

(20 U.S.C. 1141(a))

"Junior or Community College" means an institution of higher education (1) which does not provide an educational program for which it awards a bachelors degree (or an equivalent degree), (2) which admits as regular students only persons having a certificate of graduation from a school providing secondary education (or the recognized equivalent of such a certificate); and (3) which does (a) provide an educational program of not less than two years which is acceptable for full credit toward such a bachelors or equivalent degree, or (b) offers a two year program in engineering, mathematics, or the physical or biological sciences, which program is designed to prepare a student to work as a technician and at the semiprofessional level in engineering, scientific or other technological fields, which fields require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

"State" means the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, and the Virgin Islands.

(20 U.S.C. 1141(b); 20 U.S.C. 1051-1054 unless otherwise noted)

§ 169.3 Advisory Council on Developing Institutions.

An Advisory Council on Developing Institutions will be established consisting of nine members appointed by the Commissioner with the approval of the Secretary. The Advisory Council will assist the Commissioner:

(1) In identifying developing institutions through which the purposes of this part may be achieved, and

(2) In establishing the priorities and criteria to be used in making grants under this part.

(20 U.S.C. 1053)

§ 169.4 Funding limitation.

Junior or community colleges may receive not more than 24 per centum of the sums appropriated for any fiscal year for carrying out the provisions of this part.

(20 U.S.C. 1051)

§ 169.5 Limitation.

Funds made available pursuant to this part shall not be used for a school or department of divinity as defined in section 1201(1) of the Higher Education Act of 1965 or for any religious worship or sectarian activity.

(20 U.S.C. 1056, 1141(1))

§ 169.6 General provisions regulation.

(a) Assistance provided under this part is subject to applicable provisions contained in Subchapter A of this chapter (relating to fiscal, administrative and other matters).

(20 U.S.C. 1051-1056)

Subpart B—Criteria for Identifying Developing Institutions

§ 169.11 General criteria.

A "developing institution" is an institution of higher education in any State which:

(a) Is legally authorized to provide, and provides within the State, an education program for which it awards a bachelor's degree, or is a junior or community college;

(b) Admits as regular students only persons having a certificate of graduation from a school providing secondary education or the recognized equivalent of such a certificate;

(c) Is accredited by a nationally recognized accrediting agency or association determined by the Commissioner to be reliable authority as to the quality of training offered or is, according to such an agency or association, making reasonable progress toward accreditation;

(d) Meets the requirements of paragraphs (a) and (c) of this section during the five academic years preceding the academic year for which it seeks assistance under this part, except that:

(1) the Commissioner may waive this five year requirement for those institutions located on or near an Indian reservation or a substantial number of Indians if he determines that such a waiver will increase the opportunity for Indians to obtain the benefits of higher education; and

(2) the Commissioner may waive three years of this five year requirement for an institution if he determines that such a waiver will substantially increase higher education for Spanish-speaking people. For purposes of this subparagraph, Spanish-speaking people are those persons of hispanic heritage including persons of Mexican, Puerto Rican, Cuban, Central American, South American, or other Spanish-speaking origin.

(e) Is, on the basis of the quantitative and qualitative factors set forth in §§ 169.12 and 169.13 respectively, (1) making reasonable effort to improve the quality of its teaching and administrative staffs and of its student services; and (2) for financial or other reasons, struggling for survival and isolated from the main currents of academic life.

(20 U.S.C. 1052)

§ 169.12 Quantitative factors for identifying developing institutions.

The following eight factors have been identified as the most important quantitative measures in assessing whether an institution meets the conditions set forth in § 169.11(e). They have been quantified by institutional type and control. These factors define the range of developing institutions. Every institution which meets all the quantitative standards will be included for further evaluation under the qualitative criteria. Institutions that fall outside the range of one or more of the criteria will be given an opportunity to demonstrate that the shortfall or excess as the case may be does not materially alter the character of the institution.

	At least—	Not more than—
2-yr private institutions:		
1. Full-time equivalent enrollment	200	4,650
2. Full-time enrollment	160	4,325
3. Percent of faculty with masters	50	94
4. Average faculty salary	$4,225	$14,000
5. Percent of students from low-income families [1]	16	100
6. Total expenditures for educational and general purposes	$350,000	$8,500,000
7. Total educational and general expenditures per FTE student	$500	$6,500
8. Total volumes in library	3,500	40,000
2-yr public institutions:		
1. Full-time equivalent enrollment	300	10,100
2. Full-time enrollment	240	7,475
3. Percent of faculty with masters	30	95
4. Average faculty salary	$7,600	$15,500
5. Percent of students from low-income families [1]	10	100
6. Total expenditures for educational and general purposes	$500,000	$13,000,000
7. Total educational and general expenditures per FTE student	$500	$4,600
8. Total volumes in library	6,000	71,000
4-year private institutions:		
1. Full-time equivalent enrollment	300	5,960
2. Percent of faculty with Doctorates	10	60
3. Average professor's salary	$8,750	$18,215
4. Average instructor's salary	$7,000	$13,100
5. Percent of students from low-income families [1]	10	100
6. Total expenditures for educational and general purposes	$600,000	$15,120,000
7. Total educational and general expenditures per FTE student	$900	$4,900
8. Total volumes in library	9,000	337,120
4-year public institutions:		
1. Full-time equivalent enrollment	600	7,200
2. Percent of faculty with doctorates	20	62
3. Average professor's salary	$10,900	$20,800
4. Average instructor's salary	$7,300	$14,000
5. Percent of students from low-income families [1]	20	100
6. Total expenditures for educational and general purposes	$1,600,000	$16,000,000
7. Total educational and general expenditures per FTE student	$900	$4,985
8. Total volumes in library	10,000	317,980

[1] For purposes of this subpart a low-income family is one whose adjusted family income is less than $7,500.

(20 U.S.C. 1052)

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§ 169.13 Qualitative factors for identifying developing institutions.

Those institutions which satisfy the requirements set out in § 169.12 will be further assessed on the following qualitative factors which will be used to assess whether the institution meets the conditions set forth in § 169.11(e). These factors will be evaluated over a three year period. Such period will include the academic year in which the institution is seeking recognition as a developing institution and the preceding two academic years.

(a) (1) *Enrollment.* Consideration will be given to the institution's full-time equivalent enrollment, the number of its graduates continuing their education either at a four year institution in the case of a junior or community college, or at a graduate or professional school, the class standing of entering freshmen in their high school graduating class, the percentage of freshmen completing their first year and the percentage of freshmen graduating from the institution. If such enrollment data are in a decline over the three year period the institution must demonstrate that such a decline is not inconsistent with continued institutional viability.

(2) In evaluating an institution pursuant to the criteria discussed in paragraph (a) (1) of this section, the Commissioner will take into consideration whether the institution has adopted an open enrollment admissions policy. As used in this section an open enrollment admissions policy of an institution of higher education means that the institution will admit as regular students all students who apply to that school for admission who have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate.

(b) *Institution personnel.* An institution will be evaluated with regard to the quality of its personnel in the areas of institutional administration including financial operations, student services, teaching and research. Factors considered in making such an evaluation will include the percentage of professional personnel with advanced degrees and the salary scale of the institution.

(c) *Institution vitality.* An institution will be evaluated in terms of its vitality and viability. Factors considered in such a determination will include its fund raising capability, whether the institution has a planning capability and whether the institution has devised an institutional development plan.

(20 U.S.C. 1052)

§ 169.14 Effect of classification.

(a) Those institutions which meet the quantitative and qualitative criteria set out in §§ 169.12 and 169.13 will be classified as "developing institutions" for the purpose of this part and for the purpose of section 305 of the Act. Applications for grants under this part will be further evaluated on their merits.

(b) A reevaluation of an institution's classification as a developing institution will be made periodically.

(20 U.S.C. 1052, 1055)

§ 169.15 Application requirements.

(a) An institution wishing to be designated as a developing institution shall file an application which shall be in such form and contain such information as the Commissioner may from time to time prescribe and shall include:

(1) The signature of the institutional head;

(2) Data describing institutional participation in Federal programs, both education and other, by program title. The institution shall also state amount of funds it received under each program;

(3) Institutional data described in §§ 169.12 and 169.13; and

(4) An institutional eligibility narrative in which the applicant shall state the reasons it considers itself qualified to be designated as a "developing institution."

(20 U.S.C. 1052)

(b) An institution located on or near an Indian reservation or a substantial numer of Indians which seeks a waiver of the five year requirement of § 169.11 (d) shall demonstrate how such a waiver will increase the opportunity of Indians to obtain the benefits of higher education.

(c) An institution which seeks a waiver of three years of the five year requirement of § 169.11(d) shall demonstrate how such a waiver will substantially increase higher education for Spanish-speaking people.

(20 U.S.C. 1052)

Subpart C—Basic Institutional Development Program

§ 169.21 Program objectives.

The purpose of grants made pursuant to this subpart is to assist in raising the academic quality of developing institutions that show both a desire for and a promise of institutional improvement in order that they may more fully participate in the higher education community. The Basic Institutional Development program attempts to narrow the gap between small, weak colleges and stronger institutions. The principal means for doing so is through cooperative arrangements in which developing institutions may draw upon the talent and experience of assisting institutions of higher education, including other developing institutions, as well as upon business and industry in the area of faculty and curriculum development, administrative improvement, student services. National Teaching Fellows may be requested to release faculty of developing institutions to further their education, and Professors Emeriti may be requested to make special contributions to institutional needs.

(20 U.S.C. 1054)

§ 169.22 Cooperative arrangements.

(a) (1) The Commissioner may award grants to developing institutions to pay part of the costs of planning, developing and carrying out cooperative arrangements between developing institutions, between developing institutions and other institutions of higher education, and between a developing institution and a business entity, an agency or an organization, which show promise as effective measures for strengthening the academic program, administrative capacity, and student services of the developing institutions.

(2) In each cooperative arrangement receiving assistance under this subpart the developing institution shall be the legal recipient of the grant award and shall be legally responsible for administering the project assisted under such grant.

(b) The types of cooperative arrangements that will be funded include bilateral and consortium arrangements.

(1) *Bilateral arrangement.* A bilateral arrangement is an arrangement between the applicant developing institution and another institution of higher education or an agency, organization, or business entity under which the latter will provide assistance and resources to the developing institution to carry out activities described in § 169.23.

(2) *Consortium arrangement.* A consortium arrangement is an arrangement between the applicant developing institution and at least two other developing institutions which provides for the exchange or joint use of resources to the mutual benefit of all the participants. Such a consortium of developing institutions may also enter into arrangements with institutions of higher education and other agencies, organizations, or business entities for the latter to assist the developing institution in carrying out the activities described in § 169.23.

(20 U.S.C. 1054)

§ 169.23 Grant activities.

(a) The type of activities and projects that may be funded under cooperative arrangements include such activities and projects as:

(1) The exchange of faculty and students with other institutions of higher education;

(2) Arrangements for bringing visiting scholars to developing institutions;

(3) Faculty and administrative staff improvement programs such as internships (including internships for administrative staff), attendance at short term institutes, advanced study including stipends of up to $4,000, and participation in research projects;

(4) The introduction of new curricula and curricular materials;

(5) The development and operation of cooperative education programs involving alternate periods of academic study and business or public employment;

(6) The joint use of facilities such as libraries and laboratories, as well as the purchase of necessary books, materials, and equipment;

(7) The obtaining of specialized personnel for developing institutions in such areas as media, reading, computers, institutional research and management; and

(8) Faculty and salary supplements for a faculty member who is engaged in a special project or activity for the benefit of the developing institution. Such request must be carefully documented and such salary supplements will generally be limited to three (3) years.

(20 U.S.C. 1054)

§ 169.24 National Teaching Fellowships.

(a) The Commissioner may grant funds to developing institutions, independently or in conjunction with the funding of a cooperative arrangement, for the purpose of awarding National Teaching Fellowships.

(b) National Teaching Fellowships may be awarded by a developing institution to junior faculty members of institutions of higher education other than developing institutions and graduate students who have completed all requirements for a masters degree in the institution in which they are enrolled or who possess the equivalent of a masters degree in related professional experience, whose training and experience will serve the needs of the developing institution.

(c) National Teaching Fellows may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study; or

(3) Strengthen an understaffed academic program.

(d) Each National Teaching Fellowship shall include a stipend for each academic year of teaching in an amount not to exceed $7,500 plus an allowance of $400 for each dependent of the Fellow. The developing institution may supplement the stipend paid to the National Teaching Fellow, but such increase may not be paid from funds received under this part.

(e) The period of a National Teaching Fellowship may not exceed two academic years.

(f) A National Teaching Fellow may not engage in advanced study that is inconsistent with the Fellow's duties as a full-time faculty member.

(20 U.S.C. 1054)

§ 169.25 Professor Emeritus Grants.

(a) The Commissioner may grant funds to developing institutions either independently of or in conjunction with the funding of a cooperative arrangement to permit such institutions to award Professors Emeritus Grants. Such grants may be awarded to professors or to other skilled higher education personnel who have retired from active service at institutions of higher education other than the developing institution awarding the grant. The Commissioner will award such funds only if he determines that the program of teaching or research for which a Professor Emeritus Grant is requested meets the educational needs of the applicant institution and is reasonable in light of the specific competence(s) of the Professor Emeritus.

(b) A Professor Emeritus may be used by the developing institution to:

(1) Assist, through full-time teaching, in the implementation of a cooperative arrangement;

(2) Replace temporarily a regular teaching faculty member and release the faculty member for further training or advanced study;

(3) Provide specialized competence in a particular area that will serve the needs of the developing institution;

(4) Assist in new programs;

(5) Conduct institutional research or research connected with the development of the institution; or

(6) Strengthen an understaffed academic program.

(c) A Professor Emeritus Grant shall include a stipend for each academic year of teaching or research. The stipend shall not exceed the salary of a comparable staff member of the developing institution and shall take into consideration the retirement benefits being received by the Professor Emeritus. The institution may supplement the stipend of the Professor Emeritus but such increase may not be paid with funds received under this part. Funds may also be awarded to the developing institution for the payment of travel and moving expenses, housing and fringe benefits for Professors Emeritus. Professors Emeritus shall be hired on a semester (or equivalent) or on an annual basis.

(d) The period of a Professor Emeritus Grant may not exceed two academic years unless it is determined by the Commissioner upon the advice of the Advisory Council described in § 169.3 that the additional period is necessary to fully complete the program objective for which the Professor Emeritus was originally requested.

(20 U.S.C. 1054)

§ 169.26 Application requirements.

(a) Each application for assistance under this subpart shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with Subpart B of this part;

(2) The signature of the institutional head;

(3) The total amount of funds requested for each year in the case of multi-year requests;

(4) The number of cooperative arrangements requested;

(5) The name of each such arrangement;

(6) A listing of such arrangements in order of the applicant institution's priority;

(7) A listing of each institution of higher education, agency, organization, and/or business entity from which the applicant developing institution expects to draw resources;

(8) A program budget; in the case of a proposed multi-year project the initial year budget;

(9) A narrative indicating an overview of the institution's involvement in activities supported under this part. This narrative shall also describe the objectives of the institution's proposed program and explain the relationship between the proposed programs and the overall planned development of the institution;

(10) A program narrative which shall contain a concise description of each program to be undertaken in a cooperative arrangement including the nature and extent of the activities planned as well as the program's expected specific impact (including quantitative results expected) on those institution(s) participating in the program. If National Teaching Fellowships or Professors Emeritus are requested, the program narrative should explain specifically the institution's need for such personnel support;

(11) Letters of commitment from each institution, agency, organization, or business entity, signed by the president of such institution or agency and addressed to the coordinator of the cooperative arrangement. The coordinator shall be responsible for submitting copies of these letters as a part of the complete proposal. These letters shall be used to demonstrate that:

(i) The proposal as submitted accurately reflects the terms of the cooperative arrangement,

(ii) The budget is correctly represented and includes, where appropriate, the dollar value of service or contribution offered by the assisting institution or agency, and

(iii) The institution or agency will carry out its part of the program(s), if the application for Federal funds is approved;

(12) Procedures for the administration of each program as will insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(13) Procedures as will insure that Federal funds made available under this subpart for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds that would, in the absence of such Federal funds be made available for purposes of this subpart, and in no case supplant such funds;

(14) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(15) Such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart to the applicant; and

(16) Such reports, in such form and containing such information as the Commissioner may require to carry out his functions under this subpart and

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procedures for keeping such records and affording such access thereto, as he may find necessary to assure correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications under this subpart.

(20 U.S.C. 1054)

§ 169.27 Multi-year grants.

Multi-year grants may be awarded to developing institutions to provide up to three years of support for the development and implementation of cooperative arrangements. The continued funding of these projects will be contingent upon the continued eligibility of the applicant institution(s), institutional progress, and the availability of Federal funds.

(20 U.S.C. 1054)

§ 169.28 Evaluation and award procedures.

(a) *Evaluation criteria.* In addition to evaluation on the basis of criteria set forth in § 100.26(b) of this chapter, the Commissioner will evaluate requests for program support under this subpart in accordance with the following criteria:

(1) The program demonstrates a major focus on providing a successful educational experience for low-income students;

(2) The program demonstrates promise for moving colleges into the mainstream of higher education as a result of careful long-range planning and substantial improvements in the area of development and management;

(3) The program demonstrates coordination with other Federal, State, and local efforts to produce a maximum impact on the needs of developing institutions;

(4) With regard to junior and community colleges that the program demonstrates that it serves the needs of students in urban areas; and

(5) The program demonstrates good communication between faculty, students, administration, and, where appropriate, local communities in its planning and implementation.

(b) *Evaluation procedure.* Each application for support under this subpart will be reviewed and evaluated by a panel of experts who will advise the Commissioner with respect to funding such applications. The final funding decision shall rest with the Commissioner. When proposals appear equal in merit, consideration will be given to such factors as geographic location, type of program, and national educational needs served.

(20 U.S.C. 1054)

§ 169.29 Allowable costs.

(a) The Commissioner will pay part of the costs that are reasonably related to the development and implementation of cooperative arrangements and the entire cost of National Teaching Fellowships and Professor Emeritus Grants, except that, notwithstanding § 100a.82 of this chapter, indirect costs shall not be charged against the grant.

(b) The purchase of equipment will be limited to equipment that is necessary to achieve specific program objectives.

(20 U.S.C. 1054)

Subpart D—Advanced Institutional Development Program

§ 169.31 Scope and purpose of the advanced institutional development program.

The Commissioner will make grants to selected developing institutions adjudged to have the potential for accelerated institutional development to expedite the institution's progress towards achieving both operational and fiscal stability and participation in the mainstream of American higher education.

(20 U.S.C. 1054)

§ 169.32 Cooperative arrangements.

The Commissioner will award grants to selected developing institutions of higher education to pay part of the cost of planning, developing, and carrying out cooperative arrangements, as described in § 169.22, between developing institutions between developing institutions and other institutions of higher education and between developing institutions and other agencies, organizations and business entities which show promise as effective measures for strengthening the academic program and administrative capacity of the grantee institution. Such grants may be used for curriculum development compatible with changing societal needs, student services including academic and career counseling, and faculty and administrative improvement programs.

(20 U.S.C. 1054)

§ 169.33 Allowable activities.

The type of activities that may be funded include such activities as:

(a) New programs which seek to serve the educational needs of low-income students by providing them with the background required to obtain employment with upward mobility, which seek to move them into professional areas where low-income students are underrepresented, or which equip them to gain admittance to graduate schools;

(b) Programs or projects which allow the institution to structure or restructure itself so that it may relate more directly to emerging professional or career fields; and

(c) Curriculum development.

(20 U.S.C. 1054)

§ 169.34 Institutional plan.

(a) An applicant shall submit with its application an outline of a long range (5 year) plan which shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) The planned institutional programs including:

(i) a description of the program objectives or intended program changes,

(ii) a description of the specific activities or projects for which funds are requested, and

(iii) a description of proposed cooperative arrangements;

(2) The budget for the program and the proposed allocation of funds to each activity or project;

(3) A statement of institutional development goals, describing the planned impact of the funded program upon the institution;

(4) A general strategy for replacing funds awarded under this subpart by the end of the grant period;

(5) A description of steps to be taken, if any, to develop the institutional planning and management capability by the end of the grant period;

(6) A plan for evaluating the progress made by the institution in meeting its goals and objectives including the replacement of grant funds and the development of a management capability if such latter activity is proposed.

(b) The final plan shall be submitted to the Commissioner for approval at such time as the Commissioner may prescribe. Such plan must be approved by the chief administrative officer of the institution, with the concurrence of the governing board of the institution.

(c) All components of the long range plan submitted pursuant to paragraph (a) of this section shall be revised periodically to reflect future program considerations. Significant changes shall become part of the plan upon approval of the Commissioner.

(20 U.S.C. 1054)

§ 169.35 Program priorities.

In selecting grantees under § 169.37 the Commissioner will give preferential consideration to those applicants whose proposed programs are likely to best carry out one or more of the following objectives:

(a) The provision of training in professional and career fields in which previous graduates of developing institutions are severely underrepresented;

(b) The addition of substantial numbers of graduates of developing institutions prepared for emerging employment and graduate study opportunities;

(c) The development of more relevant approaches to learning by utilizing new configurations of existing curricula as well as a variety of teaching strategies;

(d) The development of new or more flexible administrative styles; and

(e) The improvement of methods of institutional effectiveness so as to increase the fiscal and operational stability of the institution and improve its academic quality.

(20 U.S.C. 1054)

§ 169.36 Application requirements.

(a) Each application for assistance under this subpart shall be in such form and contain such information as the Commissioner may from time to time prescribe but shall include:

(1) A statement that the institution has been designated by the Commissioner as a developing institution, or if not so designated, a request for such a designation in accordance with subpart B of this part;

(2) A statement of institutional objectives which take into account the history, development, and continuing or proposed future role of the college. Such a statement shall be based upon the following information, if available:

(i) A description of the local, regional or national geographic area which the institution plans to serve,

(ii) State or regional manpower data including any reports relevant to an assessment of projected employment opportunities for graduates,

(iii) Data on the characteristics of students currently admitted to the institution including geographical origins, enrollment by sex, aptitude test score distributions at time of admittance, distribution of enrollment by curricular area, enrollment by major field, indications of career goals, and

(iv) Follow up data on graduates, including job placements, location and nature of employment, institutions attended for further study, and fields of further study;

(2) The outline for the long range plan described in § 169.34;

(3) Data on student enrollment and student characteristics including trend data;

(4) Faculty characteristics and trends;

(5) Institutional financial data and projections;

(6) Curriculum range;

(7) Such other information as is requested by § 169.37;

(8) Procedures for the administration of the program to insure the proper and efficient operation of the program and the accomplishment of the purposes of this subpart;

(9) Procedures to insure the Federal funds made available under this subpart for any fiscal year shall be so used as to supplement, and to the extent practical, increase the level of funds that would, in the absence of such Federal funds, be made available for these programs and in no case supplement such funds;

(10) Procedures for the evaluation of the effectiveness of the project or activity in accomplishing its purpose;

(11) Provision for such fiscal control and fund accounting procedures as may be necessary to insure proper disbursement of and accounting for funds made available under this subpart; and

(13) Provision for making such reports as the Commissioner may require to carry out his functions and for keeping such records and affording such access thereto as he may find necessary to assure the correctness and verification of such reports.

(b) The Commissioner will from time to time establish cut off dates for the filing of applications for assistance under this subpart.

(20 U.S.C. 1054)

§ 169.37 Grantee selection.

Notwithstanding § 100a.26(b) of this chapter, institutions will be selected for grants under this subpart as follows:

(a) Initially applicant institutions will be assessed in relation to other developing institutions with regard to those quantitative and qualitative characteristics which are indicative of institutional, academic, and financial strength. Such characteristics include:

(1) The institution's enrollment and the trend of enrollment;

(2) The institution's full-time faculty in terms of size, faculty-student ratio, and academic qualifications;

(3) The institution's present and projected financial position with respect to

(i) Total income,

(ii) Income sources and the amount received from each source,

(iii) Expenditure per full-time equivalent student,

(iv) Rate of growth of income, and

(v) Endowment and gifts as a total amount and as a percentage of income,

(4) The ability of the institution to attract and hold qualified students, as indicated by such factors as:

(i) The percentage of freshmen students who graduate,

(ii) The percentage of graduates accepted to institutions offering bachelor degrees (for junior and community colleges), and graduate, or professional schools,

(iii) The percentage of graduating class gainfully employed;

(5) The ability of the institution to attract qualified faculty; and

(6) The institution's past success in and present capability for formulating and using a plan for the allocation of resources in light of its stated goals and priorities.

(b) Those applicant institutions determined under paragraph (a) of this section to have the greatest comparative degree of financial, academic, and institutional strength will be further assessed in light of the programs priorities reflected in § 169.35 and on the relationship between the type of program proposed by the institution and the financial, academic, and other characteristics of the institution.

(c) In making the assessments required by paragraph (b) of this section the Commissioner will review the information contained in the institution's application and may in addition make site visits to such institutions.

(20 U.S.C. 1054)

§ 169.38 Allowable costs.

(a) The Commissioner will pay part of the cost of developing and implementing a long-range plan for accelerated institutional development except that costs for the implementation of such a plan are allowable only to the extent that they are incurred after that plan has been approved by the Commissioner. However, notwithstanding § 100a.82 of this chapter, indirect costs shall not be charged against the grant.

(b) The institution may not expend more than 10 percent of grant funds for the development or improvement of a planning, management, and evaluation capability.

(c) Purchase of equipment is allowed only if such equipment is necessary to achieve the program objectives.

(20 U.S.C. 1054)

[FR Doc.74-26838 Filed 11-15-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Subchapter P]

[CGD 73-202]

PORTS AND WATERWAYS SAFETY

Traffic Control

Correction

In FR Doc. 74-24743 appearing at page 37778 in the issue of Thursday, October 24, 1974, in the sixth line of § 160.35 (b)(4) the word "sale" should read "safe".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 296-2]

FERROALLOY PRODUCTION FACILITIES

Standards of Performance for New Stationary Sources; Extension of Comment Period

On October 21, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to section 111 of the Clean Air Act, as amended (39 FR 37470). The proposed regulation establishes standards of performance for new ferroalloy production facilities. The comment period for this proposed regulation ends December 5, 1974.

EPA anticipated that the document "Background Information for Standards of Performance: Electric Submerged Arc Furnaces Producing Ferroalloys," which contains information pertinent to the proposed regulation, would be available to the public throughout the comment period. Reproduction difficulties, however, have delayed the availability of this document. EPA believes that members of the public should have an opportunity to review this document in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended to, and including, December 30, 1974.

Dated: November 11, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-26852 Filed 11-15-74;8:45 am]

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[40 CFR Part 60]

[FRL 297-1]

PHOSPHATE FERTILIZER INDUSTRY

Standards of Performance for New Stationary Sources; Extension of Comment Period

On October 22, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to section 111 of the Clean Air Act, as amended (39 FR 37602). The proposed regulation establishes standards of performance for new phosphate fertilizer industry plants. The comment period for this proposed regulation ends December 6, 1974.

EPA anticipated that the document "Background Information for Standards of Performance: Phosphate Fertilizer Industry", which contains information pertinent to the proposed regulation, would be available to the public throughout the comment period. Reproduction difficulties, however, have delayed the availability of this document. EPA believes that members of the public should have an opportunity to review this document in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended to, and including, December 30, 1974.

Dated: November 11, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-26847 Filed 11-15-74;8:45 am]

[40 CFR Part 60]

[FRL 297-2]

STEEL PLANTS: ELECTRIC ARC FURNACES

Standards of Performance for New Stationary Sources; Extension of Comment Period

On October 21, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to section 111 of the Clean Air Act, as amended (39 FR 37466). The proposed regulation establishes standards of performance for new electric arc furnaces in steel plants. The comment period for this proposed regulation ends December 5, 1974.

EPA anticipated that the document "Background Information for Standards of Performance: Electric Arc Furnaces in the Steel Industry", which contains information pertinent to the proposed regulation, would be available to the public throughout the comment period. Reproduction difficulties, however, have delayed the availability of this document. EPA believes that members of the public should have an opportunity to review this document in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended to, and including, December 30, 1974.

Dated: November 11, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-26849 Filed 11-15-74;8:45 am]

[40 CFR Part 60]

[FRL 297-3]

PRIMARY ALUMINUM PLANTS

Standards of Performance for New Stationary Sources; Extension of Comment Period

On October 23, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to section 111 of the Clean Air Act, as amended (39 FR 37730). The proposed regulation establishes standards of performance for new primary aluminum plants. The comment period for this proposed regulation ends December 9, 1974.

EPA anticipated that the document "Background Information for Standards of Performance: Primary Aluminum Industry", which contains information pertinent to the proposed regulation, would be available to the public throughout the comment period. Reproduction difficulties, however, have delayed the availability of this document. EPA believes that members of the public should have an opportunity to review this document in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended to, and including, December 30, 1974.

Dated: November 11, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-26850 Filed 11-15-74;8:45]

[40 CFR Part 60]

[FRL 297-4]

COAL PREPARATION PLANTS

Standards of Performance for New Stationary Sources; Extension of Comment Period

On October 24, 1974, the Environmental Protection Agency (EPA) published a notice of proposed rulemaking pursuant to section 111 of the Clean Air Act, as amended (39 FR 37922). The proposed regulation establishes standards of performance for new coal preparation plants. The comment period for this proposed regulation ends December 9, 1974.

EPA anticipated that the document "Background Information for Standards of Performance: Coal Preparation Plants", which contains information pertinent to the proposed regulation, would be available to the public throughout the comment period. Reproduction difficulties, however, have delayed the availability of this document. EPA believes that members of the public should have an opportunity to review this document in connection with their review of the proposed regulation. Accordingly, the date for submission of comments is hereby extended to, and including, December 30, 1974.

Dated: November 11, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management.

[FR Doc.74-26851 Filed 11-15-74;8:45]

[40 CFR Part 180]

[FRL 295-2]

CERTAIN INERT INGREDIENTS IN PESTICIDE FORMULATIONS

Proposed Exemptions From Requirement of Tolerance

The Administrator of the Environmental Protection Agency has received requests to exempt certain additional inert (or occasionally active) ingredients in pesticide formulations from tolerance requirements under the provisions of section 408 of the Federal Food, Drug, and Cosmetic Act. Based on a review of the history of use and available information on the chemistry and toxicity of these substances, the Administrator finds that these substances are useful as adjuvants and when used in accordance with good agricultural practice will not result in a hazard to the public health.

Therefore, pursuant to provisions of the act (sec. 408(c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a(c)(e)), it is proposed that § 180.1001 be amended by (1) revising the item "α-Stearoyl-*omega*- • • •" in paragraphs (c) and (e), (2) revising the item "Ethylene glycol monomethyl ether" in paragraph (d), and (3) alphabetically inserting new items in paragraphs (c) (d), and (e), as follows:

§ 180.1001 Exemption from the requirement of a tolerance.

• • • • • •

(c) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
Aluminum stearate		Surfactant.
• • •	• • •	• • •
F.D. & C. Blue No. 1	Not more more 0.2% of pesticide formulation.	Dye.
• • •	• • •	• • •
Methyl isobutyl ketone.		Solvent.
• • •	• • •	• • •
Mineral oil (U.S.P.)		Diluent, solvent.
• • •	• • •	• • •
Pentaerythritol ester of maleic anhydride modified wood resin.		Plasticizer.
Pentaerythritol ester of modified resin.		Do.
• • •	• • •	• • •
Propylene oxide		Stabilizer.
• • •	• • •	• • •
Sodium sulfite		Stabilizer.
• • •	• • •	• • •
α-Stearoyl-*omega*-hydroxy-poly (oxyethylene); the poly (oxyethylene) content averages either 8, 9, or 40 moles; if a blend of products is used the average number of moles ethylene oxide reacted to produce any product that is a component of the blend shall be either 8, 9, or 40.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •

(d) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
Ethylenediamine		Stabilizer.
• • •	• • •	• • •
Ethylene glycol monomethyl ether.		Solvent.
• • •	• • •	• • •
Oat hulls		Solid carrier, diluent.
• • •	• • •	• • •
Polyamide polymer derived from sebacic acid or vegetable oil acids.		Coating, carrier.
• • •	• • •	• • •
Terephthalic acid		Plasticizer.
• • •	• • •	• • •

(e) • • •

Inert ingredients	Limits	Uses
• • •	• • •	• • •
α-Stearoyl-*omega*-hydroxy-poly-(oxyethylene); the poly(oxyethylene) content averages 8, 9, or 40 moles; if a blend of products is used, the average number of moles of ethylene oxide reacted to produce any product that is a component of the blend shall be 8, 9, or 40.		Surfactants, related adjuvants of surfactants.
• • •	• • •	• • •

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before December 18, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, Room 421 East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received within 30 days from the publication of this notice and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 5, 1974.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc.74-26728 Filed 11-15-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Parts 1909, 1920]

[Docket No. R-74-303]

NATIONAL FLOOD INSURANCE PROGRAM

Administrative Procedure for Correcting Technical Mapping Deficiencies

Pursuant to the authority contained in 82 Stat. 574; 42 U.S.C. section 4011, the Federal Insurance Administrator is considering the addition of a new Part 1920, and an amendment to Part 1909, as set forth below.

The proposed new Part 1920 would make available to owners and lessees of property an administrative procedure for correcting technical mapping deficiencies which have inadvertently included their property in an area of special flood and/or mudslide and/or erosion hazard (area of special flood hazard). The proposed amendment to Part 1909 adds a definition for "curvilinear line", a term used in the proposed new part.

Interested persons are invited to participate in the making of the proposed rule by submitting such written comments or suggestions as they may desire. Communications should identify the subject matter by the above title and area affected and should be submitted in triplicate to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, Room 10245, 451 Seventh Street, SW., Washington, D.C. 20410. All communications received on or before December 16, 1974, will be considered by the Administrator before taking action on the proposal. The proposals contained in this notice may be changed in the light of comments received. A copy of each submission will be available for public inspection during business hours at the above address.

Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is proposed to be amended as follows:

PART 1909—GENERAL PROVISIONS

1. § 1909.1 is amended by adding in alphabetical sequence a new definition as follows:

§ 1909.1 Definitions.

• • • • • •

"Curvilinear Line" means the border on either a Flood Hazard Boundary Map or Flood Insurance Rate Map that delineates the special flood hazard area and consists of a curved line that follows the topography.

• • • • •

PART 1920—PROCEDURE FOR MAP CORRECTION

2. Part 1920 is added to read as follows:

Sec.
1920.1 Purpose of part.
1920.2 Definitions.
1920.3 Right to submit technical information.
1920.4 Review by Administrator.
1920.5 Amendment of flood maps by letter.
1920.6 Distribution of Letter of Map Amendment.
1920.7 Notice of Amendment.

AUTHORITY: Sec. 1304(a), 82 Stat. 574 (42 U.S.C. 4011).

§ 1920.1 Purpose of part.

The purpose of this part is to provide an administrative procedure whereby the Federal Insurance Administration (FIA) will review the scientific or technical submissions of an owner or lessee of property who believes such property has been inadvertently included in an area of special flood hazard as a result of the transposition of the curvilinear line to street and/or other identifiable features. The necessity for this part is due to the technical difficulty of accurately delineating the curvilinear line on either a Flood Hazard Boundary Map (FHBM) or a Flood Insurance Rate Map (FIRM).

§ 1920.2 Definitions.

The definitions set forth in § 1909.1 of this subchapter are applicable to this part.

§ 1920.3 Right to submit technical information.

Any owner or lessee of property (applicant) who believes his property has been inadvertently included in an area of special flood hazard, as designated on a FHBM or a FIRM, may submit scientific or technical information to the Federal Insurance Administrator (Administrator) for his review.

§ 1920.4 Review by Administrator.

The Administrator, after reviewing the scientific or technical information submitted by an applicant under the provisions of § 1920.3, together with all other

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relevant evidence, shall notify the applicant in writing that:

(a) The data submited is insufficient to negate the determination that the property is within an area of special flood hazard; or

(b) The data submitted by the property owner establishes that the property was inadvertently included within an area of special flood hazard.

§ 1920.5 Amendment of flood maps by letter.

Upon determining from available scientific or technical information that a FHBM or a FIRM requires modification under the provisions of § 1920.4(b), the Administrator shall issue a Letter of Map Amendment which shall state:

(a) The name of the community to which the map to be amended was issued.

(b) The number of the map; and

(c) The identification of the property to be excluded from the area of special flood hazard.

§ 1920.6 Distribution of letter of map amendment.

(a) A copy of the Letter of Amendment shall be sent to the applicant submitting scientific or technical data to the Administrator.

(b) A copy of the Letter of Map Amendment shall be sent to the local map repository with instructions that it be attached to the map which it is amending.

(c) A copy of the Letter of Map Amendment shall be sent to the state map repository with instructions that it be attached to the map which it is amending.

(d) A copy of the Letter of Map Amendment shall be sent to the National Flood Insurers Association.

(e) A copy of the Letter of Map Amendment will be maintained by the FIA in its community case file.

§ 1920.7 Notice of amendment.

The Administrator shall publish a notice in the FEDERAL REGISTER that the FHBM or FIRM map for a particular community has been amended by letter determination issued pursuant to this Part 1920.

(Sec. 1304(a), 82 Stat. 574 (42 U.S.C. 4011))

Issued at Washington, D.C., on November 12, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26866 Filed 11-15-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[32A CFR Ch. X]

OIL IMPORT

Conforming Amendments to Regulations

The Federal Energy Administration (FEA) hereby gives notice of a proposal to amend Oil Import Regulation 1 (rev. 5), Chapter X of Title 32A, Code of Federal Regulations, issued pursuant to Proclamation No. 3279, as amended. These amendments are proposed for the purpose of conforming the Regulation to the requirements of Proclamation 4317 (September 27, 1974), which modifies Proclamation No. 3279, as amended.

Proclamation No. 4317 reduces the import fee on natural gas products retroactive to May 1, 1973. Under the revised fee schedule, the import fee applicable to natural gas products is identical to the fee schedule for crude oil. As stated in the Proclamation, it is anticipated that this reduction in license fees will make United States interests more competitive in the world market for natural gas products. Accordingly, it is proposed that Section 32 of the Regulation be amended to conform to this change.

Also in connection with natural gas products, Proclamation No. 4317 requires that persons importing such products under a duly issued license certify the country of orgin to the appropriate Customs Office at the port of entry. It is proposed that Section 32 be amended to reflect this change.

In addition, Proclamation No. 4317 requires that the Director revoke outstanding licenses upon the termination of the lincensee's bond, or the reduction of its face value below the outstanding liability of licenses issued pursuant to it. It is proposed that Section 32 also be amended in conformity with this change.

Proclamation No. 4317 also makes certain technical changes, including clarification of some product definitions. It is therefore proposed that Section 22 of the Regulation be amended to reflect these clarifications. In addition, it is proposed that Section 29 be amended to reflect the authority vested in the Federal Energy Administration by the Federal Energy Administration Act of 1974, Pub. L. 93-275.

Finally, Proclamation No. 4317 provides that added capacity rather than inputs may be used as a basis for import allocations made for new, expanded or reactivated refineries and petrochemical plants. FEA plans to implement these changes at the beginning of the next allocation period commencing May 1, 1975. FEA plans to issue for public comment in the near future proposals to amend Sections 25 and 25A.

As required by Section 7(c)(2) of the Federal Energy Administration Act of 1974, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has advised FEA that EPA has no comments.

FEA considered whether, pursuant to Section 7(1)(1)(C) of the Federal Energy Administration Act, a public hearing should be afforded to persons interested in these proposed regulations. However, because of the limited scope of these amendments, it was decided that they would not have "a substantial impact on the Nation's economy or large numbers of individuals or businesses," and that a hearing was therefore not required by the Act.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments with respect to the proposed amendments set forth in this notice to Executive Communications, Federal Energy Administration, Room 3309, Box BI, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Administration Executive Communications with the designation "Conforming Amendments to Oil Import Regulations." Fifteen copies should be submitted. All comments received by November 29, 1974, and all other relevant information will be considered by the Federal Energy Administration before final action is taken.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information and to treat it accordingly.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; Trade Expansion Act of 1962, Pub. L. 87-794; E.O. 11790 (39 FR 23185); Procl. No. 3279, as amended (39 FR 35103))

In consideration of the foregoing, it is proposed to amend Oil Import Regulation 1 (Rev. 5) in Chapter X of Title 32A, Code of Federal Regulations, as set forth below. Upon final issuance, these regulations will be effective as of September 27, 1974, the date of Proclamation No. 4317.

Issued in Washington, D.C., November 12, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 17 is amended by revising paragraph (c) to read as follows:

Sec. 17 Use of imported crude oil and unfinished oils.

* * * * *

(c) Imported crude oil or unfinished oils which are sold to meet the requirements of other regulations published by the Federal Energy Administration shall not be subject to the provisions of paragraph (a) of this section.

2. Section 22 is amended by revising subparagraphs (2), (3) and (4) of paragraph (g) to read as follows:

Sec. 22 Definitions.

As used in this regulation:

* * * * *

(g) * * *

(2) "Gasoline" means a refined petroleum distillate, including naphtha, jet fuel or other petroleum oils (but not benzene which meets the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene, or para-xylene having a purity of 95 percent or more by weight) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure which falls completely or in part between 80° and 400°F.

(3) "Kerosene" means any jet fuel, diesel fuel, fuel oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 400° and 550°F.

(4) "Distillate fuel oil" means any fuel oil, gas oil, topped crude oil, or other petroleum oils (except refined petroleum wax) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 550° and 1200°F.

* * * * *

3. Section 29 is amended by revising subparagraph (2)(iii) of paragraph (e) to read as follows:

Sec. 29 Canadian Imports—Districts I–IV.

* * * * *

(e) * * *

(2) * * *

(iii) Canadian imports which are sold to meet the requirements of other regulations published by the Federal Energy Administration shall not be subject to the provisions of paragraph (e)(1) of this section.

* * * * *

4. Section 32 is amended by revising paragraph (d) and subparagraph (1)(i) of paragraph (i), and by adding a new paragraph (j) to read as follows:

Sec. 32 Allocations and fee-paid licenses for imports of crude oil, unfinished oils and finished products—Districts I–IV, District V, and Puerto Rico.

* * * * *

(d) Applications for allocations under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of Treasurer of the United States in the amount chargeable pursuant to paragraph (i) of this section or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Accounts, Department of the Treasury, in the sum not less than the amount chargeable pursuant to paragraph (i) of this section, conditioned upon payment to the order of the Treasurer of the United States, within thirty (30) calendar days from the date of entry or withdrawal from warehouse for consumption of the commodities for the importation of which a license or licenses have issued, in the amount chargeable pursuant to paragraph (i) of this section. In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Director shall immediately revoke all licenses issued pursuant to the bond. Applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Applications by or for the account of a department, establishment, or agency of the United States need not be accompanied by a certified check or cashier's check or a bond as required by this paragraph.

* * * * *

(i)(1) * * *

(i) With respect to imports, other than imports from Canada of motor gasoline and finished products, such fees shall be:

Fee schedule
[Cents per barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975
Crude	10.5	13.0	15.5	18.0	21.0	21.0
Natural gas products	10.5	13.0	15.5	18.0	21.0	21.0
Motor gasoline	52.0	54.5	57.0	59.5	63.0	63.0
All other finished products and unfinished oils (except ethane, propane, butanes, and asphalt)	15.0	20.0	30.0	42.0	52.0	63.0

* * * * *

(j) Persons seeking to import natural gas products under a duly issued natural gas products license shall certify the country of origin to the appropriate Customs Office at the port of entry. Such natural gas products may be commingled with crude oil or other unfinished oils for purposes of transportation and may be reseparated prior to importation or imported as a mixture: *Provided*, That the importer certifies as to the volume of natural gas products contained.

[FR Doc.74-26865 Filed 11-15-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 435]

UNDELIVERED MAIL ORDER MERCHANDISE AND SERVICES

Granting of Petition for Acceptance of Materials Into the Public Record; Opportunity to Examine and Comment on Said Materials

Notice of revised proposed trade regulation rule concerning undelivered mail order merchandise and services was published in the FEDERAL REGISTER on March 8, 1974 (39 FR 9201). The notice also set forth the text of the revised proposed rule. The closing date for the receipt of written data, views and comments was set at June 14, 1974 (39 FR 13563).

In response to a petition by an interested party, Direct Mail/Marketing Association, Inc., the Federal Trade Commission has accepted into the public record of the above-captioned rulemaking proceeding materials submitted by said party after the June 14, 1974, closing date for receiving comments. Accordingly, the Commission has placed a copy of these materials on the public record in Room 130, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, NW., Washington, D.C. 20580, where they are open to public inspection. The Commission will receive written data, views and comments concerning said materials on or before December 18, 1974. Comments should be submitted to the Special Assistant Director for Rulemaking, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, NW., Washington, D.C. 20580.

Approved: November 7, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-26878 Filed 11-15-74;8:45 am]

LIBRARY OF CONGRESS

[37 CFR Part 202]

MATERIAL NOT SUBJECT TO COPYRIGHT

Registration of Original Typeface Designs; Extension of Comment Period

This notice extends the period for comments to the notice published September 10, 1974 (39 FR 32631) on the question whether the Copyright Office should amend § 202.1(a) of its Regulations to permit copyright registration for original typeface designs.

Requests for an extension of time were made in writing by the American Patent Law Association and orally by several other interested persons. The additional comment time is necessary to permit a full and thorough consideration of the issues implicit in the possible change in the Regulations. Interested persons are invited to submit written data, views, or arguments to the Copyright Office, Office of the General Counsel, Washington, D.C. 20559. Each person submitting a comment should include his name and address, and give reasons for his recommendations.

All communications received on or before January 15, 1975, will be considered by the Register of Copyrights and the Librarian of Congress before taking action on the proposed rule.

The Copyright Office registers claims to copyright in accordance with Title 17 U.S.C. in "writings of authors," that is, original works of authorship in the form of literary, musical, dramatic, pictorial, and sculptural expression. Typeface designs have not previously been accepted for registration since the present Regulations prohibit registration for "mere

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relevant evidence, shall notify the applicant in writing that:

(a) The data submited is insufficient to negate the determination that the property is within an area of special flood hazard; or

(b) The data submitted by the property owner establishes that the property was inadvertently included within an area of special flood hazard.

§ 1920.5 Amendment of flood maps by letter.

Upon determining from available scientific or technical information that a FHBM or a FIRM requires modification under the provisions of § 1920.4(b), the Administrator shall issue a Letter of Map Amendment which shall state:

(a) The name of the community to which the map to be amended was issued.

(b) The number of the map; and

(c) The identification of the property to be excluded from the area of special flood hazard.

§ 1920.6 Distribution of letter of map amendment.

(a) A copy of the Letter of Amendment shall be sent to the applicant submitting scientific or technical data to the Administrator.

(b) A copy of the Letter of Map Amendment shall be sent to the local map repository with instructions that it be attached to the map which it is amending.

(c) A copy of the Letter of Map Amendment shall be sent to the state map repository with instructions that it be attached to the map which it is amending.

(d) A copy of the Letter of Map Amendment shall be sent to the National Flood Insurers Association.

(e) A copy of the Letter of Map Amendment will be maintained by the FIA in its community case file.

§ 1920.7 Notice of amendment.

The Administrator shall publish a notice in the FEDERAL REGISTER that the FHBM or FIRM map for a particular community has been amended by letter determination issued pursuant to this Part 1920.

(Sec. 1304(a), 82 Stat. 574 (42 U.S.C. 4011))

Issued at Washington, D.C., on November 12, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26866 Filed 11-15-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[32A CFR Ch. X]

OIL IMPORT

Conforming Amendments to Regulations

The Federal Energy Administration (FEA) hereby gives notice of a proposal to amend Oil Import Regulation 1 (rev. 5), Chapter X of Title 32A, Code of Federal Regulations, issued pursuant to Proclamation No. 3279, as amended. These amendments are proposed for the purpose of conforming the Regulation to the requirements of Proclamation 4317 (September 27, 1974), which modifies Proclamation No. 3279, as amended.

Proclamation No. 4317 reduces the import fee on natural gas products retroactive to May 1, 1973. Under the revised fee schedule, the import fee applicable to natural gas products is identical to the fee schedule for crude oil. As stated in the Proclamation, it is anticipated that this reduction in license fees will make United States interests more competitive in the world market for natural gas products. Accordingly, it is proposed that Section 32 of the Regulation be amended to conform to this change.

Also in connection with natural gas products, Proclamation No. 4317 requires that persons importing such products under a duly issued license certify the country of orgin to the appropriate Customs Office at the port of entry. It is proposed that Section 32 be amended to reflect this change.

In addition, Proclamation No. 4317 requires that the Director revoke outstanding licenses upon the termination of the lincensee's bond, or the reduction of its face value below the outstanding liability of licenses issued pursuant to it. It is proposed that Section 32 also be amended in conformity with this change.

Proclamation No. 4317 also makes certain technical changes, including clarification of some product definitions. It is therefore proposed that Section 22 of the Regulation be amended to reflect these clarifications. In addition, it is proposed that Section 29 be amended to reflect the authority vested in the Federal Energy Administration by the Federal Energy Administration Act of 1974, Pub. L. 93-275.

Finally, Proclamation No. 4317 provides that added capacity rather than inputs may be used as a basis for import allocations made for new, expanded or reactivated refineries and petrochemical plants. FEA plans to implement these changes at the beginning of the next allocation period commencing May 1, 1975. FEA plans to issue for public comment in the near future proposals to amend Sections 25 and 25A.

As required by Section 7(c)(2) of the Federal Energy Administration Act of 1974, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency (EPA) for his comments concerning the impact of this proposal on the quality of the environment. The Administrator has advised FEA that EPA has no comments.

FEA considered whether, pursuant to Section 7(1)(1)(C) of the Federal Energy Administration Act, a public hearing should be afforded to persons interested in these proposed regulations. However, because of the limited scope of these amendments, it was decided that they would not have "a substantial impact on the Nation's economy or large numbers of individuals or businesses," and that a hearing was therefore not required by the Act.

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments with respect to the proposed amendments set forth in this notice to Executive Communications, Federal Energy Administration, Room 3309, Box BI, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on the documents submitted to the Federal Energy Administration Executive Communications with the designation "Conforming Amendments to Oil Import Regulations." Fifteen copies should be submitted. All comments received by November 29, 1974, and all other relevant information will be considered by the Federal Energy Administration before final action is taken.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information and to treat it accordingly.

(Federal Energy Administration Act of 1974, Pub. L. 93-275; Trade Expansion Act of 1962, Pub. L. 87-794; E.O. 11790 (39 FR 23185); Procl. No. 3279, as amended (39 FR 35103))

In consideration of the foregoing, it is proposed to amend Oil Import Regulation 1 (Rev. 5) in Chapter X of Title 32A, Code of Federal Regulations, as set forth below. Upon final issuance, these regulations will be effective as of September 27, 1974, the date of Proclamation No. 4317.

Issued in Washington, D.C., November 12, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 17 is amended by revising paragraph (c) to read as follows:

Sec. 17 Use of imported crude oil and unfinished oils.

• • • • • •

(c) Imported crude oil or unfinished oils which are sold to meet the requirements of other regulations published by the Federal Energy Administration shall not be subject to the provisions of paragraph (a) of this section.

2. Section 22 is amended by revising subparagraphs (2), (3) and (4) of paragraph (g) to read as follows:

Sec. 22 Definitions.

As used in this regulation:

• • • • • •

(g) • • •

(2) "Gasoline" means a refined petroleum distillate, including naphtha, jet fuel or other petroleum oils (but not benzene which meets the ASTM distillation standards for nitration grade or cumene, ethylbenzene, isoprene, meta-xylene, ortho-xylene, or para-xylene having a purity of 95 percent or more by weight) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, and having a boiling range at atmospheric pressure which falls completely or in part between 80° and 400°F.

(3) "Kerosene" means any jet fuel, diesel fuel, fuel oil, or other petroleum oils derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 400° and 550°F.

(4) "Distillate fuel oil" means any fuel oil, gas oil, topped crude oil, or other petroleum oils (except refined petroleum wax) derived by refining or processing crude oil or unfinished oils, in whatever type of plant such refining or processing may occur, which has a boiling range at atmospheric pressure which falls completely or in part between 550° and 1200°F.

• • • • • •

3. Section 29 is amended by revising subparagraph (2)(iii) of paragraph (e) to read as follows:

Sec. 29 Canadian Imports—Districts I–IV.

• • • • • •

(e) • • •

(2) • • •

(iii) Canadian imports which are sold to meet the requirements of other regulations published by the Federal Energy Administration shall not be subject to the provisions of paragraph (e)(1) of this section.

• • • • • •

4. Section 32 is amended by revising paragraph (d) and subparagraph (1)(i) of paragraph (i), and by adding a new paragraph (j) to read as follows:

Sec. 32 Allocations and fee-paid licenses for imports of crude oil, unfinished oils and finished products—Districts I–IV, District V, and Puerto Rico.

• • • • • •

(d) Applications for allocations under this section shall be accompanied by the applicant's certified check, or a cashier's check, payable to the order of Treasurer of the United States in the amount chargeable pursuant to paragraph (i) of this section or by a bond with a surety on the list of acceptable sureties on Federal bonds maintained by the Bureau of Accounts, Department of the Treasury, in the sum not less than the amount chargeable pursuant to paragraph (i) of this section, conditioned upon payment to the order of the Treasurer of the United States, within thirty (30) calendar days from the date of entry or withdrawal from warehouse for consumption of the commodities for the importation of which a license or licenses have issued, in the amount chargeable pursuant to paragraph (i) of this section. In the event that such bond is terminated or the face value of the bond is reduced below the outstanding liability of licenses issued pursuant to the bond, the Director shall immediately revoke all licenses issued pursuant to the bond. Applications not accompanied by a certified check, cashier's check, or bond in the amount required shall not be considered. Applications by or for the account of a department, establishment, or agency of the United States need not be accompanied by a certified check or cashier's check or a bond as required by this paragraph.

• • • • • •

(i) (1) • • •

(i) With respect to imports, other than imports from Canada of motor gasoline and finished products, such fees shall be:

Fee schedule
[Cents per barrel]

	May 1, 1973	Nov. 1, 1973	May 1, 1974	Nov. 1, 1974	May 1, 1975	Nov. 1, 1975
Crude	10.5	13.0	15.5	18.0	21.0	21.0
Natural gas products	10.5	13.0	15.5	18.0	21.0	21.0
Motor gasoline	52.0	54.5	57.0	59.5	63.0	63.0
All other finished products and unfinished oils (except ethane, propane, butanes, and asphalt)	15.0	20.0	30.0	42.0	52.0	63.0

• • • • • •

(j) Persons seeking to import natural gas products under a duly issued natural gas products license shall certify the country of origin to the appropriate Customs Office at the port of entry. Such natural gas products may be commingled with crude oil or other unfinished oils for purposes of transportation and may be reseparated prior to importation or imported as a mixture: *Provided*, That the importer certifies as to the volume of natural gas products contained.

[FR Doc.74-26865 Filed 11-15-74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 435]

UNDELIVERED MAIL ORDER MERCHANDISE AND SERVICES

Granting of Petition for Acceptance of Materials Into the Public Record; Opportunity to Examine and Comment on Said Materials

Notice of revised proposed trade regulation rule concerning undelivered mail order merchandise and services was published in the FEDERAL REGISTER on March 8, 1974 (39 FR 9201). The notice also set forth the text of the revised proposed rule. The closing date for the receipt of written data, views and comments was set at June 14, 1974 (39 FR 13563).

In response to a petition by an interested party, Direct Mail/Marketing Association, Inc., the Federal Trade Commission has accepted into the public record of the above-captioned rulemaking proceeding materials submitted by said party after the June 14, 1974, closing date for receiving comments. Accordingly, the Commission has placed a copy of these materials on the public record in Room 130, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, NW., Washington, D.C. 20580, where they are open to public inspection. The Commission will receive written data, views and comments concerning said materials on or before December 18, 1974. Comments should be submitted to the Special Assistant Director for Rulemaking, Federal Trade Commission, Pennsylvania Avenue and Sixth Street, NW., Washington, D.C. 20580.

Approved: November 7, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-26878 Filed 11-15-74;8:45 am]

LIBRARY OF CONGRESS

[37 CFR Part 202]

MATERIAL NOT SUBJECT TO COPYRIGHT

Registration of Original Typeface Designs; Extension of Comment Period

This notice extends the period for comments to the notice published September 10, 1974 (39 FR 32631) on the question whether the Copyright Office should amend § 202.1(a) of its Regulations to permit copyright registration for original typeface designs.

Requests for an extension of time were made in writing by the American Patent Law Association and orally by several other interested persons. The additional comment time is necessary to permit a full and thorough consideration of the issues implicit in the possible change in the Regulations. Interested persons are invited to submit written data, views, or arguments to the Copyright Office, Office of the General Counsel, Washington, D.C. 20559. Each person submitting a comment should include his name and address, and give reasons for his recommendations.

All communications received on or before January 15, 1975, will be considered by the Register of Copyrights and the Librarian of Congress before taking action on the proposed rule.

The Copyright Office registers claims to copyright in accordance with Title 17 U.S.C. in "writings of authors," that is, original works of authorship in the form of literary, musical, dramatic, pictorial, and sculptural expression. Typeface designs have not previously been accepted for registration since the present Regulations prohibit registration for "mere

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variations of typographic ornamentation [or] lettering" and this prohibition has been interpreted to include designs for type fonts within its scope. Comments are specifically requested in the following areas:

(1) Whether type fonts, as "useful articles," can incorporate original design elements capable of being identified as "works of art" within the scope of the present copyright statute;

(2) The distinctions, if any, between calligraphy, ornamental lettering, and typeface designs for copyright purposes;

(3) Whether a typeface design can, by its nature, incorporate the degree of originality and creativity necessary to support a copyright;

(4) Whether, for purposes of copyright registration, workable standards can be established for distinguishing "new" designs based on previously-existing typefaces from mere copies or minor variants of earlier designs;

(5) Assuming the potential copyrightability of certain typeface designs, the practical means of complying with the formal requirements of the copyright law as to notice, deposit, and registration.

This advance notice of proposed rulemaking is issued under the authority of section 207 of the Copyright Code, Title 17 U.S.C.

Dated: November 12, 1974.

BARBARA RINGER,
Register of Copyrights.

Approved by:

L. QUINCY MUMFORD,
Librarian of Congress.

[FR Doc.74-26884 Filed 11-15-74;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-189]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Meeting

The International Industrial Property Panel of the Department of State's Advisory Committee on International Intellectual Property will meet on Tuesday, December 10, in Conference Room C, Pan American Health Organization, 23rd Street and Virginia Avenue NW., Washington, D.C. from 10:00 a.m. to 1:00 p.m.

The Advisory Committee serves as a forum in obtaining advice from recognized experts in the field of international intellectual property to assist the Department of State as it considers related matters of interest to the United States for negotiating international agreements.

The meeting will be open to the public and will involve the discussion of the following agenda items: (a) Trademark Registration Treaty, (b) the question of revising the Paris Convention for the Protection of Industrial Property (including additional provision of special benefit to developing countries), and (c) the transfer of technology to developing countries.

The general public will be admitted up to the limits of the capacity of the conference room. Anyone interested in obtaining substantive information on the subject matter prior to this meeting may do so by telephoning the Executive Secretary of the Committee, Mr. Harvey J. Winter, at (Code 202) 632-0328.

Dated: November 12, 1974.

HARVEY J. WINTER,
Director,
Office of Business Practices.

[FR Doc.74-26893 Filed 11-15-74;8:45 am]

[Public Notice CM-190]

ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Meeting

A meeting of the Study Group on Negotiable Instruments, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held on Wednesday, December 4, 1974, at the United States Mission to the United Nations, 799 United Nations Plaza, New York. The meeting, which will begin at 10:00 a.m., will be open to the public.

The primary purpose of the meeting is to review a draft uniform law on negotiable instruments under consideration by a Working Group of the United Nations Commission on International Trade Law.

Members of the public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the United States Mission building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to December 4, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

Dated: November 14, 1974.

ROBERT E. DALTON,
Executive Director.

[FR Doc.74-26894 Filed 11-15-74;8:45 am]

[Public Notice 437]

PRESIDENTIAL DETERMINATION UNDER THE FOREIGN MILITARY SALES ACT

Pursuant to section 654(c) of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2414(c)), notice is hereby given that:

(1) On October 29, 1974, the President made a determination pursuant to section 3(b) of the Foreign Military Sales Act, as amended (22 U.S.C. 2753(b)); and

(2) The President has concluded that publication of the said determination in the Federal Register would be harmful to the national security of the United States.

Dated: November 5, 1974.

[SEAL] GEORGE S. SPRINGSTEEN,
Executive Secretary.

[FR Doc.74-26880 Filed 11-15-74;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Revocation Notice Order No. 120]

APPELLATE CONFEREES IN PROTESTED CASES AND IN TAX COURT CASES

Delegation of Authority

Commissioner's Delegation Order No. 120, issued November 11, 1971 (effective January 1, 1972), granted settlement authority to Appellate Conferees in selected offices in Southwest, North-Atlantic, and Mid-Atlantic Regions. The test and subsequent study have been completed. Based on the study and evaluation and considering all factors involved, Delegation Order No. 120, issued November 11, 1971, is revoked.

Date of issue: November 7, 1974.

Effective date: December 1, 1974.

DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74-26919 Filed 11-15-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

SCIENTIFIC ADVISORY BOARD

Notice of Meeting

NOVEMBER 12, 1974.

The United States Scientific Advisory Board Electronics Panel will hold a meeting on December 5 and 6, 1974 from 10 a.m. until 5 p.m., Room 5C 1034, the Pentagon, Washington, D.C.

The morning session on December 5 will consist of unclassified briefings and discussions on technological opportunities to develop devices and techniques for the submillimeter region of the electromagnetic spectrum. This session is open to the public. The afternoon session on December 5 and the session on December 6, will consist of classified briefings and discussions on potential applications of this technology. These sessions will be closed to the public.

For further information on this meeting, contact the Scientific Advisory Board Secretariat at 202-697-4648.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74-26859 Filed 11-15-74;8:45 am]

Department of the Army

WINTER NAVIGATION BOARD ON GREAT LAKES AND ST. LAWRENCE SEAWAY

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given of a meeting of the Winter Navigation Board to be held on December 10, 1974 at the Sheraton Metro Inn, in Romulus, Michigan. The meeting will be in session from 10 a.m. to 2 p.m.

The Winter Navigation Board is a multi-agency organization which includes representatives of Federal agencies and non-Federal public and private interests. It was established to direct the Great Lakes and St. Lawrence Seaway navigation season extension investigations being conducted pursuant to Pub. L. 91-611 and Pub. L. 93-251.

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The primary purpose of the meeting is to evaluate and discus progress on current fiscal year activities. Other topics of discussion will include remaining unresolved winter navigation problem areas, review of the planned activities and expenditures for Fiscal Year 1976 (the last full year of the currently authorized Demonstration Program), a report on the formation of a three member technical review panel and a legal advisory committee as approved by the Board at their last meeting, and a report on foreign winter navigation efforts.

The meeting will be open to the public subject to the following limitations:

a. As the seating capacity of the meeting room is limited, it is desired that advance notice of intent to attend be provided. This will assure adequate and appropriate arrangements for all attendants.

b. Written statements may be submitted prior to, or up to 10 days following the meeting, but oral participation by the public is precluded because of the time schedule.

Inquiries may be addressed to Mr. David Westheuser, U.S. Army Engineer District, Detroit, Corps of Engineers, P.O. Box 1027, Detroit, Michigan 48231, telephone 313–226–6769.

Dated: November 8, 1974.

By authority of the Secretary of The Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74–26859 Filed 11–15–74;8:45 am]

Office of the Secretary

ADVISORY GROUP ON ELECTRON DEVICES AND VARIOUS WORKING GROUPS

Advisory Committee Meetings

The Department of Defense Advisory Group on Electron Devices and various working groups thereof will meet in closed sessions on dates indicated below:

a. Working Group A (Mainly Microwave Devices), Institute for Defense Analyses, 400 Army-Navy Drive, Arlington, Virginia, December 12, 1974.

b. Working Group B (Mainly Low Power Devices), Naval Electronic Systems Command, 2211 Jefferson Davis Highway, Arlington, Virginia, December 12, 1974.

c. Working Group C (Special Devices), Institute for Defense Analyses, 400 Army-Navy Drive, Arlington, Virginia, December 12, 1974.

The purpose of the DoD Advisory Group on Electron Devices, and various working groups thereof, is to provide the Director of Defense Research and Engineering and the Military Departments with advice and recommendations on the conduct of economical and effective research and development programs in the field of electron devices; e.g., lasers, radar tubes, transistors, infrared sensors, etc. The group is also the vehicle for interservice coordination of planned R&D efforts.

In accordance with Pub. L. 92–463, section 10, paragraph (d), it is hereby determined that the AGED meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly subparagraph (1) thereof, and that the public interest requires such meetings be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

Dated: November 13, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.74–26892 Filed 11–15–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

GRANITE REEF AQUEDUCT TRANSMISSION SYSTEM

Public Hearing on Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement, INT DES 74–105, dated November 14, 1974, for the Granite Reef Aqueduct Transmission System, a feature of the Central Arizona Project.

The draft environmental statement deals with construction of an electrical system which will transmit electrical power from the McCullough Switching Station in southern Nevada and Liberty Substation near Phoenix, Arizona, to pumping plants and check structures along the Central Arizona Project's Granite Reef Aqueduct. This system includes construction of 333 miles of new lines paralleling existing lines for 269 miles over right-of-way encompassing about 4,200 acres of land; construction of Harcuvar Substation in Yuma County, Arizona; and replacement of an existing Parker-Phoenix 161–kV line.

A public hearing will be held in Havasu City, Arizona, in the Smoketree School, 2395 Smoketree Avenue, Lake Havasu City, Arizona, beginning at 2 p.m. on December 19, 1974, to receive views and comments from interested organizations or individuals relating to the environmental impacts of the project. The hearing will be held in two sessions beginning at 2 p.m. and continuing until 5 p.m., and then reconvening at 7 p.m. and continuing until all interested speakers have had an opportunity to present their views. Oral statements at the hearing will be limited to a period of 15 minutes. Speakers will not trade their time to obtain a longer oral presentation; however, the person authorized to conduct the hearing may allow any speaker to provide additional comment after all persons wishing to comment have been heard. Speakers will be scheduled according to the time preference mentioned in their letters or telephone requests whenever possible, and any scheduled speaker not present when called will lose his or her privilege in the scheduled order, and his or her name will be recalled at the end of the scheduled speakers. Requests for scheduled presentations will be accepted up to 4 p.m., December 16, 1974, and any subsequent requests will be handled on a first-come-first-served basis following the scheduled presentations.

Organizations or individuals desiring to present statements at the hearing should contact Regional Director E. A. Lundberg, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, telephone (702) 293–8411, and announce their intentions to participate. Written comments from those unable to attend and from those wishing to supplement their oral presentations at the hearing should be received by December 27, 1974, for inclusion in the hearing record.

Dated: November 12, 1974.

D. D. ANDERSON,
Acting Commissioner of Reclamation.

[FR Doc.74–27005 Filed 11–15–74;8:45 am]

Office of the Secretary

[INT FES 74–60]

AMERICAN FALLS REPLACEMENT DAM AND POWERPLANT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement concerning the proposed replacement of American Falls Dam, Minidoka Project, Idaho, and the construction of a new powerplant.

Copies are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620
Bureau of Reclamation, Department of the Interior
Washington, D.C. 20240
Telephone (202) 343–4991
Division of Engineering Support, Technical Services Branch
E&R Center—Denver Federal Center
Bureau of Reclamation, Department of the Interior
Denver, Colorado 80225
Telephone (303) 234–3007
Office of Regional Director, Bureau of Reclamation
PO. Box 043, 550 W. Fort Street
Boise, Idaho 83724
Telephone (208) 342–2711, Ext. 2101
Minidoka Project Office—Bureau of Reclamation
PO. Box 549, 1359 Hansen Avenue
Burley, Idaho 83318
Telephone (208) 678–0461

Single copies of the final statement may be obtained on requests to the Commissioner of Reclamation or the Regional Director. Copies will also be available for inspection in libraries in southern Idaho. Please refer to the statement number above.

Dated: November 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–26879 Filed 11–15–74;8:45 am]

[Int. Des. 74–105]

GRANITE REEF AQUEDUCT TRANSMISSION SYSTEM, CENTRAL ARIZONA PROJECT, ARIZONA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Granite Reef Aqueduct Transmission System, a feature of the authorized Central Arizona Project, Arizona.

The environmental statement concerns the electric power system necessary for furnishing electrical power to the pumping plants of the Granite Reef Aqueduct feature of the Central Arizona Project. Written comments may be submitted to the Regional Director (address below) on or before January 2, 1975.

Copies are available for inspection at the following locations:

Office of Communications, Room 7220, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343–9247.
Office of Assistant to the Commissioner-Ecology, Room 7622, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343–4991.
Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225, Telephone (303) 234–3006.
Office of the Regional Director, Bureau of Reclamation, P.O. Box 427, Boulder City, Nevada 89005, Telephone (702) 293–8560.
Arizona Projects Office, Bureau of Reclamation, 135 North Second Avenue, Phoenix, Arizona 85003, Telephone (602) 261–3106.

Single copies of the final statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. Please refer to the statement number above.

Dated: November 14, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74–27006 Filed 11–15–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Ohio Grain Inspection Point

Notice is hereby given pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that the Marion Ohio Grain Inspection Service, Marion, Ohio, has requested that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Marion, Ohio, be transferred to the Columbus Grain Inspection because of ill health of the owner of the Marion Ohio Grain Inspection Service.

The Columbus Grain Inspection has applied for designation (in accordance with § 26.96 of the regulations (7 CFR 26.95) under the U.S. Grain Standard Act) to operate as an official inspection agency at Marion, Ohio. This application does not preclude other interested persons from making similar applications.

Interested persons are hereby given opportunity to submit written views and comments with respect to the proposed transfer, and to make application for designation to operate as an official inspection agency at Marion, Ohio, pursuant to the requirements set forth in § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) generally provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Any interested persons who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate as an official inspection agency at Marion, Ohio.

All such views and comments should be submitted in writing to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All materials submitted should be in duplicate and mailed to the Hearing Clerk not later than December 18, 1974. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the Hearing Clerk and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C., on November 13, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74–26876 Filed 11–15–74;8:45 am]

Farmers Home Administration

[Notice of Designation Number A093]

MISSISSIPPI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Mississippi:

Alcorn	Panola
Bolivar	Quitman
Issaquena	Sharkey

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall and flooding from May 1 through June 30, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Bill Waller that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 6, 1975, for physical losses and August 6, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 11th day of November 1974.

F. W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.74–26872 Filed 11–15–74;8:45 am]

[Notice of Designation Number A091]

NORTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in Granville County, North Carolina, as a result of a natural disaster consisting of a combined hailstorm and windstorm August 19, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor James E. Holshouser, Jr., that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 6, 1975, for physical losses and August 6, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 11th day of November 1974.

F. W. NAYLOR, JR.,
Acting Administrator, Farmers Home Administration.

[FR Doc.74–26874 Filed 11–15–74;8:45 am]

[Notice of Designation Number A090]

UTAH

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Utah:

Juab	Washington
San Juan	

The Secretary has found that this need exists as a result of a natural disaster

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consisting of drought April 1 through September 20, 1974, and an increased number of insects in Juab County; drought April 1 through September 20, 1974, and frost in San Juan County; and drought October 1, 1973, through September 20, 1974, in Washington County.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Calvin L. Rampton that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 6, 1975, for physical losses and August 6, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 11th day of November 1974.

F. W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.74–26873 Filed 11–15–74;8:45 am]

[FmHA Instruction 471.1]

CERTIFICATE OF BENEFICIAL OWNERSHIP

Interest Rates to Investors

Notice is hereby given by the Farmers Home Administration that the current rate of interest for certificates of beneficial ownership sold through the National Finance Office established pursuant to 7 CFR 1873.3(b) is as follows:

Rate (Percent):	Term of investment
8¼ (8.25)	1 through 2 years.
8.30 (8.30)	3 through 4 years.
8.40 (8.40)	5 through 9 years.
8.55 (8.55)	10 through 25 years.

These rates supersede those announced in 39 FR 39749.

Effective date. This notice shall be effective Monday, November 18, 1974.

Dated: November 13, 1974.

F. W. NAYLOR, Jr.,
Acting Administrator,
Farmers Home Administration.

[FR Doc.74–26990 Filed 11–15–74;8:45 am]

Food and Nutrition Service

[FSP No. 1975–1.1, Amdt. 39]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Under this provision, the prices of food did not increase enough for the basic four-person household to require a change in the one-person allotment.

Prior to the amendment to the Act, requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year; i.e., in July based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and is being used for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974.

Notice FSP No. 1974–1.2 which is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7 Chapter II Code of Federal Regulations, is superseded, effective January 1, 1975 by this Notice FSP No. 1975–1.1.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect on January 1, 1975, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice. Notice FSP No. 1975–1.1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: 48 STATES AND DISTRICT OF COLUMBIA

Households in which all members are included in the federally-aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally-aided public assistance, general assistance, or supplemental security income benefit, in any State other than Alaska or Hawaii or in the District of Columbia, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in such States or the District of Columbia prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards.

Household size:	*Maximum allowable monthly income standards—48 States and District of Columbia*
1	[1] $194
2	280
3	406
4	513
5	606
6	700
7	793
8	886
Each additional member	+73

[1] Poverty Index

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7(a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Pub. L. 91–671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in the 48 States and the District of Columbia are as follows:

Monthly coupon allotments and purchase requirements—48 States and District of Columbia

Monthly Net Income	For a Household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is— $46	$84	$122	$154	$182	$210	$238	$266
	And the monthly purchase requirement is—							
$ 0 to 19.99	0	0	0	0	0	0	0	0
$20 to 29.99	1	1	0	0	0	0	0	0
$30 to 39.99	4	4	4	4	5	5	5	5
$40 to 49.99	6	7	7	7	8	8	8	8
$50 to 59.99	8	10	10	10	11	11	12	12
$60 to 69.99	10	12	13	13	14	14	15	16
$70 to 79.99	12	15	16	16	17	17	18	18
$80 to 89.99	14	18	19	19	20	21	21	22
$90 to 99.99	16	21	21	22	23	24	25	22
$100 to 109.99	18	23	24	25	25	27	28	29
$110 to 119.99	21	26	27	28	29	31	32	33
$120 to 129.99	24	29	30	31	33	34	35	36
$130 to 139.99	27	32	33	34	36	37	38	39
$140 to 149.99	30	35	36	37	39	40	41	42
$150 to 159.99	33	38	40	41	42	43	44	45
$170 to 189.99	36	44	46	47	48	49	50	51
$190 to 209.99	39	50	52	53	54	55	56	57
$210 to 229.99		56	58	59	60	61	62	63
$230 to 249.99		62	64	65	66	67	68	69

Monthly Net Income	For a Household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is— $46	$84	$122	$154	$182	$210	$238	$266
	And the monthly purchase requirement is—							
$250 to 269.99		64	70	71	72	73	74	75
$270 to 289.99		64	76	77	78	79	80	81
$290 to 309.99			82	83	84	85	86	87
$310 to 329.99			88	89	90	91	92	93
$330 to 359.99			94	95	96	97	98	99
$360 to 389.99			100	104	105	106	107	108
$390 to 419.99			104	113	114	115	116	117
$420 to 449.99				122	123	124	125	126
$450 to 479.99				130	132	133	134	135
$480 to 509.99				130	141	142	143	144
$510 to 539.99				130	150	151	152	153
$540 to 569.99					154	160	161	162
$570 to 599.99					154	169	170	171
$600 to 629.99					154	178	179	180
$630 to 659.99						178	188	189
$660 to 689.99						178	197	198
$690 to 719.99						178	202	207
$720 to 749.99							202	216
$750 to 779.99							202	225
$780 to 809.99							262	226
$810 to 839.99								226
$840 to 869.99								226
$870 to 899.99								226

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA

A. *Value of the total allotment.* For each person in excess of eight, add $22 to the monthly coupon allotment for an eight-person household.

B. *Purchase requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $779.99 or less per month.

2. For households with monthly incomes of $780 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $779.99, add $9 to the monthly purchase requirement shown for an eight-person household with an income of $779.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $18 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on January 1, 1975.

Dated: November 13, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74–26883 Filed 11–15–74;8:45 am]

Packers and Stockyards Administration

SAND MOUNTAIN SALES BARN ALBERTVILLE, ALABAMA, ET AL.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Facility number, name, and location of stockyard, and date of posting

AL–101 Sand Mountain Sales Barn, Albertville, Ala., May 21, 1959.
GA–152 Walker Horse and Mule Co., Quitman, Ga., Mar. 28, 1964.
IA–152 Spencer Bros. Livestock Auction, Fort Dodge, Iowa, May 20, 1959.
NY–125 Peters Livestock Exchange, Jeffersonville, N.Y., Apr. 26, 1961.
NC–145 Breeders Livestock Sales, Asheboro, N.C., Sept. 12, 1973.
TX–118 Bowie Livestock Commission Co., Bowie, Tex., Aug. 14, 1963.
TX–204 Tate Livestock Auction Co., Lamesa, Tex., Jan. 15, 1957.
WY–111 Wheatland Sale Barn, Wheatland, Wyo., Jan. 25, 1951.

Notice of other public procedure has not preceded promulgation of the foregoing rule. There is no legal justification for not promptly deposting a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule relieving a restriction and may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective on November 18, 1974.

(42 Stat. 159, as amended and supplemented (7 U.S.C. 181 et seq.))

Done at Washington, D.C., this 12th day of November 1974.

EDWARD L. THOMPSON,
Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.74–26877 Filed 11–15–74;8:45 am]

Rural Electrification Administration

BYRON TELEPHONE CO., INC., BYRON, GEORGIA

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $1,450,000 to Byron Telephone Company, Inc., Byron, Georgia. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Thomas L. Johnson, President, Byron Telephone Company, Inc., P.O. Box 86, Byron, Georgia 31008.

To assure consideration, proposals must be submitted on or before December 18, 1974 to Mr. Thomas L. Johnson. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Byron Telephone Company, Inc. and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 12th day of November 1974.

DAVID A. HOMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74–26930 Filed 11–15–74;8:45 am]

ORANGE CITY TELEPHONE CO., INC. WINTER PARK, FLORIDA

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $4,125,000 to Orange City Telephone Company, Incorporated, Winter Park, Florida. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servic-

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ing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. R. P. Hulbert, President, Orange City Telephone Company, Incorporated, P.O. Box 3000, Winter Park, Florida 32789.

To assure consideration, proposals must be submitted on or before December 18, 1974 to Mr. R. P. Hulbert. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Orange City Telephone Company, Incorporated and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 12th day of November 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-26931 Filed 11-15-74;8:45 am]

QUINCY TELEPHONE CO., QUINCY, FLORIDA

Proposed Loan Guarantee

Under the authority of Pub. L. 93–32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320–22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974, (Vol. 39 No. 180, pages 33228–33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $4,137,000 to Quincy Telephone Company, Quincy, Florida. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. Mitchell N. Drew, President, Quincy Telephone Company, P.O. Box 189, Quincy, Florida 32351.

To assure consideration, proposals must be submitted on or before December 18, 1974 to Mr. Mitchell N. Drew. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Quincy Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320–22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C. this 12th day of November 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-26929 Filed 11-15-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

NEW ENGLAND AQUARIUM

Issuance of Permit for Marine Mammals

On April 3, 1974, notice was published in the FEDERAL REGISTER (39 FR 12148) that an application had been filed with the National Marine Fisheries Service by the New England Aquarium, Central Wharf, Boston, Massachusetts 02110, for a permit to take four (4) Atlantic harbor seals (*Phoca vitulina concolor*), six (6) California sea lions (*Zalophus californianus*), and six (6) dolphins, to be composed of Atlantic bottlenosed dolphins (*Tursiops truncatus*), Atlantic white-sided dolphins (*Lagenorhynchus acutus*) and/or Pacific white-sided dolphins (*Lagenorhynchus obliquidens*), in any combination; and to import two (2) gray seals (*Halichoerus grypus*) from Canada.

Notice is hereby given that, on November 8, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above-mentioned taking to the New England Aquarium, subject to certain conditions set forth therein.

The request to import gray seals from Canada was denied on the basis of the determination that such importation would constitute a violation of the prohibition of section 102(b)(2) of the Act, with respect to importing marine mammals which were less than 8 months of age at the time of taking.

The Permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: November 8, 1974.

JOSEPH W. SLAVIN,
Acting Director, National
Marine Fisheries Service.

[FR Doc.74-26862 Filed 11-15-74;8:45 am]

PAUL J. PONGANIS

Receipt of Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form for a permit to take marine mammals for the purpose of scientific research as authorized by the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407) and the regulations governing the taking and importing of marine mammals.

Paul J. Ponganis, Division of Natural Sciences, Coastal Marine Laboratory, University of California, Santa Cruz, California 94064 to take twelve (12) Pacific white-sided dolphins (*Lagenorhynchus obliquidens*) remove up to four muscle tissue samples from each dolphin, and subsequently release the animals.

The dolphins will be taken in the area of Monterey Bay, California, by means of a hoop with break-away net, line and buoy which will be operated from the bow of a research vessel. Capture operations will be conducted by Mr. John D. Hall, Coastal Marine Laboratory, University of California at Santa Cruz, who has been working actively with dolphins for the past seven years. The requested dolphins will be taken during the period from January through June 1975.

The muscle tissue samples will be obtained by means of a needle biopsy technique, which has been developed for, and is routinely used in, human research, and which has been recently adapted for use in horse research. The technique consists of preparing the area on the back of the dolphin from which the sample is to be taken by treating the skin with surgical soap, alcohol and a sterilizing agent, and then anaesthetizing the tissue beneath the skin with a local anaesthetic. The biopsy needle, a double cylinder 5 millimeters in diameter, which can remove a 20 milligram sample of tissue, is then inserted into the anaesthetized area of muscle.

The research project is designed to provide a basis for the understanding of muscle energy metabolism in marine mammals. The results of this project will reveal the types of muscle fibers present in the swimming muscles of marine mammals, such as those which are capable of short, intense activity followed by rapid fatigue of the fibers, and those which are capable of sustained activity over extended periods of time, thus potentially reflecting on the ability of marine mammals to swim long distances continuously or dive for long periods of time.

The proposed research will have the additional benefit of demonstrating a suitable technique for obtaining muscle tissue samples without, as has been the case previously, the necessity of killing the animals.

Documents submitted in connection with the above application are available for review in the Office of the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235 (telephone 202–343–9445), and the Office of the Regional Director, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213–548–2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Interested parties may submit written data or views on this application on or before December 18, 1974 to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicants and do not necessarily reflect the views of the National Marine Fisheries Service.

Dated: November 8, 1974.

JOSEPH W. SLAVIN,
Acting Director, National
Marine Fisheries Service.

[FR Doc.74-26861 Filed 11-15-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of Pipeline Safety

[Docket No. Pet. 74-14W, Waiver No. 6]

MICHIGAN WISCONSIN PIPE LINE CO.

Grant of Waiver

Section 3(e) of the Natural Gas Pipeline Safety Act of 1968 (18 U.S.C. 1672 (e)) authorizes the Secretary of Transportation, after notice and opportunity for hearing in accordance with the Administrative Procedure Act, 5 U.S.C. 553, to waive compliance with any safety standard established under the Act. This authority is delegated to the Director, Office of Pipeline Safety (OPS) (49 CFR Part 1).

By petition dated September 20, 1974, the Michigan Wisconsin Pipe Line Company requests a waiver from compliance with 49 CFR 192.65. Section 192.65 provides that pipe having an outer diameter t wall thickness ratio of 70 to 1, or more, and transported by railroad after November 11, 1970, may not be used in a gas pipeline to be operated at a hoop stress of 20 percent or more of specified minimum yield strength unless that transportation was performed in accordance with the American Petroleum Institute document API RP5L1. The regulations in 49 CFR Part 192 currently incorporate by reference the 1967 edition of API RP5L1.

The petitioner has begun a construction program in Michigan, Indiana, and Illinois. It wishes to use approximately 67 miles of 42-inch steel pipe to be transported by rail in 80-feet lengths in compliance with the 1972 edition of API RP5L1, instead of the 1967 edition.

The 1967 edition of API RP5L1 prohibits pipe overhang of more than 5 feet, or one-half the distance between intermediate bearing strips, whichever is larger. As a result, double-jointed pipe (80-foot lengths) transported after November 11, 1970, on 52-foot railroad flatcars may not be used under section 192.65 because the overhang on each end is approximately 14 feet.

In support of its request, the petitioner alleges that the use of 80-foot lengths of pipe will result in a substantial cost savings due to a reduction of the required number of field welds. Further, the Canadian Pacific Railway, which serves the pipe manufacturer involved, cannot transport 80-foot lengths of pipe in conformity with the 1967 edition because flatcars long enough for this purpose are not available. The 80-foot pipe, however, may be transported under the 1972 edition on the commonly available 52-foot flatcars with the addition of idler cars.

The 1972 edition of API RP5L1 was developed to provide for the loading and transportation of long pipe on short railroad flatcars. OPS believes that the requirements of this edition provide for the shipment of long pipe without damage. In fact, OPS has granted two waivers from compliance with § 192.65, conditioned upon meeting the requirements contained in the 1972 edition and upon performing certain inspections and tests (Docket OPS–8, 36 FR 8168, April 30, 1971, and Docket OPS–19, 37 FR 14246, July 18, 1972). Transportation under these waivers did not result in damage during shipment, and there were no failures upon subsequent testing. In addition, OPS has proposed to amend Part 192 to incorporate by reference the 1972 edition (39 FR 6126, February 19, 1974).

In both OPS–8 and OPS–19 and in the pending rule-making proceeding, the public was given notice and opportunity for hearing. No public opposition was expressed. In these circumstances, and since time is of the essence, the OPS finds, as permitted by 5 U.S.C. 553(3)(B), that notice and public procedure are unnecessary in this proceeding. To permit all interested persons to have an opportunity to express their views on whether a waiver should be granted and to accord those views proper consideration, the waiver granted herein is subject to reconsideration by OPS on the basis of any comments received.

Based on my review of all relevant material, I have determined that granting the petitioner's request would not be inconsistent with gas pipeline safety and would be in the public interest. Therefore, the Michigan Wisconsin Pipe Line Company is hereby granted a waiver from compliance with 49 CFR 192.65 as to the use of 67 miles of 42–inch steel pipe to be transported by railroad in 80-foot lengths with an overhang greater than permitted by the 1967 edition of API RP5L1 subject to the following conditions:

(1) The transportation must be performed in accordance with the 1972 edition of API RP5L1.

(2) During car unloading, each length of pipe must be inspected for visible damage. A detailed report of all damage discovered, except damage to pipe bevels, must be made promptly to OPS.

(3) After installation, each length of pipe must be strength tested to at least 90 percent of specified minimum yield strength. Any failure related to transportation damage must be reported in a detailed statement supplementary to Form DOT–F–7100.2.

(4) OPS must be notified of the completion of all testing performed under clause (3) and furnished all additional information pertinent to the safety of transportation by pipeline learned as a result of this waiver.

Because time is of the essence to the petitioner for delivery of pipe, this waiver is effective immediately. Such immediate effectiveness is authorized by 5 U.S.C. 553(d)(3).

This waiver will be reconsidered by OPS upon receipt of relevant information, views, or arguments submitted in writing to the Director, Office of Pipeline Safety, 400 Seventh Street, SW., Washington, D.C. 20590, before December 2, 1974. Unless otherwise decided, the filing of any written comment will not stay the effectiveness of this waiver.

This notice is issued under the authority of section 3 of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1672), § 1.58(d) of the regulations of the Office of the Secretary of Transportation (49 CFR 1.58(d)), and the redelegation of authority to the Director, Office of Pipeline Safety, set forth in Appendix A to Part 1 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 1).

Issued in Washington, D.C., on November 13, 1974.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.74-26855 Filed 11-15-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-348A, 50-364A]

ALABAMA POWER CO.

Notice of Hearing

Please take notice, that evidentiary hearing in this proceeding will commence on December 2, 1974, at 10:00 a.m. in Room 1202, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland 20014.

The evidentiary hearing will be held to consider the antitrust aspects of the application filed under the Atomic Energy Act of 1954, as amended, by Alabama Power Company for construction permits for two pressurized water nuclear power reactors designated as the Joseph M. Farley Nuclear Plant, Units 1 and 2, located near Dothan, Alabama.

The principal issue to be considered at evidentiary hearing is whether the activities of Alabama Power Company under the construction permits for the Farley facilities would create or maintain a situation inconsistent with the antitrust laws as specified in section

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105a of the Atomic Energy Act of 1954, as amended.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
MICHAEL L. GLASER,
Chairman.

NOVEMBER 11, 1974.

[FR Doc.74-26886 Filed 11-15-74;8:45 am]

[Docket No. 50-267]

PUBLIC SERVICE COMPANY OF COLORADO

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-34 issued to Public Service Company of Colorado which revised Technical Specifications for operating of the Fort St. Vrain Nuclear Generating Station, located in Weld County, Colorado. The amendment is effective as of its date of issuance.

The amendment permits (1) revision of radial power peaking factors under certain operating conditions and (2) revision of the number of core regions allowed the maximum deviation in outlet temperature from the average core outlet temperature.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated July 31, 1974, (2) Amendment No. 4 to License No. DPR-34, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631.

A copy of items (2) and (3) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 11th day of November 1974.

For the Atomic Energy Commission.

ANTHONY BOURNIA,
Acting Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.74-26869 Filed 11-15-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26943]

AEROAMERICA, INC., ET AL.

Second Prehearing Conference Regarding Acquisition Agreement

Aeroamerica, Inc., Gac Corporation, and Modern Air Transport, Inc., Acquisition agreement.

Notice is hereby given that a second prehearing conference in the above-entitled proceeding is assigned to be held on December 3, 1974, at 10 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge. This prehearing conference will be concerned principally with matters arising from the second (November 1, 1974) amendment to the application involved in this proceeding.

Dated at Washington, D.C. November 13, 1974.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.74-26935 Filed 11-15-74;8:45 am]

FLYING TIGER LINE INC.

Postponement of Meeting

Notice is hereby given that the briefing with the above carrier on its overall economic condition and scheduled to be held on November 19, 1974, at 4 p.m. (39 FR 40188, November 14, 1974), is hereby postponed. Further notice will be given when the meeting is rescheduled.

Dated at Washington, D.C., November 14, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27066 Filed 11-15-74;8:45 am]

[Docket No. 27104]

PAN AMERICAN-WESTERN ROUTE TRANSFER AGREEMENT

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on December 10, 1974, at 10 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned.

For information concerning the issues involved in this proceeding and other details, interested persons are referred to the Application of the above air carriers, the order setting hearing issued by the Board on October 24, 1974 herein, the report of prehearing conference to be served soon, and other documents which are in the docket of this proceeding on file in the Board's Docket Section.

Dated at Washington, D.C., November 12, 1974.

[SEAL] E. ROBERT SEAVER,
Administrative Law Judge.

[FR Doc.74-26934 Filed 11-15-74;8:45 am]

[Docket Nos. 26057, 26075; Agreement CAB 24739; Order 74-11-54]

PAN AMERICAN WORLD AIRWAYS, INC., ET AL.

Order Approving Agreement for Approval of Fuel Saving Capacity Limitation

Issued under delegated authority November 13, 1974.

By application dated October 18, 1974, Pan American World Airways, Inc. (Pan Am), Trans World Airlines, Inc. (TWA), and Alitalia request prior Board approval pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act) and Subpart P of the Board's rules of practice, 14 CFR 302.1601, of an agreement between them which would establish maximum weekly scheduled frequency levels in several United States-Italy markets. The discussions which led to the adoption of this agreement were held in New York on September 4, 1974, pursuant to authority granted in Order 1-713-34, November 8, 1973, as extended and expanded by Order 74-4-29, April 4, 1974, and Order 74-7-33, July 8, 1974.[1]

The agreement will be implemented, subject to prior Board approval and the approval of the Civilavia of Italy, on November 1, 1974, and it shall continue in effect until March 31, 1975. The agreement establishes maximum weekly scheduled frequencies to be operated by the applicants between the U.S. and Italy.[2] Provision is made, however, for the temporary suspension of these limitations during a period of cessation or curtailment of operations by any of the parties resulting from a labor dispute or other cause beyond the control of the affected party. Additionally, allowance is made for the use of unpublished extra sections for operational reasons or to meet short periods of excessive demand. Any party may terminate the agreement on 30 days' written notice.

In support of the application, the applicants assert that the agreement will result in a substantial savings of available fuel supplies. Specifically, the applicants estimated a total fuel savings of approximately 4,301,097 gallons over the term of the agreement.[3] The applicants also note that in extending the discussion authority originally granted by Order 73-11-34, the Board, in Order 74-7-33, broadened the basis for interas well as the availability of, international capacity reduction discussions to include the radical price increase in, tional aviation fuel.[4] In this respect, the

[1] A report of this meeting was filed with the Board on September 20, 1974.

[2] The markets involved and the proposed service levels under the agreement are set forth in Appendix A, below.

[3] This estimate is based on a savings of 137,327 gallons per week for Alitalia and a total of 82,724 gallons per week for Pan Am and TWA together.

[4] See Order 74-7-33, July 8, 1974; second full paragraph on page 3, therein, and ordering paragraph 1.

applicants estimate a total fuel-cost savings of approximately $1,490,000 during the term of the agreement.

However, the applicants emphasize that achieving these fuel and fuel-cost savings will not unwarrantedly reduce the level of services offered to the public. The applicants estimate no growth in traffic for the subject markets over the comparable period last year and the resultant load-factor estimates for the various markets range from a minimum of 46 percent in the New York-Rome market to a maximum of 61 percent in the New York-Milan market during the term of the agreement.

The applicants also request that the requirement of allowing 21 days for answers to this application, pursuant to 14 CFR 302.1608 (FR-138, September 28, 1973), be waived to permit Board action by the effective date of the agreement. Pan Am and TWA also request an exemption from section 405(b) of the Act and all the regulations thereunder to the extent necessary to permit implementation of the proposed schedules without ten days' prior notice to the Postmaster General.

The National Air Carrier Association (NACA) has filed an answer to the application.[5] NACA does not oppose the application, but requests that a condition be imposed on any approval of the agreements to prevent the use of any freed capacity in the transatlantic charter market. Specifically, NACA requests a condition which would require that, during any year in which an international capacity agreement is in effect, each agreement carrier limit the number of seats it operates in transatlantic charter services to the number of seats it operated during the 12-month period preceding the first international capacity agreement entered into in this proceeding. To permit flexibility, NACA also suggests a provision in its condition which would allow any carrier which increases its revenue passenger miles in transatlantic scheduled service during an agreement period, over the corresponding preagreement period, to proportionately increase its charter capacity.

Pan Am has filed a reply to NACA's answer, opposing the requested condition.[6]

No other comments relative to the application have been received to date.[7]

In consideration of the foregoing, the Board notes that to the extent that the applicants have justified the proposed capacity limitation agreement on both a fuel and fuel-cost savings basis, the application appears to raise issues which are currently being considered in the "Capacity Reduction Agreements Case," Docket 22908. However, the agreement relates to international markets, is for a relatively short term, and in each market the proposed service appears adequate to meet the needs of the travelling public. The Board has previously stated that mutual reduction in international capacity, when carefully monitored by the Board, can help to provide the public with optimum service in the face of the constraints imposed by the international fuel situation.[8] Therefore, we have decided to approve these agreements. Our decision herein, however, should not be construed as prejudging in any manner the Board's final decision with respect to any of the issues currently being considered in the "Capacity Reduction Agreements Case."

With respect to the charter operations condition requested by NACA, we believe that the public interest does not require the imposition of such a condition on approval of these agreements at this time. The Board has repeatedly stated that the transfer of released capacity of any nonagreement markets, including charter markets, will not be tolerated,[9] and we will impose reporting requirements similar to those imposed on other such agreements, which requirements should provide adequate protection against the predatory use of any freed capacity.[10] We will also retain jurisdiction for the purpose of amending or revoking the approval granted herein at any future date.[11]

So that the agreement may be effectuated quickly, the applicants' request for waiver of the 21 day period for the filing of answer to this application will be granted. However, the Board will receive and consider any documents filed in this docket as part of its continuing evaluation of the impact of the agreement. It is also found that enforcement of section 405(b) of the Act, requiring ten days' prior notice of schedule changes to the Postmaster General, would be an undue burden upon the air carrier applicants and is not in the public interest.

Finally, we have considered the impact of the agreement on the employees of both Pan Am and TWA. Based on the limited amount of information currently before us, we are unable to conclude that the public interest requires the imposition of any labor protective conditions. As noted, however, the Board will retain jurisdiction, and would impose such a condition should a showing be made that the public interest so requires.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.3 and 385.13, it is found that (1) the capacity reduction agreement discussed herein is neither adverse to the public interest nor in violation of the Act and should be approved subject to the conditions stated herein; (2) the request for a waiver of 14 CFR 302.1608 should be granted; (3) the request of Pan Am and TWA for an exemption from the requirements of section 405(b) of the Act and any regulations promulgated pursuant thereto, should be granted to the extent necessary to permit the filing of schedules on less than ten days' prior notice with the Postmaster General; (4) NACA's request for the imposition of its suggested condition on the approval granted herein should be denied; and (5) Pan Am's motion for leave to file an otherwise unauthorized document should be dismissed as moot.[12]

Accordingly, it is ordered, That: 1. Agreement CAB 24739 be and it hereby is approved pursuant to section 412 of the Act, subject to the following conditions:

(a) Jurisdiction shall be retained to modify or revoke approval at any time, or to take whatever action may be appropriate in the public interest;

(b) Schedule deletions resulting from the agreement considered herein, which occur at any of the controlled, high-density airports[13] and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in Order 72-11-72, shall not be refilled by the air carrier applicants, nor be reallocated to other carriers by the respective Airline Scheduling Committee:

Provided, however, That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operates plus or minus three hours of the flight to be reinstated;[14]

(c) All schedule changes resulting from this agreement shall be reported to the Board within 15 days of the end of each month, in accordance with the for-

[5] NACA represents the following supplemental air carriers: Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, and World Airways, Inc.

[6] Pan Am's reply was accompanied by a motion for leave to file an otherwise unauthorized document. Since Pan Am's reply falls within the standards established for such documents by 14 CFR 302.1608, that motion is unnecessary and will be dismissed.

[7] Copies of this application were served upon all persons upon whom copies of Order 73-11-34 were served, in accordance with 14 CFR 302.1605.

[8] See, for example, Order 73-11-34, November 8, 1973 and Order 74-1-111, January 23, 1974.

[9] See, for example, Orders 73-10-110 (October 31, 1973), note 8a; 74-1-111 (January 23, 1974), at page 4; and 74-2-93 (February 22, 1974), at page 4.

[10] See ordering paragraph 1 and footnote 15, infra.

[11] Section 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement, whether or not previously approved by it, which it finds to be adverse to the public interest or in violation of the Act.

[12] It is further found, pursuant to § 385.6 of the Board's Regulations, that the action taken herein is governed by prior Board precedent and policy, and that immediate action is required to enable effectuation of the agreement. Therefore, it is determined that the filing of petitions for review of this order shall not preclude this order from becoming effective immediately.

[13] Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport and LaGuardia Airport. See Order 72-11-72, November 16, 1972.

[14] Compare Order 73-12-32, December 7, 1973, at page 7.

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mat of Appendix B [15] hereto, [16] and copies of such reports shall be provided to all carriers requesting them;

(d) Within 28 days of the date of service of this order, the air carrier applicants shall file with the Board's Docket Section a report containing the following additional data for the subject markets:

a. Seats operated in 1973/1974 (November through March).
b. Passengers carried in 1974 to date.
c. Forecast passengers in 1974/1975 (November through March).
d. Projected seats in 1974/1975 (November through March).
e. Fuel use by month for the system of each carrier in 1974 to date.
f. Fuel use by month in the subject agreement markets in 1974 to date.

2. The request of the applicants for a waiver of the 21 day period for the filing of answers be and it hereby is granted;

3. The request of Pan Am and TWA for an exemption from section 405(b) of the Act, and regulations promulgated pursuant thereto, to the extent necessary to permit implementation of the proposed schedules without ten days' prior notice to the Postmaster General, be and it hereby is granted;

4. NACA's request for the imposition of its proposed condition on the approval granted herein be and it hereby is denied;

5. Pan Am's motion for leave to file an otherwise unauthorized document be and it hereby is dismissed; and

6. Copies of this order shall be served on the United States Departments of Defense, Justice and Transportation; the United States Postal Service; the Port Authority of New York and New Jersey; Massachusetts Port Authority; City of Chicago, Department of Aviation; City of Philadelphia, Department of Commerce, Director of Aviation, and all certificated route and supplemental air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days of the date of service of this order.

This order shall be effective immediately and the filing of such petitions shall not stay its effectiveness.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[15] Appendix B filed as part of the original document.

[16] In addition, Pan Am and TWA shall file with the Board's Docket Section a report stating, on a systemwide basis, average seat-miles operated per gallon of fuel used, by type fo equipment; and shall maintain records, subject to inspection by the Board or by such other persons as the Board may authorize, detailing the fuel used each month, throughout their systems, on a city-pair and flight-by-flight basis (including charter operations).

APPENDIX A

U.S.-ITALY NONSTOP AND ONE-STOP ROUNDTRIP WEEKLY FREQUENCIES PURSUANT TO AGREEMENT CAB 24739

New York–Rome

Alitalia—7 nonstop roundtrips with B747 aircraft—5 one-stop roundtrips with B747 aircraft.
Pan Am—7 nonstop roundtrips with B747 aircraft.
TWA—7 nonstop roundtrips with B747 aircraft.

Boston–Rome

Alitalia—3 nonstop roundtrips with DC–8 aircraft—4 one-stop roundtrips with DC–8 aircraft.
Pan Am—3 one-stop roundtrips with B707 aircraft.
TWA—7 one-stop roundtrips with B707 aircraft.

Chicago–Rome

Alitalia—3 one-stop roundtrips with DC–8 aircraft.

Philadelphia–Rome

Alitalia—1 one-stop roundtrip with DC–8 aircraft.

Washington–Rome

TWA—7 nonstop roundtrips with B707 aircraft.

New York–Milan

Alitalia—5 nonstop roundtrips with B747 aircraft.
TWA—5 nonstop roundtrips with B707 aircraft.

Boston–Milan

Alitalia—4 nonstop roundtrips with DC–8 aircraft.

Chicago–Milan

Alitalia—3 nonstop roundtrips with DC–8 aircraft.

Philadelphia–Milan

Alitalia—2 one-stop roundtrips with DC–8 aircraft.

[FR Doc.74–26936 Filed 11–15–74;8:45 am]

[Docket Nos. 26057, 26075; Agreement CAB 24733; Order 74–11–52]

TRANS WORLD AIRLINES, INC., AND OLYMPIC AIRWAYS

Order Approving Agreement Regarding Fuel Saving Capacity Reduction

Issued under delegated authority November 12, 1974.

By application dated October 17, 1974, Trans World Airlines, Inc. (TWA), and Olympic Airways (Olympic) request prior Board approval pursuant to section 412 of the Federal Aviation Act of 1958, as amended, (the Act) and Subpart P of the Board's rules of practice, 14 CFR 302.1601, of an agreement between them which would establish maximum scheduled weekly frequency levels in the New York-Athens market. The discussions which led to the adoption of this agreement were held in Washington, D.C. on September 11, 1974, pursuant to authority granted in Order 73–11–34, November 8, 1973, as extended and expanded by Order 74–4–29, April 4, 1974, and Order 74–7–33, July 8, 1974.

The agreement will be implemented, subject to prior Board approval, on November 1, 1974, and will continue in effect until March 31, 1975. The agreement permits maximum weekly scheduled frequencies between New York and Athens for each party as follows:

Olympic. One nonstop roundtrip with a B–747 aircraft and four one-stop roundtrips with B–707 aircraft.

TWA. Four nonstop roundtrips with B–707 aircraft and seven one-stop roundtrips with B–747/B–707 aircraft (change of gauge at Rome).

Provision is also made for the temporary suspension of the above limitations during a period of cessation or curtailment of service by either party resulting from a labor dispute or other cause beyond the control of the affected party. Additionally, allowance is made for the use of unpublished extra sections for operational reasons or to meet unusual demand. Either party may terminate the agreement on 30 days' notice.

In support of the application the applicants assert that the agreement will result in a substantial savings of fuel amounting to approximately 4,642,619 gallons over the term of the agreement.[1] Further, the applicants note that in extending the discussion authority originally granted in Order 73–11–34, the Board, in Order 74–7–33, broadened the basis for international capacity reduction discussions to include the radical price increase in, as well as the availability of, international aviation fuel.[2] In this connection, TWA and Olympic have provided data which show that their per gallon fuel costs in the New York-Athens market have more than tripled in the past eighteen months and that the agreement will result in a fuel-cost savings for the two carriers totalling $2,000,427 even under the "unlikely assumption" that there will be no further increase in fuel prices this winter.

However, the applicants emphasize that these fuel and fuel-cost savings flowing from the agreement will not unwarrantedly reduce the level of services offered to the public. The carriers estimate a maximum load factor under the agrement of 63 percent and state further that the large number of remaining flights, the agreed-to cutback, assures a spread of schedules more than adequate to meet the service needs of the travelling public.

[1] TWA estimates its fuel savings at approximately 2,435,555 gallons and Olympic estimates its fuel savings at approximately 2,207,064 gallons during the term of the agreement.

[2] See Order 74–7–33, July 8, 1974; second full paragraph on page 3, therein and ordering paragraph 1. The applicants also cite the Board's language on page 5 of Order 74–4–149, April 26, 1974, wherein the Board, in approving certain capacity limitation agreements, stated that such fuel conservation measures take on added significance in light of the financial crisis threatening both TWA and Pan American World Airways, Inc.

The applicants also request that the requirement of allowing 21 days for answers to this application pursuant to 14 CFR 302.1608 (FR–138, September 28, 1973) be waived to permit implementation of the agreement on the November 1 effective date. In addition, TWA requests an exemption pursuant to section 416 of the Act from section 405(b) thereof and from all the regulations thereunder to the extent necessary to permit the implementation of the proposed schedules without ten days' prior notice to the Postmaster General should approval not be forthcoming until less than ten days prior to the date of implementation of the agreement.

The National Air Carrier Association (NACA) has filed an answer to the application.[3] NACA does not oppose the application, but requests that a condition be imposed on any approval of the agreements to prevent the use of any freed capacity in the transatlantic charter market. Specifically, NACA requests a condition which would require that, during any year in which an international capacity agreement is in effect, each agreement carrier limit the number of seats it operates in transatlantic charter services to the number of seats it operated during the 12-month period preceding the first international capacity agreement entered into in this proceeding. To permit flexibility, NACA also suggests a provision in its condition which would allow any carrier which increases its revenue passenger miles in transatlantic scheduled service during an agreement period, over the corresponding pre-agreement period, to proportionately increase its charter capacity.

No other comments relative to the application have been received to date.[4]

In consideration of the foregoing, the Board notes that to the extent that the applicants have justified the proposed capacity limitation agreement on both a fuel and fuel-cost savings basis, the application appears to raise issues which are currently being considered in the "Capacity Reduction Agreements Case," Docket 22908. However, the agreement relates to an international market, is for a relatively short term, and the proposed service appears adequate to meet the needs of the travelling public. The Board has previously stated that mutual reductions in international capacity, when carefully monitored by the Board, can help to provide the public with optimum service in the face of the constraints imposed by the international fuel situation.[5] Therefore, we have decided to approve the agreement. Our decision herein, however, should not be construed as prejudging in any manner the Board's final decision with respect to any of the issues currently being considered in the "Capacity Reduction Agreements Case."

With respect to the charter operations condition requested by NACA, we believe that the public interest does not require the imposition of such a condition on approval of these agreements at this time. The Board has repeatedly stated that the transfer of released capacity to any nonagreement markets, including charter markets, will not be tolerated,[6] and we will impose reporting requirements similar to those imposed on other such agreements, which requirements should provide adequate protection against the predatory use of any freed capacity.[7] We will also retain jurisdiction for the purpose of amending or revoking the approval granted herein at any future date.[8]

So that the agreement may be effectuated quickly, the applicants' request for waiver of the 21-day period for the filing of answers to this application will be granted. However, the Board will receive and consider any documents filed in this docket as part of its continuing evaluation of the impact of the agreement. It is also found that enforcement of section 405(b) of the Act, requiring ten days' prior notice of schedule changes to the Postmaster General, would be an undue burden upon TWA and is not in the public interest.

Finally, we have considered the impact of the agreement on the employees of TWA. Based on the limited amount of information currently before us, we are unable to conclude that the public interest requires the imposition of any labor protective conditions. As noted, however, the Board will retain jurisdiction, and would impose such a condition should a showing be made that the public interest so requires.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.3 and 385.13, it is found that (1) the capacity reduction agreement considered herein is neither adverse to the public interest nor in violation of the Act and should be approved subject to the conditions stated herein; (2) the requirement of 14 CFR 302.1608 to allow 21 days for answers with respect to this application should be waived; (3) the request of TWA for an exemption from the requirements of section 405(b) of the Act and all the regulations promulgated pursuant thereto should be granted; and (4) NACA's request for the imposition of its proposed condition on the approval granted herein should be denied.[9]

Accordingly, it is ordered, That: 1. Agreement CAB 24733 be and it hereby is approved, subject to the following conditions:

(a) Jurisdiction shall be retained to modify, amend or revoke approval at any time, or to take whatever action may be appropriate in the public interest;

(b) Schedule deletions resulting from the agreement considered herein, which occur at any of the controlled high-density airports [10] and which result in the vacating of slots allocated by the Airline Scheduling Committees of the respective airports pursuant to authority granted in Order 72–11–72, shall not be refilled by the air carrier applicants, nor be reallocated to other carriers by the respective Airline Scheduling Committee; *Provided, however,* That slots originally vacated may be reinstated by the vacating carrier to the extent such carrier vacates another flight at the same airport which operates plus or minus three hours of the flight to be reinstated;[11]

(c) All schedule changes resulting from this agreement shall be reported to the Board within 15 days after the end of each month, in accordance with the format of Appendix A,[12] hereto; [13] copies of such reports shall be provided to all carriers requesting them; and

(d) Within 28 days of the date of service of this order, the carriers shall file with the Board's Docket Section a report containing the following additional data for the New York-Athens market:

a. Seats operated in 1973/1974 (November through March).
b. Passengers carried in 1974 to date.
c. Forecast passengers in 1974/1975 (November through March).
d. Projected seats in 1974/1975 (November through March).
e. Fuel use by month for the system of each carrier in 1974 to date.
f. Fuel use by month in this agreement market in 1974 to date;

[3] NACA represents the following supplemental air carriers: Capitol International Airways, Inc., Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, and World Airways, Inc.

[4] Copies of this application were served upon all persons upon whom copies of Order 73–11–34 were served in accordance with 14 CFR 302.1605.

[5] See, for example, Order 73–11–34, November 8, 1973 and Order 74–1–111, January 23, 1974.

[6] See, for example, Orders 73–10–110 (October 31, 1973), note 8a; 74–1–111, (January 23, 1974), at page 4; and 74–2–93 (February 22, 1974), at page 4.

[7] See ordering paragraph 1 and footnote 12, infra.

[8] Section 412(b) of the Act (49 U.S.C. 1382) requires the Board to disapprove any agreement, whether or not previously approved by it, which it finds to be adverse to the public interest or in violation of the Act.

[9] It is further found, pursuant to section 385.6 of the Board's Regulations, that the action taken herein is governed by prior Board precedent and policy, and that immediate action is required to enable effectuation of the agreement. Therefore, it is determined that the filing of petitions for review of this order will not preclude this order from becoming effective immediately.

[10] Airport scheduling agreements affect John F. Kennedy International Airport, O'Hare International Airport, Washington National Airport, and LaGuardia Airport. See Order 72–11–72, November 16, 1972.

[11] Compare Order 73–12–32, December 7, 1973, at page 7.

[12] Appendix A filed as part of this original document.

[13] In addition, TWA shall file with the Board's Docket Section a report stating, on a systemwide basis, average seat-miles operated per gallon of fuel used, by type of equipment; and shall maintain records, subject to inspection by the Board or by such other persons as the Board may authorize, detailing the fuel used each month, throughout its system, on a city-pair and flight-by-flight basis (including charter operations).

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2. The request of the applicants for waiver of the 21-day waiting period for the filing of answers herein (14 CFR 302.1608) be and it hereby is granted;

3. TWA be and it hereby is relieved from the provisions of section 405(b) of the Act, and from all regulations enacted in pursuance thereof, to the extent necessary to permit the implementation of the subject modifications without 10 days' prior notice to the Postmaster General;

4. NACA's request for the imposition of its proposed condition on the approval granted herein be and it hereby is denied; and

5. Copies of this order shall be served on the United States Departments of Defense, Justice and Transportation, the United States Postal Service, the Port Authority of New York and New Jersey, and all certificated route and supplemental air carriers.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days of the date of service of this order.

This order shall be effective immediately and the filing of such petitions shall not stay its effectiveness.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-26937 Filed 11-15-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, December 18, 1974, in room 5323 of the U.S. Civil Service Commission building, 1900 E Street NW.

This meeting will be open to the public and will consist of a continuation of discussions on the fiscal year 1976 comparability adjustment for the statutory pay systems of the Federal Government. Any member of the public who wishes to file a written statement with the committee may do so by furnishing it to the undersigned in room 3H30 of the Civil Service Commission building at any time prior to the meeting. Any member of the public who wishes to speak at this meeting should so indicate in such a written statement, so that this request may be considered in the context of the constraints imposed by the agenda schedule for the year.

Further information about this meeting may be obtained by contacting the undersigned at 632-5595.

For the President's agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-26870 Filed 11-15-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 294-2; OPP-32000/143]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before January 17, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 17, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 4-EGT. Bonide Chemical Co., Inc., 2 Wurz Ave., Yorkville NY 13495. SEVIN 2 FLOWABLE INSECTICIDE. Active Ingredients: Carbaryl: (1-naphthyl N-methylcarbamate) 22.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5440-41. Cardinal Chemical Co., Green & Sausonie Sts., San Francisco CA 94111. CARDINAL 3% MALATHION INSECTICIDE. Active Ingredients: Malathion 3.00%; Petroleum Derivative Solvent 97.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 7273-59. Crown Chemicals, Inc., 4995 N. Main St., Rockford IL 61101. CROWN MALATHION 57% PREMIUM GRADE. Active Ingredients: Malathion 57.00%; Aromatic Petroleum Derivative Solvent 33.09%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1770-46. Griffin Bros., Inc., 1806 S.E. Holgate Blvd., Portland OR 97242. GRIFFIN'S DISINFECTANT CLEANER. Active Ingredients: Trisodium Phosphate 3.0%; n-Alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzl ammonium chlorides 1.5%; Methyldodecylbenzyl trimethyl ammonium chloride 0.8%—Methyl-dodecylxylylene bis (trimethyl ammonium chloride) 0.2%-1.0%; Isopropanol 1.0%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 33732-L. Midwest Products Corp. of Oklahoma, Inc., PO Drawer D, Purcell OK 73080. 855 FLYING INSECT SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2 - dimethyl-3-(2 - methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027% d-trans Allethrin (allyl homolog of Cinerin I) 0.100%; Related compounds 0.007%; Petroleum distillate 19.666%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33732-U. Midwest Products Corp. of Oklahoma, Inc. 855 HOUSE & GARDEN SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.125%; Related compounds 0.009%; Aromatic petroleum hydrocarbons 0.265%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33732-G. Midwest Products Corp. of Oklahoma, Inc. 855 WASP & HORNET SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.150%; Related compounds 0.020%; Aromatic petroleum hydrocarbons 0.199%; Petroleum distillate 26.625%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 524-308. Monsanto Corp., 800 N. Lindbergh, St. Louis MO 63166. "ROUNDUP". Active Ingredients: Isopropylamine salt of Glyphosate 41%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2139-98. Nor-Am Agricultural Products, Inc., 1275 Lake Ave., Woodstock IL 60098. FUNDAL SP MITICIDE/INSECTICIDE/OVICIDE. Active Ingredients: Chlordimeform hydrochloride 97.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2724-EAE. Thuron Industries, Inc., 12200 Denton Dr., Dallas TX 75234. STARBAR GX-118 EMULSIFIABLE LIQUID. Active Ingredients: N-(mercaptomethyl) phthalimide S-(0,0-dimethyl phosphorodithioate) 11.6%; Petroleum hydrocarbon solvent 72.9%. Method of Support: Application proceeds under 2(c) of interim policy.

REPUBLISHED ITEM

The following item represents a correction in the list of Applications Received published in the FEDERAL REGISTER of November 1, 1974 (39 FR 37818).

EPA File Symbol 7601-RN. International Laboratories Inc., 2214 6th St., Berkeley CA 94710. *INSTRUMENT GERMICIDE.* Originally published as EPA File Symbol 2693-RNN.

Dated November 5, 1974.

MARTIN H. ROGOFF,
Acting Director, Registration Division.

[FR Doc. 74-26500 Filed 11-15-74;8:45 am]

FEDERAL COUNCIL ON THE AGING

SPECIAL NEEDS OF OLD AMERICANS

Meeting

The Federal Council on the Aging was established by the 1973 amendments to the Older Americans Act of 1965 for the purpose of advising the President, the Secretary of Health, Education, and Welfare, the Commissioner on Aging and the Congress on matters relating to the special needs of older Americans.

Council will meet on December 5, 1974 from 9:30 a.m. to 5 p.m. and on December 6, 1974 from 9 a.m. to 3 p.m. in Room 5549, Donohoe Building, 400 6th Street SW., Washington, D.C. The agenda will consist of the following items: procurement of budget and staff, changes in state formulae for programs under the Older Americans Act, briefing on nursing home reforms and long-term care, bicentennial activities of FCA, proposed meeting at and with Social Security Administration, coordinated Federal research plan, action and priority-making procedures, determination of long-range major priorities and development of annual report. Meeting open to public observation.

Dated: November 12, 1974.

CLEONICE TAVANI,
Executive Director, Federal Council on the Aging.

[FR Doc.74-26914 Filed 11-15-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

FOODSERVICE ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Foodservice Advisory Committee will meet Monday, December 16, 1974, at 9 a.m., Room 3400, 12th & Pennsylvania Avenue, NW., Washington, D.C.

The Committee was established to advise the Administrator, Federal Energy Administration, about foodservice interests and problems as they relate to national energy conservation programs.

The agenda for the meeting is as follows:

1. Briefing on the Project Independence Blueprint.
2. Status Report on the Conservation White Paper.
3. Briefing on the FEA Industrial Monitoring Program.
4. Special Reports.

The meeting is open to the public; however, space and facilities are limited.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Lois Weeks, Advisory Committee Management Office (202) 961-7022 at least 5 days before the meeting and reasonable provision will be made for their appearance on the agenda.

Further information concerning this meeting may be obtained from the Advisory Committee Management Office.

Minutes of the meeting will be made available for public inspection at the Federal Energy Administration, Washington, D.C.

Issued at Washington, D.C., on November 12, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

[FR Doc.74-26939 Filed 11-15-74;8:45 am]

FEDERAL MARITIME COMMISSION

DELTA STEAMSHIP LINES, INC. AND COMPANHIA DE NAVEGOCAO LLOYD BRASILEIRO

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 9, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas E. Stakem, Esquire
Macleay, Lynch, Bernhard & Gregg
Commonwealth Building
1625 K Street, NW.
Washington, D.C. 20006

Agreement No. 9848-3 amends the approved basic pooling and sailing agreement to provide that where necessary each of the parties may arrange space charters on the other party's vessels. Cargoes transported under such space charters shall be subject to the applicable freight tariffs, rules and regulations related thereto, and will be included in the gross pool revenue of the line issuing the related bills of lading.

Dated: November 13, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-26921 Filed 11-15-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-9092]

ARKANSAS-MISSOURI POWER CO.

Filing of Change In Rate Schedules

NOVEMBER 11, 1974.

Take notice that on October 31, 1974 Arkansas-Missouri Power Company (Ark-Mo) tendered for filing proposed changes in its Resale Service Rate Schedule R-1 and its Transmission Service Rate Schedule W-1. Ark-Mo states that the proposed changes will increase the rates for wholesale electric service rendered to its wholesale customers[1] by $86,380, or 23.6 percent, based on 12 months ending May 1974. Rates for transmission service rendered to Ark-Mo's wheeling customers[2] are proposed to increase by $105,071, or 65.2 percent, based on 12 months ending May 1974. Ark-Mo further states that these rate increases will extend the rates of return for the resale class to 9.13 percent and for the wheeling class to 9.13 percent.

Ark-Mo cites substantial increases in its cost of capital, purchased power, labor, materials, supplies, and taxes as support for its proposed changes. Although an effective date of December 1, 1974 is requested for the proposal, Ark-Mo states that the new rates cannot become effective as to the Gideon-Anderson Lumber Company until August 1, 1975, nor as to the City of Campbell until September 9, 1975, because of contract restrictions. Ark-Mo therefore requests a waiver of § 35.3 of the Commission's rules and regulations to permit the filing of uniform rates for all customers.

[1] City of Campbell, Missouri, the Gideon-Anderson Lumber Company of Gideon, Missouri, and Missouri Utilities.

[2] Arkansas Electric Cooperative Corporation, the Mississippi County Electric Cooperative, Inc., and the City of Thayer.

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Ark-Mo states that it has mailed copies of this filing to the above-mentioned customers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26897 Filed 11-15-74;8:45 am]

[Docket No. CP75-129]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Application

NOVEMBER 11, 1974.

Take notice that on October 29, 1974, Columbia Gas Transmission Corporation (Applicant), P.O. Box 1273, Charleston, West Virginia 25325, filed in Docket No. CP75-129 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and for permission and approval to abandon certain facilities on its existing transmission system, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes a construction and abandonment program consisting of twenty individual projects located in the states of Ohio, Pennsylvania and West Virginia. Applicant proposes fifteen individual pipeline replacements varying in length from 0.2 mile to 3.2 miles, totaling approximately 15.3 miles and ranging in diameter from 2 inches to 24 inches. Applicant's program also includes the construction of approximately 1.9 miles of 4-inch transmission pipeline and appurtenant regulating facilities, the installation of one 600-horsepower compressor unit, the abandonment of a total of approximately 29.9 miles of pipeline ranging in diameter from 4 inches to 16 inches, and the abandonment of five compressor units totaling 3,350 horsepower.

Applicant estimates that the total cost of the proposed facilities will be $1,205,000, which will be financed with funds generated from internal sources.

Applicant states that the proposed projects are primarily designed to maintain continued reliable service to existing customers at presently authorized levels, that the proposed abandonments are necessary in order to retire from service facilities no longer used or useful in its transmission operations, and that no requests are being made for any service or sale not heretofore authorized. Applicant further states that no proposed abandonment will result in the termination of service to any of its existing customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonments are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26900 Filed 11-15-74;8:45 am]

[Project No. 201]

CITY OF PETERSBURG, ALASKA

Issuance of Annual License

NOVEMBER 11, 1974.

On January 2, 1974, the City of Petersburg, Alaska, Licensee for Crystal Lake Project No. 201, located on Crystal Lake, partly on U.S. Lands within the Tongass National Forest, on Mitkof Island, Alaska, was granted an extension of time, expiring on November 12, 1975, in which to file an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder §§ 16.1-16.6).

The License for Project No. 201 was issued effective November 13, 1924, for a period ending November 12, 1974. In order to authorize the continued operation and maintenance of the Crystal Lake Project pursuant to section 15 of the Act, pending filing of licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to the City of Petersburg, Alaska for continued operation and maintenance of Project No. 201.

Take notice that an annual license is issued to the City of Petersburg, Alaska (Licensee) under section 15 of the Federal Power Act for the period November 13, 1974 to November 12, 1975 or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Crystal Lake Project No. 201, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26899 Filed 11-15-74;8:45 am]

[Docket No. RP71-77]

CONSOLIDATED GAS SUPPLY CORP.

Filing of Amended Cost of Service

NOVEMBER 11, 1974.

Take notice that on October 24, 1974, Consolidated Gas Supply Corporation (Consolidated) tendered for filing an amended cost of service, classification and allocation of costs for the twelve months ended June 30, 1971, which reflects modifications to Exhibit No. 34 as required by Opinion No. 703, issued in Docket No. RP71-77 on August 28, 1974. Consolidated states that the amended cost of service shows that applying the cost principles, classification and allocation of costs specified in Opinion No. 703 to the data contained in Exhibit No. 34, the revenues generated by the proposed rates in Docket No. RP71-77 are less than the allocated cost of service in each sales zone as well as the GSS Service. Consolidated further states that no refunds are required in this proceeding and no revisions to the tariff sheets in effect during the period of June 1, 1971 to August 7, 1972, are necessary. Consolidated requests the Commission to issue its order approving the tariff sheets which were in effect during the period of June 1, 1971 to August 17, 1972.

Consolidated states that copies of its filing have been served on all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26901 Filed 11-15-74;8:45 am]

[Docket No. RP74-60-5]

FLORIDA HYDROCARBONS CO. AND FLORIDA GAS TRANSMISSION CO.

Order Granting Interim Extraordinary Relief, Setting Matters for Hearing, Denying Motion to Reject, Permitting Interventions and Establishing Procedures

NOVEMBER 11, 1974.

On September 9, 1974, Florida Hydrocarbons Company (Hydrocarbons) and Florida Gas Transmission Company (Florida Gas) filed a joint petition, including affidavits, pursuant to § 1.7 of the Commission's rules of practice and procedure, in which Hydrocarbons requested interim and permanent extraordinary relief from the curtailment provisions of Florida Gas' FPC Gas Tariff, Original Volume No. 1, and Florida Gas asked that the Commission issue a declaratory order confirming its administration of its curtailment program with respect to Hydrocarbons' extraction and processing operations. Both petitioners are wholly owned subsidiaries of Florida Gas Company, a Florida corporation with its principal office in Winter Park, Florida.

Hydrocarbons takes into its extraction and processing plant located adjacent to Florida Gas' main pipeline system the gas stream flowing through Florida Gas' main pipeline, processes that gas stream and extracts propane, butane, natural gasoline and raw liquid products therefrom, and then returns the processed and purified gas stream to the pipeline. Pursuant to the terms of the hydrocarbons extraction agreement with Florida Gas. Hydrocarbons has the right to extract all of the liquefiable hydrocarbons in the pipeline's mainline stream subject only to the limitation that the processed gas returned will not be reduced below 1,010 Btu per cubic foot.

Although Hydrocarbons was included in the list of direct customers submitted to the Commission as a part of Florida Gas' settlement agreement establishing volumetric limitations which was approved by the Commission's order issued July 25, 1973, 50 FPC 239, the joint petition maintains that the processing operation does not actually consume natural gas except for approximately 10 percent of the total Btu's removed from the gas stream during the processing operation (which quantity necessarily varies with the liquid content of the gas stream) that is consumed as fuel by the plant. Fuels other than natural gas for the aforementioned 10 percent of total Btu's could be utilized, according to the petition, only after securing an alternate fuel supply, storage for such a supply and a major refitting of the fuel system itself.

Although Florida Gas claims that Hydrocarbons does not basically consume natural gas but instead processes the gas and converts Btu's to alternate energy forms that are in short supply, Florida Gas is of the view that under its present curtailment plant it must require Hydrocarbons to suspend its operations during periods of curtailed deliveries when the anticipated curtailment of resale interruptible customers on the Florida Gas system commences during the 1974-75 winter season. A continuance of Hydrocarbons' extraction of critical liquids without suspension during 1975 is estimated to require an extension of Florida Gas' resale interruptible customers' curtailment of 16 days. Hydrocarbons contends that its operations use (but do not consume) the liquefiable hydrocarbons in the natural gas stream as the indispensable feedstock in its extraction plan and that there exists no alternative to the Btu's of energy so utilized.

Hydrocarbons requests interim and permanent relief that will allow it to continue its processing and extraction operations without diminution when Florida Gas is required to curtail its resale interruptible loads. Florida Gas requests a declaratory order confirming the manner in which it has administered its curtailment program with regard to Hydrocarbons' extraction operations.

Pursuant to Notice published in the FEDERAL REGISTER, the time for filing petitions for and notices of intervention, as extended by notice of the Commission's Secretary, expired October 11, 1974. Timely petitions for leave to intervene were filed by Gainesville Gas Company, Gardinier, Inc., Peoples Gas System, Inc., and Southern Gas Company, Division of Donovan Companies, Inc., as well as a timely joint petition to intervene, protest, motion to reject, and alternatively, request for hearing by the Fort Pierce Utility Authority of the City of Fort Pierce, Gainesville-Alachua County Regional Electric, Water and Sewer Utilities, Sebring Utilities Commission, and the Cities of Homestead, Kissimmee, Lakeland, Starke and Tallahassee, Florida (Cities).

The various petitioners object to the proposed extraordinary relief and/or declaratory order confirming Florida Gas' administration of its filed curtailment plan on the grounds, inter alia, that: (1) The joint petitioners have not shown at a public hearing that the requested relief is in the public interest; (2) Hydrocarbons has not stated the reasons that render the fuel system of its extraction plant unable to use an alternative fuel without a major refitting of the system; (3) the Commission has no jurisdiction to declare legal the past diversions of natural gas by Florida Gas to Hydrocarbons; (4) there is no basis for giving Hydrocarbons preference over other direct preferred interruptible customers, and the public interest demands rejection of Hydrocarbons' application for special relief; (5) a proportionate amount of any extraordinary relief that might be granted should come from the natural gas volumes transported by Florida Gas for Florida Power Corporation and Florida Power & Light Company; and (6) Florida Gas' other preferred interruptible customers have a right to reimbursement for any special relief granted to Hydrocarbons.

On October 22, 1974, Hydrocarbons and Florida Gas filed a joint answer to Cities' joint petition to intervene and motion to reject.[1] They oppose the pleading by Cities except the request therein for leave to intervene in this proceeding.

In view of the factual and legal issues raised by the contentions set forth above, we conclude that an evidentiary hearing should be held upon Hydrocarbons' request for extraordinary relief and Florida Gas' petition for a declaratory order confirming its administration of the curtailment provisions in its FPC Gas Tariff in regard to Hydrocarbons' processing operations. In connection with Hydrocarbons' request for interim and permanent extraordinary relief exempting it from operation of Florida Gas' current curtailment plan at the time that Florida Gas' resale interruptible customers are curtailed, the joint petition maintains that fuels other than natural gas are not now suitable as a substitute for the portion of Btu's consumed as fuel by Hydrocarbons' processing plant. In these circumstances, good cause has been shown to grant Hydrocarbons interim extraordinary relief on the basis of its sworn allegations, pending hearing and decision, upon the condition that a payback of such special relief volumes may be required after hearing.

The Commission finds. (1) A grant of Hydrocarbons' petition for extraordinary relief filed jointly with Florida Gas on September 9, 1974, as set forth above, on an interim basis, as hereinafter ordered, is in the public interest and is consistent with the purposes of the Natural Gas Act.

(2) Good cause exists to set for formal hearing the matters raised by the joint petition of Hydrocarbons and Florida Gas for a grant of permanent extraordinary relief for Hydrocarbons and a declaratory order confirming Florida Gas' administration of its filed curtailment procedures in regard to Hydrocarbons' operations, all as hereinafter ordered.

(3) The participation of the above-named petitioners in this proceeding may be in the public interest.

The Commission orders. (A) The petition for extraordinary relief filed by Hydrocarbons (jointly with Florida Gas on September 9, 1974, as set forth above, is hereby granted on an interim basis, pending further action of the Commission, and subject to a possible payback obligation after hearing.

(B) Pursuant to the authority of the Natural Gas Act, the Commission's rules

[1] Hydrocarbons and Florida Gas state that service of Cities' pleading was not made upon their counsel until October 8, 1974.

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of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held on December 17, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, to determine whether or not extraordinary relief should be granted to Hydrocarbons as requested and whether or not the Commission should issue a declaratory order confirming Florida Gas' administration of its curtailment program in regard to Hydrocarbons' operations.

(C) On or before November 25, 1974, Hydrocarbons and Florida Gas shall file with the Commission and serve on all parties, including the Commission Staff, such testimony and exhibits as they may choose to proffer in support of the proposed extraordinary relief for Hydrocarbons, and request for declaratory order by Florida Gas including evidence related to the alleged shortage of Hydrocarbons' products (i.e., propane, butane, natural gasoline and unfractionated liquids) and their availability from other sources if Hydrocarbons' operations are diminished.

(D) On or before December 10, 1974, any parties, including the Commission staff, may file answering testimony and exhibits in response to the evidence filed by Hydrocarbons and Florida Gas.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose (see delegation of authority, 18 CFR 3.5 (d)) shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(F) The motion to reject filed on October 4, 1974, by Cities as part of a petition to intervene and protest the subject joint filing by Hydrocarbons and Florida Gas is hereby denied.

(G) The above-named petitioners are permitted to intervene in the above-docketed proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that such intervenors might be aggrieved by any order or orders entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26902 Filed 11-15-74;8:45 am]

[Docket No. CP70-289]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Petition To Amend

NOVEMBER 11, 1974.

Take notice that on October 22, 1974, Inter-City Minnesota Pipelines Ltd., Inc. (Petitioner), 1500 Richardson Building, 1 Lombard Place, Winnipeg 2, Manitoba, Canada, filed in Docket No. CP70-289 a petition to amend the order of the Commission issued pursuant to section 3 of the Natural Gas Act in said docket on August 10, 1970 (44 FPC 262), as amended September 26, 1973 (50 FPC ____), by authorizing the importation of additional volumes of gas from Canada into the United States at Sprague, Manitoba, and International Falls, Minnesota, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order of August 10, 1970, ICG Transmission Limited (ICG) was authorized, inter alia, to import into the United States up to 38,000 Mcf of gas per day (12,481,000 Mcf per year) from Canada through pipeline facilities crossing the international boundary near Sprague, Manitoba, to export to Canada up to 36,366 Mcf per day (12,144,000 Mcf per year) of this gas near Baudette, Minnesota, and to re-import up to 22,023 Mcf (7,715,000 Mcf per year) of this gas at International Falls, Minnesota. The National Energy Board of Canada (NEB) issued orders on August 4, 1970, with coincident authorizations.

By order issued September 26, 1973, Petitioner was substituted for ICG as holder of the import-export authorization in the subject docket, and authorization was granted to import an increased volume of 10,296 Mcf of gas per day (305,000 Mcf of gas annually) at Sprague, export that increased amount at Baudette and re-import at International Falls an increased volume of 9,500 Mcf of gas per day (985,000 Mcf of gas annually).

Petitioner states that the NEB has also amended its authorizations granted under orders of August 4, 1970. Petitioner points out, however, that the NEB's amended authorizations do not coincide with the Commission's amended authorizations under the September 26, 1973, order.

Petitioner claims that natural gas requirements to serve the residential and small volume customers in the communities of Roseau, Warroad, Baudette and International Falls exceed the original estimates. Petitioner seeks to make natural gas available to meet these additional requirements out of the amount of natural gas that ICG has been authorized to export from Canada but has not exported to date. Applicant requests, therefore, that the volumes of natural gas authorized for export and import by the Commission be equated to those volumes authorized for import and export by the NEB. Petitioner requests the Commission to:

(a) Increase the quantity of natural gas that may be imported into the United States at Sprague, Manitoba for resale in the United States without re-entering Canada from 1,634 Mcf per day to 2,834 Mcf of gas per day and from 337,000 Mcf of gas per annum to 400,000 Mcf of gas per annum.

(b) Increase the quantity of natural gas that may be imported into the United States at International Falls from 31,523 Mcf of gas per day to 32,323 Mcf of gas per day.

(c) Approve the amending agreement dated July 31, 1974, to the gas purchase contract between ICG and Petitioner dated April 8, 1974, providing for the purchase of an additional 500 Mcf of gas per day at the Sprague delivery point.

(d) Approve the amending agreement dated August 1, 1974, to April 8, 1974, contract providing for the purchase of an addition 3,500 Mcf of gas per day at the Sprague delivery point, the sale of an additional 3,000 Mcf of gas per day at the Baudete delivery point, and the purchase of an additional 3,000 Mcf of gas per day at the International Falls delivery point for the period November 1, 1974 to April 1, 1975.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26903 Filed 11-15-74;8:45 am]

[Docket No. E-9023]

INTERSTATE POWER CO.

Tender of Service Agreement With Existing Customer

NOVEMBER 11, 1974.

Take notice that on October 29, 1974, Interstate Power Company (Interstate) tendered for filing copies of a service agreement with an existing customer, City of St. Charles, Minnesota (St. Charles). Interstate requests that the tendered agreement be added to Attachment A of its September 19, 1974, filing.

Interstate's September 19, 1974, filing proposed increases in the Company's rate for wholesale electric service to firm customers. That filing included, among other things, agreements (incorporating the then-existing wholesale rate) with ten of Interstate's thirteen firm wholesale customers. Interstate stated in its September 19, 1974, filing that agreements with its three other existing firm wholesale customers, including St. Charles, were being negotiated and would be filed as received. Accordingly, Interstate, having reached agreement with St. Charles, has tendered the instant filing.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26904 Filed 11-15-74;8:45 am]

[Docket No. E-8336]

IOWA POWER AND LIGHT CO.

Application

NOVEMBER 11, 1974.

Take notice that on November 4, 1974, Iowa Power and Light Company (Applicant) of Des Moines, Iowa, filed a supplemental application pursuant to section 204 of the Federal Power Act seeking authority to increase the amount of short-term promissory notes, including commercial paper, that may be outstanding at any one time from $50 million to $60 million of which $30 million may be in the form of commercial paper. Applicant also requests authority to extend the final issuance date on the notes from December 31, 1974 to December 31, 1975, and to extend the final maturity date from on or before December 31, 1975 to on or before December 31, 1976. All other terms and conditions authorized by the Commission's order issued October 17, 1973, are to remain in full force and effect.

Applicant is incorporated under the laws of the State of Iowa with its principal business office at Des Moines, Iowa, and is engaged in the electric and gas utility businesses within the State of Iowa.

Notes issued to commercial banks will be issued in accordance with various informal lines of credit agreements and will bear interest at the prime rate in effect from time to time. Notes issued in the form of commercial paper will be issued through well established dealers engaged in the business of buying and selling commercial paper and will bear interest at rates dependent upon the terms of the notes and the money market conditions at the time of issuance. Notes issued to commercial banks will mature not more than one year from the date of issuance and notes issued in the form of commercial paper will mature not more than nine months from the date of issuance.

Any person desiring to be heard or to make any protest with reference to the application should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26905 Filed 11-15-74;8:45 am]

[Docket No. CP74-157]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition To Amend

NOVEMBER 11, 1974.

Take notice that on October 29, 1974, Michigan Wisconsin Pipe Line Company (Petitioner), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-157 a petition to amend the order, dated September 6, 1974 (52 FPC ____), issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing deliver of adjusted maximum daily quantities (MDQ) of natural gas, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that its customers have reviewed their requirements for the coming heating season and have advised Petitioner that they will require an increase in MDQ to meet their customers' daily requirements. The requested modifications in service proposed to be delivered by Petitioner are stated as follows:

Customer	Rate schedule	MDQ (Mcf) Present	MDQ (Mcf) Proposed
Central Indiana Gas Co., Inc.	ACQ-2	1,109	----
	ACQ-1	----	700
City Gas Co.	ACQ-1	4,792	5,200
	MDQ-1	308	91
Keokuk Gas Service Co.	ACQ-1	10,276	13,321
	MDQ-1	2,264	679
Total		18,749	20,000

Petitioner states that the revised MDQ's for the above customers result in no increase in annual entitlements and a net increase in peak day requirements of only 1,251 Mcf. Petitioner states further that it can provide the requested service existing facilities.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10 and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26906 Filed 11-15-74;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Rate Changes

NOVEMBER 11, 1974.

Take notice that on October 3, 1974, Natural Gas Pipeline Company of America (Natural) tendered for filing Substitute Fifteenth Revised Sheet No. 5 of its FPC Gas Tariff, Third Revised Volume No. 1 to be effective June 1, 1974.

Natural states that the purpose of the filing is to adjust its Base Rates to reflect the cost of service effect of Advance Payments for Gas expended by April 11, 1974, that are in excess of the amount for such expenditures as stipulated in the approved Stipulation and Agreement at Docket No. RP73-110. The filing was made pursuant to the provisions of Articles V and XI of the settlement agreement.

Natural states that an advance payment tracking filing at the same rate level change was originally submitted to the Commission to comply with the 45 day notice of rate change as required by the provisions of the then pending RP73-110 settlement and that the filing was rejected by Commission order issued May 31, 1974, as the settlement had not been acted on. As the RP73-110 settlement has been approved, Natural requested that the Commission's regulations and the 45 day notice requirement of the approved settlement be waived to the extent necessary to permit the unit rate adjustment to become effective June 1, 1974. Natural finally states that the Base Rates to which the unit adjustment was added were filed under separate cover in compliance with Commission order issued September 4, 1974, Docket No. RP73-110.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions should be filed on or before November 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants

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parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this application are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26907 Filed 11-15-74;8:45 am]

[Docket No. CP75-126]

NORTHERN NATURAL GAS CO.

Application

NOVEMBER 12, 1974.

Take notice that on October 29, 1974, Northern Natural Gas Company (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP75-126 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity to construct and operate certain natural gas facilities, to transport natural gas for Northern States Power Company (NSP), and for permission and approval to abandon natural gas facilities by sale to NSP, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that it desires to cease operation of certain high pressure natural gas pipelines and small sales stations presently being used to make deliveries at a number of locations to Peoples Natural Gas Division (Peoples) and NSP for distribution in St. Paul and its southern environs. Applicant proposes to abandon said facilities by sale to NSP for use as part of NSP's integrated St. Paul distribution system, and, as a result of this property transfer, to replace numerous town border stations south of St. Paul with two new town border stations at Inver Grove and at Cedar Avenue.

Applicant further proposes to transport for NSP, by displacement, 12,800 Mcf per day of vaporized liquefied natural gas (LNG) during the 1974-1975 winter season, and greater or lesser volumes thereafter as may be certificated from time to time, from NSP's Wescott LNG Plant in Inver Grove Heights, Minnesota, to a third new town border station proposed to be built near Lake Elmo, Minnesota, at an annual demand charge of $1.10 per Mcf of the Lake Elmo effective Maximum Daily Volume for the winter season and a commodity charge of .35 cent per Mcf of gas transported and delivered.

Applicant estimates the cost of the three new town border stations at $731,000. Applicant states that NSP will reimburse it for the cost of the Lake Elmo town border station.

Applicant states that it desires to cease operation of the high pressure pipeline, hereinbefore mentioned, through metropolitan areas south of St. Paul which have recently become more densely populated. Applicant further states that NSP has requested the Lake Elmo station, which is located northeast of St. Paul, in order to augment the limited capability of NSP's St. Paul distribution system to move gas into the northern and northeastern suburban areas of St. Paul.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1974, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in an subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26908 Filed 11-15-74;8:45 am]

[Docket Nos. E-7718, E-8435]

PENNSYLVANIA ELECTRIC CO.

Revised Fuel Adjustment Clause as Conditionally Tendered, and Establishing Procedures

NOVEMBER 11, 1974.

On December 11, 1972, Pennsylvania Electric Company (Penelec) tendered for filing a Settlement Agreement (Agreement)[1] proposing increased rates for wheeling and supplemental power service to Allegheny Electric Cooperative (Allegheny). The Agreement also proposed to increase the amount of power to be wheeled by Penelec from the Power Authority of the State of New York (PASNY) to Allegheny. In this filing, Penelec stated that Allegheny concurred with the Agreement, and requested that the terms of the Agreement become effective on November 10, 1973.

On October 5, 1973, Penelec tendered for filing a contract[2] identical to that submitted with the Agreement discussed above, requesting that the contract become effective on November 10, 1973, as provided in the settlement. This contract was tendered, according to Penelec, because the then-effective fixed rate, fixed term contract for supplemental and wheeling service to Allegheny was due to expire on November 9, 1973. By order issued November 9, 1973, the Commission accepted the proposed contract for filing and permitted it to become effective, subject to refund, on November 10, 1973, and subject to Commission action on the Agreement in question. By order issued September 3, 1974, the Commission approved said Agreement, subject to certain conditions,[3] to become effective as of November 10, 1973. This order noted further that Penelec's proposed fuel adjustment clause failed to conform to the Commission's Opinion No. 633. Accordingly, it was ordered[4] that the proposed fuel clause remain subject to suspension and that Penelec file a revised fuel clause conforming to Opinion No. 633 within 30 days of the issuance of that order. Upon receipt of a revised fuel clause conforming to Opinion No. 633, the suspension of the fuel clause would be lifted and further proceedings terminated. Should Penelec fail to file a fuel clause conforming to Opinion No. 633, the order provided that a hearing should be held on January 14, 1975, to determine the lawfulness and reasonableness of Penelec's fuel adjustment clause.

On October 2, 1974, Penelec tendered for filing, pursuant to our order of September 3, 1974, a revised fuel adjustment clause. In this filing, Penelec requested that the Commission waive its 30-day notice requirement[5] and permit the revised fuel clause to become effective on October 1, 1974. This revised fuel clause was tendered, Penelec stated, "on the express condition that no refunds be required of amounts collected under the fuel adjustment clause as presently effective * * *" Penelec stated further that it wishes to withdraw the revised fuel clause if such clause is to be given retroactive application.

[1] This Agreement was the product of a series of settlement discussions between the parties, entered into after our order of June 1, 1972. That order granted Penelec's request for an investigation, under section 206 of the Federal Power Act, of the supplemental power rate in Penelec's fixed rate, fixed term contract for supplemental and wheeling power service to Allegheny.

[2] Designated as Rate Schedule No. 70 and Supplements 1 through 4 thereto.

[3] Ordering paragraph (C) of the order issued September 3, 1974, stated: "Penelec shall adopt deferral accounting and ratemaking procedures to reflect normalization of the tax effect of liberalized depreciation on jurisdictional utility property allocable to wholesale service to Allegheny."

[4] Ordering paragraph (D), Pennsylvania Electric Company, Docket Nos. E-7718 and E-8435, issued September 3, 1974.

[5] Section 35.3 of the Commission's regulations (18 CFR 35.3).

Penelec's tender of the revised fuel clause was noticed with comments, protests, and petitions to intervene due on or before October 25, 1974.

Our review of Penelec's October 2, 1974, filing indicates that we cannot accept the revised fuel clause with the condition that "no refunds be required of amounts collected under the fuel adjustment clause as presently effective". Acceptance of such condition would clearly be contrary to previous orders issued in the subject dockets. As we said in our order of September 3, 1974, the order issued November 9, 1973, "accepted the proposed contract (which included the fuel adjustment clause currently in effect) for filing and permitted it to become effective, subject to refund, on November 10, 1973, and subject to Commission action on the instant settlement agreement." The Commission acted on the settlement agreement in its order of September 3, 1974, wherein it ordered, inter alia, that the proposed fuel adjustment clause "remain subject to suspension" (hence, subject to refund) pending Penelec's tender of a revised fuel clause conforming to Opinion No. 633. The September 3, 1974, order provided further that, should Penelec choose not to file a fuel clause conforming to Opinion No. 633, then a hearing would be convened to determine "the lawfulness and reasonableness of Penelec's fuel adjustment clause". Thus, whether Penelec chose to file a fuel clause conforming to Opinion No. 633, or whether it chose to have the fuel clause subjected to the scrutiny of a formal hearing, we contemplated that excessive revenues collected since November 10, 1973, under the presently-existing clause would be refunded. For this reason, we cannot accept Penelec's revised fuel clause without imposing a refund obligation for those revenues collected since November 10, 1973, which are excessive as a result of use of the fuel clause presently in effect. Accordingly, since Penelec has requested that it be permitted to withdraw its revised fuel clause if the Commission requires refunds of amounts collected under the fuel clause presently in effect, we shall deem the revised fuel clause withdrawn. A hearing shall be convened, pursuant to our order of September 3, 1974, in the referenced dockets, to determine the lawfulness and reasonableness of Penelec's fuel clause presently in effect.

The Commission finds. (1) Good cause exists to deem withdrawn the revised fuel clause conditionally tendered by Penelec on October 2, 1974.

(2) Good cause exists to convene a hearing "for purposes of cross examination concerning the lawfulness and reasonableness of Penelec's fuel adjustment clause", as originally provided by our order of September 3, 1974, in the referenced dockets.

The Commission orders. (A) Penelec's revised fuel clause, as conditionally tendered on October 2, 1974, is hereby deemed withdrawn.

(B) Pursuant to authority of the Federal Power Act, particularly section 205 thereof, and the Commission's rules and regulations (18 CFR Ch. I), a hearing for purposes of cross-examination concerning the lawfulness and reasonableness of Penelec's fuel adjustment clause shall be held commencing on January 14, 1975, at 10:00 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) On or before November 19, 1974, Penelec shall serve its prepared testimony and exhibits. On or before December 3, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence shall be filed on or before December 17, 1974. Any rebuttal evidence by Penelec shall be served on or before December 31, 1974.

(D) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge for that purpose, (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) This order is without prejudice to any findings or orders which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Penelec, or any other party or hereafter instituted by or against Penelec or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

Issued: November 11, 1974.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26910 Filed 11-15-74;8:45 am]

[Docket No. E-9090]

PENNSYLVANIA POWER & LIGHT CO.

Filing of Revised Service Agreement

NOVEMBER 11, 1974.

Take notice that on October 31, 1974, Pennsylvania Power & Light Company (Penn P&L) tendered for filing a revised service agreement with the Borough of Olyphant, Pennsylvania (Olyphant) entered into by the parties on August 19, 1974.

Penn P&L states that the revised service agreement does not alter any of the essential terms or conditions of the services provided under the previous service agreement. The revised service agreement was filed, according to Penn P&L, in order to eliminate the basis for the Department of Justice's concern that certain provisions of the former agreement were objectionable and unlawful.

The revised service agreement filed by Penn P&L refers to and has attached the currently effective rate schedule and fuel adjustment clause but does not make any revisions in the rate or fuel adjustment clause.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions or protests should be filed on or before November 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26909 Filed 11-15-74;8:45 am]

[Docket No. RI75-28]

PICKRELL DRILLING CO.

Order Granting Intervention and Approving Petition for Special Relief

NOVEMBER 11, 1974.

On September 6, 1974, Cecil Burton, et al., d/b/a Pickrell Drilling Company (Burton) filed a petition for special relief pursuant to § 2.76[1] of the Commission's general policy interpretations with respect to a sale of natural gas to Cities Service Gas Company (Cities) from the Forsyth B No. 1 Gas Unit located in the Medicine Lodge North Field, Beaver County, Kansas, Hugoton-Anadarko Area.

Pursuant to a base contract dated December 3, 1958, Burton is presently collecting a rate of 14 cents per Mcf. On August 8, 1974, Cities mailed to Burton a proposed amendment to the original agreement providing for a price of 42 cents per Mcf provided Burton performed certain reworking operations designed to increase the reserves recoverable from the Forsyth B well. This proposed amendment has not been executed by the parties. However, in its petition to intervene Cities stated its support for the Burton petition as originally filed. Over 200,000 Mcf of gas is estimated to be added to interstate commerce as a result of the reworking program by Burton.

On October 21, 1974, Burton filed an amendment to the September 6, 1974 petition reducing the rate requested from 42.0 cents per Mcf to 34.5 cents per Mcf. This reduction was made in accordance with our Staff's analysis that, based on the costs to be incurred and the reserves to be recovered, 34.5 cents per Mcf represented a just and reasonable rate for this gas. Upon consideration of the record in this proceeding, including

[1] 18 CFR 2.76.

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the Staff analysis of the data submitted, we concur.

Notice of the petition was issued on September 16, 1974, and appeared in the FEDERAL REGISTER on September 20, 1974, at 39 FR 33830. Cities filed a petition to intervene.

The Commission orders. (A) The petition for special relief filed by Burton in Docket No. RI75-28 is granted, as amended. Burton is hereby authorized to collect 34.5 cents per Mcf for all gas produced from the Forsyth B Well No. 1 Gas Unit as of the date the Commission receives (1) an amendment executed by Burton, et al. and Cities to the December 3, 1974 base contract and filed as a supplement to Burton's FPC Gas Rate Schedule No. 1 providing for a rate of 34.5 cents per Mcf at 14.65 psia for all production from the Forsyth B Well No. 1 Gas Unit, and (2) a notice of producer rate change reflecting the terms of the amended contract.

(B) The petition to intervene filed by Cities is granted as necessary and proper for the public interest.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26898 Filed 11-15-74;8:45 am]

[Docket No. E-9038]

SOUTHERN CALIFORNIA EDISON CO.

Order Granting Late Petition To Intervene

NOVEMBER 11, 1974.

On October 24, 1974, Sierra Pacific Power Company (Sierra) filed a petition to intervene out of time in the above captioned proceeding. Notice of Southern California Edison Company's filing in this docket was issued October 8, 1974, with protests, comments, and petitions to intervene due on or before October 18, 1974. Sierra supports its late petition by stating that the proposed rate increase would have a direct and substantial impact upon its operations.

The Commission finds. Participation by Sierra in this proceeding may be in the public interest and good cause exists to grant Sierra's late petition to intervene.

The Commission orders. (A) Sierra is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of the intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring the procedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26912 Filed 11-15-74;8:45 am]

[Docket No. RP72-121, PGA 75-3-A]

SOUTHWEST GAS CORP.

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 11, 1974.

Take notice that Southwest Gas Corporation (Southwest) tendered for filing on October 31, 1974, an amendment to Sixth Revised Sheet No. 3A, constituting Original PGA-1, in its FPC Gas Tariff, Original Volume No. 1. Southwest states that the above filing is necessary because of a reduction by Northwest Pipeline Corporation in its proposed increase in purchased gas cost in Docket Nos. RP72-154 and RP74-95. Southwest requests waiver of the requirement in Order No. 452 that an Exhibit A be attached to the filing, since it has a single supplier. In addition the Company requests an effective date of December 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26911 Filed 11-15-74;8:45 am]

[Docket No. RP74-91-8]

TENNESSEE GAS PIPELINE CO.

Withdrawal of Petition for Extraordinary Relief, Vacating Prior Order and Granting Interventions

NOVEMBER 12, 1974.

On September 27, 1974, East Tennessee Natural Gas Company (East Tennessee), filed in Docket No. RP74-91-8 a petition for extraordinary relief, pursuant to §§ 1.7 and 2.78 of the Commission's rules and regulations, from the curtailment imposed by Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee) for the September 23-October 31, 1974, curtailment period.

On October 18, 1974, the Commission issued an order in the instant proceeding which, inter alia, granted East Tennessee temporary relief and set the proceeding for formal hearing to convene on November 22, 1974.

On October 22, 1974, East Tennessee filed in the instant docket a "Notice of Withdrawal of Petition", pursuant to § 1.11(d) of the Commission's rules of practice and procedure, requesting that it be allowed to withdraw both its petition for extraordinary relief and the clarification of its petition for extraordinary relief filed on September 27 and October 15, 1974 respectively. We shall grant East Tennessee's request for withdrawal of its petition for extraordinary relief and clarification of same and vacate our order of October 18, 1974 in the instant docket since the issues raised by the aforementioned petition and clarification are now moot.

Timely petitions to intervene were filed by Texas Gas Transmission Corporation (Texas Gas), and General Motors Corporation (GM); a timely notice of intervention was filed by The Public Service Commission of the State of New York (PSCNY).

The Commission finds. (1) It is desirable and in the public interest to allow the above-named parties to intervene in the instant proceeding.

(2) That East Tennessee's request to withdraw its petition for extraordinary relief as supplemented by the clarification of October 15, 1974 should be granted and that the order issued in the instant docket on October 18, 1974, should be vacated.

The Commission orders. (A) The above-named parties are permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(B) That East Tennessee's request to withdraw its petition for extraordinary relief as supplemented by the aforementioned clarification is hereby granted and the order issued in the instant docket on October 18, 1974, is hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26912 Filed 11-15-74;8:45 am]

[Docket No. RP72-99]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Filing of Proposed Curtailment Plan and Schedule of Date for Filing of Expeditious Comments

NOVEMBER 14, 1974.

Take notice that on November 13, 1974, Transcontinental Gas Pipe Line Corporation (Transco) submitted for filing revised tariff sheets to Transco F.P.C. Gas Tariff. First Revised Form No. 1 and Original Form No. 2, as listed in Appendix A to this notice, constituting the curtailment plan for Transco to be effective November 16, 1974. Transco requests an effective date of November 16, 1974, for its tariff sheets filed on November 13, 1974. Transco states that:

> Time is critical and the effective date of November 16, 1974 is essential. Should Transco continue to operate under the present plan beyond November 15, it is anticipated that several customers will commence the winter season by taking exemption volumes. Should a different plan be made effective later in the winter, the unscrambling of volume entitlements and gas payback obligations will present insuperable difficulties. Therefore, Transco requests that the Commission act promptly this week to accept the enclosed tariff sheets.

Transco states that by Order issued November 12, 1974, the Commission rejected the interim settlement agreement which had been submitted to the Commission on September 30, 1974, in Transco's curtailment proceeding in Docket No. RP72-99. Transco claims the effect of this action is to continue in effect Transco's presently effective plan absent a further filing under Section 4 by Transco. Transco states that because of the depth of projected curtailment on Transco's system this coming winter Transco does not believe that the presently effective curtailment plan will operate effectively to protect the firm markets of distributors served by Transco this winter.

In summary Transco's proposed curtailment plan embodies the end-use priorities established by the Commission in Order No. 467-B as modified in Opinion No. 647-A issued May 30, 1973 in "United Gas Pipeline Company" Docket Nos. RP 71-29 and RP71-120. The proposed tariff sheets, utilized the Commission's definitions of service in Order Nos. 493, et seq.

Transco's proposed curtailment plan, however, deviates from Order No. 467-B in the following major respects:

(1) Transco requests that its direct interruptible customers be completely curtailed prior to any other curtailment on its system.

(2) Customers which obtain more than the system average gas supply will pay $.25 per Mcf for such over supply of gas and customers which receive less than the system average gas supply will obtain a credit of $.25 per Mcf for the under supply.

(3) Transco will impose annual volumetric limitations on each customer served pursuant to Transco's G and OG rate schedules. The volumetric limitations established by Transco are represented by Transco to be the same as those agreed upon by most parties for the interim settlement agreement.

Transco's curtailment plan is on file with the Commission and it is available for public inspection.

Transco states that copies of its filing are available for public inspection during regular business hours in its office in Houston, Texas.

It is of critical importance that an interim curtailment plan for the Transco system to be followed for this winter be placed into effect on or before November 30, 1974.[1] Accordingly, it is necessary in the public interest that an expeditious schedule be established for the filing of comments on Transco's curtailment filing of November 13, 1974. Any person desiring to be heard with reference to Transco's curtailment filing of November 13, 1974, should on or before November 19, 1974, file comments with the Federal Power Commission, 825 North Capitol Street, Washington, D.C. 20426.

By Direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

LIST OF TARIFF SHEETS

FIRST REVISED VOLUME NO. 1

First Revised Sheet No. 7
First Revised Sheet No. 8
First Revised Sheet No. 9
First Revised Sheet No. 10
First Revised Sheet No. 11
Third Revised Sheet No. 12
First Revised Sheet No. 13
First Revised Sheet No. 14
First Revised Sheet No. 17
First Revised Sheet No. 18
First Revised Sheet No. 19
Second Revised Sheet No. 20
First Revised Sheet No. 21
First Revised Sheet No. 23
First Revised Sheet No. 24
First Revised Sheet No. 25
Second Revised Sheet No. 26
First Revised Sheet No. 32
First Revised Sheet No. 33
First Revised Sheet No. 81
First Revised Sheet No. 119
First Revised Sheet No. 136
Third Revised Sheet No. 138
Third Revised Sheet No. 139
Third Revised Sheet No. 140
Third Revised Sheet No. 141
Third Revised Sheet No. 142
Second Revised Sheet No. 143
Second Revised Sheet No. 144
Second Revised Sheet No. 145
Second Revised Sheet No. 146
First Revised Sheet No. 147
First Revised Sheet No. 150
First Revised Sheet No. 151
First Revised Sheet No. 152
First Revised Sheet No. 153
First Revised Sheet No. 154
Third Revised Sheet No. 155
Second Revised Sheet No. 158
Second Revised Sheet No. 159

ORIGINAL VOLUME NO. 2

Second Revised Sheet No. 1-A

[FR Doc.74-27011 Filed 11-14-74;3:27 pm]

[1] See Order Finding An Emergency On Transco's System and Denying Motion For Interim Settlement As To Curtailment Rules, issued November 12, 1974 at 19.

[Docket No. G-3895 etc.]

CERTIFICATES, ABANDONMENT OF SERVICE AND PETITIONS TO AMEND CERTIFICATES[1]

Applications

NOVEMBER 8, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 2, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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Docket No. and Date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3895 ..... D 10-11-74	General American Oil Co. of Texas (Operator) et al. Meadows Bldg., Dallas, Tex. 75206.	Arkansas Louisiana Gas Co., Haynesville and East Haynesville Fields, Claiborne Parish, La.	Depleted	
G-5973 and G-5983 D 10-11-74	General American Oil Co. of Texas...	Arkansas Louisiana Gas Co., North Ruston Field, Lincoln Parish, La.	Depleted	
C162-1385 ..... E 2-19-74	Edward N. Juhan et al. (successor to Joe T. Juhan), 7675 W. 14th Ave., Lakewood, Colo. 80215.	El Paso Natural Gas Co., acreage in San Juan County, N. Mex.	[1] 13.0	15.025
C175-15 ..... A 7-10-74 [2]	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Pacific Lighting Service Co., Federal Lease GCS P-1066 Offshore, Santa Barbara County, Calif.	[2,3] 60.0	14.73
C175-138 ..... A 9-3-74 [4]	TransOcean Oil, Inc., 1700 First City East Bldg., Houston, Tex. 77002.	Southern Natural Gas Co., Blocks 268, 269, and 281 South Marsh Island Area, North Addition, offshore Louisiana.	[5,6] 70.0	15.025
C175-237 ..... (CS71-18) F 10-16-74	Amoco Production Co. (successor to Herbert L. Dillon, Jr. et al.), Security Life Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Hugoton Field, Kearney County, Kans.	13.5005	14.65
C175-252 ..... A 10-21-74	Union Texas Petroleum, a division of Allied Chemical Corp., P.O. Box 2120, Houston, Tex. 77001.	El Paso Natural Gas Co., Crosby Deep Field, Lea County, N. Mex.	[7] 45.8119	14.73
C175-254 ..... (CS71-51) F 10-21-74	Sun Calvert Co. (successor to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Arkansas Louisiana Gas Co., Southeast Sugler Area, Haskell County, Okla.	17.278	14.65
C175-262 ..... A 10-21-74	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	El Paso Natural Gas Co., Cedardale Northeast Field et al., Woodward County, Okla.	[8] 46.2866	14.73
C175-263 ..... A 10-23-74	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	Northern Natural Gas Co., Townsend Field, Lea County, N. Mex.	[8] 45.9508	14.65
C175-264 ..... A 10-24-74	Petroleum, Inc., 300 West Douglas, Wichita, Kans. 67202.	Northern Natural Gas Co., Six Mile Field, Beaver County, Okla.	[8] 42.7665	14.65
C175-265 ..... (CS71-51) F 10-25-74	Sun Calvert Co. (successor to Calvert Exploration Co.), P.O. Box 2880, Dallas, Tex. 75221.	Northern Natural Gas Co., Carmick Field, Beaver County, Okla.	[9] 18.293	14.65
C175-266 ..... (CS71-51) F 10-25-74	do	Arkansas Louisiana Gas Co., Haynesville Field, Claiborne Parish, La.	30.1125	15.025
C175-267 ..... (CS71-51) F 10-25-74	do	Colorado Interstate Gas Co., a division of Colorado Interstate Corp., Mocane Field, Beaver County, Okla.	[1] 21.044	14.65
C175-268 ..... (CS71-51) F 10-25-74	do	Cities Service Gas Co., Avard Area, Woods County, Okla.	[8] 19.374	14.65
C175-269 ..... (CS71-51) F 10-25-74	do	Northern Natural Gas Co., Mocane Field, Beaver County, Okla.	18.293	14.65
C175-270 ..... A 10-29-74	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	El Paso Natural Gas Co., Washington Ranch Field, Eddy County, N. Mex.	[9] 60.0	14.73
C175-271 ..... A 10-29-74	Lamar Hunt (Operator) et al, 1401 Elm St., Dallas, Tex. 75202.	Arkansas Louisiana Gas Co., Sugar Creek Field, Claiborne Parish, La.	[9] 50.56	15.025
C175-272 ..... A 10-29-74	Hassie Hunt Trust, 1401 Elm St., Dallas, Tex. 75202.	do	[9] 50.56	15.025
C175-274 ..... (C161-56) B 10-25-74	A. L. Abercrombie (Operator) et al., 801 Union Center, Wichita, Kans. 67202.	Northern Natural Gas Co., Harper Ranch Field, Clark County, Kans.	Depleted	

[1] Includes 1 cent per Mcf minimum guarantee for liquids.
[2] Being renoticed, because by letter filed Sept. 23, 1974, Applicant states it willingness to accept a certificate in accordance with Opinion No. 699.
[3] Subject to upward and downward Btu adjustment.
[4] Being renoticed, because by letter filed Oct. 22, 1974, Applicant states its willingness to accept a certificate in accordance with Opinion No. 699.
[5] Includes 2.9598 cents per Mcf reimbursement and is subject to upward and downward Btu adjustment; estimated upward adjustment is 4.0045 cents per Mcf.
[6] Subject to upward and downward Btu adjustment and to 1 cent per Mcf for gathering.
[7] Includes 1.71 cents per Mcf upward Btu adjustment and 0.334 cent per Mcf tax reimbursement.
[8] Includes 1.08 cents per Mcf upward Btu adjustment and 0.294 cent per Mcf tax reimbursement.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.74-26745 Filed 11-15-74;8:45 am]

[Docket Nos. RI75-56, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 8, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Appendix A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket numbers
RI75-56	Belco Petroleum Corp	12	8	El Paso Natural Gas Co. (Basin Pool Field, San Juan County, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	$10,800	10-11-74		6-1-75	[1] 24.99	[1] 25.49	RI74-116
RI75-57	Marathon Oil Co	44	13	El Paso Natural Gas Co. (Aneth Area, San Juan County, Utah and Montezuma County, Colo.) (Rocky Mountain Area).	2,027	10-15-74		4-19-75	[1] 24.4807	[1] 25.5007	RI74-51
RI75-58	Atlantic Richfield Co	281	15	El Paso Natural Gas Co. (San Juan Basin, San Juan County, N. Mex.) (Rocky Mountain Area).	5,743	10-15-74		6-1-75	[1] 28.5	[1] 29.0	RI74-95
		301	12	Northwest Pipeline Corp. (San Juan Basin, Rio Arriba County, N. Mex.) (Rocky Mountain Area).	1,385	10-15-74		6-1-75	[1] 28.5	[1] [4] 29.0	RI74-95
					(3)	10-15-74		(3)	[1] 28.5	[1] [4] 43.86	RI74-95
		333	14	El Paso Natural Gas Co. (San Juan Basin, San Juan County, N. Mex.) (Rocky Mountain Area).	2,731	10-15-74		6-1-75	[1] 28.5	[1] [4] 29.0	RI74-95
					(3)	10-15-74		(3)	[1] 28.5	[1] [4] 43.86	RI74-95
RI75-59	American Petrofina Co. of Texas.	16	26	El Paso Natural Gas Co. (acreage in San Juan Basin Area, San Juan and Rio Arriba Counties, N. Mex.) (Rocky Mountain Area).	$2,578	10-15-74		6-1-75	[1] 28.5	[1] 29.0	RI74-96
		20	15		744	10-15-74		6-1-75	[1] 28.5	[1] 29.0	RI74-58
		21	14		47	10-15-74		6-1-75	[1] 28.5	[1] 29.0	RI74-97
		24	15		242	10-15-74		6-1-75	[1] 28.5	[1] 29.0	RI74-230
		78	4		295	10-15-74		6-1-75	[1] 28.5	[1] 29.0	RI74-158
		80	4		269	10-15-74		6-1-75	[1] 28.5	[1] 29.0	RI74-97
		81	4		71	10-15-74		6-1-75	[1] 28.5	[1] 29.0	RI74-97

* Unless otherwise stated, the pressure base is 15.025 lb/in [2] a.
[1] Base rate subject to applicable taxes and Btu adjustment.
[2] Not used.
[3] No current production.
[4] Sales from wells commenced prior to Jan. 1, 1973.
[5] Sales from wells commenced on or after Jan. 1, 1973.
[6] Accepted as of Jan. 1, 1975, pursuant to Opinion No. 699.

The proposed rate increases which exceed the applicable area ceiling rate under Opinion No. 658 are suspended for five months, and those proposed rates which exceed the applicable area ceiling rate under Order No. 435 are suspended for five months because of the rate levels sought.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shal have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-26753 Filed 11-15-74;8:45 am]

[Docket Nos. RI75-62, etc.]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 8, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their used deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

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Appendix A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R175-62...	Sohio Petroleum Co.....	100	14	El Paso Natural Gas Co. (Ignacio Blanco Field, La Plata County, Colo.) (San Juan Basin Subarea) (Rocky Mountain Area).	$1,846	10- 9-74	.....	6- 1-75	[1] 24.98	[1] 25.5	R174-180
R175-63...	Exxon Corp.....	249	19	Northwest Pipeline Corp. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo.) Uinta-Green River Basin Sub Area) (Rocky Mountain Area).	1,174	10-11-74	.....	6- 1-75	[2] 27.0	[2] 28.0	R174-189
		336	12	El Paso Natural Gas Co. (Blanco Field, La Plata County, Colo.) (San Juan Basin Sub Area) (Rocky Mountain Area).	2,898	10-11-74	.....	1- 2-75	[1] 24.5	[1] 25.5	
R175-64...	Petroleum Corp. of Texas...	43	9	El Paso Natural Gas Co. (various fields, San Juan County, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	306	10-10-74	.....	12-11-74	[1] 24.48	[1] 21.98	

*Unless otherwise stated, the pressure base is 15.025 lb./in.²a.
[1] Subject to Btu adjustment and taxes if applicable.
[2] Plus Btu adjustment and applicable taxes. (Includes double tax.)

The proposed rate increases which exceed the applicable area ceiling rate established by Opinion No. 658 are suspended for five months and the proposed rate increases which exceed the applicable area ceiling rate in Order No. 435 are suspended for one day.

Exxon in its filing under its FPC Gas Rate Schedule No. 249 has included a double amount of the contractually due tax reimbursement so as to collect tax reimbursement on past production as well as on future production. Exxon shall file a rate decrease reflecting only contractually due tax reimbursement for future production after tax reimbursement on past production has been recovered.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74–26756 Filed 11–15–74;8:45 am]

[Docket Nos. RI75–60, RI75–61]

JURISDICTIONAL SALES OF NATURAL GAS

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

NOVEMBER 8, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR Ch. I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Appendix A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
R175-60	Shell Oil Co.....	249	[1] 19	El Paso Natural Gas Co. (Brown Bassett Field, Terrell County, Tex.) (Permian Basin).	$9,288	10-11-74	.....	6-1-75	[2] 25.359	[2] 26.363	R174-165
R175-61	Atlantic Richfield Co.....	457	13	El Paso Natural Gas Co. (Brown Bassett (Ellenburger) Field, Terrell County, Tex.) (Permian Basin).	29,392	10-16-74	.....	6-1-75	[3] 29.109	[3] 30.1125	R174-91
		506	13	El Paso Natural Gas Co. (Vinegarone Field, Val Verde County, Tex.) (Permian Basin).	4,882	10-15-74	.....	6-1-75	25.0938	26.0975	R174-102
		511	22	El Paso Natural Gas Co. (Brown Bassett Field, Terrell County, Tex.) (Permian Basin).	49,619	10-16-74	.....	6-1-75	[3] 29.109	[3] 30.1125	R174-91

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Applicable to production from original contract acreage only (excludes Suppe. Nos. 2, 4, and 10, dated May 18, 1961, July 24, 1962, and May 8, 1970, respectively.
[2] Includes 3.75 cents per Mcf treating charge by buyer.
[3] Subject to treating charge not to exceed 4.5 cents per Mcf.

The proposed rate increases filed herein exceed the applicable area ceiling rate established in Opinion No. 662, and are suspended for five months.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R–389–B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74–26754 Filed 11–15–74;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANKCORP, INC.

Acquisition of Bank

American Bankcorp, Inc., Lansing, Michigan, has applied for the Board's approval under section 3(a)(5) of the Bank Holding Company Act (12 U.S.C. 1842(a)(5)) to acquire 100 per cent of the voting shares of Mid-America Fidelity Corporation, Ann Arbor, Michigan. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 6, 1974.

Board of Governors of the Federal Reserve System, November 7, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74–26888 Filed 11–15–74;8:45 am]

BBHC, LTD.

Formation of Bank Holding Company

BBHC, Ltd., Anamosa, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent of the voting shares of Onslow Saving Bank, Onslow, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

BBHC, Ltd. has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to retain its general insurance agency. Notice of the application was published on October 8, 1974 in The Anamosa Journal, a newspaper circulated in Onslow, Iowa.

Applicant states that it proposes to continue to engage in the activities of acting as agent or broker with respect to general insurance, such activities to be conducted in a community with a population of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 227.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 9, 1974.

Board of Governors of the Federal Reserve System, November 11, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74–26889 Filed 11–15–74;8:45 am]

ESSEX BANCORP, INC.

Acquisition of Bank

Essex Bancorp, Inc., Peabody, Massachusetts, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of Saugus Bank and Trust Company, Saugus, Massachusetts. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Boston. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 11, 1974.

Board of Governors of the Federal Reserve System, November 11, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74–26890 Filed 11–15–74;8:45 am]

FIRST COMMUNITY BANCORPORATION

Acquisition of Bank

First Community Bancorporation, Joplin, Missouri, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 per cent or more of the voting shares of Bank of Wheaton, Wheaton, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than November 29, 1974.

Board of Governors of the Federal Reserve System, November 7, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc.74–26891 Filed 11–15–74;8:45 am]

CENTRAL BANCORPORATION, INC.

Acquisition of Bank

The Central Bancorporation, Inc., Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Companay Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of The Newark Trust Company, Newark, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The Central Bancorporation, Inc. is also engaged in the nonbank activity of operating a mortgage banking company. In addition to the factors considered under section 3 of the Act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the Act (12 U.S.C. 1843).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 11, 1974.

Board of Governors of the Federal Reserve System, November 12, 1974.

[SEAL] GRIFFITH L. GARWOOD, *Assistant Secretary of the Board.*

[FR Doc. 74–26863 Filed 11–15–74;8:45 am]

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INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LANE HOLLOW COAL CO.

Application for Renewal Permit, Electric Face Equipment Standard; Opportunity for Public Hearing

Application for a renewal permit for noncompliance with the electric face equipment standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 has been received for the item of equipment in underground coal mine as follows:

ICP Docket No. 4201–000, Lane Hollow Coal Company,
Mine No. 1, Mine ID No. 44 02258 0,
Maxie, Virginia
ICP Permit No. 4201–001 (Mescher HD12 Tractor, Ser. No. 229).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before December 3, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 12, 1974.

[FR Doc.74–26860 Filed 11–15–74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

PARTIALLY CLOSED MEETING

Correction

In FR Doc. 74–26399 appearing on page 39917 in the issue of Tuesday, November 12, 1974, the determination mentioned in footnote 1 should have been printed. The full text of the determination reads as follows:

DETERMINATION MADE PURSUANT TO SECTION 10(d) OF THE FEDERAL ADVISORY COMMITTEE ACT

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a regular meeting in Washington, D.C., on Monday and Tuesday, December 16 and 17, 1974. By memorandum of November 4, 1974, the Chairman of the Committee has requested that the Monday session be closed.

The Monday session will be devoted to two sets of briefings. The morning business will develop the underlying requirements for each of the military weather services and their interactions with the civil weather service in meeting those requirements. Participating will be representatives of the U.S. Air Force and Navy, the National Weather Service and the Federal Committee for Meteorological Services and Supporting Research. This development will involve the presentation of security classified objectives and operations, and will necessitate the use of security classified documents. The afternoon will be devoted to a briefing on the U.S. Navy's oceanographic research program. This briefing will require the discussion of security classified objectives supporting Navy oceanographic research and the use of security classified documents.

Pursuant to the authority delegated to me by the Secretary of Commerce, I find and determine that the entire Monday session will be concerned with matters listed in section 552(b) 1 of Title 5, United States Code, and that the session may be closed to protect security classified information and documents, and to insure the free discussion thereof.

Dated: November 6, 1974.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

Dated: November 5, 1974.

ALICE K. HELM,
Acting Assistant General Counsel for Administration.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSIC ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L 92–463), notice is hereby given that a meeting of the Music Advisory Panel to the National Council on the Arts will be held on December 4, 5, 6, and 7, 1974 at the Hyatt House Conference Center, Winston-Salem, North Carolina.

A portion of this meeting will be open to the public on December 4 from 10:00 a.m. to 11:30 a.m. on a space available basis. Accommodations are limited. During the open session there will be given a status report on the Music Program.

The remaining sessions of this meeting on December 4, 5, 6, and 7 are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc. 74–26916 Filed 11–15–74;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Public Media Advisory Panel to the National Council on the Arts will be held on December 12 and 13, 1974 from 9:00 a.m.-6:00 p.m. in the 14th floor conference room, 2401 E Street, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc. 74–26918 Filed 11–15–74;8:45 am]

VISUAL ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that a closed meeting of the Visual Arts Advisory Panel to the National Council on the Arts will be held December 10 and 11, 1974 from 10:00 a.m.–5:30 p.m. in the 10th floor conference room of the Shoreham Building, 806 15th Street, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634–6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74–26917 Filed 11–15–74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SS–R/H–7]

HIGHWAY/RAILROAD GRADE CROSSING

Accident Investigation Hearing

In the matter of the investigation of the collision of the Southern Railway Work Train with the Polk District School Bus at Aragon, Georgia on October 23, 1974, resulting in seven fatalities and numerous injuries.

Notice is hereby given that a Highway/Railroad Grade Crossing Accident Investigation Hearing on the above matter will be held commencing at 9:00 a.m. on Tuesday, December 3, 1974, in the Princess Helen Room, Squire Inn, 2115 Piedmont Road, (Interstate–85 at Piedmont Road Exit), Atlanta, Georgia.

Dated this 12th day of November 1974.

FRANCIS H. MCADAMS,
Chairman, Board of Inquiry.

[FR Doc.74–26881 Filed 11–15–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 13, 1974, (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Revision of the International Directory of Nurses with Doctoral Degrees, Form HRABHRD 1030, Single time, Collins (395–3756), Lowry (395–3772), All nurses known to have doctoral degrees.
Social Security Administration: Statement of Death and Burial Expenses by Funeral Director, Form SSA 2872, Single time, Caywood (395–3443), Funeral directors.
Departmental:
Statement of Eligibility—Child Abuse and Neglect, Form OS 48 74A, Annual, Lowry (395–3772), State governments.
Application Instructions—Child Abuse and Neglect, Form OS 48 74–C, Annual, Lowry (395–3772), State govts.
Instructions for Eligibility Statement—Child Abuse and Neglect, Form OS 48–74–B, Annual, Lowry (395–3772), State govts.

VETERANS ADMINISTRATION

Request to Mortgage Company for Amount of Unpaid Mortgage, Form FL–29–712, Occasional, Caywood (395–3443), Lenders.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Inventory of Mental Health Facilities, Form ADM 25–1, Annual, Collins (395–3756), Psychiatric hospitals.
Social Security Administration: Application for Enrollment in Medicare, Form SSA 40B, Occasional, Caywood (395–3443), Individuals.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration: Patient Progress Study: Questionnaires for Chronically Ill Hospitalized Patients, Form HRABHRD 1107, Occasional, Evinger (395–3648), Diabetics in a County home.

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration: Coal Operator's Application for Field Approval of Electrically Operated Mining Equipment, Form 6–1481, Occasional, Evinger (395–3648) (x).

DEPARTMENT OF STATE

Statement of Identity, Form DSP 10, Occasional, Evinger (395–3648), Passport applicants.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–27032 Filed 11–15–74;8:45 am]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 25, 1974, at 10:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Jett Barber College, 3740 North Watkins, Memphis, Tennessee, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: November 11, 1974.

W. C. RAGAN,
Director, VA Regional Office, 110 9th Avenue, South Nashville, Tennessee.

[FR Doc.74–26895 Filed 11–15–74;8:45 am]

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hearing Rules, Station Committee on Educational Allowances that on November 26, 1974, at 10:00 a.m., the Veterans Administration Regional Office Station Committee on Educational Allowances shall at 110 9th Avenue, South, Nashville, Tennessee, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Dixie Flight Center, Inc., PO. Box 30151, Memphis, Tennessee 38130, should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the committee at that time and place.

Dated: November 11, 1974.

W. C. RAGAN,
Director, VA Regional Office, 110 9th Avenue, South Nashville, Tennessee 37203.

[FR Doc.74–26896 Filed 11–15–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V–73–31]

AMERON, INC.

Grant of Variance

I. *Background.* Ameron, Inc., 400 S. Atlantic Blvd., Monterey Park, California 91754, made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a permanent variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.180(h)(3)(v). The standard prohibits hoisting, lowering, swinging or traveling while anyone is on the load

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or hook of a crane. The facility affected by this application is:

Navajo Project
PO. Box 506
Bloomfield, N. Mexico 87413

Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on October 26, 1973 (38 FR 29658). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. *Facts.* The applicant uses a wagon crane to place and remove metal forms used in the vertical pouring of concrete pipes. The forms are approximately 21' in height, and are moved from one ground level location to another. A triangular steel spreader is suspended from the hook of the crane and the forms are hooked to pendants on the framework in three places by an employee riding in a safety cage located within the framework. The cage is constructed with guardrails and toeboards around the perimeter, and a heavy steel mesh roof. While the platform is being moved the employee sits in a chair in the center of the platform fastened in with a safety belt. By these means the employee is protected from falling off the platform and being struck by or against objects.

The employee is belted in while the cage is in motion. When the load stops the employee fastens his safety belt to the cage rail, and hooks or unhooks the slings by which the forms are carried. The employee is within full view of the crane operator at all times.

The cage is attached to the crane with a safety device which can only be released while the cage is on the ground. The air cylinders which cause the unhooking will not function when a load is being supported. This device is fastened to the crane by the load block being shackled to the platform. A combination of these devices insures that no accidental unhooking will occur. The cage has a tensile safety factor of 5 to 1.

After the concrete has been poured and cured, gates are opened on the form to separate the form from the concrete pipe. The employee in the safety cage hooks the form to the platform so the form can be stripped away from the pipe.

The wagon crane is equipped with a load indicating device. One of the purposes of the load indicator is to allow the crane operator to be aware of any excess pull during the stripping of a form from a pipe. If an excess pull is indicated during the stripping of the form, the cage is unhooked from the form. The cage is moved away and employees reactivate the gates to cause the form to separate more fully from the pipe. After this is done, the cage is brought back and the form is hooked onto the pendants and removed from the pipe. This procedure is to insure that rated loads are not exceeded. Since this procedure was implemented in 1968, no accidents have occurred.

III. *Decision.* Section 1910.180(h)(3)(v) prohibits the hoisting, lowering, swinging, or traveling of a crane while anyone is on the load or hook. This prohibition is made because riding the load or the hook exposes the employees to hazards of falling or being struck against objects.

In the work situation described, the applicant is using a well-designed safety cage which protects the employee from the normal hazards of riding the load.

The roof and guardrails and the general structure of the cage would protect the employee from injury in the event the cage struck against an object. The employee is also protected from falling by the cage rails and by the safety belt which is used both while seated during a move and while hooking and unhooking the forms.

The safety cage has a tensile safety factor of 5 to 1 which is considered sufficient for a steel cage for this type of an operation.

The safety device by which the cage is attached to the crane is designed so that the cage cannot be accidentally released. In addition, the employee in the cage is in full view of the crane operator at all times.

The applicant has well-developed procedures for the use of this safety cage which require the crane operator to place and remove the forms according to an established method, eliminating any sudden or unusual movement which could cause accidents.

Accordingly, it is determined that the applicant is providing a place of employment as safe as that which would be obtained by complying with § 1910.180(h)(3)(v).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Ameron, Inc. be, and it is hereby, authorized to move employees in the above-described safety cage suspended from the crane during the process of placing and removing the forms used in the vertical pouring of concrete pipes: *Provided,* That the following precautions are observed:

(1) The safety cage used shall be the type described in the application, consisting of a roof, floor, and standard guardrails including midrails and toeboards, and contained within the triangular spreader from which the forms are suspended;

(2) The employee shall be seated and secured with the safety belt when the cage is moved;

(3) The employee shall use the safety belt attached to the cage rails when hooking or unhooking the forms;

(4) Crane operators shall be experienced, and lifts shall be made in accordance with established routines as described in the application;

(5) Established procedures as described in the application shall be followed to insure that rated loads are not exceeded during the stripping operation;

(6) Inspection and maintenance procedures as described in § 1910.180 and in the variance application shall be followed to assure that the cage and crane are in good repair.

As soon as possible Ameron, Inc., shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on November 15, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 12th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26845 Filed 11-15-74;8:45 am]

STANDARDS ADVISORY COMMITTEE ON AGRICULTURE

Meeting and Request for Information

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Agriculture and its subcommittees as noted herein, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Thursday, December 5, and Friday, December 6, 1974, starting at 8:30 a.m. each day in the Texas Room of the Baker Hotel, 1400 Commerce Street, Dallas, Texas. The meeting shall be open to the public and all interested parties are encouraged to attend.

It is planned that the Subcommittees on Ladders and Field Sanitation will meet on December 5, and that the full Committee will consider final recommendations on ladders, field sanitation, and hand and portable power tools. The new subcommittee on Electrical Hazards will begin its deliberations on December 5. In addition, it is anticipated that new Subcommittees on the subjects of Noise and Airborne Hazards will begin deliberations provided that other subcommittee activity is completed

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by close of business December 3, 1974, or by filing such statements with the Committee Management Officer at the meeting. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business December 3, 1974. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Committee Chairman for his consideration.

The Committee herein requests relevant information or data on agricultural employee exposure to noise, airborne hazards, and electrical hazards. The Committee would appreciate receiving such data at any time during its meetings on these subjects (which are limited to a maximum time period of 270 days) but would find the information most useful in the early stages of these deliberations.

Communications and questions about the proceedings should be addressed to:

Jeanne W. Ferrone
Committee Management Officer
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, NW.
Room 200
Washington, D.C. 20210
Phone: 202/961-2248, 2487.

All materials which have been submitted to or developed by the Committee since the beginning of its deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 12th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-26923 Filed 11-15-74;8:45 am]

STANDARDS ADVISORY COMMITTEE ON MARINE TERMINAL FACILITIES

Notice of Meeting

Notice is hereby given that a Standards Advisory Committee on Marine Terminal Facilities, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, December 10, and Wednesday, December 11, 1974, starting at 9 a.m. in the Mayfair Hotel, 8th and St. Charles St., St. Louis, Missouri 63101. The meeting will be open to the public.

The Standards Advisory Committee on Marine Terminal Facilities will continue review of the proposed safety regulations for longshoring, with respect to marine terminal facilities, for the purpose of making recommendations to the Assistant Secretary of Labor for Occupational Safety and Health. As part of the first day's activities, a field trip has been scheduled to several marine terminal facilities in the St. Louis area.

Written data, views, or comments may be filed, together with 20 copies thereof, with the Committee Management Officer by close of business December 2, 1974. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to make an oral presentation to the committee should submit a written request to be heard to the Committee Management Officer no later than the close of business December 2, 1974. The request must contain the name of the person who wishes to make a presentation, who he represents, a short summary of the intended presentation, and an estimate of the amount of time that will be needed. Oral presentations will be scheduled at the discretion of the committee Chairman.

Communications should be addressed to:

A. W. Campbell
Committee Management Office
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, NW. Room 200
Washington, D.C. 20210

Signed at Washington, D.C., this 12th day of November 1974.

JOHN SBENDER,
Assistant Secretary of Labor.

[FR Doc.74-26924 Filed 11-15-74;8:45 am]

Office of Federal Contract Compliance

SAN FRANCISCO HUMAN RIGHTS COMMISSION AFFIRMATIVE ACTION PROGRAM

Disapproval and Opportunity for Appeal

1. *Background.* 41 CFR 60–1.4(b)(2) (39 FR 2365, January 21, 1974) prescribes procedures whereby State and local governments intending to impose affirmative action hiring and/or training requirements on federally assisted construction already subject to federal minority hiring and/or training plans established pursuant to Executive Order 11246, as amended, shall submit such requirements to the Director of the Office of Federal Contract Compliance. Such State and local requirements will be deemed applicable to federally assisted construction contracts unless the OFCC Director, or in the case of an appeal of the Director's determination, the Assistant Secretary for Employment Standards, determines that such requirements are inconsistent with the Order or incompatible with the effective implementation of the federal minority hiring and/or training plan (either voluntary or imposed) in the area.

Pursuant to 41 CFR 60–1.4(b)(2), on August 19, 1974, the Human Rights Commission of San Francisco submitted its Affirmative Action Program to the OFCC Director. The Commission's Affirmative Action Program consists of a Notice to Bidders and the City of San Fransico Nondiscrimination Ordinance No. 261–66, as amended.

The Commission's Program is applicable to all construction contracts, with or without federal assistance, for the City and County of San Francisco worth $250,000 or more, awarded by the City's Department of Public Works, the Port Airport and the Public Utilities Commission. In relevant part, the Program requires all bidders to sign and submit a completed affirmative Action Program as a condition of doing business with these agencies. The Affirmative Action Program provides that such contractors will make good faith efforts, inter alia, to cause those Joint Apprenticeship Committees which supply apprentices to the contractor's work force to recruit and train minority persons for apprenticeship examination through cooperation with the Apprenticeship Opportunity Foundation (AOF). The Program establishes a goal of fifty percent (50%) minority representation in all apprenticeship programs. The Program further obliges contractors to take other affirmative action steps relating to the recruitment, employment, promotion and upgrading of minority employees. Contractors and subcontractors must actively participate in bi-monthly compliance review meetings and supply all necessary information relating to the implementation of the Program.

The provisions of the Human Rights Commission's Affirmative Action Program are not applicable to contractors who are members of trade associations which have negotiated affirmative nondiscrimination programs with the Commission. Approval of such programs by the Human Rights Commission is effective for one year and members of the association may make this program their commitment for the specific contract without submitting a separate AAP as described hereinabove.

Sanctions for noncompliance with the Human Rights Commission Affirmative Action Program include in addition to cancellation, termination or suspension of contracts, a monetary penalty of fifty dollars ($50.00) for each person for each calendar day during which such person was discriminated against in violation of the provisions of the Program.

In addition, a breach of the requirements of the Program is basis for a determination by the City's contract officer that the contractor is an irresponsible bidder as to all future contracts for two years or until the contractor can establish and carry out an acceptable affirmative action plan.

Compliance with the Commission's Affirmative Action Program is monitored by monthly reporting on City funded projects and, if requested by the Commission, on the contractor's entire work force. Contractors must also file weekly certified payroll reports as supporting documents when requested. Failure to file these reports may be demand a violation of the Non-discrimination Ordinance and justify the imposition of sanctions.

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The provisions of the Commission's Program may be deemed to have been breached upon a finding by the Director of the Commission or his designee that a contractor has willfully violated the Program or upon a final order by the Fair Employment Practices Commission of California finding that such contractor violated the requirements of the Program or any provision of the Fair Employment Practices Act of California. Upon a finding by the Director of the Commission or the FEPC, the contractor is notified of the alleged violation within ten days. Such notice is accompanied by the contractor's right to appeal. Notice of appeal must be filed in writing within twenty days. Where a contractor appeals the Director's findings, the Commission conducts a hearing and issues a final decision to the Director of the Commission and the contractor. Either party may then file an appeal of the Commission's decision with a court of competent jurisdiction within fifteen days.

Copies of the Human Rights Commission of San Francisco Affirmative Action Program may be obtained from the Human Rights Commission of San Francisco, 1095 Market Street, Suite 501, San Francisco, California 94103, or Philip J. Davis, Director, Office of Federal Contract Compliance, U.S. Department of Labor, 14th and Constitution Avenue, NW., Washington, D.C. 20210.

2. *Decision.* After careful review of the Human Rights Commission of San Francisco Affirmative Action Program, in accordance with the provisions of 41 CFR 60–1.4(b)(2), I have determined that the Commission's Affirmative Action Program is inconsistent with applicable federal procurement law requirements for federally assisted construction contracts and, therefore, inconsistent with Executive Order 11246, as amended, and incompatible with the effective implementation of the federal minority hiring plan in operation in San Francisco. Decisions by the Comptroller General of the United States indicate that Invitations for Bids on federally assisted construction contracts must inform prospective bidders of definite minimum requirements to be met by the bidder's affirmative action program, 47 Comp. Gen. 666 (1968), 48 Camp. Gen. 326 (1968) and Op. Comp. Gen. B–167015, July 2, 1974.

It is my determination that the language of the Commission's Notice to Bidders which requires submission of goals "substantially higher" than the ranges in the federal San Francisco Plan does not constitute definite minimum requirements. Accordingly, the absence of definite minimum standards in the Commission's Affirmative Action Program renders it unacceptable and may not be included in Invitations for Bids on federally assisted construction contracts covered by the federal San Francisco Plan.

3. *Rights of Appeal.* On Friday, October 18, 1974, in accordance with 41 CFR 60–1.4(b)(2), I communicated by determination to Mr. William Becker, Director of the Human Rights Commission of San Francisco by registered mail, return receipt requested.

Pursuant to 41 CFR 60–1.4(b)(2), any persons or groups affected by my determination, including construction contractors, labor organizations, associations or other organizations of construction trades contractors and/or labor organizations and minority community groups, may appeal this determination to Mr. Bernard E. DeLury, Assistant Secretary for Employment Standards, 14th and Constitution Avenue, NW., Washington, D.C. 20210, by requesting a hearing within on or before December 9, 1974.

Following this appeal period, if any requests for a hearing have been filed with the Assistant Secretary, the Department of Labor shall then designate an administrative law judge who shall conduct a hearing to make proposed findings and a recommended decision to the Assistant Secretary upon the basis of the record before him. The administrative law judge shall give reasonable notice of the opportunity to participate in such hearing by registered mail, return receipt requested, to those requesting the hearing and shall also give reasonable notice of such hearing in the FEDERAL REGISTER to inform all other persons, organizations and other entities affected by my determination of their opportunity to participate in the hearing. Each participant shall have the right to counsel and a fair opportunity to present his case, including such cross-examination as the administrative law judge may deem appropriate in the circumstances. Within 30 days of the close of the appeal period for requesting a hearing, the Assistant Secretary shall make a final decision on the basis of the record before him, which shall consist of the record for recommended decision of the administrative law judge, and the exceptions and briefs filed subsequent to the administrative law judge's decision.

Signed at Washington, D.C., this 12th day of November 1974.

PHILIP J. DAVIS,
Director, Office of Federal Contract Compliance.

[FR Doc.74–26925 Filed 11–15–74;8:45 am]

Office of the Secretary

ELECTRO MOTIVE CORP., FLORENCE, SOUTH CAROLINA

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under Section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the workers and former workers producing film and mica capacitors at the Florence, South Carolina plant of Electro Motive Corp., a wholly owned subsidiary of International Electronics Corp., Melville, New York (TEA–W–245). In view of the report and the responsibilities delegated to the Secretary of Labor under Section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before November 25, 1974.

Signed at Washington, D.C., this 12th day of November 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74–26846 Filed 11–15–74;8:45 am]

NEVADA

Availability of Extended Unemployment Compensation

The Nevada Unemployment Compensation Law establishes a program of extended unemployment compensation in accordance with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Extended unemployment compensation is payable under the program to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Federal-State Extended Unemployment Compensation Act of 1970, notice is hereby given that Lawrence O. McCracken, Executive Director of the State of Nevada Employment Security Department, has determined that there was a State "on" indicator in Nevada for the week ending October 19, 1974, and that an extended benefit period commenced with the week beginning November 3, 1974.

Signed at Washington, D.C., this 12th day of November 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74–26926 Filed 11–15–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 632]

ASSIGNMENT OF HEARINGS

NOVEMBER 13, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 113678 Sub 539, Curtis, Inc., now being assigned January 20, 1975 (2 days), at Philadelphia, Penn., in a hearing room to be later designated.

MC 138654, John Vitruk, d.b.a. Vitruk's Motor Express, now being assigned January 22, 1975 (3 days), at Philadelphia, Penn., in a hearing room to be later designated.

MC–F–11966, Ligon Specialized Hauler, Inc.—Purchase (portion)—Webb Transfer Line, Inc.; John C. Ryan, Trustee; MC–F–11987, Oliver Trucking Company, Inc.—Purchase (Portion)—Webb Transfer Line, Inc., John C. Ryan, Trustee; MC–F–11988, O'Nan Transportation Co., Inc.—Purchase (Portion)—Webb Transfer Line, John C. Ryan, Trustee; MC 133916, O'Nan Transportation Co., Inc., MC–F–11989, Cecil O'Nan, d.b.a. O'Nan Transfer Co.—Purchase (Portion)—Webb Transfer Line., Inc., John C. Ryan, Trustee, now assigned November 18, 1974, at Louisville, Ky., is cancelled.

MC–C–8448, Main Line Hauling Co., Inc.—Investigation and Revocation of Certificates—now being assigned January 14, 1975 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 119738 Sub 3, Haggard Heavy Hauling, Inc., now being assigned January 15, 1975 (1 day), at St. Louis, Mo., in a hearing room to be later designated.

MC 41406 Sub 38, Artim Transportation System, Inc., now being assigned January 16, 1975 (2 days), at St. Louis, Mo., in a hearing room to be later designated.

MC–F–12149, Glennon Transports, Inc.—Purchase—J. W. Ward Transfer, Inc., now being assigned January 20, 1974 (1 week), at St. Louis, Mo., in a hearing room to be later designated.

No. 35914, H & R Scrap Iron and Metal Company V. Chicago and North Western Transportation Company, now assigned December 9, 1974, at Chicago, Ill., reassigned to December 9, 1974 (1 wk), at Milwaukee, Wis., in a hearing room to be later designated.

MC 138926 Sub 2, Gencom, Inc., now being assigned continued hearing on January 8, 1975, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 130232, Sumco's, Inc., now being assigned February 3, 1975 (2 days), at Philadelphia, Pa., in a hearing room to be later designated.

MC–C–8393 Commercial Transportation, Inc. v. Port Jersey Transportation, ET AL., now being assigned February 5, 1975 (3 days), at Philadelphia, Pa., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–26942 Filed 11–15–74;8:45 am]

[Notice 633]

ASSIGNMENT OF HEARINGS

NOVEMBER 13, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

CORRECTION

MC 123048 Sub 310, Diamond Transportation System, Inc., now being assigned January 16, 1975 (2 days), at Salt Lake City, Utah, in a hearing room to be designated later, instead of MC 112048 Sub 310.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–26943 Filed 11–15–74;8:45 am]

[Ex Parte No. 241, Rule 19; Exemption No. 87]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that there are substantial movements of cotton, cottonseed, cottonseed products, grain and grain products moving in plain, forty-foot, narrow-door boxcars between points on the following railroads:

The Atchison, Topeka and Santa Fe Railway Company
Chicago, Rock Island and Pacific Railroad Company
Missouri Pacific Railroad Company
St. Louis-San Francisco Railway Company
Union Pacific Railroad Company

and that unlimited exchange of such cars among these railroads will increase car utilization by reductions in switching and other movements of empty cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 392, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less and equipped with doors less than 9 ft. wide owned by any of the aforementioned railroads and located empty on such lines, may be loaded with cotton, cottonseed, cottonseed products, grain or grain products, as defined herein, to stations located on any of the aforementioned railroads. When so loaded, such cars shall be exempt from the provisions of Car Service Rules 1 and 2.

The term grain and grain products shall comprise the commodities specifically named in lists 1, 2, 5, 6, 7, and 8 published in Western Trunk Lines Freight Tariff 330–U, ICC A–4797, issued by Fred Ofcky, supplements thereto, or consecutive issues thereof.

Effective: October 23, 1974.

Expires: December 15, 1974.

Issued at Washington, D.C., October 23, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.74–26948 Filed 11–15–74;8:45 am]

[AB 1 (Sub-No. 37)]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Abandonment Between Fairmont and Truman, Martin County, Minnesota

NOVEMBER 14, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in Martin County, Minn., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 7th day of November, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

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CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

ABANDONMENT BETWEEN FAIRMONT AND TRUMAN, MARTIN COUNTY, MINNESOTA

The Interstate Commerce Commission hereby gives notice that by order dated November 7, 1974, it has been determined that the proposed abandonment by the Chicago and North Western Transportation Company of its line of railroad from Fairmont to Truman in Martin County, Minn., a distance of approximately 10 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects are not considered significant because (1) the volume of traffic on the line has been consistently low (2) alternate rail service is available over applicant's main line and the Milwaukee Road line at Fairmont, (3) adequate highways serve the area and (4) there are no prospects for any significant economic or industrial development in the area.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 3, 1974.

[FR Doc.74-26944 Filed 11-15-74;8:45 am]

[Notice 151]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 8, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a (a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Sub-No. 471TA), filed October 30, 1974. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of The Firestone Tire and Rubber Company, located near Nashville, Rutherford County, Tenn., as an off-route point, for 180 days.

NOTE.—Applicant will tack with MC 2202 and Subs thereto and will effect interchange at all points served.

Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 21060 (Sub-No. 16TA), filed October 30, 1974. Applicant: IOWA PARCEL SERVICE, INC., 3123 Delaware Avenue, Des Moines, Iowa 50313. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Rock Island County, Ill., and points in Scott County, Iowa, restricted to the transportation of parcels, packages, and articles weighing 100 pounds or less, and no service shall be performed in the transportation of parcels, packages, and articles weighing in the aggregate more than 200 pounds, from one consignor at one location to one consignee at one location on any one date, for 180 days.

NOTE.—Applicant indicates intent to tack in Scott County, Iowa, with the authority in Docket MC 21060 in base certificate and Sub 6 to provide service between all points in Iowa and Rock Island County, Ill., on packages weighing 60 pounds or less and shipments weighing 120 pounds or less.

Supporting shippers: There are approximately 20 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 28961 (Sub-No. 28TA), filed November 1, 1974. Applicant: McDUFFEE MOTOR FREIGHT, INC., 3047 Lonyo Rd., Detroit, Mich. 48209. Applicant's representative: Thomas M. Dooley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of the Firestone Tire & Rubber Co., Rutherford County, near Nashville, Tenn., as an off-route point in connection with carriers regular route operations to and from Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., Lee Cisneros, Director Corporate Transportation, 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

NOTE.—Applicant states it will tack and/or interline with the authority held in MC 28961, Nashville, Tenn.

No. MC 29130 (Sub-No. 104TA), filed October 30, 1974. Applicant: THE ROCK ISLAND MOTOR FREIGHT TRANSIT COMPANY, 2744 SE. Market Street, P.O. Box 1355, Des Moines, Iowa 50305. Applicant's representative: James E. Sykes, LaSalle Street Station, 139 West Van Buren Street, Chicago, Ill. 60605. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Lake Mills, Iowa, as an intermediate point in connection with applicant's regular route operating authority over U.S. Highway 69 between Albert Lea, Minnesota, and Ames, Iowa, authorized in MC 29130 Sub-86. Applicant indicates intent to tack with its operating authority in MC 29130 and Subs thereunder, also to interline with other carriers as now provided in applicable tariffs. Such major points are: Mason City, Des Moines, and Davenport, Iowa; Chicago, Ill.; Omaha, Nebr.; Kansas City, Topeka, and Wichita, Kans., for 180 days. Supporting shipper: Deluxe Products Division Walker Mfg. Co., 311 North Park Lake Mills, Iowa 50450. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 31389 (Sub-No. 189TA), filed November 1, 1974. Applicant: McLEAN TRUCKING COMPANY, a Corporation, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Firestone Tire & Rubber Company, Rutherford County, Tenn., near Nashville, Tenn., in conjunction with applicant's regular route operations to and from Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

NOTE.—Applicant will join with MC 31389 and interline at all present interline points.

No. MC 31600 (Sub-No. 671TA), filed October 31, 1974. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: Richard T. Belle (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles, from St. Paul, Minn., to Newton, Mass., for 90 days. Supporting shipper: Shipley Company, Inc., 2300 Washington Street, Newton, Mass. Send protests to: District Supervisor Darrell W. Hammons, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 35396 (Sub-No. 39TA), filed November 1, 1974. Applicant: UNITED TRUCKING OF KENTUCKY, INC., 3047 Lonyo, Detroit, Mich. 48209. Applicant's representative: Thomas M. Dooley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of the Firestone Tire & Rubber Co., Rutherford County, near Nashville, Tenn., as an off-route point in connection with carriers regular route operations to and from Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., Lee Cisneros, Director, Corporate Transportation, 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

NOTE.—Applicant states it will tack and/or interline with the authority held in MC 35396, Nashville, Tenn.

No. MC 38320 (Sub-No. 16TA), filed November 1, 1974. Applicant: CENTRAL MOTOR EXPRESS, INC., P.O. Drawer C, Campbellsville, Ky. 42718. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading), serving the plantsite and storage facilities of the Firestone Tire and Rubber Co., in Rutherford County, Tenn., near Nashville, Tenn., in connection with carrier's existing authorized operations at Nashville, Tenn., for 180 days. Supporting shipper: Lee Cisneros, Director, Corporate Transportation, The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 43317. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

NOTE.—Applicant states it will tack and/or interline with any other carriers.

No. MC 42261 (Sub-No. 118TA), filed November 1, 1974. Applicant: LANGER TRANSPORT CORP., Box 305, Jersey City, N.J. 07303. Applicant's representative: W. C. Mitchell, 370 Lexington Avenue, New York, N.Y. 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, in bulk, from the plantsite of General Electric Company, Selkirk, N.Y., to the plantsite of Whirlpool Corp., at or near St. Paul, Minn., for 180 days. Supporting shipper: General Electric Company, Kevin B. Murray, Supervisor Material Control, Noryl Avenue, Selkirk, N.Y. 12158. Send protests to: R. E. Johnson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 50069 (Sub-No. 494TA), filed October 31, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Herman L. Essig, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum*, in bulk, in temperature-controlled insulated tank vehicles, from Petrolia, Pa., to London, Ark., for 180 days. Supporting shipper: Viscosity Oil Company, 3200 South Western Avenue, Chicago, Ill. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 63417 (Sub-No. 71TA), filed October 31, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., Roanoke, Va. 24012. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from New Brunswick, N.J., to points in Delaware, Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Universal Furniture Company, 1201 Jersey Avenue, New Brunswick, N.J. 08900. Send protests to: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 63417 (Sub-No. 72TA), filed November 4, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., (P.O. Box 13447), Roanoke, Va. 24012. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof trimming or guttering materials and accessories and materials* for the installation thereof, and (2) *Pipe or duct, or pipe or duct elbows for furnaces, stoves, water heaters, air conditioning or cooling or exhaust systems, and accessories or materials* for installation thereof, from Philadelphia, Pa., to points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Virginia, and West Virginia, for 180 days. Supporting shipper: Adelta Manufacturing Co., 8th and Dauphin Street, Philadelphia, Pa. 19133. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 69322 (Sub-No. 4TA), filed November 1, 1974. Applicant: DOBSON CARTAGE AND STORAGE COMPANY, a Corporation, 1006 East Indiana Street, Bay City, Mich. 48706. Applicant's representative: James E. Dobson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Marquette County, Mich., on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and between points in Marquette County, Mich., for 180 days. Restriction: The authority requested herein is subject to the following conditions: Said operations are restricted to the transportation of shipments having a prior or subsequent movement in containers beyond the points authorized; said operations are restricted to the performance of pick up and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such shipments. Supporting shipper: K. I. Sawyer Air Force Base, Base Procurement Office, K. I. Sawyer AFB, Mich 49843. Send protests to: C. R. Flemming, District Supervisor,

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Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

NOTE.—Applicant states it will tack and/or interline with any other carriers.

No. MC 71460 (Sub-No. 11TA), filed October 31, 1974. Applicant: SOUTHERN FORWARDING CO., a Corporation, 728 Alston Street, Memphis, Tenn. 38101. Applicant's representative: W. D. Kirkpatrick, P.O. Box 114, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the Firestone Tire & Rubber Co. plant at or near Nashville, Tenn., as an off-route point in connection with carrier's presently authorized routes at Nashville, Tenn., for 180 days.

NOTE.—Proposed authority to be tacked with authority now held under Docket MC 71460 and subs and interline at Louisville, Ky. and Memphis, Tenn.

Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 435 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 79124 (Sub-No. 5TA), filed October 29, 1974. Applicant: T & T TRUCKING & TRANSPORTATION CO., INC., 43–06 54th Road, Maspeth, N.Y. 11378. Applicant's representative: Morton E. Kiel, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Perfumes, toiletries, components of finished goods, and materials, supplies, and equipment* used in the manufacture of perfumes and toiletries (except in bulk, in tank vehicles) from E. Farmingdale, N.Y., to Piscataway, N.J., for 180 days. Supporting shipper: Perfumes Rochas, 8 Engineers Lane, E. Farmingdale, N.Y. 11735. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 93840 (Sub-No. 14TA), filed October 31, 1974. Applicant: W. W. GLESS, doing business as GLESS BROS., Blue Grass, Iowa 52726. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste materials for disposal or recycle* between points in Iowa, Illinois, Missouri, Kansas, Nebraska, Minnesota, Arkansas, Indiana, Tennessee, Michigan, and Wisconsin, for 180 days. Supporting shipper: Commercial Container Service, Inc., P.O. Box 3587, Davenport, Iowa 52808. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 94876 (Sub-No. 11TA), filed October 30, 1974. Applicant: RICHARD ACERRA, INC., 43–09 Vernon Boulevard, Long Island City, N.Y. 11101. Applicant's representative: J. Aiden Connors, 145 East 49th Street, New York, N.Y. 10017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Games or toys and children's furniture* in containers (except in bulk or tank vehicles), between Parsippany, N.J., on the one hand, and, on the other, points in Queens, Nassau, and Suffolk Counties, N.Y., for 180 days. Supporting shipper: F. A. O. Schwarz, 745 5th Avenue, New York, N.Y. 10022 Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 96835 (Sub-No. 2TA), filed October 30, 1974. Applicant: JANSEN TRANSPORTATION CO., INC., 13327 East Temple Street, La Puente, Calif. 91746. Applicant's representative: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, Calif. 90017. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated containers*, from the plant site of Fruit Growers Supply Company in the City of Industry, Calif., to points in Yuma County, Ariz., restricted to shipments destined to points in Yuma County, Ariz., for 180 days. Supporting shipper: Fruit Growers Supply Company, 14130 Riverside Drive, Sherman Oaks, Calif. 91403. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 97394 (Sub-No. 12TA), filed November 1, 1974. Applicant: BOWLING GREEN EXPRESS, INC., 1111 Plum Springs Road, Bowling Green, Ky. 42101. Applicant's representative: John M. Nader, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and storage facilities of the Firestone Tire & Rubber Co., in Rutherford County, Tenn., near Nashville, Tenn., as an off-route point in connection with carrier's authorized regular route operations between Nashville, Tenn., and Bowling Green, Ky., for 180 days. Supporting shipper: Lee Cisneros, Director, Corporate Transportation, The Firestone Tire & Rubber Co.; 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, Ky. 40202.

NOTE.—Applicant states that it will tack and/or interline with any other carriers.

No. MC 103051 (Sub-No. 325TA), filed October 30, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Kentucky, Mississippi, Missouri, and Tennessee, for 180 days. Supporting shipper: The Proctor & Gamble Distributing Company, P.O. Box 599, Cincinnati, Ohio 45201. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 104004 (Sub-No. 198TA), filed October 31, 1974. Applicant: ASSOCIATED TRANSPORT, INC., 380 Madison Avenue, New York, N.Y. 10017. Applicant's representative: John P. Tynan, 65–12 69th Place, Middle Village, N.Y. 11379. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plant site of Firestone Tire and Rubber Co., in Davidson and Rutherford Counties, Tenn. (near Nashville, Tenn.), as an off-route point in connection with applicant's operations to and from Nashville, Tenn., for 180 days. Supporting Shipper: Firestone Tire & Rubber Company, Lee Cisneros, Director, Corporate Transportation, 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

NOTE.—Applicant intends to tack this authority with its authority to and from Nashville, Tenn., and to conduct operations to and from the balance of its system and to interline at points it now interlines traffic with other carriers.

No. MC 105375 (Sub-No. 54TA), filed October 29, 1974. Applicant: DAHLEN TRANSPORT OF IOWA, INC., 1680 Fourth Avenue, Newport, Minn. 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, or washing compounds*, in bulk, in tank vehicles, from Cordova, Ill., to Prairie du Chien, Wis., for 180 days. Supporting shipper: 3M Company, 3M Center, St. Paul, Minn. 55101. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 414, Federal Building, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 106644 (Sub-No. 196TA), filed October 31, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, and valves, fittings, and couplings*, from Auburndale, Fla., to points in Connecticut, Georgia, Illinois, Louisiana, Michigan, Massachusetts, Missouri, New York, North Carolina, Ohio, Texas, Pennsylvania, Tennessee, and Virginia, for 180 days. Supporting shipper: Sedco Corporation, P.O. Box 365, Auburndale, Fla. 33823. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree St. NW., Room 546, Atlanta, Ga. 30309.

No. MC 106674 (Sub-No. 144TA), filed November 1, 1974. Applicant: SCHILLI MOTOR LINES, INC., Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sprayers, self propelled, and distributors of fertilizer*, from Evansville, Ind., to Mooresville, Ala.; Blytheville and Hughes, Ark.; Marianna, Fla.; Albany, Enigma, and Statesboro, Ga.; Lawrence, Kans.; Hopkinsville and Utica, Ky.; Lake Providence, La.; Twins Lake, Minn.; Clarksdale and Hollandale, Miss.; Cape Girardeau, Mo.; Kingstree, S.C.; Waco, Tex.; Richmond, Va.; and to points in Maryland, for 180 days. Supporting shipper: Hahn Inc., 1625 N. Garvin, Evansville, Ind. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne St., Room 204, Ft. Wayne, Ind. 46802.

No. MC 107403 (Sub-No. 923TA), filed November 1, 1974. Applicant: MATLACK, INC., Ten West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite*, in bulk, in tank vehicles, from Pine Bluff, Ark., to Marysville, Ohio, for 90 days. Supporting shipper: Edward M. Haney, Traffic Manager, O. M. Scott & Sons Company, 6th & Plum Streets, Marysville, Ohio 43040. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 109818 (Sub-No. 18TA), filed October 30, 1974. Applicant: WENGER TRUCK LINE, INC., Beaver, Iowa 50031. Applicant's representative: Eldon Wenger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal*, from points in Iowa and Nebraska, to points in Illinois and Beloit, Wis., for 180 days. Supporting shipper: Eco Car Recycle Corporation, 102 South Second Street, Knoxville, Iowa 50138. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 112713 (Sub-No. 174TA), filed November 1, 1974. Applicant: YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, 10990 Roe Avenue, Shawnee Mission, Kans. 66207. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of the Firestone Tire & Rubber Co., near Nashville, Tenn., as an off-route point in connection with carrier's authorized regular route operations, for 180 days.

NOTE.—Tacking will be done with all authorities now held; and interlining will take place at numerous points throughout applicant's system.

Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 112822 (Sub-No. 355TA), filed October 29, 1974. Applicant: BRAY LINES, INCORPORATED, 1401 N. Little Street, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: William W. Frick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening*, in vehicles equipped with mechanical refrigeration, from the plant site of Anderson Clayton Foods at Jacksonville, Ill., to Richmond, Utah, for 180 days. Supporting shipper: Anderson Clayton Foods, J. C. Wheeler, Staff Asst., Traffic, One Main Place, Dallas, Tex. 75250. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 114533 (Sub-No. 311TA), filed October 25, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Stanley Komosa (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Eyeglasses, lenses, frames, and parts thereof*, between Joliet, Ill., on the one hand, and, on the other, points in Chesterton, Merrillville, La Porte, Valparaiso, Munster, and Hobart, Ind., for 180 days. Supporting shipper: B & M Optical Company, Joseph P. Fretto, Admin. Manager, 2705 McDonough St., Joliet, Ill. Sends protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 114533 (Sub-No. 312TA), filed October 31, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Stanley Komosa (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Restorative dentistry products*, (1) between Topeka, Kans., on the one hand, and, on the other, points in Nebraska and Missouri; (2) between Wichita, Kans., on the one hand, and, on the other, points in Missouri; and (3) between Mission, Kans., on the one hand, and, on the other, points in Missouri, for 180 days. Supporting shipper: Melvin E. Peters, President and General Manager, Pearce-Turk Dental Laboratory, Inc., 201 N. Emporia, Wichita, Kans. 67217; Mike Schultes, General Manager, Heumann & Associates Dental Laboratories, Inc., P.O. Box 33, Topeka, Kans. 66601; and John D. Gray, Gen. Man., Hansen Dental Laboratories, Inc., 5755 Foxridge Drive, Mission, Kans., 66202. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 South Dearborn St. Room 1086, Chicago, Ill. 60604.

No. MC 116770 (Sub-No. 3TA), filed October 31, 1974. Applicant: ACTIVE CARTAGE LIMITED, 1065 Martin Grove Road, Rexdale, Ontario, Canada M9W 4W6. Applicant's representative: Robert D. Gunderman, Suite 710, Statler Hilton, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel angles, steel beams, steel channels, steel piling and steel reinforcing rods*, from Lackawanna, N.Y., and points within its Commercial Zone, to ports of entry on the United States-Canada Boundary Line at or near Fort Erie and Niagara Falls, Ontario, Canada, and Niagara Falls and Buffalo, N.Y., restricted to the transportation of commodities of such size or weight as requires special equipment, for 180 days. Supporting shippers: Skylin Industries Inc., 453A Brant Street, P.O. Box 426, Burlington, Ontario, Canada; K.I.M. Steel & Rail Co., 79 Peelar Road, Concord, Ontario, Canada; Canron Limited (Eastern Structural Div.), 100 Disco Road, Rexdale, Ontario, Canada; Russelsteel Ltd., Bowes Road, Concord, Ontario, Canada; and Dominion Bridge Company, Limited, 1546 Dundas Highway East, Mississauga, Ontario, Canada L4X 2R8. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Bldg., 111 West Huron Street, Buffalo, N.Y. 14202.

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No. MC 115331 (Sub-No. 379TA) (Correction), filed October 15, 1974, published in the FEDERAL REGISTER issue of October 31, 1974, and republished as corrected this issue. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill.

NOTE.—The purpose of this republication is to show the correct Sub number for the applicant above. The correct No. is MC 115331 (Sub-No. 379TA), in lieu of MC 115331 (Sub-No. 279TA), which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 117344 (Sub-No. 239TA), filed October 29, 1974. Applicant: THE MAXWELL CO., a Corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron oxide*, in bulk, in tank or hopper-type vehicles, from Gadsden, Ala., to Kane, Pa., for 180 days. Supporting shipper: Stackpole Carbon Co., Kane, Pa. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 117551 (Sub-No. 7TA), filed October 30, 1974. Applicant: NEWS & FILM SERVICE, INC., 745 Lipan Street, Denver, Colo. 80204. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Books and magazines*, between Denver, Colo., on the one hand, and, on the other, Boulder, Colorado Springs, Durango, Fort Collins, Grand Junction, Pueblo, Salida, and Vail, Colo., for 180 days. Supporting Shippers: (1) Newsweek, Inc., 350 E. 22nd Street, Chicago, Ill. 60616; (2) Triangle Circulation Company, a Division of Triangle Publications, Inc., 431 North 15th Street, Philadelphia, Pa. 19130; and (3) Time Incorporated, 330 E. 22nd Street, Chicago, Ill. 60616. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 117613 (Sub-No. 18TA), filed October 23, 1974. Applicant: D. M. BOWMAN, INC., 15 East Oak Ridge Drive, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, from Martinsburg, W. Va., to points in Pennsylvania, Delaware, New Jersey, New York, Connecticut, and Massachusetts, for 180 days. Supporting shipper: Continental Clay Products Company, Subsidiary of General Industries, Inc., 7394 Reservoir Road, Springfield, Va. 22150. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Room 317, Washington, D.C. 20423.

No. MC 117765 (Sub-No. 179TA), filed October 31, 1974. Applicant: HAHN TRUCK LINE, INC., 5315 NW. 5th Street, Oklahoma City, Okla. 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients and mixtures*, from Des Moines, Iowa, to points in Oklahoma, for 180 days. Supporting shipper: Feed Specialties Company, Phillip Sandquist, 1877 NE. 58th Street, Des Moines, Iowa 50313. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 117940 (Sub-No. 153TA), filed October 31, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Park and school playground and park picnic ground and campground apparatus, equipment, paraphernalia, and structures and pedal boats*, from Litchfield and Hillsdale, Michigan, to points in Alabama, Arkansas, California, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: The Toro Company, 8111 Lyndale Avenue So., Bloomington, Minn. 55420. Send protests to: A. N. Spath, District Supervisor Interstate Commerce Commission, Bureau of Operations 414 Federal Building & U.S. Courthouse 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 120981 (Sub-No. 19TA), filed October 31, 1974. Applicant: BESTWAY EXPRESS, INC., 905 Visco Drive, Nashville, Tenn. 37210. Applicant's representative: George M. Catlett, 703 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of the plant of the Firestone Tire & Rubber Co., Rutherford County, Tenn., as an off-route point in conjunction with applicant's presently authorized regular-route operations, for 180 days.

NOTE.—Applicant does intend to tack authority here applied for to MC 120981 and subs thereunder, and interline at Lexington, Ky., Jackson, Miss., and Baton Rouge, La.

Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: District Supervisor Joe J. Tate, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 123956 (Sub-No. 6TA), filed October 30, 1974. Applicant: T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 970 Washington Street, Akron, Ohio 44311. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials* used in the manufacture of rubber products, and returned or rejected shipments of such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, including supplies incidental to the conduct of such business. From the plantsite and manufacturing facilities of the Firestone Tire & Rubber Co., located in Davidson and Rutherford Counties, Tenn., to points in Ohio, for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: James Johnson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Bldg., 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 124177 (Sub-No. 9TA), filed November 4, 1974. Applicant: EARL FREEMAN, doing business as MID–TENN EXPRESS, P.O. Box 101, Eagleville, Tenn. 37060. Applicant's representative: Robert L. Baker, 618 Hamilton Bank Bldg., Nashville, Tenn. 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Detroit, Mich., to Nashville, Tenn., for 180 days. Supporting shipper: Arrow Distributing Company, P.O. Box 7426, Nashville, Tenn. 37210. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803–1808 West End Building, Nashville, Tenn. 37203.

No. MC 124333 (Sub-No 21TA), filed November 1, 1974. Applicant: BAKER PETROLEUM TRANSPORTATION CO., INC., Pyles Lane, New Castle, Del. 19720. Applicant's representative: Samuel Earnshaw, 833 Washington, Bldg., Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline, kerosene, fuel oil distillate, and fuel oil*, in bulk, in tank vehicles, from Woodbury, N.J., to points in Delaware, Salisbury, Md., Cecil and Kent Counties, Md., and Chester County, Pa., for 180 days. Supporting shipper: Atlantic-Richfield Co., 515 S. Flower St., Los Angeles, Calif. 90017. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch St., Philadelphia, Pa. 19106.

No. MC 127616 (Sub-No. 19TA), filed October 30, 1974. Applicant: SAVAGE TRUCKING COMPANY, INC., P.O. Box 27, Chester Depot, Vt. 05144. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Georgia, and the District of Columbia, for 180 days. Supporting shippers: There are approximately 21 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 127972 (Sub-No. 1TA), filed November 1, 1974. Applicant: CAMPAGNE TRUCKING CO., INC., P.O. Box 222, Bethpage, N.Y. 11714. Applicant's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Airplane parts, equipment, materials and supplies* (except commodities in tank vehicles), between Bethpage, N.Y., on the one hand, and, on the other, points in Delaware, Maryland, Massachusetts, New York (except New York, N.Y., and points in Orange and Rockland Counties), Pennsylvania, Rhode Island, and Virginia, for 180 days. Supporting shipper: Grumman Aerospace Corporation, Bethpage, N.Y. 11714. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 129034 (Sub-No. 6TA), filed October 30, 1974. Applicant: LOOMIS COURIER SERVICE, INC., 55 Battery Street, Seattle, Wash. 98121. Applicant's representative: John L. Glovka, 808 Burlway Road, Burlingame, Calif. 94010. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cash letters, commercial documents, business records, accounting and audit media, and automated processing media*, between Ironwood in Gogebic County, Michigan, and points in Ashland, Bayfield, Iron and Price Counties, Wisconsin, under continuing contracts with banks, for 180 days. Supporting shipper: American National Bank and Trust Company, 419 Robert St., St. Paul, Minn. 55101. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Bldg., Seattle, Wash. 98174.

No. MC 129243 (Sub-No. 1TA), filed October 29, 1974. Applicant: T-EMP, INC., 885 U.S. Route 1, Avenel, N.J. 07001. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods, recreational products, and automotive parts*, from points in the New York, N.Y., Commercial Zone as defined by the Commission, to the facilities of Volvo of America Corporation and Volvo Distributing, Inc., located at Rockleigh and Northvale, N.J., for 180 days. Supporting shipper: Volvo America Corporation, Rookleigh, N.J. 07647. Send protests to: Robert S. H. Vance, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 129263 (Sub-No. 1TA), filed October 21, 1974. Applicant: AIRPORT DRAYAGE CO., INC., Air Cargo Building, Seattle-Tacoma International Airport, Seattle, Wash. 98158. Applicant's representative: John M. Stern, Jr., P.O. Box 1672, Anchorage, Alaska 99510. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), having a prior or subsequent movement by aircraft, in vehicles equipped with mechanical refrigeration, between points within 10 miles of Anchorage, Alaska, including Anchorage, on the one hand, and, on the other, Palmer, Alaska, serving all intermediate points on Alaska Highway 1 and five miles on each side of said highway, for 180 days. Supporting shippers: Koslosky's Dept. Store, Inc., Box 1, Palmer, Alaska 99645, and D & A Supermarket, Inc., P.O. Box AF, Palmer, Alaska 99645. Send protests to: L. D. Boone, Transporation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98174.

No. MC 129870 (Sub-No. 12TA), filed October 31, 1974. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, 11 Commerce Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid methane*, in bulk, in cryogenic tank vehicles, from Ludlow, Mass., to Providence, R.I., and from Providence, R.I. to Middleboro, Mass., for 180 days. Supporting shipper: Town of Middleboro Gas & Electric Dept., Middleboro, Mass. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, 5th Floor, Boston, Mass. 02114.

No. MC 129942 (Sub-No. 3TA), filed October 17, 1974. Applicant: KEITH WILLIAMS TRANSPORT, INC., P.O. Box 45, Vicksburg, Miss. 39180. Applicant's representative: William G. Beanland, P.O. Box 991, Vicksburg, Miss. 39180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tires and containers*, from Vicksburg, Miss., to Natchez, Miss., and *empty containers* on return, restricted to traffic having a prior or subsequent movement by water, for 180 days. Supporting shipper: Lykes Brothers Steamship Co., Inc., Lykes Center, 300 Poydras St., New Orleans, La. 70130. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 129963 (Sub-No. 4TA), filed October 31, 1974. Applicant: FANN McKELVERY, doing business as McKELVEY TRUCKING, 5420 West Missouri, Glendale, Ariz. 85301. Applicant's representative: A. Michael Bernstein, 1327 United Bank Building, 3550 N. Central, Phoenix, Ariz. 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fibreboard containers, paper articles*, and in connection therewith, *material, equipment, and supplies* used in the assembling and handling of containers, from Glendale, Ariz., to points in Imperial, Riverside, and Los Angeles Counties, Calif.; Saguache, Adams, Montezuma, Mesa, Delta, Denver, and Alamosa Counties, Colo.; San Juan, Bernalillo, Luna, Dona Ana, Lincoln, and Torrance Counties, N. Mex.; Clark County, Nev.; El Paso, Deaf Smith, and Hardeman Counties, Tex.; and the International Boundary between Arizona and Mexico, at or near Nogales and Douglas, Ariz., for 180 days. Supporting shipper: Fibreboard Corporation, 55 Francisco Street, San Francisco, Calif. 94133. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 133689 (Sub-No. 56TA), filed October 31, 1974. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, Minn. 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from Minneapolis-St. Paul, Minnesota, and points in the Minneapolis-St. Paul Commercial Zone as defined by the Commission, to points in North Carolina and South Carolina, restricted to traffic originating at the plantsite or storage facilities of Northern Star Company at the above named origins, for 180 days. Supporting shipper: Northern Star Company, 3171 E. 5th Street SW., Minneapolis, Minn. 55414. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 414, Federal Bldg., 110 S. 4th Street, Minneapolis, Minn. 55401.

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No. MC 135364 (Sub-No. 20TA), filed October 30, 1974. Applicant: MORWALL TRUCKING, INC., Box 76C, R.D. 3, Moscow, Pa. 18444. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressure sensitive adhesive coated paper, aluminum coated insulation facing, and gummed reinforced sealing tape*, from the facilities of COMPAC Corporation at or near Netcong and Monmouth Junction, N.J., to Los Angeles, Huntingdon Beach, Montebello, Santa Clara, Sacramento, and San Francisco, Calif., for 180 days. Supporting shipper: Compac Corporation, 420 Frelinghuysen Avenue, Newark, N.J. 07114. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 138043 (Sub-No. 2TA), filed October 29, 1974. Applicant: F. W. CASPERSEN, R.R. 3, Box 340, 121 Lake Street, Antioch, Ill. 60002. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, radioactive drugs, medical isotopes, and medical test kits*, between St. Louis, Mo., and Chicago, Ill., on the one hand, and, on the other, points in Michigan, Ohio, and Pennsylvania, for 180 days. Supporting shipper: K. J. Green, Traffic Manager, Mallinckrodt/Nuclear, Box 10172, Lambert Field, St. Louis, Mo. 63145. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 140016 (Sub-No. 3TA), filed November 1, 1974. Applicant: TRANSPORTATION SERVICES, INC., 1285 Glendale Road, Sparks, Nevada 89431. Applicant's representative: D. W. Baker, 100 Pine St., San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer*, other *malt beverages, and related advertising materials*, in temperature controlled equipment, from points in Los Angeles County, California, to points in Nevada on and north of U.S. Highway 6, for 180 days. Supporting shippers: Morrey Distributing Co., 1250 Terminal Way, Reno, Nev. 89502; Joseph DiGrazia Wholesale Co., 422 7th St., Wells, Nev. 89835; Crown Beverages, Inc., 1340 Huner Ave., Sparks, Nev. 89431; Capitol Beverages, Inc., 1990 Oregon St., Carson City, Nev. 89701; L. W. Peralod Co., Inc., 405 West 3rd. St., Winnemucca, Nev. 89445; Valley Distributing Co., 880 East Front St., Fallon, Nev. 89406. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Bldg., 705 North Plaza St., Carson City, Nev. 89701.

No. MC 140023 (Sub-No. 2TA), filed October 30, 1974. Applicant: COLUMBIA TRANSIT CORPORATION, 404 Walnut Street, Waldo, Arkansas 71770. Applicant's representative: W. H. Boswell, 404 Walnut Street, Waldo, Arkansas 71770. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, between Ouachita County, Arkansas and Webster Parish, La., 180 days. Supporting shipper: International Paper Company P.O. Box 758 Camden, Arkansas 71701. Send protests to: William H. Lands District Supervisor Interstate Commerce Commission, Bureau of Operations 2519 Federal Office Building 700 West Capitol Little Rock, Arkansas 72201.

No. MC 140089 (Sub-No. 1TA), filed October 30, 1974. Applicant: LIONEL THERIAULT, INC., P.O. Box 239, Water Street, Caribou, Maine 01613. Applicant's representative: Arthuer A. Wentzell, P.O. Box 764, Worcester, Mass. 01613. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rock salt*, in bulk, in dump vehicles, from Caribou, Fort Kent, and Houlton, Maine, to points in Maine, for 180 days. Supporting shipper: Cargill, Inc., Cargill Building Minneapolis, Minn. 55402. Send protests to: Donald G. Weiler, District Supervisor, Interstate Commerce Commission Bureau of Operations Room 307 76 Pearl Street Portland, Maine 04112.

No. MC 140339 (Sub-No. 1 TA), filed October 31, 1974. Applicant: TONY'S TERMINAL TRK., INC., 77 Paterson Avenue, Wallington, N.J. 07057. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of electric and gas appliances, (1) from East Rutherford, N.J., to points in Nassau, Suffolk, Rockland, Orange, Sullivan, Ulster, Westchester, Putnam, and Dutchess Counties, N.Y., and New York, N.Y., and (2) from points in New York, N.Y., Commercial Zone, to East Rutherford, N.J., for 180 days. Supporting shipper: Admiral Group of Rockwell International Corp., 200 Murray Hill Parkway, Joseph Lupino, Eastern Zone Operations Manager, E. Rutherford, N.J. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton St., Newark, N.J. 07102.

No. MC 140342 (Sub-No. 1 TA), filed October 29, 1974. Applicant: RICHARD SISSON, 523 Valley View, Philadelphia, Miss. 39350. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings*, from the facilities of Weyerhaeuser Company at or near Millport, Ala., to Louisville, Miss., for 180 days. Supporting shipper: Weyerhaeuser Company, Tacoma, Wash. 98401. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 140347 (Sub-No. 1TA), filed October 30, 1974. Applicant: KANGAROO CAR CARRIERS, INC., 14 Carolyn Place, Armonk, N.Y. 10504. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Privately owned used passenger vehicles* (proposed rates show applicant proposes to render this service via motor vehicle truckaway service), between New York, N.Y., points in Nassau, Suffolk, Westchester, Putnam, Orange, and Rockland Counties, N.Y., and those in Fairfield County, Conn., and those in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Florida, for 180 days. Supporting shippers: There are approximately 30 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protest to: Stephen P. Tomany, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 140312 TA, filed November 1, 1974. Applicant: HENRY J. WILKINSON, doing business as INYO-MONO BODY SHOP, 387 N. Warren Street, Bishop, Calif. 93514. Applicant's representative: Henry J. Wilkinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and/or disabled trucks, cars, tractors, trailers, and trailers designed to be pulled by autos, trucks, tractors, semi-trailers; full trailers, house trailers and replacement vehicles, motor homes, pole trailers, mobile homes via wrecker type vehicles*, between points in Inyo-Mono-Kern-Los Angeles Counties, Calif., and Esmeralda, Nye, and Mineral Counties, Nev., for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert G. Harrison, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 203 Federal Building, 705 North Plaza Street, Carson City, Nev. 89701.

No. MC 140353 TA, filed November 1, 1974. Applicant: DWANE BLACHOWSKE, doing business as BLACHOWSKE TRUCK LINES, Route No. 1, Fairmont, Minn. 56031. Applicant's representative: Elton A. Kuderer, 114 West Second Street, Fairmont, Minn. 56031. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Washed sand, gravel and concrete aggregate*, in bulk, from Estherville, Iowa, and points within 4 miles thereof, to points in Martin County, Minn., for 180 days. Supporting shippers: Hallett Construction Company, Box 90, St. Peter, Minn. 56082 and Paradise Ready-Mix 827 E. 1st Street, Fairmont, Minn. 56031. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 S. 4th St., Minneapolis, Minn. 55401.

No. MC 140354 TA, filed October 31, 1974. Applicant: QUICK CARTAGE, INC., 2817 Old Higgins Road, Elk Grove Village, Ill. 60007. Applicant's representative: Michael M. Lane, 135 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, restricted to traffic having a prior or subsequent movement by air, between O'Hara International Airport and Mt. Prospect, Elk Grove Village, Northbrook, Arlington Heights, Northfield, Glenview, Wilmette, Prospect Heights, Wheeling, Palatine, Rollings Meadows, Schaumburg, Des Plaines, Bensenville, Itasca, Addison, Wood Dale, and Roselle, Ill., and the City of Chicago, Ill., and its Commercial Zone, for 180 days. Supporting shippers: There are approximately 7 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

MOTOR CARRIERS OF PASSENGERS

No. MC 1515 (Sub-No. 200TA), filed October 31, 1974. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, Ariz. 85077. Applicant's representative: Anthony P. Carr, 1400 W. Third Street, Cleveland, Ohio 44113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers in special operations, between White Sulphur Springs, Gauley Bridge, and Weston, W. Va., on the one hand, and, on the other, points in Randolph, Pocahontas, and Greenbrier Counties, W. Va., for 180 days.

NOTE.—Applicant, Greyhound Lines, Inc., is now authorized by your Commission under Docket No. MC 1515 and subs to serve various points in the forty-eight contiguous United States, and hereby requests authority to tack the authority being sought in this application to its existing authority enabling it to provide service to and from points proposed to be served in the area involved in this application and to and from all points on routes applicant is now authorized to service. Joinder on the proposed authority with the authority now held under Docket MC 1515 and subs would be, specifically, at White Sulphur Springs, Gauley Bridge, and Weston, W. Va.

Supporting shippers: There are approximately 32 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3427 Federal Building, 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 39491 (Sub-No. 15TA), filed October 30, 1974. Applicant: COLONIAL COACH CORP., 17 Franklin Turnpike, Mahwah, N.J. 07430. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending in the Borough of Manhattan, N.Y., and extending to Keystone Race Tract, Cornwall Heights, Bucks County, Pa., for 180 days. Supporting shipper: Continental Thoroughbred Racing Association, Inc., Liberty Bell Park, Knights and Wood Haven Blvd., Philadelphia, Pa. 19154. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, N.J. 07102.

No. MC 134715 (Sub-No. 1TA), filed October 31, 1974. Applicant: GEORGE D. PAQUETTE BUS LINE LIMITED, a Corporation, 222 William Street, Rosemere, Quebec, Canada. Applicant's representative: W. Norman Charles, 80 Bay Street, Glens Falls, N.Y. 12801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at the port of entry on the United States-Canada Boundary Line located at or near Champlain, N.Y., and extending to points in Florida, for 180 days. Supporting shippers: There are approximately 6 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Paul D. Collins, Bureau of Operations, Interstate Commerce Commission, P.O. Box 548, Montpelier, Vt. 05602.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26941 Filed 11-15-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 13, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before November 29, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 3854 (Sub-No. E12) (Correction), filed May 15, 1974, published in the FEDERAL REGISTER September 19, 1974. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 13th and Pennsylvania Ave. NW., Pennsylvania Bldg., Suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron pipe*, from Wilmington, N.C., to points in Tennessee, New Jersey, Pennsylvania (except Philadelphia), points in that part of Delaware on and north of a line beginning at Port Penn, thence along Delaware Highway 9 to junction Delaware Highway 299, thence along Delaware Highway 299 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 301S, thence along U.S. Highway 301S to junction U.S. Highway 40, thence along U.S. Highway 40 to the Maryland-Delaware State line, and points in that part of Maryland on and north of a line beginning at the Maryland-Delaware State line, thence U.S. Highway 40 to junction Maryland Highway 155, thence along Maryland Highway 155 to junction Maryland Highway 22, thence along Maryland Highway 22 to junction Maryland Highway 24, thence along Maryland Highway 24 to junction Maryland Highway 23, thence along Maryland Highway 23 to junction Maryland Highway 138, thence along Maryland Highway 138 to junction Maryland Highway 137, thence along Maryland Highway 137 to junction Maryland Highway 482, thence along Maryland Highway 482 to junction Maryland Highway 97, thence along Maryland Highway 97 to junction Maryland Highway 194, thence along

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Maryland Highway 194 to junction Maryland Highway 77, thence along Maryland Highway 77 to junction Maryland Highway 64, thence along Maryland Highway 64 to junction Interstate Highway 81, thence along Interstate Highway 81 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Maryland-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Greensboro or Gulf, N.C. The purpose of this correction is to delete the excepted New Jersey points in the destination territory described above.

No. MC 43283 (Sub-No. E1), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Georgia 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Building, Macon, Georgia 31201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 167, between points in Rhode Island, on the one hand, and, on the other, points in that part of Kansas on, south and west of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 59 to Atchison, thence along U.S. Highway 73 to Kansas-Nebraska State line. The purpose of this filing is to eliminate the gateways of points in Georgia.

No. MC 43283 (Sub-No. E9), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Georgia 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Building, Macon, Georgia 31201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kansas, on the one hand, and, on the other, points in New Jersey, New York, and Pennsylvania. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E10), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 178, Macon, Georgia 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Building, Macon, Georgia 31201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Kentucky, on the one hand, and, on the other, points in New Jersey and those parts of New York and Pennsylvania on and east of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 17 to Indiana, Penn., thence along Pennsylvania Highway 286 to its junction with U.S. Highway 219, thence along U.S. Highway 219 to its junction Pennsylvania Highway 879, thence along Pennsylvania Highway 879 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 220, thence along U.S. Highway 220 to its junction with Pennsylvania Highway 287, thence along Pennsylvania Highway 287 to Tioga, Penn., thence along U.S. Highway 15 to its junction with New York Highway 17 to its junction with New York Highway 13, thence along New York Highway 13 through Cortland, to its junction with Interstate Highway 81, thence along Interstate Highway 81 to its junction with New York Highway 57, thence along New York Highway 57 to Oswego, New York and Lake Ontario. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 22296 (Sub-No. E8), (correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: HERITAGE VAN LINES, INC., P.O. Box 2103, Huntington, W. Va. 25721. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Ohio, on the one hand, and, on the other, points in South Carolina and Florida. The purpose of this filing is to eliminate the gateways of points in Cabell, Mason, and Wayne Counties, W. Va., or Boyd, Greenup, Lawrence, and Pike Counties, Ky., or Lawrence and Scioto Counties, Ohio. The purpose of this partial correction is to include Florida in the territorial description in (1) above. The remainder of the letter-notice remains as previously published.

No. MC 22296 (Sub-No. E9) (correction), filed June 4, 1974, published in the FEDERAL REGISTER October 29, 1974. Applicant: HERITAGE VAN LINES, INC., P.O. Box 2103, Huntington, W. Va. 25721. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission; (1) between points in that part of Illinois, on and north of U.S. Highway 30, on the one hand, and, on the other, points in that part of Florida on, east, and south of Florida Highway 51, points in North Carolina, South Carolina, and in that part of Georgia on and south of a line beginning at the Georgia-Florida State line, thence along Georgia Highway 97 to junction Georgia Highway 112, thence along Georgia Highway 112 to junction U.S. Highway 280, thence along U.S. Highway 280 to junction U.S. Highway 301, thence along U.S. Highway 301 to the Georgia-South Carolina State line; and (2) between points in Illinois, on the one hand, and, on the other, points in that part of North Carolina on and east of U.S. Highway 220. The purpose of this filing is to eliminate the gateways of points in Cabell, Mason, and Wayne Counties, W. Va., or Boyd, Greenup, Lawrence, and Pike Counties, Ky., or Lawrence and Scioto Counties, Ohio. The purpose of this correction is to include Scioto County as a gateway.

No. MC 30280 (Sub-No. E1) (correction), filed May 1, 1974, published in the FEDERAL REGISTER May 15, 1974. Applicant: WATKINS CAROLINA EXPRESS INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Georgia on and north of Interstate Highway 85, on the one hand, and, on the other, those points in South Carolina on and north of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 276 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction South Carolina Highway 391, thence along South Carolina Highway 391 to Batesburg, thence along U.S. Highway 178 to junction U.S. Highway 78, thence along U.S. Highway 78 to Charleston. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E2), (correction), filed May 1, 1974, published in the FEDERAL REGISTER May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Georgia on and north of a line beginning at the Georgia-North Carolina State line, thence along Georgia Highway 17 to Macon, thence along Georgia Highway 129 to junction U.S. Highway 441, thence along U.S. Highway 441 to Eatonton, thence along Georgia Highway 44 to Union Point, thence along Georgia Highway 77 to Elberton, thence along Georgia Highway 72 to the Georgia-South Carolina State line, on the one hand, and, on the other, those points in South Carolina on and north of a line beginning at Rocky Bottom, S.C., thence along U.S. Highway 178 to Easley, thence along U.S. Highway 23 to Greenville, thence along South Carolina Highway 146 to Cross Anchor, thence along South Carolina Highway 49 to Lockart, thence along South Carolina Highway 9 to Lake View. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E3), (correction), filed May 1, 1974, published in the FEDERAL REGISTER May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Georgia on and north of a line beginning at the Georgia-Alabama State line, thence along Georgia Highway 20 to Canton, thence along Georgia Highway 5 to Tate, thence along Georgia Highway 53 to junction Georgia Highway 9, thence along Georgia Highway 9 to Cleveland, thence along Georgia Highway 115 to junction U.S. Highway 441, thence along U.S. Highway 441 to Cornelia, thence along U.S. Highway 123 to the Georgia-South Carolina State line, on the one hand, and, on the other those points in South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 25 to Trenton, thence along South Carolina Highway 19 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction South Carolina Highway 68, thence along South Carolina Highway 68 to junction U.S. Highway 21, thence along U.S. Highway 21 to Beaufort. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E4), (correction), filed May 1, 1974, published in the FEDERAL REGISTER May 16, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Georgia on, west, and northwest of a line beginning at the Georgia-Florida State line, thence along Georgia Highway 97 to Camilla, thence along U.S. Highway 19 to Albany, thence along Georgia Highway 257 to Cordele, thence along Interstate Highway 75 to Macon, thence along U.S. Highway 129 to junction U.S. Highway 441, thence along U.S. Highway 441 to Eatonton, thence along Georgia Highway 44 to Union Point, thence along Georgia Highway 77 to Elberton, thence along Georgia Highway 72 to the Georgia-South Carolina State line, on the one hand, and, on the other, those points in South Carolina on and north of a line beginning at Rocky Bottom, S.C., thence along U.S. Highway 178 to Easley, thence along U.S. Highway 23 to Greenville, thence along South Carolina Highway 146 to Cross Anchor, thence along South Carolina Highway 49 to Lockart, thence along South Carolina Highway 9 to Lake View. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E5), (correction), filed May 3, 1974, published in the FEDERAL REGISTER May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between these points in Georgia on and north of a line beginning at the Georgia-North Carolina State line, thence along Georgia Highway 11 to Blairsville, thence along U.S. Highway 19/129 to Cleveland, thence along Georgia Highway 115 to junction U.S. Highway 23, thence along U.S. Highway 23 to Cornelia, thence along U.S. Highway 123 to the Georgia-South Carolina State line, on the one hand, and, on the other, those points in South Carolina on and east of U.S. Highway 25. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E6), (correction), filed May 3, 1974, republished in the FEDERAL REGISTER June 18, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points in Georgia on and north of a line beginning at the Georgia-North Carolina State line, thence along Georgia Highway 17 to Macon, thence along U.S. Highway 129 to junction U.S. Highway 441, thence along U.S. Highway 441 to Eatonton, thence along Georgia Highway 44 to Union Point, thence along Georgia Highway 77 to Elberton, thence along Georgia Highway 72 to the Georgia-South Carolina State line, on the one hand, and, on the other, those points in South Carolina on and north of a line beginning at Rocky Bottom, S.C., thence along U.S. Highway 178 to Easley, thence along U.S. Highway 23 to Greenville, thence along South Carolina Highway 146 to Cross Anchor, thence along South Carolina Highway 49 to Lockart, thence along South Carolina Highway 9 to Lake View. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E7), (correction), filed May 3, 1974, published in the FEDERAL REGISTER May 17, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points within 15 miles of Atlanta, Ga., on the one hand, and, on the other, points in North Carolina. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E32), (correction), filed May 6, 1974, published in the FEDERAL REGISTER June 13, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of South Carolina on and west of a line beginning at Beaufort, thence along U.S. Highway 21 to Yemassee, thence along South Carolina Highway 68 to junction U.S. Highway 278, thence along U.S. Highway 278 to junction Interstate Highway 26, thence along Interstate Highway 26 to Columbia, thence along U.S. Highway 378 to junction South Carolina Highway 527, thence along South Carolina Highway 527 to junction U.S. Highway 261, thence along U.S. Highway 261 to Youkannan, thence along U.S. Highway 701 to Conway, thence along South Carolina Highway 544 to Murrell's Inlet. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E8), (correction), filed May 6, 1974, published in the FEDERAL REGISTER June 13, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Columbus, Ga., on the one hand, and, on the other, those points in South Carolina on and north of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 178 to junction Interstate Highway 85, thence along Interstate Highway 85 to junction U.S. Highway 76–123, thence along U.S. Highway 76–123 to Anderson, thence along South Carolina Highway 23 to Abbeville, thence along South Carolina Highway 72 to Greenwood, thence along South Carolina Highway 34 to junction with Interstate Highway 26, thence along Interstate Highway 26 to Columbia, thence along U.S. Highway 76–378 to Sumter, thence along U.S. Highway 378 to junction South Carolina Highway 527, thence along South Carolina Highway 527 to junction with U.S. Highway 52, thence along U.S. Highway 52 to Kingstree, thence along South Carolina Highway 126 to Yauhannan, thence along U.S. Highway 701 to Conway, thence along South Carolina Highway 544 to Murrell's Inlet. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

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Highway 278 to junction South Carolina Highway 19, thence along South Carolina Highway 19 to Trenton, thence along U.S. Highway 25 to Travelers Rest, thence along U.S. Highway 276 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in that part of North Carolina on and west of North Carolina Highway 18. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E42) (correction), filed May 6, 1974, published in the FEDERAL REGISTER June 14, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of South Carolina on and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 221 to Spartanburg, thence along U.S. Highway 176 to junction South Carolina Highway 121, thence along South Carolina Highway 121 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction South Carolina Highway 391, thence along South Carolina Highway 391 to Batesburg, thence along U.S. Highway 1 to Aiken, thence along U.S. Highway 78 to Blackville, thence along South Carolina Highway 3 to junction U.S. Highway 278, thence along U.S. Highway 278 to Hilton Head Island, on the one hand, and, on the other, Charlotte, N.C. The purpose of this filing is to eliminate the gateway of Spartanburg, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E44) (correction), filed May 3, 1974, published in the FEDERAL REGISTER June 14, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between those points within 15 miles of the corporate city limits of Atlanta, Ga., as defined in 1950, on the one hand, and, on the other, points in that part of South Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 178 to Shoals Junction, thence along South Carolina Highway 420 to Ware Shoals, thence along South Carolina Highway 39 to Saluda, thence along U.S. Highway 178 to Pelion, thence along South Carolina Highway 215 to junction South Carolina Highway 6, thence along South Carolina Highway 6 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rosinville, thence along U.S. Highway 78 to Charleston. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 30280 (Sub-No. E45) (Correction), filed May 4, 1974, published in the FEDERAL REGISTER June 14, 1974. Applicant: WATKINS CAROLINA EXPRESS, INC., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Paul Daniell (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in that part of Georgia on, south, and east of a line beginning at Savannah, thence along the route of Interstate Highway 16 to Macon, thence along Interstate Highway 75 to Cordele, thence along Georgia Highway 33 to the Georgia-Florida State line, on the one hand, and, on the other, points in that part of South Carolina on, west, and north of a line beginning at the South Carolina-Georgia State line, thence along Interstate Highway 85 to Anderson, thence along U.S. Highway 178 to Honea Path (excluding Honea Path), thence along U.S. Highway 76 to Clinton, thence along Interstate Highway 26 to junction Interstate Highway 85, thence along Interstate Highway 85 to the North Carolina-South Carolina State line. The purpose of this filing is to eliminate the gateway of Greenville, S.C. The purpose of this correction is to designate the points as between as opposed to as from.

No. MC 83539 (Sub-No. E44), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO., INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight, require the use of special equipment, and *parts* thereof when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment, and (2) *Self-propelled* articles, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, between points in West Virginia, on the one hand, and, on the other, points in that part of Tennessee on and west of U.S. Highway 231. Restriction: The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Nashville, Tenn., and points within 50 miles thereof

No. MC 83539 (Sub-No. E51), filed June 4, 1974. Applicant: C & H TRANSPORTATION CO. INC., 2010 W. Commerce St., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Wiley C. Willingworth (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts*, and *supplies*, moving in connection therewith, between points in California, on the one hand, and, on the other, points in Kansas (except between points in that part of California in and north of Marin, Sonoma, Napa, Solano, Sacramento, Amador, and Alpine Counties, on the one hand, and, on the other, points in Cheyenne, Rawlins, Decatur, Norton, Phillips, Smith, Sherman, Thomas, Sheridan, Graham, Rooks, Osborne, Wallace, Logan, Gove, Trego, Ellis, and Russell Counties, Kans.) Restriction: The operations authorized in (1) above are restricted against service performed in the stringing or picking up of the authorized commodities in connection with main or trunk pipeline. The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Utah, Colorado, and New Mexico.

No. MC 100666 (Sub-No. E76), filed May 30, 1974. Applicant: MELTON TRUCK LINE, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing*, from points in Arkansas to points in Alabama (except from points in Arkansas on, south and east of a line from the Arkansas-Louisiana State line along Arkansas Highway 275 to the junction of Arkansas Highway 15, thence along Arkansas Highway 15 to the junction of Arkansas Highway 114, thence along Arkansas Highway 114 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of Arkansas Highway 54, thence along Arkansas Highway 54 to the Arkansas River, thence along the Arkansas River to the Mississippi River, on the one hand, and, on the other, points in Alabama on, south and west of a line from the Alabama-Mississippi State line along U.S. Highway 82 to the junction of Alabama Highway 5, thence along Alabama Highway 5 to the junction of U.S. Highway 43, thence along U.S. Highway 43 to Mobile Bay). The purpose of this filing is to eliminate the gateway of Camden, Ark.

No. MC 100666 (Sub-No. E210), filed May 19, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum board and prefinished wall panels, composition board, wallboard, plywood, and moulding*, from Acme, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin, the District of Columbia, and points in North Dakota on and east of a line from the North Dakota-South Dakota State line along U.S. Highway 281 to the junction of U.S. Highway 52, thence along U.S. Highway 52 to the junction of U.S. Highway 83, thence along U.S. Highway 83 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of Acme, Tex.

No. MC 100666 (Sub-No. E218), filed May 24, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing*, from points in Kansas to points in Tennessee. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 100666 (Sub-No. E219), filed May 19, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard, gypsum lath, gypsum wallboard products and metal lath, metal studs, clips, tapes, joint cements and joint systems* from Acme, Tex., to points in Georgia and Illinois (Briar, Ark.) • (2) *Gypsum wallboard, gypsum plaster products, insulating and wallboard, fiberboard, particleboard, roofing, sheathing, joint system compound and building paper and tape* from Acme, Tex., to points in Indiana. (West Memphis, Ark.) • (3) *Building materials* from Acme, Tex., to points in Ohio. (Shreveport, La.) • (4) *Gypsum products* and *building materials* (except commodities in bulk), from Acme, Tex., to points in Florida, North Carolina, and South Carolina. (The plant sites and storage facilities of the National Gypsum Company at New Orleans, La.) •. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E220), filed May 19, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Prefinished wall panels, composition board, wallboard, plywood, mouldings, and gypsum board* from Duke, Okla., to points in Connecticut, Delaware, Illinois, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, North Carolina, points in North Dakota on and east of a line from the North Dakota-South Dakota State line along U.S. Highway 281 to the junction of U.S. Highway 52, thence along U.S. Highway 52 to the United States-Canada International Boundary line, points in Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. (Pittsburg, Kans.) • (2) *Building and insulating materials and gypsum* and *gypsum products* from Duke, Okla., to points in Iowa and Nebraska. (Acme, Tex.) • (3) *Gypsum wallboard, gypsum lath, gypsum wallboard products, metal lath, metal studs, clips, tape, joint cement* and *joint systems* from Duke, Okla., to points in Alabama and Georgia. (Briar, Ark..) • (4) *Roofing, gypsum plaster products, insulating materials and wallboard, fiberboard, particleboard, sheathing, joint system compounds*, and *building paper* and *tape* from Duke, Okla., to points in Indiana, Kentucky, and Tennessee. (West Memphis, Ark.) • (5) *Roofing, insulating sheathing, gypsum products, wallboard, fiberboard, plywood, particleboard, joints system compounds* (except in bulk), *building paper* and *tape* from Duke, Okla., to points in Mississippi. (Irving, Tex.) • (6) *Gypsum products* and *building materials* from Duke, Okla., to points in Florida and South Carolina (the plant site and storage facilities of National Gypsum Company at New Orleans, La.) •. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E222), filed May 24, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing* from points in Kansas to points in Florida. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 100666 (Sub-No. E228), filed August 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Doors* (1) from points in Oklahoma on and south of Oklahoma Highway 3 to points in North Carolina and South Carolina, (2) from points in Texas on and west of Interstate Highway 35 to points in Alabama and Mississippi, (3) from points in Texas to points in Georgia, North Carolina, and South Carolina, (4) from points in Texas on and west of Interstate Highway 75 to points in Tennessee, (5) from points in Texas on, south and west of a line from the Louisiana-Texas State line along U.S. Highway 79 to the junction of U.S. Highway 59, thence along U.S. Highway 59 to the junction of Texas Highway 21, thence along Texas Highway 21 to the junction of U.S. Highway 81, thence along U.S. Highway 81 to Laredo. The purpose of this filing is to eliminate the gateway of Center, Tex.

No. MC 100666 (Sub-No. E229), filed August 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Aluminum doors and windows*, complete with glass panes, from Wright City, Okla., to points in Arizona, on, north and west of a line beginning at the junction of Arizona Highway 85 and the United States and Mexican International Boundaries, thence north on Highway 85 to the junction with U.S. Highway 80, thence north and east on U.S. Highway 80 to the junction with Interstate Highway 17, including the point of Phoenix, thence north on Interstate Highway 17 to the junction with U.S. Highway 89, thence north on U.S. Highway 89 to the Arizona-Utah State line, (2) Aluminum doors and windows, complete with glass panes, from Wright City, Okla., to points in Colorado, on, west and north of a line beginning at the junction of U.S. Highway 666 and the Colorado-New Mexico State line, thence north on U.S. Highway 666 to the junction with Colorado Highway 141, thence north on Colorado Highway 141 to the junction with U.S. Highway 50, thence west and north on U.S. Highway 50 to the junction with U.S. Highway 6, thence north and east on U.S. Highway 6 to the junction with Colorado Highway 131, thence north on Colorado Highway 131 to the junction with U.S. Highway 40, thence west on U.S. Highway 40 to the junction with Colorado Highway 13 and 789, thence north on Colorado Highway 13 and 789 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of Tap City, Ark.

No. MC 100666 (Sub-No. E230), filed September 16, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: *Particle board*, (1) from the facilities of Temple Industries, Inc., at or near Thomson, Ga., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington (Pittsburg, Kans.) •, points in Wyoming (points in Henry County, Tenn.) •; (2) from the plant and warehouse sites of Dierks Forests, Inc., at Broken Bow, Okla., to points in Virginia (facilities of Temple Industries, Inc., at or near Thomson, Ga.) •; (3) from Craig,

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Okla., to points in Virginia (the facilities of Temple Industries, Inc., at or near Thomson, Ga.) *; (4) from the plant sites of Georgia-Pacific Corporation at or near Louisville, Miss., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, points in Pennsylvania east of the Allegheny and Monogahela Rivers, points in Rhode Island, Virginia, Vermont, West Virginia, and the District of Columbia (the plant of Temple Industries, Inc., at or near Thomson, Ga.) *; (5) from the plant sites of Georgia-Pacific Corporation at or near Gloster, Miss., to points in Maryland, New York, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia (the facilities of Temple Industries, Inc., at or near Thomson, Ga.) *; (6) from the plant site of the Georgia-Pacific Corporation at or near Taylorville, Miss., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia (the facilities of Temple Industries, Inc., at or near Thomson, Ga.) *; (7) from West Memphis, Ark., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, and the District of Columbia (the facilities of Temple Industries, at or near Thomson, Ga.) *; (8) from points in Hempstead County, Ark., to points in West Virginia (the plant sites of Georgia-Pacific Corporation at or near Louisville, Miss., and the facilities of Temple Industries, Inc., at or near Thomson, Ga.) *; and (9) from points in Texas on, east, and north of a line from the Texas-Louisiana State line along U.S. Highway 80 to the junction Texas Highway 19, thence along Texas Highway 19 to junction U.S. Highway 271, thence along U.S. Highway 271 to the Texas-Oklahoma State line, to points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, and the District of Columbia (Diboll, Tex., and the facilities of Temple Industries, Inc., at or near Thomson, Ga.) *. The purpose of this filing is to eliminate the gateways indicated by the asterisks above.

No. MC 100666 (Sub-No. E231), filed May 25, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing*, from points in Arkansas to points in Indiana. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 107515 (Sub-No. E134), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and dairy products* as described in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, from Quincy, Fla., and points in that part of Florida on and east of U.S. Highway 319, to points in that part of Alabama on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of any points that is both within 5 miles of Montezuma, Ga., and within the Commercial Zone of Montezuma (except Montezuma).

No. MC 107515 (Sub-No. E153), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and dairy products*, as described in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Quincy, Fla., and points in that part of Florida on and east of U.S. Highway 319, to points in that part of Mississippi on and north of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of any point that is both in the Montezuma, Ga., Commercial Zone, and within 5 miles of Montezuma, except Montezuma.

No. MC 107515 (Sub-No. E155), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3375 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats, and such commodities as are classified as dairy products*, in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, in vehicles equipped with mechanical refrigeration; (1) from points in Florida on and south of a line beginning at the Atlantic Ocean, thence along Florida Highway 206 to junction Florida Highway 207, thence along Florida Highway 207 to junction Florida Highway 100, thence along Florida Highway 100 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line, to points in Virginia; and (2) from points in Florida to points in that part of Virginia on and west of a line beginning at the Virginia-North Carolina State line, thence along U.S. Highway 258 to Newport News, thence along U.S. Highway 17 to junction Florida Highway 171, thence along Florida Highway 171 to Chesapeake Bay. The purpose of this filing is to eliminate the gateways of (1) any points that is both within 5 miles of Macon, Ga., and within the commercial zone of Macon (except Macon), and (2) the plant sites of Family Foods, Inc., or Ambrosia Chocolate Co., Division of W. R. Grace and Company, at Charlotte, N.C.

No. MC 107515 (Sub-No. E156), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citrus products*, not canned and not frozen, in vehicles equipped with mechanical refrigeration, from points in that part of Florida on and east of U.S. Highway 319, to points in Minnesota and Iowa. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar, Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E157), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Florida (except points in that part of Florida east of a line beginning at the Georgia-Florida State line, thence along Florida Highway 121 to junction Florida Highway 100, thence along Florida Highway 100 to junction U.S. Highway 17, thence along U.S. Highway 17 to junction Florida Highway 50, thence along U.S. Highway 50 to junction Florida Highway 520, thence along Florida Highway 520 to junction Florida Highway 419, thence along Florida Highway 419 to junction U.S. Highway 192, thence along U.S. Highway 192 to the Atlantic Ocean, to points in North Carolina. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E158), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in Florida to the District of Columbia, and to points in Virginia (except Norfolk), New York, Massachusetts, Pennsylvania, Tennessee, West Virginia, New Jersey, Maryland, Delaware, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E159), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Frozen foods*, from points in that part of Florida on and south of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 41 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction Florida Highway 42, thence along Florida Highway 42 to junction Florida Highway 19, thence along Florida Highway 19 to junction U.S. Highway 441, thence along U.S. Highway 441 to junction Florida Highway 50, thence along Florida Highway 50 to junction Florida Highway 405, thence along Florida Highway 405 to the Atlantic Ocean, to points in that part of South Carolina on and north of U.S. Highway 1. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E160), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in Florida (except Jacksonville), the District of Columbia, and to points in Virginia, New York, Massachusetts, Pennsylvania, Tennessee, West Virginia, New Jersey, Delaware, Connecticut, Rhode Island, and Maryland. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E161), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3378 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned vegetables and fresh fruits and vegetables*, when transported in the same vehicle with canned vegetables, in vehicles equipped with mechanical refrigeration, from Lake Gem, Fla., to points in that part of West Virginia on and north of U.S. Highway 40, that part of Pennsylvania on and north of a line beginning at the Pennsylvania-West Virginia State line, thence along U.S. Highway 40 to Washington, thence along U.S. Highway 19 to Pittsburgh, thence along Pennsylvania Highway 28 to Brockway, thence along U.S. Highway 219 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Pennsylvania Highway 446, thence along Pennsylvania Highway 446 to the Pennsylvania-New York State line, and that part of New York on and north of a line beginning at the New York-Pennsylvania State line, thence along New York Highway 17 to Horseherds, thence along New York Highway 13 to Cazenovia, thence along U.S. Highway 20 to junction New York Highway 8, thence along New York Highway 8 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of the plant site of Foods Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 110098 (Sub-No. E68) (Correction), filed May 9, 1974, published in the FEDERAL REGISTER October 17, 1974. Applicant: ZERO REFRIGERATED LINES, P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plant site of Geo. A. Hormel & Company, at or near Bureau, Ill., to points in Arizona, California, and that part of Nevada on and south of a line beginning at the Nevada-Utah State line, thence along U.S. Highway 50 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction U.S. Highway 40, thence along U.S. Highway 40 to the Nevada-California State line. The purpose of this filing is to eliminate the gateway of Dalhart, Tex. The purpose of this correction is to correct Nevada points sought and to reflect the correct "E" number previously published as E668.

No. MC 110098 (Sub-No. E75) (Correction), filed May 19, 1974, republished in the FEDERAL REGISTER November 16, 1974. Applicant : ZERO REFRIGERATED LINES, INC., P.O. Box 20380, San Antonio, Tex. 78220. Applicant's representative: T. W. Cothren (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, 273, and 766, and *frozen foods*, all in vehicles equipped with mechanical refrigeration, from points in Otero County, N. Mex., to points in California, Oregon, Washington, Nevada, Montana, Wyoming, that part of Arizona on and south of a line beginning at the New Mexico-Arizona State line, thence along U.S. Highway 70 to junction U.S. Highway 60, thence along U.S. Highway 60 to U.S. Highway 93, thence along U.S. Highway 93 to the Arizona-Nevada State line and that part of Colorado on, north, and east of a line beginning at the Kansas-Colorado State line, thence along U.S. Highway 50 to junction U.S. Highway 285, thence along U.S. Highway 285 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Wyoming State line. The purpose of this filing is to eliminate the gateway of El Paso or Dalhart, Tex. The purpose of this correction is to redefine the territory.

No. MC 111545 (Sub-No. E119), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension-Oilfield Commodities*, 74 M.C.C. 459, and pipe originating at or destined to pipeline rights-of-way), from points in Mississippi, to points in Arizona, California, Nevada, New Mexico, Oregon, Utah, Washington, and that part of Wyoming on, west, and south of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 87 to Cheyenne, thence along Interstate Highway 80 to Rawlins, thence along U.S. Highway 287 to Muddy Gap, thence along Wyoming Highway 220 to Casper, thence along Interstate Highway 90 to Gillette, thence along Wyoming Highway 59 to the Wyoming-Montana State line, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading if performed by the consignor or consignee, or both, and restricted against the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundry Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E131), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith; (1) between points in that part of Tennessee on and south of a line beginning at the Tennessee-Missouri State line, thence along Tennessee Highway 20 to junction Interstate Highway 40,

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thence along Interstate Highway 40 to Knoxville, thence along U.S. Highway way 129 to the Tennessee-North Carolina State line, on the one hand, and, on the other, points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to Madison, thence along U.S. Highway 151 to Chilton, thence along Wisconsin Highway 57 to Green Bay; and (2) between points in Shelby County, Tenn., on the one hand, and, on the other, points in Wisconsin, restricted in (1) and (2) above to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 111545 (Sub-No. E135), filed May 26, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (1) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction Kansas Highway 39, thence along Kansas Highway 39 to Chanute, thence along U.S. Highway 169 to the Kansas-Missouri State line; (2) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of Oklahoma on, west, and south of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 70 to Broken Bow, thence along Oklahoma Highway 3 to Atoka, thence along U.S. Highway 75 to the Oklahoma-Kansas State line; (3) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of Texas on and west of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 271 to Mount Pleasant, thence along Texas Highway 49 to Dangerfield, thence along U.S. Highway 259 to Longview, thence along U.S. Highway 80 to Gladewater, thence along U.S. Highway 271 to Tyler, thence along Texas Highway 31 to Athens, thence along Texas Highway 19 to Palestine, thence along U.S. Highway 287 to Crockett, thence along Texas Highway 45 to Huntsville, thence along U.S. Highway 75 to Houston, thence along Texas Highway 288 to Angleton, thence along Texas Highway 35 to Corpus Christi; and (4) between points in that part of Louisiana on, south, and east of a line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 165 to junction U.S. Highway 90, thence along U.S. Highway 90 to the Louisiana-Texas State line, on the one hand, and, on the other, points in that part of Texas north and west of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 80 to Gladewater, thence along U.S. Highway 271 to Tyler, thence along Texas Highway 31 to Athens, thence along Texas Highway 19 to Palestine, thence along U.S. Highway 287 to Crockett, thence along Texas Highway 45 to Huntsville, thence along U.S. Highway 75 to Houston, thence along Texas Highway 288 to Angleton, thence along Texas Highway 35 to Corpus Christi.

No. MC 111545 (Sub-No. E537), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Valves, hydrants, indicator posts, floor stands, fittings, sleeves, and covers*, the transportation of which, because of size or weight, requires the use of special equipment (except agricultural machinery and implements, other than hand, as defined by the Commission), (1) from points in Florida to points in Idaho, Montana, Nevada, North Dakota, Washington and Wyoming; (2) from points in Florida to points in that part of California north and west of a line beginning at the California Arizona State line, thence along U.S. Highway 95 to junction California Highway 78, thence along California Highway 78 to junction California Highway 111, thence along California Highway 111 to Calexico; and (3) from points in that part of Florida on and east of a line beginning at the Florida Georgia State line, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks, to points in Arizona and Colorado. The purpose of this filing is to eliminate the gateways of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and Anniston, Ala.

No. MC 111545 (Sub-No. E478), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heat exchangers or equalizers* for air, gas, or liquids; (2) *machinery and equipment* for heating, cooling, conditioning, humidifying, dehumidifying, and moving air, gas, or liquids, and (3) *parts, attachments, and accessories* for the use in installation and operations of items (1) and (2), above; (a) from points in Wisconsin to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to Birmingham, thence along U.S. Highway 11 to the Alabama-Mississippi State line; (b) from points in that part of Wisconsin on, north, and west of a line beginning at Milwaukee, thence along U.S. Highway 18 to Madison, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, to points in that part of Alabama, on, west, and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 431 to Gadsden, thence along U.S. Highway 278 to the Alabama-Georgia State line; (c) from points in that part of Nebraska on, north, and west of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to junction U.S. Highway 77, thence along U.S. Highway 77 to the Nebraska-Iowa State line, to points in Alabama; and (d) from points in Iowa and Minnesota to points in Alabama, restricted in parts (1), (2), and (3) of the commodity description above to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateways of points in Iowa and the plant and warehouse facilities of the Trane Company at Clarksville, Tenn.

No. MC 111545 (Sub-No. E548), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), (1) between points in that part of Texas on and south of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 80 to Rosco, thence along U.S. Highway 84 to Snyder, thence along U.S. Highway 180 to the Texas-New Mexico State line, on the one hand, and, on the other, points in that part of Ohio on and east of Interstate Highway 75; and (2) between points in Texas on and

south of U.S. Highway 66, on the one hand, and, on the other, points in that part of Ohio on, south, and east of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to junction Ohio Highway 124, thence along Ohio Highway 124 to Roads, thence along Ohio Highway 346 to Athens, thence along U.S. Highway 50 to the Ohio-West Virginia State line, restricted in (1) and (2) above to the transportation of commodities which are transported on trailers, and restricted in (1) and (2) above against the transportation of machinery, equipment, material and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, and picking up thereof. The purpose of this filing is to eliminate the gateway of points in that part of Mississippi within 175 miles of Chattanooga, Tenn., and points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E550), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in Mississippi, within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in New Jersey, New York, Pennsylvania, and that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to junction Ohio Highway 15, thence along Ohio Highway 15 to Findlay, thence along U.S. Highway 25 to the Ohio-Michigan State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E568), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines); (1) between points in Alabama within 175 miles of Chattanooga, Tenn., and on, east, and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 72 to Huntsville, thence along U.S. Highway 231 to Cleveland, thence along Alabama Highway 79 to Birmingham, thence along U.S. Highway 11 to Tuscaloosa, thence along U.S. Highway 82 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in that part of Illinois on and north of Interstate Highway 80; and (2) between points in Alabama within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 11 to Birmingham, thence along U.S. Highway 31 to Montgomery, thence along U.S. Highway 80 to the Alabama-Georgia State line, on the one hand, and, on the other, points in that part of Illinois on and north of Interstate Highway 70, restricted in (1) and (2) above to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E569), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and south of U.S. Highway 11, on the one hand, and, on the other, points in that part of Indiana on, north, and east of a line beginning at the Indiana-Illinois State line, thence along U.S. Highway 40 to junction Indiana Highway 46, thence along Indiana Highway 46 to Bloomington, thence along Indiana Highway 37 to junction Indiana Highway 237, thence along Indiana Highway 237 to the Indiana-Kentucky State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E570), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of Oklahoma on, north, and west of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 64 to Warner, thence along U.S. Highway 266 to Checotah, thence along U.S. Highway 69 to junction Indian NationaTurnpike, thence along Indian NationaTurnpike to Hugo, thence along U.S. Highway 271 to the Oklahoma-Texas State line, on the one hand, and, on the other, points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and east of a line beginning at the Tennessee-Georgia State line, thence along U.S. Highway 41 to Monteagle, thence along Tennessee Highway 56 to McMinnville, thence along U.S. Highway 70S to junction U.S. Highway 70, thence along U.S. Highway 70 to Knoxville, thence along Tennessee Highway 33 to Tazewell, thence along U.S. Highway 25E to the Tennessee-Kentucky State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E578), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated buildings*, unassembled, (1) from points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 278 to Austell, thence along U.S. Highway 78 to the Georgia-South Carolina State line, to points in Indiana; and (2) from points in that part of Georgia on and south of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 278 to Austell, thence along U.S. Highway 78 to Athens, thence along Georgia Highway 15 to Swainsboro, thence along U.S. Highway 1 to Baxley, thence along U.S. Highway 341 to Brunswick, to points in Ohio and Massachusetts. The purpose of this filing is to eliminate the gateway of Marietta, Ga.

No. MC 111545 (Sub-No. E588), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, from points in Iowa to points in Alabama, Mississippi, and that part of Louisiana on and east of a line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 165 to Alexandria, thence along U.S. Highway 167 to Abbeville, thence along Louisiana Highway 82 to Esther, thence along Louisiana Highway

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343 to Intracoastal. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC 111545 (Sub-No. E601), filed May 27, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heavy machinery and air compressors*, the transportation of which, because of size or weight, requires the use of special equipment; (1) from points in New Jersey to points in that part of Alabama on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 80 to Montgomery, thence along U.S. Highway 82 to the Alabama-Mississippi State line; (2) from points in that part of New Jersey on, south, and east of a line beginning at the New Jersey-New York State line, thence along U.S. Highway 202 to junction U.S. Highway 206, thence along U.S. Highway 206 to junction U.S. Highway 130, thence along U.S. Highway 130 to Deepwater, thence along Interstate Highway 295 to the New Jersey-Delaware State line, to points in that part of Tennessee on and west of a line beginning at the Tennessee-Alabama State line, thence along Tennessee Highway 22 to Huntingdon, thence along Tennessee Highway 77 to junction Tennessee Highway 69, thence along Tennessee Highway 69 to Paris, thence along U.S. Highway 641 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 112822 (Sub-No. E201), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Oregon to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 112822 (Sub-No. E202), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Washington to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 281 to San Antonio, and thence along U.S. Highway 81 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateway of points in Minnesota.

No. MC 112822 (Sub-No. E205), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, in vehicles equipped with mechanical refrigeration, from points in Oklahoma east and north of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Logan, Utah.

No. MC 112822 (Sub-No. E206), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet*, from Hillsboro, Tex., to points in Colorado, Kansas, Nebraska, Iowa, Indiana, Michigan, Ohio, Kentucky, North Carolina, Virginia, West Virginia, Pennsylvania, New York, Maryland, New Jersey, Connecticut, Massachusetts, Vermont, New Hampshire, Rhode Island, Delaware and Maine. The purpose of this filing is to eliminate the gateway of Bristow or Wilburten, Okla.

No. MC 112822 (Sub-No. E207), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, in vehicles equipped with mechanical refrigeration, from points in Oklahoma east and north of a line beginning at the Oklahoma-Kansas State line and extending along U.S. Highway 81 to junction Interstate Highway 40, thence along Interstate Highway 40 to the Oklahoma-Arkansas State line. The purpose of this filing is to eliminate the gateway of Kansas City, Mo.

No. MC 112822 (Sub-No. E210), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Anhydrous ammonia*, from the plant site and storage facilities of Arkla Chemical Corporation, in Phillips County, Ark., to points in Illinois on and north of a line beginning at the Illinois-Indiana State line and extending along U.S. Highway 24 to Peoria, thence along U.S. Highway 150 to the Illinois-Iowa State line. The purpose of this filing is to eliminate the gateway of the plant site of CF Industries near Palmyra, Mo.

No. MC 112822 (Sub-No. E212), filed June 5, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionaries*, from points in Minnesota south of a line beginning at the International Boundary line between the United States and Canada and extending along U.S. Highway 71 to junction U.S. Highway 2, thence along U.S. Highway 2 to the Minnesota-North Dakota State line, to points in California south of a line beginning at Monterey and extending along U.S. Highway 68 to junction California Highway J–1 thence along California Highway J–1 to junction California Highway 180, thence along California Highway 180 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 136, thence along California Highway 136 to junction California Highway 190, thence along California Highway 190 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of the facilities of Bunte Candies, Inc., at Oklahoma City, Okla.

No. MC 112822 (Sub-No. E213), filed June 5, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionaries*, from points in Wisconsin on and south of a line beginning at Algoma and extending along Wisconsin Highway 54 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line, to points in California on and south of a line beginning at San Francisco and extending along Interstate Highway 80 to junction Interstate Highway 580, thence along Interstate Highway 580 to junction California Highway 120, thence along California Highway 120 to U.S. Highway 6, thence along U.S. Highway 6 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of the facilities of Bunte Candies, Incorporated, at Oklahoma City, Okla.

No. MC 112822 (Sub-No. E216), filed June 5, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in California on and north of a line beginning at San Francisco and extending along Interstate Highway 80 to the California-Nevada State line. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 112822 (Sub-No. E218), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruits and vegetables*, in vehicles equipped with mechanical refrigeration, from Denver, Colo., to points in Arkansas. The purpose of this filing is to eliminate the gateway of the facilities of Stilwell Foods at Stilwell, Okla.

No. MC 112822. (Sub-No. E220), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar* from Pueblo, Colo., to points in New Mexico in and south of Catron, Socorro, Lincoln, Chaves, and Roosevelt Counties. The purpose of this filing is to eliminate the gateway of Rocky Ford, Colo.

No. MC 112822 (Sub-No. E221), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, from points in South Dakota on and east of U.S. Highway 281, to points in Arizona on and west of a line beginning at the International Boundary line between the United States and Mexico and extending along U.S. Highway 95 to Quartzsite, thence along Arizona Highway 95 to the Arizona-California State line and points in California. The purpose of this filing is to eliminate the gateway of points in Kansas, and Logan, Smithfield, and Wellsville, Utah.

No. MC 112822 (Sub-No. E223), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from points in Wisconsin to points in Idaho south of U.S. Highway 10. The purpose of this filing is to eliminate the gateway of points in Iowa or Nebraska.

No. MC 115162 (Sub-No. E3), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Florida, on the one hand, and, on the other, points in Arkansas, Kansas, and Texas. The purpose of this filing is to eliminate the gateways of points in Mobile and Baldwin Counties, Ala.

No. MC 115162 (Sub-No. E4), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, between Birmingham, Ala., and points in that part of Alabama south of U.S. Highway 78 within 65 miles of Birmingham, on the one hand, and, on the other, points in that part of Georgia on and west of U.S. Highway 129, and points in that part of Florida on, north, and west of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 129 to junction U.S. Highway 92, thence along U.S. Highway 92 to Tampa. The purpose of this filing is to eliminate the gateways of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 115162 (Sub-No. E5), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between Mobile, Ala., on the one hand, and, on the other, points in Mississippi. The purpose of this filing is to eliminate the gateway of points in that part of Alabama south of U.S. Highway 78.

No. MC 115162 (Sub-No. E6), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Marengo County, Ala., on the one hand, and, on the other, points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateway of points in that part of Alabama south of U.S. Highway 78.

No. MC 115162 (Sub-No. E8), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Marengo County, Ala., on the one hand, and, on the other, points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of points in that part of Alabama south of U.S. Highway 78.

No. MC 115162 (Sub-No. E9), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from points in Escambia County, Fla., to points in that part of Texas on and north of U.S. Highway 84. The purpose of this filing is to eliminate the gateway of Vicksburg, Miss.

No. MC 115162 (Sub-No. E10), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Sumter County, Ala., on the one hand, and, on the other, points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateways of points in that part of Alabama south of U.S. Highway 78.

No. MC 115162 (Sub-No. E11), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Milledgeville, Ga., to points in Illinois, Iowa, Nebraska, Missouri, Wisconsin, Minnesota, and Michigan. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 80.

No. MC 115162 (Sub-No. E12), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board*, from Blountstown, Fla., to Chicago, Ill., and its commercial zone, Gary, Hammond, and Richmond, Ind., and their respective commercial zones, and Dayton, Ohio. The purpose of this filing is to eliminate the gateway of points in Henry County, Tenn.

No. MC 115841 (Sub-No. E13), filed June 3, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 10327, Birmingham, Ala. 35202. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except hides and commodities in bulk),

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which commodities are also foodstuffs, from Belefontaine, Ohio, to points in Alabama, Georgia, Louisiana, Mississippi (Lexington, Ky.)*, Arkansas (Nashville, Tenn.)*, California (Lexington, Ky., and Birmingham, Ala.)*, Florida, and South Carolina (Chattanooga, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 119988 (Sub-No. E11), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in that part of Missouri on, north, and west of a line beginning at the Missouri-Arkansas State line at or near Thayer, thence along Missouri Highway 19 to junction U.S. Highway 61, thence along U.S. Highway 61. The purpose of this filing is to eliminate the gateway of Texarkana, Tex.

No. MC 119988 (Sub-No. E12), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Montana. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E14), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Nevada. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E15), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in New Mexico. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E16), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements*, otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in North Dakota. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E17), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in South Dakota. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E19), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Utah. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E20), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Washington. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

No. MC 119988 (Sub-No. E21), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce Street, Dallas, Tex. 75208. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulations under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Wyoming. The purpose of this filing is to eliminate the gateway of Dallas, Tex.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-26040 Filed 11-15-74;8:45 am]

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(Revised as of July 1, 1974)

Title 30—Mineral Resources $5.65

Title 32A—National Defense, Appendix 3.35

Title 41—Public Contracts and Property Management (Chapters 6–9) 5.15

[A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 406]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Florida	Suwannee	Live Oak, city of	Nov. 14, 1974 Emergency	Nov. 23, 1973		
Idaho	Nez Perce	Culdesac, city of	do	Oct. 18, 1974		
Iowa	Plymouth	Akron, city of	do	Mar. 22, 1974		
Kansas	Crawford	Pittsburg, city of	do	Feb. 15, 1974		
Mississippi	Perry	Unincorporated areas	do			
Ohio	Sundusky	do	Nov. 13, 1974, Emergency			
Oregon	Washington	King City, city of	Nov. 14, 1974, Emergency			
Pennsylvania	Chester	Birmingham, township of	do	Nov. 22, 1974		
Do	Luzerne	Pittston, township of	do			
Do	Chester	Easttown, township of	do			
Do	Montgomery	Upper Moreland, township of	do			
Texas	Tarrant	Azle, city of	do	Mar. 8, 1974		
West Virginia	Berkeley	Martinsburg, city of	do	June 7, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: November 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26774 Filed 11-18-74;8:45 am]

[Docket No. FI 405]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

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§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Maine	York	Eliot, town of	Nov. 13, 1974. Emergency			
Minnesota	Houston	Houston, city of	do	May 24, 1974		
New York	Nassau	Kings Point, Village of	do	June 21, 1974		
Do	Cayuga	Fleming, town of	do	June 14, 1974		
North Carolina	Avery	Banner Elk, town of	do	June 14, 1974		
Texas	Harris	Southside Place, city of	do			
Wisconsin	Walworth	Lake Geneva, city of	do	Dec. 28, 1973		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: November 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–26775 Filed 11–18–74;8:45 am]

[Docket No. FI 404]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry tothe table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Indiana	Bartholomew	Columbus, city of	Nov. 12, 1974. Emergency	Dec. 7, 1973		
Mississippi	Greene	McLain, town of	do	Jan. 16, 1974		
New Jersey	Warren	Belvidere, town of	do	June 28, 1974		
New York	Onondaga	Fabius, town of	do	Aug. 16, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: November 6, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–26776 Filed 11–18–74;8:45 am]

[Docket No. FI 403]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the comment of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazard
Alabama	Bibb	West Blocton, town of.	H 010014 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Town of West Blocton, West Blocton, Ala. 35184.	Nov. 8, 1974.
Do	Greene	Eutaw, city of	H 010093 01 through H 010093 04	do	Mayor, William H. Tuck, City Hall, Eutaw, Ala. 35462.	Do.
Do	Tallapoosa	Alexander, city of	H 010210 01 through H 010210 09	do	Mayor, City Hall, City of Alexander, Alexander, Ala. 36010.	Do.
Arkansas	Desha	Mitchellville, town of.	H 050069 01	Division of Soil, Water Resources, State Department of Commerce, 1920 West Capitol Ave., Little Rock, Ark. 72201. Arkansas Insurance Department, 400 University Tower Bldg., Little Rock, Ark. 72204.	Mayor, City Hall, Mitchellville, Ark. 71639.	Do.
California	Contra Costa	Walnut Creek, city of.	H 065070 01 through H 065070 15	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802.	Public Works Department, 1501 North California Blvd., City of Walnut Creek, Walnut Creek, Calif. 94596.	Do.
Colorado	Logan	Crook, town of	H 080111 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Chairman, Board of Commissioners, Town of Crook, Sterling, Colo. 80751.	Do.
Do	do	Fleming, town of	H 080112 01	do	Chairman, Board of County Commissioners, Town of Fleming, Sterling, Colo. 80751.	Do.
Do	Ouray	Ridgway, town of	H 080138 01	do	Mayor, Town of Ridgway, Ridgway, Colo. 81432.	Do.
Do	Sedgwick	Sedgwick, town of	H 080171 01	do	Mayor, Town of Sedgwick, Sedgwick, Colo. 80749.	Do.
Connecticut	Tolland	Columbia, town of.	H 090160 01 through H 090160 07	Department of Environmental Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Mayor, Town of Columbia, Columbia, Conn. 06237.	Do.
Do	Windham	Ashford, town of	H 090165 01 through H 090165 20	do	Mayor, Town of Ashford, Windham, Conn. 06280.	Do.
Illinois	Du Page	Lisle, village of	H 170211 A 01 through H 170211 A 02	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	Building and Zoning Commission, 4740 Main St., Village of Lisle, Lisle, Ill. 60532.	Mar. 15, 1974 Nov. 8, 1974
Idaho	Unincorporated area.	Latah, county of	H 160086 01 through H 160086 02	Department of Water Administration, State House, Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206, Statehouse, Boise, Idaho 83707.	Chairman, Board of County Commissioners, Courthouse, County of Latah, Moscow, Idaho 83843.	Do.
Indiana	Vermillion	Dana, town of	H 180200 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President, Dana Town Board, Dana, Ind. 47847.	Do.
Do	White	Chalmers, town of.	H 180297 01	do	Area Plan Commission, Courthouse, Town of Chalmers, Monticello, Ind. 47960.	Do.
Iowa	Cerro Gordo	Plymouth, town of.	H 190061 01	Iowa Natural Resources Council, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department., Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, Town Hall, Plymouth, Iowa 50464.	Do.
Do	Crawford	Kiron, city of	H 190098 01	do	Mayor, City Hall, City of Kiron, Kiron, Iowa 51448.	Do.
Do	Mills	Silver City, town of.	H 190207 01	do	Mayor, Town of Silver City, Silver City, Iowa 51571.	Do.
Do	Muscatine	Atalissa, town of	H 190211 01	do	Mayor, City Hall, Town of Atalissa, Atalissa, Iowa 52720.	Do.
Do	do	Nichols, city of	H 190214 01	do	Mayor, City Hall, City of Nichols, Nichols, Iowa 52766.	Do.
Do	Wapello	Chillicothe, town of.	H 190269 01	do	Mayor, Town of Chillicothe, Chillicothe, Iowa 52538.	Do.
Do	Webster	Callender, town of.	H 190277 01	do	Mayor, Town of Callender, Callender, Iowa 50524	Do.
Do	Humboldt	Dakota City, town of.	H 190421 01	do	Mayor, Town of Dakota City, Dakota City, Iowa 50529.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kansas	Brown	Fairview, city of	H 200028 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City of Fairview, Fairview, Kans. 66425.	Do.
Do	Jackson	Mayetta, city of	H 200143 01	do	Mayor, City Hall, Mayetta, Kans. 66509.	Do.
Do	Nemaha	Goff, city of	H 200230 01	do	Mayor, City Hall, City of Goff, Goff, Kans. 66428.	Do.
Do	Russell	Russell, city of	H 200315 A 01 through H 200315 A 02	do	City Manager, City Hall, 5th and Maple, P.O. Box 112, Russell, Kans. 67665.	Do.
Do	Wabaunsee	Harveyville, city of.	H 200352 01	do	Mayor, City Hall, Harveyville, Kans. 66431.	Do.
Louisiana	Madison	Delta, village of	H 220123 01	State Department of Public Works, P.O. Box 44155, Capitol Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	City Hall, Village of Delta, Delta, La. 71233.	Do.
Maine	Knox	Rockland, city of	H 230076 01 through H 230076 08	Maine Soil and Water Conservation Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	City Manager, City Hall, Rockland, Maine 04841.	Do.
Do	Penobscot	Millinocket, town of.	H 230111 01 through H 230111 06	do	Town Manager, 197 Penobscot Ave., Town of Millinocket, Millinocket, Maine 04462.	Do.
Do	Oxford	Andover, town of	H 230160 01 through H 230160 09	do	Mayor, Town of Andover, Andover, Maine 04216.	Do.
Do	Penobscot	Hampden, town of.	H 230168 01 through H 230168 06	do	Mayor, Town of Hampden, Hampden, Maine 04444.	Do.
Do	Androscoggin	Livermore, town of.	H 230173 01 through H 230173 06	do	Town Manager, Town of Livermore, Livermore, Maine 04253.	Do.
Do	Waldo	Searsport, town of.	H 230185 01 through H 230185 09	do	Mayor, Town of Searsport, Searsport, Maine 04974.	Do.
Maryland	Garrett	Kitzmiller, town of.	H 240036 01	Department of Water Resources, State Office Bldg., Annapolis, Md. 21304. Maryland Insurance Department, 301 West Preston St. Baltimore, Md. 21201.	Mayor, Town of Kitzmiller, Kitzmiller, Md. 21538.	Do.
Do	Dorchester	Church Creek, town of.	H 240101 01	do	Mr. Hobart Adams, County Planning Director, County Office Bldg., Town of Church Creek, Cambridge, Md. 21613.	Do.
Do	Garrett	Deer Park, town of.	H 240102 01	do	Chairman, Garrett County Board of Commissioners, Courthouse, Town of Deer Park, Oakland, Md. 21550.	Do.
Do	Dorchester	Vienna, town of	H 240127 01	do	Mr. Hobart Adams, County Planning Director, County Office Bldg., Town of Vienna, Cambridge, Md. 21613.	Do.
Massachusetts	Hampden	Southwick, town of.	H 250149 01 through H 250149 09	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Chairman, Planning Board, Town Hall, Southwick, Mass. 01077.	Do.
Do	Plymouth	Hanson, town of	H 250267 01 through H 250267 05	do	Chairman, Board of Selectmen, Town Hall, Hanson, Mass. 02341.	Do.
Michigan	Macomb	Harrison, township of.	H 260123 A 01 through H 260123 A 07	Water Resources Commission, Bureau of Water Management, Stevens T. Manson Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	Township of Harrison, 38151 Lanse Creuse, Mount Clemens, Mich. 48043.	Nov. 16, 1973 Nov. 8, 1974
Minnesota	Aitkin	Hill City, city of	H 270002 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, E-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Hill City, Hill City, Minn. 55748.	Do.
Do	St. Louis	Ely, city of	H 270567 01 through H 270567 03	do	Ely Planning and Zoning Commission, City of Ely, 623 East Pattison St., Ely, Minn. 55731.	Do.
Do	Carver	Norwood, city of	H 270593 01	do	Mayor, City Hall, City of Norwood, Norwood, Minn. 55368.	Do.
Do	Mc Leod	Winstead, city of	H 270614 01	do	Mayor, City Hall, City of Winstead, Winstead, Minn. 55395.	Do.
Mississippi	Sunflower	Doddsville, town of.	H 280162 01	Mississippi Research and Development Center, P.O. Box Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., Jackson, Miss. 39205.	Mayor, Town of Doddsville, Doddsville, Miss. 38736.	Do.
Do	Calhoun	Pittsboro, village of.	H 280218 01	do	Chairman, Village of Pittsboro, Pittsboro, Miss. 38951.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Clarke	Pachuta, town of	H 280219 01	do	Mayor, Town of Pachuta, Pachuta, Miss. 39347.	Do.
Missouri	Cass	Freeman, city of	H 290066 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, City of Freeman, Freeman, Mo. 64746.	Do.
Do	Gasconade	Morrison, city of	H 290142 01	do	Mayor and City Council, City of Morrison, Morrison, Mo. 65061.	Do.
Do	do	Rosebud, city of	H 290144 01	do	Mayor and City Council, City of Rosebud, Rosebud, Mo. 63091.	Do.
Do	Clay and Jackson	Kansas City, city of.	H 290173 01 through H 290173 101	do	City Development Department, 14th Floor, City Hall, City of Kansas City, Kansas City, Mo. 64106.	Do.
Do	Lincoln	Old Monroe, city of.	H 290211 01	do	Mayor, City Hall, City of Old Monroe; Old Monroe, Mo. 63369.	Do.
Do	Scott	Commerce, city of	H 290410 01	do	City Hall, City of Commerce, Box 45, Commerce, Mo. 63742.	Do.
Do	Carter	Grandin, city of	H 290460 01	do	Presiding Judge, Carter County Court, Court House, City of Grandin, Van Buren, Mo. 63965.	Do.
Montana	Beaver Head	Dillon, city of	H 300088 01	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Dillon, Mont. 59725.	Do.
Nebraska	Boyd	Lynch, village of	H 310013 01	Nebraska Natural Resources, Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village of Lynch, Lynch, Nebr. 68746.	Do.
Do	Burt	Craig, village of	H 310020 01	do	Chairman Village Board, Village of Craig, Craig, Nebr. 68019.	Do.
Do	Clay	Deweese, village of	H 310041 01	do	President, City Board, Village of Deweese, Deweese, Nebr. 68934.	Do.
Do	Clay	Ong, village of	H 310044 01	do	Mayor, Village of Ong, Ong, Nebr. 68965.	Do.
Do	Dawson	Farnam, village of	H 310061 01	do	Mayor, Village Board, Farnam, Nebr. 69029.	Do.
Do	do	Sumner, village of	H 310065 01	do	Mayor, Village Board, Sumner, Nebr., 68878.	Do.
Do	Fillmore	Ohiowa, village of	H 310081 01	do	Mayor, Village Board, Ohiowa, Nebr. 68416.	Do.
Do	Gage	Adams, village of	H 310089 01	do	Mayor, Village of Adams, Adams, Nebr. 68301.	Do.
Do	Greeley	Wolbach, village of.	H 310099 01 through H 310099 02	do	Mayor, Village of Wolbach, Wolbach, Nebr. 68882.	Do.
Do	Howard	Boelus, village of	H 310117 01	do	Mayor, Village of Boelus, Boelus, Nebr. 68820.	Do.
Do	Johnson	Sterling, village of	H 310126 01	do	Chairman, Village Board, Sterling, Nebr. 68443.	Do.
Do	Lancaster	Firth, village of	H 310135 01	do	Chairman, Village Board, Firth, Nebr. 68358.	Do.
Do	Pawnee	Burchard, village of.	H 310169 01	do	Mayor, Village of Burchard, Burchard, Nebr. 68323.	Do.
Do	Platte	Lindsay, village of.	H 310177 01	do	Mayor, Village of Lindsay, Lindsay, Nebr. 68644.	Do.
Do	Richardson	Salem, village of	H 310185 01	do	Mayor, Village of Salem, Salem, Nebr. 68433.	Do.
Do	Saunders	Ceresco, village of.	H 310197 01	do	Village Board, City Hall, Village of Ceresco, Ceresco, Nebr. 68017.	Do.
Do	do	Valparaiso, village of.	H 310203 01	do	Village Board, City Hall, Village of Valparaiso, Valparaiso, Nebr. 68065.	Do.
Do	Seward	Beaver Crossing, village of.	H 310208 01	do	Mayor, Village of Beaver Crossing, Beaver Crossing, Nebr. 68313.	Do.
Do	York	McCool Junction, village of.	H 310236 01	do	Mayor, Village of McCool Junction, McCool Junction, Nebr. 68401.	Do.
New Hampshire	Grafton	Easton, town of	H 330051 01 through H 330051 04	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Chairman, Board of Selectmen, Easton, N.H. No ZIP.	Do.
New York	Essex	Jay, town of	H 360265 01 through H 360265 09	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Supervisor, Town of Essex, Au Sable Forks, N.Y. 12912.	Do.
Do	do	Willsboro, town of	H 360267 01 through H 360267 10	do	Supervisor, Town of Willsboro, Willsboro, N.Y. 12996.	Do.
Do	Onondaga	Skaneateles, town of.	H 360592 01 through H 360592 21	do	Town of Skaneateles Office Bldg., 24 Jordan St., Skaneateles, N.Y. 13152.	Do.
Do	Westchester	Hastings-on-Hudson, village of.	H 360913 01 through H 360913 02	do	Mayor, Village of Hastings, Maple Ave., Hastings-on-Hudson, N.Y. 10706.	Do.
Do	Allegany	Amity, town of	H 361093 01 through H 361093 05	do	Mayor, Town of Amity, Amity, N.Y. No ZIP.	Do.
Do	do	Burns, town of	H 361098 01 through H 361098 04	do	Mayor, Town of Burns, Burns, N.Y. No ZIP.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Chautauqua	Gerry, town of	H 361109 01 through H 361109 06	do	Mayor, Town of Gerry, Gerry, N.Y. No ZIP.	Do.
Do	Franklin	Dickinson, town of.	H 361122 01 through H 361122 06	do	Mayor, Town of Dickinson, Dickinson N.Y. 12930.	Do.
Do	Fulton	Caroga, town of	H 361129 01 through H 361129 07	do	Mayor, Town of Caroga, Caroga, N.Y. 12032.	Do.
Do	do	Oppenheim, town of.	H 361134 01 through H 361134 09	do	Mayor, Town of Oppenheim, Oppenheim, N.Y. No ZIP.	Do.
Do	Essex	Crown Point, town of.	H 361148 01 through H 361148 22	do	Mayor, Town of Crown Point, Crown Point, N.Y. 12928.	Do.
Do	Franklin	Brighton, town of.	H 361163 01 through H 361163 22	do	Mayor, Town of Brighton, Brighton, N.Y. 11232	Do.
Do	Schoharie	Fulton, town of	H 361195 01 through H 361195 06	do	Mayor, Town of Fulton, Fulton, N.Y. 13069.	Do.
Do	do	Sharon, town of	H 361200 01 through H 361200 11	do	Mayor, Town of Sharon, Sharon, N.Y. 13459.	Do.
Do	do	Wright, town of	H 361202 01 through H 361202 06	do	Mayor, Town of Wright, Wright, N.Y. No ZIP.	Do.
Do	Orleans	Shelby, town of	H 361253 01 through H 361258 11	do	Mayor, Town of Shelby, Shelby, N.Y. No ZIP.	Do.
Do	Otsego	Middlefield, town of.	H 361265 01 through H 361265 20	do	Mayor, Town of Middlefield, Middlefield, N.Y. 13405.	Do.
Do	do	Plainfield, town of.	H 361278 01 through H 361278 09	do	Mayor, Town of Plainfield, Plainfield, N.Y. No ZIP.	Do.
Do	Livingston	Sparta, town of	H 361288 01 through H 361288 04	do	Mayor, Town of Sparta, Sparta, N.Y. No ZIP.	Do.
Do	Ontario	Canadice, town of.	H 361297 01 through H 361297 03	do	Mayor, Town of Canadice, Canadice, N.Y. No ZIP.	Do.
Do	do	Phelps, town of	H 361302 01 through H 361302 07	do	Mayor, Town of Phelps, Phelps, N.Y. 14532.	Do.
Do	Chenango	New Berlin, town of.	H 361303 01 through H 361303 07	do	Mayor, 6 Whitmore Ave., New Berlin Town, New Berlin, N.Y. 12022.	Do.
Do	Clinton	Champlain, town of.	H 361311 01 through H 361311 07	do	Mayor, Town of Champlain, Champlain, N.Y. 12919.	Do.
Do	Columbia	Clermont, town of	H 361315 01 through H 361315 09	do	Mayor, Town of Clermont, Clermont, N.Y. No ZIP.	Do.
North Dakota	Burleigh	Bismarck, city of	H 380149 01 through H 380149 08	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Chairman, County Planning Commission, Bismarck, N. Dak. 58501.	Do.
Ohio	Meigs	Rutland, village of.	H 390670 01	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Village of Rutland, Nelson Rd.,	Do.
Oklahoma	Carter	Gene Autry, town of.	H 400032 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Clyde Haney, Resident, Gene Autry, Okla. 73436.	Do.
Do	Haskell	Kinta, city of	H 400071 01	do	Mayor, City of Kinta, Kinta, Okla. 74552.	Do.
Do	Pittsburg	Pittsburg, town of.	H 400171 01	do	Mayor, City Hall, Town of Pittsburg, Pittsburg, Okla. 74560.	Do.
Do	Seminole	Sasakwa, town of	H 400191 01	do	Mayor, Town of Sasakwa, Sasakwa, Okla. 74867.	Do.
Do	Woods	Dacoma, town of	H 400226 01	do	Mayor, Town of Dacoma, Dacoma, Okla. 73731.	Do.
Do	do	Freedom, town of	H 400227 01	do	Mayor, Town Office, Freedom, Okla. 73842.	Do.
Oregon	Benton	Monroe, city of	H 410010 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Monroe, Oreg. 97456.	Do.
Do	Jackson	Butte Falls, city of.	H 410091 01	do	Mayor, City Hall, Butte Falls, Oreg. 97522.	Do.
Do	Josephine	Cave Junction, city of.	H 410107 01	do	Mayor, City of Cave Junction, Cave Junction, Oreg. 97523.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lincoln	Lincoln City, city of.	H 410102 01 through H 410130 03	do	Department of Public Works, 4907 Southwest Highway 101, City of Lincoln City, Lincoln City, Oreg. 97367.	Do.
Do	Wallowa	Lostine, city of	H 410227 01	do	Mayor, City of Lostine, Lostine, Oreg. 97857.	Do.
Pennsylvania	Bedford	Hopewell, borough of.	H 420120 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Borough of Hopewell, Hopewell, Pa. 16650.	Do.
Do	Bradford	New Albany, borough of.	H 420172 01	do	Mayor, Borough of New Albany, Rural Delivery No. 2, New Albany, Pa. 18833.	Do.
Do	Butler	Karns City, borough of.	H 420218 01	do	Mayor, Borough of Karns City, Karns City, Pa. 16041.	Do.
Do	Clearfield	Wallaceton, borough of.	H 420316 01	do	Mayor, Borough of Wallaceton, Wallaceton, Pa. 16876.	Do.
Do	Green	Greensboro, borough of.	H 420477 01	do	Mayor, Borough of Greensboro, Greensboro, Pa. 15338.	Do.
Do	Greene	Rices Landing, borough of.	H 420479 01 through H 420479 02	do	Mayor, Borough of Rices Landing, Rural Delivery No. 1, Rices Landing, Pa. 15357.	Do.
Do	McKean	Lewis Run, borough of.	H 420669 01 through H 420669 03	do	Mayor, Albert N. Montecalvo, 5 Irvine St., Borough of Lewis Run, Lewis Run, Pa. 16738.	Do.
Do	Somerset	Casselman, borough of.	H 420795 01	do	Mayor, Borough of Casselman, Rural Delivery No. 8, Rockwood, Pa. 15557.	Do.
Do	do	New Baltimore, borough of.	H 402799 01	do	Mayor, Borough of New Baltimore, New Baltimore, Pa. 15553.	Do.
Do	Berks	Lower Heidelberg, township of.	H 421077 01 through H 421077 06	do	Chairman, Board of Supervisors, 443 Church Rd., Township of Lower Heidelberg, Wernersville, Pa. 19565.	Do.
Do	Cameron	Shippen, township of.	H 421103 01 through H 421103 08	do	Office of the Township Secretary, Rural Delivery No. 1, Shippen Township, Emporium, Pa. 15834.	Do.
Do	Bradford	Springfield, township of.	H 421109 01 through H 421109 06	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Springfield, Columbia Cross Roads, Pa. 16914.	Do.
Do	Berks	Tulpehocken, township of.	H 421115 01 through H 421115 03	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Tulpehocken, Myerstown, Pa. 17067.	Do.
Do	Cameron	Grove, township of.	H 421128 01 through H 421128 11	do	Office of the Township Secretary, Township of Grove, Sinnemahoning, Pa. 15861.	Do.
Do	Adams	Abbottstown, borough of.	H 421157 01	do	Mayor, Harry R. Crawford, Borough of Abbottstown, Abbottstown, Pa. 17301.	Do.
Do	Chester	Valley, township of.	H 421206 01 through H 421206 03	do	Chairman, Board of Supervisors, Theodore D. Jackson, 335 Harry Rd., Township of Valley, Coatesville, Pa. 19320.	Do.
Do	Armstrong	South Buffalo, township of.	H 421210 01 through H 421210 09	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of South Buffalo, Worthington, Pa. 16262.	Do.
Do	Erie	North East, borough of.	H 421359 01 through H 421359 03	do	Mayor, Borough of North East, 60 North Lake St., North East, Pa. 16428.	Do.
Do	Cambria	Cassandra, borough of.	H 421426 01	do	Mayor, Borough of Cassandra, Cassandra, Pa. 15925.	Do.
Do	do	Ferndale, borough of.	H 421429 01	do	Mayor, Borough of Ferndale, 7 Melander St., Johnstown, Pa. 15905.	Do.
Do	do	Dean, township of.	H 421440 01 through H 421440 04	do	Chairman, Board of Supervisors, Township of Dean, Dysart, Pa. 16636.	Do.
Do	Centre	Snow Shoe, borough of.	H 421459 01 through H 421459 02	do	Mayor, Borough of Snow Shoe, Snow Shoe, Pa. 16874.	Do.
Do	do	Burnside, township of.	H 421461 01 through H 421461 26	do	Chairman, Board of Supervisors, Pine Glen, Township of Burnside, Karthaus, Pa. 16845.	Do.
Do	do	Marion, township of.	H 421465 01 through H 421465 03	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Marion, Bellefonte, Pa. 16823.	Do.
Do	do	Potter, township of.	H 421467 01 through H 421467 15	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Potter, Centre Hall, Pa. 16828.	Do.
Do	do	Union, township of.	H 421470 01 through H 421470 04	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Union, Julian, Pa. 16844.	Do.
Do	Chester	Penn, township of.	H 421487 01 through H 421487 02	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Box 60-E, Township of Penn, West Grove, Pa. 19390.	Do.
Do	do	West Bradford, township of.	H 421495 01 through H 421495 03	do	Chairman, Board of Supervisors, Rural Delivery No. 4, Township of West Bradford, West Chester, Pa. 19380.	Do.
Do	Clarion	Sligo, borough of.	H 421506 01 through H 421506 03	do	Mayor, Borough of Sligo, Sligo, Pa. 16255.	Do.
Do	Clinton	Loganton, borough of.	H 421536 01	do	Mayor, Borough of Loganton, Loganton, Pa. 17747.	Do.
Do	do	Grugan, township of.	H 421539 01 through H 421539 05	do	Chairman, Board of Supervisors, Renovo Rd., Township of Grugan, Renovo, Pa. 17764.	Do.
Do	Fayette	Smithfield, borough of.	H 421618 01 through H 421618 02	do	Mayor, Rural Delivery No. 3, Borough of Smithfield, Smithfield, Pa. 15478.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	South Connellsville, borough of.	H 421619 01 through H 421619 02	do	Mayor, 404 East Wine St.; South Connellsville Borough, South Connellsville, Pa. 15425.	Do.
Do	Huntingdon	Dudley, borough of.	H 421681 01	do	Mayor, Borough of Dudley, Dudley, Pa. 16634.	Do.
Do	do	Orbisonia, borough of.	H 421682 01	do	Mayor, Borough of Orbisonia, Orbisonia, Pa. 17243.	Do.
Do	Lawrence	Volant, borough of.	H 421790 01	do	Mayor, Box 12, Borough of Volant, Volant, Pa. 16156.	Do.
Do	do	Wampum, borough of.	H 421791 01 through H 421791 02	do	Mayor, Box 56, Borough of Wampum, Wampum, Pa. 16157.	Do.
Do	Montgomery	Lower Pottsgrove, township of.	H 421808 01 through H 421808 05	do	President of Commissioners, Township of Lower Pottsgrove, 1833 East High St., Pottstown, Pa. 19464.	Do.
Do	Luzerne	Franklin, township of.	H 421829 01 through H 421829 05	do	Chairman, Board of Supervisors, Township of Franklin, Rural Delivery No. 3, Dallas, Pa. 18612.	Do.
Do	do	Hazle, township of.	H 421830 01 through H 421830 05	do	Chairman, Board of Supervisors, Township of Hazle, 23d and Peace Sts., Hazleton, Pa. 18201.	Do.
Do	Lycoming	Eldred, township of.	H 421839 01 through H 421839 02	do	Chairman, Board of Supervisors, Robert F. Winter, Rural Delivery No. 1, Township of Eldred, Cogan Station, Pa. 17728.	Do.
Do	McKean	Annin, township of.	H 421850 01 through H 421850 03	do	Chairman, Board of Supervisors, Jack Klawuhn, Township of Annin, Turtlepoint, Pa. 16750.	Do.
Do	Montgomery	Royersford, borough of.	H 421904 01	do	Royersford Borough Hall, Borough of Royersford, 300 Main St., Royersford, Pa. 19468.	Do.
Do	Northampton	Bushkill, township of.	H 421929 01 through H 421929 07	do	Chairman, Board of Supervisors, Township of Bushkill, 188 East Mountain Rd., Wind Gap, Pa. 18091.	Do.
Do	do	Forks, township of.	H 421930 01 through H 421930 06	do	Chairman, Board of Supervisors, Township of Forks, 1606 Sullivan's Trail, Easton, Pa. 18042.	Do.
Do	do	Upper Mount Bethel, township of.	H 421933 01 through H 421933 12	do	Chairman, Board of Supervisors, Township of Upper Mount Bethel, Rural Delivery No. 1, Mount Bethel, Pa. 18343.	Do.
Do	Pike	Blooming Grove, township of.	H 421962 01 through H 421962 06	do	Chairman, Board of Supervisors, Township of Blooming Grove, Hawley, Pa. 18428.	Do.
Do	Schuylkill	Kline, township of.	H 422010 01 through H 422010 05	do	Chairman, Board of Supervisors, Township of Kline, Woodside Ter., McAdoo, Pa. 18237.	Do.
Do	do	Union, township of.	H 422024 01 through H 422024 04	do	Chairman, Board of Supervisors, Township of Union, Rural Delivery No. 1, Ringtown, Pa. 17467.	Do.
Do	Warren	Pittsfield, township of.	H 422125 01 through H 422125 16	do	Chairman, Board of Supervisors, Township of Pittsfield, Pittsfield, Pa. 16340.	Do.
Do	Washington	Coal Center, borough of.	H 422131 01	do	Mayor, Coal Center, Pa. 15423	Do.
Do	do	Long Branch, borough of.	H 422136 01 through H 422136 02	do	Mayor, Borough of Long Branch, Rural Delivery No. 1, Coal Center, Pa. 15423.	Do.
Do	do	Fallowfield, township of.	H 422148 01 through H 422148 08	do	Chairman, Board of Supervisors, Township of Fallowfield, Rural Delivery No. 2, Box 368, Charleroi, Pa. 15022.	Do.
Do	Wayne	Deher, township of.	H 422164 01 through H 422164 06	do	Chairman, Board of Supervisors, Township of Deher, Newfoundland, Pa. 18445.	Do.
Do	do	Oregon, township of.	H 422170 01 through H 422170 06	do	Chairman, Board of Supervisors, Township of Oregon, Rural Delivery No. 3, Honesdale, Pa. 18431.	Do.
Do	Schuylkill	Frailey, township of.	H 422007 01 through H 422007 03	do	Chairman, Board of Supervisors, Township of Frailey, 100 Poplar St., Donaldson, Pa. 17981.	Do.
Do	York	Franklin, township of.	H 422220 01 through H 22220 06	do	Chairman, Board of Supervisors, Township of Franklin, Rural Delivery No. 1, Dillsburg, Pa. 17019.	Do.
Do	do	Monaghan, township of.	H 422225 01 through H 422225 06	do	Chairman, Board of Supervisors, Township of Monaghan, Rural Delivery No. 3, Dillsburg, Pa. 17019.	Do.
Do	do	Peach Bottom, township of.	H 422229 01 through H 422229 14	do	Chairman, Board of Supervisors, Township of Peach Bottom, Rural Delivery No. 1, Delta, Pa. 17314.	Do.
South Carolina	Florence	Johnsonville, city of.	H 450208 01	South Carolina Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29063. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Johnsonville, S.C. 29555	Do.
Do	Oconee	Salem, town of	H 450212 01	do	Town Supervisor, Town of Salem, Salem, S.C. 29676.	Do.
Do	Orangeburg	Norway, town of	H 450213 01	do	Town Supervisor, Town of Norway, Norway, S.C. 29113.	Do.
Do	Spartanburg	Woodruff, town of.	H 450214 01 through H 450214 02	do	Town Supervisor, Town of Woodruff, Woodruff, S.C. 29388.	Do.
Do	do	Landrum, town of.	H 450215 01	do	Town Supervisor, Town of Landrum, Landrum, S.C. 29356.	Do.
Tennessee	Polk	Benton, town of	H 470148 01 through H 470148 03	Tennessee State Planning, Office, 660 Capitol Hill, Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, Town of Benton, Benton, Tenn. 37307.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Brazoria	Balleys Prairie, town of.	H 480065 01 through H 480065 02	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City of Balleys Prairie, Angleton, Tex. 77515.	Do.
Do	Donley	Hedley, city of	H 480267 01	do	Mayor, City Bldg., Hedley, Tex. 79237.	Do.
Do	Hall	Estelline, city of	H 480277 01	do	Mayor, City Hall, Estelline, Tex. 79233.	Do.
Do	Henderson	Gun Barrel City, city of.	H 480328 01 through H 480328 02	do	Mayor, City Hall, Mabank Route 2, Gun Barrel City, Tex. 75147.	Do.
Do	Motley	Roaring Springs, city of.	H 480496 01	do	Mayor, Roaring Springs, Tex. 79256	Do.
Do	San Saba	Richland Springs, city of.	H 480562 01	do	Mayor, City Hall, Richland Springs, Tex. 76864.	Do.
Vermont	Franklin	Fletcher, town of	H 500054 01 through H 500094 06	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Town Supervisor, Town of Fletcher, Fletcher, Vt. No Zip.	Do.
Do	Orleans	Barton, village of	H 500082 01 through H 500082 04	do	Chairman, Barton Board of Trustees, c/o Village Clerk, Barton, Vt. 05822.	Do.
Do	Grand Isle	Alburg, town of	H 500221 01 through H 500221 06	do	Town Supervisor, Town of Alburg, Alburg, Vt. 05440.	Do.
Virginia	Unincorporated area.	Frederick County.	H 510063 01 through H 510063 19	Bureau of Water Control Management, State Water Control Board, 2d Floor, Davenport Bldg., 43 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	County Administration, Frederick County, Winchester, Va. 22601.	Do.
Do	do	Madison County.	H 510094 01 through H 510094 23	do	Office of the Zoning Administration, War Memorial Bldg., Madison, Va. 22727.	Do.
Do	do	Mathews County.	H 510096 01 through H 510096 11	do	Office of the Building Official, Mathews County Courthouse, Mathews, Va. 23109.	Do.
Washington	Kitsap	Bremerton, city of.	H 530063 01 through H 530093 09	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Planning Department, City Hall, Bremerton, Wash. 98310.	Do.
Do	Okanogan	Riverside, town of.	H 530122 01	do	Mayor, Town Hall, Town of Riverside, Riverside, Wash. 98849.	Do.
Do	Spokane	Fairfield, town of.	H 530177 01	do	Mayor, City Hall, Fairfield, Wash. 99012.	Do.
West Virginia	Doddridge	Unincorporated areas.	H 540074 01 through H 540074 21	Office of Federal-State Relations, Room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	County Board of Supervisors, Doddridge County, Doddridge, W. Va. No ZIP.	Do.
Wisconsin	Dunn	Downing, village of.	H 550121 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53701.	Village President, Downing, Wis. 54734.	Do.
Do	Fond du Lac	Fairwater, village of.	H 550185 01	do	President, Village Hall, Fairwater, Wis. 53931.	Do.
Do	do	Rosendale, village of.	H 550141 01	do	President, Village Hall, Rosendale, Wis. 54974.	Do.
Do	Richland	Yuba, village of	H 550362 01	do	Village President, Yuba, Wis. 53672	Do.
Do	Rusk	Glen Flora, village of.	H 557302 10	do	President, Village Board, Glen Flora, Wis. 54526.	Do.
Do	Price	Catawba, village of.	H 550527 01 through H 550527 02	do	Chairman, County Board of Supervisors, Courthouse, Village of Catawba, Phillips, Wis. 54555.	Do.
Do	do	Kennan, village of.	H 550531 01	do	Chairman, County Board of Supervisors, Courthouse, Village of Kennan, Phillips, Wis. 54555.	Do.
Wyoming	Hot Springs	East Thermopolis, town of.	H 560025 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Town Clerk, East Thermopolis, Wyo. 82443.	Do.
Do	Lincoln	Cokeville, town of.	H 560033 01	do	Town Council, City Hall, Cokeville, Wyo. 83114	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408-410, Pub. L. 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: November 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-26777 Filed 11-18-74;8:45 am]

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Title 7—Agriculture

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 301—DOMESTIC QUARANTINE NOTICES

Imported Fire Ant; Exempted Articles

This document amends the regulations supplemental to the imported fire ant quarantine by adding transplants, if substantially free of soil, to the list of articles exempted from certification, permit, or other requirements. It further amends such list by making a slight change, for purposes of clarification, in the wording of the conditions under which used mechanized soil-moving equipment is exempted. Various other changes were also made.

Statement of considerations. It is not considered necessary to regulate transplants substantially free of soil to prevent the spread of the imported fire ant. In commercial handling practices of transplants, minimal amounts of soil are attached to the plants when shipped. Therefore, they are being exempted from the regulations.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and in accordance with § 301.81–2 of the imported fire ant quarantine regulations (7 CFR 301.81–2, as amended), the supplemental regulation exempting certain articles from specified requirements of the regulations, 7 CFR 301.81–2b, is hereby amended to read as follows:

§ 301.81–2b Exempted articles.[1]

The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (d) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Potting soil, if commercially prepared, packaged, and shipped in original containers.

(b) Hay and straw, if being used for packing or bedding.

(c) Used mechanized soil-moving equipment, if it has only compacted soil or is cleaned of all noncompacted[2] soil.

(d) Transplants, if substantially free of soil.

(Secs. 8 and 9, 37 Stat. 318, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150e); 37 FR 28464, 28477, 38 FR 19140; 38 FR 10071, 7 CFR 301.81–2)

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Compacted soil is defined as soil attached to equipment which cannot be removed by brisk brushing and/or washing with water under normal city water pressure.

The Deputy Administrator of the Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided herein.

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Effective date. This amendment shall become effective November 19, 1974, when it shall supersede the list of exempted articles in 7 CFR 301.81–2b which became effective February 6, 1973.

Done at Washington, D.C., this 13 day of November 1974.

Leo G. K. Iverson,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74–27050 Filed 11–18–74;8:45 am]

PART 301—DOMESTIC QUARANTINE NOTICES

Japanese Beetle; Exempted Articles

This document amends the regulations supplemental to the Japanese beetle quarantine by adding transplants, if substantially free of soil, to the list of articles exempted from certification, permit, or other requirements. It further amends such list by making a slight change, for purposes of clarification, in the wording of the conditions under which used mechanized soil-moving equipment is exempted. Various other changes were also made.

Statement of considerations. It is not considered necessary to regulate transplants substantially free of soil to prevent the spread of the Japanese beetle. In commercial handling practices of transplants, minimal amounts of soil are attached to the plants when shipped. Therefore, they are being exempted from the regulations.

Pursuant to the provisions of sections 8 and 9 of the Plant Quarantine Act of August 20, 1912, as amended, and section 106 of the Federal Plant Pest Act (7 U.S.C. 161, 162, 150ee), and in accordance with § 301.48–2 of the Japanese beetle quarantine regulations (7 CFR 301.48–2, as amended), the supplemental regulation exempting certain articles from specified requirements of the regulations, 7 CFR 301.48–2b, is hereby amended to read as follows:

§ 301.48–2b Exempted articles.[1]

The following articles are exempt from the certification, permit, or other requirements of this subpart if they meet the applicable conditions prescribed in paragraphs (a) through (e) of this section and have not been exposed to infestation after cleaning or other handling as prescribed in said paragraphs:

(a) Compost, decomposed manure, humus, and peat, if dehydrated, ground, pulverized, or compressed.

(b) True bulbs, corms, rhizomes, and tubers (other than clumps of dahlia tubers) of ornamental plants, if free of soil.

(c) Used mechanized soil-moving equipment, if it has only compacted soil or is cleaned of all noncompacted[2] soil.

(d) Potting soil, if commercially prepared, packaged, and shipped in original containers.

(e) Transplants, if substantially free[3] of soil.

(Secs. 8 and 9, 37 Stat. 316, as amended, sec. 106, 71 Stat. 33 (7 U.S.C. 161, 162, 150ee); 37 FR 28464, 28477, 38 FR 19140; 38 FR 10071, 7 CFR 301.48–2)

The Deputy Administrator of the Plant Protection and Quarantine Programs has found that facts exist as to the pest risk involved in the movement of such articles which make it safe to relieve the requirements as provided herein.

This amendment relieves certain restrictions heretofore imposed, and should be made effective promptly in order to be of maximum benefit to the persons subject to the restrictions that are being relieved. Also, it does not appear that additional information would be made available to the Department by public participation in rulemaking proceedings on the amendment. Accordingly, it is found, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to this amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Effective date. This amendment shall become effective November 19, 1974, when it shall supersede the list of exempted articles in 7 CFR 301.48–2b which became effective March 8, 1973.

Done at Washington, D.C., this 13th day of November 1974.

Leo G. K. Iverson,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74–27051 Filed 11–18–74;8:45 am]

[1] The articles hereby exempted remain subject to applicable restrictions under other quarantines.

[2] Compacted soil is defined as soil attached to equipment which cannot be removed by brisk brushing and/or washing with water under normal city water pressure.

[3] Not sufficient soil to harbor Japanese beetle larvae.

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

1975 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal

Sections 722.463 to 722.465 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.) (referred to as the "act"), with respect to the 1975 crop of upland cotton (referred to as "cotton"). The purpose of these provisions is to (1) proclaim a national production goal; (2) establish a national base acreage allotment; and (3) apportion the national base acreage allotment to States. Section 722.466 is issued pursuant to the Agricultural Act of 1949, as amended (7 U.S.C. 1421 et seq.). This section establishes the cropland set-aside percentage as zero. The latest available statistics of the Federal Government have been used in making determinations under these provisions.

Notice that the Secretary was preparing to make determinations with respect to these provisions was published in the Federal Register on July 17, 1974 (39 FR 26160) in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

It is essential that these provisions be made effective as soon as possible since the proclamation of the national production goal and the national base acreage allotment is required to be made not later than November 15, 1974. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and §§ 722.463 to 722.466 shall be effective on November 18, 1974. The material previously appearing in these sections under centerhead "1974 Crop of Upland Cotton; Base Acreage Allotments" remains in full force and effect as to the crop to which it was applicable.

Sections 722.463 through 722.466 are amended as follows:

§ 722.463 National production goal for the 1975 crop of cotton.

The national production goal for the 1975 crop of cotton is hereby proclaimed to be in the amount of 12,559,000 standard bales of cotton determined in accordance with the formula prescribed under section 342a of the act, based on the following data:

	480 lb net weight bales
(1) Estimated domestic consumption, 1975–76 marketing year	6,400,000
(2) Estimated exports, 1975–76 marketing year	5,000,000
(3) Allowance for market expansion (5 percent of sum of (1) and (2)	570,000
(4) Adjustments to assure adequate stocks	589,000
Total	12,559,000
(5) 50 percent of the average offtake for the preceding 3 marketing years (1972, 1973 and estimated 1974)	6,214,000

§ 722.464 National base acreage allotment for the 1975 crop of cotton.

The national base acreage allotment for the 1975 crop of cotton shall be 11,000,000 acres determined in accordance with section 350(a) of the act.

§ 722.465 Apportionment of national base acreage allotment to the States.

The national base acreage allotment of 11,000,000 acres is apportioned to the States in accordance with section 350(b) of the act as follows:

States:	*State allotment (acres)*
Alabama	643,585
Arizona	229,065
Arkansas	918,880
California	509,639
Florida	20,448
Georgia	556,827
Illinois	1,915
Kansas	8
Kentucky	4,655
Louisiana	383,622
Mississippi	1,053,129
Missouri	246,778
Nevada	2,420
New Mexico	118,685
North Carolina	296,207
Oklahoma	511,121
South Carolina	452,657
Tennessee	364,892
Texas	4,677,073
Virginia	10,394

§ 722.466 Cropland set-aside percentage.

There will be no set-aside requirement in effect for the 1975 crop of cotton under section 103(e)(4)(A) of the Agricultural Act of 1949, as amended.

(Secs. 301, 342a, 350; 52 Stat. 38, as amended, 84 Stat. 1358, as amended; Sec. 103(e), 84 Stat. 1375, as amended (7 U.S.C. 1301, 1342a, 1350, 1421; 1444(e)))

Effective date. November 18, 1974.

Signed at Washington, D.C., on November 13, 1974.

J. Phil Campbell,
Acting Secretary.

[FR Doc.74–27023 Filed 11–14–74;2:50 pm]

[Amdt. 1]

PART 728—WHEAT

Subpart—Wheat Program for Crop Years 1974–77

The following changes are being made in the regulations governing the Wheat Program for Crop Years 1974–77, 39 FR 26707.

1. Wheat allotments may be protected by annual nonconserving crops which the farm operator intended to plant, but could not do so because of drought, flood, or other natural disaster or condition beyond his control.

2. Harvesting wheat prior to certification of acreage will not make producers on the farm ineligible for wheat disaster payments.

Pursuant to section 105 of the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, Part 728 is amended as follows:

1. Section 728.2 is amended by revising paragraphs (1)(3), (4) and (5) thereof to read as follows:

§ 728.2 Definitions.

• • • • • •

(1) • • •

(3) Any acreage planted and considered planted to feed grains under Part 775 of this chapter, as amended, in excess of the allotment which is not credited to cotton: *Provided*, That feed grains in excess of the allotment shall not be considered as planted to feed grains for purposes of § 728.7(b)(4)(iii);

(4) Any acreage planted and considered planted to cotton under Part 722 of this chapter, as amended, in excess of the allotment which is not credited to feed grains: *Provided*, That cotton in excess of the allotment shall not be considered as planted to wheat for purposes of § 728.7(b)(4)(iii); and

(5) Any other acreage planted to annual nonconserving crops or which the county committee determines was not planted because of drought, flood, or other natural disaster or condition beyond the control of the operator, excluding acreage of allotment crops within the applicable allotment which is not credited to cotton or feed grains: *Provided*, That such nonconserving crops shall not be considered as planted to wheat for purposes of § 728.7(b)(4)(iii).

• • • • • •

(2) Section 728.14 is amended by revising paragraph (c) thereof to read as follows:

§ 728.14 Intention to participate in the program.

• • • • • •

(c) *When to file.* Form ASCS–580 shall be filed within the period authorized by the Deputy Administrator.

• • • • • •

(Sec. 107, 87 Stat. 224, (7 U.S.C. 1445a); Sec. 379c, 87 Stat. 227, (7 U.S.C. 1379c); Sec. 375(b) 52 Stat. 66, (7 U.S.C. 1375(b)))

Effective date: Since these amendments reflect program provisions already made effective with respect to the 1974 program, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these amendments shall become effective on November 19, 1974.

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Signed at Washington, D.C. on November 13, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-27047 Filed 11-18-74;8:45 am]

[Amdt. 5]

PART 729—PEANUTS

Regulations for Determination of Acreage Allotments and Marketing Quotas for 1972 and Subsequent Crops of Peanuts

Amendment 4 to Part 729 issued October 11, 1974, at 39 FR 36564 added a new paragraph (c) to § 729.32. The new paragraph should have been lettered (d).

This section should read as follows:

§ 729.32 Marketing cards and their uses.

* * * * *

(d) *Stamping within quota marketing card.* * * *

Effective date: November 19, 1974.

Signed at Washington, D.C. on November 13, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-27048 Filed 11-18-74;8:45 am]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Subpart—Feed Grain Program for Crop Years 1974–77

The following changes are being made in the regulations governing the Feed Grain Program for Crop Years 1974–77, 39 FR 25633.

1. **Feed grain allotments may be protected by annual nonconserving crops which the farm operator intended to plant, but could not do so because of drought, flood, or other natural disaster** or condition beyond his control.

2. **Harvesting feed grains** prior to certification of acreage will not make producers on the farm ineligible for feed grain disaster payments.

3. **The County ASC Committee, rather** than the Deputy Administrator, may determine when a condition beyond the control of the producer prevented planting or caused a low yield.

4. Production from corn and grain sorghums used in any manner for livestock feed will be considered when determining eligibility for and amount of low yield payments.

Pursuant to section 105 of the Agricultural Act of 1949, as amended by the Agriculture and Consumer Protection Act of 1973, Part 775 is amended as follows:

1. Section 775.2 is amended by revising paragraphs (j) (3), (4) and (5) thereof to read as follows:

§ 775.2 Definitions.

* * * * *

(j) * * *

(3) Any acreage planted and considered planted to wheat under Part 728 of this chapter, as amended, in excess of the allotment which is not credited to cotton: *Provided*, That wheat in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.7(d)(4);

(4) Any acreage planted and considered planted to cotton under Part 722 of this chapter, as amended, in excess of the allotment which is not credited to wheat: *Provided*, That cotton in excess of the allotment shall not be considered as planted to feed grains for purposes of § 775.7(d)(4); and

(5) Any other acreage planted to annual nonconserving crops or which the county committee determines was not planted because of drought, flood, or other natural disaster or condition beyond the control of the operator, excluding acreage of allotment crops within the applicable allotment which is not credited to cotton or wheat; *Provided*, That such nonconserving crops shall not be considered as planted to feed grains for purposes of § 775.7(d)(4).

* * * * *

2. Section 775.14 is amended by revising paragraph (c) thereof to read as follows:

§ 775.14 Intention to participate in the program.

* * * * *

(c) *When to file.* Form ASCS–580 shall be filed within the period authorized by the Deputy Administrator.

* * * * *

§ 775.18 [Amended]

3. Section 775.18 is amended by changing the first sentence thereof to read as follows: "Producers may qualify for disaster payments only when the county committee determines that prevented planting or a low yield as hereinafter described in this section occurs because of drought, flood, or other natural disaster or condition beyond the control of the producer."

4. Section 775.18 (b) (1) is amended by deleting the word "silage" in the last sentence and substituting therefor the words "livestock feed."

(Sec. 105, 87 Stat. 230, (7 U.S.C. 1441 note))

Effective date: Since these amendments reflect program provisions already made effective with respect to the 1974 program, it is hereby found and determined that compliance with the notice and public procedure provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, these amendments shall become effective on November 19, 1974.

Signed at Washington, D.C., on November 13, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-27049 Filed 11-18-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk Order No. 30]

PART 1030—MILK IN THE CHICAGO REGIONAL MARKETING AREA

Temporary Revision of Shipping Percentage

This temporary revision is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the provisions of § 1030.7(b)(6) of the order regulating the handling of milk in the Chicago Regional marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 39565) concerning a proposed decrease in the supply plant shipping percentages for the month of November 1974. Interested persons were afforded an opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the month of November 1974 the supply plant shipping percentage of 40 percent set forth in § 1030.7(b)(4) shall be decreased to 35 percent and in § 1030.7(b)(7)(iii) the shipping requirement of 20 percent applicable to each plant in a unit of two or more plants shall be decreased to 15 percent.

Pursuant to the provisions of § 1030.7(b)(6) the supply plant shipping percentages set forth in § 1030.7(b)(4) and § 1030.7(b)(7)(iii) shall be increased or decreased by up to 10 percentage points during the months of August–March, if necessary to obtain needed shipments or to prevent uneconomic shipments.

Thirteen cooperative associations, which represent most of the producers supplying the Chicago Regional market state that the supply plant shipping percentage should be decreased for November 1974 to prevent uneconomic shipments of milk. These cooperatives urge that the amount of such decrease should be 5 percentage points for both the basic 40 percent shipping requirement and the 20 percent shipping requirement for any plant that is part of a supply plant unit.

In support of this temporary change, these cooperatives state that producer milk receipts are up and Class I sales are down, so that a smaller than normal percentage of the market's milk supply is needed at distributing plants to fulfill fluid milk requirements.

To fulfill their fluid milk requirements, distributing plants obtain a major portion of their milk supplies from supply plants, since about 80 percent of the market's milk supply is assembled at supply plants. In recent months, however, Class I sales have been significantly below a year ago. In September for instance, Class I sales were down more than 9 million pounds compared to September 1973. In contrast, producer milk on the market increased by nearly 58 million pounds in September 1974 compared to September 1973.

This recent development of lower Class I sales and higher receipts of producer milk indicates that a significantly lower proportion of supply plant milk will need to be shipped to distributing plants this November than in such month of prior years.

A reduction in the required shipments of supply plant milk during the month of November will allow greater flexibility in obtaining milk as among supply plants in the market and may prevent uneconomic movements of milk merely for purposes of pool plant qualification.

It is concluded that it is necessary to reduce the pool supply plant shipping percentages as specified above for the month of November 1974 to prevent uneconomic shipments.

It is hereby found and determined that thirty days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This temporary revision is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that during November 1974 it will prevent uneconomic shipments to pool distributing plants:

(b) This temporary revision does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views or arguments concerning this temporary revision.

Therefore, good cause exists for making this temporary revision effective for the month of November 1974.

It is therefore ordered, That the aforesaid provisions of the order are hereby revised for November 1974.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: November 18, 1974.

Signed at Washington, D.C., on November 13, 1974.

H. L. FOREST,
Director.

[FR Doc.74-26932 Filed 11-18-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 442.12]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Grants for Facilitating Development of Private Business Enterprises; Advancing of Grant Funds

Section 1823.460 of Subpart O of Part 1823, Title 7, Code of Federal Regulations (38 FR 29037), is amended to provide a method for disbursing grant funds prior to completion of construction in those States where the State statutes preclude the use of interim financing.

This amendment is being published without notice of proposed rule making since any delay in its adoption would be contrary to the public interest in those States which do not allow the use of interim financing. Interested persons are invited, however, to submit written comments, suggestions, or objections regarding this amendment to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before December 19, 1974. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. All written submissions made pursuant to this notice will be made available for public inspection of the Office of Deputy Administrator Comptrolled during regular business hours (8:15 a.m.—4:15 p.m.).

As amended, § 1823.460 reads as follows:

§ 1823.460 Grant closing and delivery of funds.

Closing is the process by which FmHA determines that applicable administrative actions and required work of the grantee have been completed and delivers the grant funds. If all or a portion of the grant is for construction, the grant will not be closed and funds will not be delivered before construction is completed except as follows: Where State statutes preclude the use of interim financing, the applicant will provide FmHA with an opinion from the State Attorney General to that effect and a statement by the applicant certifying that it has no other resources to pay for the completion of the construction. The State Director will forward his recommendations for fund disbursal and a copy of the State Attorney General's opinion to the National Office for concurrence prior to closing the grant or issuing funds.

* * * * *

(7 U.S.C. 1989; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Effective date. This amendment is effective on November 19, 1974.

Dated: November 5, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-26988 Filed 11-18-74;8:45 am]

Title 8—Immigration and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

Miscellaneous Amendments to Chapter

Pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383) and the authority contained in section 103 of the Immigration and Nationality Act (66 Stat. 173; 8 U.S.C. 1103), 28 CFR 0.105(b) and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in Parts 238, 299, and 335 of Chapter I of Title 8 of the Code of Federal Regulations.

In accordance with the provisions of section 238(d) of the Immigration and Nationality Act, agreements have been entered into between the Commissioner of Immigration and Naturalization and "Air Siam Air Company, Ltd.", "British Airways Board", and "Spantax, S.A.", transportation lines operating to ports of the United States, to guarantee the passage through the United States in immediate and continuous transit of aliens destined to foreign countries. In Part 238, § 238.3(b) is, therefore, amended by adding Air Siam Air Company, Ltd., and Spantax, S.A. to the listing of signatory lines. The line British Airways Board, which will operate under the name of "British Airways", is successor to "British Overseas Airways Corp.". In § 238.3(b), the listing of signatory lines is further amended by deleting therefrom British Overseas Airways Corp. and by adding thereto British Airways.

Pursuant to sections 103 and 238(b) of the Immigration and Nationality Act, agreements have been entered into between the Commissioner of Immigration and Naturalization and British Airways Board for the preinspection at Bermuda, at Nassau, Bahamas, at Montreal, Canada, and at Vancouver, Canada, of flights of that line destined to the United States. The line British Airways Board, which will operate under the name of "British Airways", is successor to British Overseas Airways Coporation. Accordingly, in Part 238, § 238.4 is amended by deleting British Overseas Airways Corporation from and by adding British Airways to, the specified listings of transportation lines which have entered into agreements for the preinspection of their passengers and crews at places outside the United States.

A number of immigration forms have been reissued and now reflect more recent edition dates. Accordingly, the listing of forms in § 299.1 is amended to reflect the current edition dates of the specified forms.

In Part 335, § 335.11(b) currently provides for the designation of employees by the district director to conduct preliminary examinations on petitions for naturalization and to make findings and recommendations thereon to the naturalization court. The first sentence of § 335.11(b) is amended to provide that the district director shall not designate a non-attorney employee as an examiner without the prior approval of the Central Office.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

V 39 I 224 NOV 19 74 XUM

PART 238—CONTRACTS WITH TRANSPORTATION LINES

§ 238.3 [Amended]

1. In § 238.3 *Aliens in immediate and continuous transit*, the listing of transportation lines in paragraph (b) *Signatory lines* is amended by deleting therefrom the following transportation line: "British Overseas Airways Corp."; the listing is further amended by adding thereto in alphabetical sequence the following transportation lines: "Air Siam Air Company, Ltd.", "British Airways (British Airways Board)", and "Spantax, S.A.".

§ 238.4 [Amended]

2. The listing of transportation lines under "At Bermuda", "At Nassau", "At Montreal", and "At Vancouver" in § 238.4 *Preinspection outside the United States* is each amended by deleting therefrom "British Overseas Airways Corporation" and by adding thereto in alphabetical sequence the following transportation line: "British Airways (British Airways Board)."

PART 299—IMMIGRATION FORMS

3. In § 299.1 the listing of forms is amended to reflect the current edition dates of the following forms:

§ 299.1 Prescribed forms.

Form No.:	Title and description
I–362 (Sept. 1, 1974)	Immigration bond.
I–485 (May 1, 1974)	Application for status as permanent resident.
I–538 (June 1, 1974)	Application by nonimmigrant student (F–1) for extension of stay, school transfer or permission to accept or continue employment.

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

4. In § 335.11(b), the first sentence is amended. As amended, § 335.11(b) reads as follows:

§ 335.11 Preliminary examination pursuant to section 335(b) of the Immigration and Nationality Act.

(b) *Conduct of examination.* Preliminary examinations shall be held before an employee of the Service designated by the district director, after prior approval of the Central Office if the employee is not a General Attorney (Nationality), to conduct such proceedings and to make findings and recommendations thereon to the naturalization court, who shall be known as the "designated examiner". The petitioner and his witnesses and the witnesses produced on behalf of the Government shall be present. The designated examiner shall, prior to the commencement of the examination, make known to the petitioner his official capacity and that of any other officer of the Service who may participate in the proceeding. The designated examiner shall have before him the entire record of the preliminary interrogation, including the petitioner's application to file a petition for naturalization (Form N–400) and any other evidence or data that may be relevant or material to the inquiry. All testimony taken at the examination shall be under oath or affirmation administered by the designated examiner. The designated examiner may interrogate the petitioner and witnesses produced in behalf of the petitioner or the Government, and present evidence touching upon the petitioner's admissibility to citizenship. He shall regulate the course of the examination, rule upon applications for the issuance of subpenas and issue such subpenas in proper cases, grant or deny continuances, and rule on all objections to the introduction of evidence, which rulings shall be entered on the record. Evidence held by the designated examiner to be inadmissable shall nevertheless be received into the record subject to the ruling of the court. The petitioner and the Government shall have the right to present such oral or documentary evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. If the petitioner is not represented by an attorney or representative, the designated examiner shall assist the petitioner in the introduction of all evidence available in his behalf. All documentary or written evidence shall be properly identified and introduced into the record as exhibits by number, unless read into the record.

Compliance with the provisions of section 553 of Title 5 of the United States Code (80 Stat. 383) as to notice of proposed rule making and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 238.3(b) and 238.4 delete a transportation line from and add transportation lines to the listings; the amendments to § 299.1 are editorial in nature; and the amendment to § 335.11(b) relates to agency management.

Effective date. The amendments contained in this order shall become effective on November 19, 1974.

Dated: November 14, 1974.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.74–27042 Filed 11–18–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY PRODUCTS INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Miscellaneous Amendments

Statement of considerations: Pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.), the Animal and Plant Health Inspection Service is amending the Federal meat inspection regulations (9 CFR Parts 318 and 319) to correct minor errors.

Accordingly, the Federal meat inspection regulations are amended as follows:

§ 318.10 [Amended]

1. In the first sentence of § 318.10(c)(2)(v), the word "all" is changed to "an".

§ 319.306 [Amended]

2. In the first sentence of § 319.306, the phrase "Spaghetti with Meat Balls in Sauce" is amended to read "Spaghetti with Meatballs and Sauce".

(Sec. 21, 34 Stat. 1260, as amended (21 U.S.C. 621), 37 FR 28464, 28477)

These amendments merely make corrections and involve no change in policy. They do not substantially affect any member of the public. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public rulemaking procedures concerning these amendments are impracticable and unnecessary and good cause is found for making these amendments effective in less than 30 days after publication hereof in the FEDERAL REGISTER.

These amendments shall become effective November 19, 1974.

Done at Washington, D.C., on: November 12, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74–26927 Filed 11–18–74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages

The Board of Governors has amended Regulation D (12 CFR 204) to modify the reserve balances that member banks are required to maintain. The amendments approved by the Board are in the nature of a restructuring of the present reserve requirement schedule and should encourage member banks to lengthen maturities on time deposits, thereby strengthening the liquidity position of those banks. The effect of these amendments will be to release approximately $750 million in reserve balances, thereby helping to meet the seasonal need for bank reserves.

The amendments eliminate the marginal reserve requirement which was imposed on certain types of time deposits on May 16, 1973, was modified from time to time, and was partially removed by the Board effective September 4, 1974. The amendments also reduce the percentage of reserves required to be held against net demand deposits in excess of $400 million from 18 percent to 17½ percent and simplify the manner in which time deposits are classified for reserve purposes. Time deposits with initial maturities of 120 days or more will be subject to a 3 percent reserve requirement. Time deposits with initial maturities of less than 120 days will be subject to a 6 percent reserve requirement, except that such deposits under $5 million will be subject to a 3 percent requirement.

This action was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks. The amendments to Regulation D are effective on deposits outstanding in the week beginning November 28, 1974, and affect reserves held by member banks in the week beginning December 12, 1974. There was no notice or public participation with respect to this amendment since such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective date was deferred for less than the 30 day period referred to in Section 553 (d) of Title 5, United States Code, because the Board found that the public interest compelled it to make the action effective no later than the date adopted. (See §262.2(e) of the Board's Rules of Procedure, 12 CFR 262.2(e).)

Effective November 28, 1974, § 204.5(a)(1)(ii) and (2)(ii) and (iii) of Regulation D are amended to read as follows:

§ 204.5 Reserve requirements.

(a) *Reserve Percentage.* Pursuant to the provisions of section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposits with the Federal Reserve Bank of its district.

(1) • • •

(ii) 3 percent of its time deposits outstanding on November 28, 1974, which have an initial maturity of 120 days or more, or are issued on or after November 28, 1974 with an initial maturity of 120 days or more, 3 percent of its time deposits up to $5 million, outstanding on November 28, 1974, which have an initial maturity of less than 120 days, or are issued on or after November 28, 1974 with an initial maturity of less than 120 days, plus 6 percent of such deposits in excess of $5 million.

(2) If in a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

• • • • •

(ii) 3 percent of its time deposits outstanding on November 28, 1974, which have an initial maturity of 120 days or more, or are issued on or after November 28, 1974 with an initial maturity of 120 days or more, 3 percent of its time deposits up to $5 million, outstanding on November 28, 1974, which have an initial maturity of less than 120 days, or are issued on or after November 28, 1974 with an initial maturity of less than 120 days, plus 6 percent of such deposits in excess of $5 million.

(iii) $52,750,000 plus 17½ percent of its net demand deposits in excess of $400 million.

By order of the Board of Governors, November 13, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74–26960 Filed 11–18–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74–RM–14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of VOR Airway

On September 11, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 32758) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would extend V–269 from Spruce Mountain Intersection, Nev., to Wells, Nev.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No objections were received.

In consideration of the foregoing, Part 71 of the Federal Aviation regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

In § 71.123 (39 FR 307)

V–269 is amended to read as follows:

V–269 From Ely, Nev., 125 MSL INT Ely 007° and Bonneville, Utah, 272° radials; Wells, Nev.; Twin Falls, Idaho; Burley, Idaho; to Pocatello, Idaho.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); and sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on November 12, 1974.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–26961 Filed 11–18–74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket Nos. RM74–25, 516]

PART 34—APPLICATION FOR AUTHORIZATION OF THE ISSUANCE OF SECURITIES OR THE ASSUMPTION OF LIABILITIES

Amendment to Commission Ordering Procedures in the Issuance of Securities

NOVEMBER 13, 1974.

On May 10, 1974, the Commission issued a notice of proposed rulemaking Docket No. RM74–25 (39 FR 17567, May 17, 1974). This rulemaking proposed revisions of § 34.9 of Title 18 of the Code of Federal Regulations by order authorizing the issuance of securities contingent on the applicant receiving at least two independent proposals for the purchase or underwriting of the securities and the applicant accepting the bid resulting in the lowest annual cost of money.

Comments were invited from interested parties on Docket No. RM74–25 to be submitted on or before June 24, 1974. The Commission received comments from four respondents.[1]

All parties concurred with the intent of that proposed in Docket No. RM74–25. However, three of the four respondents recommended changes to the language in that, as proposed, common stock could not in all instances be able to be sold to the highest bidder. We agree with the need for modification and are modifying paragraphs (a) and (b) of § 34.9, as initially proposed, to read as set forth below.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, views, comments or suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) Since the alterations to the revision prescribed herein, which were not included in the notice of this proceeding, are consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(3) The amendments to § 34.9 of Subchapter B of the Commission's regulations Under the Federal Power Act herein prescribed by Chapter I, Title 18 of

[1] Iowa Public Service Company; Gulf States Utilities Company; Pacific Power & Light Company; Winthrop, Stimson, Putnam & Roberts.

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the Code of Federal Regulations, are necessary and appropriate for the administration of the Federal Power Act.

(4) Good cause exists for making this order effective upon issuance.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly section 309 (49 Stat. 858, 16 U.S.C. 825h), orders:

(A) The Commission's regulations Under the Federal Power Act prescribed by Subchapter B, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising § 34.9 thereof. As so amended § 34.9 reads:

§ 34.9 Commission action.

(a) An application for approval under this part will ordinarily require a minimum of 30 days after it is filed to allow for public notice, investigation, opportunity for hearing, consideration by the Commission, and issuance of the first order referred to hereinafter. To facilitate the completion of registration statements filed with the Securities and Exchange Commission pursuant to the requirements of section 7 of the Securities Act of 1933 and sections 12 and 13 of the Securities and Exchange Act of 1934, so that public invitation for proposals for purchase or underwriting of the securities may be made, conformably to the provisions of those acts, this Commission will, where appropriate, authorize proposed issuance of securities and assumptions of obligation or liability, prior to the filing of the data referred to in §§ 34.1a(c) and 34.2(k) (3) and (4) subject to a provision that the securities shall not be issued, or the obligation or liability assumed, by the applicant, until such amendment shall have been filed and a further order shall have been entered thereon. The Commission will endeavor whereever possible to enter such further order upon receipt of telephone advice and confirmation thereof by telegram from the applicant setting forth the substance of the data specified in § 34.2(k) (3) and (4) and stating that the amendment furnishing such data has actually been mailed to the Commission. This two-order procedure will not obtain with respect to security issues exempted by § 34.1a (a) from competitive bidding requirements, except upon request, or where the first sentence of paragraph (b) of this section is applicable.

(b) If, pursuant to a public invitation, at least two independent proposals for the purchase or underwriting of the securities are received, the applicant may without further order of or filing with the Commission, issue or sell the securities in accordance with the terms and conditions contained in the application, (1) to the bidder or bidders offering to the company the lowest annual cost of money, or (2) in the case of common stock sold on a rights offering, to the bidder or bidders specifying the lowest aggregate amount of compensation to be paid by the issuer or (3) in the case of common stock sold on a straight sale and not on a rights offering, to the bidder or bidders specifying the highest total price to be paid to the company.

(c) Within 10 days after the consummation of any transaction pursuant to the provisions of paragraph (b) of this section, the applicant shall certify to the Commission that such transaction has been carried out in accordance with terms and conditions of and for the purposes represented by the applicant in his filing and of any order of the Commission with respect thereto. The applicant shall include as part of the certificate filed, the names of the purchasers or underwriters, the terms of the several proposals received, and the names of the persons submitting the proposals. Unless requested by the Commission to complete the record as to any other matter as to which jurisdiction has been specifically preserved, no further filing with respect to the issuance or sale of the securities shall be required.

(B) This order is effective upon issuance.

(C) The Secretary shall cause prompt publication of the order to be made in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-26978 Filed 11-18-74;8:45 am]

[Docket Nos. R-479, 517]

PART 35—FILING OF RATE SCHEDULES

Fuel Cost Adjustment Clauses

NOVEMBER 13, 1974.

On June 21, 1973, notice of a proposed change in the regulations under the Federal Power Act was issued (38 FR 17253). Notice of a public conference, which was held on April 16, 1974, was issued on March 27, 1974 (39 FR 12171). On August 6, 1974, a renotice of a proposed change in the regulations was issued (39 FR 28910).

In the June 21 notice, we requested comments on alternative versions of the proposed amendment to the regulations. Comments were received from 43 investor-owned utilities, two law firms representing 9 investor-owned utilities, a group of 23 municipally-owned utilities, two state municipal groups, the Edison Electric Institute (EEI), the American Public Power Association (APPA), the National Coal Association, the commissions of the states of New York and Colorado, and the Environmental Protection Agency.[1] At the public conference, 21 investor-owned utilities, 23 municipally-owned utilities, APPA, the National Rural Electric Cooperative Association (NRECA), and the Maryland Public Service Commission were represented.[2] Additional written comments were received from one investor-owned utility and Representative Michael J. Harrington of Massachusetts. In response to the August 6, 1974 renotice of proposed rulemaking, which included only Alternatice 1 of the alternatives in the original notice, we received comments from 24 investor-owned utilities, 26 municipally-owned utilities, APPA, NRECA, the Maryland Council of Economic Advisors, and the Pennsylvania Public Utility Commission.

The principal objection to the proposed amendment to the regulations is the inclusion of nuclear fuel costs, in addition to fossil fuel costs, in the cost of fuel. Additionally, several utilities objected to the combining of fossil and nuclear fuel costs in the base and current cost of fuel rather than establishing separate base costs for each type of fuel. We do not believe that these objections are persuasive.

The basis for the objection to the inclusion of nuclear fuel costs is based on higher capital costs associated with the construction of nuclear plants. To include nuclear fuel costs in the fuel cost adjustment clause could result in lower total fuel costs during periods when the utilities are experiencing these higher capital costs. However, the purpose of this fuel cost adjustment clause is to keep the utilities whole with regard to changes in the fuel costs per Kwh sold. As was pointed out in the August 6 renotice of proposed rulemaking, Order No. 487[3] amended § 35.13 of the regulations to permit utilities to file estimated costs for a projected test year. We believe that the effect of any higher capital costs associated with the construction of nuclear generation should be reflected in the filing of a rate change and not in a fuel cost adjustment clause.

The reasons for including nuclear and fossil fuel costs in a single base cost rather than establishing separate base costs for each type of fuel is the same. We believe that a fuel cost adjustment clause should permit utilities to charge its customers for changes in the average fuel costs for each unit of energy sold.

Additional responses to the original notice of proposed rulemaking suggested that the cost of nuclear fuel should be that cost shown in Account 518 rather than the items shown in Account 120.1. We believe that this change is appropriate, and the change was made in the August 6, 1974 renotice and in the amendment hereinafter ordered, except that any fossil fuel costs reflected in Account 518 which are already included in the cost of fossil fuel shall be deducted from this account for the purposes of the fuel cost adjustment clause.

Certain responses suggested that the 500 account series be used for fossil fuel costs also. We believe that continued use of Account 151 for this expense is appropriate since the 500 series accounts include certain fuel handling expenses such as labor costs which do not vary in a manner similar to fuel costs and should not be included in a fuel cost adjustment clause.

The treatment of purchased power costs was commented on extensively in response to both notices and at the public conference. We have modified that amendment to the regulations to clarify the treatment of these costs and to cast the regulations in a form that would provide an incentive to the utilities to purchase energy, in other than conventional firm power transactions, when the total energy charge is less than the cost of the purchaser's own generation. This change will benefit consumers by permitting the purchaser to pass on the entire energy cost when it will replace the purchaser's higher cost energy, thus reducing the costs to the consumer. However, in these transactions, we are permitting the inclusion of only the charge for energy and not other charges which are associated with capital costs or other costs that are unrelated to the cost of fuel consumed.

In response to written comments and oral comments at the public conference on the proposed rulemaking, that part of the proposed regulation relating to company-owned or controlled sources of fuel was modified. The modification provided that when a utility purchases fuel from an owned or controlled source and the price is subject to the jurisdiction of a regulatory body, the cost of the fuel may be included in the fuel adjustment clause. However, if the price is not subject to the jurisdiction of a regulatory body, the utility must file the contract and amendments thereto with the Commission at the time the company's fuel clause or amendment to its fuel clause is filed. Subsequent modifications of the fuel contract are likewise to be filed as a change in rate schedules under section 205 of the Federal Power Act. We believe that this provision is necessary to insure the reasonableness of fuel costs from company-owned or controlled sources.

Certain comments suggested that costs associated with pollution control facilities and processes be included in the fuel adjustment clause. We do not believe that these costs are appropriate for inclusion in the fuel cost adjustment clause. We believe that the future test year concept adequately provides for any costs which will be associated with pollution control equipment and the rates can be designed to recover these costs.

Other comments suggest that utilities be permitted to recover only a portion of increased fuel costs in order to provide an incentive to bargain for lower cost fuel. It should be noted that to the extent that only a portion of changes in fuel costs are permitted to be reflected in rates, the purpose of the fuel clause (namely to pass on to customers the increases or decreases in the fuel costs actually incurred by the utility) is to that extent defeated. When fuel costs are rising, the utility is disadvantaged by not being able to collect the full amount of the increase; when fuel costs are falling the customers are disadvantaged because the full amount of the reductions are not passed along, but are partly retained by the utility. In addition, the lag in collections for fuel expenses inherent in a typical fuel cost adjustment clause provides some incentive for companies to bargain for favorable prices during periods of rising fuel costs.

Several utilities suggested that the fuel cost adjustment clause should be modified so that the utility may recover local and state gross receipts for revenue based taxes on increased revenues produced by the operation of a fuel cost adjustment clause. Although the current regulation is silent with respect to recovery of such taxes, we have in the past accepted fuel adjustment clauses with provisions for recovery of these taxes. We believe that recovery of these taxes in the fuel adjustment clause is consistent with the purpose of a fuel adjustment clause—to make utilities whole for increased costs associated with changes in fuel costs. We have therefore added an explicit provision to permit recovery of these taxes.

Additional comments urged that the proposed regulation be implemented immediately. We have added a provision that all rate filings which contain a new or changed fuel clause shall conform these clauses with the regulations. We believe that, with the addition of nuclear fuel costs to the fuel adjustment clause, and in light of rapidly rising fossil fuel costs, our purpose of protection of the consumers while keeping utilities whole for increases in fuel costs dictates that rate filings with a new or changed fuel clause conform to the new regulation. We also believe that two years to conform to the amended regulation is excessive and not in the public interest. We have, therefore, altered the previously proposed provision that rate schedules currently filed with the Commission be conformed to the regulation within two years of the adoption of this rulemaking. Instead, we have provided that rate schedules currently filed with the Commission be conformed to the amended regulation within one year of the effectiveness of this rulemaking. We recognize that special circumstances and operating characteristics may warrant a temporary delay in the implementation of this regulation. Since we have retained the provision that, for good cause shown, waiver of the requirements of this section of the regulations may be granted for an additional one year period, we believe that no utility will be prejudiced by the shortened time for conformity, while conformity will be reached in an orderly fashion within a reasonable time.

We believe that any changes we have made are minor and are entirely consistent with our intentions as stated in the notice of proposed rulemaking issued June 21, 1973, and in the renotice issued August 6, 1974.

In order to permit the utilities to conform any new rate filings to the new regulation, we shall make the new § 35.14 of the regulations effective for all rate changes or initial rates filed on or after January 1, 1975.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking with respect to matters presently before this Commission through the submission, orally and in writing of data, views, comments, and suggestions are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendment to § 35.14 in Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, is necessary and appropriate for the administration of the Federal Power Act.

(3) Since those parts of the amendment prescribed herein that were not included in the notices issued in this proceeding are of a minor nature and are consistent with the principal purpose of the proposed rulemaking, further compliance with the notice requirements of 5 U.S.C. 553.

(4) Since the amendment prescribed herein affect all new rate filings with a new or changed fuel clause, good cause exists to make the amendment effective for all initial rates or rate changes filed on or after January 1, 1975.

The Commission, acting pursuant to the authority of the Federal Power Act, as amended, particularly sections 205, 206 and 309 (16 U.S.C. 824, 825) orders:

(A) Section 35.14 of the regulations under the Federal Power Act (Title 18 Part I, Subchapter B of the Code of Federal Regulations) is hereby amended, effective January 1, 1975, by deleting all of the present regulations except paragraph (a) and adding the following:

§ 35.14 Fuel cost adjustment clauses.

(a) • • •

(1) The fuel clause shall be of the form that provides for periodic adjustments per kWh of sales equal to the difference between the fuel cost per kWh of sales in the base period and in the current period:

$$\text{Adjustment Factor} = \frac{Fm}{Sm} - \frac{Fb}{Sb}$$

Where: "F" is the expense of fossil and nuclear fuel in the base (b) and current (m) periods; and "S" is the kWh sales in the base and current periods, all as defined below.

(2) Fuel costs (F) shall be the cost of:

(i) Fossil and nuclear fuel consumed in the utility's own plants, and the utility's share of fossil and nuclear fuel consumed in jointly owned or leased plants.

(ii) The actual identifiable fossil and nuclear fuel costs associated with energy purchased for reasons other than identified in paragraph (a)(2)(iii) below.

(iii) The net energy cost of energy purchases, exclusive of capacity or demand charges (irrespective of the designation assigned to such transaction) when such energy is purchased on an economic dispatch basis. Included therein may be such costs as the charges for

[1] See Appendix A, filed as part of the original document, for a list of these parties.

[2] See Appendix B, filed as part of the original document, for a list of the parties who attended the conference.

[3] — FPC —, issued July 17, 1973.

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economy energy purchases and the charges as a result of scheduled outage, all such kinds of energy being purchased by the buyer to substitute for its own higher cost energy; and less

(iv) The cost of fossil and nuclear fuel recovered through inter-system sales including the fuel costs related to economy energy sales and other energy sold on an economic dispatch basis.

(3) Sales (S) shall be all kWh's sold, excluding inter-system sales. Where for any reason, billed system sales cannot be coordinated with fuel costs for the billing period, sales may be equated to the sum of (i) generation, (ii) purchases, (iii) interchange-in, less (iv) energy associated with pumped storage operations, less (v) inter-system sales referred to in paragraph (a)(2)(iv) above, less (vi) total system losses.

(4) The adjustment factor developed according to this procedure shall be modified to properly allow for losses (estimated if necessary) associated only with wholesale sales for resale.

(5) The adjustment factor developed according to this procedure may be further modified to allow the recovery of gross receipts and other similar revenue based tax charges occasioned by the fuel adjustment revenues.

(6) The cost of fossil fuel shall include no items other than those listed in Account 151 of the Commission's Uniform System of Accounts for Public Utilities and Licensees. The cost of nuclear fuel shall be that as shown in Account 518, except that if Account 518 also contains any expense for fossil fuel which has already been included in the cost of fossil fuel, it shall be deducted from this account. (Paragraph C of Account 518 includes the cost of other fuels used for ancillary steam facilities.)

(7) Where the cost of fuel includes fuel from company-owned or controlled[1] sources, that fact shall be noted and described as part of any filing. Where the utility purchases fuel from a company-owned or controlled source, the price of which is subject to the jurisdiction of a regulatory body, such cost shall be deemed to be reasonable and includable in the adjustment clause. If the current price, however, is in litigation and is being collected subject to refund, the utility shall so advise the Commission and shall keep a separate account of such amounts paid which are subject to refund, and shall advise the Commission of the final disposition of such matter by the regulatory body having jurisdiction. With respect to the price of fuel purchases from company-owned or controlled sources pursuant to contracts which are not subject to regulatory authority, the utility company shall file such contracts and amendments thereto with the Commission for its acceptance at the time it files its fuel clause or modification thereof. Any subsequent amendment to such contracts shall likewise be filed with the Commission as a rate schedule change and may be subject to suspension under section 205 of the Federal Power Act. Fuel charges by affiliated companies which do not appear to be reasonable may result in the suspension of the fuel adjustment clause or cause an investigation thereof to be made by the Commission on its own motion under section 206 of the Federal Power Act.

(8) All rate filings which contain a proposed new fuel clause or a change in an existing fuel clause shall conform such clauses with the regulations. Within one year of the effectiveness of this rulemaking, all public utilities with rate schedules that contain a fuel clause should conform such clauses with the regulations. Recognizing that individual public utilities may have special operating characteristics that may warrant granting temporary delays in the implementation of the regulations, the Commission may, upon showing of good cause, waive the requirements of this section of the regulations for an additional one-year period so as to permit the public utilities sufficient time to adjust to the requirements.

(9) All rate filings containing a proposed new fuel clause or change in an existing fuel clause shall include:

(i) A description of the fuel clause with detailed cost support for the base cost of fuel;

(ii) Full cost of service data unless the utility has had the rate approved by the Commission within a year, provided that such cost of service may not be required when an existing fuel cost adjustment clause is being modified to conform to the Commission's regulations.

(10) Whenever particular circumstances prevent the use of the standards provided for herein, or the use thereof would result in an undue burden, the Commission may, upon application under § 1.7(b) of the rules of practice and procedure and for good cause shown, permit deviation from these regulations.

(B) Any new rate filing tendered before the effectiveness of the new regulation may include a fuel cost adjustment clause that conforms to the new regulation.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-25972 Filed 11-18-74;8:45 am]

[1] As defined in the Commission's Uniform System of Accounts 18 CFR Part 101, Definitions 5B.

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Directive 74-3]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Appendix to Subpart R—Redelegation of Functions

Under the authority delegated to the Administrator by §§ 0.100 and 0.104 of Subpart R, I hereby make the following change in Directive 73-1, 38 FR 18381.

Section 3(c) is amended by changing the period at the end thereof to a semicolon and adding the following:

Sec. 3 Enforcement officers.

• • • • • •

(c) • • •; and to adjust, determine, compromise and settle any claim involving the Drug Enforcement Administration under 28 U.S.C. 2672 relating to tort claims where the claim is for property damages not exceeding $250.

Dated: November 12, 1974.

JOHN R. BARTELS, Jr., *Administrator, Drug Enforcement Administration.*

[FR Doc.74-27004 Filed 11-18-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 282-3]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Certain Inert Ingredients in Pesticide Formulations

Correction

In FR Doc. 74-23945, appearing in the issue of Monday, October 21, 1974, on page 37376, the fifth line in table (e) on page 37379 should read

"Manganous oxide ---- Solid diluent, carrier."

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9-5—SPECIAL AND DIRECTED SOURCES OF SUPPLY

Alcohol; Miscellaneous Amendment

This revision to AECPR 9-5.5204 is being made to reflect current title of the Bureau of Alcohol, Tobacco and Firearms.

In Subpart 9-5.52, Procurement of Special Items, §§ 9-5.5204 through 9-5.5204-10 are revised as follows:

Subpart 9-5.52—Procurement of Special Items

Sec.

9-5.5204	Alcohol.
9-5.5204-1	Scope.
9-5.5204-2	Regulations.
9-5.5204-3	Application forms and permits.
9-5.5204-4	Authority to sign applications.
9-5.5204-5	Filing applications.
9-5.5204-6	Forms and authorized plants.
9-5.5204-7	Placing the order.
9-5.5204-8	Notice of shipment.
9-5.5204-9	Orders placed by cost-type contractors.
9-5.5204-10	Abandoned and forfeited alcohol.

• • • • • •

§ 9-5.5204 Alcohol.

§ 9-5.5204-1 Scope.

This section covers (a) Bureau of Alcohol, Tobacco and Firearms, Treasury Department, alcohol regulations applicable to AEC, (b) delegations of authority to submit applications to purchase tax-free alcohol or specially denatured alcohol, and (c) purchases of alcohol by AEC or cost-type contractors.

To the fullest extent practicable, alcohol for use by AEC or its cost-type contractors shall be procured on a tax-free basis.

§ 9-5.5204-2 Regulations.

Bureau of Alcohol, Tobacco and Firearms regulations relating to the procurement and use of alcohol free of tax, by Government agencies, are set forth in 26 CFR 213.141-213.146. Copies of excerpts from these regulations may be secured from the Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226. These regulations will be followed in the procurement of alcohol.

§ 9-5.5204-3 Application forms and permits.

ATF Form 1486, "Specially Denatured Spirits for Use of United States," and ATF Form 1444, "Tax Free Spirits for Use of United States," shall be used for procurements of specially denatured alcohol and ethyl alcohol, respectively. Part I of each form is the application for permission to procure and Part II is the permit. If procurement from more than one warehouse is desirable, separate applications must be made for withdrawals from each warehouse. When permits are no longer required, they should be forwarded to the Bureau of Alcohol, Tobacco and Firearms for cancellation. Alcohol procured by use of the ATF forms referred to in this subsection shall be used exclusively on AEC work.

§ 9-5.5204-4 Authority to sign applications.

Specific AEC personnel have been authorized to execute Part I of Forms 1444 and 1486 by letters to the Director, Bureau of Alcohol, Tobacco and Firearms without power of redelegation. Copies of such letters have been furnished to field offices. In addition, the Director, Division of Contracts has been authorized to sign and delegate to others authority to sign applications under Bureau of Alcohol, Tobacco and Firearms regulations relating to the procurement and use of alcohol free of tax. Only the individuals so authorized shall execute Part I of these forms. Requests by field offices for new authorizations or discontinuance of existing authorizations shall be submitted by letter to the Division of Contracts, Headquarters. Requests for new authorizations shall be accompanied in each case by a 3" by 5" plain card with the following information typed thereon:

----------, whose signature appears below, is authorized to sign application Forms 1444 and 1486, on behalf of the Atomic Energy Commission

----
(Signature)

(Title)

§ 9-5.5204-5 Filing applications.

Applications shall be executed in duplicate by the authorized AEC official and mailed directly to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226. No transmittal letter is required. Where alcohol or specially denatured alcohol is for use directly by AEC, the form shall indicate that shipment shall be made to the appropriate AEC field office. Where a cost-type contractor will be the user, the form shall indicate that shipment shall be made to the Atomic Energy Commission in care of the cost-type contractor.

§ 9-5.5204-6 Forms and authorized plants.

Annually, the Bureau of Alcohol, Tobacco and Firearms publishes printed lists of Distilled Spirits Plants, Bonded Warehouses and Denaturing Plants Authorized to Operate. Copies of these lists and supplies of Forms 1444 and 1486 may be secured by written request to the Director, Bureau of Alcohol, Tobacco and Firearms, Washington, D.C. 20226.

§ 9-5.5204-7 Placing the order.

A signed copy of the permit shall accompany the original purchase order issued to the plant or warehouse, where it will be retained. Subsequent orders shall refer to the permit on file in the plant or warehouse. Order Form AEC-103 shall be issued by AEC for cost-type contractors' requirements, except as provided in § 9-5.5204-9.

§ 9-5.5204-8 Notice of shipment.

When alcohol is shipped, the shipper prepares the required forms as specified by Bureau of Alcohol, Tobacco and Firearms regulations and forwards them to the consignee. Upon receipt of the receiving report covering the shipment, the officer who signed the purchase order shall execute the certificate of receipt and forward it to the appropriate Regional Director, Bureau of Alcohol, Tobacco and Firearms. The carrier transporting the alcohol shall also be given a receipt as specified by Bureau of Alcohol, Tobacco and Firearms regulations.

§ 9-5.5204-9 Orders placed by cost-type contractors.

(a) *Specially denatured alcohol.* Managers of Field Offices may authorize cost-type contractors to apply for permits to purchase specially denatured alcohol, subject to restrictions of the Bureau of Alcohol, Tobacco and Firearms as to end use. In order to qualify, cost-type contractors must be bonded, must submit reports, and are subject to inspection by the Bureau of Alcohol, Tobacco and Firearms.

(b) *Tax-free alcohol.* Under Bureau of Alcohol, Tobacco and Firearms regulations, cost-type contractors performing scientific or research work or operating hospitals are permitted to procure alcohol tax free. These regulations require bonding under certain circumstances, submission of reports, and inspection by the Bureau of Alcohol, Tobacco and Firearms.

(c) *AEC versus cost-type contractor alcohol procurement.* Purchase may be made by either AEC or cost-type contractor, whichever is in the best interests of the Government, taking into consideration administrative costs and any other pertinent factors that may be applicable to individual situations. On purchases for recurring requirements, one of the factors to consider is that for purchases by AEC, the bonding, reporting, and inspection requirements do not apply.

§ 9-5.5204-10 Abandoned and forfeited alcohol.

Abandoned and forfeited alcohol which has come into the custody or control of any Federal agency may be obtained by following the procedure set forth in FPMR 101-43.4.

• • • • • •

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948 (42 U.S.C. 2201); sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390 (40 U.S.C. 486))

Effective date. This amendment is effective on November 19, 1974.

Dated at Germantown, Maryland, this 12th day of November, 1974.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH, *Director, Division of Contracts.*

[FR Doc.74-26976 Filed 11-18-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19646; FCC 74-1183]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Order

1. Remote pickup broadcast base and land mobile stations and base, land mobile, and fixed stations in the Public Safety Radio services are authorized to use the frequencies 166.25 and 170.15 MHz on a secondary basis to Government stations under the conditions specified in footnote US 11 to the Table of Frequency Allocations, § 2.106 of the rules and regulations. The Government band in which these two frequencies are located is channelled uniformly in 25 kHz channels; the remote pickup broadcast stations authorized to operate on these two frequencies may now use a bandwidth of up to 60 kHz.

2. Because of the need for additional channels for Government stations in this portion of the spectrum, the Office of Telecommunications Policy (OTP) requested that the Commission review non-Government assignments in the band and suggested that the authorized bandwidth of emission for such assignments be reduced so as to not exceed 25 kHz. In response to the OTP request, the Commission, on November 29, 1972, adopted a Notice of Proposed Rule Making proposing a reduction of the bandwidth for remote pickup stations on these frequencies to 25 kHz (FCC 72-1070; 37 FR 26128). In that Notice the Commission especially invited comments as to the extent to which remote pickup equipment presently operating on these frequencies

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could meet the proposed narrower bandwidth and the effect such a reduction would have on broadcast quality.

3. Comments were received from five broadcast licensees: Carter Publications, Inc.; Golden West Broadcasters; J/R Broadcasting Company; Storer Broadcasting Company; and Westinghouse Broadcasting Company, Inc.[1] Comments were also received from the National Association of Broadcasters and Marti Electronics, Inc., an equipment manufacturer. Reply comments were received from Terry D. Lloyd, a licensed radio engineer.

4. In the Notice of Proposed Rule Making we stated that a review of FCC assignment records showed that many of the remote pickup transmitters operating on the two frequencies involved were standard models type accepted for other services with bandwidths of less than 25 kHz (though much of this equipment is modified by broadcasters to operate with more than 25 kHz bandwidths). Unquestionably, systems operating on these frequencies with a 25 kHz bandwidth are capable of intelligible voice communications, although parties opposing the proposed bandwidth reduction claim that systems operating with 25 kHz bandwidth are not now capable of transmitting signals of a quality high enough for broadcasting purposes. Westinghouse Broadcasting Company and Storer Broadcasting Company suggest that the bandwidth could be reduced to something less than 60 kHz, but that 25 kHz is insufficient. Forty kHz was offered as a compromise.

5. The Commission has considered these arguments. However, only 25 kHz channels or multiples thereof will provide uniformity with the channelization used by the primary Government services in this band. Also, there are other frequencies available to broadcasters with authorized bandwidths of 60 kHz or more. For example there are 9 channels in the 150 MHz band where operation with bandwidths of up to 60 kHz is permitted on a secondary basis to stations in the industrial services. Also, there are 20 channels in the 450 MHz band available exclusively to broadcasters where bandwidths up to 100 kHz are authorized.[2] Based on the above, and the stated need of the primary Government users for additional channels in this band, we have decided that the authorized bandwidth of remote pickup broadcast assignments on the frequencies 166.25 MHz and 170.15 MHz will be reduced to 25 kHz as proposed. This amount of bandwidth will produce signals usable for voice communication, though not of broadcast quality. If greater bandwidth is required, appropriate frequencies in other bands should be used.

6. It was brought out in the comments that a number of broadcasters are now using equipment on these two frequencies which does not comply with the narrower bandwidth. The comments we have received indicate that these units could be modified to operate within 25 kHz bandwidth at a cost of approximately one hundred dollars per unit, but that such a reduction could decrease the quality of the transmission making it necessary for the licensee to change frequencies in order to continue to maintain the same quality of service he is now obtaining. We have therefore decided that transmitters licensed as of the effective date of this Order for broadcast operation on 166.25 MHz or 170.15 MHz with bandwidths of more than 25 kHz may continue to operate with such wider bandwidths for a period of not more than five years from the effective date of this Order.

7. In its comments, Marti Electronics suggested that the 60 kHz-wide channels in the 152–153 MHz band be reduced to 30 kHz, with some of the new channels thereby created being made available to the remote pickup broadcast service exclusively. Such a proposal may be considered by the Commission in future rulemaking, but it is beyond the scope of this proceeding.

8. In view of the foregoing, *it is ordered*, That, pursuant to the authority granted the Commission by section 4(i) and sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended, Parts 2 and 74 of the Commission's rules and regulations are amended, effective December 20, 1974, as set forth in the attached Appendix. *It is further ordered*, that this proceeding is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: November 6, 1974.

Released: November 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2 and 74 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 2.106, footnote US11 is amended to read as follows:

§ 2.106 Table of frequency allocations.

• • • • •

US11 The use of the frequencies 166.250 and 170.150 MHz may be authorized to non-Government remote pickup broadcast base and land mobile stations and to non-Government base, fixed and land mobile stations in the public safety radio services (the sum of the bandwidth of emission and tolerance is not to exceed 25 kHz, except that authorizations in existence as of December 20, 1974, using a larger bandwidth are permitted to continue in operation until December 20, 1979) in the continental United States (excluding Alaska) only, except within the area bounded on the west by the Mississippi River, on the north by the parallel of latitude 37°30′ N., and on the east and south by that arc of the circle with center at Springfield, Illinois, and radius equal to the airline distance between Springfield, Illinois, and Montgomery, Alabama, subtended between the foregoing west and north boundaries, on the condition that harmful interference will not be caused to Government stations present or future in the Government band 162–174 MHz. The use of these frequencies by remote pickup broadcast stations will not be authorized for locations within 150 miles of New York City; and use of these frequencies by the public safety radio services will not be authorized except for locations within 150 miles of New York City.

• • • • •

2. In § 74.436(a), subparagraph (3) is amended and subparagraph (6) is added to read as follows:

§ 74.436 Emission authorized.

• • • • •

(3) For stations operating on the frequencies 152.87 to 153.35 and 160.89 to 161.37 MHz, 60 kilohertz.

• • • • •

(6) For stations operating on the frequencies 166.25 and 170.15 MHz, 25 kilohertz. Authorizations in existence as of December 20, 1974, using larger bandwidths may continue in operation with such larger bandwidths until December 20, 1979.

• • • • •

[FR Doc.74-27024 Filed 11-18-74;8:45 am]

[Docket No. 19769; FCC 74-1194]

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Memorandum Opinion and Order; Proceeding Terminated

Amendment of Part 81—to expand the points of communication of Alaska-Public Fixed Stations on frequencies subject to the conditions of use set forth in § 81.708(b)(20).

1. The Commission released its Report and Order (FCC 73–1050) in the instant proceeding on October 16, 1973, which was published in the FEDERAL REGISTER on October 24, 1973 (38 FR 29321).

[1] A copy of a letter from station WOOF of Dotham, Alabama, to the National Association of Broadcasters was received by the Commission during the period when comments could be filed; it was also made a part of the record.

[2] In some areas the demand for remote pickup channels is such that few if any of these channels are currently unassigned. However, there is an outstanding FCC Notice of Proposed Rule Making in Docket No. 20189 (39 FR 34575, Sept. 26, 1974) in which it is proposed that these channels be split into 50 kHz channels. If this proposal is adopted, there will be alternative frequencies available for broadcasters now operating systems on 166.25 or 170.15 MHz who cannot be satisfied within the narrower channel width herein adopted.

2. A petition for reconsideration was filed, on November 21, 1973, by the Central Committee on Communication Facilities of the American Petroleum Institute, (API). With regard to the rule changes set forth in the Appendix to the Report and Order, API requests that we reconsider the wording contained in subdivisions (i) and (ii) of paragraph 81.708(b)(20) to bring those subdivisions more closely into accord with the text of the Report and Order; to remove an apparent conflict between those two subdivisions; and, in so doing, to reduce or eliminate an area of ambiguity which could serve as a basis for future misunderstanding.

3. In their request for reconsideration, API also requests change to the second phrase of subdivision (ii) of subparagraph 81.708(b)(20) of the basis that "The Central Committee is further concerned that the second phrase in subparagraph (ii) may ultimately be interpreted by some as to provide the Commission with authority to require a microwave licensee to share its private communication facilities with others. Since this issue is not discussed in the text of the Report and Order, it is apparent that it was not the Commission's intent to address in this limited proceeding the very fundamental question of mandatory private microwave sharing." API's reference, we assume, relates to the reference given in the Report and Order (FCC 73–1050), that is, to the Commission's Report and Order in Docket No. 16218 (4 F.C.C. 2d 406). In that regard, it is appropriate that we amplify and/or clarify the matter of Commission authority in the matter of mandatory versus voluntary sharing of microwave facilities and this is done later in this Memorandum Opinion and Order.

4. With reference to subdivisions (i) and (ii) of subparagraph (b)(20), as set forth in the regulations to the Report and Order, API's concern is directed to the apparent contradiction between the first phrase in subdivision (i) and that in subdivision (ii), which reads:

"(i) The frequency is available for backup communication in the event of failure of common carrier facilities • • •"; and

"(ii) The frequency is not available for use between terminals where common carrier facilities are available • • •".

We agree with API that if the two phrases above are read without reference to the Report and Order that they do appear to contradict each other. We would expect, however, that should a future misunderstanding arise, it would be appropriate and necessary to refer to the Report and Order in order to place the two phrases in perspective. Nonetheless, now that we have reached the current situation, a useful purpose is served by bringing the regulations more closely into accord with the Report and Order.

5. As we read subdivision (i), it is fully in accord with the Report and Order. While API has, appropriately, availed themselves of the opportunity to propose a rewrite to combine subdivisions (i) and (ii), API makes no mention and gives no indication in their request for reconsideration that they are disatisfied with subdivision (i) as it appears in the Appendix to the Report and Order. In studying API's suggested revision and combination of subdivision (i) and (ii), we believe that API's version will give rise, also, to future misunderstandings. The apparent ambiguity or contradiction can be removed by a revision of the provisions on the basis of "can be used" and "cannot be used." While this has the undesirable feature of requiring editorial revision of the various provisions, we feel that it will clarify the rules and our intention. Accordingly, in the revised regulation, attached, we have followed the above procedure and have separated the "can" from the "cannot" provisions and have grouped all of the "back-up" uses under a common heading.

6. We turn now to API's second request in regard to the revision of subdivision (ii), "that the second phrase in subdivision (ii) [of subdivision (b)(20) of the regulations to the Report and Order (FCC 73–1050)] may ultimately be interpreted by some as to provide the Commission with authority to require a microwave license to share its private microwave facilities with others." API's second request, if pursued to a conclusion would require that in this proceeding, which is primarily concerned with the use of high frequencies, the Commission extend and expand upon an earlier determination made in another proceeding (Docket No. 16218), which primarily concerns the use of microwave frequencies. From a procedural point of view, we consider that the injection of decisions in regard to the use of microwave frequencies into a, primarily, high frequency proceeding is undesirable and should be avoided where practicable. Further, we do not agree that there is an adequate basis or reason why such a determination should be made at this time; or that failure to provide such a determination will adversely, or otherwise, affect API's operation on frequencies available to Alaska-Public Fixed stations.

It is, however, appropriate to refer to the earlier microwave ruling as contained in paragraph 41 of the Report and Order in Docket No. 16218 (4 FCC 2d 406), which reads as follows:

41. In view of the almost universal opposition to mandatory sharing and, since there appears to be no need therefor, we will not impose such requirement and licensees will be permitted to share their systems, under the conditions specified in the rules, on a voluntary basis. However, a party who has been refused unreasonably access to a system with sufficient excess capacity despite his offer to bear a proportionate share of the costs thereof may request the Commission to review his situation to see whether there is any unfair discrimination involved.

It should be noted that the corollary to our decision in Docket No. 16218, that we will not impose a requirement for mandatory sharing, is that if we feel a need for mandatory sharing exists we have the authority to require such sharing. Accordingly, we will handle such cases in Alaska as they may occur and in accordance with the policy outlined in Docket No. 16218 on the basis of each specific situation.

7. As a consequence of the rearrangement of subdivisions (b)(20) (i) and (ii) requested by API, discussed in paragraphs 3 through 5. above, we have included provision for the use of these high frequencies:

Between terminals where common carrier facilities are available, where the applicant shows to the satisfaction of the Commission that the reliability of the common carrier facilities is not adequate and the use of these frequencies is necessary on a daily basis for continuous service.

Considering the variability of HF propagation in Alaska, one of or the first matter of concern of the Commission with regard to a showing of reliability (continuity of service) will be the technical measures proposed to be employed by the applicant to provide communications during periods of poor, or worse, propagation conditions. With regard to the high frequencies concerned, it is clear that communication over a 300 mile, or greater, path is dependent upon ionospheric conditions and that interruptions in that reflecting layer can and do occur for periods of varying duration. It is reasonable to presume, therefore, that a common carrier facility which experiences occasional outage may well provide, on a monthly or yearly basis, an overall circuit reliability which is substantially greater than that which could be obtained from the use of high frequencies. In view thereof, we are including in the rules (see (b)(20)(iii)(2) below) a requirement that where an applicant requests authority to employ HF between terminals where common carrier facilities are available, that applicant shall set forth in the application the technical and operational measures to be employed to provide a continuity of service which is not otherwise available by the utilization of existing common carrier facilities.

8. At the time of preparation of the Appendix to the Report and Order (FCC 73–1050) the date of January 1, 1974, appearing in subdivisions (iv) and (v) was in the future and, therefore, it was necessary to continue those subdivisions without change. At this time, however, the date has passed and the exemption thereby provided no longer applies and, thus, the date of January 1, 1974, may be deleted from those two subdivisions. In the attached regulations, we have deleted from the above-referenced subdivision (iv) the second phrase which contains the date of January 1, 1974. Further, with regard to the above referenced subdivision (v), we have deleted the entire subdivision since, as discussed above, the date of January 1, 1974, has passed and, second, all of the transmitters involved are now required to comply with the applicable technical standards set forth in Subpart E of Part 81 of the rules. These changes are included in the attached regulations.

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9. These five high frequencies, to which § 81.708(b)(20) applies, have been authorized in the past by means of a broad type of authorization which permits the licensee to use all of the frequencies, other than those designated for use by common carrier fixed stations, available to Alaska-Public Fixed stations. In view of the detailed consideration which must be given to the assignment of these frequencies in the future, it has been necessary to amend subparagraph § 81.708(b)(20) to require that a specific application and associated supplemental statement(s) be filed by any or all persons desiring to use these frequencies. In other words, the broad type of authorization referred to above will not, in the future, include authority for the use of these five high frequencies. This change is included in the attached regulations.

10. In view of the foregoing, *it is ordered*, That pursuant to the authority contained in sections 303 (c), (f), (g) and (r) of the Communications Act of 1934, as amended, Part 81 of the Commission's rules, is amended, effective December 20, 1974.

11. *It is further ordered*, That the Petition for Reconsideration submitted by the Central Committee on Communication Facilities of the American Petroleum Institute is granted to the extent set forth herein and is denied in all other respects.

12. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082 (47 U.S.C. 154, 303))

Adopted: November 6, 1974.

Released: November 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 81 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. Section 81.708(b)(20) is amended to read as follows:

§ 81.708 Frequencies available.

* * * * *

(b) * * *

(20) Available in response to an application which specifically requests authority to use these frequencies. These frequencies are available under the following limitations and conditions:

(i) The transmitter output power employed shall be the minimum necessary for satisfactory communication and in no event shall exceed a maximum, for radiotelephony of 1,000 watts peak envelope power, or, for radiotelegraphy, of 1,000 watts carrier power.

(ii) When employing radiotelephony, emissions 2.8A3A or 2.8A3J shall be used. For radiotelegraphy, emission 0.3F1 shall be used.

(iii) For communication over distances of not less than 300 miles between Zones 2 and 6, 3 and 6, and within Zone 6; and

(1) Between terminals where common carrier facilities are not available; or

(2) Between terminals where common carrier facilities are available, where the applicant shows to the satisfaction of the Commission that the reliability of the common carrier facilities is not adequate and the use of these frequencies is necessary on a daily basis for continuous service. The showing shall set forth technical and operational measures which the applicant proposes to employ at the subject station to provide, by the use of high frequencies, a continuity of service not otherwise available by the utilization of existing common carrier facilities.

(iv) For back-up communications between terminals where common carrier facilities are available:

(1) In an existing station, if the frequencies were in use in that station before January 1, 1974; or * * *

[FR Doc.74-27022 Filed 11-18-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Bowdoin National Wildlife Refuge, Montana

The following special regulation is issued and is effective on November 19, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

BOWDOIN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel and pole, bow and arrow and the capturing of bait fish (minnows) by seine and minnow trap on Bowdoin National Wildlife Refuge, Phillips County, Montana is permitted on a year-round basis, but only on areas designated by signs as open to fishing. These open areas are delinated on maps available at refuge headquarters, seven miles east of Malta, Montana and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

TYSON W. PLANZ,
Acting Refuge Manager, Bowdoin National Wildlife Refuge, Malta, Montana.

JANUARY 1, 1975.

[FR Doc.74-27001 Filed 11-18-74;8:45 am]

PART 33—SPORT FISHING

UL Bend National Wildlife Refuge, Montana

The following special regulation is issued and is effective as of November 19, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

MONTANA

UL BEND NATIONAL WILDLIFE REFUGE

Sport fishing with hook and line and bow and arrow on UL Bend National Wildlife Refuge, Phillips County, Montana is permitted on a year-around basis on the entire refuge. Maps are available from refuge headquarters, seven miles east of Malta, Montana and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

TYSON W. PLANZ,
Acting Refuge Manager, UL Bend National Wildlife Refuge, Malta, Montana.

JANUARY 1, 1975.

[FR Doc.74-27000 Filed 11-18-74;8:45 am]

[1] Commissioner Reid absent.

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART III—GENERAL INFORMATION ON POSTAL SERVICE

Change in Handling of Mail Without Postage

On October 1, 1974, the Postal Service published in the FEDERAL REGISTER (39 FR 35387) a notice of proposed rulemaking on this subject, setting forth a proposed change to § 146.12 of the Postal Service Manual (39 MFR 146.1(b)). The change to 146.12 provides that any mail received by the Postal Service without any postage, with certain exceptions enumerated in § 146.11 (39 CFR 146.1(a)), will be endorsed "Returned for postage" and returned to the sender without an attempt at delivery. If the mail bears no return address it will in most cases be sent to the dead letter office. Interested persons were invited to submit written views and arguments on the proposed change at any time before November 4, 1974.

After giving due consideration to all comments received, the Postal Service has determined to adopt the proposed regulation, which is set forth below, without change.

In view of certain comments, however, the Postal Service makes the following temporary, partial suspension of the regulation: A number of mail order merchandisers expressed the fear that they would lose large quantities of valuable merchandise, especially during the fast approaching holiday period, if the Postal Service sent to dead parcel post branches parcels being returned to the merchandiser without postage. According to the merchandisers a sizable number of parcel recipients open the parcels, remove invoices, decide to reject the merchandise for various reasons, and then attempt to remail the item without postage. Under the new regulation such items would be sent to the dead parcel post branch for disposition, which may result in their being sold at auction or destroyed. In order to prevent this immediate heavy loss or destruction of valuable merchandise, the Postal Service will not send to the dead parcel branch parcels of any class containing merchandise that is being returned without postage. If the sender returning the parcel can be identified by simple examination of the exterior of the parcel, it will be returned endorsed "Returned for postage." If the sender cannot be identified by such simple examination, the Postal Service will, for a three-month period ending on February 16, 1975, forward the parcel to the addressee or original mailer and deliver it upon payment of postage due. It is anticipated that during this three-month period affected merchandisers will take necessary steps to alleviate this problem.

The regulation adopted contains the general rule that mail without postage and with no return address shall be sent to the dead letter office for processing. Several comments draw attention to the practice of using preprinted envelopes showing the same address in the addressee and return address spaces of the envelope. Since the return address shown in such cases would clearly not be the address of the actual sender, such mail will be treated as mail with no return address and sent to the dead letter office for processing. A change is being prepared in other postal regulations to discourage the practice of printing identical addresses in both the addressee and return address spaces of the envelope.

Several comments expressed the preference that certain types of mail continue to be carried to the addressee even where postage has not been paid. Such carriage would, however, continue to impose costs upon the Postal Service in collecting postage due for which compensation is not provided under the present system. There were suggestions that a surcharge might be imposed on mail carried to addressees requiring the collection of postage due. We believe, however, that the most efficient solution to all the problems involved in this area is simply generally to refuse to carry mail without postage to the addressee.

Several comments urged that the implementation of this change be delayed to permit additional publicity to be issued so as to lessen any disruptions caused by the change. Substantial publicity relating to this proposed change has, however, already been issued. We anticipate, moreover, that regardless of when the change is implemented, a certain—we hope, short—period of adjustment will be necessary. In view of these factors, we believe that it would be in the public interest to carry forward with the change at this time rather than risk losing the momentum that recent publicity about the change has generated.

A number of individuals oppose this change in the regulation on the ground that they have no duty to pay postage for "response" mail, that is, payment of bills and responses to "negative option" transactions. With certain exceptions enumerated in postal regulations, postage on all mail must be prepaid at the time of mailing. (39 CFR 146.1(a)). This duty to prepay postage has been imposed by law at least since 1872 (17 Stat. 302), and, as noted, has been continued in postal regulations, which have the force and effect of law. The individual mailers advance no cogent reasons to depart from this long-standing practice. Accordingly, we affirm the requirement to prepay postage.

In view of the considerations discussed above, the Postal Service hereby adopts the following amendments of the Postal Service Manual:

In § 146.12 of the Postal Service Manual renumber .121 and .122 as .122 and .123 respectively, add new .121 and revise renumbered .122 to read as follows:

§ 146.1 Postage payment.

.11 * * *

.12 *Insufficient prepayment.*

.121 Mail of any class, including that for which special services are indicated, received at either the office of mailing or office of address without any postage will be endorsed "Returned for postage" and returned to the sender without an attempt at delivery. If no return address is shown the piece will be disposed of in accordance with 159.4.

.122 Mail of any class, including that for which special services are indicated (except registered mail—see 161.31), received at either the office of mailing or office of address without sufficient postage will be:

a. Marked to show the total deficiency of postage and fees.

b. Dispatched promptly to the addressee by means of the regular or special service indicated.

c. Delivered to addressee on payment of the charges marked on the mail. When quantity mailings of ten or more pieces are received at the office of mailing without sufficient postage, the mailer will be notified, without charge, preferably by telephone, in order that the postage charges may be adjusted before the mail is dispatched.

The above amendment is effective immediately.

A Post Office Services (Domestic) transmittal letter making this change in the pages of the Postal Service Manual is in the process of being published and will be transmitted to subscribers automatically as soon as possible. Notice of the issuance of this transmittal letter will be published in the usual manner in the FEDERAL REGISTER through an appropriate amendment to 39 CFR 111.3. (39 U.S.C. 401)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-27128 Filed 11-15-74;2:56 pm]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[21 CFR Part 1301]

EMPLOYMENT CLEARANCES

Proposed Employee Screening Procedures for Non-Practitioners

Correction

In FR Doc. 74–26603 appearing at page 40029 in the issue for Wednesday, November 13, 1974, the following correction should be made. In the last paragraph, the last line, the date should read, "January 13, 1975.", instead of "January 13, 1974.".

DEPARTMENT OF LABOR

Manpower Administration

[29 CFR Part 75]

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Notice of Proposed Certification Procedures; Correction

In FR Doc. 74–24673, appearing at page 37650 in the issue for Wednesday, October 23, 1974, the closing date for receipt of comments was inadvertently omitted. The last sentence of the preamble to the proposed regulation should read as follows:

Interested persons are invited to submit comments, data or arguments to: Deputy Assistant Secretary for Manpower, U.S. Department of Labor, 6th and D Streets NW., Washington, D.C. 20213, on or before November 29, 1974.

Signed at Washington, D.C., this 14th day of November, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74–27057 Filed 11–18–74;8:45 am]

Wage and Hour Division

[29 CFR Parts 516, 570]

EMPLOYMENT OF MINORS BELOW CERTAIN AGES

Extension of Time for Comments on Proposed Revisions and Amendments

On October 15, 1974, there were published in the FEDERAL REGISTER (39 FR 36940) proposed amendments to Parts 516 and 570 of Title 29 of the Code of Federal Regulations which would establish rules for employers employing young workers with respect to obtaining proof of their age and keeping records thereof. The proposed rules, under authority of section 12 of the Fair Labor Standards Act of 1938 as amended by the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259, Sec. 25, 88 Stat. 72; 29 U.S.C. 212(d)), would further implement the child labor provisions of the Act as amended by Pub. L. 93–259. Interested persons were invited to submit written comments, suggestions, data or arguments regarding the proposed rules by November 14, 1974.

A number of requests have been received by the Administrator for additional time in which to analyze the above proposal and submit comments. Some replies intimate that the additional recordkeeping required could adversely affect the employment of young persons. Accordingly, it has been determined that an extension of time to submit comments is appropriate.

The time for submission of comments on the above proposal is hereby extended to and including December 4, 1974. Persons desiring to submit comments should note that the proposed revision of Subparts A and B of Part 570 of Title 29, CFR, includes rules presently in effect with respect to certificates of age available to employers upon application, which are not changed. The changes proposed consist of the addition of affirmative requirements regarding the obtaining from young workers of documentary proof of their age and related additional recordkeeping.

Signed at Washington, D.C., this 14th day of November 1974.

BETTY SOUTHARD MURPHY,
Administrator, Wage and Hour Division.

[FR Doc.74–27033 Filed 11–18–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 310]

LARGE VOLUME PARENTERAL DRUGS IN PLASTIC CONTAINERS AND INTENDED FOR INTRAVENOUS HUMAN USE

Compatibility Studies; Warning Statement

Correction

In FR Doc. 74–26046 appearing at page 39474, of the issue for Thursday, November 7, 1974 make the following changes:

1. In § 310.509(f), in the first line change the word "of" to "or".

2. Correct the comments date to read "January 6, 1975".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 296–7]

KELLOGG, IDAHO; SULFUR OXIDES CONTROL STRATEGY

New Public Hearing Date; Approval and Promulgation of Implementation Plans

Notice is hereby given that the date of the public hearing to be held in Kellogg, Idaho, published in the October 23, 1974 FEDERAL REGISTER (39 FR 37653), has been changed from November 14, 1974 to January 6, 1975.

As previously announced, the purpose of the public hearing is to solicit public comment on the proposed regulations for the control of sulfur oxides from the Bunker Hill smelter complex (39 FR 36018). Please see the original hearing notice for a more complete description of the hearing and its purpose.

The location of the hearing remains unchanged. The hearing will be held Monday, January 6, 1975, at one o'clock p.m. in the conference room of the Washington Water Power Building, 120 North Hill Road, Kellogg, Idaho.

Dated: November 13, 1974.

EDWARD F. TUERK,
Assistant Administrator for Air and Waste Management.

[FR Doc.74–26951 Filed 11–18–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 21]

[Docket No. 20234; FCC 74–1209]

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

Power Limitations of Transmitters; Proposed Rule Making

1. Notice of Proposed Rule Making is hereby given in the above-entitled matter.

2. A review of Part 21 of the Commission rules and regulations has disclosed that, by omission, the current applicable provisions would appear to permit a land mobile transmitter to operate with a power level equal to that of base stations, i.e., with 250 watts output power. In contrast with this, airborne mobile transmitters are limited to 25 watts output power and mobile base station licenses have for some years by condition, limited the input power to mobile transmitters to 120 watts. Where vacuum tube equipment was used, with an assumed

50 percent efficiency this resulted in an output power of watts. It appears necessary to include this 60 watt output power limitation into our rules to limit the radio interference potential of mobile units operating in the extremes of the service area of their associated base station. If a mobile unit were to operate at a level approximating the power of a base station on the extremity of its base station's service area, severe interference problems could occur with the operations of an adjacent base station.

3. The Commission has not licensed any privately owned mobile units with power outputs in excess of 100 watts and has been attempting to hold to the 60 watts output maximum power level. However, under the current rules there are no provisions which would permit denial of a license to an applicant with a transmitter output power less than 250 watts.

4. The proposed ruling would set an upper limit of 60 watts on all land mobile transmitters to be licensed in the future. It is our belief that currently the majority of commercial transmitters used in this service have rated power output capabilities of between 20 and 30 watts. Therefore, the proposed limitation would be setting an upper limit of approximately twice the maximum output power at which most transmitters are currently operating.

5. A restatement of the current limitation on airborne units is included in this provision because the rules currently require a cross-reference from § 21.506 "Power limitations" to a tabulation in § 21.521 to locate the proper provision, or a reference to a footnote in § 21.107 which states the exception for airborne frequencies to the 250 watt rule.

6. Since the focus of this rule is to control radiated power, the provision also includes a restriction on the use of external amplifiers to increase radiated power. The use of any amplifier without authority has always been prohibited but this intent is not clearly stated in any present rule.

7. Subsequent to the effective date of this rule, type acceptance for use under Part 21 will not be granted for any transmitting equipment, designed for mobile use only, which has an output power rating in excess of 60 watts. Existing type accepted transmitters with power output ratings in excess of 60 watts will remain in the Radio Equipment List under Part 21 on the presumption that the operating power can be reduced to a value not exceeding 60 watts.

8. The proposed amendment to the rules is issued pursuant to authority contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

9. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before December 20, 1974, and reply comments on or before December 30, 1974. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specified comments invited by this Notice.

10. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: November 6, 1974.

Released: November 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
VINCENT J. MULLINS,
Secretary.

Part 21 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

Part 21—Domestic Public Radio Services (Other Than Maritime Mobile)

1. Section 21.506, paragraph (b) is redesignated as paragraph (c) and new paragraph (b) is added to read as follows:

§ 21.506 Power limitations.

* * * * * *

(b) The power output of land mobile transmitters operating in the Domestic Public Land Mobile Radio Service shall not exceed 60 watts. The maximum rated power output of airborne mobile transmitters shall not exceed 25 watts. No external radio frequency power amplifier shall be used on any mobile transmitter unless it is specifically authorized on the face of the station authorization.

* * * * * *

[FR Doc.74–27026 Filed 11–18–74;8:45 am]

[1] Commissioner Reid absent.

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[CM-191]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Meeting

A meeting of the Study Group on Maritime Bills of Lading, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held at 10:00 a.m. on Friday, December 6, 1974, in room 5519 of the Department of State. The meeting will be open to the public.

The purpose of the meeting will be to consider a report of the Seventh Session of the Working Group on International Legislation on Shipping of the United Nations Commission on International Trade Law.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to December 6, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107.

Dated: November 11, 1974.

[SEAL] ROBERT E. DALTON,
Executive Director.

[FR Doc.74-27034 Filed 11-18-74;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 5]

ARKWRIGHT-BOSTON MANUFACTURERS MUTUAL INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $15,507,000.00 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated:

Arkwright-Boston Manufacturers Mutual Insurance Company
Waltham, Massachusetts
Massachusetts

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: November 13, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-27020 Filed 11-18-74;8:45 am]

[Dept. Circ. 570, 1974 Rev., Supp. 4]

SKANDIA INSURANCE CO., UNITED STATES BRANCH, SKANDIA AMERICA REINSURANCE CORP.

Termination as Acceptable Reinsuring Company on Federal Bonds, and Acceptable Surety on Federal Bonds

Skandia America Reinsurance Corporation was incorporated under the laws of the State of New York on May 15, 1974. The company was organized to serve as a corporate vehicle in the domestication of the United States Branch of The Skandia Insurance Company which was effective July 1, 1974. The New York Company became the surviving corporation. Confirmation of this action has been received and filed in the Treasury. Accordingly, the Certificate of Authority held by the former United States Branch which was last listed at 39 FR 26370, July 18, 1974 is hereby terminated effective June 30, 1974.

The surviving corporation has acquired all assets and assumed all liabilities, and has been issued a Certificate of Authority as an acceptable surety on Federal bonds, effective July 1, 1974 with an underwriting limitation of $2,351,000.00 as follows:

Name of company, location of principal executive office, and State in which incorporated:

Skandia America Reinsurance Corporation
New York, New York
New York

In view of the foregoing, no action need be taken by bond-approving officers by reason of the domestication set forth above with respect to any bond or other obligation in favor of the United States or in which the United States has an interest direct or indirect issued prior to July 1, 1974 pursuant to the Certificate of Authority issued to the company by the Treasury.

Certificates of Authority expire on June 30 each year, unless sooner revoked and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: November 13, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-27021 Filed 11-18-74;8:45 am]

Office of the Secretary

[Treasury Dept. Order No. 107; Rev. 18]

OFFICE OF ADMINISTRATIVE PROGRAMS ET AL.

Authority To Affix Seal of the Treasury Department

By virtue of the authority vested in the Secretary of the Treasury, including the authority conferred by 5 U.S.C. 301, and by virtue of the authority delegated to me by Treasury Department Order No. 190 Revised, it is hereby ordered that:

1. The following officers are authorized to affix the Seal of the Treasury Department in the authentication of originals and copies of books, records, papers, writings, and documents of the Department, for all purposes, including the purposes authorized by 28 U.S.C. 1733(b):

(a) In the Office of Administrative Programs:
(1) Director, Office of Administrative Programs;
(2) Deputy Director, Office of Administrative Programs;
(3) Head, Directives Control and Distribution Branch;
(4) Assistant Head, Directives Control and Distribution Branch;
(b) In the Internal Revenue Service:
(1) Commissioner of Internal Revenue;
(2) Assistant Commissioner (Compliance);
(3) Deputy Assistant Commissioner (Compliance);
(4) Chief, Disclosure Staff;
(5) Assistant Chief, Disclosure Staff;
(c) In the United States Customs Service:
(1) Commissioner of Customs;
(2) Deputy Commissioner of Customs;
(3) Assistant Commissioner of Customs (Administration);
(4) Assistant Commissioner of Customs (Investigations);

(5) Assistant Commissioner of Customs (Operations);
(6) Assistant Commissioner of Customs (Regulations and Rulings);
(7) Assistant Commissioner of Customs (Security and Audit);
(d) In the Bureau of the Public Debt:
(1) Commissioner of the Public Debt;
(2) Assistant Commissioner of the Public Debt;
(3) Director of the Chicago Office;
(e) In the Bureau of Alcohol, Tobacco and Firearms:
(1) Director;
(2) Deputy Director;
(3) Regional Directors;
(4) Assistant Director for Technical and Scientific Services;
(5) Chief, Technical Services Division;
(f) In the Bureau of Government Financial Operations:
(1) Commissioner of Government Financial Operations;
(2) Deputy Commissioner of Government Financial Operations;
(3) Assistant Commissioner Disbursements and Claims;
(4) Director Division of Check Claims;

2. The Director of Administrative Programs, the Commissioner of Internal Revenue, the Commissioner of the Public Debt, the Director, Bureau of Alcohol, Tobacco and Firearms, the Commissioner of Customs, and the Commissioner of Government Financial Operations are authorized to procure and maintain custody of the dies of the Treasury Seal.

Treasury Department Order No. 107 (Revision 17) is superseded.

Dated: November 13, 1974.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.74-27043 Filed 11-18-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE INTELLIGENCE AGENCY SCIENTIFIC ADVISORY COMMITTEE

Closed Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that closed meetings of the DIA Scientific Advisory Committee will be held at the Pentagon, Washington, D.C. on:

Monday, 9 December, 1974
Tuesday, 10 December, 1974
Wednesday, 11 December, 1974

The entire meetings commencing at 0900 hrs. are devoted to the discussion of classified information as defined in § 552(b), Title 5 of the U.S. Code, therefore will be closed to the Public.

Dated: November 14, 1974.

[SEAL] MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.74-27041 Filed 11-18-74;8:45 am]

DEFENSE SCIENCE BOARD TASK FORCE ON IDENTIFICATION FRIEND, FOE OR NEUTRAL

Advisory Committee Meeting

The Defense Science Board Task Force on Identification Friend, Foe or Neutral will meet in closed session on 16 December 1974, at the IDA Building, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an analysis of technology and systems applicable to the identification function and indicate promising solutions to the problem area for possible implementation within the Department of Defense.

In accordance with Pub. L. 92-463, Section 10, paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552(b) of Title 5 of the United States code, particularly subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of subsections (a)(1) and (a)(3) of section 10, Pub. L. 92-463 are concerned.

Dated: November 14, 1974.

[SEAL] MAURICE W. ROCHE,
Director, Correspondence and Directives OASD (Comptroller).

[FR Doc.74-27040 Filed 11-18-74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Notice of Applications

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with § 1311.42 of Title 21, Code of Federal Regulations, notice is hereby given that on the dates given, the following manufacturers made application to the Drug Enforcement Administration to be registered as importers of basic class controlled substances listed below.

Abbott Laboratories, 14th and Sheridan Rd., N. Chicago, Ill. 60064 (June 1, 1974)

Drug:	Schedule
Methamphetamine	II
Pentobarbital	II

A. H. Robins Co., Inc., 1407 Cummings Dr., Richmond, Va. 23220 (May 17, 1974)

Drug:	Schedule
Codeine	II
Opium Powders	II

Applied Science Laboratories, Inc., 139 N. Gill St., Box 440, State College, Pa. 16801 (May 17, 1974)

Drug:	Schedule
Bufotenine	I
Dimethyltryptamine	I
3,4-Methylenedioxy Amphetamine	I
Piminodine	I

Arnar-Stone Laboratories, Inc., 601 E. Kensington Rd., Mount Prospect, Ill. 60056 (May 14, 1974)

Drug:	Schedule
Codeine	II
Methaqualone	II
Pentobarbital	II

Beecham-Massengill Pharmaceuticals, Division of Beecham Inc., 501-551 5th St., Bristol, Tn. 37620 (June 6, 1974)

Drug:	Schedule
Codeine	II
Hydrocodone	II
Methamphetamine	II
Morphine	II
Opium Extracts	II
Pentobarbital	II
Secobarbital	II

Center for Studies of Narcotic and Drug Abuse, DHEW, HSA, Supply Service Center, Perry Point, Md. 21902 (Aug. 1, 1974)

Drug:	Schedule
Alphacetylmethadol	I
Bufotenine	I
Codeine	II
Hydrocodone	II
Lysergic Acid Diethylamide	I
Mescaline	I
3,4-Methylenedioxy Amphetamine	I
3,4,5-Trimethoxy Amphetamine	I

Ciba-Geigy Corp., Old Mill Rd., Suffern, N.Y. 10901 (Aug. 6, 1974)

Drug:	Schedule
Methylphenidate	II
Phenmetrazine	II

Cord Laboratories, Inc., 19191 Filer, Detroit, Mich. 48234 (July 18, 1974)

Drug:	Schedule
Amphetamine	II
Codeine	II
Hydrocodone	II
Methylphenidate	II
Opium Powders	II
Opium Tinctures	II
Pentobarbital	II
Secobarbital	II

Elkins-Sinn, Inc., Subsidiary of Medical Electroscience and Pharmaceuticals, 2 Esterbrook Lane, Cherry Hill, N.J. 08002 (Aug. 31, 1974)

Drug:	Schedule
Codeine	II
Dihydromorphinone	II
Morphine	II
Pentobarbital	II
Pethidine	II
Secobarbital	II

First Chemical Products, Inc., 377 Crane St., Orange, N.J. 07051 (Aug. 5, 1974)

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Drug:	Schedule
Amobarbital	II
Amphetamine	II
Methamphetamine	II
Methylphenidate	II
Pentobarbital	II
Phenmetrazine	II
Secobarbital	II

Hoffman-LaRoche, Inc., 340 Kingsland St., Nutley, N.J. 07110 (May 6, 1974)

Drug:	Schedule
Levorphanol	II

J. H. Delamar and Son, Inc., 4507–11 N. Kedzie Ave., Chicago, Ill. 60625 (June 3, 1974)

Drug:	Schedule
Amphetamine	II
Methylphenidate	II
Phenmetrazine	II

National Institute on Drug Abuse, DHEW, 11400 Rockville Pike, Rockville, Md. 20852 (June 5, 1974)

Drug:	Schedule
Alphacetylmethadol	I
Codeine	II
Ethylmorphine	II
Hydrocodone	II
Hydromorphone	II
Lysergic Acid Diethylamide	I
Mescaline	I
3,4-Methylenedioxy Amphetamine	I
3,4,5-Trimethoxy Amphetamine	I

Sigma Chemical Co., 3500 DeKalb St., St. Louis, Mo. 63118 (Jan. 18, 1974)

Drug:	Schedule
Amobarbital	II
Amphetamine	II
Bufotenine	I
Dimethyltryptamine	I
Mescaline	I
Methamphetamine	II
Pentobarbital	II
Secobarbital	II

Wyeth Laboratories, Inc., Lancaster Pike and Morehall Rd., P.O. Box 861, Paoli, Pa. 19301 (May 31, 1974)

Drug:	Schedule
Secobarbital	II

Any person registered to manufacture the above mentioned substances in bulk may, on or before December 6, 1974 file written comments on or objections to the issuance of the proposed registration and may, at the same time, file written request for a hearing on the application (stating with particularity the objections or issues, if any, concerning which the person desires to be heard and a brief summary of his position on those objections or issues).

Comments and objections may be addressed to the Hearing Clerk, Office of Administrative Law Judge, Drug Enforcement Administration, Room 1130, 1405 Eye Street, NW., Washington, D.C. 20537.

Dated: November 13, 1974.

JOHN R. BARTELS, Jr.,
Administrator,
Drug Enforcement Administration.

[FR Doc.74–25876—74–25945 Filed 11–18–74; 8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

THREE AFFILIATED TRIBES OF THE FORT BERTHOLD RESERVATION, NORTH DAKOTA

Plan for the Use and Distribution of Three Affiliated Tribes Judgment Funds

NOVEMBER 12, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of December 26, 1969 (83 Stat. 447), in satisfaction of the award granted to the Three Affiliated Tribes of the Fort Berthold Reservation in Indian Claims Commission Dockets 350–A, E, and H. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated June 28, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on June 28, 1974, and by the Senate on July 15, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on October 2, 1974, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of December 26, 1969 (83 Stat. 447), in satisfaction of an award granted to the Three Affiliated Tribes of the Fort Berthold Reservation in Dockets 350–A, E and H before the Indian Claims Commission, including all interest accrued, less attorney fees, litigation expenses and program planning costs, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of seventy-five (75) percent of the judgment fund principal, and its accrued interest, in a sum as equal as possible to each member of the Three Affiliated Tribes, and to any person found by the Secretary to be eligible for membership in the tribes, who was born on or prior to and is living on the approval date of this plan. The shares of competent living adults shall be paid directly to them.

The Secretary, in arranging for the per capita payment to be made, shall withhold sufficient shares for individuals whose entitlement to tribal membership may be in question. These shares shall be held at interest in a separate individual Indian money account pending determination of enrollment appeals. The amount of any shares determined not payable on the basis of enrollment appeals that are denied shall be added to the programing aspect of this plan. The portion per capita belonging to minors, legal incompetents, and deceased persons will continue to be invested and administered as individual Indian money until a suitable trust is developed and approved by the Secretary, or disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200–4.297), whichever is applicable.

The programing aspect of this plan shall consist of the utilization of twenty-five (25) percent of the judgment fund principal, and its accrued interest, for a tribal land purchase program, the terms of which shall be subject to the approval of the Secretary."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–27019 Filed 11–18–74; 8:45 am]

SENECA INDIANS, NEW YORK

Plan for the Use and Distribution of Seneca Judgment Funds

NOVEMBER 12, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Seneca Indians in Indian Claims Commission Dockets 342–A and 368–A. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 1, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on July 9, 1974, and by the Senate on July 9, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on September 26, 1974, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Seneca Indians in Dockets 342–A and 368–A before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be divided between the Seneca Nation and the Tonawanda Band of Senecas on the basis of their respective memberships as of the approval date of this plan. For this purpose the Secretary shall utilize the Seneca Nation membership roll and the Tonawanda Band membership roll or any other Tonawanda Band roll acceptable to him. The funds so divided, including the interest thereon, shall be used and distributed as herein provided:

(a) The Seneca Nation of Indians General Funds shall be reimbursed from the judgment award for all money expended for planning purposes, subject to the approval of the Secretary of the Interior (hereinafter the 'Secretary').

(b) Of the funds remaining: Eighty (80) percent of the judgment fund principal, and its accrued interest, shall be paid per capita in a sum as equal as possible to all tribal members born on or prior to, and living on the approval date of this plan. The shares of living adult competents shall be paid directly to them. The establishment of a Minors' Trust Fund and the protection of the funds of legal incompetents shall be subject to the approval of the Secretary. The portion belonging to minors, legal incompetents and deceased persons will continue to be invested as individual Indian money until a suitable trust is developed and approved, or disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200–4.297), whichever is applicable.

(c) Should any unclaimed or undeliverable per capita shares revert to the Seneca Nation pursuant to the Act of September 22, 1961 (75 Stat. 584), funds representing such shares shall be made available for general tribal purposes.

(d) Twenty (20) percent of the judgment fund principal, and its accrued interest, shall be utilized for the development of an Old Age Benefit Trust Fund, the terms of which shall be subject to the approval of the Secretary.

The share of the Tonawanda Band and its accrued interest shall be held and continued to be invested as individual Indian money by the Secretary until such time as a plan for the use or distribution of the funds is approved by the Congress."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–27018 Filed 11–18–74; 8:45 am]

WASHOE TRIBE, NEVADA AND CALIFORNIA

Plan for the Use and Distribution of Washoe Judgment Funds

NOVEMBER 12, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93–134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of May 25, 1971 (85 Stat. 40), in satisfaction of the award granted to the Washoe Tribe in Indian Claims Commission Docket 288. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 1, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on July 9, 1974, and by the Senate on July 9, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on September 25, 1974, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

"The funds appropriated by the Act of May 25, 1971 (85 Stat. 40), in satisfaction of the award granted to the Washoe Tribe in Docket 288 before the Indian Claims Commission, including all interest accrued, less attorney fees, litigation expenses and program planning costs, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter 'Secretary') shall make a per capita distribution of seventy (70) percent of the judgment fund principal, and its accrued interest, in a sum as equal as possible to each member of the Washoe Tribe of Nevada and California who was born on or prior to and is living on the approval date of this plan; except that tribal members who have participated in the following cited judgments shall not be eligible to receive a Washoe per capita payment: Indians of California in Dockets 31, 37, 80, 80–D and 347; Malheur Paiutes in Docket 17; Southern Paiutes in Dockets 88, 330 and 330–A; or Chemehuevi in Dockets 351 and 351–A, all before the Indian Claims Commission.

The shares of living competent adults shall be paid directly to them. The shares belonging to minors, legal incompetents, and deceased persons shall continue to be invested as individual Indian money until a suitable trust is developed and approved by the Secretary, or are disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200–4.297).

Twenty (20) percent of the judgment fund principal, and its accrued interest, shall be utilized for a Washoe Investment Program, the terms of which shall be subject to the approval of the Secretary; and ten (10) percent of the judgment fund principal, and its accrued interest, shall be utilized, subject to the approval of the Secretary, for a Washoe Ranch Properties Improvement Program."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–27017 Filed 11–18–74; 8:45 am]

Bureau of Land Management

[CA 2345]

CALIFORNIA

Notice of Application

NOVEMBER 8, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), the Four Corners Pipeline Company has applied for a Cathodic protection unit right-of-way across the following described lands:

SAN BERNARDINO BASE AND MERIDIAN
CALIFORNIA

T. 1 N., R. 12 E.,
Sec. 4, Beginning at a point on the centerline of Four Corners existing 16-inch pipeline, said point being located S. 14°21'57" W., a distance of 3,489.7 feet from the northeast corner of said Sec. 4. Thence N. 84°54'29" W. a distance of 5.0 ft. to a point, thence N. 05°05'31" E., parallel to said pipeline a distance of 30.0 ft. to a point, thence S. 84°54'29" E., crossing at 5.0 ft. the centerline of said pipeline, for a total distance of 20.0 ft. to a point, thence S. 05°05'31" W. parallel to said pipeline a distance of 30.0 ft. to a point, thence N. 84°54'29" W. a distance of 15.0 ft to the point of beginning, and containing 600 square feet or 0.0137 acres more or less.

This Cathodic protection unit will use a right-of-way 20 feet wide and 30 feet long and is located in section 4, T. 1 N., R. 12 E., San Bernardino County, California.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the State Office, Bureau of Land Management, Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–26908 Filed 11–18–74; 8:45 am]

[NM 23437, 23441, 23619, 23624, 23626, 23640, 23641 and 23659]

NEW MEXICO

Notice of Applications

NOVEMBER 7, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 2⅜ inch and six 4½ inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 6 W.,
Sec. 8, SE¼SW¼;
Sec. 29, SW¼NE¼, SE¼NW¼ and NE¼SW¼.
T. 32 N., R. 7 W.,
Sec. 23, E½SW¼ and SW¼SE¼;
Sec. 26, NW¼NE¼;
T. 28 N., R. 8 W.,
Sec. 9, SW¼SW¼;
Sec. 18, SE¼SE¼;
Sec. 28, SW¼NE¼.
T. 29 N., R. 10 W.,
Sec. 14, Lots 6 and 7.

These pipelines will convey natural gas across 1.678 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–28993 Filed 11–18–74; 8:45 am]

[NM 23429]

NEW MEXICO

Notice of Application

NOVEMBER 8, 1974

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for a 6⅝-inch petroleum products pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 38 E.,
Sec. 28, SE¼SW¼;
Sec. 31, N½NE¼.

V 39 I 224 NOV 19 74 XUM

This pipeline will convey petroleum products across .693 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-26994 Filed 11-18-74;8:45 am]

[NM 23341]

NEW MEXICO

Notice of Application

NOVEMBER 8, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 24 S., R. 31 E.,
Sec. 1, SE¼NW¼.

These pipelines will convey natural gas across .177 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands, and Minerals Operations.

[FR Doc.74-26995 Filed 11-18-74;8:45 am]

[NM 23561]

NEW MEXICO

Notice of Application

NOVEMBER 8, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Northwest Pipeline Corporation has aplied for a 4½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 32 N., R. 7 W.,
Sec. 25, NE¼SW¼, S½SW¼, SW¼SE¼;
Sec. 26, S½S½;
Sec. 27, SE¼SE¼;
Sec. 34, NE¼NE¼, W½NE¼, SE¼NW¼
Sec. 35, NE¼NE¼, S½NE¼, NE¼SW¼;
N½SE¼.

This pipeline will convey natural gas across 4.369 miles of national resource lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-26996 Filed 11-18-74;8:45 am]

[NM 23361]

NEW MEXICO

Notice of Application

NOVEMBER 11, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Beker Resources Corporation has applied for a 10-inch water pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 27 E.,
Sec. 3, Lot 2, SW¼NE¼; W½SE¼;
Sec. 10, W½NE¼.

This pipeline will convey sewer plant effluent across 1.280 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-26997 Filed 11-18-74;8:45 am]

[NM 23614]

NEW MEXICO

Notice of Proposed Withdrawal and Reservation of Lands

NOVEMBER 11, 1974.

The Corps of Engineers, Department of the Army, has filed an application NM 23614, for the withdrawal of lands described below, from all forms of entry, including the general mining and the mineral leasing laws. The applicant desires the land for use as a rifle range and for military purposes.

On or before December 19, 1974, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Chief, Division of Technical Services, P.O. Box 1449, Santa Fe, New Mexico 87501.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 N., R. 30 E.,
Sec. 32, Lots 1 and 2.

The area described aggregates 52.70 acres more or less, in Quay County.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-26999 Filed 11-18-74;8:45 am]

PRICE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Price District Advisory Board will hold a meeting on December 11, 1974, at 9 a.m., at the Conference Room, Price District BLM Office, 900 North 7th East, Price, Utah. The agenda for the meeting will include a review of grazing billing procedures, future of advisory board, advisory board projects, consideration of transfers and late grazing applications, and the hearing of protests by the board of previous actions.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the board. Any interested person may file a written statement with the board for its consideration. The Advisory Board Chairman is Ellis Wild, Ferron, Utah 84523.

Written statements should be submitted to Mr. Wild, c/o District Manager, Bureau of Land Management, P.O. Drawer AB, Price, Utah 84501.

R. L. LEWIS,
Acting District Manager.

[FR Doc.74-27015 Filed 11-18-74;8:45 am]

National Park Service

[INT DES 74-108]

PROPOSED WILDERNESS GULF ISLANDS NATIONAL SEASHORE FLORIDA/MISSISSIPPI

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for proposed wilderness—Gulf Islands National Seashore, Florida and Mississippi, and invites written comments on or before January 3, 1975. Written comments should be addressed to the Regional Director, Southeast Region, the Unit Manager, Gulf Island National Seashore, Florida; or to the Unit Manager, Gulf Islands National Seashore, Mississippi, at the addresses listed below.

The draft environmental statement considers the establishment and designation of portions of Gulf Islands National Seashore as a wilderness area under the provisions of the Wilderness Act.

Copies are available from or for inspection at the following locations:

Office of the Director
Southeast Region
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344.

Office of the Unit Manager
Gulf Islands National Seashore
P.O. Box T
Ocean Springs, Mississippi 39564.

Office of the Unit Manager
Gulf Islands National Seashore
P.O. Box 100
Gulf Breeze, Florida 32561.

Dated: November 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-26981 Filed 11-18-74;8:45 am]

[INT FES 74-61]

PROPOSED MASTER PLAN, CARLSBAD CAVERNS NATIONAL PARK, NEW MEXICO

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of Interior has prepared a final environmental statement for the proposed master plan for Carlsbad Caverns National Park, New Mexico.

The environmental statement considers alternate courses of action for protection, development and public use of the area. Proposed master plan concepts include airlocks on the elevator shafts, a continuous flow method of viewing the caverns, an alternate cave trip, a new one-way exit road, a small development at the mouth of Slaughter Canyon, the relocation of administrative headquarters to the City of Carlsbad, a motor nature loop road in Walnut Canyon, the upgrading of the ridge road, and land classification.

Copies are available for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
Post Office Box 728
Santa Fe, New Mexico 87501.

Office of the Superintendent
Carlsbad Caverns National Park
3225 El Paso Road
Carlsbad, New Mexico 88220.

Chaco Center
National Park Service
Anthropology Building
University of New Mexico
Post Office Box 26176
Albuquerque, New Mexico 87125.

Dated: November 13, 1974.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-26982 Filed 11-18-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Wisconsin Grain Inspection Point

Statement of considerations. The Wisconsin Department of Agriculture is designated to operate as an official inspection agency in accordance with the provisions of section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)). The Wisconsin Department of Agriculture has been providing official inspection service for 58 years at Superior, Wisconsin, as a designated inspection point. A designated inspection point is defined as a city, town, or other location assigned under the regulations to an official inspection agency for the conduct of official inspections, and within which the official inspection agency, or one or more of its licensed inspectors is located (7 CFR 26.1(b)(18)).

The Wisconsin Department of Agriculture now plans to locate one or more of its licensed grain inspectors at Jefferson, Wisconsin, and has requested that its assignment be amended in accordance with section 26.99(b) of the regulations (7 CFR 26.99(b)) to add Jefferson, Wisconsin, as a designated inspection point.

Notice is hereby given that the Agricultural Marketing Service has under consideration the request from the Wisconsin Department of Agriculture to add Jefferson, Wisconsin, as a designated inspection point under the U.S. Grain Standards Act.

Opportunity is hereby afforded all interested persons to submit written views and comments with respect to this matter to the hearing clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All material submitted should be in duplicate and mailed to the hearing clerk not later than December 18, 1974. All materials submitted pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the views and comments so filed with the hearing clerk, and to all other information available to the U.S. Department of Agriculture before final determination is made with respect to this matter.

Done in Washington, D.C. on November 13, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74-26965 Filed 11-18-74;8:45 am]

Agricultural Stabilization and Conservation Service

[Docket No. SH-328]

SUGARCANE PRICES IN PUERTO RICO

Hearing and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price proceedings (7 C.F.R. 802.1 et seq.), notice is hereby given that a public hearing will be held in Santurce, Puerto Rico, in the Conference Room, Seventh Floor, Stubbe-Segarra Building, Stop 20, on December 4, 1974, beginning at 10 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices to be paid for the 1974–75 crop of Puerto Rican sugarcane by producers who process sugarcane grown by other producers and who apply for payment under the act on their own sugarcane production.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and to present appropriate data with respect to the subject matter involved.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. (7 CFR 1.27(b))

The hearing, after being called to order at the time and place mentioned herein, may be continued from day-to-day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Arthur B. Calcagnini, Marvin I. Gelles, James L. Coburn, John A. Zechman and Carlos Troche are hereby designated as

V 39 224 NOV 19 74 XUM

presiding officers to conduct either jointly or severally the foregoing hearing.

Signed at Washington, D.C. on November 13, 1974.

[SEAL] GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-26986 Filed 11-18-74;8:45 am]

Commodity Exchange Authority

COMMODITY TRADING ADVISORS AND COMMODITY POOL OPERATORS

Inquiry

Section 205 of Pub. L. 93-463, enacted October 23, 1974, provides for regulation by the newly-established Commodity Futures Trading Commission of commodity trading advisors and commodity pool operators. Under this section, effective April 21, 1975, all persons acting as commodity trading advisor or commodity pool operator as such terms are defined in section 202 of Pub. L. 93-463 (except commodity trading advisors who, during the preceding year, have not furnished advice to more than 15 persons and who do not hold themselves out generally to the public as commodity trading advisors) will be required to register under the Commodity Exchange Act by the Commodity Futures Trading Commission and will be required to comply with the Act and the regulations thereunder.

Pursuant to sections 418 and 104 of Pub. L. 93-463, the administrator of the Commodity Exchange Authority is inviting all persons interested in, or affected by, the activities of commodity trading advisors or commodity pool operators to give their views for the benefit of the Commission in considering what rules, regulations, or orders should be issued with respect to such activities.

To assist the Commission in considering this matter, all interested persons are requested to submit their views on the following questions:

(a) What regulations, if any, are necessary to protect clients or participants or prospective clients or participants from fraud or deceit?

(b) Is it desirable by regulation to prohibit any specific device, scheme, or artifice which may be used to defraud any client or participant or prospective client or participant? If so, identify and describe such device, scheme or artifice.

(c) What books and records should be prescribed for commodity trading advisors and for commodity pool operators?

(d) What should be the form and manner in which each commodity pool operator shall be required to furnish regular statements of account to each participant in his operations?

(e) Are there any classes of persons who would meet the criteria for registration under section 202 of Pub. L. 93-463 for which there is no substantial public interest to be served by their registration?

Commentators, of course, should feel free to express views on other aspects of the activities of commodity trading advisors and commodity pool operators that may not be specifically set forth above.

Any person who believes that an account of his actual experience with any commodity trading advisor or commodity pool operator will be of value to the Commission is requested to submit such account in writing.

All persons operating as commodity trading advisors or commodity pool operators are requested to submit their views as to regulation; copies of the types of agreements they enter into with customers; a description of how they solicit or plan to solicit business, including copies of advertising and all other promotional literature; a description of the books and records they keep; copies of statements they send clients or participants; and any other information they believe will be of interest to the Commission in considering this matter.

Written statements of interested persons should be mailed to the Administrator, Commodity Exchange Authority, U.S. Department of Agriculture, Washington, D.C. 20250, prior to January 3, 1975. All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Administrator, Commodity Exchange Authority, during regular business hours.

Any person wishing copies of sections 202 and 205 of P.L. 93-463 may obtain them upon request to the Administrator, Commodity Exchange Authority.

Issued November 14, 1974.

[SEAL] ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.74-26987 Filed 11-18-74;8:45 am]

Forest Service

DESCHUTES NATIONAL FOREST ADVISORY COMMITTEE

Notice of Meeting

The Deschutes National Forest Advisory Committee will meet at 6:30 p.m., December 12, 1974, for a no-host dinner at Tony's Poco Toro Restaurant, Bend, Oregon. The program will follow at 8:00 p.m.

The subject to be discussed at this meeting will be "Deschutes Forest Range Management Program and its Possible Future." This will be presented by Milt Griffith, Forest Range Staff Officer.

The meeting will be open to the public.

Dated: November 12, 1974.

[SEAL] EARL E. NICHOLS,
Forest Supervisor.

[FR Doc.74-26953 Filed 11-18-74;8:45 am]

BIGHORN NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Bighorn National Forest Grazing Advisory Board will meet at 1:00 p.m. on December 3, 1974, at the Northern Hotel in Billings, Montana.

The purpose of the meeting is to consider and discuss:

1. Improved range management practices on National Forest lands.

2. Wildlife winter range relationships between National Forest and private lands.

3. The composition of Advisory Board, representation of members, and current procedures and requirements for the functioning of the Board.

The meeting will be open to the public. Persons who wish to attend should notify Leonard Masters, Ranchester, Wyoming 82839 (Phone 307-655-2536). Written statements may be filed with the Advisory Board before or after the meeting.

JAMES R. SCHOENBAUM,
Acting Forest Supervisor.

NOVEMBER 11, 1974.

[FR Doc.74-27013 Filed 11-18-74;8:45 am]

BIGHORN WINTER SPORTS SITE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Bighorn Winter Sports Site, Caribou National Forest, Idaho. The Forest Service report number is USDA-FS-DES (Adm) R4-75-7.

The environmental statement identifies and evaluates the proposal to make available for bid an invitation to plan, develop, and operate a commercial winter sports enterprise at Bighorn in South and Bill Williams Canyons on the Caribou National Forest, State of Idaho.

If constructed, the area would provide facilities for skiers, as well as add employment and capital investments to portions of two counties.

This draft environmental statement was transmitted to CEQ on November 11, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 4403
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Caribou National Forest
427 North Sixth Avenue
P.O. Box 4189
Pocatello, Idaho 83201

District Forest Ranger
Malad Ranger District
30 North 400 West
Malad, Idaho 83252

A limited number of single copies are available upon request to Forest Supervisor Donald A. Schultz, Caribou National Forest, 427 North Sixth Avenue, P.O. Box 4189, Pocatello, Idaho 83201.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Donald A. Schultz, Caribou National Forest, 427 North Sixth Avenue, P.O. Box 4189, Pocatello, Idaho 83201. Comments must be received by January 10, 1975, in order to be considered in the preparation of the final environmental statement.

Dated: November 11, 1974.

P. M. REES,
Acting Regional Forester.

[FR Doc.74-27012 Filed 11-18-74;8:45 am]

TONTO NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Tonto National Forest Grazing Advisory Board will meet January 3, 1975, at 9:30 a.m. at the Office of the Supervisor, Tonto National Forest, 102 S. 28th Street, Phoenix, Arizona.

The purpose of this meeting is the annual Board meeting; election of officers; discussion of current grazing problems on the Tonto National Forest; revision of the bylaws; discussion of National Forest grazing regulations; discuss proposed Tonto National Forest Land Adjustment Plan; and items of general interest.

The meeting will be open to the public. Persons who wish to attend should notify Fred J. Wirth, Supervisor Tonto National Forest, 102 S. 28th Street, Phoenix, Arizona, 85034, Telephone No. Area Code 602-261-3205. Written statements may be filed with the Board before or after the meeting.

No specific rules have been established for public participation. Comments from the public are welcome at anytime during the meeting.

FRED J. WIRTH,
Forest Supervisor.

NOVEMBER 12, 1974.

[FR Doc.74-27014 Filed 11-18-74;8:45 am]

Rural Electrification Administration

CAJUN ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated loan guarantee for Cajun Electric Power Cooperative, Inc., P.O. Box 578, New Roads, Louisiana 70760. This anticipated loan guarantee will provide for the construction of two 540 MW coal-fired generating units and related facilities to be located on the Mississippi River in Pointe Coupee Parish, approximately four miles northeast of New Roads, Louisiana.

Interested persons are invited to submit comments which may be helpful in preparing the draft EIS.

Comments should be forwarded to the Assistant Administrator—Electric Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 13th day of November, 1974.

[SEAL] DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.74-26989 Filed 11-18-74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

CERTAIN ICE CREAM CARTONS AND MOLDS

Simplified Practice Recommendation; Notice of Intent to Withdraw

In accordance with section 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), a notice of the intent to withdraw Simplified Practice Recommendation R 252-60, "Standard Sizes of Pint, Quart, and Half-Gallon Rectangular Ice Cream Cartons and Molds" was published in the FEDERAL REGISTER (37 FR 4459 dated March 3, 1972). Due to the passage of time since that 1972 notice, it is deemed appropriate to once again publish a notice of intent to withdraw rather than proceed with a final notice of withdrawal at this time. It has been tentatively determined that this standard is technically inadequate and of insufficient public concern to warrant continuation as a Department of Commerce standard and that revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing to the Office of Engineering Standards, Services, National Bureau of Standards, Washington, D.C. 20234, on or before December 18, 1974. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: November 13, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-27010 Filed 11-18-74;8:45 am]

National Oceanic and Atmospheric Administration

[Docket No. Sub-B-62]

McCORMACK TRAWLING CORP.

Notice of Change of Hearing Location

NOVEMBER 14, 1974.

Whereas on September 26, 1974, there was published at 39FR34593 a notice of hearing in the above matter to be held in Washington, D.C. on November 4, 1974;

Whereas on November 4, 1974, there was published at 39FR38921 a notice of change of hearing date in the above matter rescheduling it to be held in Washington, D.C. on December 3, 1974;

Whereas such notice of hearing provided that any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in CFR Part 257 at least 10 days prior to the date set for hearing;

Whereas several persons have filed petitions for leave to intervene and/or have expressed in writing their interests in this matter (such persons hereinafter referred to as putative intervenors);

Whereas these putative intervenors have expressed the desire to have a hearing in this matter at a location other than in Washington, D.C.; and

Whereas the undersigned Administrative Law Judge assigned to hear and adjudicate the application herein has taken the foregoing matters under advisement and has concluded that the establishment of a different hearing location would facilitate a determination of this matter and be in the interest of the public:

It is accordingly hereby ordered, That, the hearing in this matter, be and is rescheduled to be held December 3, 1974, at 10 a.m., p.s.t., in room 1056, the Customs Court Room, 999 First Avenue, (Old Federal Office Building), Seattle, Washington 98104. This hearing will be consolidated with the hearing of a similar application from Old Colony Trawling Corporation since the same fishery is involved.

[SEAL] FREDERICK W. DENNISTON,
Administrative Law Judge.

[FR Doc.74-27084 Filed 11-15-74;10:34 am]

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[Docket No. Sub-B-49]

OLD COLONY TRAWLING CORP.

Notice of Change of Hearing Location

NOVEMBER 14, 1974.

Whereas on September 26, 1974, there was published at 39FR34593 a notice of hearing in the above matter to be held in Washington, D.C. on November 4, 1974;

Whereas on November 4, 1974, there was published at 39FR38921 a notice of change of hearing date in the above matter rescheduling it to be held in Washington, D.C. on December 3, 1974;

Whereas such notice of hearing provided that any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, as prescribed in CFR Part 257 at least 10 days prior to the date set for hearing;

Whereas several persons have filed petitions for leave to intervene and/or have expressed in writing their interests in this matter (such persons hereinafter referred to as putative intervenors);

Whereas these putative intervenors have expressed the desire to have a hearing in this matter at a location other than in Washington, D.C.: and

Whereas the undersigned Administrative Law Judge assigned to hear and adjudicate the application herein has taken the foregoing matters under advisement and has concluded that the establishment of a different hearing location would facilitate a determination of this matter and be in the interest of the public:

It is accordingly hereby ordered, That, the hearing in this matter, be and is rescheduled to be held December 3, 1974, at 10 a.m., p.s.t., in room 1056, the Customs Court Room, 909 First Avenue (Old Federal Office Building), Seattle, Washington 98104. This hearing will be consolidated with the hearing of a similar application from McCormack Trawling Corporation since the same fishery is involved.

[SEAL] FREDERICK W. DENNISTON,
Administrative Law Judge.

[FR Doc.74-27083 Filed 11-15-74;10:34 am]

National Oceanic and Atmospheric Administration

PERMIT APPLICATIONS UNDER MARINE MAMMAL PROTECTION ACT

Notice of Public Hearing

NOVEMBER 12, 1974.

In the FEDERAL REGISTER notice of November 4, 1974, (39 FR 38919-20), announcing a public hearing by the National Marine Fisheries Service on applications for permits under the Marine Mammal Protection Act of 1972 and the Endangered Species Act of 1973, submitted by the Marine Mammal Division, Northwest Fisheries Center, NMFS, it was stated that final regulations governing permit issuance under the Endangered Species Act of 1973 would be promulgated before November 20, 1974 (the date of the hearing).

Notice is hereby given that the final regulations governing permit issuance under the Endangered Species Act of 1973 will be promulgated by November 27, 1974, and that written comments for inclusion in the hearing record will be accepted through December 12, 1974. This extension of the comment period will allow the public to have the benefit of the final permit issuance regulations when submitting comments for the hearing record on the application for the Endangered Species Act permit.

Written comments should be submitted, and inquiries with respect to the hearing directed, either to the Director, National Marine Fisheries Service, Washington, D.C. 20235; or to the Regional Director, National Marine Fisheries Service, Northwest Region, Lake Union Building, 1700 Westlake Avenue North, Seattle, Washington 98109.

Dated: November 13, 1974.

[SEAL] JACK W. GEHRINGER,
Acting Director.

[FR Doc.74-26962 Filed 11-18-74;8:45 am]

Office of the Secretary

[40-1; Amendment 3]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Field Operations; New Exhibits

This order, effective October 31, 1974, further amends the material appearing at 39 FR 1871 of January 15, 1974; 39 FR 13015 of April 10, 1974; and 39 FR 27337 of July 26, 1974.

Department Organization Order 40-1, dated November 12, 1973, is hereby further amended as follows:

The list of Locations of Regional and District Offices attached hereto as Exhibit 2 supersedes the list dated June 30, 1974. The new exhibit lists Indianapolis (formerly a satellite office) as a District Office.[1]

A new Exhibit 3 is also provided, to correct a minor cartographic error (in Exhibit 3 dated November 12, 1973).[2]

Effective date: October 31, 1974.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

Approved:
GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.74-27008 Filed 11-18-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION (EXECUTIVE COMMITTEE)

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the National Advisory Council on Indian Education (Executive Committee) will be held on December 6-7, 1974, 9 a.m.-5 p.m., Pennsylvania Building, Suite 326, 425 13th Street NW., Washington, D.C.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (Pub. L. 92-318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Planning future Council business.
2. Completing NACIE assigned business.

This meeting is open to the public.

Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St. NW., Room 326, Washington, D.C. 20004.

Signed at Washington, D.C. on November 11, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74-27002 Filed 11-18-74;8:45 am]

National Institutes of Health

DIAGNOSTIC RADIOLOGY COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in the meeting date of the Diagnostic Radiology Committee, Diagnosis Branch, National Cancer Institute, Division of Cancer Biology and Diagnosis, which was published in the FEDERAL REGISTER on October 23, 1974, Vol. 39, No. 206—page 37663.

This Diagnostic Radiology Committee was to have convened on December 4, 1974, but has been changed to December 19, 1974, National Cancer Institute, Building 31, Conference Room 2, National Institutes of Health.

The meeting will be open to the public from 9 a.m. to 9:30 a.m.

Dated: November 13, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-26980 Filed 11-18-74;8:45 am]

[1] Filed as part of the original.
[2] Filed as part of the original.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition Docket No. RSFC-74-18]

FLORIDA EAST COAST RAILWAY CO.

Waiver of Freight Car Standards

The Florida East Coast Railway Company (FEC) has petitioned the Federal Railroad Administration (FRA) for exemption from § 215.223 of the FRA Freight Car Safety Standards in order to continue operating 38 gondola cars and 3 hopper cars. These cars are equipped with a type of cast steel wheel whose use is prohibited, effective January 1, 1975, under FRA regulations (49 CFR 215.223).

The cars, which are equipped with one or more pairs of these wheels, carry Florida East Coast reporting marks. The cars are not interchanged. Petitioner has instituted a program to replace the prohibited wheels. Due to a shortage of steel wheels, petitioner seeks a temporary waiver of the applicable regulation (49 CFR 215.223) until such time as FEC can acquire replacement wheels.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on this petition since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to November 29, 1974. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-18) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 15, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

This notice is issued under the authority of section 202, 84 Stat. 971, 45 U.S.C. 431; and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Issued in Washington, D.C. on November 13, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-27044 Filed 11-18-74;8:45 am]

[FRA Waiver Petition No. HS-74-16]

TENNESSEE RAILWAY COMPANY

Petition for Exemption From Hours of Service Act

The Tennessee Railway Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the docket clerk, Office of Chief Counsel, Federal Railroad Administration, attention: FRA Waiver Petition No. HS-74-16, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 22, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on November 14, 1974.

[SEAL] DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.74-27045 Filed 11-18-74;8:45 am]

[FRA Waiver Petition No. HS-74-15]

VALLEY AND SILETZ RAILROAD COMPANY

Petition for Exemption From Hours of Service Act

The Valley and Siletz Railroad Company has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. secs. 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the docket clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-74-15, Room 5101, 400 Seventh Street, SW., Washington, D.C. 20590. Communications received before December 22, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

Issued in Washington, D.C. on November 14, 1974.

[SEAL] DONALD W. BENNETT,
Chief Counsel, Federal Railroad Administration.

[FR Doc.74-27046 Filed 11-18-74;8:45 am]

Office of the Secretary

[OST File No. 38, Notice 74-15]

VOLUNTARY MOTOR VEHICLE FUEL ECONOMY IMPROVEMENT PROGRAM

Request for Information and Public Comment

In an address to a Joint Session of the Congress on October 8, 1974, President Ford announced the commitment of the Administration to a program "aimed at achieving a 40 percent increase in gasoline mileage within a 4-year development deadline." Because each year's automobile models are introduced the prior calendar year and 1975 model year automobiles were already in production, the President's goal is for a 40 percent improvement in the 1980 model automobiles, introduced in calendar year 1979. The Secretary of Transportation has been given lead responsibility in coordination with the Environmental Protection Agency ("EPA") and the Federal Energy Administration for monitoring and overseeing each manufacturer's development of a program to achieve the President's goal.

By notice in the FEDERAL REGISTER of August 6, 1974 (39 FR 28312 and 28318), the Department of Transportation ("DOT") and EPA invited the public, including the automotive, petroleum, and related industries, to submit information and comment on the practicability of establishing a fuel economy improvement standard of 20 percent for new motor vehicles manufactured during and after model year 1980. The invitation was part of a joint study by DOT and EPA required by section 10 of the Energy Supply and Environmental Coordination Act of 1974. A report on the results of the study, entitled "Potential for Motor Vehicle Fuel Economy Improvement", was presented to the Congress on October 24, 1974.

The starting point for discussions with the individual automobile manufacturers and the public will be the report discussed above. To involve the public in this fuel economy improvement program DOT is establishing a public file similar to the one which was established for that report. Public comment is invited on any of the issues, goals, and methodologies of the voluntary program or on those discussed in the report. Comments (five copies, if possible) should identify the file number (OST File No. 38) and be sent to the Docket Clerk, Office of the General Counsel, TGC, Department of Transportation, Washington, D.C. 20590. There is not a deadline date for submission of comments. The program will be ongoing and the assistance of the public is welcome at any time. Information on the progress of the program will be placed in the file at regular intervals. Material submitted to the file will be available for public inspection and copying, and for responsive comment, in the Office of the Assistant General Counsel for Regulation, Department of Transportation, Room 10424, Nassif Building, 400 Seventh Street, S.W., Washington, D.C., between 9:00 a.m. and 5:30 p.m. local time, Monday through Friday, except Federal holidays. Proprietary material submitted in confidence which is protected by law will not be placed in the public file.

Copies of the report can be obtained from the Office of Public Affairs, Department of Transportation, Washington, D.C. 20590; telephone (202) 426-4321.

Since the public file established for the report and the report itself are both relevant, all material in that file (OST

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File No. 37, Motor Vehicle Fuel Economy) is hereby incorporated into this file by reference.

Issued in Washington, D.C., on November 18, 1974.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-27204 Filed 11-18-74;10:28 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON ZION, UNIT 1

Notice of Meeting

NOVEMBER 14, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the Zion project will hold a meeting on December 4, 1974, in Room 1062, 1717 H Street, NW., Washington, D.C. The purpose of this meeting will be to review a proposal to increase the maximum operating power for Unit 1. The Zion Station site is located on Lake Michigan, 6 miles north of Waukegan, Illinois.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, December 4, 1974—3:30 p.m.–6:30p.m. The Subcommittee will hear presentations by Regulatory Staff and personnel of Commonwealth Edison Company and their representatives and hold discussions with these groups pertinent to the proposed power level increase.

In connection with the above agenda items, the Subcommittee will hold executive sessions, not open to the public, at approximately 3 p.m. and at the end of the day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the executive sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and Applicant for the purpose of discussing priviliged information relating to the matters under review, if necessary.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552 (b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than November 27, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the Zion, Unit 1 Final Safety Analysis Report and related documents on file (Docket 50-295-OL) and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee during the meeting.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 3, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., e.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inpsection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., and within nine days at the Waukegan Public Library, 128 North County Street, Waukegan, Illinois 60085. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after March 4, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-26979 Filed 11-18-74;8:45 am]

[Docket No. 50-321]

GEORGIA POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-57 issued to the Georgia Power Company which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment permits an increased range on the trip setting for the differential flow isolation signal to the reactor water cleanup system, thereby avoiding spurious trips of the system which have occurred during operation at the setting presently allowed by the technical specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated October 8, 1974, (2) Amendment No. 4 to License No. DPR-57, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 13th day of November, 1974.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactor Projects Branch 2-1, Directorate of Licensing.

[FR Doc.74-26975 Filed 11-18-74;8:45 am]

FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Proposed Second Memorandum of Understanding Regarding Implementation of Certain AEC/EPA Responsibilities

Correction

In FR Doc. 74-26041, appearing in the issue of Thursday, November 7, 1974 on page 39490, column 3 the third line of item 1 on page 39490 should read "trol of impacts of heat, entrainment, and".

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING AND POWER CO.

Availability of AEC Final Environmental Statement for the Allens Creek Nuclear Generating Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement prepared by the Commission's Directorate of Licensing, related to the proposed Allens Creek Nuclear Generating Station, Units 1 and 2, by Houston Lighting and Power Co. to be located in southern Austin County, Texas, west of the Brazos River, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. and in the Sealy Public Library, 415 Main Street, Sealy, Texas. The Final Environmental Statement is also being made available at the Houston-Galveston Area Council, 3311 Richmond Avenue, Houston, Texas 77006.

The notice of availability of the Draft Environmental Statement for the Allens Creek Nuclear Generating Station, Units 1 and 2 and request for comments from interested persons was published in the FEDERAL REGISTER on July 8, 1974 (39 FR 24946). The comments from Federal, State, and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Maryland, this 13th day of November 1974.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2 Directorate of Licensing.

[FR Doc.74-26885 Filed 11-18-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order 74-10-106; Docket 26494; Agreement C.A.B. 24623; R-1 through R-40]

NORTH AND MID-ATLANTIC PASSENGER FARES

Notice of Agreement

Correction

In FR Doc.74-25236 appearing at pg. 38706 in the issue for Friday, November 1, 1974, make the following changes:

1. On pg. 38709 in table 2, the last IATA number should read "016a" instead of "013a".

2. Appendix F, the last number in the heading reading "197", should read "1974".

COUNCIL ON WAGE PRICE STABILITY

RAW AND REFINED SUGAR

Change in Time and Location of Hearing on Price Increases

The time and location of the hearing called by the Council on Wage and Price Stability concerning the price of raw and refined sugar has been changed from the New Executive Office Building to the Department of Interior's Auditorium, C Street Entrance, between 18th and 19th Streets, Washington, D.C. The hearing is now scheduled to begin at 9:30 a.m. on November 25, 1974, and will last two days.

ALBERT REES,
Director.

[FR Doc.74-27075 Filed 11-18-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 296-4; OPP-180031]

DEPARTMENT OF AGRICULTURE

Receipt of Application for Specific Exemption To Control Witchweed

On October 25, 1974, the U.S. Department of Agriculture applied to the Environmental Protection Agency (EPA) for a specific exemption to use 22,500 pounds of ethylene gas during the 1975 season to control witchweed. The locations involved are croplands in 28 counties in North and South Carolina. This specific exemption, if granted, will be valid for no longer than one (1) year from the date of approval by EPA.

This application is in accordance with the provisions of section 18 (40 CFR Part 166) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 973). Part 166 was issued on December 3, 1973 (38 FR 33303), and prescribes the requirements for exemption of Federal and State agencies for the use of pesticides under emergency conditions.

This notice does not indicate a decision by this Agency on the application. Interested parties may review the application in the Office of the Director, Registration Division (WH-667), Office of Pesticide Programs, EPA, 401 M St. SW., Room E-347, Washington, D.C. 20460.

Dated: November 12, 1974.

CHARLES L. ELKINS,
Acting Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-26949 Filed 11-18-74;8:45 am]

[FRL 295-8; OPP-32000/144]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before December 19, 1977, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy

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cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after December 19, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 3876–RRA. Betz Laboratories, Inc., 4636 Somerton Rd., Trevose PA 19047. BETZ SLIME-TROL RX–12A SLIME CONTROL AGENT. Active Ingredients: Sodium pentachlorophenate 33.8%; Sodium 2,4,5–trichlorophenate 8.5%; Sodium salts of other chlorophenates 5.9%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3314–EI. Colonial Products, Inc., 1830 Tenth Ave., North, Lake Worth FL 33460. COLONIAL P. T. Q. WITH B–2. Active Ingredients: (5 - Benzyl - 3 - furyl) methyl 2,2 - dimethyl - 3 - (2 - methyl - propenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.027%; d-trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.011%; Aromatic petroleum hydrocarbons 0.271%; Petroleum distillate 19.333%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3314–EO. Colonial Products, Inc., 1830 Tenth Ave., North, Lake Worth FL 33460. COLONIAL PES–TA–REST. Active Ingredients: (5–Benzyl–3–furyl) methyl 2,2 - dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 0.200%; Related (compounds 0.028%; d,trans Allethrin (alkyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 192–RRR. Dexol Industries, 1450 W. 228th St., Torrance CA 90501. DEXOL EARWIG BAIT. Active Ingredients: Sodium Fluosilicate 6.00%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 230–TI. FMC Corp., Industrial Chemical Div., 633 Third Ave., New York NY 10017. FMC 40% CDB CLEARON. Active Ingredients: Sodium Dichloro–s–triazinetrione Dihydrate 40%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 34688–EU. Interstab Chemicals Inc., 500 Jersey Ave., New Brunswick NJ 08903. INTERCIDE COPPER 10%. Active Ingredients: Copper Salts of Naphthenic and Synthetic Acids 70%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 4822–RUN. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON WAX RAID FORMULA IV FLYING INSECT KILLER. Active Ingredients: Pyrethrins 0.15%; (5 - Benzyl - 3 - furyl) methyl 2,2 - dimethyl - 3 - (2 - methyl - propenyl) cyclopropanecarboxylate 0.15%; related compounds 0.02%; technical piperonyl butoxide (equivalent to 0.40% of (butylcarbityl) (6-propylpiperonyl) ether and 0.10% related compounds) 0.50%; aromatic petroleum distillate 0.20%; aliphatic petroleum distillate 1.60%. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 4822–RJR. S. C. Johnson & Son, Inc., 1525 Howe St., Racine WI 53403. JOHNSON WAX RAID FORMULA III FLYING INSECT KILLER. Active Ingredients: d-trans allethrin (allyl homolog of Cinerin I) 0.15%; (5-Benzyl-3-furyl) methyl 2,2 - dimethyl - 3 - (2 - methyl - propenyl) cyclepropanecarboxylate 0.15%; related compounds 0.02%; technical piperonyl butoxide (equivalent to 0.40% of (butylcarbityl) (6-propylpiperonyl) ether and 0.10% related compounds) 0.50%; aromatic petroleum distillate 0.20%; aliphatic petroleum distillate 1.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 4476–TR. Mortan Pharmaceuticals, Inc., 1625 No. Highland St., Memphis TN 38108. AA ORTON BUG-A-BOO PERSONAL INSECT REPELLENT. Active Ingredients: N,N–diethyl–m–toluamide 9.97%; Other isomers 0.53%; N–octyl bicycloheptene dicarboximide 3.00%; 2,3:4,5–Bis (2–butylene) tetrahydro–2–furaldehyde 0.75%; Di–n–propyl isocinchomeronate 0.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1706–RUN. Nalco Chemical Co., 6216 W. 66th Place, Chicago, IL 60638. NALCO 321 MICROORGANISM CONTROL CHEMICAL. Active Ingredients: 1–Alkyl (C6 to C18) amino–3–aminopropane diacetate 23.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 32235–R. Norchem Corp., PO Box 2772, Eugene OR 97402. NORCHEM END GROW VEGETATION CONTROL WITH DRIFT CONTROL ADDITIVES. Active Ingredients: Petroleum oil 96.07%; Bromacil (5–bromo–3–sec–butyl–6 methyluracil) 0.97%; Pentachlorophenol 0.79%; Other chlorophenols 0.09%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2169–233. Patterson Chemical Co., Div. Curry–Cartwright, Inc., 1400 Union Ave., Kansas City MO 64101. PATTERSON'S GREEN–UP DURSBAN LAWN INSECT CONTROL. Active Ingredients: Chlorpyrifos (O,O–diethyl O–(3,5,6–trichloro - 2 - pyridyl) phosphorothicate) 22.4%; Aromatic petroleum derivative solvent 42.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655–LRI. Prentiss Drug & Chemical Co., Inc., 363 Seventh Ave., New York NY 10001. PRENTOX DIAZINON AG600 INSECTICIDE. Active Ingredients: O,O–diethyl O–(2–isopropyl–6–methyl–4–primidinyl) phosphorothioate 68.0%; Xylene 6.6%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–GO. Rockwood Chemical Co., PO Box 34, Brawley CA 92227. ROCKWOOD BRAND MANEB ZINEB CRYOLITE 3–3–50. Active Ingredients: Sodium Fluoaluminate (Cryolite) 50%; Zinc ethylene bisdithiocarbamate (Zineb) 3%; Manganous ethylene bisdithiocarbamate (Maneb) 3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–LN. Rockwood Chemical Co. ROCKWOOD TOXAPHENE METHYL PARATHION 8–2. Active Ingredients: Toxaphene (Technical chlorinated camphene containing 67–69% chlorine) 66.67%; Methyl Parathion 0,0–Dimethyl 0–p–nitrophenyl phosphorothioate 16.67%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–LR. Rockwood Chemical Co. ROCKWOOD BRAND THIODAN METHYL PARATHION 3–2 E. C. Active Ingredients: Endosulfan–hexachloro–hexahydro–methono–2,4,3–benzodioxathiepin oxide 30.5%; 0,0–Dimethyl 0–p–Nitrophenyl thiophosphate 20.5%. Method of Support: Application proceeds under 2(c) of interm policy.

EPA File Symbol 10226–UA. Rockwood Chemical Co. ROCKWOOD BRAND MALATHION–KRYOLITE DUST NO. 5–50. Active Ingredients: 0,0–dimethyl dithiophosphate of diethyl mercaptosuccinate 5.0%; Sodium fluoaluminate 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UE. Rockwood Chemical Co. ROCKWOOD BRAND THIO PERTHANE DUST NO. 4–10. Active Ingredients: Endosulfan (Hexachlorohexahydro–methano–2,4,3–benzodioxathiepin oxide) 4.0%; Diethyl diphenyl dichloroethane 9.5%; Related reaction products 0.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UG. Rockwood Chemical Co. ROCKWOOD BRAND KELTHANE CRYOLITE 4–50. Active Ingredients: Sodium Fluoaluminate 50.0%; 1,1–bis (chlorophenly) 2,2,2–trichloroethanol 4.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UI. Rockwood Chemical Co. ROCKWOOD BRAND MALATHION THIO SULFUR 5–4–20. Active Ingredients: Malathion (O,O–dimethyl dithiophosphate of diethyl mercaptosuccinate) 5%; Endosulfan (Hexachloro–hexahydro–methano 2,4,3–benzodioxathiepin oxide 4%; Sulfur 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UL. Rockwood Chemical Co. ROCKWOOD BRAND DIAZINON 2 THIO 3 DUST. Active Ingredients: O,O–diethyl O–(2–isopropyl–6–methyl–4–pyrimidinyl) phosphorothioate 2.00%; Endosulfan (Hexachlorohexahydro–methano–2,4,3 benzodioxathiepin oxide 3.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UN. Rockwood Chemical Co. ROCKWOOD BRAND MALATHION–PERTHANE DUST NO. 4–10. Active Ingredients: Malathion (O,O–dimethyl dithiophosphate of diethyl mercaptosuccinate) 4.21%; Diethyl diphenyl dichlorothane 9.50%; Related reaction products 0.50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UO. Rockwood Chemical Co. ROCKWOOD BRAND TOXAPHENE 6 LB. E. C. Active Ingredients: Toxaphene (technical chlorinated camphene containing 67–69% chlorine) 64.79%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UR. Rockwood Chemical Co. ROCKWOOD BRAND THI–LOX 3–3 DUST. Active Ingredients: Endosulfan (hexachloro - hexahydro - methano–2,4,3–benzodioxathiepin oxide) 3.0%; Dimethyl (2,2,2–trichloro–1–hydroxy–ethyl phosphonate) 3.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UT. Rockwood Chemical Co. ROCKWOOD BRAND METHOXYCHLOR 2LB. E. C. Active Ingredients: Methoxychlor 27.57%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10226–UU. Rockwood Chemical Co. ROCKWOOD BRAND ZINEB–CRYOLITE DUST NO. 6–50. Active Ingredients: Zinc ethylene bisdithiocarbamate (zineb) 6.0%; Sodium Fluoaluminate (Cryolite) 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 998–RER. Superior Chemical Products, Inc., 3942 Frankford Ave., Philadelphia PA 19124. SUPERIOR WEED AWAY A GRASS AND WEED KILLER. Active Ingredients: Disodium methanearsonate anhydrous 0.60%; Lithium salt of bromacil (5–bromo–3–sec–butyl–6–methyluracil) 0.48%; 2,4–Dichlorophenoxyacetic acid, sodium salt anhydrous 0.39%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148–RROL. Thompson-Hayward Chemical Co., PO Box 2383, Kansas City KS 66110. T–H DU–TER FUNGICIDE WETTABLE POWDER. Active Ingredients: Triphenyltin hydroxide 47.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34151–R. United Aerosol Corp., 1750 Oak St., Lakewood Industrial Park, Lakewood NJ 08701. BDD (BUGS DROP DEAD) TOTAL RELEASE AEROSOL FOGGER. Active Ingredients: Pyrethrins 0.500%; Piperonyl butoxide, technical 1.000%; N–octyl bicycloheptene dicarboximide 1.670%; Petroleum distillate 11.380%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: November 8, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–26734 Filed 11–18–74;8:45 am]

[FRL 296–6]

VIRGINIA

Notice of Public Hearing and Request for State Program Approval for Control of Discharge of Pollutants to Navigable Waters

The Commonwealth of Virginia has submitted a request for approval of its State program for control of discharges of pollutants into navigable waters pursuant to section 402 of the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251–1376 (1973 Supp.) (referred to herein as the "Act").

A notice was previously published in the FEDERAL REGISTER, November 13, 1974, beginning on page 40067 stating that a public hearing to consider a request by the Commonwealth of Virginia for approval of its State program for control of discharges of pollutants into navigable waters pursuant to the Federal Water Pollution Control Act, was to be held on December 9, 1974, in the Presidential Room of the Colony House Executive Motor Inn, 5215 West Broad Street, Richmond, Virginia starting at 10 a.m.

The date and meeting room for the public hearing have been changed although the location remains the same. The public hearing will now be held on December 16, 1974, in the Metropolitan Room of the Colony House Executive Motor Inn beginning at 10 a.m.

Written comments may be presented at the hearing or submitted in person or by mail until December 27, 1974. Written comments which are mailed should be sent to the Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106 (telephone (215) 597–9800).

Please bring the foregoing to the attention of persons who you know would be interested.

ROBERT V. ZENER,
Acting Assistant Administrator for Enforcement and General Counsel.

NOVEMBER 13, 1974.

[FR Doc.74–26950 Filed 11–18–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 727]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

NOVEMBER 11, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20681–CD–P–75, OTSEGO Mobilfone Corporation (new). C.P. for a new 2-way station to operate on 152.09 MHz to be located at Coe Hill, 3.5 miles SE of Oneonta, New York.

20682–CD–P/ML–(2)–75, Radio Dispatch Corporation (KMD992). C.P. to add repeater facilities to operate on 2112.4 MHz at Loc. #1: Kellogg Hills, Pomona, California, and add control facilities to operate on 2162.4 MHz at Loc. #2: 118 E. 3rd Street, Pomona, California.

20683–CD–P–75, Great Eastern Communications Company (new). C.P. for a new 2-way station to operate on 454.250 MHz to be located one mile north on Route #662, Waterford, Virginia.

20684–CD–P–75, Great Eastern Communications Company (new). C.P. for a new 1-way station to operate on 35.58 MHz to be located one mile north on Route #662, Waterford, Virginia.

20685–CD–P–(2)–75, The Bell Telephone Company of Pennsylvania (KGC226). C.P. to change frequency from 35.34 MHz to 152.84 MHz, relocate facilities, change antenna system and replace transmitter at Locs. #1 & 2. Loc. #1: 55 N. 4th Street, Easton, Pennsylvania, and Loc. #2: 1 West Broad Street, Bethlehem, Pennsylvania.

20686–CD–MP–75, RadioCall, Inc. (GUC952). Mod. of Permit to relocate facilities operating on 454.025 MHz at Loc. #2: 1995–A Main Street, Wailuku, Hawaii.

20687–CD–P–75, Radio Dispatch Company (KEC927). C.P. to relocate standby facilities operating on 152.18 MHz at Loc. #1: 0.25 mile East of Hightstown, New Jersey, to Loc. #2: 3200 Brunswick Pike, Clarksville, New Jersey.

20688–CD–P–75, Central Mobile Radio Telephone Service (KQD599). C.P. to change antenna system operating on 152.15 MHz located at 2200 Victory Parkway, Cincinnati, Ohio.

20689–CD–P–75, Cincinnati Radiotelephone Systems, Inc. (KLF476). C.P. to relocate facilities and change antenna system operating on 43.22 MHz at Loc. #1: Considine Avenue at Revier Street, Cincinnati, Ohio.

20690–CD–P–75, Portable Communications, Inc. (KTS238). C.P. to add antenna Location #3 to operate on 158.70 MHz located at 5300 Lewiston Road, Mount St. Mary's Hospital, Lewiston, New York.

20691–CD–P–75, Portable Communications, Inc. (KEK289). C.P. to add antenna location #4 to operate on 454.325 MHz located at 5300 Lewiston Rd., Mount St. Mary's Hospital, Lewiston, New York.

20692–CD–P–75, Joseph J. Pomparelli and Joan Pomparelli dba Radio Page (new). C.P. for a new 1-way station to operate on 35.58 MHz to be located at Church Avenue, North of Chew Rd., 0.5 mile NE of Waterford Works, Chesilhurst, New Jersey.

20693–CD–P–(2)–75, Central Telephone Company (KDT213). C.P. to change antenna system operating on 152.57 & 152.78 MHz located North of Highway 20, approximately 3 miles SW of Fort Dodge, Iowa.

MAJOR AMENDMENT

20539–C2–P–74, Communication Specialists Company, Wilmington, North Carolina (KIY749). Amended its base frequency to be 152.18 MHz. All other particulars are to remain as reported on the Commission's PN #675, dated November 19, 1973.

20679–C2–P–(3)–74, Two–Way Radio Communications Company of Kansas (new). Elkhart, Kanasa (new). Amend to change the control frequency to read 454.075 MHz and the repeater frequency to read 459.075 MHz. All other particulars to remain as reported on PN #679, dated December 17, 1973.

CORRECTION

20608–CD–P–(2)–75, Otsego Mobilfone Corporation (new). Correct entry to read: 20608–CD–75. C.P. for a new 1-way station to operate on 35.58 MHz to be located at Coe Hill, 3.5 miles NE of Oneonta, New York.

INFORMATIVES

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reason of potential electrical interference.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

V 39 I 224 NOV 19 74 XUM

TEXAS

Autophone of San Antonio, San Antonio, Texas (new), File No. 20944-C2-P-(4)-74.
Mobilfone Communications, Inc., San Marcos, Texas (new), File No. 21268-C2-P-(2)-74.
Autophone of San Antonio, San Antonio, Texas (KKJ451), File No. 20944-C2-P-(4)-74.
Answer, Inc., of San Antonio, San Antonio, Texas (KKG559), File No. 21269-C2-P-(4)-74.
David M. Crouch, dba Cactus Communications, Inc., San Antonio, Texas (new), File No. 21213-C2-P-(3)-74.

WASHINGTON

Ram Broadcasting of Washington, Inc. (KTR996), File No. 21139-C2-P-74.
Feek's Telephone Service, dba Mobile Dispatch Service (KOA734), File No. 21422-C2-P-74.
Ram Broadcasting of Washington, Inc. (KTR996), File No. 21139-C2-P-74.
Seattle Radiotelephone Service (KOA733), File No. 20909-C2-P-(2)-74.

RURAL RADIO SERVICE

60045-CR-ML-75, RCA Alaska Communications, Inc. (WSM90). Mod. of license to change frequency from 459.450 MHz to 459.650 MHz located at Chandalar Camp Alaska.
60046-CR—ML-75, RCA Alaska Communications, Inc. (WSM91). Mod. of license to change frequencies from 454.450 & 454.600 to 454.650 & 454.375 MHz located at Table Mountain, Alaska.
60047-CR-ML-75, RCA Alaska Communications, Inc. (WSM92). Mod. of license to change frequency from 459.600 MHz to 459.375 MHz located at Dietrich Camp, Alaska.
60049-CR-ML-75, The Mountain States Telephone and Telegraph Company (WAF813). Mod. of license to change frequency from 158.01 MHz to 157.77 MHz located 26.0 miles SSE of Point-of-Rocks, Wyoming.
60050-CR-ML-75, The Mountain States Telephone and Telegraph Company (KFB93). Mod of license to change frequency from 157.95 MHz to 157.77 MHz located 21.1 miles NE of Rock Springs, Wyoming.
60051-CR-ML-75, The Mountain States Telephone and Telegraph Company (WGI75). Mod. of license to change frequency from 157.95 MHz to 157.77 MHz located 19.9 miles SSW of Green River, Wyoming.
60052-CR-ML-75, The Mountain States Telephone and Telegraph Company (WSN62). Mod. of license to change frequency from 158.01 MHz to 157.77 MHz located 27.6 miles SE of Rock Springs, Wyoming.
60053-CR-ML-75, The Mountain States Telephone and Telegraph Company (WSN52). Mod. of license to change frequency from 157.89 MHz to 157.77 MHz located 45.5 miles SE of Rock Springs, Wyoming.
60054-CR-ML-75, The Mountain States Telephone and Telegraph Company (WSM95). Mod. of license to change frequency from 157.89 MHz to 157.77 MHz located 23.8 miles ESE of Kemmerer, Wyoming.
60078-CR-P-75, Continental Telephone Company of Texas (new). C.P. for a new rural subscriber station to operate on 157.80 & 158.04 MHz located 30 miles WSW of Pecos, Texas.
60079-CR-P-75, Continental Telephone Company of Texas (new). C.P. for a new rural subscriber station to operate on 157.77 MHz located 16.5 miles WSW of Adrian, Texas.
60080-CR-P-75, Continental Telephone Company of Texas (new). C.P. for a new rural subscriber station to operate on 157.77 MHz located 12 miles NW of Adrian, Texas.
60081-CR-P-75, Cameron Telephone Company (new). C.P. for a new rural subscriber station to operate on 157.95 MHz located approximately 14.4 miles SE of Cameron, Louisiana.
60082-CR-P-75, Continental Telephone Company of the Northwest, Inc. (new). C.P. for a new rural subscriber station to operate on 157.86 & 157.80 MHz located at South Cascade Glacier, Washington.
60083-CR-P-75, Carl T. Waterman (new). C.P. for a new rural subscriber station to operate on 157.83 MHz located 7 miles SW of Enen, Marenisco Township, Michigan.
60084-CR-P-75, Western States Telephone Company (new). C.P. for a new rural subscriber station to operate on 157.86 MHz located 2.5 miles W. of Interstate 25 and 0.25 mile North of Nogal Canyon, New Mexico.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1382-CF-ML-75, American Telephone and Telegraph Company (KPE97), 619 Bannock Street, Boise, Idaho. Lat. 43°36'57" N., Long. 116°11'59" W. Mod. of Lic. to change polarity from H to V on 3710 MHz; from V to H on 3730, 3810, 3890, 4050, and 4130 MHz towards Boise, Jct., Idaho, on azimuth 135°11'.
1383-CF-ML-75, Same (KPE98), Boise Jct., 9 Miles SE of Boise, Idaho, Lat. 43°29'33" N., Long. 116°01'40" W. Mod. of Lic. to change polarity from H to V on 3750 MHz; from V to H on 3770, 3850, 3930, 4010, 4090, & 4170 MHz towards Boise, Idaho, on azimuth 315°18'.
1384-CF-MP-75, Same (KKN22), 201 E. Capitol Street, Jackson, Mississippi. Lat. 32°17'58" N., Long. 90°11'09" W. Mod. C.P. to change freq. 4030H to 3950H MHz towards Cynthia, Mississippi, on azimuth 327°41'.
1385-CF-MP-75, Same (KLN22), 7.6 miles W. of Pickens, Mississippi. Lat. 32°52'11" N., Long. 90°06'04" W. Mod. C.P. to change 4070V to 3990V MHz towards Canton, Mississippi, on azimuth 192°05'.
1386-CF-MP-75, Same (KRT25), 8 Miles SW of Canton, Mississippi. Lat. 32°33'52" N., Long. 90°10'42" W. Mod. C.P. to change freq. 4030V MHz to 3950V MHz towards Pickens, Mississippi, on azimuth 12°03'; 4030V to 3950V MHz towards Cynthia, Mississippi, on azimuth 201°01'.
1387-CF-MP-75, Same (KRT26), 0.3 mile SW of Cynthia, Mississippi. Lat. 32°23'36" N., Long. 90°15'21" W. Mod. C.P. to change 4070V to 3990V MHz towards Canton, Mississippi, on azimuth 20°59'; 4070H to 3990H MHz towards Jackson, Mississippi, on azimuth 147°39'.
1388-CF-R-75, Bell Telephone Company of Nevada (KPF80). In any temporary fixed location within the territory of the grantee. Renewal of Radio Station License (Developmental). TERM: 12-1-74 to 12-1-75.
1389-CF-P-75, Southern Bell Telephone and Telegraph Company (KIU56), 45 North Magnolia Street, Orlando, Florida. Lat. 28°32'34" N., Long. 81°22'38" W. C.P. to change power, replace transmitter and change freq. 6404.8H MHz to 11,405H MHz towards Orlando (WSWB-TV Studio), Florida, on azimuth 81°05'.
1390-CF-P-75, Matanuska Telephone Association, Inc. (new), Bartlett Earth Station, Talkeetna, Alaska. Lat. 62°19'57" N., Long. 150°01'57" W. C.P. for a new station on 2128.0H MHz towards Scotty Lake, Alaska, on azimuth 263°43'.
1391-CF-P-75, Matanuska Telephone Association, Inc. (new), Birch Creek, 5 Miles SW of Rex, ½ mile W of Fairbanks Highway, Birch Creek, Alaska. Lat. 64°10'14" N., Long. 149°17'43" W. C.P. for a new station on 2118.4H MHz towards Healy, Alaska, on azimuth 157°09'.
1392-CF-P-75, Same (new), 3 miles SE of McKinley Village, 1 Mile E of Fairbanks Highway, McKinley Village, Alaska. Lat. 63°36'37" N., Long. 148°47'00" W C.P. for a new station on freq. 2126.0H MHz towards McKinley Park, Alaska, on azimuth 328°43'.
1393-CF-P-75, Same (new), 3 miles SW of Healy, 1 mile E of Fairbanks Highway, Healy, Alaska. Lat. 63°50'16" N., Long. 148°58'41" W. C.P. for a new station on freq. 2178.0H MHz towards McKinley Village, Alaska, on azimuth 155°59'; 2168.4H MHz towards Birch Creek, Alaska, on azimuth 337°26'.
1394-CF-P-75, Same (new), Scotty Lake, 4 Miles W of Cache Creek, Alaska. Lat. 62°19'07" N., Long. 150°17'55" W. C.P. for a new station on 2178.0H MHz towards Talkeetna, Alaska, on azimuth 83°29'.
1395-CF-P-75, Same (new), McKinley National Park Hotel, McKinley Park, Alaska. Lat. 63°53'21" N., Long. 149°47'45" W. C.P. for a new station on freq. 2168.4H MHz towards McKinley Village, Alaska, on azimuth 148°43'.
1427-CF-P-75, RCA Global Communications, Inc. (new), South Mountain, 5 miles North of Somis, California. Lat. 34°19'37" N., Long. 118°59'44" W. C.P. for a new station on freq. 10,895H and 11,135H MHz towards Santa Susana, California, on azimuth 111°07'.
1428-CF-P-75, Same (new), 1 Wilshire Boulevard, Los Angeles, California. Lat. 34°02'52" N., Long. 118°15'17" W. C.P. for a new station on freqs. 10,815V and 11,055V MHz towards Mount Wilson, California, on azimuth 41°35'.
1429-CF-P-75, Same (new), Mount Wilson, approx. 16 miles NE of Los Angeles, California. Lat. 34°13'32" N., Long. 118°03'53" W. C.P. for a new station on 6345.5H and 6926.9H MHz towards Santa Susana, California, on azimuth 270°31'; 11,385V and 11,625V MHz towards Los Angeles, California, on azimuth 221°41'.
1430-CF-P-75, Same (new), 3.1 miles South of Santa Susana, California. Lat. 34°13'43" N., Long. 118°41'25" W. C.P. for a new station on freq. 11,585V and 11,345V MHz towards South Mountain, California, on azimuth 291°18'; 5974.8H and 6093.5H MHz towards Mt. Wilson, California, on azimuth 90°10'.
1431-CF-P-75, American Telephone and Telegraph Company (KAA70), Des Moines, Iowa. Lat. 41°35'17" N., Long. 93°37'46" W. C.P. to add 3810H MHz toward Ames, Iowa, on azimuth 354°20'.
1432-CF-P-75, Same (KAB42), Ames, Iowa. Lat. 41°57'07" N., Long. 93°40'40" W. C.P. to add 3850V MHz toward Boone, Iowa, on azimuth 338°01' (1432-CF-P-75).

MAJOR AMENDMENT

2607-C1-P-74, N-Triple-C, Inc. (WOH87), 23rd and Stark Avenue, Kansas City, Missouri. Change frequency, output power and point of communication to 11,225V MHz, 0.2 watt, and Independence, Missouri, respectively.
2608-C1-P-74, Same (new). Change station location to 10817 East 23rd Street, Independence, Missouri, Lat. 39°04'49" N., Long. 94°27'00" W. Also change frequency and output power toward Kansas City to 10,735V MHz and 0.2 watt, respectively. All other particulars same as reported on Public Notices dated 1-14-74 and 2-11-74.

[FR Doc.74-27028 Filed 11-18-74;8:45 am]

NATIONAL INDUSTRY ADVISORY COMMITTEE, DOMESTIC AND INTERNATIONAL COMMON CARRIER COMMUNICATIONS SERVICES SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of Pub. L. 92-463, announcement is made of a public meeting of the Domestic and International Common Carrier Communications Services Subcommittee, National Industry Advisory Committee, to be held December 10, 1974. The Committee will meet in the FCC Building, 1919 M Street, NW., Washington, D.C., Room 752. The meeting is scheduled to commence at 10 a.m.

Purpose. To consider and submit recommendations to the Federal Communications Commission concerning: (1) a revised FCC Priority System for the Use and Restoration of Leased Intercity Private Line Services; (2) a proposed revision of FCC Form 915 used for requesting priority restoration; (3) procedures for claiming critical supplies through the appropriate Federal Claimant Agency; and (4) development of an emergency communications plan for the Communications Common Carriers.

AGENDA ITEM

1. Proposed amendment to Appendix A, Subpart D, Part 64, FCC rules and regulations—Priority System for the Use and Restoration of Common Carrier—Provided Intercity Private Line Services.
2. Proposed revision of FCC Form 915—Priority Request and Certification.
3. Procedures for claiming critical supplies through the appropriate Claimant Agency (The FCC is the Federal Claimant Agency for the Communications Industry).
4. Development of an emergency communications plan for the communications common carriers.
5. New business.

Any member of the public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the Committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-27027 Filed 11-18-74;8:45 am]

[Docket Nos. 20219, 20220; File Nos. BPH-8660, BPH-8663]

PHILADELPHIA BROADCASTING CO. AND H & G C., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Melvin Pulley, tr/as Philadelphia Broadcasting Co., Philadelphia, Mississippi, requests: 102.3 MHz, #272; 3 kW (H&V); 300 feet; and H & G C., Inc., Philadelphia, Mississippi, requests: 102.3 MHz, #272; 3 kW (H&V); 116 feet, for construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Philadelphia Broadcasting Co. proposes independent programming, while H & G C., Inc., proposes to duplicate the programming of its commonly owned AM station, WHOC, during 90 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 114 (1967).

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

a. To determine which of the proposals would, on a comparative basis, better serve the public interest.

b. To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications should be granted.

6. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: Novemebr 12, 1974.

Released: November 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-27031 Filed 11-18-74;8:45 am]

[Docket No. 20231; File No. BR-4621; FCC 74-1207]

OIL SHALE BROADCASTING CO. (KWSR)

Order Designating Application for Hearing on Stated Issues; Notice of Apparent Liability

1. The Commission has before it for consideration the captioned application and its inquiries into the operation by Oil Shale Broadcasting Company of Station KWSR, Rifle, Colorado.

2. Information before the Commission raises serious questions as to whether the captioned applicant possesses the qualifications to be or to remain a licensee of the captioned station. In view of these questions, the Commission is unable to find that a grant of the renewal application would serve the public interest, convenience and necessity, and must, therefore, designate the application for hearing.

3. *Accordingly, it is ordered,* That the captioned application is designated for hearing pursuant to section 309(e) of the Communications Act of 1934, as amended, at a time and place specified in a subsequent Order, upon the following issues:

(a) To determine all of the facts and circumstances surrounding the broadcast by applicant of a "turkey shoot" contest in November 1973.

(b) In light of the evidence adduced under issue (a) above, to determine whether applicant, or any of its officers, directors, shareholders, or employees, prearranged or predetermined, in whole, or in part, the outcome of a purportedly bona fide contest of chance with intent to deceive the listening public, in violation of section 509 of the Communications Act of 1934, as amended.

(c) To determine whether applicant, or any of its officers, directors, shareholders, or employees, violated § 73.961 of the rules by failing, during the period of January 1, 1973, through January 30, 1974, to conduct tests of the Emergency Action Notification System.[1]

(d) To determine whether applicant, or any of its officers, directors, shareholders, or supervising personnel, issued instructions to employees of the licensee to make misrepresentations.

[1] The weekly off-the-air monitor test requirements of the rules formerly contained in § 73.961(e) were incorporated in present § 73.961(c) by an amendment to the rules effective March 15, 1974. The present rules refer only to "EBS" procedures rather than to "EANS."

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(e) To determine whether false entries were made in the station's operating log during January and February 1973, and if so, by whom.

(f) To determine whether the applicant or any of its officers, directors, shareholders, or employees made misrepresentations to, or has been lacking in candor with the Commission.

(g) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the captioned application would serve the public interest, convenience and necessity.

4. *It is further ordered*, That, the Chief, Broadcast Bureau, is directed to serve upon the captioned licensee within thirty (30) days of the release of this order, a bill of particulars with respect to issues (a) through (f).

5. *It is further ordered*, That, if it is determined that the hearing record does not warrant an order denying the captioned application for renewal of license for Station KWSR, it shall also be determined whether applicant has violated section 509(a)(4) of the Communications Act of 1934, as amended, or has willfully or repeatedly violated § 73.961 of the Commission's rules.[2] If so, it shall also be determined whether an order of forfeiture pursuant to section 503(b) of the Communications Act of 1934, as amended, in the amount of $10,000 or some lesser amount, should be issued for violations which occurred within one year preceding the issuance of the bill of particulars in this matter.

6. *It is further ordered*, That, this document constitutes a notice of apparent liability for forfeiture for violation of section 509(a)(4) of the Communications Act and § 73.961 of the Commission's rules. The Commission has determined that, in every case designated for hearing involving revocation or denial of renewal of license for alleged violations which also come within the purview of section 503(b) of the Act, it shall, as a matter of course, include this forfeiture notice so as to maintain the fullest possible flexibility of action. Since the procedure is thus a routine or standard one, we stress that inclusion of this notice is not to be taken as in any way indicating what the initial or final disposition of the case should be; that judgment is, of course, to be made on the facts of each case.

7. *It is further ordered*, That, the Broadcast Bureau proceed with the initial presentation of the evidence with respect to issues (a) through (f), and the applicant then proceed with its evidence and have the burden of establishing that it possesses the requisite qualifications to be a licensee of the Commission and that a grant of its application would serve the public interest, convenience and necessity.

8. *It is further ordered*, That, to avail itself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall file with the Commission, within twenty (20) days of the mailing of this order, a written appearance in triplicate, stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

(9) *It is further ordered*, That, the applicant herein, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, shall give notice of the hearing within the time and in the manner prescribed in such rule and shall advise the Commission thereof as required by § 1.594 of the rules.

10. *It is further ordered*, That, the Secretary of the Commission send a copy of this order by certified mail—return receipt requested to Oil Shale Broadcasting Company, licensee of KWSR, Rifle, Colorado.

Adopted: November 6, 1974.

Released: November 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION[1],
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-27030 Filed 11-18-74;8:45 am]

[2] See bill of particulars for specific dates of each violation.

[Docket Nos. 20107, 20108; CAC-2785 (PA325), CAC-664, CSR-257 (NJ105); FCC 74-1208]

TELEPROMPTER CABLE SYSTEMS, INC. AND TELEPROMPTER NEW JERSEY CABLE NETWORK, INC.

Applications for Certificates of Compliance; Memorandum Opinion and Order

Re oral argument en banc (39 FR 27832).

1. This oral argument proceeding was initiated by our Order (47 FCC 2d 947) released on July 11, 1974.[1] As a result of that Order, there are now before us the following matters: (a) a petition for clarification of issues filed on August 12, 1974, by TelePrompTer Cable Systems, Inc., d/b/a Johnstown Cable TV, Johnstown, Pennsylvania, and by TelePrompTer New Jersey Cable Network, Inc. (hereafter TelePrompTer), Trenton, New Jersey; (b) a response to (a) above filed on August 20, 1974, by the Special FCC Trial Staff (hereafter Trial Staff); (c) a reply to (b) above filed on August 21, 1974, by TelePrompTer; (d) a motion for extension of time to file briefs and for oral argument and petition for clarification of issues filed on August 23, 1974, by the Chief, Cable Television Bureau; (e) a response to (d) above filed on August 27, 1974, by the Trial Staff; (f) comments by the City of Johnstown filed on August 27, 1974; [2] (g) a motion to dismiss application filed on August 20, 1974, by TelePrompTer; (h) a response to (g) above filed on August 26, 1974, by the Trial Staff; (i) a reply to (h) above filed on August 27, 1974, by TelePrompTer; (j) a response to (g) and (h) above filed on August 30, 1974, by the Chief, Cable Television Bureau; and (k) a reply to (e) above filed August 30, 1974, by the Chief, Cable Television Bureau.

2. In order that the above matters may be considered in their proper perspective, it is necessary to recount briefly some of the events which led to our July 11, 1974, order designating these applications for oral argument and to the need, in our judgment, to take the action ordered therein. In TelePrompTer Cable Systems, Inc., 40 FCC 2d 1027, released April 23, 1973, where an application for a license to cover a construction permit for a cable relay service for Elmira, New York, filed by TelePrompTer was being considered, we proceeded therein to re-examine TelePrompTer's character qualifications in view of the past criminal misconduct of that corporation and some of its officials in connection with the procurement of Cable Television franchises at Johnstown, Pennsylvania, and Trenton, New Jersey. In undertaking that re-examination, we specifically pointed out that our consideration of TelePrompTer's character qualifications would be based on concepts derived from prior Commission actions in analogous cases (40 FCC 2d 1027, paras. 3 and 4); and that we would therefore attempt to determine the relevancy and weight of TelePrompTer's past misconduct, to ascertain the existence of countervailing or extenuating circumstances and other favorable facts which might outweigh such misconduct, and to weigh these factors against the relevant public interest considerations. We further pointed out that the material facts upon which this re-examination was being conducted were derived from Commission staff interviews of the prosecutor who tried the criminal cases against TelePrompTer and its officials, from relevant portions of the criminal trial transcripts, from interrogatories that were addressed to TelePrompTer, and from an examination of TelePrompTer's annual report forms and other documents which were on file with the Commission (40 FCC 2d at 1028, par. 4). Finally, we pointed out that in our consideration of TelePrompTer's applications we would take into account all mitigating factors and extenuating circumstances asserted by TelePrompTer concerning, among other things, its past record as a cable television operator in serving the public interest and in contributing to the development of the cable television industry, its efforts to purge from the corporation those officials and/or employees who had participated in the criminal activities at Johnstown, Pennsylvania, and Trenton, New Jersey, and the measures and new programs instituted by the corporation to guard against a repetition of such activities by its officers and/or employees.

3. After thoroughly considering all of the material facts then before us, we

[1] Commissioner Reid absent.

[1] By Order (FCC 74-910) released on August 30, 1974, we postponed the scheduled oral argument ordered in this proceeding, pending consideration of some of the matters now before us.

[2] The City of Johnstown has also filed a motion for extension of time to file briefs and for oral argument. Out prior action in FCC 74-910 (footnote 1, supra) renders this request moot.

concluded that despite the past illegal acts of TelePrompTer and some of its officials, the public interest would be served by TelePrompTer's continued involvement in the cable television industry, and that our favorable determination in that regard would be dispositive of the general character issue raised in all TelePrompTer applications then pending before the Commission, except the Johnstown and Trenton applications.[3]

4. In paragraph 35 of that same Memorandum Opinion and Order, we then proceeded to set forth our views concerning the proper disposition of TelePrompTer's Johnstown and Trenton applications. Briefly stated, we concluded that our prior discussion of TelePrompTer's general character qualifications was not dispositive of the course of action to be followed with respect to TelePrompTer's Johnstown and Trenton applications, where the misconduct had occurred; that involved in these two applications is the issue of the applicability of the Root Refining doctrine;[4] that we had not then made any determination in this respect, but we were nevertheless proposing to proceed in an orderly and prompt fashion to consider this issue; and that TelePrompTer would be accorded ample opportunity to present its views fully before any final determination was made in this regard. We therefore directed TelePrompTer to submit a statement setting forth fully its position on the issues presented by these two applications, and stated that, after consideration of that submission, we would decide what steps were appropriate for the disposition of these two applications.[5]

5. Pursuant to the Commission directive, TelePrompTer filed a statement on July 6, 1973, setting forth its views concerning the legal and factual issues presented by its Johnstown and Trenton applications. After consideration of those views and in accordance with our stated intention to proceed with the disposition of the matters raised by TelePrompTer's Johnstown and Trenton applications, we then issued our July 11, 1974, order designating the oral argument in this proceeding. However, TelePrompTer's petition and the pleadings filed in response thereto raise questions which merit our attention and which call for some clarification of our designation order.

6. TelePrompTer contends that this proceeding involves the licensing and sanctioning activities of the Commission, that such activities are adjudicatory in nature, and that our July 11, 1974, order does not make clear that this is an adjudicatory proceeding. In order to eliminate any question on this subject and so that all parties will be on notice of what is involved herein, we now expressly set forth that this is an adjudicatory proceeding. As we specifically pointed out in our order designating TelePrompTer's applications for oral argument, the purpose of this proceeding is to determine whether the applicant is disqualified from operating cable television systems at Johnstown, Pennsylvania, and Trenton, New Jersey.[6] If we conclude after consideration of the briefs to be submitted by the parties and their oral presentations that the facts and circumstances of this case require that remedial action be taken, and that no legal or factual impediment to our taking such action has been shown to exist, we shall give consideration to the issuance of orders requiring TelePrompTer to cease its cable television operations at Johnstown and denying its applications for certificates of compliance for Trenton and Johnstown.

7. TelePrompTer also challenges our July 11, 1974, order on the ground that it does not comport with certain statutory and due process requirements governing adjudicatory proceedings. Initially, TelePrompTer notes that our July 11, 1974, order does not set forth the statutory basis, authority, or jurisdiction pursuant to which the hearing is to be held as required by section 5(b) of the Administrative Procedure Act (5 U.S.C. 554(b)). Consequently, it argues that the order is fatally defective. We agree that the order is deficient in this respect. However, as stated by the Trial Staff, sections 2, 3, 4(i), 301, 303, 307, 308, and 309 of the Communications Act appear to confer ample authority upon the Commission to take such action as is necessary and appropriate in the public interest with respect to the matters under consideration in this proceeding. Particularly in view of the recognition by the Courts of the Commission's broad authority to regulate cable television systems, we are satisfied that the Commission has jurisdiction under the aforementioned provisions of the Act to conduct this proceeding, and to take such action as the circumstances may require; and that the deficiency in the designation order is one which may be remedied by the citation of our authority at this time. See: United States v. Southwestern Cable Co., 392 U.S. 147 (1968); and United States v. Midwest Video Corp., 406 U.S. 649 (1972). Nevertheless, the parties should address this subject in their briefs and oral presentations since our asserted authority in this respect has been questioned by some of the parties whose pleadings are now before us. The parties' views in this respect will enable us to give further consideration to these matters in our decision disposing of these two TelePrompTer applications.

8. In addition, the parties should address themselves to the questions of whether section 312 of the Communications Act provides statutory support for an order, if such is deemed necessary in the public interest, requiring TelePrompTer to cease its cable television operations at Johnstown; and whether the invocation of section 312 by the Commission is either necessary or appropriate to achieve such a result. Section 312(b) authorizes the issuance of a cease and desist order against "any person" if improper conduct or violations of laws, rules, or regulations as specified therein have occurred, and we believe that the applicability of that section should be explored fully in connection with the resolution of the issues now under consideration. For this reason, therefore, this order shall be considered as an order to show cause within the contemplation of section 312, and TelePrompTer is directed to show cause in its presentations to the Commission why it should not be ordered to cease and desist from continued operation of its CATV system at Johnstown, Pennsylvania. We shall then determine on the basis of the representations of all parties whether section 312 is applicable to the Johnstown situation, whether the application of that provision is either necessary or proper, and whether the public interest will be served by the issuance of a cease and desist order against further operation of the Johnstown CATV system. The parties should also include in their presentations whether under the Root Refining doctrine the Commission may issue an order requiring TelePrompTer to terminate its Johnstown cable television operations, irrespective of section 312 or other statutory authority to take such action.

9. The further complaint by TelePrompTer that our July 11, 1974, order does not set forth adequately the matters of fact asserted to afford it a reasonable opportunity to prepare a defense is unfounded. We pointed out in both the aforementioned order and in our April 23, 1973, memorandum opinion and order (40 FCC 2d 1027) that the basic issue involved in this proceeding is whether TelePrompTer is disqualified from operating cable television systems at Johnstown, Pennsylvania, and Trenton, New Jersey. The record of conviction, of which we propose to take official notice, the conduct of TelePrompTer's principals, officials, and employees in obtaining franchises for CATV operations in the aforementioned communities, and other relevant facts bearing on their conduct were set forth in considerable detail in our memorandum opinion and order (40 FCC 2d at 1031-1033, pars. 20-22). In that proceeding, we found the material and relevant facts to be undisputed (40 FCC

[3] We have not attempted to recount herein all of the factual information upon which we relied in reaching the above determination. Those factual matters, and our detailed analysis thereof, can readily be gleaned from our opinion in 40 FCC 2d 1027.

[4] In Root Refining Co. v. Universal Oil Products Co., 169 F. 2d 514, cert. denied, 335 U.S. 912, it was held that a court has inherent power to vacate its own judgments when they are obtained by fraud or other improper means. In WKAT, Inc. v. FCC, 129 F. 2d 375, cert. denied, 368 U.S. 841, the court held that the above doctrine is applicable to adjudicatory functions of an administrative agency.

[5] See paragraph 35, 40 FCC 2d at 1037-1038.

[6] TelePrompTer has filed a motion requesting the dismissal of its Trenton application. We are persuaded that this request should be held in abeyance, pending the final determination of TelePrompTer's qualifications which is contemplated in this proceeding.

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2d at 1037, footnote 4), and in neither its July 6, 1973, statement nor in any other pleading filed with the Commission has TelePrompTer disputed the facts set forth therein. Manifestly, therefore, TelePrompTer is fully aware of the factual assertions which prompted this proceeding.

10. The undisputed facts recited in our April 23, 1973, memorandum opinion and order are sufficient, in our view, to enable us to reach a decision in this case and no useful purpose would be served by conducting an evidentiary hearing as suggested by TelePrompTer. Nevertheless, if TelePrompTer believes that there are material and relevant facts which are in dispute and which might affect the outcome of this case, all such facts should be specified and discussed in its brief and oral presentations. It may also submit any additional factual allegations which it deems to be material and relevant to the disposition of this proceeding and which it would develop at an evidentiary hearing. However, the foregoing factual allegations should be set forth in sufficient detail so that we can determine whether the alleged facts are of such significance that they are likely to affect the outcome of this case. If it develops that there is a genuine dispute with regard to material and relevant facts or that there are additional facts which, if proven, might affect the outcome of this case, a hearing may be ordered. However, no evidentiary hearing is required where the material facts are undisputed and, in the absence of a substantial showing by TelePrompTer that such a hearing is essential, we do not propose to hold one. See Municipal Light Boards v. FPC, 450 F2d 1341, 1345 (D.C. Cir. 1971), cert. denied, 405 U.S. 989 (1972).

11. TelePrompTer's contention that our designation Order is defective in that no allocation was made of the burden of proof among the parties to this proceeding is likewise without merit. As previously stated, the material facts which gave rise to this proceeding are undisputed, and the allocation of a burden of proof would serve no useful purpose. Should it be determined after consideration of TelePrompTer's representations that a dispute does exist as to material facts and an evidentiary hearing is required, the party or parties bearing the burden of proof with respect to the factual issue or issues designated will then be specified.

12. Another question raised by the pleadings before us is whether, in the disposition of the Johnstown and Trenton matters, the Commission will give consideration to mitigating factors and extenuating circumstances and, if so, whether an evidentiary hearing is required for this purpose. In this connection we note that certain favorable factors were taken into account in our April 23, 1973, decision which related to other applications by TelePrompTer and these factors need not again be recited. In addition, TelePrompTer may urge in its brief and oral argument such other favorable facts which it desires to have considered by the Commission. However, we wish to point out that if the operation of a cable television system at Johnstown or Trenton by TelePrompTer would be inconsistent with the public interest by reason of the aggravated nature of the misconduct committed in those communities, no significant weight need be accorded any favorable factors asserted on behalf of TelePrompTer. Therefore, all parties should include in their comments a discussion of whether the misconduct of TelePrompTer and its officials and/or employees in connection with the procurement of franchises at Johnstown and Trenton is of such a serious nature as to preclude consideration of extenuating or mitigating circumstances; and, if such consideration is not precluded, whether the facts established are sufficient to outweigh the record of unlawful conduct or whether an evidentiary hearing is essential for the purpose of adducing evidence concerning the favorable factors before a determination is made as to whether the favorable factors outweigh the misconduct shown. We shall then be able to make an informed judgment as to what further action, if any, is required in the public interest.

13. In our April 23, 1973, decision we concluded that by reason of the unusual situation presented by these applications, the Commission itself must consider the matter of TelePrompTer's character qualifications rather than leaving the determination to the local franchising authorities. Nevertheless, all parties are invited to advance any comments they desire, either in support of or in opposition to, our determination to undertake the resolution of the character questions presented.

14. The foregoing clarification sets forth the Commission's authority to conduct this proceeding, specifies the matters of law and fact asserted, advises the parties of the issues to be considered, and otherwise meets the prerequisites for an adjudicatory proceeding. However, in our July 11, 1974, Order, we authorized the parties to argue such associated issues as they believe relevant to the resolution of the issues presented herein. Since we have revised our original designation order to a considerable extent, it may be that additional questions have been raised upon which the parties desire to comment. We therefore authorize the parties to include in their briefs and oral arguments a discussion of such matters as they deem essential to a final determination in this proceeding.

15. In our July 11, 1974, Order we ordered that within 10 days of the release date of that document, the named parties therein should file written notices of intention to appear and participate in the oral argument in this proceeding. Those parties who have already duly filed such notices with the Commission need not refile as a result of the action taken herein. However, some of those named parties have not submitted their written notices of intentions to appear and participate, and we believe that they should be accorded an additional opportunity to now do so, particularly in light of the events which have transpired in this proceeding since the release of our July 11, 1974 order. Thus, those named parties, who have not already tendered with the Commission their notices of intention to appear and participate in this proceeding and who wish to do so, should file within 10 days after the release of this memorandum opinion and order written notices in this regard.

16. In addition, on July 22, 1974, the New Jersey Coalition for Fair Broadcasting filed with the Commission a notice of intention to participate, claiming that it represents a significant segment of the general public in the Trenton, New Jersey, area whose interests are at stake in this particular Commission proceeding. No oppositions have been filed against such a request, and we believe that the views of this organization may prove beneficial in the Commission's resolution of the issues raised by these two TelePrompTer applications here under consideration. We have included the New Jersey Coalition for Fair Broadcasting as an interested party to this proceeding and, as hereinafter set forth, accorded that organization the opportunity to file written briefs and to participate in the oral presentations.

17. *Accordingly, it is ordered*, Pursuant to sections 2, 3, 4(i), 4(j), 301, 303, 307, 308, 309, and 312 of the Communications Act of 1934, as amended, That this proceeding is designated for oral argument before the Commission en banc on the issues specified herein in our Order, 47 FCC 2d 947; and that the said oral argument is rescheduled to be held on January 14, 1975, commencing at 9 a.m.

18. *It is further ordered*, That, written briefs concerning the matters under consideration herein shall be filed on or before December 6, 1974.

19. *It is further ordered*, That, the petitions for clarification of issues filed on August 12, 1974 by TelePrompTer Cable Systems, Inc., and TelePrompTer New Jersey Cable Network, Inc., and on August 23, 1974 by the Chief, Cable Television Bureau, are granted to the extent indicated herein and denied in all other respects.

20. *It is further ordered*, That the motion for extension of time filed on August 27, 1974, by the City of Johnstown, Pennsylvania, is dismissed as moot.

21. *It is further ordered*, That, the time allowed each party for oral argument by our Order, 47 FCC 2d 947, and the order of appearance is modified as follows:

TelePrompTer Corporation, 45 minutes.
City of Johnstown, 15 minutes.
Allegheny Area CATV Corporation, 10 minutes.
740 Associates, 10 minutes.
City of Trenton, 10 minutes.
Office of Cable Television, Department of Public Utilities, State of New Jersey, 10 minutes.
New Jersey Coalition for Fair Broadcasting, 10 minutes.
Special FCC Trial Staff, 30 minutes.
Cable Television Bureau, 30 minutes.

22. *It is further ordered*, That the Secretary of the Commission shall send a copy of this Memorandum Opinion and Order by Certified Mail, return receipt requested, to TelePrompTer Cable Systems, Inc. and TelePrompTer New Jersey Cable Network, Inc.

Adopted: November 6, 1974.

Released: November 8, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-27029 Filed 11-18-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Frauds Section, Civil Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27007 Filed 11-18-74;8:45 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Chief, Economic Stabilization Section, Civil Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26977 Filed 11-18-74;8:15 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (3 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position Special Assistant to the Attorney General, Office of the Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-26978 Filed 11-18-74;8:45 am]

[1] Commissioner Reid absent; Commissioner Quello dissenting.

FEDERAL COUNCIL FOR SCIENCE AND TECHNOLOGY

Notice of Policy on Page Charges

The following is a statement of the revised policy on payment of page charges which has recently been approved by the Federal Council for Science and Technology:

The publication of research results is an essential part of the research process. This has been recognized in part through authorization to pay publication costs from Federal research grant and contract funds. It is the intention of the Federal Government when making research grants or contracts that costs of such publications, including page charges, should continue to be borne from the grant or contract, if other sources are not available.

Scientific policy representatives of Federal agencies that constitute the Federal Council for Science and Technology have established the following criteria for honoring page charge bills submitted by journal publishers.

(1) The research papers report work supported by the Government.

(2) Mandatory or voluntary page charge policies are acceptable, provided that the page charge policy of the publication is administered impartially for Government and non-Government sponsored research reports.

(3) The journals involved are not operated for profit. The Federal Council for Science and Technology was established by Executive Order 10807, in 1959, and is composed of representatives from the Departments of Agriculture, Commerce, Defense, HEW, HUD, Interior, State, and Transportation, National Aeronautics and Space Administration, Atomic Energy Commission, and the National Science Foundation. Its purpose is to provide more effective planning and administration of Federal scientific and technological programs.

November 8, 1974.

RUSSELL C. DREW,
Acting Executive Secretary.

[FR Doc.74-27016 Filed 11-18-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

PETROLEUM REFINING CAPACITY

Notice of Public Hearing

The Federal Energy Administration hereby announces a public hearing on the subject of U.S. petroleum refining capacity. Issues to be covered will include the adequacy of existing capacity, the quantity of new capacity needed over the next 5 years, where it should be located, and the problems involved in refinery siting. The hearing will be held in Room 3000, Federal Energy Administration, 12th Street and Pennsylvania Avenue, NW., Washington, D.C., on December 9–11, 1974. Represenatives of industry, Government, and the public are invited to participate in this public hearing.

Since the change in Federal Oil Import Policy which occurred in April 1973, [Presidental Proclamations 4210 of April 18, 1973, 4227 of June 21, 1973, and 4317 of September 27, 1974, all modifying Presidential Proclamation 3279] a large number of private companies have announced plans for the construction of new oil refineries or the expansion of existing refineries. The total increased capacity in terms of barrels per day for all proposed refinery projects that have come to the attention of the Federal Energy Administration is in excess of 5 and one-half million barrels per day.

The Federal Energy Administration has been following the planning and development of many of these projects with a view toward determining what factors, if any, are interfering with the overall approval and construction process. Several general problems with the process by which sites for refineries are considered and construction permits issued have been identified. In many instances, inadequate planning, difficulties encountered with local zoning laws, local referendums, and opposition by local groups and Government agencies have significantly interfered with, delayed, or terminated refinery projects. Much of the opposition has been founded upon environmental grounds.

Although the subject of refinery siting was addressed in a general manner during the Project Independence Hearings held in Atlanta, Georgia, very few of the presentations focused on specific problems associated with refinery siting, approval, and construction; and very few suggestions were offered for dealing with these problems.

The FEA is interested in receiving testimony relating to, but not limited to, the following areas:

(a) What amount of U.S. refinery capacity will be required for the remainder of this decade?

(b) To what extent have the Mandatory Oil Import Program and decreasing growth in petroleum demand, as well as other factors, deterred plans for refinery construction? In particular, is the present fee structure adequate to offset the cost advantages of refining abroad, and if not, how much protection is required?

(c) Where should additional refinery capacity be located, considering such factors as production and distribution costs, socio-economic impacts, and national security requirements?

(d) What are the relative advantages and disadvantages of relying on refinery capacity located in Canada or the Carribean as opposed to expanded U.S. capacity?

(e) What potential is there for expansion of existing refineries on both the East and West Coasts?

(f) What economic costs to the consumer on the East Coast, or in New England, are associated with the shortage of local refineries and the resulting need to transport oil products from the Gulf or to buy a higher proportion of imported oil?

(g) What pertinent items concerning the preservation of the environment should be considered in conjunction with the overall refinery capacity shortage problem and what steps should be taken to cope with these items?

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(h) To what extent have Federal laws, regulations, and agencies been responsible for delays in the site approval process? (Cite specific instances.)

(i) What is the appropriate role for state and local governments to play in approving or disapproving proposed refinery projects? Where should such authority at the state or local level be placed?

(j) What is the effect of approval procedures varying from state to state?

(k) Are there instances where procedural irregularities alone have resulted in failure to obtain site approval?

(l) In how many instances has opposition to proposed port facilities been the determining factor in terminating plans to proceed with a refinery project?

(m) What has been the magnitude of expenditures by individual companies in all phases of their efforts up until the point when permits have been refused or granted?

(n) Does the severity of citations and penalties (by monitoring organizations) on emissions, effluents, and spills for refineries differ from one area or region to another.

During the hearing, testimony will be heard from public officials, representatives of recognized regional and local groups, representatives of oil companies and from individuals who wish to be heard. Those who are unable to testify in person are invited to submit written statements for the record. Written statements should be submitted no later than December 19, 1974, and should be sent to the address in the paragraph immediately below.

Individuals or groups wishing to testify at the hearing should notify FEA in writing. Information desired by FEA should include name, address, telephone number, and subject area to be addressed. Requests to testify should be addressed to Executive Communications, Room 3309, Box BL, Federal Energy Administration, 12th Street and Pennsylvania Avenue, NW., Washington, D.C. 20461. All requests to testify must be received by November 28, 1974 between the hours of 8 a.m. and 4:30 p.m. FEA will notify those selected to testify 5 days prior to the hearing.

Procedures for the Hearing. Since a large number of witnesses is expected, individual witnesses will generally be asked to limit oral presentations to 10 minutes, reserving 10 minutes for questions by each hearing panel. If additional time is required for oral presentation, witnesses are asked to indicate how much extra time they will require; every effort will be made to accommodate such requests within available time and other requests to testify. Organizations with several members who wish to testify at a given hearing may obtain permission to offer more than one spokesman at the hearing. The FEA encourages interested groups to consolidate testimony for oral presentation in order to avoid lengthy, repetitive statements, and to ensure adequate opportunities for all interested groups to testify. Written testimony of any length may be submitted for the record. Each witness is requested to provide an abstract of the testimony, and 100 copies of the testimony should be delivered to Executive Communications, Room 3309, 12th and Pennsylvania Avenue, NW., Washington, D.C. 20461 by 4:30 p.m. on December 6, 1974. The hearing will be open to the public, to the press and other media, and a complete record of the proceedings will be compiled and made available to the public in Room 3400, Administrator's Reception Area, between the hours of 8 a.m. and 4:30 p.m. daily.

Any questions concerning the hearing should be directed to the Office of Oil and Gas, 202-961-7425.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

NOVEMBER 13, 1974.

[FR Doc.74-27009 Filed 11-18-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI74-142, RI74-242]

CITIES SERVICE OIL CO. AND SUN OIL CO.

Order Approving Settlement Agreement and Granting Special Relief

NOVEMBER 12, 1974.

On September 27, 1974, Cities Service Oil Company (Cities), with the concurrence of the Sun Oil Company (Sun),[1] and Commission Staff, tendered a proposed "Settlement Agreement" in the above-captioned proceedings pursuant to § 1.18(e)[2] of the Commission's rules of practice and procedure. Cities offers a settlement at a rate of 30 cents per Mcf at 14.65 psia. for sales of natural gas to the Northern Natural Gas Company (Northern) from 80 wells in the Guymon Hugoton Field, Texas County, Oklahoma (Hugoton-Anadarko Area). Sun owns a 25 percent interest in one of the subject wells and is relying entirely on cost and reserve evidence submitted by Cities. Northern, the only intervenor to appear at the prehearing conference held August 29, 1974, supports the settlement offer.[3] Staff filed a memorandum supporting the proposed "Settlement Agreement" that was copied into the record (Transcript pp. 61-66) during the hearing held September 27, 1974. This memorandum contained the results of a comprehensive Staff "Calculation of Unit Cost Of Gas" based on additional reserve and deliverability data submitted by Cities which supports a finding that a rate of 30 cents per Mcf is justified here. This study is attached as an appendix hereto.[4]

On October 2, 1974, in accordance with the requests of Staff and Cities and pursuant to § 1.18(e) of the Commission's rules of practice and procedure, the Presiding Administrative Law Judge certified the "Settlement Agreement" to the Commission. Notice of the certification of the proposed settlement agreement was issued October 11, 1974, and the period for filing petitions to intervene or protest expired October 24, 1974, without response.

In keeping with the Commission's duty to assure an adequate and reliable gas supply, it appears that the public interest will be served best by accepting Cities' offer of settlement and granting the requested relief.

However, we desire to make it clear that acceptance of Cities' offer of settlement shall not be construed as constituting approval of any future rate increases that may be filed under the subject rate schedules, and is without prejudice to any findings or orders of the Commission in any future proceedings, including area rate or other similar proceedings, involving Cities' and Sun's rates and rate schedules.

The Commission finds:

(1) The proposed "Settlement Agreement" certified to the Commission on October 2, 1974, should be approved.

(2) The petitions for special relief filed by Cities and Sun meet the criteria set forth in Section 2.76 of the Commission's General Policy and Interpretations.

The Commission orders. (A) The proposed "Settlement Agreement" certified to the Commission on October 2, 1974, as agreed to by the parties herein, is approved.

(B) The petitions for special relief filed by Cities and Sun are hereby granted. Cities and Sun may collect 30 cents per Mcf at 14.65 psia. for all gas sold pursuant to their December 4, 1973, and April 24, 1974 (respectively) contract amendments with Northern.

(C) Cities and Sun shall file within 30 days from the date of issuance of this order, notice of change in their rates providing for the 30 cents per Mcf rate specified in the "Settlement Agreement," and the executed contract amendments to their respective FPC Gas Rate Schedule Nos. 169 (Cities) and 461 (Sun). The notices of change in rates and the contractual amendments shall be submitted in accordance with Part 154 of the Commission's regulations.

(D) Upon notification by the Secretary of the Commission that the terms and conditions of this order have been complied with, the rate of 30 cents per Mcf at 14.65 psia. shall be effective as of the date of issuance of this order, subject to the terms of the petitioners' respective contractual obligations.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26964 Filed 11-18-74;8:45 am]

[1] James D. Olsen, Attorney for the Sun Oil Company, filed an "Adoption of Settlement Agreement" on September 27, 1974.

[2] 18 CFR 1.18(e).

[3] All intervenors filed petitions to intervene in support of Cities' petition for special relief requesting a rate of 30 cents per Mcf. Since today's order grants a 30 cents per Mcf rate, no intervenors' rights have been hereby prejudiced.

[4] Filed as part of the original document.

[Docket No. E-9052]

INDIANA AND MICHIGAN ELECTRIC CO.

Notice of Correction to Filing

NOVEMBER 12, 1974.

Take notice that on October 18, 1974 Indiana and Michigan Electric Company (I&M) disclosed an error in Exhibit C (Comparative Billing Analysis) of its filing of October 7, 1974. I&M states that the average cost of fuel used to calculate the fuel clause adjustment values on a pro-forma basis was inconsistent with the average cost of fuel as defined in the supplemental agreement. This inconsistency was reflected in the "Proposed Revenue" values on the above-mentioned Exhibit C.

I&M states that it has mailed copies of this disclosure, as well as a revised Exhibit C, to all parties on the official service list.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). In light of the changes noted above, the filing date for all such petitions or protests will be extended until November 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-26965 Filed 11-18-74;8:45 am]

[Docket No. E-9014]

KANSAS GAS AND ELECTRIC CO.

Filing of Supplemental Data

NOVEMBER 12, 1974.

Take notice that on November 1, 1974, Kansas Gas and Electric Company (Kansas G&E) tendered supplemental information to the Commission in response to a deficiency letter sent by the Secretary to Kansas G&E on October 15, 1974.

Kansas G&E's original filing of the proposed service schedule was tendered on September 9, 1974 and public notice of the filing was issued on September 17, 1974. The proposed service schedule would increase the rate at which Kansas G&E and Omaha Public Power District exchange emergency power to 17.5 mills per kilowatt hour.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-26967 Filed 11-18-74;8:45 am]

[Docket No. E-9093]

KENTUCKY UTILITIES CO.

Notice of Supplemental Agreements

NOVEMBER 12, 1974.

Take notice that Kentucky Utilities Company (Company) on November 4, 1974, tendered for filing proposed changes in its Rate Schedule FPC No. 74. The filing consists of two supplemental agreements between the Company and the City of Owensboro, Kentucky and City Utility Commission (the latter two referred to as OMU) bearing dates of May 9, 1969 and November 5, 1969. These supplements were entered into to provide for a second generating unit which would be installed by OMU and generally provide for determining costs of power from the OMU unit as is provided for in the Contract now on file.

The Company sold power to OMU under terms provided for in Exhibit No. 3 of the contract now on file. The Company now proposed to use terms provided for in Exhibit No. 3 to the May 9, 1969 supplement for the sale of power to OMU. The Company alleges that the only change in these exhibits affecting cost is the determination of incremental maintenance cost now based on maintenance expense of a given plant and it is proposed to be based on overall average expense of maintenance of production for the Company. The Company further asserts that the change in cost to OMU due to the above would be negligible, either plus or minus.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26970 Filed 11-18-74;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE CO. OF AMERICA

Compliance Filing Pursuant to Approved Settlement Agreement

NOVEMBER 12, 1974.

Take notice that on October 3, 1974, Natural Gas Pipeline Company of America (Natural) tendered for filing the following tariff sheets:

	Effective date
Third revised volume No. 1:	
Second substitute tenth revised sheet No. 5	Dec. 1, 1973
Second substitute eleventh revised sheet No. 5	Jan. 1, 1974
Second substitute twelfth revised sheet No. 5	Mar. 1, 1974
Substitute thirteenth revised sheet No. 5	May 1, 1974
Substitute fourteenth revised sheet No. 5	May 18, 1974
Second substitute fifteenth revised sheet No. 5	June 2, 1974
Substitute sixteenth revised sheet No. 5	July 2, 1974
Second substitute sixteenth revised sheet No. 5	Sept. 1, 1974
Third substitute sixteenth revised sheet No. 5	Oct. 1, 1974
Fourth substitute sixteenth revised sheet No. 5	Nov. 1, 1974
Original sheet Nos. 140, 141, and 142	Dec. 1, 1973
Second revised volume No. 2:	
Second substitute sixth revised sheet No. 220	Dec. 1, 1973

Natural states that these sheets were filed in compliance with ordering paragraph (D) and (E) of FPC "Order Approving Settlement Agreement With Condition", issued September 4, 1974, at Docket No. RP73-110. The conformed tariff sheets effective March 1, 1974, and all subsequent sheets reflect the applicable rate level for the Rate Schedule S-3 Storage Service approved by FPC order issued September 6, 1974, Docket No. CP72-279.

Natural further states that original sheet Nos. 140, 141, and 142, Research and Development tariff clause, has been revised in conformance with ordering paragraph (D) to reflect consideration of tax savings associated with R&D expenditures.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure, (18 CFR 1.8, 1.10). All such petitions should be filed on or before November 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are

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on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26969 Filed 11-18-74;8:45 am]

[Docket Nos. RP73-57, PGA75-2]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Purchased Gas Cost Adjustment Rate Change

NOVEMBER 12, 1974.

Take notice that South Texas Natural Gas Gathering Company (South Texas), on October 15, 1974, tendered for filing with the Federal Power Commission its third revised Exhibit A to its Purchased Gas Cost Rate Adjustments Clause. South Texas states that the proposed change reflects an increase in South Texas' rate to Transcontinental Gas Pipe Line Corporation of 2.21 cents per Mcf. South Texas requests an effective date of December 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26968 Filed 11-18-74;8:45 am]

[Docket No. RP74-91-7]

TENNESSEE GAS PIPELINE CO.

Order Vacating Prior Order

NOVEMBER 12, 1974.

On September 25, 1974, Tennessee Natural Gas Lines, Inc. (Tennessee Natural), filed in Docket No. RP74-91-7, a petition requesting extraordinary relief pendente lite, from the implementation of the curtailment plan of its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee).

On October 18, 1974, the Commission issued an order in the instant docket, which, inter alia, denied Tennessee Natural's petition for extraordinary relief, directed and ordered Tennessee to deliver to Tennessee Natural on a temporary basis and subject to direct payback 391,627 Mcf, and set the matter for formal hearing contemporaneous with the issuance of the aforementioned order. Tennessee Natural filed a letter with the Commission withdrawing its petition. We shall therefore, in accord with Tennessee Natural's request, vacate the order previously issued in this docket.

The Commission finds: That the order issued in Docket No. RP74-91-7 on October 18, 1974 (Order Denying Petition for Extraordinary Relief Pendente Lite, Setting Formal Hearing, and Prescribing Procedures) should be vacated.

The Commission orders. That the order identified above is hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-26971 Filed 11-18-74;8:45 am]

FEDERAL RESERVE SYSTEM

EQUITABLE BANCORP.

Proposed Acquisition of Equiban Life Insurance Co.

Equitable Bancorporation, Baltimore, Maryland, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Equiban Life Insurance Company, Phoenix, Arizona. Notice of the application was published on September 5, 1974 in The Baltimore Sun, a newspaper circulated in Baltimore, Maryland, and on September 10, 1974, in The Arizona Weekly Gazette, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activity of underwriting, as reinsurer, credit life insurance. Such activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 9, 1974.

Board of Governors of the Federal Reserve System, November 11, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26991 Filed 11-18-74;8:45 am]

T.S.B. CORP.

Formation of Bank Holding Company

T.S.B. Corporation, Markham, Illinois, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 99 percent or more of the voting shares of Tri-State Bank, Markham, Illinois. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than December 9, 1974.

Board of Governors of the Federal Reserve System, November 11, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-26992 Filed 11-18-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

FEDERAL AUDIOVISUAL COMMITTEE

Notice of Establishment

Pursuant to the assignment of audiovisual policy responsibilities to the General Services Administration by the Office of Management and Budget, and the recommendations made by the Interagency Audio-Visual Study Group of the Office of Telecommunications Policy, the Office of Federal Management Policy announces approval and certification by the Administrator of General Services on August 21, 1974, of the following interagency committee:

GENERAL SERVICES ADMINISTRATION

CHARTER OF THE FEDERAL AUDIOVISUAL COMMITTEE

1. *Official designation.* The Committee is the Federal Audiovisual Committee.

2. *Objective and scope.* The Committee will advise and assist GSA in the formulation of Government policy for audiovisual activities. It will serve as an advisory board to the Associate Administrator for Federal Management Policy, GSA, in providing executive branch oversight and control of Federal audiovisual activities. It will further function as a forum for coordinating audiovisual activities including production, processing, equipment, and supplies to promote efficient and effective utilization of facilities and elimination of duplication.

3. *Membership.* Members of the Committee will be from the audiovisual technical management and policy level in the departments and establishments listed below:
Department of Agriculture
Department of Commerce
Department of Defense
Department of Health, Education, and Welfare
Department of Housing and Urban Development
Department of the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Department of the Treasury
Atomic Energy Commission
Environmental Protection Agency
Federal Communications Commission
United States Civil Service Commission
United States Information Agency
Veterans Administration
National Aeronautics and Space Administration
General Services Administration

Executive departments and establishments that are not represented on the Committee may provide input concerning audiovisual matters to the General Services Administration for consideration by the Committee. Such input should be furnished to the General Services Administration (AMM), Washington, DC 20405.

4. *Time necessary to carry out purpose.* The Committee will require two years to carry out its purpose.

5. *Official to whom the Committee reports.* The Committee will report to the Associate Administrator for Federal Management Policy, GSA.

6. *Agency responsible for support.* GSA will provide Committee support services through a Committee secretariat. Executive departments and establishments will provide administrative, travel, per diem, and other support required by their participation in the Committee and task group activities.

7. *Duties for which the Committee is responsible.* The Committee will advise and recommend Federal policy to the Associate Administrator for Federal Management Policy, GSA, on audiovisual matters of concern to Federal agencies. Members will be expected to attend and participate in meetings of the Committee. They will further be expected to actively participate in working group activities directed toward implementation of the Office of Telecommunications Policy study recommendations and to provide appropriate expertise to working groups as necessary to implement those recommendations requiring further study and/or systems and procedures development.

8. *Estimated annual operting costs and man-years.* The estimated annual operating cost is insignificant since all members are full-time Federal employees normally charged with technical management and policy formulation for audiovisual activities in the departments and establishments.

9. *Estimated number and frequency of meetings.* The Committee will meet monthly through December 1974 and quarterly thereafter. The Committee may also meet at the call of the chairman. Working group meetings will be held as required and will be terminated upon completion of the task for which the working group was established.

10. *Committee termination date.* The Committee will terminate on August 1, 1976.

Dated: November 1, 1974.

[SEAL] R. E. ZECHMAN,
Associate Administrator for Federal Management Policy.

[FR Doc.74-27078 Filed 11-18-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 14, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529) or from reviewer listed.

NEW FORMS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education:
A-102 Program Performance Report for the Career Education Program, Form OE 266-1, Semi-annual, Lowry (395-3772), Institutions of Higher Education; Local Education Agencies.
Need Assessment of Deaf Adults in Continuing Education, Form OE 9042, -1,-2,-3, Single Time, Planchon (395-3898), Deaf Adults, Deaf Leaders & State Directors.
Social Security Administration: Authorization to Release Medical Information to the Social Security Administration, Form SSA-827, Occasional, Caywood (395-3443), Applicants for disability benefits under Title II of the SS Act.

REVISIONS

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization & Conservation Service: Application for Duplicate Marketing Card, Form MQ-117, Occasional, Lowery (395-3772), Farm operators who need marketing cards to replace lost, stolen or destroyed marketing cards.
Economic Research Service: Gin Operating Costs and Related Information, Form —, Annual, Lowry (395-3772), Cotton Ginning Plants.

EXECUTIVE OFFICE OF THE PRESIDENT

Special Action Office for Drug Abuse Prevention Management Review Questionnaire, Form —, Single Time, (HRD (395-3532)/ Reese (395-3630), Federal Funded Treatment Programs.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Social Security Administration: Work Activity Report—Employee and Self-Employed Person, Form SSA-821 & SSA-821B, Occasional, Caywood (395-3443), SSA Disability Claimants and Beneficiaries.

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Application for Plant Variety Protection Certificate, Form GS-470, Occasional, Evinger (395-3648), Breeder of New Plant Varieties.
Statistical Reporting Service:
Application for Permit to Export Tobacco Seed or Plants, Form TB-31, Occasional, Evinger (395-3648), Exporters.
Tobacco Surveys, Form —, Occasional, Evinger (395-3648), Tobacco Growers.

PHILLIP D. LARSEN,
Management and Budget Officer.

[FR Doc.74-27128 Filed 11-18-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Public Meeting

Notice is hereby given that the Frequency Management Advisory Council (FMAC) will meet at 10 a.m. in Room 712, 1800 G Street NW., Washingon, D.C., on Tuesday, December 10, 1974.

The principal agenda items will be: (1) A discussion of the preparatory work that is just starting for the 1979 ITU World General Radio Conference, (2) review of a General Accounting Office report on radio frequency management, (3) impact of electric power facilities on terrestrial communications systems, and (4) a career development program for spectrum management personnel in the Federal Government.

The meeting will be open to the public; any member of the public will be permitted to file a written statement with the Council, before or after the meeting.

The names of the members of the Council, a copy of the agenda, a summary of the meeting, and other information pertaining to the meeting may be obtained from Mr. L. R. Raish, Office of Telecommunications Policy, Washington, D.C. 20504 (telephone: 202-395-5623).

Dated: November 13, 1974.

BRYAN M. EAGLE,
Advisory Committee Management Officer.

[FR Doc.74-26952 Filed 11-18-74;8:45 am]

PRESIDENTIAL CLEMENCY BOARD

NOTICE OF MEETINGS

NOVEMBER 13, 1974.

Notice is hereby given, pursuant to, the provisions of the Federal Advisory Committee Act of 1972, that meetings

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of the Presidential Clemency Board will be held on November 21–23, 1974, at 9:00 a.m., in Room 459, Old Executive Office Building, Washington, D.C.

These meetings will not be open to the public since (1) the Board will discuss matters related solely to its internal personnel and practices under 5 U.S.C. 552–(b)(2) and (2) will examine personnel and similar files, disclosure of which would constitute an unwarranted invasion of privacy under (b)(6) of the same section.

A waiver of the 15-day notice provisions has been granted by the Director, Office of Management and Budget, under OMB Circular No. A–63, as revised, pertaining to the Federal Advisory Committee Act of 1972. This waiver is required for the Board to give immediate consideration to those recently furloughed from prison under Executive Order 11803.

CHARLES E. GOODELL,
Chairman.

[FR Doc.74–26983 Filed 11–18–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Rel. 18650]

DELMARVA POWER & LIGHT CO.

Proposed Issue and Sale of Short-Term Notes to Banks and/or Commercial Paper to Dealer; Exception From Competitive Bidding

Notice is hereby given that Delmarva Power & Light Company ("Delmarva") 800 King Street, Wilmington, Delaware 19899, a registered holding company and a public-utility company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 6(b), and 7 of the Act and Rule 50(a)(2) and 50(a)(5)(C) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva proposes to issue from time to time until June 30, 1976, short-term securities in an aggregate principal amount not to exceed $125,000,000 outstanding at any one time. The company requests that for a period ending on June 30, 1976, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) thereof, relating to the sale of short-term notes, be increased so as to permit the issuance and sale of said $125,000,000 of short-term securities. On April 17, 1973, Delmarva, at its annual meeting of stockholders, obtained the consent of the holders of preferred stock and common stock, voting separately as classes, to amend its Certificate of Incorporation to liberalize the unsecured debt limitation to permit issuance, without further consent of preferred stockholders, of up to 20 percent of capitalization as long as no more than 10 percent of such indebtedness has maturities of less than ten years. At the same meeting, the company obtained the consent of preferred stockholders to waive the 10 percent limitation on indebtedness with maturities of less than ten years, provided the total unsecured debt does not exceed 20 percent of capitalization.

The proposed securities will be in the form of short-term notes issued to banks or commercial paper issued to a dealer in such securities. The notes to banks will be limited to an aggregate of $100,000,000 outstanding at any one time. The commercial paper will be limited only to the extent that, when added to short-term notes to banks actually outstanding on the date of issuance, the total will not exceed the $125,000,000 of proposed borrowings. The proceeds of the proposed bank notes and commercial paper will be used to finance part of Delmarva's 1975 and 1976 construction program of about $253,000,000, including an allowance for funds used during construction of $18,611,000. Delmarva intends to repay such borrowings from the net proceeds of the sale of first mortgage bonds and/or equity securities prior to June 30, 1976.

The bank notes will be unsecured, will bear interest at the prime rate in effect at the lending bank on the date of issue and adjusted from time to time as required by the bank, and will be prepayable at any time without premium or penalty except that the company may not prepay any note in whole or in part from the proceeds of any subsequent bank loan at a lower rate of interest. The notes will mature not more than 270 days from the date of issue and in any event not later than June 30, 1976. The purpose of the bank lines of credit is to establish an alternative source of credit to back up the company's commercial paper. Delmarva expects to borrow from the following banks up to the maximum amount listed:

Wilmington Trust Co., Wilmington, Del.	*$5,500,000
Bank of Delaware, Wilmington, Del.	*3,800,000
Farmers Bank of the State of Delaware, Wilmington, Del.	*3,000,000
Delaware Trust Co., Wilmington, Del.	*2,000,000
First National Bank of Baltimore Salisbury and Baltimore, Md.	*8,050,000
Irving Trust Co., New York, N.Y.	10,000,000
Manufacturers Hanover Trust Co., New York, N.Y.	14,750,000
Bankers Trust Co., New York, N.Y.	5,000,000
Chemical Bank, New York, N.Y.	5,000,000
The Fidelity Bank, Philadelphia, Pa.	2,000,000
First National Bank of South Jersey, Pleasantville, N.J.	1,000,000
Continental Illinois National Bank and Trust Company of Chicago, Chicago, Ill.	2,250,000
Total	62,350,000

Delmarva will be required to maintain balances in the above banks to the extent of 10 percent of unused bank lines and 20 percent of such lines when in use. Substantially all of the balance requirements for those lines marked with an asterisk above will be provided through operating balances which are part of the company's normal operating funds. If all of the necessary balances were maintained solely to satisfy compensating balance requirements, the effective interest cost on such bank lines of credit when fully utilized, assuming an 11½ percent prime rate, would be 14.38 percent.

No firm arrangements have been made for the remaining $37,650,000 of bank lines required by Delmarva. The company expects to arrange $20,000,000 in bank lines with foreign banks (Eurodollar Market) and/or with United States branches of foreign banks. The company also is continuing its efforts to obtain the remaining $17,650,000 of required bank lines from domestic United States banks under the same terms as above. Terms with respect to lines arranged in the Eurodollar Market are expected to be at the rate of ½ of 1 percent on unused lines and 1¼ percent over the London InterBank Offer Rate (LIBOR) on lines in use. Assuming that the entire $20,000,000 of Eurodollar lines were in use and that the LIBOR rate were 10 percent, the effective interest cost for such lines would be 11¼ percent. The names of the banks to which the remaining $37,650,000 of notes will be issued will be filed by post-effective amendment, and such notes will not be issued until the Commission has issued a supplemental order hereto.

Delmarva also proposes to issue and sell, from time to time to mature not later than June 30, 1976, commercial paper in the form of short-term promissory notes to an investment banker and dealer in commercial paper, A. G. Becker & Co., Incorporated ("dealer"), of up to $125,000,000 face amount to be outstanding at any one time. The total amount of commercial paper and bank loans outstanding at any one time will not exceed $125,000,000. The commercial paper notes will be of varying maturities, with no such notes maturing more than 270 days after the date of issue. Such notes, in denominations of not less than $50,000 and not more than $1,000,000, will be issued and sold by Delmarva directly to the dealer at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of like maturity sold by issuers thereof to commercial paper dealers. The application states that no commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds that at which Delmarva could borrow from banks.

It is stated that no commission or fee will be payable in connection with the issue and sale of the commercial paper notes. The dealer, as principal, will reoffer such notes at a discount of ⅛ of 1 percent per annum less than the prevailing discount rate to Delmarva. The notes will be reoffered in a manner which will not constitute a public offering to no

more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer.

Delmarva requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraphs (a)(2) and (a)(5) thereof. Delmarva also requests authority to file certificates under Rule 24 with respect to the proposed transactions within 30 days after the end of each calendar quarter.

The application states that fees and expenses related to the proposed transactions are estimated at $30,000, including legal fees of $2,000. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 5, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26956 Filed 11–18–74;8:45 am]

[File No. 81–150]

MICRO COMPUTER CORP.

Notice of Application and Opportunity for Hearing

NOVEMBER 11, 1974.

Notice is hereby given that Micro Computer Corporation (the "Corporation") has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended, (the "Act"), for an order exempting the Applicant from the registration provisions of section 12(g) of the Act. Exemption from section 12(g) will have the additional effect of exempting the Corporation from sections 13 and 14 of the Act and their officers, directors and 10 percent beneficial owners from section 16 of the Act.

Section 12(g) of the Act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceeding $1 million and a class of equity securities held of record by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holders of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any issuer from the registration, periodic reporting and proxy soliciting sections of the Act and to grant exemption from the insider reporting and trading provisions of the Act if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income of assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application, including the exhibits thereto, states, inter alia, that: 1. Micro Computer, a New York corporation with its principal offices in Rochester, New York, is engaged in the computer leasing business.

2. Micro Computer had as of its fiscal year ended June 30, 1973 total assets exceeding $1 million and more than 500 equity security holders.

3. The Corporation contends that it met the total assets and number of equity security shareholders standard sufficient to require registration under section 12(g) at the end of fiscal year 1973 due to the fact that a principal loaned the Corporation over $1 million; that the funds were to be used in an acquisition or merger which was never consummated; that the funds were returned since no acquisition was being contemplated; that the corporation was in the position of having assets exceeding $1 million for a short period of time, on a transitory basis; and that under such conditions it would appear that it is not inconsistent in any way with the public interest or the protection of the investors to grant the exemption in this case.

4. Micro Computer presently has less than $500,000 in total assets, due to the conversion for cash of a substantial amount of debentures issued in furtherance of a proposed acquisition.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the Commission's Office of Public Reference at 1100 L Street, NW., Washington, D.C.

Notice is further given that any interested person not later than December 6, 1974 may submit to the Commission in writing his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon Commission's own motion.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–26954 Filed 11–18–74;8:45 am]

[Rel. 18649]

NATIONAL FUEL GAS CO.

Post-Effective Amendment Regarding Issue and Sale of Notes to Bank by Holding Company; Issue and Sale of Short-Term Notes to Bank and Holding Company by Subsidiary Companies

NOVEMBER 11, 1974.

In the matter of National Fuel Gas Company, 30 Rockefeller Plaza, New York, New York 10020; National Fuel Gas Distribution Corporation, 10 Lafayette Square, Buffalo, New York 14203; National Fuel Gas Supply Corporation, the Sylvania Corporation, 308 Seneca Street, Oil City, Pennsylvania 16301.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and three of its subsidiary companies, National Fuel Gas Distribution Corporation ("Distribution Corporation"), National Fuel Gas Supply Corporation ("Supply Corporation"), and The Sylvania Corporation ("Sylvania"), have filed with this Commission a post-effective amendment to the application-declaration in this proceeding pursuant to sections 6(a), 6(b), 7, 9(a), and 10 of the Public Utility Holding Company Act of 1935 ("Act") regarding the following proposed transactions. All interested persons are referred to the amended application-declaration, which is summarized below, for a complete statement of the proposed transactions.

By orders in this proceeding dated September 4, 1974, and September 30, 1974 (HCAR Nos. 18552 and 18583), the Commission authorized the issuance and sale of debentures, notes to banks, and commercial paper as well as certain intra-system financing. It is now proposed that National issue and sell through December 31, 1975, additional short-term notes to The Chase National Bank, N.A. ("Chase") in an aggregate amount not to exceed $3,500,000 at any one time outstanding. Each of said proposed unsecured, short-term notes to Chase will be dated as of the date of issue, will mature not later than nine months from

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the date thereof, will be prepayable at any time, in whole or in part, without penalty or premium, and will bear interest at the prime commercial rate of interest in effect from time to time at Chase. National has informally agreed with Chase to maintain average balances of 20 percent of the average loans outstanding; however, the average balances maintained for normal operating needs are substantially in excess of this amount. Assuming an average balance of 20 percent was required, the effective cost of money, based on an 11¼ percent prime rate, would be 14.06 percent. It is stated that National tentatively proposes to repay its commercial paper and short-term notes to Chase through moneys from internal sources, as well as from financing to be done sometime in 1975.

National proposes to use the proceeds from the sale to Chase of the additional $3,500,000 of unsecured short-term notes to acquire for cash short-term unsecured notes from Supply Corporation and Sylvania. Such notes of Supply Corporation will not exceed an aggregate of $2,000,000 at any one time outstanding, and such notes of Sylvania will not exceed an aggregate of $1,500,000 outstanding at any one time. Each note will be dated the same date and bear the same effective interest rate as the related short-term note of National and will mature within nine months from its date of issue, with interest payable quarterly until the principal amount is paid in full. Supply Corporation and Sylvania will each have the option, after payment of all notes of prior maturity, to repay any note at any time or from time to time, in whole or in part, without premium.

Supply Corporation proposes to use the $2,000,000 of proceeds from its notes to National to finance the cost of gas purchased and stored underground for current inventory. Such notes will be repaid within nine months as gas is withdrawn from storage and sold. Sylvania proposes to use $1,500,000 of the proceeds from its notes to National to finance the cost of gas stored in its East Independence underground storage area. Permanent financing will be made in 1975 by Sylvania for that portion of the amount borrowed from National applicable to the base gas purchased for the underground storage area, and, to the extent that stored gas is used for current inventory, the borrowings will be reduced as the gas is withdrawn from storage and sold.

It is further proposed that Distribution Corporation increase its short-term unsecured notes to banks from $12,000,000 to $14,000,000 by issuing an additional $2,000,000 of notes to Marine Midland Bank of Buffalo, New York. The proceeds will be used to purchase up to an aggregate amount not to exceed $2,000,000 of synthetic natural gas. Each note will be dated as of the date of issue, will mature not later than nine months from the respective dates, will bear interest at the prime commercial rate of interest in effect from time to time at the lending bank, will be prepayable at any time, in whole or in part, without penalty or premium, and will be repaid at the end of the winter cycle with funds from operations. There is no compensating-balance requirement.

The fees and expenses to be incurred in connection with the transactions proposed in the post-effective amendment are estimated at $2,150. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 3, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26957 Filed 11-18-74;8:45 am]

[Rel. No. 18651]

PHILADELPHIA ELECTRIC POWER CO.

Notice of Proposed Sale of Common Stock to Holding Company

NOVEMBER 11, 1974.

Notice is hereby given that Philadelphia Electric Power Company ("PEPCo"), 2301 Market Street, Philadelphia, Pennsylvania 19101, a registered holding company and a public-utility subsidiary company of Philadelphia Electric Company ("PECo"), an exempt holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a) and 7 of the Act and Rules 43 and 50(a)(1) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

PEPCo proposes to issue and sell to PECo, its sole common stockholder, 200,000 additional shares of its common stock, par value $25 per share, for a total consideration of $5,000,000. The proceeds from the sale of the common stock are to be used to (1) liquidate $4,400,000 of outstanding bank loans, (2) provide working capital, and (3) to meet sinking fund obligations. As of September 30, 1974, PEPCo had outstanding bank loans totalling $4,400,000.

It is stated that the sale of the common stock is excepted from the competitive bidding requirements of Rule 50 pursuant to subsection (a)(1) thereof in that the stock will be sold pro rata to the only existing common stockholder of PEPCo pursuant to preemptive rights in PECo.

The declaration states that the Pennsylvania Public Utilities Commission and the Federal Power Commission have jurisdiction over certain aspects of the proposed transaction and that no other state or federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses to be incurred in connection with the proposed transaction are estimated at $2,650.

Notice is further given that any interested person may, not later than December 5, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended, or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26955 Filed 11-18-74;8:45 am]

[File No. 500-1]

SAVOY INDUSTRIES, INC.

Notice of Suspension of Trading

NOVEMBER 11, 1974.

The common stock of Savoy Industries, Inc. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Savoy Industries, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 12, 1974 through November 21, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-26959 Filed 11-18-74;8:45 am]

[File Nos. 7-4687, etc.]

AMERICAN ELECTRIC POWER CO., INC., ET AL.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 11, 1974.

In the matter of applications of the Pacific Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American Electric Power Co., Inc.	7-4687
American Home Products Corp.	7-4688
Beatrice Foods Co.	7-4689
Chase Manhattan Corp.	7-4690
Coastal States Gas Corp.	7-4691
Colgate-Palmolive Co.	7-4692
Duke Power Co.	7-4693
Houston Lighting & Power Co.	7-4694
Howard Johnson Co.	7-4695

Upon receipt of a request, on or before November 27, 1974, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27035 Filed 11-18-74;8:45 am]

[Rel. 18656]

AMERICAN NATURAL GAS CO. AND AMERICAN NATURAL GAS ARCTIC CO.

Acquisition of Common Stock of Newly-Organized Company by Holding Company and Use of Proceeds To Acquire Partnership Interest

NOVEMBER 13, 1974.

Notice is hereby given that American Natural Gas Company ("American Natural"), 30 Rockefeller Plaza, Suite 4545, New York, New York 10020, a registered holding company, and a newly-organized company, American Natural Gas Arctic Company ("American Arctic"), 100 West Tenth Street, Wilmington, Delaware 19807, have filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b), 9(a), 10, and 12(f) of the Act and Rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to said application-declaration, which is summarized below, for a complete statement of the proposed transactions.

American Natural proposes to acquire up to 10,000 shares of common stock of American Natural Gas Arctic Company, a Delaware corporation organized March 28, 1974, which has no securities outstanding at the present time. The purchase price will be the par value, $100 per share, or an aggregate of $1,000,000. Upon consummation of this transaction, American Arctic will be a wholly-owned subsidiary of American Natural.

Under an agreement ("Partnership Agreement") dated April 15, 1974, American Arctic is one of six partners in Northern Border Pipeline Company ("Northern Border"), a general partnership. The other partners are subsidiary companies of Natural Gas Pipeline Company of America, Northern Natural Gas Company, Panhandle Eastern Pipe Line Company, Texas Eastern Transmission Corporation and The Columbia Gas System, Inc., a registered holding company (see Holding Company Act Release No. 18534, August 16, 1974). American Arctic will use the proceeds of the proposed transaction to invest in Northern Border from time to time through June 30, 1976, in amounts equal to concurrent investments by the other partners. Northern Border, in turn, will apply the proceeds to its pre-construction expenses including prosecution of its application to the Federal Power Commission, hereinafter mentioned.

Northern Border was organized for the purpose of constructing and operating, as a separate business entity independently of any of its general partners of their affiliated pipeline systems, a natural gas pipeline consisting of about 1,619 miles of pipeline and associated facilities. The line will extend from a point on the U.S.-Canadian border near Monchy, Saskatchewan, southeasterly through ten states to its termination point at Delmont, Pennsylvania. The pipeline system of Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a wholly-owned subsidiary of American Natural, as well as the systems of the pipeline affiliates of the other partners, will interconnect with the proposed Northern Border pipeline at various points within the lower 48 states.

The Northern Border project is an integral part of a much larger overall pipeline project designed to make large volumes of gas, produced in the Arctic regions of Alaska and Canada, available to markets in the lower 48 states. The overall project contemplates: (1) Natural gas originating in the Prudhoe Bay gas producing area on the North Slope of Alaska will be transported via proposed facilities of Alaskan Arctic Gas Pipeline Company ("Alaskan Arctic") to a point of interconnection on the Alaskan-Canadian border with proposed facilities of Canadian Arctic Gas Pipeline Limited ("Canadian Arctic"); (2) through a branch of Canadian Arctic, additional gas originating in the Mackenzie River Delta of northern Canada will be commingled with the North Slope gas and the combined supply will be transported by Canadian Arctic southeasterly to a point at Caroline, Alberta; and (3) from that point, the Canadian Arctic pipeline will separate into two delivery legs: one terminating at Kingsgate, British Columbia, for gas deliveries to pipelines serving U.S. west coast markets, and the other terminating near Monchy, Saskatchewan, to connect with Northern Border's proposed facilities. It is stated that applications for requisite authority have been filed and are pending with the Federal Power Commission ("FPC") by Alaskan Arctic and with the Canadian National Energy Board by Canadian Arctic; and that Northern Border has filed with the FPC for authority to construct its proposed pipeline (Docket No. CP 74-290). All three

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pipelines propose to operate as contract carriers and not as buyers and sellers of gas. Thus, individual shippers, such as Michigan Wisconsin, will purchase gas in the Alaskan and Canadian producing areas and will contract with Canadian Arctic, Northern Border and (as to Alaskan gas) Alaskan Arctic for transportation of the gas, ultimately destined for the shippers' own market areas.

Present plans anticipate construction of the Northern Border pipeline facilities over a six-year period commencing in 1977, with first deliveries to commence two years after the start of construction. The cost of construction is estimated at $1.8 billion. (Cost of the Alaska-Canada portion of the overall project is estimated at $5.7 billion.). It is stated that the Northern Border project, as part of the overall pipeline project, is intended to provide large volumes of Arctic gas to the midwest and eastern market areas in the lower 48 states served by the pipeline affiliates of the partners of Northern Border; that such additional supplies are urgently needed; and that the Northern Border facilities will be so located as to provide economic access to large coal deposits in the western United States for possible future gasification of coal and transportation of coal gas. It is further stated that Michigan Wisconsin, the principal gas transportation and supply unit of the American Natural System, has contracted with Imperial Oil Limited (a non-affiliate) to purchase up to four trillion cubic feet of the first fifteen trillion cubic feet of gas developed by Imperial in the Mackenzie River Delta; that Imperial has announced several discoveries of gas and oil, and is currently drilling additional exploratory wells, in that area; and that Michigan Wisconsin is seeking to negotiate for additional volumes of gas in the Prudhoe Bay area of Alaska.

The Partnership agreement provides, among other things, that prior to certification of the Northern Border project by the FPC and the receipt of commitments for long-term financing of the pipeline, each partner will contribute an equal share of the cash required by Northern Border to conduct its business and will thus have an equal interest in the partnership; and that in connection with said long-term financing, the partners will re-establish their respective interests in the partnership (which may not be equal) and will thereafter make additional capital contributions on the basis of such re-established partnership interests in an aggregate amount which, together with available commitments for outside financing, will be sufficient to finance the cost of the Nothern Border pipeline. All capital contributions to be made by American Arctic beyond use of the proceeds from the sale of $1,000,000 of its common stock herein proposed, will be the subject of future applications to the Commission.

It is stated that the partnership form of Northern Border's organization was selected primarily for the purpose of permitting the partners to obtain immediately the tax benefits (on a partnership "pass-through" basis) which will become available as a result of tax losses of Northern Border during construction and the early years of operations, as well as immediate availability of investment tax credit—which tax benefits would not be available under a corporate form of organization since none of the partners is expected to own as much as 80% of Northern Border's equity. The Partnership Agreement provides that under certain circumstances (including failure of Northern Border to receive an appropriate ruling from the Internal Revenue Service that it will be treated as a partnership for federal income tax purposes) the business and assets of Northern Border may be transferred to a corporate entity, Northern Border Pipeline Corporation, which has been organized as a Delaware corporation for that purpose. Upon any such transfer, each partner will receive capital stock of the corporation in accordance with its then partnership interest. Any such acquisition of the corporation's common stock by American Arctic would be subject of a future application to the Commission.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $3,500, including counsel fees of $1,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 5, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses; and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-27027 Filed 11-18-74;8:45 am]

[Rel. 18653]

APPALACHIAN POWER CO. AND CEDAR COAL CO.

Capital Contributions From Holding Company to Subsidiary Coal Company

NOVEMBER 12, 1974.

Notice is hereby given that Appalachian Power Company ("Appalachian"), 40 Franklin Road, Roanoke, Virginia 24009, an electric utility subsidiary company of American Electric Power Company, a registered holding company, and Cedar Coal Company ("Cedar"), 1220 Charleston National Plaza, Charleston, West Virginia 25301, a coal mining subsidiary company of Appalachian, have filed a declaration with this Commission designating section 12 of the Public Utility Holding Company Act of 1935 as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions:

It is stated that Cedar is engaged in the mining, delivery and sale of coal to Appalachian. The current capacity of Cedar's operations is approximately 1,000,000 tons per year, substantially all of which is delivered and used by Appalachian. It is proposed to expand the capacity of the mining operation to approximately 2,200,000 tons per year by the end of 1975. The estimated cost of such expansion is stated to be approximately $10,000,000.

In order to provide the funds to finance the proposed expansion of Cedar operations, Appalachian proposes to make, and Cedar proposes to receive, from time to time, prior to December 31, 1975, capital contributions in a total aggregate amount of $10,000,000.

It is stated that the State Corporation Commission of Virginia and the Public Service Commission of West Virginia have jurisdiction over certain aspects of the proposed transactions and that no other state commission, and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated not to exceed $1,000.

Notice is further given that any interested person may, not later than December 6, 1974, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request

should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporation Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-27038 Filed 11-18-74;8:45 am]

[File Nos. 7-4696, etc.]

LOUISIANA LAND AND EXPLORATION CO., ET AL.

Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 11, 1974.

In the matter of applications of the Pacific Stock Exchange, Inc., for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
The Louisiana Land and Exploration Co.	7-4696
Manufacturers Hanover Corp	7-4697
J. P. Morgan & Co., Inc	7-4698
Philadelphia Electric Co	7-4699
Public Service Electric and Gas Co	7-4700
Virginia Electric and Power Co	7-4701

Upon receipt of a request, on or before, November 27, 1974 from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C., 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-27036 Filed 11-18-74;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL ADVISORY COUNCIL ON UNEMPLOYMENT INSURANCE

Notice of Meeting

A meeting of the Federal Advisory Council on Unemployment Insurance will be held on December 6, 1974, starting at 9:00 a.m. and adjourning at approximately 4:30 p.m. Meeting location will be Conference Room 10017, Patrick Henry Building, which is located at 601 D Street, NW., Washington, D.C.

The agenda will include the following topics:

1. Council business, including swearing in of new members;

2. UI legislative proposals, including one or more of the following (which proposals are discussed will depend on member preference):

a. Extension of regular benefits;

b. Changes in extended benefit provisions;

c. An increase in the taxable wage base;

d. UI coverage of farm workers, household workers and certain workers in State and local government (those in hospitals and educational institutions);

e. Benefit adequacy standard; and

f. Miscellaneous provisions (provisions for State receipt and repayment of loans; coverage for Virgin Islands; distribution of Federal benefit costs; and reimbursement method for benefits paid to employees of nonprofit agencies).

3. Proposal to change employer wage reporting for Social Security from a quarterly to an annual basis and implications for State UI operations; and

4. Recommendations for future meeting topics.

Members of the public are invited to attend the proceedings. Written data, views, or arguments pertaining to the agenda must be received by the Council's Executive Secretary prior to the meeting date. Twenty duplicate copies are needed for distribution to the members and for inclusion in the meeting minutes.

Persons wishing to address the Council members on a scheduled agenda topic should submit to the Executive Secretary no later than November 22, 1974, a request to be heard, stating the nature of their intended presentation and the amount of time needed. The chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

A more specific agenda will be available prior to the meeting date. Telephone inquiries and communications concerning this meeting should be directed to:

Mrs. Sally Ehrle, Executive Secretary
Federal Advisory Council on Unemployment Insurance
Room 7000, Patrick Henry Building
601 D Street N.W.
Washington, D.C. 20213

Mrs. Ehrle's telephone number is Area Code 202-376-7034.

Signed at Washington, D.C. this 13th day of November 1974.

[SEAL] W. H. KOLBERG, *Assistant Secretary for Manpower.*

[FR Doc.74-27056 Filed 11-18-74;8:45 am]

Occupational Safety and Health Administration

[V-74-11]

HOLSTON DEFENSE CORP.

Grant of Variance

I. *Background.* Holston Defense Corporation, P.O. Box 749, Kingsport, Tennessee 37662 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596 (29 U.S.C. 655)) and 29 CFR 1905.11 for a permanent variance from the safety standards prescribed in 29 CFR 1910.144(a)(1)(i)(*g*). The standard requires that red shall be the basic color for the identification of industrial fire hydrants. The facility affected by this application is Holston Army Ammunition Plant, Hawkins County and Sullivan County, Tennessee 37662. Notice of the application was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3324). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. *Facts.* The applicant manufactures high explosives at a government-owned facility. It is requesting a variance from the color code requirements for fire hydrants to allow it to comply with Army Regulations 385-30 (paragraph 1-14) which requires that hydrant barrels be painted yellow, and the tops and nozzle caps be color coded according to the following system to indicate the flow capacity of the hydrants:

Class A: 1000 gal/min or greater—green
Class B: 500-1000 gal/min—orange
Class C: less than 500 gal/min—red

AR 385-30 (paragraph 1-14) states that this color scheme should be used for

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new construction and as repainting of hydrants becomes necessary.

III. *Decision.* Section 1910.144(a)(1)(i)(*g*) requires the basic color for industrial fire hydrants shall be red. This is consistent with the rest of § 1910.144(a)(1) which requires the use of the color red for the indentification of fire fighting equipment. The intent is to aid in the rapid identification and location of the equipment in an emergency situation.

The applicant proposes to paint its hydrants in accordance with Army Regulation 385–30 which color codes the flow capacity of the hydrants. The yellow hydrant barrels provide easy visibility and the color coding system provides immediate information concerning the water volume of the hydrants, which would be of help in fighting a fire. Therefore, the applicant would provide a place of employment as safe as that which would be obtained through compliance with § 1910.144(a)(1)(i)(*g*).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Holston Defense Corporation be, and it is hereby, authorized to paint its fire hydrants in accordance with AR 385–30 which specifies that hydrant barrels shall be painted yellow and the caps and nozzles be color coded to indicate flow capacity as follows:

Class A: 1000 gal/minimum or greater-green
Class B: 500–1000 gal/minimum-orange
Class C: less than 500 gal/minimum-red

The change to this color coding system shall be done in the construction of new hydrants and as repainting is needed on old fire hydrants. As soon as possible Holston Defense Corporation shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on November 19, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 14th day of November, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–27054 Filed 11–18–74;8:45 am]

[V–73–38]

POWER SYSTEMS, INC. AND BALDWIN ASSOCIATES

Grant of Variance

I. *Background.* Power Systems, Inc., 1211 E. Tower Road, Schaumburg, Illinois 60172, also operating as Baldwin Associates at the same address made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1926.451(1)(4) and (5) and 1926.552(c). 29 CFR 1926.451(1)(4) and (5) sets requirements for the use of boatswain's chairs; 29 CFR 1926.552(c) sets requirements for personnel hoists. Facilities affected by this application are any of the chimney construction projects supervised by the applicant in various locations around the country. Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on December 17, 1973 (38 FR 34694). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. *Facts.* The applicant is engaged in chimney construction and maintenance work and states that all construction projects are under the direct supervision of its principal offices even though the projects themselves are spread throughout the country.

The applicant states that in constructing a chimney, the elevated working platform or scaffolding is moved upward with the construction. In order for employees to reach such a platform, an access ladder or equivalent safe means of access must be provided as required by 29 CFR 1926.451(a)(13). The applicant states that as the height of the construction increases to 400 feet, or more, it becomes impractical to use an access ladder and another safe means of access must be provided.

There is insufficient room to construct a hoist tower as required by 29 CFR 1926.552(c), on small chimneys. The applicant contends that the hoist would interfere with the design and construction of proper scaffolding. Since the hoist tower must be kept higher than the chimney construction, the frequent extension of the hoist tower involves many difficulties in erection, bracing, and guying. The applicant states that an outside hoist tower would not provide access to the movable working platform or jack scaffold used in constructing a brick lining. Thus, it is argued that the mechanics of tower extension are hazardous because employees must frequently work in high winds when extending the hoist tower above the chimney construction. The use of intermittent work schedules for the separate work crews engaged in extending the hoist tower and erecting the chimney is another practical difficulty involved in the construction of a hoist tower outside a chimney.

The applicant would have to take extra precautions to obtain substantial bracing if a hoist tower is constructed, since both the chimney and the hoist tower would be exposed to wind loads. Also, the bracing of the tower would be interfered with when a brick lining is being constructed. The applicant argues that there is no substitute bracing for the hoist tower which is entirely acceptable.

The applicant contends that in order for a hoisting tower to operate properly, it must be maintained in a plumb position. Thus, the applicant states it is difficult to provide safe access from an outside tower to the chimney over the increasing distances because of the tapering of the chimney toward the top. It is further contended that a hoisting tower may be inoperable unless rigidity is maintained and that it is generally impractical to guy a hoist tower 600 to 1,000 feet, or more, in height.

Accordingly, in lieu of constructing a hoist tower as specified in 29 CFR 1926.552(c), the applicant uses a special workmen's hoist with a hoist machine, safety cage, and safety cables, to transport employees to and from the elevated work platform. Some of the safety features of the special workmen's hoist include safety devices that will grip the safety cables in the event of any failure of the hoisting cable and limit switches that will prevent overrun of the cage at both the top and bottom of the chimney. The applicant uses the safety cage only for hoisting and lowering workmen. The safety cage and safety cables are pulled aside on the foundation when not in use and the hoisting hook is transferred to the bucket for hoisting materials.

In addition, the applicant states that in constructing a chimney or chimney lining of small diameter or when working from a bracket scaffold on the outside of a chimney, it is not practical to use even its own safety cage to transport employees to and from the elevated scaffold. When it is not feasible to use the safety cage, the applicant raises and lowers employees, one at a time, on a boatswain's chair. The boatswain's chair is attached to the hoisting cable of the material hoist. The material bucket would be temporarily disconnected from the hoisting cable. To further insure the safety of the employee in the boatswain's chair, the employee's safety belt is attached to a suitable safety clamp riding a separate lifeline securely attached to the rigging at the top and to a weight at the bottom.

The applicant states that on high chimneys the use of the block and falls with the boatswain's chair, as required by 29 CFR 1926.451(1)(5), is impractical for transporting an employee to and from an elevation of several hundred feet. For this reason the applicant substitutes a material hoist for the block and falls when transporting employeees in the boatswain's chair.

The applicant bases its variance application on many years of past experience in using safe practices in chimney construction. Further, the applicant states that its procedure, using the special workmen's hoist and safety cage, has been approved and accepted for chimney construction work in Indiana, Michigan, New Jersey, Pennsylvania, Wisconsin, and the Province of Ontario, which all have strict codes covering the use of personnel hoists. The applicant has submitted detailed safety specifications for the use of the special workmen's hoist and safety cage, which insure the protection of the safety of employees being transported in the safety cage.

III. *Decision.* 29 CFR 1926.552(c) sets forth the requirements for the construction of hoist towers when used as personnel hoists both inside and outside of a structure. The primary purpose of the standard is to protect the safety of employees being mechanically transported from one elevation to another.

It appears from the application and supporting data that there are special circumstances involved in transporting employees to and from the elevated work platforms and scaffolds in the chimney construction industry. It is found that there are many difficulties and hazards involved in the construction of a hoist tower and in providing a safe means of access from the hoist tower to the elevated work platforms and scaffolds. The construction of a hoist tower as required by 29 CFR 1926.552(c) is not a feasible method for transporting employees because it is not easily adaptable to chimney construction work.

For these reasons, the applicant uses a special workmen's hoist and safety cage to transport employees to and from the elevated work platform and scaffold. The applicant has submitted safety specifications for the special workmen's hoist and safety cage which insure the protection of safety of employees. The safety specifications for the use of the hoist and safety cage have been incorporated in the final order granted below. The specifications include safety features which require limit switches to prevent overrun of the cage at the top and bottom of the chimney and safety devices which will grip the safety cables in the event of failure of the basic hoisting facility.

The applicant has had many years of experience using the special workmen's hoist and safety cage for transporting employees in several States.

29 CFR 1926.451(1)(4) requires an employee using a boatswain's chair to be protected by a safety belt and lifeline in accordance with § 1926.104. This is intended to protect the employee in the event of a fall.

29 CFR 1926.451(1)(5) requires the use of a tackle with a boatswain's chair. The primary purpose of the standard is to provide employees with a method of controlling their ascent while being transported in the boatswain's chair.

During certain stages in the construction of chimneys, it is not always feasible for the applicant to use even its own safety cage to raise and lower employees. For example, when employees perform work from a bracket scaffold on the outside of a chimney, it is not feasible to use the safety cage to transport employees to and from the elevated scaffold. In these instances, the applicant raises and lowers employees, one at a time, in a boatswain's chair. During this procedure, the employee's safety belt is attached to a safety clamp riding a separate lifeline as an additional safety measure. The boatswain's chair is used only for transporting employees. The material bucket, which is used for transporting materials, is removed when the boatswain's chair is used to transport an employee. This procedure is reversed when the transporting of materials is again required.

The block and falls required by 29 CFR 1926.451(1)(5) when using the boatswain's chair, is normally used to ascend heights of up to about 200 feet. Since the employees have to be elevated to heights of several hundred feet or more, the applicant substitutes a material hoist for the block and falls required by the standard.

It appears from the application and supporting data that the procedures used by the applicant for transporting employees are more suited and adapted to the chimney construction industry than the procedures required by the standards. The applicant has furnished information which shows that the special workmen's hoist and safety cage and the boatswain's chair provide employees with a safe means of access to and from the elevated work platforms and scaffolds.

Based on the record in this proceeding, it is determined that Power Systems, Inc. and Baldwin Associates have demonstrated with information, diagrams, and supporting data, which are uncontroverted and credible, that their practices and methods for transporting employees will provide employment and places of employment which are as safe and healthful as those which would prevail if the applicants were to comply with the requirements of 29 CFR 1926.552(c) and 29 CFR 1926.451(1)(4) and (5).

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, section 107 of the Contract Work Hours and Safety Standards Act, as amended (83 Stat. 96 (40 U.S.C. 333)), 29 CFR Part 1905, 29 CFR 1926.2, and Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Power Systems, Inc. and Baldwin Associates be, and it is hereby authorized: (1) To transport personnel to and from the elevated platform, during construction work on chimneys, utilizing a special workmen's hoist, including the hoist machine, safety cage with safety cables on opposite sides, safety devices that will grip the safety cables in the event of any failure of the hoisting cable and limit switches to prevent overrun of the cage at both top and bottom of the chimney, in lieu of complying with 29 CFR 1926.552(c); and (2) to transport personnel one at a time to and from the elevated scaffold during construction work on chimneys or chimney linings of a small diameter or from a bracket scaffold on the outside of a chimney, by utilizing a boatswain's chair attached to the hoisting cable of a material hoist from which the material bucket shall be temporarily disconnected, with the safety belt of the personnel being transported in the boatswain's chair attached to a safety clamp riding a separate lifeline of a ⅜-inch-diameter wire rope securely attached to the rigging at the top and to a weight at the bottom, and to substitute a material hoist for the block and falls when transporting personnel in a boatswain's chair, in lieu of complying with 29 CFR 1926.451(1)(4) and (5); in accordance with the following additional conditions:

(a) *Hoist machine.* (1) The hoist machine shall be a type designated as a portable man hoist.

(2) The hoist machine shall be powered both in the up and down direction and shall be located far enough from the footblock to obtain correct fleet angle or proper spooling on the hoist drum.

(3) The hoist machine shall be powered by an internal combustion engine equipped with a torque converter or equivalent and forward-reverse transmission, or by an electric motor with controls to provide for comparable operation. The hoist machine shall be equipped with the following safety provisions:

(i) There shall be a "deadman" control switch in top of operating lever or in conventional foot-type location which shall stop the hoist immediately if released. No friction gear, clutch mechanism or belt drive shall be used.

(ii) A winding drum not less than 30 times diameter of rope used, and flange diameter approximately 1½ times the drum diameter, with rope not to be spooled closer than 2 inches to edge of flange.

(iii) A line-speed indicator maintained in good working order.

(4) The hoist machine shall be equipped with two (2) independently operated brakes, each capable of holding the load, as follows:

(i) An externally contracting band-type brake mounted directly on the hoist drum. A foot pedal shall be located near the operator's seat for sitdown control.

(ii) An electromagnetic braking device, capable of holding 150 percent of the rated load, which shall be automatically applied upon cessation of power. The electromagnetic brake shall be properly located in the drive between the power source and the drum.

(5) Hoist machine frame shall be a self-supporting, rigid, welded steel frame with skid base. Holding brackets for anchor lines shall be located at corners, as well as legs for anchor bolts.

(6) Hoist machine wiring shall be equipped with terminal blocks for connections with limit switches that are placed at upper and lower end of travel to prevent the bottom of the cage from being taken above the platform level of the top scaffold or below the bottom loading platform. The hoist shall stop automatically if limit switch contact is opened.

(7) All electrical equipment shall be waterproof.

(8) Single lever control for both speed and direction shall be used.

(b) *Operating control.* (1) The operator of the hoist shall be an experienced operator.

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(2) The hoist shall not be operated in excess of 250 ft./min. when carrying personnel.

(3) Signals shall consist of two-way radio or wired intercom between hoist operator, the lower landing, and the upper landing.

(c) *Hoist rope.* (1) The hoisting rope shall be improved plow steel or equivalent quality of nonrotating type or regular lay rope with proper swivel and shall be not less than one-half inch diameter. It shall be attached to the cage by a closed hook or hook with locking swivel safety latch.

(2) Where clip fastening is used, the clips shall be installed in accordance with Table H–20, 29 CFR 1926.251(a)(2), and they shall be installed with "U" of clip on dead end of rope. Spacing, clip-to-clip, shall be six times the diameter of the rope.

(3) The load end of the hoist rope shall be weighted to prevent line run.

(d) *Footblock.* (1) The footblock shall be of construction type of solid single piece bail.

(2) The line diameter of the footblock shall be not less than 24 times the rope diameter.

(3) The change in directions of hoist rope at the footblock shall be approximately 90°.

(e) *Cathead.* (1) The overhead sheave supports shall be securely fastened together by bolts to prevent spreading. The sheaves shall be installed between the supporting members and shall rotate on a fixed shaft or the shaft shall revolve in pillow block bearings.

(2) The sheaves used on cathead shall have a minimum diameter equal to 24 times diameter of rope when travel of rope on the sheaves is approximately 90°. When using ½-inch diameter rope, the corresponding minimum sheave diameter shall be 12 inches.

(f) *Safety cables.* (1) There shall be two steel safety cables suitable for use with safety clamps, as described in paragraph (g)(6), (7), and (8), or equivalent.

(2) One end shall be fastened to overhead support and the bottom end attached to a 100-pound weight with cable grips for adjusting. Safety cables shall be ⅜-inch diameter when used with two-man cage or ½-inch diameter when used with four-man cage.

(3) Clamping device used for fastening to weight must be of type that will not damage the ropes and will not require acute bending of the rope.

(4) Where the cage passes through the platform at top of project, adequate beveled cone shape guard shall be provided at the underside of the working platform.

(g) *Cage.* (1) The cage shall be of welded construction, of two-man, or four-man capacity.

(2) The framework of the cage shall be covered with aluminum expand-X or equivalent covering.

(3) The floor shall be of plywood securely fastened in place, three-fourths of an inch thick for two-man cage, or 1 inch thick for four-man cage.

(4) The roof shall be two thicknesses of ¾-inch plywood or in case of a steeply sloped roof shall be of ⅛-inch aluminum sheet.

(5) The entrance to the cage shall have a hinged gate equipped with a mechanical locking device.

(6) Safety clamps shall be of a type that are portable and can be attached or detached from the lifeline. The clamps shall be fabricated 100 percent of stainless steel, have instant holding action, and a solid self-locking pin, spring loaded, for locking the two parts together.

(7) The safety clamps attached on opposite sides of the cage shall grip the safety cables in case of emergency.

(8) The safety clamps shall operate on the broken rope principle.

(h) *Capacity.* The maximum for the two-man cage shall be 2 men or 400 pounds and for the four-man cage, four men or 800 pounds. A sign stating capacity shall be posted in the cage.

(i) *Emergency escape.* An emergency escape device with accommodations for each man in the cage with a minimum 7/16-inch braided nylon rope or better, long enough to reach the bottom landing from the highest escape point below the upper landing shall be securely attached to the inside of the cage. Not more than one man shall use the escape means at a time.

(j) *Welding.* All welding shall be done by welders in accordance with § 1926.556(b)(5).

(k) When the safety cage is not being used to transport personnel, the safety cage and safety cables shall be pulled aside on the foundation and the hoisting hook transferred to the "bucket" for hoisting materials. The procedure shall be reversed when transporting of workmen is again required.

As soon as possible Power Systems, Inc. and Baldwin Associates shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for the variance.

Effective date. This order shall become effective on November 19, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 14th day of November, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–25052 Filed 11–18–74;8:45 am]

[V–74–56]

QUAKER ALLOY CASTING CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Quaker Alloy Casting Company, South Cherry St., Myerstown, Pennsylvania 17067 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.243(b)(1) Pneumatic powered tools and hose-tool retainer.

The address of the place of employment that will be affected by the application is as follows:

Quaker Alloy Casting Company
South Cherry Street
Myerstown, Pennsylvania 17067

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application the applicant contends that it is providing a place of employment as safe as that required by § 1910.243(b)(1) which requires that a tool retainer be installed on each piece of utilization equipment which, without such a retainer, may eject the tool.

The applicant's operations involve foundry chipping. The work is performed by an operator who holds the hammer in one hand and the chisel in the other hand. The applicant seeks a variance which would allow the operation to be performed without the installation of a tool retainer on the chisel. The applicant contends that the operator's hand performs the function of a tool retainer.

The applicant alleges that the installation of tool retainers on the chisels would be detrimental to the safety and comfort of the employees for the following reasons:

(1) At frequent intervals, the operator must rotate the chisel by partially removing it from the hammer, turning it, and reinserting it. This is done so that the foundry chipping hammer can be held in one position while following the various casting contours, and the operator will not have to position his body in a strained position. Tool retainers would make the frequent rapid tool repositioning impossible without considerable operator inconvenience.

(2) Many small cored openings in castings are partially or wholly closed by a thin layer of metal or flash. Many of these holes are cleaned by driving a drift through the flash into the opening. When the drift penetrates the flash, it frequently becomes wedged and must be driven out completely through the other side of the casting to free it. Since drifts for use with tool retainers are made with a forged collar that is larger than the body of the tool, the operator would then have to assume an awkward position to manually release the drift from the hammer. After release of the drift, he would then have to manually extract the tool by hammering it out in a reverse direction if the hole or passageway was open at its opposite end. If the hole or passage had a blind end, the shank of the drift would have to be grasped and the tool pulled out in some manner.

(3) Because both chipping hammer and chisel are hand held, the added weight of a retainer and the addition of a collar to the chisel would increase operator fatigue. The use of tool retainers would also increase work effort by the operator because he must make frequent changes in the type of tool used for cleaning each casting.

The applicant maintains that no additional hazard will result when hand held chipping hammers are not equipped with retainers because if the chisel is not held firmly into the hammer, very little energy can be transmitted to the chisel.

The applicant also states that individual chipping booths completely enclose each operator thus eliminating the possibility of an employee being struck by a chisel propelled from a pneumatic chipping tool held by another operator.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
15220 Gateway Center
3535 Market Street
Philadelphia, Pennsylvania 19104

U.S. Department of Labor
Occupational Safety and Health Administration
William J. Green, Jr. Federal Building
600 Arch Street
Philadelphia, Pennsylvania 19106

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than December 19, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than December 19, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and muts be addressed to the Office of Compliance Programming at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order that an interim order is necessary to prevent an undue hardship on the applicant and employees pending a decision on the variance. Therefore it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Quaker Alloy Casting Company be, and it is hereby, authorized to operate pneumatic chipping tools without the use of tool retainers provided that the equipment is not used overhead and that the operations are performed by individual operators within enclosed chipping booths.

Quaker Alloy Casting Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of November 19, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C. this 14th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–27053 Filed 11–18–74;8:45 am]

Office of the Secretary

WEISS-LAWRENCE, INC.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of the former workers producing footwear for women at Weiss-Lawrence, Inc., Dover, N.H. (TEA–W–246). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. on or before November 25, 1974.

Signed at Washington, D.C. this 11th day of November 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74–27055 Filed 11–18–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 634]

ASSIGNMENT OF HEARINGS

NOVEMBER 14, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–F 11995, H. P. Welch Co., and Maislin Transport, Ltd.—Purchase (Portion) — The National Transportation Co., now being assigned continued hearing December 5, 1974, at the Offices of the Interstate Commerce Commission, at Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–27060 Filed 11–18–74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

NOVEMBER 14, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of Section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42902—*Joint Water-Rail Container Rates—Showa Line, Ltd.* Filed by Showa Line, Ltd. (No. 9), for itself and interested rail carriers. Rates on general commodities, between ports in Malaysia, Indonesia, and The Republic of Singapore, and rail stations on the U.S. Atlantic and Gulf Seaboard.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–27072 Filed 11–18–74;8:45 am]

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[Notice 190]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 19, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 9, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75455. By order entered November 5, 1974, the Motor Carrier Board approved the transfer to Flatland Freight Distributors, Inc., Long Island City, N.Y., of the operating rights set forth in Certificates Nos. MC–129868 and MC–129868 (Sub-No. 2), issued by the Commission March 20, 1969, and August 21, 1972, respectively, to Sardo's Delivery Service, Inc., Brooklyn, N.Y., authorizing the transportation of musical instruments (except pianos and organs), musical instrument cases, radios, television sets, and tape recorders, between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; and general commodities, with the usual exceptions, between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y. Ronald N. Cobert, 1730 M St., N.W., Washington, D.C. 20036, attorney for transferee and Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368, attorney for transferor.

No. MC–FC–75466. By order of November 5, 1974, the Motor Carrier Board approved the transfer to George Bennett Motor Express, Inc., Macon, Ga., of the operating rights in Permits No. MC–129712, MC–129712 (Sub-No. 1), MC–129712 (Sub-No. 2), MC–129712 (Sub-No. 3), and MC–129712 (Sub-No. 4) issued December 31, 1968, July 13, 1970, October 12, 1970, October 19, 1972, and April 23, 1974, respectively, to George Bennett, doing business as George Bennett Truck Line, Macon, Ga., authorizing the transportation of various commodities from and to specified points and areas in Georgia, Alabama, Florida, North Carolina, South Carolina, Tennessee, Louisiana, Mississippi, Illinois, Kentucky, Missouri, and Arkansas. T. Baldwin Martin, P.O. Box 4987, Macon, Ga. 31208, Attorney for applicants.

No. MC–FC–75485. By order entered 11.6.74, the Motor Carrier Board approved the transfer to Robert S. Lewis & Son-Truckmen, Inc., Wallington, N.J., of the operating rights set forth in Certificate No. MC–74070, issued February 24, 1958, to L. A. S. Delivery Service, Inc., North Bergen, N.J., authorizing the transportation of hardware, house furnishings (other than furniture), electrical appliances, and supplies and paints, between New York, N.Y., on the one hand, and, on the other, points in Orange, Rockland, Sullivan, and Ulster Counties, N.Y., and points in Essex, Bergen, Hudson, Middlesex, Monmouth, Morris, Passaic, and Union Counties, N.J. Edward F. Bowes, 744 Broad St., Newark, N.J. 07102, attorney for applicants.

No. MC–FC–75491. By order entered 11.6.74, the Motor Carrier Board approved the transfer to J. Goldstein Trucking, Inc., Stoughton, Mass., of the operating rights set forth in Certificate No. MC–90954, issued November 10, 1959, to Jacob Goldstein, doing business as J. Goldstein Trucking, Randolph, Mass., authorizing the transportation of store fixtures, in truckloads, from Boston, Mass., to points in New Hampshire and Rhode Island. Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, Mass. 02043.

No. MC–FC–75495. By order of November 8, 1974, the Motor Carrier Board approved the transfer to Heavy Hauling, Inc., Salina, Kan., of the operating rights in Certificate No. MC–52845 issued August 7, 1947, to Ralph J. Raney, doing business as Raney's Truck Service, Cunningham, Kan., authorizing the transportation of various commodities between points in Kansas and Nebraska. Clyde N. Christey, 641 Harrison St., Topeka, Kan., 66603, Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–27061 Filed 11–18–74;8:45 am]

[Notice 152]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 11, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 106943 (Sub-No. 113TA), filed November 1, 1974. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: P. M. Witham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Santa Clause, Ind., as an off-route point in conjunction with applicant's regular routes to and from Evansville, Ind., for 180 days. Supporting shipper: Freight Traffic Services, P.O. Box 221, Gladstone, N.J. 07934. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 133288 (Sub-No. 2TA), filed November 4, 1974. Applicant: HARTLEY OIL COMPANY, INC., P.O. Box 398, Ravenswood, W. Va. 26164. Applicant's representative: John M. Friedman, P.O. Box 426, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crude rubber*, in bulk, on pallets, and *clay*, in bags, on pallets, from Ravenswood, W. Va., to Spencer, W. Va.; (2) *Telephone cable*, on reels, from Ravenswood, W. Va., to points in West Virginia; and (3) *News Print*, on rolls, from Ravenswood, W. Va., to Ravenswood, Spencer, and Wayne, W. Va., for 180 days. Restriction: Restricted to traffic having prior movement by rail and motor carrier, and further restricted to traffic originating at the warehouse facility of the Hartley Oil Company, Inc., located at or near Ravenswood, W. Va. Supporting shippers: The C. & P. Telephone Co. of West Virginia, Rm. 312, 1500 MacCorkle Avenue, Charleston, W. Va. 25312, Att.: W. F. Beavers, Div. Mgr., Bldgs.; Monarch Rubber Company, Inc., 3500 Pulaski Highway, Baltimore, Md. 21224, Robert A. Schwaber, V.P.; Spencer Newspapers, Inc., 341 Main Street, Spencer, W. Va. 25276, Att.: J. Stephens, Treas.; Wayne County News, Inc., 310 Central Avenue, Wayne, W. Va. 25570, Att.: Edward Chedwick, Mgr. Editor; and Star Printing and Publishing Co., Box 10, Ravenswood, W. Va. 26164. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, W. Va. 25301.

No. MC 140322 (Sub-No. 1TA), filed October 31, 1974. Applicant: GEORGE H. CAMPORA, 2435 China Garden Road, Kalama, Wash. 98625. Applicant's representative: George H. Campora (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated poles and piling*, from Longview, Wash., to points in Oregon, for 180 days. Supporting shipper: International Paper Company, Long-Bell Division, P.O. Box 579, Longview, Wash. 98632. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–27059 Filed 11–18–74;8:45 am]

[Notice 153]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 12, 1974.

The following are notices of filing of application; except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10223 (Sub-No. 8 TA), filed November 7, 1974. Applicant: ROBERT E. MACK, CARL BROWN, SOPHIE R. MACK, ESTELLE M. FUNK, AND THERESA R. MOLLOY, doing business as MACK TRANSPORTATION COMPANY, 4330 Torresdale Avenue, Philadelphia, Pa. 19124. Applicant's representative: John W. Frame, 2207 Old Gettysburg Road, Box 626, Camp Hill, Pa. 17011. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by department stores, from the stores and facilities of Bamberger's, Division of R. H. Macy & Company, Inc., at Bloomfield and Edison Township, N.J., to the stores and facilities of Bamberger's Division of R. H. Macy & Company, Inc., at Langhorne, Bucks County, Pa., and Springfield, Delaware County, Pa., for 180 days. Supporting shipper: Frederic L. Fiend, Jr., Vice President-Distribution, Bamberger's, Division of R. H. Macy & Co., Inc. 131 Market Street, Newark, N.J. 07101. Send protests to: F. W. Doyle, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Arch Street, Room 3238, Philadelphia, Pa. 19106.

No. MC 42487 (Sub-No. 828TA), filed November 6, 1974. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: V. R. Odenburg, P.O. Box 5138, Chicago, Ill. 60680. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of the Firestone Tire and Rubber Company at or near Nashville, Tenn., as an off-route point in connection with carrier's presently authorized regular-route operations, for 180 days.

NOTE.—This authority will be off-route to authority in MC 42487 Sub 786. All presently held authority in MC 42487 and Subs thereto will be tacked where presently permissible and traffic will be interlined with carriers and at points where presently permissible. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 43963 (Sub-No. 6TA), filed November 1, 1974. Applicant: CHIEF TRUCK LINES, INC., Joliet Road & 79th Street, Hinsdale, Ill. 60521. Applicant's representative: Hardman, Burke, Kerwin, and Towle, 127 No. Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Centerville, Iowa, to points in Indiana, for 180 days. Supporting shipper: Robert Lockridge, Vice President, Iowa Steel & Wire Company, 1500 West Van Buren, Centerville, Iowa. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 62388 (Sub-No. 6TA), filed November 5, 1974. Applicant: HASTON POORE Route 1, Box 282, Hanceville, Ala. 35077. Applicant's representative: Maurice F. Bishop, 603 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and laminated beams*, from points in Alabama (except Cullman County, Ala.), to points in Indiana, Kentucky, and Ohio, for 180 days. Supporting shippers: Longleaf Industries, Inc., Vredenburgh, Ala. 36481, and Laminated Rafters Corp., doing business as LRC Products, P.O. Box 706, Warsaw, Ind. 46580; Booxer Laminated Beam Co., Inc., 324 Wildwood Road, Anniston, Ala. 36201; and Fred M. Hallman Lbr. Co., Inc., P.O. Box 445, Centreville, Ala. 35042. Send protests to: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616, 2121 Building, Birmingham, Ala. 35203.

No. MC 64932 (Sub-No. 539TA), filed November 4, 1974. Applicant: ROGERS CARTAGE CO., a Corporation, 10735 S. Cicero Avenue, Oak Lawn, Ill. 60453. Applicant's representative: William F. Farrell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paint oil and inedible industrial soybean oil*, in bulk, in tank vehicles, from the plantsite of Spencer Kellogg Division of Textron, Inc., Bellevue, Ohio, to points in Illinois and Indiana, for 180 days. Supporting shipper: Sherman F. Masman, Jr., Traffic Manager, Spencer Kellogg Division of Textron, Inc., 120 Delaware Avenue, Buffalo, N.Y. 14240. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 106674 (Sub-No. 145TA), filed November 4, 1974. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 123, Remington, Ind. 47977. Applicant's representative: Jerry L. Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urea*, in bulk, in dump vehicles, from Mapleton, Ill., to Terre Haute, Ind., for 180 days. Supporting shipper: C. F. Industries, 100 South Wacker, Chicago, Ill. 60606. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 107515 (Sub-No. 963TA), filed November 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bakery products*, from plantsite of Buhler Mills, Inc., at Nashville,

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Tenn., to points in Illinois, Iowa, Michigan, Indiana, West Virginia, Minnesota, Wisconsin, Ohio, Virginia, Delaware, Maryland, District of Columbia, New Jersey, Pennsylvania, New York, Connecticut, and Massachusetts, for 180 days. Supporting shipper: Buhler Mills, Incorporated, Suite 325, 1835 Union Avenue, P.O. Box 4819, Memphis, Tenn. 38104. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 546, 1252 West Peachtree Street, N.W., Atlanta, Ga. 30309.

No. MC 110166 (Sub-No. 20TA), filed November 6, 1974. Applicant: TENNESSEE CAROLINA TRANSPORTATION, INC., P.O. Box 7308, Nashville, Tenn. 37210. Applicant's representative: J. C. Hutcheson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, commodities in bulk, and those requiring special equipment), serving the plant of Firestone Tire and Rubber Co., located in Rutherford County near Nashville, Tenn., as an off-route point in connection with applicant's existing authority to serve Nashville, Tenn., for 180 days.

NOTE.—Said authority to be used in conjunction with all applicant's other authority. Applicant does intend to tack authority here applied for at Nashville, Tenn., in Docket No. MC 110166 and subs thereto. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 111729 (Sub-No. 473TA), filed November 4, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies and advertising material moving therewith* (except motion picture film used primarily for commercial theatre and television exhibition), between Evansville, Ind., on the one hand, and, on the other, points in De Witt, Ford, Kankakee, LaSalle, Livingston, Mason, McHenry, Stark, Will, and Winnebago Counties, Ill.; and points in Champaign, Cuyahoga, Madison, Miami, Union, and Van Wert Counties, Ohio, and (2) *General hardware and tools*, in packages or containers not to exceed 75 pounds each, from Toledo, Ohio, to points in the Lower Peninsula of Michigan (except the Detroit Commercial Zone), for 180 days. Supporting shippers: (1) Smith & Butterfield doing business as Snap Photo, 2800 Lynch Road, Evansville, Ind. 47701, and (2) The Bostwick-Braun Company, Summit & Monroe Streets, Toledo, Ohio 43692. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 119700 (Sub-No. 25TA), filed November 5, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Avenue, Kansas City, Mo. 64125. Applicant's representative: James T. Allinder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and solid waste*, from Kansas City, Mo., to Fond du Lac, Wis., for 180 days. Supporting shipper: Krushette Kleen, Inc., Box 661, Livingston, Mont. 59047. Send protests to: District Supervisor Vernon V. Coble, Interstate Commerce Commission, Bureau of Operations, 600 Federal Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119767 (Sub-No. 322TA), filed November 4, 1974. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, in vehicles equipped with mechanical refrigeration, from Ottawa and Cottage Grove, Ohio, to points in Iowa, Minnesota, South Dakota, and Wisconsin, for 180 days. Supporting shipper: Pacific Gamble Robinson Co., 661 5th Avenue North, Minneapolis, Minn. 55405. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 124160 (Sub-No. 9TA), filed November 1, 1974. Applicant: SAVAGE BROTHERS, INCORPORATED, 601 East Main Street, American Fork, Utah 84003. Applicant's representative: Lon Rodney Kump, 200 Law Building, 333 East Fourth South, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from Scofield-Clear Creek, Utah (Carbon County), area, to the railroad siding at Soldier Summit, Utah (Utah and Wasatch County), restricted to traffic having a subsequent out-of-state movement, for 180 days. Supporting shipper: Valley Camp of Utah, P.O. Box 507, Clear Creek, Utah (Roger A. Markle, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 124221 (Sub-No. 48TA), filed November 1, 1974. Applicant: HOWARD BAER, P.O. Box 27, Morton, Ill. 61550. Applicant's representative: Robert W. Loser, 009 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (not including commodities in bulk), between Cincinnati, Ohio, on the one hand, and, on the other, Atlanta, Ga.; Chicago, Ill.; Detroit, Mich.; Indianapolis, Ind.; Kansas City, Mo.; Kansas City, Kans.; Louisville, Ky.; Memphis and Nashville, Tenn.; Peoria, Ill.; Pittsburgh, Pa.; Salem, Va.; St. Louis, Mo.; and their commercial zones, for 180 days. Restriction: All movements will be restricted to shipments originating at and/or destined to facilities of The Kroger Co. at either the origin or destination points involved. All movements will be under a continuing contract or contracts with The Kroger Co. All shipments originating at Cincinnati, Ohio, will be in mixed shipments with foodstuffs. All movements will be provided in vehicles equipped with mechanical refrigeration. Supporting shipper: The Kroger Co., Kroger Brands Division, 1240 State Avenue, Cincinnati, Ohio 45204. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everette McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 124813 (Sub-No. 119TA), filed November 4, 1974. Applicant: UMTHUN TRUCKING CO., a Corporation, 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: Thomas E. Leahy, Jr., 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Battle Creek, Mich., to Minneapolis, Minn., for 180 days. Supporting shipper: Hegger Company, 2562 East 7th Avenue North, St. Paul, Minn. 55109. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 125375 (Sub-No. 13TA), filed November 4, 1974. Applicant: F. B. GUEST, doing business as F. B. G. TRANSPORT, Route No. 5, Box 298, Covington, Ga. 30209. Applicant's representative: Charles E. Campbell, 310 Fulton Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, for the account of Borden, Inc., from Watertown, N.Y., to the storage facilities of Winn-Dixie Stores, Inc., located at Raleigh, N.C., and Charlotte, N.C., for 180 days. Supporting shipper: Borden, Inc., Dairy & Services Division, Northern Division, 165 N. Washington Avenue, Columbus, Ohio 43216. Send protests to: District Supervisor William L. Scroggs, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree Street, N.W., Room 546, Atlanta, Ga. 30309.

No. MC 128813 (Sub-No. 7TA), filed November 1, 1974. Applicant: C. R. ENGLAND & SONS, INC., 975 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: Daniel E. England, 500 Kennecott Building, Salt Lake City, Utah. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packing houses*, from Ogden, Utah, to Greenville, S.C., for 180 days. Supporting shipper: Wilson & Company, 125 South State Street, Ogden, Utah (Dahl T. Warren, Officer Manager-Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 129876 (Sub-No. 12TA), filed November 1, 1974. Applicant: DUBOIS TRUCKING, INC., P.O. Box 884, Montpelier, Vt. 05602. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank type vehicles, from Boston, Mass., Commercial Zone, to points in Washington, Orange, Lamoille, and Caledonia Counties, Vt., for 180 days. Supporting shipper: F. G. White Co., Inc., Box 6, Whitsfield, Vt. 05673. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 133029 (Sub-No. 7TA), filed November 5, 1974. Applicant: DOEPP CROCKETT HAULING, INCORPORATED, Route 1, Box 92C, Dexter, N. Mex. 88230. Applicant's representative: Edwin E. Piper, Jr., 1115 Simms Building, Albuqueque, N. Mex. 87101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, other than liquid, from plant sites, mine sites, and warehouse facilities of United Salt Corporation, Carlsbad Division, Eddy County, N. Mex., to points in that part of Texas on, west, and north of a line beginning at the Texas-Oklahoma State line and extending south along U.S. Highway 281, to San Antonio, Tex., thence southward along U.S. Highway 81 to the boundary between the United States and Mexico at Laredo, Tex., and points in Arizona, for 180 days. Supporting shipper: United Salt Corporation, Carlsbad Division, P.O. Drawer SS, Carlsbad, N. Mex. 88220. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Building, 517 Gold Avenue, SW., Albuquerque, N. Mex. 87101.

No. MC 136407 (Sub-No. 7TA), filed November 4, 1974. Applicant: COORS TRANSPORTATION COMPANY, a Corporation, 5101 York Street, Denver, Colo. 80216. Applicant's representative: Leslie R. Kehl, Suite 1600, Lincoln Center Bldg., 1600 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and liquid cooking oils*, from the plantsite and facilities of The Clorox Company located at Kansas City, Mo., to Denver and Pueblo, Colo., for 180 days. Supporting shipper: The Clorox Company, 7901 Oakport Street, Oakland, Calif. 94621. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

MC 139280 (Sub-No. 4TA), filed November 5, 1974. Applicant: BUTANE GAS & ELECTRIC CO., INC., 313 North Wood Street, Gilmer, Tex. 75644. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in tank vehicles, (1) between Carthage, Edgewood, Hawkins, Kilgore, Myrtle Springs, Ore City, New London, and Tyler, Tex., on the one hand, and, on the other, Arcadia, La.; (2) between Edgewood, Hawkins, Kilgore, Myrtle Springs, New London, and Ore City, Tex., on the one hand, and, on the other, Lake Charles, La.; and (3) from Carthage and Tyler, Tex., to Lake Charles, La., for 180 days. Supporting shippers: Martin Gas Sales, Inc., P.O. Box 191, Kilgore, Tex. 75662, and Hercules Petroleum Co., Inc., P.O. Box 87, Choudrant, La. 71227. Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 140071 (Sub-No. 2 TA), filed November 4, 1974. Applicant: MID-AMERICA CARTAGE, INC., 814 Busse Highway, Park Ridge, Ill. 60068. Applicant's representative: Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting, padding, and related floor covering materials*, between Chicago, Ill., on the one hand, and, on the other, points in Illinois, for 180 days. Supporting shipper: Clinton H. Hartzell, Director, Distribution Services, Bigelow-Sanford, Inc., P.O. Box 3089, Greenville, S.C. 29602. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 140335 (Sub-No. 1 TA), filed November 7, 1974. Applicant: LARRY TURNER, doing business as T & S TRUCKING CO., Route 3, Nicholls, Ga. 31554. Applicant's representative: Sol H. Proctor, 1107 Blackstone Building, Jacksonville, Fla. 32202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, bark, shavings, and sawdust*, in bulk, from points in Charlton, Ga., to Jacksonville, Fla., for 180 days. Supporting shipper: St. Regis Paper Co., P.O. Box 18020, Jacksonville, Fla. 32229. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 W. Bay Street, Jacksonville, Fla. 32202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27064 Filed 11-18-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications

NOVEMBER 14, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of *verified statements* in opposition with the Interstate Commerce Commission within 30 days from the date of publication. (This procedure is outlined in the Commission's report and order in *Gateway Elimination*, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 29 (Sub-No. 5G), filed June 3, 1974. Applicant: CONTINENTAL VAN LINES, INC., P.O. Box 1748, Monterey, Calif. 93940. Applicant's represntative: Martin J. Rosen, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, trasporting: *Household goods*, as defined by the Commission, (1) between points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. Between points in Utah. Between points in Nevada. The purpose of this filing is to eliminate the gateways at points within 10 miles of Corvallis, Oreg., Nevada, and Utah; (2) between points in Arizona other than Yuma County on the one hand, and, on the other, points in California other than Imperial County and that portion of Riverside County south and east of Interstate Highway 10 from the Arizona border to the intersection of California Highway 195, thence along California Highway 195 to the intersection of California Highway 86, thence south on California 86 to the Imperial County line. The purpose of this filing is to eliminate the gateway at Nevada; (3) between points in Colorado on the one hand, and, on the other, points in Arizona. The purpose of this filing is

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to eliminate the gateway at Utah; (4) between points in Colorado on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateways at Utah, Nevada, and points within 10 miles of Corvallis, Oreg.; (5) between points in Colorado on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateways at Utah and Nevada.

(6) Between points in California on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateways at Nevada and points within 10 miles of Corvallis, Oreg.; (7) between points in Washington on the one hand, and, on the other, points in Nevada. The purpose of this filing is to eliminate the gateway at points within 10 miles of Corvallis, Org.; (8) between points in Washington on the one hand, and, on the other, points in Arizona. The purpose of this filing is to eliminate the gateways at Nevada and points within 10 miles of Corvallis, Oreg.; (9) between points in Wyoming south of the northern most boundaries of the counties of Goshen, Platte, Albany, Carbon, Sweetwater, and Uinta, on the one hand, and, on the other, points in Washington. The purpose of this filing is to eliminate the gateways at Nevada and points within 10 miles of Corvallis, Oreg.; (10) between points in California south of the northern most boundaries of the counties of Sonoma, Lake, Colusa, Butte, Plumas, and Lassen, including points in California within 100 miles of Reno, Nevada, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway at Nevada; (11) between points in Oregon on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway at Nevada.

(12) Between points in Oregon, other than the counties of Baker, Morrow, Umatilla, Union, and Wallowa, on the one hand, and, on the other, points in Montana east of Interstate Highway 15 and U.S. Highway 91 from the Canadian border to the Idaho State line. The purpose of this filing is to eliminate the gateway at Nevada; (13) between points in Wyoming, on the one hand, and, on the other, points in Oregon. The purpose of this filing is to eliminate the gateway at Nevada; (14) between points in Idaho south of the northernmost boundaries of the counties of Bingham, Blaine, Boise, Bonneville, Gem, and Payette, on the one hand, and, on the other, points in Oregon west of a line beginning at U.S. Highway 97 on the California-Oregon State line north to the intersection of Oregon Highway 58, thence west on Oregon Highway 58 to the intersection of Interstate Highway 5, thence north on Interstate Highway 5 to the Washington State line including the counties of Multnomah, Clackamas, Marion, and Lane. The purpose of this filing is to eliminate the gateway at Nevada; (15) between points in Carter, Powder River, Custer, Fallon, Prairie, Dawson, and Wibaux Counties, Mont., on the one hand, and, on the other, points in Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom Counties, Wash.

NOTE.—Washington area could read all points west of the Cascade Range. The purpose of this filing is to eliminate the gateways at Nevada and points within 10 miles of Corvallis, Oreg.

No. MC 36900 (Sub-No. 15G), filed June 4, 1974. Applicant: U.S. VAN LINES, INC., 621 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Robert J. Gallagher, Esq., 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Kansas, and points in and east of North Dakota, South Dakota, Nebraska, Colorado, Oklahoma, and Texas, and (2) between the points named in (1) above on the one hand, and, on the other, points in Montana, Wyoming, Idaho, Oregon, Washington, California, Utah, and Arizona, and (3) between points in Washington, Oregon, and Colorado. The purpose of this filing is to eliminate the gateways of McLean County, Ill., and Sioux Falls, S. Dak.

No. MC 72729 (Sub-No. 7G), filed June 3, 1974 Applicant: GOLDEN GATE VAN LINES, INC., 479 South Airport Blvd., South San Francisco, Calif. 94080. Applicant's representative: Daniel J. Lutkenhouse (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in California, Oregon, Washington, and Idaho. The purpose of this filing is to eliminate the gateway of Walla, Walla, Wash.

No. MC 83835 (Sub-No. 116G), filed June 4, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery, and equipment, materials, supplies, and pipe* incidental to, used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Louisiana, on the one hand, and, on the other, points in Ohio and West Virginia. The purpose of this filing is to eliminate the gateway at Texarkana, Tex.

No. MC 102298 (Sub-No. 170), filed June 4, 1974. Applicant: STAR VAN LINES, INC., 11 Metz Road, Sand City, Calif. 93955. Applicant's representative: Barbara J. Allen, P.O. Box 669, Pacific Grove, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, (1) between points in Alabama, Tennessee, Mississippi, Louisiana, Arkansas, Missouri, Texas, Oklahoma, New Mexico, Colorado, Nebraska, Kansas, Wyoming, South Dakota, Minnesota, Wisconsin, Iowa, Illinois, Indiana, Michigan, Ohio, and Kentucky, on the one hand, and, on the other, points in Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Colorado, Illinois, Iowa, Maryland, Massachusetts, Missouri, New York, and Texas. (2) between points in New Mexico, Oklahoma, Texas, Arkansas, Tennessee, Louisiana, Mississippi, and Alabama, on the one hand, and, on the other, points in Colorado, Wyoming, Nebraska, Kansas, South Dakota, Minnesota, Iowa, Missouri, Illinois, Wisconsin, Michigan, Indiana, Kentucky, and Ohio. The purpose of this filing is to eliminate the gateways at Colorado, Illinois, Iowa, Maryland, Missouri, New York, Texas, and Virginia.

(3) Between points in Florida, Georgia, South Carolina, North Carolina, on the one hand, and, on the other, points in Virginia, Maryland, Delaware, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Maryland and New York. (4) between points in Missouri, Iowa, Minnesota, South Dakota, Nebraska, Kansas, Colorado, and Wyoming, on the one hand, and, on the other, points in Wisconsin, Illinois, Kentucky, Indiana, Michigan, and Ohio. The purpose of this filing is to eliminate the gateways at Colorado, Illinois, Iowa, Maryland, Missouri, New York, Texas, and Virginia. (5) between points in New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Arkansas, Tennessee, Alabama, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateways at Illinois, Iowa, Missouri, and Texas.

No. MC 107012 (Sub-No. 201G), filed June 4, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Terry G. Fewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated, (1) from points in Alabama, to points in Connecticut, Delaware, District of Columbia, Louisiana, Maryland, New Jersey, New York, Pennsylvania, Texas, and West Virginia. The

purpose of this filing is to eliminate the gateways at Arkansas, Kentucky, Milan, Ind., and Newton Falls, Ohio. (2) From points in Arizona, to points in Alabama, Arkansas, Florida, Iowa, Minnesota, and Mississippi. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene Conty, Ark. (3) From points in Arkansas, to points in Alabama, Arizona, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Minnesota, Mississippi, Montana, Nevada, North Dakota, Oregon, South Carolina, South Dakota, Tennessee, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (4) From points in California, to points in Arkansas, Iowa, Minnesota, Mississippi, Louisiana, and Texas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark.

(5) From points in Colorado, to points in Arkansas, Iowa, and Louisiana. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (6) From points in Connecticut, to points in Alabama, Florida, Georgia, Tennessee, and West Virginia, The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Kentucky. (7) From points in Delaware, to points in Florida, Georgia, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (8) From points in the District of Columbia, to points in Georgia, North Carolina, Pennsylvania, and South Carolina. The purpose of this filing is to eliminate the gateway at Tennessee. (9) From points in Florida, to points in Connecticut, Kentucky, Louisiana, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Texas, West Virginia, and Vermont. The purpose of this filing is to eliminate the gateways of Cleveland and Marietta, Ohio, Milan and Evansville, Ind., Kentucky, and Arkansas. (10) From points in Georgia, to points in Connecticut, Kentucky, Louisiana, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia. The purpose of this filing is to eliminate the gateways of Marietta, Ohio, Milan, Ind., Kentucky, and Arkansas. (11) From points in Idaho, to points in Arkansas, Iowa, and Texas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark.

(12) From points in Iowa, to points in Arizona, California, Colorado, Idaho, Kansas, Kentucky, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, and Wyoming. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Arkansas. (13) From points in Kansas, to points in Iowa, Kentucky, Minnesota, Oklahoma, and Texas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, Milan, Ind., Kentucky, Greene County, Ark., and Arkansas. (14) From points in Louisiana, to points in Arizona, Florida, Georgia, Kentucky, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Texas, Virginia, Alabama, and Tennessee. The purpose of this filing is to eliminate the gateways of Evansville, Ind., Kentucky, and Arkansas. (15) From points in Maine, to points in Pennsylvania, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateways of Cleveland, Newton Falls, and Marietta, Ohio, and Kentucky. (16) From points in Maryland, to points in Florida, Georgia, North Carolina, Pennsylvania, and South Carolina. The purpose of this filing is to eliminate the gateways of Newton Falls, Ohio, and Tennessee. (17) From points in Massachusetts, to points in Florida, Georgia, Pennsylvania, and Tennessee. The purpose of this filing is to eliminate the gateways of Newton Falls, Ohio, and Kentucky. (18) From points in Minnesota, to points in Arizona, Arkansas, California, Iowa, Kansas, Louisiana, New Mexico, Nevada, Oklahoma, Oregon, South Carolina, Texas, and Utah. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark.

(19) From points in Mississippi, to points in Arizona, Arkansas, California, Kansas, Kentucky, New Hampshire, New Mexico, Oklahoma, Texas, and Virginia. The purpose of this filing is to eliminate the gateways of Milan, Ind., Kentucky, and Greene County, Ark. (20) From points in Montana, to points in Arkansas, Iowa, and Texas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (21) From points in Nebraska, to points in Iowa. The purpose of this filing is to eliminate the gateway of Burlington, Iowa. (22) From points in Nevada, to points in Arkansas, Iowa, Louisiana, Minnesota, and Texas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (23) From points in New Hampshire, to points in Pennsylvania, Tennessee, and West Virginia. The purpose of this filing is to eliminate the gateways of Cleveland and Newton Falls, Ohio, and Kentucky. (24) From points in New Mexico, to points in Iowa, Louisiana, and Minnesota. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (25) From points in New York, to points in North Carolina, Pennsylvania, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateways of Cleveland and Newton Falls, Ohio, Kentucky, and Tennessee.

(26) From points in North Carolina, to points in Illinois, Indiana, Iowa, Louisiana, Maine, Michigan, Minnesota, New Hampshire, New York, North Dakota, Ohio, South Dakota, Tennessee, and Vermont. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (27) From points in North Dakota, to points in Arkansas, Iowa, and Texas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Arkansas. (28) From points in Oklahoma, to points in California, Colorado, Iowa, Louisiana, Minnesota, Montana, North Dakota, Oregon, Texas, Washington, Wyoming, and Kansas. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (29) From points in Oregon, to points in Arkansas, Iowa, Texas, and Minnesota. The purpose of this filing is to eliminate the gateways of Newton Falls, Ohio, and Tennessee. (30) From points in Pennsylvania, to points in New York, North Carolina, South Carolina, and West Virginia. The purpose of this filing is to eliminate the gateway of Kentucky. (31) From points in Rhode Island, to points in Florida, Georgia, and Tennessee. The purpose of this filing is to eliminate the gateway at Arkansas. (32) From points in South Carolina, to points in Illinois, Iowa, Louisiana, Minnesota, and North Dakota. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark.

(33) From points in South Dakota, to points in Arkansas, Iowa, and Texas. The purpose of this filing is to eliminate the gateway at Arkansas. (34) From points in Texas, to points in Alabama, Arizona, California, Colorado, Florida, Idaho, Iowa, Kansas, Louisiana, Minnesota, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (35) From points in Utah, to points in Arkansas, Iowa, Louisiana, and Minnesota. The purpose of this filing is to eliminate the gateways of Cleveland and Newton Falls, Ohio, and Kentucky. (36) From points in Vermont, to points in Pennsylvania, West Virginia, and North Carolina. The purpose of this filing is to eliminate the gateways of Newton Falls, Ohio, Evansville, Ind., Kentucky and Greene County, Ark. (37) From points in Virginia, to points in Alabama, Kentucky, Louisiana, Mississippi, Pennsylvania, New York, and Tennessee. The purpose of this filing is to eliminate the gateways at Burlington, Iowa, and Greene County, Ark. (38) From points in Washington, to points in Arkansas, Iowa, Kansas, Texas. The purpose of this filing is to eliminate the gateways of Newton Falls and Marietta, Ohio, and Tennessee. (39) From points in West Virginia, to points in Delaware, Maryland, New York, North Carolina, Pennsylvania, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateway at Kentucky. (40) From points in Wisconsin, to points in New Hampshire. The purpose of this filing is to eliminate the gateways of Burlington, Iowa, and Greene County, Ark. (41) From points in Wyoming, to points in Iowa, Arkansas, Louisiana, and Texas. The purpose of this filing is to eliminate gateways of Burlington, Iowa, and Greene County, Ark.

No. MC 107515 (Sub-No. 905G), filed June 4, 1974. Applicant: REFRIGER-

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ATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Candy* (during the season April 15 to September 15, both inclusive of each year), *fresh fruits and vegetables, prepared dough, gelatin salads, salads, dairy products, fresh and cured meats, frozen foods, fresh dressed poultry, and icing paste*, in vehicle equipped with mechanical refrigeration, from Atlanta, Ga., and points in its Commercial Zone, including Doraville, Ga., to points in Virginia. The purpose of this filing is to eliminate the gateway of Charlotte, N.C. (2) *Cheese*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in Texas. The purpose of this filing is to eliminate the gateway of Chattanooga, Tenn.

No. MC 107515 (Sub-No. 911G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Kansas City, Mo., and points in its Commercial Zone, to points in Florida, Virginia, Kentucky, Tennessee, Georgia, Alabama, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateways at Ayden, Rocky Mount, and Charlotte, N.C., New Orleans, La., Florence, Ala., and Gainesville, Ga. (2) *Meats, meat products, meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, from Kansas City Mo., and St. Joseph, Mo., to points in Florida, Tennessee, New York, New Jersey, Pennsylvania, Ohio, West Virginia, Michigan, Wisconsin, and Illinois. The purpose of this filing is to eliminate the gateways at Gatesville and Rocky Mount, N.C., Booneville, Miss., and Louisville, Ky.

No. MC 107515 (Sub-No. 913G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, in vehicles equipped with mechanical refrigeration, from points in Ohio to points in Florida, Georgia, North Carolina, South Carolina, Virginia, Mississippi, Alabama, Louisiana, Oklahoma, Tennessee, Texas, Kentucky, and Arkansas and the Carolinas. The purpose of this filing is to eliminate the gateways at Chicago, Ill., Detroit, Mich., and Louisville, Ky.

No. MC 107515 (Sub-No. 923G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite 275, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, (1) from points in Florida, to points in North Carolina and South Carolina; (2) from points in Alabama, Mississippi, and Tennessee (except Nashville and McMinnville), to North Carolina, South Carolina, and Florida; and (3) between points in Alabama, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways at Doraville and Tifton, Ga., Foley and Florence, Ala., and Ponchatula, La.

No. MC 108835 (Sub-No. 29G), filed June 4, 1974. Applicant: HYMAN FREIGHTWAYS, INC., 3030 Harbor Lane, Minneapolis, Minn. 55441. Applicant's representative: Donald A. Morken, 1000 First National Bank Bldg., Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, high explosives, Classes A and B explosives, and commodities in bulk, commodities requiring special equipment); (1) Between points in Minnesota on and south of U.S. Highway 12, on the one hand, and, on the other, those points in Minnesota in and north of Traverse, Grant, Douglas, Todd, Cass, Crow Wing, Aitkin, St. Louis, Lake, and Cook Counties; and (2) between Watertown, S. Dak., on the one hand, and, points in Minnesota. The purpose of this filing is to eliminate the gateways at Minneapolis, St. Paul, Shakopee, LeSueur, Mankato, Truman, Fairmont, Welcome, Sherburn, Spafford, Jackson, Luverne, St. James, Windom, and Worthington, Minn., Watertown and Wilmot, S. Dak., and points within 15 miles of Wilmot, S. Dak.

No. MC 111940 (Sub-No. 61G), filed June 4, 1974. Applicant: SMITH'S TRUCK LINES, P.O. Box 88, Muncy, Pa. 17756. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood and veneer), between points in Indiana, Virginia, West Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, and Maine (except points north of Maine Highway 25), on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Ohio, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Muncy, Pa., and points within 35 miles of Muncy, Pa.

No. MC 112070 (Sub-No. 9G), filed June 4, 1974. Applicant: GRAY MOVING & STORAGE, INC., 1290 S. Pearl, Denver, Colo. 80210. Applicant's representative: Carlin Hansen (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between points in Arkansas, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, in non-radial movement. The purpose of this filing is to eliminate the gateways of Denver, Colo., and points within 10 miles thereof, Easton, Pa., and points in Pennsylvania within 15 miles of Easton, Enid, Okla., and points within 90 miles thereof, and points in Colorado, Illinois, Iowa, Kansas, Missouri, and northeastern Colorado.

No. MC 123378 (Sub-No. 1G), filed June 4, 1974. Applicant: ASTRO VAN PAK, INC., 623 South Pickett Street, Alexandria, Va. 22304. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York City, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, (1) between points in New York, Pennsylvania, New Jersey, Rhode Island, Connecticut, Delaware, Maryland, North Carolina, Virginia, Ohio, and the District of Columbia; and (2) between the abovenamed points on the one hand, and, on the other, points in Massachusetts, West Virginia, South Carolina, Georgia, Florida, Indiana, Illinois, Kentucky, Michigan, Maine, New Hampshire, Vermont, Alabama, Mississippi, Iowa, and Wisconsin. The purpose of this filing is to eliminate the gateways at Philadelphia, Pa., and points in Virginia.

No. MC 133477 (Sub-No. 3G), filed June 4, 1974. Applicant: ARCHER FREIGHT LINES, INC., P.O. Box 16305, Denver, Colo. 80216. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bulk and service station equipment*, each article to weigh maximum 5,000 pounds, *agricultural commodities, feeds, seeds, feed-lot supplies, building and construction materials and equipment, office and store fixtures* (except those transported as part of a household-goods movement), *telephone and power line materials, and coal*, between points in Colorado, on the one hand, and, on the other, points in Wyoming, South Dakota, Iowa, Kansas, and Nebraska (except North Platte, Ogallala, and Chappell, Nebr.); and (2) *Farm Machines*, minimum 5,000 pounds, (a) between points in Wyoming, on the one hand, and, on the other, points in Nebraska, Iowa, Kansas, and South Dakota; (b) between points in Kansas and Nebraska, on the one hand, and, on the other, points in South Dakota and Iowa; and (c) between points in Kansas, on

the one hand, and, on the other, points in Nebraska; restricted to the transportation between municipalities on U.S. Highway 30 between Cheyenne, Wyo., and North Platte, Nebr., between municipalities on Colorado Highway 113 and Nebraska Highway 19 and U.S. Highway 385 between Sterling, Colo., and Alliance, Nebr., between municipalities on unnumbered highway (formerly portion Nebraska Highway 29) and Nebraska Highway 71 (portion formerly Nebraska Highway 29), between Kimball and Scottsbluff, Nebr., between municipalities on U.S. Highway 26, on Nebraska Highway 92, on U.S. Highway 385 (between Northport, Nebr., and junction unnumbered highway south of Angora, Nebr.), and on unnumbered highway (formerly portion U.S. Highway 26N between junction U.S. Highway 385 south of Angora, Nebr., and junction U.S. Highway 26 north of Bayard, Nebr.), between North Platte, Nebr., and the Wyoming-Nebraska State line, is restricted to livestock, agricultural commodities (other than in containers), and feed-lot supplies; and (3) *Building materials* (except precast and prestressed concrete products and commodities which by reason of size or weight require the use of special equipment), from points in Missouri, to points in Wyoming, South Dakota, Nebraska, Colorado, and Kansas. The purpose of this filing is to eliminate the gateway at Julesburg, Colo., and 75 miles thereof.

No. MC 133973 (Sub-No. 7G), filed June 4, 1974. Applicant: HUNTINGTON MOVING AND STORAGE COMPANY, 1102 Vernon Street, Huntington, W. Va. 25719. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Virginia, West Virginia, Kentucky, Ohio, Pennsylvania, Maryland, and the District of Columbia, on the one hand, and, on the other, points in New Jersey, New York, Tennessee, North Carolina, South Carolina, and Delaware. The purpose of this filing is to eliminate the gateway at Wyoming County, W. Va.

No. MC 43283 (Sub-No. E16), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Massachusetts, New Hampshire, Rhode Island, and Vermont, on the one hand, and, on the other, points in those parts of New Jersey and Pennsylvania, on and south of a line beginning at the mouth of the Maurice River, thence along the Maurice River to Milville, N.J., thence along New Jersey Highway 49 to its junction with New Jersey Highway 77, thence along New Jersey Highway 77 to its junction with U.S. Highway 322, thence along U.S. Highway 322 to its junction with Interstate Highway 76, thence along Interstate Highway 76 to its junction with Pennsylvania Highway 56, thence along Pennsylvania Highway 56 to its junction with U.S. Highway 22, thence along U.S. Highway 22 to the Pennsylvania-West Virginia State line, and Harrisburg, Pa., and Cape May, N.J. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 73688 (Sub-No. E2), (Correction), filed May 14, 1974, published in the FEDERAL REGISTER October 17, 1974. Applicant: SOUTHERN TRUCKING CORP., P.O. Box 7195, Memphis, Tenn. 38107. Applicant's representative: Fred F. Bradley Frankfort, Kent. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural steel, steel piling, iron, steel, culvert, and contractors' equipment, wire, nails, roofing materials, and fabricated metal pipe*, which are iron, steel, or steel products, between points in Tennessee, on the one hand, and, on the other, points in Arkansas. The purpose of this filing is to eliminate the gateway of Memphis, Tenn. The purpose of this republication is to properly reflect the commodities sought to be transported.

No. MC 100666 (Sub-No. E68), filed May 30, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet iron roofing* from points in Arkansas to points in Georgia (except from points in Arkansas on, south, and east of a line from the junction of Arkansas Highway 275 and the Arkansas Louisiana State line along Arkansas Highway 275 to the junction of Arkansas Highway 15, thence along Arkansas Highway 15 (except Warren) to the junction of Arkansas Highway 11, thence along Arkansas Highway 11 to the junction Arkansas Highway 114, thence along Arkansas Highway 114 to the junction of U.S. Highway 65, thence along U.S. Highway 65 to the junction of Arkansas Highway 54, thence along Arkansas Highway 54, thence along Arkansas Highway 54 to the Arkansas River, thence along the Arkansas River to the Mississippi River, on the one hand, and, on the other, points in Georgia on, south, and west of a line from the Georgia-Alabama State line along Georgia Highway 166 to the junction of Georgia Highway 16, thence along Georgia Highway 16 to the junction of U.S. Highway 41, thence along U.S. Highway 41 to the Georgia-Florida State line. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 100666 (Sub-No. E211), filed May 19, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Laminated fiberboard, laminated strawboard, and laminated pulpboard* from Henderson, Ky., (1) to points in Arizona, California, Idaho, Montana, points in Nebraska on and west of U.S. Highway 81, points in Nebraska, Oregon, points in South Dakota on and west of South Dakota Highway 47, and points in Utah and Washington (Pittsburg, Kans.)*, (2) to points in Colorado and New Mexico (Miami, Okla.)*. The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 100666 (Sub-No. E215), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and material* used in the installation of fencing, from Houston, Tex., to points in Kentucky, Crawfordsville, Ind., and St. Louis, Mo. The purpose of this filing is to eliminate the gateway of Greenville, Miss.

No. MC 100666 (Sub-No. E216), filed May 24, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing*, from points in Kansas to points in Kentucky. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 107515 (Sub-No. E131), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Chickasha, Okla., to points in that part of Louisiana east of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 51 to junction Louisiana Highway 18, thence along Louisiana Highway 18 to junction Louisiana Highway 20, thence along Louisiana Highway 20 to junction U.S. Highway 90, thence along U.S. Highway 90 to junction Louisiana Highway 317, thence along Louisiana Highway 317 to East Cote Blanche Bay. The purpose of this filing is to eliminate the gateway of New Orleans, La.

No. MC 107515 (Sub-No. E132), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over

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irregular routes, transporting: *Dairy products*, from Oklahoma City, Okla., to points in that part of Virginia east of Virginia Highway 16. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Ga., and (2) the plant site of Family Foods, Inc., and Ambrosia Chocolate Company, Division of W. R. Grace and Company, at Charlotte, N.C.

No. MC 107515 (Sub-No. E133), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Glassboro and Haddonfield, N.J., to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateways of (1) Jackson, Ohio, and (2) Florence, Ala.

No. MC 107515 (Sub-No. E134), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Seabrook, N.J., to points in that part of Tennessee on and west of a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 411 to Maryville, thence along U.S. Highway 129 to Knoxville, thence along Interstate Highway 75 to the Tennessee-Kentucky State line, that part of Georgia on and west of a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 411 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Georgia Highway 120, thence along Georgia Highway 120 to junction U.S. Highway 278, thence along U.S. Highway 278 to Dallas, thence along Georgia Highway 61 to Columbus, thence along U.S. Alternate Highway 27 to Colquitt, thence along Georgia Highway 91 to the Georgia-Florida State line, in their commercial zones; Marietta, Ga., and its commercial zone, and that part of Florida on and west of Florida Highway 71. The purpose of this filing is to eliminate the gateway of Jackson, Ohio.

No. MC 107515 (Sub-No. E135), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables* from Seabrook, N.J., to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E136), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*,, from Haddonfield and Vineland, N.J., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Texas, that part of Tennessee on and west of U.S. Highway 27, and that part of Florida on and west of a line beginning at the Alabama-Florida State line, thence along Florida Highway 79 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of Jackson or Columbus, Ohio.

No. MC 107515 (Sub-No. E137), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Seabrook, N.J., to points in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas: The purpose of this filing is to eliminate the gateway of Columbus, Ohio.

No. MC 107515 (Sub-No. E138), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, from Seabrook, N.J., to points in South Carolina. The purpose of this filing is to eliminate the gateway of any point in North Carolina.

No. MC 107515 (Sub-No. E139), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats;* (1) from Miami and Coral Gables, Fla., to the District of Columbia, and to points in Pennsylvania, New York, Connecticut, Massachusetts, Maryland, New Jersey, and Delaware (Rocky Mount, N.C.) *; and (2) from Miami and Coral Gables, Fla., to points in Virginia (the plant sites of Family Foods, Inc., and Ambrosia Chocolate Company, Division of W. R. Grace and Company, at Charlotte, N.C. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E140), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in that part of Florida on and east of U.S. Highway 319 to points in Arkansas and Oklahoma. The purpose of this filing is to eliminate the gateways of Florence, Ala., or New Orleans, La.

No. MC 107515 (Sub-No. E142), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from points in Illinois to New York, Syracuse, Buffalo, and Rochester, N.Y., points in Hudson and Essex Counties, N.J., and Connecticut, Rhode Island, and Massachusetts. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 107515 (Sub-No. E143), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats*, from Ocala, Fla., (1) to the District of Columbia, and points in Pennsylvania, New York, Connecticut, Massachusetts, Maryland, New Jersey, and Delaware (Rocky Mount, N.C.) *; and (2) to points in Virginia, the plant sites of Family Foods, Inc., and Ambrosia Chocolate Company, Division of W. R. Grace and Company, at Charlotte, N.C. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E144), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Florida on and east of a line beginning at the Georgia-Florida State line thence along U.S. Highway 319 to junction U.S. Highway 98, thence along U.S. Highway 98 to Gulf of Mexico, to points in Texas. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E145), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats*, in vehicles equipped with mechanical refrigeration: (1) from Orlando and Tampa, Fla., to the District of Columbia and to points in Pennsylvania, New York, Connecticut, Massachusetts, Maryland, New Jersey, and Delaware, (Rocky Mount, N.C.) *, (2) from Orlando and Tampa, Fla., to points in Virginia, (the plantsites of Family Foods, Inc., and Ambrosia Chocolate Company, Division of W. R. Grace and Company, at Charlotte, N.C.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E162), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Pleasant Prairie, Wis. 33050. Applicant's representative: E. Stephen Heisley, 666 Eleventh St., NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh bananas, coconuts, and pineapples*, from West Palm Beach, Port of Palm Beach, and Port Everglades, Fla., to Connecticut, Pennsylvania, New Jersey, New York, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E163), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Florida on and west of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 319 to junction U.S. Highway 98 to the Gulf of Mexico, to points in Oklahoma and Texas. The purpose of this filing is to eliminate the gateway of New Orleans, La.

No. MC 107515 (Sub-No. E164), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO, INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Florida east of U.S. Highway 331, to points in Minnesota, Iowa, Missouri, and Nebraska. The purpose of this filing is to eliminate the gateways of (1) Tifton, Ga., and (2) Florence, Ala.

No. MC 107515 (Sub-No. E270), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30236. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meat* and *meat products*, as described in section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 from Bristol, Va., to points in Rhode Island, New Hampshire, Vermont, Maine, and points in that part of New York on and east of Interstate Highway 87. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E271), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products*, and *meat by-products*, as described in Section A of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Smithfield and Norfolk, Va. (except imported frozen meats from Norfolk), to points in Oklahoma and that part of Arkansas on and west of a line at the Arkansas-Missouri State line thence along U.S. Highway 63 to junction U.S. Highway 61 to the Arkansas-Tennessee State line, restricted against the transportation of traffic originating at points in Florida. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E272), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Richmond, Va., to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E274), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Norfolk (except imported frozen meats), to points in Arkansas, Oklahoma, Texas, and Missouri. The purpose of this filing is to eliminate the gateways of (1) any points in North Carolina and (2) Gainesville, Ga.

No. MC 107515 (Sub-No. E275), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Edible meats, edible meat products, and edible meat by-products, edible dairy products, and edible articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from plant sites and warehouse facilities of Armour & Co., at Washington and Indianapolis, Ind., to points in Louisiana, restricted (a) to the transportation of shipments originating at the plant sites and warehouse facilities utilized by Armour & Co., at Louisville, Ky., and Evansville and Washington, Ind., and the plant sites and warehouse facilities utilized by Wilson Certified Foods, Inc., at Louisville, Ky., and (b) against the transportation of shipments from Evansville and Indianapolis, Ind., to Memphis, Tenn., and points in that part of Tennessee located in the Memphis commercial zone, as defined by the Commission, and to points in Mississippi. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E276), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Lafayette, Ind., to Norfolk, Va. The purpose of this filing is to eliminate the gateway of Ayden, N.C.

No. MC 107515 (Sub-No. E278), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308. Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined in the Appendix to the report in *Modification of Permits—Packinghouse Products*, 46 MCC 23, 48 MCC 628, in vehicles equipped with mechanical refrigeration, (1) from points in Indiana to Buffalo, Syracuse, and Rochester, N.Y., and points in Massachusetts, Connecticut, and Rhode Island; and (2) from points in that part of Indiana on and north of Indiana Highway 26 to Buffalo, Rochester, Syracuse, and New York, N.Y., Hudson and Essex Counties, N.J., and points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 107515 (Sub-No. E281), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen meat* and *meat products*, from Gatisville, N.C., to points in Alabama, Georgia, Florida, Louisiana, and Mississippi. The purpose of this filing is to eliminate the gateway of Goldsboro, N.C.

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No. MC 107515 (Sub-No. E282), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in North Carolina to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 108380 (Sub-No. E4), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Jet fuel*, from Miles City and Glendive, Mont., and points within five miles of each city, to points in Colorado, Nebraska, and those both on and south of U.S. Highway 212 and east of U.S. Highway 83. The purpose of this filing is to eliminate the gateway of Butte County, S. Dak.

No. MC 108380 (Sub-No. E5), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Scottsbluff, Nebr., to points in North Dakota, and those in South Dakota on and north of U.S. Highway 212 and east of the Missouri River. The purpose of this filing is to eliminate the gateway of Butte County, S. Dak.

No. MC 108380 (Sub-No. E6), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Chadron and Scottsbluff, Nebr., to points in Montana. The purpose of this filing is to eliminate the gateway of Pennington County, S. Dak.

No. MC 108380 (Sub-No. E9), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, from points in Pennington County, Wyo., to points in Salt Lake City, Wyo., to points in Salt Lake City, Utah, and Pocatello, Idaho, and points within five miles of each. The purpose of this filing is to eliminate the gateway of Riverton, Wyo.

No. MC 110420 (Sub-No. E146), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Caustic soda*, in bulk, in tank vehicles; (1) from points in Lenawee, Washtenaw, Wayne (except Detroit), St. Clair, Macomb, and Oakland Counties, Mich., to points in Iowa (except Jackson, Clinton, Cedar, Scott, Muscatine, Louisa, Des Moines, Henry, Jefferson, Lee, and Van Buren Counties), Kansas, Minnesota, and that part of Missouri in and north of Buchanan, De Kalk, Daviess, Grundy, Sullivan, Adair, Knox, and Lewis Counties (Milwaukee, Wis.)*; (2) from points in Clare, Isabella, Midland, Bay, and Saginaw Counties, Mich., to points in Arkansas (except Crittenden and Mississippi Counties), Iowa (except Scott, Muscatine, Louisa, Jefferson, Henry, Des Moines, Van Buren, and Lee Counties), that part of Missouri in and west of Schuyler, Adair, Macon, Chariton, Saline, Pettis, Benton, Hickory, Cedar, Dade, Jasper, Newton, and McDonald Counties, Kansas, and Minnesota (except Koochiching, Itasca, St. Louis, Lake, and Cook Counties) (Milwaukee, Wis.)*; and (3) from points in that part of the Lower Peninsula of Michigan in and south of Mason, Lake, Osceola, Clare, Gladwin, and Arenac Counties, to points in Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Milwaukee, Wis., and Ringwood, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E147), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins, varnish*, and *processed oils*, in bulk, in tank vehicles, from Saukville, Wis., to (1) points in Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Ringwood, Ill., to Janesville, Wis.*); (2) points in Nebraska (except Burt, Cuming, Stanton, Madison, Pierce, Wayne, Thurston, Dakota, Dixon, and Cedar Counties (the plant site of Lonza Chemical Company at or near Mapleton, Ill.)*; (3) points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, and the District of Columbia (Carpentersville, Ill.)*; (4) points in Tennessee (the plant site of Mobil Finishes Company, Ind., at Kankakee, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E148), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid adhesives*, in bulk, in tank vehicles, from Philadelphia, Pa., to (1) St. Louis, Mo., (2) Nashville, Tenn., and Shoals, Ind., (3) Denver, Colo., and Sand Springs, Okla. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

No. MC 110420 (Sub-No. E149), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gluconic acid*, in bulk, in tank vehicles, from Newaygo, Mich., (1) to points in South Dakota and North Dakota (except Cavalier, Pembina, Ramsey, Walsh, Nelson, Grand Forks, Griggs, Steele, and Traill Counties) (Clinton, Iowa, and Fremont, Nebr.)*; (2) points in Arkansas and Kansas (Milwaukee, Wis.)*; (3) points in Nebraska (the plant site of Hawkeye Chemical Company at or near Clinton, Iowa)*; (4) points in Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Janesville, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110988 (Sub-No. E4), (Correction), filed May 17, 1974, published in the FEDERAL REGISTER October 16, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil Street, Neenah, Wis. 54596. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid smoke flavoring*, in bulk, having an immediate prior movement by rail or water, from points in that part of Wisconsin on, east, and north of a line beginning at Green Bay, thence along U.S. Highway 41 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to Sheboygan, to points in the United States (except points in Alaska, Hawaii, Wisconsin, Iowa, the Lower Peninsula of Michigan west of U.S. Highway 23, points in that part of Minnesota south of U.S. Highway 2, points in that part of South Dakota east of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 212 to junction U.S. Highway 81, thence along U.S. Highway 81 to the South Dakota-Minnesota State line, points in that part of Missouri north of a line beginning at the Missouri-Kansas State line, thence along U.S. Highway 36 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Missouri-Illinois State line, and points in that part of Indiana north of a line beginning at the Illinois-Indiana State line.

Thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction U.S. Highway 27, thence along U.S. Highway 27 to the Indiana-Michigan State line (Manitowoc, Wis.)*; (6) *Lignin liquor and lignin pitch*, in bulk, in tank vehicles, from Peshtigo, Wis., to points in Texas, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, West Virginia, points in that part of Tennessee on and west of U.S. Highway 27, points in that part of Wyoming on and south of U.S. Highway 26 (plant site of Philadelphia Quartz Co., at Utica, Ill.)*, points in Maryland, Virginia, North Carolina, Georgia, Florida, and points in that part of Tennessee on and east of a line beginning at the Virginia-Tennessee State line, thence along U.S. Highway 11W to junction U.S. Highway 11, thence along U.S. Highway 11 to the Tennessee-Georgia State line (Groos, Mich., and Green Bay, Wis.)*; (9) *Rosin sizing*, in bulk, in tank vehicles, from Neenah, Wis., to points in that part of Minnesota on, north, and west of a line beginning at the Minnesota-North Dakota State line, thence along U.S. Highway 2 to junction U.S. Highway 71, thence along U.S. Highway 71 to International Falls (Groos, Mich.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this partial correction is to correct the description of the excepted Michigan territory in (1) above; to correct the commodity description in (6) above; and to correct the gateway point to be eliminated in (9) above. The remainder of the letter-notice remains as previously published.

No. MC 111545 (Sub-No. E470), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, from points in Georgia, to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and that part of Oklahoma on and north of Interstate Highway 40. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC 111545 (Sub-No. E473), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, the transportation of which, because of size or weight, requires the use of special equipment, between points in that part of Virginia on and south of a line beginning at Virginia Beach, thence along U.S. Highway 60 to Amherst, thence along U.S. Highway 29 to Lynchburg, thence along U.S. Highway 460 to Christiansburg, thence along U.S. Highway 11 to the Tennessee-Virginia State line, on the one hand, and, on the other, points in Illinois, Iowa, Minnesota, Missouri, Nebraska, and Wisconsin. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 111545 (Sub-No. E474), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery*, the transportation of which, because of size or weight, requires, the use of special equipment, between Norfolk, Va., on the one hand, and, on the other, points in Connecticut, Massachusetts, Maine, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, that part of Delaware on and north of a line beginning at the Delaware-Maryland State line, thence along Delaware Highway 300 to junction Delaware Highway 44, thence along Delaware Highway 44 to Pearson, thence along Delaware Highway 8 to Deep Water Point, that part of Maryland on and north of a line beginning at the Maryland-District of Columbia State line, thence along U.S. Highway 50 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction Maryland Highway 300, thence along Maryland Highway 300 to the Maryland-Delaware State line, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in North Carolina.

No. MC 111545 (Sub-No. E486), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, from points in that part of Texas on, east, and south of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 277 to Seymour, thence along U.S. Highway 82 to Lubbock, thence along U.S. Highway 62 to the Texas-New Mexico State line, to points in Indiana, and that part of Illinois on and east of a line beginning at the Illinois-Missouri State line, thence along U.S. Highway 67 to Rock Island, thence along Illinois Highway 2 to Dixon, thence along Illinois Highway 26 to the Illinois-Wisconsin State line. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC 111545 (Sub-No. E488), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, (1) from points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks, to points in that part of Oklahoma on and north of a line beginning at the Oklahoma-Arkansas State line, thence along Highway 64 to Warner, thence along U.S. Highway 266 to Checotah, thence along U.S. Highway 69 to McAlester, thence along Oklahoma Highway 1 to Ada, thence along Oklahoma Highway 19 to junction U.S. Highway 81, thence along U.S. Highway 81 to Chickasha, thence along U.S. Highway 62 to the Oklahoma-Texas State line; (2) from points in Florida to points in that part of Illinois on and west of a line beginning at the Illinois-Kentucky State line, thence along U.S. Highway 45 to Vienna, thence along Illinois Highway 146 to Boles, thence along Illinois Highway 37 to Effingham, thence along U.S. Highway 45 to Kankakee, thence along Illinois Highway 50 to Harvey, thence along U.S. Highway 6 to the Illinois-Indiana State line; and (3) from points in Florida to points in Iowa, Kansas, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC 111545 (Sub-No. E519), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts*, and *supplies* moving in connection therewith, (1) between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and north of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 82 to Tuscaloosa, thence along U.S. Highway 11 to Birmingham, thence along U.S. Highway 280 to the Georgia-Alabama State line, on the one hand, and, on the other, points in that part of Texas on, west, and south of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to Houston, thence along U.S. Highway 75 to Galveston; (2) between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on and north of U.S. Highway 78, on the one hand, and, on the other, points in Texas; and (3) between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on and north of a line beginning at the Alabama-Georgia State line, on the one hand, and, on the other, points in that part of Texas on, south, and west of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 59 to Lufkin, thence along Texas Highway 94 to Trinity.

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Thence along Texas Highway 19 to Huntsville, along Texas Highway 30 to Bryan, thence along Texas Highway 21 to junction U.S. Highway 290, thence along U.S. Highway 290 to Austin, thence along U.S. Highway 183 to Cuero, thence along U.S. Highway 87 to Port Lavaca, restricted in (1), (2), and (3) above to the transportation of commodities which are transported on trailers, and restricted in (1), (2), and (3) above against the transportation of machinery, equipment, material, and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, and picking up thereof. The purpose of this filing is to eliminate the gateway of points in that part of Mississippi within 175 miles of Chattanooga, Tenn.

No. MC 112822 (Sub-No. E198), filed June 5, 1974. Applicant: BRAY LINES INCORPORATED, P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from points in California on and north of Interstate Highway 80, to points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line and extending along U.S. Highway 77 to junction Texas Highway 36, thence along Texas Highway 36 to Freeport. The purpose of this filing is to eliminate the gateway of points in Idaho.

No. MC 113974 (Sub-No. E20), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Granite, requiring the use of special equipment by reason of size or weight, from Quincy and Rockport, Mass., to points in Delaware, Maryland, North Carolina, Pennsylvania, South Carolina, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateways of New York, N.Y., or Newark, N.J.

No. MC 113974 (Sub-No. E23), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel mill products*, which require the use of special equipment by reason of size or weight, (1) from points in Ohio within 125 miles of Wheeling, W. Va., to points in Massachusetts, Connecticut, and Rhode Island; and (2) from points in West Virginia within 125 miles of Wheeling, W. Va. (except points east of a line from the Virginia-West Virginia State line along U.S. Highway 220 to Franklin, thence along U.S. Highway 33 to the junction of West Virginia Highway 33 to Thomas, thence along U.S. Highway 219 to the West Virginia-Maryland State line), to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateway of Aliquippa or Pittsburgh, Pa.

No. MC 113974 (Sub-No. E34), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, power plant equipment, transformers, construction equipment, structural steel, building materials, timbers, wire and cable, poles, boilers, stacks, and tanks*, restricted to transportation requiring special equipment; (1) between points in Massachusetts and Connecticut beginning at the New York-Connecticut State line along Highway 1 to New Haven, Conn., thence along Connecticut Highway 15 via East Hartford to the Connecticut-Massachusetts State line, thence along Massachusetts Highway 15 to U.S. Highway 20, thence along U.S. Highway 20 to junction Massachusetts Highway 12, thence along Massachusetts Highway 12 via Worcester to Fitchburg, thence along Massachusetts Highway 2A (formerly portion Massachusetts Highway 2), to junction Massachusetts Highway 2 near Westminster, Mass., thence along Massachusetts Highway 2 to the Massachusetts-New York State line, on the one hand, and, on the other, points in New York, within 150 miles of Norristown, Pa., and points in Ohio within 125 miles of Wheeling, W. Va. The purpose of this filing is to eliminate the gateway of points in New York within 65 miles of Poughkeepsie, N.Y., and points in Pennsylvania.

No. MC 113974 (Sub-No. E35), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, and steel products*, which because of their size or weight, require specialized handling or rigging, between points in Michigan on and south of Interstate Highway 94, on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of points in Erie County, Ohio, points in Pennsylvania within 125 miles of Wheeling, W. Va., and points in New Jersey and New York within 35 miles of Columbus Circle, New York, N.Y.

No. MC 113974 (Sub-No. E36), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), from points in Ohio to points in Rhode Island, on and north of a line from the Rhode Island-Connecticut State line along Rhode Island Highway 14 to the junction of Rhode Island Highway 117, thence along Rhode Island Highway 117 to the junction of Interstate Highway 95, thence along Interstate Highway 95 to the Rhode Island-Massachusetts State line. The purpose of this filing is to eliminate the gateway of North Madison, Ohio.

No. MC 115162 (Sub-No. E13), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Savannah, Ga., to points in Wisconsin, Minnesota, Nebraska, Missouri, Michigan, Illinois, Indiana, and Iowa. The purpose of this filing is to eliminate the gateway of points in that part of Alabama south of U.S. Highway 80.

No. MC 115162 (Sub-No. E14), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Sumter County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E15), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Waynesboro, Miss., to points in Texas. The purpose of this filing is to eliminate the gateways of points in Mobile and Baldwin Counties, Ala.

No. MC 115162 (Sub-No. E16), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Marion County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E17), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Georgia, to points in that part of Mississippi on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of Bellamy, Ala., and points in Montgomery, Butler, Conecuh, Escambia, Dallas, and Monroe Counties, Ala.

No. MC 115162 (Sub-No. E18), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Jefferson County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E19), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Green County, Ala., on the one hand, and, on the other, points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E21), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except plywood), from points in Florida, to points in that part of Mississippi on, south, and east of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction U.S. Highway 49, thence along U.S. Highway 49 to Gulfport. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 80.

No. MC 123405 (Sub-No. E1), filed June 4, 1974. Applicant: FOOD TRANSPORT, INC., R.D. No. 1, Thomasville, Pa. 17364. Applicants representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from points in Florida to points in Ohio on and east of Interstate Highway 77. (Littlestown, Pa.)* (2) *Canned goods*, from points in Florida to points in New York, New Jersey, Maryland, and the District of Columbia. (Chambersburg, Pa.)* (3) *Canned fruit products*, from Winchester and Strasburg, Va., and Inwood, W. Va., to points in Alabama, Florida, and Georgia (Frederick, Md.)*. (4) *Canned goods*, from Baltimore, Md., to points in Florida, Georgia, and Alabama. (New Freedom, Pa.)* The purpose of this filing is to eliminate the gateways marked with asterisks above.

No. MC 123685 (Sub-No. E1), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Stark County, Ohio, points in Brown Township, Carroll County, Ohio, points in that part of Smith Township, Mahoning County, Ohio, on and west of Bandy Road, and points in that part of Green Township, Summit County, Ohio, on the one hand, and, on the other, points in West Virginia on and west of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of Washington County, Ohio, and Parkersburg, W. Va.

No. MC 123685 (Sub-No. E4), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd., SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building material and clay products*, between points in Wayne County, Ohio (except Wooster, Ohio), on the one hand, and, on the other, points in West Virginia on and west of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of Washington County, Ohio, and Parkersburg, W. Va.

No. MC 123685 (Sub-No. E8), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers*, from points in Ohio to points in New York (except New York City and its commercial zone). The purpose of this filing is to eliminate the gateway of Stark County, Ohio.

No. MC 123685 (Sub-No. E10), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers*, from points in Ohio on and south and west of a line beginning at the Indiana-Ohio border at Willshire, Ohio, thence south on U.S. Highway 33 to Columbus, Ohio, thence south on U.S. Highway 23 to Portsmouth, Ohio, to points in Pennsylvania on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Stark County, Ohio.

No. MC 123685 (Sub-No. E11), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers*, from points in Fairfield, Licking, Muskingum, Delaware, Morrow, Holmes, Coshocton, Guernsey, Tuscarawas, Carroll, and Portage Counties, Ohio, to points in Pennsylvania on and east of U.S. Highway 15 and Interstate Highway 83. The purpose of this filing is to eliminate the gateway of Stark County, Ohio.

No. MC 123685 (Sub-No. E12), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe, and fittings and accessories* for plastic pipe, from points in Erie, Huron, Richland, Ashland, Medina, Lorain, Cuyahoga, Wayne, Stark, Summit, Geauga, Lake, Portage, and those portions of Tuscarawas and Carroll Counties, Ohio, north of Ohio Highway 39 to points in West Virginia, and to points in Washington and Green Counties, Pa. The purpose of this filing is to eliminate the gateway of the facilities of the Olin Corporation located at Canton, Ohio.

No. MC 123685 (Sub-No. E24), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bulk, in dump vehicles, between points in Ohio on and east and north of a line beginning at Lake Erie at Ohio Highway 76, thence proceeding south on Ohio Highway 76 to Wooster, Ohio, thence east on U.S. Highway 30 to Canton, Ohio, thence east and north on U.S. Highway 62 to the Ohio-Pennsylvania border, on the one hand, and, on the other, points in Kentucky and points in Ohio on and south and east of a line beginning at the Ohio-Indiana State line at Interstate

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Highway 70, thence west at Columbus, Ohio, thence south on U.S. Highway 23 to the Ohio-Kentucky State line. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27065 Filed 11-18-74;8:45 am]

[Notice 19]

TEMPORARY AUTHORITY TERMINATION

The temporary authorities granted in the dockets listed below have expired as a result of final action either granting or denying the issuance of a Certificate or Permit in a corresponding application for permanent authority, on the date indicated below:

Temporary authority application	Final action or certificate or permit	Date of action
Red Ball Motor Freight, Inc., MC-2229 Sub-173	MC-2229 Sub-175	Mar. 7, 1974
Burgess & Cook, Inc., MC-4687 Sub-12	MC-4687 Sub-13	Feb. 21, 1974
Best Way Motor Freight, Inc., MC-9269 Subs-14, 16	MC-9269 Sub-15	Mar. 13, 1974
Deaton, Inc., MC-11207 Sub-327	MC-11207 Sub-325	Feb. 27, 1974
J. V. McNicholas Transfer Co., MC-14532 Sub-47	MC-14532 Sub-49	Mar. 7, 1974
Topeka Trucking Co., MC-26396 Subs-58, 60	MC-26396 Sub-70	Feb. 21, 1974
Arkansas-Best Freight System, Inc., MC-29910 Sub-130	MC-29910 Sub-132	Feb. 12, 1974
Shipley Transfer, Inc., MC-30887 Subs-184, 193	MC-30887 Sub-188	Feb. 25, 1974
Krobiin Refrigerated Xpress, Inc., MC-30844 Sub-472	MC-30844 Sub-486	Feb. 14, 1974
Shipley Transfer, Inc., MC-30887 Subs-190, 199	MC-30887 Sub-191	Feb. 20, 1974
Wells Fargo Armored Service Corp., MC-35807 Sub-33	MC-35807 Sub-35	Feb. 28, 1974
Consolidated Freightways Corp. of Delaware, MC-42487 Sub-802	MC-42487 Sub-805	Feb. 21, 1974
Cassens Transport Co., MC-42537 Sub-46	MC-42537 Sub-47	Do.
Interstate Dress Carriers, Inc., MC-50307 Sub-63	MC-50307 Sub-64	Mar. 11, 1974
Arco Auto Carriers, Inc., MC-52657 Sub-702	MC-52657 Sub-699	Feb. 27, 1974
Pauls Trucking Corp., MC-59640 Sub-32	MC-59640 Sub-35	Mar. 13, 1974
Associated Truck Lines, Inc., MC-69833 Sub-108	MC-69833 Sub-109	Mar. 11, 1974
Jackson Trucking, Inc., MC-71883 Sub-7	MC-71883 Sub-6	Feb. 28, 1974
Wabash Valley Trucking, Inc., MC-88220 Sub-21	MC-88220 Sub-22	Feb. 21, 1974
W. W. Gless d.b.a. Gless Bros., MC-93840 Sub-12	MC-93840 Sub-11	Jan. 31, 1974
Bowman Transportation Inc., MC-94201 Sub-112	MC-94201 Sub-114	Feb. 20, 1974
Transit Homes, Inc., MC-94350 Sub-323	MC-94350 Sub-329	Feb. 21, 1974
Transit Homes, Inc., MC-94350 Sub-332	MC-94350 Sub-334	Feb. 20, 1974
Bruce Cartage, Inc., MC-98154 Sub-12	MC-98154 Sub-13	Feb. 11, 1974
Melton Truck Lines, Inc., MC-100666 Sub-248	MC-100666 Sub-245	Mar. 13, 1974
Morgan Drive Away, Inc., MC-103993 Sub-737	MC-103993 Sub-744	Feb. 1, 1974
Transport, Inc., MC-104983 Sub-31	MC-104983 Sub-32	Feb. 20, 1974
National Trailer Convoy, Inc., MC-106398 Sub-635	MC-106398 Sub-644	Feb. 12, 1974
Schilli Motor Lines, Inc., MC-106674 Sub-103	MC-106674 Sub-106	Mar. 7, 1974
Miller Transporters, Inc., MC-107002 Sub-431	MC-107002 Sub-434	Mar. 13, 1974
Ruan Transport Corp., MC-107496 Subs-862, 863	MC-107496 Sub-872	Feb. 5, 1974
Refrigerated Transport Co., Inc., MC-107515 Sub-860	MC-107515 Sub-832	Mar. 11, 1974

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-26844 Filed 11-18-74;8:45 am]

[S.O. No. 1179]

TEXAS AND PACIFIC RAILWAY CO.

Order To Operate Trains of National Railroad Passenger Corporation (Amtrak)

AUGUST 12, 1974.

At a session of the Interstate Commerce Commission, Division 3, acting as an Appellate Division, held at its office in Washington, D.C., on the 1st day of August, 1974.

Upon consideration of the record in the above-entitled proceeding, including the petition of the Texas and Pacific Railway Company, filed April 5, 1974, for reconsideration and revocation or modification of the Service Order of the Commission, Division 3, served March 21, 1974, and the reply thereto by the National Railroad Passenger Corporation, filed April 25, 1974; and

It appearing, That the National Railroad Passenger Corporation (Amtrak) filed an application on March 20, 1974, seeking the issuance by this Commission of an emergency order for the provision of tracks and other facilities by the Texas and Pacific Railway Company (T&P); and that this application involved this Commission's authority pursuant to section 402 of the Railroad Passenger Service Act of 1970, as amended, 45 U.S.C. 562;

It further appearing, That by Service Order No. 1179, the Commission, Division 3, on March 21, 1974, found that an emergency situation did exist and ordered T&P to operate trains of Amtrak between a connection with the Missouri and Pacific Railroad Company at Texarkana, Arkansas, and a connection with The Atchison, Topeka and Santa Fe Railway, Co., at Fort Worth, Texas; and that this order also required the provision by the T&P of employees, tracks and other facilities necessary for the operation of the trains over the subject route;

It further appearing, That in its petition, T&P primarily maintains that the issuance of the subject service order was improper and it requests the present revocation of said service order; and that in its reply, Amtrak maintains that the service order was correct in all material respects and requests the continuance of said service order;

It further appearing, That petitioner also seeks a modification of the service order to provide for a determination of matters relating to just and reasonable compensation and indemnification against casualty risk for the operation of trains pursuant to the subject order; that the Commission's service order provides in paragraph (b) thereof, for the retroactive application to the first day of operation of the terms of an agreement to be reached by the parties *in futuro;* and that due to the present inability of the parties to reach an agreement, matters of compensation and indemnification for the operation of trains pursuant to this Service Order should be promptly determined by this Commission; and

It further appearing, That at the time of issuance of the subject Service Order, a situation existed warranting the Commission's action herein; that at this juncture the continuance of Service Order No. 1179 is no longer warranted; and that subject to the conditions set forth below, said Service Order should be vacated; and good cause appearing therefor:

It is ordered, That the petition for reconsideration insofar as it seeks the revocation of Service Order No. 1179, be, and it is hereby, granted; *provided, however,* That the National Railroad Passenger Corporation be permitted to refile its application in this proceeding within 30 days of the service date of this order, under section 402(a) of the Rail Passenger Service Act of 1970, as amended, 45 U.S.C. 562(a); and that in the event of such refiling, Service Order No. 1179 shall be continued pending disposition of the application submitted pursuant to section 402(a) of the above-mentioned Act.

It is further ordered, That in the event the National Railroad Passenger Corporation does not submit an application as provided above, and in the event the corporation does not possess any other means to continue service of the subject trains, then the Corporation, upon the thirtieth day subsequent to the service date of this order, shall post notice to the public of the discontinuance of the subject trains in each affected station and each train, which notice shall state that the subject trains shall be discontinued upon the sixtieth day subsequent to the service date of this order.

It is further ordered, That the petition for reconsideration, insofar as it seeks modification of said Service Order, paragraph (b) thereof, to provide for a present determination of matters concerning compensation and indemnification for the operation of trains by the Texas and Pacific Railway Company for the National Railroad Passenger Corporation pursuant to the directives of Service Order No. 1179, be, and it is hereby, granted; and that this proceeding be, and it is hereby, reopened and set for further hearing on the modified procedure for determination of these compensation and indemnification issues.

It is further ordered, That on or before 20 days from the date of service hereof be, and it is hereby, fixed as the date upon which the Texas and Pacific Railway Company may submit its verified statement on matters relating to just and reasonable compensation and indemnification against casualty risk for the operation of the subject trains pursuant to Service Order No. 1179; that the National Railroad Passenger Corporation may file a verified statement in reply within 30 days from the date fixed for the filing of petitioner's vertified statement; and that within 10 days thereafter, the Texas and Pacific Railway Company may file its statement in reply.

It is further ordered, That a copy of each statement filed with the Commission shall be served on all parties of record, and the statements filed with the Commission shall so certify.

It is further ordered, That except to the extent granted herein, the petition for reconsideration and revocation or modification be, and it is hereby, denied.

And it is further ordered, That this order shall be effective on the date it is served.

By the Commission, Division 3, acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD, *Secretary.*

NOTE: This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

[FR Doc.74-27063 Filed 11-18-74;8:45 am]

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federal register

TUESDAY, NOVEMBER 19, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 224

PART II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Low Rent
Public Housing

■

HOUSING ASSISTANCE PAYMENTS PROGRAM— NEW CONSTRUCTION

Proposed Rules

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Low Rent Public Housing

[24 CFR Part 1273]

[Docket No. R-74-304]

HOUSING ASSISTANCE PAYMENTS PROGRAM—NEW CONSTRUCTION

Notice of Proposed Rulemaking

On April 22, 1974, the Department of Housing and Urban Development ("HUD") published in the FEDERAL REGISTER (39 FR 14301) and made effective final regulations for the Housing Assistance Payments Program—New Construction under section 23 of the U.S. Housing Act of 1937 ("USHAct"). On August 22, 1974, the President of the United States signed the Housing and Community Development Act of 1974 ("HCD Act"), which section 201(a) amending the USHAct. Among these amendments is a new section 8 which supplants section 23 of the old USHAct. On October 8, 1974, HUD published a notice in the FEDERAL REGISTER (39 FR 36128) which stated that section 201(b) of the HCD Act requires section 8 of the revised USHAct to be made effective not later than January 1, 1975, and which provided interim procedures for projects under section 23 of the old USHAct.

Notice is hereby given that HUD proposes to amend 24 CFR, Chapter VIII (the title of which Chapter is being changed to read "Low Income Housing") by adding a new Part 1273 in order to make effective and to implement the provisions of section 8 of the revised USH Act. The proposed regulations set forth the essential elements of the Housing Assistance Payments Program-New Construction and include, among other things, the roles and responsibilities of HUD, public housing agencies, developers, owners, and eligible lower- and very low-income families; the basis for determining the amount of housing assistance payments; and the prescribed forms of contracts.

Interested parties are invited to submit written comments, suggestions and objections regarding the proposed amendment by December 4, 1974, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material will be considered before adoption of the final regulations. A copy of each communication will be available for public inspection during regular business hours at the above address.

In order to allow time for consideration of comments and issuance of final regulations by January 1, 1975, the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner has determined that the public interest would best be served by allowing for a 15-day comment period.

It is therefore proposed that 24 CFR Part 1273, be added to read as follows:

Subpart A—Applicability, Scope and Basic Policies

Sec.
1273.101 Applicability and scope.
1273.102 Definitions.
1273.103 Basic policies.

Subpart B—Project Development and Operation

1273.201 Allocations of contract authority to field offices.
1273.202 Program mix (new construction, substantial rehabilitation, existing housing).
1273.203 Invitations for preliminary proposals.
1273.204 Contents of developer's packet.
1273.205 Contents of preliminary proposal.
1273.206 Submission of preliminary proposals.
1273.207 Proposals involving HUD–FHA mortgage insurance.
1273.208 Evaluation of preliminary proposals.
1273.209 Final proposals.
1273.210 Evaluation of final proposals.
1273.211 Owner's acceptance of notification and submission of architect's certification.
1273.212 Annual contributions contract and agreement (private-owner/PHA projects).
1273.213 Submission of estimates of required annual contributions (private-owner/PHA projects).
1273.214 Preparation and execution of agreement (private-owner and PHA-owner projects).
1273.215 Construction period.
1273.216 Project completion.
1273.217 Execution of housing assistance payments contract.
1273.218 Project operation.
1273.219 HUD review of contract compliance.
1273.220 PHA reporting requirements. [Reserved]

Appendices

NOTE: Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD New Construction Handbook.

I. Agreement to enter into housing assistance payments contract-private-owner or PHA-owner project.
II. Housing assistance payments contract-private-owner or PHA-owner project.
III. Annual contributions contract-private-owner/PHA project. [To be published for comment at a later date. The Annual Contributions Contract will conform to the provisions of Subparts A and B and Appendices IV and V of these regulations.]
IV. Agreement to enter into housing assistance payments contract-private-owner/PHA project.
V. Housing assistance payments contract-private-owner/PHA project.

AUTHORITY: Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); section 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b)); section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart A—Applicability, Scope and Basic Policies

§ 1273.101 Applicability and scope.

(a) The policies and procedures contained herein are applicable to the making of housing assistance payments on behalf of Eligible Families leasing newly constructed housing pursuant to the provisions of section 8 of the U.S. Housing Act of 1937 ("Act").

(b) For the purpose of this part, "new construction" shall mean newly constructed housing for which, prior to the start of construction, an Agreement to Enter into Housing Assistance Payments Contract is executed between the Owner and the Department of Housing and Urban Development ("HUD") or the Public Housing Agency.

(c) Conversions of section 23 projects to the section 8 program will be permitted where appropriate, provided that all parties (including HUD) agree to the terms and conditions.

§ 1273.102 Definitions.

(a) *Agreement to enter into housing assistance payments contract ("Agreement").* (1) In the case of a Private-Owner Project or a PHA-Owner Project, a written agreement between the owner and HUD that, upon satisfactory completion of the housing in accordance with the HUD-approved final proposal, HUD will enter into a Housing Assistance Payments Contract with the owner. (See Appendix I.)

(2) In the case of a Private-Owner/PHA Project, a written agreement between the private owner and the PHA, approved by HUD, that, upon satisfactory completion of the housing in accordance with the HUD-approved final proposal, the PHA will enter into a Housing Assistance Payments Contract with the private owner. (See Appendix IV.)

(b) *Allowance for utilities and other services ("allowance").* An amount determined by HUD as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the family. In the case of a proposal under which the families must pay directly for one or more utilities or services, the amount of the allowance is deducted from the gross rent in determining the contract rent and is included in the gross family contribution.

(c) *Annual contributions contract ("ACC").* In the case of a Private-Owner/PHA Project, a written agreement between HUD and the PHA to provide annual contributions to the PHA with respect to the project. (See Appendix III.)

(d) *Contract rent.* The rent payable to the owner under his contract including the portion of the rent payable by the family. In the case of a cooperative, the term "contract rent" means charges under the occupancy agreements between the members and the cooperative.

(e) *Decent, safe, and sanitary.* Housing is decent, safe, and sanitary at project completion if the dwelling units and related facilities are accepted by HUD as meeting the requirements of the Agreement. (See § 1273.216.) Housing continues to be decent, safe, and sanitary if it is being maintained in a condition substantially the same as that on acceptance, in all pertinent respects, including the following:

(1) Condition of the exterior (including the grounds) and the interior of the structure and of the housing unit;

(2) Operating condition of sanitary facilities and of solid and liquid waste disposal facilities;

(3) Operating condition of kitchen facilities, including range and refrigerator, sink, and space for storage of food and for storage of utensils and dishes;

(4) Operating condition of heating, lighting and ventilating equipment and/or other facilities; and

(5) Size, number of rooms, and furnishability in relation to the size and type of family in occupancy in accordance with any applicable State or local codes.

(f) *Eligible family ("family").* A family which is lower-income and which meets the other requirements of the Act and this part. The term family includes an elderly handicapped, or displaced person and the remaining member of a tenant family, all as defined in section 3(2) of the Act. A family's eligibility for housing assistance payments may continue until its gross family contribution equals or exceeds the gross rent for the dwelling unitt it occupies, but the termination of housing assistance payments at such point shall not affect the family's other rights under its lease.

(g) *Fair market rent.* (1) The rent, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately developed and owned, newly constructed rental housing of modest (non-luxury) nature with suitable amenities and sound architectural design meeting the objectives of the HUD minimum property standards.

(2) Separate far market rents will be established for dwelling units by various sizes (number of bedrooms) and types (e.g., elevator, row, detached, mobile homes; housing designed for the elderly or handicapped shall be a separate type for this purpose).

(3) The fair market rents will be published in the FEDERAL REGISTER, and, in order to allow for the period of construction, computation of the published fair market rents will include HUD's estimate of anticipated rent increases during an appropriate future period as stated in the publication. Accordingly, for any given project for which the scheduled construction time will be less than such future period, an appropriate reduction will be made in determining the approvable contract rent.

(4) The fair market rent, minus the amount of any applicable allowance for utilities and other services payable directly by the family, shall be the maximum amount that can be approved as the contract rent, except that the maximum approvable amount may be lower as stated in paragraph (g)(3) of this section and may be higher or lower as provided in § 1273.103(f).

(h) *Final proposal.* A proposal to provide newly constructed housing submitted in response to a HUD notification of election of preliminary proposal. (See §§ 1273.204 and 1273.208–1273.210.)

(i) *Gross family contribution.* The portion of the gross rent payable by an eligible family, i.e., the difference between the amount of the housing assistance payment payable on behalf of the family and the gross rent.

(j) *Gross rent.* The contract rent plus any allowance for utilities and other services.

(k) *HCD Act.* The Housing and Community Development Act of 1974.

(l) *Housing Assistance Payments Contract ("Contract").* (1) In the case of a Private-Owner Project or a PHA-Owner Project, a written contract between the owner and HUD for the purpose of providing housing assistance payments to the owner on behalf of eligible families. (See Appendix II.)

(2) In the case of a Private-Owner/PHA Project, a written contract between the private owner and the PHA, approved by HUD, for the purpose of providing housing assistance payments to the owner on behalf of eligible families. (See Appendix V.)

(m) *Housing assistance payments on behalf of eligible family.* The amount of housing assistance payment on behalf of an eligible family determined in accordance with schedules and criteria established by HUD. (See § 1273.103(t).)

(n) *Income.* Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

(o) *Invitation for preliminary proposals—new construction ("invitation for preliminary proposals").* A notice published by HUD inviting the submission of preliminary proposals in accordance with this part. (See § 1273.203.)

(p) *Lease.* A written agreement between an owner and an eligible family for the leasing of a decent, safe, and sanitary dwelling unit in accordance with the applicable contract, which agreement is in compliance with the provisions of this part.

(q) *Local housing assistance plan.* A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan approved by the Secretary as meeting the requirements of section 213 of that Act.

(r) *Lower-income family.* A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low incomes, or other factors.

(s) *New communities.* New community developments approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

(t) *Owner.* Any private person or entity, including a cooperative, or a PHA, having the legal right to lease or sublease newly constructed dwelling units.

(u) *PHA-Owner proposal and PHA-Owner Project.* A proposal for a project under this part (and the resulting project) to be owned by a PHA throughout the term of the agreement and contract where such agreement and contract are to be entered into between the PHA and HUD.

(v) *Preliminary proposal.* A proposal to provide newly constructed housing submitted in response to a HUD invitation for preliminary proposals. (See §§ 1273.203–1273.208.)

(w) *Private-Owner/PHA proposal and Private-Owner/PHA Project.* A proposal for a project under this part (and the resulting project) to be owned by a private owner throughout the term of the agreement and contract where such agreement and contract are to be entered into between the private owner and the PHA pursuant to an ACC between the PHA and HUD.

(x) *Private-Owner proposal and Private-Owner Project.* A proposal for a project under this Part (and the resulting project) to be owned by a private owner throughout the term of the agreement and contract where such agreement and contract are to be entered into between the private owner and HUD.

(y) *Public Housing Agency ("PHA").* Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income families.

(z) *Secretary.* The Secretary of Housing and Urban Development.

(aa) *Very low-income family.* A family whose income does not exceed 50 percent of the median income for the area, as determined by HUD, with adjustments for smaller or larger families.

§ 1273.103 Basic policies.

(a) *Limitation on use of newly constructed housing.* (1) No proposal for housing to be constructed may be approved by HUD unless HUD requirements implementing the provisions of section 213(a), (b), and (c) of the HCD Act regarding review by the unit of general local government have been satisfied.

(2) New construction projects shall be permitted only where: (i) HUD determines that there is not and there is not likely soon to be an adequate supply of existing housing which, with the aid of housing assistance payments provided under the section 8 Housing Assistance Payments Program—Existing Housing, can meet the needs of eligible families, or (ii) the proposed project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary including priorities for new communities.

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(b) *Preference for certain types of projects.* (1) *20 Percent projects.* Assistance payments may be made with respect to up to 100 percent of the dwelling units in any structure or project. However, within the category of projects that are not designed for use primarily by the elderly and the handicapped and which involve the construction of more than 50 units, a preference will be provided for projects in which housing assistance will be limited to 20 percent or less of the units. (See § 1273.208(e)(1).)

(2) *Three or more bedroom projects.* Where the need for dwelling units of three or more bedroom size ("large dwelling units") is shown, a preference will be provided for projects of which a substantial proportion will comprise large dwelling units, but without undue concentration of such large dwelling units in any one location. (See § 1273.208(e)(2).) Each HUD field office shall be responsible for selecting, to the extent feasible, projects which in the aggregate will achieve the goal of providing a number of large dwelling units equal to at least 20 percent of all the assisted units approved under the section 8 housing assistance payments program.

(c) *Maximum total annual housing assistance payments (Private Owner or PHA-Owner Projects).* (1) The maximum total annual housing assistance payments that may be committed under the contract shall be the total of the gross rents for all the contract units in the project.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum contract commitment per year exceeds amounts paid under the contract for any year. This account will be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(i) Increases in housing assistance payments; and

(ii) Other costs specifically authorized or approved by the Secretary.

Any balance in this account after payment of the last housing assistance payment shall be applied by HUD as a receipt under section 10(b) of the Act.

(d) *Annual contributions (Private-Owner/PHA Projects).* (1) The maximum total annual contributions that may be contracted for in the ACC for a project shall be: (i) The total of the gross rents for all the contract units in the project plus (ii) a fee for the regular costs of PHA administration. HUD-approved preliminary costs for administration (including administrative costs in connection with PHA activities related to relocation of occupants) shall be payable out of this total.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum ACC commitment per year exceeds amounts paid under the ACC for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(i) Increases in housing assistance payments;

(ii) Increases in the amount of the fee for regular PHA costs of administration; and

(iii) Other costs specifically authorized or approved by the Secretary.

Any balance in this account after payment of the last annual contribution for the project shall be applied by HUD as a receipt under section 10(b) of the Act.

(e) *Housing assistance payments to owners.* (1) *General.* Housing assistance payments shall be paid to owners for units under lease by eligible families, in accordance with the contract and as provided in this paragraph (e). The housing assistance payment will pay the owner the difference between the contract rent and the portion of said rent payable by the family as determined in accordance with the HUD-established schedules and criteria.

(2) *Vacancies during rent-up.* If a contract unit is not leased as of the effective date of the contract, the owner shall be entitled to housing assistance payments in the amount of 70 percent of the contract rent for the unit for a vacancy period not exceeding 60 days from the effective date of the contract, provided that the owner (i) commenced marketing and otherwise complied with § 1273.215, (ii) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (iii) has not rejected any eligible applicant, except for good cause acceptable to HUD or the PHA, as the case may be.

(3) *Vacancies after rent-up.* (i) If an eligible family vacates its unit (other than as a result of action by the owner which is in violation of the lease or the contract or any applicable law), the owner shall receive housing assistance payments in the amount of 70 percent of the contract rent for a vacancy period not exceeding 60 days; provided, however, that if the owner collects any of the family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the contract rent, such excess shall be payable to HUD or as HUD may direct. (See also § 1273.103(r).) The owner shall not be entitled to any payment under this paragraph (e)(3)(i) unless he: (A) Immediately upon learning of the vacancy, has notified HUD or the PHA, as the case may be, of the vacancy or prospective vacancy and the reasons for the vacancy, and (B) has taken and continues to take the actions specified in paragraphs (e)(2)(ii) and (e)(2)(iii) of this section.

(ii) If the owner proposes to evict an eligible family, he shall not be entitled to any payment under paragraph (e)(3)(i) of this section unless the request for such payment is supported by a certification that (A) he has given such family a written notice of the proposed eviction, stating the grounds and advising the family that it has 10 days within which to present its objections to the owner in writing or in person and (B) the proposed eviction is not in violation of the lease or the contract or any applicable law.

(4) The owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph (e) to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 1273.103(r).)

(f) *Initial maximum rents to owners.* (1) The sum of the initial contract rents and any allowances for utilities and other services shall not exceed the fair market rents for newly constructed rental housing, except that such fair market rents may be exceeded (i) by up to 10 percent if the field office director determines that such higher rents meet the test of reasonableness in paragraph (f)(2) of this section and are necessary to the implementation of a local housing assistance plan, if any, or (ii) by up to 20 percent, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a local housing assistance plan.

(2) In any case, the contract rents as proposed must be determined by HUD to be reasonable in relation to the quality, location, amenities, methods and terms of financing and management and maintenance services of the project, and proposed rents shall be subject to reduction if they are found to be higher than such reasonable rents.

(3) In addition, for projects financed with HUD-insured mortgages, initial contract rents for units assisted under this contract shall not exceed the rents approved by HUD in connection with the mortgage insurance for such projects.

(g) *Term of housing assistance payments contract.* (1) A contract may be for an initial term of not more than five years, with an option solely in the owner to renew for additional terms of not more than five years each, provided that the total contract term, including renewals, shall not exceed 20 years for any dwelling unit.

(2) In the case of a contract under which housing assistance payments are made with respect to a project owned by, or financed by a loan or loan guarantee from, a State or local agency, the total contract term may not exceed 40 years for any dwelling unit.

(3) In the case of mobile homes, the initial contract term for any mobile home shall be for not more than five years, subject to renewal for additional terms of not more than five years each, as may be mutually agreed upon by the owner and HUD or, in the case of a Private-Owner/PHA Project, by the owner and the PHA with the approval of HUD; provided that the total contract term for any mobile home shall not exceed 20 years. For purposes of this paragraph (g)(3), the term "mobile home" means the original mobile home and any replacement(s), combined.

(4) In the case of any project under paragraph (g)(2) or (g)(3) of this section, notwithstanding the maximum total allowable term per unit stated therein, a shorter term shall be determined by HUD where appropriate, taking into account the amount of the capital expenditures reasonably required for the project, the reasonable period and rate of amortization for the financing, and the approved rents to the owner.

(5) If the project is accepted in stages, the dates for the initial and the renewal terms shall be separately related to the units in each stage; provided, however, that the total contract term for the units in all the stages, counting from the effective date of the contract with respect to the first stage, may not exceed the overall maximum term allowable for any one unit, plus two years.

(h) *Rent adjustments.* (1) *Funding of adjustments.* Housing assistance payments will be made in increased amounts commensurate with contract rent adjustments under this paragraph, up to the maximum total annual housing assistance payments committed under the contract. The provisions of the contract or the ACC, as the case may be, are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in contract rents or decreases in family incomes. In addition, the contract or the ACC, as the case may be, will provide that HUD will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

(2) *Automatic annual adjustments.* (i) Automatic annual adjustment factors will be determined by HUD at least annually; interim revisions may be made as market conditions warrant. Such factors and the basis for their determination will be published in the FEDERAL REGISTER. These published factors will be reduced appropriately by HUD where utilities are paid directly by families.

(ii) On each anniversary date of the contract, the contract rents shall be adjusted by applying the applicable automatic annual adjustment factor most recently published by HUD. Contract rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the contract rents on the effective date of the contract.

(3) *Special additional adjustments.* Special additional adjustments may be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the owner clearly demonstrates that such general increases have caused increases in the owner's operating costs which are not adequately compensated for by automatic annual adjustments. The owner shall submit to HUD financial statements which clearly support the increase.

(4) *Overall limitation.* Notwithstanding any other provisions of this part, adjustments as provided in this paragraph (h) shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by HUD.

(i) *Types of housing and property standards.* (1) Newly constructed single-family houses, mobile homes or multi-family structures may be utilized in this program. Congregate housing may be developed for elderly or handicapped families and individuals. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. High-rise elevator projects for families with children may not be utilized unless HUD determines there is no practical alternative. Generally, housing to be developed for use in this program should correspond to the predominant housing patterns of the locality in terms of structure type and density.

(2) No section 8 assistance may be provided for any unit occupied by an owner; however, cooperatives are considered rental housing for this purpose.

(3) Participation in this program requires compliance with (i) HUD minimum property standards, (ii) in the case of mobile homes, the American National Standards Institute Standard No. A–119.1, as amended and adopted by HUD under Title I of the National Housing Act, (iii) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (iv) HUD requirements pursuant to section 209 of the HCD Act for projects for the elderly or the handicapped, (v) HUD requirements pertatining to noise abatement and control, and (vi) applicable State and local laws, codes, ordinances, and regulations.

(j) *Site and neighborhood standards.* Proposed sites for new construction projects must be approved by HUD as meeting the following standards:

(1) The site shall be adequate in size, exposure and contour to accommodate the number and type of units proposed; and adequate utilities (water, sewer, gas and electricity) and streets shall be available to service the site.

(2) The site and neighborhood shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

(3) The site shall not be located in:

(i) An area of minority concentration unless (A) sufficient, comparable opportunities exist for housing for minority families, in the income range to be served by the proposed project, outside areas of minority concentration, or (B) the project is necessary to meet overriding housing needs which cannot otherwise feasibly be met in that housing market area. (An "overriding need" may not serve as the basis for determining that a site is acceptable if the only reason the need cannot otherwise feasibly be met is that discrimination on the basis of race, color, religion, creed, sex, or national origin renders sites outsite areas of minority concentration unavailable.)

(ii) A racially mixed area if the project will cause a significant increase in the proportion of minority to non-minority residents in the area.

(4) The site shall promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of lower-income persons.

(5) The site shall be free from adverse environmental conditions, natural or manmade, such as instability, flooding, septic tank back-ups, sewage hazards, or mudslides; harmful air pollution, smoke or dust; excessive noise, vibration or vehicular traffic; rodent or vermin infestation; or fire hazards. The neighborhood must not be one which is seriously detrimental to family life or in which substandard dwellings or other undesirable elements predominate, unless there is actively in progress a concerted program to remedy the undesirable conditions.

(6) The site shall comply with any applicable conditions in the local housing assistance plan, approved by HUD.

(7) The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting largely or unsubsidized, standard housing of similar market rents.

(8) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, shall not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(9) The project may not be built on a site which has occupants unless the relocation requirements referred to in § 1273.103(k) are met.

(10) The project may not be built in an area that has been identified by HUD as having special flood hazards and in

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which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

(k) *Relocation.* (1) In the evaluation or selection of preliminary proposals, consideration shall be given to whether there are site occupants who would have to be displaced, whether there is a feasible plan for relocation of site occupants, the degree of hardship which displacement might cause, and the availability of funding for relocation payments. Greater weight shall be given to proposals which do not require displacement, or, where displacement is required, which will involve the least amount of hardship.

(2) In the case of a PHA-Owner Project, no agreement shall be executed for housing which is to be constructed on a site which has occupants unless the agreement provides (i) the PHA undertakes liability for and provides the funding of all relocation payments under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or (ii) other commitments, satisfactory to HUD, have been made for the funding of such payments, such as funding pursuant to Title I of the HCD Act. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(l) *Equal opportunity requirements.* Participation in this program requires compliance with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and section 3 of the Housing and Urban Development Act of 1968; and (2) all rules, regulations, and requirements issued pursuant thereto.

(m) *National Environmental Policy Act.* Participation in this program requires compliance with the National Environmental Policy Act and all rules, regulations, and requirements issued pursuant thereto.

(n) *Clean Air Act and Federal Water Pollution Control Act.* Participation in this program requires compliance with the Clean Air Act and the Federal Water Pollution Control Act and all rules, regulations, and requirements issued pursuant thereto.

(o) *Davis-Bacon wage rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any new construction project with nine or more assisted units.

(p) *Types of financing.* Any type of financing may be utilized, including, but not limited to, the types listed below. In no case may the lender administer the contract (see, however, § 1273.103(y) which permits conversion of a Private-Owner/PHA Project to a Private-Owner Project).

(1) Conventional loans from commercial banks, savings banks, savings and loan associations, pension funds, insurance companies or other financial institutions.

(2) Mortgage insurance programs under the National Housing Act (see § 1273.207). (With respect to any obligation secured by a mortgage insured under section 221(d)(3) of the National Housing Act and issued by a public agency as mortgagor in connection with the financing of a project assisted under section 8, the interest paid on such obligation shall be included in gross income for purposes of Chapter I of the Internal Revenue Code of 1954.)

(3) Section 202 of the Housing Act of 1959.

(4) Title V of the Housing Act of 1949.

(5) Financing by tax-exempt bonds or other obligations. Where the financing is by a non-profit corporation which is an agency or instrumentality of a PHA, the project will be considered a PHA-Owner Project.

(q) *Use of contract as security for financing.* An Owner may pledge, or offer as security for any loan or obligation, a contract entered into pursuant to this part; *provided, however,* That such security is in connection with a project constructed pursuant to this part, and the terms of the financing or any refinancing have been approved by HUD. Where the financing is by tax-exempt bonds or other tax-exempt obligations, annual contributions cannot be used as a guarantee for such financing.

(r) *Security and utility deposits.* (1) The owner shall not require families to pay security deposits. In lieu thereof, the owner may claim reimbursement from HUD or the PHA, as appropriate, for unpaid rent by a departing family and/or cost of repairs for damage caused by such family not to exceed a total reimbursement in an amount equal to one month's contract rent.

(2) Families shall be expected to obtain the funds to pay utility deposits, if required, from their own resources and/or other private or public sources.

(s) *Establishment of income limit schedules; 30 percent occupancy by very low-income families.* HUD will establish schedules of income limits for defining lower-income families and very low-income families. In the initial renting of contract units, the owner shall lease at least 30 percent to very low-income families and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of contract units by very low-income families.

(t) *Establishment of amount of housing assistance payments.* The amount of housing assistance payment on behalf of an eligible family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (1) not less than 15 percent nor more than 25 percent of the family's gross income and (2) the gross rent, taking into consideration the income of the family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the family, except that, in the case of a large (4 or more minors) very low-income family or a very large (6 or more minors) lower-income family or a family with exceptional medical or other expenses, the amount of the housing assistance payment shall be the difference between 15 percent of the family's gross income and the gross rent.

(u) *Responsibilities of the owner.* The owner shall be responsible (subject to post-review or audit by HUD or the PHA, as the case may be) for management and maintenance of the project. These responsibilities shall include but not be limited to:

(1) Payment for utilities and services (unless paid directly by the family), insurance and taxes;

(2) Performance of all ordinary and extraordinary maintenance;

(3) Performance of all management functions including the taking of applications, selection of families including verification of income and other pertinent requirements, and determination of eligibility and amount of family contribution in accordance with HUD-established schedules and criteria;

(4) Collection of family rents;

(5) Termination of tenancies, including evictions;

(6) Preparation and furnishing of information required under the contract;

(7) Reexaminations of family income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(8) Redeterminations of amount of family contribution and amount of housing assistance payment as a result of an adjustment by HUD of any applicable allowance for utilities and other services in accordance with HUD-established schedules and criteria; and

(9) Compliance with equal opportunity requirements.

Subject to HUD approval, any private owner may contract with any private or public entity to perform such services for a prescribed fee, *provided,* That such contract shall not shift any of the owner's responsibilities or obligations. However, no entity which is responsible for administration of the contract (for example, a PHA in the case of a Private-Owner/PHA Project) may contract to perform management and maintenance of the project. (See, however, § 1273.103(y) which permits conversion of a Private-Owner/PHA Project to a Private-Owner Project.)

(v) *Responsibility for administration of contract.* In the case of a Private-Owner/PHA Project, the PHA is responsible for administration of the contract. In the case of a Private-Owner Project or a PHA-Owner Project, HUD is responsible for administration of the contract. HUD may contract with another entity for the performance of some or all of its contract administration functions.

(w) *Separate project requirement.* (1) In the case of a Private-Owner Project or a PHA-Owner Project, each agreement and contract shall constitute a separate project.

(2) In the case of a Private-Owner/PHA Project, such project may not include any other type of section 8 assistance, shall be processed with a separate ACC List and ACC Part 1 and shall be assigned a separate project number. All new construction units to be placed under a single Contract shall comprise a separate project. However, the field office director may designate as a single project the units to be covered by two or more such contracts for new construction projects where:

(i) The units are placed under ACC on the same date; and

(ii) Such consolidation is necessary in the interest of administrative efficiency.

(x) *Conversion of Private-Owner Project to Private-Owner/PHA Project.* HUD may request the owner of a Private-Owner Project and an appropriate PHA to agree, if they are willing, to a conversion of any such project to a Private-Owner/PHA Project if HUD determines that such conversion would promote efficient project administration.

(y) *Conversion of Private-Owner/PHA Project to Private-Owner Project.* The private owner and the PHA, in the case of a Private-Owner/PHA Project, may request HUD to agree to a conversion of any such project to a Private-Owner Project. HUD shall agree to such conversion if it determines it to be in the best interest of the project.

Subpart B—Project Development and Operation

§ 1273.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the section 8 Housing Assistance Payments Program for metropolitan areas and for non-metropolitan areas in conformance with section 213(d) of the HCD Act.

§ 1273.202 Program mix (new construction, substantial rehabilitation, existing housing).

Each field office shall, after considering the contents of any local housing assistance plans and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing. The field office will also determine an appropriate schedule for advertising for preliminary proposals—new construction.

§ 1273.203 Invitations for preliminary proposals.

(a) *Publication.* The HUD field office shall initiate implementation of its program with respect to new construction by publishing invitations for preliminary proposals—new construction in accordance with the schedule established by the field office. Such publications shall be at least once a week on the same day or days of each of two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which proposals are desired. As promptly as possible, HUD will also notify (1) appropriate PHAs, (2) the chief executive officer of the appropriate unit(s) of general local government, (3) business concerns included in HUD's registry of section 3 businesses for the applicable political jurisdictions, (4) other minority and non-minority media, (5) trade journals, and (6) minority organizations involved in housing and community development and fair housing groups. Copies of each invitation shall be available in the HUD field office.

(b) *Contents of invitation.* The invitation shall state the number of units; the geographic area in which the housing is to be constructed; the deadline for receipt of preliminary proposals by HUD; such other basic information as the field office may wish to specify; and the fact that detailed information, guidelines, standards and procedures are contained in a developer's packet which may be obtained by interested parties from the field office. The invitation shall also state that preliminary proposals may be submitted by private owners or PHA owners for direct contracting with HUD, or by PHAs on behalf of private owners with whom the PHA proposes to contract pursuant to an ACC with HUD.

(c) *Deadline for receipt of preliminary proposals.* The deadline (date and time) for receipt of preliminary proposals by HUD shall allow a reasonable time but, in any event, no less than 35 calendar days after the date of the first publication in a newspaper of general circulation.

§ 1273.204 Contents of developer's packet.

The developer's packet shall:

(a) Include a copy of the applicable regulations, required HUD forms, and HUD standards.

(b) Include the following information:

(1) The number of units for elderly and nonelderly occupancy and the number to be specially designed for elderly (including handicapped) occupancy.

(2) The number of units by unit size (bedrooms per unit) and the fact that a proposal may be for any number of units up to that amount.

(3) The type of housing, if any, which is unacceptable (e.g., high-rise elevator structures for families with children, mobile homes).

(4) Special requirements, if any, as to location, density, and site planning; in the case of new communities, identification of the proposed site, including location map, dimensions, unusual site features, if any, zoning, and the minimum price for the site.

(5) Any special requirements for housing for the elderly (including the handicapped) pursuant to section 209 of the HCD Act, and any special requirements for the handicapped pursuant to the standards established by HUD under Pub. L. 90-480.

(6) Any special requirements or restrictions that may be necessary for compliance with provisions of the local housing assistance plan, if any, and the name, address, and title of the official of the unit of general local government to whom inquiries may be made concerning such Plan.

(7) The specific type(s) of utility and method(s) of distribution (utility combination) required.

(8) The specific management and maintenance services required to be provided by the owner. Such services shall include all services typically provided in the area for the type of housing contemplated.

(9) The fair market rents for newly constructed rental housing applicable to the structure types and unit sizes requested.

(10) Initial term of the contract, and number of renewal options, if any.

(c) Include statements as to:

(1) Equal opportunity requirements, which include the submission of an affirmative fair housing marketing plan (if the proposal is for five or more units); an assurance of compliance with Title VI of the Civil Rights Act of 1964; compliance with Executive Order 11063 and Title VIII of the Civil Rights Act of 1968, including regulations and guidelines pursuant thereto; and certifications required pursuant to Executive Order 11246:

(2) HUD regulations and other requirements implementing section 3 of the Housing and Urban Development Act of 1968, requiring that, to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

(3) HUD relocation requirements.

(4) HUD requirements implementing the National Environmental Policy Act.

(5) Governmental requirements implementing the Clean Air Act and the Federal Water Pollution Control Act.

(6) HUD requirements implementing the Flood Disaster Protection Act of 1973.

(7) The requirement, if a project will contain nine or more contract units, that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act.

(8) The prescribed HUD form showing the identity of the owner, the developer, the builder, the architect, and the managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest.

(9) The requirement that the owner submit evidence of capability to provide the required management and maintenance services or, if the proposal is for 15 or more units, evidence of managment capability and a proposed management plan and a certification by the owner and the management agent, if any, in a format acceptable to HUD.

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(10). Where copies of HUD minimum property standards and any other applicable standards, guidelines and criteria may be obtained.

(11) The number of copies of the preliminary proposal to be submitted to HUD.

(12) The fact that HUD may determine not to select or approve any or all preliminary proposals submitted.

§ 1273.205 Contents of preliminary proposal.

Each preliminary proposal shall include or indicate the following:

(a) Identification of the proposed site, including a map showing the location of the site and the racial composition of the neighborhood, sketch of site plan, dimensions, unusual site features, if any, and zoning (however, only a sketch of the site plan is required for a new communities project).

(b) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the site(s) (however, only the proposed price is required for a new communities project).

(c) A description of the proposed housing including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms), living area and composition for each size of unit, and special amenities or features, if any; and sketches of the buildings and unit plans.

(d) The contract rent per unit, by size and structure type.

(e) The equipment to be included in the contract rent.

(f) The utilities and services to be included in the contract rent and those utilities and services not so included. For each utility and service not included in the contract rent, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(g) A showing that the proposal meets any special requirements or restrictions necessary for compliance with the provisions of the local housing assistance plan, if any.

(h) Whether the proposed project will displace site occupants. If so the proposal shall state the number of families, individuals, and business concerns to be displaced (identified by race or minority group status, and whether they are owners or renters), and shall show that there is a feasible plan for relocation and how necessary relocation payments, if any, will be funded.

(i) Equal employment opportunity certification, using the prescribed form.

(j) The identity of the owner, developer, builder, and architect (if known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(k) Whether the owner intends to provide management services or to contract with a managing agent. In the latter case, provide the identity of the managing agent, if known, and the other information as specified in paragraph (j) of this section.

(l) The proposed method of financing and, if the owner intends to pledge or offer the housing assistance payments contract as security for any loan or obligation, the type and terms of the anticipated financing. (If the owner proposes to utilize FHA mortgage insurance, the prescribed FHA form should be completed and submitted with the preliminary proposal.)

(m) Whether the owner proposes to limit the number of assisted units to 20 percent of the dwelling units in the project.

§ 1273.206 Submission of preliminary proposals.

(a) Preliminary proposals shall be submitted to HUD on or before the published deadline date and time for opening, in the number of copies specified in the developer's packet. Proposal documents shall be sealed in an inner envelope marked "Sealed Proposal—Open on [date and time specified in the invitation]." This sealed proposal shall be submitted in an outer envelope or package which shall show the name of the locality, be addressed to the HUD field office, and be clearly and distinctively marked "Section 8 Housing Assistance Payments Program—New Construction Preliminary Proposal."

(b) Submission of preliminary proposals shall be by hand delivery or certified mail. Any preliminary proposal received by HUD after the deadline date and time shall not be accepted but shall be returned unopened. No preliminary proposal shall be opened by HUD until the deadline.

§ 1273.207 Proposals involving HUD-FHA mortgage insurance.

(a) *Advance mortgage insurance processing.* This paragraph (a) applies to owners who apply for HUD–FHA mortgage insurance prior to the submission of a preliminary proposal under this part. Such an owner may apply for a site appraisal and market analysis letter (SAMA Letter), a conditional commitment or a firm commitment for mortgage insurance by submitting an application on the prescribed form with supporting exhibits and the required fee. Such an application will have to meet the marketability test without reliance upon housing assistance payments under this part, or, in the alternative, approval for mortgage insurance shall be conditioned upon subsequent approval of a section 8 proposal for the same project. If a SAMA Letter, conditional commitment, or firm commitment, whichever is applicable, is issued, and if prior to expiration thereof the owner submits a preliminary proposal under this part which is consistent with the proposal as approved for mortgage insurance, such proposal will nevertheless be subject to review and evaluation in accordance with the procedures under this part; however, if the preliminary proposal is selected in accordance with the procedures under this part, further processing will be coordinated in accordance with paragraph (b) of this section to the extent applicable, and the rents which were approved for mortgage insurance purposes will be accepted for purposes of such preliminary proposal *provided*, That they are otherwise approvable in accordance with this part.

(b) *Concurrent processing.* The provisions of this paragraph (b) apply where the preliminary proposal indicates an intention to finance a project with a HUD–FHA insured mortgage. Such a preliminary proposal will not be selected under this Part unless it meets the market and site acceptability criteria of the applicable mortgage insurance program except as modified by this paragraph. The processing of such a proposal for mortgage insurance will be integrated with the section 8 review and evaluation process. Selection by HUD of such a preliminary proposal for preparation of a final proposal will be made only where HUD has also determined that the proposal will qualify for mortgage insurance subject to a satisfactory demonstration by the owner of his capability to complete the project, and subject to subsequent determinations of site value, the loan amount and credit approval.

(1) A section 8/HUD–FHA mortgage insurance project will be required to meet the marketability test of the applicable mortgage insurance program; *provided, however,* That the number of units in the proposal for which housing assistance payments are to be made available will be considered as an addition to the effective demand for unassisted rental units. As in the case of any other market anaysis for market rate unassisted mortgage insurance programs, the supply of suitable vacant existing units, units under construction, and units in process must be subtracted from the estimate of total effective demand. Consequently, section 8/HUD–FHA insured units could be added to a market in which supply and demand are in equilibrium or in which there is an undersupply of rental units, but could not be added to a market in which there is an oversupply of rental units in the same competitive range of market rents as the proposed section 8/HUD–FHA insured project.

(2) After selection of a preliminary proposal which involves HUD–FHA mortgage insurance the owner will be required to submit, with the final proposal, an application for HUD–FHA conditional commitment with fee (two dollars per thousand dollars of mortgage requested) under the applicable mortgage insurance program. Such final proposals will not be approved under section 8 unless they also qualify for issuance of a HUD–FHA conditional commitment under the applicable mortgage insurance program. The HUD notification of approval of the final proposal will be accompanied by a HUD–FHA conditional commitment for HUD–FHA mortgage insurance. The owner's acceptance of

HUD's notification of approval of the final proposal will constitute concurrent acceptance of the conditions and terms of the HUD–FHA conditional commitment for mortgage insurance.

(3) The rents of those units scheduled for assisted occupancy, when projected for purposes of determining a mortgage limitation based on the debt service criterion, shall be the contract rents set forth in the approved final proposal.

(4) Prior to the execution of the agreement, the owner will be required to obtain a firm commitment for HUD–FHA mortgage insurance. This will require the submission of an application for a firm commitment, with an additional fee (one dollar per thousand dollars of the mortgage requested), upon submission of the architect's certificate accompanying the working drawings and specifications in accord with § 1273.211.

(c) *Delayed mortgage insurance processing.* Where an owner does not indicate in his preliminary proposal that he intends to utilize HUD–FHA mortgage insurance and applies for HUD–FHA mortgage insurance after HUD approval of the preliminary proposal under this part, he risks (1) having his approved proposal rejected for HUD–FHA mortgage insurance and (2) having lower rents approved under the mortgage insurance program than the rents set forth in the approved proposal under this part.

§ 1273.208 Screening and evaluation of preliminary proposals.

(a) *Initial screening.* Promptly after the deadline date for receipt of preliminary proposals, HUD will screen all the proposals and will notify any owners whose proposals are incomplete or need clarification of individual items to supply such omissions or clarifications within 10 calendar days.

(b) *A–95 clearance; notice to unit of general local government.* (1) Promptly after the deadline date for receipt of proposals (or after the appropriate later date for proposals completed pursuant to paragraphs (a) of this section), the HUD field office will, for each complete preliminary proposal which is subject to A–95 clearance, send a copy of the proposal to the appropriate A–95 clearinghouse for review, inviting a response within 34 days from the date of the letter of transmittal.

(2) Within 10 working days after the deadline date (or after the appropriate later date for proposals completed pursuant to paragraph (a) of this section), the HUD field office will forward, under cover of a letter in the appropriate prescribed form, a copy of each complete preliminary proposal to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed housing is to be located. The cover letter will invite a response within 30 days from the date the letter and copy of the proposal are received.

(c) *Evaluation of preliminary proposals by HUD.* HUD may begin its evaluation promptly after the deadline date, but no selection or ranking may be completed until the response periods referred to in paragraph (b) of this section have ended. Each preliminary proposal will be evaluated and ranked by HUD on the basis of all pertinent factors under this part including comments, if any, received during the response periods from the appropriate A–95 clearinghouse and the unit of general local government.

(d) *Selection where approvable proposals do not exceed number of units advertised.* HUD will determine which preliminary proposals, in its judgment, can be developed into final proposals meeting the requirements of the developer's packet. If the number of units covered by such preliminary proposals is no greater than the number of units specified in the invitation, HUD will request all owners of acceptable preliminary proposals to prepare final proposals in accordance with § 1273.209.

(e) *Selection where approvable proposals exceed number of units advertised.* If the number of units covered by acceptable preliminary proposals exceeds the number of units specified in the Invitation, HUD will list the approvable preliminary proposals in rank order. A cut-off line will be drawn below the lowest ranking preliminary proposal, which, together with all proposals ranked above it, will utilize the units specified in the invitation without reducing the number of units specified in the lowest ranking proposal. This ranking shall be subject to the following:

(1) *Preference for 20 percent projects.* If there is a preliminary proposal below the cut-off line for more than 50 units of family housing (i.e., designed primarily for use by the nonelderly and the nonhandicapped) which indicates that assistance will be limited to 20 percent or less of the units, this proposal shall displace a proposal(s) above the cut-off line which is for more than 50 units of family housing and which does not include this 20 percent limitation.

(2) *Preference for three or more bedroom projects.* If there is a preliminary proposal below the cut-off line which will provide a substantial proportion of large dwelling units (i.e., containing three or more bedrooms) without an undue concentration of large units in any one location, and the field office determines that such large units are needed in order to achieve the goal of the provision of a number of large units equal to at least 20 percent of all the section 8 assisted units being provided, this proposal shall take priority over any proposal(s) above the cut-off line *provided*, That it shall not take priority over any proposal which qualifies for priority under paragraph (e)(1) of this section.

(f) *Use of residual units.* For any residual number of units, HUD may publish another invitation for proposals, but this shall not delay the further processing of those preliminary proposals submitted in response to the prior invitation that have been selected as a result of the prior invitation.

(g) *Rejected proposals.* Owners whose preliminary proposals were not selected by HUD shall be sent a letter notifying them of such determination.

(h) *Notification of selection.* (1) With respect to those preliminary proposals which have been selected in accordance with this section, HUD will notify the owners, on a prescribed form, and request them to submit within a reasonable time (to be specified in the notification) a final proposal in accordance with the requirements of the provisions of § 1273.209. The notification shall specify:

(i) The contract rents that will be acceptable to HUD where these are lower than the contract rents proposed by the owner, and the reason for the reduction;

(ii) The estimate of the amount of relocation payments, where applicable; and

(iii) Other special conditions or requirement, if any.

(2) The notification will request the owner to return a copy of the notification with an indication of his acceptance thereof by a specified date. If the owner does not accept the notification by the date specified, HUD may rescind the notification and select another approvable proposal.

§ 1273.209 Final proposals.

(a) *Contents of final proposal.* Each final proposal shall indicate or include the following:

(1) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the site(s) (however, only the proposed price is required for a new communities project).

(2) A description of the proposed housing together with preliminary drawings and plans, and the outline specifications on the prescribed form. Preliminary drawings and plans shall include: Site layout based on the topographical information available from existing records and the known subsurface soil conditions; landscape plans; general floor plans and unit plans, at the scale of ¼ inch equals one foot; and elevation drawings for each typical building at the same scale.

(3) The contract rent per unit, by size and structure type.

(4) The equipment to be included in the contract rent.

(5) The utilities and services to be included in the contract rent and those utilities and services not so included. For each utility and service not so included, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(6) In the case of a PHA-Owner Project, a statement that (i) the PHA will undertake liability for and provide the funding of all relocation payments under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or (ii) other commitments, which the owner believes to be satisfactory to HUD, have been made for the funding of such payments. In the latter case, the PHA shall specify such other commitments. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real

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Property Acquisition Policies Act of 1970 is inapplicable.)

(7) Submission of an affirmative fair housing marketing plan (if the proposal is for five or more units), a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and certifications required pursuant to Executive Order 11246.

(8) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(9) The identity of the owner, developer, builder, architect, and managing agent (if known); the qualifications and experienc of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(10) Submission of evidence of management capability and a proposed management plan and a certification by the owner and the management agent, if any, in a format acceptable to HUD; or, if the proposal is for less than 15 units, evidence of capability of providing the required management and maintenance services. If the owner proposes to contract with another entity, including a PHA, for management and/or maintenance services for the project, he shall include a copy of the proposed contract(s).

(11) Submission of the form of lease the owner proposes to use, which shall be in accordance with § 1273.218(c).

(12) The proposed method of financing and, if the owner intends to pledge or offer the housing assistance payments contract as security for any loan or obligation, the type and terms of the anticipated financing. (If the owner intends to utilize FHA mortgage insurance, an application for a conditional commitment on the prescribed form shall be completed and submitted with the prescribed fee with the final proposal.)

(13) Evidence that the proposed construction is permissible under the applicable zoning, building, housing and other codes, ordinances or regulations; or a statement of the proposed action to make the construction permissible and that such action will be successfully completed prior to the architect's certification pursuant to § 1273.211(b).

(14) The anticipated time required for completion of the project after the Agreement is signed (if the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage).

(b) *Consistency with preliminary proposal.* The final proposal shall be consistent with the preliminary proposal. Any material deviations from the preliminary proposal in the final proposal will cause reconsideration by HUD of such final proposal and may result in its rejection.

§ 1273.210 Evaluation of final proposals.

(a) *Evaluation of final proposals by HUD.* Each final proposal will be evaluated by HUD to determine that the provisions of this Part have been complied with and that such final proposal is consistent with the preliminary proposal.

(b) *Clarifications or modifications.* HUD may request clarification of individual items, additional information, or modifications of the final proposal.

(c) *HUD determination.* HUD shall notify the owner (and the PHA, if applicable) as to whether the final proposal is:

(1) Approved.

(2) Approvable only if specified deficiencies are corrected and that HUD will approve the final proposal if it receives within a specified time evidence of such necessary corrections.

(3) Not approved. If a final proposal is not approved or if the conditions for approval under paragraph (c)(2) of this section are not met, HUD shall so advise the owner and may request the preparation of a final proposal(s) with respect to the highest ranking preliminary proposal(s) not previously selected, or may issue another invitation for preliminary proposals.

(d) *A–95 Notification.* The appropriate A–95 clearinghouses shall be notified by HUD of its final action.

§ 1273.211 Owner's acceptance and submission of architect's certification.

(a) *Owner's acceptance.* Upon receipt by the owner of the notification of approval of the final proposal, the owner shall return to HUD a copy indicating his acceptance within the time prescribed in such notification (copy to the PHA, if applicable). If the owner does not accept the notification by the date specified, HUD may rescind the notification and proceed in accordance with § 1273.210(c)(3).

(b) *Architect's certification.* (1) Before HUD may enter into an Agreement (or, where applicable, an ACC and an agreement) the owner shall submit to HUD the architect's certification on the prescribed form. Such certification shall be made by the architect responsible for the preparation of the working drawings and specifications.

(2) The architect's certification shall state that, to the best of the architect's knowledge, belief, and professional judgment, (i) the working drawings and specifications are consistent with the approved final proposal, and (ii) the proposed construction in accordance with these plans and specifications is permissible under the applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials. This certification shall also cover compliance with the appropriate HUD minimum property standards and other standards, guidelines and criteria applicable under this part, except that in the case of mobile homes the manufacturer shall certify that the mobile homes will comply with the American National Standards Institute Standard No. A–119.1, as amended and adopted by HUD under Title I of the National Housing Act.

(3) One copy of the certified working drawings and specifications shall be submitted with the architect's certification to HUD, which shall retain it and any changes approved by HUD for at least three years from the date of acceptance of the project; *Provided, however,* That receipt and retention by HUD of these working drawings and specifications shall not denote or constitute HUD review or approval of such drawings or specifications.

(4) If the owner fails to submit the certification by the date specified in the notification, HUD shall rescind the notification (and may proceed in accordance with § 1273.210(c)(3)) unless it determines that a reasonable extension of time should be granted.

§ 1273.212 Annual contributions contract and agreement (private-owner/PHA projects).

(a) *Preparation of ACC.* After receipt of the architect's certification with the working drawings and specifications, the HUD field office shall prepare the ACC, shown as Appendix III. The ACC shall be transmitted to the PHA for execution and returned to HUD. This transmittal shall advise the PHA that it must simultaneously submit for HUD approval its initial estimate of required annual contributions (preliminary costs) and an estimate of total required annual contributions (see § 1273.213).

(b) *Preparation of agreement.* The agreement shall be prepared by the HUD field office at the time the ACC is prepared (see § 1273.214), and shall conform to the prescribed form shown as Appendix IV. The agreement shall include all required information and required attachments.

(c) *Execution of ACC and agreement.* After receipt of the PHA-executed ACC, accompanied by the Estimates of Required Annual Contributions, HUD shall review the Estimates and, if approved, execute the ACC. HUD shall then transmit a fully executed copy of the ACC to the PHA, together with four copies of the unexecuted Agreement. After execution of the Agreement by the PHA and the Owner, all copies shall be returned by the PHA to HUD for approval. HUD shall return three copies to the PHA, retaining one for its records.

§ 1273.213 Submission of estimates of required annual contributions (Private-Owner/PHA Projects).

(a) *Initial submission.* An allowance may be provided for preliminary costs incurred by the PHA prior to the beginning of the first fiscal year. When the ACC is executed by the PHA, it shall submit an initial estimate of required annual contributions (preliminary costs) together with an estimate of total required annual contributions on the prescribed forms. This submission includes estimates of costs of administration and non-expandable equipment up to the beginning of the first fiscal year.

(b) *First fiscal year submission.* Not earlier than 150 and not later than 90 days prior to the estimated date of the beginning of the first fiscal year, the PHA shall submit an estimate of required annual contributions (Housing Assistance and Administration) covering the estimated amount required for the first fiscal year for housing assistance payments and for the fee for administration together with an estimate of total required annual contributions.

(c) *Subsequent fiscal year submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the PHA shall submit an estimate of required annual contributions (Housing Assistance and Administration) and an estimate of total required annual contributions, with supporting documentation, for any requested changes in the amount of housing assistance payments and the fee for administration.

(d) *Revisions of estimates.* Any of the above estimates may be revised to reflect changes in circumstances and available data.

(e) *HUD approval.* All estimates of required annual contributions and any revisions thereto submitted by the PHA shall be subject to HUD approval.

§ 1273.214 Preparation and execution of agreement (private-owner and PHA-owner projects).

After receipt of a copy of the accepted notification, the architect's certification and the working drawings and specifications, the HUD field office shall prepare the agreement in the prescribed form shown as Appendix I. The agreement shall include all required information and required attachments. HUD shall transmit to the owner three copies of the unexecuted agreement. After the owner executes all copies of the agreement, he shall return them to HUD. HUD shall execute the agreement, returning one copy to the owner and retaining two for its records.

§ 1273.215 Construction period.

(a) *Timely performance of work.* After execution of the agreement, the owner shall promptly proceed with construction as provided in the agreement. In the event the work is not so commenced, diligently continued, and/or completed, HUD (or the PHA with HUD approval, as appropriate) reserves the right to rescind the agreement, or take other appropriate action.

(b) *Delays.* Although extensions of time may be granted for the reasons specified in the agreement, no increases in contract rents may be granted on that account.

(c) *Changes.* The owner shall submit for HUD approval any changes from the approved final proposal which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. HUD may condition its approval of such changes on a reduction of contract rents. If such changes are made without prior HUD approval, HUD may determine that contract rents shall be reduced or that the owner shall remedy the deficiency as a condition for acceptance of the project. Contract rents may not be increased by reason of any changes or modifications.

(d) *Inspection of HUD–FHA insured projects.* For projects financed with HUD–FHA insured mortgages, required HUD inspection procedures shall be followed including compliance with equal opportunity requirements.

(e) *Equal opportunity review.* Equal opportunity review may be conducted with any scheduled HUD inspection or at any other time deemed advisable by HUD.

(f) *Commencement of marketing.* The owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days prior to the estimated completion date. The owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of the date of commencement of marketing. The owner shall also comply with all reporting requirements under the affirmative fair housing marketing regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of any units which he anticipates will be vacant on the effective date of the contract. At the time the contract is executed (see § 1273.217), the owner will be required to submit a list of the dwelling units leased as of the effective date of the contract and a list of the units not so leased, if any. The owner will be entitled to housing assistance payments for any unleased units, pursuant to § 1273.103(e)(2), only if he has fully complied with the requirements of that section and of this paragraph.

(g) *Management certification.* Prior to acceptance of the project by HUD, the owner must certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his final proposal other than changes approved in writing by HUD in accordance with the agreement.

(h) *Labor standards certification.* Prior to acceptance by HUD of any project consisting of nine or more contract units, the owner must certify in writing that he has complied with the provisions of the agreement relating to the payment of not less than prevailing wage rates and that to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the agreement. In the event there are any such pending claims to the knowledge of the owner, HUD, or the PHA (if applicable), the owner shall be required to place a sufficient amount in escrow, as determined by HUD, to assure such payments.

§ 1273.216 Project completion.

(a) *Notification of completion.* The owner shall notify HUD (with a copy to the PHA in the case of a Private-Owner/PHA Project) when the work is completed and shall submit to HUD the evidence of completion described in paragraph (b) of this section.

(b) *Evidence of completion.* Completion of the project shall be evidenced by furnishing HUD with all of the following:

(1) A set of as-built drawings.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the owner, which will be supported by the owner's warranty in the contract, that:

(i) All work has been completed in accordance with the requirements of the agreement;

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work waiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4) A certification by the registered architect responsible for inspection of construction that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified by the architect).

(c) *Inspection.* (1) Within ten working days of the receipt of the owner's notification of project completion, a HUD representative (accompanied by a PHA representative, if applicable) shall inspect the project and review the evidence of completion listed in paragraph (b) of this section. Such inspection shall be sufficient to enable HUD to determine whether the project has been completed in accordance with the agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the owner or the architect. As promptly as possible, HUD shall notify the owner in writing as to whether or not the project has been completed in an acceptable manner.

(2) In the event the owner disputes HUD's determinations, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

(d) *Acceptance of project.* If HUD determines that the project is not accepta-

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ble under paragraph (c)(1) of this section, the following shall apply:

(1) If the defects or deficiencies are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the contract executed. If the owner fails to complete such items within a reasonable time to the satisfaction of HUD, HUD may, upon 30 days notice, terminate or require termination of the contract or exercise its other rights under the contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but HUD determines that the housing is decent, safe, and santiary and that the project is in good and tenantable condition, the project may be accepted after the owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the contract rents as determined by HUD.

(3) If HUD determines that the project is not in good and tenantable condition or that the housing is not decent, safe, and sanitary, HUD shall determine: (i) Whether the defects or deficiencies can be corrected, and (ii) whether a reduction in contract rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the owner thereupon shall be notified of HUD's determinations under paragraphs (d)(3)(i) and (d)(3)(ii) of this section, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project than accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

(e) *Completion in stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

§ 1273.217 Execution of housing assistance payments contract.

(a) Upon acceptance of the project by the government pursuant to §§ 1273.215 and 1273.216, the contract shall be executed first by the owner and then by HUD, or, in the case of a Private-Owner/PHA Project, executed by the owner and the PHA and then approved by HUD.

(b) At the time of execution of the contract, HUD (or the PHA, as appropriate) shall examine the lists of dwelling units leased and not leased, referred to in § 1273.215(f), and shall determine whether or not the owner has met his obligations under that section with respect to any unleased units. HUD (or the PHA, as appropriate) shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments. The owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the contract, without prejudice by reason of his signing the contract. Copies of all documents referred to in this paragraph shall be furnished HUD in the case of a Private-Owner/PHA Project.

§ 1273.218 Project operation.

(a) *Compliance with equal opportunity requirements.* Marketing of units and selection of families by the owner shall be in accordance with the owner's HUD-approved affirmative fair housing marketing plan, if required, and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(b) *Eligibility, selection and admission of families.* (1) The owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected family, in accordance with schedules and criteria established by HUD.

(2) For every family that wishes to apply for admission, the owner and the applicant shall complete and sign the form of application prescribed by HUD, except that if there are no vacant units and the owner's waiting list is such that there would be an unreasonable length of time before the applicant could be admitted, the owner may advise the applicant that the owner is not accepting applications for that reason. The owner shall retain copies of all completed applications together with any related correspondence for three years. For each family selected for admission, the owner shall submit one copy of the completed and signed application to the HUD field office (in the case of Private-Owner/PHA Projects, the owner simulaneously shall send a copy of the form to the PHA). Housing assistance payments will not be made on behalf of an admitted family until after this copy has been received by the HUD field office.

(3) If the owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable but the owner does not have a suitable unit to offer, the owner shall place such family on his waiting list and so advise the family.

(4) If the owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable and if the owner has a suitable unit, the owner and the family shall enter into a lease. Such lease shall be on the form of lease included in the owner's approved final proposal and shall otherwise be in conformity with the provisions of this Part.

(5) Records on applicant families and approved families shall be maintained by the owner so as to provide HUD with racial, ethnic and gender data and shall be retained by the owner for three years.

(6) In the case of a PHA-Owner project, (i) if the PHA places a family on its waiting list, it shall notify the family of the approximate date of availability of a suitable unit insofar as such date can be reasonably determined, and (ii) if the PHA determines that an applicant is ineligible on the basis of income or family composition, or that the PHA is not selecting the applicant for other reasons, the PHA shall send the applicant a letter notifying him of the determination and the reasons and that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant shall not be admitted, the PHA shall so notify the applicant in writing and such notice shall inform the applicant that he has the right to request a review by HUD of the PHA's determination. The procedures of this paragraph do not preclude the applicant from exercising his other rights if he believes he is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the letter, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

(c) *Lease requirements.* The lease shall contain all required provisions specified in paragraph (c)(2) of this section and none of the prohibited provisions listed in paragraph (c)(3) of this section and shall otherwise conform to the form of lease included with the owner's approved final proposal.

(1) *Term of lease.* The term of the lease shall be generally for not less than one year. The lease may (or, in the case of a lease for a term of more than one year, shall) contain a provision permitting termination upon 30 days advance written notice by either party.

(2) *Required provisions.* The lease between the owner (lessor) and the family (lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporate in full in the Lease between ---------- (Lessor) and ---------- (Lessee) for the following dwelling unit: ----------. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $------ per month.

b. Of the total rent, $------ shall be payable by or at the direction of the Department of Housing and Urban Development ("HUD") as housing assistance payments on behalf of the Lessee and $------ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, or by reason of adjustment by HUD of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with HUD-established schedules and criteria and shall be effective as of the date stated in a notification to the Lessee.

c. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.

d. The Lessor shall provide the following services and maintenance: [Here insert the complete list as contained in the approved Final Proposal.]

Lessor ----------
By ----------
Date ----------
Lessee ----------
Date ----------

(3) *Prohibited provisions.* Lease clauses which fall within the classifications listed below shall not be included in any lease.

(i) *Confession of judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the lease and to a judgment in favor of the landlord.

(ii) *Distraint for rent or other charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

(iii) *Exculpatory clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

(iv) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

(v) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(vi) *Waiver of jury trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(vii) *Waiver of right to appeal judicial error in legal proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

(viii) *Tenant chargeable with costs of legal actions regardless of outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

(d) *Termination of tenancy.* The owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in § 1273.103(e)(3)(ii).

(e) *Maintenance, operation and inspections.* (1) *Maintenance and operation.* The owner shall maintain and operate the project so as to provide decent, safe, and sanitary housing and he shall provide all the services, maintenance and utilities which he agrees to provide under the contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(2) *Inspection.* Prior to occupancy of any unit by a family, the owner and the family shall inspect the unit and both shall certify, on the form prescribed by HUD, that they have inspected the unit and have determined it to be decent, safe, and sanitary in accordance with the criteria provided in the prescribed form. HUD (or the PHA, as appropriate) will inspect or cause to be inspected each contract unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as HUD (or the PHA) may determine to be necessary to assure that the owner is meeting his obligation to maintain the units in decent, safe, and sanitary condition and to provide the agreed upon utilities and other services. HUD (or the PHA) will take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

(f) *Units not decent, safe, and sanitary.* If HUD (or the PHA, as appropriate) notifies the owner that he has failed to maintain a dwelling unit in decent, safe, and sanitary condition and the owner fails to take corrective action within the time prescribed in the notice, HUD (or the PHA) may exercise any of its rights or remedies under the contract, including abatement of housing assistance payments, even if the family continues to occupy the unit. If, however, the family wishes to be rehoused in another dwelling unit with section 8 assistance and HUD (or the PHA) does not have other section 8 funds for such purposes, HUD (or the PHA) may use the abated housing assistance payments for the purpose of rehousing the family in another dwelling unit. Where this is done, the owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if:

(1) The unit is restored to decent, safe, and sanitary condition;

(2) The family is willing to and does move back to the restored dwelling unit; and

(3) A deduction is made for the expenses incurred by the family for both moves.

(g) *Reexamination of family income,* composition, and extent of exceptional medical or other unusual expenses. Reexamination of family income, composition, and the extent of medical or other unusual expenses incurred by the family shall be made by the owner at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly families), and appropriate redeterminations shall be made by the owner of the amount of the family contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

(h) *Overcrowded and underoccupied units.* If HUD or the PHA, as the case may be, determines that a contract unit assisted under this Part is not decent, safe, and sanitary by reason of overcrowding, or that a contract unit is larger than appropriate for the size of the family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the owner fails to offer the family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, HUD (or the PHA) will assist the family in finding a suitable dwelling unit and require the family to move to such a unit as soon as possible. The owner may receive housing assistance payments for the vacated unit if he complies with the requirements of § 1273.103(e)(3)(i).

(i) *Adjustment of allowance for utilities and other services.* HUD shall determine, as part of its annual inspection and at such other times as it deems appropriate, whether an adjustment is required in the allowance for utilities and other services applicable to the dwelling units in the project, on grounds of changes in utility rates or other change of general applicability to all units in the project. If HUD determines that an adjustment should be made, HUD shall prescribe the amount of the adjustment and direct the owner to make promptly a corresponding adjustment in the amount of rent to be paid by the affected families and the amount of housing assistance payment.

(j) *Continued family participation.* A family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except that if the family (1) wishes to vacate its unit at the end of the lease term (or prior thereto but in accordance with the provisions of the lease), or (2) is required to move for reasons other than violation of the lease on the part of the family, and if the family wishes to receive the benefit of housing assistance payments in another approvable unit, the family should give reasonable notice of the circumstances to HUD or to the PHA, as appropriate, so that HUD or the PHA may have the opportunity to consider the family's request.

(k) *Inapplicability of low-rent public housing model lease and grievance procedures.* Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are applicable only to PHA-Owner Projects under the section 8 Housing Assistance Payments Program.

(l) *Reduction of number of contract units for failure to lease to eligible families.* (1) If at any time, beginning six months after the effective date of the contract, the owner fails for a continuous period of six months to have at least 80 percent of the contract units leased or available for leasing by eligible families, HUD (or the PHA at the direction of HUD, as appropriate) may on 30 days

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notice reduce the number of contract units to not less than the number of units under lease or available for leasing by eligible families, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

(2) At the end of the initial term of the contract and of each renewal term, HUD (or the PHA at the direction of HUD, as appropriate) may, by notice to the owner, reduce the number of contract units to not less than (i) the number of units under lease or available for leasing by eligible families at that time or (ii) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

§ 1273.219 HUD review of contract compliance.

HUD will review project operations at such intervals as it deems necessary to ensure that the owner is in full compliance with the terms and conditions of the contract. Equal opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

§ 1273.220 PHA reporting requirements [Reserved].

APPENDIX I

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Agreement to Enter Into Housing Assistance Payments Contract—New Construction—Private-Owner or PHA-Owner Project

Part I

This agreement to enter into Housing Assistance payments contract ("agreement") is made and entered into by and between the United States of America acting through the Department of Housing and Urban Development ("government") and ---------- ("owner").

Whereas, the owner proposes to complete a housing project consisting of improvements and land as described in the approved final proposal; and

Whereas, the owner and the government propose to enter into a housing assistance payments contract ("contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible lower-income families ("families") to occupy units in said project; and

Whereas, the owner is also the developer, or, if the developer is other than the owner, the developer's name is ----------

Now therefore, the parties hereto agree as follows:

1.1 *Contents of agreement.* This agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal, including, among other things, the architects' certification, the Affirmative Fair Housing Marketing Plan (if required), evidence of management capability, and management program (if required);

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The schedule of completion in stages, if applicable;

Exhibit D: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this agreement shall create or affect any relationship between the government and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of completion.* a. *Time for completion.* The project shall be completed in accordance with section 1.4 no later than ---- calendar days after the effective date of this Agreement, or in stages as provided for in Exhibit C which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely performance of work.* The owner agrees that no later than ----------, 19----, the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the government reserves the right to rescind this agreement or take other appropriate action. The owner shall report to the government the date work was commenced and shall thereafter furnish the government with periodic progress reports (quarterly unless more frequent reporting is required by the government).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the owner's control, or by delay authorized by the government, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increase in the rents set forth in Exhibit B ("contract rents") may be granted on account of any such delays.

1.3 *Construction period.* a. *Changes.* The owner shall submit for government approval any changes from Exhibit A which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. The government may condition its approval of such changes on a reduction of contract rents. If such changes are made without prior government approval, the government may determine that contract rents shall be reduced or that the owner shall remedy the defects or deficiencies as a condition for acceptance of the project. Contract rents may not be increased by reason of any changes or modifications.

b. *Commencement of marketing.* The owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days prior to the estimated completion date. The owner shall notify the government of the date of commencement of marketing. The owner shall also comply with all reporting requirements under the affirmative fair housing marketing regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the owner shall notify the government of any units which he anticipates will be vacant on the effective date of the contract. At the time the contract is executed, the owner shall submit a list of the dwelling units leased as of the effective date of the contract and a list of the units not so leased, if any. The owner will be entitled to housing assistance payments for any unleased units pursuant to section 1.6b of the contract only if he has fully complied with the requirements of this paragraph and the provisions of that section.

c. *Management certification.* Prior to acceptance of the project by the government, the owner shall certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his final proposal other than changes approved in writing by the government in accordance with paragraph a of this section.

d. *Labor standards certification.* Prior to acceptance of the project by the government, the owner shall certify in writing that he has complied with the provisions of sections 2.6 through 2.11 of this agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the agreement. In the event there are any such pending claims to the knowledge of the owner or the government, the owner shall be required to place a sufficient amount in escrow as determined by the government to assure payment thereof.

1.4 *Project completion.* a. *Conformance to final proposal.* The completed project shall be in accordance with Exhibit A. The owner shall be solely responsible for completion of the project.

b. *Notification of completion.* The owner shall notify the government when the work is completed and shall submit to the government the evidence of completion described in paragraph c of this section.

c. *Evidence of completion.* Completion of the project shall be evidenced by furnishing the government with all of the following:

(1) A set of as-built drawings.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certificate by the owner, which will be supported by the owner's warranty in the contract, that:

(i) All work has been completed in accordance with the requirements of this agreement;

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4) A certification by the registered architect responsible for inspection of construction that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

d. *Inspection.* (1) Within ten working days of the receipt of the owner's notification of project completion, the government representative shall inspect the project and review the evidence of completion listed in paragraph c of this section. Such inspection shall be sufficient to enable the government to determine whether the project has been completed in accordance with the agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the owner or the architect. As promptly as possible, the government shall notify the owner in writing as to whether or not the project has been completed in an acceptable manner.

(2) In the event the owner disputes the Government's determinations, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

e. *Acceptance of project.* If the government determines that the project is not acceptable under paragraph d(1) of this section, the following shall apply:

(1) If the defects or deficiencies are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the contract executed. If the owner fails to complete such items within a reasonable time to the satisfaction of the government, the government may, upon 30 days notice, terminate the contract or exercise its other rights under the contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but the government determines that the housing is decent, safe, and sanitary and that the project is in good and tenantable condition, the project may be accepted after the owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the contract rents as determined by the government.

(3) If the government determines that the project is not in good and tenantable condition or that the housing is not decent, safe, and sanitary, the government shall determine: (i) Whether the defects or deficiencies can be corrected and (ii) whether a reduction in contract rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the owner shall be notified of the government's determinations under (i) and (ii) of this subparagraph and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted. Prior to execution of the contract, the government will verify that appropriate corrective action has been taken.

f. *Completion in stages.* If the project is to be completed in stages, the procedures of this Section shall apply to each stage.

1.5 *Execution of housing assistance payments contract.* a. *Time of execution.* Upon acceptance of the project by the government pursuant to sections 1.3 and 1.4, the contract shall be executed first by the owner and then by the government.

b. *Completion in stages.* If completion is in stages, the contract shall be executed upon completion of the first stage, and the number and types of completed units and their contract rents shall be shown in Exhibit A–1 of the contract. Thereafter, upon completion of each successive stage, the signature block provided in the contract for that stage shall be executed by the owner and the government, and Exhibits A–2, A–3, etc., covering the additional units, shall become part of the contract.

c. *Unleased units at time of execution.* At the time of execution of the contract, the government shall examine the lists of dwelling units leased and not leased, referred to in section 1.3b, and shall determine whether or not the owner has met his obligations under that section with respect to any unleased units. The government shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the contract. The owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the contract, without prejudice by reason of his signing the contract.

d. *Contract rents.* The contract rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed housing assistance payments contract, except that in no case may the initial contract rents for units in projects financed with mortgages insured under the National Housing Act exceed the rents approved by the government in connection with the mortgage insurance for such projects.

e. *No changes in contract.* Each party has read or is presumed to have read the proposed contract. It is expressly agreed that there shall be no change in the terms and conditions of the contract other than in accordance with section 1.3a and paragraph d of this section.

1.6 *Government assurance to owner.* The execution of this agreement by the government signifies that the faith of the United States is solemnly pledged to the payment of housing assistance payments pursuant to the contract and that funds have been obligated by the government for such payments.

1.7 *Relocation requirements.*[1] [Alternative provisions—incorporate alternative 1 or 2, as applicable.]

Alternative 1—For projects which were without site occupants as of the date indicated in this alternative. The Owner hereby certifies that the site of the project was without occupants as of the date of the Government notification to the Owner requesting the Owner to submit a Final Proposal.

Alternative 2—For projects which do not qualify for alternative 1. a. *Owner compliance with relocation Act.* The owner agrees to comply with the provisions of sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable Government regulations and requirements issued pursuant thereto.

b. *Relocation payments other than by owner.* The government has determined that satisfactory commitments have been made for the funding of relocation payments required by sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (e.g., funding pursuant to Title I of the Housing and Community Development Act of 1974) as follows:

---

c. *Relocation payments by owner.* If paragraph b is inapplicable, the following shall apply:

(1) The maximum potential amount of all relocation payments as estimated by the Government is $-------

(2) The Owner has deposited this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the Government for the purpose of meeting relocation payments.

(3) The owner hereby voluntarily undertakes liability for all relocation payments and agrees that if the funds in the escrow account shall prove to be insufficient to meet all such relocation payments he will deposit such additional amounts as the government determines to be necessary for such purpose.

(4) When the government determines that there is no longer any potential liability for relocation payments, any balance in the escrow account shall be paid to the Owner.

(5) The owner agrees to hold harmless and to indemnify the government for any costs incurred under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the relocation of site occupants, and the owner further agrees that the Government shall have the right to be reimbursed for any such costs by withholding from housing assistance payments payable to the Owner.

Effective date. This agreement shall be effective as of the date of execution by the government.

In witness whereof, the parties hereto have executed this agreement in four original counterparts.

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

United States of America
Secretary of Housing and Urban Development

By ----------

(Official Title)
Date ------, 19----

OWNER ----------
By ----------
(Official Title)
Date ------, 19----

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Agreement to Enter Into Housing Assistance Payments Contract—New Construction—Private-Owner or PHA-Owner Project

Part II

2.1 TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESS AND LOWER-INCOME PERSONS.[2]

a. The project assisted under this agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this agreement, the owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations included, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area

[1] Strike this section in the case of a Private-Owner Project.

[2] Strike this section if the contract rents under the proposed Housing Assistance Payments Contract, over the maximum term of said contract, are $500,000 or less.

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of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the government of the application for this agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the owner, his successors and assigns. Failure to fulfill these requirements shall subject the owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this agreement in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this agreement will comply the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this agreement. The parties to this agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135."

e. The owner agrees that he will be bound by the above employment of project area residents and contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 EQUAL EMPLOYMENT OPPORTUNITY.[3]

a. The owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Chapter 60, which is to be performed pursuant to this agreement, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

"(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; *Provided, however*, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States."

b. The owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist the government in the discharge of the government's primary responsibility for securing compliance.

d. The owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 COOPERATION IN EQUAL OPPORTUNITY COMPLIANCE REVIEWS.

The owner shall cooperate with the government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

[3] As used in § 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

2.4 FLOOD INSURANCE.

If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT.[4]

In compliance with regulations issued by the Environmental Protection Agency ("EPA") 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act") 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the owner agrees that:

a. Any facility to be utilized in the performance of this agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the agreements is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 and the Water Act, respectively, and all regulations, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this section in every nonexempt subcontract, and that he will take such action as the government may direct as a means of enforcing such provisions.

2.6 PREVAILING WAGE RATES.[5]

a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this agreement, only when the Secretary of Labor has found, upon the written request of the owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The owner will be required to furnish to the other party to this agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR 5.2(c) shall also be subject to the provisions of paragraph g(2) of this section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The owner agrees that:

(i) He will make a diligent effort to hire for the performance of the agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 SUBMITTAL OF PAYROLLS AND RELATED REPORTS.

a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of

[4] Strike this section if the contract rents under the proposed Housing Assistance Payments Contract, over the maximum term of said contract, are $100,000 or less.

[5] As used in §§ 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike §§ 2.6 through 2.11 if the project involves less than nine contract units.

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the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under § 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The owner shall submit weekly to the other party to this agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this agreement and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under § 2.6c shall satisfy this requirement. The owner shall make the records required under the labor standards clauses of this agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The owner shall also furnish to the other parties to this agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 DISPUTES CONCERNING WAGE RATES AND CLASSIFICATIONS OF LABOR.

a. All disputes concerning prevailing wage rates or classifications arising under this agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 WAGE CLAIMS AND ADJUSTMENTS.

In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the owner (or any of his subcontractors), the owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employer for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION.

a. Neither the owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this section, the owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the owner or any subcontractor for liquidated damages as provided in paragraph b of this section.

2.11 TERMINATION; DEBARMENT; SUBCONTRACTS.

a. A breach of the provisions of the foregoing §§ 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this agreement and for debarment as provided in 29 CFR 5.6.

b. The owner shall insert in any subcontracts § 2.6 (and with respect to §2.6g(2), copies of 29 CFR 5a.4, 5a.5, 5a.6 and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 DISPUTES.

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this agreement which is not disposed of by agreement between the Department of Housing and Urban Development field office and the owner may be submitted by the owner to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this section, the owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section; *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 INTEREST OF MEMBERS, OFFICERS, OR EMPLOYEES OF PUBLIC HOUSING AGENCY, MEMBERS OF LOCAL GOVERNING BODY, OR OTHER PUBLIC OFFICIALS.

No member, officer, or employee of the Public Housing Agency ("PHA"), no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this agreement or in any proceeds or benefits arising therefrom.

2.14 INTEREST OF MEMBER OF OR DELEGATE TO CONGRESS.

No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this agreement or to any benefits which may arise therefrom.

2.15 NONASSIGNABILITY.

a. The owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this agreement or the project or any part thereof or any of his interest therein, without the prior consent of the government: *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the government shall consent in writing if the terms of the financing have been approved by the government. An assignment by the owner to a limited partnership of which the owner is the sole general partner shall not be considered an assignment herein.

b. The owner agrees that he will not change to a different developer from the one named in the preamble of this agreement, except with the prior consent of the government.

c. The owner agrees that the approved developer has not made, and will not make, except with the prior consent of the government, any assignment or transfer in any form of the developer's contract to construct the project, or of any part thereof, or any of the developer's interests therein.

d. The owner agrees to notify the government promptly of any proposed action covered by paragraph a or b or c of this section. The owner further agrees to request the written consent of the government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

e. For the purpose of this section, a transfer of stock in the owner or developer in whole or in part, by a party holding ten percent or more of the stock of said owner or developer, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the owner or developer or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this agreement, the project or the construction contract. With respect to this provision, the owner, and the party signing this agreement on behalf of said owner, represent that they have the authority of all of the existing stockholders of the owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX II

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Housing Assistance Payments Contract—New Construction—Private-Owner or PHA-Owner Project

Part I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government"), and ---------- ("owner"), pursuant to the United States Housing Act of 1937 ("Act"), 42 U.S.C. 1437, et seq., and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, et seq.

The parties hereto agree as follows:

1.1 CONTENTS OF CONTRACT.

This contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The Project Description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This contract, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representatives or agreements of any kind except as contained herein.

1.2 OWNER'S WARRANTIES.

a. *Legal Capacity.* The owner warrants that he has the legal right to execute this contract and to lease dwelling units covered by this contract.

b. *Completion of Work.* The owner warrants that the project as described in Exhibit B is in good and tenantable condition and that all work has been completed in accordance with the terms and conditions of the agreement to Enter into Housing Assistance Payments Contract ("agreement") or will be completed in accordance with the terms on which the project was accepted. The owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of the contract.

1.3 FAMILIES TO BE HOUSED; GOVERNMENT ASSISTANCE.

a. *Families To Be Housed.* The Contract Units are to be leased by the owner to eligible lower-income families ("families") for use and occupancy by such families solely as private dwellings.

b. *Government Assistance.* The government hereby agrees to make housing assistance payments on behalf of families for the contract units, to enable such families to lease decent, safe, and sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the contract rents for units leased by families and the portion of such rents payable by families as determined by the owner in accordance with schedules and criteria established by the government.

1.4 TERM OF CONTRACT; FISCAL YEAR.

a. *Term of Contract.* [Alternative provisions—incorporate alternative 1, 2, or 3, as applicable.]

Alternative 1—General:

The initial term of this contract shall be ---- years (not to exceed five years) beginning with the effective date of this contract and ending ------, 19--. This contract may be renewed, at the sole option of the owner, for ------ additional term(s) of ---- years each (not to exceed five years each), *Provided,* That the total contract term for any unit, including renewals, shall not exceed 20 years. Renewal shall be automatic unless the owner notifies the government, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; *Provided, however,* That the total contract term for the units in all the stages shall not exceed 22 years from the effective date of the contract with respect to the first stage.

Alternative 2—For State or local agency-owned or financed project:

In the case of a project owned by, or financed by a loan or loan guarantee from, a State or local agency, the initial term of this contract shall be ---- years (not to exceed five years) beginning with the effective date of this contract and ending ------, 19--. This contract may be renewed, at the sole option of the owner, for ------ additional term(s) of ---- years each (not to exceed five years each), provided that the total contract term for any unit, including renewals, shall not exceed ---- years. [Insert number as specifically authorized by the government, but in no event more than 40.] Renewals shall be automatic unless the owner notifies the government, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; *Provided, however,* That the total contract term for the units in all the stages, counting from the effective date of the contract with respect to the first stage, shall not exceed the total contract term specified in the second sentence of this paragraph a, plus two years.

Alternative 3—For mobile homes project:

In the case of mobile homes, the initial term of this contract for each mobile home shall be ---- years (not to exceed five years) beginning with the effective date of this contract and ending ------, 19--. This contract shall be renewed, as may be mutually agreed upon by the owner and the government, for ------ additional term(s) for any mobile home of ---- years each (not to exceed five years each), *provided,* That the total contract term for any mobile home, including renewals, shall not exceed ---- years. [Insert number as specifically authorized by the government, but in no event more than 20.] Renewals shall become effective only if either party gives written notice, no later than 60 days prior to the expiration of the current term, of his desire to renew, and the other party concurs or fails to object before the expiration of the current term. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the mobile homes in each stage; *Provided, however,* That the total contract term for the mobile homes in all the stages, counting from the effective date of the contract with respect to the first stage, shall not exceed the total contract term specified in the second sentence of this paragraph a, plus two years. For purposes of this paragraph a, the term "mobile home" means the original mobile home and any replacement(s), combined.

b. *Fiscal Year.* The fiscal year for the project shall be the 12-month period ending on ---------- [insert March 31, June 30, September 30, or December 31, as determined by the Government] of each calendar year; *Provided, however,* That the first fiscal year for the project shall be the period beginning with the effective date of the contract and ending on the last day of said established fiscal year which is not less than 12 months after such effective date. If the first fiscal year exceeds 12 months the maximum total annual housing assistance payment in section 1.5a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 MAXIMUM HOUSING ASSISTANCE COMMITMENT; PROJECT RESERVE.

a. *Maximum housing assistance commitment.* Notwithstanding any other provisions of this contract (other than paragraph b of this section) or any provisions of any other contract between the government and the owner, the government shall not be obligated to make and shall not make any housing assistance payments under this contract in excess of $------ per annum; *Provided, however,* That this amount shall be reduced commensurate with any reduction in the number of units under this contract

b. *Project reserve.* A project account shall be established and maintained, in an amount as determined by the government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum contract commitment stated in paragraph a of this section exceeds amounts paid under this contract for any fiscal year. This account shall be established and maintained by the government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any fiscal year may exceed the maximum amount stated in paragraph a of this section to cover increases in contract rents or decreases in family incomes (see section 1.6). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the government as a receipt in accordance with section 10(b) of the Act.

1.6 HOUSING ASSISTANCE PAYMENTS TO OWNERS.

a. *General.* Housing assistance payments shall be paid to the owner for units under lease by families in accordance with the contract. The housing assistance payment will pay the owner the difference between the contract rent and that portion of said rent payable by the family as determined in accordance with the government-established schedules and criteria. The amount of housing assistance payment payable on behalf of a family and the amount of rent payable by such family shall be subject to change by reason of changes in family income, family composition, extent of exceptional medical or other unusual expenses, or by reason of adjustment by the government of any applicable allowance for utilities and other services. Any such change shall be determined in accordance with the government-established schedules and criteria, and shall be effective as of the date stated in a notification of such change to the family.

b. *Vacancies during rent-up.* If a contract unit is not leased as of the effective date of the contract, the owner shall be entitled to housing assistance payments in the amount of 70 percent of the contract rent for the unit for a vacancy period not exceeding 60 days from the effective date of the contract, *Provided,* That the owner (1) commenced marketing and otherwise complied with section 1.3b of the agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the Public Housing Agency ("PHA") and other appropriate sources to refer eligible applicants, and advertising the

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availability of the units, and (3) has not rejected any eligible applicant, except for good cause acceptable to the government.

c. *Vacancies after rent-up.* (1) If a family vacates its unit (other than as a result of action by the owner which is in violation of the lease or the contract or any applicable law), the owner shall receive housing assistance payments in the amount of 70 percent of the contract rent for a vacancy period not exceeding 60 days; *Provided, however,* That if the owner collects any of the family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the contract rent, such excess shall be payable to the government or as the government may direct. (See also section 1.9b.) The owner shall not be entitled to any payment under this subparagraph unless he: (i) Immediately upon learning of the vacancy, has notified the government of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this section.

(2) If the owner proposes to evict a family, he shall not be entitled to any payment under paragraph c(1) of this section unless the request for such payment is supported by a certification that (i) he has given such family a written notice of the proposed eviction, stating the grounds and advising the family that it has 10 days within which to present its objections to the owner in writing or in person and (ii) the proposed eviction is not in violation of the lease or the contract or any applicable law.

d. *Limitation on payments for vacant units.* The owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incured for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under section 1.9b of this contract).

e. *Government Not obligated for family rent.* The government has not assumed any obligation for the amount of rent payable by any family or the satisfaction of any claim by the owner against any family other than in accordance with section 1.9b of this contract. The financial obligation of the government is limited to making housing assistance payments on behalf of families in accordance with this contract.

f. *Owner's monthly requests for payments.* (1) The owner shall submit monthly requests to the government for housing assistance payments. Each such request shall set forth: (i) The name of each family and the address and/or number of the unit leased by the family; (ii) the address and/or the number of units, if any, not leased to families for which the owner is claiming payments; (iii) the contract rent as set forth in Exhibit A for each unit for which the owner is claiming payments; (iv) the amount of rent payable by the family leasing the unit; and (v) the total amount of housing assistance payments requested by the owner.

(2) If the owner has received an excessive payment, the government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(3) The statement set forth in each of the owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

1.7 *MAINTENANCE, OPERATION AND INSPECTION.*

a. *Maintenance and Operation.* The owner agrees (1) to maintain and operate the contract units and related facilities so as to provide decent, safe, and sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the government determines that the owner is not meeting any of these obligations, the government shall have the right, in addition to its other rights and remedies under this contract, to abate housing assistance payments in whole or in part.

b. *Inspection.* (1) Prior to occupancy of any unit by a family, the owner and the family shall inspect the unit and both shall certify, on the form prescribed by the government, that they have inspected the unit and have determined it to be decent, safe, and sanitary in accordance with the criteria provided in the prescribed form.

(2) The government shall inspect or cause to be inspected each contract unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as the government may determine to be necessary to assure that the owner is meeting his obligation to maintain the units in decent, safe, and sanitary condition and to provide the agreed upon utilities and other services. The government shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

c. *Units Not Decent, Safe, and Sanitary.* If the Government notifies the owner that he has failed to maintain a dwelling unit in decent, safe, and sanitary condition and the owner fails to take corrective action within the time prescribed in the notice, the government may exercise any of its rights or remedies under the contract, including abatement of housing assistance payments, even if the family continues to occupy the unit. If, however, the family wishes to be rehoused in another dwelling unit with section 8 assistance and the government does not have other section 8 funds for such purposes, the government may use the abated housing assistance payments for the purpose of rehousing the family in another dwelling unit. Where this is done, the owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to decent, safe, and sanitary condition, (2) the family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the family for both moves.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the owner. The government shall promptly notify the family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the government determines that a contract unit is not decent, safe, and sanitary by reason of overcrowding, or that a contract unit is larger than appropriate for the size of the family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the owner fails to offer the family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the government will assist the family in finding a suitable dwelling unit and require the family to move to such a unit as soon as possible. The owner may receive housing assistance payments for the vacated unit if he complies with the requirements of section 1.6c(1).

1.8 RENT ADJUSTMENTS.

a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with contract rent adjustments under this section up to the maximum total annual housing assistance payments committed under section 1.5a of this contract. The provisions of this contract are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in contract rents or decreases in family incomes. The government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

b. *Automatic Annual Adjustments.* (1) Automatic annual adjustment factors will be determined by the government at least annually; interim revisions may be made as market conditions warrant. Such factors and the basis for their determination will be published in the FEDERAL REGISTER. These published factors will be reduced appropriately by the Government where utilities are paid directly by the families.

(2) On each anniversary date of the contract, the contract rents shall be adjusted by applying the applicable automatic annual adjustment factor most recently published by the government. Contract rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted contract rents be less than the contract rents on the effective date of the contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the government, to reflect increases in the actual and necessary expenses of owning and maintaining the contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the owner clearly demonstrates, that such general increases have caused increases in the owner's operating costs which are not adequately compensated for by automatic annual adjustments. The owner shall submit to the government financial statements which clearly support the increase.

d. *Overall Limitation.* Notwithstanding any other provisions of this contract, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the government.

e. *Incorporation of Rent Adjustment.* Any adjustment in contract rents shall be incorporated into Exhibit A by a dated addendum to the exhibit.

1.9 MARKETING AND LEASING OF UNITS.

a. *Compliance with Equal Opportunity.* Marketing of units and selection of families by the owner shall be in accordance with the owner's government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security Deposits.* The owner shall not require families to pay security deposits. In lieu thereof, the owner may claim reimbursement from the government under this contract for unpaid rent by a departing family and/or cost of repairs for damage caused by such family not to exceed a total reimbursement in an amount equal to one month's contract rent.

c. *Eligibility, Selection and Admission of Families.* (1) The owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the government. In the initial renting of the contract units, the owner shall lease at least 30 percent to very low-income families (determined in accordance with the government-established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of the contract units by very low-income families as determined in accordance with such schedules and criteria.

(2) The lease entered into between the owner and each selected family shall be on the form of lease approved by the government.

(3) The owner shall make a reexamination of family income, composition, and the extent of medical or other unusual expenses incurred by the family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly families), and appropriate redeterminations shall be made by the owner of the amount of family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the government.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the owner is notified of a government determination making an adjustment in the allowance for utilities and other services applicable to any of the contract units, the owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable government requirements and shall maintain records and furnish such copies or other information as may be required by the government.

f. *Government Review; Incorrect Payments.* In making housing assistance payments to owners, the government will review the owner's determinations under this section. If as a result of this review, or other reviews, audits or information received by the government at any time, it is determined that the owner has received improper or excessive housing assistance payments, the government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the owner, or otherwise effect recovery thereof.

1.10 TERMINATION OF TENANCY.

The owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in section 1.6c.

1.11 REDUCTION OF NUMBER OF CONTRACT UNITS FOR FAILURE TO LEASE TO ELIGIBLE FAMILIES.

a. *Twelve Months after Effective Date of Contract.* If at any time, beginning six months after the effective date of this contract, the owner fails for a continuous period of six months to have at least 80 percent of the contract units leased or available for leasing by families, the government may on 30 days notice reduce the number of contract units to not less than the number of units under lease or available for leasing by families, plus 10 percent of such number, if that number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the contract and of each renewal term, the government may, by notice to the owner, reduce the number of contract units to not less than (1) the number of units under lease or available for leasing by families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

EFFECTIVE DATE. The effective date of this contract is _____, 19____. [Insert date which shall be no earlier than the date of execution by the government.]

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

OWNER _____
By _____
(Official Title)
Date _____, 19____

United States of America
Secretary of Housing and Urban Development

By _____
(Official Title)
Date _____, 19____

[If the project is to be completed and accepted in stages, execution of the contract with respect to the several stages appears on the following pages of this contract.]

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 1

This contract is hereby executed with respect to the units described in Exhibit A–1.

EFFECTIVE DATE. The effective date of this contract is _____, 19_____. [Insert date which shall be no earlier than the date of execution by the government.]

OWNER _____
By _____
(Official Title)
Date _____, 19____

United States of America
Secretary of Housing and Urban Development

By _____
(Official Title)
Date _____, 19____

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 2

This contract is hereby executed with respect to the units described in Exhibit A–2.

EFFECTIVE DATE. The effective date of this contract is _____, 19____. [Insert date which shall be no earlier than the date of execution by the government.]

OWNER _____
By _____
(Official Title)
Date _____, 19____

United States of America
Secretary of Housing and Urban Development

By _____
(Official Title)
Date _____, 19____

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 3

This contract is hereby executed with respect to the units described in Exhibit A–3.

EFFECTIVE DATE. The effective date of this contract is _____, 19____. [Insert date which shall be no earlier than the date of execution by the government.]

OWNER _____
By _____
(Official Title)
Date _____, 19____

United States of America
Secretary of Housing and Urban Development

By _____
(Official Title)
Date _____, 19____

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Housing Assistance Payments Contract—New Construction—Private-Owner or PHA-Owner Project

Part II

2.1 NONDISCRIMINATION IN HOUSING.

a. The owner shall not in the selection of families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the owner to comply therewith inures to benefit of the government and the said Department, either of which shall be entitled to invoke any remedies available by law to redress any breach

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thereof or to compel compliance therewith by the owner.

2.2 TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESSES AND LOWER-INCOME PERSONS.[1]

a. The project assisted under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u, section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this contract, the owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the owner, his successors and assigns. Failure to fulfill these requirements shall subject the owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this contract in excess of $50,000 cost, the following clause:

"EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

"A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

"B. The parties to this contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

"C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

"D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

"E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135."

e. The owner agrees that he will be bound by the above employment of project area residents and contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 COOPERATION IN EQUAL OPPORTUNITY COMPLIANCE REVIEWS.

The owner shall cooperate with the government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 FLOOD INSURANCE.

If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT.[2]

In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the owner agrees that:

a. Any facility to be utilized in the performance of this contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this section in every nonexempt subcontract, and that he will take such action as the government may direct as a means of enforcing such provisions.

2.6 REPORTS AND ACCESS TO PREMISES AND RECORDS.

a. The owner shall furnish such information and reports pertinent to the contract as reasonably may be required from time to time by the government.

b. The owner shall permit the government or any of its duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the owner that are pertinent to compliance with this contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 DEFAULT BY THE OWNER.

a. A default by the owner under this contract shall result if:

(1) The owner has violated or failed to comply with any provision of, or obligation under, this contract or of any lease; or

(2) The owner has asserted or demonstrated an intention not to perform some or all of his obligations under this contract or under any lease.

b. Upon a determination by the government that a default has occurred, the governments shall notify the owner of the nature of the default, of the actions required to be taken on account of the default (including the curing of the default by the owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the owner shall respond with a showing that he has taken all the actions required of him. If the owner fails to respond or take action to the satisfaction of the government, the government shall take appropriate actions to achieve compliance or to terminate the contract in whole or in part.

c. The availability of any remedy under this contract shall not preclude the exercise of any other remedy available under this contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.8 DISPUTES.

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement between the Department of Housing and Urban Development field office and the owner may be submitted by the owner to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this section, the owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section; *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.9 INTEREST OF MEMBERS, OFFICERS, OR EMPLOYEES OF PHA, MEMBERS OF LOCAL GOVERNING BODY OR OTHER PUBLIC OFFICIALS.

No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or in any proceeds or benefits arising therefrom.

2.10 INTEREST OF MEMBER OF OR DELEGATE TO CONGRESS.

No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this contract or to any benefits which may arise therefrom.

a. The owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this contract or the project or any part thereof or any of his interest therein, without the prior consent of the government; *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the government shall consent in writing if the terms of the financing have been approved by the government. An assignment by the owner to a limited partnership of which the owner is the sole general partner shall not be considered an assignment herein.

b. The owner agrees to notify the government promptly of any proposed action covered by paragraph a of this section. The owner further agrees to request the written consent of the government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

c. For the purpose of this section, a transfer of stock in the owner in whole or in part, by a party holding ten percent or more of the stock of said owner, or a transfer by more than one stockholder or the owner of ten percent or more of the stock of said owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this contract or the project. With respect to this provision, the owner and the party signing this contract on behalf of said owner, represent that they have the authority of all of the existing stockholders of the owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX III

SECTION 8 HOUSING ASSISTANCE PAYMENT PROGRAM

Annual Contributions Contract—New Construction—Private-Owner/PHA Project

[To be published for comment at a later date. The Annual Contributions Contract will conform to the provisions of Subparts A and B and Appendices IV and V of these regulations.]

APPENDIX IV

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Agreement to Enter Into Housing Assistance Payments Contract—New Construction—Private-Owner/PHA Project

Part I

This agreement to enter into Housing Assistance Payments Contract ("agreement") is made and entered into by and between the _____ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and _____ ("owner").

Whereas, the owner proposes to complete a housing project consisting of improvements and land as described in the approved final proposal; and

Whereas, the owner and the PHA propose to enter into a Housing Assistance Payments Contract ("contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible lower-income families ("families") to occupy units in said project; and

Whereas, the PHA has entered into an Annual Contributions Contract dated _____, 19 ____, with the United States of America acting through the Department of Housing and Urban Development ("Government") with respect to Project No. _____ ("ACC"), under which the government will provide financial assistance to the PHA pursuant to section 8 of the Act for the purpose of making housing assistance payments; and

Whereas, the owner is also the developer, or, if the developer is other than the owner, the developer's name is _____.

Now therefore, the parties hereto agree as follows:

1.1 CONTENTS OF AGREEMENT.

This agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal including, among other things, the architect's certification, the Affirmative Fair Housing Marketing Plan (if required), evidence of management capability, and management program (if required);

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The Annual Contributions Contract ("ACC");

Exhibit D: The schedule of completion in stages, if applicable;

Exhibit E: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this agreement shall create or affect any relationship between the PHA and the lender or any contractors or subcontractors employed by the owner in the completion of the project.

1.2 SCHEDULE OF COMPLETION.

a. *Time for Completion.* The project shall be completed in accordance with section 1.4 no later than ____ calendar days after the effective date of this agreement, or in stages as provided for in Exhibit D which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The owner agrees that no later than _____, 19____, the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the PHA reserves the right, subject to government approval, to rescind this agreement or take other appropriate action. The owner shall report to the PHA the date work was commenced and shall thereafter furnish the PHA with periodic progress reports (quarterly unless more frequent reporting is required by the PHA).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the owner's control, or by delay authorized by the PHA, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increases in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 CONSTRUCTION PERIOD.

a. *Changes.* The owner shall submit for PHA and government approval any changes from Exhibit A which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of contract rents. If such changes are made without prior approval by the PHA and the government, the owner may be required to reduce the contract rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract rents may not be increased by reason of any changes or modifications.

b. *Commencement of Marketing.* The owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 90 days prior to the estimated completion date. The owner shall notify the PHA of the date of commencement of marketing. The owner shall also comply with all reporting requirements under the

[1] Strike this section if the contract rents on the effective date of this contract, over the maximum term of this contract, are $500,000 or less.

[2] Strike this section if the contract rents on the effective date of this contract, over the maximum total term of this contract, are $100,000 or less.

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Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the owner shall notify the PHA of any units which he anticipates will be vacant on the effective date of the contract. At the time the contract is executed, the owner shall submit a list of the dwelling units leased as of the effective date of the contract and a list of the units not so leased, if any. The owner will be entitled to housing assistance payments for any unleased units pursuant to section 1.7b of the contract only if he has fully complied with the requirements of this paragraph and the provisions of that section.

c. *Management Certification.* Prior to acceptance of the project by the government, the owner shall certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his final proposal other than changes approved in writing by the PHA and the government in accordance with paragraph a of this section.

d. *Labor Standards Certification.* Prior to acceptance of the project by the government, the owner shall certify in writing that he has complied with the provisions of sections 2.6 through 2.11 of this agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the agreement. In the event there are any such pending claims to the knowledge of the owner or the PHA or the government, the owner shall be required to place a sufficient amount in escrow as determined by the government to assure payment thereof.

1.4 PROJECT COMPLETION.

a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The owner shall be solely responsible for completion of the project.

b. *Notification of Completion.* The owner shall notify the government, with a copy to the PHA, when the work is completed and shall submit to the government the evidence of completion described in paragraph c of this section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the government with all of the following:

(1) A set of as-built drawings.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the owner, which will be supported by the owner's warranty in the Contract, that:

(i) All work has been completed in accordance with the requirements of this agreement;

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4) A certification by the registered architect responsible for inspection of construction that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

d. *Inspection.*

(1) Within ten working days of the receipt of the owner's notification of project completion, the government representative, accompanied by a PHA representative, shall inspect the project and review the evidence of completion listed in paragraph c of this section. Such inspection shall be sufficient to enable the government to determine whether the project has been completed in accordance with the agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the owner or the architect. As promptly as possible, the government shall notify the owner in writing, with a copy to the PHA, as to whether or not the project has been completed in an acceptable manner.

(2) In the event the owner disputes the government's determinations, he may submit the controversy to third-party arbitration, at his expense, *provided*, That the arbitration is advisory only.

e. *Acceptance of Project.* If the government determines that the project is not acceptable under paragraph d(1) of this section, the following shall apply:

(1) If the defects or deficiencies are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the contract executed. If the owner fails to complete such items within a reasonable time to the satisfaction of the PHA and the government, the PHA may, upon 30 days notice, as directed by the government, terminate the contract or exercise the PHA's other rights under the contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but the government determines that the housing is decent, safe, and sanitary and that the project is in good and tenantable condition, the project may be accepted after the owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the contract rents as determined by the government.

(3) If the government determines that the project is not in good and tenantable condition or that the housing is not decent, safe, and sanitary, the government shall determine: (i) Whether the defects or deficiencies can be corrected and (ii) whether a reduction in contract rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the owner shall be notified of the government's determinations under (i) and (ii) of this subparagraph, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted. Prior to authorizing execution of the contract, the government will verify that appropriate corrective action has been taken.

f. *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

1.5 EXECUTION OF HOUSING ASSISTANCE PAYMENTS CONTRACT.

a. *Time of Execution.* Upon acceptance of the project by the government pursuant to sections 1.3 and 1.4, the contract shall be executed by the owner and the PHA and shall then be approved by the government.

b. *Completion in Stages.* If completion is in stages, the contract shall be executed upon completion of the first stage, and the number and types of completed units and their contract rents shall be shown in Exhibit A–1 of the contract. Thereafter, upon completion of each successive stage, the signature block provided in the contract for that stage shall be executed by the owner and the PHA and approved by the government, and Exhibits A–2, A–3, etc., covering the additional units, shall become part of the contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the contract, the PHA shall examine the lists of dwelling units leased and not leased, referred to in section 1.3b, and shall determine whether or not the owner has met his obligations under that section with respect to any unleased units. The PHA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the contract. The owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the contract, without prejudice by reason of his signing the contract. Copies of all documents referred to in this paragraph shall be furnished to the government.

d. *Contract Rents.* The contract rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed housing Assistance Payments Contract, except that in no case may the initial contract rents for units in projects financed with mortgages insured under the National Housing Act exceed the rents approved by the government in connection with the mortgage insurance for such projects.

e. *No Changes in Contract.* Each party has read or is presumed to have read the proposed contract. It is expressly agreed that there shall be no change in the terms and conditions of the contract other than in accordance with section 1.3a and paragraph d of this section.

1.6 GOVERNMENT ASSURANCE TO OWNER.

a. The approval of this agreement by the government signifies that the government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the government for such payments to assist the PHA in the performance of its obligations under the contract. The government and the PHA shall not, without the consent of the owner, amend or modify the ACC in any manner which would reduce the amount of annual contributions payable thereunder for housing assistance payments except as authorized in the ACC and the Contract.

b. The ACC states that the ACC provisions quoted below in this paragraph are made for the benefit of the owner, or his assignees who will have been specifically approved by the government prior to such assignment, and that to enforce the performance of these provisions, the owner and such assignees shall have the right to proceed against the government by suit at law or in equity. Upon the determination by the government that a default by the PHA has occurred, the following provisions of the ACC (which are hereby made a part of this agreement), shall be applicable:

"(a) *Failure or Inability of PHA to Comply with Agreement.* In the event the government determines that the PHA is in default of its obligation under the agreement with the owner, or if such agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such agreement is not binding upon the PHA for any such reason, the government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the owner is not in default, constitutes a substantial default hereunder as to the project. In such case, the government will assume the PHA's rights and obligations under the agreement and carry out the obligations of the PHA under the agreement, including the obligation to enter into the contract.

* * * * *

"(d) *Return of Rights and Obligations to PHA.* All rights and obligations of the PHA assumed by the government pursuant to this section 2.17 will be returned as constituted at the time of such return (1) when the government is satisfied that all defaults have been cured and that the project will thereafter be administered in accordance with all applicable requirements or (2) when the housing assistance payments contract is at an end, whichever occurs sooner."

1.7 AUTHORITY OF THE PHA.

The PHA warrants that it is a "public housing agency" as defined in section 3(6) of the Act and that it is in fact and in law authorized to execute this agreement.

EFFECTIVE DATE. This agreement shall be effective as of the date of execution by the government.

In witness whereof, the parties hereto have executed this agreement in four original counterparts.

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

PHA _____
By _____
_____
(Official Title)
Date _____, 19--

APPROVED:
United States of America
Secretary of Housing and Urban Development

OWNER _____
By _____By _____
_____
(Official Title) (Official Title)
Date _____, 19-- Date _____, 19--

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Agreement to Enter into Housing Assistance Payments Contract—New Construction—Private-Owner/PHA Project

Part II

2.1 TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESSES AND LOWER-INCOME PERSONS.[1]

a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this agreement, the owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135 (published in 38 Federal Register 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by section 135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the government of the application for this agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the owner, his successors and assigns. Failure to fulfill these requirements shall subject the owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this agreement, and to such sanctions as are specified by 24 CFR Section 135.135.

d. The owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this agreement in excess of $50,000 cost, the following clause:

"EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

"A. The work to be performed under this agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

"B. The parties to this agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this agreement. The parties to this agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

"C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

"D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR, Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR, Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

"E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR Section 135.-135."

e. The owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 EQUAL EMPLOYMENT OPPORTUNITY.[2]

a. The owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

"EQUAL EMPLOYMENT OPPORTUNITY

"During the performance of this contract, the contractor agrees as follows:

"(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the government setting forth the provisions of this Equal Opportunity clause.

"(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consider-

[1] Strike this section if the contract rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $500,000 or less.

[2] As used in Section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

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ation for employment without regard to race, color, religion, creed, sex, or national origin.

"(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

"(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

"(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

"(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with the procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

"(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the government may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the government, the contractor may request the United States to enter into such litigation to protect the interest of the United States."

b. The owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, and that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for securing compliance.

d. The owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 COOPERATION IN EQUAL OPPORTUNITY COMPLIANCE REVIEWS.

The PHA and the owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 FLOOD INSURANCE.

If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT.[3]

In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR, Part 15, 39 F.R. 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, *et seq.*, the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, *et seq.*, and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this agreement or any subcontract shall not be a facility listed on the EPA list of violating facilities pursuant to section 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communication from the EPA indicating that a facility to be utilized for the agreement is under consideration to be listed on the EPA list of violating facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 306 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the government may direct as a means of enforcing such provisions.

2.6 PREVAILING WAGE RATES.[4]

a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this agreement, only when the Secretary of Labor has found, upon the written request of the owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the owner should request the Secretary of Labor to make such findings before the making of the agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The owner shall comply with the Copeland (Anti-Kickback) regulations (29 CFR, Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The owner will be required to furnish to the other party to this agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics including apprentices and trainees, as defined in 29 CFR Section 5.2(c) shall also be subject to the provisions of paragraph g(2) of this Section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The owner agrees that:

(i) He will make a diligent effort to hire for the performance of the agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR section 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR section 5a.4(c) at the request of government compliance officers, and will supply at three-month intervals during the performance of the agreement and after completion of agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 SUBMITTAL OF PAYROLLS AND RELATED REPORTS.

a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The owner shall submit weekly to the other party to this agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this agreement and the Copeland regulations of the Secretary of Labor (29 CFR, Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under Section 2.6c shall satisfy this requirement. The owner shall make the records required under the labor standards clauses of this agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The owner shall also furnish to the other parties to this agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 DISPUTES CONCERNING WAGE RATES AND CLASSIFICATION OF LABOR.

a. All disputes concerning prevailing wage rates or classifications arising under this agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 WAGE CLAIMS AND ADJUSTMENTS.

In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the owner (or any of his subcontractors), the owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the owner or the subcontractor to the respective employees to whom they are due.

2.10 CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION.

a. Neither the owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the owner or any subcontractor for liquidated damages as provided in paragraph b of this section.

2.11 TERMINATION; DEBARMENT; SUBCONTRACTS.

a. A breach of the provisions of the foregoing sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this agreement and for debarment as provided in 29 CFR section 5.6.

b. The owner shall insert in any subcontracts sections 2.6 (and with respect to Section 2.6g(2), copies of 29 CFR sections 5a.4, 5a.5, 5a.6 and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 DISPUTES.

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this agreement which is not disposed of by agreement of the PHA and the owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the owner and the PHA.

[3] Strike this section if the contract rents under the proposed Housing Assistance Payments Contract, over the maximum term of said contract, are $100,000 or less.

[4] As used in sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike sections 2.6 through 2.11 if the project involves less than nine contract units.

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b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the agreement and in accordance with the decision of the field office director.

c. This section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this Section; *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 INTEREST OF MEMBERS, OFFICERS, OR EMPLOYEES OF PHA, MEMBERS OF LOCAL GOVERNING BODY, OR OTHER PUBLIC OFFICIALS.

No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this agreement or in any proceeds or benefits arising therefrom.

2.14 INTEREST OF MEMBER OF OR DELEGATE TO CONGRESS.

No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this agreement or to any benefits which may arise therefrom.

2.15 NONASSIGNABILITY.

a. The owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this agreement or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government; *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the government shall consent in writing if the terms of the financing have been approved by the government. An assignment by the owner to a limited partnership of which the owner is the sole general partner shall not be considered an assignment herein.

b. The owner agrees that he will not change to a different developer from the one named in the preamble of this agreement, except with the prior consent of the PHA and the government.

c. The owner agrees that the approved developer has not made, and will not make, except with the prior consent of the PHA and the government, any assignment or transfer in any form of the developer's contract to construct the project, or of any part thereof, or any of the developer's interests therein.

d. The owner agrees to notify the PHA and the government promptly of any proposed action covered by paragraph a or b or c of this section. The owner further agrees to request the written consent of the PHA and the government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

e. For the purpose of this section, a transfer of stock in the owner or developer in whole or in part, by a party holding ten percent or more of the stock of said owner or developer, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the owner or developer or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this agreement, the project or the construction contract. With respect to this provision, the owner, and the party signing this agreement on behalf of said owner, represent that they have the authority of all of the existing stockholders of the owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX V

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Housing Assistance Payments Contract—New Construction—Private-Owner/PHA Project

Part I

This Housing Assistanct Payments Contract ("Contract") is entered into by and between the _____ ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and _____ ("Owner"), and approved by the United States of America acting through the Department of Housing and Urban Development ("Government"), pursuant to the Act and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, et seq.

The parties hereto agree as follows:

1.1 CONTENTS OF CONTRACT.

This contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The Project Description;

Exhibit C: The statement of services, maintenance and utilities to be provided by owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This contract, including said exhibits, comprisea the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 OWNER'S WARRANTIES.

a. *Legal Capacity.* The owner warrants that he has the legal right to execute this contract and to lease dwelling units covered by this contract.

b. *Completion of Work.* The owner warrants that the project as described in Exhibit B is in good and tenantable condition and that all work has been completed in accordance with the terms and conditions of the agreement to enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract.

1.3 FAMILIES TO BE HOUSED; PHA ASSISTANCE.

a. *Families To Be Housed.* The Contract Units are to be leased by the owner to eligible lower-income families ("Families") for use and occupancy by such families solely as private dwellings.

b. *PHA Assistance.* The PHA hereby agrees to make housing assistance payments on behalf of families for the Contract Units, to enable such families to lease decent, safe, and sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the contract rents for units leased by families and the portion of such rents payable by families as determined by the owner in accordance with schedules and criteria established by the government.

1.4 TERM OF CONTRACT; FISCAL YEAR.

a. *Term of Contract.* [Alternative provisions—incorporate alternative 1, 2, or 3, as applicable.]

Alternative 1—General:

The initial term of this contract shall be ____ years (not to exceed five years) beginning with the effective date of this contract and ending _____, 19__. This contract may be renewed, at the sole option of the owner, for _____ additional term(s) of ____ years each (not to exceed five years each), provided that the total contract term for any unit, including renewals, shall not exceed 20 years. Renewal shall be automatic unless the owner notifies the PHA, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; *provided, however,* That the total contract term for the units in all the stages shall not exceed 22 years from the effective date of the Contract with respect to the first stage.

Alternative 2—For State or local agency-owned or financed project:

In the case of a project owned by, or financed by a loan or loan guarantee from, a State or local agency, the initial term of this contract shall be ____ years (not to exceed five years) beginning with the effective date of this contract and ending _____, 19__. This contract may be renewed, at the sole option of the owner, for _____ additional term(s) of ____ years each (not to exceed five years each), provided that the total contract term for any unit, including renewals, shall not exceed ____ years. [Insert number as specifically authorized by the government, but in no event more than 40.] Renewals shall be automatic unless the owner notifies the PHA, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; *Provided, however,* That the total contract term for the units in all the stages, counting from the effective date of the contract with respect to the first stage, shall not exceed the total contract term specified in the second sentence of this paragraph a, plus two years.

Alternative 3—For mobile homes project:

In the case of mobile homes, the initial term of this contract for each mobile home shall be ____ years (not to exceed five years) beginning with the effective date of this contract and ending _____, 19__. This contract shall be renewed, as may be mutually agreed upon by the owner and the PHA with the approval of the government, for _____ additional term(s) for any mobile home of ____ years each (not to exceed five years each), provided that the total contract term for any mobile home, including renewals, shall not exceed ____ years. [Insert number as specifically authorized by the government, but in no event more than 20.] Renewals shall become effective only if either party gives written notice, no later than 60 days prior to the expiration of the current term, of his desire to renew, and the other party concurs or fails to object before the expiration of the current term. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the mobile homes in each stage; *Provided, however,* That the total contract term for the mobile homes in all the stages, counting from the effective date of the contract with respect to the first stage, shall not exceed the total contract term specified in the second sentence of this paragraph a, plus two years. For purposes of this paragraph a, the term "mobile home" means the original mobile home and any replacement(s), combined.

b. *Fiscal Year.* The fiscal year for the project shall be the 12-month period ending on _____ [insert March 31, June 30, September 30, or December 31, as determined by the government] of each calendar year; provided, however, That the first fiscal year for the project shall be the period beginning with the effective date of the contract and ending on the last day of said established fiscal year which is not less than months after such effective date. If the first fiscal year exceeds 12 months, the maximum total annual housing assistance payment in section 1.6a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.4 ANNUAL CONTRIBUTIONS CONTRACT.

a. *Identification of Annual Contributions Contract.* The PHA has entered into an Annual Contributions Contract dated _____, 19__, with the government, with respect to Project No. _____ ("ACC"), under which the government will provide financial assistance to the PHA pursuant to section 6 of the Act, for the purpose of making housing assistance payments. A copy of the ACC shall be provided upon request.

b. *PHA Pledge of Certain ACC Payments.* The PHA hereby pledges to the pyament of housing assistance payments pursuant to this contract the portion of annual contributions payable under the ACC for such housing assistance payments. The PHA shall not, without the consent of the owner, amend or modify the ACC in any manner which would reduce the amount of such annual contributions, except as authorized in the ACC and this contract.

c. *Government Approval of Housing Assistance Payments Contract.* The approval of this contract by the government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the government for such payments to assist the PHA in the performance of its obligations under the contract.

1.6 MAXIMUM HOUSING ASSISTANCE COMMITMENT; PROJECT RESERVE.

a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this contract (other than paragraph b of this section) or any provisions of any other contract between the PHA and the owner, the PHA shall not be obligated to make and shall not make any housing assistance payments under this contract in excess of $3 _____ per annum (the amount specified in the ACC for such housing assistance payments); provided, however, That this amount shall be reduced commensurate with any reduction in the number of units under this contract.

b. *Project Reserve.* As provided in the ACC, a project account shall be established and maintained, in an amount as determined by the government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum annual ACC commitment exceeds amounts paid under the ACC for any fiscal year. This account shall be established and maintained by the government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any fiscal year may exceed the maximum amount stated in paragraph a of this section to cover increases in contract rents or decreases in family incomes (see Section 1.9). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the government as a receipt in accordance with section 10(b) of the Act.

1.7 HOUSING ASSISTANCE PAYMENTS TO OWNERS.

a. *General.* Housing assistance payments shall be paid to the owner for units under lease by families in accordance with the contract. The housing assistance payment will pay the owner the difference between the contract rent and that portion of said rent payable by the family as determined in accordance with the government-established schedules and criteria. The amount of housing assistance payment payable on behalf of a family and the amount of rent payable by such family shall be subject to change by reason of changes in family income, family composition, extent of exceptional medical or other unusual expenses, or by reason of adjustment by the government of any applicable allowance for utilities and other services. Any such change shall be determined in accordance with the government-established schedules and criteria, and shall be effective as of the date stated in a notification of such change to the family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the contract, the owner shall be entitled to housing assistance payments in the amount of 70 percent of the contract rent for the unit for a vacancy period not exceeding 60 days from the effective date of the contract, provided that the owner (1) commenced marketing and otherwise complied with Section 1.3b of the agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the PHA.

c. *Vacancies After Rent-up.* (1) If a family vacates its unit (other than as a result of action by the owner which is in violation of the lease or the contract or any applicable law), the owner shall receive housing assistance payments in the amount of 70 percent of the contract rent for a vacancy period not exceeding 60 days; *provided, however,* That if the owner collects any of the family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the contract rent, such excess shall be payable to the government or as the government may direct. (See also section 1.10b.) The owner shall not be entitled to any payment under this subparagraph unless he: (1) immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this section.

(2) If the owner proposes to evict a family, he shall not be entitled to any payment under paragraph c(1) of this section unless the request for such payment is supported by a certification that (i) he has given such family a written notice of the proposed eviction, stating the grounds and advising the family that it has 10 days within which to present its objections to the owner in writing or in person and (ii) the proposed eviction is not in violation of the lease or the contract or any applicable law.

d. *Limitation on Payments for Vacant Units.* The owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.10b of this Contract.

e. *PHA Not Obligated for Family Rent.* The PHA has not assumed any obligation for the amount of rent payable by any family or the satisfaction of any claim by the owner against any family other than in accordance with section 1.10b of this contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of families in accordance with this contract.

f. *Owner's Monthly Requests for Payments.* (1) The owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (i) the name of each family and the address and/or number of the unit leased by the family; (ii) the address and/or the number of units, if any, not leased to families for which the owner is claiming payments; (iii) the contract rent as set forth in Exhibit A for each unit for which the owner is claiming payments; (iv) the amount of rent payable by the family leasing the unit; and (v) the total amount of housing assistance payments requested by the owner.

(2) If the owner has received an excessive payment, the PHA or the government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(3) The statement set forth in each of the owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that however knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

1.8 MAINTENANCE, OPERATION AND INSPECTION.

a. *Maintenance and Operation.* The owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide decent, safe, and sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the PHA determines that the owner is not meeting any of these obligations, the PHA

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shall have the right, in addition to its other rights and remedies under this contract to abate housing assistance payments in whole or in part.

b. *Inspection.* (1) Prior to occupancy of any unit by a family, the owner and the family shall inspect the unit and both shall certify, on the form prescribed by the government, that they have inspected the unit and have determined it to be decent, safe, and sanitary in accordance with the criteria provided in the prescribed form.

(2) The PHA shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as the PHA may determine to be necessary to assure that the owner is meeting his obligation to maintain the units in decent, safe, and sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

c. *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the owner that he has failed to maintain a dwelling unit in decent, safe, and sanitary condition and the owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the contract, including abatement of housing assistance payments, even if the family continues to occupy the unit. If, however, the family wishes to be rehoused in another dwelling unit with Section 8 assistance and the PHA does not have other Section 8 funds for such purposes, the PHA may use the abated housing assistance payments for the purpose of rehousing the family in another dwelling unit. Where this is done, the owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to decent, safe, and sanitary condition, (2) the family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the family for both moves.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the owner. The PHA shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the PHA determines that a Contract Unit is not decent, safe, and sanitary by reason of overcrowding, or that a contract unit is larger than appropriate for the size of the family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the owner fails to offer the family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the PHA will assist the family in finding a suitable dwelling unit and require the family to move to such a unit as soon as possible. The owner may receive housing assistance payments for the vacated unit if he complies with the requirements of section 1.7c(1).

1.9 RENT ADJUSTMENTS.

a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with contract rent adjustments under this section up to the maximum total annual housing assistance payments committed under section 1.6a of this contract. The provisions of the ACC which are referred to in section 1.6b of this contract are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in contract rents or decreases in family incomes. The ACC further provides that the government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

b. *Automatic Annual Adjustments.* (1) Automatic Annual Adjustment Factors will be determined by the government at least annually; interim revisions may be made as market conditions warrant. Such factors and the basis for their determination will be published in the FEDERAL REGISTER. These published factors will be reduced appropriately by the government where utilities are paid directly by the families.

(2) On each anniversary date of the contract, the contract rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the government. Contract rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted contract rents be less than the contract rents on the effective date of the contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the government, to reflect increases in the actual and necessary expenses of owning and maintaining the contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the owner clearly demonstrates that such general increases have caused increases in the owner's operating costs which are not adequately compensated for by automatic annual adjustments. The owner shall submit to the government financial statements which clearly support the increase.

d. *Overall Limitation.* Notwithstanding any other provisions of this contract, adjustments as provided in this section shall not result in material differences between the rents charged for assisted and comparable unassisted units as determined by the government.

e. *Incorporation of Rent Adjustment.* Any adjustment in contract rents shall be incorporated into Exhibit A by a dated addendum to the exhibit.

1.10 MARKETING AND LEASING OF UNITS.

a. *Compliance with Equal Opportunity.* Marketing of units and selection of families by the owner shall be in accordance with the owner's government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security Deposits.* The owner shall not require families to pay security deposits. In lieu thereof, the owner may claim reimbursement from the PHA under this contract for unpaid rent by a departing family and/or cost of repairs for damage caused by such family not to exceed a total reimbursement in an amount equal to one month's contract rent.

c. *Eligibility, Selection and Admission of Families.* (1) The owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected family in accordance with schedules and criteria established by the government. In the initial renting of the contract units, the owner shall lease at least 30 percent to very low-income families (determined in accordance with the government-established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of the contract units by very low-income families as determined in accordance with such schedules and criteria.

(2) The lease entered into between the owner and each selected family shall be on the form of lease approved by the government.

(3) The owner shall make a reexamination of family income, composition, and the extent of medical or other unusual expenses incurred by the family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly families), and appropriate redeterminations shall be made by the owner of the amount of family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the government.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the owner is notified of a government determination making an adjustment in the allowance for utilities and other services applicable to any of the contract units, the owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable government requirements and shall maintain records and furnish such copies or other information as may be required by the government.

f. *Review; Incorrect Payments.* In making housing assistance payments to owners, the PHA or the government will review the owner's determinations under this section. If as a result of this review, or other reviews, audits or information received by the PHA or the government at any time, it is determined that the owner has received improper or excessive housing assistance payments, the PHA or the government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the owner, or otherwise effect recovery thereof.

1.11 TERMINATION OF TENANCY.

The owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in section 1.7c.

1.12 REDUCTION OF NUMBER OF CONTRACT UNITS FOR FAILURE TO LEASE TO ELIGIBLE FAMILIES.

a. *Twelve Months after Effective Date of Contract.* If at any time, beginning six months after the effective date of this contract, the owner fails for a continuous period of six months to have at least 80 percent of the contract units leased or available for leasing by families, the PHA, with government approval, may on 30 days notice reduce the number of contract units to not less than the number of units under lease or available for leasing by families, plus 10 percent of such number, if that number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the contract and of each renewal term, the PHA, with government approval, may, by notice to the owner, reduce the number of contract units to not less than (1) the number of units under lease or available for leasing by families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

EFFECTIVE DATE. The effective date of this contract is _____, 19_____. [Insert date which shall be no earlier than the date of approval by the Government.]

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

APPROVED:
OWNER _____
By _____
(Official Title)
Date _____, 19__

United States of America, Secretary of Housing and Urban Development
PHA _____
By _____
(Official Title)
Date _____, 19__

By _____
(Official Title)
Date _____, 19__

[If the project is to be completed and accepted in stages, execution of the contract with respect to the several stages appears on the following pages of this contract.]

Execution of Contract With Respect to Contract Units Completed and Accepted in Stages

Stage 1

This contract is hereby executed with respect to the units described in Exhibit A–1.

EFFECTIVE DATE. The effective date of this contract with respect to the units described in Exhibit A–1 is _____, 19_____. [Insert date which shall be no earlier than the date of approval by the Government.]

APPROVED:
OWNER _____
By _____
(Official Title)
Date _____, 19__

United States of America, Secretary of Housing and Urban Development
PHA _____
By _____
(Official Title)
Date _____, 19__

By _____
(Official Title)
Date _____, 19__

Execution of Contract With Respect to Contract Units Completed and Accepted in Stages

Stage 2

This contract is hereby executed with respect to the units described in Exhibit A–2.

EFFECTIVE DATE. The effective date of this contract with respect to the units described in Exhibit A–2 is _____, 19_____. [Insert date which shall be no earlier than the date of approval by the Government.]

APPROVED:
OWNER _____
By _____
(Official Title)
Date _____, 19__

United States of America, Secretary of Housing and Urban Development
PHA _____
By _____
(Official Title)
Date _____, 19__

By _____
(Official Title)
Date _____, 19__

Execution of Contract With Respect to Contract Units Completed and Accepted in Stages

Stage 3

This contract is hereby executed with respect to the units described in Exhibit A–3.

EFFECTIVE DATE. The effective date of this contract with respect to the units described in Exhibit A–3 is _____, 19_____. [Insert date which shall be no earlier than the date of approval by the government.]

APPROVED:
OWNER _____
By _____
(Official Title)
Date_____, 19__

United States of America Secretary of Housing and Urban Development
PHA _____
By _____
(Official Title)
Date_____, 19__

By _____
(Official Title)
Date_____, 19__

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Housing Assistance Payments Contract—New Construction—Private-Owner/PHA Project

Part II

2.1 NONDISCRIMINATION IN HOUSING.

a. The owner shall not in the selection of families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, Section 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR Subtitle A, Part 1, Section 1.1 et seq.; issued under title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the owner to comply therewith inures to benefit of the government, the said Department, and the PHA any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the owner.

2.2 TRAINING, EMPLOYMENT, AND CONTRACTING OPPORTUNITIES FOR BUSINESSES AND LOWER-INCOME PERSONS.[1]

a. The project assisted under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this contract, the owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified in § 135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the government of the application for this contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the owner, his successors and assigns. Failure to fulfill these requirements shall subject the owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this contract in excess of $50,000 cost, the following clause:

[1] Strike this section if the contract rents on the effective date of this contract, over the maximum term of this contract, are $500,000 or less.

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"EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

"A. The work to be performed under this contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

"B. The parties to this contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this contract. The parties to this contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

"C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

"D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

"E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135."

e. The owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 COOPERATION IN EQUAL OPPORTUNITY COMPLIANCE REVIEWS.

The PHA and the owner shall cooperate with the government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 FLOOD INSURANCE.

If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT.[2]

In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to section 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communication from the EPA indicating that a facility to be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this section in every nonexempt subcontract, and that he will take such action as the government may direct as a means of enforcing such provisions.

2.6 REPORTS AND ACCESS TO PREMISES AND RECORDS.

a. The owner shall furnish such information and reports pertinent to the contract as reasonably may be required from time to time by the PHA or the government.

b. The owner shall permit the PHA or the government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the owner that are pertinent to compliance with this contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 DEFAULT BY THE OWNER.

a. A default by the owner under this contract shall result if:

(1) The owner has violated or failed to comply with any provision of, or obligation under, this contract or of any lease; or

(2) The owner has asserted or demonstrated an intention not to perform some or all of his obligations under this contract or under any lease.

b. Upon a determination by the PHA that a default has occurred, the PHA, with approval of the government, shall notify the owner of the nature of the default, of the actions required to be taken on account of the default (including the curing of the default by the owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the owner shall respond with a showing that he has taken all the actions required of him. If the owner fails to respond or take action to the satisfaction of the PHA and the government, the PHA shall take appropriate actions as directed or approved by the government, to achieve compliance or to terminate the contract in whole or in part.

2.8 DEFAULT BY THE PHA.

The ACC states that the ACC provisions quoted in this section are made with and for the benefit of, the owner or his assignees who will have been specifically approved by the government prior to such assignment, and that to enforce the performance of these provisions, the owner and such assignees shall have the right to proceed against the government by suit at law or in equity. Upon the determination by the government that a default by the PHA has occurred, the following provisions of the ACC (which is hereby made a part of this contract), shall be applicable:

"(b) *Failure or Inability of PHA to Comply with Contract.* In the event of failure of the PHA to comply with the contract with the owner, or if such contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such contract is not binding upon the PHA for any such reason, the government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the owner is not in default, constitutes a substantial default hereunder. In such case, the government will assume the PHA's rights and obligations under such contract, and the government shall, for the duration of such contract, continue to pay annual contributions for the purpose of making housing assistance payments with respect to dwelling units under such contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the government may have to cure the Default.

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"(d) *Return of Rights and Obligations to PHA.* All rights and obligations of the PHA assumed by the government pursuant to this section 2.17 will be returned as constituted at the time of such return (1) when the government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner."

2.9 REMEDIES NOT EXCLUSIVE AND NON-WAIVER OF REMEDIES.

The availability of any remedy under this contract shall not preclude the exercise of any other remedy under this contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.10 DISPUTES.

a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement of the PHA and the owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the contract and in accordance with the decision of the field office director.

c. This section does not preclude consideration of questions of law in connection with the decisions rendered under paragraphs a and b of this section; *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.11 INTEREST OF MEMBERS, OFFICERS, OR EMPLOYEES OF PHA, MEMBERS OF LOCAL GOVERNING BODY OR OTHER PUBLIC OFFICIALS.

No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or in any proceeds or benefits arising therefrom.

2.12 INTEREST OF MEMBER OF OR DELEGATE TO CONGRESS.

No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this contract or to any benefits which may arise therefrom.

2.13 NONASSIGNABILITY.

a. The owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this contract or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the government; *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the government shall consent in writing if the terms of the financing have been approved by the government. An assignment by the owner to a limited partnership of which the owner is the sole general partner shall not be considered an assignment herein.

b. The owner agrees to notify the PHA and the government promptly of any proposed action covered by paragraph a of this section. The owner further agrees to request the written consent of the PHA and the government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

c. For the purpose of this section, a transfer of stock in the owner in whole or in part, by a party holding ten percent or more of the stock of said owner, or a transfer by more than one stockholder or the owner of ten percent or more of the stock of said owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this contract on the project. With respect to this provision, the owner and the party signing this contract on behalf of said owner, represent that they have the authority of all of the existing stockholders of the owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

DAVID M. DEWILDE,
Deputy Assistant Secretary for Housing Production and Mortgage Credit.

[FR Doc.74-26958 Filed 11-18-74;8:45 am]

[2] Strike this section if the contract rents on the effective date of this contract, over the maximum total term of this Contract, are $100,000 or less.

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federal register

TUESDAY, NOVEMBER 19, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 224

PART III

THE PRESIDENT

■

SPECIAL MESSAGE TO CONGRESS ON BUDGET RESCISSIONS AND DEFERRALS

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Special Message on Budget Rescissions and Deferrals

TO THE CONGRESS OF THE UNITED STATES:

In accordance with the provisions of Title X of the Congressional Budget and Impoundment Control Act of 1974 (Pub. L. 93-344), I am transmitting supplementary reports that revise proposed rescission and deferral reports made to the Congress in September and October of this year. I am also transmitting herewith reports on two new deferral actions required to promote sound financial management practices.

The details of the supplementary reports and the new deferrals are attached.

Gerald R. Ford

THE WHITE HOUSE,
November 13, 1974.

SUMMARY OF
PROPOSED RESCISSIONS AND DEFERRALS

(dollars in thousands)

Rescission #:	Item	Budget Authority
	Rescissions:	
	Appalachian Regional Development Programs:	
R75-1A	Airport Construction	40,000
	Agriculture:	
	Forest Service:	
R75-4A	Forest Roads and Trails	61,611
	Interior:	
	Bureau of Land Management:	
R75-6A	Public Lands Development, Roads and Trails.	4,891
	National Park Service:	
R75-7A	Road Construction	10,461
	Deferrals:	
	Agriculture:	
	Forest Service:	
D75-88	Youth Conservation Corps	3,081
D75-24A	Forest Roads and Trails	420,000
	Department of Defense - Civil:	
	Soldiers' and Airmen's Home:	
D75-35A	Capital Outlay	434
	The Panama Canal:	
	Canal Zone Government:	
D75-36A	Capital Outlay	500
	Department of Defense:	
D75-37A	Wildlife Conservation, etc.	343
	Housing and Urban Development:	
	Community Planning and Development:	
D75-52A	Public Facility Loans	183,934
	Interior:	
	Bureau of Land Management:	
D75-54A	Public Lands Development, Roads and Trails.	30,000
	U.S. Geological Survey:	
D75-61A	Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920	27
	Labor:	
	Pension Benefit Guarantee Corporation:	
D75-89	Pension Guaranty Fund	343
	State:	
	International Boundary and Water Commission, U.S. & Mexico:	
D75-67A	Construction	4,696
	Total	760,321

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Rescission No. R75-1A

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Rescission No. R75-1 transmitted in the special message of September 20, 1974 and printed as House Document No. 93-361. This rescission was submitted initially for information purposes only, as the determination to withhold this contract authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this rescission which now places it under the provisions of the Act.

The amount proposed for rescission remains $40,000,000, as reported previously. The rescission reported has been updated to reflect appropriations realized through recent Congressional Action (P.L. 93-393), and to reflect current estimates of unobligated balances from prior years. New budgetary resources increased $133.5 million to reflect 1975 appropriations for non-highway programs. Unobligated balances are now estimated at $276,103,000 which consists of $185,000,000 of 1975 highway contract authority, $40,000,000 of airport safety contract authority (originally provided in the Appalachian Regional Development Act of 1975, as amended on August 5, 1971) and $51,103,000 of unobligated balances of appropriations.

Legislation to effect this rescission has been introduced(Sec. 2, H.R. 16893).

Rescission Proposal No.: R75-1A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Appalachian Regional Commission (ARC)	New budget authority (P.L. 92-65)	$ 318,500,000 1/
Bureau	Other budgetary resources	276,103,000 2/
Appropriation Title & Symbol	Total Budgetary Resources	594,603,000
Appalachian Regional Development Programs 11X0090 (Section 208 - Appalachian Airport Safety Improvements)	Amount proposed for rescission	40,000,000

JUSTIFICATION Contract authority of $40,000,000 is proposed for withdrawal pursuant to the Antideficiency Act (31 U.S.C. 665). The airport safety activities provided for under this contract authority are already being achieved under the authority for the FAA program for navigation aids, the national program of grants-in-aid for airports and by State and local governments through ARC's Supplemental Grant authority. The Federal Cochairman of ARC does not plan to request an appropriation to liquidate this contract authority prior to the expiration of the authorization on June 30, 1975, and has so notified the State members of the Commission.

ESTIMATED EFFECTS: The withdrawal of this contract authority will not significantly affect the ability of localities in the Appalachian region to improve their airports because of the existence of other airport construction and safety programs.

Had there been an appropriation in 1975 to liquidate this contract authority, this withdrawal would represent outlay savings of approximately $2,000,000 in FY 1975 and future savings of approximately $4,000,000 in FY 1976 and $9,000,000 in FY 1977. The FY 1975 savings are assumed in the latest budget estimates. Thus, this withdrawal has the effect of maintaining the current budget estimates.

1/$185,000,000 of which is 1976 contract authority not available for obligation in FY 1975 pursuant to P.L. 93-393.
2/$25,000,000 of which is 1975 contract authority not available for obligation in FY 1975 pursuant to P.L. 93-393.

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APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

APPALACHIAN REGIONAL DEVELOPMENT PROGRAMS

APPALACHIAN AIRPORT SAFETY IMPROVEMENTS

The authority to incur obligations provided by subsection (f) of section 208 of the Appalachian Regional Development Act of 1965, as amended, (85 stat. 169, 40 App. U.S.C. 208) is rescinded.

Rescission No. R75-4A

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message revises Rescission No. R75-4 transmitted in the special message of October 4, 1974 and printed as House Document No. 93-365.

The revision reflects a $1,941,936 decrease in the amount proposed to be rescinded for the Forest Service, Forest Roads and Trails account--from $63,553,000 to $61,611,064.

The amount proposed for rescission in the October 4, 1974 special message was based upon a preliminary estimate of the amount of 1973 contract authority provided in the Federal-Aid Highway Act of 1970 (23 U.S.C. 203) that would lapse as of June 30, 1975. The estimate was based upon a program plan formulated prior to Congressional action on the Department of Interior and Related Agencies Appropriation Act of 1975 (P.L. 93-404) and upon an estimate of indefinite appropriations anticipated pursuant to the Act of March 4, 1913 (16 U.S.C. 501). Congressional appropriation action directed an increase in the obligation plan of $7,400,000. The FY 1975 obligation plan was also increased by $1,045,000 to complete work which was programmed but not completed in FY 1974. Indefinite appropriations realized in FY 1974 exceed the estimate made in the previous report by $6,503,064. The difference between the increased program plan, $8,445,000, and the increase in indefinite appropriations realized is $1,941,936, the decrease in the amount proposed to be rescinded.

This modification of the amount proposed for rescission is consistent with the previous rescission report which stated that additional obligations would increase 1975 cash requirements beyond the amount made available by the Congress in its review of and action on the 1975 program plan. This increase in the program level is funded in part by the increase in indefinite appropriations realized above the estimates.

The deferral of $420 million has been made the subject of another report (D75-24), transmitted to Congress on October 4, 1974. The amount of that deferral is unaffected by the adjustments to the program level and the amount proposed for rescission discussed herein.

Legislation to effect this rescission has been introduced (Sec. 3, H.R. 17204). A revised rescission proposal that reflects the current status of funds accompanies Rescission No R75-4A.

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Rescission No. R75-4A

Supplementary Report (cont'd)

This rescission was submitted initially for information purposes only, as the determination to withhold this contract authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this rescission which now places it under the provisions of the Act.

Rescission Proposal No.: R75-4A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Department of Agriculture	New budget authority 16 U.S.C. 501/23 U.S.C. 203	$ 187,003,064*
Bureau Forest Service	Other budgetary resources	452,000,000*
Appropriation Title & Symbol 12X2262 Forest Roads & Trails 12X5203 Forest Service Road & Trails for State National Forest Fund	Total Budgetary Resources	639,003,064*
	Amount proposed for rescission	61,611,064*

Justification:*

The Federal Aid Highway Act of 1970 provided contract authority (CA) of $170M in both fiscal years 1972 and 1973. The CA is available for two years after the fiscal year for which it was authorized. The $157,392,000 made avilable for the Forest Road and Trails program represents the funding required to support resource development and use plans for the national forest system in 1975. This amount is made up of $108,388,936 of 1973 CA available for use through 1975, $47,003,064 available from 10 percent of national forest receipts (16 U.S.C. 501) and $2,000,000 in anticipated reimbursements. An additional $61,611,064 of 1973 CA is not needed to achieve the 1975 program objectives and will lapse on June 30, 1975. This amount is proposed for rescission. The deferral of $420 million has been made the subject of another report (D75-24) transmitted to Congress on October 4, 1974.

The 1975 program level has been prepared considering resource development and use opportunities and the associated benefit/cost relationships to the extent possible. Analysis of additional program opportunities is necessary and is continuing to better determine their benefit/cost relationships and to establish priorities. Road requirements are a major consideration in these efforts, It is conceivable that upon further analysis, some increase or decrease in the program might be justified but these possible changes are expected to be relatively small in relation to the CA available.

Congressional appropriation action (P.L. 93-404) provided $120,864,000 in cash to liquidate contract authority and the Committee reports directed an increase in obligations of $7,400,000. The appropriated cash to liquidate contract authority is slightly less than the Administration's request of $121,000,000 but with careful management is believed to be sufficient to carry out the 1975 program plan as amended by Congress. Additional obligations in 1975 would increase 1975 cash requirements beyond that made available by the Congress in its review of and action on the 1975 program plan.

*Revised from previous submission.

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(Cont'd.)

Estimated Effects:*

If this contract authority were to be made immediately available the result would be an estimated increase in the program level of about $11.6 million in the current year. The increased program level would in turn, require additional appropriations for liquidation of contract authority and increased outlays of about $2.3 million in FY 1975, $7.6 million in FY 1976, and $1.7 million in FY 1977. Greater outlay increases are unlikely because necessary planning and other preconstruction activities have not been accomplished.

* Revised from previous submission.

DEPARTMENT OF AGRICULTURE

Forest Service

Forest Development Roads & Trails

Contract authority provided for the fiscal year 1973 by Section 105(a)(7) of the Federal-Aid Highway Act of 1970 (P.L. 91-605) for "Forest development roads and trails" is rescinded in the amount of $61,611,064.

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Rescission No. R75-6A

SUPPLEMENTARY REPORT

Report pursuant to Sec. 1014(c)
of P.L. 93-344

This supplementary message modifies Rescission No. R75-6 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365. This rescission was submitted initially for information purposes only, as the determination to withhold this contract authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this rescission which now places it under the provisions of the Act.

The previous report reflected an estimate of unobligated balances of $28,961,000. This report reflects actual balances determined available of $30,036,585. The difference between estimated and actual balances brought forward into fiscal year 1975, $1,075,585, has been made available for obligation. No other changes have been made from the previous report. Legislation to effect this rescission has been introduced (Sec. 4, H.R. 17204).

Rescission Proposal No.: R75-6A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency Interior	New budget authority (23 USC 203)	$ 10,000,000
Bureau Bureau of Land Management	Other budgetary resources	30,086,585*
Appropriation Title & Symbol	Total Budgetary Resources	40,086,585*
Public Lands Development Roads and Trails 14X1113	Amount proposed for rescission	4,891,000

Justification:*

The $5,195,585 programmed for the Public Lands Development Roads and Trails represents the funding required to support resource development and use plans for the public lands in 1975. The Federal Aid Highway Act of 1970 provides contract authority of $5 million for 1972 and $10 million for 1973 to be available for two years subsequent to the fiscal year for which it is authorized. The Federal Aid Highway Act of 1973 provides additional contract authority of $10 million for each of fiscal years 1974, 1975 and 1976 and authorizes use of this authority one year in advance of and two years subsequent to the fiscal year for which it is authorized. The total budgetary resources for this program consist of $10,000,000 in 1976 contract authority, $30,036,585 in unobligated balances carried forward from fiscal year 1974 and $50,000 in anticipated reimbursements. Under the existing program, $4,891,000 of contract authority will lapse on June 30, 1975, and $30 million will be carried into 1976.

The 1975 program level has been prepared considering resource development and use opportunities and the associated benefit/cost relationships to the extent possible. The program for road development in any one year is based on estimated requirements to meet the objectives for multiple use resource development and use plans on the national resource lands.

This program is reviewed annually by the Congress when it takes action on the appropriation required to liquidate obligations under existing contract authority. Thus, the amount of contract authority made available has been implicitly approved by the Congress.

Estimated Effects:

Rescission of these funds will have no adverse effects on the program in future years. The $4,891,000 proposed for rescission is 1973 contract authority which will lapse at the end of this fiscal year. If this unneeded contract authority were made immediately available, those projects that have unfavorable benefit/cost relationships would be funded. These projects would yield either limited benefits over the life of the project, benefits that can only be realized several years in the future, or both results. This proposed rescission and the deferral of $30 million in this account are consistent with a program level that provides optimum utilization of available funds.

*Revised from previous submission.

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If the amounts proposed for rescission, the deferred amounts or both the amounts were to be made immediately available for obligation, the program level would increase by $3.1 million in 1975 and outlays by approximately $.8 million in 1975 and $2.3 million in 1976

Rescission No. R75-7A

Supplementary Report

Report Pursuant to Section 1014(c) of P.L. 93-344

This supplementary message revises Rescission No. R75-7 transmitted in the special message of October 4, 1974 and printed as House Document No. 93-365.

This revision reflects a $3,538,972 decrease in the amount proposed to be rescinded for the National Park Service, Road Construction account resulting in a decrease of the rescission from $14,000,000 to $10,461,028.

The amount proposed for rescission in the previous report was based upon a preliminary estimate of the amount of 1973 contract authority provided in the Federal-Aid Highway Act of 1970 (23 U.S.C. 203) that would lapse as of June 30, 1975. The estimate was based upon a program plan formulated prior to Congressional action in the Department of the Interior and related Agencies Appropriation Act of 1975 (P.L. 93-404). Since that time, Congressional action has resulted in a final 1975 program plan which will require the use of a larger amount of available contract authority. Also, after further review of financial records, the National Park Service has determined that a lesser amount of contract authority from the "Parkways" authorization is the correct lapsing authority in 1975. The current rescission of contract authority for "Parkways" as provided in the Federal-Aid Highway Act of 1970 (P.L. 91-605) will allow for use of all available contract authority needed to carry out the 1975 program as approved by the Congress in P.L. 93-404.

This modification of the amount proposed for rescission is consistent with the previous rescission report which stated that the program level in each year has reflected a level of obligations implicitly approved by the Congress in its review of action on the appropriation required to liquidate obligations under existing contract authority.

The revised rescission report also reflects a decrease in total budgetary resources of $25,044,824. This decrease is attributable to (1) the difference between the estimate of the unobligated balances carried forward from fiscal year 1974, which was reflected in the previous report, and the actual balances determined available as of June 30, 1974, and (2) the Park Service's in-depth review of their financial records resulting in an adjustment of the amount of contract authority available.

Legislation to effect this rescission has been introduced (Sec. 5, H.R. 17204). A revised rescission proposal that reflects the current status of funds accompanies Rescission No. R75-4A.

V 39 224 NOV 19 74 XUM

Rescission No.: R75-7A

PROPOSED RESCISSION OF BUDGET AUTHORITY
Report Pursuant to Sec. 1012 of P.L. 93-344

Agency: Interior	New budget authority	$105,000,000
Bureau: National Park Service	(23 USC 203)	
Appropriation Title & Symbol	Other budgetary resources	229,053,632*
Road Construction	Total Budgetary Resources	334,053,632*
14X1037	Amount proposed for rescission	10,461,028*

Justification:*

The Federal Aid Highway Act of 1970 provides contract authority of $20 million for 1972 and $50 million for 1973. The contract authority is available for the two subsequent years after the year for which it was authorized. In addition, the Federal Aid Highway Act of 1973 provides contract authority of $90 million for 1974, $105 million for 1975, and $105 million for 1976, and authorizes use one year in advance of the year for which it was authorized. The amount proposed for rescission will lapse at the end of the current fiscal year.

In the Department of Interior and Related Agencies Appropriations Act of 1975 (P.L. 93-404), the Congress approved a new obligational program of $38,926,000. This amount, along with an amount of $28,530,145 programmed for 1974 but as yet unobligated, will give the Park Service a total obligational program of $67,456,145 for 1975. Allowance has been made for use of all the contract authority necessary to carry out this program level. Obligation of all available CA would result in the low-priority use of scarce Federal financial resources. Many of the facilities and interpretive systems which these projects could serve are not yet planned or are not needed until future years.

Historically, Congress has provided contract authority for this program in excess of the Park Service's construction capacity. The program level in each year, however, has reflected a level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

Estimated Effects:

It is unlikely there would be a significant increase in the program even if the additional contract authority were made available. If this authority is not rescinded, it is unlikely that a substantial portion of it could be obligated this fiscal year for the reasons stated.

*Revised from previous submission.

DEPARTMENT OF THE INTERIOR

National Park Service

Parkways

Contract authority provided for fiscal year 1973 by Section 105(a)(10) of the Federal-Aid Highway Act of 1970 (P.L. 91-605) for "Parkways" is rescinded in the amount of $10,461,028.

V 39 I 224 NOV 19 74 XUM

Deferral No.: D75-88

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Agriculture Bureau Forest Service Appropriation Title & Symbol 125/61125 Youth Conservation Corps Forest Service 1975/1976.	New budget authority (P.L. 93-404)	$ 10,240,000
	Other budgetary resources	---
	Total Budgetary Resources	10,240,000
	Amount to be deferred part of year	---
	Amount to be deferred for entire year	3,081,000

Justification:

The Youth Conservation Corps Act of 1970, as amended (P.L. 92-597, October 27, 1972), was enacted to provide gainful employment of young people, ages 15 through 18, during the summer months in furthering development and maintenance of natural resources. Funds were appropriated in the Department of Interior and related agencies Appropriation Act of 1975 (P.L. 93-404) to operate Federal Youth Conservation Camps. These appropriations were made to fund operation of summer camps in calendar year 1975. Thus, the Congress made the funds available in both fiscal years 1975 and 1976. The amount deferred has been placed in reserve under provisions of the Antideficiency Act, (31 U.S.C. 665), to be made available in the first quarter of fiscal year 1976. The reserve will insure fund availability for camp operations for July through September of calendar year 1975.

Estimated Effects:

There are no programmatic or budget impacts since this deferral is in accordance with planned operation of the authorized program and is considered in current budget estimates.

Deferral No. D75-24A

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-24 transmitted in the special message of October 4, 1974 and printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as the determination to withhold this contract authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

The amount being deferred remains $420,000,000 as previously reported. Certain changes have been made, however, to the 1975 program level, the total budgetary resources, and the budgetary effects of the deferral action since the previous submission.

The estimate of 1975 national forest receipts has increased from $40,500,000 to $47,003,064. New budget authority and total budgetary resources have accordingly increased by $6,503,064 from the previous submission.

The 1975 program level has been increased by $8,445,000. As a result of the increase to the program level, the outlay effect of this deferral action has been reduced by $1.7 million in FY 1975, $5.4 million in FY 1976 and $1.3 million in FY 1977 from the outlay effect reported in the previous submission. The reduced outlay effects result from a decrease of $8.4 in the estimated amount of contract authority which could be obligated in 1975 if all available contract authority were to be made immediately available.

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Deferral No.: D75-24A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Agriculture	New budget authority 16 U.S.C. 501/23 U.S.C. 203	$ 187,003,064*
Bureau: Forest Service	Other budgetary resources	452,000,000
Appropriation Title & Symbol	Total Budgetary Resources	639,003,064*
12X2262 Forest Roads and Trails Forest Service	Amount to be deferred part of year	---
12X5203 Roads and Trails for State National Forest Fund	Amount to be deferred for entire year	420,000,000

Justification:*

The Federal-Aid Highway Act of 1970 provided contract authority (CA) of $170 million for fiscal year 1973 to be available through fiscal year 1975. The Federal-Aid Highway Act of 1973 provided contract authority of $140 million for each of fiscal years 1974, 1975, and 1976. This CA is available one year before and two years subsequent to the year for which it is provided. In 1975 $157,392,000 has been made available for the Forest Road and Trails program and represents the funding required to support resource development and use plans for the national forest system in 1975. This amount is made up of $108,388,936 of 1973 CA available for use through 1975, $47,003,064 available from 10 percent of 1975 national forest receipts (16 U.S.C. 501) and $2,000,000 in anticipated reimbursements. Of the remaining $481,611,064 budgetary resources available $61,611,064 is proposed for rescission (R75-4A) as it represents 1973 CA which will lapse at the end of fiscal year 1975, and $420,000,000 is being deferred.

The amount of road development in any one year is based on estimated requirements to meet the objectives for resource development and use plans on national forests. Roads are also constructed by timber purchasers in connection with timber sale operations. These roads are, of course, closely related to individual timber sales and are appropriately considered to be a cost of the sale. Almost all construction by timber purchasers in 1975 is in connection with existing timber sale contracts. Major contract revisions are not practical or equitable.

Congressional appropriation action (P.L. 93-404) provided $120,864,000 in cash to liquidate contract authority. This is only slightly less than the Administration's request of $121,000,000 but sufficient to carry out the program plan as presented in the 1975 budget and amended by Congress. Additional obligations in 1975 would increase 1975 cash requirements beyond the level made available. Thus, the amount of contract authority made available reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

* Revised from previous submission.

Deferral No. D75-24A (Cont'd).

Estimated Effects:*

Obligation of major amounts of funds proposed to be deferred would not be possible as planning and other pre-construction activities have not been accomplished. Therefore, if these funds were made available for obligation, investment could result in opportunities likely to yield low returns, investments not coordinated with other resource development activities, and a program level for which comprehensive plans have not been prepared.

If the contract authority were made immediately available, obligations in 1975 would increase by about $11,600,000. The outlay effect would be $2.3 million in FY 1975, $7.6 million in FY 1976 and $1.7 million in FY 1977.

* Revised from previous submission.

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Deferral No. D75-35A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-35 transmitted in the special message of October 4, 1974 and printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as determination to withhold this budget authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

The amount currently deferred is $434,000, reflecting a release of $179,000 of the funds cited as deferred on the previous report. These funds were made available to provide for modifications to the central heating plant at the Soldier's and Airmen's Home required to meet the District of Columbia emission standards. The previous report had anticipated a release of $50,000 this year for this purpose, the difference being the increase in cost for this project over previous estimates.

Deferral No.: D75-35A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Soldiers' and Airmen's Home	New budget authority (P.L. _____)	$ _____
Bureau	Other budgetary resources	1,193,000
Appropriation Title & Symbol	Total Budgetary Resources	1,193,000
Capital Outlay 84X8932	Amount to be deferred part of year	_____
	Amount to be deferred for entire year	434,000 *

Justification

In 1974, the Soldiers' and Airmen's Home requested that funds appropriated for the planning of a new domiciliary and hospital addition be reserved until the Home studied alternative means of financing its operations. Construction planning needs, if any are identified, would be determined upon completion of the study.

This deferral action has been taken under provision of the Anti-Deficiency Act (31 U.S.C. 665) that authorizes the establishment of reserves for contingencies.

Estimated Effects

This deferral action has no programmatic or budgetary effect and was anticipated in the budget. Construction planning funds could not be used until completion of the study.

*Revised from previous submission.

V 39 224 NOV 19 74 XUM

Deferral No. D75-36A

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-36 transmitted in the special message of October 4, 1974 and printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as determination to withhold this budget authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

There is no change in the amount previously reported deferred for the Panama Canal Zone Government, Capital Outlay Account, nor is there any change to the information provided.

Deferral No.: D75-36A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency: Panama Canal	New budget authority (P.L. 93-391)	$5,790,000
Bureau: Canal Zone Government	Other budgetary resources	3,170,158
Appropriation Title & Symbol	Total Budgetary Resources	8,960,158
Capital Outlay 38X9118	Amount to be deferred part of year	
	Amount to be deferred for entire year	500,000

Justification:

This program is funded by appropriations made in the Department of Transportation and related Agencies Appropriations Act of 1975 (P.L. 93-391) and those Acts of prior years. These appropriations are available until expended. This deferral action has been taken at the request of the Canal Zone Government until obligations for inspection charges can be scheduled. These inspections are made upon completion of construction projects initiated in this year. The reserve has been established under the provisions of the Anti-deficiency Act (31 USC 665) to insure fund availability for inspection work upon project completion.

Estimated Effects:

The amount deferred could not be used if made available in the current year because of the scheduling of the planned construction program. Thus, the deferral action has no programmatic or budgetary effect.

V 39 I 224 NOV 19 74 XUM

Deferral No.: D75-37A

SUPPLEMENTARY REPORT
REPORT PURSUANT TO SEC. 1014C OF P.L. 93-344

This supplementary message modifies D75-37 transmitted in the special message of October 4, 1974, and printed as House Document 93-365. This deferral was submitted initially for information purposes only, as the determination to withhold these funds from obligation was made prior to enactment of the Congressional Budget and Impoundment and Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

Total budgetary resources have increased by $95,532 due to larger than expected carryover of unobligated balances on June 30, 1974. The amounts apportioned have increased by $50,000 from the previous report, due to the identification of additional program requirements.

Deferral No.: D75-37A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Defense	New budget authority (16 U.S.C. 670 f (a))	$ 657,000
Bureau	Other budgetary resources	516,532*
Appropriation Title & Symbol Wildlife Conservation, etc., Military Reservations appropriations	Total Budgetary Resources	1,173,532*
	Amount to be deferred part of year	
	Amount to be deferred for entire year	342,532*

Justification*

These are permanent appropriations. The budgetary resources consist of anticipated receipts and unobligated balances which are generated from hunting and fishing fees collected on military reservations, pursuant to 16 U.S.C. 670. They may be used only in accordance with the purpose of the law, to carry out a program of natural resource conservation.

Apportionments have been made for all known program requirements. The balance of the funds are being deferred under the provisions of the Anti-Deficiency Act (31 U.S.C. 665). Full apportionment is not requested by the Services because (1) installations may be accumulating funds over a period of time to fund a major project and (2) there is a seasonal relationship between the collection of fees and their subsequent expenditure. Most of the fees are collected during the winter and spring months, while most of the program work is performed during the summer and fall months. This necessitates that funds collected in a prior year be deferred in order to be available to finance the program during the summer and fall months.

Total budgetary resources have increased by $95,532 due to larger than expected carryover of unobligated balances on June 30, 1974. The amounts apportioned have increased by $50,000 from the previous report, due to the identification of additional program requirements.

Wildlife Conservation, etc., Military Reservations, Army	21X5095	$284,790
Wildlife Conservation, etc., Military Reservations, Navy	17X5095	33,312
Wildlife Conservation, etc., Military Reservations, Air Force	57X5095	24,430
		$342,532

Estimated Effects

These deferrals have no programmatic or budgetary effect because the funds could not be obligated if made available.

*Revised from previous submission.

V 39 I 224 NOV 19 74 XUM

Deferral No. D75-52A

SUPPLEMENTARY REPORT

Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-52 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as the determination to withhold these funds from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

An increase in new budget authority of $2,810,000 is reflected in the revised submission. These funds were made available by appropriations for the payment of participation sales insufficiencies. Other budgetary resources have also increased by $5,137,910 as a result of an adjustment to unobligated balances carried forward from fiscal year 1974. Actual balances carried forward exceeded the estimate made in the previous report.

Interest and other costs estimated at $23,303,000 have been apportioned since the last report. These obligations are required to meet the costs to be incurred in FY 1975 in connection with outstanding loans. The balance of the fund will be needed in future years for the same purpose.

Deferral No.: D75-52A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Housing and Urban Development	New budget authority (P.L. 89-429)	$ 3,871,000*
Bureau Community Planning and Development	Other budgetary resources	203,366,414*
Appropriation Title & Symbol	Total Budgetary Resources	207,237,414*
Public Facility Loans 86X4234	Amount to be deferred part of year through Jan. 1, 1975	183,934,414*
	Amount to be deferred for entire year	

JUSTIFICATION *

Title II of the Housing Amendments of 1955 authorized HUD to assist the construction of public facilities with long-term Federal loans.

Section 116 of the Housing and Community Development Act of 1974 terminates this program on January 1, 1975 and specifies that no new loan commitments may be made after the termination date. Activities previously supported are eligible for assistance under the new community development block grant program beginning January 1, 1975. Hence, the public facility loan program is not needed to achieve national community development goals as established by Congress.

The unused balance of the fund as of October 4, 1974 is estimated at $183,934,414. A portion of these funds will be needed in future years to cover servicing and other administrative costs incurred in connection with outstanding loans. These costs are estimated at $23.3 million in FY 1975. In addition, Congress has authorized the use of these funds for payment into the Disaster Assistance Fund for emergency housing assistance.

ESTIMATED EFFECTS

Continued reservation of these funds will not interfere with the achievement of current national community development goals nor impair HUD's ability to protect the Government's interest in outstanding loans. Use of these funds would require the reactivation of a program which Congress has terminated on January 1, 1975 and could force the Department to increase personnel or lengthen the time required to commence the new community development block grant program. It would also increase Federal outlays by an estimated $13 million in FY 1976 and $34 million in FY 1977.

*Revised from the previous submission.

V 39 224 NOV 19 74 XUM

Deferral No. D75-54A

SUPPLEMENTARY REPORT

Report pursuant to Sec. 1014(c)
of P.L. 93-344

This supplementary message modifies Deferral No. D75-54 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as the determination to withhold this contract authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

The previous report reflected an estimate of unobligated balances of $28,961,000. This report reflects actual balances determined available of $30,036,585. The difference between estimated and actual balances brought forward into fiscal year 1975, $1,075,585, has been made available for obligation. No other changes have been made from the previous report.

Deferral No.: D75-54A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority (23 USC 203)	$10,000,000
Bureau Bureau of Land Management	Other budgetary resources	30,086,585*
Appropriation Title & Symbol	Total Budgetary Resources	40,086,585*
Public Lands Development Roads and Trails 14X1113	Amount to be deferred part of year	
	Amount to be deferred for entire year	30,000,000

Justification:*

The $5,195,585 programmed for the Public Lands Development Roads and Trails represents the funding required to support resource development and use plans for the public lands in 1975. The Federal Aid Highway Act of 1970 provides contract authority of $5 million for 1972 and $10 million for 1973 to be available for two years subsequent to the fiscal year for which it is authorized. The Federal Aid Highway Act of 1973 provides additional contract authority of $10 million for each of fiscal years 1974, 1975 and 1976 and authorizes use of this authority one year in advance of and two years subsequent to the fiscal year for which it is authorized. The total budgetary resources for this program consist of $10,000,000 in 1976 contract authority, $30,036,585 in unobligated balances carried forward from fiscal year 1974 and $50,000 in anticipated reimbursements. Under the existing program, $4,981,000 of contract authority will lapse on June 30, 1975, and $30 million will be carried into 1976.

The program for road development in any one year is based on estimated requirements to meet the objectives for multiple use resource development and use plans on the national resource lands. This program is reviewed annually by the Congress when it takes action on the appropriation required to liquidate obligations under existing contract authority. Thus, the amount of contract authority made available has been implicitly approved by the Congress.

Estimated Effects:

If the contract authority deferred were to be made immediately available, the release would result in capital investments expected to yield low returns, investments not coordinated with other resource development activities and a program level for which comprehensive plans have not been prepared. It is doubtful whether obligation of major amounts of funds deferred is possible as planning and other pre-construction activities have not been accomplished. This deferral and the proposed rescission under this account have been initiated to achieve optimum utilization of funds.

*Revised from previous submission.

V 39 I 224 NOV 19 74 XUM

If the amounts deferred, the amounts proposed for rescission, or both amounts were to be made immediately available, the program level would increase by $3.1 million in 1975 and outlays by approximately $.8 million in 1975 and $2.3 million in 1976.

Deferral No. D75-61A

SUPPLEMENTARY MESSAGE

Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral D75-61 transmitted in the special message of October 4, 1974, and printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as the determination to withhold this contract authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

Total budgetary resources have been adjusted downward $941 to reflect actual balances brought forward on July 1. This has the effect of reducing the amount reserved by the same amount, as all budgetary resources in this account are deferred.

V 39 224 NOV 19 74 XUM

Deferral No.: D75-61A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Interior	New budget authority	$ *
Bureau U.S. Geological Survey	30 USC 229(a) Other budgetary resources	27,059*
Appropriation Title & Symbol Payments from Proceeds, Sale of Water, Mineral Leasing Act, 1920. Sec. 40(d)	Total Budgetary Resources	27,059*
	Amount to be deferred part of year	-0-
	Amount to be deferred for entire year	27,059*

JUSTIFICATION *

Section 40(d) of the Mineral Leasing Act of 1920 [30 U.S.C. 229(a)] provides that when lessees or operators drilling for oil or gas on public lands strike water, water wells may be developed by the Department from the proceeds from sale of water from existing wells. Receipts have bean accruing to this permanent account at the rate of about $1,000 per year. At the start of fiscal year 1965, the account had an unobligated balance of $16,000 which had increased to $27,000 by the start of fiscal year 1975. None of these receipts have been obligated over the past nine years and none are planned for obligation in fiscal year 1975 because the total available is too small to be put to practical use for the purpose designated by law. Deferral is planned because funds could not be used effectively during the current fiscal year even if made available for obligation. This reserve action is taken pursuant to the Anti-Deficiency Act (31 USC 665(c)(1).

ESTIMATED EFFECTS

There will be no programmatic or outlay impact in FY 1975 since the receipts will continue to accrue but will remain unobligated until such time as an amount is available which can be used for effective purpose.

* Revised from previous submission

Deferral No.: D75-89

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of Labor	New budget authority (P.L. 93-406)	$ 100,000,000
Bureau Pension Benefit Guarantee Corporation	Other budgetary resources	22,000,000
Appropriation Title & Symbol Pension Guaranty Fund 16X4204	Total Budgetary Resources	122,000,000
	Amount to be deferred part of year	343,000
	Amount to be deferred for entire year	- 0 -

Justification

The Employee Retirement Income Security Act of 1974 (P.L. 93-406) authorized the establishment of this revolving fund in the Pension Benefit Guarantee Corporation (PBGC). The authorization included authority to spend public debt receipts in an aggregate amount not to exceed $100,000,000. The authorization also provided that this revolving fund would be credited with premium payments, receipts and other budgetary resources for operation of the Corporation. The budgetary resources of the Corporation are available without regard to fiscal year limitation.

The PBGC requested an apportionment of $1,978,000 for the first two quarters of FY 1975 to finance 100 positions for top level and initial staffing of the PBGC. However, this estimate for personnel costs appears to be unnecessarily high (an average cost per position of $40,000 for two quarters) and the need for 100 positions by December 31, 1974 has not been adequately justified. Furthermore, to fund 100 positions annually would take 10% of expected annual premium payments.

The PBGC has been apportioned $1,635,000 for 75 positions for the first two quarters of FY 1975. The remaining $343,000 would be deferred to the third quarter. This deferral action has been taken under the provisions of the Antideficiency Act (31 U.S.C. 665) to promote the most effective and economical use of PBGC funds.

Estimated Effects

The deferral would permit the initial staff of the PBGC to analyze more adequately the administrative needs of the PBGC and determine the proper ratio of administrative to total costs to conserve premium receipts for payment of benefits to workers in failing pension plans and to reduce the need to use Treasury borrowings to the essential minimum. This deferral will have little, if any, budgetary or other effect upon the PBGC program.

V 39 I 224 NOV 19 74 XUM

Deferral No.D75 -67A

SUPPLEMENTARY REPORT
Report pursuant to Section 1014(c) of P.L. 93-344

This supplementary message modifies Deferral No. D75-67 transmitted in the special message of October 4, 1974 and printed as House Document No. 93-365. This deferral was submitted initially for information purposes only, as determination to withhold this budget authority from obligation was made prior to enactment of the Congressional Budget and Impoundment Control Act of 1974. Since this previous report, an action has been taken with respect to this deferral which now places it under the provisions of the Act.

*The amounts previously reported for budgetary resources have been adjusted upward to reflect appropriations of $6,231,000 provided by P.L. 93-433 and an additional $10,252,000 of unobligated balances brought forward July 1. All of these additional funds have been made available for obligation in 1975. The amount deferred remains $4,696,000, as reported previously.

Deferral No.: D75-67A

DEFERRAL OF BUDGET AUTHORITY
Report Pursuant to Sec. 1013 of P.L. 93-344

Agency Department of State Bureau International Boundary and Water Commission, U.S. & Mexico Appropriation Title & Symbol Construction, International Boundary and Water Commission, United States and Mexico, 19X1078	New budget authority (P.L. _____)	$ 6,231,000*
	Other budgetary resources	14,948,000*
	Total Budgetary Resources	21,179,000*
	Amount to be deferred part of year	
	Amount to be deferred for entire year	4,696,000

Justification:

The International Boundary and Water Commission (IBWC) requested that funds for the construction of the Tijuana Flood Control project in California, originally appropriated in FY 1969 and available until expended, be placed in reserve for contingencies pending the decision of San Diego to donate rights-of-way to the project. Agreement had originally been reached between the IBWC and the City of San Diego by which the City would provide the necessary rights-of-way for the project. However, subsequent to this agreement the City opted for a modified, less costly project. While the IBWC is agreeable to the modification, the City of San Diego, in conjunction with the State of California, has not provided the necessary, and formerly agreed upon, rights-of-way. Until the donation of these rights-of-way is confirmed, construction cannot proceed. Should the issues be resolved prior to the end of the fiscal year the reserved funds would be released for obligation.

Estimated Effects:

Because of the lack of local assurances of cooperation on this project, deferral is the only option open at this time. Release of these reserves would have no budgetary effect until State and local governments furnish the required cooperation.

* Revised from previous submission

[FR Doc.74-27255 Filed 11-18-74;11:51 am]

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

No acts approved by the President were received by the Office of the Federal Register from Friday, November 8 to Friday, November 15, 1974.

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presidential documents

Title 3—The President

PROCLAMATION 4334

Establishment of Tariffs and Quota on Certain Sugars, Sirups and Molasses

By the President of the United States of America

A Proclamation

1. WHEREAS, pursuant to section 201(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1821(a)), on June 30, 1967, the President entered into a trade agreement consisting of the Geneva (1967) Protocol to the General Agreement on Tariffs and Trade, including a schedule of United States concessions annexed thereto (hereinafter referred to as "Schedule XX (Geneva—1967)", together with the Final Act Authenticating the Results of the 1964–67 Trade Conference Held under the Auspices of the Contracting Parties to the General Agreement, and, by Proclamation No. 3822 of December 16, 1967 (82 Stat. 1455) proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out that agreement on and after January 1, 1968;

2. WHEREAS, among such modifications and continuances, was Note 1 of Unit A, Chapter 10, Part I of Schedule XX (Geneva—1967);

3. WHEREAS, Headnote 2, Subpart A, Part 10 of Schedule 1 of the Tariff Schedules of the United States (19 U.S.C. 1202, hereinafter referred to as (TSUS)), which was added to the TSUS by Proclamation No. 3822 on the basis of said note 1 referred to in recital 2, provides in relevant part as follows:

2. The rates in column numbered 1 in items 155.20 and 155.30 on January 1, 1968, shall be effective only during such time as Title II of the Sugar Act of 1948 or substantially equivalent legislation is in effect in the United States . . . *Provided,*

(i) That, if the President finds that a particular rate not lower than such January 1, 1968, rate, limited by a particular quota, may be established for any articles provided for in item 155.20 or 155.30, which will give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade, he shall proclaim such particular rate and such quota limitation, to be effective not later than the 90th day following the termination of the effectiveness of such legislation;

4. WHEREAS, Section 201(a)(2) of the Trade Expansion Act of 1962 authorizes the President to proclaim the modification or continuance of any existing duty or other import restriction or such additional import restrictions as he determines to be required or appropriate to carry out any trade agreement entered into under the authority of that Act;

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5. AND WHEREAS it is determined that the rates and quota limitation hereinafter established are appropriate to carry out the portion of a trade agreement referred to in recitals 2 and 3, and give due consideration to the interests in the United States sugar market of domestic producers and materially affected contracting parties to the General Agreement on Tariffs and Trade;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including Section 201(a)(2) of the Trade Expansion Act of 1962 and in conformity with Headnote 2 of Subpart A of Part 10 of Schedule 1 of the TSUS do hereby proclaim until otherwise superseded by law:

(1) Subpart A, Part 10, Schedule 1 of the TSUS is modified by adding thereto a new headnote as follows:

(3) The total amount of sugars, sirups, and molasses described in items 155.20 and 155.30, the products of all foreign countries, entered in any calendar year shall not exceed, in the aggregate, 7,000,000 short tons, raw value. For the purposes of this headnote, the term *"raw value"* means the equivalent of such articles in terms of ordinary commercial raw sugar testing 96 degrees by the polariscope as determined in accordance with regulations issued by the Secretary of the Treasury. The principal grades and types of sugar shall be translated into terms of raw value in the following manner:

(i) For sugar described in item 155.20, by multiplying the number of pounds thereof by the greater of 0.93, or 1.07 less 0.0175 for each degree of polarization under 100 degrees (and fractions of a degree in proportion).

(ii) For sugar described in item 155.30, by multiplying the number of pounds of the total sugars thereof (the sum of the sucrose and reducing or invert sugars) by 1.07.

(iii) The Secretary of the Treasury shall establish methods for translating sugar into terms of raw value for any special grade or type of sugar for which he determines that the raw value cannot be measured adequately under the above provisions.

(2) The rate of duty in rate column numbered 1 for items 155.20 and 155.30 is established as follows:

155.20	0.6625¢ per lb. less 0.009375¢ per lb. for each degree under 100 degrees (and fractions of a degree in proportion) but not less than 0.428125¢ per lb.
155.30	Dutiable on total sugars at the rate per lb. applicable under Item 155.20 to sugar testing 100 degrees.

(3) The provisions of this proclamation shall become effective with respect to articles entered, or withdrawn from warehouse, for consumption on and after January 1, 1975, and shall remain in effect until the President otherwise proclaims or until otherwise superseded by law.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-27293 Filed 11-18-74;4:17 pm]

PROCLAMATION 4335

Temporary Quantitative Limitation on The Importation Into The United States of Certain Cattle, Beef, Veal, Swine and Pork From Canada

By the President of the United States of America

A Proclamation

WHEREAS, Section 252(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a)) authorizes the President to impose duties or other import restrictions on the products of any foreign country establishing or maintaining unjustifiable import restrictions against United States agricultural products which impair the value of tariff commitments made to the United States, oppress the commerce of the United States, or prevent the expansion of trade on a mutually advantageous basis;

WHEREAS, Canada has imposed unjustifiable restrictions on cattle and meat imports from the United States;

WHEREAS, such restrictions violate the commitments of Canada made to the United States, including the provisions of Article XI of the General Agreement on Tariffs and Trade, and impair the value of tariff commitments made to the United States, oppress the commerce of the United States and prevent the expansion of trade on a mutually advantageous basis; and

WHEREAS, I deem it necessary and appropriate to impose the restrictions hereinafter proclaimed on imports of cattle, beef, veal, swine, and pork, which are the products of Canada, in order to obtain the removal of such unjustifiable restrictions and to provide access for United States cattle and meat to the markets of Canada on an equitable basis;

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, acting under the authority vested in me by the Constitution and statutes, including Section 252(a) of the Trade Expansion Act of 1962 (19 U.S.C. 1882(a)), do hereby proclaim (until such time as the President otherwise proclaims)—

(1) Subpart B of part 2 of the Appendix to the Tariff Schedules of the United States (TSUS) is amended by inserting in numerical sequence the following new items:

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Item	Articles	Quota Quantiy
	Whenever, in any 12-month period beginning August 12 in 1974 or in any succeeding year, the respective quantity or aggregate quantity of the cattle, the swine, the beef and veal, or the pork specified below, the product of Canada, has been entered, no such cattle, swine, beef and veal, or pork, respectively, the product of Canada, may be entered during the remainder of such period:	
945.01	Cattle provided for in items 100.40, 100.43, 100.45, 100.53, and 100.55 of part 1, schedule 1.	17,000 head (aggregate quantity).
945.02	Swine provided for in item 100.85 of part 1, schedule 1.	50,000 head.
945.03	Beef and veal, fresh, chilled, frozen, prepared, or preserved, provided for in items 106.10 and 107.60, part 2B, schedule 1.	17,000,000 pounds (aggregate quantity).
945.04	Pork, fresh, chilled, frozen, prepared or preserved, provided for in items 106.40, 107.30 and 107.35, part 2B, schedule 1.	36,000,000 pounds (aggregate quantity).

(2) Notwithstanding the provisions of paragraph (1) hereof, not in excess of one-twelfth of the respective quota quantity specified for each item in said paragraph (1) may be entered, or withdrawn from warehouse, for consumption during the 30 day period beginning on the date of this proclamation.

(3) The provisions of this proclamation shall become effective upon publication in the Federal Register, but the provisions of paragraph (1) hereof do not apply to any articles in excess of the respective quota quantity specified for each item in said paragraph (1) which—

(a) prior to such date of publication, have been duly entered, or withdrawn from warehouse, for consumption or have been released under the provisions of section 448(b) of the Tariff Act of 1930 (19 U.S.C. 1448(b)), or

(b) have been entered or withdrawn pursuant to paragraph (2) hereof.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of November in the year of our Lord nineteen hundred and seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-27294 Filed 11-18-74;4:17 pm]

EXECUTIVE ORDER 11819

Membership of the Energy Resources Council

By virtue of the authority vested in me as President of the United States of America, by the Constitution and laws of the United States, particularly section 108 of the Energy Reorganization Act of 1974, section 2 of Executive Order No. 11814 of October 11, 1974, is hereby amended to read as follows:

"SEC. 2. The Council shall consist of the Secretary of the Interior, who shall be its Chairman, the Assistant to the President for Economic Affairs, the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney General, the Secretary of Commerce, the Secretary of Transportation, the Chairman of the Atomic Energy Commission, the Director of the Office of Management and Budget, the Chairman of the Council of Economic Advisers, the Administrator of the Federal Energy Administration, the Administrator of the Energy Research and Development Administration (upon entry into office), the Administrator of the Environmental Protection Agency, the Chairman of the Council on Environmental Quality, the Director of the National Science Foundation, the Executive Director of the Domestic Council, the Administrator of General Services, the Director of the Office of Consumer Affairs, and such other members as the President may, from time to time, designate. The Chairman of the Federal Power Commission is invited to attend meetings of the Council."

Gerald R. Ford

THE WHITE HOUSE,
November 16, 1974.

[FR Doc.74-27292 Filed 11-18-74;4:17 pm]

November 16, 1974.

[FR Doc.74-27292 Filed 11-18-74;4:17 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—United States Standards for Grades of Orange Marmalade [1]

REDUCTION OF MINIMUM SOLUBLE SOLIDS CONTENT

On page 34056 of the FEDERAL REGISTER of September 23, 1974 a notice of proposed rulemaking was published that would amend the United States Standards for Grades of Orange Marmalade by reducing the minimum soluble solids content (for the finished product) from the present 68 percent to 65 percent. Interested persons were given until October 25, 1974 to submit written data, views, or arguments regarding the proposed amendment.

STATEMENT OF CONSIDERATION LEADING TO THE AMENDMENT

The National Preservers Association, representing a large segment of the preserving industry, requested the amendment to the U.S. grade standards proposed in the FEDERAL REGISTER of September 23, 1974. The amendment would lower the present minimum soluble solids content of the finished product from 68 percent to 65 percent. Reducing the soluble solids is in keeping with the new minimum soluble solids for fruit preserves under the amended Food and Drug Standards of Identity for Fruit Preserves which became effective October 29, 1974.

One dissenting consumer comment was received. The objector expressed displeasure at the potential reduction in the firmness of the finished product as a result of reducing the soluble solids. Reducing the soluble solids will have no discernible effect upon the finished product. The "firmness" or "looseness" of the finished product is adjusted primarily in the blending of the selected ingredients (pectins, food acids and buffering agents) under scientifically controlled conditions rather than the degree of concentration (cooking) of the product. There has been no change made in amounts of fruit and sugar required to make Orange Marmalade conforming with the product description of the grade standards.

Comments were received from industry supporting the reduced soluble solids percentage.

Section 52.1451 is changed to read:

§ 52.1451 Product description.

Orange Marmalade is the semi-solid or gel-like product prepared from orange fruit ingredients together with one or more sweetening ingredients and may contain suitable food acids, food pectins, lemon juice, or lemon peel. The ingredients are concentrated by cooking to such a point that the soluble solids of the finished marmalade is not less than 65 percent.

Effective date. This amendment becomes effective December 31, 1974.

Dated: November 14, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-27175 Filed 11-19-74;8:45 am]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Orange Reg. 73, Amdt. 2; Grapefruit Reg. 75, Amdt. 2; Tangerine Reg. 46, Amdt. 2; Tangelo Reg. 46, Amdt. 2]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

These amendments prescribe total limitation of shipment regulations for oranges, grapefruit, tangerines and tangelos during the period beginning at 6 p.m., e.s.t., November 27, 1974, and ending at 12:01 a.m., e.s.t., December 1, 1974. The regulations are designed to avert the accumulation of excessive market supplies of the specified fruits during the Thanksgiving holiday period in which, historically, there has been greatly reduced market demand.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, grapefruit, tangerines and tangelos, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) These amendments reflect the Department's appraisal of the potential marketing situation during the week in which Thanksgiving Day occurs and for the period immediately following. Historically, there has been heavy purchasing of fresh oranges, grapefruit, tangerines and tangelos in the terminal markets prior to Thanksgiving Day followed by a period of slow movement immediately following the holiday. An accumulation of excessive quantities of fruit in the markets during and immediately following the Thanksgiving Day week contributes to unstable marketing conditions. Hence, the curtailment of such shipments, as hereinafter specified, would contribute to a better-managed supply situation and in turn to the establishment of orderly marketing.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of these amendments until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which these amendments are based became available and the time when these amendments must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Domestic shipments of Florida oranges, grapefruit, tangerines and tangelos are currently regulated pursuant to Orange Regulation 73 (39 FR 32976, 37186), Grapefruit Regulation 75 (39 FR 32976, 37186), Tangerine Regulation 46 (39 FR 32976, 37186) and Tangelo Regulation 46 (39 FR 32976, 37186) and, unless sooner terminated or modified, will continue to be so regulated through September 28, 1975; determinations as to the need for, and extent of, regulation under § 905.52(a)(3) of the order must await the development of the crops and the availability of information about the demand for such fruits; the recomendation and supporting information for limiting the total quantity of fresh oranges,

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grapefruit, tangerines and tangelos by prohibiting shipments thereof, pursuant to said section, during the period herein provided, were promptly submitted to the Department after an open meeting of members of the Growers Administrative Committee on November 12, 1974, held to consider recommendations for such regulations, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; necessary supplemental information was submitted to the Department on November 12, 1974; information regarding the provisions of the regulations recommended by the committees has been disseminated among shippers of such fruits grown in the production area, and these regulations, including the effective time thereof, are identical with the recommendations of the committees; and compliance with these regulations will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

Order. 1. In § 905.555 (Orange Regulation 73; F.R. 32976, 37186) the provisions of paragraph (b) preceding subparagraph (1) thereof are revised, and a new paragraph (d) is added to read as follows:

§ 905.555 Orange Regulation 73.

* * * * *

(b) Except as otherwise provided in paragraph (d), during the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t. November 27, 1974, and ending at 12:01 a.m., e.s.t. December 1, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any oranges grown in the production area.

2. In § 905.556 (Grapefruit Regulation 75; 39 FR 32976, 37186) the provisions of paragraph (b) preceding subparagraph (1) thereof are revised, and a new paragraph (d) is added to read as follows:

§ 905.556 Grapefruit Regulation 75.

* * * * *

(b) Except as otherwise provided in paragraph (d), during the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t. November 27, 1974, and ending at 12:01 a.m., e.s.t. December 1, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any grapefruit grown in the production area.

3. In § 905.557 (Tangerine Regulation 46; 39 FR 32976, 37186) the provisions of paragraph (b) preceding subparagraph (1) thereof are revised, and a new paragraph (d) is added to read as follows:

§ 905.557 Tangerine Regulation 46.

* * * * *

(b) Except as otherwise provided in paragraph (d), during the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t. November 27, 1974, and ending at 12:01 a.m., e.s.t. December 1, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangerines grown in the production area.

4. In § 905.558 (Tangelo Regulation 46; 39 FR 32976, 37186) the provisions of paragraph (b) preceding subparagraph (1) thereof are revised, and a new paragraph (d) is added to read as follows:

§ 905.558 Tangelo Regulation 46.

* * * * *

(b) Except as otherwise provided in paragraph (d), during the period October 21, 1974, through September 28, 1975, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico:

* * * * *

(d) During the period beginning at 6:00 p.m., e.s.t. November 27, 1974, and ending at 12:01 a.m., e.s.t. December 1, 1974, no handler shall ship between the production area and any point outside thereof in the continental United States, Canada, or Mexico, any tangelos grown in the production area.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74–27113 Filed 11–19–74;8:45 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Expenses and Rate of Assessment, California Date Administrative Committee, the 1974–75 Crop Year

Notice was published in the October 25, 1974, issue of the FEDERAL REGISTER (39 FR 37999) regarding proposed expenses of the California Date Administrative Committee for the 1974–75 crop year totaling $25,186, and a rate of assessment for that crop year of 7 cents per hundredweight on all assessable dates. The action hereinafter set forth authorizes the Committee to incur such expenses and fixes such assessment rate. It is pursuant to §§ 987.71 and 987.72 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments on the proposal. None were received.

After consideration of all relevant matter presented, including that in the notice, the information and recommendations submitted by the California Date Administrative Committee, and other available information, it is found that the expenses of the California Date Administrative Commitee, and the rate of assessment, for the 1974–75 crop year (which began on October 1, 1974, and ends on September 30, 1975) shall be as hereinafter set forth.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of said marketing agreement and this part require that the rate of assessment fixed for a particular crop year shall be applicable to all dates certified during that crop year as meeting the requirements for marketable dates, including the eligible portion of certain field-run dates; and (2) the current crop year began October 1, 1974, and the rate of assessment herein fixed will automatically apply to all such dates beginning with that date.

The expenses and assessment rate are as follows:

§ 987.319 Expenses of the California Date Administrative Committee and rate of assessment for the 1974–75 crop year.

(a) *Expenses.* Expenses in the amount of $25,186 are reasonable and likely to be incurred by the California Date Administrative Committee during the 1974–75 crop year beginning October 1, 1974, for its maintenance and functioning, and for such other purposes as the Secretary may, pursuant to the applicable provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for that crop year which handler is required, pursuant to § 987.72, to pay to the California Date Administrative Committee as his pro rata share of the expenses is fixed at 7 cents per hundredweight on all assessable dates. Assessable dates are dates which the handler has certified during the crop year as meeting the requirements for marketable dates, including the eligible portion of any field-run dates certified and set aside or disposed of pursuant to § 987.45(f).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 15, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74–27174 Filed 9–19–74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 73—SCABIES IN CATTLE

Area Quarantined

This amendment quarantines a portion of Cochran County in Texas because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, a new paragraph (a) relating to the State of Texas is added to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Cochran County comprised of Greer County school land league 85–86, secs. 3, 4, 21 and 22.

* * * * *

(Sec. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 F.R. 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendment shall become effective November 12, 1974.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of cattle scabies and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of November 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.74–27173 Filed 11–19–74;8:45 am]

PART 79—SCRAPIE IN SHEEP

Area Quarantined

This amendment quarantines De Kalb County in Illinois because of the existence of scrapie in sheep. This action is deemed necessary to prevent further spread of the disease. Therefore, the restrictions pertaining to the interstate movement of sheep from or through quarantined areas as contained in 9 CFR Part 79, as amended, will apply to the quarantined area.

Accordingly, Part 79, Title 9, Code of Federal Regulations restricting the interstate movement of sheep because of scrapie is hereby amended as follows:

A new § 79.2 is added to read:

§ 79.2 Notice of quarantine.

Notice is hereby given that sheep in Illinois are affected with scrapie, a contagious, infectious, and communicable disease, and the following area in said State is hereby quarantined because of said disease:

De Kalb County.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendment shall become effective November 13, 1974.

The amendment imposes certain restrictions necessary to prevent the interstate spread of scrapie in sheep, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of November 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, Office of the Administrator

United States Department of Agriculture, Animal and Plant Health Inspection Service, Office of the Administrator. Notice is hereby given that because of the existence of scrapie in sheep in certain parts of Illinois, and the nature and extent of outbreaks of this disease, De Kalb County in Illinois is quarantined under an amendment of the regulations in 9 CFR Part 79, as amended, effective November 13, 1974. Therefore, the restrictions pertaining to the interstate movement of sheep from and through quarantined areas as contained in 9 CFR Part 79, as amended, apply to the area quarantined.

The amendment of the regulations is published in the FEDERAL REGISTER. Detailed information concerning the amendment may also be obtained from Dr. H. D. White, Area Veterinarian in Charge, Suite 1000, 5610 Crawfordsville Road, Indianapolis, Indiana 46224.

Done at Washington, D.C., this 13th day of November 1974.

J. M. HEJL,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

IMPORTANT—REPLY NECESSARY

UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE, OFFICE OF THE ADMINISTRATOR

---------- Washington, D.C.

Sir: You are requested to date and sign the blank receipt below, indicating your official title, and mail this card to the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, Washington, D.C. 20250, thereby acknowledging receipt of the enclosed copy of a document containing an amendment of the regulations relating to scrapie in sheep (9 CFR Part 79), effective on November 13, 1974, and acknowledging receipt of the notice given hereby.

Notice is hereby given to the transportation company you represent that because of the existence of scrapie in sheep in certain parts of Illinois, and the nature and extent of outbreaks of this disease, De Kalb County in Illinois is quarantined under the amendment of the regulations. Therefore, the restrictions pertaining to the interstate movement of sheep from and through quarantined areas as contained in 9 CFR Part 79, as amended, apply to the area quarantined.

Sincerely,

J. M. HEJL,
Deputy Administrator.

Enclosure ----------
(Do not retach this receipt)
Received this notice and the enclosure referred to therein this ------ day of ---------- 1974.
(Signature) ----------
(Title) ----------

[FR Doc.74–27112 Filed 11–19–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–NW–21–AD; Amdt. 39–2018]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727–200 Airplanes

There have been two reported instances of wires to the nose landing gear lock switch being found broken. Since the existing design of the nose landing gear lock switch uses the open position to indicate that the nose gear is "locked", a broken wire to that switch or a failed switch could result in a false "Down and Locked" indication. A false "Down and

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Locked" indication could lead to a landing or ground operation with the nose gear in the "Not Locked" position. Since this condition may go undetected and is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and modification of the nose landing gear position indication system in accordance with Boeing Service Bulletin 727-32-222 dated September 6, 1974, or Boeing Service Bulletin 727-32-222, Revision 1, dated November 15, 1974, or later FAA approved revisions or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation regulations is amended by adding the following new airworthiness directive:

BOEING: Applies to Boeing Model 727-200 airplanes, listed in Boeing Service Bulletin 727-32-222 dated September 6, 1974, or later FAA approved revisions.

(1) To detect broken wires or a failed nose landing gear position indicator lock switch, perform an operational test of the nose landing gear position indication system per Boeing 727 Maintenance Manual, Chapter 32-61-71, within the next 300 hours time in service after the effective date of this AD, unless Service Bulletin 727-32-222 is already accomplished.

(2) As terminating action to prevent false "Down and Locked" nose landing gear position indication, within the next 1,000 hours time in service after the effective date of this AD, unless already accomplished, modify the wiring in accordance with Boeing Service Bulletin 727-32-222 dated September 6, 1974, or Boeing Service Bulletin 727-32-222, Revision 1, dated November 15, 1974, or later FAA approved revisions, or an equivalent modification approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1).

All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Boeing Commercial Airplane Company, P.O. Box 3707, Seattle, Washington 98124. The documents may be examined at FAA Northwest Region, 9010 East Marginal Way, Seattle, Washington 98108.

This amendment becomes effective November 26, 1974.

(Secs. 313(a), 601, 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington on November 12, 1974.

C. B. WALK, JR.,
Director,
Northwest Region.

NOTE: The incorporation by reference provisions in the document were approved by the Director of the Federal Register on June 19, 1967.

[FR Doc.74-27085 Filed 11-19-74;8:45 am]

[Airworthiness Docket No. 74-WE-43-AD; Amdt. 39-2017]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model TPE331-3, -5, and -6 by Specific Serial Number

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an Airworthiness Directive was adopted October 21, 1974, and distributed by airmail letter, dated October 22, 1974, to all known United States operators or owners of aircraft incorporating AiResearch Model TPE331-3, -5, and -6 series engines of specific serial numbers. The directive requires an inspection and replacement, if necessary, of the propeller pitch control sleeve assembly and replacement of the hydraulic turbine bearing support mount retainer.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of AiResearch Model TPE331-3, -5, and -6 series engines of specific serial numbers by individual airmail letters dated October 22, 1974.

After issuing this emergency AD, the Agency determined that additional engines were affected; that a vibration test procedure developed by the manufacturer is equivalent to the inspection of the propeller pitch control sleeve pin; and, that certain engines had been tested per this procedure before delivery. Therefore, prior to publishing the original emergency AD in the FEDERAL REGISTER, an emergency amendment superseding the AD of October 21, 1974, was adopted on October 31, 1974, and made effective immediately as to all known operators by individual airmail letters dated November 1, 1974. This airmail letter specifies additional affected engines, authorizes an optional vibration test, identifies engines already subjected to this test, authorizes ferry flight to a base where these inspections and maintenance can be performed and clarifies compliance requirements. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model TPE331 Series engines of the following specific models and listed serial numbers: TPE331-3U-303G; S/N 03127 through 03173 and 03176; TPE331-3UW-303G, S/N 05031 through 05042; TPE331-5-251C, S/N 22007 through 22045 and 22047 through 22050; TPE331-5-251K, S/N 06227 through 06238, 06240 through 06418 and 06420 through 06435; and, TPE331-6-251M, S/N 20267 through 20437, 20439 through 20468 and 20470 through 20478.

In addition to the above listed serial numbers, other engines of these models which have been modified by incorporation of AiResearch Service Bulletin No. TPE331-72-0055 are also affected. To determine if this service bulletin has been accomplished, refer to the engine logbook and the engine power section nameplate. The following "Power Section Change No's" indicate incorporation of this service bulletin: TPE331-3U-303G and -3UW-303G, Ch. No. 42; TPE331-5-251C, Ch. No. 8; TPE331-5-251K, Ch. No. 25; and TPE331-6-251M, Ch. No. 18.

Compliance required as indicated: To detect, correct and prevent fatigue failure of the pin in the propeller pitch control sleeve assembly accomplish the following:

(A) For engines with less than 100 hours time in service or since incorporation of AiResearch Service Bulletin TPE331-72-0055: Within the next 25 hours time in service after receipt of this airmail letter, unless previously accomplished, perform the following: (1) Inspect the propeller pitch control sleeve assembly per Paragraph 2.B. or perform the vibration test per paragraph 2.C. of AiResearch Service Bulletin TPE331-72-0087, Rev. 1, dated October 29, 1974, or later FAA-approved revisions. Note: The inspection or test prescribed above need not be performed on the following listed engines since the vibration test was accomplished by the manufacture prior to delivery: TPE331-3U-303G, S/N 03170 through 03173 and 03176; TPE331-5-251C, S/N 22047, 22048 and 22050; TPE331-5-251K, S/N 06418 and 06420 through 06435; and, TPE-331-6-251M, S/N 20382, 20451, 20471 and 20473 through 20478. (2) Replace the hydraulic turbine bearing support mount retainer per paragraph 2.D. of AiResearch Service Bulletin TPE331-72-0087, Rev. 1, dated October 29, 1974, or later FAA approved revisions.

(B) For engines with more than 100 hours time in service or since incorporation of AiResearch Service Bulletin TPE331-72-0055: Within the next 300 hours time in service after receipt of this airmail letter, unless previously accomplished, accomplish the inspection or test and replacement described in (A), above.

(C) For new, overhauled or repaired engines not in service: Before placing these engines in service, after receipt of this airmail letter, unless previously accomplished, accomplish the inspection or test and replacement described in (A) above.

(D) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

(E) Aircraft may be flown to a base for performance of maintenance required by this AD per FAR's 21.197 and 21.199.

This amendment becomes effective November 26, 1974, for all persons except those to whom it was made effective by airmail letter dated November 1, 1974.

(Secs. 313(a), 601 and 603 Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423) sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California, November 11, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-27086 Filed 11-19-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-888, Amdt. 38]

PART 288—EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Logair and Quicktrans

NOVEMBER 14, 1974.

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. November 14, 1974.

By EDR-262, January 15, 1974, the Board initiated a full-scale review of the minimum rates applicable to Logair and Quicktrans domestic cargo charters performed by air carriers for the Department of Defense (DOD), and proposed interim rates to be effective pending completion of the full-scale review. The proposed interim rates, which were based upon reported operating results for the year ended September 30, 1973, were finalized by ER-853, May 17, 1974, retroactive to January 15, the date of the notice.

An integral part of the interim rate concept is a continued monitoring of recurring reports in order to maintain fair and reasonable compensation for Military Airlift Command (MAC) contract services pending completion of the full-scale review.[1] An analysis of reported results for Overseas National Airways, Inc. (ONA) and Saturn Airways, Inc. (Saturn) for fiscal year 1974 Logair/Quicktrans operations has now been completed, the results of which are set forth in the attached appendices. Adjustments to the carriers' reported expense and investment data have been made on the same basis as in EDR-262. Results for fiscal year 1974 operations with L-188 aircraft have not been included in the data since this aircraft type has been eliminated from the fiscal 1975 MAC domestic procurement program. To the extent that any MAC domestic charters are performed with this aircraft type, such operations will be commonrated with DC-9 services.

The adjusted reported returns on investment for fiscal year 1974 operations, as set forth in Appendix C, were as follows: 8.90 percent for Saturn's Logair operations with L-100 aircraft; 7.77 percent for Saturn's Quicktrans operations with L-100 aircraft; and 10.88 percent for ONA's Logair operations with DC-9 aircraft. As set forth in Appendix B, Saturn requires revenue increases of $473,000 and $604,000, respectively, for its L-100 Logair and Quicktrans services to achieve the recognized level of return on investment. Increases in the current linehaul rates for Logair and Quicktrans services with L-100 aircraft of 4.30 and 7.15 percent, respectively, are necessary to provide these additional revenues. No adjustment in the current rates for Logair service with DC-9 aircraft is necessary since the return realized by ONA, the only carrier operating this equipment type, approximates the recognized return of 10.5 percent. Also, no adjustment has been made in the DC-8/61/63 rates established in ER-853. On the basis of these results, we will make the following amendments in the existing linehaul rates for Logair/Quicktrans cargo charter services: (1) increase the Logair L-100 rate by 4.30 percent; and (2) increase the Quicktrans L-100 rate by 7.15 percent.

These amendments are to be effective seven calendar days after the adoption of this rule. This is in conformance with the revised interim rate procedure adopted in ER-879, October 22, 1974, with respect to MAC international contract services. Interested persons may file petitions for reconsideration of the within amendments. Twelve (12) copies of such petitions shall be filed with the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428 on or before December 3, 1974. Copies of any petitions filed will be available for inspection and copying in the Docket Section, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C. The filing of petitions shall not operate to stay the effective date of the within amendment. Any action taken in response to such petitions will be effective prospectively.

Finally, we will dismiss the petition for rule making filed April 17, 1974, by Saturn (Docket 26627), requesting a fuel surcharge to the Quicktrans rate based upon increased commercial fuel costs. The relatively small rate impact of commercial fuel cost increases experienced by Saturn,[2] as determined on the basis of monthly fuel cost data submitted by the carrier for the period October 1972 through October 1974, does not warrant the burden involved in administering a surcharge formula. However, we will continue to review Saturn's fuel price data, and are prepared to take such action as may be indicated.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendments effective on less than thirty (30) days' notice. Also, in order to eliminate retroactive application of final adjusted interim rates, as more fully set forth in ER-879, we find that notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Board hereby amends Part 288 of its Economic Regulations (14 CFR Part 288) effective December 3, 1974, as follows:

Amend the table of rates in § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktransservices, other than specified in paragraph (c) of this section:

* * * * *

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
DC-9-30	$1.8152	$1.7079	$150
L-188C			
L-100-20/30	2.3329	2.4680	350
DC-8-61/63	4.3262	4.3779	275
*	*	*	*

(Secs. 204, 403, 416 Federal Aviation Act of 1958, as amended; 72 Stats. 743, 758, 771, as amended; 49 U.S.C. 1324, 1373 and 1386)

By the Civil Aeronautics Board.[3]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27058 Filed 11-19-74;8:45 am]

[1] See ER-819, August 28, 1973, at 11.

[2] Most of the fuel used in these operations is supplied by the military and price fluctuations are covered by a fuel price adjustment clause. See § 288.7(b).

[3] Appendices A, B, C and D filed as part of the original document.

Title 15—Commerce and Foreign Trade

SUBTITLE A—OFFICE OF THE SECRETARY OF COMMERCE

PART 7—FLAMMABLE FABRICS ACT PROCEDURES

Subpart A—Procedures for the Development of Flammability Standards

Subpart B—National Advisory Committee for the Flammable Fabrics Act

REVISION AND TRANSFER OF REGULATIONS

Appearing elsewhere in this issue of the FEDERAL REGISTER is a document deleting 15 CFR Part 7, consisting of Subparts A and B, and revising and reissuing the material, for reasons given, as Parts 1607 and 1609 of Title 16, Chapter II, Subchapter D.[1]

Dated: November 15, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-27171 Filed 11-19-74;8:45 am]

[1] See FR Doc. 74-27172, page 40758 of this issue.

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 8895]

PART 13—PROHIBITED TRADE PRACTICES

Pioneer Associated Contractors, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.105 *Individual's special selection or situation;* § 13.125 *Limited offers or supply;* § 13.155 *Prices;* 13.155-70 Percentage savings; 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act; 13.155-100 Usual as reduced, special, etc.; § 13.170 *Qualities or properties of product or service;* 13.170-30 *Durability or permanence;* § 13.240 *Special or limited offers. Subpart*—Contracting for sale any evidence of indebtedness prior to specified time:

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§ 13.527 *Contracting for sale any evidence of indebtedness prior to specified time.* Subpart—Delaying or withholding corrections, adjustments or action owed: § 13.675 *Delaying or withholding corrections, adjustments or action owed;* § 13.677 *Delaying or failing to deliver goods or provide services or facilities.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements;* 13.1623–95 Truth in Lending Act; § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1710 *Qualities or properties;* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions;* 13.1760–50 Sales contract. —Prices: § 13.1800 *Demonstration reductions;* § 13.1823 *Terms and conditions;* 13.1823–20 Truth in Lending Act; § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements;* 13.1852–75 Truth in Lending Act; § 13.1855 *Identity;* § 13.1857 *Instrument's sale to finance companies;* § 13.1876 *Notice of third party sale of contract;* § 13.1892 *Sales contract, right-to-cancel provision;* §13.1905 *Terms and conditions;* 13.1905–50 Sales contract; 13.1905–60 Truth in Lending Act. Subpart—Securing signatures wrongfully: § 13.2175 *Securing signatures wrongfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601–1605.) [Cease and desist order, Pioneer Associated Contractors, Inc., et al., Denver, Colo., Docket 8895, Sept. 5, 1974]

In the matter of Pioneer Associated Contractors, Inc., a Corporation, and Robert Rudey, and Duane Morey, and Ray Grass, Individually and as Officers of Said Corporation

Consent order requiring a Denver, Colo., home improvement firm, among other things to cease making false pricing, savings and guarantee claims; inducing purchasers to sign blank or partially blank legal documents, and failing to disclose to consumers; in connection with the extension of consumer credit, such information as required by Regulation Z of the Truth in Lending Act. Further, respondent is required to include on the face of its notes, a notice that any subsequent holder takes the note with all conditions of the contract evidencing the debt.

The Decision and Order, including further order requiring report of compliance therewith is as follows: [1]

COUNT I

It is ordered, That respondents Pioneer Associated Contractors, Inc., a corporation, its successors and assigns, and its officers, and Robert Rudey, Duane Morey, and Ray Grass, individually and as officers of said corporation trading under said corporate name or any trade name or names, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with advertising, offering for sale, sale, distribution or installation of residential siding materials or other home improvement products or services or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that respondents' offer of products or services is limited as to time or limited in any other manner.

2. Representing directly or by implication that any price for home improvement materials or other products or services, sold or installed by respondents, is a special or reduced price; unless respondents can affirmatively show that such price constitutes a significant reduction from the price at which respondents have sold or installed substantially similar home improvements, or other products or services, for a reasonably substantial period of time in the regular course of their business.

3. Representing directly or by implication that purchasers of respondents' residential siding materials and/or services will realize any specific percentage or amount of savings in the cost of heating or air conditioning their property as a result of the installation of respondents' siding materials.

4. Representing directly or by implication that residential siding materials sold and/or installed by respondents will never require repairing, or misrepresenting, in any manner, the durability, performance or quality of respondents' products.

5. Representing directly or by implication that any of respondents' products or installations are guaranteed unless the nature, extent and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed in writing to the purchaser before the transaction is consummated, and unless the guarantor will, in fact, perform as stated in the disclosed guarantee.

6. Representing directly or by implication, that the home of any of respondents' customers or prospective customers has been specially selected as a model home, or otherwise, for advertising, demonstration or sales purposes.

7. Representing, directly or by implication, that any allowance, discount, or commission is granted by respondents to purchasers, in return for permitting the premises on which respondents' products are installed to be used for model homes or demonstration purposes.

8. Representing directly or by implication that purchasers of respondents' materials and installation will receive referral commissions from respondents for referral of potential customers in such amount as to pay for a substantial portion of the cost to the purchaser of the materials and installation; or, in any manner, misrepresenting the amount of referral commissions receivable by purchasers of respondents' materials and installation.

9. Representing that purchasers will receive referral commissions; or misrepresenting, in any manner, the amount of referral commissions purchasers will receive.

10. Inducing or causing purchasers or prospective purchasers of respondents' merchandise or service to sign blank or partially completed sales contracts, or any other instruments.

11. Failing to deliver any and all free gifts and other promotional materials as promised to respondents' customers or prospective customers.

12. Failing to install all materials and perform all work as agreed to by both parties.

13. Assigning, selling, or otherwise transferring respondents' notes, contracts, or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents with respect to such indebtedness are preserved and may be asserted against any assignee or subsequent holder of such note, contract, or other such documents evidencing the indebtedness.

14. Failing to include the following statement clearly and conspicuously on the face of any note, contract, or other evidence of indebtedness executed by or on behalf of respondents' customers:

NOTICE

Any holder takes this instrument subject to the terms and conditions of the contract which gave rise to the debt evidenced hereby, any contractual provision or other agreement to the contrary notwithstanding.

15. Failing to furnish the buyer with a fully completed copy of any contract pertaining to such sale at the time of its execution, which is in the same language as that principally used in the oral sales presentation and which shows the date of the transaction and contains the name and address of the seller, and in immediate proximity to the space reserved in the contract for the signature of the buyer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of ten (10) points, a statement in substantially the following form:

You, the buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction. See the attached notice of cancellation form for an explanation of this right.

16. Failing to furnish each buyer, at the time he signs the door-to-door sales contract or otherwise agrees to buy consumer goods or services from the seller, a completed form in duplicate, captioned "Notice of Cancellation", which shall be attached to the contract and easily detachable, and which shall contain in ten (10) point bold face type the following information and statements in the same language as that used in the contract:

NOTICE OF CANCELLATION

(Enter date of transaction)

(Date)

You may cancel this transaction, without any penalty or obligation, within three (3) business days from the above date.

If you cancel, any property traded in, any payments made by you under the contract or sale, and any negotiable instrument executed by you will be returned within ten (10) business days following receipt by the seller of your cancellation notice, and any security interest arising out of the transaction will be cancelled.

If you cancel, you must make available to the seller at your residence, in substantially as good condition as when received, any goods delivered to you under this contract or sale; or you may if you wish, comply with the instructions of the seller regarding the return shipment of the goods at the seller's expense and risk.

If you do not agree to return the goods to the seller and if the seller does not pick them up within twenty (20) days of the date of your notice of cancellation, you may retain or dispose of the goods without any further obligation.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram, to (name of seller), at (address of seller's place of business) not later than midnight of ----------

(Date)

I hereby cancel this transaction

(Date)

(Buyer's signature)

17. Failing, before furnishing copies of the "Notice of Cancellation" to the buyer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the date of the transaction, and the date, not earlier than the third business day following the date of the transaction, by which the buyer may give notice of cancellation.

18. Failing to inform each buyer orally, at the time he signs the contract or purchases the goods or services, of his right to cancel.

19. Misrepresenting in any manner the buyer's right to cancel.

20. Failing or refusing to honor any valid notice of cancellation by a buyer and within ten (10) business days after the receipt of such notice, to (a) refund all payments made under the contract or sale; (b) return any goods or property traded in, in substantially as good condition as when received by the seller; (c) cancel and return any negotiable instrument executed by the buyer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction.

21. Negotiating, transferring, selling, or assigning any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the fifth business day following the day the contract was signed or the goods or services were purchased.

22. Failing, within ten (10) business days of receipt of the buyer's notice of cancellation, to notify him whether the seller intends to repossess or to abandon any shipped or delivered goods.

COUNT II

It is further ordered, That respondents Pioneer Associated Contractors, Inc., a corporation, its successors and assigns, and its officers, and Robert Rudey, Duane Morey, and Ray Grass, individually and as officers of said corporation, trading under said corporate name or trading or doing business under any other name or names, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any extension of consumer credit or any advertisement to aid, promote, or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act, (P.L. 90–321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate, computed in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to disclose the due dates or period of payments scheduled to repay the indebtedness, and the sum of such payments, using the term "total of payments", as required by § 226.8(b)(3) of Regulation Z.

3. Failing to provide a clear identification of the property to which any security interest relates or, if such property is not identifiable, an explanation of the manner in which the creditor retains or may acquire a security interest in such property the creditor is unable to identify as required by § 226.8(b)(5) of Regulation Z.

4. Failing to disclose the cash price of the goods or services sold, using the term "cash price", as required by § 226.8(c)(1) of Regulation Z.

5. Failing to use the terms "cash downpayment" and "total downpayment" and failing to provide the corresponding disclosures with those terms, as required by § 226.8(c)(2) of Regulation Z.

6. Failing to use the term "deferred payment price" and failing to provide the corresponding disclosure with that term as required by § 226.8(c)(8)(ii) of Regulation Z.

7. Failing to disclose the difference between the amount of the cash price of the property or service and amount of the downpayment, and failing to use the term "unpaid balance of cash price" as required by § 226.8(c)(3) of Regulation Z.

8. Failing to disclose all other charges, individually itemized which are included in the amount financed but which are not a part of the finance charge as required by § 226.8(c)(4) of Regulation Z.

9. Failing to use the term "unpaid balance" and failing to provide the corresponding disclosure as required by § 226.8(c)(5) of Regulation Z.

10. Failing to provide the "notice to customer required by federal law" to the customer on one side of a separate statement which identifies the transaction to which it relates, and in the form prescribed by § 226.9(b) of Regulation Z.

11. Failing to set out the "effect of rescission", required by § 226.9(d) of Regulation Z, in the manner and form prescribed by § 226.9(b) of Regulation Z.

12. Failing to furnish two copies of the "notice to customer required by federal law", as prescribed by § 226.9(b) of Regulation Z.

13. Representing directly or by implication on retail installment contracts, promissory notes, or on any written document or orally, that customers will or may be liable for damages, penalties, or any other charges for exercising their right to rescind that is provided by § 226.9 of Regulation Z.

14. Supplying any additional information, contract clause, or other statement about the customer's liability or obligations in the event that the customer exercises his right to rescind except that information furnished in accordance with § 226.9 of Regulation Z.

15. Failing, in any consumer credit transaction or advertisement, to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount required by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

16. Supplying any additional information, contract clause, or other statement pertaining to a transaction generally; unless such additional information, contract clause, or other statement is provided in a fashion that complies with § 226.6(c) of Regulation Z.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale, installation, advertising, or financing of respondents' products or services and shall secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents maintain adequate records which disclose the factual basis for any representations or statements as to any type of savings claims, including reduced price claims and comparative value claims, and as to any similar representations or statements of the type disclosed in the various paragraphs of this order; and from which the validity of the aforesaid representations or statements can be determined.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the

[1] Copies of the complaint, decision and order, filed with the original document.

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discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The decision and order was issued by the Commission, September 5, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27130 Filed 11-19-74;8:45 am]

[Docket No. C-2540]

PART 13—PROHIBITED TRADE PRACTICES

Meyers Outfitters, Inc. and Charles Adler

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* 13.10–1 Availability of merchandise and/or facilities; § 13.135 *Nature of product or service.* Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging, products merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 *Availability of advertised merchandise and/or facilities.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising.*

(Secs. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Meyers Outfitters, Inc., et al., Newark, N.J., Docket C-2540 Sept. 5, 1974]

In the Matter of Meyers Outfitters, Inc., a Corporation, and Charles Adler, Individually and as an Officer of Said Corporation

Consent order requiring a Newark, N.J., retailer of furniture and appliances, among other things to cease using bait advertising.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Meyers Outfitters, Inc., a corporation, its successors and assigns, and its officers, and Charles Adler, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporation, subsidiary, division or any other device in connection with the purchasing, advertising, offering for sale, sale and distribution of furniture and appliances, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly that any product or services are offered for sale when such is not a bona fide offer to sell such products or services.

2. Advertising or offering any products for sale for the purpose of obtaining leads or prospects for the sale of different products unless the advertised products are capable of adequately performing the function for which they are offered, and respondents maintain an adequate and readily available stock of said products.

3. Disparaging in any manner, or refusing to sell any product advertised.

4. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations designed to obtain leads or prospects for the sale of other merchandise.

5. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the net profit from the sales of each advertised product or service at the advertised price.

It is further ordered, That respondents shall maintain for at least a one (1) year period, following the effective date of this order, copies of all advertisements, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized in the advertising, promotion or sale of merchandise.

It is further ordered, That for a period of one year, respondents post in a prominent place in each salesroom or other area wherein respondents sell furniture or other products and services, a copy of this cease and desist order, with a notice that any customer or prospective customer may receive a copy on demand.

It is further ordered, That nothing contained in this Order shall be construed in any way to annul, invalidate, repeal, terminate, modify or exempt respondents from complying with agreements, orders or directives of any kind obtained by any other municipal, state or federal agency or act as a defense to actions instituted by municipal, state or federal agencies.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any consumer credit transaction or in any aspect of preparation, creation, or placing of advertising, and to all personnel of respondents responsible for the sale or offering for sale of all products covered by this order, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission September 5, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27131 Filed 11-19-74;8:45 am]

[Docket No. C-2543]

PART 13—PROHIBITED TRADE PRACTICES

Santa Clara Sewing Machine Center, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* 13.10–1 Availability of merchandise, services and/or facilities; § 13.135 *Nature of product or service.* Subpart—Disparaging products, merchandise, services, etc.: § 13.1042 *Disparaging products, merchandise, services, etc.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051–20 Adequate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1572 *Availability of advertised merchandise, services and/or facilities.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Santa Clara Sewing Machine Center, Inc., et al., Santa Clara, Calif., Docket C-2543, Sept. 12, 1974]

In the Matter of Santa Clara Sewing Machine Center, Inc., a Corporation, and Jerome Kushner and Martin Ivener, Individually and as Officers of Said Corporation

Consent order requiring a Santa Clara, Calif., sewing machine retailer, among other things to cease using bait and switch tactics in the advertising and sale of sewing machines. Specifically, respondents are prohibited from advertising a product for the purpose of obtaining leads, unless the product will do the job expected of it, and is adequately stocked and readily available for sale.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Santa Clara Sewing Machine Center, Inc., a corporation, its successors and assigns, and its officers, and Jerome Kushner and Martin Ivener, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of sewing machines or any other products in commerce, as "commerce" is defined in Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising or offering any products for sale for the purpose of obtaining leads or prospects for the sale of different products unless the advertised products are capable of adequately performing the function for which they are offered, and respondents maintain an adequate and readily available stock of said products.

2. Disparaging in any manner, or refusing to sell, any product advertised.

3. Representing directly or indirectly that any products or services are offered for sale when such is not a bona fide offer to sell said products or services.

4. Failing to maintain and produce for inspection and copying for a period of three years adequate records to document for the entire period during which each advertisement was run and for a period of six weeks after the termination of its publication in press or broadcast media:

a. The cost of publishing each advertisement including the preparation and dissemination thereof;

b. The volume of sales made of the advertised product or service at the advertised price; and

c. A computation of the profit from the sales of each advertised product or service at the advertised price.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business. Such notice shall include respondents' new business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Sept. 12, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27132 Filed 11-19-74;8:45 am]

[Docket No. C-2539]

PART 13—PROHIBITED TRADE PRACTICES

International Service Industries, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.70 *Fictitious or misleading guarantees;* § 13.75 *Free goods or services;* § 13.125 *Limited offers or supply;* § 13.155 *Prices;* 13.155–70 Percentage savings; § 13.160 *Promotional sales plans;* § 13.190 *Results.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1647 *Guarantees;* § 13.1747 *Special or limited offers:* —Promotional sales plans: § 13.1830 *Promotional sales plans.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, International Service Industries, Inc., et al., Downey, Calif., Docket C-2539, Sept. 5, 1974]

In the matter of International Service Industries, Inc., a corporation, and Sidney Craig, and Allen Bergendahl, individually and as officers of said corporation

Consent order requiring a Downey, Calif., operator of physical fitness and/or health salons, among other things to cease misrepresenting its promotional sales plans, services as free, limited offers, savings which purchasers may achieve, and guarantees.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents International Service Industries, Inc., a corporation, its successors and assigns, and its officers, and Sidney Craig and Allen Bergendahl, individually and as officers of said corporation, and respondents' officers, agents, affiliates, franchisees, licensees, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, and sale of health salon membership, or related services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing, that:

(a) Prospective purchasers will receive free figure analyses, complimentary treatments or similar inducements to visit respondents' health salons, without disclosing, clearly and conspicuously, in writing, that an attempt will be made to sell fitness and/or health salon memberships to said prospective customers.

(b) Membership in respondents' fitness and/or health salon programs and/or use of respondents' fitness and/or health salon facilities automatically means that every such member will alter his body size or configuration or will lose weight.

(c) Respondents' fitness and/or health salon memberships are available for any period of time less than the shortest period for which a significant number of memberships are in fact sold to the public.

(d) Respondents' fitness and/or health salon programs will allow purchasers to save money, by producing weight reduction more rapidly than comparable weight reduction programs.

(e) Any reduction in body size or configuration or in weight will be lasting, without regard to dietary habits.

2. Representing that any of respondents' health salon programs or related services are guaranteed unless:

(a) Respondents disclose clearly, adequately and accurately in immediate conjunction therewith:

(1) The nature and extent of the guarantee;

(2) The conditions and limitations on the guarantee;

(3) Which programs are guaranteed;

(4) The duration of the guarantee;

(5) The manner in which the guarantor will perform; and

(b) Respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such guarantee; and

(c) Respondents honor the guarantees of all purchasers who have substantially complied with the conditions of their guarantee, allowing flexibility for sickness and vacations.

It is further ordered, That respondents herein deliver by registered mail a copy of this Decision and Order to each of the present and future employees, salesmen, agents, solicitors, independent contractors, advertising agent, or to any other person who promotes, offers for sale, sells or distributes any health club membership or any other product or service offered by respondents.

[1] Copies of the complaint, decision and order filed with the original document.

[2] Copies of the complaint, decision and order filed with original document.

[1] Copies of the complaint, decision and order filed with orignial document.

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It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Sept. 5, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27133 Filed 11-19-74;8:45 am]

[Docket No. 8950]

PART 13—PROHIBITED TRADE PRACTICES

Lens Craft Research and Development Co., et al.

Subpart—Advertising falsely and misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.15 *Business status, advantages or connections;* 13.15–150 Endorsement; 13.15–250 Qualifications and abilities; § 13.110 *Endorsements, approval and testimonials;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* 13.170–22 Corrective, orthopedic, etc.; 13.170–52 Medicinal, therapeutic, healthful, etc.; § 13.175 *Quality of product or service;* § 13.195 *Safety;* 13.195–60 Product; § 13.205 *Scientific or other relevant facts;* § 13.280 *Unique nature or advantages.* Subpart—Claiming or using endorsements or testimonials falsely or misleadingly: § 13.330 *Claiming or using endorsements falsely or misleadingly;* 13.330–33 Doctors and medical profession; 13.330–85 State agencies. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1535 *Qualifications.* —Goods: § 13.1685 *Nature;* § 13.1690 *Non-standard character;* § 13.1710 *Qualities or properties;* § 13.1715 *Quality;* § 13.1740 *Scientific or other relevant facts;* § 13.1770 *Unique nature or advantages.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45, 52.) [Cease and desist order, Lens Craft Research and Development Co., et al., Escondido, Calif., Docket 8950, Sept. 4, 1974.]

In the matter of Lens Craft Research and Development Co., a corporation, John L. Burnor, and Terry E. Gustine, individually and as officers of said corporation.

Consent order requiring an Escondido, Calif., seller of contact lenses and advertising literature and brochures designed to assist in the sale of the lenses, among other things to cease making false claims for its Burnor hard plastic contact lenses, and to run corrective advertisements.

The Decision and Order, including further order requiring report of compliance therewith is as follows: [1]

It is ordered, That respondent Lens Craft Research and Development Co., a corporation, its successors and assigns, and John L. Burnor and Terry E. Gustine, individually and as officers of said corporation, and respondents' officers, agents, representatives, and employees, directly or through any corporation, subsidiary, division or other device, in connection with the sale, advertising, offering for sale, or the transportation or distribution of any contact lens or any related products, do forthwith cease and desist from:

A. Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or indirectly that:

1. The respondents' contact lenses are the result of 12 years of extensive research; or misrepresents in any manner the length of time or amount of research conducted on respondents' contact lenses or on any of their related products.

2. Members of the medical profession generally prescribe 24 hour wear for respondents' contact lenses.

3. Sleeping in respondents' contact lenses and wearing them for 5 to 7 days continuously is possible without disclosing, clearly and conspicuously, that such practices may be injurious to the eyes; or misrepresents in any manner the wearing characteristics of any of their contact lenses or any related products.

4. Persons who wear the Burnor lenses while sleeping do so under the supervision of an ophthalmologist, if such is not the fact; or misrepresents in any manner that the supervision provided for Burnor lens wearers is by a person or persons professionally qualified to do so.

5. All persons can wear respondents' contact lenses without discomfort, or that most people can wear said contact lenses without discomfort except after they have become fully adjusted thereto; or misrepresents in any manner the wearing comfort or the period of time required for the initial adjustment.

6. Respondents' contact lenses are unique; or misrepresents in any manner the character or quality of any of respondents' contact lenses or any of their related products.

7. Every person whose healthy eyes can be corrected can successfully wear respondents' contact lenses.

8. Respondents' fitting process is revolutionary or uniquely different from other processes; or that the use of a lacometer in the fitting process is revolutionary or a new technique in fitting contact lenses; or misrepresents in any manner the ability of respondents to fit contact lenses or any related products.

9. Sleeping in respondents' contact lenses will improve the eye comfort or the eyesight of the wearer.

10. Respondents' hard plastic contact lenses are specifically designed for 24 hour wear; or misrepresents in any manner that their design is a significant improvement over other contact lenses; or misrepresents in any manner that their design is generally approved by persons professionally qualified to make such approval.

11. The content of respondents' advertising claims has been approved by the California Board of Medical Examiners; or misrepresents in any manner that an approval of any product or service or an approval of advertising claims relating to any product or service has been obtained from any individual or organization.

B. Disseminating, or causing the dissemination of any advertisement, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said contact lenses, or any related products, which advertisements contain any of the representations prohibited in Paragraph A hereof.

C. Communicating orally, in writing or in any other manner, directly or by implication, any of the representations prohibited in Paragraph A hereof; except, that this order provision is not intended to apply to representations made orally, in writing or in any other manner, directly or by implication, to ophthalmologists or optometrists in furtherance of research and development of respondents' contact lenses.

It is further ordered, That respondents shall cause dissemination, clearly and conspicuously, of the affirmative disclosure attached hereto as Appendix A [2] in the same section of each newspaper used by Lens Craft or licensees of said Lens Craft to advertise the Burnor lens two or more times in the past two years. The affirmative disclosure shall be at least 4¾ inches by 4¾ inches in size and shall be published thirty (30) days after this order becomes final, at least once each week in each publication for four consecutive weeks.

It is further ordered, That respondents shall cause dissemination of the affirmative disclosure attached hereto as Appendix B [2] on each radio station used by Lens Craft or licensees of Lens Craft to advertise the Burnor lens two or more times in the last two years. Thirty (30) days after this order becomes final, said affirmative disclosure shall be made on each radio station for one week in the exact manner and time periods as previous advertising.

[1] Copies of the complaint, decision and order and appendices, filed with the original document.

[2] Copies of the complaint, decision, and order and appendices, filed with the original document.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future licensees of respondents engaged in the offering for sale or the sale of any of respondents' products, or in any aspect of preparation, creation or placing of advertising for the offering for sale, sale, or distribution of respondents' contact lenses or any related products, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents obtain from each present and future distributor, franchisee, licensee, or sales representative an agreement in writing (a) to abide by the prohibitions of Paragraphs A, B, and C of this order, and (b) to cancellation of their license or franchise for failure to do so; and cancel the license or franchise of any distributor, franchisee, or licensee, or terminate the employment of any sales representative, who fails to abide by the prohibitions of Paragraphs A, B, and C of this order; *Provided, however,* That no such agreement is required from an ophthalmologist or optometrist who is a distributor, franchisee, or licensee, whether or not engaged in research, if a copy of this order is given to such exempted ophthalmologist or optometrist, and a signed acknowledgement of receipt of this order is secured and retained by respondents in a manner available for inspection by the Commission staff upon reasonable notice.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

The Decision and Order was issued by the Commission, Sept. 4, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27134 Filed 11-19-74;8:45 am]

[Docket No. C-2544]

PART 13—PROHIBITED TRADE PRACTICES

Gloria Stevens, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.135 *Nature of product or service;* § 13.155 *Prices;* 13.155–70 Percentage savings; § 13.160 *Promotional sales plans;* § 13.190 *Results;* § 13.205 *Scientific or other relevant facts;* § 13.240 *Special or limited offers.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1685 *Nature;* § 13.1730 *Results;* § 13.1740 *Scientific or other relevant facts;* § 13.1747 *Special or limited offers.* —Prices: § 13.1825 *Usual as reduced or to be increased.* —Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1870 *Nature;* § 13.1895 *Scientific or other relevant facts.* Subpart—Using deceptive techniques in advertising: § 13.2275 *Using deceptive techniques in advertising.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Gloria Stevens, Inc., et al., Brockton, Mass., Docket C-2544, Sept. 12, 1974]

In the matter of Gloria Stevens, Inc., J & M of Fall River, Inc., corporations, doing business as Gloria Stevens Figure Salons, and John Martin, individually and as an officer of said corporations

Consent order requiring Brockton and Fall River, Mass., figure salons, among other things to cease misrepresenting the prices and benefits of their figure improvement programs. Further, respondents must disclose to prospective patrons the nature of their equipment, programs and suggested diets, and suggest that prospective patrons under medical supervision consult with their physician before joining to insure that respondents' programs are compatible with health plans prescribed by such physician.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Gloria Stevens, Inc., and J & M of Fall River, Inc., corporations, doing business as Gloria Stevens Figure Salons or under any other trade name or names, and their officers, and John Martin, individually and as an officer of said corporations, and respondents' officers, successors, assigns, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, or sale of figure improvement programs and related services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the price charged for any reducing program or related service is a special or reduced price unless such price represents a significant reduction from an established selling price at which such program or service has been sold with substantial frequency by respondents in the recent regular course of their business; or misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of respondents' reducing programs.

2. Misrepresenting, directly or by implication, that the availability of any service, specially priced program or other inducement for enrollment is limited in time or otherwise; or failing to disclose completely and accurately in immediate conjunction with any represented promotional inducement all conditions and limitations on its availability.

3. Representing, directly or by implication, that:

A. Respondents' programs are effective in reducing body weight or dimensions, unless respondents disclose in immediate conjunction therewith that said programs include a suggested diet.

B. Respondents' programs are effective in reducing body weight or dimensions, unless respondents disclose in immediate conjunction therewith that said programs include a series of physical exercise.

C. Respondents' programs will cause any stated change in body size, configuration or weight in any specified period of time, unless such representation is fully substantiated by controlled scientific tests conducted by independent experts, and the results are available for inspection by the general public at no charge.

4. Failing to disclose clearly, conspicuously, completely and accurately, both orally and in writing, before enrolling any person in any program:

A. The nature of respondents' programs, equipment and suggested diets.

B. That prospective patrons with health problems or who are under a doctor's care should consult their physician to be sure that respondents' programs are not incompatible with figure control or other health plans prescribed by such physician.

5. Using any advertising, sales plan or procedure involving the use of false, deceptive or misleading statements or representations for the purpose of obtaining leads or prospects for the sale of reducing programs.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents now or hereafter engaged in the offering for sale, or sale of respondents' programs or services, or in any aspect of preparation, creation or placing of advertising; and that respondents secure from each such person a signed statement acknowledging receipt of said order.

It is further ordered, That respondents maintain at all times complete records relative to the manner and form of their

[1] Copies of the Complaint, Decision and Order filed with original document.

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compliance, during the immediately ensuing twelve-month period, with the above terms and provisions of this order. Such records shall include copies of all advertising, and shall indicate with respect to each sale the type of program and/or service, the price charged for such program and/or service, the terms of each such program or service and the name and address of each purchaser thereof.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in any of the corporate respondents, such as dissolution, assignment or sale resulting in the emergence of any successor corporation or corporations, the creation or dissolution of subsidiaries, or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondents' current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Sept. 12, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27135 Filed 11-19-74;8:45 am]

[Docket No. C-2542]

PART 13—PROHIBITED TRADE PRACTICES

Lear Siegler, Inc. and Royal Industries, Inc.

Subpart—Interlocking directorates unlawfully: § 13.1106 *Interlocking directorates unlawfully.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45; sec. 8, 38 Stat. 732; 49 Stat. 717; 15 U.S.C. 19) [Cease and desist order, Lear Siegler, Incorporated, et al., Pasadena, Calif., Docket C-2542, Sept. 12, 1974]

In the Matter of Lear Siegler, Incorporated, a corporation, and Royal Industries, Incorporated, a Corporation.

Consent order requiring Santa Monica and Pasadena, Calif., manufacturers of safety helmets, among other things to cease interlocking directorates. Further, each corporation is required, for a five-year period, to obtain from each director or prospective director an annual report disclosing other corporations with sales over $1 million of which he is a director and their principal products; and not to permit on their boards of directors anyone who fails to submit such a report or whose report reveals he is a director of a competing corporation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

I

It is ordered, That respondents, their successors and assigns, do forthwith cease and desist from permitting any individual to serve on the Boards of Directors of Lear Siegler or Royal, if such individual is or would be at the same time a director of both corporations.

II

It is further ordered, That Lear Siegler and Royal shall within thirty days after service of this order, and annually for a period ending five years thereafter, obtain from each member of their respective Boards of Directors a written statement which discloses the name, location, and business, including principal products manufactured and sold of each other corporation having capital, surplus and undivided profits in excess of one million dollars of which such member is also a director.

III

It is further ordered, That for a period ending five years after service of this order, Lear Siegler and Royal, at least thirty (30) days prior to any directors' meeting at which one or more directors will be elected or the mailing of proxy statements for any shareholder meeting at which one or more directors will be elected, shall obtain from each person who is being considered as a member of their respective Boards of Directors, but has not been a member of the Board of Directors during the previous year, a written statement showing:

1. The name and address of each corporation having capital, surplus and undivided profits in excess of one million dollars of which the potential director is a director, and

2. The nature of its business including principal products manufactured and sold.

IV

It is further ordered, That for a period ending five years after service of this order, Lear Siegler and Royal shall not permit on their respective Boards of Directors any person who fails to submit a written statement pursuant to Paragraphs Two and Three, or any person who is a director of another corporation named in response to the statements required pursuant to Paragraphs Two and Three when said statement also reveals to respondents that such other corporation is a competitor due to its principal product or products, business and location of operation.

V

It is further ordered, That Lear Siegler and Royal notify the Commission at least thirty (30) days prior to any proposed change in or to their respective corporations, such as dissolution, assignment or sale resulting in the emergence of a successor corporation, or any other change in the corporations which may affect compliance obligations arising out of this order.

VI

It is further ordered, That the respondents herein shall, within thirty (30) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Sept. 12, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27136 Filed 11-19-74;8:45 am]

[Docket No. C-2553]

PART 13—PROHIBITED TRADE PRACTICES

K mart Enterprises, Inc.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.20 *Comparative data or merits;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records;* 13.1051-10 Accurate. Subpart—Misrepresenting oneself and goods—Goods: § 13.1575 *Comparative data or merits;* § 1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45.) [Cease and desist order, K mart Enterprises, Incorporated, Royal Oak, Mich., Docket C-2553, Oct. 1, 1974]

In the Matter of K mart Enterprises Incorporated, a Corporation

Consent order requiring a Royal Oak, Mich., seller and distributor of automobile tires, among other things to cease misrepresenting the performance characteristics, construction, and structure of its tires. Further, respondent is required to maintain accurate records for Commission inspection.

The Decision and Order, including further order requiring report of compliance therewith is as follows: [1]

It is ordered, That respondent K mart Enterprises, Incorporated, its successors and assigns, officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution in commerce as "commerce" is defined in the Federal Trade Commission Act, of the respective products hereinafter referred to, do forthwith cease and desist from:

[1] Copies of the complaint, decision and order filed with the original document.

[1] Copies of the complaint, decision and order, filed with the original document.

1. Making, directly or by implication, any statement or representation in any advertising or sales promotional material as to the performance characteristics, construction or structure of any automobile tire vended by respondent or by any division, subdivision or subsidiary of respondent, unless at the time of such statement or representation respondent has a reasonable basis for such statement or representation, which shall consist of competent scientific tests, or other similar objective material, and where such statement or representation includes a comparison to other products, directly or by implication, such statement or representation shall be supported by competent scientific tests showing not less than a ninety-five percent confidence level when subjected to an appropriate statistical analysis.

2. Failing to maintain and produce accurate records which may be inspected by Commission staff members upon reasonable notice:

(a) Which consist of documentation in support of any statement or representation referred to in paragraph one (1) *supra,* included in advertising or sales promotional material disseminated by respondent, insofar as the text of such statement or representation is prepared, or is authorized and approved, by any person, who is an officer or employee of respondent, or of any division, subdivision, or subsidiary of respondent, or by any advertising agency engaged for such purpose by respondent or by any such division, subdivision or subsidiary; and

(b) Which provided the basis upon which respondent relied as of the time the claim was made; and

(c) Which shall be maintained by respondent for a period of three years from the date such advertising or sales promotional material is last disseminated by said respondent or any division, subdivision or subsidiary of said respondent.

It is further ordered, That respondent shall forthwith distribute a copy of this order to each of its operating divisions, subdivisions, and subsidiaries and to each of its officers, agents, representatives or employees who are engaged in the preparation or placement of advertisements.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale, resulting in the emergence of a successor corporation, or any other changes in the corporation which may materially affect compliance obligations arising out of the order.

It is further ordered, That respondent shall, within sixty (60) days, and at the end of six (6) months after the effective date of the order served upon it, file with the Commission a report, in writing, signed by respondent, setting forth in detail the manner and form of its compliance with the order to cease and desist.

The decision and order was issued by the Commission October 1, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27137 Filed 11-19-74;8:45 am]

[Docket No. C-2538]

PART 13—PROHIBITED TRADE PRACTICES

Fieldston Clothes, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition;* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements;* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition;* 13.1845-80 Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-80 Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Fieldston Clothes, Inc., et al., New York, N.Y., Docket C-2538, Sept. 5, 1974]

In the Matter of Fieldston Clothes, Inc., a Corporation, and Marvin Mantin and Stanley J. Miles, Individually and as Officers of Said Corporation

Consent order requiring a New Jersey Corporation located in New York City, a manufacturer and distributor of wool products, including boy's clothing, among other things to cease misbranding its wool products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Fieldston Clothes, Inc., a corporation, its successors and assigns, and its officers, and Marvin Mantin and Stanley J. Miles, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporation, subsidiary, division or other device, in connection with the introduction or manufacture for introduction, into commerce or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling or otherwise identifying such products as to the name or amount of the constituent fibers contained therein.

2. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear, legible and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

3. Failing to securely affix labels to samples, swatches or specimens of wool fiber products, used to promote or effect the sale of such wool fiber products, showing in words and figures plainly legible all the information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment and of their affiliation with a new business or employment. Such notice shall include respondents' current business and address, the nature of the business or employment in which they are engaged as well as a description of their duties and responsibilities.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist contained herein.

Decision and order issued by the Commission September 5, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27138 Filed 11-19-74;8:45 am]

[Docket No. C-2541]

PART 13—PROHIBITED TRADE PRACTICES

Grayco Chemical Corp., et al.

Subpart—Advertising falsely or misleadingly: § 13.55 *Demand, business or other opportunities;* § 13.60 *Earnings and profits;* § 13.75 *Free goods or services;* § 13.195 *Safety;* § 13.195-30 *Investment.* Subpart—Failing to maintain records: § 13.1051 *Failing to maintain records.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1625 *Free goods or services.* Subpart—Securing agents or representatives by misrepresentation: § 13.2125 *Demand or business opportunities;* § 13.2130 *Earnings;* § 13.2132 *Exclusive territory.*

[1] Copies of the complaint and decision and order filed with original document.

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(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Grayco Chemical Corp., et al., Westwood, N.J., Docket C-2541, Sept. 11, 1974]

In the matter of Grayco Chemical Corp., a corporation, and Grayco Industries, Inc., a corporation, and Alvin Serkez, individually and as an officer of said corporation

Consent order requiring two affiliated Westwood, N.J., wholesale merchandisers from using exaggerated earnings claims and other misrepresentations to recruit salesmen for their products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows: [1]

It is ordered, That respondents Grayco Chemical Corp., and Grayco Industries, Inc., corporations, their successors and assigns, and their officers, and Alvin Serkez, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of personal protection devices, automotive and household cleaning products, or any other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

A. Representing directly or by implication that:

1. There is a substantial demand for respondents' products.

2. Salesmen can sell substantial quantities of respondents' products easily and quickly.

3. Salesmen may secure exclusive territories without any fees, obligations, or hidden costs.

4. Salesmen can sell respondents' products without risk of loss.

B. Representing any sum of money as possible earnings which might be made by selling respondents' products, unless such sum is not greater than the average net earnings consistently made by all salesmen of respondents' products in the ordinary course of business and under normal conditions and circumstances.

C. Publishing any representation of earnings made by any person which does not reflect the average net earnings, after costs and operating expenses, made consistently by such person in the ordinary course of business and under normal conditions and circumstances.

D. Publishing any representation of wholesale purchases of merchandise by salesmen in terms of the retail value of such merchandise or in any other manner which does not reflect the wholesale value of such merchandise.

E. Publishing any representation of earnings, sales or wholesale purchases made by any person which is in excess of the average earnings, sales or wholesale purchases made by all of respondents' salesmen, unless such representation is immediately and conspicuously followed by disclosures which:

1. state that such earnings, sales or wholesale purchases are exceptional and unusual, and

2. indicate the average earnings, sales or wholesale purchases made by all of respondents' salesmen.

F. Publishing any statement concerning an experience had by a salesman or user of respondents' products, unless such statement is immediately and conspicuously followed by the date when the experience occurred.

G. Representing that salesmen of respondents' products can receive a free Cadillac or other prize, unless immediately and conspicuously following such representation respondents disclose:

1. The number of salesmen who have in fact received such prize,

2. The dollar amount of purchases a salesman must make in order to receive such prize; and

3. Any applicable time limit or other condition which may serve to disqualify a salesman from receiving such prize.

It is further ordered, That respondents shall maintain for at least a three (3) year period following each publication, copies of each advertisement, including newspaper, radio and television advertisements, direct mail and in-store solicitation literature, and any other such promotional material utilized for the purpose of soliciting salesmen to sell any product or utilized in the advertising, promotion, or sale of any product, together with all documentation and factual material in substantiation of the claims appearing in said advertisements and promotional materials.

It is further ordered, That respondents maintain files containing all inquiries or complaints from any source relating to acts or practices described in this order, for a period of three years after their receipt, and that such files be made available for examination by a duly authorized agent of the Federal Trade Commission during the regular hours of the respondents' business for inspection and copying.

It is further ordered, That respondents or their successors or assigns notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporate respondents which may affect compliance obligations arising out of this order.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Decision and order issued by the Commission Sept. 11, 1974.

CHARLES A. TOBIN,
Secretary.

[FR Doc.74-27139 Filed 11-19-74;8:45 am]

[1] Copies of the complaint, decision and order filed with the original document.

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER D—FLAMMABLE FABRICS ACT REGULATIONS

PART 1607—PROCEDURES FOR THE DEVELOPMENT OF FLAMMABILITY STANDARDS

PART 1609—NATIONAL ADVISORY COMMITTEE FOR THE FLAMMABLE FABRICS ACT

Revision and Transfer of Regulations

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred to the Consumer Product Safety Commission functions under the Flammable Fabrics Act. (15 U.S.C. 1191, et seq.).

Before May 14, 1973, in administering statutorily assigned duties under the Flammable Fabrics Act:

1. The Department of Commerce promulgated procedural regulations regarding the development of flammability standards (15 CFR Part 7, Subpart A) and regulations on the establishment and functions of the National Advisory Committee for the Flammable Fabrics Act (15 CFR Part 7, Subpart B). The Department of Commerce also issued flammability standards, amendments thereof, and appendices thereto; however, these issuances were in the form of notices published in the "Notices" section of the FEDERAL REGISTER and accordingly do not appear in the Code of Federal Regulations.

2. The Federal Trade Commission promulgated administrative and enforcement rules and regulations under the act (16 CFR Part 302).

In a series of documents, the Consumer Product Safety Commission intends to recodify the above-specified regulations and codify for the first time the standards as amended and appended so that all of this material under the Flammable Fabrics Act will appear in Title 16, Chapter II, Subchapter D, of the Code of Federal Regulations.

The purpose of this document, the first of said series, is to revise and transfer the above-identified regulations (15 CFR Part 7, Subparts A and B) promulgated by the Department of Commerce.

The material is revised to update names, titles, etc., and to present as separate Parts what were Subparts A and B.

Accordingly, pursuant to section 30(b) of the Consumer Product Safety Act, the Consumer Product Safety Commission hereby (1) deletes Part 7 from Title 15,[1] Subtitle A, and (2) revises and reissues those regulations as Parts 1607 and 1609 of Title 16, Chapter II, Subchapter D.

[1] See FR Doc. 74-27171, page 40749 of this issue.

Since no new requirements are added by this revision and transfer, notice and public procedure are not prerequisites to this issuance.

Parts 1607 and 1609 of Title 16, Chapter II, Subchapter D, read as follows:

Sec.
1607.1 Purpose.
1607.2 Definitions.
1607.3 Transfer of functions.
1607.4 Records of proceedings.
1607.5 Authority of the Commission to obtain testimony or records by regulation or subpoena.
1607.6 Advance notice of finding that a flammability standard may be needed.
1607.7 Proceedings for development of a proposed flammability standard.
1607.8 Publication of proposed flammability standard.
1607.9 Participation of interested persons in rulemaking proceedings.
1607.10 Informal public oral hearings.
1607.11 Adoption of a final flammability standard.
1607.12 Effective date.
1607.13 Exemption of items in inventory.
1607.14 Petitions for rulemaking.

AUTHORITY: Secs. 1-17, 67 Stat. 111-115, as amended 81 Stat. 568-574; 15 U.S.C. 1191-1204.

§ 1607.1 Purpose.

The purpose of this Part 1607 is to prescribe procedures relating to the discharge of the responsibilities of the Consumer Product Safety Commission under section 4 of the Flammable Fabrics Act (15 U.S.C. 1193). See § 1607.2(a) for information identifying the act.

§ 1607.2 Definitions.

As used in this Part 1607—

(a) "Act" means the Flammable Fabrics Act (15 U.S.C. 1191-1204) enacted June 30, 1953 (Pub. L. 83-88; 67 Stat. 111-115), amended August 23, 1954 (Pub. L. 83-629; 68 Stat. 770), and amended and revised December 14, 1967 (Pub. L. 90-189; 81 Stat. 568-574).

(b) "Commission" means the Consumer Product Safety Commission established by the Consumer Product Safety Act (Pub. L. 92-573, sec. 4, 86 Stat. 1210; 15 U.S.C. 2053).

(c) "Article of wearing apparel" means any costume or article of clothing worn or intended to be worn by individuals.

(d) "Interior furnishing" means any type of furnishing made in whole or in part of fabric or related material and intended for use, or which may reasonably be expected to be used, in homes, offices, or other places of assembly or accomodation.

(e) "Fabric" means any material (except fiber, filament, or yarn for other than retail sale) woven, knitted, felted, or otherwise produced from or in combination with any natural or synthetic fiber, film, or substitute therefor which is intended for use, or which may reasonably be expected to be used, in any product as defined in paragraph (g) of this section.

(f) "Related material" means paper, plastic, rubber, synthetic film, or synthetic foam that is intended for use, or that may reasonably be expected to be used, in any product as defined in paragraph (g) of this section.

(g) "Product" means any article of wearing apparel or interior furnishing.

(h) "Person" means an individual, partnership, corporation, association, or any other form of public or business organization.

(i) "Flammability standard" means any standard (including conditions and manner of testing) or other regulation, including any labeling regulation, or any revision or amendment thereto, relating to the flammability of a fabric, related material, or product.

(j) "Written comments" means legible comments, data, arguments, views, or other information, submitted in writing (preferably in five copies) by interested persons for the public record.

§ 1607.3 Transfer of functions.

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Pub. L. 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred functions under the Flammable Fabrics Act from the Federal Trade Commission and the Departments of Commerce and Health, Education, and Welfare to the Consumer Product Safety Commission.

§ 1607.4 Records of proceedings.

Records of the Commission relating to rulemaking proceedings, available for public inspection and copying in accordance with 5 U.S.C. 552 or other applicable laws or regulations, may be obtained at the Office of the Secretary, Consumer Product Safety Commission, 10th floor, 1750 K Street NW., Washington, D.C. 20207. Interested persons may obtain copies upon payment of the prescribed fees.

§ 1607.5 Authority of the Commission to obtain testimony or records by regulation or subpoena.

(a) Section 4(c) of the act authorizes the Commission to obtain from any person by regulation, or subpoena issued pursuant thereto, such information in the form of testimony, books, records, or other writings as is pertinent to any findings or determinations that the Commission is required or authorized to make under the act.

(b) All information reported to or otherwise obtained by the Commission pursuant to section 4(c) of the act that contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905 shall be considered confidential for the purposes of 18 U.S.C. 1905 and withheld from the public record. Such information, however, may be disclosed to other officers or employees concerned with carrying out the provisions of the act or disclosed when relevant to any proceeding under the act. Any information submitted to the Commission that contains or relates to a trade secret or other matter referred to in 18 U.S.C. 1905 should be so identified clearly and should set forth adequate justification for its inclusion in this category. All such information should be submitted separately from comments for the public record.

§ 1607.6 Advance notice of finding that a flammability standard may be needed.

Whenever the Commission finds on the basis of investigations or research conducted under the authority of section 14 of the act that a flammability standard for a fabric, related material, or product may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or significant property damage, the Commission shall publish a notice in the FEDERAL REGISTER declaring that such standard may be needed and stating concisely the basis therefor.

§ 1607.7 Proceedings for development of a proposed flammability standard.

(a) Whenever a notice is published under § 1607.6, the Commission shall also publish simultaneously a notice in the FEDERAL REGISTER instituting proceedings for the development of an appropriate flammability standard and inviting interested persons to submit written comments to the Commission relative to:

(1) The finding published under § 1607.6 that a flammability standard may be needed; and

(2) The terms or substance of a flammability standard that might be adopted in the event that a final finding is made by the Commission that such a flammability standard is needed.

(b) Written comments shall be postmarked or delivered within 30 days after publication of a notice under this section, unless specified otherwise. All materials considered relevant to any statement of fact or argument should be submitted with such written comments.

(c) To obtain additional information for the development of a proposed flammability standard and to protect the public interest, the Commission may invite the views of local, State, and Federal agencies and other interested persons and may provide interested persons an opportunity for oral presentation, as provided in 5 U.S.C. 553(c), which may include an informal oral hearing.

§ 1607.8 Publication of proposed flammability standard.

(a) As soon as practicable following the conclusion of the initial proceedings under § 1607.7, the Commission shall publish in the FEDERAL REGISTER:

(1) A notice withdrawing its finding that a new or amended flammability standard may be needed (in no event, however, shall the withdrawal preclude the conduct of further investigation or research under section 14 of the act or preclude the initiation of another proceeding regarding the same or similar subject matter under the procedures in this part); or

V 39 N 225 NOV 20 74 XUM

(2) A notice proposing a flammability standard.

(b) The notice of a proposed flammability standard under paragraph (a)(2) of this section shall include:

(1) The provisions of such proposed flammability standard, stated in objective terms; and

(2) The preliminary findings of the Commission, together with a concise statement of the basis therefor, that such a flammability standard:

(i) Is needed to adequately protect the public against unreasonable risk of the occurrence of fire leading to death, injury, or significant property damage;

(ii) Is reasonable, technologically practicable, and appropriate; and

(iii) Is limited to fabrics, related materials, or products that have been determined to present such unreasonable risks.

§ 1607.9 Participation of interested persons in rulemaking proceedings.

(a) Within 30 days (unless specified otherwise) after publication of a notice under § 1607.8 proposing a flammability standard in the FEDERAL REGISTER, interested persons may participate in the rulemaking proceedings in accordance with 5 U.S.C. 553 by submitting written comments relevant to the proposed flammability standard.

(b) The Commission may solicit comments from local, State, and Federal agencies and other interested persons and may give interested persons an opportunity for oral presentation, as provided in 5 U.S.C. 553, to assure development of an appropriate standard and to protect the public interest.

§ 1607.10 Informal public oral hearings.

(a) At its discretion, the Commission may include in the notice of a proposed flammability standard, published in the FEDERAL REGISTER under § 1607.8, an invitation to interested persons to participate in an informal oral hearing under 5 U.S.C. 553. If the published notice does not provide for such hearing, any interested person may request in writing, within 15 days after publication of such notice, an informal oral hearing under 5 U.S.C. 553. Upon receipt by the Commission of such a request, the Commission shall grant the request and publish in the FEDERAL REGISTER a notice of an informal public oral hearing at least twenty (20) days in advance of the hearing.

(b) Sections 556 and 557 of 5 U.S.C. do not apply to hearings held under this section. Unless specified otherwise, such hearings shall be informal, nonadversary proceedings (no formal pleadings or adverse parties). A stenographic transcript of such hearings and any exhibits submitted thereat shall be made a part of the public record.

(c) A hearing held under this section shall be conducted by a presiding officer designated by the Commission and empowered to establish reasonable procedures governing conduct of the hearing.

§ 1607.11 Adoption of a final flammability standard.

(a) The Commission shall consider all oral and written comments and other materials received in accordance with any proceedings under this Part 1607. Comments filed after expiration of the designated time periods may be considered insofar as practicable.

(b) As soon as practicable after considering the comments and other material under paragraph (a) of this section and after consulting with the National Advisory Committee for the Flammable Fabrics Act, the Commission shall publish in the FEDERAL REGISTER either:

(1) A document promulgating a flammability standard, stated in objective terms, and presenting the Commission's findings with respect to the requirements of section 4(b) of the act with a concise statement of the basis for such findings; or

(2) A notice terminating, suspending, or amending the instant proceedings for the adoption of the flammability standard concerned.

(c) In no event shall notice of the termination or suspension of proceedings under this section operate to preclude the conduct of further investigation or research under section 14 of the act or to preclude the initiation of another proceeding regarding the same or similar subject matter under these procedures.

§ 1607.12 Effective date.

Each flammability standard promulgated under this Part 1607 shall become effective 12 months after publication in the FEDERAL REGISTER, unless the Commission finds for good cause shown that an earlier or later effective date is in the public interest. Any such finding by the Commission will be published in the FEDERAL REGISTER with a concise statement of the basis for such finding.

§ 1607.13 Exemption for items in inventory.

Each flammability standard promulgated in accordance with this Part 1607 shall exempt fabrics, related materials, or products in inventory or with the trade as of the date that such standard becomes effective. If the Commission finds, however, that any such fabric, related material, or product is so highly flammable as to be dangerous when used by consumers for the purposes for which intended, the Commission may, under such conditions as it prescribes, withdraw or limit the exemption for such fabric, related material, or product. Any such finding by the Commission will be published in the FEDERAL REGISTER with a concise statement of the facts upon which the finding is based.

§ 1607.14 Petition for rulemaking.

(a) Any interested person may petition the Commission to issue, amend, or revoke a flammability standard or the procedural rules established in this Part 1607.

(b) Each petition filed under this section shall:

(1) Be submitted, preferably in five copies, to the Consumer Product Safety Commission, Office of the Secretary, 1750 K Street NW., Washington, D.C. 20207.

(2) Set forth the text or substance of the proposed flammability standard or procedural rule, or proposed amendment thereto, or specify the flammability standard or procedural rule the petitioner seeks to have revoked, as the case may be;

(3) Explain the interest of the petitioner in the action requested; and

(4) Contain any information and arguments available to the petitioner in support of the action sought.

(c) Unless the Commission specifies otherwise, no public hearing, argument, or other proceeding shall be held on a petition before its disposition. If the Commission determines that a petition does not justify rulemaking, it shall deny the petition. If the Commission determines that a petition contains adequate justification, it shall take appropriate action in accordance with the provisions of the act including, where necessary, the institution of proceedings to consider the issuance, amendment, or repeal of the flammability standard or procedural rule concerned.

(d) The Commission shall notify each petitioner, in writing, of the action taken on his petition.

(e) The filing of a petition under this section does not of itself stay the effective date of any flammability standard or procedural rule concerned.

Sec.
1609.1 Purpose.
1609.2 Membership.
1609.3 Compensation.
1609.4 Organization.
1609.5 Duties and procedures.

AUTHORITY: Sec. 17, 67 Stat. 115, as amended 81 Stat. 574; 15 U.S.C. 1204.

§ 1609.1 Purpose.

The purpose of this Part 1609 is establishment of the National Advisory Committee for the Flammable Fabrics Act (referred to in this part as the "Committee") as provided under section 17 of the Flammable Fabrics Act (15 U.S.C. 1204). See § 1607.2(a) of this chapter for information identifying the act.

§ 1609.2 Membership.

(a) The Committee shall be composed of not less than nine members appointed by the Consumer Product Safety Commission (referred to in this part as the "Commission"). The Committee shall, in the judgment of the Commission, be fairly representative of manufacturers, distributors, and the consuming public.

(b) All appointments shall be for a term of not more than 2 years. Any member may be reappointed upon expiration of his or her term.

(c) The Commission shall also designate full-time salaried employees of the Commission as Chairman and alternate to the Chairman of the Committee. The Chairman and alternate to the Chairman shall not be members of the Committee.

§ 1609.3 Compensation.

(a) Members of the Committee, except those who are officers or employees of the United States, are entitled to receive compensation at a rate fixed by the Commission, but not exceeding $100 per diem, including travel time, while attending meetings or conferences of the Committee or otherwise engaged in business of the Committee.

(b) As authorized in 5 U.S.C. 5703, members may be allowed travel expenses, including per diem in lieu of subsistence, while away from their homes or regular places of business.

(c) Payments made under this section shall not render members of the Committee employees or officials of the United States for any purpose.

§ 1609.4 Organization.

(a) The Chairman, or alternate to the Chairman in the Chairman's absence shall preside at all meetings of the Committee and shall have the usual powers of a presiding officer. The Chairman shall make provision for the necessary secretarial services to the Committee, The Chairman may adjourn any meeting.

(b) All meetings of the Committee shall be called by the Commission or by the Committee Chairman. The agenda for each meeting shall be formulated or approved by the Chairman and furnished in advance to each member of the Committee, along with a copy of any proposed flammability standard to be considered by the Committee.

(c) Minutes shall be taken of all meetings of the Committee and shall include, as a minimum, a record of persons present, a description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Committee. The accuracy of all minutes shall be certified to by the Chairman, or alternate to the Chairman in the Chairman's absence, prior to distribution of the minutes to members of the Committee.

§ 1609.5 Duties and procedures.

(a) The Commission may consult with the Committee whenever the Commission deems such action appropriate and shall consult with the Committee before promulgating a flammability standard under the Act.

(b) At the request of the Commission or the Chairman of the Committee, the Committee shall meet to consider the provisions of a proposed flammability standard, including the record of proceedings developed under Part 1607 of this chapter and other information relevant to the proposed standard.

(c) After the Committee has considered the provisions of a proposed flammability standard, the record of proceedings, and other relevant information in accordance with this section, each member shall be requested to prepare an individual report advising the Commission, in writing, of his or her views and recommendations concerning the proposed flammability standard under consideration. Unless specified otherwise by the Commission, such reports shall be submitted within 15 days after the conclusion of the Committee meeting concerned. Copies of each report will be furnished to all members of the Committee and will be available for inspection and copying at the Office of the Secretary, Consumer Product Safety Commission, 10th floor, 1750 K Street NW., Washington, D.C.

Dated: November 15, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-27172 Filed 11-19-74;8:45 am]

SUBCHAPTER E—POISON PREVENTION PACKAGING ACT OF 1970 REGULATIONS

PART 1700—POISON PREVENTION PACKAGING

Exemption of Certain Isosorbide Dinitrate-Containing Drugs

The purpose of this document is to promulgate an exemption of the isosorbide dinitrate-containing sublingual tablets and chewable preparations described below from child protection packaging requirements for human prescription drugs in oral dosage forms by revising 16 CFR 1700.14(a)(10).

Background. On May 30, 1973, ICI America, Inc., Wilmington, Delaware, petitioned the Consumer Product Safety Commission to exempt the drugs Chewable Sorbitrate and Sorbitrate Sublingual Tablets, each containing isosorbide dinitrate and each available in 2.5-milligram and 5.0-milligram dosage strengths, from the regulation requiring child protection packaging for human prescription drugs in oral dosage forms. At the time of petitioning, the regulation in question was 21 CFR 295.2(a)(10); however, due to a revision and transfer of regulations on August 7, 1973 (38 FR 21247), the regulation became 16 CFR 1700.14(a)(10).

Grounds given for exemption are that these drugs should be readily accessible in times of stress to individuals who use these drugs for management of angina pectoris. Further, nitroglycerin in sublingual dosage forms has already been exempted from the packaging requirements for the same reason.

In the FEDERAL REGISTER of September 12, 1973 (38 FR 25195), the Commission, acting on the petition, proposed to exempt sublingual and chewable forms of isosorbide dinitrate in dosage strengths of 5-milligrams or less. No comment was received in response to the proposal.

The Commission agrees with the petitioner that the needed rapid accessibility to the drugs for treatment of angina pectoris could be hampered by child protection packaging. The Commission also recognizes that sublingual nitroglycerin has been exempted for the same reason.

The Commission has received no information that the accidental ingestion of these drugs has caused serious personal injury or serious illness in young children. Information from the National Clearinghouse for Poison Control Centers for the years 1969–1972, shows 74 cases of ingestion of these drugs by children under 5 years of age with symptoms of lethargy in two cases, and with 3 hospitalizations reported for observation purposes.

Conclusion. Therefore, having considered the petition, human experience data from the National Clearinghouse for Poison Control Centers, and other relevant material, the Commission concludes that the proposed exemption should be adopted.

Accordingly, pursuant to provisions of the Poison Prevention Packaging Act of 1970 (Pub. L. 91–601, secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474) and under authority vested in the Commission by the Consumer Product Safety Act (Pub. L. 92–573, sec. 30(a), 86 Stat. 1231; 15 U.S.C. 2079(a)), 16 CFR 1700.14(a)(10) is revised to read as follows:

§ 1700.14 Substances requiring special packaging.

(a) • • •

(10) *Prescription drugs.* Any drug for human use that is in a dosage form intended for oral administration and that is required by Federal law to be dispensed only by or upon an oral or written prescription of a practitioner licensed by law to administer such drug shall be packaged in accordance with the provisions of § 1700.15(a), (b), and (c), except for the following:

(i) Sublingual dosage forms of nitroglycerin.

(ii) Sublingual and chewable forms of isosorbide dinitrate in dosage units containing isosorbide dinitrate in strengths of 5-milligrams or less.

• • • • •

Effective date. The above revision of 16 CFR 1700.14(a)(10) shall become effective on December 20, 1974.

(Pub. L. 91–601, secs. 2(4), 3, 5, 84 Stat. 1670–72; 15 U.S.C. 1471(4), 1472, 1474)

Dated: November 15, 1974.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.74-27170 Filed 11-19-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Freedom of Information; Disclosure of Records

On pages 36870 and 36871 of the FEDERAL REGISTER of October 15, 1974, there was published a notice of a proposed policy with a proposal to add a new Subpart D to Part 701 of Chapter VI, Title 18 of the Code of Federal Regulations.

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This new Subpart D to Part 701 describes the availability to the public of records of the Water Resources Council pursuant to the Freedom of Information Act, 5 U.S.C. 552.

This subpart states the Council's policy of the fullest possible disclosure of records consistent with those obligations of confidentiality and administrative procedures which are recognized by the Act. In regard both to the information that is available to the public and to the sources from which it may be obtained this subpart supplements existing procedures and does not replace or restrict them. The normal channels through which information has regularly been made available to the public will continue to be accessible.

This subpart is intended to be consistent with, but separate from, the public participation provisions of the Council's principles and standards (38 FR 174, September 10, 1973) and subsequent implementing procedures. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed policy.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. This policy on disclosure of records is effective November 20, 1974.

Approved November 14, 1974. By direction of the Director.

GARY D. COBB,
Acting Director,
Water Resources Council.

Subpart D—Availability of Information

Sec.
701.200 Statement of policy.
Sec.
701.201 Availability of records and informational materials.
701.202 Procedure.
701.203 Denial of a request for identifiable records or materials.
701.204 River basin commissions and field committees.

AUTHORITY: 5 U.S.C. 552 and 42 U.S.C. 1962d–1.

Subpart D—Availability of Information

§ 701.200 Statement of policy.

Water Resources Council records and informational materials are available to the fullest extent possible consistent with 5 U.S.C. section 552 and will be promptly furnished to any member of the public.

§ 701.201 Availability of records and informational materials.

(a) Except for records and materials exempted from disclosure pursuant to paragraph (b) of this section, any person may inspect and copy any document in the possession and custody of the Water Resources Council in accordance with the procedure provided in § 701.202.

(b) The provisions of 5 U.S.C. section 552 which require that agencies make their records available for public inspection and copying do not apply to matters which are:

(1) Specifically required by Executive order to be kept secret in the interest of national defense or foreign policy;

(2) Related solely to the internal personal rules and practices of the Council;

(3) Specifically exempted from disclosure by statute;

(4) Trade secrets and information which is privileged or which relates to the business, personal or financial affairs of any person and which is furnished and accepted in confidence;

(5) Interagency and intra-agency memoranda or letters which would not be available by law to a private party in litigation with the Council;

(6) Personnel, medical, and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency;

(8) Contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions; or

(9) Geological and geophysical information and data, including maps, concerning wells.

§ 701.202 Procedure.

(a) A member of the public who requests records or materials from the Water Resources Council must provide a reasonably specific description of the records or materials sought so that such records or materials may be located without undue search or inquiry.

(b) Requests for identifiable records or materials should be directed to the Director, Water Resources Council, Suite 800, 2120 L Street, NW., Washington, D.C. 20037.

(c) Records or materials will be available for inspection and copying in person during normal business hours or by mail.

(d) Requests for records which originate in or concern matters which originate in another Department or agency may be forwarded to the Department or agency primarily concerned and the requester so notified.

(e) Fees. (1) The Water Resources Council will, to the extent practicable encourage the widest possible distribution of information by permitting requests for inspection or copies of records or materials to be met without cost to the person making the request.

(2) Fees will be charged in the case of requests which are determined to involve a burden on staff or facilities significantly in excess of that normally accepted by the Council in handling routine requests for information.

(3) In determining whether a fee will be charged, the Director will consider costs of identifying and locating records or materials as well as costs of copying and mailing.

(4) In no event shall the fee for identifying and locating records or materials exceed $2.50 per half hour, nor shall the fee for copying exceed $0.25 per page.

(5) The Council reserves the right to limit the number of copies of any document that will be provided to any one person.

§ 701.203 Denial of a request for identifiable records or materials.

(a) A request to the Council for identifiable records or materials may be denied by the Director only upon the basis of the exemptions listed in § 701.201(b).

(b) The specific reasons for the denial shall be stated in writing and furnished to the person submitting the request.

§ 701.204 River basin commissions and field committees.

(a) River basin commissions established pursuant to Title II of the Water Resources Planning Act are encouraged to establish, pursuant to section 205(c) of that Act, procedures for public availability of information that are consistent with 5 U.S.C. 552 and this Subpart.

(b) Field committees will be governed by the procedures adopted by the lead Federal agency to implement 5 U.S.C. 552, except that if the lead agency of a field committee is a non-Federal entity, the standards of this Subpart shall apply.

(c) Requests for documents and informational materials may be made to the chairmen of the field committees and river basin commissions at the following addresses.

(1) River Basin Commissions:

Great Lakes Basin Commission, P.O. Box 999, Ann Arbor, Michigan 48106;
New England River Basins Commission, 55 Court Street, Boston, Massachusetts 02108;
Ohio River Basin Commission, 36 East 4th Street, Suite 208–220, Cincinnati, Ohio 45202;
Pacific Northwest River Basins Commission, P.O. Box 908, Vancouver, Washington 98660;
Upper Mississippi River Basin Commission, Federal Office Building, Room 510, Fort Snelling, Twin Cities, Minnesota 55111;
Missouri River Basin Commission, 10050 Regency Circle, Suite 403, Omaha, Nebraska 68114.

(2) Field Committees:

Arkansas-White-Red Inter-Agency Committee, Room 4030, Federal Building, Albuquerque, New Mexico 87101;
Pacific Southwest Inter-Agency Committee, 630 Sansome Street, Room 1216, San Francisco, California 94111;
Southeast Basins Inter-Agency Committee, 402 Walton Building, Columbus, Georgia 30303.

[FR Doc.74–27203 Filed 11–19–74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Repository Corticotropin Injection and Oxytocin Injection, Veterinary

The Commissioner of Food and Drugs has been advised by Burns-Biotec Division, Chromalloy Pharmaceutical, Inc., a subsidiary of Chromalloy American Corp., Oakland, CA 94621, of the acquisition of the assets of Armour-Baldwin Laboratories, including among other items, the sponsorship of certain new animal drug applications, specifically NADA No. 8–760V, repository corticotropin injection, and NADA No. 9–055V, oxytocin injection, veterinary. The Commission also has been advised by Armour Pharmaceutical Co. of the transfer of these assets of Armour-Baldwin Laboratories to Chromalloy Pharmaceutical, Inc. The Commissioner acknowledges this transfer and accordingly amends the regulations to reflect the change of sponsor.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended as follows:

1. In § 135b.30 *Repository corticotropin injection,* paragraph (b) is amended by deleting the number "075" and substituting the number "070."

2. In § 135b.64 Oxytocin injection, veterinary, paragraph (b) is amended by deleting the number "075" and substituting the number "070."

Effective date. This order shall be effective November 20, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360(i))

Dated: November 13, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74–27090 Filed 11–19–74;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 473—FEDERAL-AID URBAN SYSTEM

Correction

In FR Doc. 74–26314 appearing at page 39658 of the issue for Friday, November 8, 1974, the fourth line of § 473.104 (a)(2) was inadvertently omitted, and should read as follows: "routes, including access roads to major".

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 298–6]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

S-[(Tert-Butylthio)Methyl]O,O-Diethyl Phosphorodithioate

A petition (PP 4F1496) was filed (39 FR 20538) by American Cyanamid Co., P.O. Box 400, Princeton, NJ 08540, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined negligible residues of the insecticide S–[(*tert*-butylthio) methyl] *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities field corn grain, fodder, and forage at 0.05 part per million.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended as follows:

1. In Subpart A, § 180.3(e)(5) by alphabetically inserting the following new item in the list of cholinesterase-inhibiting pesticides:

§ 180.3 Tolerances for related pesticide chemicals.

* * * * * *

(e) * * *

(5) * * *

S-[(*tert*-Butylthio)methyl] *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites.

* * * * * *

2. In Subpart C by adding the following new section:

§ 180.352 *S*-[(tert-butylthio)methyl] *O,O*-diethyl phosphorodithioate; tolerances for residues.

A tolerance of 0.05 part per million is established for combined negligible residues of the insecticide *S*-[(*tert*-butylthio)methyl] *O,O*-diethyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agriculture commodities field corn grain, fodder and forage.

Any person who will be adversely affected by the foregoing order may at any time on or before December 20, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on November 20, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticide Programs.

[FR Doc.74–27068 Filed 11–19–74;8:45 am]

[FRL 298–7]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline

A petition (PP 4F1500) was filed (39 FR 20538) by the Upjohn Co., Kalamazoo, MI 49001, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing a revision of the existing tolerance (40 CFR § 180.200) for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on the raw agricultural commodity apricots at 20 parts per million to allow postharvest application.

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The fungicide is useful for the purpose for which the revised tolerance is being established.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The tolerance of 20 parts per million for residues of the fungicide in or on apricots is adequate to cover residues resulting from the proposed postharvest use as well as the existing preharvest use.

4. The revised tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), § 180.200 is amended by revising the paragraph "20 parts per million * * *", to read as follows:

§ 180.200 2,6-dichloro-4-nitroaniline; tolerance for residues.

* * * * * *

20 parts per million in or on apricots, nectarines, peaches, and sweet cherries (all from preharvest and postharvest application), and snap beans.

* * * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before December 20, 1974, file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person

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filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective November 20, 1974.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: November 14, 1974.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.74-27067 Filed 11-19-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 20032; FCC 74-1188]

PART 91—INDUSTRIAL RADIO SERVICES

Petroleum Geophysical Operations

In the matter of Amendment of §§ 91.302 and 91.304 of the Commission's rules and regulations to codify practices and procedures for use of certain frequencies for petroleum geophysical operations. Docket No. 20032, RM-1917.

1. On April 25, 1974, the Commission released a notice of proposed rulemaking (39 FR 15509), in the above entitled matter. Comments were filed by the Central Committee on Communication Facilities of the American Petroleum Institute (API) and the International Association of Geophysical Contractors.

2. The notice of proposed rulemaking sought comments on our proposal to incorporate into the rules governing the Petroleum Radio Service, special rules for the assignment and use of certain petroleum frequencies in connection with petroleum geophysical operations. The proposal included limiting nine Petroleum Radio Service frequencies to geophysical operations only; making 24 other petroleum frequencies available to geophysical operations on a secondary, non-interference basis; issuing multiple frequency assignments; and limiting the transmitter power when employing secondary tone signalling in geophysical operations to 50 watts output. These proposals closely followed an existing informal plan adhered to by both the Commission and the petroleum industry for more than twenty years. The Commission however, did propose two changes to the plan. One would deny the use of F9 emissions on frequencies below 25 MHz and the second would add a two second transmission limitation on all geophysical tone signalling operations so as to reduce possible interference to co-channel voice users and conform with proposals for other non-voice operations.

3. API generally agreed with the proposed amendments as set forth in the Notice. However, they did recommend certain changes. Aside from comments suggesting several minor editorial changes to eliminate possible ambiguities, there were comments about the proposed transmission limitation of 2 seconds on secondary tone signalling operations. API argues that they cannot operate with a two second time limit on tone signalling transmissions. They state that certain petroleum geophysical signalling operations take up to several minutes of continuous transmissions to obtain the proper measurements, depending on the specific technique employed. And, if a two second limitation were imposed, petroleum licensees could not use any of the radio techniques presently available to them for the gathering of seismic data.

4. The Commission believes on the basis of the comments that the tone signalling requirements of geophysical licensees are unique. While other land mobile non-voice operations can live with a two second limitation on each transmission, apparently geophysical signalling operations cannot. It seems, depending on the specific technique used, it can take up to several minutes of continuous transmission in order to obtain usable data. The Commission, however, still believes there should be some reasonable time limit placed on secondary tone signalling operations to prevent abuse. We have discussed this issue with the petroleum industry and have concluded that a time limit of three minutes should be sufficient for any type of geophysical operation. Accordingly, we will modify our proposal and limit the duration of any transmission in geophysical secondary tone signalling operations to not more than three minutes.

5. API also recommended several minor changes to eliminate possible ambiguities. We agree with these editorial changes and they are reflected in the attached Appendix.

6. We also propose to change the maximum number of frequencies the licensee is permitted to use at any one time. In the Notice, the Commission followed the existing plan and limited the number of frequencies each geophysical party may use at any one time to two. However, it has come to our attention that certain geophysical operations at sea using anchored buoys to collect geophysical data, require the use of four frequencies at one time. This buoy system is currently operating under a developmental license without causing any reported instances of interference. Such operations are conducted far out at sea and very infrequently. Accordingly, we will modify our proposal and permit each geophysical party to use four frequencies at a time.

7. In view of the foregoing it appears that the public interest can be served by adopting the rules amendments set forth in the Appendix. Accordingly, *It is ordered:* That pursuant to authority contained in section 303 of the Communications Act of 1934, as amended; Part 91 of the Commission rules and regulations is amended effective December 20, 1974. *It is further ordered:* That this proceeding is hereby terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 6, 1974.

Released: November 12, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

APPENDIX

Part 91 of the Commission's rules and regulations is amended as follows:

1. In § 91.302, paragraph (e) is added to read as follows:

§ 91.302 Availability and use of service.

* * * * *

(e) Geophysical operations may use tone or impulse signalling for purposes other than indicating failure of equipment or abnormal conditions on those frequencies designated for such transmissions in § 91.304. Authorizations for multiple frequency operations will be granted upon request notwithstanding the provisions of § 91.8(c). Each geophysical exploration party, however, may only use a maximum of four frequencies at any given time. All such tone or impulse signalling shall be on a secondary basis subject to the following limitations:

(1) That harmful interference is not caused to the primary operations of any other licensee on that particular frequency.

(2) Maximum duration of a single non-voice transmission, may not exceed three minutes.

(3) The bandwidth utilized for secondary tone or impulse signalling shall not exceed that authorized to the licensee for voice emission on the frequency concerned.

(4) Frequency loading resulting from the use of secondary tone or impulse signalling will not be considered in whole or in part, as a justification for authorizing additional frequencies in the licensees mobile service system.

(5) The maximum transmitter output power for tone or impulse transmissions shall not exceed 50 watts.

2. In § 91.304(a) the table is amended, and paragraph (b)(38), (39) & (40) added to read as follows:

§ 91.304 Frequencies available.

(a) * * *

Petroleum radio services frequency table

Frequency or band	Class of station (s)	Limitations
kHz		
1614	Base or mobile	8, 38, 39
1628	do	8, 38, 39
1652	do	8, 38, 39
1676	do	8, 38, 39
1700	do	8, 38, 40
2292	do	8, 38, 40
2306	do	8, 38, 40
4637.5	do	8, 38, 40
MHz		
25.02	do	39
25.04	do	
25.06	do	39
25.08	do	16
25.10	do	16, 39
25.12	do	
25.14	do	39
25.16	do	
25.18	do	39
25.20	do	
25.22	do	40
25.24	do	
25.26	do	40
25.28	do	
25.30	do	40
25.32	do	
• • •	• • •	• • •
30.66	Base or mobile	12, 40
30.70	do	40
30.74	do	40
30.78	do	40
30.82	do	12, 40
• • •	• • •	• • •
153.05	Base or mobile	12, 40
153.08	do	11, 40
153.11	do	11, 40
153.14	do	11, 40
153.17	do	11, 40
153.20	do	11, 40
153.23	do	11, 40
153.26	do	11, 40
153.29	do	11, 40
153.32	do	11, 40
158.35	do	11, 40
• • •	• • •	• • •
158.31	Base or mobile	11, 40
• • •	• • •	• • •
158.37	Base or mobile	11, 40
• • •	• • •	• • •
158.43	Base or mobile	11, 40
• • •	• • •	• • •
451.550	Base or mobile	10, 32, 40
• • •	• • •	• • •
451.600	Base or mobile	10, 32, 40
• • •	• • •	• • •
451.650	Base or mobile	10, 32, 40
• • •	• • •	• • •
451.700	Base or mobile	10, 32, 40
451.750	do	10, 32, 40
• • •	• • •	• • •

* * * * *

(b) * * *

(38) Use of this frequency is limited to an amplitude modulation mode of operation.

(39) This frequency is available for assignment only to stations utilized for geophysical purposes.

(40) This frequency is available for assignment to geophysical stations on a secondary, non-interference basis to other Petroleum licensees. Geophysical stations must cease operations on this frequency immediately upon receiving notice that interference is being caused to mobile service stations.

[FR Doc.74-27025 Filed 11-19-74;8:45 am]

[1] Commissioner Reid absent.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1202]

PART 1033—CAR SERVICE

Missouri-Kansas-Texas Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 13th day of November 1974.

It appearing, that the Missouri-Kansas-Texas Railroad Company (MKT) is unable to operate over its line into Oklahoma City, Oklahoma, because of extensive track damage caused by flooding; that MKT services to and from Oklahoma City can be continued by the use by the MKT of tracks of the Chicago, Rock Island and Pacific Railway Company (RI) between McAlester, Oklahoma, and Oklahoma City, Oklahoma; that the RI has consented to use of these tracks by the MKT; that operation by the MKT over these tracks of the RI is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1202 Service Order No. 1202.

(a) *Missouri-Kansas-Texas Railroad Company authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company.* The Missouri-Kansas-Texas Railroad Company (MKT) be, and it is hereby, authorized to operate over tracks of the Chicago, Rock Island and Pacific Railroad Company (RI) between a connection between the RI and the MKT at RI milepost 366.4 at McAlester, Oklahoma, and a connection between these railroads at RI milepost 484.0 at Oklahoma City, Oklahoma, a distance of 117.6 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Effective date.* This order shall become effective at 12:01 a.m., November 15, 1974.

(d) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., March 31, 1975, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17(2).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27182 Filed 11-19-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Horicon National Wildlife Refuge, Mayville, Wisconsin

The following special regulation is issued and is effective on November 20, 1974.

§ 32.32 Special Regulations; big game; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

The public hunting of deer on the Horicon National Wildlife Refuge, Wisconsin, is permitted only on the area designated by signs as open to hunting, during the period November 23 through December 1, 1974, with designated firearms, and during the period December 7 through December 31, 1974 with bow and arrow. The open area, comprising 20,700 acres, is delineated on maps available at refuge headquarters, Mayville, Wisconsin, and from the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Hunting shall be in accordance with all applicable State regulations.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through December 31, 1974.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge, Mayville, Wisconsin.

NOVEMBER 13, 1974.

[FR Doc.74-27079 Filed 11-19-74;8:45 am]

PART 32—HUNTING

Great Swamp National Wildlife Refuge, N.J.

In the FEDERAL REGISTER, Volume 39, No. 202, page 37064, dated October 17, 1974, it was proposed that deer hunting on Great Swamp National Wildlife Refuge, New Jersey, be permitted during the periods December 10, 1974, to December 14, 1974, inclusive, and during December 18, 1974. It was proposed that the effective date of such regulations would be December 10, 1974. It was noted that the draft environmental impact statement discussing this proposed action was filed with the Council on Environmental Quality, and that copies were available from the Fish and Wildlife Service. Public comments were invited with regard to the proposal, and were to be submitted before November 18, 1974. Comments have been received and were duly considered in establishing the regulations. The final environmental impact statement with regard to this proposal was filed with the Council on Environmental Quality on October 17, 1974.

For the following reasons, the Department of Interior has determined that a

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finding of "good cause" is warranted with the terms of 5 U.S.C. section 553 (d)(3).

(1) Inconvenience to the general public as a result of public announcements on the hunt.

(2) Administrative expense and confusion if the hunt were not held within the planned period.

(3) The biological need to initiate a program to bring the Great Swamp deer population to a level compatible with the habitat.

Accordingly, the effective date of this regulation shall be December 10, 1974.

§ 32.32 Special regulations; big game; for individual wildlife refuge areas.

NEW JERSEY

GREAT SWAMP NATIONAL WILDLIFE REFUGE

Public hunting of deer of either sex with shotguns on the Great Swamp National Wildlife Refuge, New Jersey, is permitted, except on areas designated by signs as closed, during the period of December 10, 1974, to December 14, 1974, inclusive, and December 18, 1974. Hunting of deer with firearms shall be in accordance with all applicable State and Federal regulations in effect at the date of publication of this regulation, subject to the following special conditions:

Deer may be taken throughout the hunt between the hours of 7 a.m. e.s.t. and 5 p.m. e.s.t. Participation will be limited to the 400 hunter permittees randomly selected for the special Great Swamp hunt. Only 150 hunters will be allowed to hunt on any given day during the hunt period. Special armbands and parking area permits will be issued and must be displayed as designated. Armbands and permits must be surrendered prior to departure from the refuge. Hunters must furnish and wear a minimum of 200 square inches of blaze or hunter orange. All deer taken must be checked out at the refuge check station. Vehicles are restricted to public roads and areas designated by parking permits.

A shot gun not smaller than 12 gauge will be permitted for hunting deer, and buckshot not smaller than Number 4 nor larger than 000 will be permitted in possession during the hunt. Hunter permittees will be required to have shotguns and loans certified prior to the hunt. Target practice or test firing is not permitted, and guns must be unloaded when in areas posted as "closed." Baiting or hunting with the aid of bait is prohibited.

Regulations summaries, maps delineating open hunting areas, and shotgun and load certification forms and requirements are available at refuge headquarters, R.D. 1, Box 148, Basking Ridge, New Jersey 07920, or from the Regional Director, U.S. Fish and Wildlife Service, John W. McCormack Post Office and Courthouse, Boston, Massachusetts 02109.

Other than on the days of the hunt, entry is permitted only on approved Public Use Areas as designated by signs.

The provisions of this special regulation supplements the regulations which govern hunting on wildlife refuge areas generally, which are set forth in 50 CFR Part 32, and are effective through December 20, 1974.

LYNN A. GREENWALT,
Director, U.S. Fish and Wildlife Service.

[FR Doc.74-27254 Filed 11-19-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 34-11079; 35-18648; IC-8563]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Annual Reports

The Securities and Exchange Commission today announced the amendment of Rule 14a-3 (17 CFR 240.14a-3) of its Regulation 14A (17 CFR 240.14a-101) relating to the solicitation of proxies under the Exchange Act and Rules 14c-3 (17 CFR 240.14c-3) and 14c-7 (17 CFR 240.14c-7) of its Regulation 14C (17 CFR 240.14c-101) relating to the distribution of information statements under the Exchange Act. The Commission proposed amendments to these rules on January 10, 1974 in Exchange Act Release No. 10591 (39 FR 3834) and received more than 160 letters of comment from interested persons in response thereto. Based upon its consideration of these letters of comment and based on its own experience, the Commission has determined to adopt certain of the amendments as proposed for comment, to adopt certain of the amendments in a modified form, and to withdraw certain of the proposals at this time.

The amendments to Rules 14a-3 and 14c-3 generally will require that annual reports to security holders include at least the following information, all of which may be set forth in any form deemed suitable by management: certified financial statements for the issuer's last two fiscal years; a summary of the issuer's operations for the last five fiscal years and a management analysis thereof; a brief description of the issuer's business; a lines of business breakdown for the issuer's last five fiscal years; the identification of the issuer's directors and executive officers and the disclosure of each such person's principal occupation or employment and of the name and principal business of any organization by which such person is so employed; and the identification of the principal market in which securities entitled to vote at the meeting are traded and a statement of the market price ranges of such securities and dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years. The amendments to such rules also generally will require an issuer to undertake to furnish without charge to its security holders as of the record date, upon the written request of any such person, a copy of its Form 10-K (17 CFR 249.308a) or 12-K (17 CFR 249.312), including the financial statements and the schedules thereto, required to be filed with the Commission for the issuer's most recent fiscal year and to provide copies of the exhibits to such reports upon payment of a reasonable fee which shall be limited to the issuer's reasonable expenses in furnishing such exhibits. Finally, the amendments to Rules 14a-3 and 14c-7 generally will require that, if an issuer knows certain of its securities are held of record by a broker, dealer, bank, voting trustee, or their nominees, the issuer must inquire as to whether such record holder is holding on behalf of one or more beneficial owners and, if so, the number of copies of the proxy and proxy soliciting materials (or of the information statement) and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders necessary to supply such material to the beneficial owners. The issuer must then furnish such record holders with an appropriate number of copies assembled in such a form and at such a place as each such record holder may reasonably request, and must pay the reasonable expenses of each such record holder, if so requested, for mailing such material to the beneficial owners.

The Commission's purpose in so amending the proxy rules is twofold: (i) to require additional information in annual reports furnished to security holders to make disclosures therein more meaningful, while generally leaving management the discretion to choose the content and the format of such reports for communicating effectively with security holders, and (ii) to improve the dissemination of the annual report to security holders and of the annual report on Form 10-K or 12-K filed with the Commission under the Exchange Act.

BACKGROUND

Rule 14a-3 generally provides that any solicitation of security holders, made on behalf of management and relating to an annual meeting of security holders at which directors are to be elected, must be accompanied or preceded by a written proxy statement conforming to Schedule 14A and that each such proxy statement must be accompanied or preceded by an annual report to security holders containing certain specified information. Rule 14c-3 contains substantially similar provisions with respect to the furnishing of information statements. Prior to the adoption of the amendments set forth herein, annual reports to security holders were only required to contain certain basic financial information and were not required to contain any textual disclosures.

The annual report to security holders has long been recognized as the most effective means of communication between management and security holders. Such reports are readable because they generally avoid legalistic and technical terminology and present information in an understandable, and often innovative,

form. However, some issuers present very little meaningful information regarding their operations other than the basic financial information required by the existing proxy rules. The Commission believes it is in the public interest that all security holders be provided with meaningful information regarding the business, management, operations and financial position of the issuer and that the annual report to security holders is the most suitable vehicle presently available for providing this information. Accordingly, the Commission has amended Rules 14a-3 and 14c-3 to require that an annual report to security holders contain a minimum quantum of meaningful business and financial information, most of which is already required in the annual report on Form 10-K which most issuers subject to the proxy rules file with the Commission. The Commission continues to encourage issuers to improve voluntarily the content and format of their annual reports to security holders.

It should be particularly noted that the annual report to security holders will retain its status as a non-filed document and as non-proxy soliciting material pursuant to Rules 14a-3(c) and 14c-3(b), so that it is not subject to the express civil liability provisions of section 18 of the Exchange Act or to Rule 14a-9 (17 CFR 240.14a-9) thereunder. As in the past, there will be no review of the annual report to security holders by the Commission's staff prior to such reports being furnished to security holders.

SYNOPSIS OF THE AMENDMENTS

Disclosure in Annual Reports to Security Holders:

1. *Financial Statements.* As amended, Rules 14a-3 and 14c-3 will now require certified financial statements for the last two fiscal years, rather than for just the last year, and will continue to require the same financial information previously required by paragraphs (b)(1) through (b)(3) and (a)(1) through (a)(3), respectively. In addition, paragraphs (b)(1) of Rule 14a-3 and (a)(1) of Rule 14c-3 have been amended to provide that financial statements and the notes thereto contained in the annual report to security holders must now be set forth in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation the financial statements may be set forth in roman type at least as large and as legible as 8-point modern type. Finally, paragraphs (b)(2) of Rule 14a-3 and (a)(2) of Rule 14c-3 have been amended to clarify that any material differences between the financial statements included in an annual report to security holders and the financial statements required to be filed with the Commission must be noted and the effect thereof reconciled "in the financial statements or the notes thereto" in the annual report to security holders.

2. *Summary of Operations.* New paragraphs (b)(4) of Rule 14a-3 and (a)(4) of Rule 14c-3 require that an annual report to security holders include a summary of operations containing certain information required by Item 2 of Form 10-K. As proposed, the summary of operations would have been required to be "in substantially the form" required by Form 10-K. The phrase "in substantially the form" has been deleted and a note has been added to clarify that this information may be set forth in any form deemed suitable by management. Attention is called to the fact that Guide 1 of the Guides for the Preparation and Filing of Reports and Registration Statements under the Exchange Act (Release No. 34-10961, Aug. 14, 1974) (39 FR 31894) applies to annual reports to security holders so that a management analysis of the summary of operations may be appropriate.

3. *Description of Business.* New paragraphs (b)(5) of rule 14a-3 and (a)(5) of Rule 14c-3 require that an annual report, to security holders contain a brief description of the business done by the issuer and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries. This requirement was formerly applicable only to issuers who had not previously solicited proxies or furnished information statements subject to Regulation 14A or 14C under the Exchange Act. Contrary to the apparent understanding of many persons commenting on these requirements as proposed, these Subparagraphs do not require the inclusion of the detailed information called for by Items 1(a) and 1(b) of Form 10-K.

4. *Lines-of-Business Information.* New paragraphs (b)(6) of Rule 14a-3 and (a)(6) of Rule 14c-3 require that an annual report to security holders contain information in any form deemed suitable by management regarding the issuer's lines of business and its classes of similar products and services as comprehensive as that required by Items 1(c)(1) and 1(c)(2) of Form 10-K, respectively.

5. *Management Information.* New paragraphs (b)(7) of Rule 14a-3 and (a)(7) of Rule 14c-3 require that an annual report to security holders identify each of the issuer's executive officers and directors and indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed. The definition of the term "executive officer," as set forth in Item 8 of Form 10-K, has been included for convenience in its entirety as a note to these paragraphs. As proposed, these paragraphs would have required this information "at a minimum." This phrase has been deleted in response to letters of comment indicating that the phrase created confusion as to the extent of disclosure required. Issuers may, of course, include additional management information in their annual reports.

6. *Market and Dividend Information.* New paragraphs (b)(8) of Rule 14a-3 and (a)(8) of Rule 14c-3 require that an annual report to security holders identify the principal market for each class of the issuer's securities entitled to vote at the meeting of security holders, and include the high and low sales price (or the range of bid and asked quotations) and the dividends paid for each quarterly period within the two most recent fiscal years. As proposed in Exchange Act Release No. 10591, an annual report to security holders would have been required to contain a statement of the issuer's dividend policy with respect to securities entitled to vote at the annual meeting of security holders. The Commission has determined at this time not to adopt this proposal because this type of disclosure may, in part, involve future orientated information, which is not presently required to be disclosed in filings with the Commission, and may result in meaningless "boiler plate" statements.

7. *Format of Annual Report to Security Holders.* As amended, paragraphs (b)(10) of Rule 14a-3 and (a)(10) of Rule 14c-3 provide that the annual report to security holders may be in any form deemed suitable by management so long as the information required by Rules 14a-3 and 14c-3 is contained therein. The paragraphs specifically permit the information required by the amended rules to be set forth in an appendix or other separate section of the annual report to security holders. A note to such Subpargaraphs encourages the utilization of charts and graphic illustrations to present financial information in an understandable format. However, such presentations of financial information must be consistent with the data in the financial statements and notes thereto contained in the annual report to security holders.

8. *Applicability to Investment Companies.* New paragraphs (b)(11) of Rule 14a-3 and (a)(11) of Rule 14c-3 permit the annual report to security holders of a registered investment company to be in any form deemed suitable by management so long as the financial statements required by paragraphs (b)(1) through (b)(3) of Rule 14a-3 and (a)(1) through (a)(3) of Rule 14c-3 are contained therein. The paragraphs also provide that the information requirements of paragraphs (b)(4) through (b)(10) of Rule 14a-3 and (a)(4) through (a)(10) of Rule 14c-3 are not applicable to reports of such investment companies.

9. *Proposed Amendment Not Adopted.* As proposed in Exchange Act Release No. 10591, an annual report to security holders would have been required to include textual information which would, in the opinion of management, indicate the nature and scope of the issuer's liquidity position and working capital requirements based on such considerations as peak seasonal demands for working capital, availability and cost of credit, policies associated with the extension of credit to customers, purchase commitments related to inventories, policies followed as to the magnitude of inventory to be maintained, and future financing requirements and plans. The Commission

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has determined not to adopt this proposal at this time because of a lack of objective standards with respect to these types of disclosure.

Dissemination of Annual Reports to Security Holders:

The Commission is concerned that some security holders whose securities are held in street name or otherwise by a record holder may not receive copies of the annual report or of proxy solicitation material. Since, in many cases, brokers, dealers, banks, or their nominees, hold securities in their names on behalf of a beneficial owner, the issuer will only have the names and addresses of the record holders and will not be able to forward directly to its beneficial owners its proxy soliciting material and the annual report to security holders.

Rule 14c-7 of the Information Statement Rules under the Exchange Act presently requires that, if the issuer knows that securities of any class entitled to vote at a meeting are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer must inquire of such record holder whether other persons are the beneficial owners. If there are other beneficial owners, the rule requires the issuer to obtain from the record holder information as to the number of copies of the information statement, and if an annual report is required of the annual report, necessary to supply these documents to the beneficial owners of the securities. The issuer is then required to supply as many copies as are needed and to pay reasonable expenses to the record holder for completing the mailing of the material to the beneficial owners.

As adopted, Paragraph (d) of Rule 14a–3 will impose the same obligations on the issuer when it solicits proxies in order to help assure that all beneficial owners have timely access to the financial and business information now required to be included in the annual report to security holders. A note has been added under Rules 14a–3(d) and 14c–7 to clarify the issuer's obligations to make appropriate inquiry of a central certificate depository system and of the participants in such a system whenever some of the issuer's securities are registered in the name of a nominee for a central depository system, such as "Cede & Co." A second note, formerly under Rules 14a–3(b) and 14c–3(a), has been set forth under Rules 14a–3(d) and 14c–7 to permit issuers to send one annual report to a holder of record at a particular address whenever there are several holders of record at that same address who agree in writing to such a procedure. The note has been revised, however, to indicate clearly that such a procedure is not available where banks, broker-dealers and other persons hold securities on behalf of beneficial owners and that such persons are not relieved of any obligation to obtain or send annual reports to the beneficial owners. A third note calls the attention of issuers to the fact that broker-dealers have an obligation pursuant to the applicable self-regulatory requirements to obtain and distribute annual reports in a timely manner to beneficial owners for whom such broker-dealers hold securities.

Dissemination of Annual Reports on Form 10–K or 12–K:

The amendments to Rules 14a–3 and 14c–3 have been designed to help assure that security holders, including beneficial owners of securities, receive an annual report to security holders containing meaningful business and financial information. However, some security holders will be interested in more detailed and extensive information of the type that appears in an issuer's annual report on Form 10–K or 12–K required to be filed with the Commission pursuant to Rule 13a–1 under the Exchange Act. Such reports are available for inspection and copying at the Commissions' Public Reference Rooms upon the payment of the requisite fees. The Commission is of the opinion that interested security holders, as of the record date for an annual meeting of security holders, should be able to obtain such reports directly from the issuer on a timely basis. Accordingly, the Commission has adopted paragraphs (b)(9) of Rule 14a–3 and (a)(9) of Rule 14c–3 which require that management's proxy statement, or the issuer's information statement, or the annual report to security holders contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, or to each person furnished an information statement, on the written request of any such person, a copy of the issuer's annual report on Form 10–K or 12–K, including the financial statements and the schedules thereto, for its most recent fiscal year required to be filed with the Commission pursuant to Rule 13a–1 under the Exchange Act. Because of the length of certain exhibits to such reports an issuer may impose a reasonable fee limited to its reasonable expenses in connection with providing copies of the exhibits to the annual reports on Form 10–K or 12–K, provided that all annual reports on Form 10–K or 12–K furnished to requesting security holders are accompanied by a list briefly describing all exhibits not contained therein and indicating the reasonable fee for obtaining any such exhibit. Issuers who elect to file an annual report under the Exchange Act on Form U5S are also required to undertake to furnish copies of such a report in accordance with these Subparagraphs.

Several letters of comment requested a clarification as to whether an issuer, upon written request, would be required to furnish copies of its annual report on Form 10–K or 12–K to beneficial owners of its securities. A note has been added indicating that an issuer shall furnish a copy of its annual report on Form 10–K or 12–K upon receipt of a beneficial owner's written request containing a good faith representation that the person making the request was the beneficial owner, as of the record date, of securities entitled to vote at the meeting of security holders.

Several letters of comment requested a clarification with respect to an issuer's obligation to furnish copies of the amendments to its annual report on Form 10–K or 12–K. It is the Commission's position that an issuer, upon receipt of an appropriate written request at any time prior to the record date for the next annual meeting of security holders, must furnish a copy of its annual report on Form 10–K or 12–K including all amendments, if any, which have been filed to that date. However, an issuer is not required under the proxy rules to furnish subsequently filed amendments to its Form 10–K or 12–K to security holders previously furnished copies of the annual report on Form 10–K or 12–K unless a security holder had specifically requested a copy of the annual report on Form 10–K or 12–K and all amendments subsequently filed, in which case the issuer would furnish all subsequently filed amendments until it files a Form 10–K or 12–K for its next fiscal year.

Sections 240.14a–3, 240.14c–3, and 240.14c–7 are revised to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

(a) No solicitation subject to this regulation shall be made unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information specified in Schedule 14A (§ 240.14a–101).

(b) If the solicitation is made on behalf of the management of the issuer, and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last two fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of its operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements and the notes thereto shall be in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation financial statements, but not the notes thereto, may be in roman type at least as large and as

legible as 8-point modern type. All such type shall be leaded at least 2 points. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such two fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of apply accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operation of the issuer, shall be noted and the effect thereof reconciled or explained in the financial statements or the notes thereto in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided,* That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for the last two fiscal years required by paragraph (b)(1) of this section shall be certified by independent public or certified accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal years are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expense.

(4) The report shall include a summary of the issuer's operations containing the information required by Item 2 of Form 10–K (§ 249.308a) except for the reconciliations, exhibits and supplemental information required by the instructions thereto.

NOTE 1: Subparagraph (b)(10) permits the information required by this subparagraph to be set forth in any form deemed suitable by management.

NOTE 2: Guide 1 of the Guides for the Preparation and Filing of Reports and Registration Statements Under the Act (Release 34–10961, August 14, 1974) (39 FR 31894) and any other guides subsequently published by the Commission relating to Item 2 of Form 10–K (§ 249.308a) apply to annual reports to security holders.

(5) The report shall contain a brief description of the business done by the issuer and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries.

(6) The report shall contain information as comprehensive as that required by Item 1(c)(1) of Form 10–K (§ 249.308a) regarding the issuer's lines of business and by Item 1(c)(2) of Form 10–K (§ 249.308a) regarding its classes of similar products and services.

NOTE: Subparagraph (b)(10) permits the information required by this subparagraph to be set forth in any form deemed suitable by management.

(7) The report shall identify each of the issuer's directors and executive officers, and shall indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed.

NOTE: The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the issuer.

(8) The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotation) and the dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years.

(9) Management's proxy statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person solicited, on the written request of any such person, a copy of the issuer's annual report on Form 10–K (§ 249.308a) or 12–K, (§ 249.312) including the financial statements and the schedules thereto, required to be filed with the Commission pursuant to Rule 13a–1 (§ 240.13a–1) under the Act for the issuer's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to its Form 10–K (§ 249.308a) or 12–K (§ 249.312) provided that the copy of the annual report on Form 10–K (§ 249.308a) or 12–K (§ 249.312) furnished without charge to requesting security holds is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expenses in furnishing such exhibit.

NOTE: Pursuant to the undertaking required by the above subparagraph, an issuer shall furnish a copy of its annual report on Form 10–K (§ 249.308a) or 12–K (§ 249.312) to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

(10) Subject to the foregoing requirements, the report may be in any form deemed suitable by management and the information required by paragraphs (b)(4) to (b)(9) of this section may be presented in an appendix or other separate section of the report, provided that the attention of security holders is called to such presentation.

NOTE: Issuers are encouraged to utilize tables, schedules, charts, and graphic illustrations to present financial information in an understandable manner. Any presentation of financial information must be consistent with the data in the financial statements contained in the report and, if appropriate, should refer to relevant portions of the financial statements and notes thereto.

(11) Paragraphs (b)(4) through (b)(10) of this section shall not apply to an investment company registered under the Investment Company Act of 1940. Subject to the requirements of paragraphs (b)(1) through (b)(3) of this section, the annual report to security holders of such investment company may be in any form deemed suitable by management.

(12) This paragraph (b) of this section shall not apply, however, to solicitations made on behalf of the management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's proxy statement includes an undertaking in bold face type to furnish such annual report to all persons being solicited, at least 20 days before the date of the meeting.

(c) Seven copies of the report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of solicitation material are filed with the Commission pursuant to Rule 14a–6(a) (§ 240.14a–6(a)), whichever date is later. The report is not deemed to be "soliciting material" or to be "filed" with the Commission or subject to this regulation otherwise than as provided in this rule, or to the liabilities of section 18 of the Act, except to the extent that the issuer specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

NOTE: To assist the staff, managements of issuers are requested to indicate in a letter transmitting to the Commission copies of their annual reports to shareholders or in a separate letter at or about the time the annual report is furnished to the Commission, whether the financial statements in the report reflect a change from the preceding year in any accounting principles or practices or in the method of applying any such principles or practices.

(d) If the issuer knows that securities of any class entitled to vote at a meeting with respect to which the issuer intends to solicit proxies, consents or authorization are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder whether other persons are the beneficial owners of such securities and, if so, the number of copies of the proxy and other soliciting material and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners.

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The issuer shall supply such record holder with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

NOTE 1: If the issuer's list of security holders indicates that some of its securities are registered in the name of "Cede & Co.", a nominee for the Depository Trust Company, or in the name of a nominee for any central certificate depository system, an issuer shall make appropriate inquiry of the central depository system and thereafter of the participants in such a system who may hold on behalf of a beneficial owner, and shall comply with the above paragraph with respect to any such participant.

NOTE 2: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to issuers, however, where banks, broker-dealers, and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

NOTE 3: The attention of issuers is called to the fact that broker-dealers have an obligation pursuant to applicable self-regulatory requirements to obtain and forward annual reports and proxy soliciting materials in a timely manner to beneficial owners for whom such broker-dealers hold securities.

§ 240.14c–3 Annual report to be furnished security holders.

(a) If the information statement relates to an annual meeting of security holders at which directors are to be elected, it shall be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain, in comparative columnar form, such financial statements for the last two fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of its operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements and the notes thereto shall be in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation financial statements, but not the notes thereto, may be roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points. The Commission may, upon the request of the issuer, permit the omission of financial statements for the earlier of such two fiscal years upon a showing of good cause therefor.

(2) Any differences, reflected in the financial statements included in the report to security holders, from the principles of consolidation or other accounting principles or practices, or methods of applying accounting principles or practices, applicable to the financial statements of the issuer filed or proposed to be filed with the Commission, which have a material effect on the financial position or results of operation of the issuer, shall be noted and the effect thereof reconciled or explained in the financial statements or the notes thereto in such report. Financial statements included in the report may, however, omit such details or employ such condensation as may be deemed suitable by the management: *Provided,* That such statements, considered as a whole in the light of other information contained in the report shall not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances.

(3) The financial statements for the last two fiscal years required by paragraph (a)(1) of this section shall be certified by independent public or certified accountants, unless (i) the corresponding statements included in the issuer's annual report filed or to be filed with the Commission for the same fiscal years are not required to be certified, or (ii) the Commission finds in a particular case that certification would be impracticable or would involve undue effort or expenses.

(4) The report shall include a summary of the issuer's operations containing the information required by Item 2 of Form 10–K (§ 249.308a) except for the reconciliations, exhibits and supplemental information required by the instructions thereto.

NOTE 1: Subparagraph (a)(10) permits the information required by this subparagraph to be set forth in any form deemed suitable by management.

NOTE 2: Guide 1 of the Guides for the Preparation and Filing of Reports and Registration Statements Under the Act (Release 34–10961, August 14, 1974) (39 Fed. Reg. 31894) and any other guides subsequently published by the Commission relating to Item 2 of Form 10–K (§ 249.308a) apply to annual reports to security holders.

(5) The report shall contain a brief description of the business done by the issuer and its subsidiaries during the most recent fiscal year which will, in the opinion of management, indicate the general nature and scope of the business of the issuer and its subsidiaries.

(6) The report shall contain information as comprehensive as that required by Item 1(c)(1) of Form 10–K (§ 249.308a) regarding the issuer's lines of business and by Item 1(c)(2) of Form 10–K (§ 249.308a) regarding its classes of similar products and services.

NOTE: Subparagraph (a)(10) permits the information required by this subparagraph to be set forth in any form deemed suitable by management.

(7) The report shall identify each of the issuer's directors and executive officers, and shall indicate the principal occupation or employment of each such person and the name and principal business of any organization by which such person is so employed.

NOTE: The term "executive officer" means the president, secretary, treasurer, any vice president in charge of a principal business function (such as sales, administration or finance) and any other person who performs similar policy making functions for the issuer.

(8) The report shall identify the principal market in which securities of any class entitled to vote at the meeting are traded, and shall state the high and low sales prices for such securities (or, in the absence of such information, the range of bid and asked quotation) and the dividends paid on such securities for each quarterly period during the issuer's two most recent fiscal years.

(9) The information statement, or the report, shall contain an undertaking in bold face or otherwise reasonably prominent type to provide without charge to each person furnished a copy of the information statement, on the written request of any such person, a copy of the issuer's annual report on Form 10–K (§ 249.308a) or 12–K (§ 249.312), including the financial statements and the schedules thereto, required to be filed with the Commission pursuant to Rule 13a–1 (§ 240.13a–1) under the Act for the issuer's most recent fiscal year, and shall indicate the name and address of the person to whom such a written request is to be directed. In the discretion of management, an issuer need not undertake to furnish without charge copies of all exhibits to its Form 10–K (§ 249.308a) or 12–K (§ 249.312), provided that the copy of the annual report on Form 10–K (§ 249.308a) or 12–K (§ 249.312) furnished without charge to requesting security holders is accompanied by a list briefly describing all the exhibits not contained therein and indicating that the issuer will furnish any exhibit upon the payment of a specified reasonable fee which fee shall be limited to the issuer's reasonable expense in furnishing such exhibit.

NOTE: Pursuant to the undertaking required by the above subparagraph, an issuer shall furnish a copy of its annual report on Form 10–K (§ 249.308a) or 12–K (§ 249.312) to a beneficial owner of its securities upon receipt of a written request from such person. Each request must set forth a good faith representation that, as of the record date for the annual meeting of the issuer's security holders, the person making the request was a beneficial owner of securities entitled to vote at such meeting.

(10) Subject to the foregoing requirements, the report may be in any form deemed suitable by management and the information required by paragraphs (a)(4) to (a)(9) of this section may be presented in an appendix or other separate section of the report, provided that the attention of security holders is called to such presentation.

NOTE: Issuers are encouraged to utilize tables, schedules, charts, and graphic illustrations to present financial information in an understandable manner. Any presentation of financial information must be consistent with the data in the financial statements contained in the report and, if appropriate, should refer to relevant portions of the financial statements and notes thereto.

(11) Paragraphs (a)(4) through (a)(10) of this section shall not apply to an investment company registered under the Investment Company Act of 1940. Subject to the requirements of paragraphs (a)(1) through (a)(3) of this section, the annual report to security holders of such investment company may be in any form deemed suitable by management.

(b) Seven copies of the report sent to security holders pursuant to this rule shall be mailed to the Commission, solely for its information, not later than the date on which such report is first sent or given to security holders or the date on which preliminary copies of the information statement are filed with the Commission pursuant to Rule 14c–5 (§ 240.14c–5), whichever date is later. The report is not deemed to be "filed" with the Commission or subject to this regulation otherwise than as provided in this rule, or to the liabilities of section 18 of the Act, except to the extent that the issuer specifically requests that it be treated as a part of the information statement or incorporates it therein by reference.

NOTE: To assist the staff, managements of issuers are requested to indicate in a letter transmitting to the Commission copies of their annual reports to shareholders or in a separate letter at or about the time the annual report is furnished to the Commission, whether the financial statements in the report reflect a change from the preceding year in any accounting principles or practices or in the method of applying any such principles or practices.

§ 240.14c–7 Providing copies of material for certain beneficial owners.

If the issuer knows that securities of any class entitled to vote at a meeting are held of record by a broker, dealer, bank or voting trustee, or their nominees, the issuer shall inquire of such record holder whether other persons are the beneficial owners of such securities and, if so, the number of copies of the information statement and, in the case of an annual meeting at which directors are to be elected, the number of copies of the annual report to security holders, necessary to supply such material to such beneficial owners for whom proxy material has not been and its not to be made available. The issuer shall supply such record holder with additional copies in such quantities, assembled in such form and at such a place, as the record holder may reasonably request in order to address and send one copy of each to each beneficial owner of securities so held and shall, upon the request of such record holder, pay its reasonable expenses for completing the mailing of such material to security holders to whom the material is sent.

NOTE 1: If the issuer's list of security holders indicates that some of its securities are registered in the name of "Cede & Co.", a nominee for the Depository Trust Company, or in the name of a nominee for any central certificate depository system, an issuer shall make appropriate inquiry of the central depository system and thereafter of the participants in such a system who may hold on behalf of a beneficial owner, and to comply with the above rule with respect to any such participant.

NOTE 2: The requirement for sending an annual report to security holders of record having the same address will be satisfied by sending at least one report to a holder of record at that address provided that those holders of record to whom a report is not sent agree thereto in writing. This procedure is not available to issuers, however, where banks, broker-dealers and other persons hold securities in nominee accounts or "street names" on behalf of beneficial owners, and such persons are not relieved of any obligation to obtain or send such annual report to the beneficial owners.

NOTE 3: The attention of issuers is called to the fact that broker-dealers have an obligation pursuant to applicable self-regulatory requirements to obtain and forward annual reports and information statements in a timely manner to beneficial owners for whom such broker-dealers hold securities.

The Commission hereby amends rules 14a–3, 14c–3 and 14c–7 pursuant to sections 14(a), 14(c) and 23(a) of the Securities Exchange Act of 1934, as amended, effective December 20, 1974 with respect to issuers who have fiscal years ending on or after that date and who solicit proxies or furnish information statements on or after that date. The Commission finds that the changes reflected in the amendments from the amendments as proposed for comment have already been generally subject to public comment or are technical in nature and that further notice and other rule making procedure pursuant to the Administrative Procedure Act are not necessary.

(Sections 14, 23, 48 Stat. 895, 901; sec. 203(a), 49 Stat. 704; sec. 8, 49 Stat. 1379; sec. 5, 78 Stat. 569, 570; 15 U.S.C. 78n(a), 78n(c), 78w(a))

Dated: October 31, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74–27274 Filed 11–19–74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 6]

AIR COMMERCE REGULATIONS

Entry and Clearance of Aircraft in the Virgin Islands

On June 28, 1972, a notice of proposed ruling was published in the FEDERAL REGISTER (37 FR 12728) which proposed to make applicable to aircraft in the Virgin Islands of the United States the navigation laws of the United States extended to the Virgin Islands by Executive Order No. 9170, dated May 21, 1942, and the regulations issued under such laws which are applicable to aircraft in the United States. A proposed amendment of the Customs Regulations to implement the proposal was not included in the notice in order that consideration could first be given to any relevant data, views, or arguments which might be submitted in response to the notice of proposed ruling. No comments were received.

Accordingly, notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), section 624, 46 Stat. 759 (19 U.S.C 1624), section 36, 49 Stat. 1816 (48 U.S.C. 1406i), and section 1109, 72 Stat. 799, as amended (49 U.S.C. 1509), it is proposed to amend, Part 6 of the Customs Regulations (19 CFR Part 6) by adding a new section, § 6.14 by amending § 6.1(a) to make applicable to aircraft in the Virgin Islands of the United States the air commerce regulations issued under the navigation laws of the United States which were extended to the Virgin Islands by Executive Order No. 9170, and by amending subparagraphs (1) and (3)(ii) of § 6.2(d) to provide that Customs Form 7507, General Declaration, shall be used as the permit to proceed in lieu of Customs Form 4449, Permit to Proceed, which has been abolished.

Accordingly, it is proposed to revise § 6.1(a) of the Customs Regulations to read as follows:

§ 6.1 Scope and definitions.

(a) The regulations in this part shall not be applicable in the islands of Guam, Midway, American Samoa, Wake, Kingman Reef, and Johnson Island and other insular possessions not specified herein. The regulations shall be applicable to aircraft flying to and from the Virgin Islands of the United States in accordance with § 6.14.

* * * * *

§ 6.2 [Amended]

It is also proposed to amend subparagraphs (1) and (3)(ii) of § 6.2(d) by substituting "a permit to proceed on Customs Form 7507" for "a permit on Customs Form 4449".

It is also proposed to amend Part 6 by adding a new § 6.14 to read as follows:

§ 6.14 Flights to and from the Virgin Islands; provisions applicable.

(a) *Flights between the Virgin Islands and a place other than a State, the District of Columbia, or Puerto Rico.* Aircraft arriving in the Virgin Islands from a place other than a State, the District of Columbia, or Puerto Rico are subject to the provisions of this part which are applicable to aircraft arriving in a State from a place other than a State, the District of Columbia, or Puerto Rico. Aircraft departing from the Virgin Islands for a place other than a State, the District of Columbia, or Puerto Rico are subject to the provisions of this part which are applicable to aircraft departing from a State for a place other than a State, the District of Columbia, or Puerto Rico.

(b) *Flights from a State, the District of Columbia, or Puerto Rico to the Virgin Islands.* Aircraft on flights from a State, the District of Columbia, or Puerto Rico to the Virgin Islands are subject to the provisions of this part which are applicable to aircraft on a flight between two States except that aircraft transporting merchandise to the Virgin Islands subject to Bureau of the Census regulations requiring shipper's export declarations (15 CFR Part 30) must obtain permission to depart from the district director of Customs. Permission to depart shall not be granted until a complete manifest and required shipper's export declarations are filed unless the aircraft departs under bond pursuant to the incomplete manifest procedure (15 CFR 30.24) which requires the filing of a complete manifest and shipper's export declarations not later than the seventh business day after departure.

(c) *Flights from the Virgin Islands to a State, the District of Columbia, or Puerto Rico.* (1) Aircraft which are not inspected by Customs officers in the Virgin Islands are subject upon departure from the Virgin Islands for a State, the District of Columbia, or Puerto Rico to the provisions of this part which are applicable to aircraft departing from a State for a place outside the United States.

(2) Upon arrival in a State, the District of Columbia, or Puerto Rico from the Virgin Islands, aircraft which were not inspected by Customs officers in the Virgin Islands are subject to the provisions of this part which are applicable to aircraft arriving in a State from a place outside the United States.

(3) Aircraft on a flight from the Virgin Islands to a State, the District of Columbia, or Puerto Rico which were inspected by Customs officers in the Virgin Islands are subject upon departure from the Virgin Islands and upon arrival in the State, the District of Columbia, or Puerto Rico only to the provisions of this part which are applicable respectively to aircraft departing for or arriving in a State from another State.

(4) For the purpose of this section, the term "inspected by Customs officers in the Virgin Islands" means whatever supervision of the aircraft is deemed necessary by the district director of Customs to protect the revenue and enforce the laws administered by the United States Customs Service, including the collection of duty and taxes on articles purchased in the Virgin Islands.

(5) In the case of aircraft arriving in a State, the District of Columbia, or Puerto Rico from the Virgin Islands which were inspected there by Customs officers, the aircraft commander shall be prepared to present evidence of such inspection to Customs officers upon request. The evidence of inspection in the Virgin Islands shall be as follows:

(i) For aircraft registered in the United States of domestic origin or of foreign origin if duty paid and proceeding in ballast or solely with cargo or passengers or both from the Virgin Islands, a certificate on Customs Form 7507, General Declaration, endorsed by the Customs officers who inspected the aircraft in the Virgin Islands. The commander shall present the certificate in duplicate to the inspecting officers in the Virgin Islands, who will endorse the port of inspection thereon, date and sign the certificate and return the original to the commander. The commander or his representative shall retain the certificate for a reasonable time after termination of the flight to a State, the District of Columbia, or Puerto Rico, for presentation to Customs officers upon request, and then it may be destroyed or otherwise disposed of at the discretion of the commander or his representative.

(ii) For aircraft registered in the United States but of foreign origin and not duty paid and proceeding in ballast, the permit to proceed on Customs Form 7507, required by § 6.2(d)(3)(ii), endorsed with the port and date of inspection by the inspecting officers in the Virgin Islands. For aircraft registered in a foreign country and proceeding in ballast, the permit to proceed on Customs Form 7507, required by § 6.2(d)(1), endorsed with the port and date of inspection by the inspecting officers in the Virgin Islands.

(iii) For aircraft proceeding with residue cargo or residue passengers or both, the permit to proceed required by § 6.9 or any other Customs form used to cover the transportation of the residue cargo or passengers, endorsed with the port and date of inspection and signed by the inspecting officers in the Virgin Islands.

Data, views, or arguments with respect to the foregoing proposals may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received not later than December 20, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs Regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: November 8, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-27167 Filed 11-19-74;8:45 am]

Internal Revenue Service

[26 CFR Parts 1, 301]

COORDINATION OF UNITED STATES AND GUAM INDIVIDUAL INCOME TAXES

Notice of Proposed Rule Making

EDITORIAL NOTE: The Office of the Federal Register is reprinting below the full text of FR Doc. 74-26617 which appeared at 39 FR 40022 of the issue of Wednesday, November 13, 1974. This reprinting has been deemed necessary because the copy submitted for printing did not conform in all respects to the text of the original signed document. Due to this reprinting, the date for receipt of comments has been extended to December 20, 1974.

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by Dec. 20, 1974. Pursuant to 26 CFR 601.601(b), designations of material as confidential or not to be disclosed, contained in such comments, will not be accepted. Thus, a person submitting written comments should not include therein material that he considers to be confidential or inappropriate for disclosure to the public. It will be presumed by the Internal Revenue Service that every written comment submitted to it in response to this notice of proposed rule making is intended by the person submitting it to be subject in its entirety to public inspection and copying in accordance with the procedures of 26 CFR 601.702(d)(9). Any person submitting written comments who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by Dec. 20, 1974. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER, unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 7805 (68A Stat. 917; 26 U.S.C. 7805) and 7654(e) (86 Stat. 1496; 26 U.S.C. 7654(e)) of the Internal Revenue Code of 1954.

DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

This document contains proposed amendments to conform the Income Tax Regulations (26 CFR Part 1) and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments made to the Internal Revenue Code of 1954 by the Act of October 31, 1972 (P.L. 92-606, 86 Stat. 1494), relating to coordination of United States and Guam individual income taxes. The Act applies in the case of taxable years beginning after December 31, 1972, unless otherwise noted, infra.

The Act adds to section 881 a new subsection (b) which provides that for purposes of section 881, relating to tax on income of foreign corporations not connected with United States business, a Guamanian corporation will not be treated as a foreign corporation for taxable years beginning after December 31, 1971.

The Act adds to section 931(g) the provision that Guam will not be treated as a possession of the United States with respect to citizens of the United States having income from sources within Guam.

The Act amends section 932(a) so as to make such section inapplicable to Guam. Thus, a citizen of Guam will not be treated as a nonresident alien for purposes of various sections of the Code, some of which are listed in § 1.932-1(b) as proposed.

The Act amends section 932(c) to provide a cross-reference to sections 935 and 7654 of the Code and to sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h and 1421i) for provisions relating to the individual income tax in the case of Guam.

The Act adds a new section 935 to the Code, relating to coordination of United States and Guam individual income taxes. Section 935(a) provides that the section applies to any individual for the taxable year who (1) is a resident of Guam, (2) is a citizen of Guam but not otherwise a citizen of the United States, (3) has income from Guam for the taxable year and is a citizen or resident of the United States, or (4) files a joint return for the taxable year with an individual described in (1), (2), or (3). Section 1.935-1(a)(3) as proposed provides rules for determining the residence and citizenship of individuals.

Section 935(b) provides that an individual to whom section 935 applies for a taxable year shall file his income tax return for the year with the United States if he is a resident thereof or with Guam if he is a resident thereof. An individual who is not resident in either jurisdiction shall file his income tax return with Guam if he is a citizen of Guam but not otherwise a citizen of the United States. In all other cases, the individual shall file his income tax return with the United States. Determinations of residence and citizenship for a taxable year are made as of the close of the year under § 1.935-1(a)(3) as proposed. In the case of a joint return, the residence and citizenship of the spouse having the greater adjusted gross income (without regard to community property laws) for the year are the bases for determining with which jurisdiction the joint return should be filed. Section 1.935-1(b)(4) as proposed provides certain tax accounting standards for an individual who files his return under this section with one of the jurisdictions for a prior taxable year and must, under this section, file his return for a later taxable year with the other jurisdiction.

Section 935(c) provides that with respect to an individual to whom section 935 applies for a taxable year, for purposes of the taxes imposed by chapter 1 of the Code (other than under sections 935 and 7654), the United States will be treated as including Guam and, for purposes of the Guam Territorial income tax, Guam will be treated as including the United States. Such individual who is required to file his income tax return under section 935(b) with one jurisdiction will not be liable for income tax for the year to the other jurisdiction. Section 1.935-1(c)(1) as proposed sets forth the significance and application of the foregoing rules under which one jurisdiction may be treated as including the other jurisdiction.

Section 935(d) provides that, if it appears that section 935 will apply to an individual for a taxable year, he shall file any declaration of estimated income tax with the jurisdiction with which he would be required to file his income tax return for the year under section 935(b) if his year closed on the date he is first required to file his declaration. He need not file a declaration with the other jurisdiction. However, his liability for underpayments of estimated income tax is to the jurisdiction with which he is required to file his income tax return for the year under section 935(b). Section

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1.935–1(d)(2) as proposed expands the application of the foregoing rules to the filing of joint declarations. Section 1.935–1(e) as proposed illustrates the application of section 935.

The Act adds to section 1442 of the Code a new subsection (c) which provides that for purposes of section 1442, relating to withholding of tax on foreign corporations, a Guamanian corporation will not be treated as a foreign corporation after October 31, 1972. Thus, section 1.1441–1, relating to withholding of tax on foreign persons, is amended to provide that a Guamanian corporation will not be treated as a foreign corporation with respect to payments made after October 31, 1972.

The Act adds a new section 6687 to the Code, relating to assessable penalties with respect to information required to be furnished under section 7654 of the Code as added by the Act. Section 6687 was redesignated as section 6688 by section 1016(b)(4) of P.L. 93–406, 88 Stat. 932. A person who fails without reasonable cause to furnish information required by the regulations under section 7654 shall pay upon notice and demand a penalty of $100 for each such failure. Section 301.6688–1(c) as proposed defines reasonable cause.

The Act adds a new section 7654 to the Code, relating to coordination of United States and Guam individual income taxes. Section 7654(a) provides that net collections of income taxes, imposed with respect to an individual to whom section 935 applies if he has (or, in the case of a joint return, he and his spouse have) adjusted gross income of $50,000 or more and gross income of $5,000 or more from sources within the jurisdiction (either the United States or Guam) with which he is not required under section 935(b) to file his income tax return, shall be covered into the Treasury of the United States if attributable to United States source income or the treasury of Guam if attributable to Guam source income. Other net collections of taxes are covered into the treasury of the jurisdiction with which the individual is required under section 935(b) to file his income tax return.

Section 7654(b)(1) provides for taking into account credits and refunds of income taxes in determining net collections for a taxable year. Additional substantive rules are provided in proposed § 301.7654–1(c)(1) with respect to the credit for taxes withheld under section 3402 on wages, for underpayments of tax, and for net operating losses. The term "income taxes" is defined in section 7654(b)(2), and a cross-reference is provided in section 7654(b)(3) for determining the source of income.

Proposed § 301.7654–1(d), which is based upon the authority of section 7654(e)(2), provides for the filing of information returns by individuals to whom section 7654(a) applies.

Section 7654(c) provides for transfer of funds to be made between the jurisdictions not less frequently than annually. Section 301.7654–1(f) as proposed substantially elaborates this rule.

Section 7654(d) provides that the United States shall pay to Guam the amount of taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces stationed in Guam who have no income tax liability to Guam by reason of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C., sec. 501 et seq.).

The Act amends section 7701(a)(12)(B), relating to the performance of certain functions in Guam, by defining the term "delegate" for such purposes to include certain officers and employees.

In order to conform the Income Tax Regulations and Regulations on Procedure and Administration to such changes, the regulations are hereby amended as follows:

PARAGRAPH 1. Section 1.881 is amended by redesignating subsection (b) of section 881 as subsection (c), by adding a new subsection (b) to such section, and by revising the historical note, to read as follows:

§ 1.881 Statutory provisions; tax on income of foreign corporations not connected with United States business.

SEC. 881. *Tax on income of foreign corporations not connected with United States business.* * * *

(b) *Exception for Guam corporations.* For purposes of this section, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

(c) *Doubling of tax.* For doubling of tax on corporations of certain foreign countries, see section 891.

[Sec. 881 as amended by sec. 104(a), Foreign Investors Tax Act 1966 (80 Stat. 1555); sec. 313 (a) and (c), Rev. Act 1971 (85 Stat. 526); sec. 1(e)(1), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1497)]

PAR. 2. Section 1.881–1 is amended by revising paragraph (c) to read as follows:

§ 1.881–1 Manner of taxing foreign corporations.

* * * * *

(c) *Meaning of terms.* For the meaning of the term "engaged in trade or business within the United States", as used in section 881 and this section, see section 864(b) and the regulations thereunder. For determining when income, gain, or loss of a foreign corporation for a taxable year is effectively connected for that year with the conduct of a trade or business in the United States, see section 864(c), the regulations thereunder, and § 1.882–2. The term "foreign corporation" has the meaning assigned to it by section 7701(a)(3) and (5) and § 301.7701–5 of this chapter (Regulations on Procedure and Administration), except that, for purposes of section 881 and §1.881–2, in the case of taxable years beginning after December 31, 1971, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam. Thus, for example, for such a taxable year the first sentence of paragraph (b)(1), and the second sentence of paragraph (b)(2), of this section do not apply to a Guamanian corporation.

* * * * *

PAR. 3. Section 1.931 is amended by revising subsection (c) of section 931 and the historical note to read as follows:

§ 1.931 Statutory provisions; income from sources within possessions of the United States.

SEC. 931. *Income from sources within possessions of the United States.* * * *

(c) *Definition.* For purposes of this section, the term "possession of the United States" does not include the Virgin Islands of the United States, and such term when used with respect to citizens of the United States does not include Puerto Rico or Guam.

[Sec. 931 as amended by sec. 107, Foreign Investors Tax Act 1966 (80 Stat. 1571); sec. 502(d), Rev. Act 1971 (85 Stat. 550); sec. 1(f)(1), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1497)]

PAR. 4. Section 1.931–1 is amended by revising the heading and paragraph (a)(1) to read as follows:

§ 1.931–1 Citizens of the United States and domestic corporations deriving income from sources within a possession of the United States.

(a) *Definitions.* (1) As used in section 931 and this section, the term "possession of the United States" includes American Samoa, Guam, Johnston Island, Midway Islands, the Panama Canal Zone, Puerto Rico, and Wake Island. However, the term does not include (i) the Virgin Islands and (ii), when used with respect to citizens of the United States, the term does not include Puerto Rico or, in the case of taxable years beginning after December 31, 1972, Guam.

* * * * *

PAR. 5. Section 1.932 is amended by revising subsections (a) and (c) of section 932 and the historical note to read as follows:

§ 1.932 Statutory provisions; taxation of citizens of possessions of the United States.

SEC. 932. *Citizens of possessions of the United States*—(a) *General rule.* Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States shall be subject to taxation under this subtitle in the same manner and subject to the same conditions as in the case of a nonresident alien individual. This section shall have no application in the case of a citizen of Puerto Rico or Guam.

* * * * *

(c) *Guam.* For provisions relating to the individual income tax in the case of Guam, see sections 935 and 7654; see also sections 30 and 31 of the Act of August 1, 1950 (48 U.S.C., secs. 1421h and 1421i).

[Sec. 932 as amended by sec. 103(m), Foreign Investor Tax Act 1966 (80 Stat. 1554); sec. 1(f)(2) and (3), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1497)]

PAR. 6. Section 1.932–1 is amended by revising paragraphs (a)(1) and (b) to read as follows:

§ 1.932–1 Status of citizens of United States possessions.

(a) *General rule*—(1) *Definition and treatment.* A citizen of a possession of the United States (except Puerto Rico and, for taxable years beginning after December 31, 1972, Guam), who is not otherwise a citizen or resident of the United States, including only the States and the District of Columbia, is treated for the purpose of the taxes imposed by subtitle A of the Code (relating to income taxes) as if he were a nonresident alien individual. However, for purposes of the tax imposed on self-employment income by chapter 2 of the Code, the term "possession of the United States" as used in section 932 and the preceding sentence does not include American Samoa, Guam, or the Virgin Islands. See section 1402(a)(9). See subpart A (section 871 and following), part II, subchapter N, chapter 1 of the Code, and the regulations thereunder, for rules relating to imposition of tax on nonresident alien individuals. For Federal income tax purposes, a citizen of a possession of the United States who is not otherwise a citizen of the United States is a citizen of a possession of the United States who has not become a citizen of the United States by naturalization in a State, Territory, or the District of Columbia. The fixed or determinable annual or periodical income from sources within the United States of a citizen of a possession of the United States who is treated as if he were a nonresident alien individual is subject to withholding. See section 1441.

* * * * *

(b) *Nonapplication to citizen of Puerto Rico or Guam.* The provisions of section 932(a) and paragraph (a) of this section do not apply in the case of a citizen of Puerto Rico or, for taxable years beginning after December 31, 1972, a citizen of Guam. Thus, for example, any such citizen who is not a resident of the United States will not be treated by the United States as a nonresident alien individual for purposes of section 2(b)(3)(A) or (d), relating to definitions and special rules; section 4(d)(1), relating to taxpayers not eligible to use the optional tax tables; section 37(h), relating to denial of retirement income credit; section 116(d), relating to taxpayers ineligible for dividend exclusion; section 142(b)(1), relating to taxpayers ineligible for standard deduction; section 152(b)(3), relating to definition of "dependent"; section 402(a)(4), relating to distributions by the United States to nonresident aliens; section 545(d), relating to certain foreign corporations; section 565(e), relating to certain consent dividends; section 861(a)(1), relating to interest from sources within the United States; sections 871 to 877, relating to nonresident alien individuals; section 1303(b), relating to individuals not eligible for income averaging; section 1371(a)(3), relating to definition of small business corporation; section 1402(b), relating to definition of "self-employment income"; section 1441, relating to withholding of tax on nonresident aliens; section 3401(a), relating to definition of wages; section 6013(a)(1), relating to inability to make a joint return; section 6015 (b) and (i), relating to declaration of estimated income tax by nonresident alien individuals; section 6017, relating to self-employment tax returns; section 6042(b)(2), relating to returns regarding payments of dividends; section 6049(b)(2), relating to returns regarding payments of interest; section 6072(c), relating to time for filing returns of nonresident alien individuals; section 6091(b), relating to place for filing returns of nonresident aliens; and section 6096(a), relating to designation of tax payments to Presidential Election Campaign Fund. For other rules applicable to citizens of Puerto Rico, see §§ 1.1–1(b) and 1.933–1. For other rules applicable to citizens of Guam, see §§ 1.1–1(b) and 1.935–1 of this chapter (Income Tax Regulations) and § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

PAR. 7. The following new sections are inserted immediately after § 1.934–1:

§ 1.935 Statutory provisions; coordination of United States and Guam individual income taxes.

SEC. 935. *Coordination of United States and Guam individual income taxes*—(a) *Application of section.* This section shall apply to any individual for the taxable year who—

(1) Is a resident of Guam,

(2) Is a citizen of Guam but not otherwise a citizen of the United States,

(3) Has income derived from Guam for the taxable year and is a citizen or resident of the United States, or

(4) Files a joint return for the taxable year with an individual who satisfies paragraph (1), (2), or (3) for the taxable year.

(b) *Filing requirement*—(1) *In general.* Each individual to whom this section applies for the taxable year shall file his income tax return for the taxable year—

(A) With the United States, if he is a resident of the United States,

(B) With Guam, if he is a resident of Guam, and

(C) If neither subparagraph (A) nor subparagraph (B) applies—

(i) With Guam, if he is a citizen of Guam but not otherwise a citizen of the United States, or

(ii) With the United States, if clause (i) does not apply.

(2) *Determination date.* For purposes of this section, determinations of residence and citizenship for the taxable year shall be made as of the close of the taxable year.

(3) *Special rule for joint returns.* In the case of a joint return, this subsection shall be applied on the basis of the residence and citizenship of the spouse who has the greater adjusted gross income (determined without regard to community property laws) for the taxable year.

(c) *Extent of income tax liability.* In the case of any individual to whom this section applies for the taxable year—

(1) For purposes of so much of this title (other than this section and section 7654) as relates to the taxes imposed by this chapter, the United States shall be treated as including Guam,

(2) For purposes of the Guam territorial income tax, Guam shall be treated as including the United States, and

(3) Such individual is hereby relieved of liability for income tax for such year to the jurisdiction (the United States or Guam) other than the jurisdiction with which he is required to file under subsection (b).

(d) *Special rules for estimated income tax.* If there is reason to believe that this section will apply to an individual for the taxable year, then—

(1) He shall file any declaration of estimated income tax (and all amendments thereto) with the jurisdiction with which he would be required to file a return for such year under subsection (b) if his taxable year closed on the date he is required to file such declaration,

(2) He is hereby relieved of any liability to file a declaration of estimated income tax (and amendments thereto) for such taxable year to the other jurisdiction, and

(3) His liability for underpayments of estimated income tax shall be to the jurisdiction with which he is required to file his return for the taxable year (determined under subsection (b)).

[Sec. 935 as added by sec. 1(a), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1494)]

§ 1.935–1 Coordination of U.S. and Guam individual income taxes.

(a) *Application of section*—(1) *Scope.* Section 935 and this section set forth the special rules relating to the filing of income tax returns, income tax liabilities, and estimated income tax of individuals described in subparagraph (2) of this paragraph. For additional rules relating to the collection of income tax at source on the wages of certain individuals, the furnishing of certain information with the returns of certain individuals, and the covering over to the treasury of Guam of net collections of income taxes imposed on certain individuals, see section 7654 and § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

(2) *Individuals covered.* This section shall apply for a taxable year to any individual who—

(i) Is a resident of Guam, whether or not he is a citizen of the United States,

(ii) Is a citizen of Guam but not otherwise a citizen of the United States,

(iii) Has income derived from Guam for the taxable year and is a citizen or resident of the United States, or

(iv) Files a joint return for the taxable year with any individual described in subdivision (i), (ii), or (iii) of this subparagraph.

(3) *Determination of residence and citizenship.* For purposes of this section, determinations of residence and citizenship for a taxable year shall be made (except as provided to the contrary in paragraph (d)(1) and (2) of this section) as of the close of the taxable year. A citizen of the United States is any individual who is a citizen within the meaning of paragraph (c) of § 1.1–1, except that the term does not include an individual who is a citizen of Guam but not otherwise a citizen of the United States. An individual who is a citizen

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of Guam but not otherwise a citizen of the United States is any individual who has become a citizen of the United States by birth or naturalization in Guam. Whether an individual is a resident of Guam or a resident of the United States shall generally be determined by applying to the facts and circumstances in each case the principles of §§ 1.871–2 through 1.871–5 relating to what constitutes residence or nonresidence, as the case may be, in the United States in the case of an alien individual. However, for special rules for determining the residence for tax purposes of individuals under military or naval orders, see section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940, 50 App. U.S.C. 574. The residence of an individual, and, therefore, the jurisdiction with which he is required to file an income tax return under paragraph (b) of this section, may change from year to year.

(b) *Filing requirement*—(1) *Tax Jurisdiction.* An individual described in paragraph (a)(2) of this section shall file his return of income tax for the taxable year—

(i) With the United States if he is a resident of the United States, whether or not he is a citizen of the United States,

(ii) With Guam if he is a resident of Guam, whether or not he is a citizen of Guam, or

(iii) If neither subdivision (i) nor (ii) of this subparagraph applies,

(A) With Guam if he is a citizen of Guam but not otherwise a citizen of the United States, as defined in paragraph (a)(3) of this section, or

(B) With the United States if he is a citizen of the United States, as defined in paragraph (a)(3) of this section.

Thus, for example, if a U.S. citizen employed by the United States in Guam becomes a resident of Guam for the taxable year, he must file his return of income tax for such year with Guam. The tax shown on the return shall be paid to the jurisdiction with which such return is required to be filed and shall be determined by taking into account any credit under section 31 for tax withheld by Guam or the United States on wages, any credit under section 6402(b) for an overpayment of income tax to Guam or the United States, and any payments under section 6315 of estimated income tax paid to Guam or the United States. See paragraph (a)(3) of this section for the rule that determinations of residence and citizenship are to be made as of the close of the taxable year.

(2) *Joint returns.* In the case of married persons, if one or both spouses is an individual described in paragraph (a)(2) of this section and they file a joint return of income tax, the spouses shall file their joint return with, and pay the tax due on such return to, the jurisdiction where the spouse who has the greater adjusted gross income for the taxable year would be required under subparagraph (1) of this paragraph to file his return if separate returns were filed. For this purpose, adjusted gross income of each spouse is determined under section 62 and the regulations thereunder but without regard to community property laws; and, if one of the spouses dies, the taxable year of the surviving spouse shall be treated as ending on the date of such death.

(3) *Place for filing returns*—(i) *U.S. returns.* A return required under this paragraph to be filed with the United States shall be filed in accordance with § 1.6091–2, except that such return of a citizen or resident of the United States who is described in § 301.7654–1(a)(2) of this chapter (Regulations on Procedure and Administration) shall be filed with the Internal Revenue Service Center, 11601 Roosevelt Boulevard, Philadelphia, Pennsylvania 19155.

(ii) *Guam returns.* A return required under this paragraph to be filed with Guam shall be filed with the Commissioner of Revenue and Taxation, Agana, Guam 96910.

(4) *Tax accounting standards.* A taxpayer who has filed his return with one of the jurisdictions named in subparagraph (1) of this paragraph for a prior taxable year and is required to file his return for a later taxable year with the other such jurisdiction may not, for such later taxable year, change his accounting period, method of accounting, or any election to which he is bound with respect to his reporting of taxable income to the first jurisdiction unless he obtains the consent of the second jurisdiction to make such change. However, such change will not be effective for returns filed thereafter with the first jurisdiction unless before such later date of filing he also obtains the consent of the first jurisdiction to make such change. Any request for consent to make a change pursuant to this subparagraph must be made to the office where the return is required to be filed under subparagraph (3) of this paragraph and in sufficient time to permit a copy of the consent to be attached to the return for the taxable year.

(c) *Extent of liability for income tax*—(1) *Extension of territory*—(i) *General rule.* With respect to an individual who, for a taxable year, is described in paragraph (a)(2) of this section—

(A) For purposes of so much of the Internal Revenue Code of 1954 as relates to the normal taxes and the surtaxes imposed by chapter 1 thereof, the United States shall be treated, in a geographical and governmental sense, as including Guam, and

(B) For purposes of the Guam Territorial income tax (48 U.S.C. 1421i), Guam shall be treated, in a geographical and governmental sense, as including the United States,

except that this subdivision shall not apply for purposes of this section, section 7651, and section 7654.

(ii) *Application of general rule.* (A) The significance of the application of the rule of subdivision (i) of this subparagraph will depend upon the facts and circumstances of the particular case. The rule will not be applied where its application would be manifestly inapplicable or incompatible with the intent thereof. Thus, the rule will not be applied for purposes of section 3401, relating to definition of wages. Also, the rule will not be applied in determining the sources of dividends and interest from a domestic corporation. For example, if less than 20 percent of a domestic corporation's gross income is from U.S. sources for the period described in section 861(a)(1)(B) and (2)(A), but more than 20 percent of its gross income is from U.S. and Guam sources taken together for such period, the dividends and interest derived from it will be treated as derived from sources without the United States. In addition, for purposes of section 1372(e)(4), relating to whether an election of a small business corporation has been terminated because it derived more than 80 percent of its gross receipts from sources outside the United States, gross receipts from sources within Guam will be treated as gross receipts from sources outside the United States. On the other hand, some of the conclusions which may be reached as a result of the application of subdivision (i) of this subparagraph to a U.S. taxpayer (that is, an individual described in paragraph (b)(1)(i) or (iii)(B) of this section) are as follows. A U.S. taxpayer may not claim a foreign tax credit based upon his income from sources within Guam. Income tax paid to Guam may be taken into account under sections 31, 6315, and 6402(b) as payments to the United States. For purposes of section 116(a), relating to the partial exclusion of dividends received by individuals, dividends paid to a U.S. taxpayer by a corporation created or organized in Guam or under the law of Guam will be treated as dividends paid by a domestic corporation. Taxes paid to Guam and otherwise satisfying the requirements of section 164(a) will be allowed as a deduction under that section, but income taxes paid to Guam will be disallowed as a deduction under section 275(a).

(B) If a U.S. taxpayer has a net operating loss carryback or carryover under section 172, a foreign tax credit carryback or carryover under section 904, an investment credit carryback or carryover under section 46, a capital loss carryover under section 1212, or a charitable contributions carryover under section 170, the United States will take such carryback or carryover into account for a taxable year for which the taxpayer's return is required to be filed with the United States, and make a refund to the extent required under section 6402, even though the return of the taxpayer for the taxable year (whether beginning on, before, or after December 31, 1972) giving rise to the carryback or carryover was required to be filed with Guam.

(C) For purposes of income averaging of a U.S. taxpayer under sections 1301 through 1305, the taxpayer will not be denied status as an "eligible individual" merely because he was during the base period defined in section 1302(c)(2) treated under section 932 as a nonresident alien individual because he was a citizen of Guam but not otherwise a citizen of the United States. See section 1303(b). Furthermore, in determining the base period of such a U.S. taxpayer under section 1302(c)(2), taxable years for which a return was required to be filed with Guam shall be taken into account.

(D) In applying the Guam Territorial income tax the converse of the preceding rules under this subdivision will apply. Thus, for example, income tax paid to the United States may be taken into account under sections 31, 6315, and 6402(b) as payments to Guam. Moreover, a citizen of the United States (as defined in paragraph (a)(3) of this section) not a resident of Guam will not be treated as a nonresident alien individual for purposes of the Guam Territorial income tax. Thus, for example, a citizen of the United States (as so defined), or a resident of the United States, will not be treated as a nonresident alien individual for purposes of section 1371(a)(3) of the Guamanian Territorial income tax.

(2) *Liability to other jurisdiction*—(i) *Filing with Guam.* If for a taxable year an individual is required under paragraph (b)(1) of this section to file a return with Guam, he is relieved of liability to file an income tax return with, and to pay an income tax to, the United States for the taxable year.

(ii) *Filing with the United States.* If for a taxable year an individual is required under paragraph (b)(1) of this section to file a return with the United States, he is relieved of liability to file an income tax return with, and to pay an income tax to, Guam for the taxable year.

(d) *Special rules for estimated income tax*—(1) *Declaration of estimated income tax.* If, under all the facts and circumstances existing at the date an individual is required to file a declaration of estimated income tax, there is reason to believe that he will, for the taxable year, be an individual described in paragraph (a)(2) of this section, he must file his declaration of estimated income tax (and all amendments thereof) with the jurisdiction with which he would be required to file a return under paragraph (b)(1) of this section if his taxable year had closed on the date he is first required to file a declaration of estimated income tax for the taxable year. If an individual has in fact filed a declaration of estimated income tax earlier than the time he is first required to file a declaration, and such declaration was not filed where it is required to be filed under the immediately preceding sentence, only subsequent amendments of the declaration are required to be filed pursuant to such preceding sentence with the other jurisdiction and only subsequent installments of the estimated income tax are required to be paid to the other jurisdiction. Except as provided in subparagraph (5) of this paragraph (relating to underpayments of estimated income tax), payments of estimated income tax shall be made to the jurisdiction with which he is required to file the declaration even though for the taxable year he is required under paragraph (b)(1) of this section to file his return with the other jurisdiction. In determining the amount of such estimated income tax, income tax paid to Guam may be taken into account under sections 31 and 6402(b) as payments to the United States, and vice versa. For rules relating to the determination of, and time for filing, declarations of estimated tax, see sections 6015 and 6073; for rules relating to the time for paying installments of the tax, see section 6153.

(2) *Joint declaration of estimated income tax.* In the case of married persons, if, under all the facts and circumstances existing at the date a spouse is required to file a declaration of estimated income tax, there is reason to believe that he will, for the taxable year, be an individual described in paragraph (a)(2) of this section and the spouses file a joint declaration of estimated income tax, the spouses must file their joint declaration of estimated income tax (and all amendments thereof) with the jurisdiction where the spouse who has the greater estimated adjusted gross income for the taxable year would be required under subparagraph (1) of this paragraph to file his declaration of estimated income tax if separate declarations were filed. For this purpose, estimated adjusted gross income of each spouse for the taxable year is determined without regard to community property laws. Except as provided in subparagraph (5) of this paragraph, payments of estimated income tax shall be made to the jurisdiction with which the spouses are required to file the joint declaration.

(3) *Place for filing declarations.* A declaration of estimated income tax required under subparagraph (1) of this paragraph to be filed with Guam, shall be filed as prescribed in paragraph (b)(3)(ii) of this section. A declaration of estimated income tax required under subparagraph (1) of this paragraph to be filed with the United States shall be filed at the place prescribed by § 1.6073–1(c).

(4) *Liability to other jurisdiction*—(i) *Filing with Guam.* If, for a taxable year, an individual is required under this paragraph to file a declaration of estimated income tax with Guam, he is relieved of liability to file a declaration of estimated income tax (and any amendments thereof) with, and to make payments of estimated income tax to, the United States for the taxable year.

(ii) *Filing with the United States.* If, for a taxable year, an individual is required under this paragraph to file a declaration of estimated income tax with the United States, he is relieved of liability to file a declaration of estimated income tax (and any amendments thereof) with, and to make payments of estimated income tax to, Guam for the taxable year.

(5) *Underpayments.* The liability of an individual described in paragraph (a)(2) of this section for underpayments of estimated income tax for a taxable year, as determined under section 6654 and the regulations thereunder, shall be to the jurisdiction with which he is required under paragraph (b) of this section to file his return for the taxable year.

(e) *Illustration.* The application of this section may be illustrated by the following examples:

Example (1). B, and individual, files returns on a calendar year basis. B is a resident of the United States at the time he is required to file his declaration of estimated income tax for 1974. If, under the facts and circumstances, B does not reasonably expect at the time he files his declaration of estimated income tax that he will be a resident of Guam at the close of 1974, he will not be subject to this section at the time of such filing. However, B subsequently receives Guam source income which necessitates an amendment of his declaration, and some time later in 1974 he becomes a resident of Guam for the remainder of the year. B is required under paragraph (d)(1) of this section to file his amended declaration with the United States and to make payments of the estimated tax to the United States. However, B is required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

Example (2). C, an individual, files returns on a calendar year basis. On March 1, 1974, C is a resident of the United States, files his declaration of estimated income tax for 1974 with the United States, and pays his first installment of estimated tax to the United States. Prior to the date C would otherwise be required to file his declaration of estimated income tax for 1974 (April 15, 1974), C becomes a resident of Guam for the remainder of the year. C is required under paragraph (d)(1) of this section to make only his remaining payments of installments of estimated tax to Guam. C is also required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

Example (3). D, an individual, files returns on a calendar year basis. On August 1, 1974, D ceases to be a resident of the United States for the year and becomes a resident of Guam for the remainder of the year. D is first required to file a declaration of estimated income tax for 1974 on September 15, 1974, because of his receipt of an extraordinary item of income after June 15, 1974. D is required under paragraph (d)(1) of this section to file his declaration with Guam and to make payments of the estimated tax to Guam. D is also required to file his income tax return for 1974 with Guam and to make any underpayments of estimated tax to Guam, pursuant to paragraphs (b)(1) and (d)(5) of this section.

(f) *Effective date.* This section shall apply for taxable years beginning after December 31, 1972.

PAR. 8. Section 1.1441–1 is revised to read as follows:

§ 1.1441–1 Requirement for withholding of tax on nonresident aliens, foreign partnerships, and foreign corporations.

Except as otherwise provided in §§ 1.1441–3, 1.1441–4, and 1.1441–6, to the extent that the items specified in § 1.1441–2 constitute gross income from

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sources within the United States, withholding of a tax of 30 percent is required in the case of items of income specified in paragraphs (a) and (b) of § 1.1441–2 when such income is paid to a nonresident alien individual, a foreign partnership, or a foreign corporation, except that with respect to payments made after March 4, 1964, withholding of a tax of 14 percent is required in the case of items of income specified in paragraph (c) of § 1.1441–2. The rate of 30 percent or 14 percent shall be reduced as may be provided by a treaty with any country. See §§ 1.894–1 and 1.1441–6 relating to income affected by treaty. For purposes of this section, the term "nonresident alien individual" includes an alien resident of Puerto Rico. In the case of payments occurring after October 31, 1972, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

PAR. 9. Section 1.1442 is amended by revising subsection (a) of section 1442, by adding a new subsection (c) to section 1442, and by revising the historical note, to read as follows:

§ 1.1442 Statutory provisions; withholding of tax on foreign corporations.

SEC. 1442. *Withholding of tax on foreign corporations*—(a) *General rule.* In the case of foreign corporations subject to taxation under this subtitle, there shall be deducted and withheld at the source in the same manner and on the same items of income as is provided in section 1441 or section 1451 a tax equal to 30 percent thereof; except that, in the case of interest described in section 1451 (relating to tax-free covenant bonds), the deduction and withholding shall be at the rate specified therein. For purposes of the preceding sentence, the references in section 1441(b) to sections 871(a)(1) (C) and (D) shall be treated as referring to sections 881(a) (3) and (4), the reference in section 1441(c)(1) to section 871(b)(2) shall be treated as referring to section 842 or section 882(a)(2), as the case may be, the reference in section 1441(c)(5) to section 871(a)(1) (D) shall be treated as referring to section 881(a)(4), and the reference in section 1441 (c)(8) to section 871(a)(1)(C) shall be treated as referring to section 881(a)(3).

* * * * *

(c) *Exception for Guam corporations.* For purposes of this section, the term "foreign corporation" does not include a corporation created or organized in Guam or under the law of Guam.

[Sec. 1442 as amended by sec. 104(c), Foreign Investors Tax Act 1966 (80 Stat. 1557); sec. 313(e), Rev. Act 1971 (85 Stat. 528); sec. 1(e)(2), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1497)]

PAR. 10. Section 1.6091–1 is amended by adding a new subparagraph to paragraph (b), as follows:

§ 1.6091–1 Place for filing returns or other documents.

* * * * *

(b) *Place for filing certain information returns.* * * *

(16) For the place for filing information returns on Form 5074 with respect to the allocation of individual income tax to Guam, see paragraph (b)(3) of § 1.935–1 and paragraph (d) of § 301.7654–1 of this chapter (Regulations on Procedure and Administration).

PAR. 11. Section 1.6091–4 is amended by adding a new paragraph, as follows:

§ 1.6091–4 Exceptional cases.

* * * * *

(c) *Residents of Guam.* Income tax returns of an individual citizen of the United States who is a resident of Guam shall be filed with Guam, as provided in paragraph (b)(1) of § 1.935–1.

PAR. 12. The following new sections are inserted immediately after § 301.6685–1:

§ 301.6688 Statutory provisions; assessable penalties with respect to information required to be furnished under section 7654.

SEC. 6688. *Assessable penalties with respect to information required to be furnished under section 7654.* In addition to any criminal penalty provided by law, any person described in section 7654(a) who is required by regulations prescribed under section 7654 to furnish information and who fails to comply with such requirement at the time prescribed by such regulations unless it is shown that such failure is due to reasonable cause and not to willful neglect, shall pay (upon notice and demand by the Secretary or his delegate and in the same manner as tax) a penalty of $100 for each such failure.

[Sec. 6688 as added by sec. 1(c), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1496); as amended by sec. 1016(b)(4), Employee Retirement Income Security Act 1974 (88 Stat. 932)]

§ 301.6688–1 Assessable penalties with respect to information required to be furnished under section 7654 on allocation of tax to Guam or the United States.

(a) *In general.* Each individual to whom paragraph (a)(2) of § 301.7654–1 applies for a taxable year who fails to file for such year the information return required by paragraph (d) of such section within the time prescribed therein, or who files such a return but does not show the information required thereon, shall, in addition to any criminal penalty provided by law, pay a penalty of $100 for each such failure.

(b) *Manner of payment.* The penalty set forth in paragraph (a) of this section shall be paid in the same manner as tax upon the issuance of a notice and demand therefor.

(c) *Reasonable cause.* The penalty set forth in paragraph (a) of this section shall not apply if it is established, to the satisfaction of the district director (or of the Commissioner of Revenue and Taxation of Guam if the individual was required to file his return of income tax for the taxable year with Guam) that the failure to file the information return or furnish the information within the prescribed time was due to reasonable cause and not to willful neglect. An individual who wishes to avoid the penalty must make an affirmative showing of all facts alleged as a reasonable cause for his failure to file the information return on time, or furnish the information on time, in the form of a written statement containing a declaration that it is made under penalties of perjury. Such statement must be filed with the district director (or with the Commissioner of Revenue and Taxation, Agana, Guam 96910, if the individual was required to file his return of income tax for the taxable year with Guam). In determining whether there was reasonable cause for failure to furnish the required information, account will be taken of the fact that the individual was unable to furnish the required information in spite of the exercise of ordinary business care and prudence in his effort to furnish the information. An individual will be considered to have exercised ordinary business care and prudence in his effort to furnish the required information if he made reasonable efforts to furnish the information but was unable to do so because of a lack of sufficient facts on which to make a proper determination. See paragraph (b) of § 1.935–1 of this chapter (Income Tax Regulations) for the rules which specify where returns of income tax must be filed for the taxable year by individuals to whom this section applies.

(d) *Effective date.* This section shall apply for taxable years beginning after December 31, 1972.

PAR. 13. Section 301.7654 is amended to read as follows:

§ 301.7654 Statutory provisions; coordination of United States and Guam individual income taxes.

SEC. 7654. *Coordination of United States and Guam individual income taxes*—(a) *General rule.* The net collections of the income taxes imposed for each taxable year with respect to any individual to whom this subsection applies for such year shall be divided between the United States and Guam according to the following rules:

(1) Net collections attributable to United States source income shall be covered into the Treasury of the United States;

(2) Net collections attributable to Guam source income shall be covered into the treasury of Guam; and

(3) All other net collections of such taxes shall be covered into the treasury of the jurisdiction (either the United States or Guam) with which such individual is required by section 935(b) to file his return for such year.

This subsection applies to an individual for a taxable year if section 935 applies to such individual for such year and if such individual has (or, in the case of a joint return, such individual and his spouse have) (A) adjusted gross income of $50,000 or more and (B) gross income of $5,000 or more derived from sources within the jurisdiction (either the United States or Guam) with which the individual is not required under section 935(b) to file his return for the year.

(b) *Definitions and special rules.* For purposes of this section—

(1) *Net collections.* In determining net collections for a taxable year, appropriate adjustment shall be made for credits allowed against the tax liability for such year and refunds made of income taxes for such year.

(2) *Income taxes.* The term "income taxes" means—

(A) With respect to taxes imposed by the United States, the taxes imposed by chapter 1, and

(B) With respect to Guam, the Guam territorial income tax.

(3) *Source.* The determination of the source of income shall be based on the principles contained in part I of subchapter N of chapter 1 (section 861 and following).

(c) *Transfers.* The transfers of funds between the United States and Guam required by this section shall be made not less frequently than annually.

(d) *Military personnel in Guam.* In addition to any amount determined under subsection (a), the United States shall pay to Guam at such times and in such manner as determined by the Secretary or his delegate the amount of the taxes deducted and withheld by the United States under chapter 24 with respect to compensation paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such compensation by reason of the Soldiers and Sailors Civil Relief Act (50 App. U.S.C., sec. 501 et seq.).

(e) *Regulations.* The Secretary or his delegate shall prescribe such regulations as may be necessary to carry out the provisions of this section and section 935, including (but not limited to)—

(1) Such regulations as are necessary to insure that the provisions of this title, as made applicable in Guam by section 31 of the Organic Act of Guam, apply in a manner which is consistent with this section and section 935, and

(2) Regulations prescribing the information which the individuals to whom section 935 may apply shall furnish to the Secretary or his delegate.

[Sec. 7654 as revised by sec. 1(b), Act of Oct. 31, 1972 (Pub. Law 92–606, 86 Stat. 1495)]

PAR. 14. The following new section is added immediately after § 301.7654:

§ 301.7654–1 Coordination of U.S. and Guam individual income taxes.

(a) *Application of section*—(1) *Scope.* Section 7654 and this section set forth the general procedures to be followed by the Government of the United States and the Government of Guam in the division between the two governments of revenue derived from collections of the income taxes imposed for any taxable year beginning after December 31, 1972, with respect to any individual described in subparagraph (2) of this paragraph and paragraph (e) of this section. To the extent that section 7654 and this section are inconsistent with the provisions of section 30 of the Organic Act of Guam (48 U.S.C. 1421h), relating to duties and taxes to be covered into the treasury of Guam and held in account for the Government of Guam, such section 30 is superseded.

(2) *Individuals covered.* Paragraph (b) of this section applies only to an individual who, for a taxable year, is described in paragraph (a)(2) of § 1.935–1 of this chapter (Income Tax Regulations) and has (or in the case of a joint return, such individual and his spouse have)—

(i) Adjusted gross income of $50,000 or more, and

(ii) Gross income of $5,000 or more from sources within the jurisdiction (either the United States or Guam) other than the jurisdiction with which the individual is required to file his income tax return under paragraph (b) of § 1.935–1 of this chapter for such year.

For the determination of gross income and adjusted gross income see sections 61 and 62, and the regulations thereunder, or, when applicable, the corresponding provisions as made applicable in Guam by the Guam Territorial income tax (48 U.S.C. 1421i). For purposes of this subparagraph, gross income consisting of compensation for military or naval service shall be taken into account notwithstanding section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574). However, see paragraph (e) of this section.

(b) *Allocation of tax.* (1) Net collections of income taxes imposed for each taxable year beginning after December 31, 1972, with respect to each individual described in paragraph (a)(2) of this section for such year shall be divided between the United States and Guam by the Commissioner of Internal Revenue and the Commissioner of Revenue and Taxation of Guam as follows:

(i) Net collections attributable to income from sources within the United States shall be covered into the Treasury of the United States,

(ii) Net collections attributable to income from sources within Guam shall be covered into the treasury of Guam, and

(iii) Net collections not described in subdivision (i) or (ii) of this subparagraph (i.e., net collections attributable to income from sources other than within the United States or Guam) shall be covered into the treasury of the jurisdiction (either the United States or Guam) with which the individual is required to file his return under paragraph (b) of § 1.935–1 of this chapter for such year.

(2) The amount of tax of any individual for a taxable year which shall be allocated to Guam for purposes of determining the portion of the net collections from such individual which shall be covered into the treasury of Guam by the United States for such year shall be that amount which bears the same ratio to such amount of tax as the adjusted gross income of that individual for such year which is allocable to sources in Guam bears to the total adjusted gross income of such individual for such year. For purposes of such allocation by the United States, the adjusted gross income of the taxpayer shall be determined by taking into account any compensation of any member of the Armed Forces for services performed in Guam the withheld tax on which is paid into the treasury of Guam pursuant to paragraph (e) of this section. The amount of tax of any individual for any taxable year which shall be allocated to the United States for purposes of determining the portion of the net collections from such individual which shall be covered into the Treasury of the United States by Guam for such year shall be that amount which bears the same ratio to such amount of tax as the adjusted gross income of that individual for such year which is allocable to sources in the United States bears to the total adjusted gross income of such individual for such year.

(c) *Definitions and special rules.* For purposes of this section—

(1) *Net collections.* (i) In determining net collections for a taxable year, appropriate adjustment between the two jurisdictions shall be made on a proportionate basis for underpayments of income taxes for such taxable year, credits allowed against the income tax for such taxable year (other than the credit for taxes withheld under section 3402 on wages), and refunds made of income taxes paid with respect to such taxable year. Thus, if a net operating loss results in a carryback to an earlier taxable year which gives rise to a refund for that earlier year, an adjustment must be made based upon the proportion which the amount of tax covered by one jurisdiction into the treasury of the other jurisdiction for that earlier year bears to the total amount of tax paid for that earlier year, even though the loss may have resulted from activities in one jurisdiction and the income, against which the loss was offset, was earned in the other jurisdiction. Similar adjustments must be made for foreign tax credit carrybacks even though different jurisdictions are involved. If, for example, an individual pays income tax of $30,000 to the United States for 1974 and $10,000 of such tax is covered into the treasury of Guam, and if for 1975 such individual has a net operating loss attributable to a trade or business carried on in the United States which loss is carried back to 1974 and gives rise to a refund of $15,000 by the United States, Guam must cover into the Treasury of the United States the amount of $5,000 which is the adjustment based upon the refund ($15,000x$10,000/$30,000=$5,000).

(ii) Tax withheld from the compensation of any member of the Armed Forces described in paragraph (a)(2) of this section which is paid to Guam pursuant to section 7654(d) and paragraph (e) of this section shall be taken into account in determining the amount required to be covered into the treasury of Guam under paragraph (b)(1)(ii) of this section.

(iii) For purposes of this subparagraph, any underpayment of tax is treated as attributable on a pro rata basis to income from sources within the United States, Guam, and sources other than within the United States or Guam, respectively, and is divided between the United States and Guam under the rules in paragraph (b) of this section.

(2) *Income taxes.* The term "income taxes" means—

(i) With respect to taxes imposed by the United States, the income taxes imposed by chapter 1 of the Code, and

(ii) With respect to taxes imposed by Guam, the Guam Territorial income tax (48 U.S.C. 1421i).

(3) *Source rules.* The determination of the source of income shall be based on the principles contained in sections 861

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through 863, and the regulations thereunder, or, when applicable, in those sections as made applicable in Guam by the Guam Territorial income tax. For such purposes the provisions of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574) relating to the determination of the source of income of members of the Armed Forces shall not be taken into account. For purposes of this subparagraph, the provisions in section 935(c) treating Guam as part of the United States, and vice versa, do not apply. For definition of the terms "United States" and "Guam" (see section 7701(a)(9) of the Code and section 2 of the Organic Act of Guam (48 U.S.C. 1421)).

(d) *Information return.* Each individual described in paragraph (a)(2) of this section for a taxable year who is required by paragraph (b)(1) of § 1.935–1 of this chapter to file his return of income for such year with the United States shall timely file a properly executed Form 5074 (Allocation of Individual Income Tax to Guam) by attaching such form to his income tax return. Each individual described in paragraph (a)(2) of this section for a taxable year who is required by paragraph (b)(1) of § 1.935–1 of this chapter to file his return of income for such year with Guam shall timely file such information as may be required by the Commissioner of Revenue and Taxation with respect to his income derived from sources within the United States. See section 6688 and § 301.6688–1 for the penalty for failure to comply with this paragraph.

(e) *Military personnel in Guam.* The Commissioner of Internal Revenue shall arrange to pay to Guam the amount of the taxes deducted and withheld by the United States under section 3402 from wages paid to members of the Armed Forces who are stationed in Guam but who have no income tax liability to Guam with respect to such wages by reason of section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 App. U.S.C. 574). Section 514 of that Act provides in effect that for purposes of the taxation of income by Guam a person shall not be deemed to have lost a residence or domicile in the United States solely by reason of being absent therefrom in compliance with military or naval orders and the compensation for military or naval service of such a person who is not a resident of, or domiciled in, Guam shall not be deemed income for services performed within, or from sources within, Guam. Any amount paid to Guam under this paragraph in respect of a member of the Armed Forces described in paragraph (a)(2) of this section shall be taken into account in determining the amount required to be covered into the treasury of Guam under paragraph (b)(1)(ii) of this section. For purposes of this paragraph, the term "Armed Forces of the United States" has the meaning provided by § 301.7701–8 of this chapter. This paragraph does not apply to wages for services performed in Guam by members of the Armed Forces of the United States which are not compensation for military or naval service. In determining the amount of tax to be covered into the treasury of Guam under this paragraph with respect to remuneration for services performed in Guam by members of the Armed Forces of the United States, the special procedure agreed upon with the Department of Defense in 1951 shall not apply to remuneration paid after December 31, 1974. Under that procedure the tax withheld under section 3402 upon such remuneration for services performed in Guam during April and October of each year was to be projected for the appropriate six-month period of which the base month is a part, thereby arriving at an estimated figure for semi-annual withholding tax to be covered over.

(f) *Transfers of funds.* The transfers of funds between the United States and Guam required to effectuate the provisions of this section shall be made when convenient for the two governments, but not less frequently than once in each calendar year. In complying with paragraph (b) of this section, only net balances will be transferred between the two governments. Further, amounts transferred pursuant to paragraph (b) of this section may be determined on the basis of estimates rather than the actual amounts derived from information furnished by taxpayers, except that the net collections for 1973 and every third calendar year thereafter are to be transferred on the basis of the information furnished by taxpayers pursuant to paragraph (d) of this section. In order to facilitate the transfer of funds pursuant to this section, the Commissioner of Internal Revenue and the Commissioner of Revenue and Taxation of Guam shall exchange such information, including copies of income tax returns, as will ensure that the provisions of section 7654 and this section are being properly implemented.

PAR. 15. Section 301.7701 is amended by revising paragraphs (12)(B) and (32) of section 7701(a) and the historical note to read as follows:

§ 301.7701 Statutory provisions; definitions.

SEC. 7701. *Definitions*—(a) • • •

(12) *Delegate.* • • •

(B) *Performance of certain functions in Guam or American Samoa.* The term "delegate", in relation to the performance of functions in Guam or American Samoa with respect to the taxes imposed by chapters 1, 2, and 21, also includes any officer or employee of any other department or agency of the United States, or of any possession thereof, duly authorized by the Secretary (directly, or indirectly by one or more redelegations of authority) to perform such functions.

• • • • •

(32) *Cooperative bank.* The term "cooperative bank" means an institution without capital stock organized and operated for mutual purposes and without profit, which—

(A) Either—

(i) Is an insured institution within the meaning of section 401(a) of the National Housing Act (12 U.S.C., sec. 1724(a)), or

(ii) Is subject by law to supervision and examination by State or Federal authority having supervision over such institutions, and

(B) Meets the requirements of subparagraphs (B) and (C) of paragraph (19) of this subsection (relating to definition of domestic building and loan association).

In determining whether an institution meets the requirements referred to in subparagraph (B) of this paragraph, any reference to an association or to a domestic building and loan association contained in paragraph (19) shall be deemed to be a reference to such institution.

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[Sec. 7701, as amended by sec. 22 (g) and (h), Alaska Omnibus Act (73 Stat. 146, 147); sec. 18 (i) and (j), Hawaii Omnibus Act (74 Stat. 416); sec 103(t), Social Security Amendments 1960 (74 Stat. 941); secs. 6(c) and 7(h), Rev. Act 1962 (76 Stat. 982, 988); sec. 5, Act of Oct. 23, 1962 (Pub. Law 87–870, 76 Stat. 1161); secs. 204(a)(3) and 234 (b)(5), Rev. Act 1964 (78 Stat. 36, 114); sec. 102(b)(5), Tax Adjustment Act 1966 (80 Stat. 64); sec. 103(i)(1), Foreign Investors Tax Act 1966 (80 Stat. 1554); sec. 103(e)(6), Revenue and Expenditures Control Act 1968 (82 Stat. 264); sec. 432 (c) and (d), Tax Reform Act 1969 (83 Stat. 622, 623); sec. 1(f)(4), Act of Oct. 31, 1972 (Pub. L. 92–606, 86 Stat. 1497)]

[FR Doc.74–26617 Filed 11–12–74;8:45 am]

[26 CFR Part 53]

ADMINISTRATION OF PRIVATE FOUNDATION EXCISE TAXES

Notice of Public Hearing on Proposed Regulations

Proposed regulations under section 6001, etc. of the Internal Revenue Code of 1954, relating to administration of private foundation excise taxes, appear in the FEDERAL REGISTER for Monday, June 17, 1974 (39 FR 20975).

A public hearing on the provisions of such proposed regulations will be held on Thursday, December 12, 1974, beginning at 10 a.m., e.s.t., in the George S. Boutwell Auditorium, Seventh Floor, 7400 Corridor, Internal Revenue Building, 1111 Constitution Avenue, NW, Washington, D.C. 20224.

The rules of § 601.601(a)(3) of the "Statement of Procedural Rules" (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules may be obtained by a request directed to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, or by telephoning (Washington, D.C.) 202–964–3935.

Under such § 601.601(a)(3), persons who have submitted written comments within the time prescribed in the notice of proposed rule making, and who desire to present oral comments at the hearing on such proposed regulations, should submit an outline of the comments to be presented at the hearing and the time they wish to devote to each subject by December 3, 1974. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224. Under § 601.601(a)(3) (26 CFR Part 601) each speaker will be limited to 10 minutes for an oral presentation exclusive of time consumed by questions from the panel for the Government and answers thereto.

Persons who desire a copy of such written comments or outlines and who desire to be assured of their availability on or before the beginning of such hearing should notify the Commissioner, in writing, at the above address by December 5, 1974. In such a case, unless time and circumstances permit otherwise, the desired copies are deliverable only at the above address. The charge for copies is ten cents ($0.10) per page.

An agenda showing the scheduling of the speakers will be made after outlines are received from the speakers. Copies of this agenda will be available free of charge at the hearing, and information with respect to its contents may be obtained on December 11, 1974, by telephoning (Washington, D.C.) 202–964–3935.

JAMES F. DRING,
Director, Legislation and Regulations Division.

[FR Doc.74–27179 Filed 11–19–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 4]

INTERIOR BOARD OF CONTRACT APPEALS

Special Procedural Rules

Pursuant to authority contained in 5 U.S.C. 301, it is proposed to amend Department Hearings and Appeals Procedures in 43 CFR Part 4, Subpart C—Special Rules Applicable to Contract Appeals, by revising §§ 4.113, 4.115 and 4.116 pertaining, respectively, to accelerated procedure; depositions; and interrogatories to parties, inspection of documents, and admission of facts. The revised rules provide for an optional accelerated procedure in the case of disputes involving $25,000 or less, and improved, clarifying language with respect to procedures for depositions, interrogatories to parties, inspection of documents, and admission of facts. In its report issued in December 1972, the Commission on Government Procurement recommended uniform procedures for contract appeals boards particularly in these areas. The proposed revised regulations follow rules adopted in 1973 by the Armed Services Board of Contract Appeals, with minor deletions of references to "Vice Chairman." Promulgation of the revised rules will bring the procedures of the Interior Board of Contract Appeals into uniformity with those of the Armed Services Board of Contract Appeals in these important areas, and in line with the Procurement Commission's report.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions or objections with respect to the proposed revisions, set forth below, to the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, by December 20, 1974. All written submissions made pursuant to this notice will be available for public inspection in the Office of Hearings and Appeals during regular business hours.

Dated: November 14, 1974.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

Dated: November 14, 1974.

1. § 4.113 is revised to read as follows to provide for an optional accelerated procedure in disputes involving $25,000 or less:

§ 4.113 Optional accelerated procedure.

(a) In appeals involving $25,000 or less, either party may elect, in his notice of appeal, complaint, answer, or by separate correspondence or statement prior to commencement of hearing or settlement of the record, to have the appeal processed under a shortened and accelerated procedure. For application of this rule the amount in controversy will be determined by the sum of the amounts claimed by either party against the other in the appeal proceeding. If no specific amount of claim is stated, a case will be considered to fall within this rule if the sum of the amounts which each party represents in writing that it could recover as a result of a Board decision favorable to it does not exceed $25,000. Upon such election, a case shall then be processed under this rule unless the other party objects and shows good cause why the substantive nature of the dispute requires processing under the Board's regular procedures and the Board, acting through the Chairman, sustains such objection. In cases proceeding under this rule, parties are encouraged, to the extent possible consistent with adequate presentation of their factual and legal positions, to waive pleadings, discovery, and briefs.

(b) Written decisions by the Board in cases proceeding under this rule normally will be short and contain summary findings of fact and conclusions only. The Board will endeavor to render such decisions within 30 days after the appeal is ready for decision. Such decisions will be rendered for the Board by a single Board member with the concurrence of the Chairman; except that in cases involving $5,000 or less where there has been a hearing, the single Board member presiding at the hearing may, in his discretion, at the conclusion of the hearing and after entertaining such oral arguments as he deems appropriate, render on the record oral summary findings of fact, conclusions and decision of the appeal. In the latter instance, the Board will subsequently furnish the parties a typed copy of such oral decision for record and payment purposes and to establish the date from which the period for filing a motion for reconsideration under § 4.125 commences.

2. §§ 4.115 and 4.116 are revised to read as follows to provide improved, clarifying language:

§ 4.115 Discovery—Depositions.

(a) *General policy and protective orders.* The parties are encouraged to engage in voluntary discovery procedures. In connection with any deposition or other discovery procedure, the Board may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, and those orders may include limitations on the scope, method, time and place for discovery, and provisions for protecting the secrecy of confidential information or documents.

(b) *When depositions permitted.* After an appeal has been docketed and complaint filed, the parties may mutually agree to, or the Board may, upon application of either party and for good cause shown, order the taking of testimony of any person by deposition upon oral examination or written interrogatories before any officer authorized to administer oaths at the place of examination, for use as evidence or for purpose of discovery. The application for order shall specify whether the purpose of the deposition is discovery or for use as evidence.

(c) *Orders on depositions.* The time, place, and manner of taking depositions shall be as mutually agreed by the parties, or, failing such agreement, governed by order of the Board.

(d) *Use as evidence.* No testimony taken by depositions shall be considered as part of the evidence in the hearing of an appeal unless and until such testimony is offered and received in evidence at such hearing. It will not ordinarily be received in evidence if the deponent is present and can testify personally at the hearing. In such instances, however, the deposition may be used to contradict or impeach the testimony of the witness given at the hearing. In cases submitted on the record, the Board may in its discretion receive depositions as evidence in supplementation of that record.

(e) *Expenses.* Each party shall bear its own expenses associated with the taking of any deposition.

§ 4.116 Interrogatories to parties; inspection of documents; admission of facts.

Under appropriate circumstances, but not as a matter of course, the Board will entertain applications for permission to serve written interrogatories upon the opposing party, applications for an order to produce and permit the inspection of designated documents, and applications for permission to serve upon the opposing party a request for the admission of specified facts. Such applications shall be reviewed and approved only to the extent and upon such terms as the Board in its discretion considers to be consistent with the objective of securing just and inexpensive determination of appeals without unnecessary delay, and essential to

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the proper pursuit of that objective in the particular case.

[FR Doc.74-27116 Filed 11-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Parts 1030, 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1062, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, 1139]

[Docket Nos. AO361-A12, etc.]

MILK IN THE CHICAGO REGIONAL, AND CERTAIN OTHER MARKETING AREAS

Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreements and to Orders

7 CFR part	Marketing area	Docket No.
1030	Chicago Regional	AO 361-A12.
1001	Boston Regional	AO 14-A54.
1002	New York-New Jersey	AO 71-A69.
1004	Middle Atlantic	AO 160-A52.
1006	Upper Florida	AO 356-A12.
1007	Georgia	AO 366-A12.
1011	Appalachian	AO 251-A17.
1012	Tampa Bay	AO 347-A16.
1013	Southeastern Florida	AO 245-A24.
1015	Connecticut	AO 308-A32.
1032	Southern Illinois	AO 313-A26.
1033	Ohio Valley	AO 166-A45.
1036	Eastern Ohio-Western Pennsylvania	AO 179-A40.
1040	Southern Michigan	AO 225-A29.
1044	Michigan Upper Peninsula	AO 299-A21.
1046	Louisville - Lexington-Evansville	AO 123-A41.
1049	Indiana	AO 319-A24.
1050	Central Illinois	AO 355-A17.
1060	Minnesota-North Dakota	AO 360-A11.
1061	Southeastern Minnesota Northern Iowa (Dairyland)	AO 367-A10.
1062	St. Louis-Ozarks	AO 10-A48.
1063	Quad Cities-Dubuque	AO 105-A40.
1064	Greater Kansas City	AO 23-A47.
1065	Nebraska-Western Iowa	AO 86-A33.
1068	Minneapolis-St. Paul	AO 178-A34.
1069	Duluth-Superior	AO 153-A23.
1070	Cedar Rapids-Iowa City	AO 229-A29.
1071	Neosho Valley	AO 227-A30.
1073	Wichita	AO 173-A31.
1075	Black Hills, S. Dak	AO 248-A16.
1076	Eastern South Dakota	AO 260-A22.
1078	North Central Iowa	AO 272-A24.
1079	Des Moines, Iowa	AO 295-A29.
1090	Chattanooga, Tenn	AO 266-A19.
1094	New Orleans, La	AO 103-A36.
1096	Northern Louisiana	AO 267-A24.
1097	Memphis, Tenn	AO 219-A30.
1098	Nashville, Tenn	AO 184-A36.
1099	Paducah, Ky	AO 183-A30.
1101	Knoxville, Tenn	AO 195-A23.
1102	Fort Smith, Ark	AO 257-A24.
1104	Red River Valley	AO 296-A24.
1106	Oklahoma Metropolitan	AO 210-A37.
1108	Central Arkansas	AO 242-A28.
1120	Lubbock-Plainview, Tex	AO 328-A17.
1121	South Texas	AO 364-A9.
1124	Oregon-Washington	AO 368-A7.
1125	Puget Sound, Wash	AO 226-A27.
1126	North Texas	AO 231-A42.
1127	San Antonio, Tex	AO 232-A29.
1128	Central West Texas	AO 238-A31.
1129	Austin-Waco, Tex	AO 256-A24.
1130	Corpus Christi, Tex	AO 259-A28.
1131	Central Arizona	AO 271-A18.
1132	Texas Panhandle	AO 282-A26.
1133	Inland Empire	AO 275-A27.
1134	Western Colorado	AO 301-A15.
1136	Great Basin	AO 300-A21.
1137	Eastern Colorado	AO 326-A19.
1138	Rio Grande Valley	AO 335-A22.
1139	Lake Mead, Nev	AO 374-A2.

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and orders regulating the handling of milk in the aforesaid marketing areas.

Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D.C., 20250, on or before December 5, 1974. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the recommended decision is based was conducted at Rosemont, Illinois, on October 8–10, 1974, pursuant to notice thereof which was issued September 18, 1974 (39 FR 34295).

The material issues on the record relate to:

1. Revising the basic formula floor price for Class I pricing purposes during the next few months; and

2. Whether an emergency exists to warrant the omission of a recommended decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price level.* No action should be taken at this time to raise the minimum "floor" price for Class I milk in the Federal milk orders.

Presently, Class I prices under all orders are determined by adding a specified differential to a basic formula price, which is the average of prices paid during the second preceding month for manufacturing grade milk in Minnesota and Wisconsin. The basic formula price provisions of the orders specify that for the purpose of computing Class I prices such basic formula price shall be not less than $4.33. (The Red River Valley order does not have a basic formula price provision. Class prices under this order are tied to the Oklahoma Metropolitan order that uses the basic formula price.)

As stated in the hearing notice, the purpose of the hearing was to receive evidence with respect to the economic and emergency marketing conditions that relate to the minimum level of Class I price to be established for the forthcoming fall and winter months under each order. The specific proposal considered was to "amend each of the respective orders to provide immediately for a minimum basic formula price of up to $7.50 and for each of the months through March 1975."

Producer cooperative representatives in all markets testified in support of a basic formula "floor" price of $7.50 for computing Class I prices November 1974 through March 1975. Such witnesses stated that a $7.50 basic formula "floor" price is the minimum amount needed to help maintain an adequate supply of milk this fall and winter because recent large increases in the price of feed and other production items (notably fuel, fertilizer, machinery, electricity, hardware, and supplies) in the face of a drastic drop in milk prices last summer has placed dairy farmers in a severe cost-price squeeze which threatens the continued production of milk.

Milk producers from all regions of the country testified on the cost and returns situation on their farms. They cited rising production costs and the recent decline in the prices received for the milk, cattle, and calves they ship to market, and stated that they could not continue in milk production without significant improvement in the price received for their milk.

Cooperative association and producer witnesses were supported in their request for emergency price action by several members of Congress; state officials; representatives of national, state and local farm organizations; as well as certain proprietary handlers and associations of handlers. Other handler witnesses and a consumer witness gave proponents qualified support in that they do not expect dairy farmers to produce at a loss.

Certain handler witnesses expressed concern that immediate adoption of a $7.50 basic formula "floor" price would force handlers to increase resale prices too rapidly and would result in some loss in fluid milk sales volume. In this regard one handler proposed that any basic formula "floor" price be not more than $7.25 and not be made effective before December 1974. Handlers also expressed their concern that it takes some time to adjust their resale prices and therefore urged that they be afforded 25 days of advance notice of any class I price increase.

Milk and dairy product prices, which declined sharply in the second quarter of this year, have been rising seasonally. This is reflected in the M–W price, which increased from $6.29 per hundredweight pounds in July to $6.82 in October.[1] Further seasonal rises are expected during the rest of the year and in early 1975.

[1] Official notice is taken of the Dairy Market News Report of November 7, 1974, issued by the Agricultural Marketing Service of the U.S. Department of Agriculture for the purpose of noting recent dairy product prices and the Minnesota-Wisconsin price for October.

Wholesale butter and cheese prices have strengthened since mid-year, although nonfat dry milk remains at the CCC support purchase price levels. Wholesale dairy product prices will likely show further seasonal increases in early 1975.

The decline in milk production that we have been experiencing for some time has slackened. Milk production was up almost 3 percent over a year ago in September, the sharpest increase in almost a decade. This followed production gains during July and August. Increased production by farmers in the third quarter accompanied by lower fluid milk sales pushed more milk into manufacturing uses, particularly into butter and nonfat dry milk.

On the demand side fluid milk consumption has been hit hard by rapidly rising retail milk prices. Class I sales in Federal order markets in the first six months of this year were about 5 percent below a year ago, an unprecedented year-to-year Class I sales decline.

The Commodity Credit Corporation has purchased substantial quantities of dairy products under the price support program this year. Purchases of nonfat dry milk continues to be sizable and some cheese is still being purchased. CCC inventories of nonfat dry milk are rising at a rapid rate reaching about 135 million pounds at the end of October; a year ago CCC had no stocks.

The anticipated seasonal increase in milk prices will tend to attract the production of adequate supplies of milk for the nation's needs and will contribute to achieving for dairy farmers a more normal cost-price relationship.

On the other hand, an increase in the level of the Class I price, that could result from the cooperatives' proposal, would result in a further increase in milk prices to consumers with a consequent further decline in Class I sales. In turn, the milk production that otherwise would be used in Class I would be moved to manufacturing channels, thereby increasing the purchases of manufacturing milk products at the support price by the Government. This would not be in the best long-run interest of dairy farmers.

2. *Need for omitting recommended decision.* This proceeding should include the issuance of a recommended decision and the opportunity to file exceptions thereto.

Consideration was given at the hearing to the need for omitting certain customary procedural steps to expedite the effectuation of any pricing amendments that might result from the hearing. For reasons set forth earlier, it is concluded that the orders should not be amended. Thus, there is no emergency that necessitates the omission of a recommended decision and the opportunity for interested parties to file exceptions to the proposed findings and conclusions.

RULING ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

DETERMINATION

The findings and conclusions of this decision do not require any change in the regulatory provisions of the orders regulating the handling of milk in the aforelisted marketing areas.

Signed at Washington, D.C., on November 13, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-26984 Filed 11-19-74;8:45 am]

[7 CFR Part 1060]

MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Minnesota-North Dakota marketing area is being considered for the months of December 1974, January and February 1975.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before November 20, 1974. The time provided for such filing is reasonable under the circumstances. If it should be found that an emergency marketing situation exists that would warrant suspension action and an effective date beginning December 1, 1974, as proposed, only a limited time would be available to effectuate such emergency action. Any such action would not require of persons affected substantial or extensive preparation prior to the effective date. Persons known to be interested in the proposed suspension have been notified prior to FEDERAL REGISTER publication of this notice. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1060.13, *Producer milk:*

a. The parts of paragraph (c)(1) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at a pool plant(s) for at least 3 days during the month."

b. The parts of paragraph (c)(2) that read, "During March through June" and "During the months of July through February such handler may divert an aggregate quantity not exceeding 50 percent of the milk of all such producers whose milk has been received at his pool plant(s) for at least 3 days during the month."

c. Paragraph (c)(3) in its entirety.

STATEMENT OF CONSIDERATION

The proposed suspension would permit unlimited diversion of producer milk under the Minnesota-North Dakota order during the months of December 1974 and January and February 1975.

The order provides that during any month of July through February a cooperative association may divert for its account a total quantity of milk not in excess of 50 percent of the milk of all member producers whose milk has been received at a pool plant(s) for at least 3 days during the month. Similarly, a handler in his capacity as the operator of a pool plant, may divert for his account the milk of producers (other than a member of a cooperative association that is a diverting handler during the same month) in a total quantity not exceeding 50 percent of the milk of all such producers whose milk has been recevied at his pool plant(s) for at least 3 days during the month. Provision is made for unlimited diversion during the months of March through June.

The suspension action is requested by Mid-America Dairymen, Inc., to accommodate the handling of reserve milk on the market. The producer association claims that such suspension action is necessary in order to enable certain of its member producers to maintain producer status under the order during the three specified months, and thereby continue receiving the uniform price for their milk pursuant to the order. The association states that as an alternative to the suspension action, reserve milk of the market would have to be moved from farms to pool distributing plants and then reshipped to its manufacturing plant rather than being moved directly from the farms to such plant. The additional labor and hauling costs involved with such movement of milk, the association contends, would adversely affect economical handling of milk in excess of fluid requirements.

Signed at Washington, D.C., on November 15, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74-27246 Filed 11-19-74;8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-AL-15]

LOW FREQUENCY AIRWAYS, REPORTING POINTS, AND CONTROLLED AIRSPACE

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would; 1. realign low frequency airways and additional control areas; 2. redefine reporting points and a control zone, as the result of the proposed decommissioning of the Fort Randall, Alaska, NDB and the Naknek River, Alaska, NDB. The Cold Bay, Alaska, LOM (Lat. 55°17'51'' N., Long. 162°47'15'' W.) and the King Salmon, Alaska, LOM (Lat. 58°44'17'' N., Long. 156°46'31'' W.) will be used in their places.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before December 5, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW, Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The FAA proposes to amend Part 71 of the Federal Aviation Regulations as follows:

1. G–8 would be revised by deleting "20 AGL INT Fort Randall, Alaska, RBN 255° and Cape Sarichef, Alaska, RBN 344° bearings; 20 AGL Fort Randall RBN; 20 AGL Naknek River, Alaska, RBN;" and substituting "20 AGL INT Cold Bay, Alaska, LOM 253° (236°M) and Cape Sarichef, Alaska, NDB 344° (328°M) bearings; 20 AGL Cold Bay LOM; King Salmon, Alaska, LOM;" therefor.

2. G–11 would be revised by deleting "From INT Fort Randall, Alaska, RBN 041° and Port Moller, Alaska, RBN 313° bearings," and substituting "From INT Cold Bay, Alaska, LOM 041° (024°M) and Port Moller, Alaska, NDB 313° (295°M)" therefor.

3. B–27 would be revised by deleting "Naknek River, Alaska, RBN;" and substituting "King Salmon, Alaska, LOM;" therefor.

4. Control 1400 would be redefined as follows:

CONTROL 1400

That airspace within 5 miles each side of the 262° T (241° M) bearing from the King Salmon, Alaska, LOM extending from the the LOM to the Anchorage CTA/FIR boundary, and between lines diverging at an angle of 5° from the King Salmon LOM to the Anchorage CTA/FIR boundary, excluding the airspace below 2,000 feet MSL outside the United States.

5. Control 1401 would be redefined as follows:

CONTROL 1401

That airspace within 5 miles each side of the 246° T (225° M) bearing from the King Salmon, Alaska, LOM extending from the LOM to longitude 160°00'00'' W, and between lines diverging at an angle of 5° from the King Salmon, LOM 246° T (225° M) bearing extending from the LOM to longitude 160°00'00'' W, excluding the airspace below 2,000 feet MSL outside the United States.

6. The Cold Bay, Alaska Control Zone would be redefined as follows:

COLD BAY, ALASKA

Within a 5-mile radius of the Cold Bay Airport (latitude 55°12'06'' N., longitude 162°43'28'' W.); within 3 miles each side of the 339° bearing from the Cold Bay LOM, extending from the 5-mile radius zone to 10.5 miles north of the LOM, and within 5 miles west and 2.5 miles east of the Cold Bay VORTAC 150° radial, extending from the 5-mile radius zone to 18 miles south of the VORTAC.

7. Six low altitude reporting points would be redefined as follows:

a. Crab INT (CRACK) "Lat. 57°21'23'' N., Long. 159°23'14'' W. (INT King Salmon, Alaska, LOM 226° T (205° M), Port Heiden, Alaska, NDB 314° T (294° M) bearings)."

b. Gar INT (GARRS) "Lat. 58°19'09'' N., Long. 161°20'25'' W. (INT King Salmon, Alaska LOM 262° T (241° M), Cape Newenham, Alaska, NDB 131° T (113° M) bearings)."

c. Herring INT (HERRY) "Lat. 57°50'-30'' N., Long. 160°20'27'' W. (INT King Salmon, Alaska, LOM 246° T (225° M), Cape Newenham, Alaska, NDB 131° T (113° M) bearings)."

d. Marlin INT (DEPTH) "Lat. 56°19'-17'' N., Long. 161°09'43'' W. (INT Cold Bay, Alaska, LOM 041° T (024° M), Port Moller, Alaska, NDB 313° (295° M) bearings)."

e. Mordvinoff INT (MORDI) "Lat. 54°52'29'' N., Long. 165°03'54'' W. (INT Cold Bay, Alaska, LOM 253° (236° M), Cape Sarichef, Alaska, NDB 355° (339° M) bearings)."

f. Wide Bay INT (WIDTH) "Lat. 57°-21'18'' N., Long. 155°59'40'' W. (INT King Salmon, Alaska, LOM 163° T (142° M), Port Heiden, Alaska, NDB 074° T (054° M) bearings)."

8. Two high altitude reporting points would be redefined as follows:

a. Gar INT (GARRS) "Lat. 58°19'09'' N., Long. 161°20'25'' W. (INT King Salmon, Alaska, LOM 262° T (241° M), Cape Mewenham, Alaska, NDB 131° T (113°) bearings)."

b. Herring INT (HERRY) "Lat. 57°-50'30'' N., Long. 160°20'27'' W. (INT King Salmon, Alaska, LOM 246° T (225° M), Cape Mewenham, Alaska, NDB 131° T (113° M) bearings)."

This amendment is proposed under the authority of section 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 14, 1974.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-27088 Filed 11-19-74;8:45 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 74-SO-99]

FEDERAL AIRWAY AND DESIGNATION OF TEMPORARY RESTRICTED AREAS

Proposed Temporary Alteration

The Federal Aviation Administration (FAA) is considering amendments to Parts 71 and 73 of the Federal Aviation regulations that would designate temporary restricted areas in the vicinity of Onslow Beach, Camp LeJeune, N.C., to contain a military joint training exercise, AGATE PUNCH. The exercise would extend from 0800 G.m.T., April 14, 1975, to 2300 G.m.T., April 26, 1975. Two of the restricted areas would contain airspace at or above 14,500 feet MSL, and they would therefore be included in the continental control area for the duration of their time of designation. During the period of the exercise, a portion of VOR Federal Airway, V–139, would also be reduced in width to three nautical miles on its east side.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before December 20, 1974, will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would designate the following temporary restricted areas:

R–5315A EXERCISE AGATE PUNCH

Boundaries. Beginning at Lat. 34°17'45'' N., Long. 77°37'50'' W.; thence via the 13 nautical mile arc of Wilmington, N.C., VORTAC (Lat. 34°21'05'' N., Long. 77°52'29'' W.); to Lat. 34°28'00'' N., Long. 77°39'00'' W.; to Lat 34°50'30'' N., Long 77°13'00'' W.; to Lat. 34°49'30'' N., Long. 77°10'00'' W.; thence south along the westerly and southerly boundaries of R–5306C, E and D and W–122 to point of beginning.

Designated altitudes. 1,000 feet AGL to FL 180.

Time of designation. Continuous, 0800 GMT, April 14 to 2300 GMT, April 26, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. COMSECONDFLT, Norfolk, Va.

R–5315B EXERCISE AGATE PUNCH

Boundaries. Beginning at Lat. 34°56'00'' N., Long. 77°01'00'' W.; to Lat. 34°43'15'' N., Long. 76°47'30'' W.; to Lat. 34°42'00'' N., Long. 76°54'45'' W.; to Lat. 34°51'00'' N., Long. 77°05'30'' W.; to Lat. 34°49'30'' N., Long. 77°10'00'' W.; to Lat. 34°52'30'' N., Long. 77°04'30'' W.; to point of beginning.

Designated altitudes. 1,000 feet AGL to 3,000 feet MSL.

Time of designation. Continuous, 0800 GMT, April 14 to 2300 GMT, April 26, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. COMSECONDFLT, Norfolk, Va.

R–5315C EXERCISE AGATE PUNCH

Boundaries. Beginning at Lat. 34°43'15'' N., Long. 76°47'30'' W.; to Lat. 34°38'15'' N., Long. 76°41'30'' W.; to Lat. 34°37'30'' N., Long. 76°56'20'' W.; thence north and east along the easterly and southerly boundaries of R–5306C and B to point of beginning.

Designated altitudes. 1,000 feet AGL to FL 180.

Time of designation. Continuous, 0800 GMT, April 14 to 2300 GMT, April 26, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. COMSECONDFLT, Norfolk, Va.

R–5315D EXERCISE AGATE PUNCH

Boundaries. A circular area with a 3 nautical mile radius centered on OLF Camp Davis (Lat. 34°31'00'' N., Long. 77°32'30'' W.)

Designated altitudes. Surface to 1,000 feet AGL.

Time of designation. Continuous, 0800 GMT, April 14 to 2300 GMT, April 26, 1975.

Controlling agency. Federal Aviation Administration, Washington ARTC Center.

Using agency. COMSECONDFLT, Norfolk, Va.

R–5315A and R–5315C would be included in the continental control area for the duration of their time of designation.

VOR Federal Airway, V–139, would be reduced to a width of three nautical miles on its east side from a point 13 nautical miles northeast of the Wilmington, N.C., VORTAC to a point 16 nautical miles southwest of the New Bern, N.C., VORTAC.

Exercise AGATE PUNCH would involve amphibious assault operations supported by numerous exercise aircraft providing close air support and high speed reconnaissance and interdiction missions as well as counter air activity. The temporary restricted areas are deemed necessary because the exercise could be hazardous to nonparticipating aircraft. Supersonic flights will not be conducted in the temporary restricted areas, nor will any live ordnance be dropped except on designated impact ranges contained in the R–5306 complex.

Reducing the width of V–139 would further alleviate potential flight hazards by separating V–139 airway traffic from exercise air support activities at Camp Davis, N.C., and from exercise flights attempting to interdict proposed targets along the western boundaries of R–5306B, C, D and E.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 14, 1974.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-27087 Filed 11-19-74;8:45 am]

[14 CFR Part 91]

[Docket No. 14128; Notice No. 74-35]

SPECIAL FLIGHT AUTHORIZATIONS

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 91 of the Federal Aviation regulations to provide for the issuance of special flight authorizations to operators of Canadian registered amateur-built experimental aircraft who desire to attend certain airshows in the United States.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket and notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue, SW., Washington, D.C. 20591. All communications received on or before January 20, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

Section 610(a)(1) of the Federal Aviation Act provides that no person may operate a civil aircraft in air commerce without an appropriate airworthiness certificate, or in violation of its terms. The Canadian flight permits which are issued for Canadian amateur-built experimental aircraft are not considered appropriate airworthiness certificates under the Act. However, section 610(b) authorizes the Administrator to grant exemptions to paragraph (a) in the public interest. Accordingly, the FAA presently issues exemptions under that authority and Part 11 of the Federal Aviation regulations to permit the operation of these aircraft at certain airshows within the United States.

Section 91.28 of the Federal Aviation regulations provides an alternative to the issuance of exemptions in accordance with FAR, Part 11. Paragraph (a) of that section states that a foreign civil aircraft may be operated in the U.S. without an airworthiness certificate if a special flight authorization is issued for its operation. However, as presently worded, the regulation does not provide for the issuance of special flight authorizations for the operation of Canadian registered amateur-built experimental aircraft at airshows within the U.S.

The issuance of special flight authorizations under § 91.28 is considered appropriate when the Administrator determines that the operation of foreign civil aircraft within the U.S. is in the public interest. That regulation was adopted

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by the FAA to avoid the need to repeatedly issue Part 11 exemptions for the same type of operation.

The FAA has determined that the demonstration of Canadian registered amateur-built experimental aircraft at airshows within the United States is in the public interest when safety is not compromised because the demonstration, by affording the public an opportunity to observe the configuration and performance of the aircraft, encourages the development of civil aviation in the United States. Therefore, it has issued exemptions to permit Canadian operators of these aircraft to attend certain airshows, such as those sponsored by affiliates of the Experimental Aircraft Association. However, petitions for exemptions to attend airshows have increased dramatically in recent years, and over 90 percent of those which the FAA has received are from Canadians.

The FAA believes that the issuance of special flight authorizations under § 91.28 to the operators of Canadian amateur-built experimental aircraft would not adversely affect safety. The requirements for a Canadian flight permit are equivalent to those for an experimental airworthiness certificate for U.S. amateur-built aircraft. In addition, the safety record of the Canadian amateur-built aircraft operated under past exemptions is good. Moreover, under § 91.28(b) the Administrator may attach conditions and limitations to a special flight authorization considered necessary for safe operation. Therefore, the FAA considers it appropriate to provide for the issuance of a special flight authorization for the demonstration of a Canadian registered amateur-built experimental aircraft at an airshow within the United States.

These amendments are proposed under the authority of sections 313(a), 601, 603, and 610(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423, and 1430(b)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 91.28 of the Federal Aviation regulations by adding a sentence to paragraph (a), and by adding a new paragraph (b)(6) to read as follows:

§ 91.28 Special flight authorizations for foreign civil aircraft.

(a) * * * Application for a special flight authorization must be made to the Regional Director of the FAA Region in which the applicant is located. However, application for a special flight authorization for an aircraft to be demonstrated at an airshow must be made to the Regional Director of the FAA Region in which the airshow is located.

(b) * * *

(6) The flight of a Canadian registered amateur-built experimental aircraft for demonstration at an airshow within the United States.

Issued in Washington, D.C., on November 12, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74-27089 Filed 11-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

NEW YORK

State Implementation Plan

On August 29, 1974, the Commissioner of the New York State Department of Environmental Conservation (NYSDEC) submitted a proposed revision to the New York State implementation plan which consisted of a revised Part 225 (Fuel Composition and Use), of Subchapter A, Chapter III, Title 6 of New York's Official Compilation of Codes, Rules and Regulations (6 NYCRR). Technical background information supporting this was received on October 11, 1974.

The revised Part 225 replaces the existing Parts 225, 226 and 230 of 6 NYCRR and was subject to New York State public hearings during the period of November 14–19, 1973. Revised Part 225 became effective on September 26, 1974. The major purposes of the regulation are to remove Suffolk County from the sulfur limitations of the New York City Metropolitan Area and to revise the sulfur in fuel requirements for distillate oil in the New York City Metropolitan Area. With regard to Suffolk County, the maximum allowable sulfur content of fuel oil for Eastern Suffolk was changed from the previous limitations in effect for the New York City Metropolitan Area to an allowable maximum sulfur limitation of 2.0 percent for oil and 1.9 lbs/10^6 Btu for solid fuel. In Western Suffolk the maximun oil sulfur content changes to 1.0 per cent. In addition, the regulation accomplishes the following:

(1) provides for consistency with the New York City regulation dealing with sulfur in fuel limitations for residual oil;

(2) changes the maximum sulfur content of residual oil from 0.3 percent to 0.37 percent for Nassau, Rockland and Westchester Counties;

(3) delays until September 26, 1974 the 1.7 lbs/10^6 Btu maximum of the 1.4 lbs/10^6 Btu three-month average sulfur content of solid fuel used in the Niagara Frontier;

(4) changes the solid fuel sulfur limitations to 1.9 lbs/10^6 Btu three-month average from 1.85 lbs/10^6 Btu; and

(5) changes the rest of State oil sulfur limits from 1.1 lbs of sulfur/10^6 Btu to 2.0 percent which is essentially no change.

The Commissioner's submission of October 11, 1974 contained a control strategy analysis which predicted the sulfur dioxide concentrations which are expected as a result of the modifications brought about by the revised Part 225.

The State's control strategy analysis for the New York City Metropolitan Area was based on 1972 air quality and emissions data. Using this data as a base and projecting to 1975, annual average and 24-hour concentrations for sulfur dioxide are predicted to be below the national standard for sulfur oxides. During 1973 and 1974 to date, the annual average and 24-hour concentrations were above those recorded in 1972, even though total emissions had decreased. The State contends that these high results have been caused by variances granted during 1973 and 1974 because of fuel insufficiencies. The State and City of New York, in cooperation with EPA, will ascertain the localized impact of the variances on air quality to determine whether the variances contributed significantly to the high values recorded in 1973 and 1974. The State has stated that if it is shown that national standards would have been attained in 1973 and 1974 without the variances, then the existing plan will be considered sufficient. If, however, the variances do not explain the 1973 and 1974 results in whole or in part, then a revised sulfur dioxide plan will be developed. With regard to the other affected portions of the State, the State's analysis shows that there will be no violations of any national standard for sulfur oxides.

Sections 225.2(b) and 225.2(c) of Part 225 would allow the Commissioner to authorize the use of fuel oil with a sulfur content of up to 3.0 percent by weight and coal with a sulfur content of 2.8 lbs/10^6 Btu if it can be shown that the use of such fuel would not contribute to the contravention of ambient air quality standards. Furthermore, § 225.3(a) would allow the Commissioner to grant exceptions to the sulfur in fuel requirements of the regulation if it is shown that there is an insufficient supply of conforming fuel, as certified by the Chairman of the State Public Service Commission. Section 225.3(b) would allow the Commissioner to grant exceptions to the sulfur in fuel limitations for a period of 45 days if the Commissioner determines that a delay in issuing such exceptions would be deterimental to the public health and welfare. Issuance of exceptions under § 225.3 are not contingent upon the attainment and maintenance of national ambient air quality standards.

Recommendations will be made to the Administrator that §§ 225.2 (b) and (c) and 225.3 be disapproved as part of the State's implementation plan. Exceptions granted by the Commissioner under §§ 225.2 (b) and (c) will be considered on a case-by-case basis as revisions to the State's implementation plan. Approval of these sections by the Administrator would pre-empt the Administrator from determining the impacts upon ambient air quality of any exceptions granted by the New York State Commissioner.

With regard to § 225.3, it is recommended that the final FEDERAL REGISTER notice on Part 225 contain a disapproval of this section since the Commissioner's exception order based on fuel shortage in § 225.3(a) will be considered a plan revision requiring EPA approval. The 45-day exception order under § 225.3(b) is also a plan revision requiring EPA approval and should not be approved.

This notice is issued to advise the public that, as required by section 110 of the Clean Air Act (42 U.S.C. 1857c-5(a)), comments may be submitted on whether the proposed revision should be approved or disapproved. Only comments received on or before the end of the 30-day comment period will be considered. The Administrator's decision to approve or disapprove the proposed revision will be based on whether the revision meets the requirements of section 110(a)(2)(A)–(H), (42 U.S.C. 1857c-5(a)(2)(A)–(H)), and EPA regulations in 40 CFR Part 51.

Copies of the proposed plan revision are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region II, 26 Federal Plaza, New York, New York 10007 and at the New York State Department of Environmental Conservation, Air Pollution Control Program, 50 Wolf Road, Albany, New York 12233. Additional copies are available at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, EPA, Region II, 26 Federal Plaza, New York, New York 10007.

Dated: November 8, 1974.

ERIC B. OUTWATER,
Acting Regional Administrator.

[FR Doc.74-27069 Filed 11-19-74;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 35, 101, 104, 154, 201, 204]

[Docket No. RM75-13]

ACCOUNTS AND REPORTS

Construction Work in Progress

NOVEMBER 14, 1974.

Amendments to Uniform Systems of Accounts for Public Utilities and Licensees and for Natural Gas Companies (Classes A, B, C and D) and to Regulations Under the Federal Power Act and the Natural Gas Act, to Provide for Inclusion of Construction Work in Progress in Rate Base.

Pursuant to 5 U.S.C. 553, sections 3, 4, 208, 301, 304, 308 and 309 of the Federal Power Act (41 Stat. 1063, 1065; 49 Stat. 853, 854, 855, 858; 16 U.S.C. 798, 797, 824g, 825c, 825g, 825h) and sections 6, 8, 10 and 16 of the Natural Gas Act (52 Stat. 824, 825, 826, 830; 15 U.S.C. 717e, 717g, 717i, 717o), the Commission gives notice it proposes to amend:

A. An instruction in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR.

B. An instruction and an account in the Uniform System of Accounts for Class C and Class D Public Utilities and Licensees, prescribed by Part 104, Chapter I, Title 18, CFR.

C. Regulations Under the Federal Power Act, Subchapter B, Chapter I, Title 18, CFR.

D. An instruction in the Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed by Part 201, Chapter I, Title 18, CFR.

E. An instruction and an account in the Uniform System of Accounts for Class C and Class D Natural Gas Companies, prescribed by Part 204, Chapter I, Title 18, CFR.

F. Regulations Under the Natural Gas Act, Subchapter E, Chapter I, Title 18, CFR.

The Commission proposes to change its ratemaking policy regarding investments in plant under construction to provide for the inclusion of such investment in the rate bases of electric utilities and natural gas companies in determining the allowable rates to be charged by such companies subject to its jurisdiction, and to amend its Uniform Systems of Accounts and Regulations Under the Federal Power and Natural Gas Acts to reflect this change. Amounts allowable for inclusion in the rate bases of natural gas companies pursuant to this policy would be those amounts expended and recorded in Account 107, Construction Work in Progress, related to the gas plant accounts as provided for in the Uniform Systems of Accounts as of the time the rates became effective either after suspension or after final Commission action. Expenditures on facilities subject to certification by the Commission would be includible only if the certificate had been granted. Amounts allowable for inclusion in the rate bases of electric utilities would be those expended or to be expended during the test period, included or includible in Account 107, related to the electric plant accounts as provided for in the Uniform Systems of Accounts.

For electric utilities, an allowance for funds used during construction (AFUDC) would not be allowed on construction work in progress equal to that proportion of electric plant in service included in rate base to support rates subject to the jurisdiction of the Commission. For natural gas companies, no AFUDC would be allowed upon expenditures for construction projects allowed in the utility's rate base.

The Commission is proposing these changes in policies and procedures primarily to help alleviate the current financing problems being experienced by utility companies. The changes would enable companies to obtain current cash flow applicable to investments in construction work in progress instead of waiting until plant is placed in service before any cash flow is received.

In relation to the foregoing, it may be noted that although a higher current revenue requirement would initially be established if the proposed ratemaking policy is adopted, the effect of the cessation of accruing AFUDC on construction costs could be to reduce the cost of facilities and revenue requirements in the future.

Comments are invited regarding the necessity and feasibility of providing for a transition period during which a gradual shift to the proposed ratemaking treatment of construction work in progress would be made. Comments are also invited as to a method of providing reasonable assurance that customers subject to rates set by the Commission would not be required to pay depreciation, return and taxes on plant costs which include AFUDC after having rates set on a rate base in which plant construction costs have been allowed.

Changes to reflect the adoption of this new policy would be required in one electric plant instruction and one gas plant instruction in each of the Commission's Uniform Systems of Accounts, in one account of the Class C and Class D Uniform Systems of Accounts for both Public Utilities and Licensees and Natural Gas Companies, and in one section of one part of both the regulations Under the Federal Power Act and the regulations Under the Natural Gas Act.

Under Electric and Gas Plant Instruction 3. *Components of Construction Cost*, for Classes A and B Public Utilities and Natural Gas Companies, item (17) "Allowance for funds used during construction" would be amended to provide that no allowance for funds charges would be included in these (electric and gas plant) accounts upon amounts, in the case of electric companies, of construction work in progress equal to that proportion of electric plant in service included in rate base, or upon amounts, in the case of gas companies, expended for construction projects allowed in the utility's rate base.

Similarly, Electric and Gas Plant Instruction 2. *Components of Construction Cost*, for Classes C and D Public Utilities and Natural Gas Companies, would be amended to provide for the same restrictions.

The text of Account 419.1, Allowance for Funds Used During Construction, for Classes C and D Public Utilities and Natural Gas Companies, would be amended by adding a statement directing reference to electric and gas plant instruction 2, as noted above.

Section 35.13 of the Commission's regulations Under the Federal Power Act would be amended by changing the requirement under *Statement D—Cost of plant*, to provide for a statement of the cost of plant including construction work in progress, and by adding a new *Statement D1—Construction work in progress*, to provide for filing a list of uncompleted work orders claimed in the rate base, with supporting detail.

Section 154.63 of the Commission's regulations Under the Natural Gas Act would be amended by deleting the requirement under *Schedule C-1 of Statement C—Cost of plant*, that Account 107 shall be adjusted to exclude plant in process of construction which is not expected to be in service by the end of the test period.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than Dec. 30,

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1974, data, views, comments or suggestions in writing concerning the amendments proposed herein. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington, D.C. 20426, during regular business hours. The Commission will consider all such written submittals before acting on the matters herein proposed. An original and 14 conformed copies should be filed with the Secretary of the Commission. Submittals to the Commission should indicate the name, title, mailing address and telephone number of the person to whom communications concerning the proposal should be addressed, and whether the person filing them requests a conference with the staff of the Federal Power Commission to discuss the proposed revisions. The staff, in its discretion, may grant or deny requests for conference.

(A) The following is a proposed amendment to the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees in Part 101, Chapter I, Title 18 of the Code of Federal Regulations:

Amend subparagraph "(17) Allowance for funds used during construction" of Electric Plant Instruction "3. *Components of Construction Cost.*" by revising the last sentence. As amended, subparagraph (17) will read:

Electric Plant Instructions

• • • • •

3. *Components of Construction Cost.*

• • • • •

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used. No allowance for funds used during construction charges shall be included in these accounts upon expenditures for construction projects which have been abandoned, or upon amounts of construction work in progress equal to that proportion of electric plant in service included in rate base.

NOTE: • • •

(B) The following are proposed amendments to the Uniform System of Accounts for Class C and Class D Public Utilities and Licensees in Part 104, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend Electric Plant Instruction "2. *Components of Construction Cost.*" by adding a new sentence. As amended, Instruction 2 will read:

Electric Plant Instructions

• • • • •

2. *Components of Construction Cost.* The cost of construction of property chargeable to the electric plant accounts shall include, where applicable, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, training costs and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous items as may be properly includible in construction costs. No allowance for funds used during construction charges shall be included in these accounts upon amounts of construction work in progress equal to that proportion of electric plant in service included in rate base. (See Operating Expense Instruction 3.)

(2) Amend the text of the Income Accounts by amending Account "419.1, Allowance for funds used during construction," by adding a reference sentence at the end of the account text. As amended, Account 419.1 will read:

Income Accounts

• • • • •

2. OTHER INCOME AND DEDUCTIONS.

• • • • •

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for services. (See electric plant instruction 2.)

(C) The following are proposed amendments to the Uniform System of Accounts for Class A and Class B Natural Gas Companies in Part 201, Chapter I, Title 18 of the Code of Federal Regulations:

Amend subparagraph "(17) Allowance for funds used during construction" of Gas Plant Instruction "3. *Components of construction cost.*" by revising the last sentence, and amend the Note to subparagraph (17) by changing "Electric Plant in Service" to read "Gas Plant in Service". As amended, subparagraph (17) and the Note thereto will read:

Gas Plant Instructions

• • • • •

3. *Components of construction cost.*

• • • • •

(17) "Allowance for funds used during construction" includes the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate on other funds when so used, except when such other funds are used for exploration and development on leases acquired after October 7, 1969, no allowance on such other funds shall be included in these accounts. No allowance for funds used during construction charges shall be included in these accounts upon expenditures for construction projects which have been abandoned, or upon amounts expended for construction projects allowed in the utility's rate base.

NOTE: When a part only of a plant or project is placed in operation or is completed and ready for service but the construction work as a whole is incomplete, that part of the cost of the property placed in operation, or ready for service, shall be treated as "Gas Plant in Service" and allowance for funds used during construction thereon as a charge to construction shall cease. Allowance for funds used during construction on that part of the cost of the plant which is incomplete may be continued as a charge to construction until such time as it is placed in operation or is ready for service, except as limited in item 17, above.

(D) The following are proposed amendments to the Uniform System of Accounts for Class C and Class D Natural Gas Companies in Part 204, Chapter I, Title 18 of the Code of Federal Regulations:

(1) Amend Gas Plant Instruction "2. *Components of Construction Cost.*" by adding a new sentence. As amended, Instruction 2 will read:

Gas Plant Instructions

• • • • •

2. *Components of Construction Cost.* The cost of construction of property chargeable to the gas plant accounts shall include, where applicable, fees for construction certificate applications paid after grant of certificate, the cost of labor, materials and supplies, transportation, work done by others for the utility, injuries and damages incurred in construction work, privileges and permits, special machine service, allowance for funds used during construction, training costs, and such portion of general engineering, administrative salaries and expenses, insurance, taxes, and other analogous items as may be properly includable in construction costs. When the utility employs its own funds in exploration and development on leases acquired after October 7, 1969, no interest on such funds shall be included in these accounts. No allowance for funds used during construction charges shall be included in these accounts upon amounts expended for construction projects allowed in the utility's rate base. (See Operating Expense Instruction 3.)

• • • • •

(2) Amend the text of the Income Accounts by amending Account "419.1, Allowance for funds used during construction." by adding a sentence at the end of the account text. As amended, Account 419.1 will read:

Income Accounts

• • • • •

2. OTHER INCOME AND DEDUCTIONS.

• • • • •

419.1 Allowance for funds used during construction.

This account shall include concurrent credits for interest charged to construction based upon the net cost for the period of construction of borrowed funds used for construction purposes and a reasonable rate upon other funds when so used. No interest shall be capitalized on plant which is completed and ready for service. (See gas plant instruction 2.)

(E) The following are proposed amendments and additions to Part 35—Filing of Rate Schedules, Chapter I, Title 18 of the Code of Federal Regulations:

In Section "35.13, Filing of changes in rate schedules." amend paragraph (b) (4) (iii), by amending the text of "*Statement D—Cost of plant.*" and adding a new *Statement D1—Construction work in progress*, to read as follows:

§ 35.13 Filing of changes in rate schedules.

• • • • •

(b) (4) (iii) • • •

Statement D—Cost of plant. A statement of the cost of plant by functional classification, including construction work in progress functionalized separately, as of the beginning and the end of Periods I and II.

Statement D1—Construction work in progress. A statement showing in respect of Account 107, as of the beginning and end of Period I and Period II, a list of uncompleted work orders (small items grouped) claimed in the rate base, giving the work order number, description and amount of each and the amounts of each type of undistributed construction overheads. Each work order shall show the amounts claimed, itemized by major functional classification, and shall identify components assignable to each specific utility service for all or part of the anticipated service life.

• • • • •

(F) The following is a proposed amendment to Part 154—RATE SCHEDULES AND TARIFFS, Chapter I, Title 18 of the Code of Federal Regulations:

In Section "154.63, Changes in a tariff, executed service agreement or part thereof." amend subparagraph "(f) *Description of statements.*" by amending the text of "*Statement C—Cost of plant.*" by deleting the third paragraph under "*Schedule C–1*", to read as follows:

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

• • • • •

(f) *Description of statements.*

• • • • •

Statement C—Cost of plant.

• • • • •

Schedule C–1 in columnar form similar to Statement C showing for each of the above accounts the amounts by detailed plants prescribed by the Commission's Uniform System of Accounts for Natural Gas Companies (Part 201 of this Chapter) with subtotals thereof by functional classifications, i.e. Intangible Plant, Manufactured Gas Production Plant, Natural Gas Production and Gathering Plant, Products Extraction Plant, Underground Storage Plant, Local Storage Plant, Transmission Plant, Distribution Plant and General Plant: *Provided, however*, That to the extent plant costs are not available by detailed plant accounts they may be shown by functional classifications.

Accounts 101, 105, and 106 shall be adjusted to exclude the cost of major items of plant, the retirement of which is expected by the end of the test period.

Schedule C–2 • • •

The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27091 Filed 11–19–74;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 438]

ADVERTISING, DISCLOSURE, COOLING OFF AND REFUND REQUIREMENTS CONCERNING PROPRIETARY VOCATIONAL AND HOME STUDY SCHOOLS

Extension of Time for Submitting Data, Views or Arguments

Notice of the opportunity to submit data, views, or arguments regarding the proposed Trade Regulation Rule relating to Advertising, Disclosure, Cooling Off and Refund Requirements Concerning Proprietary Vocational and Home Study Schools was published in the FEDERAL REGISTER on August 15, 1974 (39 FR 29385). The Notice also set forth the text of the specific proposal about which comment was requested.

Because the scheduled public hearings will commence in this proceeding on November 18, 1974 and not conclude before February 5, 1975, the Commission has determined that the closing date for submitting written comment should be extended from that originally announced so as to allow the widest participation possible prior to conclusion of the public hearing phase of the proceeding.

Accordingly, all interested persons desiring to submit written data, views or arguments with respect to the proposed Rule are hereby notified that the closing date for receiving such comments has been extended from November 15, 1974 to January 15, 1975. Such written data, views or arguments should be submitted to the Special Assistant Director for Rulemaking, Federal Trade Commission, Washington, D.C. 20580.

Copies of the proposed Rule may be had upon request to the Federal Trade Commission.

Approved: November 13, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74–27145 Filed 11–19–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 271]

[Release No. 33–5537; IC–8571; File No. S7–537]

SALES LITERATURE FOR MUTUAL FUNDS

Policy Statement

Notice is hereby given that the Securities and Exchange Commission has under consideration the amendment of the Statement of Policy adopted by the Commission August 11, 1950, and amended January 31, 1955, and November 5, 1957 (15 FR 5469, as amended 20 FR 793, 22 FR 8977). The proposed amendment would add Sample Charts E, F, G, and H described in this release to the Sample Charts now permitted under the statement of policy. Sample Charts E and F apply to mutual fund sales literature. The principles embraced by these charts are carried over in Sample Charts G, and H which apply to sales literature employed in the sale of variable annuity contracts. It is further proposed that where any open-end investment company sales literature of prospectus represents or implies a compound rate of total return for an investment in a mutual fund or variable annuity the representation must be accompanied by a chart substantially similar in text, graphic detail and arrangement to Sample Chart F (in the case of a mutual fund) or Sample Chart H (in the case of a variable annuity contract).

BACKGROUND OF THE PROPOSAL

In the recent period of generally falling securities prices, net redemptions of mutual fund shares, and declining investor interest in securities generally, the Commission has focused increasing attention on the effectiveness of various aspects of the mutual fund distribution system. Therefore, in Investment Company Act Release No. 7475 "Announcement of Hearings on Mutual Fund Distribution and the Potential Impact of the Repeal of section 22(d) of the Investment Company Act of 1940," the Commission sought comments on a wide range of issues in addition to retail price maintenance, stating that "it would be appropriate to reexamine traditional administrative positions and to explore new possibilities in order that mutual funds may be marketed more efficiently and at a reasonable cost to investors."

One of the specific issues proposed for consideration at the hearings was the need to revise the statement of policy.

A number of its basic approaches have been questioned over the years. These include limitations on projections (i.e., illustrations of results based on hypothetical investment returns), use of mountain charts to convey cumulative performance, prohibitions against a total yield approach, and absence of data upon which to base conclusions as to average annual performance and variability of performance from year to year. To what extent are these elements of the statement of policy no longer appropriate?

These and other matters were discussed at the hearings and in the written comments received by the Commission. The responses to Release No. 7475 and the discussion of the participants at the hearings cited a lack of investor awareness and comprehension of the risks and returns of mutual fund investment, and the public's inability to make meaningful comparisons among funds, and between funds and alternative investments, as factors contributing to the decline in net fund sales. It was also felt that a better

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public understanding of funds would foster price competition among funds and could reduce the need for lengthy personal sales presentations, thus lowering distribution costs to both funds and investors.

THE STATEMENT OF POLICY

The Statement of Policy sets forth the respects in which the Commission considers that literature used in connection with the sale of investment company shares may be misleading and violate the standards of the securities laws which, generally speaking, provide that it shall be unlawful to offer or sell securities by means of any untrue statement or omission of a material fact or by any fraudulent or deceitful practice or device. Initially published in 1950, the Statement of Policy was last amended in 1957.

The current Statement of Policy does not permit a mountain chart to display investment results on a total return basis or the measurement of these results in terms of a compound rate of total return. Neither has the use of semi-logarithmic charts nor the display of investment results on a market high to market low basis been permitted.

However, an investor considering the purchase of mutual fund shares or a variable annuity contract might benefit from the inclusion in sales literature of standardized charts of past investment results in a semi-log format, based upon compound rates of total return and displayed on a market high to market low basis. These innovations, and others contained in the proposed charts, could help investors better to understand and evaluate past returns, risks and costs of mutual funds and variable annuity contracts, and thus provide an efficient means of conveying information about the principal service those investment companies provide to the investing public. Set forth below is a discussion of the content of the Sample Charts the Commission proposes to add to the Sample Charts allowed by the Statement of Policy.

CHART E

Sample Chart E, set forth and described further in the Appendix, presents a continuous record of the results of an investment in a mutual fund on a total return basis. Its semi-log format is intended to allow visual comparison and interpretation of results. It could be used to measure investment results both in terms of changes in the value of a sample investment and as a compound rate of return.[1] Because fund investment results are shown together with a market index (Standard and Poor's Composite Index of 500 Stocks—the "S & P 500") on a market high to market low basis, analysis of trends and variations in returns is also possible.[2] Displaying fund results in terms of capital appreciation and investment income is intended to call attention to the variations in each component and the relative effect of each on total return. Measuring investment returns both before and after deduction of fund expenses and sales charges is intended to allow investors to see how these charges reduce returns.

Use of a uniform period—10 years or the life of the fund if shorter—and uniform dimensions is intended to promote comparison of fund results and to minimize the possibility of distortion. In summary, Chart E is designed to permit investors to make meaningful visual interpretations of the past performance and current cost of their fund investment and to facilitate the comparison of such results from fund to fund.

CHART F

Sample Chart F, set forth and described further in the Appendix, portrays the same investment results as are portrayed in Chart E utilizing a bar graph of year-by-year total returns for the fund and the S&P 500, side by side, over a ten-year period along with the ten-year average compound rate of return for the fund. It also indicates the relative effects of capital appreciation and net investment income on returns as well as the effects of expense and sales charges on the ten-year average return.

Presentation of annual variations in the fund's return should assist investors in distinguishing the average rate of return for a mutual fund which varies from year-to-year from the constant return available from a savings account or a fixed income security. Contrasting the annual variations with the ten-year average rate should emphasize the need for a longer term perspective. Comparing the annual returns with the market index would also give some indication of how fund returns are related to market fluctuations. Breaking the return into its constituent parts allows investors to distinguish between results obtained from income and capital appreciation and to make their own evaluation of the variability of each source. It would also more clearly illustrate the impact of costs on the return. In order to enable investors better to evaluate performance of management for different amounts of total net assets, a year-by-year listing of average assets is included in the information at the base of the Chart.

VARIABLE ANNUITIES—CHARTS G AND H

The methods used for Charts E and F have been adapted to portray the investment results during the accumulation period for a hypothetical variable annuity which, for purposes of illustration, is assumed to be a unit investment trust invested entirely in the shares of the fund portrayed on Charts E and F. These Charts are set forth and described in the Appendix.

Results are displayed before and after expenses and deductions for insurance company taxes, if any, to allow investors to compare these deductions and to analyze their effect on investment results. However, because of the nature of a variable annuity investment, the effect of sales charges and other deductions from purchase payments on past investment returns cannot be as simply and concisely expressed as it is for a one-time investment in a mutual fund. Therefore, sales charges are not portrayed on Charts G and H but must be disclosed separately.

Because variable annuities do not distribute investment income in cash, the breakdown of the total return into income and appreciation components is not displayed on the charts; however, figures for the components of the total return (appreciation, reinvested income, an assumed insurance company tax of 30 percent of capital appreciation, and expenses consisting of the underlying fund expenses together with an assumed risk charge of .75 percent) are listed in summary form beneath Charts G and H.

ADDITIONAL COMMENTS REQUESTED

In addition to views on the proposed Sample Charts, the Commission requests public comment regarding:

(1) The appropriateness of requiring charts substantially similar to the proposed Sample Charts in sales literature and prospectuses.

(2) The appropriateness of requiring that Chart A in the current Statement of Policy be included in any prospectus or sales literature which portrays Sample Charts E and F.

The Commission would also welcome additional public comments and suggestions for change in other aspects of the Statement of Policy.

Appended to this Release are the text of the proposed amendment to the Statement of Policy and the Sample Charts, the use of which would be permissible under the amendment.

Interested persons are requested to submit their views and comments on the above proposal in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, no later than December 30, 1974. All material should be designated

[1] Average rates of return, which may also be referred to as "average growth rates," are measured in terms of a continuously compounded rate on these charts. This permits the average rate of total return to be expressed as the sum of the rate of capital appreciation and the rate of investment income. It also permits the average return over a period of years to be expressed as the simple arithmetic average of the annual returns. By multiplying the average growth rate by the number of years an investment is held, the "cumulative growth" of the investment is established. The cumulative growth of the investment is portrayed on charts E and G which can be used to measure results both in dollars and average growth rates as described in the Appendix.

[2] The S&P 500 Index is included to demonstrate the effect of fluctuations in the securities markets on fund investment results and is not intended to suggest returns available from an alternative investment program. A footnote to each chart explains the limited purpose for which the Index is portrayed.

"Program to Revise the Statement of Policy" File No. S7-537.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

NOVEMBER 4, 1974.

PROPOSED AMENDMENT TO THE STATEMENT OF POLICY

It will be materially misleading hereafter for sales literature—

(a) To represent or imply a percentage return in the shares of an investment company except in accordance with paragraph (t) or unless based upon—

• • • • • •

(j) (1) (i) The text, graphic detail and arrangement of any such chart should be substantially as shown on Sample Charts A, B, C, D, E, F, G, and H in the Appendix, whichever is applicable:

• • • • • •

(j) (3) Approved charts and tables patterned after Charts A, B, C and D and Tables 1, 2, 3, and 4 should conform with the following:

• • • • • •

(j) (4) Approved charts patterned after Charts E, F, G, and H should conform with the following:

(i) If the life of the fund or the separate account is less than 10 years, the maximum number of complete calendar years available should be used, and the average return over the period covered should be used instead of the ten-year average return;

(ii) The visual presentation on Charts E and G may be extended to cover a portion of the current calendar year by means of an overlay which would cover the figures for the investment results which appear on the right hand side of these charts. The extensions should be plotted as straight lines starting at the values of the cumulative growth at the end of the last complete calendar year and ending with the most recent values. The overlay should not include figures for the investment results at the end of the extended period such as are shown at the end of the ten-year period.

(iii) A comparison with an appropriate market index or index of funds, other than Standard & Poor's 500 Stock Composite Index (the "S&P 500") may also be presented on Charts E or G provided that the results on such other indices are shown on a total return basis and that charts showing comparisons with other indices are accompanied by a chart which shows a comparison only with S&P 500.

(iv) If the holdings of equity securities by the fund or variable annuity separate account are less than 10 percent of the total assets over the period covered on the chart, a comparison with the S&P 500 is not required and the dates of the "intermediate market highs and lows during the year" needed in constructing Charts E or G should be determined in reference to the results of the subject fund or separate account rather than in reference to the S&P 500.

(v) The results of an investment of other than $10,000 may be portrayed on Charts E or F provided that they are accompanied by a chart portraying a $10,000 investment.

(vi) If the sales charge for a fund has changed, the most recent charge, if any, applicable to an investment of $10,000 should be portrayed on Charts E and F for the entire period covered.

(vii) The results of a single investment of $10,000 in a mutual fund may be portrayed on a chart substantially similar to Chart E which contains the following information:

A. The cumulative growth of the investment on a total return basis both before and after expense deductions, and the cumulative growth due to capital appreciation, plotted on a market high to market low basis over the past ten calendar years;

B. The cumulative growth of the S&P 500 on a total return basis, plotted on a market high to market low basis over the past ten calendar years; and

C. A year-by-year summary of results disclosing:

a. Year-by-year and ten-year average total returns after expense deducations expressed as the sum of the returns due to net investment income and capital appreciation; and

b. The effect of any sales charge on the first year's total return; and

c. The effect of any withdrawal charge on the tenth year's total return; and

d. The effect of any sales and/or withdrawal charge on the ten-year average total return.

D. The chart should clearly differentiate by means of separate markings the cumulative effects of capital appreciation, net investment income and fund expenses such as in Sample Chart E. However, markings showing capital depreciation are not necessary for periods when the cumulative growth due to capital appreciation is negative.

(viii) The ten-year average annual rate of return on a single investment of $10,000 in a mutual fund may be portrayed on a chart substantially similar to Chart F which contains the following information:

A. A bar graph presentation of the total returns after expense deductions for each year over the past ten calendar years, side-by-side with the total returns for the S&P 500;

B. A bar graph presentation of the ten-year average total return before expense deductions expressed as the sum of the average return due to capital appreciation and the average return due to investment income, indicating the effects of fund expenses and the sales charge (and any withdrawal charge) on the ten-year average return and highlighting the return after expenses and after the sales (and/or withdrawal) charges;

C. A year-by-year summary of results, as is described in item (vii) C of this section; and

D. A listing of the average assets under management for each calendar year over the ten-year period.

(ix) The return on an accumulation unit in a variable annuity separate account may be portrayed on a chart substantially similar to Chart G which contains the following information:

A. The cumulative growth of an accumulation unit, plotted on a market high to market low basis over the past ten calendar years, before tax deductions and before expenses and risk charges, after tax deductions but before expense and risk charges, and after tax deductions and after expenses and risk charges;

B. The cumulative growth of the S&P 500 on a total return basis, plotted on a market high to market low basis over the past ten calendar years;

C. A listing of the year-by-year and ten year average total returns on an accumulation unit after tax deductions and after expense and risk charges, expressed as the sum of the returns due to capital appreciation and to investment income, less the effects on the return of tax deductions and of expense and risk charges.

D. The chart should clearly differentiate by means of separate markings the cumulative effects of tax deductions, expense and risk charges, and the total return after tax deductions and after expense and risk charges, such as in Sample Chart G.

(x) The ten-year average annual rate of return on an accumulation unit in a variable annuity separate account may be portrayed on a chart substantially similar to Chart H which contains the following information:

A. A bar graph presentation of the returns on an accumulation unit after tax deductions and after expense and risk charges side-by-side with the total returns for the S&P 500, for each year over the past ten calendar years;

B. A bar graph presentation of the ten-year average return on an accumulation unit after tax deductions and after expense and risk charges, which shows the effects of tax deductions and of expense and risk charges on the ten-year average return;

C. A year-by-year summary of results as is described in item (ix) C of this section.

(xi) For purposes of constructing Charts E, F, G, and H the following definitions apply:

(i) *Capital Appreciation for a Day* refers to any capital gains realized during the day, less any capital losses, plus any unrealized appreciation during the day, less any unrealized depreciation.

(ii) *Fund Investment Income for a Day* refers to the income realized by the fund during the day from dividends and interest on portfolio securities and from all other sources except realized and unrealized capital gains or losses. The investment income, as defined here, is not reduced by expense deductions.

(iii) *Fund Expenses for a Day* refers to the total amount of expenses deducted from the fund during the day, including

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the management fee, but excluding income taxes on realized gains from security transactions.

(iv) *Net Investment Income for a Day* is equal to the fund investment income for a day minus the fund expenses for the day.

(v) *The Daily Growth Rate of a Fund Investment on a Total Return Basis before Expense Deductions* is equal to the natural logarithm of one plus the ratio of the sum of capital appreciation plus fund investment income for the day to the net assets of the fund at the beginning of the day.

(vi) *The Daily Growth Rate of a Fund Investment on a Total Return Basis after Expense Deductions* is equal to the natural logarithm of one plus the ratio of the sum of capital appreciation plus net investment income for the day to the net assets of the fund at the beginning of the day. For funds which have sales charges on dividend reinvestments, the net investment income for the day is reduced by the applicable sales charge. However, any sales charges on the initial amount invested are not deducted when making this calculation.

(vii) *The Daily Growth Rate of a Fund Investment Due to Capital Appreciation* is equal to the natural logarithm of one plus the ratio of the capital appreciation for the day to the net assets at the beginning of the day.

(viii) *The Daily Growth Rate of a Fund Investment Due to Investment Income, Before Expenses* is equal to the daily growth rate of a fund investment on a total return basis before expenses minus the daily growth rate due to capital appreciation.

(ix) *The Daily Growth Rate of a Fund Investment Due to Net Investment Income* is equal to the daily growth rate of a fund investment on a total return basis after expense deductions minus the daily growth rate due to capital appreciation.

(x) *The Average Annual Rate of Return on a Fund Investment Over a Specified Number of Years* can be found for the total return before expense deductions, the total return after expense deductions, the return due to capital appreciation, the return due to investment income before expense deductions, and the return due to net investment income. In each case it is equal to the sum of the corresponding daily growth rates over the specified period, divided by the number of years covered. The resulting rate of return is in terms of a continuously compounded rate.

(xi) *The Cumulative Growth (or the Sum of the Daily Growth Rates) of a Fund Investment Over a Specified Period* can be found for the total return before expenses, the total return after expenses, the return due to capital appreciation, the return due to investment income before expenses and the return due to net investment income. In each case it is equal to the sum of the corresponding daily growth rates over the specified period.

(xii) *The Average Effect of the Sales Charge on the Investment Return:* The effect of the sales charge on the first year's return is equal to the natural logarithm of the ratio of the net amount invested (after the sales charge) to the total purchase price. The average effect of the sales charge on the return over a longer period is equal to the effect of the sales charge on the first year's return divided by the number of years covered.

(xiii) *The Average Effect of the Withdrawal Charge on the Investment Return:* The effect of the withdrawal charge on the final year's return is equal to the natural logarithm of one minus the withdrawal charge (expressed as a decimal fraction). The average effect of the withdrawal charge on the return over a longer period is equal to the effect of the withdrawal charge on the final year's return divided by the number of years covered.

(xiv) *The Average Effect of Fund Expenses on the Return* is equal to the average annual rate of return on a total return basis after expense deductions minus the average annual rate of return on a total return basis before expense deductions.

(xv) *The Unit Capital Appreciation For a Day* refers to any capital gains realized during the day, per accumulation unit, less any capital losses, plus any unrealized capital appreciation during the day, per accumulation unit, less any unrealized depreciation.

(xvi) *The Unit Investment Income for a Day* refers to the income, per accumulation unit, during the day from dividends and interests on portfolio securities and from all other sources except realized and unrealized capital gains or losses. The investment income, as defined here, is not reduced by deductions for insurance company taxes or by expense and risk charges.

(xvii) *The Unit Tax Deduction For a Day* refers to the amount of any deduction from (or possibly credit to) an accumulation unit, under the provision for the federal income tax liabilities of the insurance company. It includes the amount of any tax charges which are expressed as a constant percentage of assets.

(xviii) *The Unit Expense and Risk Charges for a Day* refers to the total amount of all charges, per accumulation unit, which are deducted during the day from the separate account and/or any affiliated underlying fund, except those charges under the provision for insurance company taxes.

(xix) *The Daily Growth Rate of an Accumulation Unit Before Tax Deductions and Before Expense and Risk Charges* is equal to the natural logarithm of one plus the ratio of the sum of the unit capital appreciation plus the unit investment income for the day to the accumulation unit value at the beginning of the day.

(xx) *The Daily Growth Rate of an Accumulation Unit After Tax Deductions but Before Expense and Risk Charges* is equal to the natural logarithm of one plus the ratio of the sum of the unit capital appreciation plus the unit investment income minus the unit tax deduction for the day to the accumulation unit value at the beginning of the day.

(xxi) *The Daily Growth Rate of an Accumulation Unit After Tax Deductions and After Expense and Risk Charges* is equal to the natural logarithm of the accumulation unit value at the end of the day to the accumulation unit value at the beginning of the day.

(xxii) *The Daily Growth Rate of an Accumulation Unit Due to Capital Appreciation* is equal to the natural logarithm of one plus the ratio of the unit capital appreciation for the day to the accumulation unit value at the beginning of the day.

(xxiii) *The Daily Growth Rate of an Accumulation Unit Due to Investment Income* is equal to the daily growth rate of an accumulation unit before tax deductions and before expense and risk charges minus the daily growth rate of an accumulation unit due to capital appreciation.

(xxiv) *The Average Annual Rate of Return on an Accumulation Unit Over a Specified Number of Years* can be measured for the return before tax deductions and before expense and risk charges, the return after tax deductions but before expense and risk charges, the return after tax deductions and after expense and risk charges, the return due to capital appreciation, and the return due to investment income. In each case it is equal to the sum of the corresponding daily growth rates over the specified period, divided by the number of years covered. The resulting rate of return is in terms of a continuously compounded rate.

(xxv) *The Cumulative Growth (or the Sum of the Daily Growth Rates) of an Accumulation Unit Over a Specified Period* can be measured for the return before tax deductions and before expense and risk charges, the return after tax deductions but before expense and risk charges, the return due to capital appreciation, and the return due to investment income. In each case it is equal to the sum of the corresponding daily growth rates over the specified period.

(xxvi) *The Average Effect of Tax Deductions on the Return on an Accumulation Unit* is equal to the average annual rate of return on an accumulation unit after tax deductions but before expense and risk charges minus the average annual rate of return on an accumulation unit before tax deductions and before expense and risk charges.

(xxvii) *The Average Effect of Expense and Risk Charges on the Return of an Accumulation Unit* is equal to the average annual rate of return on an accumulation unit after tax deductions and after expense and risk charges minus the average annual rate of return on an accumulation unit after tax deductions but before the expense and risk charges.

(xxviii) *The Cumulative Growth of the S&P 500 on a Total Return Basis Over a Specified Period* is equal to the sum of all prior Weekly Indices for the Yield of the S&P 500 since the start of the period covered plus the natural logarithm of the ratio of the final value of the index to the initial value. Values of the index and the Weekly Indices for the Yield of the S&P 500 are contained in Standard and Poor's "Trade and Security Statistics." These Weekly Indices must be divided by 52 weeks and expressed as a decimal fraction.

(xxix) *The Average Rate of Return of the S&P 500 Over a Specified Number of Years* is equal to the cumulative growth of the S&P 500 over the specified period divided by the number of years covered.

(xxx) *Dates of Intermediate Market Highs to Market Lows During a Year* are determined in the following manner:

A. Plot the daily values of the S&P 500 index on a graph;

B. Connect the year end values with a straight line;

C. Find the date, if any, when the vertical distance between this line and those values of the index above this line is the greatest. This is the date of the intermediate market high during the year.

D. Use a corresponding procedure to find the date, if any, of the intermediate market low during the year.

(xxxi) *Cumulative Growth Plotted on a Market High to Market Low Basis* means that the values of the cumulative growth at year ends and at the dates of intermediate market highs and lows should be plotted on the chart and these values connected by straight lines.

(xxxii) *Cumulative Growth Scale* is a linear scale which is used to measure the cumulative growth of the investment (or the sum of the daily growth rates) on Charts E and G. The proportions of the charts must be such that the vertical distance on the chart between a cumulative growth of 0 percent and 100 percent is the same as the horizontal distance on the chart represented by 5 years.

(xxxiii) *Actual Investment Results Scale* is a logarithmic scale which is used to measure changes in the dollar value of the sample investment on Chart E. The cumulative growth corresponding to the value of a sample investment as measured on the Actual Investment Results Scale is the natural logarithm of the ratio of the value of the sample investment to the net amount invested.

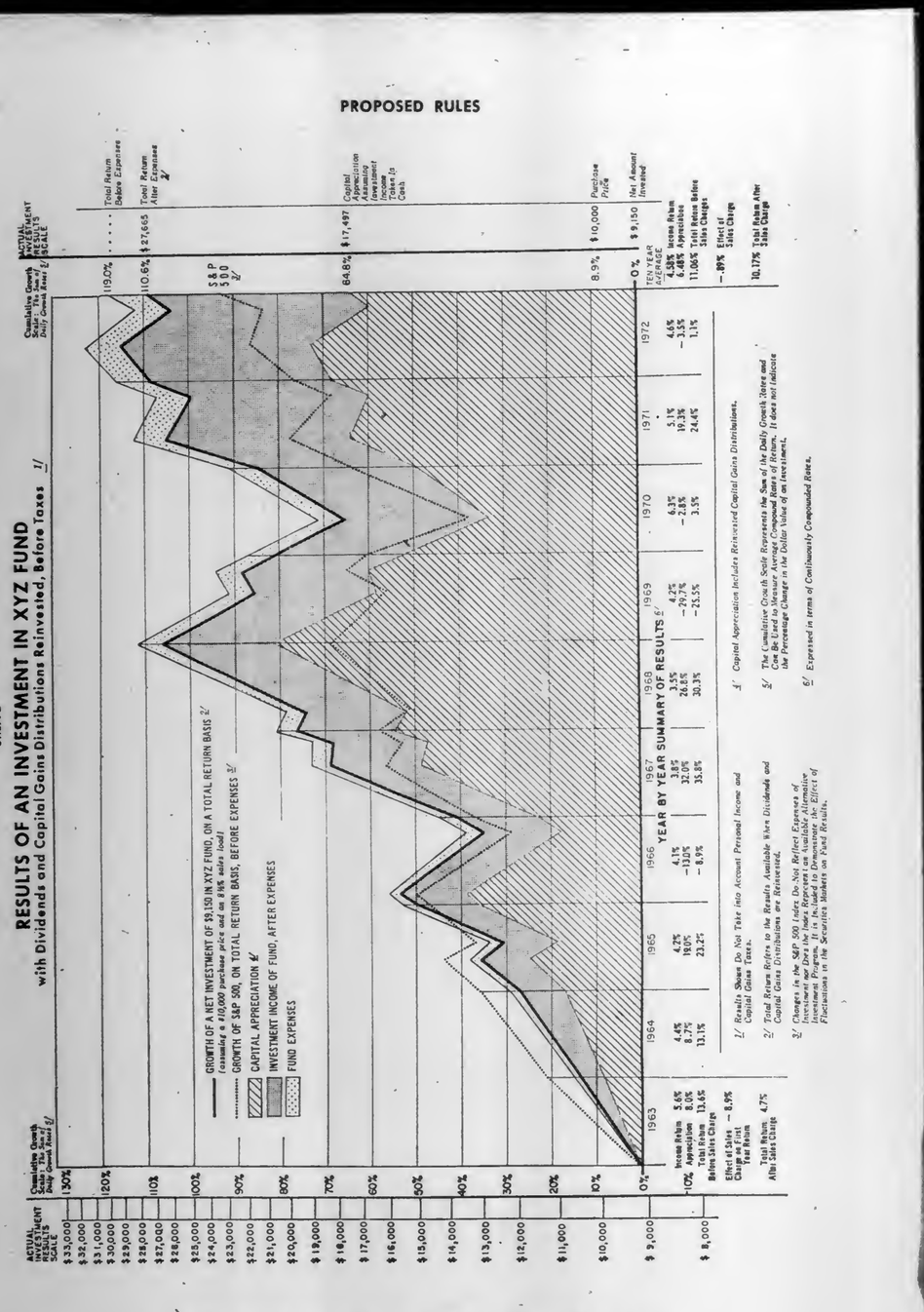
(xxxiv) *Accumulation Unit Value Scale* is a logarithmic scale which is used to measure changes in the dollar value of an accumulation unit on Chart G. The cumulative growth corresponding to the value of an accumulation unit as measured on the Accumulation Unit Value Scale is the natural logarithm of the ratio of the value of the accumulation unit to the initial value.

* * * * *

(t) To represent or imply in sales literature a compound rate of total return for an investment in a mutual fund or a variable annuity contract unless such representation is accompanied by a chart(s) substantially similar to sample Chart F in the case of a mutual fund, or sample Chart H in the case of a variable annuity contract. Any such representation may, in addition, be accompanied by sample Chart E, in the case of a mutual fund, or sample Chart G, in the case of a variable annuity.

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Chart E



1/ Results Shown Do Not Take into Account Personal Income and Capital Gains Taxes.

2/ Total Return Refers to the Results Available When Dividends and Capital Gains Distributions are Reinvested.

3/ Changes in the S&P 500 Index Do Not Reflect Expenses of Investment or Any Data the Index Represents as Available Alternative Investment Programs. It is Included to Demonstrate the Effect of Fluctuations on the Securities Markets on Fund Results.

4/ Capital Appreciation Includes Reinvested Capital Gains Distributions.

5/ The Cumulative Growth Scale Represents the Sum of the Daily Growth Rates and Can Be Used to Measure Average Compound Rates of Return. It does not Indicate the Percentage Change in the Dollar Value of an Investment.

6/ Expressed in terms of Continuously Compounded Rates.

ILLUSTRATION AND DESCRIPTION OF CHART E

Sample Chart E may be used for various measurements of investment results as illustrated in the following questions and answers.

(1) What would an investment of $10,000 ($9,150 after deduction of an 8.5 percent sales charge) be worth on a total return basis if invested over the ten-year period shown assuming capital gains distributions and any net investment income (after expense deductions) are reinvested?

A. $27,665.

In general, the change in the value of a sample investment is obtained by first measuring the total growth on the "cumulative growth scale," and then finding the corresponding amount on the "actual investment results scale." In this case, the figure for the total growth, 110.6%, and the corresponding figure for the value of the sample investment, $27,665, are both displayed on the right hand side of the chart.

(2) What is the first year return (a) before and (b) after sales charges?

A. (a) 13.6%. (b) 4.7%.

The total return for the first year, 13.6%, is listed in the "Year by Year Summary of Results" beneath Chart E. The total sales charge has been applied against the first year's return since it is paid at the time of purchase. The reduction in the first-year return due to the sales charge is 8.9%. This is the economic cost of the sales charge (the total growth needed to increase the net investment of $9,150 to $10,000). The total first-year return after the sales charge is 4.7%, which is 13.6% less 8.9%.

(3) (a) What is the ten-year average growth rate (or average rate of return, compounded continuously) on a total return basis not taking into account the sales charge? (b) What is the average reduction in the ten-year average growth rate which results from the sales charge? and (c) What is the average growth rate taking into account the average sales charge reduction?

A. (a) 11.06%. (b) —.89%. (c) 10.17%.

The total growth over this ten-year period is 110.6%. The average growth rate, not taking the sales charge into account, is the total growth of 110.6% divided by ten years, or 11.06%.

The sales charge reduces the first year return by —8.9%. Dividing —8.9% by ten years gives the average effect of the sales charge on the ten-year average investment return (—89%). The average growth rate taking the sales charge into account is 11.06% minus .89%, which is 10.17% as is shown in the "Ten Year Average Column" beneath the Chart E.

(4) (a) What would an investment of $10,000 ($9,150 after deduction of an 8.5% sales charge) be worth if invested over the last five years—1968 through 1972—on a total return basis? What is the average growth rate over this period (b) not taking the sales charge into account? and (c) taking the sales charge into account?

A. (a) $12,868. (b) 6.76%. (c) 4.98%.

The total growth over this five-year period is 33.8%. This is the difference between cumulative growth of 110.6% at the end of 1972 and the cumulative growth of 76.8% at the end of 1967, as can be measured using the Cumulative Growth Scale. A total growth of 33.8% corresponds to $12,868 on the Actual Investment Results Scale.

When the total growth of 33.8% is divided by five years, it gives an average growth rate of 6.76%, without taking into account the sales charge.

The sales charge reduces the return for 1968 by —8.9%. Dividing —8.9% by five years gives the average effect of the sales charge on the five-year average investment return (—1.78%). The average growth rate taking the sales charge into account is 6.76% minus 1.78%, which is 4.98%.

(5) (a) What would an investment of $10,000 ($9,150 after deduction of an 8.5% sales charge) be worth at the end of ten years assuming that realized capital gains are reinvested and that net investment income of the fund is immediately distributed in cash as it is earned? (b) What is the ten-year average rate of appreciation (not taking the sales charge into account)?

A. (a) $17,497. (b) 6.48%.

The total growth of the investment assuming that realized capital gains are reinvested and that the net investment income of the fund is immediately distributed in cash as it is earned represente the growth due to capital appreciation and is 64.8%. This corresponds to $17,497 on the actual investment results scale. Dividing 64.8% by ten-years gives an average rate of appreciation of 6.48% (not taking into account the sales charge).

(6) What is the average effect of fund expenses on the ten-year average return (or the average annual expense ratio, in terms of a rate that is "deducted continuously")?

A. —.84%.

The total growth before deduction of fund expenses in 119.0%; the total growth after deduction of fund expenses is 110.6%. The average effect of fund expenses is —.84%, which is the difference between 110.6% and 119.0%, divided by ten years.

(7) What is the average return due to net investment income over the ten-year period?

A. 4.58%.

The average growth rate on a total return basis over ten years (not taking into account the sales charge) is 11.06%.This return is due to both capital appreciation and net investment income. The average rate of capital appreciation is 6.48%. The average return due only to net investment income is the difference between 11.06% and 6.48%, which is 4.58%. This return is sometimes referred to as the "yield rate" of the investment.

(8) (a) If $10,000 was invested at a constant return of 5 percent compounded continuously, what would the value of this investment be at the end of 10 years? and (b) How would the results of this investment appear if they were portrayed on Chart E?

A. (a) $16,487. (b) A straight line, starting at $10,000 and ending at $16,487.

The total growth of this investment over ten years is the product of the average annual growth rate of 5% times 10 years, which is 50%. Since the net amount invested is $10,000 rather than $9,150, the starting point on the Cumulative Growth Scale is 9.9% rather than 0%. The ending point on the Cumulative Growth Scale, 58.9%, is obtained by adding the 50% total growth to the 8.9% starting point. A cumulative growth of 58.9% corresponds to $16,487 on the Actual Investment Results Scale. Since the return is constant, this investment could be portrayed on Chart E as a straight line, starting at $10,000 and ending at $16,487.

(9) How can the average growth rate and trends in the growth rate be obtained by inspection of Chart E?

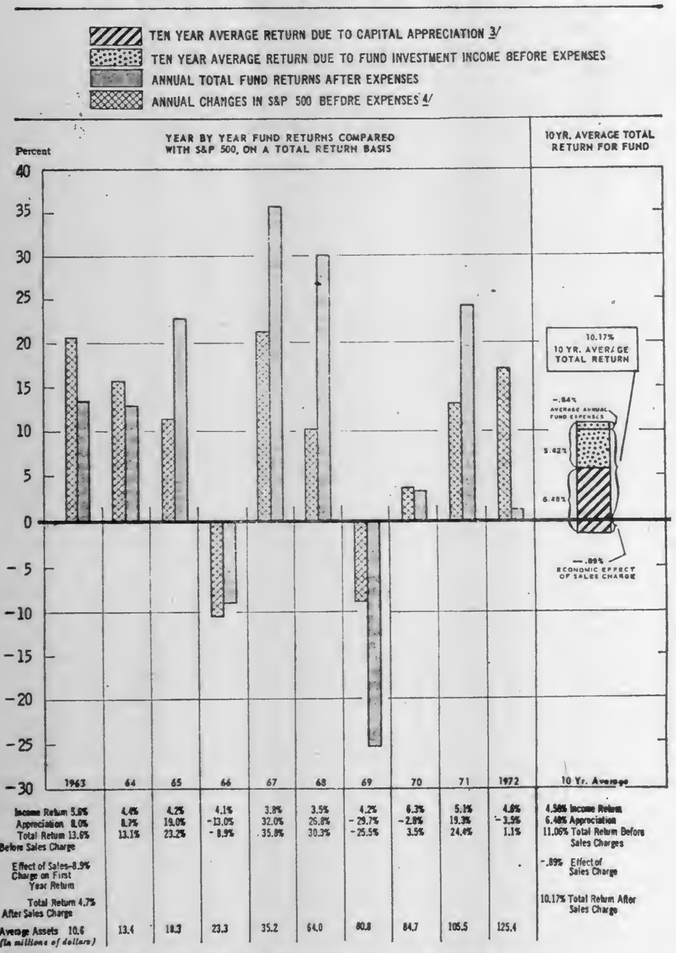
A. The slope of a line between any two points is measured by dividing the vertical increase by the horizontal increase. This is exactly the way the average growth rate was determined on Chart E—by dividing the total growth by the number of years covered. Thus, the average growth rate is given by the slope of the line connecting these two points. In general, the various measurements of investment returns described above are reflected directly in the visual presentation, and it is not essential to make each of the various measurements in order to compare two funds.

V 39 I 225 NOV 20 74 XUM

Chart F

ILLUSTRATION OF TEN YEAR AVERAGE 10.17% TOTAL RETURN FOR XYZ FUND 1/

Assuming an 8½% Sales Load, with Dividends and Capital Gains Distributions Reinvested, Before Taxes 2/



	1963	64	65	66	67	68	69	70	71	1972	10 Yr. Average
Income Return 5.0%	4.4%	4.2%	4.1%	3.8%	3.5%	4.2%	6.3%	5.1%	4.6%	4.58% Income Return
Appreciation 8.0%	8.7%	19.0%	-13.0%	32.0%	26.8%	-29.7%	-2.8%	19.3%	-3.5%	6.48% Appreciation
Total Return 13.0%	13.1%	23.2%	-8.9%	35.8%	30.3%	-25.5%	3.5%	24.4%	1.1%	11.06% Total Return Before Sales Charges
Effect of Sales Charge on First Year Return -8.9%										-.89% Effect of Sales Charge
Total Return After Sales Charge 4.7%										10.17% Total Return After Sales Charge
Average Assets (In millions of dollars) 10.6	13.4	18.3	23.3	35.2	64.0	80.8	84.7	105.5	125.4	

1/ *Total Return Refers to the Results Available When Dividends and Capital Gains Distributions are Reinvested Before Taxes, and is Expressed in terms of a Continously Compounded Rate.*

2/ *Results Shown Do Not Take into Account Personal Income and Capital Gains Taxes.*

3/ *Capital Appreciation Includes Reinvested Capital Gains Distributions.*

4/ *Changes in the S&P 500 Index Do Not Reflect Expenses of Investment nor Does the Index Represent an Available Investment Program. It is Included to Demonstrate the Effect of Fluctuations in the Securities Markets on Fund Results.*

ILLUSTRATION AND DESCRIPTION OF CHART F

Sample Chart F may be used to illustrate and explain a compound rate of return for a fund. It uses a bar graph to portray total returns for each year and for the ten-year period. The display for the ten-year average total return indicates the relative effect of capital appreciation, investment income of the fund, fund expenses, and the sales charge on the return. In addition, annual returns and the ten-year average total return before and after sales charges, are listed on the year-by-year summary at the bottom of the chart, along with the breakdown of the total return into the rate of appreciation and the return due to net investment income. Although Sample Chart F portrays only annual returns and the ten-year average return, returns over intermediate periods longer than a year can be found by averaging the annual returns. This is illustrated in the following questions and answers.

(1) What is the average rate of total return over the last five years—1968 through 1972—(a) not taking into account the sales charges? and (b) taking into account the sales charge?

A. (a) 6.76%. (b) 4.98%.

The average rate of total return not taking the sales charge into account is the simple arithmetic average of the annual returns.

$$6.76\% = \frac{30.3\% - 25.5\% + 3.5\% + 24.4\% + 1.1\%}{5 \text{ years}}$$

To determine the average rate of total return after the sales charge, the economic cost of the sales charge, −8.9%, must be averaged in with the annual returns, thus:

$$4.98\% = \frac{-8.9\% + 30.3\% - 25.5\% + 3.5\% + 24.4\% + 1.1\%}{5 \text{ years}}$$

(2) What is the average rate of appreciation over the last five years—1968 through 1972?

A. 2.02%.

This is the simple arithmetic average of the annual rates of appreciation:

$$2.02\% = \frac{26.8\% - 29.7\% - 2.8\% + 19.3\% - 3.5\%}{5 \text{ years}}$$

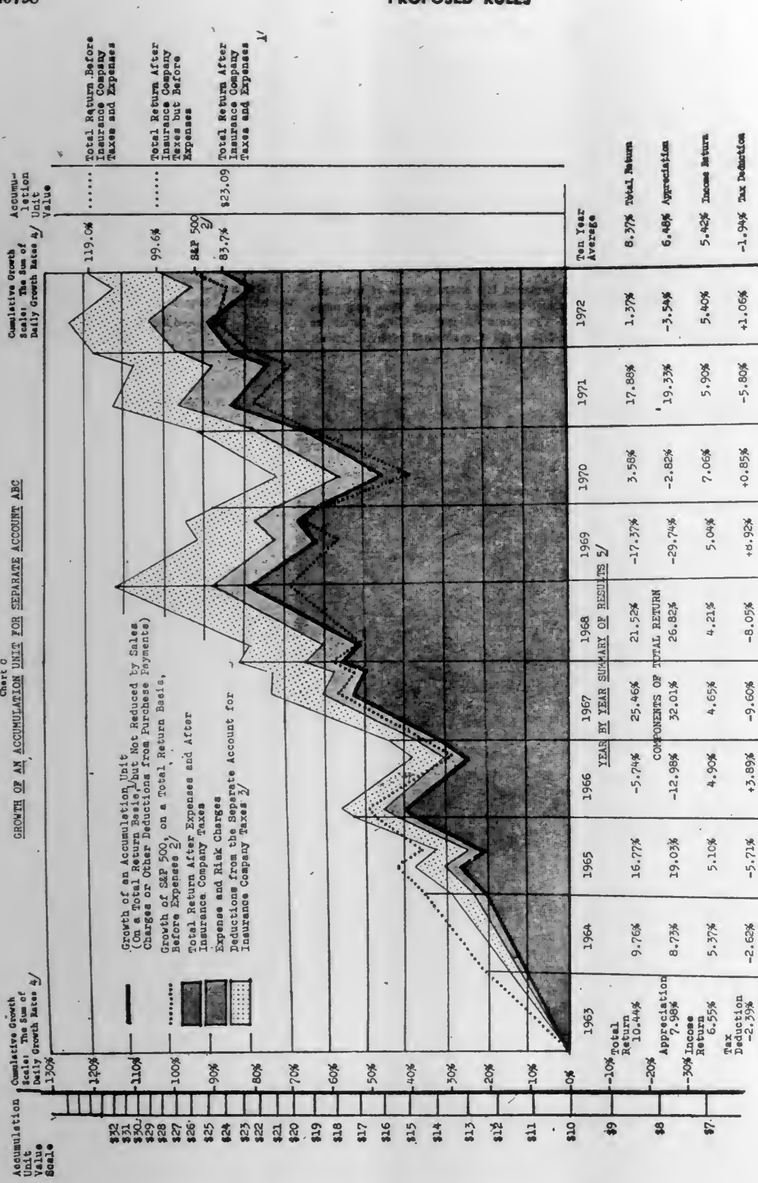
(3) What is the average yield rate due to net investment income over the last five years—1968 through 1972?

A. 4.74%.

This is the simple arithmetic average of the annual income returns:

$$4.74\% = \frac{3.5\% + 4.2\% + 6.3\% + 5.1\% + 4.6\%}{5 \text{ years}}$$

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1/ The Return on an Accumulation Unit is a Total Return, Basis It Includes both Capital Appreciation and Investment Income.

2/ Charges in the S&P 500 Index do not Reflect Expenses of Investment for the Separate Account or the Alternative Investment Programs. It is Included to Demonstrate the Effect of Fluctuations in the Securities Markets on Fund Results.

3/ These Taxes are Paid by the Insurance Company. An Investor will not be Taxed on Investment Gains of the Separate Account until he Receives a Distribution or Redeems his Account. See "Taxes" in the Prospectus.

4/ The Cumulative Growth Scale Represents the Sum of the Daily Growth Rates and can be Used to Measure Average Compound Rates of Return. It does not Indicate the Percentage Change in the Dollar Value of an Accumulation Unit.

5/ Expressed in Terms of Continuously Compounded Rates.

ILLUSTRATION AND DESCRIPTION OF CHART

Chart G portrays the growth of an accumulation unit which measures changes in the value of a single payment investment in the separate account. Although it does not portray the effect of sales charges on investment returns, it should provide sufficient information for investors to meaningfully analyze and compare investment returns, risks, and expenses and tax deductions for different variable annuities.

Charts G and H portray the total investment results achieved by the manager of the separate account. However, these results are reduced by expenses and by deductions for insurance company taxes. Therefore, these deductions are represented separately on Charts G and H. The interpretations and measurements of investment results for Chart G are similar to those for Chart E. Some of these measurements are illustrated for variable annuities in the following questions and answers.

(1) What would a one-time investment of $1,000, net of sales charges, be worth if invested in the separate account over the ten-year period?

A. $2,309.

The investment results during the accumulation period are measured in terms of an accumulation unit. Assuming that the initial value of an accumulation unit was $10, a net investment of $1,000 would purchase 100 accumulation units.

The cumulative growth of an accumulation unit over the ten-year period is 83.7%, which corresponds to an accumulation unit value of $23.09. Thus, the final value of the investment in 100 accumulation units would be $2,309.

(2) What is the ten year average growth rate of the accumulation unit (a) before taxes and expenses? and (b) after taxes but before expenses? and (c) What is the reduction in the ten-year average growth rate which results from tax deductions?

a. (a) 11.90%. (b) 9.96%. (c) —1.94%.

The total growth before taxes and expenses is 119.0%. The total growth after taxes but before expenses is 99.6%. Dividing each of these figures by ten years gives the ten-year average-growth rates before and after taxes. The difference between these rates, —1.94%, is the average reduction in the growth rate due to tax deductions.

Variable annuity separate accounts are generally subject to a tax of 30% of their capital appreciation. Therefore, this charge is portrayed in the illustration. However, the actual tax charge may vary somewhat from separate account to separate account, and may be non-existent in some cases.

The effects of the tax charge on investment returns for each year are listed in the "Year by Year Summary of Results" beneath Charts G and H.

(3) What is the average growth rate of an accumulation unit (a) after taxes but before expenses? and (b) after taxes and expenses? and (c) What is the reduction in the ten-year average growth rate which results from expenses?

A. (a) 9.96%. (b) 8.37%. (c) —1.59%.

The total growth after taxes but before expenses is 99.6%. The total growth after taxes and expenses is 83.7%. Dividing each of these figures by ten years gives the average growth rates before and after expenses. The difference between these rates, —1.59%, is the average reduction in the growth rate due to expenses which includes the underlying fund expenses plus an assumed risk charge of .75% per annum.

(4) What is the average growth rate of an accumulation unit over the last 5 years—1968 through 1972?

A. 5.40%.

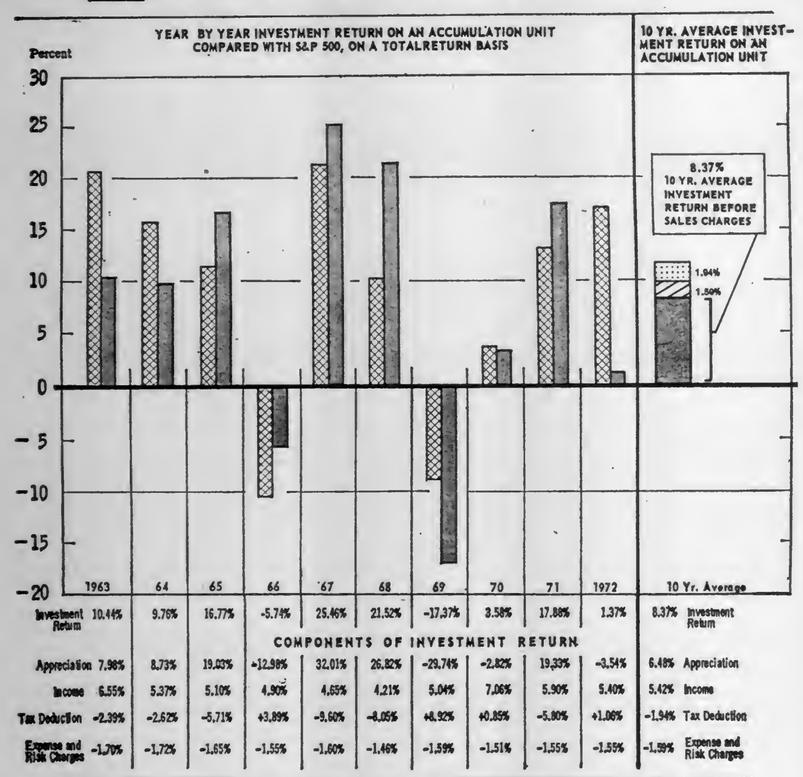
This result can be obtained by the measurements that are described for Chart E in question 4, or by taking the simple arithmetic average of the annual returns for the last five years which are listed in the "Year by Year Summary of Results" beneath Chart G. Thus:

$$5.40\% = \frac{21.52\% - 17.37\% + 3.58\% + 17.88\% + 1.37\%}{5 \text{ years}}$$

V 39 I 225 NOV 20 74 XUM

Chart H

ILLUSTRATION OF TEN YEAR AVERAGE 8.37% INVESTMENT RETURN ON AN ACCUMULATION UNIT IN SEPERATE ACCOUNT ABC 1/



	1963	64	65	66	'67	68	69	70	71	1972	10 Yr. Average	
Investment Return	10.44%	9.76%	16.77%	-5.74%	25.46%	21.52%	-17.37%	3.58%	17.88%	1.37%	8.37%	Investment Return
COMPONENTS OF INVESTMENT RETURN												
Appreciation	7.96%	8.73%	19.03%	-12.98%	32.01%	26.82%	-29.74%	-2.82%	19.33%	-3.54%	6.48%	Appreciation
Income	6.55%	5.37%	5.10%	4.90%	4.65%	4.21%	5.04%	7.06%	5.90%	5.40%	5.42%	Income
Tax Deduction	-2.39%	-2.62%	-5.71%	+3.89%	-9.60%	-8.05%	+8.92%	+0.35%	-5.80%	+1.06%	-1.94%	Tax Deduction
Expense and Risk Charges	-1.70%	-1.72%	-1.65%	-1.55%	-1.60%	-1.46%	-1.59%	-1.51%	-1.55%	-1.55%	-1.59%	Expense and Risk Charges

1/ *The Return on an Accumulation Unit is a Total Return, that is it includes both Capital Appreciation and Investment Income, and is Expressed in terms of a Continuously Compounded Rate.*

2/ *These Taxes are Paid by the Insurance Company. An Investor will not be Taxed on Investment Gains of the Separate Account Until He Receives Annuity Payments or Redeems His Account. See "Taxes" in the Prospectus.*

3/ *Changes in the S&P 500 Index Do Not Reflect Expenses of Investment nor Does the Index Represent an Available Alternative Investment Program. It is Included to Demonstrate the Effect of Fluctuation in the Securities Markets on Fund Results.*

ILLUSTRATION AND DESCRIPTION OF CHART H

Sample Chart H may be used to illustrate and explain returns on an accumulation unit in a separate account. It uses a bar graph to portray annual investment returns and the average return for the ten year period. The display of the ten-year average return also indicates the relative effect on the return of deductions for insurance company taxes and charges for investment management and mortality and expense risks. In addition, the annual and ten-year average investment returns and the components of these returns—appreciation, income, tax deductions, and expense and risk charges—are listed in summary form beneath Chart H. However, Chart H, like Chart G, does not indicate the effect of sales charges on the investment return.

Interpretations of Chart H are illustrated in the following questions and answers.

(1) What is the relative effect of appreciation, income, tax deductions, and expense and risk charges on the 8.37% ten year average investment return?

A.

	Percent
Appreciation	+6.48
Income	+5.42
Tax Deductions	−1.94
Expense and risk charges	−1.59
	8.37

These figures are listed in the 10 Year Average column beneath Chart H. The investment return of the separate account before all deductions and charges is the sum of the rates of appreciation and income, which is 6.48% plus 5.42%, or 11.90%. Tax deductions reduce the 11.90% return by −1.94%, leaving an investment return of 9.96%, after taxes but before expense and risk charges. The expense and risk charges reduce the 9.96% return by an average of −1.59%, leaving a net investment return of 8.37% after taxes and expenses.

(2) How have the tax deductions affected the investment return of the separate account (a) in 1968? and (b) in 1969?

A. (a) −8.05%. (b) +8.92%.

These figures are listed beneath Chart H. In years when the separate account appreciates, tax deductions will tend to reduce the appreciation. However, in years when the separate account depreciates, it may receive a refund based upon previous tax deductions. Thus, the provision for taxes on the separate account tends to have a smoothing effect on its investment returns.

(3) What is the average investment return on an accumulation unit during the last 5 years—1968 through 1972?

A. 5.40%.

This is the simple arithmetic average of the annual investment returns. Thus:

$$5.40\% = \frac{21.52\% - 17.37\% + 3.58\% + 17.88\% + 1.37\%}{5 \text{ years}}$$

(4) What is the average rate of capital appreciation during the last 5 years—1968 through 1972?

A. 2.01%.

This is the simple arithmetic average of the annual rates of capital appreciation. Thus:

$$2.01\% = \frac{26.82\% - 29.74\% - 2.82\% + 19.33\% - 3.54\%}{5 \text{ years}}$$

[FR Doc.74-27039 Filed 11-19-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FIRST NATIONAL BANK REGION

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the First National Bank Region, will be held in the Clarendon Room, the Sheraton Boston Hotel, Boston, Massachusetts, on Tuesday, December 10, 1974, beginning at 9:30 a.m.

The purpose of this meeting is to assist the Regional Administrator and the Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Region.

These meetings are concerned with the liquidity, solvency and continuity of the banking system and involve discussion of commercial and financial information obtained in confidence and required to be kept confidential.

It is hereby determined pursuant to section 10(d) of Pub. L. 92-463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a) (1) and (3) of the Act (Pub. L. 92-463) relating to open meeting and public participation therein.

[SEAL] JAMES E. SMITH,
Comptroller of the Currency.

Dated: November 15, 1974.

[FR Doc.74-27115 Filed 11-19-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

US ARMY MEDICAL RESEARCH AND DEVELOPMENT ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given that the US Army Medical Research and Development Advisory Panel will meet from 9:00 a.m. to 3:30 p.m. on December 6, 1974 in Room 3E069, James V. Forrestal Building, 10th and Independence Avenue, Southwest, Washington, DC 20314.

The agenda includes briefings on current developments in the Army Medical Department Research, Development, Test and Evaluation Program, and election of the chairman for 1975.

The meeting is open to the public; however, space accommodations are limited. Persons wishing to attend should advise the Executive Secretary, in writing prior to the meeting, at the following address: US Army Medical Research and Development Command, Forrestal Building, Room 8G091, Washington, DC 20314.

Dated: November 13, 1974.

By authority of the Secretary of the Army.

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plan Office, TAGO.

[FR Doc.74-27126 Filed 11-19-74;8:45 am]

Office of the Secretary

NAVY NAVIGATION SATELLITE SYSTEM

Statement of Policy

In order to clarify Department of Defense intentions regarding the future Department of Defense position with respect to continued operation of the Navy Navigation Satellite System (TRANSIT), the Deputy Secretary of Defense has issued the following statement of policy:

The Department of Defense plans to continue as operator of the TRANSIT satellite navigation system until another more capable system is available. No firm decision has been made yet whether to deploy the NAVSTAR satellite navigation system now under development; that decision will await the determination that NAVSTAR technical and cost objectives have been met. It is unlikely that both systems would be continued by Department of Defense; NAVSTAR and TRANSIT are not interoperable for technical reasons. For planning purposes the point in time at which the Department of Defense anticipates that it would be possible to start phase out of TRANSIT is 1982-1984. Any continuation of TRANSIT system support beyond Department of Defense requirements will be vested in other U.S. Government agencies. Present users of TRANSIT or those who are considering future TRANSIT use should be aware of these considerations and plan accordingly.

Dated: November 15, 1974.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

[FR Doc.74-27111 Filed 11-19-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM 23574; 23575; 23576; 23577; 23578; 23579; 23580; 23581; 23582; 23583; 23584; 23585; 23586]

NEW MEXICO

Applications

NOVEMBER 11, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for ten 4½-inch, one 6⅝-inch, one 8-inch and one 8⅝-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 S., R. 37 E.,
Sec. 8, SW¼NE¼, SE¼SE¼;
Sec. 9, SE¼NE¼, S½NW¼, NW¼SE¼, SE¼SE¼;
Sec. 10, SW¼NW¼, SW¼SW¼;
Sec. 15, NW¼NW¼, S½NW¼, SE¼SW¼, W½SE¼.

These pipelines will convey natural gas across 2.547 miles of national resource lands in Lea County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

STELLA V. GONZALES,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27140 Filed 11-19-74;8:45 am]

[NM 23357]

NEW MEXICO

Application

NOVEMBER 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for a 6⅝-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 29 E.,
Sec. 16, NW¼NW¼;
Sec. 17, N½N½.

This pipeline will convey natural gas across 1.060 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27141 Filed 11-19-74;8:45 am]

[NM 23621; 23625]

NEW MEXICO

Applications

NOVEMBER 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 20 S., R. 29 E.,
Sec. 5, SW¼SE¼;
Sec. 8, NW¼NE¼, NE¼NW¼;
Sec. 16, S½NW¼, NE¼SW¼, NW¼SE¼.

These pipelines will convey natural gas across 1.146 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27142 Filed 11-19-74;8:45 am]

[NM 23443]

NEW MEXICO

Application

NOVEMBER 12, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for two 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 26 E.,
Sec. 5, Lots 10, 15, 16.

These pipelines will convey natural gas across .427 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27143 Filed 11-19-74;8:45 am]

SUSANVILLE DISTRICT GRAZING ADVISORY BOARD, CALIFORNIA

Notice of Meeting

Notice is hereby given that the Susanville District Advisory Board will meet December 4 and 5, 1974 at 10 a.m. in the Conference Room, Susanville District Bureau of Land Management Office, 705 Hall St., Susanville, California.

The purpose of the meeting will be to consider district grazing applications, license, and transfer of grazing privileges in the Eagle Lake, Pit River, and Surprise Resource Areas.

Other topics for discussion include: Cowhead-Massacre Management Framework Plan and proposed rules 43 CFR Part 1780 Adivsory Boards.

The meeting is open to the public. Interested persons may make oral/written presentations to the Board. Such requests should be made to the official listed below at least 5 days prior to the meeting. Requests for additional information should be submitted to the District Manager, P.O. Box 1090, Susanville, California 96130, Telephone Number (916) 257-5385.

D. DEAN BIBLES,
District Manager.

[FR Doc.74-27144 Filed 11-19-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Texas Grain Inspection Point

Notice is hereby given pursuant to § 26.101 of the regulations (7 CFR 26.101) under the U.S. Grain Standards Act (7 U.S.C. 71 et seq.) that on October 1, 1974, there was published in the FEDERAL REGISTER (39 FR 35402) a notice announcing the request of the Sherman Grain and Cotton Exchange that its designation under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Sherman, Texas, be canceled because the volume of inspections performed by the inspection department does not support the cost of operating the department. Interested persons were given until October 31, 1974, to make application for designation to operate as an official inspection agency at Sherman, Texas, and to submit written views and comments with respect to the proposed cancellation.

No comments were received with respect to the October 1, 1974, notice in the FEDERAL REGISTER. Therefore, the designation of the Sherman Grain and Cotton Exchange to operate as an official inspection agency at Sherman, Texas, is canceled. No person is now designated under section 7(f) of the U.S. Grain Standards Act (7 U.S.C. 79(f)) to operate as an official inspection agency at Sherman, Texas. This notice does not preclude interested persons from making application for designation to operate as an official inspection agency at Sherman, Texas, in accordance with the requirements in § 26.96 of the regulations (7 CFR 26.96) under the U.S. Grain Standards Act.

(Sec. 7, 39 Stat. 482, as amended 82 Stat. 764; 7 U.S.C. 79(f); 37 FR 28464 and 28476)

Effective date. This notice shall become effective November 19, 1974.

Done in Washington, D.C. on November 14, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-27114 Filed 11-19-74;8:45 am]

Forest Service

EIGHTMILE-BLUE CREEK UNITS—SIX RIVERS NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plans, Eightmile and Blue Creek Units, Six Rivers National Forest, California, USDA-FS-R5-DES(Adm)-75-5.

The environmental statement concerns proposed land use management plans for the 94,000 acres of National Forest lands known as the Eightmile-Blue Creek Units of the Six Rivers National Forest, in Del Norte and Humboldt Counties, California. Fifty-nine thousand, eight hundred acres within these Units have been inventoried as "roadless."

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on November 12, 1974.

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Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C.

Regional Forester
U.S. Forest Service, Rm. 529
630 Sansome Street
San Francisco, California

Forest Supervisor's Office
Six Rivers National Forest
710 E Street
Eureka, California

Forest Service
District Ranger
Gasquet, California

Forest Service
District Ranger
Orleans, California

A limited number of single copies are available, upon request, from Forest Supervisor George Roether, Six Rivers National Forest, 710 E Street, Eureka, California 95501.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor George Roether, Six Rivers National Forest, 710 E Street, Eureka, California 95501. Comments must be received within 60 days after transmittal to CEQ in order to be considered in the preparation of the final environmental statement.

Dated: November 12, 1974.

T. W. KOSKELLA,
Regional Forester.

[FR Doc.74-27060 Filed 11-19-74;8:45 am]

LAKE FORK MANAGEMENT UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Lake Fork Management Unit, Wallowa-Whitman National Forest, Oregon. USDA-FS-R6-DES-(Adm)-75-05.

The environmental statement concerns proposed management direction for the Lake Fork Management Unit, Wallowa-Whitman National Forest in Baker and Wallowa Counties, State of Oregon.

This draft environmental statement was transmitted to CEQ on November 11, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Wallowa-Whitman National Forest
Federal Building
Baker, Oregon 97814

A limited number of single copies are available upon request to Forest Supervisor John L. Rogers, Wallowa-Whitman National Forest, Baker, Oregon 97814.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Wallowa-Whitman National Forest, P.O. Box 907, Baker, Oregon 97814. Comments must be received by January 10, 1975 in order to be considered in the preparation of the final environmental statement.

Dated: November 11, 1974.

GEORGE D. BREITMEIER,
Acting Regional Forester.

[FR Doc.74-27077 Filed 11-19-74;8:45 am]

UPPER TRINITY UNIT—SHASTA-TRINITY NATIONAL FOREST

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Land Use Plan, Upper Trinity Unit, Shasta-Trinity National Forest, California, USDA-FS-R5-DES(Adm)-75-1.

The environmental statement concerns a proposed land use management plan for the 59,000 acres of lands known as the Upper Trinity Unit of the Shasta-Trinity National Forest, in Trinity County, California. The plan includes evaluation of the 14,000-acre inventoried Sherer Ridge Roadless Area as well as all other resource outputs and scenic values in the planning unit.

This draft environmental statement was transmitted to the Council on Environmental Quality (CEQ) on November 12, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Rm. 3230
12th & Independence Ave., SW.
Washington, D.C.

Regional Forester
U.S. Forest Service, Rm. 529
630 Sansome Street
San Francisco, CA

Forest Supervisor
Shasta-Trinity National Forest
1615 Continental Street
Redding, CA 96001

Forest Service
District Ranger
Mt. Shasta, CA

Forest Service
District Ranger
Weaverville, CA

A limited number of single copies are available, upon request, from Forest Supervisor Richard J. Pfilf, Shasta-Trinity National Forest, 1615 Continental Street, Redding, California 96001.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental effect for which comments have not been specifically requested.

Comments concerning the proposed action, and requests for additional information should be addressed to Forest Supervisor Richard J. Pfilf, Shasta-Trinity National Forest, 1615 Continental Street, Redding, California 96001. Comments must be received within 60 days after filing with CEQ in order to be considered in the preparation of the final environmental statement.

Dated: November 12, 1974.

T. W. KOSKELLA,
Deputy Regional Forester.

[FR Doc.74-27081 Filed 11-19-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

HOSPITAL OF THE GOOD SAMARITAN AND BAPTIST MEMORIAL HOSPITAL

Consolidated Decision on Applications for Duty Free Entry of EMI Scanner Systems With Magnetic Tape Units

The following is a consolidated decision on applications for duty-free entry of EMI Scanner Systems With Magnetic Tape Units pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq). (See especially § 701.11 (e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00033-33-90000. Applicant: The Hospital of the Good Samaritan, 1212 Shatto Street, Los Angeles, California 90017. Article: EMI Scanning System with Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to study the components of the intracranial vault to include gray matter, white matter, cerebral spinal fluid, fat, and bone to actively pursue the new areas of information from the brain. The article will also be used for medical education through one-to-one training on the actual machine, offered to graduate and post-graduate levels and dissemination of the proper role of the article in a neurological problem patient. Application received by Commissioner of Customs: July 26, 1974. Advice submitted by the Department of Health, Education, and Welfare on: October 25, 1974.

Docket number: 75-00034-33-90000. Applicant: Baptist Memorial Hospital, 899 Madison Avenue, Memphis, Tennessee 38146. Article: EMI Scanner System with Magnetic Tape Unit. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to educate residents in radiology in the use of the article. Research will also be conducted in neuroradiology on the value of the article in diagnosing brain pathology. A plan is underway to run a scientific comparative study with nuclear medicine and cerebral arteriography to see which method is best for the diagnosis of certain brain lesions. Application received by Commissioner of Customs: July 26, 1974. Advice submitted by the Department of Health, Education, and Welfare on: October 25, 1974.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for such purposes as these articles are intended to be used, is being manufactured in the United States.

Reasons: Each foreign article is a newly developed system which is designed to provide precise transverse axial x-ray tomography. The Department of Health, Education, and Welfare (HEW) advised in the respectively cited memoranda that the sensitivity and the non-invasive methodology of each article are pertinent to the purposes for which each foreign article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to any of the articles to which the foregoing applications relate for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-27118 Filed 11-19-74;8:45 am]

UNIVERSITY OF MINNESOTA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00029-00-46040. Applicant: University of Minnesota, Medical School, Minneapolis, Minnesota 55455. Article: Side Entry Goniometer and High Resolution Scanning Device. Manufacturer: JEOL Ltd., Japan. Intended use of article: The articles are accessories to be added to an existing electron microscope in combination with an EDAX X-ray energy analysing unit to be used to develop a new method of semi-quantative ultrastructural enzyme histochemistry.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The application relates to compatible accessories for an instrument that had been previously imported for the use of the applicant institution. The article is being furnished by the manufacturer which produced the instrument with which the article is intended to be used and is pertinent to the applicant's purposes.

The Department of Commerce knows of no similar components being manufactured in the United States, which is interchangeable with or can be readily adapted to the instrument with which the foreign article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-27119 Filed 11-19-74;8:45 am]

UNIVERSITY OF SOUTHERN CALIFORNIA ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 10, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00168-33-46500. Applicant: University of Southern California, Pathology Department, School of Medicine, 2025 Zonal Avenue, Los Angeles, California 90033. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of biological materials, mainly mammalian tissues derived from experimental animals and also human tissues, searching for the pathologic abnormalities. Experiments to be conducted include the transport and passage of macromolecules, the transport and passage of trace substances, the incorporation of labelled substances, and the interaction of various cells at the membrane boundaries. The studies are concerned with protein leakage following air pollution exposures of the lung, estrogen receptors in breast cancer, and the special interactions of white blood cells with a variety of lung cells in tissues culture preparations under normal and abnormal conditions. Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00169-01-86300. Applicant: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, Mass. 02139. Article: Rheovibron Dynamic Viscoelastometer, DDV-II-C. Manufacturer: Toyo Measuring Instruments Ltd., Japan. Intended use of article: The article is intended to be used in studies of the dynamic viscoelastic response of polymeric biomaterials over a wide temperature range at several fixed frequencies. The article will also be used in the course Chemical Engineering 1067, Polymer Science Laboratory to give graduate students and qualified undergraduates first-hand experience in the

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synthesis and mechanical characterization of polymeric materials and to introduce them to more commonly used instruments of industrial polymer laboratories. Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00170-55-02000. Applicant: University of Washington, Studies in Marine Hydrodynamics, Department of Oceanography, Seattle, Washington 98195. Article: Oceanic Hot Film Anemometer Probe. Manufacturer: Canadian Thin Films Ltd., Canada. Intended use of article: The article will be used in conjunction with an electronic constant temperature system to study the process of momentum exchange near the density interface of a salt wedge estuary. The objectives to be pursued in the course of these investigations will include determination of the fine scale structure of the turbulent velocity fluctuations, as well as their correlations and their spatial distribution with respect to the density interface. Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00171-75-52400. Applicant: The University of Wisconsin, Madison, 750 University Avenue, Madison, Wisconsin 53706. Article: Proto-Cleo Stellarator Plasma System. Manufacturer: Culham Laboratory, United Kingdom. Intended use of article: The article is intended to be used in studies of hydrogen and deuterium plasmas to determine the scientific feasibility of achieving controlled thermonuclear fusion of deuterium-tritium plasmas in toroidal machines that produce rotational transforms by means of external helical windings in order to produce energy from fusion of these ions to helium. The article will also be used for educational purposes in the following courses to provide a basis to advanced undergraduate and graduate students in the area of plasmas and controlled fusion:

(1) Introduction to Plasmas—ECE 525.

(2) Waves Instabilities of Plasmas—ECE 724.

(3) Plasma Kinetics and Radiation Processes—ECE 725.

(4) Research or thesis—ECE 990.

Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00172-01-59400. Applicant: Texas Tech University, Purchasing Department, P.O. Box 4050, Lubbock, Texas 79409. Article: Quantum Yield Photoreactor and Accessories. Manufacturer: Applied Photophysics Ltd., United Kingdom. Intended use of article: The article is intended to be used for quantum-yield measurements in mechanistic studies of photochemical reactions. The article will be used in chemistry courses in the training of students in modern approaches to chemistry and biochemistry. Application received by Commissioner of Customs: October 24, 1974.

Docket number: 75-00173-33-46040. Applicant: Harvard University Medical School, Purchasing Department, 75 Mt. Auburn Street, Cambridge, Mass. 02138. Article: Electron Miscroscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used in a wide variety of studies using ultrastructural tracer techniques, cytochemistry and ranging from morphological studies to freeze fracturing. The range of phenomena to be investigated will include:

(a) The study of the structure and function of normal and pathologic vascular endothelium. Use of electron microscopic tracers would delineate the sites of vascular permeability.

(b) The study on the ultrastructural basis for normal and increased glomerular permeability.

(c) Studies on the ultrastructure of endothelial cell and vascular smooth muscle cell in cultures.

(d) Studies of the in vitro perfused kidneys under different conditions.

(e) Analysis of replicas of freeze fractured specimens from cell membranes in normal and under pathologic conditions.

(f) Studies of the juxtaglomerular apparatus of in vivo and in vitro perfused kidneys under different conditions with the application of electron microscopic tracers.

(g) Study of regenerating endothelial cells and endothelial-inflammatory cell interactions in models of immunologic and non-immunologic inflammation.

(h) Study of endothelial ultrastructure after irradiation in vivo and in vitro.

(i) Ultrastructural studies on the relationship between microvascular and parenchymal injury following irradiation of the parotid salivary gland.

The article will also be used in the training of graduate students, postdoctoral fellows, and research associates on their research programs. Application received by Commissioner of Customs: October 24, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-27120 Filed 11-19-74;8:45 am]

UNIVERSITY OF DAYTON ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before December 10, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 75-00074-01-77000. Applicant: University of Dayton, 300 College Park, Dayton, Ohio 45469. Article: ES 100 Electron Spectrometer and accessories. Manufacturer: AEI Scientific Apparatus Ltd., United Kingdom. Intended use of article: The article is intended to be used for x-ray excited photoelectron spectroscopy of solids, liquids and gases with both polychromatic and monochromatic excitation and for ultraviolet radiation excited photoelectron spectroscopy of both solids and gases. Spectroscopic experiments will be done for the purpose of characterization of new chemical compounds, both organic and inorganic; for analysis of compounds and mixtures for elements in particular oxidation states; for determination of changes in oxidation states of elements when reactions take place; for study of catalytic gas-surface reactions of multiple samples and for study of bonding in gaseous and solid compounds. The article will also be used for MS and Phd dissertation work in the Physics, Chemistry and Biology departments. Application received by Commissioner of Customs: August 30, 1974.

Docket number: 75-00174-33-46070. Applicant: Argonne National Laboratory, 9700 South Cass Avenue, Argonne, Illinois 60439. Article: Scanning Electron Microscope, Model JSEM 200. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for surveillance and characterization of microstructural changes occurring in reactor core and steam-generator system materials during operation. The materials or phenomena to be studied include the following: creep and swelling behavior of austenitic stainless steel during reactor operation, analysis of steam-generator materials which have been in service for 10 years; characterize the microstructure of as-fabricated uranium-alloy fuel and changes in microstructure after reactor operation, and study components which have failed in service. Application received by Commissioner of Customs: October 25, 1974.

Docket number: 75-00175-33-46040. Applicant: Veterans Administration Hospital, Research and Education Service, 3350 La Jolla Village Drive, San Diego, California 92161. Article: Electron Microscope, Model EM 10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used in an ongoing study of the ethiology of primary open angle glaucoma, an aging disease of the human eye. In addition, the article will be used for training purposes as follows:

(1) To train residents and technical support personnel in techniques of transmission electron microscopy with emphasis on obtaining the maximum amount of information possible on a high resolution electron microscope;

(2) To instruct trainees in current methods of tissue preservation and cell structure visualization;

(3) To follow students through the complete experiment starting with the initial experimental design and finishing with a published manuscript;

(4) To convey a sense of understanding about electron microscope function to the trainees that will allow them to go on to such techniques as the examination of freeze-fracture replicas, the use of X-ray spectrophotometery to localize element distribution, or the use of electron diffraction patterns to identify subtle differences in organelles. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00176-33-54500. Applicant: Tulane Medical School, Department of Ophthalmology, 1430 Tulane Avenue, New Orleans, La. 70112. Article: Diagnostic Ultrasonic A & B Scan System for Ophthalmology, Model 5ONS and Accessories. Manufacturer: Ultrasonic and Scientific Instruments Co., Canada. Intended use of article: The article is intended to be used in studies to establish the accuracy of diagnoses by comparison of the results with those obtained on subsequent pathological studies of the same tissues after surgery. The article will aid in the diagnosis of ocular tumors, vitreous hemorrhages, retinal detachments and foreign bodies. The article will also be used by ophthalmology residents in training who will be trained in the interpretation of the results. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00177-33-46040. Applicant: The Mt. Sinai School of Medicine of the City University of New York, 11 East 100th Street, New York, NY 10029. Article: Electron Microscope, Model HS-9-1. Manufacturer: Hitachi, Japan. Intended use of article: The article is intended to be used for research purposes in the field of microbiology and virology. Research will involve the following:

(1) The study of the effects of mouse tumor viruses on mouse tissues,

(2) Study of purified ribonucleic acid genome of the sarcoma virus,

(3) Investigation of the effects of various proteins including cellular histones and the viral RNA-dependent DNA polymerase enzyme on the confirmation of the RNA.

(4) Study of hepatitis B virus core from infected livers,

(5) Study of the newly isolated double stranded DNA from the cores of the hepatitis B virus.

Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00178-33-90000. Applicant: The Johns Hopkins Hospital, Radiology Department, 601 N. Broadway, Baltimore, Maryland 21205. Article: EMI Scanner System, with Magnetic Type System and High Definition Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used as a clinical diagnostic tool to furnish information on brain tissue abnormalities. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00179-33-90000. Applicant: Dominican Santa Cruz Hospital, Radiology Section, 1555 Soquel Drive, Santa Cruz, California 95065. Article: EMI Scanner System with High Definition Display. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the investigation of brain diseases, utilizing a computerized modality which avoids the need for hospitalization, anesthesia, and prolonged invasive techniques, resulting in overall economies to the health care system. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00180-33-77040. Applicant: Florida A&M University, Biomedical Research, Tallahassee, Florida 32307. Article: Mass Spectrometer, MS30B and accessories. Manufacturer: AEI Scientific Apparatus, Ltd., Japan. Intended use of article: The article is intended to be used in pharmacokinetic research in developing analytical methodology for detection and quantification of antimetabolites (cancer chemotherapeutic agents) and their active metabolites using a Gas Chromatograph Mass Spectrometer-Computer (GC/MS/COM) System. Development of these procedures will be particularly relevant to the studies of agents used in combination cancer chemotherapy since it is combination therapy which has proven of clinical utility. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00181-33-46070. Applicant: Iowa State University, Department of Botany and Plant Pathology, Bessey Hall, Room 1, Ames, Iowa 50010. Article: Scanning Electron Microscope, JSM-35G and accessories. Manufacturer: JEOL Ltd., Unite Japan. Intended use of article: The article is intended to be used for the study of surface topography and detail involving viruses, bacteria, plant and animal tissue cultures, single and multicellular microorganisms and higher plants and animals. As an adjunct to normal transmission light and electron microscopy, the transmitted electron detector system will be used as an extension of the former two tools with the addition of carrying out elemental analyses via energy dispersive x-ray system. Application received by Commissioner of Customs: October 29, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-27169 Filed 11-19-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

GRADUATE AND UNDERGRADUATE INTERNATIONAL STUDIES PROGRAMS

Proposed Criteria for Funding of Applications

Pursuant to the authority contained in section 601(a) of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(a)), notice is hereby given that the Commissioner of Education with the approval of the Secretary of Health, Education and Welfare, proposes to establish funding criteria set forth below to evaluate applications submitted by institutions of higher education for grants for graduate and undergraduate international studies programs.

Section 601(a) authorizes the Commissioner to make grants to institutions of higher education to establish, equip, and operate graduate and undergraduate programs in international studies and the international aspects of professional and other fields of study.

The criteria read as follows:

In addition to evaluation on the basis of criteria found in the Office of Education General Provisions at 45 CFR 100a.26(b) (38 FR 30654, 30664, November 6, 1973) the Commissioner will further evaluate applications for Federal support to graduate and undergraduate international studies programs in accordance with the following criteria.

1. *Graduate Programs.* (a) The international nature, contemporary relevance, and interdisciplinary and comparative dimensions of the program;

(b) The extent to which provision is made for evaluation of the effect of the program on the students receiving training, the campus, the community, local teachers, and neighboring institutions of higher education;

(c) The institution's capability to provide foreign language study as a part of each student's international studies experience;

(d) The commitment of the institution toward the establishment and operation of the programs as evidenced by the thoroughness of preparation of the program, maximum use of available resources including institutional financial support, and the overall quality of the program;

(e) The probability that a clearly improved educational experience will be available at the institution for prospective students within two years and that the program will be continued after Federal support is withdrawn.

(20 U.S.C. 511(a))

2. *Undergraduate Programs.* (a) The extent to which provisions are made for evaluation of the effect of the program on students receiving training, the campus, the community, local teachers, and neighboring institutions of higher education.

(b) The commitment of the institution toward the establishment and operation of the program as evidenced by

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the thoroughness of preparation of the program, maximum use of available resources including institutional financial support and the overall quality of the program.

(c) The institution's capability to provide foreign language study as a part of each student's international studies experience.

(d) The probability that a clearly improved educational experience will be available at the institution for prospective students within two years and that the program will be continued after Federal support is withdrawn.

(20 U.S.C. 511(a))

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed funding criteria to the Language and Area Centers Program, Bureau of Postsecondary Education, U.S. Office of Education, 7th and D Streets, SW, Room 3671, Regional Office Building Three, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m..

All relevant material must be received not later than December 20, 1974.

(Catalog of Federal Domestic Assistance Program: 13.435 Foreign Language and Area Studies—Centers)

Dated: October 10, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 14, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

[FR Doc.74-27151 Filed 11-19-74;8:45 am]

GRADUATE AND UNDERGRADUATE INTERNATIONAL STUDIES PROGRAMS

Closing Date for Receipt of Initial Applications

Notice is hereby given that pursuant to the authority contained in section 601(a) of Title VI of the National Defense Education Act of 1958, as amended (20 U.S.C. 511(a)), applications are being accepted from institutions of higher education for initial grants under the Graduate and Undergraduate International Studies Programs. (A separate Notice of Closing Date will be published for applications for continuation grants.)

Applications for initial grants must be received by the U.S. Office of Education Application Control Center on or before December 27, 1974.

A. *Applications sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW, Washington, D.C. 20202, Attention: 13.435. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Language and Area Centers Program, Bureau of Postsecondary Education, U.S. Office of Education, Room 3671, 7th and D Streets, SW, Washington, D.C. 20202.

D. *Applicable Regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR 100a) and the criteria relating to the graduate and undergraduate international studies programs, published in this volume of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Number 13.435; Higher Education—Language and Area Centers Program)

Dated: October 15, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74-27152 Filed 11-19-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-238; FDAA-452-DR]

ALASKA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 14, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Alaska resulting from severe storms and flooding beginning about November 11, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Alaska.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. William H. Mayer, HUD Region X, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Alaska to have been adversely affected by this declared major disaster:

Coastal towns in northwestern Alaska from Hooper Bay to Kotzebue.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: November 14, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-27147 Filed 11-19-74;8:45 am]

[Docket No. NFD-237; FDAA-451-DR]

VIRGIN ISLANDS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on November 14, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the Virgin Islands resulting from severe storms, landslides, and flooding beginning about October 23, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the Virgin Islands.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Thomas R. Casey, HUD Region II, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the Territory of the Virgin Islands to have been adversely affected by this declared major disaster:

The Islands of:

St. Croix
St. John
St. Thomas

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance)

Dated: November 14, 1974.

THOMAS P. DUNNE,
Administrator, Federal Disaster Assistance Administration.

[FR Doc.74-27146 Filed 11-19-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

CITIZENS' ADVISORY COMMITTEE ON TRANSPORTATION QUALITY

Notice of Open Meeting

The Citizens' Advisory Committee on Transportation Quality of the Department of Transportation will meet at 8:30 a.m. on Monday, December 9, 1974, and at 9 a.m. on Tuesday, December 10, 1974, in Conference Room H, Conference Center, Center House, Seattle Center, Seattle, Washington.

The Citizens' Advisory Committee on Transportation Quality recommends transportation initiatives to the Secretary of Transportation, and assesses transportation policies from the consumer's viewpoint.

The agenda for the two-day meeting will include a discussion of the development of Departmental programs and policies concerning the reuse of historic and architecturally significant railroad stations as intermodal transportation centers.

The meeting is open to the public. Anyone wishing to attend or obtain additional information should contact Joseph DelVecchio, Executive Director, Citizens' Advisory Committee on Transportation Quality, Office of the Secretary of Transportation, TES-40, 400 Seventh Street, SW., Washington, D.C. 20590, 202/426-4283.

This notice is given pursuant to section 10 of the Federal Advisory Committee Act (Pub. L. 92-463).

Issued in Washington, D.C., on November 14, 1974.

GLENN J. SEDAM,
Acting Assistant Secretary for Environment, Safety, and Consumer Affairs.

[FR Doc.74-27127 Filed 11-19-74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

NOVEMBER 15, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards will hold a meeting on December 5-7, 1974, in Room 1046, 1717 H Street, N.W., Washington, D.C.

The following constitutes that portion of the Committee's agenda for the above meeting which will be open to the public:

THURSDAY, DECEMBER 5, 1974

9:45 a.m.-11:15 a.m.: Seabrook Station Units 1 & 2 (Open). The Committee will meet with representatives of the Public Service Company of New Hampshire and the AEC Regulatory Staff to hear presentations and hold discussions regarding its review of the request for a construction permit for this station. Portions of this session will be closed if required to discuss proprietary information related to the design, construction and/or operation of this plant and to discuss security arrangements for this facility. Closed sessions will also be held for Committee deliberative sessions.

11:15 a.m.-12:45 p.m.: Zion Station Units 1 & 2 (Open). The Committee will consider the proposal to operate these units at full power. Representatives of the AEC Regulatory Staff and the Commonwealth Edison Company will make presentations to and hold discussions with the Committee. Portions of this session will be closed if required to discuss proprietary information related to the design, and/or operation of this station and to discuss security arrangements for this plant. Closed sessions will also be held for Committee deliberative sessions.

2:30 p.m.-6 p.m.: WASH-1400, Reactor Safety, An Assessment of Accident Risks in U.S. Commercial Nuclear Power Plants (Open). The Committee will continue its consideration of WASH-1400. Representatives of the Atomic Energy Commission staff will make presentations and hold discussions regarding this study. Portions of this session will be closed, if required, under the provisions of section 10(d) of Public Law 92-463 (the Federal Advisory Committee Act) to exchange opinions leading to the formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of USC 552(b).

FRIDAY, DECEMBER 6, 1974

9:30 a.m.-11 a.m.: General Electric Company Nuclear Steam Supply System proposed for the Perry Nuclear Power Plant Units 1 & 2 and Allens Creek Nuclear Generating Station Units 1 & 2. The Committee will review the proposed Nuclear Steam Supply System for the Perry Nuclear Plant and the Allens Creek Nuclear Station. Representatives of the General Electric Company and the AEC Regulatory Staff will make presentations to and hold discussions with the Committee.

Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of these systems. Closed portions will also be held for Committee deliberative sessions.

11 a.m.-12:30 p.m.: Perry Nuclear Power Plant Units 1 & 2. The Committee will consider the application for a Construction Permit for this facility. Representatives of the applicants and the AEC Regulatory Staff will make presentations and hold discussions with the Committee.

Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this plant and to discuss security plans for this station. Closed portions will also be held for Committee deliberative sessions.

1:30 p.m.-2:30 p.m.: *Meeting with AEC Regulatory Staff* to discuss recent reactor operating experience and recent licensing actions.

2:30 p.m.-4 p.m.: *Allens Creek Nuclear Generating Station Units 1 & 2.* The Committee will consider the application for a Construction Permit for this facility. Representatives of the Houston Lighting & Power Company and the AEC Regulatory Staff will make presentations and hold discussions with the Committee.

Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this facility and to discuss security plans for this station. Closed portions will also be held for Committee deliberative sessions.

4:30 p.m.-8 p.m.: *St. Lucie Plant Unit No. 2.* The Committee will consider the application for a construction permit for this facility. Representatives of the Florida Power and Light Company and the AEC Regulatory Staff will make presentations and hold discussions with the Committee. Portions of this session will be closed, if required, to discuss proprietary information related to the design, construction and/or operation of this plant and to discuss security plans for this station. Closed portions will also be held for Committee deliberative sessions.

In the event the projects noted above are not ready for Committee consideration at this meeting, the Committee will consider the following item:

Anticipated transients without scram. The Committee will discuss proposed methods for implementation of the requirements of WASH-1270 with representatives of the AEC Regulatory Staff.

It should be noted that, in addition to the closed portions of the agenda items noted above, the Committee will hold other sessions not open to the public under the authority of section 10(d) of Public Law 92-463 (the Federal Advisory Committee Act), to consider the above applications and other matters. I have determined in accordance with subsection 10(d) of Public Law 92-463 that it is necessary to close such portions of the meeting to protect proprietary data (5 U.S.C. 552(b)(4)), and to protect the free interchange of internal views to avoid undue interference with agency or Committee operation (5 U.S.C. 552(b)(5)). Any non-exempt material that may be discussed during the closed portions of the meeting will be inextricably intertwined with discussion of exempt material and no further separation is practical. Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Committee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda items may do so by mailing 25 copies thereof, postmarked no later than November 27, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards,

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U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written comments shall be based on documents related to the agenda items noted above, and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and as follows:

SEABROOK STATION UNITS 1 & 2

Exeter Public Library
Front Street
Exeter, New Hampshire 03833

ZION STATION UNITS 1 & 2

Waukegan Public Library
128 North County Street
Waukegan, Illinois 60085

PERRY NUCLEAR POWER PLANT UNITS 1 & 2

Perry Public Library
3753 Main Street
Perry, Ohio 44081

ALLENS CREEK NUCLEAR GENERATING STATION

Sealy Public Library
415 Main Street
Sealy, Texas 77474

ST. LUCIE PLANT UNIT NO. 2

Indian River Junior College Library
3209 Virginia Avenue
Ft. Pierce, Florida 33450

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Committee. To the extent that the time available for the meeting permits, the Committee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Committee.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Committee, who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting or portions of the meeting have been cancelled or rescheduled, and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 4, 1974, to the Office of the Executive Secretary of the Committee (Telephone: 301-973-5651) between 8:30 a.m. and 5:15 p.m. Eastern Time. It should be noted that the schedule noted above is tentative, based on the anticipated availability of related information, etc. It may be necessary to reschedule items during the same day to accommodate required changes. The ACRS Executive Secretary will be prepared to describe these changes on December 4, 1974.

(e) Questions may be propounded only by members of the Committee and its consultants.

(f) The use of still, movie, and television cameras, the physical installation and presence of which will not interfere with the course of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(g) Persons desiring to attend portions of the meeting where proprietary information is being discussed may do so by providing to the Executive Secretary 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information providing for access to this information.

(h) A copy of the transcript of the open portions of the meeting will be available for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. On request, copies of the minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. on or after March 7, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-27301 Filed 11-19-74;9:01 am]

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO.

Order Scheduling Evidentiary Hearing

In the matter of Houston Lighting & Power Co. (Allens Creek Nuclear Generating Station, Units 1 and 2).

A hearing will commence at 10 a.m. December 10, 1974, in the auditorium at Wallis Orchard Independent School, 6800 Main Street, Wallis, Texas, to receive evidence relating to the application of Houston Lighting and Power Company for a permit to construct two nuclear power reactors in Austin County, Texas. To be considered at this hearing are whether or not the site proposed for the reactors is suitable from the standpoint of radiological health and safety and issues relating to environmental matters.

The public is invited to attend. Any person who has asked to make a limited appearance may state his views or file a written statement at the time and place above set out or at such later time as the Board may designate.

It is so ordered.

Dated at Bethesda, Maryland, this 14th day of November 1974.

ATOMIC SAFETY AND LICENSING BOARD,
FREDERIC J. COUFAL,
Chairman.

[FR Doc.74-27125 Filed 11-19-74;8:45 am]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS

Notice and Order for Second Prehearing Conference

In the matter of Offshore Power Systems (Floating Nuclear Power Plants).

Notice is hereby given that the Atomic Safety and Licensing Board (the Board) will hold a prehearing conference in the above-captioned proceeding on Monday, December 9, 1974, at 10 a.m., local time, in the Atomic Safety and Licensing Board Panel's hearing room, 12th floor, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland 20014. This prehearing conference will cover the following items:

(1) Status of discovery;

(2) Status of issuance of relevant documents by the AEC Regulatory Staff;

(3) Status of the floating nuclear plant project itself, particularly in view of the announced delay in construction of the units proposed to be installed off the New Jersey coast by the Public Service Electric and Gas Company of New Jersey and in view of the recent news accounts regarding the project;

(4) Consideration of establishment of a schedule for future action; and

(5) Such other matters as may aid in the orderly disposition of the proceeding.

In addition to the parties to this proceeding, this notice is being sent to counsel for Public Service Electric and Gas Company, the Applicant in the related proceeding which involves an application for construction permits for two of the floating nuclear units off the New Jersey coast, Public Service Electric and Gas Company (Atlantic Nuclear Generating Station, Units 1 and 2), Docket Nos. STN 50-477 and STN 50-478. In view of the relationship between this proceeding and the Atlantic Generating case, counsel for Public Service Electric and Gas Company is hereby given permission to participate in this prehearing conference.

Members of the public are invited to attend this prehearing conference.

Issued at Bethesda, Maryland, this 15th day of November 1974.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc. 74-27124 Filed 11-19-74;8:45 am]

[Docket Nos. 50-280, 50-281]

VIRGINIA ELECTRIC & POWER CO.

Proposed Issuance of Amendment to Facility Operating Licenses

The Atomic Energy Commission (the Commission) is considering issuance of an amendment to Facility Operating Licenses No. DPR-32 and DPR-37 issued to Virginia Electric & Power Company, for operation of the Surry Power Station, Units 1 and 2 located in Surry County, Virginia.

The amendment would revise the provisions in the technical specifications relating to the replacement of 84 of 157 fuel assemblies in the reactor core, constituting refueling of the core for second cycle operation, in accordance with the licensee's application for amendment dated October 17, 1974.

On or before December 19, 1974, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating licenses. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by December 20, 1974. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to George D. Gibson, Esquire, Hunton, Williams, Gay & Gibson, P.O. Box 1535, Richmond, Virginia 23213, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or the licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated October 17, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185. As it becomes available, the Commission's related safety evaluation will be available at the above locations. A copy of the proposed license amendment and attachments and the safety evaluation, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 12th day of November, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-26974 Filed 11-18-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 27167; Order 74-10-62]

DOMESTIC TRUNKLINE AND LOCAL SERVICE CARRIERS

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 14th day of November 1974.

By tariff revisions marked to become effective November 15, 1974, all domestic trunkline and local service carriers propose to increase fares between points in the 48 contiguous states and the District of Columbia by 4 percent. Most of these tariffs were originally marked to become effective on November 1, 1974; however, after the Board indicated its decision to permit the increases, the carriers elected to postpone the effective date until November 15. A special tariff permission application (STP) requesting the delay on less than the 30 days' statutory notice was granted subject to the condition that the fares bear an expiration date of June 30, 1975.

On November 12, 1974, the Honorable John E. Moss, et al., Members of Congress (MOC) filed a complaint requesting rejection of the proposed fares, or, in the alternative, investigation and suspension.[1] No other complaints have been filed.

MOC alleges that the Board made it clear through ex parte communications with the carriers, in which it threatened to use its power to suspend carrier-proposed rates, that only tariffs conforming to the Board's desire as to level, structure, and duration would be accepted. The complainant further alleges that the Board concluded that the four percent fare increase proposed by the carriers had not been adequately justified; that the carriers were informally requested to place an expiration date of June 30, 1975 on their fares; that the resulting tariffs filed by the carriers were therefore arrived at through cooperation of the carriers and the Board through ex parte conversations; and that therefore the requirements of the Federal Aviation Act and the Administrative Procedure Act were not observed in issuing the STP which permitted the carriers to file their November 15, 1974 tariffs.

MOC also alleges that the proposed fares are not justified in accordance with the Board's Economic Regulations. MOC alleges that one or more carriers may never have filed any statement of justification; that four other carriers' justifications which incorporate other carrier justifications by reference do not comply with the Board's regulations; that none of the carriers complied with § 221.165(c) of the Board's regulations; and that no information is provided as to the probable impact of the proposed fares upon the movement of traffic and revenue. Finally, MOC alleges that a policy of basing fares upon a —0.7 coefficient of price elasticity during a period when the economy is soft can only lead to overcapacity and lower earnings, and that available information suggests that the fare elasticity at this point in time may be greater than —0.7.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant rejection or investigation of the proposed fare increase, and the request therefor, and consequently the request for suspension will be denied and the complaint dismissed.

MOC's argument that ex parte communications between the carriers and the Board's staff have resulted in Board-made rates is without merit. MOC alleges that the expiry date was required by the Board to permit review at a later date, apparently in the belief that the Board is concerned that the increases may not have been justified. The Board's concern is not that the proposed increases may not be warranted based on present and foreseeable circumstances. Rather, the Board's concern is the very uncertain future as it may affect airline profitability and the desire to protect the public against excessive charges. The expiration date enables the Board to permit fare increases which it believes to be warranted, but affords the opportunity to reevaluate the fares at a later date in the light of then existing conditions if in fact the carriers elect at that time to extend their fares.

The Board has no reason to believe that any communications occurred between its staff and the carriers regarding the justifications of the fares, the construction technique employed, or the resulting level. To the extent communications did take place, they did no more than advise of the Board's decision.[2] Although MOC alleges that the proposed fares are not justified in accordance with the Board's Economic Regulations, MOC alleges that one or more carriers may never have filed any statement of justification; that four other carriers' justifications which incorporate other carrier justifications by reference do not comply with the Board's regulations; that none of the carriers complied with § 221.165(c) of the Board's regulations; and that no information is provided as to the probable impact of the proposed fares upon the movement of traffic and revenue. Finally, MOC alleges that a policy of basing fares upon a —0.7 coefficient of price elasticity during a period when the economy is soft can only lead to overcapacity and lower earnings, and that available information suggests that the fare elasticity at this point in time may be greater than —0.7.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant rejection or investigation of the proposed fare increase, and the request therefor, and consequently the request for suspension will be denied and the complaint dismissed.

MOC's argument that ex parte communications between the carriers and the Board's staff have resulted in Board-made rates is without merit. MOC alleges that the expiry date was required by the Board to permit review at a later date, apparently in the belief that the Board is concerned that the increases may not have been justified. The Board's concern is not that the proposed increases may not be warranted based on present and foreseeable circumstances. Rather, the Board's concern is the very uncertain future as it may affect airline profitability and the desire to protect the public against excessive charges. The expiration date enables the Board to permit fare increases which it believes to be warranted, but affords the opportunity to reevaluate the fares at a later date in the light of then existing conditions if in fact the carriers elect at that time to extend their fares.

The Board has no reason to believe that any communications occurred between its staff and the carriers regarding the justifications of the fares, the construction technique employed, or the resulting level. To the extent communications did take place, they did no more than advise of the Board's decision.[2] Although MOC alleges that the proposed fares are not justified in accordance with the Board's Economic Regulations, MOC alleges that one or more carriers may never have filed any statement of justification; that four other carriers' justifications which incorporate other carrier justifications by reference do not comply with the Board's regulations; that none of the carriers complied with § 221.165(c) of the Board's regulations; and that no information is provided as to the probable impact of the proposed fares upon the movement of traffic and revenue. Finally, MOC alleges that a policy of basing fares upon a —0.7 coefficient of price elasticity during a period when the economy is soft can only lead to overcapacity and lower earnings, and that available information suggests that the fare elasticity at this point in time may be greater than —0.7.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant rejection or investigation of the proposed fare increase, and the request therefor, and consequently the request for suspension will be denied and the complaint dismissed.

MOC's argument that ex parte communications between the carriers and the Board's staff have resulted in Board-made rates is without merit. MOC alleges that the expiry date was required by the Board to permit review at a later date, apparently in the belief that the Board is concerned that the increases may not have been justified. The Board's concern is not that the proposed increases may not be warranted based on present and foreseeable circumstances. Rather, the Board's concern is the very uncertain future as it may affect airline profitability and the desire to protect the public against excessive charges. The expiration date enables the Board to permit fare increases which it believes to be warranted, but affords the opportunity to reevaluate the fares at a later date in the light of then existing conditions if in fact the carriers elect at that time to extend their fares.

The Board has no reason to believe that any communications occurred between its staff and the carriers regarding the justifications of the fares, the construction technique employed, or the resulting level. To the extent communications did take place, they did no more than advise of the Board's decision.[2] Although MOC alleges that the proposed fares are not justified in accordance with the Board's Economic Regulations, MOC alleges that one or more carriers may never have filed any statement of justification; that four other carriers' justifications which incorporate other carrier justifications by reference do not comply with the Board's regulations; that none of the carriers complied with § 221.165(c) of the Board's regulations; and that no information is provided as to the probable impact of the proposed fares upon the movement of traffic and revenue. Finally, MOC alleges that a policy of basing fares upon a —0.7 coefficient of price elasticity during a period when the economy is soft can only lead to overcapacity and lower earnings, and that available information suggests that the fare elasticity at this point in time may be greater than —0.7.

Upon consideration of all relevant matters, the Board finds that the complaint does not set forth sufficient facts to warrant rejection or investigation of the proposed fare increase, and the request therefor, and consequently the request for suspension will be denied and the complaint dismissed.

MOC's argument that ex parte communications between the carriers and the Board's staff have resulted in Board-made rates is without merit. MOC alleges that the expiry date was required by the Board to permit review at a later date, apparently in the belief that the Board is concerned that the increases may not have been justified. The Board's concern is not that the proposed increases may not be warranted based on present and foreseeable circumstances. Rather, the Board's concern is the very uncertain future as it may affect airline profitability and the desire to protect the public against excessive charges. The expiration date enables the Board to permit fare increases which it believes to be warranted, but affords the opportunity to reevaluate the fares at a later date in the light of then existing conditions if in fact the carriers elect at that time to extend their fares.

The Board has no reason to believe that any communications occurred between its staff and the carriers regarding the justifications of the fares, the construction technique employed, or the resulting level. To the extent communications did take place, they did no more than advise of the Board's decision.[2] Al-

[1] This complaint was filed 53 days after the first tariff now under consideration was filed, and only 2 working days prior to the effective date of the tariffs. For most tariffs involved, the complaint is 28 days late. It challenges the adequacy of carrier justifications which were submitted to the Board a month and a half or more ago. Notwithstanding this and the fact that the complaint was not accompanied by an appropriate motion for receipt of a late-filed pleading, the Board has decided to consider it on its merits.

[2] There was no complaints filed requesting suspension or investigation of the tariffs embodying the proposed November 1 fare increases and the Board determined on October 30 that it would not itself suspend or investigate them. The carriers were advised by the Board's staff of that determination late in the afternoon of October 30 and the Board's formal announcement issued the following day. The carriers also were advised of the Board's desire that an expiration date be placed upon such tariffs. In any event neither such advice, nor the advice that the Board would not suspend the fares, constitutes a violation of Part 300 of the Rules of Conduct.

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though the fares originally filed by the carriers have been refiled with an expiration date, the fact remains that for transportation beyond November 15, 1974, the carriers will be charging fares identical to those they themselves originally initiated. After June 30, 1975, fares will either revert to the present level, which was also initiated by the carriers, or to such other level as the carriers may propose, subject to Board approval. In our opinion, action to provide that fares, although initiated by the carriers in accordance with the requirements of the Federal Aviation Act, will not be permitted on an indefinite basis does not constitute Board-made rates.

MOC's complaint insofar as it concerns the carriers' justifications is similarly without merit. Despite MOC's inference to the contrary, all carriers filed justifications. Although four carriers did little more than incorporate by reference the justifications of others as MOC alleges, that procedure does not violate the regulations. MOC is correct that no carrier filed data pursuant to § 221.165(c) of the Board's regulations (fare change and yield data); however, such information is not required in the case of uniform percentage adjustments.[3] Finally, regarding the effect upon movement of traffic, each of the carriers adjusted their calculations to reflect an elasticity factor of —0.7. Thus, in our opinion, the carriers fully complied with the Board's Economic Regulations and provided everything relevant to the Board's consideration of the proposed increases under guidelines developed in the Domestic Passenger-Fare Investigation.

Finally, MOC has raised the issue of elasticity with the Board on numerous previous occasions, and in each instance its contentions have been carefully considered. Most recently, in connection with the six percent fare increase filed as a result of the rapidly escalating fuel price increases, the Board dealt with MOC's various allegations concerning fare elasticity at considerable length.[4] MOC did not challenge the Board's reasons for dismissing its complaint in that matter, but rather has elected to raise the issue once again only two working days before fares it opposes are to become effective. MOC provides no new argument or data in its instant complaint which warrants further Board discussion of this issue. Suffice it to say that, while use of a different elasticity factor would alter estimated traffic and revenues, it would likewise alter the changes in costs resulting from application of the DPFI rate-making standards, the end result being a minimal effect upon return on investment.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. The complaint in Docket 27167 is dismissed, and

2. Copies of this order be served on all certificated scheduled carriers operating between points within the 48 contiguous states and the District of Columbia, and the complainant in Docket 27167.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27165 Filed 11-19-74;8:45 am]

[Dockets 27044; 22859; Order 74-11-63]

FLYING TIGER LINE INC.

Order Vacating Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 15th day of November 1974.

By order 74-10-128, dated October 24, 1974, the Board suspended a significant portion of the increased rate proposal filed by The Flying Tiger Line Inc. (Tiger) marked to become effective November 3, 1974, pending decision as to the lawfulness of such rate revisions in the Domestic Air Freight Rate Investigation (DAFRI), Docket 22859.

The Board's suspension action in Order 74-10-128, supra, was based upon the 1974 cost forecast by the carriers in exhibits presented in the DAFRI, which the Board increased by the latest fuel costs available and an adjustment for additional expenses for on-line connections. This adjustment raised the forecast costs by an average of approximately 8.4 percent for a 100-pound shipment and 10.3 percent for a 1,000-pound shipment. In order to test the validity of these adjustments, the Board's staff estimated the increase in unit costs of handling freight based upon data forecast by the carriers for 1974 and those reported by the carriers in their Form 41 reports for the first six months of 1974. This estimate indicated an increase of 4.2 percent. Inasmuch as this 4.2 percent increase was less than the 8.4–10.3 percent average increases referred to above, it appeared that the Board's criteria were not inconsistent with the carriers' costs, as reported for the first six months of 1974.

It appears, however, that our staff estimate of a 4.2 percent increase in unit costs over the data forecast by the carriers for 1974 was based upon an error in calculations. The correct percentage increase was actually 17.92 percent (see Appendix A).[1] This is considerably above the increases in costs that the Board used in evaluating Tiger's proposal, which now appears justified under the Board's criteria for suspension, considering adjustments for the latest cost increases. We shall, consequently, vacate the suspension directed in Order 74-10-128.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That: 1. The suspension ordered in Order 74-10-128, adopted October 24, 1974, is vacated; and

2. Copies of this order shall be filed with the tariffs.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27166 Filed 11-19-74;8:45 am]

[Docket No. 26977]

NEW YORK-RIO DE JANEIRO-JOHANNESBURG CASE

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 10, 1974, at 10 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned administrative law judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on October 22, 1974, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 14, 1974.

[SEAL] MILTON H. SHAPIRO,
Administrative Law Judge.

[FR Doc.74-27164 Filed 11-19-74;8:45 am]

CIVIL SERVICE COMMISSION

EMPLOYEE ADVISORY COMMITTEE ON HEALTH BENEFITS

Meeting

Notice is hereby given pursuant to P.L. 92-463, that the Employee Advisory Committee on Health Benefits, established by section 8911 of title 5, United States Code, which advises the Commission regarding matters of concern to employees under the Federal Employees Health Benefits Program, will meet on Thursday, December 12, 1974, at 2 p.m. in Room 4310, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

Agenda items are as follows:

To advise members of the committee of developments in the Health Benefits Program since its last meeting, and obtain individual views of the members on the future course of the program.

The meeting on the above agenda items is open to the public. At this time, the Bureau knows of no other substantive matters to be considered at the

[3] See § 221.165(d)(3) of the Board's Economic Regulations, 14 CFR 221.165(d)(2).

[4] Order 74-3-96, March 22, 1974.

[5] Dissenting statement by G. Joseph Minetti filed as part of original document.

[1] Appendix A filed as part of the original document.

meeting. Any interested person may attend, appear before the committee, or file statements on the agenda items or on such other matters which, at the discretion of the Chairman, may properly come before the committee. Statements, if in written form, may be filed in advance of or at the meeting or, if oral, at the time and in the manner permitted by the Chairman.

Further information concerning this meeting may be obtained from Mr. Robert W. Tolson, Room 4351, Civil Service Commission Building, telephone 202–632–9677. Members of the public planning to attend the meeting are asked to notify Mr. Tolson to ensure adequate seating.

Dated: November 15, 1974.

THOMAS A. TINSLEY,
Director, Bureau of Retirement, Insurance, and Occupational Health.

[FR Doc.74-27082 Filed 11-19-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRC 297-5; OPP-32000/145]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before January 20, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the Federal Register of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 20, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 7909-U. Atlantic Chemical & Equipment Co., PO Box 19697, Station N, Atlanta GA 30325. ACE ALGAECIDE IN AUTOMATIC FEEDER CAN. Active Ingredients: Sodium Pentachlorophenate 79%; Sodium Salts of other chlorophenols 11%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1352-EN. Cargill, Inc., Cargill Building, Minneapolis MN 55402. EVERSHIELD V SEED PROTECTANT. Active Ingredients: Carboxin (5,6-dihydro-2-methyl-1, 4-oxathiin-3-carboxanilide) 29.52%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12050-L. Chemco Chemical Co., 115 Cole St., Dallas TX 75207. CHEMCO LEM-O-CHEM. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.25%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.25%; Sodium Carbonate 3.00%; Tetra-sodium ethylenediamine tetraacetate 1.00%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 35132-E. Custom-Pak, Inc., 14800 Miles Ave., Cleveland OH 44128. HI-CIDE 110 DISINFECTANT TOILET BOWL CLEANER. Active Ingredients: Octyl decyl dimethyl ammonium chloride 1.250%; Dioctyl dimethyl ammonium chloride 0.625%; Didecyl dimethyl ammonium chloride 0.625%; Alkyl amino betaine 1.000%; Hydrogen chloride 8.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 279-2921. FMC Corp., Agricultural Chemical Div., 100 Niagara St., Middleport NY 14105 ZINEB 6 DUST FUNGICIDE. Active Ingredients: Zineb 6.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 904-EEU. B. G. Pratt Div., Gabriel Chemicals Ltd., 204 21st Ave., Paterson NJ 07509. BENOMYL 50W SYSTEMIC FUNGICIDE. Active Ingredients: Benomyl [Methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate] 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 5905-24. Helena Chemical Co., 5100 Poplar Ave., Memphis TN 38137. HELENA 1.6 ENDRIN EMULSIFIABLE INSECTICIDE CONCENTRATE. Active Ingredients: Endrin 19.5%; Xylene 68.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 372-46. Mallinckrodt, Inc., 3600 N. Second, St. Louis MO 63147 BANROT BROAD SPECTRUM FUNGICIDE 40% WETTABLE POWDER. Active Ingredients: 5-Ethoxy-3-trichloromethyl-1,2, 4-thiadiazole 15%; Dimethyl 4,4'-o-Phenylenebis (3-thioallophanate) 25%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 11800-RT. Midwest Agricultural Warehouse Co., 200 S. Main St., Fremont NE 68025. CHEMSTOR. Active Ingredients: Organic Acids 99% min. (19% Acetic Acid and 80% Propionic). Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1706-RGO. Nalco Chemical Co., 6216 W. 66th Place, Chicago IL 60638. NALCO 4SW-305 CONCENTRATED GRANULAR POOL CHLORINE. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 13366-I. National Chemical Research Corp., Fenne Commerce Center, Box 24, Sarasota FL 33580. SHUR MAGIC DISINFECTANT CLEANER HOSPITAL STRENGTH. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 2139-99. Nor-Am Agricultural Products, Inc., 1275 Lake Ave., Woodstock IL 60098. CARZOL SP MITICIDE/INSECTICIDE. Active Ingredients: Formetanate hydrochloride 92%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7404-RN, NuLife Fertilizers, PO Box 883, Tacoma WA 98421. RID-MOSS. Active Ingredients: Ferrous Ammonium Sulphate ($FeSO_4(NH_4)_2SO_4\ 6\ H_2O$) 95.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 35137-R. Price Research, Ltd., 205 Westport Rd., Kansas City MO 64111. PRICE DISINFECTANT CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 4.5%; Tetrasodium ethylenediamine tetraacetate 2.0%; Sodium carbonate 1.0%; Sodium metasilicate, anhydrous 0.5%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 1202-206. PureGro Co., 1052 W. 6th St., Los Angeles CA 90017. PUREGRO PICK—QUIK LIQUID DEFOLIANT. Active Ingredients: Sodium Chlorate 18.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 359-170. Chipman Div., of Rhodia Inc., 28 Belmont Dr., Somerset NJ 08873. CHIPTOX. Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 9779-196. Riverside Chemical Co., A subsidiary of Cook Industries, Inc., PO Box 171199, Memhis TN 38117. RIVERSIDE STAND 10D. Active Ingredients: 1,4-dichloro-2,5-dimethoxybenzene 10%. Method of Support: Applicant proceeds under 2(c) of interim policy.

EPA File Symbol 476-ERAL. Stauffer Chemical Co., 1200 S. 47th St., Richmond CA 94804. (STAUFFER SHIELD) EPTAM 87.8% MANUFACTURING CONCENTRATE SELECTIVE HERBICIDE. Active Ingredients: S-Ethyl Dipropylthiocarbamate 87.8%. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 2829-RRG. Ventron Corp., Chemicals Div., Congress St., Beverly MA 01915. CUNIPHEN 2721 C CATEONIC FUNGISTAT AND BACTERISTAT FOR TEXTILES. Active Ingredients: 2,2'-methylenebis (4-chlorophenol) 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: November 11, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-26851 Filed 11-19-74;8:45 am]

[FRL 298-3]

VOLUNTARY FUEL ECONOMY LABELING PROGRAM

Correction

On October 15, 1974, the Environmental Protection Agency and the Federal Energy Administration published a notice on the Voluntary Fuel Economy Labeling Program for 1975 model automobiles (39 FR 36890). The section of that notice which described the specific labeling program (section E. 3) inadvertently contained an incorrect phrase concerning the calculation of fuel economy figures for specific labels. To clarify the method of deriving specific label fuel economy figures, the following correction is made to that original notice:

(E) Description of vehicle labels.

* * * * *

(3) The specific fuel economy label (Figure 4) will present the EPA-approved fuel economy values for the specific vehicle configuration. The fuel economy values will be rounded to the nearest whole mile per gallon. Manufacturers may choose to differentiate specific from general labels by shape, color, size or some other readily apparent feature. Similarly, California and 49-state labels may be differentiated from each other. EPA and FEA encourage manufacturers to participate extensively in the specific labeling program since specific labels, representing the fuel economy results of individual vehicle configurations, are most representative of the expected fuel economy of the vehicles on which they appear.

* * * * *

Dated: November 8, 1974.

EDWARD F. TUERK,
Acting Assistant Administrator for Air and Waste Management, U.S. Environmental Protection Agency.

Dated: November 12, 1974.

ROGER SANT,
Assistant Administrator for Conservation and Environment, U.S. Federal Energy Administration.

[FR Doc.74-27070 Filed 11-19-74;8:45 am]

[FRL 300-1]

WYOMING PROGRAM FOR CONTROL OF DISCHARGES OF POLLUTANTS TO NAVIGABLE WATERS

Public Hearing

A public hearing to consider the request of the State of Wyoming for State Program Approval to participate in the National Pollutant Discharge Elimination System (NPDES) permit program for the control and abatement of discharges into waters of the State in compliance with the 1972 Amendments to the Federal Water Pollution Control Act, 33 U.S.C.A. sections 1251-1376 (Supp. 1973), (hereinafter, the Act) will be held on Wednesday, December 18, 1974, at 10 a.m. in Durham Hall, Aley Fine Arts Building, Casper College, 125 College Drive, Casper, Wyoming.

Section 402(b) of the Act provides that the Governor of the State desiring to administer the NPDES permit program to control discharges into navigable waters within its jurisdiction may submit to the Administrator of the United States Environmetnal Protection Agency (EPA) a full and complete description of the program the State intends to administer, including a statement from the State Attorney General that the laws of the State provide adequate authority to carry out the described program. The Administrator is required to approve each such submitted program unless the program does not meet the requirements of section 402(b) and EPA's guidelines. Among other authorities, the State must have: (1) adequate authority to issue permits which comply with all pertinent requirements of the Act; (2) adequate authority, including civil and criminal penalties, to abate violations of permits or the permit program; and (3) authority to ensure that the Administrator, the public, or any other affected State, and other affected agencies, are given notice of each application and are given the opportunity for a public hearing before acting on each permit application. Also, the State must have, and commit itself to use, manpower and resources sufficient to act on all outstanding permit applications in a timely manner and consistent with the periods prescribed by the Act. EPA's guidelines establishing State Program Elements Necessary for Participation in the NPDES were published in Volume 37 of the FEDERAL REGISTER, December 22, 1972 (40 CFR 124), beginning at page 28390.

The State of Wyoming has submitted a full and complete Request for State Program Approval and proposes that the Department of Environmental Quality, State Office Building West, Cheyenne, Wyoming 82001, operate the NPDES program.

Governor Hathaway's request and the program description is available for inspection at the following locations:

(1) U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203.

(2) Wyoming Department of Environmental Quality, Water Quality Division, State Office Building West, Cheyenne, Wyoming 82001.

(3) County Clerk's Office, Campbell County Courthouse, 500 South Gillette Avenue, Gillette, Wyoming 82716.

(4) County Clerk's Office, Park County Courthouse, Cody, Wyoming 82414.

(5) County Clerk's Office, Sweetwater County Courthouse, Green River, Wyoming 82935.

(6) County Clerk's Office, Natrona County City-County Building, Casper, Wyoming 82601.

The public hearing panel will consist of the Administrator, or his representative, who will serve as the Presiding Officer, the Director of the Wyoming Department of Environmental Quality, or his representative, and the Regional Administrator, Region VIII, or his representative.

All interested persons wishing to attend, to comment upon, or to object to this State request are invited to attend the public hearing. Written comments may be presented at the hearing or submitted by December 30, 1974, either in person or by mail to the Regional Office of the U.S. Environmental Protection Agency, Enforcement Division, Suite 900, 1860 Lincoln Street, Denver, Colorado 80203, Attention: David Robbins.

Oral Statements will be received and considered, but for accuracy of the record, all testimony should be submitted in writing. Statements should summarize extensive written material so that there will be time for all interested persons to be heard. Persons submitting written statements are encouraged to bring additional copies for the use of the hearing panel and other interested persons. The Presiding Officer may, at his discretion, exclude oral testimony if it is overly repetitious of previous testimony heard or if it is not relevant to the decision to approve or require revision to the State program as submitted.

All comments or objections received by December 30, 1974, or presented at the public hearing will be considered by EPA before taking final action on the Wyoming request for State Program Approval.

Please bring the foregoing to the attention of persons whom you know would be interested.

Dated: November 18, 1974.

ALAN G. KIRK II,
Assistant Administrator for Enforcement and General Counsel.

[FR Doc.74-27300 Filed 11-19-74;9:06 am]

FEDERAL ENERGY ADMINISTRATION

UTILITY OIL SAVINGS CONFERENCE

Meeting

Notice is hereby given that the Utility Oil Savings Conference will meet on December 4, 1974 in the Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C., at 9 a.m. to 12 noon, 1:15 p.m. to 5 p.m.

President Ford in his October 8 Economic Message to Congress called for the phasing out of oil fired electrical plants by 1980. In that message the President directed that the FEA in conjunction with other Federal Agencies and elements of the energy production industry develop plans and a schedule for achieving this goal. The Utility Oil Savings Conference will address the actions required to ensure that this Presidential objective is met.

The agenda for the meeting is as follows:

9-9:15—Introduction.
9:15-10—Review of methodology, assumptions and data developed by FEA Interagency Task Forces.
10-12—Workshop Sessions:
(A) Identification of Potential Savings
(B) Nuclear Availability
(C) Environmental Impact
(D) Coal Supply
1:15-3:30—Workshop Sessions (same as above).
3:30-5—Summary of the Workshops and Conclusion.

The conference will be divided into four workshops devoted to assessing the feasibility and the impact of reducing the national consumption of oil by eliminating where practical oil fired electrical generating plants from the nation's mainland baseloaded capacity. Additionally the conference will focus on in the workshops the costs and inflationary impact of reducing oil consumption by electric utilities and switching to alternative sources of generation. Representatives of state utility regulatory commissions, state governments, the utility industry, the coal industry, equipment manufacturers, environmental and consumer groups will be attending the conference.

The meeting is open to the public.

Further information concerning the conference may be obtained from the Office of Program Integration, Federal Energy Administration (202) 961-8146 or 8147.

Issued at Washington, D.C. on November 14, 1974.

JOHN C. SAWHILL,
Administrator.

[FR Doc.74-27121 Filed 11-19-74;8:45 am]

FEDERAL MARITIME COMMISSION

INTERNATIONAL LONGSHOREMAN'S ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas W. Gleason, Counsel
International Longshoremen's Association, AFL-CIO
17 Battery Place
New York, New York 10004
and
C. P. Lambos, Counsel
New York Shipping Association, Inc.
Lorenz, Finn, Giardino & Lambos
25 Broadway
New York, New York 10004

Agreement No. T-3023, between the International Longshoremen's Association, AFL-CIO (ILA), the New York Shipping Association, Inc. (NYSA), Wolfsburger Transport-Gesellschaft, m.b.H. (Wobtrans) and Walleniusrederiana (Wallenius), provides for the settlement of the parties' litigation in FMC Dockets Nos. 69-57, 73-34 and 74-49. With respect to Docket No. 69-57, the parties accept the assessment of automobiles for the period 1969-1971 as provided by this Commission in Docket No. 69-57 and agree that all issues under said docket are fully and completely settled. With respect to Docket No. 74-34, the parties settle and compromise the proceedings under the docket. Wobtrans is credited with the amount of $40,450.60 and Wallenius is debited with the amount of $30,388.53. This settlement is in full satisfaction of any and all claims by each party against the other. With respect to Docket No. 74-49, the NYSA and ILA agree to forthwith amend their assessment formula now filed with the Federal Maritime Commission (Agreement No. T-3007) to provide for the assessment of automobiles on the basis of weight rather than on the basis of 20 percent of measurement tonnage. Wobtrans and Wallenius accept this assessment method and agree to withdraw any opposition to its approval.

By Order of the Federal Maritime Commission.

Dated: November 14, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27178 Filed 11-19-74;8:45 am]

NEW YORK SHIPPING ASSOCIATION, INC. AND INTERNATIONAL LONGSHOREMAN'S ASSOCIATION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

C. P. Lambos, Counsel
New York Shipping Association, Inc.
Lorenz, Finn, Giardino & Lambos
25 Broadway
New York, New York 10004
and
Thomas W. Gleason, Counsel
International Longshoremen's Association, AFL-CIO
17 Battery Place
New York, New York 10004

Agreement No. T-3007-1, between the members of the New York Shipping Association, Inc. (NYSA) and the members of the International Longshoremen's Association, AFL-CIO (ILA), modifies the parties' basic tonnage assessment agreement for the three year period commencing October 1, 1974. The purpose of the amendment is to provide for a modification in the tonnage definition of unboxed automobiles, trucks and buses so that these vehicles will be assessed on a weight tonnage (2,240 lbs.) basis rather than the 20% of measurement tonnage basis heretofore provided by Agreement No. T-3007. Agreement No. T-3007-1 is a result of Agreement No. T-3023, between the NYSA, ILA, Wolfsburger Transport-Gesellschaft, m.b.H. and Walleniusrederiana which, *inter alia*, provides for the settlement of certain issues raised by Agreement No. T-3007 under FMC Docket No. 74-49 with respect to NYSA/

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ILA assessments against automobile cargoes.

By Order of the Federal Maritime Commission.

Dated: November 14, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27176 Filed 11-19-74;8:45 am]

TRANS-PACIFIC FREIGHT CONFERENCE (HONG KONG)

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. 14-41, entered into by the member lines of the Trans-Pacific Freight Conference (Hong Kong) is an application for an unlimited extension of the Conference's intermodal authority conferred under the terms and conditions as originally approved by the Commission in Agreement No. 14-33 on February 21, 1973, scheduled to terminate unless extended, on February 21, 1975.

By Order of the Federal Maritime Commission.

Dated: November 15, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27177 Filed 11-19-74;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule Nos. 16, et al.]

RATE CHANGE FILINGS

NOVEMBER 12, 1974.

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and followed in Opinion No. 699, issued June 21, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before November 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

APPENDIX

Filing date	Producer	Rate Schedule No.	Buyer	Area
Oct. 23, 1974	Marathon Oil Co., Findlay, Ohio 45840.	16	United Gas Pipe Line Co.	Other Southwest.
Oct. 24, 1974	Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052.	6	Columbia Gas Transmission Corp.	South Louisiana.
Oct. 25, 1974	The Superior Oil Co., P.O. Box 1521, Houston, Tex. 77001.	89	United Gas Pipe Line Co.	Do.
Oct. 29, 1974	Pennzoil Producing Co., 900 Southwest Tower, Houston, Tex 77002.	202	Texas Eastern Transmission Corp.	Texas Gulf Coast.
Oct. 30, 1974	Phillips Petroleum Co., Bartlesville, Okla. 74004.	273	Columbia Gas Transmission Corp.	South Louisiana.
Do	Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73102.	57	Tennessee Gas Pipeline Co.	Do.
Oct. 31, 1974	Phillips Petroleum Co., Bartlesville, Okla. 74004.	329	do	Do.
Do	do	330	do	Do.
Nov. 1, 1974	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	353	United Gas Pipe Line Co.	Texas Gulf Coast.

[FR Doc.74-26966 Filed 11-19-74;8:45 am]

[Docket No. E-8855]

BOSTON EDISON CO.

Order Denying Application for Reconsideration and Motion for Modification of Suspension Period

NOVEMBER 14, 1974.

On October 10, 1974, Boston Edison Company (Boston Edison) tendered for filing a pleading styled "Application For Reconsideration And Motion For Modification Of Suspension Period Of Boston Edison Company". This document was directed toward the Commission order of July 12, 1974 wherein Boston Edison's proposed rate increase (Rate S-3) was suspended for 5 months until December 15, 1974. In the October 10, 1974 filing, Boston Edison proposes a shortened suspension period that would allow Rate S-3 to become effective November 1, 1974. Boston Edison claims immediate need for, and an entitlement to, the additional revenues which Rate S-3 would provide.

Rate S-3 was filed on June 14, 1974 based on an adjusted 1973 test year. The filing proposed a rate increase of 6.5% or $999,603 on a 1973 calendar year basis. Should the requested shortened suspension be granted, the six week period from November 1, 1974 to December 15, 1974 would produce approximately $75,000 in jurisdictional revenues.

In support of the shortened suspension period, Boston Edison cites several facets of its alleged deteriorated financial condition, to wit: (1) Market price of common stock at approximately one half the price of the book value of such stock; (2) an obligation to raise $500,000,000 as its share of the Pilgrim nuclear unit between now and 1980; (3) lack of ability to issue preferred stock due to inadequate coverage; (4) drop in bond ratings; and (5) difficulties in issuance of senior debt. Boston Edison further appended industry statistics as well as certain articles outlining the industry's financial problems.

It should be noted that the Municipal Light Department of Reading, Massachusetts and the Massachusetts towns of Norwood, Wellesley, and Concord, intervenors herein, all filed vigorous protests to the proposed shortening of the suspension period on October 21, 1974. Intervenors base their protests on an alleged inflated rate of return under the proposed S-3 rate and the fact that financial problems affecting Boston Edison are nonjurisdictional. The Towns of Norwood, Wellesley and Concord also attack Boston Edison's petition as being untimely in that section 313(a) of the Federal Power Act "specifically provides that any party claiming aggrieved status as the result of a Commission order *must* seek rehearing of that order within thirty (30) days or the order becomes final and not appealable."[1] We note that Boston Edison may not seek rehearing of our order at such order is interlocutory in nature and as application for rehearing of an interlocutory order may not be filed under § 1.30(e) of the Commission's rules of practice and procedure. However, we are not precluded from entertaining an application for reconsideration or modification since the Commission, pursuant to its broad discretionary powers set forth in section 309 and section 313(a) of the Federal Power Act, may modify, amend, or rescind any order it may deem necessary in furtherance of its responsibilities under the Federal Power Act.

Subsequent to the filing of the intervenors' petition protesting Boston Edison's proposal, Boston Edison tendered a petition in response to the intervenors' petition. This petition alleged that the intervenors were relying upon factual inaccuracies as the ground for their opposition and that Boston Edison was operating in a financial climate of "declining usage, double digit inflation, and stringent capital requirements."

The Towns of Norwood, Wellesley, and Concord filed a further response to Boston Edison's reply petition. The towns reiterated the arguments set forth in their first reply petition, attacking the timeliness of Boston Edison's filing, the normalization of income taxes, and the level of the proposed rate.

Our review of the original rate filing by Boston Edison and the ensuing petitions and reply petitions indicates that a shortening of the suspension period is not warranted. Accordingly, we shall deny Boston Edison's application.

The Commission finds: Boston Edison's proposed shortening of the suspension period established by Commission order of July 12, 1974 is not warranted and should be denied.

The Commission orders: (A) The application of Boston Edison seeking a shortened suspension period is hereby denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27096 Filed 11-19-74;8:45 am]

[Docket No. E-9094]

CENTRAL VERMONT PUBLIC SERVICE CORP. AND GREEN MOUNTAIN POWER CORP.

Application

NOVEMBER 14, 1974.

Take notice that on November 6, 1974, Central Vermont Public Service Corporation and Green Mountain Power Corporation filed a joint application pursuant to section 203 of the Federal Power Act seeking authority to acquire 7,000 additional shares of Vermont Electric Power Company's Class B Common Stock. The Commission in Docket No. E-7817, issued December 22, 1972, authorized Central Vermont Public Service Corporation and Green Mountain Power Corporation to acquire shares of Class A and Class B Common Stock of Vermont Electric Power Company.

Central Vermont Public Service Corporation is incorporated under the laws of the State of Vermont with its principal business office at Rutland, Vermont, and is engaged in the purchase, production, transmission, distribution and sale of electric energy in 150 towns in Vermont. Central Vermont is qualified as a foreign corporation in the State of New Hampshire and New York. Green Mountain Power Corporation is incorporated under the laws of the State of Vermont, with its principal business office at Rutland, Vermont, and is engaged in the electric utility business in the Northern portion of the State.

Vermont Electric Power Company is incorporated under the laws of the State of Vermont, with its principal business office at Rutland, Vermont and is engaged in the construction of a system for the transmission and distribution of St. Lawrence River power purchased by the State of Vermont from the power authority for the State of New York for reallocation on a equitable basis to electric distribution utilities throughout the State.

Vermont Electric Power Company is proposing to issue First Mortgage Bonds, Series F, in an aggregate principal amount of $8 million and 7,000 shares of Class B Common Stock $100 par value, for cash at par in order to finance its continuing construction program.

Central Vermont Public Service Corporation and Green Mountain Power Corporation propose to purchase all the additional Class B Stock issued by Vermont Electric Power Company, in sum 7,000 shares. It is intended that Central Vermont purchase 59.7% of the shares issued by Vermont Electric Power Company (4,179 shares) and that Green Mountain purchase 40.3% (2,821 shares), which is proportionate to their distribution of kilowatt hours in Vermont.

In order to accommodate the financing plans of Green Mountain, however, it is proposed that Central Vermont be authorized to acquire the 7,000 shares from Vermont Electric Power Company; and, thereafter on or before June 30, 1975; Green Mountain will purchase from Central Vermont such shares of Vermont Electric Power Company as would provide Green Mountain with 40.3% of the additional shares of Class B Common Stock issued.

Any person desiring to be heard or to make any protest with reference to said application should file with the Federal Power Commission, Washington, D.C. 20426, on or before December 9, 1974, petitions to intervene or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27097 Filed 11-19-74;8:45 am]

[Docket No. CP75-125]

MICHIGAN WISCONSIN PIPE LINE CO.

Application

NOVEMBER 14, 1974.

Take notice that on October 29, 1974, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP75-125 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to perform an offshore and onshore transportation service for Texas Gas Transmission Corporation (Texas Gas) and to construct and operate an attendant metering facility at Eunice, Louisiana, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant states that both Texas Gas and Applicant have acquired the right to purchase substantial volumes of natural gas in the High Island Area, offshore Texas, and that the most economical and efficient means of connecting the High Island reserves to the transmission systems of Texas Gas and Applicant is through the construction of a jointly owned pipeline system between the High Island Area and the terminus of Applicant's existing offshore pipeline system in Block 171 West Cameron Area, offshore Louisiana. To effectuate this proposal Applicant states that it and Texas Gas have caused the formation of the Amtex Offshore Pipe Line Company (Amtex) to construct the jointly owned system.[1]

Applicant states that in order to provide for the transportation onshore of the reserves of Texas Gas from the northerly terminus of the proposed Amtex system, Texas Gas and Applicant have entered into an agreement pursuant to which Amtex will deliver the reserves of Texas Gas to Applicant at the terminus of Applicant's existing 30-inch line in Block 171 for further transportation, and Applicant will redeliver equivalent volumes to Texas Gas at a proposed new point of interconnection between the two parties near Eunice, Louisiana. Applicant proposes to transport a contract demand volume of 282,750 Mcf of gas per day for Texas Gas at a rate of 77 cents

[1] This language, with italic supplied by Intervenors, is quoted from page 2 of their petition in response to Boston Edison's application for reconsideration of the suspension order.

[1] Applicant states that Amtex's application was filed with the Commission on September 27, 1974, in Docket No. CP75-104.

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per month for each Mcf of contract demand.

Applicant states that incident to the redelivery of gas to Texas Gas, it will be necessary for Applicant to construct and operate a gas measuring station. Applicant estimates the cost of said measuring station to be $495,120, which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27105 Filed 11-19-74;8:45 am]

[Docket No. RP71-16]

MIDWESTERN GAS TRANSMISSION CO.

Order Approving Settlement Agreement

NOVEMBER 14, 1974.

On October 1, 1974, the Presiding Administrative Law Judge certified to the Commission for approval a proposed settlement agreement in the above-entitled proceeding. This agreement concerns the composite depreciation rates to be applied to the Northern and Southern Systems of Midwestern Gas Transmission Company (Midwestern). If approved, the agreement would resolve the sole remaining issue in the referenced docket and terminate the proceedings therein.

Proceedings in the referenced docket began on September 30, 1970, when Midwestern filed with the Commission proposed changes[1] in its FPC Gas Tariff to reflect rate increases on both its Northern and Southern systems. By order issued July 24, 1973, the Commission approved an "Amended Settlement Agreement as to Northern and Southern Systems" (Amended Settlement Agreement). Approval of the Amended Settlement Agreement resolved all issues raised by the September 30, 1970, filing and subsequent Midwestern filings[2] except the proposed increases in book depreciation and amortization rates for the Northern and Southern Systems. That issue was reserved for hearing and decision by Article VII of the Amended Settlement Agreement.

After the service of all evidence, settlement negotiations on the depreciation issue commenced. These negotiations produced a "Settlement Agreement on Depreciation Issue" (Depreciation Agreement), filed by Midwestern on September 30, 1974. The Depreciation Agreement states that it reflects a settlement supported by Midwestern, the Commission's staff and the other parties participating in the settlement negotiations.

The principal provisions of the proposed Depreciation Agreement may be summarized as follows: (1) Article I, section 1 provides that Commission approval of the Depreciation Agreement shall authorize Midwestern, commencing January 1, 1971, to use a composite book depreciation rate of 4.25 per cent for its Northern System plant, rather than the 4.53 per cent depreciation rate that has been used since January 1, 1971.

Article I, section 2 provides that Commission approval of the Depreciation Agreement shall authorize Midwestern to utilize, commencing May 1, 1971, the composite book depreciation and amortization rate of 4.08 per cent for its Southern System plant, which rate is currently in effect.

(2) Article II, section 1 provides that Midwestern shall file, within ten days of issuance of a Commission order approving the Depreciation Agreement, a revised tariff sheet to Midwestern's FPC Gas Tariff. Said tariff sheet is proposed to become effective on the first day of the calendar month following the date upon which the Commission's order making the Depreciation Agreement effective becomes final and nonappealable.

Article II, section 2 provides that the base tariff rates for the Northern System to be reflected in said revised tariff sheet shall be the base tariff rate otherwise in effect on the effective date of such revised tariff sheet, reduced to reflect unit rate reductions necessitated by the reduction in the Northern System depreciation rate to 4.25 per cent. The base tariff rates for the Southern System, to be reflected in said revised tariff sheet, shall be those base tariff rates otherwise in effect on the effective date of said revised tariff sheet, since there is no depreciation rate reduction for the Southern System.

(3) Article III, section 1 provides that Midwestern shall make refunds due to its Northern System customers within 45 days after issuance of a final and nonappealable Commission order approving the Depreciation Agreement. The amount of said refunds shall equal the product of the unit rate reductions[3] times each customer's actual billing determinants for the period beginning January 1, 1971, and ending on the effective date of the revised tariff sheet to be filed as discussed hereinabove. As specified by Article VII, section 7 of the Amended Settlement Agreement, the amount of such refunds shall include simple interest at a rate of 5¼ per cent annually, computed from the twenty-fifth day of the month in which Midwestern received the customer's payment involved until the date Midwestern mails refund checks or invoices reflecting a credit of the amount to be refunded.

Article III, section 2 provides that Commission order approving the Depreciation Agreement shall constitute elimination of Midwestern's refund obligation for rates to Southern System customers.

(4) Article IV provides that Midwestern shall file, concurrently with the distribution of refunds to Northern System customers, a refund report with the Commission.

(5) Article V states that the Depreciation Agreement is not intended to change existing obligations under prior agreements.

(6) Article VI provides that the Depreciation Agreement is subject to Commission approval of all its terms and conditions, and will become effective and binding only after approval, without modification, by a final and nonappealable Commission order. The Commission order approving this Agreement shall constitute: (1) waiver of the Commission's regulations as may be required; (2) acceptance of the revised tariff sheet to be filed pursuant to Article II of this Depreciation Agreement, without condition or refund obligation on the date specified therein; and (3) termination of proceedings in the subject docket.

(7) Article VII contains a general reservation disclaiming reliance on any principle underlying or supposed to underlie the settlement as negotiated. This Article further states that the provisions of the Depreciation Agreement relate solely to specific matters referred to therein.

The placing of the Depreciation Agreement on the record for certification to the Commission was noticed on October 8, 1974, with comments or protests due on or before October 18, 1974. Five companies[4] timely filed statements supporting the Depreciation Agreement and urging its approval. Two companies[5] filed out of time comments supporting the Depreciation Agreement. Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin), (Northern States Companies), timely filed comments stating that they do not object to the increased depreciation rate on Midwestern's Northern System; however, they do question the Depreciation Agreement provision (Article III, Section 1) that applies a 5¼ annual interest rate to Midwestern's refund obligation to its Northern System customers. In this regard Northern States Companies contend that "Section 154.67 of the Commission's rules appear to require that interest on refunds be at 7% per annum. . . ."

On October 23, 1974, Midwestern filed a response to Northern States Companies' allegations outlined above. In this response, Midwestern states that the interest rate established in the Depreciation Agreement was originally prescribed in this proceeding by the Commission in its order of June 3, 1971. That interest rate (5¼%) was retained, states Midwestern, by the Amended Settlement Agreement approved in its entirety by Commission order of July 24, 1973. Accordingly, Midwestern concludes, "[t]he Amended Settlement Agreement [and, hence, the 5¼% interest rate] * * * is binding on the parties and the Commission as to the interest rate on refunds to be made under the Settlement Agreement on Depreciation Issue."

We believe that the interest rate to be applied to Midwestern's refunds to Northern System customers is controlled by the provisions of the Amended Settlement Agreement in the referenced docket. That Agreement was accepted and approved without modification by Commission order of July 24, 1973; and, as Midwestern emphasizes, it provided that refunds, if any, resulting from a final disposition of the "issue reserved" (i.e. the depreciation issue) would include interest at 5¼% annually.[6] Accordingly, we believe our order of July 24, 1973, mandates our application of a 5¼ annual interest rate to Midwestern's Northern System refunds.

Our review of the proposed Depreciation Agreement, including the comments received thereto, indicates that it provides a reasonable and appropriate resolution of the depreciation issue in the subject docket, and that the public interest will be served by our approval of this Agreement. Accordingly, we shall accept and approve the Depreciation Agreement without modification.

The Commission finds: The resolution of the depreciation issue in this docket on the basis of the proposed Depreciation Agreement, as certified by the Administrative Law Judge to the Commission on October 1, 1974, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such Agreement should be approved.

The Commission orders: (A) The proposed Depreciation Agreement, certified October 1, 1974, is incorporated by reference and made a part hereof, and is approved and adopted, without modification.

(B) Midwestern shall file within ten days of the issuance of this order new tariff sheets reflecting the terms of this Depreciation Agreement, said tariff sheets to became effective on the first day of the calendar month following the date upon which this order becomes final and nonappealable.

(C) Within forty-five days after this order becomes final and nonappealable, Midwestern shall make refunds to its Northern System customers in accordance with the terms and provisions of the Depreciation Agreement.

(D) Concurrently with the distribution of refunds pursuant to ordering paragraph "C", above, Midwestern shall file with the Commission a report of said refunds, said report to be in accordance with the terms and provisions of the Depreciation Agreement.

(E) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its staff, Midwestern, or by any other party or person affected by this order in any proceeding now pending or hereafter instituted by or against Midwestern or any other person or party.

(F) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27099 Filed 11-19-74;8:45 am]

[Docket No. CP75-131]

MOUNTAIN FUEL SUPPLY CO.

Application

NOVEMBER 14, 1974.

Take notice that on October 30, 1974, Mountain Fuel Supply Company (Applicant), 180 East First South Street, Salt Lake City, Utah 84139, filed, in Docket No. CP75-131, an application, pursuant to section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity, authorizing the continued operation of certain facilities and operations related to the Bridger Lake storage facility in the Bridger Lake Field, Summit County, Utah, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued July 22, 1974, in Docket No. CP73-213 (52 FPC ----), the Commission found that Applicant may have constructed and may be operating the Bridger Lake storage facilities without Commission authorization. Applicant states that the instant application is filed to assure compliance with the Natural Gas Act.

Applicant alleges that 127,944 feet of 10-inch pipeline extending from Applicant's mainline at a point near Fort Bridger, Unita County, Wyoming, in a Southerly direction to the Wyoming-Utah state line and appurtenant facilities went into operation on December 30, 1969, and have been used, and are proposed to be used for the transportation and sale of gas to Phillips Petroleum Company (Phillips) for pressure maintenance purposes in connection with the latter's oil production operations in the Bridger Lake Field. Applicant further alleges that these facilities were constructed at an initial cost of $667,707, toward which Phillips has made a contribution of $445,138 as of December 31, 1973. Applicant seeks such authorization as it may require for the continued operation of these facilities.

The application also indicates that Applicant and Phillips have entered into an agreement, dated September 13, 1971, which provides for the storage of gas by Phillips on Applicant's account in the Bridger Lake storage facility. Applicant states that it may tender to Phillips up to 3,000 Mcf of gas per day for injection into the Bridger Lake field (provided that injection pressure need not exceed 5,500 psia), and that such volumes are in addition to any sales to Phillips for pressure maintenance purposes. Applicant states that under said agreement withdrawal rates may not exceed 10,000 Mcf per day and Phillips will be paid a withdrawal service charge of 10 cents per Mcf to cover costs of operation and amortization of injection facilities and pipeline. For storage withdrawal purposes, Applicant states it has installed a metering station and dehydrator at the Fork "A" No. 5 well of Phillips. Also, Applicant states that it has constructed 425 feet of 4-inch field lateral line to permit the taking of produced casinghead gas during withdrawal periods. Applicant requests such authorization as it may require to continue this storage arrangement with Phillips.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1974, file with the Federal Power Commission, Washington, D.C. 20425, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party

[1] Designated Second Revised Volume No. 1 to Midwestern's FPC Gas Tariff.

[2] See, in this regard, Docket Nos. RP71-56, RP72-3, and RP72-52.

[3] Listed in Appendix A of the Depreciation Agreement.

[4] Inter-City Gas, Limited, North Central Public Service Company, Michigan Wisconsin Pipe Line Company, The Peoples Gas Light and Coke Company, Northern Illinois Gas Company.

[5] Montana-Dakota Utilities Company, Central Illinois Light Company.

[6] We note further that, as stated in our order of July 24, 1973, Northern States Companies filed comments in support of the Amended Settlement Agreement.

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to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene if timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27103 Filed 11-19-74;8:45 am]

NATIONAL GAS SURVEY COORDINATING COMMITTEE

Order Designating a Member and Changing Chairmanship

NOVEMBER 14, 1974.

By orders issued May 10, 1971, April 16, 1973, and December 28, 1973, the Federal Power Commission established and renewed the Coordinating Committee of the National Gas Survey.

1. Membership. A new member to the Coordinating Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

William J. McCabe, Geologist, Bureau of Natural Gas, National Gas Survey, Federal Power Commission.

Mr. McCabe is to fill the position vacated by the resignation of Mr. Thomas H. Jenkins, Federal Power Commission, from this Committee.

2. Chairmanship. Mr. Frederick W. Lawrence, Director of the National Gas Survey, will replace Mr. Thomas H. Jenkins as Chairman of this Committee.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27093 Filed 11-19-74;8:45 am]

NATIONAL GAS SURVEY COORDINATING TASK FORCE

Order Designating a Member

NOVEMBER 14, 1974.

By orders issued December 21, 1971, and December 28, 1973, the Federal Power Commission established and renewed the Coordinating Committee Task Force of the National Gas Survey.

1. Membership. A new member to the Coordinating Task Force, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Edwin D. Goebel, Technical Director, Bureau of Natural Gas, National Gas Survey, Federal Power Commission.

Dr. Goebel is to fill the position vacated by the resignation of Mr. Thomas H. Jenkins, Federal Power Commission, from this Committee.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27094 Filed 11-19-74;8:45 am]

[Docket Nos. RP71-125; RP73-110]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Compliance to FPC Orders

NOVEMBER 13, 1974.

Take notice that on October 17, 1974, Natural Gas Pipeline Company of America (Natural) submitted for filing in compliance with Commission orders issued October 4, 1974, the following substitute tariff sheets to FPC Gas Tariff, Third Revised Volume No. 1:

Effective Date	
June 2, 1974,	Substitute Fifteenth Revised Sheet No. 5.
July 2, 1974,	Substitute Sixteenth Revised Sheet No. 5.
September 1, 1974,	Second Substitute Sixteenth Revised Sheet No. 5.
October 1, 1974,	Third Substitute Sixteenth Revised Sheet No. 5.
October 2, 1974,	Fourth Substitute Sixteenth Revised Sheet No. 5.
November 1, 1974,	Fifth Substitute Sixteenth Revised Sheet No. 5.

Natural states that on October 3, 1974, it submitted in compliance with the Commission's Docket No. RP73-110 "Order Approving Settlement Agreement With Condition" issued September 4, 1974, a series of revised tariff sheets covering the period December 1, 1973 through November 1, 1974. In addition to reflecting the interim rates approved to be effective December 1, 1973, (Appendix A of settlement) the rate sheets filed October 3, 1974, also included the rate effect of advance payment tracking filings (effective June 1 and September 1) computed under the terms of the settlement agreement, as well as unit rate adjustments previously filed under Natural's purchased gas cost adjustment tariff clause.

Natural also states that by Commission orders issued October 4, 1974, it was required that: (1) The advance to Westland Oil Development Corporation (April 25, 1972) be excluded from the advance payment tracking filing effective September 1, 1974, and (2) that Natural revise its PGA filing effective October 1, 1974, to reflect Colorado Interstate's rate increase effective under FPC order issued September 26, 1974, and Great Lakes' rates effective under FPC letter order dated September 30, 1974.

Finally, Natural states that as it has filed to withdraw its resubmitted June 1, 1974 advance payment tracking filing, the 0.06¢ per Mcf unit adjustment under that filing was excluded from the rates set out on the above substitute tariff sheets.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27101 Filed 11-19-74;8:45 am]

[Docket No. CP75-134]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Application

NOVEMBER 14, 1974.

Take notice that on October 31, 1974, Natural Gas Pipeline Company of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket No. CP75-134 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing an emergency exchange arrangement with Trunkline Gas Company (Trunkline) and the construction and operation of the facilities required to implement such arrangement, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate exchange points at two points of intersection of Applicant's and Trunkline's systems in Montgomery County, Texas, and to operate exchange points, for which no new facilities are required to be constructed, at the following gas processing plants:

(1) Texaco Inc.'s Henry Plant in Vermilion Parish, Louisiana, and

(2) Phillips Petroleum Company's Brazoria Plant in Brazoria County, Texas.

Under a July 30, 1974, exchange agreement, as amended, the proposed exchange points will be used exclusively for the exchange of gas between Applicant and Trunkline when emergency conditions exist on the pipeline of either company. The agreement provides that in the event of an emergency the parties will exchange unspecified quantities of gas for such period of time as may be mutually and reasonably possible, consistent with prudent operating procedures, and that all such volumes delivered will be redelivered concurrently on a thermally equivalent basis, or as soon as practicable after such emergency has ended.

Applicant estimates the construction cost of the proposed facilities to be $116,300, which will be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27100 Filed 11-19-74;8:45 am]

[Docket No. RP71-125, PGA 75-2]

NATURAL GAS PIPELINE COMPANY OF AMERICA

PGA Filing To Track a Pipeline Supplier Rate Increase

NOVEMBER 13, 1974.

Take notice that on September 20, 1974, Natural Gas Pipeline Company of America (Natural), tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, Third Substitute Sixteenth Sheet No. 5.

Natural states that the filing is made pursuant to the provisions of section 18 of Natural's FPC Gas Tariff, Third Revised Volume No. 1. Natural further states that such changes are intended to track increased cost of gas purchased from Great Lakes Gas Transmission Company and United Gas Pipe Line Company, pipeline suppliers to Natural. Natural proposes an effective date of November 1, 1974 to coincide with the effective dates of the suppliers increases.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27102 Filed 11-19-74;8:45 am]

[Docket No. R-389-B]

NATURAL GAS SALES

Just and Reasonable National Rates Declaratory Order on Petition for Clarification; Supplemental Order

NOVEMBER 14, 1974.

Just and reasonable national rates for sales of natural gas from wells commenced on or after January 1, 1973, and new dedications of natural gas to interstate commerce on or after January 1, 1973.

In Opinion No. 669-D issued October 9, 1974 (39 FR 37099), the Commission ruled that if a state *ad valorem* tax is based on production factors it shall be deemed to be included as a "similar tax" as that phrase is used in Ordering Paragraph (A) (3) of Opinion No. 699, mimeo p. 141. As a result, a producer may adjust the national rate upward for such a tax.

A question has arisen as to the proper procedure for producers to collect the Kansas *ad valorem* tax as part of the national rate in Opinion No. 699. The Kansas tax is paid each year by January 1 in accordance with the tax statement sent by the tax authorities between November 1 and November 15 of the preceding year. The producers thus pay the tax in a lump sum once a year. Since the tax rate usually changes each year, there is no way of accurately estimating the amount of tax which should be included on a unit basis for future production. In these circumstances, there is no need for a producer to make a rate filing reflecting the estimated tax.[1] Subsequent to the payment of the tax, the producer shall seek reimbursement for such tax from the purchaser without making any rate filing but concurrently must file with this Commission a copy of the billing statement sent to the purchaser. However, in view of the June 21, 1974, effective date provided in Opinion No. 699, the Kansas *ad valorem* tax payable by January 1, 1975, should be prorated from June 21, 1974.

The Commission orders: In those situations where a producer pays once a year in a lump sum an *ad valorem* tax includable under Ordering Paragraph (A) (3) of Opinion No. 699, mimeo p. 141, there is no need for the producer to make a rate filing reflecting an estimate of such tax on a unit basis for future production.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27095 Filed 11-19-74;8:45 am]

[Docket Nos. RP73-48; PGA 75-2]

NORTHERN NATURAL GAS CO.

Rate Change

NOVEMBER 13, 1974.

Take notice that Northern Natural Gas Company on November 1, 1974 tendered for filing Sixth Revised Sheet No. 3a of its FPC Gas Tariff, Volume No. 4. The proposed change to become effective November 1, 1974 would increase the rate per Mcf to jurisdictional customers by 3.78¢ per Mcf. This amount results from a PGA increase filed by Colorado Interstate to become effective November 1, 1974. Colorado Interstate is the pipeline supplier to Northern for sales made under Volume No. 4.

Copies of the filing were served upon the Gas Utility Customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a part must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27106 Filed 11-19-74;8:45 am]

[Docket No. CP75-132]

NORTHWEST PIPELINE CORP.

Application

NOVEMBER 14, 1974.

Take notice that on October 30, 1974, Northwest Pipeline Corporation (Applicant), P.O. Box 1526, Salt Lake City,

[1] Similarly, no rate filing is required for *ad valorem* taxes in other states (includable under Opinion No. 699) which are collected in the same manner as the Kansas *ad valorem* tax.

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Utah 84110, filed in Docket No. CP75–132 an application pursuant to section 7 of the Natural Gas Act for permission and approval to abandon the sale and delivery of natural gas to Columbia Gas Company (Columbia) and for a certificate of public convenience and necessity authorizing the sale and delivery of the volumes of natural gas so abandoned to The Washington Water Power Company (Water Power), successor in interest to Columbia, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon the sale and delivery to Columbia of up to 5,132 Mcf, the daily contract demand which Applicant has heretofore been authorized to sell and deliver to Columbia, and requests the Commission issue a certificate of public convenience and necessity authorizing the sale and delivery of up to an additional 5,132 Mcf per day to Water Power, an existing customer of Applicant, thereby increasing from 122,399 Mcf to 127,531 Mcf the daily contract demand which Applicant is authorized to sell and deliver to Water Power.

The application states that Water Power and Columbia were merged effective May 19, 1974, at which time Water Power became the owner of all rights and property of the two corporations. The merger of the two corporations was approved by the Washington Utilities and Transportation Commission, Applicant asserts. The application indicates that Water Power requires the volumes of natural gas previously sold to Columbia by Applicant to assure the continuation of adequate and reliable service to the comunities served by Columbia.

Applicant states that the grant of the authorizations requested will not increase the maximum daily quantities which Applicant is presently authorized to sell and deliver, that any increase in Applicant's annual sales or revenues as may result from the proposal will be *de minimus*, and that no additional facilities will be required nor will any facilities be abandoned in order to effectuate the proposals requested in this application.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the Public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27104 Filed 11–19–74;8:45 am]

[Docket No. CP74–301]

SOUTHWEST GAS CORP.

Order Setting Formal Hearing, Prescribing Procedures, and Granting Interventions

NOVEMBER 14, 1974.

On May 22, 1974, Southwest Gas Corporation (Southwest) filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity requesting authorization to construct and operate enlarged measuring facilities at the Tracy Power Plant (Tracy) delivery point on Southwest's Northern Nevada Transmission system. Southwest states that the expanded measuring facilities will permit delivery of up to 390,000 therms per day to the Tracy Power Plant of Sierra Pacific Power Company (Sierra) for the generation of electricity.

Specifically Southwest proposes to construct and operate a 10-inch orifice tube in parallel with two existing 10-inch tubes, a differential controller and associated metering facilities at the Tracy delivery point. While Southwest's present meter station capacity at the Tracy plant is 1,750 Mcf per hour (equal to 165 MW of electric-generating capacity), the enlarged facilities will increase the hourly capacity to 2,625 Mcf (equal to approximately 245 MW of electric-generating capacity). Although the hourly consumption will thereby increase by 1½ times over the prior delivery level, daily consumption will not exceed 39,000 Mcf, which is Southwest's present delivery obligation to Sierra. In light of the nationwide natural gas shortage and our prior pronouncements that the use of natural gas for raising steam in boilers and its subsequent conversion into electricity or mechanical energy results in a loss of roughly two-thirds of the heating value of the gas used, which is unacceptably inefficient in times of shortage,[1] we believe that a formal hearing is required on the issues raised by Southwest's application. Sierra therefore should provide testimony and evidence at the hearing hereinafter ordered including but not limited to the following: the alternate fuel capabilities of the Tracy plant; the availability of alternate fuel for the Tracy plant; and whether gas consumption for electric-generation at Tracy will increase if the certificate requested were granted.

We also note that Southwest states in its application that as curtailments from Northwest Pipeline Corporation (Southwest's sole supplier for its Northern Nevada Transmission System) increase, and as Southwest's high priority loads increase, deliveries to Sierra will continue to decline; we believe therefore that Southwest should present testimony and evidence detailing the level of curtailment imposed by Northwest on Southwest's Nevada System for the year 1974, and the estimated curtailments by Northwest for the next three years on Southwest's Northern System.

A timely petition to intervene was filed by Sierra Pacific Power Company.

The Commission finds: (1) It is desirable and in the public interest to allow Sierra Pacific Power Company to intervene in the instant proceeding.

(2) That a formal hearing is necessary and proper in the instant proceeding and that the procedures hereinafter established are required for the hearing.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, the Commission's rule of practice and procedure, and the regulation under the Natural Gas Act, a public hearing shall be held on January 23, 1975, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(B) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose [see Delegation of Authority, 18 CFR 3.5 (d)] shall preside at the hearing in these proceedings pursuant to the Commission's rules of practice and procedure.

(C) Sierra Pacific Power Company is permitted to intervene in this proceeding, subject to the Rules and Regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene; and *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(D) Southwest and Sierra are hereby ordered and required to file their testimony and exhibits in response to, but not limited to the issues set out above on all parties including Commission Staff on or before January 9, 1975.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–27107 Filed 11–19–74;8:45 am]

[1] See e.g. Arkansas Louisiana Gas Company, 45 FPC 53, 66 (1973), Docket No. RP71–122.

[Docket No. RP74–41]

TEXAS EASTERN TRANSMISSION CORP.

Extension of Procedural Dates

NOVEMBER 13, 1974.

On November 6, 1974, Consolidated Gas Supply Corporation and Columbia Gas Transmission Corporation filed a motion for extension of the procedural dates fixed by order issued January 14, 1974, as modified by notice issued August 22, 1974, in the above-designated matter. Texas Eastern Transmission Corporation agreed to extension of movants dates if their filing date is also extended. All the parties present at the settlement conference had no objection to the extension.

Notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Intervenor's Evidence, December 18, 1974.
Service of Rebuttal Evidence, January 29, 1975.
Prehearing Conference, February 11, 1975 (10 a.m. e.s.t.).
Hearing, Following conclusion of prehearing Conf.

By direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27108 Filed 11–19–1974;8:45 am]

[Docket No. CP75–128]

TEXAS EASTERN TRANSMISSION CORP.

Application

NOVEMBER 14, 1974.

Take notice that on October 29, 1974, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75–128 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of pipeline and compression facilities and the transportation of additional gas supplies by means of said facilities, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 13.35 miles of 20-inch pipeline loop on its 20-inch Caillou Island pipeline and 2,200 additional horsepower with appurtenant facilities at its Pointe Au Chien Compressor Station. Applicant further proposes to transport additional volumes of natural gas through said pipeline. Applicant states that the proposed facilities will increase the capacity of the Caillou Island Pipeline to permit the transportation of 140,000 Mcf of gas per day to be received from Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee) at the proposed interconnection of the Caillou Island pipeline and Tennessee's Muskrat line.[1]

Applicant estimates the cost of the subject facilities at $8,389,000 initially to be financed by use of Applicant's revolving credit agreement and later permanently financed in accordance with Applicant's general financing policy through issuance of bonds, stocks, or from its general funds, depending on market conditions at that time.

Applicant states that the proposed facilities are necessary in order to enable Applicant to transport in its pipeline system additional volumes of offshore Louisiana gas to be delivered to it by Tennessee at the proposed interconnection heretofore described, and that this project is part of the overall project of Applicant and Tennessee to transport gas for each other onshore from offshore Louisiana by means of their respective pipelines. Applicant asserts that such additional volumes are needed to help alleviate curtailments of deliveries to its customers.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27109 Filed 11–19–74;8:45 am]

[1] Construction of said interconnection is proposed by Applicant and Tennessee in their joint petition to amend the certificate in Docket No. CP63–177.

[Docket No. CP75–96]

EL PASO ALASKA CO.

Request by Governmental Agency

NOVEMBER 18, 1974.

Take notice that on November 12, 1974, the following letter was received by the Secretary of the Federal Power Commission from the Department of the Interior:

DEAR MR. PLUMB: We have been informed by the El Paso Alaska Company (El Paso Alaska) that it has applied to the FPC, pursuant to section 7(c) of the Natural Gas Act, 15 U.S.C. 717f(e), for a certificate of public convenience and necessity to construct and operate a natural gas pipeline system and a liquefaction complex in the State of Alaska, and to transport Alaskan gas reserves in interstate commerce. Although approximately 80 percent of the land required for the pipeline system is federally owned or administered, El Paso Alaska has informed Interior that no application for rights-of-way or temporary land use permits have been or will be made to this Department unless and until El Paso Alaska has first been granted an FPC certificate of public convenience and necessity. It is El Paso Alaska's view that until the certificate is granted, no application with Interior would be required.

We believe that El Paso Alaska's failure to apply to Interior for permits and rights-of-way renders their application before the FPC prima facie incomplete. El Paso Alaska should be given 15 days to complete their application by filing with Interior for the required permits and rights-of-way. If El Paso Alaska fails to do so within this 15-day period, their application before the FPC should be dismissed or other action deemed appropriate by the FPC should be taken.

At the present time Interior and the FPC are working jointly on an environmental impact statement (EIS) and other related studies on the transportation of natural gas from Alaska to the lower 48 states. Under the Interior-FPC Memorandum of Understanding, it was expected that both the Arctic Gas Consortium and the El Paso Company would filed applications before both Interior and the FPC. In addition, Interior contemplated that both companies would file applications before it when Congress was requested to appropriate funds to Interior to undertake the required environmental and related studies. El Paso's failure to file with Interior creates substantial difficulties to Interior as it seeks to perform its responsibilities under the Memorandum of Understanding and raises serious questions about Interior spending the appropriated funds on studies connected with the El Paso application now pending before the FPC.

The decision regarding the use of federal lands in the transportation of the Alaskan natural gas rests primarily with Interior, but unless and until a formal application is made to this Department we are powerless to offer any advice or make any determination on the subject, either to El Paso Alaska or to the FPC. Until Interior offers such advice, it will be impossible for El Paso Alaska to establish before the FPC, under section 7(c) of the Natural Gas Act, that it is "able and willing properly to do the acts and perform the service proposed."

It is El Paso's intent not to file with Interior for the required permits and rights-of-way unless and until they receive from the FPC a certificate of public convenience and necessity. Such a procedure will delay the proposed project for several years. If El Paso obtains a certificate from the FPC and then files with Interior for the necessary permits and rights-of-way, Interior would then have to prepare a new or supplemental EIS. Such a procedure would obviously take a year or more. If Interior subsequently denies El Paso Alaska's application and recommends a Trans-Canada route, then the FPC might have to reopen its hearings, again resulting in a substantial delay.

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Since El Paso Alaska's failure to file with Interior renders our work under the Memorandum of Understanding difficult and incomplete, and since it raises questions about Interior spending appropriated funds on the preparation of an EIS or related studies concerning El Paso Alaska's pending application before the FPC, and since this situation could possibly delay the transportation of the Alaskan natural gas for several years, we request that El Paso Alaska be notified by the FPC that their application is incomplete, and that they be given 15 days to file with Interior. If El Paso Alaska fails to do so, we request that the FPC dismiss their application or take such other action as is appropriate under the circumstances.

Sincerely yours,

JOHN C. WHITAKER,
Under Secretary of the Interior.

The Commission desires the comments, suggestions and views of any interested person in this matter. In this regard the Commission is also directing its staff to file comments.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than December 3, 1974, views, comments or suggestions, in writing, concerning the request herein. An original and 14 conformed copies should be filed with the Secretary of the Commission. Written submittals, including the Commission's Staff, will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, Washington's D.C., during regular business hours. Submittals to the Commission should indicate the name, title, mailing address, and telephone number of the person to whom communications concerning the proposal should be addressed. The Commission will consider all written submittals before acting on the proposed request.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27205 Filed 11-19-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 15, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529), or from the reviewer listed.

NEW FORMS

ACTION

Sponsor Study and Volunteer Study, Form ----, Single time, Lowry (395-3772), Public and private non-profit organizations.

DEPARTMENT OF COMMERCE

Bureau of the Census: Voter Attitudes Survey. Form ----, Single time, Hall (395-4697), 1200 persons 18 yrs. old and over in selected PSU's.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration:
Primary Practice Profile (PE Reimbursement Study). Form SSA 9761, Single time, Collins (395-3756), Physicians and physician extenders in office-based primary care practices.
Teaching Hospitals Questionnaire, Form SSA 9760, Single time, HRD (395-3532), Caywood (395-3443), Teaching hospitals.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Director of National Unions and Employee Associations, Forms BLS 2441, 2441-A, 2441-B, Single time, Strasser (395-3880), Labor organizations.

NATIONAL SCIENCE FOUNDATION

Ranking Priorities for Experimentation with Federal Incentives to Innovation, Form ----, Single time, Weiner (395-4890), Industry association executives.

DEPARTMENT OF THE TREASURY

Departmental: Employment Data, Form ----, Single time, Planchon (395-3898), Lowry (395-3772), Business firms.

VETERANS ADMINISTRATION

Cooperative Study, Radiotherapy of Prostatic Cancer (CURRG), Form ----, Single time, Hall (395-4697), Veteran patients in participating hospitals.

REVISIONS

FEDERAL RESERVE BOARD

Weekly Report of Condition, Form FR 416, Weekly, Hulett (395-4730), 326 large commercial banks.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration: Social Security Beneficiary Survey Interview and Verification Report, Form SSA 1305, Occasional, Caywood (395-3443), Individuals.

EXTENSIONS

DEPARTMENT OF LABOR

Bureau of Labor Statistics:
Construction Labor Requirements, Forms 2652.04, 2652.05, 2652.06, Occasional, Evinger (x) (395-3648).
Expenditures for Employee Compensation, Form 2868, Annual, Evinger (x) (395-3648).
SIC 372 Quality Measurement, Form 3029QMS, Single time, Evinger (x) (395-3648).
International Commodity Price Information-Import Commodity Data, Form 3007 A, Annual, Evinger (x) (395-3648).

DEPARTMENT OF LABOR

BUREAU OF LABOR STATISTICS

Handbook for Estimating Unemployment, Form 3040, Occasional, Evinger (x) (395-3648).
Characteristics of the Insured Unemployed, Form ES 203, Monthly, Evinger (x) (395-3648).

Labor Management and Service Administration:
Filing Annual Reports under the Welfare and Pension Plans Disclosure Act by Administrators of the Act, Form D-2, Annual, Evinger (x) (395-3648).
Trusteeship Report and Schedule on Selecting of Delegates and Officers, Form LM 15, Semiannual, Evinger (x) (395-3648).

NATIONAL ENDOWMENT FOR THE ARTS

Artists in Schools Program/Dance Component: 1976-77 School Year—Guidelines for Dance Movement Specialists, Form ----, Annual, Evinger (395-3648), Dance movement specialists.

DEPARTMENT OF THE TREASURY

U.S. Customs Service:
Application for Conditionally Free Withdrawal of Bonded Stores for Fishing Vessels and Certification of Use, Form CF 5125, Occasional, Evinger (x) (395-3648).
Crewmember's Declaration, Form 5120, Occasional, Evinger (x) (395-3648).

VETERANS ADMINISTRATION

Spinal Cord Injury Unit Survey-Patient Form-Relative Form, Form ----, Occasional, Evinger (x) (395-3648).

PHILIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-27277 Filed 11-19-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AERO RESOURCES, INC.

Suspension of Trading

NOVEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock and warrants of Aero Resources, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27155 Filed 11-19-74;8:45 am]

[File No. 500-1]

AVIEN, INC.

Suspension of Trading

NOVEMBER 13, 1974.

The common stock of Avien, Inc. being traded on the American Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Avien, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27164 Filed 11-19-74;8:45 am]

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

NOVEMBER 13, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27156 Filed 11-19-74;8:45 am]

[File No. 500-1]

CAROLINA CARIBBEAN CORP.

Suspension of Trading

NOVEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Carolina Caribbean Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27157 Filed 11-19-74;8:45 am]

[File No. 500-1]

D.C. TRANSIT SYSTEM INC.

Suspension of Trading

NOVEMBER 13, 1974.

The common stock of D.C. Transit System Inc. being traded on the Philadelphia - Baltimore - Washington Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of D.C. Transit System Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from 12:30 p.m. (e.s.t.) on November 13, 1974 through midnight (e.s.t.) on November 22, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27158 Filed 11-19-74;8:45 am]

FEDERAL UNITED CORP.

Filing of Application

NOVEMBER 13, 1974.

Notice is hereby given that Federal United Corporation ("Applicant"), 120 South 17th Street, Philadelphia, Pennsylvania, 19103, a closed-end, non-diversified management investment company under the Investment Company Act of 1940 ("Act") filed an application on March 25, 1974 and amendments thereto on July 26, 1974, October 23, 1974, October 31, 1974, and November 12, 1974, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act.

All interested persons are referred to the application filed with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was organized as a Delaware Corporation on January 26, 1932, and has been registered under the Act since August, 1941.

Applicant represents that, due to an inability to increase the value of its investment portfolio, its directors adopted a plan of liquidation on June 14, 1973. A letter, dated August 14, 1973 was sent to Applicant's shareholders informing them of the directors' action and stating Applicant's intention to put the plan before the shareholders for a vote. However, before the plan could be voted upon, Erik E. Bergstrom made a cash tender offer for the outstanding common and preferred stock of the company. Included in his written offer to purchase was a statement that he intended to vote against the plan of liquidation. Bergstrom now owns 41,632 shares of Applicants common stock (a total of 49,615 shares are outstanding) and 917 shares of its preferred stock (a total of 4,640 shares are outstanding) and is in control of Applicant.

Applicant's common stock is now held by 65 persons and its preferred stock is held by 58 persons, 27 of whom are among the beneficial owners of common stock. Accordingly, Applicant contends, the total number of persons who own beneficially the outstanding securities of Applicant as of the date of the application is 96. Applicant states that no company owns beneficially any of its securities (other than short-term paper). Applicant further states that it is not now making and does not presently propose to make a public offering of its securities. Applicant represents that, as of May 20, 1974, the market value of its securities was approximately $174,500.

Bergstrom has no plans to merge Applicant with any other person or to make other major changes in its business or corporate structure and intends to manage Applicant's portfolio himself.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Upon issuance of this notice, Applicant will send a letter to all holders of Applicant's outstanding common and preferred stock summarizing the effect of deregistration under the Act together with a copy of this notice.

Notice is further given that any interested person may, not later than December 20, 1974, at 5:30 p.m., submit to the

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Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 20, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–27160 Filed 11–19–74;8:45 am]

[File Nos. 2–52303; (22–8130)]

GENERAL AMERICAN TRANSPORTATION CORP.

Application and Opportunity for Hearing

NOVEMBER 12, 1974.

Notice is hereby given that General American Transportation Corporation (the "Company") has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the "Act") for a finding by the Commission that the trusteeship of Chemical Bank (the "Bank") under an indenture dated as of February 15, 1970, and heretofore qualified under the Act, and a new indenture, which is to be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as trustee under either indenture.

Section 310(b) of the Act provides, *inter alia*, that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in the section), it shall within ninety days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Paragraph (1) of this section provides, with certain exceptions, that a trustee is deemed to have a conflicting interest if it is acting as trustee under another indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture or indentures under which other securities of such obligor are outstanding, if the issuer shall have sustained the burden of proving on application to the Commission, and after opportunity for hearing thereon, that trusteeship under the qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under any of such indentures.

The Company alleges that: 1. It has outstanding $40,000,000 principal amount of 9% Equipment Trust Certificates due August 15, 1990, which were issued under an indenture as of February 15, 1970 entered into between the Company and the Bank, as trustee, which has been qualified under the Act.

2. It proposes to issue and sell approximately $60,000,000 principal amount of --% Equipment Trust Certificates to be issued under an indenture ("new indenture") which will be qualified under the Act.

3. The indenture dated as of February 15, 1970, is, and the new indenture will be, secured by a separate lot of identified railroad cars, so that should the Bank have occasion to proceed against the security under one of these trusts, such action would not affect the security, or the use of any security, under the other trust.

4. The differences in the provision of the two indentures are not so likely to involve the Bank in a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Bank from acting as Trustee under either indenture.

The Company waives notice of hearing and waives hearing and waives any and all rights to specify procedures under Rule 8(b) of the Commission's rules of practice with respect to the application.

For a more detailed account of the matters of fact and law asserted, all persons are referred to said application, which is a public document on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C. 20549.

Notice is further given that any interested person may, not later than November 27, 1974 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–27158 Filed 11–19–74;8:45 am]

[811–709]

PIONEER ENTERPRISE FUND, INC.

Filing of Application

NOVEMBER 13, 1974.

Notice is hereby given that Pioneer Enterprise Fund, Inc. ("Applicant"), 28 State Street, Boston, Massachusetts 02109, registered under the Investment Company Act of 1940 (the "Act") as a diversified, open-end, management investment company, filed an application on August 26, 1974, pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that an Amended Agreement and Plan of Reorganization ("Agreement") was approved by the requisite number of Applicant's outstanding voting securities at a special meeting of its shareholders on June 27, 1974. Pursuant to the Agreement, substantially all of the assets of Applicant were assigned to Pioneer II, Inc. ("Pioneer"), an open-end, diversified, management investment company registered under the Act, in exchange for shares of common stock of Pioneer. Applicant states that the Pioneer shares received pursuant to the Agreement have been distributed to Applicant's shareholders on a pro rata basis and that Applicant was dissolved under the laws of the State of Delaware on June 28, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 9, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such comumnication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the Application will be issued as of course following December 9, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–27159 Filed 11–19–74;8:45 am]

REPORT COORDINATING GROUP (ADVISORY)

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92–463, 86 Stat. 770, the Securities and Exchange Commission announces a public advisory committee meeting.

The Commission's Report Coordinating Group (Advisory) will hold a meeting on December 9, 1974 at the Securities and Exchange Commission, 500 North Capitol Street, Room 876, Washington, D.C. The meeting will commence at 10 a.m. local time and will be for the purpose of discussing the FOCUS Report of financial and operational information and the development of simplified trading forms, assessment forms and registration forms.

The Group's meetings are open to the public. Any interested person may attend and appear before or file statements with the advisory committee. Said statements, if in written form, may be filed before or after the meeting. Oral statements shall be made at the time and in the manner permitted by the Report Coordinating Group.

The Report Coordinating Group was formed to assist the Commission in developing a coherent, industry-wide, coordinated reporting system. In carrying out this objective, the Report Coordinating Group is to review all reports, forms and similar materials required of broker-dealers by the Commission, the self-regulatory community and others. The Group is expected to advise the Commission on such matters as eliminating unnecessary duplication in reporting, reducing reporting requirements where feasible, and developing the FOCUS Report of financial and operational information. (Securities Exchange Act Release No. 10612; Securities Exchange Act Release No. 10959.)

Information concerning the meeting, including the procedures for submitting statements to the Group, may be obtained by contacting: Mr. Daniel J. Pilaro II, Secretary, SEC Report Coordinating Group, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: November 13, 1974.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–27153 Filed 11–19–74;8:45 am]

[File No. 500–1]

ROYAL PROPERTIES INC.

Suspension of Trading

NOVEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 14, 1974 through November 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–27163 Filed 11–19–74;8:45 am]

[File No. 500–1]

WINNER INDUSTRIES, INC.

Suspension of Trading

NOVEMBER 13, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 14, 1974 through November 23, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–27161 Filed 11–19–74;8:45 am]

ADVISORY COMMITTEE ON THE IMPLEMENTATION OF A CENTRAL MARKET SYSTEM

Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. I 10(a), that the Securities and Exchange Commission Advisory Committee on the Implementation of a Central Market System will conduct open meetings December 5 and 6, 1974, beginning at 9 a.m. at the offices of J. C. Penney Co., Inc., 31st floor, 1301 Avenue of the Americas, New York, New York, 10019.

The summarized agenda for the meeting is as follows:

(I) Completion of work on document entitled "Basic Characteristics and Principles of the Central Market System" including the following subjects.

A. The objectives and basic characteristics of the central market system.

B. Operating principles affecting specialists and market-makers.

1. Net capital.
2. Market continuity.
3. Public preference.
4. Treatment of limit orders.
5. Dealing with customers.
6. Allocation of securities to dealers.
7. Affirmative obligations.

(II) Reports of the following working groups.

A. Broker-dealer access to the central market system—Messrs. Crum, Gardiner, Heller and Stone.

B. Economics of the self-regulatory organizations.

1. National Association of Securities Dealers, Inc.—Messers. McCulley and Yearley.
2. New York Stock Exchange—Messrs. Axelson, Gardiner, and Rohatyn.
3. Midwest Stock Exchange—Messrs. Heller and Myers.
4. Pacific Stock Exchange—Messrs. Jefferies and Lovelace.

Further information may be obtained by writing Andrew P. Steffan, Director, Office of Policy Planning, Securities and Exchange Commission, Washington, D.C. 20549.

Dated: November 20, 1974.

[SEAL] GEORGE A. FITZSIMMONS,
Advisory Committee Management Officer.

[FR Doc.74–27295 Filed 11–19–74;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portions of that Manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER.

Section 622.14 is revised to reflect the change in procedures for notification to local boards of the entry of registrants into active military service.

Temporary Instruction No. Appendix 1–12 deals with the establishment of records of medical specialty students.

Dated: November 13, 1974.

BYRON V. PEPITONE,
Director.

[Rev. Nov. 4, 1974]

SECTION 622.14

CLASS 1–C: MEMBER OF THE ARMED FORCES OF THE UNITED STATES, THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, OR THE PUBLIC HEALTH SERVICE

In Class 1–C shall be placed:

1. Every registrant who is, or who by enlistment, induction, or appointment becomes, a commissioned officer, a warrant officer, an enlisted man or an aviation cadet of the Army, the Navy, the Air Force, the

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Marine Corps, the Coast Guard, or the National Oceanic and Atmospheric Administration (NOAA), or a commissioned officer of the regular Public Health Service (PHS). Notification of entry into active military service, other than by induction, shall be by DD Form 53 (Notification of Entry Into Active Military Service) or DD Form 4 (Enlistment Contract—Armed Forces of the United States). For NOAA, notification will be by DD Form 53 and for PHS, notification will be by PHS Form 1867.

2. Every registrant who is a cadet, United States Military Academy, United States Air Force Academy, or United States Coast Guard Academy; or a midshipman, United States Naval Academy.

3. Except for periods of active duty for training only, every registrant who is a member of a Reserve component of the armed forces and is on active duty.

4. Except for periods of active duty for training only, every Reserve officer of the Public Health Service on active duty and assigned to staff the various offices and bureaus of the Public Health Service including the National Institutes of Health, or the Coast Guard, the Bureau of Prisons of the Department of Justice, the Environmental Protection Agency, or the National Oceanic and Atmospheric Administration.

[Temporary Instruction No. Appendix 1–12]

ESTABLISHING MEDICAL SPECIALTY STUDENT RECORDS IN RIB

Issued: October 25, 1974.

1. In order to establish a complete data base of accountable medical specialty students' records in RIB, every registrant who is now identified as a medical specialty student (medicine, dentistry, osteopathy, optometry, veterinary medicine, podiatry or nursing) shall be reported, by specialty, to RIB, regardless of age, classification, or any previous submission of a Status Card (SSS Form 7). This will be accomplished by submitting to the Computer Service Center (CSC) an "original" SSS Form 7 prepared in accordance with the attachment [1] to this Temporary Instruction.

2. Whenever an SSS Form 7 is prepared under the provisions of the following paragraphs, the registrant's copy shall be destroyed unless the SSS Form 7 reflects a new classification by the local board.

3. The actions set forth in subparagraphs a and b below, will be completed by December 31, 1974:

a. For each registrant now classified 2–M, local boards shall submit to the CSC an "original" SSS Form 7.

b. Local boards shall review other Registrant File Folders for the purpose of identifying medical specialty students. Where evidence of current medical specialty student status is present, and reclassification is not required, an "original" SSS Form 7 shall be submitted.

4. For those registrants identified as medical specialty students who are pending reclassification into 2–M at the next regularly-scheduled local board meeting, an "original" SSS Form 7 shall be submitted following the reclassification action.

5. Those registrants who are later identified as medical specialty students should be considered for reclassification into Class 2–M, unless eligible for a lower class, and an "original" SSS Form 7 shall be submitted.

6. Whenever a registrant between the ages of 22 and 26, for whom accountability had been terminated, is identified as a medical specialty student, his accountability shall be restored and his Registrant File Folder retrieved from the Federal Records Center (FRC). He shall be considered for reclassification into Class 2–M, unless eligible for a lower class. An "original" SSS Form 7 shall be submitted.

7. Each registrant identified as a medical specialty student who is between the ages of 26 and 35, whose liability has been extended to age 35 under Section 631.8, RPM, and for whom accountability had been terminated, shall have his accountability restored and his Registrant File Folder reestablished. He shall be considered for reclassification into Class 2–M, unless eligible for a lower class. An "original" SSS Form 7 shall be submitted. His Priority Selection Group, based on his year of birth, shall be assigned and shown regardless of his age or class.

8. If evidence is received that a medical specialty student whose file is being retained beyond the age and status at which it would otherwise be eligible for transfer to the FRC (or destruction, as appropriate), has terminated such course of study, other than by graduation, his accountability will be terminated, his file disposed of, and a "deletion" SSS Form 7 submitted to the CSC to delete his record in RIB.

9. Temporary Instruction No. 622–3 is rescinded.

This Temporary Instruction will remain in effect until amended or rescinded.

BYRON V. PEPITONE.

[FR Doc.74–27076 Filed 11–19–74;8:45 am]

[1] Attachment not filed with Office of the Federal Register.

TARIFF COMMISSION

[337–40]

ELECTRONIC FLASH DEVICES

Investigation and Hearing; Termination of Investigation, in Part

A complaint was filed with the U.S. Tariff Commission on January 24, 1973, and an amendment thereto on July 25, 1973, on behalf of Honeywell, Inc., of Minneapolis, Minnesota, alleging unfair methods of competition and unfair acts in the importation and sale of certain electronic flash devices by reason of their being embraced within the claims of U.S. Letters Patent No. Reissue 26,999 and No. 3,519,879. Complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337).

Ponder and Best, Inc., of Santa Monica, Calif.; Ehrenreich Photo-Optical Industries, Inc., of Garden City, N.Y.; Rollei of America, Inc., of Fairfield, N.J.; and Braun North America, a division of the Gillette Company of Cambridge, Mass., have been named by complainant as importers and distributors of the subject product.

Having conducted, in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged in said complaint, as amended, the U.S. Tariff Commission, on November 6, 1974, *Ordered:*

(1) That, for the purposes of section 337 of the Tariff Act of 1930, an investigation be instituted with respect to the asserted violations of said section by the alleged importation and sale in the United States of electronic flash devices covered by claims 1, 2, and 8 of U.S. Letters Patent No. 3,519,879 and claims 5, 6, 7, and 8 of U.S. Letters Patent No. Reissue 26,999; and

(2) That a public hearing be held on February 11, 1975, at 10:00 a.m., E.S.T., in the Hearing Room, U.S. Tariff Commission Building, Eighth and E Streets, NW., Washington, D.C. 20436. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the opening of the hearing.

The Commission decided not to recommend at this time that the President issue a temporary exclusion order pursuant to section 337(f) of the Tariff Act of 1930 (19 U.S.C. 1337(f)).

On November 14, 1974, the Commission ordered the termination of the above investigation with respect to Ponder and Best, Inc., one of the named importers and distributors of the subject product. This termination was based on the existence of a licensing agreement covering the patents in issue between complainant and Matsushita Electrical Industrial Co., Ltd., of Osaka, Japan, the foreign manufacturer of electronic flash devices imported by Ponder and Best, Inc., and other submissions of the parties.

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on February 26, 1973 (38 FR 5211). Notice of an extension of time for filing written views was published in the FEDERAL REGISTER on March 20, 1973 (38 FR 7369). The complaint, as amended, was served upon all known interested parties and has been available for inspection by interested persons continually since issuance of the notice of initiation of the preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building, and also in the New York City office of the Commission, located at 6 World Trade Center.

Issued: November 14, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.74–27074 Filed 11–19–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON COKE OVEN EMISSIONS

Notice of Meeting and Request for Information

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Coke Oven Emissions, established under section 7(b) of the Williams–Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will hold its second meeting on December 16, 17 and 18, 1974. The meeting will begin at 10:00 a.m. on December 16, and will continue at 9:00 a.m. on December 17 and 18, in the Savoy Room of the Ramada Inn Downtown located at 10 Thomas Circle, NW, Washington, D.C. The meeting is open to the public and all interested persons are encouraged to attend.

It is anticipated that the ad hoc Committee will hold approximately 10–12 meetings before its recommendations are submitted and its deliberations cease. The Committee has been allowed 200 days from the date of its organizational meeting, November 6, 1974, to submit its recommendations. It is anticipated that the Committee will devote approximately half of its total meetings to discussions on various aspects of the problem of employee exposure to coke oven emissions, including the following subjects: health effects, emission composition, sampling, analytical methods, engineering methods available for control of emissions, and medical surveillance. The Committee will request presentations from experts in these areas when necessary, and will subsequently devote the last half of its deliberations to writing and developing recommendations. The agenda will necessarily be influenced by the availability of guest speakers for the dates of future meetings, but discussion on health effects, emission composition, and sampling is anticipated during the December meeting. In addition, the Committee has tentatively scheduled its subsequent meetings on January 13 and 14, 30 and 31, and February 11 and 12. Confirmation of these dates and additional details on meeting places and locations will be published in future notices.

Any member of the public wishing to submit written presentations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by close of business December 9, 1974, or by filing such statements with the Committee Management Officer at the meeting. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation to the Committee should submit a written request to be heard to the Committee Management Officer by close of business December 9, 1974. The request must include the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Committee Chairman for his consideration.

The Committee herein requests relevant information or data on employee exposure to coke oven emissions, feasible analytical methods, engineering methods available for control of emissions, and medical surveillance. The Committee would appreciate receiving such data at any time during its 200 days of establishment, but would find the information most useful in the early stages of these deliberations.

Communications and questions about the proceedings should be addressed to:

Jeanne W. Ferrone, Committee Management Officer, U.S. Department of Labor, Occupational Safety and Health Administration, 1726 M Street, NW., Room 200, Washington, D.C. 20210, Phone: 202/961–2248, 2487.

All materials which have been submitted to or developed by the Committee since the beginning of its deliberations, as well as the official record of all Committee proceedings, are available for public inspection and copying at the above location.

Signed at Washington, D.C., this 15th day of November, 1974.

JOHN STENDER, *Assistant Secretary of Labor.*

[FR Doc.74–27168 Filed 11–19–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–43]

AJAX TRANSFER CO. ET AL.

Lease and Interchange of Vehicles by Motor Carriers; Correction

Corrected Order [1]. At a session of the Interstate Commerce Commission, Motor Carrier Leasing Board, held at its office in Washington, D.C. on the 11th day of September 1974.

It appearing, that a petition has been filed by Ajax Transfer Company, A Corporation (permits MC–119391 sub 1 and fours subs) and LTL Perishables, Inc. (certificate MC–135874 subs 14 and 19) and Noel Transfer, Inc. (not authorized by the Commission), under common control, for waiver of paragraphs (a)(3) and (c) of § 1057.4 of the Lease and Interchange of Vehicles Regulations (49 CFR Part 1057), concerning equipment leased between petitioners;

It further appearing, that petitioners have a jointly administered program applying the same standards of inspection and maintenance to equipment in accordance with the motor carrier safety regulations of the U.S. Department of Transportation.

It further appearing, that the U.S. Department of Transportation reports both petitioners are now in acceptable compliance with the motor carrier safety regulations;

It is ordered, That waiver of paragraphs (a)(3) and (c) of § 1057.4, be, and, it is hereby granted provided that the equipment is inspected on the day it is to be leased and found to meet the requirements of the safety regulations of the U.S. Department of Transportation and that petitioners remain in satisfactory compliance with those regulations and under common control;

By the Commission, Motor Carrier Leasing Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–27183 Filed 9–19–74;2:45 am]

[1] This order corrects the order served herein September 11, 1974, which inadvertently listed the certificate number of LTL Perishables, Inc. as MC–135974.

[Rev. S.O. 1173, Exception 36]

BANGOR AND AROOSTOOK RAILROAD CO. AND BOSTON AND MAINE CORP.

Authorization for Receipt and Transport

NOVEMBER 8, 1974.

Pursuant to the authority vested in me by section (a), paragraph (4) of Revised Service Order No. 1173, the Boston and Maine Corporation (Robert W. Meserve and Benjamin H. Lacy, Tristees) be, and it is hereby, authorized to accept from shipper at Merrimack, New Hampshire, for transport to destination, BAR 125 and BAR 11126, routed BM–MEC–BAR, regardless of the provisions of Revised Service Order No. 1173.

Effective November 8, 1974.

Expires November 13, 1974.

Issued at Washington, D.C., November 8, 1974.

[SEAL] R. D. PFAHLER, *Chairman, Railroad Service Board.*

[FR Doc.74–27181 Filed 11–19–74;8:45 am]

[Notice 635]

ASSIGNMENT OF HEARINGS

NOVEMBER 15, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 139859 and Sub-No. 1, Cal-National Enterprises, Inc., now assigned December 11, 1974, at Los Angeles, Ca., will be held in Room 517, Federal Courthouse, 312 N. Spring St.

MC 61592 Sub 319, Jenkins Truck Line, Inc., now assigned December 9, 1974, at Los Angeles, Ca., will be held in Room 517, Federal Courthouse, 312 N. Spring St.

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MC 43685 Sub 14, Mercer Trucking Co., Extension—Spokane, Wash., now assigned December 16, 1974, at Spokane, Wash., will be held in Room 888–891, U.S. Courthouse, West 920 Riverside.

MC 136201 (Sub-No. 2), Rocky Mountain Feed Ingredients, now assigned December 3, 1974, at Billings, Mont., will be held in Room 1033, U.S. Courthouse & Post Office, 3rd Ave. N. & 26th St.

I & S 8944, Fresh Fruits & Vegetables, Transcontinental & Western Points, and FSA No. 42830, Fruits and Vegetables From and To Colorado and Utah Points, continued to December 9, 1974 (1 week), at the Baker Hotel, 1400 Commerce St., Dallas, Tex.

MC 138259 (Sub-No. 3), Northwest Express, Inc., now assigned December 5, 1974, at Billings, Mont., will be held in Room 1033, U.S. Courthouse & Post Office, 3rd Ave. N. 26th St.

AB 31 Sub 1, Grand Trunk Western Railroad Company, Abandonment Between Lakeland and Jackson, in Livingston, Ingham, and Jackson Counties, Michigan, now assigned December 10, 1974, at Jackson, Mich., will be held in the Recreation Auditorium, 3rd Floor, City Hall, 132 West Washington St.

MC 117644 Sub 39, D & T Trucking Co., Inc., now assigned December 12, 1974 at St. Paul, Minn., will be held Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

MC 123048 Sub 292, Diamond Transportation System, Inc., now assigned December 4, 1974, at St. Paul, Minn., will be held in Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

MC 139454, Agri Trucking, Inc., now assigned December 5, 1974, at St. Paul, Minn., will be held in Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

MC–FC 74846, Arrowhead Charter, Inc., Cloquet, Minnesota, Transferee, and John J. Byers, D.b.a. Arrowhead Charter Bus Service, Duluth, Minnesota, Transferor, and MC–C–4914 Sub 1, John J. Byers D.b.a. Arrowhead Charter Bus Service—Revocation of Certificate, now assigned December 6, 1974, at St. Paul, Minn., in Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

MC–F–12148, Anderson Trucking Service, Inc.—Purchase (Portion)—Bay and Bay Transfer, Inc., now assigned December 9, 1974, at St. Paul Minn., in Courtroom No. 3, 7th Floor, Federal Bldg. & U.S. Courthouse, 316 N. Robert St.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–27187 Filed 11–19–74;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 15, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Nevada Docket No. 48, filed October 24, 1974. Applicant: MILTON B. ANDERSON & MELVIN K. ANDERSON, a partnership, doing business as OVERLAND EXPRESS, 790 East Glendale Road, Sparks, Nevada 89431. Applicant's representative: John Paul Fischer, Silver, Rosen, Fischer & Stecher, 140 Montgomery Street, San Francisco, Calif. 94104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of Package express, limited to 200 pounds per consignee per day with no single shipment exceeding 70 pounds. Between all points and places in Nevada via irregular routes, and via regular routes between Reno, Nevada, and Elko, Nevada, via Interstate Highway 80, serving all intermediate points and the off-route points of Fernley, Nevada, Fallon, Nevada, and Carlin, Nevada. Restriction: Service shall be restricted against the following service: between Reno, Nevada, and Yerington, Nevada, and all intermediate points via U.S. Highway 395 to the junction of U.S. Highway 395 and State Route 3, thence via State Route 3 to Yerington, between Reno and Reno Ski Bowl, between Reno and Virginia City, between Virginia City and Carson City, Gold Hill, and Silver City. Intrastate and interstate commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Nevada Public Service Commission, 222 E. Washington Street, Carson City, Nev. 89701, and should not be directed to the Interstate Commerce Commission.

Texas Docket No. 2674 filed November 5, 1974. Applicant: TEXAS TEX-PACK EXPRESS, INC., P.O. Box 9325, San Antonio, Tex. 78294. Applicant's representative: Lanham, Hatchell & Sedberry, 1102 Perry Brooks Bldg., Austin, Tex. 78701. (a) & (b)(1) Application of Texas Tex-Pack Express to amend Common Carrier Certificate No. 2674 so as to authorize the transportation of General commodities subject to the restriction that no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignee at one location to one consignee at one location on any one day, between points on the following named routes, and coordinating such service with that presently being rendered under existing certificates and interlining with other carriers at appropriate interline points: (1) U.S. Highway 290 between Fredericksburg and its intersection with State Highway 27; (2) U.S. Highway 290 between Johnson City and Austin; and (3) State Highway 71 between Austin and its intersection with U.S. Highway 281 near Marble Falls; (a) & (b)(2) transporting motion picture film and theater supplies, flowers, magazines, and newspapers, over the same routes described in (a) & (b)(1) above; (a) & (b)(3) Applicant also seeks to amend Common Carrier Certificate No. 2674 so as to be authorized to use the routes listed below, as alternate routes only, in the transportation of general commodities, as described above, motion picture film and theater supplies, flowers, magazines, and newspapers, without service to any intermediate point except as otherwis authorized; (1) U.S. Highway 59 between Freer and Victoria; (2) State Highway 72 and State Highway 239 between Kenedy and the intersection of State Highway 239 and U.S. Highway 59 near Goliad; (3) State Highway 285 between Hebbronville and Falfurrias; (4) State Highway 304 between Gonzales and its intersection with State Highway 71 near Bastrop; (5) State Highway 80 between Martindale and Belmont, and between Nixon and Karnes City; (6) State Highway 317 between Moody and Belton; (7) State Highway 123 between San Marcos and Seguin; State Highway 31 between its intersection with U.S. Highway 84 and Hubbard; (8) F. M. Road 88 between Elsa and Weslaco; and (9) State Highways 72 and 97 between Kenedy and Cotulla. Intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Railroad Commission of Texas, Capitol Station, P.O. Drawer 12967, Austin, Tex. 78711, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–27185 Filed 11–19–74;8:45 am]

[Notice 37]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 15, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 33641 (Deviation No. 82), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed November 12, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Smith Center, Kans., over U.S. Highway 36 to Indianapolis, Ind., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Smith Center, Kans., over U.S. Highway 281 to junction U.S. Highway 24, thence over U.S. Highway 24 to Kansas City, Mo., thence over U.S. Highway 50 to junction Missouri Highway 100 near Gray Summit, Mo., thence over Missouri Highway 100 to St. Louis, Mo., thence over U.S. Highway 50 to Cincinnati, Ohio, thence over U.S. Highway 52 to Indianapolis, Ind., and return over the same route.

No. MC 33641 (Deviation No. 83), IML FREIGHT, INC., 2175 So. 3270 West, P.O. Box 2277, Salt Lake City, Utah 84110, filed November 12, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Cheyenne, Wyo., over Interstate Highway 80 to Jacinto, Nebr., thence over U.S. Highway 30 to Sunol, Nebr., thence over unnumbered highway to junction Interstate Highway 80, thence over Interstate Highway 80 to junction U.S. Highway 183 near Elm Creek, Nebr., thence over U.S. Highway 183 to Phillipsburg, Kans., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Cheyenne, Wyo., over U.S. Highway 85 to Denver, Colo., thence over U.S. Highway 36 to Phillipsburg, Kans., and return over the same route.

No. MC–41432 (Deviation No. 24), EAST TEXAS MOTOR FREIGHT LINES, INC., 2355 Stemmons Freeway, P.O. Box 10125, Dallas, Tex., 75207, filed October 30, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 60 and 61, over U.S. Highway 60 to junction U.S. Highway 68, thence over U.S. Highway 68 to junction Alternate U.S. Highway 41, thence over Alternate U.S. Highway 41 to junction U.S. Highway 41, thence over U.S. Higwhay 41 to Atlanta, Ga., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From junction U.S. Highways 60 and 61 over U.S. Highway 61 to Memphis, Tenn., thence over U.S. Highway 78 to Atlanta, Ga., and return over the same route.

No. MC 108461 (Deviation No. 7), WHITFIELD TRANSPORTATION, INC., P.O. Drawer 9897, El Paso, Tex. 79989, filed October 24, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Dallas, Tex., over U.S. Highways 80 and 180 (Interstate Highway 20) to Weatherford, Tex., thence over Interstate Highway 20 to junction Interstate Highway 10, thence over Interstate Highway 10 to El Paso, Tex., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Dallas, Tex., over Dallas-Ft. Worth Turnpike to Ft. Worth, Tex., thence over U.S. Highway 180 to Carlsbad, N. Mex., thence over U.S. Highway 62 to Carlsbad, N. Mex., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–27186 Filed 11–19–74;8:45 am]

[Notice 93]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 15, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commission's Rules of Practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 30237 (Sub-No. 25) (Republication), filed October 1, 1973, published in the FEDERAL REGISTER issue of December 13, 1973, and republished as corrected in the FEDERAL REGISTER issue of January 17, 1974, and republished this issue. Applicant: YEATTS TRANSFER COMPANY, a corporation, Box 666, Altavista, Va. 24517. Applicant's representative: W. Barney Arthur, Box 551, 513 Main Street, Altavista, Va. 24517. An Order of the Commission, Review Board Number 2, dated November 1, 1974, and served November 8, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *new furniture*, as defined in Appendix II to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from points in Appomattox County, Va., to points in Delaware, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, West Virginia, Maine, Connecticut, Massachusetts, New Hampshire, Rhode Island, Vermont, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, South Carolina, Tennessee, and Wisconsin, and the District of Columbia; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a change in the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 63417 (Sub-No. 56), (Republication), filed August 30, 1973, and published in the FEDERAL REGISTER issue of November 8, 1973, and republished this issue. Applicant: BLUE RIDGE TRANSFER COMPANY, INC., 1814 Hollins Road, NE., P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: Nancy Pyeatt, 1030 15th Street, NW., Washington, D.C. 20005. An Order of the Commission, Review Board Number 2, dated November 1, 1974, and served November 8, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor carrier by motor vehicle, over irregular routes, of *new furniture*, from Appomattox, Va., to points in Delaware, Maryland, New Jersey, New York, Pennsylvania, South Carolina, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky Louisiana, Michigan, Mississippi, North Carolina, Ohio, Oklahoma, Tennessee, Texas, and West Virginia; that applicant is fit, willing and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a

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change in the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 139523 (Sub-No. 1) (Republication), filed February 11, 1974, and published in the FEDERAL REGISTER issue of March 28, 1974, and republished this issue. Applicant: JOHN ARDITO AND HAROLD FLAUM, doing business as J & H TRUCKING CO., 439 Bayview Avenue, Inwood, N.Y. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368. An Order of the Commission, Operating Rights Board, dated October 17, 1974, and served November 7, 1974, finds that operation by applicants, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, *of such commodities as are dealt in, used by, and sold by retailers and distributors of carpeting, rugs, and padding*, (1) from Inwood, N.Y., to Bridgeport, Conn., and Luthersville and Glen Burnie, Md.; (2) from Barrington, R.I., to Inwood, N.Y.; and (3) between Inwood, N.Y., on the one hand, and, on the other, points in New Jersey, Bucks, Chester, Delaware, and Montgomery Counties, Pa., and Philadelphia, Pa., and Dedham, Mass., under a continuing contract or contracts with Allen Carpet Shops, Inc., of Inwood, N.Y., will be consistent with the public interest and the national transportation policy; that applicant's are fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate a modification in the territorial description. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 61016 (notice of filing of petition for modification of certificate), filed September 26, 1974. Petitioner: PETER PAN BUS LINES, INC., 1776 Main St., Springfield, Mass. 01103. Petitioner's representative: Frank Daniels, 15 Court Square, Boston, Mass. 02108. Petitioner holds a *motor common carrier* certificate in No. MC 61016 issued May 17, 1956, authorizing transportation, over regular routes, of (1) *Passengers and their baggage, and express and newspapers*, in the same vehicle with passengers, (a) Between Boston, Mass., and Northampton, Mass., serving all intermediate points, and the off-route points of Wellesley, Natick, and Framingham, Mass., as follows: (1) From Boston over Massachusetts Highway 9 via junction U.S. Highway 20 to Worcester, Mass., thence over Massachusetts Highway 12 to junction U.S. Highway 20 (also from junction U.S. Highway 20 and Massachusetts Highway 9 over U.S. Highway 20 to junction Massachusetts Highway 12), thence over U.S. Highway 20 to junction Massachuchetts Highway 15, thence over Massachusetts Highway 15 via Sturbridge, Mass., to the Connecticut-Massachusetts State line, thence over Connecticut Highway 15 to junction Connecticut Highway 20 (formerly Connecticut Highway 15), thence over Connecticut Highway 20 via Stafford Springs, Conn., to Somers, Conn., thence over Connecticut Highway 83 to the Massachusetts-Connecticut State line, thence over Massachusetts Highway 83 to Springfield, Mass., thence over U.S. Highway 5 to Northampton, and return over the same route.

(2) From Boston over the above-specified route to Springfield, Mass., thence over Massachusetts Highway 116 to Holyoke, Mass., thence over U.S. Highway 202 to junction U.S. Highway 5 at a point two miles northwest of Holyoke, thence over Massachusetts Highway 141 (formerly an unnumbered highway) to Easthampton, Mass., thence over Massachusetts Highway 10 to Northampton, and return over the same route, (b) Between Springfield, Mass., and Stafford Springs, Conn., serving the intermediate points of East Longmeadow, Hampden, and Monson, Mass., and the off-route point of Stafford, Conn., over Connecticut Highway 19: From Springfield over unnumbered Highway via East Longmeadow and Hampden, Mass., to Monson, Mass., thence over Massachusetts Highway 32 to the Massachusetts-Connecticut State line, thence over Connecticut Highway 32 to Stafford Springs, and return over the same route; (2) *Passengers and their baggage, and express, mail, and newspapers*, in the same vehicle with passengers; (a) Between Springfield, Mass., and Sturbridge, Mass., serving all intermediate points: From Springfield over U.S. Highway 20 to junction Wilbraham Road, in the town of Wilbraham, Mass., thence over Wilbraham Road to Wilbraham Center, Mass., thence over Springfield Street to junction U.S. Highway 20, thence over U.S. Highway 20 to junction Massachusetts Highway 15 in Sturbridge, and return over the same route, (3) *Passengers and their baggage*, Between Boston, Mass., and Suffolk Downs Race Track, Revere, Mass., restricted to the transportation only of passengers and their baggage originating at or destined to points on carrier's authorized route between Northampton, Mass., and Union, Conn., both inclusive; From Boston over City streets to Suffolk Downs Race Track, and return over the same route.

(4) *Passengers and their baggage*, during the season extending from the 15th day of May to the 1st day of December, both inclusive, of each year, (a) Between Springfield, Mass., and Rockingham Park, Salem, N.H., serving intermediate points in the Towns of Wilbraham, Monson, Palmer, Brimfield, Sturbridge, Charlton, Oxford, and Auburn, Mass.: From Springfield over U.S. Highway 20 to junction Massachusetts Highway 12, thence over Massachusetts Highway 12 to Worcester, Mass., thence over Massachusetts Highway 110 via Littleton Common, Mass., to Lawrence, Mass., thence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line, thence over New Hampshire Highway 28 to Rockingham Park, and return over the same route, (b) Between Springfield, Mass., and Rockingham Park, Salem, N.H., serving no intermediate points: From Springfield over U.S. Highway 5 to junction U.S. Highway 202, thence over U.S. Highway 202 to Athol, Mass., thence over Massachusetts Highway 2 via Westminster, Mass. to junction unnumbered highway (formerly Massachusetts Highway 2), thence over unnumbered highway via Depot, Mass., to junction Massachusetts Highway 31 (formerly Massachusetts Highway 2), thence over Massachusetts Highway 31 to junction Massachusetts Highway 12 (formerly Massachusetts Highway 2), thence over Massachusetts Highway 12 via Fitchburg, Mass., to junction Massachusetts Highway 2A (formerly Massachusetts 2), thence over Massachusetts Highway 2A via Lunenburg and Ayer, Mass., to Littleton Common, Mass., thence over route described in next paragraph above to Rockingham Park, and return over the same route. By the instant petition, petitioner seeks (A) to delete (4) above which reads as follows: "(4) *Passengers and their baggage*, during the season extending from the 15th day of May to the 1st day of December, both inclusive, of each year" and (B) to delete in (4) (b) above the following words: "serving no intermediate points". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115278 (Sub-No. 1) (Notice of filing of petition to add an additional shipper), filed October 26, 1974. Petitioner: SIEGEL & COHEN EXPRESS, INC., 587 South 11th Street, Newark, N.J. 07103. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *common carrier* certificate in No. MC 115278 (Sub-No. 1) issued July 1, 1974, authorizing transportation, as

pertinent, over irregular routes, of *Such commodities* as are dealt in or used by discount and department stores, between points in the New York, N.Y., Commercial Zone as defined in *Commercial Zones and Terminal Areas*, 53 M.C.C. 451 (1951), within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), on the one hand, and, on the other, points in Virginia. Restriction: The authority granted herein is restricted to the transportation of shipments destined to the facilities of Robert Hall Villages, Inc. By the instant petition, petitioner seeks to add an additional shipper to the authority described above. The restriction would read: "Restriction: The authority granted herein is restricted to the transportation of shipments destined to the facilities of Robert Hall Villages, Inc., and "Trend Centers", a subsidiary of Robert Hall Clothes." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 125952 (Sub-No. 14) (Partial correction of a notice of filing of petition to modify permit), filed October 17, 1974, published in the FEDERAL REGISTER, issue of November 6, 1974, and republished, as corrected in part this issue. Petitioner: INTERSTATE DISTRIBUTOR CO., a Corporation, 8311 Durango St. SW., Tacoma, Wash. 98499. Petitioner's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188.

NOTE.—Petitioner holds a motor *contract carrier* permit in No. MC 125952 (Sub-No. 14), issued August 4, 1972. The purpose of this partial republication is to correctly state that: "Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition on or before December 6, 1974." The rest of the notice remains as originally published.

No. MC 127834 (Sub-No. 28) (Notice of filing of petition for modification of certificate), filed October 29, 1974. Petitioner: CHEROKEE HAULING & RIGGING, INC., 540 42 Merritt Ave., Nashville, Tenn. 37203. Petitioner's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Petitioner holds a motor *common carrier* certificate in No. MC 127834 (Sub-No. 28), issued December 12, 1969, authorizing transportation, over irregular routes, of *Aluminum lamp posts*, from Nashville, Tenn., to points in the United States (except Alaska, Hawaii, Washington, Oregon, Idaho, Montana, Wyoming, Utah, California, Arizona, New Mexico, and Nevada), with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks modification of the certificate to read: "*Aluminum lamp posts*, from Barbourville, Ky., to points in the United States (except Alaska, Hawaii, Washington, Oregon, Idaho, Montana, Wyoming, Utah, California, Arizona, New Mexico, and Nevada), with no transportation for compensation on return except as otherwise authorized." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 129863 (Sub-No. 7) (Notice of filing of petition for modification of permit), filed October 29, 1974. Petitioner: FREDERICK L. BULTMAN, INC., 11144 W. Silver Spring Dr., Milwaukee, Wis. 53225. Petitioner's representative: Richard C. Alexander, 710 North Plankinton Avenue, Milwaukee, Wis. 53203. Petitioner holds a motor *contract carrier* permit in No. MC 129863 (Sub-No. 7), issued March 20, 1973, authorizing transportation, over irregular routes, of (1) *Electric light bulbs, fluorescent tubes, and display racks*, from the plant site of General Electric Company, Lamp Division, at Milwaukee, Wis., to Rockford and Freeport, Ill., and (2) *returned shipments* of the commodities named above, from Rockford and Freeport, Ill., to the plant site of General Electric Company, Lamp Division, at Milwaukee, Wis., under a continuing contract, or contracts, with General Electric Company, Lamp Division. By the instant petition, petitioner seeks modification of its permit to read: "(1) *Electric light bulbs, fluorescent tubes, and display racks*, from the plant site of General Electric Company, Lamp Division, at Milwaukee, Wis., to Rockford, Freeport, Moline, and Rock Island, Ill., and Cedar Rapids and Davenport, Iowa, and (2) *returned shipments* of the commodities named above, from Rockford, Freeport, Moline, and Rock Island, Ill., Cedar Rapids and Davenport, Iowa, to the plant site of General Electric Company, Lamp Division, at Milwaukee, Wis., under a continuing contract, or contracts, with General Electric Company, Lamp Division." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135687 (Sub-No. 1) (Partial correction of a notice of filing of petition to add destination points), filed October 4, 1974, published in the FEDERAL REGISTER issue of November 6, 1974, and republished, as corrected in part, this issue. Petitioner: WEAVER TRANSPORTATION COMPANY, a Corporation, 5452 Oakdale Rd., Smyrna, Ga. 30080. Petitioner's representative: Virgil H. Smith, Suite 12, 1587 Phoenix Boulevard, Atlanta, Ga. 30349.

NOTE.—The purpose of this partial republication is to correctly state that petitioner seeks modification of the permit to read as follows: "*Brick, tile, and concrete block*, between the plant sites of Bickerstaff Clay Products Company, Inc., located in Cobb County, Ga., Russell and Jefferson Counties, Ala., and Escambia County, Fla., on the one hand, and, on the other, points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee, and points in that part of Florida in and west of Hamilton, Suwanee, LaFayette, and Dixie Counties, Fla., under a continuing contract, or contracts, with Bickerstaff Clay Products, Inc." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 98498 (Sub-No. 2), filed September 16, 1974. Applicant: GIROUX BROS. TRANSPORTATION, INC., 15 Union Avenue, Sudbury, Mass. 01776. Applicant's representative: Kenneth B. Williams, 84 State Street, Boston, Mass. 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value and dangerous explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between points in Massachusetts.

NOTE.—Applicant intends to tack the requested authority with his regular route authority between Boston, Mass., and Providence, R.I., and intermediate and off-route points in Mass., including Attleboro and South Attleboro, to provide service between points in Massachusetts and Providence, R.I. Applicant seeks to inquire the franchise of Reynolds Transportation, Inc., and convert its Certificate of Registration into a Certificate of Public Convenience and Necessity in MC 109690. This is a matter directly related to the Section 5 proceeding in MC FC 75411 published in the FEDERAL REGISTER, issue of October 29, 1974. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 99602 (Sub-No. 2), filed October 16, 1974. Applicant: M & M FREIGHT LINES, INC., 217 North 32nd Street, Muskogee, Okla. 74401. Applicant's representative: Tom Harper, Jr., P.O. Box 43, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the

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Commission, commodities in bulk, and those which because of size or weight require the use of special equipment), (1) Between Muskogee and McAlester, Okla.: From Muskogee over U.S. Highway 69 to McAlester, and return over the same route, serving all intermediate points; (2) Between Muskogee and Braggs, Okla.: From Muskogee over U.S. Highway 62 to its junction with Oklahoma Highway 10, thence over Oklahoma Highway 10 to Braggs, Okla., serving the off-route point of Camp Gruber, Okla., including the military area embraced therein, and serving all intermediate points.

NOTE.—The purpose of this application is to convert a Certificate of Registration in MC 99602 (Sub-No. 1) into a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC F 12244, published in the FEDERAL REGISTER, issue of June 26, 1974. If a hearing is deemed necessary, applicant requests it be held at Fort Smith, Ark., or Muskogee, Okla.

No. MC–F–12356. Authority sought for continuance in control by RAPIER SMITH, 103 E. Forrest Ave., Bardstown, KY 40004, of DISTILLERY TRANSFER SERVICE, INC., Depot St., Box 516, Bardstown, KY 40004. Applicants' attorney: Robert H. Kinker, Box 464, Frankfort, KY 40601. Operating rights sought to be controlled: General commodities, with exceptions, as a common carrier over regular routes, between Louisville and Bardstown, Ky., serving various intermediate and off-route points, with restrictions, between Louisville and Boston, Ky., between Lebanon Junction and Colesburg, Ky., between junction Kentucky Highways 61 and 245 and Lotus, Ky., serving all intermediate points and the facilities of the Lotus Warehousing Company as an off-route point, between Lebanon Junction and Louisville, Ky., serving all intermediate points and the off-route points of Limestone Springs and Clermont, Ky.; with restriction; *alcoholic liquors* and *distillers supplies*, between Jeffersonville, Ind., and Bardstown, Ky., between Bardstown and Boston, Ky., between Bardstown and Greenbrier, Ky., serving all intermediate points.

NOTE.—By order of Review Board No. 2, dated May 24, 1974, Rapier Smith was granted authority under MC–139006, Certificate to be issued upon approval of Section 5(2) application.

No. MC–F–12357. Authority sought for purchase by OSBORNE TRUCKING, CO., INC., 1008 Sierra Drive, Riverton, WY 82501, of a portion of the operating rights of COLORADO-WYOMING TRANSFER CO., INC., 10805 W. 44th St., Wheat Ridge, CO 80033, and for acquisition by JOHN H. OSBORNE, also of Riverton, WY 82501, of control of such rights through the purchase. Applicants' attorney: Robert S. Stauffer, 3539 Boston Rd., Cheyenne, WY 82001. Operating rights sought to be transferred: *Lumber*, as a common carrier over irregular routes, from points in Albany and Platte Counties, Wyo., to points in Nebraska and Colorado. Vendee is authorized to operate as a *common carrier* in Colorado, Nebraska, Wyoming, Kansas, Missouri, Montana, and Utah, and as a *contract carrier* in Wyoming, Colorado, South Dakota, Nebraska, Montana, Utah, Idaho, Minnesota, North Dakota, Iowa, Arkansas, Illinois, Kansas, Missouri, and Wisconsin. Application has not been filed for temporay authority under section 210a(b).

No. MC–F–12360. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., P.O. Box 144, Joplin, MO 64801, of a portion of the operating rights of NATIONAL CARRIERS, INC., 1501 E. 8th St., Liberal, KS 67901. Applicants' attorneys: Fred Coffman, Box 81849, and Max G. Morgan, 600 Leinger Bldg., Oklahoma City, OK 73112. Operating rights sought to be transferred: *Canned foodstuffs* and *animal food*, as a *contract carrier* over irregular routes, from points in Merced, Santa Clara, Alameda, Contra Costa, Los Angeles, and San Benito Counties, Calif., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas. Vendee is authorized to operate as a *common carrier* in all of the States in the United States.

NOTE.—MC–109397 (Sub-No. 307), is a directly related matter.

No. MC–F–12361. Authority sought for purchase by FAYARD MOVING AND TRANSPORTATION CORPORATION, 2615 25th Ave., Gulfport, MS 39501, of the operating rights and property of H. J. MORAN, doing business as SINGING RIVER MOTOR FREIGHT, 1600 33rd Ave., Gulfport, MS 39501, and for acquisition by EDWARD E. C. M. AND JOHN R. FAYARD, all of Gulfport, MS 39501, of control of such rights and property through the purchase. Donald B. Morrison, Box 22628, Jackson, MS 39205. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–96968 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Mississippi. Vendee is authorized to operate as a *common carrier* in Alabama, Louisiana, and Mississippi. Application has not been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack its authority at Gulfport, Miss., with those of vendor to perform a through service in the transportation of general commodities, between points in Mississippi, Louisiana, and Alabama. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

No. MC–F–12362. Authority sought for merger by IML FREIGHT, INC., P.O. Box 2277, Salt Lake City, UT 84110, of the operating rights and property of THOMAS H. MARROW TRUCKING CO., 8050 Othello St., San Diego, CA 92111, and for acquisition by GATES CORPORATION, 999 So. Broadway, Denver, CO, of control of such rights and property through the transaction. Applicants' attorney: Ann M. Pougiales, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Operating rights sought to be merged: (A) *General commodities*, excepting among others, classes A and B explosives, household goods, livestock and commodities in bulk, as a *common carrier* over regular routes, between all points in the Los Angeles Basin Area as described in (B) herein, on the one hand, and, on the other, all points in the San Diego-Escondido Territory described in (C) herein, between the San Diego-Escondido Territory described in (C) herein, on the one hand, and, on the other, El Centro, Calif., and points in Imperial Valley, Calif., over one alternate route for operating convenience only; (B) *general commodities*, excepting among others, classes A and B explosives, household goods, livestock, and commodities in bulk, over irregular routes, between all points in the Los Angeles Basin Area, (C) between points in the San Diego-Escondido area. IML FREIGHT, INC., is authorized to operate as a *common carrier* in all of the States (except Hawaii) in the United States. Application has not been filed for temporary authority under section 210a(b). Under the proposed transaction vendee proposes to tack the authority acquired herein with all of its other operating authorities which have a common point for joinder or tacking in the Los Angeles Basin Territory. By tacking at this common point, vendee will be able to offer a through, single-line service between points in the San Diego–Escondido Territory, El Centro, and the Imperial Valley, on the one hand, and all other points throughout the United States which it is presently authorized to serve. After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

NOTE.—Pursuant to order dated August 4, 1971, in No. MC–F–10925, transferee acquired control of transferor.

No. MC–F–12363. Authority sought for merger by TREDWAYS EXPRESS, INC., 512 Myrtle Ave., Boonton, NJ 07005, of the operating rights and property of R. A. BOZARTH, INC., Lincoln & Butler Sts., Vineland, NJ, and for acquisition by TRUCKING ENTERPRISE, INC., 744 Broad St., Newark, NJ 07102, of control of such rights and property through the transaction. Applicants' attorney: William J. Augello, 120 Main St., P.O. Box Z, Huntington, NY 11743. Operating rights sought to be merged: *General commodities*, excepting among others, Classes A and B explosives, commodities in bulk, as a *common carrier* over irregular routes, between Philadelphia, Pa., and Camden, NJ, on the one hand, and, on the other, Lambertville, and Asbury Park, N.J., and points in New Jersey south of a line beginning at Lambertville, N.J., and extending in an easterly direction to Asbury Park, N.J.; *agricultural commodities*, from points in Gloucester, Salem, and Cumberland Counties, N.J., to Baltimore, Md., and Philadelphia, Pa.; *fertilizer*, from Chestertown, Md., to Elmer and Swedesboro, N.J., from Baltimore, Md., to Swedesboro, N.J.; *lime*, from Plymouth Meeting and Bridgeport, Pa., to Elmer, N.J.; *limestone*, from Bridgeport, Pa., to points in Salem, Cumberland, Gloucester, Camden, Burlington, and Atlantic Counties, N.J. TREDWAYS EXPRESS, INC., is authorized to operate as a *common carrier* in New Jersey, New York, and Pennsylvania.

Under the proposed transaction, vendee proposes to tack vendor's authority to operate between Philadelphia, Pa., and Camden, N.J., on the one hand, and, points in New Jersey south of a line between Lambertville and Asbury Park, N.J., on the other, with vendee's authority. The points between which through service will be rendered as a result of the joinder of these authorities are as follows:

A. Between Philadelphia, Pa., and all points in New Jersey south of a line between Lambertville, N.J., and Asbury Park, N.J., on the one hand, and, on the other

1. All points in New Jersey on and north of the line between Lambertville and Asbury Park (via Burlington, N.J., terminal).

2. New York, N.Y., and points in Nassau and Suffolk Counties, N.Y. (via Burlington, N.J., terminal and Newark, N.J.).

3. Bethlehem, Easton, and Allentown, Pa. (via Burlington, N.J., terminal and Newark, N.J.).

B. From Philadelphia, Pa., and all points in New Jersey south of a line between Lambertville and Asbury Park, N.J., to Westchester County, N.Y. (via Burlington, N.J., terminal and Newark, N.J.).

After the authority sought herein is authorized and the transaction consummated, vendee herein intends to file an application to eliminate any existing gateways.

NOTE.—Pursuant to order dated April 28, 1965, transferee acquired control of transferor.

NOTICE OF FILING

Notice is hereby given that Boise Cascade Corporation, a corporation organized under the laws of the State of Delaware, whose address is One Jefferson Square, Boise, Idaho 83728; and Lafferty Transportation Company, a corporation organized under the laws of the State of Oregon, whose address is 110 S.E. Caruthers Street, Portland, Oregon 97214, have filed an application assigned F. D. No. 27586 with the Interstate Commerce Commission seeking approval of the purchase by and transfer to Boise Cascade Corporation of Water Carrier rights as described in ICC Certificate No. W–290, along points on the Columbia River Reservoir. Boise Cascade proposes to provide log towing service in this area, neither Boise Cascade nor Lafferty Transportation Company presently provide such a service.

In the opinion of the applicant, approval of this application will not have a significant effect upon the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

Applicant, Chicago, Milwaukee, St. Paul and Pacific Railroad Company, by its attorney, James W. Nisbet, whose address is 516 West Jackson Blvd., Chicago, Illinois 60606, proposes to acquire trackage rights over and joint use of the railroad tracks of Burlington Northern, Inc., between Spokane and Newport, Washington.

Applicant now operates between Spokane and Newport over its own tracks via McGuires, Idaho, which duplicate those of the Burlington Northern, Inc. Applicant proposes to abandon its own lines between McGuires, Idaho, and Newport, Washington, and operate over the line of the Burlington Northern, Inc., instead, and eliminate duplicate tracks.

Applicant proposes to acquire trackage rights over (1) the Burlington Northern, Inc.'s line from Milepost 1475.66 at Spokane, Spokane County, Washington, to Milepost 1431.25 at Newport, Pend Oreille County, Washington, a distance of about 44.37 miles, (2) the Union Pacific Railroad Company (lessee of Oregon-Washington Railroad & Navigation Company) between Engineer's station 2487/13 and Engineer's station 2490/26.6 in Spokane, Spokane County, Washington, a total distance of about 2,313 feet, and (3) the Burlington Northern, Inc.'s connecting track at Engineer's Station 1283/16.1 to Engineer's Station 1256/88.0, a total distance of about 2,628 feet, including the right to cross the Spokane International Railroad Company crossing at Burlington Northern, Inc.'s Engineer's Station 1281/67.3, all in Spokane, Spokane County, Washington. Applicant is obtaining bridge rights only insofar as all involved trackage rights are concerned. This application has been assigned Finance Docket No. 27771.

In the opinion of the applicant, the authority requested does not constitute a major Federal action having a significant effect on the environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY (DMIR), with offices at Room 500 Missabe Building, Duluth, Minnesota 55802, represented by Mr. Daniel H. Core, Jr., its Resident General Counsel, hereby gives notice that on the 31st day of October, 1974, it filed with the Interstate Commerce Commission at Washington, D.C., an application, assigned Finance Docket No. 27776, for authority to use and operate over approximately 3.0 miles of track of the Soo Line Railroad Company (Soo Line) from the interchange point between DMIR and the Soo Line at Saunders, Douglas County, Wisconsin, to a new point of interchange at the Stinson Yard of the Soo Line in the City of Superior, Douglas County, Wisconsin, solely for the purpose of directly interchanging freight cars between DMIR and Soo Line at Stinson Yard.

Applicant contends that the granting the authority to operate over the tracks in question is not a major federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 C.F.R. 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation—Nat'l Environmental Policy Act of 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

THE CHESAPEAKE AND OHIO RAILWAY COMPANY (C&O) hereby gives notice that on the 6th day of November, 1974, it filed with the Interstate Commerce Commission in Washington,

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D.C., an application under Section 5(2) of the Interstate Commerce Act for an order approving and authorizing the acquisition of trackage rights over the line of railroad of the Penn Central Transportation Company (PC), which application was assigned Finance Docket No. 27783. In accordance with the Commission's regulations (49 CFR 1111.2 (13)) as amended May 16, 1972, the applicant states the following:

(1) The names and addresses of the applicant and its attorney are: The Chesapeake and Ohio Railway Company, Terminal Tower, Cleveland, Ohio 44101. Rene J. Gunning, attorney for Applicant, Two North Charles Street, Baltimore, Maryland 21201.

(2) The nature of the proposed transaction is the acquisition of trackage rights by C&O over the line of railroad of PC.

(3)(a) The PC line of railroad over which C&O requests approval and authorization of trackage rights extends between Pine, Indiana, and Lake Junction, Indiana, and over the line of Pittsburgh, Fort Wayne, and Chicago Railway Company (Penn Central Transportation Company, Lessee and Operator) between Lake Junction, Indiana, and Rock Island Junction, South Chicago, Illinois, a total distance of approximately 9.68 miles, all in Lake County, Indiana, and Cook County, Illinois.

(b) C&O presently operates between Pine, Indiana and Rock Island Junction, South Chicago, Illinois, by virtue of trackage rights over The Baltimore and Ohio Railroad Company.

(4) The description of the involved line of railroad over which trackage rights are sought, including city, county, and state location, termini and approximate distance in miles, is set forth above in (3)(a).

Applicant has alleged in its application that the quality of the human environment will not be affected by the proposed Commission action requested in the application. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub No. 4), Implementation—Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearing. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27186 Filed 11-19-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 15, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 2, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2860 (Sub-No. E73), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 7, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fibrous glass products and materials, insulating products and materials, building wall*, and *insulating board, asphalt and asbestos, asphalt and asbestos products and materials, plastic products and materials*, and *materials, supplies*, and *equipment* used in connection with the production, distribution, and installation of the above commodities (except commodities in bulk), between points in Maine and that part of New Hampshire, both on and east of Interstate Highway 93 and on and south of U.S. Highway 202, on the one hand, and, on the other, points in Pennsylvania on and south of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 276 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 433, thence along U.S. Highway 433 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Pennsylvania Highway 153, thence along Pennsylvania Highway 153 to junction U.S. Highway 219, thence along U.S. Highway 219 to Ridgeway, thence along Pennsylvania Highway 949 to Sigel, thence along Pennsylvania Highway 36 to junction U.S. Highway 62, thence along U.S. Highway 62 to Sandy Lake, thence along Pennsylvania Highway 358 to the Ohio-Pennsylvania State line. The purpose of this filing is to eliminate the gateway of Winslow Township, N.J. The purpose of this correction is to clarify the commodity description.

No. MC 3468 (Sub-No. E11) (Correction), filed May 16, 1974, published in the FEDERAL REGISTER November 6, 1974. Applicant: F. J. BOUTELL DRIVEAWAY CO., INC., P.O. Box 308, Flint, Mich. 48501. Applicant's representative: Wilmer B. Hill, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles*, in secondary movements, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, from points in Michigan and that part of Ohio on, north, and west of a line beginning at the Michigan-Ohio State line, thence along U.S. Highway 23 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Ohio Highway 91, thence along Ohio Highway 91 to Lake Erie, to points in North Carolina, South Carolina, and Virginia. The purpose of this filing is to eliminate the gateway of Cleveland, Ohio. The purpose of this correction is to indicate the destination points.

No. MC 40456 (Sub-No. E7) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: JOHN BENKART & SONS CO., 2500 No. Charles Street, Pittsburgh, Pa. 15214. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, between points in Ohio (except points in Ashtabula County), on the one hand, and, on the other, points in that part of New York on, south, and west of a line beginning at Oswego, thence along U.S. Highway 104 to junction U.S. Highway 11, thence along U.S. Highway 11 to junction New York Highway 69, thence along New York Highway 69 to junction New York Highway 49, thence along New York Highway 49 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 7, thence along New York Highway 7 to the New York-Vermont State line. The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this correction is to clarify the territorial description.

No. MC 43283 (Sub-No. E14), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Ohio, on the one hand, and, on the other, points in those parts of New Jersey, New York, and

Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to its junction with Interstate Highway 78, thence along Interstate Highway 78 to its junction with U.S. Highway 202, thence along U.S. Highway 202 to the New York-Connecticut State line. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43263 (Sub-No. E15), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Delaware, on the one hand, and on the other, points in New York and those parts of Pennsylvania and New Jersey on, north, and west of a line beginning at the Maryland-Pennsylvania State line, thence along U.S. Highway 222 to its junction with Pennsylvania State Highway 61, thence along Pennsylvania State Highway 61 to its junction with Pennsylvania State Highway 895, thence along Pennsylvania State Highway 895 to its junction with U.S. Highway 209, thence along U.S. Highway 209 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with New York State Highway 94, thence along New Jersey State Highway 94 to its junction with New Jersey State Highway Alternate 511, thence along New Jersey State Highway Alternate 511 to its junction with New Jersey State Highway 15, thence along New Jersey State Highway 15 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to its junction with U.S. Highway 202, thence along U.S. Highway 202 to its junction with New Jersey State Highway 23, thence along New Jersey State Highway 23 to its junction with Interstate Highway 80, thence along Interstate Highway 80 to the Hudson River. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E17), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York and Pennsylvania, on the one hand, and, on the other, points in that part of West Virginia on and south of a line beginning at the West Virginia-Kentucky State line, thence along the unnumbered West Virginia State Highway from the Toll Bridge to Kermit, W. Va., thence along U.S. Highway 52 to its junction with West Virginia State Highway 65, thence along West Virginia State Highway 65 to its junction with West Virginia State Highway 10, thence along West Virginia State Highway 10 to its junction with West Virginia State Highway 16, thence along West Virginia State Highway 16 to its junction with U.S. Highway 21, thence along U.S. Highway 21 to its junction with West Virginia State Highway 3, thence along West Virginia State Highway 3 to its junction with West Virginia State Highway 63, thence along West Virginia State Highway 63 to its junction with U.S. Highway 219, thence along U.S. Highway 219 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E18), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, and that part of Ohio on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 80 to its junction with Interstate Highway 77 to Cleveland. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E19), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New York and Pennsylvania, on the one hand, and, on the other, points in those parts of Kansas and Missouri on and west of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 65 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the gateway of points in Maryland.

No. MC 43283 (Sub-No. E21), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in West Virginia, on the one hand, and, on the other, points in New Jersey and points in those parts of New York and Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 81, to junction Pennsylvania State Highway 92, thence along Pennsylvania State Highway 92 to New York State Highway 79, thence along New York State Highway 79 to junction New York Highway 17 to Deposit, N.Y., thence along New York State Highway 3 to junction New York State Highway 30, thence along New York State Highway 30 to Amsterdam, N.Y., thence along New York State Highway 67 to junction Interstate Highway 87, thence along Interstate Highway 87 to the U.S.-Canada International boundary line. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E22), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E23), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in those parts of Missouri, Illinois, and Kentucky on and south of a line beginning at Kansas City, Mo., thence along U.S. Highway 71 to Harrisonville, thence along Missouri Highway 7 to junction U.S. Highway 66, thence along U.S. Highway 66 to St. James, Mo., thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to Farmington, Mo., thence along Missouri State Highway 32 to junction U.S. Highway 61, thence along U.S. Highway 61 to St. Mary's, Mo., thence along unnumbered highway to junction Missouri State Highway 51, thence along Missouri State Highway 5, to the Missouri-Illinois State line at Chester, Ill., thence along Illinois State Highway 3 to junction Illinois State Highway 149, thence along Illinois State Highway 149 to Murphysboro, Ill., thence along Illinois State Highway 13 to junction Kentucky State Highway 56, thence along Kentucky State Highway 56 to junction U.S. Highway 60, thence along U.S. Highway 62 to Queensboro, Ky., thence along U.S. Highway 231 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Rhode Island and those parts of Massachusetts and New Hampshire on and east of a line beginning at the Massachusetts-Connecticut State Line, thence along Interstate Highway 91 to Northampton, Mass., thence along Massachusetts Highway 9 to junction

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U.S. Highway 202, thence along U.S. Highway 202 to junction New Hampshire Highway 136, thence along New Hampshire Highway 136 to junction New Hampshire Highway 13, thence along New Hampshire Highway 13 to junction New Hampshire Highway 114, thence along New Hampshire Highway 114 to Manchester, N.H., thence along New Hampshire 101 to junction New Hampshire Highway 107, thence along New Hampshire Highway 107 to New Hampshire Highway 43, thence along New Hampshire Highway 43 to junction U.S. Highway 202, thence along U.S. Highway 202 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateways of points in Georgia.

No. MC 77005 (Sub-No. E2), (Correction), filed May 19, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: POINT TRANSFER, INC., P.O. Box 10392, Pittsburgh, Pa. 15234. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, machinery, and electrical appliances*, between Pittsburgh, Pa., and points in its commercial zone, and points within 15 miles of Pittsburgh, Pa., located on and east of U.S. Highway 19, on the one hand, and, on the other, points in Ohio (except points east and north of a line beginning at Fairport Harbor, Ohio, and extending along Ohio Highway 44 to junction U.S. Highway 422, thence over U.S. Highway 422 to junction Ohio Highway 82, and thence over Ohio Highway 82 to the Ohio-Pennsylvania State line, and except points east and south of a line beginning at Steubenville, Ohio, and extending along U.S. Highway 22 to junction Interstate Highway 77, and thence over Interstate Highway 77 to the Ohio-West Virginia State line). The purpose of this filing is to eliminate the gateway of Coraopolis, Pa., and points in Neville, Crescent, and Moon Townships, Allegheny County, Pa. The purpose of this filing is to clarify the territorial description.

No. MC 83217 (Sub-No. E1), filed May 13, 1974. Applicant: DAKOTA EXPRESS, INC., P.O. Box 1252, Sioux Falls, South Dakota 57101. Applicant's representative: Henry J. Schuette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *general commodities*, between Watertown, S. Dak., and Albert Lea, and La Cresent, Minn., and between Brookings, S. Dak., and Albert Lea, La Cresent, and Minneapolis, Minn. The purpose of this filing is to eliminate the gateway of Verdi, Minn.

No. MC 91053 (Sub-No. E1), filed June 4, 1974. Applicant: TRANS-WORLD MOVERS, INC., P.O. Box 20096, Denver, Colo. 80210. Applicant's representative: R. C. Schumpert (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission: (1) between points in Colorado, on the one hand, and, on the other, points in North Carolina and South Carolina (Indianapolis, Ind.)*; (2) between points in Iowa, on the one hand, and, on the other, points in Virginia and West Virginia (points in Illinois and Evansville and Indianapolis, Ind.)*; (3) between points in Kansas on and east of a line beginning at the Missouri-Kansas State line and extending west along Interstate Highway 40 to intersection with U.S. Highway 81, thence south along U.S. Highway 81 to the Kansas-Texas State line, on the one hand, and, on the other, points in Texas on and west of U.S. Highway 281 (points in Grant County Okla)*; (4) between points in Kansas on, east, and north of a line beginning at the Kansas-Nebraska State line and extending south along U.S. Highway 77 to its intersection with Interstate Highway 70, thence east along Interstate Highway 70 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Texas on and east of U.S. Highway 75 (points in Garfield and Alfalfa Counties, Okla.)*; (5) between points in Nebraska, on the one hand, and, on the other, points in North Carolina and South Carolina (Indianapolis, Ind.)*; (6) between points in Iowa, on the one hand, and, on the other, points in North Carolina and South Carolina (Indianapolis, Ind.)*; (7) between points in Minnesota, on the one hand, and, on the other, points in North Carolina, South Carolina, Delaware, and Rhode Island (Indianapolis, Ind.)*; (8) between points in Delaware, on the one hand, and, on the other, points in Texas and Oklahoma (Indianapolis, Ind.)*; (9) between points in Wyoming, on the one hand, and, on the other, points in Arkansas (Litchfield, Nebr., and points within a 25 mile radius thereof, Cozad, Nebr., and points within a 25 mile radius thereof, points in Kansas, and points in Grant County, Okla.)*.

(10) Between points in Wyoming, on the one hand, and, on the other, points in North Carolina and South Carolina (Litchfield, Nebr., and points within a 25 mile radius thereof, points in Iowa, and Indianapolis, Ind.)*; (11) between points in Iowa, on the one hand, and, on the other, points in Texas (points in Grant County, Okla., and Arkansas City, Kans.)*; (12) between points in Iowa, on the one hand, and, on the other, points in Tennessee, Mississippi, Alabama, Georgia, and Florida, and points in that part of Louisiana on and east of the Mississippi River (Cairo, Ill.)*; (13) between points in Iowa, on the one hand, and, on the other, points in Kentucky (points in Illinois south of U.S. Highway 36, and Indianapolis, Ind.)*; (14) between points in Wyoming, on the one hand, and, on the other, points in Texas on and east of U.S. Highway 281 (Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, points in Kansas, and points in Grant County, Okla)*; (15) between points in Kansas, on the one hand, and, on the other, points in North Carolina and South Carolina (Evansville, Ind.)*; (16) between points in Kansas on and east of U.S. Highway 81 and on and west of U.S. Highway 77, on the one hand, and, on the other, points in Texas on and south of U.S. Highway 66 (points in Grant County, Okla.)*; (17) between points in South Dakota on and west of South Dakota Highway 37, on the one hand, and, on the other, points in Texas on and east of a line beginning at the Oklahoma-Texas State line and extending south along U.S. Highway 277 to Eagle Pass, thence along U.S. Highway 57 to the United States-Mexico International Boundary line (Litchfield, Nebr., and points within a 25 mile radius thereof, Cozad, Nebr., and points within a 25 mile radius thereof, points in Kansas, and points in Grant County, Okla.)*; (18) between points in North Dakota and South Dakota, on the one hand, and, on the other, points in Florida, Alabama, Georgia, Tennessee, South Carolina, North Carolina, Kentucky, West Virginia, Virginia, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, and the District of Columbia (Springfield, Ill.)*.

(19) Between points in Kansas, on the one hand, and, on the other, points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia (Springfield, Ill.)*; (20) between points in Kansas, on the one hand, and, on the other, points in Vermont, New Hampshire, and Maine (Springfield, Ill., and Boston, Mass.)*; (21) between Salt Lake City, Utah, on the one hand, and, on the other, points in Rhode Island, Delaware, North Carolina, and South Carolina (points in Gunnison County, Colo., and Indianapolis, Ind.)*; (22) between points in El Paso County, Colo., and points in Colorado on and north of U.S. Highway 6, on the one hand, and, on the other, points in Illinois (Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, and points in Iowa)*; (23 between points in El Paso, Teller, Douglas, Denver, Jefferson, Adams, Arapahoe, Boulder, Larimer, Weld, and Logan Counties, Colo., on the one hand, and, on the other, points in Minnesota, (Cozad, Nebr., and points within a 25 mile radius, Litchfield, Nebr., and points within a 25 mile radius, and points in Iowa)*.

(24) Between points in El Paso, Teller, Douglas, Denver, Jefferson, Adams, Arapahoe, Boulder, Larimer, Weld, Morgan, and Logan Counties, Colo., on the one hand, and, on the other, points in Iowa (Litchfield, Nebr., and points within a 25 mile radius, and Cozad, Nebr., and points within a 25 mile radius)*; (25) between points in Utah on and east of U.S. Highway 91, on the one hand, and, on the other, points in Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Connecticut, Rhode Island, Delaware, West Virginia, Virginia, Maryland, and the District of Columbia (points in Gunnison County, Colo., Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, points in Iowa, and points in Illinois south of U.S. Highway 36)*; (26) between points in Utah on and east of U.S. Highway 91, on the one hand, and, on the other, points in Maine and New Hampshire (points in Gunnison County, Colo., Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, points in Iowa, points in Illinois south of U.S. Highway 36, and Boston, Mass.)*; (27) between Salt Lake City, Utah, on the one hand, and, on the other, points in Illinois (points in Gunnison County, Colo., Litchfield, Nebr., and points within a 25 mile radius, Cozad, Nebr., and points within a 25 mile radius, and points in Iowa)*; (28) between points in Utah on and east of U.S. Highway 91, on the one hand, and, on the other, points in Kansas (points in Gunnison County, Colo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 100666 (Sub-No. E212), filed May 28, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Richard W. May (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition or prepared roofing* from points in Arkansas to points in Kentucky. The purpose of this filing is to eliminate the gateway of West Memphis, Ark.

No. MC 100666 (Sub-No. E213), filed May 17, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wallboard and fibreboard, particleboard, roofing, insulating, sheathing, and gypsum plaster products*, from West Memphis, Ark., to points in Arizona, California, Idaho, Minnesota, Montana, Nebraska, Nevada, North Dakota, Oregon, South Dakota, Utah, and Washington (Pittsburgh, Kans.)*; (2) *Wallboard, fibreboard, particleboard, roofing, insulating, sheathing, and gypsum plaster products*, from West Memphis, Ark., to points in South Carolina and Wyoming (points in Henry County, Tenn.)*; and (3) *Roofing and insulating materials, wallboard, fibreboard, particleboard, sheathing, and building paper and tape*, from West Memphis, Ark., to points in Colorado and New Mexico (Duke, Okla.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 100666 (Sub-No. E214), filed May 13, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral-fibre roofing, ceiling, sheathing, siding, and insulating boards*, from Pensacola, Fla.; (1) to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington (Pittsburg, Kans.)*; (2) to points in Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, points in Tennessee on and west of Tennessee Highway 69, and points in Vermont, West Virginia, Wisconsin, and the District of Columbia (warehouses and plant site of the International Paper Company located in Stone County, Miss.)*; and (3) to points in Wyoming (warehouses and plant site of the International Paper Company, located in Stone County, Miss., and points in Henry County, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E68), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen edible meat*, in vehicles equipped with mechanical refrigeration, from Philadelphia, Penn., to points in that part of Illinois within 10 miles of Chicago, Ill., that are not included within the commercial zone of Chicago, as defined by the Commission. The purpose of this filing is to eliminate the gateways of Suttons Bay, Ionia, Hart of Ludington, Mich.

No. MC 107515 (Sub-No. E251), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga., 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Unfrozen meats and meat products* (except hides and commodities in bulk), from the plant site of Oscar Mayer & Co., at Beardstown, Ill., to points in that part of Virginia on and south of a line beginning at the Virginia-North Carolina State line, thence along Interstate Highway 85 to junction Interstate Highway 95, thence along Interstate Highway 95 to Richmond, thence along Interstate Highway 64 to the Atlantic Ocean, restricted to the transportation of traffic originating at the plant site of Oscar Mayer and Company, Inc., at Beardstown, Ill. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E252), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned meats, meat products and meat by-products and dairy products*, as described in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of Swift & Co., in Rochelle, Ill., to points in that part of Texas on and south of a line beginning at the International Boundary line between the United States and Canada, thence along Interstate Highway 10 to Ft. Stockton, thence along U.S. Highway 290/110 to San Antonio, thence along Interstate Highway 10 to the Texas-Louisiana State line, restricted against tacking and interlining at Rochelle, Ill. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 107515 (Sub-No. E254), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Pekin, Ill., to the District of Columbia, to points in Virginia, West Virginia, Maryland, Delaware, New Jersey, Massachusetts, Connecticut, Rhode Island, that part of Louisiana on and south of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 10 to Baton Rouge, thence along Interstate Highway 12 to the Mississippi-Louisiana State line, that part of Mississippi on and south of Interstate Highway 10, that part of New York on and east of Interstate Highway 81, and that part of Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Interstate Highway 70 to junction Interstate Highway 76, thence along Interstate Highway 76 to Interstate Highway 81, thence along Interstate Highway 81 to the Pennsylvania-New York State line, restricted to traffic originating at Pekin, Ill. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E255), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned edible meats, edible meat products, and edible meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Pekin, Ill., to points in that part of Texas, on and east of a line beginning

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at the International Boundary line between the United States and Mexico, thence along U.S. Highway 77 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-Louisiana State line. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 107515 (Sub-No. E256), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned edible meats, edible meat products, and edible meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plant site of George A. Hormel & Co., at Bureau, Ill., to that part of Texas on and east of a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 77 to junction Interstate Highway 10, thence along Interstate Highway 10 to the Texas-Louisiana State line, restricted to the transportation of traffic originating at the plant site of George A. Hormel & Co., at Bureau, Ill. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 107515 (Sub-No. E257), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plant site of Swift and Company in Rochelle, Ill., to points in that part of Virginia on and south of U.S. Highway 58, restricted (1) against tacking and interlining at Rochelle, Ill., and (2) against the transportation of traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of the plant site of Odom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E258), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from Freeport, Ill., to points in North Carolina, South Carolina, Georgia, Florida, and that part of Alabama on and south of U.S. Highway 80. The purpose of this filing is to eliminate the gateway of Doraville, Ga.

No. MC 107515 (Sub-No. E259), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen vegetables* (except in bulk), in vehicles equipped with mechanical refrigeration, from Cook, Lake, DuPage, and Will Counties, Ill., and Lake County, Ind., to points in that part of Texas on and south of Interstate Highway 40, restricted against the transportation of shipments destined to points in Florida. The purpose of this filing is to eliminate the gateway of Dyersburg, Tenn.

No. MC 107515 (Sub-No. E260), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits and vegetables* (except in bulk), from Cook, Lake, DuPage, & Will Counties, Ill., and Lake County, Ind., to Dallas, Fort Worth, Houston, Galveston, McAllen, Texas, and Little Rock and Pine Bluff, Ark., restricted against the transportation of shipments destined to points in Florida. The purpose of this filing is to eliminate the gateway of Nashville, Tenn.

No. MC 107515 (Sub-No. E472), filed September 16, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Richard M. Tettlebaum, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, in vehicles equipped with mechanical refrigeration, from Grand Forks, N.D., to the District of Columbia, and to points in Connecticut, Delaware, Maryland, Massachusetts, Mississippi, New York, New Jersey, Rhode Island, that part of Indiana on and south of a line beginning at the Indiana-Illinois State line, thence along Indiana Highway 67 to junction U.S. Highway 36, thence along U.S. Highway 36 to the Indiana-Illinois State line, that part of Ohio on and south of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 36 to junction Interstate Highway 71, thence along Interstate Highway 71 to junction Interstate Highway 80, thence along Interstate Highway 80 to the Ohio-Pennsylvania State line, that part of Pennsylvania on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 80 to junction Interstate Highway 79, thence along Interstate Highway 79 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Pennsylvania Highway 89, thence along Pennsylvania Highway 89 to Lake Erie, and that part of Louisiana on and south of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 84 to junction Louisiana Highway 28, thence along Louisiana Highway 28 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 167, thence along U.S. Highway 167 to junction Louisiana Highway 13, thence along Louisiana Highway 13 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 110683 (Sub-No. E1), filed June 4, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Stanton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, in truckload lots), between points in Rockingham, Guilford, Caswell, Person, Orange, Durham, Wake, Franklin, Warren, Nash, Vance, and Granville Counties, N.C., and points in Northampton, Halifax, Wilson, and Edgecombe Counties, N.C., west of U.S. Highway 301, on the one hand, and, on the other, points in Oldham, Bullitt, Meade, Breckinridge, Hancock, Davis, Henderson, Webster, Jefferson, and Union Counties, Ky. The purpose of this filing is to eliminate the gateway of Cincinnati, Ohio.

No. MC 110683 (Sub-No. E2), filed June 4, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Stanton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, requiring special equipment), between Cumberland, Hagerstown, and Baltimore, Md., on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateway of points in Garrett County, Md.

No. MC 110683 (Sub-No. E4), filed June 4, 1974. Applicant: SMITH'S TRANSFER CORP., P.O. Box 1000, Stanton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from points in Augusta, Rockbridge, and Rockingham Counties, Va., to points in Pennsylvania on and east of a line from Philadelphia along the Pennsylvania Turnpike to the junction

of U.S. Highway 22, thence along U.S. Highway 22 to the junction of Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania New Jersey State line. The purpose of this filing is to eliminate the gateway of Trenton, N.J.

No. MC 111545 (Sub-No. E232), filed May 19, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment (except knitting machines), (1) between points in that part of Alabama within 175 miles of Chattanooga, Tenn., and on, east, and south of a line beginning at the Alabama-Tennessee State line, thence along U.S. Highway 31 to Birmingham, thence along U.S. Highway 11 to Tuscaloosa, thence along U.S. Highway 82 to the Alabama-Mississippi State line, on the one hand, and, on the other, points in Ohio; and (2) between points in that part of Alabama within 175 miles of Chattanooga, Tenn., on the one hand, and, on the other, points in that part of Ohio on and east of a line beginning at the Ohio-Kentucky State line, thence along U.S. Highway 23 to Marion, thence along Ohio Highway 4 to Sandusky. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E117), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of Michigan on and south of Michigan Highway 21, on the one hand, and, on the other, points in that part of Texas on, south, and east of a line beginning at the Texas-Louisiana State line, thence along U.S. Highway 90 to Houston, thence along U.S. Highway 59 to Laredo, restricted to the transportation of commodities which are transported on trailers, and restricted against the transportation of machinery, equipment, material, and supplies used in or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and machinery, materials, equipment, and supplies used in or in connection with the construction, operation, repair, servicing, and picking up thereof. The purpose of this filing is to eliminate the gateway of (1) points in that part of Mississippi within 175 miles of Chattanooga, Tenn., and (2) points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.

No. MC 111545 (Sub-No. E176), filed May 31, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and contractors' equipment*, the transportation of which, because of size or weight, requires the use of special equipment (except commodities to be used in, or in connection with, main or trunk pipelines), (1) between points in that part of Wisconsin within 300 miles of Ames, Iowa, on the one hand, and, on the other, points in Utah; (2) between points in that part of Minnesota on and east of Interstate Highway 35, on the one hand, and, on the other, points in Utah; and (3) between points in that part of Iowa on and east of Interstate Highway 35, on the one hand, and, on the other, points in Utah. The purpose of this filing is to eliminate the gateway of points in that part of Kansas or that part of Missouri within 100 miles of Kansas City, Kans.

No. MC 111545 (Sub-No. E315), filed June 4, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment; (1) from points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 75 to Dallas, thence along Interstate Highway 20 to Ft. Worth, thence along U.S. Highway 377 to Junction, thence along U.S. Highway 83 to Laredo, to points in that part of Nebraska on, north, and east of a line beginning at the Nebraska-Iowa State line, thence along Nebraska Highway 2 to junction Nebraska Highway 79, thence along Nebraska Highway 79 to junction Nebraska Highway 92, thence along Nebraska Highway 92 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Nebraska-South Dakota State line; and (2) from points in that part of Texas on, south, and east of a line beginning at the Texas-Arkansas State line, thence along U.S. Highway 67 to Omaha, thence along U.S. Highway 259 to junction Interstate Highway 20, thence along Interstate Highway 20 to junction U.S. Highway 69, thence along U.S. Highway 69 to Lufkin, thence along U.S. Highway 59 to Livingston, thence along U.S. Highway 190 to Huntsville, thence along Interstate Highway 45 to Houston, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 87 to Port Lavaca, to points in that part of Nebraska on, north, and east of a line beginning at the Nebraska-Kansas State line, thence along U.S. Highway 77 to Lincoln, thence along U.S. Highway 34 to Grand Island, thence along Nebraska Highway 2 to Alliance, thence along U.S. Highway 385 to the Nebraska-South Dakota State line. The purpose of this filing is to eliminate the gateways of (1) points in Oklahoma; (2) points in Arkansas; and (3) points in Iowa.

No. MC 111545 (Sub-No. E368), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines), between points in that part of North Carolina on and south of a line beginning at Beaufort, thence along U.S. Highway 1 to Cameron, thence along North Carolina Highway 24 to Albemarle, thence along North Carolina Highway 73 to junction Interstate Highway 77, thence along Interstate Highway 77 to Statesville, thence along U.S. Highway 70 to Conover, thence along U.S. Highway 321 to the North Carolina-South Carolina State line, on the one hand, and, on the other, points in that part of Indiana on and west of a line beginning at the Indiana-Michigan State line, thence along U.S. Highway 31 to Indianapolis, thence along Indiana Highway 37 to junction Indiana Highway 237, thence along Indiana Highway 237 to the Indiana-Kentucky State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of (1) points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga., and (2) points in that part of North Carolina or that part of South Carolina within 175 miles of Chattanooga, Tenn., and within 150 miles of Charlotte, N.C.

No. MC 111545 (Sub-No. E379), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, requires the use of special equipment; (1) between points in Indiana, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 78 to junction Illinois Highway 92, thence

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along Illinois Highway 92 to junction Illinois Highway 94, thence along Illinois Highway 94 to Carthage, thence along U.S. Highway 136 to the Illinois-Iowa State line; (2) between points in Kentucky, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 26 to Dixon, thence along Illinois Highway 2 to junction Interstate Highway 74, thence along Interstate Highway 74 to Galesburg, thence along U.S. Highway 34 to junction Illinois Highway 94, thence along Illinois Highway 94 to Carthage, thence along U.S. Highway 136 to the Illinois-Iowa State line; (3) between points in Ohio, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 26 to junction Illinois Highway 64, thence along Illinois Highway 64 to Brookville, thence along U.S. Highway 52 to junction Illinois Highway 88, thence along Illinois Highway 88 to Sterling, thence along Illinois Highway 2 to Rock Island, thence along U.S. Highway 67 to Macomb, thence along U.S. Highway 136 to the Illinois-Iowa State line; and (4) between points in the Lower Peninsula of Michigan, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Wisconsin State line, thence along Illinois Highway 78 to junction Illinois Highway 88, thence along Illinois Highway 88 to Sterling, thence along Illinois Highway 2 to junction Illinois Highway 74, thence along Illinois Highway 74 to Galesburg, thence along U.S. Highway 34 to junction U.S. Highway 67, thence along U.S. Highway 67 to Macomb, thence along U.S. Highway 136 to junction Illinois Highway 61, thence along Illinois Highway 61 to Ursa, thence along Illinois Highway 96 to junction U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 11545 (Sub-No. E436), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; and (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, their products and by-products, water or sewerage, restricted to the transportation of shipments moving to or from pipelines rights-of-way; (1) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Minnesota-Wisconsin State line, thence along Minnesota Highway 58 to Zumbrota, thence along U.S. Highway 52 to Rochester, thence along U.S. Highway 63 to junction Interstate Highway 90, thence along Interstate Highway 90 to Austin, thence along U.S. Highway 218 to the Minnesota-Iowa State line; (2) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in that part of Kansas on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to junction Kansas Highway 39, thence along Kansas Highway 39 to Chanute, thence along U.S. Highway 169 to the Kansas-Missouri State line; and (3) between points in that part of Louisiana on and south of U.S. Highway 80, on the one hand, and, on the other, points in Nebraska, restricted in (1), (2), and (3) above to the transportation of machinery and contractors' equipment, which because of size or weight requires special equipment or special handling. The purpose of this filing is to eliminate the gateways of Longview, Tex., and points in Missouri.

No. MC 111545 (Sub-No. E437), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment (except commodities to be used in, or in connection with, main or trunk pipelines), from points in that part of Arizona on and west of a line beginning at the International Boundary line between the United States and Mexico, thence along U.S. Highway 89 to Tucson, thence along Interstate Highway 10 to Phoenix, thence along Interstate Highway 17 to Flagstaff, thence along Interstate Highway 40 to the Arizona-California State line, to points in that part of Wisconsin on, east, and south of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51, to Madison, thence along U.S. Highway 12 to Wisconsin Dells, thence along Wisconsin Highway 13 to Wisconsin Rapids, thence along Wisconsin Highway 54 to Plover thence along U.S. Highway 51 to Merrill, thence along Wisconsin Highway 64 to the Wisconsin-Michigan State line. The purpose of this filing is to eliminate the gateways of points in that part of Missouri within 100 miles of Kansas City, Kans., and the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC 111545 (Sub-No. E341), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Incinerators and refuse-treatment equipment, and parts, attachments, and accessories*, for incinerators and refuse-treatment equipment, the transportation of which, because of size or weight, requires the use of special equipment; (1) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., to points in California, Nevada, Oregon, and Washington; and (2) from points in that part of Tennessee within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 31 to Columbia, thence along Tennessee Highway 99 to Murfreesboro, thence along Tennessee Highway 96 to junction U.S. Highway 70, thence along U.S. Highway 70 to Smithville, thence along Tennessee Highway 56 to junction Interstate Highway 40, thence along Interstate Highway 40 to Knoxville, thence along U.S. Highway 11W to Kingsport, thence along U.S. Highway 23 to the Tennessee-Virginia State line, to points in Arizona, Montana, and Utah. The purpose of this filing is to eliminate the gateways of (1) points in that part of Georgia within 175 miles of Chattanooga, Tenn., and (2) Springfield, Mo.

No. MC 111545 (Sub-No. E449), filed June 4, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe* (except pipe as described in *Mercer Extension—Oilfield Commodities*, 74 M.C.C. 459, and *pipe* originating at or destined to pipeline rights-of-way), from points in that part of Texas on, south, and east of a line beginning at the Texas-Louisiana State line, thence along Texas Highway 49 to Dangerfield, thence along U.S. Highway 259 to Cedar Springs, thence along Texas Highway 155 to Palestine, thence along U.S. Highway 287 to Crockett, thence along Texas Highway 19 to Huntsville, thence along U.S. Highway 75 to Houston, thence along U.S. Highway 59 to Victoria, thence along U.S. Highway 77 to Brownsville, to points in Kansas, restricted to the transportation of commodities which, because of size or weight, require the use of special equipment, where such transportation is performed on ordinary vehicular equipment, and special equipment is provided for loading and unloading and the loading and unloading is performed by the consignor or consignee, or both. The purpose of this filing is to eliminate the gateway of the plant site and warehouse facilities of Western Foundry Company at or near Tyler, Tex.

No. MC 111545 (Sub-No. E510), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, in sections, the transportation of which, because of size or weight, requires the use of special equipment, (1) from points in Oklahoma to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; (2) from points in that part of Oklahoma on, west, and south of a line beginning at the Oklahoma-Kansas State line, thence along U.S. Highway 75 to Tulsa, thence along U.S. Highway 64 to the Oklahoma-Arkansas State line, to points in that part of Indiana, on and east of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 50 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 67, thence along Indiana Highway 67 to junction U.S. Highway 231, thence along U.S. Highway 231 to Lafayette, thence along Indiana Highway 43 to Michigan City, and the lower Peninsula of Michigan; (3) from points in Texas to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, the lower peninsula of Michigan, and the District of Columbia; (4) from points in Texas to points in that part of Tennessee on, north, and east of a line beginning at the Tennessee-Missouri State line, thence along Tennessee Highway 20 to Dyersburg, thence along Tennessee Highway 104 to Milan, thence along Alternate U.S. Highway 70 to Waverly, thence along Tennessee Highway 13 to Beardstown, thence along Tennessee Highway 50 to junction U.S. Highway 431, thence along U.S. Highway 431 to the Tennessee-Alabama State line; (5) from points in Oklahoma to points in that part of Tennessee on, east, and north of a line beginning at the Tennessee-Missouri State line, thence along Tennessee Highway 20 to Hohenwald, thence along Tennessee Highway 99 to Columbia, thence along U.S. Highway 31 to the Tennessee-Alabama State line; and (6) from points in Oklahoma on, south, and east of U.S. Highway 271, to points in that part of Wisconsin on, south, and east of a line beginning at the Wisconsin-Iowa State line, thence along U.S. Highway 151 to Chilton, thence along Wisconsin Highway 57 to Green Bay. The purpose of this filing is to eliminate the gateway of the plant site of Continental Homes, Inc., at or near Malden, Mo.

No. MC 111545 (Sub-No. E520), filed June 2, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, which may be included in crawler-type tractors, roadbuilding, construction, and mining machinery and diesel engines, and *related machinery, tools, parts, and supplies* moving in connection therewith; (1) from points in Iowa, Minnesota, Nebraska, and that part of Iowa within 300 miles of Ames, Iowa, to points in Mercer, Monroe, Wyoming, Summers, McDowell, Pocahontas, and Greenbrier Counties, W. Va.; and (2) from points in that part of Missouri on and north of a line beginning at the Minnesota-Kansas State line, thence along U.S. Highway 54 to Nevada, thence along U.S. Highway 71 to junction Missouri Highway 52, thence along Missouri Highway 52 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 54, thence along U.S. Highway 54 to the Missouri-Illinois State line, to points in Mercer, Monroe, Wyoming, Summers, McDowell, Pocahontas, and Greenbrier Counties, W. Va., restricted to the transportation of machinery and contractors' equipment and commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of (1) Peoria or Decatur, Ill., and (2) points in that part of Iowa within 300 miles of Ames, Iowa.

No. MC 111545 (Sub-No. E538), filed May 30, 1974. Applicant: HOME TRANSPORTATION COMPANY, INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crawler type tractors, roadbuilding, construction and mining machinery, and diesel engines, and attachments and parts* therefor when transported with such commodities, from points in that part of Illinois on, north, and west of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 140 to Smithboro, thence along U.S. Highway 40 to junction Interstate Highway 57, thence along Interstate Highway 57 to junction U.S. Highway 30, thence along U.S. Highway 30 to the Illinois-Indiana State line, to points in Mercer, Monroe, Wyoming, Summers, McDowell, Pocahontas, and Greenbrier Counties, W. Va., restricted to the transportation of machinery and contractors' equipment, which because of size or weight, requires the use of special equipment or special handling. The purpose of this filing is to eliminate the gateway of Peoria, Decatur, Joliet, Roanoke, or Chicago, Ill.

No. MC-111545 (Sub-No. E552), filed May 30, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith; (1) between points in that part of North Carolina within 150 miles of Charlotte, N.C., and on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 21 to Statesville, thence along North Carolina Highway 115 to junction U.S. Highway 421, thence along U.S. Highway 421 to Wilkesboro, thence along North Carolina Highway 18 to the North Carolina-Virginia State line, on the one hand, and, on the other, points in that part of Kentucky within 175 miles of Chattanooga, Tenn., and on and west of a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to Corbin, thence along U.S. Highway 25 to the Kentucky-Ohio State line (points in North Carolina or South Carolina within 175 miles of Chattanooga, Tenn., and within 150 miles of Charlotte, N.C.) *; (2) between points in that part of North Carolina within 150 miles of Charlotte, N.C., on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Oklahoma, and Wisconsin ((1) points in North Carolina or South Carolina within 175 miles of Chattanooga, Tenn., and within 150 miles of Charlotte, N.C., and (2) points in Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Cartersville, or Marietta, Ga.) *; and (3) between points in North Carolina within 150 miles of Charlotte, N.C., on the one hand, and, on the other, points in Minnesota and Nebraska ((1) points in North Carolina or South Carolina within 175 miles of Chattanooga, Tenn., and within 150 miles of Charlotte, N.C., (2) points in Tennessee within 175 miles of Chattanooga, Tenn., and (3) points in Iowa) *; restricted in parts (1), (2), and (3) above to the transportation of commodities which are transported on trailers, and restricted in part (2) above against the transportation of knitting machines. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111545 (Sub-No. E566), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, moving in connection therewith, between points in that part of Indiana on and north of a line beginning at the Indiana-Illinois State line, thence along U.S.

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Highway 40 to junction Indiana Highway 46, thence along Indiana Highway 46 to Columbus, thence along Indiana Highway 7 to the Indiana-Kentucky State line, on the one hand, and, on the other, points in that part of Kansas within 300 miles of Ames, Iowa, and on and west of a line beginning at the Kansas-Missouri State line, thence along U.S. Highway 59 to Atchison, thence along U.S. Highway 73 to Kansas City, thence along U.S. Highway 169 to the Kansas-Oklahoma State line, restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in Iowa.

No. MC 111545 (Sub-No. E573), filed May 26, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith (except knitting machines); (1) between points in that part of Tennessee on and south of a line beginning at the Tennessee-Alabama State line, thence along U.S. Highway 231 to Fayetteville, thence along U.S. Highway 64 to junction Tennessee Highway 50, thence along Tennessee Highway 50 to Lynchburg, thence along Tennessee Highway 55 to Tullahoma, thence along Alternate U.S. Highway 41 to Decherd, thence along Tennessee Highway 50 to Pelham, thence along U.S. Highway 41 to Chattanooga, thence along U.S. Highway 11 to Athens, thence along Tennessee Highway 30 to Etowah, thence along U.S. Highway 411 to the Tennessee-Georgia State line, on the one hand, and, on the other, between points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Pennsylvania State line; and (2) between Chattanooga, Tenn., on the one hand, and, on the other, points in Ohio, restricted in (1) and (2) above to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of points in that part of Georgia within 175 miles of Chattanooga, Tenn., and within 50 miles of Atlanta, Marietta, or Cartersville, Ga.

No. MC 111545 (Sub-No. E591), filed May 31, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: ***Buildings***, in sections, the transportation of which, because of size or weight, requires the use of special equipment (except commodities to be used in, or in connection with, main or trunk pipelines); (1) from Arizona to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia, and the District of Columbia; (2) from points in Arizona to points in that part of Mississippi on and east of a line beginning at the Mississippi-Tennessee State line, thence along U.S. Highway 78 to Tupelo, thence along U.S. Highway 45 to Columbus, thence along U.S. Highway 82 to the Mississippi-Alabama State line; (3) from points in Arizona to points in that part of Alabama on and east of a line beginning at the Alabama-Mississippi State line, thence along U.S. Highway 82 to Montgomery, thence along U.S. Highway 231 to Dothan, thence along U.S. Highway 84 to the Alabama-Georgia State line; (4) from points in Arizona to points in that part of Georgia on, north, and east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 84 to Bainbridge, thence along U.S. Highway 27 to the Georgia-Florida State line; (5) from points in Arizona to points in that part of Florida on and east of a line beginning at the Florida-Georgia State line, and thence along U.S. Highway 27 to Tallahassee, thence along U.S. Highway 319 to Wakulla, thence along Florida Highway 363 to St. Marks; and (6) from points in Arizona to points in that part of Illinois on and east of U.S. Highway 51 and the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateways of points in that part of Missouri within 100 miles of Kansas City, Kans., and the plant site and warehouse facilities of Continental Homes, Inc., at or near Malden, Mo.

No. MC 113362 (Sub-No. E31) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, from Rockford, Ill., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the International Boundary line between the United States and Canada, and that part of Iowa on, north, and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction Iowa Highway 60, thence along Iowa Highway 60 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to Algona, thence along U.S. Highway 169 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Elmore, Minn. The purpose of this correction is to correct a typographical error.

No. MC 113362 (Sub-No. E32) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities requiring special equipment, in bulk, in tank vehicles), from Rockford, Ill., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 72, thence along Minnesota Highway 72 to the International Boundary line between the United States and Canada, and that part of Iowa on, north, and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction Iowa Highway 60, thence along Iowa Highway 60 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction U.S. Highway 18, thence along U.S. Highway 18 to Algona, thence along U.S. Highway 169 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of Elmore, Minn. The purpose of this correction is to correct a typographical error.

No. MC 113362 (Sub-No. E34), (Correction), filed May 6, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Tex. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Twine;* (1) from Canton, Bloomington, Sandwich, Moline, East Moline, and Rock Island, Ill., to points in that part of Iowa on, north, and west of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction Iowa Highway 143, thence along Iowa Highway 143 to junction Iowa Highway 10, thence along Iowa Highway 10 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction U.S.

Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Iowa Highway 9, thence along Iowa Highway 9 to junction U.S. Highway 69, thence along U.S. Highway 69 to the Iowa-Minnesota State line; (2) from Canton, Ill., to points in that part of Minnesota on, west, and north of a line beginning at the Iowa-Minnesota State line, thence along Interstate Highway 35 to junction Interstate Highway 494, thence along Interstate Highway 494 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-Wisconsin State line; (3) from Bloomington, Ill., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 69 to junction Interstate Highway 90, thence along Interstate Highway 90 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction Minnesota Highway 65, thence along Minnesota Highway 65 to the International Boundary line between the United States and Canada * * * The purpose of this filing is to eliminate the gateway of Elmore, Minn. The purpose of this partial correction is to reflect the correct destination territory. The remainder of the letter-notice remains as previously published.

No. MC 113362 (Sub-No. E35) (Correction), filed May 6, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, Iowa 50533. Applicant's representative: Milton D. Adams, P.O. Box 562, Austin, Minn. 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* (except commodities requiring special equipment), from Rock Falls, Ill., to points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 169 to junction U.S. Highway 14, thence along U.S. Highway 14 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction U.S. Highway 10, thence along U.S. Highway 10 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction U.S. Highway 169, thence along U.S. Highway 169 to junction Minnesota Highway 73, thence along Minnesota Highway 73 to junction U.S. Highway 53, thence along U.S. Highway 53 to the International Boundary line between the United States and Canada, and that part of Iowa on, west, and north of a line beginning at the South Dakota-Iowa State line, thence along Iowa Highway 3 to junction Iowa Highway 60, thence along Iowa Highway 60 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction U.S. Highway 169, thence along U.S. Highway 169 to the Iowa-Minnesota State line (including Algona). The purpose of this filing is to eliminate the gateway of Elmore, Minn. The purpose of this correction is to correct a typographical error.

No. MC 113459 (Sub-No. E33), filed May 6, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Oklahoma 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery* and *equipment, materials, supplies* and *pipe*, incidental to, used in or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment; (b) the completion of holes or wells drilled; (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Bullitt, Hardin, Meade, Breckinridge, Crittenden, Hancock, Twins, Henderson, Union, Webster, McLean, Hopkins, Ohio, Grayson, Edmonson, Hart, Warren, Butler, Muhlenberg, Logan, Todd, Christian, Trigg, Simpson, Lyon, Caldwell, and Jefferson Counties, Ky., on the one hand, and, on the other, points in Nebraska. The purpose of this filing is to eliminate the gateway of Sterling, Ill., and points in that part of Illinois south of U.S. Highway 36.

No. MC 113495 (Sub-No. E37) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such self-propelled articles*, each weighing over 15,000 pounds or more, which may be included in road construction machinery and equipment as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *related parts* moving in connection therewith, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, DeKalb, Harvey, Joliet, Peoria, Morton, Mossville, Springfield, and points within 10 miles of each, to points in Monroe, Russell, Pulaski, Wayne, Whitley Counties, Ky., restricted against the transportation of commodities which because of size or weight require the use of special equipment and against the transportation of commodities in connection with the stringing or picking up of pipeline materials or equipment, and further restricted to commodities which are transported on trailers; (2) *Such self-propelled articles*, each weighing 15,000 pounds or more which may be included in road construction machinery and equipment as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway of points in Tennessee. The purpose of this correction is to exclude certain points in Illinois in (1) above, include points in Whitley County, Ky., in (2) and (3) above, and to reflect the proper gateway.

No. MC 113495 (Sub-No. E47), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies*, in bulk, in tank vehicles (except coal, petroleum products, and coal tar products), from points in Ohio, to points in Pocahontas County, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 113974 (Sub-No. E24), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCK CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, requiring the use of special equipment, between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island, on the one hand, and, on the other, points in Delaware, Maryland, Virginia, North Carolina, South Carolina, and the District of Columbia. The purpose of this filing is to eliminate the gateways of points in New York and New Jersey within 35 miles of Columbus Circle, New York, N.Y., and points in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties, N.J.

No. MC 113974 (Sub-No. E25), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCK CO., P.O. Box 67, Drovasburg, Penn. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Penn. 15217. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery and articles* requiring special equipment and handling because of size or weight between points in Pennsylvania, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Penn., on the one hand, and, on the other, points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of points in New York and New Jersey within 35 miles of Columbus Circle, New York, N.Y.

No. MC 113974 (Sub-No. E37), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Penn. 15034. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Penn. 15219. Authority sought to operate

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as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron, steel and steel products*, which because of size or weight, require specialized handling or rigging, between points in Michigan on and south of Interstate Highway 94, on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, and Maryland within 150 miles of Norristown, Penn. The purpose of this filing is to eliminate the gateways of points in Erie County, Ohio, and points in Pennsylvania within 125 miles of Wheeling, W. Va.

No. MC 115162 (Sub-No. E22), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Louisiana to points in Ohio and Michigan, points in that part of Indiana on and east of U.S. Highway 31 (points in that part of Alabama on and south of U.S. Highway 80*), points in South Carolina, North Carolina, Virginia, West Virginia, Pennsylvania, New York, New Jersey, Maryland, Delaware, New Hampshire, Rhode Island, Connecticut, Massachusetts, Alabama (points in that part of Alabama on and south of U.S. Highway 78*), points in Georgia, and points in that part of Florida on and north of Florida Highway 50 (points in Montgomery, Butler, Conecuh, Escambia, Dallas, and Monroe Counties, Ala.*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 115162 (Sub-No. E23), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Marathon, Marinette, Forest, Waupaca, Winnebago, and Wood Counties, Wis., to points in that part of Georgia on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 80.

No. MC 115162 (Sub-No. E24), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in that part of Alabama on U.S. Highway 31 and on and south of U.S. Highway 78, on the one hand, and, on the other, points in Slidell and New Orleans, La. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 115162 (Sub-No. E25), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Jackson County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E26), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over, irregular routes, transporting: *Lumber*, from points in Russell County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E27), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 560, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Green County, Ala., on the one hand, and, on the other, points in Mississippi and Louisiana. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 115162 (Sub-No. E32), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Cedar Springs, Ga., to points in Indiana, Michigan, Ohio, Illinois, Wisconsin, Minnesota, Iowa, Nebraska, and Missouri. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 80.

No. MC 115162 (Sub-No. E34), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Haleyville, Ala., to points in Georgia, Florida, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 123685 (Sub-No. E16), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, from points in Franklin County, Ohio, to points in New York and those points in Michigan Highway 32. The purpose of this filing is to eliminate the gateway of Dundee, Ohio.

No. MC 123685 (Sub-No. E26), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Road SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, and pesticides*, in bulk, in dump vehicles, between points in Lorain, Medina, Cuyahoga, Ashland, Wayne, Summit, and Stark Counties, Ohio, on the one hand, and, on the other, points in Ohio on and east and south and west of a line beginning at the Ohio-Kentucky State line at U.S. Highway 23, thence along U.S. Highway 23 to Columbus, Ohio, thence along Interstate Highway 70 to the junction of Interstate Highway 70 and Interstate Highway 77, thence along Interstate Highway 77 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateway of Orrville, Ohio.

No. MC 123685 (Sub-No. E27), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulpboard, pulpboard products, and paper wrappers*, from points in West Virginia on and west of U.S. Highway 21 to points in Michigan, points in New York on and east of Interstate Highway 81, and points in Pennsylvania on and north and east of a line beginning at the Ohio-Pennsylvania State line at Interstate Highway 80, thence along Interstate Highway 80 to the junction of U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of Parkersburg, W. Va., and the plant site of Greif Board Corporation in Washington County, Ohio.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74-27184 Filed 11-19-74;8:45 am]

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federal register

THURSDAY, NOVEMBER 21, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 226
Pages 40847–40934

HIGHLIGHTS OF THIS ISSUE

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Rules Going Into Effect Today

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-GL-18; Amdt. 39-2019]

PART 39—AIRWORTHINESS DIRECTIVE

B. F. Goodrich Engineered Systems Company Main Wheel Assembly

A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time inspection of B. F. Goodrich Engineered Systems Company (formerly B. F. Goodrich Aerospace and Defense Products), A Division of the B. F. Goodrich Company, main wheel assembly P/N 3-1306 was published in 39 FR 174. These wheels are typically used on, but not limited to Boeing Aircraft Company Models 727 series aircraft.

Interested persons have been afforded an opportunity to participate in making of the amendment. Comments were received in response to notice of proposed rule making (14 CFR Part 39 Docket No. 74-GL-18) published in the FEDERAL REGISTER, Volume 39, No. 174 dated September 6, 1974. One comment was that a misunderstanding is possible that this Airworthiness Directive applies to all series of the 3-1306 wheel regardless of the dash number. Another comment received was that the effective starting date of this wheel inspection requirement should be clarified. Based on these comments and upon review within the Federal Aviation Administration, changes have been made to the proposed rule. In the applicability paragraph the following sentence has been added, "It does not apply to 3-1306 wheels manufactured on or after January 1, 1972, nor to the 3-1306-1 main wheel assembly." In the compliance time paragraph, the following phrase was added, "after the effective date of this Airworthiness Directive". These changes are for clarity and to eliminate any misunderstandings concerning the language and intent of the Airworthiness Directive as issued.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

B. F. Goodrich Engineered Systems Company (formerly B. F. Goodrich Aerospace and Defense Products), A Division of the B. F. Goodrich Company. Applies only to B. F. Goodrich main wheel assembly P/N 3-1306 manufactured under Technical Standard Order (TSO-C26D) prior to January 1, 1972. It does not apply to 3-1306 wheels manufactured on or after January 1, 1972, nor to the 3-1306-1 main wheel assembly. These wheel assemblies are typically used on, but not limited to, Boeing 727 series aircraft.

Compliance required as indicated unless already accomplished.

To prevent possible failures in the hub area of the inboard wheel half, P/N 10-1202, at the second tire change, but not to exceed 500 hours' time in-service after the effective date of this Airworthiness Directive, perform a one-time inspection of the hub area of the inboard wheel half for forging defects in accordance with the information contained in B. F. Goodrich Service Letter No. 1177 issued January 24, 1972, revised April 11, 1974, or an FAA approved equivalent.

Wheels which have positive indications of defects may be reworked in accordance with the information contained in the B. F. Goodrich Service Letter or an FAA approved equivalent.

This amendment becomes effective November 27, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Des Plaines, Illinois, on November 13, 1974.

JOHN M. CYROCKI,
Director,
Great Lakes Region.

[FR Doc.74-27199 Filed 11-20-74;8:45 am]

[Docket No. 74-SO-105; Amdt. 39-2014]

PART 39—AIRWORTHINESS DIRECTIVES

Teledyne Continental Motors Models IO-360, IO-470, TSIO-470 and IO-520 Series Engines

Amendment 39-1028, 35 FR 11364, AD 70-14-7, as amended by amendment 39-1092, 35 FR 16041, requires inspection and eventual replacement of the fuel injection bypass needle on certain Teledyne IO-360, IO-470, TSIO-470, and IO-520 series engines. After issuing Amendment 39-1092 Teledyne Continental Motors designed and produced an improved version of the Orifice Adjustment Assembly, to which the requirements of this AD do not apply. Therefore, the AD is being further amended to provide a clarification to except the redesign from the AD requirements.

Since this amendment provides a clarification only, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations Amendment 39-1028, 35 FR 11384, AD 70-14-7, as amended by Amendment 39-1092, 35 FR 16041, is further amended by revising the second sentence of Paragraph A to read as follows:

If the pump does not have this feature, or if the adjusting needle is retained in the brass plug by an internal spring circular clip, no further action is required.

This amendment becomes effective November 22, 1974.

This amendment is made under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Georgia, on November 7, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74-27198 Filed 11-20-74;8:45 am]

[Airspace Docket No. 74-SO-104]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to realign V-86 via the Cahaba, Ala., VOR rather than the Craig, Ala., VOR. (The VORs are approximately twenty-five hundred feet apart.)

Operation of the recently established Cahaba VOR is required for military training at Craig AFB. The additional use of this navaid for the airway designation will permit the removal of the Craig VOR and a savings to the United States Government.

Since this amendment is minor in nature because the change of location at the navaid is less than one-half mile, and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective January 30, 1975.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

V 39 I 226 NOV 21 74 XUM

Section 71.123 (39 FR 307) is amended as follows:

In V–56 "Craig, Ala."; is deleted and "Cahaba, Ala."; is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 15, 1974.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–27201 Filed 11–20–74;8:45 am]

[Airspace Docket No. 74–SW–41]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Mena, Ark., transition area.

On October 3, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 35675) stating the Federal Aviation Administration proposed to alter the Mena, Ark., transition area.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., January 30, 1975, as hereinafter set forth.

In § 71.181 (39 FR 440), the Mena, Ark., transition area is amended to read:

MENA, ARK.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Mena Municipal Airport (latitude 34°33'00" N., longitude 94°12'31" W.) and within 5 miles each side of the Rich Mountain, Okla., VORTAC 112° radial extending from the 5-mile radius area to the VORTAC and within 3.5 miles each side of the 087° bearing from the Mena, Ark., NDB (latitude 34°32'55" N., longitude 94°12'34" W.) extending from the 5-mile radius area to a point 12 miles east of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, Tex., on November 11, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74–27200 Filed 11–20–74;8:45 am]

[Airspace Docket No. 74–EA–55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of VOR Federal Airways

On August 5, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 28163) stating that the Federal Aviation Administration (FAA) was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter segments of V–123 and V–433 southwest of the Swan Point, Md., intersection.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments.

The Air Transport Association (ATA) recommended that V–123 be realigned from Swan Point, Md., intersection direct to Woodstown, N.J., or as an alternative from Washington, D.C., direct to Churchill, Md., intersection. If the alternative is acceptable, the ATA recommended that V–433 be altered by extending the New Castle, Del., 231°M radial to its point of intersection with the Washington to Churchill airway segment. No other comments were received.

The ATA comments were analyzed and found to be unacceptable. The realignment of V–123 from Swan Point intersection direct to Woodstown would result in a loss of lateral separation between V–123 and V–433 at the New York/Washington Center boundary. Air traffic operating on V–123 and V–433 at the boundary are handled by two different New York Center sectors and the required coordination would be untenable considering the large volume of air traffic operating on these airways. Relocation of the Center's sector boundaries are impractical at this time for operational reasons. Additionally, extension of V–123 from Washington, D.C., direct to Churchill intersection as proposed by ATA in its alternate recommendation is not practicable for operational reasons.

As a result of the comment received, an alternative was analyzed and found acceptable. Consequently, action is taken herein to:

Realign V–123 from the MITCH intersection via the Washington 065°T radial to the intersection of the Woodstown, N.J., 230°T radial thence to Woodstown.

The alternate realignment of V–123 would offer a minor reduction in distance between the MITCH intersection and Woodstown and would offer improved navigation over the alteration originally proposed. Since this amendment is within the scope of the original notice, further notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

Section 71.123 (39 FR 307, 11417) is amended as follows:

1. V–123 "From INT Baltimore, Md., 223° and Kenton, Del., 262° radials; INT Kenton 262° and Woodstown, N.J., 230° radials; Woodstown;" is deleted and "From INT Washington, D.C., 065° and Baltimore, Md., 197° radials; via INT Washington, D.C.; 065° and Woodstown, N.J., 230° radials; Woodstown;" is substituted therefor.

2. V–433 "From INT Baltimore, Md., 223° and Kenton, Del., 262° radials, via INT Kenton 262° and New Castle, Del., 222° radials; New Castle;" is deleted and "From INT Washington, D.C., 065° and Baltimore, Md., 197° radials; via INT Washington, D.C., 065° and New Castle, Del., 222° radials; New Castle;" is substituted therefor.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 15, 1974.

EDWARD J. MALO,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–27202 Filed 11–20–74;8:45 am]

[Docket No. 14127; Amdt. No. 943]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rulemaking dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW, Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW, Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30 each.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective January 2, 1975:

Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., VOR Rwy 27, Amdt. 12.
Decatur, Ark.—Crystal Lake Arpt., VORTAC Rwy. 13, Amdt. 3.
Delano, Calif.—Municipal Arpt., VOR Rwy. 32, Orig.
Dillingham, Alaska—Dillingham Arpt., VOR Rwy. 1, Amdt. 4.
Dillingham, Alaska—Dillingham Arpt., VOR/DME Rwy. 19, Amdt. 2.
Flippin, Ark.—Flippin Arpt., VOR–A, Amdt. 6.
Harrison, Ark.—Boone County Arpt., VOR–A, Amdt. 5.
Hawthorne, Calif.—Hawthorne Municipal Apt., VOR–A, Orig.
Iron Mountain/Kingsford, Mich.—Ford Arpt., VOR Rwy. 1, Amdt. 6.
Iron Mountain/Kingsford, Mich.—Ford Arpt., VOR Rwy. 19, Amdt. 2.
Iron Mountain/Kingsford, Mich.—Ford Arpt., VOR Rwy. 31, Amdt. 9.
Jacksonville, Ill.—Jacksonville Municipal Arpt., VOR Rwy. 13, Amdt. 3.
Mountain Home, Ark.—Mountain Home Municipal Arpt., VOR–A, Amdt. 2.
Pearsall, Tex.—McKinley Field, VOR/DME–A, Orig.
Plainview, Tex.—Hale County Arpt., VOR Rwy. 4, Amdt. 5.
Salina, Kans.—Salina Municipal Arpt., VOR Rwy. 17, Amdt. 8.
Siloam Springs, Ark.—Smith Field, VOR/DME–A, Amdt. 1.
Springdale, Ark.—Springdale Municipal Arpt., VOR Rwy. 18, Amdt. 4.
Stillwater, Okla.—Searcy Field, VOR Rwy. 17, Amdt. 3.

• • • effective December 5, 1974:

Monticello, N.Y.—Monticello Arpt., VOR Rwy. 1, Orig.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, effective January 2, 1975:

Iron Mountain/Kingsford, Mich.—Ford Arpt., LOC/DME(BC) Rwy. 19, Amdt. 2.
Moline, Ill.—Quad-City Arpt., LOC(BC) Rwy. 27, Amdt. 15.
San Juan, P.R.—Puerto Rico Int'l. Arpt., LOC Rwy. 10, Amdt. 1.
San Juan, P.R.—Puerto Rico Int'l. Arpt., LOC(BC) Rwy. 25, Amdt. 5.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective January 2, 1975:

Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., NDB Rwy. 9, Amdt. 5.
Moline, Ill.—Quad-City Arpt., NDB Rwy. 9, Amdt. 19.

• • • effective December 5, 1974:

Bedford, Mass.—Laurence G. Hanscom Field, NDB Rwy. 29, Orig.
Minden, La.—Minden-Webster Arpt., NDB Rwy. 1, Orig.
Minden, La.—Minden-Webster Arpt., NDB Rwy. 19, Orig.

• • • effective November 28, 1974:

Portland, Oreg.—Portland Int'l. Arpt., NDB–B, Amdt. 1.
Windsor Locks, Conn.—Bradley Int'l. Arpt., NDB Rwy. 6, Amdt. 22.

• • • effective November 6, 1974:

Detroit, Mich.—Detroit Metropolitan-Wayne County Arpt., NDB Rwy. 3R, Amdt. 3.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective January 2, 1975:

Christiansted, St. Croix, V.I.—Alexander Hamilton Arpt., ILS Rwy. 9, Amdt. 1.
Fairbanks, Alaska—Fairbanks Int'l. Arpt., ILS/DME Rwy. 1L, Orig.
Iron Mountain/Kingsford, Mich.—Ford Arpt., ILS Rwy. 1, Amdt. 2.
Moline, Ill.—Quad-City Arpt., ILS Rwy. 9, Amdt. 19.

• • • effective December 5, 1974:

Laurel/Hattiesburg, Miss.—Pine Belt Regional Arpt., ILS Rwy 18, Orig.

• • • effective November 28, 1974:

Portland, Oreg.—Portland Int'l. Arpt., ILS Rwy 10R, Amdt. 23.
Windsor Locks, Conn.—Bradley Int'l. Arpt., ILS Rwy 6, Amdt. 23.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective January 2, 1975:

Burlington, Vt.—Burlington Int'l. Arpt., RADAR–1, Orig.
Galena, Alaska—Galena Arpt., RADAR–1, Amdt. 4.

• • • effective November 28, 1974:

Windsor Locks, Conn.—Bradley Int'l. Arpt., RADAR–1, Amdt. 4.

6. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective January 2, 1975:

Jacksonville, Ill.—Jacksonville Municipal Arpt., RNAV Rwy 31, Orig.
Moline, Ill.—Quad-City Arpt., RNAV Rwy 36, Amdt. 3.

• • • effective November 8, 1974:

Jacksonville, Fla.—Jacksonville Int'l. Arpt., RNAV Rwy 13, Amdt. 3.

These amendments are made effective under the authority of (secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510, sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)).

Issued in Washington, D.C., on November 14, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 approved by the Director of the Federal Register on May 12, 1969, (35 F.R. 5610).

[FR Doc.74–27197 Filed 11–20–74;8:45 am]

[Docket No. 14131; Amdt. No. 135–39]

PART 135—AIR TAXI OPERATORS AND COMMERCIAL OPERATORS OF SMALL AIRPLANES

Air Taxi Operations With Certain Turbojet-Powered Airplanes

The purpose of this amendment to § 135.2(e) of the Federal Aviation Regulations is to provide an additional 6-month period for compliance with certain Part 121 equipment requirements applicable to Part 135 certificate holders operating turbojet-powered airplanes having maximum certificated takeoff weights over 12,500 pounds but under 27,000 pounds, with passenger capacities of not more than 12 persons, and used only for planeload charter flights.

Section 135.2(e) provides that operators of turbojet-powered airplanes with maximum certificated takeoff weights of over 12,500 pounds but under 27,000 pounds, with passenger-carrying capacities of not more than 12 persons, used only in planeload charter flights, need not comply until November 15, 1974, with § 121.313(f)—a lockable door between the pilot and passenger compartments; § 121.343(a)—flight recorder; § 121.359—cockpit voice recorder; § 121.587—closing and locking of door between the pilot and passenger compartments; and § 121.581(a)—forward observer's seat, provided that if the forward observer's seat is not installed, a forward passenger seat with appropriate communications equipment nearby is provided for use by the Administrator while conducting en route inspections.

The FAA has under study petitions filed by the National Air Transportation Conferences, Inc. (NATC), and Executive Air Fleet Corporation which request that § 135.2(e) be amended by deleting the provision that requires compliance with the Part 121 requirements specified therein. The FAA study is substantially completed. However, there is insufficient time to complete final agency action on the petitions prior to the November 15, 1974, compliance date, due to the imminence of that date. Furthermore, it appears likely that many operators will require additional time to achieve compliance in the event that final agency action results in a denial of the petitions for rulemaking. Accordingly, this amendment is being adopted to extend the date for compliance with § 135.2(e) to May 15, 1975.

In view of the imminence of the present compliance date, and since this amendment grants relief and imposes no additional burden on any person, I find that notice and public procedure are impracticable and that good cause exists for making this amendment effective on less than 30 days notice.

(Section 313(a), 601, and 604 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1421, and 1424; section 6(c) of the Department of Transportation Act; 49 U.S.C. 1655(c))

§ 135.2 [Amended]

In consideration of the foregoing, § 135.2(e) of the Federal Aviation Regulations is amended, effective November 15, 1974, by deleting the phrase "November 15, 1974" and substituting the phrase "May 15, 1975" therefor.

Issued in Washington, D.C., on November 14, 1974.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74–27196 Filed 11–20–74;8:45 am]

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Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—HUNTING

Sand Lake National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on November 21, 1974.

§32.12 Special regulations; big game; for individual wildlife refuge areas.

SOUTH DAKOTA

SAND LAKE NATIONAL WILDLIFE REFUGE

Sand Lake National Wildlife Refuge will hold special late seasons for taking white-tailed deer concurrent with special deer seasons established by South Dakota Department of Game, Fish & Parks.

Public hunting of big game on the Sand Lake National Wildlife Refugee, South Dakota, is permitted only on the area designated by signs as open to hunting. This open area, comprising 20,000 acres, is delineated on a map available at the refuge headquarters and from the Area Manager, U.S. Fish and Wildlife Service, P.O. Box 250, Pierre, South Dakota 57501. Hunting shall be in accordance with all applicable State regulations covering the hunting of deer, subject to the following conditions:

(1) All hunters must exhibit their hunting license, deer tag and vehicle contents to Federal and State officers upon request.

(2) Hunters will not be allowed to drive on refuge maintained trails, but may park their vehicles outside the refuge and hunt on foot.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through February 15, 1975.

WILLIAM C. BAIR,
Refuge Manager,
Sand Lake National Wildlife Refuge.

NOVEMBER 15, 1974.

[FR Doc.74-27271 Filed 11-20-74;8:45 am]

PART 33—SPORT FISHING

Horicon National Wildlife Refuge, Wis.

The following special regulation is issued and is effective on November 21, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

HORICON NATIONAL WILDLIFE REFUGE

Sport fishing on the Horicon National Wildlife Refuge, Mayville, Wisconsin, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 15 acres, are delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1, 1975 through February 28, 1975, inclusive.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Part 33, and are effective through February 28, 1975.

ROBERT G. PERSONIUS,
Refuge Manager, Horicon National Wildlife Refuge.

NOVEMBER 15, 1974.

[FR Doc.74-27268 Filed 11-20-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Sponsors of Approved Applications; Tylosin

The Commissioner of Food and Drugs has evaluated new animal drug applications filed by Doboy Feeds, Domain Industries Inc., New Richmond, WI 54017 (98-430V), and V.P.O. Inc., Omaha, NE 68127 (98-431V), proposing safe and effective use of tylosin premix in the manufacture of swine feed. The applications are approved.

To facilitate referencing, the firms are being assigned sponsor code numbers and placed in the list of firms in 21 CFR 135.501(c).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

1. In Part 135 by adding to § 135.501(c) new sponsors as follows:

§ 135.501 Names, addresses, and code numbers of sponsors of approved applications.

* * * * * * *

(c) * * *

*	*	* * * * *
127	----------	Doboy Feeds, Domain Industries, Inc., 215 North Knowles Ave., New Richmond, Wis. 54017.
*	*	* * * * *
130	----------	V.P.O., Inc., 4444 South 76th St., Omaha, Nebr. 68127.

2. In Part 135e by adding to § 135e.10 new paragraph (b)(24) and (25) to read as follows:

§ 135e.10 Tylosin.

* * * * * *

(b) * * *

(24) To 127: 10 grams per lb., item 4.

(25) To 130: 10 grams per lb., item 4.

* * * * * *

Effective date. This order shall be effective November 21, 1974.

(Secs. 512(i), 82 Stat. 347; 21 U.S.C. 360f(i))

Dated: November 13, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.74-27216 Filed 11-20-74;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 213—PRACTICE AND PROCEDURE FOR HEARINGS TO STATES ON CONFORMITY OF PUBLIC ASSISTANCE PLANS TO FEDERAL REQUIREMENTS

Designation of Presiding Officer

Part 213 of Chapter II of Title 45 of the Code of Federal Regulations is amended by revising § 213.21 concerning hearing procedures. Social and Rehabilitation Service has been informed by the U.S. Civil Service Commission that redetermination hearings under section 1316(a)(2) of the Social Security Act are not considered Administrative Procedures Act hearings.

Accordingly, the Commissioner cannot honor future requests for the assignment of an Administrative Law Judge to preside at such hearings as presently required by 45 CFR 213.21.

It is therefore necessary for the Department to amend 45 CFR 213.21 to reflect this determination by the U.S. Civil Service Commission.

Notice of proposed rulemaking has been dispensed with because of the need to provide an alternative procedure immediately.

Accordingly, § 213.21(a) is revised to read as set forth below:

Subpart C—Hearing Procedures

§ 213.21 Who presides.

(a) The presiding officer at a hearing shall be the Administrator or his designee.

(b) The designation of the presiding officer shall be in writing. A copy of the designation shall be served on all parties.

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)

(Catalog of Federal Domestic Assistance Programs Nos. 13.707, Child Welfare Services; 13.714, Medical Assistance Program; 13.724, Public Assistance—State and Local Training; 13.748, Work Incentive Program—Child Care; 13.754, Public Assistance—Social Services; 13.761, Public Assistance—Maintenance Assistance (State Aid).)

Effective date: This regulation shall become effective on November 21, 1974.

Dated: November 8, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: November 14, 1974.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.74-27275 Filed 11-20-74;8:45 am]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 327]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period November 22-28, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.627 Navel Orange Regulation 327.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges not yet established. Prices f.o.b. averaged $5.17 a carton on a reported sales volume of 378 carlots last week, compared with an average f.o.b. price of $5.40 per carton and sales of 167 carlots a week earlier. Track and rolling supplies at 242 cars were up 235 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 19, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 22, 1974, through November 28, 1974, are hereby fixed as follows:

(i) District 1: 819,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 81,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C 601-674)

Dated: November 20, 1974.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division Agricultural Marketing Service.

[FR Doc.74-27448 Filed 11-20-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1464—TOBACCO

Subpart A—Tobacco Loan Program

1974 Crop—Fire-Cured, Dark Air-Cured and Virginia Sun-Cured, Loan Rate Schedules

Correction

In FR Doc. 26409, appearing in the issue of Monday November 11, 1974, at page 39727, make the following changes:

1. The first table in the second column, under the heading "Length 43" the last three entries reading "10, 54, and 57 should be changed to read "51, 50 and 47".

2. The second table in the second column, under the heading "Length 44" the the entries in lines "12, 13 and 14" reading "52, 57 and 44" should be changed to read "54, 52, and 47".

Title 47—Telecommunications

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19680; FCC 74-1156]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 89—PUBLIC SAFETY RADIO SERVICES

Communications for Emergency Medical Facilities; Correction

The appendix to the Commission's Memorandum Opinion and Order, FCC 74-1156 (39 FR 38902) released October 29, 1974 is corrected as follows:

1. In Part B, instruction number two, § 89.523, paragraph (d) is corrected as follows:

§ 89.523 Station limitations.

* * * * *

(d) Effective August 15, 1974, paging operations may be authorized in the Special Emergency Radio Services only on frequencies assigned under the provisions of § 89.525(f)(12). Paging operations on other frequencies, authorized prior to August 15, 1974, may be continued for the balance of the license term then effective. In addition, such operations may be renewed until January 1, 1980, subject to the condition that harmful interference is not caused to regularly authorized operations in the Special Emergency Radio Service.

Released: November 13, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-27259 Filed 11-20-74;8:45 am]

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Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 407]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Georgia	Spalding	Griffin, city of	Nov. 20, 1974	Sept. 20, 1974		
Idaho	Ada	Eagle, city of	Nov. 20, 1974. Emergency	Dec. 7, 1973		
Iowa	Dubuque	Sageville, town of	do	Nov. 1, 1974		
New York	Nassau	Lattingtown, village of	do	May 17, 1974		
Do	Oswego	Fulton, city of	do	Oct. 18, 1974		
Washington	Grays Harbor	Cosmopolis, town of	do	May 24, 1974		
West Virginia	Greenbrier	White Sulphur Springs, city of.	do	May 31, 1974		
Wisconsin	Clark	Owen, city of	do	Jan. 18, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968) as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: November 13, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27148 Filed 11-20-74;8:45 am]

[Docket No. FI 408]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Arizona	Maricopa	Tempe, city of	Nov. 18, 1974. Emergency	June 28, 1974		
Massachusetts	Berkshire	Dalton, town of	do	Sept. 20, 1974		
Do	do	Lanesborough, town of	do	Mar. 29, 1974		
New Jersey	Hunterdon	High Bridge, borough of	do	June 21, 1974		
New York	Herkimer	Frankfort, village of	do	Mar. 22, 1974		
Oregon	Tillamook	Rockaway, city of	do	June 14, 1974		
Pennsylvania	Snyder	Beavertown, Borough of	do	May 31, 1974		
Utah	Cache	Hyrum, city of	do	May 24, 1974		
Virginia	Floyd	Unincorporated areas	do			

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968) as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: November 11, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27149 Filed 11-20-74;8:45 am]

[Docket No. FI 409]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
Maryland	Frederick	Thurmont, town of	Nov. 15, 1974. Emergency	June 28, 1974		
Minnesota	Mahnomen	Unincorporated areas	do			
Mississippi	Attala	Kosciusko, city of	do	Jan. 23, 1974		
Nebraska	Douglas	Unincorporated areas	do	July 26, 1974		
New York	Greene	Coxsackie, village of	do	May 31, 1974		
Do	Monroe	Hilton, village of	do	Mar. 8, 1974		
Ohio	Clermont	Loveland, city of	do	Feb. 1, 1974		
Pennsylvania	Allegheny	Mt. Oliver, borough of	do			
Do	Centre	Curtin, township of	do			
Do	Montgomery	Upper Frederick, township of.	do			
Washington	Lewis	Centralia, city of	do	Mar. 15, 1974		
West Virginia	Wyoming	Oceana, town of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968) as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator (34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974)

Issued: November 11, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27150 Filed 11-20-74;8:45 am]

Title 29—Labor

CHAPTER XXV—OFFICE OF EMPLOYEE BENEFITS SECURITY

SUBCHAPTER F—FIDUCIARY RESPONSIBILITY

PART 2550—GUIDELINES FOR SUBMISSION OF APPLICATION FOR POSTPONEMENT OF THE EFFECTIVE DATE OF CERTAIN FIDUCIARY RESPONSIBILITY PROVISIONS

Provisions Regarding Employee Retirement Income Security Act

Title 29 of the Code of Federal Regulations is hereby amended by adding thereto a new Chapter XXV, Office of Employee Benefits Security. Chapter XXV will contain regulations promulgated by the Department of Labor to explain, prescribe the operation of, and, where authorized, supplement the provisions of the Employee Retirement Income Security Act of 1974 (the Act). The rules published therein by this document relate to section 414(b)(2) of the Act.

Section 414(b)(2) of Part 4, Title I of the Act empowers the Secretary of Labor to postpone applicability of certain of the fiduciary responsibility provisions contained in sections 402, 403, 405 and 410 (a) of the Act until not later than January 1, 1976, as they apply to any plan in existence on September 2, 1974, if the Secretary determines, upon application by a plan, that a postponement is necessary to amend the instrument or instruments establishing the plan or under which the plan is maintained and is not adverse to the interest of participants and beneficiaries. The guidelines set forth in this regulation are to inform applicants of the procedures to be followed in applying for such postponement.

These guidelines shall become effective immediately. Because they relate to procedures to be followed in applying for postponements and are issued to inform the public of the policy of the Department of Labor in ruling on such applications, these guidelines are excepted from the application of the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b). Further, if the ordinary rulemaking procedure prescribed by 5 U.S.C. 553 were followed, a final regulation would not be available for dissemination to interested parties by January 1, 1975, the effective date of the provisions for which a plan may make an application for postponement under section 414(b)(2) of the Act. Because of the need for immediate guidance by plan administrators and others as to the policy of the Department of Labor with respect to applications for postponement, it is found to be impracticable and contrary to the public interest to delay the issuance of this regulation to the extent which would be necessary for the preparation, receipt and evaluation of comments. Accordingly, this regulation is not issued for comment prior to publication, nor for these same reasons will there be any delay in its effectiveness.

Nevertheless, it is generally the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be received, just as though this document were a proposal, if received by December 10, 1974. The comments received will be evaluated and, if warranted, the regulation will be amended. Meanwhile, in the interest of expediting the processing of applications for postponement, the regulation shall remain in force until amended.

Interested persons are invited to submit comments to "Comments—Part 2550", Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, P.O. Box 176, Washington, D.C. 20044.

Title 29 of the Code of Federal Regulations is amended by adding a new Chapter XXV, and Part 2550, reading as follows:

Sec.

2550.1 Purpose.
2550.2 Who may submit an application for postponement.
2550.3 Procedure for submitting application.
2550.4 Format and content of application.
2550.5 Comments by participants and beneficiaries.
2550.6 Notification to participants.
2550.7 Length of postponement.
2550.8 Notification of Secretary's decision with respect to postponement; effect of non-notification.
2550.9 Revocation or modification of postponement.

AUTHORITY: Sec. 505, Pub. L. 93-406, 88 Stat. 894 (29 U.S.C. 1135) and sec. 414(b)(2), Pub. L. 93-406, 88 Stat. 889 (29 U.S.C. 1114).

§ 2550.1 Purpose.

The purpose of this regulation is to issue guidelines to assist applicants seeking postponement of the effective date of certain fiduciary responsibility provisions of the Employee Retirement Income Security Act of 1974 (the Act). In general, the fiduciary responsibility provisions of Part 4 of Title I of the Act are effective on January 1, 1975. However, section 414(b)(2) of the Act provides that for

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plans in existence on September 2, 1974, the Secretary of Labor (the Secretary) may, upon application, postpone until not later than January 1, 1976, the effective date of certain provisions respecting establishment of plans (section 402), establishment of trusts (section 403, other than subsection (c)), liability for breach by co-fiduciaries (section 405, other than subsections (a) and (d)) and exculpatory clauses (section 410(a)). Such a postponement shall be allowed where the Secretary determines that the delay is (1) necessary to amend the instrument or instruments under which the plan is established or maintained and (2) not adverse to the interest of plan participants and beneficiaries. It should be noted that under the terms of section 414(b)(2), no postponement may be given for the applicability of the provisions of section 403(c), which precludes plan assets from inuring to the benefit of any employer; section 405(a), which sets forth general rules regarding co-fiduciary liability; and section 405(d), dealing with trustee liability where an investment manager has been appointed in accordance with section 402(c)(3) of the Act.

Since the provisions as to which the effective date may be postponed were not required by previously existing Federal law and will necessitate amendment of many existing plans to comply with or take these provisions into account, the Secretary has prepared these guidelines setting forth the application procedure and the kind of information the Secretary will require to make a determination.

§ 2550.2 Who may submit an application for postponement.

Any plan administrator, trustee, named fiduciary, or other individual duly authorized to act on behalf of a plan may apply for a postponement.

§ 2550.3 Procedure for submitting application.

Applications for postponement subject to this regulation shall be sent in duplicate by first-class mail, postage prepaid, to the Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, P.O. Box 176, Washington, D.C. 20044, or shall be delivered by hand to Room 3311, U.S. Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C. An application submitted by mail shall be deemed to be submitted as of the date of the postmark. See § 2550.8 for submittal deadlines.

§ 2550.4 Format and content of application.

In order to enable the Secretary to expeditiously process applications under this regulation, those applications which are submitted in duplicate and which include the following information in the following order will be processed first, and applications which do not contain such information will be disapproved, subject to § 2550.8(c):

(a) The name of the plan and the name and address of the individual making the application on behalf of the plan (applicant) and the basis for his or her authority to make the application on behalf of the plan;

(b) The WP number assigned to the plan, if it has previously filed under the Welfare and Pension Plans Disclosure Act with the Office of Labor-Management and Welfare Pension Reports of the Department of Labor;

(c) The Employer Identification Number (EIN) assigned by the Internal Revenue Service to the plan sponsor (as defined in section 3(16)(B) of the Act) and, if the plan sponsor has assigned a Plan Identification Number to the plan pursuant to instructions of Internal Revenue Service Form 4848, the Plan Identification Number;

(d) A statement that the plan was in existence on September 2, 1974;

(e) A statement that the method of notification used or to be used will afford reasonable notice to plan participants in accordance with the provisions of § 2550.6 of the application for postponement and of their right to file comments under § 2550.5;

(f) An enumeration of the specific fiduciary responsibility sections (or provisions of such sections) listed in section 414(b)(2) of the Act for which a postponement of the effective date is requested. If a postponement for all such provisions is sought, the applicant may merely state that a postponement is requested for all provisions listed in section 414(b)(2);

(g) A statement disclosing the reason why a postponement is necessary, the date until which such postponement is requested (see § 2550.7), and why such postponement will not be adverse to the interest of plan participants and beneficiaries. If the applicant is requesting a postponement of the applicability of section 410(a) of the Act, a separate explanation should be given of the reasons therefor;

(h) If the plan is an employee pension benefit plan (as defined in section 3(2) of the Act) and is requesting a postponement of the applicability of the provisions of section 403(a) of the Act, a statement that, to the extent that plan assets would otherwise be required to be held in trust under the provisions of section 403 of the Act, such assets that are held by a party in interest are held in a manner that would reasonably be expected to protect the plan against loss resulting from the satisfaction of a creditor's claim against the party in interest;

(i) A statement by the applicant that if any of the material facts contained in or underlying the statements made in the application is discovered by the applicant to be inaccurate, the applicant will promptly notify the Secretary in writing of such inaccuracy specifying the reasons for the inaccuracy; and

(j) A duly notarized certification by the person signing the application for postponement on behalf of the plan that he or she is duly authorized to execute the application on behalf of the plan, and that, under applicable penalties of law, the information in the application is, to the best of his or her knowledge and belief, true, correct and complete.

§ 2550.5 Comments by participants and beneficiaries.

Plan participants and beneficiaries and their authorized representatives may submit written comments respecting any application for postponement made under § 2550.4 at any time after such application is filed, specifying any objections which they may have. A collective bargaining representative for a plan participant or beneficiary shall be deemed to be an authorized representative for purposes of this Part. Such comments shall be submitted at any time before the expiration of the period of the postponement to the Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, P.O. Box 176, Washington, D.C. 20044.

§ 2550.6 Notification to participants.

(a) The applicant shall employ methods reasonably calculated to provide plan participants with notification that an application for postponement has been filed with the Secretary of Labor, describing in language calculated to be understood by the average plan participant the sections (or provisions of sections) of the Act for which the delay has been requested, the date until which such postponement has been requested, the reasons for requesting the postponement, why the postponement will not adversely affect the interest of plan participants and beneficiaries, and stating that plan participants and beneficiaries may comment on the requested postponement by writing to the Office of Employee Benefits Security, Labor-Management Services Administration, U.S. Department of Labor, P.O. Box 176, Washington, D.C. 20044.

(b) Notice must be in writing and must be reasonably calculated to reach a substantial number of plan participants. While there is no prescribed form or method of delivery for adequate notice, and while other forms or methods of delivery may be deemed acceptable under the particular circumstances involved, any of the following shall be deemed adequate notice to plan participants:

(1) The prominent posting, not later than 30 days after the date of application for postponement, of the notification required by paragraph (a) above at those locations customarily used by the employer for notices to employees with regard to labor-management relations matters at worksites of plan participants or, if the plan is maintained pursuant to a collective bargaining agreement and notices to employees with regard to labor-management relations matters are ordinarily posted at locations such as local union meeting places, at such locations;

(2) The mailing by first-class mail, not later than 30 days after the date of the application for postponement, of the notification required by paragraph (a) above to the last known address of substantially all plan participants;

(3) The publishing, not later than 60 days after the date of the application for postponement, of the notification required by paragraph (a) above in a publication which is directed to a substantial number of plan participants; or

(4) The utilization of any combination of the above methods reasonably calculated to so notify a substantial number of plan participants.

If the plan is the subject of one or more collective bargaining agreements, the applicant shall also mail the notification required by paragraph (a) above by first-class mail, not later than 15 days after the date of application for postponement, to each collective bargaining agent representing participants covered by the plan.

§ 2550.7 Length of postponement.

All postponements approved by the Secretary shall be effective for a period of time not extending beyond June 30, 1975. The Secretary does not at this time contemplate granting approval for postponements beyond June 30, 1975. However, if the instrument or instruments under which a plan is established or maintained cannot be amended within such period, the applicant may make application for an extension of the postponement not to extend beyond December 31, 1975. Such extension application must be filed with the Office of Employee Benefits Security not later than thirty days before the expiration of the original postponement period, and must state in detail (1) why the plan could not be so amended during the period of initial postponement, (2) what provisions have been made for the expeditious amendment of the plan, and (3) why such further postponement would not be adverse to the interest of plan participants and beneficiaries.

§ 2550.8 Notification of Secretary's decision with respect to postponement; effect of non-notification.

(a) It is contemplated that notification to applicants of approval or disapproval will be made before January 1, 1975, respecting those applications submitted on or before December 10, 1974;

(b) In the case of applications submitted after December 10, 1974, and before January 1, 1975, notification of approval or disapproval will be made as expeditiously as possible, and in the case of any application submitted on or before December 31, 1974, as to which notification of approval or disapproval has not been made before January 1, 1975, the application shall be deemed to be approved, subject to the provisions of § 2550.9.

(c) In any case in which notification of disapproval is made before January 1, 1975, and the disapproval is based on receipt of an incomplete application, the applicant shall have a period of 30 days from the date of such notification to submit an amended application, and the application shall be deemed approved during such period.

(d) Applications will not be accepted after December 31, 1974, except for good cause shown for the failure to submit a timely application.

§ 2550.9 Revocation or modification of postponement.

The Secretary may revoke or modify any postponements approved (or deemed approved) under § 2550.8 if, upon receipt of comments or upon investigation (or, in the case of an application received too late for review and notification before January 1, 1975, upon review of the application) he determines that such postponement is not necessary to amend the instrument establishing the plan or is adverse to the interest of participants and beneficiaries. Before issuing any proposed decision of revocation or modification, the Secretary shall give the applicant and any persons who filed comments 45 days written notice of the proposed revocation or modification and the reasons therefor and an opportunity to file comments with respect to the proposed action, in accordance with procedures designated in the notice.

Signed at Washington, D.C., this 19th day of November, 1974.

PAUL J. FASSER, Jr.,
Assistant Secretary of Labor for Labor-Management Relations.

[FR Doc.74-27335 Filed 11-19-74;12:42 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER B—GRANTS

[FRL 287-6]

PART 35—STATE AND LOCAL ASSISTANCE

Reimbursement Grants—Cutoff Date for Submission of Required Information

Notice is hereby given that the Environmental Protection Agency is amending reimbursement grant regulations (40 CFR Part 35, Subpart D, 30 FR 3678, January 29, 1974) to include a provision which will require grant applicants to submit by January 31, 1975, information required to substantiate their reimbursement claims in order to be eligible for grants from funds appropriated by Pub. L. 92-399.

Pursuant to section 206(c) of the Federal Water Pollution Control Act Amendments of 1972 (as amended by Pub. L. 93-207), and 40 CFR 35.865, reimbursement grant applications must have been submitted to the appropriate EPA Regional Administrator on or before January 31, 1974, in order to establish eligibility for reimbursement grants. 40 CFR 35.865 also requires all applicants to submit certain information required by the Regional Administrator to determine applicant eligibility, the amount to which an applicant is entitled, and allowability of costs. EPA has not yet received from a significant number of applicants information previously requested which is necessary to substantiate reimbursement claims. Failure to obtain this needed information from some applicants impacts the time and amount of funding for other reimbursement applicants. This amendment confirms advice already furnished to those applicants which have been tardy in submitting the required information, and requires them to do so by January 31, 1975, or lose their entitlement to share in the current $1.9 billion appropriation for reimbursement grants.

Because of the need to establish promptly the time limitation established by this amendment of which affected applicants have been previously notified, these regulations shall be effective November 21, 1974.

RUSSELL E. TRAIN,
Administrator.

NOVEMBER 15, 1974.

A new § 35.882 is hereby added to 40 CFR Part 35, Subpart D, to read as set forth below.

§ 35.882 Cutoff date for submission of information.

No grant shall be awarded from funds available under Pub. L. 92-399 (August 22, 1972) to any applicant which has not submitted, on or before January 31, 1975, information required by the Regional Administrator pursuant to § 35.865.

[FR Doc.74-27193 Filed 11-20-74;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

[FRL 290-11]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Washington Implementation Plan Revision Complex (Indirect) Sources

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency (EPA) approved, with specific exceptions, the State of Washington plan for implementation of the national ambient air quality standards. Pursuant to a Court ruling by the United States Court of Appeals for the District of Columbia in the case Natural Resources Defense Council v. Environmental Protection Agency, 475 F. 2d 968 (D.C. Cir. 1973), the Administrator disapproved all State plans with respect to maintenance of standards.

On June 18, 1973 (38 FR 15834), the Administrator promulgated requirements directing States to submit implementation plan revisions by August 15, 1973, to provide for preconstruction review and approval of indirect sources of air pollution to insure maintenance of standards. The State of Washington submitted amendments to the Washington Administrative Code (WAC) as a revision to the plan, in accordance with requirements of 40 CFR Part 51, but subsequently withdrew that submittal. On February 25, 1974 (39 FR 7270), pursuant to Section 110 of the Clean Air

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Act, 40 CFR Part 51, and an order of the U.S. Court of Appeals for the District of Columbia, the Administrator sustained disapproval of the Washington plan and promulgated regulations for the review of indirect sources of air pollution to insure maintenance of national ambient air quality standards.

On June 14, 1974 the State of Washington re-submitted to EPA amendments to WAC 18-24 to provide for preconstruction review and approval of complex (indirect) sources of air pollution as a revision to the State implementation plan. Public hearings were held by the State on May 1, 1974 and May 3, 1974 in the cities of Spokane and Seattle, respectively. On July 17, 1974 (39 FR 26167), the amendments to WAC 18-24 were published as proposed rulemaking and opportunity for public comment were provided.

The amendments to WAC 18-24 provide for preconstruction review of new or modified parking facilities which will provide 250 or more spaces in King, Pierce, Snohomish, Clark and Spokane counties and 1,000 or more spaces in all other areas of the State. New highways designed for use by 20,000 or more vehicles per day, modified highways designed to allow increased vehicle usage by 10,000 or more vehicles per day, new airports which will have 50,000 or more regularly scheduled operations per year or use by 1,600,000 passengers per year, and airport modifications which will increase regularly scheduled operations by 50,000 or more per year or use by 1,600,000 passengers per year are also subject to the amended regulations.

Administrative procedures to implement these amendments have been developed in accordance with 40 CFR 51.11 (g) and the State Department of Ecology (DOE). These procedures include methodologies to evaluate the localized impact of proposed projects on carbon monoxide concentrations throughout the State. Considerations for approval stated in the administrative procedures include assurance that any new facility does not conflict with VMT reduction goals in Seattle and Spokane central business districts (CBD) and VMT minimization goals in the remainder of the counties. The procedures also require submission of information regarding steps made to minimize VMT such as providing for increased transit, carpool, and bicycle use for traveling to and from projects proposed in the counties of Spokane, King, Pierce, and Snohomish.

Three separate comments were received from the public on the proposed revision to the State Implementation Plan. Two comments were from private businesses, and one was from a local government. Consideration was given to all comments in making the final decision to approve the State regulation as part of the State Implementation Plan.

Two of these comments suggested that the effective date of the regulations, August 15, 1974, places an unjust burden upon applicants for obtaining local jurisdiction permits because of increased costs of delayed projects. This comment was carefully considered; however, the Administrator was presented with no evidence that the costs would be unduly severe when compared with the benefit to the public health from initiating these review procedures in an expeditious manner. Moreover, Section 116 of the Clean Air Act precludes the Administrator from disapproving a State submission merely because it is more stringent than comparable federal requirements.

One comment pointed out that complex source reviews are just one part of the total concept of land use planning. The comment proposed that, since many land use measures are established at the local government level, the State Implementation Plan regulations should authorize the delegation of authority to local governments to carry out the provisions of the complex source review regulations. The State of Washington has indicated its intent to delegate review authority to local air pollution control agencies. The Washington Clean Air Act allows DOE to delegate authority only to local air pollution control agencies. The Administrator agrees that complex source review should be coordinated with general land use planning and encourages cooperation between the State, local governments and local air pollution control agencies on all complex source projects.

As proposed in the July 17, 1974 FEDERAL REGISTER notice of propose rulemaking, approval of the State of Washington's complex source review regulations enables the Administrator to remove the requirements for federal review of new or modified indirect sources in the State. Therefore, the Administrator is revoking 40 CFR 52.2495, promulgated February 25, 1974 (39 FR 7270).

In addition, because the State regulation provides for a sufficiently stringent review of new and modified parking facilities in the areas of the State subject to the promulgated transportation control plan (38 FR 32688, November 27, 1973), the Administrator today is also removing those requirements of the promulgated parking supply management regulation which require federal review of new or modified parking facilities of 50 or more spaces in the counties of King, Pierce, Snohomish, Kitsap, and Spokane, outside the Seattle and Spokane central business districts. Those requirements of the parking management regulation which relate to the CBD, i.e., reservation of parking spaces for carpool vehicles, reporting requirements of the cities regarding the number of parking spaces, and the prohibition of an increase in non-residential parking spaces, remain in effect. Applications for parking in the Seattle or Spokane CBD's are subject only to the EPA regulation due to a specific exception in the Washington regulation. The amended parking supply management regulation (40 CFR 52.2486) of the Washington transportation control plan is presented below.

The major effects which result from approval of the State regulation and the revoking or amending of federal regulations are discussed below. In the Puget Sound Region (subject to the transportation control plan), Kitsap County is no longer subject to the same parking facility review criteria as the other three counties of the Region; in the counties of King, Pierce, Snohomish, and Spokane, the threshold for review of new or modified parking facilities changes from 50 spaces (federal regulations) to 250 spaces (state regulation). A reevaluation of the criteria for inclusion of Kitsap County in the EPA parking management program indicates that its physical separation from the remainder of the AQCR and its low density pattern of development make it unnecessary to review parking facilities of less than 1,000 spaces. In Clark County of the Portland-Interstate Region, the threshold for review of parking facilities is decreased from 1,000 spaces (federal regulation) to 250 spaces (state regulation). In addition, the effective date of the state regulation is August 15, 1974, whereas the federal regulations would have been applicable to sources the construction or modification of which commenced after December 31, 1974.

The state regulatory requirements for the review of new or modified airports are as stringent as federal requirements. The state regulation is more restrictive with respect to review of new or modified highway sections in that such review is required statewide while EPA requirements applied only in Standard Metropolitan Statistical Areas. With the exception of the change in size of parking facilities subject to review in the two transportation control plan Regions of the state, the state regulation is more stringent, both in terms of its geographical coverage and its effective date, than the corresponding federal regulations. The change in size of parking facilities subject to review is now consistent with the Administrator's determination, as published in the FEDERAL REGISTER on August 22, 1974 (39 FR 30442), that in and approval pursuant to the Management most cases it is presently not practical or productive to require that parking construction and modification involving less than 250 spaces be subject to review ment of Parking Supply regulations.

The Administrator finds good cause for making this approval of the regulation and prescribed implementing administrative procedures effective immediately since the Washington regulation is now in effect and it serves no useful purpose to defer revoking the federal indirect source regulation or amending the parking management regulation.

The proposed revision has been reviewed by EPA for compliance with 40 CFR 51 and is found to be approvable. An evaluation report of the adequacy of the State regulation is available for public inspection at the Region X Office of the EPA, 1200 Sixth Avenue, Seattle, Washington 98101 and at the Freedom of Information Center, EPA, 401 M Street, SW., Washington, D.C. 20460.

(Sections 110(a)(2)(B), 110(c), and 301(a) of the Clean Air Act, as amended (42 U.S.C. 1857c-5(a)(2)(B), 1857c-5(c), and 1857g (a)))

Dated: November 15, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart WW of Part 52 of Chapter 1, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart WW—Washington

1. In § 52.2470, paragraph (c)(1) is revised to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) Supplemental information was submitted on:

(1) January 28, May 5, July 19, and September 11, 1972, and February 15, April 13, and October 11, 1973, and June 14, 1974 (Washington Complex Source Regulation (WAC 18-24)), and

2. Section 52.2486 is revised to read as follows:

§ 52.2486 Management of parking supply.

(a) Definitions:

(1) "Parking facility" (also called "facility") means a lot, garage, building or structure, or combination or portion thereof, in or on which motor vehicles are temporarily based.

(2) [Reserved]

(3) "Construction" means fabrication, erection, or installation of a parking facility, or any conversion of land, buildings, or structures, or portions thereof, for use as a facility.

(4) "Modification" means any change to a parking facility that increases or may increase the motor vehicle capacity of, or the motor vehicle activity associated with, such parking facility.

(5) "Commence" means to undertake a continuous program of on-site construction or modification.

(6) "Parking space" means any area or space below, above, or at ground level, open or enclosed, on-street or off-street, that is used for parking one motor vehicle at any time.

(7) "Residential parking facility" means a parking facility the use of which is limited exclusively to residents (and guests) of a residential building or group of buildings under common control and in which no commercial parking is permitted.

(8) "Seattle central business district" means the area enclosed by Yesler Way, the I-5 freeway, Eighth Avenue, Virginia Street, and the Alaska Way Viaduct. Streets forming boundaries (excluding the I-5 freeway and the Alaska Way Viaduct) shall be part of the central business district (CBD).

(9) "Spokane central business district" means the area enclosed by Trent Avenue, Monroe Street, Third Avenue, and Division Street. Streets forming boundaries shall be part of the central business district.

(b) This section shall be applicable in the Seattle and Spokane CBD's.

(c) [Reserved]

(d) [Reserved]

(e) [Reserved]

(f) All applications for approval under this section shall include the following information:

(1) Name and address of the applicant.

(2) Location and description of the parking facility.

(3) A proposed construction schedule.

(4) [Reserved]

(5) The total motor vehicle capacity before and after the construction or modification of the facility.

(6) Additional information, plans, specifications, or documents required by the Administrator.

(g) [Reserved]

(h) [Reserved]

(i) Each application shall be signed by the owner or operator of the facility, whose signature shall constitute an agreement that the facility shall be operated in accordance with the information submitted in the application and with applicable rules, regulations, and permit conditions.

(j) [Reserved]

(k) [Reserved]

(l) There shall be no increase in the number of non-residential parking spaces within the Seattle and Spokane CBD above the number present as of November 19, 1973. Any parking facility which provides or would provide vehicular ingress or egress to or from a street forming a boundary of a CBD shall be considered included within such CBD. Any parking facility beneath a street forming a boundary shall be considered to be included within such CBD.

(m) On a semiannual basis, beginning February 15, 1974, the city of Seattle and the city of Spokane shall report to the Administrator the total number of non-residential and the total number of residential on-street and off-street parking spaces in their respective CBD's. Thereafter, such cities shall report any reduction in the number of such parking spaces to the Administrator.

(n) No person or entity, after November 19, 1973, shall commence construction or modification of any new non-residential parking facility in the Seattle or Spokane CBD, nor shall any person or entity take any action having the effect of creating new non-residential parking spaces in such CBD, unless and until such person or entity has obtained from the Administrator or from an agency approved by the Administrator a permit stating that construction, modification, or enlargement of such facility will be in compliance with paragraph (1) of this section.

(o) By May 31, 1974, each owner or operator of any parking facility located within the Seattle and Spokane CBD shall reserve 10 percent of the parking spaces in such facility for vehicles transporting three or more occupants between the hours of 7 a.m. to 7 p.m., Monday through Friday, excluding legal holidays. On or before March 1, 1974, each such owner or operator shall submit to the Administrator a detailed compliance schedule showing the steps it will take to assure compliance with this paragraph.

(p) The city of Seattle and the city of Spokane shall report to the Administrator on a semiannual basis beginning August 15, 1974, the average daily occupancy of the spaces reserved for vehicles transporting three or more occupants.

§ 52.2495 [Reserved]

3. Section 52.2495 is revoked and reserved.

[FR Doc.74-27192 Filed 11-20-74;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-20; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Fuel System Integrity

This notice responds to petitions for reconsideration of the two recent FEDERAL REGISTER notices amending and upgrading Standard No. 301 (39 FR 10586; 39 FR 10588) and amends the standard in several respects.

On March 21, 1974 two notices were published pertaining to Standard No. 301, Fuel System Integrity. One notice (39 FR 10586) responded to petitions for reconsideration of an earlier amendment to the standard (38 FR 22397), while the other (39 FR 10588) substantially upgraded the standard's performance requirements. It was the intention of the NHTSA that the notice upgrading the standard be considered as the final rule and superseded the notice responding to petitions. Hereafter, the notice responding to petitions will be referred to as Notice 1, while the notice upgrading the standard will be referred to as Notice 2.

On October 27, 1974, the Motor Vehicle and Schoolbus Safety Amendments of 1974 (Pub. L. 93-492) were signed into law. These amendments to the National Traffic and Motor Vehicle Safety Act incorporate Standard No. 301 as it was published in Notice 2 on March 21, 1974. According to the amendment the technical errors which appeared in Notice 2 may be corrected, while future amendments are prohibited from diminishing the level of motor vehicle safety which was established in the notice. The changes contained in this notice conform to these statutory requirements.

Due to an oversight, Notice 2 failed to include two provisions which appeared in Notice 1. The limitation of the standard's application to vehicles which use fuel with a boiling point above 32° F was inadvertently omitted in Notice 2 and is hereby reinstated. Notice 2 also failed to include a provision specifying that vehicles not be altered during the testing sequences. It was the intent of the NHTSA that damage or other alteration

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of the vehicle incurred during the barrier crashes not be corrected prior to the static rollover tests. The test requirements are therefore amended to prohibit the alteration of vehicles following each of the specified test impacts.

In order to clarify the manner in which the load is to be distributed during testing of multipurpose passenger vehicles, trucks, and buses, S7.1.5(b) is amended to require that when the weight on one of the axles exceeds its proportional share of the loaded vehicle weight, when the vehicle is loaded only with dummies, the remainder of the required test weight shall be placed on the other axle, so that the weight on the first axle remains the same. The loading specification did not specifically address this contingency.

The requirement that the load be located in the load carrying area of multipurpose passenger vehicles, trucks, and buses during testing is deleted since the agency has determined that such a limitation is inconsistent with the provision specifying distribution of weight in proportion with the vehicle's gross axle weight ratings.

Petitions for reconsideration were received from eleven petitioners. Although only those comments raising issues found to be significant have been discussed, due consideration has been given to all requests. Any requests not specifically discussed herein are denied.

A substantial number of petitioners objected to the requirement that dummies used during testing be restrained only by passive means installed at the seating positions. Petitioners pointed out that mandatory passive restraint systems proposed in Standard No. 208 have a proposed effective date of September 1, 1976; one year after the September 1, 1975 effective date set for implementation of Standard 301. This would leave a period of time when most dummies would be involved in testing while totally unrestrained. Renault, Jeep, American Motors, Mercedes-Benz, General Motors, and Ford requested that the dummies be restrained during testing by whatever means, active or passive, are installed at the particular seating positions. To provide otherwise, they argued, would unnecessarily expose the dummies to costly damage when subjected to impacts in an unrestrained condition.

The NHTSA finds petitioners' objections meritorious. Although this agency has determined that reliable test results can be best obtained when occupant weight is included in the vehicle during crash testing, the manner in which that weight is installed is subject to additional considerations. The NHTSA has made clear its desire to enable simultaneous testing under more than one standard where the test requirements are compatible. Standards 301 and 208 both require frontal and lateral barrier crash tests which can be conducted concurrently if the vehicles are loaded uniformly. Since Standard 208 provides for crash testing with dummies in vehicles with passive restraint systems, Standard 301 testing of these same vehicles should be conducted with dummies installed in the seating positions provided under Standard 208. The presence of the passive restraints will protect the dummies from unnecessary damage and the required testing for compliance with both standards can be accomplished simultaneously. Where a vehicle is not equipped with passive restraints, and Standard 208 testing is not mandated, weight equal to that of a 50th percentile test dummy should be secured to the floor pan at the front outboard designated seating positions in the vehicles being tested.

Further concern over the damage to which test dummies might be exposed was manifested by Jeep and American Motors. They petitioned for the removal of the dummies prior to the static rollover tests, arguing that their presence serves no safety-related purpose. The NHTSA has granted the request, on the basis of its determination that the dummies would have little or no effect on the fuel system's integrity during the rollover segment of the test procedure.

Jeep and American Motors further suggested that the standard specify that hardware and instrumentation be removed prior to the static rollover test in order to prevent its damage. This request is denied as unnecessary. Standard No. 301 contains no specification for the inclusion of instrumentation during testing. Any instrumentation present in the vehicle is there by decision of the manufacturer to assist him in monitoring the behavior of the fuel system during testing, and must be installed and utilized in such a manner as not to affect the test results. Therefore, as long as the loading requirements of the standard are met, manufacturers may deal with their instrumentation in any fashion they wish, as long as the test results are unaffected.

Volkswagen urged that unrestrained dummies not be required during the rear moving impact test, citing the absence of such a test in Standard 208 and alleging that the integrity of vehicle fuel systems would not be greatly affected by the presence of dummies. This request is denied. The rear moving barrier crash specified in proposed Standard 207, Seating Systems, provides for the installation of dummies in the same seating positions as required for Standard 301, thus permitting simultaneous conduct of the rear barrier crashes required by both standards. In order to obtain realistic and reliable test results, occupant weight must be in vehicles during Standard 301 crash testing. The NHTSA has determined that unrestrained dummies would have, at most, slight vulnerability to damage during rear barrier crash tests, since the impact is such that the seats themselves serve as protective restraint mechanisms. It has therefore been concluded that the best method for including occupant weight during rear barrier crash testing is with test dummies.

Notice 2 specified that the parking brake be engaged during the rear moving barrier crash test. Ford requested in its petition for reconsideration that this requirement be changed in order to enable simultaneous rear barrier crash testing with Standard 207 which provides for disengagement of the parking brake in its recent proposal. The NHTSA has decided to grant Ford's request. The condition of the parking brake during this test sequence would not so significantly affect the test results as to warrant retention of a requirement that would prevent simultaneous testing.

The Recreational Vehicle Institute objected to the standard, arguing that it was not cost-effective as applied to motor homes. RVI requested that different test procedures be developed for motor home manufacturers. Specifically it objected to what it suggested was a requirement for unnecessary double testing in situations where the incomplete vehicle has already been tested before the motor home manufacturer receives it. RVI expressed the view that the motor home manufacturer should not have to concern himself with compliance to the extent that he must test the entire vehicle in accordance with the standard's test procedures.

The NHTSA has found the requirements of Standard 301 to be reasonable in that they enforce a level of safety that has been determined necessary and provide adequate lead time for manufacturers to develop methods and means of compliance. The National Traffic and Motor Vehicle Safety Act does not require a manufacturer to test vehicles by any particular method. It does require that he exercise due care in assuring himself that his vehicles are capable of satisfying the performance requirements of applicable standards when tested in the manner prescribed. This may be accomplished, however, by whatever means the manufacturer reasonably determines to be reliable. If the final stage manufacturer of a motor home concludes that additional testing by him of the entire vehicle for compliance is unnecessary, and he has exercised due care in completing the vehicle in a manner that continues its conformity to applicable standards, he is under no obligation to repeat the procedures of the standards.

RVI further pressed its contention that the standard is not cost-beneficial by arguing that the agency has not provided specific data indicating a frequency of fuel system fires in motor homes that would justify the costs imposed by the standard.

Sufficient record evidence has been found to support the conclusion that fuel spillage in the types of crashes with which the standard deals is a major safety hazard. The only basis upon which motor home manufacturers could jusify the exception of their vehicles from Standard 301's requirements would be an inherent immunity from gasoline spillage. The standard establishes a reasonable test of a vehicle's ability to withstand impacts without experiencing fuel loss. If a motor home is designed in such a way as to preclude the spillage of fuel during the prescribed test impacts, compliance with the standard should present no significant hardship.

Volkswagen challenged the cost-benefit rationale of the more extensive performance requirements contained in Notice 2, and proposed that only the rear barrier crash be retained, if sufficient data exists to support its inclusion. The agency has carefully considered the issues raised in the Volkswagen petition. As discussed earlier, Standard 301 has been designed to allow testing for its requirements with some of the same barrier crash tests that are required by other standards: 208, 204, 212, and 207. This should reduce substantially the costs of testing to Standard 301, especially when viewed on a cost-per-vehicle basis. The NHTSA has concluded that the changes necessary for vehicles to comply with the standard are practicable and that the need for such increased fuel system integrity is sufficient to justify the costs.

The Recreational Vehicle Institute also urged that the effective date for motor homes be delayed 1 year beyond the date set for application of the standard to other vehicles. RVI contends that a uniform effective date for all manufacturers will create serious problems for the motor home manufacturer who will not have complying incomplete vehicles available to him until the effective date of the standard.

The NHTSA finds RVI's argument lacking in merit. Adequate lead time has been provided in Standard 301 to allow final stage manufacturers of multistage vehicles to become familiar with the requirements and to assure themselves that chassis and other vehicle components are available sufficiently in advance of the effective date to enable timely compliance. The availability of complying incomplete vehicles is a situation that should properly be resolved in the commercial dealings between motor home manufacturers and their suppliers. If the motor home manufacturer is unable to obtain complying incomplete vehicles far enough in advance of the standard's effective date, he might, for example, work out an arrangement with his supplier whereby the supplier will provide information relating to the manner in which the incomplete vehicle must be completed in order to remain in compliance with all applicable safety standards. The lead time provided in the standards is planned to take into account the needs of persons at each stage of the manufacturing process, including final stage manufacturers.

Jeep, American Motors, and Toyota urged delays in the implementation of various aspects of the standard. Jeep suggested a new schedule for application of the standard's requirements to multipurpose passenger vehicles, trucks, and buses, stating that the current lead time is insufficient to enable completion of necessary design changes and compliance testing. American Motors requested a 1-year delay in the effective date for the static rollover test in order to allow satisfactory completion of the required Environmental Protection Agency 50,000 mile durability test. Once vehicles have completed required EPA testing and certification, their fuel system components cannot be altered. AMC says that it cannot make the design changes necessary for Standard 301 compliance in time to utilize them in this year's EPA tests. AMC also desires a 2-year delay in the frontal angular, rear, and lateral impact tests, alleging that that constitutes the minimum time necessary to produce designs that comply. Toyota asked for a delay in the frontal angular crash test for all passenger vehicles until 1978, in order to allow them sufficient time to develop a satisfactory means of compliance with the specified performance level.

All of these requests are denied. The lead time that has been provided for compliance with Standard 301 is found adequate and reasonable. The rollover requirements have been in rule form for over a year, and the more extensive requirements were proposed more than 3 years in advance of their effective dates. Considering the urgent need for stronger and more durable fuel systems, further delay of the effective dates is not justified. On the basis of all information available, the NHTSA has determined that development of complying fuel systems can be attained in the time allowed. In addition, Congress has expressed in the recently enacted amendments to the National Traffic and Motor Vehicle Safety Act its decision that the effective dates specified in Notice 2 should be strictly adhered to.

Toyota requested that the requirements of the rear moving barrier crash not be imposed on vehicles with station wagon or hatch-back bodies, alleging difficulty in relocation of the fuel tank to an invulnerable position. The request is denied as the NHTSA has determined that satisfaction of the rear barrier crash requirements by station wagons and hatchbacks is practicable and necessary.

Volkswagen raised several objections in its petition to the static rollover test, including assertions that the test does not reflect real world accidents, and that the test procedure is unclear since the direction of rotation is unspecified.

The NHTSA does not consider these arguments to be germane. It is true that the static rollover test, like any "static" test, is not designed as a simulation of the actual behavior of a vehicle in a dynamic crash situation. It is intended rather as a laboratory method of quantitatively measuring the vehicle properties that contribute to safety in a range of crash situations. The NHTSA has found that a vehicle's performance in the static rollover test is directly related to the fuel system integrity that is the goal of the standard, and is an appropriate means of measuring that aspect of performance.

With regard to the direction of rotation, the NHTSA has stipulated that only a certain amount of fuel may escape during a 360° rotation of a vehicle on its longitudinal axis. The vehicle must be capable of meeting this performance level regardless of the direction of its rotation.

British Leyland (in a petition for rulemaking) and Volkswagen requested revision of the aspect of the barrier crash requirement limiting the amount of fuel spillage taking place from impact until motion of the vehicle has ceased. They stated that the current 1-ounce limitation is too difficult to measure in the period while the vehicle is moving and suggested that fuel spillage be averaged over the period from impact until 5 minutes following the cessation of motion.

The NHTSA must deny this request. The purpose of the current limitation on the spillage of fuel during the impact and post-impact motion is to prohibit the sudden loss of several ounces of fuel which might occur, as an example, by the displacement of the filler cap. Simultaneous loss of several ounces of fuel during the impact and subsequent vehicle motion could have a fire-causing potential, because of sparks that are likely to be given off during a skid or metal contact between vehicles.

Chrysler petitioned to have the requirement specifying that the moving barrier be guided during the entire impact sequence deleted in favor of a requirement that would allow the termination of guidance of the barrier immediately prior to impact. They argued that their suggested procedure is more representative of real world impacts.

The request is denied. The condition that there be no transverse or rotational movement of the barrier, which has been in effect since January 1, 1972, eliminates random variations between different tests and therefore makes the standard more repeatable and objective as required by the statute.

Jeep requested clarification that a given vehicle is only required to be subjected to one of the specified barrier impacts followed by a static rollover. This request is granted as it follows the agency's intent and the standard is not specific on that point. Section S6. is amended to require that a single vehicle need only be capable of meeting a single crash test followed by a static rollover.

American Motors submitted a request that the agency finds repetitious of previous petitions, urging that vehicle fluids be stabilized at ambient temperatures prior to testing. In responding to earlier petitions for reconsideration from NVMA and GM in Notice 1, the NHTSA denied a request for temperature specification, stating that it intended that the full spectrum of temperatures encountered on the road be reflected in the test procedure. That continues to be this agency's position.

In light of the foregoing S3., S6., S6.1, S6.3, S7.1.4, and S7.1.5 of Standard No.

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301, *Fuel System Integrity*, (49 CFR 571.301) are amended as follows:

§ 571.301 Fuel system integrity. (Effective September 1, 1975).

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S3 *Application.* This standard applies to passenger cars, and to multipurpose passenger vehicles, trucks, and buses that have a GVWR of 10,000 pounds or less and use fuel with a boiling point above 32° F.

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S6 *Test requirements.* Each vehicle shall be capable of meeting the requirements of any barrier crash test followed by a static rollover, without alteration of the vehicle during the test sequence. A particular vehicle need not meet further requirements after having been subjected to a single barrier crash test and a static rollover test.

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S6.1 *Frontal barrier crash.* When the vehicle traveling longitudinally forward at any speed up to and including 30 mph impacts a fixed collision barrier that is perpendicular to the line of travel of the vehicle, or at any angle up to 30° in either direction from the perpendicular to the line of travel of the vehicle, with ballast weight equal to that of a 50th percentile test dummy at each front outboard designated seating position, or, where passive restraints are present, 50th percentile test dummies as specified in Part 572 of this chapter at positions required for testing to Standard No. 208, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.4.

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S6.3 *Lateral moving barrier crash.* When the vehicle is impacted laterally on either side by a barrier moving at 20 mph with ballast weight equal to that of a 50th percentile test dummy at each front outboard designated seating position, or, where passive restraints are present, 50th percentile test dummies as specified in Part 572 of this chapter at positions required for testing to Standard No. 208, under the applicable conditions of S7, fuel spillage shall not exceed the limits of S5.4.

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S7.1.4 The parking brake is disengaged and the transmission is in neutral.

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S7.1.5 The vehicle, including test devices and instrumentation, is loaded as follows:

(a) Except as specified in S7.1.1, a passenger car is loaded to its unloaded vehicle weight plus its rated cargo and luggage capacity weight, secured in the luggage area, plus the weight of the necessary test dummies or ballast weight equal to 50th percentile test dummies as specified in S6. Where dummies are used, each one shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant. Where ballast weight is used, the weight shall be securely anchored to the vehicle floor pan on the longitudinal centerline, between the seat belt anchorage points and within the foot-well area boundary.

(b) Except as specified in S7.1.1, a multipurpose passenger vehicle, truck, or bus is loaded to its unloaded vehicle weight, plus the weight of the necessary test dummies or ballast weight equal to 50th percentile test dummies as specified in S6., plus 300 pounds or its rated cargo and luggage capacity weight, whichever is less, secured to the vehicle and distributed so that the weight on each axle as measured at the tire-ground interface is in proportion to its GAWR. If the weight on any axle, when the vehicle is loaded to unloaded vehicle weight plus dummy weight, exceeds the axle's proportional share of the test weight, the remaining weight shall be placed so that the weight on that axle remains the same. Where dummies are used, each one shall be restrained only by means that are installed in the vehicle for protection at its seating position and that require no action by the vehicle occupant. Where ballast weight is used, the weight shall be securely anchored to the vehicle floor pan on the longitudinal centerline, between the seat belt anchorage points and within the foot-well area boundary.

Effective date: September 1, 1975, with additional requirements effective September 1, 1976 and September 1, 1977, as indicated.

(Secs. 103, 119, Pub. Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51.)

Issued on November 15, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-27207 Filed 11-20-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 300]

HOUSING IMPROVEMENT PROGRAM

Establishment of New Subchapter and Part

Correction

In FR Doc. 74-26368, appearing at page 39729 in the issue of Monday, November 11, 1974, the second line of paragraph (a)(1) of § 300.4 should be changed to read "granted to refinance repairs and additions".

DEPARTMENT OF AGRICULTURE

[7 CFR Part 1139]

[Docket No. AO-374-A3]

MILK IN THE LAKE MEAD MARKETING AREA

Supplemental Notice and Rescheduling of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

A notice was issued on October 9, 1974, and published in the FEDERAL REGISTER on October 15, 1974 (39 FR 36861) giving notice of a public hearing to be held at the Las Vegas Convention Center, Room 15, 3150 South Paradise Road, Las Vegas, Nevada, beginning at 10 a.m. local time, on October 30, 1974, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Lake Mead marketing area.

A second notice was issued on October 22, 1974 (39 FR 37991) postponing the hearing until a date to be announced at a later time.

Notice is hereby given, pursuant to the rules of practice applicable to such proceedings (7 CFR Part 900), that said hearing is rescheduled to be held at the Auditorium, District Health Department, 625 Shadow Lane, Las Vegas, Nevada, beginning at 10 a.m. local time on December 10, 1974.

The hearing is called pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the previously announced proposed amendments (39 FR 36861), and to the additional proposed amendments hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to proposal No. 1.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY ANDERSON DAIRY, INC., BRUNO BIASI, DALE G. HUNT, AND GLENN H. JENSEN

PROPOSAL NO. 6

In § 1139.7, Pool plant, amend paragraph (b) to read:

§ 1139.7 Pool plant.

• • • • •

(b) A supply plant from which during the month not less than 75 percent of its Grade A milk receipts from dairy farmers (including receipts from dairy farmers through cooperative associations, and including milk diverted from such plant to a nonpool plant pursuant to § 1139.13) is transferred to a pool distributing plant pursuant to paragraph (a) of this section as fluid milk products except filled milk: *Provided*, That notwithstanding any provision in this part (Lake Mead Order) or any provision in any other Federal Milk Market Order; the milk of any dairy farmer, that is delivered to or diverted from a supply pool plant during any month that such pool plant has pool plant status by reason of transfers of milk from such supply plant to pool distributing plants during preceding months, shall not be "producer milk" unless at least 26 days' milk production of said dairy farmer was delivered to said supply plant during each of said preceding months.

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PROPOSAL NO. 7

In § 1139.13(d), Producer milk, amend paragraphs (2) and (3) to read:

§ 1139.13 Producer milk.

• • • • •

(d) • • •

(2) A cooperative association may divert for its account the milk of any producer (other than producer milk diverted pursuant to paragraph (d)(3) of this section) from whom at least 20 days of his milk production is received at a pool plant during the month. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the producer milk which the association causes to be delivered to pool plants during the month.

(3) The operator of a pool plant (other than a cooperative association) may divert for his account the milk of any producer (other than producer milk diverted pursuant to paragraph (d)(2) of this section from whom at least 20 days of his milk production is received at the pool plant during the month. The total quantity of milk so diverted may not exceed 30 percent in the months of March through July and 20 percent in other months of the milk received at such pool plant from producers and for which the operator of such plant is the handler during the month. The milk for which the operator of such plant is the handler during the month shall not duplicate milk diverted pursuant to paragraph (d)(2) of this section.

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PROPOSED BY LAKE MEAD COOPERATIVE ASSOCIATION AND WESTERN GENERAL DAIRIES

PROPOSAL NO. 8

In § 1139.7, Pool plant, revise paragraph (b) to read:

§ 1139.7 Pool plant.

• • • • •

(b) A supply plant from which during the months of August through November not less than 50 percent and for the months of December through February not less than 35 percent of its Grade A milk receipts from dairy farmers (including milk physically diverted from such plant to a nonpool plant pursuant to § 1139.13) is transferred to a pool distributing plant pursuant to paragraph (a) of this section as fluid milk products, except filled milk. Any supply plant that has qualified as a pool plant in each of the immediately preceding months of August through February shall be a pool plant in each of the following months of March through July unless written request for nonpool status for any such month is filed by the plant operator with the market administrator prior to the first day of any such month. A plant withdrawn from supply pool plant status may not be reinstated for any subsequent month of the March through July period unless it fulfills the transferring requirement of this paragraph for such month.

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PROPOSAL NO. 9

In § 1139.13, Producer milk, revise paragraph (d)(2) to read:

§ 1139.13 Producer milk.

* * * * * *

(d) * * *

(2) A cooperative association may divert for its account the milk of any member producer (*Provided*, That during the months of August through February at least three deliveries of milk are received at a distributing pool plant from each producer whose milk is diverted). The total quantity of milk so diverted may not exceed 40 percent in the months of March through July and 30 percent in the other months of its member producer milk received at all pool plants during the month. Diversions in excess of such percentages shall not be considered producer milk and the diverting cooperative shall specify the dairy farmers whose milk is ineligible as producer milk. Two or more cooperative associations may have their allowable diversions computed on the basis of the combined deliveries of milk by their member producers if each association has filed such a request in writing with the market administrator on or before the first day of the month the agreement is effective. This request shall specify the basis for assigning over-diverted milk to the producer members of each cooperative according to a method approved by the market administrator.

* * * * *

PROPOSAL NO. 10

In § 1139.43 add a new paragraph (d) to read as follows:

§ 1139.43 General classification rules.

* * * * *

(d) For purposes of allocation and computation of obligation of handlers to the producer settlement fund the milk received from pool supply plants operated by cooperative associations by handlers operating pool distributing plants shall be included with producer milk.

Copies of this notice and the order may be obtained from the market Administrator, Earl C. Born, 4411 East Kentucky Avenue, Denver, Colorado 80222 or from the Hearing Clerk, Room 112–A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C. on: November 15, 1974.

JOHN C. BLUM,
Associate Administrator.

[FR Doc.74–27245 Filed 11–20–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 45]

[Docket No. 14130; Notice No. 74–36]

NATIONALITY AND REGISTRATION MARKS ON FIXED-WING AIRCRAFT

Proposed Size and Location Requirements

The Federal Aviation Administration is considering amending Part 45 of the Federal Aviation Regulations to: (1) require any suffix letter used in the marks displayed on an aircraft, in addition to the nationality mark ("N"), to be a Roman capital letter; (2) require display of the required marks on the lower surface of the left wing of fixed-wing aircraft; and (3) allow a reduction in size of the required nationality and registration marks on the vertical tail surfaces of certain fixed-wing aircraft.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC–24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before February 19, 1975, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

The Experimental Aircraft Association (EAA) has petitioned for an amendment of § 45.29(b)(1) to allow display of the required nationality and registration marks no more than three inches high either in a horizontal or vertical manner on both sides of the vertical tail surface of fixed-wing small aircraft, and 18-inch marks on the underside of the left wing. A petition was also received from the Citizens Task Force on Noise Control of Seattle, Washington, to provide for under-wing markings, distinguishable by persons with normal vision for a distance of 1,000 feet. This Notice is responsive to those petitions.

First, it is proposed to amend § 45.23 to specifically require that any suffix letter (as well as the nationality mark "N" as used for U.S. registered aircraft) be displayed as a Roman capital letter. Section 45.23 presently requires the nationality marks to be a capital letter. The FAA believes that registration numbers would be easier to identify if all letters used in the registration number are Roman capitals.

Second, it is proposed that § 45.25 be amended to provide that the required marks be displayed on the lower surface of the left wing of fixed-wing aircraft. That section of the Federal Aviation Regulations requires the display of nationality and registration marks on a fixed-wing aircraft on either the vertical tail surfaces or the sides of the fuselage. The requirement for wing marks was abolished in 1960 when 12-inch side or tail marks were adopted to replace them. Since then, the FAA has received a number of comments from persons and organizations who believe that large marks on the lower wing surface of aircraft would be useful in identifying violators of minimum altitude rules and noise abatement procedures, and would be an effective psychological deterrent to potential offenders. An FAA study in this area has confirmed the usefulness of under-wing marks by revealing a number of cases in which violators of the Federal Aviation Regulations have been identified by under-wing marks alone or by these marks together with side or tail marks. FAA now considers it appropriate to require nationality and registration marks on the lower surface of the left wing of fixed-wing aircraft.

With respect to the petition of the Citizens Task Force to require markings to be "legible to a person of normal vision from a distance of 1,000 feet," it should be noted that conspicuity varies with weather conditions, perspective, the speed and attitude of the aircraft, and other factors. However, the FAA believes that the proposed under-wing identification marking set forth in this Notice meets the need and intent of that petition.

It is proposed that the height of these under-wing marks be 18 inches, or 60 percent of its wing chord whichever is less. The proposed marks on the lower surface of the left wing would be required on all fixed-wing aircraft newly marked or completely remarked after six months after the effective date of the proposed amendments, and on all fixed-wing aircraft five years after the effective date of these amendments. Under-wing marks could be displayed at any time after the effective date of the amendments with or without a change in the size of the side marks. However, under the proposed amendments, the marks displayed on the vertical tail surfaces of small fixed-wing aircraft (12,500 pounds or less maximum certificated takeoff weight), which cannot exceed 180 knots when using 70 percent of maximum cruising power, could not be reduced to less than 12 inches unless underwing marks are also displayed.

Third, as a result of new studies and review, the FAA believes that with the addition of under-wing markings the side markings on certain aircraft may be reduced from 12 inches to 3 inches without compromising the ease of either air-to-air or ground-to-air identification. Therefore, it is also proposed that § 45.29(b)(1) be amended to permit the reduction in height of the required marks on the vertical tail surfaces of small fixed-wing aircraft, which cannot exceed 180 knots when using 70 percent of maximum cruising power, to a minimum of 3 inches. Other small aircraft which do not meet this criteria, and large aircraft (more than 12,500 pounds maximum certificated takeoff weight) would still be required to bear marks in accordance with § 45.29.

The present requirement for 12-inch side marks was adopted in 1960 to reduce the hazards of air-to-air identification by the military. The Department of Defense has advised that the 12-inch marks are still needed on aircraft that penetrate or operate in an ADIZ or DEWIZ at speeds greater than 180 knots.

These amendments are proposed under sections 307(c), 313(a) and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(c), 1354(a), 1421) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 45 of the Federal Aviation Regulations as follows:

1. By amending § 45.23(a) to read as follows:

§ 45.23 Display of marks; general.

(a) Each operator of an aircraft shall display on that aircraft marks consisting of the Roman capital letter "N" (denoting U.S. registration) followed by the registration number of the aircraft. Any suffix letter used in the marks displayed must also be a Roman capital letter.

* * * * *

2. By amending § 45.25 to read as follows:

§ 45.25 Location of marks on fixed-wing aircraft.

(a) The operator of a fixed-wing aircraft shall display the required marks on—

(1) Either the vertical tail surfaces or the sides of the fuselage, except as provided in § 45.29(f); and

(2) The lower surface of the left wing, (lower left wing, if appropriate), with the tops of the marks toward the leading edge of the wing, on—

(i) Aircraft newly marked or completely remarked after (six months after the effective date of these amendments); and

(ii) All aircraft after (five years after the effective date of these amendments).

However, the operator may display the required marks after (the effective date of these amendments) in both locations prescribed in paragraphs (a) (1) and (2) of this section, if the marks meet the height requirements of § 45.29(b)(1).

(b) The marks required by paragraph (a)(1) of this section shall be displayed as follows:

(1) If displayed on the vertical tail surfaces, horizontally on both surfaces of a single vertical tail or on the outer surfaces of a multivertical tail; or

(2) If displayed on the fuselage surfaces, horizontally on both sides of the fuselage between the trailing edge of the wing and the leading edge of the horizontal stabilizer. However, if engine pods or other appurtenances are located in this area and are an integral part of the fuselage side surfaces, the operator may place the marks on those pods or appurtenances; or

(3) If displayed on small fixed-wing aircraft which cannot exceed 180 knots when using 70 percent of maximum cruising power, the required marks may be displayed only on both surfaces of the vertical tail surface or the outer surfaces of a multivertical tail, in a horizontal or vertical manner, if the required underwing marks are displayed.

3. By amending the lead-in portion and paragraph (1) of § 45.29(b) to read as follows:

§ 45.29 Size of marks.

* * * * *

(b) *Height.* The character marks must be of equal height at each location and on—

(1) Fixed-wing aircraft must be—

(i) At least 12 inches in height when displayed on the vertical tail surfaces or the sides of the fuselage; or

(ii) At least 3 inches in height when displayed on the vertical tail surfaces or the sides of the fuselage on a small aircraft which cannot exceed 180 knots when using 70 percent of maximum cruising power, if the required underwing marks are displayed; and

(iii) At least 18 inches in height, or 60 percent of the wing chord, whichever is less, when displayed on the lower surface of the left wing.

* * * * *

Issued in Washington, D.C., on November 12, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74–27196 Filed 11–20–74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20242; RM–2127]

FM BROADCAST STATIONS

Certain Cities in California

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) with respect to the petition of Glen Barnett (Barnett), licensee of Stations KWXY and KWXY–FM (Channel 276A), Cathedral City, California, proposing alternatives to substitute a Class B channel for 276A. Barnett also asks for an Order to Show Cause to modify Station KWXY–FM's license if a Class B channel is assigned.

2. Barnett proposes the assignment of either Channel 295 or Channel 253 in lieu of Channel 276A at Cathedral City in order to serve the needs of the population of the Coachella Valley desiring the type of programming broadcast by Station KWXY–FM (a beautiful music format). In support of the petition, Barnett had adduced information and data as to the background of Cathedral City and the Coachella Valley (Valley) particularly with respect to physical and geographical characteristics. Cathedral City is an unincorporated community located in Riverside County, population 459,074.[1] The 1970 Census states that the population of Cathedral City is 3,640; Barnett says that the Riverside County Planning Commission has determined that the year-round residential population "in Cathedral City" for 1972 was about 13,000 (and 26,000 projected for 1990).[2] The Valley, about 100 miles east of Los Angeles, is 40 miles long running in a northwest southeasterly direction; we are told that the Valley is completely surrounded by mountains varying in elevation from 3,000 to almost 11,000 feet which shield out outside broadcast signals. Barnett says that while the Valley floor is generally flat, its communities are in "coves" surrounded on three sides by rocky promontories thus preventing good reception from FM signals.

3. Barnett alleges that with a Class B channel Station KWXY–FM would be able to serve the entire Valley from Edom Hill where the tranmitters of TV Stations KMIR and KPLM are sited. Petitioner asserts that neither Station KDES–FM, Channel 284, licensed at Palm Springs, nor KVIM(FM), Channel 229, licensed to Coachella, serves the entire Valley; additionally, we are told that the latter is a Spanish language station. The engineering data submitted show that a maximum facility Class B operation as proposed by petitioner would serve a population of 160,593 persons in a 3,892 square mile area as compared to the present service to 40,297 persons in a 296 square mile area. In this respect, it is contended that there would be service both to unserved and underserved areas: the unserved area service (no other FM service) would be provided to 2,094 persons in a 730 square mile area, and the underserved area service (one other FM service) would be to 12,985 persons in an 881 square mile area.

4. The question here is whether there is any basis for assigning a Class B channel to Cathedral City. Barnett's apparent suggestion that the Valley is a "community" with 90,000 year-round population is unpersuasive;[3] indeed, petitioner acknowledges a lack of community interest—the southern part is agricultural and the northern portion around Cathedral City is an affluent tourist center.[4] On the other hand, our decision may well rest on whether Cathedral City has a population of less than 10,000 as shown by the Census or whether it is much greater as the Planning Commission figure cited by Barnett suggests, and, more importantly, what constitutes Cathedral City and whether a Class B channel is necessary to provide a principal community signal to it (§ 73.315(a) of the Commission's rules and regulations). See and compare Yorktown, 42 F.C.C. 2d 722 (1973).

[1] Unless otherwise indicated, all population data are from the 1970 Census.

[2] Barnett says that the Valley's permanent population normally 90,000 rises to 150,000 during the winter months.

[3] See and compare Colorado Springs, 44 F.C.C. 2d 1047, 1053–4 (1974), where we discussed the meaning of a "community" to which an FM channel assignment is made in terms of applying our population criteria.

[4] There are 26 major golf courses and country clubs, 8,500 hotel rooms, and mobile home parks for 5,000 spaces.

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5. There may be some other basis for making a Class B assignment. We have assigned a higher class channel to a small community in a sparsely settled rural area located far from any metropolitan area or population center where the assignment of a higher class channel would allow full-time service to the community and surrounding rural areas which a Class A channel could not (see, e.g., Gregory, 45 F.C.C. 2d 471 (1973)). This does not appear to be the situation here for either the station at Palm Springs or Coachella with more substantial facilities could provide service throughout the Valley.[4] While under the Roanoke Rapids decision (9 F.C.C. 2d 672 (1967)), we have assigned a higher class FM channel where this would result in service to unserved and underserved areas, which Barnett apparently relies on, this doctrine has been modified in the recent Anamosa, and Iowa City, 46 F.C.C. 2d 520, 525–6 (1974), decision to include nighttime AM aural service which should be considered, and there should be a showing as to nighttime service from AM stations at Cathedral City, Palm Springs, Indio, and Coachella.

6. As already noted, petitioner proposes two alternatives for making a Class B assignment at Cathedral City. One is to assign Channel 295 without change elsewhere. However, no consideration was given to the Channel 296A assignment at Fallbrook, California. In this respect, the required mileage separation is 65 miles but the distance between the communities is only 53 miles. This proposal does not comply with the minimum mileage separation rules and will not be considered. Barnett also proposes the assignment of Channel 253 to Cathedral City and changes at Indio, El Centro, and Brawley. Our examination of the latter proposal indicates that that plan may be simplified by making a different channel change at El Centro and thus eliminating Brawley from consideration.[5] The revised plans is as follows:

City	Channel No.	
	Present	Proposed
Cathedral City, Calif.	276A	253
El Centro, Calif.	253	298
Indio, Calif.	252A	276A

The latter proposal would require Station KNEU(FM) at El Centro to change its assignment. In the circumstances, an appropriate Order to Show Cause is being adopted. The channel at Indio is not occupied. The assignment of Channel 253 to Cathedral City would preclude future assignments only on Channel 252A; however, Channel 292A could be assigned to Eagle Mountain, population 2,403, and by moving Channel 253 to Cathedral City, Channels 255 and 256 would be available for assignment to communities east of El Centro including Yuma, Arizona.

7. We are adopting this Notice for rulemaking on the basis that a sufficient showing has been made for the Commission to consider whether the proposed change of the FM channel assignment at Cathedral City from a Class A to a Class B might serve the public interest, convenience, and necessity. The problems we have are pointed out above. We have also indicated possible arguments which do not appear to be apropos.

8. In view of the foregoing, it is proposed to amend § 73.202(b) of the Commission's rules and regulations, FM Table of Assignments, as concerns the following communities:

City	Channel No.	
	Present	Proposed
Cathedral City, Calif.	276A	253
El Centro, Calif.	253	298
Indio, Calif.	252A	276A

Because Cathedral City is located within the 199-mile border area covered by the U.S.-Mexico FM Broadcasting Agreement, it will be necessary to obtain the consent of the United Mexican States to the proposed change.

9. Barnett has indicated that there has been discussion about reimbursement with the licensee of Station KNEU (FM) which has expressed a willingness to change channels and accept reimbursement. However, in order that there may be no misunderstanding, it appears appropriate to serve an Order to Show Cause on the licensee of Station KNEU (FM) and to bring its attention to some considerations about reimbursement. It is well settled Commission policy that if a change in the FM Table of Assignments is made which requires that an operating station change its channel of operation it is entitled to be reimbursed for actual cost of change by the party benefiting from the change.[7]

10. *Accordingly, it is ordered,* That, pursuant to section 316 of the Communications Act of 1934, as amended, William Wade and Thomas Carl Schaefer, d/b/a Schaefer-Wade Broadcasting Co., 207 East Gillette Road, El Centro, California 92243, licensee of Station KNEU(FM), El Centro, California, shall show cause why that station's license should not be modified to specify operation on Channel 298 instead of Channel 253 if the Commission in this proceeding finds it is in the public interest to assign Channel 298 to El Centro, California, as a substitute for Channel 253.

11. Pursuant to § 1.87 of the Commission's rules and regulations, the licensee of Station KNEU(FM) may, not later than January 6, 1975, request that a hearing be held on the proposed modification. Pursuant to § 1.87(f), if the right to request a hearing is waived, Schaefer-Wade Broadcasting Co. may, not later than January 6, 1975, file a written statement showing with particularity why its license should not be modified or not so modified as proposed in the Order to Show Cause. In this case, the Commission may call on Schaefer-Wade Broadcasting Co. to furnish additional information, designate the matter for hearing, or issue without further proceeding an order modifying the license as provided in the Order to Show Cause. If the right to request a hearing is waived and no written statement is filed by the date referred to above, Schaefer-Wade Broadcasting Co. will be deemed to consent to the modification as proposed in the Order to Show Cause and a final Order will be issued by the Commission if the channel changes referred to in paragraph 8 above are found to be in the public interest.

12. *Showings required.* Comments are invited on the proposals referred to above. There are questions about whether a sufficient showing has been made to support a determination that a Class B channel should be assigned to Cathedral City in lieu of Channel 276A on which Station KWXY–FM operates. Petitioner should make an affirmative showing in this respect. Failure to file comments or address the issues raised may result in dismissal.

13. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

14. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 6, 1975, and reply comments on or before January 27, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

15. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. These will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW, Washington, D.C.

16. Authority for action taken here may be found in ections 4(i), 5(d)(1), 303(g) and (r), 307(b) and 316 of the Communications Act of 1934, as amended.

17. It is directed, that the Secretary of the Commission send a copy of this Order by certified mail return receipt requested to Schaefer-Wade Broadcasting Company, 207 East Gillette Road, El Centro, California 92243, the party to whom the Order to Show Cause is directed.

Adopted: November 12, 1974.

Released: November 15, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-27262 Filed 11-20-74;8:45 am]

[4] We do not presume that if KVIM did provide programming for the entire Valley it would continue its Spanish language format.

[5] Barnett had proposed changes at El Centro (Channel 241 for 252), Indio (Channel 276A for 252A), and Brawley (the deletion of Channel 241B).

[7] See e.g., Cocoa Beach, 1 F.C.C. 2d 643, 645 (1965); Wenatchee, 2 F.C.C. 2d 828, 830 (1966); Kenton and Bellefontaine, 3 F.C.C. 2d 593, 603–5 (1966); Gretna and Danville, 5 F.C.C. 2d 333, 341 (1966); Circleville, 6 F.C.C. 2d 159 (1967); and Lake City, 47 F.C.C. 2d 1067, 1075 (1974).

[47 CFR Part 73]

[Docket No. 20230; RM–1741]

FM BROADCAST STATIONS

Certain Cities in Texas

1. Notice of proposed rule making is hereby given concerning amendment of the FM Table of Assignments (§ 73.202 (b) of the Commission's rules and regulations) with respect to the petition of Walter H. Herbort, Jr. and Ramon Montemayor, the licensees of daytime-only AM Station KVWG, Pearsall, Texas, proposing the assignment of Channel 237A as a first FM assignment to that community. Also filing comments are Reding Broadcast Company (Reding) and S.S.S. Broadcasting Inc. ("SSS").

2. Pearsall, population 5,545, is the seat of Frio County, population 11,159.[1] The only broadcast service in Frio County is Station KVWG. The petitioners alternatively propose the assignment of Channel 292A to Pearsall (and the deletion of that channel at Terrel Hills, Texas) or Channel 237A (which requires the delegation of that channel at Uvalde, for which the petitioners propose the substitution of Channel 285A).[2]

3. Herbort and Montemayor in support of the original proposal state that it was their intention to provide Spanish language broadcasting for the preponderant Mexican-American population in a six county area, with a total population of 91,946. Data and information as to population, retail sales, and income were adduced. Petitioners also advised that agriculture is the principal business of the area with 54,000 acres of land under irrigation; the principal crops are vegetables and cotton. Petitioners also stated that the area was of interest to hunters and fisherman and that there were various manufacturing industries in the six county area. On request by the Commission, the petitioners submitted additional information to show the amount of unserved area that could be served by an FM station at Pearsall; see Roanoke Rapids, 9 F.C.C. 2d 672 (1967). In this respect, there is no Class C channel available for assignment, but it appears that an FM station on a Class A channel at Pearsall would be serving an area completely unserved by another FM station.

4. The proposal to assign Channel 292A to Pearsall and delete that channel at Terrell Hills is opposed by Reding and SSS. Reding is the applicant for Channel 292A at Terrell Hills (BPH–9035); SSS is a prospective applicant. Both Reding and SSS rely on the Commission's decision to continue the Channel 292A assignment at Terrell Hills. 38 F.C.C. 2d 528 (1972); see also 35 F.C.C. 2d 488 (1972). We need not consider this argument, since, as urged by Reding, it has been our policy not to delete FM channel assignments if an application is pending for a channel for which a substitute is not available; see Houma and Crowley, 48 F.C.C. 2d (1974), and authorities cited. Since an application is pending for the Terrell Hills channel and SSS also indicates an interest to apply, we must reject the proposal to assign Channel 292A to Pearsall.[3]

5. It would appear that a sufficient showing has been made that the public interest, convenience, and necessity would be served by giving consideration to the alternative proposal to assign Channel 237A to Pearsall by deleting that channel at Uvalde and substituting Channel 285A to the latter community.[4] Herbort and Montemayor should furnish further information as to the area and population that could be served by a Class A channel assignment at Pearsall. Additionally, we should like full information as to the availability of aural broadcast service at Pearsall; this will require furnishing supplementary information and data as to available nighttime aural service (see Anamosa and Iowa City, 46 F.C.C. 2d 520, 525–6 (1974)).

6. In view of the foregoing and pursuant to authority found in sections 4(i), 5(d)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules and regulations, it is proposed to amend § 73.202(b) of the Commission's Rules and Regulations, the FM Table of Assignments, as concerns Pearsall and Uvalde, Texas, as follows:

City	Channel No.	
	Present	Proposed
Pearsall, Tex.		237A
Uvalde, Tex.	237A	285A

Under the Agreement, it will be necessary to obtain consent of the Mexican authorities, since the proposed channel assignment and change is within the 199-mile border area affected by the Agreement.

7. *Showings required.* Comments are invited as to the proposal referred to above and the questions raised. Petitioners or other interested parties should affirm an intention both to promptly apply for the channel if assigned and to construct if their application is granted. Failure of the petitioners to file comments or address the issues raised may result in dismissal.

8. *Cut-off procedure.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. Any counterproposal advanced in reply comments will not be considered together with the principal proposal.

(b) Petitions for rule making which conflict with the proposal in this Notice will be considered as comments in this proceeding and Public Notice to this effect will be given if filed before the date for filing initial comments. If filed later, any such petition will not be considered in connection with the decision herein.

9. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before January 6, 1975, and reply comments on or before January 27, 1975. All submissions by parties to this proceeding or persons acting on behalf of such parties, shall be

[1] All population data are from the 1970 Census.

[2] The action with respect to the petition originally proposing the amendment of Class C Channel 284 to Pearsall was held in abeyance pending completion of negotiations with the United Mexican States concerning the United States-Mexico FM Broadcasting Agreement (Agreement) involving the use of FM channels along the United States-Mexico border. The Agreement became effective August 9, 1973, which has been implemented by rule changes (43 F.C.C. 2d 293 (1973), and 46 F.C.C. 2d 153 (1974)). Because of changed circumstances, the petitioners were afforded an opportunity to amend or supplement the petition; see Public Notice, adopted April 11, 1974 (Mimeo No. 20582).

[3] In these circumstances, we do not have to consider other arguments raised by the parties. However, SSS's argument based on programming considerations should be briefly noted. In this respect, SSS points out that despite the petitioner's programming objectives, there are some doubts considering the programming format of Station KVWG and the ability to program separately if they are the successful applicant for the FM channel at Pearsall. On the other hand, SSS argues that the San Antonio area is more in need of particularized programming which it intends to provide. It suffices to state that these are considerations relevant to applications but not whether a channel assignment should be made. Should a channel assignment be made to Pearsall, it would be available for any applicant who is qualified. As concerns programming generally, an applicant would have to conform to the Primer on Ascertainment of Community Problems, 27 F.C.C. 2d 650 (1971).

[4] Applications are pending for the Uvalde channel: Big Country Radio Company (BPH–8808); and Uvalde Broadcasting, Inc. (BPH–9106).

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made in written comments, reply comments, or other appropriate pleadings.

10. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its Headquarters, 1919 M Street, NW., Washington, D.C.

Adopted: November 11, 1974.

Released: November 15, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau.

[FR Doc.74-27263 Filed 11-20-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

RESIDUAL FUEL OIL; ALLOCATION LEVEL FOR SPACE HEATING REQUIREMENTS

Proposed Allocation Fractions

The Federal Energy Administration hereby gives notice of a proposal to amend Title 10 of the Code of Federal Regulations, Subpart I, with respect to the allocation level for space heating requirements.

Under the current regulations, space heating requirements are accorded an allocation level of one hundred percent of base period use, not subject to an allocation fraction, but subject to certain reductions in ambient indoor temperature in homes, schools, factories and other buildings except medical buildings. Suppliers are required to make deliveries of residual fuel oil to space heating end-users and wholesale purchaser-consumers on the basis of historical or calculated usage factors which establish the quantity of fuel needed to maintain the ambient indoor temperature reduced as specified for each type of building. Suppliers are also required to notify customers whose usage rate exceeds that necessary to achieve the required reduction in ambient indoor temperature that they face the danger of running out of fuel. In addition, suppliers must notify the appropriate FEA regional office of any customer whose usage rate is excessive for two consecutive months.

The FEA proposes to eliminate the required temperature reductions and to establish an allocation level of one hundred ten percent of base period use for space heating requirements. In order to prevent hardships to purchasers whose suppliers may experience low allocation fractions, a provision would be added which would require that when a supplier's allocation fraction is less than 0.8, the allocation level for space heating requirements would become eighty-eight percent of base period use (which is 0.8 multiplied times one hundred ten percent of the base period use) not subject to an allocation fraction.

Thus, when a supplier calculates its allocation fraction for a month and determines that it would be less than 0.8, the supplier will recalculate its fraction by treating eighty-eight percent of the base period use of its space heating end-users and wholesale purchaser-consumers as amounts not subject to the allocation fraction under § 211.10(b) (1) and (2). The recalculated allocation fraction would then be applied for purchasers under all allocation levels subject to the allocation fraction except space heating requirements. Purchasers of residual fuel oil for space heating would be supplied at eighty-eight percent of base period use, not subject to an allocation fraction. A similar method of allocation for space heating users of middle distillate fuels has recently been adopted by FEA. Finally, in order to insure that medical and nursing buildings, which presently are not subject to temperature reductions or an allocation fraction, have adequate heating oil, it is proposed that they be accorded an allocation level of one hundred percent of current requirements, not subject to a fraction. FEA invites comments on whether any other allocation level for space heating requirements would be more appropriate.

The FEA proposal is made because FEA has concluded that the current method of requiring conservation only by users of residual fuel oil is inequitable. Since FEA does not have the authority to impose comparable conservation measures on purchasers of natural gas or electricity, it does not seem fair to treat users of residual fuel oil more stringently than users of other fuels.

The FEA continues to believe that conservation of all sources of energy is vitally important. The FEA therefore specifically invites comments as to how it may best achieve its conservation goals in an equitable manner.

As required by section 7(c) (2) of the Federal Energy Administration Act of 1974, Pub. L. 93-275, a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal. The Administrator commented as follows:

> EPA agrees with the assumption implicit in FEA's proposal that supplies of residual fuel oil should be adequate to meet 1974-75 seasonal demand. The assumed adequacy of supply should allow market conditions to operate more freely within the relaxed allocation procedures proposed. However, FEA also proposes to eliminate temperature reductions as a conservation measure and as a condition to the existing allocation levels for space heating requirements. We believe FEA's conclusion that "the current method of requiring conservation only by users of residual fuel oil is inequitable" is incompatible with FEA's stated belief "that conservation of all sources of energy is vitally important."
>
> In response to FEA's invitation to comment specifically as to how FEA "may best achieve its conservation goals in an equitable manner," EPA has two suggestions to offer: (1) FEA should retain, as is or in some appropriately modified form, the temperature conservation essentials of 10 CFR 211.163(b) (2) (ii-iv), and (2) FEA should take such steps within its authority to pursue an equitable conservation of both natural gas and electricity as well as residual fuel oil for space heating purposes.
>
> In making these suggestions, EPA recognizes that FEA "does not have the authority to impose comparable conservation measures on purchasers of natural gas or electricity • • •." But we believe FEA has the authority (Pub. L. 93-275, Section 20(b)(2)) to meet with other Federal or State agencies which do have jurisdiction in these areas for the purpose of developing such measures as are appropriate for the equitable conservation of heating oil, natural gas and electricity. Such agencies would include, but not be limited to, the Federal Power Commission and State regulatory commissions. EPA feels that procedures to broaden fuel saving generally would be more consistent with FEA's expressed conservation philosophy than would be the termination of those conservation measures which do lie within its authority.
>
> In the FEDERAL REGISTER dated September 11, 1974, EPA commented on FEA's proposed discontinuation of temperature reductions as a conservation measure for the use of No. 2 fuel oil. In those comments we iterated that "it seems inadvisable to overtly discourage conservation of any kind while U.S. oil imports are still rising and contributing to balance of payments problems." This comment is now more pertinent in light of the FEA proposal here before us concerning residual fuel oil. According to a recent Petroleum Industry Research Foundation study, 83 percent of all residual fuel oil used in the U.S. for heating purposes is consumed in East Coast markets. And it is generally recognized that 90 percent of the residual fuel oil consumed in this market (both for heating and utility purposes) is of imported origin. As the Administration is endeavoring to save daily one million barrels of imported fuel by the end of 1975, FEA's proposal may not lend itself to this effort.
>
> In addition, the possibility exists that spot shortages of low-sulfur residual fuel oil will occur this winter. This could, in turn, precipitate the increased use of higher-sulfur fuel oil and further contribute to air quality problems in some areas. To quote again from our Federal Register comments on September 11, 1974, "(a)ny reduction in fuel demand minimizes emissions due to production, apart from the overall desirability of conserving oil • • • natural gas," and electricity.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box BK, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Residual Fuel Oil". Fifteen copies should be submitted. All comments received by December 2, 1974, and all relevant information, will be considered before final action is taken on the proposed rulemaking.

Comments received in response to this notice will be available for public inspection after the comment period in the Administrator's Reception Area, Room 3400, Federal Building, 12th and Pennsylvania Avenue, NW., Washington, D.C.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it accordingly.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C., on November 16, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

1. Section 211.163 is amended in paragraphs (b) and (c) to read as follows:

§ 211.163 Allocation levels.

• • • • • •

(b) *Allocation levels not subject to an allocation fraction.* (1) One hundred (100) percent of current requirements for the following uses:

(i) Agricultural production;

(ii) Department of Defense use as specified in § 211.26; and

(iii) Space heating requirements of medical and nursing buildings.

(2) The allocation level as specified each month by the FEA for utility use. In specifying the allocation levels for each utility the FEA may include but is not limited to the following considerations:

(i) Each utility within appropriate groupings shall absorb an equal percentage cutback in electricity generation, to the maximum extent possible.

(ii) The fact that electric generating plants which now burn residual fuel oil have been identified by the FEA as candidates for conversion to coal, and the maximum possible extent to which such plants could be utilized after conversion.

(iii) The extent to which any electric generating plants which burn coal may be utilized more fully than at present.

(iv) The extent to which certain minimal levels of residual fuel oil consumption are essential, as determined by the FEA upon recommendation of the Federal Power Commission (FPC) to supply portions of a power system requirement that cannot be supplied by non-oil fired generation, or for other special considerations. Any volumes so identified shall be counted as part of a utility's total allocation.

(v) The extent to which utilities currently utilize natural gas supplies under interruptible contracts and which have been interrupted.

(vi) Available stocks of residual fuel oil held by each utility.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by application of an allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Manufacture of ethical drugs and related research;

(iv) Non-military marine shipping, foreign and domestic (except cruise ships carrying passengers for recreational purposes). Sales to vessels engaged in the foreign trade of the United States shall be made on a non-discriminatory basis in regard to flag of registration, subject to modification by the FEA following consultation with appropriate Federal agencies on a case-by-case basis if required to encourage reciprocal non-discriminatory allocation of bunker fuel in foreign ports to vessels engaged primarily in the foreign trade of the United States;

(v) Sanitation services;

(vi) Telecommunication services;

(vii) Passenger transportation services.

(2) One hundred ten (110) percent of base period use (as reduced by application of an allocation fraction) for space heating requirements, except that whenever the allocation fraction of a supplier which supplies end-users and wholesale purchaser-consumers pursuant to this allocation level is less than 0.8, that supplier shall supply the space heating requirements of those end-users and wholesale purchaser-consumers at an allocation level of eighty-eight (88) percent of base period use, not subject to an allocation fraction.

(3) One hundred (100) percent of base period use for industrial use and all other users and uses of residual fuel oil not included in paragraphs (b) or (c) (1) or (2) of this section.

§ 211.166 [Amended]

2. Section 211.166 is amended by deleting paragraph (e) in its entirety and is amended in paragraph (c) by deleting the sentence, "With respect to space heating uses, suppliers must comply, to the fullest extent practicable, with the provisions of paragraph (e) of this section."

[FR Doc.74-27247 Filed 11-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 298-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Compliance Schedules for Kentucky

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51 require each state to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all sources must be in compliance with any applicable requirements of the plan. On August 15, 1974 (39 FR 29357), the Administrator approved the Kentucky plan with one exception. (The original approval on May 31, 1972 (37 FR 10842), of the Kentucky plan had been vacated by a decision of the U.S. Circuit Court of Appeals for the Sixth Circuit on June 28, 1973.) A number of compliance schedules submitted with the plan were announced in the Federal Register on August 27, 1974 (39 FR 30942).

On February 15, 1974, pursuant to 40 CFR § 51.15, the Commonwealth of Kentucky submitted for the Environmental Protection Agency's approval additional compliance schedules. The purpose of this notice is to offer these schedules as proposed rulemaking and to solicit public comment on this proposal.

Each of the proposed compliance schedules identified below establishes a date by which an individual air pollution source must attain compliance with an emission limitation of the State implementation plan. This date is indicated in the table under the heading "Final Compliance Date." In many cases the schedule includes incremental steps toward compliance, with interim dates for achieving those steps. While the table below does not list these, the actual schedules do.

All of the compliance schedules listed here are available for public inspection at the following locations:

Air Programs Office
Environmental Protection Agency
Region IV
1421 Peachtree Street, N.E.
Atlanta, Georgia 30309

Division of Air Pollution
Department for Natural Resources and Environmental Protection
311 East Main Street
Frankfort, Kentucky 40601

Freedom of Information Center
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Each schedule was adopted or approved by the Department for Natural Resources and Environmental Protection, Commonwealth of Kentucky, after notice and public hearing and submitted to the Agency in accordance with the procedural requirements of 40 CFR Part 51. Each also satisfies the substantive requirements of § 51.15. Several compliance schedules revise the final compliance dates, while others merely add increments of progress pursuant to § 51.15(c). In addition, each schedule has been determined to be consistent with the control strategies of the resubmitted Kentucky implementation plan.

An evaluation of any of the compliance schedules may be obtained by consulting personnel of the Agency's Region IV Office at the Atlanta location listed above.

Interested persons are encouraged to submit written comments on the proposed schedule. To be considered, comments must be received on or before December 23, 1974, and should be di-

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rected to Mr. John Eagles of the Agency's Region IV Air Programs Office at the Atlanta address given above. After carefully weighing all relevant comments and other available information in the light of requirements set forth in section 110(a) of the Clean Air Act, as amended, and in the implementing regulations of 40 CFR Part 51, the Administrator will take approval/disapproval action on the proposed Kentucky compliance schedules.

(Section 110(a) of the Clean Air Act, as amended (42 U.S.C. 1857C-5(a)))

Dated: November 11, 1974.

JOHN C. WHITE,
Acting Regional Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40, Code of Federal Regulations, as follows:

Subpart S—Kentucky

Section 52.927 is amended by adding a new paragraph (c) as follows:

§ 52.927 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, except in the case of Jefferson County schedules for which the regulations cited are those of the local air pollution control agency.

COMMONWEALTH OF KENTUCKY

Source and location	Regulation involved	Date of adoption	Effective	Final compliance date
Kentucky Electric Steel Co., Boyd County:				
Electric arc furnace	AP-3	Dec. 28, 1973	Immediately	Nov. 19, 1973
Do	AP-3	do	do	July 1, 1974
Do	AP-3	do	do	Oct. 4, 1974
Do	AP-3	do	do	Sept. 27, 1974
Tundish and ladle lancing	AP-3	do	do	Oct. 25, 1974
Electric arc furnace	AP-3	do	do	
American Olean Tile Co., Hancock County:				
#2 Calcine furnace	AP-9	do	do	Oct. 1, 1974
#3 Allied tunnel kiln	AP-9	do	do	Do.
#4 Allied tunnel kiln	AP-9	do	do	Do.
#5 Allied tunnel kiln	AP-9	do	do	Do.
#6 Allied tunnel kiln	AP-9	do	do	Do.
American Olean Tile Co., Breckinridge County:				
#2 Allied tunnel kiln	AP-9	do	do	Do.
#6 Allied tunnel kiln	AP-9	do	do	Do.
Parker Seal Co., Fayette County:				
Post cure oven vent	AP-3	Dec. 5, 1973	do	Apr. 1, 1975
Hard chrome operation exhaust	AP-3	do	do	Do.
Coo-Par Concrete Corp., Carroll County:				
#1 Cement silo vent	AP-3	Oct. 2, 1973	do	Dec. 1, 1973
#2 Fly ash bin vent	AP-3	do	do	Do.
#3 Concrete batch operation	AP-3	do	do	Do.
#4 Discharge of fly ash and cement	AP-3	do	do	Do.
Dr. Scholl Shoe Co., Pendleton County: Spray booth	AP-3	Nov. 26, 1973	do	June 1, 1974
Kentucky Utilities Co. Ghent Facility, Carroll County: Unit No. 1.	AP-3	Nov. 15, 1973	do	
	AP-4	do	do	Jan. 31, 1977
	AP-7	do	do	June 1, 1974
C. J. Thomas & Sons, Inc., Lewis County: Sawdust blowpipe system.	AP-3	Oct. 28, 1973	do	Nov. 1, 1973
Consolidated Ready Mix, Rowan County:				
#2 Cement silo	AP-3	Oct. 3, 1973	do	Dec. 20, 1973
#6 Truck loading	AP-3	do	do	Do.
Phelps Dodge Magnet Wire Co., Christian County:				
Magnet wire manufacturing	AP-3	Oct. 31, 1973	do	Apr. 1, 1975
Do	AP-9	do	do	Apr. 1, 1978
Burkesville Ready Mix, Cumberland County: #5 Truck loading.	AP-3	Oct. 5, 1973	do	Dec. 31, 1973
Reliable Wood Service, Inc., Edmonson County:				
Exhaust pipe	AP-3	Nov. 15, 1973	do	Jan. 31, 1974
Yard area and haul road	AP-3	do	do	Aug. 1, 1978
Buckhorn Hazard Coal Co., Perry County: #2 Stacker/conveyor.	AP-3	Nov. 21, 1973	do	Mar. 1, 1974
Clarence Maggard Coal Co., Leslie County: Mine car dump.	AP-3	Nov. 20, 1973	do	Dec. 15, 1973
Reco Coal Mining Co., Perry County:				
Truck dump	AP-3	do	do	July 1, 1974
Conveyor	AP-3	do	do	Do.
Screens, crushers and car loading	AP-3	do	do	Do.
Henry Clay Mining Co., Pike County:				
#1 Haul roads	AP-3	Nov. 19, 1973	do	Sept. 21, 1978
#3 Crusher	AP-3	do	do	May 1, 1974
Indian Head Processing Co., Perry County:				
#1 Truck dump	AP-3	Nov. 20, 1973	do	Mar. 1, 1974
#4 Car loading	AP-3	do	do	Do.
North-East Coal Co., Johnson County: Truck dump area.	AP-3	Nov. 28, 1973	do	Apr. 30, 1974
Wade Hatker Sawmill, Clay County:				
Sawdust discharger	AP-3	Nov. 15, 1973	do	Dec. 15, 1973
Planer discharge	AP-3	do	do	Aug. 15, 1973

Source and location	Regulation involved	Date of adoption	Effective	Final compliance date
Haul roads	AP-3	do	do	July 15, 1973
Waste burning	AP-3	do	do	Aug. 31, 1973
Anderson & Spilman Milling Co., Boyle County: Cyclone exit.	AP-3	Nov. 23, 1973	do	Sept. 30, 1974
Duncan & McFarland Farm Service, Inc., Anderson County: Cyclone exit.	AP-3	Nov. 19, 1973	do	Do.
Farmers Feed Mill, Inc., Fayette County: Cyclone collector.	AP-3	do	do	Mar. 1, 1974
Lawrenceburg Supply Co., Anderson County:				
01 Silo	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
02 Aggregate handling	AP-3	do	do	Do.
04 Haul roads	AP-3	do	do	Do.
Morgan Concrete Company, Inc., Jessamine County:				
Silo vent	AP-3	Nov. 21, 1973	do	Apr. 1, 1974
Truck loading	AP-3	do	do	Do.
National Casket Co., Garrard County:				
03 Cyclone collector for sanding	AP-3	Nov. 15, 1973	do	June 1, 1974
26 Adhesive spray booth	AP-3	do	do	Feb. 1, 1974
Shely Construction Co., Fayette County: Cement silo vent.	AP-3	Nov. 19, 1973	do	Dec. 1, 1973
Teater & Cassity Farm Service, Inc., Jessamine County: Cyclone exit.	AP-3	Nov. 23, 1973	do	Sept. 30, 1974
Ideal Supplies, Inc., Kenton County: Cement silo vent.	AP-3	Nov. 19, 1973	do	Feb. 20, 1975
Lingo Manufacturing Co., Inc., Boone County:				
Spray booth 4, 5, 6	AP-5	Dec. 20, 1973	do	Jan. 15, 1975
Baking oven 7, 8	AP-5	do	do	Do.
Wadsworth Electric Manufacturing Co., Kenton County: 04 Baking oven.	AP-5	Nov. 29, 1973	do	Sept. 23, 1974
William Booth Memorial Hospital, Kenton County: Incinerator.	AP-3	Nov. 15, 1973	do	Mar. 15, 1974
Nestaway-Coated Metallic Products, Inc., Ohio County:				
Stripper	AP-3	Dec. 28, 1973	do	Sept. 15, 1974
Fusion oven	AP-3	do	do	Feb. 1, 1975
Everman Lumber Co., Lewis County:				
Drag chain	AP-3	Nov. 15, 1973	do	Sept. 1, 1973
Yard storage area	AP-3	do	do	Do.
Chipper	AP-3	do	do	Nov. 30, 1973
Mullins & Sexton Pallets & Lumber, Carter County: Pallet shop.	AP-3	do	do	Dec. 30, 1973
Todd's Farm Supply, Bracken County: Corn grinding.	AP-3	Nov. 19, 1973	do	June 1, 1974
Barber Cabinet, Inc., Washington County: Spray painting booth.	AP-3	Nov. 15, 1973	do	Jan. 31, 1974
Elizabethtown Ice Cream Co., Hardin County: Incinerator.	AP-3	do	do	Do.
Ennis Milling Co., Larue County:				
Haul roads	AP-3	Nov. 21, 1973	do	Sept. 1, 1973
Unloading area	AP-3	do	do	Mar. 1, 1974
Cyclone	AP-3	do	do	Do.
Goodman Bros. Co., Inc., Shelby County:				
Cyclone	AP-3	do	do	Do.
Unloading area	AP-3	do	do	Do.
Haul roads	AP-3	do	do	Sept. 15, 1973
J. B.'s Cabinet Shop, Hardin County: Spray paint booth.	AP-3	Nov. 15, 1973	do	Nov. 1, 1973
Jenkins-Essex Co., Inc., Hardin County:				
Sawdust collection	AP-3	do	do	Sept. 19, 1974
Cyclone exhaust	AP-3	do	do	Jan. 31, 1974
McAnelly Feed Mill, Marion County:				
Haul roads	AP-3	Nov. 21, 1973	do	Sept. 1, 1973
Unloading area	AP-3	do	do	June 1, 1974
Cyclone	AP-3	do	do	Do.
Reichmuth Sawmill & Lumber Co., Bullit County:				
01 Yard area	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
02 Sawdust blow pipe	AP-3	do	do	Do.
Thompson's Heading & Stave Mill, Inc., Larue County:				
Debarker	AP-3	do	do	Do.
Heading mill	AP-3	do	do	Do.
Stavemill	AP-3	do	do	Do.
Chipper	AP-3	do	do	Do.
Associated Pallet, Inc., Muhlenberg County:				
02, 03 Debarker	AP-3	Dec. 20, 1973	do	June 1, 1974
04, 06 Sawdust blowpipe system	AP-3	do	do	Do.
05 Chipper and truck load	AP-3	do	do	Do.
01 Yard and roads	AP-3	do	do	Do.
07 Pallet mill blow system discharge	AP-3	do	do	Do.
Day Lumber Co., Muhlenberg County:				
Sawdust blowpipe	AP-3	Nov. 15, 1973	do	May 1, 1974
Road and yard	AP-3	do	do	Do.
Gelbel Lumber Co., Muhlenberg County:				
Debarker	AP-3	do	do	Dec. 31, 1973
Head saw and edger	AP-3	do	do	Oct. 1, 1974
Dimension mill	AP-3	do	do	Do.
Haul roads/yard	AP-3	do	do	Dec. 15, 1973
McIntosh Lumber Co., Todd County:				
Debarker	AP-3	Nov. 14, 1973	do	Mar. 1, 1974
Sawdust	AP-3	do	do	Do.
Chip van	AP-3	do	do	Do.
Roads and yard	AP-3	do	do	Do.
Pleasant View Greenhouses, Hopkins County: Coal-fired boilers Nos. 8177 and 7345.	AP-3	do	do	Apr. 1, 1975
Anderson Forest Products, Inc., Hart County:				
01 Sawdust blowpipe	AP-3	Dec. 21, 1973	do	Dec. 31, 1973
03 Sawmill	AP-3	do	do	Do.
04 Chipper, chip blower pipe	AP-3	do	do	Do.
05 Pallet mill	AP-3	do	do	Do.
Cumberland Stave Co., Inc., Lincoln County:				
Chipper	AP-3	Nov. 15, 1973	do	Jan. 1, 1974
Sawdust loading	AP-3	do	do	Do.
Farm Service, Inc., Barren County: Cyclone collector	AP-3	Nov. 21, 1973	do	Feb. 1, 1974
Gamble Brothers, Inc., Allen County:				
Teepee burner	AP-3	Dec. 7, 1973	do	Nov. 1, 1974
Cyclone	AP-3	do	do	Do.
Chipping and truck loading	AP-3	do	do	Nov. 1, 1973
Roads and yard	AP-3	do	do	Do.

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Source and location	Regulation involved	Date of adoption	Effective	Final compliance date
Kern P. Kellar, Inc., Russell County: 02 Exhaust for planer.	AP-3	Nov. 15, 1973	do	May 1, 1974
Pulaski Block & Tile, Pulaski County: Cement silo vent.	AP-3	Nov. 20, 1973	do	Feb. 15, 1974
Tarter Gate Co., Inc., Casey County: Sawmill shaving, blowing.	AP-3	Nov. 15, 1973	do	June 1, 1974
Tompkinsville Block Co., Inc., Monroe County: Cement silo vent.	AP-3	Nov. 20, 1973	do	Jan. 15, 1974
Watson Lumber Co., Casey County: Sawdust handling.	AP-3	Nov. 13, 1973	do	Apr. 30, 1974
Deby Cola Co., Clay County:				
Coal storage dump	AP-3	Dec. 28, 1973	do	Feb. 1, 1974
Conveyor	AP-3	do	do	Do.
Screening and crushing	AP-3	do	do	Do.
Coal loading	AP-3	do	do	July 1, 1973
Haul roads	AP-3	do	do	July 1, 1974
Hammons Feed Mill, Laurel County: Hammermill cyclone.	AP-3	Dec. 27, 1973	do	July 1, 1974
Laminated Timbers, Inc., Laurel County:				
Sawdust blower	AP-3	Dec. 19, 1973	do	May 1, 1974
Open burning	AP-3	do	do	Nov. 15, 1973
Hale Lumber Co., Clay County:				
Debarker	AP-3	do	do	May 1, 1973
Blower	AP-3	do	do	Apr. 1, 1974
Haul roads	AP-3	do	do	May 1, 1973
Blower on stavemill	AP-3	do	do	Apr. 1, 1974
Faulkner-Fain Co., Inc., Jessamine County: Spray painting booth.	AP-3	Dec. 20, 1973	do	May 1, 1974
Karst Robbins Coal Co., Inc., Harlan County:				
Belt transfer	AP-3	Dec. 28, 1973	do	Do.
Conveyor transfer to stockpile	AP-3	do	do	Do.
Hawkins Building Supply, Lincoln County: Planing mill exhaust.	AP-3	Dec. 20, 1973	do	Apr. 15, 1974
Mallard Pen & Pencil Co., Inc., Scott County: 01, 02, 03 Paint spray booths (3).	AP-3	Dec. 27, 1973	do	Jan. 31, 1974
Temcrest Division, Safegard Corp., Garrard County: Excelsior picking.	AP-3	Dec. 28, 1973	do	Dec. 31, 1973
Hardy Bros. Mill, Pendleton County: Cyclone separator.	AP-3	Dec. 21, 1973	do	Aug. 1, 1974
Signode Corp., Kenton County:				
Trichlene-phosphatizing unit	AP-5	Dec. 28, 1973	do	Oct. 30, 1974
Degreaser	AP-5	do	do	Do.
Daviess County Sand & Gravel, Daviess County:				
Nos. 1 and 2 cement silo	AP-3	Dec. 27, 1973	do	Feb. 15, 1974
No. 3 truck loadout	AP-3	do	do	Do.
Herbert Woosley Batmill & Sawmill, Ohio County:				
Sawmill	AP-3	Dec. 20, 1973	do	Dec. 31, 1973
Yard area	AP-3	do	do	Oct. 15, 1973
Batmill	AP-3	do	do	Dec. 31, 1973
J. S. Cottrell & Co., Daviess County:				
Sawdust blowpipe discharge	AP-3	Dec. 21, 1973	do	July 15, 1974
Open burning	AP-3	do	do	Oct. 13, 1973
Yard and roads	AP-3	do	do	Nov. 1, 1973
PB & S Chemical Co., Henderson County:				
03, 04, 05, Spray paint Booths	AP-3	Dec. 28, 1973	do	Aug. 30, 1974
07, 08, 09 Container filling	AP-3	do	do	Apr. 2, 1975
Tank vent, trailer vent	AP-3	do	do	Do.
17 Dry chemical blending	AP-3	do	do	Mar. 26, 1975
Saern Lumber Co., Daviess County:				
Yard area and haul roads	AP-3	Dec. 20, 1973	do	Dec. 31, 1973
Debarker and sawmill	AP-3	do	do	Do.
Chipper	AP-3	do	do	Do.
Clarkson Feed Store, Grayson County: Cyclone collector.	AP-3	Dec. 27, 1973	do	May 1, 1974
Hedden-Reed Co., Shelby County:				
Stockpile	AP-3	Nov. 13, 1973	do	Mar. 1, 1974
Haul roads	AP-3	do	do	Do.
Small & Son, Grayson County:				
Circle saw	AP-3	Dec. 20, 1973	do	Dec. 31, 1973
Cutoff saw and sawdust blowpipe	AP-3	do	do	Do.
T & H Feed Service, Inc., Marion County: Cyclone exit.	AP-3	Dec. 28, 1973	do	Oct. 30, 1974
Community Feed Mill, Muhlenberg County: Cyclone exit.	AP-3	Dec. 21, 1973	do	Do.
Kevil Feed & Grain Co., Ballard County:				
Hammermill cyclone	AP-3	Dec. 18, 1973	do	Oct. 6, 1973
Receiving pit	AP-3	do	do	May 15, 1974
Car loading	AP-3	do	do	Dec. 15, 1973
Illinois Central Gulf R.R., McCracken County:				
Locomotive spray paint operation	AP-3	Nov. 26, 1973	do	Apr. 9, 1975
Sand blast	AP-3	do	do	Do.
James Enlow Sawmill, McCracken County:				
Pallet shop dust discharger	AP-3	Dec. 20, 1973	do	Mar. 15, 1974
Yard and roads	AP-3	do	do	Do.
James T. Mathis & Sons Lumber Co., Hickman County:				
Haul roads	AP-3	do	do	June 15, 1974
Sawmill blowpipe discharger	AP-3	do	do	Do.
Debarker	AP-3	do	do	Do.
Chipper	AP-3	do	do	Do.
Lilly Brothers Seed Co., Inc., Christian County: Hammermill cyclone exit.	AP-3	Dec. 24, 1973	do	Oct. 1, 1974
Long Silo Co., Caldwell County: Cement silo	AP-3	Dec. 28, 1973	do	Jan. 1, 1974
Lyles Concrete Co., Graves County: Cement silo vent.	AP-3	Dec. 27, 1973	do	Apr. 30, 1974
Moorman Wood Products, Inc., Muhlenberg County:				
Saw	AP-3	Dec. 20, 1973	do	Aug. 15, 1974
Planer	AP-3	do	do	Do.
Gang saw	AP-3	do	do	Do.
Haul roads	AP-3	do	do	Do.
Moss-American, Inc., Trigg County:				
Sawdust blowpipe discharge	AP-3	do	do	July 1, 1974
Chipper	AP-3	do	do	Do.
Haul road	AP-3	do	do	Do.
Debarker	AP-3	do	do	Do.
Chip loading at railroad car	AP-3	do	do	Do.

Source and location	Regulation involved	Date of adoption	Effective	Final compliance date
Reynolds & Doyle, McCracken County: Spray paint room.	AP-5	do	do	Mar. 30, 1974
Southern States Co-op., Inc., Caldwell County: Cyclone collector.	AP-3	Dec. 27, 1973	do	June 1, 1974
Tri-State Staves Co., Caldwell County:				
01, 02, 03, 04, sawdust blowpipe discharger	AP-3	Dec. 20, 1973	do	Aug. 1, 1974
5 haul roads	AP-3	do	do	Jan. 31, 1974
Warren Elevator, Inc., Todd County:				
Cyclone collector	AP-3	Dec. 28, 1973	do	July 1, 1974
Receiving pit	AP-3	do	do	Do.
Bulkload out	AP-3	do	do	Do.
Grain dryer	AP-3	do	do	Apr. 1, 1975
B & R Lumber Co., Inc., Butler County: Circle saw, multiple rip saw, 3 blowpipe exhaust.	AP-3	Dec. 20, 1973	do	Jan. 31, 1974
Christian Wood Products, Inc., Wayne County:				
Tecpee burner	AP-3	do	do	Jan. 15, 1974
Indirect heat exchanger	AP-3	do	do	Apr. 9, 1975
Cyclone collectors	AP-3	do	do	Oct. 1, 1974
Crane Co., Pulaski County:				
Spray booths	AP-3	do	do	Jan. 31, 1974
Railroad unloading for clays	AP-3	do	do	Jan. 1, 1975
Kilns	AP-3	do	do	Do.
Dale Freeman Timber Co., Taylor County: Blowing sawdust from dimensioning saw.	AP-3	do	do	May 1, 1974
Denney Lumber Co., Pulaski County:				
Debarker	AP-3	Dec. 21, 1973	do	Jan. 15, 1974
Sawdust loading area	AP-3	do	do	Do.
Franklin Lumber Co., Inc., Simpson County:				
Weigh hopper	AP-3	Dec. 20, 1973	do	Dec. 1, 1973
Aggregate conveyor	AP-3	do	do	Do.
Aggregate hopper	AP-3	do	do	Do.
Lonnie Hayes & Sons Stove Co., Inc., Casey County: Stave mill.	AP-3	do	do	Mar. 1, 1974
Rone & McGuyer, Inc., Butler County:				
Planer and circle saw blowpipe exhaust	AP-3	do	do	Dec. 1, 1973
Sawdust blowpipe, gang saw	AP-3	do	do	Do.
Headsaw sawdust blowpipe	AP-3	do	do	Do.
Sewell C. Harlin Lumber Co., Barren County:				
1 and 2 blowpipe exhaust headsaw and edger	AP-3	do	do	July 1, 1974
03 Storage bin for planer	AP-3	do	do	Nov. 1, 1973
04 Debarker	AP-3	do	do	Do.
Somerset Wilbert Vault Co., Pulaski County:				
Cement storage silo	AP-3	Dec. 21, 1973	do	Apr. 1, 1974
Driveway	AP-3	do	do	Do.
Southland Manufacturing, Inc., Warren County:				
Sawdust collection cyclone exhaust	AP-3	Dec. 20, 1973	do	July 1, 1974
Yard area	AP-3	do	do	Nov. 11, 1973
Sprowl Lumber Co., Inc., Monroe County:				
Debarker	AP-3	Dec. 28, 1973	do	May 15, 1974
Headsaw	AP-3	do	do	Do.
Planer	AP-3	do	do	Do.
Haul roads	AP-3	do	do	Oct. 25, 1973
Stinson Lumber Co., Wayne County: Sawmill	AP-3	Dec. 20, 1973	do	Jan. 31, 1974
Watkins Lumber, Barren County: Sawmill	AP-3	Dec. 21, 1973	do	Do.
Withers Pallet Mill, Russell County: Sawdust blowing.	AP-3	Dec. 20, 1973	do	June 1, 1974
Louisville Gas & Electric, Jefferson County:				
Cane Run, unit No. 4	[1] 4.0	Jan. 22, 1974	do	Mar. 1, 1976
Cane Run, unit No. 5	[1] 4.0	do	do	Nov. 1, 1976
Cane Run, unit No. 6	[1] 4.0	do	do	July 1, 1977
Mill Creek, unit No. 3	[1] 4.0	do	do	Do.

[1] These compliance schedules were adopted pursuant to regulation 4.0 of the Air Pollution Control Regulations of the Jefferson County Air Pollution Control District which requires the equivalent emission limitation as regulation AP-4 of the Kentucky Air Pollution Control Commission Regulations approved in the State implementation plan. These schedules are approved by the State of Kentucky Department for Natural Resources and Environmental Protection and submitted in satisfaction of the currently applicable State regulation. They are enforceable by the State agency pursuant to the provisions of KRS 224.450(4).

[FR Doc.74-27072 Filed 11-20-74;8:45 am]

[40 CFR Part 52]

[FRL 298-8]

COMMONWEALTH OF VIRGINIA IMPLEMENTATION PLAN

Proposed Revision

On May 31, 1972 (37 FR 10842), the Administrator of the Environmental Protection Agency published his initial approvals and disapprovals of state implementation plans submitted pursuant to section 110 of the Clean Air Act, as amended in 1970. Shortly thereafter, the Natural Resources Defense Council, Inc. (NRDC) challenged the Administrator's approvals in the United States Court of Appeals for the District of Columbia Circuit on several grounds, including the contention that the plans approved were inadequate to insure maintenance of ambient air quality standards once such standards were attained.

As to this issue, the Court ruled in NRDC v. EPA, 475 F. 2nd 968 (D.C. Circuit, 1973), that the record before the Court was insufficient to ascertain whether the Administrator had made a state-by-state determination as to the plans' adequacy regarding maintenance. Accordingly, the Court ordered the Administrator to review the maintenance provisions of all approved state implementation plans, and disapprove those which did not contain measures necessary to insure maintenance of standards, nor analyze maintenance in a manner consistent with the Administrator's regulations.

Upon further review, the Administrator determined that no State plan contained all of the measures necessary to assure maintenance of the standards, and that no plan had adequately analyzed the impact of growth on air quality maintenance for any significant period of time into the future.

In the notice of disapproval, the Administrator noted that several mechanisms already available under the Act and in regulations would serve to mitigate the impact of overall community growth on air quality maintenance. One of the most important of these was 40 CFR 51.18, which required each State plan to have adequate procedures for review, and where necessary prevent the construction or modification of any stationary source of air pollution at a location where emissions from that source would result in interference with the attainment or maintenance of a national standard. Accordingly, the Administrator determined that these new source review procedures should be expanded to cover not only stationary sources, but also "complex" or "indirect" sources of air pollution facilities which do not themselves emit pollutants, but which attract the increased activity of motor vehicles, a major source of air pollution. The result would be possible violations of the implementation plans transportation control strategy, or interference with the attainment or maintenance of an ambient air quality standard.

Thus, all state implementation plans were disapproved on March 8, 1973, because of their failure to sufficiently assess and provide for maintenance of standards, specifically, for their failure to provide for the above mentioned "indirect" source review. In a separate action on March 8 (39 FR 6290), the Administrator issued an advance notice of proposed rulemaking stating his intention to modify his regulations for preparation of state implementation plans contained in 40 CFR part 51 in order to give further guidance to the States in the preparation of approvable indirect source review measures. In a timetable approved by the D.C. Circuit Court, the Administrator then proposed such new guidelines on April 18, 1973 (38 FR 9599) and promulgated guidelines on June 18, 1973 (38 FR 15834).

Furthermore, in accordance with the order of the D.C. Circuit Court, the Administrator allowed States until August 15, 1973 to submit indirect source review procedures for approval. The Court order further required the Administrator to promulgate regulations by Decemebr 15, 1973, in the event that a State failed to submit indirect source review procedures or if the procedures that were submitted were deemed unapprovable. For those States which failed to submit plans or whose plans could not be approved, the Administrator proposed on October 30, 1973 (38 FR 29893), Federal regulations for review of indirect sources. The major provisions of the proposal were as follows:

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1. Expanding the applicability of new source performance standards to indirect sources.

2. Requiring the owner or operator of an indirect source to obtain approval from the appropriate State authority before commencing modification or construction of such a source.

3. Providing increased opportunity for public participation in proposed determinations.

On December 6, 1973, the Commonwealth of Virginia submitted a proposed amendment to their state implementation plan outlining the regulations for the control and abatement of air pollution within the Commonwealth. The major provisions of the proposal were as follows:

1. Defining the meaning of "indirect source" and other associated terms.

2. Outlining of timetables by when permit applications must be submitted and by when the State must determine approval or disapproval of the permit.

3. Outlining of time frame for public participation.

4. Outlining procedures for the monitoring of the indirect source after the owner of said source has been granted a permit and commences construction of the facility.

On February 25, 1974 (39 FR 7270), the Administrator disapproved the Virginia submission because of procedural deficiencies pursuant to 40 CFR 51.5, and promulgated an indirect source review regulation (40 CFR 52.22(b)) to be incorporated into the Clean Air Act Implementation Plans in 52 States and territories, including the Commonwealth of Virginia. As a follow-up to that regulation, the Administrator noted that additional written comments would be accepted until April 1, 1974, and that where appropriate, revisions may be made to the regulation. The Administrator determined the need for several amendments of a clarifying nature. This clarification appeared in a FEDERAL REGISTER notice on July 9, 1974 (39 FR 25292).

On October 29, 1974, the Commonwealth resubmitted the proposed amendment to their state implementation plan. The resubmission contained the same major provisions as the original submission, and in addition, corrected the procedural deficiencies. The regulation, if approved, would enable the Administrator to rescind § 52.22(b) promulgated in the July 9, 1974 FEDERAL REGISTER (39 FR 25292).

On November 7, 1974, the Commonwealth of Virginia submitted proof that hearings regarding these regulations, with the appropriate 30 day notice, took place on September 27, 1974 in each designated Air Quality Control Region in Virginia.

This notice is issued to advise the public of the receipt of this proposed amendment, and to request public comment on it. Only comments received on or before December 23, 1974, will be considered.

The Administrator's decision to approve or disapprove this proposed revision will be based on whether it meets the requirement of section 110 of the Clean Air Act and EPA regulations in 40 CFR part 51, as amended on June 18, 1973 (38 FR 15834).

Copies of the proposed revision are available for public inspection during normal business hours at the Offices of EPA, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106; at the Office of the Virginia State Air Pollution Control Board, Room 1106, Ninth Street Office Building, Richmond, Virginia, 23219; and at the Freedom of Information Center, EPA, 401 M Street, SW, Washington, D.C., 20460. All comments should be addressed to the Director, Air and Hazardous Materials Division, Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania, 19106.

(42 U.S.C. 1857c-5)

Dated: November 13, 1974.

DANIEL J. SNYDER, III,
Regional Administrator.

[FR Doc.74-27194 Filed 11-20-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 8755]

ARIZONA

Proposed Withdrawal and Reservation of Land

The Forest Service, United States Department of Agriculture has filed an application, Serial Number A 8755, for the withdrawal of lands under the Act of July 9, 1962 (76 Stat. 140; 43 U.S.C. 315g-1).

Subject to valid existing rights the following described lands, acquired in an exchange made pursuant to section 8 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1272; 43 U.S.C. 315g), as amended, would be added to and made a part of the Prescott National Forest and would be subject to all laws and regulations applicable to national forest lands:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 10 N., R. 1 W.,
Sec. 33, Mineral Survey No. 1933.

The area described aggregates approximately 54,766 acres in Yavapai County.

On or before December 23, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

Dated: November 15, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-27284 Filed 11-20-74;8:45 am]

[CA 651]

CALIFORNIA

Notice of Application

NOVEMBER 12, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), the Calnev Pipeline Company has applied for a 14" liquid fuel pipeline right-of-way across the following described lands.

SAN BERNARDINO MERIDIAN
CALIFORNIA

T. 8 N., R. 1 E.,
Sec. 2, lot 2, SW¼NE¼, W½SE¼;
Sec. 11, W½E½;
Sec. 14, W½E½;
Sec. 23, N½NE¼, SW¼NE¼, W½SE¼, SE¼SW¼;
Sec. 26, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼.
T. 9 N., R. 1 E.,
Sec. 26, W½NE¼, NE¼NW¼, W½SE¼;
Sec. 35, W½E½.

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Pub. Notice CM-192]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting and Agenda

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Monday, December 9, 1974, at the Department of State Annex 2, 515 22d Street, NW, Room 507, from 9:30 a.m. to 12 noon. The agenda will include reports on the study of Awards programs and the feasibility of a North-South Center; status reports on the conference of Public Affairs Officers at Nairobi on October 14-16, the International Educational Exchange project of the Institute of International Education, the Board of Foreign Scholarships, the Government Advisory Committee on International Book and Library Programs, and the incorporation of the East-West Center as a separate entity; a review of the Fall issue of Exchange magazine and its "Commission Comments" column; a report on the proposed FY '76 budget of the Bureau of Educational and Cultural Affairs; a discussion of plans for the Advisory Commission's Annual Report to Congress; a discussion of projects to be undertaken by the Advisory Commission in 1975, which include a review of international education operations and plans for the Bicentennial Commemoration; and such new business as may be brought to the attention of the members.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632-2764. Guests will be accommodated up to the seating capacity of the meeting room.

Dated: November 18, 1974.

CAROL M. OWENS,
Acting Staff Director,
Commission Secretariat.

[FR Doc.74-27296 Filed 11-20-74;8:45 am]

T. 7 N., R. 2 E.,
Sec. 4, lot 4;
Sec. 6, E½ lot 2 of NW¼, lots 4, 5 and 6;
Sec. 10, lots 3, 4 and 5;
Sec. 14, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 15, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 23, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 24, N½SW¼, SE¼SW¼, S½SE¼.
T. 8 N., R. 2 E.,
Sec. 31, Lot 4.
T. 6 N., R. 3 E.,
Sec. 4, Lot 3, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 10, W½NW¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 14, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 15, N½NE¼, SE¼NE¼;
Sec. 23, W½NE¼, E½NW¼, W½SE¼;
Sec. 26, N½NE¼, SE¼NE¼, E½SE¼.
T. 7 N., R. 3 E.,
Sec. 30, Lot 1, E½NW¼, W½NE¼, SE¼NE¼;
Sec. 32, N½NE¼, SE¼NE¼.

The proposed pipeline crosses 18.98 miles of national resource land in San Bernardino County and will be used to transport liquid fuel oil to Southern California Edison Company's Lucerne Valley Generating Station.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the State Office, Bureau of Land Management, Federal Office Building, Room E-2841, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.74-27236 Filed 11-20-74;8:45 am]

[CA 652]

CALIFORNIA

Notice of Application

NOVEMBER 12, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185) as amended by the Act of November 16, 1973 (87 Stat. 576), the Southern California Edison Company has applied for a 20" gas pipeline right-of-way across the following described public lands:

SAN BERNARDINO BASE AND MERIDIAN
CALIFORNIA

T. 8 N., R. 1 E.,
Sec. 2, Lot 2, SW¼NE¼, W½SE¼;
Sec. 11, W½E½;
Sec. 14, W½E½;
Sec. 23, N½NE¼, SW¼NE¼, W½SE¼, SE¼SW¼;
Sec. 26, W½NE¼, E½NW¼, N½SE¼, SE¼SE¼.

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T. 9 N., R. 1 E.,
Sec. 26, W½NE¼, NE¼NW¼, W½SE¼;
Sec. 35, W½E½.
T. 7 N., R. 2 E.,
Sec. 4, Lot 4;
Sec. 6, E½ Lot 2 of NW¼, Lots 4, 5 and 6;
Sec. 10, Lots 3, 4 and 5;
Sec. 14, SW¼NW¼, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 15, NW¼NE¼, S½NE¼, NE¼NW¼;
Sec. 23, N½NE¼, SE¼NE¼, NE¼SE¼;
Sec. 24, N½SW¼, SE¼SW¼, S½SE¼.
T. 8 N., R. 2 E.,
Sec. 31, Lot 4.
T. 6 N., R. 3 E.,
Sec. 4, Lot 3, SW¼NE¼, N½SE¼, SE¼SE¼;
Sec. 10, W½NW¼, SE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 14, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 15, N½NE¼, SE¼NE¼;
Sec. 23, W½NE¼, E½NW¼, W½SE¼;
Sec. 26, N½NE¼, SE¼NE¼, E½SE¼.
T. 7 N., R. 3 E.,
Sec. 30, Lot 1, E½NW¼, W½NE¼, SE¼NE¼;
Sec. 32, N½NE¼, SE¼NE¼.

The proposed pipeline will convey gas across 18.98 miles of national resource lands, from a gas metering station at Dagget to the Company's proposed Lucerne Valley Generating Station Site in San Bernardino County, California.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the State Office, Bureau of Land Management, Federal Office Building, Room E–2841, 2800 Cottage Way, Sacramento, California 95825.

JOAN B. RUSSELL,
Acting Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–27237 Filed 11–20–74;8:45 am]

[Wyoming 48335]

WYOMING

Notice of Application

NOVEMBER 14, 1974.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Northwest Pipeline Corporation has applied for a natural gas pipeline right-of-way across the following lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 28 N., R. 113 W.,
Sec. 18, lot 8;
T. 28 N., R. 114 W.,
Sec. 13, SE¼NE¼.

The pipeline will convey natural gas across 0.126 miles of national resource lands.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1869, Rock Springs, Wyoming 82901.

PHILIP C. HAMILTON,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–27238 Filed 11–20–74;8:45 am]

KANAB DISTRICT ADVISORY BOARD

Notice of Meeting

NOVEMBER 12, 1974.

Notice is hereby given that the Kanab District Advisory Board will hold a meeting on December 5, 1974, at 9 a.m. at the Kenab District Office, Kanab, Utah.

The agenda for the meeting will include considering applications and making recommendations for grazing privileges on the national resource lands for the 1975 grazing year, transfers of grazing privileges, allotment management plan licensing, proposed rulemaking for advisory boards under the Advisory Committee Act, new regulations on livestock branding and reports of district programs.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman, c/o District Manager, Bureau of Land Management, P.O. Box 459, Kanab, Utah 84741. In addition, written statements may be filed for the Board's consideration. Additional information concerning the meeting may be obtained from the District Manager, Bureau of Land Management, P.O. Box 459, Kanab, Utah 84741.

MORGAN S. JENSEN,
District Manager.

[FR Doc.74–27235 Filed 11–20–74;8:45 am]

OFF-ROAD VEHICLES

Interim Critical Management Program for Vehicle Use on the California Desert

NOVEMBER 15, 1974.

The Bureau of Land Management entered a new phase of off-road vehicle management in 1973 with its "Interim Critical Management Program for Recreational Vehicle Use on the California Desert". The program was implemented November 1, 1973. After a full season of use and with new national regulations in effect, it was necessary to refine the initial program. A 45 day period for public comments began August 15, 1974, and ended October 1, 1974. This period of gathering comments from other agencies, organizations, and the general public, had the following objectives:

1. To implement new Bureau-wide off-road vehicle regulations. (43 CFR 2920, 6290 as amended May 15, 1974).

2. To devise an improved definition for "existing roads and trails".

3. To fully implement the desert vehicle program.

ANALYSIS AND DECISIONS

1. *Conforming to New Regulations.* Few public comments addressed proposed revisions that (a) all vehicles (not just recreation vehicles) will be governed by the desert vehicle program, (b) that miners and prospectors will not be exempt from ORV regulations. These revisions were required by bureau-wide regulations promulgated by the Secretary of Interior. Letters from individuals rarely addressed either of those revisions, but those that did were mostly in favor. Most organizations, particularly conservation oriented groups, were also in favor. There was some adverse reaction from a few individual prospectors and miners. Two utility companies questioned how their access would be affected and proposed exemptions for certain purposes.

Therefore, on November 1, 1974, all vehicles are governed by the desert vehicle management program. Miners and prospectors are not exempt from the regulations. Emergency vehicle access is allowed. Entry for maintenance, construction, or other purposes requires a permit unless those rights are specifically granted in rights-of-way agreements.

The regulation requiring that "all organized off-road vehicle events in which 25 or more vehicles are involved require a special land use permit" was questioned by some correspondents, mostly rock collectors or four-wheel drive enthusiasts. There was nothing to contest the fact that such permits are necessary to protect resources, promote user safety, and minimize conflicts among various uses in the area involved.

Therefore, all organized off-road vehicle events in which 25 or more vehicles are involved require a special land use permit. When in the judgment of the District Manager, vehicle travel other than on public road ways is necessary to attend a non off-road vehicle event on National Resource Lands, a special land use permit will not be required, unless management of the event is necessary to protect the resources, to promote the safety of users; or to minimize conflicts among the various uses in the area involved. Travel is still governed by area designations. Applications for such permits are processed by either the Riverside District Office, 1414 University Avenue, Riverside, Ca. 92507, or the Bakersfield District Office, Room 311 Federal Building, 800 Truxtun Avenue, Bakersfield, Ca. 93301.

2. *Definition of Roads and Trails.* The proposed roads and trails definition was intended to clarify just where vehicles were to be allowed on desert areas in the category of "vehicle use restricted to existing roads and trails". These areas were judged to be prudently accessible on existing foutes, but not cross-country.

But, in effect, users were not staying on existing roads and trials where broad desert areas were set aside for that type of use. People were widening old routes and creating new ones; trails were becoming roads. The object of containing resource damages was not being met.

That proposed definition of roads and trials generated the most public comments by far. The intent of the proposed definition was erroneously viewed by many off-road vehicle users as an attempt to close more roads and trails arbitrarily. Its clarity and practicality were questioned.

Following are some of the many substantive public comments that helped in devising the final definition:

References to widths should be deleted. Retain the broadest possible such definition.

Without maps, the plan may become meaningless.

Roads and trails unmaintained or seldom maintained often develop sections no longer suitable or safe for vehicular travel, and an alternate bypass may be used.

We object to an 8 foot minimum as many old "two tracks across the desert" are rarely over 6½ feet wide.

Such roads and trails must show significant evidence of surface usage resulting from prior travel. Widening or extending • • • shall be prohibited.

There should be no attempt to make a decision between a road and trails.

The critical element in the definition is "existing". While there could be various criteria for measurements • • • we have no quarrel with the concept of no less than 8 feet wide in the case of roads and 2 feet wide for trails.

Placing a minimum width restriction of 8 feet discriminates against those who have used narrow roads and caused minimal damage.

If weather obliterates this evidence, that does not exclude vehicle use of the affected portion of the route.

In order to stop the spreading effect of trails, the final definition should state that "no deviation of use of an existing trail should be allowed, so as to create wide corridors of bike tracks along the existing trail."

Roads and trails should be closely designated • • • and a widely distributed map should be quickly developed.

In addition to considering public comments, BLM made more than 700 measurements on 100 trails and 75 roads in the desert. Trails that had been used for competition averaged about 45 inches wide and ranged from 16 (only one) to 133 inches wide. Non-event trails averaged 35 inches and ranged from 16 (only one) to 71 inches. Competition roads averaged about 14 feet wide and ranged from 11'0" to 15'5". Utility roads averaged 17'0" and ranged from 8'3" to 44'0". Bladed roads were from 12'8" to 13'5" wide. Unimproved roads were from 5'11" to 18'0" and averaged 10'5". Jeep trails were from 5'3" to 11'5" and averaged 8'7".

All the public comments and suggestions were considered, additional BLM field analyses of roads and trails were made, and this new definition was developed. It takes effect November 1, 1974.

Existing vehicle routes are those established before November 1, 1972, with significant surface evidence of prior vehicle travel and a minimum width of two feet. Widening or extending of these routes is prohibited. If nature eliminates portions it does not exclude vehicle use.

Vehicle travel is permitted only upon those roads and trails designated for use by BLM. Until designation is accomplished vehicle travel is limited to existing routes as defined above.

The 8' width was deleted and replaced by the phrase "widening or extending of these routes is prohibited" because that accomplishes the objective of containment until maps delineating vehicle routes are developed. The minimum width of 2' was set to delete very narrow trails that might be widened and result in more resource damage.

"Significant surface evidence" doesn't mean a once or twice used trail, historical wagon or foot trails or barely disturbed surface and vegetation.

"Vehicle routes" means, for instance, one or two rut lanes or solid swaths well established by repeated vehicle use.

Until maps are completed some roads and trails open under the above definition will quite likely be eliminated, some route locations will be modified, some new routes will be opened. Until that mapped system is gradually completed the above definition will remain in force on areas not mapped. Such maps will be available at BLM district offices. They will be developed with public participation. Notices will be posted.

3. *Full Implementation.* Finally, the proposal to fully implement the desert vehicle program (rather than concentrating on enforcement priority areas) again reflected the polarization of opposing, extreme philosophies; those who favor few or no restrictions and those who favor more restrictions. Most letters that addressed this particular proposal were general expressions of those philosophies, and few questioned the intent to provide for more visitor assistance and public education on the program.

Therefore, on November 1, 1974, the vehicle program will be implemented throughout the desert rather than concentrating enforcement on priority areas. More widespread visitor assistance and public education efforts will be undertaken.

Agencies and organized groups that responded to the request for comments include World of Rockhounds Association, the Wilderness Society, Sierra Club, Environmental Defense Fund, State Resources Agency, Bureau of Reclamation, American Motorcycle Association, American Federation of Mineralogical Societies, Desert Protective Council, California Association of Four-Wheel Drive Clubs, Scientists from the University of California at Berkeley and at Riverside, Citizens to Ban Off-Road Vehicles, California Off-Road Vehicle Association, National Wildlife Federation, American Land Conservation Council, California Federation of Mineralogical Societies, Audubon Society, Ecology Center of Southern California, Desert Magazine, and California Outdoor Recreation League. Also, over 1,800 comments were received from individual citizens.

The ultimate aim of the program is to provide for wise multiple use of the desert in a manner protecting people and the resources upon which they depend. The intent is neither to gradually eliminate vehicle use nor to allow gradual depletion of resources.

The 1973 vehicle program was formed on a near emergency basis because of the bearing large numbers of people were having on each other and on the desert itself. These 1974 revisions are to improve that initial effort.

It must be recognized that human needs are reflected in leisure activities: self-esteem, recognition of individual worth, distraction, use of sensory and physical abilities, knowledge, companionship, creativity and spirituality. All these needs reflect a search for something not afforded in the routine of daily living. For many, recreation vehicles are a means to that end.

Desert recreational use rose to over eleven million visitor use days in 1973, compared to five million in 1968. Public demand ("need") is unquestionable. It is also unquestionable that use of that magnitude requires management to protect users and resources.

Deaths, serious injuries and human conflicts have multiplied. Biological, physical and cultural values have been adversely affected—often inadvertently, sometimes intentionally. Most people are knowledgable and are as eager to prevent adverse affects as they are to preserve their right to use the desert.

There will be further changes. As more is learned there likely will be some realignment of area boundaries in the desert vehicle program, further restrictions if deemed necessary to protect people and resources, and roads and trails open or closed to use will be posted and mapped as explained earlier in this report. Some broad areas will remain open, some will remain closed. To envision less is to assume falsely that desert use will lose its appeal to those vast numbers of people who now enjoy it.

The November 1, 1974, modifications of the original Interim Critical Management Program pursue the goals described. As time progresses these and other modification will be put into a final plan. Maps showing vehicle routes will be developed on a priority area basis and may include further changes as management decisions are developed. Each map, as it is completed, will go into effect after proper public notice.

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The region affected by the program is depicated by the following map:



The designated areas are as follows and apply only to National Resource Lands. A map of these areas is available on request. Write to State Director, Bureau of Land Management, 2800 Cottage Way, Sacramento, California 95825.

1. Eureka Dunes—Special Design. Located twenty miles east of Big Pine.
2. North Saline Valley—Closed. Located fifteen miles northeast of Owens Lake.
3. Saline-Panamint—Designated Roads and Trails. Located east of the Inyo and Argus Mtns. and includes Saline and Panamint Valleys.
4. Olancha—Open. Located south and east of Owens Lake between Highways 395 and 190.
5. Darwin Falls—Closed. Located one mile south of State Highway 190 at the north end of the Argus Range near Darwin.
6. Walker Pass/El Paso—Designated Roads and Trails.
7. Lone Tree Canyon—Designated Roads and Trails. Northwest of Mojave.
8. Dove Springs—Open. Located twenty-five miles north of Mojave.
9. Jawbone Canyon—Special Design. S.W. of Red Rock Canyon.
10. Tortoise Preserve—Closed. North of California City.
11. Rand Mountains/Spangler Hills—Open. Northwest of Randsburg.
12. Randsburg/Johannesburg—Designated Roads and Trails. Public land surrounding the communities of Randsburg and Johannesburg.
13. Trona Pinnacles—Designated Roads and Trails. Twenty miles east of Ridgecrest at the south end of Searles Lake.
14. Red Mountain/Cuddeback—Restricted to Existing Vehicle Routes and Competitive Courses. Located on the east side of Highway 395 approximately twenty miles north of Kramer Jct.
15. Fremont Peak—Restricted to Existing Vehicle Routes. Located on the east side of Highway 395 approximately six miles north of Kramer Jct.
16. Calico/Coyote Lake—Designated Roads and Trails. Including Calico Hills, Superior Valley and Black Mt. north of Barstow.
17. Amargosa Canyon—Closed. Located forty miles north of Baker and east of State Highway 127.
18. Dumont Dunes N.W.—Open. Includes the N.W. Portion of Dumont Dunes.
19. Dumont Dunes—Special Design. Forty miles north of Baker and east of State Highway 127.
20. Kingston Mountains—Designated Roads and Trails. Eight miles east of Tecopa.
21. Ivanpah Valley—Special Design. Bisected by I–15 lying along the California-Nevada border.
22. Clark Mountain—Closed. Located three and one-half miles N.W. of Mountain Pass, north of I–15.
23. Eastern Mojave—Designated Roads and Trails. Located between freeways I–40 and I–15.
24. Kelso Dunes—Closed. Located four miles south of Kelso and west of Kelbaker Road.
25. Mohave Basin—Special Design. Located south of I–15 in the vicinity of Baker.
26. El Mirage Lake—Special Design. Located fifteen miles west of Victorville.
27. Shadow Mountains—Special Design Competition. Northwest of Adelanto.
28. Kramer Hills/Iron Mountain—Special Design Competition. Northeast of Adelanto.
29. Stoddard Valley—Special Design Competition. South of Barstow and east of I–15.
30. Upper Johnson Valley—Open. Located twenty five miles east of Lucerne Valley.
31. Bigelow Cholla—Closed. Located in the Sacramento Mtns. eighteen miles west of Needles.
32. Needles—Special Design. Located west of Needles.
33. Whipple Mountains—Closed. Between the Colorado River and State Highway 95 north of aqueduct road.
34. Turtle Mtns. Interior—Closed. Fifteen miles northeast of Vidal Junction.
35. Turtle Mtns. Perimeter—Designated Roads and Trails. Surrounding the Turtle Mountains.
36. Old Woman Mountains—Designated Roads and Trails. Fifteen miles south of Essex.
37. Cadiz Valley/Danby Lake—Open. Located twenty miles southeast of Amboy.
38. Dale District—Special Design. South of Twentynine Palms.
39. East Morongo—Designated Roads and Trails. Located S.W. of the community of Morongo Valley.
40. Whitewater—Designated Roads and Trails. Located adjacent to San Bernardino National Forest west of Morongo Valley.
41. Bighorn—Designated Roads and Trails.
42. Grapevine—Designated Roads and Trails.

Foothill area lying along north edge of the San Bernardino Mountains adjacent to the national forest boundary.

43. Desert Lily—Closed. Eight miles north of Desert Center.
44. Palen Dry Lake—Special Design. Located ten miles east of Desert Center, north of I–10.
45. Ford Dry Lake—Open. Northeast of Desert Center and north of I–10.
46. McCoy Valley—Open. Twelve miles northwest of Blythe.
47. Little Chuckwalla Mountains—Open. Fifteen miles southwest of Blythe.
48. Big Chuckwalla Mountains—Designated Roads and Trails. Located south of Desert Center.
49. Chiriaco Summit—Open. South of I–10, thirty miles east of Indio.
50. Orocopia Foothills—Designated Roads and Trails. Located thirty miles east of Indio.
51. Orocopia Mountains—Closed. Located twenty-five miles east of Indio and south of I–10.
52. Mecca Foothills—Special Design. Ten miles southeast of Indio.
53. Mecca Hills Interior—Closed. Twelve miles southeast of Indio and north of State Highway 195, east of Mecca.
54. Salt Creek—Closed. Located twenty-eight miles southeast of Indio east of the Salton Sea.
55. Santa Rosa Mountains—Designated Roads and Trails.
56. San Felipe/Superstition Hills—Special Design. Located east of Anza Borrego State Park.
57. San Sebastian March—Closed. Along San Felipe Creek eleven miles south of Salton City.
58. Navy Lease—Special Competition Area. Located north of Plaster City.
59. Coyote Mountain—Designated Roads and Trails. Located approximately seven miles west of Plaster City.
60. Plaster City—Open. Northwest of I–80, twenty miles west of El Centro.
61. Yuha Basin—Designated Roads and Trails. East of Ocotillo between Highway 8 and Sunrise Butte.
62. Davies Valley—Special Design. South of Ocotillo.
63. Crucifixion Thorn—Closed. Six miles east of Ocotillo on Highway 98.
64. Pinto Wash—Special Design. Southwest of Plaster City. Adjacent to International Border.
65. Mammoth Wash—Open. Located at the north end of the Imperial Sand Dunes and north of Highway 78.
66. Glamis/Imperial Sand Dunes (North)—Closed. Eighteen miles east of Brawley, north of State Highway 78. The closure does not include the area around the Glamis Store. Corridors have been provided between the top of the high dunes and the vegetation west of the high dunes (between Highway 78 and the Mammoth Wash area), and along the north side of Highway 78 from the high dunes to Glamis.
67. East Mesa—Special Design. Located across the Coachella Canal west of the Imperial Sand Dunes and south of Highway 78.
68. Glamis/Imperial Sand Dunes (South)—Open. North of I–8 to Highway 78 and forty miles east of El Centro.
69. Plank Road—Special Design. Near Gray's Well.
70. Buttercup Valley—Open. Ten miles west of Yuma, Arizona and south of I–8.
71. Picacho—Designated Roads and Trails. Fifteen miles north of Yuma, Arizona and west of the Colorado River.

Effective Date: These actions are effective November 1, 1974.

Dated: November 15, 1974.

J. R. PENNY,
California State Director,
Bureau of Land Management.

[FR Doc.74–27239 Filed 11–20–74;8:45 am]

NEVADA GRAZING DISTRICT ADVISORY BOARD

Change of Meeting Date

NOVEMBER 14, 1974.

Notice is hereby given that the Las Vegas Grazing District Advisory Protest Meeting will be held December 10, 1974 at 9 a.m. at the Bureau of Land Management District Office. The agenda will consist of hearing protests on any actions determined or considered adverse during the regular advisory board meeting which was held on November 6, 1974. The protest meeting was originally scheduled for December 5, 1974.

E. I. ROWLAND,
State Director.

[FR Doc.74–27267 Filed 11–20–74;8:45 am]

PRINEVILLE DISTRICT ADVISORY BOARD

Notice of Meeting

The Prineville District Advisory Board will meet on December 19, 1974 commencing at 8:30 a.m. in the Prineville District Office, Bureau of Land Management, 185 E. Fourth Street, Prineville, Oregon.

The purpose of this meeting includes the hearing of protestants in response to adverse recommendations rendered on grazing applications, report of progress in various resource management activities, and other matters which may come before the board.

The meeting is open to the public. Room capacity, however, is limited to approximately 30 persons.

Individuals wishing to make oral statements or present written statements to the board for consideration during the course of this meeting are requested to contact the Chairman of the Board, in care of the co-chairman: Prineville District Manager, P.O. Box 550, Prineville, Oregon, prior to the meeting.

PAUL W. ARRASMITH,
District Manager.

NOVEMBER 11, 1974.

[FR Doc.74–27270 Filed 11–20–74;8:45 am]

Fish and Wildlife Service

EASTERN TIMBER WOLF IN MINNESOTA

Review of Status

The U.S. Fish and Wildlife Service has received a petition dated October 4, 1974, from Mr. Robert L. Herbst, Commissioner of the Minnesota Department of Natural Resources, seeking to exclude Minnesota from the range over which the eastern timber wolf (*Canis lupus lycaon*) is determined to be an endangered species as provided by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543). Notice, as required by section 4(c)(2) of that Act, is hereby given of this Service's determination that the petitioner has presented sufficient evidence to warrant a review to determine whether the eastern timber wolf in Minnesota should be removed from the List of Endangered Species promulgated pursuant to that Act.

All interested parties are invited to submit to the Director, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, any factual information which is germane to this review on or before December 23, 1974. This information, together with material already available or which may become available to the Director, will be reviewed to determine whether there are data sufficient to warrant a determination that one or more populations of the eastern timber wolf are not endangered species.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

NOVEMBER 18, 1974.

[FR Doc.74–27256 Filed 11–20–74; 8:45 am]

Geological Survey

EARTHQUAKE STUDIES ADVISORY PANEL

Notice of Public Meeting and Agenda

Pursuant to Pub. L. 92–463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Tuesday, December 10, 1974, and continuing through Wednesday, December 11, 1974. The Advisory Panel will meet in the Topographic Building, Conference Room A, U.S. Geological Survey, 345 Middlefield Road, Menlo Park, California 94025.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is chaired by Professor Frank Press and is composed of persons drawn from the fields of geology, geophysics, engineering, rock mechanics, and socio-economics, primarily from the academic community.

(3) *Agenda.* Review or progress on development of a national program of earthquake hazards reduction and formulation of long-range plans for earthquake research.

For more detailed information about the meeting, please call Dr. Robert M. Hamilton, Chief, Office of Earthquake Studies, Reston, Virginia 22092 (703) 860–6472.

V. E. MCKELVEY,
Director, Geological Survey.

[FR Doc.74–27269 Filed 11–20–74;8:45 am]

Office of the Secretary

DEVELOPMENT OF FEDERAL PHOSPHATE RESERVES IN SOUTHEASTERN IDAHO

Intent To Prepare Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Departments of the Interior and Agriculture have determined that numerous applications now before their agencies for approval and relating to a variety of proposed activities in connection with mining and processing of Federal phosphate resources in southeastern Idaho would, if approved, collectively represent a major Federal action likely to significantly affect the quality of the human environment.

The Departments have thus determined that an environmental impact statement is required, and that such a statement will be prepared jointly under the general leadership of the U.S. Geological Survey. The statement will encompass the general area of present operations on the adjacent to the Caribou National Forest.

Notices of availability and possible public hearings will be published by the Department of the Interior at such time as the draft environmental statement is filed with the Council on Environmental Quality.

To be considered and included in the proposed environmental statement, all proposed mining and reclamation plans, prospecting permit applications, and all other major related permit applications now being anticipated by industry should be submitted to appropriate offices of the Forest Service, Bureau of Land Management, or Geological Survey before December 31, 1974. Action on major relevant applications received after that date may be delayed or deferred well beyond the date on which the announced environmental statement is filed in final form with the Council on Environmental Quality.

Dated: November 15, 1974.

JOHN C. WHITAKER,
Under Secretary of the Interior.

[FR Doc.74–27244 Filed 11–10–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

DEVELOPMENT OF FEDERAL PHOSPHATE RESERVES IN SOUTHEASTERN IDAHO

Intent To Prepare Environmental Impact Statement

CROSS REFERENCE: For a document relating to a forthcoming environmental impact statement on the development of Federal phosphate reserves in southeastern Idaho, filed jointly by the Department of the Interior and the Department of Agriculture, see FR Doc. 74–27244, supra.

Soil Conservation Service

BAYOU BONNE IDEE WATERSHED PROJECT, LOUISIANA

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Bayou Bonne Idee Watershed Project, Morehouse Parish, Louisiana, USDA–SCS–ES–WS–(ADM)–74–23–(F).

The environmental statement concerns a plan for watershed protection,

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flood prevention, drainage, and recreation. The planned works of improvement include conservation land treatment, supplemented by channel work, four water control structures, and recreational development. The channel work will involve clearing and debris removal on 59 miles of existing channels, 15 miles of new channel construction, and 128 miles of enlargement by excavation to provide improved water management in a flatland watershed that is 80 percent agricultural cropland and grassland. Of the 187 miles of work proposed on existing streams or channels, 126 miles will involve those with only ephemeral flow, and 31 miles with intermittent flow. The balance involves either existing ponded or flowing water or completely new channels where none existed before. The recreational development will provide 97,200 visitor-days of recreation annually.

The final environmental impact statement has been filed with the Council on Environmental Quality.

A limited supply of copies is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 14, 1974.

J. W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-27228 Filed 11-20-74;8:45 am]

EAST FORK POND RIVER WATERSHED PROJECT, KENTUCKY

Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (38 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the East Fork Pond River Watershed Project, Todd, Christian, and Muhlenberg Counties, Kentucky, USDA-SCS-EIS-WS-(ADM)-74-1-(D)-KY.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement provide for conservation land treatment, two floodwater retarding structures, and 15.8 miles of channel work.

A limited supply of the draft EIS is available at the following location to fill single copy requests:

Soil Conservation Service, USDA, 333 Waller Avenue, Lexington, Kentucky 40504.

Copies of the draft EIS have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Glen E. Murray, State Conservationist, Soil Conservation Service, 333 Waller Avenue, Lexington, Kentucky 40504.

Comments must be received on or before January 13, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 14, 1974.

J. W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-27229 Filed 11-20-74;8:45 am]

LOWER ELK RIVER WATERSHED PROJECT, KANSAS

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; § 1600.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Lower Elk River Watershed Project, Elk, Chautauqua, and Wilson Counties, Kansas.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Robert K. Griffin, State Conservationist, Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project concerns a plan for watershed protection and flood prevention. The planned works of improvement remaining to be built include conservation land treatment supplemented by 17 floodwater retarding structures.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA, 760 S. Broadway, Salina, Kansas 67401.

No administrative action on implementation of the proposal will be taken until December 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 13, 1974.

J. W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-27227 Filed 11-20-74;8:45 am]

MAIN STREET CANYON WATERSHED PROJECT, CALIFORNIA

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, and § 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Main Street Canyon Watershed Project in western Riverside County, California.

This project is being constructed under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 566, 83rd Congress, 68 Stat. 666) as amended.

The environmental assessment of this federal action indicates that the remaining uncontracted portion of the project known as Stage Two involving construction of 1.6 miles of channel and a debris basin in Main Street Wash in the City of Corona will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. George H. Stone, State Conservationist, Soil Conservation Service, USDA, P.O. Box 1019, Davis, California, 95616, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The 4,900 acre project concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment for watershed protection and fire protection supplemented by 3.3 miles of channel improvement on Main Street Wash and one debris basin.

The environmental assessment file is available for inspection during regular working hours at Soil Conservation offices at:

3564 Central Avenue, Suite 2A, Riverside, CA 92506
2828 Chiles Road, Davis, CA 95616

No administrative action on implementation of the uncontracted project work will be taken until December 6, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services)

Dated: November 14, 1974.

J. W. HAAS,
Acting Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-27226 Filed 11-20-74;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Administrative Order 205-12; Rev. App. C]

ECONOMIC DEVELOPMENT ADMINISTRATION

Public Information Services

Appendix C to Department Administrative Order 205-12 of July 4, 1967, as amended and appended, is hereby revised. Below is the revised Appendix C, "Public Information Services at the Economic Development Administration[1]," dated June 24, 1974. It supersedes the Appendix C, same subject, of February 14, 1972. In addition, it supersedes in part, 37 FR 9679 of May 16, 1972.

Effective date: November 1, 1974.

GUY W. CHAMBERLIN, JR.,
Acting Assistant Secretary for Administration.

APPENDIX C

PUBLIC INFORMATION SERVICES AT THE ECONOMIC DEVELOPMENT ADMINISTRATION

A. *Purpose.* The purpose of this Appendix is to describe, in general, the public information services of the Economic Development Administration (EDA), to describe the places at which, and the methods whereby, the public may obtain information, to inform the public as to the availability of its statistical reports, data, files, unpublished materials, special tabulations, rules, regulations, procedures, instructions, forms or other requirements established by the Economic Development Administration which affect the public, and otherwise to comply with the requirements of 5 U.S.C. 552 (Pub. L. 90-23, 81 Stat. 54).

B. *Public Information Services. a. Description of Services.* The Office of Public Affairs, EDA, has available a variety of pamphlets, bulletins, and announcements describing EDA programs, accomplishments, and activities. This office maintains a reference file of photographs, news releases announcing grants, loans and other projects, and material of general interest concerning EDA and economic development.

b. *Availability of Services.* Requests for free publications, all general inquiries from the public, and inquiries from representatives of news or other media as well as information about the availability of reports of economic research studies and technical assistance projects, conducted or supported by EDA, should be directed to the Office of Public Affairs, which is located in Room 7019, Commerce Building, 14th Street between Constitution Avenue and E Street, NW, Washington, D.C. 20230. The telephone number is (202) 967-5113.

For the convenience of the public, most of the materials available for public inspection and copying in the Office of Public Affairs, EDA, are also made available in the following Regional Offices:

EDA Atlantic Regional Office, Rm. 10424, Federal Building, 600 Arch Street, Philadelphia, Pennsylvania 19106. Telephone: (215) 597-4603.

EDA Southeastern Regional Office, Suite 555, 1401 Peachtree Street, NE, Atlanta, Georgia 30309 Telephone: (404) 526-6401.

EDA Rocky Mountain Regional Office, Suite 505, Title Building, 909 17th Street, Denver, Colorado 80202. Telephone: (303) 837-4714.

EDA Midwestern Regional Office, Rm. 1025, 32 West Randolph Street, Chicago, Illinois 60601. Telephone: (312) 353-7706.

EDA Southwestern Regional Office, 702 Colorado Street, Austin, Texas 78701. Telephone: (512) 397-5461.

EDA Western Regional Office, Suite 500, Lake Union Building, 1700 West Lake Avenue, North, Seattle, Washington 98109. Telephone: (206) 442-0596.

c. *Publications of the Economic Development Administration.* EDA publications are listed in the annual Catalog of Commerce Publications and the weekly Business Service Checklist. In addition, EDA's monthly Development Newsletter lists new EDA publications. These publications are available from the Superintendent of Documents, U.S. Government Printing Office, or from any Business Service Center of the Bureau of Domestic Commerce, Department of Commerce.

d. *Other Information Services.* Inquiries concerning specific EDA projects, or the status of individual project applications, should be directed to the appropriate Regional Director, at the address shown in paragraph B. b. of this Appendix. The geographic areas covered by each Regional Office are shown in Section 11 of Department Organization Order 45-1. Where appropriate, the Regional Director will transmit these inquiries to the Office of Public Affairs, Washington, D.C., in accordance with section D of this Appendix.

C. *Guide to Published Rules and Regulations.* Rules and regulations pertaining to the grant, loan and technical assistance programs of the Economic Development Administration, issued to implement the Public Works and Economic Development Act of 1965, as amended, are contained in Title 13, Chapter III, Code of Federal Regulations. These rules, as published, contain the matters required by 5 U.S.C. 552.

D. *Submission of Requests and Applications.* 1. Instructions for making any request or application for assistance from EDA, including an identification of the established places at which such submissions should be made, are contained in the regulations cited in section C. of this Appendix.

2. Any member of the public desiring to make any other submittals, or to obtain information with regard to any of the activities or functions of the Economic Development Administration, should direct such submissions or requests to the Director, Office of Public Affairs, EDA, at the address indicated in paragraph B. b. of this Appendix.

E. *Delegation of Authority.* The Director, Office of Public Affairs and the Chief Counsel have been delegated or redelegated the authority to take actions or make decisions, concerning the release of information on project applications or other matters affecting the public; they are identified in the rules and regulations cited in section C. of this Appendix. Adverse decisions are subject to appeal to the Assistant Secretary for Economic Development.

F. *Inspection and copying of opinions and orders.* 1. All final opinions of the Economic Development Administration made in the adjudication of cases, statements of policy and interpretations not published in the FEDERAL REGISTER, administrative staff manuals and instructions to staff that affect a member of the public, and any other materials required to be made available for public inspection and copying by 5 U.S.C. 552(a)(2), are made available for such purposes at the Office of Public Affairs, EDA, Room 7019, Commerce Building, Washington, D.C. (The postal address is Washington, D.C. 20230; the telephone number is (202) 967-5113). Rules concerning the use of this facility are contained in Part 301, Title 13, Code of Federal Regulations, and may also be obtained from the Department of Commerce reference facility.

G. *Inspection of Records.* Rules for persons desiring, pursuant to 5 U.S.C. 552(a)(3), to inspect records of the Economic Development Administration, which are not available to the public as part of the regular public information services of the EDA, are contained in Part 301, Title 13, Code of Federal Regulations. Requests for inspecting such records may be made by letter to the Office of Public Affairs, EDA or by using the optional "Application To Inspect Records" (Form CD-244), available from the Office of Public Affairs, EDA, or from any Department of Commerce field office.

Dated: June 24, 1974.

WILLIAM W. BLUNT, JR.,
Assistant Secretary for Economic Development.

[FR Doc.74-27273 Filed 11-20-74;8:45 am]

[1] This revised appendix, effective November 1, 1974, further amends the material appearing at 32 FR 9734 of July 4, 1967; 35 FR 6601 of April 24, 1970; 36 FR 19096 of September 28, 1971; and 39 FR 39304 of November 6, 1974.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting; Correction

Notice of public meeting of the National Advisory Council on Vocational Education printed in the FEDERAL REGISTER on Friday, November 15, 1974 at 39 FR 40319 showed date of December 10, 1974.

This date is in error. The correct date of meeting is December 9, 1974.

Signed at Washington, D.C., on NOVEMBER 19, 1974.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.74-27534 Filed 11-20-74;8:45 am]

Food and Drug Administration

[FAP 5B3050]

BORG-WARNER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5B3050) has been filed by Carr, Bonner, O'Connell, Kaplan and Thompson, 900 Seventeenth St., NW., Washington, DC 20006, on behalf of Borg-Warner Corp. proposing that the food additive regulations be amended to provide for the safe use of an acrylonitrile/butadiene/styrene/methyl methacrylate copolymer in contact with food, other than carbonated beverages.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be

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seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 15, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74–27217 Filed 11–20–74;8:45 am]

Office of the Secretary

PRESIDENT'S COMMITTEE ON MENTAL RETARDATION

Notice of Meeting

The President's Committee on Mental Retardation was established to provide advice and assistance in the area of mental retardation to the President including evaluation of the adequacy of the national effort to combat mental retardation; coordination of activities of Federal agencies; provision of adequate liaison between Federal activities and related activities of State and local governments, foundations and private organizations; develop information designed for dissemination to the general public. The Committee will meet on Wednesday, December 11, 1974, 7:30 to 9 p.m., Thursday, December 12, 1974, from 9 a.m. to 5 p.m. and on Friday, December 13, from 9 a.m. to 12.30 p.m., at the Sheraton Palace Hotel, Market and New Montgomery Streets, San Francisco, California 94119. The meeting will be a Regional Public Forum with testimony from selected individuals and questions received from participants. The following States and Territories will participate: Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Washington, American Samoa, Guam, and the American Trust Territory. These meetings are open to the public.

Dated: November 7, 1974.

FRED J. KRAUSE,
Executive Director, President's Committee on Mental Retardation.

[FR Doc.74–27249 Filed 11–20–74;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION

SYMBOL FOR USE IN CONNECTION WITH THE COMMEMORATION OF THE AMERICAN REVOLUTION BICENTENNIAL

The Administrator of the American Revolution Bicentennial Administration hereby gives notice and certifies that the name "ARBA the Eagle," and the character ARBA the Eagle illustrated herein was originated under the authority of the American Revolution Bicentennial Administration as a symbol for use in connection with the commemoration of the American Revolution Bicentennial.

This action is taken pursuant to section 2(i) of Pub. L. 93–179, approved December 11, 1973, which provides as follows:

Whoever, except as authorized under rules and regulations issued by the Administrator, knowingly manufactures, reproduces, or uses any logos, symbols, or marks originated under authority of and certified by the Administrator for use in connection with the commemoration of the American Revolution Bicentennial, or any facsimile thereof, or holds out to the public objects in such a manner as to suggest any such logos, symbols, or marks not officially authorized by the Administrator, shall be fined not more than $250 or imprisoned not more than six months or both: *Provided*, That this section shall be applicable upon publication in the Federal Register of notification of certification hereunder by the Administrator with respect to each such logo, symbol, or mark.

JOHN W. WARNER,
Administrator.

NOVEMBER 6, 1974.



[FR Doc.74–27003 Filed 11–20–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–249]

COMMONWEALTH EDISON CO.

Proposed Issuance of Amendment to Facility Operating License

The Atomic Energy Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–25 issued to the Commonwealth Edison Company (the licensee) for operation of the Dresden Nuclear Power Station Unit 3 (the facility) located in Grundy County, Illinois.

The amendment would change the provisions of the Technical Specifications to permit operation of the facility with a slight increase in the core thermal safety limit for operations involving high peaking factors in accordance with the licensee's application for license amendment dated May 27, 1974, as supplemented by filing A dated October 22, 1974.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Act and the Commission's regulations.

On or before December 23, 1974, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and § 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to John W. Rowe, Esquire, the attorney for the applicant, One First National Plaza, Chicago, Illinois 60670.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or the licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to this action, see the application for amendment dated May 27, 1974, and supplement thereto dated October 22, 1974, which is available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Morris Public Library, 604 Liberty Street, Morris, Illinois 60670. As they become available, the Commission's related Safety Evaluation and license amendment and any attachments may be inspected at the above locations. A copy of the license amendment and attachments and the Safety Evaluation, when available, may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland this 14th day of November, 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74–27223 Filed 11–20–74;8:45 am]

[Docket No. 50–321]

GEORGIA POWER CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 5 to Facility Operating License No. DPR–57 issued to the Georgia Power Company which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant Unit 1, located in Appling County, Georgia. The amendment is effective as of its date of issuance.

The amendment changes the Technical Specification to specify the limiting flow rate trip setting of 300 percent rather than specify a Δp set point on the trip initiating instrumentation that would correspond to 300 percent of the design steam flow rate.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated November 14, 1974, (2) Amendment No. 5 to License No. DPR–57, with any attachments, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Georgia 31513.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 15th day of November, 1974.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactor Projects Branch 2–1, Directorate of Licensing.

[FR Doc.74–27224 Filed 11–20–74;8:45 am]

[Docket No. 50–410]

NIAGARA MOHAWK POWER CORP.

Order

NOVEMBER 15, 1974.

In the matter of Niagara Mohawk Power Corporation (Nine Mile Point Nuclear Station, Unit 2).

The oral argument scheduled by our order of October 31, 1974 to begin at 10 a.m. on Wednesday, December 4, 1974, is hereby rescheduled to begin at 9:30 a.m. on that day. Counsel should arrange to be present in the courtroom no later than 9:15 a.m. All other provisions of the October 31, 1974 order remain in effect.

It is so ordered.

For the Atomic Safety and Licensing Appeal Board.

ROMAYNE M. SKRUTSKIN,
Secretary to the Appeal Board.

[FR Doc.74–27225 Filed 11–20–74;8:45 am]

[Docket Nos. 50–443, 50–444]

PUBLIC SERVICE CO. OF NEW HAMPSHIRE ET AL.

Notice and Order for Fourth Prehearing Conference

In the matter of Public Service Company of New Hampshire, *et al.* (Seabrook Station, Units 1 and 2).

Notice is hereby given that a fourth prehearing conference will be held in the above-captioned proceeding by the Atomic Safety and Licensing Board (the Board) on Thursday, December 12, 1974, at 9 a.m., local time, in the Probate Court, Rockingham Justice Building, Hampton Road, Exeter, New Hampshire. The Board will consider the following matters at this fourth prehearing conference:

(1) The status of discovery;

(2) The need for further discovery and the time required therefor;

(3) All outstanding motions;

(4) The status of issuance of relevant documents by the AEC Regulatory Staff;

(5) The effects on this proceeding of the promulgation by the Environmental Protection Agency on October 8, 1974 of the "Effluent Guidelines and Standards, Steam Electric Power Generating Point Source Category," 39 FR 36186; and

(6) Such other matters as may aid in the orderly disposition of the proceeding.

Regarding the motion made by the intervenor Donald B. Ross to reconsider ruling 34 of the Third Prehearing Conference Order, the Board hereby directs that the intervenor Ross be prepared at the fourth prehearing conference to identify specifically which regulations of the Environmental Protection Agency he claims the proposed plant will not meet and to set out with particularity the factual basis for his contention that the proposed plant will not meet the specific regulations identified.

The parties are directed to confer in advance of the fourth prehearing conference in such manner as they may deem appropriate and report to the Board at said conference on any stipulations or any other mutually agreeable procedures to expedite the proceeding. In this connection, the Board will expect to be advised whether any stipulation has been reached between the Applicants and the Intervenor New England Coalition on Nuclear Pollution (NECNP) with regard to the controversy arising from the Applicants' objections to interrogatories 7, 8, and 9 in NECNP's second set of interrogatories.

Members of the public are invited to attend this fourth prehearing conference.

Issued at Bethesda, Maryland, this 15th day of November 1974.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.74–27222 Filed 11–20–74;8:45 am]

[Docket No. 50–471]

BOSTON EDISON CO. PILGRIM NUCLEAR POWER STATION UNIT 2

Availability of Summary of New or Revised Sections of Final Environmental Statement

Notice is hereby given that a document entitled Summary of New or Revised Sections of the Final Environmental Statement for the Pilgrim Nuclear Power Station Unit 2 which were required as a result of withdrawal of the application for Pilgrim Nuclear Power Station Unit 3, final version ("the Revisions") prepared by the Commission's Directorate of Licensing, related to the proposed Pilgrim Nuclear Power Station Unit 2, to be constructed by the Boston Edison Company on the western shore of Cape

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Cod Bay and south of Plymouth Bay in the Town of Plymouth, Plymouth County, Massachusetts, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and in the Plymouth Public Library, North Street, Plymouth, Massachusetts. The document is also being made available at the Office of State Planning and Management, Leverett Saltonstall Building, 100 Cambridge Street, Room 909, Boston, Massachusetts and the Southeastern Massachusetts Regional Planning and Economic Development District, 68 Winthrop Street, Taunton, Massachusetts. Copies may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

On June 18, 1974, the AEC Regulatory Staff ("Staff") issued a Draft Environmental Statement ("DES") for the Pilgrim Nuclear Power Station, Units 2 and 3, Docket Nos. 50–471 and 50–472 (39 FR 21177). On July 1, 1974, the Applicant, Boston Edison Company, requested permission of the Atomic Safety and Licensing Board ("ASLB") to withdraw the application for Unit 3, and this permission was granted on August 9, 1974. The Staff did not prepare a new DES addressing the environmental impact of Unit 2 alone. However, at the request of the ASLB, the Staff did prepare a document (the first version of the Revisions) which set forth the changes expected as a result of the withdrawal of Unit 3. On October 3, 1974, the Staff issued the Final Environmental Statement ("FES") for Unit 2 (39 FR 35833). On October 10, 1974, the ASLB directed the Staff to circulate the Revisions to all appropriate federal, state and local agencies and interested members of the public for comment. Pursuant to the ASLB's direction, the Staff prepared the revisions, which reflect the Staff final assessments.

Interested persons may submit comments on the revisions for the Commission's consideration. Federal and State agencies are being provided with copies of this document (local agencies may obtain this document upon request). Comments are due by January 7, 1975. Comments by Federal, State and local officials or other persons received by the Commission will be made available for public inspection at the Plymouth Public Library, North Street, Plymouth, Massachusetts. Upon consideration of comments submitted with respect to the revisions, the regulatory staff will prepare a supplement to the final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on this document from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Project, Directorate of Licensing.

Dated at Rockville, Maryland this 15th day of November, 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3 Directorate of Licensing.

[FR Doc.74–27218 Filed 11–20–74;8:45 am]

[Docket No. 50–382]

LOUISIANA POWER & LIGHT CO.

Issuance of Construction Permit

Notice is hereby given that, pursuant to the Initial Decisions of the Atomic Safety and Licensing Boards dated April 30, 1974, and November 14, 1974, the Atomic Energy Commission (the Commission) has issued Construction Permit No. CPPR–103 to Louisiana Power & Light Company for construction of a pressurized water nuclear reactor at the applicant's site in St. Charles Parish, Louisiana. The proposed reactor, known as the Waterford Steam Electric Station, Unit 3, is designed for a rated power of approximately 3390 megawatts thermal with a net electrical output of approximately 1165 megawatts.

The Initial Decisions are subject to review by an Atomic Safety and Licensing Appeal Board prior to their becoming final. Any decision or action taken by an Atomic Safety and Licensing Appeal Board in connection with the Initial Decisions may be reviewed by the Commission.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the construction permit. The application for the construction permit complies with the standards and requirements of the Act and the Commission's rules and regulations.

The construction permit is effective as of its date of issuance. The earliest date for the completion of the facility is June 1, 1978, and the latest date for completion is December 31, 1979. The permit shall expire on the latest date for completion of the facility.

A copy of (1) the Initial Decision dated April 30, 1974; (2) Construction Permit No. CPPR–103; (3) the report of the Advisory Committee on Reactor Safeguards dated January 17, 1973; (4) the Directorate of Licensing's Safety Evaluation dated December 29, 1972, with Supplements 1 and 2 thereof dated June 1, 1973, and January 31, 1974; (5) the Preliminary Safety Analysis Report and amendments thereto; (6) the applicant's revised Environmental Report dated February 1972, and supplements thereto; (7) the Draft Environmental Statement dated October 1972; and (8) the Final Environmental Statement dated March 1973, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and the Boutee Branch of the St. Charles Parish Library, St. Anthony Street, Luling, Louisiana 70070. A copy of the construction permit and the Safety Evaluation may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 14th day of November, 1974.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2–2, Directorate of Licensing.

[FR Doc.74–27220 Filed 11–20–74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a new regulatory guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations.

The new regulatory guide is in Division 1, "Power Reactor Guides," of the Regulatory Guide series. Regulatory Guide 1.89 "Qualification of Class IE Equipment for Nuclear Power Plants," endorses IEEE Std 323–1974, "IEEE Standard for Qualifying Class IE Equipment for Nuclear Power Generating Stations," dated February 28, 1974, as describing a method acceptable to the AEC regulatory staff for complying with the Commission's regulations with regard to design verification of Class IE equipment for service in light-water-cooled and gas-cooled nuclear power plants.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 1.89 will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of the guide. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of the issued guide (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Requirements for assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Inservice Surveillance of Grouted Prestressing Tendons.
Seismic Input Motion to Uncoupled Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.
Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment Maintenance and Testing of Batteries.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Fuel Oil Supplies for Standby Diesel-Generators.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.
Design Load Combinations for Component Supports.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test, and Installation Requirements for Class 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Functional Specification for Self-Operated and Power-Operated Safety-Related Valves.
Nuclear Power Plant Environmental Characteristics for Designated Sites.
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.
(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 12th day of November 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74–27221 Filed 11–20–74;8:45 am]

[Docket Nos. 50–3, 50–247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Notice of Issuance of License Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 8 to Provisional Operating License No. DPR–5 for Indian Point Nuclear Generating Unit No. 1 and Amendment No. 9 to Facility Operating License No. DPR–26 for Indian Point Nuclear Generating Unit No. 2, to Consolidated Edison Company of New York, Inc. Both units are located in Westchester County, State of New York. The amendments are effective as of their date of issuance.

These amendments permit modifications in the tables for the radiological environmental monitoring program.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to these actions, see: (1) The application for the amendments dated April 15, 1974; (2) Amendment No. 8 to License No. DPR–5 with its attachment, Change No. 62; (3) Amendment No. 9 to License No. DPR–26 with its attachment, Change No. 6 and (4) the Commission's related Environmental Evaluation.

All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. Copies are also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

A copy of items (2) through (4) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 14th day of November 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74–27264 Filed 11–20–74;8:45 am]

[Docket No. STN 50–447]

GENERAL ELECTRIC CO.

Availability of Safety Evaluation Report

Notice is hereby given that a Safety Evaluation Report, prepared by the Directorate of Licensing and relating to the General Electric Standard Safety Analysis Report (GESSAR), has been released for information purposes. This Safety Evaluation Report summarizes the results of the Regulatory staff safety review to date. A copy of this Safety Evaluation Report has been placed in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. 20545.

For further details, see GESSAR (docketed July 30, 1973) and a notice relating to its receipt, which was published in the FEDERAL REGISTER on August 8, 1973 (38 FR 21444).

The Safety Evaluation Report does not include sections 7 and 8 relating to Instrumentation and Control, and Electric Power, respectively. These sections will be provided in a future supplement. A notice of availability of the supplement will be published in the FEDERAL REGISTER.

Single copies of the Safety Evaluation Report may be obtained in writing to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland this 13th day of November 1974.

FOR THE ATOMIC ENERGY COMMISSION.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2–1, Directorate of Licensing.

[FR Doc.74–27266 Filed 11–20–74;8:45 am]

[Docket Nos. 50–338OL and 50–339OL]

VIRGINIA ELECTRIC AND POWER CO.

Notice and Order for Prehearing Conference

In the matter of Virginia Electric and Power Co. (North Anna Power Station, Units 1 and 2).

Please take notice that pursuant to the Atomic Energy Commission's notice

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of hearing dated May 25, 1973 (38 FR 13772), and in accordance with said Commission's rules of practice a prehearing conference will be held in the above entitled proceeding on December 17, 1974 at 11 a.m. local time at the General District Court, 613 Princess Anne Street, Fredericksburg, Virginia.

The objective of said prehearing conference will be to consider whatever stipulations or motions to strike have been filed pursuant to this Board's order dated September 30, 1974.

In addition, the Board will consider the necessity or desirability of amending the pleadings; simplification, clarification, and further specification of issues; the setting of a hearing scheduled; and such other matters as may aid in the orderly disposition of the proceeding.

It is so ordered.

Dated at Bethesda, Maryland, this 15th day of November 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-27265 Filed 11-20-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Order No. 74-11-76, Docket Nos. 26739 and 27181]

HUGHES AIRWEST

Order Re Service to Stockton

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of November, 1974.

On May 24, 1974, Hughes Air Corp. d/b/a Hughes Airwest (Airwest) filed an application, pursuant to Part 205 of the Board's Regulations, requesting authority to suspend service temporarily at Stockton, California, for a period of two years.

In support of its application, Airwest alleges, inter alia, that Stockton is presently provided with sufficient air service by United Air Lines, Inc. (United) and Pacific Southwest Airlines, Inc. (PSA), an intrastate carrier; that under current circumstances, Airwest's service is not needed and is poorly patronized, averaging only 9.4 passengers per departure in 1973; that Stockton is not isolated from the national transportation system, having easy access to the four Bay Area airports;[1] that operations by Airwest are prohibitively expensive and the carrier estimates an experienced subsidy need of $83,300, or $8.10 per passenger, for the year ended March 31, 1974; that operations at Stockton show no present potential for improvement; and that service at Stockton is wasteful of scarce fuel supplies.

The Stockton Parties[2] filed an answer in opposition to Airwest's application stating, inter alia, that Airwest and its predecessors historically have failed to develop Stockton's intra-California services; that Airwest has demonstrated that it can effectively develop Stockton's interstate market services and should be required by the Board to reinstate and augment such services; that Airwest can resolve its Stockton subsidy problems by abandoning its uncompetitive Stockton-San Francisco shuttle service; and that pending accomplishment of the above, it is premature to permit Airwest to temporarily suspend its Stockton service.

An answer to Airwest's application has also been filed by the People of the State of California and the Public Utilities Commission of the State of California (California).[3] That answer expresses the concern that a suspension of Airwest might inhibit the commitment by other intrastate airlines to further develop the Stockton market, because Airwest could resume service at Stockton at any time. California requests, therefore, either a deletion of Airwest's authority at Stockton altogether or, should the Board grant suspension, that the Board, in deciding at some future date whether or not reinstitution of Airwest's service is warranted, consider the service being provided by existing intrastate carriers at Stockton.

Airwest filed a consolidated reply to the answers of the Stockton Parties and California.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Airwest's suspension request and to set for hearing the matter of whether Airwest should be suspended or deleted at Stockton. In view of the objections raised by the civic parties and California's request for deletion or conditioned suspension, we believe that the appropriate course of action would be to permit the resolution of the facts and issues presented by Airwest's application in a full evidentiary hearing at which all interested parties are represented. Moreover, the case involves complex questions, including: the relationship between service by an intrastate air carrier and by a subsidized federally-certificated, local service carrier at a common point; the question of whether Airwest may have run down the level of service at Stockton to strengthen a case for suspension/deletion; the effect of possible suspension/deletion of service at Stockton on service to other Airwest points; and the possible utility of a commuter replacement service in the routes of interest to Stockton. In all these circumstances, we shall set the case for hearing and make the Stockton Parties, PSA, and the California PUC parties to the Service to Stockton Case, established herein.

Accordingly, it is ordered, That:

1. The application of Hughes Air Corp. d/b/a Hughes Airwest, in Docket 26739, be and it hereby is denied;

2. A proceeding will be instituted in Docket 27181, to be called the Service to Stockton Case and to be set for hearing before an Administrative Law Judge of the Board at a time and place hereafter designated, to determine:

(a) Whether the public convenience and necessity require, pursuant to section 401(g) of the Act, that the certificate of Hughes Airwest for route 76 should be altered, amended, or modified so as to suspend or delete Stockton, California; and

(b) Whether the public interest requires, pursuant to section 401(j) of the Act, the temporary suspension of service by Hughes Airwest at Stockton, California, with or without conditions;

3. Pacific Southwest Airlines and the Public Utilities Commission of the State of California, and the Stockton Parties, be and they hereby are made parties to Docket 27181;

4. The motion of Stockton Parties to strike the answer of the People of the State of California and the Public Utilities Commission of the State of California, be and it hereby is denied; and

5. A copy of this order shall be served upon Hughes Air Corp. d/b/a Hughes Airwest; United Air Lines, Inc.; Pacific Southwest Airlines, Inc.; Governor, State of California; Mayor, City of Stockton; the Public Utilities Commission of the State of California; Airport Manager, Stockton Field; County of San Joaquin; Greater Stockton Chamber of Commerce; Executive Director, San Joaquin Economic Development Association; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27276 Filed 11-20-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEW JERSEY STATE ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New Jersey State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on December 15, 1974, at Rutgers University Law School, 180 University Avenue, Newark, New Jersey.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission, Room 1639, 26 Federal Plaza, New York, New York 10007.

The purpose of this meeting shall be to discuss the status of the New Jersey SAC Prison Project.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

[1] San Francisco, Oakland, San Jose and Sacramento.

[2] The City of Stockton, the County of San Joaquin, the Greater Stockton Chamber of Commerce and the San Joaquin Economic Development Association.

[3] The Stockton Parties filed a motion to strike the answer of California as late filed. The PUC's answer was filed only three days late by mail from California and, in conformity with past practice and in the interest of a complete record, we will accept the PUC's filing and deny Stockton's motion.

Dated at Washington, D.C., November 18, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-27252 Filed 11-20-74;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Cancellation of Meeting

The meeting of the New York State Advisory Committee to the United States Commission on Civil Rights, originally scheduled for December 5, 1974, a notice of which was previously published on page 39599 in the FEDERAL REGISTER on Friday, November 8, 1974 (39 FR Doc. 74-26220) has been cancelled.

Dated at Washington, D.C., November 18, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-27253 Filed 11-20-74;8:45 am]

OREGON STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oregon State Advisory Committee (SAC) to this Commission will convene at 7 p.m. on December 16, 1974, in the "Hall of Fame" Room, Cosmopolitan Hotel, 1030 North East Union, Portland, Oregon 96212.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office of the Commission, Room 1015, 312 North Spring Street, Los Angeles, California 90012.

The purpose of this meeting shall be to discuss the status of the Oregon SAC and plan new activities to be undertaken by the SAC during the remainder of FY 1975.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., November 14, 1974.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.74-27251 Filed 11-20-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the provisions of section 10 of Pub. L. 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, December 5, 1974.
Thursday, December 19, 1974.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Pub. L. 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C., section 552(b)(2), that the closing is necessary in order to provide the members with the opportunity to advance proposals and counter-proposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E. Street, NW., Washington, D.C. 20415.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

NOVEMBER 15, 1974.

[FR Doc.74-27279 Filed 11-20-74;8:45 am]

DEPARTMENT OF DEFENSE

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Deputy Director (Command and Control), Office of the Director, Telecommunications and Command and Control Systems, Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27280 Filed 11-20-74;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Director of Congressional Affairs, Office of the Chairman.

[SEAL] JAMES C. SPRY,
UNITED STATES CIVIL SERVICE COMMISSION,
Executive Assistant to the Commissioners.

[FR Doc. 74-27281 Filed 11-20-74;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Equal Employment Opportunity Commission to fill by noncareer executive assignment in the excepted service the position of Chief Congressional Liaison Staff.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27282 Filed 11-20-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Special Assistant.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27283 Filed 11-20-74;8:45 am]

OFFICE OF TELECOMMUNICATIONS POLICY

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director and Congressional Liaison Officer.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27284 Filed 11-20-74;8:45 am]

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OFFICE OF TELECOMMUNICATIONS POLICY

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Telecommunications Policy to fill by noncareer executive assignment in the excepted service the position of Assistant Director for International Communications.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27285 Filed 11-20-74;8:45 am]

ARMS CONTROL AND DISARMAMENT AGENCY

GENERAL ADVISORY COMMITTEE ON ARMS CONTROL AND DISARMAMENT

Meeting

Notice is hereby given in accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770, 5 U.S.C. App. I) and paragraph 8b of Office of Management and Budget Circular No. A-63 (Revised) dated March 27, 1974, that a meeting of the General Advisory Committee on Arms Control and Disarmament is scheduled to be held on Friday, December 6, 1974 from 9 a.m. to 5 p.m. and on Saturday, December 7, 1974 from 9 a.m. to 12:30 p.m., at 2201 C Street, NW, Washington, D.C. in Room 7516. The purpose of the meeting is for the Committee to receive classified briefings and hold classified discussions concerning continuing international negotiations and other arms control issues.

The meeting will be closed to the public. A determination has been made by the Director of the Arms Control and Disarmament Agency in accordance with section 10(d) of the Federal Advisory Committee Act and paragraph 8d(2) of Office of Management and Budget Circular No. A-63 (revised) that the meeting will be concerned with matters of the type described in 5 U.S.C. 552(b)(1). This determination was made pursuant to a delegation of authority from the Office of Management and Budget dated June 25, 1973, issued under the authority of Executive Order 11769 dated February 21, 1974.

Dated: November 18, 1974.

SIDNEY D. ANDERSON,
Advisory Committee Management Officer.

[FR Doc.74-27286 Filed 11-20-74;8:45 am]

DELAWARE RIVER BASIN COMMISSION

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Wednesday, December 4, 1974, commencing at 2 p.m. The hearing will be held in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia. The subjects of the hearing will be as follows:

A. Proposed current expense and capital budgets for the fiscal year beginning July 1, 1975. Summaries of the proposed budgets are available upon request or may be examined at the Commission's offices.

B. Applications for approval of proposed projects listed below. The Commission will consider these applications as amendments to the Comprehensive Plan pursuant to Article 11 of the Compact and/or as project approvals pursuant to § 3.8 of the Compact.

1. *Bristol Borough Water and Sewer Authority.* A well water supply project to augment public water supplies in Bristol Borough and Township, Bucks County, Pa. Five new wells will be utilized to produce an estimated average yield of 3.8 million gallons per day.

2. *Cressona Borough Authority.* Expansion and upgrading of the Authority's sewage treatment plant serving the Borough and adjacent townships in Schuylkill County, Pa. The plant will provide 90 percent removal of BOD_5 and suspended solids from a sewage flow of 500,000 gallons per day. Treated effluent will discharge to the West Branch of the Schuylkill River.

3. *Radnor-Haverford-Marple Sewer Authority.* A project to construct a 30-inch relief interceptor sewer in Radnor and Haverford Townships, Delaware County, Pa. The 18,000-foot interceptor will provide an ultimate design capacity of 22 million gallons per day. Sewage will be conveyed to the Radnor-Haverford-Marple sewage treatment plant.

4. *Borough of Boyertown.* Upgrading of the Borough's existing sewage treatment plant in Douglass Township, Montgomery County, Pa. The improved facility will remove 95 percent of BOD_5 and 90 percent of suspended solids from an estimated sewage flow of 750,000 gallons per day. Treated effluent will discharge to an unnamed tributary of Perkiomen Creek.

5. *Borough of Topton Municipal Authority.* Upgrading of the Authority's existing sewage treatment plant in Longswamp Township, Berks County, Pa. The improved facility will remove 95 percent of BOD_5 and suspended solids from an estimated sewage flow of 300,000 gallons per day. Treated effluent will discharge to Toad Creek, a tributary of the Lehigh River.

6. *Myerstown Borough Sewer Authority.* Expansion and upgrading of the Authority's sewage treatment plant in Jackson Township, Lebanon County, Pa. The improved facility will provide removal of 94 percent of BOD_5 and 92 percent of suspended solids from an estimated sewage flow of 1.4 million gallons per day. Treated effluent will discharge to Tulpehocken Creek, a tributary of the Schuylkill River.

7. *Mount Laurel Municipal Utilities Authority.* A well water supply project to augment public water supplies in Mount Laurel Township, Burlington County, N.J. Two wells will be utilized to yield approximately 2.9 million gallons per day.

8. *Warrington Township Municipal Authority.* A well water supply project to augment public water supplies in Warrington Township, Bucks County, Pa. Two new wells (Nos. 2 and 3) are designed to produce a combined yield of 350 gallons per minute.

9. *Wilmington Board of Harbor Commissioners.* Reconstruction of Wharf Unit No. 2 at the Port of Wilmington, New Castle County, Del. A 500-foot replacement wharf will be built at the confluence of the Christina and Delaware Rivers.

10. *Griffin Pipe Products Co.* A well water supply project to serve the company's industrial facilities in Florence Township, Burlington County, N.J. Two wells will be utilized and the permitted withdrawal will be increased to 830,000 gallons per day.

11. *Geological Reclamation Operations and Waste Systems, Inc.* A leachate treatment project at a sanitary landfill in Falls Township, Bucks County, Pa. About 144,000 gallons per day of leachate will discharge to the Delaware River after treatment.

12. *Pennsylvania Power & Light Co.* Alterations to the cooling water discharge facility for Units Nos. 1 and 2 of the Martins Creek generating station in Northampton County, Pa. The project will diffuse approximately 179 million gallons per day of cooling water into the Delaware River at the site in a manner designed to meet applicable temperature control standards.

13. *The West Co.* An industrial water supply project serving the company's manufacturing plant in the City of Millville, Cumberland County, N.J. Four wells will be utilized to produce approximately 1.7 million gallons per day.

14. *Bristol Oil Corp.* A proposed docking facility and oil storage terminal on the Delaware River near Bristol, Bucks County, Pa. Berthing for ocean-going oil tankers would be provided. Low-sulfur oil would be offloaded to six storage tanks capable of storing approximately one million barrels of oil. Seven additional tanks would be built to store chemicals to be delivered by tankers for use in the Bristol plant of the Rohm & Haas Co. A draft environmental impact statement (dated November 8, 1974) has been prepared by the Commission and will be included as part of the subject matter of the hearing on this project.

C. Applications for water quality certifications pursuant to Section 401 of the Federal Water Pollution Control Act:

1. *Wilmington Board of Harbor Commissioners.* Maintenance dredging alongside dock facilities on the Christina River at Wilmington, New Castle County, Del. The channel will be dredged to 10 feet along the main dock and tanker berths.

2. *Delaware Dept. of Highways and Transportation.* Replacement of Route 16 highway bridge over Old Primehook Creek at Broadkill Beach, Sussex County, Del.

3. *Pennsylvania Dept. of Transportation.* Improvement of highway bridge and adjacent roadway along traffic Route 291 cross Ridley Creek in the City of Chester, Delaware County, Pa.

4. *Bristol Borough Water and Sewer Authority.* Construction of a 54-inch sewer endwall between high and low water lines at the foot of Green Lane in Bristol Borough, Bucks County, Pa.

5. *Niels P. Rasmussen.* Construction of a dock area on the Delaware River at Seventh Street in the City of Camden, Camden County, N.J. The dock will be formed by grounding three barges.

Documents relating to the items on this hearing notice may be examined at the Commission's offices. Persons wishing to testify are requested to notify the Secretary prior to the hearing (609-883-9500).

W. BRINTON WHITALL,
Secretary.

NOVEMBER 15, 1974.

[FR Doc.74-27230 Filed 11-20-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/146; FRL 293-2]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before January 20, 1975, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 20, 1975.

APPLICATIONS RECEIVED

EPA File Symbol 8590-UL. Agway, Inc., Fertilizer-Chem. Div., PO Box 1333, Syracuse NY 13201. DIAZINON 4EC. Active Ingredients: O,O-Diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 48 percent; Xylene 36 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8133-RL. Champion Chemicals, Inc., PO Box 45509, Odessa TX 77045. BACTRON KM-4 MICROBIOCIDE. Active Ingredients: Sodium Pentachlorophenate 16 percent; Sodium Salts of Other Chlorophenates 2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7173-RLE. Chempar Chemical Co., Inc., 260 Madison Ave., New York NY 10016. ROZOL RAT & MOUSE KILLER. Active Ingredients: 2-[p-chlorophenyl) phenylacetyl]-1,3-indandione 0.005 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 100-LTR. Ciba-Geigy Corp., Agricultural Div., PO Box 11422, Greensboro NC 27409. DIAZINON PE. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 20.0 percent; Pyrethrins 2.0 percent; Piperonyl butoxide, technical 10.0 percent; Aromatic petroleum derivative solvent 54.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 13369-R. Contra Costa Maint. & Supply Co., 1013A Shary Circle, Concord CA 94520. 3 WAY CLEANER. Active Ingredients: Didecyl dimethyl ammonium chloride 2.5 percent; Tetrasodium ethylenediamine tetraacetate 2.0 percent; Sodium carbonate 1.5 percent. Method of Support; Application proceeds under 2(c) of interim policy.

EPA File Symbol 2596-LL. The Hartz Mountain Corp., 700 S. 4th St., Harrison NJ 07029. HARTZ HAMSTER & GERBIL SPRAY MIST. Active Ingredients: Pyrethrins 0.045 percent; Technical piperonyl Butoxide 0.90 percent; N-Octyl bicycloheptene dicarboximide 0.150 percent; Petroleum Distillates 0.215 percent; Propylene Glycol 0.100 percent; Triethylene Glycol 0.100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2596-LG. The Hartz Mountain Corp. HARTZ OUTDOOR NO. Active Ingredients: Methyl nonyl ketone 2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2596-LA. The Hartz Mountain Corp. HARTZ INDOOR NO. Active Ingredients: Methyl nonyl ketone 2 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2596-LU. The Hartz Mountain Corp. HARTZ CAT FLEA & TICK KILLER. Active Ingredients: Pyrethrins 0.060 percent; Technical Piperonyl Butoxide 0.120 percent; N-Octyl bicycloheptene dicarboximide 0.200 percent; 2,3,4,5, Bis (delta-2-butylene) tetrahydrofurfural 0.200 percent; Petroleum Distillate 0.288 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2596-LR. The Hartz Mountain Corp. HARTZ MY-T-MITE BIRD SPRAY. Active Ingredients: Pyrethrins 0.030 percent; Technical Piperonyl Butoxide 0.060 percent; N-Octyl bicycloheptene dicarboximide 0.100 percent; Petroleum Distillate 0.146 percent; Propylene Glycol 0.100 percent; Triethylene Glycol 0.100 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2596-LE. The Hartz Mountain Corp. DOG FLEA & TICK KILLER DEODORANT REPELLENT. Active Ingredients: Pyrethrins 0.060 percent; Technical Piperonyl Butoxide 0.120 percent; N-Octyl bicycloheptene dicarboximide 0.200 percent; 2,3,4,5 Bis (2-butylene) tetrahydro-2-furaldehyde 0.200 percent; Petroleum Distillate 0.288 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9411-A. Kenco Chemical Co., Inc., PO Box 912, 107 Freemans Bridge Rd., Schenectady NY 12301. KENCO RX10 CONCENTRATED SWIMMING POOL ALGAECIDE. Active Ingredients: n-Alykl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2836-U. Loos & Dilworth, Inc., PO Box 25, 61 E. Green Lane, Bristol, PA 19007. HERCO PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2836-A. Loos & Dilworth, Inc. YARMOR 302W PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 2836-L. Loos & Dilworth, Inc. YARMOR 302 PINE OIL. Active Ingredients: Pine Oil 99.4 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 397-RN. Noble Pine Products Co., PO Box 41, Centuck Station, Yonkers NY 10710. "STERI-SAN". Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethyl benzyl ammonium chlorides 12.5 percent; n-Alkyl (68 percent C12, 32 percent C14) dimethyl ethylbenzyl ammonium chlorides 12.5 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 11525-4. Peterson/Puritan, Inc., Hegeler Lane, Danville IL 61832. P/P INSECTICIDE NO. 4 SBP-1382/BIOALLETHRIN AQUEOUS PRESSURIZED SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.200 percent; Related compounds 0.028 percent; d-trans Allethrin (allyl homolog of Cinerin I) 0.150 percent; Related compounds 0.012 percent; Aromatic petroleum hydrocarbons 0.272 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1969-RRR. Parsons Chemical Works, Inc., PO Box 146, Grand Ledge MI 48837. PARSONS TO-DOT LIVE STOCK SPRAY. Active Ingredients: Deordorized Kerosene 49.50 percent; Mineral Seal Oil 49.50 percent; 2,2-dichlorovinyl dimethyl phosphate 0.93 percent; Related Compounds 0.07 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 4972-RT. Protexall Chemicals, Inc., Rt. 1, PO Box 424, Port Orange FL 32019. DON'S D-K CONCENTRATED DO IT YOURSELF BUG KILLER. Active Ingredients: Pyrethrins 0.600 percent; Piperonyl butoxide, technical 1.200 percent; N-octyl bicycloheptene dicarboximide 1.992 percent; Chlorpyrifos [0,0-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate] 6.000 percent; Aromatic petroleum distillates 3.480 percent; Petroleum distillate 79.308 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34742-R. Smithers-Oasis, 919 Marvin Av., Box 118, Kent OH 44240. OASIS S-215 GERMICIDE. Active Ingredients: Silver Nitrate 0.85 percent. Method of Support: Application proceeds under 2(c) of interim policy.

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EPA File Symbol 34913-L. Spray Services, Inc., 4711 Piedmont Rd., Box 9276, Huntington WV 25704. SPRA-KIL B-4 GRANULAR WEED KILLER. Active Ingredients: Bromacil (5-Bromo-3-secbutyl-6-methyluracil) 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34913-U. Spray Services, Inc. SPRA-KIL D-8 GRANULAR WEED KILLER. Active Ingredients: Diuron [3-(3,4-Dichlorophenyl)-1,1-Dimethylurea 8.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34913-E. Spray Services, Inc. SPRA-KIL T-4 GRANULAR. Active Ingredients: m-(3,3-Dimethylureido)phenyl tertbutylcarbamate 4.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34913-G. Spray Services, Inc. SPRA-KIL K-4 GRANULAR WEED KILLER. Active Ingredients: Bromacil (5-Bromo-3-Sec-Butyl-6-methyluracil) 2.0 percent; Diuron 3-(3,4-Dichlorophenyl)-1,1-Dimethylurea 2.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 34913-R. Spray Services, Inc. SPRA-KIL T-8 GRANULAR. Active Ingredients: m - (3,3-Dimethylureido) phenyl tert-butylcarbamate 8.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 6735-ERO. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. NEMATIDE SOIL FUMIGANT FOR CITRUS. Active Ingredients: 1,2-Dibromo-3-Chloropropane 67.5 percent; Other Halogenated C3 Compounds 3.5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1043-AE. Vestal Laboratories, Div. of Chemed Corp., 4963 Manchester Ave., St. Louis MO 63110. VESTAL DISINFECTANT-DEODORANT SPRAY 451. Active Ingredients: n-Alkyl (60 percent C14, 30 percent C16, 5 percent C12, 5 percent C18) dimethylbenzyl ammonium chloride 0.042 percent; n-Alkyl (50 percent C12, 30 percent C14, 17 percent C16, 3 percent C18) dimethyl ethylbenzyl ammonium chloride 0.042 percent; propylene glycol 5.15 percent; ethanol 52.73 percent. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 35138-E.[1] Winco Chemical Co., PO Box 104, Jackson MI 39205. WINCO F&C INSECT KILLER. Active Ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl-3-(2-methylpropenyl) cyclopropanecarboxylate 0.250 percent; Related compounds 0.034 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: November 13, 1974.

JOHN B. RITCH, JR.,
Director, Registration Division.

[FR Doc.74-27071 Filed 11-20-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 728]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

NOVEMBER 18, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20738-CD-P-(2)-75, The Bell Telephone Company of Pennsylvania (KGH861). C.P. to change antenna system, replace transmitter and change frequencies from 35.58 MHz to 152.84 MHz at Loc. #1: 920 Harwick St., Chester, Pennsylvania, and Loc. #2: 28 South Chester Pike, Glenolden, Pennsylvania.

20739-CD-P-(2)-75, The Diamond State Telephone Company (KOA473). C.P. to change antenna system, replace transmitter and change frequencies from 35.58 MHz to 152.84 MHz at Loc. #1: 919 Market St., Wilmington, Delaware, and Loc. #2: Dupont Louviers Building, Milford Crossroads, Delaware.

20740-CD-P-75, John C. Simmons dba Simmons Electronics (new). C.P. for a new 2-way station to operate on 152.03 MHz to be located 3400 feet W. of Highways 19 & 27, 1 mile W. of Perry, Florida.

20741-CD-P-75, The Chesapeake and Potomac Telephone Company of West Virginia (KQD312). C.P. to relocate facilities operating on 35.66 MHz at Loc. #2: 816 Lee Street, Charleston, West Virginia.

20742-CD-MP-75, William R. Miears dba Southwestern Communications Service (KUC855). C.P. for additional facilities to operate on 152.18 MHz located ½ mile West of Carrizo Springs, Texas.

20743-CD-P-75, Midway Telephone Company (new). C.P. for a new 1-way station to operate on 158.10 MHz to be located at 202 East Ogden Street, Medford, Wisconsin.

20744-CD-R-75, The Pacific Telephone and Telegraph Company (KA4326). Renewal of Developmental license expiring 12-11-74. Term: 12-11-74 to 12-11-75.

20745-CD-P-(2)-75, South Central Bell Telephone Company (KIY600). C.P. to change antenna system, and replace transmitter operating on 152.78 MHz, base and replace transmitter operating on 158.04 MHz, test, located at 810 Kentucky Avenue, Paducah, Kentucky.

20746-CD-P-75, Waco Communications, Inc. (KQZ760). C.P. to change antenna system and relocate facilities operating on 158.70 MHz to be located approximately 2 miles SW of Belton, Texas.

20747-CD-MP-(2)-75, RadioCall, Inc. (KUA-482). C.P. to relocate facilities operating on 158.70 MHz at Loc. #4: 2333 Kapiolani Boulevard, Honolulu, Hawaii; and change antenna system and relocate facilities operating on 158.70 MHz at Loc. #6: Huling Tunnel, Diamond Head, Honolulu, Hawaii.

20748-CD-P-(2)-75, Communications Electronics Center, Inc. (KQZ712). C.P. for additional facilities to operate on 152.09 & 152.18 MHz located at Corner Smiley Street and Oak Drive, Colquitt, Georgia.

20749-CD-P-75, Communications Electronics Center, Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Corner Smiley Street and Oak Drive, Colquitt, Georgia.

20751-CD-P-(2)-75, RCC of Virginia, Inc. (KLF517). C.P. for additional facilities to operate on 454.275 & 454.325 MHz located at 707 Industry Drive, Hampton, Virginia.

Major amendment

20676-C2-P-(2)-74, South Central Bell Telephone Company (KIY458), Pikeville, Kentucky. Delete base frequency 152.60 MHz and add 152.57 MHz. All other particulars to remain as reported on the Commission's PN #679 dated December 17, 1973.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

Ohio

Answering Exchange, Inc., Cincinnati, Ohio (new), File No. 8161-C2-P-73.
Telepage Corporation, Laurel, Ohio (new), File No. 20031-C2-P-74.
Cincinnati Radio Telephone Systems, Inc., Afton, Ohio (new), File No. 20035-C2-P-74.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the rules).

RURAL RADIO SERVICE

60085-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3875 MHz located at Alps Pump Station #2, 290 miles North of Fairbanks, Pump Station #3, Alaska.

60086-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.8375 MHz located at Hill 4010, 283 miles North of Fairbanks, Slope, Alaska.

60087-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2375, 1573375 & 157.3375 MHz located on Hill 3456, 261 miles North of Fairbanks, Galbraith, Alaska.

60088-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9375 MHz to be located at Alps Remote Block Valve #26, 123 miles South of Deadhorse, RBV 26, Alaska.

60089-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9375 & 161.8875 MHz located at Atigun River Valley, 255 miles NNW of Fairbanks, Teak Lake, Alaska.

60090-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2875 & 157.3625 MHz located at Atigun Pass, 236 miles NNW of Fairbanks, Atigun, Alaska.

60091-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 & 161.8625 MHz located near Hill 4664, 228 miles NW of Fairbanks, Margaret Hill, Alaska.

60092-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #31, 149 miles South of Deadhorse, RBV 31, Alaska.

60093-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #32, 155 miles South of Deadhorse, RBV 32, Alaska.

60094-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #33, 159 miles South of Deadhorse, EBV 33, Alaska.

60095-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 & 157.2875 MHz located on Hill 4363, 202 miles NNW of Fairbanks, Knaruk, Alaska.

60096-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #34, 163 miles South of Deadhorse, RBV 34, Alaska.

60097-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #35, 167 miles South of Deadhorse, RBV 35, Alaska.

60098-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #35A, 171 miles South of Deadhorse, RBV 35A, Alaska.

60099-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #36, 174 miles South of Deadhorse, RBV 36, Alaska.

60100-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz at Alps Remote Block Valve #37, 181 miles South of Deadhorse, RBV 37, Alaska.

60101-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.9375 MHz located at Alps Remote Block Valve #39, 191 miles South of Deadhorse, RBV 39, Alaska.

60102-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #40, 193 miles South of Deadhorse, RBV 40, Alaska.

60103-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.9125 MHz located at Hill 4360, 194 miles NW of Fairbanks, Coldfoot, Alaska.

61014-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #42, 187 miles NNW of Fairbanks, RBV 42, Alaska.

60105-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #43, 184 miles NNW of Fairbanks, RBV 43, Alaska.

61016-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #44, 181 miles NNW of Fairbanks, RBV 44, Alaska.

60107-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #45, 179 miles NNW of Fairbanks, RBV 45, Alaska.

60108-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 & 157.3625 MHz located on Hill 2655, 162 miles NW of Fairbanks, Eagle, Alaska.

60109-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #47, 189 miles NNW of Fairbanks, RBV 47, Alaska.

60110-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #49, 163 miles NNW of Fairbanks, RBV 49, Alaska.

60111-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 & 161.8375 MHz located at Alps Pump Station #5, 152 miles NW of Fairbanks, Pump Station #5, Alaska.

60112-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2375 & 157.2875 MHz located at Hill 3680, 143 miles NW of Fairbanks, Fish, Alaska.

60113-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #51, 153 miles NW of Fairbanks, RBV 51, Alaska.

60114-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #53, 148 miles NW of Fairbanks, RBV 53, Alaska.

60115-CR-P-75, RCA Alaska, Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #54, 141 miles NW of Fairbanks, RBV 54, Alaska.

60116-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #56, 124 miles NW of Fairbanks, RBV 56, Alaska.

60117-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 161.-8625 161.9875 & 161.9375 MHz located on Hill 3152, 103 miles NW of Fairbanks, Bench, Alaska.

60118-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #57, 118 miles NW of Fairbanks, RBV 57, Alaska.

60119-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #58, 113 miles NW of Fairbanks, RBV 58, Alaska.

60120-CR-P-75, RCA Alaska Communications, Inc. (New). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #59, 102 miles NW of Fairbanks, RBV 59, Alaska.

60121-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #60, 93 miles NW of Fairbanks, RBV 60, Alaska.

60122-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.8375 & 157.3875 MHz located at Alps Pump Station #6, 90 miles NW of Fairbanks, Pump Station #6, Alaska.

60123-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 & 157.3625 MHz located on Hill 2622, 58 miles NW of Fairbanks, Livengood, Alaska.

60124-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve, 71 miles NW of Fairbanks, RBV 62, Alaska.

60125-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #65, 54 miles NW of Fairbanks, RBV 65, Alaska.

60126-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #67, 39 miles NW of Fairbanks, RBV 67, Alaska.

60127-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625, 161.9875, 161.8375 & 161.9125 MHz located on Hill 3207, 26 miles NW of Fairbanks, Aggie, Alaska.

60128-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2375 & 157.3875 MHz located at Alps Pump Station #7, 42 miles South of Glenallen, Pump Station #7, Alaska.

60129-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #66, 22 miles NNW of Fairbanks, RBV 66, Alaska.

60130-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #69, 16 miles NNW of Fairbanks, RBV 69, Alaska.

60131-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #69A, 16 miles NNW of Fairbanks, RBV 69A, Alaska.

60132-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 & 161.9375 MHz located at Alps Pump Station #8, 38 miles SE of Fairbanks, Pump Station #8, Alaska.

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60133–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125, 157.2625, 157.3375 & 157.2875 MHz located at Hill 3026, 50 miles SE of Fairbanks, Buck, Alaska.

60134–CR–P–75, Same as Above (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #72, 7 miles NE of Fairbanks, RBV 72, Alaska.

60135–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #73, 7 miles NE of Fairbanks, RBV 73, Alaska.

60136–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #77A, 39 miles SE of Fairbanks, RBV 77A, Alaska.

60137–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #80, 61 miles SE of Fairbanks, RBV 80, 61 miles SE of Fairbanks, RBV 80, Alaska.

60138–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8625 & 161.9625 MHz located at Alps Pump Station #9, 3.6 miles SSW of Allen AAF, Pump Station #9, Alaska.

60139–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.3725 & 157.2975 MHz located at Nicole Knob, 31 miles SSW of Delta Junction, Nicole Knob, Alaska.

60140–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8375 MHz located at Alps Remote Block Valve #88, 101 miles SSE of Fairbanks, RBV 88, Alaska.

60141–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8375 & 161.9875 MHz located at MI 180 Richardson Hwy., 42 miles South of Delta Junction, Pump Station #10, Alaska.

60142–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.3875 MHz located at Alps Remote Block Valve #91, 86 miles North of Glennallen, RBV 91, Alaska.

60143–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.3875 & 157.3125 MHz located at Hill 3838, 53 miles South of Delta Junction, Yost, Alaska.

60144–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.9125 & 161.8625 MHz located at Roundtop Mountain, 85 miles South of Delta Junction, Roundtop, Alaska.

60145–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #95, 65 miles North of Glennallen RBV 95, Alaska.

60146–CR–P–75, RCA Alaska Comumnications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #95B, 53 miles North of Glennallen, RBV 95B, Alaska.

60147–CR–P–75, Same as above (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #96, 49 miles North of Glennallen, RBV 96, Alaska.

60148–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #97, 36 miles North of Glennallen, RBV 97, Alaska.

60149–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #98, 33 miles North of Glennallen, RBV 98, Alaska.

60150–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote lock Valve #98A, 30 miles North of Glennallen, RBV 98A, Alaska.

60151–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #100, 24 miles North of Glennallen, RBV 100, Alaska.

60152–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #101, 18 miles North of Glennallen, RBV 101, Alaska.

60153–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #102, 15 miles North of Glennallen, RBV 102, Alaska.

60154–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #103, 11 miles North of Glennallen, RBV 103, Alaska.

60155–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2625, 157.3875, 157.2375 & 157.3625 MHz located at MI 88 Richardson Hwy., 12 miles South of Copper Center, Stuck, Alaska.

60156–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #104, 7 miles North of Glennallen, RBV 104, Alaska.

60157–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #105, 3 miles NNE of Glennallen, RBV 105, Alaska.

60158–CR–P–75, Same as above (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #107, 8 miles SSE of Glennallen, RBV 107, Alaska.

60159–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #108, 13 miles SSE of Glennallen, RBV 108, Alaska.

60160–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8375 & 161.9625 MHz located at Alps Pump Station #11, 4.3 miles SSE of Gulkana, Pump Station #11, Alaska.

60161–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.9875, 161.9375, 161.8875, & 161.9125 MHz located at Kimball Pass, 44 miles SSE of Glennallen, Kimball Pass, Alaska.

60162–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #113, 37 miles SSE of Glennallen, RBV 113, Alaska.

60163–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.2875 & 157.3125 MHz located at Richardson Hwy., 48 miles South of Glennallen, Pump Station #12, Alaska.

60164–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.3325 & 157.2625 MHz located at Tiekel River Valley, 38 miles ENE of Valdez, Tiekel, Alaska.

60165–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #115, 51 miles South of Glennallen, RBV 115, Alaska.

60166–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #116, 53 miles South of Glennallen, RBV 116, Alaska.

60167–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.8625 & 161.9625 MHz located on Hill 4109, Tsina River Valley, 34 miles ENE of Valdez, Tsina, Alaska.

60168–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #117, 35 miles NE of Valdez, RBV 117, Alaska.

60169–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #116, 31 miles East of Valdez, RBV 116, Alaska.

60170–CR–P–75, Same as above (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #119, 27 miles East of Valdez, RBV 119, Alaska.

60171–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.3625 & 157.0375 MHz located at Hill 3700, 24 miles ENE of Valdez, Ptarmigan, Alaska.

60172–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 161.4625 & 161.5875 MHz located at Thompson Pass, 18 miles ESE of Valdez, Keystone, Alaska.

60173–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #121, 19 miles East of Valdez, RBV 121, Alaska.

60174–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #121, 17 miles East of Valdez, RBV 121A, Alaska.

60175–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #123, 15 miles East of Valdez, RBV 123, Alaska.

60176–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #124, 11 miles SE of Valdez, RBV 124, Alaska.

60177–OR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #125, 6 miles SSE of Valdez, RBV 125, Alaska.

60178–CR–P–75, Same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at South Side of Port Valdez, 3.7 miles South of Valdez City, Valdez Terminal, Alaska.

60190–CR–P–75, The Mountain States Telephone & Telegraph Company (new). C.P. for a new rural subscriber station to operate on 157.77 MHz located 17.0 miles North of Casper, Wyoming.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1433–CF–ML–75, Southern Bell Telephone and Telegraph Company (KJC21), 5.5 miles South of Jasper, Florida. Lat. 30°26'17" N., Long. 82°56'17" W. Mod. of License to change polarity from V to H on 3730, 3810 and 4130 MHz towards Madison, Florida on azimuth 274°28'.

1434–CF–ML–75, Same (KJC22), Brookdale Avenue and State Road #10, Madison, Florida. Lat. 30°28'11" N., Long. 83°25'11" W. Mod. of License to change polarity from V to H on 3770, 4090, 4170 and from H to V on 3950 MHz towards Jasper, Florida, on azimuth 94°13'.

1435–CF–P–75, The Bell Telephone Company of Pennsylvania (KGP36), 4 miles North of Altoona, Pennsylvania. Lat. 40°34'00" N., Long. 78°26'36" W. C.P. to change power and add TL–A2 power amplifiers on freq. 11,405H and 11,565H MHz towards Pine Grove Mills, Pennsylvania, on azimuth 70°10'.

1436–CF–P–75, Same (KGO89), 1.5 miles South of Pine Grove Mills, Pennsylvania. Lat. 40°42'57" N., Long. 77°53'45" W. C.P. to change power and add TL–A2 Power amplifiers to freq. 10,955H and 11,115H MHz towards Wapsononock Mountain, Pennsylvania, on azimuth 250°31'.

1437–CF–P–75, Southern Bell Telephone and Telegraph Company (KZI76), Maybank Highway, Johns Island, South Carolina. Lat. 32°43'16" N., Long. 80°04'59" W. C.P. to replace transmitter and change freq. from 2114.6H to 2178.0H MHz towards Edisto Beach, South Carolina, on azimuth 220°57'.

1438–CF–P–75, Same (KZI77), Chancellor Street, Edisto Beach, South Carolina. Lat. 32°29'20" N., Long. 80°19'14" W. C.P. to replace transmitter and change freq. from 2164.6H to 2128.0H MHz towards Johns Island, South Carolina, on azimuth 40°-49'.

1439–CF–P–75, Southwestern Bell Telephone Company (KLT69), 10 miles North of Odessa, Texas. Lat. 32°02'11" N., Long. 102°22'42" W. C.P. to add 3850H MHz towards Midland R.S., Texas, on azimuth 103°02'.

1440–CF–P–75, Same (WDE62), Interstate Highway #20 and State Highway #349, Midland, Texas. Lat. 31°58'37" N., Long. 102°04'44" W. C.P. to add 4050H MHz and change polarity from V to H on 3730, 3810, 3890, and 3970 MH towards Odessa, Texas, on azimuth 283°12'.

1441–CF–P–75, Universal Telephone Company of Colorado (new). Proposed steel tower adjacent to the Central Office, Pagosa Springs, Colorado. Lat. 37°16'04" N., Long. 107°00'38" W. C.P. for a new station on 2121.6H MHz towards Mesa, Colorado, via passive reflector.

1158–CF–P–75, South Central Bell Telephone Company (KLO98), 3.8 miles SE of Clarksdale, Mississippi. Lat. 34°09'10" N., Long. 90°32'21" W. C.P. to change power, equipment, replace transmitter, and change freq. from 6264.0H and 6382.6H to 6004.5H and 6123.1H MHz towards Clarksdale, Mississippi, on azimuth 831°09'; change 6249.1V and 6367.7V MHz to 6004.5V and 6123.1V MHz towards Glendora, Mississippi, on azimuth 149°39'.

1259–CF–P–75, Same (KLO99), 1.2 miles WNW of Glendora, Mississippi. Lat. 33°-50'05" N., Long. 90°18'58" W. C.P. to change power, equipment, replace transmitter, and change freq. from 5997.1V and 6115.7V MHz to 6256.5H and 6375.2H MHz towards Clarksdale. Repeater, Mississippi, on azimuth 329°46'; change 6071.2H and 6130.5H MHz to 6256.5V and 6375.2V MHz towards Greenwood, Mississippi, on azimuth 159°51'.

1260–CF–P–75, Same (KLP20), 201 East George Street, Greenwood, Mississippi. Lat. 33°31'15" N., Long. 90°10'43" W. C.P. to change power, equipment, replace transmitter, and change freq. 6382.6 and 6323.3 MHz to 6004.5H and 6123.1H MHz towards Glendora, Mississippi, on azimuth 339°55'.

1261–CF–P–75, Same (KYJ42), 86 Yazoo Avenue, Clarksdale, Mississippi. Lat. 34°-12'17" N., Long., 90°34'25" W. C.P. to change power, equipment, replace transmitter, and change freq. 6001.9H and 6130.5H MHz to 6256.5V and 6375.2V MHz towards Clarksdale, Repeater, Mississippi, on azimuth 151°08'.

1262–CF–P–75, New England Telephone and Telegraph Company (KCL66), off Haggetts Pond Road, 4.2 miles West of Andover, Massachusetts, Lat. 42°39'16" N., Long. 71°13'12" W. C.P. to change antenna location, resulting in change in coordinates as stated above; change polarity on freq. 10,835 from Vertical to Horizontal; change path length and azimuth towards Lawrence, Massachusetts to 39°01'; change polarity from V to H on freq. 6367.7, change azimuth towards Goffstown, New Hampshire, to 320°31'.

1263–CF–P–75, Same (KCL67), 2 Hampshire Street, Lawrence, Massachusetts. Lat. 42°-42'18" N., Long. 71°09'52" W. C.P. to change antenna location resulting in a change of coordinates as stated above; change polarity from Vertical to Horizontal on 11,285; change path length and azimuth towards Andover, Massachusetts, to 219°03'.

1476–CF–P–75, RCA Alaska Communications, Inc. (WBP76), on Killisnoo Road, in Agnoon, Alaska. Lat. 57°30'02" N., Long. 134°34'44" W. C.P. to add 6197. 24V and 6315.84V MHz towards a new point of communication at Warm Springs, Alaska, via passive reflector.

1477–CF–MP–75, RCA Alaska Communications, Inc. (WGF59), 2319 North Tongass Street, Ketchikan, Alaska. Lat. 55°21'12" N., Long. 131°40'51" W. Mod. C.P. to add 6226.89H and 6345.49H MHz towards a new point of communication at Tolstoi #2, via passive reflector.

1478–CF–P–75, Same (WJM35), 0.2 mile Southeast of Duncan Canal White Alice Station; on access road, Duncan Canal, Alaska. Lat. 56°45'21" N., Long. 133°10'01" W. C.P. to change antenna location resulting in change in coordinates as stated above; add 5945.20V and 6063.80V MHz towards Petersburg Mountain, via passive reflector; add 6004.50H and 6123.10H MHz towards Kake North, Alaska, via passive reflector.

1479–CF–P–75, Same (new), on Block 62, in Wrangell, Alaska. Lat. 56°28'28" N., Long. 132°22'41" W. C.P. for a new station on 6004.50V and 6123.10V MHz towards Burnett NE #1 and #2 via passive reflector; add 5974.65H and 6093.45H MHz toward Horn Mountain, Alaska, via passive reflector.

1480–CF–P–75, Same (new), 1.2 miles East of Baranof; on northeast side of Warm Springs Bay, Warm Springs, Alaska. Lat. 57°05'16" N., Long. 134°48'07" W. C.P. for a new station on 5974.65V and 6093.45V MHz towards Baranof West via passive reflector; 5945.20H and 6063.80H MHz towards Bahovec via passive reflector.

1481–CF–P–75, Same (new), 1.5 miles NW of Thorne Bay Village at NW end of Bay, Thorne Bay, Alaska. Lat. 55°41'94" N., Long. 132°33'23" W. C.P. for a new station on freq. 2167.20H MHz towards Tolstoi #1, via passive reflector.

1482–CF–P–75, Same (new), 29 miles South of Wrangell, on Sellers Island, Alaska. Lat. 56°03'36" N., Long. 132°29'51" W. C.P. for a new station on 6197.24V and 6315.84V MHz towards Burnett, NW via passive reflector; 6256.54H and 6375.14H MHz towards Burnett NE #2, via passive reflector.

1483–CF–P–75, Same (new), 17 miles WNW of Meyers Chuck, near Hilltop 2878, Ratz Mountain, Alaska. Lat. 55°48'59" N., Long. 132°41'12" W. C.P. for a new station on 2167.20V MHz towards Klawok, Alaska, on azimuth 221°32'; 2162.40H MHz towards Meyers Chuck, Alaska, on azimuth 107°50'.

1484–CF–P–75, Same (new), 1st and D Streets, Petersburg, Alaska. Lat. 56°48'52" N., Long. 132°57'18" W. C.P. for a new station on freq. 6226.89V and 6345.49V MHz towards Horn Mountain, Alaska, via passive reflector; 6197.24H and 6315.84H MHz towards Petersburg Mountain, via passive reflector.

1485–CF–P–75, Same (new), on lot #1 at South End of Meyers Chuck, Alaska. Lat. 55°44'16" N., Long. 132°15'28" W. C.P. for a new station on freq. 5974.85V and 6093.45V MHz towards Tolstoi #2, via passive reflector; 5945.20H and 6063.80H MHz towards Burnett NW via passive reflector; 2117.20V MHz towards Tolstoi #1 via passive reflector; 2112.40V MHz towards Ratz Mountain via passive reflector.

1486–CF–P–75, RCA Alaska Communications, Inc. (new), on block 32, Klawok, Alaska. Lat. 55°33'17" N., Long. 133°05'40" W. C.P. for a new station on freq. 2126.80V MHz towards Wadleigh Island, via passive reflector; 2117.20H MHz towards Ratz Mountain, Alaska, on azimuth 41°12'.

1487–CF–P–75, Same (new), near center of village of Kake, Alaska. Lat. 56°58'35" N., Long. 133°56'34" W. C.P. for a new station on 6256.54V and 6375.14V MHz towards Kake North, via passive reflector; 6226.89H and 6345.49H MHz towards Baranof West, via passive reflector.

1488–CF–P–75, Same (new), Hydaburg, South end of 13th Street in Craig, Alaska. Lat. 55°12'18" N., Long. 132°49'10" W. C.P. for a new station on 2142.00H MHz towards Sunny Hay #2, Alaska, via passive reflector.

1489–CF–P–75, Same (new), 5th and Spruce Streets, Craig, Alaska. Lat. 55°28'32" N., Long. 133°08'52" W. C.P. for a new station on 2192.00V MHz towards Sunny Hay #1 via passive reflector; 2176.80H MHz towards Wadleigh Island via passive reflector.

1156–CF–P–75, Southern Pacific Communications Company (new), 3.7 miles North of Woodworth, Illinois. Lat. 40°40'55" N., Long. 87°54'32" W. C.P. to add frequency 6256.5V to new point of communications toward Earl Park, Indiana, on azimuth 95°16'.

1157–CF–P–75, Same (WAH604), 3.5 Miles South of Earl Park, Indiana. Lat. 40°36'43" N., Long. 87°25'02" W. C.P. to add frequency 6004.5V to new point of communications toward Woodworth, Illinois, on azimuth 275°54'.

1369–CF–P–75, Microwave Transmission Corporation (new), Sulphur Mtn., 3.5 miles South of Ojai, California. (Lat. 34°24'17" N., Long. 119°14'44" W.) C.P. for a new station on 10,815V MHz, 10,935H MHz, 11,055V MHz, 11,095H MHz, 11,135V MHz and 11,175H MHz toward Broadcast Peak (KVU78), California, on azimuth 281 degrees/45 minutes.

1371–CF–P–75, Same (KVU78), Broadcast Peak, 16.0 Miles NW of Santa Barbara, California. (Lat. 34°31'31" N., Long. 119°57'29" W.): C.P. (a) to change frequencies to 11,225V MHz, 11,425H MHz, 11,465V MHz, 11,545V MHz, 11,585H MHz and 11,665H MHz toward San Antonio Hill (WDD52), California, on azimuth 305 degrees/30 minutes and (b) to replace transmitters.

1370–CF–P–75, Same (WDD52), San Antonio Hill, 1.7 Miles East of Casmalia, California. (Lat. 34°50'30" N., Long. 120°29'53" W.): C.P. (a) to change frequencies to 10,735H MHz, 10,775V MHz, 10,975H MHz, 11,015V MHz, 11,095V MHz and 11,135H MHz toward Cuesta Ridge (KNK60), California, on azimuth 346 degrees/05 minutes and (b) to replace transmitters.

1372–CF–P–75, Western Tele-Communications, Inc. (KPT21), Nelson Peak, 18.0 Miles SW of Salt Lake City, Utah (Lat. 40°36'28" N., Long. 112°09'27" W.): C.P. (a) to change frequency from 11,245H MHz to 11,605V MHz toward Salt Lake City (CATV), Utah, on azimuth 63 degrees/11 minutes and (b) to change polarity from 11,645V MHz to 11,645H MHz toward Salt Lake City (CATV).

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1362–CF–MP–75, United Video, Inc. (WOE70), 1.0 Mile NE of Holdenville, Oklahoma (Lat. 35°06'09" N., Long. 96°23'43" W.): Mod. of C.P. (1855–C1–P–70) to change azimuth to 42 degrees/10 minutes toward Henryetta, Oklahoma.

1361–CF–MP–75, Same (WOE69), 1.0 Mile West of Henryetta, Oklahoma. (Lat. 35°26'52" N., Long. 96°00'45" W.): Mod. of C.P. (1856–C1–P70/3500–C1–P–74) to relocate station to foregoing coordinates and (b) to change azimuths to 25 degrees/14 minutes; 155 degrees/57 minutes; and 97 degrees/10 minutes toward Bald Hill, McAlester, and Eufaula, Oklahoma, respectively.

214–CF–P–75, Southern Pacific Communications Company (new), 3.8 Miles SE of Attica, New York. Lat. 42°50'15" N., Long. 78°12'20" W. Delete: Freq. 6197.2V MHz toward Colden, New York, and add: freq. 6375.2V MHz toward Yorkshire, New York, on azimuth 217°06'.

215–CF–P–75. Same (new). Delete site at Colden, New York, and replace with Yorkshire, New York, 4.6 Miles WSW of Delevan, New York. Lat. 42°28'52". N., Long. 78°34'03" W. C.P. for a new station on freq. 5974.8V MHz toward Arkwright, New York, on azimuth 289°47', and on freq. 6034.2H MHz toward Attica, New York, on azimuth 360°37'.

216–CF–P–75, Same (new). 1.3 Miles SSE of Arkwright, New York. Lat. 42°26'20" N., Long. 79°13'43" W. Delete: Freq. 6226.9V MHz toward Colden, New York, and add: freq. 6226.9V MHz toward Yorkshire, New York, on azimuth 78°53'.

65–CF–MP–75, Mountain Microwave Corporation (KPA41), Salt Lake City TOC, Univ. Club Bldg., Utah. Lat. 40°46'09" N., Long. 111°53'12" W. Application amended to change frequency 11.035H MHz to 5974.8V MHz and 6093.5V MHz toward Salt Lake City (KCPX–TV Studio), Utah, on azimuth 234 degrees/03 minutes.

646–CF–P–75, Midwestern Relay Company (WIV45), Arden Hills, Minnesota. Lat. 45°03'47" N., Long. 93°09'16" W. Application amended to change point of communication to Minneapolis (IDS Bldg.), Minnesota, on azimuth 223 degrees/29 minutes.

310–CF–P–75, CPI Microwave, Inc. (new). Austin (KLRN–TV), Texas. Lat. 30°17'20" N., Long. 97°44'27" W. Application amended to change frequency to 10,875V MHz toward Austin (WPE40), Texas, on azimuth 182 degrees/19 minutes.

[FR Doc.74–27260 Filed 11–20–74;8:45 am]

FEDERAL MARITIME COMMISSION

JAPAN/KOREA-ATLANTIC AND GULF FREIGHT CONFERENCE AND TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN/KOREA

Petitions Filed

Notice is hereby given that the following petitions have been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect a copy of the current contract forms and of the petitions, reflecting the changes proposed to be made in the language of said contracts, at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126 or at the Field Offices located at New York, N.Y.; New Orleans, Louisiana; San Francisco, California and Old San Juan, Puerto Rico. Comments with reference to the proposed changes and the petitions, including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, 1100 L Street, NW, Washington, D.C., 20573, on or before December 2, 1974. Any person desiring a hearing on the proposed modification of the contract forms and/or the approved contract systems shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the petitions (as indicated hereinafter), and the statement should indicate that this has been done.

Notice of applications to modify approved forms of dual rate contracts filed by:

Charles F. Warren, Esq.
1100 Connecticut Avenue, NW
Washington, D.C. 20036

Agreements Nos. 150–DR5, filed on behalf of the Trans-Pacific Freight Conference of Japan/Korea, and 3103–DR6, filed on behalf of the Japan/Korea-Atlantic and Gulf Freight Conference, are identical in nature and provide for a 5½ percent increase in the difference between "contract" and "non-contract" ocean freight rates. Presently, non-contract shippers are assessed ocean freight rates 9½ percent higher than those charged contract shippers. The applications propose that this spread be increased to 15 percent.

By Order of the Federal Maritime Commission.

Dated: November 15, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–27278 Filed 11–20–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. E–8137 and E–8217]

BOSTON EDISON CO. AND NEW ENGLAND POWER CO.

Further Extension of Procedural Dates

NOVEMBER 14, 1974.

On November 8, 1974, Boston Edison Company and New England Power Company filed a motion for extension of the procedural dates fixed by order issued June 17, 1974, as modified by notice issued October 21, 1974, in the above-designated matter. The motion states that Staff Counsel and the intervenor concur in the request.

Upon consideration, notice is hereby given that the date for filing rebuttal testimony is extended to December 3, 1974, and the date for hearing is extended to December 9, 1974, at 10:00 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27209 Filed 11–20–74;8:45 am]

[Docket Nos. E 8686; E 8546]

CINCINNATI GAS AND ELECTRIC CO.

Extension of Procedural Dates

NOVEMBER 14, 1974.

On November 8, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued August 30, 1974, in the above-designated matter. The motion states that the interested parties have been contacted and there is no opposition to the changes.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's testimony, February 3, 1975.
Service of Intervenor's Testimony, February 17, 1975.
Service of Company's Rebuttal, March 3, 1975.
Hearing, March 18, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27206 Filed 11–20–74;8:45 am]

[Docket No. RP75–28]

EAST TENNESSEE NATURAL GAS CO.

Filing of Tariff Sheets Relating to Curtailment Plan

NOVEMBER 14, 1974.

Take notice that on October 31, 1974, East Tennessee Natural Gas Company (East Tennessee), tendered for filing in Docket No. RP75–28, proposed changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff, consisting of the following tariff sheets:

Original Sheet Nos. 74A, 74B, 74C, and 74D
First Revised Sheet Nos. 35, 40, 53, 58, and 62
Second Revised Sheet Nos. 6, 10, 13, 22, 46, 69, 70, 71, 72, 73, and 74
Fourth Revised Sheet Nos. 5, 9, 12, 23, and 27
Ninth Revised Sheet No. 4

East Tennessee states that the purpose of the revised tariff sheets is to include a Curtailment of Deliveries provision in the General Terms and Conditions of East Tennessee's tariff and to make changes in related tariff provisions. East Tennessee further states that the proposed curtailment provision is being filed pursuant to the Commission's Order No. 431 in Docket No. R–418 and pursuant to and in conformity with the Commission's Orders in Docket No. R–469, as modified as to priority-of-service (2) by Commission Opinion No. 647–A.

East Tennessee requests that the Commission waive the notice requirement in the instant proceeding and thereby allow the tariff sheets to become effective on the date of the Commission's order. If however, the request for waiver of the notice requirement is not granted East Tennessee requests that the Commission allow the tariff sheets to become effective on the proposed effective date of December 1, 1974

East Tennessee states that the filing herein was necessitated by curtailments imposed by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee). Tennessee began curtailing deliveries to East Tennessee on January 1, 1974, and increased the level of curtailment on September 23, and again on October 21, 1974. East Tennessee states therefore that due to the increased levels of curtailment it can no longer properly curtail deliveries to its customers within its existing contract and tariff provisions.

East Tennessee states that section 24 (Curtailment of Deliveries) provides procedures for the allocation of available gas supplies to East Tennessee's customers when required for any reason, including but not limited to inadequate gas supply, lack of system capacity, or force majeure.

East Tennessee's proposed plan contains a special adjustment provision to meet emergency conditions as required by Commission Order Nos. 467–A, 467–B, and 467–C. A customer receiving gas under this provision is required to repay the gas to East Tennessee. East Tennessee's filing also included a provision for an overrun penalty of $10.00 per Mcf for volumes taken in excess of assigned volumes under the curtailment plan. The filing also creates a new deferred account for demand charge and other credits and provides for the recovery of the balance in such deferred account by periodic commodity rate adjustments.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27207 Filed 11–20–74;8:45 am]

[Project No. 5]

MONTANA POWER CO.

Order Providing for Prehearing Conference and Hearing

NOVEMBER 15, 1974.

On June 28, 1973, The Montana Power Company (Licensee) filed an application for amendment of license of its Kerr Project No. 5, located on the Flathead River in Flathead, Lake, Sanders, Missoula, Granite, Powell and Deer Lodge Counties, Montana.

Applicant requested that its license for the Kerr Project No. 5 be amended by deleting therefrom the Kerr-Anaconda 161 kV "A" transmission line. The line, occupying a 100-foot right-of-way for about 145 miles through Lake, Missoula, Granite, Powell, and Deer Lodge Counties (and the Flathead Indian Reservation), connects the powerhouse of the Kerr Project with the Licensee's Anaconda substation near Anaconda, Montana.

Licensee supports its request with the statement that the line is not a primary line within the meaning of Section 3(11) of the Federal Power Act (16 U.S.C. 796 (11)). Notice of the application was given with December 27, 1973, as the last day for filing protests or petitions to intervene. To date, no protests or petitions to intervene have been received.

Earlier on June 14, 1972, the Secretary by letter informed the Licensee that it was Staff's conclusion that the 161 kV Kerr-Anaconda "B" transmission line, which is electrically parallel to the Kerr-Anaconda "A" transmission line, qualified as a primary line under section 3(11) of the Federal Power Act (Act). Therefore, Licensee was requested to file an application for amendment of its license to include the Kerr-Anaconda "B" transmission line.

On July 14, 1972, Licensee in response to the above mentioned letter requested the Commission to defer action on this matter until the application for license filed by the Licensee for Project No. 2507 had been disposed of by the Commission. By letter dated May 25, 1973, the Secretary informed the Licensee that such a request would require the Commission to take action which was too indefinite in character and Licensee was requested to state its intentions as to filing an application to amend its license by adding the 161 kV Kerr-Anaconda "B" transmission line.

By letter dated June 22, 1973, the Licensee informed the Commission that its studies of the 161 kV Kerr-Anaconda "B" transmission line concluded that the "B" line was not a primary line within the meaning of section 3(11) of the Act. Therefore, it was the Licensee's intention not to file an application to amend the license for Project No. 5 by including the "B" line. Subsequently, on June 28, 1973, Licensee filed its application to amend the existing license for Project No. 5 by deleting therefrom the "A" line.

By letter dated November 30, 1973, the Secretary requested the Licensee to submit to Staff additional load flow data on Licensee's interconnected transmission system, along with other pertinent information.

On December 31, 1973, Licensee submitted load flow studies from the Western Systems Coordinating Council. These studies included diagrams for the 1973–74 heavy winter period and 1974 heavy summer period loads. The 1974 heavy winter diagrams indicate that power flows on the system were from Kerr (Project No. 5) to Missoula (Rattlesnake Switchyard) on the "A" and "B" lines. These same diagrams indicate that the power flows from Missoula to Anaconda section of the "A" and "B" line are in both directions depending on system needs.

Upon reviewing the positions of Licensee and the Commission Staff as stated in the foregoing correspondence, a question arises as to whether the Kerr-Anaconda "A" and "B" transmission lines are primary lines as defined by the Act. Accordingly, it is appropriate that a public hearing be held to determine what, if any, lines emanating from the Kerr Project No. 5 should be considered as primary lines, and therefore, subject to our jurisdiction.

The Commission finds. (1) It is appropriate and in the public interest as provided herein to hold a public hearing respecting matters involved and issues presented on the question of Commission jurisdiction over the Kerr-Anaconda "A" and "B" transmission lines in Project No. 5.

(2) No major Federal action involving a significant impact on the environment is involved.

The Commission orders. (A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly Sections 4(e) and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Federal Power Commission, 825 North Capitol St., NE., Washington, D.C. respecting the matters involved and the issues presented in this proceeding.

(B) The following procedure is prescribed for this proceeding:

(1) Licensee shall file by December 18, 1974, with the Secretary of the Commission an original and ten copies of all testimony, including qualifications of the witnesses, and exhibits to be presented in Licensee's direct case. Copies of such testimony and exhibits shall be served on all participants.

(2) All other participants, including the Commission Staff, shall file by January 8, 1975, with the Secretary an original and ten copies of all direct testimony and exhibits including qualifications of witnesses with copies served on all participants.

(3) All motions to strike prepared testimony and exhibits and replies to such motions shall be filed with the Administrative Law Judge by January 22, 1975, and February 5, 1975, respectively.

(4) The first hearing session will convene at 10:30 a.m. on Tuesday, February 25, 1975, in a hearing room of the Federal Power Commission to be specified at a later time. Subsequent hearing sessions, as needed, shall be scheduled by the Administrative Law Judge.

(5) All of the testimony, except exhibits, shall be in question and answer form.

(6) No exhibits, except those of which official notice may properly be taken,

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shall contain narrative material other than brief explanatory notes.

(7) Any party submitting more than one exhibit shall enclose a cover sheet listing the title of each exhibit in the sequence in which it is to be marked for identification.

(8) The Administrative Law Judge will specify the order of cross examination and time to be permitted for preparation or rebuttal evidence.

(9) If it becomes apparent that a saving of time or money may be achieved in clarifying relevant issues to be tried, the Administrative Law Judge shall hold a prehearing conference, at which, among other matters, the admission into evidence of relevant but uncontroverted facts without the necessity of presenting a sponsoring witness therefor shall be considered. If a statement of facts can be agreed upon by the parties, the Administrative Law Judge shall provide a briefing schedule and submit his initial decision to be followed by the filing of exceptions in accordance with §§ 1.29, 1.30 and 1.31 of the Commission's rules of practice and procedure.

(C) The Commission's rules of practice and procedure shall apply in this proceeding except to the extent they are modified or supplemented herein.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27210 Filed 11-20-74;8:45 am]

[Docket No. RP73-111]

PACIFIC GAS TRANSMISSION CO.

Canadian Purchased Gas Increase; Order Accepting for Filing and Making Effective Without Suspension

NOVEMBER 15, 1974.

On September 30, 1974, Pacific Gas Transmission Company (PGT) tendered for filing a petition requesting authorization to reflect in its cost of service tariff an increase of $131,805,040 annually in the cost of gas imported from Canada. The Canadian authorities have established January 1, 1975 as the date the increase to PGT will take effect. The instant petition was filed pursuant to Commission order of September 3, 1974 in Docket No. RP73-111 wherein PGT was ordered to obtain Commission approval prior to passing on price increases to its sole customer, Pacific Gas and Electric Company (PGE), resulting from increased purchase costs of Canadian gas to PGT. Prior to said order, PGT was not required to obtain Commission approval before passing on these increased costs.

However, on November 1, 1974, the Commission issued an order on rehearing which modified the September 3, 1974, order to provide that prior approval would not be necessary in order for PGT to effectuate rate increases to flow through increased Canadian purchased gas costs. The Commission held that PGT would be required to file such increases pursuant to Section 4 of the Natural Gas Act so that such increases could be made effective after thirty days notice plus any suspension period the Commission might deem appropriate. Thus, PGT's tariff was further amended, as follows:

PGT's tariff be amended by adding, at the end of paragraph 3.1(1) of Rate Schedule PL-1, the following sentence: Provided that prior filings must be made with the Federal Power Commission pursuant to section 4 of the Natural Gas Act before there is reflected in Seller's cost of gas purchased from its Canadian supplier either that is imposed or required by Canadian authorities or that it reflects a price for purchased gas higher than the price theretofore reflected in the Canadian supplier's price; the increase in Seller's cost of service charges shall be subject to suspension by the Commission pursuant to said section 4, and, if so suspended, shall thereafter be collected subject to refund as provided in said section 4.

Background of Canadian price increase. On November 26, 1973, the National Energy Board of Canada (NEB), pursuant to the National Energy Board Act, commenced proceedings for the purpose of reviewing the price of natural gas being exported from Canada. As PGT purchases all of its gas from Canada, the outcome of said proceedings would have a tremendous impact on PGT, its customer PGE, and the 2.4 million customers served by PGE. Acting on the recommendation resulting from the NEB proceeding, the Canadian government ordered that existing export licenses be amended to establish a border export price of not less than, nor greater than, $1.00 (Canadian) per MMBtu effective January 1, 1975. The current price of Canadian gas purchased by PGT at the international border is 67.30¢ per MMBtu. It should be noted that according to PGT, there are no tribunals to which PGT or its Canadian suppliers might appeal the new price. Further, PGE has filed a petition to intervene urging approval of PGT's petition. On November 4, 1974, PGT tendered for filing a supplement to their petition for authorization wherein they set forth the orders of the NEB amending the export licenses of PGT's supplier as well as the Canadian government's order approving the NEB's action.

Our review of PGT's rate filing indicates that it is consistent with PGT's amended tariff and should therefore be accepted for filing to become effective January 1, 1974.

The Commission finds. Good cause exists to accept for filing and made effective PGT's September 30, 1974, rate filing to become effective January 1, 1975.

The Commission orders. (A) PGT's September 30, 1974, rate filing is hereby accepted for filing to become effective January 1, 1975, without suspension, as proposed.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27212 Filed 11-20-74;8:45 am]

[Project No. 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Certification of Settlement Agreement

NOVEMBER 14, 1974.

Public notice is hereby given that on October 4, 1974, the Presiding Administrative Law Judge certified to the Commission a proposed settlement agreement in the matter of a compalint filed by the Towns of Fulton and Blenheim, New York (Complainants) against Power Authority of the State of New York, Licensee for the Blenheim-Gilboa Project No. 2685. The complaint was lodged allegedly as a result of the manner in which the project was being operated. Complainants alleged that the Licensee was releasing water from the project's lower reservoir in such a manner that it was causing wild and rapid fluctuations in water levels in Schoharie Creek downstream from the project.

In the proposed settlement agreement which was fully executed, Licensee agreed to alter its operations plan with respect to flow releases from the project's lower reservoir, to install additional measuring devices to measure the inflows into and the outflows from the project, and to make sufficient records of same available so that Complainants and others would be able to ascertain from time to time the inflows into and outflows from the project.

The fully executed settlement agreement, along with the attached operating plan for water management which was filed with the Presiding Administrative Law Judge on October 2, 1974, would resolve all outstanding issues in this proceeding.

Any person desiring to protest or comment on said settlement agreement should file comments with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on or before December 13, 1974. Comments will be considered by the Commission in determining the appropriate action to be taken. A copy of this settlement agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27211 Filed 11-20-74;8:45 am]

[Docket No. E-8850]

PUGET SOUND POWER & LIGHT CO.

Order Accepting Initial Rate Schedules, Instituting and Consolidating Proceedings

NOVEMBER 15, 1974.

On August 26, 1974, Puget Sound Power and Light Company (Puget) tendered for filing two wholesale power contracts, one with the Port of Bremerton (at Docket No. E-8893) and one with the City of Oak Harbor, Washington (at Docket No. E-8894).[1] Each of the contracts provides for an initial term of 10 years commencing on September 1, 1974 with successive ten year periods until terminated by 30 days prior notice at the end of such ten year period. The company estimates the revenues for the twelve months ended July 31, 1975 under the agreement with Bremerton to be $4,237.01 and under the agreement with Oak Harbor to be $3,638.10.

Puget requests waiver of the Commission's notice requirements to permit an effective date of September 1, 1974 for each agreement.

Puget's tendered contracts provide for service under rates which closely resemble those provided under its tariff which is currently the subject of a section 205 proceeding at Docket No. E-8850. In fact, the only difference between the tariff rates and the proposed wholesale rates is the billing demand determination. Under the subject contracts, the billing demand during the period March through October cannot be less than the highest maximum demand established during the previous winter peak season. Under the proposed revised tariff in Docket No. E-8850, billing demand is subject to a 50 percent, eleven month ratchet. The Company states that the proposed billing demand provision in the subject contracts is intended to provide for the pronounced winter peaking characteristics anticipated for the two customers.

Notice of the tender of Puget's agreement with Oak Harbor was issued on September 4, 1974, with petitions to intervene and protests due on or before September 16, 1974. Notice relating to the Bremerton agreement was issued September 26, 1974, with responses due on or before October 15, 1974. No comments have been received in response to either notice.

Our review of Puget's two proposed wholesale power contracts, filed on August 26, 1974, indicates that they have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or otherwise unlawful. Accordingly, we shall institute an investigation under section 206 of the Federal Power Act to determine the justness and reasonableness of the proposed contracts. Furthermore, we shall accept the proposed contracts for filing, to become effective September 1, 1974, and waive the notice requirements of our regulations to permit such effective date. We note that certain issues of law and fact in the instant dockets are susbtantially the same as those in Docket No. E-8850. Therefore, we shall consolidate these three proceedings for purposes of hearing and decision. Also, we shall provide additional time in which the company may submit supplemental testimony and exhibits relating to the subject contracts, and extend the remaining procedural dates in Docket No. E-8850 accordingly.

The Commission finds. (1) It is necessary and proper and in the public interest and to aid in the enforcement of the Federal Power Act to accept Puget's tendered contracts for filing, to be effective September 1, 1974, and to enter into an investigation pursuant to Section 206 of the Federal Power Act concerning the lawfulness of the rates contained therein.

(2) Good cause exists to consolidate the investigation established herein and the hearing established at Docket No. E-8850, for hearing and decision.

The Commission orders. (A) Pursuant to § 35.11 of our regulations under the Federal Power Act, we hereby grant waiver of our notice requirements and accept Puget's tendered contracts for filing to be effective as of September 1, 1974.

(B) Pursuant to section 206 of the Federal Power Act, the Commission's rules of practice and procedure and the regulations under the Federal Power Act (18 CFR, Ch. I), a public hearing shall be held pursuant to the schedule hereinafter ordered, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the terms and rates under Puget's proposed contracts.

(C) These proceedings are hereby consolidated for hearing and decision with those proceedings instituted by our order of August 21, 1974, at Docket No. E-8850, and the procedural schedule established therein is modified as follows:

Puget's Supplemental Testimony and Exhibits relating to its contracts with Bremerton and Oak Harbor, December 10, 1974.
Staff Service of Testimony and Exhibits, January 10, 1975.
Intervenor's Testimony and Exhibits, January 24, 1975.
Puget's Rebuttal Testimony and Exhibits, February 7, 1975.
Hearing for purposes of cross-examination, February 18, 1975.

(D) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27213 Filed 11-20-74;8:45 am]

[1] Designated as: Puget Sound Power and Light Company (1) Rate Schedule FPC No. 51—Bremerton; (2) Rate Schedule FPC No. 52—Oak Harbor; (3) Supplement No. 1 to Rate Schedule FPC No. 52—Equipment Rental Contract.

[Docket No. RP75-23]

TEXAS EASTERN TRANSMISSION CORP.

Order Rejecting Filing Pursuant to Emergency Purchase Contract

NOVEMBER 14, 1974.

On October 15, 1974, Texas Eastern Transmission Corporation (TETCO) tendered for filing Original Sheet No. 14E to its FPC Gas Tariff, Fourth Revised Volume No. 1 to enable TETCO to include in its jurisdictional rates the cost of synthetic natural gas (SNG) purchased from Algonquin Gas Transmission Company (Algonquin), pursuant to an emergency purchase contract.[1] TETCO's October 15, 1974, filing states that the emergency purchase contract provides for the purchase by TETCO from Algonquin of SNG in daily quantities equivalent to 14,012 dth/d[2] during the month of November 1974, and 12,425 dth/d during the period December 1, 1974, through March 31, 1975.

Original Sheet No. 14E proposes to track the cost of such SNG on a monthly basis by means of a SNG Surcharge Rate which will be applicable to all jurisdictional rate schedules. The proposed tariff sheet sets forth the proposed SNG Surcharge Rate applicable to commodity sales:

Month:	SNG surcharge rate[1]
November 1974	2.56
December 1974	2.01
January 1975	1.93
February 1975	2.01
March 1975	2.18

[1] Cents per decatherm.

Our review of the October 15, 1974 filing indicated that TETCO will purchase SNG during the limited period at a rate of $3.98 per dth.

TETCO states that the emergency purchase agreement is conditioned on its right to collect without suspension the SNG Surcharge Rate as provided in Original Sheet No. 14E. TETCO requests a waiver of the Commission's rules and regulations to permit an effective date of November 1, 1974. The October 15, 1974, filing was noticed on October 30, 1974, with comments, protests and petitions to intervene due on or before November 6, 1974.

TETCO's Original Sheet No. 14E must be rejected as not being in compliance with the filing requirements of our rules and regulations. Section 154.62(b)(2) of our regulations provides:

Estimate of sales and revenues under an initial rate schedule or executed service agreement. An estimate of sales or transportation performed and revenues thereunder, by months, for the 12 months immediately succeeding the proposed effective date. The estimate shall be divided by rate schedules, classes of service, customers and delivery points, when more than one is involved. Such data shall include estimates of actual and billing quantities, that are to be used to compute the charges, such as actual demands, billing demands, volumes, heat content, and other determinants.

The purpose of this section of the regulations is to provide this Commission with adequate data and information on which to base a find that acceptance of a filing would be in the public interest. TETCO's October 15, 1974, filing does not include the above-listed data on which to base such a public interest finding. Furthermore, we note that the filing is premature because Algonquin does not have certificate authority to sell the emergency SNG to Texas Eastern. Accordingly, we shall reject TETCO's Original Sheet No. 14E.

[1] This emergency purchase contract has been filed in Docket No. CP69-41, wherein the requisite certificate has been requested.

[2] Decatherms per day. A decatherm is a quantity of gas containing 1,000,000 Btu's.

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The Commission finds. Good cause exists to reject Original Sheet No. 14E, filed October 15, 1974.

The Commission orders. (A) Original Sheet No. 14E of TETCO's FPC Gas Tariff, Fourth Revised Volume No. 1, tendered on October 15, 1974, is hereby rejected.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-27214 Filed 11-20-74;8:45 am]

[Docket No. E-8798].

WESTERN MASSACHUSETTS ELECTRIC CO.

Further Extension of Procedural Dates

NOVEMBER 14, 1974.

On November 12, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued July 19, 1974, as modified by notice issued October 15, 1974, in the above designated matter. The motion states that all parties have concurred in the change.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Staff Service, January 24, 1975.
Intervenor Service, February 14, 1975.
Company Rebuttal, February 24, 1975.
Hearing (unchanged), March 11, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27215 Filed 11-20-74;8:45 am]

[Docket No. RP74-86]

GULF ENERGY AND DEVELOPMENT CORP.

Order Approving Settlement Agreement With Condition

NOVEMBER 14, 1974.

On September 20, 1974 Gulf Energy and Development Corporation (Gulf Energy) tendered for filing a Stipulation and Agreement of Settlement in this proceeding and a motion for Commission approval of this settlement. If approved, the settlement would resolve all issues in this proceeding with exception of the issue involving Gulf Energy's Gas Plant Acquisition Adjustment, which issue the settlement agreement expressly reserved for hearing. A hearing was held on the issue and will be decided separately at a later date.

This proceeding involves a proposed increase in Gulf Energy's gathering rate to Tennessee Gas Pipeline Company (Tennessee) filed on April 26, 1974. The increase from 5.42 cents per Mcf to 11.7 cents per Mcf would increase Gulf Energy's annual revenues by $422,310. By Commission order issued June 10, 1974, the proposed increase was suspended for the minimum statutory period of one (1) day, following which the increased rates became effective on June 12, 1974, subject to refund.

On August 30, 1974, the Commission Staff served evidence indicating that Gulf Energy's proposed increase was excessive by $168,143 and recommending that Gulf Energy be allowed to collect a rate of 9 cents per Mcf. Specifically, Staff took issue with Gulf Energy's allocation factors, depreciation and amortization expense, federal income tax expense, rate base, and rate of return (Staff recommending 12 percent on equity to produce 13.63 percent overall, while the company proposed 17.16 percent on equity producing 16 percent overall). Aside from return, the primary difference between Staff's case and Gulf Energy's proposal was due to the difference in treatment accorded Gulf Energy's Gas Plant Acquisition Adjustment, Staff's exclusion of which produced the dollar majority of the cost of service and rate base adjustments contained in Staff's evidence.

After the filing of evidence, settlement negotiations commenced on September 17, 1974. As a result of these negotiations a Stipulation and Agreement of Settlement and a Motion for approval thereof was filed on September 20, 1974 by Gulf Energy. The settlement agreement was noticed on Octiber 1, 1974 with comments or protests due on or before October 16, 1974. On October 4, 1974 Staff filed comments supporting the proposed settlement agreement. Tennessee filed similar comments on October 7, 1974. The principal provisions of the settlement agreement may be summarized as follows:

The Settlement provides for a rate of return of 14.41 percent which utilizes Staff's recommended return on equity of 12 percent and the capital structure recommended by Staff, but incorporates a more current embedded debt cost than that originally used by Staff. The settlement proposal results in a rate of 10.45 cents per Mcf, pending the resolution of the issue involving the Gas Plant Acquisition Adjustment. As to this issue, the Settlement provides that should the Commission ultimately decide against Gulf Energy (i.e. decide that a part, or all, of the adjustment should be excluded from Gulf Energy's cost of service, calculation of allocation factors, and rate base), Gulf Energy will make appropriate refunds, with interest. As shown on Appendix A, Schedule 1, Line 13 attached to the Settlement Agreement, should the Gas Plant Acquisition Adjustment be entirely excluded, the resulting rate would be 9.25¢ per Mcf. The proposal also provides that Gulf Energy will refund to Tennessee the difference in revenues collected with interest at 7 percent per annum, for the period during which the 11.17¢ per Mcf was in effect.

Upon our review of the record in this proceeding, including the settlement agreement itself, the filings, documents, pleadings, and evidence submitted by the parties, we conclude that the proposed Stipulation and Agreement is reasonable and in the public interest, and accordingly should be approved subject to the terms and conditions of this order.

The Commission finds. The settlement of this proceeding on the basis of the settlement agreement filed herein by Gulf Energy on September 20, 1974 is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and such agreement should be approved as is hereinafter ordered.

The Commission orders. (A) The settlement agreement filed by Gulf Energy and Development Corporation on September 20, 1974 is incorporated herein by reference, approved and made effective as of June 12, 1974, subject to the terms and conditions of this order.

(B) Gulf Energy shall adopt a rate of 10.45 cents per Mcf, pending resolution of the issue in part (C) below. Gulf Energy shall also refund to Tennessee Gas Pipeline Company, with interest at 7 percent per annum, the difference in revenues collected by Gulf Energy at the 11.17 cents per Mcf rate and the 10.45 cents per Mcf settlement rate, for the period during which the 11.17 cents per Mcf rate was in effect.

(C) The amount of Gulf Energy's Gas Plant Acquisition Adjustment to be excluded, if any, from the company's cost of service, calculation of allocation factors, and rate base, will be decided by the Commission at a later date. If the Commission, by final and non-appealable order, should decide this issue in favor of Gulf Energy, no further rate reduction shall be made by Gulf Energy. If the Commission, by final and non-appealable order, should decide this issue against Gulf Energy, Gulf Energy shall reduce its rate to the level of 9.25¢ per Mcf, as shown in Appendix A, Schedule 1, Column 8, Line 13, annexed hereto, and shall make refunds, with interest at 7 percent per annum, to Tennessee of amounts representing the difference in revenues between the settlement rate and 9.25¢ per Mcf, for the period June 12, 1974 to the effective date of the 9.25¢ per Mcf rate. In the event that the Acquisition Adjustment is granted in part and denied in part, Gulf Energy shall reduce its rate on the basis of the cost of service attributable to the Acquisition Adjustment as set forth in Appendix A and shall make refunds to Tennessee accordingly.

(D) This order is without prejudice to any findings or orders which have been made or which may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, Gulf Energy, or by any other party or person affected by this order in any proceedings now pending or hereafter instituted by or against Gulf Energy or any other person or party.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

GULF ENERGY & DEVELOPMENT CORP.

Overall Cost of Service—Zapata System

[12 months ended Dec. 31, 1973, as adjusted]

Line No.	Particulars	Per staff exhibit—(TW-1) schedule 1			Reference	Adjustments for		Settlement cost of service with acquisition adjustment		
		Per company	Staff adjustments	Per staff		Accum. def. income tax	Rate of return	Excluded	Added	Included
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Operation and maintenance expense	$281,237		$281,237				$281,237		$281,237
2	Depreciation expense	142,734	($356)	142,378				142,378	$356	142,734
3	Amortization expense	38,555	(27,829)	10,726				10,726	27,829	38,555
4	Taxes other than income	26,786		26,786				20,785		26,785
	Return on rate base:									
5	At 16 percent	284,304	(58,123)							
6	At 13.63 percent		(33,503)	192,678	(1)	$5,124				
7	At 14.41 percent						$11,320	200,122	$7,407	246,619
8	Federal income taxes	157,288	(48,332)	108,956	(2)	2,009	17	110,982	21,781	132,763
9	Revenues credited	(101,567)		(101,567)				(101,567)		(101,567)
10	Total cost of service	829,336	(168,143)	661,193		7,133	11,337	679,663	87,463	767,126
11	Volume (thousand cubic feet)	7,344,530	7,344,530	7,344,530		7,344,530	7,344,530	7,344,530	7,344,530	7,344,530
12	Average cost (cents per thousand cubic feet)	11.29	(2.29)	9.00		0.097	0.154	9.254	1.191	10.445
13	Proposed rate (cents)	11.17	(2.17)	9.00				9.25		10.45
14	Revenue at proposed rates	$820,384	$159,376	$661,008				$679,309		$767,503

[1] Schedule 2.
[2] Schedule 3.

[FR Doc.74-27098 Filed 11-20-74;8:45 am]

[Docket No. RI75-66]

PRODUCTION OPERATORS, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 14, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds. It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders. (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Chapter I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf[5]		Rate in effect subject to refund in dockets No.
									Rate in effect	Proposed increased rate	
RI75-66	Production Operators, Inc.	[1]	[1]	Mississippi River Transmission Corp. (Woodlawn Field, Harrison and Marion Counties, Tex. R.R. District No. 6).		10-15-74	11-15-74	[4] Accepted			
	do	1	2	do	[6] $26,813	10-15-74		11-16-74	4.0	9.5	

[5] Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Rate schedule covers gathering and compression service only (formerly operated by buyer) for gas purchased by MRT in or near the Woodlawn Field. Applicant has no interest in any of the production involved.
[2] Letter agreement dated Sept. 3, 1974.
[3] Rate shown is for field compression charge only. In addition, Applicant received a fixed charge of $2,500 per month for operating The Woodlawn Central Station and 2 cents for each Mcf of gas compressed by Applicant by means of additional or replacement equipment installed by Applicant in Woodlawn Central Station.
[4] Increase based on estimated annual volume of 487,500 Mcf.
[5] Accepted, for filing as of the date set forth in the "Effective Date Unless Suspended" column.

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The proposed rate increase of Production Operators, Inc. is suspended for one day pending determination of the justness and reasonableness of the proposed rate. Good cause has not been shown for granting Production the May 1, 1974, effective date requested by it. Within 45 days of the issuance of this order, Production shall submit cost support data in support of its proposed rate, including the following items:

1. *Investment.*

a. Original equipment acquisition costs (less accumulated depreciation).

b. Monies expended or anticipated to be expended for additional or replacement equipment (less accumulated depreciation).

2. *Annual Expenses.*

a. Current operating and maintenance expense.

b. Depreciation expense and method used in calculating same.

c. Other miscellaneous operating expenses.

3. Estimated remaining recoverable reserves anticipated to be available for compression.

[FR Doc.74-27110 Filed 11-20-74;8:45 am]

FEDERAL RESERVE SYSTEM

[Reg. Y]

AMERICAN SECURITY AND TRUST CO.

Determination of Violation of the Bank Holding Company Act

By letter dated December 10, 1971, The Riggs National Bank ("Riggs"), Washington, D.C., requested that the Board initiate a proceeding under section 5(b) of the Bank Holding Company Act, as amended (12 U.S.C. 1841 *et seq.*) ("Act") to examine the relationships between American Security and Trust Company ("AS&T"), Washington, D.C., American Security Corporation ("ASC"), Washington, D.C. and various suburban Maryland and Virginia banks. By Order dated May 18, 1972, the Board, pursuant to the Riggs request, directed that a formal hearing be held before a designated Administrative Law Judge ("Administrative Law Judge") (37 FEDERAL REGISTER 10479). In addition to the parties designated above, the Virginia Bankers Association sought and was granted permission to participate as an observer in the proceedings.

On May 23, 1972, notice was issued for a pre-hearing conference; pre-hearing conferences were held on various dates from June 23, 1972 through March 30, 1973. Following the pre-hearing conferences, and discovery procedures, a hearing was held in Washington, D.C. on April 13, 1973. A substantial record was developed through depositions of various individuals and exhibits of the parties to the proceedings. The pre-hearing conferences, the discovery and the hearing were conducted in accordance with the Board's rules of practice for formal hearings (12 CFR 263).[1]

In a Recommended Decision, the Administrative Law Judge concluded that the evidence supported the following findings of fact and law:

1. The stapled stockholders of AS&T/ASC constituted a Company within the definition of the Act.

2. The Company had stock control of AS&T from December 1957 to December 31, 1970.

3. The Company never received Board approval to become a bank holding company.

4. The Company acquired stock control on October 25, 1962 of The Loudoun Naginia ("Loudoun") which continued until November 15, 1962.

5. The Company acquired stock control on August 20, 1963, of Fairfax County Nation Bank, Falls Church, Virginia ("FCNB") which has continued through the filing of the Recommended Decision.

6. The Company acquired stock control on May 26, 1969, of University National Bank, Rockville, Maryland ("UNB") which continued until 1972.

7. The Company was an unapproved bank holding company in violation of section 3(a)(1) of the Act having unlawful stock control of the following banks for the following periods:

(a) October 25–November 15, 1962, AS&T and Loudoun.

(b) August 20, 1963–December 31, 1970, AS&T and FCNB.

(c) May 26, 1969–December 31, 1970, AS&T, FCNB and UNB.

8. The unapproved bank holding company also acquired more than 5 percent of the shares of these banks without the approval of the Board in violation of sections 3(a)(3) and 3(d) of the Act and held these shares during the following periods:

(a) June 2, 1964—September 1, 1965, Loudoun.

(b) June 15, 1964—December 31, 1970, UNB.

(c) July 5, 1968—July 31, 1970, First National Bank of Arlington, Arlington, Virginia (and its successor, Suburban National Bank of Arlington).

The Board, having considered the exceptions taken to the Recommended Decision by the parties and the entire record, and having determined that the Administrative Law Judge's findings of fact, conclusions and recommendations, as modified and supplemented herein, should be adopted as the findings, conclusions, and order of the Board, now makes its findings as to the facts, its conclusions drawn therefrom, and its order.

On January 16, 1957, AS&T caused ASC to be incorporated under the laws of the District of Columbia. In December, 1957, AS&T conveyed to ASC its banking premises, its real estate, its insurance brokerage and travel departments, stock in Security Storage Company and $700,000 in cash in exchange for all of ASC's stock and some secured notes. ASC's 500,000 shares of capital stock were distributed, share for share, to the shareholders of AS&T, with the result that each shareholder of AS&T became a like shareholder of ASC. The ASC charter provides that no ASC shares may be transferred unless an equal number of AS&T shares are concomitantly transferred to the same transferee. In fact, the stock of AS&T and ASC is printed on a single sheet of paper which can be separated only by cutting them apart; this relationship between the shares is referred to as "stapling".[2]

The net effect of this stapling arrangement has been and continues to be that AS&T and ASC have identical shareholders. Every additional issue of AS&T stock has been accompanied by a corresponding issue, share for share, of ASC stock. The stock is traded on the over-the-counter market only in equal units of both companies. The stock is widely held among approximately 4,000 holders with no known holder owning as much as 5 per cent of the total outstanding stock.

Almost all of the violations cited in the Recommended Decision are founded on the conclusion that the stapled stockholders of AS&T/ASC were a "company" within the definition of that term found in § 2(b) of the Act.[3] Under that theory the constructive company owned one bank, AS&T, and when it directly or indirectly owned, controlled or held with the power to vote 25 per centum or more of the voting shares of any other bank, without prior Board approval, it became a multi-bank holding company and violated the Act.

The 1970 Amendments to the Act (regulating one-bank holding companies) became effective on January 1, 1971. On September 20, 1971, the Board adopted a regulation (§ 225.2(a) of regulation Y) establishing a conclusive presumption of control in the case of stock-stapling arrangements which would require that AS&T and ASC be considered subsidiaries of a constructive company consisting of the holders of the stapled stock. The Recommended Decision has the impact of applying the standards of that regulation, adopted in 1971, to the facts at the creation of ASC in 1957.

To determine whether a stock stapling arrangement falls within the meaning of "association" as used in section 2(b) of the Act prior to the 1970 Amendments, the legislative intent, as discerned from the Act as a whole and its legislative history must be considered. It is clear that Congress could have explicitly provided for stock stapling within the definition of "company", but did not choose to do so. This is especially significant when considered in light of section 4(b) of the Act which expressly concerns stock stapling. The inclusion elsewhere within the Act of a stock stapling provision dispels the argument that Congress either overlooked or could not be expected to include specifically stock stapling within section 2(b). Congress was attempting to control concrete legal entities through its definition of company, and in fact Congress specifically chose not to cover one type of entity which involved voluntary group action, a partnership. The constructive company created by stock stapling is not such a concrete entity.

The Administrative Law Judge's constructive company does not fit within the definition of "corporation", "business trust" or "other trust". These terms represent entities with recognizable legal formalities, powers, members and other properties. "Association" by itself could arguably include a group of shareholders. To determine its meaning within the statute, "association" must be read in conjunction with the series of terms in which it is included. Such a reading compels an understanding of "association" not as a group of individuals but as a structured entity. "Similar organizations", by its very reference to the specifically enumerated entities in the series, also connotes a more formal structure for the controlled entities than is present in stock stapling. The 1956 Act was obviously not intended to cover every instance of bank control and does not include within its definition of company, a constructive company formed by a stock stapled relationship.

The purpose of the 1970 Amendments was to increase the scope of regulation of bank control. The newly added class to be regulated was, of course, one-bank holding companies, but other control devices were also included. Individual control was expressly considered and a decision made not to regulate it.[4] Section 2(b) was amended through the inclusion of partnerships, an expansion beyond the strict entity concept of "company" into an area of individual joint action. The inclusion of "partnership" indicated an extension of the definition of "company" to include groups of individuals, loosely or tightly formed to hold bank stock. This addition indicates a broadening of the legislative intent such that stock stapled relationships, although not specifically enumerated, fall within the regulatory confines of the 1970 Act.

Section 2(a)(2)(A) was significantly amended to prohibit action by individuals on behalf of a "company". The amended section 2(a)(2)(A) probably covers the stock stapling prohibition without the necessity of further provision through rulemaking. The issue left vague by section 2(a)(2)(A) is whether the nonbank stapled company acts *"through* one or more other persons" (i.e. its joint stockholders) to control another company or bank.[5] The uncertainty of inclusion of stock stapled relationships led the Board, after the expansion of its authority under the 1970 Amendments, to issue, under its rulemaking authority of section 5(b), the stock stapling restrictions of § 225.2(a) of Regulation Y.

The Board was without authority prior to the 1970 Amendments to the Act to find that stock stapled shareholders form a company within the meaning of section 2(b) of the Act. Since Congress, in enacting the 1970 Amendments, did not provide for retrospective application of its legislative intent, the Board does not have the authority to apply retroactively the standards of the 1970 Amendments. Those violations, enumerated in the Recommended Decision, which depend on the conclusion of law that the stock stapling of AS&T/ASC created a company within the definition of section 2(b) of the Act, necessarily fall with the Board's rejection of that conclusion.

The hearing itself and the Recommended Decision did develop additional facts, previously unknown to the Board, concerning ASC's ownership of FCNB and UNB stock. This new information centered on the details of the December 1970 purchases and sales of FCNB and UNB stock.

The then-pending amendments to the Act provided that any bank holding company could not acquire additional shares of any bank without prior Board approval unless the bank holding company owned more than 50 percent of the outstanding shares of that bank. In November, 1970, ASC decided, in light of the proposed amendments to the Act, to acquire in excess of 50 percent of the outstanding shares of either UNB or FCNB. As of November, 1970, ASC owned 40.8 percent of the outstanding shares of UNB and 24.3 percent of the outstanding shares of FCNB. After experiencing some difficulty in attempting to purchase additional UNB stock, ASC turned its attention to FCNB. As of December 1, 1970, ASC directly owned in excess of 41 percent of the outstanding shares of UNB and 24.33 percent of the outstanding shares of FCNB, needing only 396 additional shares to own 25 percent of FCNB. As a result of a concerted campaign by ASC to acquire shares of FCNB, shares of FCNB were received by Alex Brown & Co., Washington, D.C., acting as broker for ASC. On December 11, 1970, Alex Brown & Co. issued a confirmation to ASC reflecting the purchase of 546 shares of FCNB stock for ASC, thereby giving ASC ownership of 25.25 percent of the outstanding shares of FCNB, this at a time when ASC owned in excess of 41 percent of the outstanding shares of UNB.[6] By December 16, 1970 the broker had issued confirmation to ASC of additional purchases of FCNB stock, giving ASC ownership of 50.93 percent of the outstanding shares of FCNB. ASC did not reduce its direct ownership of UNB stock to below 25 percent of the total then outstanding until December 18, 1970. Thus, ASC acquired direct ownership of in excess of 25 percent of two banks without prior Board approval.

The consequence of these purchases is that ASC's acquisition of ownership of FCNB was in violation of the Act. ASC was in compliance with the Act prior to its purchase on December 11, 1970 of 396 shares of FCNB. ASC's purchases on December 14, 1970 and December 16, 1970, dates on which the broker for ASC issued confirmation slips to ASC, were further violations of the Act. All the evidence elicited during the hearing appears to substantiate the Administrative Law Judge's conclusion that these violations by ASC were not intentional or willful. ASC remained in violation of the Act by its ownership of in excess of 25 percent of two banks without prior Board approval through at least December 18, 1970 at which time it reduced its direct ownership of the outstanding shares of UNB below 25 percent. Subsequent to December 31, 1970 it divested to below 5 percent.

ASC thus acquired its ownership of FCNB in violation of the Act in December, 1970, prior to the operation of the 1970 Amendments to the Act. The operation of the 1970 Amendments to the Act cannot be construed to legitimize this prior illegal acquisition. Thus ASC did not become a grandfathered one bank holding company by operation of the 1970 Amendments to the Act. Divestment of its UNB shares does not cure the illegality of ASC's purchase of FCNB stock. The taint of that illegality remains as long as ASC holds its FCNB stock.[7]

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[1] Board counsel participated in the hearing but did not participate in or advise as to the Board's decision in this matter.

[2] 12 U.S.C. 336 allows conditioning the transfer of nonbanking company stock upon the transfer of bank stock.

[3] Section 2(b) of the 1956 Act defines company as "any corporation, business trust, association, or similar organization • • •" The 1966 Amendments added to that definition, after "organization," "or any other trust unless by its terms it must terminate within twenty-five years • • •" Unenumerated, but regulated entities, were those "similar" to corporations, business trusts, associations or long term trusts.

[4] S. 3823 (Brooke Bill) made express provision for individual control.

[5] The original version of H.R. 6778 as introduced by Representative Patman included in the definition of control (§ 2(d)(2)) "Any given person has control over a company if the person directly or indirectly or *acting in concert* with one or more persons, has the power to vote 25 per centum • • •." Clearly this language would have brought stock stapling, chain banking and individual control within the regulation of the Act. Congress expressly rejected this language making is unclear, even after the broadening of the Act by the 1970 Amendments, whether stock stapling arrangements were covered by the Act.

[6] AS&T/ASC argue that ASC did not become owner of the shares until December 21, 1970 at which time ASC paid the brokers for the shares and the shares were delivered to ASC. AS&T/ASC argue that ASC had no control over the shares and did not have the right to vote any of the FCNB shares until it had received and paid for them. The position of AS&T/ASC, however, ignores the provisions of the D.C. Code § 28.8–313(1)(c) which provide "Delivery to a purchaser occurs when his broker sends him confirmation of the purchase • • •" and § 28.8–313(2) provides, in part, "The purchaser is the owner of a security held for him by his broker, but is not the holder except as specified in subparagraphs (b), (c), and (e) of subsection (1) • • •" Thus, in this matter, since ASC is a holder within the terms of the exception, ASC is both the owner and holder of the additional shares of FCNB stock as of December 11, 1970.

[7] Although the Board did not find it necessary to reach the issue, this conclusion derives additional support from the Administrative Law Judge's finding that as of December 31, 1970 ASC directly and indirectly through its officers controlled more than 25 percent of UNB stock. It thus could not have qualified as a one-bank holding company.

V 39 I 226 NOV 21 74 XUM

Pursuant to sections 3(a) and 5(b) of the Act, AS&T/ASC must terminate its ownership and control of FCNB stock as soon as possible but in no event later than two years from the date of this order.

By order of the Board of Governors,* effective November 12, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27231 Filed 11-20-74;8:45 am]

MINGO INSURANCE AGENCY, INC.

Formation of Bank Holding Company

Mingo Insurance Agency, Inc., Mingo, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80.5 per cent or more of the voting shares of Mingo Trust and Savings Bank, Mingo, Iowa. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Mingo Insurance Agency, Inc., Mingo, Iowa, has also applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Mingo Insurance Agency, Mingo, Iowa. Notice of the application was published on October 10, 1974 in Jasper County Tribune, a newspaper circulated in Colfax, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency serving a community of less than 5,000 persons. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 11, 1974.

Board of Governors of the Federal Reserve System, November 11, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27233 Filed 11-20-74;8:45 am]

SOUTH CAROLINA NATIONAL CORP.

Proposed Acquisition

South Carolina National Corporation, Columbia, South Carolina, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1943(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of World Finance Corporation of Gainsville, d/b/a Colonial Loan and Finance Company, Gainesville, Georgia; National Credit Plan Corp., Hawkinsville, Georgia; Martin Finance Corp. of Marietta, Marietta, Georgia; and Martin Finance Corp. of Atlanta, Lithia Springs, Georgia. Notice of the application was published on various dates between September 26, and October 2, 1974 in The Times, a newspaper Circulated in Gainesville, Georgia; The Atlanta Constitution, a newspaper circulated in Atlanta, Georgia; The Marietta Daily Journal, a newspaper circulated in Marietta, Georgia; and The Hawkinsville Dispatch & News, a newspaper circulated in Hawkinsville, Georgia.

Applicant states that the proposed subsidiaries would engage in, through wholly owned subsidiaries licensed in Georgia, consumer finance activities, which subsidiaries shall act as agents or brokers in the sale of credit life and credit accident and health insurance in connection with its extensions of credit and act as agents or brokers in the sale of casualty insurance protecting pledged property in connection with its extensions of credit. In addition to the previously described activities, the company proposes to engage *de novo* through its wholly owned subsidiaries, in second mortgage financing. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 2, 1974.

Board of Governors of the Federal Reserve System, November 13, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27232 Filed 11-20-74;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DANCE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the Dance Advisory Panel to the National Council on the Arts will be held from 9 a.m.—5:30 p.m. on December 7, 8, and 9, 1974 at New York University, Department of Fine Arts, Dance Division, New York City.

A portion of this meeting will be open to the public on December 7 from 2 p.m.—5:30 p.m. and on December 8 from 9:30 a.m.—12 noon on a space available basis. Accommodations are limited. During the open session on December 7 there will be a presentation of the results of the long range planning meeting in Chicago, followed by discussion with the Panel and visitors. During the open session on December 8 there will be a discussion of the criteria for selection of companies to participate in the Dance Touring Program, and the Dance Touring Program generally.

The remaining sessions of this meeting, December 7 (9 a.m.—1 p.m.), December 8 (1 p.m.—5:30 p.m.), and December 9 (9 a.m.—5:30 p.m.) are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, these sessions, which involve matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b), (4) and (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-27298 Filed 11-20-74;8:45 am]

*Voting for this action: Vice-Chairman Mitchell and Governors Sheehan, Bucher, Holland and Coldwell. Absent and not voting: Chairman Burns and Governor Wallich.

SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. Law 92-463), notice is hereby given that a closed meeting of the Special Projects Advisory Panel to the National Council on the Arts will be held from 9 a.m.–5:30 p.m. on December 14, 1974 at the Marriott Essex House in New York City.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting, which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552 (b) (4), (5)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 634-6110.

EDWARD M. WOLFE,
Administrative Officer, National Endowment for the Arts, National Foundation on the Arts and the Humanities.

[FR Doc.74-27299 Filed 11-20-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 18, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202-395-4529).

NEW FORMS

ACTION

An Evaluation of University Year for ACTION, Form —, Single time, HRD (395-3532), Lowry (395-3772), University faculty students, community personnel.

DEPARTMENT OF AGRICULTURE

Forest Service:
Campground Value Study, Form —, Single time, Planchon (395-3898), Sample of campground owners in New Hamp.
Northeast Woodland Owner Study, Form —, Single time, Lowry (395-3772), Private woodland owners.

ENVIRONMENTAL PROTECTION AGENCY

Power Plant Survey Form, Form —, Single time, Weiner (395-4890), Utility power plants.
First Revisit to Charleston Lead Cohort 1970, Form —, Single time, Weiner (395-4890), 200 previously studied children.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse and Mental Health Administration: Monthly Patient Load Statistics, Form ADAMNIDA 1113, Monthly, Reese (395-5630), Govt. grantees and contractors.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Financial Status and Performance Reports—Title I, E3EA of 1965, Form OE 380-1, OE 380-2, Annual, Lowry (395-3772), SEA's.
National Institute of Education:
Career Education Case Studies: Filed Procedures Data Collection, Form NIE 87, Single time, Planchon (395-3898), Career education program administrators, student & comm. participants.
Preparing Education Training Consultants—Knowledge Questionnaire, Classroom Climate Inventory, Form NIE 78 A and B, Occasional, Planchon, Public school teachers & administrators.
Departmental: Form Letter and Compliance Report Form, Form —, Single time, Planchon (395-3898), Sunderhauf (395-4911), Lowry (395-3772), Govt. agencies State educ. depts.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Policy Development and Research:
Jacksonville (Outreach) Housing Program Survey, Form —, Single time, CVA (395-3532), Sunderhauf (395-4911), Lower and Middle Income renters in Jacksonville.
Jacksonville Enrollee Survey, Form —, Single time, CVA (395-3532), Sunderhauf (395-4911), Households enrolled in EHAP.

TENNESSEE VALLEY AUTHORITY

Public Opinion Survey—Vicinity of Proposed Nuclear Power Plant, Form —, Occasional, Weiner (395-4890), Household heads in designated areas.
Environmental and/or Energy Education and Conservation Materials Evaluation Form, Form TVA 9892, Occasional, Lowry (395-3772), Educators requesting educational program material.

DEPARTMENT OF TRANSPORTATION

Departmental: Interview Format and Check Lists and Air Cargo Study, Form —, Single time, EGG (395-3451), Strasser (395-3880), Air Cargo Shippers truckers, airlines & forwarders.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application for Grant under College Library Resources Program, Title II Part A, HEA 1965—P.L. 89-329, Form OE 3118, Annual, Lowry (395-3772), Institutions of Post secondary education.

DEPARTMENT OF THE INTERIOR

Geological Survey: Lessee's Monthly Report of Sales & Royalty, Form 9-361, Monthly, Lowry (395-3772), Oil and gas lessees.
Bureau of Mines: Bituminous Coal and Lignite Production and Mine Operation, Form 6-1401-A, Annual, Weiner (395-4890), producers of over 1,000 tons of bituminous coal annually.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration: Fatal Accident Reporting System, Form HS 214, Occasional, Strasser (395-3880), State fatality file analysts.

EXTENSIONS

DEPARTMENT OF DEFENSE

Departmental: Machine Tool Replacement Analysis Work Sheet, Form DD 1106, Occasional, Caywood (395-3543), DOD arsenals and repair facilities Defense contractors.

GENERAL SERVICES ADMINISTRATION

Integrated Grant Administration (IGA) Program, Form IGA A, B, C, D, D-1, E, F, G, H, Occasional, Lowry (395-3772), Selected projects applying for grants-in-aid.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education: Application for Federal Assistance—Library Research and Demonstration, Form OE 336, Annual, Lowry (395-3772), Institutions of higher education.
Social and Rehabilitation Service: Statistical Report on Children Aged 5-17 in Foster Homes and AFDC Recipients Aged 5-17 Needed to Implement the Elementary and Secondary Education Act, Form SRS NCSS 125, Annual, Planchon (395-3898), 51 State public assistance agencies.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development: Report of Initial Compliance, Form HUD 5361-pf, Single time, Evinger (395-3648), Local governments.
Housing Management:
Justification of Requisition for Project Capital Grant Progress Payment, Form HUD 693, Occasional, Evinger (x) (395-3648).
Project Expenditures Budget, Forms HUD 6220, HUD 6220-A, Occasional, Evinger (x) (395-3648).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration:
Application for Airman Medical Certificate or Airman Medical and Student Pilot Certificate, Form FAA 8500-8, Occasional, Evinger (x) (395-3648).
Report of Eye Examination, Form FAA 8500-7, Occasional, Evinger (x) (395-3648).
Report of Ophthalmological Evaluation for Glaucoma, Form FAA 8500-14, Occasional, Evinger (x) (395-3648).
Federal Highway Administration:
Loan Shift Information Form, Form MCS 10, Occasional, Evinger (x) (395-3648).
Truck Injury/Fatality Report, Form MCS 87, Occasional, Evinger (x) (395-3648).

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U.S. CIVIL SERVICE COMMISSION

Application for Worker-Trainee, Form CSC 1094, Occasional, Evinger (x) (395-3648).

VETERANS ADMINISTRATION

Request for Status of Loan Account—Foreclosure or Other Liquidation, Form FL 26-567, Occasional, Caywood (395-3443).

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-27353 Filed 11-20-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[22-8130]

GENERAL AMERICAN TRANSPORTATION CORP.

Notice of Application and Opportunity for Hearing; Correction

NOVEMBER 19, 1974.

In the notice of application and opportunity for hearing dated November 12, 1974 in the matter of General American Transportation Corporation which appeared on page 40826 of the FEDERAL REGISTER for November 20, 1974, the first sentence of the penultimate paragraph should have read as follows:

"Notice is further given that any interested person may, not later than November 25, 1974 request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of law or fact raised by such application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. • • •"

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27416 Filed 11-20-74;9:10 am]

SMALL BUSINESS ADMINISTRATION

CONCORD DISTRICT ADVISORY COUNCIL

Meeting

The Small Business Administration Concord District Advisory Council will meet at 11 a.m., Eastern Standard Time, Thursday, December 5, 1974, in the Conference Room of the Brick Tower Motel, 414 South Main Street, Concord, New Hampshire, to discuss such business as may be presented by members, the staff of the Small Business Administration, and others attending. For further information, call or write Bert Teague, Small Business Administration, 55 Pleasant Street, Concord, New Hampshire 03301, (603) 224-7724.

Dated: November 12, 1974.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

[FR Doc.74-27242 Filed 11-20-74;8:45 am]

[Declaration of Disaster Loan Area 1100]

NEW YORK

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October, because of the effects of a certain disaster, damage resulted to property located in the State of New York;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Town of Carmel, New York, suffered damage or destruction resulting from a fire which occurred October 21, 1974.

OFFICE

Small Business Administration
District Office
26 Federal Plaza, Room 3100
New York, N.Y. 10007

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 10, 1975. EIDL applications will not be accepted subsequent to August 11, 1975.

Dated: November 11, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-27241 Filed 11-20-74;8:45 am]

[License No. 02/02-5306]

NORTH AMERICA INVESTMENT CORP.

Notice of Issuance of License To Operate as a Small Business Investment Company

On October 7, 1974, a notice was published in the FEDERAL REGISTER (13 FR 36075) stating that North America Investment Corporation, located at 1201 First Federal Building, Stop 23, Santurce, Puerto Rico 00909 had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (the Act), as amended.

The period for comment ended October 21, 1974.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 02/02-5308 to North America Investment Corporation.

Dated: November 13, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-27243 Filed 11-20-74;8:45 am]

[Application No. 02/02-5308]

TEJAS INVESTMENT CORP.

Notice of Application for a License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 *et seq.*), has been filed by Tejas Investment Corporation (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1974).

The officers and directors of the applicant are as follows:

Jose R. Aguilar, President and Director, 5506-B, Fernview, Austin, Texas 78745.

Jose V. Uriegas, Vice President and Director, 3503 Winfield Drive, Austin, Texas 78704.

Arturo Casillas, Secretary-Treasurer and Director, 1222 Radam, Austin, Texas 78745.

Paul Medina, Executive Director and General Manager, 305 E. Corpus Christi Street, Beeville, Texas 78102.

The applicant will maintain its principal place of business at 3001 South Congress Avenue, Austin, Texas 78704. It will begin operations with $305,002 of paid-in capital and surplus derived from the sale of 51,666 shares of common stock to the Mexican American Counsel for Economic Progress, Inc. (MACEP), 33,334 shares of common stock to a number of private investors none of whom owns as much as 10 percent of the common stock and 50,000 shares of preferred stock to the Domestic and Foreign Missionary Society of the Protestant Episcopal Church in the United States of America. MACEP is a nonprofit corporation funded by grants received from the Office of Economic Opportunity.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Small Business Investment Act of 1958, as amended from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owner and management and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA Rules and Regulations.

Any person may, on or before December 6, 1974, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Austin, Texas.

Dated: November 11, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-27240 Filed 11-20-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 636]

ASSIGNMENT OF HEARINGS

NOVEMBER 18, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after November 21, 1974.

MC-C-8281, TRA-MO Warehouse, Inc.—Investigations of Operations, now assigned December 9, 1974, at Portland, Oreg., will be held in Room 108, Pioneer Courthouse, 5555 Yamhill St.

MC 129828 (Sub-No. 2), Glenn Davis And Don R. Davis, DBA Davis Bros., now assigned December 11, 1974, at Portland, Oreg., will be held in Room 108, Pioneer Courthouse, 5555 Yamhill St.

MC 113855 (Sub-No. 291), International Transport, Inc., now assigned December 16, 1974, at Seattle, Wash., will be held in Room 1057, Federal Office Bldg., 909 First Ave.

MC 116763 (Sub-No. 279), Carl Subler Trucking, Inc., now assigned December 17, 1974, at Seattle, Wash., will be held in Room 1057, Federal Office Bldg., 909 First Ave.

MC 134884 (Sub-No. 7), Farwest Furniture Transport, Inc., Now assigned December 18, 1974, will be held in Room 1057, Federal Office Bldg., 909 First Ave., at Seattle, Wash.

W-1274, Diamond Manufacturing Company, Inc., now assigned November 20, 1974, at Washington, D.C., is canceled and the application is dismissed.

MC 139247 (Sub-No. 1) Coopers Brothers, Inc., now assigned November 21, 1974, at Washington, D.C., is postponed to December 9, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 139545 Sub 2, Henry C. Kocot and Anthony J. Kocot, Dba H. C. Kocot & Sons, now assigned December 2, 1974, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC 71593 Sub 1, C. G. Potter, Dba Maumee Express, now assigned December 3, 1974, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

MC 18302 Sub 2, State Moving & Storage, Inc., now assigned December 5, 1974, at New York, N.Y., will be held in Room E-2222, 26 Federal Plaza.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27287 Filed 11-20-74;8:45 am]

[Notice No. 92]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 15, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceedinig (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 263 (Sub-No. 218), filed October 17, 1974. Applicant: GARRETT FREIGHTLINES, Inc., 2055 Garrett Way, Pocatello, Idaho 83201. Applicant's representative: Wayne S. Green (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Skagit Nuclear Power Project plantsite of Puget Sound Power and Light Co. located near Sedro Wooley, Wash., as an off-route point in connection with carriers' authorized regular-route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Seattle, Wash. or San Francisco, Calif.

No. MC 730 (Sub-No. 374), filed October 29, 1974. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94604. Applicant's representative: Alfred G. Krebs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Lake Mills, Iowa, as an off-route point in connection with carrier's authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Des Moines, Iowa or San Francisco, Calif.

No. MC 2202 (Sub-No. 470), filed October 21, 1974. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Blvd., P.O. Box 471, Akron, Ohio 44309. Applicant's representative: William Slabaugh (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the warehouse and distribution facility of Browning Manufacturing Company at or near Eaton, Ohio as an off-route point.

NOTE.—Common control may be involved. Is a hearing is deemed necessary, the applicant requests it be held at either Cincinnati or Columbus, Ohio, or Washington, D.C.

No. MC 14702 (Sub-No. 66), filed October 21, 1974. Applicant: OHIO FAST

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FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum pig, ingots, billets, and slabs*, between the plantsite and facilities of Anaconda Aluminum Corporation at Sebree, Ky., on the one hand, and, on the other, points in Michigan, Wisconsin, Illinois, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Maryland, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, restricted to traffic originating at and destined to the above named origins and destinations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 14751 (Sub-No. 4), filed October 15, 1974. Applicant: NELSON TRANSFER & STORAGE COMPANY, a Corporation, Capital and Piedmont Roads, P.O. Box 708, Charleston, W.Va. 25301. Applicant's representative: James W. Lawson, 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities which because of size or weight require the use of special equipment, and mine machinery, equipment and supplies*, between points in West Virginia, on the one hand, and, on the other, points in Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Charleston, W.Va.

No. MC 25798 (Sub-No. 268), filed October 21, 1974. Applicant: CLAY HYDER TRUCKING LINES, INC., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except bananas), from Mobile, Ala., to points in Arizona, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Nevada, Oklahoma, Ohio, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, Wyoming, and points in Florida on and south of State Highway 40.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla. or New Orleans, La.

No. MC 29555 (Sub-No. 77), filed October 25, 1974. Applicant: BRIGGS TRANSPORTATION CO., a Corporation, 2360 West County Road "C", St. Paul, Minn. 55113. Applicant's representative: Winston W. Hurd (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, livestock, and those requiring special equipment (except those requiring temperature control)), serving the plantsite of Deluxe Products Division of Walker Manufacturing Co. at Lake Mills, Iowa as an off-route point in connection with applicant's authorized regular operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa or St. Paul, Minn.

No. MC 31389 (Sub-No. 190), filed October 31, 1974. Applicant: McLEAN TRUCKING COMPANY, 617 Waughtown Street, P.O. Box 213, Winston-Salem, N.C. 27102. Applicant's representative: David F. Eshelman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite of the Tennant Co., located at or near Maple Grove, Minn., in connection with applicant's regular routes to and from Minneapolis/St. Paul, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn. or Washington, D.C.

No. MC 35540 (Sub-No. 20), filed October 15, 1974. Applicant: SCHRODER'S EXPRESS, INC., Broadway & Vine, P.O. Box 359, Lima, Ohio 45802. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Santa Claus, Ind. as an off-route point in connection with applicant's presently authorized regular route operations.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky. or Indianapolis, Ind.

No. MC 41404 (Sub-No. 118), filed October 24, 1974. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, P.O. Box 440, Fulton Highway, Martin, Tenn. 38237. Applicant's representative: Mark L. Horne (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* in vehicles equipped to provide mechanical temperature control (except commodities in bulk), from Milwaukee, Wis., and its Commercial Zone, to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Milwaukee, Wis. or Chicago, Ill.

No. MC 43593 (Sub-No. 5) Correction), filed October 2, 1974, published in the FEDERAL REGISTER issue of November 1, 1974, and republished as corrected this issue. Applicant: FUNK'S HAULING SERVICE, INC., 2750 Grant Avenue, Philadelphia, Pa. 19114. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between the facilities of F. W. Woolworth Co. located in Denver, Pa., on the one hand, and, on the other, Yonkers, New Rochelle, Garden City, Freeport and New York, N.Y.; Baltimore, Md. and points in Delaware, New Jersey, and Pennsylvania.

NOTE.—The purpose of this republication is to indicate the applicant's correct name. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa. or Washington, D.C.

No. MC 51146 (Sub-No. 396) (Correction), filed September 16, 1974, published in the FEDERAL REGISTER issue of October 10, 1974, and republished as corrected this issue. Applicant: SCHNEIDER TRANSPORT, INC., 2661 South Broadway, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Containers*, (2) *container ends; and* (3) *equipment, materials, supplies, and accessories* used in the manufacture and distribution of containers and container ends when moving with containers and container ends, from Piscataway, N.J., to points in the United States (except points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia).

NOTE.—The purpose of this republication is to correct the territorial description. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 51146 (Sub-No. 401), filed October 25, 1974. Applicant: SCHNEIDER TRANSPORT, INC., 2298 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products, plastic products and aluminum foil backed* with paper, (1) from the facilities of Georgia Pacific Corporation located at or near Norwood, Ohio and Cincinnati, Ohio, to points in and east of the states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, equipment, and supplies* (except in bulk) used in the production or distribution of paper products, plastic products, and aluminum foil backed with paper, from the destination points in (1) above to the facilities of Georgia Pacific Corporation located at or near Norwood, Ohio and Cincinnati, Ohio, restricted to the transportation of shipments originating at or destined to the facilities of Georgia Pacific Corporation located at or near Norwood, Ohio and Cincinnati, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 56244 (Sub-No. 36), filed October 18, 1974. Applicant: KUHN TRANSPORTATION COMPANY, INC., P.O. Box 98, R.D. # 2, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Boxboard*, from Halltown, W. Va., to points in Florida, Kentucky (except Louisville), and Davenport, Iowa and (2) *waste paper, boxboard clippings, empty skids and pallets, and paper cones*, from points in Florida, Kentucky (except Louisville), and Davenport, Iowa, to Halltown, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 61231 (Sub-No. 79), filed October 24, 1974. Applicant: ACE LINES, INC. (A Division of Easters, Inc.), 4143 East 43rd Street, Des Moines, Iowa 50309. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, and fittings and accessories therefor*, from the plantsite of American Cast Iron Pipe Company located at or near Merriam, Kans., to points in Colorado, Iowa, Minnesota, Nebraska, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 61231 (Sub-No. 80), filed October 23, 1974. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles and building and construction materials*, from Albuquerque, N. Mex., Centerville, Iowa, Joliet and Blue Island, Ill., Denver, Colo., Columbia and Toledo, Ohio, Detroit, Grand Rapids, and Lansing, Mich., Newton, Kans., and Kokomo and Fort Wayne, Ind., to points in Arizona, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Texas, Wisconsin, and Wyoming, to Albuquerque, N. Mex., Centerville, Iowa, Joliet and Blue Island, Ill., Denver, Colo., Columbus and Toledo, Ohio, Detroit, Grand Rapids, and Lansing, Mich., Newton, Kans., and Kokomo and Fort Wayne, Ind., restricted against the transportation of commodities in bulk and shipments originating at, or destined to the plantsites of Continental Steel Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 61592 (Sub-No. 329), filed October 22, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. #3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, (1) from points in South Dakota, Wyoming, and Colorado, to points in Wisconsin, Illinois, Indiana, Iowa, Michigan, Ohio, Kansas, Nebraska, and Missouri; (2) from points in Colorado, to points in North Dakota, South Dakota, and Minnesota; and (3) from points in South Dakota, to points in Minnesota.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz.

No. MC 61592 (Sub-No. 330), filed October 24, 1974. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, R.R. 3, Jeffersonville, Ind. 47130. Applicant's representative: E. A. DeVine, P.O. Box 737, 101 First Avenue, Moline, Ill. 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated burial caskets and components*, using specialized trailers containing padded shelves and equipment to protect the uncrated caskets, between Chicago, Oak Park, and Prophetstown, Ill., and Milwaukee, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 63417 (Sub-No. 70), filed October 21, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY INCORPORATED, P.O. Box 2888, Roanoke, Va. 24001. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, Va. 24034. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Microfoam furniture wrap*, from Wurtland, Ky., to points in North Carolina, South Carolina and Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Roanoke, Va.

No. MC 67111 (Sub-No. 22), filed October 18, 1974. Applicant: KAIN'S MOTOR SERVICE CORP., West End of Bates Street, Logansport, Ind. 46947. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, fittings and supplies* (except commodities in bulk, and iron and steel articles), between Flora, Delphi, Kokomo, and Frankfort, Ind., on the one hand, and, on the other, points in Kane, Du Page, Cook, Will, Kendall, De Kalb, Boone, Lake, McHenry, and Ogle Counties, Ill.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind. or Chicago, Ill.

No. MC 69492 (Sub-No. 43), filed October 16, 1974. Applicant: HENRY EDWARDS, doing business as HENRY EDWARDS TRUCKING COMPANY, P.O. Box 97, Clinton, Ky. 42301. Applicant's representative: Walter Harwood, P.O. Box 15314, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, and related *advertising materials:* (a) from St. Joseph, Mo., to Dyersburg, Dresden, and Jackson, Tenn.; (b) from Louisville, Ky., to Woodland Mills and Jackson, Tenn.; (c) from Fort Wayne, Ind., to Martin and Jackson, Tenn.; and (d) from Milwaukee, Wis., to Dyersburg, Tenn.; (2) *wheat products, bran and shorts*, in bags, from Teutopolis, Ill., to Clinton, Ky.; (3) *lime*, in bulk, in dump vehicles, from Jonesboro, Ill., to points in Hickman County, Ky., and (4) *lime*, in bags, from Valmeyer, Ill., to Clinton, Ky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Paducah, Ky.; Memphis, Tenn.; Louisville, Ky.; or Nashville, Tenn.

No. MC 73165 (Sub-No. 356), filed October 30, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33rd St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal buildings and metal building parts*, from the facilities of A & S Steel Buildings Company, Inc., located at or near Caryville, Tenn., to points in the United States; and (2) *materials, equipment and supplies* used in the manufacture and distribution of metal buildings and metal building parts, from points in the United States to the facilities of A & S Steel Building Company, Inc. located at or near Caryville, Tenn.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 75320 (Sub-No. 175), filed October 24, 1974. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Bldg., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the plantsite and facilities of Weyerhaeuser Company, approximately 12 miles south of Columbus, Miss., near Trinity, Miss., as an off-route point in conjunction with applicant's regular-route operations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus or Jackson, Miss.

No. MC 85255 (Sub-No. 54), filed October 18, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, 3720 Airport Way S., Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, between points in Washington, Oregon, Idaho, and Montana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Spokane, Seattle, or Portland, Wash.

No. MC 100666 (Sub-No. 285), filed October 21, 1974. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Wilburn L. Williamson, 3535 N.W. 58th, 280 National Fdn. Life Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap and waste paper*, for re-cycling purposes, from points in Arkansas, Colorado, Illinois, Iowa, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Nebraska, Tennessee, and Texas, to Pryor, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla., or Dallas, Tex.

No. MC 102616 (Sub-No. 905), filed October 31, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and cleaning compounds*, in bulk, in tank vehicles, from Indianapolis, Ind., to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 104430 (Sub-No. 43), filed October 30, 1974. Applicant: CAPITAL TRANSPORT COMPANY, INC., P.O. Box 408, Highway 24 West, McComb, Miss. 39648. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Blackstrap molasses*, in bulk, in tank vehicles, from New Orleans, La., to points in Mississippi.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 105045 (Sub-No. 53), filed October 23, 1974. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes and attachements therefor and related machinery, tools, parts, and supplies* moving in connection therewith, from points in Horry County, S.C., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, Delaware, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 106398 (Sub-No. 720), filed October 23, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Materials, equipment, and supplies*, used in the manufacture, sales, and distribution of metal buildings, from points in Illinois, Indiana, Kansas, Kentucky, Missouri, New York, Pennsylvania, and West Virginia, to Washington Court House, Ohio.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 106644 (Sub-No. 194), filed October 24, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1400 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Switch gears, bus bar systems, and rectifiers*, which because of size and weight require special equipment, from Camden, N.J., and Philadelphia, Pa., to points in the United States, including Alaska but excluding Hawaii, restricted to the transportation of traffic originating at the plantsites and storage and shipping facilities of General Electric Company at Camden, N.J., and Philadelphia, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 106644 (Sub-No. 195), filed October 24, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road, NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving, construction equipment, and cranes; self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, from points in Horry County, S.C., to points in the United States including Alaska, but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at (1) Atlanta, Ga., (2) Washington, D.C.

No. MC 106920 (Sub-No. 57), filed October 23, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, West Monroe Street, New Bremen, Ohio 45869. Applicant's representative: Carroll V. Lewis, P.O. Box 717, Sidney, Ohio 45365. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Van Wert, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite of storage facilities of Borden, Inc., at Van Wert, Ohio.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 107002 (Sub-No. 462), filed October 21, 1974. Applicant: MILLER TRANSPORTERS, INC., P.O. Box 1123 (U.S. Highway 80 West), Jackson, Miss. 39205. Applicant's representative: John J. Borth, P.O. Box 8573, Battlefield Station, Jackson, Miss. 39204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Vicksburg, Miss., to points in Oklahoma and Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107295 (Sub-No. 753), filed October 21, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Iron, steel, zinc, lead, chemicals, and articles or products thereof;* (b) *building and construction materials, supplies, and equipment* (other than self-propelled) and, (c) *curing compounds;* from the plantsites and warehouse facilities of Continental Steel Corporation and subsidiaries such as Enterprise Wire Company, Hausman Corporation, Phoenix Manufacturing Company, Castle Chemical Co., Iowa Steel and Wire Co., and Stevens Spring Co., located at Kokomo, Fort Wayne, Cicero, and Elkhart, Ind.; Newton, Kans.; Toledo and Columbus, Ohio; Lansing, Grand Rapids, and Detroit, Mich.; Denver, Colo.; Albuquerque, N. Mex.; Centerville, Iowa; Blue Island, Chicago, and Joliet, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture and distribution of commodities in (1) above, from points in the United States (except Alaska and Hawaii), to the origin points in (1) above, restricted against the transportation of commodities in bulk.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 107515 (Sub-No. 962), filed October 24, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Road NE., Suite 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citric acid*, in bags, drums, and containers, from the plantsite of Pfizer, Inc., located at or near Southport, N.C., to points in Arizona, California, Nevada, Oregon, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Wisconsin, Arkansas, Colorado, Louisiana, Oklahoma, and Texas.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Atlanta, Ga.

No. MC 109501 (Sub-No. 15), filed October 16, 1974. Applicant: CALHOUN TRUCKING CORP., 319 Jacet Road, Kearny, N.J. 07032. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Sayreville, N.J., to points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; and (2) *materials, supplies, and equipment*, used in the manufacture or distribution of the above commodities, from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, to Sayreville, N.J., under a continuing contract or contracts with New Jersey Steel & Structural Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 109533 (Sub-No. 65), filed September 23, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment), between Cincinnati, Ohio, and Portsmouth, Ohio, serving all intermediate points: From Cincinnati over Interstate Highway 71 to junction U.S. Highway 35 to Chillicothe, Ohio, thence over U.S. Highway 23 to Portsmouth and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. MC 109538 (Sub-No. 23), filed October 25, 1974. Applicant: CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, P.O. Box 269, Eau Claire, Wis. 54701. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plant and warehouse facilities of Tennant Company, at Maple Grove, Minn., as an off-route point in connection with carrier's authorized regular route operations to and from Minneapolis-St. Paul, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, or St. Paul, Minn.

No. MC 109584 (Sub-No. 160), filed October 21, 1974. Applicant: ARIZONA-PACIFIC TANK LINES, 5773 South Prince St., Littleton, Colo. 80120. Applicant's representative: Kenneth A. Willhite (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranberry juice*, from Markham, Wash., to points in Visalia, Calif.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Los Angeles, Calif., or Seattle, Wash.

No. MC 109664 (Sub-No. 2) (Correction), filed September 9, 1974, published in the FEDERAL REGISTER issue of October 17, 1974, as MC 22311 (Sub-No. 6), and republished as corrected this issue. Applicant: WEST SHORE TRANSPORT, INC., 215 Marble Street, Hammond, Ind. 46320. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsite and warehouse facilities of Roll Coater, Inc., at or near Kingsbury, Ind., to points in Illinois, Wisconsin, and Michigan.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding in No. MC 109664 (Sub-No. 2). Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 110567 (Sub-No. 6), filed September 17, 1974. Applicant: SOONER TRANSPORT CORPORATION, P.O. Box 335, Wynnewood, Okla. 73098. Applicant's representative: E. Check, P.O. Box 855, Des Moines, Iowa 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and limestone products*, in bulk, from Marble City, Okla., to points in Indiana.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Des Moines, Iowa.

No. MC 111397 (Sub-No. 109), filed October 21, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials, and non-radioactive waste materials*, requiring special disposition for ecological purposes, and *containers and equipment*, used in the transportation and disposition of such commodities, between the facilities of Nuclear Engineering Company, Inc., at or near Maxey Flats, Fleming County, Ky.; Sheffield, Ill.; Richland, Wash.; Beatty, Nev.; and San Ramon, Calif., and the facilities of Texas Ecologists Company, Inc., at or near Robstown, Tex., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii, restricted to traffic originating at or destined to the above points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 112801 (Sub-No. 165), filed October 29, 1974. Applicant: TRANSPORT SERVICE CO., 2 Salt Creek Lane, Hinsdale, Ill. 60521. Applicant's representative: Leonard R. Kofkin, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid foundry core binders and liquid molding sand binders*, in bulk, from Columbus, Ohio, to points in Alabama, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113459 (Sub-No. 93), filed October 15, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional

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Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors, construction, and mining machinery, equipment, materials, supplies, and parts* (except commodities in bulk), from Pocatello, Idaho, to points in Arkansas, Arizona, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Missouri, Michigan, Montana, Nebraska, North Dakota, Ohio, Oklahoma, Texas, Utah, South Dakota, Wisconsin, New Mexico, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 300), filed October 24, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors, construction, and mining machinery, equipment, materials, supplies, and parts* (except commodities in bulk), from Pocatello, Idaho, to points in the United States, including Alaska (but excluding Hawaii, Arkansas, Idaho, Kansas, Louisiana, Oklahoma, and Texas).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Boise, Idaho, or Washington, D.C.

No. MC 113855 (Sub-No. 301), filed October 23, 1974. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles and aluminum products*, including but not limited to tubing and couplers, from points in Twin Falls County, Idaho, to points in Washington, Oregon, Colorado, Nebraska, Utah, Nevada, Montana, Wyoming, California, Arizona, and New Mexico.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or either San Francisco, or Los Angeles, Calif.

No. MC 114273 (Sub-No. 223), filed October 17, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Knochar, Suite 315, Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds*, from Macedonia, Ohio, to points in Kansas, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Carolina, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114301 (Sub-No. 84), filed October 15, 1974. Applicant: DELAWARE EXPRESS CO., a Corporation, P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer solutions*, in bulk, from Philadelphia, Pa., to points in New York, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114334 (Sub-No. 29), filed October 15, 1974. Applicant: BUILDERS TRANSPORTATION COMPANY, a Corporation, 3710 Tulane Road, Memphis, Tenn. 38116. Applicant's representative: Dale Woodall, 900 Memphis Bank Bldg., Memphis, Tenn. 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Panola County, Miss., to points in Alabama, Tennessee, Louisiana, Georgia, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn.

No. MC 114533 (Sub-No. 309), filed October 21, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business or office machine parts, supplies, devices, and units*, between St. Louis, Mo., on the one hand, and, on the other, Champaign, Decatur, Quincy, and Springfield, Ill., restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day.

NOTE.—Applicant holds contract carrier authority in MC 128616 and other subs, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held either in St. Louis, Mo., or Washington, D.C.

No. MC 114533 (Sub-No. 310), filed October 21, 1974. Applicant: BANKERS DISPATCH CORPORATION, 1106 West 35th Street, Chicago, Ill. 60609. Applicant's representative: Warren W. Wallin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory specimens and reports*, used in pathological testing, between Wichita and Shawnee Mission, Kans., on the one hand, and, on the other, points in Sarpy, Cass, Otoe, Nemaha, Johnson, Saline, Lancaster, Fillmore, York, Seward, Saunders, Douglas, Washington, Dodge, Burt, Cumming, Wayne, Pierce, Madison, Boone, Nance, Platte, Butler, Polk, Merrick, Hamilton, Hall, Adams, Kearney, Phelps, Buffalo, Dawson, Lincoln, Sheridan, Dawes, Box Butte, Morrill, Cheyenne, Kimball, and Scottsbluff Counties, Nebr., and Goshen, Platte, and Laramie Counties, Wyo.

NOTE.—Applicant holds contract carrier authority in MC 128616 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Wichita, Kansas, or Kansas City, Mo.

No. MC 114569 (Sub-No. 112), filed October 16, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related confectionery products and by-products*, and *advertising matter, premiums, and display materials*, when shipped in the same vehicle with candy, confectionery, and related confectionery products and by-products, from points in Luzerne County, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg or Scranton, Pa., or Washington, D.C.

No. MC 114569 (Sub-No. 113), filed October 29, 1974. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, Pa. 17072. Applicant's representative: James W. Hagar, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in Clark County, Wis., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 115162 (Sub-No. 302), filed October 21, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, and particleboard*, from Silsbee, Cleveland, and Bon Wier, Tex., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Oklahoma, Kansas, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Houston, Tex. or New Orleans, La.

No. MC 115311 (Sub-No. 171), filed October 21, 1974. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31061. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising matter*, from Pabst, Houston County, Ga., to points in Louisiana, Texas, Arkansas, Oklahoma, Missouri, Kentucky, Virginia, West Virginia, Ohio, Michigan, Maryland, Delaware, Pennsylvania, the District of Columbia, those points in Tennessee west of Interstate Highway 65, and Newark, N.J.; and (2) *materials and supplies* (except comodities in bulk), used in the production, manufacture, sale, and distribution of malt beverages, from points in the United States in and east of Wisconsin, Illinois, Missouri, Oklahoma, and Texas, to Pabst, Houston County, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 115322 (Sub-No. 111), filed October 29, 1974. Applicant: REDWING REFRIGERATED, INC., P.O. Box 10177, Taft, Fla. 32809. Applicant's representative: J. V. McCoy, P.O. Box 426, Tampa, Fla. 33601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, not frozen, from Waterloo, Red Creek, Egypt, Fairport, Rushville, Lyons, and Syracuse, N.Y., to points in Virginia, West Virginia, Maryland, Delaware, North Carolina, South Carolina, Tennessee, Georgia, Alabama, and Florida.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y., or Washington, D.C.

No. MC 115667 (Sub-No. 11), filed October 23, 1974. Applicant: ARROW TRANSFER CO., LTD., 320 Seymour Blvd., North Vancouver, British Columbia, Canada V7J 2J3. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals*, in bags, drums, sacks, or containers, *and return* of empty containers, from Tacoma and Seattle, Wash., to ports of entry on the International Boundary Line between the United States and Canada located at or near Blaine, Lynden, and Sumas, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle or Olympia, Wash.

No. MC 115762 (Sub-No. 7), filed October 18, 1974. Applicant: KENTUCKY WESTERN TRUCK LINES, INC., P.O. Box 623, Hopkinsville, Ky. 42240. Applicant's representative: Richard D. Gleaves, 602 Stahlman Bldg., Nashville, Tenn. 37201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ties, cross ties, and switch ties*, treated or untreated, between points in Tennessee on and west of Tennessee Highway 13, on the one hand, and, on the other, Paducah, Ky., and Carbondale, Ill.

NOTE.—Applicant holds contract carrier authority in MC 114989 and subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, the applicant does not specify a location.

No. MC 116325 (Sub-No. 68), filed October 29, 1974. Applicant: JENNINGS BOND, doing business as BOND ENTERPRISES, P.O. Box 8, Lutesville, Mo. 63762. Applicant's representative: Jennings Bond (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, iron and steel articles, and fabricated iron and steel*, between points in Morgan County, Ill., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 116923 (Sub-No. 5), filed October 15, 1974. Applicant: KRAMER TRUCKING CO., INC., 275 Trumbull Street, Elizabeth, N.J. 07206. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, raw and finished, and materials, equipment, and supplies* used in connection therewith, between the plantsite of Aztec Leather Corp., located at Newark, N.J., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Newark, N.J., or Washington, D.C.

No. MC 117119 (Sub-No. 515), filed October 29, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Orchard Hill Farms located at Red Hook and Germantown, N.Y., to points in Minnesota and points in the United States on and west of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the International Boundary line between the United States and Canada (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 117201 (Sub-No. 8), filed October 17, 1974. Applicant: INTERSTATE DISTRIBUTOR CO., a Corporation, 8311 Durango SW., Tacoma, Wash. 98499. Applicant's representative: George R. LaBissoniere, Suite 101, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper and recyclable paper*, between points in Washington, Oregon, California, and Utah.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 117815 (Sub-No. 237), filed October 21, 1974. Applicant: PULLEY FREIGHT LINES, INC., 405 S.E. 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (except in bulk), from Frankfort, Ind., to Davenport and Des Moines, Iowa; Kansas City, Kans.; and Kansas City, Mo.; and points in Nebraska, restricted to traffic originating at the named origin and destined to the named destination points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 118159 (Sub-No. 152), filed October 15, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1931 N. Sheridan Road, Tulsa, Okla. 74151. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Hyplains Dressed Beef at Dodge City, Kans., to points in Georgia, North Carolina, South Carolina, Virginia, Florida, Alabama, Tennessee, Mississippi, Arkansas, Louisiana, Texas, and Oklahoma.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118159 (Sub-No. 153), filed October 18, 1974. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 2661 S. Broadway, Green Bay, Wis. 54304. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigerated beer and used empty beer containers*, from the plantsite and warehouse facilities of D & S Distributing at Tulsa, Okla., to Orlando, Fla., New Orleans, La., New York, N.Y., Chicago, Ill., Nashville, Tenn., Little Rock, Ark., St. Louis, Mo., and District of Columbia; and (2) *used empty beer containers* on return.

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 118882 (Sub-No. 3), filed October 23, 1974. Applicant: JOE L. LAMBERT, doing business as LAMBERT TRUCKING SERVICE, 715 Fox Avenue, Harrisville, W. Va. 26362. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump vehicles, from points in that area of West Virginia on, east, and north of a line beginning at the Pennsylvania-West Virginia State line and extending south along U.S. Highway 19 to Sutton, W. Va., thence along West Virginia State Highway 4 to Clendenin, W. Va., thence along U.S. Highway 119 to junction U.S. Highway 60 at Charleston, W. Va., thence east along U.S. Highway 60 to the Virginia-West Virginia State line, to points in Ohio beginning at Bellaire, Ohio, and extending west along Interstate Highway 70 to junction Interstate Highway 77, thence north along Interstate Highway 77 to junction Ohio State Highway 36, thence west along Ohio State Highway 36 to junction Ohio State Highway 16, thence south along Ohio State Highway 16 to junction Ohio State Highway 60, thence south along Ohio State Highway 60 to junction Interstate Highway 70, thence along Interstate Highway 70 to junction U.S. Highway 23, thence south along U.S. Highway 23 to Portsmouth, Ohio, thence east along U.S. Highway 52 to junction Interstate Highway 64 at Huntington, W. Va.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va., Columbus, Ohio, or Washington, D.C.

No. MC 119399 (Sub-No. 48) (Correction), filed October 15, 1974, published in the FEDERAL REGISTER, issue of November 7, 1974, as No. MC 137015 (Sub-No. 1), and republished as corrected this issue. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Ft. Worth, Tex., to Lamar, Springfield, and West Plains, Mo., and Chickasha and Oklahoma City, Okla.; (2) from Galveston and Houston, Tex., to Oklahoma City, Shawnee, and Tulsa, Okla.; (3) from St. Paul, Minn., to Springfield and West Plains, Mo.; and (4) from Belleville, Ill., to West Plains, Mo.

NOTE.—The purpose of this republication is to indicate the correct docket number assigned to this proceeding in No. MC 119399 (Sub-No. 48). If a hearing is deemed necessary, applicant requests it be held at either Oklahoma City or Tulsa, Okla., or Dallas, Tex.

No. MC 119777 (Sub-No. 309), filed October 21, 1974. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Drawer "L", Madisonville, Ky. 42431. Applicant's representative: Pohn B. Ratliff (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials, and non-radioactive waste materials*, requiring special disposition for ecological purposes, and *containers and equipment*, used in the transportation and disposition of such commodities, between the facilities of Nuclear Engineering Company, Inc., at or near Maxey Flats, Fleming County, Ky.; Sheffield, Ill.; Richland, Wash.; Beatty, Nev.; and San Ramon, Calif.; and the facilities of Texas Ecologists Co., Inc., at or near Robstown, Tex., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii, restricted to traffic originating at or destined to the above points.

NOTE.—Applicant holds contract carrier authority in MC 126970 and Subs 1 and 3 thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 119864 (Sub-No. 58), filed October 16, 1974. Applicant: CRAIG TRANSPORTATION CO., a corporation, 26699 Eckel Road, Perrysburg, Ohio 43551. Applicant's representative: Dale K. Craig (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Detroit, Mich., to points in Illinois, Kentucky, Ohio, and St. Louis, Mo., restricted to the transportation of traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich.

No. MC 123069 (Sub-No. 15), filed October 21, 1974. Applicant: ALLER & SHARP, INC., 817 West Fifth Avenue, Columbus, Ohio 43212. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from the plantsite and warehouse facilities of E. J. Brach & Sons, Division of American Home Products Corp., at Carol Stream, Ill., to points in Ohio, Indiana, West Virginia, Kentucky, the lower peninsula of Michigan, New York, Maryland, Virginia, and those points in Pennsylvania on and west of Interstate Highway 81.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Columbus, Ohio.

No. MC 123502 (Sub-No. 44), filed October 21, 1974. Applicant: FREE STATE TRUCK SERVICE, INC., Md. Rt. 3, P.O. Box 760, Glen Burnie, Md. 21061. Applicant's representative: W. Wilson Corroum (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Washington County, Pa., to Berlin, Md.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 618), filed October 16, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Products of soybeans, and materials, supplies, and ingredients* used in the processing thereof, in bulk, between the plant and/or warehouse facilities of Krause Milling Company located at or near Logansport, Ind., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub-No. 68, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Milwaukee, Wis.

No. MC 124078 (Sub-No. 619), filed October 25, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Resins*, dry, from Lima, Ohio, to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant holds contract carrier authority in MC 113832 Sub 68, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at either Cleveland or Columbus, Ohio.

No. MC 124212 (Sub-No. 81), filed October 29, 1974. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, from Middlebranch, Ohio, to points in Kentucky.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 125433 (Sub-No. 52), filed October 29, 1974. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foam board insulation and insulated gypsum foam board panels*, from the plantsite of Panel Era, Division of Roberts Investment Company, at Salt Lake City, Utah, to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 125433 (Sub-No. 54), filed October 29, 1974. Applicant: F-B TRUCK LINE COMPANY, a Corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and plastic conduit*, from Orange, Calif., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles, Calif., or Salt Lake City, Utah.

No. MC 126736 (Sub-No. 72), filed October 25, 1974. Applicant: PETROLEUM CARRIER CORPORATION OF FLORIDA, 155 E. 21st Street, Jacksonville, Fla. 32206. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum products*, in bulk, in tank vehicles, from points in Houston, Henry, Butler, Conecuh, Escambia, Covington, Coffee, Crenshaw, Dale, Geneva, Pike, and Barbour Counties, Ala.; and (2) *fertilizer and fertilizer materials*, in bulk, in tank vehicles, from Pelham, Ga., to Pinetta, Fla.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Jacksonville, Fla.

No. MC 126899 (Sub-No. 81), filed October 29, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Baltimore, Md., to Clarksville, Tenn., and (2) *empty malt beverage containers*, on return.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville, Ky., or Nashville, Tenn.

No. MC 127253 (Sub-No. 53), filed October 18, 1974. Applicant: R. A. CORBETT TRANSPORT, INC., P.O. Box 728, Waskom, Tex. 75692. Applicant's representative: Ewell H. Muse, Jr., American Bank Tower, Suite 1116, 221 West 6th Street, Austin, Tex. 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid synthetic resin*, in bulk, from Diboll, Tex., to points in Louisiana, Alabama, New Mexico, and Oklahoma; and (2) *Liquid petroleum sizing*, in bulk, from Diboll, Tex., to points in New Mexico, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, and Tennessee.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 127505 (Sub-No. 71), filed October 15, 1974. Applicant: RALPH H. BOELK, doing business as R. H. BOELK TRUCK LINES, Route No. 2, Mendota, Ill. 61342. Applicant's representative: Walter Kobos, 1016 Kehoe Drive, St. Charles, Ill. 60174. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Crushed and scrapped vehicles, including component parts and accessories* thereto, from points in Iowa, Minnesota, Missouri, South Dakota, and Wisconsin, to South Beloit, Ill.; and (2) *general commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, livestock), from Cleveland, Ohio, to Chicago, Ill., restricted to the transportation of traffic moving on bills of lading of Merchant Shippers, Stor Dor Freight System, Inc., and Westland Forwarding Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 128007 (Sub-No. 69), filed October 29, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral mixtures, animal and poultry feed ingredients, and fertilizer and fertilizer materials*, in bulk and in bags, from the plantsite and shipping facilities of Micro-Lite, Inc., located at or near Chanute and Buffalo, Kans., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Kansas City, Mo.

No. MC 128030 (Sub-No. 90), filed October 16, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: James F. Flanagan, 111 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Glass containers and closures thereof*, from the plantsite of Midland Glass Co. at Terre Haute, Ind., to points in Arkansas, Iowa, Minnesota, and Ohio; and (2) *commodities* used in the packaging, labeling, manufacture, and shipping of glass containers and parts thereof, from points in Illinois and Missouri, to the plantsite of Midland Glass Co. at Terre Haute, Ind.

NOTE.—Applicant holds motor contract carrier authority in MC 5352, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 128294 (Sub-No. 10), filed October 23, 1974. Applicant: NITE-HAWK EXPRESS, INC., 2334 University Avenue, Saint Paul, Minn. 55114. Applicant's representative: Joseph J. Dudley, W–1260 First National Bank Bldg., Saint Paul, Minn. 55101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Belvidere, Ill., to points in Missouri on or east of U.S. Highway 63, restricted to a transportation service to be performed under a continuing contract or contracts with Green Giant Company.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Saint Paul, Minn.

No. MC 128638 (Sub-No. 4), filed October 24, 1974. Applicant: CENTRAL GRAIN HAULERS, INC., Route #1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients*, (1) from the site of the facility of Southern States Cooperative, Inc., at or near Winchester, Clark County, Ky., to points in West Virginia and Maryland; and (2) from points in Indiana and Ohio to points in Kentucky.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Lexington, Ky., or Cincinnati, Ohio.

No. MC 128638 (Sub-No.. 5) filed October 31, 1974. Applicant: CENTRAL GRAIN HAULERS, INC., Route #1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Bldg., Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* in bags and bulk (except in bulk in tank vehicles) from Seymour, Ind., to points in Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Louisville or Lexington, Ky.

No. MC 133566 (Sub-No. 45), filed October 15, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except commodities in bulk), from the plantsite and storage facilities utilized by Cadbury Schweppes U.S.A. at or near Hazleton, Pa., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Kentucky, Indiana, Illinois, Missouri, Iowa, Minnesota, Wisconsin, Michigan, and District of Columbia, restricted to traffic originating at the above named facilities and destined to points in the states named.

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NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 133566 (Sub-No. 46), filed October 15, 1974. Applicant: GANGLOFF & DOWNHAM TRUCKING COMPANY, INC., P.O. Box 479, Logansport, Ind. 46947. Applicant's representative: William L. Slover, 1224 17th Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery* (except commodities in bulk), from the plantsite and storage facilities of Peter Paul, Inc., at or near Frankfort, Ind., to Dallas, Tex., Des Moines and Davenport, Iowa, Kansas City, Mo., and Omaha, Nebr., restricted to traffic originating at the above named facilities and destined to named destinations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either New York, N.Y., or Washington, D.C.

No. MC 134341 (Sub-No. 5), filed October 15, 1974. Applicant: CHARLES R. STROP, doing business as STROP TRANSPORTATION, Rural Route No. 1, Hastings, Nebr. 68901. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Packinghouse by-products* (other than hides), from the plantsite of Hastings Hide, Inc., located at or near Hastings Industrial Park, Hastings, Nebr., to Denver, Colo., and Kansas City, Mo.; and (2) *hides and packinghouse by-products*, from the plantsite of Hastings Hide, Inc., located at or near Hastings Industrial Park, Hastings, Nebr., to Los Angeles, Long Beach, and San Francisco, Calif., Portland, Oreg., and Seattle, Wash.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 134922 (Sub-No. 107), filed October 29, 1974. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: Don E. Garrison (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Store displays, racks, and stands, plastic and rubber articles, inflating pumps, pads, and athletic goods*, from Ashland, Ohio, to points in California, Arizona, New Mexico, Nevada, Utah, Idaho, Montana, Washington, and Oregon.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio, or Little Rock, Ark.

No. MC 135111 (Sub-No. 1), filed October 15, 1974. Applicant: REESE TRUCKING, INC., P.O. Box 99, Dover, Ohio 44622. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Chemicals* (except in bulk), from Dover, Akron, and New Philadelphia, Ohio, to points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Minnesota; and (2) *equipment, materials, and supplies* (except in bulk), used in the manufacture, sale, and distribution of chemicals, from points in Alabama, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Minnesota, to Dover and New Philadelphia, Ohio, restricted to a transportation service to be performed under a continuing contract or contracts with Union Camp Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa.

No. MC 135235 (Sub-No. 3), filed October 23, 1974. Applicant: LOMA CARTAGE, INC., 11359 Franklin Avenue, Franklin Park, Ill. 60131. Applicant's representative: Frank J. Belline, McDonald's Plaza, Suite S304, Oak Brook, Ill. 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings and materials and supplies*, used in the installation of floor coverings (except commodities in bulk), between points in Cook, Lake, and DuPage Counties, Ill., and Adams, Brown, Columbia, Dane, Dodge, Fond du Lac, Jefferson, Kewunee, Manitowac, Marathon, Outagamie, Ozaukee, Portage, Rock, Sheboygan, Walworth, Washington, Winnebago, and Wood Counties, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 135379 (Sub-No. 7), filed October 29, 1974. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, N.J. 07036. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise, as is dealt in by wholesale, retail, chain grocery, department stores, and food business houses* (except glass containers and commodities in bulk), and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business (except glass containers and commodities in bulk), between points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, North Carolina, South Carolina, West Virginia, Georgia, Florida, Alabama, Louisiana, Mississippi, Tennessee, and the District of Columbia, under contract with Food Fair Stores, Inc., Ideal Shoe Co., and J. M. Fields, Inc., restricted to a transportation service to be performed under a continuing contract or contracts with Food Fair Stores, Inc., Ideal Shoe Co., and J. M. Fields, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135385 (Sub-No. 3), filed October 17, 1974. Applicant: J. C. BANGERTER & SONS, INC., 1265 North Maine Street, Bountiful, Utah 84010. Applicant's representative: Zar E. Hayes, Suite 400, 315 East 2nd South, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise* as is dealt in by wholesale, retail, and chain grocers and food business houses (except commodities in bulk), from the storage and warehouse facilities of Smith's Management Corporation and its wholly owned subsidiary Smith's Food King No. 1, located in Layton and Salt Lake City, Utah, to grocery outlets owned, operated or supplied by Smith's Management Corp. and said subsidiary located in Ely, Battle Mountain, Elko, Reno, and Las Vegas, Nev., and Santa Barbara and Los Angeles, Counties, Calif.; and (2) return movement of *empty containers and rejected shipments* to origins, under a continuing contract with Smith's Management Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 135797 (Sub-No. 30), filed October 21, 1974. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, Lowell, Ark. 72745. Applicant's representative: L. G. Cypert, 108 Terrace Drive, Lowell, Ark. 72745. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sporting goods and recreational equipment*, from Bossier City, La., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Shreveport, La., or Little Rock, Ark.

No. MC 135895 (Sub-No. 5), filed October 21, 1974. Applicant: DON RAY BOYD & JACKIE ROGERS, a partnership, doing business as B & R DRAYAGE COMPANY, North Bierdman Road, P.O. Box 8435, Jackson, Miss. 39208. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, Miss. 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles;* and (2) *equipment, materials, and supplies* used in the manufacture of paper and paper articles, between points in Rankin County, Miss.,

and points in Alabama, Arkansas, Florida, Louisiana, Mississippi, and Tennessee, in non-radial movement.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 136837 (Sub-No. 2), filed October 23, 1974. Applicant: FLORIDA CONTINENTAL EXPRESS, INC., 1326 North Black Canyon Highway, Phoenix, Ariz. 85009. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Road NE., Atlanta, Ga. 30326. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Textiles and textile products*, from LaGrange, Ga., to points in Arizona, California, Oregon, and Washington, under contract with Deering Milliken, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 138313 (Sub-No. 16), filed October 29, 1974. Applicant: BUILDERS TRANSPORT, INC., 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, 430 Judge Bldg., Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lignite*, treated and untreated, in bags, from the plantsite of American Colloid at or near Gascoyne, N. Dak., to points in Washington, and (2) *bentonite, foundry molding sand, treating compound, and processed clay*, in bulk, from the plantsites of American Colloid at or near Belle Fourche, S. Dak., and Upton, Wyo., to points in Washington, Oregon, Montana, and Idaho.

NOTE.—Applicant holds contract carrier authority in MC 126780 Sub 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Skokie, Ill., or Salt Lake City, Utah.

No. MC 138398 (Sub-No. 11), filed October 15, 1974. Applicant: CHARTER EXPRESS, INC., 1959 E. Turner Street, P.O. Box 3772GS, Springfield, Mo. 65804. Applicant's representative: Larry D. Knox, 9th Floor Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical cords, electrical switches, circuit breakers, and lead wires*, from Bridgeport, Conn., and Pawtucket and Providence, R.I., to Clinton, Sweet Springs, Sedalia, Hannibal, and Albany, Mo., and points in the Kansas City, Kans.-Mo., Commercial Zone, under a continuing contract or contracts with Rival Manufacturing Company.

NOTE.—Applicant holds motor common carrier authority in MC 134755 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City or St. Louis, Mo.

No. MC 138719 (Sub-No. 3), filed October 22, 1974. Applicant: PATTEN TRUCKING COMPANY, INC., C/O Thomas Deegan, Jr., Frankford Supply Company, Bristol, Pa. 19007. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wooden fencing*, from points in Maine, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract with Northern Mill and Lumber Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 139112 (Sub-No. 5), filed October 16, 1974. Applicant: CALEX EXPRESS, INC., 149 Warden Avenue, Trucksville, Pa. 18708. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *above ground swimming pools*, from Wilkes-Barre, Pa., to Colton, Calif.; and (2) *accessories* used in connection with above ground swimming pools, from Colton, Calif., to Wilkes-Barre, Pa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139667 (Sub-No. 2), filed October 25, 1974. Applicant: CHARLES SCHMIDT, JR., 906 Meadow Lane, Salem, Ill. 62881. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wood chips, bark chips, unfinished lumber, and un-barked log slabs*, from points in Illinois in and south of Madison, Bond, Fayette, Effingham, Jasper, and Crawford Counties, to points in Indiana; and (2) *unfinished lumber*, from points in Arkansas and Indiana, to points in Illinois.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 139669 (Sub-No. 2), filed September 26, 1974. Applicant: RAYFORD N. BOHANNON AND ROBERT E. RAGON, doing business as R & R TRUCKING CO., Box 492, Greenup, Ill. 62428. Applicant's representative: Robert T. Lawley, 300 Reisch Bldg., Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry, bulk and bagged fertilizer*, from Louisiana, Mo., and Pascagoula, Miss., to Blytheville, Ark.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Springfield, Mo.

No. MC 139674 (Sub-No. 1), filed October 25, 1974. Applicant: DIXON CONTRACTING COMPANY, INC., P.O. Box 17428, Dallas, Tex. 75217. Applicant's representative: Dan Felts, P.O. Box 2207, Austin, Tex. 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rip-rap and bedding materials* (crushed stone), from the plantsite of Texas Industries, Inc., located at or near Bridgeport, Tex., to the Waurika Dam Site Project, near Waurika, Okla.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 139805 (Sub-No. 2), filed August 29, 1974. Applicant: CEPHAS BROTHERS TRANSPORT, LTD., P.O. Box 184–B, Limestone Road, Hockessin, Del. 19707. Applicant's representative: Francis P. Desmond, 115 East 5th Street, Chester, Pa. 19013. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic fibers and textile materials and products*, together with *spools, bobbins, beams, and containers* normally used to transport such products, between DuPont Company plants and facilities at Chattanooga and North Chattanooga, Tenn., on the one hand, and, on the other, points in Berks, Bucks, Carbon, Columbia, Lackawanna, Lehigh, Luzerne, Montour, Monroe, Northhampton, Northumberland, Schuylkill, and Wyoming Counties, Pa., under a continuing contract or contracts with E. I. DuPont de Nemours and Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Wilmington, Del., or Philadelphia, Pa.

No. MC 139833 (Sub-No. 2), filed October 25, 1974. Applicant: TASCO, INC., P.O. Box 1072, Dumas, Tex. 79029. Applicant's representative: William L. Slover, 1224 17th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Iowa Beef Processors, Inc., at or near Amarillo, Tex., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington, D.C.

No. MC 139891 (Sub-No. 1), filed October 15, 1974. Applicant: SHERRILL PHIPPS, doing business as SHERRILL PHIPPS TRUCKING COMPANY, RFD #2, Four Oaks, N.C. Applicant's representative: Johnson Tilghman, Bank of North Carolina, N.A. Bldg., 100 E. Cumberland Street, Dunn, N.C. 28334. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Golf carts, and accessories and parts* pertaining thereto; and (2) *materials and supplies*, used in

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the manufacture of golf carts (except commodities in bulk), between points in Florida, Georgia, South Carolina, North Carolina, and Virginia, under contract with E-Z Go Car Division, Textron, Inc., Fuquay-Varina Branch.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Raleigh, Fayetteville, or Wilmington, N.C.

No. MC 139948 (Sub-No. 1), filed October 24, 1974. Applicant: ATCO INDUSTRIES, LTD., 1243 McKnight Boulevard NE., Calgary, Alberta, Canada. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Modular buildings, collapsible buildings and accessories*, from the International Boundary line between the United States and Canada, located at the Yukon Territory, to points in Alaska.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Billings or Great Falls, Mont.

No. MC 140007 (Sub-No. 1), filed October 21, 1974. Applicant: BIG J TRUCKING COMPANY, INC., Route 4, Box 961, Marion, N.C. 28752. Applicant's representative: George W. Clapp, P.O. Box 836, Taylors, S.C. 29687. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salvaged plastic bags, salvaged plastic material, salvaged paperboard boxes, and salvaged wooden pallets*, for recycling, from points in Alabama, Florida, Georgia, Maryland, North Carolina, Ohio, Pennsylvania, South Carolina and Virginia, to points in California, Illinois, Kansas, Missouri, and Texas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Asheville or Charlotte, N.C.

No. MC 140131 (Correction), filed August 27, 1974, published in the FEDERAL REGISTER issue of October 24, 1974, and republished as corrected this issue. Applicant: GAIL TRESCH, doing business as G. T. TRUCKING, Weatherby Road, Mullica Hill, N.J. 08062. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Stone*, from points in Montgomery, Delaware, and Chester Counties, Pa., to points in New Jersey south of the northern boundaries of Mercer and Monmouth Counties, under a continuing contract or contracts with Redy Mixt Konkrete, Inc., and Woodbury Cement Products Co., Inc.

NOTE.—The purpose of this correction is to eliminate the previously published movement restriction. If a hearing is deemed necessary, the applicant requests it be held at either Philadelphia, Pa., or Washington, D.C.

No. MC 140150 (Sub-No. 2), filed October 10, 1974. Applicant: UNITED OIL OF IDAHO, INC., 1992 Kimberly Road, Box 405, Twin Falls, Idaho 83301. Applicant's representative: John R. Coleman, P.O. Box 525, Twin Falls, Idaho 83301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Potato starch slurry*, from Ontario, Oreg., to Murtaugh, Idaho.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Twin Falls or Boise, Idaho.

No. MC 140217 (Sub-No. 1), filed October 21, 1974. Applicant: CLYDE HUNSAKER, doing business as HUNSAKER TRUCKING, R.R. 4, Box 5, Mt. Pleasant, Iowa 52641. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Prefabricated steel and machinery* used in construction of warehouse systems, from Bonaparte, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture processing, sale, and distribution of prefabricated steel and machinery used in the construction of warehouse systems, from points in the United States (except Alaska and Hawaii), to Bonaparte, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Des Moines, Iowa.

No. MC 140298 (Sub-No. 1), filed October 21, 1974. Applicant: BEN OLSSON, doing business as BEN OLSSON TRUCKING, Route 1, Ellettsville, Ind. 47429. Applicant's representative: Stephen L. Ferguson, 403 East Sixth Street, Bloomington, Ind. 47401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, construction and building materials of all kinds* (except commodities in bulk or in tank vehicles), from the Wickes Lumber and Supply Stores located in Indiana, to points in Illinois, under a continuing contract or contracts with Wickes Lumber & Building Supplies, Division of The Wickes Corporation.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind.

No. MC 140313 (Sub-No. 2), filed October 23, 1974. Applicant: JAMES R. JAMERSON, doing business as J AND R. TRUCKING, 4104 83rs SE., Mercer Island, Wash. 98040. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen potato products*, from Quincy, Wash., to points in Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Colorado, Kansas, and Missouri.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash.

No. MC 140343, filed October 24, 1974. Applicant: CENTRAL DELIVERY SERVICE, INC., 1101 Ripley Street, Silver Spring, Md. 20910. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and related documents* used in and useful for the preparation of telephone directories, (A) from (1) the offices and facilities of the Chesapeake & Potomac Telephone Company of Virginia, located in Arlington County and Alexandria and Falls Church, Va.; (2) the offices and facilities of the Chesapeake & Potomac Telephone Company located in Washington, D.C., and Silver Spring, Md.; and (3) the offices and facilities of the Chesapeake & Potomac Telephone Company of Maryland, located in Annapolis, Baltimore, Cockeysville, Havre De Grace, Hyattsville, Rockville, Seabrook, Silver Spring, Temple Hills, Towson, and Wheaton, Md., to Philadelphia, Pa.; and (B) from Philadelphia, Pa., to (1) the offices and facilities of the Chesapeake & Potomac Telephone Company of Maryland, located in Annapolis, Baltimore, Cockeysville, Havre De Grace, Hyattsville, Rockville, Seabrook, Silver Spring, Temple Hills, Towson, and Wheaton, Md.; (2) the offices and facilities of the Chesapeake & Potomac Telephone Company, located in Washington, D.C., and Silver Spring, Md.; and (3) the offices and facilities of the Chesapeake & Potomac Telephone Company of Virginia, located in Arlington County and Alexandria and Falls Church, Va., restricted to movements originating at or destined to the offices and facilities of the Chesapeake & Potomac Telephone Company, Washington, D.C.; the Chesapeake & Potomac Telephone Company of Virginia; and the Chesapeake & Potomac Telephone Company of Maryland.

NOTE.—Applicant holds contract carrier authority in MC 138480, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140344, filed October 17, 1974. Applicant: UNZICKER TRUCKING, INC., P.O. Box 35, Highway 24 East, El Paso, Ill. 61738. Applicant's representative: Michael J. Ogborn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, under a continuing contract or contracts with Martin Bros. Implement Co., Inc., and Gildersleeve Fertilizer Co., Inc., restricted against transportation to or from the facilities of Monsanto Company and Marathon Metallic Building Company.

NOTE.—Applicant holds motor common carrier authority in MC 134970 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Peoria or Chicago, Ill.

No. MC 140346, filed October 17, 1974. Applicant: G.M.L. TRUCKING CORP., 167-55 148th Avenue, Jamaica, N.Y. 11422. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in Rockland and Westchester Counties, N.Y., and Bergen, Hudson, Essex, Union, Passaic, and Morris Counties, N.J., on the one hand, and, on the other, the John F. Kennedy International Airport and LaGuardia Airport, New York, N.Y., and the Newark Airport, Newark, N.J., restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC 140348, filed October 15, 1974. Applicant: ROBERT L. GAUDET, P.O. Box 213, Grindstone, Magdalen Islands, Quebec, Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fish*, fresh or frozen, *fish packing materials*, and *equipment, supplies, and materials* used by fish processing plants and fishing boats, between Gloucester, Mass., and ports of entry on the International Boundary line between the United States and Canada at or near Houlton, Vanceboro, and Calais, Maine, under a continuing contract or contracts with Gorton Pew Limited, restricted to traffic originating at or destined to points in the Magdalen Islands, Province of Quebec, Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 140349, filed October 15, 1974. Applicant: COPE-BESTWAY EXPRESS, INC., 2024 Harvey Road, Grand Island, N.Y. 14072. Applicant's representative: Thomas A. Weir, 761 North Forest Road, Suite B, Buffalo, N.Y. 14221. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Abrasive grain and abrasive products*, in containers and/or packages (except in bulk, in tank vehicles), from the plant site and warehouse facilities of the Exolon Company at Tonawanda, N.Y., to points in Connecticut, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont; and (2) *refused or returned shipments*, on return, under a continuing contract or contracts with The Exolon Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 140350, filed October 15, 1974. Applicant: FOREST PRODUCTS TRUCKING, INC., 207 Coulter Building, Greensburg, Pa. 15601. Applicant's representative: John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board, hard board, composition board, wood shingles, and mill work*, from points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, and Washington, to points in Connecticut, Indiana, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and West Virginia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 140355, filed October 22, 1974. Applicant: JOSEPH AND ANDREW RACZ, doing business as RACZ's GARAGE, 130 Smith Street, Perth Amboy, N.J. 08862. Applicant's representative: George A. Olsen, 69 Tonnele Ave., Jersey City, N.J. 70306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled motor vehicles and replacement vehicles therefor* (except trailers designed to be drawn by passenger automobiles), *and repossessed vehicles, used forklift trucks, used car cranes, and used truck cranes*, by use of wrecker equipment only between points in Middlesex, Union, Essex, Monmouth, and Somerset Counties, N.J., on the one hand, and, on the other, points in Delaware, Maryland, Virginia, Ohio, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Newark, N.J.

No. MC 140357, filed October 7, 1974. Applicant: DAVID E. FETTER AND VIRGINIA S. FETTER, doing business as BUTTE-DEER LODGE MOTOR FREIGHT, P.O. Box 369, Butte, Mont. 59701. Applicant's representative: Keith P. Johnson, 8 First National Bank Bldg., Butte, Mont. 59701. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except in bulk, in tank vehicles, commodities which because of size or weight require special handling or special equipment, and those of unusual value), Between Butte, Mont., and Deer Lodge, Mont.: From Butte, Mont., over U.S. Highway 10 (Interstate Highway 90) to Deer Lodge, Mont., and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Deer Lodge, Butte, Helena, Great Falls, or Billings, Mont.

No. MC 140358, filed October 7, 1974. Applicant: WILLIAM V. SOWDER, doing business as SOWDER TRUCKING CO., 424 E. 16th Street, Covington, Ky. 41014. Applicant's representative: Norbert B. Flick, Executive Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Home, laundry and auto care products; cosmetics and toilet preparations; cookware and cutlery; food supplements and literature; and sales aids* (except commodities in bulk), from Covington, Ky., to points in Boone and Campbell Counties, Ky., and Butler, Warren, Clinton, Highland, Hamilton, Clermont, and Brown Counties, Ohio, under contract with Amway Corporation, at Ada, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio.

No. 140360, filed October 9, 1974. Applicant: SPINELLI BROS. TRUCKING, INC., 1031 Gheysen Avenue, Vineland, N.J. 08360. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Seabrook, N.J., to points in Ohio, Michigan, Illinois, Pennsylvania, Indiana, New York, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, Virginia, and the District of Columbia; and (2) *returned shipments*, from points in the above-named destination states, to Seabrook, N.J., under a continuing contract or contracts with Seabrook Farms, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

PASSENGER APPLICATIONS

No. MC 2890 (Sub-No. 49), filed October 15, 1974. Applicant: AMERICAN BUSLINES, INC., 315 Continental Avenue, Dallas, Tex. 75207. Applicant's representative: Stuart L. Poelman, 7th Floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers, between St. George, Utah, and Littlefield, Ariz.: From St. George over Bluff Street to its junction with Interstate Highway 15, thence over Interstate Highway 15 to its junction with U.S. Highway 91 at Littlefield, Ariz.

NOTE.—Common control may be involved. Applicant states that American Buslines, Inc., presently has authority as contained in its Certificate of Public Convenience and Necessity No. 2890 Sub 18 to operate its service route between St. George, Utah, and Littlefield, Ariz., over U.S. Highway 91. It also has deviation route authority between St. George, Utah, and Littlefield, Ariz., over Interstate Highway 15 pursuant to Deviation Notice No. 94. It is now contemplated that U.S. Highway 91 between St. George, Utah, and Littlefield, Ariz., will be abandoned as a state highway and re-classified as a low standard county road with minimum maintenance and police patrol thus periodically rendering it unsafe for use. The sole purpose of this application is to redesignate Interstate Highway 15 between the indicated points as the service route so as to insure continuing safe operations through the involved area. It is therefore requested that upon a granting of this application, applicant's present authority to operate between St George, Utah,

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and Littlefield, Ariz., over U.S. Highway 91 and its present deviation route under Notice No. 94 be cancelled. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah.

No. MC 3647 (Sub-No. 460), filed October 15, 1974. Applicant: TRANSPORT OF NEW JERSEY, a Corporation, 180 Boyden Avenue, Maplewood, N.J. 07040. Applicant's representative: John F. Ward (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between the junction of Interstate Highway 78 and U.S. Highway 202 (206) (Bedminster Township, N.J.) and the junction of U.S. Highway 202 and U.S. Highway 206 (Bedminster Township, N.J.): From the junction of Interstate Highway 78 and U.S. Highway 202 (206) at Bedminster Township, N.J., over U.S. Highway 206 to junction N.J. Highway 512 at Peapack-Gladstone Borough, N.J., thence over New Jersey Highway 512 to junction U.S. Highway 202 at Far Hills Borough, N.J., thence over U.S. Highway 202 to junction U.S. Highway 206, and return over the same route, serving all intermediate points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Somerville or Morristown, N.J.

No. MC 140113 (Sub-No. 3), filed October 24, 1974. Applicant: MAPLEWOOD EQUIPMENT COMPANY, a Corporation, 419 Anderson Avenue, Fairview, N.J. 07022. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Smoke Rise and Kinnelon, N.J., and New York, N.Y., under a continuing contract or contracts with Smoke Rise Association.

NOTE.—Applicant holds common carrier authority in MC 138828 and Sub Nos. 2 and 5, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Newark, N.J., or New York, N.Y.

BROKERAGE APPLICATION

No. MC 130273, filed October 11, 1974. Applicant: AUTOMOBILE CLUB OF SOUTHERN OHIO, INC., 710 Waller Street, Portsmouth, Ohio 45662. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker*, at Portsmouth, Athens, Ironton, Gallipolis, Logan, and Jackson, Ohio, to sell to air and rail carriers, the transportation by motor common carrier of *passengers and their baggage*, in all-expense round trip tours, in special and charter operations, beginning and ending at points in Adams, Athens, Gallia, Hocking, Jackson, Lawrence, Meigs, Pike, Scioto, and Vinton Counties, Ohio and Boyd and Greenup Counties, Ky., and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portsmouth, Columbus, or Jackson, Ohio.

FREIGHT FORWARDER APPLICATION

No. FF 461, filed October 16, 1974. Applicant: ALASKA FREIGHT FORWARDERS, a Corporation, 6719 E. Marginal Way South, Seattle, Wash. 98108. Applicant's representative: Ray R. Cook (same address as applicant). Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by motor, rail, and water, in the transportation of *General commodities* (except those of unusual value, Classes A and B explosives, livestock, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment), between Seattle and Tacoma, Wash., and the Commercial Zones thereof, on the one hand, and, on the other, points in Alaska.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Anchorage or Fairbanks, Alaska.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27180 Filed 11-20-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 18, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 2, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 7166 (Sub-No. E5), filed May 31, 1974. Applicant: WILSON TRANSPORTATION SERVICE, P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: Philip G. Cochran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between that part of Ohio on and east of a line beginning at Sandusky, Ohio, and extending along Ohio Highway 4 to junction U.S. Highway 23, thence along U.S. Highway 23 to its junction with U.S. Highway 33 and thence along U.S. Highway 33 to the Ohio-West Virginia State line, on the one hand, and, on the other, all points in Illinois within 200 miles of Ottawa, Ohio. The purpose of this filing is to eliminate the gateway of Ottawa, Ohio, and points within 15 miles thereof, and Vaughsville, Ohio, and points within 8 miles thereof.

No. MC 7166 (Sub-No. E6), filed May 13, 1974. Applicant: WILSON TRANSPORTATION SERVICE, P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: Philip G. Cochran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Ohio on and east of a line beginning at the Ohio-West Virginia State line and extending along U.S. Highway 33 to Columbus, thence along U.S. Highway 23 to the Ohio-West Virginia State line, on the one hand, and, on the other, all points in Illinois within 200 miles of Ottawa, Ohio, which are on and north of Illinois Highway 17 and on and east of Illinois Highway 47. The purpose of this filing is to eliminate the gateway of Ottawa, Ohio, and points within 15 miles thereof, and Vaughsville, Ohio, and points within 8 miles thereof.

No. MC 7166 (Sub-No. E7), filed May 13, 1974. Applicant: WILSON TRANSPORTATION SERVICE, P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: Phillip G. Cochran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, clases A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Ohio on, east, and north of a line beginning at the Ohio-Michigan State line and extending along Interstate Highway 75 to its junction with U.S. Highway 30S, thence along U.S. Highway 30S to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-West Virginia State line on the one hand, and, on the other, all points in that part of Illinois within 200 miles of Ottawa, Ohio, which are on and south of Illinois Highway 17 on and east of Interstate Highway 57 and on and north of Interstate Highway 74. The purpose of this filing is to eliminate the gateway of Ottawa, Ohio, and points within 15 miles thereof, and Vaughsville, Ohio, and points within 8 miles thereof.

No. MC 7166 (Sub-No. E8), filed May 13, 1974. Applicant: WILSON TRANSPORTATION SERVICE, P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: Phillip G. Cochran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, clases A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Ohio on, west, and north of a line beginning at the Ohio-Michigan State line and extending along Interstate Highway 75 to Lima, Ohio, thence along U.S. Highway 30S to junction U.S. Highway 30, thence along U.S. Highway 30 to the Ohio-Indiana State line, on the one hand, and, on the other, all points in that part of Kentucky within 200 miles of Ottawa, Ohio, which are on and north of Interstate Highway 64. The purpose of this filing is to eliminate the gateway of Ottawa, Ohio, and points within 15 miles thereof, and Vaughsville, Ohio, and points within 8 miles thereof.

No. MC 7166 (Sub-No. E9), filed May 13, 1974. Applicant: WILSON TRANSPORTATION SERVICE, P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: Phillip G. Cochran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Ohio on and east of a line beginning at the Ohio-Michigan State line and extending along Interstate Highway 75 to Findlay, Ohio, thence along U.S. Highway 224 to the Ohio-Pennsylvania State line, on the one hand, and, on the other, points in that part of Kentucky within 200 miles of Ottawa, Ohio, which are on and west of Interstate Highway 75, and on and north of Interstate Highway 64. The purpose of this filing is to eliminate the gateway of Ottawa, Ohio, and points within 15 miles thereof, and Vaughsville, Ohio, and points within 8 miles thereof.

No. MC 7166 (Sub-No. E10), filed May 13, 1974. Applicant: WILSON TRANSPORTATION SERVICE, P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: Phillip G. Cochran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Ohio on, north, and west of a line beginning at Interstate Highway 75 to junction Ohio Highway 81 to the Indiana-Ohio State line, on the one hand, and, on the other, points in that part of West Virginia within 200 miles of Ottawa, Ohio, which are on and north of Interstate Highway 64 to its junction with Interstate Highway 79 and on and west of Interstate Highway 79. The purpose of this filing is to eliminate the gateway of Ottawa, Ohio, and points within 15 miles thereof, and Vaughsville, Ohio, and points within 8 miles thereof.

No. MC 7166 (Sub-No. E11), filed May 13, 1974. Applicant: WILSON TRANSPORTATION SERVICE, P.O. Box 258, Ottawa, Ohio 45875. Applicant's representative: Phillip G. Cochran (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in that part of Ohio on, west, and north of a line beginning at the Ohio-Michigan State line and extending along Ohio Highway 109 to junction U.S. Highway 224, thence along U.S. Highway 224 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction Ohio Highway 81, thence along Ohio Highway 81 to the Ohio-Indiana State line on the one hand, and, on the other, all points in that part of Pennsylvania within 200 miles of Ottawa, Ohio, which are on and west of Interstate Highway 79. The purpose of this filing is to eliminate the gateway of Ottawa, Ohio, and points within 15 miles thereof, and Vaughsville, Ohio, and points within 8 miles thereof.

No. MC 43283 (Sub-No. E11), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Maine, on the one hand, and, on the other, points in those parts of Pennsylvania and New Jersey on and south of a line beginning at the Ohio-Pennsylvania State line, thence along Interstate Highway 80 to junction Pennsylvania Highway 144, thence along Pennsylvania Highway 144 to junction U.S. Highway 322, thence along U.S. Highway 322 to junction Interstate Highway 76, thence along Interstate Highway 76 to junction Interstate Highway 276, thence along Interstate Highway 276 to junction Pennsylvania Highway 73, thence along Pennsylvania Highway 73 to junction New Jersey Highway 73, thence along New Jersey Highway 73 to junction Atlantic City Expressway, thence along the Atlantic City Expressway to Atlantic City. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E12), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in New Jersey and those parts of New York and Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Pennsylvania Highway 281 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 22, thence along U.S. Highway 22 to junction Pennsylvania Highway 45, thence along Pennsylvania Highway 45 to junction Pennsylvania Highway 445, thence along Pennsylvania Highway 445 to junction Pennsylvania Highway 192, thence along Pennsylvania Highway 192 to junction Pennsylvania Highway 880, thence along Pennsylvania Highway 880 to junction Interstate Highway 80, thence along Interstate Highway 80 to junction Pennsylvania Highway 405, thence along Pennsylvania Highway 405 to junction U.S. Highway 220, thence along U.S. Highway 220 to junction Pennsylvania Highway 87, thence along Pennsylvania Highway 87 to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Interstate Highway 81, thence along Interstate Highway 81 to Binghampton, N.Y., thence along New York Highway 7 to junction U.S. Highway 20, thence along U.S. Highway 20 to the Massachusetts-New York State line, on the one hand, and, on the other, points in Michigan. The purpose of this filing is to eliminate the gateway of points in Maryland.

No. MC 43283 (Sub-No. E13), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Georgia 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Building, Macon, Georgia 31201. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in those parts of New Jersey, New York and Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line, thence along Pennsylvania Highway 281 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Pennsylvania Highway 51, thence along Pennsylvania Highway 51 to Pittsburgh, Penn., thence along Pennsylvania Highway 8 to Butler, Penn., thence along Pennsylvania Highway 66 to Kane, Penn., thence along U.S. Highway 6 to U.S. Highway 219 to junction New York Highway 17, thence along New York Highway 17 to junction New York Highway 21, thence along New York Highway 21 to junction U.S. Highway 15, thence along U.S. Highway 15 to Rochester and Lake Ontario, on the one hand, and, on the other, points in Missouri and

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Kansas. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E20), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506, American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in those parts of New York and Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 81 to its junction with Interstate Highway 78, thence along Interstate Highway 78 to junction with Pennsylvania Highway 183, thence along Pennsylvania Highway 183 to its junction with Pennsylvania Highway 443, thence along Pennsylvania Highway 443 to its junction with U.S. Highway 209, thence along U.S. Highway 209 to its junction with Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line, on the one hand, and, on the other, points in Illinois, Indiana, Kansas, Kentucky, Michigan, Missouri, and that part of Ohio on and west of a line beginning at Cleveland, thence along Interstate Highway 77 to its junction with Ohio Highway 21, thence along Ohio Highway 21 to its junction with U.S. Highway 250, thence along U.S. Highway 250 to the Ohio-West Virginia State line. The purpose of this filing is to eliminate the gateways of points in Maryland.

No. MC 43283 (Sub-No. E24), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in those parts of Kansas, on and south of a line beginning at the Missouri-Kansas State line, thence along Kansas Highway 150 to junction U.S. Highway 59, thence along U.S. Highway 59 to Lawrence, thence along unnumbered Kansas Highway to Leavenworth, thence along U.S. Highway 73 to junction Kansas Highway 192, thence along Kansas Highway 192 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction Kansas Highway 9, thence along Kansas Highway 9 to Concordia, thence along Kansas Highway 9 to junction U.S. Highway 183, thence along U.S. Highway 183 to Phillipsburg, thence along U.S. Highway 36 to the Kansas-Colorado State line, and in those parts of Missouri, Illinois, and Kentucky on and south of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 150 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Missouri Highway 7, thence along Missouri Highway 7 to junction U.S. Highway 66, thence along U.S. Highway 66 to St. James, Mo., thence along Missouri Highway 8 to junction U.S. Highway 67, thence along U.S. Highway 67 to Farmington, Mo., thence along Missouri Highway 32 to junction U.S. Highway 61, thence along U.S. Highway 61 to St. Marys, Mo., thence along unnumbered Missouri Highway to Missouri Highway 51, thence along Missouri Highway 51 to the Illinois-Missouri State line at Chester, Ill., thence along Illinois Highway 3 to junction Illinois Highway 149, thence along Illinois Highway 149 to Murphysboro, Ill., thence along Illinois Highway 13 to junction Kentucky Highway 56, thence along Kentucky Highway 56 to junction U.S. Highway 60, thence along U.S. Highway 60 to Owensboro, Ky., thence along U.S. Highway 231 to the Kentucky-Tennessee State line, on the one hand, and, on the other, points in Delaware. The purpose of this filing is to eliminate the gateways of points in Georgia.

No. MC-43283 (Sub-No. E25), filed June 3, 1974. Applicant: WASHBURN STORAGE COMPANY, P.O. Box 278, Macon, Ga. 31202. Applicant's representative: J. Sewell Elliott, Suite 506 American Federal Bldg., Macon, Ga. 31201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in that part of Kansas on and south of a line beginning at the Kansas-Missouri State line, thence along Missouri Highway 92 to Leavenworth, Kans., thence along U.S. Highway 73 to Kansas Highway 192, thence along Kansas Highway 192 to junction Kansas Highway 16, thence along Kansas Highway 16 to junction Kansas Highway 177, thence along Kansas Highway 177 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 15, thence along Kansas Highway 15 to junction Kansas Highway 9, thence along Kansas Highway 9 to Concordia, thence along U.S. Highway 183 to Phillipsburg, thence along U.S. Highway 36 to the Kansas-Colorado State line, on the one hand, and, on the other, points in that part of Massachusetts on and east of a line beginning at the Massachusetts-Connecticut State line, thence along Interstate Highway 91 to junction U.S. Highway 202, thence along U.S. Highway 202 to the Massachusetts-New Hampshire State line. The purpose of this filing is to eliminate the gateway of points in Georgia.

No. MC 44302 (Sub-No. E1), filed June 2, 1974. Applicant: DEFAZIO EXPRESS, INC., 1028 Springbrook Ave., Moosic, Pa. 18507. Applicant's representative: Kenneth R. Davis, 999 Union St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper mill products* and *supplies, materials, equipment, and machinery*, between the plant site and storage facilities of the Procter & Gamble Co., and its subsidiaries in the Township of Washington (Wyoming County), Pa., and its storage and shipping facilities in the Counties of Luzerne and Lackawanna, Pa., on the one hand, and, on the other, points in Connecticut within 25 miles of New York, N.Y. The purpose of this filing is to eliminate the gateway of South Norwalk, Conn.

No. MC 59194 (Sub-No. E1), filed June 4, 1974. Applicant: EASTERN FREIGHT WAYS, INC., Eastern and Moonachie Avenues, Carlstadt, N.J. 07072. Applicant's representative: J. Thomas Schneider, 1819 H St., NW., Suite 950, Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except explosives, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading): (1) between points in Warren and Bradford Counties, Pa., on the one hand, and, on the other, points in that part of New York in and east of Franklin, Herkimer, Otsego, Chenango, and Tioga Counties; (2) between points in Potter County, Pa., on the one hand, and, on the other, points in that part of New York in and east of Franklin, Herkimer, Otsego, Chenango, and Broome Counties; (3) between points in Tioga County, Pa., on the one hand, and, on the other, points in that part of New York in and east of St. Lawrence, Lewis, Oneida, Madison, Chenango, and Tioga Counties; (4) between points in Elk and McKean Counties, Pa., on the one hand, and, on the other, points in that part of New York in and east of St. Lawrence, Lewis, Oneida, Madison, Chenango, and Tioga Counties; (5) between points in Lycoming County, Pa., on the one hand, and, on the other, points in that part of New York in and east of Jefferson, Oswego, Cayuga, Tompkins, and Tioga Counties; (6) between points in that part of Bradford County, Pa., west of U.S. Highway 220, on the one hand, and, on the other, points in that part of New York in and east of St. Lawrence, Jefferson, Oswego, Onondaga, Cortland, and Broome Counties; and (7) between points in that part of Bradford County, Pa., on and east of U.S. Highway 220, on the one hand, and, on the other, points in that part of New York in and east of Wayne, Ontario, Yates, and Steuben Counties, and in and north of Oswego, Lewis, St. Lawrence, Fulton, Saratoga, and Rensselaer Counties. The purpose of this filing is to eliminate the gateway of Athens, Pa.

No. MC 88368 (Sub-No. E68), filed July 1, 1974. Applicant: CARTWRIGHT VAN LINES, INC., 1109 Cartwright Ave., Grand View, Mo. 64030. Applicant's representative: Theodore Polydorff, 1250 Conn. Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Alabama on and north of U.S. Highway 278 to points in Texas, on, north and west of a line from the Texas New Mexico State line along U.S. Highway 80 to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line. The purpose of this filing is to eliminate the gateways of points in Mississippi, Missouri, and Oklahoma or points in Mississippi and points in Cowley County, Kans.

No. MC 105733 (Sub-No. E4), filed May 15, 1974. Applicant: H. R. RITTER TRUCKING CO., 928 East Hazelwood Avenue, Rahway, N.J. Applicant's representative: A. R. Jeltes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Bayway, Bayonne, and Newark, N.J., to points in Ohio, West Virginia, and that part of Virginia on and north of Interstate Highway 81 and on and west of Interstate Highway 77. The purpose of this filing is to eliminate the gateway of the pipeline outlet of the Texas Transmission Corporation (Little Big Inch Division), at Greensburg, Pa.

No. MC 105733 (Sub-No. E7), filed May 15, 1974. Applicant: H. R. RITTER TRUCKING CO., 928 E. Hazlewood Ave., Rahway, N.J. Applicant's representative: A. R. Jeltes (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Such liquid petroleum products, industrial alcohol, and solvents*, as are chemicals (except in containers); (1) between points in that part of New Jersey within 150 miles of Belleville, N.J., on the one hand, and, on the other, Providence, R.I., and points within 10 miles thereof (Carlstadt, N.J.)*; and (2) between points in that part of New Jersey within 150 miles of Belleville, N.J., on the one hand, and, on the other, points in that part of Massachusetts on and east of a line beginning at the Massachusetts-New Hampshire State line, thence along Massachusetts Highway 31 to Fitchburg, thence along Massachusetts Highway 12 to the Massachusetts-Connecticut State line (Carlstadt, N.J., and Providence, R.I.)*, restricted in (2) above to the transportation of construction and industrial materials. (II) *Such liquid petroleum products, industrial alcohol, and solvents*, as are chemicals (except in containers), between points in Broome County, N.Y., on the one hand, and, on the other, points in that part of Massachusetts on and east of a line beginning at the Massachusetts-Connecticut State line, thence along Massachusetts Highway 12 to Leominster, thence along Massachusetts Highway 13 to the Massachusetts-New Hampshire State line (Carlstadt, N.J., and Providence, R.I.)*, restricted to the transportation of construction and industrial materials. (III) *Such liquid petroleum products, industrial alcohol, and solvents*, as are chemicals (except in containers), between points in that part of Pennsylvania within 150 miles of Belleville, N.J. (except that part of Pennsylvania north of Interstate Highway 84 and east of Interstate Highway 81), on the one hand, and, on the other, points in that part of Massachusetts on and east of a line beginning at the Massachusetts-Connecticut State line, thence along Massachusetts Highway 12 to Leominster, thence along Massachusetts Highway 13 to the Massachusetts-New Hampshire State line (Carlstadt, N.J., and Providence, R.I.)*, restricted to the transportation of construction and industrial materials. (IV) *Such chemicals* (except in containers), as are construction, and industrial materials, between points in that part of New Jersey, within 10 miles of Carlstadt, N.J., on the one hand, and, on the other, points in that part of Massachusetts on and east of a line beginning at the Massachusetts-Connecticut State line, thence along Massachusetts Highway 12 to Leominster, thence along Massachusetts Highway 13 to the Massachusetts-New Hampshire State line (Providence, R.I.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 106920 (Sub-No. E37), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Dairy products*, as defined in Paragraph B of the Appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Indiana on and north of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 74 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction Indiana Highway 144, thence along Indiana Highway 144 to junction Indiana Highway 267, thence along Indiana 267 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Indiana-Illinois State line, to points in Florida; and *Empty containers* used in the transportation of the above-specified commodities, from the above-specified destination points to the above-specified origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Auglaize, and Mercer Counties, Ohio.

No. MC 106920 (Sub-No. E38), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as defined in Paragraph B of the Appendix to the report in *Modification of Permits*, 48, M.C.C. 628, from points in Indiana on and south of a line beginning at the Indiana-Ohio State line and extending along Interstate Highway 74 to junction Indiana Highway 44, thence along Indiana Highway 44 to junction Indiana Highway 144, thence along Indiana Highway 144 to junction Indiana Highway 267, thence along Indiana Highway 267 to junction U.S. Highway 136, thence along U.S. Highway 136 to the Indiana-Illinois State line, and on and north of a line beginning at the Indiana-Kentucky State line and extending along Indiana Highway 7 to junction U.S. Highway 50, thence along U.S. Highway 50 to junction Indiana Highway 37, thence along Indiana Highway 37 to junction Indiana Highway 46, thence along Indiana Highway 46 to junction Interstate Highway 70, thence along Interstate Highway 70 to the Indiana-Illinois State line, to points in Florida on the south of a line beginning at the west coast of Florida and extending along Florida Highway 582 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction U.S. Highway 92, thence along U.S. Highway 92 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 98, thence along U.S. Highway 98 to junction Florida Highway 70, thence along Florida Highway 70 to the east coast; and *Empty containers*, used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E39), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over the irregular routes, transporting: *Dairy products*, as defined in Paragraph B of the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Indiana north of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 44 to junction U.S. Highway 27, thence along U.S. Highway 27 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Indiana Highway 103, thence along Indiana Highway 103 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 109, thence along Indiana Highway 109 to Anderson, thence along Indiana Highway 9 to junction Indiana Highway 26, thence along Indiana Highway 26 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Highway 22, thence along Indiana Highway 22 to junction U.S. Highway 35, thence along U.S. Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Indiana Highway 130, thence along Indiana Highway 130 to junction U.S. Highway 6, thence along U.S. Highway 6 to the Indiana Illinois State line to points in Alabama; and *Empty containers*, used in the transportation of the above-specified commodities from the above-named destination points to the

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above- named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 106920 (Sub-No. E40), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Paragraph B in the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Indiana north of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 44 to junction Indiana Highway 1, thence along Indiana Highway 1 to junction U.S. Highway 40, thence along U.S. Highway 40 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Indiana Highway 32, thence along Indiana Highway 32 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Indiana Highway 26, thence along Indiana Highway 26 to the Indiana-Illinois State line to points in Georgia; and *empty containers* used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Auglaize, and Mercer Counties, Ohio.

No. MC 106920 (Sub-No. E41), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Paragraph B in the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Indiana north and east of a line beginning at the Indiana-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 33, thence along U.S. Highway 33 to junction Indiana Highway 13, thence along Indiana Highway 13 to junction U.S. Highway 131, thence along U.S. Highway 131 to the Indiana-Michigan State line to points in Kentucky; and *empty containers* used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Auglaize, and Mercer Counties, Ohio.

No. MC 106920 (Sub-No. E42), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Paragraph B in the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Indiana on, north, and east of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 67 to junction Indiana Highway 18, thence along Indiana Highway 18 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 31, thence along U.S. Highway 31 to the Indiana-Michigan State line to points in Tennessee; and *empty containers* used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107227 (Sub-No. E1), filed May 15, 1974. Applicant: INSURED TRANSPORTERS, INC., P.O. Box 1807, Fremont, Calif. 94538. Applicant's representative: John G. Lyons, Mills Tower, San Francisco, Calif. 94104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Trucks*, in truckaway service, between points in Oregon on and west of U.S. Highway 97, on the one hand, and, on the other, points in Arizona (Oakland, Calif.)*; (2) *Trucks*, in truckaway service, from San Francisco and Oakland, Calif., to points in the United States (except points in Alaska, Arizona, California, Hawaii, Nevada, Oregon, Utah, Washington, and that part of Idaho south of U.S. Highway 12 and west of a line beginning at the Idaho-Montana border thence along U.S. Highway 93 to junction Alternate U.S. Highway 93 at Challis, thence along Alternate U.S. Highway 93 to junction U.S. Highway 26 at Arco, thence along U.S. Highway 26 to junction U.S. Highway 91 at Blackfoot, thence along U.S. Highway 91 to the Idaho-Utah (Salinas, Calif.)*; (3) *Trucks*, in secondary movements, in truckaway service, from points in that part of Arizona on, south, and west of a line beginning at the Arizona-California State line thence along Interstate Highway 40 to junction U.S. Highway 93 at Kingman, thence along U.S. Highway 93 to junction Interstate Highway 10 at Phoenix, thence along Interstate Highway 10 to the Arizona-New Mexico State line, to points in that part of Washington on and west of U.S. Highway 97 (Salinas, Calif.)*; (4) *Trucks*, in secondary movements, in truckaway service, from points in that part of New Mexico on and south of Interstate Highway 10 to (a) points in that part of Oregon on and west of U.S. Highway 97 and (b) that part of Washington on and west of U.S. Highway 97 (Salinas, Calif.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E149), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities utilized by Swift & Co., at Ocala and Tampa, Fla., to the District of Columbia, and to points in North Carolina, Virginia, New York, Massachusetts, Pennsylvania, Tennessee, West Virginia, Ohio, Kentucky, New Jersey, Maryland, Delaware, Connecticut, Rhode Island, Illinois, Indiana, Michigan, Alabama, Mississippi, Louisiana, Texas, and that part of South Carolina on and north of a line beginning at the Georgia-South Carolina State line, thence along U.S. Highway 321 to Fairfax, thence along U.S. Highway 278 to Varnville, thence along South Carolina Highway 63 to Walterboro, thence along U.S. Alternate Highway 17 to junction U.S. Highway 52, thence along U.S. Highway 52 to junction U.S. Highway 76, thence along U.S. Highway 76 to junction U.S. Highway 301, thence along U.S Highway 301 to the South Carolina-North Carolina State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E165), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruit juices*, (1) from points in that part of Florida on and east of U.S. Highway 319, to points in Illinois, Missouri, Maryland, Texas, that part of Arkansas on and north of a line beginning at the Arkansas-Tennessee State line, thence along Interstate Highway 40 to Little Rock, thence along Interstate Highway 30 to junction U.S. Highway 70, thence along U.S. Highway 70 to the Oklahoma-Arkansas State line, that part of Oklahoma on and north of a line beginning at the Oklahoma-Arkansas State line, thence along U.S. Highway 70 to junction Oklahoma Highway 37, thence along Oklahoma Highway 37 to junction U.S. Highway 75, thence along U.S. Highway 75 to Oklahoma-Texas State line; and (2) from points in that part of Florida on and south of Florida Highway 40, to points in that part of Texas on and north of a line beginning at the Texas-Arkansas State line, thence along Interstate Highway 30 to Dallas, thence along Interstate Highway 20 to Fort Worth, thence along U.S. Highway 377 to junction U.S. Highway 67, thence along U.S. Highway 67 to the International Boundary line between the United States and Mexico. The purpose of this filing is to eliminate the gateways of (1) the plant site of Commercial Cold Storage, at Doraville, Ga., and (2) Lewisburg, Tenn.

No. MC 107515 (Sub-No. E261), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Cook, Will, Du Page, and Lake Counties, Ill., and Lake County, Ind., to points in that part of Arkansas on and south of a line beginning at the Arkansas-Tennessee State line, thence along Interstate Highway 40 to junction Arkansas Highway 30, thence along Arkansas Highway 30 to the Texas-Arkansas State line, and that part of Texas on and south of a line beginning at the Texas-Arkansas State line, thence along Interstate Highway 30 to junction U.S. Highway 380, thence along U.S. Highway 380 to the Texas-New Mexico State line, restricted against the transportation of shipments destined to points in Florida. The purpose of this filing is to eliminate the gateway of Lewisburg, Tenn.

No. MC 107515 (Sub-No. E262), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Pizza, salads, and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from points in Cook, Du Page, Lake, and Will Counties, Ill., and Lake County, Ind., to points in that part of Virginia on and south of a line beginning at the Chesapeake Bay, thence along U.S. Highway 360 to junction U.S. Highway 60, thence along U.S. Highway 60 to junction U.S. Highway 29, thence along U.S. Highway 29 to the North Carolina-Virginia State line, restricted against the transportation of shipments destined to points in Florida. The purpose of this filing is to eliminate the gateway of Greensboro, N.C.

No. MC 107515 (Sub-No. E263), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), in vehicles equipped with mechanical refrigeration from Cook, Du Page, Lake, and Will Counties, Ill., and Lake County, Ind., to Memphis, Tenn., and points in Clark, Floyd, Harrison, Perry, and Spencer Counties, Ind., Mississippi, that part of West Virginia on and south of a line beginning at the Kentucky-West Virginia State line, thence along Interstate Highway 64 to Charleston, thence along U.S. Highway 60 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction West Virginia Highway 41, thence along West Virginia Highway 41 to junction West Virginia Highway 15, thence along West Virginia Highway 15 to junction U.S. Highway 219, thence along U.S. Highway 219 to junction U.S. Highway 250, thence along U.S. Highway 250 to junction West Virginia Highway 28, thence along West Virginia Highway 28 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line, and that part of Virginia on and south of a line beginning at the Virginia-West Virginia State line, thence along U.S. Highway 33 to junction U.S. Highway 29, thence along U.S. Highway 29 to junction U.S. Highway 28, thence along U.S. Highway 28 to junction Virginia Highway 29, thence along Virginia Highway 29 to junction Virginia Highway 7, thence along Virginia Highway 7 to the Potomac River. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E318), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Unfrozen meats* and meat products, from Kansas City, Mo., to points in those parts of Massachusetts and Maine on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E321), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats* and *meat products*, as classified in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from Arkansas City, Kans., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E322), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats, and frozen meats*, from Sioux City, Iowa, to points in that part of Tennessee on and south of a line beginning at the Georgia-Tennessee State line, thence along U.S. Highway 11 to junction Tennessee Highway 68, thence along Tennessee Highway 68 to junction U.S. Highway 411, thence along U.S. Highway 411 to junction Tennessee Highway 107, thence over Tennessee Highway 107 to the Tennessee-North Carolina State line. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E323), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats* and *such commodities* as are classified as *dairy products* in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from points in Iowa to points in Florida and that part of Alabama on and east of a line beginning at the Alabama-Georgia State line, thence along Interstate Highway 59 to junction Alabama Highway 53, thence along Alabama Highway 53 to junction Alabama Highway 145, thence along Alabama Highway 145 to junction Alabama Highway 22, thence along Alabama Highway 22 to junction Alabama Highway 41, thence along Alabama Highway 41 to junction Alabama Highway 21, thence along Alabama Highway 21 to junction Interstate Highway 65, thence along Interstate Highway 65 to junction Alabama Highway 59, thence along Alabama Highway 59 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E325), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from points in Iowa, to points in that part of Alabama east of a line beginning at the Georgia-Alabama State line, thence along U.S. Highway 431 to junction U.S. Highway 231, thence along U.S. Highway 231 to the Alabama-Florida State line, and that part of Florida on and east of U.S. Highway 231. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E327), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Ft. Dodge, Iowa, to points

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in Georgia. The purpose of this filing is to eliminate the gateway of Anniston, Ala.

No. MC 107515 (Sub-No. E328), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles), from Sioux City, Iowa, to points in Florida. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E330), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from the plant site and storage facilities of Missouri Beef Packers, Inc., at Boise, Idaho, to points in Florida and Georgia (except Atlanta, Albany, Griffin, Macon, and Montezuma, Ga.), restricted to traffic originating at the named origin. The purpose of this filing is to eliminate the gateway of Booneville, Miss.

No. MC 107515 (Sub-No. E331), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, as defined in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from the plant site and storage facilities of Missouri Beef Packers, Inc., at Boise, Idaho, to Atlanta, Albany, Columbus, Griffin, Macon, and Montezuma, Ga., restricted to traffic originating at the named origin. The purpose of this filing is to eliminate the gateway of Corinth, Miss.

No. MC 107515 (Sub-No. E322), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen prepared dough*, from Little Rock, Ark., to points in Virginia (except Norfolk and Richmond). The purpose of this filing is to eliminate the gateway of Forest Park, Ga.

No. MC 107515 (Sub-No. E333), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen vegetables*, in vehicles equipped with mechanical refrigeration, from points in Arkansas, to points in that part of Virginia on and east of U.S. Highway 52. The purpose of this filing is to eliminate the gateways of the plant sites of Family Foods, Inc., and Ambrosia Chocolate Company, Division of W. R. Grace and Company, at Charlotte, N.C.

No. MC 107515 (Sub-No. E403), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, from points in Michigan on the Lower Peninsula to New York, Syracuse, Rochester, and Buffalo, N.Y., and to points in Connecticut, Massachusetts, Rhode Island, and Hudson and Essex Counties, N.J. The purpose of this filing is to eliminate the gateways of (1) Toledo, Ohio, and (2) Detroit, Mich.

No. MC 107515 (Sub-No. E406), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Mobile, Ala., and that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along U.S. Highway 84/98 to Bude, thence along U.S. Highway 98 to the Mississippi-Alabama State line, to that part of South Carolina on and east of U.S. Highway 1, and that part of North Carolina on and east of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 220, thence along U.S. Highway 220 to the North Carolina-Virginia State line. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 108380 (Sub-No. E8), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum products*, from points in Wyoming, except Newcastle, Wyo., and except that there shall be no pickup of petroleum products, in bulk, in tank vehicles, at Cheyenne, Wyo., destined to points in Nebraska, to Chadron, Crawford, Harrison, Alliance, and points in Cherry and Sheridan Counties, Nebr. The purpose of this filing is to eliminate the gateway of points in that part of Wyoming in and east of Carbon, Natrona, Johnson, and Sheridan Counties, Wyo.

No. MC 108380 (Sub-No. E12), filed June 5, 1974. Applicant: JOHNSTON FUEL LINERS, INC., P.O. Box 100, New Castle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* in bulk, in tank vehicles, from Mandan, N. Dak., Butte County, S. Dak., and points in Wyoming on and east of a line beginning at the Montana-Wyoming State line and Wyoming State Highway 120, extending south along Wyoming State Highway 120 to junction U.S. Highway 20, thence south on U.S. Highway 20 to junction U.S. Highway 26, thence west on U.S. Highway 26 to junction Wyoming State Highway 789, thence south on Wyoming State Highway 789 to junction Wyoming State Highway 220, thence east on Wyoming State Highway 220 to junction U.S. Highway 20, thence east on U.S. Highway 20 to the Wyoming-Nebraska State line, to Salt Lake City, Utah, and points within five miles, and from Mandan, N. Dak., Butte County, S. Dak., and points in Wyoming on and east of a line beginning at the Montana-Wyoming State line and Wyoming State Highway 120, extending south along Wyoming State Highway 120 to junction U.S. Highway 20, thence south on U.S. Highway 20 to junction U.S. Highway 26, thence west on U.S. Highway 26 to junction Wyoming State Highway 789, thence south on Wyoming State Highway 789 to junction U.S. Highway 287, thence south on U.S. Highway 287 to Rawlins, Wyo., thence along a line directly south of Rawlins to the Wyoming-Colorado State line, to Pocatello, Idaho, and points within 5 miles. The purpose of this filing is to eliminate the gateways of Butte County, S. Dak., and Riverton, Wyo.

No. MC 108380 (Sub-No. E13), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in Montana on and east of a line beginning at the Montana-Canadian International Boundary line at Montana Highway 241, extending south along Montana Highway 241 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Montana Highway 376, thence south along Montana Highway 376 to junction U.S. Highway 191 to junction U.S. Highway 87, thence south

along U.S. Highway 87 to junction Interstate Highway 90, thence west along Interstate Highway 90 to junction U.S. Highway 310, thence south along U.S. Highway 310 to junction Montana Highway 397, thence south along Montana Highway 397 to the Montana-Wyoming State line, to Salt Lake City, Utah, and points within five miles. The purpose of this filing is to eliminate the gateway of Riverton, Wyo.

No. MC 108380 (Sub-No. E14), filed June 5, 1974. Applicant: JOHNSTON'S FUEL LINERS, INC., P.O. Box 100, Newcastle, Wyo. 82701. Applicant's representative: C. W. Burnette (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coal tar products*, in bulk, in tank vehicles, from Ironton, Utah, to points in North Dakota, South Dakota, Crook, and Weston Counties, Wyo., and those in Nebraska on, east, and north of a line beginning at the South Dakota-Nebraska State line and U.S. Highway 83, extending south along U.S. Highway 83 to junction U.S. Highway 20, thence east on U.S. Highway 20 to junction U.S. Highway 275, thence east on U.S Highway 275 to junction Nebraska Highway 51, thence east on Nebraska Highway 51 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Whitewood, S. Dak.

No. MC 110420 (Sub-No. E150), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fatty acids of vegetable oil*, in bulk, in tank vehicles from Harison, N.J., to (1) points in Cook, Lake, McHenry, Boone, Winnebago, Ogee, Carroll, Stephenson, and Jo Daviess Counties, Ill. (Saukville, Wis.)*; (2) points in Minnesota, Wisconsin, and that part of Missouri in and north of Buchanan, De Kalb, Daviess, Grundy, Sullivan, Adair, Knox, and Lewis Counties (Saukville, Wis., and Ringwood, Ill.)*; (3) points in that part of Texas on and west of U.S. Highway 87 and in Doniphan, Atchison, Jackson, Shawnee, Wabaunsee, Lyon, Greenwood, Elk, and Chautauqua Counties, Kans. (Saukville, Wis., and Kankakee, Ill.)*; and (4) to points in Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Saukville, Wis., Ringwood, Ill., and Janesville, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E151), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid adhesives*, in bulk, in tank vehicles, from Milwaukee, Wis., to St. Louis, Mo., and North Pensacola, Fla. (Chicago, Ill.)*; (2) *Size, Liquid plastic materials, and synthetic resin*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Tennessee (Kankakee, Ill.)*; and Nebraska (Clinton, Iowa)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 136247 (Sub-No. E2), filed August 19, 1974. Applicant: WRIGHT TRUCKING, INC., 1303 10th St. SE., Jamestown, N. Dak. Applicant's representative: Gerald D. Wright (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass beverage containers* dealt in by wholesale beverage distributors, from (1) Shakopee, Minn., to points in that part of North Dakota on and west of a line beginning at the North Dakota-South Dakota State line, thence along U.S. Highway 281 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction North Dakota Highway 1, thence along North Dakota Highway 1 to the United States-Canada International Boundary line; (2) from Alton, Ill., to points in that part of North Dakota on, west, and north of a line beginning at the North Dakota-South Dakota State line, thence along North Dakota Highway 32 to junction North Dakota Highway 46, thence along North Dakota Highway 46 to junction North Dakota Highway 18, thence along North Dakota Highway 18 to junction Interstate Highway 94, thence along Interstate Highway 94 to the North Dakota-Minnesota State line; and (3) from Minnesota State line; and (3) from terstate Highway 94 to the North Dakota-Streator, Ill., to points in that part of North Dakota on and east of a line beginning at the North Dakota-South Dakota State line, thence along North Dakota Highway 18 to junction U.S. Highway 2, thence along U.S. Highway 2 to the North Dakota-Minnesota State line. The purpose of this filing is to eliminate the gateway of Jamestown, N. Dak.

No. MC 113974 (Sub-No. E26), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which require the use of special equipment, be reason of size or weight between points in Ohio and Pennsylvania within 125 miles of Wheeling, W.Va., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, and Maryland within 150 miles of Norristown, Pa. The purpose of this filing is to eliminate the gateway of points in Pennsylvania within 125 miles of Wheeling, W. Va.

No. MC 113974 (Sub-No. E27), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery and such commodities* as require special equipment and handling by reason of size or weight, between points in New York, on the one hand, and, on the other, points in New Jersey and Delaware within 150 miles of Norristown, Pa. The purpose of this filing is to eliminate the gateway of points in New York and New Jersey within 35 miles of Columbus Circle, New York, N.Y.

No. MC 113974 (Sub-No. E28), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron, steel, and steel products*, which because of size or weight require the use of special handling or rigging from points in Michigan on and south of Interstate Highway 94 to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of points in Erie County, Ohio, and Pittsburgh and Aliquippa, Pa.

No. MC 115162 (Sub-No. E7), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber*, from St. Francisville and Baton Rouge, La., and points in that part of Louisiana on and east of U.S. Highway 61, to points in Indiana, Michigan, Ohio, Wisconsin, Minnesota, Iowa (points in that part of Alabama on and south of U.S. Highway 80*), points in Pennsylvania, New York, New Jersey, New Hampshire, Rhode Island, Massachusetts, Connecticut, Maryland, Delaware, West Virginia, Virginia, North Carolina, South Carolina (points in Alabama*), points in Georgia, points in that part of Kentucky on and east of U.S. Highway 231, points in that part of Tennessee on and east of U.S. Highway 31, points in that part of Florida on and north of Florida Highway 50 (points in Montgomery, Butler, Conecuh, Escambia, Dallas, and Monroe Counties, Ala.*), and points in that part of Illinois on and north of U.S. Highway 36 (points in that part of Alabama on and south of U.S. Highway 80*). The purpose of this filing is to eliminate the gateways designated by asterisks above.

No. MC 115162 (Sub-No. E28), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Mississippi on and south of U.S. Highway 80, to

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points in Alabama, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Ohio, Pennsylvania, Delaware, Maryland, New Jersey, New York, New Hampshire, Connecticut, Rhode Island, Massachusetts, Michigan, Wisconsin, Minnesota, Iowa, points in that part of Florida on and north of Florida Highway 50, points in that part of Indiana on and east of U.S. Highway 231, points in that part of Tennessee on and east of U.S. Highway 31, points in that part of Kentucky on and east of U.S. Highway 231, and points in that part of Illinois on and north of U.S. Highway 36. The purpose of this filing is to eliminate the gateway of points in Montgomery, Conecuh, Butler, Escambia, Dallas, and Monroe Counties, Ala., for points in Georgia, Tennessee, Kentucky, and Florida above, points in that part of Alabama south of U.S. Highway 80 for points in Indiana, Michigan, and Ohio above, and points in that part of Alabama south of U.S. Highway 78 for remaining points above.

No. MC 115162 (Sub-No. E29), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in that part of Tennessee on and west of U.S. Highway 45, to points in South Carolina, North Carolina, Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, New Hampshire, Connecticut, Massachusetts, Rhode Island, Vermont, Georgia, Alabama, and points in that part of Florida on and north of Florida Highway 50. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 115162 (Sub-No. E30), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, between points in Sumter County, Ala., on the one hand, and, on the other, points in Georgia and Florida. The purpose of this filing is to eliminate the gateway of points in that part of Alabama on and south of U.S. Highway 78.

No. MC 115162 (Sub-No. E31), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Greene County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115162 (Sub-No. E33), filed June 4, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Marengo County, Ala., to points in South Carolina, North Carolina, Virginia, Maryland, West Virginia, Pennsylvania, New York, New Jersey, Delaware, Massachusetts, New Hampshire, Connecticut, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Alabama.

No. MC 115331 (Sub-No. E11), filed May 6, 1974. Applicant: TRUCK TRANSPORT INC., 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone*, in bulk, from points in Washington County, Mo., to points in Nebraska, Colorado, Montana, Wyoming, North Dakota, and South Dakota. The purpose of this filing is to eliminate the gateways of Adams County and Quincy, Ill.

No. MC 115331 (Sub-No. E12), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, in bulk, from points in Dodge and Fond du Lac Counties, Wis., to points in Arkansas, Kansas, Texas, Oklahoma, Colorado, Nebraska, those points in Tennessee on and west of Interstate Highway 65, those points in Iowa on and south of U.S. Highway 30, and points in South Dakota on and south of Interstate Highway 90 (Sainte Genevieve County, Kansas City, and Hannibal, Mo., and Moline, Ill). *Lime and limestone products*, as defined as chemicals, in bulk, from points in Dodge and Fond du Lac Counties, Wis., to points in Kentucky (El Paso, Ill.). *Crushed and ground limestone*, in bulk, from points in Dodge and Fond du Lac Counties, to points in Mississippi (Valmeyer, Ill.). *Lime*, in bulk, from points in Dodge and Fond du Lac Counties, to points in Indiana, and those points in Michigan on and south of Michigan Highway 32 (Chicago, Illinois). *Lime*, in bulk (except lime used for agricultural purposes), from points in Dodge and Fond du Lac Counties, to points in Louisiana (Sainte Genevieve County, Mo., and Limedale, Ark.). The purpose of this filing is to eliminate the gateways noted in parentheses.

No. MC 115331 (Sub-No. E13), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk (except lime used for agricultural purposes), from Limedale, Ark., to points in Iowa, Michigan, Minnesota, Wisconsin, Ohio, Nebraska, Montana, North Dakota, South Dakota, Wyoming, points in Indiana on and north of U.S. Highway 150, points in Kansas on and west of Interstate Highway 35 and on and north of U.S. Highway 54; points in Colorado on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of Roberta, Ala., and St. Genevieve, St. Louis, Kansas City, and Hannibal, Mo., and Adams County, Illinois.

No. MC 115331 (Sub-No. E15), filed May 6, 1974. Applicant: TRUCK TRANSPORT INC., 230 St. Clair Ave., East Saint Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products*, in bulk, from Gibsonburg, Ohio, to points in Minnesota, South Dakota, and Nebraska (Davenport, Iowa) *; (2) *Lime limestone, and limestone products*, in bulk, from Gibsonburg, Ohio, to points in Kansas, Colorado, Montana, and Wyoming (Kansas City, and Hannibal, Mo.) *; and (3) *Lime* (except lime used for agricultural purposes), in bulk, from Gibsonville, Ohio, to points in Oklahoma, Louisiana, Arizona, New Mexico, and Texas (except Houston and points within 50 miles thereof) (Limedale, Ark.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E17), filed May 6, 1974. Applicant: TRUCK TRANSPORT, INC., 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime*, in bulk (except lime used for agricultural purposes), from Limedale, Ark., to points in Iowa, Michigan, Minnesota, Wisconsin, Ohio, Nebraska, Montana, North Dakota, South Dakota, Wyoming, points in Indiana on and north of U.S. Highway 150, points in Kansas on and west of Interstate Highway 35 and on and north of U.S. Highway 54; points in Colorado on and north of Interstate Highway 70. The purpose of this filing is to eliminate the gateways of Roberta, Ala., and St. Genevieve, St. Louis, Kansas City, and Hannibal, Mo., and Adams County, Illinois.

No. MC 115331 (Sub-No. E15), filed May 6, 1974. Applicant: TRUCK TRANSPORT INC., 230 St. Clair Ave., East Saint Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products*, in bulk, from Gibsonburg, Ohio, to points in Minnesota, South Dakota, and Nebraska (Davenport, Iowa) *; (2) *Lime limestone, and limestone products*, in bulk, from Gibsonburg, Ohio, to points in Kansas, Colorado, Montana, and Wyoming (Kansas City, and Hannibal, Mo.) *; and (3) *Lime* (except lime used for agricultural purposes), in bulk, from Gibsonville, Ohio, to points in Oklahoma, Louisiana, Arizona, New Mexico, and Texas (except Houston and points within 50 miles thereof) (Limedale, Ark.) *. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E17), filed May 6, 1974. Applicant: TRUCK TRANSPORT, INC., 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wooden pallets, and treated wooden posts and poles*, from points in Arkansas (except points east of a line from West Memphis along U.S. Highway 63 to the junction of U.S. Highway 67, thence along U.S. Highway 67 to the Arkansas-Missouri State line), to points in South Dakota, Nebraska, Minnesota, Iowa, Wisconsin, Michigan, Illinois (except points south of a line from Cape Girardeau along Illinois Highway 146 to the junction of U.S. Highway 45, thence along U.S. Highway 45 to the junction of Illinois Highway 1, thence along Illinois Highway 1 to the junction of Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line), points in Indiana (except points south of U.S. Highway 50), points in Ohio (except points south of Interstate Highway 70), and points in Colorado (except points west and south of a line from the Colorado-Wyoming State line along U.S. Highway 87 to the junction of U.S. Highway 50, thence along U.S. Highway 50 to the Colorado-Kansas State line). The purpose of this filing is to eliminate the gateway of points in Missouri south of U.S. Highway 66, east of U.S. Highway 65, and west of U.S. Highway 67.

No. MC 119700 (Sub-No. E3), filed June 4, 1974. Applicant: STEEL HAULERS, INC., 306 Ewing Ave., Kansas City, Mo. Applicant's representative: James T. Allinder (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, wooden pallets, and treated wooden posts and poles*, from points in Louisiana on and north of U.S. Highway 84 to points in South Dakota, Iowa, Minnesota, Wisconsin, Illinois, Indiana, Ohio, Michigan, and Nebraska; (2) *Wooden pallets and treated wooden posts and poles*, from points in Louisiana on and north of U.S. Highway 84 to points in Colorado on and west of U.S. Highway 87 and on and south of U.S. Highway 50; and (3) *Lumber and lumber mill products*, from points in Louisiana on and north of U.S. Highway 84 to points in Missouri, Kansas, New Mexico, and Memphis, Tenn. The purpose of this filing is to eliminate the gateways of points in Arkansas and points in Missouri south of U.S. Highway 66, east of U.S. Highway 65 and west of U.S. Highway 67.

No. MC 119988 (Sub-No. E22), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in that part of Wisconsin, on, north, and west of a line beginning at the Wisconsin-Minnesota State line, thence along Interstate Highway 90 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Wisconsin Highway 95, thence along Wisconsin Highway 95 to junction Wisconsin Highway 73, thence along Wisconsin Highway 73 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to junction Wisconsin Highway 13, thence along Wisconsin Highway 13 to Ashland, Wis. The purpose of this filing is to eliminate the gateways of Texarkana, Tex., and Independence, Kans.

No. MC 119988 (Sub-No. E23), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from New Orleans, La., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Texarkana, Tex., and Independence, Kans.

No. MC 123685 (Sub-No. E14), filed May 15, 1974. Applicant: PEOPLES CARTAGE, INC., 8045 Navarre Rd. SW., Massillon, Ohio 44646. Applicant's representative: James W. Muldoon (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk, in dump vehicles, from points in Wayne County, Ohio (except Wooster) to points in Indiana, Illinois, Kentucky, Michigan, New York, and West Virginia. The purpose of this filing is to eliminate the gateway of Dundee, Ohio.

No. MC 124774 (Sub-No. E2), filed May 17, 1974. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., P.O. Box 7344, Omaha, Nebr. 68107. Applicant's representative: Clifford Foltz (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides), from the plant site and storage facilities of or utilized by American Beef Packers, Inc., in Pottawattamie County, Iowa, to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Norfolk, Nebr.

No. MC 128548 (Sub-No. E2), filed June 3, 1974. Applicant: MIDWEST TRANSPORT, INC., 2609 So. Halsted St., Chicago, Ill. 60608. Applicant's representative: Larry D. Knox, Hubbell Bldg., Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned fruits and vegetables*, (1) from points in Indiana on and east and north of a line commencing at Michigan City, thence south over U.S. Highway 421 to junction U.S. Highway 30, and thence east over U.S. Highway 30 to the Indiana-Ohio State line, including points on the named highways (except those points north of U.S. Highway 20 and west of Indiana Highway 15 and La Porte, Ind.), and those points in that part of Michigan south of a line beginning at the Indiana-Michigan State line and extending along U.S. Highway 12 to junction Unnumbered highway, at or near New Buffalo, thence along unnumbered highway through Union Pier and Harbert, to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Business Route Interstate Highway 94, thence along Business Route Interstate Highway 94 to Benton Harbor, thence along unnumbered highway through Coloma, Paw Paw, and Oshtemo, to Kalamazoo, and west of a line beginning at Kalamazoo, Mich., and extending along Unnumbered Highway through Portage, to junction U.S. Highway 131 at or near Schoolcraft, thence along U.S. Highway 131 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Michigan Highway 103, thence along Michigan Highway 103 to the Michigan-Indiana State line (except Kalamazoo), including points on the indicated portions of the highways specified, to Clinton, Iowa, and points in Illinois and Indiana bounded by a line commencing at Galena, Ill., and extending in a southeasterly direction to Savanna, Ill.

Thence south through Clinton, Iowa, to Galesburg, Ill., thence in a southeasterly direction to Peoria, Ill., thence east over U.S. Highway 24 to junction U.S. Highway 66, thence north over U.S. Highway 66 to junction Illinois Highway 53, thence north over Illinois Highway 53 to junction U.S. Highway 30, thence east over U.S. Highway 30 to Schererville, Ind., thence north over U.S. Highway 41 to Whiting, Ind., thence north along the shore of Lake Michigan to Winthrop Harbor, Ill., and thence west through Beloit and Warren, Ill., to Galena, Ill., including named points and those points on indicated boundary lines and highways (except to points in Carroll, Bureau, Whiteside, and Rock Island Counties, Ill.,); (2) from points in Indiana on and east and north of a line commencing at Michigan City, thence south

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over U.S. Highway 421 to Reynolds, thence south over Indiana Highway 43 to junction U.S. Highway 231, thence south over U.S. Highway 231 to junction U.S. Highway 136, thence east over U.S. Highway 136 to junction U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio State line (except those points north of U.S. Highway 20 and west of Indiana Highway 15, and La Porte, Ind.), to Clinton, Iowa, and those points in Illinois and Indiana bounded by a line commencing at Galena, Ill., and extending in a southeasterly direction to Savanna, Ill., thence south through Clinton, Iowa, to a point on U.S. Highway 6 approximately 9 miles east of Geneseo, Ill., thence east over U.S. Highway 6 to Joliet, Ill., thence east over U.S. Highway 30 to Schererville, Ind., thence north over U.S. Highway 41 to Whiting, Ind., thence north along the shore of Lake Michigan to Winthrop Harbor, Ill., and thence west through South Beloit and Warren, Ill., to Galena, Ill., including named points and those points on indicated boundary lines and highways (except to points in Carroll, Bureau, Whiteside, and Rock Island Counties, Ill.,); and (3) from points in Indiana on and east and north of a line commencing at Michigan City, thence south over U.S. Highway 421, to Reynolds, thence south over Indiana Highway 43 to junction U.S. Highway 231, thence south over U.S. Highway 231 to Crawfordsville, Ind.

Thence southeast over U.S. Highway 136 to junction U.S. Highway 40, and thence east over U.S. Highway 40 to the Indiana-Ohio State line (except from Lake and Porter Counties, Ind.), to Clinton, Iowa, and points in Illinois and Indiana bounded by a line commencing at Galena, Ill., and extending in a southeasterly direction to Savanna, Ill., thence south to junction U.S. Highway 30 at Clinton, Iowa, thence east over U.S. Highway 30 to Schererville, Ind., thence north over U.S. Highway 41 to Whiting, Ind., thence north along the shore of Lake Michigan to Winthrop Harbor, Ill., thence west through South Beloit and Warren, Ill., to Galena, Ill., including the named points and those points on indicated boundary lines and highways (except to points in Carroll, Bureau, Whiteside, and Rock Island Counties, Ill.). Restriction: The authority granted in (1), (2), and (3) above are restricted to movements from, to, or between wholesale grocery houses, their warehouses and retail outlets. The purpose of this filing is to eliminate the gateway of Chicago, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27290 Filed 11-20-74;8:45 am]

[Notice No. 154]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 14, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2962 (Sub-No. 55TA), filed November 4, 1974. Applicant: A. & H. TRUCK LINE, INC., 1111 East Louisiana Street, Evansville, Ind. 47717. Applicant's representative: Robert H. Kinker, 711 McClure Building, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plant site of The Firestone Tire & Rubber Co., near Nashville, Tenn., in connection with applicant's regular route authority as contained in Certificate MC 2962, Sub 42, for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. Street, Indianapolis, Ind. 46204.

NOTE.—Applicant states it will tack and/or interline with any other carrier with the authority held in MC 2962, Sub 42.

No. MC 30504 (Sub-No. 19TA), filed November 5, 1974. Applicant: TUCKER FREIGHT LINES, INC., 1415 S. Olive St., South Bend, Ind. 46619. Applicant's representative: Dennis Klingerman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading), serving the site of the plant of the Firestone Tire and Rubber Co., South East of Nashville, Tenn., and North of Interstate Highway 24, in connection with carrier's regular-route operations to and from Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne, Room 204, Ft. Wayne, Ind. 46802.

No. MC 30844 (Sub-No. 521TA), filed November 8, 1974. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial St., P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and aquarium supplies*, from Canton, Georgia, to points in the U.S. in and east of Montana, Wyoming, Colorado, and New Mexico, restricted to shipments originating at the named origins and destined to the named states and points in states east thereof, for 180 days. Supporting shipper: Triton Industries, Inc., Canton, Ga. 30114. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 35628 (Sub-No. 365TA), filed November 6, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville Ave. SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, materials used in production of automobile parts, machinery or machines, and machine parts*, between the plant sites of Arvin Industries, Inc., at or near Franklin and Greenwood, Ind., on the one hand, and, and the plant site of Arvin Industries, Inc., at or near Monticello, Ark., on the other hand, for 180 days. Supporting shipper: Arvin Industries, Inc. 1531 13th Street, Columbus, Ind. 47201. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 35628 (Sub-No. 366TA), filed November 8, 1974. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, 134 Grandville SW., Grand Rapids, Mich. 49502. Applicant's representative: Leonard D. Verdier, Jr., 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Plastic articles and used plastic articles*, between the plant site of Pinckney Molded Plastics Co., at Pinckney, Mich., and all points which applicant is authorized to serve, for 180 days. Supporting shipper: Pinckney Molded Plastics Co., 450 Howell, Pinckney, Mich. 48169. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

NOTE.—Carrier intends to tack at points on authorized routes adjacent to Pinckney, Mich. in MC 35628.

No. MC 35807 (Sub-No. 53TA), filed November 6, 1974. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, P.O. Box 4313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Ballet (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear materials*, (1) Between points in Pike County, Ohio, on the one hand, and, on the other, the Cleveland, Ohio, commercial zone, the Detroit, Mich., Commercial zone, Montgomery County, Ohio; the New York, N.Y., Commercial Zone, or the Chicago, Ill., Commercial Zone, prior and subsequent to interstate or foreign air movements; 2) Between points in Pike County, Ohio, on the one hand, and, on the other, Baltimore, Md., Elizabeth, N.J., Norfolk, Va., or Portsmouth, Va., prior or subsequent to interstate or foreign water movements; (3) Between points in Pike County, Ohio, on the one hand, and, on the other, points in Armstrong County, Pa., Allegheny County, Pa., Washington County, R.I., Campbell County, Va., Unicol County, Tenn., Oak Ridge, Tenn., or Cattaraugus County, N.Y.; (4) Between points in Washington County, R.I., on the one hand, and, on the other, the Boston, Mass., Commercial Zone, prior or subsequent to interstate or foreign air movements; (5) Between Oak Ridge, Tenn., on the one hand, and, on the other, points in Pike County, Ohio, Washington County, R.I., Campbell County, Va., or Cattaraugus County, N.Y.; (6) Between Oak Ridge, Tenn., on the one hand, and, on the other, points in Blount County, Tenn., the New York, N.Y., Commercial Zone or the Atlanta, Ga., Commercial Zone, prior or subsequent to interstate or foreign air movements.

(7) Between Oak Ridge, Tenn., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., or Norfolk, Va., prior or subsequent to interstate or foreign water movements; (8) Between Armstrong County, Pa., on the one hand, and, on the other, the Cleveland, Ohio, Commercial Zone, the Chicago, Ill., Commercial Zone, or the Detroit, Mich., Commercial Zone, prior or subsequent to interstate or foreign air movements; (9) Between points in Armstrong County, Pa., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., or Norfolk, Va., prior or subsequent to interstate or foreign water movements; (10) Between points in Campbell County, Va., on the one hand, and, on the other, points in Armstrong County, Pa., Allegheny County, Pa., Washington County, R.I., New Haven County, Conn., New London County, Conn., or Unicol County, Tenn.; (11) Between points in Allegheny County, Pa., on the one hand, and, on the other, Pittsburgh, Pa., Commercial Zone, or the New York, N.Y., Commercial Zone, prior or subsequent to interstate or foreign air movements; (12) Between Allegheny County, Pa., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., or Norfolk, Va., prior or subsequent to interstate or foreign water movements; (13) Between points in Cattaraugus County, N.Y., on the one hand, and, on the other, the New York, N.Y., Commercial Zone, prior or subsequent to interstate or foreign air movements; (14) Between Cattaraugus County, N.Y., on the one hand, and, on the other, Elizabeth, N.J., Baltimore, Md., Portsmouth, Va., Norfolk, Va., prior or subsequent to interstate or foreign water movements; (15) Between points in Benton County, Wash., on the one hand, and, on the other, the Seattle, Wash., Commercial Zone, or the Portland, Oreg., Commercial Zone, prior or subsequent to interstate or foreign air movements.

(16) Between Calaveras County, Calif., on the one hand, and, on the other, San Francisco International Airport, Calif., prior or subsequent to interstate or foreign air movements; (17) Between points in Barnwell County, S.C., on the one hand, and, on the other, the Columbia, S.C., Commercial Zone, the Atlanta, Ga., Commercial Zone, the New York, N.Y., Commercial Zone, or Dulles International Airport, Va., prior or subsequent to interstate or foreign air movements; (18) Between points in Barnwell County, S.C., on the one hand, and, on the other, Wilmington, N.C., prior or subsequent to interstate or foreign water movement; and (19) Between Wilmington, N.C., on the one hand, and, on the other, the New York, N.Y., Commercial Zone or Dulles International Airport, Va., for 180 days. Supporting shipper: Transnuclear, Inc., 1 No. Broadway, White Plains, N.Y. 10601. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 W. Peachtree Street, NW., Room 546, Atlanta, Ga. 30309.

No. MC 43246 (Sub-No. 19TA), filed November 4, 1974. Applicant: BUSKE LINES, INC., 123 West Tyler Avenue, Litchfield, Ill. 62056. Applicant's representative: Harold Buske (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, from Hillsboro, Ill., to Schaefferstown, Pa., and Scobeyville, N.J., for 180 days. Supporting shipper: Martin E. Mauer, V.P. & General Plant Manager, Hillsboro Glass Co., Hillsboro, Ill. 62049. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 50069 (Sub-No. 495TA), filed November 8, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Toledo, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sound deadening compounds*, in bulk, in shipper-owned tank vehicles, from Warren, Mich., to the International Port of Entry at Port Huron, Mich., for 180 days. Supporting shipper: Mortell Company, 23333 Sherwood Road, Warren, Mich. 48091. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 50069 (Sub-No. 496TA), filed November 8, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Toledo, Ohio 43611. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline*, in bulk, in tank vehicles, from Havana, Ill., to Marion, Davenport, Dubuque, Coralville, Keokuk, and Burlington, Iowa, for 180 days. Supporting shipper: Flash Oil Co., 7755 Carondelet, St. Louis, Mo. 63105. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 57239 (Sub-No. 25TA), filed October 29, 1974. Applicant: RENNER'S EXPRESS, INC., 1350 South West Street, Indianapolis, Ind. 46206. Applicant's representative: Rudy Yessin, 314 Wilkinson Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Firestone Tire & Rubber Co. plant site near Nashville, Tenn., in Rutherford County, Tenn., and Nashville, Tenn., for 180 days. Supporting shipper: The Firestone Tire & Rubber Co., Director, Corporate Transportation, 1200 Firestone Parkway, Akron, Ohio 44317. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. Street, Indianapolis, Ind. 46204.

NOTE.—Applicant states it will tack at Nashville, Tenn., with authority held in MC 57239.

No. MC 63417 (Sub-No. 73TA), filed November 5, 1974. Applicant: BLUE RIDGE TRANSFER COMPANY, INCORPORATED, 1814 Hollins Road NE., P.O. Box 13447, Roanoke, Va. 24012. Applicant's representative: William E. Bain (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bathtubs, shower stalls, and tub enclosures, glass fiberglass*

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or plastic or combination thereof, or combined with metal, from Leighton, Ala., to points in Alabama, Delaware, Georgia, Indiana, Kentucky, Maryland, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Uniplex, Inc., P.O. Box 456, Leighton, Ala. 35646. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 101219 (Sub-No. 55TA), filed November 4, 1974. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N.Y. 10018. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel, and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Franklin, N.H., and the New York, N.Y., Commercial Zone, for 180 days. Supporting shipper: Franklin Sportswear Co., Inc., River Street, Franklin, N.H. 03235. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 102567 (Sub-No. 178TA), filed November 5, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, 4294 Meadow Lane, Bossier City, La. 71010. Applicant's representative: Donald W. English (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid animal feed and liquid animal feed supplements*, in bulk, in tank vehicles, from Gretna, La., to points in Alabama, Arkansas, Florida, and Mississippi for 180 days. Supporting shipper: National Molasses Company, Willow Grove, Pa. 19090. A. O. Mowrer, General Traffic Mgr. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Room T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 102567 (Sub-No. 179TA), filed November 5, 1974. Applicant: McNAIR TRANSPORT, INC., P.O. Drawer 5357, Bossier City, La. 71010. Applicant's representative: Donald W. English (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water based paint, paints, stain, or varnishes*, NOI, in bulk, in tank vehicles from Celotex Corporation, Marrero, La. to Celotex Corporation, Paris, Tenn., for 180 days. Supporting shipper: The Celotex Corporation, P.O. Box 8, Marrero, La. 70072, H. G. Kern, Jr., Supervisor of Production. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 107162 (Sub-No. 36TA), filed November 5, 1974. Applicant: NOBLE GRAHAM TRANSPORT, INC., Route #1, Brimley, Mich. 49715. Applicant's representative: John Duncan Varda, 121 South Pinckney Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, with or without mineral additives, in bags, from Manistee, Mich., to the port of entry at the United States-Canada International Boundary line at Sault Ste. Marie, Mich., for further movement to points in Ontario, Canada, for 180 days. Supporting shipper: Hardy Salt Company, P.O. Drawer 449, St. Louis, Mo. 63166. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 107295 (Sub-No. 754TA), filed September 20, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Richard D. Vollmer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reinforced plywood panels*, from the plantsite of Cor Tec, Inc., at Washington Court House, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Ronald W. Hoxsie, Asst. Plant Manager, Cor Tec, Inc., 2351 Kenskill Avenue, Washington Court House, Ohio 43160. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 107527 (Sub-No. 53TA), filed November 6, 1974. Applicant: POST TRANSPORTATION COMPANY, a Corporation, 1970 East 213th Street, Carson, Calif. 90745. Applicant's representative: R. Sherman Kirksey (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hydrochloric* (muriatic) *acid*, in bulk, from Henderson, Nev., to points in Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislous, Sutter, Tehama, Trinity, Tuolumne, Yolo, and Yuba Counties, Calif., for 60 days. Supporting shipper: Stauffer Chemical Company, 636 California Street, San Francisco, Calif. 94119. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Comission, Bureau of Operations, 300 North Los Angeles Street, Room 7708, Los Angeles, Calif., 90012.

No. MC 107818 (Sub-No. 72TA), filed November 6, 1974. Applicant: GREENSTEIN TRUCKING COMPANY, a Corporation, 280 NW. 12th Avenue, P.O. Box 608, Pompano Beach, Fla. 33061. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from the plantsites and facilities of Okray's Ltd. at Stevens Point, Wis., to Miami and Tampa, Fla., for 180 days. Supporting shipper: Okray's Ltd., 3000 Welsby Avenue, Stevens Point, Wis. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33166.

No. MC 109689 (Sub-No. 280TA), filed November 1, 1974. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polymeric alkyl phosphonic acid, scale inhibitor liquid*, in bulk, between Hawthorne, Calif., and Sand Springs, Okla., Corsicana, Tex., and Texas City, Tex., for 180 days. Supporting shipper: Textilana Corporation, 12607 Cerise Avenue, Hawthorne, Calif. 90250 (B. B. Westbrook, Vice President). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 111729 (Sub-No. 475TA), filed November 7, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit and accounting media of all kinds*, (a) Between Syracuse, N.Y., on the one hand, and, on the other, New Canaan, New Milford, and Weathersfield, Conn., and (b) Between Williamsport, Pa., and New York, N.Y.; and (2) *Fabric samples*, restricted against the transportation of packages or articles weighing in the aggregate more than 25 pounds, from one consignor to one consignee on any one day, Between Williamsport, Pa., and New York, N.Y., for 180 days. Supporting shipper: (1) United Data Centers of Syracuse, 6700 Old Collamer Road, East Syracuse, N.Y., and (2) Syntex Fabrics, Inc., 600 Railway Street, Williamsport, Pa. 17701. Send protests to: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 114818 (Sub-No. 16TA), filed November 8, 1974. Applicant: MOTOR CARGO, 845 West Center, North Salt Lake, Utah 84054. Applicant's representative: William S. Richards, 1515 Walker Bank Building, P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Elko, Nev., and Wells, Nev., as follows: From Elko, Nev., to Wells, Nev., over U.S. Highway 40 (Interstate 80) and return over the same route, serving all intermediate points, and (b) between Los Angeles, Calif., and Elko, Nev., serving all points in the Los Angeles Harbor Commercial Zone as described by the Commission in *Los Angeles, California, Commercial Zone*, 3 M.C.C. 676, and no intermediate points: From Los Angeles over Interstate Highway 5 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 395, thence over U.S. Highway 392 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Nevada Highway 8-A to junction U.S. Highway 50, thence over U.S. Highway 50 to junction Nevada Highway 51 to junction U.S. Highway 40, thence over U.S. Highway 40 to Elko, and return over the same route, for 180 days.

NOTE.—The above authorities are to be tacked with applicant's existing authority and applicant requests authority to serve the Commercial Zones of Elko, Nev., the Los Angeles, Calif., Commercial Zone described in 3 M.C.C. 548, and all points in Los Angeles Harbor, California, Commercial Zone as defined by the Commission in Los Angeles Harbor, California, Commercial Zones 3 M.C.C. 254. In addition, applicant seeks authority to interline with all carriers. Applicant states it will tack at Salt Lake City, Utah, and Wells, Nev., with authority held in MC 114818 Sub 10. Supporting Shippers: There are approximately 121 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 114898 (Sub-No. 20TA) (Correction), filed September 7, 1974, published in the FEDERAL REGISTER issue of October 29, 1974, and republished as corrected this issue. Applicant: PUROLATOR SECURITY, INC., 1101 E. Mockingbird Towers, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant).

NOTE.—The purpose of this republication is to show the applicant's correct name as stated above, in lieu of BUROLATOR SECURITY, INC., which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 114896 (Sub-No. 21TA), filed November 1, 1974. Applicant: PUROLATOR SECURITY, INC., 1341 W. Mockingbird Lane, Suite 1001E, Dallas, Tex. 75247. Applicant's representative: William E. Fullingim (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vericle, over irregular routes, transporting: *Precious metal* (gold), *spent gold plating solution, gold stripping bath*, between Brooklyn, N.Y., and Brodbecks, Pa., Greensboro, Winston-Salem, and Gastonia, N.C., for 180 days. Supporting shipper: AMP Incorporated, P.O. Box 3608, Harrisburg, Pa. Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 115331 (Sub-No. 381TA), filed November 10, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, E. St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace logs* (compressed sawdust, impregnated with wax), in straight shipments or when moving at the same time and in the same vehicles with *charcoal, charcoal briquettes, and accessories* used in outdoor cooking (presently authorized), from the plantsites and warehouse facilities of the Kingsford Company located at or near Belle and Ellis Spur, Mo., to points in Arkansas, Illinois, Iowa, Kansas, Minnesota, Nebraska, Oklahoma, Texas, and Wisconsin, for 180 days. Supporting shipper: The Kingsford Company, P.O. Box 1033, Louisville, Ky. 40201. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 115669 (Sub-No. 147TA), filed November 7, 1974. Applicant: DAHLSTEN TRUCK LINES, INC., P.O. Box 95, Clay Center, Nebr. 68933. Applicant's representative: Howard N. Dahlsten (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry petroleum pitch* (except in bulk, in tank vehicles), from Sioux City, Iowa, to Belle Fourche, S. Dak., and (2) *Foundry molding sand treating compounds, in bags, water impedance boards, and supplies used in the installation of water impedance boards*, from the plantsite of American Colloid Company, near Belle Fourche, S. Dak., to points in Iowa, Kansas, and Nebraska, for 180 days. Supporting shipper: Robert N. Garity, American Colloid Company, Box 228, Skokie, Ill. 60076. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Court House, Lincoln, Nebr. 68508.

No. MC 116077 (Sub-No. 357TA), filed November 6, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash*, in bulk, in pneumatic hopper trailers, from Corpus Christi, Tex., to Gramercy, La., for 180 days. Supporting shipper: Kaiser Aluminum & Chemical Corporation, 300 Lakeside Drive, Oakland, Calif. 94643. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, Room 8610 Federal Building, Houston, Tex. 77002.

No. MC 117439 (Sub-No. 47TA), filed November 5, 1974. Applicant: BULK TRANSPORT, INC., P.O. Box 89, Port Allen, La. 70767. Applicant's representative: Robert I. Comeaux (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Drilling mud*, in bulk, from Houma, La., to points in Alabama, Florida, and Mississippi, for 180 days. Supporting shipper: Arnold & Clarke Chemical Company, 6325 Hurst Street, Houston, Tex. 77008, A. W. Arnold, Jr. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room T-9038, U.S. Postal Service Bldg., 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 119767 (Sub-No. 323TA), filed November 4, 1974. Applicant: BEAVER TRANSPORT CO., a Corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: David A. Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned or preserved foodstuffs*, in vehicles equipped with mechanical refrigeration, from Cottage Grove, Ohio, to points in Iowa, Minnesota, South Dakota, and Wisconsin, restricted to shipments originating in Cottage Grove, Ohio, and stopping in transit to complete loading at Hoopeston, Ill., for 180 days. Supporting shipper: Pacific Gamble Robinson Co., 661 5th Avenue North, Minneapolis, Minn. 55405 (Norman M. Bjorklund). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123993 (Sub-No. 35TA), filed November 7, 1974. Applicant: FOGLEMAN TRUCK LINE, INC., P.O. Box 1504, Crowley, La. 70526. Applicant's representative: Byron Fogleman (same address as applicant). Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Bag*, from Crowley, La., to Clearfield, Utah, for 180 days. Supporting shipper: Crowley Industries, Inc., P.O. Box 1308, Crowley, La. 70526, Martin Klein, Vice President-General Manager. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 124144 (Sub-No. 13TA), filed November 6, 1974. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21740. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, food treating compounds, chemical* (except liquid in tank vehicles), *and additives* in vehicles equipped with mechanical refrigeration, and (2) *commodities*, the transportation of which is exempt or partially exempt from regulation under the provisions of Section 213(b)(6) of the Interstate Commerce Act, in mixed loads with the commodities in (1) above: From Baltimore, Maryland, and its commercial zone, to points in Texas and Louisiana, for 180 days. Supporting shipper: McCormick & Company, Inc., McCormick Building, Baltimore, Md. 21202. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 125925 (Sub-No. 16TA), filed November 7, 1974. Applicant: SAM TOWLER, 3359 Bannerwood Drive, Annandale, Vir. 22030. Applicant's representative: Frank B. Hand, Jr., P.O. Box 187, Berryville, Vir. 22611. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metal and scrap metal alloys*, in dump vehicles from Washington, D.C., to Claymont, Delaware, Burnham, Coatesville, Macungie, Milton, and Temple, Pa., Cleveland, Ohio, for 180 days. Supporting shipper: Joseph Smith & Sons, Inc., 20001 Kenilworth Avenue, P.O. Box 5035 Washington, D.C. 20019. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Ave. NW., Room 317, Washington, D.C. 20423.

No. MC 127187 (Sub-No. 11TA), filed November 7, 1974. Applicant: FLOYD DUENOW, 1728 Industrial Park Blvd., Fergus Falls, Minn. 56537. Applicant's representative: Charles E. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and animal and poultry feed ingredients* (except liquid commodities in bulk in tank vehicles), from East Grand Forks, Crookston, and Moorhead, Minn., to points in Montana, restricted to traffic originating at the named origins and destined to the named destinations, for 180 days. Supporting shippers: Red River Alfalfa Company, Box 495, Crookston, Minn. 56716; Agra By-Products, 1601 7th Avenue, North Fargo, N. Dak. 58102; Pillsbury Company, 5100 Eden Avenue, Edina, Minn. 55436; American Crystal Sugar Co., 101 North 3rd Street, Moorhead, Minn. 56560. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operattions, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 128007 (Sub-No. 70TA), filed November 8, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: Clyde N. Christey, 641 Harrison, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yeast*, from Denver, Colo., to points in Kansas, Oklahoma, Missouri, Arkansas, and Nebraska, for 180 days. Supporting shippers: Feed Components, Inc., P.O. Box 4057, Overland Park, Kans. 66204, and Cereal Byproducts Company, 4800 Main, Kansas City, Mo. 64112. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 128030 (Sub-No. 91TA), filed November 5, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air conditioning and refrigeration equipment and parts thereof*, from Beardstown and Danville, Ill., to all points in the United States, for 180 days. Supporting shipper: Eugene F. Kucic, Traffic Manager, Bohn Aluminum and Brass Company, 1625 East Voorhees Street, Danville, Ill. 61832. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128862 (Sub-No. 20TA), filed November 5, 1974. Applicant: B. J. CECIL TRUCKING, INC., P.O. Box C, Claypool, Ariz. 85532. Applicant's representative: Chris Cecil (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shredded tin*, in bulk, from West Chandler, Ariz., to points in Grand County, Utah, for 180 days. Supporting shipper: U.S. Resources, Moab, Utah. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 N. First Avenue, Phoenix, Ariz. 85025.

No. MC 129516 (Sub-No. 33TA), filed October 30, 1974. Applicant: PATTON'S, INC., 2300 Canyon Road, Ellensburg, Wash. 98926. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated potato granules* from the Port of Entry on the International Boundary between the United States and Canada located at or near Sweetgrass, Mont., to San Francisco and Los Angeles, Calif., Chicago, Ill., Fort Worth and Dallas, Tex., and Kansas City, Missouri, restricted to traffic having a prior movement in foreign commerce, for 180 days. Supporting shipper: Vauxhall Foods Limited, 433 Mayor McGrath Drive, Lethbridge, Alberta, Canada T1S1L8. Send protests to: W. J. Huetig, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 129830 (Sub-No. 8TA), filed November 7, 1974. Applicant: JACOBSMA TRANSPORTATION COMPANY, 108 South Virginia, Sioux City, Iowa 51101. Applicant's representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed and scrapped vehicles, implements, and machinery* from the facilities of State Steel Supply Co., at Sioux City, Iowa, to Chicago, Illinois, and points in its commercial zone, and Beloit, Fond du Lac, and Madison, Wis., for 180 days. Supporting shipper: Sioux City Compressed Steel, 214 Court Street, Sioux City, Iowa 51101. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 129870 (Sub-No. 22TA), filed November 11, 1974. Applicant: GAS INCORPORATED, 95 E. Merrimack Street, Lowell, Mass. 01853. Applicant's representative: John T. Haldemann, 11 Commerce Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid nitrogen*, in bulk, in Cryogenic tank vehicles, between New Orleans, La., and Fairfield, Ala., for 180 days. Supporting shipper: Airco Industrial Gases, 575 Mountain Road, Murray Hill, N.J. 07974. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

No. MC 133233 (Sub-No. 35TA), filed November 7, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, P.O. Box 831, 805 32nd Avenue, Council Bluffs, Iowa 51501. Applicant's representative: Donna L. Ehrlich (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry macaroni products*, from Omaha, Nebr., to points in Illinois, Michigan, Indiana, Oklahoma, and Wisconsin, under a continuing contract with Skinner Macaroni Company of Omaha, Nebr., for 180 days. Supporting shipper: Skinner Macaroni Company, 6848 "F" Street, Omaha, Nebr. 68117. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 136318 (Sub-No. 26TA), filed November 8, 1974. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 5627, High Point, N.C. 27262. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Appomattox, Virginia, to points in Washington, Oregon, California, Montana, Idaho, Nevada, Arizona, Utah, New Mexico, Colorado, and Wyoming, restricted (1) to shipments originating at the facilities of Thomasville Furniture Industries, Inc., (2) to traffic under a continuing contract with Thomasville Furniture Industries, Inc., for 180 days. Supporting shipper: Thomasville Furniture Industries, Inc., P.O. Box 339, Thomasville, N.C. 27360. Send protests to: Terrell Price, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 136401 (Sub-No. 2TA), filed November 7, 1974. Applicant: ROBIN EXPRESS, INC., 20–02 Steinway Street, Long Island City, N.Y. 11105. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by manufacturers and distributors of rubber tires, from Lake Success, N.Y., to points in New Jersey, for 180 days. Supporting shipper: Michelin Tire Corporation, 2500 Marcus Avenue, Lake Success, N.Y. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 136775 (Sub-No. 3TA), filed November 7, 1974. Applicant: ERKEL TRANSFER, INC., P.O. Box 6, Le Center, Minn. 56057. Applicant's representative: F. H. Kroeger, 1745 University Avenue, St. Paul, Minn. 55104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the construction and building of precut homes and garages, and *parts, floor coverings, and accessories* installed at the time of construction (except commodities in bulk, in tank vehicles), from Jordan, Minn., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Montana, Nebraska, North Dakota, Ohio, South Dakota, Wisconsin, and Wyoming; and (2) *Refused, rejected, or returned shipments* of the commodities named in (1) above, from the above named destination states, to Jordan, Minn., for 180 days. Restriction: Restricted to a transportation contract or contracts with Martin Homes, Inc., of Bloomington, Minn. Supporting shipper: Martin Homes, Inc., 6901 West Old Shakopee Road, Bloomington, Minn. 55438. Send protests to: A. N. Spath, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Court House, 110 S. 4th Street, Minneapolis, Minn. 55401.

No. MC 140029 (Sub-No. 3TA), filed November 5, 1974. Applicant: CLIFFORD H. HALL, INC., Bliss, N.Y. 14024. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and feed ingredients*, from the town of Arcade (Wyoming County, N.Y.), to points in Maryland, New Jersey, and Pennsylvania, and returned shipments in return, for 180 days. Supporting shipper: Ruminent Nitrogen Products Company, 770 Riverside Drive, Adrian, Mich. 49221. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 140343 (Sub-No. 1TA), filed November 7, 1974. Applicant: CENTRAL DELIVERY SERVICE, INC., 1101 Ripley Street, Silver Spring, Md. 20910. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and related documents* used in and useful for the preparation of telephone directors, (A)(1) from the offices and facilities of the Chesapeake & Potomac Telephone Company of Virginia located in Arlington County and the cities of Alexandria and Falls Church, Va.; (2) from the offices and facilities of the Chesapeake & Potomac Telephone Company located in Washington, D.C., and Silver Spring, Md.; and (3) from the offices and facilities of the Chesapeake & Potomac Telephone Company of Maryland, located in Annapolis, Baltimore Cockeysville, Harve De Grace, Hyattsville, Rockville, Seabrook, Silver Spring, Temple Hills, Towson, and Wheaton, Md., to Philadelphia, Pa.; and (B)(1) from Philadelphia, Pa., to the offices and facilities of the Chesapeake & Potomac Telephone Company of Maryland, located in Annapolis, Baltimore, Cockeysville, Havre De Grace, Hyattsville, Rockville, Seabrook, Silver Spring, Temple Hills, Towson, and Wheaton, Md.; (2) from the offices and facilities of the Chesapeake & Potomac Telephone Company, located in Washington, D.C., and Silver Spring, Md.; and (3) from the offices and facilities of the Chesapeake & Potomac Telephone Company of Virginia, located in Arlington County and Alexandria and Falls Church, Va., restricted to movements originating at or destined to the offices and facilities of the Chesapeake & Potomac Telephone Company, Washington, D.C., for 180 days. Supporting shipper: Datacomp Corporation, A Division of Herbick and Held Printing Co., 211 South Broad Street, Philadelphia, Pa. 19107. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 140378 TA, filed November 7, 1974. Applicant: EASTERN ENTERPRISES, INC., Bear Valley Road, P.O. Box 272, Shamokin, Pa. 17872. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Filter media, plastics and hard rubber filler, carbon additives, fillers and carbon additives*, produced from coal, on flat-bed or in dump type vehicle, from Coal Township, Pa., to points in the United States east of the Mississippi River, for 180 days. Supporting shipper: Shamokin Filler Co., Inc., P.O. Box 272, Shamokin, Pa. 17872. Send protests to: Robert P. Amerine, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 278 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

MOTOR CARRIERS OF PASSENGERS

No. MC 140341 (Sub-No. 1TA), filed November 7, 1974. Applicant: WESTERN BUS LINES OF B.C., LTD., 944 8th Street, Kamloops, British Columbia, Canada. Applicant's representative: Michael B. Crutcher, 2000 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in round trip charter operations, restricted to origin/destination operations, from Yale County, B.C. (Kamloops), beginning and ending at Sumas and Oroville, Wash., at or near the International Boundary line between the United States and Canada and extending to points in Washington, Oregon, Nevada, and California, for 180 days. Supporting shippers: The Royal Canadian Legion, 427 Lansdowne Street, Kamloops, B.C., Canada and Travellers International, 1211 Wharf Street, Victoria, B.C., Canada. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98174.

By The Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27289 Filed 11-20-74;8:45 am]

[Notice No. 191]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations

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prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 11, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–75387. By order of November 11, 1974, the Motor Carrier Board approved the transfer to Carlson Transport, Inc., Billings, Mont., of the operating rights in Certificate No. MC 106523 issued August 8, 1958, to Frank V. Burleson, Billings, Mont., authorizing the transportation of various commodities between specified areas in Montana and Wyoming. J. P. Meglen, 2822 Third Ave. North, Billings, Mont. 59103, attorney for applicants.

No. MC–FC–75422. By order of November 11, 1974, the Motor Carrier Board approved the transfer to Great Coastal Carriers, Inc., Pocomoke City, Md., of the operating rights in Certificate No. MC 133498 issued December 24, 1969, to Del Mar New England Express, Inc., Rocky Hill, Conn., authorizing the transportation of canned goods from points in Worcester, Somerset, Wicomico, Dorchester, Caroline, Talbot, and Queen Annes Counties, Md., and those in Sussex and Kent Counties, Del., to Wilmington, Del., Philadelphia, Chester, Allentown, Delta, Easton, Norristown, Greencastle, Harrisburg, New Freedom, and Scranton, Pa., Camden, Asbury Park, Atlantic City, Bridgeton, Bordenton, Elizabeth, Hightstown, Hoboken, Jersey City, Newark, New Brunswick, Plainfield, Passaic, Paterson, Perth Amboy, and Trenton, N.J., Albany, Binghamton, Elmira, Jamaica, Middletown, Norwich, Poughkeepsie, Schenectady, and New York, N.Y., Bridgeport, Hartford, and New Haven, Conn., Providence, R.I., and Boston, Fall River, Holyoke, Springfield, and Worcester, Mass. S. Michael Richards, 44 North Avenue, Webster, N.Y. 14580, registered practitioner for applicants.

No. MC–FC–75425. By order of November 11, 1974, the Motor Carrier Board approved the transfer to Charlie E. White, doing business as City Delivery Service, El Dorado, Ark., of the operating rights in Permit No. MC 127574 (Sub-No. 1), issued September 3, 1970, to Guy W. Mangum, doing business as Guy Mangum Masonry Works, El Dorado, Ark., authorizing the transportation of concrete blocks, building blocks, masonry joint, and reinforcing and industrial sands, from El Dorado, Little Rock, and Pine Bluff, Ark., to points in that part of Louisiana on and north of U.S. Highway 190 and that part of Mississippi within a line beginning at the Mississippi-Tennessee State line and extending along Mississippi Highway 7 to junction U.S. Highway 51, thence along U.S. Highway 51 to junction U.S. Highway 84, thence along U.S. Highway 84 to the Mississippi-Louisiana State line and thence along the Mississippi-Louisiana and Mississippi-Arkansas State lines to point of beginning on the Mississippi-Tennessee State line, including points on such line. Don A. Smith, P.O. Box 43, Fort Smith, Ark. 72901, attorney for applicants.

No. MC–FC–75431. By order of November 11, 1974, the Motor Carrier Board approved the transfer to Braafladt Transport Company, a corporation, Dimmitt, Tex., of the operating rights in Certificates Nos. MC 134319 and MC 134319 (Sub-No. 2), issued June 24, 1970, and September 27, 1974, to Louis Chet Braafladt, doing business as Chet Braafladt Transport, Dimmit, Tex., authorizing the transportation of anhydrous ammonia, from the plant site of Hill Chemicals, Inc., near Borger, Tex., to points in Colorado, Kansas, and Oklahoma; from Etter, Tex., and points within five miles thereof, to points in Kansas, Oklahoma, Nebraska, and New Mexico (portion), and from the facilities of Farmland Industries, Inc., at or near Enid, Okla., to points in Kansas, Colorado, Missouri, Arkansas, Louisiana, and Texas (portion). John C. Sims, P.O. Box 2976, Lubbock, Tex. 79408, attorney for applicants.

No. MC–FC–75470. By order entered November 11, 1974, the Motor Carrier Board approved the transfer to Sourdough Freight Lines, Inc., Fairbanks, Alaska, of the operating rights set forth in Certificate No. MC 118514 (Sub-No. 2), issued by the Commission October 2, 1963, to Gene Rogge, doing business as Sourdough Freight Lines, Fairbanks, Alaska, authorizing the transportation of general commodities, with the usual exceptions, between Fairbanks and Valdez, Alaska, on the one hand, and, on the other, points in Alaska, except those in Southwestern Alaska (the Alaska Panhandle). George L. Benesch, 608 West 4th Ave., Suite 28–30, Anchorage, Alaska 99501, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–27288 Filed 11–20–74;8:45 am]

[Notice No. 155]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 15, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2368 (Sub-No. 46TA), filed November 6, 1974. Applicant: BRALLEY WILLETT TANK LINES, INC., 2212 Deepwater Terminal Road, Richmond, Va. 23204. Applicant's representative: William T. Marshburn (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils*, in bulk, in tank vehicles, from Hurricane, W. Va., to points in North Carolina, for 180 days. Supporting shipper: David S. Evans, Vice President, Carolina By-Products Company, Inc., P.O. Box 20687, Greensboro, N.C. 27420. Send protests to: District Supervisor Clatin M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, 400 North Eighth Street, Richmond, Va. 23240.

No. MC 16831 (Sub-No. 17TA), filed November 11, 1974. Applicant: MID SEVEN TRANSPORTATION COMPANY, a Corporation, 2323 Delaware Street, Des Moines, Iowa 50317. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron or steel billets and ingots*, from Centerville, Iowa, to Peoria, Ill., and Kokomo, Ind., for 180 days. Supporting shipper: Iowa Steel and Wire Co., Centerville, Iowa 52544. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 52460 (Sub-No. 160TA), filed November 11, 1974. Applicant: ELLEX TRANSPORTATION, INC., 1420 W. 35th Street, P.O. Box 9637, Tulsa, Okla. 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and empty containers returned*, from Memphis, Tenn., to Alamosa, Colo. for 180 days. Supporting shipper: Ward Distributing Co., Richard P. Ward, Owner, P.O. Box 713, Alamosa, Colo. 81101. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old P.O. Building, 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 61396 (Sub-No. 274TA), filed November 7, 1974. Applicant: HERMAN BROS., INC., 2565 St. Mary's Avenue, Omaha, Nebr. 68101. Applicant's representative: Arlyn L. Westergren, Suite 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid hydrogen, liquid nitrogen, liquid argon, gaseous hydrogen, gaseous oxygen, gaseous nitrogen, gaseous argon, and helium*, in bulk, in tank vehicles, from East Alton, Ill., to Fairfield, Ala., for 180 days. Supporting shipper: Airco Industrial Gases Division, 575 Mountain Avenue, Murray Hill, N.J. 07974. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 68860 (Sub-No. 20TA), filed November 12, 1974. Applicant: RUSSELL TRANSFER, INCORPORATED, 444 Glenmore Drive, Salem, Va. 24153. Applicant's representative: Liniel G. Gregory (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cleaning products*, viz. *bleach, laundry*, NOI, dry; *cleaning products; cleaning, scouring*, or *washing compounds*, NOI, liquid, granular or powder; *lye*, concentrated, NOI; *pot scourers*, NOI; *scouring cloth or scouring pads*, with or without soap, *plastic mesh or other than plastic mesh*, in boxes; *soap*, NOI, other than liquid; *sodium hypochlorite solution*, in packages; (2) *Sizing*, fabric, in barrels or boxes; (3) *Softeners*, textile, NOI; and (4) *Steel wool*, in inner containers in boxes, between the plant site of the Purex Corp., Ltd., 1414 N. Ratcliffe Street, Bristol, Pa., on the one hand, and, on the other, Roanoke and Salem, Va., for 180 days. Restriction: Restricting any authority sought as to articles of unusual value, Class A and B explosives, and transportation of commodities in bulk, in tank vehicles. Supporting shipper: Purex Corp., Ltd., Bristol, Pa. 19007. Send protests to: Danny R. Beeler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 215 Campbell Avenue SW., Roanoke, Va. 24011.

NOTE.—Applicant will interline with connections at Roanoke, Va., tacking possible but not intended at Roanoke, Va. with points in MC 68860, Sub. 13, 14, and specified points in North Carolina and all points in South Carolina.

No. MC 101219 (Sub-No. 56TA), filed November 7, 1974. Applicant: MERIT DRESS DELIVERY, INC., 524 West 36th Street, New York, N.Y. 10018. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Colebrook, N.H., and the New York, N.Y., Commercial Zone and Fall River, Mass., for 180 days. Supporting shipper: Manchester Manufacturing, Inc., P.O. Box 107, Colebrook, N.H., Gaston Chartrand. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, N.Y. 10007.

No. MC 103051 (Sub-No. 327TA), filed November 8, 1974. Applicant: FLEET TRANSPORT COMPANY, INC., P.O. Box 90408, Nashville, Tenn. 37209. Applicant's representative: William G. North (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, in tank or hopper-type vehicles, from Henderson, N.C., to points in North Carolina and Virginia, for 180 days. Supporting shipper: Morton Salt Company, A Division, Morton; Norwich Products, Inc., 110 N. Wacker Drive, Chicago, Ill. 60606. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 110525 (Sub-No. 1114TA), filed November 12, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 E. Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Omaha, Nebr., to Dayton, N.J., for 180 days. Supporting shipper: Stauffer Chemical Co., Westport, Conn. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 113024 (Sub-No. 132TA), filed November 12, 1974. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon black*, in bags, from Seagraves, Tex., to McCook, Nebr. and Wilmington, Del., for the account of Electric Hose and Rubber Company, Wilmington, Del., for 180 days. Supporting shipper: Fred H. Evick, Director of Distribution, Electric Hose & Rubber Company, Box 910, Wilmington, Del. 19899. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 116077 (Sub-No. 358TA), filed November 6, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene*, in bulk, in tank vehicles, from the plantsite of Mobil Chemical Company, Beaumont, Tex., to the plantsite and storage facilities of Dow Chemical, U.S.A., at or near Magnolia, Ark., for 180 days. Supporting shipper: Dow Chemical, U.S.A., P.O. Box 6417, Cleveland, Ohio 44101. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, Room 8610, Federal Building, Houston, Tex. 77002.

No. MC 119399 (Sub-No. 49TA), filed November 11, 1974. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, Mo. 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle ,over irregular routes, transporting: *Malt beverages*, in containers, (1) from Fort Worth, Tex., to Springfield and West Plains, Mo., and (2) from Peoria, Ill., to Helena and Pine Bluff, Ark., for 180 days. Supporting shippers: Centenio Distributing Co., 523 Arkansas Street, Helena, Ark. 72342; West Plains Distributing Co., Inc., 134 North Howell, West Plains, Mo.; K&M Distributing Co., Inc., 309 East Commercial, Springfield, Mo.; and Midwest Beverage Company, P.O. Box 6057, Pine Bluff, Ark. 71601. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 119789 (Sub-No. 227TA), filed November 7, 1974. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in containers, *blood analysis instruments, supplies, and parts* in mechanically refrigerated equipment, from Houston, Tex., to Chicago, Ill.; Philadelphia, Pa.; Los Angeles, Calif.; and Tampa, Fla., for 180 days. Supporting shipper: Hycel, Inc., 7920 Westpark Drive, P.O. Box 36329, Houston, Tex. 77036. Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 124813 (Sub-No. 121TA), filed November 11, 1974. Applicant: UMTHUN TRUCKING CO., 910 South Jackson Street, Eagle Grove, Iowa 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate

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as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from the storage facilities utilized by Cargill, Incorporated, at or near Tolono, Ill., to points in Iowa, for 180 days. Supporting shipper: Cargill, Incorporated, 304 Board of Trade Building, Peoria, Ill. 61602. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 875 Federal Bldg., Des Moines, Iowa 50309.

No. MC 129870 (Sub-No. 21TA) (Correction), filed October 31, 1974, published in the FEDERAL REGISTER, Notice No. 151, dated November 8, 1974, and republished as corrected this issue. Applicant: GAS INCORPORATED, 95 East Merrimack Street, Lowell, Mass. 01853. Applicant's representative: John T. Hildemann, 11 Commerce Street, Newark, N.J. 07102.

NOTE.—The purpose of this republication is to show the applicant's correct Sub number as No. MC 129870 (Sub-No. 21TA), in lieu of No. MC 129870 (Sub-No. 12TA), which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 136318 (Sub-No. 27TA), filed November 12, 1974. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 5627, High Point, N.C. 27262. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Thomasville, Winston-Salem, Lenoir, and Pleasant Garden, N.C., to points in Washington, Oregon, Nevada, Montana, Idaho, Utah, Wyoming, New Mexico, North Dakota, and South Dakota, for 180 days. Restriction: Restricted (1) to traffic originating at the facilities of Thomasville Furniture Industries, Inc., and (2) to traffic under a continuing contract with Thomasville Furniture Industries, Inc. Supporting shipper: Thomasville Furniture Industries, Inc., P.O. Box 339, Thomasville, N.C. 27360. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 136318 (Sub-No. 28TA), filed November 12, 1974. Applicant: COYOTE TRUCK LINE, INC., P.O. Box 5627, High Point, N.C. 27262. Applicant's representative: David R. Parker, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pressed wood board*, from points in Oregon, to Lenoir, Pleasant Garden, Thomasville, and Winston-Salem, N.C., and Appomattox, Va., restricted (1) against the transportation of Plywood and (2) to shipments destined to the facilities of Thomasville Furniture Industries, Inc., under a continuing contract with same, for 180 days. Supporting shipper: Thomasville Furniture Industries, Inc., P.O. Box 339, Thomasville, N.C. 27360. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 136553 (Sub-No. 27TA), filed November 11, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer and dry fertilizer materials*, in bulk, from the storage facilities utilized by Cargill, Incorporated, at or near Tolono, Ill., to points in Iowa, for 180 days. Supporting shipper: Cargill, Incorporated, 304 Board of Trade Building, Peoria, Ill. 61602. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138328 (Sub-No. 20TA), filed November 7, 1974. Applicant: CLARENCE L. WERNER, doing business as WERNER ENTERPRISES, 805 32nd Avenue, P.O. Box 831, Council Bluffs, Iowa 51501. Applicant's representative: Donna L. Ehrlich (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cookies*, from the facilities of Ripon Foods, Inc., at Ripon, Wis., to points in California, Oregon, Washington; and to Tucson and Phoenix, Ariz.; Salt Lake City, Utah; Denver, Colo.; and Pocatello, Idaho, for 180 days. Supporting shipper: Ripon Foods, Inc., Ripon, Wis. 54971. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 139280 (Sub-No. 5TA), filed November 6, 1974. Applicant: BUTANE GAS & ELECTRIC CO., INC., 313 North Wood Street, Gilmer, Tex. 75644. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in tank vehicles, (1) from Carthage, Edgewood, Hawkins, Kilgore, Myrtle Springs, New London, and Tyler, Tex., to Hot Springs, Ark.; and (2) from Arcadia and Gibsland, La., to Hot Springs, Ark., for 180 days. Supporting shipper: National Butane Co., Inc., 853 3rd Street, Hot Springs, Ark. 71901. Send protests to: District Supervisor Gerald T. Holland, Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 140272 (Sub-No. 1TA) (Correction), filed October 21, 1974, published in the FEDERAL REGISTER, issue of November 11, 1974, and republished as corrected this issue. Applicant: L. R. DENNEY, INC., 7756 East Alondra Street, Paramount, Calif. 90723. Applicant's representative: William J. Monheim, P.O. Box 1756, Whittier, Calif. 90609.

NOTE.—The purpose of this republication is to show the applicant's representative correct address as stated above, in lieu of P.O. Box 1257, City of Industry, Calif. 91749, which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 140380TA, filed November 7, 1974. Applicant: GARFIELD TRANSFER, INC., 1938 Occidental Avenue South, Seattle, Wash. 98134. Applicant's representative: Michael D. Duppenthaler, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper*, from Coeur d'Alene, Idaho, to points in King and Pierce Counties, Wash., for 180 days. Supporting shipper: Panhandle Recycling Products, 415 N.W. Blvd., Coeur d'Alene, Idaho. Send protests to: L. D. Boone, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98174.

No. MC 140381TA, filed November 11, 1974. Applicant: MORRIS LUMBER, INC., 1618 Allen Creek Road, Grants Pass, Oreg. 97526. Applicant's representative: Kenneth W. Morris, 704 S.W. Greenwood, Grants Pass, Oreg. 97526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper* for recycling, from Berkeley, Calif., to Vancouver, Wash., for 180 days. Supporting shipper: I & B Enterprises, Inc., 890 Heinz Avenue, Berkeley, Calif. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27291 Filed 11-20-74;8:45 am]

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federal register

November 22, 1974—Pages 40935–41164

FRIDAY, NOVEMBER 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 227

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of the Treasury

Section 213.3305 is amended to show that one additional position of Special Assistant to the Assistant Secretary (Legislative Affairs) is excepted under Schedule C.

Effective on publication in the Federal Register, § 213.3305(a)(51) is amended as set out below.

§ 213.3305 Department of the Treasury.

(a) *Office of the Secretary.* • • •

(51) Two Special Assistants to the Assistant Secretary (Legislative Affairs).

• • • • • •

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27518 Filed 11-21-74;8:45 am]

PART 511—CLASSIFICATION UNDER THE GENERAL SCHEDULE

Implementation of Effective Date of Classification Decisions; Suspension

Part 511 of Title 5 of the Code of Federal Regulations is amended by clarifying the authority of Commission personnel who are authorized to make such decisions, to suspend for cause, the implementation of the effective date of either a classification decision (§ 511.701 (b)), or a classification appeal decision (§ 511.702). This change clearly specifies the discretionary authority of: (1) The regional director or his designee to suspend the implementation of the effective date of his own or an agency's decisions; (2) the Director, Bureau of Personnel Management Evaluation or his designee to suspend the implementation of the effective date of his own decision or that of a regional director or an agency and (3) the Commissioners to suspend the implementation of the effective date of any classification decision or classification appeal decision.

Sections 511.701(b) and 511.702 are amended as set out below.

§ 511.701 Effective dates generally.

• • • • • •

(b) *Commission's classification decision.* The effective date of a classification decision made by means of a certificate issued by the Commission is not earlier than the date of receipt of the certificate in the agency and not later than the beginning of the fourth pay period following the receipt of the certificate in the agency, unless a subsequent date is specifically stated in the certificate. Except as otherwise provided by this paragraph, the filing of an appeal from such a decision does not delay its effective date. The implementation of the classification decision may be suspended when for good cause shown it is determined before its effective date that a review of the classification decision is warranted. The determination to suspend implementation may be made by (1) a regional director or his designee when the decision is made by the regional office or by an agency under the classification jurisdiction of the regional office, (2) the Director, Bureau of Personnel Management Evaluation, or his designee when the decision is made within the bureau, by a region or by an agency, and (3) the Commissioners with respect to any classification decision. Suspending the implementation does not change the effective date of the classification decision being reviewed except when that decision requires that the grade of the position be reduced or results in the reduction in the pay of the incumbent of the position. When the original decision requires that the grade of the position be reduced or results in the reduction in the pay of the incumbent of the position, the reviewing authority shall issue a new certificate and the effective date of the new certificate shall be not earlier than the date the agency receives the certificate and not later than the beginning of the fourth pay period after the date the agency receives the certificate unless a subsequent date is specifically stated in the certificate.

§ 511.702 Agency's or Commission's classification decision on appeal.

Subject to § 511.703, the effective date of a change in the classification of a position resulting from an appeal to either an agency or the Commission is not earlier than the date of decision on the appeal and not later than the beginning of the fourth pay period following the date of the decision, except that a subsequent date may be specifically provided in a decision by the Commission. The implementation of the appeal decision may be suspended by the Commission when for good cause shown the Commission determines before its effective date that a review of the appeal decision is warranted. The determination to suspend implementation may be made by (a) the regional director or his designee when the decision is made by the regional office or by an agency under the classification jurisdiction of the regional office, (b) the Director, Bureau of Personnel Management Evaluation, or his designee when the decision is made within the Bureau, by a region or by an agency, and (c) the Commissioners with respect to any appeal decision. Suspending the implementation does not change the effective date of the appeal decision being reviewed except when that decision requires that the grade of the position be reduced or results in the reduction in the pay of the incumbent of the position. When the original appeal decision requires that the grade of the position be reduced or results in the reduction in the pay of the incumbent of the position, the reviewing authority shall issue a new appeal decision and the effective date of the new decision shall be not earlier than the date of the new appeal decision and not later than the beginning of the fourth pay period following the date of decision unless a subsequent date is specifically stated in the new decision.

(5 U.S.C. 5115, 5338, 5351)

Effective date: November 22, 1974.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27313 Filed 11-21-74;8:45 am]

PART 831—RETIREMENT

Special Provisions Applicable to Law Enforcement Officers and Firefighters

Pub. L. 93–350, enacted July 12, 1974, amends title 5, United States Code, to, among other things, liberalize annuity computations applicable to law enforcement officers and firefighters, and to increase withholding and contribution rates for these employees and their agencies. To implement the changes made by Pub. L. 93–350 and pursuant to section 553(b)(A) and 8347 (a) and (b) of title 5, United States Code, authorizing the Civil Service Commission to prescribe rules and regulations, require certifications in support of applications, and adjudicate claims, Part 831 is amended effective immediately to change the

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analysis and to add a new Subpart I, as follows:

Subpart I—Law Enforcement Officers and Firefighters

Sec.
831.901 Special provisions applicable
831.902 Determination of applicability
831.903 Law enforcement officer
831.904 Firefighter
831.905 Creditability-of-service determinations

AUTHORITY: Sec. 553(b)(A), 8347 (a) and (b), title 5, U.S.C.

Subpart I—Law Enforcement Officers and Firefighters

§ 831.901 Special provisions applicable.

"Law enforcement officer" and "firefighter," as defined in section 8331(20)–(21) of title 5, United States Code, are subject to the following special provisions of subchapter III of chapter 83 of title 5, United States Code:

(a) Section 8331(3)(C) and (D), pertaining to basic pay;

(b) Section 8334(a)(1) and (c), pertaining to deductions, contributions, and deposits;

(c) Section 8335(g), pertaining to mandatory separation;

(d) Section 8336(c), pertaining to immediate retirement; and

(e) Section 8339(d), pertaining to computation of annuity.

§ 831.902 Determination of applicability.

Subject to §§ 831.903–831.904, and after concurrence of the Commission with respect to positions not approved by the Commission prior to the effective date of Pub. L. 93–350 (July 12, 1974), the appropriate administrative authority of an agency shall determine the applicability of the definitions in section 8331(20)–(21) of title 5, United States Code, and of the special provisions mentioned in § 831.901 to employees in positions, including supervisory or administrative positions, in that agency.

§ 831.903 Law enforcement officer.

(a) "Law enforcement officer" includes an employee whose primary duties, as set forth in the official position description, require the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States. Law enforcement officer does not include an employee in a position the primary and regular duties of which involve maintaining law and order, protecting life and property, guarding against or inspecting for violations of law, or investigating persons other than persons who are suspected of violating the criminal laws of the United States, or whose duties only occasionally or incidentally require the investigation, apprehension, or detention of persons suspected or convicted of violating the criminal laws of the United States.

(b) If the Commission concurs with the appropriate administrative authority of an agency that the detention duties of a position in a penal or related institution as defined in section 8331(20)(A)–(D) of title 5, United States Code, require frequent direct contact with prisoners, an employee in such position shall be included within the meaning of the term "law enforcement officer". Concurrence of the Commission obtained prior to July 12, 1974, remains in effect.

(c) "Law enforcement officer" also includes an employee who is transferred to a position the primary duties of which are not the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States, or from such a position to another such position, if—

(1) Service in the position transferred to follow service in a law enforcement position without—

(i) A break in service of more than three days; or

(ii) Intervening employment that was not as a law enforcement officer;

(2) The duties of the position transferred to are in the law enforcement line of work in an organization with responsibility for the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States; and

(3) The position transferred to is—

(i) Supervisory—one which requires a duty of supervising subordinate employees who are directly engaged in the investigation, apprehension, or detention of persons suspected or convicted of offenses against the criminal laws of the United States; or

(ii) Administrative—one which includes an executive or managerial position and may include a clerical, technical, semiprofessional, or professional position of a type also found in organizations with no law enforcement responsibilities: *Provided*, That experience as a law enforcement officer is a basic qualification for the administrative position.

§ 831.904 Firefighter.

(a) "Firefighter" includes an employee whose primary duties, as set forth in the official position description, require the performance of work directly connected with the control and extinguishment of fires, or the maintenance and use of firefighting apparatus and equipment.

(b) "Firefighter" also includes an employee who is transferred to a position the primary duties of which are not the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, or from such a position to another such position, if—

(1) Service in the position transferred to follows service in a firefighter position without—

(i) A break in service of more than three days; or

(ii) Intervening employment that was not as a firefighter;

(2) The duties of the position transferred to are in the firefighting line of work in an organization with firefighting responsibilities; and

(3) The position transferred to is—

(i) Supervisory—one which requires a duty of supervising subordinate employees who are directly engaged in firefighting and/or in the maintenance and use of firefighting apparatus and equipment; or

(ii) Administrative—one which includes an executive or managerial position and may include a clerical, technical, semiprofessional, or professional position of a type also found in organizations with no firefighting responsibilities: *Provided*, That experience as a firefighter is a basic qualification for the administrative position.

§ 831.905 Creditability-of-service determinations.

(a) The Commission shall determine whether service prior to July 12, 1974, was as a law enforcement officer or firefighter.

(b) Service on and after July 12, 1974, shall be deemed to have been performed as a law enforcement officer or firefighter if—

(1) (i) The position in which the service was performed was approved by the Commission under paragraph (a) of this section as being subject to section 8336(c) of title 5, United States Code; or

(ii) The appropriate administrative authority of the employee's agency determined, with the concurrence of the Commission, that the definitions in section 8331(20)–(21) of title 5, United States Code, applied to the employee; and

(2) Retirement deductions and contributions were made at the rate specified in section 8334(a)(1) of title 5, United States Code.

(c) In the event an employee is separated mandatorily under section 8335(g) of title 5, United States Code, or is separated for optional retirement under section 8336(c) of title 5, United States Code, and the Commission finds that all or part of the minimum service required for entitlement to immediate annuity was in a position in which the employee was not a law enforcement officer or firefighter, such separation shall be considered erroneous. For service held by the Commission to have been in a position in which the employee was not a law enforcement officer or firefighter, the employee may, upon proper application, be paid a refund, without interest, of—

(1) The excess of his retirement withholdings during such service at the rate specified in section 8334(a)(1) of title 5, United States Code, for law enforcement officers and firefighters over the rate specified for employees generally; and

(2) Withholdings during such service attributable to premium pay.

(5 U.S.C. 8347)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27318 Filed 11-21-74;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTION, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—Regulations [1]

ADMINISTRATION

The Agricultural Marketing Act of 1946 authorizes official inspection and certification of fresh fruits and vegetables and other products.[2] Such inspection and certification is voluntary and is made available only upon request of financially interested parties and upon payment of a fee to cover the cost of rendering the service.

Statement of considerations leading to amendment of regulations. It is the Department's policy that there be no discrimination in the conduct of services or in the hiring and licensing of inspection personnel. This amendment sets forth that policy.

Section 51.1 is amended to read as follows:

§ 51.1 Administration of regulations.

(a) The Administrator, Agricultural Marketing Service, U.S. Department of Agriculture, is charged with the administration of the regulations in this part, except at his discretion, he may delegate any or all such functions to any other officer or employee of the Agricultural Marketing Service of the Department.

(b) The conduct of all services and the hiring and licensing of inspection, grading and sampling personnel under these regulations shall be accomplished without discrimination as to race, color, religion, sex or national origin.

(Secs. 203, 205, 60 Stat. 1087, as amended, 1090 as amended (7 U.S.C. 1622, 1624))

Notice of proposed rulemaking, public procedure thereon, and the postponement of the effective time of this action beyond the date of publication in the FEDERAL REGISTER are unnecessary and contrary to the public interest, inasmuch as the amendment merely embodies a general statement of Department policy, as to which the requirements of section 553, Title 5, U.S.C. are expressly inapplicable.

Accordingly this amendment shall become effective on November 22, 1974.

Dated: November 19, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Services.

[FR Doc.74-27413 Filed 11-21-74;8:45 am]

[1] None of the requirements in the regulations of this subpart shall excuse failure to comply with any Federal, State, county, or municipal laws applicable to products covered in the regulations in this subpart.

[2] Among such other products are the following: Raw nuts; Christmas trees and evergreens; flowers and flower bulbs; and onion sets.

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of the Plant Protection and Quarantine Programs performs overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Plant Protection and Quarantine Programs, by 7 CFR 354.1 of the regulations concerning overtime services relating to imports and exports, the administrative instructions appearing at 7 CFR 354.2, as amended, July 26, 1974 (39 FR 27299), and October 7, 1974 (39 FR 35999), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty are further amended by adding (in appropriate alphabetical sequence) or deleting the information as shown below:

§ 354.2 Administrative instructions prescribing commuted traveltime.

* * * * *

Commuted traveltime allowances

[In hours]

Location covered	Served from	Metropolitan area: Within	Metropolitan area: Outside
Add:			
* * * * *			
Connecticut:			
Bridgeport	Groton		3
Do	Warwick, R.I.		6
New Haven	do		6
Massachusetts:			
Westover AFB, Chicopee.	Hadley		1
Ohio:			
Columbus	Maryville		2
Pennsylvania:			
Erie	Meadville		3
* * * * *			

(64 Stat. 561; (7 U.S.C. 2260))

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing amendment are impracticable and unnecessary and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendment shall become effective on November 22, 1974.

Done at Washington, D.C., this 15th day of November 1974.

LEO G. K. IVERSON,
Deputy Administrator, Plant Protection and Quarantine Programs.

[FR Doc.74-27248 Filed 11-21-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This document authorizes expenses of $115,500 for the California-Arizona Grapefruit Administrative Committee, under Marketing Order No. 909, for the 1974–75 fiscal period and fixes a rate of assessment of three cents ($0.03) per carton of grapefruit handled in such period to be paid to the Committee by each first handler as his pro rata share of such expenses.

On October 31, 1974, notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 38386) regarding proposed expenses, the proposed rate of assessment, and the proposed carryover of unexpended assessment funds, for the fiscal period September 1, 1974, through August 31, 1975, pursuant to Marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). Said notice invited interested persons to file written data, views, or arguments in connection with said proposals not later than November 15. None were filed. After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Administrative Committee (established pursuant to the said amended marketing order), it is hereby found and determined that:

§ 909.213 Expenses, rate of assessment, and carryover of unexpended funds.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Administrative Committee during the period September 1, 1974, through August 31, 1975, will amount to $115,500.

(b) *Rate of assessment.* The rate of assessment for such period, payable by each handler in accordance with § 909.41, is hereby fixed at three cents ($0.03) per carton, or equivalent quantity of grapefruit.

(c) *Operating reserve.* Unexpended assessment funds, in excess of expenses incurred during such period, shall be carried over as a reserve in accordance with the applicable provisions of § 909.42.

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It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of the current crop of grapefruit grown in the designated production area are now being made; (2) the relevant provisions of said marketing order require that the rate of assessment herein fixed shall be applicable to all assessable grapefruit handled during the aforesaid period; and (3) such period began on September 1, 1974, and said rate of assessment will automatically apply to all such grapefruit beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated: November 18, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-27350 Filed 11-21-74;8:45 am]

[Lemon Reg. 667]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

This regulation fixes the quantity of California-Arizona lemons that may be shipped to fresh market during the weekly regulation period November 24–30, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 910. The quantity of lemons so fixed was arrived at after consideration of the total available supply of lemons, the quantity of lemons currently available for market, the fresh market demand for lemons, lemon prices, and the relationship of season average returns to the parity price for lemons.

§ 910.967 **Lemon Regulation 667.**

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the quantity of lemons that may be marketed during the ensuing week stems from the production and marketing situation confronting the lemon industry.

(i) The committee has submitted its recommendation with respect to the quantity of lemons it deems advisable to be handled during the ensuing week. Such recommendation resulted from consideration of the factors enumerated in the order. The committee further reports the demand for lemons continues to ease, with order business this week off 20 to 25 percent. Auction market supplies are considered more than adequate, since major markets will be selling only two days next week because of the Thanksgiving Holiday. Average f.o.b. price was $4.92 per carton the week ended November 16, 1974, compared to $5.09 per carton the previous week. Track and rolling supplies at 161 cars were up 8 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the quantity of lemons which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the currrent week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 19, 1974.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period November 24, 1974, through November 30, 1974, is hereby fixed at 175,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 20, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-27572 Filed 11-21-74; 11:35 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. D]

PART 204—RESERVES OF MEMBER BANKS

Reserve Percentages; Revision

The Board of Governors has amended Regulation D (12 CFR Part 204) to modify the reserve balances that member banks are required to maintain. The amendments approved by the Board are in the nature of a restructuring of the present reserve requirement schedule and should encourage member banks to lengthen maturities on time deposits, thereby strengthening the liquidity position of those banks. The effect of these amendments will be to release approximately $750 million in reserve balances, thereby helping to meet the seasonal need for bank reserves.

The amendments eliminate the marginal reserve equipment which was imposed on certain types of time deposits on May 16, 1973, was modified from time to time, and was partially removed by the Board effective September 4, 1974. The amendments also reduce the percentage of reserves required to be held against net demand deposits in excess of $400 million from 18 percent to 17½ percent and simplify the manner in which time deposits are classified for reserve purposes. Time deposits with initial maturities of 180 days or more will be subject to a 3 percent reserve requirement. Time deposits with initial maturities of less than 180 days will be subject to a 6 percent reserve requirement, except that such deposits under $5 million will be subject to a 3 percent requirement.

This action was taken pursuant to the Board's authority under section 19 of the Federal Reserve Act (12 U.S.C. 461) to set reserve ratios for member banks. The amendments to Regulation D are effective on deposits outstanding in the week beginning November 28, 1974, and affect reserves held by member banks in the week beginning December 12, 1974. There was no notice or public participation with respect to this amendment since such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective date was deferred for less than the 30 day period referred to in section 553(d) of Title 5, United States Code, because the Board found that the public interest compelled it to make the action effective no later than the date adopted. (See § 262.2(e) of the Board's rules of procedure, 12 CFR 262.2(e)).

Effective November 28, 1974, § 204.5 (a) (1) (ii) and (2) (ii) and (iii) of Regulation D are amended to read as follows:

§ 204.5 **Reserve requirements.**

(a) *Reserve percentage.* Pursuant to the provisions of Section 19 of the Federal Reserve Act and § 204.2(a) and subject to paragraph (c) of this section, the Board of Governors of the Federal Reserve System hereby prescribes the following reserve balances that each member bank of the Federal Reserve System is required to maintain on deposit with the Federal Reserve Bank of its district.

(1) If not in a reserve city—

* * * * * *

(ii) 3 per cent of its time deposits outstanding on November 28, 1974, which have an initial maturity of 180 days or more, or are issued on or after November 28, 1974 with an initial maturity of 180 days or more, 3 per cent of its time deposits up to $5 million, outstanding on November 28, 1974, which have an initial maturity of less than 180 days, or are issued on or after November 28, 1974 with an initial maturity of less than 180 days, plus 6 per cent of such deposits in excess of $5 million.[1]

* * * * * *

(2) If in a reserve city (except as to any bank located in such a city that is permitted by the Board of Governors of the Federal Reserve System, pursuant to pursuant to § 204.2(a)(2), to maintain the reserves specified in subparagraph (1) of this paragraph)—

* * * * * *

(ii) 3 per cent of its time deposits outstanding on November 28, 1974, which have an initial maturity of 180 days or more, or are issued on or after November 28, 1974 with an initial maturity of 180 days or more, 3 per cent of its time deposits up to $5 million, outstanding on November 28, 1974, which have an initial maturity of less than 180 days, or are issued on or after November 28, 1974 with an initial maturity of less than 180 days, plus 6 per cent of such deposits in excess of $5 million.[1]

(iii) $52,750,000 plus 17½ percent of its net demand deposits in excess of $400 million.

By order of the Board of Governors, November 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27307 Filed 11-21-74;8:45 am]

[1] Time deposits issued in the period November 14, 1974 through November 18, 1974, with maturities of between 120 and 179 days, may be treated as if they had initial maturities of 180 days or more.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74–WE–47–AD, Amdt. 39–2022]

PART 39—AIRWORTHINESS DIRECTIVES

AiResearch Model GTCP30–92 Auxiliary Power Units (APU)

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an Airworthiness Directive was adopted November 7, 1974, and distributed by airmail letter, dated November 8, 1974, to all known United States operators or owners of aircraft incorporating AiResearch Model GTCP30–92 Auxiliary Power Units (APU).

The directive was required because possible improper assembly and/or thermal fatigue of the turbine rotor hub can result in hub separation after which fragments may not be contained within the APU. The airmail letter requires a one time inspection of the turbine rotor to air seal clearance for correct dimension indicating proper assembly, an initial and recurring inspection of the turbine rotor hub for presence of thermal fatigue cracks and replacement as necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impractical and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators of AiResearch Model GTCP30–92 APU's, installed in, but not limited to, Hawker Siddeley HS and DH–125, Beech Hawker BH–125, Lockheed Model 1329, AMD–BA Falcon 20 and Jet Commander 1121 aircraft, certificated in all categories by individual airmail letters dated November 8, 1974. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons:

AIRESEARCH MANUFACTURING COMPANY OF ARIZONA. Applies to AiResearch Model GTCP30–92 Auxiliary Power Units (APU's), installed in, but not limited to Hawker Siddeley HS and DH–125, Beech Hawker BH–125, Lockheed Model 1329, AMD–BA Falcon 20 and Jet Commander 1121 Aircraft, certificated in all categories

Compliance required as indicated. To detect, correct and prevent turbine wheel hub separation, accomplish the following:

(A) APU Serial Numbers Prior to 29046: Within the next 25 hours of APU operating time in service after receipt of this airmail letter, unless previously accomplished, inspect the clearance between the turbine wheel and the stationary seal at a minimum of six (6) approximately equally spaced circumferential positions using a tool and procedures described in Paragraph 2.B and C. of AiResearch Service Bulletin GTCP30–40–3649, dated October 17, 1974, or later FAA approved revisions. The clearance must be a minimum of 0.075 inch at each measured position. If clearance is less than minimum, the condition must be corrected before further operation.

(B) All serial number APU's: Before exceeding 500 APU operating hours time in service, or, 50 hours of additional APU operating time in service after receipt of this airmail letter, whichever occurs later, and at intervals not to exceed 500 hours of APU operating time in service thereafter, inspect the turbine wheel hub "Saddle Area" for presence of fatigue cracks. If cracks are detected, replace turbine wheel with a serviceable part before further operation. AiResearch Service Bulletin GTCP30–49–3649, dated October 17, 1974, or later FAA approved revisions, describes an acceptable method of performing this inspection.

(C) Equivalent procedures may be approved by the Chief, Aircraft Engineering Division, FAA Western Region, upon submission of adequate substantiation data.

This amendment becomes effective November 29, 1974, for all persons except those to whom it was made effective by airmail letter dated November 8, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in Los Angeles, Calif., November 15, 1974.

ROBERT O. BLANCHARD,
Acting Director, FAA Western Region.

[FR Doc.74-27308 Filed 11-21-74;8:45 am]

[Docket No. 14129, Amdt. 39–2021]

PART 39—AIRWORTHINESS DIRECTIVES

Chromalloy Model RLB –6(B), –6(C) and –6(D) Rescue Locator Beacons Installed in Emergency Equipment

Pursuant to the authority delegated to me by the Administrator, an airworthiness directive (AD) was adopted on November 9, 1974, and made effective immediately as to the known U.S. operators of aircraft equipped with life rafts or slide-raft combinations incorporating Chromalloy Model RLD –6(B), –6(C), and –6(D) rescue locator beacons because of a fire in an air carrier life raft incorporating such a rescue locator beacon. The FAA determined that the fire originated in the rescue locator beacon and that the conditions which caused the fire were likely to exist in other beacons of this type that are incorporated in emergency equipment such as life rafts and slide-rafts installed in other aircraft and could cause in-flight fires with catastrophic results. The AD requires that certain Chromalloy Model RLB –6(B), –6(C), and –6(D) rescue locator beacons be removed from service on or before December 2, 1974.

The FAA also determined that there would be insufficient replacement units available during the period of time permitted by the AD for removal of the beacons from service to permit operators required to comply with §§ 121.339, 121.353 and 135.163 of the Federal Aviation Regulations to make the required replacements. The FAA is continuing its investigation and pending a determination as to whether there exists corrective action that will permit the return to service of the affected battery packs, the

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AD provides that Part 121 and 135 certificate holders may operate without a rescue locator beacon or battery pack, if an approved portable emergency locator transmitter is installed in the aircraft so as to be accessible to the flight crew.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately as to all known U.S. operators of aircraft equipped with emergency equipment such as life rafts and slide-raft combinations incorporating Chromalloy Model RLB–6(B), –6(C), and –6(D) rescue locator beacons by individual telegrams dated November 9, 1974. These conditions still exist and the AD, with certain editorial and clarifying revisions, is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

CHROMALLOY. Applies to Chromalloy Model RLB–6(B), –6(C), and –6(D) rescue locator beacons installed in emergency equipment (including, but not limited to, slide-raft combinations and life rafts).

Compliance required as indicated:

(a) On or before December 2, 1974, remove all Chromalloy Model RLB–6(B), –6(C), and –6(D) rescue locator beacons or the battery packs incorporated in those units, covered by this AD, from service.

(b) Contrary provisions of §§ 121.339, 121.363, and 135.163 of the Federal Aviation Regulations notwithstanding, Part 121 and 135 operators of aircraft, equipped with life rafts or slide-raft combinations incorporating Chromalloy Models RLB –6(b), –6(C), and –6(D) rescue locator beacons may, after removal of such beacons or their battery packs pursuant to paragraph (a), continue to operate those aircraft after either—

(1) Replacing the affected beacons or batteries with FAA approved replacement beacons or batteries or

(2) Installing in the aircraft an FAA approved portable type emergency locator transmitter that is accessible to the flight crew.

This amendment is effective November 22, 1974, as to all persons except those persons to whom it was made immediately effective by the telegram, dated November 9, 1974, which contained this amendment.

Issued in Washington, D.C., on November 13, 1974.

C. R. MELUGIN,
Acting Director,
Flight Standards Service.

[FR Doc.74–27309 Filed 11–21–74;8:45 am]

[Docket No. 74–SO–106; Amdt. 39–2020]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed Model 382 Series Airplanes

There have been failures of the throttle cables on the Lockheed Model 382 series airplanes that could result in loss of engine throttle control. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the throttle cables at fuselage station 245 upper and lower pulleys and at each engine horsecollar pulley on the front wing beam.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedures hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED-GEORGIA COMPANY: Applies to all Lockheed Models 382, 382B, 382E, 382F, and 382G airplanes certificated in all categories.

Compliance required as indicated below for aircraft with serial numbers below 4550 unless already accomplished.

A. For aircraft with 2000 hours or more time in service: This inspection is to be accomplished at the first convenient maintenance period, but not to exceed 200 hours time in service after effective date of this airworthiness directive.

B. On aircraft with less than 2000 hours time in service, this inspection is to be accomplished prior to the accumulation of 2000 hours or 200 hours time in service after the effective date of this airworthiness directive, whichever is greater.

Accomplish the following: Inspect and replace as required the engine throttle cables located at F.S. 245 upper and lower pulleys and at all engine horsecollar pulleys on the front wing beam as defined and in accordance with Lockheed Service Bulletin A382–175 or later approved revision or an equivalent inspection procedure approved by the Chief, Engineering and Manufacturing Branch, Southern Region.

This amendment is effective November 27, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c)))

Issued in East Point, Ga., on November 13, 1974.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.74–27310 Filed 11–21–74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER F—POLICY STATEMENTS

[Reg. PS–59, Amdt. 38]

PART 399—STATEMENTS OF GENERAL POLICY

Minimum Rates for Military Passengers

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., November 18, 1974.

By PSDR–42, (Docket 27113), October 22, 1974, the Board gave notice that it had under consideration proposed amendments to Part 399 of its statements of general policy (14 CFR Part 399) providing prospectively for a 5.63 percent increase in the minimum rates considered fair and reasonable for the transportation of Category Z individually ticketed military passengers, and an adjustment of the commercial fuel surcharge applicable to the Category Z rate. The proposed increase was based upon a corresponding increase in the minimum rate for one-way military passenger charters (Category B rates) adopted by ER–879, October 22, 1974. Since the Board has for some time based the minimum charge considered fair and reasonable for Category Z transportation on the one-way Category B rate,[1] an increase in the Category B minimum was considered to require a corresponding increase in the Category Z minimum. The proposed adjustment in the commercial fuel surcharge was to conform the rate to that applied to the revised interim Category B rate after a review of reported fuel price changes as of October 1, 1974.[2]

No comments were received in response to the notice. Upon consideration, we have determined for the reasons set forth in the notice and in ER–879 to adopt the amendments as proposed. The carriers may file tariffs reflecting these increased rates for effectiveness November 29, 1974, on not less than one day's notice.

In view of the carriers' need for prompt rate relief, we find good cause exists to make the amendment effective on less than thirty (30) days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 399 of its Statements of General Policy (14 CFR Part 399) effective November 29, 1974, as follows:

Amend § 399.16(b) to read as follows:

§ 399.16 Military exemptions.

. . . . . .

(b) The minimum charges considered fair and reasonable for the transportation of Category Z individually ticketed passengers in foreign and overseas air transportation and in air transportation between the 48 contiguous states, on the one hand, and Hawaii or Alaska, on the other hand, effective November 29, 1974, will be 4.366 cents per passenger-mile, plus a fuel surcharge of 5.73 percent, applied to the shortest mileage between commercial air carrier points as set forth in the current IATA Mileage Manual to compute point-to-point passenger fares.

[1] However, since ER–861, June 11, 1974, commercial fuel surcharges at different levels have applied to Category B and Category A MAC rates than to the Category Z rate. The reason for the difference is that whereas the Board reviews and retroactively adjusts the Categories A and B surcharge rates monthly, such a review of the Category Z rate is impractical since tariffs may not be amended retroactively.

[2] ER–881, October 30, 1974, established a Category B rate surcharge of 5.73 percent effective October 29, 1974. This is the rate we will adopt for Category Z services.

(Sec. 204, 403, 416, Federal Aviation Act of 1958, as amended; 72 Stat. 743, 758, 771, as amended; (49 U.S.C. 1324, 1373, 1386))

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–27388 Filed 11–21–74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–11097]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Appeals Procedures Established for Consolidated Tape Plan

The Commission today announced the adoption of an amendment to Rule 17a–15 (17 CFR 240.17a–15) (the "Rule") under the Securities Exchange Act of 1934.[1] The rule provides for reporting of prices and volume of completed transactions with respect to securities registered on exchanges. The purpose of the amendment, which adds a new paragraph (i) to the rule, is to establish procedures for appeal to the Commission from certain actions which may be taken pursuant to any consolidated tape plan declared effective by the Commission under the Rule. In this connection, the Commission on May 10, 1974 announced that it had declared effective as of May 17, 1974 the consolidated tape plan jointly filed on April 22, 1974 by the New York, American, Midwest, Pacific and PBW Stock Exchanges and the National Association of Securities Dealers, Inc.[2] Although various provisions of this plan state that decisions of the Consolidated Tape Association with respect to certain matters will be subject to an appeal to the Commission, the Commission presently has no applicable rules and regulations for any such petitions of appeal.

The amendment as adopted differs in several respects from the form in which it was proposed.[3] First, it has been revised to be comparable to the appeal provisions contained in proposed Rule 17a–14 (17 CFR 240.17a–14), governing the composite reporting of quotations in listed securities.[4] In proposing the adoption of Rule 17a–14, the Commission already had reviewed the comments on the proposed amendment to Rule 17a–15. Thus, the Commission has coordinated its consideration of the substantive appeal provisions for both rules. The major change deals with the question of a stay pending consideration of an appeal or pending review by the Commission on its own motion. The Commission has determined to delete the automatic stay provision to avoid impeding the ability of the Rule 17a–15 plan sponsors to take prompt action as may be appropriate, and also to be consistent with those provisions of pending legislation which deal with the Commission's review of disciplinary action of self-regulatory organizations.

Commission action. The Securities and Exchange Commission, acting pursuant to the provisions of the Securities Exchange Act of 1934, and particularly sections 10(b), 15(c), 17(a) and 23(a) thereof, hereby amends effective December 13, 1974 § 240.17a–15 of Chapter II of Title 17 of the Code of Federal Regulations by adding paragraph (i) to read as follows:

§ 240.17a–15 Reporting of market information on transactions in listed securities.

. . . . . .

(i) The Commission may entertain appeals in connection with the operation of any effective plan as follows:

(1) Any action taken or any failure to act by any person in connection with an effective plan (including but not limited to denial, limitation or termination of access to last sale reports) shall be subject to review by the Commission on its own motion, or upon application by any person aggrieved thereby (including but not limited to exchanges, associations, brokers, dealers, issuers, vendors and other users of last sale reports), filed within 30 days after such action or failure to act or within such longer period as the Commission may determine.

(2) Application to the Commission for review, or the institution of review by the Commission on its own motion, shall not operate as a stay of any such action, unless the Commission determines otherwise, after notice and opportunity for hearing on the question of a stay (which hearing may consist only of affidavits or oral arguments).

(3) In any proceeding for review, if the Commission, after appropriate notice and opportunity for hearing, and upon consideration of any proceedings conducted in connection with such action or failure to act and such other evidence as it deems relevant, determines that the action or failure to act is in accord with the applicable provisions of such plan and is consistent with the maintenance of fair and orderly markets, the public interest, and the protection of investors, the Commission shall dismiss the proceeding. Otherwise, the Commission shall require such action with respect to the matter reviewed as the Commission deems appropriate in accordance with the public interest and consistent with such plan.

(Secs. 10(b), 15(c), 17(a), 23(a), 48 Stat. 891, 895, 897, 901, 49 Stat. 1377, 1379, 52 Stat. 1075, 1076, 78 Stat. 570, 84 Stat. 1653 (15 U.S.C. 78j(b), 78o(c), 78q, 78w))

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 13, 1974.

[FR Doc.74–27398 Filed 11–21–74;8:45 am]

[1] Rule 17a–15 was adopted on November 8, 1972 (effective December 15, 1972) and was published in Securities Exchange Act Release No. 9850 (November 8, 1972) and in the FEDERAL REGISTER for November 15, 1972 at 37 FR 24172.

[2] Securities Exchange Act Release No. 10787 (May 10, 1974).

[3] Securities Exchange Act Release No. 10788 (May 10, 1974).

[4] Securities Exchange Act Release No. 10969 (August 14, 1974).

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75–8; Order No. 518]

APPLICATION PROCEDURES

Miscellaneous Amendments

NOVEMBER 15, 1974.

On September 5, 1974, the Commission issued a notice of proposed rulemaking in this proceeding (39 FR 32763, September 11, 1974), wherein it proposed to amend §§ 1.32, 3.114, 4.32, 5.1, and 16.6 of the rules and regulations under the Federal Power Act, relating to specific changes in procedure concerning certain applications under Part I of the Federal Power Act.

Six responses have been received to the Commission's notice [1] commenting on and suggesting modifications of the proposed rules and regulations. Two of these suggestions, as hereinafter discussed, will result in clarification of the rulemaking. Those not accepted were considered to be unnecessary or lacking in merit.

A concern expressed in two of the responses dealt with a perceived requirement of a full public hearing before an administrative law judge in all instances covered by the rulemaking. Such a condition is not intended, as evidenced by the availability of the shortened procedure set out in § 1.32(b).

Another response suggested "definite time limitations for public participation in order that proceedings not be delayed." While the goal of expeditious proceedings is important, it must be remembered that notices of applications covered by the rulemaking do set time limits by which interventions must be noticed or requested, but beyond this it would be improper to limit arbitrarily the time needed to fully deal with those issues properly a part of any proceeding.

A concern related to those discussed immediately above involves what is seen by one respondent as "needless expense" in terms of time and cost to be born by

[1] Timely responses were received from Wisconsin River Power Company, Public Service Electric and Gas Company, Le Boeuf, Lamb, Leiby & MacRae, and Southern California Edison Company. Responses not filed within the time prescribed but nevertheless considered were received from Pacific Gas & Electric Company and Wisconsin Public Service Corporation. In a letter dated September 23, 1974, received September 27, 1974, the U.S. Environmental Protection Agency's director of its Office of Federal Activities stated that it planned to comment on the rulemaking, but no such response has been received.

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all parties in meeting the requirements of the rulemaking. Such a concern would seem to be based on a misunderstanding of what the rulemaking would do. Because of the shortened procedure set out in § 1.32(b), it is probable that there will be little, if any, increase in the expense of meeting the procedural requirements of the rules and regulations. Most contested proceedings will continue to involve full hearings before administrative law judges, with attendant cross examination, briefing and initial decision. Noncontested proceedings, however, may be disposed of by the Commission merely upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record. Any additional expense which might result is felt to be justified as an aid to the Commission's decision making function.

One response to the notice of proposed rulemaking questioned its prospective application and suggested that its terms apply also "to those parties with pending applications who request a hearing under the revised regulations" so that the requirements of procedural due process might be more fully met. The Commission does not feel that the prospective effect of the rulemaking raises any problems of procedural due process. The provisions of the Administrative Procedure Act (5 U.S.C. 551 et seq.) and specifically section 308 of the Federal Power Act (16 U.S.C. 825g) do not require that the Commission automatically order hearings as to those applications covered by the rulemaking. In addition, many hearings are presently ordered by the Commission either upon its own motion or upon the motion of any party in interest.

A concern expressed by two respondents dealt with what they perceived to be an expansion of the scope of hearings caused by the terms of the rulemaking. It is not the intention of the Commission that such an expansion necessarily take place, for it is intended that all hearings shall continue to be set by specific order and shall be limited to issues listed therein. So that this will be clear, the following sentence is being added at the end of § 4.32(a): "The hearing shall be limited to the issues specified by order or orders of the Commission." There is no need to delete that part of § 16.6(f) which reads: "Each such hearing need not be limited to the issues raised by the application." This is so, for it is the Commission and not the applicant which has the responsibility of determining the issues within each proceeding.

The Commission finds. (1) The revision made herein to the amendments proposed in the notice of proposed rulemaking does not impose a further burden on persons subject to these rules and regulations and does not amount to a substantial departure from the original proposal; therefore no further notice or hearing prior to adoption is necessary.

(2) The adoption of the amendments to the general rules and regulations under the Federal Power Act, hereinafter set forth, are necessary and appropriate for carrying out the provisions of the Federal Power Act.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 308 and 309 (49 Stat. 858, 859; 16 U.S.C. 825g, 825h), orders:

PART 1—RULES OF PRACTICE AND PROCEDURE

(A) Section 1.32 of Part 1, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is revised in part as follows:

§ 1.32 Shortened procedures.

. . . . . .

(b) *Noncontested proceedings.* In any proceeding required by statute or the Commission's rules and regulations to be set for hearing, the Commission when it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the initial pleading, and to omit the intermediate decision procedure, may after a hearing during which no opposition or contest develops, forthwith dispose of the proceedings upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record: *Provided,* (1) The applicant or initial pleader requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity for filing exceptions to the decision of the Commission; and (2) no issue of substance is raised by any request to be heard, protest or petition filed subsequent to publication in the FEDERAL REGISTER of the notice of the filing of an initial pleading and notice or order fixing date of hearing, which notice or order shall state that the Commission considers the proceeding a proper one for disposition under the provisions of this section and shall otherwise conform with the requirements of § 1.19. Requests for the procedure provided by this section may be contained in the initial pleading or subsequent request in writing to the Commission. The decision of the Commission in such proceeding after noncontested hearing, will be final, subject to reconsideration by the Commission upon application for rehearing as provided by statute.

PART 3—ORGANIZATION; OPERATION; INFORMATION AND REQUESTS; MISCELLANEOUS CHANGES; ETHICAL STANDARDS

(B) Section 3.114 of Part 3, Subchapter A, Chapter I of Title 18 of the Code of Federal Regulations is revised in part as follows:

§ 3.114 Licenses.

. . . . . .

(b) Applications under the Federal Power Act for license authorizing construction of major projects; for license for constructed major projects; and for renewal of licenses for major projects are processed in the manner stated in § 3.113, except that those for substantial alteration or surrender of licenses pursuant to section 6 of the Act may be acted on by the Commission after thirty (30) days' public notice by publication once in local newspapers and in the FEDERAL REGISTER, and except that a hearing will be held on applications for license authorizing construction of major projects; for license for constructed major projects; for renewal of licenses for major projects; and for substantial alteration to licenses for major projects.

(c) Except for the notice requirements, all other applications under this Act are processed similarly to the manner stated in § 3.113. In certain cases Special Use Permits may be issued by the U.S. Forest Service covering projects of less than 2,000 horsepower.

PART 4—LICENSES, PERMITS, AND DETERMINATION OF PROJECT COSTS

(C) Section 4.32 of Part 4, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations is revised in part to read as follows:

§ 4.32 Hearings on application.

(a) A hearing upon an application may be ordered by the Commission, in its discretion, either upon its own motion or upon the motion of any party in interest, except that in regard to those applications so designated in § 3.114(b) of this chapter, the Commission will schedule each application for hearing at the earliest possible date giving due consideration of statutory requirements and other matters pending, with notice thereof as provided by § 1.19(b) of this chapter. The hearing shall be limited to the issues specified by order or orders of the Commission.

(b) When it appears to be in the public interest and to the interest of the parties to grant the relief or authority requested in the application and to omit briefing and the intermediate decision, the Commission may in accordance with the provisions of § 1.32(b) of this chapter dispose of the proceeding upon consideration of the pleadings, submittals and other evidence filed and incorporated in the record, provided that no issue of substance is raised by any request to be heard, protest or petition.

(c) In the event of interventions raising an issue of substance, an order providing a hearing will be issued in accordance with the Commission's rules and regulations. However, if the formal parties including staff counsel can agree on a statement of facts, such factual statement shall be submitted together with other necessary exhibits for incorporation into the record and the parties shall proceed with the briefing schedule.

PART 5—APPLICATION FOR AMENDMENT OF LICENSE

(D) Section 5.1 of Part 5, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations is revised in part to read as follows:

§ 5.1 Amendment of license.

Where a licensee desires to make a change in the physical features of the project or its boundary, and/or make an addition or betterment and/or abandonment or conversion, of such character as to constitute an alteration of the license, application for an amendment of the license shall be filed with the Commission, fully describing the changes licensee desires to make. Furthermore, the provisions of § 2.81(a) of this chapter shall apply to all applications for amendment of license as defined therein. If it is determined that approval of the application would represent a substantial alteration to a major project under § 3.114, a hearing will be held and the provisions and requirements of § 4.32 of this chapter shall apply. The application for amendment of license shall be verified, shall conform to § 131.30 of this chapter and shall be filed in accordance with § 4.31 of this chapter.

PART 16—PROCEDURE RELATING TO TAKEOVER AND RELICENSING OF LICENSED PROJECTS

(E) Section 16.6 of Part 16, Subchapter B, Chapter I of Title 18 of the Code of Federal Regulations is revised in part as follows:

§ 16.6 Applications for new license for projects subject to sections 14 and 15 of the Federal Power Act and all other major projects.

. . . . . .

(f) As concerns each application for a new major license hereunder, a hearing will be held and the provisions and requirements of § 4.32 of this chapter shall apply. Each such hearing need not be limited to the issues raised by the application.

(F) The amendments adopted herein shall be effective upon issuance of this order.

(G) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27383 Filed 11-21-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER VI—EMPLOYMENT STANDARDS ADMINISTRATION, DEPARTMENT OF LABOR

SUBCHAPTER B—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, AS AMENDED

BLACK LUNG BENEFITS

Pursuant to authority contained in Title I of Pub. L. 93-192, 87 Stat. 748 and section 423(a) of Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended, it has been determined by the Secretary of Labor that hearing examiners appointed under 5 U.S.C. 3105 need not be employed to conduct formal proceedings under section 415 and Part C of Title IV of the Federal Coal Mine Health and Safety Act of 1969, as amended. It has been further determined by the Secretary of Labor that the use of qualified hearing officers other than hearing examiners appointed under 5 U.S.C. 3105, for the purpose of conducting formal hearings in respect of claims for benefits under the said section 415 and Part C will, in certain cases, promote the efficient administration of the Department of Labor's Black Lung Benefits Program.

It is, therefore, necessary at this time to amend Parts 715, 720, and 725 (38 FR 16962-16965, 16966-16981, and 26042-26063) in order that the decision described herein be properly reflected in the rules and regulations governing the operation of the Department of Labor's Black Lung Benefits Program. In addition, certain technical oversights contained in the Department of Labor's Black Lung Program regulations are corrected in this document.

Because these amendments are technical in nature and do not materially affect any member of the public, it is not necessary to provide for notice, public participation, and delayed effective date in accordance with 5 U.S.C. 553. The amendments to 20 CFR Parts 715, 720, and 725 contained in this document are, therefore, effective immediately, and are applicable to all claims for black lung benefits which are filed under the aforesaid section 415 or Part C subsequent to June 30, 1973.

PART 715—BLACK LUNG BENEFITS PROGRAM UNDER TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT: GENERAL PROVISIONS

1. Section 715.101, paragraph (a) (27) is revised as follows:

§ 715.101 General definitions and use of terms.

(a) . . .

(27) "Hearing officer" means a hearing officer appointed by the Secretary of Labor to conduct formal hearings in respect of claims for benefits under section 415 and Part C of the Act. Wherever the term "administrative law judge" appears in this part or Parts 718, 720 or 725 of this chapter, such term shall have the same meaning as the term "hearing officer." Such hearing officers may or may not meet the requirements for hearing examiners appointed under 5 U.S.C. 3105 but shall, in the opinion of the Secretary, be qualified to carry out the responsibilities and follow the procedures prescribed for administrative law judges by this part and Parts 718, 720, and 725 of this chapter. Hearing officers shall to the extent possible conduct all formal proceedings over which they preside in accordance with the applicable provisions of the Administrative Procedures Act, 5 U.S.C. 554, et seq. as such provisions are interpreted by Parts 720 and 725 of this chapter. Hearing officers shall be organizationally placed in the Office of Administrative Law Judges and shall be under the direct supervision of the Chief Administrative Law Judge of the Department of Labor, Washington, D.C. 20210.

. . . . . .

2. Paragraph (a) (4) (ii) of § 715.207 is revised as follows:

§ 715.207 Conditions of entitlement; widow or surviving divorced wife.

(a) An individual is eligible for benefits if such individual:

. . . . . .

(4) The deceased miner either:

(i) . . .

(ii) Is determined to have been totally disabled due to pneumoconiosis at the time of his death, or that his death was due to pneumoconiosis. (See Part 718 of this chapter.)

. . . . . .

PART 720—DETERMINATION OF BLACK LUNG BENEFITS CLAIMS UNDER SECTION 415 OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT AND PAYMENT OF BENEFITS TO CLAIMANTS

3. Paragraph (d) of § 720.102 is revised as follows:

§ 720.102 Applicability of other parts in this subchapter.

. . . . . .

(d) Part 725 of this chapter contains the rules and regulations by which the Department of Labor shall accept, process, and adjudicate all claims for black lung benefits filed pursuant to Part C of Title IV of the Act after December 31, 1973. All new claims filed after December 31, 1973, shall be filed pursuant to the provisions of Part 725 of this chapter. The provisions of Subpart C of Part 725 relating to "relationship and dependency" and Subpart D of Part 725 of this chapter relating to the identification and responsibilities of coal mine operators are applicable to this Part 720 as appropriate.

4. Paragraph (c) of § 720.201 is revised as follows:

§ 720.201 Adjudication officers.

. . . . . .

(c) *Hearing officer.* The hearing officer is that official of the Department of Labor empowered by the Secretary to conduct formal hearings whenever necessary in respect of any claim for black lung benefits filed under this part. Wherever the terms "administrative law judge" or "administrative law judges" appear in this part such terms shall have the same meaning as the terms "hearing officer" or "hearing officers."

. . . . . .

PART 725—CLAIMS FOR BLACK LUNG BENEFITS PAYABLE UNDER PART C OF TITLE IV OF THE FEDERAL COAL MINE HEALTH AND SAFETY ACT, AS AMENDED

5. Paragraph (c) of § 725.402 is revised as follows:

§ 725.402 Adjudication officers.

. . . . . .

(c) *Hearing officers.* The hearing officer is that official of the Department of

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Labor empowered by the Secretary to conduct formal hearings whenever necessary, in respect of any claim for black lung benefits filed under this part. Wherever the terms "administrative law judge" or "administrative law judges" appear in this part such terms shall have the same meaning as the terms "hearing officer" or "hearing officers."

• • • • •

Signed at Washington, D.C., this 15th day of November 1974.

BERNARD E. DELURY,
Assistant Secretary for Employment Standards.

[FR Doc.74-27321 Filed 11-21-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

MODIFIED HOP EXTRACT

The Commissioner of Food and Drugs, having evaluated data submitted in a petition (FAP 3A2880) filed by Kalamazoo Spice Extraction Co., PO. Box 511, Kalamazoo, MI 49005, and other relevant material, concludes that the food additive regulations should be amended to provide for the safe use of additional modified hop extracts as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1082(b) (21 CFR 121.1082 (b)) is amended by adding new paragraph (b)(5) through (8) to read as follows:

§ 121.1082 Modified hop extract.

• • • • • •

(b) • • •

(5) The additive is manufactured from hops by an initial extraction and fractionation using one or more of the following solvents: Ethylene dichloride, hexane, isopropyl alcohol, methyl alcohol, methylene chloride, trichloroethylene, and water; followed by isomerization by calcium chloride or magnesium chloride treatment in ethylene dichloride, methylene chloride, or trichloroethylene and a further sequence of extractions and fractionations using one or more of the solvents set forth in this paragraph. Residues of the solvents in the modified hop extract shall not exceed 125 parts per million of hexane; 150 parts per million of ethylene dichloride, methylene chloride, or trichloroethylene; or 250 parts per million of isopropyl alcohol or methyl alcohol.

(6) The additive is manufactured from hops by an initial extraction and fractionation using one or more of the solvents listed in paragraph (b)(5) of this section followed by: Hydrogenation using palladium as a catalyst in methyl alcohol, ethyl alcohol, or isopropyl alcohol acidified with hydrochloric or sulfuric acid; oxidation with peracetic acid; isomerization by calcium chloride or magnesium chloride treatment in ethylene dichloride, methylene chloride, or trichloroethylene (alternatively, the hydrogenation and isomerization steps may be performed in reverse order); and a further sequence of extractions and fractionations using one or more of the solvents listed in paragraph (b)(5) of this section. The additive shall meet the residue limitations as prescribed in paragraph (b)(5) of this section.

(7) The additive is manufactured from hops as set forth in paragraph (b)(6) of this section followed by reduction with sodium borohydride in aqueous alkaline methyl alcohol, and a sequence of extractions and fractionations using one or more of the solvents listed in paragraph (b)(5) of this section. The additive shall meet the residue limitations as prescribed in paragraph (b)(5) of this section, and a boron content level not in excess of 300 parts per million (0.0300 percent), calculated as boron.

(8) The additive is manufactured from hops as a nonisomerizable nonvolatile hop resin by an initial extraction and fractionation using one or more of the solvents listed in paragraph (b)(5) of this section followed by a sequence of aqueous extractions and removal of nonaqueous solvents to less than 0.5 percent. The additive is added to the wort before or during cooking in the manufacture of beer.

Any person who will be adversely affected by the foregoing order may at any time on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: November 14, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27330 Filed 11-21-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ION-EXCHANGE RESINS

Section 121.1148 *Ion-exchange resins* (21 CFR 121.1148) currently prescribes safe use of methyl acrylate-divinylbenzene copolymer and methyl acrylate-divinylbenzene-diethylene glycol divinyl ether terpolymer, identified in § 121.1148 (a) (13) and (16), respectively, as ion-exchange resins in treating water having a pH of 5 or higher. Each resin is aminolyzed with dimethylaminopropylamine. The regulation prescribes that the water be first subjected to one of the resins cited above in the bicarbonate form and subsequently subjected to treatment through a second ion-exchange resin bed; the water passing through each resin bed being maintained at a specified temperature and flow rate. The post-treatment of the water by the second resin bed reduces the level of dimethylaminopropylamine which may be present in the effluent.

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2A2764) filed by Rohm and Haas Co., Independence Mall West, Philadelphia, PA 19105, and other relevant material, concludes that § 121.1148 should be amended as set forth below to broaden the use of the ion-exchange resins identified in paragraph (a)(13) and (16) in treating food, and to relax the conditions under which they may be used.

Accordingly, § 121.1148 is being amended (1) in paragraph (b)(2) by broadening the use of the ion-exchange resins identified in paragraph (a)(13) and (16) to treat aqueous food, including water at all pH values; (2) by deleting paragraph (b)(2)(i) which prescribes that the resins identified in paragraph (a) (13) and (16) be in the bicarbonate form and that the water be subjected to treatment through a second prescribed resin bed; (3) in paragraph (b)(2)(ii) to increase the maximum prescribed temperature of the food passing through the resin beds from 30° C to 50° C; and (4) by incorporating amended paragraph (b)(2)(ii) into paragraph (b)(2).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1148 is amended by revising paragraph (b)(2) to read as follows:

§ 121.1148 Ion-exchange resins.

• • • • • •

(b) • • •

(2) The ion-exchange resins identified in paragraph (a)(13) and (16) of this section are used to treat water and aqueous food only of the types identified under categories I, II, and VI-B in table 1 of § 121.2526(c): *Provided*, That the temperature of the water or food passing through the resin beds is maintained at 50° C or less and the flow rate of the water or food passing through the beds is not less than 0.5 gallon per cubic foot per minute.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 22, 1974.

(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348(c)(1)))

Dated: November 14, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27329 Filed 11-21-74;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

INDUSTRIAL STARCH-MODIFIED

Notice was given, published in the FEDERAL REGISTER of June 4, 1974 (39 FR 19799), that a petition had been filed by General Mills Chemicals, Inc., 2010 East Hennepin Ave., Minneapolis, MN 55413, proposing that § 121.2571 *Components of paper and paperboard in contact with dry food* (21 CFR 121.2571) be amended to provide for safe use of starch-*g*-poly (acrylamide-co-*β*-methacryloyloxyethyl - trimethylammonium monomethyl sulfate) prepared by radiation induced graft polymerization using either a cobalt source or an electron beam accelerator. The additive is to be used as a component of paper and paperboard intended to contact dry food.

The Commissioner of Food and Drugs, having evaluated data in the petition, and other relevant material, concludes that it is preferable to amend § 121.2506 *Industrial starch-modified* (21 CFR 121.2506), to provide for safe use the petitioned additive, listing the reactants by Chemical Abstracts nomenclature.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2506 is amended by revising paragraph (a) to read as follows:

§ 121.2506 Industrial starch-modified.

• • • • •

(a) Industrial starch-modified is identified as follows:

List of reactants:	*Limitations*
Ammonium persulfate, not to exceed 0.3 percent or in alkaline starch not to exceed 0.6 percent.	
(4 - Chlorobutene - 2) trimethylammonium chloride, not to exceed 5 percent.	Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging.
β-Diethylaminoethyl chloride hydrochloride, not to exceed 4 percent.	
Dimethylaminoethyl methacrylate, not to exceed 3 percent.	
Dimethylol ethylene urea, not to exceed 0.375 percent.	Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging.
2,3-Epoxypropyltrimethylammonium chloride, not to exceed 5 percent.	
Ethylene oxide, not to exceed 3 percent of reacted ethylene oxide in finished product.	
Phosphoric acid, not to exceed 6 percent, and urea, not to exceed 20 percent.	Industrial starch modified by this treatment shall be used only as internal sizing for paper and paperboard intended for food packaging and as surface sizing and coating for paper and paperboard that contact food only of types IV-A, V, VII, VIII, and IX described in table 1 of § 121.2526(c).

(2) A starch irradiated under one of the following conditions to produce free radicals for subsequent graft polymerization with the reactants listed in this paragraph (a)(2):

(i) Radiation from a sealed cobalt 60 source, maximum absorbed dose not to exceed 5.0 megarads.

(ii) An electron beam source at a maximum energy of 7 million electron volts of ionizing radiation, maximum absorbed dose not to exceed 5.0 megarads.

List of reactants:	*Limitations*
Acrylamide and [2-(methacryloyloxy) ethyl]trimethylammonium methyl sulfate, such that the finished industrial starch-modified shall contain: 1. Not more than 60 weight percent vinyl copolymer (of which not more than 32 weight percent is [2-(methacryloyloxy) ethyl] trimethylammonium methyl sulfate). 2. Not more than 0.20 percent residual acrylamide. 3. A minimum nitrogen content of 9.0 percent.	For use only as a retention aid and dry strength agent employed prior to the sheet-forming operation in the manufacture of paper and paperboard intended to contact only dry food of the type identified in § 121.2526(c), table 1, under type VIII, and used at a level not to exceed 0.40 percent by weight of the finished dry paper and paperboard fibers.

• • • • •

Any person who will be adversely affected by the foregoing order may at any time on or before December 23, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 22, 1974.

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(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)))

Dated: November 14, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27327 Filed 11-21-74;8:45 am]

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Benzylpenicilloyl-Polylysine

Correction

In FR Doc. 74-22610 appearing at page 35346 in the issue of Tuesday, October 1, 1974, and corrected on page 39871 in the issue of Tuesday, November 12, 1974, the third line of §440.10(b)(1)(i)(c) of the correction on page 39871 should read "*(standard lysine solution* $(2.5 \times 10^{-4}M)$*)*:".

PART 440—PENICILLIN ANTIBIOTIC DRUGS

Benzathine Phenoxymethyl Penicillin

Correction

In FR Doc. 74-26449 appearing at page 39870 in the issue of Tuesday, November 12, 1974, make the following changes in § 440.57(b):

1. Delete the last line of subparagraph (5) and insert in lieu thereof, the following:
"penicillin content as follows:".

2. Subparagraph (6) was inadvertently omitted and should be inserted immediately before subdivision (i) in the second column on page 39871. Subparagraph (6) reads as follows:

"(6) *Crystallinity.* Proceed as directed in § 436.203 of this chapter."

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER E—PLANNING

PART 420—PROGRAM MANAGEMENT AND COORDINATION

Subpart B—Highway Planning and Research and Development—Contracts

The Federal Highway Administration is amending Chapter I, Title 23, Code of Federal Regulations, by adding a new Subpart B—Highway Planning and Research and Development—Contracts to Part 420—Program Management and Coordination. Subpart B of Part 420 codifies procedures formerly contained in Federal Highway Administration Policy and Procedures Memorandum 50-1.2.

General notice of proposed rulemaking is not required inasmuch as the material published relates to benefits, grants, or contracts pursuant to 5 U.S.C. 553(a)(2).

The regulations will take effect on the date of issuance.

Subpart B—Highway Planning and Research and Development—Contracts

Sec.
420.201 Purpose and Application.
420.202 Definitions.
420.203 Procedures.
420.204 Compensation.
420.205 Contract provisions.
420.206 Alternate procedure.
Appendix 1 Certification of contractor; certification of State Highway agency.
Appendix 2 Notice to contractor—compliance with Title VI of the Civil Rights Act of 1964 for Federal-aid contracts.

AUTHORITY: 23 U.S.C. 104(f), 302(a), 307(c), 315; 49 CFR 1.48(b).

Subpart B—Highway Planning and Research and Development—Contracts

§ 420.201 Purpose and application.

(a) The purpose of this subpart is to set forth policies and procedures regarding basic items to be included, as appropriate, in contracts between a State highway agency (SHA) and consultants, educational and other nonprofit organizations, other public agencies, quasi-governmental groups, and individuals to carry out research and development or planning studies financed in whole or in part with Federal-aid highway planning and research funds, as made available under 23 U.S.C. 104(f) and 307(c).

(b) These provisions also apply to contracts for planning or research and development studies between county, city, and regional quasi-governmental planning groups and any other party when Federal-aid highway planning and research funds administered by the SHA are to be utilized. Nothing herein shall relieve the SHA of its responsibilities under the Federal-aid laws and regulations for the work to be performed under contracts entered into by said parties.

§ 420.202 Definitions.

The following definitions apply for the purpose of this subpart.

(a) *Contract.* The legal instrument defining the rights and obligations of the signatory parties.

(b) *Statement of work.* A brief description of the work or services to be performed by the contractor, describing the limits to which the work or services will be carried, and the methods to be employed. This statement should also specify functions to be performed by the SHA, local agency, or any other party bound under the contract.

§ 420.203 Procedures.

(a) These procedures apply to highway planning, research and development contracts except those with Metropolitan Planning Organization (MPO) covering work to carry out the requirements of 23 U.S.C. 134.

(1) Proposed contracts shall be submitted for Federal Highway Administration (FHWA) approval prior to execution in accordance with the following:

(i) When the estimated contract amount of $50,000 or less, the SHA may, upon FHWA approval of the statement of work, execute a contract to perform the required work without further FHWA approval.

(ii) When the estimated contract amount is greater than $50,000 but less than $500,000, and the SHA elects to follow the alternate procedure outlined in § 420.206, the SHA may, upon FHWA approval of the statement of work, execute a contract to perform the required work without further FHWA approval.

(iii) When the estimated contract amount is greater than $50,000, and the SHA elects not to use the alternate procedure, or if the estimated contract cost is $500,000 or greater, the statement of work and the contract shall be approved by the FHWA prior to execution.

(2) SHA requests for approval of the statement of work under paragraph (a)(1) of this § 420.203 shall be adequately supported. Among items to be included are:

(i) The need for the study;

(ii) The status of previous study in the field of the proposed study;

(iii) Objective of the proposed work;

(iv) Areas to be investigated under the proposed study;

(v) Estimated schedule and costs of major phases of work; and

(vi) Anticipated products of the work.

(3) SHA requests for FHWA approval of contracts under paragraph (a)(1)(iii) of this § 420.203 shall include:

(i) A copy of the proposed contract including the statement of work;

(ii) A determination that the prospective contractor's qualifications are adequate for the specific services to be performed;

(iii) A determination that the method of payment is appropriate and that the amount of compensation proposed is reasonable; and

(iv) A determination that the selection of the contractor is in accordance with paragraph (a)(5) of this § 420.203.

(4) The SHA shall submit an audit evaluation, in accordance with Part 170 of this chapter, for any proposed contract exceeding $50,000.

(5) The selection of a contractor shall be based on comparative evaluations of the professional or other specific qualifications necessary for the satisfactory performance of the services required. The consideration of available contractors so qualified shall be deemed to satisfy requirements for competition. Selection of a contractor may also be made on the basis of competitive negotiation or bidding.

(6) To be eligible for Federal participation in the cost of the study, the final report, when required under paragraph (a)(3) of § 420.205 must be reviewed and accepted by the SHA and FHWA as fulfilling the objectives of the study.

(7) For planning, research, and development studies, a general review of draft reports of interim and final results is required to insure compliance with contract objectives. Correction of deficiencies found in this review is a requirement for FHWA acceptance of a report as partial or final fulfillment of contract objectives.

(b) These procedures apply to contracts with MPO for carrying out the provisions of 23 U.S.C. 134.

(1) Contracts shall be required where Federal funds are to participate either in items of work included in an approved planning work program, or in preparation of a planning work program.

(2) For purposes of these contracts, the approved planning work program may be considered the statement of work.

(3) Contracts shall be subject to FHWA approval in accordance with the following:

(i) When the estimated contract cost is $50,000 or less, the SHA may execute a contract for items included in an approved planning work program, or for preparation of a planning work program without further FHWA approval.

(ii) When the estimated contract cost is greater than $50,000, the contract shall be approved by the FHWA prior to execution.

(4) Contract amendments may take the form of letter agreements meeting the legal requirements of the SHA. After the first year, the SHA may elect to extend the contract time and to provide allocated funds for subsequent contract periods by amendment.

(5) For these contracts, the provisions of Part 170 of this chapter, as they regard preaward audit evaluations, may be applied as follows:

(i) The provisions of paragraph (a) of § 170.105 of this chapter which generally relate to professional qualifications and contract negotiations, are satisfied by the designation of a Metropolitan Planning Organization in accordance with 23 U.S.C. 104(f)(3).

(ii) The preaward audit evaluations described in paragraphs (b) and (c) of § 170.105 of this chapter shall be satisfied:

(A) If the State has audit assurance as to the adequacy of the prospective contractor's system to segregate and accumulate reasonable, allocable and allowable costs for the proposed contract; and

(B) If the contract is on an actual cost basis.

(iii) When these conditions do not exist, the audit evaluation requirements of paragraphs (b) and (c) of § 170.105 of this chapter shall apply. Such audit evaluations should normally precede contract award, but in all cases shall be accomplished within 60 days after contract award.

§ 420.204 Compensation.

(a) Compensation to the contractor should represent a just and equitable payment for the work or services performed. The method of payment to compensate the contractor for all work required shall be set forth in the contract and, where appropriate, in all modifications thereto.

(b) The type of contract used should be appropriate for the particular work or services being sought; however, a "cost-plus-a-percentage-of-cost" contract shall not be used in any case.

(c) The consultant's actual direct and indirect costs eligible for Federal reimbursement shall be those allowable under the provisions of Part 1-15, Contract costs, indirect costs, and proposed fee Procurement Regulations, or SHA procurement regulations acceptable to FHWA.

(d) All contracts shall set forth a maximum limiting amount, to include direct costs, indirect costs, and proposed fee where appropriate, which cannot be exceeded without a modification of the contract. The items to be included in the indirect costs, as well as the basis for their determination shall be documented. Where applicable such documentation shall include a determination of reasonableness of the proposed fee, indicating the considerations and factors that entered into its establishment.

(e) The contract shall specify the terms and conditions of payment to the contractor. The contract should establish a method for payment as the work progresses; however, except for cost reimbursement contracts, at no time may the total of such progress payments exceed the percentage of the total work completed.

§ 420.205 Contract provisions.

The contract shall contain appropriate provisions to address the following items as applicable:

(a) For contracts financed in accordance with paragraph (a) of § 420.203.

(1) Parties—The parties to the contract shall be identified.

(2) Statement of work—The statement of work shall be included or attached and made a part of the contract by reference.

(3) Reports—The contract shall provide that the contractor prepare a final report satisfactory to the SHA of the findings and results of the study. When the contract is for work or services not normally expected to result in a final report, such as contracts for computer services, this provision will not apply.

(4) Time.

(5) Disputes.

(6) Responsibility for claims and liability.

(7) Subcontracting and specialized services

(i) Specialized services and subcontract work shall be itemized in the contract.

(ii) After the contract is executed, additional subcontracting of specialized services shall have the written approval of the SHA and, for contracts approved under paragraph (a)(1)(iii) of § 420.203, the FHWA.

(8) Termination or abandonment—The contract shall set forth the conditions under which the contract may be terminated prior to completion to include the manner by which it will be effected and the basis for settlement.

(9) Inspection of work.

(10) Records—The contract shall provide that the contractor and his subcontractors are to maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred, and to make such materials available at their respective offices at all reasonable times during the contract period and for 3 years from the date of final payment to the contractor. Such materials are to be available for inspection by authorized representatives of the SHA or the Federal Government and copies thereof shall be furnished if requested.

(11) Changes in work—Supplemental agreements shall be required for any modification in the terms of the original contract to provide for changed or extra work. Such agreements shall not provide for a "cost-plus-a-percentage-of-cost" basis of payment in any case.

(12) Equipment and instrumentation.

(i) Major items of equipment or instrumentation required for contract performance shall be included in the contract.

(ii) The SHA shall require certification that items of equipment included in direct costs have been excluded from the indirect costs.

(13) Publication provisions.

(i) *General*—(A) *Copyright.* The contractor shall be free to copyright material developed under the contract with the provision that the SHA and FHWA reserve a royalty-free, non-exclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, the work for Government purposes.

(B) *Acknowledgment and disclaimer statements.* Where appropriate, all reports published by the SHA and/or the contractor shall contain the following:

(*1*) An acknowledgment such as "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

(*2*) A disclaimer statement similar to the following:

The contents of this report reflect the views of the author who is responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the (SHA or the) Federal Highway Administration. This report does not constitute a standard, specification, or regulation.

(ii) *Research and development studies.* Reports on studies which were expected to produce an implementable product in the form of a device, procedure or the like must be written in a manner understandable to the user and in sufficient detail to permit the practicing engineer to implement the items. Interim or final reports resulting from contracts with nonprofit organizations shall not be published until the report has been accepted by the SHA and FHWA in accordance with paragraph (a)(7) of § 420.203.

(14) Covenant against contingent fees.

(i) All contracts financed with Federal-aid highway and research funds except those to be entered into with an educational institution or other nonprofit organization shall contain the following clause:

The consultant warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the consultant, to solicit or

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secure this contract, and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the consultant, any fee, commission, percentage, brokerage fee, gifts, or other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warranty, the SHA shall have the right to annul this contract without liability, or at its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

(ii) Each contract, except those to be entered into with an educational institution or other nonprofit organization, shall be accompanied by a "Certification of Contractor" and a "Certification of State Highway Agency" in the form shown in Appendix 1 to this part, the first to be executed by a principal officer of the firm and the second to be executed by the principal administrative officer of the State highway agency.

(15) Patent rights—Patent rights provisions shall be included in contracts to assure an equitable allocation of rights in inventions resulting from HP&R sponsored research and development contracts, to promote their expeditious development so that the U.S. public can benefit from early use of the inventions and to assure their continued availability. The following provisions shall be included in research and development contracts, since they are considered the minimum necessary to protect the States' and U.S. Government's interest in inventions resulting from the HP&R program.

(i) *Invention identification and disclosure.* The contractor shall establish and maintain effective procedures to assure that Subject Inventions are promptly identified.

(ii) *Disposition of principal rights.* The contractor agrees to assign to the SHA and U.S. Government the entire right, title and interest throughout the world in and to each Subject Invention; except to the extent that rights are obtained by the contractor under paragraph 6a(15)(b)2 of Federal-Aid Highway Program Manual, Volume 4, Chapter 1, Section 2, Subsection 2.[1]

(iii) *Filing of domestic patent applications.* With respect to each Subject Invention in which the contractor elects to retain rights pursuant to paragraph 6a(15)(b) of Federal-Aid Highway Program Manual, Volume 4, Chapter 1, Section 2, Subsection 2, the contractor shall have a domestic patent filed within 6 months after submission of the invention disclosure. With respect to Subject Inventions, the contractor shall promptly notify the SHA of any decision not to file. For each Subject Invention on which a patent is filed, the contractor shall:

(A) Within 2 months after each filing, deliver to the SHA and FHWA a copy of the application as filed, including the filing date and serial number.

(B) Include the following statement in the second paragraph of the specification of the application and any patents issued on a Subject Invention:

The United States Government has rights in this invention pursuant to the contract between (identify the contractor) and (identify the State highway agency) dated (date).

(C) Within 6 months after filing the application, deliver to the SHA and FHWA a duly approved, executed and recorded legal instrument in a form specified by FHWA fully confirmatory of all rights to which the United States Government is entitled, and provide FHWA an irrevocable power to inspect and make copies of the patent application.

(D) Provide the SHA and FHWA with copies of the patent within 2 months after a patent is issued on the application.

(iv) Forfeiture of rights in unreported Subject Invention the contractor shall forfeit to the SHA and the United States Government all rights in any Subject Invention which he fails to report at or prior to the time he files a patent application thereon or submits the statement required in 6a(15)(a)2b, of Federal-Aid Highway Program Manual, Volume 4, Chapter 1, Section 2, Subsection 2.

(16) Civil Rights.

(i) The contract and all subcontracts shall provide for compliance with Title 49 CFR Part 21, promulgated to effectuate Title VI of the Civil Rights Act of 1964.

(ii) In keeping with the requirements of Federal regulations, the clauses contained in Appendix 2 to this part shall be included in planning and research contracts financed in whole or in part with Federal-aid highway funds.

(17) Travel.

(18) Timeliness.

(b) For contracts financed in accordance with paragraph (b) of § 420.203.

(1) Parties.

(2) Statement of work.

(3) Time.

(4) Responsibility for claims and liability.

(5) Subcontracting. Subcontracting, with the exception of contract for services incidental to the study operations such as printing, aerial photograph coverage, and computer services must be approved by the SHA and FHWA. All subcontracts entered into by MPO's shall be subject to the applicable provisions of paragraph (a) of § 420.205.

(6) Termination or abandonment. The contract shall set forth the conditions under which the contract may be terminated prior to completion to include the manner by which it will be effected and the basis for settlement.

(7) Inspection of work.

(8) Records. The contract shall provide that the contractor and his subcontractors are to maintain all books, documents, papers, accounting records, and other evidence pertaining to costs incurred, and to make such materials available at their respective offices at all reasonable times during the contract period and for 3 years from the date of final payment to the contractor. Such materials are to be available for inspection by authorized representatives of the SHA or the Federal Government and copies thereof shall be furnished if requested.

(9) Equipment. The SHA shall require certification that items of equipment included in direct costs have been excluded from the indirect costs.

(10) Publication provisions.

(i) *Copyright.* The contractor shall be free to copyright material developed under the contract with the provisions that the SHA and FHWA reserve a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use, the work for Government purposes.

(ii) *Acknowledgment.* All reports published by the SHA and/or the contractor shall contain a credit reference to FHWA such as "prepared in cooperation with the U.S. Department of Transportation, Federal Highway Administration."

(11) Civil Rights.

(i) The contract and all subcontracts shall provide for compliance with 49 CFR Part 21, promulgated to effectuate Title VI of the Civil Rights Act of 1964.

(ii) In keeping with the requirements of Federal regulations, the clauses contained in Appendix 2 to this part shall be included in planning and research contracts financed in whole or in part with Federal-aid highway funds.

(12) Travel.

§ 420.206 Alternate procedure.

(a) This procedure is not applicable to contracts described in paragraph (b) of § 420.203.

(b) As an alternative to the procedures otherwise set forth elsewhere in this subpart:

(1) The SHA at its option may obtain approval by FHWA of an administrative plan under which the SHA would certify the procedures by which contractors would be utilized to provide services under planning and research contracts to be financed in whole or in part with Federal-aid highway planning and research funds.

(2) To the extent an SHA's administrative plan is found acceptable by the Regional Federal Highway Administrator (RFHWA), FHWA approval of individual contracts, costing less than $500,000 or supplements thereto, would not be required. This would not, however, relieve the SHA of requirements for approval of the statements of work as specified under § 420.203. This alternative procedure may be approved for use by any SHA desiring to adopt it when requirements in paragraph (c) of this § 420.206 are found by the RFHWA to be satisfied. Until the administrative plan has been approved by the FHWA, the procedures set forth elsewhere in this subpart are to be used.

(c) Should the SHA desire to implement the alternate plan it shall file a formal application with the FHWA which application, as a minimum, shall include:

(1) The SHA's written procedures for:

(i) Soliciting and evaluating proposals for planning and research and development work or services;

(ii) Selecting a qualified consultant to perform the work or services;

(iii) Determining that the contract provisions are satisfactory;

(iv) Determining that the type of contract is appropriate, and that the amount of proposed compensation is reasonable;

(v) Documentation of the file for compliance with provisions of the above paragraphs (c)(1)(i)–(iv) of this § 420.206 for each procurement action.

(2) A statement signed by the chief administrative officer of the State highway agency certifying that there shall be conformance with the provisions of this Subpart and all applicable Federal and State laws and administrative requirements.

Issued on: November 14, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

APPENDIX 1

State Contract No._____
Federal-aid Project_____
State _____

CERTIFICATION OF CONTRACTOR

I hereby certify that I am the _____ (title) and duly authorized representative of the firm of _____, whose address is _____, and that neither I nor the above firm I here represent has:

(a) Employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above contractor) to solicit or secure this contract,

(b) Agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract, or

(c) Paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above contractor) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract;

except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the State highway agency and the Federal Highway Administration, U.S. Department of Transportation, in connection with this contract involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

_____ (Date) _____ Signature

CERTIFICATION OF STATE HIGHWAY AGENCY

I hereby certify that I am the _____ (title) of the highway agency of the State of _____, and that the above contractor or his representative has not been required, directly or indirectly as an express or implied condition in connection with obtaining or carrying out this contract to:

(a) employ or retain, or agree to employ or retain, any firm or person, or

(b) pay, or agree to pay, to any firm, person, or organization, any fee, contribution, donation, or consideration of any kind;

except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished the Federal Highway Administration, U.S. Department of Transportation, in connection with this contract involving participation of Federal-aid highway funds, and is subject to applicable State and Federal laws, both criminal and civil.

_____ (Date) _____ Signature

APPENDIX 2

NOTICE TO CONTRACTORS: COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 FOR FEDERAL-AID CONTRACTS

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

(1) *Compliance with regulations.* The contractor will comply with the Regulations of the Department of Transportation relative to nondiscrimination in Federally-assisted programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, hereinafter referred to as the regulations), which are herein incorporated by reference and made a part of this contract.

(2) *Nondiscrimination.* The contractor, with regard to the work performed by it after award and prior to completion of the contract work, will not discriminate on the ground of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate either directly or indirectly in the discrimination prohibited by § 21.5 of the regulations, including employment practices when the contract covers a program set forth in Appendix B of the regulations.

(3) *Solicitations for subcontracts, including procurements of materials and equipment.* In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the regulations relative to nondiscrimination on the ground of race, color or national origin.

(4) *Information and reports.* The contractor will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the State highway agency or the Federal Highway Administration to be pertinent to ascertain compliance with such regulations, orders and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the State highway agency or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

(5) *Sanctions for noncompliance.* In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the State highway agency shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,

(a) Withholding of payments to the contractor under the contract until the contractor complies, and/or

(b) Cancellation, termination or suspension of the contract, in whole or in part.

(6) *Incorporation of provisions.* The contractor will include the provisions of paragraph (1) through (6) in every subcontract, including procurements of materials and leases of equipment, unless exempt by the regulations, order, or instructions issued pursuant thereto. The contractor will take such action with respect to any subcontract or procurement as the State highway agency or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the State to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

[FR Doc.74-27316 Filed 11-21-74;8:45 am]

CHAPTER II—HIGHWAY SAFETY PROGRAM STANDARDS, DEPARTMENT OF TRANSPORTATION

PART 1204—UNIFORM STANDARDS FOR STATE HIGHWAY SAFETY PROGRAMS

Temporary Waiver

The purpose of this notice is to announce a partial temporary waiver of Highway Safety Program Standard No. 5, Driver Licensing, 23 CFR 1204.4, to permit the State of North Carolina to conduct a pilot program pursuant to section 402(a) of the Highway Safety Act of 1966, 23 U.S.C. 402(a).

It is important to develop incentives for drivers to remain current on safe driving practices and rules of the road throughout their driving career. Periodic reexamination programs have been developed in most States as a means of achieving this end. Because of this central role given to periodic reexamination in driver licensing programs, and the large amount of funds expended in the effort, these programs should be continuously evaluated and reviewed. Establishment of a pilot program comparing driver behavior of groups subject to different licensing procedures can be an effective method of evaluation. The program proposed by the State of North Carolina is designed to reward good driving and create an incentive for continued good driving by establishing a special program for drivers with perfect records. Under this program violation-free drivers will be exempt from the knowledge reexamination requirements. The goal of the program is a statistically significant reduction in the incidence of violation and accident involvement of drivers of the State of North Carolina as a result of more selective and intensive examination of certain drivers. It has been determined that the public interest will be served by temporarily waiving the driver licensing standard to permit adoption of this pilot program.

[1] The Federal-Aid Highway Program Manual may be examined at the Federal Highway Administration; 400 7th St. SW., Washington, D.C. 20590.

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In consideration of the foregoing, paragraph III(B) of Highway Safety Program Standard 5, 23 CFR 204.4 is hereby waived, but only to the extent that the State of North Carolina may, for the period beginning immediately and ending June 30, 1977, waive the required reexamination for those North Carolina drivers with perfect records renewing their license during the period of this waiver, for the purpose of conducting a pilot study of a safe driving incentive program in accordance with North Carolina House Bill No. 1900, dated March 29, 1974. The National Highway Traffic Safety Administration is not by this waiver approving or authorizing any of the programs, activities, procedures, or methodologies planned or to be engaged in by the State of North Carolina in connection with this waiver, or agreeing beforehand to adopt results. The Administration only agrees not to apply the periodic reexamination requirement of Standard No. 5 to the State of North Carolina should it undertake to carry out the program described above.

The State has submitted to the National Highway Traffic Safety Administration a detailed plan including program design, operational methodologies, evaluation methods, and intended results of the activities to be conducted in connection with this waiver. Pursuant to its plan, the State will submit a final report explaining the results of the program and conclusions reached.

(Sec. 402(a), Highway Safety Act of 1966, (23 U.S.C. 402(a)); delegations of authority at 49 CFR 1.5, 501.8)

Issued on November 19, 1974.

CHARLES F. LIVINGSTON,
Acting Associate Administrator, Traffic Safety Programs.

[FR Doc.74-27357 Filed 11-21-74;8:45 am]

Title 30—Mineral Resources

CHAPTER I—MINING ENFORCEMENT AND SAFETY ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—RESPIRATORY PROTECTIVE APPARATUS; TESTS FOR PERMISSIBILITY; FEES

PART 11—RESPIRATORY PROTECTIVE DEVICES; TESTS FOR PERMISSIBILITY; FEES

Deadline Extension

The Secretary of the Interior, through the Mining Enforcement and Safety Administration (MESA) and the Secretary of Health, Education, and Welfare, through the National Institute for Occupational Safety and Health, (NIOSH), conduct a testing and approval program for respirators used in hazardous atmospheres pursuant to the regulations contained in 30 CFR Part 11 issued jointly by the Secretaries (37 FR 6244).

On April 9, 1974, following a public hearing on the issue, Part 11 was amended (39 FR 12864) to provide that until September 30, 1974 respirators approved under Part 11 or a Bureau of Mines respirator schedule would be approved for use in hazardous atmospheres. The amendments provided that after September 30, 1974, only respirators approved under Part 11 or manufactured pursuant to a quality control plan approved under Part 11 would be approved for such use except that if a respirator was purchased before September 30, 1974 and at the time of purchase was approved for use under a Bureau of Mines respirator schedule, it would be approved for use until the dates specified in the regulation. The amendment further provided that after March 31, 1975 only respirators approved under Part 11 would be approved for use except that if a respirator was purchased before March 31 and at that time was approved under a Bureau of Mines respirator schedule and manufactured pursuant to an approved quality control plan, it would be approved for use until the dates specified in the regulation.

Following adoption of the April 9 amendments, respirator manufacturers submitted quality control plans for NIOSH review and approval. While some plans were submitted in a timely manner, a number was not received until after July 1974, and a substantial number has not yet been received. Due to the complexity of the plans and the shortage of qualified manpower to review these detailed plans, there are devices for which a quality control plan has been submitted but not reviewed and approved. The result is that, unless the regulations are amended, after September 30 these devices will no longer be permitted to be sold as approved equipment. Moreover, it is anticipated that a similar situation will develop with respect to the March 31, 1975 deadline.

The purpose of these amendments is to eliminate September 30, 1974 as a deadline date and to extend the March 31, 1975 date described above to June 30, 1975. By that time NIOSH will have had an opportunity to review all of the quality control plans previously submitted as well as those anticipated to be received.

Respiratory equipment already in the possession of industrial users or acquired on or before June 30, 1975 and previously approved under Bureau of Mines respirator approval schedules will continue to be approved for use in accordance with the dates adopted in the April 9, 1974 amendments (39 FR 12864).

Finally, since the requirements for the approval and certification of gas masks are under revision, the deadline date for the approval of those devices has not been established and those devices have been excepted from the June 30, 1975 deadline date. A deadline date for approval and certification of gas masks under Part 11 will be adopted in the future.

Since it is essential that approved respiratory protective devices remain available to industrial users, the Departments find that good cause exists for omitting notice of proposed rulemaking and postponement of the effective date in the issuance of the amendments to Part 11. Accordingly, these amendments, as set forth below, will be effective on September 30, 1974.

Part 11 of Title 30, Code of Federal Regulations is amended and revised as set forth below.

Dated: November 12, 1974.

JACK W. CARLSON,
Assistant Secretary of the Interior

Dated: November 18, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

In Part 11, a new § 11.2–1 is added and § 11.2 is revised to read as follows:

§ 11.2 Approved respirators other than gas masks.

(a) Until June 30, 1975, respirators or combinations of respirators other than gas masks shall be approved for use in hazardous atmospheres where such respirators or combinations of respirators are maintained in an approved condition and are the same in all respects as those respirators:

(1) For which a certificate of approval has been issued under this part; or

(2) Fabricated, assembled or built under any approval or any modification thereof issued by the U.S. Bureau of Mines, Department of the Interior, in accordance with the schedules set forth in this paragraph:

(i) Self-contained Breathing Apparatus, Bureau of Mines Schedules 13, March 5, 1919; 13A, January 21, 1930; 13B, August 12, 1935; 13c, July 9, 1946; 13D, September 22, 1956, and 13E, July 19, 1968.

(ii) Supplied-air Respirators, Bureau of Mines Schedule 19B, April 19, 1955.

(iii) Filter-type Dust, Fume, and Mist Respirators, Bureau of Mines Schedule 21B, January 19, 1965.

(iv) Nonemergency Gas Respirators, Bureau of Mines Schedule 23B, August 4, 1959.

(b) After June 30, 1975, respirators or combinations of respirators other than gas masks shall be approved for use in hazardous atmospheres where such respirators or combinations of respirators are maintained in an approved condition and are the same in all respects as those respirators for which a certificate has been issued under this part: *Provided*, That if a respirator is purchased on or before June 30, 1975 and at the time of purchase was the same in all respects as a respirator approved under a Bureau of Mines Schedule, it shall be approved for use until the following dates:

Until March 31, 1979, for self-contained breathing apparatus approved under Bureau of Mines Schedules 13–13E.

Until March 31, 1980, for supplied-air respirators approved under Bureau of Mines Schedule 19B.

Until March 31, 1976, for filter-type dust, fume, and mist respirators approved under Bureau of Mines Schedule 21B and for nonemergency gas respirators approved under Bureau of Mines Schedule 23B.

§ 11.2–1 Approved gas masks.

Gas masks shall be approved for use in hazardous atmospheres where such gas masks are maintained in an approved condition and are the same in all respects as those gas masks:

(a) For which a certificate of approval has been issued under this part; or

(b) Fabricated, assembled or built under any approval or any modification thereof issued by the U.S. Bureau of Mines, Department of the Interior in accordance with Bureau of Mines Schedule 14F, April 23, 1955.

(Secs. 202(b), 204, 508, 83 Stat. 763, 764, 803 (30 U.S.C. 842(h), 844, 957); secs. 2, 3, 5, 36 Stat. 370, as amended 37 Stat. 681 (30 U.S.C. 3, 5, 7); sec. 8(g), 84 Stat. 1600 (29 U.S.C. 657(g)))

[FR Doc.74-27388 Filed 11-21-74;8:46 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 278-6]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Nebraska: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the State plans for implementation of the national ambient air quality standards.

The State of Nebraska submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Nebraska.

Accordingly, the Administrator proposed approval of these schedules on August 20, 1974, in the FEDERAL REGISTER, 39 FR 30049. The proposed approval of these schedules published in the August 20, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

These schedules are located in the Lincoln-Lancaster County Air Quality Control Region. The applicable regulations, which are part of the Nebraska Implementation Plan, provide for the granting of variances for a period of six months. The variances can be reviewed for good cause shown. The Environmental Protection Agency's approval of each compliance schedule will be unconditional only as to that part of the schedule covered by the initial variance. Approval of the remainder of the schedule will be conditioned upon the State's renewal of the variance in identical form and substance to that included in the schedule submitted to the Environmental Protection Agency and approved herein. If the variance is renewed in this manner, the condition precedent will be satisfied and the approval of the next segment of the schedule would not require further action by the State or this Agency. If the variance is not renewed, or is modified from the version that had been federally approved, the condition will not be fulfilled, the approval of the remainder of the schedule would not be effective, and the State's immediately-effective regulation would again become federally enforceable.

Provisional approval of final compliance dates and extension of variances is justifiable only because of the six-month variance limitation in the applicable regulation. Since there will be no substantive changes in the schedules set forth below and public hearings were held on the complete schedule, there is no reason to require compliance with 40 CFR 51.6 procedures at the time Nebraska renews each variance. The schedules were immediately effective on the date of adoption. An Effective Date is not indicated on the table. The Variance Expiration Date is included instead.

Two schedules proposed in the August 20, 1974, FEDERAL REGISTER (39 FR 30049) have subsequently been revised. One revised schedule, Gould, Inc., Bers Metal Division, Omaha, will be reproposed in a later publication. The other revised schedule, Omaha Public Power District, Omaha (a) North Omaha Station, Boilers Nos. 1, 2, 3, 4, and 5, contains a new final compliance date beyond the attainment date of July 31, 1975, and cannot be approved. The Agency will take further appropriate action in the future concerning this schedule.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and compliance schedules are available for public inspection at the Environmental Protection Agency, 1735 Baltimore, Kansas City, Missouri 64108.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of section 110 of the Clean Air Act of 1970, as amended (42 U.S.C. 1857c-5).

Dated: November 15, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart CC—Nebraska

1. A new § 52.1425 is added as follows:

§ 52.1425 Compliance schedules.

(a) The compliance schedules for the sources identified below are approved as revisions to the plan pursuant to §§ 51.6 and 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

NEBRASKA

Source and location	Regulation involved	Date adopted	Variance expiration date	Final compliance date
Far-Mar-Co., Lincoln: Grain elevator "OLB"	4, 16, 13	May 2, 1973	July 31, 1974	July 31, 1974
Gooch Milling & Elevator Co., Lincoln:				
(a) Grain elevator "C"	4, 16, 13	Apr. 24, 1973	Aug. 15, 1974	July 1, 1974
(b) Grain elevator "D"	4, 16, 13	do	do	July 1, 1975
Doerer Foundry, Inc., Cupola, Lincoln	4, 5	May 2, 1973	do	Dec. 31, 1974
Uncle Sam Breakfast Food Co., Lincoln: Grain elevator	4, 16, 13	do	June 1, 1974	June 1, 1974
Lincoln Grain, Inc., Lincoln: Grain elevator	4, 16, 13	do	Aug. 15, 1974	Dec. 31, 1974
Nebraska Public Power District, Hallam: Sheldon Station.	4, 5, 13	do	do	Mar. 31, 1975
Omaha Public Power District, Omaha:				
Jones Street Station	45.04.180	Apr. 11, 1973	June 1, 1974	June 1, 1974
Boilers Nos. 20, 21, 22, 23, 24, and 25	45.04.190			

[FR Doc.74-27189 Filed 11-21-74;8:45 am]

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Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER A—GENERAL

[FPMR Amdt. A-21]

PART 101–1—INTRODUCTION

Regulation System

This amendment adds the notes (a) through (d) of Filing Instructions and Notes, included in all FPMR amendments, to Subchapter A. The notes will no longer be included with each amendment.

The table of contents for Part 101–1 is amended by the addition of the following new entries:

Sec.
101–1.111 Retention of FPMR amendments.
101–1.112 Change lines.

Subpart 101–1.1—Regulation System

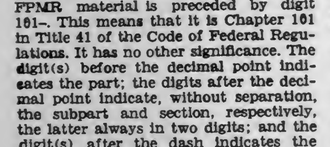
1. Section 101–1.109(b) is redesignated § 101–1.109(d).

2. New §§ 101–1.109 (b) and (c) are added as follows:

§ 101–1.109 Numbering in FPMR System.

• • • • •

(b) In the numbering system, all FPMR material is preceded by digit 101–. This means that it is Chapter 101 in Title 41 of the Code of Federal Regulations. It has no other significance. The digit(s) before the decimal point indicates the part; the digits after the decimal point indicate, without separation, the subpart and section, respectively, the latter always in two digits; and the digit(s) after the dash indicates the subsection. For example:



(c) On each page appears the number and date (month and year) of the FPMR amendment which transmitted it.

• • • • •

3. Sections 101–1.111 and 101–1.112 are added as follows:

§ 101–1.111 Retention of FPMR amendments.

Retention of FPMR amendments and removed pages will provide a history of FPMR issuances and facilitate determining which regulations were in effect at particular times.

§ 101–1.112 Change lines.

Arrows printed in the margin of a page indicate material changed, deleted, or added by the FPMR amendment cited at the bottom of that page. Where insertion of new material results in shifting of unchanged material on following pages, no arrows will appear on such pages but the FPMR amendment transmitting such new pages will be cited at the bottom of each page.

┌ or ┐ — Line on which change begins.
└ or ┘ — Line on which change ends.
→ or ← — Line on which change both begins and ends.
→ or ← — Opposite a blank space, indicates deletion of a division of material (section, subsection, or paragraph).

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)))

Effective date. This regulation is effective on November 22, 1974.

Dated: November 14, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–27272 Filed 11–21–74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5445]

[Wyoming 29042]

WYOMING

Partial Revocation of Reclamation Project Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 43 U.S.C. 416 (1970), it is ordered as follows:

1. The order of the Bureau of Reclamation dated April 19, 1951, concurred in by the Bureau of Land Management on July 9, 1951, withdrawing lands for the Missouri River Basin Project, is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN

T. 49 N., R. 91 W.,
Sec. 10, lots 3, 6, SW¼SW¼;
Sec. 15, lots 2 thru 5, W½;
Sec. 23, lots 1 thru 4, NW¼SW¼, S½SW¼;
Sec. 24, lot 3;
Sec. 25, lots 1 thru 4, SW¼NW¼, SW¼, S½SE¼;
Tracts 37–A thru 37–C;
Tracts 39–A, 39–B;
Tracts 41–A thru 41–F;
Tracts 47–A thru 47–D;
Tracts 52, 53–K, 87–C.

The areas described contain 1,955.21 acres in Big Horn County.

The lands are located some 8 to 14 miles southeast of Manderson, Wyoming, adjacent to the Nowood River. Vegetative cover is saltbush, greasewood or sagebrush vegetative associations.

2. At 10 a.m. on December 21, 1974, the lands shall be open to operation of the public land laws generally, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law. All valid applications received at or prior to 10 a.m. on December 21, 1974, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

The lands have been and will continue to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Cheyenne, Wyoming 82001.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 15, 1974.

[FR Doc.74–27323 Filed 11–21–74;8:45 am]

[Public Land Order 5446]

[Oregon 11297]

OREGON

Powersite Restoration No. 731; Partial Revocation of Powersite Reserve No. 661, and Waterpower Designation No. 14

By virtue of the authority vested in the President by section 1 of the Act of June 25, 1910, 43 U.S.C. 141 (1970), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), and by virtue of the authority contained in section 24 of the Federal Power Act of June 10, 1920, as amended, 16 U.S.C. 818 (1970), and pursuant to the determination of the Federal Power Commission docketed as DA–550–Oregon, it is ordered as follows:

1. The Executive Order of December 12, 1917, creating Powersite Reserve No. 661, and the Secretary's Order of December 12, 1917, creating Waterpower Designation No. 14, are hereby revoked so far as they affect the following described land:

WILLAMETTE MERIDIAN

T. 7 S., R. 1 E.,
Sec. 7, lots 1, 5, 7.

The areas described aggregate 36.72 acres of land in Marion County.

2. The above described lands will not be opened to entry for the reason that title is no longer vested in the United States.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 15, 1974.

[FR Doc.74–27322 Filed 11–21–74;8:45 am]

[Public Land Order 5447]

[Idaho 6480]

IDAHO

Additions to National Forests and the Sawtooth National Recreation Area

By virtue of the authority contained in the Act of August 22, 1972, 16 U.S.C. 460aa (1970), Supplement II, and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described Federally owned lands are transferred to the jurisdiction of the Secretary of Agriculture; and are added to the Sawtooth and Challis National Forests as indicated, and reserved as part of the Sawtooth National Recreation Area, subject to all laws and regulations applicable thereto:

SAWTOOTH NATIONAL FOREST

BOISE MERIDIAN

Public Lands

T. 7 N., R. 14 E.,
Sec. 2, lots 1 thru 4, S½N½, S½;
Sec. 3, lots 1, 2, S½NE¼, SE¼;
Sec. 4, lots 3, 4, SW¼SE¼;
Sec. 9, W½NE¼, SE¼NE¼, SE¼;
Sec. 11, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 14, E½;
Sec. 15, SE¼SE¼;
Sec. 23, N½NE¼, SE¼NE¼, NE¼NW¼, W½SW¼;
Sec. 24, N½, SE¼;
Sec. 25, E½E½;
Sec. 26, NE¼NW¼, NE¼SW¼.
T. 8 N., R. 14 E.,
Sec. 5;
Sec. 6, lots 1, 2, S½SE¼;
Sec. 8, E½;
Sec. 17, W½NE¼;
Sec. 20, E½NE¼, S½SE¼;
Sec. 21, W½NE¼, NW¼, SE¼;
Sec. 26, NE¼;
Sec. 27, SW¼SW¼;
Sec. 28, SE¼SE¼;
Sec. 29, W½NE¼;
Sec. 34, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼;
Sec. 35, lots 5, 6, SE¼SE¼.
T. 9 N., R. 14 E.,
Sec. 7, E½;
Sec. 18, E½NE¼;
Sec. 20, SE¼SW¼, S½SE¼;
Sec. 29, NE¼, NE¼SE¼;
Sec. 30, SW¼NE¼, W½SE¼;
Sec. 31, E½;
Sec. 32, W½SW¼, S½SE¼;
Sec. 33, NE¼NW¼.

Acquired Lands

T. 8 N., R. 14 E.,
Sec. 9, S½SW¼.

The areas described for addition to the Sawtooth National Forest aggregate approximately 7,035.60 acres of public lands, and 80 acres of acquired lands; 5,677.95 acres in Custer County and 1,437.65 acres in Blaine County.

CHALLIS NATIONAL FOREST

BOISE MERIDIAN

Public Lands

T. 10 N., R. 13 E.,
Sec. 3, lot 9, lot 2, except that part of Block 3, 4, 5, and Tract 8, 9, and 10 of Stanley townsite survey within said lot, NW¼SW¼;
Sec. 4, lots 3, 4, SE¼NW¼, N½SE¼;
Sec. 5, lots 3, 4;
Sec. 8, lots 1, 2, SW¼NE¼, SE¼;
Sec. 8, lots 1 thru 62, SW¼SW¼;
Sec. 9, SE¼SE¼;
Sec. 10, lot 7, NE¼, E½SE¼;
Sec. 11, W½;
Sec. 15, lots 2 thru 5, 7, 8, E½;
Sec. 17, W½NW¼, NW¼SW¼;
Sec. 20, NE¼NE¼, S½NE¼, SE¼NW¼;
Sec. 21, N½, N½S½;
Sec. 27, lots 1 and 2, NW¼NE¼.
T. 10 N., R. 17 E.,
Sec. 14, W½.
T. 11 N.,R. 13 E.,
Sec. 34, lot 2, SE¼SW¼SE¼, except that part of Block 1 thru 4, and Tract 1 thru 7, of Stanley townsite survey within said subdivisions.

The areas described for addition to the Challis National Forest aggregate 3,691.69 acres in Custer County.

The total acreage involved aggregates approximately 10,807.29 acres in Custer and Blaine Counties.

2. The above described lands, and any lands or minerals which may be acquired within the recreation area, are hereby withdrawn from entry or appropriation under the United States mining laws, 30 U.S.C. Ch. 2, and from disposition under all laws pertaining to mineral leasing and all amendments thereto. The use of subject lands shall be governed by the rules and regulations promulgated by the Secretary of Agriculture.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 15, 1974.

[FR Doc.74–27324 Filed 11–21–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74–1219]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

Airdrome Control Stations

Order. In the matter of amendment of Part 2 of the Commission's rules and regulations to delete footnote US16 pertaining to Airdrome Control Stations in the 290–325 kHz band.

1. Footnote US16 to the Table of Frequency Allocations, Section 2.106 of the Commission's rules and regulations, specifies conditions under which certain frequencies in the band, 290–325 kHz, may be authorized to Airdrome Control Stations. Since no Airdrome Control Stations are presently assigned under the provisions of this footnote and there is sufficient spectrum available in the 200–285 kHz, 325–405 kHz and 118–136 MHz bands to meet the existing and future requirements for this type of operation, the need to retain Footnote US16 no longer exists. Because the band 290–325 kHz is shared between government and non-government entities, the deletion of US16 was coordinated with the Interdepartment Radio Advisory Committee, and has received no objections.

2. Since the deletion of US16 will have no adverse effect on non-Government entities, we would consequently expect to receive no comments in this matter. Therefore the prior public notice and effective date provisions contained in the Administrative Procedure Act, 5 U.S.C. 553, are unnecessary and contrary to public interest.

3. *Accordingly, it is ordered,* That, effective November 26, 1974, § 2.106 of the rules is amended by deleting the footnote designator US16 from the band 285–325 kHz and the text of this footnote following the Table. Authority for this action is contained in section 4(i) and 303 of the Communications Act of 1934, as amended.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303))

Adopted: November 12, 1974.

Released: November 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–27336 Filed 11–21–74;8:45 am]

[Docket 20041; FCC 74–1218]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

Designation of Discrete Frequency for Natural Resources Uses

Report and Order—Proceeding terminated. In the matter of amendment of Parts 2 and 87 of the Commission's rules to designate a discrete frequency, for natural resources uses, Docket No. 20041, RM 2298.

1. On May 10, 1974, we released a notice of proposed rule making in this Docket,[2] to designate a discrete aeronautical frequency for natural resources uses. This action was in response to a Petition for rule making, filed by the International Association of Natural Resource Pilots and the National Association of State Foresters, and was supported by several Government agencies and private individuals named in our notice. In addition, the petition was supported in communications received too late for listing in our notice of proposed rulemaking, by the following:

Billy Moore, State Chief Pilot
State of North Carolina
Department of Natural and Economic Resources;

L. Edward Perry, Acting Regional Director
Portland, Oregon Office
U.S. Department of the Interior
Fish and Wildlife Service;

Michael B. Sayers, Chief Pilot
Director's Office
Ohio Department of Natural Resources; and

L. A. Moran, State Forester
Department of Conservation
State of California.

The notice was published in the FEDERAL REGISTER on May 17, 1974 (39 FR 17566), and the time for filing comments and reply comments has expired.

2. Comments were filed in response to our notice of proposed rulemaking by J. L. Beggone, Commissioner, New York State Department of Environmental Conservation (State of New York) and A. H. Carver, Chief, California State Communications Division, on behalf of the California Department of Fish and Game and Division of Forestry (State of California).

3. The State of New York, in its comments, supported the proposed rule changes but expressed reservations that

[1] Commissioner Reid absent.
[2] 39 FR 17566, May 17, 1974.

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the proposed discrete frequency would be adequate for "on site field operations," and stated that most states will require considerable aircraft communications on the present assigned Forestry Conservation frequencies.

4. The State of California, in its comments, supported the proposed rule changes and the designation of 122.925 MHz as the discrete frequency for the use herein proposed, but stated that it would be several years before many Government or other radio users would have acquired the new 25 kHz equipment for use on that frequency. As a remedy, the State of California recommended that, in addition, a 50 kHz channel be made available on an interim basis for 3 to 5 years for the same natural resources uses.

5. With respect to the comment of the State of New York, concerning the adequacy of the proposed frequency for "on site" operations, we believe only time and experience will determine whether the action herein taken will be sufficient to meet the communication needs that prompted these rule changes. If additional action is later determined to be needed, necessary rule changes can be considered on our own motion or in response to petitions filed. Regarding the continued need for frequencies in other services, we point out that the rule changes in this Docket constitute no curtailment on the availability or use of any frequencies provided for elsewhere in our rules for the Aeronautical, or other, radio services.

6. With respect to the comment of the State of California concerning the interim need for a 50 kHz channel while users are acquiring 25 kHz equipment for operation on the designated frequency 122.925 MHz, we are aware that such action could provide some relief on a temporary basis for some radio users. It could encourage some licensees to delay the acquisition of new equipment, however, and we believe that in the best interests of the aviation community and to relieve the congestion on the 50 kHz channels, the conversion to the use of equipment capable of operation on the new 25 kHz channels should proceed as expeditiously as possible. We do not know of any underused 50 kHz channel that is available for use in the California area as a discrete natural resources frequency. For these reasons, we will not, in this proceeding, take the action requested by the State of California.

7. In view of the foregoing, we find that the rule changes are necessary and in the public interest as proposed, with one minor modification. It has been called to our attention by the Department of Interior that the words "and other related programs" at the end of the proposed rule §§ 87.201(e) and 87.271(c) and in Footnote US 213 in § 2.106, may generate misuse of the frequency for purposes too remote from the uses for which it is intended. We agree with the Department of Interior, and are editorially modifying the proposed sections to cope with this, as shown below, by deleting the subject words, and to more clearly specify the stations with which natural resources communications may be exchanged.

8. *Accordingly, it is ordered,* That pursuant to authority contained in sections 4(i) and 303(b), (c), (g) and (r) of the Communications Act of 1934, as amended, Parts 2 and 87 of the Commission's rules are amended, as set forth below, effective December 27, 1974.

9. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: November 12, 1974.

Released: November 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

Parts 2 and 87 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 2.106, *Table of frequency allocations,* a new footnote indicator (US 213) is added in Column 5 for the frequency band 121.9625–123.0875 MHz, and a new US footnote (US 213) is added in proper sequence to the list of US footnotes as follows:

§ 2.106 Table of frequency allocations.

* * * * *

United States

	Band (mHz) 5	
* * *	* * *	* * *
* * *	121.9625–123.0875 (US29) (US30) (US31) (US80) (US85) (US102) (US213)	* * *

* * * * *

U.S. FOOTNOTES

* * * * *

US213 The frequency 122.925 mHz is for use only for communications with or between aircraft when coordinating natural resources programs of Federal or State natural resources agencies, including forestry management and fire suppression, fish and game management and protection, and environmental monitoring and protection.

* * * * *

2. In § 87.201(b), the frequency 122.925 MHz is deleted, the existing paragraphs (e) and (f) are redesignated (f) and (g) respectively, and a new paragraph (e) is added as follows:

§ 87.201 Frequencies available.

* * * * *

(e) 122.925 MHz, 6A3 emission: For use only for communicating between aircraft, or between aircraft and aeronautical stations, when coordinating programs of Federal or State natural resources agencies, including forestry management and fire suppression, fish and game management and protection, and environmental monitoring and protection.

* * * * *

3. In § 87.271 a new paragraph (c) is added as follows:

§ 87.271 Frequencies available.

* * * * *

(c) 122.925 MHz: This frequency is available for assignment for use only to communicate with aircraft when coordinating programs of Federal and State natural resources agencies, including forestry management and fire suppression, fish and game management and protection, and environmental monitoring and protection.

[FR Doc.74-27257 Filed 11-21-74;8:45 am]

[1] Commissioner Reid absent.

[Docket No. 19907; RM-2192; FCC 74-1234]

PART 73—RADIO BROADCAST SERVICES

Vertical Interval Reference Signal

Report and order. Proceeding terminated. In the matter of Amendment of §§ 73.682(a)(21), 73.676(f)(1) and 73.699 of Part 73 of the Commission's rules and regulations regarding special signals within the vertical blanking interval of the video television broadcast signal.

1. This proceeding, initiated by a notice of proposed rulemaking adopted on December 19, 1973 (44 F.C.C. 2d 483), primarily concerns the amendment of pertinent sections of the Commission's rules governing television broadcast stations, so that a scanning line, in both fields, in the vertical blanking interval of the television signal will be designated solely for the transmission of a Vertical Interval Reference Signal. This signal was developed by the Broadcast Television Systems Committee of the Electronic Industries Association (hereinafter EIA), as a tool for promoting greater uniformity in television color transmission. Its configuration was depicted in an appendix to that notice. As more fully described therein, the VIR signal is intended to be added to the program signal at the point where its color characteristics are established, and to accompany the program signal as it traverses all circuits to the output of the transmitter. The VIR signal is so structured that circuit distortions responsible for color deterioration will ordinarily cause measurable changes in the standardized relationships of the various components of the VIR signal. Adjustments made to restore the signal to its original configuration are expected to correct for the condition causing color deterioration.

2. EIA, the petitioner herein, proposed that line 19 of the vertical blanking interval, on which our existing rules permit the transmission of test, cue and control signals, be cleared for VIRS transmission. In furtherance of this end, it proposed that all line 17 be made available for test signal transmission (the present rules permit only the last 12 microseconds of line 17 to be used for this

purpose) and that the test signals specified for transmission on lines 18 and 19 by stations operated by remote control be moved, respectively, to lines 17 and 18. In addition to rule amendments designed to implement the foregoing, the Commission, at the request of the Ad Hoc Committee on Television Broadcast Ancillary Signals of the JCIC, which filed a document in support of the EIA petition, proposed to amend the general rules governing test signal transmissions in the vertical interval to permit chrominance subcarrier components of test signals to exceed the reference white level, the presently prescribed maximum amplitude for such signals, and to delete the present requirement of the rules that a half line guard interval be maintained between test signals and picture information.

3. The Commission further asked for comments on the possible assignment of the VIR signal, in lieu of line 19, to line 20, the scanning line for which it originally was developed, and on which all tests of the signal were conducted. It noted that if line 20 were adopted for VIRS transmission, a change in the line assignments for the remote control VITS would be unnecessary.

4. Deadlines for the filing of comments and reply comments, initially specified as March 1, 1974, and April 1, 1974, were extended by an Order adopted February 12, 1974, to April 15, 1974, for comments and May 15, 1974, for reply comments.

5. The following parties filed timely comments:

American Broadcasting Companies, Inc. (ABC)
Columbia Broadcasting System, Inc. (CBS)
Electronic Industries Association (EIA)
Joint Committee on Intersociety Coordination Ad Hoc Committee on Television Broadcast Ancillary Signals (JCIC)
Metromedia, Inc. (MM)
National Association of Educational Broadcasters (NAEB)
National Broadcasting Company, Inc. (NBC)
Public Broadcasting Service (PBS)
RCA Corporation (RCA)

Columbia Broadcasting System, Inc. filed a reply comment.

6. A late comment was filed by the General Electric Company. The disposition of this pleading will be dealt with in our subsequent discussion.

7. Complete unanimity exists among those filing comments that a line should be reserved in the vertical blanking interval for the transmission of a vertical interval reference signal. All parties (save General Electric) assume that the configuration of the signal will be that proposed by EIA, as depicted in Appendix B to the notice. The comments strongly urge that the VIR signal should be assigned to line 19 in both fields, for the following reasons. Regardless of the fact that the VIR signal was developed and tested on line 20, it is essential, if the VIRS is to be widely and consistently used, that the voluntary efforts of all facets of the industry be enlisted toward achieving this end. Such cooperation can be obtained best by specifying a line assignment on which the industry can agree, namely, line 19. NBC points out it has been transmitting the VIR signal on this line over its network circuits and its owned television stations for almost a year, and its experience with such transmissions has been entirely satisfactory. The burdens imposed on television stations in modifying remote control VITS generators to operate on lines 17 and 18, in lieu of lines 18 and 19, are held to be relatively small, and insufficient to justify a denial of line 19 for VIR use.

8. A number of the parties (ABC, CBS, JCIC, PBS) have availed themselves of the opportunity to reiterate positions taken by them or others in the proceeding in Docket 18425, which resulted in the adoption of rules requiring the transmission of prescribed vertical interval test signals on lines 17 and 18 by television stations operated by remote control. They insist that the purposes to be served by such VITS transmissions can be accomplished by a signal on a single line, and that the present assignment of two lines for this purpose represents an extravagant use of valuable vertical interval space. These arguments were fully considered in the above mentioned proceeding, and were rejected for reasons set forth in the Second Report and Order of August 18, 1971, FCC 71–879, and the Memorandum Opinion and Order of December 8, 1971, FCC 71–1237. In the instant proceeding, we are concerned only with measures required to clear line 19 for VIR use, at the same time imposing the least possible hardship on licensees whose stations are presently transmitting the remote control VITS and will be required to vacate line 19. As we have indicated in the above mentioned Orders, the Commission will give consideration to a reduction in the portion of the vertical interval devoted to remote control VITS transmission at such time as it appears that the continued use of two lines for the VIT signal is impeding the development of the vertical interval for other useful purposes. We have no evidence that this is the case at the present time.

9. Even if we believed that action of the kind suggested were not clearly premature, the difficulty of accomplishing it in this proceeding is apparent. While several of the parties agree that the VITS signal should be transmitted on a single line, they disagree as to the line which should be used, and on the composition of the signal to be transmitted on that line. Any attempts to resolve these differences would prolong this proceeding indefinitely, a result which all agree would be undesirable.

10. Regardless of their individual positions with respect to remote control VITS signals, all parties agree it is technically feasible, and otherwise desirable to make available all of line 17 for test signal transmission. International test signals and presently planned network test signals of similar or identical configuration, will occupy this line. While the radiation of these signals by television stations is not a necessary result of their intended use, the signals may be radiated inadvertently, or, at some stations, it may be inconvenient or uneconomical to delete them before radiation. Accordingly, whatever the reaction of the Commission to pleas for the adoption of a one line remote control VIT signal, it is maintained that authority for test signal transmission on all of line 17, in any event, should be contained in the rules.

11. General Electric proposes certain modifications in the structure of the vertical interval reference signal which, GE alleges, would make possible the employment of simpler and more efficient circuitry in receivers designed to use the VIR signal for automatic control of color. The GE pleading was filed on May 20, 1974, over a month after the deadline for filing comments in the instant proceeding, and five days after the last date for filing reply comments. While, therefore, GE's comments are not entitled to consideration here as a matter of right, we have decided not to reject them out of hand, but to discuss to some extent the procedural and practical problems presented by the nature of the comments and the manner in which they were filed. Initially, we should note that no party to the proceeding has had an opportunity to review and to reply to the proposal GE has advanced. This being the case, if we were disposed to consider the changes in the VIR signal which GE espouses, we would be obliged to continue this proceeding, and invite a further round of comments and reply comments before taking any final action.

12. However, we do not believe the burdens and delays involved in such action are justified. The VIR signal proposed in this proceeding was developed and tested over a four year period by an EIA committee on which both broadcasters and receiver manufacturers are represented, including General Electric, and was presented to the Commission as having general industry support. Whatever the theoretical advantages of the modified VIR signal which GE proposes, it has not undergone the extensive testing to which the signal proposed in this proceeding was subject. Under the circumstances, we are of the opinion that if any change is to be made in the structure of the VIR signal, it should not be attempted in this rule making proceeding; rather, GE's proposal, if it wishes to pursue it further, should be pressed in the EIA committee which developed the signal.

13. Metromedia suggests that the rules "clearly state that the use of the VIR signal be voluntary and that the use of the VIR signal should not become a part of the VIT signal now required for television transmitter remote control authorization."

14. We believe that we have made this point clear. In § 73.682(a)(21), as we propose to amend it, authority for the transmission of the VIR signal on line 19 is couched in the same permissive terms which apply in general to the test,

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cue and control signals whose transmissions in the vertical interval are authorized by this rule. The only mandatory aspect of the rule is the technical and other limitations applying to the transmission and use of these signals, if the broadcaster elects to transmit them. The only test signals which a broadcaster is required to transmit are those intended for use in remote control operation. The rules governing their use are contained in § 73.676(f) (1).

15. Indeed, as CBS emphasizes, a rule which made mandatory the transmission of the VIR signal would frustrate its proper use. For the potentialities of VIR signal transmission and use to be fully exploited, the signal must be associated with each program at the earliest possible stage in the production/transmission chain—preferably at the point of production, when the proper color balance is determined. Except for program material produced by the station itself, the place where this is done is beyond the control of the station licensee, and hence beyond the usual reach of Commission authority. A requirement that the signal be radiated in many cases would necessitate that the station licensee itself generate and transmit the signal. While a signal employed under such circumstances might have limited usefulness for some purposes, it would contribute little to achievement of improved color transmission over the entire system—the intended result of proper VIR use.[1]

16. As to the other rule amendments contemplated herein, the proposed removal of the half line guard interval required by existing rules to be maintained between the end of test signal transmission and the beginning of the transmission of picture information is recognized as appropriate by all parties commenting on this aspect of the proceeding. The accuracy and stability of modern synchronizing generators and other equipment, it is held, is such as to make such a guard interval unnecessary.

17. RCA suggests that if the rules permit the amplitude of vertical interval test signals to exceed reference white, without other restriction than that carrier cut-off not be caused, certain difficulties may ensue, viz.:

(1) Limitations in the performance of station demodulators with signals of high amplitude may pose problems in the accurate interpretation of the test signals.

(2) If the test signal is not limited in amplitude or in duration, it may produce audible interference in the sound channel, particularly in CATV distribution systems in which a relatively high ratio of video to sound amplitude may be maintained (RCA states the sound carrier level may be as much as 20 dB below the peak visual signal.)

RCA, therefore, proposes that chrominance excursion beyond reference white be limited to 5 microseconds in duration, with a maximum depth of modulation of 6.25 percent (110 IRE).

18. CBS observes that while adoption of the limitations on test signal amplitude and duration proposed by RCA would not restrict the employment of test signals of a configuration "currently under discussion within the industry", it believes the proposed limitations are unnecessary, and, if adopted, may impose an undesirable restriction on future test signal development and use. It suggests that since chrominance peaks in normal color programming regularly extend to zero carrier level, apparently with no adverse effect, transmitters adjusted to handle such programming satisfactorily should not produce undesirable effects with vertical interval test signals causing carrier excursions beyond reference white.

19. We, of course, have not proposed any revision in the vertical interval test signals required to be transmitted continuously by stations operated by remote control. These signals, whose conditions of use and whose configuration are set forth in §§ 73.676(f) (1) and 73.699 of our rules, are purposely limited in amplitude to minimize the effects of quadrature distortion on the accuracy of the demodulated signal, and to avoid possible adverse effects which might attend their radiation and off-the-air use.

20. We do not believe that such limitations are necessarily applicable to the permissible use of test signals pursuant to § 73.682(a) (21) of the rules. Presumably, test signals with high peak amplitudes will not be employed without regard to demodulator limitations. In any event, these limitations can be expected to become of less importance with its continued improvements in demodulator design.

21. Insofar as the possible effect of high amplitude test signals on the TV audio channel is concerned we would note that such effects depend both on the amplitude and duration of the test signal. For many years, § 73.682(a) (21) has permitted test signal amplitudes up to reference white level without a restriction on signal duration. RCA's presentation would indicate that the injudicious employment of test signals at even the presently permitted amplitudes occasionally has resulted in undesired side effects. If the possibility of this occurring under any circumstances is to be minimized it would appear that restrictions more stringent than those imposed in the present rule would be necessary, perhaps so severe as to seriously limit test signal usefulness.

22. A relaxation of the rule to the extent we have proposed will permit a greater degree of flexibility in the employment of test signals designed to more accurately reflect the performance of the television system in color transmission. We do not believe the relaxation creates a substantially greater hazard of interference with the aural signal than exists under the present rule. In any event, vertical interval test signal transmission is subject to the restriction contained in § 73.682(a) (21) (ii), which states:

> The use of test, cue and control signals shall not result in significant degradation of the program transmissions of the television broadcast station, nor produce emissions outside of the frequency band occupied by normal program transmissions.

This, of course, is an overriding requirement applying to all vertical interval transmissions. Persons originating test signals, and licensees of stations transmitting them accordingly are expected to exercise a reasonable degree of care to insure that test signals of such characteristics as to pose an undue hazard of interference to the television picture or sound signals will not be transmitted.

23. In the light of all of the above, we have decided to amend our rules in all the respects we had proposed.

24. For those stations which have been authorized to operate by remote control, which presently are transmitting the test signals required by § 73.676(f) (1) of lines 18 and 19, and will be required by these rule amendments, to transfer these transmissions to lines 17 and 18, we are providing a one year period during which this transition is to be accomplished. An appropriate note is being inserted in § 73.676, as amended, for this purpose.

25. *Accordingly, it is ordered*, That, effective December 27, 1974, Part 73 of the Commission's rules and regulations is amended as set forth in Appendices A and B below.

26. Authority for adoption of these rule amendments is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

27. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303.))

Adopted: November 12, 1974.

Released: November 20, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[2]
VINCENT J. MULLINS,
Secretary.

APPENDIX A

1. Section 73.682(a) (21) is amended to read as follows:

§ 73.682 Transmission standards and changes.

(a) • • •

(21) The interval beginning with line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of test signals and cue and control signals, subject to the conditions and restrictions set forth below. Test signals may include signals used to supply reference modulation levels so that variations in light intensity of the scene viewed by the camera will be faithfully transmitted, and signals designed to check the performance of the overall transmission system or its individual components. Cue and control signals shall be related to the operation of the television broadcast station. Figures 6 and 7 of § 73.699 identify the numbered lines referred to in this subparagraph.

(i) Modulation of the television transmitter by such signals shall be confined to the area between the reference white level and the blanking level, except where test signals include chrominance subcarrier frequencies, in which case positive excursions of chrominance components may exceed reference white, and negative excursions may extend into the synchronizing area. In no case may the modulation excursions produced by test signals extend beyond peak-of-sync, or to zero carrier level.

(ii) The use of test, cue and control signals shall not result in significant degradation of the program transmissions of the television broadcast station, nor produce emissions outside of the frequency band occupied for normal program transmissions.

(iii) Test signals or cue and control signals may not be transmitted during that portion of each line devoted to horizontal blanking.

(iv) Regardless of other provisions of this subparagraph, line 19, in each field, may be used only for the transmission of the reference signal described in Figure 16 of § 73.699.

• • • • • •

2. Section 73.676(f) (1), (f) (5) and the Note at the end of § 73.676(f) are amended to read as follows and the Note presently appearing at the end of § 73.676(g) is deleted:

§ 73.676 Remote control operation.

• • • • • •

(f) • • •

(1) The required test signals, and the place of insertion in the vertical interval shall be as follows:

(i) Multiburst, on field 1, line 17 (see Figure 13 of § 73.699).

(ii) Color bars, on field 2, line 17 (see Figure 14 of § 73.699). During monochrome transmission chrominance information shall not be included in this test signal.

(iii) Composite signal, on field 1, line 18 (see Figure 15 of § 73.699).

(iv) Generally, a composite signal of characteristic identical to those prescribed in subdivision (iii) of this subparagraph, shall be inserted on field 2, line 18, at the remote control point. However, to permit a separate determination to be made of the effects of the transmitter and the studio transmitter link on system performance, the composite signal on field 2, line 18 may be inserted at the transmitter input. Alternatively, in lieu of the composite signal, a licensee may insert any suitable test signal on field 2 of line 18, either at the remote control point or at the transmitter. When such signals are transmitted at the same time as the program material and/or the required test signals, the characteristics of the licensee-selected signals shall be such as to minimize the possibility that their transmission will result in interference with the required test signals, or in degration of the picture or sound signals.

Figures 6 and 7 of § 73.699 identify the numbered lines and fields referred to in this subparagraph.

• • • • • •

(5) Any signals or noise already existing on lines 17 and 18 (e.g., network test signals), shall be erased prior to the insertion in the vertical interval of locally generated test signals.

NOTE: Stations authorized to operate by remote control, and which are transmitting test signals on lines 18 and 19 may continue to do so until November 15, 1975, after which date all test signal transmissions shall conform to the requirements of § 73.676(f).

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§ 73.699 [Amended]

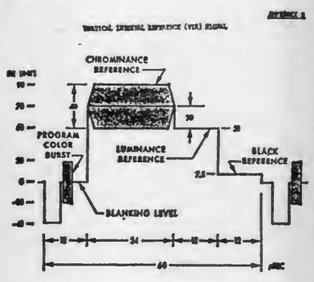
3. Section 73.699 is amended to read as follows:

Figure 13: The title is amended to read: Multiburst test signal (Field 1, line 17). Note 2 is amended to read: 2. To=Nominal start of active portion of line 17, field 1.

Figure 14: The title is amended to read: Color bar test signal (Field 2, line 17). Note 5 is amended to read: 5. To=Nominal start of active portion of line 17, field 2.

Figure 15: The title is amended to read: Composite test signal (Field 1, line 18). Note 3 is amended to read: To=Nominal start of active portion of line 18.

A new Figure 16 is added: Vertical Interval Reference (VIR) Signal. (See Appendix B.)



[FR Doc.74-27258 Filed 11-21-74;8:45 am]

[Docket No. 19958; FCC 74-1233]

PART 73—RADIO BROADCAST SERVICES

FM Broadcast Stations in Jackson, Tenn.

Report and order—Proceeding terminated. In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Jackson, Tennessee), Docket No. 19958; RM-2128.

1. The Commission has before it a notice of proposed rulemaking adopted March 4, 1974, 39 FR 9675, inviting comments on a proposal to assign FM Channel 276A to Jackson, Tennessee and to reassign Channel 222 from Jackson to Milan, Tennessee, to reflect its use at that community rather than Jackson, which is currently the community of assignment. This proceeding was instituted on the basis of a petition filed by J. A. Baxter, Jr., and Gordon Bostic. There were no oppositions to the proposal. Supporting comments were filed by petitioner and Charles C. Allen.

2. Jackson has a population of 39,964,[1] is the seat of Madison County (population 65,727) and is located 69 miles northeast of Memphis and 123 miles west southwest of Nashville. Jackson has three AM stations (one daytime-only), and FM Station WTJS-FM operating on Channel 281. Channel 222, assigned to Jackson, is occupied by Station WKBJ-FM, at Milan about 20 miles to the north. Channel 276A can be assigned to Jackson without affecting any of the other FM assignments provided the transmitter site is 4 miles southeast of Jackson.

3. Petitioner describes Jackson as a trading center for west Tennessee. He points out that Jackson's local industry includes Proctor & Gamble, Owens-Corning Fiber Glass, Quaker Oats, Rockwell Manufacturing, various cotton mills, and dress manufacturers. He submitted information regarding the type of city government and municipal facilities, cultural, civic, and recreational facilities, and also stated that four colleges are located in Jackson.

4. In our notice we requested information as to whether any other FM channel is available at Henderson, Tennessee, where use of Channel 276A would be precluded if assigned to Jackson. Comments filed by petitioner indicate that Channel 288A is available for use at Henderson if the transmitter is located south of the community.[2] Petitioner states that so long as there is an existing station operating on Channel 222 at Milan, Tennessee, it believes it is more realistic to reassign the channel to that city. They reaffirm their plan to file an application for a permit to construct a station at Jackson and if the application is granted, will build same.

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[1] We note that a number of stations are using a VIRS generator in conjunction with automatic correction apparatus in a closed loop about their transmitters to maintain the station transmitting plant in proper adjustment. This seems a profitable interim use of the signal—on the assumption that program associated VIR signals will be substituted for the locally generated signal when they are available.

[2] Commissioner Reid absent.

[1] All population data is from the 1970 U.S. Census unless otherwise indicated.

[2] To meet mileage separation requirements the site would have to be about 4.5 miles southwest of Henderson.

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5. We note that such an assignment would intermix a Class A with a Class C channel at Jackson. However, it appears that petitioner was unable to find another Class C channel available for the community and is willing to operate on a Class A channel in competition with Station WTJS–FM which operates on Channel 281. Although in some circumstances we are hesitant to intermix channels, in others, such as this, we have done so.

6. We believe that by reassigning Channel 222 from Jackson (assigned under § 73.203(b)) to Milan, Tennessee, to reflect its use at that community from where it now operates, and assigning Channel 276A to Jackson, Jackson would more readily conform to our assignment criteria. Jackson which has a population of over 39,000, would warrant the assignment of two FM channels. Since it has been shown that another channel is available for Henderson, the community which would be precluded from using Channel 276A if assigned to Jackson, it would be in the public interest to make these assignments.

7. Authority for the adoption of the amendment contained herein appears in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

8. In view of the foregoing; *It is ordered*, That effective December 27, 1974, § 73.202(b) of the Commission's rules, the FM Table of Assignments is amended to read as follows:

City:	*Channel No.*
Jackson, Tenn	276A, 281
Milan, Tenn	222

9. *It is further ordered*, That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; (47 U.S.C. 154, 303, 307))

Adopted: November 12, 1974.

Released: November 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74–27338 Filed 11–21–74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 20—MIGRATORY BIRD HUNTING

Open Seasons, Bag Limits and Possession of Certain Migratory Game Birds; Corrections

Open seasons and daily bag and possession limits for certain migratory game birds for the 1974–75 hunting season were published in the FEDERAL REGISTER of September 3, 1974 (39 FR 31883). Typographical errors in § 20.104(e) should be corrected as follows.

Restrictions on possession limits of Canada and white-fronted geese described under Flywaywide Restrictions for the Central Flyway are an unintentional error, since these restrictions apply only to a portion of the Central Flyway. Restrictions on daily bag and possession limits for these two species are described for each State elsewhere in the regulations. Therefore, to correct this error, the Canada and white-fronted goose restrictions described under Flywaywide Restrictions for the Central Flyway on page 31889 are deleted.

On page 31890, in the table under the Central Flyway, the limits for Texas are corrected to read as follows:

Texas:			
Ducks (except Mexican, fulvous tree, and black-bellied tree ducks):			
In High Plains area	Nov. 4 to Nov. 24; Dec. 7 to Jan. 19	(1)	(1)
In remainder of State	Nov. 9 to Nov. 24; Dec. 9 to Jan. 19	(1)	(1)
Mexican, fulvous tree and black-bellied tree ducks	Closed season		
Geese:			
East of Highway 81 (including no more than)	Oct. 28 to Nov. 24; Dec. 7 to Jan. 19	5	5
Canada geese		1	1
White-fronted geese		1	2
Canada and white-fronted combined		5	5
Blue and snow geese		2	4
West of Highway 81	Oct. 19 to Jan. 19		

[1] Point system.

(40 Stat. 755; 16 U.S.C. 703 et seq.)

Effective: November 21, 1974.

F. V. SCHMIDT,
Acting Director, U.S. Fish and Wildlife Service.

NOVEMBER 18, 1974.

[FR Doc.74–27250 Filed 11–21–74;8:45 am]

[1] Commissioner Reid absent.

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 135]

NEW ANIMAL DRUGS

Proposal Regarding Maintenance of Approved Medicated Feed Applications

Regulations regarding procedures and requirements for applications for new animal drugs in animal feeds are promulgated under the provisions of section 512(m) of the Federal Food, Drug, and Cosmetic Act. Such applications are submitted with a FD Form 1800 in accordance with the requirements of § 135.4b *Applications for animal feeds bearing or containing new animal drugs.* Section 135.11 *Approval of applications* provides that when the Commissioner of Food and Drugs determines that none of the grounds for denying approval specified in section 512(m)(3) of the act applies he shall notify the applicant that his application is approved by signing and mailing to the sponsor the original copy of his FD Form 1800. Many approvals so granted provide for the manufacture of a medicated feed at more than one facility; in which case, a copy of the approved application is usually maintained at the home office or other central facility. Because of this practice, it cannot be readily determined whether the animal feeds produced bearing or containing new animal drugs at each facility are produced in accordance with an approved FD Form 1800. It is of particular importance that each establishment maintain on its premises copies of each approved FD Form 1800 or appropriate identification of the approval and the approved labeling accompanying such application so that those employees of state feed regulatory agencies who are commissioned to act on behalf of the commissioner, as well as authorized employees of the Food and Drug Administration, can readily determine whether the establishment is producing animal feeds bearing or containing new animal drugs in accordance with approval granted by the Food and Drug Administration.

For these reasons, the Commissioner has concluded that under provisions of section 512(m)(5) of the act each applicant shall maintain on the premises of each establishment to which the approval applies, a copy of the approved FD Form 1800 or appropriate identification of the approval and the labeling which accompanied the approval. When a supplemental application is approved, it shall also be the responsibility of the applicant to provide each establishment to which the supplemental application applies a copy of the approval or appropriate identification of the approval, including additional or revised labeling.

In addition, the Commissioner is proposing to amend §§ 135.4b and 135.13b by revising the reference "Form FD–1800" to reflect the revised FD Form 1800 in current use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512(m), 701(a), 52 Stat. 1055, 82 Stat. 348–350; 21 U.S.C. 360b(m), 371(a)) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that Part 135 be amended in Subpart A as follows:

§ 135.4b [Amended]

1. By revising the reference "Form FD–1800 6–68" in the introductory text of § 135.4b to read "FD Form 1800 (5/72)" and by revising the references "Form FD–1800" in paragraph (c), and "FD–1800" in paragraph (d), to read "FD Form 1800."

§ 135.13b [Amended]

2. By revising the reference "Form FD–1800" in § 135.13b(c) to read "FD Form 1800."

3. By adding a new section to read as follows:

§ 135.14d Maintenance of copies of approved applications for animal feed bearing or containing new animal drugs.

Each applicant shall maintain on the premises of each establishment to which an approved application or supplemental application applies either:

(a) A copy of the approved FD Form 1800 and the labeling which accompanied the approval; or

(b) Identification of the approved application including: The date and number of the approval; concentration of drug(s) contained in the premix(es); name(s) of the approved supplier(s) of the premix(es); batch formulation with the concentration of the drug(s) in the finished medicated feed; and a sample of the approved labeling.

Interested persons may, on or before January 21, 1975, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 14, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74–27328 Filed 11–21–74;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 249]

MEDICAL ASSISTANCE PROGRAM

Limits on Payment to Certified Facilities for the Treatment of End-Stage Renal Disease

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations set forth conditions under which Federal financial participation under title XIX, Social Security Act, will be available in State Medicaid payments to facilities for the treatment of end-stage renal disease.

The purpose of this regulation is to assure comparability and compatibility of Medicaid and Medicare policy on facilities with respect to treatment of this disease. Section 299I of Pub. L. 92–603 expanded coverage under title XVIII of the Social Security Act to individuals with end-stage renal disease and authorized the Secretary "to limit reimbursement under Medicare for kidney transplant and dialysis to kidney disease centers which meet such requirements as he may by regulation prescribe." The proposed regulation would limit Federal financial participation in payments under title XIX for end-stage renal disease to those facilities qualified to participate under title XVIII.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2366, Washington, D.C. 20013, on or before December 23, 1974. Comments received will be available for public inspection in Room 5326 of the Department's offices at 330 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5 p.m. (area code 202–245–0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

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(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: October 10, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: November 19, 1974.

CASPAR W. WEINBERGER,
Secretary.

Section 249.10, Part 249, Chapter II, Title 45 of the Code of Federal Regulations is amended to add paragraph (c)(4) as follows:

§ 249.10 Amount, duration and scope of medical assistance.

• • • • • •

(c) *Limitations.* • • •

(4) Federal financial participation in expenditures for medical and remedial care and services listed in paragraph (b) of this section is not available with respect to treatment of end-stage renal disease except in a facility qualified to participate in the end-stage renal disease program under title XVIII of the Social Security Act.

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[FR Doc.74-27385 Filed 11-21-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74-NE-40]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at Frenchville, Maine.

A non-federal NDB is being installed at the Northern Aroostook Regional Airport, Frenchville, Maine. An Instrument Approach Procedure is being developed utilizing this non-directional radio beacon, and it is necessary to establish a transition area to provide controlled airspace protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received on or before December 23, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the transition area of Northern Aroostook Regional Airport, Frenchville, Maine, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 (38 FR 569) of Part 71 of the Federal Aviation Regulations so as to add the following transition area:

FRENCHVILLE, MAINE

That airspace extending upwards from 700 feet above the surface within a 6-mile radius of the center of the Northern Aroostook Regional Airport (latitude 47°17'15" N., longitude 68°19'00" W.) and within 5 miles each side of the 115° bearing of the Frenchville (FVE) NDB (latitude 47°16'05" N., longitude 68°15'26" W.) extending from the six-mile radius to 11.5 miles southeast of the NDB, excluding the airspace within Canada.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Burlington, Mass., on October 31, 1974.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.74-27311 Filed 11-21-74;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

TREATMENT OF TRADE SECRETS AND CONFIDENTIAL OR PRIVILEGED COMMERCIAL OR FINANCIAL INFORMATION

Proposed Criteria

The Atomic Energy Commission has under consideration an amendment of § 2.790, "Public inspections, exemptions, requests for withholding", of 10 CFR Part 2, rules of practice.

On November 14, 1973, the Commission noticed in the FEDERAL REGISTER (39 FR 31543) that it was considering whether changes in its policy and rules pertaining to disclosure of "proprietary information" in the area of licensing and regulation should be made. It indicated that the following alternatives were under consideration:

(1) Retention of the Commission's present rules pertaining to disclosure of "proprietary information."

(2) Amendment of Commission rules to specify additional criteria for determining whether information should be treated as "proprietary".

(3) Amendment of Commission rules to provide that "proprietary information" may not be included in a license application, and that each such application must be sufficiently complete, without such information, to meet Commission standards and requirements for the issuance of a license.

(4) Amendment of Commission rules to provide for treatment of "proprietary information" as presently provided in 10 CFR Part 2, but only for a specified period of time, after which the information woud be made routinely available to the public.

(5) Amendment of Commission rules to limit further the kind of "proprietary information" that would be withheld from public disclosure, e.g., only that information whose disclosure would be demonstrably detrimental to the competitive position of the owner.

The Commission invited interested persons to submit comments and suggestions with respect to the foregoing alternatives or other alternatives, together with any other suggestions concerning this matter. The comment period ended on December 31, 1973, but was extended to February 15, 1974 (39 FR 2384). There follows a discussion of comments received and of the amendment to § 2.790 now under consideration.

Many persons who commented on the five alternatives expressed opposition to amending the Commission's rules to provide that "proprietary information" may not be included in a license application (Alternative 3). Certain commenters expressed concern that this alternative would create incentives to withhold relevant information from the Commission. Others predicted that such a measure would reduce incentives for conduct of research and development, decrease improvement of safety design, and impact upon free enterprise and the United States position as world leader in nuclear reactor technology.

Several commenters suggested that the Commission, rather than eliminating the present provision for protection of proprietary information, revise that provision in such fashion that the Commission would never withhold commercial information that concerns the development or efficacy of safety systems and their component parts. This suggestion was predicated upon the argument that the information should be made available on the public record so that members of the public will have full opportunity to review and understand all aspects of the design of nuclear facilities or that it will enhance public confidence by revealing the truly conservative approach that is taken by vendors in designing nuclear facilities.

These comments point up the basic problem of how the public's right to know the bases for decisions reached by the Commission should be reconciled with protection of competitive positions. The Commission's present policy, expressed in 10 CFR 2.790, is that in determining whether to withhold proprietary information from public disclosure it will achieve "an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the bases for and effects of proposed licensing actions."

As an argument against retaining the present rule (Alternative 1), some commenters maintain that the balancing of public and private interests has been done by Congress in establishing a category for exemption under the Freedom of Information Act of confidential or privileged commercial or financial information, and that if the Commission determines that information submitted to it falls within this exemption, it must be withheld. The Commission does not share this conclusion and believes that the Atomic Energy Act of 1954, as amended, read in conjunction with the Freedom of Information Act, permits the Commission, on the basis of public interest considerations, to disclose confidential or privileged commercial or financial information not subject to restrictions against disclosure in other statutes.

Another alternative put forth by the Commission in its notice of November 14, 1973, would be to protect only that information whose disclosure would be "demonstrably detrimental" to the competitive position of the owner (Alternative 5). Section 2.790 presently requires that an application for withholding of proprietary information in connection with licensing and regulatory matters contain "a full statement of the reasons on the basis of which it is claimed that the data is proprietary", but does not explicitly require the applicant for withholding to demonstrate that his competitive position would be harmed nor does it prescribe the type of information which the application must include. Thus, the present regulation can be misconstrued as requiring acceptance of claims for withholding without examination of the basis of the claim. This ambiguity in the present rule would be clarified, by Alternative 5, by requiring a demonstration by the owner of the information that public disclosure of the information sought to be withheld would be detrimental to the competitive position of the owner.

Related to the issue of the information and justification that should be required from the applicant for withholding is the issue of decisional criteria to be used by the Commission in independently determining whether financial or commercial information submitted to it in its licensing and regulatory activities should be withheld from public disclosure. The present rule does not specify the factors that should be considered in making such a determination, although they do provide for a balancing between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the bases for and effects of proposed licensing actions. Although many of the commenters on the five alternatives advocated retention of the present rule (Alternative 1) because it seemed to provide a workable framework for that balancing while permitting the Commission to obtain sufficient information to perform its statutory responsibilities, many of the same commenters stated that they would not be opposed to addition of decisional criteria to the present rule (Alternative 2).

Another alternative in the previous notice was the establishment of a set period of time for withholding information from public disclosure (Alternative 4), not presently provided for in the present rule. It was argued by many commenters that the duration of the proprietary values of specific items varies considerably and that unless a very lengthy protection period is established, no fixed period of time can be established for all types of such information. Nevertheless, periodic rejustification and review of all protected confidential commercial information may serve the public interest.

After consideration of the material received in response to the notice published on November 14, 1973, the Commission is now proposing an amendment to § 2.790 that combines certain features of Alternatives (2), (4) and (5), with certain other changes. Retention of the present regulation without change would mean that withholding determinations would continue to be made without reference to specific criteria, and with little guidance given to persons who submit applications for withholding as to what information should be supplied. The criteria set out in the proposed amendment that follows would remedy those defects.

While the suggested alternative (Alternative 3) that proprietary information be excluded from license applications would have the advantage of providing a completely open record for Commission decisionmaking, the Commission is concerned that it might also result in a withholding of information that is helpful to the Commission in its function of protecting the public health and safety and thus have an adverse effect that would outweigh the benefit of action on a completely open record.

Accordingly, the proposed amendment would continue to provide for the protection of certain information submitted in confidence, but would clarify the type of information that may be withheld. The requirement that the owner of the information show that release of the information to the public is likely to cause "substantial harm" to his competitive position would be substituted for the limitation on withholding suggested by Alternative 5 (withholding proprietary information only if its disclosure would be "demonstrably detrimental" to the competitive position of the owner). This approach is consistent with recent case law construing the Freedom of Information Act. However, it should be noted that—as stated in the Commission's present rule—withholding from public inspection will not affect the right, if any, of persons properly and directly concerned to inspect the information withheld. This policy of inspection by concerned parties would be retained in the proposed rule.

Finally, it appears that the alternative of disclosure of proprietary information after a stated period of time of general application could result in arbitrary disclosure of legitimately exempt information in some cases. Accordingly, a rejustification and rereview after two years is being proposed instead.

In summary, the Commission is proposing changes to § 2.790 of 10 CFR Part 2 that would: (1) Require that the basis for claiming privilege or confidentiality and the procedures used for maintaining the privilege or confidentiality be specified in detail in an affidavit executed by the owner of the information sought to be protected; (2) establish criteria for AEC determination of whether such information should be withheld from public disclosure; and (3) require periodic rejustification by the owner of the information and review by the Commission of the information's exempt status.

Paragraph (a) of 10 CFR 2.790 would be amended to eliminate the term "proprietary data", and the exemption category "trade secrets and commercial or financial information obtained from a person and privileged or confidential" substituted.

Paragraph (b) of that section would continue the present policy of requiring specific application for exemption from public disclosure of information believed to be a trade secret or confidential or privileged commercial or financial information. Added would be a requirement for the application to be accompanied by an affidavit submitted by the owner of the information. The affidavit would contain a statement of reasons why it is claimed that public disclosure of the information sought to be withheld is likely to cause substantial harm to the owner's competitive position, including a demonstration of the cost and effort expended in developing such information and the value of the information to the owner and the methods used by the owner to maintain the confidentiality of the information, and that the information is not found in public sources and has been maintained in confidence. If the information is originated by a corporation or partnership, the affiant would be required to be an officer who has been specifically delegated the function of reviewing the information and authorized to apply for its withholding on behalf of the corporation or partnership.

The proposed rule would reiterate the statement in the present § 2.790 that is the Commission's policy to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the bases for and effects of licensing or proposed licensing actions. Criteria would be added that

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would assist the Commission in determining whether the information constitutes a trade secret or privileged or confidential financial or commercial information.

The present rule's provision for an opportunity to withdraw the information after a decision by the Commission that it should not be exempt from public disclosure would be retained. However, information submitted or referred to in a rule making proceeding which forms the basis for the effective rule would not be exempted from public disclosure and would not be returned to the owner. The present rule would also be clarified to provide for disclosure of exempted information under protective agreements signed by officials from other government agencies and AEC contractors.

Under the proposed rule, if the Commission determined that the submitted information should be withheld from public disclosure, the owner of such information would be required to rejustify its exempt status every twenty-four (24) months. The Commission could determine after each twenty-four (24) month rejustification whether the information should continue to be protected. If the Commission determined that the information should not continue to be withheld, or the owner failed to rejustify its exempt status, the document would be placed in the Public Document Room without opportunity for withdrawal.

The proposed amendment would continue the Commission's present policy of excluding from the provisions of § 2.790 documents and records which identify a licensee's or applicant's procedures for safeguarding licensed special nuclear material or detailed security measures for the physical protection of a licensed facility or plant in which special nuclear material is used. The Commission has determined that such information should be exempted from disclosure under 10 CFR Part 2 and subject to disclosure only in accordance with 10 CFR Part 9.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendment to 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section by January 21, 1975. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

Section 2.790 of 10 CFR Part 2 is amended to read as follows:

§ 2.790 Public inspections, exemptions, requests for withholding.

(a) Subject to the provisions of paragraphs (b), (c), and (f) of this section, final AEC records and documents [*], including but not limited to correspondence to and from the AEC regarding the issuance, denial, amendment, transfer, renewal, modification, suspension, revocation or violation of a license permit, or order, or regarding a rulemaking proceeding subject to this part in the custody of organizational units which report to the Director of Regulation pursuant to Part 1 of this chapter shall not, in the absence of a compelling reason for nondisclosure after a balancing of the interests of the person or agency urging nondisclosure and the public interest in disclosure, be exempt from disclosure and will be made available for inspection and copying in the AEC Public Document Room, except for:

(1) Records and documents specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy;

(2) Records and documents specifically exempted from disclosure by statute;

(3) Intraagency or interagency documents or portions thereof containing opinions, advice, or recommendations;

(4) Records and documents related solely to the internal personnel rules and practices of the Commission;

(5) Identity of persons giving confidential information to the Commission and any part of the confidential information that would reveal the identity of such persons;

(6) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(7) Files containing the names of individuals who have received exposure to radiation and personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(8) Investigatory files compiled for law enforcement purposes, including, but not limited to, (i) correspondence received by the AEC relating to an alleged or possible violation of any statute, regulation, order, license, or permit and (ii) files and corespondence pertaining to the antitrust matters described in § 2.104(d)(2); or

(9) Intraagency or interagency memoranda or letters prepared for or by the Commissioners or the Advisory Committee on Reactor Safeguards (other than reports submitted by the Advisory Committee on Reactor Safeguards in compliance with section 182b. of the Act).

(b)(1) A person who proposes that a document or a part be withheld in whole or in part from public disclosure on the ground that it contains trade secrets or privileged or confidential commercial or financial information shall submit an application for withholding accompanied by an affidavit which:

(i) Identifies the document or part sought to be withheld and the position of the person making the affidavit, and (ii) contains a full statement of the reasons on the basis of which it is claimed that the information should be withheld from public disclosure. Such statement shall address with specificity the considerations listed in paragraph (b)(4) of this section.

In the case of a claim submitted by a company, the affidavit shall be executed by an officer who has been specifically delegated the function of reviewing the information sought to be withheld and authorized to apply for its withholding on behalf of the company. The affidavit shall be executed by the owner of the information, even though the information sought to be withheld is submitted to the Commission by another person. The application and affidavit shall be submitted at the time of filing the information sought to be withheld. The information sought to be withheld shall be incorporated, as far as possible, into a separate paper.

(2) A person who submits commercial or financial information believed to be privileged or confidential or a trade secret shall be on notice that it is the policy of the Commission to achieve an effective balance between legitimate concerns for protection of competitive positions and the right of the public to be fully apprised as to the bases for and effects of licensing or rule making actions and that it is within the discretion of the Commission to withhold such information from public disclosure.

(3) The Commission shall determine whether information sought to be withheld from public disclosure pursuant to this paragraph (i) is a trade secret or confidential or privileged commercial or financial information; and (ii) if so, should be withheld from public disclosure.

(4) In making the determination required by paragraph (b)(3)(i) of this section, the Commission will consider:

(i) Whether the information has been held in confidence by its owner;

(ii) Whether the information is of a type customarily held in confidence by its owner and whether there is a rational basis therefor;

(iii) Whether the information was transmitted to and received by the Commission in confidence;

(iv) Whether the information is available in public sources;

(v) Whether public disclosure of the information sought to be withheld is likely to cause substantial harm to the competitive position of the owner of the information, taking into account the value of the information to the owner; the amount of effort or money, if any, expended by the owner in developing the information; and the ease or difficulty with which the information could be properly acquired or duplicated by others.

(5) If the Commission determines, pursuant to paragrah (b)(4) of this section, that the record or document contains trade secrets or privileged or confidential commercial or financial information, the Commission will then determine (i) whether the right of the public to be fully apprised as to the bases for and effects of the proposed action outweighs the demonstrated concern for protection of a competitive position and (ii) whether the information should be withheld from public disclosure pursuant to this paragraph.

(6) Withholding from public inspection shall not affect the right, if any, of persons properly and directly concerned to inspect the document. The Commission may require information claimed to be a trade secret or privileged or confidential commercial or financial information to be subject to inspection: (i) Under a protective agreement, by contractor personnel or government officials other than AEC officials; (ii) by the presiding officer in a proceeding; and (iii) under protective order, by parties to a proceeding, pending a decision of the Comission on the matter of whether the information should be made publicly available or when a decision has been made that the information should be withheld from public disclosure. In camera sessions of hearings may be held when the information sought to be withheld is produced or offered in evidence. If the Commission subsequently determines that the information should be disclosed, the information and the transcript of such in camera session will be made publicly available.

(c) If a request for withholding pursuant to paragraph (b) of this section is denied, the Commission will notify an applicant for withholding of the denial with a statement of reasons. The notice of denial will specify a time, not less than thirty (30) days after the date of the notice, when the document will be placed in the Public Document Room. If, within the time specified in the notice, the applicant requests withdrawal of the document, the document will not be placed in the Public Document Room and will be returned to the applicant: *Provided*, That information submitted in a rulemaking proceeding which subsequently forms the basis for the final rule will not be withheld from public disclosure by the Commission and will not be returned to the applicant after denial of any application for withholding submitted in connection with that information. The Commission will notify an applicant under this section of its determination to withhold the information from public disclosure and of the requirement of paragraph (d) of this section for rejustification of its claim for withholding.

(d) The owner of the information which the Commission determines should be withheld from public disclosure pursuant to paragraph (b) of this section shall submit an affidavit at twenty-four (24) month intervals after such determination stating the reasons on the basis of which it is claimed that the information should continue to be withheld from public disclosure until the owner believes the information need no longer be withheld or the Commission determines the information should no longer be withheld from public disclosure. Upon submission of such affidavit, the Commission will determine whether the information should continue to be withheld from public disclosure on the basis of the considerations described in paragraphs (b)(4) and (5) of this section. The Commission will place the information withheld in the Public Document Room if the affidavit required by this paragraph is not submitted within the time prescribed or if the Commission determines that the information should no longer be withheld from public disclosure.

(e) Correspondence and reports to or from the AEC which identify a licensee's or applicant's procedures for safeguarding licensed special nuclear material or detailed security measures for the physical protection of a licensed facility or plant in which licensed special nuclear material is used shall be deemed to be conmercial or financial information within the meaning of § 9.5(a)(4) of this chapter and shall be subject to disclosure only in accordance with the provisions of § 9.10 of this chapter.

(f) The presiding officer, if any, or the Commission may, with reference to the AEC records and documents made available pursuant to this section, issue orders consistent with the provisions of this section and § 2.740(c).

(Sec. 161, Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201))

Dated at Germantown, Md., this 14th day of November 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-27123 Filed 11-21-74;8:45 am]

[*] Such records and documents do not include handwritten notes and drafts.

CIVIL AERONAUTICS BOARD

[14 CFR Parts 207, 208, 212, 214, 217, 241, 249]

[Docket No. 24908; EDR 237c]

TERMINATION OF "PRIOR AFFINITY" CHARTER AUTHORITY

Notice of Proposed Rulemaking

Correction

In FR Doc. 74-25807 appearing in the issue of Wednesday, November 6, 1974 make the following corrections:

1. The Docket Number should read as set forth above.

2. In the ninth line of the third paragraph on page 39289 the number "27136" should read "24908".

3. In footnote 16 on page 39290 the number "15" should read "14".

V 39 I 227 NOV 22 74 XUM

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "NET TECHNICAL ASSESSMENT"

Advisory Committee Meeting

A Defense Science Board Task Force on "Net Technical Assessment" will meet in closed session on December 5–6, 1974 at the Central Intelligence Agency, Washington, D.C. 20505.

The mission of the Task Force is to advise the Secretary of Defense and the Director of Defense Research and Engineering on US/USSR overall research and engineering technology programs and to provide guidance for U.S. technology exploitation in these areas to the Department of Defense.

The Task Force will examine in detail the important problem of determining areas of technological exploitation and long range technological trends which will measurably help the Government regarding technology transfer issues as they relate to the Soviet Union and the rest of the world.

In accordance with Pub. L. 92–463, section 10, Paragraph (d), it has been determined that the Task Force meetings concern matters listed in section 552(b) of Title 5 of the United States Code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of Subsections (a)(1) and (a)(3) of section 10, Pub. L. 92–463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

NOVEMBER 18, 1974.

[FR Doc.74–27320 Filed 11–21–74;8:45 am]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 582–74]

FEDERAL METROPOLITAN CORRECTIONAL CENTER AT SAN DIEGO, CALIFORNIA

Establishment and Designation

By virtue of the authority vested in me by Sections 4003, 4042, 4081 and 4082 of Title 18, United States Code, I hereby establish and designate the Metropolitan Correctional Center, San Diego, California, as a place of confinement for the detention of persons held under authority of any Act of Congress, and for persons charged with or convicted of offenses against the United States or otherwise placed in the custody of the Attorney General of the United States.

Dated: November 13, 1974.

WILLIAM B. SAXBE,
Attorney General.

[FR Doc.74–27325 Filed 11–21–74;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

COMMITTEE FOR THE RECOVERY OF ARCHAEOLOGICAL REMAINS

Notice of Meeting

Notice is hereby given in accordance with Federal Advisory Committee Act that a meeting of the Committee for the Recovery of Archaeological Remains will be held at 9:00 a.m., e.s.t. on December 6, 1974, at 1100 L Street, NW., Washington, D.C. The Committee will meet in room 8200 for all sessions.

The purpose of the Committee for the Recovery of Archaeological Remains is to provide independent advice and assistance to Government agencies, through the Inter-Agency Archaeological Salvage Program administered by the National Park Service, in order to provide an effective program for the recovery of archeological remains threatened with loss by reason of Federal programs and activities.

The members of the Committee are as follows:

Dr. J. O. Brew
Cambridge, Massachusetts
Dr. Emil W. Haury
Tucson, Arizona
Dr. Charles R. McGimsey, III
Fayetteville, Arkansas
Dr. Douglas W. Schwartz
Santa Fe, New Mexico
Dr. Raymond H. Thompson [Chairman]
Tucson, Arizona
Dr. Fred Wendorf
Dallas, Texas

The committee will meet in open session with members of the National Park Service on December 6, 1974. The matters to be discussed at this meeting include Federal responsibilities for identification, protection, and enhancement of historic and cultural properties, and proposed Department of the Interior procedures and guidelines for implementation of these responsibilities.

This meeting will be open to the public. However, facilities and space for accommodating members of the public are limited. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or wish to submit written statements, may contact Mr. Rex L. Wilson, Departmental Consulting Archeologist, National Park Service, Department of the Interior, Washington, D.C., at 202–523–5293. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Departmental Consulting Archeologist, room 5121, 1100 L Street, NW., Department of the Interior, Washington, D.C. 20240.

Dated: November 19, 1974.

A. R. MORTENSEN,
Director, Office of Archeology and Historic Preservation, National Park Service.

[FR Doc.74–27419 Filed 11–21–74;8:45 am]

ROCKY MOUNTAIN REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Rocky Mountain Regional Advisory Committee will be held at 9:00 a.m., Mountain Time, December 10 and 11, 1974, at the Rocky Mountain Regional Office, 655 Parfet Street, Denver, Colorado 80225.

The committee was established pursuant to Pub. L. 91–383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advice or other counsel from members of the public on programs and problems pertinent to the Rocky Mountain Region of the National Park Service.

The members of the committee are as follows:

Dr. John D. Hunt, Logan, Utah, Acting-Chairman
Ralph M. Clark, Denver, Colorado
Mrs. Harold (Alice) Fryalle, Bozeman, Montana
William W. Robinson, Denver, Colorado
Hoadley Dean, Rapid City, South Dakota
D. C. "Del" Shipman, Watford City, North Dakota
Samuel J. Taylor, Moab, Utah
Jack Rosenthal, Casper, Wyoming

The matters to be discussed at this meeting include:

1. Oath of Office—New Members.
2. Election of Officers—1975 calendar year.
3. NPS Fire Management Policy.
4. NPS Bear Management Policy.
5. Mining in Service areas.
6. Transpark Road, Bighorn Canyon NRA.
7. Status report on Legislative and Wilderness Proposals, Bicentennial Plans—Rocky Mountain Region.
8. Committee management items.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and persons will be accommodated on a first come, first serve basis. Any member of the public may file with the committee a written statement concerning the matter to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Committee Manager Forrest Benson, Rocky Mountain Regional Office, Phone 303–234–4943.

Minutes of this meeting will be available for public inspection four weeks after the meeting at the office of the Rocky Mountain Region, 655 Parfet Street, Denver, Colorado 80225.

Dated: November 13, 1974.

LYNN H. THOMPSON,
Regional Director, Rocky Mountain Region.

[FR Doc.74–27305 Filed 11–21–74;8:45 am]

SOUTHWEST REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Southwest Regional Advisory Committee will be held at 8:30 a.m., M.S.T., December 16 and 17, 1974, at the Conference Room at the Southwest Regional Office, Old Santa Fe Trail, Santa Fe, New Mexico.

The Southwest Regional Advisory Committee was established pursuant to Pub. L. 91–383 to provide for the free exchange of ideas between the National Park Service and the public and to facilitate the solicitation of advise or other counsel from members of the public on programs and problems pertinent to the Southwest Region of the National Park Service.

The members of the Southwest Regional Advisory Committee are:

Mr. Bob Burleson, Temple, Texas (Chairman)
Mr. Charles T. Bernard, Earle, Arkansas
Mr. Leslie Bowling, New Orleans, Louisiana
Dr. Neil Compton, Bentonville, Arkansas
Dr. Bertha P. Dutton, Santa Fe, New Mexico
Mr. Sam R. Powell, Tulsa, Oklahoma
Mr. J. R. Singleton, Austin, Texas
Mr. David R. Strickland, Muskogee, Oklahoma

Designated Federal Officer to attend the meeting is Joseph C. Rumburg, Jr., Regional Director, Southwest Region, National Park Service, or his designee.

The matters to be discussed at this meeting include:

1. The Big Thicket National Preserve.
2. Southwestern Wilderness Proposals.
3. Gila Cliff Dwellings management considerations.
4. Arkansas Post management considerations.
5. Southwest Bicentennial programming.
6. Other items of special interest in management of the Southwest Region.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come, first-served basis. Any member of the public may appear before the Committee or file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Frank Mentzer, Assistant to the Regional Director, P.O. Box 728, National Park Service, Southwest Regional Office, Santa Fe, New Mexico, 87501, telephone Area Code 505–988–6375. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the Southwest Region.

Date: November 11, 1974.

JOSEPH C. RUMBURG, JR.,
Regional Director, Southwest Region, National Park Service.

[FR Doc.74–27306 Filed 11–21–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Reevaluation of Biological Products

Correction

In FR Doc 74–25868, appearing on page 39299, in the issue for Wednesday, November 6, 1974, in the second column, third paragraph, the date appearing in the eleventh and twelfth lines reading "Jan.–July 1, 1975" should read, "January 1, 1976".

COMMISSION AND YARDAGE RATES

Calves by the head	$5 and under	$0.50 per head.
Calves	$5.01 to $15	$2 per head.
Do	$15.01 and up to 200 lb	$3.50 per head.
Cattle	200 to 499 lb	$4 per head.
Do	500 to 699 lb	$4.50 per head.
Do	700 lb and up	$6 per head.
Cows by the head	$100 and up	$8 per head.
Do	$99 and down	$4.50 per head.
Cow and Calf pairs	$100 and up	$9.50 per pair.
Do	$99 and down	$6.50 per pair.
Hogs	$10 and under	$0.65 per head.
Do	$10.1 and up 104 lb	$0.85 per head.
Do	105 to 174 lb	$1.25 per head.
Do	175 to 249 lb	$1.75 per head.
Do	250 lb and up	$2.75 per head.
Sheep and goats		$5 per head.
Horses and mules		$5.50 per head.
Yardage	All livestock	5 percent of sale price.

Packers and Stockyards Administration

[P. & S. Docket No. 5039]

A. DOMINIQUE'S COW PALACE, INC.

Order Extending Period of Suspension of Modifications of Rates and Charges

On October 17, 1974, an order was issued instituting the following proceeding under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.):

A. Dominique's Cow Palace, Inc.
Marksville, Louisiana,
(39 FR 38265)

Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges to become effective October 21, 1974, for a period of thirty days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such modifications of the current schedule of rates and charges for a further period of thirty days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., November 19, 1974.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.74–27351 Filed 11–21–74;8:45 am]

[P. & S. Docket No. 5049]

DIXIE STOCK YARD, INC., MERIDIAN, MISSISSIPPI

Complaint, Order of Suspension, and Hearing Regarding Schedule of Rates and Charges

Notice is hereby given that on November 4, 1974, the respondent filed a proposed amendment to its current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), to become effective on November 18, 1974. The proposed amended tariff reads as follows:

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Notice is hereby given also that on November 15, 1974, the Administrator, Packers and Stockyards Administration, United States Department of Agriculture, issued a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

"This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Dixie Stock Yard, Inc., Meridian, Mississippi, which is now, and at all times mentioned herein was a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On November 4, 1974, the respondent filed a tariff supplement No. 3 to tariff No. 5 to become effective on November 18, 1974, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture, there is reason to believe that the charges are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff supplement filed on November 4, 1974, and that pending a hearing and decision in this proceeding, the operation of the modifications to the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications to the current schedule of rates and charges filed on November 4, 1974, to become effective on November 18, 1974, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. on or before December 12, 1974.

It is further ordered, That a copy hereof be served upon the respondent.

Done at Washington, D.C., November 19, 1974.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.74-27352 Filed 11-21-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

SAFETY OF IODINE AND IODINE SALTS

Public Hearing

In the FEDERAL REGISTER of September 23, 1974 (39 FR 34218), the Commissioner of Food and Drugs issued a notice advising the public that an opportunity would be provided for the oral presentation of data, information and views at public hearings to be conducted by the Select Committee on GRAS Substances of the Life Sciences Research Office, Federation of American Societies for Experimental Biology (hereinafter referred to as the Select Committee), with respect to the safety of the following four categories of food ingredients on a determination that they are safe (GRAS) or subject to a prior sanction:

Stannous chloride
Ammonium ion
Iodine and iodine salts
Aconitic acid

No requests were received for a hearing on stannous chloride, ammonium ion, or aconitic acid. The opportunity therefor having been presented without response, no hearing will be held on these food ingredients.

The Select Committee received a request from the Salt Institute, 206 North Washington St., Alexandria, VA 22314, asking for an opportunity to appear at a public hearing on iodine and iodine salts to make an oral presentation. No other request for a hearing on iodine and iodine salts was received.

In accordance with the procedures set forth in the FEDERAL REGISTER of September 23, 1974 (39 FR 34218), announcement is hereby made that a hearing on iodine and iodine salts will be held on December 16, 1974, at 10 a.m. in Rm. 102, Lee Building, Federation of American Societies for Experimental Biology, 9650 Rockville Pike, Bethesda, MD 20014. The Salt Institute will be expected to complete its presentation in 30 minutes.

Dated: November 18, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27331 Filed 11-21-74;8:45 am]

National Institutes of Health

BOARD OF SCIENCE COUNSELORS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Board of Scientific Counselors, National Cancer Institute, December 15, 16, 17, 1974, Building 31-C, Conference Room 6, National Institutes of Health. This meeting will be open to the public on December 16, 1974, from 9:00 a.m. to 2:00 p.m. and 4:00 p.m. to 5:00 p.m., (the Board will not be in session between 2:00 p.m. and 4:00 p.m.) and December 17, 1974, from 9:00 a.m. to noon to discuss the scientific research program of the Metabolism Branch, Division of Cancer Biology and Diagnosis. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in section 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on December 15, 1974, from 7:30 p.m. to adjournment and on December 17, 1974, from 1:00 p.m. to adjournment for the review, discussion, and evaluation of individual programs and projects conducted by the National Institutes of Health, including consideration of personnel qualifications and performance, the competence of individual investigators, medical files of individual research subjects, and similar items, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dr. Nathaniel I. Berlin, Director, Division of Cancer Biology and Diagnosis, National Cancer Institute, Building 31, Room 3A03, National Institutes of Health, Bethesda, Maryland 20014 (301/496-4345) will furnish summaries of meetings, rosters of committee members, and substantive program information.

Dated: November 19, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-27342 Filed 11-21-74;8:45 am]

CLINICAL CANCER EDUCATION COMMITTEE

Establishment

The Director, National Institutes of Health, announces the establishment on October 10, 1974, of the advisory committee indicated below by the Director, National Cancer Institute, under the authority of section 410 of the Public Health Service Act (42 U.S.C. 286d). Such advisory committee shall be governed by the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

Name. Clinical Cancer Education Committee.

Purpose. The Committee provides to the Director, NCI and the Director, Division of Cancer Research Resources and Centers, advice on the scientific merit of proposals for grants submitted to the Clinical Cancer Education Program. This committee will terminate October 10, 1976, unless renewed by appropriate action as authorized by law.

Dated: November 16, 1974.

ROBERT S. STONE,
Director, National Institutes of Health.

[FR Doc.74-27343 Filed 11-21-74;8:45 am]

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, National Cancer Institute, January 7, 1975, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on January 7, 1975, from 1:00 p.m. to 1:30 p.m. to discuss general business and plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 7, 1975 from 1:30 p.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Barbara H. Sanford, Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: November 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-27347 Filed 11-21-74;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, February 27 and 28, 1975, National Institutes of Health, Landow Building, Room 418C.

This meeting will be open to the public on February 27, 1975, from 8:30 a.m. to 10:30 a.m. and on February 28, 1975, from 8:30 a.m. to 9:30 a.m. to discuss plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on February 27, 1975, from 10:30 a.m. to adjournment and on February 28, 1975, from 9:30 a.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.825, National Institutes of Health)

Dated: November 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-27344 Filed 11-21-74;8:45 am]

COMMITTEE ON CANCER IMMUNOTHERAPY

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunotherapy, National Cancer Institute, January 9, 1975, National Institutes of Health, Building 10, Room 4B14.

This meeting will be open to the public on January 9, 1975, from 1:00 p.m. to 1:30 p.m. to discuss plans for future meetings. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 9, 1975, from 1:30 p.m. to adjournment for the review, discussion and evaluation of individual contract proposals. The proposals contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dorothy Windhorst, M.D., Executive Secretary, Building 10, Room 4B17, National Institutes of Health, Bethesda, Maryland 20014 (301/496-1791) will furnish substantive program information.

Dated: November 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health)

[FR Doc.74-27349 Filed 11-21-74;8:45 am]

PRESIDENT'S CANCER PANEL

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

MOLECULAR CONTROL WORKING GROUP

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given that the meeting of the Molecular Control Working Group, January 7, 1975, National Institutes of Health, Building 31, Conference Room 2.

The entire meeting will be open to the public from 9:00 a.m. until adjournment to discuss the considerations of the application of molecular biology to the program of the National Cancer Institute. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, National Cancer Institute, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014, (301/496-5708) will provide summaries of the meeting and rosters of the committee members.

Dr. Timothy E. O'Connor, Executive Secretary, Building 41, Room A107, National Cancer Institute, National Institutes of Health, Bethesda, Maryland 20014, (301/496-3647) will provide substantive program information.

Dated: November 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.314, National Institutes of Health)

[FR Doc.74-27346 Filed 11-21-74;8:45 am]

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President's Cancer Panel, National Cancer Institute, January 6, 1975, 9:30 a.m. to adjournment, National Institutes of Health, Building 31, Conference Room 3. This meeting will be open to the public from 9:30 a.m. to adjournment for a report from the Director, National Cancer Institute, and a report from the Chairman, President's Cancer Panel. Attendance by the public will be limited to space available.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5708) will furnish summaries of the open meeting and roster of committee members.

Dr. Richard A. Tjalma, Executive Secretary, Building 31, Room 11A46, National Institutes of Health, Bethesda, Maryland 20014 (301/496–5854) will provide substantive program information.

Dated: November 15, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–27348 Filed 11–21–74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Meeting

Notice of Public Meeting of the National Advisory Council on Vocational Education, Ad Hoc Committee on Accreditation.

Notice is hereby given, pursuant to Pub. L. 92–463, that the Ad Hoc Committee on Accreditation of the National Advisory Council on Vocational Education will hold a special meeting on November 25, 1974, from 2:00 p.m. to 6:00 p.m., Eastern Standard Time, at the National Advisory Council on Vocational Education office, 425 Thirteenth Street, NW., Room 412, Washington, D.C.

Pursuant to OMB Circular No. A–63, Revised March 27, 1974, page 5, item (3), this meeting shall be considered an "emergency situation." The National Advisory Council on Vocational Education was requested by the Federal Trade Commission to present testimony on proprietary vocational schools and home study, December 16, 1974. The Federal Trade Commission request was received after the National Advisory Council on Vocational Education meeting in October; therefore, the Ad Hoc Committee on Accreditation did not receive Council approval to prepare testimony recommendations until the November 13, 1974, meeting of the National Advisory Council on Vocational Education. Testimony recommendations made by the Ad Hoc Committee on Accreditation will be considered by the National Advisory Council on Vocational Education at the scheduled December 10 meeting.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs, supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluations of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425–13th Street, NW., Washington, D.C. 20004.

Signed at Washington, D.C., on November 19, 1974.

CALVIN DELLEFIELD
Executive Director.

[FR Doc.74–27340 Filed 11–21–74;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON POPULATION AFFAIRS

Notice of Meeting

The Research Task Force of the Advisory Committee on Population Affairs, established to advise the Secretary regarding all significant aspects of family planning and population research activities coming under the purview of the Department of Health, Education, and Welfare, is scheduled to hold a meeting on December 9, 1974. The meeting will be held in the Department's north building located at 330 Independence Ave. SW., Washington, D.C., Room 4137. The meeting is scheduled to convene at 9 a.m. and adjourn at 4:30 p.m.

The Committee will discuss the World Population Conference and matters related to family planning and population research activities under the purview of the Department of Health, Education, and Welfare.

The meeting is open for public observation.

Dated: November 18, 1974.

LOUIS M. HELLMAN, M.D.,
Chairman and Executive Secretary.

[FR Doc.74–27384 Filed 11–21–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[Docket No. N–74–218]

MORTGAGE AND LOAN INSURANCE PROGRAMS

Policy Statement on Thermal Insulation Requirements

On February 20, 1974, a notice of proposed change in thermal insulation requirements was published in the FEDERAL REGISTER (39 FR 6544) by the Department of Housing and Urban Development. Interested persons were invited to submit written comments or suggestions. Comments and suggestions were received from members of Congress, manufacturers, professional societies, supply companies, realty companies, trade associations and individuals. All comments were considered. Several were adopted and others were rejected or deferred for further study. The most significant responses are summarized below.

Numerous comments were received, primarily from trade associations representing one segment of the industry, objecting to (1) the discrepancy in U values between frame and masonry construction and (2) the lack of an adjustment factor to compensate for the varying conductive properties of framing materials in Tables 6–7.1 and 6–7.2. The intent of the revision is to provide the maximum possible conservation of energy, on a practical basis, without unduly restricting or eliminating currently accepted materials and methods of construction. The coefficient of heat transmission which this revision assigns to each construction type is attainable without undue hardship to any concerned trade group. The question of an adjustment factor for framing materials is deferred pending further study.

Many of the same commenters criticized the lack of restriction on the ratio of glazing to exterior wall area. Such a limitation goes beyond the purview of this revision, which is thermal insulation, and is also deferred pending further study.

Many commenters from areas with relatively mild design temperatures objected to the requirement of floor insulation over unheated spaces in areas having 2500 to 4500 winter degree days. The stated objection was that the additional cost of insulation for this one component was not completely offset by reduced heating costs. It is of course desirable that the initial cost of increased insulation requirements will be off-set by lower operating and maintenance costs. However, this is not always possible due to varying utility rates and labor costs in different areas, and also because it would be difficult to design a relatively simple

standard which will uniformly achieve net cost savings in all of the many climatic conditions found in the United States. Where it can be demonstrated that the energy cost savings effected by this revision are significantly less than the amortized initial cost of the required building modifications, a proposal for a local acceptable standard may be submitted by the local HUD office.

Comments concerning thermal insulation requirements for existing properties indicated a need for further evaluation. This requirement will appear in a future notice.

Requirements for new properties are amended, indicating the change to the Minimum Property Standards for one and two living unit new construction.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)))

Effective date. This amendment is effective on November 22, 1974.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit, FHA Commissioner.

To holders of FHA publication "Minimum Property Standards for One and Two Family Dwellings," HUD 4900.1. This revision pertains to several paragraphs dealing with the insulation requirements which are applicable to all one and two-family living units regardless of the type of fuel used.

To realize the full benefit of these revised standards, it is imperative that close attention be paid to workmanship in the installation of materials. Insulation and vapor barriers must be applied in a manner to provide complete coverage, without gaps or voids which allow unrestricted transfer of heat or moisture. Cracks between windows and wall framing members are to be filled with insulation and covered by a vapor barrier. Air infiltration, one of the larger sources of heat loss or heat gain, can be reduced by proper weatherstripping of openings and by caulking around door and window frames and at points in exterior cladding materials. Proper ventilation of unheated attic and roof spaces will reduce summer cooling loads and remove moisture during the heating season. Although duct insulation is not a subject of this revision, the standards in 515–3.1 are also to be strictly enforced. Compliance with standards for vapor barriers, as prescribed in 607–2.4, is also mandatory.

Although the conditions of this revision may indicate that frame structures are less efficient in thermal protection, and require more insulation, to equal the thermal performance of residences of other materials such is not the case. In the midst of the severe energy problems facing the nation, the need is to provide the most practical solution. The large majority of single family homes, under the Department's programs, are frame structures which present the greatest potential for reduction of energy consumption at the least additional first cost to the home buyer. This revision attempts to capitalize on that potential.

Several communities have objected that the revision is too stringent for locales of mild climatic conditions. Where it can be demonstrated that the energy cost savings effected by this revision are significantly less than the amortized initial cost of the required building modifications, a proposal for a local acceptable standard may be submitted by the local HUD office.

This revision is effective with respect to applications received after November 20, 1974.

507–3 BUILDING INSULATION

507–3.1 Materials used for insulation shall be of proven effectiveness and adequate durability to assure that required design conditions concerning heat losses, sound control or fire rating are attained. Insulation in contact with the ground shall not be adversely affected by soil, vermin or water.

507–3.2 *Labeling.* Labeling of insulation shall be as follows:

a. *Batt or blanket.* Insulation type, manufacturer or distributor, R value of the fiber at the labeled thickness.

b. *Reflective.* Insulation type, manufacturer, R value for direction of heat flow, type of facing.

c. *Blowing or pouring type for use in open horizontal areas (Attics).* Name, manufacturer, recommended installation density, R value, marking on bag of conformance with F.S. HH–I–1030 or HH–I–515.

d. Labeling and marking of all other insulation materials shall comply with the appropriate standard listed in Appendix C.

507–3.3 *Certification.* Upon completion of the installation of insulation, a card giving the data of 507–3.2 plus the date of installation, shall be completed and executed by the applicator and the builder and shall be posted at a conspicuous location within the dwelling.

507–3.4 *Conditions of use.* Insulation in walls of habitable and nonhabitable areas shall be covered and protected by an interior finish material.

607–3 BUILDING INSULATION

607–3.1 *General.* a. Insulation of buildings shall be such as to assure conservation of energy, economy of operation and comfort to the occupants. A building which is both heated and cooled shall be insulated against the more severe climatic conditions for the location.

b. Insulation may be omitted from seasonal homes, not intended for year-round occupancy, at the discretion of the HUD office whose determination shall be based upon climatic conditions and the proposed season of Occupancy of the property.

607–3.2 *Overall coefficient of heat transmission.* a. All buildings which are heated or cooled mechanically shall be constructed to comply with the maximum U values shown in Tables 6–7.1, 6–7.2 and 6–7.3. U values shown do not include adjustments for framing in walls, ceilings or floors, nor for the sash frame in windows or glass doors.

b. Where the stated U value of any one component of roof deck, ceiling, wall or floor cannot be practically obtained, such U value may be increased to the minimum figure attainable and the U value for other components decreased until the overall heat gain or heat loss does not exceed the total resulting from conformance to the stated U values.

607–3.3 *Roof decks, ceilings, walls and openings.* a. For roof decks, ceilings, walls and door and window openings, U values shall not exceed those shown in Table 6–7.1. In areas of 4500 or less winter degree days and 400 or more summer cooling hours, buildings to be mechanically cooled shall be insulated as for areas of 4501 to 8000 winter degree days, except for glazing.

TABLE 6-7.1.—*Maximum "U" values of ceilings, walls and openings*

Winter degree days [1]	Flat roof [2] deck	Masonry wall construction		Frame wall construction		Doors and windows
		Ceilings	Walls	Ceilings	Walls	
8,500 or less	0.14	0.05	0.10	0.06	0.06	1.13
4,501 to 8,000	.09	.05	.10	.05	.06	.65
4,001 or more	.09	.04	.10	.04	.06	.65

[1] Winter degree days are based upon the difference between 65° F and the mean daily outdoor temperature.
[2] Indicates construction with rigid roof insulation and exposed structural system. When roof cavity is available use column for ceilings.

b. When blown or poured type of insulation is installed in attics, caution shall be exercised to assure complete and adequate application of insulation. When eave vents are installed, adequate baffling of the vent opening must be provided so as to deflect the incoming air above the surface of the installed blown or poured insulation. Baffles shall be installed prior to insulation, shall be of wood or other durable material and shall be installed at the soffit on a 60 degree angle from the horizontal.

607–3.4 *Floor sections.* a. For floors over unheated basements, unheated garages or ventilated crawl spaces with operable louvers, the "U" value of floor section shall not exceed the value shown in Table 6–7.2.

TABLE 6–7.2.—*Maximum "U" value of floor sections over unheated basements, unheated garages or crawl spaces* [1]

Winter degree days	Structural slab	Wood and metal framing
2,500 or less	[2]	[2]
2,501 to 4,500	0.15	0.10
4,501 or more	.12	.08

[1] A basement, crawl space or garage shall be considered unheated unless it is provided with a positive heat supply to maintain a minimum temperature of 50° F.
[2] No requirement.

607–3.5 *Basement or crawl space foundation walls.* Insulation may be omitted from floors over heated basement areas or heated crawl

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spaces if foundation walls are insulated. Foundation walls of heated basements need not be insulated except where habitable rooms are provided or where 50 percent of the wall is exposed to outside air. The "U" value of foundation wall sections shall not exceed the value shown in Table 6–7–3.

TABLE 6–7.3—MAXIMUM "U" VALUES OF THE FOUNDATION WALL SECTIONS OF HEATED BASEMENT OR HEATED CRAWL SPACE.

Winter degree days:	*Maximum "U" value*
2500 or less	No requirement.
2501 to 4500	0.24.
4501 or more	0.17.

607–3.6 *Crawl space plenum walls.* When a crawl space is used as a supply or return plenum, the crawl space perimeter wall shall be insulated to provide a maximum heat loss of 35 Btuh per lineal foot of perimeter wall assuming a crawl space air temperature of 70 F for return plenums and 110 F for supply plenums.

607–3.7 *Slab-on-ground floors.* Edge heat loss of concrete slabs around the perimeter of heated spaces shall not exceed a maximum value per linear foot of exposed edge of 42 Btuh for unheated slabs and 50 Btuh for heated slabs. Calculations of heat loss through concrete slabs shall be made using the formula $H = F \times P$.

Where:

H=Heat loss of the slab edge (Btuh)
F=Heat loss coefficient from Table 6–7.4 (Btuh per linear foot of exposed edge).
P=Perimeter or exposed slab edge (linear feet).

TABLE 6–7.4.—*Slab edge heat loss coefficients (Btuh per linear foot)*

[Insulation R-values shown are for thermal insulation resistance (R=1/C)]

Winter design temperature	Total width of insulation (inches)	F for unheated slab [1]			F for heated slab [1]		
		R=5.00	R=3.75	R=2.50	R=5.00	R=3.75	R=2.50
−30° F or colder	24	34			46		
−25° F to −29° F	24	32			44		
−20° F to −24° F	24	30			41		
−15° F to −19° F	24	28			39		
−10° F to −14° F	24	27	40		37		
−5° F to −9° F	24	25	38		35		
0 to −4° F	24	24	36		33	48	
+6° F to +1° F	24	22	33		30	45	
+10° F to +6° F	18	21	31	42	25	38	50
+15° F to +11° F [2]	12	21	31	42	25	38	50

[1] Slab floor with heating pipes or ducts in or immediately under slab.
[2] Where winter design temperatures are warmer than +15° F, perimeter insulation is not required. If installed in these areas (edge only) use values shown for +15° F to +11° F above.

608–2 EXTERIOR DOORS

608–2.1 *Installation.* Doors shall be installed to assure adequate structural strength, weathertightness and shall be capable of resisting extremes of moisture, wind and temperature. Doors shall be safe and assure reasonable economy with ease of maintenance. Caulk around frames with a nonhardening sealant.

608–2.2 *Weatherstripping.* All exterior doors shall be provided with a tight threshold and weatherstripping to reduce infiltration of undesirable outdoor elements.

608–4 WINDOWS

608–4.1 *Installation.* Windows shall be installed in accordance with the recommendations of the manufacturer. Operating hardware shall be installed. Caulk around frames with a nonhardening sealant.

608–4.2 *Weatherstripping.* Weatherstrip windows to reduce infiltration of undesirable outdoor elements.

507–3 BUILDING INSULATION (APPENDIX C)

Cork board	FS HH–I–525.
Cellular glass	FS HH–I–551.
Cellulose, vegetable or wood fiber	FS HH–I–515.
Expanded polystyrene insulation board	FS HH–I–524.
Fiberboard	FS LLL–I–535. Class C or E or ASTM C–208.
Insulation board (urethane)	FS HH–I–530.
Mineral fiber, board (roof)	FS HH–I–526.
Mineral fiber, insulation blanket	FS HH–I–521.
Mineral fiber, pneumatic or poured	FS HH–I–1030.
Perimeter insulation	FS HH–I–524. Type II, FS HH–I–558, form A, class 1 or 2.
Reflective, thermal	FS HH–I–1252.
Structural fiberboard insulating roof deck	AIMA IB, spec. No. 1.
Vermiculite	ASTM C–516.
Perlite	FS HH–I–574.

[FR Doc.74–27112 Filed 11–21–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

NOVEMBER 18, 1974.

The ACRS Regulatory Guides Subcommittee Meeting scheduled to be held in Washington, D.C. on December 3, 1974 notice of which was published at 39 FR 39902, November 12, 1974 is amended in its entirety as follows:

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on December 3, 1974 in Room 1046, 1717 H Street, NW., Washington, D.C. This meeting is now scheduled to have both open and closed sessions.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Tuesday, December 3, 1974, 9:30 a.m. until about 11:00 a.m. The Subcommittee will hear presentations from the Regulatory Staff and will hold discussions with this group pertinent to its review of the draft Regulatory Guide on Instrumentation for Light Water Cooled Nuclear Power Plant Conditions During and Following an Accident.

NOTE: The Subcommittee also intends to have a further review of this Regulatory Guide at some future Subcommittee meeting.

In connection with the above agenda items, the Subcommittee may hold one or more Executive Sessions, not open to the public, at approximately 9:00 a.m. and 11:00 a.m. on December 3 to consider matters related to the above review. These sessions will involve an exchange of opinions and discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

After the above portion of the meeting is concluded, the Subcommittee will meet in closed session with the AEC Regulatory Staff and any consultants at about 11:15 a.m. until the close of business to discuss the following working papers:

(1) Design of Main Steam Isolation Valve Leakage Control Systems for Direct Cycle Boiling Water Nuclear Power Plants.

(2) Assumptions Used for Evaluating the Potential Radiological Consequences of a BWR Radioactive Offgas System Failure.

This portion of the meeting may include Executive Sessions both before and after the closed session with the Regulatory Staff.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written would fall within exemption (5) of 5 U.S.C. 552(b) and that other closed sessions will be held to discuss and exchange views on working papers which fall within exemption (5) of 5 U.S.C. 552(b). Further, any nonexempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with agency or Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

With respect to public participation in the open portion of the meeting concerning the draft Regulatory Guide on Instrumentation for Light Water Cooled Nuclear Power Plant Conditions During and Following An Accident, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the draft Regulatory Guide on Instrumentation for Light Water Cooled Nuclear Power Plant Conditions During and Following an Accident may do so by mailing 25 copies

thereof to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Written statements will be received up to the close of business, December 2, 1974 (the Subcommittee also intends to further review this particular Regulatory Guide at a future Subcommittee meeting). Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make an oral statement concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee between the hours of 9:30 a.m. and 10:30 a.m. on December 3.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 2, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., E.T.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 4, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(i) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, after March 3, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74–27304 Filed 11–21–74;8:45 am]

[Docket No. 50–317]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 3 to Facility Operating License No. DPR–53 issued to Baltimore Gas and Electric Company for operation of the Calvert Cliffs Nuclear Power Plant, Unit 1, located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment modifies the license to include permission to receive, possess and use 500 millicuries of byproduct material in the form of inspection and maintenance equipment that is radioactively contaminated with radioisotopes with atomic numbers within the range 3 to 83, in accordance with the licensee's letter-application for license amendment dated November 13, 1974, as amended by letter dated November 15, 1974.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment, dated November 13, 1974, and amendment thereto dated November 15, 1974, (2) Amendment No. 3 to License No. DPR–53, with any attachments, and (3) the related safety evaluation contained in the Commission's letter to Baltimore Gas and Electric Company. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing-Regulation.

Dated at Bethesda, Md., this 15th day of November 1974.

For the Atomic Energy Commission.

OLAN D. PARR,
Chief, Light Water Reactors Branch 1–3, Directorate of Licensing.

[FR Doc.74–27303 Filed 11–21–74;8:45 am]

[Docket No. 50–261]

CAROLINA POWER & LIGHT CO.

Issuance of Amendment to Provisional Operating License and Proposed Issuance of Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 10 and is considering the issuance of a further amendment to Facility Operating License No. DPR–23, issued to Carolina Power & Light Company revising Technical Specifications for operation of the H. B. Robinson Steam Generating Plant Unit No. 2, located in Darlington County, Hartsville, South Carolina. The issued amendment is effective as of its date of issuance.

The issued amendment permits revisions concerning the removal of limitations on steam generator water chemistry.

The proposed amendment would establish inspection and reporting requirements for a program of inservice inspection of steam generator tubing during continued operation of the plant pending implementation as a Technical Specification of Regulatory Guide 1.83, "Inservice Inspection of Pressurized Water Reactor Steam Generator Tubes", following full review by the staff.

The application for the issued Amendment No. 10 complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Ch. I, which are set forth in the license amendment.

Prior to the issuance of the proposed amendment the Commission will have made the findings required by the Act and the Commission's regulations.

On or before December 23, 1974, any person whose interest may be affected by the proceeding may file a request for a hearing in the form of a petition for leave to intervene with respect to the issuance of the amendment to the subject facility operating license. Petitions for leave to intervene must be filed under oath or affirmation in accordance with the provisions of § 2.714 of 10 CFR Part 2 of the Commission's regulations. A petition for leave to intervene must set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and the petitioner's contentions with respect to the proposed licensing action. Such petitions must be filed in accordance with the provisions of this FEDERAL REGISTER notice and Section 2.714, and must be filed with the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section, by December 23, 1974. A copy of the petition and/or request for a hearing should be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to George F. Trowbridge, Esquire, 910–17th Street,

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NW., Washington, D.C. 20006, the attorney for the licensee.

A petition for leave to intervene must be accompanied by a supporting affidavit which identifies the specific aspect or aspects of the proceeding as to which intervention is desired and specifies with particularity the facts on which the petitioner relies as to both his interest and his contentions with regard to each aspect on which intervention is requested. Petitions stating contentions relating only to matters outside the Commission's jurisdiction will be denied.

All petitions will be acted upon by the Commission or licensing board designated by the Chairman of the Atomic Safety and Licensing Board Panel. Timely petitions will be considered to determine whether a hearing should be noticed or another appropriate order issued regarding the disposition of the petitions.

In the event that a hearing is held and a person is permitted to intervene, he becomes a party to the proceeding and has a right to participate fully in the conduct of the hearing. For example, he may present evidence and examine and cross-examine witnesses.

For further details with respect to these actions, see (1) the applications for amendments dated September 4 and 24, 1974, (2) Amendment No. 10 to License No. DPR-23 with Change No. 35, and (3) the Commission's related Safety Evaluation for Amendment No. 10. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Hartsville Memorial Library, Home and Fifth Avenue, Hartsville, South Carolina. As they become available the (1) proposed license amendment and attachment, and (II) the Commission's related Safety Evaluation for the proposed license amendment will also be available at the above locations. A copy of items (2) and (3) above, and, when available, of items (1) and (II), may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Md., this 13th day of November 1974.

For the Atomic Energy Commission.

GEORGE LEAR,
Chief, Operating Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.74-27219 Filed 11-21-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23161; Order 74-11-10]

OVERSEAS NATIONAL AIRWAYS, INC.

Order of Tentative Approval

Correction

In FR Doc. 74-25963 appearing in the issue of Wednesday, November 6, 1974, the seventh line of numbered paragraph 3 in the second column on page 39313 reading "ture of services: *Provided*, The identity" should read "ture of services provided, the identity".

TEXAS INTERNATIONAL AIRLINES, INC.

Meeting

Notice is hereby given that a presentation will be made by the above carrier on December 11, 1974, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., on the carrier's overall strategy for restoring economic viability to the company.

Dated at Washington, D.C., November 19, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27367 Filed 11-21-74;8:45 am]

[Docket Nos. 27185, etc.; Order 74-11-89]

WESTERN AIR LINES, INC. AND HUGHES AIRWEST

Order Regarding Las Vegas-Calgary/Edmonton Route Proceeding

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of November 1974.

On May 8, 1974, a new bilateral air transport agreement between the United States and Canada was signed. This agreement provides for a number of new routes for United States and Canadian carriers, including new nonstop authority between Las Vegas and Calgary/Edmonton which was effective for U.S. carriers upon the date the agreement was signed.[1]

Western Air Lines (Docket 26702) and Hughes Airwest (Docket 25911) [2] have filed applications for amendment of their certificates of public convenience and necessity to include Las Vegas-Calgary/Edmonton authority. They have both also filed motions for expedited hearing,[3] Western on September 26, 1974, and Airwest on October 8, 1974.[4]

Upon consideration of the foregoing and other pertinent matters, we have determined to institute an investigation to be set down for expedited hearing[5] for the purpose of determining whether the public convenience and necessity require U.S.-flag service between Las Vegas and Calgary/Edmonton. Accordingly, we are consolidating for hearing the applications of Western and Airwest, in Dockets 26702 and 25911, respectively, insofar as their applications conform to the scope of the proceeding instituted herein.

Further, we have determined that the proceeding instituted herein is by its very nature not one which could lead to a "major Federal action significantly affecting the quality of the human environment" within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA). In a case such as the instant one all prospective environmental effects, direct and secondary, proceed in the first instance from changes in aircraft schedules and levels of service. Our conclusion in regard to the environment is largely based therefore, upon our finding that there are unlikely to be environmentally significant changes in such schedules and service levels should nonstop service be authorized. In view of the size of the Las Vegas-Calgary and Las Vegas-Edmonton markets (respectively, 12,665 and 960 O&D passengers for calendar year 1973)[6] and the present level of existing services,[7] it is doubtful that there will be a significant increase in total frequencies under any candidate for the instant authority. This fact must be placed against the large overall level of traffic at Las Vegas. Las Vegas ranked twenty-fifth among U.S. airports in air carrier passenger enplanements for fiscal year 1972. In 1973 there were 230,000 aircraft operations at McCarran International Airport, with 235,000 projected for 1975 and 247,000 for 1976.[8] It can be assumed that the air traffic at Calgary and Edmonton is of a substantial order. Therefore, it is unreasonable to suppose on the face of the matter that authorization of new U.S. service in the Las Vegas-Calgary/Edmonton markets will lead to more than very minor environmental changes.

[1] The best current service between Las Vegas and Calgary is one-stop and between Las Vegas and Edmonton two-stop.

[2] Airwest's application also seeks new Spokane-Edmonton, Spokane-Vancouver, Los Angeles-Calgary/Edmonton and San Francisco-Calgary/Edmonton authority.

[3] Western's motion was supported by an answer of the Las Vegas parties. Airwest also filed a motion for consolidation of Dockets 25911 and 26702.

[4] The carriers base their requests for expedited hearing upon the prospective diversionary impact of the new San Francisco-Calgary/Edmonton and Los Angeles-Calgary/Edmonton routes provided for a Canadian carrier by the bilateral agreement and for which Air Canada has been designated and is presently seeking Board authorization.

[5] Thus, the proceeding instituted herein will receive priority consideration in being set for hearing. We interpret the motions of Western and Airwest to solely request such priority and the term "expedited hearing" to solely encompass it. We do not mean to imply that any procedures apart from those normally utilized in Board proceedings shall be followed here.

[6] Joint Canada-U.S. O&D Survey.

[7] Calgary-Las Vegas is served by two daily Airwest one-stop round trips and Edmonton-Las Vegas by two daily Airwest two-stop round trips, in addition to connecting flights in both markets. OAG, October 15, 1974.

[8] Terminal Area Forecast, 1975-1985, Department of Transportation, FAA, Office of Aviation Economics, Aviation Forecast Division, July 1973, pages ix and WE31. (The forecasts in this study were prepared before the energy crisis in the fall of 1973 and therefore do not reflect its impact on future activity levels.)

Accordingly, we are not directing our staff to undertake the preparation of an environmental assessment. Our conclusion herein is not intended to foreclose any party from presenting evidence (subject to the usual evidentiary rules in force in C.A.B. proceedings) or from making arguments with respect to relevant environmental issues. Nor is our conclusion intended to foreclose our consideration of environmental impacts resulting from the contemplated licensing action which, although of a lesser magnitude than those required to trigger the NEPA procedures, might nonetheless be relevant to our decision.

Accordingly, it is ordered, That:

1. A proceeding to be known as the "Las Vegas-Calgary/Edmonton Route Proceeding," Docket 27185, be and it hereby is instituted and shall be set down for expedited hearing before an Administrative Law Judge of the Board at a time and place hereafter designated;

2. The proceeding instituted in paragraph 1, above, shall include consideration of the following issues:

a. Do the public convenience and necessity require, and should the Board authorize, the certification of an air carrier or air carriers to engage in foreign air transportation between Las Vegas, Nevada, on the one hand, and Calgary and Edmonton, Canada, on the other?

b. If the answer to (a) is in the affirmative, (I) which air carrier(s) should be authorized to engage in such service, and (II) what conditions, if any, should be placed on the operations of such carrier(s)?

3. The motion of Hughes Airwest for consolidation be and it hereby is granted;

4. Insofar as they conform to the scope of the proceeding set forth in paragraph (2) above, the applications of Western Air Lines, Inc., in Docket 26702, and Hughes Airwest, in Docket 25911, be and they hereby are consolidated with the proceeding instituted in paragraph (1) above; to the extent not consolidated, the foregoing applications be and they hereby are dismissed without prejudice;

5. The motions of Western Air Lines, Inc. and Hughes Airwest for expedited hearing be and they hereby are granted;

6. Applications, motions to consolidate and petitions for reconsideration of this order shall be filed 20 days from the service date of this order and answers thereto shall be filed five days thereafter; and

7. A copy of this order shall be served upon the following: The Departments of the Interior, Transportation, Commerce, Housing and Urban Development and Health, Education, and Welfare; the National Aeronautics and Space Administration; the Federal Aviation Administration; the General Services Administration; and the Environmental Protection Agency.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27369 Filed 11-21-74;8:45 am]

COMMITTEE FOR PURCHASE FROM THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1975

Notice of Establishment

Correction

In FR Doc. 74-26225, appearing at page 39964 in the issue of Tuesday, November 12, 1974, the second code entry in the table of "Assignment Codes", on page 39964 reading "RP" should be changed to read "RF".

PROCUREMENT LIST 1975

Proposed Deletions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodities and service from Procurement List 1975, NOVEMBER 12, 1974 (39 FR, 39964).

COMMODITIES

CLASS 7210

Mattress (IB), Cotton-Felt, 7210-00-205-3574, 7210-00-205-3575, 7210-00-205-3576, 7210-00-205-3579, 7210-00-252-9628, 7210-00-274-3780, 7210-00-205-3581, 7210-00-531-6477, 7210-00-205-3908, 7210-00-205-3907, 7210-00-258-4649, 7210-00-253-4648, 7210-00-205-3904, 7210-00-205-3905, 7210-00-205-3902, 7210-00-205-3900, 7210-00-205-3893, 7210-00-680-0936, 7210-00-205-3894, 7210-00-205-3889, 7210-00-716-0500, 7210-00-274-7001, 7210-00-205-3465, 7210-00-531-6480, 7210-00-205-3532, 7210-00-205-3454, 7210-00-205-3455, 7210-00-269-9198, 7210-00-205-3915, 7210-00-205-3916, 7210-00-205-3913, 7210-00-205-3896.

Innerspring, 7210-00-205-3535, 7210-00-551-5497, 7210-00-205-3488, 7210-00-205-3489, 7210-00-205-3490.

CLASS 8440

Neckerchief (IB), 8440-00-240-4922.

CLASS 8465

Bag, Sleeping (IB), 8465-00-338-5415.
Bag, Soiled Clothes (IB), 8465-00-286-5455.

SERVICE

INDUSTRIAL CLASS 8231

Lending Library (CP), 50 States, Washington, D.C., and the Commonwealth of Puerto Rico (Domestic Portion Only).

Comments and views regarding these proposed deletions may be filed with the Committee not later than on or before December 23, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and Other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia.

By the Committee.

E. R. ALLEY, Jr.,
Acting Executive Director.

[FR Doc.74-27354 Filed 11-21-74;8:45 am]

PROCUREMENT LIST 1975

Proposed Deletion

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed deletion of the following commodities from Procurement List 1975, November 12, 1974 (39 FR 39964).

CLASS 6532

Cap, Operating, Surgical, 6532-00-250-5041, 6532-00-250-5042, 6532-00-122-0468.

Comments and views regarding these proposed deletions may be filed with the Committee on or before December 23, 1974. Communications should be addressed to the Executive Director, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-27355 Filed 11-21-74;8:45 am]

PROCUREMENT LIST 1975

Proposed Additions

Notice is hereby given pursuant to section 2(a)(2) of Pub. L. 92-28; 85 Stat. 79, of the proposed addition of the following services to Procurement List 1975. November 12, 1974 (39 FR 39964).

Repacking and Remarking
General Services Administration
Supply Depot
Stockton, California

INDUSTRIAL CLASS 7374

Keypunch and Verification
General Services Administration
Region 9
San Francisco, California

Comments and views regarding these proposed additions may be filed with the Committee not later than on or before December 23, 1974. Communications should be addressed to the Executive Director, Committee for Purchase from the Blind and other Severely Handicapped, 2009 Fourteenth Street North, Suite 610, Arlington, Virginia 22201.

By the Committee.

C. W. FLETCHER,
Executive Director.

[FR Doc.74-27356 Filed 11-21-74;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Meeting

Notice is given that a meeting of the Product Safety Advisory Council will be held on Monday, December 9, 1974 (8 am to 5 pm) and Tuesday, December 10, 1974 (9 am to 4:30 pm) in the 6th Floor Conference Room, Consumer Product Safety Commission, 1750 K Street, NW., Washington, D.C.

The Advisory Council has been established pursuant to section 28 of the Consumer Product Safety Act (PL 92-573, 86 Stat. 1230; 15 U.S.C. 2077). The Act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the Act.

The Advisory Council will meet in task groups on the morning of December 9, beginning at 8 am, through approximately 2:30 pm. The task groups of the

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Advisory Council were established at a prior meeting to consider matters in the following areas: bans and recalls, standards, education/public information, enforcement and surveillance, and state relations. A portion of the afternoon session on December 9 will be devoted to a briefing by the task groups to the full Council of their discussions.

Specific agenda topics to be covered on December 10 have not yet been determined. The Commission plans to seek the Council's advice on several policy issues and these issues will form the basis for the agenda.

The meeting is open to the public, however, space is limited. Further information concerning this meeting and agenda topics may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone, (202) 634–7700.

Dated: November 19, 1974.

SADYE E. DUNN
Secretary, Consumer Product Safety Commission.

[FR Doc.74–27358 Filed 11–21–74;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council on Environmental Quality from November 11 through November 15, 1974. The date of receipt for each statement is noted in the statement summary. Under Council Guidelines the *minimum* period for public review and comment on draft environmental impact statements is forty-five (45) days from this FEDERAL REGISTER notice of availability. (January 6, 1975.). The thirty (30) day period for each final statement begins on the day the statement is made available to the Council and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies will also be available at cost, from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

DEPARTMENT OF AGRICULTURE

Contact: Dr. Fred H. Tschirley, Acting Coordinator, Environmental Quality Activities, Office of the Secretary, U.S. Department of Agriculture, Room 331–E, Administration Building, Washington, D.C. 20205, 202–447–3965.

FOREST SERVICE

Draft

Upper Trinity Planning Unit, Shasta-Trinity N.F., Trinity County, Calif., November 14: The statement refers to a proposed land use plan for the upper Trinity Planning Unit, Shasta-Trinity National Forest. The plan applies to 50,680 acres of land. The proposal provides for protection of amenity values and quality of the natural environment and commodity utilization. Adverse impacts include loss of some wilderness area due to road construction, and long term negative aesthetic impact resulting from the strip mining of asbestos deposits (99 pages). (ELR Order No. 41718.)

Eightmile-Blue Creek Units, Six Rivers, N.F., Humboldt and Del Norte Counties, Calif., November 14: The statement refers to the proposed land use management plans for the Eightmile and Blue Creek Units of the Six Rivers National Forest in Del Norte and Humboldt Counties. The land use plans apply to 94,000 acres of N.F. lands, of which 59,800 acres have been inventoried as roadless. Management would include timber harvesting on 33,800 acres. Off-road vehicle closures are proposed in 7,800 acres. Adverse impacts include: loss of wilderness values, change in overall visual quality, temporary degradation of water quality and air quality, increased noise, and slight reduction in stream habitats. (ELR Order No. 41723.)

Bighorn Winter Sports Site, Caribou N.F., Idaho, November 14: The statement refers to the proposed development of the Bighorn Winter Sports Site, in the Caribou National Forest, Idaho. It is proposed that 600 acres be developed to provide skiing capacity for approximately 3,000 skiers per day. The development includes 7 ski lifts with associated ski runs, lodge, parking for 1,000 cars, spring development, water line, sewer line, and drainage field, buried power lines, and access roads. Adverse impacts are landscape alteration, surface erosion, loss of timber producing area, and loss of cattle grazing area (50 pages). (ELR Order No. 41719.)

Lake Fork Management Unit, Wallowa-Whitman N.F., Oreg., November 14: The statement refers to the Lake Fork Management Unit located in the Wallowa-Whitman N.F. The proposed plan is the selection of long range resource allocation plan and management activity direction. The project area consists of 17,400 acres. Adverse impacts are soil and water quality degradation where development activities are allowed, and increased noise and air pollution due to construction and forest visitors. (ELR Order No. 41720.)

Final

Winter Sports Development, El Dorado N.F., Amador and El Dorado Counties, Calif., November 11: Proposed is the expansion of a ski area in the Corral Flat area of El Dorado National Forest. The proposed ultimate development will include 6 ski lifts with a capacity of 2,700; one or two surface lifts; one day lodge, motel, and parking for 1,150 cars; and associated support facilities such as a power plant, sewage disposal system, wells, maintenance, and first aid buildings. Approximately 1,040 acres of Forest land and 90 acres of private land would be included in the project boundary. The statement indicates that project impact upon water, air, soil, esthetics, and wildlife will be minimal (123 pages). Comments made by: USDA, EPA, DOI, AMP, and state and local agencies and concerned citizens. (ELR Order No. 41695.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Turbine Generating Station, Wray, Yuma County, Colo., November 13: The Tri-State Generation and Transmission Assn., Inc., proposes to request financing for an insured loan to provide for approximately 200 MW of combustion turbine capacity to be installed at an existing substation near Wray, Colorado. The units will be capable of firing natural gas or sitillate fuel oil. These units are needed to provide power to the increase in irrigation pumping and support Transmission. Because of the new facility, some nitrogen oxides, sulfur dioxide, and particulate matter will be released into the atmosphere. (ELR Order No. 41710.)

SOIL CONSERVATION SERVICE

Draft

East Fork Pond River Watershed, Christian, Muhlenburg, and Todd Counties, Ky., November 15: The statement refers to the proposed East Fork Pond River Watershed protection and flood prevention project in Christian, Muhlenberg, and Todd Counties. Included in the project are two floodwater retarding structures and 15.8 miles of channel work. Adverse impacts are alteration of 82 acres of wildlife habitat, and disruption of aquatic and terrestrial ecological systems in the stream affected by channel work. (ELR Order No. 41726.)

Pott-Sem-Turkey Watershed, Seminole and Pottawatomie Counties, Okla., November 13: The statement refers to the Pott-Sem-Turkey Watershed protection and flood prevention project in Pottawatomie and Seminole Counties, Oklahoma. Project measures include accelerated application of land measures for 22,247 acres of agricultural land and installation of 11 floodwater retarding structures for the reduction of floodwater sediment, and erosion damages on 2,564 acres of flood plain land. Adverse impacts include the use of 110 acres of farmland for dams and spillways, the permanent inundation of 297 acres, the intermittent inundation of 833 acres, the disturbance or destruction of 18 archeological sites, and temporary construction disturbances. (ELR Order No. 41714.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, Attn: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Davenport Local Flood Protection, several counties in Idaho, November 14: The statement concerns the construction of earth levees and concrete floodwalls along the Mississippi River from Government Bridge downstream to I–280 channel to provide flood protection to the Davenport area. Adverse effects include: loss of Dahant Marsh through accelerated commercial and industrial development in response to flood protection; loss of trees and vegetation along the river bank; loss of usable land from LeClaire Park; and increased turbidity, noise, and dust during construction (Rock Island District).(216 pages). (ELR Order No. 41722.)

Clarence Cannon Dam and Reservoir, Salt River, several counties in Missouri, November 14: The project concerns the completion of the Clarence Cannon Dam and reservoir on the Salt River to provide flood control, hydroelectric power, watersupply, fish and wildlife conservation, recreation and incidental navigation. As of July 1, 1974, the construction was 28% completed. Adverse effects include: the inundation of 18,600 acres of wildlife habitat and 73 to 101 archeological sites; destruction of an historical site; and displacement of 74 families (St. Louis District) (240 pages). (ELR Order No. 41726.)

Root Creek, Bolivar, Allegany County, N.Y., November 11: Proposed is a flood protection project consisting of widening, deepening, minor realignment, and the construction of a section of floodwall through the Village of Bolivar, Allegany County, N.Y. The project will reduce periodic flood damage, eliminate an erosion problem on the high bank, and alter aesthetic conditions. Adverse effects include: temporary increases in acoustic levels, stream turbidity and sedimentation, dust exhaust and smoke, and a reduction in the

quality of the stream bottom as a fish habitat (25 pages). (ELR Order No. 41696.)

Maintenance of Browns Creek, Long Island, N.Y., November 12: The statement concerns future maintenance dredging of the existing Federal navigation project in Browns Creek, Long Island, N.Y., to its authorized project dimensions. The work would be performed when necessary by contract dredge with spoiling on existing disposal areas. Adverse effects include: removal of benthic organisms; increased turbidity; and, depending upon the method used, either suspended and dissolved materials reintroduced into the Waterway, disturbed shellfish beds, or turbidity in the surf zone (New York District) (29 pages). (ELR Order No. 41707.)

Grafton Flood Control, Park River, N. Dak., November 11: This revised draft refers to the construction of a levee surrounding Grafton, North Dakota, and vicinity, and the construction of a channel which would allow flood water to bypass the leveed area. Interior drainage facilities would be included. Adverse impacts include: the loss of 5 acres of floodplain forest, 230 acres of highly fertile agricultural land, and another 130 acres of land for spoil disposal; reduction of biological productivity along the bypassed river channel; and, the disruption of 0.1 miles of natural river channel (St. Paul District). (ELR Order No. 41700.)

Corpus Christi Beach Restoration Project, Texas, November 15: The statement, a revised draft, refers to the restoration of Corpus Christi Beach. The plan of improvement provides for restoration and periodic nourishment of 1.4 miles of beach. Adverse impacts are the covering of 106 acres of bay bottom by restoration material, increased turbidity during dredging, and the destruction of some marinelife. (ELR Order No. 41735.)

Final

C–135 and Tower Hillsborough Basin, Four River Basin, Fla., November 11: The proposed project is the construction of a 14-mile bypass canal (C–135) from the Hillsborough River to McKay Bay with 3 control structures; construction of a 2-mile Hillsborough River Diversion Canal (C–136) and 1 control structure. About 3,500 acres of land will be converted to form the flood control system. Adverse impacts are: loss of forest land and other vegetative matter, destruction of benthic organisms and marine life, degradation of water quality due to salt water intrusion, and lowering of the water table and an artesian aquifer. Comments made by: HUD, USDA, DOT, DOC, DOI, EPA, and state agencies and concerned citizens. (ELR Order No. 41692.)

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202–697–0802.

Draft

Ammunition Facility, Naval Air Station, North Island, November 15: The statement refers to the establishment of new ordnance storage and handling facilities at North Island, San Diego Naval Station. Construction includes a berthing tee shaped pier. The facility will also include earth-covered ordnance storage magazines, utilities, roads, parking, and security fencing. There will be adverse impact to marine and bottom life caused by dredging. (ELR Order No. 41732.)

Final

Proposed Pier 7, San Diego Naval Station, Calif., November 11: Proposed is the construction of a reinforced concrete pier, 80 feet wide by 1,480 feet long, at the Naval Station. The project area will be deepened to 35' MLLN plus 1' overdredge; total estimated dredging will be 394,800 cu. yds. The spoil will be disposed of at the 100 fathom EPA designated disposal site 8 miles west of Point Loma (197 pages). Comments made by: EPA, USCG, DOC, DOI, and regional agencies. (ELR Order No. 41693.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF RECLAMATION

Draft

Granite Reef Aqueduct Transmission System, Arizona and New Mexico, November 15: The statement describes the impact associated with constructing an electric power transmission system to supply power to pumping plants and check structures along the Granite Reef Aqueduct Transmission System, Central Arizona Project. Approximately 275 miles of backbone 230–kV transmission line, at 230–kV and 115–kV will be constructed. Also, 77 miles of radial transmission line, at 230–kV and 115–kV will be constructed. Adverse impacts are negative effects on aesthetic values, acquisition of 4,200 acres for right-of-way, and temporary disturbance to biota. (ELR Order No. 41733.)

Final

American Falls Dam Replacement and Powerplant, Power, Bingham, and Bannock Counties, Idaho, November 13: Proposed is the replacement of the existing dam, the maintenance of the 1.7 million-acre-foot reservoir at its present size, and the construction of a new 100 MW powerplant downstream. The present dam is considered to be below acceptable safety standards. The statement was prepared in connection with Senate Bill S.1529 (100 pages). Comments made by: DOI, USDA, COE, DOC, EPA, AHP, DOT, FPC, and state and local agencies and concerned citizens. (ELR Order No. 41713.)

NATIONAL PARK SERVICE

Draft

Gulf Islands National Seashore Wilderness Area, Florida and Mississippi, November 14: The statement refers to the proposed designation of 1,510 acres within Gulf Islands National Seashore as wilderness. In addition, it is proposed that 2,560 acres within the

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tennessee 37401, 615–755–2002.

Final

Transmission Line, several counties in Northeast Alabama, November 11: Proposed is the construction and operation of a 500 kV transmission line interconnecting the TVA and Alabama Power Co.'s systems in portions of Jackson, Marshall, Blount, Gullman, and Jefferson counties. Environmental impacts involve limitations on land use, temporary construction effects, and possible aesthetic effects. Comments made by: AHP, USDA, COE, HUD, DOI, DOT, EPA, FPC, and state and local agencies. (ELR Order No. 41703.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 7th Street SW., Washington, D.C. 20590, 202–426–4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Whiteman Airport, Los Angeles, Los Angeles County, Calif., November 11: The statement concerns the improvement of Whiteman Airport, Los Angeles, California. Included is the proposed construction of a new lighted runway and extension of an existing runway, 2 warm-up pads, an aircraft apron, an extension of the taxiway, temporary runways and roads for use during construction, and other related work. Adverse impacts include increased air pollution and aircraft noise. A 4(f) determination will be necessary in regard to Roger Jessup Recreational Park. (ELR Order No. 41706.)

Rush County Airport, Kans., November 11: The statement concerns the construction of an airport in Rush County near La Crosse, Kansas. Included in the proposal is the construction of a 3,200' x 60' Runway 16/34 with exit taxiway and ramp and associated taxiways, aprons, etc. Since the airport would be used primarily for small aircraft (private and business), adverse effects due to noise and air pollution are expected to be minimal. (ELR Order No. 41704.)

Hawkins Field, Jackson, Hinds County, Miss., November 15: The statement refers to the proposed development of Hawkins Field, Jackson, Mississippi. The project includes extension of a runway, construction of parallel and connecting taxiways, construction of extended runway safety areas, and clearing, grubbing, and reseeding 64 acres. There will be increased noise levels because of the project. (Elr Order No. 41734.)

Final

Tierra Rejada Airport, Ventura County, Calif., November 14: The statement refers to the proposed construction of a new general aviation airport in the Tierra Rejada Valley. The total project includes the acquisition of 170 acres of land, the relocation of Moorpart Road and its associated telephone and power lines, and the construction of flood control facilities. Initial development of the facility consist of a single main runway (3,700' x 75'), a parallel taxiway, and approximately 50,000 sq. yds. of aircraft parking apron. There will be increases in noise and air pollution. Comments made by: EPA, DOI, USDA, DOT, HUD, and state and local agencies and concerned citizens. (ELR Order No. 41727.)

Jackson County Airport, Jackson County, W. Va., November 11: The proposal refers to construction of a general aviation airport 3.3 miles southwest of Ravenswood, in Jackson County. The project will include grading, draining, and paving a southwest runway; construction of an aircraft parking apron and connecting taxiways; installation of medium intensity runway lighting systems; and the development of a 0.9 mile paved airport access road. The project will create a slight increase in the noise level. (90 pages). (Comments made by: EPA, DOI, DOC, USDA, COE, DOT, and state and local agencies and concerned citizens. (ELR Order No. 41705.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

S.R. 120, San Joaquin County, Calif., November 11: Proposed is a 2 lane, 6.5 mile long freeway facility connecting I–5 on the west to Highway 99 on the east. Adverse effects include: the required relocation of 118 families (already underway) and 6 businesses; the use of 435 acres of agricultural land for highway use; and the growth-inducing effects to the adjoining land (51 pages). (ELR Order No. 41701.)

U.S. 56, Marion County, Kans., November 11: Proposed is the improvement of approximately 15 miles of U.S. 56, a 2-lane highway

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in Marion County, Kansas. The project includes right-of-way acquisition, extensive grading, bridge construction, and surfacing. Adverse impacts include: the displacement of families and businesses, the destruction of some wildlife habitat, and the temporary noise, air, and water pollution due to construction. (ELR Order No. 41702.)

I-95, Baltimore City, Md., November 11: This statement is in anticipation of the design and construction of an 8-lane, controlled access expressway and underwater tunnel crossing of the NW Branch of Baltimore Harbor. The proposed segment of I-95 would be approximately 4.7 miles long and would extend from the proposed interchange with I-395 near Middle Branch at Hanover St. to an interchange with I-83 in Baltimore City. Adverse impacts are displacement of industry and existing transportation facilities, visual intrusiveness to Fort McHenry during construction, and spoil disposal problems caused by harbor dredging. A 4(f) determination is necessary concerning Fort McHenry. (ELR Order No. 41691.)

Bailey Ave.; further bisecting of existing County, Miss., November 11: Proposed is the widening and improvement of Bailey Ave. as a four-lane urban street from Peter St. to Neatum St. including construction of a 4-lane overpass bridge, connecting the frontage streets. Adverse impacts include: displacement of families; increased travel time for interchange traffic from Stonewall St. and Bailey Ave.; further bisecting of existing neighborhood; and the increased levels of oxides and nitrogen. (ELR Order No. 41699.)

S.R. 46, Cascade Lakes Highway, Deschutes County, Oreg., November 14: The projosed project involves the improvement and widening of an 11.2 mile segment of the 2-lane Oregon Forest Highway Route 46, Cascade Lakes Highway, from Bachelor Butte to Elk Lake. Adverse impacts include the permanent loss of 40 acres of land for flora and fauna habitat and temporary effects normally associated with construction (179 pages). (ELR Order No. 41716.)

Gantt Freeway, Greenville, Greenville County, S.C., November 14: Proposed is the construction of a segment of Gantt Freeway, a 6-lane loop in downtown Greenville, S.C. The segment would extend 2.5 miles from S.C. 124 to S.C. 20. Adverse effects include the displacement of approximately 252 families, 12 businesses, and 2 churches, and the introduction of noise pollution into a new corridor. (ELR Order No. 41717.)

Final

Honoapiilani Highway, Maui County, Hawaii, November 15: The project involves the realignment of Hanoapiilani Highway in the Lahaina District of the Island of Maui for 5 miles. The two lane road will be comprised of two segments from Honokowai to Alaeloa and from Alaeloa to Honokahu. The new highway will improve agricultural produce hauling, improve access to regional recreation areas, and to promote area urban development. Adverse impacts include disturbance to natural terrain, and increases in air, water, and noise pollution, especially during construction. Comments made by: DOT, COE, USDA, EPA, HEW, DOI; and state agencies. (ELR Order No. 41730.) (NTIS Order No. (none).)

I-55, Normal to Gardner, McLean, Livingston, and Grundy Counties, Ill., November 13: The statement refers to the construction of 56.5 miles of I-55, a four-lane freeway, from Normal to Gardner. Adverse impacts of the project will be increased noise levels, and the use of 1,550 acres of land for right-of-way (132 pages). Comments made by: USDA, COE, DOI, DOT, EPA, and date and local agencies. (ELR Order No. 41709.)

Route 71, Maryville Relocation, Nodaway County, Mo., November 13: The Statement considers four corridors for the proposed relocation of approximately 7 miles of Route 71. The project will provide a four lane limited access facility through or around Maryville. Five families will be displaced because of the project. Approximately 230 acres of rural land will be acquired for right of way. Adverse effects include loss of tax base and increased air and noise pollution (40 pages). Comments made by: (ELR Order No. 41711.)

Elmira North-South Arterial, Chemung County, N.Y., November 11: Proposed is the construction of a "New Main Street" with four travel lanes, center median/left turn lane, signalized intersections at major cross streets, pedestrian crossings, controlled access, and appropriate safety and aesthetic treatment. Project length is 7.5 miles. The project is intended to relieve congested north-south streets of local traffic and aid in Urban Renewal Flood recovery planning. Depending upon the route selected, displacements will range between 98 and 118 families and 41 and 49 businesses (134 pages). Comments made by: EPA, DOI, HEW, HUD, USDA, DOT, COE, and State and local agencies and concerned citizens. (ELR Order No. 41694.)

S.R. 7, Belmont and Jefferson Counties, Ohio, November 15: The project involves the relocation of 7.5 miles of existing State Route 7 between Martins Ferry to the south and little Rush Run to the north. Adverse impacts are the necessary use of land for right-of-way, the displacement of 122 families and 11 businesses, elimination of some wildlife habitat, and temporarily increased air, water, and noise pollution (159 pages). Comments made by: DOI, EPA, HUD, USDA, COE, and State agencies. (ELR Order No. 41731.)

Bryan Drive Bypass, Horry and Georgetown Counties, S.C., November 13: Proposed is the construction of 11 miles of the four lane Bryan Drive Bypass, from US 501 to US 17, just north of Murrells Inlet. Project displacements will include one electrical substation and eight dwellings (30 pages). Comments made by: DOI, EPA, COE, HUD, and State agencies. (ELR Order No. 41715.)

S.R. 137, Johnson City, Washington County, Tenn., November 11: The statement refers to the construction of a 1.89 mile section of S.R. 137 in Washington County, Tennessee. The 4-lane project extends from Market Street to the south limits of Johnson City. Adverse impacts are increased noise levels and the disruption of the community. Comments made by: HUD, DOI, DOT, TVA, HEW, EPA, and State and local agencies and concerned citizens. (ELR Order No. 41697.)

SH 288, Houston, Harris County, Tex., November 12: The statement refers to SH 288 on new location from Bellfort northward 4.5 miles to Elgin Street in the southerly portion of Houston. It is proposed as a dual-dual freeway consisting of 4 service lanes in each direction. Adverse impacts consist of small amounts of erosion and sedimentation during construction, and increased noise levels (343 pages). Comments made by: EPA, DOI, COE, USDA, USCG, HEW, and State and local agencies. (ELR Order No. 41708.)

U.S. COAST GUARD

Draft

Arcata Airport, McKinleyville, Humboldt County, Calif., November 13: The proposed action provides for the establishment of a new Search and Rescue (SAR) air station in McKinleyville, California. Included in the project are hangar, utility buildings, bachelor enlisted quarters, site paving and walkways, jet refueling system, communications antenae, and taxiway lighting. There will be some visual impact and the possibility of hydrological impact because of the facility. There will be secondary impacts involving the scarce housing supply and future sewage tie-in requests for the McKinleyville system. (ELR Order No. 41712.)

NATIONAL PARK SERVICE

Draft

Great Smoky Mountains National Park Wilderness Area, Tennessee and North Carolina, November 14: The statement refers to NPS's recommendation that 300,500 acres of Great Smokey Mountains National Park be designated as wilderness of 76% of parklands will help to assure their perpetuation in an undeveloped state. Recreational use of the parkland will become more difficult because of lack of maintenance. (ELR Order No. 41725.)

Due to a technical error, the following statement did not appear in the October 25, 1974 FEDERAL REGISTER. However, the commenting period should begin on that date.

DEPARTMENT OF TRANSPORTATION

Draft

U.S. 50, Alternate W. Va. 20, Harrison County, W. Va., October 15: Proposed is the relocation of U.S. 50 and construction of alternate W. Va. 20. U.S. 50 wil be a divided, 4-lane road beginning in Clarksburg, W. Va., and running easterly for a distance of 2.31 miles to its termination at the western ramps of I-79—U.S. 50 interchange. Alternate W. Va. 20, connecting W. Va. 20 and Relocated U.S. 50, will be 2 lanes and will run for 0.22 miles. Adverse effects include the displacement of 178 families and 9 businesses, and the temporary air, water and noise pollution normally associated with construction.

In the October 25, 1974 FEDERAL REGISTER, the Council on Environmental Quality published a notice of availability concerning the final environmental impact statement on Interstate 580/SR 238 in Alameda County, California. It has come to the Council's attention that there has not been full distribution of the complete impact statement. Because of this, the thirty (30) day commenting period will not begin until CEQ receives assurances from the Department of Transportation that there has been full distribution of this document.

GARY L. WIDMAN,
General Counsel.

[FR Doc.74-27360 Filed 11-21-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 297-8]

ENVIRONMENTAL IMPACT STATEMENTS AND OTHER ACTIONS IMPACTING ENVIRONMENT

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of October 16, 1974 and October 31, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II below, and the EPA source for copies of the comments as set forth in Appendix V below.

Appendix II below contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I below.

Appendix III below contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V below.

Appendix IV below contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V below.

Appendix V below contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV below.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency.

Dated: November 12, 1974.

Sheldon Meyers,
Director, Office of
Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between Oct. 16, 1974 and Oct. 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
D-AFS-F61003-MN	Replacement of Prairie Portage Dam, Superior National Forest, Minn.	LO-1	F
D-AFS-G61001-AR	Construction of phases II and III of the Blanchard Springs Caverns project, Ark.	LO-2	G
D-AFS-G65002-AR	Forks unit plan, Ouachita National Forest, Southern Region, Ark.	LO-2	G
D-AFS-K65001-CA	Lassen National Forest, timber management plan, Lassen County, Calif.	ER-2	J
D-AFS-L61005-ID	Proposed Big Wood ski area development, Sawtooth National Recreation Area, Sawtooth National Forest, Blaine County, Idaho.	LO-2	K
D-AFS-L61006-OR	Timberline lodge complex, management direction, Mount Hood National Forest, Clackamas County, Oreg.	LO-1	K
D-SCS-C86002-NY	Mill Brook watershed, Chenango County, N.Y.	ER-2	C
Corps of engineers:			
DS-COE-A36215-OK	Shidler Lake, Salt Creek, Osage County, Okla.	ER-2	G
DS-COE-A36279-WI	Flood control, Mississippi River at La Crosse, Wis.	ER-2	F
D-COE-C36003-NJ	Flood control project for the Railway River and Van Winkles Brook, Township of Springfield, N.J.	ER-2	C
D-COE-C36005-NY	Flood control project, Saw Mill River, Elmsford, Town of Greensburgh, N.Y.	ER-2	C
D-COE-D34001-WV	R. D. Bailey Lake project, Guyandotte River, W. Va.	ER-2	D
D-COE-E35003-GA	Brunswick Harbor, maintenance dredging, Georgia	ER-2	E
D-COE-E36004-TN	West Tennessee Tributaries, flood control project, Tennessee.	ER-2	E
D-COE-E36006-NC	Green Mill Run, flood control project, Pitt County, N.C.	LO-2	E
D-COE-F34001-IN	Big Pine Lake, Big Pine Creek, Wabash River Basin, Warren County, Ind.	ER-2	F
DS-COE-G36001-AR	Big Creek and Tributaries, Lower White River Basin project, Lee, Monroe, Phillips, and St. Francis Counties, Ark.	ER-2	G
Department of Interior:			
D-BOR-A61272-00	North Country Trail, Vermont, Pennsylvania, New York, Ohio, Michigan, Wisconsin, Minnesota, and North Dakota.	LO-2	A
D-NPS-F61002-00	Lower St. Croix National Scenic Riverway, Minnesota and Wisconsin.	LO-1	F
General Services Administration:			
D-GSA-E61002-TN	Federal Youth Center for Correctional Treatment programs, Memphis, Shelby County, Tenn.	ER-2	E
Department of Housing and Urban Development:			
D-HUD-E85001-SC	Portion of the Camp Fornace urban renewal area, Columbia, Richland County, S.C.	ER-2	E
Panama Canal Company:			
D-PCC-E06002-00	License application by the Instituto de Recursos Hidraulicos y Electrificacion for power transmission lines, La Fortuna, C.Z.	LO-2	E
Tennessee Valley Authority:			
D-TVA-E05001-TN	Johnsonville steam plant, units 11-16, 6-unit gas turbine peaking plant addition, Humphreys County, Tenn.	EU-2	E
Department of Transportation:			
D-CGD-G32003-TX	Vessel traffic system for the Houston-Galveston area, Texas.	LO-1	G
D-FAA-E51001-KY	Princeton-Caldwell County Airport, Princeton, Ky.	LO-2	E
DS-FHW-A41280-FL	Palm Beach County, State Road 749, FL-749, Air quality analysis, Florida.	ER-2	E
DS-FHW-B40003-CT	I-291, supplement, Rocky Hill, Wethersfield, Newington, New Britain, Conn.	ER-2	B

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Identifying No.	Title	General nature of comments	Source for copies of comments
D-FHW-E40005-TN	Hamilton County, State Route 58 from Broad and 20th Streets to Main and Grove Streets, FAP U-094-1(7), Chattanooga, Tenn.	LO-2	E
D-FHW-F40011-OH	I-275, Ohio River to Four Mile Road, Cincinnati, Hamilton County, Ohio.	LO-2	F
D-FHW-F40012-OH	Relocation of U.S. 30, Whipple Avenue, to East Canton, Stark County, Ohio.	LO-2	F
D-FHW-G40010-OK	North and west outer loops in Oklahoma City, Oklahoma County, Okla.	ER-2	G
D-FHW-G40013-TX	Loop 436, bypass from U.S. 59, north of Carthage, to U.S. 59, south of Carthage, Panola County, Tex.	LO-2	G
D-FHW-H40005-IA	Freeway 520, Grundy and Black Hawk Counties, Iowa.	3	H
D-FHW-H40006-IA	U.S. 63, Wapello County, Iowa	ER-2	H
D-FHW-J40003-CO	Project I-70-1(19) and (36), Debuque-Grand Valley segment, Colorado.	ER-2	I
D-FHW-L40007-AK	Lake Otis Parkway, Tudor Road to Northern Lights Boulevard, Alaska.	LO-1	K

APPENDIX II—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as wall as alternatives reasonably available to the project or action.

Category 2—Insufficient Information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between Oct. 16, 1974, and Oct. 31, 1974.*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
F-AFS-A61205-SC	Keowee unit management plan, Sumter National Forest, Oconee County, S.C.	EPA generally had no objections to the proposed action, However, EPA recommended a revised summary sheet, section II and section IV, to disclose the impacts on air quality from clearing, logging, construction activity, visitors, vehicles, and roads, be prepared.	E
F-REA-A06012-ND	Underwood Generating Station, units 1 and 2 and related transmission lines, North Dakota.	EPA believes that additional evaluation of alternative sites is necessary to determine whether a valuable marsh on the proposed existing site can be preserved. EPA recommended that a supplemental impact statement be prepared. Reclamation plans should provide for topsoil replacement and reseeding.	
F-REA-A06017-ND	Yampa project, Colorado-Ute Electric Association and Tri-State Generation & Transmission Association, North Dakota.	EPA generally had no objections to the project as proposed. However, EPA recommended that REA reconsider the method of surface mining and the preparation of additional meteorological studies.	I

Identifying No.	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
F-AEC-A06121-NC	Revised, Shearon Harris Nuclear Power Plant, units 1, 2, 3, and 4, Carolina Power & Light Co., docket Nos. 50-400, 401, 402, 403, North Carolina.	EPA expressed concern that the AEC failed to respond to EPA's radiological comments on the draft statement. EPA requested that the AEC respond to our comments before proceeding with the project.	A
General Services Administration:			
F-GSA-A80017-CA	Proposed disposal of Travis Air Force Base Defense Area, Nike Battery 86, Solano County, Calif.	EPA had no objections to the project as proposed.	I
F-GSA-A81153-OH	Federal office building and parking facility, Columbus, Ohio.	do	F
Department of Interior:			
F-DOI-A80078-TX	Cibolo project, Texas	EPA expressed environmental reservations on the proposed project. EPA is concerned that the cumulative reduced flows into the San Antonio Estuary resulting from the implementation of this and similar proposed projects in the area could have significant effects on water quality. Cumulative flow reductions could result in decreased sedimentation and nutrient replacement and increased salinity levels in the estuary thereby possibly altering the make-up of the aquatic community.	G
F-IBR-A30081-WY	Proposed sale of municipal and industrial water from Fontenelle Reservoir, Seedskadee project, Wyoming.	Because of the potential severity of this action on Green River stream flows, potentially resulting in a violation of Wyoming water quality standards, and the lack of an irrigating plan to control salinity in the Colorado Basin, EPA has severe environmental reservations on this project. If the outstanding issues can not be resolved in an upcoming meeting, EPA will consider taking further action.	I
Pennsylvania Avenue Development Corporation:			
F-PAD-A80412-DC	Pennsylvania Avenue Plan, 1974, Washington, D.C.	EPA had no objections to the project as proposed.	D
U.S. Water Resources Council:			
F-WRC-A34044-MS	Comprehensive basin study of the Big Black River, Miss.	do	E
Department of Transportation:			
F-FHW-A41653-MA	I-190, Worchester-Sterling, Worchester County, Mass.	EPA generally had no objections to the proposed project. However, EPA expressed concern that safeguards be implemented to prevent serious damage to the reservoir from a hazardous materials spill on the roadway. EPA also indicated the importance of assuring that the project be consistent with Massachusetts air implementation plans.	B
F-FHW-A41837-MO	Route 61, Pike County, Mo.	EPA expressed no objections to this particular segment of Route 61. However, EPA expressed concern with the fragmented approach being used to prepare impact statements on segments of this highway system. EPA recommended that an additional impact statement on the remaining segments of Route 61 include the cumulative impacts of the total system.	H
F-FHW-A41969-CA	Widening and improvements, Doolittle Drive, Route 61, Alameda County, Oakland, Calif.	EPA had no objections to the project as proposed.	I
F-FHW-A42083-WI	STH 35, WI-35, C.T.H. "K" Chaseburg Road, Vernon County, Wis.	do	F
F-FHW-A42084-WI	Madison-Beaver Dam Road, U.S. 151, Dane, Columbia and Dodge Counties, Wis.	do	F
F-FHW-A42161-MI	Gallagher-Hess 1-way street system, city of Saginaw, Saginaw County, Mich.	do	F

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APPENDIX IV.—*Regulations, legislation and other Federal agency actions for which comments were issued between Oct. 16, 1974, and Oct. 31, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture: R-SCS-A86070-00	7 CFR parts 640, 641, 642, 643, resource conservation and development, program development, planning, and operations.	In EPA's view, the proposed regulations are generally adequate; however, modifications to several sections of the regulations were suggested in an effort to strengthen them from an environemental point of view.	A
Federal Power Commission: R-FPC-A86066-00	18 CFR part 32, interconnection of facilities, emergencies, transmission to foreign country.	EPA believes the proposed rulemaking should aim at strengthening, rather than weakening, the inducements to conserve electricity. EPA suggest several points to be considered by the FPC prior to final rulemaking on this matter.	A
Department of Housing and Urban Development: R-HUD-A86063-00	24 CFR part 2205, Federal Disaster Assistance Interim Regulations.	The EPA generally agrees with the proposed regulations. The Disaster Relief Act of 1974 and the implementing regulations contain significant changes in disaster relief operations; hence, a continuing effort to exchange information on program activities was suggested for the purpose of increasing staff coordination. Comments were offered on 5 specific items in the regulations.	A
Department of Labor: R-LAB-A86073-00	29 CFR part 1910, employment related housing, temporary labor camps, safety and health standards.	The EPA reviewed the proposed standards and generally agreed with the need for a single set of occupational safety and manpower administration standards applying to the same type of housing. However, EPA expressed concern that some of the proposed standards appear to relax existing requirements. Detailed comments were deferred to the Department of Health, Education, and Welfare. EPA asked the Department of Labor to consider utilization of section 102 (2)(c) of the NEPA as a means for predicting the impact on the quality of life of persons affected by the new standards.	A
Department of Transportation: R-FHW-A86074-00	23 CFR part 751, junkyard control and acquisition; areas adjacent to federally aided highway systems.	EPA believes the proposed regulations adequately achieve effective control of designated junkyards. Questions were raised, however, as to who would control those junkyards not considered as "designated junkyards" by the proposed regulations.	A
R-FHW-A86007-00	23 CFR part 772, noise standards and procedures; proposed amendments.	EPA had significant environmental reservations on the proposed regulations. In this respect, EPA furnished FHWA with very detailed recommended changes for the proposed regulations.	A

APPENDIX V—SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-27073 Filed 11-21-74;8:45 am]

[FRL 299-6; OPP-66010]

PESTICIDES

Intent To Cancel Certain Registrations

Pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 984), the Environmental Protection Agency (EPA) has notified the following registrants of its intent to cancel the registrations of the pesticide products listed:

EPA Reg. No. 2749-130. Aceto Chemical Co., Inc., Flushing NY 11368. ALUMINUM PHOSPHIDE TABLETS. Reason: Registrant has not responded to requests to revise labeling. Labeling and directions not sufficiently clear to prevent misuse and therefore not in compliance with FIFRA.

EPA Reg. No. 377-1. Bohlender Plant Chemicals, Inc., Tripp City OH 45371. DOGZOFF (LIQUID). Reasons: Lack of product efficacy data; failure to demonstrate product is not phytotoxic to plants.

EPA Reg. No. 22-1. Buckeye Chemical Specialty Co., New York NY 10010. BUCKEYE ANTUBE. Reasons: Registrant has failed to respond to requests to provide sample for evaluation of product's attractiveness to children; labeling and directions not in compliance with FIFRA.

EPA Reg. No. 505-1. S. L. Cowley & Sons Manufacturing Co., Hugo OK 74743. COWLEY'S ORIGINAL RAT AND MOUSE POISON. Reason: Failure to meet efficacy requirements.

EPA Reg. No. 16-56. Dragon Chemical Co., Roanoke VA 24019. DRAGON FRUIT TREE. Reason: Registrant has failed to respond to requests to provide labeling which adequately represents the product and its intended uses. Labeling and directions not in compliance with FIFRA.

EPA Reg. No. 1476-6. Gilbreath Chemical Co., San Francisco CA 94107. KENITE "9". Reason: Registrant has failed to respond to requests to add appropriate precautionary statements to labeling. Labeling and directions not in compliance with FIFRA.

EPA Reg. No. 2781-1. Happy Jack Inc., Snow Hill NC 28580. HAPPY JACK SARCOPTIC MANGE MEDICINE. Reasons: Lack of product efficacy data; failure to secure approval of Food and Drug Administration since product is also under the purview of the Federal Food, Drug, and Cosmetic Act.

EPA Reg. No. 8043-1. The Lowman Co., Waterloo IN 46793. ACORN RAT AND MOUSE KILLER. Reason: Failure to meet efficacy requirements.

EPA Reg. No. 140-40. PurePac Corp., Elizabeth NJ 07207. PUREPAC LARKSPUR LOTION. Reasons: Lack of product efficacy data; failure to secure approval of Food and Drug Administration since product is also under the purview of the Federal Food, Drug, and Cosmetic Act.

EPA Reg. No. 6830-16. Octagon Process, Inc., Edgewater NJ 07606. INSECTICIDE, DIAZINON, LIQUID RESIDUAL. Reason: Registrant has failed to respond to requests to provide labeling which adequately represents the product and add precautionary measures which should be taken during use. Labeling and directions not in compliance with FIFRA.

The registrants have not fulfilled the requirements for continued registration as specified and therefore have not fully complied with the provisions of the FIFRA.

Cancellation of these registrations shall be effective at the end of 30 days from the receipt of notice by the registrant or publication of this notice in this FEDERAL REGISTER, whichever occurs later, unless the registrant makes the necessary corrections, if possible. Within this period of time, any person adversely affected by this notice may request a hearing as provided in section 6(b) of the FIFRA, and should file in accordance with the provisions of §§ 164.5 and 164.20 of Part 164, Title 40 CFR, of the regulations for the enforcement of the FIFRA, an original and two copies of the document stating his objections to the Administrator's intent to cancel these registrations. The request for hearings and such documents should be filed with the Hearing Clerk, Environmental Protection Agency, Room 1019. East Tower, 401 M Street SW., Washington, D.C. 20460.

Dated: November 15, 1974.

JAMES L. AGEE,
Assistant Administrator for Water and Hazardous Materials.

[FR Doc.74-27302 Filed 11-21-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-71]

MARINER JUPITER/SATURN 1977 PROGRAM

Public Availability of Final Environmental Impact Statement

Notice is hereby given of the public availability of the final Environmental Impact Statement for the Mariner Jupiter/Saturn 1977 Program.

Comments on the draft Environmental Impact Statement were previously solicited from State and local agencies and members of the public through a notice in the FEDERAL REGISTER of June 25, 1973.

Copies of the draft and final statement have been furnished to the Council on Environmental Quality, Environmental Protection Agency, Department of Defense, Department of State, Department of Commerce, and the Atomic Energy Commission.

Copies of the final statement may be obtained or examined at any of the following locations:

(a) National Aeronautics and Space Administration, Public Documents Room (Room 126), 600 Independence Avenue, SW., Washington, D.C. 20546.

(b) Ames Research Center, NASA (Building 201, Room 17), Moffett Field, CA 94035.

(c) Flight Research Center, NASA (Building 4800, Room 1017), PO Box 273, Edwards, CA 93523.

(d) Goddard Space Flight Center, NASA (Building 8, Room 150), Greenbelt, MD 20771.

(e) Johnson Space Center, NASA (Building 1, Room 136), Houston, TX 77058.

(f) John F. Kennedy Space Center, NASA (Headquarters Building, Room 1207), Kennedy Space Center, FL 32899.

(g) Langley Research Center, NASA (Building 1219, Room 304), Hampton, VA 23365.

(h) Lewis Research Center, NASA (Administration Building, Room 120), 21000 Brookpark Rd., Cleveland, OH 44135.

(i) George C. Marshall Space Flight Center, NASA, (Building 4200, Room G-11), Huntsville, AL 35812.

(j) National Space Technology Laboratories, NASA (Building 1100, Room A-213), Bay St. Louis, MS 39520.

(k) NASA Pasadena Office (Jet Propulsion Laboratory, Building 180, Room 600), 4800 Oak Grove Dr., Pasadena, CA 91103.

(l) Wallops Flight Center, NASA (Library Building, Room E-105), Wallops Island, VA 23337.

Done at Washington, D.C. this 15th day of November 1974.

By direction of the Administrator.

WILLIS H. SHAPLEY,
Associate Deputy Administrator, National Aeronautics and Space Administration.

[FR Doc.74-27319 Filed 11-21-74;8:45 am]

NATIONAL SCIENCE FOUNDATION

NATIONAL MAGNET LABORATORY VISITING COMMITTEE

Notice of Meeting

Pursuant to Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the National Magnet Laboratory Visiting Committee to be held at 9:15 a.m. on December 9 and 10, 1974, at the Francis Bitter National Magnet Laboratory, 170 Albany Street, Cambridge, Massachusetts 02139. The purpose of the committee is to review, evaluate, and provide advice and recommendations concerning the research and management operations of the National Magnet Laboratory.

The agenda for this meeting will include:

DECEMBER 9 SESSION

1. Welcoming Remarks—Vice President for Research, Massachusetts Institute of Technology (MIT).
2. Introduction—Director, National Magnet Laboratory (NML).
3. Presentations of Scientific Research Program:

Magnet Development Program—NML Staff Member.

High Field Studies of Solids—Professor of Physics, University of Virginia.

Magnetostriction in Rare Earth Compounds—Professor of Physics, University of Pennsylvania.

Superconductivity and Quasistatic Magnet—NML Staff Member.

Medical Applications—NML Staff Member.

4. General Tour of the Laboratory—(12:45-1:30 p.m.).
5. Far Infrared Studies—NML Staff Member.
6. Raman Scattering in Solids—Professor, Dept. of Electrical Engineering, MIT.
7. Superconductivity—Professor, Dept. of Metallurgy and Materials Science, MIT.
8. Magnetism—NML Staff Member.
9. Alcator—NML Staff Member.
10. Tour with Demonstration and Discussion at Scheduled Stops—NML Staff Members—(3:25-5:30 p.m.).
   a. Alcator.
   b. Quasistatic Magnet System.
   c. Mossbauer Studies.
   d. New Magnets.
   e. Laser-Plasma Studies.
   f. Far Infrared Laser—Graduate Student, MIT.
   g. Low Field Project—Graduate Student, MIT.

DECEMBER 10, SESSION

Evaluation of the Laboratory's Management and Programs (Closed)

The December 9 session will be open to the public. The December 10 session will not be open to the public because the committee will be reviewing, discussing, and evaluating the management operations, and scientific programs of the Laboratory. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this portion of the meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to section 10(d) of Pub. L. 92-463. Persons who desire to attend the open portion of the meeting should notify Dr. Howard W. Etzel, Deputy Division Director, Division of Materials Research, by telephone (202/632-7334), or by mail (Rm. 336, National Science Foundation, Washington, D.C. 20550), prior to the meeting.

For further information about this committee, contact Dr. Howard W. Etzel at the above address. Summary minutes of the open portion of this meeting may be obtained from the Management Analysis Office, Rm. K-720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

NOVEMBER 18, 1974.

[FR Doc.74-27359 Filed 11-21-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-1244]

ANNUAL PROGRAMMING REPORT

Composite Week Dates for 1975

NOVEMBER 14, 1974.

The following dates will constitute the composite week for use in the preparation of the Annual Programming Report (FCC Form 303-A) for all commercial television licensees and permittees who must file this report by February 1, 1975.

Sunday, May 5, 1974
Monday, March 11, 1974
Tuesday, February 19, 1974
Wednesday, April 17, 1974
Thursday, October 3, 1974
Friday, September 20, 1974
Saturday, June 1, 1974

COMPOSITE WEEK FOR PROGRAM LOG ANALYSIS FOR COMMERCIAL TV LICENSEES AND CERTAIN OTHER APPLICANTS

Licensees of commercial television stations with license expiration dates of June 1, 1975, and thereafter, will also use the composite week dates set forth above in answering Questions 4, 10, and 11 of revised Section IV-B of FCC Form 303.

Additionally, the above dates will constitute the composite week for use in preparing assignment of license and transfer of control applications filed on or after January 1, 1975.

Action by the Commission November, 13, 1974. Commissioners Wiley (Chairman), Hooks, Quello, Washburn and Robinson.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-27339 Filed 11-21-74;8:45 am]

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[Canadian List 382]

CANADIAN BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix below to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

NOVEMBER 5, 1974.

Call letters	Location	Power kW	Antenna	Schedule	Class	Ground system: Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		980 kHz							
CBO (minor revision in night-time radiation pattern).	Ottawa, Ontario, N.45°11'09", W. 75°44'53".	50	DA-2	U	III				

[SEAL]

HAROLD L. KASSENS,
Acting Chief, Broadcast Bureau, Federal Communications Commisson.

[FR Doc.74-27261 Filed 11-21-74;8:45 am]

[Docket Nos. 20226-20229; FCC 74-1203]

CONTEMPORARY MEDIA, INC., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re Applications of Contemporary Media, Inc., St. Charles, Missouri, Requests: 97.1 MHz, #246; 100 kW (H & V); 1,504 feet, Docket No. 20226, St. Charles Broadcasting Co., Inc., St. Charles, Missouri, Requests: 97.1 MHz, #246; 100 kW (H & V); 606 feet, Docket No. 20227, Changing Waves, Inc., St. Charles, Missouri, Requests: 97.1 MHz, #246; 100 kW (H & V); 793.5 feet, Docket No. 20228, Florissant Broadcasting Co., Inc., Florissant, Missouri, Requests: 97.1 MHz, #246; 50 kW (H & V); 500 feet, Docket No. 20229, for construction permits.

1. The Commission has under consideration (a) the above mutually exclusive applications; (b) a "Request For Issues," filed by St. Charles Broadcasting Co., Inc. (SCB), against the application of Contemporary Media, Inc. (CMI); and (c) pleadings in opposition and reply.

2. In its "Request for Issues," SCB alleges that CMI, through its president and principal stockholder, Michael S. Rice, attempted to obstruct or impede an application (file No. BALH-1175) filed by Apollo Radio Corporation (Apollo) to assign the license of station KACO(FM), St. Louis, Missouri, to Entertainment Communications, Inc., concealed its true interest in the matter, and misrepresented its interest in the matter to the Commission. These allegations are based on an affidavit of Mr. Vincent E. Garufi, who was General Sales Manager of station KIRL, St. Charles, Missouri, in 1969, when he filed several pleadings against Apollo's assignment application. At that time, Mr. Michael S. Rice was President and General Manager of CMI, which was then, as it is now, the licensee of station KIRL, St. Charles, Missouri. On February 17, 1969, Mr. Garufi submitted a "Petition for Hearing, License Revocation and Opening of Record, or Hearing on Transfer" against Apollo's assignment application. Copies of this pleading were served by Michael S. Rice. In its opposition pleading, Apollo pointed out the connections which Messers. Rice and Garufi had with station KIRL. Mr. Garufi's "Reply, First Amended Petition for Hearing, License Revocation, and Acceptance of Applications for New Licensee," filed on March 25, 1969, included affidavits from Messrs. Garufi and Rice. Mr. Garufi's affidavit stated that he was acting as an individual and not as a representative of any other individual or organization then in existence. Mr. Rice averred that Mr. Garufi was not acting as an agent of KIRL, CMI, or Mr. Rice in his petitions and statements addressed to the Commission. It is noted that Mr. Garufi's affidavit of March 21, 1969, was notarized by Mr. Rice. Mr. Garufi continued to represent that he was filing pleadings against Apollo's assignment application on an individual basis in his "Summary of Petitions for Hearing, License Revocation and Acceptance of Applications for New License," of May 15, 1969. In general, the pleadings signed by Mr. Garufi alleged that Apollo had made misrepresentations to the Commission in regard to, inter alia, the number of hours which Apollo intended to operate and the music format it proposed to broadcast. Mr. Garufi also attempted to show that Apollo was stalling the construction of its station so that it could sell its construction permit for a profit.

3. On November 19, 1969, the Commission sent Apollo a Notice of Apparent Liability for $1,000 for failure to observe the requirements of § 1.65 of our rules in that Apollo had not informed the Commission that it had changed its program format, reduced its broadcast schedule from 126 to 36 hours, and was undergoing negotiations to sell the construction permit for KACO. Apollo paid the fine. Thus, it would appear that at least some of the allegations contained in Mr. Garufi's pleadings had some basis in fact. Nevertheless, in an affidavit of June 25, 1973, Mr. Garufi directly contradicts his averments of 1969 that he was not acting on the behalf of Mr. Michael Rice or CMI. In his 1973 affidavit, Mr. Garufi alleges that Mr. Michael Rice prepared the pleadings filed against Apollo's assignment application and convinced Mr. Garufi to sign them and to represent that he was filing them as an individual. Mr. Garufi further claims that he was induced to sign the pleadings by an offer from Mr. Rice of an ownership interest in an FM station in St. Charles, Missouri, if such a station could be obtained by Mr. Rice in the future.

4. CMI's opposition pleading asserts that the pleadings filed by Mr. Garufi in 1969 were based on true facts and that there was no attempt to escape the consequences of an untrue or unwarranted complaint. CMI submits that the question as to whether Mr. Garufi was an agent of CMI or Mr. Michael Rice is a complex question which mere laymen are incapable of answering and which requires a conclusion of law. In this regard, CMI notes that neither Mr. Garufi nor Mr. Rice was represented by counsel at the time that the 1969 pleadings were filed. However, the important consideration in this case is the possible attempted concealment of CMI's interest as well as that of Mr. Michael Rice in the pleadings purportedly filed by Mr. Garufi as an individual. If Mr. Rice lied to the Commission, a question arises as to whether Mr. Rice, who is president and 60-percent owner of CMI, or CMI possesses the requisite character qualifications to be a Commission licensee. As the court stated in "FCC v. WOKO, Inc.", 329 U.S. 223, 227 (1946), the willingness to deceive the Commission is crucial in itself and can disqualify an applicant. In that case, the court recognized that the willingness to deceive a regulatory agency may be revealed by "immaterial and useless deceptions" as well as by material ones. "FCC v. WOKO, Inc., supra." In the case before us, where we are faced with conflicting affidavits concerning the character qualifications of the majority shareholder and president of CMI, it would appear that a complete evidentiary record is necessary to determine whether Mr. Michael Rice has attempted to deceive the Commission. See Sumiton Broadcasting Company, Inc., 15 FCC 2d 400, 404, 14 RR 2d 1000, 1005 (Rev. Bd., 1968); Christian Voice of Central Ohio, 26 FCC 2d 76, 20 RR 2d 389 (Rev. Bd., 1970); WIOO, Inc., 39 FCC 2d 351, 26 RR 2d 704 (Rev. Bd., 1973). Accordingly, appropriate issues will be specified.

5. Mr. John R. Killgore owns 15 percent of Chahging Waves, Inc. Changing Waves' application explains that Mr. Killgore entered into a consent order with the Securities and Exchange Commission in 1972. Changing Waves filed a copy of that order in Administrative Proceeding, file No. 3-3465, with the Commission, along with the SEC's initial order for public proceedings and the offer of settlement executed by Mr. Killgore. The SEC proceeding was directed at Killgore Management, Inc., and Mr. Killgore, its president and majority shareholder, and concerned the allegedly willful violations by the respondents of sections 206(1), 206(2), and 206(4) of the Investment Advisers Act of 1940, and rule 206(4)-1 thereunder in the publication and circulation of advertisements for the respondents' investment advisory service during the period from about November 1, 1970, to about October 4, 1971. The advertisements in question were found, on the basis of the order for proceedings and respondents' consent, to have omitted certain information and to have been misleading to potential investors.

6. The Commission is aware that Mr. Killgore consented to the entry of findings of willful violations of the Investment Advisers Act and to an order imposing sanctions specified in his offer of settlement solely for the purpose of SEC proceedings, without admitting or denying the allegations in the order. We also note that the sanctions imposed were that Killgore Management, Inc., had its SEC registration revoked and that Mr. Killgore was barred from being associated with any broker, dealer or investment adviser, provided that after one year he could apply to the SEC for permission to be associated with a broker, dealer or investment adviser in a non-supervisory capacity if he could demonstrate that he would be adequately supervised. Mr. Killgore has, in fact, been allowed to accept employment with Donelan, Phelps & Company, Inc., in a non-supervisory capacity since that company has provided the SEC with adequate assurances that Mr. Killgore will be closely supervised, especially in any contacts with the public. Although this Commission is not charged with the enforcement of securities laws, if an applicant or a principal thereof has been involved in unlawful practices, an analysis of the substance of these practices must be made in order to determine the ability of the applicant to use the proposed facilities in the public interest. Uniform Policy as to Violation by Applicants of Laws of the United States, 1 RR 91:495 (1951); The Western Connecticut Broadcasting Company (WSTC), 44 FCC 2d 673 (1973). Thus, a basic qualifications issue will be specified as to Changing Waves, Inc.

7. St. Charles Broadcasting Co., Inc. (SCB), indicates that it will require $157,034 to construct and operate its proposed station for one year.[1] To meet this requirement, SCB has demonstrated the availability of $42,400 in cash, $4,271 in accrued interest on that cash and $50,600 in stock subscriptions, for a total of $97,271. Although SCB also relies on a $130,000 loan from Continental Bank & Trust Company, St. Louis, Missouri, it would appear that SCB is unable to meet the bank's collateral requirements. In a letter dated September 6, 1974, expressing its willingness to lend $130,000 to SCB, Continental Bank & Trust Company stated that its commitment was contingent on receiving a first lien on the equipment of the station. Most of the equipment for SCB's proposed station will be provided by Harris-Intertype Corporation. Since Harris-Intertype Corporation has indicated that it plans to maintain title to the equipment which it has agreed to sell to SCB until SCB has completely paid for the equipment, it would appear that Continental Bank & Trust Company is precluded from obtaining a first lien on that equipment. Thus, it is unclear whether SCB will be able to obtain a loan from Continental Bank & Trust Company to meet the $59,763 in first-year expenses which are not covered by SCB's cash assets and stock subscriptions. Accordingly, appropriate financial issues will be specified.

8. Although three of the applicants propose to serve primarily St. Charles, Missouri, while Florissant Broadcasting Co., Inc., proposes to serve primarily Florissant, Missouri, the respective applicants would serve substantial areas in common. Thus, a contingent comparative issue has been specified. In the event it is determined pursuant to section 307(b) of the Communications Act of 1934, as amended, that one of the proposals for St. Charles is to be preferred, it will be necessary to conduct a full comparison between the three applicants for that community to determine which is the best qualified. If the proposal for Florissant is found preferable from a section 307(b) standpoint, it will be granted. If, however, a choice between the Florissant and St. Charles proposals cannot be made under 307(b) criteria, it will be necessary to determine, on a comparative basis, which of the four applicants is best qualified.

9. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

10. *Accordingly, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive FM service of 1 mV/m or greater intensity from the respective proposals together with the availability of other primary aural (1 mV/m or greater in the case of FM) service to such areas and populations.

2. To determine the facts and circumstances surrounding the preparation of the pleadings filed by Mr. Vincent E. Garufi in 1969 against the application of Apollo Radio Corporation (file No. BALH-1175) to assign the license of station KACO, St. Louis, Missouri, to Entertainment Communications, Inc., and also the affidavits of March 21, 1969, signed by Mr. Michael S. Rice and Mr. Garufi and attached to the March 25, 1969, pleading entitled "Reply, First Amended Petition for Hearing, License Revocation, and Acceptance of Applications for New Licensee," and whether these facts and circumstances show that Contemporary Media, Inc., and/or Mr. Michael S. Rice attempted to deceive the Commission.

3. To determine the effect of the facts adduced pursuant to issue 2, above, upon the basic and/or comparative qualifications of Contemporary Media, Inc., to be a licensee of the Commission.

4. To determine the facts and circumstances relating to the business practices engaged in by Mr. John R. Killgore which resulted in the issuance by the Securities and Exchange Commission of a consent order in Administrative Proceeding, file No. 3-3465, on August 25, 1972, and whether such practices reflect upon the basic and/or comparative qualifications of Changing Waves, Inc., to be a licensee of the Commission.

5. To determine, with respect to the application of St. Charles Broadcasting Co., Inc.:

(a) Whether the applicant can meet the collateral requirements for a loan of at least $59,763 from Continental Bank & Trust Company, St. Louis, Missouri; and

(b) In light of the evidence adduced pursuant to issue (a), above, whether the applicant is financially qualified.

6. To determine, in light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event that it is concluded that a choice between applications should not be based solely on considerations relating to section 307(b), which of the proposals would best serve the public interest.

8. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

11. *It is further ordered*, That the burden of proceeding with the introduction of evidence under issues 2 and 3 shall be on St. Charles Broadcasting Co.,

[1] SCB's first-year costs consist of the following: down payment on equipment, $18,763; twelve months' payments on equipment, including interest, $30,021; cost of leasing building, $3,600; miscellaneous expenses, including estimated legal expenses, $24,500; interest on bank loan, $20,150; and first-year operating expenses, $60,000.

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Inc., and that the burden of proof thereunder shall be on Contemporary Media, Inc.

12. *It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof under issue 4 shall be on Changing Waves, Inc.

13. *It is further ordered,* That the applicants shall file a written appearance stating an intention to appear and present evidence on the specified issues, within the time and in the manner required by § 1.221(c) of the rules.

14. *It is further ordered,* That the applicants shall give notice of the hearing within the time and in the manner specified in § 1.594 of the rules, and shall seasonably file the statement required by § 1.594(g).

15. *It is further ordered,* That the "Request for Issues," filed by St. Charles Broadcasting Co., Inc., is granted to the extent indicated above, and is denied in all other respects.

Adopted: November 6, 1974.

Released: November 15, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-27337 Filed 11-21-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ALLOCATION OF FEEDSTOCKS TO SYNTHETIC NATURAL GAS FACILITIES

Notice of Public Hearing

The Federal Energy Administration (FEA) hereby gives notice that public hearings will be held on the petitions of two Synthetic Natural Gas (SNG) manufacturers for assignment or adjustment of base period volumes under 10 CFR 211.29. Specific information on each petition is set forth in the Appendix to this notice.

Notice of these petitions was originally issued on October 25, 1974 and written comments regarding the petitions were solicited at that time. Fourteen comments from interested persons have been received and several of the comments contain requests that the FEA hold public hearings on individual petitions under § 211.29 of the FEA regulations prior to official action on such petitions. In view of these requests and because the FEA believes that factual disputes between interested parties respecting these petitions are likely, the FEA has determined that public hearings on such petitions will materially advance consideration of the issues involved.

Therefore, a public hearing on the petitions set forth in the Appendix to this notice will be held beginning at 9:30 a.m. on December 4, 1974 in the Auditorium, Room 2105, at 2000 M Street NW., Washington, D.C. 20036, in order to receive further comments from interested persons.

Any person who has an interest in the petitions set forth in the Appendix to this notice or who is a representative of a group or class of persons which has an interest in the petitions, may make a written request for an opportunity to make oral presentation. Such a request should be directed to Executive Communications, FEA, Box BN, Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. 20461, and must be received before 4:30 p.m., e.d.t., November 29, 1974. Such a request may be hand delivered to Room 3309, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The person making the request should be prepared to describe the interest concerned; if appropriate, to state why he is a proper representative of a group or class of persons which has such an interest; and give a concise summary of the proposed oral presentation and a phone number where he may be contacted through December 2, 1974. Each person selected to be heard will be so notified by the FEA before 4:30 p.m., e.d.t, December 2, 1974 and must submit 100 copies of his statement to Executive Communications, FEA, Room 3309, Federal Building, Washington, D.C. 20461, before 4:30 p.m., e.d.t., on December 3, 1974.

The FEA reserves the right to select the persons to be heard at these hearings, to schedule their respective presentations and to establish the procedures governing the conduct of the hearings. The length of each presentation may be limited, based on the number of persons requesting to be heard.

An FEA official will be designated to preside at the hearings. These will not be judicial or evidentiary-type hearings. Questions may be asked only by those conducting the hearings and there will be no cross-examination of persons presenting statements. Any decision made by the FEA with respect to the subject matter of the hearings will be based on all information available to the FEA. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity, if he so desires, to make a rebuttal statement. The rebuttal statements will be given in the order in which the initial statements were made and will be subject to time limitations.

Any interested person may submit questions, to be asked of any person making a statement at the hearings, to Executive Communications, FEA, before 4:30 p.m., e.d.t., December 3, 1974. Any person who makes an oral statement and who wishes to ask a question at the hearings may submit the question, in writing, to the presiding officer. The FEA or the presiding officer, if the question is submitted at the hearings, will determine whether the question is relevant, and whether time limitations permit it to be presented for answer.

Any further procedural rules needed for the proper conduct of the hearings will be announced by the presiding officer.

A transcript of the hearings will be made and the entire record of the hearings, including the transcript, will be retained by the FEA and made available for inspection at the Administrator's Reception Area of the FEA, Room 3400, The Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. Any person may purchase a copy of the transcript from the reporter.

Issued in Washington, D.C., November 20, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

APPENDIX

Petitioner	Feedstock (Specific chemical content)	Annual capacity (millions of cubic feet/day	Assignment or adjustment of base period volumes requested	Supplier	Status
Algonquin SNG, Inc.	Naphtha	120	2,475,200 bbl for each base period.	Exxon	Complete.
Consumers Power	Liquid petroleum gas, natural gas liquids.	200	4,595,600 bbl for each base period.	Dome, Amoco Michigan Consolidated.	Complete.

[FR Doc.74-27547 Filed 11-21-74;9:20 am]

FEDERAL MARITIME COMMISSION

CALIFORNIA ASSOCIATION OF PORT AUTHORITIES

Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street, NW., Room 10126; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 12, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

C. R. Nickerson
Executive Secretary
California Association of Port Authorities
Nine First Street
San Francisco, California 94105

Agreements Nos. 7345-17 and 7345-18, between the members of the California Association of Port Authorities (CAPA), modify the members' basic agreement providing for the establishment and maintenance of just and reasonable terminal rates, rules, and regulations at members' terminals at ports in the State of California. The purpose of the modification provided for by Agreement No. 7345-17 is to allow for the creation of a Committee on Terminal Agreements, which would investigate, study, exchange information and discuss leases, agreements, licenses, assignments and other contracts relating to the use of terminal facilities of CAPA members. The reports and recommendations of this Committee will not, however, be binding on any CAPA member. The purpose of the modification provided for by Agreement No. 7345-18 is to authorize the membership to engage in planning and presenting CAPA's point of view in state, regional and local planning that affects marine transportation and the quality of the environment in port areas.

Dated: November 19, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27390 Filed 11-21-74;8:45 am]

ZIM ISRAEL NAVIGATION CO., LTD. AND INTERNATIONAL TRANSPORTATION SERVICE, INC.

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before December 14, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. David C. Nolan
Graham & James
One Maritime Plaza
San Francisco, California, 94111

Agreement No. T-3018, between Zim Israel Navigation Co., Ltd. (Zim) and International Transportation Service, Inc. (ITS), is a Container Stevedoring and Terminal Freight Station Service Agreement whereby ITS will perform stevedoring and terminal services for Zim in accordance with rates which are agreed to by the parties and filed with the Federal Maritime Commission. The services to be performed by ITS are set forth in the agreement.

Dated: November 19, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 74-27391 Filed 11-21-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP 73-112]

ALGONQUIN GAS TRANSMISSION CO.

Postponement of Hearing Date

NOVEMBER 14, 1974.

Take notice that due to a schedule conflict of the Presiding Administrative Law Judge the hearing in the above-designated matter, presently scheduled for November 20, 1974, is postponed until December 5, 1974, at 10 a.m. e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27381 Filed 11-21-74;8:45 am]

[Docket No. E-9101]

APPALACHIAN POWER CO.

Tariff Change

NOVEMBER 15, 1974.

Take notice that Appalachian Power Company (APCO) on November 8, 1974 tendered for filing an unsigned service agreement between APCO and Virginia Polytechnic Institute and State University (VPI) which is intended to supersede and cancel APCO's FPC Rate Schedule No. 48. APCO states that pursuant to the terms of the Company's said Rate Schedule, and pursuant to notice served upon VPI, the said rate supplement expired by its terms and has been terminated effective October 28, 1974. APCO states that the tendered rate supplement is designed to provide a basis upon which service may continue to be rendered by the Company to VPI on a day-to-day basis until the completion of negotiation and execution of a new service agreement between the Company and VPI.

The proposed Rate Schedule which is the same rate as that filed in Docket No. E-7775, would increase revenues from jurisdictional sales and service to VPI by approximately $300,000 for the 12 months ending December 31, 1971; by approximately $350,000 for the 12-month period ending October 31, 1972 and by approximately $390,000 for the 12-month period ending October 31, 1973, and by approximately $710,000 for the 12 months ended September 30, 1974, had the rate supplement herewith tendered for filing been in effect during any of those periods.

APCO requests the Commission to waive the 30-day notice requirement and permit the proposed rates to go into effect as of October 29, 1974. APCO further requests the Commission to waive § 35.13 of its regulations insofar as it requires the filing of cost-of-service data on the ground that the tendered service agreement is supported by cost-of-service data submitted by APCO in Docket No. E-9101.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27368 Filed 11-21-74;8:45 am]

[Docket No. E-9068]

CITY OF CUYAHOGA FALLS, OHIO VS OHIO EDISON CO.

Filing of Complaint

NOVEMBER 19, 1974.

Pursuant to the authority of the Federal Power Act particularly section 306 thereof, and section 2.1(a)(I) of the

[1] Commissioner Reid absent.

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Commission's General Policy and Interpretations, notice is hereby given that on October 15, 1974, approximately 3500 signatory petitioners, who are residents of Cuyahoga Falls, Ohio, filed in the above-captioned docket a complaint against Ohio Edison Company, requesting this Commission to initiate an investigation of Ohio Edison's wholesale electric rate to the City of Cuyahoga Falls pursuant to Section 206 of the Federal Power Act.

Any person wishing to do so may submit written comments concerning the above-referenced complaint on or before December 9, 1974, to the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. All comments submitted will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27423 Filed 11-21-74;8:45 am]

[Project No. 2237]

GEORGIA POWER CO.

Application for Change in Land Rights

NOVEMBER 15, 1974.

Public notice is hereby given that application for change in land rights was filed on February 15, 1974, under the Federal Power Act (16 U.S.C. 791a–825r) by Georgia Power Company (Correspondence to: Mr. I. S. Mitchell, III, Vice President and Secretary, Georgia Power Company, P.O. Box 4545, Atlanta, Georgia 30302) for its Morgan Falls Project No. 2237, located on the Chattahoochee River in Fulton County, Georgia.

Georgia Power Company requests Commission approval of the installation by Fulton County, Georgia, of a 48 inch diameter, 107 foot long outfall line and diffuser into the Morgan Falls reservoir within the project boundary of Project No. 2237. The installation of these facilities would be in connection with a sewage disposal system being constructed outside the project area by Fulton County to serve the northwest section of that county.

Under the proposed sewer development system, the existing Big Creek Treatment Plant, located off project land, would be replaced by a new and larger treatment plant. The new treatment plant would utilize the activated sludge process and would have a capacity of releasing 6 million gallons daily (mgd) of treated waste into the Chattahoochee River via the outfall line and the diffuser, part of which would be located on project land and waters. The treatment plant would also utilize dual chlorination facilities including two chlorinators and paralleled chlorine tanks. The new Big Creek Treatment Plant disposal also includes plans for a second and third increase in capacity of 6 mgd each.

The outfall and diffuser lines would be located within that portion of the project reservoir conveyed to Fulton County for park and recreational purposes on December 6, 1973, and authorized by Commission Order issued August 15, 1972. Licensee retained the right to use the lands for project purposes.

Any person desiring to be heard or to make protest with reference to said application should on or before December 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27380 Filed 11-21-74;8:45 am]

[Docket Nos. G-2730, etc.]

HILDA B. WEINERT AND JANE W. BLUMBERG, ET AL.

Proposed Revised Stipulation and Agreement

NOVEMBER 15, 1974.

Take notice that Natural Gas Pipeline Company of America (Natural) and Transcontinental Gas Pipe Line Corporation (Transco), filed a proposed revised stipulation and agreement in the above-mentioned dockets with the Administrative Law Judge on November 8, 1974. This stipulation and agreement was certified to the Commission on November 11, 1974. The proceeding involves the application of certain independent producers of natural gas from the La Gloria Field, Jim Wells and Brooks Counties, Texas, for authority to abandon the sale of approximately 81,000 Mcf per day of natural gas to Transco and authority to sell the same volumes to Natural.

The proposed stipulation and agreement consists of the following proposals:

(1) Transco shall receive sixty percent (60%) and Natural shall receive forty percent (40%) of the natural gas produced from September 1, 1974 until the depletion of the La Gloria Field as follows:

(a) From September 1, 1974 through October 31, 1974 and from April 1, 1975 through October 31, 1975, Transco will receive 40 percent and Natural will receive 60 percent of the natural gas produced.

(b) From November 1, 1974 through March 31, 1975 and from November 1, 1975 through March 31, 1976, Transco will receive 100 percent of the natural gas produced.

(c) From April 1, 1976 and continuing until depletion of the Field, Transco will daily receive 60 percent and Natural will daily receive 40 percent of the natural gas produced.

(2) Natural has entered into amendments of the Gas Sales Contracts between Natural and the La Gloria Producers, dated January 25, 1950, as amended, to effectuate the stipulation and agreement.

(3) Transco has entered into new Gas Purchase Contracts to effectuate the stipulation and agreement and terminated the interim agreement between Transco and the La Gloria Producers dated November 13, 1973.

(4) Natural will dismiss its action pending in the United States Court of Appeals for the District of Columbia Circuit styled, "Natural Gas Pipeline Company of America v. Federal Power Commission," Case No. 74-1462.

New contracts between the pipelines and Mobil Oil Corporation have been submitted as Exhibits 143 and 144 in this proceeding and are available for inspection at the offices of the Commission.

Objections or protests to the proposed revised stipulation and agreement may be filed with the Commission within seven days of the date of issuance of this notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27345 Filed 11-21-74;8:45 am]

[Docket No. RI75-55]

HURLEY PETROLEUM CORP.

Petition for Special Relief

NOVEMBER 15, 1974.

Take notice that on November 6, 1974, Hurley Petroleum Corporation, (Petitioner), 400 Petroleum Building, Shreveport, Louisiana 71101, filed a petition for special relief in Docket No. RI75-55, pursuant to § 2.76 of the Commission's general policy and interpretations. Petitioner requests permission to file a rate increase to 67.41 cents per Mcf, for sales of natural gas to Tennessee Gas Pipeline Company from the Bethany Field, Panola and Harrison Counties, Texas. In consideration for the rate increase, petitioner proposes to install two single-stage compressors to reduce the line pressure in order to continue to produce gas in commercial quantities. Petitioner estimates that an additional five hundred million cubic feet of gas can be recovered if the special relief is granted.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 6, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27373 Filed 11-21-74;8:45 am]

[Docket Nos. CI75-278, CI75-279]

KERR-McGEE CORP.

Applications

NOVEMBER 15, 1974.

Take notice that on October 30, 1974, Kerr-McGee Corporation (Applicant), P.O. Box 25861, Oklahoma City, Oklahoma 73125, filed in Docket Nos. CI75-278 and CI75-279 applications pursuant to section 7(b) and (c) of the Natural Gas Act for permission and approval to abandon the sale of natural gas in interstate commerce to the Jupiter Corporation (Jupiter) from the Rollover Field, Vermilion Area, offshore Louisiana, and for authorization to sell and deliver the gas from said field to Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee), all as more fully set forth in the applications which are on file with the Comission and open to public inspection.

Applicant states that, as non-operator and as sole signatory seller party to an agreement dated October 22, 1974, it proposes to sell and deliver commencing November 1, 1974, to Tennessee at the onshore juncture of the facilities of Tennessee with those of Jupiter certain natural gas produced to the interest of Applicant from its leasehold in the Rollover Field. Applicant states that such gas will be transported by Jupiter's facilities for and at the expense of Applicant from its production platform in the Rollover Field to an onshore delivery point of Tennessee. Applicant proposes to sell and deliver up to 910,500 Mcf of gas per month to Tennessee at an initial price of 46.372 cents per Mcf at 15.025 psia subject to upward and downward but adjustment and subject to an escallation of 1 cent per MMBtu per year or higher national rate. Applicant indicates that such initial rate includes an upward Btu adjustment of 1.491 cents per Mcf and an upward adjustment for onshore delivery of 1.020 cents per Mcf.

Applicant states that there is currently on file with the Commission as Applicant's FPC Gas Rate Schedule No. 56 an agreement, dated February 6, 1953, between Applicant and the Marine Gathering Company (predecessor in interest to Jupiter) which provides for the sale and delivery of gas from the aforesaid lease at Applicant's Rollover Field platform to Jupiter. Applicant points out that said agreement will expire on November 1, 1974, by its terms.

Applicant further states that by order issued December 13, 1968 (40 FPC 1455), the Commission directed Tennessee to pay Jupiter a transportation charge for the volumes of gas received by Jupiter under the aforementioned February 6, 1953, agreement and to pay Applicant directly for the balance of the purchase price which Tennessee would have paid under its contract with Jupiter. Applicant concludes, that it has, in fact, been making a sale to Tennessee with Jupiter performing transportation services and receiving a fee therefor.

In order to conform to the Commission's December 13, 1968, order, Applicant states that it has restructured its contractual relationships with Tennessee and Jupiter such that beginning November 1, 1974, Applicant will sell gas to Tennessee pursuant to their aforementioned October 22, 1974, agreement and Jupiter will transport the gas in behalf of Applicant to the onshore point of delivery to Tennessee. In the event permission and authority for the proposed abandonment of sale to Jupiter and the commencement of sale to Tennessee is not granted by November 1, 1974, Applicant has contracted to continue the present arrangement for 5 years unless the grant of said abandonment and certificate sooner occurs.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commision by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27374 Filed 11-21-74;8:45 am]

[Project No. 2321]

NEVADA POWER CO.

Application for Surrender of License (Minor)

NOVEMBER 15, 1974.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Nevada Power Company (Correspondence to: Mr. John C. McCarthy, Division Manager, Nevada Power Company, Elko Division, 542 Commercial Street, Elko, Nevada 89801) for surrender of license (minor) for Project No. 2321, known as the Lamoille Canyon Project, located on Lamoille Creek near the Town of Lamoille, Elko County, Nevada, affecting lands of the United States within the Humboldt National Forest and other lands of the United States.

The Lamoille Canyon Project consists of (1) a rockfill diversion dam approximately 5 feet high and 14 feet long on Lamoille Creek about 6 miles upstream from the community of Lamoille; (2) approximately 4.22 miles of 18 inch diameter steel pipe; (3) a forebay reservoir formed by a hydraulic fill earth dam; (4) a 16 inch diameter steel penstock; (5) the Lamoille Canyon powerhouse containing a 200 kW hydroelectric unit and auxiliary equipment; and (6) approximately 22.1 miles of transmission line extending from the powerhouse to Elko substation in the City of Elko.

The Federal Power Commission authorized Nevada Power Company to operate and maintain the above described project works on lands of the United States by license issued for Project No. 2321 on February 19, 1964.

The Applicant requests Commission approval to surrender its license for the Lamoille Canyon Project No. 2321 due to the total destruction of the hydroelectric plant and generating equipment by fire on November 19, 1971. The Applicant states that for economic reasons it does not plan to rebuild the plant and there is not sufficient water to warrant the installation of a larger unit.

The recreational facilities associated with this project will not be changed and will remain under the control of the U.S. Forest Service.

Any person desiring to be heard or to make protest with reference to said application should on or before December 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance

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with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27379 Filed 11-21-74;8:45 am]

[Docket Nos. E-8641, E-8251, E-8169, E-8476]

NEW ENGLAND POWER CO.

Further Extension of Procedural Dates

NOVEMBER 14, 1974.

On November 8, 1974, New England Power Company filed a motion to extend the procedural dates fixed by order issued March 29, 1974, as most recently modified by notice issued October 8, 1974, in the above-designated proceedings. The motion states that Staff Counsel, the Rhode Island Consumers Council and the Massachusetts Municipal Intervenors have no objections to the extension.

Upon consideration, notice is hereby given that the date for Service of the Company's rebuttal is extended to December 5, 1974, and the hearing date is extended to January 7, 1974 at 10 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27382 Filed 11-21-74;8:45 am]

[Docket Nos. RP72-154, RP74-72]

NORTHWEST PIPELINE CORP.

Motion for Clarification or for Rehearing or Reconsideration

NOVEMBER 15, 1974.

On October 17, 1974, Northwest Pipeline Corporation (Northwest) filed a motion for clarification, or, in the alternative, for rehearing or reconsideration of our letter order issued September 25, 1974 in the above captioned docket. In that letter order we accepted for filing, effective October 1, 1974, a revised tariff sheet to Northwest's FPC Gas Tariff, Original Volume No. 1.[1] This tariff sheet represents an adjustment in Northwest's cost of purchased gas and a recovery of certain demand charge credits. In our letter order of September 25, we stated that the rates contained therein are subject to refund and to all orders issued in Docket Nos. RP72-154 and RP74-73.

Northwest disagrees with the stated refund obligation and seeks clarification or rehearing of our order to indicate that these new rates are not subject to refund. Northwest states:

> As Northwest understands the Commission's order, the potential refund obligation (resulting from our order of March 28, 1974 in Docket Nos. RP72-154 and RP74-43) relates only to that portion of the January 31, 1974 PGAO filing attributable to the increased purchased gas costs incurred by El Paso from November through December 31, 1973, on account of these increased rates charged by Westcoast, inasmuch as only these increases were previously suspended.[2]

This understanding is incorrect. Ordering Paragraph (B) of our March 28 order states:

> (B) El Paso's January 31, 1974 filing as it relates to increases associated with purchases from Westcoast is accepted for filing, suspended for one day, and set for hearing under Section 4 of the Natural Gas Act.[3]

Thus, by the terms of that order, any potential refund obligation is not limited to the increased purchased gas costs incurred by El Paso from November 14 through December 31, 1973. Such an obligation relates to the entire increase in costs associated with purchases from Westcoast contained in the January 31, 1974 filing. This increase included the surcharge to recover amounts in El Paso's unrecovered purchased gas costs for the period from July 1, 1973 through December 31, 1973 and annualized increases in the cost of purchased gas of approximately $1.5 million. To the extent of this $1.5 million, the rates being collected October 1, 1974, after the expiration of the surcharge, are subject to the Section 4 proceeding and potential refund obligation, pending final disposition of the rate increase in Docket Nos. RP72-154 and RP74-43.

We also note that the underlying base rates in that case were established in Docket No. RP73-109. The determination of the justness and reasonableness of these rates is still pending, so naturally the rates reflected in the revised tariff sheet herein are subject to refund pending determination of the lawfulness of those rates. Therefore, we shall deny Northwest's Motion for Rehearing or Reconsideration.

The Commission finds. Northwest's motion for rehearing or reconsideration raises no new issues of law or fact to justify granting rehearing.

The Commission orders. (A) Northwest's Motion for rehearing or reconsideration is hereby denied.

(B) The Secretary shall cause prompt publication of these orders in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27376 Filed 11-21-74;8:45 am]

[Docket No. CP73-332]

NORTHWEST PIPELINE CORP.

Hearing Procedures and Interventions

NOVEMBER 15, 1974.

On August 13, 1974, Northwest Pipeline Corporation (Northwest) filed in Docket No. CP73-332, a petition to amend further the order issued September 21, 1973 (50 FPC 825), as amended December 28, 1973 (50 FPC —), pursuant to section 3 of the Natural Gas Act, so as to permit continued importation of additional volumes of natural gas through October 31, 1975, at its Kingsgate, British Columbia, import point. On September 3, 1974, Northwest filed in Docket No. CP73-332 a petition to amend further the order issued September 21, 1973 (50 FPC 825), as amended December 28, 1973 (50 FPC —), and on January 22, 1974 (51 FPC —), pursuant to section 3 of the Natural Gas Act authorizing the continued importation of natural gas from Canada by authorizing the importation of short-term emergency volumes of natural gas at the Sumas, Washington, import point.

On October 4, 1974, Northwest filed concurrently in the above-referenced docket applications requesting that any Commission order or opinion authorizing continued importation of volumes of natural gas from the Dominion of Canada permit such importation at such a price as the National Energy Board (NEB) of the Dominion of Canada established.[1] By order of October 30, 1974, the Commission approved amendment of Northwest's import authorization at Sumas and Kingsgate to permit Northwest to continue natural gas importation at $1 per Mcf.

On October 31, 1974, the Commission issued an order further amending the order issued in Docket No. CP73-332 by authorizing the importation of additional volumes of natural gas by Northwest from Westcoast Transmission Company (Westcoast) at Kingsgate through October 31, 1975. This order also further amended certificates of public convenience and necessity issued in Docket Nos. G-17350, G-17351, CP69-346 and CP69-347, by authorizing the transportation of the gas imported by Northwest at Kingsgate through the system of Pacific Gas Transmission Company (PGT) through October 31, 1975. This order stated that the price of the gas would be an estimated 81¢ per Mcf. It, therefore, did not discuss the NEB decision of September 20, 1974, or the application filed by Northwest on October 4, 1974.

The application filed by Northwest on September 3, 1974, in Docket No. CP73-332 requesting authorization for the continued importation of short-term emergency volumes of natural gas at the Sumas, Washington, import point, requests authority to import up to 55,000 Mcf per day at 14.73 psia of natural gas. The proposed emergency gas purchase would commence on or about January 1, 1975, and continue through April 30, 1977. The average cost of the gas to Northwest is estimated to be in the range of $1.26 to $1.78 per Mcf. Northwest proposed a new Rate Schedule TS-1 which provides for the sale of the gas at full cost, plus a one cent per Mcf incremental transportation charge. Service under Rate Schedule TS-1 would be available to those customers who wish to contract for such service and deliveries thereunder would be exempt from curtailment.

The application to continue imports at Sumas was noticed by the Commission on September 11, 1974. Petitions to intervene have been filed by the following applicants:

Washington Natural Gas Company
Cascade Natural Gas Corporation
Southwest Gas Corporation
Southern Natural Gas Company
Mountain Fuel Supply Company

In addition, the Washington Utilities and Transportation Commission filed notice of intervention.[2]

None of the petitions to intervene requested a formal hearing. The petition filed by Southwest Gas fully supports the application and the petitions filed by Washington Natural Gas and Cascade Natural Gas state no opposition to the application.

We believe that a hearing should be held to determine, among other things, if Northwest has a market for the gas which Northwest requests authorization to import at Sumas Point. Such hearing should consider the end-use of the gas at such market as well as the reasonableness of the price paid Westcoast.

The Commission finds. (1) It is necessary and appropriate that the proceeding in Docket No. CP73-332 be set for formal public hearing.

(2) Participation by the above-mentioned interveners may be in the public interest.

The Commission orders. (A) A formal hearing shall be convened in the proceeding in Docket No. CP73-332 in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426 on December 10, 1974, at 10:00 a.m. (EST). The Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for the purpose—see delegation of authority 18 CFR 3.5(d)—shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(B) The direct case of Northwest Pipeline Corporation and the supporting testimony of all interveners as to all issues raised by the September 3, 1974, filing by Northwest in Docket No. CP73-332 as well as all issues referred to in the order shall be filed on all parties of record including the Commission staff on or before December 3, 1974.

(C) The above-mentioned interveners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27375 Filed 11-21-74;8:45 am]

[Docket No. RP75-31-1]

NORTHWEST PIPELINE CORP. ET AL.

Petition for Extraordinary Relief

NOVEMBER 15, 1974.

Public notice is hereby given that on November 4, 1974, the Oregon Public Utility Commissioner (Oregon), on behalf of Reichhold Chemicals, Inc. (Reichhold), filed a petition for extraordinary relief pursuant to § 1.7(a) of the Commission's rules of practice and procedure. Oregon requests interim and permanent extraordinary relief from the curtailment plan of Northwest Pipeline Corporation (Northwest) in order to provide for delivery of an additional 35,000 therms of natural gas per day during the 1974-75 winter season to Northwest Natural Gas Company (NNG) for resale to Reichhold for use as a feedstock and process gas in the production of agricultural products. On November 6, 1974, Reichhold filed its own petition for interim and permanent extraordinary relief from Northwest's curtailment plan.

In support of its petition, Oregon states that Reichhold is engaged in the manufacture of nitrogen products, including ammonia, urea and ammonium nitrate for agricultural fertilizer use. Oregon further states that there is presently a severe shortage of agricultural fertilizer and feed products in the Pacific Northwest.

Oregon states that Reichhold purchases its entire supply of natural gas from NNG, which in turn purchases its gas from Northwest. Reichhold has a firm contract with NNG for a maximum daily delivery of 50,000 therms and an interruptible contract for gas service up to 50,000 therms. Oregon states that based upon curtailment forecasts for the 1974-75 winter season made by Northwest and NNG, no interruptible gas will be available for delivery to Reichhold and firm gas deliveries are expected to be curtailed totally for approximately 15-20 days during the winter season.

Oregon states that NNG does not have sufficient gas available to provide the additional 35,000 therms per day sought by Reichhold. Oregon states that if Reichhold is accorded the relief it seeks, Reichhold would make the capital investment necessary to use propane or butane, if available, at the rate of 22,000 therms per day. Reichhold's petition makes statements similar to those made by Oregon.

In addition, both petitions request interim relief pending final disposition of the case.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before November 27,1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27370 Filed 11-21-74;8:45 am]

[Docket No. E-9079]

OKLAHOMA GAS & ELECTRIC CO.

Filing of Termination of Rate Schedule

NOVEMBER 15, 1974.

Take notice that on October 25, 1974, Oklahoma Gas & Electric Company (OG&E) tendered for filing a notice of termination of Supplement No. 17 to its Rate Schedule FPC No. 21A. According to OG&E this supplement became effective May 15, 1974, and will terminate under its own provisions on November 15, 1974. OG&E states that notice of the termination has been served on Middle South Services, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington D.C. 20426, in accordance with § § 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27369 Filed 11-21-74;8:45 am]

[1] Substitute Second Revised Sheet No. 10.

[2] Motion of Northwest Pipeline Corporation for clarification of letter-order, or, in the alternative, for rehearing or reconsideration, at 2.

[3] El Paso Natural Gas Company, Docket Nos. RP72-154 and RP74-43, mimeo at 3.

[1] On September 20, 1974, the Honorable Donald S. MacDonald, Minister of Energy, Mines and Resources for the Dominion of Canada stated that: "the Government has instructed the National Energy Board to amend existing export licensed to establish a border export price not less than nor greater $1.00 per Mcf (thousand cubic feet). This price is to become effective in all export contracts on January 1, 1975 except for contracts GL-4 and GL-41 out of British Columbia where it is to be effective November 1, 1974." Contracts GL-4 and GL-41 authorize Westcoast Transmission Company (Westcoast) to export gas to Northwest at Kingsgate and Sumas, respectively.

[2] This petition was filed out of time.

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[Docket No. E-9097]

OKLAHOMA GAS AND ELECTRIC CO.

Agreement To Change Metering Location

NOVEMBER 15, 1974.

Take notice that on November 7, 1974, Oklahoma Gas and Electric Company (OG&E) tendered for filing copies of a letter agreement between OG&E and the City of Blackwell, Oklahoma (Blackwell). This agreement would amend the currently effective contract between the parties, designated Rate Schedule FPC No. 79, to permit a change in the metering location for electric service to Blackwell.

OG&E states that the proposed amendment would allow Blackwell to extend its 69 kV system to an industrial area to serve new loads. The Company states further that the proposal would permit metering at one location of all power and energy delivered to Blackwell.

Blackwell has approved and accepted the proposed agreement, as evidenced by the signature of the Mayor of Blackwell.

OG&E requests that the Commission accept the proposed agreement for filing, to become effective upon completion of the new metering station.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27366 Filed 11-21-74;8:45 am]

[Docket No. CP75-138]

TEXAS EASTERN TRANSMISSION CORP.

Application

NOVEMBER 15, 1974.

Take notice that on November 6, 1974, Texas Eastern Transmission Corporation (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-138 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the Applicant to deliver through April 5, 1975, certain quantities of natural gas to Pottsville Gas Company (Pottsville) and Elizabethtown Gas Company (Elizabethtown) for the account of Algonquin Gas Transmission Company (Algonquin) and to decrease deliveries to Algonquin by an equivalent amount, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to deliver for Algonquin during the period prior to December 1, 1974, 12,000 Mcf per day to Pottsville and 2,000 Mcf per day to Elizabethtown of synthetic natural gas (SNG), with a heating value of 985 Btu per cubic foot and, thereafter, to the end of the term, 10,425 MMBtu to Pottsville and 2,000 MMBtu to Elizabethtown, and to decrease deliveries to Algonquin an equivalent amount in order to offset said deliveries.

Applicant states that the subject delivery of natural gas is proposed in order to implement the proposal in the application filed by Algonquin in Docket No. CP69-41, whereby Algonquin will sell to Elizabethtown and Pottsville its supply of SNG in excess of its customer requirements.[1] The purpose of the proposal in the instant docket, according to Applicant, is to help Elizabethtown and Pottsville to meet their winter requirements as more fully reflected in Algonquin's application.

Applicant further states that Algonquin has withdrawn its application filed on October 11, 1974, in Docket No. CP69-41 to sell the aforesaid quantities of natural gas to Applicant.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

[1] Filed November 1, 1974.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27362 Filed 11-21-74;8:45 am]

[Docket No. RP74-39-19]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Petition for Extraordinary Relief

NOVEMBER 15, 1974.

Public notice is hereby given that on November 7, 1974, Penn Fuel Gas, Inc., (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to supply its distributor subsidiary, Pottsville Gas Company, (Pottsville) with sufficient volumes to enable Pottsville to deliver to it's customer, Allied Chemical Corporation (Allied) up to 180 Mcf per day. Relief from curtailment is requested for a period of six months.

Penn Fuel is a public utility holding company with distributor affiliates serving the eastern half of Pennsylvania. Several of these affiliates, including Pottsville, receive their entire natural gas requirements from TETCO.

Pottsville in turn supplies all of the natural gas requirements of it's customer, Allied.

Allied, at its Marlin, Pennsylvania Plant, is a manufacturer of thermoplastic resins. Penn Fuel states, that Allied uses 93 percent of it's annual gas consumption for direct flame, process uses, and that no other fuels except propane are suitable for these manufacturing purposes. Five percent of Allied's annual gas, Penn Fuel alleges, is used for plant protection with the remaining 2 percent being used to fire a 30 HP boiler for generating process steam.

Allied has advised Penn Fuel that it hopes to have a back-up propane facility in operation by May 6, 1975. Thus it has requested relief for a period of six months.

Penn Fuel states that the products manufactured by Allied are used in packaging foods, pharmaceuticals, and goods requiring a moisture barrier. Thermoplastics produced by Allied are also used in aircraft construction, aerospace applications and other defense related goods.

The plant has 250 employees.

Allied has informed Penn Fuel that absent relief it will only be able to manufacture less than one full day's production per month.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27367 Filed 11-21-74;8:45 am]

[Docket No. RP74-39-16]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Petition for Extraordinary Relief

NOVEMBER 14, 1974.

Public notice is hereby given that on November 1, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to deliver to Penn Fuel's distributor subsidiary, Twin Gas Company (Twin Gas) sufficient volumes to enable Twin Gas to deliver to its customer, Westinghouse Electric Corporation (Westinghouse), 300 Mcf per day.

Penn Fuel is a public utility holding company with several affiliated gas distribution companies that provide natural gas service in the eastern half of Pennsylvania. Several of these distribution companies, including Twin Gas, purchase their entire natural gas requirements from TETCO.[1]

Twin Gas furnishes natural gas to Westinghouse at its plant in Bedford, Pennsylvania. Twin Gas states that it has no other industrial customers from whom gas could be taken for Westinghouse. Westinghouse and Twin Gas' two other industrial customers are currently receiving 34 percent of their base allocation volumes.

Penn Fuel states the following regarding Westinghouse:

> Westinghouse's Bedford plant is a custom coater and processor of flexible insulation for use on electrical apparatus and communication equipment. Natural gas is burned in six ovens during the manufacturing process, in which the flexible insulation is coated with various materials. The gas is used to "flash off" flammable solvents from the insulation as it emerges from the coating materials. Penn Fuel states that these ovens cannot be fired with oil because burning oil in this direct flame process would damage the product. Natural gas is also used in a laminator which joins plastic film to insulation fabric. No allegation is made concerning the ability of the laminator to use alternate fuel.

Penn Fuel claims that Westinghouse must receive 300 Mcf per day to remain at full employment. The plant employs 70 people.

Penn Fuel states that Westinghouse is installing a back up propane facility to replace the use of natural gas at the plant. Said propane equipment is expected to be in service on or around November 15, 1974, eliminating the need for extraordinary relief at that time.

On November 6, 1974, the Commission issued a telegraphic order granting to Penn Fuel the relief it requested until November 16, 1974. Penn Fuel will be required to pay back all relief volumes taken by April 15, 1975, the end of the 1974-75 heating season. The order is subject to modification by further Commission action.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27378 Filed 11-21-74;8:45 am]

[Docket No. RP74-39-17]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Petition for Extraordinary Relief

NOVEMBER 14, 1974.

Public notice is hereby given that on November 1, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to deliver to Penn Fuel's distributor subsidiary, Hamburg Gas Company (Hamburg), sufficient volumes to enable Hamburg to deliver to its customer, Glen-Gery Corporation of Shoemakersville, Pennsylvania, up to 500 Mcf per day.

Penn Fuel is a public utility holding company with several affiliated gas distribution companies which provide natural gas service in the eastern half of Pennsylvania. Several of these companies, including Hamburg,[1] purchase their entire natural gas requirements from TETCO.

Hamburg furnishes natural gas to Glen-Gery under a contract providing for a maximum daily demand of 900 Mcf per day on a firm basis and 100 Mcf per day on an interruptible basis. Glen-Gery is currently receiving 200 Mcf per day from Hamburg.

Penn Fuel states the following regarding Glen-Gery's use of natural gas. Glen-Gery is a manufacturer of structural clay products, concrete blocks and bricks. It requires gas to fire several kilns. All of its kilns save one are able to burn alternate fuels. The one kiln, which is designated as the "older Mid-Atlantic Tunnel Kiln" requires at least 750 Mcf per day equivalent to operate. The kiln has been modified so that it can use oil for 250 Mcf per day of its requirements, but it still requires 500 Mcf per day of natural gas.

Absent the requested relief, Penn Fuel states, Glen-Gery will be forced to close down its older Mid-Atlantic tunnel kiln resulting in a loss of production of about 100,000 bricks per day. Twelve employees have already been laid off and Glen-Gery predicts that it will have to lay off an additional 18 employees unless relief is granted.

Penn Fuel lists several major building projects which may be delayed if Glen-Gery is forced to cut production.

Penn Fuel states that Glen-Gery is installing alternate fuel capability for its older Mid-Atlantic tunnel kiln, but that this facility is not expected to be in service until the end of the year. Thus, it asserts that it must receive relief for at least 8 weeks and may require it for a longer time if alternate fuel is unavailable.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 27, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to interevene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27377 Filed 11-21-74;8:45 am]

[1] Twin Gas is listed under Pottsville Gas Company, et al. (Pottsville Group) in TETCO's Index of Purchasers.

[1] Hamburg is listed under Pottsville Gas Company, et al. in TETCO's Index of Purchasers.

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[Docket No. RP74–39–18]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

Petition for Extraordinary Relief

NOVEMBER 15, 1974.

Public notice is hereby given that on November 5, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to deliver to its distributor subsidiary, Pottsville Gas Company (Pottsville) sufficient volumes to enable Pottsville to deliver up to 361.2 Mcf per day to its customer Bound Brook Corporation (Bound Brook) of Auburn, Pennsylvania.

Penn Fuel is a public utility holding company with several distributor affiliates serving the eastern half of Pennsylvania. Several of these distribution companies, including Pottsville, purchase their entire natural gas requirements from TETCO.

Bound Brook is a manufacturer of powdered metal bearings. These bearings are used by other manufacturers in many industries, primarily the agricultural equipment industry.

The bearings are manufactured by compacting powdered metal to the desired shapes in presses, and then heating the compacted masses at precisely controlled temperatures and atmospheres in order to give the finished bearing certain desired physical properties. This heating process is called sintering.

Penn Fuel states that Bound Brook is unable to use electricity or oil in its sintering operation because it is not possible to obtain the precisely controlled temperatures and atmospheres without using natural gas.

Penn Fuel requests that Bound Brook receive up to 361.2 Mcf per day for 21 days per month allowing up to 8,710.2 Mcf on a peak month. Absent curtailment by TETCO, Bound Brook would receive maximum monthly allocations from Pottsville ranging from 3,310 Mcf in July to 7,769 Mcf in October. Penn Fuel claims that Bound Brook has always operated with less than its fuel requirements because it was not using all of the gas it needed during the year in which Pottsville established base volumes.

Penn Fuel states that on the date its petition was filed, Bound Brook was receiving only 34% of its base volumes due to curtailment.

Penn Fuel states that under present curtailment levels, 85 of its 160 employees will be on lay-off because of production loss due to gas shortage.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C., 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commision's rules. The petition is on file with the Commision and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27372 Filed 11–21–74;8:45 am]

[Docket Nos. RP74–48 and RP75–3]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Proposed Change in FPC Gas Tariff

NOVEMBER 15, 1974.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco) on October 31, 1974, tendered for filing revised tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1, as follows:

Substitute Eleventh Revised Sheet No. 5, to be effective December 1, 1974.
Alternate Substitute Eleventh Revised Sheet No. 5 to be effective December 1, 1974.
Substitute Twelfth Revised Sheet No. 5, to be effective February 1, 1975.
Alternate Substitute Twelfth Revised Sheet No. 5, to be effective February 1, 1975.

Transco states that the purpose of such tariff sheets is to reflect an increase in its charges under the GSS rate schedule through tracking of an increase from Consolidated Gas Supply Corporation (Consolidated) under the latter's GSS rate schedule which is proposed by Consolidated to be effective subject to refund on December 1, 1974, in Consolidated's Docket No. RP74–90. Transco states that Consolidated filed revised tariff sheets on October 16, 1974 that would result in an increase in rates to Transco as a result of Consolidated's redesign of its originally filed rates in Docket No. RP74–90 to conform to the cost allocation principles set forth by the Commission in Opinion No. 703 issued August 28, 1974, in Consolidated's Docket No. RP71–77. According to Transco, the purpose of this filing is to track contemporaneously Consolidated's latest proposed increase, if it should be accepted by the Commission, in the same manner as previously authorized by the Commission's August 30, 1974 order in Transco's Docket No. RP75–3.

In addition to Substitute Eleventh Revised Sheet No. 5 which would track Consolidated's latest increase, as discussed above, Transco states that it has filed a tariff sheet to reflect the same increase as of February 1, 1975, the date which its tariff sheets in Docket No. RP75–3 are scheduled to become effective, since Consolidated's latest GSS increase was not reflected in the Docket No. RP75–3 filing. Also, Transco further states that it has filed two alternate tariff sheets to become effective on December 1, 1974 and February 1, 1975, respectively, in the event that the Commission does not accept the latest Consolidated increase. According to Transco, these alternate sheets reflect only the Consolidated increase originally filed in Docket No. RP74–90, as adjusted to reflect Transco's latest PGA tracking filing which became effective October 1, 1974 in Docket No. RP73–3. In this regard, Transco states that the other two tariff sheets described hereinabove also reflect this latest effective PGA tracking filing.

Transco also states that copies of the filing have been mailed to each of its jurisdictional customers and interested State Commissions, and have been served on all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27364 Filed 11–21–74;8:45 am]

[Docket No. RP75–16–4]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND NEW JERSEY ZINC CO.

Petition for Extraordinary Relief

NOVEMBER 15, 1974.

Take notice that on November 5, 1974, New Jersey Zinc Company (NJZ) filed a petition for temporary and permanent extraordinary relief, pursuant to § 1.7(b) of the Commission's rules of practice and procedure. NJZ requests that the Commission issue an order directing Transcontinental Gas Pipe Line Corporation (Transco) to deliver to Union Gas Company (Union) for the account of NJZ 9,688 Mcf per day for a period of at least six months. NJZ further requests that the Commission grant interim relief pending a hearing. On November 6, 1974, on behalf of its distributor subsidiary, Union, Penn Fuel Gas, Inc. (Penn Fuel) filed a motion in support of NJZ's petition and joined in NJZ's request for extraordinary relief.

NJZ states that it purchases its entire supply of natural gas for use in its Palmerton, Pennsylvania plant from Union under a firm contract, under which NJZ is presently entitled to 12,500 Mcf per day of which 10,500 Mcf is firm service. NJZ states that its Palmerton plant accounts for 11 per cent of the United States' current slab zinc production, supplying two-thirds of current domestic production of the zinc dust (the primary ingredient of metal protective coatings) and one-third of current domestic production of zinc oxide (a necessary ingredient of all tires). In addition, NJZ states that the Palmerton plant produces about 2,800 tons of anhydrous ammonia per month which is ultimately distributed to fertilizer makers, pharmaceutical industries, and to various industries for use as a process fuel.

NJZ claims that the natural gas sought by its petition is needed as feedstock, process, and plant protection gas, for which no feasible alternate feedstock or energy source is available. NJZ alleges that even propane could not be used for most of the plant processes unless substantial reconstruction of plant and equipment were carried out. NJZ states that as of November 1, 1974, the Palmerton plant is being curtailed by 30 percent of its basis 10,500 Mcf per day firm contract requirements. NJZ alleges that NJZ and those industries for which it supplies zinc and ammonia are now suffering irreparable injury because NJZ is losing all ammonia production and significant zinc production and is sustaining physical damage to its refractories and refining equipment.

NJZ states that grant of the relief sought would sustain about 75 percent of the plant's normal gas consumption and would forestall further irreparable harm.

NJZ's petition for extraordinary relief did not contain the minimal information required by § 2.78(a) (ii) (a–e) (i) of the Commission's rules, as amended by Order No. 467–C. NJZ has been advised of the deficiency by telegraphic communication sent November 13, 1974, followed by a deficiency letter of November 14, 1974. Action on the petition has been held in abeyance until the conforming data is submitted.

A shortened notice period in this matter may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should, on or before November 26, 1974, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27365 Filed 11–21–74;8:45 am]

[Docket No. E–8959]

UTAH POWER AND LIGHT CO.

Order Accepting for Filing and Making Effective Rate Filing

NOVEMBER 15, 1974.

On August 5, 1974, as completed on October 15, 1974, Utah Power and Light Company (Utah) tendered for filing a supplement [1] to its Interconnection Agreement with Arizona Public Service Company (Arizona) which provides for the unit sale of 100MW from Utah's 430 MW Huntington Unit during the period July 17, 1974, through June 1, 1976. On August 6, 1974, Utah filed a certificate of concurrence on behalf of Arizona.

The rate to be charged Arizona is based on the following cost formula. Arizona will pay Utah a capacity charge equal to Utah's incremental investment of $13,106,176 [2] used to produce the 100 MW to be sold to Arizona times 1/12 the sume of the following fixed charges:

Rate of Return (on net investment) 9.3431 percent
Depreciation Straight Line, 35 years 2.15 percent
Actual Federal & State Income Taxes
Actual Property Taxes
Administrative & General expenses (equal to 15 percent of Operation and Maintenance Expense (O&M) as computed below)
Actual Insurance Costs

Arizona will also pay Utah an O&M charge of $200,000 per year based on January 1, 1970, cost levels subject to the following automatic adjustments. The labor component of the O&M charges, which is 80 percent of the total, will be adjusted automatically upward from January 1, 1970, levels to reflect the percentage increase in Utah's total labor costs resulting from Utah's negotiated union labor settlements. The remaining 20 percent of the O&M charge reflects materials and shall be increased or decreased monthly to reflect percentage changes in the "Industrial Commodities Index" prepared by the United States Department of Labor, Bureau of Labor Statistics using January 1, 1970, as the base month.

In addition to the aforementioned charges, Arizona shall pay Utah an energy charge per kWh equal to monthly fuel costs per kWh plus 2 percent for transmission losses to points of interconnection.

The filing was noticed on August 21, 1974, but no comments or protests have been received.

Our review of the component of O&M charge providing for automatic adjustments for materials costs based upon the "Industrial Commodities Index" indicates that this provision is unjust and unreasonable in that it is based on indices which have no direct relationship to Utah's cost of serving Arizona. Accordingly, we shall direct Utah, within 60 days of the date of issuance of this order, to file a rate schedule supplement reflecting elimination of the automatic adjustment provision for the materials component of the O&M charge.

Our review of the provision for automatic adjustment of the labor cost component of the O&M charge indicates that it is reasonable and appropriate to require Utah to file appropriate data and computations showing the basis for any change in the charges thereunder 30 days prior to the proposed effective date of any such rate change.

As modified above, we find that Utah's filing should be accepted for filing to become effective July 17, 1974, as proposed. Good cause exists to waive the notice requirements of the regulations to permit such effective date.

The Commission finds. (1) Good cause exists to accept for filing and make effective, as of July 17, 1974, Utah's filing in this docket as hereinafter ordered and conditioned.

(2) Good cause exists to waive the notice requirements of the regulations to permit the July 17, 1974, effective date for Utah's filing.

The Commission orders. (A) Utah's filing in this docket is accepted for filing to become effective July 17, 1974, subject to the conditions set forth in ordering paragraphs B and C below.

(B) Within 60 days of the date of issuance of this order, Utah shall file a rate schedule supplement reflecting elimination of the provision for automatic adjustment of the material cost component of the O&M charge which is based upon the United States Department of Labor's "Industrial Commodities Index".

(C) Prior to the effectuation of any rate change pursuant to the provision for automatic adjustment of the labor cost component of the O&M charge, Utah shall file appropriate data and computations showing the basis for such change 30 days prior to the proposed effective date of such change.

(D) The notice requirements of the regulations are waived to permit the July 17, 1974, effective date for the instant filing.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74–27361 Filed 11–21–74;8:45 am]

[Docket No. RI 75–54]

WAYNE L. BROWN ET AL.

Petition for Special Relief

NOVEMBER 15, 1974.

Take notice that on October 15, 1974, Wayne L. Brown, (Operator), et al., (Petitioner), 5930 Clarendon, Wichita, Kansas 67202, filed a petition for special relief in Docket No. RI75–54, pursuant to Order No. 481.

Petitioner seeks a rate of 28 cents per Mcf, pursuant to § 2.76 of the Commission's statements of general policy and interpretations Under The Natural Gas Act, for the sale of gas to Northern Natural Gas Company under its FPC Gas Rate Schedule No. 2 from acreage in Edwards County, Kansas. Petitioner cites as the basis of his petition previously incurred repairs to the damaged wellhead equipment and replacement of the compressor due to a fire which occurred on or about March 7, 1974.

[1] Supplement No. 8 to Rate Schedule FPC No. 89.

[2] This filing represents an update to January 1, 1974, using the Handy-Whitman Index, of the $10,000,000 figure which is based on January 1, 1970 estimated costs.

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Any person desiring to be heard or to make any protest with reference to said petition should on or before December 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27371 Filed 11-21-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

LANE HOLLOW COAL CO.

Opportunity for Public Hearing; Correction

In FR Doc. 74-26860 appearing on page 40542, in the issue for Monday, November 18, 1974, in the third line of the docket listing, "Mine No. 1," should read "Mine No. 21."

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 19, 1974.

[FR Doc.74-27425 Filed 11-21-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 19, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census: Survey of Election Expenditures (State and Local Governments), Form S-327, Single time, Ellett (395-6172), State and local governments.

DEPARTMENT OF DEFENSE

Departmental: Questionnaire on Ceremonial Rifles Donated to Veterans Organizations, Form —, Single time, Caywood (395-3443), American Legion Posts and VFW Posts.

REVISIONS

DEPARTMENT OF JUSTICE

Departmental: LEEP Student Certification and Note, Form LEEP-3, Semiannual, Lowry (395-3772), Student participants.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-27500 Filed 11-21-74;8:45 am]

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

OWNERS AND TENANTS ADVISORY BOARD

Postponement of Previously Announced Meeting

Due to unforeseen circumstances, the meeting of the Owners and Tenants Advisory Board, announced in the FEDERAL REGISTER, Volume 39, No. 220 on page 40082 on Wednesday, November 13, 1974 (FR Doc. 74-26509), will be postponed from Tuesday, November 26, 1974 at 2:00 p.m. until Tuesday, December 10, 1974 at 3:00 p.m.

The meeting's location will remain unchanged, as will the agenda to be discussed.

Any questions may be routed to Ms. Katharine Gresham, Urban Planner, Pennsylvania Avenue Development Corporation, Washington, D.C. Area code 202/343-9423.

PETER T. MESZOLY,
General Counsel.

[FR Doc.74-27341 Filed 11-21-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

BBI, INC.

Suspension of Trading

NOVEMBER 14, 1974.

The common stock of BBI, Inc., being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from November 15, 1974 through November 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27398 Filed 11-21-74;8:45 am]

[70-5575]

CENTRAL AND SOUTH WEST CORP.

Issue and Sale of Common Stock

Notice is hereby given that Central and South West Corporation ("C&SW"), P.O. Box 1631, Wilmington, Delaware 19899, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

C&SW proposes to issue and sell up to 4,382,108 shares of its authorized and unissued common stock, par value $3.50 per share ("stock") through a negotiated offering. The exact number of shares to be sold will be determined by C&SW in light of market conditions at the time of sale.

On November 7, 1974 (Holding Company Act Release No. 18646), this Commission announced a temporary suspension of the competitive bidding requirements of Rule 50 under the Act insofar as those requirements apply to sales of common stock. This suspension is effective through March 31, 1975. C&SW contemplates selling its stock on or about January 30, 1975, and thus the sale will be exempt from the competitive bidding requirements.

Proceeds of the sale of the stock, after deducting expenses of issue, will be used for the payment of short-term borrowings and for the purchase of additional shares of common stock of three C&SW subsidiary companies, Central Power & Light Company ("CP&L"), Public Service Company of Oklahoma ("PSO") and Southwestern Electric Power Company ("SWEPCO"). C&SW had outstanding short-term borrowings of $200,000 at September 30, 1974. At the time of the expected sale of the stock on January 30, 1975, it is expected that C&SW will have about $58,000,000 in outstanding short-term borrowings. C&SW anticipates that during the first half of 1975 it will purchase about $25,000,000 worth of CP&L common stock, $15,000,000 worth of PSO common stock and $10,000,000 worth of SWEPCO common stock. Such purchases

will be the subject of additional filings with this Commission.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transaction. Fees and expenses estimated at $130,000 are expected to be incurred in connection with the proposed transaction, including legal fees of $38,000 and accountants' fees of $15,000.

Notice is further given that any interested person may, not later than December 10, 1974, request in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27407 Filed 11-21-74;8:45 am]

[70-5547]

COLUMBIA COAL GASIFICATION CORP. AND COLUMBIA GAS TRANSMISSION CORP.

Transfer of Leasehold Interest

Notice is hereby given, that Columbia Coal Gasification Corporation ("Coal Gasification") and Columbia Gas Transmission Corporation ("Transmission"), 20 Montchanin Road, Wilmington, Delaware 19807, both wholly-owned nonutility subsidiary companies of The Columbia Gas System, Inc., a registered holding company, have jointly filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 2, 9, 10 and 12 of the Act and Rule 43 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete description of the transactions.

Coal Gasification was organized in 1970 as the corporate vehicle for the development of synthetic pipeline quality gas from coal to augment the System's natural gas supplies (Holding Company Act Release No. 16968, January 18, 1971). It was stated that Coal Gasification would seek to acquire or develop the essential coal reserves to support major coal gasification facilities.

Since 1916, the System has held 300,000 acres of lands in West Virginia, on which extensive gas exploration, development and production has been conducted over the years. This acreage, in which the System also owns the coal rights, was leased on March 12, 1971, by a predecessor (by merger) of Transmission to Coal Gasification. The lease is for an initial term of 30 years, and Coal Gasification's rights thereunder are limited to the exploration, development and extraction of minable coal underlying the premises. The lease obligates Coal Gasification to pay royalties equal to the greater of (1) a minimum royalty of $25,000 per year for the first seven years and $200,000 per year thereafter, or (2) 9 cents per ton mined and shipped plus 1.125 percent of the amount by which the average sales price realization per ton exceeds $8 per net ton F.O.B. mines.

Simultaneously with execution of the lease, Coal Gasification commenced an exploration and core-drilling program to evaluate the extent of commercially minable coal in the deposits underlying the lease; and in November 1971, a report covering the first 60,000-acre block under the lease was rendered by John T. Boyd Company, an independent firm of consultants retained for that purpose. In a separate application-declaration filed by Coal Gasification (File No. 70-5561), dealing with a proposed definitive coal-mining program pursuant to a joint arrangement with non-affiliated interests, it is stated that as of May 29, 1974 coredrilling on the 60,000 acres reported on by Boyd indicates proven underlying reserves of 324,177,000 tons of recoverable steam coal, most of it having a low average sulphur content of 0.85 percent.

It is stated that at the time of execution of the lease, applicants-declarants regarded the transaction as not subject to approval under the Act. Such approval is now sought, particularly since the lease transaction is intimately related to the substantial transactions presently being proposed in File No. 70-5561 in connection with the definitive mining program referred to above.

Fees and expenses which have been incurred by Coal Gasification and Transmission in connection with the lease transaction are estimated at $7,248, including $3,000 for services rendered at cost by Columbia Gas System Service Corporation and $1,948 fee to the John T. Boyd Company. It is stated that no approval or consent of any regulatory body other than this Commission is necessary in connection with the lease transaction.

Notice is further given that any interested person may, not later than December 10, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-27409 Filed 11-21-74;8:45 am]

[70-5561]

COLUMBIA GAS SYSTEM, INC. AND COLUMBIA COAL GASIFICATION CORP.

Exchange of Coal Reserves

Notice is hereby given that the Columbia Gas System, Inc. ("Columbia"), 20 Montchanin Road, Wilmington, Delaware 19807, a registered holding company, and Columbia Coal Gasification Corporation ("Coal Gasification"), its wholly-owned non-utility subsidiary, have jointly filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6, 7, 10 and 12 of the Act and Rules 43, 45, and 50(a)(3) promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Coal Gasification was organized in 1970 as the corporate vehicle for the development of synthetic pipeline quality gas from coal to augment the System's natural gas supplies. (Holding Company Act Release No. 16968, January 18, 1971.) It was stated that Coal Gasification would seek to acquire or develop coal reserves to support major coal gasification facilities.

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In March 1971, Coal Gasification acquired, by lease, all mineral rights to approximately 300,000 acres of lands in West Virginia ("West Virginia Reserves") from Columbia Gas Transmission Company ("Transmission"), an associate company. It is stated that these mineral rights were acquired by Transmission and its predecessors in conjunction with acquisition of oil and gas rights prior to 1916. Details of that transaction are set forth in a companion application-declaration filed by Coal Gasification and Transmission (File No. 70-5547).

Coal Gasification has engaged independent mining engineers and geologists to conduct core drilling and exploration activities to evaluate the extent of commercially minable coal in the acreage. As of May 1974, approximately 60,000 acres have ben explored, and the engineers concluded that such acreage contains proven reserves of 324,177,000 tons of recoverable steam coal, with approximately 233,000,000 of such amount having an average sulphur content of 0.85 percent.

Coal Gasification states it has entered into agreements subject to approval of the Commission with The Carter Oil Company ("Carter"), a subsidiary of Exxon Corporation. In substance, the agreements: (a) provide for an exchange with Carter ("Exchange Agreement") of an undivided one-half interest in approximately 43,000 surface acres of Coal Gasification's West Virginia Reserves for an undivided one-half interest in approximately 35,000 surface acres of Carter's high-sulphur (approximately 2.8 percent) coal lands in Southern Illinois ("Illinois Reserves"); (b) provide for utilization of the Illinois Reserves in entirety for gasification feedstock, when it becomes technically and economically feasible; and (c) provide for development of the West Virginia Reserves involved in the exchange, whereby Carter's affiliate, Monterey Coal Company, will design, construct and operate two deep underground mines, each with an annual capacity of 2.2 million tons of coal. It is anticipated that initial commercial production of the West Virginia coal from one mine would commence in 1976, reaching design capacity in 1978. The transaction contemplates that the coal land acreages in which the ownership interests are exchanged will each contain approximately 200 million tons of recoverable coal.

Such agreements would require Coal Gasification to contribute 50 percent of the capital required for the development of the two mines in the West Virginia Reserves and pay 50 percent of the operating costs. Coal Gasification will own 50 percent of the production of the mines and plans to sell such coal under long-term contracts to one or more electric power companies or steel companies. It is stated that the transactions described above were the result of arm's-length bargaining between Coal Gasification and Carter, and that the proposed transactions are the most economically advantageous way for Columbia to dispose of its share of the West Virginia Reserves. Independent mining engineers and geologists have opined that the Exchange Agreement between Coal Gasification and Carter is a fair and equitable arrangement for Coal Gasification.

In order to effectuate the transactions outlined above, Coal Gasification will require approximately $48,000,000 in equity capital over the next 6 to 7 years, such amount to be raised by the issue and sale of its long-term notes and common stock to Columbia, in the following amounts:

1974–75	$11,000,000
1976–77	23,000,000
1978–80	14,000,000
Total	48,000,000

In accordance with the above schedule of financing, Coal Gasification proposes to issue and sell, from time to time, through December 31, 1975, up to $11,000,000 of its securities to Columbia. Such securities will consist either of 25-year Installment Promissory Notes ("Notes") and common stock, par value $25 per share.

The Notes will be unsecured and non-registered and dated the date of their issuance. The principal amounts of each of the Notes will be due in 20 equal annual installments, payable beginning on March 31st of the fifth year after the date of issuance of each Note. Each Note shall be prepayable in whole or in part, and without penalty, at any time. Interest is to be paid annually on March 31st and September 30th from the date of issuance of the Notes on the unpaid principal thereof. The interest rate will be the actual cost of money to Columbia with respect to its last sale of debentures or Preferred Stock, or both, prior to the issuance of said Notes decreased by an amount necessary in order that the interest rate be a multiple of 1/10 of 1 percent. The proportions of Notes and common stock will be supplied by amendment.

Columbia proposes to finance its purchase of the Notes and common stock of Coal Gasification from its general funds including proceeds of public offerings of its securities for financing the overall System capital requirements.

Fees and expenses which have been or will be incurred by Columbia and Coal Gasification in connection with the proposed transactions are estimated to aggregate $36,478, including legal fees of $5,000 and services of $24,000, at cost, by the Columbia Gas System Service Corporation.

It is stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 10, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-27410 Filed 11-21-74;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORPORATION OF AMERICA

Suspension of Trading

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants to purchase the stock, 9½ percent debentures due 1990, 5½ percent convertible subordinated debentures due 1991, and all other securities of Equity Funding Corporation of America being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 18, 1974 through November 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-27402 Filed 11-21-74;8:45 am]

[811-759]

FIRST SIERRA FUND

Application Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Founders Special Fund, Inc. ("Special Fund"), 2400 First National Bank Building, Denver, Colorado 80202, an open-end, non-diversified, management investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application on October 21, 1974 pursuant to section 8(f) of the Act for an order of the Commission declaring that First Sierra Fund ("Sierra Fund") has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Sierra Fund, under the name Insurance Investors Fund, Inc., was incorporated under the laws of the State of Delaware on August 6, 1956, and registered under the Securities Act of 1933 and the Investment Company Act of 1940 in the Spring of 1957. At a Special Meeting on April 30, 1974, the shareholders of Sierra Fund and Special Fund voted to approve a Plan and Agreement of Reorganization and an Agreement of Merger providing for the merger of Sierra Fund with and into Special Fund. The merger was effective on June 11, 1973 when each outstanding share of Common Stock of Sierra Fund was converted to .34952551 of a share of Special Fund Capital Stock. As the result of the merger, all assets and liabilities of Sierra Fund were, by operation of law, transferred to or assumed by Special Fund. Sierra Fund's corporate existence thereby ceased and its shareholders became shareholders of Special Fund. Sierra has no remaining assets and does not intend to conduct business as a registered investment company.

Section 8(f) of the Act provides, in pertinent part, that when the Commission upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 9, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-27404 Filed 11-21-74;8:45 am]

[File No. 500-1]

GREATER WASHINGTON INVESTORS, INC.

Suspension of Trading

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Greater Washington Investors, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 17, 1974 through November 26, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-27403 Filed 11-21-74;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Suspension of Trading

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 18, 1974 through November 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-27401 Filed 11-21-74;8:45 am]

[812-3622]

INVESAT CORP.

Application Exempting Certain Transactions

Notice is hereby given that Invesat Corporation ("Invesat"), Deposit Guaranty Bank Building, Jackson, Mississippi 39201, a Mississippi corporation registered as a closed-end, non-diversified, management investment company under the Investment Company Act of 1940 (the "Act") and licensed as a small business investment company ("SBIC") under the Small Business Investment Act of 1958 (the "1958 Act") filed an application on April 2, 1974 and an amendment thereto on November 8, 1974, pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of sections 12(e), 17(a) and 17(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Invesat was organized as a Mississippi corporation on July 25, 1973 and completed a public offering of its common stock at a public offering price of $15 per share on September 17, 1974. The net proceeds of the public offering are approximately $1,300,000. Invesat, as a SBIC, is chartered under the 1958 Act as a vehicle for providing equity capital and long-term loan funds for small businesses. Invesat proposes to provide such funds to small business concerns located in Mississippi.

Invesat has formed a wholly-owned subsidiary, Invesat Capital Corporation (the "Subsidiary"), which has registered under the Act as a closed-end, non-diversified, management investment company and which will seek licensing from the Small Business Administration ("SBA") as a licensee under section 301(d) of the 1958 Act. A section 301(d) licensee is a small business investment company, the investment policy of which is to provide equity funds, long-term loans and management assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantage. As of December 1, 1973, Invesat's total investment in the Subsidiary was $1,000 and Invesat held 100 percent of the Subsidiary's outstanding common stock.

Invesat intends, as disclosed to potential investors in the prospectus used in conjunction with its recent public offering, to purchase additional common stock in the Subsidiary to enable the Subsidiary to carry on an active investment program as a section 301(d) licensee. Invesat's proposed investment in the Subsidiary will not be less than $150,000 nor more than $500,000. The Subsidiary has not heretofore engaged in business of any kind and will not engage in any business other than organizational matters unless and until the exemptive orders requested from the Commission are granted.

To encourage the formation and growth of SBIC's, the SBA is authorized to purchase, or to guarantee the timely payment of all principal and interest as scheduled on, debt securities of an SBIC

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in an amount up to 200 percent of the SBIC's equity capital. The SBA may also purchase preferred securities of a section 301(d) licensee. Section 18(k) of the Act exempts both Invesat and the Subsidiary, as SBIC's, from the asset coverage requirements contained in section 18(a)(1)(A) and 18(a)(1)(B) of the Act with respect to debt securities issued or sold by closed end investment companies and from the asset coverage requirements contained in section 18(a)(2) of the Act with respect to preferred securities held or guaranteed by the SBA.

Section 12(d)(1), as here pertinent, prohibits the purchase or acquisition by a registered investment company (the "acquiring company") of any security issued by any other investment company (the "acquired company") if immediately after such purchase or acquisition the acquiring company owns in the aggregate (1) more than three percent of the total outstanding voting stock of the acquired company; (2) securities issued by the acquired company having an aggregate value in excess of five percent of the value of the total assets of the acquiring company; or (3) securities issued by investment companies having an aggregate value in excess of ten percent of the value of the total assets of the acquiring company.

Section 12(e) of the Act provides, among other things, that notwithstanding the provisions of section 12(d)(1), a registered investment company may utilize up to five percent of the value of its total assets to purchase or otherwise acquire securities issued by another investment company engaged or proposing to engage in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence and reorganizing companies or similar activities, provided that the securities issued by such other investment company consist solely of one class of common stock. An exemptive order from Section 12(e) of the Act is necessary in order to enable Invesat to invest more than five percent of the value of its total assets in the Subsidiary and to permit the Subsidiary to issue preferred stock to the SBA and subordinated debentures which may be purchased or guaranteed by the SBA.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or any affiliated person of such a company, from selling to or purchasing from such registered company any securities or other property. Invesat requests an order of exemption from section 17(a) of the Act to permit the initial transfer and any subsequent transfers of assets between Invesat and the Subsidiary.

Section 17(d) of the Act and Rule 17 d-1 thereunder, taken together, provide, among other things, that it shall be unlawful, with certain exceptions, for an affiliated person of a registered investment company or any affiliated person of such a person, acting as principal, to participate in, or effect any transaction in connection with any joint enterprise or arrangement in which any such registered company or a company controlled by such registered company, is a participant unless an application regarding such arrangement has been granted by the Commission. Invesat requests an order of exemption from the provisions of section 17(d) of the Act to permit it to participate with the Subsidiary in any possible joint transactions with third persons having no affiliation with Invesat, the Subsidiary or their affiliates.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions, from any provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Invesat has agreed that the order the Commission may issue pursuant to this Notice may be conditioned as follows:

(a) Invesat will cause the Subsidiary to be licensed, by the SBA, as a small business investment company under section 301(d) of the 1958 Act. Invesat and the Subsidiary will operate solely as small business investment companies licensed by the SBA under the 1958 Act and will comply with all statutory and regulatory requirements imposed by the SBA.

(b) Invesat will at all times own and hold, beneficially and of record, all of the outstanding common stock of the Subsidiary.

(c) Invesat will not cause or permit the Subsidiary to change any of its fundamental investment policies, or take any other action referred to in section 13(a) of the Act, unless such action shall have been authorized by Invesat as the holder of all of the outstanding voting securities of the Subsidiary after approval of such action by the vote of a majority (as defined in the Act) of Invesat's outstanding voting securities.

(d) Invesat will not cause or permit the Subsidiary to enter into, renew or perform any investment advisory or underwriting contracts or agreements, written or oral, as contemplated by section 15 of the Act, unless the terms of such contracts or agreements and any renewal thereof shall have been approved in compliance with section 15 of the Act. Any vote of the stockholders of the Subsidiary as required by section 15 of the Act will be deemed to require a vote of Invesat's stockholders. Any action of the directors of the Subsidiary as required by section 15 of the Act will be deemed to require a vote of the directors of Invesat, including a majority of those directors who are not parties to any such contract or agreement or affiliated persons of any such party.

(e) Invesat will file with the Commission and transmit to its stockholders reports prescribed and required by section 30 of the Act, including separate financial statements of the Subsidiary. Invesat will also cause the Subsidiary to file with the Commission copies of all reports which the Subsidiary will be required to file with the SBA.

(f) Any independent public accountant who signs a financial statement filed by Invesat or the Subsidiary with the Commission shall be selected and approved for Invesat in compliance with section 32(a) of the Act by a majority (as defined in the Act) of Invesat's outstanding voting securities.

(g) The officers and directors of Invesat and the Subsidiary will be in all respects identical.

(h) Invesat will not make any investment in the Subsidiary if (1) the aggregate value of an existing investment plus the cost of any additional investment in the Subsidiary would exceed 25 percent of the value of Invesat's net assets on an unconsolidated basis, or (2) the value of the total assets of the Subsidiary would exceed 25 percent of the value of the total assets of Invesat on a consolidated basis.

Invesat submits that the requested exemptions are necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than December 13, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such services (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 13, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

It is ordered, That the Secretary of the Commission shall send a copy of this notice by certified mail to the Associate Administrator for Investment, Investment Division, Small Business Administration, Washington, D.C. 20416.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-27406 Filed 11-21-74;8:45 am]

[File No. 500-1]

I-T-E IMPERIAL CORP.

Suspension of Trading

NOVEMBER 15, 1974.

The common stock of I-T-E Imperial Corp. being traded on the New York and Pacific Stock Exchanges and the preferred 4.60 percent cumulative being traded on the Philadelphia-Baltimore-Washington Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of I-T-E Imperial Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange is suspended, for the period from 12:55 p.m., (e.s.t.) on November 15, 1974 through midnight (e.s.t.) on November 24, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.74-27412 Filed 11-21-74;8:45 am]

[File No. 500-1]

NICOA CORP.

Suspension of Trading

NOVEMBER 14, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Nicoa Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 15, 1974 through November 24, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS, *Secretary.*

[FR Doc.74-27397 Filed 11-21-74;8:45 am]

[70-5549]

OHIO POWER CO.

Issue and Sale of Preferred Stock and Request for Exception From Competitive Bidding

Notice is hereby given that Ohio Power Company ("Ohio"), 2 Broadway, New York, New York 10004, an electric utility subsidiary company of American Electric Power Company, Inc. ("AEP"), a registered holding company, has filed an application-declaration, and an amendment thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(b) and 12(c) of the Act and Rules 50(a)(5) and 100(a) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application declaration, as amended, which is summarized below, for a complete statement of the proposed transactions.

Ohio proposes to issue and sell up to 300,000 shares of a new series of its cumulative preferred stock, par value $100 per share ("stock"). Ohio proposes that the price of the stock, the terms of a sinking fund and optional redemption prices, the exact number of shares of the stock and any dividend rate on the stock to be sold will be determined by negotiation, as explained further below.

Ohio requests an exception from the competitive bidding requirements of Rule 50 under the Act pursuant to section (a)(5) thereof. As reasons for the requested exception, Ohio states that recent events tend to establish there is neither sufficient market nor underwriter capacity to support competing underwriters' offers for a substantial issue of utility company preferred stock. It is further stated that negotiated sales and private placements of securities, as opposed to competitive bidding, permit last minute changes in the amount and/or timing of the preferred stock offering, such changes sometimes being compelled by market conditions.

In light of such circumstances and market conditions, Ohio requests authority to discuss a public offering of the stock with prospective underwriters. Upon the conclusion of such discussions, Ohio proposes to select a financing arrangement which, in the view of Ohio, will result in the sale of the stock on reasonable terms.

Ohio states that during the course of negotiations to sell the stock, it may become necessary to make provision for a mandatory sinking fund to retire a certain number of shares annually. Ohio requests authority to institute such a sinking fund. It is also stated that there may be an optional redemption price for the stock which will be maintained at a certain price level for up to a ten year period.

Proceeds of the sale of the stock and the cash capital contributions will be applied to the payment of unsecured short-term indebtedness of Ohio. It is stated that Ohio anticipates it will have short-term debt outstanding in mid-December, 1974 of approximately $150,000,000, prior to the application of any proceeds of the sale of the stock to reduce such debt.

It is stated that The Public Utilities Commission of Ohio has jurisdiction over the proposed issue and sale of the stock and that no other state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred by Ohio in connection with the proposed transactions will be supplied by amendment.

Notice is further given that any interested person may, not later than December 5, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commision may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] SHIRLEY E. HOLLIS, *Assistant Secretary.*

[FR Doc.74-27408 Filed 11-21-74;8:45 am]

[70-4549]

PENNSYLVANIA ELECTRIC CO.

Proposed Increase in Loans

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), 1001 Broad Street, Johnstown, Pennsylvania 15907, an electric utility subsidiary company of General Public Utilities

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Corporation, a registered holding company, has filed with this Commission a post-effective amendment to the application, as previously amended, filed in this proceeding pursuant to sections 9(a) and 10 of the Public Utility Holding Company Act of 1935 ("Act"), regarding the following proposed transactions. Interested persons are referred to the application, as now amended, which is summarized below, for a complete statement of the proposed transactions.

In prior orders in this proceeding, Penelec was authorized by this Commission to acquire through December 30, 1974, promissory notes to be issued by two nonaffiliated mining companies, The Helen Mining Company ("Helen") and Helvetia Coal Company ("Helvetia"), which are engaged in developing coal mines for the Homer City Generating Station ("Homer Station"), in which station Penelec owns a 50 percent interest, Holding Company Release Nos. 15899 (November 17, 1967), 16773 (July 1, 1970), 16909 (November 25, 1970), 17064 (March 24, 1971), 17396 (December 15, 1971), 17581 (May 26, 1972), 17738 (October 26, 1972), and 18207 (December 3, 1973). The other 50 percent interest in the Homer Station is held by New York State Electric & Gas Corporation ("NYSEG"), a utility unaffiliated with Penelec.

It is stated that in order to meet expected coal burn requirements for a new unit presently under construction at the Homer Station, Helvetia's production should be increased from its present 1.6 million tons per year to 2.4 million tons per year by 1977. Additional financing of $9,500,000 is stated to be required to provide the additional capacity. Penelec's share of such financing amounts to $4,750,000.

The Penelec and NYSEG loans to Helvetia were previously contemplated to be repaid through permanent financing of the Helvetia operations by December 31, 1974. It is now represented that with the present condition of the capital markets, it does not appear that the necessary permanent capitalization can be arranged by that date. Therefore, Penelec now seeks authorization to (a) increase the amount of loans that it may make to Helvetia by $4,750,000 to an aggregate of $12,250,000, (b) acquire notes of Helvetia until December 30, 1978 and (c) extend the maturity of the notes previously acquired from Helvetia to December 31, 1978.

The Penelec and NYSEG loans to Helen were previously contemplated to be repaid through permanent financing of the Helen operations by November 30, 1974. It is now stated that because of the present conditions of the capital markets, it does not appear that the necessary permanent financing can be arranged for Helen by that date. Helen also advises that its capital requirements have been curtailed during 1974 because of delays and long lead times associated with the delivery of mining equipment resulting in a $2,000,000 balance which may be advanced by Penelec and NYSEG through December 30, 1974. Therefore, Penelec requests authority to (a) acquire notes of Helen through December 30, 1978 and (b) extend the maturity of Notes previously acquired from Helen until December 31, 1978.

It is stated that no state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions. It is further stated that no fees or expenses are expected to be incurred in connection with the proposed transactions.

Notice is further given that any interested person may, not later than December 9, 1974, request in writing that a hearing be held on such matter, stating the nature of his interests, the reasons for such request, and the issues of fact or law raised by said post-effective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20 (a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27405 Filed 11-21-74;8:45 am]

[811-1300, etc.]

PRESIDENTIAL EXCHANGE FUND, INC., ET AL.

Application Declaring That Companies Have Ceased To Be Investment Companies

Notice is hereby given that Presidential Exchange Fund, Inc. ("Presidential"), Second Presidential Exchange Fund, Inc. ("Second Presidential"), and Fifth Presidential Exchange Fund, Inc. ("Fifth Presidential"), 421 Seventh Avenue, Pittsburgh, Pennsylvania 15219, (collectively, "Funds"), all registered as open-end diversified management investment companies under the Investment Company Act of 1940 ("Act"), filed an application on October 29, 1974 pursuant to section 8(f) of the Act for an order declaring that each Fund has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Presidential was organized on February 18, 1965, and registered under the Act by filing a Form N-8A Notification of Registration on March 3, 1965. Second Presidential was organized on September 3, 1965, and registered under the Act by filing a Form N-8A Notification of Registration on November 1, 1965. Fifth Presidential was organized on October 27, 1966, and registered under the Act by filing a Form N-8A Notification of Registration on November 3, 1966.

Funds represent that pursuant to a merger agreement approved by the shareholders of each Fund, Funds were merged on October 23, 1974, into American Leaders Fund, Inc., an open-end, diversified management investment company registered under the Act. In accordance with the laws of the State of Maryland and pursuant to the agreement of merger, the Funds' corporate status ceased as of October 23, 1974.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and, upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than December 13, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Funds at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the Application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27411 Filed 11-21-74;8:45 am]

[File No. 500-1]

WESTGATE CALIFORNIA CORP.

Suspension of Trading

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6% subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 18, 1974 through November 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc. 74-27399 Filed 11-21-74;8:45 am]

[File No. 500-1]

ZENITH DEVELOPMENT CORP.

Suspension of Trading

NOVEMBER 15, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Zenith Development Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 18, 1974 through November 27, 1974.

By the Commission.

[SEAL] SHIRLEY E. HOLLIS,
Assistant Secretary.

[FR Doc.74-27400 Filed 11-21-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 05/05-5092]

DAYTON MESBIC, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that Dayton MESBIC, Inc. (Dayton), Grant-Deneau Tower, 40 West Fourth Street, Suite 910, Dayton, Ohio 45402, a small business investment company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (Act), has filed an application pursuant to 13 CFR 107.1004 (1974), for approval of a conflict of interest transaction.

Dayton was licensed by the Small Business Administration (SBA) on April 12, 1973. The licensee's voting stock is owned by the City-Wide Development Corporation, a nonprofit organization.

On October 31, 1974, the licensee's Loan Committee and Board of Directors approved an application for a loan in the amount of $30,000 to Don Black & Associates, 3217 Hoover Avenue, Dayton, Ohio 45417, a firm in the photographic and public relations business. The loan will bear interest at the rate of 12 percent per annum, and shall be subject to a 12-month moratorium on principal payments. The loan is to be repaid in 7 years. Mr. Don Black is the sole proprietor of this small business concern.

The transaction falls within the purview of the cited regulation by reason of the fact that Mr. Black is a member of the Board of Directors of the licensee.

Notice is hereby given that any interested person may submit to SBA written comments on this financing on or before December 9, 1974.

Any such communication should be addressed to: Deputy Associate Administrator for Investment, Small Buisness Administration, 1441 L Street, NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in Dayton, Ohio.

Dated: November 13, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-27317 Filed 11-21-74;8:45 am]

[License No. 04/04-5113]

FINANCIAL OPPORTUNITIES, INC.

Issuance of License To Operate as a Small Business Investment Company

On August 2, 1974, a notice was published in the FEDERAL REGISTER (39 FR 27947), stating that Financial Opportunities, Incorporated, 981 South Third Street, Louisville, Kentucky 40203, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended.

Interested parties were given to the close of business on August 17, 1974, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 04/04-5113 to Financial Opportunities, Incorporated, pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended.

Dated: November 4, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-27315 Filed 11-21-74;8:45 am]

[License No. 09/09-5176]

SPACE VENTURES, INC.

Issuance of License To Operate as a Small Business Investment Company

On October 9, 1974, a notice was published in the FEDERAL REGISTER (39 FR 36405) stating that Space Ventures, Incorporated, located at 12214 Lakewood Boulevard, Downey, California 90241, had filed an application with the Small Business Administration pursuant to 13 CFR 107.102 (1974) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958 (the Act) as amended.

The period for comment ended October 23, 1974.

Notice is hereby given that, having considered the application and other pertinent information, SBA has issued License No. 09/09-5176 to Space Ventures, Incorporated.

Dated: November 13, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-27314 Filed 11-21-74;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

FEDERAL COMMITTEE ON APPRENTICESHIP

Notice of Meeting

This is to give notice in accordance with section 10 (a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Federal Committee on Apprenticeship will conduct an open meeting on Thursday, December 12 from 9 a.m.-5 p.m.; Friday, December 13, 1974 from 9 a.m.-12 noon in Room B-102 (A, B, C, D) Conference Level, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, D.C.

On December 12 there will be a discussion of:

1. Complete consideration of 29 CFR Part 29—Labor Standards for the Registration of Apprenticeship Programs.
2. Complete consideration of 29 CFR Parts 5, 5a—Trainee and Apprenticeship.
3. AGC Proposed Master Training Plan for The Construction Industry.

The morning of December 13 will be devoted to the discussion of: New Initiatives in Apprenticeship—Recommendations.

Members of the public are invited to attend the proceedings. Any written data,

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views, or arguments pertaining to the agenda must be received on or before December 3, 1974, by the Committee's Executive Secretary. Thirty duplicate copies are needed for the members and for inclusion in the minutes of the meeting.

Persons wishing to address the Committee members during the meeting should submit to the Executive Secretary no later than December 3, 1974 a request to be heard, stating the nature of their intended presentation and the amount of time needed. The Chairman will announce at the beginning of the meeting the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows:

Mr. M. M. Winters
Bureau of Apprenticeship and Training, MA
U.S. Dept. of Labor
601 D St. NW (Rm 5434)
Washington, D.C. 20213

It is recognized that this notice of meeting does not meet the 15-day requirement for submitting written data, views, or argument due to the fact that appropriate space was not available until November 19.

Signed at Washington, D.C. this 19th day of November 1974.

WILLIAM H. KOLBERG,
Assistant Secretary for Manpower.

[FR Doc.74-27484 Filed 11-21-74;8:45 am]

Occupational Safety and Health Administration

[V-74-57]

PSF INDUSTRIES, INC.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that PSF Industries, Inc., 65 South Horton Street, Seattle, Washington 98124 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 29 CFR 1905.11 for a variance and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.451 (a)(4), (5), and (10) dealing with scaffolding.

The place of employment affected by the application is the construction site where the applicant engaged in construction operations.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application the applicant contends that it is providing employment and places of employment as safe as those which would prevail if it compiled with § 1926.451(a)(4), and (10). Section 1926.451(a)(4) and (5) reads as follows:

(4) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beams scaffolding and floats (see paragraphs (p) and (w) of this section). Scaffolds 4 to 10 feet in height having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails installed on all open sides and ends of the platform.

(5) Guardrails shall be 2 x 4 inches, or the equivalent, approximately 42 inches high, with a midrail, when required. Supports shall be at intervals not to exceed 8 feet. Toeboards shall be a minimum of 4 inches in height.

The applicant states that its business is of a specialized nature involving steel plate erection by members of the boilermaker's trade.

The applicant contends that the scaffolds it uses in building tanks are mobile and are frequently raised as are the tank sections, in order to position the next set of steel plates. The scaffolds used do not have toeboards because tools are placed in well designed "loose tool" containers provided for that purpose. In addition, the applicant proposes to rope off the area directly below and in close proximity to the scaffold and to permit only those employees, and tools currently being used by them, on the scaffolds. As a further precaution, a taut wire is installed midway between the innermost plank face of the scaffold platform and the tank face. The applicant states that because the scaffolds must be moved frequently, it would be more hazardous to constantly remove and replace toeboards.

The applicant also proposes to place guardrail supports at 10' 6'' intervals in lieu of 8' requirement of § 1926.451(a)(5). This would allow consistent bracket spacing since the applicant further desires to use 10' 6'' spans for its scaffold planking although § 1926.451(a)(16) allows a maximum span of 10'. The applicant states that rough full-dimensional 2'' x 12'' x 12' planks of Douglas Fir is used. The applicant states that the boards are Select Structural grade with 1900 psi fiber construction grade lumber. The applicant contends that scaffolds it is using are safe, even though the span is one-half foot longer that the maximum length allowed, because of the increased strength of the wood.

A copy of the application will be made available for inspection and copying upon request at the Office of Compliance Programming, U.S. Department of Labor, 1726 M Street, NW., Room 210, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
506 Second Avenue
1808 Smith Tower Building
Seattle, Washington 98104

U.S. Department of Labor
Occupational Safety and Health Administration
121-107th Street, NE.
Bellevue, Washington 98004

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for variance are invited to submit written data, views, and arguments relating to the pertinent application no later than December 23, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than December 23, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Compliance Programming at the above address.

II. *Interim order.* It appears from the application for variance and interim order filed by the company named in this notice, that the proposed scaffolding described in its application will provide employment and places of employment as safe as those which would prevail if the applicant was to comply fully with 29 CFR 1926.451(a) (4), (5), and (10). It further appears than an interim order is necessary, pending a decision on the application in order to prevent undue hardship to the applicant and its employees. Therefore, it is ordered, pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1910.11(c), that the company be, and it is hereby, authorized to use scaffolds in accordance with the following conditions, in lieu of complying with the toeboard and span requirements in § 1926.451(a) (4), (5), and (10):

(a) The applicants' loose tools and equipment shall be kept in tool containers. This does not include fit-up bar, key plates, key channels, or long handled maul which may rest on the scaffold plank from time to time. The loose tool containers shall be secured to prevent their upset or dislodgement from the scaffold area.

(b) Areas beneath employees working elevated areas shall be roped off and posted with signs stating "Danger Overhead Work".

(c) A taut wire rope shall be installed at the scaffold plank level between the scaffold plank and the curved plate structure, so that the open space on either side of the taut wire rope shall not exceed 12''.

(d) Brackets, posts, supports and rails for the outer guardrail and midrail shall be proportionately stronger at 10'6'' intervals in order to provide guardrail strength and stability equal to that which would be obtained by the use of 2'' x 4'' at 8' intervals in accordance with § 1926.451(a)(5). Brackets and supports shall be located at 10'6'' intervals.

(e) Tank scaffold brackets shall be spaced 10'6'' center to center for this type of tank work.

(f) Scaffold planks with the following specifications shall be used. All planking shall be of rough full-dimensioned 2'' x 12'' x 12' Douglas Fir of Select Structural grade. The Douglas Fir shall have at least a 1,900 fiber stress and 1,900,000 modulus of elasticity.

The applicant shall give notice of its interim order to all employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. The interim order shall be effective as of November 22, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 14th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-27415 Filed 11-21-74;8:45 am]

STANDARDS ADVISORY COMMITTEE ON HAZARDOUS MATERIALS LABELING

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Standards Advisory Committee on Hazardous Materials Labeling, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Monday, December 16, starting at 10:00 a.m. and Tuesday, December 17, 1974, starting at 9:00 a.m. in the Brittany Room of the Ramada Inn Downtown, located at 10 Thomas Circle, NW., Washington, D.C. The meeting will be open to the public, and all interested parties are encouraged to attend.

The objectives and scope of the Committee are to develop guidelines for the implementation of section 6(b)(7) of the Act with respect to "hazardous materials." Since "hazardous materials" has a very broad connotation, it was decided to limit the parameters of the Committee in order to best utilize the limited time allotted. Thus, the scope is concerned only with chemicals. Included would be such groupings as radioactive materials not under other jurisdictions, compressed gases, and explosives, while physical and biological agents would be excluded. The status of such substances classed as enzymes and hormones might be questionable and will be determined by the Committee.

It is hopeful that the Committee can formulate principles and a system from which a regulation can be prepared. In establishing its set of basic principles, the Committee does not intend to ignore the many systems presently in use; consequently, it does intend to utilize pertinent parts of whatever systems it feels would be suitable to satisfy the mandate of section 6(b)(7) of the Act.

At its first meeting, the Standards Advisory Committee on Hazardous Materials Labeling was divided into three working subgroups to efficiently study several areas at the same time: (1) Categorizing and Ranking the Hazards of Materials; (2) Labeling and Placard Systems; and (3) Safety Data Sheets and Training Requirements. At its meeting on November 4, 1974, the Committee decided to consolidate subgroups 1 and 2 in order to reduce any possible duplication of effort and best utilize the available manpower resources. Therefore, the consolidated membership will not only consider categorizing and ranking the hazards of materials, but will also consider appropriate labeling and placard systems. However, the structure and area of study for these subgroups is subject to modification.

The proposed agenda for the ensuing meetings on Monday, December 16, and Tuesday, December 17, calls for a meeting of the full committee the morning of the 16th followed by individual meetings of the two subgroups into that afternoon. The meetings of the two groups will continue the morning of the 17th with both groups reconvening that afternoon into a full committee to discuss the progress of each subgroup and to make necessary modifications for future considerations.

The Safety Data Sheets and Training Requirements Subgroup is in the process of developing proposals for the ensuing committee meeting on the 16th and 17th. To expedite actualizing the proposals, two study groups were formed:

1. Study Group A will develop proposals for safety data sheet requirements based on a review of the draft standard NIOSH recommended for identifying occupationally hazardous materials; and

2. Study Group B will generate proposals oriented toward enhancing employee recognition of the identified hazards in the workplace. The education and training programs will, also, accentuate an employee's ability to identify relevant symptoms and employ necessary emergency measures. Finally, the educational programs will stress developing employee insight into proper working conditions, precautions, and safe exposure.

The Safety Data Sheets and Training Requirements Subgroup will conduct its December 16th and 17th individual meeting in the Mayflower-Balmoral Room of the Ramada Inn Downtown. The proposed agenda for that ensuing meeting calls for the development of draft working papers based on its study group input.

The proposed agenda for the Subgroup considering categorizing and ranking the hazards of materials along with appropriate labeling and placard systems calls for three presentations from its membership and one presentation from NIOSH followed by possible accommodations of these ideas into the present working paper developed by Dr. C. Boyd Shaffer. The four presentations are as follows:

1. Miles Woodworth will present the basic aspects of the NFPA 704 System;

2. Richard Lewis will present the basic aspects of the draft standard NIOSH recommended for identifying occupationally hazardous materials;

3. Alan Roberts will present the basic aspects of the DOT HI System; and

4. Donald R. Mackay will present the basic aspect of the approach taken by the Consumer Product Safety Commission.

Any member of the public wishing to submit written presentations and/or recommendations to either the Committee or one of its working Subgroups may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by December 9, 1974. Any written submission which does not meet the necessary time constraints will be referred to the Committee for its consideration at the next meeting. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. This will also hold true for Subgroup meetings. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by December 9, 1974. The request must have the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the appropriate Chairman for his consideration.

It should be noted that any material considered by the Committee is part of the public record and is available for inspection and copying at the Committee Management Office. Any copying will be done at the cost of 20¢ per page. However, it should be understood that no arrangement will be made to supply Committee materials to the public at any meeting site.

Any communication relating to Committee activities or requests for copies of materials utilized by the Committee should be addressed to:

Julius Jimeno
Committee Management Office
U.S. Department of Labor
Occupational Safety and Health Administration
1726 M Street, NW., Room 200
Washington, D.C. 20210
Phone: 202/961-2248, 3181

Future meetings are tentatively scheduled for January 21 and 22, February 18 and 19, and March 18 and 19, 1974. Confirmation of these dates and additional details on meeting places and locations will be published in future FEDERAL REGISTER notices.

Signed at Washington, D.C., this 18th day of November, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-27414 Filed 11-21-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Highway Safety Act Sanctions Review Board

[Docket No. 74-36; Notice No. 3]

PROPOSED RECOMMENDED DETERMINATION TO INVOKE SANCTIONS; MARYLAND

Postponement of Sanctions Hearing

On October 11, 1974, the Federal Highway Administrator and the National Highway Traffic Safety Administrator, acting jointly, issued a notice (39 FR 37411, October 21, 1974) setting forth a proposed recommended determination to invoke the sanctions specified in 23 U.S.C.

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402 against the State of Maryland. The basis for the proposal was the failure of Maryland to enact a presumptive or prima facie blood alcohol concentration level set at 0.10 percent or lower. The notice also announced that a public hearing would be held with respect to the proposed recommended determination on November 11, 1974.

On November 7, the Presiding Officer of the Sanctions Hearing Board granted a request by the State of Maryland for a postponement of the hearing until November 25, 1974, on the grounds that negotiations with the Federal Highway Administrator and the National Highway Traffic Safety Administrator were in progress. The Administrators have advised the Presiding Officer that they are still engaged in active negotiations and that they have no objection to a postponement of an additional 7 days to carry on those negotiations.

Accordingly, to allow opportunity for the parties to pursue possible settlement negotiations and acting under the authority of 23 CFR 1206.7(b)(1), the hearing is hereby postponed until 10:00 a.m. on December 2, 1974. The location of the hearing remains the Department of Transportation Headquarters Building, Room 2230, 400 Seventh Street SW., Washington, D.C. 20590.

GLENN J. SEDAM, JR.,
Presiding Officer,
Sanctions Hearing Board.

[FR Doc.74-27589 Filed 11-21-74;1:54 pm]

INTERSTATE COMMERCE COMMISSION

[Notice 638]

ASSIGNMENT OF HEARINGS

NOVEMBER 19, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

CORRECTION:

MC 115311 Sub 168, J & M Transportation Co., Inc., application is dismissed, instead of MC 115113 Sub 168.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27392 Filed 11-21-74;8:45 am]

[Notice 637]

ASSIGNMENT OF HEARINGS

NOVEMBER 19, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 133975 (Sub-No. 4), Flamingo Transportation, Inc., now assigned December 17, 1974, at Miami, Florida, will be held in the 2nd Floor Conference Room, Albany Building, Kroger Executive Center, 8400 NW. 52nd Street, Miami, Florida.

MC 118490 Sub 4, Alaska Van & Storage Co., Inc., Extension—Alaska Over Land Service, now assigned December 2, 1974, at Olympia, Wash., is cancelled and the application dismissed.

MC 52657 Sub 714, Arco Auto Carriers, Inc., now assigned December 3, 1974 (2 days), at Dallas, Tex. is cancelled and transferred to Modified Procedure.

MC 111729 (Sub-No. 421), Purolator Courier Corporation, now assigned December 3, 1974, at Washington, D.C., cancelled and transferred to Modified Procedure.

MC 31389 Sub 180, McLean Trucking Company, now assigned December 4, 1974, at Little Rock, Ark., is cancelled and transferred to Modified Procedure.

MC 22278 Sub 45, Takin Bros. Freight Line, Inc., now assigned December 5, 1974, at Chicago, Ill., is cancelled and application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27393 Filed 11-21-74;8:45 am]

[Notice 192]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 22, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 12, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75476. By order entered 11-11-74, the Motor Carrier Board approved the transfer to Dayton & Southeastern Lines, Inc., Dayton, Ohio, of the operating rights set forth in Certificate No. MC 114246 (Sub-No. 1), issued December 9, 1968, to Indiana Trails, Inc., Vevay, Ind., authorizing the transportation of passengers and their baggage and express, mail, and newspapers, in the same vehicle with passengers, between Madison, Ind., and Cincinnati, Ohio, over specified routes, serving all intermediate points. Earl N. Merwin, 85 East Gay St., Columbus, Ohio 43215, attorney for applicants.

No. MC-FC-75487. By order of November 7, 1974, the Motor Carrier Board approved the transfer to Dwyer Moving, Inc., Clinton, Mass., of the operating rights in Certificate No. MC 82190 issued March 4, 1964, to Carl R. Matthews, Clinton, Mass., authorizing the transportation of used heavy machinery from points in a described area of Connecticut and Rhode Island to Clinton, Mass., and household goods between Clinton, Mass., and points in Massachusetts within ten miles thereof, on the one hand, and, on the other, points in New Hampshire, Maine, Vermont, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware. Kenneth B. Williams, 84 State St., Boston, Mass. 12109, attorney for applicants.

No. MC-FC-75488. By order entered November 6, 1974, the Motor Carrier Board approved the transfer to Unda's Bus Service, Inc., doing business as Interstate Coach, Taunton, Mass., of the operating rights set forth in Certificate No. MC 66561, issued July 29, 1968, to Cowell Coach Line, Inc., doing business as Interstate Coach, Taunton, Mass., authorizing the transportation of passengers and their baggage and express, in the same vehicle with passengers, between Providence, R.I., and Quincy, Mass., over specified routes, serving all intermediate points. Mary E. Kelley, 11 Riverside Ave., Medford, Mass. 02155, attorney for applicants.

No. MC-FC-75496. By order entered 11-6-74, the Motor Carrier Board approved the transfer to Eagle Tours, Inc., Warren, Ohio, of License No. MC 130119, issued July 28, 1971, to Gwen Horlacher, doing business as Scenic Deluxe Tours, Warren, Ohio, authorizing operations as a broker at Warren and Niles, Ohio, in connection with transportation by motor vehicle in interstate or foreign commerce, of passengers, both as individuals and in groups, in special and charter operations, beginning and ending at points in Trumbull County, Ohio, and extending to points in the United States, including Alaska, and excluding Hawaii. Lewis S. Witherspoon, 88 East Broad St., Columbus, Ohio 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27394 Filed 11-21-74;8:45 am]

[Notice 156]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 18, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before December 9, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 105269 (Sub-No. 60TA), filed November 12, 1974. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, P.O. Box 986, Kalamazoo, Mich. 49005. Applicant's representative: Tom Woodworth (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste paper*, from Leitchfield, Ky., to Battle Creek, Mich., for 180 days. Supporting shipper: Michigan Carton Company, 79 Fountain Street, Battle Creek, Mich. 49016. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, Mich. 48933.

No. MC 128638 (Sub-No. 6TA), filed November 13, 1974. Applicant: CENTRAL GRAIN HAULERS, INC., Route No. 1, Van Meter Road, Winchester, Ky. 40391. Applicant's representative: George M. Catlett, 703–706 McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, from points in Clay County, Ky., to Cincinnati, Dayton, Hamilton, and Fairborn, Ohio, and points within their respective commercial zones, for 180 days. Supporting shipper: James W. Simpson, President, Skyuka Mining Corporation, Route No. 3, Box 11, Manchester, Ky. 40962. Send protests to: R. W. Schneiter, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 134599 (Sub-No. 115TA), filed November 12, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Paterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tires and rubber products* (except commodities in bulk or which because of size or weight require special handling), from the warehouse facilities utilized by Uniroyal, Inc., near Camden, Ark., to points in Michigan, for 180 days. Supporting shipper: Uniroyal, Inc., Oxford Management & Research Center, Middlebury, Conn. (John C. Taylor, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 134599 (Sub-No. 116TA), filed November 12, 1974. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, P.O. Box 748, Salt Lake City, Utah 84110. Applicant's representative: Richard A. Peterson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aquariums and aquarium accessories, household pet cages, supplies, and equipment, and pet food* (except commodities in bulk or which because of size or weight require special handling or special equipment), (1) from East Paterson, Maywood, and Lodi, N.J., to points in Arizona, Colorado, Idaho, Iowa, Illinois, Kansas, Louisiana, Minnesota, Missouri, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming, and (2) from Newark, Calif., to East Paterson, Maywood, and Lodi, N.J., for 180 days. Supporting shipper: Mattel, Inc., 5150 Rosecrans Avenue, Hawthorne, Calif. 90250 (Sanford Foreman, General Traffic Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 5301 Federal Building, 125 South State Street, Salt Lake City, Utah 84138.

No. MC 135082 (Sub-No. 13TA), filed November 11, 1974. Applicant: BURSCH TRUCKING, INC., doing business as ROADRUNNER TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick and tile requiring special equipment for loading or unloading*, from Denver, Pueblo, and Trinidad, Colo., to points in Arizona and Texas; (2) *Furnace or kiln lining requiring special equipment for loading or unloading*, from Denver, Colo., to points in Arizona, New Mexico, and Texas; and (3) *Clay sewer pipe, furnace or kiln lining, fire clay, requiring special equipment for loading or unloading and commodities incidental to the installation of same when not exceeding 10% of total shipping weight*, from Pueblo, Colo., to points in Arizona, New Mexico, and Texas, for 180 days. Supporting shippers: A. P. Green Refractories Company, P.O. Box 1614, Pueblo, Colo. 81002; The Castallte Corporation, P.O. Box 9283, Denver Colo. 80209; and The Summit Pressed Brick and Tile Company, P.O. Box 533, Pueblo, Colo. 81002. Send protests to: John H. Kirkemo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 139192 (Sub-No. 4TA), filed November 12, 1974. Applicant: JOHN PERRY, doing business as JOHN PERRY TRUCKING, 1535 Industrial Avenue, San Jose, Calif. 95112. Applicant's representative: William D. Taylor, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass parabolic antennae, and mounts, parts, accessories, equipment, tools, and supplies* necessary or incidental to the construction and maintenance and repair thereof, when included in the same vehicle with the antennae, under continuing contract with Prodelin, Inc., from the plantsite of Prodelin, Inc., in Santa Clara, Calif., to points in Pennsylvania, Michigan, and New Jersey, for 180 days. Supporting shipper: Prodelin, Inc., 1350 Duane Avenue, Santa Clara, Calif. 95050. Send protests to: District Supervisor Claud W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 139916 (Sub-No. 1TA), filed November 12, 1974. Applicant: C & B ENTERPRISES, INC., 1101 N. Broadway, St. Louis, Mo. 63102. Applicant's representative: Sol R. Levin, 213 Central Avenue, Webster Groves, Mo. 63119. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carpeting*, from Calhoun, Chatsworth, Dalton, Hedges, Rome, Rossville, and Sugar Valley, Ga., and Chattanooga, Tenn., to St. Louis and points in St. Louis County, Mo., for 180 days. Supporting shippers: Tile Town of St. Louis, Inc., 11205 St. Charles Rock Road, Bridgeton, Mo. 63044, and Standard Floor Covering, Inc., 11721 Dunlap Industrial Boulevard, Maryland Heights, Mo. 63043. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 N. 12th Street, St. Louis, Mo. 63101.

No. MC 140383 TA, filed November 6, 1974. Applicant: FRED LEA, doing business as VICTORY MOVERS & STORAGE, 1046 S. Rte. 83, Villa Park, Ill. 60181. Applicant's representative: Michael F. Sheehan, Jr., One East Wacker Drive, Room 2530, Chicago, Ill. 60601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New appliances,*

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between Itasca, Ill., and points in Indiana, for 180 days. Supporting shipper: James W. Pope, Operations Manager, The Tappan Co., 700 Rte. 53, Itasca, Ill. 60143. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 140384 TA, filed November 12, 1974. Applicant: BERNARD D. HARRIS, 4146 State Street Drive, New Orleans, La. 70125. Applicant's representative: Bernard Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* in cartons, from New Orleans, La., to Baton Rouge, Gonzales, Hammond, Luling, and Houma, La., restricted to traffic having a prior movement by railroad, for 180 days. Supporting shipper: Singer Furniture Company, P.O. Box 511, Lenoir, N.C. 28645, D. Woods, Traffic Manager. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, T–9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 140386 TA, filed November 12, 1974. Applicant: KENNETH CROSLAND, doing business as CROSLAND TRUCKING INC., 3480 Broadway Street, Brossard, Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street West, Suite 900, Montreal, Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber and lumber products*, from ports of entry on the United States-Canada International Boundary line located at or near Champlain, N.Y., and Jackman, Maine, and those in the states of Vermont and New Hampshire, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with the following shippers: Barvi Ltee, 2907 Dagenaise Street, Fabreville (Ste. Rose), Quebec, Canada and Les Materiaux Blanchet, 769 Hebert Street, Longueuil, Quebec, Canada.

(2) *Steel tubing, plates, coils, bars and sheets*, from ports of entry on the United States-Canada Boundary line located at or near Champlain, N.Y., and Jackman, Maine, and those in the states of Vermont and New Hampshire, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with the following shipper: Canadian Steel Sales Co., 6300 Notre Dame Street E., Montreal, Quebec, Canada.

(3) *Scrap paper and cotton rags*, from Roselle Park, N.J., to ports of entry located on the United States-Canada International Boundary line located at or near Champlain, N.Y., for 180 days.

NOTE.—The operations authorized above are limited to a transportation service to be performed under a continuing contract or contracts with the following shipper: Romerovsky Bros. Inc., 450 Westfield Avenue West, Roselle Park, N.J.

Restriction: Items (1), (2), and (3) are restricted to shipments having an immediate prior or subsequent movement in foreign commerce. Supporting shippers: Barvi Ltee, 2907 Dagenaise Street, Fabreville (Ste. Rose), Quebec, Canada; Les Materiaux Blanchet, 769 Hebert Street, Longueuil, Quebec, Canada; Romerovsky Bros. Inc., 450 Westfield Avenue West, Roselle Park, N.J.; and Canadian Steel Sales Co., 6300 Notre Dame Street East, Montreal, Quebec, Canada. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary*.

[FR Doc.74–27395 Filed 11–21–74;8:45 am]

federal register

FRIDAY, NOVEMBER 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 227

PART II

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

■

Advisory Circular Checklist and Status of Federal Aviation Regulations

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00-2CC—Effective Sept. 15, 1974]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of September 15, 1974.

2. *Explanation.* The FAA issue advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the Parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's. Use a general subject number *only* when a circular covers more than one Part.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Sec.	*Subject Number and Subject Matter*
00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general numbers is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Sec.	*Number and Subject*
150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
	Number and Subject
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.
150/5900	Planning Grant for Airports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120-1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00-8 through 00-11 have not been used although 00-7 and 00-12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. A list of circulars sold by the Superintendent of Documents is shown at the end of the numerical list of AC's. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

U.S. Department of Transportation, Publications Section TAD 443.1, Washington, D.C. 20590.

c. Persons who want to be placed on FAA's mailing list for future circulars should write to:

U.S. Department of Transportation, Distribution Unit, TAD 483.1, Washington, D.C. 20590.

NOTE: Be sure to identify the subject matter numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

d. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Room 102A, 2121 Building, 2121 Eighth Avenue North, Birmingham, AL 35203.
GPO Bookstore, Federal Building, Room 1015, 300 North Los Angeles Street, Los Angeles, CA 90012.
GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, CA 94102.
GPO Bookstore, Federal Building, U.S. Courthouse, Room 1421, 1961 Stout Street, Denver, CO 80202.
GPO Bookstore, P.O. Box 713, Pueblo, CO 81002.
GPO Bookstore, Federal Building, Room 158, 400 West Bay Street, Jacksonville, FLA 32202.
GPO Bookstore, Room 100, Federal Building, 275 Peachtree Street NE., Atlanta, GA 30303.
GPO Bookstore, Everett McKinley Dirksen Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, IL 60604.
GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, MA 02203.
GPO Bookstore, Federal Office Building, Room 229, 231 W. Lafayette Blvd., Detroit, MI 48226.
GPO Bookstore, Federal Building, Room 144, 601 East 12th Street, Kansas City, MO 64106.
GPO Bookstore, Room 110, 26 Federal Plaza, New York, NY 10007.
GPO Bookstore, Federal Office Building, 201 Cleveland Avenue SW., Canton, OH 44702.
GPO Bookstore, Federal Office Building, Room 171, 1240 East Ninth Street, Cleveland, OH 44114.
GPO Bookstore, Main Lobby, U.S. Post Office and Courthouse, Ninth and Chestnut Streets, Philadelphia, PA 19107.
GPO Bookstore, Room 1C46, Federal Building, U.S. Courthouse, 1100 Commerce Street, Dallas, TX 75202.
GPO Bookstore, Federal Building, Room 1056, 909 First Avenue, Seattle, WA 98104.
GPO Bookstore, Federal Building, Room 190, 517 E. Wisconsin Avenue, Milwaukee, WI 53202.
GPO Bookstore, 710 North Capitol Street NW., Washington, D.C. 20402.
GPO Bookstore (U.S. Department of Commerce), 14th and Constitution Avenue NW., Washington, D.C. 20230.
GPO Bookstore (USIA), 1776 Pennsylvania Avenue NW., Washington, D.C. 20547.
GPO Bookstore (U.S. Department of State), 21st and C Streets NW., Washington, D.C. 20520.
GPO Bookstore (Pentagon), Main Concourse, south end, Washington, D.C. 20310.
GPO Bookstore, James Forrestal Building, Room 1-J-001, 1000 Independence Avenue SW., Washington, D.C. 20407.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Order for mailing to foreign countries should include an additional amount of 25 percent of the total price to cover postage. No. c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00-2BB Advisory Circular Checklist-6-15-74. Canceled by AC 00-CC, Advisory Circular Checklist, 9-15-74.
AC 00-7 State and Regional Defense Airlift Planning, 4-30-64. Canceled by AC 00-7A, State and Regional Disaster Airlift (SARDA) Planning, 6-3-74.
AC 00-15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices, 8-20-65. Canceled.
AC 00-34 Aircraft Ground Handling and Servicing, 4-12-72. Canceled by AC 00-34A, Aircraft Ground Handling and Servicing, 7-29-74.
AC 20-6V U.S. Civil Aircraft Register (January 1974). Canceled by AC 20-6W, U.S. Civil Aircraft Register (June 1974).
AC 20-7k General Aviation Inspection Aids, Summary (August 1973). Canceled by AC 20-7L, General Aviation Inspection Aids, Summary (August 1974).
AC 43-2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments, 9-10-65. Canceled by AC 43-2A, Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments, 8-22-74.
AC 60-8 Aids Authorized for use by Airman Written Test Applicants, 12-29-72. Canceled by AC 60-11, Aids Authorized for Use by Airman Written Test Applicants, 8-27-74.
AC 90-58 VOR Course Errors Resulting from 50KHz Channel Selection, 2-16-72. Canceled by AC 90-58A, VOR Course Errors Resulting from 50KHz Channel Selection, 6-11-74.
AC 91-3 Acrobatic Flight, 9-30-63. Canceled.
AC 91-36 VFR Flight Near Noise-Sensitive Areas, 8-7-72. Canceled by AC 91-36A, VFR Flight Near Noise-Sensitive Areas, 7-9-74.
AC 140-2H List of Certificated Pilot Flight and Ground Schools, 7-12-73. Canceled by AC 140-2I, List of Certificated Pilot Flight and Ground Schools, 7-12-74.
AC 140-4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141, 8-7-68. Canceled.
AC 150/5000-2 Index of Publications, Airport Service, Standards Division, 9-28-70. Canceled.
AC 183.29-1F Designated Engineering Representatives, 6-4-73. Canceled by AC 183.29-1G, Designated Engineering Representatives, 7-1-74.
AC 210-2A Established Schedule for Flight Information Effective Dates, 9-19-69. Canceled.

8. *Additions.* The following advisory circulars are added to the list:

AC 00-2CC Advisory Circular Checklist (9-15-74).
AC 00-7A State and Regional Disaster Airlift (SARDA) Planning (6-3-74).
AC 00-34A Aircraft Ground Handling and Servicing (7-29-74).
AC 00-43 Final Announcement/Invitation to Attend the First Biennial Airworthiness Review Conference (9-23-74).
AC 20-6W U.S. Civil Aircraft Register (June 1974).
AC 20-7L General Aviation Inspection Aids, Summary (August 1974).
AC 20-7L Supplement 1 (September 1974).
AC 20-7L Supplement 2 (October 1974).
AC 20-83 Ch-1 Maintenance Inspection Notes for Boeing B-737 Series Aircraft (8-8-74).
AC 20-84 Ch-1 Maintenance Inspection Notes for Boeing B-727 Series Aircraft (8-8-74).
AC 20-90 Address List for Engineering and Manufacturing District Offices (6-17-74).
AC 43-2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8-22-74).
AC 43-5 Airworthiness Directives for General Aviation Aircraft (8-13-74).
AC 43.13-2 Ch-16 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (8-12-74).
AC 60-11 Aids Authorized for Use by Airman Written Test Applicants (8-27-74).
AC 61-63 Flight Test Guide, Private and Commercial Pilot—Lighter-Than-Air Airship (5-23-74).
AC 61-70 Flight Instructor Instrument—Airplane—Written Test Guide (3-29-74).
AC 65-18 Report Availability on a Survey of the Aviation Mechanics Occupation (9-4-74).
AC 90-58A VOR Course Errors Resulting from 50KHz Channel Selection (6-11-74).
AC 91-36A VFR Flight Near Noise-Sensitive Areas (7-9-74).
AC 103-5 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (7-16-74).
AC 140-2I List of Certificated Pilot Flight and Ground Schools (7-12-74).
AC 147-4 Report Availability on a Survey of Text Materials Used in Aviation Maintenance Technician Schools (9-3-74).
AC 150/5200-17 Ch-1 Emergency Plan (6-28-74).
AC 150/5340-16B Ch-1 Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (8-2-74).
AC 183.29-1G Designated Engineering Representatives (7-1-74).

ADVISORY CIRCULAR CHECKLIST

Notice

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

General

SUBJECT NO. 00

00-1 The Advisory Circular System (12-4-62).

Describes the FAA Advisory Circular System.

00-2CC Advisory Circular Checklist (9-15-74).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 9-15-74.

00-6 Aviation Weather (5-20-65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. ($4 GPO.) FAA 5.8/2: W 37.

00-7A State and Regional Disaster Airlift (SARDA) Planning (6-3-74).

Provides guidance for the development and implementation of State and Regional Disaster Airlift plans governing the use of general aviation aircraft during national emergencies and natural disasters.

00-17 Turbulence in Clear Air (12-16-65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00-21 Shoulder Harness (10-5-66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00-23C Near Midair Collision Reporting (1-20-72).

Advises that the FAA policy on the reporting of near midair collisions, made effective in 1968 (32 F.R. 16539) and continued in effect since that time, will terminate on December 31, 1971, and advises how the reports will be handled after December 31, 1971.

00-24 Thunderstorms (6-12-68).

Contains information concerning flights in or near thunderstorms.

00-25 Forming and Operating a Flying Club (3-24-69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club ($0.75 GPO.) TD 4.8:F 67.

00-26 Definitions of "U.S. National Aviation Standards" (1-22-69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation

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Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–28 Communications Interference Caused by Sticking Microphone Buttons (8–6–69).

Alerts the industry of communications intereference from undesired radiofrequency transmissions.

00–30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3–5–70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulence (CAT).

00–31 U.S. National Aviation Standard for the VORTAC System (6–10–70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System.

00–32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7–2–70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

00–33A Nickel-Cadmium Battery Operational, Maintenance, and Overhaul Practices (2–14–73).

Provides guidelines for more reliable nickel-cadmium battery operation through proper operational and maintenance practices, and has been reissued to include reconditioning information.

00–34A Aircraft Ground Handling and Servicing (7–29–74).

Contains information and guidance for the servicing and ground handling of aircraft.

00–35A Emergency Locator Transmitters-Operational and Maintenance Practices (9–28–73).

Provides guidelines relative to the licensing, installation, maintenance, and testing of emergency locator transmitters (ELT).

00–35A CH 1 (4–18–74).

Paragraph 4 of this Advisory Circular deals with the interpretation of FAA licensing requirements and in some instances has been misunderstood. Because this paragraph is subject to misinterpretation and does not concern ELT operational or maintenance practices, it is therefore deleted.

00–36 Inadvertent Transmissions from Emergency Locator Transmitters (ELT) (3–15–73).

Urges pilots and maintenance personnel to make sure emergency locator transmitters are switched off when aircraft are parked.

00–38 Address List for Federal Aviation Administration Air Transportation Security Divisions Air Transportation Security Field Offices, and Security Specialist Post of Duty (8–28–73).

Transmits the address list for all FAA Air Transportation Security Divisions, Air Transportation Security Field Offices, and Security Specialist Posts of Duty.

00–40 Emergency Locator Transmitter Regulations in FAR 91.52(a)(2) (10–3–73).

Discusses the relationship between FAR 91.52(a)(2) and Section 601(d) of the Federal Aviation Act of 1958 (as amended) and how that relationship affects those who might wish to petition the FAA for an exemption from FAR 91.52(a)(2).

00–41 FAA Quality System Certification Program (1–31–74).

Provides information concerning the Federal Aviation Administration (FAA) Quality System Certification Program and sets forth acceptable means of compliance with its requirements.

00–41 CH 1 (5–20–74).

Clarifies the requirement for the prime manufacturer's Quality Control System Plan to be a self-contained document independent of detailed operating procedures.

Adds paragraphs 2.5 and 3.1 to Appendix 1.

00–42 Deferment of Aviation Maintenance Symposium and an invitation to Attend Airworthiness Review conference (5–24–74).

Announces the postponement of the 1974 Maintenance Symposium until 1975 and invites interested persons to attend the first biennial Airworthiness Review Conference, December 2 through 11, 1974.

00–43 Final Announcement/Invitation to Attend the First Biennial Airworthiness Review Conference (9–23–74).

Reminds all interested persons that the First Biennial Airworthiness Review Conference will convene on December 2 through 11, 1974.

Procedural

SUBJECT No. 10

11–1A Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (12–21–72).

Emphasizes the need for the early submission of proposal involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT No. 20

20–3C Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (6–1–73).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA, Navy and Air Force.

20–5B Plane Sense (1970).

Provides general aviation information for the private aircraft owner.

20–6W U.S. Civil Aircraft Register (2-Volume set) (June 1974).

Lists all active U.S. civil aircraft by registration number. ($21.00 GPO.) TD 4.18/2:973.

20–7L General Aviation Inspection Aids, Summary (August 1974).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($9.90, $12.35 foreign—Sub. GPO.) TD 4.409:973.

20–7L Supplement 1 (September 1974).

20–7L Supplement 2 (October 1974).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1972. ($1.50 GPO.) FAA 5.8/2:Al 7/2.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–17B Surplus Aircraft of the Armed Forces (10–11–72).

Sets forth the method of obtaining copies of Federal Aviation Regulations which might be required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 33, when run under nonstandard ambient air conditions.

20–23D Interchange of Service Experience—Mechanical Difficulties (2–12–71).

Provides information on the voluntary exchange service experience data used in improving durability and safety of aeronautical products.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–27B Certification and Operation of Amateur-Built Aircraft (4–20–72).

Provides information and guidance concerning certification and operation of amateur-built aircraft, including gliders, free balloons, helicopters, and gyroplanes, and sets forth an acceptable means, not the sole means, of compliance with FAR Part 21 and FAR Part 91.

20–28A Nationally Advertised Construction Kits, Amateur-Built Aircraft (12–29–72).

Advises persons contemplating the use of nationally advertised kits for the construction of an aircraft, that certain kits when used could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29B Use of Aircraft Fuel Anti-icing additives (1–18–72).

Provides information on the use of anti-icing additives PFA–55MB and Mil-I-27686 as an acceptable means of compliance with the FARs that require assurance of continuous fuel flow under conditions where ice may occur in turbine aircraft fuel systems.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32B Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (11–24–72).

Provides information on the potential dangers of carbon monoxide contamination from faulty engine exhaust systems or cabin heaters of the exhaust gas heat exchanger type.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13 and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35B Tie-Down Sense (4–19–71).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36C Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—July 1, 1973 (8–7–73).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of July 1, 1973. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43B Aircraft Fuel Control (6–8–71).

Alerts the aviation community to the potential hazards of inadvertent mixing or contamination of turbine and piston fuels, and provides recommended fuel control and servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–65).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who deside to obtain FAA approval of major alterations to type certificate products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6 6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57A Automatic Landing Systems (ALS) (1–12–71).

Sets forth an acceptable means of compliance, but not the only means, for the istallation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations. Approval of these aircraft for use under such conditions will permit the accumulation of data for

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systems which may be approved for Category IIIa in the future.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–59 CH 1 (8–24–72).

Provides additional material for Convair Models 240 and 600/240D; Models 340/440 and 640/340D/440D series aircraft Maintenance inspection programs.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–62A Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (6–16–70).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatic Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–64 CH 1 (10–26–73).

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67A Airborne VHF Communication System Installations (10–17–72).

Sets forth one means, but not the only means of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68 Recommended Radiation Safety Precautions for Airborne Weather Radar (3–11–70).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotocraft and transport category airplanes.

20–72 Restricted Category Helicopter Maximum Weight Increases (3–11–71).

Provides assistance to persons who desire to obtain FAA approval of over-maximum certificated takeoff weight condition for restricted category helicopter operations.

20–73 Aircraft Ice Protection (4–21–71).

Provides information relating to the substantiation of ice protection systems on aircraft.

20–74 Aircraft Position and Anticollision Light Measurements (7–29–71).

Contains useful information concerning measurements for intensity, covering and color of aircraft position and anticollision lights.

20–76 Maintenance Inspection Notes for Boeing B–707/720 Series Aircraft (10–21–71).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–707/720 series aircraft.

20–77 Use of Manufacturers' Maintenance Manuals (3–22–72).

Informs owners and operators about the usefulness of manufacturers' maintenance manuals for servicing, repairing, and maintaining aircraft, engines, and propellers.

20–78 Maintenance Inspection Notes for McDonnell Douglas DC–8 Series Aircraft (7–11–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the DC–8 series aircraft.

20–81 Accidental or Unauthorized Activation of Emergency Locator Transmitters (ELT) (10–10–72).

Alerts the general aviation community to the harmful effects of accidental or unauthorized activation of emergency locator transmitters.

20–82 Maintenance Inspection Notes for Fairchild Hiller F–27/FH–227 Series Aircraft (12–5–72).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of Fairchild Hiller F–27/FH–227 series aircraft.

20–82 CH 1 (7–12–73).

Provides additional material for subject advisory circular.

20–83 Maintenance Inspection Notes for Boeing B–737 Series Aircraft (1–17–73).

Provides maintenance inspection notes which can be used for the maintenance support program for certain structural parts of the B–737 series aircraft.

20–83 CH 1 (8–8–74).

Provides updating of material for the B–737 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of B–737 series aircraft are presented supplementing information currently in AC 20–83.

20–84 Maintenance Inspection Notes for Boeing B–727 Series Aircraft (1–22–73).

Provides inspection notes which can be used for the maintenance support program for certain structural parts of the B–727 series aircraft.

20–84 CH 1 (8–8–74).

Updates material for the B–727 series aircraft maintenance inspection program. Inspection of selected areas of the wing, fuselage, empennage and landing gear of the B–727 series aircraft are presented supplementing information currently available in AC 20–84.

20–85 Emergency Locator Transmitters and Receivers (3–16–73).

Provides information concerning the design, installation and utilization of emergency locator transmitters.

20–86 Aviation Education through Building an Airplane (5–11–73).

Provides information in high schools about the available assistance, resources, methods, and opportunities for attaining basic educational goals by building an airplane.

20–87 Airborne Homing and Alerting Equipment for use with Emergency Locator Transmitters (5–7–73).

Sets forth the availability of recommended basic characteristics for airborne homing and alerting equipment for use with emergency locator transmitters (ELT).

20–88 Guidelines on the Marking of Power-Plant Instruments (12–11–73).

Provides guidelines on the marking of aircraft powerplant instruments.

20–89 Communication Interference Caused by Unintentional Radio Transmissions (3–22–74).

Alerts the aviation community to the potential hazards created by unintentional radio transmissions from airborne, mobile, and ground based radio transmitters and gives guidance on alleviating ensuring hazards.

20–90 Address List for Engineering and Manufacturing District Offices (6–17–74).

Transmits the address list for all Engineering and Manufacturing District Offices.

21–1A Production Certificates (7–9–71).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2B Export Airworthiness Approval Procedures (10–2–69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2B CH 1 (11–13–70).

21–2B CH 2 (2–8–71).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1973. ($1.75 GPO). FAA 5.8/2:G49/962.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5C Summary of Supplemental Type Certificates (Announcement of Availability) (1–19–73).

Announces the availability to the public of the new price of the Summary of Supplemental Type Certificates (SSTC), dated January 1971.

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an agreement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

Provides information to assist manufacturers of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

21–10 Flight Recorder Underwater Locating Device (5–20–71).

Provides one acceptable means (not the only means) of showing compliance with the underwater locating device requirements of FAR 25.1459 and FAR 121.343.

21–11 Quality Assurance Systems Analysis Review (QASAR) Program Manufacturers/Suppliers (5–26–72).

Explains the objectives and concept of the FAA's subject program.

21–12 Application for U.S. Airworthiness Certificate, FAA Form 8130–6 (OMB 04–R0058) (1–17–73).

Provides instructions on the preparation and submittal of subject form.

21–13 Standard Airworthiness Certification of Surplus Military Aircraft and Aircraft Built from Spare and Surplus Parts (4–5–73).

Provides guidance and instructions on establishing eligibility and submitting application for civil airworthiness certification of surplus military aircraft and aircraft assembled from spare and surplus parts, under FAR 21.183(d) when an FAA Type Certificate has been issued under FAR 21.21 or FAR 21.27.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1A Certification Procedures for Products and Parts (8–10–72).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and to set forth examples, as necessary, of acceptable means of compliance with its requirements.

23.1329–1 Automatic Pilot Systems Approval (Non-Transport) (12–23–65).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25.253–1 High - Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1A Cockpit Voice Recorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

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29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2A Aircraft Engine Type Certification Handbook (6–5–72).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

36–1 Airplane Noise Levels (5–31–73).

Provides noise level data for turbine powered airplanes.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6D Summary of Airworthiness Directives (2–11–74).

Announces the availability of Summary of Airworthiness Directives dated January 1, 1974 from Oklahoma City and how to obtain them.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2A Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (8–22–74).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43–3 Nondestructive Testing in Aircraft (5–11–73).

Reviews the basic principles underlying nondestructive testing. ($0.75 GPO.) TD 4.8:T28.

43–4 Corrosion Control for Aircraft (5–15–73).

Summarizes current available data regarding identification and treatment of corrosive attack on aircraft structure and engine materials.

43–4 CH 1 (3–1–74).

Provides additional information on identification and treatment of corrosion attack on aircraft structures. Adds a new Chapter 14—Corrosion control of aircraft used in agricultural cropdusting operations.

43–5 Airworthiness Directives for General Aviation Aircraft (8–13–74).

Points areas of misunderstanding regarding: (1) Aircraft owners and operators' responsibility for complying with AD's; (2) maintenance personnel responsibilities with regards to performance of AD's; and (3) maintenance records entries for AD's required by FAR 91.173(a)(2)(v) and FAR 43.9.

43.9–1C Instruction for Completion of FAA Form 337 (12–20–73).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller or Appliance).

43.13–1A Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (4–17–72).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1973. ($3.70—GPO.) TD 4.28/2:972.

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2.50, $3.25 foreign Sub.—GPO.) TD 4.28:973.

Subscription now includes: Changes 1 thru 14 Consolidated Reprint in 1973, Change 15 dated 1–15–74 and Change 16 dated 8–12–74.

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

43–204A Airborne ATC Transponder System Maintenance (1–11–74).

Sets forth one means, but not the only means of demonstrating compliance with the maintenance requirements, contained in FAR 91.177 and prescribed in FAR 43, Appendix F, governing the testing of ATC transponders.

45–2 Identification and Registration Marking (7–7–72).

Provides guidance and information concerning the identification and marking requirements of Federal Aviation Regulations (FAR) Parts 21 and 45, and where considered helpful, to provide an acceptable means, but not the sole means, of compliance with the regulations.

47–1A Aircraft Registration, Eligibility, Identification and Activity Report (6–7–73).

Advises owners and operators of U.S. civil aircraft of requirement for annual submission of current information related to aircraft registration eligibility, requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used.

Airmen

SUBJECT No. 60

60–2L Annual Aviation Mechanic Safety Awards Program (3–29–74).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

60–7 Statement of Additional Instruction for Retest (1–27–72).

Announces a new procedure for the use of a computer printed "Statement of Additional Instruction" on each Airman Written Test Report that has an unsatisfactory grade for any section. It explains the statement and strongly recommends its use.

60–9 Induction Icing—Pilot Precautions and Procedures (2–28–73).

Provides the pilot with information on the causes and results of induction icing in reciprocating aircraft engines, and the precautions he should take to reduce the likelihood of icing, and the means available to him in controlling icing when it is encountered.

60–10 Recommended Safety Parameters for Operation of Hang Gliders (5–16–74).

Suggest safety parameters for the operation of "hang gliders" and to present the current FAA intent with respect to the regulation and operation of those vehicles.

60–11 Aids Authorized for Use by Airman Written Test Applicants (8–27–74).

Clarifies FAA policy concerning aids that applicants may use when taking airman written tests.

61–1D Aircraft Type Ratings (5–15–72).

Provides designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Reprinted in 1972. ($1.95 GPO.) FAA 5.8/2:P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Reprinted in 1969. ($0.25 GPO.) TD 4.408:P64/2.

61–4C Multiengine Airplane Class or Type Rating—Flight Test Guide (2–1–71).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1972. ($0.65 GPO.) TD 4.408:M 91.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8C Instrument Rating (Airplane) Written Test Guide (5–31–72).

Reflects the current operating procedures and techniques in a background setting appropriate for applicants preparing for the subject test. ($1.45 GPO.) TD 4.8:In 7/4/972.

61–9B Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes (1–15–74).

A guide to the procedures and standards to be followed for a thorough and comprehensive checkout in modern single- and twin-engine aircraft. ($0.35 GPO.) TD 4.8:P 64/6.

61–10A Private and Commercial Pilots Refresher Courses (9–27–72).

Provides a syllabus of study requirements and describes the areas of training that should be emphasized. ($0.40 GPO.) TD 4.408:P 64/6.

61–11B Airplane Flight Instructor Written Test Guide (9–12–72).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. ($0.95 GPO.) TD 4.408:In 7.

61–12F Student Pilot Guide (1–25–74).

Provides guidance for student pilots and those already in primary flight training. Updated to include requirements covered in the revised Part 61. ($0.55 GPO.) TD 4.8:P64/3/972.

61–13A Basic Helicopter Handbook (4–5–73).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. ($1.90 GPO.) FAA 1.8:H 36/2.

61–14A Flight Instructor Practical Test Guide (10–23–69).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. Reprinted in 1973. ($0.35 GPO.) TD 4.408:In 7/4.

61–16A Flight Instructor's Handbook (10–14–69).

Gives guidance and information to pilots preparing to apply for flight instructor certificates, and for use as a reference by flight instructors. ($2 GPO.) Reprinted in 1972. TD 4.408:In 7/3.

61–17B Flight Test Guide—Instrument Pilot Airplane (1–12–72).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Reprinted in 1973. ($0.95 GPO.) TD 4.408:In 7/2/972.

61–18C Airline Transport Pilot (Airplane) Written Test Guide (4–19–71).

Reflects current operating procedures and techniques in a background setting appropriate for applicants preparing for the Airline Transport Pilot (Airplane) Written Test. ($1.75 GPO.) Reprinted in 1972. TD 4.8:P 64/5/971.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($2.10 GPO.) FAA 1.8:F 64/4.

61–23A Pilot's Handbook of Aeronautical Knowledge (7–10–70).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. ($5.30 GPO.) TD 4.408:P 64/5.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.55 GPO.) FAA 1.8:H 36/2.

61–27B Instrument Flying Handbook (9–22–70).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Pilot's Handbook of Aeronautical Knowledge." ($3.35 GPO.) TD 4./8:In 7/2/971.

61–28A Commercial Pilot Written Test Guide (4–28–70).

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot-Airplane Written Test. ($2.00 GPO.) TD 4.408:P 64/4.

61–29A Instrument Flight Instructor Written Test Guide (10–16–70).

Reflects current operating procedures, regulations, and techniques for the use of applicants in preparing for the Flight Instructor Instrument Written Test ($1.00 GPO.) TD 4.8:In 7/5.

61–30A Flight Test Guide—Gyroplane, Private and Commercial (3–23–72).

Assist the commercial and private pilot applicant in preparing for his gyroplane test ($0.65 GPO.) TD 4.408:G99.

61–31A Gyroplane Pilot Written Test Guide, Private and Commercial (6–9–72).

Provides guidance and assistance to applicants who are preparing for the Private or Commercial Pilot Gyroplane Written Test. Covers the basic aeronautical knowledge that the prospective gyroplane pilot must know.

61–32A Private Pilot Written Test Guide (12–1–71).

Provides information, guidelines, and sample test items to assist applicants for the Private Pilot Certificate in attaining necessary aeronautical knowledge ($2.50 GPO.) TD 4.408:P 64/971.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft

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Gyroplane Written Examination. Revised in 1966.

61–34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6–18–70).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.70 GPO.) TD 4.P8: 64/970.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39A Flight Test Guide, Private and Commercial Pilot—Glider (10–19–72).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41A Glider Flight Instructor Written Test Guide (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Flight Instructor rating in attaining necessary aeronautical knowledge.

61–42A Airline Transport Pilot (Helicopter) Written Test Guide (1–20–72).

Describes the type and scope of required aeronautical knowledge covered in the written tests, lists reference materials available from GPO bookstores, and presents sample test items with answers and explanations. ($0.70 GPO.) TD 4.408:H 36/972.

61–43A Glider Pilot Written Test Guide—Private and Commercial (1–12–72).

Provides information, guidelines, and sample test items, to assist applicants for the Glider Pilot Certificate in attaining necessary aeronautical knowledge.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61–49 Airline Transport Pilot—Airplane Practical Test Guide (8–9–71).

Describes the practical test requirements for Airline Transport Pilot Certificates (Airplane) and associated class and type ratings. ($0.45 GPO.) TD 4.408: An 7/4.

61–50 Aerial Applicator Aerodynamics Review of "Region of Reversed Command" (2–7–72).

Provided for the purpose of increasing pilot awareness of the aerodynamic limitations pertinent to aerial applicator operations.

61–51 Reporting Flight Time on Pilot Applications, FAA Form 8420–3 (6–26–72).

Advises applicants of the importance of entering their pilot flight time on subject form. (OBM No. 04–R0064.)

61–52B Flight Instructor of the Year Award Program (1–5–74).

Provides the details of the Flight Instructor of the Year Award Program.

61–54 Flight Test Guide (Part 61 revised)—Private Pilot Airplane (4–2–73).

Establishes a new concept of pilot training and certification requirements. ($0.65 GPO.) TD 4.408:P64/2/973.

61–55 Commercial Pilot Airplane Flight Test Guide (4–13–73).

Assist the applicant and his instructor in preparing for the flight test for the Commercial Pilot Certificate with Airplane Rating under Part 61 (revised). ($0.60 GPO.) TD 4.408:AI 7/7.

61–56 Flight Test Guide (Part 61 revised) Instrument Pilot Airplane (5–1–73).

Assists the applicant and his instructor in preparing for the flight test for the Instrument Pilot Airplane Rating under Part 61 (revised). ($0.55 GPO.) TD 4.408: N/7/2/973.

61–57 Multiengine Airplane Class and Type Rating (4–13–73).

Contains information and guidance concerning the pilot operations, procedures, and maneuvers relevant to the flight test required for the Multiengine Class and Type Rating under Part 61 (revised). ($0.65 GPO.) TD 4.408:M91/973.

61–58 Flight Instructor Practical Test Guide (5–1–73).

Outlines new requirements based on changes to FAR Part 61, Certification of Pilots and Flight Instructors. ($0.40 GPO.) TD 4.408:In 7/5.

61–59 Private and Commercial Pilot, Flight Test Guide (5–24–73).

Assist the applicant and his instructor in preparing for the flight test for the Private or Commercial Pilot Rotorcraft Certificate with Helicopter Rating under Part 61 (revised). ($0.60 GPO.) TD 4.408:H36/3.

61–60 Private and Commercial Pilot Gyroplane, Flight Test Guide (May 1973).

Outlines appropriate pilot operations and the minimum standards for the performance of each procedure or maneuver which will be accepted by the examiner as evidence of the pilot's competency, under Part 61 (revised). ($0.65 GPO.) TD 4.408:G99/973.

61–61 Private and Commercial Pilot Glider, Flight Test Guide (4–27–73).

Assist the applicant and his instructor in preparing for the flight test for the Private and the Commercial Pilot Certificate with Glider Rating under Part 61 (revised). ($0.50 GPO.) TD 4.408:G49.

61–62 Private and Commercial Pilot Free Balloon . . . , Flight Test Guide (June 1973).

Assist the applicant and his instructor in preparing for the flight test for the Private Pilot or Commercial Pilot Certificate with a lighter-than-air category and free balloon class rating under Part 61 (revised).

61–63 Flight Test Guide, Private and Commercial Pilot—Lighter–Than–Air Airship (5–23–74).

Establishes a new concept of pilot training and certification requirements. To provide a transition to these revised requirements, Part 61 (revised) permits the applicant, for a period of 1 year after the effective date, to meet either the previous requirements for the Private Pilot Certificate and the Commercial Pilot Certificate as outlined in Part 61, prior to November 1, 1973.

61–64 Flight Test Guide—Instrument Pilot Helicopter (7–23–73).

Assists the applicant and his instructor in preparing for the flight test for the Instrument Pilot Helicopter Rating under the revised Part 61. ($0.40 GPO.) TD 408:H36/4.

61–65 Part 61 (Revised) Certification: Pilot and Flight Instructors (9–5–73).

Informs pilots and flight instructors of the changes in Part 61, revised January 23, 1973, their effects, and the standards and procedures which will be used in implementing them.

61–66 Annual Pilot in Command Proficiency Checks (11–2–73).

Presents material relating to annual proficiency checks required for pilots-in-command of civil aircraft type certificated for more than one required pilot crewmember, other than those operating under Parts 121, 123, 127, 133, 135, and 137.

61–67 Hazards Associated with Spins in Airplanes Prohibited from Intentional Spinning (2–1–74).

Informs pilots of the airworthiness standards for the type certification of small airplanes prescribed in Section 23.221 of the Federal Aviation Regulations concerning spin maneuvers.

61–68 Flight Instructor Refresher Clinics Scheduling, Attendance Facilities and Equipment (2–27–74).

Provides guidance to sponsors regarding scheduling, required facilities and equipment, and attendance control at Flight Instructor Refresher Clinics in which the Flight Instructor Refresher Unit (FIRU) participates.

61–70 Flight Instructor Instrument—Airplane–Written Test Guide 3–29–74).

Provides guidance for the applicant by outlining the scope of knowledge required for the Flight Instructor Certificate with an Instrument Airplane Rating. ($1.65 GPO.) S/N 5007–00–252.

61.117–1D Flight Test Guide—Coramercial Pilot, Airplane (2–14–72).

Assists the commercial applicant in preparing for his certification flight test. Reprinted in 1973. ($0.60 GPO.) TD 4.8:P 64/2/72.

63–1B Flight Engineer Written Test Guide (10–22–70).

Provides information to prospective flight engineers and others interested in this certification area. Contains information about certification requirements and describes the type and scope of the written test. Lists appropriate study and reference material and presents sample questions similar to those found in the official written tests. ($0.85 GPO.) TD 4.8:En 3/971.

63–2A Flight Navigator Written Test Guide (4–4–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($0.70 GPO.) TD 4.8:F 64/2.

65–2C Airframe and Powerplant Mechanics Certification Guide (3–15–73).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. ($1.10 GPO.) TD 4.8:Al 7/6/973.

65–4B Aircraft Dispatcher Written Test Guide (7–25–72).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. ($1.40 GPO.) TD 408:Al 7/6.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Reprint in 1970. ($0.25 GPO.) TD 4.8:P 21.

65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. Reprinted in 1973. ($6 GPO.) TD 4.408:Al 7/2.

65–11A Airframe and Powerplant Mechanics Certification Information (4–21–71).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics. ($0.40 GPO.) TD 4.8:Al:7/21/9/71.

65–12 Airframe and Powerplant Mechanics Powerplant Handbook (9–25–70).

Designed to familiarize student mechanics with the construction, theory of operation, and maintenance of aircraft powerplants. Reprinted in 1973. ($4.60 GPO.) TD 4.408:Al 7/3.

65–13A FAA Inspection Authorization Directory (4–18–74).

Provides a new directory of all FAA certificated mechanics who hold an inspection authorization as of March 1, 1974. ($6.00 GPO.)

65–15 Airframe and Powerplant Mechanics Airframe Handbook (9–18–72).

Designed to familiarize student mechanics with airframe construction, repair, and the operating theory of airframe systems. Reprinted in 1973. ($5.05 GPO.) TD 4.408:Al 7/5.

65–17 Annual Renewal Meeting of Holders of the Inspection Authorization (1–15–73).

Initiates an annual renewal meeting for the holders of the inspection authorization.

65–18 Report Availability on a Survey of the Aviation Mechanics Occupation (9–4–74).

Announces the public availability of the 1974 report on a Survey of the Aviation Mechanics Occupation.

65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

67–1 Medical Information for Air Ambulance Operators (3–4–74).

Provides persons or groups interested or involved in civil air ambulance activities with information governing the transport of patients by air.

67–2 Medical Handbook for Pilots (5–15–74).

An aviation medicine handbook written in pilots language that provides guidance on when, and when not, to fly. Emphasizes the fact that, to be a good pilot, you much be physically fit, psychologically sound, and well trained. Designed to complement the Pilots Handbook of Aeronautical Knowledge.

Airspace

SUBJECT No. 70

70–2 Airspace Utilization Considerations in the Proposed Construction, Alteration, Activation and Deactivation on Airports (7–23–73).

Advises those persons proposing to construct, alter, activate or deactivate a civil or joint-use (civil/military) airport, for which Federal aid has not been requested, of the Federal Aviation Administration.

70/7460–1C Obstruction Marking and Lighting (12–11–73).

Describes FAA standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types for both aviation red and high intensity white obstruction lights.

70/7460–2E Proposed Construction or Alteration of Objects that may Affect the Navigable Airspace (7–5–73).

Advises those persons proposing to erect or alter an object that may affect the navigable airspace of the requirement to submit a notice to the Administrator of the Federal Aviation Administration (FAA).

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT No. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–12A Severe Weather Avoidance (2–21–73).

Warns all pilots concerning flight in the vicinity of known or forecasted severe weather, severe turbulence and hail and advises them that air traffic control facilities, even though equipped

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with radar, might not always have the capability nor be in a position to provide assistance for circumnavigation of areas of severe weather.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22C Automatic Terminal Information Service (ATIS) (2–2–71).

Provides updated information concerning the operation of Automatic Terminal Information Service.

90–23D Wake Turbulence (12–15–72).

Alerts pilots to the hazards of aircraft trailing vortex wake turbulence and recomends related operational procedures.

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–38A Use of Preferred IFR Routes (12–29–69).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–41C Revised Standard Instrument Departure/Arrival Procedures (4–13–72).

Describes the revised Standard Instrument Departure (SID) and Standard Terminal Arrival Route (STAR) program which basically eliminates the ability to file STAR's in a flight plan and informs pilots that altitudes and airspeeds will no longer be embedded within the body of a STAR.

90–42A Traffic Advisory Practices at Nontower Airports (8–16–72).

Establishes, as good operating practices, procedures for pilots to be apprised of or exchange traffic information, when approaching or departing uncontrolled airports.

90–43C Operations Reservations for High-Density Traffic Airports (11–14–71).

Advises the aviation community of the means for all aircraft operators, except helicopters, scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8–18–69).

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

90–45 CH 1 (10–20–70).

Deletes certain items found to be in excess of minimum requirements and clarifies certain other items.

90–47 Abbreviated Instrument Flight Rules Departure Clearance (3–18–70).

Provides guidance to pilots and operators for participation in the Abbreviated IFR Departure Clearance Program.

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human casual factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

90–50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9–29–70).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

Announces the availability of a new wake turbulence film and encourages its viewing.

90–54A Cruise Clearances (11–27–73).

Provides the aviation community guidance when operating under a "cruise" clearance.

90–58A VOR Course Errors Resulting from 50KHz Channel Selection (6–11–74).

Provides information concerning a potentially hazardous situation when a VOR receiver is inadvertently tuned 50KHz from the ground station frequency.

90–59 Arrival and Departure Handling of High-Performance Aircraft (2–28–72).

Describes ATC handling of high performance aircraft in terminal areas.

90–60 Weather Observation Reporting Obscured or Partially Obscured Sky Condition (3–31–72).

Provides pilots with information concerning weather conditions reported by weather observers as obscuration or partial obscuration.

90–62 Flying DME ARCs (1–23–73).

Describes the procedures and techniques for intercepting DME arcs from radials, maintaining DME arcs, and intercepting radials and localizers from DME arcs.

90–63 ATC Procedures for Random Area Navigation Routes (5–8–73).

Provides guidelines and procedures for obtaining approval of random IFR area navigation routes in the U.S. National Airspace System.

90–64 Automated Radar Terminal System (ARTS) III (6–22–73).

Advises the aviation community of the capabilities of the Automated Radar Terminal System and the associated services provided by ARTS III equipped air traffic control facilities.

90–65 Air Traffic Fuel Economy Program (1–18–74).

Advises the aviation community of flow control procedures that will be utilized to conserve aviation fuel during periods when the normal movement of aircraft is disrupted. Also describes actions required of user groups to ensure efficient flow control planning.

91–5B Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (1–28–72).

Provides information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR Part 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8A Use of Oxygen by General Aviation Pilots/Passenger (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a) (1) of the FAR's.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($1.15 GPO.) FAA 7.9:D 84.

91–12B Required Inspection for Aircraft Operating Under FAR Parts 121, 123, 127, or 135 and Reverting to General Operation Under FAR Part 91 (12–9–70).

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

91–13A Cold Weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

91–14B Altimeter Setting Sources (10–1–71).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($1.40 GPO.) TD 4.2:T27.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61, 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–21 Inspection Schedule—for Handley-Page Model HP–137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22A Altitude Alerting Devices/Systems (12–23–71).

Provides guidelines for designing, installing, and evaluating altitude alerting systems.

91–23 Pilot's Weight and Balance Handbook (5–6–69).

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. Reprinted in 1972 ($1.25 GPO.) TD 4.408:P 64/3.

91–24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9–4–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25A Loss of Visual Cues During Low Visibility Landings (6–22–72).

Provides information concerning the importance of maintaining adequate visual cues during the descent below MDA or DA.

91–26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10–29–69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91–27A Systemsworthiness Analysis Program—General Aviation (12–16–70).

Explains the purpose and applicability of the Systemsworthiness Analysis Program (SWAP) to certificated air taxis, repair stations, pilot and aviation maintenance technician schools that are operated under the privileges of certificates issued by the Federal Aviation Administration.

91–28 Unexpected Opening of Cabin Doors (12–23–69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91–32 Safety in and Around Helicopters (5–7–71).

Provides suggestions to improve helicopter safety by means of acquainting nonflight crew personnel and passengers with the precautions and procedures necessary to avoid undue hazards.

91–33 Use of Alternate Grades of Aviation Gasoline for Grade 80/87 (10–6–71).

Provides information relating to the use of alternate grades of aviation gasoline when grade 80/87 is not available, and the resultant effects of the use of the alternate fuels which may have higher TEL (tetraethyl lead) content.

91–34 Model Aircraft Operating Standards (7–1–72).

Outlines safety standards for operators of model aircraft, and encourages voluntary compliance with these standards.

91–35 Noise, Hearing Damage, and Fatigue in General Aviation Pilots (3–28–72).

Acquaints pilots with the hazards of regular exposure to cockpit noise. Especially pertinent are piston-engine, fixed-wing, and rotary-wing aircraft.

91–36A VFR Flight Near Noise-Sensitive Areas (7–9–74).

Encourages pilots making VFR flights near noise-sensitive areas to fly at altitudes higher than the minimum permitted by regulation. National Park areas now included.

91–37 Truth in Leasing (11–9–72).

Provides information and guidance for lessees and conditional buyers of U.S. registered large civil aircraft.

91–38 Large and Turbine-Powered Multiengine Airplanes, Part 91, Subpart D (12–13–72).

Sets forth guidelines and procedures to assist operators of large and turbine-powered multiengine airplanes in meeting the safety requirements of FAR, Part 91, Subpart D.

91–39 Recommended Noise Abatement Takeoff and Departure Procedure for Civil Turbojet Powered Airplanes (1–18–74).

Illustrates the recommended noise abatement takeoff and departure procedure for civil turbojet powered airplanes.

91–40 Terminal Control Area (TCA) Radar Outage (1–17–74).

Explains the service that will be provided by Air Traffic Control to aircraft in a terminal control area when a radar outage occurs.

91–41 Ground Operational Procedures for Aircraft Engine Emission Reduction and Fuel Conservation (3–12–74).

Recommends ground operational procedures that will minimize air pollution from aircraft ground operations and conserve fuel.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1 Canceling or Closing Flight Plans (3–12–64).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEA's) for publication in FAR Part 95.

99–1 Security Control of Air Traffic (1–12–72).

Provides civil aviation with recommended practices for operating aircraft within or penetrating an Air Defense Identification Zone (ADIZ).

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

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103–2 Information Guide for Air Carrier Handling of Radioactive Materials (7–23–70).

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

103–3 Information Guide for Training Programs and Manual Requirements in the Air Transportation of Dangerous Articles and Magnetized Materials (10–10–73).

Provides air carriers and air taxi/commercial operators with information concerning recent revisions to FAR Parts 103, 121, and 135 requiring the establishment of manuals and training of personnel in the air transportation of dangerous articles and magnetized materials.

103–4 Hazard Associated with Sublimation of Solid Carbon Oioxide (Dry Ice) Aboard Aircraft (5–1–74).

Discusses the potential hazard associated with the sublimation of dry ice aboard aircraft. Precautionary measures and simple rules of thumb are indicated in order to preclude environmentally hazardous conditions affecting crews and passengers aboard aircraft.

103–5 Preparation and Loading of Magnetron Tubes and Magnetic Materials for Air Shipments (7–16–74).

Provides information relevant to the preparation and loading of magnetron tubes and magnetic materials for shipment in civil aircraft.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

107–1 Aviation Security—Airports (5–19–72).

Furnishes guidance to those individuals and organizations having responsibilities under Part 107 of the Federal Aviation Regulations. It also provides recommendations for establishing and improving security for restricted or critical facilities and areas the security of which is not dealt with in Part 107.

Air Carrier and Commercial Operators and Helicopters

SUBJECT No. 120

120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4–24–69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Rules Pertaining to Aircraft Accidents, Incidents, Overdue Aircraft, and Safety Investigations.

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7–27–70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Altitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–16A Continuous Airworthiness Program (9–11–69).

Provide air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance materials which may be used to design or develop maintenance reliability programs which include a standard for determining the time limitations.

120–17 CH1 (6–24–66).

120–17 CH2 (5–6–68).

120–21 Aircraft Maintenance Time Limitations (6–24–66).

Provides methods and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2–25–69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120–26C Civil Aircraft Operator Designators (9–28–72).

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

120–27 CH 1 (11–20–73).

Adds Part 123 to subject circular.

120–28A Criteria for Approval of Category IIIa Landing Weather Minima (12–14–71).

States an acceptable means, not the only means, for obtaining approval of Category IIIa minima and the installation approval of the associated airborne systems.

120–28A CH 1 (1–18–73).

Revises the CAT IIIa Landing Weather Minima maintenance requirements of paragraph 8 to make them consistent with the requirements for CAT IIa.

120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300–¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

120–29 CH 1 (12–15–71).

Revises Appendix 1 and deletes statement in Appendix 2 regarding 19-foot criteria (does not apply when using an approved automatic landing system).

120–29 CH 2 (7–26–72).

Clarifies the airborne system evaluation by stressing the necessity for meeting maintenance program requirements.

121–1A Standard Operations Specifications—Aircraft Maintenance Handbook (6–26–73).

Provides procedures acceptable to the Federal Aviation Administration which may be used by operators when establishing inspection intervals and overhaul times.

121–3N Maintenance Review Board Reports (6–7–73).

Revises the list of Maintenance Review Board Reports that are currently in effect.

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7–14–66).

Concerned with the prevention of injury due to air turbulence.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121–13 Self-Contained Navigation Systems (Long Range) (10–14–69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121–13 CH 1 (7–31–70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121–13 CH 2 (12–21–70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

121–14 Aircraft Simulator Evalnation and Approval (12–19–69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under section 121.407.

121–16 Maintenance Certification Procedures (11–9–70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121–17 Aviation Security: Certain Air Carriers and Commercial Operators—Security Programs and Other Requirements (3–14–72).

Provides general information regarding the requirements of FAR Amdt. 121–85.

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.144–1 Small Propeller-Driven Air Taxi Airplanes That Meet Section 135.144 (4–13–72).

Provides a summary of and information on small propeller-driven air taxi airplanes that comply with section 135.144 and may continue operations under FAR Part 135 after May 31, 1972, with 10 or more passenger seats.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provision in FAR Part 135 and Part 23 dealing with alternate static courses.

135–1A Air Taxi Aircraft Weight and Balance Control (9–26–69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135–2A Air Taxi Operators of Large Aircraft (11–16–73).

Provides guidelines for use by air taxi operators or applicants who desire to obtain authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135–3 Air Taxi Operators of Small Aircraft (2–17–70).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135.60–1 Aircraft Inspection Programs (5–1–70).

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulators in nature, which will assist interested persons in understanding the operating privileges and limitations of this Part.

Schools and Other Certificated Agencies

SUBJECT No. 140

140–1G Consolidated Listing of FAA Certificated Repair Stations (2–27–74).

Provides a revised directory of all FAA certificated repair stations as of November 1973.

140–2I List of Certificated Pilot Flight and Ground Schools (7–12–74).

Provides a list of FAA certificated pilot flight and ground schools as of June 30, 1974.

140–3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1–8–70).

The title is self-explanatory.

140–5 Radio Maintenance Technician School Curriculum (8–11–71).

Provides information on curriculum subjects for persons desiring to establish radio maintenance technician training courses.

143–1D Ground Instructor Written Test Guide–Basic & Advanced (4–18–74).

Outlines the scope of basic knowledge requirements for a ground instructor; outlines source material to obtain this knowledge; presents a sample test with answers and explanations. ($1.70 GPO.) TD 4.408:G91.

143–2B Ground Instructor—Instrument—Written Test Guide (6–25–70).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. ($1.30 GPO.) TD 4.8: G 91/971.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2M Directory of FAA Certificated Aviation Maintenance Technician Schools (4–2–74).

Provides a revised directory of all FAA certificated aviation maintenance technician schools as of March 1, 1974.

147–3 Phase III, A National Study of the Aviation Mechanics Occupation (3–22–71).

Announces the availability for purchase by the public of a reprint of a report of Phase III, A National Study of the Aviation Mechanics Occupation.

147–4 Report Availability of a survey of Text Materials used in Aviation Maintenance Technician Schools (9–3–74).

Announces the public availability of the 1974 report on A Survey of Test Materials Used in Aviation Maintenance Technician Schools.

149–2G Listing of Federal Aviation Administration Certificated Parachute Lofts (4–2–74).

Provides a revised listing of all FAA certificated parachute lofts as of March 1, 1974.

Airports

SUBJECT No. 150

AIRPORT PLANNING

150/5000–1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4–17–70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

150/5000–3B Address List for Regional Airports Divisions and Airport District Offices (10–26–73).

Transmits the address list for all regional Airports Divisions and Airport District Offices.

150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3–27–69).

Announces the availability of the new report and where to obtain it.

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150/5040–2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation Hubs Through 1980 (5–22–69).

Announces the availability of the report to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

150/5040–3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6–19–69).

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

150/5040–4 Announcement of Supplementary Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (3–31–70).

Announces the availability of the report to the public which identifies and analyzes possible improvements needed to prevent delays at 10 additional airports where demand compared to capacity indicates serious congestion will become a problem. This report is supplementary to the report announced by AC 150/5040–3.

150/5050–2 Compatible Land Use Planning in the Vicinity of Airports (4–13–67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050–3A Planning the State Airport System (June 1972).

Provides general guidance in preparing a State airport system plan. ($2.50 GPO.) TD 4.8:Ai 7/29.

150/5060–1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7–8–68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060–3A Airport Capacity Criteria Used in Long-Range Planning (12–24–69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5070–1 Rapid Transit Service for Metropolitan Airports (8–26–65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070–2 Planning the Metropolitan Airport (9–17–65). (Consolidated reprint 6–30–66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070–3 Planning the Airport Industrial Park (9–30–65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070–5 Planning the Metropolitan Airport System (5–22–70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($2.00 GPO.) TD 4.108: M56/2.

150/5070–6 Airport Master Plans (2–5–71).

Provides guidance for the preparation of individual airport master plans as provided for under the Airport Airway Development Act of 1970. ($2.00 GPO.) TD 4.108: P69.

150/5090–2 National Airport Classification System (Airport System Planning) (6–25–71).

Sets forth the new national airport classification system. The system is designed for use in the identification and classification of airports within the National System of Airports and for use as a planning tool in long-range airport system planning.

FEDERAL-AID AIRPORT PROGRAMS

150/5100–3A Federal-aid Airport Program-Procedures Guide for Sponsors (9–20–68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100–3A CH 1 (11–28–69).

Transmits revised pages to subject advisory circular.

150/5100–5 Land Acquisition in the Federal-aid Airport Program (1–30–69).

Provides general information to sponsor of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100–6A Labor Requirements for Airport Development Aid Program (ADAP) Contracts (1–31–73).

Covers the basic labor requirements for the Airport Development Aid Program.

150/5100–6A CH 1 (3–16–73).

Transmits a revision to delete page 3–1 from subject Advisory Circular.

150/5100–7A Requirement for Public Hearing in the Airport Development Aid Program (2–25–72).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

150/5100–8 Request for Aid; Displaced Persons; Public Hearings; Environmental Considerations; Opposition to the Project (1–19–71).

Provides general guidance on the information and coordination required in support of a request for aid for an airport development project under the Airport and Airway Development Act of 1970.

150/5100–9 Engineering Services Under the Airport Development Aid Program (ADAP) (7–1–72).

Provides guidance for airport sponsors and Federal Aviation Administration offices in the definition, selection, review, and approval of engineering services used under subject program.

150/5100–10 Accounting Records Guide for Airport Development Aid Program Sponsors (5–15–72).

Assists sponsors of Airport Development Aid Program (ADAP) projects in maintaining accounting records that will satisfy the recordkeeping and auditing requirements which are necessary to support claims for progress and final payments under the Airport and Airway Development Act of 1970 (Public Law 91–258).

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150–2A Federal Surplus Personal Property for Public Airport Purposes (8–3–73).

Acquaints public airport owners and other interested parties with the Federal Surplus Personal Property Program for public airports and to outline procedures to be used in applying for and acquiring surplus personal property for this purpose.

150/5150–2A CH 1 (2–21–74).

Adds material to paragraph 24, Chapter 6, which was inadvertently omitted in the Advisory Circular during preparation.

AIRPORT COMPLIANCE PROGRAM

150/5190–1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8–18–66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190–2A Exclusive Rights at Airports (4–4–72).

Makes available to public airport owners, and to other interested persons, basic information and guidance on FAA's policy regarding exclusive rights at public airports on which Federal funds, administered by FAA, have been expended.

150/5190–2A CH 1 (10–2–72).

Deletes the reference to the sale of aeronautical charts by the National Ocean Survey (formerly the U.S. Coast Guard and Geodetic Survey) and to encourage airport owners to obtain UNICOM license in their own names and make these facilities available to all fixed base operators.

150/5190–3A Model Airport Hazard Zoning Ordinance (9–19–72).

Provides a model airport hazard zoning ordinance for airports. The model ordinance is intended merely as a guide to control manmade and natural hazards to aircraft and will require modifications and revisions to meet the varying circumstances and the state and local laws.

AIRPORT SAFETY—GENERAL

150/5200–3A Bird Hazards to Aircraft (3–2–72).

Transmits to the aviation public the latest published information concerning the reduction of bird strike hazards to aircraft in flight and in the vicinity of airports.

150/5200–4 Foaming of Runways (12–21–66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200–5 Considerations for the Improvement of Airport Safety (2–2–67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200–6A Security of Aircraft at Airports (6–28–68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200–7 Safety on Airports During Maintenance of Runway Lighting (1–24–68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200–8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5–2–68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200–9 Bird Reactions and Scaring Devices (6–26–68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200–11 Airport Terminals and the Physically Handicapped (11–27–68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200–12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8–7–69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper presentation of evidence.

150/5200–13 Removal of Disabled Aircraft (8–27–70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200–14 Results of 90-Day Trial Exercise on Fire Department Activity (9–8–70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200–15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (911–70).

Announces the availability of the subject manual.

150/5200–16 Announcement of Report AS–71–1 "Minimum Needs for Airport Fire Fighting and Rescue Services" Dated January 1971 (4–13–71).

Announces the availability of the subject report and describes how to get it.

150/5200–17 Emergency Plan (2–5–72).

Contains guidance material for airport managements to use in developing an emergency plan at civil airports.

150/5200–17 CH–1 (6–28–74).

Provide additional guidance on care and services for uninjured aircraft passengers.

150/5200–18 Airport Safety Self-Inspection (2–5–72).

Suggests functional responsibility, procedures, a checklist, and schedule for an airport safety self-inspection.

150/5200–19 Availability of Report No. FAA–RD–71–20 "An Analysis of Airport Snow Removal and Ice Control" dated March 1971 (11–23–71).

Announces the availability of subject report.

150/5200–21 Announcing the Availability of U.S. Air Force Technical Order (T.O.) 00–105–9 Aircraft Emergency Rescue Information (5–23–73).

Explains the nature of the Technical Order and tells how it can be obtained by airport fire departments which are under the Airport Certification Program.

150/5210–2 Airport Emergency Medical Facilities and Services (9–3–64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210–4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10–27–65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210–5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8–31–66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210–6B Aircraft Fire and Rescue Facilities and Extinguishing Agents (1–26–73).

Outlines scales of protection considered as the recommended level compared with the minimum level in Federal Aviation Regulation Part 139.49 and tells how these levels were established from test and experience data.

150/5210–6B CH 1 (8–22–73).

Issues new guidance under paragraph 9, and paragraph 12 of subject advisory circular.

150/5210–6B CH 2 (5–21–74).

Includes details on the basic purpose, care, and cleaning of proximity suits. Adds a new chapter 5—contains criteria intended for use in purchasing off-the-shelf design proximity suits.

150/5210–7A Aircraft Fire and Rescue Communications (3–16–72).

Provides guidance information for use by airport management in establishing communication and alarm facilities by which personnel required to respond to and function at aircraft ground emergencies may be alerted and supplied with necesarry information.

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150/5210–8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1–13–67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210–9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10–27–67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210–10 Airport Fire and Rescue Equipment Building Guide (12–7–67).

This title is self-explanatory.

150/5210–11 Response to Aircraft Emergencies (4–15–69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5210–12 Fire and Rescue Service for Certificated Airports (3–2–72).

Furnishes guidance and explains to Federal Aviation Administration (FAA) airport inspectors and airport management the minimum critera to be applied when evaluating the aircraft fire and rescue service required at an airport for its compliance with the requirements of FAR Part 139.

150/5210–13 Water Rescue Plans, Facilities, and Equipment (5–4–72).

Suggests planning procedures, facilities, and equipment to effectively perform rescue operations when an aircraft lands in a body of water, swamp, or tidal area where normal aircraft firefighting and rescue service vehicles are unable to reach the accident scene.

150/5220–1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7–24–64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220–4 Water Supply Systems for Aircraft Fire and Rescue Protection (12–7–67).

The title is self-explanatory.

150/5220–6 Guide Specification for 1,000-Gallon Tank Truck (4–10–68).

Assists airport management in the development of local procurement specifications.

150/5220–9 Aircraft Arresting System for Joint Civil/Military (4–6–70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5220–10 Guide Specification for Water/Foam Type Aircraft Fire and Rescue Trucks (5–26–72).

Assists airport management in the development of local procurement specifications.

150/5220–10 CH 1 (12–4–72).

Replaces information on weight distribution and fire pump engines which was omitted when the subject circular was developed, consolidating information from four other circulars.

150/5220–10 CH 2 (8–22–73).

Expands the guidance under paragraph 14 of subject AC to permit the design of engine systems to operate in freezing temperatures for prolonged periods and to provide devices, insulation materials, etc., to prevent the truck fire fighting system from freezing.

150/5230–3 Fire Prevention During Aircraft Fueling Operations (4–8–69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

150/5240–7 A Fuel/Energy Conservation Guide for Airport Operators (2–19–74).

Identifies potential areas where fuel and energy usage can be conserved to assist airport operators in their voluntary actions in reducing fuel and energy consumption.

150/5280–1 Airport Operations Manual (6–16–72).

Sets forth guidelines to assist airport operators in developing an Airport Operations Manual in compliance with the requirements of FAR Part 139.

150/5280–2 Guidance for Airport Operators-Use of Notices to Airmen as Related to FAR Part 139 (2–12–74).

Provides the airport operator with guidance on Notices to Airmen and assists him in understanding the system in relation to the requirements of FAR Part 139.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2C Airport Design Standards—Site Requirements for Terminal Navigational Facilities (9–21–73).

Provides information regarding the relative location and siting requirements for the terminal navigation facilities located on or close to an airport.

150/5300–2C CH 1 (3–1–74).

Transmits a revised Fig. 2–12 correcting the guidance for the location of the ILS Middle Marker Beacon.

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administrator for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. ($3.15 GPO.) TD 4.8:Ai 7/968.

150/5300–4A CH 1 (9–13–73).

Transmits new transverse grade criteria and informs the user of airport design stndards of a change in terminology.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69).

Provides recommended design criteria for the development of larger than general utility airports.

150/5300–6 CH 1 (4–13–72).

150/5300–7B FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11–8–72).

Reaffirms the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5300–9 Predesign and Preconstruction Conferences (ADAP) Projects (9–10–73).

Emphasizes the need for, and encourages the use of, predesign and preconstruction conferences as valuable tools in the administration of construction contracts funded under the ADAP.

150/5320–5B Airport Drainage (7–1–70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1.30 GPO.) TD 4.8: 78/970.

150/5320–6B Airport Pavement Design and Evaluation (5–28–74).

Provides guidance to the public for the design and evaluation of pavements at civil airports.

150/5320–9 Use of a Friction Measuring Device in Engineering and Maintenance of Airport Pavement Surfaces (9–19–72).

Describes a method for obtaining a rapid, continuous graphic record of airport pavement characteristics, including

relative friction values from which the presence of contaminants such as water, snow or ice, reverted rubber, paint and fuel spillage effects can be detected.

150/5320–10 Environmental Enhancement at Airports—Industrial Waste Treatment (4–16–73).

Provides basic information on the nature and treatment of industrial wastes produced at airports.

150/5320–11 Runway Categorization—Aeronautical Studies—Airport Owners' Responsibilities (9–21–73).

Emphasizes the need for airport owners to maintain runway and approach zone categories and locations on file with FAA so they may be given consideration under the regulations of FAR Part 77.

150/5325–2B Airport Design Standards—Air Carrier Airports—Surface Gradient and Line of Sight (2–18–70).

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airport surface areas used to accommodate the landing, takeoff, and other ground movement requirements of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6A Airport Design Standards—Effects and Treatment of Jet Blast (7–13–72).

Presents criteria on the jet engine blast velocities associated with aircraft in common use in air carrier service, the effects of these blast velocities during ground operations, and suggested means to counteract or minimize these effects.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in detemining the deviation error in an aircraft magnetic compass.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determing their effect on the orientation of runways.

150/5335–1A Airport Design Standards—Airports Serviced by Air Carriers—Taxiways (5–15–70).

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335–1A CH 1 (10–4–73).

Transmits revised pages to the subject advisory circular.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5335–3 Airport Design Standards—Airports Served by Air Carriers—Bridges and Tunnels on Airports (4–19–71).

Provides general guidance to those contemplating the construction of a bridge-type structure to allow aircraft to cross over an essential surface transportation mode.

150/5335–3 CH 1 (3–30–73).

Transmits revised pages.

150/5340–1D Marking of Paved Areas on Airports (1–19–73).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340–4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–69).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5A Segmented Circle Airport Marker System (9–10–71).

Sets forth standards for a system of airport marking consisting of certain pilot aids and traffic control devices.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13B High Intensity Runway Lighting System (3–24–73).

Describes standards for the design, installation, and maintenance of high intensity runway lighting systems.

150/5340–14B Economy Approach Lighting Aids (6–19–70).

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

150/5340–14B CH 1 (6–24–73).

Transmits equipment specifications for an omnidirectional lead in approach light system.

150/5340–15B Taxiway Edge Lighting System (4–4–72).

Describes the recommended standards for the design, installation, and maintenance of a taxiway edge lighting system.

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150/5340-16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10-26-70).

Describes standards for the design, installation, and maintenance of medium intensity runway lighting system (MIRL), and visual approach slope indicators for utility airports.

150/5340-16B CH 1 (8-2-74).

Adds the requirement for split red/green lens on the threshold lights and split white/yellow lens on the edge lights in the caution zone. Appendix 1 was deleted.

150/5340-17A Standby Power for Non-FAA Airport Lighting Systems (3-19-71).

Describes standards for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System (NAS).

150/5340-18 Taxiway Guidance System (9-27-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340-19 Taxiway Centerline Lighting System (11-14-68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340-20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2-17-69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5340-21 Airport Miscellaneous Lighting Visual Aids (3-25-71).

Describes standards for the system design, installation, inspection, testing, and maintenance of airport miscellaneous visual aids; i.e., airport beacons, beacon towers, wind cones, wind tees, and obstruction lights.

150/5340-22 Maintenance Guide for Determining Degradation and Cleaning of Centerline and Touchdown Zone Lights (4-20-71).

Contains maintenance recommendations for determining degradation and cleaning of centerline and touchdown zone lights installed in airport pavement.

150/5340-22 CH 1 (6-23-71).

Transmits a page change to subject advisory circular.

150/5340-23 Guide for Location of Supplemental Wind Cones (8-24-71).

Describes standards for the performance and location of supplemental wind cones.

150/5345-1D Approved Airport Lighting Equipment (4-11-73).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply their product in accordance with the indicated specification requirements.

150/5345-1D CH 1 (11-1-73).

Transmits additions and revisions to the lists of approved equipment and manufacturers.

150/5345-2 Specification for L-810 Obstruction Light (11-4-63).

Required for FAAP project activity.

150/5345-2 CH 1 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-3B Specification for L-821 Airport Lighting Panel for Remote Control of Airport Lighting (4-21-72).

Describes the specification requirements for an airport lighting control panel for the remote control of airport lighting circuits and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-4 Specification for L-892 Internally Lighted Airport Taxi Guidance Sign (10-15-63).

Required for FAAP project activity.

150/5345-4 CH 1 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-5 Specification for L-847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9-3-63).

Required for FAAP project activity.

150/5345-7B Specification for L-824 Underground Electrical Cables for Airport Lighting Circuits (3-18-71).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345-9C Specification for L-819 Fixed Focus Bidirectional High Intensity Runway Lights (12-23-69).

Describes the subject specifications requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-10C Specification for L-828 Constant Current Regulators (10-22-71).

Describes the subject specification requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345-11 Specification for L-812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3-2-64).

Required for FAAP project activity.

150/5345-12A Specification for L-801 Beacon (5-12-67).

Describes the subject specification requirements.

150/5345-12A CH 1 (3-19-71).

Transmits paragraph changes to the subject advisory circular.

150/5345-13 Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1-6-64).

Required for FAAP project activity.

150/5345-15 Specification for L-842 Airport Centerline Light (1-6-64).

Required for FAAP project activity.

150/5345-16 Specification for L-843 Airport In-Runway Touchdown Zone Light (1-20-64).

Required for FAAP project activity.

150/5345-17 Specification for L-845 Semiflush Inset Prismatic Airport Light (3-3-64).

Describes the subject specification requirements.

150/5345-18 Specification for L-811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3-3-64).

Required for FAAP project activity.

150/5345-18 CH 1 (5-28-64).

Advises that a detail requirement is not applicable to the circular.

150/5345-19 Specification for L-838 Semiflush Prismatic Airport Light (5-11-64).

Describes the subject specification requirements.

150/5345-20 Specification for L-802 Runway and Strip Light (6-24-64).

Describes the subject specification requirements.

150/5345-20 CH 1 (8-31-64).

Provides amended information for the basic advisory circular.

150/5345-20 CH 2 (1-14-66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345-20 CH 3 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-20 CH 4 (8-5-69).

Describes the subject specification requirements for a runway and strip light.

150/5345-21 Specification for L-813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7-28-64).

Describes the subject specification requirements.

150/5345-22 Specification for L-834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10-8-64).

Describes the subject specification requirements.

150/5345-23 Specification for L-822 Taxiway Edge Light (10-13-64).

Describes the subject specification requirements.

150/5345-23 CH 1 (1-14-66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345-23 CH 2 (10-28-66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345-23 CH 3 (8-5-69).

Describes the subject specification requirements for a taxiway edge light.

150/5345-26A Specification for L-823 Plug and Receptacle, Cable Connectors (5-4-71).

Describes the subject specification requirements.

150/5345-27A Specification for L-807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6-16-69).

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345-28B Specification for L-851 Visual Approach Slope Indicators and Accessories (2-16-72).

Describes the specification requirements for visual approach slope indicator (VASI) and simple abbreviated visual approach slope indicator (SAVASI) equipment and accessories.

150/5345-29A FAA Specification L-852, Light Assembly, Airport Taxiway Centerline (4-28-71).

Describes FAA Specification L-852, Light Assembly, Airport Taxiway Centerline, for the guidance of the public.

150/5345-30A Specification for L-846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2-3-67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345-31A Specification for L-833 Individual Lamp Series-to-Series Type Insulating Transformer for 600-Volt or 5,000-Volt Series Circuits (4-24-70).

Describes the subject specification requirements and is published by the FAA for the guidance of the public.

150/5345-33 Specification for L-844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 200 Watt (1-13-65).

Describes the subject specification requirements.

150/5345-34 Specification for L-839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1-13-65).

Describes the subject specification requirements.

150/5345-36 Specification for L-808 Lighted Wind Tee (2-3-65).

Describes the subject specification requirements.

150/5345-37C FAA Specification L-850, Light Assembly Airport Runway Centerline and Touchdown Zone (6-27-72).

Describes subject light assembly for the guidance of the public.

150/5345-38 Changes to Airport Lighting Equipment (3-23-67).

The title is self-explanatory.

150/5345-39A FAA Specification L-853, Runway and Taxiway Centerline Retroreflective Markers (9-17-71).

Describes specfication requirements for L-853 Runway and Taxiway Retroreflective markers, for the guidance of the public.

150/5345-41 Specification for L-855, Individual Lamp, Series-to-Series Type Insulating Transformer for 5,000-Volt Series Circuit, 6.6/6.6 Amperes, 65 Watts (4-24-70).

Describes the subject specification and is published by the FAA for the guidance of the public.

150/5345-42A FAA Specification L-857, Airport Light Bases, Transformer Housing and Junction Boxes (10-4-73).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345-43B FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems (11-1-73).

Contains equipment specifications for high intensity obstruction lighting systems.

150/5345-44A Specification for L-858 Retroreflective Taxiway Guidance Signs (7-20-71).

Describes the specification for retroreflective taxiway guidance signs.

150/5345-45 Lightweight Approach Light Structure (5-10-73).

Presents the specifications for lightweight structures for supporting lights as used in visual navigational aid systems.

150/5355-1A International Signs to Facilitate Passengers Using Airports (11-3-71).

Informs airport authorities of the desirability to provide international signs and diagrammatic maps within terminal buildings and of the need for clearly marked road signs for airports.

150/5355-2 Fallout Shelters in Terminal Buildings (4-1-69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360-1 Airport Service Equipment Buildings (4-6-64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360-2 Airport Cargo Facilities (4-6-64).

Provides guidance material on air cargo facilities.

150/5360-3 Federal Inspection Service Facilities at International Airports (4-1-66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370-1A Standard Specifications for Construction of Airports (5-28-68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. ($6.25 GPO.) TD 4.24:968

150/5370-2 Safety on Airports During Construction Activity (4-22-64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5370-4 Procedures Gnide for Using the Standard Specifications for Construction of Airports (5-29-69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370-5 Offshore Airports (12-15-69).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods.

150/5370-6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3-16-70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5370-7 Airport Construction Controls To Prevent Air and Water Pollution (4-26-71).

Supplies guidance material on compliance with air and water standards during construction of airports developed under the Airport and Airway Development Act of 1970.

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150/5370–8 Grooving of Runway Pavements (3–16–71).

Provides guidance for the design, installation, and maintenance of grooves in runway pavements.

150/5370–9 Slip-Form Paving—Portland Cement Concrete (6–7–73).

Transmits guidance for the construction of Portland Cement Concrete pavements by the slip-form method.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3A Removal of Contaminants from Pavement Surfaces (10–27–70).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5380–5 Debris Hazards at Civil Airports (3–8–71).

Discusses problems of debris at airports, gives information on foreign objects, and tells how to eliminate such objects from operational areas.

150/5390–1A Heliport Design Guide (11–5–69).

Contains design guidance material for the development of heliports, both surface and elevated. ($1.25 GPO.) TD 4.108:H36.

Planning Grant Program

150/5900–1 The Planning Grant Program for Airports (2–16–73).

Offers guidance to the sponsors of airport system plans and airport master plans on how to participate in the FAA's Planning Grant Program.

Air Navigational Facilities

SUBJECT No. 170

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

Administrative

SUBJECT No. 180

183–30A FAA Designated Mechanic Examiners Directory (4–10–74).

Provides a revised directory of all FAA designated mechanic examiners as of March 1, 1974.

183–31B FAA Designated Parachute Rigger Examiner Directory (4–2–74).

Provides a new directory of all FAA designated parachute rigger examiners as of March 1, 1974.

183.29–1G Designated Engineering Representatives (7–1–74).

Lists FAA-approved Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT No. 210

210–1 National Notice to Airmen System (2–8–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic service A circuits.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Advisory Circulars For Sale

This List contains those circulars that are sold by the Superintendent of Documents. (See numerical index for appropriate price, sequential lettering, if any, and date, etc.)

Acceptable Methods, Techniques, and Practices—Aircraft Alterations, AC 43.13–2.
Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair, AC 43.13–1.
Aircraft Dispatcher Written Test Guide, AC 65–4.
Airframe and Powerplant Mechanics Airframe Handbook, AC 65–15.
Airframe and Powerplant Mechanics Certification Guide, AC 65–2.
Airframe and Powerplant Mechanics Certification Information, AC 65–11.
Airframe and Powerplant Mechanics—General Handbook, AC 65–9.
Airframe and Powerplant Mechanics Powerplant Handbook, AC 65–12.
Airline Transport Pilot—Airplane Practical Test Guide, AC 61–49.
Airline Transport Pilot (Airplane) Written Test Guide, AC 61–18.
Airline Transport Pilot (Helicopter) Written Test Guide, AC 61–42.
Airplane Flight Instructor Written Test Guide, AC 61–11.
Airport Drainage, AC 150/5320–5.
Airport Master Plans, AC 150/5070–6.
Aviation Weather, AC 00–6.
Basic Glider Criteria Handbook, AC 21–3.
Basic Helicopter Handbook, AC 61–13.
Commercial Pilot Airplane Flight Test Guide, AC 61–55.
Commercial Pilot Written Test Guide, AC 61–28.
FAA Inspection Authorization Directory, AC 66–13.
Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, AC 61–34.
Flight Engineer Written Test Guide, AC 63–1.
Flight Instructor Instrument—Airplane—Written Test Guide, AC 61–70.
Flight Instructor Practical Test Guide, AC 61–14.
Flight Instructor Practical Test Guide, AC 61–58.
Flight Instructor's Handbook, AC 61–16.
Flight Test Guide—Commercial Pilot, Airplane, AC 61.117–1.
Flight Test Guide—Gyroplane, Private and Commercial, AC 61–30.
Flight Test Guide—Helicopter, Private and Commercial Pilot, AC 61–25.
Flight Test Guide—Instrument Pilot Airplane, AC 61–17.
Flight Test Guide (Part 61 revised)—Instrument Pilot Airplane, AC 61–56.
Flight Test Guide—Instrument Pilot Helicopter, AC 61–64.
Flight Test Guide (Part 61 revised)—Private Airplane, AC 61–54.
Flight Test Guide—Private Pilot—Airplane—Single Engine, AC 61–3.
Flight Navigator Written Test Guide, AC 63–2.
Flight Training Handbook, AC 61–21.
Forming and Operating a Flying Club, AC 00–25.
General Aviation Inspection Aids, Summary, AC 20–7.
Ground Instructor—Instrument—Written Test Guide, AC 143–2.
Ground Instructor Written Test Guide—Basic and Advanced, AC 143–1.
Guide to Drug Hazards in Aviation Medicine, AC 91.11–1.
Heliport Design Guide, AC 150/5390–1.
Instrument Flight Instructor Written Test Guide, AC 61–29.
Instrument Flying Handbook, AC 61–27.
Instrument Rating (Airplane) Written Test Guide, AC 61–8.
Medical Handbook for Pilots, AC 67–2.
Multiengine Airplane Class and Type Rating, AC 61–57.
Multiengine Airplane Class and Type Rating—Flight Test Guide, AC 61–4.
Nondestructive Testing in Aircraft, AC 43–3.
Parachute Rigger Certification Guide, AC 65–5.
Personal Aircraft Inspection Handbook, AC 20–9.
Pilot Transition Courses for Complex Single-engine and Light, Twin-engine Airplanes, AC 61–9.
Pilot's Handbook of Aeronautical Knowledge, AC 61–23.
Pilot's Weight and Balance Handbook, AC 91–23.
Planning the Metropolitan Airport System, AC 150/5070–5.
Planning the State Airport System, AC 150/5050–3.
Private and Commercial Pilot, Flight Test Guide, AC 61–59.
Private and Commercial Pilot Glider, Flight Test Guide, AC 61–61.
Private and Commercial Pilot Gyroplane, Flight Test Guide, AC 61–60.
Private and Commercial Pilots Refresher Courses, AC 61–10.
Private Pilot (Airplane) Flight Training Guide, AC 61–2.
Private Pilot Written Test Guide, AC 61–32.
Standard Specifications for Construction of Airports, AC 150/5370–1.
Student Pilot Guide, AC 61–12.
Terrain Flying, AC 91–15.
U.S. Civil Aircraft Register, AC 20–6.
Utility Airports—Air Access to National Transportation, AC 150/5300–4.

Internal Publications

Contractions Handbook, 7340.1D (10–1–73).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. ($11.00 and $13.75 foreign Sub.—GPO.) TD 4.308:C76/973.

Location Identifiers, 7350.4A (January 1974).

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. ($11.00—$13.75 foreign Sub.—GPO.) TD 4.310:

En Route Air Traffic Control Handbook, 7110.9C (1–1–73).

Prescribes air traffic control procedures and phraseology for use by personnel providing en route air traffic control service. ($8.55, $10.60 foreign Sub.—GPO.) TD 4.308: En1/973.

Terminal Air Traffic Control Handbook, 7110.8C (1–1–73).

Prescribes air traffic control procedures and phraseology for use by personnel providing terminal air traffic control services. ($13.50, $17 foreign Sub.—GPO.) TD 4.308: T27/973.

Flight Services, 7110.10B (1–1–73).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. ($24—$30 foreign Sub.—GPO.) 2D 4.308: F 64/973.

International Flight Information Manual, Vol. 22 (April 1974).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($6—$7.50 foreign—Annual Sub. GPO.) TD 4.309: 21.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($18.70—$23.40 foreign—Annual Sub. GPO.) TD 4.11:.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamental required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); and Emergency Procedures. (Annual Designated Mountainous Areas, Scatana, Sub. $7, Foreign mailing—$1.75 additional. GPO.) TD 4.12: pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. $7, Foreign mailing—$1.75 additional. GPO.) TD 4.12: pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 56 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Proferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. $22, Foreign mailing—$5.50 additional. GPO.) TD 4.12: pt. 3/.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued quarterly and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $9.50, Foreign mailing—$2.50 additional. GPO.) TD 4.12: pt. 4/.

Aircraft Type Certificate Data Sheets and Specifications (January 1974).

Contains all current aircraft specifications and type certificate data sheets. Subscription service includes the reprint which incorporates effective material previously issued by the FAA through December 1973, and monthly supplements for an indefinite period. ($84.55—Sub., Foreign mailing—$21.15 additional. GPO.) TD 4.15: 974.

Aircraft Engine and Propeller Type Certificate Data Sheets (January 1974).

Contains all current aircraft engine and propeller type certificate data sheets and specifications. Subscription service includes the reprint which incorporates effective material previously issued by the FAA through December

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1973, and monthly supplements for an indefinite period. ($35.10—Sub., Foreign mailing—$8.80 additional. GPO.) TD 4.15/2:974.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($41.75—Sub., Foreign mailing—$10.45 additional. GPO.) TD 4.36:974.

NOTICE

Commencing with the January 1974 issues, the Summary of Airworthiness Directives—Volumes I and II, will be sold and distributed for the Superintendent of Documents by the Federal Aviation Administration from Oklahoma City, Oklahoma. Requests for subscriptions to either of these publications should be sent to:

U.S. Department of Transportation, Federal Aviation Administration, P.O. Box 25461, Attn: AAC–23, Oklahoma City, Okla. 73125.

Subscription service will consist of the summary and automatic biweekly updates to each summary for a 2-year period. Make certified checks or money orders payable to Federal Aviation Administration.

Summary of Airworthiness Directives for Small Aircraft (1–1–74) Volume I.

Presents, in volume form, all the Airworthiness Directives for small aircarft issued through December 31, 1973. AD's for engines, propeller, and equipment are included in each volume. Each volume is arranged alphabetically by product manufacturer. ($6.95 plus $1.75 additional for foreign mailing.)

Summary of Airworthiness Directives for Large Aircraft (1–1–74) Volume II.

Presents, in volume form, all the Airworthiness Directives for large aircraft (over 12,500 pounds maximum certificated takeoff weight) issued through December 31, 1973. AD's for engines, propellers, and equipment are included in each volume. ($7.50 plus $1.90 additional for foreign mailing.)

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of September 15, 1974

FEDERAL AVIATION REGULATIONS VOLUMES

Volume No.	Contents	Price	Transmittals
Volume I, II, III, IV, V, VI, VII, and IX*—PHASED OUT.			
Volume VIII		$5 plus $1.25 foreign mailing	15
Part 133	Rotorcraft External-Load Operations.		
Part 135	Air Taxi Operators and Commercial Operators of Small Aircraft.		
Part 137	Agricultural Aircraft Operations.		
Volume X		$8 plus $2.30 foreign mailing	17
Part 139	Certification and Operations; Land Airports Serving CAB-Certificated Scheduled Air Carriers Operating Large Aircraft (Other Than Helicopters).		
Part 151	Federal Aid to Airports.		
Part 153	Airport Aid Programs.		
Part 153	Acquisition of U.S. Land for Public Airports.		
Part 154	Acquisition of U.S. Land for Public Airports Under the Airport and Airway Act of 1970.		
Part 155	Release of Airport Property from Surplus Property Disposal Restrictions.		
Part 159	National Capital Airports.		
Volume XI		$5 plus $1.25 foreign mailing	14
Part 71	Designation of Federal Airways, Area Low Routes, Controlled Airspace, and Reporting Points.		
Part 73	Special Use Airspace.		
Part 75	Establishment of Jet Routes and High Area Routes.		
Part 77	Objects Affecting Navigable Airspace.		
Part 95	IFR Altitudes.		
Part 97	Standard Instrument Approach Procedures.		
Part 157	Notice of Construction, Alteration, Activation, and Deactivation of Airports.		
Part 169	Expenditure of Federal Funds for Nonmilitary Airports or Air Navigational Facilities Thereon.		
Part 171	Non-Federal Navigation Facilities.		

*Conversion list of—FAR Parts, Amendments and Changes thereto.

FAR Part No.	Title	Amdt.	Price	Change
1	Definitions and Abbreviations	(Admt. 22)	$3.00 plus $0.75 foreign mailing.	
11	General Rule-Making Procedures	(Admt. 12)	$0.55.	
13	Enforcement Procedures	(Admt. 10)	$0.70.	
21	Certification Procedures for Products and Parts.	(Amdt. 39)	$3.75 plus $0.95 foreign mailing.	
23	Airworthiness Standards; Normal, Utility, and Acrobatic Category Airplanes	(Amdt. 14)	$3.55 plus $0.95 foreign mailing.	
25	Airworthiness Standards; Transport Category Airplanes	(Admt. 35)	$6.60 plus $1.65 foreign mailing.	
27	Airworthiness Standards; Normal Category Rotorcraft	(Admt. 9)	$1.40.	
29	Airworthiness Standards; Transport Category Rotorcraft	(Admt. 10)	$1.70.	
31	Airworthiness Standards; Manned Free Balloons	(Admt. 2)	$.40.	
33	Airworthiness Standards; Aircraft Engines.	(Admt. 5)	$3.00 plus $0.75 foreign mailing.	
35	Airworthiness Standards; Propellers	(Admt. 2)	$.35.	
36	Noise Standards; Aircraft Type Certification.	(Admt. 2)	$3.00 plus $0.75 foreign mailing.	
37	Technical Standard Order Authorizations.	(Admt. 36)	$5.65 plus $1.45 foreign mailing.	
39	Airworthiness Directives	(Admt. 106)	$0.30.	
43	Maintenance, Preventive Maintenance, Rebuilding, and Alteration	(Admt. 18)	$2.50 plus $0.65 foreign mailing.	
45	Identification and Registration Marking	(Admt. 8)	$0.55.	
47	Aircraft Registration	(Admt. 17)	$2.50 plus $0.65 foreign mailing.	
49	Recording of Aircraft Titles and Security Documents	(Admt. 7)	$0.45.	
61	Certification; Pilots and Flight Instructors.	(Admt. 63)	$5.05 plus $1.30 foreign mailing.	
63	Certification; Flight Crewmembers Other Than Pilots	(Admt. 16)	$3.00 plus $0.75 foreign mailing.	
65	Certification; Airmen Other Than Flight Crewmembers	(Admt. 21)	$3.00 plus $0.75 foreign mailing.	
67	Medical Standards and Certification	(Admt. 9)	$0.50.	
91	General Operating and Flight Rules	(Admt. 125)	$11.30 plus $2.85 foreign mailing.	
93	Special Air Traffic Rules and Airport Traffic Patterns	(Admt. 29)	$2.45 plus $0.65 foreign mailing.	1
99	Security Control of Air Traffic	(Admt. 9)	$0.70.	
101	Moored Balloons, Kites, Unmanned Rockets, and Unmanned Free Balloons	(Admt. 4)	$0.65.	1
103	Transportation of Dangerous Articles and Magnetized Materials	(Admt. 21)	$2.20 plus $0.55 foreign mailing.	
105	Parachute Jumping	(Admt. 5)	$2.00 plus $0.50 foreign mailing.	
107	Airport Security	(Admt. 1)	$0.35.	
121	Certification and Operations; Domestic, Flag, and Supplemental Air Carriers and Commercial Operators of Large Aircraft	(Admt. 112)	$9.20 plus $2.30 foreign mailing.	3
123	Certification and Operations; Air Travel Clubs Using Large Airplanes	(Admt. 4)	$2.00 plus $0.50 foreign mailing.	
127	Certification and Operations of Scheduled Air Carriers with Helicopters	(Admt. 32)	$4.25 plus $1.10 foreign mailing.	1
129	Operations of Foreign Air Carriers	(Admt. 4)	$0.35.	
141	Pilot Schools	(Revision Amdt.)	$3.00 plus $0.75 foreign mailing.	
143	Ground Instructors	(Admt. 4)	$0.35.	
145	Repair Stations	(Admt. 14)	$0.75.	
147	Aviation Maintenance Technician Schools	(Admt. 2)	$0.55.	
149	Parachute Lofts	(Admt. 1)	$0.35.	
183	Representatives of the Administrator	(Admt. 5)	$0.40.	
185	Testimony by Employees and Production of Records in Legal Proceedings and Service of Legal Process and Pleadings	(Revision Admt.)	$0.30.	
187	Fees	(Admt. 3)	$0.35.	
189	Use of Federal Aviation Administration Communications System	(Admt. 1)	$0.35.	

STATUS OF FEDERAL AVIATION REGULATIONS

IMPORTANT NOTICE

The Federal Aviation Administration is converting its Federal Aviation Regulations from a Volume issuance system to an individual Parts issuance system.

As a Volume's subscription expires, the Superintendent of Documents will send subscribers a termination notice with order forms and instructions for ordering the individual Parts formerly contained in that Volume.

The more frequently amended Parts will be sold on subscription service (that is, subscribers will receive Changes automatically as issued), while the less active Parts will be sold on a single sale basis. Changes to single sale Parts will be sold separately as issued. Information concerning these Changes will be furnished by FAA through its "Status of Federal Aviation Regulations, AC 00–44." Instructions for ordering this free status list are given in the front of each single sale Part.

The Parts issued individually to date are listed above with their prices. Following the Volumes still available are the new Parts listing. Check or money order made payable to the Superintendent of Documents, should be included with each order. All should be ordered from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

E. NOOTENBOOM,
Acting Director,
Management Systems.

[FR Doc.74-27312 Filed 11-21-74;8:45 am]

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federal register

FRIDAY, NOVEMBER 22, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 227

PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Low Rent Public Housing Office

■

Housing Assistance Payments Program—Substantial Rehabilitation

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Low Rent Public Housing

[24 CFR Part 1277]

[Docket No. R-74-305]

HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

Proposed Implementation Provisions

On July 3, 1974, the Department of Housing and Urban Development ("HUD") published in the FEDERAL REGISTER (39 FR 24588) and made effective final regulations for the Housing Assistance Payments Program—Substantial Rehabilitation under section 23 of the U.S. Housing Act of 1937 ("USHAct"). On August 22, 1974, the President of the United States signed the Housing and Community Development Act of 1974 ("HCD Act"), with section 201(a) amending the USHAct. Among these amendments is a new section 8 which supplants section 23 of the old USHAct. On October 8, 1974, HUD published a notice in the FEDERAL REGISTER (39 FR 36128) which stated that section 201(b) of the HCD Act requires section 8 of the revised USHAct to be made effective not later than January 1, 1975, and which provided interim procedures for projects under section 23 of the old USHAct.

Notice is hereby given that HUD proposes to amend 24 CFR Chapter VIII (the title of which Chapter is being changed to read "Low Income Housing") by adding a new Part 1277 in order to make effective and to implement the provisions of section 8 of the revised USH Act. The proposed regulations set forth the essential elements of the Housing Assistance Payments Program-Substantial Rehabilitation and include, among other things, the roles and responsibilities of HUD, public housing agencies, rehabilitors, owners, and eligible lower- and very low-income families; the basis for determining the amount of housing assistance payments; and the prescribed forms of contracts.

Interested parties are invited to submit written comments, suggestions and objections regarding the proposed amendment by December 9, 1974, addressed to the Rules Docket Clerk, Office of the General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material will be considered before adoption of the final regulations. A copy of each communication will be available for public inspection during regular business hours at the above address.

In order to allow time for consideration of comments and issuance of final regulations by January 1, 1975, the Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner has determined that the public interest would best be served by allowing for a 15-day comment period.

It is therefore proposed that 24 CFR, Part 1277, read as follows:

PART 1277—HOUSING ASSISTANCE PAYMENTS PROGRAM—SUBSTANTIAL REHABILITATION

Subpart A—Applicability, Scope and Basic Policies

Sec.

1277.101 Applicability and scope.
1277.102 Definitions.
1277.103 Basic Policies.

Subpart B—Project Development and Operation

1277.201 Allocations of contract authority to field offices.
1277.202 Program mix (New construction, substantial rehabilitation, existing housing).
1277.203 Invitations for preliminary proposals.
1277.204 Contents of rehabilitation programs.
1277.205 Contents of preliminary proposal.
1277.206 Submission of preliminary proposals.
1277.207 Proposals involving FUD–FHA mortgage insurance.
1277.208 Screening and evaluation of preliminary proposals.
1277.209 Final proposals.
1277.210 Evaluation of final proposals.
1277.211 Owner's acceptance of notification and submission of architect's certification.
1277.212 Annual contributions contract and agreement (Private-owner/PHA projects).
1277.213 Submission of estimates of required annual contributions (Private-owner/PHA projects).
1277.214 Preparation and execution of agreement (Private-owner and PHA-owner projects).
1277.215 Rehabilitation period.
1277.216 Project completion.
1277.217 Execution of Housing Assistance Payments Contract.
1277.218 Project operation.
1277.219 HUD review of contract compliance.
1277.220 PHA reporting requirements. [reserved]

APPENDICES

NOTE: Various prescribed forms which relate to internal HUD processing procedures are not included herein, but will appear in the HUD Substantial Rehabilitation Handbook.

I. Agreement to enter into Housing Assistance payments Contract—Private-Owner or PHA-Owner Project.
II. Housing Assistance Payments Contract-Private-Owner or PHA-Owner Project.
III. Annual Contributions Contract-Private-Owner/PHA Project. [To be published for comment at a later date. The Annual Contributions Contract will conform to the provisions of Subparts A and B and Appendices IV and V of these regulations.]
IV. Agreement to enter into housing Assistance Payments Contract-Private-Owner/PHA Project.
V. Housing Assistance Payments Contract-Private-Owner/PHA Project.

AUTHORITY: Sec. 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)); sec. 5(b) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(b); sec. 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f).

Subpart A—Applicability, Scope and Basic Policies

§ 1277.101 Applicability and scope.

(a) The policies and procedures contained herein are applicable to the making of housing assistance payments on behalf of Eligible Families leasing substantially rehabilitated housing pursuant to the provisions of Section 8 of the U.S. Housing Act of 1937 ("Act").

(b) For the purpose of this Part, "substantially rehabilitated housing" shall mean housing requiring substantial rehabilitation (see § 1277.102(aa)) for which, prior to the start of such rehabilitation, an Agreement to Enter into Housing Assistance Payments Contract is executed between the Owner and the Department of Housing and Urban Development ("HUD") or the Public Housing Agency.

(c) Conversions of section 23 projects to the section 8 program will be permitted where appropriate, provided that all parties (including HUD) agree to the terms and conditions.

§ 1277.102 Definitions.

(a) *Agreement to enter into housing assistance payments contract ("Agreement").* (1) In the case of a Private-Owner Project or a PHA-Owner Project, a written agreement between the Owner and HUD that, upon satisfactory completion of the rehabilitation in accordance with the HUD-approved Final Proposal, HUD will enter into a Housing Assistance Payments Contract with the Owner. (See Appendix I to this part)

(2) In the case of a Private-Owner/PHA Project, a written agreement between the Private Owner and the PHA, approved by HUD, that, upon satisfactory completion of the rehabilitation in accordance with the HUD-approved Final Proposal, the PHA will enter into a Housing Assistance Payments Contract with the private Owner. (See Appendix IV to this part)

(b) *Allowance for utilities and other services ("Allowance").* An amount determined by HUD as an allowance for the cost of utilities (except telephone) and charges for other services payable directly by the Family. In the case of a proposal under which the Families must pay directly for one or more utilities or services, the amount of the Allowance is deducted from the Gross Rent in determining the Contract Rent and is included in the Gross Family Contribution.

(c) *Annual contributions contract ("ACC").* In the case of a Private-Owner/PHA Project, a written agreement between HUD and the PHA to provide annual contributions to the PHA with respect to the project. (See Appendix III to this part)

(d) *Contract rent.* The rent payable to the Owner under his Contract including the portion of the rent payable by the Family. In the case of a cooperative, the term "Contract Rent" means charges under the occupancy agreements between the members and the cooperative.

(e) *Decent, safe, and sanitary.* Housing is Decent, Safe, and Sanitary at completion of rehabilitation if the dwelling units and related facilities are accepted by HUD as meeting the requirements of the Agreement. (See § 1277.216) Housing continues to be Decent, Safe, and Sanitary if it is being maintained in a condition substantially the same as that on acceptance, in all pertinent respects, including the following:

(1) Condition of the exterior (including the grounds) and the interior of the structure and of the housing unit;

(2) Operating condition of sanitary facilities and of solid and liquid waste disposal facilities;

(3) Operating condition of kitchen facilities, including range and refrigerator, sink, and space for storage of food and for storage of utensils and dishes;

(4) Operating condition of heating, lighting and ventilating equipment and/or other facilities; and

(5) Size, number of rooms, and furnishability in relation to the size and type of Family in occupancy in accordance with any applicable State or local codes.

(f) *Eligible family ("Family").* A Family which is Lower-Income and which meets the other requirements of the Act and this part. The term Family includes an elderly, handicapped, or displaced person and the remaining member of a tenant family, all as defined in section 3(2) of the Act. A Family's eligibility for housing assistance payments may continue until its Gross Family Contribution equals or exceeds the Gross Rent for the dwelling unit it occupies, but the termination of housing assistance payments at such point shall not affect the family's other rights under its Lease.

(g) *Fair market rent.* (1) The rent which is determined by HUD as the Fair Market Rent for new construction projects under Section 8 of the Act. This Fair Market Rent is the rent, including utilities (except telephone), ranges and refrigerators, parking, and all maintenance, management and other services, which, as determined at least annually by HUD, would be required to be paid in order to obtain privately developed and owned, newly constructed rental housing of modest (non-luxury) nature with suitable amenities and sound architectural design meeting the objectives of the HUD Minimum Property Standards.

(2) Separate Fair Market Rents will be established for dwelling units by various sizes (number of bedrooms) and types (e.g., elevator, row, detached; housing designed for the elderly or handicapped shall be a separate type for this purpose.

(3) The Fair Market Rents will be published in the Federal Register, and, in order to allow for the period of rehabilitation, computation of the published Fair Market Rents will include HUD's estimate of anticipated rent increases during an appropriate future period as stated in the publication. Accordingly, for any given project for which the scheduled time for rehabilitation will be less than such future period, an appropriate reduction will be made in determining the approvable Contract Rent.

(4) The Fair Market Rent, minus the amount of any applicable Allowance for Utilities and Other Services payable directly by the Family, shall be the maximum amount that can be approved as the Contract Rent, except that the maximum approvable amount may be lower as stated in paragraph (g)(3) of this section and may be higher or lower as provided in § 1277.103(f).

(h) *Final proposal.* A proposal to provide substantially rehabilitated housing submitted in response to a HUD notification of selection of Preliminary Proposal. (See §§ 1277.204 and 1277.208–1277.210.)

(i) *Gross family contribution.* The portion of the Gross Rent payable by an Eligible Family, i.e., the difference between the amount of the housing assistance payment payable on behalf of the Family and the Gross Rent.

(j) *Gross rent.* The Contract Rent plus any Allowance for Utilities and Other Services.

(k) *HCD Act.* The Housing and Community Development Act of 1974.

(l) *Housing assistance payments contract ("Contract").* (1) In the case of a Private-Owner Project or a PHA-Owner Project, a written contract between the Owner and HUD for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix II to this part.)

(2) In the case of a Private-Owner/PHA Project, a written contract between the private Owner and the PHA, approved by HUD, for the purpose of providing housing assistance payments to the Owner on behalf of Eligible Families. (See Appendix V to his part.)

(m) *Housing assistance payments on behalf of eligible family.* The amount of housng assistance payment on behalf of an Eligible Family determined in accordance with schedules and criteria established by HUD. (See § 1277.103(t).)

(n) *Income.* Income from all sources of each member of the household as determined in accordance with criteria established by HUD.

(o) *Invitation for preliminary proposals—substantial rehabilitation ("invitation for preliminary proposals").* A notice published by HUD inviting the submission of Preliminary Proposals in accordance with this Part. (See § 1277.-203.)

(p) *Lease.* A written agreement between an Owner and an Eligible Family for the leasing of a Decent, Safe, and Sanitary dwelling unit in accordance with the applicable Contract, which agreement is in compliance with the provisions of this Part.

(q) *Local Housing Assistance Plan.* A housing assistance plan submitted by a unit of general local government and approved by HUD under section 104 of the HCD Act or, in the case of a unit of general local government not participating under Title I of the HCD Act, a housing plan approved by the Secretary as meeting the requirements of section 213 of that Act.

(r) *Lower-income family.* A family whose income does not exceed 80 percent of the median income for the area as determined by HUD with adjustments for smaller or larger families, except that HUD may establish income limits higher or lower than 80 percent on the basis of its findings that such variations are necessary because of the prevailing levels of construction costs, unusually high or low incomes, or other factors.

(s) *New communities.* New community developments approved under Title IV of the Housing and Urban Development Act of 1968 and Title VII of the Housing and Urban Development Act of 1970.

(t) *Owner.* Any private person or entity, including a cooperative, or a PHA, having the legal right to lease or sublease substantially rehabilitated dwelling units.

(u) *PHA-Owner Proposal and PHA-Owner Project.* A proposal for a project under this Part (and the resulting project) to be owned by a PHA throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the PHA and HUD.

(v) *Preliminary proposal.* A proposal to provide substantially rehabilitated housing submitted in response to a HUD Invitation for Preliminary Proposals. (See §§ 1277.203–1277.208.)

(w) *Private-owner/PHA proposal and private-owner/PHA project.* A proposal for a project under this part (and the resulting project) to be owned by a private Owner throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the private Owner and the PHA pursuant to an ACC between the PHA and HUD.

(x) *Private-owner proposal and private-owner project.* A proposal for a project under this Part (and the resulting project) to be owned by a private Owner throughout the term of the Agreement and Contract where such Agreement and Contract are to be entered into between the private Owner and HUD.

(y) *Public Housing Agency ("PHA").* Any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of housing for low-income Families.

(z) *Secretary.* The secretary of Housing and Urban Development.

(aa) *Substantial rehabilitation.* (1) The improvement of a property to Decent, Safe, and Sanitary condition and in accord with HUD requirements from a condition requiring more than routine or minor repairs or improvements of such extent as to necessitate execution of an Agreement prior to the performance of the work. Substantial Rehabilitation may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance. Cosmetic improvements alone do not qualify as Substantial Rehabilitation under this definition.

(2) Substantial rehabilitation also includes renovation, alteration or remodeling for the conversion or adaptation of structurally sound property to the design and condition required for use under this Part (e.g., conversion of a hotel to housing for the elderly).

(bb) *Very low-income family.* A family whose income does not exceed 50 percent of the median income for the area,

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as determined by HUD, with adjustments for smaller or larger families.

§ 1277.103 Basic policies.

(a) *Limitation on use of substantially rehabilitated housing.* (1) No proposal for housing to be rehabilitated may be approved by HUD unless HUD requirements implementing the provisions of section 213 (a), (b) and (c) of the HCD Act regarding review by the unit of general local government have been satisfied.

(2) Substantial rehabilitation projects shall be permitted only where: (i) HUD determines that there is not and there is not likely soon to be an adequate supply of existing housing which, with the aid of housing assistance payments provided under the Section 8 Housing Assistance Payments Program—Existing Housing, can meet the needs of Eligible Families, or (ii) the proposed project is specifically approved by HUD in accordance with priorities established from time to time by the Secretary including priorities for New Communities which involve substantial rehabilitation.

(b) *Preference for certain types of projects*—(1) *20 percent projects.* Assistance payments may be made with respect to up to 100 percent of the dwelling units in any structure or project. However, within the category of projects that are not designed for use primarily by the elderly and the handicapped and which involve the rehabilitation of more than 50 units, a preference will be provided for projects in which the housing assistance will be limited to 20 percent or less of the units. (See § 1277.208(e)(1).)

(2) *Three or more bedroom projects.* Where the need for dwelling units of three or more bedroom size ("large dwelling units") is shown, a preference will be provided for projects of which a substantial proportion will comprise large dwelling units, but without undue concentration of such large dwelling units in any one location. (See § 1277.208 (e)(2).) Each HUD field office shall be responsible for selecting, to the extent feasible, projects which in the aggregate will achieve the goal of providing a number of large dwelling units equal to at least 20 percent of all the assisted units approved under the Section 8 Housing Assistance Payments Program.

(c) *Maximum total annual housing assistance payments (private-owner or PHA-owner projects)*—(1) The maximum total annual housing assistance payments that may be committed under the Contract shall be the total of the Gross Rents for all the Contract units in the project.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum Contract commitment per year exceeds amounts paid under the Contract for any year. This account will be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(i) Increases in housing assistance payments; and

(ii) Other costs specifically authorized or approved by the Secretary.

Any balance in this account after payment of the last housing assistance payment shall be applied by HUD as a receipt under section 10(b) of the Act.

(d) *Annual contributions (private-owner/FHA projects).* (1) The maximum total annual contributions that may be contracted for in the ACC for a project shall be: (i) The total of the Gross Rents for all the Contract units in the project plus (ii) a fee for the regular costs of PHA administration. HUD-approved preliminary costs for administration (including administrative costs in connection with PHA activities related to relocation of occupants) shall be payable out of this total.

(2) A project account will be established and maintained, in an amount as determined by the Secretary consistent with his responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum ACC commitment per year exceeds amounts paid under the ACC for any year. This account shall be established and maintained by HUD as a specifically identified and segregated account, and payment shall be made therefrom only for the following purposes:

(i) Increases in housing assistance payments;

(ii) Increases in the amount of the fee for regular PHA costs of administration; and

(iii) Other costs specifically authorized or approved by the Secretary.

Any balance in this account after payment of the last annual contribution for the project shall be applied by HUD as a receipt under section 10(b) of the Act.

(e) *Housing assistance payments to owners*—(1) *General.* Housing assistance payments shall be paid to Owners for units under lease by Eligible Families, in accordance with the Contract and as provided in this paragraph. The housing assistance payment will pay the Owner the difference between the Contract Rent and the portion of said rent payable by the Family as determined in accordance with the HUD-established schedules and criteria.

(2) *Vacancies during rent-up.* If a Contract unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 70 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract: *Provided,* That the Owner (i) commenced marketing and otherwise complied with § 1277.215, (ii) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (iii) has not rejected any eligible applicant, except for good cause acceptable to HUD or the PHA, as the case may be.

(3) *Vacancies after rent-up.* (i) If an Eligible Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 70 percent of the Contract Rent for a vacancy period not exceeding 60 days: *Provided, however,* That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the Contract Rent, such excess shall be payable to HUD or as HUD may direct. (See also § 1277.103(r).) The Owner shall not be entitled to any payment under this paragraph unless he: (A) Immediately upon learning of the vacancy, has notified HUD or the PHA, as the case may be, of the vacancy or prospective vacancy and the reasons for the vacancy, and (B) has taken and contiues to take the actions specified in paragraphs (e)(2)(ii) and (e)(2)(iii) of this section.

(ii) If the Owner proposes to evict an Eligible Family, he shall not be entitled to any payment under paragraph (e)(3)(i) of this section unless the request for such payment is supported by a certification that (A) he has given such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days within which to present its objections to the Owner in writing or in person and (B) the proposed eviction is not in violation of the Lease or the Contract or any applicable law.

(4) The Owner shall not be entitled to housing assistance payments with respect to vacant units under this paragraph to the extent he is entitled to payments from other sources (for example, payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the HCD Act or payments under § 1277.103(r)).

(f) *Initial maximum rents to Owners.* (1) The sum of the initial Contract Rents and any Allowances for Utilities and Other Services shall not exceed the Fair Market Rents for newly constructed rental housing, except that such Fair Market Rents may be exceeded (i) by up to 10 percent if the field office director determines that such higher rents meet the test of reasonableness in paragraph (f)(2) of this section and are necessary to the implementation of a Local Housing Assistance Plan, if any, or (ii) by up to 20 percent, where the Assistant Secretary for Housing Production and Mortgage Credit determines that special circumstances warrant such higher rents or determines that such higher rents are necessary to the implementation of a Local Housing Assistance Plan.

(2) In any case, the Contract Rents as proposed must be determined by HUD to be reasonable in relation to the quality, location, amenities, methods and terms

of financing and management and maintenance services of the project, and proposed rents shall be subject to reduction if they are found to be higher than such reasonable rents.

(3) In addition, for projects financed with HUD-insured mortgages, initial Contract Rents for units assisted under this Contract shall not exceed the rents approved by HUD in connection with the mortgage insurance for such projects.

(g) *Term of housing assistance payments contract.* (1) A Contract may be for an initial term of not more than five years, with an option solely in the Owner to renew for additional terms of not more than five years each, provided that the total Contract term, including renewals, shall not exceed 20 years for any dwelling unit.

(2) In the case of a Contract under which housing assistance payments are made with respect to a project owned by, or financed by a loan or loan guarantee from, a State or local agency, the total Contract term may not exceed 40 years for any dwelling unit.

(3) Notwithstanding the maximum total allowable term per unit stated in paragraphs (g)(1) or (g)(2) of this section, a shorter term shall be determined by HUD where appropriate, taking into account the nature and extent of required rehabilitation, the amount of the capital expenditures reasonably required under the proposal, the reasonable period and rate of amortization for the financing, and the approved rents to the Owner.

(4) If the project is accepted in stages, the dates for the initial and the renewal terms shall be separately related to the units in each stage; provided, however, that the total Contract term for the units in all the stages, counting from the effective date of the Contract with respect to the first stage, may not exceed the overall maximum term allowable for any one unit, plus two years.

(h) *Rent adjustments*—(1) *Funding of adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this paragraph, up to the maximum total annual housing assistance payments committed under the Contract. The provisions of the Contract or the ACC, as the case may be, are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family incomes. In addition, the Contract or the ACC, as the case may be, will provide that HUD will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

(2) *Automatic annual adjustments*—(i) Automatic Annual Adjustment Factors will be determined by HUD at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by HUD where utilities are paid directly by Families.

(ii) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by HUD. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted rents be less than the Contract Rents on the effective date of the Contract.

(3) *Special additional adjustments.* Special additional adjustments may be granted, when approved by HUD, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulations by a public body or entity), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to HUD financial statements which clearly support the increase.

(4) *Overall limitation.* Notwithstanding any other provisions of this Part, adjustments as provided in this paragraph (h) shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by HUD.

(i) *Types of housing and property standards.* (1) Existing structures of various types may be appropriate for this program including apartment hotels, single-family houses, or multi-family structures. Hotels or office buildings may be suitable for conversion under this program to housing designed for elderly or handicapped families and individuals, including congregate housing. Single room occupant housing planned specifically as a relocation resource for eligible single persons may also be developed. Units in highrise elevator buildings may not be used for families with children unless HUD determines there is no practical alternative. Mobile homes may not be utilized in this program.

(2) No section 8 assistance may be provided for any unit occupied by an Owner; however, cooperatives are considered rental housing for this purpose.

(3) Participation in this program requires compliance with (i) HUD Minimum Design Standards for Rehabilitation for Residential Properties, (ii) in the case of congregate or single room occupant housing, the appropriate HUD guidelines and standards, (iii) HUD requirements pursuant to section 209 of the HUD Act for projects for the elderly or the handicapped, (iv) HUD requirements pertaining to noise abatement and control, (v) HUD regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 USC 4801, and (vi) applicable State and local laws, codes, ordinances, and regulations.

(j) *Site and neighborhood standards.* Proposed sites for substantial rehabilitation projects must be approved by HUD as meeting the following standards:

(1) The site and neighborhood shall be suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.

(2) The site shall promote greater choice of housing opportunities and avoid undue concentration of assisted persons in areas containing a high proportion of lower-income persons.

(3) The site shall be free from serious adverse environmental conditions, or there shall be evidence that any such conditions will be corrected by the time the rehabilitation is completed.

(4) Adequate utilities (water, sewer, gas and electricity) and streets shall be available to service the site.

(5) The site shall comply with any applicable conditions in the Local Housing Assistance Plan, approved by HUD.

(6) The housing shall be accessible to social, recreational, educational, commercial, and health facilities and services, and other municipal facilities and services that are at least equivalent to those typically found in neighborhoods consisting of largely unsubsidized, standard housing of similar market rents.

(7) Travel time and cost via public transportation or private automobile, from the neighborhood to places of employment providing a range of jobs for lower-income workers, shall not be excessive. (While it is important that elderly housing not be totally isolated from employment opportunities, this requirement need not be adhered to rigidly for such projects.)

(8) If the housing to be rehabilitated has occupants, the relocation requirements referred to in § 1277.103(k) must be met.

(9) Housing may not be rehabilitated in an area that has been identified by HUD as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, unless the project is covered by flood insurance as required by the Flood Disaster Protection Act of 1973, and it meets any relevant HUD standards and local requirements.

(k) *Relocation.* (1) In the evaluation or selection of Preliminary Proposals, consideration shall be given to whether there are occupants who would have to be displaced, whether there is a feasible plan for relocation of such occupants, the degree of hardship which displacement might cause, and the availability of funding for relocation payments. Greater weight shall be given to proposals which do not require displace-

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ment, or, where displacement is required, which will involve the least amount of hardship.

(2) In the case of a PHA-Owner Project, no Agreement shall be executed with respect to occupied units which involve substantial rehabilitation requiring that the units be vacated unless the Agreement provides (i) the PHA undertakes liability for and provides the funding of all relocation payments under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or (ii) other commitments, satisfactory to HUD, have been made for the funding of such payments, such as funding pursuant to Title I of the HCD Act. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(l) *Equal opportunity requirements.* Participation in this program requires compliance with (1) Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Orders 11063 and 11246, and section 3 of the Housing and Urban Development Act of 1968; and (2) all rules, regulations, and requirements issued pursuant thereto.

(m) *National Environmental Policy Act.* Participation in this program requires compliance with the National Environmental Policy Act and all rules, regulations, and requirements issued pursuant thereto.

(n) *Clean Air Act and Federal Water Pollution Control Act.* Participation in this program requires compliance with the Clean Air Act and the Federal Water Pollution Control Act and all rules, regulations, and requirements issued pursuant thereto.

(o) *Davis-Bacon Wage Rates.* Not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (49 Stat. 1011), shall be paid to all laborers and mechanics employed in the development of any substantial rehabilitation project with nine or more assisted units.

(p) *Types of financing.* Any type of financing may be utilized, including, but not limited to, the types listed below. In no case may the lender administer the Contract (see, however, § 1277.103(y) which permits conversion of a Private-Owner/PHA Project to a Private-Owner Project).

(1) Conventional loans from commercial banks, savings banks, savings and loan associations, pension funds, insurance companies or other financial institutions.

(2) Mortgage insurance programs under the National Housing Act (see § 1277.207). (With respect to any obligation secured by a mortgage insured under section 221(d)(3) of the National Housing Act and issued by a public agency as mortgagor in connection with the financing of a project assisted under section 8, the interest paid on such obligation shall be included in gross income for purposes of Chapter I of the Internal Revenue Code of 1954.)

(3) Home Improvement Loans under Title I of the National Housing Act.

(4) Section 202 of the Housing Act of 1959.

(5) Title V of the Housing Act of 1949.

(6) Financing by tax-exempt bonds or other obligations. Where the financing is by a non-profit corporation which is an agency or instrumentality of a PHA, the project will be considered a PHA-Owner Project.

(q) *Use of contract as security for financing.* An Owner may pledge, or offer as security for any loan or obligation, a Contract entered into pursuant to this part; *Provided, however,* That such security is in connection with a project rehabilitated pursuant to this part, and the terms of the financing or any refinancing have been approved by HUD. Where the financing is by tax-exempt bonds or other tax-exempt obligations, annual contributions cannot be used as a guarantee for such financing.

(r) *Security and utility deposits.* (1) The Owner shall not require Families to pay security deposits. In lieu thereof, the Owner may claim reimbursement from HUD or the PHA, as appropriate, for unpaid rent by a departing Family and/or cost of repairs for damage caused by such Family not to exceed a total reimbursement in an amount equal to one month's Contract Rent.

(2) Families shall be expected to obtain the funds to pay utility deposits, if required, from their own resources and/or other private or public sources.

(s) *Establishment of income limit schedules; 30 percent occupancy by very low-income families.* HUD will establish schedules of income limits for defining Lower-Income Families and Very Low-Income Families. In the initial renting of Contract units, the Owner shall lease at least 30 percent to Very Low-Income Families and shall thereafter exericse his best efforts to maintain at least 30 percent occupancy of Contract units by Very Low-Income Families.

(t) *Establishment of Amount of Housing Assistance Payments.* The amount of housing assistance payment on behalf of an Eligible Family, to be determined in accordance with schedules and criteria established by HUD, will equal the difference between (1) not less than 15 percent nor more than 25 percent of the Family's gross income and (2) the Gross Rent, taking into consideration the income of the Family, the number of minor children in the household, and the extent of medical or other unusual expenses incurred by the Family, except that, in the case of a large (4 or more minors) Very Low-Income Family or a very large (6 or more minors) Lower-Income Family or a Family with exceptional medical payment shall be the difference between 15 percent of the Family's gross income and the Gross Rent.

(u) *Responsibilities of the owner.* The Owner shall be responsible (subject to post-review or audit by HUD or the PHA, as the case may be) for management and maintenance of the project. These responsibilities shall include but not be limited to:

(1) Payment for utilities and services (unless paid directly by the Family), insurance and taxes;

(2) Performance of all ordinary and extraordinary maintenance;

(3) Performance of all management functions including the taking of applications, selection of Families including verification of income and other pertinent requirements, and determination of eligibility and amount of Family contribution in accordance with HUD established schedules and criteria;

(4) Collection of Family rents;

(5) Termination of tenancies, including eviction;

(6) Preparation and furnishing of information required under the Contract;

(7) Reexaminations of Family income, composition, and extent of exceptional medical or other unusual expenses, and redeterminations, as appropriate, of the amount of Family contribution and amount of housing assistance payment in accordance with HUD-established schedules and criteria;

(8) Redeterminations of amount of Family contribution and amount of housing assistance payment as a result of an adjustment by HUD of any applicable Allowance for Utilities and Other Services in accordance with HUD-established schedules and criteria; and

(9) Compliance with equal opportunity requirements.

Subject to HUD approval, any private Owner may contract with any private or public entity to perform such services for a prescribed fee: *Provided,* That such contract shall not shift any of the Owner's responsibilities or obligations. However, no entity which is responsible for administration of the Contract (for example, a PHA in the case of a Private-Owner/PHA Project) may contract to perform management and maintenance of the project. (See, however, § 1277.103(y) which permits conversion of a Private-Owner/PHA Project to a Private Owner Project.)

(v) *Responsibility for administration of contract.* In the case of a Private-Owner/PHA Project, the PHA is responsible for administration of the Contract. In the case of a Private-Owner Project or a PHA-Owner Project, HUD is responsible for administration of the Contract. HUD may contract with another entity for the performance of some or all of its Contract administration functions.

(w) *Separate project requirement*—(1) In the case of a Private-Owner Project or a PHA-Owner Project, each Agreement and Contract shall constitute a separate project.

(2) In the case of a Private-Owner/PHA Project, such project may not include any other type of section 8 assistance, shall be processed with a separate ACC List and ACC Part I and shall be assigned a separate project number. All substantial rehabilitation units to be placed under a single Contract shall comprise a separate project. However, the field office director may designate as a single project the units to be covered by two or more such Contracts for substantial rehabilitation projects where:

(i) The units are placed under ACC on the same date; and

(ii) Such consolidation is necessary in the interest of administrative efficiency.

(x) *Conversion of private-owner project to private-owner/PHA project.* HUD may request the Owner of a Private-Owner Project and an appropriate PHA to agree, if they are willing, to a conversion of any such project to a Private-Owner/PHA Project if HUD determines that such conversion would promote efficient project administration.

(y) *Conversion of private-owner/PHA project to private-owner project.* The private Owner and the PHA, in the case of a private-Owner/PHA Project, may request HUD to agree to a conversion of any such project to a Private-Owner Project. HUD shall agree to such conversion if it determines it to be in the best interest of the project.

Subpart B—Project Development and Operation

§ 1277.201 Allocations of contract authority to field offices.

HUD will allocate to field offices contract authority for the section 8 Housing Assistance Payments Program for metropolitan areas and for nonmetropolitan areas in conformance with section 213(d) of the HCD Act.

§ 1277.202 Program mix (new construction, substantial rehabilitation, existing housing).

Each field office shall, after considering the contents of any Local Housing Assistance Plans and any other pertinent information which it has or which is brought to its attention, in relation to the factors set forth in section 213(d) of the HCD Act, determine the number and types of units to be advertised for new construction and for substantial rehabilitation, and to be made available for existing housing. The field office will also determine an appropriate schedule for advertising for Preliminary Proposals—Substantial Rehabilitation.

§ 1277.203 Invitations for preliminary proposals.

(a) *Publication.* The HUD field office shall initiate implementation of its program with respect to substantial rehabilitation by publishing Invitations for Preliminary Proposals—Substantial Rehabilitation in accordance with the schedule established by the field office. Such publication shall be at least once a week on the same day or days of each of two consecutive weeks in a newspaper(s) of general circulation serving the area(s) for which proposals are desired. As promptly as possible, HUD will also notify (1) appropriate PHAs, (2) the chief executive officer of the appropriate unit(s) of general local government, (3) business concerns included in HUD's registry of section 3 businesses for the applicable political jurisdictions, (4) other minority and non-minority media, (5) trade journals, and (6) minority organizations involved in housing and community development and fair housing groups. Copies of each Invitation shall be available in the HUD field office.

(b) *Contents of invitation.* The Invitation shall state the number of units; the geographic area in which the housing is to be rehabilitated; the deadline for receipt of Preliminary Proposals by HUD; such other basic information as the field office may wish to specify; and the fact that detailed information, guidelines, standards and procedures are contained in a Rehabilitation Program Packet which may be obtained by interested parties from the field office. The Invitation shall also state that Preliminary Proposals may be submitted by private Owners or PHA Owners for direct contracting with HUD, or by PHAs on behalf of private Owners with whom the PHA proposes to contract pursuant to an ACC with HUD.

(c) *Deadline for receipt of preliminary proposals.* The deadline (date and time) for receipt of Preliminary Proposals by HUD shall allow a reasonable time but, in any event, no less than 35 calendar days after the date of the first publication in a newspaper of general circulation.

§ 1277.204 Contents of rehabilitation program packet.

The Rehabilitation Program Packet shall:

(a) Include a copy of the applicable regulations, required HUD forms, and HUD standards.

(b) Include the following information:

(1) The number of units for elderly and nonelderly occupancy and the number to be specially designed for elderly (including handicapped) occupancy.

(2) The number of units by unit size (bedrooms per unit) and the fact that a proposal may be for any number of units up to that amount.

(3) The type of housing, if any, which is unacceptable (e.g., high-rise elevator structures for Families with children, mobile homes).

(4) Special requirements, if any, as to location and density; and as to New Communities where substantial rehabilitation is involved.

(5) Any special requirements for housing for the elderly (including the handicapped) pursuant to section 209 of the HCD Act, and any special requirements for the handicapped pursuant to the standards established by HUD under Pub. L. 90-480.

(6) Any special requirements or restrictions that may be necessary for compliance with provisions of the local Housing Assistance Plan, if any, and the name, address, and title of the official of the unit of general local government to whom inquiries may be made concerning such Plan.

(7) The specific management and maintenance services required to be provided by the Owner. Such services shall include all services typically provided in the area for the type of housing contemplated.

(8) The applicable Fair Market Rents and the fact that rents requested by the Owner must be determined by HUD to be reasonable in accordance with § 1277.103(f).

(9) The maximum initial term of the Contract and the fact that the maximum approvable term, including renewals, will be determined in accordance with § 1277.103(g).

(c) Include statements as to:

(1) Equal opportunity requirements, which include the submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for five or more units); an assurance of compliance with Title VI of the Civil Rights Act of 1964; compliance with Executive Order 11063 and Title VIII of the Civil Rights Act of 1968, including regulations and guidelines pursuant thereto; and certifications required pursuant to Executive Order 11246.

(2) HUD regulations and other requirements implementing section 3 of the Housing and Urban Development Act of 1968, requiring that, to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

(3) HUD relocation requirements.

(4) HUD requirements implementing the National Environmental Policy Act.

(5) Governmental requirements implementing the Clean Air Act and the Federal Water Pollution Control Act.

(6) HUD requirements implementing the Flood Disaster Protection Act of 1973.

(7) The requirement, if a project will contain nine or more Contract units, that all laborers and mechanics employed in the development of the project shall be paid not less than the wages prevailing in the locality as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act.

(8) The prescribed HUD form showing the identity of the Owner, the rehabilitator, the architect (if any), and the managing agent (if any); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest.

(9) The requirement that the Owner submit evidence of capability to provide the required management and maintenance services or, if the proposal is for 15 or more units, evidence of management capability and a proposed management plan and a certification by the Owner and the management agent, if any, in a format acceptable to HUD.

(10) Where copies of HUD Minimum Design Standards for Rehabilitation for Residential Properties and any other applicable standards, guidelines and criteria may be obtained.

(11) The number of copies of the Preliminary Proposal to be submitted to HUD.

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(12) The fact that HUD may determine not to select or approve any or all Preliminary Proposals submitted.

§ 1277.205 Contents of preliminary proposal.

Each Preliminary Proposal shall include or indicate the following:

(a) The address(es) of the housing proposed to be rehabilitated and a neighborhood map showing the location(s) of the housing and the racial composition of the neighborhood(s).

(b) A copy of the option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the property to be rehabilitated (however, only the proposed price is required for a New Communities project).

(c) A description of the housing as is, including number and type of structures, number of stories, structural system, exterior finish, heating-air conditioning system, number of units by size (number of bedrooms), living area and composition for each size of unit, and special amenities or features, if any; exterior and interior photos, and sketches of the interior showing dimensions.

(d) A description of the proposed rehabilitation covering each basic element (e.g., roof, exterior walls, porches and steps; interior walls, ceilings and floors; kitchen and bathroom facilities and equipment; plumbing, heating and electrical equipment; langscaping; etc.) indicating the nature of the work to be done on each element. If alteration, renovation or remodeling is indicated, a description of such work and sketches showing layout after completion of rehabilitation.

(e) A statement as to whether or not the services of a registered architect will be utilized for preparation of final working drawings and specifications.

(f) The Contract Rent per unit, by size and structure type.

(g) The equipment to be included in the Contract Rent.

(h) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not included in the Contract Rent, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(i) The proposed term of the Contract (including all renewals) and justification for such term in accordance with § 1277.103(g).

(j) A showing that the proposal meets any special requirements or restrictions necessary for compliance with the provisions of the Local Housing Assistance Plan, if any.

(k) Whether the proposed rehabilitation will displace present occupants. If so the proposal shall state the number of families, individuals, and business concerns to be displaced (identified by race or minority group status, and whether they are owners or renters), and shall show that there is a feasible plan for relocation and how necessary relocation payments, if any, will be funded.

(l) Equal Employment Opportunity Certification, using the prescribed form.

(m) The identity of the Owner, rehabilitator, and architect (if applicable and identity is known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(n) Whether the Owner intends to provide management services or to contract with a managing agent. In the latter case, provide the identity of the managing agent, if known, and the other information as specified in pararaph (m) of this section.

(o) The proposed method of financing and, if the Owner intends to pledge or offer the Housing Assistance Payments Contract as security for any loan or obligations, the type and terms of the anticipated financing. (If the Owner proposes to utilize FHA mortgage insurance, the prescribed FHA forms should be completed and submitted with the Preliminary Proposal.)

(p) Whether the Owner proposes to limit the number of assisted units to 20 percent of the dwelling units in the project.

§ 1277.206 Submission of preliminary proposals.

(a) Preliminary Proposals shall be submitted to HUD on or before the published deadline date and time for opening, in the number of copies specified in the Rehabilitation Program Packet. Proposal documents shall be sealed in an inner envelope marked "Sealed Proposal—Open on [date and time specified in the Invitation]." This sealed proposal shall be submitted in an outer envelope or package which shall show the name of the locality, be addressed to the HUD field office, and be clearly and distinctively marked "Section 8 Housing Assistance Payments Program—Substantial Rehabilitation Preliminary Proposal."

(b) Submission of Preliminary Proposals shall be by hand delivery or certified mail. Any Preliminary Proposal received by HUD after the deadline date and time shall not be accepted but shall be returned unopened. No Preliminary Proposal shall be opened by HUD until the deadline.

§ 1277.207 Proposals involving HUD-FHA mortgage insurance.

(a) *Advance mortgage insurance processing.* This paragraph applies to Owners who apply for HUD–FHA mortgage insurance prior to the submission of a Preliminary Proposal under this Part. Such an Owner may apply for a Feasibility Letter, a Conditional Commitment, or a Firm Commitment for mortgage insurance by submitting an application on the prescribed form with supporting exhibits and the required fee. Such an application will have to meet the marketability test without reliance upon housing assistance payments under this part, or, in the alternative, approval for mortgage insurance shall be conditioned upon subsequent approval of a section 8 proposal for the same project. If a Feasibility Letter, Conditional Commitment, or Firm Commitment, whichever is applicable, is issued, and if prior to expiration thereof the Owner submits a Preliminary Proposal under this part which is consistent with the proposal as approved for mortgage insurance, such proposal will nevertheless be subject to review and evaluation in accordance with the procedures under this Part; however, if the Preliminary Proposal is selected in accordance with the procedures under this Part, further processing will be coordinated in accordance with paragraph (b) of this section to the extent applicable, and the rents which were approved for mortgage insurance purposes will be accepted for purposes of such Preliminary Proposal provided that they are otherwise approvable in accordance with this Part.

(b) *Concurrent Processing.* The provisions of this paragraph apply where the Preliminary Proposal indicates an intention to finance a project with a HUD–FHA insured mortgage. Such a Preliminary Proposal will not be selected under this Part unless it meets the market and site acceptability criteria of the applicable mortgage insurance program except as modified by this paragraph. The processing of such a proposal for mortgage insurance will be integrated with the Section 8 review and evaluation process. Selection by HUD of such a Preliminary Proposal for preparation of a Final Proposal will be made only where HUD has also determined that the proposal will qualify for mortgage insurance subject to a satisfactory demonstration by the Owner of his capability to complete the project, and subject to subsequent determinations of "as is" value, the loan amount and credit approval. A proposed project which qualifies as "substantial rehabilitation" under section 8 may fail to qualify as substantial rehabilitation under mortgage insurance programs (because of the different definition of "substantial rchabilitation"); nevertheless, such a proposal would qualify for mortgage insurance as "existing construction," and mortgage insurance commitments will be conditioned upon the satisfactory completion of all rehabilitation work.

(1) A section 8/HUD–FHA mortgage insurance project will be required to meet the marketability test of the applicable mortgage insurance program; *Provided, however,* That the number of units in the proposal for which housing assistance payments are to be made available will be considered as an addition to the effective demand for unassisted rental units. As in the case of any other market analysis for market rate unassisted mortgage insurance programs, the supply of suitable vacant existing units, units under construction, and units in process must be subtracted from the estimate of total effective demand. Consequently, Section 8/HUD–FHA insured units could be added to a market in which supply and demand are in equilibrium or in which there is an undersupply of rental units, but could not be added to a market in which there is an oversupply of rental units in the same competitive range of market rents as the proposed section 8/HUD–FHA insured project.

(2) After selection of a Preliminary Proposal which involves HUD–FHA mortgage insurance the Owner will be required to submit, with the Final Proposal, an application for HUD–FHA Conditional Commitment with fee (two dollars per thousand dollars of mortgage requested) under the applicable mortgage insurance program. Such final Proposals will not be approved under section 8 unless they also qualify for issuance of a HUD–FHA Conditional Commitment under the applicable mortgage insurance program. The HUD notification of approval of the Final Proposal will be accompanied by a HUD–FHA Conditional Commitment for HUD–FHA mortgage insurance. The Owner's accceptance of HUD's notification of approval of the Final Proposal will constitute concurrent acceptance of the conditions and terms of the HUD–FHA Conditional Commitment for mortgage insurance.

(3) The rents of those units scheduled for assisted occupancy, when projected for purposes of determining a mortgage limitation based on the debt service criterion, shall be the Contract Rents set forth in the approved Final Proposal.

(4) Prior to the execution of the Agreement, the Owner will be required to obtain a Firm Commitment for HUD–FHA mortgage insurance. This will require the submission of an application for a Firm Commitment, with an additional fee (one dollar per thousand dollars of the mortgage requested), upon acceptance of HUD's notification of approval or the submission of the architect's certificate accompanying the working drawings and specifications in accord with § 1277.211.

(c) *Delayed Mortgage Insurance Processing.* Where an Owner does not indicate in his Preliminary Proposal that he intends to utilize HUD–FHA mortgage insurance and applies for HUD–FHA mortgage insurance after HUD approval of the Preliminary Proposal under this part, he risks (1) having his approved proposal rejected for HUD–FHA mortgage insurance and (2) having lower rents approved under the mortgage insurance program than the rents set forth in the approved proposal under this part.

§ 1277.208 Screening and evaluation of preliminary proposals.

(a) *Initial Screening.* Promptly after the deadline date for receipt of Preliminary Proposals, HUD will screen all the proposals and will notify any Owners whose proposals are incomplete or need clarification of individual items to supply such omissions or clarifications within 10 calendar days.

(b) *A–95 Clearance; Notice to Unit of General Local Government.* (1) Promptly after the deadline date for receipt of proposals (or after the appropriate later date for proposals completed pursuant to paragraph (a) of this section), the HUD field office will, for each complete Preliminary Proposal which is subject to A–95 clearance, send a copy of the proposal to the appropriate A–95 Clearinghouse for review, inviting a response within 34 days from the date of the letter of transmittal.

(2) Within 10 working days after the deadline date (or after the appropriate later date for proposals completed pursuant to paragraph (a) of this section), the HUD field office will forward, under cover of a letter in the appropriate prescribed form, a copy of each complete Preliminary Proposal to the chief executive officer (or such designee as such officer may designate in writing to the HUD field office) of the unit of general local government in which the proposed housing is to be located. The cover letter will invite a response within 30 days from the date the letter and copy of the proposal are received.

(c) *Evaluation of preliminary proposals by HUD.* HUD may begin its evaluation promptly after the deadline date, but no selection or ranking may be completed until the response periods referred to in paragraph (b) of this section have ended. Each Preliminary Proposal will be evaluated and ranked by HUD on the basis of all pertinent factors under this part including comments, if any, received during the response periods from the appropriate A–95 Clearinghouse and the unit of general local government.

(d) *Selection where approvable proposals do not exceed number of units advertised.* HUD will determine which Preliminary Proposals, in its judgment, can be developed into Final Proposals meeting the requirements of the Rehabilitation Program Packet. If the number of units covered by such Preliminary Proposal is no greater than the number of units specified in the Invitation, HUD will request all Owners of acceptable Preliminary Proposals to prepare Final Proposals in accordance with § 1277.209.

(e) *Selection where approvable proposals exceed number of units advertised.* If the number of units covered by acceptable Preliminary Proposals exceeds the number of units specified in the Invitation, HUD will list the approvable Preliminary Proposals in rank order. A cut-off line will be drawn below the lowest ranking Preliminary Proposal, which, together with all proposals ranked above it, will utilize the units specified in the invitation without reducing the number of units specified in the lowest ranking proposal. This ranking shall be subject to the following:

(1) *Preference for 20 percent projects.* If there is a Preliminary Proposal below the cut-off line for more than 50 units of family housing (i.e., designed primarily for use by the nonelderly and the nonhandicapped) which indicates that assistance will be limited to 20 percent or less of the units, this proposal shall displace a proposal(s) above the cut-off line which is for more than 50 units of family housing and which does not include this 20 percent limitation.

(2) *Preference for three or more bedroom projects.* If there is a Preliminary Proposal below the cut-off line which will provide a substantial proportion of large dwelling units (i.e., containing three or more bedrooms) without an undue concentration of large units in any one location, and the field office determines that such large units are needed in order to achieve the goal of the provision of a number of large units equal to at least 20 percent of all the Section 8 assisted units being provided, this proposal shall take priority over any proposal(s) above the cut-off line provided that it shall not take priority over any proposal which qualifies for priority under paragraph (e)(1) of this section.

(f) *Use of residual units.* For any residual number of units, HUD may publish another Invitation for Proposals, but this shall not delay the further processing of those Preliminary Proposals submitted in response to the prior Invitation that have been selected as a result of the prior Invitation.

(g) *Rejected proposals.* Owners whose Preliminary Proposals were not selected by HUD shall be sent a letter notifying them of such determination.

(h) *Notification of selection.* (1) With respect to those Preliminary Proposals which have been selected in accordance with this section, HUD will notify the Owners, on a prescribed form, and request them to submit within a reasonable time (to be specified in the notification) a Final Proposal in accordance with the requirements of the provisions of § 1277.209. The notification shall specify:

(i) The Contract Rents that will be acceptable to HUD where these are lower than the Contract Rents proposed by the Owner, and the reason for the reduction;

(ii) The term of the Contract that will be acceptable to HUD where it is shorter than the term proposed by the Owner, and the reason for the shorter term;

(iii) That the services of a registered architect must be utilized where HUD has determined that the nature and extent of the rehabilitation requires the utilization of such services;

(iv) The estimate of the amount of relocation payments, where applicable; and

(v) Other special conditions or requirements, if any.

(2) The notification will request the Owner to return a copy of the notification with an indication of his acceptance thereof by a specified date. If the Owner does not accept the notification by the date specified, HUD may rescind the notification and select another approvable proposal.

§ 1277.209 Final proposals.

(a) *Contents of final proposal.* Each Final Proposal shall indicate or include the following:

(1) A copy of the site option agreement(s), contract(s) of sale, or other document(s) which evidence(s) the proposer's effective control of the property to be rehabilitated, (however, only the proposed price is required for a New Communities project).

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(2) A description of the proposed rehabilitation covering each basic element (e.g., roof, exterior walls, porches and steps; interior walls, ceilings, and floors; kitchen and bathroom facilities and equipment; plumbing, heating and electrical equipment; landscaping; etc.) indicating the nature of the work to be done on each element and the grade and quality of the work, materials and equipment. If alteration, renovation or remodeling are indicated, preliminary drawings and plans and outline specification on the prescribed form.

(3) The Contract Rent per unit, by size and structure type.

(4) The equipment to be included in the Contract Rent.

(5) The utilities and services to be included in the Contract Rent and those utilities and services not so included. For each utility and service not so included, an estimate of the average monthly cost (for the first year of occupancy) to the occupants by unit size and structure type.

(6) The proposed term of the Contract (including all renewals) and justification for such term in accordance with § 1277.103(g).

(7) In the case of a PHA-Owner Project, a statement that (i) the PHA will undertake liability for and provide the funding of all relocation payments under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, or (ii) other commitments, which the Owner believes to be satisfactory to HUD, have been made for the funding of such payments. In the later case, the PHA shall specify such other commitments. (In the case of a Private-Owner Project or a Private-Owner/PHA Project, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is inapplicable.)

(8) Submission of an Affirmative Fair Housing Marketing Plan (if the proposal is for five or more units), a signed assurance of compliance with Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and certifications required pursuant to Executive Order 11246.

(9) Submissions as required by HUD regulations and other requirements pursuant to section 3 of the Housing and Urban Development Act of 1968.

(10) The identity of the Owner, rehabilitator, architect (if applicable), and managing agent (if known); the qualifications and experience of each; and the names of officials and principal members, shareholders and investors, and other parties having substantial interest, and the prior participation of each in HUD programs, using the prescribed form.

(11) Submission of evidence of management capability and a proposed management plan and a certification by the Owner and the management agent, if any, in a format acceptable to HUD; or, if the proposal is for less than 15 units, evidence of capability of providing the required management and maintenance services. If the Owner proposed to contract with another entity, including a PHA, for management and/or maintenance services for the project, he shall include a copy of the proposed contract(s).

(12) Submission of the form of Lease the Owner proposes to use, which shall be in accordance with § 1277.218(c).

(13) The proposed method of financing and, if the Owner intends to pledge or offer the Housing Assistance Payments Contract as security for any loan or obligation, the type and terms of the anticipated financing. (If the Owner intends to utilize FHA mortgage insurance, an application for a Conditional Commitment on the prescribed form shall be completed and submitted with the prescribed fee with the Final Proposal.)

(14) Evidence that the proposed rehabilitation is permissible under the applicable zoning, building, housing and other codes, ordinances or regulations; or a statement of the proposed action to make the rehabilitation permissible and that such action will be successfully completed prior to the Owner's acceptance or the architect's certification if required pursuant to § 1277.211(b).

(15) The anticipated time required for completion of the rehabilitation after the Agreement is signed (if the project is to be completed in stages, identification of the units comprising each stage and the estimated dates for commencement and completion of each stage).

(b) *Consistency with preliminary proposal.* The Final Proposal shall be consistent with the Preliminary Proposal. Any material deviations from the Preliminary Proposal in the Final Proposal will cause reconsideration by HUD of such Final Proposal and may result in its rejection.

§ 1277.210 Evaluation of final proposals.

(a) *Evaluation of Final Proposals by HUD.* Each Final Proposal will be evaluated by HUD to determine that the provisions of this Part have been complied with and that such Final Proposal is consistent with the Preliminary Proposal.

(b) *Clarifications or modifications.* HUD may request clarification of individual items, additional information, or modifications of the Final Proposal.

(c) *HUD determination.* HUD shall notify the Owner (and the PHA, if applicable) as to whether the Final Proposal is:

(1) Approved.

(2) Approvable only if specified deficiencies are corrected and that HUD will approve the Final Proposal if it receives within a specified time evidence of such necessary corrections.

(3) Not approved. If a Final Proposal is not approved or if the conditions for approval under paragraph (c)(2) of this section are not met, HUD shall so advise the Owner and may request the preparation of a Final Proposal(s) with respect to the highest ranking Preliminary Proposal(s) not previously selected, or may issue another Invitation for Preliminary Proposals.

(d) *A–95 Notification.* The appropriate A–95 Clearinghouses shall be notified by HUD of its final action.

§ 1277.211 Owner's acceptance of notification and submission of architect's certification.

(a) *Owner's Acceptance.* Upon receipt by the Owner of the notification of approval of the Final Proposal, the Owner shall return to HUD a copy indicating his acceptance within the time prescribed in such notification (copy to the PHA, if applicable). If the Owner does not accept the notification by the date specified, HUD may rescind the notification and proceed in accordance with § 1277.210(c)(3).

(b) *Architect's Certification.* (1) If the services of a registered architect are to be used, HUD may not enter into an Agreement (or, where applicable, an ACC and an Agreement) until after the Owner has submitted to HUD the architect's certification on the prescribed form. Such certification shall be made by the architect responsible for the preparation of the working drawings and specifications.

(2) The architect's certification shall state that, to the best of the architect's knowledge, belief, and professional judgment, (i) the working drawings and specifications are consistent with the approved Final Proposal, and (ii) the proposed rehabilitation in accordance with these plans and specifications is permissible under the applicable zoning, building, housing, and other codes, ordinances or regulations, as modified by any waivers obtained from the appropriate officials. This certification shall also cover compliance with the appropriate HUD Minimum Design Standards for Rehabilitation for Residential Properties and other standards, guidelines and criteria applicable under this Part.

(3) One copy of the certified working drawings and specifications shall be submitted with the architect's certification to HUD, which shall retain it and any changes approved by HUD for at least three years from the date of acceptance of the project; provided, however, that receipt and retention by HUD of these working drawings and specifications shall not denote or constitute HUD review or approval of such drawings or specifications.

(4) If the Owner fails to submit the certification by the date specified in the notification, HUD shall rescind the notification (and may proceed in accordance with § 1277.210(c)(3)) unless it determines that a reasonable extension of time should be granted.

§ 1277.212 Annual contributions contract and agreement (private-owner/PHA projects).

(a) *Preparation of ACC.* After receipt of a copy of the accepted notification (and, where required, the architect's certification with the working drawings and specifications), the HUD field office shall prepare the ACC, shown as Appendix III to this part. The ACC shall be transmitted to the PHA for execution and return to HUD. This transmittal shall advise the PHA that it must simultaneously submit for HUD approval its Initial Estimate of Required Annual Contributions (Preliminary Costs) and an Estimate of Total Required Annual Contributions (see § 1277.213).

(b) *Preparation of Agreement.* The Agreement shall be prepared by the HUD field office at the time the ACC is prepared (see § 1277.214), and shall conform to the prescribed form shown as Appendix IV. The Agreement shall include all required information and required attachments.

(c) *Execution of ACC and Agreement.* After receipt of the PHA-executed ACC, accompanied by the Estimates of Required Annual Contributions, HUD shall review the Estimates and, if approved, execute the ACC. HUD shall then transmit a fully executed copy of the ACC to the PHA, together with four copies of the unexecuted Agreement. After execution of the Agreement by the PHA and the Owner, all copies shall be returned by the PHA to HUD for approval. HUD shall return three copies to the PHA, retaining one for its records.

§ 1277.213 Submission of estimates of required annual contributions (private-owner/PHA projects).

(a) *Initial Submission.* An allowance may be provided for preliminary costs incurred by the PHA prior to the beginning of the first fiscal year. When the ACC is executed by the PHA, it shall submit an Initial Estimate of Required Annual Contributions (Preliminary Costs) together with an Estimate of Total Required Annual Contributions on the prescribed forms. This submission includes estimates of costs of administration and non-expendable equipment up to the beginning of the first fiscal year.

(b) *First Fiscal Year Submission.* Not earlier than 150 and not later than 90 days prior to the estimated date of the beginning of the first fiscal year, the PHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) covering the estimated amount required for the first fiscal year for housing assistance payments and for the fee for administration together with an Estimate of Total Required Annual Contributions.

(c) *Subsequent Fiscal Year Submissions.* Not earlier than 150 and not later than 90 days prior to the beginning of each subsequent fiscal year, the PHA shall submit an Estimate of Required Annual Contributions (Housing Assistance and Administration) and an Estimate of Total Required Annual Contributions, with supporting documentation, for any requested changes in the amount of housing assistance payments and the fee for administration.

(d) *Revisions of Estimates.* Any of the above Estimates may be revised to reflect changes in circumstances and available data.

(e) *HUD Approval.* All Estimates of Required Annual Contributions and any revisions thereto submitted by the PHA shall be subject to HUD approval.

§ 1277.214 Preparation and execution of agreement (private-owner and PHA-owner projects).

After receipt of a copy of the accepted notification (and, where required, the architect's certification and the working drawings and specifications), the HUD field office shall prepare the Agreement in the prescribed form shown as Appendix I to this part. The Agreement shall include all required information and required attachments. HUD shall transmit to the Owner three copies of the unexecuted Agreement. After the Owner executes all copies of the Agreement, he shall return them to HUD. HUD shall execute the Agreement, returning one copy to the Owner and retaining two for its records.

§ 1277.215 Rehabilitation period.

(a) *Timely Performance of Work.* After execution of the Agreement, the Owner shall promptly proceed with the rehabilitation work as provided in the Agreement. In the event the work is not so commenced, diligently continued, and/or completed, HUD (or the PHA with HUD approval, as appropriate) reserves the right to rescind the Agreement, or take other appropriate action.

(b) *Delays.* Although extensions of time may be granted for the reasons specified in the Agreement, no increases in Contract Rents may be granted on that account.

(c) *Changes.* The Owner shall submit for HUD approval any changes from the approved Final Proposal which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. HUD may condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior HUD approval, HUD may determine that Contract Rents shall be reduced or that the Owner shall remedy the deficiency as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications.

(d) *Inspection of HUD–FHA Insured Projects.* For projects financed with HUD–FHA insured mortgages, required HUD inspection procedures shall be followed including compliance with equal opportunity requirements.

(e) *Equal Opportunity Review.* Equal opportunity review may be conducted with any scheduled HUD inspection or at any other time deemed advisable by HUD.

(f) *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify HUD (or the PHA in the case of a Private-Owner/PHA Project) of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed (see § 1277.217), the Owner will be required to submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units, pursuant to § 1277.103(e)(2), only if he has fully complied with the requirements of that section and of this paragraph.

(g) *Management Certification.* Prior to acceptance of the project by HUD, the Owner must certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by HUD in accordance with the Agreement.

(h) *Labor Standards Certification.* Prior to acceptance by HUD of any project consisting of nine or more Contract units, the Owner must certify in writing that he has complied with the provisions of the Agreement relating to the payment of not less than prevailing wage rates and that to the best of his knowledge and belief there are no claims of underpayment in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner, HUD, or the PHA (if applicable), the Owner shall be required to place a sufficient amount in escrow, as detemined by HUD, to assure such payments.

§ 1277.216 Project completion.

(a) *Notification of Completion.* The Owner shall notify HUD (with a copy to the PHA in the case of a Private-Owner/PHA Project) when the work is completed and shall submit to HUD the evidence of completion described in paragraph (b) of this section.

(1) A certification (i) from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) by the Owner that these surfaces have been adequately treated or covered, all in accordance with these applicable HUD regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 U.S.C. 4801.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) All work has been completed in accordance with the requirements of the Agreement;

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4) A certification (if working drawings and specifications for the work were

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prepared and certified to by a registered architect) by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified by the architect).

(c) *Inspection.* (1) Within ten working days of the receipt of the Owner's notification of project completion, a HUD representative (accompanied by a PHA representative, if applicable) shall inspect the project and review the evidence of completion listed in paragraph (b) of this section. Such inspection shall be sufficient to enable HUD to determine whether the project has been completed in accordance with the Agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the Owner or the architect. As promptly as possible, HUD shall notify the Owner in writing as to whether or not the project has been completed in an acceptable manner.

(2) In the event the Owner disputes HUD's determinations, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

(d) *Acceptance of Project.* If HUD determines that the project is not acceptable under paragraph (c)(1) of this section, the following shall apply:

(1) If the defects or deficiencies are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete such items within a reasonable time to the satisfaction of HUD, HUD may, upon 30 days notice, terminate or require termination of the Contract or exercise its other rights under the Contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but HUD determines that the housing is Decent, Safe, and Sanitary and that the project is in good and tenantable condition, the project may be accepted after the Owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the Contract Rents as determined by HUD.

(3) If HUD determines that the project is not in good and tenantable condition or that the housing is not Decent, Safe, and Sanitary, HUD shall determine: (i) Whether the defects or deficiencies can be corrected, and (ii) whether a reduction in Contract Rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the Owner thereupon shall be notified of HUD's determinations under paragraphs (d)(3)(i) and (d)(3)(ii) of this section, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted.

(e) *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

§ 1277.217 Execution of Housing Assistance Payments Contract.

(a) Upon acceptance of the project by the Government pursuant to §§ 1277.215 and 1277.216, the Contract shall be executed first by the Owner and then by HUD, or, in the case of a Private-Owner/PHA Project, executed by the Owner and the PHA and then approved by HUD.

(b) At the time of execution of the Contract, HUD (or the UHA, as appropriate) shall examine the lists of dwelling units leased and not leased, referred to in § 1277.215(f), and shall determine whether or not the Owner has met his obligations under that section with respect to any unleased units. HUD (or the PHA, as appropriate) shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished HUD in the case of a Private-Owner/PHA Project.

§ 1277.218 Project operation.

(a) *Compliance with Equal Opportunity Requirements.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's HUD-approved Affirmative Fair Housing Marketing Plan, if required, and with all regulations relating to fair housing advertising including use of the equal opportunity logotype, statement, and slogan in all advertising. Projects shall be managed and operated without regard to race, color, creed, religion, sex, or national origin.

(b) *Eligibility, Selection and Admission of Families.* (1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family, in accordance with schedules and criteria established by HUD.

(2) For every family that wishes to apply for admission, the Owner and the applicant shall complete and sign the form of application prescribed by HUD, except that if there are no vacant units and the Owner's waiting list is such that there would be an unreasonable length of time before the applicant could be admitted, the Owner may advise the applicant that the Owner is not accepting applications for that reason. The Owner shall retain copies of all completed applications together with any related correspondence for three years. For each Family selected for admission, the Owner shall submit one copy of the completed and signed application to the HUD field office (in the case of Private-Owner/PHA Projects, the Owner simultaneously shall send a copy of the form to the PHA). Housing assistance payments will not be made on behalf of an admitted Family until after this copy has been received by the HUD field office.

(3) If the Owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable but the Owner does not have a suitable unit to offer, the Owner shall place such Family on his waiting list and so advise the Family.

(4) If the Owner determines that the applicant is eligible on the basis of income and family composition and is otherwise acceptable and if the Owner has a suitable unit, the Owner and the Family shall enter into a Lease. Such Lease shall be on the form of Lease included in the Owner's approved Final Proposal and shall otherwise be in conformity with the provisions of this Part.

(5) Records on applicant families and approved Families shall be maintained by the Owner so as to provide HUD with racial, ethnic and gender data and shall be retained by the Owner for three years.

(6) In the case of a PHA-Owner project, (i) if the PHA places a Family on its waiting list, it shall notify the Family of the approximate date of availability of a suitable unit insofar as such date can be reasonably determined, and (ii) if the PHA determines that an applicant is ineligible on the basis of income or family composition, or that the PHA is not selecting the applicant for other reasons, the PHA shall send the applicant a letter notifying him of the determination and the reasons and that the applicant has the right within a reasonable time (specified in the letter) to request an informal hearing. If, after conducting such an informal hearing, the PHA determines that the applicant shall not be admitted, the PHA shall so notify the applicant in writing and such notice shall inform the applicant that he has the right to request a review by HUD of the PHA's determination. The procedures of this subparagraph do not preclude the applicant from exercising his other rights if he believes he is being discriminated against on the basis of race, color, creed, religion, sex, or national origin. The PHA shall retain for three years a copy of the application, the letter, the applicant's response if any, the record of any informal hearing, and a statement of final disposition.

(c) *Lease requirements.* The Lease shall contain all required provisions specified in paragraph (c)(2) of this section and none of the prohibited provisions listed in paragraph (c)(3) of this section and shall otherwise conform to the form of Lease included with the Owner's approved Final Proposal.

(1) *Term of lease.* The term of the Lease shall be generally for not less than one year. The Lease may (or, in the case of a Lease for a term of more than one year, shall) contain a provision permitting termination upon 30 days advance written notice by either party.

(2) *Required provisions.* The Lease between the Owner (Lessor) and the Family (Lessee) shall contain the following provisions:

ADDENDUM TO LEASE

The following additional Lease provisions are incorporate in full in the Lease between ---------- (Lessor) and ---------- (Lessee) for the following dwelling unit: ----------. In case of any conflict between these and any other provisions of the Lease, these provisions shall prevail.

a. The total rent shall be $------ per month.
b. Of the total rent, $------ shall be payable by or at the direction of the Department of Housing and Urban Development ("HUD") as housing assistance payments on behalf of the Lessee and $------ shall be payable by the Lessee. These amounts shall be subject to change by reason of changes in the Lessee's family income, family composition, or extent of exceptional medical or other unusual expenses, or by reason of adjustment by HUD of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with HUD-established schedules and criteria and shall be effective as of the date stated in a notification to the Lessee.
c. The Lessor shall not discriminate against the Lessee in the provision of services, or in any other manner, on the grounds of race, color, creed, religion, sex, or national origin.
d. The Lessor shall provide the following services and maintenance: [Here insert the complete list as contained in the approved Final Proposal.]

Lessor ----------
By ----------
Date ----------
Lessee ----------
Date ----------

(3) *Prohibited provisions.* Lease clauses which fall within the classifications listed below shall not be included in any Lease.

(i) *Confession of judgment.* Prior consent by tenant to any lawsuit the landlord may bring against him in connection with the Lease and to a judgment in favor of the landlord.

(ii) *Distraint for rent or other charges.* Authorization to the landlord to take property of the tenant and hold it as a pledge until the tenant performs any obligation which the landlord has determined the tenant has failed to perform.

(iii) *Exculpatory clause.* Agreement by tenant not to hold the landlord or landlord's agents liable for any acts or omissions whether intentional or negligent on the part of the landlord or the landlord's authorized representative or agents.

(iv) *Waiver of legal notice by tenant prior to actions for eviction or money judgments.* Agreement by tenant that the landlord may institute suit without any notice to the tenant that the suit has been filed.

(v) *Waiver of legal proceedings.* Authorization to the landlord to evict the tenant or hold or sell the tenant's possessions whenever the landlord determines that a breach or default has occurred, without notice to the tenant or any determination by a court of the rights and liabilities of the parties.

(vi) *Waiver of jury trial.* Authorization to the landlord's lawyer to appear in court for the tenant and to waive the tenant's right to a trial by jury.

(vii) *Waiver of right to appeal judicial error in legal proceedings.* Authorization to the landlord's lawyer to waive the tenant's right to appeal on the ground of judicial error in any suit or the tenant's right to file a suit in equity to prevent the execution of a judgment.

(viii) *Tenant chargeable with costs of legal actions regardless of outcome.* Agreement by the tenant to pay attorney's fees or other legal costs whenever the landlord decides to take action against the tenant even though the court finds in favor of the tenant. (Omission of such clause does not mean that the tenant as a party to a lawsuit may not be obligated to pay attorney's fees or other costs if he loses the suit.)

(d) *Termination of tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in § 1277.103(e)(3)(ii).

(e) *Maintenance, operation and inspections*—(1) *Maintenance and operation.* The Owner shall maintain and operate the project so as to provide Decent, Safe, and Sanitary housing and he shall provide all the services, maintenance and utilities which he agrees to provide under the Contract, subject to abatement of housing assistance payments or other applicable remedies if he fails to meet these obligations.

(2) *Inspection.* Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on the form prescribed by HUD, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed form. HUD (or the PHA, as appropriate) will inspect or cause to be inspected each Contract unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as HUD (or the PHA) may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. HUD (or the PHA) will take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

(f) *Units not decent, safe, and sanitary.* If HUD (or the PHA, as appropriate) notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, HUD (or the PHA) may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with Section 8 assistance and HUD (or the PHA) does not have other Section 8 funds for such purposes, HUD (or the PHA) may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if:

(1) The unit is restored to Decent, Safe, and Sanitary condition;

(2) The Family is willing to and does move back to the restored dwelling unit; and

(3) A deduction is made for the expenses incurred by the Family for both moves.

(g) *Reexamination of family income, composition, and extent of exceptional medical or other unusual expenses.* Reexamination of Family income, composition, and the extent of medical or other unusual expenses incurred by the Family shall be made by the Owner at least annually (except that such reviews may be made at intervals no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of the Family contribution and the amount of the housing assistance payment, all in accordance with schedules and criteria established by HUD.

(h) *Overcrowded and underoccupied units.* If HUD or the PHA, as the case may be, determines that a Contract unit assisted under this Part is not Decent, Safe, and Sanitary by reason of overcrowding, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, HUD (or the PHA) will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of § 1277.103(e)(3)(i).

(i) *Adjustment of allowance for utilities and other services.* HUD shall determine, as part of its annual inspection and at such other times as it deems ap-

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propriate, whether an adjustment is required in the Allowance for Utilities and Other Services applicable to the dwelling units in the project, on grounds of changes in utility rates or other change of general applicability to all units in the project. If HUD determines that an adjustment should be made, HUD shall prescribe the amount of the adjustment and direct the Owner to make promptly a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payment.

(j) *Continued family participation.* A Family must continue to occupy its approved unit to remain eligible for participation in the Housing Assistance Payments Program except that if the Family (1) wishes to vacate its unit at the end of the Lease term (or prior thereto but in accordance with the provisions of the Lease), or (2) is required to move for reasons other than violation of the Lease on the part of the Family, and if the Family wishes to receive the benefit of housing assistance payments in another approvable unit, the Family should give reasonable notice of the circumstances to HUD or to the PHA, as appropriate, so that HUD or the PHA may have the opportunity to consider the Family's request.

(k) *Inapplicability of low-rent public housing model lease and grievance procedures.* Model lease and grievance procedures established by HUD for PHA-owned low-rent public housing are applicable only to PHA-Owner Projects under the Section 8 Housing Assistance Payments Program.

(l) *Reduction of number of contract units for failure to lease to eligible families*—(1) If at any time, beginning six months after the effective date of the Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract units leased or available for leasing by Eligible Families, HUD (or the PHA at the direction of HUD, as appropriate) may on 30 days notice reduce the number of Contract units to not less than the number of units under lease or available for leasing by Eligible Families, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

(2) At the end of the initial term of the Contract and of each renewal term, HUD (or the PHA at the direction of HUD, as appropriate) may, by notice to the Owner, reduce the number of Contract units to not less than (i) the number of units under lease or available for leasing by Eligible Families at that time or (ii) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

§ 1277.219 HUD review of contract compliance.

HUD will review project operations at such intervals as it deems necessary to ensure that the Owner is in full compliance with the terms and conditions of the Contract. Equal Opportunity review may be conducted with the scheduled HUD review or at any time deemed appropriate by HUD.

§ 1277.220 PHA reporting requirements.

[Reserved]

APPENDIX I—AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER OR PHA-OWNER PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Part I

This Agreement To Enter Into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government") and _____ ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of the substantial rehabilitation of certain property as described in the approved Final Proposal; and

Whereas, the Owner and the Government propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible lower-income families ("Families") to occupy units in said project; and

Whereas, the Owner is also the rehabilitator, or, if the rehabilitator is other than the Owner, the rehabilitator's name is _____

Now therefore the parties hereto agree as follows:

1.1 *Contents of agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal including, among other things, evidence of management capability and, if required: the architect's certification, the Affirmative Fair Housing Marketing Plan, and management program;

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The schedule of completion in stages, if applicable;

Exhibit D: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the Government and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of Completion*—a. *Time for Completion.* The project shall be completed in accordance with section 1.4 no later than ____ calendar days after the effective date of this Agreement, or in stages as provided for in Exhibit C which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than _____, 19____, the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the Government reserves the right to rescind this Agreement or take other appropriate action. The Owner shall report to the Government the date work was commenced and shall thereafter furnish the Government with periodic progress reports (quarterly unless more frequent reporting is required by the Government).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the Government, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increase in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Rehabilitation period*—a. *Changes.* The Owner shall submit for Government approval any changes from Exhibit A which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. The Government may condition its approval of such changes on a reduction of Contract Rents. If such changes are made without prior Government approval, the Government may determine that Contract Rents shall be reduced or that the Owner shall remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify the Government of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the Government of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to section 1.6b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that Section.

c. *Management Certification.* Prior to acceptance of the project by the Government, the Owner shall certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by the Government in accordance with paragraph a of this Section.

d. *Labor Standards Certification:*[1] Prior to acceptance of the project by the Government, the Owner shall certify in writing that he has complied with the provisions of sections 2.6 through 2.11 of this Agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner or the Government, the Owner shall be required to place a sufficient amount in escrow as determined by the Government to assure payment thereof.

1.4 *Project completion*—a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The Owner shall be solely responsible for completion of the project.

[1] Strike this paragraph if the project involves fewer than nine Contract units.

b. *Notification of Completion.* The Owner shall notify the Government when the work is completed and shall submit to the Government the evidence of completion described in paragraph c of this Section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the Government with all of the following:

(1) A certification (i) from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) by the Owner that these surfaces have been adequately treated or covered, all in accordance with the applicable HUD regulations issued pursuant to Lead Base Paint Poisoning Prevention Act, 42 USC 4801.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owner's warranty in the Contract, that:

(i) All work has been completed in accordance with the requirements of this Agreement;

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4)[2] A certification by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

d. *Inspection.* (1) Within ten working days of the receipt of the Owner's notification of project completion, the Government representative shall inspect the project and review the evidence of completion listed in paragraph c of this Section. Such inspection shall be sufficient to enable the Government to determine whether the project has been completed in accordance with the Agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the Owner or the architect. As promptly as possible, the Government shall notify the Owner in writing as to whether or not the project has been completed in an acceptable manner.

(2) In the event the Owner disputes the Government's determinations, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

e. *Acceptance of Project.* If the Government determines that the project is not acceptable under paragraph d(1) of this section, the following shall apply:

(1) If the defects or deficiences are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete such items within a reasonable time to the satisfaction of the Government, the Government may, upon 30 days notice, terminate the Contract or exercise its other rights under the Contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but the Government determines that the housing is Decent, Safe, and Sanitary and that the project is in good and tenantable condition, the project may be accepted after the Owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the Contract Rents as determined by the Government.

(3) If the Government determines that the project is not in good and tenantable condition or that the housing is not Decent, Safe, and Sanitary, the Government shall determine: (i) whether the defects or deficiencies can be corrected and (ii) whether a reduction in Contract Rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the Owner shall be notified of the Government's determinations under (i) and (ii) of this subparagraph and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted. Prior to execution of the Contract, the Government will verify that appropriate corrective action has been taken.

f. *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

1.5 *Execution of Housing Assistance Payments Contract*—a. *Time of Execution.* Upon acceptance of the project by the Government pursuant to sections 1.3 and 1.4, the Contract shall be executed first by the Owner and then by the Government.

b. *Completion in Stages.* If completion is in stages, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract Rents shall be shown in Exhibit A–1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the Government, and Exhibits A–2, A–3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the Contract, the Government shall examine the lists of dwelling units leased and not leased, referred to in section 1.3b, and shall determine whether or not the Owner has met his obligations under that Section with respect to any unleased units. The Government shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without the prejudice by reason of his signing the Contract.

d. *Contract Rents.* The Contract Rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except that in no case may the initial Contract Rents for units in projects financed with mortgages insured under the National Housing Act exceed the rents approved by the Government in connection with the mortgage insurance for such projects.

e. *No Changes in Contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than in accordance with section 1.3a and paragraph d of this Section.

1.6 *Government assurance to owner.* The execution of this Agreement by the Government signifies that the faith of the United States is solemnly pledged to the payment of housing assistance payments pursuant to the Contract and that funds have been obligated by the Government for such payments.

1.7 *Relocation requirements.*[3]

[Alternative provisions—incorporate alternative 1 or 2, as applicable.]

Alternative 1—For projects which were without site occupants as of the date indicated in this alternative. The Owner hereby certifies that the property to be rehabilitated was without occupants as of the date of the Government notification to the Owner requesting the Owner to submit a Final Proposal.

Alternative 2—For projects which do not qualify for alternative 1—a. *Owner Compliance with Relocation Act.* The Owner agrees to comply with the provisions of sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and applicable Government regulations and requirements issued pursuant thereto.

b. *Relocation Payments Other than by Owner.* The Government has determined that satisfactory commitments have been made for the funding of relocation payments required by sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (e.g., funding pursuant to Title I of the Housing and Community Development Act of 1974) as follows:

_____

_____

_____

_____

c. *Relocation Payments by Owner.* If paragraph b is inapplicable, the following shall apply:

(1) The maximum potential amount of all relocation payments as estimated by the Government is $_____.

(2) The Owner has deposited this amount in an escrow account under the terms of which payments may be made only upon presentation of written authorization by the Government for the purpose of meeting relocation payments.

(3) The Owner hereby voluntarily undertakes liability for all relocation payments and agrees that if the funds in the escrow account shall prove to be insufficient to meet all such relocation payments he will deposit such additional amounts as the Government determines to be necessary for such purpose.

(4) When the Government determines that there is no longer any potential liability for relocation payments, any balance in the escrow account shall be paid to the Owner.

(5) The Owner agrees to hold harmless and to indemnify the Government for any costs incurred under sections 202, 203, and 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 in connection with the relocation of site occupants, and the Owner further agrees that the Government shall have the right to be reimbursed for any such costs by withholding from housing assistance payments payable to the Owner.

[2] Strike this subparagraph (4) if the work is to be done other than in accordance with working drawings and specifications prepared and certified to by a registered architect.

[3] Strike this Section in the case of a Private-Owner Project.

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Effective date. This Agreement shall be effective as of the date of execution by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

WARNING: 18 U.S.C. 1001 provides, among other things; that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

United States of America
Secretary of Housing and Urban Development

By _____
_____
(Official Title)
Date_____, 19____
OWNER _____
By _____
(Official Title)
Date_____, 19____

Part II

2.1 *Training, employment, and contracting opportunities for business and lower-income persons* [4]—a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR, Part 135 (published in 38 FEDERAL REGISTER 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph (d) of this section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR, Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 *Equal employment opportunity* [5]—a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR, Chapter 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, lay-off or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative or the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Eexecutive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding

[4] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $500,000 or less.

[5] As used in section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

Paragraph (1) and the provisions of Paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist the Government in the discharge of the Government's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation in equal opportunity compliance reviews.* The Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.* [6] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to section 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing wage rates* [7]—a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plans, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1) (i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR 5.2(c) shall also be subject to the provisions of paragraph g(2) of the Section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

[6] Strike this section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $100,000 or less.

[7] As used in sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike sections 2.6 through 2.11 if the project involves less than nine Contract units.

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(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees; other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 *Submittal of payrolls and related reports*—a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 *Disputes concerning wage rates and classifications of labor*—a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 *Wage claims and adjustments.* In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 *Contract Work Hours and Safety Standards Act—overtime compensation*—a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this Section.

2.11 *Termination; debarment; subcontracts.*—a. A breach of the provisions of the foregoing sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR 5.6.

b. The Owner shall insert in any subcontracts section 2.6 (and with respect to section 2.6g(2), copies of 29 CFR 5a.4, 5a.5, 5a.6, and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 *Disputes.*—a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement between the Department of Housing and Urban Development field office and the Owner may be submitted by the Owner to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this Section, the Owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 *Interest of members, officers, or employees of public housing agency, members of local governing body, or other public officials.*—No member, officer, or employee of the Public Housing Agency ("PHA"), no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official or such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

2.14 *Interest of member of or delegate to Congress.*—No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.15 *Nonassignability.*—a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the Government; Provided, however, that in the case of an assignment as security for the purpose of obtaining financing of the project, the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different rehabilitator from the one named in the preamble of this Agreement, except with the prior consent of the Government.

c. The Owner agrees that the approved rehabilitator has not made, and will not make, except with the prior consent of the Government, any assignment or transfer in any form of the rehabilitator's contract to construct the project, or of any part thereof, or any of the rehabilitator's interests therein.

d. The Owner agrees to notify the Government promptly of any proposed action covered by paragraph a or b or c of this section. The Owner further agrees to request the written consent of the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

e. For the purpose of this section, a transfer of stock in the Owner or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner or rehabilitator, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or rehabilitator or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX II—HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER OR PHA-OWNER PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Part I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the United States of America acting through the Department of Housing and Urban Development ("Government"), and ---------- ("Owner"), pursuant to the United States Housing Act of 1937 ("Act"), 42 U.S.C. 1437, et seq., and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, *et seq.*

The parties hereto agree as follows:

1.1 *Contents of contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The Project Description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's warranties*—a. *Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenantable condition and that all work has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of the Contract.

1.3 *Families to be housed; government assistance*—a. *Families to be Housed.* The Contract Units are to be leased by the Owner to eligible lower-income families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *Government Assistance.* The Government hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

1.4 *Term of contract; fiscal year*—a. *Term of Contract.* The initial term of this Contract shall be ---------- years (not to exceed five years) beginning with the effective date of this Contract and ending ------ ------, 19--. This Contract may be renewed, at the sole option of the Owner, for -------- additional term(s) of ---- years each (not to exceed five years each), provided that the total Contract term for any unit, including renewals, shall not exceed ---- years. [Insert number as specifically authorized by the Government, but in no event more than 20 years, or 40 years in the case of a project owned by, or financed by a loan or a loan guarantee from, a State or local agency.] Renewal shall be automatic unless the Owner notifies the Government, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage; *Provided, however*, That the total Contract term for the units in all the stages, counting from the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the second sentence of this paragraph a, plus two years.

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on ---------- [insert March 31, June 30, September 30, or December 31, as determined by the Government] of each calendar year; *Provided, however*, That the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than 12 months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in section 1.5a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Maximum housing assistance commitment; project reserve*—a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other contract between the Government and the Owner, the Government shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of $------ per annum; Provided, however, that this amount shall be reduced commensurate with any reduction in the number of units under this Contract.

b. *Project Reserve.* A project account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum Contract commitment stated in paragraph a of this Section exceeds amounts paid under this Contract for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this section to cover increases in Contract Rents or decreases in Family incomes (see section 1.8). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government as a receipt in accordance with section 10(b) of the Act.

1.6 *Housing assistance payments to owners*—a. *General.* Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will pay the Owner the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria. The amount of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family income, Family composition, extent of exceptional medical or other unusual expenses, or by reason of adjustment by the Government of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with the Government-established schedules and criteria, and shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 70 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract: *Provided*, That the Owner (1) commenced marketing and otherwise complied with section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the Public Housing Agency ("PHA") and other appropriate sources to refer eligible applicants, and advertising the availability of the units, and (3) has not rejected any eligible applicant, except for good cause acceptable to the Government.

c. *Vacancies After Rent-up*—(1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 70 percent of the Contract Rent for a vacancy period not exceeding 60 days; *Provided, however*, That if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also section 1.9b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (1) Immediately upon learning of the vacancy, has notified the Government of the vacancy

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or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this section.

(2) If the Owner proposes to evict a Family, he shall not be entitled to any payment under paragraph c(1) of this section unless the request for such payment is supported by a certification that (i) he has given such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction is not in violation of the Lease or the Contract or any applicable law.

d. *Limitation on Payments for Vacant Units.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this Section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under section 1.9b of this Contract).

e. *Government Not Obligated for Family Rent.* The Government has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with section 1.9b of this Contract. The financial obligation of the Government is limited to making housing assistance payments on behalf of Families in accordance with this Contract.

f. Owner's Monthly Requests for Payments—(1) The Owner shall submit monthly requests to the Government for housing assistance payments. Each such request shall set forth: (i) The name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit; and (v) the total amount of housing assistance payments requested by the Owner.

(2) If the Owner has received an excessive payment, the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(3) The statement set forth in each of the Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

1.7 *Maintenance, operation and inspection*—a. *Maintenance and Operation.* The Owner agreer (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the Government determines that the Owner is not meeting any of these obligations, the Government shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection*—(1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on the form prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed form.

(2) The Government shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as the Government may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The Government shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

c. *Units Not Decent, Safe, and Sanitary.* If the Government notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the Government may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the Government does not have other section 8 funds for such purposes, the Government may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if—

(1) The unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The Government shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the Government determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of overcrowding, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the Government will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The Owner may receive housing assistance payments for the vacated unit if he complies with the requirements of section 1.6c(1).

1.8 *Rent adjustments*—a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent adjustments under this Section up to the maximum total annual housing assistance payments committed under section 1.5a of this Contract. The provisions of this Contract are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family incomes. The Government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

b. *Automatic Annual Adjustments*—(1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the Federal Register. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

d. *Overall Limitation.* Notwithstanding any other provisions of this Contract, adjustments as provided in this Section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government.

e. *Incorporation of Rent Adjustment.* Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit.

1.9 *Marketing and leasing of units*—a. *Compliance with Equal Opportunity.* Marketing of units and selection of Families by the Owner shall be in accordance with the Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security Deposits.* The Owner shall not require Families to pay security deposits. In lieu thereof, the Owner may claim reimbursement from the Government under this Contract for unpaid rent by a departing Family and/or cost of repairs for damage caused by such Family not to exceed a total reimbursement in an amount equal to one month's Contract Rent.

c. *Eligibility, Selection and Admission of Families.*—(1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. In the initial renting of the Contract Units, the Owner shall lease at least 30 percent to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family income, composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government.

d. *Rent Redetermination After Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a Government determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable Government requirements and shall maintain records and furnish such copies or other information as may be required by the Government.

f. Government Review; Incorrect Payments. In making housing assistance payments to Owners, the Government will review the Owner's determinations under this section. If as a result of this review, or other reviews, audits or information received by the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.10 *Termination of tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in section 1.6c.

1.11 *Reduction of number of contract units for failure to lease to eligible families*—a. *Twelve Months after Effective Date of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the Government may on 30 days notice reduce the number of Contract Units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number, if that number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the Government may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

Effective date. The effective date of this Contract is _____, 19____. [Insert date which shall be no earlier than the date of execution by the Government.]

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

OWNER _____

By _____

(Official Title)

Date _____, 19____

United States of America
Secretary of Housing and Urban Development

By _____

(Official Title)

Date _____, 19____

[If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.]

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 1

This Contract is hereby executed with respect to the units described in Exhibit A–1.

Effective date. The effective date of this Contract is _____, 19____. [Insert date which shall be no earlier than the date of execution by the Government.]

OWNER _____

By _____

(Official Title)

Date _____, 19____

United States of America
Secretary of Housing and Urban Development

By _____

(Official Title)

Date _____, 19____

Stage 2

This Contract is hereby executed with respect to the units described in Exhibit A–2.

Effective date. The effective date of this Contract is _____, 19 _____. [Insert date which shall be no earlier than the date of execution by the Government.]

OWNER _____

By _____

(Official Title)

Date _____, 19____

United States of America
Secretary of Housing and Urban Development

By _____

(Official Title)

Date _____, 19____

Stage 3

This Contract is hereby executed with respect to the units described in Exhibit A–3.

Effective date. The effective date of this Contract is _____, 19_____. [Insert date which shall be no earlier than the date of execution by the Government.]

OWNER _____

By _____

(Official Title)

Date _____, 19____

United States of America
Secretary of Housing and Urban Development

By _____

(Official Title)

Date _____, 19____

Part II

2.1 *Nondiscrimination in housing*—a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise, subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to benefit of the Government and the said Department, either of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training, employment, and contracting opportunities for businesses and lower-income persons*[1]—a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FEDERAL REGISTER 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph (d) of this Section in all contracts for

[1] Strike this section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are $500,000 or less.

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work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in equal opportunity compliance reviews.* The Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[1] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 F.R. 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the Department of Housing and Urban Development field office director of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Reports and access to premises and records*—a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the Government.

b. The Owner shall permit the Government or any of its duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers, and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 *Default by the owner*—a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the Government that a default has occurred, the Government shall notify the Owner of the nature of the default, of the actions required to be taken on account of the default (including the curing of the default by the Owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the Government, the Government shall take appropriate actions to achieve compliance or to terminate the Contract in whole or in part.

c. The availability of any remedy under this Contract shall not preclude the exercise of any other remedy available under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.8 *Disputes*—a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement between the Department of Housing and Urban Development field office and the Owner may be submitted by the Owner to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the resolution of such disputes shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any proceeding under this section, the Owner shall be afforded an opportunity to be heard and to offer evidence in support of his position.

b. This section does not preclude consideration of questions of law in connection with the decision rendered under paragraph a of this section: *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.9 *Interest of members, officers, or employees of PHA, members of local governing body or other public officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.10 *Interest of member of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.11 *Nonassignability*—a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the Government: *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the Government promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request the written consent of the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this Section.

c. For the purpose of this section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract or the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX III—ANNUAL CONTRIBUTIONS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER/PHA PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

[To be published for comment at a later date. The Annual Contributions Contract will conform to the provisions of Subparts A and B and Appendices IV and V of these regulations.]

APPENDIX IV—AGREEMENT TO ENTER INTO HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER/PHA PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Part I

This Agreement to Enter into Housing Assistance Payments Contract ("Agreement") is made and entered into by and between the ---------- ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and ---------- ("Owner").

Whereas, the Owner proposes to complete a housing project consisting of the substantial rehabilitation of certain property as described in the approved Final Proposal; and

Whereas, the Owner and the PHA propose to enter into a Housing Assistance Payments Contract ("Contract") upon the completion of said project for the purpose of making housing assistance payments to enable eligible lower-income families ("Families") to occupy units in said projects; and

Whereas, the PHA has entered into an Annual Contributions Contract dated ---------- 19 ----, with the United States of America acting through the Department of Housing and Urban Development ("Government") with respect to Project No. ---------- ("ACC"), under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act for the purpose of making housing assistance payments; and

Whereas, the Owner is also the rehabilitator, or, if the rehabilitator is other than the Owner, the rehabilitator's name is ----------

Now therefore, the parties hereto agree as follows:

1.1 *Contents of agreement.* This Agreement consists of Part I, Part II, and the following exhibits:

Exhibit A: The approved Final Proposal including, among other things, evidence of management capability and, if required: the architect's certification, the Affirmative Fair Housing Marketing Plan, and management program;

Exhibit B: The Housing Assistance Payments Contract ("Contract") to be executed upon acceptable completion of the project;

Exhibit C: The Annual Contributions Contract ("ACC");

Exhibit D: The schedule of completion in stages, if applicable;

Exhibit E: The schedule of minimum rates of wages, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Agreement, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein. Nothing contained in this Agreement shall create or affect any relationship between the PHA and the lender or any contractors or subcontractors employed by the Owner in the completion of the project.

1.2 *Schedule of completion*—a. *Time for Completion.* The project shall be completed in accordance with section 1.4 no later than —— calendar days after the effective date of this Agreement, or in stages as provided for in Exhibit D which identifies the units comprising each stage and the date of commencement and time for completion of each stage. Where completion in stages is provided for, all references to project completion shall be deemed to refer to project completion and/or completion of any stage, as appropriate.

b. *Timely Performance of Work.* The Owner agrees that no later than ----------, 19----, the work will be commenced and diligently continued. In the event the work is not commenced, diligently continued, and/or completed as aforesaid, the PHA reserves the right subject to Government approval, to rescind this Agreement or take other appropriate action. The Owner shall report to the PHA the date work was commenced and shall thereafter furnish the PHA with periodic progress reports (quarterly unless more frequent reporting is required by the PHA).

c. *Delays.* In the event there is delay in the completion due to strikes, lockouts, labor union disputes, fire, unusual delays in transportation, unavoidable casualties, weather, acts of God, or any other causes beyond the Owner's control, or by delay authorized by the PHA, the time for completion shall be extended to the extent that completion is delayed due to one or more of these causes. No increases in the rents set forth in Exhibit B ("Contract Rents") may be granted on account of any such delays.

1.3 *Rehabilitation period*—a. *Changes.* The Owner shall submit for PHA and Government approval any changes from Exhibit A which will materially reduce or alter his obligations or any changes which alter the design or materially reduce the quality or amenities of the project. Approval of such changes may be conditioned on a reduction of Contract Rents. If such changes are made without prior approval by the PHA and the Government, the Owner may be required to reduce the Contract Rents or remedy the defects or deficiencies as a condition for acceptance of the project. Contract Rents may not be increased by reason of any changes or modifications.

b. *Commencement of Marketing.* The Owner shall commence and diligently continue marketing as soon as possible, but in any event no later than 60 days prior to the estimated completion date. The Owner shall notify the PHA of the date of commencement of marketing. The Owner shall also comply with all reporting requirements under the Affirmative Fair Housing Marketing Regulations. Not later than 30 days prior to the estimated completion date and periodically thereafter, the Owner shall notify the PHA of any units which he anticipates will be vacant on the effective date of the Contract. At the time the Contract is executed, the Owner shall submit a list of the dwelling units leased as of the effective date of the Contract and a list of the units not so leased, if any. The Owner will be entitled to housing assistance payments for any unleased units pursuant to section 1.7b of the Contract only if he has fully complied with the requirements of this paragraph and the provisions of that Section.

c. *Management Certification.* Prior to acceptance of the project by the Government, the Owner shall certify in writing that there has been no change in the evidence of management capability or in the proposed management program (if one was required) specified in his Final Proposal other than changes approved in writing by the PHA and the Government in accordance with paragraph a of this section.

d. *Labor Standards Certification.*[1] Prior to acceptance of the project by the Government, the Owner shall certify in writing that he has complied with the provisions of Sections 2.6 through 2.11 of this Agreement, and that to the best of his knowledge and belief there are no claims of underpayment to laborers or mechanics in alleged violation of said provisions of the Agreement. In the event there are any such pending claims to the knowledge of the Owner or the PHA or the Government, the Owner shall be required to place a sufficient amount in escrow as determined by the Government to assure payment thereof.

1.4 *Project completion*—a. *Conformance to Final Proposal.* The completed project shall be in accordance with Exhibit A. The Owner shall be solely responsible for completion of the project.

b. *Notification of Completion.* The Owner shall notify the Government, with a copy to the PHA, when the work is completed and shall submit to the Government the evidence of completion described in paragraph c of this Section.

c. *Evidence of Completion.* Completion of the project shall be evidenced by furnishing the Government with all of the following:

(1) A certification (i) from the authorized local government official or a qualified laboratory that exposed interior and exterior surfaces are free of lead based paint hazards, or (ii) by the Owner that these surfaces have been adequately treated or covered, all in accordance with the applicable

[1] Strike this section if the Contract Rents on the effective date of this Contract, over the maximum total term of this contract, are $100,000 or less.

[1] Strike this paragraph if the project involves fewer than nine Contract units.

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HUD regulations issued pursuant to the Lead Base Paint Poisoning Prevention Act, 42 USC 4801.

(2) A certificate of occupancy and/or other official approvals necessary for occupancy.

(3) A certification by the Owner, which will be supported by the Owners' warranty in the Contract, that:

(i) All work has been completed in accordance with the requirements of this Agreement;

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

(4) [3] A certification by the registered architect responsible for inspection of the work that such inspection was performed by him or under his supervision with the frequency and thoroughness required by the generally accepted standards of professional care and judgment, and that to the best of his knowledge, belief, and professional judgment:

(i) All work has been completed in conformance with the certified working drawings and specifications for the project or approved changes thereto (such changes to be listed);

(ii) The project is in good and tenantable condition; and

(iii) There are no defects or deficiencies in the project except for ordinary punchlist items, or incomplete work awaiting seasonal opportunity such as landscaping and heating system test (such excepted items to be specified).

d. *Inspection*—(1) Within ten working days of the receipt of the Owner's notification of project completion, the Government representative, accompanied by a PHA representative, shall inspect the project and review the evidence of completion listed in paragraph c of this Section. Such inspection shall be sufficient to enable the Government to determine whether the project has been completed in accordance with the Agreement and, in particular, whether there are any observable conditions inconsistent with the certification of the Owner or the architect. As promptly as possible, the Government shall notify the Owner in writing, with a copy to the PHA, as to whether or not the project has been completed in an acceptable manner.

(2) In the event the Owner disputes the Government's determinations, he may submit the controversy to third-party arbitration, at his expense, provided that the arbitration is advisory only.

e. *Acceptance of Project.* If the Government determines that the project is not acceptable under paragraph d(1) of this section, the following shall apply:

(1) If the defects or deficiencies are only punchlist items or incomplete items awaiting seasonal opportunity, the project may be accepted and the Contract executed. If the Owner fails to complete such items within a reasonable time to the satisfaction of the PHA and the Government, the PHA may, upon 30 days notice, as directed by the Government, terminate the Contract or exercise the PHA's other rights under the Contract.

(2) If the defects or deficiencies are other than punchlist items or incomplete work awaiting seasonal opportunity, but the Government determines that the housing is Decent, Safe, and Sanitary and that the project is in good and tenantable condition, the project may be accepted after the Owner corrects the defects or deficiencies or the project may be accepted subject to a specified reduction of the Contract Rents as determined by the Government.

(3) If the Government determines that the project is not in good and tenantable condition or that the housing is not Decent, Safe, and Sanitary, the Government shall determine: (i) Whether the defects or deficiencies can be corrected and (ii) whether a reduction in Contract Rents will be required as a condition to acceptance of the project. If it is determined that the defects or deficiencies can be corrected, the Owner shall be notified of the Government's determinations under (i) and (ii) of this subparagraph, and, if he agrees to comply with the conditions, an agreement shall be entered into pursuant to which the defects or deficiencies will be corrected and the project then accepted. If the Owner is unwilling to enter into such agreement or if he fails to perform the agreement, the project shall not be accepted. Prior to authorizing execution of the Contract, the Government will verify that appropriate corrective action has been taken.

f. *Completion in Stages.* If the project is to be completed in stages, the procedures of this section shall apply to each stage.

1.5 *Execution of housing assistance payments contract*—a. *Time of Execution.* Upon acceptance of the project by the Government pursuant to sections 1.3 and 1.4, the Contract shall be executed by the Owner and the PHA and shall then be approved by the Government.

b. *Completion in Stages.* If completion is in stages, the Contract shall be executed upon completion of the first stage, and the number and types of completed units and their Contract Rents shall be shown in Exhibit A–1 of the Contract. Thereafter, upon completion of each successive stage, the signature block provided in the Contract for that stage shall be executed by the Owner and the PHA and approved by the Government, and Exhibits A–2, A–3, etc., covering the additional units, shall become part of the Contract.

c. *Unleased Units at Time of Execution.* At the time of execution of the Contract, the PHA shall examine the lists of dwelling units leased and not leased, referred to in Section 1.3b, and shall determine whether or not the Owner has met his obligations under that Section with respect to any unleased units. The PHA shall state in writing its determination with respect to the unleased units and for which of those units it will make housing assistance payments pursuant to the Contract. The Owner shall indicate in writing his concurrence with this determination or his disagreement, reserving his rights to claim housing assistance payments for the unleased units pursuant to the Contract, without prejudice by reason of his signing the Contract. Copies of all documents referred to in this paragraph shall be furnished to the Government.

d. *Contract Rents.* The Contract Rents by unit size, amounts of housing assistance payments, and all other applicable terms and conditions shall be as specified in the proposed Housing Assistance Payments Contract, except that in no case may the initial Contract Rents for units in projects financed with mortgages insured under the National Housing Act exceed the rents approved by the Government in connection with the mortgage insurance for such projects.

e. *No Changes in Contract.* Each party has read or is presumed to have read the proposed Contract. It is expressly agreed that there shall be no change in the terms and conditions of the Contract other than in accordance with section 1.3a and paragraph d of this section.

1.6 *Government assurance to owner*—a. The approval of this Agreeemnt by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the PHA in the performance of its obligations under the Contract. The Government and the PHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of annual contributions payable thereunder for housing assistance payments except as authorized in the ACC and the Contract.

b. The ACC states that the ACC provisions quoted below in this paragraph are made for the benefit of the Owner, or his assignees who will have been specifically approved by the Government prior to such assignment, and that to enforce the performance of these provisions, the Owner and such assignees shall have the right to proceed against the Government by suit at law or in equity. Upon the determination by the Government that a default by the PHA has occurred, the following provisions of the ACC (which are hereby made a part of this Agreement), shall be applicable:

(a) *Failure or Inability of PHA to Comply with Agreement.* In the event the Government determines that the PHA is in default of its obligation under the Agreement with the Owner, or if such Agreement is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Agreement is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Agreement is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder as to the project. In such case, the Government will assume the PHA's rights and obligations under the Agreement and carry out the obligations of the PHA under the Agreement, including the obligation to enter into the Contract.

* * * * *

(d) *Return of Rights and Obligations to PHA.* All rights and obligations of the PHA assumed by the Government pursuant to this section 2.17 will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner.

1.7 *Authority of the PHA.* The PHA warrants that it is a "public housing agency" as defined in section 3(6) of the Act and that it is in fact and in law authorized to execute this Agreement.

Effective date. This Agreement shall be effective as of the date of execution by the Government.

In witness whereof, the parties hereto have executed this Agreement in four original counterparts.

WARNING: 18 U.S. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

APPROVED:	
United States of America	PHA ----------
Secretary of Housing and Urban Development	By ----------
	(Official Title)
	Date --------, 19--
By ----------	OWNER ----------
----------	By ----------
(Official Title)	----------
Date --------, 19--	(Official Title)
	Date --------, 19--

Part II

2.1 *Training, employment, and contracting opportunities for businesses and lower-income persons* [1]—a. The project assisted under this Agreement is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Agreement, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (pulished in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Agreement. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Agreement, and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Agreement in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Agreement is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area, and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Agreement will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Agreement. The parties to this Agreement certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontractor is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Agreement, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.2 *Equal employment opportunity* [4]—a. The Owner shall incorporate or cause to be incorporated into any contract for construction work, or modification thereof, as defined in the regulations of the Secretary of Labor at 41 CFR Ch. 60, which is to be performed pursuant to this Agreement, the following Equal Opportunity clause:

EQUAL EMPLOYMENT OPPORTUNITY

During the performance of this contract, the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, creed, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, creed, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment, or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by or at the direction of the Government setting forth the provisions of this Equal Opportunity clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, creed, sex, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by or at the direction of the Government advising the said labor union or workers' representative of the contractor's commitments under this section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by HUD and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the contractor's noncompliance with the Equal Opportunity clauses of this contract or with any of the said rules, regulations, or orders, this contract may be cancelled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions as may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(7) The contractor will include the portion of the sentence immediately preceding paragraph (1) and the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the Government may direct as a means of enforcing such provisions including sanctions for noncompliance; Provided, however, that in the event a contractor becomes involved in, or is threatened with, litigation with a subcon-

[3] Strike this paragraph (4) if the work is to be done other than in accordance with working drawings and specifications prepared and certified to by a registered architect.

[1] Strike this Section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $500,000 or less.

[4] As used in section 2.2, "HUD" means the United States of America acting through the Department of Housing and Urban Development.

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tractor or vendor as a result of such direction by the Government, the contractor may request the United States to enter into such litigation to protect the interest of the United States.

b. The Owner agrees that he will be bound by the above Equal Opportunity clause with respect to his own employment practices when he participates in federally assisted construction work.

c. The Owner agrees that he will assist and cooperate actively with HUD and the Secretary of Labor in obtaining the compliance of contractors and subcontractors with the Equal Opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that he will furnish HUD and the Secretary of Labor such information as they may require for the supervision of such compliance, and that he will otherwise assist HUD in the discharge of HUD's primary responsibility for securing compliance.

d. The Owner further agrees that he will refrain from entering into any contract or contract modification subject to Executive Order No. 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contracts and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of the Equal Opportunity clause as may be imposed upon contractors and subcontractors by the Government or the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

2.3 *Cooperation in equal opportunity compliance reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[5] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Agreement or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communications from the EPA indicating that a facility to be utilized for the Agreement is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this Section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Prevailing wage rates.*[6]—a. Attached hereto and incorporated herein as Exhibit D is a schedule of minimum rates of wages applicable to this Agreement.

b. All laborers and mechanics employed in the construction of the project shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are permitted by the regulations issued by the Secretary of Labor under the Copeland Act (29 CFR Part 3)), the full amounts due at the time of payment computed at wage rates not less than those contained in the wage determination decision of the Secretary of Labor of the United States, which is incorporated herein, regardless of any contractual relationship which may be alleged to exist between the Owner or any subcontractor and such laborers and mechanics; and the wage determination decision and the Department of Labor Wage Rate Information Poster shall be posted by the Owner at the site of the work in a prominent place where it can be easily seen by the workers. For the purpose of this clause, contributions made or costs reasonably anticipated under section 1(b)(2) of the Davis-Bacon Act on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics subject to the provisions of paragraph c of this Section. Also for the purpose of this clause, regular contributions made or costs incurred for more than a weekly period under plants, funds, or programs, but covering the particular weekly period, are deemed to be constructively made or incurred during such weekly period.

c. The Owner may consider as part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, or any bona fide fringe benefits not expressly listed in section 1(b)(2) of the Davis-Bacon Act or otherwise not listed in the wage determination decision of the Secretary of Labor which is included in this Agreement, only when the Secretary of Labor has found, upon the written request of the Owner, that the applicable standards of the Davis-Bacon Act have been met. Whenever practicable, the Owner should request the Secretary of Labor to make such findings before the making of the Agreement. In the case of unfunded plans and programs, the Secretary of Labor may require the Owner to set aside in a separate account assets for the meeting of obligations under the plan or program.

d. The Owner shall comply with the Copeland (Anti-Kickback) Regulations (29 CFR Part 3) of the Secretary of Labor which are herein incorporated by reference.

e. Any class of laborers or mechanics (including apprentices and trainees) which is not listed in the wage determination and which is to be employed under the Agreement shall be classified or reclassified conformably to the wage determination. In the event that agreement cannot be reached on the proper classification or reclassification of a particular class of laborers and mechanics (including apprentices and trainees) to be used, the question will be referred by HUD to the Secretary of Labor for final determination.

f. Whenever the minimum wage rate prescribed in the Agreement for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly wage rate and the Owner is obligated to pay a cash equivalent of such a fringe benefit, an hourly cash equivalent thereof shall be established. In the event that agreement cannot be reached upon a cash equivalent of the fringe benefit, the question will be referred by HUD to the Secretary of Labor for final determination.

g. (1)(i) Apprentices will be permitted to work as such only when they are registered individually under a bona fide apprenticeship program registered with a State apprenticeship agency which is recognized by the Bureau of Apprenticeship and Training, U.S. Department of Labor; or, if no such recognized agency exists in a State, under a program registered with the Bureau of Apprenticeship and Training, U.S. Department of Labor. The allowable ratio of apprentices to journeymen in any craft classification shall not be greater than the ratio permitted to the Owner as to his entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not a trainee as defined in subsection (b) immediately following or is not registered as above, shall be paid the wage rate determined by the Secretary of Labor for the classification of work he actually performed. The Owner will be required to furnish to the other party to this Agreement written evidence of the registration of his program and apprentices, as well as of the appropriate ratios and wage rates for the area of construction prior to using any apprentices on the contract work.

(ii) Trainees will be permitted to work as such when they are bona fide trainees employed pursuant to a program approved by the U.S. Department of Labor, Manpower Administration, Bureau of Apprenticeship and Training, and where subsection (c) immediately following is applicable, in accordance with the provisions of paragraph g(2) of this section.

(iii) On contracts in excess of $10,000 the employment of all laborers and mechanics, including apprentices and trainees, as defined in 29 CFR 5.2(c) shall also be subject to the provisions of paragraph g(2) of this section. Apprentices and trainees shall be hired in accordance with the provisions of paragraph g(2).

(2) The Owner agrees that:

(i) He will make a diligent effort to hire for the performance of the Agreement a number of apprentices or trainees, or both, in each occupation, which bears to the average number of the journeymen in that occupation to be employed in the performance of the Agreement the applicable ratio as determined by the Secretary of Labor;

(ii) He will assure that 25 percent of such apprentices or trainees in such occupation are in their first year of training, where feasible. Feasibility here involves a consideration of (A) the availability of training opportunities for first year apprentices, (B) the hazardous nature of the work for beginning workers, (C) excessive unemployment of apprentices in their second and subsequent years of training;

(iii) During the performance of the Agreement he will, to the greatest extent possible, employ the number of apprentices or trainees necessary to meet currently the requirements of (i) and (ii) immediately preceding;

[5] Strike this section if the Contract Rents under the proposed Housing Assistance Payments Contract, over the maximum term of said Contract, are $100,000 or less.

[6] As used in sections 2.6 through 2.11, "HUD" means the United States of America acting through the Department of Housing and Urban Development. Strike sections 2.6 through 2.11 if the project involves less than nine Contract units.

(iv) He will maintain records of employment by trade of the number of apprentices and trainees, apprentices and trainees by first year of training, and of journeymen, and the wages paid and hours of work of such apprentices, trainees and journeymen; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(v) If he claims compliance based on the criterion stated in 29 CFR 5a.4(b), he will maintain records of employment, as described in the immediately preceding paragraph, on non-Federal and nonfederally assisted construction work done during the performance of the contract in the same labor market area; and he will make these records available for inspection upon request of the Department of Labor and HUD;

(vi) He will supply one copy of the written notices required in accordance with 29 CFR 5a.4(c) at the request of Government compliance officers, and will supply at three-month intervals during the performance of the Agreement and after completion of Agreement performance a statement describing steps taken toward making a diligent effort and containing a breakdown by craft, of hours worked and wages paid for first year apprentices and trainees, other apprentices and trainees, and journeymen. One copy of the statement will be sent to HUD and one to the Secretary of Labor.

2.7 *Submittal of payrolls and related reports*—a. Payrolls and basic records relating thereto shall be maintained during the course of the work and preserved for a period of three years thereafter for all laborers and mechanics employed in the construction of the project. Such records shall contain the name and address of each such employee, his correct classification, rates of pay (including rates of contributions or costs anticipated of the types described in section 1(b)(2) of the Davis-Bacon Act), daily and weekly number of hours worked, deductions made, and actual wages paid. Whenever the Secretary of Labor has found under section 2.6c that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in section 1(b)(2)(B) of the Davis-Bacon Act, the Owner shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, and that the plan or program has been communicated in writing to the laborers or mechanics affected, and records which show the costs anticipated or the actual cost incurred in providing such benefits.

b. The Owner shall submit weekly to the other party to this Agreement such copies and summaries of all his payrolls and those of each of his subcontractors as such other party may require. Each payroll and summary shall be accompanied by a statement signed by the employer or his agent indicating that the payrolls are correct and complete, that the wage rates contained therein are not less than those determined by the Secretary of Labor, and that the classifications set forth for each laborer or mechanic conform with the work he performed. A submission of a "Weekly Statement of Compliance," which is required under this Agreement and the Copeland Regulations of the Secretary of Labor (29 CFR, Part 3), and the filing with the initial payroll or any subsequent payroll of a copy of any findings by the Secretary of Labor under section 2.6c shall satisfy this requirement. The Owner shall make the records required under the labor standards clauses of this Agreement available for inspection by authorized representatives of HUD and the Department of Labor, and will permit such representatives to interview employees during working hours on the job.

c. The Owner shall also furnish to the other parties to this Agreement any other information or certifications relating to employees in such form as such other party may request.

2.8 *Disputes concerning wage rates and classifications of labor*—a. All disputes concerning prevailing wage rates or classifications arising under this Agreement involving (1) significant sums of money, (2) large groups of employees, or (3) novel or unusual situations shall be promptly reported to HUD for decision or, at the option of HUD, referral to the Secretary of Labor of the United States. The decision of HUD or the Secretary of Labor, as the case may be, shall be final.

b. All questions arising under this Agreement relating to the application or interpretation of the Copeland (Anti-Kickback) Act shall be referred to the Secretary of Labor of the United States for ruling or interpretation, and such ruling or interpretation shall be final.

2.9 *Wage claims and adjustments.* In cases of underpayment of salaries or wages to any laborers or mechanics (including apprentices and trainees) by the Owner (or any of his subcontractors), the Owner shall be required to place an amount in escrow, as determined by HUD, sufficient to pay persons employed on the work covered by the Agreement the difference between the salaries or wages actually paid such employees for the total number of hours worked, and the amounts withheld may be disbursed by HUD for and on account of the Owner or the subcontractor to the respective employees to whom they are due.

2.10 *Contract Work Hours and Safety Standards Act—overtime compensation*—a. Neither the Owner nor any subcontractor contracting for any part of the work which may require or involve the employment of laborers or mechanics shall require or permit any laborer or mechanic in any workweek in which he is employed on such work to work in excess of forty hours in such workweek unless such laborer or mechanic receives compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in excess of eight hours in any calendar day or in excess of forty hours in any such workweek, as the case may be.

b. In the event of any violation of the clause set forth in paragraph a of this Section, the Owner and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Owner and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed, with respect to each individual laborer or mechanic employed in violation of the clause set forth in paragraph a of this Section, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of eight hours or in excess of the standard workweek of forty hours without payment of the overtime wages required by the clause set forth in paragraph a.

c. The Owner shall deposit in escrow such amounts determined by HUD to be necessary to satisfy any liability of the Owner or any subcontractor for liquidated damages as provided in paragraph b of this section.

2.11 *Termination; debarment; subcontracts*—a. A breach of the provisions of the foregoing sections 2.6, 2.7, 2.8, 2.9, and 2.10 may be grounds for termination of this Agreement and for debarment as provided in 29 CFR 5.6.

b. The Owner shall insert in any subcontracts sections 2.6 (and with respect to Section 2.6g(2), copies of 29 CFR 5a.4, 5a.5, 5a.6, and 5a.7 shall be attached), 2.7, 2.8, 2.9, 2.10, and 2.11a, and also a clause requiring the subcontractors to include these sections in any lower tier subcontract which they may enter into, together with a clause requiring this insertion in any further subcontracts that may in turn be made.

2.12 *Disputes*—a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Agreement which is not disposed of by agreement of the PHA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this Section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Agreement and in accordance with the decision of the field office director.

c. This Section does not preclude consideration of questions of law in connection with decisions rendered under paragraphs a and b of this section; *Provided, however,* That nothing herein shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

2.13 *Interest of members, officers, or employees of PHA, members of local governing body, or other public officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or in any proceeds or benefits arising therefrom.

2.14 *Interest of member of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Agreement or to any benefits which may arise therefrom.

2.15 *Nonassignability*—a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Agreement or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government; *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees that he will not change to a different rehabilitator from the one named in the preamble of this Agree-

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ment, except with the prior consent of the PHA and the Government.

c. The Owner agrees that the approved rehabilitator has not made, and will not make, except with the prior consent of the PHA and the Government, any assignment or transfer in any form of the rehabilitator's contract to construct the project, or of any part thereof, or any of the rehabilitator's interests therein.

d. The Owner agrees to notify the PHA and the Government promptly of any proposed action covered by paragraph a or b or c of this section. The Owner further agrees to request the written consent of the PHA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

e. For the purpose of this section, a transfer of stock in the Owner or rehabilitator in whole or in part, by a party holding ten percent or more of the stock of said Owner or rehabilitator, or a transfer by more than one stockholder or the owner of 10 percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or rehabilitator, or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Agreement, the project or the rehabilitation contract. With respect to this provision, the Owner, and the party signing this Agreement on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

APPENDIX V—HOUSING ASSISTANCE PAYMENTS CONTRACT—SUBSTANTIAL REHABILITATION—PRIVATE-OWNER/PHA PROJECT

SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM

Part I

This Housing Assistance Payments Contract ("Contract") is entered into by and between the ---------- ("PHA"), which is a public housing agency as defined in the United States Housing Act of 1937, 42 U.S.C. 1437, et seq. ("Act"), at section 1437a(6), and ---------- ("Owner"), and approved by the United States of America acting through the Department of Housing and Urban Development ("Government"), pursuant to the Act and the Department of Housing and Urban Development Act, 42 U.S.C. 3531, et seq.

The parties hereto agree as follows:

1.1 *Contents of contract.* This Contract consists of Part I, Part II, and the following exhibits:

Exhibit A: The schedule showing the number of units by size ("Contract Units") and their applicable rents ("Contract Rents");

Exhibit B: The Project Description;

Exhibit C: The statement of services, maintenance and utilities to be provided by Owner;

Exhibit D: The Affirmative Fair Housing Marketing Plan, if applicable; and

Additional exhibits: [Specify additional exhibits, if any. If none, insert "None."]

This Contract, including said exhibits, comprises the entire agreement between the parties hereto, and neither party is bound by any representations or agreements of any kind except as contained herein.

1.2 *Owner's warranties.*—a. *Legal Capacity.* The Owner warrants that he has the legal right to execute this Contract and to lease dwelling units covered by this Contract.

b. *Completion of Work.* The Owner warrants that the project as described in Exhibit B is in good and tenantable condition and that all work has been completed in accordance with the terms and conditions of the Agreement to Enter into Housing Assistance Payments Contract ("Agreement") or will be completed in accordance with the terms on which the project was accepted. The Owner further warrants that he will remedy any defects or omissions covered by this warranty if called to his attention within 12 months of the effective date of this Contract.

1.3 *Families to be housed; PHA assistance.*—a. *Families To Be Housed.* The Contract Units are to be leased by the Owner to eligible lower-income families ("Families") for use and occupancy by such Families solely as private dwellings.

b. *PHA Assistance.* The PHA hereby agrees to make housing assistance payments on behalf of Families for the Contract Units, to enable such Families to lease Decent, Safe, and Sanitary housing pursuant to section 8 of the Act. Such housing assistance payments shall equal the difference between the Contract Rents for units leased by Families and the portion of such rents payable by Families as determined by the Owner in accordance with schedules and criteria established by the Government.

1.4 *Term of contract; fiscal year.*—a. *Term of Contract.* The initial term of this Contract shall be ---------- years (not to exceed five years) beginning with the effective date of this Contract and ending ----------, 19----. This Contract may be renewed, at the sole option of the Owner, for ---------- additional term(s) of ---- years each (not to exceed five years each), provided that the total Contract term for any unit, including renewals, shall not exceed ---- years. [Insert number as specifically authorized by the Government, but in no event more than 20 years, or 40 years in the case of a project owned by, or financed by a loan or a loan guarantee from, a State or local agency.] Renewal shall be automatic unless the Owner notifies the PHA, no later than 60 days prior to the expiration of the current term, of his intention not to renew. If the project is accepted in stages, the dates for the initial term and renewal terms shall be separately related to the units in each stage: *Provided, however,* That the total Contract term for the units in all the stages counting from the effective date of the Contract with respect to the first stage, shall not exceed the total Contract term specified in the second sentence of this paragraph a, plus two years.

b. *Fiscal Year.* The Fiscal Year for the project shall be the 12-month period ending on ---------- [insert March 31, June 30, September 30, or December 31, as determined by the Government] of each calendar year; Provided, however, that the first Fiscal Year for the project shall be the period beginning with the effective date of the Contract and ending on the last day of said established Fiscal Year which is not less than ---- months after such effective date. If the first Fiscal Year exceeds 12 months, the maximum total annual housing assistance payment in Section 1.6a may be adjusted by the addition of the pro rata amount applicable to the period of operation in excess of 12 months.

1.5 *Annual contributions contract.*—a. *Identification of Annual Contributions Contract.* The PHA has entered into an Annual Contributions Contract dated ----------, 19..., with the Government, with respect to Project No. ---------- ("ACC"), under which the Government will provide financial assistance to the PHA pursuant to section 8 of the Act, for the purpose of making housing assistance payments. A copy of the ACC shall be provided upon request.

b. *PHA Pledge of Certain ACC Payments.* The PHA hereby pledges to the payment of housing assistance payments pursuant to this Contract the portion of annual contributions payable under the ACC for such housing assistance payments. The PHA shall not, without the consent of the Owner, amend or modify the ACC in any manner which would reduce the amount of such annual contributions, except as authorized in the ACC and this Contract.

c. *Government Approval of Housing Assistance Payments Contract.* The approval of this Contract by the Government signifies that the Government has executed the ACC and that the ACC has been properly authorized; that the faith of the United States is solemnly pledged to the payment of annual contributions pursuant to said ACC; and that funds have been obligated by the Government for such payments to assist the PHA in the performance of its obligations under the Contract.

1.6 *Maximum housing assistance commitment; project reserve.*—a. *Maximum Housing Assistance Commitment.* Notwithstanding any other provisions of this Contract (other than paragraph b of this Section) or any provisions of any other contract between the PHA and the Owner, the PHA shall not be obligated to make and shall not make any housing assistance payments under this Contract in excess of $---------- per annum (the amount specified in the ACC for such housing assistance payments); Provided, however, that this amount shall be reduced commensurate with any reduction in the number of units under this Contract.

b. *Project Reserve.* As provided in the ACC, a project account shall be established and maintained, in an amount as determined by the Government consistent with its responsibilities under section 8(c)(6) of the Act, out of amounts by which the maximum annual ACC commitment exceeds amounts paid under the ACC for any Fiscal Year. This account shall be established and maintained by the Government as a specifically identified and segregated account. To the extent funds are available in said account, the maximum total annual housing assistance payments for any Fiscal Year may exceed the maximum amount stated in paragraph a of this Section to cover increases in Contract Rents or decreases in Family incomes (see section 1.9). Any amount remaining in said account after payment of the last housing assistance payment with respect to the project shall be applied by the Government as a receipt in accordance with section 10(b) of the Act.

1.7 *Housing assistance payments to owners.*—a. *General.* Housing assistance payments shall be paid to the Owner for units under lease by Families in accordance with the Contract. The housing assistance payment will pay the Owner the difference between the Contract Rent and that portion of said rent payable by the Family as determined in accordance with the Government-established schedules and criteria. The amounts of housing assistance payment payable on behalf of a Family and the amount of rent payable by such Family shall be subject to change by reason of changes in Family income, Family composition, extent of exceptional medical or other unusual expenses, or by reason of adjustment by the Government of any applicable Allowance for Utilities and Other Services. Any such change shall be determined in accordance with the Government-established schedules and criteria, and shall be effective as of the date stated in a notification of such change to the Family.

b. *Vacancies During Rent-up.* If a Contract Unit is not leased as of the effective date of the Contract, the Owner shall be entitled to housing assistance payments in the amount of 70 percent of the Contract Rent for the unit for a vacancy period not exceeding 60 days from the effective date of the Contract, provided that the Owner (1) commenced marketing and otherwise complied with section 1.3b of the Agreement, (2) has taken and continues to take all feasible actions to fill the vacancy, including, but not limited to, contacting applicants on his waiting list, requesting the PHA and other appropriate sources to refer eligible applicants, and advertising the availability of the unit, and (3) has not rejected any eligible applicant, except for good cause acceptable to the PHA.

c. *Vacancies After Rent-up.*—(1) If a Family vacates its unit (other than as a result of action by the Owner which is in violation of the Lease or the Contract or any applicable law), the Owner shall receive housing assistance payments in the amount of 70 percent of the Contract Rent for a vacancy period not exceeding 60 days; Provided, however, that if the Owner collects any of the Family's share of the rent for this period in an amount which, when added to the 70 percent payments, results in more than the Contract Rent, such excess shall be payable to the Government or as the Government may direct. (See also section 1.10b.) The Owner shall not be entitled to any payment under this subparagraph unless he: (i) Immediately upon learning of the vacancy, has notified the PHA of the vacancy or prospective vacancy and the reasons for the vacancy, and (ii) has taken and continues to take the actions specified in paragraphs b(2) and b(3) of this section.

(2) If the Owner proposes to evict a Family, he shall not be entitled to any payment under paragraph c(1) of this Section unless the request for such payment is supported by a certification that (i) he has given such Family a written notice of the proposed eviction, stating the grounds and advising the Family that it has 10 days within which to present its objections to the Owner in writing or in person and (ii) the proposed eviction is not in violation of the Lease or the Contract or any applicable law.

d. *Limitation on Payments for Vacant Units.* The Owner shall not be entitled to housing assistance payments with respect to vacant units under this section to the extent he is entitled to payments from other sources (e.g., payments for losses of rental income incurred for holding units vacant for relocatees pursuant to Title I of the Housing and Community Development Act of 1974 or payments under Section 1.10b of this Contract.

e. *PHA Not Obligated for Family Rent.* The PHA has not assumed any obligation for the amount of rent payable by any Family or the satisfaction of any claim by the Owner against any Family other than in accordance with section 1.10b of this Contract. The financial obligation of the PHA is limited to making housing assistance payments on behalf of Families in accordance with this Contract.

f. *Owner's Monthly Requests for Payments.*—(1) The Owner shall submit monthly requests to the PHA or as directed by the PHA for housing assistance payments. Each such request shall set forth: (i) the name of each Family and the address and/or number of the unit leased by the Family; (ii) the address and/or the number of units, if any, not leased to Families for which the Owner is claiming payments; (iii) the Contract Rent as set forth in Exhibit A for each unit for which the Owner is claiming payments; (iv) the amount of rent payable by the Family leasing the unit; and (v) the total amount of housing assistance payments requested by the Owner.

(2) If the Owner has received an excessive payment, the PHA or the Government, in addition to any other rights to recovery, may deduct the amount from any subsequent payment or payments.

(3) The statement set forth in each of the Owner's monthly requests for housing assistance payments shall be made subject to penalty under 18 U.S.C. 1001, which provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

1.8 *Maintenance, operation and inspection.*—a. *Maintenance and Operation.* The Owner agrees (1) to maintain and operate the Contract Units and related facilities so as to provide Decent, Safe, and Sanitary housing, and (2) to provide all the services, maintenance and utilities set forth in Exhibit C. If the PHA determines that the Owner is not meeting any of these obligations, the PHA shall have the right, in addition to its other rights and remedies under this Contract, to abate housing assistance payments in whole or in part.

b. *Inspection.*—(1) Prior to occupancy of any unit by a Family, the Owner and the Family shall inspect the unit and both shall certify, on the form prescribed by the Government, that they have inspected the unit and have determined it to be Decent, Safe, and Sanitary in accordance with the criteria provided in the prescribed form.

(2) The PHA shall inspect or cause to be inspected each Contract Unit and related facilities at least annually and at such other times (including prior to initial occupancy of any unit) as the PHA may determine to be necessary to assure that the Owner is meeting his obligation to maintain the units in Decent, Safe, and Sanitary condition and to provide the agreed upon utilities and other services. The PHA shall take into account complaints by occupants and any other information coming to its attention in scheduling inspections.

c. *Units Not Decent, Safe, and Sanitary.* If the PHA notifies the Owner that he has failed to maintain a dwelling unit in Decent, Safe, and Sanitary condition and the Owner fails to take corrective action within the time prescribed in the notice, the PHA may exercise any of its rights or remedies under the Contract, including abatement of housing assistance payments, even if the Family continues to occupy the unit. If, however, the Family wishes to be rehoused in another dwelling unit with section 8 assistance and the PHA does not have other section 8 funds for such purposes, the PHA may use the abated housing assistance payments for the purpose of rehousing the Family in another dwelling unit. Where this is done, the Owner shall be notified that he will be entitled to resumption of housing assistance payments for the vacated dwelling unit if (1) the unit is restored to Decent, Safe, and Sanitary condition, (2) the Family is willing to and does move back into the restored unit, and (3) a deduction is made for the expenses incurred by the Family for both moves.

d. *Notification of Abatement.* Any abatement of housing assistance payments shall be effective as provided in written notification to the Owner. The PHA shall promptly notify the Family of any such abatement.

e. *Overcrowded and Underoccupied Units.* If the PHA determines that a Contract Unit is not Decent, Safe, and Sanitary by reason of overcrowding, or that a Contract unit is larger than appropriate for the size of the Family in occupancy, housing assistance payments with respect to such unit will not be abated, unless the Owner fails to offer the Family a suitable unit as soon as one becomes vacant and ready for occupancy. In the case of an overcrowded unit, if the Owner does not have any suitable units or if no vacancy of a suitable unit occurs within a reasonable time, the PHA will assist the Family in finding a suitable dwelling unit and require the Family to move to such a unit as soon as possible. The owner may receive housing assistance payments for the vacated unit if he complies with the requirements of section 1.7c(1).

1.9 *Rent adjustments.*—a. *Funding of Adjustments.* Housing assistance payments will be made in increased amounts commensurate with Contract Rent Adjustments under this Section up to the maximum total annual housing assistance payments committed under section 1.6a of this Contract. The provisions of the ACC which are referred to in section 1.6b of this Contract are designed (by providing for maximum total annual commitments in excess of the amounts required at the time of the initial rental of dwelling units and by setting aside such excess amounts in a project reserve) to assure that housing assistance payments will be increased on a timely basis to cover increases in Contract Rents or decreases in Family incomes. The ACC further provides that the Government will take such additional steps authorized by section 8(c)(6) of the Act as may be necessary to carry out this assurance, including (as provided in that section) "the reservation of annual contributions authority for the purpose of amending housing assistance contracts or the allocation of a portion of new authorizations for the purpose of amending housing assistance contracts."

b. *Automatic Annual Adjustments.*— (1) Automatic Annual Adjustment Factors will be determined by the Government at least annually; interim revisions may be made as market conditions warrant. Such Factors and the basis for their determination will be published in the FEDERAL REGISTER. These published Factors will be reduced appropriately by the Government where utilities are paid directly by the Families.

(2) On each anniversary date of the Contract, the Contract Rents shall be adjusted by applying the applicable Automatic Annual Adjustment Factor most recently published by the Government. Contract Rents may be adjusted upward or downward, as may be appropriate; however, in no case shall the adjusted Contract Rents be less than the Contract Rents on the effective date of the Contract.

c. *Special Additional Adjustments.* Special additional adjustments may be granted, when approved by the Government, to reflect increases in the actual and necessary expenses of owning and maintaining the Contract Units which have resulted from substantial general increases in real property taxes, utility rates, or similar costs (i.e., costs for which the price or rate is established by or subject to regulation by a public body or entity), but only if and to the extent that the Owner clearly demonstrates that such general increases have caused increases in the Owner's operating costs which are not adequately compensated for by automatic annual adjustments. The Owner shall submit to the Government financial statements which clearly support the increase.

d. *Overall Limitation.* Notwithstanding any other provisions of this Contract, adjustments as provided in this Section shall not result in material differences between the rents charged for assisted and comparable unassisted units, as determined by the Government.

e. *Incomporation of Rent Adjustment.* Any adjustment in Contract Rents shall be incorporated into Exhibit A by a dated addendum to the exhibit.

1.10 *Marketing and leasing of units.*—a. *Compliance with Equal Opportunity.* Marketing of units and selection of Families by the Owner shall be in accordance with the

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Owner's Government-approved Affirmative Fair Housing Marketing Plan, shown as Exhibit D, and with all regulations relating to fair housing advertising.

b. *Security Deposits.*—The Owner shall not require Families to pay security deposits In lieu thereof, the Owner may claim reimbursement from the PHA under this Contract for unpaid rent by a departing Family and/or cost of repairs for damage caused by such Family not to exceed a total reimbursement in an amount equal to one month's Contract Rent.

c. *Eligibility, Selection and Admission of Families.*—(1) The Owner shall be responsible for determination of eligibility of applicants, selection of families from among those determined to be eligible, and computation of the amount of housing assistance payments on behalf of each selected Family in accordance with schedules and criteria established by the Government. In the initial renting of the Contract Units, the Owner shall lease at least 30 percent to Very Low-Income Families (determined in accordance with the Government-established schedules and criteria) and shall thereafter exercise his best efforts to maintain at least 30 percent occupancy of the Contract Units by Very Low-Income Families as determined in accordance with such schedules and criteria.

(2) The Lease entered into between the Owner and each selected Family shall be on the form of Lease approved by the Government.

(3) The Owner shall make a reexamination of Family Income, composition, and the extent of medical or other unusual expenses incurred by the Family, at least annually (except that such reviews may be made at intervals of no longer than two years in the case of elderly Families), and appropriate redeterminations shall be made by the Owner of the amount of Family contribution and the amount of housing assistance payment, all in accordance with schedules and criteria established by the Government.

d. *Rent Redetermination after Adjustment in Allowance for Utilities and Other Services.* In the event that the Owner is notified of a Government determination making an adjustment in the Allowance for Utilities and Other Services applicable to any of the Contract Units, the Owner shall promptly make a corresponding adjustment in the amount of rent to be paid by the affected Families and the amount of housing assistance payments.

e. *Processing of Applications and Complaints.* The Owner shall process applications for admission, notifications to applicants, and complaints by applicants in accordance with applicable Government requirements and shall maintain records and furnish such copies or other information as may be required by the Government.

f. *Review; Incorrect Payments.* In making housing assistance payments to Owners, the PHA or the Government will review the Owner's determinations under this Section. If as a result of this review, or other reviews, audits or information received by the PHA or the Government at any time, it is determined that the Owner has received improper or excessive housing assistance payments, the PHA or the Government shall have the right to deduct the amount of such overpayments from any amounts otherwise due the Owner, or otherwise effect recovery thereof.

1.11 *Termination of tenancy.* The Owner shall be responsible for termination of tenancies, including evictions. However, conditions for payment of housing assistance payments for any resulting vacancies shall be as set forth in section 1.7c.

1.12 *Reduction of number of contract units for failure to lease to eligible families—*

a. *Twelve Months after Effective Date of Contract.* If at any time, beginning six months after the effective date of this Contract, the Owner fails for a continuous period of six months to have at least 80 percent of the Contract Units leased or available for leasing by Families, the PHA, with Government approval, may on 30 days notice reduce the number of Contract Units to not less than the number of units under lease or available for leasing by Families, plus 10 percent of such number, if that number is 10 or more, rounded to the next highest number.

b. *At End of Initial and Each Renewal Term.* At the end of the initial term of the Contract and of each renewal term, the PHA, with Government approval, may, by notice to the Owner, reduce the number of Contract Units to not less than (1) the number of units under lease or available for leasing by Families at that time or (2) the average number of units so leased or available for leasing during the last year, whichever is the greater number, plus 10 percent of such number, if the number is 10 or more, rounded to the next highest number.

Effective date. The effective date of this Contract is ----------, 19--- [Insert date which shall be no earlier than the date of approval by the Government.]

WARNING: 18 U.S.C. 1001 provides, among other things, that whoever knowingly and willfully makes or uses a document or writing containing any false, fictitious, or fraudulent statement or entry, in any matter within the jurisdiction of any department or agency of the United States, shall be fined not more than $10,000 or imprisoned for not more than five years, or both.

APPROVED:

OWNER ----------
By ----------
(Official Title)
Date --------, 19--

United States of America
Secretary of Housing and Urban Development

By ----------

(Official Title)
Date --------, 19--

PHA ----------
By ----------
(Official Title)
Date --------, 19--

[If the project is to be completed and accepted in stages, execution of the Contract with respect to the several stages appears on the following pages of this Contract.]

EXECUTION OF CONTRACT WITH RESPECT TO CONTRACT UNITS COMPLETED AND ACCEPTED IN STAGES

Stage 1

This Contract is hereby executed with respect to the units described in Exhibit A–1.

Effective date. The effetcive date of this Contract with respect to the units described in Exhibit A–1 is ----------, 19---- [Insert date which shall be no earlier than the date of approval by the Government.]

APPROVED:

OWNER ----------
By ----------
(Official Title)
Date --------, 19--

United States of America
Secretary of Housing and Urban Development

By ----------

(Official Title)
Date --------, 19--

PHA ----------
By ----------
(Official Title)
Date --------, 19--

Stage 2

This Contract is hereby executed with respect to the units described in Exhibit A–2.

Effective date. The effective date of this Contract with respect to the units described in Exhibit A–2 is ----------, 19----- [Insert date which shall be no earlier than the date of approval by the Government.]

APPROVED:

OWNER ----------
By ----------
(Official Title)
Date --------, 19--

United States of America
Secretary of Housing and Urban Development

PHA ----------
By ----------
(Official Title)
Date --------, 19--

By ----------

(Official Title)
Date --------, 19--

Stage 3

This Contract is hereby executed with respect to the units described in Exhibit A–3.

Effective date. The effective date of this Contract with respect to the units described in Exhibit A–3 is ----------, 19----- [Insert date which shall be no earlier than the date of approval by the Government.]

APPROVED:

OWNER ----------
By ----------
(Official Title)
Date --------, 19--

United States of America, Secretary of Housing and Urban Development

PHA ----------
By ----------
(Official Title)
Date --------, 19--

By ----------

(Official Title)
Date --------, 19--

Part II

2.1 *Nondiscrimination in housing*—a. The Owner shall not in the selection of Families, in the provision of services, or in any other manner, discriminate against any person on the grounds of race, color, creed, religion, sex, or national origin. No person shall be automatically excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program because of membership in a class such as unmarried mothers, recipients of public assistance, etc.

b. The Owner shall comply with all requirements imposed by Title VIII of the Civil Rights Act of 1968, and any rules and regulations pursuant thereto.

c. The Owner shall comply with all requirements imposed by Title VI of the Civil Rights Act of 1964, Pub. L. 88–352, 78 Stat. 241; the regulations of the Department of Housing and Urban Development issued thereunder, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; the requirements of said Department pursuant to said regulations; and Executive Order 11063 to the end that, in accordance with that Act, the regulations and requirements of said Department thereunder, and said Executive Order, no person in the United States shall, on the grounds of race, color, creed, religion or national origin, be excluded from participation in, or be denied the benefits of, the Housing Assistance Payments Program, or be otherwise subjected to discrimination. This provision is included pursuant to the regulations of the Department of Housing and Urban Development, 24 CFR, Subtitle A, Part 1, § 1.1, et seq.; issued under Title VI of the said Civil Rights Act of 1964, and the requirements of said Department pursuant to said regulations; and the obligation of the Owner to comply therewith inures to benefit of the Government, the said Department, and the PHA any of which shall be entitled to invoke any remedies available by law to redress any breach thereof or to compel compliance therewith by the Owner.

2.2 *Training, employment, and contracting opportunities for businesses and lower-income persons*[1]—a. The project assisted under this Contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

b. Notwithstanding any other provision of this Contract, the Owner shall carry out the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135 (published in 38 FR 29220, October 23, 1973), and all applicable rules and orders of the Secretary issued thereunder prior to the execution of this Contract. The requirements of said regulations include, but are not limited to, development and implementation of an affirmative action plan for utilizing business concerns located within, or owned in substantial part by persons residing in, the area of the project; the making of a good faith effort, as defined by the regulations, to provide training, employment, and business opportunities required by section 3; and incorporation of the "section 3 clause" specified by § 135.20(b) of the regulations and paragraph d of this Section in all contracts for work in connection with the project. The Owner certifies and agrees that he is under no contractual or other disability which would prevent him from complying with these requirements.

c. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Secretary issued thereunder prior to approval by the Government of the application for this Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the Owner, his successors and assigns. Failure to fulfill these requirements shall subject the Owner, his contractors and subcontractors, his successors, and assigns to the sanction specified by this Contract and to such sanctions as are specified by 24 CFR 135.135.

d. The Owner shall incorporate or cause to be incorporated into any contract or subcontract for work pursuant to this Contract in excess of $50,000 cost, the following clause:

EMPLOYMENT OF PROJECT AREA RESIDENTS AND CONTRACTORS

A. The work to be performed under this Contract is on a project assisted under a program providing direct Federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower-income residents of the project area and contracts for work in connection with the project be awarded to business concerns which are located in, or owned in substantial part by persons residing in, the area of the project.

B. The parties to this Contract will comply with the provisions of said section 3 and the regulations issued pursuant thereto by the Secretary of Housing and Urban Development set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of this Contract. The parties to this Contract certify and agree that they are under no contractual or other disability which would prevent them from complying with these requirements.

C. The contractor will send to each labor organization or representative of workers with which he has a collective bargaining agreement or other contract or understanding, if any, a notice advising the said labor organization or workers' representative of his commitments under this section 3 clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment or training.

D. The contractor will include this section 3 clause in every subcontract for work in connection with the project and will, at the direction of the applicant for or recipient of Federal financial assistance, take appropriate action pursuant to the subcontract upon a finding that the subcontract is in violation of regulations issued by the Secretary of Housing and Urban Development, 24 CFR Part 135. The contractor will not subcontract with any subcontractor where it has notice or knowledge that the latter has been found in violation of regulations under 24 CFR Part 135, and will not let any subcontract unless the subcontractor has first provided it with a preliminary statement of ability to comply with the requirements of these regulations.

E. Compliance with the provisions of section 3, the regulations set forth in 24 CFR Part 135, and all applicable rules and orders of the Department issued thereunder prior to the execution of the Contract, shall be a condition of the Federal financial assistance provided to the project, binding upon the applicant or recipient for such assistance, its successors, and assigns. Failure to fulfill these requirements shall subject the applicant or recipient, its contractors and subcontractors, its successors, and assigns to those sanctions specified by the grant or loan agreement or contract through which Federal assistance is provided, and to such sanctions as are specified by 24 CFR 135.135.

e. The Owner agrees that he will be bound by the above Employment of Project Area Residents and Contractors clause with respect to his own employment practices when he participates in federally assisted work.

2.3 *Cooperation in equal opportunity compliance reviews.* The PHA and the Owner shall cooperate with the Government in the conducting of compliance reviews and complaint investigations pursuant to all applicable civil rights statutes, Executive Orders, and rules and regulations pursuant thereto.

2.4 *Flood insurance.* If the project is located in an area that has been identified by the Secretary of Housing and Urban Development as an area having special flood hazards and if the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount at least equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less.

2.5 *Clean Air Act and Federal Water Pollution Control Act.*[2] In compliance with regulations issued by the Environmental Protection Agency ("EPA"), 40 CFR Part 15, 39 FR 11099, pursuant to the Clean Air Act, as amended ("Air Act"), 42 U.S.C. 1857, et seq., the Federal Water Pollution Control Act, as amended ("Water Act"), 33 U.S.C. 1251, et seq., and Executive Order 11738, the Owner agrees that:

a. Any facility to be utilized in the performance of this Contract or any subcontract shall not be a facility listed on the EPA List of Violating Facilities pursuant to § 15.20 of said regulations;

b. He will promptly notify the PHA of the receipt of any communication from the EPA indicating that a facility to be utilized for the Contract is under consideration to be listed on the EPA List of Violating Facilities;

c. He will comply with all the requirements of section 114 of the Air Act and section 308 of the Water Act relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in section 114 and section 308 of the Air Act and the Water Act, respectively, and all regulations and guidelines issued thereunder; and

d. He will include or cause to be included the provisions of this section in every nonexempt subcontract, and that he will take such action as the Government may direct as a means of enforcing such provisions.

2.6 *Reports and access to premises and records.*—a. The Owner shall furnish such information and reports pertinent to the Contract as reasonably may be required from time to time by the PHA or the Government.

b. The Owner shall permit the PHA or the Government or any of their duly authorized representatives to have access to the premises and, for the purpose of audit and examination, to have access to any books, documents, papers and records of the Owner that are pertinent to compliance with this Contract, including the verification of information pertinent to the monthly requests for housing assistance payments.

2.7 *Default by the owner*—a. A default by the Owner under this Contract shall result if:

(1) The Owner has violated or failed to comply with any provision of, or obligation under, this Contract or of any Lease; or

(2) The Owner has asserted or demonstrated an intention not to perform some or all of his obligations under this Contract or under any Lease.

b. Upon a determination by the PHA that a default has occurred, the PHA, with approval of the Government, shall notify the Owner of the nature of the default, of the actions required to be taken on account of the default (including the curing of the default by the Owner, the abatement of housing assistance payments in whole or in part, where appropriate, or any combination of actions), and of the time within which the Owner shall respond with a showing that he has taken all the actions required of him. If the Owner fails to respond or take action to the satisfaction of the PHA and the Government, the PHA shall take appropriate actions as directed or approved by the Government, to achieve compliance or to terminate the Contract in whole or in part.

2.8 *Default by the PHA.* The ACC states that the ACC provisions quoted in this Section are made with, and for the benefit of, the Owner or his assignees who will have been specifically approved by the Government prior to such assignment, and that to enforce the performance of these provisions, the Owner and such assignees shall have the right to proceed against the Government by suit at law or in equity. Upon the determination by the Government that a default by the PHA has occurred, the following provisions of the ACC (which is hereby made a part of this Contract), shall be applicable:

[1] Strike this section if the Contract Rents on the effective date of this Contract, over the maximum term of this Contract, are $500,000 or less.

[2] Strike this section if the Contract Rents on the effective date of this Contract, over the maximum total term of this Contract, are $100,000 or less.

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(b) *Failure or Inability of PHA to Comply with Contract.* In the event of failure of the PHA to comply with the Contract with the Owner, or if such Contract is held to be void, voidable or ultra vires, or if the power or right of the PHA to enter into such Contract is drawn into question in any legal proceeding, or if the PHA asserts or claims that such Contract is not binding upon the PHA for any such reason, the Government may, after reasonable notice to the PHA, determine that the occurrence of any such event, if the Owner is not in default, constitutes a Substantial Default hereunder. In such case, the Government will assume the PHA's rights and obligations under such Contract, and the Government shall, for the duration of such Contract, continue to pay Annual Contributions for the purpose of making housing assistance payments with respect to dwelling units under such Contract, shall perform the obligations and enforce the rights of the PHA, and shall exercise such other powers as the Government may have to cure the Default.

• • • • •

(d) *Return of Rights and Obligations to PHA.* All rights and obligations of the PHA assumed by the Government pursuant to this section 2.17 will be returned as constituted at the time of such return (1) when the Government is satisfied that all defaults have been cured and that the Project will thereafter be administered in accordance with all applicable requirements or (2) when the Housing Assistance Payments Contract is at an end, whichever occurs sooner."

2.9 *Remedies not exclusive and non-waiver of remedies.* The availability of any remedy under this Contract shall not preclude the exercise of any other remedy under this Contract or under any provisions of law, nor shall any action taken in the exercise of any remedy be deemed a waiver of any other rights or remedies. Failure to exercise any right or remedy shall not constitute a waiver of the right to exercise that or any other right or remedy at any time.

2.10 *Disputes*—a. Except as otherwise provided herein, any dispute concerning a question of fact arising under this Contract which is not disposed of by agreement of the PHA and the Owner may be submitted by either party to the Department of Housing and Urban Development field office director who shall make a decision and shall mail or otherwise furnish a written copy thereof to the Owner and the PHA.

b. The decision of the field office director shall be final and conclusive unless, within 30 days from the date of receipt of such copy, either party mails or otherwise furnishes to the Government a written appeal addressed to the Secretary of Housing and Urban Development. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this section, the appellant shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, both parties shall proceed diligently with the performance of the Contract and in accordance with the decision of the field office director.

c. This section does not preclude consideration of questions of law in connection with the decisions rendered under paragraphs a and b of this Section; Provided, however, that nothing herein shall be construed as making final the decision of any administrative official, representative, or board, on a question of law.

2.11 *Interest of members, officers, or employees of PHA, members of local governing body or other public officials.* No member, officer, or employee of the PHA, no member of the governing body of the locality (city and county) in which the project is situated, no member of the governing body of the locality in which the PHA was activated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the project, during his tenure or for one year thereafter, shall have any interest, direct or indirect, in this Contract or in any proceeds or benefits arising therefrom.

2.12 *Interest of members of or delegate to Congress.* No member of or delegate to the Congress of the United States of America or resident commissioner shall be admitted to any share or part of this Contract or to any benefits which may arise therefrom.

2.13 *Nonassignability.*—a. The Owner agrees that he has not made and will not make any sale, assignment, or conveyance or transfer in any other form, of this Contract or the project or any part thereof or any of his interest therein, without the prior consent of the PHA and the Government: *Provided, however,* That in the case of an assignment as security for the purpose of obtaining financing of the project, the PHA and the Government shall consent in writing if the terms of the financing have been approved by the Government. An assignment by the Owner to a limited partnership of which the Owner is the sole general partner shall not be considered an assignment herein.

b. The Owner agrees to notify the PHA and the Government promptly of any proposed action covered by paragraph a of this Section. The Owner further agrees to request the written consent of the PHA and the Government in regard thereto, except in the case of an assignment as security as provided in paragraph a of this section.

c. For the purpose of this section, a transfer of stock in the Owner in whole or in part, by a party holding ten percent or more of the stock of said Owner, or a transfer by more than one stockholder or the Owner of ten percent or more of the stock of said Owner, or any other similarly significant change in the ownership of such stock or in the relative distribution thereof, or with respect to the parties in control of the Owner or the degree thereof, by any other method or means, whether by increased capitalization, merger with another corporation, corporate or other amendments, issuance of new or additional stock or classification of stock or otherwise, shall be deemed an assignment, conveyance, or transfer with respect to this Contract on the project. With respect to this provision, the Owner and the party signing this Contract on behalf of said Owner, represent that they have the authority of all of the existing stockholders of the Owner to agree to this provision on behalf of said stockholders and to bind them with respect thereto.

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit—FHA Commissioner.

[FR Doc.74-27333 Filed 11-21-74;8:45 am]

federal register

FRIDAY, NOVEMBER 22, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 227

PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the modifications and supersedeas decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing general wage determination decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and supersedeas decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rulemaking procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Illinois	AR–3171
Maryland	AR–2085
North Carolina	AR–4058
Ohio	AR–3172, AR–3173
Oklahoma	AR–80

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Connecticut:	
AR–3095; AR–3097; AR–3099; AR–3100; AR–3101	Aug. 12, 1974
Florida:	
AQ–4091	Mar. 22, 1974
Michigan:	
AR–3141	Aug. 23, 1974
Nebraska:	
AR–75	Nov. 1, 1974
Oklahoma:	
AR–50	Sept. 27, 1974
Pennsylvania:	
AQ–2016	Aug. 17, 1974
AQ–2043	Aug. 2, 1974
AQ–2050	Feb. 15, 1974
AQ–2099	Apr. 19, 1974
AR–2036	Sept. 20, 1974
Virginia:	
AR–2025	Aug. 23, 1974
Washington, D.C.:	
AR–2026	Aug. 23, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Arkansas:	
AP–1107(AR–4057)	June 29, 1973
California:	
AQ–1092(AR–1047); AQ–1093(AR–1048)	Mar. 15, 1974
Louisiana:	
AP–1107(AR–4057)	June 29, 1973
Maryland:	
AR–2022(AR–2084)	Aug. 23, 1974
AR–2050(AR–2086)	Sept. 6, 1974
Mississippi:	
AP–1107(AR–4057)	June 29, 1973
New Jersey:	
AQ–2093(AR–2081)	Apr. 5, 1974
AQ–2097(AR–2082); AQ–2098(AR–2080)	Apr. 12, 1974
AQ–2102(AR–2083)	Apr. 19, 1974
Oklahoma:	
AR–15(AR–81)	Aug. 16, 1974
South Dakota:	
AP–908(AR–1050)	June 15, 1973
AR–1028(AR–1049)	Aug. 30, 1974
Tennessee:	
AP–1107(AR–4057)	June 29, 1973

Signed at Washington, D.C., this 15th day of November 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

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DECISION NO. AR-3171

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	App. Tr.
Painters:					
Grundy County:					
Bridges W/Buck Places & Hand Rails Only	$8.80	.42	.35		.03
Bridges W/O Superstructures	9.30	.42	.35		.03
Bridges W/Superstructure & Lift Type	9.80	.42	.35		.03
Kankakee; Iroquois Counties:					
Brush	7.67	.35			
Marshall; Woodford Counties:					
All Bridge Work	8.45	.40	.30		
Truck Drivers:					
Kankakee & Iroquois Counties:					
2-3-Axle Trucks	6.70	a12.50	a11.00		
4-Axle Trucks	6.90	a12.50	a11.00		
5-Axle Trucks	7.10	a12.50	a11.00		
6-Axle Trucks	7.25	a12.50	a11.00		
Grundy County; Remainder of Livingston & Woodford Counties:					
2-3-Axle Trucks	6.60	a15.00	a19.00		
4-Axle Trucks	6.75	a15.00	a19.00		
5-Axle Trucks	6.95	a15.00	a19.00		
6-Axle Trucks	7.15	a15.00	a19.00		

Footnotes:
a.-Per Week Per Employee

NEW DECISION

STATE: Illinois
DECISION NUMBER: AR-3171
DESCRIPTION OF WORK: Heavy and Highway Construction

COUNTIES: See Below
DATE: Date of Publication

ILL-HH-DIST. #3

COUNTIES: Ford, Grundy, Iroquois, Kankakee, LaSalle, Livingston, McLean, Marshall & Woodford

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pension	Vacation	App. Tr.
Carpenters:					
Iroquois Co; Ford Co.(N. of Garbet & Cullom)	$7.90	.25	.60		.08
Remainder of Ford County	8.715	.30	.40		.02
Woodford County	8.51	.35			.015
Marshall Co; LaSalle Co.(Peru, Oglesby & Vicinities)	7.645	.25	.30		.05
Grundy Co; LaSalle Co.(Marseilles & Vicinity)	8.93	.35	.65		.04
McLean County	7.54	.25	.40		.03
Livingston County	8.15	.35			.02
Kankakee County	7.85	.15	.15		.08
Cement Masons:					
LaSalle County	9.00				.02
Livingston County; McLean County; Woodford County(East of Roanoke)	8.48	.40			.25%
Marshall Co; Remainder of Woodford County	7.85	.35	.30		4%
Iroquois; Kankakee Counties	8.95	.30			.65
Ford County	8.425	.30	.65		.2%
Grundy County	9.87	.40			.25%
Ironworkers:					
Iroquois; Kankakee Counties	9.70	.50	.50		
Grundy County	9.25	1.75	.225		
Ford Co; Livingston Co; McLean Co.(Eastern Part of Co.)	8.70	.40	.60		
Woodford Co; Marshall Co.(S.W. Corner of Co.)	9.025	.40	.475		
LaSalle Co; Remainder of Marshall County	10.02	.50	.375		
Linemen:					
Iroquois County	8.77	.30	12%-30		
Kankakee County	9.50	5%	4%		8½%
Grundy County	11.38	.30	12%-20		.65
Ford; LaSalle; Livingston; McLean; Marshall & Woodford Counties	8.78	.35	1%		

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LABORERS:	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
LASALLE COUNTY						
UNSKILLED	$7.42	.30	.20		.035	
SEMI-SKILLED	7.62	.30	.20		.035	
SKILLED	7.82	.30	.20		.035	
REMAINDER OF DISTRICT #3						
UNSKILLED	7.15	.30	.20		.035	
SEMI-SKILLED	7.35	.30	.20		.035	
SKILLED	7.75	.30	.20		.035	

CLASSIFICATIONS

UNSKILLED

Unskilled Laborer, carpenter tenders, tool cribman, firemen or salamander tenders, flagmen, gravel box men, dumpmen and spotters, form handlers, material checkers, dispatchers, landscapers, unloading explosives, laying of sod, planting of trees, removal of trees, asphalt plant laborers, wrecking laborers, writer of scale tickets, fire shop laborers, fireproofing laborers, janitors, wrecking, dismantling buildings, wallmen and housemovers, driving of stakes, stringlines for all machinery.

SEMI-SKILLED

Handling of materials treated with oil, creosote asphalt or any foreign material, track laborers, cement handlers, chloride handlers, the unloading & laborers with steel workers & re-bars, concrete workers, (wet), tunnel helpers in free air, batch dumpers, mason & plasterer tenders & material wheelers, kettle & tarmen, tank cleaners, plastic installers, scaffold workers, motorized buggies or motorized unit usad for wet concrete or handling of building materials, laborers with de-watering systems, all sewer workers plus depth, rod & chainmen with technical engineers, rod & chainmen with surveyors, vibrator operators, mortar mixer operators, cement silica, clay, fly ash, lime and plasters, handlers (bulk or bag), cofferdam workers plus depth, on concrete paving, placing, cutting & trying or reinforcing, deck hand, dredge hand & shore laborers, bankmen on floating plant, asphalt workers with machine, asphalt raker, grade checker.

SKILLED

Dynamite man or blasters, caisson workers plus depth, gunnite nozzlemen, leadman on sewer work, welders, cutters, burners, and torchmen, chainsaw operators, jackhammer and drill operators, layout man, steel form setters-street and highway, air tamping hammerman, signal man on crane, concrete saw operators, screenman on asphalt pavers, laborers tending masons with hot materials are used, multiple concrete duct-leadman, lutaman, curb asphalt machine operator, ready mix scalemen, portable or temporary plant, laborers handling masterplate or similar materials, laser beam operator, concrete burning machine operator, coring machine operator.

GRUNDY COUNTY

ILL-8-LAB-1-2-3 1 of 2

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS 1	$7.35	.47	.85		
CLASS 2	7.30	.47	.85		
CLASS 3	7.20	.47	.85		
CLASS 4	7.60	.47	.85		
CLASS 5	7.85	.47	.85		
CLASS 6	7.10	.47	.85		

CLASSIFICATIONS

LABORERS

CLASS 1: Tunnel miners and all laborers inside tunnel, compressed air laborers, air-blow pipemen, mortaring men on sewer and drain pipe (the applying of mortar and composition mixers), all bottom men on sewer work-all sewer and drain pipe layers-multiple concrete duct or any other type of pipe used on public utility work--8 feet or more below ground level, and all other sewer and trench laborers 8 feet or more below ground level, all labor work inside cofferdam, the use of a 10 feet or more drill steel for hand-held drills, caisson laborers ground level down to 15 feet, all air tools 8 feet or more below ground level, and all laborers on swinging and suspended scaffolds, chimney and silo laborers working at a height of 48 to 100 feet, all tamping hammers over 150 lbs., all laborers working inside of a sphere or any type or make of tank at a height of 48 feet to 100 feet, all hydraulic, electric and air tools, or any other type 8 feet or more below ground level

CLASS 2: Asphalt rakers, hod carriers, plaster laborers, gunnite laborers, road form setters, wagon and tower drillers on land and floating plant used on dredging, asphalt gunners and plug men (undercoating on road work), mortar pump laborers and plaster pump laborers

CLASS 3: Outside tunnel miner helpers, sewer and drain pipe layers and multiple concrete duct or any other type of pipe used on public utility work, ground level down to 8 feet, blasting men helpers, pumpcrete pipe handlers

CLASS 4: Gunnite nozzle men, caisson laborers from 15 feet below ground level down to 50 feet

CLASS 5: Caisson laborers 50 feet or more below ground level, laborers working under radio active conditions, blasting men (powdermen)

CLASS 6: Mortar mixers, handling asphalt shingles, patented scaffolds, sewer and trench work - ground level fown to 8 feet, catch basin and manhole diggers, mesh handling on road work, cement and mineral filler handler, concrete puddlers, batch dumpers, (cement and asphalt) vibrator operators, sand and stone wheelers to mixer (handlers), concrete wheelers, air-tamping hammermen concrete and paving breakers, rock drillers, jamchammermen, 1-bag mixer, asphalt laborers, chain and power saw, pit men, all fence laborers, mason tenders, (mortar and brick wheeler), wagon and tower drill helpers, kettlemen and tarmen, tank cleaners, scaffold and staging laborers, pot firemen (tarmen), Salamander tenders for any purpose, water pumps,

LABORERS (Cont'd)

CLASS 6 (Cont'd): water pumps, rip rap, electrician, plumber and finisher helpers (minimum), handling of slab steel road forms in any type manner, except form setting, setting center strips, contraction and expansion joints (road work), unloading and h handling thereof the following; brick, transite materials, cast iron water pipe, reinforced concrete rods, sewer and drain tile, railroad ties and all other creosoted materials, paving blocks and concrete forms, handling of insulation of any type, all mortar and composition mixers for sewer work, track laborers, chimney and silo laborers working at a height of one to 48 feet, all laborers working on swinging, suspended or any type or make or scaffolding one foot to 48 feet, all laborers working inside a sphere or any type or make of tank--minimum rate, all laborers working inside a sphere or any type or make of tank from bottom to a height of 48 feet--minimum rate, form strippers (any type), mechanical or motized buggies, handling multiple concrete duct or any type of pipe used in publis utility work unless otherwise specified herein, snapping of wall ties and removal of roads, drilling of anchor bolt holes, Concrete or asphalt clipper type saws and self-propelled saws, shoulder and grade laborers, all hydraulic electric and air or any other type of tools, grouting and caulking, carpenters helpers, cleaning lumber, nail pulling, deck hand, dredgehand shore laborers, bankmen on floating plant, tool and material checkers, signalmen and flagmen on all construction work defined herein, cleaning, of devris, removal of trees, concrete curing, temporary concrete protection, regardless of manner or materials used, truck helpers, wrecking and demolition laborers, all laborers, all landscaping, laying or sod, and planting of trees

LASALLE, GRUNDY, KANKAKEE & LIVINGSTON COS.

ILLINOIS-10-ESO-2-3

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$9 60	.50	.50	.20	.05
CLASS II	9.05	.50	.50	.20	.05
CLASS III	8.40	.50	.50	.20	.05
CLASS IV	7.40	.50	.50	.20	.05
CLASS V	6.40	.50	.50	.20	.05

POWER EQUIPMENT OPERATORS

CLASS I: Asphalt plant, asphalt heater & planer combination, asphalt spreader, autograde, belt loader, caisson rigs, central redinix plant, concrete breaker (truck mounted), concrete conveyor, concrete paver over 27E cu. ft., concrete placer, conorete tube float, cranes, all attachments, cranes, Linden, Peco & machines of a like nature, derricks, traveling, dredges, euclid loader, elevating type, gradall, & machines of a like nature, derricks, all, derrick boats, derricks, travelling, dredges, euclid loader, elevating type, gradall, and machines of a like nature, grader, elevating hoists, 1,2 & 3 drum, locomotives, all, mucking machine, 1 cu. yd. & over, mucking machine, under 1 cu. yd., piledrivers & skid rig, pre-stress machine, pump cretes dual ram (requiring frequent lubrication & water), rock drillcrane type, slip form paver, straddle buggies, tractor w/boom, tractairs w/ attachments, trenching machine, underground boring & /or mining machine under 5 ft., wheel exactor widener (Apsco)

CLASS II: Mechanic-welder, batch plant, bituminous mixer, bulldozer, combination backhoe front endloader machine, concrete breaker or hydro-hammer, concrete grinding machine, concrete mixer or paver 7S Series to & inoluding 27 cu. ft., concrete spreader, concrete curing machine, burlap machine, belting machine & sealing machine, finishing machine, concrete grader, motor grader, motor patrol, auto patrol, form grader, pull grader, subgrader, highlift shovels or front endloader, hydraulic boom trucks (all attachments), locomotives, dinky, pump cretes; Squeeze cretes; screw type pumps Gypsum bulker & pump, rock drill (self-propelled), rmto-tiller, seaman, etc. self-propelled scoops; tractor drawn, self-propelled compactor, spreader, chipstone, etc., scraper, tank car heater, tractor, push, pulling sheeps foot, diao., compactor, etc. tug boats

CLASS III: Boilers, boiler & throttle valve, brooms, all power propelled, cement, supply tendor, compressor & throttle valve, concrete mixer (2 bags & over) conveyor, portable, fireman on boilers, forklift trucks, greaser engineer, grouting machine, hoists, automatic, hoists, all elevators, hoists, tugger mingle drum, jeep diggers, pipe power saw, concrete, power-driven, pug mills, rollers, all, steam generators, stone orushers, stump machine, winch trucks with "A" frame, work boats, tamper, form, motor driven

CLASS IV: Air compressors, all, generators, heaters, mechanical, light plants, all (1 through 5), pumps, all, pumps well points, tractairs, welding machines (2 through 6)

CLASS V: Oilers

XUM

AR-3171 P. 7

ILL-20-PEO-2-3

MARSHALL, MCLEAN & WOODFORD COS. POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$8.895	.45	.55		.05
GROUP II	8.695	.45	.55		.05
GROUP III	8.42	.45	.55		.05
GROUP IV	8.145	.45	.55		.05
GROUP V	8.035	.45	.55		.05

CLASSISIFICATIONS

GROUP I: Crane, hydro crane, shovels, crane type backfiller, tower cranesmobile & crawler & stationary, derricks & hoist (3-drum); Dragline, Dragline, Drott Yumbo and similar types considered as cranes, backhoe, derrick boats, pile driver & skid rigs, clam shells, locomotive cranes, raod pavers-single drumdual drum & tri batriger, motor patrols & power blades-Dumors, elevating similar types, mechanics general concrete mixing plant oper. blacktop plant operators & plant engineers gradall, caisson rigs-requires oiler, skimmerscoopkerhring scooper, dredges (all types) hoptoe-crane type (require oiler), Escalated rate on crane & derricks booms, .01 per hour, per ft., over 80' including jib all cherry pickers, cherry pickers (over 15 tons require oiler), work boat, Ross carrier, helicopter, dozen and tournadozer

GROUP II: Asphalt heater & planter combination (used to plant streets), trench machines, pump crete-belt crete-squeeze crete-scew type pumps & gyrsum, bulker & pump, dinkeys, tournapulls-all, and similar types, multiple unit earth movers, .25 per hour for each scoop over one, scoops (all sizes), pushcats, endloaders (all types), side booms, P-H one-pass soil cement machines & similar types, wheel tractors (in-dustrail or farm-type with dozer hoe-end loader or other attachments, backfillers, asphalt surfacing machines euclid loader, fork lifts, formeless finishings, jeep w/ditching machine or other attachments, tureluger, rockcrucher, automatic cement & gravel batching mobile drills (soil testing) & similar types, pugmill with pump, flaherty spreader or similar types (require oiler), heavy equipment greaser (Top greaser on spread), power launches, boring machine, C. M. I. & similar types (require oiler), all (10 & (2) drum hoists, dewatering system, straw blower, hydro-seeder, boring machine, hydro-seeder, boring machine, hydroboom, starting engineer on pipeline, F.W.D. & similar types

GROUP III: Apsco spreader or similar types, tractors (track-type) without power units pulling rollers, rollers on asphalt-breck or macadam, concrete breaders, concrete spreaders, center stripper, cement finishing machines, vibro tampers (all similar types) self-propelled, mechanical bull floats, mixers over three bag to 27E, winch & boom trucks, tractor pulling power blade or elevating grader, Porter Rex rail, Clary sorsed, mule pulling rollers, pugmill without pump, Barber Greene or similar loaders, track-type tractors w/power unit attached (minimum fireman, sorsed man on laydown machine, and spray machine on paving

GROUP IV: Power subgrader, oil distributor, straight tractor, tractair (without attachments), curb machines, paver ditch machines, truck crane oiler, and truck type hoptoe oilers

GROUP V: Herman Nelson Heater, Dravo, Warner, silent glo & similar types, one engineer will operator 1-5 & after 5, two operators will be required, self-propelled concrete saws, assistant heavy equipment greaser crawler crane and skid oilers, rollers 5 ton & under on earth and gravel, from graders, pump (1) or (20, light plant (10 or (2), generator (1) or (2), conveyor (1) or (2), welding machine (1) or (2) mixer 3 bags & under, and bulk cement plant

AR-3171 P. 8

ILL-21-PEO-2-3

FORD AND IROQUOIS COS. POWER EQUIPMENT OPERATORS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CLASS I	$8.10	.30	.50		.05
CLASS II	7.97	.30	.50		.05
CLASS III	6.03	.30	.50		.05

CLASSIFICATIONS:

POWER EQUIPMENT OPERATORS:

CLASS I: Power cranes, draglines, derricks, shovels, gradalls, mechanics, tractor high-lift tournadozer, concrete mixers with skep, tournamixer, twodrum machine, one drum hoist with tower or boom, cable ways, tower machines, motor patrol, boom tractor, boom or winch truck winch or hydraulic boom truck, truck crane, tournapull, tractor operating scoops, bulldoze push tractor, finishing machine on asphalt, large rollers on earth, rollers on asphalt mix Ross carrier or similar machine, gravel processing machine, asphalt farm tractor with half yard bucket and/or hoe attachment, dredging equipment, or dredge operator, central mix plant engineer, CMI or similar type machine, concrete pump, truck or skid mounted, tower crane, engine or rock crusher plant, concrete plant engineer, ditching machine with dual attachment, tractor mounted loaders, cherry picker, hydro crane, air compressor 600 feet over, standard or dinkey locomotives, scoopmobiles, euclid loader, soil cement machine, back filler, elevating machine, power blade, drilling machines including well testing, caissons, shaft or any similar type drilling machines, motor driven paint machine, pipe cleaning machine, pipe wrapping machine, pipe bending machine, apsco paver, boring machine (Head Equipment Greaser), barber greene loaders, formless paver, (well point system) concrete spreader

CLASS II: Power Sub grader, bull float, from grader, finishing machine, concrete mixers w/o skips, self propelled pavement breaker, rock crusher, ditching machine under 6", curbing machine, truck crane oiler-driver, one drum machines without tower or boom, air tugger, self-propelled concrete saw, machine mounted post hole digger, 2 to 4 generators, water pumps, or welding machines, or air compressor 300 cu. ft. or under, within 400 ft., rollers on aggregate and seal coat surfaces, fork lift, concrete and black top curb machine, farm tractor with less than half yard bucket

CLASS III: One water pump, oilers, air valves or steam valves, one welding machine, truck jack, mud jack, air compressor less than 300 cu. ft., gunite machine, house elevators when used for hoisting materials, engine tenders, fireman, wagon drill, flex plane, conveyors, siphons and pulsometer switchman, fireman on paint pots, fireman on asphalt plant distributor operator on trucks, tampers self-propelled power broom, striping machine (motor driven), form tamper seaman tiller, bulk cement plant equipment greaser, deck hand

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ILL. -1-TD

MARSHALL COUNTY & THE N.W. CORNER OF WOODFORD COUNTY TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$6.875	.35	a.		
GROUP II	7.075	.35	a.		
GROUP III	7.275	.35	a.		
GROUP IV	7.475	.35	a.		

GROUP I
Drivers on 4-wheel trucks, dumporetes, scoopmobile 5 cu. yds. & under or less than 7½ tons, mixer trucks 3 cu. yds. & under, air compressors and welding machines, including those pulled by separate units, batch trucks, wet or dry, 2-3¼-E batches or less, truck drivers' helpers, warehousemen, mechanics' helpers, greasers, tiremen, pick-up trucks, drivers, on dumpsters, or similar dumpsters, mounted on 4-wheel trucks, rated 2 cu. yds. or less, & small pallet type fork-lift op.

GROUP II
Drivers on 4-wheel trucks, over 5 cu. yds. or more than 7½ tons, 6-wheel trucks, koehring or similar dumpters, track truck, Euclids, hug bottom dumps, Tournapulls, Tournatrailers, dumps, Tournapulls, Tournatrailers, Tournarockers, or similar equipment when used for transportation purposes under 9 cu. yds. or less than 13½ tons tandems & semitrailer service trucks, 6-wheel pole-trailer, mixer trucks over 3 cu. yds. & including 6½ cu. yds., fork-lifts, 4-wheel A-frame trucks when used for transportation purposes, 4-wheel winch trucks, pavement breakers, batch trucks - wet or dry- over 2 up to & including, 4-3¼-E batches, mechanics, drivers on oile dietributors, 2 men operation

GROUP III
Drivers on heavy equipment over 9 cu. yds. or more than 13½ tons up to and including 16 cu. yds. or 24 tons, such askoehring or similar dumpsters, track trucks, semitrailer water trucks, Euclids, hug-bottom dumps, Tournapulls, Tournatrailers, Tournarockers, tractortrailers, tandems A-frames, tandem winch trucks, hydro-lift trucks or similar equipment when used for transportation purposes, mixer trucks over 6½ cu. yds. batch trucks - wet or dry - over 4 - 3¼-E batches, poletrailers, 8-wheel comibnation or voer, lowboy

GROUP IV
Drivers on heavy equipment ovvr 16 cu. yds. or 24 tons, such as koehring or similar dumpsters, track trucks, Euclids, hug-bottom dumps, Tournarockers, or similar equipment when used for transportation purposes and drivers on oil distributors, 1 man operation

FOOTNOTES:
A. - Employer contributes 10.00 per week per employee.

AR-3171 P. 10

LASALLE, MCLEAN, FORD COS: AMITY, LONG POINT, NEWTON, READING & SUNBURY TWPS. IN LIVINGSTON COUNTY.

ILL-4/5-TD

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$6.90	.40	a12.00		
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.30	.40	a12.00		
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.50	.40	a12.00		

FOOTNOTE: a.-Employer contributes $12.00 per week per employee.

NEW DECISION

STATE: Maryland

COUNTIES: Anne Arundel, Calvert, Carroll, Charles, Frederick, Harford, Howard, Montgomery, Prince Georges, St. Marys, and Washington

DECISION NO.: AR-2085

DATE: Date of Publication

DESCRIPTION OF WORK: Highway Construction

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$8.20				
Carpenters	5.60				
Cement Masons					
Finishers	5.20				
Ironworkers, Structural	6.55				
Ironworkers, Reinforcing	5.40				
Laborers, Unskilled	3.60				
Airtool Operators					
(jackhammer, vibrator, etc.)	3.65				
Asphalt Rakers-Spreaders	4.00				
Form Setters	4.55				
Pipelayers					
(concrete, clay & drainage)	4.60				
Saw Operator - Chain	4.05				
Electricians	6.45				
Linemen	8.95				
Groundmen	5.70				
Painters, Structural					
Steel & Bridge	5.65				
Piledrivermen	5.83				
Asphalt Distributors					
Liquid	4.00				
Backhoes	5.30				
Bituminous					
Concrete Paver	4.30				
Bulldozer	4.70				
Cranes, Derricks, Draglines	6.80				
Concrete Finishing Machine	5.00				
Concrete Paving Machine	4.85				
Gradall	5.00				
Hydro-seeder	4.30				
Loaders (all types)	4.85				
Mechanics	5.55				
Motor Patrols	5.10				
Mulch Blower	3.60				
Oiler - Greaser	4.20				
Power Broom	3.95				
Rollers, Base	4.00				
Rollers, Finish	4.20				
Scrapers	4.60				
Tractors, Wheel	3.75				
Tractors, Wheel with Attachments	4.00				
Truck Drivers	4.30				

NEW DECISION

STATE: NORTH CAROLINA

COUNTIES: See below*

DECISION NUMBER: AR-4058

DATE: Date of Publication

DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

*Counties: Buncombe, Haywood, Henderson, Jackson, McDowell, Madison, & Transylvania

11-NC-4-D

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Other
Air conditioning mechanic	4.36					
Bricklayers	5.61					
Carpenters	4.50					
Cement masons	4.34					
Drywall finishers	5.00					
Drywall hangers	5.25					
Electricians	4.40					
Ironworkers, structural & ornamental	4.00					
Laborers:						
Asphalt raker	2.89					
Laborers	2.50					
Mason tenders	3.00					
Mortar mixers	2.50					
Pipelayers	2.50					
Painters, brush	3.57					
Plasterers	5.50					
Plumbers & pipefitters	4.30					
Roofers	3.85					
Sheet metal workers	3.56					
Soft floor layers	5.55					
Tile setters	5.50					
Truck drivers	2.50					
Welders - Rate for craft.						
POWER EQUIPMENT OPERATORS:						
Asphalt Screed	3.06					
Backhoe	3.25					
Bulldozer	3.46					
Crane, Derricks, Dragline	3.38					
Distributor	3.23					
Front end loader	3.36					
Grader	3.65					
Pan	3.25					
Paver operator	3.40					
Roller	3.23					
Scraper	3.25					
Mechanic	3.08					

NEW DECISION

STATE: Ohio — COUNTIES: Erie, Huron, Ottawa & Sandusky

DECISION NUMBER: AR-3172 — DATE: Date of Publication

DESCRIPTION OF WORK: Building Construction(excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers:					
Sandusky, Ottawa Counties and Western half of Erie County	$10.08	.35	.15		.02
Huron and Eastern half of Erie County	11.38				
Boilermakers	10.45	.30	.50		.01
Bricklayers; Cement Masons; Plasterers:					
Erie, Huron Counties and townships of Bass Island, Catawaha Island Danbury, and Portage in Ottawa County	9.90		.35		.01
Sandusky and remainder of Ottawa County	9.45	.55	.25		.01
Carpenters; Soft floor layers	9.41	.45	.40		.04
Electricians:					
Sandusky and Ottawa Counties	10.75	.30	7%+.55		.7%
Erie County and northern half of Huron County	10.35	.48	7%		.7%
Southern half of Huron County (Townships of Richmond, New Haven, Ripley & Greenwich)	9.40	.33	7%+.25		.7%
Elevator Constructors:					
Erie and Huron Counties					
Elevator Constructors	9.65	.39	.26	2%+a+b	.02
Elevator Constructors' helpers	6.755	.39	.26	2%+a+b	.02
Elevator Constructors' helpers (prob.)	50%JR				
Ottawa and Sandusky Counties					
Elevator Constructors	9.50	.39	.26	2%+a+b	.02
Elevator Constructors' helpers	6.65	.39	.26	2%+a+b	.02
Elevator Constructors' helpers (prob.)	50%JR				
Glaziers					
Erie & Huron Counties	9.73	.40	.65		.01
Ottawa & Sandusky Counties	8.325	.50	.45		.01
Ironworkers:					
Erie and Huron Counties	9.17	.50	.80	1.00	.03
Ottawa and Sandusky Counties	10.32	.55	7%		.04
Lathers	10.55	.25	.10		
Leadburners	8.75		.35	d	.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Marble Masons:					
Erie, Huron Counties and Bass Island, Catawba Island, Danbury & Portage Townships in Ottawa County	9.90		.35		.01
Sandusky and Remainder of Ottawa County	9.45	.55	.25		.01
Millwrights:					
Huron County and Erie County, east of B & O tracks	10.50	.47	.60		.03
Erie County, West of B & O tracks and Ottawa, and Sandusky Counties	9.60	.50	.35		.025
Painters:					
Erie, Huron and Sandusky Counties					
Brush; roller; washing & cleaning dry wall	7.00	.35	.35		
Work between 40 ft. and 60 ft. above ground level	7.25	.35	.35		
60 ft above ground or floor level	8.10	.35	.35		
structural steel	7.80	.35	.35		
Ottawa County:					
Brush; paperhangers; drywall tapers & finishers	8.44	.50	.15		
Open structural steel-brush	8.69	.50	.15		
Spray, sandblasting & pressure cleaning	8.99	.50	.15		
Piledrivermen:					
Huron County and Erie County east of B & O RR Tracks	10.30	.47	.80		.03
Ottawa and Sandusky Counties and Erie County West of B & O RR tracks	9.60	.50	.35		.025
Plumbers; Steamfitters:					
Erie and Huron Counties	9.64	.45	.40		.03
Ottawa and Sandusky Counties	10.635	.45	.75		.06
Roofers	10.63	.25	.50		
Sheet metal workers:					
Erie, Huron & Sandusky Counties	10.58	.35	.40		.04
Ottawa County	9.825	.50	.40		.02
Sprinkler fitters	9.80	.50	.70		.08
Terrazzo workers; Tile Setters:					
Erie & Huron Counties & Bass & Catawaha Islands and Portage & Danbury Townships in Ottawa Co.	9.90		.35		.01
Remainder of Ottawa County and Sandusky County	9.45	.55	.25		.01

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers:					
Single axle, Tandem axle, Semi	7.56	64.25e	14.00f		
Heavy Duty Trucks, 5 axles or over					
Winch trucks; Carry alls; Low Boys	7.79	64.25e	14.00f		

PAID HOLIDAYS: (WHERE APPLICABLE)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays; A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Two paid holidays: Memorial Day and Labor Day.

d. Nine paid holidays, A through F plus, Washington's Birthday, Good Friday, and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.

e. Per month per employee.

f. Per week per employee.

AR-3172 P. 4

Ohio - 25 - LAB E 1 of 1

LABORERS: Building Construction	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Group A					
Building & construction laborers, signalman, flagman, tool oribman, carpenter tenders, Finisher tender, concrete handler, utility construction laborer, guardrail erectors	$ 8.16	.50	.30		.02
Group B					
Bottom men, scaffold, tunnel laborers, pipelayers, air & power driven tools burner on demolition work, swinging scaffold, mucker, caisson workers, cofferdam worker, power men and dynamite blasterers, creosote workers, mortar mixer, form setter, mason tender, plaster tender, hod carrier, laser beam set up man	8.36	.50	.30		.02
Group C					
Gunnite Operator	8.76	.50	.30		.02

XUM

LINE CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Sandusky & Ottawa Counties:					
Linemen; Welders; Technicians	10.65	.30	1%	a	.25%
Cable Splicers	10.90	.30	1%	a	.25%
Erie and northern half of Huron Counties:					
Linemen; Technicians; Equipment Operators	10.35	.18	1%		.1%
Southern half of Huron County:					
Linemen; Equipment Operators	9.40	.33	1%+.25		.25%
Line truck driver	6.11	.33	1%+.25		.25%
Groundman	5.64	.33	1%+.25		.25%

FOOTNOTE:

a. Six Paid Holidays: A-New Year's Day; B-Memorial Day; C-Independence Day D-Labor Day; E-Thanksgiving Day; F-Christmas Day

BUILDING CONSTRUCTION

Power Equipment Operators	AREA #1 BHR	AREA #2 BHR	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.89	$10.17	.46	.80		.11
GROUP B	9.73	10.02	.46	.80		.11
GROUP C	9.38	9.67	.46	.80		.11
GROUP D	8.57	8.89	.46	.80		.11
GROUP E	8.24	8.57	.46	.80		.11
GROUP F.	7.48	7.84	.46	.80		.11

AREA #1 - Ottawa and Sandusky Counties.

AREA #2 - Erie and Huron Counties.

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, clam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressurizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one-bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tire repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

NEW DECISION

STATE: Ohio COUNTY: Hancock
DECISION NUMBER: AR-3173 DATE: Date of Publication
DESRIPTION OF WORK: Building Construction (exoluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos workers	$10.08	.35	.15		.02
Boilermakers	10.45	.30	.50		.01
Brioklayers, Stonemasons, Marble setters, Terrazzo workers, Tile setters	9.45	.50	.30		.01
Carpenters - that part of the city of Fostoria in Hancock County	9.41	.45	.40	h	.04
Carpenters - (Remaining part of County)	9.60	.50	.35		.025
Cement masons	10.04	.40			.02
Electricians	10.75	.30	1%+.55		1/10of1%
Elevator constructors	9.50	.39	.26	b+c+2%	.02
Elevator constructors' helpers	6.65	.39	.26	b+c+2%	.02
Elevator constructors' helpers (prob.)	50%JR				
Glaziers	6.70		.30		
Ironworkers	10.32	.55	1%		.04
Lathers	10.55	.25	.10		.01
Leadburners	8.75		.30	o	.01
Line construction					
Linemen	10.65	.30	1%	a	½ of 1%
Cable splicers	10.90	.30	1%	a	½ of 1%
Millwrights & Pildrivermen	9.60	.50	.35		.01
Painters:					
Brush, Roller, Washing & Cleaning Drywall	7.00	.35	.35		
Work between 40' and 60' above ground level	7.25	.35	.35		
60' above ground or floor level	8.10	.35	.35		
Plasterers	9.60	.50			.01
Plumbers & Steamfitters	9.785	.45	.70	f	.035
Roofers	9.64	.50	.20		.01
Sheetmetal worker	9.826	.50	.40		.02
Truck Driver - Single axle, Tandem axle or Semi	7.56	64.25d	14.00e	g	

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

FOOTNOTES:

a. Six paid holidays; A through F providing employee worked the day preceding and the regularly scheduled day next following such holiday (except excused absences).

b. Employer contributes 1% of regular hourly rate to vacation pay credit for employee who has worked in business more than 5 years. Employer contributes 2% of regular hourly rate to vacation pay credit for employee who has worked in business less than 5 years.

c. Nine paid holidays; A through F plus Washington's Birthday, Good Friday and Christams Eve, providing employee has worked 45 whole days during the 120 calendar days prior to the holiday, and the regular scheduled work days preceding and following the holiday.

d. Per month per employee

e. Per week per employee

f. One paid holiday; Labor Day

g. Five paid holidays; B,C,D,E,F. Providing the employee worked the last scheduled work days preceding the holiday and the first scheudled work day after the holiday.

h. Two paid holidays; Labor Day and Memorial Day

OHIO - 32 - LAB - Y

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
LABORERS:					
GROUP A Building & construction laborers, signalman, flagman, topl cribman, carpenter tenders, finisher tenders, concrete handler, utility construction laborer, guardrail erectors	7.01	.50	.30		.02
GROUP B Bottom men, scaffold builders, tunnel laborers, pipelayers, air & power driven tools, burner on demolition work, swinging scaffold, mucker, caisson work, cofferdam worker, powder men and dynamite blasters, creosote workers, mortar mixers tenders, plaster tender, hod carrier, laser beam set up men	7.21	.50	.30		.02
GROUP C Gunnite Operators	7.61	.50	.30		.02

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POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP A	$9.89	.46	.80		.11
GROUP B	9.73	.46	.80		.11
GROUP C	9.38	.46	.80		.11
GROUP D	8.57	.46	.80		.11
GROUP E	8.24	.46	.80		.11
GROUP F	7.48	.46	.80		.11

CLASSIFICATION DEFINITIONS

GROUP A - A-frames, air compressor on steel erection, rotary drills used on caisson work for foundations and sub-structure work, boiler or compressor operator mounted on crain (piggyback operation), boom trucks (all types), cableways, cherry pickers, combination concrete mixer and tower, concrete pumps, cranes (all types), derricks (all types), draglines, dredge (dipper, olam or suction) 3 man crew, elevating grader or euclid loader, floating equipment, gradalls, helicopter operator and helicopter winch operator when hoisting builders materials, hoes (all types), hoisting engines (two or more drums), lift slab or panel jack operator, locomotives (all types), maintenance engineer (mechanic or welder), mixer paving (multiple drum), mobile concrete pumps with boom, panelboard (all types on site), pile driver, power shovels, side booms, slip form pavers, straddle carriers (building construction on site), hammerhead tower cranes, trench machines (over 24" wide), tug boat.

GROUP B - Asphalt paver, bulldozer, C.M.I. type equipment, endloaders, Kohlman type loaders (dirt loading), lead greaseman, mucking machines, power grader, power scoops, power scrapers, push cat.

GROUP C - Air compressor (pressureizing shafts or tunnels), asphalt rollers, fork lifts, hoist (one drum), house elevators, man lift, power boilers (over 15 lbs. pressure), pump operators installing well points or other type of dewatering system, pumps (4" and over discharge), submersible pumps (4" and over discharge), trenchers 24" and under.

GROUP D - Compressors on building construction, conveyors (building material), generators, gunnite machines, mixers (capacity more than one bag), mixers (one bag capacity, side loader), post driver, post hole digger, pavement breaker (hydraulic or cable), road widening trencher, rollers, welder operator.

GROUP E - Backfillers & tampers, batch plant, bar and joint installing machines, bull floats, burlap and curing machines, clefplanes, concrete spreading mach., crushers, deck hands, drum firemen (asphalt), farm type tractors pulling attachments, finishin machines, form trenchers, high pressure pumps over 1/2" discharge, hydro seeders, self propelled power spreader, self propelled sub-grader, tiro repairman, tractors pulling sheeps foot roller or grader, vibratory compactors (with integral power).

GROUP F - Oiler, helper, signalman, inboard & outboard motor boat launch, light plant operator, power driven heaters (oil fired), power boilers (less than 15 lbs. pressure, pumps under 4" discharge, submersible pumps under 4" discharge.

NEW DECISION

STATE: Oklahoma COUNTY: Comanche
DECISION NO: AR-80 DATE: Date of Publication
Description of Work: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.45	.30	.60		.02
BOILERMAKERS	7.80	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.65		.20		.10
CARPENTERS:					
Carpenters	6.30				.02
Millwrights	6.80				.02
Piledrivermen	6.80				.02
Power saw operator	6.425				.02
CEMENT MASONS	6.15				
ELECTRICIANS	7.45	.20	1%		½
ELEVATOR CONSTRUCTORS	7.51	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS	70%JR	.395	.26	2½%+a+b	.02
ELEVATOR CONSTRUCTORS HELPERS (PROB.)	50%JR				
IRONWORKERS	8.34	.30	.35		.08
LABORERS:					
Common laborers	4.20	.25	.20		
Air tool operator, mason and plasterers tender, mortar mixer, pipelayers (concrete & clay)	4.45	.25	.20		
Powderman (make-up) & wagon drill operators	4.95	.25	.20		
LINE CONSTRUCTION:					
Linemen	8.00		1%		½
Cable splicers	8.48		1%		½
Hole digger operator	7.26		1%		½
Heavy equipment operators (or pole cat equivalent)	7.26		1%		½
Line truck driver (winch operator)	6.57		1%		½
Jack hammerman	5.99		1%		½
Powdermen	7.26		1%		½
Groundmen	5.34		1%		½
Truck driver (flat bed, ton and half and under)	5.70		1%		½
MARBLE SETTERS	7.35		.20		
PAINTERS:					
Brush and roller	6.25				.05
Brush & roller (structural steel)	6.50				.05
Spray	7.00				.05
Swing stage, bosun chair work	6.50				.05
Taping & bedding (hand tools)	6.65				.05
Sandblasting	7.00				.05
PLASTERERS	6.40				

Page 2

DECISION NO. AR-80

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PLUMBERS & STEAMFITTERS:					
Free Zone	$8.50		.60	$1.00	.05
Zone I	8.75		.60	1.00	.05
Zone II	9.00		.60	1.00	.05

PLUMBERS & STEAMFITTERS ZONE DEFINITION

Free Zone - Within 10 miles of Lawton Union Hall
Zone I - Within 20 miles of Lawton Union Hall
Zone II - Within 40 miles of Lawton Union Hall

POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.25		.12
Group II	8.00	.35	.25		.12
Group III	7.75	.35	.25		.12
Group IV	7.50	.35	.25		.12
Group V	7.00	.35	.25		.12
Group VI	7.10	.35	.25		.12
Group VII	6.80	.35	.25		.12
Group VIII	6.50	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I
All crane type equipment with 100' of boom or over (including jib), all tower cranes and all crane type of 3 cu. yd. or more

Group II
Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operator; derrick; piledriver; engineer; dragline; shovel, clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums

Group III
Motor patrol (blade); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; Tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment; Euclid, TS-24 and similar; Loader operator or hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger; trenching machine; concrete pump-boom type

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POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Group IV
Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist when operating one drum; welding machine, 3 to 6; air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps; battery, 3 to 6; fork-lift; bobcat and similar equipment; generator plant engineer, Diesel electric; winch trucks with A-frame; rollers all types; outside elevator or building of personnel hoist; concrete buster or tamper; heater under jurisdiction of op.; engineers, fireman; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-duel, continuous or belt, bulk handling, screened operator; concrete pump; form grader; screening plant; well point pump operator; signal man on large whirleys when and if required, operator for rotary drilling machine when operated from console or machines

Group V
Permanent elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor 500 cu. ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single continuous belt bulk handling

Group VI
Greaser, tilt top trailer operator

Group VII
Asphalt lay machine back end man helpers

Group VIII
Truck crane oiler driver or truck crane oiler

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	7.00	.25	.25		.04
SHEET METAL WORKERS	8.00	.40	.40		.05
SOFT FLOOR LAYERS:					
Resilent floor layers and carpet layers	7.20	.40			
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS:					
Terrazzo workers	7.35		.20		
Terrazzo workers' helpers	5.95				
Terrazzo workers floor machine op	6.15				
Terrazzo base machine operator	6.45				
TILE LAYERS	7.35		.20		
TILE & MARBLE HELPERS (EXPERIENCED)	5.20				
TRUCK DRIVERS:					
Group I	5.32				
Group II	5.52				
Group III	5.22				

CLASSIFICATION DEFINITION
TRUCK DRIVERS

Group I - Truck drivers for heavy equipment such as lowboys, heavy winch, and floats

Group II - Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards, and tail dumps

GROUP III - Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4 and ½ ton pick-up trucks

WELDERS - received rate prescribed for craft performing operation to which welding is incidential.

FOOTNOTES:
A. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2% over 5 yrs. - 4% of basic hourly rate
B. Paid Holidays A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

MODIFICATIONS P. 1

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3095 - Mod. #3 (39 FR 29735 - August 12, 1974) Hartford County, Connecticut					
Change: Electricians Remainder of County	$ 9.95	.75	1%+.45		3%
DECISION #AR-3097 - Mod. #3 (39 FR 29743 - August 12, 1974) Middlesex County, Connecticut					
Change: Electricians Cromwell, Middlefield, Middletown and Portland	9.95	.75	1%+.45		3%
DECISION #AR-3099 - Mod. #3 (39 FR 29752 - August 12, 1974) New London County, Connecticut					
Change: Electricians Remainder of County	9.95	.75	1%+.45		3%
DECISION #AR-3100 - Mod #3 (39 FR 29756 - August 12, 1974) Tolland County, Connecticut					
Change: Electricians	9.95	.75	1%+.45		3%
DECISION #AR-3101 - Mod #3 (39 FR 2976 - August 12, 1974) Windham County, Connecticut					
Change: Electricians	9.95	.75	1%+.45		3%

MODIFICATIONS P. 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AQ-4091 - Mod. #4 (30-FR-10911 - March 22, 1974) Broward County, Florida					
Change: Roofer	7.75	.30	.10	.20	
Tile Setter	8.40	.38	.35		.03

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3141 - Mod. #1 (39 FR 30765 - August 23, 1974) Statewide Michigan	Zone 1*	Zone 2**				
Add: Sign Installers Class A: (performs all necessary labor and uses all tools and equipment required to construct and set concrete forms required in the installation of highway and street signs)	$ 7.12	$ 6.53	18.00a	17.00a		
Class B: (performs all miscellaneous labor, uses all hand and power tools and operates all other equipment, mobile or otherwise, required for the complete installation of highway and street signs)	6.87	6.28	18.00a	17.00a		

FOOTNOTE:
a. per week, per employee

* Zone 1: Genesee, Macomb, Monroe, Oakland, Washtenaw and Wayne

** Zone 2: Remainder of State

MODIFICATIONS P. 3

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION NO AR-75 - Mod. #1 (39 FR 38798 - November 1, 1974) That portion of Missouri River in Iowa and Nebraska down stream to the Kansas-Missouri Line, Iowa and Nebraska. Change Description of Work to read "Channel stabilization and associated work"					
DECISION NO. AR-50 - Mod. #2 (39 FR 35046 - September 27, 1974) Tulsa and Creek Counties, Oklahoma. Change: PAINTERS:					
Brush	$7.00		.25	.35	.02
High work and stage	7.40		.25	.35	.02
Spray and sandblasting	7.65		.25	.35	.02
Hot or bituminous	8.30		.25	.35	.02
Sheetrock hand tools	7.00		.25	.35	.02
Sheetrock power tools	7.35		.25	.35	.02
Hazardous work	9.20		.25	.35	.02

MODIFICATIONS P.4

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Decision # AQ-2016 - Mod. # 3 (39 FR 22356 - August 17, 1974) Northampton County, Pennsylvania Change:					
Glaziers	$8.14	.35	.10		.01
Sheet metal workers	9.18	.52	.50		.01
Decision #AQ-2043 - Mod. # 4 (39 FR 28008 - August 2, 1974) Venango County, Pennsylvania Change:					
Bricklayers, cement masons, marble setters, plasterers, stonemasons, terrazzo workers & tile setters	9.15	.45	.20		
Laborers:					
Unskilled	6.75	.40	.40		
Air tool op., jackhammer, mortar mixer, scaffold builder, hod carriers	6.90	.40	.40		
Mason tenders, pipelayers, bottom man (10' below grade)	6.85	.40	.40		
Blaster helpers	7.10	.40	.40		
Blaster, wagon drill operator	7.30	.40	.40		
Powered wheelbarrows & buggies	6.825	.40	.40		
When working on piers, trenches, open coffer dams & caissons at depths more than 10' below the lowest adjacent grade shall receive 15 cents an hour abouve the regular rate					
Jackhammer & drillman	7.00	.40	.40		
Painters:					
Brush	7.70	.40	.50		.01
Roller	8.00	.40	.50		.01
Spray	8.70	.40	.50		.01
Plumbers & Steamfitters:					
Contracts under $10,000	8.29	.44	.45		.04
Contracts over $10,000	8.80	.44	.45		.04

MODIFICATIONS P. 5

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Decision # AQ-2030 - Mod. # 4 (39 FR 5938 - February 15, 1974) Schuylkill County, Pennsylvania Change:					
Carpenters	$8.13	.25	.35		.02
Millwrights	9.18	.25	.35		.02
Soft floor layers	7.79	.25	.35		.02
Decision # AQ-2099 - Mod. # 2 (39 FR 14175 - April 19, 1974) Lehigh County, Pennsylvania Change:					
Glaziers	8.14	.35	.10		.01
Sheet metal workers	9.18	.52	.50		.01
Decision # AR-2036 - Mod. # 1 (39 FR 33988 - September 20, 1974) Butler & Fayette Counties, Pennsylvania Change:					
Painters:					
Butler County:					
Brush	7.70	.40	.50		
Roller	8.00	.40	.50		
Spray	8.70	.40	.50		

MODIFICATIONS P. 6

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DECISION #AR-2025 - Mod. #5 (39 FR 30763 - August 23, 1974) Montgomery and Prince Georges Counties, Maryland; Arlington and Fairfax Counties, the city of Alexandria and Dulles International Airport, Virginia Change: Steamfitters, Refrigeration & Air Conditioning Mechanics	$9.45	.52	.65		.12
DECISION #AR-2026 - Mod. #5 (39 FR 30814 - August 23, 1974) Washington, D.C. Change: Steamfitters, Refrigeration & Air Conditioning Mechanics Highway Construction	$9.45	.52	.65		.12

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MODIFICATIONS P. 7

HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.	Others
Asphalt shoveler	$5.85	.22	.20			
Asphalt raker	6.05	.22	.20			
Asphalt tamper	5.95	.22	.20			
Bricklayers	9.55	.45	.45		.10	
Carpenters	8.50	.35	.39		.07	
Cement masons	6.30	.22	.20			
Concrete saw operator	6.05	.22	.20			
Concrete shoveler	5.95	.22	.20			
Form setter	6.30	.22	.20			
Laborers:						
Laborers	5.80	.22	.20			
Jackhammer	6.00	.22	.20			
Hand burner operator	5.95	.22	.20			
Power Equipment Operators:						
Concrete spreader operator, finishing machine, roller (rough), compressor, rubber tired loader (1-½ cu. yds., or less), asphalt plant mixer	6.05	.22	.20			
Loader operator tracks (2-½ cu. yds. or less), burner planer, bulldozer, mechanic or welder, rubber tired loader (over 1-½ cu. yds.)	6.25	.22	.20			
Asphalt spreader, hydraulic backhoe (½ cu.yd., or less), asphalt plant engineer, asphalt roller op., concrete breaker (machine)	6.30	.22	.20			
Crane operator, concrete paving op.	6.45	.22	.20			
Shovel operator	6.55	.22	.20			
Gradall operator (1-½ cu. yds., or less), motor grader, loader op. tracks (over 2-½ cu. yds.)	7.20	.22	.20			
G-1000 Gradall operator (over 1-½ cu.yds.)	7.45	.22	.20			
Power broom, oiler	5.95	.22	.20			
Sand setter	6.30	.22	.20			
Truck Drivers:						
Truck drivers (standard)	5.80	.22	.20			
Tandem	5.92	.22	.20			
Tractor trailer (capable of moving heavy equipment)	6.30	.22	.20			

SUPERSEDEAS DECISION

STATES: Arkansas, Louisiana, Mississippi and Tennessee COUNTY: *See Below
DECISION NUMBER: AR-4057 DATE: Date of Publication
Supersedes Decision No. AP-1107, dated June 29, 1973 in 38 FR 17358
DESCRIPTION OF WORK: For construction of all River, Harbor, and Flood Control Work on the Mississippi River and Tributaries in Tenn., Miss., La., and Ark., excluding the metropolitan areas of Vicksburg, Greenville and Natchez, Mississippi; Pine Bluff, Little Rock and Fort Smith, Arkansas; and New Orleans, Baton Rouge, Alexandria, Monroe, and Shreveport, Louisiana.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
LABORERS:					
Unskilled	$ 2.10				
Revetment and dikes	2.10				
Chain saw operator or filer	2.50				
Air tool operator	2.75				
Powderman	3.30				
POWER EQUIPMENT OPERATORS:					
Pile driver operator, mechanic (heavy equipment), cranes, derricks, draglines, welder, power shovels and backhoes, mixer (concrete, 21 cu. ft. & Over), asphalt plant operator, trenching machine (over 18")	4.75				.05
BULLDOZER:					
(Finisher, push cat & on barges), motor patrol finisher, scrapers and like equipment, front end loader, Backhoe (tractor mounted), asphalt finisher or spreading machine, well point system operator, self-propelled loader (conveyor type)	4.25				.05
FIREMAN:					
(Heavy Construction), pile driver leadsman, winchman	3.65				.05
ASPHALT PLANT DRYER OPERATOR:					
Asphalt distributor, asphalt roller, bulldozer (rough, including disc, plow or roller), motor patrol (haul roads), trenching machine (18" and under), self-propelled roller (except asphalt), end dump equipment (off highway), mixer (concrete up to 21 cu. ft.), Bottom dump euclids (and like equipment)	3.35				.05
OILER:					
Pump, mechanic helper, greaser, welder helper, tractor (farm type including disc, plow or roller)	2.70				.05
TRUCK DRIVERS:					
1½ tons or less	2.25				
Over 1½ tons	2.35				

XUM

SUPERSEDEAS DECISION

STATE: California
DECISION NUMBER: AR-1047
Supersedes Decision No. AQ-1092 dated March 15, 1974, in 39 FR 10086.
DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

COUNTY: San Diego
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 10.17	.78	.72		.045
BOILERMAKERS	8.50	.65	1.00	.50	.02
BRICKLAYERS; Stonemasons	9.00	.70	.90		.06
BRICK, BLOCK & STONEMASONS' TENDERS	6.65	.60	1.35	.50	
CARPENTERS:					
Carpenters	7.51	.56	.85	.50	.02
Piledrivermen	7.64	.56	.85	.50	.02
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02
CEMENT MASONS:					
Cement masons	6.74	.55	.96	.75	.045
Cement masons color work - curb machine operator	6.865	.55	.96	.75	.045
Composition, mastic or epoxy finishing machine operator	6.99	.55	.96	.75	.045
DRYWALL INSTALLERS	8.60	.56	.65	.50	.04
ELECTRICIANS:					
Electricians	9.72	.48	1% + .23		
Cable splicers	10.02	.48	1% + .23		
ELEVATOR CONSTRUCTORS	9.21	.195	.20	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.195	.20	2% + a	
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	50%JR				
GLAZIERS	9.69	.55	.60		
IRONWORKERS:					
Fence erectors	8.89	.73	.975	.85	.02
Reinforcing	9.78	.73	.975	.85	.02
Ornamental; Structural	9.78	.73	.975	.85	.02
IRRIGATION AND LAWN SPRINKLERS	8.00	10%	16%	13%	3/4%
LATHERS (Northern portion of San Diego County from center of City of Del Mar)	7.67	.30	.75	.50	
LATHERS (Remainder of County)	9.45	.45	.70	.70	.02
LINE CONSTRUCTION:					
Linemen	9.72	.48	1% + .23		
Cable splicers	10.02	.48	1% + .23		
MARBLE SETTERS	7.76	.55	.75	.60	
MARBLE SETTERS' HELPERS	5.69	.20	.45	.60	

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PAINTERS:					
Brush; Paint Burner	$ 8.23	.64	.44	.60	.04
Swing Stage, brush; Spray; Iron, steel and bridge painter (ground work)	8.48	.64	.44	.60	.04
Paperhanger; Spray, swing stage; Sandblaster; Iron, steel & bridge, swing stage; Iron, steel & bridge, spray (ground); Riggers, Climbing steel; Brush, Climbing steel & bridge	8.73	.64	.44	.60	.04
Sandblaster, swing stage; Iron, steel & bridge, spray swing stage; Spray, Climbing steel & Bridge	8.98	.64	.44	.60	.04
Steeplejack	9.63	.64	.44	.60	.04
Parking Lot Striping Work and/or Highway Markers:					
Traffic delineating device applicator	6.82	.40	.20	b	
Wheel stop installer; Traffic surface sandblaster; Striper; Traffic surface protective coating applicator	6.43	.40	.20	b	
Helper (Traffic surface sandblaster; Wheel stop installer; Traffic surface protective coating applicator; striper)	5.43	.40	.20	b	
PLASTERERS	8.71	.45	1.00	.85	.06
PLASTERERS' TENDERS	9.02	.40	1.15	.50	
PLUMBERS; Steamfitters	10.24	10%	16%	13%	3/4%
ROOFERS	7.14	.40	.25	1.00	
SHEET METAL WORKERS	8.93	.74	1.20		
SOFT FLOOR LAYERS	8.33	.45	.90	.60	.06
SPRINKLER FITTERS	11.85	.50	.70		.08
TERRAZZO WORKERS	7.76	.55	.75	.60	
TILE SETTERS	7.76	.55	.75	.60	
RIGGERS: Welders - Receive rate prescribed for craft performing operation to which rigging or welding is incidental					

FOOTNOTES:

a. Employer contributes 4% of basic hourly rate for 5 years' service and 2% of basic hourly rate for 6 months to 5 years' service as Vacation Pay Credit. 6 Paid Holidays: A through F.

b. Employer contributes $.17 per hour to Holiday Fund plus $.10 per hour to Vacation Fund for one year's service, $.30 per hour after one year, but less than 5 years' service, $.40 per hour after 5 years' service, but less than 10 years and $.50 per hour after 10 years' service.

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

LABORERS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS, general construction; Gas and oil pipeline; Jet man; Tool shed checker; Using dry pack	$5.495	.40	1.15	.50	.10
CUTTING TORCH OPERATOR (demolition); Scaler	5.545	.40	1.15	.50	.10
GUINEA CHASER	5.575	.40	1.15	.50	.10
FINE GRADER ON HIGHWAYS, STREETS AND AIRPORTS PAVING (Sewer and drainage lines): Landscape Gardener and Nursery Man	5.595	.40	1.15	.50	.10
LABORER (packing rod steel and pans); Tank scaler and cleaner	5.62	.40	1.15	.50	.10
DRILLER'S HELPER (Caisson) incl. bellowers; Boring machine	5.625	.40	1.15	.50	.10
WINDOW CLEANER; Chuck tender (except tunnels); Septic tank digger and installer (leadman)	5.645	.40	1.15	.50	.10
*CESSPOOL DIGGER AND INSTALLER	5.675	.40	1.15	.50	.10
CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, coating, grouting, making of joints, sealing, caulking diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.685	.40	1.15	.50	.10

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LABORERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$5.705	.40	1.15	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	5.755	.40	1.15	.50	.10
DRILLERS, all others where drilling is for use of explosives	5.785	.40	1.15	.50	.10
PIPELAYER, METALLIC OR NON-METALLIC (incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.805	.40	1.15	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.835	.40	1.15	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.855	.40	1.15	.50	.10
STEEL HEADERBOARD MAN	5.92	.40	1.15	.50	.10
DRILLERS - (all power drills, incl jackhammer, whether core, diamond wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	5.945	.40	1.15	.50	.10
POWDERMAN, BLASTERS	5.98	.40	1.15	.50	.10
HEAD ROCK SLINGER	6.015	.40	1.15	.50	.10

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LABORERS
(TUNNEL and SHAFT WORK)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
BULL GANG; Concrete crew (incls. rodders and spreaders); Dumpmen; Grout crew; Muckers, (laborers) in short dry tunnels under streets, highways and similar places; Trackmen; Swamper (brakemen and switchmen to tunnel work)	$5.785	.40	1.15	.50	.10
CHUCKTENDER; Cable tender; Nipper; Steel form raiser and setters' helper; Vibratorman; Jackhammer; Pneumatic tools (except driller)	5.885	.40	1.15	.50	.10
GROUT GUNMEN	5.985	.40	1.15	.50	.10
BLASTERERS; Drillers; Cherry Pickermen; Kemper and other pneumatic concrete placer operators; Miners, in short dry tunnels under streets, highway and similar places; Miners, tunnel (hand or machine); Powdermen; Primerhouse; Timbermen; Retimbermen; (Wood or steel); Steel form raisers and setters	6.035	.40	1.15	.50	.10
SHAFT AND RAISE MINER	6.285	.40	1.15	.50	.10
GUNITE WORKERS:					
Nozzlemen and Rodmen	6.225	.40	1.15	.50	.10
Gunmen	5.905	.40	1.15	.50	.10
Reboundmen	5.485	.40	1.15	.50	.10

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TRUCK DRIVERS:

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$5.27	.65	.65	.90	
TRUCK REPAIRMAN; Welder helper	5.47	.65	.65	.90	
INDUSTRIAL LIFT	5.60	.65	.65	.90	
DUMP (Less than 8 yds.); Dump of flat-bed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.65	.90	
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.65	.90	
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.65	.90	
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.65	.90	
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.65	.90	
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.65	.90	
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.65	.90	
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.65	.90	
DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.) Grout mixer; Dumpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.65	.90	
DUMP (25 yds. and under 35 yds.)	6.03	.65	.65	.90	

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TRUCK DRIVERS (cont'd)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$6.05	.65	.65	.90	
TRUCK GREASER	6.06	.65	.65	.90	
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.65	.90	
TRANSIT MIX (8 yds. and over)	6.12	.65	.65	.90	
TIREMEN	6.16	.65	.65	.90	
DUMP (35 yds. and under 50 yds.)	6.18	.65	.65	.90	
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.65	.90	
DUMP (50 yds. and under 65 yds.)	6.33	.65	.65	.90	
TRUCK REPAIRMAN	6.35	.65	.65	.90	
DUMP (65 yds. and over)	6.48	.65	.65	.90	

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POWER EQUIPMENT OPERATORS DREDGING (Hydraulic Suction Dredges)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LEVERMAN	$8.65	.75	1.50	.30	.015
WATCH ENGINEER; Welder	8.16	.75	1.50	.30	.015
DECKMATE	7.76	.75	1.50	.30	.015
WINCHMAN (stern winch or dredge)	7.70	.75	1.50	.30	.015
BARGEMAN; Deckhand; Fireman; Oiler; Laveehand	7.24	.75	1.50	.30	.015
DREDGING (Clam Shell Dredges)					
LEVERMAN	8.65	.75	1.50	.30	.015
WATCH ENGINEER	8.16	.75	1.50	.30	.015
DECKMATE	7.76	.75	1.50	.30	.015
BARGEMATE	7.70	.75	1.50	.30	.015
BARGEMAN; Deckhand; Fireman; Oiler	7.24	.75	1.50	.30	.015

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POWER EQUIPMENT OPERATORS (Except Piledriving and Steel Erection)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$7.28	.75	1.50	.30	.02
GROUP 2:	7.52	.75	1.50	.30	.02
GROUP 3:	7.76	.75	1.50	.30	.02
GROUP 4:	7.87	.75	1.50	.30	.02
GROUP 5:	8.06	.75	1.50	.30	.02
GROUP 6:	8.16	.75	1.50	.30	.02
GROUP 7:	8.26	.75	1.50	.30	.02
GROUP 8:	8.40	.75	1.50	.30	.02
GROUP 9:	8.50	.75	1.50	.30	.02

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POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compresaor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians; Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw, Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (apreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentman; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type); Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (ramping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type);

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POWER EQUIPMENT OPERATORS(CONT'D):
(Except Piledriving and Steel Erection)

Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswell or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Caisson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar eingle unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

SUPERSEDEAS DECISION

STATE: California
DECISION NUMBER: AR-1048

COUNTY: San Diego
DATE: Date of Publication

Supersedes Decision No. AQ-1093 dated March 15, 1974, in 39 FR 10092.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories.

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Piledrivermen	7.64	.56	.85	.50	.02
Millwrights; Pneumatic nailer; Hardwood floorlayers	7.76	.56	.85	.50	.02
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Brush	$ 8.23	.64	.44	.60	.04
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PLASTERERS	8.71	.45	1.00		.06
PLASTERERS' TENDERS	9.02	.40	1.15	.50	
PLUMBERS; Steamfitters	10.24	10%	16%	13%	3/4%
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GUINEA CHASER	5.575	.40	1.15	.50	.10
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CONCRETE CURER; Impervious membrane; Riprap stonepaver; Sandblaster (pot tender); Pipelayer backup man, costing, grouting, making of joints, sealing, caulking diapering, and incl. rubber gasket joints; Pointing and any and all other services	5.685	.40	1.15	.50	.10

LABORERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
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ASPHALT RAKER, IRONER, SPREADER; Buggymobile man; Cement dumper (on 1 yd. or larger mixers and handling bulk cement); Concrete saw man (excl. tractor type); Roto-scraper, chipping hammer; Concrete core cutter and form blower; Gas and oil pipeline wrapper; Pot tenders of pneumatic and electric tools, concrete pump; Vibrating machine and similar mechanical tools not separately classified herein; Tree climber using mechanical tools	$5.705	.40	1.15	.50	.10
ROCK SLINGER; Scaler (using bos'n chair or safety belt or power tools)	5.755	.40	1.15	.50	.10
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PIPELAYER, METALLIC OR NON-METALLIC (incl. water sewage, solid, gas, air); Welding in connection with laborers' work	5.805	.40	1.15	.50	.10
GAS AND OIL PIPELINE WRAPPER (6" pipe and over)	5.835	.40	1.15	.50	.10
CRIBBER, SHORER, LAGGING, SHEETING AND TRENCH BRACING; Hand-guided lagging hammer	5.855	.40	1.15	.50	.10
STEEL HEADERBOARD MAN	5.92	.40	1.15	.50	.10
DRILLERS - (all power drills, incl. jackhammer, whether core, diamond, wagon, track, multiple unit, and any and all types of mechanical drills; Sandblaster (nozzleman)	5.945	.40	1.15	.50	.10
POWDERMAN, BLASTERS	5.98	.40	1.15	.50	.10
HEAD ROCK SLINGER	6.015	.40	1.15	.50	.10

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TRUCK DRIVERS:	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
PICKUPS, (3/4 tons and under); Swampers and helpers; Traffic control pilot car (excl. moving heavy equipment)	$5.27	.65	.65	.90	
TRUCK REPAIRMAN; Welder helper	5.47	.65	.65	.90	
INDUSTRIAL LIFT	5.60	.65	.65	.90	
DUMP (Less than 8 yds.); Dump of flat-bed (2 axle); Concrete pumping; Forklift (under 15,000 lbs.)	5.63	.65	.65	.90	
DUMP (8 yds. and under 12 yds.); Dump or flatbed (3 axle); Bunkerman	5.68	.65	.65	.90	
FORKLIFT (15,000 lbs and over); Ross carrier	5.75	.65	.65	.90	
DUMP (12 yds. and under 16 yds.); Dump or flatbed (3 axle with semi)	5.76	.65	.65	.90	
WATER TRUCKS (2 axle); Erosion control nozzlemen; Prell truck; Pipeline working truck drivers (incl. winch truck and all sizes of trucks); Road oil spreader; Cement distributor or Slurry driver; Road oil or Slurry boatman	5.78	.65	.65	.90	
DUMPCRETE (less than 6-1/2 yds.)	5.84	.65	.65	.90	
EROSION CONTROL TRUCK, Water trucks (3 axles)	5.90	.65	.65	.90	
FUEL OR DYNAMITE AND EXPLOSIVES	5.93	.65	.65	.90	
DUMP (16 yds. and under 25 yds.); Dump or flatbed (4 axle or more); Lowbed and trailer; Transit mix (under 8 yds.) Grout mixer; Dumpcrete (6-1/2 yds. and over); Dumpster	5.98	.65	.65	.90	
DUMP (25 yds. and under 35 yds.)	6.03	.65	.65	.90	

AR-1048 P. 6

TRUCK DRIVERS (cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
DW 10's, DW 20's OR EUCLID TYPE EQUIPMENT or LeTourneau Pulls or Terra Cobras or similar type of equipment regardless of types of attachments when performing work in the teamsters' jurisdiction or PB or similar type of dump truck with loading attachments	$6.05	.65	.65	.90	
TRUCK GREASER	6.06	.65	.65	.90	
7 AXLES OR DOUBLE GOOSENECK LOWBED or combination of vehicles when under permit load	6.105	.65	.65	.90	
TRANSIT MIX (8 yds. and over)	6.12	.65	.65	.90	
TIREMEN	6.16	.65	.65	.90	
DUMP (35 yds. and under 50 yds.)	6.18	.65	.65	.90	
A-FRAME or Swedish crane; Water pull tankers; Welders	6.25	.65	.65	.90	
DUMP (50 yds. and under 65 yds.)	6.33	.65	.65	.90	
TRUCK REPAIRMAN	6.35	.65	.65	.90	
DUMP (65 yds. and over)	6.48	.65	.65	.90	

AR-1048 P. 7

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP 1:	$7.28	.75	1.50	.30	.02
GROUP 2:	7.52	.75	1.50	.30	.02
GROUP 3:	7.76	.75	1.50	.30	.02
GROUP 4:	7.87	.75	1.50	.30	.02
GROUP 5:	8.06	.75	1.50	.30	.02
GROUP 6:	8.16	.75	1.50	.30	.02
GROUP 7:	8.26	.75	1.50	.30	.02
GROUP 8:	8.40	.75	1.50	.30	.02
GROUP 9:	8.50	.75	1.50	.30	.02

AR-1048 P. 8

POWER EQUIPMENT OPERATORS
(Except Piledriving and Steel Erection)

Group 1: Brakeman; Compressor engineer oiler; Generator; Heavy duty repairman helper; Pump; Signalman; Switchman

Group 2: Concrete mixer, skip type; Conveyor; Fireman; Generator, pump or compressor, 2 - 5 inclusive, hydrostatic pump; Plant operator, generator, pump or compressor; Skiploader - wheel type up to 3/4 yd. w/o attachments; Soils field technicians, Tar pot fireman; Temporary heating plant; Trenching machine oiler; Well point pump

Group 3: Elevator (inside); Ford Ferguson - w/drag; Helicopter radioman (ground); Oiler-crusher (asphalt or concrete plant); Power concrete curing machine operator; Power concrete saw; Power driven jumbo form setter; Stationary pipe wrapping and cleaning machine; Truck crane oiler

Group 4: Asphalt plant fireman; Boring machine; Chip spreading machine; Concrete pump; Concrete pump (truck mounted); Dinky locomotive or motorman (10 tons); Helicopter hoist; Helicopter radioman; Highline cableway signalman; Power sweeper; Screed; Rodman and chairman; Trenching machine (up to 6')

Group 5: A-frame winch truck; Asphalt plant or concrete batch plant; Asphalt spreading machine (spreader bar and similar); Bit sharpener; Boxman or mixerman (asphalt or concrete); Concrete joint machine (canal and similar type); Concrete planer; Drilling machine (water wells); Equipment greaser (mobile and grease rack); Ford Ferguson or similar type (w/drag attachments); Forklift (under 5 ton capacity); Hydra-hammer-Aero stomper; Hydrographic seeder machine (straw, pump, or seed); Instrumentmen; Machine tool; Maginnis internal full slab vibrator; Mechanical berm, curb or gutter (concrete or asphalt); Mechanical finisher (concrete, Clary-Johnson-Bidwell or similar); Pavement breaker (truck mounted); Road oil mixing machine; Roller; Ross carrier (jobsite); Self-propelled tar pipelining machine; Skiploader (wheel or track type over 3/4 yd. up to and incl. 1-1/2 yds.); Slip form pump (power driven hydraulic lifting device for concrete forms); Stinger crane (Austin-Western or similar type), Traveling pipe wrapping, cleaning and bending machine; Truck type loader; Tugger hoist (1 drum)

Group 6: Asphalt or concrete plant engineer; Asphalt or concrete spreading (tamping or finishing); Asphalt paving machine (Barber Greene or similar type); Belt splicer or vulcanizer; BHL Lima Road Pactor, Wagner Pactor or similar; Bridge crane; Bridge type unloader and turntable; Cast-in-place pipe laying machine; Combination mixer and compressor (gunnite work); Concrete mixer-paving; Crane (up to and incl. 25 ton capacity - long boom pay applicable); Crushing plant; Deck engine; Drill doctor; Elevating grader; Forklift (over 5 tons); Gradeall; Grade checker; Grouting machine; Heading shield; Heavy duty repairman; Hoist (single drum-buck-hoist-Chicago boom and similar type);

POWER EQUIPMENT OPERATORS(CONT'D):
(Except Piledriving and Steel Erection)

Hoist (2 to 3 drum); Kolman belt loader and similar type; LeTourneau blob compactor or similar type; Lift mobile; Lift slab machine (Vagtborg and similar types); Material hoist (1 drum); Mucking machine (1/4 yd. rubber-tired, rail or track type); Piledriver; Pneumatic concrete placing machine (Hackley-Presswall or similar type); Pneumatic heading shield (Tunnel); Pumpcrete gun; Rotary drill (excl. Calsson type); Rubber-tired earth moving equipment (single engine-Caterpiller, Euclid, Athey wagon, Water Pulls and similar types with any and all attachments up to 50 cu. yds. struck); Rubber-tired scraper (self-loading paddle wheel type John Deere, 1040 and similar single unit); Skiploader (wheel or track type, over 1 1/2 yds. up to and incl. 6 1/2 yds.); Surface heaters and planer; Tractor-compressor-drill combination; Tractor, (Bulldozer, Tamper, Scraper and Push Tractor, single engine); Trenching machine (over 6' depth cap., manufacturers' rating); Tunnel locomotive (10 to 30 tons); Universal equipment (shovel, backhoe, dragline, clamshell, up to and incl. 1 cu. yd. MRC) (long boom pay applicable)

Group 7: Crane (over 25 tons up to and incl. 100 ton MRC) (long boom pay applicable); Derrick barge; Dual drum mixer; Hoist (2 or 3 drum w/boom attachment); Hoist (Stiff legs, Guy derricks or similar type up to 100 ton capacity - Oiler or long boom pay applicable); Loader (Athey, Euclid, Sierra or similar type); Monorail locomotive (Diesel, gas or electric); Motor patrol - Blade; Multiple engine tractor (Euclid and similar type, except Quad 9 Cat); Party chief; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type up to 50 cu. yds. struck); Tractor (boom attachments - over 40' boom); Tractor loader (Crawler and wheel type over 6 1/2 yds.); Tower crane (2 operators required); Tower crane repairman; Universal equipment (Shovel, Backhoe, Dragline, Clamshell, over 1 cu. yd. MRC); Welder (heavy duty repairman) combination; Wood mixer and other similar Pugmill equipment

Group 8: Auto grader; Automatic slip form crane, over 100 tons (long boom pay applicable); Hoist (Stiff legs, Guy derricks or similar types, capable of hoisting over 100 tons - long boom pay applicable); Mass excavator (less than 750 cu. yds.); Mechanical finishing machine; Mobile form traveler; Motor patrol (multi-engine); Pipe mobile machine; Rubber-tired earth moving equipment (Multiple engine, Euclid, Caterpillar and similar type over 50 cy. struck); Rubber-tired scraper (pushing one another, w/o Push Cat, Push-Pull - $.50 p/h additional to base rate); Rubber-tired self-loading scraper (Paddle wheel - Auger type self-loading, 2 or more units); Tandem equipment (2 units); Tandem tractor (Quad or similar type); Tunnel mole boring machine

Group 9: Canal liner operator; Canal trimmer operator; Helicopter pilot; Highline cableway; Remote controlled earth moving equipment ($1.00 p/h additional to base rate); Wheel excavator operator (over 750 cy.)

SUPERSEDEAS DECISION

STATE: Maryland
DECISION NO: AR-2084
Supersedes Decision No. AR-2022, dated August 23, 1974 in 39 FR 30661.
DESCRIPTION OF WORK: Heavy and Highway Construction.

COUNTIES: Allegany and Garrett
DATE: Date of Publication

HEAVY & HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Bricklayers	$8.24		.40		
Carpenters	8.42	.35	.25		.02
Cement masons	8.45	.35			
Electricians - Allegany Co.	8.85	.30	1%		1%
Electricians - Garrett Co.	9.25	.30	1%		1%
Ironworkers:					
Structural & reinforcing	8.67	.50	.50		
Laborers:					
Laborers unskilled & dumpman	6.50	.40	.50		
Power tool operator, mason & plasterer's tender, mortar mixers by hand, scaffold bldrs, hod carriers, concrete puddler, pipe layers, rammers	6.61	.40	.50		
Mortar mixers by machine	6.67	.40	.50		
Blaster (dynamite), wagon drill	6.78	.40	.50		
Barco tamper	6.74	.40	.50		
Tunnel Workers:					
Caisson, driller, mucker	7.26	.40	.50		
Unskilled laborer	6.92	.40	.50		
Gunnite Workers:					
Nozzlemen, gun operator	6.78	.40	.50		
Laborers on scaffold	6.61	.40	.50		
Laborers on ground	6.50	.40	.50		
Piledrivermen	8.69	.35	.25		.02
Welders - receive rate prescribed for craft performing operation to which welding is incidental.					

HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.28	.50	.50	a	.07
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus	$ .40				
170' to 209' "	.60				
210' to 249' "	.80				
250' and over "	1.00				
GROUP 2	7.90	.50	.50	a	.07
GROUP 3	7.58	.50	.50	a	.07
GROUP 4	7.36	.50	.50	a	.07
GROUP 5	7.26	.50	.50	a	.07
GROUP 6	6.93	.50	.50	a	.07

FOOTNOTE: a. 7 paid holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day.

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front-end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), simco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader
GROUP 2 - Tractor with attachments (2 or more)
GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop
GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader
GROUP 5 - Firemen, truck crane oiler, wheel tractor, grease truck operator
GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

XUM

HIGHWAY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$ 8.12	.50	.50		.07
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus $ .40					
170' to 209' " .60					
210' to 249' " .80					
250' and over " 1.00					
GROUP 2	7.69	.50	.50		.07
GROUP 3	7.42	.50	.50		.07
GROUP 4	7.20	.50	.50		.07
GROUP 5	7.09	.50	.50		.07
GROUP 6	6.77	.50	.50		.07

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6 another man), simco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader

GROUP 2 - Tractor with attachments (2 or more)

GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine drive welders (not exceeding 4), single compressors (over 210 c.f.m.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop

GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader

GROUP 5 - Firemen, truck crane oiler, wheel tractor, grease truck operator

GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 c.f.m.)

HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.65	.35	.40		
GROUP 2	6.79	.35	.40		
GROUP 3	6.97	.35	.40		
GROUP 4	7.16	.35	.40		
GROUP 5	7.37	.35	.40		

CLASSIFICATIONS

GROUP 1 - Dumpmen and Flagmen

GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks

GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds., capacity), Transit mix, dumps (5 to 9 yd., capacity), flatbody material trucks (straight jobs), greasers, firemen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks

GROUP 4 - Dump trucks (10 to 15 yd., capicity)

GROUP 5 - Dump trucks (over 15 yd., capacity), bottom end end dump euclids, all other euclid type trucks, turnarockers, ross carriers, athey wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumcretes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

SUPERSEDEAS DECISION

STATE: Maryland COUNTY: Anne Arundel

DECISION NO: AR-2086 DATE: Date of Publication

Supersedes Decision No. AR-2050, dated September 6, 1974 in 39 FR 32451.

DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories) and Heavy Construction (excluding sewer and water lines).

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$7.65	.60	.75		.02
Boilermakers	8.65	.60	.70		.02
Bricklayers:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.00	.40	.50		.07
Remainder of County	8.95	.25		g	
Carpenters:					
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.50	.35	.39		.07
Cement Masons:					
North of and including Benfield, Arminger and Pasadena but excluding the D. C. Training School	8.62	.25	.30		
The D. C. Training School	9.90	.335	.35		.07
Remainder of County	8.95	.25		g	
Electricians	8.80	.50	1⅘+.20		⅕
Elevator Constructors	8.45	.395	.26	2⅘+s&b	.02
Elevator Constructors' Helpers	5.915	.395	.26	2⅘+s&b	.02
Elevator Constructors' Helpers (probationary)	4.225				
Glaziers:					
Glaziers	7.70	.25	.30		
Swinging scaffold or boson cheir	7.95	.25	.30		
Ironworkers:					
Structural, ornamental, rodmen, finishers, pre-cast & pre-stress erectors	8.47	.60	1.05		.04
Sheeters	8.72	.60	1.05		.04
Laborers:					
Unskilled	5.75	.275	.30		.05
Rod carriers	6.15	.275	.30		.05
Plasterers' laborers	5.90	.275	.30		.05
Power tool operator	5.85	.275	.30		.05
Pipelayers	5.95	.275	.30		.05
Wagon Drill operator	6.00	.275	.30		.05
Mason tenders	6.05	.275	.30		.05
Scaffold builders	6.25	.275	.30		.05

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Lathers	8.84		.35		.01
Lead Burners	9.25	.35		c	.01
Line Construction:					
Linemen, Cable Splicers	8.95	.25	1⅘		1⅘
Groundmen (experienced)	5.70	.25	1⅘		1⅘
Marble Setters:					
From Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	9.00	.40	.50		.07
Remainder of County	8.95	.25		g	
Millwrights:					
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arminger & Ft. Smallwood	8.20	.60	.54		.05
Remainder of County	8.81	.35	.39		.07
Painters:					
Brush	7.445	.85	.45		.05
Structural steel, spray (steel), steamcleaning & sandblasting	7.945	.85	.45		.05
Spackling, taping & wall coverings	7.595	.85	.45		.05
Spray (except steel)	7.695	.85	.45		.05
Piledrivermen:					
All areas north of a line starting at Priest Bridge and continuing northeast to Benfield, Pasadena, Arminger and Fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.665	.35	.39		.07
Plasterers:					
The D. C. Training School	9.27	.45	.25		.06
Remainder of County	8.95	.25		g	
Plumbers	8.68	.35	.45		.10
Roofers:					
Roofers, damp & waterproofers	6.40	.35	.40		.05
Slate, tile, asbestos & asphalt	6.85	.35	.40		.05
Precast & wood block	7.40	.35	.40		.05

MAX

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Sheet Metal Workers	$8.17	.55	.50		.05
Soft Floor Layers:					
All areas north of a line starting at Priest Bridge & continuing northeast to Benfield, Pasadena, Arminger and Fort Smallwood	8.10	.60	.54		.05
Remainder of County	8.50	.35	.39		.07
Sprinkler Fitters	9.40	.50	.70		.08
Steamfitters	8.41	.45	.60		.12
Stone Masons:					
From Bodkin Point including Fort Meade but excluding the D. C. Training School	9.00	.40	.50		.07
Remainder of County	8.95	.25		g	
Terrazzo Workers:					
Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	7.26	.40	.40		.04
The D. C. Training School	8.81	.40	.30		
Remainder of County	8.95	.25		g	
Terrazzo Workers Helpers:					
The D. C. Training School	7.59	.40	.40		
Remainder of County	6.00	.20	.20		
Tile Setters:					
Northern part of County from Laurel to Bodkin Point incl., Ft. Meade but excluding the D. C. Training School	7.26	.40	.40		.04
The D. C. Training School	8.81	.40	.30		
Remainder of County	8.95	.25		g	
Tile Setters Helpers:					
The D. C. Training School	7.59	.40	.40		
Remainder of County	6.00	.20	.20		
Truck Drivers:					
Goose-necks, drop frame trailers	7.35	.50	.30	d+e	
All A-Frames, winch trucks, fork lifts and trailers	7.15	.50	.30	d+e	
Flat beds and pick-ups	6.70	.50	.30	d+e	
Helpers	6.40	.50	.30	d+e	
Mixers with agitetor of 12 yds. capacity	5.05	.50	.30	d+e	

BUILDING & HEAVY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Truck Drivers (contd.):					
Mixers with agitetor over 12 yds., capacity	$5.48	.50	.30	d+e	
Euclid wagons and dumpsters	5.97	.50	.30	d+e	
Dump trucks	5.66	.50	.30	d+e	
Truck Drivers (Excavation) :					
Dump trucks	5.89	.50	.30	h+j	
Euclid wagon and dumpster	6.20	.50	.30	h+j	
Drop frame, goose neck & trailer	6.09	.50	.30	h+j	
Pick-up	5.71	.50	.30	h+j	
Helpers	5.76	.50	.30	h+j	
Welders - receive rates prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS (Where Appliceble):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F.
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.
c. Holidays: A through F plus Washington's Birthday, Good Friday and Christmas Eve, provided employee has worked at least 45 full days during the 120 calendar days prior to the holiday and the regular scheduled work days immediately preceding and following the holiday.
d. Employee with one year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 125 days in the previous contract year.
e. Holidays: A through F plus the employee's birthday, the day after Thanksgiving and Christmas Eve, provided the employee has worked one day and has been available for work during the holiday week.
f. $37.92 per man per month.
g. One paid holiday: Christmas Day.
h. Employee with 1 year of service - 1 week's paid vacation; 2 years of service - 2 weeks paid vacation; 10 years of service - 3 weeks paid vacation, provided the employee has worked 100 days in the contract year.
j. Holidays: A through F plus Good Friday, Employee's birthday and Christmas Eve, provided the employee has worked one day and was available for work during the holiday week.

BUILDING & HEAVY CONSTRUCTION

POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP 1	$7.93	.50	.50	a	.07
GROUP 2	7.48	.50	.50	a	.07
GROUP 3	7.37	.50	.50	a	.07
GROUP 4	7.25	.50	.50	a	.07
GROUP 5	7.14	.50	.50	a	.07
GROUP 6	6.97	.50	.50	a	.07
GROUP 7	6.80	.50	.50	a	.07
GROUP 8	6.62	.50	.50	a	.07
GROUP 9	6.30	.50	.50	a	.07
GROUP 10	6.09	.50	.50	a	.07
GROUP 11	5.98	.50	.50	a	.07

FOOTNOTE: a. 6 paid holidays - New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, scale type batching plants, cableway, derrick, derrick boat, boat captain, dragline, elevating grader, excavating scoop (25 yds., and over), hoist (2 active drums or more), pile driving machine, tower crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, Elmco type overhead loader, whirley rig, welder, concrete paver, double concrete pump, front end loader (1-3/4 yds., and over), multiple conveyor, mighty midget with compressor, repair mechanic, twin engine screper, gradall
GROUP 2 - Tractor with attachments (2 or more), autopatrol type grader
GROUP 3 - Compressors (2 or more), conveyors (2 or more), space heaters, over 4 welders (more than 6, another man), well point system
GROUP 4 - Front end tractor loader (under 1-3/4 yds.), bulldozer
GROUP 5 - Concrete mixer, concrete pump, one drum hoist, elevator operator, narrow gauge locomotive, stone crusher, hi-lift, fork lift
GROUP 6 - Excavating scoop (under 25 yds.), caterpillar type tractor
GROUP 7 - Finishing machine, bull float, sub grader, longitudinal float, screeding machine, concrete spreader, asphalt spreader
GROUP 8 - Single compressor, grout pump, power roller, pumps, well drill, engine driven welders (up to 4), space heaters (up to 4), steam hammer, pile extractor, conveyor
GROUP 9 - Fireman, truck crane oiler, grease truck, fuel truck
GROUP 10 - Wheel tractor
GROUP 11 - Oiler, deck hand, mechanic's helper

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: BURLINGTON

DECISION NO.: AR-2080 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2098 dated April 12, 1974, in 39 FR 13491.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Twps. of Bordentown, Burlington, Chesterfield, E. Hampton, Florence, Hansfield, Mt. Holly, New Hanover, Pembertown, Roebling, Springfield, Wrightstown, Woodlawn and North Hanover.	$9.85	.50	.50		.025
Bass River and Washington Twps.	9.22	.50	.50		
Remainder of County	10.52	.50	.50		
BOILERMAKERS	9.48	6%	19%	10%	.01
BOILERMAKER HELPERS	8.95	6%	19%	10%	.01
BRICKLAYERS, CEMENT MASONS, MARBLE MASONS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS & TILE SETTERS:					
Bordentown, Croswicks, Chesterfield and Hansfield.	9.50	.50	.70		.03
Remainder of County	8.70	.35	.40		
CARPENTERS, MILLWRIGHTS & INSULATORS:					
Bordentown	9.85	.50	.55		.03
Remainder of County:					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
ELECTRICIANS:					
Electricians & Cable Splicers	11.35	.43	17%+.40		.10
Groundmen & Winch Operators	9.10	.43	17%+.40		.10
ELEVATOR CONSTRUCTORS:					
Mechanics	10.23	.44	.29	2½%+a+b	.02
Helpers	7.16	.44	.29	2½%+a+b	.02
Probationary Helpers	5.115				
IRONWORKERS - Nearest Towns as listed below:					
Trenton	9.74	.64	1.06	10%	.05
Camden	10.00	.64	1.06		.03
Atlantic City	10.10	.64	1.06		.05
LABORERS, BUILDING CONSTRUCTION: Twps. of Burlington, Chesterfield, North Hanover, Florence, Bordentown, Hansfield, New Hanover, Springfield and Wrightstown: Laborers, Mortar Mixers, Mason Tenders, Pneumatic, Gas, Electric Tool Operators, Power Buggy, Wreckers & Pipelayers (Concrete & Clay)	$6.35	.40	.55		
Plasterers' Tenders & Hod Carriers	6.45	.40	.55		
Bass River & Washington Twps.:					
Laborers, Mason Tenders, Concrete Workers	6.35	.55	.15		
Air Tool Operators	6.80	.55	.15		
Gunnite Men	6.80	.55	.15		
Nozzle and Gun Operators	6.80	.55	.15		
Plasterers' Tenders	6.35	.55	.15		
Remainder of County:					
Construction Laborers	6.70	.35	.40		
Brick Tenders, Mortar Mixers, Scaffold Builders (Brick), Hod Carriers (Brick), Power Tool Operators	6.80	.35	.40		
Motorized Buggy Operators, Burners & Nozzle Men (Gunite)	6.925	.35	.40		
Barco Tamper Operators, Jackhammer Operators	7.05	.35	.40		
Plasterers' Tenders & Lathers' Tenders	7.20	.35	.40		
LATHERS	7.75	.25	.25		.02
LEAD BURNERS	9.25	.35		c	.01
PAINTERS:					
Brush	8.40	.50	.50	.10	
Structural Steel & Tanks under 30'	8.55	.50	.50	.10	
Structural Steel & Tanks 30' & over	9.00	.50	.50	.10	
Bridges, TV, Radio, Water Towers & Stacks	9.00	.50	.50	.10	
Sandblasting, Steam Cleaning	9.00	.50	.50	.10	
PILEDRIVERMEN & DOCK BUILDERS	9.92	1.28	.90	d	.07
PLUMBERS & STEAMFITTERS:					
Burlington to Mt. Holly then following the Pennsylvania Railroad to County line and north thereof.	10.39	.57	.80		.05
Atsion, Bass River Twp., Batso, Chatsworth, Green Banks, Herman, Jenkins, Quaker Bridge, Washington, Washington Twp.	$10.58	.42	.42		.025
Remainder of County	8.80	.37	.85	1.00	.05
ROOFERS:					
Beverly, Charleston, Rancocas, Lumberton, Medford, Fairview, Medford Lakes, Smalls, Atsion, and areas inclusive to the Camden County line:					
Composition	9.97	1.15	.75	a	
Composition Helpers	4.70	.80	.55	a	
Slate, Tile & Asbestos Shingle	9.40	1.00	.50		
Slate, Tile & Asbestos Shingle Helpers	5.83	1.00	.50		
Asphalt Shingle	7.94	1.00	.50		
Asphalt Shingle Helpers	5.83	1.00	.50		
Remainder of County:					
Composition, Waterproofing & Slate	9.70	.40	.50		
Asphalt Shingle	9.70	.40	.50		
SHEET METAL WORKERS	8.93	.30	.50		
SPRINKLER FITTERS	10.00	.50	.70		.08
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

DECISION NO. AR-2080

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veterans' Day or Thanksgiving Day.

e. Paid Holiday: Election Day

DECISION NO. AR-2080 P. 5 — NJ-1-LAB-2-3-F — 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.50	.75	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.50	.75	a	
Timberman	7.05	.50	.75	a	
Form setters	7.10	.50	.75	a	
Grademan	7.10	.50	.75	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.50	.75	a	
Wagon drill op., & drill masters	6.90	.50	.75	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.50	.75	a	
Signal man	6.60	.50	.75	a	
Wrapping and coating of all pipe	6.50	.50	.75	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

DECISION NO. AR-2080 P. 6 — NJ-1-LAB-2-3-F — 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

DECISION NO. AR-2080 P. 7 — N.J. 4-LAB-5-0

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

DECISION NO. AR-2080 P. 8 — NJ-1-PEO-1-2-B — 1 of 3

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pump-crete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary(except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetsel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

XUM

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:
curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:
GROUP I: Autograde-combn,. subgrader, base MTL. spreader & basc trimer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), econonobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (rocs & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CNI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used oo job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), fora line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

DECISION NO. AR-2080 P. 13 NJ-2-PEO-3-B 3 of 3

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F, Washington's Birthday, Presidential Election Day and Verterans Day provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

DECISION NO. AR-2080 P. 14 NJ-4-PEO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, pernanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO. AR-2080 P. 15 NJ-3-TD-1-2-3-K

TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY

GROUP I: Warehouseman, fork lift truck and part men

GROUP II: Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, pickup trucks (only when transporting material), flat bed trucks, seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type equipment

GROUP III: Straight truck driver (helper)

GROUP IV: Winch straight tractor & trailer truck driver and Euclid trailer dump (not self loading), fuel truck drivers & asphalt oil distributors on dumpcrete trucks, transit-mixers, flat bed trucks, low bed trucks, tanks, water tank, fuel trucks, euclid water sprinkler, asphalt distrubutor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar types of equipment

GROUP V: Ten wheel dump truck driver and trailer dump driver off sits

GROUP VI: Mechanics

GROUP VII: Mechanics (helper)

GROUP VIII: All truck towing

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I:	$6.45	a	b	c&d		
GROUP II:	6.50	a	b	c&d		
GROUP III:	6.30	a	b	c&d		
GROUP IV:	6.85	a	b	c&d		
GROUP V:	5.80	a	b	c&d		
GROUP VI:	7.00	a	b	c&d		
GROUP VII:	6.50	a	b	c&d		
GROUP VIII:	6.65	a	b	c&d		

FOOTNOTE:
a. Employer contributes $2.70 per day to Health and Welfare.

b. Employer contributes $2.20 per day to a Pension Fund.

c. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 yrs but less than 15 years-125 hours; 15 years or more-165 hours.

d. Paid holidays for employees available for work on at least 2 days in the week in which the holiday falls include A-F plus Washingtons Birthday, President Election date and Armistice Day.

DECISION NO. AR-2080-P. 16 New Jersey 1-TD-1-2-3-C 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	.61½	.69	a + b	
Euclid, International Harversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	7.15	.61½	.69	a + b	
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	7.05	.61½	.69	a + b	
Straight three-axle materials: Truck and floats	7.00	.61½	.69	a + b	
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch trucks side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader,					

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New Jersey 1-TD-1-2-3-G 2 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (CONT'D) nipper, fuel trucks (driver on fuel including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), belcrete trucks, pump-crete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	$7.00	.61½	.69	a + b	
Teamster mechanic	7.00	.61½	.69	a + b	
Mechanic helper	6.77	.61½	.69	a + b	

FOOTNOTES:

a. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hrs.), 125 days receive two weeks vacation (96 hrs.), 145 days receive 15 days (120 hrs.), 15 years seniority and 145 days receive 4 weeks vacation (160 hrs.).

b. Paid Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day, provided the employee has been assigned to work or shapes one day of the calendar week during which the holiday falls.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTIES: CAMDEN & GLOUCESTER

DECISION NO.: AR-2081 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2093 dated April 5, 1974, in 39 FR 12651

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$10.52	.50	.50		
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS	9.10	.80	.80		
CARPENTERS, INSULATORS, MILLWRIGHTS & SOFT FLOOR LAYERS	10.00	.30	6%		.02
CEMENT MASONS	9.15	.55	.70		
ELECTRICIANS & CABLE SPLICERS	10.70	4%	17+.15		.05
ELEVATOR CONSTRUCTORS:					
Mechanics	10.23	.44	.29	2½%+a+b	.02
Helpers	7.16	.44	.29	2½%+a+b	.02
Probationary Helpers	5.115				
GLAZIERS:					
Glaziers	8.38	.35	.30		.01
Glaziers, working 30' above ground	8.68	.35	.30		.01
IRONWORKERS:					
Structural, Ornamental and Reinforcing	10.30	.64	1.06		.03
LABORERS, BUILDING:					
Construction Laborers	6.70	.35	.40	e	
Brick Tenders, Mortar Mixers, Scaffold Builders (brick), Hod Carriers (brick), Power Tool Operators	6.80	.35	.40		
Motorized Buggy, Burners, Nozzle Men (gunite work)	6.925	.35	.40		
Jackhammer Operators, Concrete Vibrators (28½ lbs.), Barco Tamper Operators	7.05	.35	.40		
Plasterers' Tenders & Lathers' Tenders	7.20	.35	.40		
LATHERS	8.61	.225	.10		
LEAD BURNERS	9.25	.35		c	.01
LINEMEN:					
Linemen & Cable Splicers	10.70	4%	17+.15		3/8of1%
Groundmen and Winch Operators	8.55	4%	17+.15		3/8of1%
PAINTERS:					
Commercial & Industrial	8.25	.50	.50		
Spackling & Taping	8.25	.50	.50		
Swing, Steel & Bosun Chair	8.65	.50	.50		
Commercial Spray & Dipping	9.05	.50	.50		
Brushing Hazardous Material	9.35	.50	.50		
Roller on Tanks, Sandblasting	9.30	.50	.50		

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DECISION NO. AR-2081

PAINTERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Brushing Hazardous Material on Steel, Spraying Steel or Tanks	$9.30	.50	.50		
Spraying Hazardous Material	9.75	.50	.50		
Sprayinf Hazardous Material on Steel Tanks	9.75	.50	.50		
PILEDRIVERMEN & DOCK BUILDERS	9.92	1.28	.90	d	.01
PLASTERERS	9.27				
PLUMBERS & STEAMFITTERS:					
Gloucester County: Blue Belle, Malega & New Field	10.58	.42	.42		.025
Camden County & Remainder of Gloucester County	8.80	.37	.85	1.00	.05
ROOFERS:					
Composition	9.97	1.15	.75	a	
Slate, Tile & Asbestos	9.40	1.00	.50		
Slate, Tile & Asbestos Helpers	5.83	1.00	.50		
Asphalt Shingle	7.94	1.00	.50		
Asphalt Shingle Helpers	5.83	1.00	.50		
SHEET METAL WORKERS	10.69	.52	.50		.01
SPRINKLER FITTERS	9.70	.30	.50		.04
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental					

PAID HOLIDAYS:

A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veterans' Day or Thanksgiving Day.

e. Paid Holiday: Election Day

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.50	.75	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.50	.75	a	
Timberman	7.05	.50	.75	a	
Form setters	7.10	.50	.75	a	
Grademan	7.10	.50	.75	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.50	.75	a	
Wagon drill op., & drill masters	6.90	.50	.75	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.50	.75	a	
Signal man	6.60	.50	.75	a	
Wrapping and coating of all pipe	6.50	.50	.75	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:
curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiplo (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job aite or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:
GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeeze-crete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic imaaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

DECISION NO. AR-2081 P. 12 NJ-4-PEO-2- x

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO. AR-2081 P. 13 NJ-3-TD-1-2-3-K

TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY

GROUP I: Warehouseman, fork lift truck and part men

GROUP II: Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, pickup trucks (only when transporting material), flat bed trucks, seeding trucks, fertilizing trucks, dumporete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type equipment

GROUP III: Straight truck driver (helper)

GROUP IV: Winch straight tractor & trailer truck driver and Euclid trailer dump (not self loading), fuel truck drivers & asphalf oil distributors on dumporete trucks, transit-mixers, flat bed trucks, low bed trucks, tanks, water tank, fuel trucks, euclid water sprinkler, asphalt distrubutor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar types of equipment

GROUP V: Ten wheel dump truck driver and trailer dump driver off site

GROUP VI: Mechanice

GROUP VII: Mechanics (helper)

GROUP VIII: All truck towing

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I:	$6.45	a	b	c&d		
GROUP II:	6.50	a	b	c&d		
GROUP III:	6.30	a	b	c&d		
GROUP IV:	6.85	a	b	c&d		
GROUP V:	5.80	a	b	c&d		
GROUP VI:	7.00	a	b	c&d		
GROUP VII:	6.50	a	b	c&d		
GROUP VIII:	6.65	a	b	c&d		

FOOTNOTE:
a. Employer contributes $2.70 per day to Health and Welfare.

b. Employer contributes $2.20 per day to a Pension Fund.

c. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 yrs but less than 15 years-125 hours; 15 years or more-165 hours.

d. Paid holidays for employees available for work on at least 2 days in the week in which the holiday falls include A-F plus Washingtons Birthday, President Election date and Armistice Day.

SUPERSEDEAS DECISION

STATE: NEW JERSEY

COUNTY: CUMBERLAND

DECISION NO.: AR-2082

DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2097 dated April 12, 1974, in 39 FR 13485.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.22	.50	.50		
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, CEMENT MASONS, MARBLE SETTERS, PLASTERERS, STONE MASONS, TERRAZZO WORKERS, AND TILE SETTERS	8.60	.35	.25		.02
CARPENTERS, INSULATORS, MILLWRIGHTS AND SOFT FLOOR LAYERS	10.00	.30	6%		.02
ELECTRICIANS & CABLE SPLICERS	10.17	4%	12%+.15		.04
ELEVATOR CONSTRUCTORS:					
Mechanics	10.23	.44	.29	2½%+a+b	.02
Helpers	7.16	.44	.29	2½%+a+b	.02
Probationary Helpers	5.115				
IRONWORKERS - Nearest Towns as listed below:					
Atlantic City	10.10	.64	1.06		.05
Camden	10.30	.64	1.06		.03
LABORERS, BUILDING:					
Fairfield, Lawrence, Millville, Downe, Commercial & Maurice River Twps.:					
Common Laborers, Mason Tenders, Plasterers' Tenders, Concrete Laborers,	6.35	.55	.15		
Air-Gas-Electric Tool Operators, Gunite Men, Nozzle and Gun Operators	6.80	.55	.15		
Greenwich, Stowe Creek, Hopewell, Deerfield, Upper Deerfield and Vineland Twps.:					
Common Laborers	6.70	.35	.40		
Brick Tenders, Mortar Mixers, Scaffold Builders (brick), Hod Carriers (brick), Power Tool Operators	6.80	.35	.40		
Motorized Buggy, Burners, Nozzle Men (gunite work)	6.925	.35	.40		
Jackhammer Operators, Concrete Vibrators (28½ lbs.), Barco Tamper Operators	7.05	.35	.40		

DECISION NO. AR-2082

LABORERS, BUILDING: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Plasterers'Tenders & Lathers' Tenders	$7.20	.35	.40		
LATHERS	8.61	.225	.10		
LEAD BURNERS	9.25	.35		c	.01
PAINTERS:					
Brush	7.20				
Brush - Steel & Swing	7.45				
Brush - Steel & Swing over 70'	7.85				
Spray & Roller	7.80				
Spray & Roller - Exotic Material	8.80				
Spray & Roller - Steel & Swing	8.05				
Exotic Material Steel	9.05				
Exotic Material Steel over 70'	9.45				
Sandblasting	7.80				
Sandblasting - Steel & Swing	8.05				
PILEDRIVERMEN & DOCK BUILDERS:	9.92	1.28	.90	d	.01
PLUMBERS & STEAMFITTERS	10.58	.42	.42		.025
ROOFERS:					
Composition, Rollermen & Kettlemen	8.60	.30	.30		
Slate, Tile & Dampproofing	8.85	.30	.30		
SHEET METAL WORKERS	9.45	.40	.50		
SPRINKLER FITTERS	10.00	.50	.70		.08
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Independence Day; Labor Day; Presidential Election Day; Veterans' Day or Thanksgiving Day.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.50	.75	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.50	.75	a	
Timberman	7.05	.50	.75	a	
Form setters	7.10	.50	.75	a	
Grademan	7.10	.50	.75	a	
Sewer pipe, laser men, conduit & duct line layers	6.80	.50	.75	a	
Wagon drill op., & drill masters	6.90	.50	.75	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.50	.75	a	
Signal man	6.60	.50	.75	a	
Wrapping and coating of all pipe	6.50	.50	.75	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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DECISION NO. AR-2082 P. 5 — N.J. 4-LAB-5-0

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

DECISION NO. AR-2082 P. 6 — NJ-1-PEO-1-2-B — 1 of 3

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicoptors (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, pilledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house car or any other similar type hoisting machines, portable or stationary (except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

DECISION NO. AR-2082 P. 7 — NJ-1-PEO-1-2-B — 2 of 3

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or conpressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (usad on job site or in conjunctioo with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenanco

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors umder D-8

GROUP XIV: Helicoptors (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

DECISION NO. AR-2082 P. 8 — NJ-1-PEO-1-2-B — 3 of 3

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

DECISION NO. AR-2082 P. 9 NJ-2-PEO-3-B 1 of 2

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetsel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

DECISION NO. AR-2082 P. 10 NJ-2-PEO-3-B 2 of 3

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:

compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch auction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total diatance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

DECISION NO. AR-2082 P. 11 NJ-2-PEO-3-B 3 of 3

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

DECISION NO. AR-2082 P. 12 NJ-4-PEO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO. AR-2082 P. 13 NJ-3-TD-1-2-3-K

TRUCK DRIVERS: BUILDING, HEAVY & HIGHWAY

GROUP I: Warehouseman, fork lift truck and part men

GROUP II: Straight truck driver including all "dual purpose" trucks, (straight), transit mix trucks, fuel trucks, pickup trucks (only when transporting material), flat bed trucks, seeding trucks, fertilizing trucks, dumpcrete trucks, mulching trucks, "A" frame (when transporting material), water sprinkler trucks, tanks, straight trucks with mechanical tailgates, asphalt distributor trucks, batch trucks and similar type equipment

GROUP III: Straight truck driver (helper)

GROUP IV: Winch straight tractor & trailer truck driver and Euclid trailer dump (not self loading), fuel truck drivers & asphalt oil distributors on dumpcrete trucks, transit-mixers, flat bed trucks, low bed trucks, tanks, water tank, fuel trucks, euclid water sprinkler, asphalt distrubutor, pole trailer, winch trailer, I beam trucks, euclids (all), and similar types of equipment

GROUP V: Ten wheel dump truck driver and trailer dump driver off site

GROUP VI: Mechanics

GROUP VII: Mechanics (helper)

GROUP VIII: All truck towing

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
GROUP I:	$6.45	a	b	c&d		
GROUP II:	6.50	a	b	c&d		
GROUP III:	6.30	a	b	c&d		
GROUP IV:	6.85	a	b	c&d		
GROUP V:	5.80	a	b	c&d		
GROUP VI:	7.00	a	b	c&d		
GROUP VII:	6.50	a	b	c&d		
GROUP VIII:	6.65	a	b	c&d		

FOOTNOTE:

a. Employer contributes $2.70 per day to Health and Welfare.

b. Employer contributes $2.20 per day to a Pension Fund.

c. Employee who has worked or received pay for 90 days within a year prior to his anniversary date shall receive 56 hours straight time vacation pay; for 3 years but less than 8 years of service he will receive 100 hours of straight time vacation pay; more than 8 yrs but less than 15 years-125 hours; 15 years or more-165 hours.

d. Paid holidays for employees available for work on at least 2 days in the week in which the holiday falls include A-F plus Washingtons Birthday, President Election date and Armistice Day.

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: ESSEX

DECISION NO.: AR-2083 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2102 dated April 19, 1974, in 39 FR 14161.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.202	.5803	.4974		.02
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, CEMENT MASONS, PLASTERERS & STONEMASONS:					
Millburn	9.25	.75	.70		.02
Remainder of County	9.85	.70	.60		.02
CARPENTERS, MILLWRIGHTS & INSULATORS:					
Millburn:					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
Remainder of County	9.73	6%	6%		.02
ELECTRICIANS & CABLE SPLICERS	10.35	5%	6%+1%	10%	½of1%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.10	.395	a+.26	b+c	.015
Helpers	6.83	.395	a+.26	b+c	.015
Probationary Helpers	4.55				
Modernization	8.33	.395	a+.26	b+c	.015
Modernization Helpers	6.25	.395	a+.26	b+c	.015
Repair	7.48	.395	a+.26	b+c	.015
Repair Helpers	5.61	.395	a+.26	b+c	.015
GLAZIERS	8.70	.70	.65	d	.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
LABORERS, BUILDING:					
Millburn:					
Common Laborers	6.95	.60	.50		
City of East Orange; South Orange & Maplewood Twps.:					
Common Laborers, Pneumatic Hammer Operators, Mason Tenders, Mortar Mixers, & Scaffold Men.	6.85	.40	.30		
Remainder of County:					
Common Laborers, Air Tool Operators, Mason Tenders, Mortar Mixers, Pipe Layers, Concrete & Clay.	7.20	.40	.45		
LEAD BURNERS	9.25	.35		e	.01
LINE CONSTRUCTION:					
Linemen, Cable Splicers,					

DECISION NO. AR-2083

	Basic Hourly Rates	Fringe Benefits Payments			
LINE CONSTRUCTION: (Cont'd)		H & W	Pensions	Vacation	App. Tr.
Linemen, Cable Splicers, Line Equipment Operators, Line Truck Operators, Groundmen & Welders	$10.35	5%	6%+1%	10%	½ of1%
MARBLE SETTERS	7.80	.78	.94		
MARBLE SETTERS HELPERS	7.33	.74	.88		
PAINTERS:					
Brush	8.40	.50	.50	.10	
Structural Steel & Tanks under 30'	8.55	.50	.50	.10	
Structural Steel & Tanks 30' & over	9.00	.50	.50	.10	
Bridges, TV, Radio, Water Towers & Stacks	9.00	.50	.50	.10	
Sandblasting, Steam Cleaning	9.00	.50	.50	.10	
PILEDRIVERMEN & DOCK BUILDERS	9.36	.90	1.53	.56	.02
PLUMBERS:					
Short Hills & Millburn	9.57	.40	.90	.75	.10
Orange, West Orange, East Orange, South Orange, Maplewood & Livingston	9.57	.40	.90	.85	.10
Remainder of County	9.525	.40	.90	.85	.10
ROOFERS:					
Composition, Damp & Waterproofing	10.27	.70	.50		
Slate & Tile	9.05	.30	.20		
Slate & Tile Helpers	7.95	.30	.20		
SHEET METAL WORKERS	9.14	4%+.055	4%+.055	8%	.01
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
SPRINKLER FITTERS	10.53	.50	.70		.07
STEAM FITTERS	9.85	6%	7%	10%	½ of 1%
TERRAZZO WORKERS	8.71	.45+.62	1.19		
TERRAZZO WORKERS HELPERS	7.43	.925	.475		
TERRAZZO WORKERS MACHINE OPERATORS	7.68	.925	.475		
TILE SETTERS	8.20	.55	.65+1.10		
TILE SETTERS HELPERS	8.01	6%	7%		

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

XUM

DECISION NO. AR-2083

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% of the basic hourly rate for 5 years or more of service or 4.2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week's vacation after one year's work; two weeks vacation after 4 years work; 3 weeks vacation after 15 years work.

e. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
LABORERS, ASPHALT						
Streets:						
Head rakers	$ 7.20	.51	.54	a		
Rakers	7.05	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.80	.51	.54	a		
Plant:						
Scale mixer and burner men	7.05	.51	.54	a		
Feeders and dust men	6.80	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

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BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pump-crete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

DECISION NO. AR-2083 P. 8 NJ-1-PEO-1-2- B 2 of 3

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machinee (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heators (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

DECISION NO. AR-2083 P. 9 NJ-1-PEO-1-2- B 3 of 3

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE

a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

DECISION NO. AR-2083 P.10 NJ-2-PEO-3-B 1 of 2

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL, spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeeze-crete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

DECISION NO. AR-2083 P. 11 NJ-2-PEO-3-B 2 of 3

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:

compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

DECISION NO. AR-2083 P. 13 NJ-4-TD-1-2-3-J 1 of 2

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	a	.71	b+c	
Euclids, international harvesters wabcos, caterpiller, koehring, tractors and wagons, dumpster, straight, bottom, rear and side dump, carry-alls and scrapers (not self-loading - loading over the top), water sprinkler trailers, water pulls and similar types of vehicles	7.15	a	.71	b+c	
Tractor and trailer type vehicles, flat, floats, I-Beans, low beds, water sprinkler, bituminous, transit mix, road oil, fuel, bottom dump hopper, rear dump, office, shanty, epoxy, asphalt, agitator mixer, mulching stringer, seeding, fertilizing pole, spread bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer	7.15	a	.71	b+c	
Straight three axle materials: Trucks and floats	7.05	a	.71	b+c	
Straight dumps, flats, floats, pickups, container haulers, fuel, water sprinkler, road oil, stringer, bead, hot pass, bus, dumpcrete transit mixers, agitator mixer, half track, winch truck, side-o-matic, dynamite, powder, x-ray, welding skid, jeep, station wagon, stringor A-Frame, all dual purpose trucks, trucks with mechanical tail gates, asphalt distributor, batch trucks, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor,					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS: (Cont'd) hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt distributor and spreader nipper, fuel trucks (drivers on fuel trucks including handling of hose and nozzle - entire unit) team drivers, vacuum or vac-all trucks (entire unit), concrete mobile trucks (entire unit), expediter, beltcrete trucks, line truck reel truck, wreckers or tow trucks, utility trucks, tack trucks	$7.00	a	.71	b+c	
Helper, when required on broyhill coal tar expoxy truck, asphalt, bituminous distributor truck	7.00	a	.71	b+c	
Drivers on broyhill coal tar epoxy trucks, littleford bituminous distributor, slurry seal truck or vehicle, thiokol trackmaster pickup (swamp cat pickup), bucket loader dump truck or any rubber tired tractor used in pulling and towing farm wagons and trailers of any description	7.00	a	.71	b+c	
Teamster mechanic	7.00	a	.71	b+c	
Mechanic helper	6.77	a	.71	b+c	

FOOTNOTES:
b. Paid Vacations: Employees working 80 days within a year shall receive 1 week, 125 days receive two weeks vacation, 145 days receive 2 weeks vacation, 15 years seniority and 145 days worked shall receive 4 weeks vacation.

c. Paid Holidays: A-F, Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day providing the employee has been assigned to work or shapes one day of the calendar week during which the holiday occurs.

XUM

SUPERSEDEAS DECISION

STATE: Oklahoma

COUNTIES: Oklahoma, Cleveland, Canadian, Lincoln, McClain Pottawatomie & Seminole

DECISION NO.: AR-81

DATE: Date of Publication

SUPERSEDES DECISION NO. AR-15 dated August 16, 1974 in 39 FR 29907

DESCRIPTION OF WORK: Building Construction (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$8.45	.30	.60		.02
BOILERMAKERS	7.80	.30	.76		.03
BRICKLAYERS-STONEMASONS:					
Oklahoma, Cleveland, Canadian and McClain Counties	8.17	.40	.35		.05
Lincoln, Pottawatomie and Seminole Counties	8.00				
CARPENTERS - ZONE I					
Carpenters	6.70				
Power saw operator	6.95				
Millwrights-Piledrivermen	8.25	.20			.04
CARPENTERS - ZONE II					
Carpenters	8.00	.20			.04
Millwrights-Piledrivermen	8.25	.20			.04
Power saw operator	8.25	.20			.04
CARPENTERS - ZONE III					
Carpenters	6.55	.20	.25		.02
Power saw operator	6.30	.20	.25		.02
Millwrights-Piledrivermen	6.80	.20	.25		.02
CARPENTERS - ZONE IV					
Carpenters	6.25	.25			.02
Millwrights-Piledrivermen	6.95	.25			.02

CARPENTERS AREA DEFINITION

ZONE I - Northern 1/2 of Lincoln County bound on the South by Interstate 35 on the East of Highway 99

ZONE II - Pottawatomie County and part of Lincoln County south of Turner Turnpike; the City limits of Moore in Cleveland County; all of Oklahoma and Canadian Counties

ZONE III - McClain County and Cleveland County (except that area covered by the City limits of Moore)

ZONE IV - Seminole County

CEMENT MASONS:						
Lincoln, Oklahoma, McClain, Cleveland and Canadian Counties	7.73	.25				

DECISION NO. AR-81

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS:					
Zone I	$8.20	.30	1%+.20		1/2%
Zone II	8.45	.30	1%+.20		1/2%
Zone III	8.70	.30	1%+.20		1/2%
CABLE SPLICERS:					
Zone I	8.45	.30	1%+.20		1/2%
Zone II	8.70	.30	1%+.20		1/2%
Zone III	8.95	.30	1%+.20		1/2%

ELECTRICIANS-CABLE SPLICERS ZONE DEFINITION

Zone I - the area within the twelve mile radius of the main Post Office located in one of the cities listed as follows: El Reno, Moore, Norman, and Oklahoma City

ZONE II - the area between the twelve mile zone 1 radius to thirty mile radius of the zone 1 Post Office, except where zone 2 intercepts another zone 1 area.

ZONE III - the area outside zones 1 & 2 and within the local union area

ELEVATOR CONSTRUCTORS	7.51	.395	.26	2%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPERS	70%JR	.395	.26	2%+a+b	.02
ELEVATOR CONSTRUCTORS' HELPER(PROB.)	50%JR				
GLAZIERS	6.82				
IRONWORKERS	8.34	.30	.35		.08
LABORERS:					
ZONE I -- Oklahoma, Canadian, Pottawatomie, Lincoln and Cleveland Counties:					
Group I - Unskilled laborers	5.50	.10	.15		
Group II - Air tool operator (jackhammer, vibrator), mason tenders; mortar mixers; pipelayers (concrete and clay); Plasterers' tenders	5.70	.10	.15		
ZONE II - McClain County					
Group I - Unskilled Laborers	4.20	.20	.20		
Group II - Air tool op. (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete & clay); plasterers tender	4.45	.20	.20		
ZONE III - Seminole County					
Group I - Unskilled laborers	4.55	.25	.20		
Group II - Air tool op. (jackhammer, vibrator); mason tenders; mortar mixers; pipelayers (concrete & clay); plasterer tender	4.85	.25	.20		

DECISION NO. AR-81

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LATHERS	$8.00				.01
LINE CONSTRUCTION:					
Linemen	8.00		1%		1/2%
Cable splicers	8.48		1%		1/2%
Hole digger operator	7.26		1%		1/2%
Heavy equipment operators (or pole cat equivalent)	7.26		1%		1/2%
Line truck driver (winch operator)	6.57		1%		1/2%
Jack hammerman	5.99		1%		1/2%
Powdermen	7.26		1%		1/2%
Truck driver (flat bed, ton and half and under)	5.70		1%		1/2%
MARBLE MASONS	7.35		.20		
PAINTERS:					
Brush	6.80	.40	.35	.20	.02
Spray under 30 feet	7.30	.40	.35	.20	.02
Spray over 30 feet	7.80	.40	.35	.20	.02
Sandblaster	7.30	.40	.35	.20	.02
PLASTERERS (Pottawatomie County)	7.475				.01
PLASTERERS (Canadian, Cleveland, McClain, Oklahoma and Lincoln Cos.)	8.60				.01
PLUMBERS	8.40	.55	.40		.10
PIPEFITTERS	8.22	.55	.55		.10
POWER EQUIPMENT OPERATORS:					
Group I	8.25	.35	.25		.12
Group II	8.00	.35	.25		.12
Group III	7.75	.35	.25		.12
Group IV	7.50	.35	.25		.12
Group V	7.00	.35	.25		.12
Group VI	7.10	.35	.25		.12
Group VII	6.80	.35	.25		.12
Group VIII	6.50	.35	.25		.12

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

Group I

All crane type equipment with 100' of boom or over (including jib), all tower cranes and all crane type of 3 cu. yd. or more

Group II

Heavy duty mechanic; welder; crane hook and overhead monorail; whirley; panel board batch plant operator; derrick; piledriver; engineer; dragline; shovel, clamshell; backhoe; sideboom; gradall; hydro crane; cherry picker; hoists while operating 2 or more drums

DECISION NO. AR-81

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION (CONT'D)

Group III

Motor patrol (blade); dozer (engine h.p. 65 or over); Fordson tractor or like equipment with hoe or loader equipment or ditcher; scraper type equipment; Tournapull, DW 10, 15, 16, 20, 21 and similar rubber-tired equipment; Euclid, TS-24 and similar; Loader operator or hi-lift (engine h.p. 65 or over); asphalt lay machine; tail boom; conveyor-multiple, panel board control; power driven hole digger; trenching machine; concrete pump-boom type

Group IV

Locomotive engineer; boring machine, tug boat; mixer, 18 cu. ft. and over; sand barge; dredging machine; tugger; hoist when operating one drum; welding machine, 3 to 6; air compressor, 3 to 6, 500 cu. ft. and under; air compressor, over 500 cu. ft. (1); pumps; battery, 3 to 6; fork-lift; bobcat and similar equipment; generator plant engineer, Diesel electric; winch trucks with A-frame; rollers all types; outside elevator or building of personnel hoist; concrete buster or tamper; heater under jurisdiction of op.; engineers, firemen; boiler operator; crushing plants; oiler distributor; pulvimixer; farmer tractor with or without attachments; batch plant operator (portable); conveyor operator-fuel, continuous or belt, bulk handling, screened operator; concrete pump; form grader; screening plant; well point pump operator; signal man on large whirleys when and if required, operator for rotary drilling machine when operated from console or machines

Group V

Permanant elevator - building type (automatic), concrete mixer, with hopper less than 18 cu. ft.; air compressor 500 cu. ft. and under (1 or 2); welding machine (1 or 2); fuelman; conveyor operator-single continuous belt bulk handling

Group VI

Greaser, tilt top trailer operator

Group VII

Asphalt lay machine back end man helpers

Group VIII

Truck crane oiler driver or truck crane oiler

Engineers for machine not listed under the above classifications shall receive the scale comparable to these classifications.

Engineers of all classifications when working in caverns or tunnels shall receive 25¢ per hour above listed rates.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$7.00	.25	.25		.04
SHEET METAL WORKERS	8.00	.40	.40		.05
SOFT FLOOR LAYERS:					
Resilient floor layers and carpet layers	7.20	.40			
SPRINKLER FITTERS	9.05	.40	.70		.08
TERRAZZO WORKERS	7.35		.20		
TERRAZZO WORKERS' HELPERS	5.95				
TERRAZZO FLOOR MACHINE MAN	6.15				
TERRAZZO BASE MACHINE MAN	6.45				
TILE SETTERS	7.35		.20		
TILE AND MARBLE HELPERS:					
Experienced helpers	5.20				

39 FR 41160 XUM

DECISION NO. AR-31

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Group I	$5.32				
Group II	5.52				
Group III	5.22				

CLASSIFICATION DEFINITION
TRUCK DRIVERS

Group I -
Truck drivers for heavy equipment such as lowboys, heavy winch, and floats

Group II
Heavy earth moving equipment such as Euclids, Mississippi wagons, 10 yards, and tail dumps

Group III
Truck drivers and swampers, such as dump trucks, flat beds, stake bodies, and 3/4 and 1/2 ton pick-up trucks

WELDERS - received rate prescribed for craft performing operation to which welding is incidential.

FOOTNOTES:
A. 1st 6 mos. - none; 6 mos. to 5 yrs. - 2%; over 5 yrs. - 4% of basic hourly rate.
B. Paid Holidays A through F

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day

SUPERSEDEAS DECISION

STATE: South Dakota

COUNTIES: Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Duel, Dewey, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Harding, Hughes, Hutchinson, Jackson, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, Meade, Mellette, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Shannon, Spink, Stanley, Sully, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton and Ziebach

DECISION NUMBER: AR-1049
DATE: Date of Publication
Supersedea Decision No. AR-1028 dated August 30, 1974, in 39 FR 31867
DESCRIPTION OF WORK: Heavy Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Finisher	$ 4.66				
Form Builder	4.66				
Form Setter	4.66				
Painter	3.86				
LABORERS:					
Air tool operator	3.46				
Common laborer	3.46				
Landscape workers	3.46				
Form builder helpers (bridge and culvert)	3.86				
Manhole builder	4.40				
Piledriver (leadsman)	4.30				
Pipelayer (other than culvert)	4.30				
Powderman (blaster)	5.10				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.60				
Asphalt distributor helper	3.86				
Asphalt paving machine	4.70				
Asphalt paving machine helper	3.46				
Asphalt plant helper	3.46				
Asphalt plant, stationary and traveling	4.70				
Auger operator (truck type)	3.86				
Automatic fine grader operator	4.80				
Beginner operator (1 year or less experience as Power Equipment Op.)	4.00				
Broom, self-propelled	3.86				
Bulldozer, 80 h.p. or less	4.20				
Bulldozer, over 80 h.p.	4.70				
Bullfloat machine	4.50				
Concrete batch plant	4.70				
Concrete mixer	4.00				
Concrete paver	5.10				
Concrete paving cure machine	4.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
Concrete paving finishing machine	$ 4.80				
Concrete paving form grader	4.80				
Concrete paving joint machine	4.60				
Concrete paving joint sealer	4.10				
Concrete paving saw	4.50				
Concrete paving spreader	4.80				
Concrete paving subgrader	4.70				
Conveyor	3.46				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, 1 1/4 cu. yds. or less	4.70				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, over 1 1/4 cu. yds.	5.10				
Crusher (incl. those with integral screening plant)	4.70				
Curb machine	4.10				
Fireman (boiler and retort)	3.90				
Front End Loader, 1 1/4 cu. yds. or less	4.00				
Front End Loader, 1 1/4 cu. yds. to 3 1/4 cu. yds.	4.50				
Front End Loader, over 3 1/4 cu. yds.	4.70				
Mechanic, heavy duty	5.00				
Mechanic, helper	4.00				
Mechanic, maintenance	4.50				
Motor grader, (finish)	5.10				
Motor grader, (rough)	4.60				
Oiler and greaaer	4.50				
Roller, self-propelled (hot mix)	4.20				
Roller, self-propelled (other)	3.86				
Roller, sheepsfoot or 50 ton pneumatic	4.20				
Scrapers	5.30				
Spreader (materials)	4.50				
Stationary plant	4.10				
Tractor (crawler or pneumatic)	4.10				
Tractor, farm type w/attachments (including loader)	3.46				
Tractor - push	4.90				
Traveling plant (stabilization)	4.70				
Traveling plant, helper	3.46				
Trenching machine	4.50				
Wagon drill (including airtrac-trac-drill, etc.)	4.50				
TRUCK DRIVERS:					
Euclid or dumptor	$ 3.82				
Truck crane	3.72				
Truck driver, single axle	3.46				
Truck driver, tandem or semi-trailer	3.62				
WELDER:					
Welder, certified	4.80				
Welder, general	4.50				

SUPERSEDEAS DECISION

STATE: South Dakota
DECISION NUMBER: AR-1050
Supersedes Decision No. AP-908 dated June 15, 1973, in 38 FR 15807
DESCRIPTION OF WORK: Highway Construction

COUNTIES: Statewide
DATE: Date of Publication

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Concrete Finisher	$ 4.66				
Form Builder	4.66				
Form Setter	4.66				
Painter	3.86				
LABORERS:					
Air tool operator	3.46				
Common laborer	3.46				
Landscape workers	3.46				
Form builder helpers (bridge and culvert)	3.86				
Manhole builder	4.40				
Piledriver (leadsman)	4.30				
Pipelayer (other than culvert)	4.30				
Powderman (blaster)	5.10				
POWER EQUIPMENT OPERATORS:					
Asphalt distributor	4.60				
Asphalt distributor helper	3.86				
Asphalt paving machine	4.70				
Asphalt paving machine helper	3.46				
Asphalt plant helper	3.46				
Asphalt plant, stationary and traveling	4.70				
Auger operator (truck type)	3.86				
Automatic fine grader operator	4.80				
Beginner Operator (1 year or less experience as Power Equipment Op.)	4.00				
Broom, self-propelled	3.86				
Bulldozer, 80 h.p. or less	4.20				
Bulldozer, over 80 h.p.	4.70				
Bullflost machine	4.50				
Concrete batch plant	4.70				
Concrete mixer	4.00				
Concrete paver	5.10				
Concrete paving cure machine	4.10				
Concrete paving finishing machine	4.80				
Concrete paving form grader	4.80				
Concrete paving joint machine	4.60				
Concrete paving joint sealer	4.10				
Concrete paving saw	4.50				
Concrete paving spreader	4.80				
Concrete paving subgrader	4.70				
Conveyor	3.46				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, 1 1/4 cu. yds. or less	4.70				
Cranes, Derricks, Draglines, Pile-drivers, Backhoes and Shovels, over 1 1/4 cu. yds.	5.10				

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS (Cont'd):					
Crusher (incl. those with integral screening plant)	$ 4.70				
Curb machine	4.10				
Fireman (boiler and retort)	3.90				
Front End Loader, 1 1/4 cu. yds. or less	4.00				
Front End Loader, 1 1/4 cu. yds. to 3 1/4 cu. yds.	4.50				
Front End Loader, over 3 1/4 cu. yds.	4.70				
Mechanic, heavy duty	5.00				
Mechanic, helper	4.00				
Mechanic, maintenance	4.50				
Motor grader, (finish)	5.10				
Motor grader, (rough)	4.60				
Oiler and greaser	4.50				
Roller, self-propelled (hot mix)	4.20				
Roller, self-propelled (other)	3.86				
Roller, sheepsfoot or 50 ton pneumatic	4.20				
Scrapers	5.30				
Spreader (materials)	4.50				
Stationary plant	4.10				
Tractor (crawler or pneumatic)	4.10				
Tractor, farm type w/attachments (including loader)	3.46				
Tractor - push	4.90				
Traveling plant (stabilization)	4.70				
Traveling plant, helper	3.46				
Trenching machine	4.50				
Wagon drill (including airtrac-trac-drill, etc.)	4.50				
TRUCK DRIVERS:					
Euclid or dumptor	3.82				
Truck crane	3.72				
Truck driver, single axle	3.46				
Truck driver, tandem or semi-trailer	3.62				
WELDER:					
Welder, certified	4.80				
Welder, general	4.50				

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federal register

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MONDAY, NOVEMBER 25, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 228

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rules and regulations

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Consumer Product Safety Commission

Section 213.3360 is amended to show that one position of Staff Assistant to a Commissioner is no longer excepted under Schedule C. This section is further amended to show that one position of Secretary (Stenography) to a Commissioner is excepted under Schedule C.

Effective on November 25, 1974, § 213.3360(a) is amended as set out below.

§ 213.3360 Consumer Product Safety Commission.

(a) One Secretary (Stenography) to one Commissioner and one Staff Assistant to each of four Commissioners.

((5 U.S.C. secs. 3301, 3302); E.O. 10577, 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27519 Filed 11-22-74;8:45 am]

PART 213—EXCEPTED SERVICE

U.S. Arms Control and Disarmament Agency

Section 213.3364 is amended to show that one position of Private Secretary to the ACDA Representative to the Mutual and Balanced Force Reduction Talks is excepted under Schedule C.

Effective on November 25, 1974, § 213.3364(k) is added as set out below.

§ 213.3364 U.S. Arms Control and Disarmament Agency.

* * * * *

(k) One Private Secretary to the ACDA Representative to the Mutual and Balanced Force Reduction Talks.

((5 U.S.C. secs. 3301, 3302), E.O. 10577 3 CFR 1954–58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27520 Filed 11-22-74;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amdt. 60]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

OATS

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. Section 1, 3, 4(d) and 4(e) and 5 of the Oat Endorsement shown in § 401.130 of this chapter are revised and the first sentence of the second paragraph of section 4(c) is amended to read as follows:

§ 401.130 The oat endorsement.

* * * * *

1. *Insured Crop.* The crop insured shall be oats seeded for harvest as grain, oats seeded in the same manner for harvest as silage or hay, and grain mixtures in which oats is the predominant grain. Insurance shall not attach on acreage on which it is determined by the Corporation that the oats were seeded with flax or vetch.

* * * * *

3. *Insurance Period.* Insurance on any insured acreage shall attach at the time the oats are seeded and shall cease upon threshing, harvesting for silage or hay, or removal from the field, whichever occurs first, but in no event shall insurance remain in effect later than October 31 of the calendar year in which the oats are normally harvested.

* * * * *

4. *Claims for loss.*

(c) * * * The total production to be counted for a unit shall be determined by the Corporation and, subject to the provisions hereinafter, shall include all threshed production and any appraisals made by the Corporation for unthreshed, unharvested, potential production or appraised grain production on acreage harvested for silage or hay, or appraised for production lost due to poor farming practices, uninsured causes of loss, or appraised for acreage abandoned or put to another use without the consent of the Corporation: * * *

4. *Claims for loss.*

* * * * *

(d) Notwithstanding Section 8(a) of the policy, if the insured decides to harvest the crop on any insurable acreage for silage or hay, and an insured loss is probable, he shall give notice in writing to the Corporation at the office for the county before harvest is commenced. The Corporation shall, pursuant to such notice, appraise the potential grain production on the insured acreage but if unable to do so prior to harvest, the insured may harvest the crop providing that three representative strips at least four feet wide running the entire length of the field (excluding the first 20 feet on each side of the field) are left for appraisal purposes. The Corporation reserves the right to reject any claim for loss if any of the requirements of this section are not met and the Corporation determines that the amount of loss cannot be satisfactorily determined: Provided, That such appraisals of production made hereunder shall be made on the assumption that favorable growing conditions will prevail and shall not be reduced because of any damage to representative areas after the crop was harvested.

* * * * *

(e) In determining total production, all small grains and volunteer vetch growing with the seeded oat crop shall be counted as oats on a weight basis.

* * * * *

5. *Meaning of terms.* For the purpose of insurance on oats the terms:

(a) "Harvest" means the mechanical severance from the land of oats for threshing, hay or silage.

(b) "Harvested production" means grain production and/or the appraised grain production on acreage harvested for silage or hay.

* * * * *

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

This amendment will permit the Corporation to provide oat insureds with insurance protection on oats planted for harvest as hay or silage in addition to oats planted for harvest as grain. It will also eliminate the possibility of insureds excluding oat acreage in good crop years from insurance by reporting it as acreage planted for harvest as hay or silage rather than grain, and thus avoid paying a premium for that year.

It is desirable that this amendment become effective in 1975. Notice of changes must be given oat crop insureds by December 15, 1974, and applications for insurance will be taken in the near future.

It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1975 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a

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Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said regulations were adopted by the Board of Directors on November 13, 1974.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on November 20, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-27481 Filed 11-22-74;8:45 am]

[Amdt. 61]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

FLUE CURED TOBACCO POUNDAGE QUOTA ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respect:

1. The following section is added:

§ 401.150 The Flue Cured Tobacco Poundage Quota Endorsement with the amounts of insurance determined from poundage marketing quotas under the ASCS Flue Cured Tobacco Marketing Quota Regulations.

The provisions of the Flue Cured Tobacco Poundage Quota Endorsement, which shall be applicable for the 1975 and succeeding crop years in those flue cured tobacco counties where the acturial table states that the table on file is applicable to insurance provided under the Flue Cured Tobacco Poundage Quota Endorsement, are as follows:

1. *Insured Crop.* The crop insured shall be flue cured tobacco of types 11(a), 11(b), 12, 13 and 14.

2. *Insured Acreage.* In lieu of the provisions of section 2(c) of the policy the following shall apply: The insured flue cured tobacco acreage for each crop year shall be all acreage planted to flue cured tobacco on the insurance unit (herein called "unit") provided that no insurance shall be considered to have attached on any acreage the Corporation determines was (1) destroyed and after such destruction it was practical to replant and such acreage was not replanted, (2) initially planted after the date fixed by the Corporation and placed on file in the office for the county, as being too late to initially plant and expect a normal crop to be produced, (3) designated as not insurable on the county acturial table, (4) planted to tobacco of a discount variety under the provisions of the tobacco price support program, or (5) planted for experimental purposes.

3. *Additional Reporting Requirement.* In addition to reporting the planted acreage and share as provided in section 3 of the policy, the insured shall report the effective poundage marketing quota, or portion thereof, applicable to the unit on the final planting date (herein called "poundage quota") for the current marketing year as provided under the ASCS Flue Cured Tobacco Marketing Quota Regulations and the pounds, if any, by which in establishing the amount of insurance for the unit the poundage quota shall be reduced due to carryover tobacco to be marketed under the poundage quota applicable to the unit: *Provided*, That such poundage reduction shall not be allowed unless clearly specified in filing the acreage and quota report.

4. *Amount of Insurance and Premium for a Unit.* (a) In lieu of the provisions of section 5 of the policy the following shall apply: The amount of insurance for a unit shall be the dollar amount determined by multiplying the applicable poundage for the unit as determined in (b) below by the applicable percentage of guarantee for the tobacco farm shown on the county actuarial table for this purpose and the result by the current year's flue cured tobacco price support per pound (rounded to the nearest cent) less 3 cents for warehouse charges (see 9(c)).

(b) The poundage determined to be applicable to the unit shall be the effective flue cured poundage marketing quota for the crop year for the tobacco farm under the ASCS Flue Cured Tobacco Marketing Quota Regulations, or portion thereof applicable to the unit, on the final planting date, as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, with such poundage for any unit reduced by the pounds of carryover tobacco to be marketed under the current crop year poundage quota if reported in accordance with section 3: *Provided, however*, If the result obtained by dividing the poundage as determined above by the applicable farm yield per acre (see subsection 9(g)) exceeds the insured acreage on a unit, the poundage used in (a) above shall be reduced by the factor determined by dividing the insured acreage by such result.

Unless otherwise provided on the actuarial table, for any crop year in which flue cured tobacco poundage marketing quota regulations are not in effect, the poundage used in determining the applicable amount of insurance for a unit shall be obtained by multiplying the applicable farm yield (see subsection 9(g)) by the percentage guarantee shown on the actuarial table and the result by the lower of the reported or insured acreage.

(c) The annual premium for the unit shall be determined by multiplying the amount of insurance, determined as provided above, by the applicable percentage premium rate shown on the actuarial table (any premium rates established for the irrigated practice will apply only to acreage qualifying for such practice and so reported and designated at the time the acreage is reported) and this product by the insured's share at the time insurance attached, and, when applicable, applying the discounts shown in section 6(b) of the policy.

5. *Insurance Period.* Insurance on any insured acreage shall attach at the time the tobacco is planted and, with respect to any portion of the crop, shall cease upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, grading, packing, or immediate delivery to the tobacco warehouse), whichever occurs first, but in no event shall insurance remain in effect for the applicable type later than the date set forth below immediately following the normal harvest period:

Type of tobacco:	*Date*
11a	Jan. 31.
11b	Do.
12	Dec. 31.
13	Nov. 30.
14	Oct. 31.

6. *Notice of Loss or Substantial Damage.* In lieu of the provisions of section 8(b) of the policy the following shall apply: "If at the completion of selling or otherwise disposing of the insured tobacco an insured loss on a unit is probable, the insured shall give within 15 days written notice thereof to the Corporation at the office for the county, but in no event shall such notice be given later than the final calendar date for the end of the insurance period (see section 5): *Provided, however*, That for any unit of tobacco on which a loss is probable and the tobacco stalks are to be destroyed before such notice would otherwise be required under the contract, notice of loss shall be given to the Corporation upon completion of harvest: *Provided, further*, That if any tobacco is destroyed or damaged by fire during the insurance period, such notice shall be given immediately.

7. *Claims for Loss.* (a) Any claim for loss on a unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the amount of loss can be determined, but in no event shall such form be submitted later than the last day of the next succeeding month following the final date shown in section 5 of this endorsement for the end of the insurance period.

(b) It shall be a condition precedent to the payment of any loss that the insured establish the production of the insured crop on the unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period, and furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) The amount of loss with respect to any unit shall be determined by subtracting from the amount of insurance applicable to the unit the value (determined in accordance with subsection (d) of this section) of the total production to be counted for the unit and multiplying the remainder by the insured share.

The value of the total production to be counted for a unit shall be determined by the Corporation, and subject to the provisions hereinafter, shall include the value of all harvested production and the value of any appraisals made by the Corporation for unharvested or potential production, poor farming practices, uninsured causes of loss, or for acreage abandoned or put to another use without the consent of the Corporation: *Provided*, That the value of the total production to be counted for any tobacco acreage not harvested nor considered as harvested within the meaning of the term "harvested" shall never be less than 20 percent of the average amount of insurance per insured acre for the unit, except that for acreage abandoned or put to another use without prior written release by the Corporation and acreage damaged solely by uninsured causes at least the average amount of insurance per insured acre for the unit shall be charged: *Provided, further*, That if the Corporation determines that the insured harvested tobacco with a value in excess of the amount of insurance from a unit, and such production is subsequently destroyed or damaged before the end of the insurance period by an insured cause, no appraisals for unharvested production shall be charged as production to count unless the Corporation determines that such unharvested production could have been harvested after the loss occurrence.

(d) In determining any loss under the contract, the production shall be valued as follows: (1) the gross returns less warehouse charges from the tobacco sold on the warehouse floor, (2) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (3) the fair market value, as determined by the Corporation of the tobacco harvested and not sold, and (4) the fair market value of any unharvested tobacco determined by the Corporation as if such tobacco were harvested and cured. Any apparisals of production for any crop year made for poor farming practices or uninsured causes of loss, shall be valued at the current support price per pound less 3 cents for warehouse charges.

(e) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the insured and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured.

(f) The tobacco stalks on any acreage of tobacco with respect to which a loss is claimed shall not be destroyed until the Corporation makes an inspection.

8. *Cancellation and Debt Termination Dates.* (a) For each crop year of the contract, the cancellation date (applicable to both the insured and the Corporation) shall be the January 31 immediately preceding the beginning of the crop year for which it is to become effective.

(b) The termination date for indebtedness for each crop year of the contract shall be the applicable date listed below immediately preceding the beginning of the crop year for which the termination is to become effective.

Type of Tobacco	*Termination date*
14	Apr. 10.
13	Apr. 15.
12	Apr. 30.
11b	May 15.
11a	May 31.

9. *Meaning of Terms.* For purposes of insurance on flue cured tobacco the terms:

(a) "Insurance Unit," notwithstanding the first sentence of section 19(e) of the policy, means all the insurable acreage in the county planted to flue cured tobacco on a farm for which a single poundage marketing quota for flue cured tobacco is established and at the time of planting (1) in which the insured has 100 percent interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant: *Provided, however*, That if a flue cured tobacco price support program is not in effect for any crop year, the above words "on a farm for which a single poundage marketing quota for flue cured tobacco is established" shall be disregarded: *Provided, further*, That when poundage quotas are leased and combined with other quotas under leasing arrangements providing compensation to the lessor on some other basis than a specified share in the production from a unit, the lessee shall be regarded as the owner-operator having the entire insurable interest in the leased quota. Otherwise the provisions of section 19(e) of the policy apply to flue cured tobacco crop insurance, except that no other agreement shall be made which divides the insurable acreage into two or more units.

(b) "Market Price" for a crop year means the average auction price for flue cured tobacco (less 3 cents for warehouse charges) in the belt or area as determined by the Corporation. The market price when determined by the Corporation shall be filed in the office for the county with the actuarial table.

(c) "Support Price Per Pound" means the average price support level per pound for flue cured tobacco as announced by the United States Department of Agriculture under the tobacco price support program: *Provided, however*, That for any crop year in which a price support for flue cured tobacco is not in effect the market price for that crop year shall be used in lieu thereof.

(d) "Planting" means transplanting the tobacco plant from the bed to the field.

(e) "Harvest" or "Harvested" as to any acreage means priming or cutting at least 20 percent of the number of pounds obtained by multiplying the applicable poundage for the unit by the applicable percentage of guarantee shown on the actuarial table for such acreage and dividing this result by the insured acres in the unit.

(f) "Effective Farm Marketing Quota" means the farm marketing quota as established and recorded by ASCS applicable on the final planting date.

(g) "Farm Yield" means the yield per acre used by ASCS in establishing the basic farm marketing poundage quota for the tobacco farm, unless the Corporation has established a yield for the farm on the county actuarial table.

(h) "Carryover Tobacco" means any tobacco on hand from a previous year's production.

(i) "ASCS" means the Agricultural Stabilization and Conservation Service of the United States Department of Agriculture.

(j) "Final Planting Date" means the date after which insurance does not attach on initial plantings (see item (2), section 2 of this endorsement).

(k) "Rounded" means rounding up for ½ and above and down for less than ½.

(l) "Sharecropper" or "share tenant" means a person other than an owner-operator or tenant-operator who works tobacco under supervision of a farm operator and is entitled to receive a share of the crop or proceeds therefrom and includes a person employed on a farm of an owner-operator or tenant-operator who receives for his labor the entire interest of such owner-operator or tenant-operator in the tobacco crop, or proceeds therefrom, produced on a specified acreage of such farm (for the purpose of the contract the owner-operator or tenant-operator of the farm shall be considered to have an interest in such acreage).

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment should provide a more practical plan for insuring flue cured tobacco than the current tobacco endorsement which was designed for crops produced strictly under acreage allotments. The proposed amendment will be first tested in the Florida and South Carolina tobacco insurance counties and three Georgia counties beginning with the 1975 crop year. Since it will be necessary to start taking applications as soon as possible from new applicants for the 1975 crop year, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on November 13, 1974.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

Approved on November 20, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-27482 Filed 11-22-74;8:45 am]

[Amdt. 62]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

CANNING AND FREEZING PEA ENDORSEMENT (APPLICABLE ONLY IN MINNESOTA AND WISCONSIN)

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respect:

1. The canning and freezing pea endorsement published in § 401.146 of this chapter is amended effective beginning with the 1975 crop year to read as follows:

§ 401.146 The canning and freezing pea endorsement (applicable only in Minnesota and Wisconsin).

The provisions of the canning and freezing pea endorsement (applicable only in Minnesota and Wisconsin) for the 1975 and Succeeding Crop Years are as follows:

1. *Causes of loss.* In addition to the causes of loss not insured against enumerated in section 1(b) of the policy, the contract shall not insure against any loss of production due to acreage not being harvested unless the Corporation determines that, due to unusual weather conditions, a substantial percentage of contracted acreage in an area planted on dates far enough apart to normally assure that all such acreage could be timely harvested with the equipment available was ready for harvest at the same time. Failure to timely harvest is not an insured cause of loss, except as provided above, and the loss of production resulting will be the concern of the processor and grower since the Corporation will appraise and count as production the pounds of peas that were available for timely harvesting with no adjustment for quality.

2. *Insured crop.* The crop insured shall be canning and freezing peas (hereinafter called "peas") grown under a contract with a processor executed by the time the acreage to be insured is reported. Insurance shall not attach or be considered to have attached on any acreage not grown under such contract, excluded from such contract for the crop year pursuant to the terms thereof, or planted to peas the previous crop year. An instrument in the form of a "lease" under which the insured grower retains possession of the land on which the insured crop is grown and which provides for delivery of the insured crop under certain conditions and at a stipulated price(s) shall for the purpose of this contract be treated as a processor contract under which the insured has the interest in the crop.

3. *Production guarantee.* The applicable production guarantee in pounds per acre shall be that shown on the county actuarial table (hereinafter called "actuarial table") and said guarantee shall be increased by one-third for any acreage from which one-third or more of the guarantee is harvested.

4. *Amount of premium.* The premium for a unit shall be the unharvested poundage guarantee for the unit multiplied by the lower of the applicable contract price per pound (see section 10(c)) or the maximum price per pound provided on the actuarial table and the result multiplied by the applicable premium rate.

5. *Insurance period.* Insurance on any insured acreage shall attach at the time the peas are planted and shall cease on final adjustment of a loss, vining, combining, or removal from the field, whichever occurs first,

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but in no event shall insurance remain in effect later than the August 10 of the calendar year in which the peas are normally harvested: *Provided, however,* That if any acreage is not timely harvested, insurance shall be deemed to have ceased when the acreage should have been timely harvested as determined by the Corporation.

6. *Immediate notice required.* In addition to the notices of loss and substantial damage required in section 8 of the policy, notice shall be given the Corporation at the office for the county either orally, in person or by telephone, or in writing (1) no later than 48 hours after harvesting of the peas has been discontinued on an insurance unit before all of the acreage is harvested or (2) before harvest should start for optimum returns when it is expected or known that no acreage on a unit will be harvested for canning and freezing peas. If such notice is not given, the Corporation shall appraise the pounds of unharvested production with no adjustment for quality and, if the evidence necessary for a satisfactory appraisal is no longer available, shall appraise such acreage at the production guarantee.

7. *Claims for loss.* (a) the loss claim for a unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the end of the insurance period for the unit (see section 5). The Corporation reserves the right to provide additional time if it determines that circumstances beyond the control of either party prevent compliance with this provision.

(b) It is the responsibility of the insured to be able to accurately establish to the Corporation's satisfaction the total production of the insured crop on the unit and that the loss claimed was directly caused during the insurance period for the crop year by one or more of the hazards insured against and to furnish any other information about the loss required by the Corporation.

(c) Losses shall be determined separately for each unit. Subject to the provisions hereinafter, the amount of loss with respect to any unit shall be determined by (1) multiplying the insured acreage on the unit by the applicable production guarantee per acre, which product shall be the production guarantee for the unit, (2) subtracting therefrom the total production to be counted for the unit, (3) multiplying the remainder by the lower of the applicable contract price per pound or the maximum price per pound as shown on the actuarial table, and (4) multiplying the result obtained in (3) by the insured interest: Provided, That if for the unit the insured fails to report all of his interest or insurable acreage, the amount of loss shall be determined with respect to all of his interest and insurable acreage, but in such cases or otherwise, if the premium computed on the basis of the insurable acreage and interest exceeds the premium on the reported acreage and interest, or the acreage and interest when determined by the Corporation under section 3 of the policy, the amount of loss shall be reduced proportionately.

The total production to be counted for a unit shall be determined by the Corporation and subject to the provisions hereinafter and those in sections 1 and 6 shall include all harvested and appraised production including any appraisals for (1) potential production not harvested, (2) poor farming practices, (3) other uninsured causes of loss, and (4) acreage abandoned or put to another use without the consent of the Corporation: *Provided,* That the total production to be counted for any acreage not qualifying for the harvest increase (see section 3) shall be the appraised and harvested production in excess of ⅓ of the unharvested guarantee per acre, except that, for acreage abandoned, put to another use without Corporation consent or damaged solely by an uninsured cause, the production to count shall be at least the production guarantee for such acreage.

(d) The pounds of harvested peas to count shall be the higher of the value of the peas at the contractor price for the quality produced or the amount paid for the peas divided by the applicable contract price per pound: Provided, however, That any Corporation appraisals for items (1), (2), (3), and (4) in the preceding paragraph shall be the pounds appraised with no adjustment for quality.

(e) For any acreage harvested as dry peas the Corporation shall count as production the higher of the pounds appraised as provided in sections 1 and 6 or obtained by dividing the value of the dry peas, as determined by the Corporation, by the applicable contract price.

8. *Insurance unit.* Notwithstanding the first sentence of section 19(e) of the policy, an insurance unit shall include all of the insurable acreage in the county at the time of planting of any one of the insured types as shown on the actuarial table (1) in which the insured has 100 percent interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant.

9. *Termination and cancellation dates.* For each crop year of the contract the cancellation date shall be the December 31 and the termination date the April 15 immediately preceding the beginning of the crop year for which the cancellation or termination is to be effective.

10. *Meaning of terms.* (a) "Harvest", "harvested", or "harvesting" as to any acreage means the vining or combining and acceptance by the processor of at least ⅓ of the applicable unharvested pound guarantee per acre.

(b) "Vining" or "combining" means separating the green peas from the pods.

(c) "Applicable contract price" means the processor contract price per pound for the tenderometer reading specified on the actuarial table without regard to any premium, bonus or discount: *Provided,* That for contracts with different prices for specified planting periods or dates, the applicable contract price shall be the lowest contract price for the specified tenderometer reading applicable to any planting period or date.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

It is desirable that the proposed amendment become effective in 1975. However, the contract provides that changes for the 1975 crop year must be placed on file in the office for the county by not later than December 15, 1974. It would therefore be impossible to follow both the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of the proposed amendment and to comply with contractual provisions with respect to filing such changes in time for them to be effective for the 1975 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on November 13, 1974.

Approved on November 20, 1974.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

EARL L. BUTZ,
Secretary.

[FR Doc.74-27483 Filed 11-22-74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

1975 Crop of Upland Cotton; Base Acreage Allotments and National Production Goal

Correction

In FR Doc. 74-27023 appearing at page 40577 in the issue for Tuesday, November 19, 1974 the effective date should read as follows: "Effective date: Date of filing this document with the Director, Office of the Federal Register (11-14-74)".

PART 729—PEANUTS

Subpart—1975 Crop of Peanuts: Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of §§ 729.100 to 729.104 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1975 crop of peanuts. The purposes of §§ 729.100 to 729.104 are to proclaim a national marketing quota, establish the national acreage allotment, apportion such allotment to the States for the 1975 crop of peanuts in accordance with section 358 of the act (7 U.S.C. 1358) and announces the period of a marketing quota referendum for the 1975, 1976 and 1977 crops of peanuts. The findings and determinations made with respect to these matters are based on the latest available statistics of the Federal Government.

Notice that the Secretary was preparing to determine the acreage allotments and marketing quota for the 1975 crop of peanuts was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER on October 10, 1974 (39 FR 36489). No submissions were received in response to such notice.

In order that peanut farmers may be notified as soon as possible of farm allotments for the 1975 crop of peanuts and that as much advance notice as possible be given of the period of the referendum, it is essential that §§ 729.100 to 729.104 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and § 729.100 to 729.104 shall be effective upon filing of this document with the Director, Office of the Federal Register.

Sec.
729.100 Proclamation of national marketing quota for the 1975 crop of peanuts.
729.101 National acreage allotment for the 1975 crop of peanuts.
729.102 Reserved.
729.103 Apportionment to States.
729.104 Announcement of period of the marketing quota referendum.

AUTHORITY: The provisions of this subpart issued under secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended, (7 U.S.C. 1301, 1358, 1375).

§ 729.100 Proclamation of national marketing quota for the 1975 crop of peanuts.

(a) *Statutory requirements.* Section 358(a) of the act provides that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. The national marketing quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) *Findings and determinations.* The following findings and determinations under section 358(a) of the act are hereby made:

(1) Average quantity of peanuts harvested for nuts during the 5 year period 1968–1973, adjusted for current trends and prospective demand conditions—1,926,860 tons;

(2) Normal yield per acre of peanuts for the United States on the basis of the average yield per acre of peanuts in the 5 year period 1969–1973, adjusted for trends in yields and abnormal conditions of production affecting yields—2,360 pounds;

(3) Conversion of the quantity of peanuts determined under (1) of this paragraph into acres on the basis of the normal yield, with an adjustment for under harvesting—1,293,949 acres;

(4) Conversion of the minimum national acreage allotment of 1,610,000 acres into tons of quota on the basis of the normal yield—1,899,800 tons.

(c) *National marketing quota.* The national marketing quota for the 1975 crop of peanuts is hereby proclaimed to be 1,899,800 tons on the basis of the minimum national acreage allotment determined under paragraph (b) (4) of this section since such amount of quota would not be obtained by the smaller amount determined under paragraph (b) (3) of this section.

§ 729.101 National acreage allotment for the 1975 crop of peanuts.

The national acreage allotment for the 1975 crop of peanuts based on the national marketing quota under § 729.100(c) is hereby established at 1,610,000 acres.

§ 729.102 Reserved.

§ 729.103 Apportionment to States.

The national acreage allotment for the 1975 crop of peanuts of 1,610,000 acres is hereby apportioned to the States on the basis of their share of the national acreage allotment for 1974 as provided under section 358(c) (1) of the act:

State:	*State acreage allotment*
Alabama	216,714
Arizona	761
Arkansas	4,238
California	930
Florida	55,528
Georgia	529,855
Louisiana	1,945
Mississippi	7,492
Missouri	247
New Mexico	5,787
North Carolina	167,878
Oklahoma	138,348
South Carolina	13,891
Tennessee	3,552
Texas	358,005
Virginia	104,829
Total	1,610,000

§ 729.104 Announcement of period of the marketing quota referendum.

A referendum of the farmers who were engaged in the production of peanuts in the calendar year 1974 will be held during the period December 9 to 13, 1974, each inclusive, by mail ballot, pursuant to the provisions of section 358 of the Act and the Regulations Governing the Holding of Referenda on Marketing Quotas, as amended, (33 FR 18345, 34 FR 12940, 36 FR 12730), to determine whether said farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts to be produced in the calendar years 1975, 1976, and 1977. If two-thirds or more of the peanut farmers voting in the referendum favor marketing quotas, marketing quotas will be in effect for the 1975, 1976, and 1977 crops of peanuts. If more than one-third of the peanut farmers voting in such referendum oppose marketing quotas, marketing quotas will not be in effect for the 1975 crop of peanuts; however, farm acreage allotments for the 1975 crop of peanuts established pursuant to the provisions of the Act will be in effect and compliance with such acreage allotments will be a condition of eligibility for price support at 50 percent of the parity price for peanuts.

Effective Date: November 22, 1974.

Signed at Washington, D.C. on November 19, 1974.

KENNETH E. FRICK,
Administrator, ASCS.

[FR Doc.74-27480 Filed 11-22-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

Section 1832.3, Subpart A of Part 1832, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 14499) is amended to remove the U.S. Department of Agriculture Regional Representative from active participation in the emergency loan area designation process. In accordance with 5 U.S.C. 553 this amendment is being published without notice of proposed rulemaking inasmuch as it involves only internal agency procedure.

As amended, § 1832.3(b)(6) and (d)(3) read as follows:

§ 1832.3 Making EM loans available.

* * * * * * *

(b) *Designation by the Secretary.*

* * * * * * *

(6) The State Director will enter his comments on Form FmHA 441-28. His comments should indicate his views on the entire situation as it relates to need of loans and credit as a direct result of the natural disaster. If he has additional supporting information not submitted by the County Supervisor, he should present this information briefly. The State Director will not enter his comments on a Form FmHA 441-28 which does not contain justifying information or which has not been prepared in accordance with the guidelines for Form FmHA 441-28. After the State Director has entered his comments on Form FmHA 441-28, he will send a copy of the form with any attachments thereto, and a copy of the formal written request from the county governing body, or its authorized representative, to the National Office. Also, a copy of the Governor's letter to the Secretary should be attached when available. He will send this information even though he does not concur in the request from the county governing body or its authorized representative.

* * * * * * *

(d) *Reporting natural disasters.*

* * * * * * *

(3) *Action.* The following action will be taken:

* * * * * * *

(ii) *State Director.* The State Director will inform the National Office of each natural disaster as soon as possible. He will forward copies of the County Supervisor's report, Form FmHA 441-27, with any attachments to the National Office. Form FmHA 441-27 will be supplemented by his comments, including any additional information he may have, and his recommendation as to the need for EM loans. In urgent situations he should report to the National Office by telephone and immediately thereafter send a writ-

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ten report to the National Office. The State Director will advise the Chairman of the State USDA Emergency Board of any information he receives on the natural disaster and also provide him with a copy of Form FmHA, 441–27 and any attachments thereto.

• • • • •

Effective date. This amendment is effective on November 25, 1974.

((7 U.S.C. 1989; 42 U.S.C. 1480), delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: November 8, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–27536 Filed 11–22–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–SO–106; Amdt. 39–2023]

PART 39—AIRWORTHINESS DIRECTIVES

Piper PA–28–151 Airplanes

There have been failures of the aileron centering cable on Piper PA–28–151 airplanes that could result in aileron control interference. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection of the aileron centering assembly and replacement if necessary on Piper PA–28–151 airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

PIPER. Applies to Model PA–28–151 airplanes serial numbers 28–7415001 through 28–7515228 certificated in all categories.

Compliance required before further flight, unless already accomplished, and thereafter at intervals not to exceed ten hours time in service from the last inspection until the aileron centering assembly is rebuilt in accordance with Piper Kit 760847V or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA Southern Region.

To detect possible problems with the aileron centering assembly accomplish the following:

a. Gain visible access to right hand control wheel sprocket assembly area and check the aileron centering system for the following:

1. Cable fraying.
2. Spring integrity (Piper P/N 587340V).
3. Set screw security (Piper P/N 419974V). (The set screw should not allow any relative cable movement).

b. If the checks in a. reveal any of the unsatisfactory conditions noted, replace cable and/or spring as necessary and adjust set screw as required before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed provided the spring and/or cable is secured or removed so as not to interfere with the aileron system.

c. If the checks in a. do not reveal noted unsatisfactory conditions, no further action is necessary until next required inspection.

The pilot may perform only the checks required by paragraph a. Note: For the requirements regarding the listing of compliance and method of compliance with this AD in the airplane's permanent record, see FAR 91.173.

Piper Service Bulletin No. 435 pertains to this subject.

This amendment becomes effective December 2, 1974.

This amendment is made under the authority of Sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Georgia on November 18, 1974.

P. M. SWATEK,
Director,
Southern Region.

[FR Doc.74–27421 Filed 11–22–74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

[Reg. ER–887]

PART 244—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR AIR FREIGHT FORWARDERS AND INTERNATIONAL AIR FREIGHT FORWARDERS; FILING OF REPORTS BY FOREIGN AIR FREIGHT FORWARDERS AND COOPERATIVE SHIPPERS ASSOCIATIONS

Reissuance of Part; Correction

By ER–887,[1] the Board amended and reissued Part 244. Inadvertently, the caption showed the reissuance as Amendment No. 4 to Part 244, rather than as a Reissuance.

Accordingly the caption is hereby corrected so as to read:

"Reissuance of Part 244.

Effective: January 1, 1975.

Adopted: September 16, 1974.

Dated: November 19, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–27514 Filed 11–22–74;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER II—NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE

PART 265—REGULATIONS GOVERNING TRAFFIC AND CONDUCT ON THE GROUNDS OF THE NATIONAL BUREAU OF STANDARDS, GAITHERSBURG, MD., AND BOULDER AND FORT COLLINS, COLORADO

On September 26, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 34559) proposing to amend Title 15 of the Code of Federal Regulations by adding a new Part 265 prescribing regulations for the protection of the facilities and grounds of the Bureau in Montgomery County, Maryland, and Boulder and Larimer Counties, Colorado, over which the Federal Government, on July 14, 1972, acquired concurrent jurisdiction under the laws of Maryland (Art. 96, secs. 28, 31 and 47, Ann. Code of Maryland), and the laws of Colorado (sec. 142–1–2, Colo. Rev. Stat.).

Written comments and suggestions relating to the proposed regulations were invited to be submitted within 30 days after publication of the notice in the FEDERAL REGISTER, and notice was given of intention to make any regulations promulgated effective 30 days after publication of the final regulations in the FEDERAL REGISTER.

Comments in response to the publication of the proposed regulations were received from twenty-eight sources and were reviewed and analyzed within the Bureau. A detailed analysis of the comments received has been prepared, and a copy of this analysis is filed in the Central Reference and Records Inspection Facility, Room 7043, Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230, and is available for public inspection at that location.

Appropriate modifications in the text of the proposed regulations having been made based on the review and analysis of the comments received, the final regulations, as set forth below, are hereby issued as Part 265 of Title 15 of the Code of Federal Regulations.

Effective date—These regulations shall become effective December 26, 1974.

Dated: November 19, 1974.

RICHARD W. ROBERTS,
Director.

PART 265—REGULATIONS GOVERNING TRAFFIC AND CONDUCT ON THE GROUNDS OF THE NATIONAL BUREAU OF STANDARDS, GAITHERSBURG, MARYLAND, AND BOULDER AND FORT COLLINS, COLORADO

Subpart A—General

Sec.
265.1 Definitions.
265.2 Applicability.
265.3 Compliance with directions.
265.4 Making or giving of false reports.
265.5 Laws of Maryland and Colorado applicable.

Subpart B—Traffic and Vehicular Regulations

265.11 Inspection of license and registration.
265.12 Speeding or reckless driving.
265.13 Emergency vehicles.
265.14 Signs.
265.15 Right-of-way in crosswalks.
265.16 Parking.
265.17 Parking permits.
265.18 Prohibited servicing of vehicles.
265.19 Unattended vehicles.
265.20 Towing of improperly parked vehicles.
265.21 Improper use of roads as thoroughfares.
265.22 Bicycle traffic.

[1] Published at 39 FR (40260) 11–15–74.

Subpart C—Buildings and Grounds

Sec.
265.31 Closing the site.
265.32 Trespassing.
265.33 Preservation of property.
265.34 Conformity with posted signs.
265.35 Nuisances.
265.36 Intoxicating beverages.
265.37 Narcotics and other drugs.
265.38 Intoxication or other impairment of function.
265.39 Weapons and explosives.
265.40 Nondiscrimination.
265.41 Gambling.
265.42 Photography for advertising or commercial purposes; advertising and soliciting.
265.43 Pets and other animals.

Subpart D—Penalties

265.51 Penalties—other laws.

AUTHORITY: Sec. 9, 31 Stat. 1450, as amended, (15 U.S.C. 277). Applies sec. 1, 72 Stat. 1711, as amended, (15 U.S.C. 278e(b)).

Subpart A—General

§ 265.1 Definitions.

As used in this part:

(a) "Site" means those grounds and facilities of the National Bureau of Standards, Department of Commerce, located in Montgomery County, Maryland, and in Boulder and Larimer Counties, Colorado, over which the Federal Government, on July 14, 1972, acquired concurrent jurisdiction under the laws of Maryland (Art. 96, secs. 28, 31, and 47, Ann. Code of Maryland) and under the laws of Colorado (sec. 142–1–2, Colo. Rev. Stat.).

(b) "Uniformed guard" means a designated employee appointed by the Director for purposes of carrying out the authority of a U.S. Special Policeman, as provided by 40 U.S.C. 318.

(c) "Director" means the Director of the National Bureau of Standards.

§ 265.2 Applicability.

The regulations in this part establish rules with respect to the parking and operation of motor vehicles and other activities and conduct on the site. These regulations are intended to supplement the rules and regulations regarding conduct in Part O of Subtitle A of this title and in other officially issued orders and regulations of the Department of Commerce and the National Bureau of Standards.

§ 265.3 Compliance with directions.

No person shall fail or refuse to comply with any lawful order or direction of a uniformed guard in connection with the control or regulation of traffic and parking or other conduct on the site.

§ 265.4 Making or giving of false reports.

No person shall knowingly give any false or fictitious report or information to any authorized person investigating an accident or apparent violation of law or these regulations. Nothing in this section shall affect the applicability of 18 U.S.C. 1001 regarding false, fictitious or fraudulent statements or entries.

§ 265.5 Laws of Maryland and Colorado applicable.

Unless otherwise specifically provided herein, the laws of the State of Maryland and of the State of Colorado shall be applicable to the site located within those respective States. The applicability of State laws shall not, however, affect or abrogate any other Federal law or regulation applicable under the circumstances.

Subpart B—Traffic and Vehicular Regulations

§ 265.11 Inspection of license and registration.

No person may operate any motor vehicle on the site unless he holds a current operator's license, nor may he, if operating a motor vehicle on the site, refuse to exhibit for inspection, upon request of a uniformed guard, his operator's license or proof of registration of the vehicle under his control at time of operation.

§ 265.12 Speeding or reckless driving.

(a) No person shall drive a motor vehicle on the site at a speed greater than or in a manner other than is reasonable and prudent for the particular location, given the conditions of traffic, weather, and road surface and having regard to the actual and potential hazards existing.

(b) Except when a special hazard exists that requires lower speed for compliance with paragraph (a) of this section, the speed limit on the site is 25 m.p.h., unless another speed limit has been duly posted, and no person shall drive a motor vehicle on the site in excess of the speed limit.

§ 265.13 Emergency vehicles.

No person shall fail or refuse to yield the right-of-way to an emergency vehicle when operating with siren or flashing lights.

§ 265.14 Signs.

Every driver shall comply with all posted traffic and parking signs.

§ 265.15 Right-of-way in crosswalks.

No person shall fail or refuse to yield the right-of-way to a pedestrian or bicyclist crossing a street in a marked crosswalk.

§ 265.16 Parking.

No person, unless otherwise authorized by a posted traffic sign or directed by a uniformed guard, shall stand or park a motor vehicle—

(a) On a sidewalk;

(b) Within an intersection or within a crosswalk;

(c) Within 15 feet of a fire hydrant, 5 feet of a driveway or 30 feet of a stop sign or traffic control device;

(d) At any place which would result in the vehicle being double parked;

(e) At curbs painted yellow;

(f) In a direction facing on-coming traffic;

(g) In a manner which would obstruct traffic;

(h) In a parking space marked as not intended for his use;

(i) Where directed not to do so by a uniformed guard;

(j) Except in an area specifically designated for parking or standing;

(k) Except within a single space marked for such purposes, when parking or standing in an area with marked spaces;

(l) At any place in violation of any posted sign; or

(m) In excess of 24 hours, unless permission has been granted by the Physical Security office.

§ 265.17 Parking permits.

No person, except visitors, shall park a motor vehicle on the site without having a valid parking permit displayed on such motor vehicle in compliance with instructions of the issuing authority. Such permits may be revoked by the issuing authority for violation of any of the provisions of this part.

§ 265.18 Prohibited servicing of vehicles.

No person shall make nonemergency repairs on privately owned vehicles on the site.

§ 265.19 Unattended vehicles.

No person shall leave a motor vehicle unattended on the site with the engine running or a key in the ignition switch or the vehicle not effectively braked.

§ 265.20 Towing of improperly parked vehicles.

Any motor vehicle that is parked in violation of these regulations may be towed away or otherwise moved if a determination is made by a uniformed guard that it is a nuisance or hazard. A reasonable amount for the moving service and for the storage of the vehicle, if any, may be charged, and the vehicle is subject to a lien for that charge.

§ 265.21 Improper use of roads as thoroughfares.

Except as otherwise provided herein, no person shall drive a motor vehicle or bicycle onto the site for the sole purpose of using the roads of the site as a thoroughfare between roads bordering the site. This section shall not apply to bicyclists using officially approved bike paths on the site.

§ 265.22 Bicycle traffic.

No person shall ride a bicycle other than in a manner exercising due caution for pedestrian and other traffic. No person shall ride a bicycle on sidewalks or inside any building, nor shall any person park a bicycle on sidewalks or inside any building nor in a roadway or parking lot, provided, however, that these parking restrictions shall not apply to bicycles parked at bicycle racks located in these areas.

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Subpart C—Buildings and Grounds

§ 265.31 Closing the site.

As determined by the Director (Deputy Director, IBS/Boulder, for sites in Colorado), the site may be closed to the public in emergency situations and at such other times as may be necessary for the orderly conduct of the Government's business. At such times no person shall enter the site except authorized individuals, who may be required to sign a register and display identification when requested by a uniformed guard.

§ 265.32 Trespassing.

No person shall come onto the site other than in pursuance of official Government business or other properly authorized activities.

§ 265.33 Preservation of property.

No person shall, without authorization, willfully destroy, damage, or deface any building, sign, equipment, marker, or structure, tree, flower, lawn, or other public property on the site.

§ 265.34 Conformity with posted signs.

No person shall fail or refuse to comply with officially posted signs of a prohibitory nature or with directions of a uniformed guard.

§ 265.35 Nuisances.

(a) No person shall willfully disrupt the conduct of official business on the site, or engage in disorderly conduct; nor shall any person unreasonably obstruct the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways, parking lots, sidewalks, or roads.

(b) No person shall litter or dispose of rubbish except in a receptacle provided for that purpose; nor shall any person throw articles of any kind from a building or from a motor vehicle or bicycle.

§ 265.36 Intoxicating beverages.

Except as expressly authorized by the Director, the consumption or use on the site of intoxicating beverages is prohibited.

§ 265.37 Narcotics and other drugs.

The possession, sale, consumption, or use on the site of narcotic or other drugs illegal under the laws of the State in which the particular site is situated is prohibited. The provisions of this section are not intended to preclude the applicability of any State or local laws and regulations with respect to the possession, sale, consumption, or use of narcotic or other drugs.

§ 265.38 Intoxication or other impairment of function.

No person shall enter or remain on the site while noticeably impaired by the use of intoxicating beverages or narcotics or other drugs, and any such person found on the site in such a state of impairment may be removed from the site.

§ 265.39 Weapons and explosives.

Except in connection with the conduct of official business on the site, no person other than uniformed guards specifically authorized, or other Federal, State, or local law enforcement officials so authorized, shall carry, transport, or otherwise possess on the site, firearms whether loaded or not, other dangerous or deadly weapons or materials, or explosives, either openly or concealed, without the written permission of the Director or his designee.

§ 265.40 Nondiscrimination.

No person shall discriminate against any other person because of race, creed, color, sex, or national origin, in furnishing, or by refusing to furnish to such person the use of any facility of a public nature, including all services, privileges, accommodations, and activities provided thereby on the site.

§ 265.41 Gambling.

No person shall participate on the site in games for money or other property, or in the operation of gambling devices, the conduct of lotteries or pools, or in the selling or purchasing of numbers tickets, or the taking or placing of bets.

§ 265.42 Photography for advertising or commercial purposes; advertising and soliciting.

(a) Except as otherwise provided herein or where security regulations would preclude, photographs may be taken in entrances, lobbies, foyers, corridors, and auditoriums without prior approval. Photography for advertising and commercial purposes may be conducted only with the written permission of the Chief, Office of Information Activities of the National Bureau of Standards (Chief, Program Information Office, IBS/Boulder, for sites in Colorado), provided, however, that this shall not apply to photography for purposes of civic promotion.

(b) Commercial advertisements and other material which are not directly pertinent or applicable to NBS employees but which nevertheless may be of interest or benefit to them, may, with the approval of the Associate Director for Administration (Executive Officer, IBS/Boulder, for sites in Colorado), be placed in an appropriate location and made available to employees who visit that area. Except with approval as provided herein, no person shall distribute commercial advertising literature or engage in commercial soliciting on the site.

§ 265.43 Pets and other animals.

Except in connection with the conduct of official business on the site or with the approval of the Associate Director for Administration (Executive Officer, IBS/Boulder, for sites in Colorado), no person shall bring upon the site any cat, dog, or other animal, provided, however, that blind persons may have the use of seeing eye dogs.

Subpart D—Penalties

§ 265.51 Penalties—other laws.

Except with respect to the laws of the State of Maryland and the State of Colorado assimilated by § 265.5 or otherwise, whoever shall be found guilty of violating these regulations is subject to a fine of not more than $50 or imprisonment of not more than 30 days, or both (40 U.S.C. 318c). Except as expressly provided in this part, nothing contained in these regulations shall be construed to abrogate any other Federal laws or regulations, or any State and local laws and regulations applicable to the area in which the site is situated.

[FR Doc.74-27492 Filed 11-22-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. RM75-4; Order 519]

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Revisions to FPC Forms for Reporting Year 1974

NOVEMBER 18, 1974.

On August 29, 1974, the Commission issued a notice of proposed rulemaking in this proceeding (39 FR 32155, September 5, 1974) proposing to amend Annual Report Forms No. 1 and No. 2.

Views and comments were invited from interested parties to be submitted on or before October 15, 1974. Pursuant to this invitation, the Commission received one response from Northern Natural Gas Company, who concurred with the rulemaking.

The revisions will cause minor reporting changes to various pages in Annual Report Forms No. 1 and No. 2. Primarily the changes will add clarification to existing instructions.

The report forms accompanying the order are the same as the ones submitted with the rulemaking, with the exception of schedule page 407, of Annual Report Form No. 1 and schedule page 513, of Annual Report Form No. 2 both entitled "Plant Acquisition Adjustments and Accumulated Provisions for Amortization of Plant Acquisition Adjustment." These schedules have been further revised, since rulemaking, so as to standardize their format to adopt them to a common schedule for both gas and electric. No reporting changes are involved.

The need for the various schedule changes promulgated herein stem from our past experience in working with the affected schedules.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before the Commission through the submission, in writing, of data, views, comments and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Annual Report Forms No. 1 and No. 2, prescribed by §§ 141.1 and 260.1, Chapter I, Title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act and Natural Gas Act, respectively.

(3) Good cause exists for making the amendments to FPC Forms No. 1 and No. 2, adopted herein, effective for the reporting year 1974.

(4) Since the revisions prescribed herein, which were not included in the notice of the proceeding, are of minor nature and consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provisions of 5 U.S.C. 553 is unnecessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 301, 304, and 309 (49 Stat. 838, 854, 855–856, 858–859; 16 U.S.C. 825, 825c, 825h) and the Natural Gas Act, as amended, particularly sections 8, 10, and 16 (52 Stat. 825–826, 830; 15 U.S.C. 717g, 717i, 717o), *orders:*

§ 141.1 [Amended]

(A) Effective for the reporting year 1974, FPC Form No. 1, Annual Report for Electric Utilities, Licenses and Others, (Class A and Class B, prescribed by § 141.1, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising schedule pages:

Title:	Page No.
Statement of Retained Earnings for the Year	117
Investments	202
Deferred Regulatory Commission Expenses	214
Extraordinary Items	306
Regulatory Committee Expenses	353
Distribution of Salaries and Wages	356
Plant Acquisition Adjustments and Accumulated Provision for Amortization of Plant Acquisition Adjustments	407
Accumulated Provision for Depreciation of Electric Utility Plant	408

as set out in Attachments A and B.[1]

§ 260.1 [Amended]

(B) Effective for the reporting year 1974, FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B), prescribed by § 260.1, Chapter I Title 18 of the Code of Federal Regulations is amended by revising schedule pages:

Title:	Page No.
Statement of Retained Earnings for the Year	117
Investments	202
Deferred Regulatory Commission Expenses	214
Extraordinary Items	306
Regulatory Commission Expenses	353
Distribution of Salaries and Wages	356
Accumulated Provision for Depreciation of Gas Utility Plant	408
Plant Acquisition Adjustments and Accumulated Provision for Amortization of Plant Acquisition Adjustments	513

as set out in Attachments A and C.[1]

(C) The Secretary shall cause prompt publication of this notice to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27429 Filed 11-22-74;8:45 am]

[1] Filed as part of the original document.

Title 25—Indians

CHAPTER III—INDIAN CLAIMS COMMISSION

PART 503—GENERAL RULES OF PROCEDURE

Attorney's Fees and Expenses

Amendment of § 503.34b adding a provision for allowance of a reasonable amount of certain expenses upon affidavit.

1. In § 503.34b the following new sentence is inserted in paragraph (a) between the next to last sentence and the last sentence of that paragraph:

§ 503.34b Attorney's fees and expenses.

(a) * * * However, where the petition requests allowance of expenses incurred in connection with appearances on behalf of the applicant's Indian client in proceedings of record before the Indian Claims Commission, a member of the Commission, or an examiner appointed by the Commission and the applicant is unable to supply receipts or other evidence of incurrence or payment of such expenses, they may be allowed in a reasonable amount upon the applicant's affidavit as to their incurrence. * * *

Effective date. This amendment becomes effective on November 25, 1974.

(Sec. 9, 60 Stat. 1051 (25 U.S.C. 70h))

Dated at Washington, D.C., this 20th day of November 1974.

JEROME K. KUYKENDALL, *Chairman.*

JOHN T. VANCE, *Commissioner.*

RICHARD W. YARBOROUGH, *Commissioner.*

MARGARET H. PIERCE, *Commissioner.*

BRANTLEY BLUE, *Commissioner.*

[FR Doc.74-27485 Filed 11-22-74;8:45 am]

[1] Filed as part of the original document.

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 81—STATIONS ON LAND IN THE MARITIME SERVICES AND ALASKA-PUBLIC FIXED STATIONS

Memorandum Opinion and Order: Proceeding Terminated

Corrections

In FR Doc. 74-27022 appearing at page 40586, in the issue of Tuesday, November 19, 1974, the following corrections should be made. In § 81.708(b)(20)(iv)(1) on page 40588, delete the * * * and add (2), that reads as follows:

"(2) In new stations, where the applicant shows that the common carrier facilities have failed on an intermittent basis and the requested facilities are required to provide service during future anticipated outages."

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

STYRENE-MALEIC ANHYDRIDE COPOLYMERS

The Commissioner of Food and Drugs having evaluated the data in a petition (FAP 3B2852) filed by ARCO/Polymers, Inc., Frankfort Road, Monaca, PA 15061, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for safe use of styrene-maleic anhydride copolymers as articles or components of articles intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 stat. 1786 (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended by adding to Subpart F the following new section:

§ 121.2626 Styrene-maleic anhydride copolymers.

Styrene-maleic anhydride copolymers identified in paragraph (a) of this section may be safely used as articles or components of articles intended for use in contact with food, subject to provisions of this section.

(a) For the purpose of this section, styrene-maleic anhydride copolymers are those produced by the polymerization of styrene and maleic anhydride so that the finished polymers meet the specifications prescribed in paragraph (b) of this section, when tested by the methods described in paragraph (c) of this section.

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(b) Specifications:

Styrene-maleic anhydride copolymers	Molecular weight (minimum number average)	Residual styrene monomer	Residual maleic anhydride monomer	Maximum extractable fraction in distilled water at specified temperatures, times, and particle size	Maximum extractable fraction in n-heptane at specified temperatures, times, and particle size
Styrene-maleic anhydride copolymers containing not more than 15 percent maleic anhydride units by weight; for use as articles or as components of articles that contact food of types I, II, III, IV-A, IV-B, V, VI-B (except carbonated beverages), VII-A, VII-B, VIII, and IX identified in table 1 in § 121.2526(c) under conditions of use B, C, D, E, F, G, and H described in table 2 in § 121.2526(c).	70,000	0.3 weight percent.....	0.1 weight percent.....	0.006 weight percent at reflux temperature for 1 hour utilizing particles of a size that will pass through a U.S. standard sieve No. 10 and will be held on a U.S. standard sieve No. 20.	0.02 weight percent at 73° F for 2 hours utilizing particles of a size that will pass through a U.S. standard sieve No. 10 and will be held on a U.S. standard sieve No. 20.

(c) The analytical methods for determining conformance with specifications for styrene-maleic anhydride copolymers prescribed in this section are as follows:

(1) *Molecular weight.* Molecular weight shall be determined by membrane osmometry.

(2) *Residual styrene monomer content.* Residual styrene monomer content shall be determined by the method described in § 121.2510(d).

(3) *Residual maleic anhydride monomer content.* Residual maleic anhydride monomer content shall be determined by a gas chromatographic method available upon request from the Commissioner of Food and Drugs.

(d) The provisions of this section are not applicable to styrene-maleic anhydride copolymers listed in other sections of this subpart.

Any person who will be adversely affected by the foregoing order may at any time on or before December 26, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, Maryland 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective November 25, 1974.

(Sec. 409(c)(1), 72 stat. 1786 (21 U.S.C. 348 (c)(1)).)

Dated: November 14, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27326 Filed 11-22-74;8:45 am]

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

PART 202—DEPOSITARIES AND FINANCIAL AGENTS OF THE GOVERNMENT

PART 203—SPECIAL DEPOSITARIES OF PUBLIC MONEY

CFR Correction

Sections 202.4 and 203.4 appearing on pages 171 and 173 of Title 31, Code of Federal Regulations revised as of July 1, 1974 are incorrect. The correct text is shown below.

§ 202.4 Contract of deposit.

A depositary which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the General Services Administration regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Subpart 1–12.11, except that depositaries which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than $2,500 are exempt from the application of the General Services Administration regulations.

[38 FR 34181, Dec. 12, 1973]

§ 203.4 Contract of deposit.

A special depositary which accepts a deposit under this part enters into a contract of deposit with the Treasury Department. The terms of the contract include all the provisions of this part and the provisions prescribed in section 202 of Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and the provisions of the General Services Administration regulations for the promotion of employment of disabled and Vietnam era veterans, 41 CFR Subpart 1–12.11 except that depositaries which notify the Department of the Treasury that the gross annual earning value on their Federal deposits is less than $2,500 are exempt from the application of the General Services Administration regulations.

[38 FR 34181, Dec. 12, 1973]

PART 240—INDORSEMENT AND PAYMENT OF CHECKS DRAWN ON THE UNITED STATES TREASURY

Special Powers of Attorney—Standard Form 233

The Comptroller General ruled (Decision A–3551, August 1, 1974, 54 Comp. Gen. —) that special powers of attorney authorizing financial organizations to indorse and negotiate Government benefit checks on behalf of payees, need no longer be executed every 12 months as is now required with respect to Standard Form 233. The Comptroller General also recommended that, while there was no Federal law which required this, language and space permitting, notarization or acknowledgment of powers of attorney be retained on the form as an optional procedure to be followed if required or desirable under local law.

The Department of the Treasury, therefore, finds it necessary to amend its regulations at 31 CFR Part 240 (Treasury Department Circular 21, Revised), which govern the use of special powers of attorney for negotiating Government checks. Necessary changes in the text of the special power of attorney form and of the instructions on the reverse will be made when the present supply is exhausted.

The Department also finds, in accord with 5 U.S.C. 553(b), that notice and public procedure are not necessary since the amendments constitute a rule of agency procedure and practice.

Accordingly, Part 240, Subchapter A, Chapter II of the Title 31 of the Code of Federal Regulations is hereby amended in the following ways:

1. Sections 240.12(c), (f), and (g) are amended to read:

§ 240.12 Powers of attorney.

(c) *Special powers of attorney.* Under decisions of the Comptroller General of the United States, classes of checks other than those specific in paragraph (b) of this section may be negotiated under a special power of attorney which names a financial organization as attorney in fact, and recites that it is not given to carry into effect an assignment of the right to receive payment, either to the attorney in fact or to any other person.

* * * * *

(f) *Acknowledgment of powers of attorney.* Where desirable or where required by foreign, state or local law, powers of attorney shall be acknowledged before a notary public or other officer authorized by law to administer oaths generally.

(g) *Seal or certificate of attesting officers.* Where acknowledgment of powers of attorney is desirable or required pursuant to paragraph (f), seals of attesting officers shall be impressed or stamped upon the power of attorney form, or the power of attorney shall be accompanied by a certificate from an appropriate official showing that the officer was in commission on the date of acknowledgment.

* * * * *

2. The third paragraph of the "Appendix-Standard Forms for Power of Attorney and Their Application", appearing at the conclusion of the text of Part 240, is amended by revising the description of Standard Form 233 to read as follows:

Standard Form 233.—A special power of attorney on this form naming a financial organization as attorney in fact and reciting that it is not given to carry into effect an assignment of the right to receive payment, either to the attorney in fact or to any other person, may be used for classes of payments other than those shown under Standard Form 231.

(5 U.S.C. 301)

Dated: November 19, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-27476 Filed 11-22-74;8:45 am]

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSOR–1]

PART 217—RAILROAD OPERATING RULES

On May 14, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 12617) that the Federal Railroad Administration (FRA) was considering initial rule making in the field of railroad operating practices under the authority of the Federal Railroad Safety Act of 1970 (the Act) (45 U.S.C. 421 et seq.). The NPRM proposed to require each railroad to file its operating rules with the FRA and to determine the degree of compliance with these rules through a program of inspection and testing. In addition, each railroad would be required to instruct its employees in operating practices.

Interested persons were invited to participate in this rule-making proceeding by submitting written comments before June 14, 1973, and a public hearing was scheduled for June 15, 1973 in Washington, D.C. In response to a request of the Association of American Railroads (AAR), the period for filing of written comments was extended to August 14, 1973, and the hearing was rescheduled for August 15, 1973 in Washington, D.C. A notice of this extension was published in the FEDERAL REGISTER on June 6, 1973 (38 FR 14865). At the request of the AAR, the period for filing written comments was further extended to September 19, 1973, and the hearing was rescheduled for September 20, 1973, in Washington, D.C. A notice of this extension was published in the FEDERAL REGISTER on August 13, 1973 (38 FR 21797). Public hearings were held on September 20, 1973 in Washington, D.C.

After considering all of the comments submitted in writing and made at the public hearing, FRA has decided to adopt the proposed rules with a number of significant changes. These changes are discussed below by individual sections. In addition, a number of editorial changes and minor clarifications have been made.

Section 217.3. FRA proposed to make these regulations applicable to railroads that are part of the general railroad system of transportation and also to rapid transit, commuter, and other short-haul rail passenger operations in a metropolitan or suburban area. Railroads that operate only inside an installation which is not part of the general railroad system of transportation would not be subject to these regulations. This section has been adopted as proposed.

One commenter expressed strong opposition to making rail rapid transit systems subject to the proposed regulations and questioned whether the public interest and public safety would be enhanced by placing these systems under FRA safety jurisdiction. This commenter pointed out a number of differences between rail transit operations and general railroad operations as well as between individual rail transit systems, and argued that imposition of Federal safety regulations on rail rapid transit may dilute local responsibility and accountability for safe operations and also result in costly duplications and conflicts. To carry out effectively its Congressional mandate under the Act, FRA believes that it must be concerned with the operating rules and practices governing all rail operations including rapid transit operations. Operating rules and practices play a vital role in assuring safety of rail rapid transit operations. Admittedly, there are differences between general railroad operations and rail rapid transit systems which must be taken into account. Nevertheless, there remain many common elements and similarities in these operations. Because of their limited scope, these regulations will not dilute local responsibility and accountability for conducting safe operations nor will they create any duplication or conflicts.

Several commenters contended that the proposed rule should not apply to shortline railroads arguing that it would be unduly burdensome for small carriers. FRA believes that the changes discussed below will ease considerably that burden and still provide the FRA with the information it needs.

One commenter suggested that the proposed rule should also apply to railroads which operate only inside an installation which is not part of the general railroad system of transportation, if they engage in interstate commerce. While FRA clearly has safety jurisdiction over these railroad operations under the Act, it has not yet acted to regulate these operations because they are essentially local and industrial in nature and do not affect general railroad operations. Thus, a railroad that operates exclusively inside an non-railroad installation, such as a steel plant, mine or lumber mill, would not be subject to these regulations.

Section 217.7. Except for the insertion of specific dates this section has been adopted as proposed. It requires each railroad to file its basic operating rule book and subsequent amendments as well as timetables and timetable special instructions which give details of methods of operation and affect the application of the basic operating rules. The filing of other documents, such as "bulletins", "general orders" and "special notices", which affect to a much more limited degree the application of a railroad's basic operating rules is not required.

One commenter recommended that each railroad also be required to file additional data such as train frequency and makeup, size of equipment, power distribution, manning requirements and material handled, because this data is needed to accomplish the intended analyses of the relationship of rules, compliance practices and the causes of accidents. FRA believes that this data can be obtained more selectively by specific requests for information and in the course of accident investigations, thereby keeping the reporting burden to a minimum.

Section 217.9. FRA proposed that each railroad conduct periodic tests and inspections to determine the extent of compliance with operating rules, timetables and timetable special instructions in accordance with a program filed with and approved by FRA. Minimum requirements for this program as well as record-keeping requirements were also proposed. In response to suggestions made by commenters, several changes have been made in this section.

One commenter requested that the meaning of the terms "test" and "inspection" be clarified. Accordingly, these terms have been changed to "operational test and inspection" to make it clear that they refer to "operational" or "field" tests and inspections only and do not refer to qualifying tests or examinations of employees in operating rule classes.

The terms "inspection" and "test" are not functional equivalents. The term "inspection" is broader in scope and may include varying numbers and types of specific "tests". Each terminal, division and similar component would be inspected periodically for compliance with operating rules. The number and variety of specific "tests" comprising each periodic inspection may vary according to the size and nature of the component, local operating conditions, and safety

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problems uncovered in past inspections or which have developed since the previous inspection.

One commenter strongly objected to the "FRA approval" provisions in this section and § 217.11, and argued that this is an unwarranted infringement of rail management's duties and responsibilities and is not necessary to fulfill FRA's legitimate role of information gathering. It also argues that this would seriously impair rail management's flexibility to amend these programs in light of changing operating conditions. This commenter urges that FRA postpone adoption of the "FRA approval" provisions and of §§ 217.13 and 217.15 which prescribe the approval process and provide procedures for FRA amendment of previously approved programs. After carefully considering these comments FRA has concluded that these provisions are not necessary at this time to accomplish its initial objective of gathering information on operating rules and practices. Accordingly, the "FRA approval" provisions of §§ 217.9 and 217.11 have been deleted. As a result, §§ 217.13 and 217.15 no longer serve any purpose and have been deleted. In their place, a new paragraph (c) has been added to § 217.9 which requires railroads to file changes in their testing programs with FRA within 30 days after they are made. Proposed paragraph (c) has been redesignated as paragraph (d). Also, a new paragraph (b)(5) has been added to provide that each railroad's program must begin within 30 days after it is filed with FRA; proposed paragraph (b)(5) has been redesignated paragraph (b)(6).

Except for the insertion of specific dates, no other changes have been made in § 217.9.

Another commenter recommended that the language of paragraph (b) be amended to include determinations of whether employees are applying rules consistently in line with understandings taught in the instruction program and whether employees are interpreting properly the actions required in specific operating conditions. FRA has not adopted these suggestions because it believes that these points are adequately covered by paragraph (a). This commenter also stated that paragraph (b)(2) should require a description of the various classes of employees affected by the program and that paragraph (b)(4) should provide for retesting. FRA believes that proposed paragraph (b)(2) will provide sufficient information concerning various classes of employees and that a specific provision for retesting is not necessary since proposed paragraph (b)(4) requires railroads to specify the frequency of tests and inspections.

Section 217.11. FRA proposed that each railroad periodically instruct its employees on the meaning and application of its operating rules in accordance with a program filed with and approved by the FRA. In addition, minimum requirements for each program and procedures for modification of the programs by FRA, were also set forth in the proposed rule.

Several changes have been made in this section as a result of comments received. The provisions for approval and modification of these programs have been deleted as discussed under § 217.9 above. A new paragraph (c) has been added to provide that changes in these programs must be filed with FRA within 30 days of issuance. Also, a new paragraph (b)(4) has been added to provide that each railroad's program must begin within 30 days after it is filed with FRA; proposed paragraph (b)(4) has been redesignated as paragraph (b)(5).

As suggested by one commenter, paragraph (b)(1) has been amended to require a description of the means and procedures used for instruction of the various classes of affected employees.

One commenter suggested that paragraph (a) should emphasize complete understanding of all rules and all rule interpretations by all employees and supervisors subject to those rules. In addition, it recommended that paragraph (b) should include a provision for a description of the methods used to assure correct rule understanding and interpretation during the instruction period. FRA agrees that these items are essential parts of an instruction program but believes they are adequately covered in the proposed regulation. Accordingly, the suggested changes have not been adopted.

Sections 217.13 and 217.15. As proposed in the NPRM, these sections set forth procedures for FRA approval and amendment of programs filed under §§ 217.9 and 217.11 and procedures for railroads to obtain FRA approval of changes in these programs. In light of the deletion of the "FRA approval" provisions in §§ 217.9 and 217.11 discussed above, these sections are no longer necessary and have been deleted in their entirety.

Section 217.17. Several commenters expressed concern that the proposed requirement for filing of semi-annual reports will unduly add to the already mountainous paperwork burden of the nation's railroads. After carefully considering these comments, FRA has decided that annual reports will be sufficient and has amended this section accordingly. Because of the deletion of proposed §§ 217.13 and 217.15, this section has been redesignated as § 217.13 in the final rule.

In consideration of the foregoing, Chapter II of Title 49 of the Code of Federal Regulations is amended by adding a new Part 217 as follows:

Subpart A—General

Sec.
217.1 Purpose.
217.3 Application.
217.5 Penalty.
217.7 Filing of operating rules.
217.9 Program of operational tests and inspections; recordkeeping.
217.11 Program of instruction on operating rules.
217.13 Annual Report.

AUTHORITY: Secs. 202 and 209, 84 Stat. 971 and 975 (45 U.S.C. 431 and 438), and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n).

Subpart A—General

§ 217.1 Purpose.

Through the requirements of this part, the Federal Railroad Administration learns the condition of operating rules and practices with respect to trains and other rolling equipment in the railroad industry, and each railroad is required to instruct its employees in operating practices.

§ 217.3 Application.

(a) Except as provided in paragraph (b) of this section, this part applies to railroads that operate trains or other rolling equipment on—

(1) Standard gage track which is part of the general railroad system of transportation; or

(2) Track used exclusively for rapid transit, commuter, or other short-haul passenger service in a metropolitan or suburban area.

(b) This part does not apply to a railroad that operates only on track inside an installation which is not part of the general railroad system of transportation.

§ 217.5 Penalty.

Each railroad to which this part applies that violates any requirement prescribed in this part is liable to a civil penalty of at least $250 but not more than $2500.

§ 217.7 Filing of Operating Rules.

(a) Before February 1, 1975, each railroad that is in operation on January 1, 1975, shall file with the Federal Railroad Administrator, Washington, D.C. 20590, one copy of its code of operating rules, timetables, and timetable special instructions which were in effect on January 1, 1975. Each railroad that commences operation after January 1, 1975, shall file with the Administrator one copy of its code of operating rules, timetables, and timetable instructions before it commences operations.

(b) Each amendment to a railroad's code of operating rules, each new timetable, and each new timetable special instruction which is issued after January 1, 1975, shall be filed with the Federal Railroad Administrator within 30 days after it is issued.

§ 217.9 Program of Operational Tests and Inspections; Recordkeeping.

(a) Each railroad to which this part applies shall periodically conduct operational tests and inspections to determine the extent of compliance with its code of operating rules, timetables, and timetables special instructions in accordance with a program filed with the Federal Railroad Administrator.

(b) Before March 1, 1975, or 30 days before commencing operations, whichever is later, each railroad to which this part applies shall file with the Federal Railroad Administrator, Washington, D.C. 20590, three copies of a program for periodic conduct of the operational tests and inspections required by paragraph (a) of this section. The program shall—

(1) Provide for operational testing and inspection under the various operating conditions on the railroad;

(2) Describe each type of operational test and inspection adopted, including the means and procedures used to carry it out;

(3) State the purpose of each type of operational test and inspection;

(4) State, according to operating divisions where applicable, the frequency with which each type of operational test and inspection is conducted;

(5) Begin within 30 days after it is filed with the Federal Railroad Administrator; and

(6) Include a schedule for making the program fully operative within 210 days after it begins.

(c) Each amendment to a railroad's program for periodic conduct of operational tests and inspections required under paragraph (a) of this section shall be filed with the Federal Railroad Administrator within 30 days after it is issued.

(d) *Records.* Each railroad shall keep a record of the date and place of each operational test and inspection performed in accordance with its program. Each record must provide a brief description of the operational test or inspection, including the characteristics of the operation tested or inspected, and the results thereof. Records must be retained for one year and made available to representatives of the Federal Railroad Administration for inspection and copying during regular business hours.

§ 217.11 Program of instruction on operating rules.

(a) To ensure that each railroad employee whose activities are governed by the railroad's operating rules understands those rules, each railroad to which this part applies shall periodically instruct that employee on the meaning and application of the railroad's operating rules in accordance with a program filed with the Federal Railroad Administrator.

(b) Before March 1, 1975 or 30 days before commencing operations, whichever is later, each railroad shall file with the Federal Railroad Administrator, Washington, D.C. 20590, three copies of a program for the periodic instruction of its employees as required by paragraph (a) of this section. This program shall—

(1) Describe the means and procedures used for instruction of the various classes of affected employees;

(2) State the frequency of instruction and the basis for determining that frequency;

(3) Include a schedule for completing the initial instruction of employees who are already employed when the program begins;

(4) Begin within 30 days after it is filed with the Federal Railroad Administrator;

(5) Provide for initial instruction of each employee hired after the program begins.

(c) Each amendment to a railroad's program for the periodic instruction of its employees required under paragraph (a) of this section shall be filed with the Federal Railroad Administrator within 30 days after it is issued.

§ 217.13 Annual Report.

Before March 1, 1976, and March 1 of each year thereafter, each railroad to which this part applies shall file with the Federal Railroad Administrator, Washington, D.C. 20590, a written report of the following with respect to its previous year's activities.

(a) The total number of train miles which were operated over its track.

(b) A summary of the number, type, and result of each operational test and inspection, stated according to operating divisions where applicable, that was conducted as required by § 217.9.

(c) The number of operational tests and inspections conducted as required by § 217.9 per 10,000 train miles.

This amendment is effective January 1, 1975. Compliance with these regulations, however, is authorized immediately.

Issued in Washington, D.C. on November 19, 1974.

ASAPH H. HALL,
Acting Administrator.

[FR Doc.74-27525 Filed 11-22-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 279-7]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of State plans for implementation of the national ambient air quality standards, and in the September 22, 1972, FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a portion of the Kansas Implementation Plan.

During April and May, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Kansas.

Accordingly, the Administrator proposed approval of these schedules on August 19, 1974, in the FEDERAL REGISTER, 39 FR 29940. The proposed approval of these schedules published in the August 19, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearing held by Kansas. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

One schedule published in the August 19, 1974, FEDERAL REGISTER, Chanute Manufacturing Company, Inc., has come into compliance and has been withdrawn from the State Implementation Plan.

Since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and compliance schedules are available for public inspection at the Environmental Protection Agency, 1735 Baltimore, Kansas City, Missouri 64108.

This rulemaking will become effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of Section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: November 15, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c)(1) is amended by adding the following:

§ 52.876 Compliance schedules.

* * * * *

(c) * * *

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KANSAS

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Gardner United Super: Incinerator.	Gardner	28-19-40C 28-19-40D	Apr. 19, 1974	Immediately	May 1, 1975
U.S.D. No. 438:					
Basehor Elementary School	Basehor	28-19-45	May 9, 1974	Immediately	July 31, 1975
Basehor Junior High School	do	28-19-45	do	do	Do.
Basehor High School	do	28-19-45	do	do	Do.
Fairmount Elementary School.	do	28-19-45	do	do	Do.
Linwood School	do	28-19-45	do	do	Do.
U.S.D. No. 449:					
Easton Grade School	Easton	28-19-45	do	do	Do.
Salt Creek Valley School	do	28-19-45	do	do	Do.
Easton High School	do	28-19-45	do	do	Do.
Board of Education Office	do	28-19-45	do	do	Do.
U.S.D. No. 232:					
DeSoto Senior High School	DeSoto	28-19-45	do	do	Do.
DeSoto Junior High School	do	28-19-45	do	do	Do.
DeSoto Elementary School	do	28-19-45	do	do	Do.
Anner Elementary School	do	28-19-45	do	do	Do.
Sunflower Elementary School.	do	28-19-45	do	do	Do.
U.S.D. No. 323: Open burning	Westmoreland	28-19-45	Apr. 19, 1974	do	Do.
U.S.D. No. 329: Open burning	Alma	28-19-45	do	do	Do.
U.S.D. No. 330: Open burning	Eskridge	28-19-45	do	do	Do.
U.S.D. No. 335: Open burning	Helton	28-19-45	do	do	Do.
U.S.D. No. 336: Open burning	do	28-19-45	do	do	Do.
U.S.D. No. 377: Open burning	Effingham	28-19-45	do	do	Do.
Walt's IGA Store: Open burning.	Onaga	28-19-45	do	do	Do.
Builder, Inc.: Four kilns	Ottawa	28-19-50	Dec. 14, 1974	do	June 1, 1975
U.S.D. No. 510: Elementary and high school.	Powhattan	28-19-45	May 9, 1974	do	July 31, 1975
U.S.D. No. 498:					
Valley Heights Elementary (Blue Rapids).	Waterville	28-19-45	do	do	Jan. 1, 1976
Valley Heights Elementary (Waterville).	do	28-19-45	do	do	Do.
Valley Heights High School (Blue Rapids).	do	28-19-45	do	do	Do.
U.S.D. No. 488:					
Axtell Attendance Center	Axtell	28-19-45	do	do	July 31, 1975
Bern Attendance Center	do	28-19-45	do	do	Do.
Summerfield Attendance Center.	do	28-19-45	do	do	Do.
U.S.D. No. 421: Vassar Attendance Center.	Lyndon	28-19-45	do	do	Do.
U.S.D. No. 416:					
Louisburg Elementary School.	Louisburg	28-19-45	do	do	Do.
Louisburg High School	do	28-19-45	do	do	Do.
Circle Grove Elementary School.	do	28-19-45	do	do	Do.
Bucyrus Elementary School	do	28-19-45	do	do	Do.
U.S.D. No. 321:					
Delia Elementary Attendance Center.	St. Mary's	28-19-45	do	do	Do.
Emmett Elementary Attendance Center.	do	28-19-45	do	do	Do.
U.S.D. No. 287:					
Appanoose School	Pomona	28-19-45	do	do	Do.
Pomona Elementary School	do	28-19-45	do	do	Do.
Pomona Secondary School	do	28-19-45	do	do	Do.
Williamsburg School	do	28-19-45	do	do	Do.
Plainville Rural Hospital: Incinerator.	Plainville	28-19-40	do	do	July 1, 1975
Graham County Hospital: Incinerator.	Hill City	28-19-40	do	do	Do.
Cities Service Oil (Cheney):					
Emergency flare	Kingman County	28-19-47C	Mar. 8, 1974	do	July 1, 1974
Oil-water separator	do	28-19-45	do	do	Do.
Cities Service Oil (Midway):					
Emergency flare	do	28-19-47C	do	do	Do.
Oil-water separator	do	28-19-45	do	do	Do.
Nelson Quarries, Inc.:					
Lebo No. 1 Rock Crusher	La Harpe	28-19-20	Apr. 19, 1974	do	Oct. 31, 1974
Indian Creek No. 2 Rock Crusher.	do	28-19-20	do	do	Apr. 30, 1975
Moran No. 3 Rock Crusher	do	28-19-20	do	do	July 31, 1975
Osborne Grain Co.: Grain cleaner.	Gridley	28-19-20	May 9, 1974	do	July 1, 1974
Eureka Alfalfa Processors: Alfalfa dehydrator.	Eureka	28-19-20	do	do	June 1, 1975
U.S.D. No. 250:					
Senior High Athletic Field: Incinerator.	Pittsburg	28-19-40	Apr. 19, 1974	do	Oct. 1, 1974
Roosevelt Junior High Athletic Field: Incinerator.	do	28-19-40	do	do	Do.
Board of Education Bldg.: Incinerator.	do	28-19-40	do	do	Do.
Eugene Field Elementary School: Incinerator.	do	28-19-40	do	do	Do.
Lone Star School: Incinerator.	do	28-19-40	do	do	Do.
Senior High and Roosevelt Junior High School: Incinerator.	do	28-19-40	do	do	Do.
Lakeside Elementary and Junior High: Incinerator.	do	28-19-40	do	do	Do.
Lincoln Elementary School: Incinerator.	do	28-19-40	do	do	Do.
Maintenance Bldg.: Incinerator.	do	28-19-40	do	do	Do.
George E. Nettles Elementary School: Incinerator.	do	28-19-40	do	do	Do.
Vocational-technical School: Incinerator.	do	28-19-40	do	do	Do.

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Washington Elementary School: Incinerator.	do	28-19-40	do	do	Do.
Westwide Elementary School: Incinerator.	do	28-19-40	do	do	Do.
Hardee's of Wichita:					
Charbroiler—5207 East Kellogg.	Wichita	28-19-50B	do	do	May 15, 1974
Charbroiler—201 East Douglas.	do	28-19-50B	do	do	Do.
Charbroiler—2420 East Douglas.	do	28-19-50B	do	do	Do.
Charbroiler—3006 South Seneca.	do	28-19-50B	do	do	Do.
Charbroiler—1900 East Pawnee.	do	28-19-50B	do	do	Do.
Cities Service Gas Co.: Compressor station incinerator.	Matfield Green	28-19-40	May 9, 1974	do	Aug. 1, 1974
U.S.D. No. 356:					
Kyle Trueblood Elementary School.	Conway Springs	28-19-45	do	do	June 1, 1975
Conway Springs Junior-Senior High School.	do	28-19-45	do	do	Do.
U.S.D. No. 263:					
Bloomenshine Grade School: Incinerator.	Mulvane	28-19-40	do	do	May 1, 1975
Munson Primary School: Incinerator.	do	28-19-40	do	do	Do.
Mulvane Junior High: Incinerator.	do	28-19-40	do	do	Do.
Mulvane Senior High: Incinerator.	do	28-19-40	do	do	Do.
U.S.D. No. 445:					
SEK Vo-Tech: Incinerator	Coffeyville	28-19-40	do	do	Sept. 1, 1974
Cedar Bluff School: Incinerator.	do	28-19-40	do	do	Do.
McKinley School: Incinerator.	do	28-19-40	do	do	Do.
Clymore School: Incinerator	do	28-19-40	do	do	Do.
Dearing School: Incinerator	do	28-19-40	do	do	Do.
Liberty School: Incinerator	do	28-19-40	do	do	Do.
Lowell School: Incinerator	do	28-19-40	do	do	Do.
Whittier School: Incinerator	do	28-19-40	do	do	Do.
U.S.D. No. 507:					
Satanta High School	Satanta	28-19-45	do	do	July 1, 1975
Satanta Grade School	do	28-19-45	do	do	Do.
U.S.D. No. 363: School Farm Pit.	Holcomb	28-19-45	do	do	July 31, 1975
Hodgeman County Health Center: Incinerator.	Jetmore	28-19-31C	do	do	Do.
Northern Natural Gas Co.: Flare pit.	Holcomb	28-19-45	do	do	Dec. 1, 1974

[FR Doc.74-27190 Filed 11-22-74;8:45 am]

[FRL 279-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Kansas: Approval of Compliance Schedules

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of the State plans for implementation of the national ambient air quality standards, and in the September 22, 1972, FEDERAL REGISTER (37 FR 19809), the Administrator promulgated § 52.876 Compliance Schedules as a portion of the Kansas Implementation Plan.

During April and May, 1974, the State of Kansas submitted to the Environmental Protection Agency compliance schedules to be considered as proposed revisions to the approved plan pursuant to 40 CFR 51.6. The approvable schedules were adopted by the State and submitted to the Environmental Protection Agency after notice and public hearings in accordance with the procedural requirements of 40 CFR 51.4 and 51.6 and the substantive requirements of 40 CFR 51.15 pertaining to compliance schedules. These compliance schedules have been determined to be consistent with the approved control strategy of Kansas.

Accordingly, the Administrator proposed approval of these schedules on August 28, 1974, in the FEDERAL REGISTER, 39 FR 31329. The proposed approval of these schedules published in the August 28, 1974, FEDERAL REGISTER provided for a 30-day comment period. No comments concerning these schedules were received. The Environmental Protection Agency has reviewed and considered the records of the public hearings held by Kansas. Set forth below are specific compliance schedules which the Administrator approves pursuant to 40 CFR 51.8.

One schedule proposed in the August 15, 1974, FEDERAL REGISTER (39 FR 29380) was subsequently revised, and reproposed in the August 28, 1974, FEDERAL REGISTER. This source was revised again and reproposed in a subsequent publication. This schedule is Kansas Refined Helium Company, Otis.

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Each approved revision establishes a new date by which the individual source must comply with the applicable emission limitation in the federally approved State Implementation Plan. This date is indicated in the table below, under the heading "Final Compliance Date." In all cases, the schedules include incremental steps toward compliance with the applicable emission limitations. While the tables below do not include these interim dates, the actual compliance schedules do.

Since the large numbers of compliance schedules preclude setting forth detailed reasons for approval of individual schedules in the FEDERAL REGISTER, an evaluation report has been prepared for each individual compliance schedule. Copies of these evaluation reports and compliance schedules are available for public inspection at the Environmental Protection Agency, 1735 Baltimore, Kansas City, Missouri 64108.

This rulemaking will be effective immediately upon publication. The Agency finds that good cause exists for not deferring the effective date of this rulemaking because the compliance schedules are already in effect under State law and federal approval imposes no new burdens.

This rulemaking is promulgated pursuant to the authority of Section 110 of the Clean Air Act of 1970, as amended, 42 U.S.C. 1857c-5.

Dated: November 15, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart R—Kansas

1. In § 52.876, the table in paragraph (c) (1) is amended by adding the following:

§ 52.876 Compliance schedules.

(c) • • •

Source	Location	Regulation involved	Date adopted	Effective date	Final compliance date
Gardner United Super: Incinerator.	Gardner	28-19-40C	Apr. 19, 1974	Immediately	May 1, 1975
		28-19-40D			
Dooley and Co.: Alfalfa dehydrator.	Lansing	28-19-20	Mar. 8, 1974	Immediately	Do.
St. Joseph's Catholic Grade School: Incinerator.	Overland Park	28-19-40D			
		28-19-40C	Mar. 8, 1974	Immediately	July 31, 1975
Van's Food Center: Incinerator.	Shawnee	28-19-40D			
		28-19-40C	Feb. 8, 1974	Immediately	Sept. 1, 1974
S-G Metals Industries, Inc.: Aluminum furnaces 1-7.	Kansas City	28 19 20	May 18, 1974	do	Aug. 31, 1974
		28-19-50			
Community Hospital: Incinerator.	Onaga	28-19-40D			
		28-19-40C	Mar. 8, 1974	Immediately	Jan. 31, 1975
U.S.D. No. 364: Open burning	Marysville	28-19-45	do	do	Jan. 1, 1975
U.S.D. No. 430: Open burning	Horton	28-19-45	do	do	July 1, 1974
U.S.D. No. 248:					
Girard High School: Incinerator.	Girard	28-19-45	do	do	Do.
Emerson Elementary School: Incinerator.	do	28-19-45	do	do	Do.
Greenbush Elementary School: Incinerator.	do	28-19-45	do	do	Do.
Hepler Elementary School: Incinerator.	do	28-19-45	do	do	Do.
Lowell Elementary School: Incinerator.	do	28-19-45	do	do	Do.
Walnut Elementary School: Incinerator.	do	28-19-45	do	do	Do.
Cities Service Oil (Cheney):					
Emergency flare	Kingman County	28-19-47C	do	do	Do.
Oil-water separator	do	28-19-45	do	do	Do.
Cities Service Oil (Midway):					
Emergency flare	do	28-19-47C	do	do	Do.
Oil-water separator	do	28-19-45	do	do	Do.
Grant County Road Department: Asphalt plant.	Ulysses	28-19-20	do	do	July 18, 1974
Collor Limestone Co., Inc.:					
Primary crushers (2)	Fort Scott	28-19-20	do	do	July 1, 1974
Secondary crushers (2)	do	28-19-20	do	do	Do.
Tertiary crushers (2)	do	28-19-20	do	do	Do.
Fines mills (2)	do	28-19-20	do	do	Do.

[FR Doc.74-27191 Filed 11-22-74;8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

REA SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Proposed Revision of REA Specification for Telephone Station Protectors

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 USC 901 et seq.), REA proposes to issue Bulletin 345–39 to announce a revision in REA Specification PE–42 for telephone station protectors. On issuance of REA Bulletin 345–39, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 not later than December 26, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revised REA Specification PE–42 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletin 345–39 announcing the revision of the specification is as follows:

REA BULLETIN 345–39

SUBJECT: REA SPECIFICATION FOR TELEPHONE STATION PROTECTORS

I. *Purpose:* To announce a revision in REA Specification PE–42 for Telephone Station Protectors.

II. *General:* REA Specification PE–42 has recently been revised to include the following major changes:

1. Conversion to hard metrication, with temperatures, lengths, etc., stated to the nearest whole metric unit of measure.

2. The section on *terminals* has been expanded to permit quick connect or wire wrap terminals.

3. PE–55 and PE–56 are called out as containing requirements for gas tube station protectors.

4. Required average arrester life has been increased from 15 to 25 surges. State of the art is such that at least three manufacturers feel this can be met.

5. Minimum temperature requirements for unit servicing have been lowered from −30° F to −40° C (−40° F).

6. Surge waveshape for the Surge Test has been brought into conformance with PE–55 and PE–56.

The revised specification becomes effective March 3, 1975. All telephone station protectors bid or ordered by REA borrowers after that date shall comply in all respects with the revised REA Specification PE–42. This does not preclude the adoption of the revised specification by manufacturers prior to the effective date.

III. *Availability of Specification:* Copies of the revised PE–42 will be furnished by REA upon request. Questions concerning this revised specification may be referred to the Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447–3173.

Dated: November 18, 1974.

C. R. BALLARD,
Assistant Administrator.

[FR Doc.74-27479 Filed 11-22-74;8:45 am]

[7 CFR Part 1701]

REA SPECIFICATIONS FOR RURAL TELEPHONE FACILITIES

Proposed Addenda to REA Specifications for Gas Tube Protectors

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to Bulletins 345–68 and 345–71 to announce new requirements to REA Specification PE–55 for two-electrode gas tube protectors and REA Specification PE–56 for three-electrode gas tube protectors. On issuance of these bulletins, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the supplement to the specifications may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than December 26, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the proposed supplement to these specifications may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of REA Bulletins 345–68 and 345–71 announcing the supplement to the specifications is as follows:

SUPPLEMENT TO REA BULLETIN 345–68
ADDENDUM TO REA SPECIFICATION PE–55

Recent field experience has shown that some gas tubes exhibit "First Time Effect." That is, when placed in a darkened environment for an extended period of two weeks or more without being energized, the tubes may demonstrate an initial breakdown well in excess of their rated breakdown. Subsequent breakdowns, unless the extended unenergized storage period is repeated, will be normal. The initial elevated breakdown may be sufficient to permit electronic equipment to be damaged. This addendum contains provisions which require manufacturers to conduct tests to assure that the initial breakdown of gas tubes does not occur at a significantly higher voltage than the rated breakdown voltage.

The new requirements are stated on the enclosed sheet, Addendum to PE–55 dated March 1973, and become effective February 3, 1975.

Copies of the supplement will be furnished by REA upon request. Questions concerning the supplement may be referred to the Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447–3173.

SUPPLEMENT TO REA BULLETIN 345–71
ADDENDUM TO REA SPECIFICATION PE–56

Recent field experience has shown that some gas tubes exhibit "First Time Effect." That is, when placed in a darkened environment for an extended period of two weeks or more without being energized, the tubes may demonstrate an initial breakdown well in excess of their rated breakdown. Subsequent breakdowns, unless the extended unenergized storage period is repeated, will be normal. The initial elevated breakdown may be sufficient to permit electronic equipment to be damaged. This addendum contains provisions which require manufacturers to conduct tests to assure that the initial breakdown of gas tubes does not occur at a significantly higher voltage than the rated breakdown voltage.

The new requirements are stated on the enclosed sheet, Addendum to PE–56 dated August 1974, and become effective February 3, 1975.

Copies of the supplement will be furnished by REA upon request. Questions concerning the supplement may be referred to the Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202 447–3173.

Dated: November 18, 1974.

C. R. BALLARD,
Assistant Administrator.

[FR Doc.74-27477 Filed 11-22-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 74–NE–50]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to § 71.171

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of Part 71 of the Federal Aviation Regulations that would designate a new control zone at Beverly Municipal Airport, Beverly, Massachusetts, to coincide with the establishment of a new air traffic control tower at Beverly Municipal Airport on January 2, 1975.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Operations, Procedures and Airspace Branch, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803. Because the January 2, 1975 establishment of the new air traffic control tower does not permit sufficient time for the normal thirty day notice period for proposed rules and delaying the designation of the control zone would be contrary to the public interest, all communications received within ten days will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Massachusetts 01803.

On or about January 2, 1975, the Federal Aviation Administration (FAA) will commission an air traffic control tower at Beverly Municipal Airport, Beverly, Massachusetts. In order to provide for the control of air traffic the FAA proposes to establish a control zone for Beverly, Massachusetts.

In consideration of the foregoing, the Federal Aviation Administration proposes the following airspace action.

In § 71.171 of Part 71 of the Federal Aviation Regulations, the following control zone is added:

BEVERLY MUNICIPAL AIRPORT, BEVERLY, MASSACHUSETTS

Within 5-mile radius of Beverly Municipal Airport (latitude 42°35'06" N., longitude 70°55'06" W.), and within 3.5 miles each side of the 333° bearing from the Topsfield RBN, extending 8 miles northwest of the NDB. This control zone is effective from 0700 to 1900 hours, local time, daily or during the specific dates and times established by a Notice to Airmen which, thereafter, will be continuously published in the Airman's Information Manual.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended, [49 U.S.C. 1348(a)], and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on November 15, 1974.

FERRIS J. HOWLAND,
Director,
New England Region.

[FR Doc.74-27561 Filed 11-22-74;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 74-SW-36]

DESIGNATION OF TEMPORARY RESTRICTED AREAS

Supplemental Notice of Proposed Rule Making

On October 23, 1974, a Notice of Proposed Rule Making (NPRM) was published in the FEDERAL REGISTER (39 FR 37652) stating that the Federal Aviation Administration was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the vicinity of Fort Bliss, Tex., and White Sands, N. Mex., to contain a military joint training exercise GALLANT SHIELD 75. The exercise would extend from April 16, 1975, through April 24, 1975. Those areas with airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation. In accordance with the terms of the Notice, the time for public comment is to expire on November 22, 1974.

Subsequent to the publication of the Notice in the FEDERAL REGISTER, it was determined that normal distribution of copies of the Notice to interested members of the areonautical public had been delayed. Accordingly, in order to provide sufficient time within which the public can properly comment on the proposals in Airspace Docket No. 74-SW-36, notice is hereby given that all comments received on Airspace Docket No. 74-SW-36 on or before December 6, 1974, will be considered by the Federal Aviation Administration before action is taken on the regulatory action proposed therein.

Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101.

These amendments are proposed under the authority of Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 19, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-27422 Filed 11-22-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 577]

[Docket No. 74-42; Notice 1]

DEFECT NOTIFICATION

Miscellaneous Proposed Amendments

This notice proposes to amend the NHTSA "Defect Notification" regulations to require that bilingual notification be sent to owners in certain cases, and to clarify the language manufacturers are required to use to indicate their determination that a safety-related defect exists. The defect notification regulations were published in their present form on January 23 and April 17, 1973 (38 FR 2215, 38 FR 9509), and became effective March 23, 1973.

The Center for Auto Safety, in correspondence with the agency, criticized manufacturers' handling of defect notification and recall campaigns in Puerto Rico. The Center raised the issue that notification in Puerto Rico may be achieving less than desirable results due to the fact that the notification was not sent in Spanish, which is the language most commonly spoken by residents of the Commonwealth.

The NHTSA conducted an extensive survey of notification and recall procedures in Puerto Rico. Local dealer operations were investigated, and various manufacturers were informed in cases where the agency found that compliance with NHTSA requirements was either lacking or could be improved. The investigation revealed that numerous manufacturers were not at that time providing notification to purchasers in Spanish, although some were.

The Center request and the subsequent Puerto Rico investigation demonstrate a need for defect notification to be in other than English in certain cases. The NHTSA believes that there is at least a sufficient basis to initiate rulemaking in this regard. It seems clear that the success of a notification campaign will depend to a significant extent on the purchaser's ability to fully understand the notification he receives. This objective seems more likely to be achieved if that notification is written, whenever possible, in the purchaser's native language as well as in English. The NHTSA has determined that of the geographical areas subject to the National Traffic and Motor Vehicle Safety Act, Puerto Rico and the Canal Zone contain substantial numbers of persons not fluent in English. The notice accordingly proposes that manufacturers send notification in both English and Spanish to any owner whose address is in either of these locales.

The notice also proposes to clarify § 577.4(b)(1), which presently requires the second sentence of the notification to state that the manufacturer has determined that a defect which relates to motor vehicle safety exists in its motor vehicles or motor vehicle equipment. Certain notification letters have characterized the defect as existing in a vehicle or item of equipment not manufactured by the manufacturer making the determination. The intent of the section is that a manufacturer of motor vehicles would state its determination that the defect exists in the motor vehicle it manufactures, while a manufacturer of motor vehicle equipment would state its determination that the defect exists in the motor vehicle equipment it manufactures. If the manufacturer believes the cause of the defect to be an item other than that which he manufactured, that information should be imparted in the other parts of the notification, but not in the second paragraph where the content is specifically prescribed.

In light of the above, it is proposed that Part 577 of Title 49, Code of Federal Regulations, "Defect Notification", be amended as set forth below:

1. The following sentence would be added immediately preceding paragraph (a) of § 577.4:

§ 577.4 Notification initiated by manufacturer.

• • • • •

Whenever the address of the purchaser is in either the Commonwealth of Puerto Rico or the Canal Zone, the notification shall be sent in both the English and Spanish languages.

• • • • •

2. Paragraph 577.4(b)(1) would be revised to read:

§ 577.4 Notification initiated by manufacturer.

• • • • •

(b)(1) The statement: "(Manufacturer's name or division) has determined that a defect which relates to motor vehicle safety exists in (identified motor vehicles, in the case of notification sent by a motor vehicle manufacturer; identified motor vehicle equipment, in the case of notification sent by a motor vehicle equipment manufacturer)."

• • • • •

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at anytime after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: February 24, 1975.

Proposed effective date: 90 days from publication of final rule.

(Sections 108, 112, 113, 119, Pub. L. 89-563, 80 Stat. 718; secs. 2, 4, Pub. L. 91-265, 84 Stat. 262 (15 U.S.C. 1397, 1401, 1402, 1408); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on November 19, 1974.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.74-27474 Filed 11-22-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

[10 CFR Part 211]

ALLOCATION OF NON-BONDED AVIATION FUELS TO INTERNATIONAL AIR CARRIERS

Further Notice of Proposed Rulemaking

On August 8, 1974, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (39 FR 28863, August 9, 1974) to amend Subpart H of Part 211, the Mandatory Petroleum Allocation Regulations, proposing certain changes in supplier/purchaser relationships and allocation levels for aviation fuels. On August 21, 1974, FEA issued a notice which extended the comment period, rescheduled the public hearing and provided a further explanation of the proposed regulations (39 FR 30506, August 23, 1974).

The August 8 notice provided two alternative proposals with respect to allocation levels and supplier/purchaser relationships for aviation fuels. Both proposals provided for elimination of the definitions of "adjusted allocable supply" and "bonded fuel factor." In addition, both proposals would have deleted § 211.146(c), which sets forth the present mechanism for determining allocations of non-bonded fuel to international air carriers. Proposal Number 1 of the August 8 notice would have returned international air carriers to the position they occupied before the 1973 oil embargo, and before FEA's regulations imposed supplier/purchaser relationships which effectively prevented the sale of non-bonded fuel to international air carriers above the amounts they may have purchased in 1972. Under Proposal Number 2, international air carriers would have been entitled to receive non-bonded fuel from their base period suppliers without the need to certify their requirements in the manner specified in the current regulations.

Final regulations adopting Proposal Number 2, with several modifications, were issued October 20, 1974 (39 FR 37968, October 25, 1974). In light of comments and testimony received in response to the proposed rulemaking, however, FEA concluded that the current means for allocating non-bonded fuels to international air carriers should be retained. The current rule was implemented in April, 1974 because international air carriers which had traditionally purchased bonded fuel could not purchase bonded aviation fuels at prices comparable to those for non-bonded aviation fuels. Because their base period purchases of non-bonded fuel were not significant, international air carriers were unable to purchase lower priced non-bonded fuels before the current rule was promulgated. The current rule was therefore issued to provide access to non-bonded fuel if the carrier certifies that bonded fuels are not available at or below lawful prices for non-bonded fuel.

However, FEA recognizes that the current rule (§ 211.146(c)) is difficult to apply in practice and in some cases has produced unintended results. The August 8 rulemaking therefore was continued with respect to § 211.146(c) in order to issue this further notice of proposed rulemaking proposing to modify the method of allocating non-bonded aviation fuel to international air carriers.

The purpose of the proposed changes is to insure international air carriers and domestic air carriers access to non-bonded aviation fuel on an equitable basis. FEA believes that this is of particular importance since domestic air carriers are being required under the rule to share available stocks of non-bonded fuels with non-traditional users of that fuel. The proposal, therefore, treats international air carriers' purchases of bonded fuel as if those purchases are subject to a supplier's allocation fraction since all supplies received by domestic air carriers are subject to an allocation fraction.

Although the proposal would improve upon the current rule, FEA recognizes that the proposal is itself complex. FEA therefore invites comments from all interested parties either on improving the proposal or suggesting an alternative proposal. One such alternative might be to require international air carriers to certify whenever they are unable to purchase sufficient bonded fuel at a price which does not exceed the lawful price of their base period suppliers of non-bonded fuel. Upon such certification, the carrier would be permitted to nominate a quantity of non-bonded aviation fuel which does not exceed its base period use (of both bonded and nonbonded fuel). At the end of a period corresponding to a base period, the carrier would be required to certify to FEA that its total purchases of bonded and nonbonded for that period did not exceed its base period use. This would mean that an international air carrier would assure itself of a fraction of one (1.0) by its purchases of bonded fuel in addition to its non-bonded purchases. Domestic carriers could do the same by purchases of excess non-bonded fuel or by importing bonded fuel for their own use.

Under the proposed rule an international air carrier which is unable to purchase or obtain sufficient bonded aviation fuel from its suppliers of bonded fuel at prices which do not exceed the

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suppliers' lawful price for non-bonded fuel at a location would certify that fact to its suppliers. Base period suppliers of bonded fuel would be required to notify international air carriers whether and in what amounts they will supply bonded fuel at their lawful price for non-bonded fuel at the desired location for a period which corresponds to a base period, rather than for each month.

The definitions of "adjusted allocable supply" and "bonded fuel factor" would be deleted. A supplier would determine the amount of non-bonded aviation fuel to be supplied an international air carrier by multiplying the international air carrier's "allocation requirement" by the supplier's allocation fraction. However, the proposal provides a different definition of an international air carrier's "allocation requirement" than that set forth in § 211.10(b) (2) (iii), which states that a purchaser's allocation requirement is the product of the applicable allocation level for that purchaser's multiplied by its base period use.

To determine an international air carrier's allocation requirement", a supplier would first calculate an "initial allocation fraction." The "initial allocation fraction" is calculated in the same manner as an allocation fraction except that a supplier would include in the supply obligation (which is the denominator of the fraction) only an "initial allocation requirement" for international air carriers. The "initial allocation requirement" for an international air carrier would be the product of the applicable allocation level for that carrier multiplied by its "non-bonded base period use". The "non-bonded base period use" of a carrier would be equal to the portion of the carrier's base period use supplied by that supplier minus the amount of bonded fuel that supplier will supply that carrier and any other amounts of bonded fuel which the carrier advises the supplier to take into account. The resulting "initial allocation fraction" will be used only to determine an international air carrier's "allocation requirement" and not to allocate fuel to any purchasers.

An international air carrier's "allocation requirement" would then be defined as the applicable allocation level for that carrier multiplied times the differential obtained by subtracting from the portion of the carrier's base period use supplied by the supplier the product of the reciprocal of the supplier's "initial allocation fraction" multiplied times the amount of bonded fuel which the supplier subtracted from the carrier's base period use in determining the carrier's "non-bonded base period use".

Having determined the international air carrier's "allocation requirement," the supplier will then calculate its allocation fraction using the "allocation requirement" for international air carriers as calculated above in its supply obligation in the denominator of the fraction. An international air carrier's allocation entitlement would be its "allocation requirement" multiplied by the supplier's allocation fraction.

For example, Firm A, an international air carrier, has a base period use for the first quarter of 1975 of 100,000 gallons, of which 5,000 gallons was non-bonded fuel and 95,000 gallons was bonded fuel. Supplier B is Firm A's base period supplier. Firm A certifies to Supplier B that it is unable to purchase or obtain sufficient bonded fuel from any supplier of bonded fuel for the first quarter of 1975 at prices which do not exceed Supplier B's lawful price for non-bonded fuel, and provides Supplier B with the other information specified in § 211.146(c) (3). Supplier B intends to supply Firm A with 20,000 gallons of bonded fuel during the quarter. Firm A also knows that Supplier C, a bonded fuel supplier, will also supply Firm A with 30,000 gallons of bonded fuel during the quarter. Supplier C is not a base period supplier of Firm A. In order to comply with § 211.146(c) (4) (iii) and (iv), Firm A advises Supplier B to take into account the 30,000 gallons to be supplied by Supplier C in determining the amount of non-bonded fuel Supplier B will allocate to Firm A for the first quarter of 1975.

From this information, Supplier B will first calculate an "initial allocation fraction," by including in its supply obligation (the denominator of the fraction) an "initial allocation requirement" for Firm A which is equal to the applicable allocation level (100 percent of base period use) multiplied by its "non-bonded base period use" (100,000 gallons minus 50,000 gallons, the amount of bonded fuel to be supplied during the quarter by Suppliers B and C). Assume that the "initial allocation fraction" for Supplier B calculated with this "initial allocation requirement" of 50,000 gallons is 0.9.

Supplier B will next determine Firm A's "allocation requirement" by multiplying the applicable allocation level (100 percent of base period use) times the differential obtained by subtracting from the portion of Firm A's base period use supplied by Firm B (100,000 gallons) the product obtained by multiplying the amount of bonded fuel subtracted from Firm A's base period use in calculating Firm A's "non-bonded base period use" (50,000 gallons) by the reciprocal of the initial allocation fraction (1/0.9 or 1.11). Firm A's "allocation requirement", therefore, equals 44,444 gallons (100 percent x (100,000 gallons minus 55,556 gallons)).

Supplier B then will recalculate its allocation fraction in accordance with § 211.10(b), including in supply obligation for Firm A the allocation requirement of 44,444 gallons. Assume that the resulting allocation fraction is 0.93. Supplier B will then distribute its supplies to all purchasers using an allocation fraction of 0.93. Firm A's allocation entitlement therefore is 41,334 gallons (44,444 gallons times 0.93), for the first quarter of 1975.

Finally, FEA is also considering a requirement that international air carriers establish their base period use with FEA for each period corresponding to a base period and that international air carriers certify to FEA at the end of each period corresponding to a base period that they have not lifted more non-bonded aviation fuel than is permitted by FEA's regulations. FEA invites comments upon these two requirements, particularly as to how they should be implemented.

Interested persons are invited to participate in this rulemaking by submitting data, views or arguments with respect to the proposed regulations set forth in this notice to Executive Communications, Room 3309, Federal Energy Administration, Box BJ, Washington, D.C. 20461.

Comments should be identified on the outside envelope and on documents submitted to Executive Communications, FEA, with the designation "Aviation Fuels". Fifteen copies should be submitted. All comments received by December 6, 1974, and all relevant information, will be considered before final action is taken on the proposed rulemaking.

Any information or data considered by the person furnishing it to be confidential must be so identified and submitted in writing, one copy only. The FEA reserves the right to determine the confidential status of the information or data and to treat it accordingly.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790, 39 FR 23185)

In consideration of the foregoing, it is proposed to amend Part 211, Chapter II of Title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, D.C. on November 20, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

1. Section 211.141 is amended in paragraph (b) to read as follows:

§ 211.141 Scope.

• • • • • •

(b) Bonded aviation fuels are excluded from allocation. Allocation of non-bonded fuels to international air carriers is provided for in § 211.146.

• • • • • •

§ 211.142 [Amended]

2. Section 211.142 is amended by deleting the definitions of "Adjusted allocable supply" and "Bonded fuel factor."

3. Section 211.146 is revised in paragraph (c) to read as follows:

§ 211.146 Method of allocation.

• • • • • •

(c) (1) For periods corresponding to a base period commencing after December 31, 1974, international air carriers which have traditionally used bonded aviation fuel for international flights shall be allocated non-bonded aviation fuels, including naphtha-base jet fuel, by their base period suppliers as provided by this paragraph. Upon certification by an international air carrier to its base period suppliers that the carrier is unable to purchase or obtain sufficient bonded aviation fuel from any suppliers of bonded fuel for a period corresponding to a base period at prices which do not exceed the lawful price of its base period suppliers of bonded fuel for similar volumes of non-bonded aviation fuel at the desired location, the base period suppliers shall provide non-bonded aviation fuel, including naphtha-base jet fuel, to that carrier. Unless the international air carrier certifies that it cannot utilize naphtha-base jet fuel, the base period suppliers may to the extent of the carrier's capability to use such fuel allocate non-bonded naphtha-base jet fuel prior to allocating other non-bonded aviation fuels to the international air carrier. International air carriers which do not have base period suppliers or whose base period suppliers are unable to supply them currently with non-bonded aviation fuel shall apply to FEA for assignment of suppliers of non-bonded aviation fuels.

(2) For each period corresponding to a base period, each base period supplier of bonded fuel shall notify international air carriers, upon request, whether the supplier will provide bonded fuel at the supplier's lawful price for its non-bonded fuel at a station and in what amounts.

(3) An international air carrier which files a certification with a supplier under this paragraph shall provide such certification to its supplier at least fifteen days prior to the beginning of the period corresponding to a base period to which the certification applies. The certification shall specify: (i) The volumes of bonded aviation fuel which can be obtained for the period from all sources, (ii) the volumes of bonded aviation fuel which can be obtained from that supplier, (iii) the international air carrier's base period use for that period, (iv) the amount of the international air carrier's base period volume which was supplied by the supplier, (v) whether and to what extent the international air carrier can use naphtha-base jet fuel and, (vi) the amount of bonded fuel which the supplier is to substract from that portion of the carrier's base period use supplied by the supplier in determining the amount of non-bonded fuel the supplier is to supply to the carrier.

(4) Suppliers of non-bonded aviation fuel shall allocate supplies of non-bonded aviation fuel as follows:

(i) A supplier shall allocate its aviation fuel by multiplying a purchaser's allocation requirement, as defined in this subparagraph, times its allocation fraction. In calculating its allocation fraction, a supplier shall include in its supply obligation with respect to international air carriers the allocation requirement as defined in this subparagraph for such carriers.

"Allocation requirement" means allocation requirement as defined in § 211.10 (b) (2) (iii) except that, with respect to an international air carrier, allocation requirement means the product of the applicable allocation level multiplied by the differential obtained by subtracting from the portion of the international air carrier's base period use supplied by a supplier the product of the reciprocal of the supplier's initial allocation fraction multiplied times the amount of bonded fuel which the supplier subtracted from the international air carrier's base period use in determining the international air carrier's non-bonded base period use.

"Initial allocation fraction" means an allocation fraction calculated in accordance with § 211.10(b) except that, with respect to an international air carrier, a supplier shall include that carrier's initial allocation requirement in the supply obligation rather than the carrier's allocation requirement.

"Initial allocation requirement" means, with respect to an international air carrier, the product of the applicable allocation level for the carrier multiplied by its non-bonded base period use.

"Non-bonded base period use" means, with respect to an international air carrier, the portion of the international air carrier's base period use supplied by a supplier minus the amounts of bonded fuel that supplier will supply to the international air carrier and any other amounts of bonded fuel which the international air carrier will comply with § 211.146(c) (4) (iii) and (iv).

(ii) No international air carrier shall accept an amount of non-bonded aviation fuel for a period which corresponds to a base period which when added to the bonded aviation fuel available to that international air carrier from all sources for that period would exceed the volume of aviation to the international air carrier would receive if the carrier were to use only nonbonded aviation fuels to meet its base period use for that period. An international air carrier shall take into account purchases of bonded fuel from non-base period suppliers and report such purchases to its base period suppliers in order that the base period suppliers may allocate non-bonded fuel pursuant to this paragraph, provided that the carrier may apportion the amounts so reported among its base period suppliers so that such amounts are fully accounted for but taken into account by no more than one base period supplier.

(iv) If a carrier purchases or otherwise obtains a quantity of bonded aviation fuel for a period which corresponds to a base period regardless of price in addition to the amount of bonded fuel which it certifies is available to it for that period under this paragraph, the carrier shall immediately report such quantity to its supplier by filing an amended certification and its supplier shall reduce by such quantity the amount of non-bonded aviation fuel which would otherwise be allocated to that carrier in the current or a subsequent period which corresponds to a base period.

(5) None of the provisions of this paragraph shall affect existing contracts for the purchase of bonded aviation fuels.

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[FR Doc.74-27548 Filed 11-22-74;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[49 CFR Part 931]

RAIL LINES

Interim Discontinuance of Service or Abandonment

The United States Railway Association (USRA) is considering the issuance of regulations to implement section 304(f) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236, continuances of service and abandonment of rail lines by railroads in reorganization during the period preceding the effective date of the final system plan. The regulations proposed hereunder are not intended to apply to the exercise of the Association's authority under section 304(f) following the effective date of final system plan. Section 304(f) provides that no railroad in reorganization may discontinue service or abandon any line of railroad other than in accordance with the Act, unless it is authorized to do so by the Association, and unless no affected State or local or regional transportation authority reasonably opposed that action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before any Federal or State court, agency or authority.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Office of General Counsel, United States Railway Association, Room 2222, 2100-2nd Street, SW., Washington, D.C. 20595. Each person submitting comments should include his name and address, identify this notice, and give reasons for his recommendations. Comments received by December 24, 1974, will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in the Office of the General Counsel, both before and after the closing date. The proposal may be changed in the light of the comments received. Since some applications have already been received by the Association and since time is of the essence in considering the applications, applications received before the effective date of any final rule issued pursuant to this notice will be processed and acted upon to that date, under the policies and procedures set forth in this notice.

The proposed new Part 931 prescribes the procedures for filing applications for discontinuance of service or abandonment of rail lines; sets forth the types of information which must be contained in each application; provides for the participation of interested persons in the proceedings; and sets forth the criteria which the Association will apply in considering the applications.

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Section 931.11 of the proposed part sets forth the types of information which an applicant will be required to furnish for each application, including full financial information regarding the service or rail line affected.

Section 931.13 of the proposed part provides that the Association will publish in the FEDERAL REGISTER a notice of each application it receives under the part, requesting public comment on the proposal. It also provides that the Association could require the applicant to notify certain persons, such as shippers and receivers on the line, and would itself furnish notice to affected State, local and regional transportation authorities and the news media. After consideration of the application, the Association will publish its decision and order in the FEDERAL REGISTER, with an effective date not sooner than 10 days after the date of publication.

Section 931.21 of the proposed part sets forth the criteria by which the Association will consider each application, including, among the other listed items, the purposes of the Act and the goals of the final system plan. Paragraph (b) of the proposed station sets forth the Association's policy with respect to labor protective provisions in cases to be covered by the proposed new part. The labor protective provisions of Title V of the Act do not literally apply to cases under section 304(f). However, it seems appropriate to the Association, as a matter of policy, to assure to employees affected by interim abandonments or discontinuances treatment similar to that to be offered employees whose employment is affected by the final system plan. The Interstate Commerce Commission, also as a matter of policy, attaches labor protection provisions to the abandonments it authorizes. Upon the effectiveness of the final system plan the costs associated with the labor protection offered in connection with interim abandonments or discontinuances will be covered by the benefits provided in Title V of the Act.

Subpart D of the proposed part is reserved for the later development of requirements for comments opposing or supporting applications for discontinuance or abandonment.

In consideration of the foregoing, it is proposed to amend Chapter IX of Title 49, Code of Federal Regulations by adding a new Part 931, as set forth below.

This notice is issued under the authority of sections 202 and 304(f) of the Regional Rail Reorganization Act of 1973 (Pub. L. 93-236, 87 Stat. 990, 1009).

Issued in Washington, D.C. on November 15, 1974.

EDWARD G. JORDAR,
President,
United States Railway Association.

PART 931—INTERIM DISCONTINUANCE OF SERVICE OR ABANDONMENT OF RAIL LINES

Subpart A—General

Sec.
931.1 Purpose and scope.
931.2 Definitions.

Subpart B—Procedures

Sec.
931.11 Application.
931.12 Verification of application.
931.13 Publication of notice of application.
931.14 Issuance of decision and order.

Subpart C—Criteria

931.21 General.

Subpart D—Requirements for Comments Opposing or Supporting Discontinuance or Abandonment [Reserved]

AUTHORITY: Secs. 202 and 304(f), Regional Rail Reorganization Act of 1973 (Pub. L. 93-236, 87 Stat. 990, 1009).

Subpart A—General

§ 931.1 Purpose and scope.

(a) Section 304(f) of the Act provides that "no railroad in reorganization may discontinue service or abandon any line of railroad, other than in accordance with the provisions of sections 304(a) and (b) of the Act, unless it is authorized to do so by the Association and unless no affected State or local or regional transportation authority reasonably opposes such action, notwithstanding any provision of any other Federal law, the constitution or law of any State, or decision or order of, or the pendency of any proceeding before any Federal or State court, agency or authority".

(b) This part sets forth the Association's procedures and criteria for the exercise of its jurisdiction under section 304(f) of the Act with respect to railroads in reorganization in the region.

§ 931.2 Definitions.

Unless otherwise required by the context, the following definitions apply in this part:

"Act" means the Regional Rail Reorganization Act of 1973, Pub. L. 93-236 (87 Stat. 985).

"Association" means the United States Railway Association.

"Railroad in reorganization" means a railroad that is subject to a bankruptcy proceeding and which has not been determined by a court to be reorganizable or not subject to reorganization pursuant to the Act as prescribed in section 207(b) of the Act. For the purpose of this definition, a "bankruptcy proceeding" includes a proceeding pursuant to section 77 of the Bankruptcy Act (11 U.S.C. 205) and an equity receivership or equivalent proceeding.

"Region" means the States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, Indiana, Michagan, Illinois, and the District of Columbia; and those portions of contiguous states in which are located rail properties owned or operated by railroads doing business primarily in those jurisdictions, as determined by the order of the Interstate Commerce Commission issued in Ex Parte 293, dated January 14, 1974.

"State" means any State or the District of Columbia.

Subpart B—Procedures

§ 931.11 Application.

(a) Each application for authorization to discontinue rail service or abandon a line of railroad under this part must contain the following information:

(1) The applicant's corporate name;

(2) A statement showing that the applicant is a railroad in reorganization;

(3) The name, title, and post office address of the official of the applicant to whom correspodence in regard to the application should be sent;

(4) The route, stations, active sidings and terminals of the line on which service is proposed to be discontinued or which is proposed to be abandoned, with its total length in miles, naming each county and other political subdivision in which any portion is located;

(5) A scale map of the area in which the line is located showing the line to be abandoned in relation to the other rail lines, and the highways, water routes, and important points surrounding the line, with the subject line shown in clear relief;

(6) A statement as to whether discontinuance of service or abandonment of line is sought, and a summary statement of each of the reasons therefor; and the service, if any, to be continued over the line;

(7) A brief description of the present rail service on the line and of significant changes therein during the last two years;

(8) A description of each joint facility agreement or trackage rights agreement relating to the line;

(9) The location and nature of the commercial enterprises on the line and the extent to which each is dependent on the line for transportation;

(10) The freight carload and tonnage, by class of traffic, moving over the line for each of the last two calendar years, and that part of the current year for which information is available;

(11) The number of freight cars per mile moved over the line concerned during the last 12 months of service;

(12) A forecast of the freight volume, by class of traffic, to be moved on the line for the two years following the date of the application;

(13) A description of passenger service, if any, provided on the line and of the alternate passenger services available;

(14) A description of the bridge traffic, if any, moving over the line, and alternate routes available;

(15) The avoidable costs of providing the service or maintaining and operating the line determined according to the standards set forth in 49 CFR 1125.4 (39 FR 24294, 24298-300, July 1, 1974) for the most recent three months of operation, and, if applicable, the cost of restoring it to service;

(16) The revenues attributable to the applicant as a result of providing the service or operating the line, determined according to the standards set forth in 49 CFR 1125.3 (39 FR 24294, 24297-8, July 1, 1974).

(17) Separate statements as to the effect of discontinuance of service or abandonment on the applicant's cash flow (excluding any net proceeds of liquidation) and on its net operating income, and an explanation as to the basis of the computations therefor;

(18) A statement as to what efforts have been made to dispose of the line to ensure its continued operation, and what, if any, transportation service will remain or may be substituted for that proposed to be discontinued;

(19) A copy of the applicant's latest general balance sheet statement, and a copy of its income account for each of the last two calendar years, and for that part of the current year for which the information is available;

(20) The name and address of each creditor having a lien on the involved line segment;

(21) The minimum capital improvements, and the costs thereof, that would be required if the service were to be continued or the line be continued in operation;

(22) A statement of the job losses or other employment impact, if any, with respect to the applicant's work force that would be occasioned by the discontinuance or abandonment and the potential steps to be taken by the applicant to minimize the effect thereof; and

(23) A general description of any significant environmental impact of the proposed discontinuance or abandonment.

(b) The applicant shall file the original and two copies of each application required by this section, by mail or in person, with the Association at its office, 2100 Second Street, SW., Washington, D.C. 20595.

§ 931.12 Verification of application.

The original of each application submitted under this part must be signed by a trustee of the applicant and verified under oath, and must show that the court has authorized the filing of the application.

§ 931.13 Publication of notice of application.

(a) The Association will review each application filed under this part, and assign it a docket number. Each docket will be open to public inspection during the Association's regular business hours.

(b) The Association will publish in the FEDERAL REGISTER a notice describing the application received, and will request public comment on the proposed abandonment or discontinuance, not less than 30 days after the date of publication.

(c) Whenever appropriate, the Association will require the applicant to send the actual notice of the proposed discontinuance or abandonment to specified persons, such as shippers and receivers on the line; to creditors holding a lien secured by the property thereon; and to each labor union representing employees of the applicant on the line. The Association will notify the State, and the local, and regional transportation authorities and the news media in the geographical areas affected.

(d) The Association reserves the right to request additional information concerning the proposed discontinuance or abandonment from the applicant or any other person, in such form and manner as the Association considers appropriate.

§ 931.14 Issuance of decision and order.

Each decision and order issued by the Association under this part will be published in the FEDERAL REGISTER and shall provide that it will become effective not earlier than 10 days after the date of publication.

Subpart C—Criteria

§ 931.21 General.

(a) In deciding whether to approve an application for discontinuance of service or abandonment of a railroad line under this part, the Association will consider the following:

(1) Whether a State, local or regional transportation authority reasonably opposes the proposed action. The standard that the Association will apply will be very strict; the test will not be whether the opposition is sound but whether there is a reasonable basis for it;

(2) The applicant's financial status and the financial consequences to the applicant of the proposed action;

(3) Whether there is a reasonable possibility that the line concerned will be included in the final system plan;

(4) Whether there is a reasonable possibility that the line may be operated under a subsidy that meets the standards set forth in section 304(c)(2) of the Act;

(5) Whether the service covered by the application is essential in character, and whether there are feasible alternatives to that service;

(6) The relationship of the discontinuance or abandonment to the purposes of the Act and the goals of the final system plan;

(7) The effect of the proposed action on the applicant's labor force; and

(8) Any other matters that the Association considers relevant.

(b) The Association may condition its authorization of any proposed discontinuance or abandonment in any manner it considers to be consistent with the purposes of the Act. In particular, with respect to employees adversely affected by a proposed discontinuance or abandonment, the Association will impose the conditions customarily imposed by the Interstate Commerce Commission in similar proceedings subject to its jurisdiction under section 1(18)-(20) of the Interstate Commerce Act. An employee protective provision imposed under this Section will not, however, remain effective beyond the effective date of mandatory offers to "protected employees" under section 502(b) of the Act.

Subpart D—Requirements for Comments Opposing or Supporting Discontinuance or Abandonment [Reserved]

[FR Doc.74-27487 Filed 11-22-74;8:45 am]

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

[Public Notice CM-193]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Notice of Meeting

A meeting of the Secretary of State's Advisory Committee on Private International Law will be held at 10:00 a.m. on Friday, December 13, 1974, in room 5519 of the Department of State. The Committee meeting will be open to the public.

The agenda of the meeting will include the following topics: Agency, arbitration, hotelkeepers' liability, international civil procedure, maritime bills of lading, marriage, and recognition and enforcement of foreign judgments.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to December 13, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Robert E. Dalton, Office of the Legal Adviser, Department of State; the telephone number is area code 202, 632-2107. All non-government attendees at the meeting should use the C Street entrance to the building.

Dated: November 18, 1974.

ROBERT E. DALTON,
Executive Director.

[FR Doc.74-27515 Filed 11-22-74;8:45 am]

[CM-195]

NORTHWEST ATLANTIC FISHERIES ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is given that the Northwest Atlantic Fisheries Advisory Committee, to the U.S. Commissioners to the International Commission for the Northwest Atlantic Fisheries (ICNAF), shall hold a meeting on Tuesday, December 10, 1974. The meeting, which will be open to the general public, will be held in the Ramada Inn, William McClellan Highway, East Boston, Massachusetts. The session will commence at 10 a.m. The discussions at the meeting will be devoted to a review of the results of the Special Meeting of ICNAF which was held in Miami November 12-15, 1974. There will also be a discussion of extension or possible modification of bilateral fisheries agreements with the USSR, Poland, and Romania. The meeting will include an open discussion with those in attendance.

WILLIAM L. SULLIVAN, Jr.,
Acting Deputy Assistant Secretary for Oceans and Fisheries Affairs.

NOVEMBER 21, 1974.

[FR Doc.74-27588 Filed 11-22-74;8:45 am]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1974 Rev., Supp. No. 6]

FIRST STATE INSURANCE CO.

Surety Companies Acceptable on Federal Bonds

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $3,339,000 has been established for the company.

Name of company, location of principal executive office, and State in which incorporated

First State Insurance Company
Boston, Massachusetts
Delaware

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1 so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Government Financial Operations, Audit Staff, Washington, D.C. 20226.

Dated: November 19, 1974.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.74-27475 Filed 11-22-74;8:45 am]

Office of the Secretary

PIG IRON FROM CANADA

Tentative Determination To Modify or Revoke Dumping Finding

A finding of dumping with respect to pig iron from Canada was made in Treasury Decision 71-193 which was published in the FEDERAL REGISTER on July 24, 1971 (36 FR 13780).

After due investigation, I find that pig iron from Canada is no longer being, nor likely to be, sold in the United States at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) by Quebec Iron and Titanium Corporation, Sorel, Quebec, Canada.

The investigation revealed that sales of pig iron by Quebec Iron and Titanium Corporation since August 1971 have been at not less than fair value, and that the firm has given written assurances that future sales of pig iron for export to the United States will be made at prices not less than fair value.

Accordingly, notice is hereby given that the Department of the Treasury intends to modify the finding of dumping with respect to pig iron from Canada to exclude pig iron produced and sold by Quebec Iron and Titanium Corporation from the finding.

In accordance with § 153.37, customs regulations (19 CFR 153.37), interested persons may request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office not later than December 5, 1974. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than December 26, 1974.

This notice is published pursuant to § 153.41(c) of the customs regulations (19 CFR 153.41(c)).

[SEAL] DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

NOVEMBER 20, 1974.

[FR Doc.74-27549 Filed 11-22-74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CONSTRUCTION OF A UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES AT THE NATIONAL NAVAL MEDICAL CENTER, BETHESDA, MARYLAND

Public Hearing and Availability of Draft Environmental-Impact Statement

A public hearing will be held for the purpose of soliciting comments from the community regarding the proposed construction of the Uniformed Services University of the Health Sciences at the National Naval Medical Center, Bethesda, Maryland. The hearing will be conducted by Captain C. C. Meyers, Civil Engineer Corps, United States Navy, telephone number 202-325-8625, and will include a presentation of the development plans for these facilities.

Date: December 17, 1974.
Time: 7 p.m. to 11 p.m.
Place: Rockville High School, 2100 Baltimore Road, Rockville, Maryland.
Title: Draft Environmental-Impact Statement, Uniformed Services University of the Health Sciences at the National Naval Medical Center, Bethesda, Maryland.

Description: The Uniformed Services Health Professions Revitalization Act (Public Law 92-426) authorized the establishment of a Uniformed Services University of the Health Sciences (USUHS) to educate individuals in all of the health professions to become career military members. The university eventually will be the unique educational resource of the Department of Defense with the capability for extensive interdisciplinary professional training initially leading to the degree of Doctor of Medicine. Appropriate degrees or certification in dentistry, nursing, pharmacy, and allied health professions will also be awarded. The proposed development and construction will take place over the next five years. The site to be developed is on the ground of the National Naval Medical Center and is east of the existing Naval Hospital and north of Jones Bridge Road. The buildings being designed are a cluster of four basic building masses on a common base of approximately 500 feet by 500 feet with three to five stories above grade. Preservation of most of the existing woodlands in the form of a 500-to-600-foot-wide buffer off Jones Bridge Road and the property to the east will provide a natural environmental setting for the university. Projected student loading on campus is approximately 1400.

General Public Statements: Speakers will be limited to three minutes for an individual and five minutes for the spokesman for a group or groups. There will be no relinquishing of time by one speaker to another. Allotted time periods will be rigidly adhered to. It is requested that technical statements or statements of considerable length be submitted in writing to the address below. Individuals or a spokesman for a group(s) desiring to register to speak prior to the night of the hearing may notify, in writing, Commander David Bottorff at the address indicated below until the close of business December 13, 1974.

Where copies of the Draft Environmental-Impact Statement can be obtained: Copies can be obtained by addressing the request to—

Cdr. David Bottorff
Program Management Officer
Officer in Charge of Construction
Naval Facilities Engineering Command Contracts, Bethesda
200 Stovall Street
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Dated: November 19, 1974.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

[FR Doc.74-27516 Filed 11-22-74;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON "TRAINING TECHNOLOGY"

Notice of Meeting

A Defense Science Board Task Force on "Training Technology" will meet in closed session on 15-17 December 1974 at the Institute for Defense Analyses, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Director of Defense Research and Engineering on overall research and engineering and to provide long range guidance in these areas to the Department of Defense.

The Task Force will provide an evaluation of the current effectiveness of DoD programs and management in the R&D area of Training Technology to serve as the basis for DoD policy decisions to reduce costs and increase effectiveness and efficiency of DoD Training.

In accordance with Public Law 92-463, section 10, Paragraph (d), it has been determined that Defense Science Board meetings concern matters listed in section 552 (b) of Title 5 of the United States code, particularly Subparagraph (1) thereof, and that the public interest requires such meetings to be closed insofar as the requirements of Subsections (a)(1) and (a)(3) of section 10, Public Law 92-463 are concerned.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

NOVEMBER 20, 1974.

[FR Doc.74-27524 Filed 11-22-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

ALLIED TELEPHONE COMPANY OF ARKANSAS, INC.

Proposed Loan Guarantee

Under the authority of Public Law 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,500,000 to Allied Telephone Co. of Arkansas, Inc., Little Rock, Arkansas. The loan funds will be used to finance the construction of facilities to extend telephone service to subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. H. R. Wilbourn, Jr., President, Allied Telephone Company of Arkansas, Inc., P.O. Box 2177, Little Rock, Arkansas 72203.

To assure consideration, proposals must be submitted on or before December 26, 1974 to Mr. H. R. Wilbourn, Jr. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as the Allied Telephone Company of Arkansas, Inc., and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 18 day of November, 1974.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.74-27478 Filed 11-22-74;8:45 am]

Office of the Secretary

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held beginning at 9 a.m., December 17, 1974 in Room 6451, South Building, U.S. Department of Agriculture, Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of

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State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no oral presentations will be entertained, anyone may file with the Committee, before or after the meeting a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307–A, USDA, Washington, D.C. 20250—Telephone 202–447–3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: November 20, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

[FR Doc.74–27535 Filed 11–22–74;8:45 am]

Soil Conservation Service

BRODHEAD CREEK WATERSHED PROJECT, PENNSYLVANIA DAM NO. PA–466

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that the environmental impact statement is not being prepared for the Brodhead Creek Watershed Project, Dam PA–466, Monroe County, Pennsylvania.

The environmental assessment of this federal action indicates that the construction of Dam PA–466, will not create significant adverse local, regional, or national impacts on the environment. As a result of these findings, Mr. Benny Martin, State Conservationist, Soil Conservation Service, USDA, Box 985 Federal Square Station, Harrisburg, Pennsylvania 17108, has determined that the preparation and review of an environmental impact statement is not needed for this project.

This project concerns the construction of a dam for watershed protection and flood prevention. The planned works of improvement include conservation land treatment supplemented by a single purpose floodwater retarding structure.

The construction of this dam completes the project which consist of three dams, two of which are under construction.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
Room 820 Federal Building
Harrisburg, Pennsylvania 17108

No administrative action on implementation of the proposal will be taken until December 10, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 20, 1974.

[FR Doc.74–27521 Filed 11–22–74;8:45 am]

COWDEN LATERALS WATERSHED, OKLAHOMA

Notice of Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and part 650.8(b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for that portion of the Cowden Laterals Watershed Project described below, in Washita and Caddo Counties, Oklahoma.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. Hampton Burns, State Conservationist, Soil Conservation Service, USDA, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma, has determined that the preparation and review of an environmental impact statement is not needed for this action.

The project concerns a plan for watershed protection and flood prevention. Remaining measures to be installed include conservation land treatment supplemented by four floodwater retarding structures, two grade stabilization structures, and 171 acres of critical area treatment.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service
USDA Building
Farm Road and Brumley Street
Stillwater, Oklahoma

No administrative action on implementation of the proposal will be taken until December 10, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 19, 1974.

[FR Doc.74–27522 Filed 11–22–74;8:45 am]

POTT-SEM-TURKEY WATERSHED PROJECT, OKLAHOMA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; Part 1500 of the Council on Environmental Quality Guidelines (38 FR 20550, August 1, 1973); and § 650.7(e) of the Soil Conservation Service Guidelines (39 FR 19650, June 3, 1974); the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement (EIS) for the Pott-Sem-Turkey Watershed Project, Seminole and Pottawatomie Counties, Oklahoma, USDA–SCS–EIS–WS–(ADM)–75–1(D)–OK.

The EIS concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment, supplemented by 11 floodwater-retarding structures.

A limited supply of the draft EIS is available at the following location to fill single copy requests:

Soil Conservation Service, USDA Building, Farm Road and Brumley Street, Stillwater, Oklahoma 74074

Copies of the draft EIS have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Hampton Burns, State Conservationist, Soil Conservation Service, USDA Building, Stillwater, Oklahoma 74074.

Comments must be received on or before January 15, 1975, in order to be considered in the preparation of the final environmental impact statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

NOVEMBER 19, 1974.

[FR Doc.74–27523 Filed 11–22–74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

COLORS FOR MOLDED UREA PLASTICS

Notice of Intent To Withdraw Commercial Standard

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standard CS 147–47, "Colors for Molded Urea Plastics." It has been tentatively determined this standard is technically inadequate, no longer used by the industry and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of this standard should be made in writing to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before December 26, 1974. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: November 19, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–27493 Filed 11–22–73;8:45 am]

WOOD SHINGLES AND MACHINE-GROOVED SHAKES AND REBUTTED-REJOINTED SHINGLES

Notice of Intent To Withdraw Commercial Standards

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised; 35 FR 8349 dated May 28, 1970), notice is hereby given of the intent to withdraw Commercial Standards CS 31–52, "Wood Shingles (Red Cedar, Tidewater Red Cypress, California Redwood)" and CS 199–55, "Machine-Grooved Shakes and Rebutted-Rejointed Shingles." It has been tentatively determined these standards are technically inadequate, no longer used by the industry and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of these standards should be made in writing to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, on or before December 26, 1974. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action terminates the authority to refer to a published standard as a voluntary standard developed under the Department of Commerce procedures from the effective date of withdrawal.

Dated: November 19, 1974.

RICHARD W. ROBERTS,
Director.

[FR Doc.74–27494 Filed 11–22–74;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMALS

Denial of Permit Application

On September 17, 1974, notice was published in the FEDERAL REGISTER (39 FR 33385) that an application had been filed with the National Marine Fisheries Service by Captain Starn's Inlet Yachting Pier, Atlantic City, New Jersey 08401, to take ten (10) California sea lions *Zalophus californianus*) for public display.

Notice is hereby given that pursuant to the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), after having considered the application and all other pertinent information and facts with regard thereto, the National Marine Fisheries Service determined on November 18, 1974, that the permit request submitted by Captain Starn's Inlet Yachting Pier be denied.

Dated: November 18, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–27488 Filed 11–22–74;8:45 am]

MARINE MAMMALS

Issuance of Permit

On July 15, 1974, notice was published in the FEDERAL REGISTER (39 FR 25966) that an application had been filed with the National Marine Fisheries Service by the Tulsa Zoological Park, 5701 East 36th Street, N., Tulsa, Oklahoma 74115, for a public display permit to import one Atlantic harbor seal (*Phoca vitulina concolor*).

Notice is hereby given that, on November 18, 1974, and as authorized by the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361–1407), the National Marine Fisheries Service issued a permit for the above described importation to the Tulsa Zoological Park, subject to certain conditions set forth therein. The permit is available for review by interested persons in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and in the Office of the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702.

Dated: November 18, 1974.

JACK W. GEHRINGER,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–27490 Filed 11–22–74;8:45 am]

MARINE MAMMALS

Notice of Modification of Permits

Notice is hereby given that, pursuant to the provisions of §§ 216.33(d) and (e) of the regulations governing the taking and importing of marine mammals, the following marine mammal permits are modified:

Scientific Research Permit issued to Frank E. South on February 27, 1974; Public Display Permit issued to the Fort Wayne Children's Zoological Gardens on April 26, 1974;

Public Display Permit issued to Homosassa Springs, Inc., on May 3, 1974; Public Display Permit issued to Gladys Porter Zoo on May 24, 1974; Scientific Research Permit issued to H. L. Stone on June 3, 1974;

Public Display Permit issued to the Lincoln Children's Zoo on August 27, 1974.

In each of the above mentioned permits, the permit holder is authorized to take a specified number of California sea lions, under specific conditions regarding the sex, age and/or size of the sea lions to be taken.

In order to provide the broadest possible flexibility in selecting the authorized sea lions, while ensuring that only subadult sea lions are taken, each of the above mentioned permits is hereby modified by means of the following condition. The authorized sea lions, if male, are not to weigh less than 30 nor more than 200 pounds, and, if female, are not to weigh less than 30 nor more than 100 pounds.

These modifications are effective on November 25, 1974.

The permit, as modified, and documentation pertaining to the modification are available for review in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and the Offices of the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, and the Regional Director, National Marine Fisheries Service, Northeast Region, Federal Building, 14 Elm Street, Gloucester, Massachusetts 01930.

Dated: November 13, 1974.

JOSEPH W. SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–27489 Filed 11–22–74;8:45 am]

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MARINE MAMMALS

General Permits Issued to United Fishermen of Alaska

General Permits were issued on November 18, 1974, to the United Fishermen of Alaska, Juneau, Alaska to take marine mammals incidental to commercial fishing operations under categories (iii) Encircling Gear, Seining other than Yellowfin Tuna; (iv) Stationary Gear; and (v) other Gear, pursuant to 50 CFR 216.24 (39 FR 32117–32124), as amended.

The Permits are available for public inspection in the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Dated: November 19, 1974.

JACK W. GEHRINGER,
Acting Director,
National Marine Fisheries Service.

[FR Doc.74–27491 Filed 11–22–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Assistant Secretary for Planning and Evaluation

INCOME DYNAMICS

Notice of Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the results, findings, data and recommendations reported as a result of activities associated with HEW project entitled, "Panel Study of Income Dynamics." A two-volume report entitled, *Five Thousand American Families—Patterns of Economic Progress*, reports on annual interviews of 5000 families since 1968 with emphasis on analyses of changes in economic status of this representative sample of American families. Information on income and employment, as well as family background, attitudes and behavior are addressed.

Volume I contains chapters on the following topics: Change in Global Measures; Family Composition; Wage Rates of Heads and Wives; Labor Supply of Family Members; Transfer of Income; Income Instability; Educational Attainment; and a Summary of Findings. Volume II presents further analyses of: Housing and Homeownership; Residential Mobility; Local Residential Mobility and Family Housing Adjustments; Modes of Travel to Work; Dynamics of Family Labor Supply Decisions; Nonpecuniary Work Rewards; Aspects of the Variability of Family Income; Incidence of Selected Taxes by Income Class; Allocation of Household Income to Food Consumption; Births, Expected Family Size and Poverty; and Time Inputs to Children.

The analysis finds a great deal of variability in family income over the five year survey with changes due mostly to changes in family composition and number of wage earners. Salary increases, longer working hours and promotions showed relatively little effect compared to changes in the number of family members and their work status. The possible effects of attitudes such as "efficacy" or "trust in others" and behavior patterns such as "economizing" and "avoiding risk" were also investigated, and proved of little effect on changing economic status. However, measures of "achievement motivation" and (intelligence) "test scores" had some correlation with the level of economic status.

A copy of this report has been filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and can be obtained through that office. Copies may also be purchased from the Sales Fulfillment Section, Institute for Social Research, University of Michigan, Box 1248, Ann Arbor, Michigan 48106.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

NOVEMBER 18, 1974.

[FR Doc.74–27507 Filed 11–22–74;8:45 am]

WORKERS' COMPENSATION

Notice of Program Results

Pursuant to Section 606 of the Economic Opportunity Act of 1964, as amended, 42 U.S.C. 2946, this agency announces the results, findings, data and recommendations reported as a result of activities associated with HEW project entitled, "Issues in Integration of Workers' Compensation with Other Programs for the Disabled."

Departmental officials recognize the need for further consideration of a more comprehensive system of public programs serving the disabled. In many ways, the Workers' Compensation program is a microcosm of such a comprehensive disability program. However, the National Commission on State Workmen's Compensation Laws (the Burton Commission), which was authorized under the Occupational Safety and Health Act of 1970, found serious deficiences in Workers' Compensation programs and made numerous recommendations for improvements, which were the major consideration in reform recommendations contained in a recent Administration White Paper. In support of the Department's role in the Interdepartmental Task Force on Workers' Compensation, which was established by Presidential directive in May 1974 to overall disability strategy, the Fine paper was commissioned to crystallize issues, questions, and problems involved in the meshing of Workers' Compensation with other programs affecting the disabled.

The report is based on studies and other materials used by, generated for, and produced by the Burton Commission, on pertinent materials developed during the intervening period, particularly internal Departmental memoranda and discussion papers; and on interviews. The report treats each of three objectives of Workers' Compensation—prevention (of safety), income protection, and rehabilitation and re-employment, examining available Federal integration options. For example, under the heading of "Income Protection," the following options are considered: use of negligence suits as an alternative to the current system, incorporation of protection against temporary disability into the social security system, transfer of long-term disability protection to OASDHI, and need for developing a program option for permanent partial disability. In the discussion, individual disability programs, interrelationships among programs, and proposed actions for changing the configuration of programs are evaluated by any or all of four criteria, as appropriate; the effectiveness of rehabilitation and work incentives; and cost- and administrative-efficiency.

The Report concludes with chapters which synthesize the issues, describe missing knowledge which hinders a full explication and weighing of issues at this time, discusses the need for a holistic approach, and outlines a research program for obtaining missing information and for moving toward a holistic approach. Among the recommended research projects are a taxation analysis (progressiveness of disability program tax base); a comprehensive cost analysis; a Credit Point System as an equitable income-transfer model; and studies of such policy questions as effectiveness of financial incentives to increase employer investment in safety, alternative means of financing a temporary disability program, and potential conflict between compensation and rehabilitation objectives.

A copy of this report will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

NOVEMBER 18, 1974.

[FR Doc.74–27526 Filed 11–22–74;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON SUPPLEMENTARY CENTERS AND SERVICES

Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the next meeting of the National Advisory Council on Supplementary Centers and Services will be held on December 12 and 13, 1974, from 9:00 a.m. to 5:00 p.m. in the Council's offices in Suite 529 of the Pennsylvania Building, 425 13th Street, NW., Washington, D.C.

The National Advisory Council on Supplementary Centers and Services is established under Section 309 of Public Law 91–230. The Council is directed to advise the President and the Congress concerning the operation of Title III of the Elementary and Secondary Education Act.

Agenda items for the meeting will include: (1) *Member reports* on ESEA Title III project visitations since the last Council meeting; (2) *Executive Director's report*, (3) *preview of the film*, "What Comes After Ten, Tasha?" by the Dale Avenue Project, Dale Avenue School, Paterson, New Jersey; (4) *planning for the Annual Meeting;* (5) *discussion of forthcoming Council publications;* (6) *Annual Report* to the President and the Congress.

The meeting of the Council shall be open to the public. Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 529, 429 13th Street, NW., Washington, D.C.

Signed at Washington, D.C., on November 20, 1974.

GERALD J. KLUEMPKE,
Executive Director.

[FR Doc.74–27537 Filed 11–22–74;8:45 am]

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776; 5 U.S.C. App.), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Panel on Review of Oral Cavity Drug Products.	December 11 and 12, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 11, 9 a.m. to 10 a.m., closed December 11 after 10 a.m., closed December 12. John T. McElroy, (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing oral cavity drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter oral cavity drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review or Hemorrhoidal Drugs.	December 13 and 14, 9 a.m., Conference Room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 13, 9 a.m. to 10 a.m., closed December 13 after 10 a.m., closed December 14. Thomas D. DeCillie, (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing hemorrhoidal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter hemorrhoidal drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Antiperspirant Drug Products.	December 16 and 17, 9 a.m., Conference Room G, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 16, 9 a.m. to 10 a.m., closed December 16 after 10 a.m., closed December 17. Lee Geismar (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing antiperspirant drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter antiperspirant drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Contraceptives and other Vaginal Drug Products.	December 16 and 17, 9 a.m., Conference Room I, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open December 16, 9 a.m. to 10 a.m., closed December 16 after 10 a.m., closed December 17. Armond Welch, (HFD–109), 5600 Fishers Lane, Rockville, Md. 20852, 301–443–4960.

Purpose. Reviews and evaluates available data concerning the safety and effectiveness of active ingredients, and combinations thereof, of currently marketed nonprescription drug products containing contraceptives or other vaginal drug products.

Agenda. Open session: Comments and presentations by interested persons. Closed session: Continuing review of over-the-counter contraceptives and other vaginal drug products under investigation.

Agenda items are subject to change as priorities dictate.

During the open sessions shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commissioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided for this type of discussion to remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full

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and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with Agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated: November 18, 1974.

A. M. SCHMIDT,
Commissioner of Food and Drugs.

[FR Doc.74-27332 Filed 11-22-74;8:45 am]

[FAP 4B2991]

DIAMOND SHAMROCK CHEMICAL CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B2991) has been filed by Nopco Chemical Division, Diamond Shamrock Chemical Co., P.O. Box 2386R, Morristown, NJ 07960, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for safe use of a polyaminoamide-epichlorohydrin resin as a component of paper and paperboard in contact with food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 11, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74-27470 Filed 11-22-74;8:45 am]

[FAP 5B3039]

E. I. DU PONT DE NEMOURS AND CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 5B3039) has been filed by E. I. du Pont de Nemours and Co., 1007 Market St., Wilmington, DE 19898, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for safe use of spunbonded polyester nonwoven fabric consisting of polyethylene terephthalate and polyethylene terephthalate-isophthalate copolymers as components of articles intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 13, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74-27472 Filed 11-22-74;8:45 am]

[FAP 4B2992]

W. R. GRACE & CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B2992) has been filed by Dewey and Almy Chemical Division, W. R. Grace & Co., 62 Whittemore Ave., Cambridge, MA 02140, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for safe use of stannous 2-ethylhexanoate as a catalyst in the manufacture of epoxy resins intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working house, Monday through Friday.

Dated: November 13, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74-27473 Filed 11-22-74;8:45 am]

[FAP 4B2993]

W. R. GRACE & CO.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 4B2993) has been filed by Dewey and Almy Chemical Division, W. R. Grace & Co., 62 Whittemore Ave., Cambridge, MA 02140, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for safe use of trimellitic anhydride as a crosslinking agent for epoxy resins to be used as components of coatings intended to contact food.

The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B-42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated November 13, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74-27471 Filed 11-22-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Waiver Petition No. HS-74-17]

MORRISTOWN AND ERIE RAILROAD CO.

Petition for Exemption From Hours of Service Act

The Morristown and Erie Railroad Company, Morristown, New Jersey, has petitioned the Federal Railroad Administration pursuant to 45 U.S.C. 64a(e) for an exemption, with respect to certain employees, from the Hours of Service Act, 45 U.S.C. sections 61, 62, 63 and 64.

Interested persons are invited to participate in this proceeding by submitting written data, views, or comments. Communications should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Attention: FRA Waiver Petition No. HS-74-17, Room 5101, 400 Seventh Street SW., Washington, D.C. 20590. Communications received before December 27, 1974, will be considered before final action is taken on this petition. All comments received will be available for examination by interested persons during business hours in Room 5101, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

Issued in Washington, D.C. on November 19, 1974.

DONALD W. BENNETT,
Chief Counsel,
Federal Railroad Administration.

[FR Doc.74-27467 Filed 11-22-74;8:45 am]

RAILROAD OPERATING RULES ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770) notice is hereby given that the Railroad Operating Rules Advisory Committee will meet on Thursday, December 12, 1974 at 9 a.m. in Room 5334, Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The Committee was established to provide advice to the Federal Railroad Administration concerning solutions to problem areas involving the operating rules of the nation's railroads.

The agenda for this meeting will include a discussion of the goals and objectives which the Committee will set for itself, the approach to be utilized by the Committee in addressing the serious safety problems posed by operating rules, and the establishment of priority subjects for the Committee's attention. In addition, the Committee members will discuss the need for and means of improving rule 34 of the Association of American Railroads' Standard Code.

The meeting will be open to the public. Any member of the public who wishes to file a written statement with the Committee will be permitted to do so. Under a procedure established by the Committee, persons submitting written statements are requested to provide 15 copies to provide distribution to each of the Committee members. Members of the public who wish to make oral statements should inform the Office of the Chief Counsel, Federal Railroad Administration (202) 426-0767 at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

Minutes of the meeting will be made available for public inspection during regular business hours in the Office of Chief Counsel, Federal Railroad Administration, Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C.

Issued at Washington, D.C. on November 18, 1974.

ASAPH H. HALL,
Acting Administrator,
(Committee Chairman).

[FR Doc.74-27469 Filed 11-22-74;8:45 am]

[FRA Waiver Petition Docket No. RSFC-74-17]

SEABOARD COASTLINE RAILROAD CO.

Waiver of Freight Car Standards

The Seaboard Coastline Railroad Company (SCL) has petitioned the Federal Railroad Administration (FRA) for an exemption from § 215.123 of the FRA Freight Car Safety Standards in order to continue operating one oversized hopper car. This hopper car is equipped with trucks that have small fatigue cracks in the bolster portion of the trucks. This defect prohibits the operation of this car, effective January 1, 1975 under present regulations (49 CFR 215.123).

The car covered by this petition is a 150 ton capacity, covered hopper car equipped with six wheel trucks. The car bears SCL reporting marks and SCL identification number 500000. The car is used in interchange service and it is normally utilized for hauling feed and grain products.

This car, which is the only one of its type owned by the railroad, is shown in photographs and in mechanical drawings in the car and Locomotive Cyclopedia, 1966 edition. That volume also contains mechanical drawings and photographs of American Steel Foundry trucks which are similar to those with which this car is equipped. These drawings and photographs are found at pages 219, 818 and 810 of that volume.

Petitioner states that this car has been safely operated. In September 1973 a quarterly inspection requirement was imposed by SCL to monitor the condition of these trucks. During that monitoring period the fatigue cracks have not progressed according to petitioner. In view of this record SCL seeks permanent authority to continue operating this car on the condition that annual inspections will be conducted to monitor the condition of these trucks.

Interested persons are invited to participate in these proceedings by submitting written data, views, or comments. FRA does not anticipate scheduling an opportunity for oral comment on these petitions since the facts do not appear to warrant it. An opportunity to present oral comments will be provided however, if requested by any interested person prior to December 5, 1974. All communications concerning this petition should identify the appropriate Docket Number (FRA Waiver Petition Docket Number RSFC-74-17) and should be submitted in triplicate to the Docket Clerk, Office of Chief Counsel, Federal Railroad Administration, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590. Communications received before December 27, 1974 will be considered by the Federal Railroad Administration before final action is taken. Comments received after that date will be considered so far as practicable. All comments received will be available, both before and after the closing date for communications, for examination by interested persons during regular business hours in Room 5101, Nassif Building, 400 Seventh Street, SW, Washington, D.C. 20590.

(Sec. 202, 84 stat. 971 (45 U.S.C. 431); and § 1.49(n) of the regulations of the Office of the Secretary of Transportation, 49 CFR 1.49(n))

Issued in Washington, D.C. on November 19, 1974.

DONALD W. BENNETT,
Chief Counsel.

[FR Doc.74-27468 Filed 11-22-74;8:45 am]

FEDERAL REGISTER, VOL. 39, NO. 228—MONDAY, NOVEMBER 25, 1974

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Highway Safety Act Sanctions Review Board

[Docket No. 74-37; Notice No. 4]

PUERTO RICO

Postponement of Hearing Date

In accordance with the decision of the Secretary of Transportation, published in today's edition of the FEDERAL REGISTER, *Infra*, to approve an interim settlement of the Highway Safety Act sanctions proceeding against Puerto Rico, the hearing date is hereby postponed from November 26, 1974 (39 FR 37411, 39 FR 40320) to April 15, 1975.

(23 U.S.C. 402; 23 CFR 1206)

Issued on November 22, 1974.

GLENN J. SEDAM,
Presiding Officer
Sanctions Hearing Board.

[FR Doc.74-27729 Filed 11-22-74;12:30 pm]

Office of Secretary

[Docket No. 74-37; Notice 3]

PUERTO RICO

Highway Safety Program Sanctions; Interim Agreement

Notice is hereby given of an interim disposition of the highway safety program sanctions proceeding involving the Commonwealth of Puerto Rico, as announced in the FEDERAL REGISTER on October 21, 1974 (39 FR 37411). The proceeding was begun by the Federal Highway Administration and the National Highway Traffic Safety Administration as a result of Puerto Rico's failure to enact legislation making it presumptively unlawful to drive with a blood alcohol concentration (BAC) of 0.10 percent or higher.

After the announcement of the sanctions proceeding, the Governor of Puerto Rico requested an opportunity to present information that could form the basis for a consent determination between the parties, pursuant to 49 CFR 1206.9. An informal meeting was accordingly held between representatives of the parties on November 12, 1974. As a result of this meeting, the parties have agreed to an interim disposition of the proceeding. The terms of the agreement are as follows:

The Governor of Puerto Rico has agreed to introduce a bill in the 1975 session of the legislature to make driving with a BAC of 0.10 percent presumptively unlawful. The Governor has further agreed to sponsor the bill as an administration bill, rather than as a departmental bill, and to place it on the legislative calendar for the earliest possible consideration. The Governor has further agreed to the holding of a sanctions hearing in April 1975, should the bill fail to pass. The Governor has agreed, finally, (1) to having its Fiscal Year 1976 highway safety apportionment under 23 U.S.C. 402(c) withheld pending final disposition of the proceedings, and (2) to having its Fiscal Year 1976 Federal-aid highway funds apportioned subject to the condition that the apportionment may be reduced by 10 percent of the amount apportioned under 23 U.S.C. 104 upon issuance of a final determination by the Secretary that the Commonwealth is not implementing a highway safety program approved by him.

The Administrators of the Federal Highway Administration and the National Highway Traffic Safety Administration, on their part, have agreed to postpone the sanctions hearing until April 15, 1975, and to terminate the proceedings altogether if the proposed bill is enacted.

On the basis of the renewed commitment by the executive branch of the Commonwealth of Puerto Rico, and on the basis of their representations concerning the legislature's receptiveness to a bill with procedural improvements over last year's bill, the Administrators have concluded that Puerto Rico should be permitted until the end of the 1975 regular session of its legislature to enact the 0.10 percent BAC bill.

The Administrators have submitted their proposed agreement with Puerto Rico for my review. Upon considering their recommendations, I have determined that the agreement serves the interests of highway safety and that it should be accepted.

Accordingly, pursuant to 23 CFR 1206.9(c), I have accepted the agreement as a suitable interim disposition of the sanctions proceeding and have directed that the sanctions hearing for Puerto Rico be postponed until April 16, 1975. Unless notice to the contrary is published in the FEDERAL REGISTER, the hearing will be held beginning at 10 a.m. in Room 2230 at the Department of Transportation Headquarters Building, 400 Seventh Street SW., Washington, D.C. 20590.

Written comments should be submitted to the Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590, not later than 15 days following the close of the hearing. Persons who intend to make oral statements at the hearing should submit their requests, together with an estimate of the time required, to the Presiding Officer, Sanctions Hearing Board, Room 5219, 400 Seventh Street SW., Washington, D.C. 20590, not later 5 days before the hearing date.

(Sec. 101, Pub. L. 89-564, 80 Stat. 731; 23 U.S.C. 402).

Issued on: November 21, 1974.

CLAUDE S. BRINEGAR,
Secretary,
Department of Transportation.

[FR Doc.74-27728 Filed 11-22-74;12:32 pm]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON JUDICIAL REVIEW

Meeting

The meeting of the Committee on Judicial Review of the Administrative Conference of the United States that was announced for December 12, 1974 (39 FR 39077, November 5, 1974) has been rescheduled. The meeting will be held at 1:30 p.m., December 9, 1974 in the Office of William H. Allen, Covington and Burling, 888 16th Street NW., Washington, D.C. 20006.

For further information concerning this Committee meeting contact Lynda S. Zengerle, (202-254-7065).

RICHARD K. BERG,
Executive Secretary.

NOVEMBER 19, 1974.

[FR Doc.74-27501 Filed 11-22-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-317]

BALTIMORE GAS AND ELECTRIC CO.

Issuance of Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 4 to Facility Operating License No. DPR-53 issued to Baltimore Gas and Electric Company which revised Technical Specifications for operation of the Calvert Cliffs Nuclear Power Plant, Unit 1, located in Calvert County, Maryland. The amendment is effective as of its date of issuance.

The amendment modifies the Specification to delete some of the Appendix A Technical Specification Requirements and to supplement the remainder with Specification needed to assure safe conditions during an inspection program that is to be performed for the purpose of determining the cause of an increase in the pressure drop across the reactor core.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment, dated November 15, 1974, (2) Amendment No. 4 to License No. DPR-53, with any attachments, and (3) the related safety evaluation contained in the Commission's letter to Baltimore Gas and Electric Company. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C., and at the Calvert County Library, Prince Frederick, Maryland 20678.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 18th day of November 1974.

For the Atomic Energy Commission.

GEORGE W. RIVENBARK,
Acting Chief, Light Water Reactors, Branch 1-3, Directorate of Licensing.

[FR Doc.74-27466 Filed 11-22-74;8:45 am]

[Docket Nos. 50-452 and 50-453]

DETROIT EDISON CO.

Availability of AEC Final Environmental Statement, Greenwood Energy Center, Units 2 and 3

Pursuant to the National Environmental Policy Act of 1969 and the United States Atomic Energy Commission's regulations in Appendix D, 10 CFR Part 50, notice is hereby given that a Final Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed Greenwood Energy Center, Units 2 and 3, to be constructed by the Detroit Edison Company in St. Clair County, Michigan, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C., and in the St. Clair County Library, Port Huron, Michigan. The Environmental Statement is also being made available at the State Planning Division, Executive Office of the Governor, Lansing, Michigan 48913 and the Southeast Michigan Council of Governments, 810 Book Building, Detroit, Michigan 48226.

The notice of availability of the Draft Environmental Statement for the Greenwood Energy Center, Units 2 and 3, and the request for comments from interested persons was published in the FEDERAL REGISTER on May 13, 1974. The comments received from Federal, State, and local agencies and interested members of the public have been included as an appendix to the Final Environmental Statement.

Single copies of the Final Environmental Statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Rockville, Maryland, this 19th day of November 1974.

For the Atomic Energy Commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch 1, Directorate of Licensing.

[FR Doc.74-27463 Filed 11-22-74;8:45 am]

[Docket No. 50-382A]

LOUISIANA POWER AND LIGHT CO. (WATERFORD STEAM GENERATING STATION, UNIT NO. 3)

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this antitrust proceeding to consist of the following members:

Alan S. Rosenthal, Chairman
Dr. John H. Buck, Member
William C. Parler, Member

Dated: November 18, 1974.

ROMAYNE M. SKRUTSKI,
Secretary to the Appeal Board.

[FR Doc.74-27465 Filed 11-22-74;8:45 am]

REGULATORY GUIDES

Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 1.90, "Inservice Inspection of Prestressed Concrete Containment Structures with Grouted Tendons," describes a basis acceptable to the Regulatory staff for developing an appropriate inservice inspection program for prestressed concrete containment structures of light-water-cooled reactors with grouted tendons made up of parallel wires or strands (bar-type tendons are not covered).

Comments and suggestions in connection with improvements in all guides are encouraged at any time. Comments on Regulatory Guide 1.90 will, however, be particularly useful in evaluating the need for an early revision if received within two months of the date of the guide. Comments should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Docketing and Service Section.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. Request for single copies of the issued guide or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 Regulatory Guides currently being developed include the following:

Tornado Design Classification.
Availability of Electric Power Sources.
Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
Isolation of Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
Fire Protection Criteria for Nuclear Power Plants.
Protective Coatings for Light Water Nuclear Reactor Containment Facilities.
Seismic Input Motion to Unequiped Structural Model.
Primary Reactor Containment (Concrete) Design and Analysis.
Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.
Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel Fracture Toughness Requirements for Vessels Under Overstress Conditions.
Material Limitations for Component Supports.
Protection Against Postulated Events and Accidents Outside of Containment.
Requirements for Auditing of Quality Assurance Programs for Nuclear Power Plants.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Gas Holdup Tank Failure in a Boiling Water Reactor.
Quality Assurance Requirements for Procurement of Equipment, Materials, and Services.
Quality Assurance Requirements for Lifting Equipment.
Maintenance and Testing of Batteries.
Qualification of Class I Electrical Equipment.
Type Tests for Class IE Cables, Connections, and Field Splices for Nuclear Power Plants.
Seismic Qualification of Class I Electric Equipment.
Fracture Toughness Requirements for Materials for Class 2 and 3 Components.
Maintenance of Water Purity in PWR Secondary Systems.
Main Steam Line Sealing System Design Guidelines for Boiling Water Reactors.
Criteria for Heatup and Cooldown Procedures.
Effects of Residual Elements on Predicted Radiation Damage.
Fuel Oil Supplies for Stanby Diesel-Generators.
Assumptions Used for Evaluating the Potential Radiological Consequences of a Liquid Radioactive Waste System Accident.
Surveillance and Examination and Testing of Irradiated Fuel Rods.
Elevated Temperature Inservice Surveillance Tests for HTGR Plants.

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Design Load Combinations for Component Supports.
Requirements for Containment Isolation.
Probable Maximum Storm Surge Flooding on Lakes and Sea Shores.
Requirements for Concrete Reactor Vessels and Containments (ASME Section III Division 2).
Instrument Span and Trip Setting.
Failed Fuel Detection System for Nuclear Power Plants.
Code Case Acceptability—ASME Section III Nonmetallic Materials.
Design, Qualification Test and Installation Requirements for Classes 2 and 3 Safety-Related Pumps.
Seismic Response Combination of Modes and Spatial Components.
Analysis of Seismic Recorded Data.
Protection of Nuclear Power Plant Control Room Operators Against an Onsite Chlorine Release.
Functional Specification for Self-Operated and Power-Operated Safety-Related Valves.
Nuclear Power Plant Environmental Characteristics for Designated Sites.
Evaluation of Explosions Postulated to Occur on Transportation Routes Near Nuclear Power Plant Sites.

(5 U.S.C. 522(a))

Dated at Rockville, Maryland this 13th day of November, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-27464 Filed 11-22-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Agreement C.A.B. 24750; Order 74-11-85]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreement Relating to Specific Commodity Rates; Order

NOVEMBER 19, 1974.

Issued under delegated authority.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates, and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 23, 1974.

Specific commodity item No.	Description and rate
9010 -------	Furniture and Furniture Parts. 94 cents per kg, minimum weight 500 kg. 90 cents per kg, minimum weight 1,000 kg. From Nandi to Honolulu.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24750 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27513 Filed 11-22-74;8:45 am]

KODIAK-WESTERN ALASKA RENEWAL PROCEEDING

[Docket No. 23604, et al.]

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on December 16, 1974, at 10:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before the undersigned Administrative Law Judge.

For details of the issues involved in this proceeding, interested persons are referred to the Prehearing Conference Report, served on June 1, 1973, and the Report of the Supplemental Prehearing Conference served on October 11, 1974, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., November 19, 1974.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.74-27508 Filed 11-22-74;8:45 am]

[Docket No. 25280; Agreements C.A.B. 24752, C.A.B. 24767; Order 74-11-82]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Agreements Relating to Specific Commodity Rates; Order

NOVEMBER 19, 1974.

Issued under delegated authority.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreements, adopted by mail vote, have been assigned the above C.A.B. agreement numbers.

These agreements propose specific commodity rates for expedited effectiveness, applicable from New York to Fort de France/Pointe a Pitre. These rates insofar as they would affect air transportation, are outlined in the attachment hereto,[1] and reflect reductions from otherwise applicable general cargo rates.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that the following resolutions which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered:

Agreement:	*IATA resolution*
C.A.B. 24752------	100 (Mail 964) 590.
C.A.B. 24767------	100 (Mail 965) 590.

Accordingly, it is ordered That:

Agreements C.A.B. 24752 and C.A.B. 24767 be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications, provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By James L. Deegan, Chief, *Passenger and Cargo Rates Division, Bureau of Economics.*

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27512 Filed 11-22-74;8:45 am]

COMMISSION ON CIVIL RIGHTS

DISTRICT OF COLUMBIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the Commission on Civil Rights, that a planning meeting of the District of Columbia Advisory Committee will convene at 6:30 p.m. on December 17, 1974, in the Fifth Floor Conference Room, U.S. Commission on Civil Rights, 1121 Vermont Avenue NW., Washington, D.C. 20425.

[1] Attachment filed as part of the original document.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission, Room 510, 2120 L Street NW., Washington, D.C. 20037.

The purpose of this meeting shall be to finalize plans to be undertaken by the District of Columbia Advisory Committee during FY 1975.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., November 20, 1974.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.74-27510 Filed 11-22-74;8:45 am]

FEDERAL MARITIME COMMISSION

INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

Agreement Filed

Correction

In FR Doc. 74-27178 appearing on page 40815 in the issue for Wednesday, November 20, 1974 the comment date appearing in the second paragraph now reading "December 10, 1974" should read "December 2, 1974."

NEW YORK SHIPPING ASSOCIATION, INC. AND INTERNATIONAL LONGSHOREMEN'S ASSOCIATION

Agreement Filed

Correction

In FR Doc.74-27176 appearing on page 40815 in the issue for Wednesday, November 20, 1974 the comment date appearing in the second paragraph now reading "December 10, 1974" should read "December 2, 1974."

FEDERAL POWER COMMISSION

[Docket No. RI75-44]

CLINTON OIL CO.

Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

NOVEMBER 15, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI75-44...	Clinton Oil Co	55	1 to 11	El Paso Natural Gas Co. (West Kutz Pictured Cliffs Field, San Juan County, N. Mex.) (Rocky Mountain Area).	$33	10-15-74	-----	3-21-75	[1] 50.7513	[2] 51.3544	
	-----do-----	56	1 to 18	-----do-----	10	10-21-74	-----	3-24-75	[1] 50.7513	[2] 51.3544	
	-----do-----	57	1 to 18	-----do-----	10	10-21-74	-----	3-24-75	[1] 50.7513	[2] 51.3544	

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Suspended in Docket No. RI75-44.
[2] Base rate of 43.8612 cents plus tax and Btu adjustment.

The underlying rates of Clinton are under suspension in Docket No. RI75-44 for five months since they exceed the applicable area ceiling rate set forth in Opinion No. 658. Clinton neglected to include in these filings the July 1, 1974, increase in the New Mexico Severance tax. Since the underlying rates are currently suspended, the proposed tax increases are also suspended in the existing rate proceeding in Docket No. RI75-44 and shall become effective, subject to refund, as of the same dates that the underlying rates become effective subject to refund in Docket No. RI75-44.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-27363 Filed 11-22-74;8:45 am]

[Docket No. RI75-7]

HNG OIL CO. ET AL.

Order Setting Date for Hearing

NOVEMBER 15, 1974.

On July 12, 1974 HNG Oil Company (Operator), et al. (HNG) filed a petition for special relief pursuant to Section 2.76[1] of the Commission's General Policy Interpretations for sales of natural gas to Valley Gas Transmission, Inc. (Valley) from the Sejita Field, Duval County, Texas, Texas Gulf Coast Area.

[1] 18 CFR § 2.76.

Pursuant to a base contract dated November 3, 1959, to which HNG is a successor, HNG presently receives a rate of 15.05625 cents per Mcf, which price is below the applicable area rate for the Texas Gulf Coast Area. By amendment of November 1, 1973, between HNG and Valley the price provision of the 1959 contract was raised to 45 cents per Mcf for all gas produced.

HNG presently has ten wells in the Sejita Field: five producing and five not producing. The petition of HNG proposes that certain of the currently producing wells will be reworked in order to increase production. Also, the proposed rate increase for flowing gas will cause a commensurate decrease in the margin of recoverability and, thereby, lengthen the economic life of the wells, consequently increasing the recoverable reserves. Sometime in the future HNG

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also proposes to perforate new zones in several of the old wells, which would qualify any resultant production for the nationwide rate promulgated in Opinion No. 699. The contract amendment provides that all gas produced from these wells will receive the 45 cents per Mcf requested initial rate.

Based upon the information and data submitted by HNG in support of its petition and in response to inquiries made by our Staff, the Commission Staff has computed three cost studies, which are attached. Appendix A, which utilizes the cost items exactly as computed by HNG, shows a unit cost of 31.46 cents per Mcf. Appendix B represents a computation of the unit cost of gas to be recovered from presently producing reservoirs and results in a 23.51 cents per Mcf figure, while Appendix C shows 44.13 cents per Mcf as the unit cost of gas to be produced from previously untapped reservoirs.

Because of the disparity among the results of these three calculations, the question is raised whether there is sufficient basis to find that the proposed rate is just and reasonable. Therefore, we deem it necessary that this matter be set for hearing to determine what relief, if any, should be granted.

Notice of the HNG petition was issued on July 24, 1974 and appeared in the FEDERAL REGISTER on July 31, 1974 at 39 FR 27732. No petitions to intervene or protests have been filed.

The Commission finds. It is in the interest of the public convenience and necessity that the instant proceeding be set for hearing.

The Commission orders. (A) Pursuant to the authority of the Natural Gas Act, particularly sections 4, 5, 7, 14 and 16 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Chapter I), Docket No. RI75–7 is set for the purpose of hearing and disposition.

(B) A public hearing on the issues presented by the application herein shall be held commencing on January 7, 1975, 10:00 a.m. (est) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(C) A Presiding Law Judge to be designated by the Chief Law Judge for that purpose (See Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding pursuant to the Commission's rules of practice and procedure.

(D) HNG shall file its direct testimony and evidence on or before December 6, 1974. All testimony and evidence shall be served upon the Presiding Judge and the Commission Staff.

(E) The Commission Staff shall file its direct testimony and evidence on or before December 20, 1974. All testimony and evidence shall be served upon the Presiding Judge and all other parties to this proceeding.

(F) All rebuttal testimony and evidence shall be served on or before December 31, 1974. Rebuttal testimony, if any, and evidence shall be served upon the Presiding Judge and the Commission Staff.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

HNG Oil Co.—10 wells in the Seita Field, Duval County, Tex.

CALCULATION OF UNIT COST OF GAS

Line No.	Description (a)	Volume (b)	Cost (c)
1	Volumes (N.W.I.):		
2	Gas—thousand cubic feet [1]	3,234,133	
3	Liquids—barrels	0	
4	Average rate base:		
5	Average net investment		$72,778
6	Average working capital allowance		4,502
7	Average rate base		77,280
8	Costs of production:		
9	Return on rate base		193,702
10	Production expense		601,790
11	D.D. & A. expense		145,555
12	Liquid credit		0
13	Total cost of production		941,047
14	Unit cost of gas:		
15	Cost of production (per thousand cubic feet)	cents	29.10
16	Production tax at 7.5 percent gross	do	2.36
17	Unit cost of gas	do	31.46

NOTE.—The above cost data are based on representations of the applicant contained in his filing. The volumes are based on staff's recoverable reserve estimate of 4,555,117 thousand cubic feet. Average production life is 16.71 yr for this project.
Line 2: Net working interest is 71 percent of 4,555,117 thousand cubic feet.
Line 5: From sheet 2, line 7.
Line 6: (Line 11, p. 2×12.5 percent) divided by 16.71 yr production life.
Line 9: (Line 7×15 percent) times 16.71 yr production life.
Line 10: From sheet 2, line 11.
Line 11: From sheet 2, line 6.
Line 15: Line 13 divided by line 2.

HNG Oil Co.—10 wells in the Seita Field, Duval County, Tex.

SUMMARY OF APPLICANT'S FILED DATA

Line No.	Description (a)	Cost (b)
1	Investment:	
2	Producing leaseholds, net investment	$52,756
3	Nonproducing leases	0
4	Equipment, net investment	42,790
5	Additional projected investment	50,000
6	Total capital expenditure	146,555
7	Average net investment [1]	72,778
8	Production costs:	
9	Operating costs [2]	594,322
10	Regulatory expense [3]	6,468
11	Total production expense	601,790

[1] The average net investment is based on the sum of each year's net book investment balance at midyear, assuming equal annual production, divided by the 16.71 yr production life. In this case, this works out to be ½ the total capital expenditure.
[2] Based on taking HNG's initial year estimate of $26,677 per year and inflating it at 7 percent per year for the first 5 yrs and 0 percent per year thereafter.
[3] Regulatory expense as adopted in Opinion No. 699 at 0.2 cents per thousand cubic feet × 3,234,108 Mcf.

HNG Oil Co.—10 wells in the Seita Field (new gas), Duval County, Tex. (new gas is defined here as gas to be produced from new perforations)

CALCULATIONS OF UNIT COST OF GAS

Line No.	Description (a)	Volume (b)	Total Cost (c)
1	Volumes (N.W.I.):		
2	Gas—thousand cubic feet	1,231,244	
3	Liquids—barrels	0	
4	Average rate base:		
5	Average net investment		$54,161
6	Average working capital allowance		1,958
7	Average rate base		56,119
8	Cost of production:		
9	Return on rate base		140,662
10	Production expense		261,820
11	D.D. & A. expense		108,322
12	Liquid credit		0
13	Total cost of production		510,804
14	Unit cost of gas:		
15	Cost of production (per thousand cubic feet)	cents	40.82
16	Production tax at 7.5 percent gross	do	4.23
17	Unit cost of gas (per thousand cubic feet)	do	44.13

NOTE.—The above cost data are based on representations of the applicant contained in his filing. The volumes are based on staff's recoverable reserve estimate of 1,762,315 thousand cubic feet. Average production life is 16.71 yr for this project.
Line 2: Net working interest is 71 percent of 1,762,315 thousand cubic feet.
Line 5: From sheet 2, line 5.
Line 6: (Line 9, p. 2×12.5 percent) divided by 16.71 yr production life.
Line 9: (Line 7×15 percent) times 16.71 yr production life.
Line 10: From sheet 2, line 9.
Line 11: From sheet 2, line 4.
Line 15: Line 13 divided by line 2.

HNG Oil Co.—10 wells in the Seita Field (new gas), Duval County, Tex.

SUMMARY OF APPLICANT'S FILED DATA

Line No.	Description (a)	Total cost (b)
1	Investment:	
2	Producing leaseholds and equipment, net investment	$68,746
3	Additional projected investment [1]	40,000
4	Total capital expenditure	108,822
5	Average net investment [2]	54,161
6	Production costs:	
7	Operating costs [3]	258,318
8	Regulatory expense [4]	2,502
9	Total production expense	261,820

[1] This may include some projected investment in old gas zones included in the projected investment figure for new gas (form 4 sheet 2, line 3). All allocations of cost on basis of reserves.
[2] The average net investment is based on the sum of each year's net book investment balance at midyear, assuming equal annual production, divided by the 16.71 yr production life. In this case, this works out to be ½ the total capital expenditure.
[3] Based on taking HNG's initial year estimate of $10,321 per year and inflating it at 7 percent per year for the first 5 yr and 0 percent per year thereafter.
[4] Regulatory expense as adopted in Opinion No. 699. At 0.2 cents per thousand cubic feet×1,251,229 Mcf.

[FR Doc.74-27208 Filed 11-22-74;8:45 am]

HNG Oil Co.—10 wells in the Seita Field (old gas), Duval County, Tex. (old gas is defined here as gas to be produced from existing perforations)

CALCULATION OF UNIT COST OF GAS

Line No.	Description (a)	Volume (b)	Total cost (c)
1	Volumes (N.W.I.):		
2	Gas—thousand cubic feet	1,982,889	
3	Liquids	0	
4	Average rate base:		
5	Average net investment		$18,616
6	Average working capital allowance		2,551
7	Average rate base		21,167
8	Cost of production:		
9	Return on rate base		53,055
10	Production expense		340,070
11	D.D. & A. expense		37,233
12	Liquid credit		0
13	Total cost of production		431,258
14	Unit cost of gas:		
15	Cost of production (per thousand cubic feet)	cents	21.75
16	Production tax at 7.5 percent gross	do	1.76
17	Unit cost of gas (per thousand cubic feet)	do	23.51

NOTE.—The above cost data are based on representations of the applicant contained in his filing. The volumes are based on staff's recoverable reserve estimate of 2,792,802 Mcf. Average production life is 16.71 yr for this project.
Line 2: Net working interest is 71 percent of 2,792,802 Mcf.
Line 5: From sheet 2, line 6.
Line 6: (Line 9, p. 2×12.5 percent) divided by 16.71 yr production life.
Line 9: (Line 7×15 percent) times 16.71 yr production life.
Line 10: From sheet 2, line 9.
Line 11: From sheet 2, line 4.
Line 15: Line 13 divided by line 2.

HNG Oil Co.—10 wells in the Seita Field (old gas), Duval County, Tex.

SUMMARY OF APPLICANT'S FILED DATA

Line No.	Description (a)	Total cost (b)
1	Investment:	
2	Producing leaseholds and equipment, net investment	$27,233
3	Additional projected investment [1]	10,000
4	Total capital expenditure	37,233
5	Average net investment [2]	18,616
6	Production costs:	
7	Operating costs [3]	337,004
8	Regulatory expense [4]	33,066
9	Total production expense	340,070

[1] There may be additional projected investment in old gas zones included in the projected investment figure for new gas (form 4 sheet 2, line 3). All allocations of cost on basis of reserves.
[2] The average net investment is based on the sum of each year's net book investment balance at midyear, assuming equal annual production, divided by the 16.71 yr production life. In this case, this works out to be ½ the total capital expenditures.
[3] Based on taking HNG's initial year estimate of $16,356 per year and inflating it at 7 percent per year for the first 5 yr and 0 percent per year thereafter.
[4] Regulatory expense as adopted in Opinion No. 699, at 0.2 cent per thousand cubic feet×X1,982,889 Mcf.

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[Docket No. CS73-457, etc.]

STAR PETROLEUM, ET AL.

Applications for "Small Producer" Certificates [1]

NOVEMBER 13, 1974.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket number, date filed, and applicant

CS73-457, December 12, 1972, Star Pet., P.O. Box 845, Perryton, Texas 79070.

CS73-458, December 14, 1972, Jack L. Cayias, 319 Heidrich, Houston, Texas 77018.

CS73-459, December 15, 1972, P. C. Bundy, 1907 Niels Esperson Building, Houston, Texas 77002.

CS73-460, December 18, 1972, I. W. Lovelady, 406 N. Marienfeld, Midland, Texas 79701.

CS73-461, December 18, 1972, Wm. L. Audas, 409 C & I Building, Houston, Texas 77002.

CS73-462, December 18, 1972, D. L. McClure, 1201 First National Life Building, Houston, Texas 77002.

CS73-463, December 18, 1972, R. B. Montgomery, 4703 Chapman, Houston, Texas 77022.

CS73-454, December 18, 1972, Cyril S. Birch, 5659 Candlewood, Houston, Texas 77027.

CS73-465, December 18, 1972, Home Oil Company of Canada, 304 Sixth Avenue Southwest, Calgary, Alberta, Canada.

CS73-466, December 18, 1972, H. B. Pyle, P.O. Box 370, Richmond, Texas 77469.

CS73-467, December 18, 1972, Standard Silver Corporation, 405 Continental Bank Building, Salt Lake City, Utah 84101.

CS73-468, December 18, 1972, Robert Zinke, 612 Denver Club Building, Denver, Colorado 80202.

CS73-469, December 18, 1972, Walter L. Williams, 706 Southwest Tower, Houston, Texas 77002.

CS73-470, December 19, 1972, Kemp Special Trusts, P.O. Box 241, Dallas, Texas 75221.

CS73-471, December 19, 1972, Dallas McCasland, P.O. Box 763, Hobbs, New Mexico 88240.

CS73-472, December 26, 1972, Leslie Oil & Gas Co., 223 Mill Creek Building, 4638 J. C. Nichols Parkway, Kansas City, Missouri 64112.

CS73-473, December 21, 1972, Hanover Management Company, 1300 One Main Place, Dallas, Texas 75250.

CS73-474, December 21, 1972, Marine Properties, Inc., 460 Oil & Gas Building, New Orleans, Louisiana 70112.

CS73-475, December 18, 1972, Shreve Operating Company, 825 Beck Building, Shreveport, Louisiana 71101.

CS73-476, December 21, 1972, Roy B. Riggs, Jr., 2823 Whitewood Drive, Dallas, Texas 75233.

CS73-477, December 21, 1972, Walter G. George, 3647 University Boulevard, Dallas, Texas 75205.

CS73-478, December 21, 1972, J. W. Rutland, Jr., 2300 Republic Bank Building, Dallas, Texas 75201.

CS73-479, December 21, 1972, Keith D. Sheppard, P.O. Box 904, Dallas, Texas 75221.

CS73-480, December 21, 1972, John M. Penrod, 1806 Fidelity Union Tower, Dallas, Texas 75201.

CS73-481, January 2, 1973, Sack Properties, 21st Floor Capital National Bank Building, Houston, Texas 77002.

CS73-482, January 2, 1973, Geo. C. Francisco, III, 21st Floor, Capital National Bank Building, Houston, Texas 77002.

CS73-483, January 2, 1973, David B. Remick, 21st Floor, Capital National Bank Building, Houston, Texas 77002.

CS73-484, January 2, 1973, Glenn W. Patterson, 21st Floor, Capital National Bank Building, Houston, Texas 77002.

CS73-485, January 2, 1973, Bart L. Jones, 21st Floor, Capital National Bank Building, Houston, Texas 77002.

CS73-486, January 2, 1973, W. T. Mendell, 21st Floor, Capital National Bank Building, Houston, Texas 77002.

CS73-487, January 2, 1973, Barbara Smullyan, 21st Floor, Capital National Bank Building, Houston, Texas 77002.

CS73-488, January 2, 1973, Emil Moebacher, et ux., 21st Floor, Capital National Bank Building, Houston, Texas 77002.

CS73-489, January 2, 1973, Emil Moebacher, Jr., et ux.

CS73-490, December 26, 1972, Tara Petroleum Corporation, 706 Amarillo National Bank Building, Amarillo, Texas 79101.

CS73-491, January 2, 1973, Eleanor W. Dana, 72 Park Street, New Canaan, Connecticut 06840.

CS73-492, December 29, 1972, Petrofunds, Inc., Agent for Petrofunds, Inc., 1972 "C" Drilling Fund, 2200 Niels Esperson Bldg., Houston, Texas 77002.

CS73-493, January 2, 1973, Conklin-Panola, Ltd., 482 The Main Building, Houston, Texas 77002.

CS73-494, January 4, 1973, Gene E. Roark, 2500 One Allen Center, Houston, Texas 77002.

CS73-495, January 4, 1973, Paul D. Meadows, 1806 Fidelity Union Tower, Dallas, Texas 75201.

CS73-496, January 8, 1973, Roy V. Edwards, 2516 Pembroke Terrace, Oklahoma City, Oklahoma 73116.

CS73-497, January 8, 1973, Jim Riley, Agent for C. Howard Phifer, 3810 Westheimer, Suite 410, Houston, Texas 77027.

CS73-498, January 8, 1973, Tri-Star Petroleum Corporation, 2715 Mercantile Bank Building, Dallas, Texas 75201.

CS73-499, January 9, 1973, A. J. Gebert, 450 Olive Garvey Building, 200 West Douglas, Wichita, Kansas 67202.

CS73-500, January 9, 1973, Rae Key Dulaney, 6200 Curzon, Fort Worth, Texas 76116.

CS73-501, January 15, 1973, Vaughn Good & Boyd Phillips, d/b/a Good & Phillips Oil Company, P.O. Box 255, Enid, Oklahoma 73701.

CS73-502, January 12, 1973, George S. Monkhouse, P.O. Box 235, Malakoff, Texas 75148.

CS73-503, January 15, 1973, Oil Corporation of America, 2511 City National Bank Tower, Oklahoma City, Oklahoma 73102.

CS73-504, January 17, 1973, Chaparral Exploration Company, P.O. Box 2041, Abilene, Texas 79604.

CS73-505, January 18, 1973, Kathol Natural Gas, Inc., 2605 Sentinel, Midland, Texas 79701.

CS73-506, January 22, 1973, Arapahoe Company, Suite 200, 200 North Harvey, Oklahoma City, Oklahoma 73102.

CS73-507, January 22, 1973, Amarex Drilling Partnership, No. 72/73-B, Suite 200, 200 North Harvey, Oklahoma City, Oklahoma 73102.

CS73-508, January 22, 1973, Joshua Oil and Gas Company, Suite 200, 200 North Harvey, Oklahoma City, Oklahoma 73102.

CS73-509, January 18, 1973, Sage Oil Company, Inc., 3243 Wilshire Boulevard, Los Angeles, California 90010.

CS73-510, August 9, 1972, J. F. Hood, 205 First National Building, Wichita Falls, Texas 76301.

CS73-511, January 31, 1973, Champlin Exploration, Inc., 1972 Oil and Gas Partnership, P.O. Box 1066, Enid, Oklahoma 73701.

CS73-512, February 5, 1973, John R. Seay, 315 Gulf Building, Midland, Texas 79701

CS73-513, February 1, 1973, A. F. Chisholm, P.O. Box 2766, Laurel, Mississippi 39440.

CS73-514, February 9, 1973, Lacy Armour, d/b/a Armour Properties, 1107 Oil & Gas Building, Wichita Falls, Texas 76301.

CS73-515, February 6, 1973, S. H. Killingsworth, et al., P.O. Box 351, Longview, Texas 75601.

CS73-516, February 9, 1973, Ranola Oil Company, 301 Joplin, Joplin, Missouri 64801.

CS73-517, February 16, 1973, Bernard Beyer, 35 N.E. 13th Street, Fort Lauderdale, Florida 33304.

CS73-518, February 16, 1973, Payne Petroleum Corp., 2190 Liberty Tower, Oklahoma City, Oklahoma 73102.

CS73-519, February 20, 1973, Lionel Cohen, 1202 Philtower Building, Tulsa, Oklahoma 74103.

CS73-520, February 22, 1973, Tideway Oil Company, P.O. Box 92, Jackson, Mississippi 39205.

CS73-521, February 26, 1973, 3 8 Oil Company, 1617 27th Street, Altura Towers, Suite 406, Lubbock, Texas 79405.

CS73-522, March 2, 1973, James C. Leiak, P.O. Box 1763, Shreveport, Louisiana 71166.

CS73-523, March 2, 1973, Travis L. Booher, P.O. Box 1763, Shreveport, Louisiana 71166.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

CS73-524, March 2, 1973, Ray S. Waterman, P.O. Box 1763, Shreveport, Louisiana 71166.

CS73-525, March 2, 1973, T. W. McGuire, P.O. Box 1763, Shreveport, Louisiana 71166.

CS73-526, March 2, 1973, Jessie M. Davis, P.O. Box 1763, Shreveport, Louisiana 71166.

CS73-527, February 26, 1973, C. J. Sharp, 1847 E. Third Street, Tulsa, Oklahoma, 74120.

CS73-528, March 5, 1973, Carl M. Archer, P.O. Box 486, Spearman, Texas 79081.

CS73-529, July 3, 1972, N. G. & Delta Busch, N. G. Busch, Agent, Brohard, West Virginia 26138.

CS73-530, March 12, 1973, Dean No. 1 Ltd., 1300 North Broadway, Oklahoma City, Oklahoma 73103.

CS73-531, March 12, 1973, Jack N. Blair, 711 First National Bank Building, Midland Texas 79701.

CS73-532, March 12, 1973, Tom Metcalfe, 806 Building of the Southwest, Midland, Texas 79701.

CS73-533, March 12, 1973, Stanley E. Neely, 3600 Republic National Bank Tower, Dallas Texas, 75201.

CS73-534, March 12, 1973, Dan C. Williams, c/o Southland Life Insurance Company Southland Center, Dallas, Texas 75201.

CS73-535, March 12, 1973, William H. Tinsley, c/o Wynne, Jaffe & Tinsley, 1000 L. T. V. Tower, Dallas, Texas 75201.

CS73-536, March 12, 1973, John T. Kipp, c/o Wynne, Jaffe & Tinsley, 1000 L. T. V. Tower, Dallas, Texas 75201.

CS73-537, March 12, 1973, James B. Goodson, Southland Life Insurance Company, Southland Center, Dallas, Texas 75201.

CS73-538, March 12, 1973, RANDEX, 510 First National Bank Building, Abilene, Texas 79601.

CS73-539, March 15, 1973, Louis W. Hill, Jr., 1453 W. First National Bank Building, St. Paul, Minnesota 55101.

CS73-540, March 20, 1973, Henderson & Erickson, 504 Gulf Building, Midland, Texas 79701.

CS73-541, March 21, 1973, Carl Eugene Hiss, P.O. Box 766, Elkhart, Kansas 67950.

CS73-542, March 19, 1973, John C. McGrath, Trustee of the estates of Oil Field Drilling Co., Petroleum Equipment Leasing Co. and Gas Transmission Org., 1300 National Bank of Tulsa Building, Tulsa, Oklahoma 74103.

CS73-543, March 22, 1973, Joe C. Richardson, Jr., P.O. Box 10013, Amarillo, Texas, 79105.

CS73-544, March 26, 1973, Fulton Producing Company, et al., 125 Main Street, Shelby, Montana 59474.

CS73-545, April 2, 1973, W. R. Grace & Co., 3 Hanover Square, New York, New York 10004.

CS73-546, April 2, 1973, T. F. Thagard, P.O. Box 1576, Midland, Texas 79701.

CS73-547, April 3, 1973, Executive Properties, Inc., 3100 West 45th, Amarillo, Texas 79109.

CS73-548, April 4, 1973, Rosalyn Reid Harris, c/o Dr. A. Page Harris, 225 Hawthorne Lane Charlotte, North Carolina 28204.

CS73-549, April 5, 1973, Arthur G. Murphy, d/b/a A. G. Murphy & Associates, 634 Oneonta Street, Shreveport, Louisiana 71106.

CS73-550, April 4, 1973, S. D. Butcher, et al., 2701 University Club Tower, Tulsa, Oklahoma 74119.

CS73-551, April 5, 1973, F. E. Hargraves & Sons Drilling Co., Inc., P.O. Box 700, Oil City, Louisiana 71061.

CS73-552, April 9, 1973, Olympia Oil and Gas Company, 1122 United Founders Tower, Oklahoma City, Oklahoma 73112.

CS73-553, April 11, 1973, King Resources Company, et al., P.O. Box 9698, So. Denver Station 80209.

CS73-554, April 11, 1973, J. H. Conine, Jr., 402 First National Bank Building, Midland, Texas 79701.

CS73-555, April 11, 1973, Dwayne Hamilton, 2408 Boyd Street, Midland, Texas 79701.

CS73-556, April 11, 1973, Bernold M. Hanson, P.O. Box 1212, Midland, Texas 79701.

CS73-557, April 11, 1973, Joe P. Liberty, 102 Gulf Building, Midland, Texas 79701.

CS73-558, April 12, 1973, Cascade Oil Corporation, 1117 Fidelity Plaza, Oklahoma City, Oklahoma 73102.

CS73-559, April 13, 1973, L. L. Wilkins E & O Co., P.O. Box 1807, Shawnee, Oklahoma 74801.

CS73-560, April 13, 1973, Charter Resources Company, 1006 Main, Suite 801, Houston, Texas 77002.

CS73-561, April 16, 1973, The Pipe Investment Company, Drawer H, Bartlesville, Oklahoma 74003.

CS73-562, April 17, 1973, Exxcel Oil Company, 4633 Princeton Avenue, Midland, Texas 79701.

CS73-563, April 17, 1973, D. Bryan Ferguson, P.O. Box 52544, O.C.S., Lafayette, Louisiana 70501.

CS73-564, April 18, 1973, Mountain Petroleum Corporation, 712 Denver Center Building, Denver, Colorado 80203.

CS73-565, April 19, 1973, American National Petroleum Co., Inc., 10678 Route 87, Newbury, Ohio 44065.

CS73-566, April 20, 1973, Arthur E. Clark, 1776 Lincoln Street—#412, Denver, Colorado 80203.

CS73-567, April 20, 1973, Faraday Oil & Gas Corporation, 711 First National Bank Building, Midland, Texas 79701.

CS73-568, April 20, 1973, Fluor Minerals, Inc., 2500 So. Atlantic Boulevard, Los Angeles, California 90022.

CS73-569, April 23, 1973, J & J Enterprises, Inc., P.O. Box 754, Indiana, Pennsylvania 15701.

CS73-570, April 23, 1973, Raymond Jacoby, 1776 Lincoln Street—#412, Denver, Colorado 80203.

CS73-571, April 23, 1973, Ralph L. Harvey, 661 First National Center, Oklahoma City, Oklahoma 73102.

CS73-572, April 23, 1973, Marlin Oil Corporation, 661 First National Center, Oklahoma City, Oklahoma 73102.

CS73-573, April 24, 1973, Fluharty & Frame, 94 Valley Street, Salem, West Virginia 26426.

CS73-574, April 25, 1973, Joe Don Cook, P.O. Box 159, Roswell, New Mexico 88201.

CS73-575, April 20, 1973, Ascot Oils, Inc., 980 Jordan Street, Shreveport, Louisiana 71101.

CS73-576, April 27, 1973, Malouf Abraham Company, Inc., P.O. Box 36, Canadian, Texas 79014.

CS73-577, April 27, 1973, Dixel Resources Incorporated, 4545 Post Oak Place, Houston, Texas 77207.

CS73-578, April 26, 1973, Mrs. Evelyn Lifschitz, 63-90 Austin Street, Rego Park, New York 11374.

CS73-579, April 27, 1973, Cuma Oil Co., Inc., 304 Cravens Building, Oklahoma City, Oklahoma 73102.

CS73-580, May 2, 1973, J. C. Williamson, 626 Vaughn Building, Midland, Texas 79701.

CS73-581, May 2, 1973, D. W. Underwood, 309 Midland National Bank Building, Midland, Texas 79701.

CS73-582, May 14, 1973, Pacific Exploration Alpha, 900 West Temple Street, Los Angeles, California 90012.

CS73-583, May 14, 1973, Juniper Petroleum Corporation, 1660 Lincoln Street, Suite 1500, Denver, Colorado 80203.

CS73-584, May 15, 1973, J. O. Garland, Route No. 2, Shongaloo, Louisiana 71072.

CS73-585, May 14, 1973, Remuda Oil & Gas Company, 150 Mid-America Building, Midland, Texas 79701.

CS73-587, May 9, 1973, Richard M. McGrew, 1500 Republic National Bank Building, Dallas, Texas 75201.

CS73-588, May 9, 1973, Republic Production Company of Texas, 1500 Republic National Bank Building, Dallas, Texas 75201.

CS73-589, May 7, 1973, Centura Incorporated, 4440 IDS Center, Minneapolis, Minnesota 55402.

CS73-590, May 4, 1973, Robert R. Price, P.O. Box 45442, Tulsa, Oklahoma 74145.

CS73-591, May 4, 1973, Executive Oil & Gas Development Corporation, P.O. Box 2026, Farmington, New Mexico 87401.

CS73-92, May 18, 1973, Otis J. Bourg, Sr., et al., 1030 East Main Street, Houma, Louisiana 70360.

CS73-593, May 21, 1973, George F. Clements, Jr., 1111 Chamber of Commerce Building, Houston, Texas 77002.

CS73-594, May 21, 1973, Davis & Forbes, P.O. Box 384, Hebbronville, Texas 78361.

CS73-595, May 18, 1973, Southwestern Public Service Company, Box 1261, Amarillo, Texas 79105.

CS73-596, May 16, 1973, Leighton F. Young, Jr., 10046 Wickersham, Houston, Texas 77042.

CS73-597, May 16, 1973, Kenneth H. Lingle, 3022 Northwest Expressway, Oklahoma City, Oklahoma 73112.

CS73-598, May 22, 1973, Jack V. Foster, Jr., 2875 BNO Building, 1010 Common Street, New Orleans, Louisiana 70112.

CS73-599, May 21, 1973, J & J Enterprises, Inc., P.O. Box 754, Indiana, Pennsylvania 15701.

CS73-600, June 4, 1973, Benjamin K. Horton, 405 Ortiz N.E., Albuquerque, New Mexico 87108.

CS73-601, May 25, 1973, Delbert O. Perry, Route 3, Box 373, Elkview, West Virginia 25071.

CS73-602, May 25, 1973, Grover Thompson and Violet Thompson, Route 1, Box 212, Louisa, Kentucky 41230.

CS73-603, May 23, 1973, Andover Oil Company, 412 Philtower Building, Tulsa, Oklahoma 74103.

CS73-604, June 1, 1973, Alya Dean Irwin, Individually and Co-Trustee of the R. A. Irwin Trust, 3210 One Shell Plaza, Houston, Texas 77002.

CS73-605, June 1, 1973, George B. Kaiser, 4120 East 51st Street, Tulsa, Oklahoma 74135.

CS73-606, June 1, 1973, Don H. Nelson, 4120 East 51st Street, Tulsa, Oklahoma 74135.

CS73-607, June 7, 1973, Tominson Interests, Inc., 925 Houston Natural Gas Building, Houston, Texas 77002.

CS73-608, June 4, 1973, Fourway Oil Company, Box 1389, Longview, Texas 75601.

CS73-609, June 4, 1973, John A. Hammack, 756 Mercantile Dallas Building, Dallas, Texas 75201.

CS73-610, June 5, 1973, Controlled Resources, Inc., P.O. Box 148, Prestonsburg, Kentucky 41653.

CS73-611, June 8, 1973, Comanche Company, Suite 200, 200 North Harvey, Oklahoma City, Oklahoma 73102.

CS73-612, June 8, 1973, Amarex Drilling Program, Ltd., 72/73-C, Suite 200, 200 North Harvey, Oklahoma City, Oklahoma 73102.

CS73-613, June 8, 1973, L. E. Ostrom, P.O. Box 896, Kilgore, Texas 75662.

CS73-614, June 6, 1973, Great Western Equipment Co., P.O. Box 711, Lindsay, Oklahoma 73052.

CS73-615, June 11, 1973, Edward A. Broome, 316 N. Barnett, Brookville, Pennsylvania 15825.

CS73-616, June 11, 1973, Richard A. Chenoweth, Trustee, 1500 Cascade Plaza, Akron, Ohio 44308.

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CS73-617, June 11, 1973, **First National Bank** in Dallas, Trustee, P.O. Box 6031, Dallas, Texas 75222.
CS73-618, June 15, 1973, Robert E. Campbell, 417 South Glendale, Wichita, Kansas 67218.
CS73-619, June 18, 1973, Richard D. Buck, Jr., C. Paul Buck, and Irene P. Buck, Executrix of the Estate of Richard D. Buck, deceased, d/b/a Buck Drilling & Exploration Co., 1606 First National Center, Oklahoma City, Oklahoma 73102.
CS73-620, June 18, 1973, Energetics, Inc., Suite 1010, 333 W. Hampden Avenue, Denver, Colorado 80236.
CS73-621, June 18, 1973, William R. Ice and Royal E. Moore, Route #1, Box 179, Fairview, West Virginia 26570.
CS73-622, June 21, 1973, Charles E. Hannon, P.O. Box 5753, Midland, Texas 79701.
CS73-623, June 12, 1973, R. R. Morrison, P.O. Box 1349, Norfolk, Nebraska 68701.
CS73-624, June 19, 1973, Parker Snead, 133 Belt Boulevard, Richmond, Virginia 23224.
CS73-625, June 21, 1973, Brunson & McKnight, Inc., 221 New Mexico Bank & Trust Co. Building, Hobbs, New Mexico 88240.
CS73-626, June 20, 1973, Exploration Associates, 2712 Pacific Avenue, San Francisco, California 94115.
CS73-627, June 25, 1973, McGalliard and Sparks, Incorporated, Agent, et al., 1506 Bank of the Southwest Building, Houston, Texas 77002.
CS73-628, June 25, 1973, Erie Production Company, 1700 S. Main, Borger, Texas 79007.
CS73-629, June 25, 1973, Plaza Petroleum, Inc., 150 Baronne Street, Room 202, New Orleans, Louisiana 70112.
CS73-630, June 25, 1973, Larry McLane, 634 West Forest, Houston, Texas 77024.
CS73-631, June 29, 1973, John B. Elder, 708 First National Center West, Oklahoma City, Oklahoma 73102.
CS73-632, June 29, 1973, E. L. Brooks, et al., 915 United Founders Tower, Oklahoma City, Oklahoma 73112.
CS73-633, June 29, 1973, Earl Q. Gray, P.O. Box 368, Ardmore, Oklahoma 73401.
CS74-1, July 5, 1973, United Operating Company, 600 Commerce Square, Charleston, West Virginia 25801.
CS74-2, July 2, 1973, Vista Investments, P.O. Box 876, West Monroe, Louisiana 71291.
CS74-3, July 2, 1973, T. H. Riggs, Independent Executor U/W of Curtis K. Canter, deceased, and H. V. Risien, 1503 First City East, Houston, Texas 77002.
CS74-4, July 2, 1973, Joeun, Inc., 800 Mt. Royal Boulevard, Pittsburgh, Pennsylvania 15223.
CS74-5, July 2, 1973, Greenbrier 73 Limited, 211 North Ervay Building, Dallas, Texas 75201.
CS74-6, July 9, 1973, Charles R. Smith, et ux Elizabeth A. Smith, 865 The Main Building, Houston, Texas 77002.
CS74-7, July 9, 1973, Robert W. Anderson, 1428 Chamber of Commerce Building, Houston, Texas 77002.
CS74-8, July 9, 1973, W. F. Clinger, 308 Poplar Street, Warren, Pennsylvania 16365.
CS74-9, July 2, 1973, Garfield Gas Gathering Company, 722 S. W. 22nd Street, Oklahoma City, Oklahoma 73109.
CS74-10, July 6, 1973, Progress Petroleum Company, 1400 Pere Marquette Building, New Orleans, Louisiana 70112.
CS74-11, July 9, 1973, Mark Snowden, Box 565, Ft. Morgan, Colorado 80701.
CS74-12, July 9, 1973, Eagle-Bush and Company, 401 Somerset Road, Baltimore, Maryland 21210.
CS74-13, July 2, 1973, Shawmar Oil Co., Inc., et al. 2225 Burnett Road, Topeka, Kansas 67483.
CS74-14, July 12, 1973, Sierra Oil & Gas Corp. P.O. Box 8110, Fort Worth, Texas 76112.
CS74-15, July 11, 1973, H. U. Garrett, d/b/a Garrett Production Company, Box 1251, Kilgore, Texas 75601.
CS74-16, July 11, 1973, Paul L. Miller, 101 Griffin Street, Kilgore, Texas 75662.
CS74-17, July 12, 1973, Kirk and Neeb, 206 Petroleum Building, Abilene, Texas 79601.
CS74-18, July 13, 1973, D. E. Vasser, 305 Carondelet Building, New Orleans, Louisiana 70130.
CS74-19, July 16, 1973, Childress & Sutton Petroleum, P.O. Box 1249, Ozona, Texas 76943.
CS74-20, July 13, 1973, McCaleb and Davis, E-107 Petroleum Center, San Antonio, Texas 78209.
CS74-21, July 12, 1973, Carter-Jones Drilling Company, Inc., P.O. Box 1597, Kilgore, Texas 75662.
CS74-22, July 12, 1973, Carter-Jones Drilling Company.
CS74-23, July 19, 1973, Elwyn T. Winks, R.R. #1, Franklin, Indiana 46131.
CS74-24, July 19, 1973, C. Win Payne, Box 4845, Midland, Texas 79701.
CS74-25, July 23, 1973, United Specialities Company, et al., 2107 Chamber of Commerce Building, Houston, Texas 77002.
CS74-26, July 26, 1973, Ralph E. Williamson, 626 Vaughn Building, Midland, Texas 79701.
CS74-27, July 26, 1973, Dalton H. Cobb, 1300 Gihls Tower West, Midland, Texas 79701.
CS74-28, July 30, 1973, Milton H. Blakemore, P.O. Box 977, Liberal, Kansas 67901.
CS74-29, July 27, 1973, McMoRan Exploration Co. of New Mexico, 3400 The Plaza Tower, New Orleans, Louisiana 70113.
CS74-30, August 1, 1973, Davis Chevrolet, Inc., P.O. Box 990, Borger, Texas 79007.
CS74-31, August 1, 1973, Xetron Minerals Inc., P.O. Box 13003, Houston, Texas 77019.
CS74-32, August 2, 1973, McCracken Oil Trust, 627 First-Wichita National Building, Wichita Falls, Texas 76301.
CS74-33, July 30, 1973, I. Edward Sells and Zola Faye Sells Jt., May, Oklahoma 73851.
CS74-34, August 2, 1973, Kenneth Kayser, Alum Bridge, West Virginia 26621.
CS74-35, August 2, 1973, Bobby M. Burns, 620 Guaranty National Tower, Corpus Christi, Texas 78401.
CS74-36, August 5, 1973, James M. Cunningham, Inc., P.O. Box 51673 OCS, Lafayette, Louisiana 70501.
CS74-37, August 7, 1973, Portfield Petroleums Limited, P.O. Box 283, Pleasantville, Pennsylvania 16341.
CS74-38, August 6, 1973, Braxton Oil and Gas Corp., 101 N.E. 26th Street, Oklahoma City, Oklahoma 73105.
CS74-39, August 8, 1973, Olympic Petroleum Corporation, 254 Preston Tower, 6211 W. Northwest Hwy., Dallas, Texas 75225.
CS74-40, August 8, 1973, Paul R. Galloway, P.O. Box 1627, Abilene, Texas 79604.
CS74-41, August 8, 1973, Natural Gas Anadarko, Inc., 800 N. Main, Perryton, Texas 79070.
CS74-42, August 9, 1973, C. C. Blauser, et al., Group A, 112 Hillcrest Drive, Marietta, Ohio 45750.
CS74-43, August 9, 1973, C. C. Blauser, et al., Group C.
CS74-44, August 9, 1973, C. C. Blauser.
CS74-45, August 9, 1973, Dennis D. Blauser, P.O. Box 216, Glenville, West Virginia 26351.
CS74-46, August 9, 1973, Seagull Energy Company, P.O. Box 800, Shreveport, Louisiana 71162.
CS74-47, August 13, 1973, Gladys Marie Craig, 1000 Fidelity Plaza, Oklahoma City, Oklahoma 73102.
CS74-48, August 13, 1973, Milo M. Craig, 1000 Fidelity Plaza, Oklahoma City, Oklahoma 73102.
CS74-49, August 10, 1973, Tom Darling and Jon H. Bear, 800 Oil & Gas Building, Wichita Falls, Texas 76301.
CS74-50, August 15, 1973, John W. Ziegelgruber, et al., P.O. Box 663, Oklahoma City, Oklahoma 73101.
CS74-51, August 15, 1973, Andrea Singer Polack, P.O. Box 663, Oklahoma City, Oklahoma 73101.
CS74-52, August 16, 1973, Dunne-Gardner Drilling Co., Inc., Suite 250, 200 West Douglas, Wichita, Kansas 67202.
CS74-53, August 16, 1973, Hydrocarbon Gathering, Inc. 822 Americana Building, Houston, Texas 77002.
CS74-54, August 22, 1973, Chesterfield Corporation, P.O. Box 2428, Clarksburg, West Virginia 26301.
CS74-55, August 21, 1973, David A. Schlachter, P.O. Box 30278, Dallas, Texas 75230.
CS74-56, August 21, 1973, Greathouse & Lovelady Oil & Gas, Inc., 406 N. Marienfeld, Midland, Texas 79701.
CS74-57, August 22, 1973, Alpine Drilling Co., Inc., 8th Floor, Bitting Building, Wichita, Kansas 67202.
CS74-58, August 21, 1973, Robert L. Tripplehorn, 408 Combs-Worley Building, Pampa, Texas 79065.
CS74-59, August 23, 1973, Cheyenne Petroleum Company, 3555 Northwest 58th Street, Oklahoma City, Oklahoma 73112.
CS74-60, August 24, 1973, McCoy Petroleum Company, 502 Union Center Building, Wichita, Kansas 67202.
CS74-61, August 24, 1973, William E. Hendon, Jr., 961 Mid-America Building, Midland, Texas 79701.
CS74-62, August 27, 1973, Santa-Fe Pipe & Supply, Inc., P.O. Box 562, Great Bend, Kansas 67530.
CS74-63, August 27, 1973, RAMCO Oil & Gas Corp., P.O. Box 99, Belpre, Ohio 45714.
CS74-64, August 27, 1973, William L. Arrington, P.O. Box 478, Pampa, Texas 79065.
CS74-65, August 27, 1973, Gulftide Gas Corporation, 3703 Yoakum, Suite 208, Houston, Texas 77006.
CS74-66, September 5, 1973, PDI, Inc., Hightower Building, Oklahoma City, Oklahoma 73102.
CS74-67, September 5, 1973, C. J. Haas, P.O. Box 30278, Dallas, Texas 75230.
CS74-68, September 4, 1973, Decalta International Corporation, 630 6th Avenue SW., Calgary, Alberta, Canada.
CS74-69, September 4, 1973, T. A. Mace, 5101 North Pennsylvania, Oklahoma City, Oklahoma 73112.
CS74-70, August 31, 1973, John H. Underwood, 209 Cheuvront Avenue, West Union, West Virginia 26456.
CS74-71 September 4, 1973, L. A. (A1) McCord, 619 Cravens Building, Oklahoma City, Oklahoma 73102.
CS74-72, September 10, 1973, Southwestern Investments, Inc., P.O. Box 762, Winfield, Kansas 67156.
CS74-73, September 10, 1973, Vincent P. Hiebsch, 719 Union Center, Wichita, Kansas
CS74-74, September 10, 1973, Vincent Oil Corporation, 719 Union Center, Wichita, Kansas 67202.
CS74-75, September 10, 1973, M. D. Abel, E-102 Petroleum Center, San Antonio, Texas 78209.
CS74-76, September 7, 1973, Gas West, P.O. Box 88, Borger, Texas 79007.
CS74-77, September 10, 1973, Shulman Brothers, P.O. Box 191, Vandalia, Illinois 62471.
CS74-78, September 10, 1973, J. L. Jones, Jr., P.O. Box 709, Midland, Texas 79701.
CS74-79, September 11, 1973, Margaret C. Johnston, P.O. Box 30278, Dallas, Texas 75230.
CS74-80, September 11, 1973, Irvin Wall, 701 First National Bank Building, Amarillo, Texas 79101.

CS74-81, September 11, 1973, Gene Howe Mineral Partnership No. 2, P.O. Box 2211, Amarillo, Texas 79105.
CS74-82, September 12, 1973, The Duplin Corporation, 1006 Fidelity Plaza, Oklahoma City, Oklahoma 73102.
CS74-83, September 12, 1973, Energy Minerals, Inc., Box 5175, Midland, Texas 79701.
CS74-84, September 17, 1973, Priest Oil and Gas Corporation, P.O. Box 246, Charleston, West Virginia 25321.
CS74-85, September 17, 1973, Mary Hamilton and Sue Schweitzer, 560 Petroleum Club Building, Denver, Colorado 80202.
CS74-86, September 17, 1973, Samson Resources Company, Suite 1205, Mid-Continent Building, Tulsa, Oklahoma 74103.
CS74-87, September 14, 1973, NRM Petroleum Corporation, 259 Mid-America Building, Midland, Texas 79701.
CS74-88, September 14, 1973, Nina L. Kridler, P.O. Box 8533, Detroit, Michigan 48224.
CS74-89, September 14, 1973, Neva L. Harris, P.O. Box 8573, Detroit, Michigan 48224.
CS74-90, September 20, 1973, A. C. Scott, *et al.*, 610 First National Bank Building, Abilene, Texas 79601.
CS74-91, September 21, 1973, Aylward Drilling Company, 909 First National Bank Building, Wichita, Kansas 67202.
CS74-92, September 24, 1973, Caidarko Gas Company, 9th Floor Guarantee Savings Building, Fresno, California 93721.
CS74-93, September 24, 1973, General Exploration Company, 50 Rockefeller Plaza, New York, New York 10020.
CS74-94, September 24, 1973, Equitable Petroleum Corporation, 50 Rockefeller Plaza, New York, New York 10020.
CS74-95, September 21, 1973, The Merrimac Corporation, P.O. Box 7621, Midland, Texas 79701.
CS74-96, September 26, 1973, Energy Production Company, 6945 Wakefield, Dallas, Texas 75231.
CS74-97, October 1, 1973, Jack G. Jones, 5772 Canyon Expressway, Amarillo, Texas 79109.
CS74-98, October 3, 1973, Neal A. Mager, Executor of Estate of Hazel M. Mager, 1505 S. Bryan, Amarillo, Texas 79102.
CS74-99, October 4, 1973, James L. Burkhart, 2121 South Columbia, Tulsa, Oklahoma 74114.
CS74-100, October 3, 1973, Amarex 1973 K Private Drilling Program, Ltd., Suite 200, 200 North Harvey, Oklahoma City, Oklahoma 73102.
CS74-101, October 3, 1973, Amarex Drilling Program, Ltd. 72/73-D.
CS74-102, October 3, 1973, Kachina Company, Suite 200, 200 North Harvey, Oklahoma City, Oklahoma 73102.
CS74-103, October 5, 1973, Harding Oil Company, 408 Carillon Tower West, 13601 Preston Road, Dallas, Texas 75240.
CS74-104, October 9, 1973, South Texas Oil & Gas Producing Company, Inc., *et al.*, 609 Wilson Tower, Corpus Christi, Texas 78401.
CS74-105, October 9, 1973, Hollandsworth and Travis, *et al.*, Petroleum Building, Longview, Texas 75601.
CS74-106, October 9, 1973, Everett Lawley, Jr., 1222 Guaranty Bank Plaza, Corpus Christi, Texas 78401.
CS74-107, October 9, 1973, T. M. Quigley, 610 Guaranty Bank Plaza, Corpus Christi, Texas 78401.
CS74-108, October 9, 1973. Roger D. Steward, 610 Guaranty Bank Plaza, Corpus Christi, Texas 78401.
CS74-109, October 10, 1973, Congar Pass Resources, Inc., Box 11181, Pittsburgh, Pennsylvania 15237.
CS74-110, October 10, 1973, Dan O'Neil, P.O. Box 18844, Oklahoma City, Oklahoma 73118.
CS74-111, October 10, 1973, George C. Schneider, 119 Cameron Building, 2915 Classen Boulevard, Oklahoma City, Oklahoma 73106.
CS74-112, October 10, 1973, Et Al, Inc., 119 Cameron Building, 2916 Classen Boulevard, Oklahoma City, Oklahoma 73106.
CS74-113, October 10, 1973, C. E. Davis, 119 Cameron Building, 2915 Classen Boulevard, Oklahoma City, Oklahoma 73106.
CS74-114, October 10, 1973, Fluid Power Pump Company, 1420 Carlisle, NE, Suite 202, Albuquerque, New Mexico 87110.
CS74-115, October 9, 1973, McCombs-Conrad & Barrett, 507 West Third St., Sterling, Illinois 61081.
CS74-116, October 11, 1973, L. S. Holmboe, Jr., 4803 North Cooper, Oklahoma City, Oklahoma 73118.
CS74-117, October 11, 1973, R. D. Jones, Inc., 2616 First National Building, Oklahoma City, Oklahoma 73102.
CS74-118, October 11, 1973, A. B. Potter, Jr., 6403 N. W. Grand Boulevard, Suite 201, Oklahoma City, Oklahoma 73116.
CS74-119, October 11, 1973, K. T. Woodman, 1008 Union National Building, Wichita, Kansas 67202.
CS74-120, October 11, 1973, D. W. Pickett, et al., 1612 Guaranty Bank Plaza, Corpus Christi, Texas 78401.
CS74-121, October 11, 1973, D. J. Iannitti, P.O. Box 308, Great Bend, Kansas 67530.
CS74-122, October 12, 1973, Appalachian Petroleum Company, P.O. Box 3408, Oxford, Alabama 36201.
CS74-123, October 15, 73, Anderson Oil and Gas Company, Inc., 250 Mid America Building, Midland, Texas 79701.
CS74-124, October 12, 1973, A. C. Lisle, Jr., 6102 North Ross, Oklahoma City, Oklahoma 73112.
CS74-125, October 15, 1973, W. T. McCollum, 437 N.W. 12th Street, Oklahoma City, Oklahoma 73103.
CS74-126, October 15, 1973, Alex W. McCoy Associates, Inc., 2609 Fourth National Bank Building, Tulsa, Oklahoma 74119.
CS74-128, October 18, 1973, Louden Properties Co., P.O. Box 54228, Los Angeles, California 90054.
CS74-129, October 19, 1973, George K. Taggart, Jr., et al. 1710 Guaranty Bank Plaza, Corpus Christi, Texas 78401.
CS74-130, October 23, 1973, L and N Drilling Company, 604 Johnson Building, Shreveport, Louisiana 71101.
CS74-131, October 24, 1973, Gulf Coast Gas Corp., 716 Wilson Tower, Corpus Christi, Texas 78401.
CS74-132, October 23, 1973, Guardian Central Corporation, 106 Southtown Building, 3101 S. Kettering Boulevard, Dayton, Ohio 45439.
CS74-133, October 23, 1973, Sooner Pipe & Supply Corporation—Oil Division, Philtower Building, Tulsa, Oklahoma 74103.
CS74-135, October 29, 1973, Harry E. Bangert, 417 Wright Building, Tulsa, Oklahoma 74103.
CS74-136, October 31, 1973, W. L. Pennington, 920 Oil & Gas Building, Wichita Falls, Texas 76301.
CS74-137, October 29, 1973, Allen & Shumate, Inc., et al. P.O. Box 96, Alice, Texas 78332.
CS74-138, October 31, 1973, Fred M. Allison, Suite 1120, Vaughn Building, Midland, Texas 79701.
CS74-139, November 5, 1973, Kimbell Oil Company, et al. P.O. Box 1540, Fort Worth, Texas 76101.
CS74-140, November 5, 1973, Courson Oil & Gas, Inc., P.O. Box 809, Perryton, Texas 79070.
CS74-141, November 2, 1973, Discovery Resources 1971-A Oil and Gas Program, 305 United Gas Building, Houston, Texas 77002.
CS74-142, November 6, 1973, Phoenix Energy Company, 3637 W. Alabama, Suite 100, Houston, Texas 77027.
CS74-143, November 2, 1973, Energy Producing Properties, Inc., P.O. Box 3251, Midland, Texas 79701.
CS74-146, November 9, 1973, Dalmock Development Corporation, 600 Mt. Royal Boulevard, Pittsburgh, Pennsylvania 15223.
CS74-146, November 9, 1973, George S. Lowrey 1958 Irrevocable Trust, et al., P.O. Box 549, Woodward, Oklahoma 73801.
CS74-147, November 8, 1973, Vernon E. Faulconer, et al., 903 Peoples National Bank Building, Tyler, Texas 75701.
CS74-148, November 12, 1973, Mutual Exploration Funds, Inc., 611 W. Sixth Street, Suite 2200, Los Angeles, California 90017.
CS74-149, November 14, 1973, Gamble-Daniel Operating Co., Suite 2108, Chamber of Commerce Building, Houston, Texas 77002.
CS74-150, November 12, 1973, Kansas Shallow Ltd., 642 National Bank of Tulsa Building, Tulsa, Oklahoma 74103.
CS74-151, November 12, 1973, William R. Sutton, 5548 E. 61st Place, Tulsa, Oklahoma 74136.
CS74-152, November 12, 1973, Stoltz, Wagner & Brown, P.O. Box 1714, Midland, Texas 79701.
CS74-153, November 12, 1973, Orion Oil Company, 1014 Guaranty Bank Plaza, Corpus Christi, Texas 78401.
CS74-154, November 14, 1973, Natural Gas Management Company, 1300 Republic National Bank Building, Dallas, Texas 75201.
CS74-155, November 14, 1973, Hi-Plains Production, Inc., 3405 Concord Road, Amarillo, Texas 79109.
CS74-156, November 16, 1973, McCormick 1972 Oil & Gas Program, 1204 Tenneco Building, Houston, Texas 77002.
CS74-157, November 13, 1973, Whitaker Oil Company, P.O. Box 129, Carthage, Texas 75633.
CS74-158, November 19, 1973, Al McCord, Inc., 619 Cravens Building, Oklahoma City, Oklahoma 73102.
CS74-159, November 19, 1973, Skyline Oil Company, 418 Atlas Building, Salt Lake City, Utah 84101.
CS74-160, November 26, 1973, Jerry L. Whitton, P.O. Box 3625, Shreveport, Louisiana 71109.
CS74-161, November 21, 1973, D & T Company, P.O. Box 433, Jena, Louisiana 71342.
CS74-162, November 23, 1973, Travis Ward, 900 Southland Center, Dallas, Texas 75201.
CS74-163, October 25, 1973, Collins Wohner, 110 North Liberty Street, Canton, Mississippi 39046.
CS74-164, December 3, 1973, Champlin Exploration, Inc., 1973 Drilling Partnership, P.O. Box 1066, Enid, Oklahoma, 73701.
CS74-165, December 3, 1973, Murvin Oil Corporation, P.O. Box 297, Olney, Illinois 62450.
CS74-166, November 29, 1973, Constance Key Wood, P.O. Box 280, Marshall, Texas 75670.
CS74-167, November 29, 1973, Donald Sharp, d/b/a Nu-San Company, et al., 119 Janin Circle East, Portland, Texas 78374.
CS74-168, November 27, 1973, L & M Oil Company, P.O. Box 9077, Canton, Ohio 44711.
CS74-169, December 3, 1973, E. F. Troxell, R.R. No. 2, Shamrock, Texas 79079.
CS74-170, December 10, 1973, Vukasovich Drilling, 2670 El Camino Real West, Mountain View, California 94040.
CS74-171, December 10, 1973, Wm. F. Pielsticker & Marjory J. Pielsticker, 14th Floor, 125 No. Market, Wichita, Kansas 67202.

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CS74-172, December 10, 1973, G. H. Doelling, Jr., 2818 E. 17th Street, Odessa, Texas 79761.
CS74-173, December 10, 1973, Western Empire Petroleum Company, 300 Headlee Building, Odessa, Texas 79761.
CS74-174, December 10, 1973, E. G. Durrett, P.O. Box 4431, Odessa, Texas 79760.
CS74-175, December 6, 1973, Foy Tomlinson, Route 2, Coleman, Texas 76834.
CS74-176, December 14, 1973, Victor Salazar, et al., 324 Simms Building, Albuquerque, New Mexico 87101.
CS74-177, December 14, 1973, C. J. Warren, et al., 324 Simms Building, Albuquerque, New Mexico, 87101.
CS74-178, December 18, 1973, James Colvin, et al., P.O. Box 527, Denison, Texas 75020.
CS74-179, December 17, 1973, Daniel W. Varel, et al., P.O. Box 20156, Dallas, Texas 75220.
CS74-180, December 18, 1973, Carl W. Sebits, 705 Fourth National Bank Building, Wichita, Kansas 67202.
CS74-181, December 18, 1973, Cecil M. Burton, 705 Fourth National Bank Building, Wichita, Kansas 67202.
CS74-182, December 13, 1973, James A. Quigley, 1406 C & I Building, Houston, Texas 77002.
CS74-183, December 26, 1973, Estate of Ernest Cockrell, Jr., Deceased, Suite 999, The Main Building, Houston, Texas 77002.
CS74-184, December 21, 1973, Thomas H. Allen, et al., 925 Union Center, Wichita, Kansas 67202.
CS74-185, December 20, 1973, Pacific Atlantic Oil Company, P.O. Box 52242, O.C.S., Lafayette, Louisiana 70501.
CS74-186, December 26, 1973, Glenda Petroleum Corporation, P.O. Box 2366, Houston, Texas 77001.
CS74-187, December 26, 1973, McCormick 1973 Oil & Gas Program, 1204 Tenneco Building, Houston, Texas 77002.
CS74-188, December 26, 1973, Camex, Inc., Suite 215, First National Bank, 501-502 North Deahl Street, Borger, Texas 79007.
CS74-189, December 26, 1973, Texas Production Company, Suite 999, The Main Building, Houston, Texas 77002.
CS74-190, December 26, 1973, Dane G. Hansen Trust, Logan, Kansas 67646.
CS74-191, December 26, 1973, The First National Bank of Amarillo, Trustee for Carl M. Smith, P.O. Box 1331, Amarillo, Texas 79105.
CS74-192, December 27, 1973, D. E. Florance, et al., 5420 Villa View Drive, Farmington, New Mexico 87401.
CS74-193, December 27, 1973, Rockey Drilling Co., 16 Reger Avenue, Buckhannon, West Virginia 26201.
CS74-194, December 27, 1973, Mokeen Oil Company, et al., 920 Wilson Tower, Corpus Christi, Texas 78401.
CS74-195, December 31, 1973, Sahara Coal Company, Inc., 59 E. Van Buren Street, Chicago, Illinois 60605.
CS74-196, January 2, 1974, United Petroleum Exploration, Inc., Suite 330, 3545 N.W. 58th, Oklahoma City, Oklahoma 73112.
CS74-197, January 2, 1974, United States Energy Corp., P.O. Box 4308, Shreveport, Louisiana 71104.
CS74-198, January 2, 1974, Stelbar Oil Corporation, Inc., 200 West Douglas, Suite 950, Wichita, Kansas 67202.
CS74-199, January 2, 1974, Independence Drilling Corporation, E-112 Petroleum Center, San Antonio, Texas 78209.
CS74-200, January 3, 1974, G. N. Rupe, et al., 200 West Douglas, Suite 925, Wichita, Kansas 67202.
CS74-202, January 4, 1974, Serio Exploration Company, P.O. Box 1366, Natchez, Mississippi 89120.
CS74-203, January 4, 1974, Robert C. Bertolet, P.O. Box 884, Vidalia, Louisiana 71373.
CS74-204, December 26, 1973, Muslow Oil & Gas, Inc., et al., P.O. Box 628, Shreveport, Louisiana, 71162.
CS74-205, January 7, 1974, Michael B. Wisenbaker, Suite 611, Wall Towers West, Midland, Texas 79701.
CS74-206, January 7, 1974, L. P. Shelburne, et al., P.O. Box 36, Kellerville, Texas 79049.
CS74-207, January 8, 1974, Magnum Oil Corporation, 914 Richards Building, New Orleans, Louisiana 70112.
CS74-208, January 10, 1974, Ann W. Darrow, 914 Sierra Place, SE, Albuquerque, New Mexico 87108.
CS74-209, January 9, 1974, Walter T. Whippen, 3927 Fairfax Farms Road, Fairfax, Virginia 22030.
CS74-211, January 10, 1974, The Stone Oil Corporation, 3100 Fountain Square Plaza, Cincinnati, Ohio 45202.
CS74-212, January 14, 1974, N. Raymond Lamb, P.O. Box 457, Artesia, New Mexico 88210.
CS74-213, January 16, 1974, Panhandle Production Company, 565 Dover Street, Lakewood, Colorado 80226.
CS74-214, January 15, 1974, Hilliard Oil & Gas, Inc., 906 Building of the Southwest, Midland, Texas 79701.
CS74-215, January 18, 1974, Vernon Davenport Production Company, 1300 N. Main, Shamrock, Texas 79079.
CS74-216, January 18, 1974, Debo Production Company, Box 349, Shamrock, Texas, 79079.
CS74-217, January 21, 1974, Eagle Oil, Inc., P.O. Box 366, Lovell, Wyoming 82431.
CS74-218, January 21, 1974, Hanna Oil & Gas Company, P.O. Box 1356, Ft. Smith, Arkansas 72901.
CS74-219, January 21, 1974, Interstate Royalties, 500 McFarlin Building, Tulsa, Oklahoma 74103.
CS74-220, January 22, 1974, Petrofunds, Inc., as General Partner for Petrofunds 1973 Drilling Programs (Fund A), 2200 Esperson Building, Houston, Texas 77002.
CS74-221, January 22, 1974, Petrofunds, Inc., as General Partner for Petrofunds 1973 Drilling Programs (Fund B).
CS74-222, January 23, 1974, F. Helen Williams, 4761 East Lancaster, Apt. 208, Fort Worth, Texas 76103.
CS74-223, January 24, 1974 Moss Petroleum Company, 3839 First National Bank Building, Dallas, Texas 75202.
CS74-224, January 24, 1974, Ross W. Coe, Jr., 419 "O" Street, S.W., Ardmore, Oklahoma 73401.
CS74-225, January 24, 1974, Elizabeth Coe Evans, 531 Sunset, Ardmore, Oklahoma 73401.
CS74-226, January 18, 1974, J. D. Oil Corp., 412 Johnson Building, Denver, Colorado 80202.
CS74-227 January 28, 1974, A. C. (Alice) Armer, 2110 Continental National Bank Building, Fort Worth, Texas 76102.
CS74-228, January 28, 1974, Alice Armer, Trustee, L. H. Armer Testamentary Trust.
CS74-229, January 31, 1974, New Era Royalties, 500 McFarlin Building, Tulsa, Oklahoma 74103.
CS74-230, January 31, 1974, Mattie Banks Allen, 1945 22nd Street, Santa Monica, California 90404.
CS74-231, January 31, 1974, Carroll A. Weaver, R. D. #1, Knox, Pennsylvania 16232.
CS74-232, February 1, 1974, C. A. Hurst, P.O. Box 2663, Laurel, Mississippi 39440.
CS74-233, February 1, 1974, T. M. Hopkins, P.O. Box 859, Kilgore, Texas 75662.
CS74-234, February 11, 1974, D & W Oil & Gas, 210 Arkansas Avenue, Monroe, Louisiana 71201.
CS74-235, February 11, 1974, Teal Petroleum Corporation, 710 The Main Building, 1212 Main Street, Houston, Texas 77002.
CS74-236, February 11, 1974, Great Expectations Oil Corporation, 1215 First National Bank Building, Fort Worth, Texas 76102.
CS74-237, February 11, 1974, Joe Quinn, 908 Longwood Loop, Mesa, Arizona 85021.
CS74-238, February 8, 1974, Jack C. Wallace, 5101 North Pennsylvania, Oklahoma City, Oklahoma 73112.
CS74-239, February 7, 1974, Charles R. Coe, 3103 City National Tower, Oklahoma City, Oklahoma 73102.
CS74-240, February 11, 1974, Wayne O. Watts, 628 First Wichita National Bank Building, Wichita Falls, Texas 76301.
CS74-241, February 11, 1974, H. A. Chapman, 404 Cities Service Building, Tulsa, Oklahoma 74119.
CS74-242, February 11, 1974, J. Don Haynes, 720 The 600 Building, Corpus Christi, Texas 78401.
CS74-243, February 11, 1974, John P. O'Neil, 2405 Forestcrest, Plano, Texas 75064.
CS74-244, February 7, 1974, Meridian Oil Corporation, Milam Building, San Antonio, Texas 78205.
CS74-245, February 5, 1974, Callery Properties, Inc., 1550 First City National Bank Building, Houston, Texas 77002.
CS74-246, February 5, 1974, F. A. Callery, Inc.
CS74-247, February 20, 1974, GEN Oil Inc., P.O. Box 370, Cody, Wyoming 82414.
CS74-248, February 19, 1974, Suerte Oil Company, et al., P.O. Box 755, Hays, Kansas 67601.
CS74-249, February 14, 1974, R. C. Turner, et al., P.O. Box 1168, Graham, Texas 76046.
CS74-250, February 19, 1974, Energy Gathering, Inc., P.O. Box 1873, Corpus Christi, Texas 78403.
CS74-251, February 19, 1974, James R. Moffett, 3400 The Plaza Tower, New Orleans, Louisiana 70113.
CS74-252, February 19, 1974, B. M. Rankin, Jr., 601 Carilion Tower East, Dallas, Texas 75240.
CS74-253, February 19, 1974, Richard S. Rankin, 601 Carilion Tower East, Dallas, Texas 75240.
CS74-254, February 19, 1974, W. K. McWilliams, Jr., 3400 The Plaza Tower, New Orleans, Louisiana 70113.
CS74-255, February 19, 1974, Penny McWilliams Polen.
CS74-256, Febuary 19, 1974, David K. McWilliams.
CS74-257, February 19, 1974, Jennifer McWilliams Cantrelle.
CS74-258, February 19, 1974, Patrick T. McWilliams.
CS74-259, February 19, 1974, Paul C. McWilliams.
CS74-260, February 19, 1974, David S. Fleischaker, et al., P.O. Box 663, 1501 Classen Boulevard, Oklahoma City, Oklahoma 73101.
CS74-261, February 19, 1974, Mary E. Senter, P.O. Box 3791, Sta D—Albuquerque, New Mexico 87110.
CS74-262, February 25, 1974, Kickapoo Oils, et al., 11524 Millburn Drive, Baton Rouge, Louisiana 70815.
CS74-263, February 25, 1974, Prudential Petroleum Co., Ltd., 1800 Post Oak Tower, 5051 Westheimer, Houston, Texas 77027.
CS74-264, February 25, 1974, Investors Drilling & Exploration Co., Inc., et al., P.O. Box 617, Liberal, Kansas 67901.
CS74-265, February 25, 1974, Energy Enterprises, Inc., P.O. Box 1274, Liberal, Kansas 67901.
CS74-267, February 27, 1974, George E. Woods, P.O. Box 294, Arcadia, Louisiana 71001.

CS74-268, February 27, 1974, Henry & Landenberger, Inc., et al., 105-B Wall Towers West, Midland, Texas 79701.
CS74-269, February 28, 1974, Wells Services, Inc., P.O. Box 6756, Corpus Christi, Texas 78411.
CS74-270, March 4, 1974, John A. Newman, 4740 Ingersoll, Suite 207-9, Houston, Texas 77027.
CS74-271, March 4, 1974, Fuel Resources Inc., 195 Montague Street, Brooklyn, New York 11201.
CS74-272, February 28, 1974, Edwin W. Pauley, Jr., 101 Ocean Avenue, Santa Monica, California 90402.
CS74-274, March 7, 1974, Melvin A. Brown, P.O. Box 16, Billings, Montana 59103.
CS74-275, March 8, 1974, J. R. Butler, 2136 Bank of the Southwest Building, Houston, Texas 77002.
CS74-276, March 7, 1974, Joe A. Huitt, 612-A Beacon Building, Tulsa, Oklahoma 74103.
CS74-277, March 12, 1974, Eufaula Enterprises, Inc., 4121 W. 83rd Street, Suite 128, Prairie Village, Kansas 66208.
CS74-278, March 13, 1974, Harold J. Reedy, P.O. Box 1066, Enid, Oklahoma 73701.
CS74-279, March 13, 1974, Arlen Spradley, et al., 2217 Aspen, Pampa, Texas 79065.
CS74-280, March 12, 1974, F. E. Petroleum Corporation, 1401 Newbridge Road, North Bellmore, New York 11710.
CS74-281, March 12, 1974, Pomerance Sons, 630 Third Avenue, New York, New York 10017.
CS74-282, March 13, 1974, G. C. Parker Trust, 526 National Bank of Tulsa Building, Tulsa, Oklahoma 74103.
CS74-283, March 13, 1974, Robert L. Parker Trust.
CS74-284, March 11, 1974, A. C. Richards, Box 60173, Oklahoma City, Oklahoma 73106.
CS74-285, March 18, 1974, Century Petroleum, Ltd., 1616 Oil & Gas Building, Fort Worth, Texas 76102.
CS74-286, March 14, 1974, Argo Petroleum Corporation, 10880 Wilshire Boulevard, Suite 1003, Los Angeles, California 90024.
CS74-287, March 15, 1974, Russell K. Heath, et al., d/b/a Guthrie Resources, 2050 Lippert Street, Charleston, West Virginia 25311.
CS74-288, March 18, 1974, Pecos Irrigation Company, P.O. Box 1718, Carlsbad, New Mexico 88220.
CS74-289, March 18, 1974, J. E. Johannesen, Box 291, Yukon, Oklahoma 73099.
CS74-290, March 22, 1974, Barnwell, Inc., P.O. Box 1748, Shreveport, Louisiana 71166.
CS74-291, March 22, 1974, Roy E. Rice, 3515 West Ohio, Midland, Texas 79701.
CS74-292, March 22, 1974, E. R. Duke, 1400 Wilco Building, Midland, Texas 79701.
CS74-293, March 19, 1974, W. H. Brady, Route 2, P.O. Box 153, Roswell, New Mexico 88210.
CS74-294, March 22, 1974, Reginald F. Hyer, P.O. Box 1830, Big Spring, Texas 79720.
CS74-295, March 21, 1974, M.A.P., Inc., P.O. Box 1885, La Jolla, California 92037.
CS74-296, March 28, 1974, Bob M. Lloyd, 125 N. Van Buren, Henderson, Texas 75652.
CS74-298, April 4, 1974, 1972 Jeffrey Oil & Gas Program, 305 United Gas Building, Houston, Texas 77002.
CS74-299, April 4, 1974, Discovery Resources 1972 Alpha Oil & Gas Program, 305 United Gas Building, Houston, Texas 77002.
CS74-300, April 5, 1974, R. C. Bennett, P.O. Box 264, Midland, Texas 79701.
CS74-301, April 15, 1974, Azel R. Ford, R.D. 1, Brookville, Pennsylvania 15825.
CS74-302, April 15, 1974, H. Stewart Bennett, P.O. Box 1401, Dallas, Texas 75201.
CS74-303, April 15, 1974, Helmet Petroleum Corporation, 1660 Lincoln St., Suite 2904, Denver, Colorado 80203.
CS74-304, April 15, 1974, Forest Chemical Co., P.O. Box 677, Sheffield, Pennsylvania 16347.
CS74-305, April 15, 1974, Farmers Union Central Exchange, Inc. P.O. Box 126, Laurel, Montana 59044.
CS74-306, April 15, 1974, Tommy F. Staples, P.O. Box 292, Pettus, Texas 78146.
CS74-307, February 21, 1974, Winjuan Industries, Inc., Box 7451, Tulsa, Oklahoma 74105.
CS74-308, April 9, 1974, Fred Whitaker, P.O. Box 129, Carthage, Texas 75633.
CS74-309, April 8, 1974, J. C. Wynne, d/b/a The Bering Company, P.O. Box 419, Tyler, Texas 75701.
CS74-310, April 8, 1974, Raymond F. Kravis, 1705 First National Building, Tulsa, Oklahoma 74103.
CS74-311, April 12, 1974, George R. Schurman, 1401 Petroleum Tower, Shreveport, Louisiana 71101.
CS74-312, April 12, 1974, Alfred L. Johnson and Robert E. Nelson, 38 Dunham Street, Sheffield, Pennsylvania 16347.
CS74-313, April 12, 1974, Pine Run Oil Company, 118 Fraley Street, Kane, Pennsylvania 16735.
CS74-314, April 1, 1974, Robert O. Sigler, P.O. Box 1222, Hattiesburg, Mississippi 39401.
CS74-315, March 29, 1974, Arlis D. Scogin, P.O. Box 7573, Shreveport, Louisiana 71107.
CS74-316, March 25, 1974, Southland Drilling and Production Corporation, 1201 Petroleum Club Building, Tulsa, Oklahoma 74119.
CS74-317, March 27, 1974, Fain-Porter Drilling Corporation, Citizens Bank Tower, Oklahoma City, Oklahoma 73102.
CS74-318, March 28, 1974, Satellite Gas Co., P.O. Box 7364, Tulsa, Oklahoma 74105.
CS74-319, April 18, 1974, P G P Gas Products, Inc., P.O. Box 3669, Odessa, Texas 79760.
CS74-320, April 18, 1974, Bellwether, Ltd., 4155 East Jewell, Suite 602, Denver, Colorado 80222.
CS74-321, April 25, 1974, Edward H. Railsback, 6325 Creswell Avenue, Shreveport, Louisiana 71106.
CS74-322, April 25, 1974, John B. Greer, Jr., P.O. Box 5116, Shreveport, Louisiana 71105.
CS74-323, April 18, 1974, Maple Gas Company, 519 Chestnut Street, Ridgway, Pennsylvania 15853.
CS74-324, April 25, 1974, John R. Royall, 3315 Republic Bank Tower, Dallas, Texas 75201.
CS74-325, April 19, 1974, Olympic Petroleum Company, 2121 South Columbia, Tulsa, Oklahoma 74114.
CS74-326, April 19, 1974, O-Kan Fluid Service, Inc. Box 1259, Liberal, Kansas 67901.
CS74-327, April 22, 1974, Tahoe Oil & Cattle Company, P.O. Box 7032, Midland, Texas 79701.
CS74-328, April 19, 1974, R. E. Lee, P.O. Box 336, Spearman, Texas 79081.
CS74-329, April 25, 1974, M. A. Romero, P.O. Box 14189, Sta. G., Albuquerque, New Mexico 87111.
CS74-330, April 25, 1974, David L. Hamilton, P.O. Box 541, Worland, Wyoming 82401.
CS74-331, April 26, 1974, Arapaho Petroleum Incorporated, P.O. Drawer 1272, Breckenridge, Texas 76024.
CS74-332, May 1, 1974, Glenbrook Oil & Gas, Inc., P.O. Box 321, Brookville, Pennsylvania 15825.
CS74-333, April 26, 1974, Sidney K. Herold, Route 6, Box 375, Shreveport, Louisiana 71109.
CS74-334, April 26, 1974, R. E. Baremore, Jr., 257 Symphony Lane, Shreveport, Louisiana 71105.
CS74-335, April 29, 1974, Adams Well Service, Troy, West Virginia 26443.
CS74-336, April 29, 1974, H. L. Huffman, Ltd., et al., 815 First National Bank Building, Midland, Texas 79701.
CS74-337, April 29, 1974, Conley & Associates, Inc., 9402 Tierra Blanca Drive, Whittier, California 90603.
CS74-338, April 30, 1974, Donald F. Weaver, Agent for V. G. Gas Company, Hamilton Street, New Bethlehem, Pennsylvania 16242.
CS74-339, May 10, 1974, Murray S. Johnson, 3761 First National Bank Building, Dallas, Texas 75202.
CS74-340, May 10, 1974, Chaparral Energy Corporation, 5246 Weber Road, Suite 101 J, Corpus Christi, Texas 78411.
CS74-341, May 6, 1974, W. E. Risher and Risher Company, Inc., P.O. Box 401, Natchez, Mississippi 39120.
CS74-342, May 6, 1974, A. M. Mancuso, Operating Receiver of Worldwide Oil and Gas Company, 211 N. Ervay Building, Suite 307, Dallas, Texas 75201.
CS74-343, May 3, 1974, Knox Industries, Inc., 600 Wall Towers West Midland, Texas 79701.
CS74-344, May 7, 1974, Nadel and Gussman, 3232 First National Tower, Tulsa, Oklahoma 74103.
CS74-345, May 3, 1974, Bengal Oil & Gas Corporation, 1231 Midland Savings Building, Midland, Texas 79701.
CS74-346, May 13, 1974, C. H. Todd, Inc., 300 West Douglas, Wichita, Kansas 67202.
CS74-347, May 13, 1974, The Trees Oil Company, et al., 424 State Bank Building, Winfield, Kansas 67154.
CS74-348, May 13, 1974, C. M. Dodd, III, 5246 Weber Road, Suite 101 J, Corpus Christi, Texas 78411.
CS74-349, May 13, 1974, John O. Farmer, Inc., Box 352, Russell, Kansas 67665.
CS74-350, May 13, 1974, Drilling Control, Inc., 2601 Northwest Expressway, Suite 710, Oklahoma City, Oklahoma 73112.
CS74-351, May 13, 1974, Delta Oil and Gas Corporation, 2601 Northwest Expressway, Suite 710, Oklahoma City, Oklahoma 73112.
CS74-352, May 13, 1974, Schill & Schmader Gas Company, Box 15, Snydersburg, Pennsylvania 16257.
CS74-353, May 20, 1974, Billy E. Davis, 5043 S. Fulton, Tulsa, Oklahoma 74135.
CS74-354, May 20, 1974, Caribou Petroleum, Ltd., Box 3652, Tulsa, Oklahoma 74152.
CS74-355, May 20, 1974, Thomas C. Hoffpauir, Route 1, Box 12, Lake Arthur, Louisiana 70549.
CS74-356, May 16, 1974, H. J. and N. T. Perry, P.O. Box 591, Sheffield, Pennsylvania 16347.
CS74-357, May 16, 1974, C. K. Oil Company, 512 Washington, Great Bend, Kansas 67530.
CS74-358, May 20, 1974, D & B Oil Inc., et al., 1601 West Murphy Street, Odessa, Texas 79760.
CS74-359, May 21, 1974, Ketal Oil Producing Co., 2014 Continental National Bank Building, Fort Worth, Texas 76102.
CS74-360, May 20, 1974, Span America Oil Corporation, #1 Heritage S. Mall, Tyler, Texas 75701.
CS74-361, May 17, 1974, Edward M. Blacketer, 7413 Rumsey, Oklahoma City, Oklahoma 73132.
CS74-362, May 13, 1974, The American National Bank of Amarillo, Trustee, 7th and Tyler Streets, Amarillo, Texas 79101.
CS74-363, May 16, 1974, R. Earl Stubblefield, P.O. Box 215, McLean, Texas 79057.
CS74-364, May 16, 1974, R. Earl Stubblefield & Son.
CS74-365, May 21, 1974, B. R. Polk, Inc., 2009 First National Center, Oklahoma City, Oklahoma 73102.
CS74-366, May 22, 1974, C. E. Doran, 404 Beck Building, Shreveport, Louisiana 71101.
CS74-367, May 22, 1974, C. C. Braddock, 404 Beck Building, Shreveport, Louisiana 71101.
CS74-368, May 22, 1974, Alfred Ching, 1610 Kanunu Street, Honolulu, Hawaii 96814.
CS74-369, May 23, 1974, Larry T. Long, P.O. Box 1251, Kilgore, Texas 75662.
CS74-370, May 24, 1974, Robert L. Haynie, Suite 802, 4155 E. Jewell Avenue, Denver, Colorado 80222.

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CS74-371, May 24, 1974, Campbell & Hedrick, P.O. Box 401, Midland, Texas 79701.
CS74-372, May 24, 1974, Bernice C. Peery, Individually and as Executrix of the Estate of J. W. Peery, deceased, P.O. Box 655, Odessa, Texas 79760.
CS74-373, May 24, 1974, The First National Bank of Odessa, P.O. Box 4798, Odessa, Texas 79760.
CS74-374, May 24, 1974, Euna Mae Heenan, P.O. Box 60574, Oklahoma City, Oklahoma 73106.
CS74-375, May 24, 1974, H. Tom Kight, III, P.O. Box 20430, Oklahoma City, Oklahoma 73120.
CS74-376, May 17, 1974, J. Peter Grace, 1114 Avenue of the Americas, New York, New York 10036.
CS74-378, May 24, 1974, John H. and Mary Louise Kerins, R. D. 2, West Middlesex, Pennsylvania 16159.
CS74-379, May 28, 1974, Glenn M. Stearns, 7104 Cornelia Lane, Dallas, Texas 75214.
CS74-380, May 28, 1974, George Smith and Gene Smith, 111 North 6th Street, Thermopolis, Wyoming 82443.
CS74-381, May 28, 1974, Southwest Minerals, Inc., 2990 Richmond, Suite 510, Houston, Texas 77006.
CS74-382, May 29, 1974, G. W. and Jean F. Walters, 212 Acme Street, Rimersburg, Pennsylvania 16248.
CS74-383, May 29, 1974, McLain J. Forman, 540 Oil & Gas Building, New Orleans, Louisiana 70112.
CS74-384, May 30, 1974, M and M Minerals Corporation, c/o The Chase Manhattan Bank, N. A. One Chase Manhattan Plaza, New York, New York 10015.
CS74-385, May 31, 1974, Larry E. Walsh & Doris A. Walsh, Joint Tenants, 4867 Audubon Avenue, Detroit, Michigan 48224.
CS74-386, June 3, 1974, Don Chamblin & Associates, Inc., P.O. Box 51617, Lafayette, Louisiana 70501.
CS74-387, June 3, 1974, Southwest Production Company, 3106 Southland Center, Dallas, Texas 75201.
CS74-388, June 3, 1974, Rainbow Resources, Inc., 305 Goodstein Building, Casper, Wyoming 82601.
CS74-390, June 4, 1974, K. S. Oil Company, 5201 S. Western, Oklahoma City, Oklahoma 73109.
CS74-391, June 4, 1974, Herlin, Inc., 1303 Petroleum Tower, Shreveport, Louisiana 71101.
CS74-392, June 4, 1974, W. A. Stanberry, 1014 Lane Building, Shreveport, Louisiana 71101.
CS74-393, June 6, 1974, George R. Brown, 800 San Jacinto Building, Houston, Texas 77002.
CS74-394, June 7, 1974, Eastern Associated Coal Corp., Koppers Building, Pittsburgh, Pennsylvania 15219.
CS74-395, June 7, 1974, DRC Holding Corporation, 305 United Gas Building, Houston, Texas 77002.
CS74-396, June 7, 1974, Highland Resources, Inc., 800 San Jacinto Building, Houston, Texas 77002.
CS74-397, June 10, 1974, Smith Exploration, Inc., 305 United Gas Building, Houston, Texas 77002.
CS74-398, June 10, 1974, Smith Petroleum Company, 305 United Gas Building, Houston, Texas 77002.
CS74-399, June 7, 1974, E. R. Wallace and E. C. LeQuey, P.O. Box 746, Refugio, Texas 78377.
CS74-400, June 14, 1974, Russ Oil Corporation, 1001 Milam Building, San Antonio, Texas 78205.
CS74-401, June 17, 1974, Estate of B. F. Phillips, 2510 Mercantile Bank Building, Dallas, Texas 75201.
CS74-402, June 17, 1974, BMG, Inc., Box 846, Independence, Kansas 67301.
CS74-403, June 14, 1974, The Marlin Oil Company, Denver Club Building, Denver, Colorado 80202.
CS74-404, June 13, 1974, West Gas, Inc., Suite 208, 6707 Elbow Drive S. W., Calgary, Alberta, Canada T2V 0E5.
CS74-405, June 13, 1974, Ernest Angelo, Jr., 504 Gulf Building, Midland, Texas 79701.
CS74-406, June 14, 1974, Etchieson & Watkins, Box 947, Borger, Texas 79007.
CS74-407, June 12, 1974, 3M Joint Venture, 4203 Fern Boulevard, Drexel Hill, Pennsylvania 19026.
CS74-408, June 12, 1974, John Reetz Associates, Inc., Box 307, Bronxville, New York 10708.
CS74-409, June 21, 1974, Kindom Engineering Glorieta Project, 1500 Arno S. E., Albuquerque, New Mexico 87102.
CS74-410, June 21, 1974, J. D. Pickett, 502 Trinity Universal Building, Dallas, Texas 75201.
CS74-411, June 21, 1974, Cal-Mon Oil Company, 304 S. Marienfeld, Midland, Texas 79701.
CS74-412, June 21, 1974, Robert L. Monaghan, P.O. Box 2066, Midland, Texas 79701.
CS74-413, June 20, 1974, Beneal, Inc., d/b/a ESCO Oil & Gas Company, P.O. Box 145, Parkersburg, West Virginia 26101.
CS74-414, June 19, 1974, Ilus Industries, Inc., 4121 West 83rd Street, Suite 128, Prairie Village, Kansas 66208.
CS74-415, June 19, 1974, Struby-Kiernan, 305 Boston Building, Oklahoma City, Oklahoma 73102.
CS74-416, June 21, 1974, C. W. McNulty Estate, Box 3448, Borger, Texas 79007.
CS74-417, June 21, 1974, Comanche Oil & Gas Company, 806 Building of the Southwest, Midland, Texas 79701.
CS74-418, June 24, 1974, Gilbert Burk, 3401 Twelve Oaks Road, Oklahoma City, Oklahoma 73120.
CS74-419, June 24, 1974, Jabara Lease Committee of Working Interest Owners, 12507 Grandview Road, Grandview, Missouri 64030.
CS74-420, June 24, 1974, W. E. Alsup, 136 W. 2nd Street, Reno, Nevada 89501.
CS74-421, June 24, 1974, William E. Jarratt, 400 Petroleum Building, Shreveport, Louisiana 71101.
CS74-422, June 24, 1974, Mayfair Minerals, Inc., P.O. Box 940, McAllen, Texas 78501.
CS74-423, June 24, 1974, Pierce & Petersen, 413 Pleasant Drive, Warren, Pennsylvania 16365.
CS74-424, June 24, 1974, Robert M. McIntyre, 400 Petroleum Building, Shreveport, Louisiana 71101.
CS74-425, June 26, 1974, Martin Exploration Company, 4900 Veterans Boulevard, Metairie, Louisiana 70002.
CS74-426, June 26, 1974, Martin Petroleum Company, 4900 Veterans Boulevard, Metairie, Louisiana 70002.
CS74-427, June 26, 1974, Madison Avenue Group, 767 Fifth Avenue, New York, New York 10022.
CS74-428, June 24, 1974, J. Lee Youngblood, Trustee, 1965 First National Bank Building, Dallas, Texas 75201.
CS74-429, June 27, 1974, Ben C. Eisenberg and Jeanne L. Eisenberg, 2229 Caliente Drive, Palm Springs, California 92262.
CS74-430, June 14, 1974, Curtis E. Calder, Jr. Fund #22, 1216 Hartford Building, Dallas, Texas 75201.
CS74-431, May 23, 1974, B. F. Phillips, Jr., Mercantile Bank Building, Dallas, Texas 75201.
CS75-1, July 1, 1974, Discovery Operating, Inc., 504 Gulf Building, Midland, Texas 79701.
CS75-2, July 1, 1974, Thomas B. Burns, 470 Denver Club Building, Denver, Colorado 80202.
CS75-3, July 1, 1974, H. Sol Cersonsky, 820 Clermont Street, Denver, Colorado 80220.
CS75-4, July 1, 1974, Bernard Cersonsky.
CS75-5, July 1, 1974, William D. Hewit, 980 Denver Club Building, Denver, Colorado 80202.
CS75-7, July 6, 1974, Southwestern Electric Power Company, P.O. Box 1106, Shreveport, Louisiana 71156.
CS75-8, July 8, 1974, Home Petroleum Corporation, P.O. Box 1649, Tulsa, Oklahoma 74101.
CS75-9, July 1, 1974, Onshore Exploration, P.O. Box 53106, Lafayette, Louisiana 70501.
CS75-10, July 1, 1974, Onshore Exploration Corporation, P.O. Box 53106, Lafayette, Louisiana 70501.
CS75-11, July 5, 1974, Glenn W. Peel, 729 Sugar Maple Lane, Ponca City, Oklahoma 74601.
CS75-12, July 5, 1974, L. W. Bartheld, P.O. Box 891, Oklahoma City, Oklahoma 73101.
CS75-13, July 5, 1974, 1973 Galbraith "B" Limited Partnership, P.O. Box 1186, Maitland, Florida 32751.
CS75-14, July 9, 1974, StEmTex, Inc., 403 Hunters Park Lane, Houston, Texas 77024.
CS75-15, July 5, 1974, Robert L. Lees, 507 Beck Building, Shreveport, Louisiana 71101.
CS75-16, July 5, 1974, Perry G. Holloway, 206 Beck Building, Shreveport, Louisiana 71101.
CS75-17, July 9, 1974, Robert K. Franklin and RKF Industries, Inc., P.O. Box 22113, Houston, Texas 77027.
CS75-18, July 12, 1974, W. L. Puls, et al., 4543 Post Oak Place, Suite 118, Houston, Texas 77027.
CS75-19, July 10, 1974, Clayton Corporation, 770 Westland Bank Building, 10403 West Colfax Avenue, Lakewood, Colorado 80215.
CS75-20, July 15, 1974, J. Paul Goldsmith, 929 N. Glenwood Boulevard, Tyler, Texas 75701.
CS75-21, July 17, 1974, Carr Explorations, Inc., 700 N. Market, Wichita, Kansas 67214.
CS75-22, July 24, 1974, Cinco Exploration Company, 715 Houston Citizens Bank Building, Houston, Texas 77002.
CS75-23, July 25, 1974, Jack T. Everett, 311 Edwards Street, Shreveport, Louisiana 71101.
CS75-24, July 25, 1974, I. L. Geer, 211 Terrace Street, Warren, Pennsylvania 16365.
CS75-25, July 26, 74, Windfohr Oil Company, et al., 1202 First National Bank Building, Fort Worth, Texas 76102.
CS75-26, July 26, 1974, Fort Worth Production Company, et al., 2413 Continental National Bank Building, Fort Worth, Texas 76102.
CS75-27, July 26, 1974, KWB Oil Property Management, Inc., 1125 National Bank of Tulsa Building, Tulsa, Oklahoma 74103.
CS75-28, July 29, 1974, Lee C. Scanlon, 105 Imperial Drive, Friendswood, Texas 77546.
CS75-29, July 29, 1974, Farrell L. Lines, Trustee of Winston Trust, 500 Second Street NW., Albuquerque, New Mexico 87101.
CS75-30, July 29, 1974, Ray H. Marr, 2500 Republic National Bank Building, Dallas, Texas 75201.
CS75-31, July 29, 1974, Barnett Oil, Inc., et al., 411 First National Bank Building, Wichita, Kansas 67202.
CS75-32, July 19, 1974, Auster Oil & Gas, Inc., P.O. Box 3189, Lake Charles, Louisiana 70601.
CS75-33, August 1, 1974, George Dolesal, Jr. and Richard P. Cullen, 480 Denver Club Building, Denver, Colorado 80202.
CS75-35, August 2, 1974, RK Petroleum Corp., P.O. Box 192, Mt. Carmel, Illinois 62863.
CS75-36, August 5, 1974, Ophelia Smith, 3000 South Hughes, Amarillo, Texas 79109.
CS75-37, August 6, 1974, Aikens & Owen, et al., 7701 E. Kellogg, Suite 780, Box 18407, Wichita, Kansas 67218.

CS75-38, August 7, 1974, Midwestern Oil Co., Inc., 815 West 4th Street, Chanute, Kansas 66720.
CS75-39, August 8, 1974, Canus Petroleum, Inc., 1213 Citizens Bank Center, Richardson, Texas 75080.
CS75-40, August 20, 1974, Estoril Producing Corporation, 1120 Vaughn Building, Midland, Texas 79701.
CS75-41, August 9, 1974, Alan Ralston, d/b/a Apollo Oil Company, P.O. Box 763, Hobbs, New Mexico 88240.
CS75-42, August 12, 1974, Guy Mabee, 106 Mid-America Building, Midland, Texas 79701.
CS75-43, August 8, 1974, Steve and Shirley M. Parker, 211 S. Beverly Drive, Beverly Hills, California 90212.
CS75-44, August 14, 1974, Thomas H. Hope, Jr., P.O. Box 4312, Monroe, Louisiana 71201.
CS75-45, August 14, 1974, PMC Monroe Development Fund 1973, 116 N. Robertson Boulevard, Los Angeles, California 90048.
CS75-46, August 16, 1974, Burton W. Hancock, et al., 1799 Hamilton Avenue, San Jose, California 95125.
CS75-47, August 16, 1974, Monty J. Gist, P.O. Box 735, Midland, Texas 79701.
CS75-48, August 19, 1974, Arnaudville Company, Inc., Route 6, Box 117, Lake Charles, Louisiana 70601.
CS75-49, August 19, 1974, Elliott Davis, Trustee of the Elliott Davis Mineral Trust U/D/O March 1, 1968, 500 McFarlin Building, Tulsa, Oklahoma 74103.
CS75-50, August 19, 1974, Leon Davis, Trustee of the Leon Davis Mineral Trust, U/D/O March 1, 1968, 500 McFarlin Building, Tulsa, Oklahoma 74103.
CS75-51, August 19, 1974, Arlen L. Edgar, 202 Gulf Building, Midland, Texas 79701.
CS75-52, August 19, 1974, Corpening Companies 1973-1, Ltd., 3210 One Shell Plaza, Houston, Texas 77002.
CS75-53, August 22, 1974, Stokes Lease and Royalty Company, Inc., P.O. Box 52432, Lafayette, Louisiana 70501.
CS75-54, August 22, 1974, Robert S. Gaudin, Sr., P.O. Box 52432, Lafayette, Louisiana, 70501.
CS75-55, August 22, 1974, Mallard Well Service, Inc., P.O. Box 51493, Lafayette, Louisiana 70501.
CS75-56, August 22, 1974, Albert J. Smith, Jr., P.O. Box 52432, Lafayette, Louisiana 70501.
CS75-57, August 22, 1974, Andy C. Wedaman, P.O. Box 52432, Lafayette, Louisiana 70501.
CS75-58, August 22, 1974, Elmer V. Moore, P.O. Box 52432, Lafayette, Louisiana 70501.
CS75-59, August 22, 1974, Boyd Laughlin, P.O. Box 670, Midland, Texas 79701.
CS75-60, August 22, 1974, W. D. Barnes, 1610 W. Pine, Midland, Texas 79701.
CS75-61, August 23, 1974, Gerald S. Pitts Ltd. #1, 1804 Culver, Midland, Texas 79701.
CS75-62, August 23, 1974, Gerald S. Pitts.
CS75-63, August 26, 1974, Ralph W. Shebester, P.O. Box 6498, Moore, Oklahoma 73160.
CS75-64, August 27, 1974, Farenthold & Pitcairn, P.O. Box 986, Corpus Christi, Texas 78401.
CS75-65, August 23, 1974, U.S. Energy, Inc., 4255 LBJ Freeway, Suite 144, Dallas, Texas 75234.
CS75-66, August 26, 1974, McDowell Oil Properties, Inc., 1908 City National Bank Tower, Oklahoma City, Oklahoma 73102.
CS75-67, August 26, 1974, D. K. Coffman, 3408 Sentinel Avenue, Midland, Texas 79701.
CS75-69, August 29, 1974, Roy E. Cooper, 1114 Belford Avenue, Oklahoma City, Oklahoma 73116.
CS75-70, August 29, 1974, Delta Development Co., Inc., 1804 Commerce Building, New Orleans, Louisiana 70112.
CS75-71, August 29, 1974, H. P. St. Martin, Jr., P.O. Box 1151, Houma, Louisiana 70360.
CS75-72, August 29, 1974, Harang Assets, Inc., P.O. Box 307, Madisonville, Louisiana 70447.
CS75-73, August 29, 1974, J. Edgar Gremillion, P.O. Box 52432, Lafayette, Louisiana 70501.
CS75-74, August 30, 1974, John E. Smith, 10220 Memorial Drive, Apt. 64, Houston, Texas 77024.
CS75-75, August 30, 1974, Radzewicz Operating Corporation, P.O. Box 2004, Jackson, Mississippi 39205.
CS75-76, August 30, 1974, Tubular Sales, Inc., 3580 Dresser Tower, Houston, Texas 77002.
CS75-77, September 3, 1974, Earl Lambuth, 930 S. Garfield Street, Denver, Colorado 80209.
CS75-78, September 3, 1974, C. Crady Davis, Hampden Law Building, 6780 E. Hampden Avenue, Denver, Colorado 80222.
CS75-79, September 3, 1974, William R. Thurston, 1100 Denver Center Building, 1776 Lincoln Street, Denver, Colorado 80203.
CS75-80, September 3, 1974, The Kimbark Company, 1100 Denver Center Building, 1776 Lincoln Street, Denver, Colorado 80203.
CS75-81, September 3, 1974, Walter K. Arbuckle, 1100 Denver Center Building, 1776 Lincoln Street, Denver, Colorado 80203.
CS75-83, September 3, 1974, Toro Petroleum Corporation, 1770 St. James Place, Houston, Texas 77027.
CS75-84, September 3, 1974, Thunderbird Oil Company, Inc., 3540 NE Meriden Road, Topeka, Kansas 66617.
CS75-85, September 3, 1974, Stanley H. Singer, 601 Philtower Building, Tulsa, Oklahoma 74103.
CS75-86, September 3, 1974, Stanley H. Singer Oil Company, Ltd., 601 Philtower Building, Tulsa, Oklahoma 74103.
CS75-87, September 4, 1974, American Quasar Petroleum Company of New Mexico, 2200 Continental National Bank Building, Fort Worth, Texas 76102.
CS75-88, September 6, 1974, Pacer Resources, 450 Securities Building, Billings, Montana 59101.
CS75-89, September 6, 1974, Lamark Energy, Inc., 425 Whitney Boulevard, New Orleans, Louisiana 70130.
CS75-90, September 9, 1974, L. M. Oles, 810 Avondale, Amarillo, Texas 79106.
CS75-91, September 9, 1974, Mrs. Lucy Williams, 10418 Corte del Sol Oeste, Sun City, Arizona 85351.
CS75-92, September 9, 1974, C. J. Fowlston, Amarillo National Bank Building, Suite 1001, Amarillo, Texas 79101.
CS75-93, September 9, 1974, C & K Marine Production Company, 608 First City National Bank Building, Houston, Texas 77002.
CS75-94, September 9, 1974, N & M Oil Company, 1607 College Street, Conway, Arkansas 72032.
CS75-95, September 9, 1974, Sulpetro International, Ltd., 901 Beck Building, Shreveport, Louisiana 71101.
CS75-96, September 9, 1974, Chinook Pipeline Company, Inc., Box 371, Gillette, Wyoming 82716.
CS75-97, September 9, 1974, J.S.Q., Inc., P.O. Box 66, Midkiff, Texas 79755.
CS75-98, September 9, 1974, Holmes P. McLish, 506 Denver Center Building, 1776 Lincoln St., Denver, Colorado 80203.
CS75-99, September 9, 1974, Bernard Laudermilk, 404 E. Monroe, Sterling, Kansas 67579.
CS75-100, September 9, 1974, American Resources Management Corporation, 450 Kennecott Building, Salt Lake City, Utah 84133.
CS75-101, September 9, 1974, Capitol Resources, Inc., Suite 2020, National Bank of Commerce Building, San Antonio, Texas 78205.
CS75-102, September 6, 1974, Rimrock Gas Company, 509 West 10th Street, Amarillo, Texas 79101.
CS75-103, September 10, 1974, Janet Boyd Tyler, 4825 S. Fairfax, Littleton, Colorado 80121.
CS75-104, September 11, 1974, Mid-American Oil Company, 3323 Enter Building, Houston, Texas 77002.
CS75-105, September 12, 1974, Lawrence L. McCrary, Route 1, Box 42, DeBerry, Texas 75639.
CS75-106, September 12, 1974, P. C. Beals, 340 Main Street, Worcester, Massachusetts 01601.
CS75-107, September 13, 1974, Energetic Investments, Inc., P.O. Box 52432, Lafayette, Louisiana 70501.
CS75-108, September 13, 1974, Marion Boyd Dietzgen, 1010 Mt. Pleasant Road, Winnetka, Illinois 60093.
CS75-109, September 16, 1974, G. Wallace Bayne, 25 S. Clermont, Denver, Colorado 80222.
CS75-110, September 16, 1974, Feliciana Corporation, 1053 Esperson Building, Houston, Texas 77002.
CS75-111, September 16, 1974, Anna M. Venen, formerly Anna Murphy, 812 Main Street, Fort Morgan, Colorado 80701.
CS75-112, September 16, 1974, Total Exploration Company, 1014 Guaranty Bank Plaza, Corpus Christi, Texas 78401.
CS75-113, September 17, 1974, J. Howard Marshall, 1320 Esperson Building, Houston, Texas 77002.
CS75-114, September 17, 1974, Commercial National Bank in Shreveport, Trustee under the will of Jerome A. Cararas, P.O. Box 1119, Shreveport, Louisiana 71152.
CS75-116, September 18, 1974, Paine Development Company, Route 3, Booker, Texas 79005.
CS75-117, September 16, 1974, Quaser Energy, Inc., 2200 Continental National Bank Building, Fort Worth, Texas 76102.
CS75-118, August 14, 1974, Bill Hair, Box 906, Perryton, Texas 79070.
CS75-119, August 14, 1974, J. H. Crouch, Jr., 108 Mid-America Building, Midland, Texas 79701.
CS75-120, August 14, 1974, Burr & Cooley, 152 Petroleum Center Building, Farmington, New Mexico 87401.
CS75-121, September 19, 1974, Richard A. Campbell, P.O. Box 51733, Lafayette, Louisiana 70501.
CS75-123, September 19, 1974, William Moss, William Moss Properties, Inc., 3303 Lee Parkway, Dallas, Texas 75219.
CS75-124, September 20, 1974, Sho-Van Gas Producing Company, Inc., 1000 Ouachita Bank Building, Monroe, Louisiana 71201.
CS75-125, September 20, 1974, Raymond G. Stone, P.O. Box 492, Vernal, Utah 84078.
CS75-126, September 20, 1974, Barbara Boyd Mickey, 302 Malabar, Austin, Texas 78746.
CS75-127, September 20, 1974, William A. Boyd, P.O. Box 367, Essex, Connecticut 06426.
CS75-128, September 23, 1974, Hal S. Dean, 1001 Midland National Bank Building, Midland, Texas 79701.
CS75-129, September 23, 1974, Coquina 74-B—Exploration Program, 200 Building of the Southwest, Midland, Texas 79701.
CS75-130, September 23, 1974, Nautilus Venture III, 200 Building of the Southwest, Midland, Texas 79701.
CS75-131, September 23, 1974, Nautilus Venture II.
CS75-132, September 23, 1974, Coquina 73-A, Exploration Program, 200 Building of the Southwest, Midland, Texas 79701.

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CS75–133, September 23, 1974, TR, Ltd., 200 Building of the Southwest, Midland, Texas 79701.
CS75–134, September 23, 1974, Bengal 72–B—Fund, 200 Building of the Southwest, Midland, Texas 79701.
CS75–135, September 23, 1974, Nautilus Venture, 200 Building of the Southwest, Midland, Texas 79701.
CS75–136, September 23, 1974, Bengal 72–A—Fund.
CS75–137, September 23, 1974, Coquina 74–A—Exploration Program.
CS75–138, September 25, 1974, W. R. Funk, Agent for Ray Blackwell, et al., #2714 70 South Morgan Street, Waynesburg, Pennsylvania 15370.
CS75–139, September 25, 1974, Leo J. Cremer, Jr., Melville, Montana 59055.
CS75–140, September 27, 1974, William D. Riddle, et al., P.O. Box 158, Spencer, West Virginia 25276.
CS75–141, September 27, 1974, E. Davisson Hardman, 610 Stanley Avenue, Clarksburg, West Virginia 26301.
CS75–142, September 27, 1974, Keystone Fuel Oil Company, 25 South Heald Street, Wilmington, Delaware 19801.
CS75–143, September 30, 1974, Joe C. Jones, 1492 Callie Road, Charleston, West Virginia 25314.
CS75–144, September 30, 1974, Greenbrier Operating Co., 211 North Ervay Building, Suite 1300, Dallas, Texas 75201.
CS75–145, September 30, 1974, A. F. Carino Oil and Gas Interests, P.O. Box 538, Indiana, Pennsylvania 15701.

[FR Doc.74–27092 Filed 11–22–74;8:45 am]

[Project 2146]

ALABAMA POWER CO.

Application for Change in Land Rights

NOVEMBER 18, 1974.

Public notice is hereby given that application was filed on August 22, 1974, under the Federal Power Act (16 U.S.C. 791a–824r) by Alabama Power Company, Applicant (correspondence to: Mr. S. R. Hart, Jr., Vice President, Engineering, Alabama Power Company, P.O. Box 2641, 600 North 18th Street, Birmingham, Alabama 35291), for permission to grant to the Alabama State Highway Department the right to construct a highway across two parcels of land within the boundary of the constructed Coosa River Project No. 2146. The Coosa river project is located on the Coosa river, a navigable waterway of the United States, in Elmore, Chilton, Coosa, Shelby, Talladega, Saint Clair, Calhoun, Etowah, and Cherokee counties in Alabama and Floyd County, Georgia. The two parcels of land over which the proposed right-of-way would be granted are located within the project boundary of the Weiss Dam development of Project No. 2146, in the northern part of the town of Centre, Cherokee County, Alabama.

The proposed easement would permit the construction of a highway across an existing saddle dike located about 1200 feet west of North River street and across lands, parts of which applicant owns in fee and for parts of which applicant holds flowage rights, starting approximately 200 feet and extending another approximately 350 feet east of the same street. The proposed highway would connect Alabama Highways No. 25 and 68. The proposed rights-of-way would have a maximum width of 160 feet and a combined length of approximately 555 feet, amounting to a total area of 2.04 acres.

The proposed easement would include terms to require that: (1) The State shall take all precautions, during the construction and maintenance of the highway, to protect Weiss Dam and Reservoir from siltation and every form of pollution; (2) all rights granted in the easement are subject to the terms of the license.

Any person desiring to be heard or to make protest with reference to said application should on or before December 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–27456 Filed 11–22–74;8:45 am]

[Docket No. CP69–41]

ALGONQUIN GAS TRANSMISSION CO.

Amendment to Petition To Amend

NOVEMBER 18, 1974.

Take notice that on November 1, 1974, Algonquin Gas Transmission Company (Petitioner), 1284 Soldiers Field Road, Boston, Massachusetts 02135, filed in Docket No. CP69–41 an amendment to one of its petitions to amend the order issued in said docket pursuant to Section 7(c) of the Natural Gas Act by proposing, in the alternative, to sell synthetic natural gas (SNG) for a limited term to Elizabethtown Gas Company (Elizabethtown) and Pottsville Gas Company (Pottsville) in lieu of to Texas Eastern Transmission Corporation (TETCO), all as more fully set forth in the amendment, which is on file with the Commission and open to public inspection.

By petition to amend in the instant docket filed on October 10, 1974, Petitioner is seeking to amend further the certificate authorization issued in the instant docket so as to receive authorization to change the delivery schedule under its SNG–1 rate schedule for the stated purpose of better accommodating customer requirements.

By an additional petition to amend in the instant docket filed on October 11, 1974, Petitioner proposes to make available to TETCO through April 15, 1975, all of the SNG–1 gas supply for which Petitioner's customers have not contracted. The October 11, 1974, petition further states that TETCO is requesting authorization to roll in with its other purchased gas costs the cost of the SNG–1 supply and to pass on such costs along to its customers through a surcharge to its purchased gas adjustment clause (PGAC) adjustment this winter.

Notice of both petitions was published in the FEDERAL REGISTER on October 18, 1974 (39 FR 37273).

The instant amendment is to the petition to amend filed on October 11, 1974, and states that Elizabethtown, a customer of TEICO, notified the Commission on October 18, 1974, that it supports the proposal to augment TETCO's supply, but that it opposes TETCO's proposal to roll in the SNG–1 costs. In view of this development, Petitioner states that it is filing this alternative proposal, together with a request that it be granted promptly in the event that either opposition to the TETCO roll-in proposal delays the grant of the October 11, 1974, petition or the Commission denies the TETCO proposal.

Petitioner proposes to sell for resale to Elizabethtown and Pottsville, also a TETCO customer, through April 15, 1975, all of the SNG–1 supply for which its customers have not contracted in this heating season. Petitioner states that agreements have been reached whereby Elizabethtown will purchase daily approximately 2,000 Mcf of gas and Pottsville will purchase daily approximately 12,000 Mcf both at 985 Btu per cubic foot, during the period prior to December 1, 1974, and whereby Elizabethtown will purchase approximately 2,000 MMBtu per day and Pottsville will purchase approximately 10,425 MMBtu per day from December 1, 1974, to April 15, 1975, all in accordance with the delivery schedule of Rate Schedule SNG–1. The price of said gas, according to the instant amendment, will be $4.00 per Mcf through November 30, 1974, and $3.96 per Mcf thereafter, also pursuant to Rate Schedule SNG–1.

Petitioner states that TETCO has indicated that it will make appropriate filings with the Commission to implement the delivery of gas involved herein to Elizabethtown and Pottsville.

Petitioner further states that it is motivated to submit this amendment by two factors:

(1) The naptha feedstock for the SNG–1 supply may be lost or its delivery may not be subject to necessary rescheduling if the Commission fails to act promptly.

(2) Petitioner is already into the SNG–1 season, and each day's delay means the probable loss of SNG–1 gas to consumers needing it now.

In relation to the need for the SNG–1 gas by Elizabethtown and Pottsville, Petitioner states that it has been advised that curtailments on their systems this winter will result in the forced shutdown of industries and a sharp increase in unemployment in their service areas and that delivery of the SNG–1 gas will help alleviate the critical economic hardships.

It appears appropriate in this case to provide a period less than 15 days for the filing of petitions to intervene or protests. Therefore any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–27450 Filed 11–22–74;8:45 am]

[Docket No. E–8810]

BOSTON EDISON CO.

Further Extension of Procedural Dates

NOVEMBER 18, 1974.

On November 8, 1974, Boston Edison Company filed a motion for extension of the procedural dates fixed by order issued June 21, 1974, as most recently modified by notice issued October 29, 1974, in the above-designated matter. The motion states that Staff Counsel and New England Power Company concur in the request.

Upon consideration, notice is hereby given that the date for filing rebuttal testimony in the above matter is extended to December 10, 1974, and the hearing date is extended to December 16, 1974, at 10:00 a.m. (est).

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–27439 Filed 11–22–74;8:45 am]

[Docket No. E–8884]

CAROLINA POWER AND LIGHT CO.

Cancellation of Contracts

NOVEMBER 18, 1974.

Take notice that on November 4, 1974, Carolina Power and Light Company (CP&L) tendered for filing Notices of Cancellation of contracts for service to the following Electric Membership Cooperatives and Municipal Customers: Brunswick EMC, Carteret-Craven EMC, Central EMC, Four County EMC, Halifax EMC, Jones-Onslow EMC, Lumbee River EMC, Pee Dee EMC, Piedmont EMC, Pitt & Greene EMC, Randolph EMC, South River EMC, Tideland EMC, Tri County EMC, Wake EMC, French Broad EMC, Harkers Island EMC, Haywood EMC, the towns of Farmville, Hookerton and Selma, North Carolina, and the cities of Laurinburg and Lumberton, North Carolina.

As to the Electrical Membership Cooperatives, except for the French Broad, Harkers Island and Haywood EMC's, CP&L states that the cancellation relates only to contracts for sale and purchase of excess power and energy. CP&L states that it intends to continue supplying the electrical requirements of these customers according to the terms of its FPC Electric Tariff, Original Volume No. 1.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.E., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 2, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

[FR Doc.74–27449 Filed 11–22–74;8:45 am]

[SEAL] KENNETH F. PLUMB, *Secretary.*

[Docket No. E–9103]

THE CONNECTICUT LIGHT AND POWER CO.

Purchase Agreement

NOVEMBER 18, 1974.

Take notice that on November 11, 1974, the Connecticut Light and Power Company (CL&P) tendered for filing a proposed purchase agreement with respect to Various Gas Turbine Units, dated September 1, 1974 between (1) CL&P and The Hartford Electric Light Company (HELCO), and (2) Central Maine Power Company (CMP).

CL&P states that the purchase agreement provides for a sale to CMP of a specified percentage of capacity and energy from five gas turbine generating units (Norwalk Harbor, South Meadow, Devon, Middletown and Torrington Terminal) during the period from November 1, 1974 to October 31, 1975, together with related transmission service.

CL&P states that questions as to CMP capability responsibility obligation, under the terms of the New England Power Pool (NEPOOL) Agreement, during the term of this purchase agreement affected the amounts of gas turbine capacity that could be purchased by CMP and thus delayed execution of the agreement until a date which prevented the filing of such rate schedule more than thirty days prior to the proposed effective date.

CL&P therefore requests that, in order to permit CMP to receive urgently needed capacity, the Commission, pursuant to § 35.11 of its regulations, waive the thirty-day notice period and permit the rate schedule filed to become effective on November 1, 1974.

CL&P states that the capacity charge for the proposed service was developed on a cost-of-service basis; the monthly transmission charge is equal to one-twelfth of the estimated annual average unit cost of transmission service on the systems of the Northeast Utilities Companies multiplied by the number of kilowatts of winter capability which CMP is entitled to receive, reduced to give due recognition of the payments made by CMP for transmission services on intervening systems, and the variable maintenance charge was arrived at through negotiations.

CL&P requests an effective date of November 1, 1974 for the CMP agreement.

HELCO has filed a certificate of concurrence in this docket.

CL&P states that copies of this rate schedule have been mailed or delivered to CL&P, Hartford, Connecticut, HELCO, Hartford, Connecticut, and CMP, Augusta, Maine.

CL&P further states that the filing is in accordance with part 35 of the Commission's regulations.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 3, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74–27452 Filed 11–22–74;8:45 am]

[Docket No. E–9089]

MINNESOTA POWER & LIGHT CO.

Application

NOVEMBER 18, 1974.

Take notice that on November 6, 1974, Minnesoat Power & Light Company (Applicant) tendered for filing pursuant to Section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder, an October 1, 1974 amendment to the Interchange Service Agreement dated November 1, 1973 with the Superior Water, Light and Power Company of Superior, Wisconsin. First Revised Sheet 1 of Exhibit B reflects a changed net generating capability of the generating plant of Superior Water, Light and Power Company from 23,387 kw to 24,880 kw. Applicant requests that the tendered amendment take effect as soon as possible.

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Any person desiring to be heard or to make any protest with reference to the application should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27437 Filed 11-22-74;8:45 am]

[Docket No. RP74-100]

NATIONAL FUEL GAS SUPPLY CORP.

Order Amending Prior Order

NOVEMBER 18, 1974.

On October 31, 1974, this Commission issued an order Granting Motion to allow Collection of Increased Rates During Suspension Period in this docket.

Upon review of that order, we believe that good cause exists to amend the Commission ordering paragraph (B) in that order. Ordering paragraph (B) states:

(B) Supply Company's proposed interim rates as reflected on Tariff Sheet No. 4 for filing to be effective from November 1, 1974, until the end of the suspension period, January 12, 1975, subject to refund.

This paragraph should be amended to state that the proposed interim rates as reflected on Tariff Sheet No. 4 are accepted for filing. We shall therefore insert the words "are accepted" after "Tariff Sheet No. 4" in the Commission Ordering paragraph (B).

The Commission finds. Good cause exists to amend our order of October 31, 1974, in this docket, as hereinafter provided.

The Commission orders. (A) Ordering paragraph (B) is amended by the insertion of the words "are accepted" after "Tariff Sheet No. 4" and should read as follows:

(B) Supply Company's proposed interim rates as reflected on Tariff Sheet No. 4 are accepted for filing to be effective from November 1, 1974 until the end of the suspension period, January 12, 1975, subject to refund.

(B) In all other respects, our order of October 31, 1974, shall remain in full force and effect.

(C) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[FR Doc.74-27451 Filed 11-22-74;8:45 am]

[Docket No. RP71-125; PGA75-4A]

NATURAL GAS PIPE LINE CO. OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 18, 1974.

Take notice that on October 29, 1974, Natural Gas Pipe Line Company of America (Natural) tendered for filing Substitute Seventeenth Revised Sheet No. 5, to become effective December 1, 1974. Natural requests that its October 29, 1974, filing be substituted for the corresponding sheet filed October 15, 1974.

Natural states that the purpose of the requested substitution is to adjust the cumulative PGA unit adjustment to reflect the concurrently filed revision to Natural's PGA unit adjustment to become effective November 1, 1974. Natural further states that there is no change in the 1.25¢ per Mcf current unit adjustment filed to be effective December 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27442 Filed 11-22-74;8:45 am]

[Docket No. RP71-125 PGA 75-2A]

NATURAL GAS COMPANY OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 18, 1974.

Take notice that on October 29, 1974, Natural Gas Pipe Line Company of America (Natural) tendered for filing Fifth Substitute Sixteenth Revised Sheet No. 5.

Natural states that on October 15, 1974, it filed in Docket No. RP73-110, Fifth Sheet Substitute Sixteenth Revised Sheet No. 5 which included a PGA unit adjustment to track a Colorado Interstate rate change submitted on October 15, 1974. Natural states that on October 23, 1974, Colorado Interstate filed a revision to their October 15, 1974, filing to reflect a pipeline supplier (Northwest Pipeline) rate change. Natural therefore states it is required to file its October 29, 1974, revision.

Natural's October 29, 1974, filing requests that the Commission's regulations be waived to the extent necessary in order to permit an effective date of November 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27443 Filed 11-22-74;8:45 am]

[Docket No. RP71-125 PGA 75-4]

NATURAL GAS PIPELINE CO. OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 18, 1974.

Take notice that Natural Gas Pipeline Company of America (Natural) on October 16, 1974, tendered for filing Substitute Seventeenth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1 to become effective December 1, 1974, pursuant to the Purchased Gas Cost Adjustment Clause (PGA Clause) provision contained in its Tariff. Natural proposes to increase its rates to reflect both a current purchased gas cost increase for producer suppliers and an amount to recover deferred purchased gas costs accumulated during the six months ended August 31, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street N.S., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to interyene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27444 Filed 11-22-74;8:45 am]

[Docket No. RP71-125 PGA75-3A]

NATURAL GAS PIPELINE CO. OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

NOVEMBER 18, 1974.

Take notice that on October 29, 1974, Natural Gas Pipeline Company of America (Natural) tendered for filing Sixth Substitute Sixteenth Revised Sheet No. 5, to be effective November 2, 1974. Natural requests that the October 29, 1974, filing be substituted for Fifth Substitute Sixteenth Revised Sheet No. 5, filed by Natural on October 8, 1974, which tracked increased gas costs of United Gas Pipe Line Company, a pipeline supplier.

Natural states that the purpose of the requested substitution is to set out the Base Rates at the levels as filed in Natural's revised compliance filing of October 18, 1974 (Docket No. RP73-110) and to update the cumulative PGA unit adjustment. Natural further states that there is no change in the 0.20¢ per Mcf current unit adjustment effective November 2, 1974, to track the additional cost of gas from United Gas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27445 Filed 11-22-74;8:45 am]

[Docket No E-9098]

OKLAHOMA GAS AND ELECTRIC CO.

Tender of Amended Schedule

NOVEMBER 18, 1974.

Take notice that on November 7, 1974, Oklahoma Gas and Electric Company (OG&E) tendered for filing copies of amended Schedule ES, dated July 1, 1974, between OG&E and Western Farmers Electric Cooperative (Farmers). The tendered filing would replace the existing Schedule B, Emergency Service, dated September 20, 1965, Rate Schedule FPC No. 71. The proposed rate for this service is 17.5 mills per kilowatt-hour.

OG&E states that the change made in amended Schedule ES is the rate at which emergency service would be supplied and paid for. The company further states that the increase is necessary due to rapidly escalating labor, material and fuel costs and also to compensate the supplying party for the difficulties being incurred in obtaining and maintaining adequate fuel supplies.

The Schedule provides, according to OG&E, for an adder of 5 mills per kilowatt-hour. OG&E supports this with the statement that emergency service is most likely to occur at a time when the system is heavily loaded, which places a greater burden on the interconnected system and results in increased energy losses and increased incremental costs. The Schedule also provides that should the seller acquire emergency energy to be delivered to the buyer from another supplier and such energy is to be returned to such supplier, the buyer shall pay seller's cost to acquire such emergency energy plus 2 mills/KWH.

OG&E requests waiver of the Commission's notice requirements to permit the amended schedule to become effective on July 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 25, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party to the proceeding must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27446 Filed 11-22-74;8:45 am]

[Docket No. CP75-136]

PANHANDLE EASTERN PIPE LINE CO.

Application

NOVEMBER 18, 1974.

Take notice that on November 4, 1974, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-136 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon and remove from service a 1,000 H.P. engine-compressor unit and associated appurtenances presently located at Applicant's Waverly, Illinois, underground storage field and transfer such unit to a prospective underground storage area in Douglas and Champaign Counties, Illinois (Tuscola project) all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that operations and testing with respect to the Waverly storage field over the past two years have indicated that the level of gas injection rates into the reservoir is such that only one of the two engine-compressors presently dedicated to such service[1] is required for continued operations. Applicant further states that since the effect of the removal of one unit is limited to the daily level of gas injection into the Waverly storage field, the transfer of one such unit will not affect the present level of service to Applicant's customers.

Because of the foregoing, Applicant asserts that one of the two engine-compressor units, along with its appurtenant facilities, authorized for such service should be retired and moved to a new location for utilization in the testing and development of Applicant's Tuscola project. Applicant claims that the installation at the Tuscola project of said engine-compressor unit would be within the purview of existing authorizations granted by the Commission's order issued November 9, 1970 (44 FPC 1384).

Any person desiring to be heard or to make any protest with reference to said application should on or before December 5, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27436 Filed 11-22-74;8:45 am]

[Docket Nos. CI75-286, CI75-287]

PHILLIPS PETROLEUM CO.

Applications

NOVEMBER 18, 1974.

Take notice that on November 1, 1974, Phillips Petroleum Company (Applicant), Bartlesville, Oklahoma 74004, filed in Docket Nos. CI75-287 and CI75-286 applications pursuant to section 7(b) and (c) of the Natural Gas Act for permission and approval to abandon the sale

[1] Applicant states the two engine-compressor units were authorized by Commission order issued December 20, 1967 (38 FPC 1205), as amended May 20, 1971 (45 FPC 994).

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of natural gas in interstate commerce to the Jupiter Corporation (Jupiter) from the Rollover Field, Vermilion Area, offshore Louisiana, and for authorization to sell and deliver the gas from said field to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant states that pursuant to an agreement with Tennessee dated October 22, 1974, Applicant proposes to sell and deliver, commencing November 1, 1974, natural gas from the Rollover Field to Tennessee at the onshore juncture of the facilities of Tennessee with those of Jupiter. Applicant states that such gas will be transported by Jupiter's facilities for and at the expense of Applicant from its production platform in the Rollover Field to the onshore delivery point to Tennessee. Applicant proposes to sell and deliver up to 830,000 Mcf of gas per month to Tennessee at an initial rate of 44.0 cents per Mcf at 14.73 psia, including 1.0 cent per Mcf for gathering. Applicant states that it is willing to accept a certificate conditioned to the national rate determined in Commission Opinion 699 (51 FPC ____), as amended, although its contract provides for an initial rate of 55.0 cents per Mcf at 15.025 psia. The proposed rate is subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot and subject to 100 per cent reimbursement by Tennessee of all taxes.

By Opinion No. 470 issued August 11, 1965 (34 FPC 486), the Commission authorized Applicant to continue the sale of gas to Jupiter, successor in interest to The Marine Gathering Company, from the Rollover Field, pursuant to an agreement dated February 6, 1953. Applicant states that such gas sold to Jupiter is transported by Jupiter to a point onshore and resold to Tennessee. Applicant points out that its agreement covering the sale to Jupiter and Jupiter's agreement covering the resale to Tennessee will both expire on November 1, 1974. The last effective rate is stated to be 21.875 cents per Mcf at 15.025 psia.

Applicant further states that by order issued December 13, 1968 (40 FPC 1455), the Commission directed Tennessee to pay Jupiter a transportation charge for the volumes of gas received by Jupiter under the aforementioned February 6, 1953, agreement and to pay Applicant directly for the balance of the purchase price which Tennessee would have paid under its contract with Jupiter.

In order to conform to the Commission's December 13, 1968, order, Applicant states that it has restructured its contractual relationships with Tennessee and Jupiter such that beginning November 1, 1974, Applicant will sell gas to Tennessee pursuant to their aforementioned October 22, 1974, agreement and Jupiter will transport the gas in behalf of Applicant to the onshore point of delivery to Tennessee. In the event permission for an approval of the proposed abandonment of sale to Jupiter and the commencement of sale to Tennessee is not granted by November 1, 1974, Applicant has contracted to continue the present arrangement for 5 years unless the grant of said abandonment authorization and certificate sooner occurs.

Any person desiring to be heard or to make any protest with reference to said applications should on or before December 12, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Section 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27434 Filed 11-22-74;8:45 am]

[Project 199]

SOUTH CAROLINA PUBLIC SERVICE AUTHORITY

Application for Approval of Use of Project Property for Residential and Recreational Development

NOVEMBER 18, 1974.

Public notice is hereby given that application was filed for approval of use of project property for residential and recreational development on September 25, 1974, under the Federal Power Act (16 U.S.C. section 791a–825r) by South Carolina Public Service Authority (Correspondence to: Mr. J. B. Thomason, General Manager, South Carolina Public Service Authority, P.O. Box 398, Moncks Corner, South Carolina 29461), licensee for its constructed Santee-Cooper Project No. 199, located on the Santee and Cooper Rivers in Berkeley, Calhoun, Clarendon, Orangeburg and Sumter Counties, South Carolina. The project affects navigable waters of the United States and government lands within the Francis Marion National Forest. The specific proposed development would be located on Lake Marion, in Orangeburg County, approximately two miles northeast of Vance, six miles east-southeast of Santee and five miles northwest of Eutawville.

Applicant requests Commission approval to issue 40 year leases on sites within its proposed 111 Acre Mill Creek Development. According to the application, this development would consist of 60 single family homesites, 70 mobile homesites, 129 condominium units, six community docks, a convenience store, laundromat, service station, four public areas (including public boat ramps, swimming facilities, and/or picnic areas), and a nature trail. Utilities would be placed underground.

Sewage from the development would undergo tertiary treatment in a waste treatment plant at the development area. Effluent would be discharged at the bottom of the original riverbed of the Santee River through a six inch diameter outfall line. Applicant states that as to this system it has filed with Region IV of the Environmental Protection Agency for a section 402 permit under the Federal Water Pollution Control Act Amendments of 1972.

Any person desiring to be heard or to make protest with reference to said application should on or before December 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27455 Filed 11-22-74;8:45 am]

[Docket No. CP75-133]

SOUTHERN NATURAL GAS CO.

Application

NOVEMBER 18, 1974.

Take notice that on October 31, 1974, Southern Natural Gas Company (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75-133 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Glen-Gery Corporation's (Glen-Gery) Bessemer plant, Bessemer, Alabama, and certain facilities related to said sale, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant was authorized to provide natural gas service to Glen-Gery's Bessemer plant by Commission order issued in Docket No. G-12314. Applicant states that Glen-Gery has sold its plant and is in the process of removing its operation from its present site and as a result has no need for gas service. Accordingly, at the request of Glen-Gery, Applicant proposes to abandon its service to Glen-Gery. Applicant maintains that since no service is being rendered presently, the proposed abandonment will have no effect on Applicant's pipeline system operation.

Applicant states that it intends to survey the facilities to be abandoned and either remove such facilities deemed salvable and usable or retire facilities deemed not salvable and usable.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1974, filed with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27435 Filed 11-22-74;8:45 am]

[Docket No. CI75-314]

SUN OIL CO.

Application

NOVEMBER, 18, 1974.

Take notice that on November 7, 1974, Sun Oil Company (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI75-314 an application pursuant to Section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to National Fuel Gas Supply Corporation (National) from the Sheridan Field, Colorado County, Texas, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to abandon the subject sale of gas which has been made pursuant to a contract, dated December 1, 1952, with the predecessor in interest to National. Applicant states that said contract is on file with the Commission as Applicant's FPC Gas Rate Schedule No. 267.

Applicant characterizes the December 1, 1952, contract as one in which its obligations are defined in terms of a definite quantity of gas to be delivered over a definite period of time and in which it is recognized that Applicant has the right to sell to others gas surplus to the quantity sold to National. Applicant states that as of November 1, 1974, it will have delivered to National the full volumes it had agreed to sell under the December 1, 1952, contract, and that, as a consequence, all gas then remaining will be "surplus gas" not committed to National or the interstate market.

On the basis of the stated characterizations Applicant asserts that the available supplies of natural gas are depleted to the extent that continuance of service is unwarranted, and abandonment should be approved pursuant to Section 7(b) of the Natural Gas Act. Applicant further asserts that its obligation to serve National must be terminated if Applicant is to meet similar service obligations to other purchasers.

Applicant further states that, as a part of the renegotiation of previous contractual arrangements with a pipeline company delivering the gas reserved for Shell's Houston Refinery-Chemical complex, Applicant contracted to sell all surplus gas to such pipeline company.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27433 Filed 11-22-74;8:45 am]

[Docket No. E-9033]

TAMPA ELECTRIC CO.

Cancellation

NOVEMBER 18, 1974.

Take notice that on November 5, 1974 Tampa Electric Company (Tampa) tendered for filing a proposed cancellation of its FPC Rate Schedule No. 2 in the above docket.

FPC Rate Schedule No. 2 was originally filed with the Commission on September 25, 1974, and thereafter duly noticed. On October 25, 1974, the Commission issued an order accepting Tampa's filing as an initial rate schedule, initiating an investigation under Section 206 of the Federal Power Act, granting waiver of the applicable notice requirements, and establishing the following procedural dates:

Tampa's prepared testimony and exhibits, November 29, 1974.
Commission Staff's prepared testimony and exhibits, January 14, 1975.
Intervenor's prepared testimony and exhibits, January 28, 1975.
Tampa's rebuttal, February 11, 1975.
Commencement of hearings, February 25, 1975.

Tampa states that the motivating force behind its September 25, 1974 filing, excess coal reserves, is now endangered by several factors, including the possibility of a coal strike this winter. Tampa further states that the terms of the agreement covered by Rate Schedule No. 2 provide that either party may terminate said agreement at any time. No transactions have been made pursuant to the agreement nor are any contemplated. In light of the foregoing facts, Tampa requests that its proposed rate schedule in this docket be terminated immediately and all further proceedings cancelled.

Any person desiring to be heard or to protest said cancellation should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed

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on or before November 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27447 Filed 11-22-74;8:45 am]

[Docket CP75-127]

TENNESSEE GAS PIPELINE CO. AND TEXAS EASTERN TRANSMISSION CORP.

Application

NOVEMBER 18, 1974.

Take notice that on October 29, 1974, Texas Eastern Transmision Corporation, (Texas Eastern) P.O. Box 2521, Houston, Texas 77001 and Tennessee Gas Pipeline Company, (Tennessee) P.O. Box 2511, Houston, Texas, 77001, (Applicants), filed a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the joint construction and operation of 45.45 miles of 30-inch, jointly owned pipeline facilities for the purchase, transportation and exchange of natural gas, in interstate commerce, from the Eugene Island and East Cameron Areas, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In order to obtain additional supplies of natural gas for their systems from sources in offshore Louisiana, and pursuant to an agreement dated October 17, 1974, Applicants have agreed to and hereby request authorization for the following:

(1) Applicants propose to construct and operate approximately 32.25 miles of 30-inch pipeline extending from Block 349 through Block 342, Eugene Island Area, South Addition to Block 198 Ship Shoal Area, and connecting at such point to Tennessee's existing Blue Water Project facilities, two 1100 H.P. gas turbine units located in Block 349, lateral pipeline and related facilities to connect the 30-inch pipeline to Blocks 349 and 342 Fields.

(2) Applicants propose to construct and operate approximately 13.2 miles of 30-inch pipeline extending from Block 281 to Block 245 in the East Cameron Area, South Addition, and connecting at such point to Texas Eastern's existing facilities, lateral pipeline and related facilities to connect the 30-inch pipeline to Block 281 Field.

(3) Texas Eastern proposes to transport volumes of natural gas for Tennessee from Block 245 onshore by means of Texas Eastern's existing pipeline system and to deliver equivalent volumes of natural gas to Tennessee at a point of interconnection of Texas Eastern's 36-inch Venice pipeline and Tennessee's 30-inch pipeline in Plaquemines Parish, Louisiana, and/or, by mutual consent of the parties, at other delivery points.

(4) Tennessee proposes to transport volumes of natural gas for Texas Eastern from Ship Shoal Block 198 onshore by means of Tennessee's existing pipeline system and to deliver equivalent volumes of natural gas to Texas Eastern at a point of interconnection of Tennessee's Muskrat Line and Texas Eastern's Caillou Island pipeline in Terrebonne Parish, Louisiana, and/or, by mutual consent of the parties, at other delivery points.

Applicants anticipate that gas supplies to be available to them could reach 140,000 Mcf per day from Block 349, 40,000 Mcf per day from Block 342, and 140,000 Mcf per day from Block 281. The application indicates that the proposed pipelines have been sized to take additional gas from Blocks 349, 342, and 281 fields as they are developed as well as supplies from other nearby fields as such may become available.

Applicants state that these joint proposals are calculated to realize cost savings while alleviating the critical gas shortages extant on Applicants' systems.

Applicants state that the 45.45 miles of 30-inch pipeline will cost approximately $40,633,000, which will be shared equally between Tennessee and Texas Eastern. Applicants estimate the total cost for all necessary facilities to be $65,605,000, of which $36,100,500 will be borne by Tennessee and $29,504,500 by Texas Eastern.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 3, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27483 Filed 11-22-74;8:45 am]

[Docket No. RP74-52]

TRANSWESTERN PIPELINE CO.

Further Extension of Procedural Dates

NOVEMBER 18, 1974.

On November 11, 1974, Transwestern Pipeline Company filed a motion to extend the procedural dates fixed by order issued February 8, 1974, as most recently modified by notice issued October 11, 1974, in the above-designated matter. The motion states that all parties agree to the motion.

Upon consideration, notice is hereby given that the date for filing rebuttal testimony in the above matter is extended to December 17, 1974 and the hearing date is extended to January 7, 1975, at 10:00 a.m. (est).

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27488 Filed 11-22-74;8:45 am]

[Docket Nos. RP72-23 et al., and RP73-35]

TRUNKLINE GAS CO.

Additional Designation

NOVEMBER 18, 1974.

Take notice that the proceedings involving the filings made on June 14, 1974, in the above-designated matter, insofar as they reflect additional advance payments, shall henceforth be designated as follows:

Docket No. RP72-23, et al. (AP 6/14/74)

This new designation shall include among the pertinent materials the order of July 31, 1974 accepting for filing and suspending the proposed rate increase, establishing procedures and permitting intervention; the order of September 24, 1974, on rehearing amending the prior order; and the notice of October 8, 1974, granting an extension of procedural dates.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27440 Filed 11-22-74;8:45 am]

[Docket Nos. RP72-23, et al., and RP73-35]

TRUNKLINE GAS CO.

Additional Designation

NOVEMBER 18, 1974.

Take notice that the proceedings involving the filings made on December 14, 1973, in the above-designated matter, insofar as they reflect advance payments, shall henceforth be designated as follows:

Docket No. RP72-23, et al. (AP 12/14/73)

This new designation shall include among other pertinent materials the order of January 31, 1974, approving in part and suspending in part the proposed rate increase and prescribing procedures; the order of April 5, 1974, clarifying and denying reconsideration, and changing procedural dates; the notice of July 24, 1974, granting an extension of time and postponing hearing on the advance payments issue; and the order of September 9, 1974, holding the proceedings in abeyance.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27441 Filed 11-22-74;8:45 am]

[Docket No. RP74-37-14]

UNITED GAS PIPE LINE CO.

Petition for Extraordinary Relief

NOVEMBER 18, 1974.

Take notice that on November 4, 1974, the City of Picayune, Mississippi (Picayune) filed a petition for extraordinary relief seeking an emergency Commission order that Picayune's pipeline supplier, United Gas Pipe Line Company (United), "alter the base requirements of its customer, Crosby Chemicals, Inc. (CCI), to accurately reflect its normal Priority 2 usage."

The petition states that Picayune requires 52,444 Mcf for the five month winter period (November–March) in order to supply CCI's Priority 2 requirements. The volume of gas used by CCI in its Picayune plant under Priority 2 for the winter period of 1972–1973 was 46,004 Mcf. This quantity of natural gas for the winter period is stated to be inadequate in that it does not reflect the correct minimum requirements of the Picayune plant. During the 1972–1973 period, it is averred that the CCI plant was not operating in its normal capacity due to restricted production caused by a destructive fire to the plant. Picayune further states that CCI is a valuable industrial citizen of the city, providing employment for many of its citizens. CCI produces rosin, fatty acids, and a multitude of synthetic resins, all of which it is averred are critically short in this nation. CCI uses the gas in reaction kettles where reaction temperatures of up to 525 degrees are required, and in an atmosphere generator application to produce inert gas for the storage of fatty acids.

Any person desiring to be heard or to protest said petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). A shortened notice period is appropriate that such petitions or protests should be filed on or before November 22, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this petition are on file with the Commission and are available for public inspection.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27463 Filed 11-22-74;8:45 am]

[Docket No. E-9102]

VERMONT ELECTRIC POWER CO., INC.

Initial Rate Filing

NOVEMBER 18, 1974.

Take notice that on November 11, 1974, Vermont Electric Power Company, Incorporated tendered for filing a purchase agreement with New Bedford Gas and Edison Light Company for the sale of thirty-five thousand kilowatts of capacity and related energy delivered to Velco by the New England Power Company (NEPCO) at certain interconnection points on the NEPCO system, dated as of October 18, 1974. Service under this rate schedule commenced at 11:59 p.m. on October 31, 1974 and will terminate at 11:59 p.m. on April 30, 1975.

Service under this rate schedule to the New Bedford Gas and Edison Light Company is being provided at the following rates for 35,000 kw and 17,600 kw hours per month: $71,500 per month (capacity charge) and $316,800 per month (energy charge). Velco requests a waiver of the 30 day notice requirements for rate schedules pursuant to § 35.14 of the Commission's Regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

[SEAL] KENNETH K. PLUMB, *Secretary.*

[FR Doc.74-27454 Filed 11-22-74;8:45 am]

[Docket Nos. RP74-34 and RP74-14]

CASCADE NATURAL GAS CORP.

Notice of PGA Filing

NOVEMBER 18, 1974.

Take notice that on October 11, 1974, Cascade Natural Gas Corporation (Cascade) tendered for filing a proposed purchase gas adjustment (PGA) rate increase. The filing provides for a revised surcharge adjustment to recover the balance in the Unrecovered Purchase Gas Cost Account, the balance of which is reportedly $3,772 as of August 31, 1974. The proposed effective date is December 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27461 Filed 11-22-74;8:45 am]

[Docket No. RI75-65]

WILLIAM C. RUSSELL

Petition for Special Relief

NOVEMBER 18, 1974.

Take notice that on October 31, 1974, William C. Russell (Petitioner), 1775 Broadway, New York, New York 10019, filed a petition for special relief in Docket No. RI75-65, seeking a rate above the applicable area ceiling. Petitioner seeks a price of 43.49 cents per Mcf, pursuant to § 2.76 of the Commission's Statements of General Policy and Interpretations Under the Natural Gas Act for the sale of gas to El Paso Natural Gas Company under its FPC Gas Rate Schedule No. 2 from the Russell #46 Marron Well in the Blanco Mesa Verde Field, San Juan County, New Mexico. Petitioner alleges well reconditioning and recompletion expenses as the basis of his petition.

Any person desiring to be heard or to make any protest with reference to said petition should on or before December 9, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-27459 Filed 11-22-74;8:45 am]

[Docket No. RP75-32]

ARKANSAS-LOUISIANA GAS CO.

Change in Rate Schedule

NOVEMBER 18, 1974.

Take notice that on November 5, 1974, Arkansas Louisiana Gas Company (Arkla) tendered for filing copies of

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amended Rate Schedule XT–17, which rate schedule is applicable solely to transportation of gas by Arkla for Reynolds Metals Company (Reynolds). The proposed transportation charge included in said rate schedule is $0.1895 per Mcf.

In the subject filing, Arkla states that the currently-effective contract for this transportation service expires at the end of 1974. Accordingly, the parties have entered into an agreement, dated July 1, 1974, to extend the term of the contracted transportation service at a higher transportation charge and on a slightly modified basis, Arkla states. The term of the contract has been extended from January 1, 1975, to January 1, 1980, with optional right granted Reynolds to extend the termination date by appropriate notice from January 1, 1980, to January 1, 1985. The transportation charge is increased from the present $0.045 per Mcf to $0.10 per Mcf or "such other charge (higher or lower) as may be approved or ordered by the Federal Power Commission or other regulatory authority with jurisdiction", this increase to be effective January 1, 1975. Additionally, Arkla states that the parties intend that the rate approved by the Commission for the five-year period beginning January 1, 1975, shall remain constant for the full five years. Arkla states further that the contract provides for an increase in the transportation charge on January 1, 1980, to a rate which is $0.03 per Mcf greater than the charge paid for service during the 1975–1979 period, "or such charge (higher or lower) as may be approved or ordered by the Federal Power Commission or other regulatory authority with jurisdiction."

Arkla requests that the proposed rate change be permitted to go into effect on January 1, 1975.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27458 Filed 11–22–74;8:45 am]

[Docket No. E–9040]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Filing of Additional Supplemental Data and Petition for Waiver of Notice Requirements

NOVEMBER 18, 1974.

Take notice that on November 5, 1974, Central Vermont Public Service Corporation (Central Vermont) tendered supplemental data intended to make complete its original filing of September 27, 1974, in the above docket. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission. An earlier response was filed with the Secretary on October 30, 1974 and noticed on November 6, 1974.

Central Vermont requests that the thirty day notice requirement under Section 205(d) of the Federal Power Act be waived in light of the fact that its September 27, 1974, filing was in substantial compliance with the Commission's Regulations, and none of its customers will be adversely affected thereby. The requested effective date therefore remains October 31, 1974.

Central Vermont indicates that it has mailed copies of the subject supplemental data to all parties on the official service list in the above mentioned docket.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27457 Filed 11–22–74;8:45 am]

[Docket Nos. E–8394 and E–8439]

METROPOLITAN EDISON CO.

Certification of Proposed Settlement Agreements

NOVEMBER 18, 1974.

Take notice that on November 5, 1974, the Presiding Administrative Law judge in these dockets certified to the Commission two settlements, one relating to each docket. In his certification the Presiding Judge states that the cover letter accompanying the Settlement Agreement between Metropolitan Edison Company (Met. Ed.) and Allegheny Electric Cooperative, Inc. in Docket No. E–8394, describes the settlement as providing that "Metropolitan Edison Company's presently effective Wheeling and Supplemental Power Agreement for service to Allegheny will remain in effect without change."

The Settlement Agreement in Docket No. E–8493 has been signed by Met–Ed, the Borough of Kutztown and Hershey Electric Company. The certification states that the cover letter describes the Agreement as providing for (1) various changes to Met–Ed's rate 'RT' for transmission voltage service as presently effective subject to refund, including a rate reduction of approximately $200,000 based on the 1972 test year; and (2) "parallel changes, including a reduction in charges, including a reduction in charges of approximately $8,000 based in the 1972 test year, in rate 'RP' applicable to service to Metropolitan Edison Company's wholesale customers receiving distribution voltage service and not intervening in this proceeding."

Any person desiring to comment upon the proposed agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before November 26, 1974. Any person wishing to respond to the initial comments shall file such responses on or before December 10, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27460 Filed 11–22–74;8:45 am]

[Docket No. RP71–125 PGA75–3]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of PGA Filing To Track a Pipeline Supplier Rate Increase

NOVEMBER 18, 1974.

Take notice that on October 11, 1974, Natural Gas Pipeline Company of America (Natural), tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, to be effective November 2, 1974.

Natural states the filing was made pursuant to the provisions of Section 18, Purchased Gas Cost Adjustment, of the General Terms and Conditions of Natural's FPC Gas Tariff, to track increased cost of gas purchased from United Gas Pipe Line Company, based on increased rates to be effective November 2, 1974, proposed by United Gas Pipe Line Company under its "Petition for Special Relief" dated October 2, 1974. Natural further states that the incremental PGA unit adjustment was added to the November 1, 1974 rates filed (transmittal letter of October 3, 1974) in compliance with Commission order of September 4, 1974, accepting Natural's RP73–110 rate settlement.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 27, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27462 Filed 11–22–74;8:45 am]

[Docket No. CI75–317]

TEXAS INTERNATIONAL PETROLEUM CORPORATION

Notice of Application

NOVEMBER 18, 1974.

Take notice that on November 13, 1974, Texas International Petroleum Corporation (Applicant), 770 National Foundation Center, 3545 Northwest Fifty-eighth Street, Oklahoma City, Oklahoma 73112, filed in Docket No. CI75–317 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Gas Transmission Corporation from the Bayou Piquant Field, Terrebonne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on October 29, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 60,000 Mcf of gas per month at 75.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27430 Filed 11–22–74;8:45 am]

FEDERAL RESERVE SYSTEM

JACOBUS CO. AND INLAND FINANCIAL CORP.

Order Approving Acquisition of Bank

The Jacobus Company ("Jacobus") and its subsidiary, Inland Financial Corporation ("Inland"), both of Milwaukee, Wisconsin, which are bank holding companies within the meaning of the Bank Holding Company Act (hereinafter jointly referred to as "Applicant"), have applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 19 percent of the voting shares of Heritage Bank of Mr. Pleasant, Mt. Pleasant, Wisconsin ("Bank"), a proposed new bank, which acquisition will be made directly by Inland.

Notice of the applications, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls four banks with deposits of approximately $109 million, representing 1.6 percent of the total deposits of commercial banks in the State of Wisconsin, and is the 13th largest banking organization in the State.[1] Since Bank is a proposed new bank, no existing competition would be eliminated nor would the concentration of banking resources be increased in any relevant area.

Bank is to be located in the town of Mt. Pleasant, about 5 miles southwest of downtown Racine, and is in the Racine banking market (approximated by the Racine RMA). The banking market is presently served by 14 banking organizations, including bank subsidiaries of the State's two largest banking organizations (First Wisconsin Bankshares and M&I Corporation). Applicant has a 19 per cent ownership interest in Wind Point Bank, the fifth largest bank in the market with $29 million in deposits and 9.6 per cent of market deposits.[2] Wind Point Bank is situated 8 miles north of Bank's proposed location and, though there appears there would be some service area overlap, the amount of overlap would not be significant. Applicant's closest banking subsidiary is 31 miles north of Bank, and there are a number of banks in the intervening area. Since Bank is a proposed new bank, consummation of Applicant's proposal would not have any immediate effect on Applicant's share of commercial bank deposits, nor would it have adverse effects on existing or potential competition in the relevant market. On the other hand, Bank's entry into the Racine banking market, in which the two largest banks control a total of 47 per cent of the deposits, should have a salutary effect on competition in the market by adding an alternative source of banking services. On the basis of the record before it, the Board concludes that consummation of the proposed transaction would not have significant adverse effects on existing or potential competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and Bank are regarded as satisfactory in light of Applicant's commitment to inject additional capital into one of its subsidiary banks. Bank, as a proposed new bank, has no financial or operating history; however, its prospects appear favorable. Considerations relating to banking factors, therefore, are consistent with approval of the applications. Although there is no evidence in the record that the major banking needs of the community are not being adequately served, Bank would serve as an additional source of full banking services. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the applications. It is the Board's judgment that the proposed acquisition is in the public interest and that the applications should be approved.

As noted in the Board's Order dated February 25, 1972 (1972 Federal Reserve Bulletin 306), approving Applicant's acquisition of the voting shares of Heritage Bank—Mayfair, Wauwatosa, Wisconsin, Jacobus, directly and through subsidiaries, is engaged in a number of activities not related to banking, and filed a declaration, pursuant to § 225.4(d) of regulation Y (12 CFR 225.4(d)), that it will cease to be a bank holding company by January 1, 1981. In addition, as the Board stated in the earlier order, Jacobus has committed itself to divest of its interest in Inland within 90 days of the passage of enabling legislation permitting distribution of Inland's shares to Jacobus shareholders on a tax-free basis.

On the basis of the record, and in view of the aforementioned commitments, the applications are approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, and (c) Heritage Bank of Mt. Pleasant, Mt. Pleasant, Wisconsin, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through October 30, 1974.

[2] Market data are as of June 30, 1973.

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By order of the Board of Governors,[1] effective November 15, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27502 Filed 11-22-74;8:45 am]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 12, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed forms are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed forms, comments must be received on or before December 11, 1974, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, N.W., Washington, D.C. 20548.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL ENERGY ADMINISTRATION

Requests for clearance of single time FEA Form P303-S-0 entitled Historical Survey of Nonbranded Independent Marketers. This new form, which will be sent to all independent nonbranded marketers of motor gasoline, is a one-time study of historical sales of motor gasoline. Potential respondents are 2,000 gasoline distributors not associated with refiners; respondent burden is estimated to be 2 to 12 man hours.

Request for clearance of repetitive FEA Form P304-M-0 entitled Monthly Survey of Nonbranded Independent Marketers. The new form is to be a monthly report on retail sales of gasoline. Potential respondents are a sample of approximately 400 gasoline distributors not associated with refiners. The actual firms included in the sample will be determined based on information collected on Form P303-S-0. Respondent burden is estimated to be 2 to 4 man hours per monthly report.

Request for clearance of single time FEA Form P305-S-0 entitled Refiner/Importer Historical Report of Petroleum Product Distribution. It is a one-time survey to obtain information on historical sales of refined products and will be sent to all (approximately 180) refiners and importers in the United States. Respondent burden is estimated to be between 15 and 100 man hours depending on the size of the refiner/importer and the complexity of his distribution network.

Request for clearance of repetitive FEA Form P306-M-0 entitled Refiner/Importer Monthly Report of Petroleum Products Distribution. This form would be submitted every month and would contain information on sales of refined products. Potential respondents are all refiners and importers in the United States. Respondent burden is estimated to be between 5 and 30 man hours per monthly report.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Request for clearance for a 1-year extension without change of a statistical survey, reporting and recordkeeping requirements in EEOC Form 164, State and Local Government Information Report, EEO-4. The filing of this report is required by all state and local governments with 100 or more employees, and an annual sample of those political jurisdictions that have 15-99 employees which are subject to Section 709(c) of Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972. Frequency is annually and average annual respondent burden is estimated at 120 man hours per respondent.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-27418 Filed 11-22-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs. Temporary Reg. E-35]

IMPROVED FEDERAL SUPPLY SCHEDULES PROGRAM

Requisitioning Through GSA

1. *Purpose.* This regulation establishes policies and procedures concerning the requisitioning of certain commodities through GSA instead of directly with the contractor as presently specified in the Federal Supply Schedule program.

2. *Effective date.* This regulation is effective January 1, 1975.

3. *Expiration date.* This regulation expires June 30, 1975, unless sooner revised or superseded. Prior to the expiration date, this regulation will be codified in the permanent regulations of the General Services Administration in Title 41, CFR, Public Contracts and Property Management.

4. *Applicability.* The provisions of this regulation apply to all executive agencies of the Federal Government.

5. *Background.* The support of overseas military establishments in the Pacific increased appreciably during the 1960's. Demand for repair parts was of such magnitude that innovative operational changes within the GSA support regions were needed to satisfy these military requirements. In 1963, an automated system was introduced that expedited order placement procedures and thus improved the delivery of repair parts. Since that time, program changes have been incorporated to allow for application of this concept to other areas in order to achieve streamlined ordering and reduced procurement costs. The introduction of this concept to the Federal Supply Schedule program offers a more economical and efficient method through centralization of ordering, billing, and payment functions. Under this new approach, referred to as the Improved Federal Supply Schedules Program, agencies will place requisitions with GSA. Upon receipt, GSA will convert the requisitions to computer-prepared delivery orders and furnish them promptly to the contractor. The contractor will ship direct to the consignee, bill GSA, and receive immediate payment. GSA will then bill the ordering agency for the material.

6. *The improved Federal supply schedules program.* Items to be requisitioned through the Improved Federal Supply Schedules Program will be listed in a new Volume 3 of the GSA Supply Catalog entitled "Improved Federal Supply Schedules Program." Part 1 of Volume 3 will contain items from Federal Supply Schedules Group 26, Part IV, Tires, and Group 71, Part V, Section D, Office Furniture. It will be published and forwarded to agencies prior to the effective date of this regulation. Subsequent parts will be issued to include additional items and term contracts as they are incorporated into the system. Complete instructions will be provided in Volume 3 for the requisitioning of required items. However, requisitioning activities should be aware of the following:

(a) Items listed as supplied in standard packs must be ordered in standard pack lots, or multiples thereof.

(b) A "high-low" delivered price will be shown for each item, as contractor's prices may vary depending on the "ship to" address. However, the price will be within the range indicated except where the inclusion of an escalation clause in a contract may affect the price at the time the order is placed. Agencies will be billed at the actual GSA contract price.

(c) Catalog prices do not cover special charges such as demurrage, redelivery, storage, reconsignment, extra labor for unloading, or other similar additional services. These charges will be included as a special entry on the invoice forwarded by GSA to the requisitioning activity.

(d) GSA will arrange for packing and provide necessary documentation for export shipments. A surcharge for this service will be included on the statement of account submitted by GSA to the requisitioning activity.

7. *Ordering, delivery, and inspection procedures.* (a) Requisitions should be submitted to GSA in FEDSTRIP/MILSTRIP format by mail or by transceiver. Emergency requisitions may be placed by telephone to the GSA support region.

(b) Priority requisitions will receive special handling. Delivery will be expedited to the maximum extent possible. Ordering activities will be notified of the earliest feasible delivery date through FEDSTRIP/MILSTRIP status procedures.

(c) Upon receipt of a requisition, a mechanically produced delivery order will be created by GSA and forwarded to the vendor for direct delivery to the specified address. A copy of the delivery order, showing the actual price of each item ordered and the total amount of the purchase, will be forwarded to the requisitioner.

(d) Status concerning all requisitions received will be supplied by the GSA region responsible for placing the order.

(e) If inspection of the material at delivery reveals discrepancies, the receiving activity may submit the following documents to the GSA regional office shown on the purchase order and/or status card:

(1) SF 361, Discrepancy in Shipment Report ("DISREP"), and/or SF 363, Discrepancy in Shipment Confirmation ("DISCON"), for transportation-type discrepancies; or

(2) SF 364, Report of Item Discrepancy (ROID), for shipping-type discrepancies.

(f) Complaints that the quality of the item furnished does not satisfy a specific requirement should be addressed to the GSA regional office serving the geographical location in which defective material is located.

8. *Payment.* GSA will pay the contractor for material and services supplied against the delivery order and will bill the requisitioning activity direct for commodities ordered and any supplemental charges, such as export packing.

9. *Assistance.* Further assistance concerning implementation of the provisions of this regulation may be obtained from the FSS Customer Service Director located in each GSA regional office.

10. *Agency comment.* Comments concerning the effect or impact of this regulation on agency operation should be submitted to the General Services Administration (FF), Washington, DC 20406, not later than May 15, 1975, for consideration and possible inclusion in the permanent regulation:

ARTHUR F. SAMPSON,
Administrator of General Services.

NOVEMBER 21, 1974.

[FR Doc.74-27601 Filed 11-22-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BLUE DIAMOND COAL CO.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4124-000, BLUE DIAMOND COAL COMPANY, Leatherwood Mine, Mine ID No. 15 02082 0, Leatherwood, Kentucky,
- ICP Permit No. 4124-001 (Joy 14-BU Loader, Ser. No. 6123),
- ICP Permit No. 4124-003 (Joy 14-BU Loader, Ser. No. 6290),
- ICP Permit No. 4124-004 (Joy 14-BU Loader, Ser. No. 6734),
- ICP Permit No. 4124-005 (Joy 14-BU Loader, Ser. No. 8291),
- ICP Permit No. 4124-006 (Joy 14-BU Loader, Ser. No. 6892),
- ICP Permit No. 4124-007 (Joy 14-BU Loader, Ser. No. 6893),
- ICP Permit No. 4124-008 (Joy 14-BU Loader, Ser. No. 6567),
- ICP Permit No. 4124-009 (Jeffrey 81-C Loader, Ser. No. 31093),
- ICP Permit No. 4124-010 (Joy 6-SC Shuttle Car, Ser. No. ET-3271),
- ICP Permit No. 4124-012 (Joy 6-SC Shuttle Car, Co. No. B-08),
- ICP Permit No. 4124-014 (Joy 6-SC Shuttle Car, Ser. No. ET-4208),
- ICP Permit No. 4124-015 (Joy 6-SC Shuttle Car, Ser. No. ET-1417),
- ICP Permit No. 4124-016 (Joy 6-SC Shuttle Car, Ser. No. ET-5554),
- ICP Permit No. 4124-019 (Joy 6-SC Shuttle Car, Ser. No. ET-4160),
- ICP Permit No. 4124-020 (Joy 6-SC Shuttle Car, Ser. No. ET-1420),
- ICP Permit No. 4124-021 (Joy 6-SC Shuttle Car, Co. No. B-36),
- ICP Permit No. 4124-025 (Joy 6-SC Shuttle Car, Ser. No. ET-3568),
- ICP Permit No. 4124-026 (Joy 6-SC Shuttle Car, Ser. No. ET-3570),
- ICP Permit No. 4124-027 (Joy 6-SC Shuttle Car, Co. No. B-82),
- ICP Permit No. 4124-028 (Joy 10-RU Cutter, Ser. No. 14836),
- ICP Permit No. 4124-029 (Joy 10-RU Cutter, Ser. No. 14871),
- ICP Permit No. 4124-040 (Joy CD-27 Coal Drill, Ser. No. 2222).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before December 9, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 20, 1974.

[FR Doc.74-27428 Filed 11-22-74;8:45 am]

DEVONIA COAL CORP.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4449-000, DEVONIA COAL CORPORATION Mine No. 2 (Formerly EARL AND BURL COAL COMPANY Mine No. 1) Mine ID No. 40 00765 0, Oliver Springs (Devonia), Tennessee,
- ICP Permit No. 4449-001 (S & S 90 Battery Tractor, Ser. No. 11563),
- ICP Permit No. 4449-002 (S & S 90 Battery Tractor, Ser. No. 103162),
- ICP Permit No. 4449-003 (S & S 80 Battery Tractor, Ser. No. 80-426),
- ICP Permit No. 4449-004 (V & V 300 Battery Tractor, Ser. No. F.E.K8).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before December 9, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 20, 1974.

[FR Doc.74-27426 Filed 11-22-74;8:45 am]

INDIAN HEAD MINING CO.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4291-000, INDIAN HEAD MINING COMPANY, Indian Head Mine No. 3, Mine ID No. 15 02378 0, Engle, Kentucky,
- ICP Permit No. 4291-005 (Porter End Dump Battery Buggy, I.D. No. B-5),
- ICP Permit No. 4291-009 (Joy 14 BU7 Loading Machine, I.D. No. J-3).

(2) ICP Docket No. 4373-000, BUCHANAN COUNTY COAL CORPORATION, Mine No. 7, Mine ID No. 44 03471 0, Big Rock, Virginia,
- ICP Permit No. 4373-002 (Mescher HD 12 Battery Tractor, I.D. No. D-1),
- ICP Permit No. 4373-003 (Mescher HD 12 Battery Tractor, I.D. No. D-2).

[1] Voting for this action: Chairman Burns and Governors Mitchell, Sheehand, Bucher, and Wallich. Absent and not voting: Governors Holland and Coldwell.

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(3) ICP Docket No. 4375–000, BUCHANAN COUNTY COAL CORPORATION, Mine No. 9, Mine ID No. 44 00403 0, Big Rock, Virginia,
ICP Permit No. 4375–002 (Mescher HD 12 Tractor, I.D. No. B7–1),
ICP Permit No. 4375–003 (Mescher HD 12 Tractor, I.D. No. B7–2),
ICP Permit No. 4375–004 (Mescher HD 12 Tractor, I.D. No. B7–3),
ICP Permit No. 4375–005 (Paul's Roof Bolter, I.D. No. B7–1),
ICP Permit No. 4375–006 (Paul's Roof Bolter, I.D. No. B7–2),
ICP Permit No. 4375–008 (Mescher HD 12 Tractor, I.D. No. B7–6),
IPC Permit No. 4375–009 (Mescher HD 12 Tractor, I.D. No. B7–5),
ICP Permit No. 4375–010 (Kersey 444 Tractor, I.D. No. B7–4),
ICP Permit No. 4375–011 (Paul's Roof Bolter Machine, I.D. No. B7–3),
ICP Permit No. 4375–012 (Paul's Roof Bolter Machine, I.D. No. B7–4).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before December 9, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, N.W., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 20, 1974.

[FR Doc.74–27427 Filed 11–22–74;8:45 am]

LIBRARY OF CONGRESS

TRANSFER OF MATERIALS

Excess Copies of Publications

The Library of Congress needs, uses, and distributes excess copies of all types of books and government publications in all languages, and scholarly periodicals, journals, and magazines.

Pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 and the Federal Property Management Regulations (41 CFR Subpart 101–43.3 and Subpart 101–46.3) the Library hereby gives notice of its need for the aforementioned excess personal property (41 CFR 101–43.301) and also hereby gives notice that it uses and distributes such property (41 CFR 101–46.301).

Any Federal agency having such excess property or property available for transfer to the Library of Congress is requested to contact the Chief of the Exchange and Gift Division, Library of Congress, Washington, D.C. 20540, and make known to him the kind and extent of the material available.

[SEAL] L. QUINCY MUMFORD,
Librarian of Congress.

[FR Doc.74–27517 Filed 11–22–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 20, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

CIVIL SERVICE COMMISSION

Civil Service Readership Survey, Form CSC 1207, Single Time, Caywood (343–3443), Readers of the Civil Service Journal.

DEPARTMENT OF COMMERCE

Economic Development Administration:
New Johnsonville Tennessee River Port Industrial Site Survey, Form ED–3610, Single Time, Strasser (395–3880), Industrial Firms.
New Johnsonville Tennessee River Port Facilities Survey, Form ED–3620, Single Time, Strasser (395–3880), Industrial & Commercial Service Firms.
Maritime Administration: U.S. Merchant Vessel Locator Filing System (USMER), Form MA–797, Every 48 Hours, Caywood (395–3443), Merchant Ship Operators.
National Bureau of Standards: ETIP—Charles River Associates (CRA) Venture Capital Firm Interview Form —, Single Time, Weiner (395–4890), Venture Capital Firms.
National Oceanic & Atmospheric Administration:
IOC/WMO IGOSS Marine Pollution Monitor Log Form for Observation & Reporting of Oil Slicks & Other Floating Pollutants, Form NOAA–72–8, Occasional, Lowry (395–3772), Cooperating Observers.
IOC/WMO IGOSS Marine Pollution Monitoring Pilot Project Log Form for Sampling/Reporting Particulate Petroleum Residues (Tar Balls), Form NOAA 72–9, Occasional, Lowry (395–3772), Cooperation Observers.
IOC/WMO IGOSS Marine Pollution Monitoring Pilot Project Data Documentation Form, Form NOAA 72–10, Occasional, Lowry (395–3772), Cooperating Observers.
IOC/WMO IGOSS Marine Pollution Monitoring Pilot Project Log Form for Sampling, Analysis and Reporting Dissolved/Dispersed Hydro, Form NOAA 72–11, Occasional, Lowry (395–3772), Cooperating Observers.

DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

Food and Drug Administration:
Request for Certification on Drug Antibiotic, Form FD–1677, Occasional, Caywood (395–3443), Antibiotic Manufacturers.
Consumer Survey of OTC Drug Labels, Form FDAOPE 1025, Single Time, Reese (395–5630), Adults over 18.
Health Resources Administration:
Evaluation of the Effectiveness and Efficiency of the Section 1122 Review Process, Form HRABHRD 0424, Single Time, HRD (395–3532), Caywood (395–3443), Agencies involved in 1122 review process & admin. of State Certificates of Need legislation.
Survey Instrument for Evaluation of Sec. 1122 Review Process, Form HRABHRDD-1029, Single Time, HRD (395–3532), Caywood (395–3443), Public Agencies and Private Institutions Involved in 1122 Review Programs.
Office of Education: Survey of Athletic Injuries and Deaths, Forms OE 2375, –1, 2, 3, Single Time, Planchon (395–3894), Secondary Schools and Colleges.

REVISIONS

DEPARTMENT OF COMMERCE

Maritime Administration: Reporting Requirements—G.O. 12, Form —, Monthly, Caywood (395–3443), Subsidized U.S. Steamship Operators.
National Oceanic & Atmospheric Administration: Regional Marine Recreational Fishing Survey (Telephone Screening), Form —, Annual, Planchon (395–3898), Recreational Marine Anglers.
Departmental: Confidential Employment Inquiry, Form SE–36C, Occasional, Caywood (395–3443), Employers, teachers of applicants.

EXTENSIONS

DEPARTMENT OF COMMERCE

Bureau of East-West Trade: Report on Exports or Reexports of Technical Data, Form EARSS 379.5, 379.8, Occasional, Evinger (395–3648), Exporters of Technical Data.
Bureau of Resources & Trade Assistance: Application for License to Enter Watches and Watch Movements Duty-Free Pursant to PL 89–805, Form DIB–334P, Annual, Evinger (395–3648), Duty Free Watch Quota Firms.
Quarterly Report Information on Headnotes 3(a) Pursuant to PL 89–805, Quarterly, Evinger (395–3648), Duty free watch quota firms.
Bureau of the Census:
Report of Building Permits Issued & Local Public Construction, Form C–404, Monthly, Sunderhauf (395–4911), Owners of residential property.
Annual Report of Building Permits Issued for New Residential Buildings, Form C–404A, Annual, Sunderhauf (395–4911), Owners of residential property.
Report of Building Permits Issued for New Residential Buildings, Form C–404S, Monthly, Sunderhauf (395–4911).
Residential Alterations and Repairs, Form QHS–710, Quarterly, Sunderhauf (395–4911).
Questionnaire for Building Permit Officials, Form SOC–003, Occasional, Sunderhauf (395–4911).

GENERAL SERVICES ADMINISTRATION

Proof of Residence, Form SF–70, Occasional, Evinger (395–3648), Applicants for Federal Employment.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Production and Mortgage Credit: Architect/Engineer Certificate, Form HUD 4532, Occasional, CVA (395–3532), Architect/Engineer for recipient of program assistance.

PHILLIP D. LARSEN,
Management and Budget Officer.

[FR Doc.74–27591 Filed 11–22–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[Release Nos. 33–5538, 34–11088, IC–8572]

BENEFICIAL OWNERSHIP, TAKEOVERS AND ACQUISITIONS OF CORPORATIONS BY FOREIGN AND DOMESTIC PERSONS

Public Investigatory Proceedings

On September 9, 1974, the Securities and Exchange Commission announced that it had ordered a public investigatory proceeding, including public hearings, to ascertain facts, conditions, practices and other matters relating to beneficial ownership, takeovers and acquisitions by foreign and domestic persons in light of the statutory purposes underlying the Securities Act of 1933 and the Securities Exchange Act of 1934, particularly certain amendments to the Exchange Act which were enacted in 1968 and 1970 (Securities Act of 1933 Release No. 5526) (39 FR 33835). The release announcing these proceedings contained an enumeration of specific areas of inquiry relating to six general topics which would be examined during the proceeding but indicated that the Commission reserved the right to amend the list of general topics and specific inquiries. The Commission invited views or suggestions concerning other topics or other inquiries which should be examined during the course of the proceeding to be submitted by October 11, 1974. In addition, any interested person wishing to submit specific written comments of his views concerning the inquiries set forth in the release was invited to do so at any time prior to the close of the record of the proceeding. The release also stated that at a later date the Commission would issue another order designating the specific date, time and place for the hearings and appointing hearing officers to preside over the hearings.

The Commission has determined to examine one inquiry in addition to those set forth in the release announcing these proceedings. The additional inquiry, captioned A–5, is: Whether the Commission should adopt rules to facilitate communications between issuers and the beneficial owners of their securities.

The Commission has determined that the public hearings as part of this public investigatory proceeding shall commence on November 13, 1974,[1] at 10 a.m., Room 776 at the offices of the Commission, 500 North Capitol Street NW., Washington, D.C. 20549, through the month of December and shall continue thereafter at such times and places as will be determined by one of the designated hearing officers. For purposes of this proceedinig Alan B. Levenson, Director, Ralph C. Hocker, Associate Director, Richard H. Rowe, Associate Director, Neal S. McCoy, Associate Director, Mary E. T. Beach, Chief, Office of Disclosure Policy and Proceedings and Ruth D. Appleton, Chief, Branch of Small Issues, Division of Corporation Finance and Robert C. Lewis, Associate Director and Harry Melamed, Assistant Director, Division of Market Regulation have been designated hearing officers to preside over the hearings, to administer oaths and affirmations to subpoena witnesses to compel their attendance, to take evidence, to require the production of any books, papers and other records deemed relevant or material to the inquiry and to perform other duties in connection therewith as prescribed by law. Donald J. Myers of the Division of Corporation Finance will serve as Counsel for the Investigatory Proceeding and Paul F. Pautler and Jerold N. Siegan of that Division will serve as Associate Counsel for the Proceeding. Staff members of the Division of Market Regulation will participate in certain aspects of the hearing.

Any interested person who wishes to appear and give an oral presentation of his views at the hearing: (i) Shall contact Messrs. Myers, Pautler or Siegan at 220/755–1750; (ii) shall submit twenty-five copies of the written text of his prepared statement to said counsel no later than three business days prior to such person's scheduled appearance; (iii) shall generally be limited to a twenty minute prepared statement; and (iv) shall be prepared to respond to inquiries from said hearing officers and counsel. Any interested person desiring additional information regarding hearing procedures or any other aspect of the proceeding or desiring to submit specific questions to be asked at the hearing shall contact counsel for the proceeding at 202/755–1750.

A schedule of witnesses will be published in the Commission's News Digest for persons interested in attending the public hearings or requesting copies of prepared statements and oral testimony of witnesses.

Since the public hearings are expected to be completed during the month of December, 1974, the Commission requests all interested persons wishing to submit written statements of their views relating to the inquiries set forth in its original release to do so not later than December 31, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 5, 1974.

[FR Doc.74–27720 Filed 11–22–74;11:33 am]

[1] EDITOR'S NOTE: This document was received in the Office of the Federal Register on November 22, 1974. However, since the hearings will be held through the month of December and possibly thereafter the publication of this notice has been determined to be in the public interest.

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0102]

HANOVER CAPITAL CORP.

Approval of Application for Transfer of Control

Pursuant to the provisions of § 107.701 of the Small Business Administration's (SBA) rules and regulations (38 FR 30936, November 7, 1973), a notice of filing of an application for transfer of control of Hanover Capital Corp. License No. 02/02–0102, 485 Madison Avenue, New York, New York 10022, was published in the FEDERAL REGISTER on October 7, 1974 (39 FR 36074).

Interested persons were given opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Hanover Capital Corp.

Dated: October 31, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc. 74–27506 Filed 11–22–74;8:45 am]

[License No. 01/01–0276]

PRIME CAPITAL CORP.

Issuance of Small Business Investment Company License

On September 26, 1974, a Notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (39 FR 34611) stating that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1974)) for a license as a small business investment company by Prime Capital Corp., 381 Congress Street, Boston, Massachusetts 02210.

Interested parties were given until the close of business October 11, 1974, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended, after having considered the application and all other pertinent information and the facts with regard thereto, SBA will issue License No. 01/01–0276 to Prime

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Capital Corp. to operate as a small business investment company.

Dated: November 15, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-27505 Filed 11-22-74;8:45 am]

UNITED STATES RAILWAY ASSOCIATION

[USRA Docket No. 75-56]

PENN CENTRAL TRANSPORTATION CO.

Withdrawal of Notice of Proposed Interim Abandonment of a Branch

The trustees in bankruptcy of the Penn Central Transportation Company abandon a line of railroad known as Central Indiana Railway Company, in Hamilton and Boone Counties, Indiana, and had sought the authorization required for that purpose under section 304(f) of the Regional Rail Reorganization Act of 1973 ("the Act"), Pub. L. 93-236 from the United States Railway Association ("USRA"). By letter of September 30, 1974, counsel for the Penn Central Transportation Company has advised the United States Railway Association that it desires to withdraw the previously filed application. The line of railroad under consideration is owned by a leased line of the Penn Central Transportation Company which is a secondary debtor in the Penn Central Reorganization proceeding.

The considered line of railroad extends from milepost 25.9 just west of Westfield to milepost 42.7 east of Lebanon, Indiana, a distance of 16.8 miles in Hamilton and Boone Counties, Indiana. The line includes the stations of Gadsden, Rossston and Jolietville.

Penn Central will advise shippers on the line, each creditor holding an obligation secured by that property, and each labor union whose members are employed on that part of the line of the application's withdrawal. Copies of this notice will be sent by USRA to the Central Indiana Railway (secondary debtor), the Governor of Indiana, the Public Service Commission of Indiana, the County Commissioners of Boone and Hamilton Counties, Indiana, the Town Clerk of Westfield, Indiana, the Director of the Rail Services Planning Office, the Chairman of the Interstate Commerce Commission, the President of the National Railroad Passenger Corporation, and also to newspapers and radio and television broadcasting stations servicing the area involved.

Dated at Washington, D.C., this 18th day of November, 1974.

EDWARD G. JORDAN,
President, United States Railway Association.

[FR Doc.74-27486 Filed 11-22-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 20, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 5, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 35334 (Sub-No. E1), filed May 28, 1974. Applicant: COOPER JARRETT, INC., 28 So. Essex Ave., Orange, N.J. 07051. Applicant's representative: Richard M. Parnicky (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Elizabeth, Brownsville, and Uniontown, Pa., on the one hand, and, on the other, points in that part of Kentucky on and west of a line beginning at the Ohio-Kentucky State line at or near Vanceburg, Ky., along Kentucky Highway 59 to its junction with Kentucky Highway 24, thence along Kentucky Highway 24 to its junction with Kentucky Highway 7, thence along Kentucky Highway 7, to its junction with Kentucky Highway 1, thence along Kentucky Highway 1 to its junction with Kentucky Highway 201, thence along Kentucky Highway 201 to its junction with Interstate Highways 23 and 460, thence along Interstate Highways 23 and 460 to its junction with Kentucky Highway 80, thence along Kentucky Highway 80 to its junction with Kentucky Highway 194, thence along Kentucky Highway 194 to its junction with Kentucky Highway 1499, thence along Kentucky Highway 1499 to the Kentucky-West Virginia State line. The purpose of this filing is to eliminate the gateway of Sardinia, Ohio.

No. MC 51146 (Sub-No. E16), filed November 8, 1974. Applicant: SCHNEIDER TRANSPORT, P.O. Box 2298, Green Bay, Wis. 54306. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper mill products* consisting of cellulose materials and products, paper and paper products (except in each instance commodities in bulk), from Hamilton, Ohio, to points in Alabama (except Mobile and points in its commercial zone, as defined by the Commission, and points on and north of U.S. Highway 78 including points in the commercial zones of points on U.S. Highway 78, as defined by the Commission), Indiana (except points south and east of a line beginning at the intersection of the Kentucky-Illinois State line and U.S. Highway 231, thence north along U.S. Highway 231 to its intersection with Indiana Highway 54, thence east along Indiana Highway 54 to its junction with Indiana Highway 45, thence northeast along Indiana Highway 45 to its intersection with Indiana Highway 37, thence along Indiana Highway 37 to Indianapolis, Ind., thence east along U.S. Highway 40 to the Indiana-Ohio State line), Iowa, Michigan, Pennsylvania, Wisconsin, and points in Sullivan, Washington, Unicoi, Carter, and Johnson Counties, Tenn., and points south and west of a line beginning at the intersection of the Tennessee-Kentucky State line and U.S. Highway 41, thence southeast along U.S. Highway 41 to Murfreesboro, Tenn., thence east along U.S. Highway 70S to McMinnville, Tenn., thence east along Tennessee Highway 30 to its intersection with U.S. Highway 411, thence south along U.S. Highway 411 to the Tennessee-Georgia State line (except points in the Memphis, Tenn., commercial zone); and (2) *Materials and supplies* (except commodities in bulk), used in the manufacture and shipment of the commodities in (1) above from the points named in (1) above to the origin points named in (1) above. Restriction: The authority granted above is restricted against the transportation of pulpboard, pulpboard products, and waste paper between points in Illinois, Indiana, Ohio, Kentucky, Minnesota, and that part of the Lower Peninsula of Michigan on and south of Michigan Highway 21. The purpose of this filing is to eliminate the gateway of Richmond, Ind.

No. MC 56244 (Sub-No. E1) (Correction), filed May 13, 1974, published in the FEDERAL REGISTER November 13, 1974. Applicant: KUHN TRANSPORTATION CO., INC., P.O. Box 98, Gardners, Pa. 17324. Applicant's representative: John M. Musselman, 410 No. Third St., Harrisburgh, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned goods*, from points in Adams County, Pa. (except Aspers, Biglerville, Gardners, Orrtanna, and Peach Glen), to points in Illinois, Indiana, Kentucky, and Michigan (Inwood, W. Va.)*; (2) *Canned fruits and vegetables* from New Windsor and Westminster, Md., and New Freedom, Pa., to points in Illinois, Indiana, Kentucky, and Michigan (Biglerville, Chambersburg, Gardners, Greencastle, New Freedom, Orrtanna, and Peach Glen, Pa., or Inwood, W. Va.; (3) *Canned fruits and vegetables* from New Windsor and Westminster, Md., and New Freedom, Pa., to points in Iowa and Missouri (points in Adams County, Pa.)*; (4) *Canned fruit and vegetable products* from Baltimore, Md., to points in Iowa and Missouri (points in Adams County, Pa.)*; (5) *Dried corn, beans, and peas, fresh vegetables, salt, labels*, used in the labeling canned fruits and vegetables, and *Empty containers*, used in packing and shipping canned fruits and vegetables, (a) from Hoopeston, Ill., to Littletown, Pa., and New Windsor and Westminster, Md. (New Freedom or Orrtanna, Pa.)*, and (b) from Fort Wayne, Ind., to Littlestown, Pa., and New Windsor and Westminter, Md. (New Freedom, Pa.)*; (6) *Fresh fruit* from points in Frederick, Clarke, Shenandoah, Warren, Madison, Culpeper, Rappahannock, Fauquier, Augusta, Albermarle, and Loudoun Counties, Va., to Baltimore, Md., New York, N.Y., and Paterson, N.J. (Biglerville, Gardners, or Peach Glen, Pa.)*; and (7) *Fresh fruit* from points in Morgan, Jefferson, Berkeley, Hampshire, and Mineral Counties, W. Va., to Baltimore, Md., New York, N.Y., and Paterson, N.J. (Biglerville, Gardners, or Peach Glen, Pa.)*. The purpose of this filing is to eliminate the gateways indicated by the asterisks above. The purpose of this correction is to change MC 56224 to MC 56244.

No. MC 60157 (Sub-No. E1), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials*, and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products, and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; and (2) *Earth drilling machinery* and *equipment* and *materials, supplies*, and *pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in that part of Texas on and west of a line beginning at Padre Island extending along the Laguana Madre Causeway to junction Texas Highway 358, thence along Texas Highway 358 to Corpus Christi, thence along U.S. Highway 181 to San Antonio, thence along Interstate Highway 35 to Dallas, thence along U.S. Highway 75 to the Texas-Oklahoma State line and points in Illinois. The purpose of this filing is to eliminate the gateway of points in Seminole and Pottawatomie Counties, Okla.

No. MC 60157 (Sub-No. E3), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Texas 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products, and *machinery materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Colorado, Utah, Wyoming, and Montana and points in Arkansas. The purpose of this filing is to eliminate the gateway of points in Texas and points in Seminole and Pottawatomie Counties, Okla.

No. MC 60157 (Sub-No. E4), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, used in, or in connection with the refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Montana west of a line beginning at the International Boundary line between the United States and Canada and extending along Montana Highway 241 to Harlem, thence along U.S. Highway 2 to Ft. Belknap, thence along Montana Highway 376 to junction U.S. Highway 191, thence along U.S. Highway 191 to junction Montana Highway 19, thence along Montana Highway 19 to junction U.S. Highway 87, thence along U.S. Highway 87 to Billings, thence along Interstate Highway 10 to junction U.S. Highway 310, thence along U.S. Highway 310 to the Montana-Wyoming State line, and points in Kansas south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 54 to junction U.S. Highway 154, thence along U.S. Highway 154 to Dodge City, thence along U.S. Highway 50 to the Kansas-Colorado State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 61057 (Sub-No. E5), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Texas 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Wyoming and points in that part of Kansas south of a line beginning at the Kansas-Missouri State line and extending along U.S. Highway 160 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction Kansas Highway 47, thence along Kansas Highway 47 to junction Kansas Highway 96, thence along Kansas Highway 96 to Wichita, thence along U.S. Highway 454 to junction U.S. Highway 154, thence along U.S. Highway 154 to Dodge City, thence along U.S. Highway 56 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 60157 (Sub-No. E6), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment*, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products, and *machinery, materials, equipment*, and *supplies* used in, or in connection with, the construction, operation, repair, servicing maintenance, and dismantling of pipe line, including the stringing and picking up thereof, between points in Utah south of a line beginning at the Utah-Idaho State line and extending along Interstate Highway 80-N to junction U.S. Highway 30-S, thence along U.S. Highway 30-S to junction Interstate Highway 15, thence along Interstate Highway 15 to Salt Lake City, thence along U.S. Highway 40 to the Utah-Colorado State line, and points in Kansas south of a line beginning at the Kansas-

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Missouri State line and extending along Interstate Highway 70 to junction U.S. Highway 156, thence along U.S. Highway 156 to Great Bend, thence along U.S. Highway 56 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 60157 (Sub-No. E7), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials,* and *supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products and *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Colorado west of a line beginning at the Colorado-Wyoming State line and extending along U.S. Highway 287 to junction Colorado Highway 14, thence along Colorado Highway 14 to junction U.S. Highway 85, thence along U.S. Highway 85 to Interstate Highway 25 to the Colorado-New Mexico State line, and points in Kansas south of a line beginning at the Kansas-Missouri State line and extending along Interstate Highway 70 to Junction City, thence along U.S. Highway 77 to junction U.S. Highway 50, thence along U.S. Highway 50 to Dodge City, thence along U.S. Highway 56 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of points in Texas.

No, MC 60157 (Sub-No. E8), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products and *machinery, materials, equipment,* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe line, including the stringing and picking up thereof, between points in Oklahoma and points in Colorado, Wyoming, Utah, and Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 60157 (Sub-No. E9), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Texas. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Earth drilling machinery and equipment, machinery, equipment, materials, supplies,* and *pipe* incidental to, used in, or in connection with: (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage, and transmission of commodities resulting from drilling operations at well or hole sites, and (d) the injection or removal of commodities into or from holes or wells, between points in Oklahoma and Kansas and points in Louisiana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 60157 (Sub-No. E10), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes transporting: *Machinery, equipment, materials, and supplies*, used in, or connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Louisiana, to points in Oklahoma, Kansas, Colorado, Utah, Wyoming, and Montana. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 60157 (Sub-No. E11), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials, and supplies*, used in, or connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, between points in Louisiana, Arkansas, Illinois, Oklahoma, and Kansas, and points in Lea and Eddy Counties, N.M. The purpose of this filing is to eliminate the gateway of points in Seminole and Pottawatomie Counties, Okla., and points in Texas.

No. MC 60157 (Sub-No. E12), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery and equipment* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur), used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites; and (2) *Machinery, equipment, materials, and supplies* used in, or in connection with, the construction, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, and their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights-of-way, between points in Utah, Wyoming, and Montana, and points in Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 60157 (Sub-No. E13), filed May 10, 1974. Applicant: C. A. WHITE TRUCKING CO., INC., 5327 N. Central Expressway, Suite 310, Dallas, Tex. 75205. Applicant's representative: Frank Crane (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *machinery, materials, equipment, and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof, and (2) *Machinery, equipment, materials, and supplies* used in or in connection with, the drilling of water wells, between points in Colorado, Utah, Wyoming, and Montana, and points in Lea and Eddy Counties, N. Mex. The purpose of this filing is to eliminate the gateway of points in Texas.

No. MC 83539 (Sub-No. E1), filed May 31, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex, 75222. Applicant's representative: Kenneth Week (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight require the use of special equipment, from points in Delaware, to points in Indiana. The purpose of this filing is to eliminate the gateway of Philadelphia and Bullock, Penn.

No. MC 83539 (Sub-No. E10), filed June 19, 1974. Applicant: C & H TRANSPORTATION CO., INC., P.O. Box 5976, Dallas, Tex. 75222. Applicant's representative: Kenneth Weeks (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight require the use of special equipment (except boats), and *related machinery parts and related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which because of size or weight require the use of special equipment; and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery tools, parts, and supplies* moving in connection therewith, between points in Utah, on the one hand, and, on the other, points in that part of Washington on west and north of a line beginning at the Washington-Idaho State line, thence along Interstate Highway 90 to junction U.S. Highway 18, thence along U.S. Highway 18 to junction Interstate Highway 5, thence along Interstate Highway 5 to junction Washington Highway 8, thence along Washington Highway 8 to junction U.S. Highway 12, thence along U.S. Highway 12 to Aberdeen. Restriction: The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways points in that part of Montana on and west of a line extending north and south of a line through Dupayer and Butte, Mont.

No. MC 83835 (Sub-No. E1), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, which, because of their size or weight, require the use of special equipment when their transportation is incidental to the transportation of commodities, which by reason of size or weight, require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof (a) between points in Texas, on the one hand, and, on the other, points in Illinois and Missouri; (b) between points in Arkansas and Louisiana, on the one hand, and, on the other, points in Colorado, Kansas, and Nebraska; (c) between points in Louisiana, on the one hand, and, on the other, points in that part of Missouri on and south of a line beginning at the Missouri-Iowa State line, thence along U.S. Highway 63 to its junction with U.S. Highway 54.

Thence along U.S. Highway 54 to its junction with Missouri Highway 5, thence along Missouri Highway 5 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to its junction with Missouri Highway 32, thence along Missouri Highway 32 to its junction with Missouri Highway 132, thence along Missouri Highway 132 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with Missouri Highway 176, thence along Missouri Highway 176 to its junction with Missouri Highway 39, thence along Missouri Highway 39 to the Missouri-Arkansas State line; (d) between points in Missouri, on the one hand, and, on the other, points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 53 to its junction with Louisiana Highway 7, thence along Louisiana Highway 7 to its junction with U.S. Highway 71 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to Abbeville, thence along Vermillion River to the Gulf of Mexico; (e) between points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 53 to its junction with Louisiana Highway 7, thence along Louisiana Highway 7 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Louisiana Highway 190, thence along U.S. Highway 190 to its junction with Louisiana Highway 74.

Thence along Louisiana Highway 74 to its junction with Louisiana Highway 75, thence along Louisiana Highway 75 to its junction with Louisiana Highway 18, thence along Louisiana Highway 18 to its junction with Louisiana Highway 20, thence along Louisiana Highway 20 to its junction with Louisiana Highway 24, thence along Louisiana Highway 24 to its junction with Louisiana Highway 56, thence along Louisiana Highway 56 to the Gulf of Mexico, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 66 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to its junction with Missouri Highway 17 to the Missouri-Arkansas State line; (f) between points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 71 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to Houna, thence along Louisiana Highway 6 to Gulf of Mexico, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Illinois-Indiana State line, thence along Illinois Highway 17 to its junction with Interstate Highway 57, thence along Interstate Highway 57 to its junction with Illinois Highway 47, thence along Illinois Highway 47 to its junction with Illinois Highway 48, thence along Illinois Highway 48 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to its junction with U.S. Highway 40, thence along U.S. Highway 40 to the Illinois-Missouri State line; (g) between points in that part of Illinois on and west of a line beginning at the Iowa-Illinois State line.

Thence along U.S. Highway 34 to its junction with Illinois Highway 94, thence along Illinois Highway 94 to its junction with U.S. Highway 136, thence along U.S. Highway 136 to its junction with Illinois Highway 96, thence along Illinois Highway 96 to the Illinois-Missouri State line, on the one hand, and, on the other, points in that part of Louisiana on and west of a line beginning at the Missouri-Louisiana State line, thence along U.S. Highway 51 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to its junction with U.S. Highway 90, thence along U.S. Highway 90 to its junction with Louisiana Highway 56, thence along Louisiana Highway 56 to the Gulf of Mexico; (h) between points in that part of Louisiana on and west of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 56 to its junction with Louisiana Highway 24, thence along Louisiana Highway 24 to its junction with Louisiana Highway 308, thence along Louisiana Highway 308 to its junction with Louisiana Highway 75, thence along Louisiana Highway 75 to its junction with Louisiana Highway 73, thence along Louisiana Highway 73 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to the Louisiana-Mississippi State line, thence along the Louisiana-Mississippi State line to the Vidalia, thence along U.S. Highway 84 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to its junction with Louisiana Highway 8, thence along Louisiana Highway 8 to its junction with Louisiana Highway 124, thence along Louisiana Highway 124 to its junction with Louisiana Highway 126, thence along Louisiana Highway 126 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with Interstate Highway 20.

Thence along Interstate Highway 20 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Louisiana-Arkansas State line, on the one hand, and, on the other, points in that part of Illinois on and west of a line beginning at the Wisconsin-Illinois State line, thence along U.S. Highway 51 to its junction with Illinois Highway 2, thence along Illinois Highway 2 to its junction with Illinois Highway 88, thence along Illinois Highway 88 to its junction with U.S. Highway 34, thence along U.S. Highway 34 to the Illinois-Iowa State line; (i) between points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along U.S. Highway 167 to its junction with Louisiana Highway 15, thence along Loui-

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siana Highway 15 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to its junction with Louisiana Highway 14, thence along Louisiana Highway 14 to its junction with Louisiana Highway 35, thence along Louisiana Highway 35 to its junction with Louisiana Highway 82, thence along Louisiana Highway 82 to its junction with Louisiana Highway 333, thence along Louisiana Highway 333 to the Gulf of Mexico, on the one hand, and, on the other, points in that part of Illinois on and north of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 6 to its junction with Illinois Highway 29, thence along Illinois Highway 29 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with Illinois Highway 103, thence along Illinois Highway 103 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to the Illinois-Missouri State line; (j) between points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 287 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with Texas Highway 207, thence along Texas Highway 207 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Texas Highway 208, thence along Texas Highway 208 to its junction with U.S. Highway 277.

Thence along U.S. Highway 277 to the U.S.-Mexico International Boundary line, on the one hand, and, on the other, points in Colorado; (k) between points in that part of Colorado on and north of a line beginning at the Kansas-Colorado State line, thence along Interstate Highway 70 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to the Colorado-New Mexico State line, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Texas-Oklahoma State line, thence along U.S. Highway 287 to its junction with U.S. Highway 87, thence along U.S. Highway 87 to its junction with U.S. Highway 62 to the New Mexico-Texas State line, thence along the New Mexico-Texas State line to its intersection with U.S. Highway 285, thence along U.S. Highway 285 to its junction with Texas Highway 17, thence along Texas Highway 17 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to the U.S.-Mexico International Boundary line; (l) between points in Texas, on the one hand, and, on the other, points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 287 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Colorado Highway 109, thence along Colorado Highway 109 to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with U.S. Highway, 287, thence along U.S. Highway 287 to the Oklahoma-Colorado State line; (m) between points in that part of New Mexico on and east of a line beginning at the Oklahoma-New Mexico State line, thence along New Mexico Highway 18 to its junction with New Mexico Highway 86, thence along New Mexico Highway 86 to its junction with New Mexico Highway 252, thence along New Mexico Highway 252 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with New Mexico Highway 20, thence along New Mexico Highway 20 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with U.S. Highway 380.

Thence along U.S. Highway 380 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with Interstate Highway 10, thence along Interstate Highway 10 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 287 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with Colorado Highway 71, thence along Colorado Highway 71 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Colorado Highway 109, thence along Colorado Highway 109 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Colorado Highway 109, thence along Colorado Highway 109 to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to the Colorado-Oklahoma State line; (n) between points in that part of Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 53 to its junction with Louisiana Highway 7, thence along Louisiana Highway 7 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with U.S. Highway 190, thence along U.S. Highway 190 to its junction with Louisiana Highway 19, thence along Louisiana Highway 19 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its junction with Louisiana Highway 23, thence along Louisiana Highway 23 to Triumph, thence along the Mississippi River to the Gulf of Mexico, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Illinois State line, thence along U.S. Highway 36 to its junction with Missouri Highway 19, thence along Missouri Highway 19 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with Missouri Highway 5, thence along Missouri Highway 5 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with Missouri Highway 37, thence along Missouri Highway 37 to the Missouri-Arkansas State line; (o) between points in that part of New Mexico on and east of a line beginning at the Oklahoma-New Mexico State line, then along New Mexico Highway 18 to its junction with New Mexico Highway 86, thence along New Mexico Highway 86 to its junction with New Mexico Highway 252, thence along New Mexico Highway 252 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with New Mexico Highway 212.

Thence along New Mexico Highway 212 to its junction with U.S. Highway 380, thence along U.S. Highway 380 to its junction with New Mexico Highway 172, thence along New Mexico Highway 172 to its junction with New Mexico Highway 31, thence along New Mexico Highway 31 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to the Texas-New Mexico State line, on the one hand, and, on the other, points in that part of Colorado on and east of a line beginning at the Wyoming-Colorado State line, thence along U.S. Highway 287 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Interstate Highway 25, thence along Interstate Highway 25 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Colorado Highway 109, thence along Colorado Highway 109 to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to the Oklahoma-Colorado State line; (p) between points in Illinois, on the one hand, and, on the other, points in that part of Arkansas on and west of U.S. Highway 71; (q) between points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along Arkansas Highway 21 to its junction with Arkansas Highway 16, thence along Arkansas Highway 16 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with Arkansas Highway 9, thence along Arkansas Highway 9 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Illinois on, north, and east of U.S. Highway 24; (r) between points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line.

Thence along Arkansas Highway 23 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with Interstate Highway 30, thence along Interstate Highway 30 to its junction with Arkansas Highway 299, thence along Arkansas Highway 299 to its junction with Arkansas Highway 19, thence along Arkansas Highway 19 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Illinois on and north of U.S. Highway 40; (s) between points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line thence along U.S. Highway 65 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with Arkansas Highway 9, thence along Arkansas Highway 9 to its junction with Arkansas Highway 35, thence along Arkansas Highway 35 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Illinois on and north of Interstate Highway 80; (t) between points in that part of Arkansas on and west of a line beginning at the Arkansas-Oklahoma State line, thence along Arkansas Highway 59 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with Arkansas Highway 23, thence along Arkansas Highway 23 to its junction with Arkansas Highway 10, thence along Arkansas Highway 10 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 67, thence along U.S. Highway 67 to its junction with Arkansas Highway 19, thence along Arkansas Highway 19 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Missouri on and north of a line beginning at the Missouri-Arkansas State line, thence along U.S. Highway 71 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with Alternate U.S. Highway 71.

Thence along Alternate U.S. Highway 71 to its junction with Interstate Highway 44, thence along Interstate Highway 44 to its junction with Missouri Highway 39, thence along Missouri Highway 39 to its junction with U.S. Highway 160, thence along U.S. Highway 160 to its junction with Missouri Highway 245, thence along Missouri Highway 245 to its junction with Missouri Highway 215, thence along Missouri Highway 215 to its junction with Missouri Highway 123, thence along Missouri Highway 123 to its junction with Missouri Highway 32, thence along Missouri Highway 32 to its junction with Missouri Highway 73, thence along Missouri Highway 73 to its junction with Missouri Highway 64, thence along Missouri Highway 64 to its junction with Interstate Highway 44, thence along Interstate Highway 44 to its junction with Missouri Highway 47, thence along Missouri Highway 47 to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with Missouri Highway 79, thence along Missouri Highway 79 to the Missouri-Illinois State line; (u) between points in that part of Arkansas on, west, and south of a line beginning at the Arkansas-Texas State line, thence along U.S. Highway 82 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Missouri on, west, and north of a line beginning at the Missouri-Oklahoma State line, thence along Interstate Highway 44 to its junction with U.S. Highway 65, thence along U.S. Highway 65 to its junction with Missouri Highway 73, thence along Missouri Highway 73 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with Missouri Highway 19, thence along Missouri Highway 19 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to the Missouri-Illinois State line; (v) between points in Missouri on the one hand, and, on the other, points in Arkansas on and west of a line beginning at the Arkansas-Oklahoma State line, thence along Arkansas Highway 68 to its junction with Arkansas Highway 59, thence along Arkansas Highway 59 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to the Arkansas-Louisiana State line; (w) between points in Arkansas on and west of a line beginning at the Arkansas-Oklahoma State line, thence along U.S. Highway 62 to its junction with U.S. Highway 71.

Thence along U.S. Highway 71 to its junction with Interstate Highway 40, thence along Interstate Highway 40 to its junction with U.S. Highway 65, thence along U.S. Highway 50 to its Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Missouri on and west of a line beginning at the Missouri-Oklahoma State line, thence along Interstate Highway 44 to its junction with U.S. Highway 71, thence along U.S. Highway 71 to its junction with Missouri Highway 7, thence along Missouri Highway 7 to its junction with U.S. Highway 50, thence along U.S. Highway 50 to its junction with Missouri Highway 131, thence along Missouri Highway 131 to its junction with U.S. Highway 24, thence along U.S. Highway 24 to its junction with Missouri Highway 13, thence along Missouri Highway 13 to its junction with U.S. Highway 36, thence along U.S. Highway 36 to its junction with Missouri Highway 5, thence along Missouri Highway 5 to its junction with Missouri Highway 11, thence along Missouri Highway 11 to its junction with U.S. Highway 63, thence along U.S. Highway 63 to the Missouri-Iowa State line. The purpose of this filing is to eliminate the following gateways: points in Oklahoma in (a), (b), (f), (g), (h), (i), (j), (k), (l), (m), (o), (p), (q), (r), (s), (t), (u), (v), and (w); and points in Texas in (c), (d), (e), and (n).

No. MC 106398 (Sub-No. E143), (correction), filed May 31, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., P.O. Box 3329, Tulsa, Okla. 74101. Applicant's representative: Irvin Tull (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board* (except in bulk), from the plant site of U.S. Plywood-Champion Papers, Inc., near Oxford, Mississippi, to points in Minnesota, Wisconsin, and Michigan. The purpose of this filing is to eliminate the gateway of the facilities of the Celotex Corporation at Charleston, Ill. The purpose of this correction is to correct the "E" number, previously published as E144.

No. MC 106920 (Sub-No. E43), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, as described in Paragraph B in the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Indiana north and east of a line beginning at the Indiana-Ohio State line and extending along Indiana Highway 44 to junction U.S Highway 27, thence along U.S. Highway 27 to junction Indiana Highway 38, thence along Indiana Highway 38 to junction Indiana Highway 109, thence along Indiana Highway 109 to junction Indiana Highway 9, thence along Indiana Highway 9 to junction Indiana Highway 15, thence along Indiana Highway 15 to junction Indiana Highway 114, thence along Indiana Highway 114 to junction U.S. Highway 31, thence along U.S. Highway 31 to junction Indiana Highway 4, thence along Indiana Highway 4 to junction Indiana Highway 23, thence along Indiana Highway 23 to junction Indiana Highway 223, thence along Indiana Highway 223 to junction Bypass U.S. Highway 20, thence along Bypass U.S. Highway 20 to junction Indiana Highway 2, thence along Indiana Highway 2 to junction unnumbered highway, through New Carlisle, to the Indiana-Michigan State line to points in Mississippi; and *empty containers* used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107515 (Sub-No. E146), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped

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with mechanical refrigeration, from points in that part of Florida on and east of U.S. Highway 319 to points in Indiana, Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, and that part of Pennsylvania on and west of Interstate Highway 79, restricted against the transportation of traffic originating at Nashville, Tennessee. The purpose of this filing is to eliminate the gateways of (1) any point that is both within 10 miles of Atlanta, Ga., and is within the Atlanta Commercial Zone, as defined by the Commission (except Atlanta), and (2) the plantsite of Odom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E196), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, fresh, frozen, salted, cooked, or cured*, in vehicles equipped with mechanical refrigeration, from Grenada, Miss., to points in Wisconsin, Virginia, and that part of Illinois on and north of Interstate Highway 74, and that part of Iowa on and north of a line beginning at the Iowa-Illinois State line, thence along U.S. Highway 30 to junction U.S. Highway 71, thence along U.S. Highway 71 to the Iowa-Minnesota State line. The purpose of this filing is to eliminate the gateway of plant site of Odom's Sausage Co., at Madison, Tennessee.

No. MC 107515 (Sub-No. E197), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles with mechanical refrigeration, from New Albany, Miss., to points in that part of Virginia on and east of Virginia Highway 16. The purpose of this filing is to eliminate the gateway of the plant sites of Family Foods, Inc., and Ambrosia Chocolate Company, Division of W. R. Grace and Company, at Charlotte, N.C.

No. MC 107515 (Sub-No. E199), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned goods and frozen foods*, in vehicles equipped with mechanical refrigeration, from the plant site and facilities of Delta Food Processing Corp., at Moorhead, Miss., to points in that part of Virginia on and east of U.S. Highway 21, restricted to traffic originating at the plant site and facilities of Delta Food Processing Corporation at Moorhead, Miss. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E201), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30350. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and frozen foods*, in vehicles equipped with mechanical refrigeration, from the plant site and facilities of Delta Food Processing Corporation at Moorehead, Miss., to the District of Columbia, and to points in West Virginia, Ohio, Delaware, Maryland, Pennsylvania, New New Jersey, Massachusetts, Connecticuit Rhode Island, and New York, restricted to traffic originating at the plant site and facilities of Delta Food Processing Corporation at Moorehead, Miss. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E202), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30350. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* (except commodities in bulk, in tank vehicles), from points in that part of Florida on and west of a line beginning at the Goergia-Florida State line, thence along U.S. Highway 41 to junction U.S. Highway 129, thence along U.S. Highway 129 to junction Florida Highway 339, thence along Florida Highway 339 to junction Florida Highway 24, thence along Florida Highway 24 to the Gulf of Mexico, to points in Alabama, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateway of Tifton, Ga.

No. MC 107515 (Sub-No. E203), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30350. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and dairy products*, as described in the Appendix to the Report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, from points in that part of Mississippi on and north of U.S. Highway 80, to points in that part of Florida on and east of U.S. Highway 319. The purpose of this filing is to eliminate the gateway of any point that is both within 5 miles of Montezuma, Ga., and within the Montezuma commercial zone, as defined by the Commission (except Montezuma).

No. MC 107515 (Sub-No. E265), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30350. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from points in Cook, DuPage, Lake, and Will Counties, Ill., and Lake County, Ind., to points in that part of Arkansas on and south of a line beginning at the Arkansas-Tennessee State line, that part of Oklahoma on and south of U.S. Highway 70, that part of Texas on and south of U.S. Highway 70. The purpose of the filing is to eliminate the gateway of Adairsville, Ky.

No. MC 107515 (Sub-No. E266), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration (except commodities in bulk, in tank vehicles), from Bristol, Va., to points in Texas, restricted against the transportation of traffic originating at points in Florida. The purpose of this filing is to eliminate the gateways of (1) Atlanta, Ga., and (2) Montgomery, Ala.

No. MC 107515 (Sub-No. E267), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in vehicles equipped with mechanical refrigeration, from Bristol, Va., to points in Iowa, Missouri, Wisconsin, Minnesota, Illinois, and Indiana. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E268), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, in vehicles equipped with mechanical refrigeration, during the season April 15 to September 15, both inclusive of each year, from Salem, Va., to points in Mississippi, Louisiana, and that part of Alabama on and south of U.S. Highway 278, restricted to the transportation of shipments originating at Salem, Va. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 107515 (Sub-No. E269), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries*, from Salem, Va., to Kalamazoo, Mich., and to points in Illinois, Iowa, Minnesota, Missouri, Wisconsin, and that part of Indiana on and west of a line beginning at the Indiana-Michigan State line, thence along Interstate Highway 69 to junction Interstate Highway 74, thence along Interstate Highway 74 to the Indiana-Ohio State line, restricted to the transportation of shipments originating at Salem, Va. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialities of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E283), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from points in North Carolina to points in Iowa, Minnesota, Nebraska, Missouri, Arkansas, Oklahoma, and Texas; and (2) from Wilmington, N.C., to points in that part of Indiana on and west of Interstate Highway 65. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC–107515 (Sub-No. E284), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, in vehicles equipped with mechanical refrigeration, from points in North Carolina to points in Texas. The purpose of this filing is to eliminate the gateways of (1) any points that is both within 10 miles of Atlanta, Ga., and is within the Atlanta Commercial Zone, as defined by the Commission (except Atlanta), and (2) Chattanooga, Tenn.

No. MC 107515 (Sub-No. E315), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Kans., to points in Florida. Restriction: The authority granted herein is restricted against the transportation of traffic originating at points in the Missouri portion of the Kansas City, Mo.-Kansas City, Kans., commercial zone, as defined by the Commission. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E316), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33005. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd., NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Kansas City, Mo., to that part of Mississippi on and south of a line beginning at the Louisiana-Mississippi State line, thence along Interstate Highway 55 to junction U.S. Highway 98, thence along U.S. Highway 98 to Hattiesburg, thence along Mississippi Highway 42 to the Mississippi-Alabama State line. The purpose of this filing is to eliminate the gateway of New Orleans, La.

No. MC 107515 (Sub-No. E326), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen edible meats, edible meat products, and frozen by-products* (except commodities in bulk), from points in that part of Iowa on and west of a line beginning at the Iowa-Missouri State line, thence along Iowa Highway 139 to junction Iowa Highway 2, thence along Iowa Highway 2 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction U.S. Highway 34, thence along U.S. Highway 34 to junction U.S. Highway 65, thence along U.S. Highway 65 to junction Iowa Highway 41, thence along U.S. Highway 65 to junction Iowa Highway 141, thence along Iowa Highway 141 to the Iowa-South Dakota State line, to points in that part of Tennessee-Georgia State line, thence along U.S. Highway 27 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of Rossville, N.C.

No. MC 107515 (Sub-No. E407), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Alan E. Serley, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and dairy products*, as described in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 23, between points in that part of Alabama on and south of U.S. Highway 80, and that part of Mississippi on and south of Interstate Highway 20, on the one hand, and, on the other, that part of Tennessee on and east of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 129 to Knoxville, thence along Interstate Highway 75 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of any points that is both (1) within 10 miles of Atlanta, Ga., and (2) within the Atlanta commercial zone, or defined by the Commission (except Atlanta).

No. MC 107515 (Sub-No. E409), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and such commodities* as are classified as dairy products in the Appendix to the report in *Modification of Permits—Packing House Products*, 46 M.C.C. 23, from points in that part of Alabama on and north of U.S. Highway 80, to points in that part of Florida on and east of U.S. Highway 319. The purpose of this filing is to eliminate the gateway of any point that is both (1) within 5 miles of Montezuma, Ga., and (2) within the Montezuma commercial zone, as defined by the Commission (except Montezuma).

No. MC 107515 (Sub-No. E410), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats and dairy products*, as described in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 23, between points in that part of Alabama on and south of U.S. Highway 80, and that part of Mississippi on and south of Interstate Highway 20, on the one hand, and, on the other, that part of Tennessee on and east of a line beginning at the Tennessee-North Carolina State line, thence along U.S. Highway 129 to Knoxville, thence along Interstate Highway 75 to the Tennessee-Kentucky State line. The purpose of this filing is to eliminate the gateway of any points that is both (1) within 10 miles of Atlanta, Ga., and (2) within the Atlanta commercial zone, or defined by the Commission (except Atlanta).

No. MC 107515 (Sub-No. E411), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Unfrozen, fresh, and cured meats*, from points within 10 miles of Atlanta, Ga. (except Atlanta), to the District of Columbia, and to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, that part of Virginia on and east of Interstate Highway 95, that part of Maryland on and east of Interstate Highway 81, and that part of Pennsylvania on and east of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E412), filed May 29, 1974. Applicant: REFRIGER-

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ATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats, and dairy products*, as described in the Appendix to the report in *Modification of Permits—Packing House Products*, 48 M.C.C. 628, from points within 5 miles of Albany (except Albany), Ga., to the District of Columbia, and to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Pennsylvania, and that part of Virginia on and east of Interstate Highway 95. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E413), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT, CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from Albany, Ga., to points in Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of the plant site of Odom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E414), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from points both within 5 miles of Albany, Ga., and within the Albany commercial zone, as defined by the Commission (except Albany), to points in Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of the plant site of Odom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E415), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from points that are both within 10 miles of Atlanta, Ga., and are also within the Atlanta commercial zone, as defined by the Commission (except Atlanta), to points in Missouri, Iowa, Minnesota, Wisconsin, Illinois, Indiana, and Michigan. The purpose of this filing is to eliminate the gateway of the plant site of Adom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E416), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Alan E. Serby, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, from points that are (a) within 5 miles of Macon, Ga., and are within the Macon commercial zone, as defined by the Commission (except Macon); and (b) within 5 miles of Griffin, Ga., and are within the Griffin commercial zone, as defined by the Commission (except Griffin), to points in Minnesota, Iowa, Missouri, Wisconsin, Illinois, Michigan, and Indiana. The purpose of this filing is to eliminate the gateway of the plant site of Odom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E417), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen food*, from points in that part of Georgia on and south of a line beginning at the Alabama-Georgia State line, thence along U.S. Highway 78 to junction Interstate Highway 285, thence along Interstate Highway 285 to intersection U.S. Highway 23, thence along U.S. Highway 23 to the Georgia-North Carolina State line, to points in New York and that part of Pennsylvania on and east of U.S. Highway 219. The purpose of this filing is to eliminate the gateway of Rocky Mount, N.C.

No. MC 107515 (Sub-No. E418), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Georgia to points in Idaho, Nevada, and Utah. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E419), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of Georgia on and south of Interstate Highway 85, to points in Indiana. The purpose of this filing is to eliminate the gateway of Gainesville, Ga.

No. MC 107515 (Sub-No. E422), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Frozen foods*, from points in Georgia to points in that part of Pennsylvania west of U.S. Highway 15. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 110410 (Sub-No. E1), filed June 3, 1974. Applicant: BENTON BROS., FILM EXPRESS, INC., 168 Baker Street NW., Atlanta, Ga. 30313. Applicant's representative: H. R. Matthews (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Miami International Airport at or near Miami, Fla., on the one hand, and, on the other, points in that part of Florida on and north of a line beginning at St. Augustine, thence along Florida Highway 214 to the St. Johns River, thence along Clay-Putnam County line to Melrose, thence along Florida Highway 26 to Orange Heights, thence along U.S. Highway 301 to Waldo, then along Florida Highway 24 to Gainesville, thence along U.S. Highway 27 to High Springs, thence along Florida Highway 236 to Bell, thence along Florida Highway 341 to junction Florida Highway 26, thence along Florida Highway 26 to Fannin, thence along U.S. Highway 19/98 to Cross City, thence along Florida Highway 351 to the Gulf of Mexico, and on and east of a line beginning at Turkey Point, thence along U.S. Highway 319 to the Florida-Georgia State line, and that part of Georgia on, south, and east of a line beginning at the Atlantic Ocean, thence along Georgia Highway 38 to junction U.S. Highway 82, thence along U.S. Highway 82 to junction U.S. Highway 19, thence along U.S. Highway 19 to junction U.S. Highway 319, thence along U.S. Highway 319 to the Georgia-Florida State line, and Atlanta, Ga., and (2) between the Atlanta Municipal Airport at or near Atlanta, Ga., on the one hand, and, on the other, points in that part of Florida on and north of a line beginning at Melbourne, thence along U.S. Highway 192 to Kissimmee, and east of a line beginning at Kissimmee, thence along U.S. Highway 92 to junction Interstate Highway 4 to Daytona Beach. The purpose of this filing is to eliminate the gateway of the Jacksonville Municipal Airport at or near Jacksonville, Fla.

No. MC 110420 (Sub-No. E152), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Core oil*, in bulk, in tank vehicles, from Racine, Wis.; (1) to points in Maryland, Missouri, New York, New Jersey, and Pennsylvania (Ringwood, Ill.)*; (2) to points in Nebraska (Clinton, Iowa)*; (3) to points in that part of Kansas in and west of Republic, Clay, Geary, Lyon, Greenwood, Elk, and Chautauqua Counties, Kans., and in Custer, Tull River, Shannon, Jackson, Washabaugh, Bennett, Jones, Mellette, Todd, Lyman, Tripp, Gregory, Charles Mix, and Bon Homme Counties, S. Dak. (Clinton, Iowa, and Fremont, Nebr.)*. The purpose of this filing is to eliminate the gateway indicated by asterisks above.

No. MC 110420 (Sub-No. E153), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, paint materials, stains, varnishes, and plastics*, in bulk, in tank vehicles, from Circleville, Ohio, to (1) points in Colorado, Idaho, Montana, Utah, and Wyoming (Milwaukee, Wis., Ringwood, Ill., and Janesville, Wis.)*; (2) points in Jo Daviess, Stephenson, and Carroll Counties, Ill., and in Cheyenne, Sherman, Wallace, Greely, Wichita, Hamilton, Kearny, Stanton, Grant, Morton, and Stevens Counties, Kans. (Milwaukee, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E154), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 138, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Compounds* used in the manufacture of paper in bulk, in tank vehicles, from the plantsite of Napco Chemical Co., at Harrison, N.J. to (1) points in that part of Oklahoma in Tulsa, Okmulgee, Okfuskee, Hughes, Coal, Atoka, and Bryan Counties, and that part of Texas in west, and south of Wilbarger, Archer, Young, Palo Pinto, Hood, Bosque, McLenna, Falls, Robertson, Leon, Houston, Trinity, San Jacinto, Liberty, and Chambers Counties, (Saukville, Wis.)*; (2) points in Nebraska (Milwaukee, Wis., and Clinton, Iowa)*; (3) points in South Dakota, North Dakota (except points in Pembina, Walsh, Grand Forks, Traill, Cass, and Richland Counties), and that part of Kansas in and west of Republic, Cloud, Ottawa, Saline, McPherson, Harvey, Sedgwick, and Sumner Counties (Milwaukee, Wis., Clinton, Iowa and Fremont, Nebr.)*; (4) points in that part of Michigan in and west of Alger and Schoolcraft Counties, in that part of Missouri in and north of Jasper, Barton, Cedar, St. Clair, Benton, Morgan, Moniteau, Boone, Audrain, and Ralls Counties, and in Daviess, Carroll, Whiteside, Stephenson, Ogle, Lee, Winnebago, Boone, De Kalb, Mc Henry, Kane, Lake, Du Page, and Cook Counties, Ill. (Milwaukee, Wis.)*; (5) points in Colorado, Idaho, Montana, Utah, Wyoming, and points in that part of Nebraska on and west of U.S. Highway 281 (Janesville, Wis.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110988 (Sub-No. E5), filed October 13, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 W. Cecil St., Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cor products* in bulk, in tank vehicles (except corn oil in bulk), from Dayton, Ohio, to points in Minnesota (the storage facilities of The Hubinger Company at Elk Grove Village, Ill.)*; (2) *Chemical-corn products*, in bulk, in tank vehicles, from the storage facilities of the Hubinger Co., at Elk Grove Village, Ill., to points in New Jersey, and points in that part of New York on and east of New York Highway 14 (that part of the South Beloit, Ill., commercial zone, which lies within Wisconsin)*; (3) *Liquid chemical corn products*, in bulk, in tank vehicles, from the storage facilities of the Hubinger Co., at Elk Grove Village, Ill., to points in Pennsylvania and West Virginia (Ostego, Mich.)*; (4) Chemical corn products, in bulk, in tank vehicles, from the storage facilities of the Hubinger Co., at Elk Grove Village, Ill., to points in North Dakota, and points in that part of South Dakota on, north, and west of a line beginning at the South Dakota-Nebraska State line, thence along South Dakota Highway 73 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction South Dakota Highway 45, thence along South Dakota Highway 45 to junction U.S. Highway 14, thence along U.S. Highway 14 to the South Dakota-Minnesota State line (Rothschild, Wis.)*.

(5) *Chemical corn products*, in bulk, in tank vehicles, from the storage facilities of the Hubinger Co., at Elk Grove Village, Ill., to points in that part of Texas on, south, and west of a line beginning at the New Mexico-Texas State line, thence along Interstate Highway 40 to junction U.S. Highway 87, thence along U.S. Highway 87 to Port Lavaca (Portage, Wis., and the plant and warehouse sites of Philadelphia Quartz Co., at Utica, Ill.)*; (6) *Liquid chromium sulphate*, in bulk, in tank vehicles, from St. Louis, Mo., to points in the Upper Peninsula of Michigan, and points in that part of Minnesota on and north of a line beginning at the South Dakota-Minnesota State line, thence along U.S. Highway 12 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction Minnesota Highway 95, thence along Minnesota Highway 95, to the Wisconsin-Minnesota State line (Milwaukee, Wis.)*; (7) *Chromium sulphate*, in bulk, in tank vehicles, from South Beloit, Ill., to points in Colorado, points in that part of Kentucky on and west of U.S. Highway 45, points in that part of Indiana on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 40 to junction Indiana Highway 67, thence along Indiana Highway 67 to the Indiana-Ohio State line, points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 29 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Ohio-Michigan State line, and points in that part of Minnesota on, west, and north of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 59 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to the Minnesota-Wisconsin State line (Milwaukee, Wis.)*.

(8) *Chromium sulphate*, in bulk, in tank vehicles, from Mason City, Iowa, to points in Indiana, Ohio, points in that part of Kentucky on and east of U.S. Highway 41, and points in Michigan (except points in that part of the Upper Peninsula of Michigan west of U.S. Highway 41) (Milwaukee, Wis.)*; (9) *Chromium sulphate*, in bulk, in tank vehicles, from Neenah, Menasha, Appleton, and Kimberly, Wis., to Detroit, Mich., and points in Colorado, Kentucky, and Ohio (Milwaukee, Wis.)*; (10) *Chromium sulphate*, in bulk, in tank vehicles, from Groos, Mich., to points in Colorado, Kentucky, Ohio, Indiana, points in that part of Iowa on and south of U.S. Highway 18, points in that part of Michigan on, south, and west of a line beginning at South Haven, thence along Michigan Highway 43 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 127, thence along U.S. Highway 127 to the Michigan-Ohio State line (Milwaukee, Wis.)*; (11) *Chromium sulphate*, in bulk, in tank vehicles, from Portage, Wis., to points in Colorado and Kentucky (South Beloit, Ill., and Milwaukee, Wis.)*; (12) *Chromium sulphate*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in Wisconsin (except Superior), to points in that part of Michigan east and south of a line beginning at the Ohio-Michigan State line, thence along U.S. Highway 23 to junction Michigan Highway 59, thence along Michigan Highway 59 to Lake St. Clair, points in that part of Ohio east and south of a line beginning at the Indiana-Ohio State line, thence along U.S. Highway 40 to junction U.S. Highway 25, thence along U.S. Highway 25 to the Ohio-Michigan State line, and points in that part of Kentucky on and east of U.S. Highway 31E (Milwaukee, Wis.)*; (13) *Chromium sulphate*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on and north of a line beginning at La Crosse, thence along Wisconsin Highway 33 to junction Wisconsin Highway 23, thence along Wisconsin Highway 23 to junction U.S. Highway 151, thence along U.S. Highway 151 to Manitowoc (except Superior), to points in Kentucky, Indiana, Ohio, points in that part of Michigan on and south of a line beginning at Muskegon, thence along Interstate Highway 96 to junction Michigan Highway 59, thence along Michigan Highway 59 to Lake St. Clair (Milwaukee, Wis.)*.

(14) *Chromium sulphate*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin east of U.S. Highway 41, to points in Colorado, and

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points in that part of Wisconsin east of U.S. Highway 41, to points in Colorado, and points in that part of Iowa on and south of a line beginning at Sioux City, thence along U.S. Highway 20 to junction Interstate Highway 35, thence along Interstate Highway 35 to junction U.S. Highway 30, thence along U.S. Highway 30 to Clinton (Milwaukee, Wis.)*; and (15) *Chromium sulphate*, in bulk, in tank vehicles, having an immediate prior movement by rail or water, from points in that part of Wisconsin on, south, and east of a line beginning at Sheboygan, thence along U.S. Highway 141 to junction U.S. Highway 16, thence along U.S. Highway 16 to junction Wisconsin Highway 83, thence along Wisconsin Highway 83 to the Illinois-Wisconsin State line, to points in Colorado, points in that part of Minnesota on and west of U.S. Highway 63, and points in that part of Iowa on and west of a line beginning at the Minnesota-Iowa State line, thence along U.S. Highway 218 to junction Iowa Highway 14, thence along Iowa Highway 14 to junction Iowa Highway 163, thence along Iowa Highway 163 to junction U.S. Highway 63, thence along U.S. Highway 63 to the Iowa-Missouri State line (Milwaukee, Wis.)*. Restriction: The operations authorized in (1) above are restricted to the transportation of traffic originating at the plant site and warehouse facilities of the Carzill Co., Inc., at Dayton, Ohio. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 111548 (Sub-No. E1), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 24, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Catawba, Burke, McDowell, and Caldwell Counties, N.C., to points in Connecticut, Rhode Island, Massachusetts, New Hampshire, and points in that part of New York on, north, and west of a line beginning at the New York-Vermont State line, thence along New York Highway 7 to junction New York Highway 5, thence along New York Highway 5 to junction New York Highway 12, thence along New York Highway 12 to junction New York Highway 37, thence along New York Highway 37 to the United States-Canada International Boundary line near Fort Covington. The purpose of this filing is to eliminate the gateway of New York, N.Y. The purpose of this correction is to correct the New York territory description above.

No. MC 111548 (Sub-No. E10) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 26, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Rhode Island, Massachusetts, and New Hampshire, to points in that part of West Virginia on and south of U.S. Highway 52, points in that part of Virginia on, south, and west of U.S. Highway 52, points in that part of Kentucky on and south of a line beginning at the Kentucky-West Virginia State line, thence along Kentucky Highway 40 to junction U.S. Highway 460, thence along U.S. Highway 460 to junction Kentucky Highway 30, thence along Kentucky Highway 30 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Kentucky-Indiana State line, points in that part of Indiana on and south of a line beginning at the Kentucky-Indiana State line, thence along Indiana Highway 66 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Indiana-Illinois State line, and points in that part of Illinois on and south of a line beginning at the Illinois-Indiana State line, thence along U.S. Highway 460 to junction Illinois Highway 14, thence along Illinois Highway 14 to junction Illinois Highway 152, thence along Illinois Highway 152 to junction Illinois Highway 150, thence along Illinois Highway 150 to the Illinois-Missouri State line. The purpose of this filing is to eliminate the gateway of New York, N.Y., and points within 25 miles of Hickory. The purpose of this correction is to include the Virginia destination points above which were inadvertently omitted from the publication of September 26, 1974.

No. MC 111548 (Sub-No. E15), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER September 26, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032, Pennsylvania Bldg. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Beacon, N.Y., to points in Georgia, Tennessee, points in that part of South Carolina on, south, and west of a line beginning at the North Carolina-South Carolina State line, thence along U.S. Highway 1 to junction U.S. Highway 601, thence along U.S. Highway 601 to junction U.S. Highway 301, thence along U.S. Highway 301 to junction U.S. Highway 126, thence along U.S. Highway 126 to Charleston, and points in that part of Kentucky within and bounded by a line beginning at the Kentucky-Tennessee State line, thence along U.S. Highway 25E to junction U.S. Highway 25, thence along U.S. Highway 25 to junction Kentucky Highway 80, thence along Kentucky Highway 80 to junction U.S. Highway 45, thence along U.S. Highway 45 to the Kentucky-Tennessee State line. The purpose of this filing is to eliminate the gateway of Marion, N.C. The purpose of this correction is to include the Kentucky destination points above, which were inadvertently omitted from the publication of September 26, 1974.

No. MC 113459 (Sub-No. E78), filed May 31, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which because of size or weight, require the use of size or weight, require the use of special equipment, and (2) *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, from points in that part of Oklahoma on and east of U.S. Highway 77, to points in that part of Ohio on and north of a line beginning at the Ohio-Indiana State line, thence along U.S. Highway 30 to junction U.S. Highway 30S, thence along U.S. Highway 30S to the Ohio-West Virginia State line. Restriction: The operations authorized in (1) above as restricted against the transportation of agricultural machinery and agricultural tractors. The operations authorized in (2) above are restricted to commodities which are transported on trailers. The purpose of this filing is to eliminate the gateway of Sterling, Ill., and points within 5 miles thereof.

No. MC 113459 (Sub-No. E79), filed May 31, 1974. Applicant: H. J. JEFFERIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: Robert A. Fisher (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Tubing* (other than oilfield tubing), from Houston, Tex., to points in the United States (except points in Alaska, Arkansas, Kansas, Louisiana, Mississippi, Texas, Oklahoma, Hawaii, and New Mexico). The purpose of this filing is to eliminate the gateway of the plant site of Gulf States Tube Corporation at Rosenburg, Tex.

No. MC 113974 (Sub-No. E29), filed June 4, 1974. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., P.O. Box 67, Drovasburgh, Pa. 15034. Applicant's representative: F. R. Hill, 2310 Grant Bldg., Pittsburgh, Pa. 15217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), from points in Ohio (except points east on and south of a line from the Kentucky-Ohio State line at Coal Grove, Ohio, along U.S. Highway 52 to the junction of Ohio Highway 93 thence along Ohio Highway 93 to the junction of Ohio Highway 124, thence along Ohio Highway 124 to the junction of Ohio Highway 346, thence along Ohio Highway 346 to Albany, thence along Ohio Highway 681 to the junction of Ohio Highway 56, thence along Ohio Highway 56 to the junction of Ohio Highway 691, thence along Ohio Highway 691 to the junction of Ohio Highway 33, thence along Ohio Highway 33 to the junction of Ohio Highway 685, thence along Ohio Highway 685 to the junction of Ohio Highway 13, thence along Ohio Highway 13 to the junction of Ohio Highway 93, thence along Ohio Highway 93 to the junction of U.S. Highway 22, thence along U.S. Highway 22 to Zanesville, thence along U.S. Highway 22/40 to the junction of Ohio Highway 83, thence along Ohio Highway 83 to the junction of Ohio Highway 93, thence along Ohio Highway 93 to the junction of U.S. Highway 36, thence along U.S. Highway 36 to the junction of Interstate Highway 77, thence along Interstate Highway 77 to the junction of Ohio Highway 39, thence along Ohio Highway 39 to the junction of Ohio Highway 9, thence along Ohio Highway 9 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the junction of Ohio Highway 11, thence along Ohio Highway 11 to the junction of Ohio Highway 164, thence along Ohio Highway 164 to Youngstown, thence along U.S. Highway 422 to the Pennsylvania-Ohio State line), to points in Connecticut. The purpose of this filing is to eliminate the gateway of North Madison, Ohio.

No. MC 115331 (Sub-No. E5), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 666 Eleventh St. NW., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Limestone and lime*, in bulk, from points in St. Francois County, Mo., to points in Florida, and points in Georgia on and south of Interstate Highways 20 and 85. The purpose of this filing is to eliminate the gateway of Roberta, Ala.

No. MC 115331 (Sub-No. E6), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products*, in bulk, from points in Adams County, Ill., to points in South Dakota (Davenport, Iowa)*; (2) *Limestone and Limestone products*, in bulk, from points in Adams County, Ill., to points in Alabama (St. Francois County, Mo.)*; (3) *Lime and limestone*, in bulk, from points in Adams County, Ill., to points in Florida, and points in Georgia on and south of Interstate Highway 20 (St. Francois County, Mo., and Roberta, Ala.)*; (4) *Crushed and ground limestone*, in bulk, from points in Adams County, Ill., to points in Mississippi (St. Francois County, Mo., and Roberta, Ala.)*; (5) *Limestone*, in bulk, from points in Adams County, Ill., to points in New Jersey (Valmeyer, Ill.)*; and (6) *Lime, limestone, and limestone products*, in bulk, from points in Adams County, Ill., to points in Texas, Colorado, Montana, North Dakota, Wyoming, Arkansas, Oklahoma, and Louisiana (Hannibal, Mo.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E7), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime and limestone products* (except dolomite), in bulk, from Chicago, Ill., to points in South Dakota, Nebraska, Kansas, Louisiana, Oklahoma, Colorado, Texas, Wyoming, Arkansas, points in Montana south of U.S. Highway 2 and on and east of Montana Highway 232. The purpose of this filing is to eliminate the gateway of Davenport, Iowa, Hannibal, Kansas City, and Ste. Genevieve, Mo.

No. MC 115331 (Sub-No. E16), filed May 6, 1974. Applicant: TRUCK TRANSPORT, INC., 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime* (except lime used for agricultural purposes), in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, to points in Florida, points in Alabama and Mississippi on and south of U.S. Highway 78, and points in Georgia on and south of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of Limedale, Ark., and Roberta, Ala.

No. MC 116810 (Sub-No. E1), filed June 4, 1974. Applicant: BAIR TRANSPORT, INC., P.O. Box 216, Riverside, N.J. 08075. Applicant's representative: Kenneth R. Davis, 999 Union St., Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General Commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, films, silk, tobacco, New automobiles, commodities requiring tank truck or refrigeration, commodities in bulk, liquor, commodities requiring special equipment, and those injurious or contaminating to other lading), between Wilmington, Del., and points in Delaware within 50 miles thereof, and points in Pennsylvania within 15 miles of Wilmington, Del., on the one hand, and, on the other, Providence, R.I., points in Massachusetts on and east of U.S. Highway 5, and points in Connecticut on and east of U.S. Highway 5 and points on U.S. Highway 1 between the Connecticut-New York State line and New Haven, Conn. The purpose of this filing is to eliminate the gateway of New York, N.Y.

No. MC 119988 (Sub-No. E24), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinnard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203(b)(7) of the Act when transported in mixed loads with printed advertising matter, from the plant site and storage facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City Okla., to points in Arizona. The purpose of this filing is to eliminate the gateway of Ringgold, Tex.

No. MC 128007 (Sub-No. E1), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburgh, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Potash*, when used as a feed ingredient from points in Lea and Eddy Counties, N. Mex., to points in Indiana, Wisconsin, South Dakota, Iowa, North Dakota, Tennessee, Arkansas, Illinois, Louisiana, and Ohio, Omaha, Nebr., St. Louis, Mo., Kansas City, Kans., and Denver and Pueblo, Colo. The purpose of this filing is to eliminate the gateways of the plant site of National Beef Packing Company near Liberal, Kans., Hereford, Tex., the plant site of Harvest Brand located at Pittsburgh, Kans.

No. MC 128007 (Sub-No. E2), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Potash*, when used as dry fertilizer, from points in Lea and Eddy Counties, N. Mex., to points in Minnesota, and Iowa, points in Montana (except points in Beaverhead, Madison, Ravialla, Mineral, and Missoula Counties), points in Wyoming (except points in Lacomie, Sweet Water, Unita, Albany, and Aribon Counties), points in North Dakota on and east of U.S. Highway 281, points in South Dakota (except points in Harding, Perkins, Butte, Lawrence, Pennington, Custer, Fall River, Meade, Shannon, Bennett, Washabaugh, Jackson, Hoakow, Zubach, Dewey, Corsow, Campbell, Walworth, Potter, Suller, Stanley, Hughes, Jones, Limon, Mellette, Tripp, Todd, Gregory, Bruel, Buffalo, and Hyde Counties), points in Benton, Clay, Washington, Boone, Lawrence, Mississippi, Caittenden, Van Buren, Cleburne, Carrol, Marion, Baxter, Fulton, Randolph, Green, Craighead, Sharp, Izard, Independence, Jackson, Poinsett, Cross, Search, Stone, Newton, Madison, Franklin, Johnson, Woodruff, Faulkner, Pope, Perry, Vell, and Conway Counties). The purpose of this filing is to eliminate the gateways of Lawrence, Kans., Pittsburg, Kans., the plant site of Farmers' Chemi-

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cal Company at Horn, Mo., Dodge City, Kans.

No. MC 128007 (Sub-No. E3), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the plant site of Farmland Industries, Inc., at Muskogee, Okla., to points in Nebraska, Illinois, Iowa, Minnesota, Wisconsin, South Dakota, North Dakota, Wyoming, Montana, and Missouri (except points in Newton and Barry Counties) and points in New Mexico (except Roosevelt, Curry, Quay, and San Mipoints in Lea, Eddy, Chaves, De Baca, guel Counties). The purpose of this filing is to eliminate the gateways of Pratt and Pittsburg, Kans., Dodge City, Kans.

No. MC 128007 (Sub-No. E4), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Lawrence, Kans., to points in Arkansas. The purpose of this filing is to eliminate the gateway of the plant site of Former's Chemical Company at Horn, Mo.

No. MC 128007 (Sub-No. E5), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg,. Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer* (except fertilizer derived from petroleum), from the plant site and warehouse facilities of International Minerals and Chemical Corporation at or near Fort Worth, Tex., to points in South Dakota, Iowa, North Dakta, Wyoming, Montana, Colorado, and Nebraska. The purpose of this filing is to elimnate the gateways of Lawrence, Kans., Pratt, Kans., or the plant site of Former's Chemical Company at Horn, Mo.

No. MC 128007 (Sub-No. E6), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from the plant site of Former's Chemical Company at Horn, Mo., to points in Washington, Oregon, Idaho, Utah, Arizona, Florida, Georgia, New Mexico, Alabama, Michigan, Montana, Wisconsin, Indiana, Ohio, Texas, Tennessee, Mississippi, Kentucky, Illinois, Minnesota, California, Nevada, and Wyoming. The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC 128007 (Sub-No. E8), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed and dry feed ingredients* (except salt and urea), from Carthage, Mo., to points in South Dakota, North Dakota, New Mexico, Illinois, Minnesota, Kentucky, Alabama, Mississippi, Tennessee, Nebraska, Iowa, and Louisiana. The purpose of this filing is to eliminate the gateways of Pittsburg, Kans., the plant site of Harvest Brand, Inc., at Pittsburg, Kans., or Van Buren, Ark.

No. MC 129885 (Sub-No. E1), filed May 31, 1974. Applicant: CHET'S TOW SERVICE, INC., 504 Campbell, Kansas City, Mo. 64106. Applicant's representative: Lucy Kennard Bell, Suite 910 Fairfax Bldg., 101 West Eleventh, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, by wrecker truckaway method between points in Colorado, on the one hand, and, on the other, points in Illinois and Missouri. The purpose of this filing is to eliminate the gateways of points in Iowa, Nebraska, or Kansas.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27527 Filed 11-22-74;8:45 am]

[Notice 639]

ASSIGNMENT OF HEARINGS

NOVEMBER 20, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. AB-6 Sub 12, Burlington Northern, Inc., Abandonment Between Monticello and Clearwater, In Wright, Sherburne, and Stearns Counties, Minnesota, now being assigned January 14, 1975 (2 days), at St. Cloud, Minn., in a hearing room to be later designated.

MC 134068 Sub 16, Kodiak Refrigerated Lines, Inc., now being assigned January 16, 1975 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 29120 Sub 177, All-Amercian, Inc., now being assigned January 20, 1975 (2 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 113410 Sub 87, Dahlen Transport, Inc., now being assigned January 22, 1975 (3 days), at St. Paul, Minn., in a hearing room to be later designated.

MC 139254, Brooks Transportation, Inc., now being assigned hearings January 27, 1975 (1 week), at Cleveland, Ohio, and continued to Atlanta, Ga., March 4, 1975 (2 days), in hearing rom to be later designated.

MC 139602, Valley Transit Co., Inc., now being assigned February 11, 1975 (3 days), at Harrisburg, Pa., in a hearing room to be later designated.

MC-F-12150, Motor Cargo—Purchase—Wholesale Services, Inc., DBA R & R Transportation Company and MC 114818 Sub 15, Motor Cargo, now being assigned January 20, 1975 (2 wks), at Reno, Nevada, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27531 Filed 11-22-74;8:45 am]

[AB 19 (Sub-No. 17); Finance Doc. No. 27563]

BALTIMORE AND OHIO RAILROAD CO.

Trackage Rights and Abandonment of Service

NOVEMBER 19, 1974.

In the matter of the Baltimore and Ohio Railroad Company's abandonment of the portion of the Wooster Branch between Lodi and Wooster, in Medina and Wayne Counties, Ohio and the trackage rights over Penn Central Transportation Company between Warwick and Wooster, in Wayne County, Ohio.

Upon consideration of the record in the above-entitled proceedings, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in these proceedings because these proceedings do not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in Medina and Wayne Counties, Ohio, within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of November, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

BALTIMORE AND OHIO RAILROAD COMPANY ABANDONMENT PORTION, THE WOOSTER BRANCH BETWEEN LOD, AND WOOSTER, IN MEDINA AND WAYNE COUNTIES, OHIO

The Interstate Commerce Commission hereby gives notice that by order dated November 12, 1974, it has been determined that the proposed abandonment by the Baltimore and Ohio Railroad Company of its line of railroad from Lodi to Wooster in Medina and Wayne Counties, Ohio, a distance of approximately 15.81 miles and the proposed trackage rights acquisition by the Baltimore and Ohio Railroad Company of the Penn Central Transportation Company's line between Warwick and Wooster in Wayne County, Ohio, a distance of approximately 21.5 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects are not considered significant because (1) the Lodi to Wooster line is currently out of service due to derailments in February 1974 and the Warwick to Wooster line is currently being utilized to maintain service to Wooster, (2) no shippers would be subjected to a loss of rail service, (3) little or no diversion of traffic from rail to motor carriers would be involved, and (4) the proposed action does not involve any disruption of habitat or degradation of air quality.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 10, 1974.

[FR Doc.74-27534 Filed 11-22-74;8:45 am]

[No. MC 112123 (Sub-No. 7)]

BEST-WAY TRANSPORTATION

Extension of Filing Date

NOVEMBER 19, 1974.

At the request of Raymond A. Greene, Jr., representative for Best-Way Transportation, Phoenix, Arizona, the time for filing representations in the above-entitled proceeding has been extended from November 25, 1974, to December 24, 1974.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27533 Filed 11-22-74;8:45 am]

[Notice 193]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 25, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 16, 1974. Pursuant to Section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75297. By order entered 11-13-74, the Motor Carrier Board approved the transfer to Hubert L. Ferrell and Clarence E. Lowe, doing business as Andy Trucking Co., Richlands, Va., of the operating rights set forth in Permits Nos. MC-96079, MC-96079 (Sub-No. 1), MC-96079 (Sub-No. 2), and MC-96079 (Sub-No. 3), issued by the Commission May 5, 1941, February 29, 1960, November 1, 1963, and February 2, 1973, respectively, to Kelly Augusta Crawford, doing business as Kelly Crawford Transfer, Richlands, Va., authorizing the transportation of clay and clay products, concrete and concrete products, shale and shale products, and mortar mixes, brick, from, to, or between points in Kentucky, North Carolina, Tennessee, Virginia, and West Virginia. R. Cameron Rollins, 321 E. Center St., Kingsport, Tenn. 37600, attorney for applicants.

No. MC-FC-75479. By order of November 12, 1974, the Motor Carrier Board approved the transfer to G & W Transport, Inc., Livonia, Mich., of the operating rights in Permit No. MC-123372 (Sub-No. 18) issued January 28, 1970 to Cartage Services, Inc., Dearborn, Mich., authorizing the transportation of corrugated paper containers from Warren, Mich. to points in Indiana, except points in Lake County, and Ohio. Martin J. Leavitt, 22375 Haggerty Rd., Northville, Mich., 48167, attorney for applicants.

No. MC-FC-75452. By order of November 14, 1974, the Motor Carrier Board approved the transfer to Clifford H. Hall, Inc., Bliss, N.Y., of a portion of the operating rights in Certificate No. MC-110525 issued September 27, 1972 to Chemical Leaman Tank Lines, Inc., Downingtown, Pa., authorizing the transportation of molasses, in bulk, in tank vehicles, from Buffalo, N.Y. to points in Crawford, Erie, Forest, McKean, Potter, Venango and Warren Counties, Pa. and points in Ohio. William J. Hirsch, 43 Court St., Buffalo, N.Y., 14202, attorney for transferee. Thomas J. O'Brien, 520 East Lancaster St., Downingtown, Pa., 19335, attorney for transferee.

No. MC-FC-75506. By order of November 12, 1974, the Motor Carrier Board approved the transfer to T.R.Y., Inc., doing business as Young's Transportation, Asheville, N.C., of the operating rights in Certificate No. MC-128306 (Sub-No. 2) issued May 7, 1974 to Suburban Coach Lines, Incorporated, Asheville, N.C., authorizing the transportation of passengers and their baggage, express and newspapers, in the same vehicle with passengers, between Asheville, N.C. and Brevard, N.C. John R. Sims, Jr., 1707 H St. NW., Washington, D.C. 20006, attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc. 74-27528 Filed 11-22-74;8:45 am]

[Notice 194]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 25, 1974.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-75532. By application filed November 12, 1974, PARENT CARTAGE LIMITED, 525 Hill St., Windsor, Ontario, CA, seeks temporary authority to lease the operating rights of CANADIAN AMERICAN TRANSFER LIMITED, 520 Hill St., Windsor, Ontario, CA, under section 210a(b). The transfer to PARENT CARTAGE LIMITED, of the operating rights of CANADIAN AMERICAN TRANSFER LIMITED, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27529 Filed 11-22-74;8:45 am]

[Notice 195]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 25, 1974.

Application filed for temporary authority under Section 210a(b) in connection with transfer application under section 212(b) and Tranfser Rules, 49 CFR Part 1132:

No. MC-FC-75542. By application filed November 18, 1974, MOORE TRANSPORTATION, INC., 10360 N. Vancouver Way, Portland, OR 97211, seeks author-

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ity to temporarily lease the operating rights of GOLD COAST TRUCKING, INC., 319 S.W. Pine, Portland, OR 97204, under section 210a(b). The transfer to MOORE TRANSPORTATION, INC., of the operating rights of GOLD COAST TRUCKING, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27530 Filed 11-22-74;8:45 am]

[AB 2 (Sub-No. 1)]

LOUISVILLE AND NASHVILLE RAILROAD CO.

Abandonment Between Christianburg and Eminence, In Shelby and Henry Counties, Kentucky

NOVEMBER 19, 1974.

Upon consideration of the record in the above-entitled proceeding, and of a staff-prepared environmental threshold assessment survey which is available for public inspection upon request; and

It appearing, that no environmental impact statement need be issued in this proceeding because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Shelby and Henry Counties, Ky., within 15 days of the date of service of this order, and certify to the Commission that this has been accomplished.

And it is further ordered. That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 12th day of November, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD, *Secretary.*

LOUISVILLE AND NASHVILLE RAILROAD COMPANY ABANDONMENT BETWEEN CHRISTIANBURG AND EMINENCE, IN SHELBY AND HENRY COUNTIES, KENTUCKY

The Interstate Commerce Commission hereby gives notice that by order dated November 12, 1974, it has been determined that the proposed abandonment by the Louisville and Nashville Railroad Company of its line of railroad between Christianburg in Shelby County and Eminence in Henry Coutny, a distance of about 9.65 miles, if approved by the Commission, does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. §§ 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(C) of the NEPA.

It was concluded, among other things, that the environmental effects of the proposed abandonment are not considered significant because (1) the amount of traffic handled on the line is low and (2) there are adequate primary highways in the affected area to accommodate motor carriers that would transport traffic presently occurring on the line. In addition, considering the small amount of traffic involved, any resultant diversion from rail to motor carrier services will have negligible impacts on the involved area's air and water quality.

This determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public inspection upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423; telephone 202-343-2086.

Interested parties may comment on this matter by the submission of representations to the Interstate Commerce Commission, Washington, D.C. 20423, on or before December 10, 1974.

[FR Doc.74-27532 Filed 11-22-74;8:45 am]

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Just Released

CODE OF FEDERAL REGULATIONS

(Revised as of June 1, 1974)

Title 21—Food and Drug (Parts 141–599)---------- $6.70

[A Cumulative checklist of CFR issuances for 1974 appears in the first issue of the Federal Register each month under Title 1]

**Order from Superintendent of Documents,
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November 26, 1974—Pages 41239–41348

TUESDAY, NOVEMBER 26, 1974

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Volume 39 ■ Number 229

Pages 41239–41348

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Washington, D.C. 20408

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Rules Going into Effect Today

There were no items published after October 1, 1972 eligible for inclusion in this list.

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The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 56—GRADING OF SHELL EGGS AND UNITED STATES STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND UNITED STATES CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

Changes in Fees and Charges

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), and the regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof and U.S. Classes, Standards, and Grades with Respect Thereto (7 CFR Part 70) as set forth below:

STATEMENT OF CONSIDERATIONS

The cost of supervising and administering the resident voluntary poultry and egg grading service has steadily risen. Last year the grading program operated on a deficit basis. The Agricultural Marketing Act, under which the program is conducted, requires that fees charged substantially cover the cost of the program.

The cost of supervising and administering the program is recovered primarily from the administrative volume charges. These charges have not been adjusted since July 1, 1969. Since that time the salaries of supervising and clerical personnel have increased 42.3 percent by congressional action and office costs and cost of travel have also increased markedly.

The amendments raise the administrative volume charges to cover the increased costs of supervising and administering the voluntary poultry and egg grading services.

The amendments are as follows:

As to Part 56:

In § 56.52, paragraph (a)(8) is amended to read:

§ 56.52 Continuous grading performed on a resident basis.

• • • • • •

(a) • • •

(8) An administrative service charge based upon the aggregate number of 30-dozen cases of all shell eggs handled in the plant per billing period and computed in accordance with the following:

$60 for 0 to 1,000 cases,[1] $62 for 1,001 to 2,000 cases plus $7 for each additional 1,000 cases or fraction thereof in excess of 2,000 up to 45,000 cases, and a maximum charge of $375 in excess of 45,000 cases.

• • • • • •

As to Part 70:

In § 70.138, paragraph (a)(8) is amended to read:

§ 70.138 Continuous grading performed on a resident basis.

• • • • • •

(a) • • •

(8) An administrative service charge based upon the aggregate weight of the total volume of all live and ready-to-cook poultry handled in the plant per billing period computed in accordance with the following:

$60 for 0 to 100,000 pounds,[1] $85 for 100,001 to 400,000 pounds plus $8 additional for each 100,000 pounds or fraction thereof in excess of 400,000 and up to 3 million pounds, and $10 for each 1 million pounds or fraction thereof, in excess of 3 million to 10 million pounds, and a maximum charge of $375 in excess of 10 million pounds.

• • • • • •

Legislation requires that the fees and charges for grading services under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), be reasonable and shall as nearly as possible, cover the cost of such services. It has been determined that in order to cover the increased costs of the service, the administrative charges must be increased as soon as practicable as provided herein. The need for the increase and the amount thereof are dependent upon facts within the knowledge of the Department. Therefore, under 5 U.S.C. 553 it is found that notice and other public procedure with respect to these amendments are impracticable and unnecessary.

Issued at Washington, D.C., this 21st day of November, 1974, to become effective on January 5, 1975.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-27664 Filed 11-25-74;8:45 am]

[1] Also applies where an approved application is in effect and no product is handled.

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Tangerine Reg. 46, Amdt. 3]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Amendment of Size Regulation

This amendment prescribes a minimum diameter requirement of 2$^{9}/_{16}$ inches applicable to shipments of tangerines during the period December 2 through December 8, 1974, except that not more than 30 percent of the total quantity of tangerines shipped by any handler during the last previous week of tangerine shipments within the current fiscal period may be smaller but not smaller than 2$^{4}/_{16}$ inches in diameter. This requirement is designed to prevent an excessive buildup of smaller-size tangerines in fresh market outlets and maintain orderly marketing conditions.

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the regulation of tangerine shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The amendment reflects the Department's appraisal of the need for regulation of tangerine shipments based on the available supply and current and prospective market conditions. The

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amendment is designed to provide ample supplies of tangerines of the more desirable sizes in the interest of both growers and consumers. The action is designed to prevent an excessive buildup of smaller-size tangerines and maintain orderly marketing conditions by preventing the adverse effect on the market caused by shipment of excessive quantities of smaller-size fruit when more than ample supplies of the more desirable sizes are available to serve consumers' needs. This amendment is consistent with the objective of the act of promoting orderly marketing and protecting the interest of consumers.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of tangerines, grown in the production area, are presently subject to regulation by grade and size, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Growers Administrative Committee on November 19, 1974; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such fruit; compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

Order. In § 905.557 (Tangerine Regulation 46; 39 FR 32976, 37186, 40745) the provisions of paragraph (b)(2) are revised to read as follows:

• • • • •

§ 905.557 Tangerine Regulation 46.

(b) • • •

(2) Any tangerines, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines: *Provided*, That during the period December 2 through December 8, 1974, no handler may ship tangerines, grown in the production area, which are of a size smaller than 2 1/16 inches in diameter except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the United States Standards for Florida Tangerines: *Provided further*, That during said week any handler may ship a quantity of tangerines which are smaller than 2 1/16 inches in diameter, including the aforesaid tolerance, if (i) the number of standard packed boxes of such smaller tangerines does not exceed 30 percent of the total shipments of tangerines by such handler during the last previous week, within the current fiscal period, in which he shipped tangerines; and (ii) such smaller tangerines are of a size not smaller than 2 1/16 inches in diameter, except that a tolerance for tangerines smaller than such minimum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in said United States Standards for Florida Tangerines.

• • • • •

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 21, 1974, to become effective December 2, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-27662 Filed 11-25-74;8:45 am]

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

Expenses and Rate of Assessment

This document authorizes $60,842 of Cranberry Marketing Committee expenses for the 1974–75 fiscal period, under Marketing Order No. 929, and fixes the rate of assessment at $0.03 per barrel of cranberries, handled during such period, to be paid to the committee by each first handler as his pro rata share of such expenses.

On November 4, 1974, notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 38906) regarding proposed expenses and the related rate of assessment for the fiscal period September 1, 1974, through August 31, 1975, pursuant to the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The notice afforded 16 days during which interested persons could submit written data, views, or arguments in connection with said proposals. None were received. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

After consideration of all relevant matter presented, including the proposals which were submitted by the Cranberry Marketing Committee (established pursuant to the amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 929.215 Expenses and rate of assessment.

(a) *Expenses.* The expenses that are reasonable and likely to be incurred by the Cranberry Marketing Committee during the fiscal period September 1, 1974, through August 31, 1975, will amount to $60,842.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 929.41, is fixed at $0.03 per barrel, or equivalent quantity, of cranberries.

(c) *Terms.* Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) shipments of cranberries are now being made, (2) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable cranberries handled during the aforesaid period, and (3) such period began on September 1, 1974, and said rate of assessment will automatically apply to all such cranberries beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: November 21, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-27663 Filed 11-25-74;8:45 am]

PART 987—DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Free and Restricted Percentages and Withholding Factors for the 1974–75 Crop Year

Notice was published in the November 4, 1974, issue of the FEDERAL REGISTER (39 FR 38906) regarding a proposal to establish free and restricted percentages and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, for Deglet Noor, Zahidi, Halawy, and Khadrawy dates. The 1974–75 crop year began October 1, 1974. The proposal was pursuant to the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987). The amended marketing agreement and order regulate the handling of domestic dates produced or packed in Riverside County, California, and are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded interested persons an opportunity to submit written data, views, or arguments with respect to the proposal. None were received.

The free percentages, restricted percentages, and withholding factors for the 1974–75 crop year are applicable to marketable dates and are pursuant to §§ 987.44 and 987.45. These percentages and factors are based on estimates by the California Date Administrative Committee of supply and trade demand, adjusted for handler carryover, for the current crop year. Trade demand means the aggregate quantity of whole or pitted dates which the trade will acquire from all handlers during the crop year for distribution in the continental United States, Canada, and such other countries as the Committee finds will acquire dates at prices reasonably comparable with prices received in the continental United States. The California Date Administrative Committee included no countries other than the continental United States and Canada in its determination of trade demand.

In determining the percentages for each of the four varieties, the Committee considered the following data and estimates for the crop year beginning October 1, 1974:

	Deglet Noor	Zahidi	Halawy	Khadrawy
		(1,000 pounds)		
1. Production of marketable dates (1974–75 crop)	33,858	1,843	193	589
2. Plus Noncertified handler carryover as of September 30, 1974, of marketable dates	6,348	57	40	124
3. Total marketable supply	40,206	1,900	233	713
4. Trade demand for free whole and pitted dates (continental United States and Canada)	15,000	1,000	100	350
5. Plus: Desirable handler carryover as of September 30, 1975, to assure date supplies for early demand	8,400	480	75	175
6. Less: Certified handler carryover as of September 30, 1974, of free dates	1,676	14	10	23
7. Adjusted trade demand	21,724	1,386	165	502

It is estimated that the amounts in excess of adjusted trade demands for these four varieties will be utilized in products and export markets. Hence, free and restricted percentages, and withholding factors of 100 percent, 0 percent, and 0 percent, respectively, should be established for each of these varieties.

After consideration of all relevant matter presented, including that in the notice, the information and recommendation submitted by the Committee, and other available information, it is found that to establish free percentages, restricted percentages, and withholding factors as hereinafter set forth will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action does not impose any restrictions upon handlers and gives them flexibility in meeting market needs; (2) the relevant provisions of said marketing agreement and this part require that free and restricted percentages and withholding factors established for a particular crop year shall be applicable during the entire crop year to all marketable dates; and (3) the current crop year began October 1, 1974, and the percentages and withholding factors hereinafter established will apply to all such dates beginning with that date.

The free percentages, restricted percentages, and withholding factors for the 1974–75 crop year are as follows:

§ 987.222 Free and restricted percentages, and withholding factors.

The various free percentages, restricted percentages, and withholding factors applicable to marketable dates of each variety shall be, for the crop year beginning October 1, 1974, and ending September 30, 1975, as follows: (a) Deglet Noor variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (b) Zahidi variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (c) Halawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent; (d) Khadrawy variety dates: Free percentage, 100 percent; restricted percentage, 0 percent; and withholding factor, 0 percent.

(Sec. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 19, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74-27573 Filed 11-25-74;8:45 am]

CHAPTER X—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MILK), DEPARTMENT OF AGRICULTURE

[Milk order 138; Docket No. AO-309-A20]

PART 1136—MILK IN THE GREAT BASIN MARKETING AREA

Order Amending Order

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Great Basin marketing area.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning

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of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1136.86.

(c) *Determinations.* It is hereby determined that: (1) the refusal or failure of handlers (excluding cooperative associations specified in section 8c (9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

ORDER RELATING TO HANDLING

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Great Basin marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. Section 1136.6 is revised as follows:

§ 1136.6 Great Basin marketing area.

"Great Basin marketing area" hereinafter called the "marketing area" means all the territory, including all government reservations and installations and all municipalities, within the places listed below:

UTAH COUNTIES

Box Elder	Morgan
Cache (city of Logan only)	Salt Lake
Carbon	Sanpete
Daggett	Sevier
Davis	Summit
Duchesne	Tooele
Emery	Uintah
Grand	Utah
Juab	Wasatch
Millar	Webber

NEVADA COUNTIES

Elko	White Pine

WYOMING COUNTIES

Uinta (town of Evanston only)

IDAHO COUNTIES

Bannock	Franklin
Bear Lake	Jefferson
Bingham	Madison
Bonneville	

2. In § 1136.11, paragraph (a) is revised as follows:

§ 1136.11 Pool plant.

* * * * *

(a) A fluid milk plant, except a producer-handler plant, from which not less than 50 percent in any month of September through February, not less than 45 percent in any month of March and April, and not less than 40 percent in any month of May through August of the fluid milk products, except filled milk, approved by a duly constituted health authority for fluid consumption that are physically received at such plant (excluding milk received at such plant from other order plants or dairy farms which is classified in Class III under this order and which is subject to the pricing and pooling provisions of another order issued pursuant to the Act) or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13 is disposed of on routes, and not less than 15 percent of such receipts are on routes in the marketing area.

* * * * *

3. Section 1136.53 is revised as follows:

§ 1136.53 Location adjustments to handlers.

(a) For milk which is received from producers at a pool plant, or is diverted therefrom, or is delivered by a cooperative association pursuant to § 1136.9(c) to a pool plant and which is assigned to Class I milk, subject to the limitations pursuant to paragraph (b) of this section, and for other source milk for which a location adjustment is applicable, the price computed pursuant to § 1136.50(a) shall be reduced as follows:

Distance (miles):	Rate per hundredweight (cents)
150 but not more than 160	22.0
For each additional 10 miles or fraction thereof in excess of 160	1.5

Such distance to be the shortest hard-surfaced highway distance as determined by the market administrator from the plant to the County Courthouse of Salt Lake County, Utah;

(b) In applying such credits to transfers of fluid milk products between pool plants, a Class I location adjustment credit for the transferor-plant shall be determined by the market administrator for skim milk and butterfat, respectively, as follows:

(1) From the pounds of skim milk remaining in Class I at the transferee-plant after the computations are made pursuant to § 1136.44(a)(10) subtract the pounds of skim milk in receipts of milk at the transferee-plant from producers and handlers described in § 1136.9 (c);

(2) Assign any remaining pounds of skim milk in Class I at the transferee-plant to the skim milk in receipts of fluid milk products from other pool plants, first to the transferor-plants at which no location adjustment applies and then in sequence beginning with the plant at which the least location adjustment applies;

(3) Compute the total amount of location adjustment credits to be assigned to transferor-plant pursuant to paragraph (b)(2) of this section by the applicable adjustment rate for each such plant, and add the resulting amounts;

(4) Assign the total amount of location adjustment credits computed pursuant to paragraph (b)(3) of this section to those transferor-plants that transferred fluid milk products containing skim milk classified as Class I milk pursuant to § 1136.44(a), in sequence beginning with the plant at which the least location adjustment applies. Subject to the availability of such credits, the credit assigned to each plant shall be equal to the hundredweight of such Class I skim milk multiplied by the applicable location adjustment rate for such plant. If the aggregate of this computation for all plants having the same location adjustment rate exceeds the credits that are available to those plants, such credits shall be prorated to the volume of skim milk in Class I transfers received from such plants; and

(5) Class I location adjustment credit for butterfat shall be determined in accordance with the procedure outlined for skim milk in paragraph (b) (1) through (4) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: January 1, 1975.

Signed at Washington, D.C., on November 21, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-27578 Filed 11-25-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALTIS), AFRICAN SWINE FEVER, AND HOG CHOLERA; PROHIBITED AND RESTRICTED IMPORTATIONS

Restrictions on Importation of Eggs Other Than Hatching Eggs, Carcasses of Poultry, Game Birds and Other Birds, and Parts or Products of Such Carcasses

Correction

In FR Doc. 74-26185 appearing on page 39546 in the issue for Friday, November 8, 1974 the following changes should be made:

1. In § 94.6(g)(1) the second typographical unit which is designated (g)(1)(ii) should be designated (g)(1)(iii).

2. In § 94.6(g)(2) the reference to "subdivision (g)(1)(E)" should read "paragraph (g)(1)(v) of this section."

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74-1176]

PART 564—SETTLEMENT OF INSURANCE

Insurance Coverage

NOVEMBER 7, 1974.

The following outline regarding the amendments adopted herein is included for the reader's convenience and is subject to the full description in the preamble as well as the specific provisions in the regulations.

I. *Present Regulations.* Each insured member is insured up to $20,000.

II. *Amended Regulations.* Each official custodian of a public unit will be insured up to $100,000 on funds invested in the same State and $40,000 on funds invested outside the same State. All other insured members will be insured up to $40,000.

III. *Reason for Change.* To implement the provisions of Pub. L. 93–495 (H.R. 11221).

The Federal Home Loan Bank Board considers it necessary to amend Part 564 (12 CFR Part 564) to implement the changes in insurance coverage provided by Public Law 93–495.

Under the amendment, maximum insurance coverage on public unit accounts will be increased to $100,000 on funds invested in the same State and $40,000 on funds invested outside the same State and on all other accounts it will be increased to $40,000.

Accordingly, the Board hereby amends § 564.8(a) to read as set forth below, and hereby amends §§ 564.2, 564.3, 564.4, 564.5, 564.6, 564.7, 564.8(b), 564.9, and 564.10 by striking out "$20,000" each place it appears therein and inserting in lieu thereof "$40,000", effective November 27, 1974.

Since the above amendment implements a statutory mandate, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

§ 564.8 Public unit accounts.

(a) (1) Each official custodian of funds of the United States lawfully investing the same in an insured institution shall be separately insured up to $100,000.

(2) Each official custodian of funds of any State of the United States or any county, municipality, or political subdivision thereof lawfully investing the same in an insured institution in the same State shall be separately insured up to $100,000. Each such official custodian lawfully investing such funds in an insured institution outside the same State shall be separately insured up to $40,000.

(3) Each official custodian of funds of the District of Columbia lawfully investing the same in an insured institution in the District of Columbia shall be separately insured up to $100,000. Each such official custodian lawfully investing such funds in an insured institution outside the District of Columbia shall be separately insured up to $40,000.

(4) Each official custodian of funds of the Commonwealth of Puerto Rico, or the Virgin Islands, or of any county, municipality, or political subdivision thereof lawfully investing the same in an insured institution in Puerto Rico or the Virgin Islands, respectively, shall be separately insured up to $100,000. Each such official custodian lawfully investing such funds in an insured institution outside Puerto Rico or the Virgin Islands, respectively, shall be insured up to $40,000. Each official custodian of funds of any other territory of the United States or any county, municipality or political subdivision thereof lawfully investing the same in an insured institution shall be insured up to $40,000.

(5) For purposes of this paragraph (a) if the same person is an official custodian of more than one public unit, he shall be separately insured with respect to the public funds held by him for each such unit.

(Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259; as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-27653 Filed 11-25-74;8:45 am]

[No. 74-1177]

PART 564—SETTLEMENT OF INSURANCE

Updating of Examples of Insurance Coverage

NOVEMBER 7, 1974.

The Federal Home Loan Bank Board considers it advisable to amend Part 564 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 564) for the purpose of updating the Examples of Insurance Coverage Afforded Accounts in Institutions Insured by the Federal Savings and Loan Insurance Corporation, published as an Appendix to said Part 564, to reflect the increase in maximum insurance on accounts authorized in Pub. L. 93–495, from $20,000 to $100,000 on public unit accounts and from $20,000 to $40,000 on all other accounts. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said Part 564 by revising the Appendix thereto to read as set forth below.

(Secs. 401, 402, 403, 405, 48 Stat. 1255, 1256, 1257, 1259, as amended; 12 U.S.C. 1724, 1725, 1726, 1728. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–1948, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

APPENDIX—EXAMPLES OF INSURANCE COVERAGE AFFORDED ACCOUNTS IN INSTITUTIONS INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

The following examples illustrate insurance coverage on accounts maintained in the same insured institution. They are intended to cover various types of ownership interests and combinations of accounts which may occur in connection with funds invested in insured institutions. These examples interpret the rules for insurance of accounts contained in 12 CFR Part 564.

The examples, as well as the rules which they interpret, are predicated upon the assumption that invested funds are actually owned in the manner indicated on the institution's records. If available evidence shows that ownership is different from that on the institution's records, the Federal Savings and Loan Insurance Corporation may pay claims for insured accounts on the basis of actual rather than ostensible ownership.

A. Single ownership accounts. All funds owned by an individual (or by the husband-wife community of which the individual is a member) and invested by him in one or more individual accounts are added together and insured to the $40,000 maximum. This is true whether the accounts are maintained in the name of the individual owning the funds, in the name of his agent or nominee, or in the name of a guardian, conservator or custodian holding the funds for his benefit.

EXAMPLE 1

Question: A and B, husband and wife, each maintain an individual account containing $40,000. In addition, they hold a joint account containing $40,000. What is the insurance coverage?

Answer: Each account is separately insured to $40,000, for a total coverage of $120,000. The coverage would be the same whether the individual accounts contain funds owned as community property or as individual property of the spouses. (§ 564.3(a) and § 564.9(a)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. H maintains a $40,000 account consisting of his separately owned funds and invests $40,000 of community property funds in another account, both of which are in his name alone. What is the insurance coverage?

Answer: The two accounts are added together and insured to a total of $40,000. $40,000 is uninsured. (§ 564.3(a)).

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EXAMPLE 3

Question: A has $37,000 invested in an individual account, and his agent, B, invests $10,000 of A's funds in a properly designated agency account. B also holds a $40,000 individual account. What is the insurance coverage?

Answer: A's individual account and the agency account are added together and insured to the $40,000 maximum, leaving $7,000 uninsured. The investment of funds through an agent does not result in additional insurance coverage for the principal. (§ 564.3(b)). B's individual account is insured separately from the agency account. (§ 564.3(a)). However, if the account records of the institution do not show the agency relationship under which the funds in the $10,000 account are held, the $10,000 in B's name could, at the option of the Insurance Corporation, be added to his individual account and insured to $40,000 in the aggregate, leaving $7,000 uninsured. (§ 564.2(b)(h)).

EXAMPLE 4

Question: A holds a $40,000 individual account. B holds two accounts in his own name, the first containing $10,000 and the second containing $37,000. In processing the claims for payment of insurance on these accounts, the Insurance Corporation discovers that the funds in the $10,000 account actually belong to A and that B had invested these funds as agent for A, his undisclosed principal. What is the insurance coverage?

Answer: Since the available evidence shows that A is the actual owner of the funds in the $10,000 account, the Insurance Corporation may, at its option, add these funds to the $40,000 individual account held by A (rather than to B's $37,000 account) and insure the total of $50,000 to the $40,000 maximum, leaving $10,000 uninsured. In that event B's $37,000 individual account would be separately insured. (§ 564.3 (a) and (b)).

EXAMPLE 5

Question: C, a minor, maintains an individual account of $300 in connection with a school savings program. C's grandfather makes a gift to him of $40,000, which is invested in another account by C's father, designated on the institution's records as custodian under a Uniform Gifts to Minors Act. C's father also maintains an individual account of $40,000. What is the insurance coverage?

Answer: C's individual account and the custodianship account held for him by his father are added together and would be insured to the $40,000 maximum. (§ 564.3(c)). The individual account held by C's father is separately insured. (§ 564.3(a)).

EXAMPLE 6

Question: G, a court appointed guardian, invests in a properly designated account $40,000 of funds in his custody which belong to W, his ward. W and G each maintain $10,000 individual accounts. What is the insurance coverage?

Answer: W's individual account and the guardianship account in G's name are added together and insured to $40,000 in the aggregate. The fact that a guardian has been judicially appointed does not alter the fact that the guardianship funds legally belong to W, the ward, and are insured as W's individually owned funds. (§ 564.3(c)). G's individual account is separately insured. (§ 564.3(a)).

B. Testamentary accounts. The term "testamentary account" refers to a revocable trust account, tentative or "Totten" trust account, "payable-on-death" account or any similar account which evidences an intention that the funds shall pass on the death of the owner of the funds to a named beneficiary. If the beneficiary is a spouse, child or grandchild of the owner, the funds in all such accounts are insured for the owner up to $40,000 in the aggregate as to each such beneficiary, separately from any other individual accounts of the owner. If the beneficiary of such an account is other than a spouse, child or grandchild of the owner, the funds in the account are, for insurance purposes, added to any other individual accounts of the owner and insured up to $40,000 in the aggregate. In the case of a revocable trust account, the person who holds the power of revocation is deemed to be the owner of the funds in the account. If a revocable trust account is held in the name of a fiduciary other than the owner of the funds, any other accounts held by the fiduciary are insured separately from such revocable trust account.

EXAMPLE 1

Question: H invests $80,000 in a revocable trust account with his son, S, and his daughter, D, as named beneficiaries. What is the insurance coverage?

Answer: Since S and D are children of H, the owner of the account, the funds are insured up to $40,000 as to each beneficiary. (§ 564.4(a)). Assuming that S and D have equal beneficial interests ($40,000 each), H is fully insured for this account.

EXAMPLE 2

Question: H, as settlor-trustee, creates a revocable trust for the benefit of his son, S. H creates a second revocable trust, with T as trustee, for the benefit of his nephew, N. H invests $40,000 of the funds of the first trust in a revocable trust account. T invests $20,000 of the funds of the second trust in another account. In addition, H, S, N, and T each maintain individual accounts containing $40,000. What is the insurance coverage?

Answer: Since S is a child of H, the account established under the first trust is insured up to $40,000 separately from any other accounts held by H. (§ 564.4(a)). Since N is not a spouse, child or grandchild of H, the $20,000 in the account held by T under the second trust is deemed to be owned by H and is added to the $40,000 in H's individual account and insured up to $40,000 in the aggregate, leaving $20,000 uninsured. (§ 564.4 (b)). The individual accounts of S, N and T are separately insured to the $40,000 maximum. (§ 564.3(a)).

EXAMPLE 3

Question: H invests $40,000 in each of four "payable-on-death" accounts. Under the terms of each account contract, H has the right to withdraw any or all of the funds in the account at any time. Any funds remaining in the account at the time of H's death are to be paid to a named beneficiary. The respective beneficiaries of the four accounts are H's wife, his mother, his brother and his son. H also holds an individual account containing $40,000. What is the insurance coverage?

Answer: The accounts payable on death to H's wife and son are each separately insured to the $40,000 maximum. (§ 564.4(a)). The accounts payable to H's mother and brother are added to H's individual account and insured to $40,000 in the aggregate, leaving $40,000 uninsured. (§ 564.4(b)).

EXAMPLE 4

Question: H and W, husband and wife, each invest $80,000 in a revocable trust account with their son, S, and their daughter, D, named as equal beneficiaries. Under the terms of the trust, the interest of either grantor passes, on his death, to the survivor grantor; upon the death of both grantors, the account is to be divided between S and D. Each of the grantors has the right to revoke the trust at any time. What, assuming S and D do not predecease their parents, is the insurance coverage if default occurs during the lifetime of both of the grantors? What is the insurance coverage if default occurs after the death of one but before the death of the other grantor?

Answer: Since S and D are the children of H and W, each of whom is the owner of one-half of the funds in the account, and since the account evidences an intention that the funds shall pass on the death of the owners of the funds to named beneficiaries, the funds are insured for each owner up to $40,000 as to each beneficiary. Thus, during their lifetimes, H and W are each insured up to $40,000 as to S and as to D, separately from any other individual accounts which they may own, making the account fully insured. If default occurs after the death of one of the grantors, insurance coverage of the account would decrease from $160,000 to $80,000, since the surviving grantor would have power of revocation over the trust and, under § 564.4, a grantor is entitled to insurance coverage only up to $40,000 as to each named beneficiary.

EXAMPLE 5

Question: H establishes a revocable trust account with his son, S, named as beneficiary. Under the terms of the trust, S becomes the owner of the account upon the happening of a certain event (for instance, coming of age) or upon the death of H whichever comes later. What is the insurance coverage?

Answer: During the lifetime of H the account would be insured up to $40,000 to H, the owner, as to S, the son, as a testamentary account, inasmuch as the account evidences an intention that, upon the death of the owner, ownership of the funds shall pass to the named beneficiary. If H dies prior to the happening of the event, the power of revocation dies with him and the account would be insured up to $40,000 to S, as the beneficiary of an irrevocable trust account established by H.

C. Accounts of executors or administrators. All funds belonging to a decedent and invested in one or more accounts, whether held in the name of the decedent or in the name of his executor or administrator, are added together and insured to the $40,000 maximum. Such funds are insured separately from the individual accounts of any of the beneficiaries of the estate or of the executor or administrator.

EXAMPLE 1

Question: A, administrator of D's estate, sells D's automobile and invests the proceeds of $5,000 in an account entitled: "A, Administrator of the estate of D." In the same institution there is an account containing $40,000 which D had opened just prior to his death. What is the insurance coverage?

Answer: The two accounts are added together and insured up to the $40,000 maximum, leaving $5,000 uninsured. (§ 564.5).

EXAMPLE 2

Question: X is executor of the will of T, under which A, B and C are beneficiaries in equal shares. X invests $80,000 of T's estate in an account entitled: "X, Executor of the will of T." A and X maintain individual accounts of $40,000 each in the same institution. What is the insurance coverage?

Answer: The account held by X as executor is insured only to $40,000. Such funds are considered the property of the decedent's estate and are not apportioned among the beneficiaries under the will. Since the title of the estate account discloses its fiduciary nature, X's individual account is insured separately. In addition, A's individual account is separately insured to the $40,000 maximum. (§ 564.5).

D. Accounts held by a corporation, partnership or unincorporated association. All funds invested in an account or accounts by a corporation, a partnership or an unincorporated association engaged in any independent activity are added together and insured to the $40,000 maximum. The term "independent activity" means any activity other than the one directed solely at increasing insurance coverage. If the corporation, partnership or unincorporated association is not engaged in an independent activity, any account held by the entity is insured as if owned by the persons owning or comprising the entity, and the imputed interest of each such person is added for insurance purposes to any individual account which he maintains.

EXAMPLE 1

Question: X Corporation maintains a $40,000 account. The stock of the corporation is owned by A, B, C, and D in equal shares. Each of these stockholders also maintains an individual account with the same institution. What is the insurance coverage?

Answer: Each of the accounts would be insured to $40,000 if the corporation is engaged in an independent activity and has not been established merely for the purpose of increasing insurance coverage. The same would be true if the business were operated as a bona fide partnership instead of as a corporation. (§ 564.6).

EXAMPLE 2

Question: A and B each has a $36,000 account in his own name and X Corporation has a $36,000 account. One third of the stock of X Corporation is owned by A and two thirds by B. X Corporation was set up solely to obtain additional insurance. What is the insurance coverage?

Answer: Since X Corporation is not engaged in an independent activity, the funds in its account are insured as if owned by A and B in proportion to their inteerst in the corporation. For insurance purposes, $12,000 of the corporate account is imputed to A and added to his individual account and $24,000 is added to B's individual account. A has an aggregate individual interest of $48,000, if which $40,000 is insured, leaving $8,000 uninsured. Of B's total interest of $60,000, $20,000 is uninsured. (§ 564.6).

EXAMPLE 3

Question: C College maintains three separate accounts with the same institution under the titles: "General Operating Fund", "Teachers Salaries", and "Building Fund". What is the insurance coverage?

Answer: Since all of the funds are the property of the college, the three accounts are added together and insured only to the $40,000 maximum. (§§ 564.6 and 564.7).

EXAMPLE 4

Question: The men's club of X Church carries on various social activities in addition to holding several fund raising campaigns for the church each year. The club is supported by membership dues. Both the club and X Church maintain accounts in the same institution. What is the insurance coverage?

Answer: The men's club is an unincorporated association engaged in an independent activity. If the club funds are, in fact, legally owned by the club itself and not the church, each account is separately insured to the $40,000 maximum. (§ 564.7).

EXAMPLE 5

Question: The PQR Union has three locals in a certain city. Each of the locals maintains a savings account containing funds belonging to the parent organization. All three accounts are in the same insured institution. What is the insurance coverage?

Answer: The three accounts are added together and insured up to the $40,000 maximum. (§ 564.7).

E. Public unit accounts. For insurance purposes, the official custodian of funds belonging to a public unit, rather than the public unit itself, is insured as the account holder. All funds belonging to a public unit and invested by the same custodian in an insured institution in the same state are added together and insured to the $100,000 maximum, regardless of the number of accounts involved. If there is more than one official custodian for the same public unit, the funds invested by each custodian are separately insured up to $100,000. If the same person is custodian of funds for more than one public unit, he is separately insured to $100,000 with respect to the funds of each unit held by him in properly designated accounts. With regard to funds invested outside the state, the same principles apply but the coverage is limited to $40,000. The maximum coverage for an official custodian of funds of the United States would be $100,000. In the following examples it is assumed that all of the funds are invested in the same state.

For insurance purposes, a "political subdivision" is entitled to the same insurance coverage as any other public unit. "Political subdivision" includes any subdivision of a public unit or any principal department of such unit (1) the creation of which has been expressly authorized by state statute (2) to which some functions of government have been allocated by state statute and (3) to which funds have been allocated by statute or ordinance for its exclusive use and control.

EXAMPLE 1

Question: X, as county treasurer, invests $25,000 in each of the following accounts: "General Operating Account", "Road and Bridge Fund", "School Transportation Fund", "Local Maintenance Fund", and "Payroll Fund". What is the insurance coverage?

Answer: Since all of these funds are owned by the same public unit (the county) and are invested by the same public official, the five accounts are added together and insured in the aggregate to the $100,000 maximum, leaving $25,000 uninsured. (§ 564.8(a)).

EXAMPLE 2

Question: As Comptroller of Y Consolidated School District, A maintains a $125,000 account containing school district funds. He also maintains his own $40,000 savings account. What is the insurance coverage?

Answer: The two accounts will be separately insured, assuming the institution's records indicate that the account containing the school district funds is held by A in a fiduciary capacity. Thus, $100,000 of the school's funds and the entire $40,000 in A's personal account will be insured. (§§ 564.2 (b)(1) and 564.8(a)).

EXAMPLE 3

Question: A, as city treasurer, and B, as chief of the city police department, each have $100,000 in city funds invested in custodial accounts. What is the insurance coverage?

Answer: Assuming that both A and B have official custody of the city funds, each account is separately insured to the $100,000 maximum. (§ 564.8(a)).

EXAMPLE 4

Question: A is Treasurer of X County and collects certain tax assessments, a portion of which must be paid to the state under statutory requirement. A maintains an account for general funds of the county and establishes a separate account for the funds which belong to the State Treasurer. The institution's records indicate that the separate account contains funds held for the State. What is the insurance coverage?

Answer: Since two public units own the funds held by A, the accounts would each be separately insured to the $100,000 maximum. (§ 564.8(a)).

EXAMPLE 5

Question: A city treasurer invests city funds in each of the following accounts: "General Operating Account", "School Transportation Fund", "Local Maintenance Fund", and "Payroll Fund". By administrative direction the city treasurer has allocated the funds for the use of and control by separate departments of the city. What is the insurance coverage?

Answer: All of the accounts are added together and insured in the aggregate to $100,000. Because the allocation of the city's funds is not by *statute or ordinance* for the specific use of and control by separate departments of the city, separate insurance coverage to the maximum of $100,000 is not afforded to each account. (§§ 561.5a, 564.8 (a)).

EXAMPLE 6

Question: A city treasurer invests $100,000 in a "General Fund" account and $125,000 in a "Meter Deposit" account. The funds in the Meter Deposit account belong to users of gas and are held by the official custodian in a fiduciary capacity as security for damage to gas meters. What is the insurance coverage?

Answer: Each account is separately and fully insured. However, if the city treasurer held such funds as agent for the users of gas, their interests in the Meter Deposit account would be added to their individual accounts in computing insurance coverage. (§ 564.3(b)). On the other hand, if the meter deposits are actually held in trust pursuant to statute or contract, such funds would be separately insured from any individually owned funds of the gas users. (§ 564.10).

EXAMPLE 7

Question: In addition to the public fund accounts listed in Example 1, the county treasurer also maintains a "Bond Payment Account" containing funds required by law to be paid to 2,000 holders of bonds issued by the county. The account contains $1,000,000. What is the insurance coverage?

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Answer: The interest of each bond holder is separately insured to the $40,000 maximum. Where a public official invests in an account funds which are required by law to be held for the payment of a particular bond issue, the account is deemed to be held in trust for the individual bond holders. The title of such an account, however, must indicate its fiduciary nature. (§ 564.8(b)).

EXAMPLE 8

Question: A city treasurer deposits in an insured institution $100,000 in each of the following accounts:

"General Operating Fund"
"Police Department"
"Fire Department"
"Parks Department—Maintenance"

What is the insurance coverage?

Answer: The "Police Department" and "Fire Department" accounts would each be separately insured to $100,000 if the funds in each such account have been allocated by law for the exclusive use of a separate city department or subdivision expressly authorized by State statute.

Funds in the "Parks Department" account are expended only by order of the city treasurer and are added to the funds in the "General Operating Fund" account and insured only to $100,000. (§§ 561.5a, 564.8(a)).

EXAMPLE 9

Question: A county treasurer deposits in an insured institution $100,000 in each of the following accounts:

"General Operating Fund"
"County Roads Department Fund"
"County Water District Fund"
"County Public Improvement District Fund"
"County Emergency Fund"

What is the insurance coverage?

Answer: The "County Roads Department", "County Water District" and "County Public Improvement District" accounts would each be separately insured to $100,000 if the funds in each such account have been allocated by law for the exclusive use of a separate county department or subdivision expressly authorized by State statute.

Funds in the "General Operating" and "Emergency Fund" accounts would be added together and insured in the aggregate to $100,000, if such funds are for county-wide use and not for the exclusive use of any subdivision or principal department of the county, expressly authorized by State statue. (§§ 561.5a, 564.8(a)).

EXAMPLE 10

Question: A city treasurer deposits $100,000 in each of the following accounts:

"Local Improvement District"
"General Operating Fund"
"Equipment Rental Fund"
"Department of Public Welfare"
"Bureau of Weights and Measures" (subordinate agency of "Department of Public Welfare")

What is the insurance coverage?

Answer: Funds allocated by law for the exclusive use of the "Department of Public Welfare" and the "Bureau of Weights and Measures", a subordinate agency thereof, would be added together and insured only to $100,000. The "Local Improvement District" account, consisting of funds of a separate subdivision, would be separately insured to $100,000. The "Equipment Rental" and "General Operating" accounts, held for city-wide use, would be added together and separately insured to $100,000. (§§ 561.5a, 564.8(a)).

F. *Joint accounts.* Accounts held under any form of joint ownership valid under State law (whether as joint tenants with right of survivorship, tenants by the entireties, tenants in common or by husband and wife as community property) are insured up to $40,000. This insurance is separate from that afforded individual accounts held by any of the co-owners.

An account is insured as a joint account only if each of the co-owners has personally executed an account signature card and possesses withdrawal rights. An account owned jointly which does not qualify as a joint account for insurance purposes is insured as if owned by the named persons as individuals. In that case, the actual ownership interest in the account of each person is added to any other accounts individually owned by such person and insured up to $40,000 in the aggregate.

Any individual, including a minor, may be a co-owner of a joint account provided that, under State law, he may execute a signature card and withdraw funds from the account on the same basis as the other co-owners.

All funds invested in joint accounts owned by the same combination of individuals are first added together and insured to the $40,000 maximum. Where an investor has an interest in more than one joint account and different joint owners are involved, his interests in all of such joint accounts are then added together and insured to $40,000 in the aggregate.

For insurance purposes, the co-owners of any joint account are deemed to have equal interests in the account, except in the case of a tenancy in common. With a tenancy in common, equal interests are presumed unless otherwise stated on the records of the institution.

EXAMPLE 1

Question: A and B maintain an account as joint tenants with right of survivorship and, in addition, each holds an individual account. Is each account separately insured?

Answer: If both A and B have executed the signature card and possess withdrawal rights with respect to the joint funds, each account is separately insured to the $40,000 maximum. (§§ 564.9(a) and (b)).

EXAMPLE 2

Question: H and W, husband and wife, reside in a community property state. Each holds an individual account and, in addition, they hold a qualifying joint account. The funds in all three accounts consist of community property. Is each account separately insured?

Answer: Yes. An account in the individual name of a spouse will be insured up to $40,000, whether the funds consist of community property or separate property of the spouse. A joint account containing community property is also insured up to $40,000. Thus, community property can be used for individual accounts in the name of each spouse and for a joint account in the name of both spouses, each of which accounts is separately insured up to $40,000. (§§ 564.3(a) and 564.9(a)).

EXAMPLE 3

Question: Two accounts of $40,000 each are held by a husband and his wife under the following names: John Doe and Mary Doe, husband and wife, as joint tenants with right of survivorship. Mrs. John Doe and John Q. Doe (community property). Are the accounts separately insured?

Answer: No. Both accounts are considered joint accounts owned by the same combination of individuals, regardless of the form of joint ownership. Reversal of names or use of different styles does not change the result, as long as the account owners are in fact the same in both cases. For insurance purposes, the accounts are added together for a total of $80,000, of which $40,000 is insured. (§ 564.9(d)).

EXAMPLE 4

Question: The following accounts are held by A, B, and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each co-owner of a joint account possesses the necessary withdrawal rights.

No. 1—A, as an individual—$40,000
No. 2—B, as an individual—$40,000
No. 3—C, as an individual—$40,000
No. 4—A and B, as joint tenants w/r/o survivorship—$36,000
No. 5—A and C, as joint tenants w/r/o survivorship—$36,000
No. 6—B and C, as joint tenants w/r/o survivorship—$36,000
No. 7—A, B and C, as joint tenants w/r/o survivorship—$36,000

What is the insurance coverage?

Answer: Accounts numbered 1, 2 and 3 are each separately insured for $40,000 as individual accounts held by A, B, and C, respectively. (§ 564.3(a)). With regard to accounts numbered 4, 5, 6, and 7, the respective interests of A, B, and C in such accounts are added toegther for insurance purposes. (§ 564.9(e)). The interests of the co-owners of each joint account are deemed equal for insurance purposes. (§ 564.2(b)(4)). Thus, A has an interest of $18,000 in account No. 4, $18,000 in account No. 5, and $12,000 in account No. 7, for a total joint account interest of $48,000, of which $40,000 is insured. The interests of B and C are similarly insured.

EXAMPLE 5

Question: A, B, and C hold accounts as set forth in Example 4. A and B are husband and wife. C, their minor child, has failed to execute the signature card for account No. 7. In account No. 5, C cannot make a withdrawal without A's written consent. In account No. 6, the signatures of both B and C are required for withdrawal. A has provided all of the funds for accounts numbered 5 and 7. What is the insurance coverage?

Answer: If any of the co-owners of a joint account have failed to meet any of the joint account requirements, the account is not insured as a joint account. Instead, the account is insured as if is consisted of commingled individual accounts of each of the co-owners in accordance with his actual ownership of the funds, as determined under applicable state law. (§ 564.9(c)). Account No. 5 is not insured as a joint account because C does not possess the right to withdraw the funds in accordance with his purported interest in the account. (§ 564.9(b)). However, account No. 6 does qualify as a joint account for insurance purposes since each co-owner possesses the right to withdraw funds on the same basis. Account No. 7 is not insured as a joint account since C did not personally execute the signature card. Assuming that, under applicable state law, A has the entire actual ownership interest in accounts 5 and 7, all of the funds in these accounts are treated for insurance purposes as individually owned by A. (§ 564.9(c)). Thus, the $72,000 in these accounts is added to the $40,000 in account No. 1, A's individual account, and insured up to $40,000 in the aggregate, leaving $72,000 uninsured. Accounts 4 and 6, the remaining joint accounts, are each insured to the $40,000 limit, since they are owned by different combinations of individuals and no co-owner has an aggregate interest in the two accounts in excess of $40,000. (§§ 564.9 (d) and (e)).

EXAMPLE 6

Question: Three qualifying joint accounts are owned by A, B, and C, as joint tenants with right of survivorship, as follows:

#1—A and B—$40,000
#2—A and B—$10,000
#3—A and C—$20,000

What is the insurance coverage?

Answer: Since accounts numbered 1 and 2 are owned by the same combination of individuals, they are first added together and insured to $40,000 in the aggregate, leaving $10,000 uninsured. (§ 564.9(d)). Since the respective interests of the co-owners of each joint account are deemed equal for insurance purposes, A has an interest of $20,000 in account No. 1, $5,000 in account No. 2, and $10,000 in account No. 3 for a total joint account interest of $35,000. A's interest of $25,000 in accounts numbered 1 and 2 receives a $20,000 proportionate share of the $40,000 insurance coverage on the two accounts, as does B's interest, leaving $5,000 uninsured in each case. A is entitled to $40,000 of insurance on the total of his interests in joint accounts owned by different combinations of individuals. (§ 564.9(e)). $20,000 of this $40,000 is allocated to A's interest in accounts numbered 1 and 2, leaving $20,000 of insurance available for his $10,000 interest in account No. 3, which is fully insured. C's $10,000 interest in account No. 3 is also fully insured. Thus, $30,000 of A's total interest of $35,000 is insured; $20,000 of B's $25,000 interest is insured; and all of C's $10,000 interest is insured. Of the $70,000 invested in the three joint accounts, a total of $60,000 is insured.

EXAMPLE 7

Question: The following accounts are owned by A, B and C, each of whom has personally executed signature cards for the accounts in which he has an interest. Each co-owner possesses withdrawal rights.

No. 1—A, as an individual—$40,000
No. 2—B, as an individual—$40,000
No. 3—A, B and C, as joint tenants w/r/o survivorship—$40,000
No. 4—A, B and C, as joint tenants w/r/o survivorship—$80,000
No. 5—A and B, as joint tenants w/r/o survivorship—$40,000

What is the insurance coverage?

Answer: Accounts numbered 1 and 2 are each separately insured for $40,000 as individual accounts held by A and B, respectively (§ 564.3(a)). With respect to the joint accounts, accounts numbered 3 and 4 are owned by the same combination of individuals and are added together and insured for $40,000 in the aggregate (§ 564.9(d)). Because the accounts totaled $120,000, $80,000 remains uninsured. A, B and C each have a $13,334 insured interest in accounts 3 and 4. A and B also maintain a joint account, account number 5. Because C has no interest in this account, it is owned by a combination of individuals different from accounts 3 and 4. The interests of A and B in account number 5 are deemed to be equal (§ 564.2(b)(4)). A's $20,000 interest in account 5 is added to his insured interest in accounts 3 and 4, giving him a total of $52,334 insurance coverage for his interests in the various joint accounts, in addition to the insurance in the amount of $40,000 provided for his individual account. B's interests in accounts 3, 4 and 5 are identical to A's and her interests are insured in a like manner.

G. Trust accounts. A trust estate is the interest of a beneficiary in an irrevocable express trust, whether created by trust instrument or statute, that is valid under State law. Thus, funds invested in an account by a trustee under an irrevocable express trust are insured on the basis of the beneficial interests under such trust. The interest of each beneficiary in an account (or accounts) established under such a trust arrangement is insured to $40,000, separately from other accounts held by the trustee, the settlor (grantor) or the beneficiary. However, in cases where a beneficiary has an interest in more than one trust arrangement created by the same settlor, the interests of the beneficiary in all accounts established under such trusts are added together for insurance purposes, and the beneficiary's aggregate interest derived from the same settlor is separately insured to the $40,000 maximum.

A beneficiary's interest in an account established pursuant to an irrevocable express trust arrangement is insured separately from other beneficial interests (trust estates) invested in the same account if the value of the beneficiary's interest (trust estate) can be determined (as of the date of default) without evaluation of contingencies except for those covered by the present worth tables and rules of calculation for their use set forth in § 20.2031–10 of the Federal Estate Tax Regulations (26 CFR 20.2031–10). If any trust estates in such an account cannot be so determined, the insurance with respect to all such trust estates together shall not exceed the basic insured amount of $40,000.

In order for insurance coverage of trust accounts to be effective in accordance with the foregoing rules, certain record-keeping requirements must be met. In connection with each trust account, the institution's records must indicate the name of both the settlor and the trustee of the trust and must contain an account signature card indicating the fiduciary capacity of the trustee and executed by him. In addition, the interests of the beneficiaries under the trust must be ascertainable from the records of either the institution or the trustee.

Although each ascertainable trust estate is separately insured, it should be noted that in short-term trusts the insurable interest or interests may be very small, since the interests are computed only for the duration of the trust. Thus, if a trust is made irrevocable for a specified period of time, the beneficial interest will be calculated in terms of the length of time stated. A reversionary interest retained by the settlor is treated in the same manner as an individual account of the settlor.

As stated, the trust must be valid under local law. A trust which does not meet local requirements, such as one imposing no duties on the trustee or conveying no interest to the beneficiary, is of no effect for insurance purposes. An account in which such funds are invested is considered to be an individual account.

An account established pursuant to a revocable trust arrrangement is insured as a form of individual account and is treated under Section B, *supra*, dealing with Testamentary Accounts.

EXAMPLE 1

Question: T is a trustee of an irrevocable trust created by S, settlor, for the benefit of A and B in equal shares. T holds an account containing $80,000 in trust funds. A and B, as well as T and S, each maintain individual accounts in the amount of $40,000 each. What is the insurance coverage?

Answer: The trust estates of A and B invested in the account are each insured to the $40,000 maximum, assuming that neither A nor B have beneficial interests in any other accounts established pursuant to an irrevocable trust created by the same settlor. Since A and B have equal beneficial interests under the trust, each has a proportionate interest in the trust account of $40,000 and the account is fully insured. The individual accounts of A, B, T and S are each separately insured to $40,000. (§ 564.10).

EXAMPLE 2

Question: S is the settlor of an irrevocable trust for the sole benefit of his son, B. T, the trustee, maintains an account containing $40,000 in trust funds. S subsequently creates a separate irrevocable trust, also for B's sole benefit, with X Bank as trustee. X Bank invests $10,000 of the trust funds in another account. What is the insurance coverage?

Answer: B has the sole beneficial interest in two accounts established under trusts created by the same settlor. Both accounts are added together and insured up to $40,000 in the aggregate, leaving $10,000 uninsured. The fact that two different trustees are involved is immaterial. (§ 564.10).

EXAMPLE 3

Question: S is the settlor of an irrevocable trust fund for the sole benefit of his son, B. T, trustee, invests $40,000 of the trust funds in trust account. S establishes a revocable trust account in the amount of $40,000 for the sole benefit of B. S also has an individual account of $40,000. What is the insurance coverage?

Answer: B's trust estate in the account established pursuant to the irrevocable trust arrangement is insured to $40,000 separately from the accounts owned by S (§ 564.10). The revocable trust account is insured to $40,000 as a testamentary account owned by S with his child as beneficiary, separately from S's individual account (§ 564.4 (a)). The three accounts are fully insured.

EXAMPLE 4

Question: An account in the amount of $80,000 is held pursuant to an irrevocable trust for the benefit of A and B. Under the terms of the trust instrument, A is to receive the income for life and B is to receive the remainder at A's death. At the time of default, A is 70 years of age. What is the insurance coverage?

Answer: The proportionate value of A's life estate can be determined by the use of the present worth tables found at 26 CFR § 20.2031–10. To ascertain A's beneficial interest in the account, the appropriate multiplier (.47540) indicated by Table A(2) is multiplied by the amount in the account. A's interest is found to be $38,032. The difference of $41,968 represents B's beneficial interest in the account. The trustee is entitled to an insurance payment of $78,032, representing A's complete interest ($38,032) and $40,000 of B's interest. (§§ 564.2(c)(2) and 564.10).

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EXAMPLE 5

Question: The situation is the same as in Example 4, except that A is to receive the income for life or until she marries, with remainder over to B. What is the insurance coverage?

Answer: Both trust estates are subject to a contingency (A's marriage) which precludes their evaluation by the use of the present worth tables. The insurance coverage with respect to all trust estates in the account is limited to the $40,000 maximum. (§ 564.2(c)(2).) The trustee is entitled to an insurance payment of $40,000.

EXAMPLE 6

Question: S establishes an irrevocable trust fund of $200,000 for the equal benefit of A, B, C, D, and E. The trustee invests the entire amount in a properly designated trust account. The trust provides that each beneficiary is to receive income in equal shares until the age of 35, at which time the principal is to vest in equal shares, except that if either D or E does not complete college by age 35, his share of the principal is to go to X Church. What is the insurance coverage?

Answer: The proportionate (one-fifth) interests in the account of A, B, and C are each insured up to $40,000 as separate trust estates. The interests of D, E, and X Church are subject to contingencies (completion of college) which cannot be evaluated by use of the present worth tables. Therefore, the insurance coverage on their interests is limited to $40,000 in the aggregate, resulting in a total insurance coverage of $160,000 for the trust account. (§ 564.2(c) (1) and (2).)

EXAMPLE 7

Question: G is settlor of a short-term irrevocable trust for the benefit of H University. Under the terms of the trust instrument, the university is to receive all of the income (payable annually) for two years. At the end of the two-year period, the trust is to terminate, and the corpus is to revert to G. The trustee invests $60,000 in a trust account. At the date of default, one year of the two-year term of the trust has expired. What is the insurance coverage?

Answer: Although this arrangement constitutes an express irrevocable trust, G's reversionary interest is treated, for insurance purposes, as an individual account owned by him. (§ 561.4). To ascertain the value of H University's remaining one-year income interest in the trust account, the appropriate multiplier (.03382) indicated by Table II of the present worth tables is multiplied by the account balance. H University trust estate in the account is $2,029.20. G's reversionary interest is worth $57,970.80. Assuming that G has no individual interest in any other account, the trustee is entitled to an insurance payment of $42,029.20, representing H University's entire trust estate in the account ($2,029.20) and $40,000 of G's reversionary interest. (§§ 564.2(c)(1) and 564.10).

EXAMPLE 8

Question: H and W create an irrevocable trust for the benefit of their children, S and D, in equal shares. The trust contains $200,000, of which $40,000 was contributed by W. As joint trustees, H and W invest $120,000 of these funds in a trust account. What is the insurance coverage?

Answer: The trust estate of S and D are deemed to be derived from H and W in proportion to the contribution of each to the trust. W has contributed 20% of the funds and H has contributed 80%. S and D have equal beneficial interests in the trust account. Of S's beneficial interest of $60,000, $12,000 (20%) is deemed to be derived from W and $48,000 (80%) is deemed to be derived from H. D's beneficial interest is similarly derived. The trust estate of each beneficiary derived from each settlor is separately insured to the $40,000 maximum. The $12,000 interest derived from W is fully insured, and $40,000 of the interest derived from H is insured, leaving $8,000 uninsured in the case of each beneficiary. The account is insured to a total of $104,000. (§ 564.2(c)(3)).

EXAMPLE 9

Question: X Corporation acts as servicing agent for FHA, VA and conventional mortgage loans. Each month X Corporation collects payments from approximately 2,000 mortgagors and commingles these funds in a single account. The account contains $400,000. What is the insurance coverage?

Answer: The amount of insurance coverage depends upon the terms of the contract or instrument under which X Corporation collects the funds. If it acts in the capacity of a trustee for the benefit of the mortgagors, the interest of each mortgagor is separately insured to the $40,000 maximum. If it acts in the capacity of a trustee for the lenders, the interest of each lender is separately insured to the $40,000 maximum. In either case, this insurance is separate from that afforded the individually owned funds of X Corporation invested in the institution or the individual accounts of any of the mortgagors or lenders. (§ 564.10).

If X Corporation is found to act in the capacity of an agent for either the mortgagors or the lenders, the interest of each such principal is separately insured as his individual account (but added to any other individual accounts which the principal holds in the same institution). (§ 564.3(b)).

If X Corporation is found to hold the funds as owner, or principal, with only a contractual obligation to pay to its creditors, and not as trustee or agent, the account would be insured only to the $40,000 limit. (§ 564.6).

EXAMPLE 10

Question: What is the insurance coverage on other fiduciary accounts, such as clients' funds invested in the name of a lawyer, rent security funds invested in the name of the landlord, escrow funds invested in the name of a real estate broker, litigants' funds invested in the name of a representative of a court, consignors' funds invested in the name of a market servicing agent, and similar funds invested in other custodial accounts?

Answer: Such funds are insured in the same manner as indicated in Example 9. If the funds are held in irrevocable trust pursuant to statute or trust instrument, they are insured as trust funds. If held on an agent—principal basis, they are insured as the individually owned property of the various principals. (§§ 564.3(b) and 564.10).

EXAMPLE 11

Question: A cemetery maintains an account, consisting of its general funds, in the amount of $40,000. It also maintains a properly designated trust account, containing perpetual care funds held in trust pursuant to statute or trust instrument for the benefit of various cemetery lots, in the amount of $100,000. No single perpetual care fund in the trust account exceeds $40,000. What is the insurance coverage?

Answer: The general funds account is separately insured to $40,000. Since each separate trust estate in the trust account is separately insured, the trust account is fully insured in the amount of $100,000. (§ 564.10).

EXAMPLE 12

Question: G creates a charitable trust under which the principal and income are to be used for the furtherance of legal education, in the discretion of the trustee. The trustee invests $60,000 of the trust funds in a properly designated account. What is the insurance coverage?

Answer: Since the beneficiaries under the trust are indefinite and cannot be ascertained, there can be insurance only to the basic insured amount. (§ 564.2(c)(2)). Thus, the account is insured only to $40,000, leaving $20,000 uninsured. (§ 564.10).

[FR Doc.74-27654 Filed 11-25-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-NW-23-AD; Amdt. 39-2026]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 727 Series Airplanes

Amendment 39-1456 (37 FR 11235), AD 72-12-1, requires inspections of main landing gear downlock torque shafts, P/N 65-23366, which are installed on Boeing Model 727 series airplanes. The inspections are to continue until the shafts are replaced with P/N 65-78698-1 or -2 (opposite) shafts. Recently, updated replacement shafts have been developed by Boeing and have been included in a revision to Boeing Service Bulletin 727-32-180. These shafts are identified as P/N's 65-78698-5, -6, -7, and -8. Installation of these new shafts is also considered terminating action and accordingly, the AD is being amended. The amendment also reflects an FAA organizational change.

Since this amendment imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39-1456 (37 FR 11235), AD 72-12-1 is amended as follows:

1. By striking out the words, "Chief, Aircraft Engineering Division, FAA Western Region" from paragraphs (b) and (c) and inserting the words, "Chief, Engineering and Manufacturing Branch, FAA Northwest Region" in place thereof.

2. By striking out the words "P/N 65-78698-1 or -2" from paragraph (b) and inserting the words "P/N's 65-78698-1, -5, -7 or -2, -6, -8 (opposite)" in place thereof.

3. By amending paragraph (e) to read: "Inspections prescribed by this AD do not apply to replacement shafts P/N's 65-78698-1, -5, -7 or -2, -6, -8 (opposite) installed on Boeing 727 airplanes."

This amendment becomes effective December 2, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Seattle, Washington, November 18, 1974.

C. B. WALK, JR.,
Director, Northwest Region.

[FR Doc.74-27564 Filed 11-25-74;8:45 am]

[Docket No. 74-NE-44; Amdt. 39-2009]

PART 39—AIRWORTHINESS DIRECTIVES

General Electric Company CT58-140 Engines

During a periodic laboratory test of CT58-140 engine fuel system hose, General Electric P/N 3007T22P02, an analysis showed evidence of chlorine emission, from the cement which is used to hold the fire sleeve in place, upon exposure of the hose to a high temperature environment. This condition causes chemical attack of the basic hose material weakening the hose to the point of ultimate failure.

Since this condition is likely to exist or develop in other hoses of the same model, an Airworthiness Directive is being issued to require replacement of these hoses with new improved hoses which have a cement compound that will withstand the engine heat environment.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

GENERAL ELECTRIC COMPANY. Applies to General Electric Company CT58-140 engine fuel system hose, P/N 3007T22P02 (VIN SR 9844CC6-00910)

Compliance required unless already accomplished, within the next fifteen (15) days time in service after the effective date of this AD.

To prevent possible failure of the fuel filter to flow divider hose, remove hose P/N 3007T22P02 (VIN SR 9844CC6-00910) with identification bands bearing date and/or serial number as follows:

November 72 or December 72 (3 parts total), and hoses dated December 73 having Serial Numbers 1507, 1508, 1509, 1510, 1512, 1514, 1516, 1517, 1519, 1520, 1522, and 1525 (12 parts total).

Replace hoses removed with new hose, P/N 3007T22P02 (VIN SR 9844CC6-00910) or P/N 3007T22P02 (VIN 95387), which are hoses other than those of serial number and/or date identified for removal above.

Upon request of the operator, an FAA Maintenance Inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the inspection interval specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

NOTE.—Replacement procedure reference material is contained in General Electric Alert Service Bulletin (CT58) A73-68.

This amendment becomes effective December 10, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, and 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Burlington, Massachusetts, on November 18, 1974.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-27566 Filed 11-25-74;8:45 am]

[Airworthiness Docket No. 74-WE-48-AD; Amdt. 39-2024]

PART 39—AIRWORTHINESS DIRECTIVES

Lockheed-California Company Model L-1011-385-1 Series Airplanes

There has been a failure of the main landing gear retract actuator rod on Lockheed-California Company Model L-1011-385-1 Series Airplanes that could result in a collapse of the main landing gear assembly. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require inspection and replacement of the main landing gear retract actuator rod on Lockheed-California Company Model L-1011-385-1 Series Airplanes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

LOCKHEED-CALIFORNIA COMPANY. Applies to Lockheed-California Company Model L-1011-385-1 Series airplanes certificated in all categories

To prevent possible failure of the main landing gear retract actuator rod due to stress corrosion, accomplish the following:

1. On those airplanes with 2000 or more landings in service on the effective date of this AD, perform an ultrasonic inspection described at 4, below, of the main landing gear retract actuator rod assembly P/N 1523206-101 within the next 130 cycles additional time in service, and at intervals not to exceed 130 cycles thereafter, until an actuator piston rod P/N 1523206-109 is installed.

2. On those airplanes with 1500 to 1999 landings in service on the effective date of this AD, perform an ultrasonic inspection described at 4, below, of the main landing gear retract actuator rod assembly P/N 1523206-101 within the next 260 additional cycles in service, and at intervals not to exceed 130 cycles thereafter, until an actuator piston rod P/N 1523206-109 is installed.

3. On those airplanes with less than 1500 landings in service on the effective date of this AD, perform an ultrasonic inspection described at 4, below, of the main landing gear retract actuator rod assembly P/N 1523206-101 within the next 390 additional cycles in service, and at intervals not to exceed 130 cycles thereafter, until an actuator piston rod P/N 1523206-109 is installed.

4. The ultrasonic required by 1, 2, and 3, above, is for surface discrepancies and/or cracks in the main landing gear retract actuator piston rod of the rod assembly P/N 1523206-101, in the area three and one-half inches from the grease fitting. The inspection is to be accomplished per instructions and procedures outlined in Lockheed Service Bulletin 093-32-083, dated November 5, 1974, or later FAA-approved revisions. The rod assembly is part of the P/N 1523122-107 main landing gear actuator assembly.

5. If, as a result of any of the inspections performed per 1, 2, or 3, above, a surface discrepancy and/or crack is discovered, replace the defective P/N 1523206-101 rod with either a P/N 1523206-109 rod or a P/N 1523206-101 rod as may be available in kits, as spares, or in existing spare cylinder assemblies prior to further flight. If a replacement P/N 1523206-101 rod is used, it must be ultrasonically inspected prior to installation, and at intervals not to exceed 130 cycles in service thereafter. Mark defective rods in a conspicuous manner to prevent inadvertent return to service. Installation of P/N 1523206-109 rod constitutes a terminating action for those inspections required by this AD, and operators may return to normal maintenance practices with respect thereto.

6. *Definitions.* Prior to the effective date of this AD, one landing is considered to be equivalent to one main landing gear cycle. After the effective date of this AD, one cycle consists of the retraction/extension of the gear. An added "Up Cycle" prior to gear extension counts as an additional cycle. NOTE: Lockheed Service Bulletin 093-32-083 defines cycles in the same manner.

7. After the effective date of this AD, all main landing gear retract actuator rod assemblies, P/N 1523206-101 must be replaced with P/N 1523206-109 rod assemblies prior to accumulation of 7,600 total cycles in service.

8. Equivalent inspections and replacements may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

9. Airplanes may be flown to a base for the accomplishment of the inspections and replacements required by this AD, per FAR's 21.197 and 21.199.

This amendment becomes effective December 2, 1974.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on November 18, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74-27565 Filed 11-25-74;8:45 am]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-882, Amdt. 15]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFIED AIR CARRIERS

Reporting Fuel Consumption and Inventories for Domestic and International Operations

Correction

In FR Doc. 74-26230 appearing at page 39547 in the issue of Friday, November

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8, 1974, make the following change:

On page 39550 in the sixth line of Schedule P–12(h) appearing in the second column, "Code 2921" should read "Code Z921."

[Reg. ER–883, Amdt. 16]

PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFIED AIR CARRIERS

Reporting Airport Activity Statistics for Scheduled and Nonscheduled Services

Correction

In FR Doc. 74–26715 appearing at page 40165 in the issue of Thursday, November 14, 1974, substitute the following table for the one appearing in the third column of page 40166 under Section 25, Schedule T—3(d):

Item	Scheduled service	Nonscheduled service
Airport Code		
Revenue aircraft departures scheduled	K320	
Scheduled revenue departures completed	K321	
Revenue aircraft departures performed—total by aircraft type	K510	V510
Revenue passengers enplaned	K110	V110
Revenue cargo tons enplaned:		
U.S. Mail—priority	K213	V213
U.S. Mail—nonpriority	K214	V214
Foreign Mail	K215	V215
Express	K216	V216
Freight	K217	V217

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER D—DRUGS FOR HUMAN USE

PART 446—TETRACYCLINE ANTIBIOTIC DRUGS

Subpart B—Oral Dosage Forms

DOXYCYCLINE CALCIUM

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act, as amended, with respect to approval of the antibiotic drug product, doxycycline calcium oral suspension.

The Commissioner concludes that data supplied by the manufacturer concerning the subject antibiotic drug product is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for certification of this drug product.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), Part 446 is amended as follows:

1. By redesignating the existing § 446.120 *Doxycycline hyclate capsules* as § 446.120a, and by establishing a new section § 446.120 to read as follows:

§ 446.120 Doxycycline hyclate oral dosage forms.

2. By establishing a new § 446.120b, to read as follows:

§ 446.120b Doxycycline calcium oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Doxycycline calcium oral suspension is prepared from doxycycline hyclate and contains one or more suitable and harmless buffer substances, preservatives, diluents, solvents, colorings, and flavorings. Each milliliter contains the equivalent of 10 milligrams of doxycycline. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of doxycycline that it is represented to contain. Its pH is not less than 6.5 and not more than 8.0. It passes the identity test for the presence of the doxycycline moiety. The doxycycline hyclate used conforms to the standards prescribed by § 446.20(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 432.5 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 431.1 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The doxycycline hyclate used in making the batch for potency, safety, moisture, pH, doxycycline content, identity, and crystallinity.

(*b*) The batch for potency, pH, and identity.

(ii) Samples required:

(*a*) The doxycycline hyclate used in making the batch: 10 packages, each containing approximately 300 milligrams.

(*b*) The batch: A minimum of 6 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 436.106 of this chapter, preparing the sample for assay as follows: Transfer an appropriate aliquot of the suspension to a volumetric flask and dissolve with sufficient 0.1*N* hydrochloric acid to give a stock solution of convenient concentration (containing not less than 150 micrograms of doxycycline per milliliter in acid). Further dilute an aliquot of the stock solution with 0.1*M* potassium phosphate buffer, pH 4.5 (solution 4), to the reference concentration of 0.100 microgram of doxycycline per milliliter (estimated).

(2) *pH.* Proceed as directed in § 436.202 of this chapter, using the undiluted sample.

(3) *Identity.* Proceed as directed in § 436.308 of this chapter, except prepare the standard and sample solutions as follows: Dissolve precise amounts of the doxycycline calcium oral suspension and of the doxycycline working standard in methanol and further dilute each solution with methanol to a concentration of 1 milligram of doxycycline per milliliter. Prepare the sample-standard mixed solution by mixing equal volumes of the final concentration of the sample and standard solutions. The sample and standard must each produce a major, yellow fluorescent spot with the same R_f value, and the sample-standard mixed solution must show no separation of major spots.

As the conditions prerequisite to providing for certification of subject antibiotic drug product have been complied with and since the matter is noncontroversial in nature, notice and public procedure and delayed effective date are not prereuqisites to this promulgation.

Effective date. This order shall be effective on November 26, 1974.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: November 20, 1974.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.74–27563 Filed 11–25–74;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER C—PROPERTY MANAGEMENT

[FMC 74–1, Supp. 2]

PART 232—FEDERAL ENERGY CONSERVATION

Energy Reduction

This document revises appendixes A, B, and C to Part 232 (Federal Management Circular 74–1, "Federal energy conservation" dated January 21, 1974). The purpose of this revision is to establish the overall goal for energy reduction by Federal departments and establishments for fiscal year 1975 as 15 percent below energy consumed in fiscal year 1973. This revision also reflects certain other adjustments to the details of the Federal energy conservation program that were announced by the Federal Energy Administration on April 5 and were implemented by changes to the appropriate Federal Property Management Regulations.

(Federal Energy Office memorandum dated January 17, 1974, and Executive Order 11717 (38 FR 12315, May 11, 1973))

Effective date. This regulation is effective November 26, 1974.

Dated: November 15, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[Federal Management Circular 74–1]

APPENDIX A—FEDERAL MOTOR VEHICLE MANAGEMENT

1. *Policy intent.* This appendix provides policy guidance for the improvement of Federal motor vehicle management and fuel conservation by vehicle assignment controls, reduction in vehicle size, promotion of Government vehicle pooling, and other actions to foster economical utilization of Government vehicles.

2. *Applicability and scope.* The provisions of this appendix apply to all vehicles acquired by executive departments or establishments no matter how acquired (whether by purchase, rental, lease, forfeiture, or transfer from another agency) and no matter how financed (whether through appropriations, revolving funds, trust funds, or other funds).

3. *Definitions.* a. The terms "motor vehicle" and "vehicle" as used in this appendix mean any sedan, station wagon, truck, bus, or ambulance operated by executive departments and establishments. Vehicles of these types operated by executive departments and establishments are considered a part of the Federal fleet and are subject to the provisions of this attachment. Tactical and combat vehicles used for military purposes are excluded from this definition.

b. The term "operated" includes all vehicles available for the conduct of agency business.

c. Reference to specific types of vehicles shall correspond to descriptions and designations in Federal specifications issued by the General Services Administration.

(1) For purposes of this appendix, sedans shall be identified according to Interim Federal Specification KKK–A–00811M (GSA–FSS), as follows:

Type IA—subcompact.
Type IB—compact.
Type II—intermediate.
Type III—regular (standard).
Type IV—medium.
Type V—heavy.
Type VI—limousine.

(2) The terms "economy," "economy sedans," and "economy vehicles" as used in this appendix mean types IA and IB sedans, as described in subparagraphs 3c(1).

d. The term "leased" as used in this appendix means any automobile leased for use by an agency for more than 30 calendar days and any medium and heavy trucks leased for more than 90 calendar days.

4. *Policies and procedures*—a. *General provisions.* (1) Subject to exceptions listed in subparagraph 4b, all vehicles acquired for use by executive departments and establishments shall be limited to the minimum body size, engine size, maximum fuel efficiency, and operational equipment (if any) necessary to fulfill the operational need for which that vehicle was acquired.

(2) Subject to exceptions listed in subparagraph 4b, all vehicles operated by executive departments and establishments shall be used on a pooled basis to encourage the highest level of utilization.

(3) Official purposes for the use of vehicles operated by executive departments and establishments are governed by 31 U.S.C. 638a(c)(2).

(4) All requirements for leased vehicles exceeding the ceilings established in Federal Supply Schedule, Industrial Group 751, Motor Vehicle Rental Without Driver, shall be submitted to the General Services Administration as specified in Subchapter G of the Federal Property Management Regulations. Such requests shall include full justification of the need for the leased vehicles and certification that the type of vehicle required is in conformance with provisions of FPMR 101–39.601.

(5) Agencies shall achieve and maintain an overall 15 percent reduction in motor vehicle mileage from the comparable quarter of fiscal year 1973. Such reduction shall be achieved by reducing mileage on vehicles used by executive agencies, including owned vehicles, GSA Interagency Motor Pool vehicles, leased vehicles, and privately owned vehicles authorized for use for official travel. Appeals for exceptions for vehicles used in emergencies or essential health services shall be sent to the Administrator of General Services for review and transmittal with appropriate recommendations to the Administrator, Federal Energy Administration, for final decision. Agencies shall examine all missions and programs before making application for an exception for emergencies or essential health services to determine whether adjustments may be made to stay within the specified mileage reduction levels.

(6) All motor vehicles operated by executive departments and establishments shall conform to the speed limit established and in effect for Federal vehicles.

(7) All executive agencies shall ensure that all agency-owned vehicles receive tune-ups at least every 12,000 miles or 12 months, whichever occurs first.

b. *Sedans.* The acquisition of sedans by executive departments and establishments shall be limited to type IA or IB economy vehicles (compacts or subcompacts) unless a larger sedan is certified to the Administrator of General Services to be essential to the agency's mission.

(1) *Large sedans and limousines.* (a) Use of Federal limousines (type VI) and heavy (type V) and medium (type IV) sedans shall be eliminated. Exceptions shall be made only for the President and Vice President, and for security and highly essential needs. Executive departments and establishments shall certify all exceptions to the Administrator of General Services.

(b) All types IV, V, and VI Federal sedans shall be replaced by type I unless types II or III are absolutely essential to the agency's mission and certified, accordingly, to the Administrator of General Services.

(2) *Law enforcement vehicles.* Sedans exceeding types IA and IB in size shall be certified by the head of the law enforcement agency to the Administrator of General Services as essential for the security of law enforcement missions.

(3) *Diplomatic vehicles.* Sedans exceeding types IA and IB in size shall be certified by the appropriate official in the Department of State to the Administrator of General Services as being essential for the security of diplomatic officials.

c. *Station wagons and trucks.* The acquisition, assignment, and use of station wagons and trucks shall be governed by subparagraph 4a and by any additional requirements issued pursuant to this appendix.

5. *Reports.* Executive departments and establishments shall report on their achievement of the objectives of paragraph 4 of this appendix in accordance with instructions provided in Subchapter G of the Federal Property Management Regulations. Executive departments and establishments shall continue to submit the quarterly Energy Conservation Performance Report to the Administrator, Federal Energy Administration, with a copy to the Administrator of General Services.

6. *Exceptions.* Exceptions in these regulations will be reviewed by the Administrator of General Services and approved by the Administrator, Federal Energy Administration.

7. *Inquiries.* Further information concerning this appendix may be obtained by contacting: General Services Administration (AMM), Washington, D.C. 20405. Telephone: IDS 183–5967, FTS 202–343–5967.

APPENDIX B—FEDERAL EMPLOYEE PARKING

1. *Policy intent.* This appendix establishes uniform policy for the assignment of parking spaces to Federal employees in a manner that will encourage carpooling, conserve energy, and improve and enhance environmental quality through a reduction of vehicle miles traveled by employees.

2. *Applicability and scope.* The provisions of this appendix apply to parking facilities in the United States, its territories and possessions, the Commonwealth of Puerto Rico, and the Canal Zone under the jurisdiction of the executive branch, excluding garages, driveways, and parking spaces related to occupancy of Government-furnished quarters, and parking spaces provided for momentary use in connection with customer-type services furnished for military and civilian employees.

3. *Definitions.* a. "Parking facility" means any lot, garage, building, or structure, or any combination or portion thereof, in or on which motor vehicles are temporarily parked.

b. "Parking space" means the area allocated in a parking facility for the temporary storage of one motor vehicle.

c. "Carpool" means a vehicle containing two or more persons.

d. "Government-owned facility" means land and/or improvements, the title to which is vested in the United States Government.

e. "Federal facility" means land and/or improvements leased to or owned by the Federal Government and under the control of an agency of the executive branch.

4. *Policies and procedures.* a. Heads of agencies shall maintain programs to promote and increase employee carpooling. The goal of such programs shall be to assign not more than 10 percent of the agency's available employee parking spaces on an agency wide basis to executive personnel and persons who work long or unusual hours. The remaining employee parking spaces shall be available to carpools to the extent practicable. Assignment of parking spaces to carpools shall be based primarily on the number of persons in a vehicle.

b. Parking spaces assigned to individuals on the basis of a severe physical handicap shall not be considered part of employee parking for purposes of achieving the 10 percent individual assignment goal. Each agency shall give full credit, for the purpose of allocation of parking spaces for carpools, to any full time carpool member regardless of the employer, except that at least one member must be a full time employee of the agency.

c. Areas within parking facilities shall be reserved for the use of two-wheeled vehicles with special consideration being given to bicycles. The amount of space allocated for this purpose shall be reevaluated periodically.

5. *Responsibilities.* All agencies shall assign available parking spaces to Federal employees in accordance with the policies in this part.

6. *Reporting.* Agency plans and progress reports shall be prepared and submitted in accordance with the procedures specified in Subchapter D of the Federal Property Management Regulations.

7. *Exceptions.* Exceptions to the policies set forth in this appendix will be reviewed by and approved by the Administrator, Federal Energy Administration.

8. *Inquiries.* Further information concerning this appendix may be obtained by contacting: General Services Administration (AMP), Washington, D.C. 20405. Telephone: IDS 183–7528, FTS 202–343–7528.

APPENDIX C—HEATING, COOLING AND LIGHTING OF BUILDINGS

1. *Policy intent.* This appendix prescribes uniform energy conservation policies for all

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departments and agencies in the operation and management of building space. Such energy conservation policies shall be implemented in a manner that gives consideration to the requirements of the task being performed and to maintaining the health and efficiency of employees.

2. *Applicability and scope.* The provisions of this appendix apply to the management of space in all buildings owned by executive departments and establishments. New lease contracts for buildings and space shall incorporate the policies contained in this appendix. Existing leases shall incorporate the policies of this appendix to the extent feasible.

3. *Definition.* "Building space" means space in any building or structure that is lighted, heated, or cooled.

4. *Policies and procedures—a. Lighting.* Energy consumed for lighting shall be reduced by removing nonessential lamps and fixtures and by applying nonuniform lighting standards to existing lighting systems. During working hours, overhead lighting shall be reduced to 50 foot candles at work stations, 30 foot candles in work areas, and 10 (but not less than 1) foot candles in nonworking areas. Reduction in overhead lighting shall be accomplished with minimum deviation from the specified levels. Where the "heat of light" technology is used, consideration shall be given to the additional cost and energy requirements of an alternative source of heat. Off-hour and exterior lighting shall be eliminated, except where it is essential for safety and security purposes.

b. *Heating and cooling.* Energy consumed for heating and cooling Government-owned and leased space shall be reduced. During the heating season, temperature control devices for general office space shall be set to maintain 65–68° F during working hours and not more than 55° F during nonworking hours. Temperatures in warehouses and similar space shall be adjusted lower than the 65°–68° F range depending on the type of occupancy and activity in the space. Cooling season temperatures for general office space shall be held no lower than 78°–80° F. The use of cooling energy to achieve prescribed heating levels or heating energy to achieve cooling levels is prohibited.

c. *Humidity controls.* Humidity controls shall not be provided for general office space. Requirements for humidity controls in special purpose space or certain geographical locations shall be handled on a case-by-case basis by the official responsible for operation and maintenance of the facility with the concurrence of the agency's Energy Conservation Coordinator.

d. *Threshold heaters and portable heating and cooling devices.* The operation of threshold heaters and portable heating and cooling devices in Government-owned or -leased space is prohibited.

5. *Exceptions.* Exceptions to the policies prescribed in paragraph 4 may be necessary for the protection and operation of certain specialized equipment; e.g., computers, for maintaining the health and efficiency of employees, and for certain installations of high specialization; e.g., greenhouses, hospitals, guard stations, and laboratories. Such exceptions may be granted only after consultation with appropriate technical personnel of the unit requesting the exception and the presentation of necessary supporting evidence. Exceptions will be granted by the official responsible for the operation and maintenance of the facility and must be concurred in by the agency's Energy Conservation Coordinator.

6. *Reporting.* Executive departments and establishments shall report on the progress made in meeting the energy conservation requirements set forth in this appendix. Such reports shall be in accordance with the instructions provided in Subchapter D of the Federal Property Management Regulations. Executive departments and establishments shall continue to submit the quarterly Energy Conservation Performance Report to the Administrator, Federal Energy Administration, with a copy to the Administrator of General Services.

7. *Inquiries.* Further information concerning this appendix may be obtained by contacting: General Services Administration (AMP), Washington, D.C. 20405. Telephone: IDS 183–7528, FTS 202–343–7528.

[FR Doc.74-27420 Filed 11-25-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

WORLD WAR I TRAINING CAMPS

On page 36610 of the FEDERAL REGISTER of October 11, 1974, there was published a notice of proposed regulatory development to amend §3.7(t) to clarify a provision relating to training camps which were in operation during World War I. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

No written comments have been received and the proposed regulation is hereby adopted without change and is set forth below.

Effective date. This VA Regulation is effective November 20, 1974.

Approved: November 20, 1974.

[SEAL] R. L. ROUDEBUSH,
Administrator.

1. In § 3.7, paragraph (t) is revised to read as follows:

§ 3.7 Persons included.

The following are included:

• • • • •

(t) *Training camps.* Members of training camps authorized by section 54 of the National Defense Act, except members of Student Army Training Corps Camps at the Presidio of San Francisco, Plattsburg, New York, Fort Sheridan, Illinois, Howard University, Washington, D.C., Camp Perry, Ohio, and Camp Hancock, Georgia, from July 18, 1918, to September 16, 1918.

• • • • •

2. The cross reference following § 3.7 is amended to read as follows:

CROSS REFERENCE: Office of Workers' Compensation Programs. See § 3.708.

[FR Doc. 74-27628 Filed 11-25-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 290-5]

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Gasoline Vapor Recovery Regulations; Revised Compliance Dates for Stage I

This notice announces changes in certain compliance dates in the regulation pertaining to the collection of vapors displaced during the filling of storage tanks with gasoline (Stage I). These changes affect the revised dates for the Stage I Gasoline Vapor Recovery regulations that were promulgated in 39 FR 4880 (February 8, 1974), which amended the following regulations:

California: Section 52.255(e) 38 FR 31261 (November 12, 1973).
Colorado: Section 52.336(e) 38 FR 30823 (November 7, 1973).
District of Columbia: Section 52.487(e) 38 FR 33711 (December 6, 1973).
Massachusetts: Section 52.1147(a) 38 FR 30970 (November 8, 1973).
Maryland: Section 52.1086(e) 38 FR 33719 (December 6, 1973), Section 52.1101(e) 38 FR 34253 (December 12, 1973).
New Jersey: Section 52.1598(e) 38 FR 31899 (November 13, 1973).
Pennsylvania: Section 52.2042(e) 38 FR 32896 (November 28, 1973).
Virginia: Section 52.2438(e) 38 FR 33726 (December 6, 1973).

In addition, certain compliance dates for Stage I Gasoline Vapor Recovery in Indiana (§ 52.787(h) 39 FR 12349, April 5, 1974) are affected by this notice.

The Environmental Protection Agency (EPA) originally amended the Gasoline Vapor Recovery regulations February 8, 1974, to delay the dates for submitting control plans and for signing contracts for both Stage I and Stage II (vehicle fueling). Regarding Stage I, the amendments required sources to submit control plans by June 1, 1974, in all areas except Texas, and to sign contracts for control systems by November 1, 1974, in all areas except two Air Quality Control Regions (AQCR's) in Texas (Austin-Waco Intrastate and El Paso-Las Cruces-Alamorgordo Interstate AQCR's). No changes were made to the January 1, 1975, date for initiating construction.

Since the promulgation of the February 8, 1974, amendments, EPA has received control plans from many sources. However, in some cases EPA has been unable to approve these control plans, because sources failed to include sufficient information or technical justification. Guidelines for this aspect of vapor recovery will be made available to sources by EPA in the very near future. Therefore, the Administrator is postponing the next two interim dates while such guidelines are being distributed.

The changes being announced today will delay the date for sources to enter and sign contracts for control systems from November 1, 1974, to March 1, 1975. The changes will also delay the date for sources to initiate on-site construction or installation of emission control equipment from January 1, 1975, to May 1, 1975. These changes affect only these interim dates and in no way affect final compliance dates for any source. In no case is the June 1, 1974, date for submission of control plans altered. The dates for the Texas Stage I Gasoline Vapor Recovery regulations are unaffected because the Fifth Circuit decision in Texas v. EPA ---- F.2d ----, 6 ERC 1897, (August 7, 1974), invalidated the regulations for the Austin-Waco and Dallas-Fort Worth AQCR's and deferred incremental compliance dates in El Paso. In Houston and San Antonio the date for entering into contracts for the control system is March 31, 1975, and the date for initiation of construction is July 1, 1975.

The Administrator finds that good cause exists for promulgating this change without taking public comment, because the Agency has not yet acted upon many control plans and is preparing guidelines on this matter. This change is effective immediately because one of the dates being delayed has already fallen due.

(Sec. 110(c), 301(a), Clean Air Act. 42 U.S.C. 1857c-5(c), 1857g)

Dated: November 18, 1974.

JOHN QUARLES,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. In § 52.255(e)(2) the date "November 1, 1974," is revised to read "March 1, 1975."

2. In § 52.255(e)(3) the date "January 1, 1975," is revised to read "May 1, 1975." 1, 1975."

Subpart G—Colorado

3. In § 52.336(e)(2) the date "November 1, 1974," is revised to read "March 1, 1975."

4. In § 52.336(e)(3) the date "January 1, 1975," is revised to read "May 1, 1975."

Subpart J—District of Columbia

5. In § 52.487(e)(2) the date "November 1, 1974," is revised to read "March 1, 1975."

6. In § 52.487(e)(3) the date "January 1, 1975," is revised to read "May 1, 1975."

Subpart P—Indiana

7. In § 52.787(h)(2) the date "February 1, 1975," is revised to read "March 1, 1975."

8. In § 52.787(h)(3) the date "April 1, 1975," is revised to read "May 1, 1975."

Subpart V—Maryland

9. In § 52.1086(e)(2) the date "November 1, 1974," is revised to read "March 1, 1975."

10. In § 52.1086(e)(3) the date "January 1, 1975," is revised to read "May 1, 1975."

11. In § 52.1101(e)(2) the date "November 1, 1975," is revised to read "March 1, 1975."

12. In § 52.1101(e)(3) the date "January 1, 1975," is revised to read "May 1, 1975."

Subpart W—Massachusetts

13. In § 52.1147(a) subparagraphs (2) and (3) are revised to read as follows:

(2) Contracts for emission control systems or process modifications must be awarded or orders must be issued for the purchase of component parts to accomplish emission control or process modifications on or before March 1, 1975, for sources subject to § 52.1144(c)(1) and on or before July 1, 1974, for sources subject to § 52.1145.

(3) Initiation of on-site construction or installation of emission control equipment or process modification must begin on or before May 1, 1975, for sources subject to § 52.1144(c)(1) and on or before August 15, 1974, for sources subject to § 52.1145.

Subpart FF—New Jersey

14. In § 52.1598(e)(2) the date "November 1, 1974," is revised to read "March 1, 1975."

15. In § 52.1598(e)(3) the date "January 1, 1975," is revised to read "May 1, 1975."

Subpart NN—Pennsylvania

16. In § 52.2042(e)(2) the date "November 1, 1974," is revised to read "March 1, 1975."

17. In § 52.2042(e)(3) the date "January 1, 1975," is revised to read "May 1, 1975."

Subpart VV—Virginia

18. In § 52.2438(e)(2) the date "November 1, 1974," is revised to read "March 1, 1975."

19. In § 52.2438(e)(3) the date "January 1, 1975," is revised to read "May 1, 1975."

[FR Doc.74-27543 Filed 11-25-74;8:45 am]

[FRL 285-5]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions; Idaho

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with specific exceptions, the Plan for Implementation, Maintenance, and Enforcement of National Ambient Air Quality Standards in the State of Idaho.

On August 15, 1973, the State of Idaho submitted revisions to its implementation plan. The revisions included legislative amendments to the Idaho legal authority with an accompanying Attorney General's opinion regarding their adequacy as compared to the requirements of 40 CFR Part 51.11. EPA invited public comment on these revisions in the January 17, 1974, FEDERAL REGISTER (39 FR 2107). No comments were received by the agency in the 30-day comment period.

The Administrator has completed his review of the revisions—1972 Session Laws, Chapter 347; 1973 Session Laws, Chapter 87, 136, 137, 138, 139, and 143; Chapters 18 and 52, *Idaho Code;* and the accompanying Attorney General's opinions.

The Administrator has determined that the above identified revisions in the Idaho legal authority, together with the accompanying Attorney General's opinions, are consistent with the approved implementation plan. The legal authority revisions are approved except for the provision of Section 39–111 of the *Idaho Code*, relating to the "legal authority to make emissions data available to the public," which is disapproved. Section 39–111 does not comply with requirements of 40 CFR 51.11(a)(6) in that public availability of source emissions data is not assured. Therefore, the Administrator approves all of the new legal authority provisions except for Section 39–111 and continues in effect the authority previously delegated pursuant to section 114 of the Act.

This approval action is effective on the date of publication. The Agency finds that good cause exists for not deferring the effective date because the legislative amendments submitted as revisions to the Idaho legal authority are already in effect under State law and Federal approval imposes no new burdens.

(42 USC 1857c-5, 1857(g))

Dated: November 20, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart N—Idaho

1. Section 52670 is amended by adding paragraph (d) as follows:

§ 52.670 Identification of plan.

• • • • •

(d) Revisions were submitted on August 15, 1973.

2. Section 52.674 is amended by revising paragraph (a) to read as follows:

§ 52.674 Legal authority.

(a) The requirements of § 51.11(a)(6) of this chapter are not met since the authority to release emission data to the public could be precluded in certain circumstances by section 39–111 of the Idaho Code annotated.

• • • • •

[FR Doc.74-27541 Filed 11-25-74;8:45 am]

[FRL 291-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

New York; Compliance Schedule Revision

On September 22, 1972 (37 FR 19812), pursuant to section 110 of the Clean Air Act (42 U.S.C. 1857c-5(a)) and 40 CFR Part 51, the Administrator disapproved those portions of Subchapter A, Chapter III, Title 6 of New York's Official Compilation of Codes, Rules and Regulations

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as contained in the New York State Implementation Plan which did not require the reporting of periodic increments of progress toward compliance by affected sources or categories of sources.

On February 6, 1973, the State of New York submitted more stringent limitations of sulfur in fuels in Part 226 (Fuel Composition and Use—Stationary Air Contamination Sources) of Subchapter A, Chapter III, Title 6 of New York's Official Compilation of Codes, Rules and Regulations. This regulation became effective March 15, 1973 and was approved by the Administrator on August 20, 1974 (39 FR 30038).

Part 226 imposes certain new requirements on those sources in the Niagara Frontier Air Quality Control Region which are presently subject to part 230, section 230.2(c). Section 226.2(e) imposes a sulfur in fuel limitation on such sources until October 1, 1975, when section 230.2(c), which will impose a more stringent limitation, becomes effective. Section 226.4(d) imposes an immediately effective periodic reporting requirement on all major fuel distributors. These provisions assure that incremental steps will be taken to assure that the limitations of section 230.2(c) will be met by the October 1, 1975 effective date. Before adoption of Part 226, New York's control strategy for sulfur dioxides was deficient insofar as no increments of progress were provided for fuel burning sources in the Niagara Frontier Region which were to meet section 230.2(c) by October 1, 1975.

The Administrator's approval of Part 226 (39 FR 30038) contained a detailed discussion of how Part 226.2(e) and 226.4(d) corrected deficiencies with regard to Part 230.2(c). As a result, the Administrator finds just cause for not publishing this notice as a notice of proposed rulemaking but as a notice of final rulemaking. Furthermore, in an effort to avoid a duplication of effort between the State of New York and the Environmental Protection Agency with regard to sources affected by this notice, this action shall be effective November 26, 1974.

As a result of the Administrator's approval of Part 226, the compliance schedule promulgated on August 23, 1973 (38 FR 22744), for Part 230, section 230.2(c) is no longer necessary and is being revoked in this action.

(42 U.S.C. 1857c-5)

Dated: November 20, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 Code of Federal Regulations is amended as follows.

Subpart HH—New York

1. In § 52.1677, paragraphs (b) and (d) are amended by deleting all reference to section 230.2(c).

[FR Doc.74-27542 Filed 11-25-74;8:45 am]

[FRL 292-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revision: Virginia

On February 14, 1973, August 10, 1973 and February 12, 1974 the Commonwealth of Virginia submitted to the Regional Office proposed revisions to the Commonwealth's Implementation Plan for the attainment and maintenance of national ambient air quality standards. The revisions cover a range of topics including:

1. An operations manual outlining the administrative procedures to be followed in the event of an emergency episode. The manual was submitted on February 14, 1973.

2. A re-write of the air quality surveillance section of the original Implementation Plan. This revision was submitted on February 14, 1973.

3. Amendments to §§ 10-17.10, 10-17.14, 10-17.18, 10-17.18:1, 10-17.16:2, 10-17.19, 10-17.29 and 10-17.30 of Title 10, Chapter 1.2 of the Code of Virginia and to § 46.1-301.1 of Title 46.1, Chapter 4 of the Code of Virginia and to § 58-16.3 of Title 58, Chapter 1 of the Code of Virginia. These revisions deal with a wide variety of topics including a statutory change which prohibits operation of post 1972 motor vehicles if the air pollution control systems for such vehicles have been rendered inoperative. The various amendments were submitted, in part, on February 14, 1973 and, in part, on August 10, 1973.

4. An amendment submitted for informational purposes only to the Virginia Regulations on Odor and an amendment dealing with open-burning submitted for information purposes only. These changes were submitted on August 10, 1973.

5. Amendments to section 3.703 of the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution changing air quality standards for sulfur oxides (sulfur dioxide) to 0.03 ppm from 0.02 ppm annual arithmetic mean, and from 0.10 ppm to 0.14 ppm maximum 24 hour concentration not to be exceeded more than once per year. These amendments were submitted on February 12, 1974.

On June 5, 1974 (39 FR 19957) the receipt of these revisions was announced and the public was requested to comment on their approvability. No comments were received. Public hearings had previously been held on all revisions by the Commonwealth.

In light of the lack of comments received, and the Administrator's own evaluation, it is the Administrator's judgment that the proposed changes meet the substantive and procedural requirements of section 110 of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans and that they be approved as revisions to the Virginia Implementation Plan. These revisions are effective immediately.

Also approved today are several corrections to § 52.2420, Identification of Plan, of the Commonwealth of Virginia Implementation Plan. Several dates were inadvertently eliminated from this section in a previous FEDERAL REGISTER action and are now being reinstated.

(42 U.S.C. 1857 et seq.)

Dated: November 20, 1974.

RUSSELL E. TRAIN,
Administrator.

Subpart VV—Virginia

In § 52.2420, paragraph (c) is revised to read as follows:

§ 52.2420 **Identification of plan.**

* * * * *

(c) Supplemental information was submitted on:

(1) May 4, 1972, and February 12, 1974 by the Virginia Air Pollution Control Board.

(2) June 30 and July 26, 1972, and February 14, April 11, May 30, July 9, July 11, August 10, August 20, and December 6, 1973.

In § 52.2423 paragraph (a) is revised as follows:

§ 52.2423 **Approval status.**

(a) With the exceptions set forth in this subpart, the Administrator approves Virginia's plan for the attainment and maintenance of the national standards. The State included a provision dealing with open burning in its submittal of August 10, 1973. This provision was included for information purposes only and was not to be considered a part of the plan to implement national standards. Accordingly, this additional provision is not considered a part of the applicable plan.

* * * * *

[FR Doc.74-27540 Filed 11-25-74;8:45 am]

[FRL 291-4]

PART 120—WATER QUALITY STANDARDS

Navigable Waters of the State of Alabama

The purpose of this notice is to establish regulations setting forth standards of water quality to be applicable to the State of Alabama pursuant to section 303 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1313; 86 Stat. 816 et seq; Pub. L. 92-500 "The Act."). A notice announcing proposed regulations and a public hearing to consider same were published by the Environmental Protection Agency in the FEDERAL REGISTER on July 17, 1974, (39 FR 26168-26169). A notice rescheduling the public hearing was published on August 5, 1974, (39 FR 28165).

Under section 303 of the Act, the Administrator of the U.S. Environmental Protection Agency is required to review water quality standards for waters of the United States which have been adopted and submitted by the States and approved by the EPA. When he determines that revisions in such standards are necessary to meet the requirements of the Act, the Administrator must, absent appropriate State action, prepare and publish revised water quality standards in accordance with such requirements.

In fulfilling its obligation to review and approve water quality standards adopted by the States, the EPA will apply certain policies and guidelines.

Water quality standards classifications and associated criteria establish national water quality goals. They must reflect levels of water quality which will protect and enhance the quality of the waters to which they apply for all designated uses of such waters.

Minimum criteria for specified water use classifications are the minimum recommended levels set by the National Technical Advisory Committee Report to the Secretary of the Interior on *Water Quality Criteria*, April 1, 1968, and other information provided from time to time to EPA.

It is the policy of the Environmental Protection Agency that all waters should be protected for recreational uses in and/or on the water and for the preservation and propagation of desirable species of the aquatic biota as part of the national water quality standards program. Protection of fish and wildlife and secondary contact recreation is to be, at minimum, the 1977 water quality standard. Use and value of water for public water supplies, agricultural, industrial, and other purposes, as well as navigation, shall be considered in setting standards, but in no case, except for naturally occurring poor quality or technological limitations, shall the criteria interfere with the recreational uses and the preservation of desirable species of biota. Exceptions shall be determined on a case-by-case basis following an analysis of each such area.

Alabama, prior to October 17, 1972, adopted water quality standards for both interstate and intrastate waters. After the enactment of 1972 amendments, the U.S. Environmental Protection Agency reviewed both the interstate and intrastate standards pursuant to section 303 of the Act. On January 18, 1973, the Regional Administrator notified Alabama that certain revisions to its interstate water quality standards were necessary to make the standards consistent with applicable requirements of the Act and that all waters should be reclassified to, at minimum, Fish and Wildlife unless adequate justification for exceptions to the Fish and Wildlife criteria, on a case-by-case basis, could be provided to the EPA. A similar notification was made for intrastate water quality standards on February 23, 1973. In response to the EPA's request, Alabama held public hearings on June 18, 20, and 22, 1973 for proposed revisions to the standards. On September 17, 1973, new and revised water quality standards for interstate and intrastate waters which reclassified all waters of the State to a minimum of Fish and Wildlife, were adopted by the State and submitted to the EPA on November 26, 1973. The EPA approved Alabama standards on January 29, 1974.

On April 19, 1974, Alabama published its standards and adopted an amendment to the standards which explicitly established and defined the classification of Fish and Wildlife as a "Goal" for certain waters of the State. This additional revision was not reflected in the EPA's prior approval of January 29, 1974, noted above.

The "Goal" classification did not contain specific water quality criteria. The criteria for the "Goal" classification consisted of minimum treatment requirements established by section 301 of the Act (Best Practicable Technology by 1977, Best Available Technology by 1983). The Act distinguishes between these technology limitations, applicable to particular sources of pollution, and water quality standards, which define desirable ambient water quality. The section 301 requires establishment of minimum levels of treatment based on consideration of available technology and other factors enumerated in sections 301 and 304 of the Act. Under section 301(b)(1)(C), additional treatment may be required to meet ambient water quality standards, which are to be established in accordance with the factors set out in section 303. Adopting these technology definitions as the water quality standards is therefore inconsistent with the statutory scheme.

EPA notified the State on April 30, 1974, that the "Goal" classification was not consistent with EPA policy or the requirements of the Act. EPA undertook the promulgation procedures subject to this notice, and proposed regulations which were published on July 17, 1974. A public hearing to consider the proposals and receive public comment on the EPA action was held on August 28, 1974. The hearing record remained open until September 16, 1974, and numerous submissions have been received and considered by EPA from environmental organizations, industrial associations, and State and Federal agencies. The Agency has carefully considered these various views and believes this discussion adequately addresses them.

Further, the effect of the "Goal" classification would be to accord a blanket exception from fish and wildlife and secondary contact recreation requirements (the minimum water quality criteria) to those waters designated under the "Goal" classification. Accordingly, the classification is found to be inconsistent with the Agency's requirement for a general classification of all waters of the United States as fish and wildlife and secondary contact recreation unless there be a specific showing on a case-by-case basis justifying an exception to the general classification. This classification is the minimum necessary to meet the requirements of the Act to protect the public health or welfare and enhance the quality of the Nation's waters.

An exception procedure has been provided in subparagraph (a) set forth below. Based upon current data, certain waters have been partially excepted from meeting the fish and wildlife criteria in subparagraph (d) of the revision set forth below. However, it should be noted that these exceptions are subject to change, as are any water quality standards, based upon future data.

The standards document is available for inspection and copying at the U.S. Environmental Protection Agency, 1421 Peachtree Street, NE., Atlanta, Georgia 30309. U.S. EPA information regulation 40 CFR Part 2, provides that a fee may be charged for making copies.

In consideration of the foregoing, all comments received and pursuant to Section 303 of the Act it is hereby established that 40 CFR Part 120 is amended by deleting from § 120.10 the paragraph entitled "Alabama" and adding new § 120.11 to read as set forth below.

§ 120.11 **Alabama Water Quality Standards.**

Water Quality Standards adopted by the Alabama Water Improvement Commission on September 17, 1973, and revised on April 19, 1974, are contained in the documents entitled, "State of Alabama Water Improvement Commission Water Quality Criteria" and "Water Use Classifications for Interstate and Intrastate Waters of the State of Alabama." The aforementioned documents will be the water quality standards for the State of Alabama except as amended in the following:

(a) The following shall be added to Section III—General Conditions Applicable to All Water Quality Criteria:

(5) The EPA Administrator or his designee may grant an exception to classifications and/or criteria upon adequate demonstration that maintenance of water quality necessary for preservation and propagation of desirable or indigenous species of aquatic biota and secondary contact recreation is not attainable. This determination must be made on a case-by-case basis with respect to a specific stream segment following an analysis of each such area. The analysis must show that the necessary water quality cannot be achieved due to technological limitations and/or naturally occurring poor water quality.

All exceptions will be temporary and subject to review at least every three years beginning in October, 1975.

(b) Section X—Specific Water Quality Criteria, Fish and Wildlife, as a "Goal" shall be deleted.

(c) The Section entitled, "Segment of Water Not Listed in Classifications," shall be revised to read as follows:

Most of the major water segments are included in this classification listing, however, any segments which are not included, will be classified Fish and Wildlife and associated water quality criteria will apply.

(d) All stream segments formerly proposed to be classified by the Alabama Water Improvement Commission as Fish and Wildlife as a "Goal" shall be reclassified as Fish and Wildlife except for the following specific waters which are temporarily exempt from meeting certain criteria as noted below.

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Stream	From	To	Classification
Chickasaw Creek	Mobile River	Shell Bayou	Fish and Wildlife.[1]
Hog Bayou	Chickasaw Creek	Its Source	Do.[1]
Three Mile Creek	Mobile River	Mobile Street	Do.[2]
Industrial Canal	Three Mile Creek	Its Source	Do.[2]

[1] Dissolved oxygen shall not be less than 2.0 mg/l.
[2] Dissolved oxygen shall not be less than 3.0 mg/l.

The Fish and Wildlife stream classification as applied by the EPA has been and continues to be the subject of extensive public proceedings within the context of permit issuance. Extending the effective date of these regulations beyond the date of publication would therefore be impractical and unnecessary, and, to the extent it hinders expeditious handling of the pending permit applications, contrary to the public interest. It has therefore been determined that good cause exists for making these regulations effective upon publication (November 26, 1974).

(Sec. 303, Federal Water Pollution Control Act, as amended, 33 U.S.C. 1313, 86 Stat. 816 et seq., Pub. L. 92-500)

Issued on: November 19, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-27546 Filed 11-25-74;8:45 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 292-3]

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

Registration of Products Containing Heptachlor or Chlordane

Pursuant to the provisions of sections 3 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 979, 997) ("FIFRA"), the following regulation relating to the registration of pesticide products containing Heptachlor or Chlordane is hereby promulgated.

Prior to October 21, 1972, the Environmental Protection Agency had authority to register and control only those pesticide products which moved in interstate commerce. On October 21, 1972, however, FIFRA was amended by the Congress to give the Environmental Protection Agency the authority to register and control intrastate pesticide products as well. This authority to cover all pesticide products will be exercised by the final promulgation of regulations presently under the formal public review and comment process required by law. These regulations were published as proposed regulations in the October 16, 1974 issue of the FEDERAL REGISTER. Congress provided the Agency with discretion to implement this new authority over intrastate products on a phased basis prior to promulgation of regulations for all products. The Agency has chosen to implement this authority at this time with regard to intrastate products containing heptachlor and chlordane, except those registered for use in subsurface ground application for termite control, or for dipping of roots or tops of non-food plants.

This action is taken because the Agency has chosen to issue at this time a Notice of Intent to cancel all interstate pesticide products containing heptachlor or chlordane except for use in subsurface ground application for termite control, or for dipping of roots or tops of non-food plants. This Notice is published elsewhere in today's FEDERAL REGISTER. Because a public hearing process for these interstate products is likely to be commenced as a result of the Notice of Intent to Cancel, and because the Agency believes it is important to provide registrants or users of similar products containing heptachlor and chlordane, used intrastate and not presently registered with the Agency with the same hearing rights as those afforded users and registrants of presently Federally registered products containing those chemicals, the Agency is invoking its authority to bring intrastate products containing heptachlor and chlordane under Federal control. For the same reasons, the Agency has found for good cause that it is unnecessary and contrary to the public interest to engage in public rule-making procedures and thereby postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553(d)).

All persons affected by this regulation must apply for Federal registration on or before January 27, 1975. This regulation does not apply to intrastate registrants of products containing heptachlor or chlordane for use in subsurface ground applications for termite control, or for dipping of roots and tops of non-food plants. All persons affected by this regulation will receive, upon receipt by this Agency of his application for Federal registration, a notice of intent to deny such registration. Such registrant or other interested person shall then have thirty (30) days from the date of such receipt or its publication in the FEDERAL REGISTER to request a hearing pursuant to Section 6 of the Act. It is the Agency's intention that such hearings, if requested, be consolidated with any hearings requested on Federally registered products containing heptachlor or chlordane, except as to subsurface termite use and the dipping of roots and tops of non-food plants. In the event that such registrant or other interested person requests such hearing, a final decision on the notice of intent to deny such a request shall be after the completion of the hearing. In the meantime, such product may be sold and marketed in the State where it was registered so long as all other requirements (other than registration) of the FIFRA are met.

Therefore, effective November 26, 1974, a new § 162.20 of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act is published to read as follows:

§ 162.20 Heptachlor or chlordane products for intrastate commerce under State registrations.

All persons, other than those holding Federal registrations, who distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, any pesticide containing Heptachlor [1, 4, 5, 6, 7, 8, 8-Heptachloro-3a, 4, 7, 7a-tetrahydro-4, 7-methanoindene] or Chlordane [1, 2, 4, 5, 6, 7, 8, 8-Octachloro-2, 3, 3a, 4, 7, 7a-hexahydro-4, 7-methanoindane] whether or not such pesticide is sold, offered for sale, held for sale, shipped, delivered for shipment, or received in intrastate commerce, are required to apply for registration pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act as amended (86 Stat. 979), under the rules and regulations of this Part as they relate to the registration of pesticides: *Provided*, That this regulation shall not apply to State or Federally registered products containing Heptachlor or Chlordane for use in subsurface ground application for termite control, or for dipping of roots or tops of non-food plants.

Dated: November 18, 1974.

RUSSELL E. TRAIN,
Administrator.

[FR Doc.74-27544 Filed 11-25-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-1237]

PART 0—COMMISSION ORGANIZATION

PART 1—PRACTICE AND PROCEDURE

Citizens Radio Service; Combined Notice of Apparent Liability to Monetary Forfeiture and Notice of Violation

In the matter of the adoption of Form Nos. 793-L and 793-R and the amendment of §§ 0.314, 1.80 and 1.89 of the Commission's rules.

1. The Commission has determined that the processing of Notices of Apparent Liability to Monetary Forfeiture in the Citizens Radio Service will be more expeditiously and effectively handled if the notice is combined with a Notice of Violation and is issued by the Engineers in Charge of the Commission's Field Operations Bureau for certain cases of repeated violations of § 1.89 and for cases of willful violations of §§ 95.41(d)(2), 95.83(b), 95.95(c), 95.31(d), 95.37(c) and 95.43 of the Commission's rules. This new procedure will better serve the public interest. No change is being made now with reference to our practice with other rules violations of having the Notice of Apparent Liability issue from the Commission's office in Washington, D.C.

2. Accordingly, we herein adopt a new form which will be used when the above-described violations occur. That form will combine in one instrument many of the features of the Notice of Violation (governed by § 1.89) and many of the features of a Notice of Apparent Liability to Monetary Forfeiture (governed by § 1.80). There is a need to make clear, therefore, which rules section applies to the new form. For example, § 1.80 specifies a 30-day period within which a respondent must reply to a Notice of Apparent Liability, while § 1.89 specifies a 10-day period for reply to a Notice of Violation. Other differences exist. Section 1.80 is more proximate to the nature of the new form and the underlying enforcement exigencies of the situation. We are, therefore, herein amending §§ 1.80 and 1.89 to specify that § 1.80 controls when the new form is used.

3. Additionally, we herein amend § 0.314 to delegate authority to the Engineers in Charge to take the above-described actions.

4. Authority for the adoption of this Order is contained in sections 4(i) and 5(d) of the Communications Act of 1934, as amended. Because the amendments adopted herein relate to practice and procedure, the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable.

5. *Accordingly, It is ordered*, That effective January 6, 1975, § 0.314, 1.80 and 1.89 are amended in the manner set forth below, and Form Nos. 793-L and 793-R are adopted.

(Secs. 4, 5, 48 Stat., as amended, 1066, 1068; 47 U.S.C. 154, 155.)

Adopted: November 13, 1974.

Released: November 18, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] VINCENT J. MULLINS,
Secretary.

Part 0 and Part 1 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

1. In § 0.314, paragraphs (s) & (t) are added to read as follows:

§ 0.314 Authority delegated to the Engineers in Charge.

* * * * * *

(s) Make determination and notification of incurrence of forfeitures under the provisions of Section 510 of the Communications Act, as amended, with reference to violations of §§ 95.41(d)(2), 95.83(b), 95.95(c), 95.41(d), 95.37(c) and 95.43 of this chapter.

(t) Make determination and notification of incurrence of forfeiture under the provisions of section 510 of the Communications Act, as amended, for failure to respond to official communications from the Commission as required by Section 1.89 of this chapter.

2. In § 1.80, paragraph (f) is amended by adding language to read as follows:

§ 1.80 Forfeiture proceedings (excluding those pertaining to broadcast licensees and permittees or ships and ship masters).

* * * * * *

(f) *Notice of Apparent Liability.* * * * The Notice of Apparent Liability may be combined with a Notice of Violation. In such event, notwithstanding the Notice of Violation, the provisions of Section 1.80 apply and not those of Section 1.89.

* * * * * *

3. In § 1.89, paragraph (a) is amended by adding language to read as follows:

§ 1.89 Notice of Violations.

(a) * * * The Notice of Violation may be combined with a Notice of Apparent Liability to Monetary Forfeiture. In such event, notwithstanding the Notice of Violation, the provisions of § 1.80 apply and not those of § 1.89.

* * * * * *

[FR Doc.74-27605 Filed 11-25-74;8:45 am]

[1] Commissioners Lee and Reid absent.

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE

PART 33—SPORT FISHING

Certain Wildlife Refuges in California

The following special regulations are issued and are effective on Wednesday, January 1, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

CALIFORNIA

General Conditions: Fishing shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

COLUSA NATIONAL WILDLIFE REFUGE

Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Special Condition: The taking of frogs is permitted in the public fishing area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

DELEVAN NATIONAL WILDLIFE REFUGE

Headquarters: Sacramento National Wildlife Refuge, Route 1, Box 311, Willows, California 95988.

Special Condition: The taking of frogs is permitted in the public fishing area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

MODOC NATIONAL WILDLIFE REFUGE

Headquarters: Sheldon-Hart Mountain-Modoc National Wildlife Refuges, P.O. Box 111, Lakeview, Oregon 97630.

Special Conditions: (1) Fishing will be permitted only in designated areas during the migratory waterfowl hunting season.

(2) The taking of frogs on refuge lands is prohibited.

SACRAMENTO NATIONAL WILDLIFE REFUGE

Route 1, Box 311, Willows, California 95988.

Special Condition: The taking of frogs is permitted in the public fishing area. The refuge is closed to sport fishing and the taking of frogs during the migratory waterfowl hunting season.

SALTON SEA NATIONAL WILDLIFE REFUGE

P.O. Box 247, Calipatria, California 92233.

Special Condition: (1) Fishing is permitted in that portion of the refuge which is inundated by the Salton Sea.

SAN LUIS NATIONAL WILDLIFE REFUGE

P.O. Box 2176, Los Banos, California 93635.

Special Conditions: (1) Fishing permitted from sunrise to one hour after sunset.

(2) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(3) Use of boats is prohibited.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.74-27555 Filed 11-25-74;8:45 am]

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Washington

The following special regulations are issued and are effective on Wednesday, January 1, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WASHINGTON

General Conditions: Fishing shall be in accordance with applicable State and Federal regulations. Portions of the refuge which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, OR 97208.

M'NARY NATIONAL WILDLIFE REFUGE

P.O. Box 308, Burbank, WA 99323.

Special Conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

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(2) The use of boats or floating devices of any description is prohibited.

COLUMBIA NATIONAL WILDLIFE REFUGE

P.O. Drawer F, Othello, WA 99344.

Special Conditions: (1) Mallard Lake, Migraine Lake, McMannaman Lake Seabrock Lake, and all unnamed waters are open April 20 through September 30, 1975.

(2) The use of boats and the use of outboard motors is prohibited on lakes so posted.

(3) Fishing on Juvenile Lake is permitted only to persons 17 years of age and under.

(4) The portion of Halfmoon Lake on refuge lands is closed to fishing year around.

LITTLE PEND OREILLE NATIONAL WILDLIFE REFUGE

Route 1, Colville, WA 99114.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.74-27557 Filed 11-25-74;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Oregon

The following special regulations are issued and are effective on Wednesday, January 1, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OREGON

General Conditions: Fishing shall be in accordance with applicable State and Federal regulations and special conditions listed. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

ANKENY NATIONAL WILDLIFE REFUGE

Headquarters: William L. Finley National Wildlife Refuge, Route 2, Box 208, Corvallis, OR 97330.

Special Conditions: (1) The use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from one hour before sunrise to one hour after sunset. Use of artificial lights will not be permitted.

(3) The use of archery equipment is not permitted.

COLD SPRINGS NATIONAL WILDLIFE REFUGE

Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, OR 97882.

Special conditions: (1) The refuge is closed to sport fishing during the migratory waterfowl hunting season.

(2) Boats without motors may be used for purpose of fishing.

HART MOUNTAIN NATIONAL ANTELOPE REFUGE

Headquarters: Sheldon-Hart Mountain National Antelope Refuges, P.O. Box 111, Lakeview, OR 97630.

KLAMATH FOREST NATIONAL WILDLIFE REFUGE

Headquarters: Tule Lake National Wildlife Refuge, Route 1, Box 74, Tulelake, CA 96134.

Special Condition: Use of boats is not permitted.

MALHEUR NATIONAL WILDLIFE REFUGE

P.O. Box 113, Burns, OR 97720.

Special Conditions: (1) Refuge waters, with the exception of Krumbo Reservoir, are closed to the use of boats for fishing purposes.

(2) The use of motors on boats is not permitted on Krumbo Reservoir.

MCKAY CREEK NATIONAL WILDLIFE REFUGE

Headquarters: Umatilla National Wildlife Refuge, P.O. Box 239, Umatilla, OR 97882.

Special Condition: The refuge is closed to sport fishing during the migratory waterfowl hunting season.

UPPER KLAMATH NATIONAL WILDLIFE REFUGE

Headquarters: Klamath Basin National Wildlife Refuges, Route 1, Box 74, Tulelake, CA 96134.

Special Condition: Speed boats shall not exceed ten miles per hour in any stream, creek, or canal, and that portion of Pelican Bay west of a line beginning at a point on the north shore of Pelican Bay one-fourth mile east of Crystal Creek and extending due south to opposite shore of the lake.

WILLIAM L. FINLEY NATIONAL WILDLIFE REFUGE

Route 2, Box 208, Corvallis, OR 97330.

Special Conditions: (1) Use of boats is not permitted.

(2) During the open season, fishing shall be permitted each day from one hour before sunrise to one hour after sunset. Use of artificial lights will not be permitted.

(3) The use of archery equipment is not permitted.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.74-27558 Filed 11-25-74;8:45 am]

PART 33—SPORT FISHING

Certain National Wildlife Refuges in Nevada

The following special regulations are issued and are effective on Wednesday, January 1, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEVADA

General Conditions: Fishing shall be in accordance with applicable State and Federal regulations. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps. The maps are available at the respective refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, OR 97208.

CHARLES SHELDON ANTELOPE RANGE

Headquarters: P.O. Box 111, Lakeview, OR 97630.

RUBY LAKE NATIONAL WILDLIFE REFUGE

Ruby Valley, NV 89833.

STILLWATER NATIONAL WILDLIFE REFUGE

P.O. Box 592, Fallon, NV 89406.

Special Condition: Refuge closed to fishing during the migratory waterfowl hunting season.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.74-27564 Filed 11-25-74;8:45 am]

PART 33—SPORT FISHING

Certain Wildlife Refuges in Idaho

The following special regulations are issued and are effective on Wednesday, January 1, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

IDAHO

General Conditions: Fishing shall be in accordance with applicable State and Federal regulations and special conditions listed. Portions of refuges which are open to fishing are designated by signs and/or delineated on maps available at the respective refuge headquarters and from the office of the Regional Director, Fish and Wildlife Service, P.O. Box 3737, Portland, Oregon 97208.

BEAR LAKE NATIONAL WILDLIFE REFUGE

P.O. Box 837, Soda Springs, Idaho 83276.

Special Condition: The use of boats on the refuge is not permitted except during the migratory waterfowl hunting season.

DEER FLAT NATIONAL WILDLIFE REFUGE

Route 1, Box 1457, Nampa, Idaho 83651. Sport fishing is permitted on the entire refuge year-round except as stipulated under Special Conditions.

Special Conditions: (1) Fishing is not permitted on the public hunting area during the migratory waterfowl hunting season.

(2) Boats with motors may be used during daylight hours only (interpreted here to be one hour before sunrise to one hour after sunset) from April 15 through September 30, 1975.

(3) Shoreline fishing is prohibited on the islands of the Snake River sector from February 1 to May 31.

KOOTENAI NATIONAL WILDLIFE REFUGE

Star Route #1, Box 160, Bonners Ferry, Idaho 83805.

Sport fishing is permitted on portions of Kootenai River, Deep Creek and Myrtle Creek within the refuge.

MINIDOKA NATIONAL WILDLIFE REFUGE

Route 4, Rupert, Idaho 83350.

Sport fishing is permitted on the entire refuge year-round except as stipulated under Special Conditions.

Special Conditions: (1) Shoreline fishing shall be permitted on the entire refuge year around.

(2) Boat fishing is permitted on the main reservoir from Minidoka Dam to the west-end of Bird Island April 1 through September 30, 1975, and from Smith Springs to the east end of the refuge October 1 through June 30, 1975, during daylight hours only.

(3) Boat crossing lanes at Smith and Gifford Springs open year around.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally and which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

R. KAHLER MARTINSON,
Regional Director,
Fish and Wildlife Service.

[FR Doc.74-27556 Filed 11-25-74;8:45 am]

PART 33—SPORT FISHING

Seney National Wildlife Refuge, Mich.

The following special regulation is issued and is effective November 26, 1974.

§ 33.5 Special regulation; sport fishing; for individual wildlife refuge areas.

MICHIGAN

SENEY NATIONAL WILDLIFE REFUGE

Sport fishing on the Seney National Wildlife Refuge, Seney, Michigan is permitted on areas as described under special conditions below, and as delineated on maps available at refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Stream and ditches, open only during the regular State trout fishing season, are:

(a) Driggs River from Highway M–28 south to the Diversion Ditch.

(b) Walsh Creek and Ditch from Highway M–28 south to C–3 Pool.

(c) Creighton River—entire length through refuge.

(2) Manistique River, entire length through refuge, open from January 1, 1975 through December 31, 1975.

(3) Pools are open to fishing, daylight hours only, as follows:

(a) All Pools—January 1, 1975 through February 28, 1975.

(b) Show Pools (located west of Highway M–77 one-half mile north of the Headquarters entrance road) from Memorial Day (May 26, 1975) through Labor Day (September 1, 1975).

(c) C–3 Pool—July 1, 1975 through Labor Day (Sept. 1, 1975).

(4) Night fishing, boats and the use of minnows for bait are prohibited except on the Creighton and Manistique Rivers.

(5) Snowmobiles, All-Terrain Vehicles or motorized bikes are not allowed on the refuge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

Dated: November 18, 1974.

JOHN R. FRYE,
Refuge Manager,
Seney National Wildlife Refuge.

[FR Doc.74-27626 Filed 11-25-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

LASSEN VOLCANIC NATIONAL PARK, CALIF.

Designation of Snowmobile Routes

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), and section 2 of the Act of August 9, 1916 (39 Stat. 444, as amended; 16 U.S.C. 202), 245 DM.1 (34 FR 13879), as amended, National Park Service Order No. 77 (38 FR 7478) as amended, Regional Director, Western Region Order No. 7 (37 FR 6326), and 36 CFR 2.34(c) (39 FR 11882), it is proposed to amend § 7.11 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of this proposal is to designate snowmobile routes in Lassen Volcanic National Park and to define the term "unplowed roadway" as used in the designation.

Consideration has been given to sections 3 and 4 of E.O. 11644 (37 FR 2877) as well as to the requirements of the general National Park regulations. In order to properly designate such routes along roadways, it is considered necessary to define the boundaries that would determine or establish the width of such routes.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity of participating in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed regulation to the Superintendent, Lassen Volcanic National Park, Mineral, California 96063, on or before December 26, 1974.

Section 7.11 is amended by the addition of paragraph (c) as follows:

§ 7.11 Lassen Volcanic National Park.

* * * * *

(c) Snowmobiles. (1) Definition: Unplowed roadway. The unplowed roadway is that portion of the roadway located between the road shoulders designated by signs posted by the Superintendent.

(2) Designated routes: Snowmobiles are permitted on designated routes as depicted on maps available for public inspection at Park Headquarters, at each Ranger Station, and at each Entrance Station. The snowmobile routes so designated are as follows:

(i) The unplowed roadway of the Juniper Lake Road from the park boundary to the Juniper Lake Ranger Station.

(ii) The unplowed roadway of the Lassen Park Road from the end of the plowed roadway in the Manzanita Lake Entrance Station area to an end-of-trail sign in Kings Creek Meadows.

LEWIS S. ALBERT,
Acting Superintendent.

[FR Doc.74-27682 Filed 11-25-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 436, 442]

CEPHAPIRIN SODIUM

Proposed Use of Revised Test for Determining the Cephapirin Content

The Commissioner of Food and Drugs proposes to amend the antibiotic regulations for human use to provide for a new official nonaqueous titration procedure for determining the cephapirin content of cephapirin sodium. The present regulations for cephapirin sodium provide for a test method in which the endpoint is determined visually. The proposed procedure, which would provide for the potentiometric determination of the endpoint, is more sensitive and precise.

Therefore, under provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend Chapter I of Title 21 of the Code of Federal Regulations as follows:

1. In Part 436, § 436.213(c) is amended by alphabetically inserting a new item in the table as follows:

§ 436.213 Nonaqueous titrations.

* * * * *

(c) * * *

Antibiotic	Weight in milligrams of sample	Solvent
* * *	* * *	* * *
Cephapirin sodium-base titration.	80	50 milliliters glacial acetic acid.
* * *	* * *	* * *

2. In Part 442, § 442.29a is amended by revising paragraph (b)(7) to read as follows:

§ 442.29a Sterile cephapirin sodium.

* * * * *

(b) * * *

(7) *Cephapirin content.* Proceed as directed in § 436.213 of this chapter, using the titration procedure described in paragraph (e)(2) of that section. Calculate the cephapirin content as follows:

$$\text{Percent cephapirin content} = \frac{[A-B]\ (\text{normality of perchloric acid reagent})\ (222.7)\ (100)\ (100)}{(\text{Weight of sample in milligrams})\ (100-m)}$$

where:

A=Milliliters of perchloric acid reagent used in titrating the sample.
B=Milliliters of perchloric acid reagent used in titrating the blank.
m=Percent moisture content of the sample.

* * * * * * *

Interested persons may, on or before January 27, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, MD 20852, written comments, (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: November 20, 1974.

MARY A. MCENIRY,
Assistant to the Director for Regulatory Affairs, Bureau of Drugs.

[FR Doc.74-27562 Filed 11-25-74;8:45 am]

Office of Education

[45 CFR Part 183]

ENVIRONMENTAL EDUCATION PROJECTS

Proposed Funding Priorities

Pursuant to the authority contained in the Environmental Education Act, Public Law 91-516, 20 U.S.C. 1531-1536, as amended by Public Law 93-278 (88 Stat. 121), and 45 CFR 183.10(b), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to re-issue the priorities established for fiscal year 1974 as a basis for determining the award of funds.

The Environmental Education Act authorizes a program of grants and contracts to support research, demonstration and pilot projects designed to educate the public on the problems of environmental quality and ecological balance.

Applications will be accepted on the basis of compliance with the eligibility requirements in 45 CFR 183.31 and evaluated on the extent to which they meet the criteria set forth in §§ 100a.26 (b) and 183.32 of this chapter. Subject to these requirements and criteria, projects will be funded in accordance with the following priority designations.

Interested persons are invited to submit written comments, suggestion, or objections regarding these criteria to Office of the Director, Division of Technology and Environmental Education, Office of Education, FOB 6, Room 2025, 400 Maryland Avenue, S.W., Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4 p.m. All relevant material must be received on or before December 26, 1974 unless such 30th day is a Saturday, Sunday or Federal holiday, in which case such material must be received by the next following business day.

(Catalog of Federal Domestic Assistance No. 13.522, Environmental Education Act)

Dated: October 24, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 20, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

GUIDELINES

ENVIRONMENTAL EDUCATION ACT

Financial Assistance for Pilot and Demonstration Projects to Educate the Public on Problems of Environmental Quality and Ecological Balance

Part 4—Funding Priorities

SEC. 4.1 *General projects.*—(a) *Objectives.* General projects should be designed to assist the development of effective environmental education practices and materials suitable for use by formal and/or nonformal education sectors.

Financial assistance may also be awarded for projects designed to assist the utilization of effective environmental education processes, practices, and materials.

"Formal education sectors" means all public and nonprofit private accredited educational agencies, institutions, and organizations; "nonformal education sectors" means public or nonprofit private agencies or organizations that contribute, directly or indirectly, toward the education of citizens, such as libraries, museums, community centers, organized citizens' groups, and similar organizations.

(20 U.S.C. 1532(b)(2))

(b) *Priority areas for funding.* (1) *Resource material development projects.* Resource material development projects foster the development of supplementary, guide, or curriculum materials, primarily for one or more grades, at the junior and senior high school level (grades 7-12) and for nonformal/community education.

The projects should focus on the material resource needs of specific schools or organizations while at the same time developing these materials in such a way that they can be used by a large number of schools and organizations around the country.

(2) *Personnel development projects.* Personnel development projects are designed primarily for educational personnel associated with grades 7 through 12 and for personnel in other fields whose decisions and activities have an impact on environmental problems and environmental education opportunities in schools, communities, and elsewhere.

The purpose of personnel development projects should be to provide participants with skills and techniques in communicating environmental principles and concepts to others and in utilizing these concepts within the framework of their jobs.

(3) *Community education projects.* Community education projects are designed to test or demonstrate promising methods of providing broad sectors of a community with an understanding of environmental principles, concepts, and problems.

Such projects should focus on the local environment and local environmental problems as they relate to local needs, public policies, and laws.

(4) *Elementary and secondary education projects.* Elementary and secondary education projects are sponsored primarily by local school districts and are designed to assist the introduction of environmental education concepts into the existing curriculum of the school district.

Such project will deal with community environmental problems and will be conducted and in many cases designed by students.

(20 U.S.C. 1532(b)(2))

(c) *Non-priority areas.* Grant assistance may be considered for nonpriority environmetal education general projects if funding is available and if such projects show unusual potential in advancing the art of environmental education. Nonpriority general project activities include information dissemination relating to environmental education curricula; preservice training programs; planning of outdoor ecological study centers; preparation of environmental education materials for use by the mass media; and evaluation of environmental education activities.

(20 U.S.C. 1532(b)(2))

SEC. 4.2 *Minigrant workshops.* (a) Examples of minigrant workshops may include:

(1) Workshops for community residents on the positive and negative environmental, economic, and social effects of a proposed industrial air pollution ban;

(2) Symposia on the—past, present, and future—impacts of community population distribution and change on the physical, economic, and social environment of the community;

(3) Seminars on the environmental implications of alternative urban renewal or land use plans; or

(4) Conferences on community energy needs, current use patterns, and alternatives.

(20 U.S.C. 1534(a); 45 CFR 183.20)

(b) The specific objective of any such project might be that of assisting citizen participation in the determination of local policies and practices which impact on the environment, or it might address the resolution of a specific issue. Activities might include such things as: a survey of target group knowledge of and attitude toward the issue to be addressed, followed by the conduct of town or neighborhood meetings for discussion sessions with representatives of various interests involved and with technical and environmental impact experts: a community symposium to translate in lay terms and disseminate the impact of new local, State, regional or Federal laws or standards on local environmental resources and needs. (20 U.S.C. 1534(a); 45 CFR 183.20)

[FR Doc.74-27644 Filed 11-25-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-NW-22-AD]

BOEING MODEL 747-100/200 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Boeing Model 747-100/200 Series Airplanes. There have been several reports of erratic air data indications on pitot-static flight instruments on the 747-100/200 series airplanes which have been traced to excessive amounts of water accumulation in the pitot-static lines after heavy rain and high wind conditions or during airplane washing. Erractic air data indications could result in a serious airplane accident during landing or takeoff.

Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the modification of the pitot-static tubes to include a vertical rise on the Boeing Model 747-100/200 airplanes.

A Maintenance Alert Bulletin will be issued as a companion to this Notice which will specify drainage as necessary following airplane exposure to heavy rain on the ground.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Northwest Region, Attention: Regional Counsel, Airworthiness: Rules Docket, FAA Building, King County International Airport, Seattle, Washington 98108. All communications received on or before December 31, 1974 will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39

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of the Federal Aviation Regulations by adding the following new airworthiness directive:

BOEING: Applies to all Model 747 airplanes, certificated in all categories, listed in Boeing Service Bulletin 747-34-2058 dated January 31, 1974, or later FAA approved revisions. To prevent erroneous information from being displayed on the pitot-static flight instruments:

Within the next 3,500 hours time in service after the effective date of this AD, modify the pitot-static tubing to include a vertical rise just inboard of each pitot-static probe in accordance with Work Package, 1, 2, and 3 of Boeing Service Bulletin 747-34-2058, dated January 31, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Seattle, Washington on November 18, 1974.

J. H. TANNER,
Deputy Director,
Northwest Region.

[FR Doc.74-27567 Filed 11-25-74;8:45 am]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 411]

ACCOUNTING FOR ACQUISITION COSTS OF MATERIAL

Proposed Cost Accounting Standard

Notice is hereby given of a Cost Accounting Standard on Accounting for Acquisition Costs of Material, being considered by the Cost Accounting Standards Board for promulgation to implement further the requirements of section 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 U.S.C. App. 2168. When promulgated, the Standard will be used by all relevant Federal agencies and national defense contractors and subcontractors.

The proposed Standard, if adopted, would be one of a series of Cost Accounting Standards which the Board's is promulgating "to achieve uniformity and consistency in the cost accounting principles followed by defense contractors and subcontractors under Federal contracts." (See section 719(g) of the Defense Production Act of 1950, as amended.) It is anticipated that any contractor receiving an award of a contract subject to the rules, regulations, and Standards of the Cost Accounting Standards Board on or after the effective date of this Standard will be required to follow it in accordance with the provisions of § 411.80.

The Standard establishes the criteria for direct allocation of a category of materials to a cost objective and for the use of a material inventory account.

The Standard specifies the use of any one of three inventory costing methods. Commentators are requested to identify any other methods they believe should be acceptable, along with a justification and criteria for the use of such methods.

The Standard does not prescribe the cost composition of material, but provides that material cost shall be the net acquisition price of a category of material, whether or not a material inventory account is used.

The Board solicits comments on the proposed Cost Accounting Standard from any interested person on any matter which will assist the Board in its consideration of the proposal.

Interested persons should submit written data and views, concerning the proposed Cost Accounting Standard to the Cost Accounting Standards Board, 441 G Street N.W., Washington, D.C. 20548.

To be given consideration by the Board in its determination relative to final promulgation of the Cost Accounting Standard covered by this Notice, written submissions must be made to arrive no later than January 31, 1975.

NOTE: All written submissions made pursuant to this Notice will be made available for public inspection at the Board's Office during regular business hours.

The proposed standard reads as follows:

Sec.
411.10 General applicability.
411.20 Purpose.
411.30 Definitions.
411.40 Fundamental requirement.
411.50 Techniques for application.
411.60 Illustrations.
411.70 Exemptions.
411.80 Effective date.

AUTHORITY: Sec. 719 of the Defense Production Act of 1950, as amended, Public Law 91-379, 50 USC App. 2168.

§ 411.10 General applicability.

This Standard shall be used by defense contractors and subcontractors under Federal contracts entered into after the effective date hereof, and by all relevant Federal agencies in estimating, accumulating, and reporting costs in connection with the pricing, administration, and settlement of all negotiated prime contract and subcontract national defense procurements with the United States in excess of $100,000 other than contracts or subcontracts where the price negotiated is based on (a) established catalog or market prices of commercial items sold in substantial quantities to the general public, or (b) prices set by law or regulation.

§ 411.20 Purpose.

(a) The purpose of this Cost Accounting Standard is to provide criteria for the accounting for acquisition costs of material. The Standard includes provisions on the use of inventory costing methods. Consistent application of this Standard will improve cost assignment and cost measurement.

(b) This Cost Accounting Standard does not cover accounting for the acquisition costs of tangible capital assets nor accountability for Government-furnished materials.

§ 411.30 Definitions.

(a) The following definitions of terms which are prominent in this Standard are reprinted from Part 400 of this chapter for convenience. Other terms which are used in this Standard and are defined in Part 400 of this chapter have the meanings ascribed to them in that part unless the text demands a different definition or the definition is modified in subparagraph (b) of this section:

(1) *Allocate.* To assign an item of cost, or a group of items of cost, to one or more cost objectives. This term includes both direct assignment of cost and the reassignment of a share from an indirect cost pool.

(2) *Business Unit.* Any segment of an organization, or an entire business organization which is not divided into segments.

(3) *Category of Material.* A particular kind of goods, comprised of identical or interchangeable units, acquired or produced by a contractor, which is intended to be sold, or consumed or used in the performance of either direct or indirect functions.

(4) *Cost Objective.* A function, organizational subdivision, contract or other work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capitalized projects, etc.

(5) *Material Inventory Account.* An accounting record established for the accumulation of actual or standard cost and quantity of a category of material recorded as an asset for subsequent cost allocation to one or more cost objectives.

(6) *Moving Average Cost.* An inventory costing method under which an average unit cost is computed after each acquisition by adding the cost of the newly acquired units to the cost of the inventory on hand and dividing this figure by the total number of units after receipt of the new units.

(7) *Weighted Average Cost.* An inventory costing method under which an average unit cost is computed periodically by dividing the sum of the cost of beginning inventory plus acquisitions, by the total number of units included in these two categories.

(b) The following modifications of definitions set forth in Part 400 of this chapter are applicable to this Standard: None.

§ 411.40 Fundamental requirement.

(a) The contractor shall have, and consistently apply, written accounting policies and practices for accumulating the costs of material and for allocating such costs to cost objectives. Such policies and practices shall comply with the criteria provided in this Standard.

(b)(1) Except as provided in paragraph (b) (2) and (3) of this section, a material inventory account shall be used for each category of material.

(2) The cost of a category of material may be allocated directly to a cost objective provided the cost objective was specifically identified either on the purchase order at the time of purchase, or on the work order at the time of production of material, and provided there is no established material inventory account for that category of material.

(3) The cost of a category of material which (i) is used solely in performing indirect functions, or (ii) is not a significant element of production cost, whether or not incorporated in an end product, may be allocated to an indirect cost pool where the contractor's established policies and practices do not provide for a material inventory account. However, when quantities of such a category of material are not consumed in a cost accounting period and are estimated to be significant in total cost, the cost of such material shall be established as an asset at the end of the period.

(c) In allocating to cost objectives the costs of material issued from a material inventory account, the inventory costing method used shall be selected in accordance with the provisions of § 411.50. The same inventory costing method shall, within the same business unit, be used for similar categories of materials.

(d) The transfer of a category of material from one cost objective to another cost objective or to an inventory account shall be made at the same cost that was allocated to the initial cost objective, if available, otherwise at the current market value.

§ 411.50 Techniques for application.

(a) Material cost shall be the acquisition cost of a category of material, whether or not a material inventory account is used. The purchase price of material shall be adjusted to the extent practical by extra charges paid or discounts and credits received.

(b) One of the following inventory costing methods shall be used:

(1) A first-in, first-out (FIFO) method.

(2) A moving or weighted average cost method, or

(3) A standard cost method.

(c) Within the same business unit the same inventory costing method shall be used for similar categories of material and shall be consistently applied.

(d) The method of computation used for any inventory costing method selected pursuant to the provisions of this Standard shall be consistently followed. A method of computation may be based on the use of either periodic or perpetual inventory accounting procedures. The period used for periodic inventory accounting shall not be longer than one-quarter of a year. Nothing herein is intended to establish a requirement as to the frequency of the taking of physical inventories.

(e) Material inventory accounts containing small quantities of any category of material for purposes such as prototype and developmental work and whose aggregate dollar values are not substantial are not included in the reference to an "established material inventory account" in § 411.40(b)(2).

§ 411.60 Illustrations.

(a) Contractor "A" has one contract which requires two custom-ordered, high-value, airborne cameras. He has not established a material inventory account for these cameras. His established policy is to order items specifically identified to a contract as the need arises and to charge them directly to the contract. He receives another contract which requires three more of these cameras, which he purchases at a unit cost which differs from the unit cost of the first two cameras ordered. When the purchase orders were placed, the contractor identified thereon the specific contracts on which all of the cameras being purchased were to be used. Although these cameras are identical, he charges the actual cost of each camera to the contract for which it was acquired without establishing a material inventory account. This practice would not be a violation of this Standard.

(b)(1) A Government contract requires use of electronic tubes identified as "W". The contractor expects to receive other contracts requiring the use of tubes of the same type. In accordance with his written policy, he establishes a material inventory account for electronic tube "W," and allocates the cost of units issued to the existing Government contract by the FIFO method. Such a practice would conform to the requirements of this Standard.

(2) The contractor is awarded several additional contracts which require an electronic tube similar to the one described in paragraph (b)(1) above, which is identified as "Y". He allocates the cost of tube "Y" to the contracts by an average cost method. Because he uses a FIFO method for a similar category of material within the same business unit, the use of an average cost method for "Y" would be a violation of this Standard.

(c) A contractor complies with the Cost Accounting Standard on standard costs, and he uses a standard cost method for allocating the costs of essentially all categories of material. Also, it is the contractor's established practice to charge the cost of purchased parts which are incorporated in his end products, and which are not a significant element of production cost to an indirect cost pool. Such practices conform to this Standard.

§ 411.70 Exemptions.

None for this Standard.

§ 411.80 Effective date.

(a) The effective date of this Standard is [reserved].

(b) This Standard shall be applied to materials purchased or produced after the start of the contractor's next fiscal year beginning after receipt of a contract to which this Standard is applicable.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc.74-27680 Filed 11-25-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 523]

[No. 74-1050]

FEDERAL HOME LOAN BANK SYSTEM

Liquid Assets

OCTOBER 9, 1974.

The following summary of the amendments proposed by this resolution is provided for the reader's convenience and is subject to the full explanation in the following preamble and to the specific provisions of the regulation.

I. *Existing Regulations.* United States obligations may have remaining periods to maturity of 7 years to be included as liquid assets. Obligations of the United States and agencies and instrumentalities thereof may have remaining period to maturity of 18 months to be included as short term liquid assets.

II. *Proposed Amendments.* Reduce the permissible maturity of United States obligations to 5 years to be included as liquid assets (the same as is permissible for obligations of United States agencies and instrumentalities). Reduce the permissible maturities of obligations of the United States and agencies and instrumentalities thereof to 12 months to be included as short term liquid assets.

III. *Reasons for the Proposed Amendments.* To reduce the permissible maturity and thus reduce the risk of loss on the securities held as liquid assets. The Board also presently intends to gradually increase the amount of required short term liquid assets as conditions may permit.

During the recent months of economic difficulty for the nation generally and for the housing markets in particular, member institutions have remained strong and sound notwithstanding pressures on profits and some months of net savings outflows. In reviewing the performance of member institutions during this period and in similar periods in the past, the Board believes that revisions in its liquidity requirements are desirable in order to make these requirements more adequately reflect the needs of member institutions during such periods. The Board has found that the member institutions which were best prepared to meet the difficulties in recent months and continue to support their local housing markets were those which had securities which they held for liquidity purposes with relatively short maturities. As a result of this experience, and possible continued pressures on the money markets, the Board proposes to amend its liquidity requirements as described below in order to reduce the permitted maturities for certain securities used to satisfy the liquidity requirements.

The monthly average daily balance liquidity requirements for member institutions, set forth in § 523.11, may be summarized as being 5 percent of the average daily balance of the member's liquidity base during the preceding month as an overall liquid assets requirement, with 1 percent required to be in short term liquid assets. The Board adjusts these overall and short term liquid

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assets requirements from time to time to meet changing economic conditions. The Board's experience has been that member institutions have been in a better position to cope with difficult periods such as that in recent months if they have met a substantial portion of their overall liquidity requirements with short term liquid assets. As a result the Board presently plans to gradually increase in the future the amount of overall liquidity that must be invested in short term liquid assets. The timing and the amount of any such increases will depend upon future economic conditions and cannot be predicted at this time. However, the Board encourages member institutions to take the Board's plans into account as they plan their liquid asset investment decisions during the coming months.

With respect to the specifics of this proposal, § 523.10 contains the definitions of terms used in the liquidity requirements of §§ 523.11 and 523.12. Section 523.10(g)(2) defines the term "liquid assets" to include, generally, the book value of unpledged obligations of the United States (including such obligations held subject to a repurchase agreement) having a remaining period to maturity of not more than 7 years. The Board proposes to reduce this required remaining period to maturity to 5 years. If this amendment is adopted, the Board intends to delay its effective date for at least 6 months to reduce difficulties in complying with this change.

The Board also proposes to make other changes regarding § 523.10(g) and (g)(2) which would also be subject to a 6 month delay of effectiveness. Section 523.10(g) presently contains an obsolete distinction as to the definition of "liquid assets" before and after January 1, 1972; this distinction would be removed. Section 523.10(g)(2) provides exceptions to the general rule that obligations of the United States must have a remaining period to maturity of not more than 7 years. The first exception is that the Board may direct a different requirement as to obligations of the United States in a specific case. This exception would be retained under the proposed amendment. The second exception, which would be deleted under the proposed amendment, is that for a particular month a member institution may include as liquid assets an amount equal to one-half of one percent of the average daily balance of the member's liquidity base for the preceding calendar month obligations of the United States having a remaining period to maturity of more than 7 years.

Section 523.10(h)(2) defines the term "short term liquid assets" as including unpledged obligations of the United States and obligations of certain agencies or instrumentalities of the United States having a remaining period to maturity of not more than 18 months. This 18 month period would be reduced to 12 months. If this amendment is adopted, the Board intends to also delay its effective date for at least 6 months to reduce difficulties in complying with this change.

Accordingly, the Board hereby proposes to amend § 523.10(g)(2) and (h)(2) to read as set forth below.

Interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street NW., Washington, D.C. 20552, by December 31, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 523.10 Definitions.

For the purposes of this section, § 523.11, and § 523.12:

* * * * *

(g) The term "liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under this paragraph, or would so qualify except for their maturities, and the book value of the following unpledged assets:

* * * * *

(2) except as the Board may otherwise direct in a specific case, obligations of the United States (including such obligations held subject to a repurchase agreement) having a remaining period to maturity of not more than 5 years;

* * * * *

(h) The term "short-term liquid assets" means the total of cash, accrued interest on unpledged assets which qualify as liquid assets under paragraph (g) of this section, or would so qualify except for their maturities, and the book value of the following unpledged assets:

* * * * *

(2) obligations of the types specified in paragraph (g)(2) and (g)(3) of this section having a remaining period to maturity of not more than 12 months;

* * * * *

(Sec. 5A, 47 Stat. 727, as amended by sec. 1, 64 Stat. 256, as amended; sec. 17, 47 Stat. 736, as amended; 12 U.S.C. 1425a, 1437. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR 1943–48, Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-27651 Filed 11-25-74;8:45 am]

[12 CFR Part 545]

[No. 74-1153]

FEDERAL SAVINGS AND LOAN SYSTEM

Service Corporation Service Area

OCTOBER 31, 1974.

The following summary of the amendment proposed by this Resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution as well as the specific provisions in the regulations.

I. *Present Situation.* Service corporations with home offices in the same such as accounting and data processing primarily from savings and loan associations with home officers in the same State, District, Commonwealth, territory, or possession.

II. *Proposed Regulation.* Service corporations would be authorized to perform such services for savings and loan associations without reference to their location.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.9–1(a)(4)(iii) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1(a)(4)(iii)) for the purpose of permitting service corporations in which Federal savings and loan associations may invest under § 545.9–1 to perform the services listed in § 545.9–1(a)(4)(iii) primarily for savings and loan associations without reference to their location.

Under the present § 545.9–1(a)(4)(iii) service corporations are authorized to perform services such as accounting and data processing primarily for savings and loan associations with home offices in the same State, District, Commonwealth, territory or possession. The proposed amendment would permit Federal association service corporations to provide such services to savings and loan associations on an interstate basis.

Accordingly, the Federal Home Loan Bank Board hereby proposes to amend said Part 545 by revising § 545.9–1(a)(4)(iii) thereof to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, N.W., Washington, D.C. 20552 by December 27, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.9–1 Service corporations.

(a) *General service corporations.* Subject to the provisions of this section, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may invest in the capital stock, obligations, or other securities of any service corporation organized under the laws of the State, District, Commonwealth, territory, or possession in which the home office of such association is located if:

* * * * *

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly-owned subsidiaries or joint ventures, consist of one or more of the following:

* * * * *

(iii) Performing the following services, primarily for savings and loan associations:

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464, Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.74-27652 Filed 11-25-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1060]

MILK IN THE MINNESOTA-NORTH DAKOTA MARKETING AREA

Proposed Suspension of Certain Provisions of the Order

Correction

In FR Doc. 74-27246 appearing on page 40783, in the issue for Wednesday, November 20, 1974 in the 2d paragraph, line 8, the date "November 20, 1974" should read "November 25, 1974".

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF STATE

Agency for International Development

A.I.D. RESEARCH ADVISORY COMMITTEE

Meeting

Pursuant to Executive Order 11688 and the provisions of section 10(a)(2), P.L. 92-463, Federal Advisory Committee Act, notice is hereby given of the A.I.D. Research Advisory Committee Meeting on December 12 and 13, 1974, at the Pan American Health Organization Building, 23rd Street and Virginia Avenue, NW., Conference Room "C", to review, appraise and make recommendations to the Administrator, Agency for International Development, concerning proposals for research contracts in the fields of agriculture, nutrition, health and science and technology. The meetings will begin at 9 a.m. and adjourn at 5:30 p.m. Dr. Erven J. Long, Associate Assistant Administrator, is designated as the A.I.D. representative at the meeting. It is suggested that those desiring more specific information contact Dr. Erven J. Long, 21st Street and Virginia Avenue, NW., Washington, D.C., 20523, or call area code 202-632-9223.

Dated: November 18, 1974.

CURTIS FARRAR,
Acting Assistant Administrator for Technical Assistance.

[FR Doc.74-27551 Filed 11-25-74;8:45 am]

[99.1.62]

COUNTRY DEVELOPMENT OFFICER/ CHAD

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Country Development Officer/Chad the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Country Development Officer may be exercised by duly authorized persons who are performing the functions of the Country Development Officer in an acting capacity.

This redelegation of authority shall be effective November 11, 1974.

RUSSELL DILTS,
Acting Director, Office of Contract Management.

NOVEMBER 11, 1974.

[FR Doc.74-27638 Filed 11-25-74;8:45 am]

[99.1.60]

COUNTRY DEVELOPMENT OFFICER/ MALI

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Country Development Officer/Mali the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Country Development Officer may be exercised by duly authorized persons who are performing the functions of the Country Development Officer in an acting capacity.

This redelegation of authority shall be effective November 11, 1974.

RUSSELL DILTS,
Acting Director, Office of Contract Management.

NOVEMBER 11, 1974.

[FR Doc.74-27636 Filed 11-25-74;8:45 am]

[99.1.63]

COUNTRY DEVELOPMENT OFFICER/ MAURITANIA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Country Development Officer/Mauritania, the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Country Development Officer may be exercised by duly authorized persons who are performing the functions of the Country Development Officer in an acting capacity.

This redelegation of authority shall be effective November 11, 1974.

RUSSELL DILTS,
Acting Director, Office of Contract Management.

NOVEMBER 11, 1974.

[FR Doc.74-27639 Filed 11-25-74;8:45 am]

[99.1.61]

COUNTRY DEVELOPMENT OFFICER/ UPPER VOLTA

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Officer of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Country Development Officer/Upper Volta the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Country Development Officer may be exercised by duly authorized persons who are performing the functions of the Country Development Officer in an acting capacity.

This redelegation of authority shall be effective November 11, 1974.

RUSSELL DILTS,
Acting Director, Office of Contract Management.

NOVEMBER 11, 1974.

[FR Doc.74-27637 Filed 11-25-74;8:45 am]

[99.1.57]

REGIONAL DEVELOPMENT OFFICER/ DAKAR

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Regional Development Officer/Dakar the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Regional Development Officer may be exercised by duly authorized persons who are performing the functions of the Regional Development Officer in an acting capacity.

This redelegation of authority shall be effective November 11, 1974.

RUSSELL DILTS,
Acting Director, Office of Contract Management.

NOVEMBER 11, 1974.

[FR Doc.74-27633 Filed 11-25-74;8:45 am]

[99.1.58]

REGIONAL DEVELOPMENT OFFICER/ NIAMEY

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Regional Development Officer/Niamey the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Regional Development Officer may be exercised by duly authorized persons who are performing the functions of the Regional Development Officer in an acting capacity.

This redelegation of authority shall be effective November 11, 1974.

RUSSELL DILTS,
Acting Director, Office of Contract Management.

NOVEMBER 11, 1974.

[FR Doc.74-27634 Filed 11-25-74;8:45 am]

[99.1.59]

REGIONAL DEVELOPMENT OFFICER/ YAOUNDE

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me as Director, Office of Contract Management, under Redelegation of Authority No. 99.1 (38 FR 12836) from the Assistant Administrator for Program and Management Services of the Agency for International Development, I hereby redelegate to the Regional Development Officer/Yaounde the authority to sign and approve:

1. U.S. Government contracts and amendments thereto, and A.I.D. grant-financed host country contracts for technical assistance, provided that the aggregate amount of each individual contract does not exceed $25,000 or local currency equivalent.

2. Contracts with individuals for the services of the individual alone without monetary limitation.

The authority herein delegated may not be further redelegated.

The authority delegated herein is to be exercised in accordance with regulations, procedures and policies now or hereafter established or modified and promulgated within A.I.D. and is not in derogation of the authority of the Director of the Office of Contract Management to exercise any of the functions herein redelegated.

The authority herein delegated to the Regional Development Officer may be exercised by duly authorized persons who are performing the functions of the Regional Development Officer in an acting capacity.

This redelegation of authority shall be effective November 11, 1974.

RUSSELL DILTS,
Acting Director, Office of Contract Management.

NOVEMBER 11, 1974.

[FR Doc.74-27635 Filed 11-25-74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

STATEMENT ON ORGANIZATION AND FUNCTION

Pursuant to 5 U.S.C. 552, the Bureau of Alcohol, Tobacco and Firearms is hereby making available to the public a statement on organization and function.

Dated: November 19, 1974.

[SEAL] REX D. DAVIS,
Director.

1. *Establishment of the Bureau of Alcohol, Tobacco and Firearms.* The Bureau of Alcohol, Tobacco and Firearms was established by Treasury Department Order No. 221 effective July 1, 1972, by the authority of the Secretary of the Treasury and the authority of Reorganization Plan No. 26 of 1950.

2. *Mission.* The mission of ATF is to achieve voluntary compliance with laws under the Bureau's jurisdiction; assure

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full collection of revenue due from legal industries; suppress traffic in illicit untaxpaid distilled spirits; and the illegal possession and use of firearms, destructive devices and explosives; assist Federal, state, and local law enforcement agencies in reducing crime and violence; eliminate commercial bribery, consumer deception and other improper trade practices in the distilled spirits industry; interact with Federal, state, and local governmental agencies in the resolution of problems relating to industrial development, revenue protection, public health, ecology, and other areas of joint jurisdictional concern.

3. *Establishing Document.* a. Treasury Department Order No. 221, provided for the: "• • • transfer, as specified herein, the functions, powers, and duties of the Internal Revenue Service arising under laws relating to alcohol, tobacco, firearms and explosives (including the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service) to the Bureau of Alcohol, Tobacco and Firearms (hereinafter referred to as the Bureau) which is hereby established. The Bureau shall be headed by the Director, Bureau of Alcohol, Tobacco and Firearms (hereinafter referred to as the Director). The Director shall perform his duties under the general direction of the Secretary of the Treasury (hereinafter referred to as the Secretary) and under the supervision of the Assistant Secretary (Enforcement, Operations and Tariff Affairs) (hereinafter referred to as the Assistant Secretary). The Director shall perform the functions, exercise the powers, and carry out the duties of the Secretary in the administration and enforcement of the following provisions of law:

(1) Chapters 51, 52, and 53 of the Internal Revenue Code of 1954 and sections 7652 and 7653 of such Code insofar as they relate to the commodities subject to tax under such chapters;

(2) Chapters 61 and 80, inclusive, of the Internal Revenue Code of 1954, insofar as they relate to activities administered and enforced with respect to chapters 51, 52, and 53;

(3) The Federal Alcohol Administration Act (27 U.S.C. Chapter 8);

(4) 18 U.S.C. Chapter 44 (relating to firearms);

(5) Title VII, Omnibus Crime Control and Safe Streets Act of 1968 (18 U.S.C. Appendix, sections 1201–1203);

(6) 18 U.S.C. 1262–1265; 1952; 3615 (relating to liquor traffic);

(7) Act of August 9, 1939 (49 U.S.C. Chapter II); insofar as it involves matters relating to violations of the National Firearms Act;

(8) 18 U.S.C. Chapter 40 (relating to explosives); and

(9) Section 414 of the Mutual Security Act of 1954, as amended (22 U.S.C. of 1934) relating to the control of the importation of arms, ammunition and implements of war.

b. All functions, powers and duties of the Secretary which relate to the administration and enforcement of the law specified in paragraph 2 hereof are delegated to the Director. Regulations for the purposes of carrying out the functions, powers and duties delegated to the Director may be issued by him with approval of the Secretary.

(1) All regulations prescribed, all rules and instructions issued, and all forms adopted for the administration and enforcement of the laws specified in paragraph 2 hereof, which are in effect or in use on the effective date of this Order, shall continue in effect as regulations, rules, instructions, and forms of the Bureau until superseded or revised;

(2) All existing activities relating to the collection, processing, depositing, or accounting for taxes (including penalties and interest), fees, or other moneys under the laws specified in paragraph 2 hereof, shall continue to be performed by the Commissioner of Internal Revenue to the extent not now performed by the Alcohol, Tobacco and Firearms Division or the Assistant Regional Commissioners (Alcohol, Tobacco and Firearms) until the Director shall otherwise provide with approval of the Secretary;

(3) All existing activities relating to the laws specified in paragraph 2 hereof which are now performed by the Bureau of Customs, shall continue to be performed by such Bureau until the Director shall otherwise provide with the approval of the Secretary.

c. *Use of Terms.* (1) The terms "Director, Alcohol, Tobacco and Firearms Division" and "Commissioner of Internal Revenue" wherever used in regulations, rules, instructions, and forms, issued or adopted for the administration and enforcement of the laws specified in paragraph 2 hereof, which are in effect or in use on the effective date of this Order, shall be held to mean the Director.

(2) The term "Assistant Regional Commissioner" wherever used in regulations, rules, instructions, and forms, shall be held to mean Regional Director.

(3) The terms "Internal Revenue Officer" and "Officer, employee or agent of the Internal Revenue" wherever used in such regulations, rules, instructions, and forms, in any law specified in paragraph 2 above, and in 18 U.S.C. 1114, shall include all officers and employees of the United States engaged in the administration and enforcement of the laws administered by the Bureau, who are appointed, or employed by, or pursuant to the authority of, or who are subject to the directions, instructions or orders of the Secretary.

(4) The above terms, when used in regulations, rules, instructions and forms of government agencies other than the Internal Revenue Service, which relate to the administration and enforcement of the laws specified in paragraph 2 hereof, shall be held to have the same meaning as if used in regulations, rules, instructions and forms of the Bureau.

d. *Transferred to the Bureau.* (1) There shall be transferred to the Bureau all positions, personnel, records, property, and unexpended balances of appropriations, allocations, and other funds of the Alcohol, Tobacco and Firearms Division of the Internal Revenue Service, including those of the Assistant Regional Commissioner (Alcohol, Tobacco and Firearms), Internal Revenue Service.

(2) In addition, there shall be transferred to the Bureau such other positions, personnel, records, property, and unexpended balances of appropriations, allocations, and other funds, as are determined by the Assistant Secretary for Administration, in consultation with the Assistant Secretary, the Director, and the Commissioner of Internal Revenue Service, to be necessary or appropriate to be transferred to carry out the purposes of this Order.

(3) There shall be transferred to the Chief Counsel of the Bureau such functions, powers, and duties, and such positions, personnel, records, property, and unexpended balances of appropriations, and other funds, of the Chief Counsel of the Internal Revenue Service as the General Counsel of the Department shall direct • • •"

4. *History.* a. *Liquor and Tobacco Taxes.* (1) Madison's notes on the Constitutional Convention reveal clearly that the framers of the Constitution believed for some time that the principal, if not sole, support of the new Federal Government would be derived from customs, duties and taxes connected with shipping and importations.

(2) The first important Federal tax legislation relative to liquor and tobacco taxation was the Revenue Act of March 3, 1771. The law included a general ad valorem duty on all importations and taxes on a wide variety of items such as snuff and spirits. In 1772 the Revenue Act was amended to include a tax of $.54 per still and $.07 per gallon of whiskey. The Revenue Act provoked considerable opposition and resistance. The most serious incident which occurred was the Whiskey Rebellion in Western Pennsylvania in 1794. The insurgents openly defied the Government in its attempt to collect the excise levy on whiskey until President Washington sent the Federal Militia to halt the uprising.

(3) In September 1794 a tax was imposed on snuff. This was replaced in March 1795 by a tax on snuff mills which was repealed in June of 1796.

(4) On July 1, 1802, that portion of the Revenue Act concerning excise taxes was repealed. However, on July 24, 1813, the excise tax was reimposed on liquor by leving duties on licenses to distilleries.

(5) On December 23, 1817, internal taxation was discontinued. On August 5, 1861, however, a bill was again enacted providing internal taxation to include license and taxes on stills, distilleries, spirits and fermented liquors.

(6) On July 1, 1862, a bill was enacted which provided the foundation for the present day internal revenue system. Taxation on distilled spirits was set at $.20 per gallon. This law also provided for taxes to be imposed on cigars, tobacco and snuff. On July 17, 1862, the first Commissioner of Internal Revenue was named. His duties included administering Alcohol and Tobacco Tax laws and authorizing detectives for the protection of this revenue.

(7) Other liquor and tobacco laws were enacted during the following periods: June 1864—taxes on cigarettes; July 20, 1868—stamp tax system for liquor and tobacco; June 7, 1906—Denatured Alcohol Act, providing industrial and medical utilization of alcohol tax free; 1918—Revenue Act taxing beverage spirits $6.40 per gallon; and January 11, 1934—Liquor Taxing Act $2.00 per proof gallon except denatured alcohol and alcohol for medical purposes.

b. *Firearms and Explosives.* (1) The National Firearms Act became law in 1934. It was proposed after the attempted assassination of President elect Franklin D. Roosevelt and the proliferation of gangland murders by use of machine guns, short barrel shotguns, and similar type weapons.

(2) The Law imposed a tax on the transfer of these gangster type weapons and required their registration. Since the National Firearms Act was based on the Federal Government's power to impose taxes, the enforcement and administration of the law was given to the Internal Revenue Service. The Act is directed at the control of "gangster type" weapons only and not at sporting firearms. Only the following types of weapons are regulated: machine guns; sawed off shotguns and rifles, mufflers, silencers and destructive devices; and any weapon or device capable of being concealed on the person from which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell; and weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading.

(3) The responsibility for administering the Act was shuttled from Division to Division within the IRS. In 1941, the Alcohol Tax Unit assumed the responsibility of enforcing the criminal violation sections of the law. In 1951, the administration of the regulatory provisions of the Act was transferred to the Alcohol and Tobacco Tax Division as it was then called.

(4) The National Firearms Act was amended by Title II of the Gun Control Act of 1968 to extend registration to destructive devices, including bombs, and tightened existing transfer requirements.

(5) The Federal Firearms Act was enacted in 1938. It was subsequently replaced by the Omnibus Crime Control and Safe Streets Act of 1968, which was amended by Title I of the Gun Control Act of 1968. Title I insures integrity of records covering firearms transactions; strengthens dealer licensing; prohibits importation of certain types of handguns; makes it a crime for certain categories of people to possess or transport firearms in commerce; and provides assistance to State and local law enforcement officers in meeting their responsibilities.

(6) Title VII of the Safe Streets Act prohibits receipt, possession, or transportation in commerce or affecting commerce of a firearm by any person who is a convicted felon; mentally incompetent; an alien illegally in the United States; a person who has renounced his U.S. citizenship; or a person discharged from the military service under dishonorable conditions.

(7) Title XI of the Organized Crime Control Act which was passed in 1970 provided for the licensing of all manufacturers, importers and dealers of explosives.

c. *Background and Evolution of Present Organization.* (1) On May 10, 1934, the Alcohol Tax Unit was established in the Bureau of Internal Revenue to regulate the legitimate production of distilled spirits, wine, and beer, and to prevent illegal production of these products.

(2) On August 29, 1935, the President approved the Federal Alcohol Administration Act, passed by the Congress to embody into permanent statutory form most of the Federal control enforced by the Government under the codes. The Federal Alcohol Administration was set up as a semi-autonomous division of the Treasury Department to administer the Act. On June 30, 1940, the Federal Alcohol Administration was abolished and its functions transferred to the Alcohol Tax Unit pursuant to a Presidential reorganization plan. Since then the enforcement of the Act has been closely integrated with the functions of tax administration.

(3) The administration of the tobacco tax laws had been vested in the Commissioner of Internal Revenue since the appointment of the first Commissioner in 1862. In November 1951 the tobacco tax functions were transferred to the Alcohol Tax Unit from the Miscellaneous Tax Unit, and the combined activity was known as the Alcohol and Tobacco Tax Division. When the Gun Control Act was passed in October 1968, the Division was given responsibility for its enforcement and was subsequently renamed the Alcohol, Tobacco and Firearms Division in December 1968.

(4) Prior to July 1, 1972, the Alcohol, Tobacco and Firearms Division was part of the Internal Revenue Service. The Director was responsible for the administration and enforcement of all internal revenue laws and regulations relating to distilled spirits and other beverages and products having an alcoholic content, and to cigars, cigarettes, and cigarette paper and tubes.

(5) The Secretary of the Treasury announced on February 29, 1972, that the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service would be transferred on July 1, 1972, as a new bureau in the Treasury Department.

5. *The Bureau Headquarters.* a. The Bureau of Alcohol, Tobacco and Firearms is a component part of the Treasury Department. The Bureau is headed by the Director who serves under the general direction of the Secretary of the Treasury and under the supervision of the Assistant Secretary for Enforcement, Tariff and Trade Affairs, and Operations.

b. The Bureau of Alcohol, Tobacco and Firearms consists of a Headquarters Office in Washington, D.C. and 7 Regional Offices. (Exhibits 1 and 2.) Copies of the Organization Charts are attached to the original of this document on file in the office of the Federal Register.

c. The Regional Offices are headed by Regional Directors who report to the Bureau Director. Each region has a Criminal Enforcement activity and a Regulatory Enforcement activity. The Office of Criminal Enforcement consists of 28 district offices, each headed by a Special Agent-In-Charge; and the Office of Regulatory Enforcement consists of 47 area offices, each headed by an Area Supervisor.

d. There are additional ATF offices in locales where concentration of workload requires the assignment of personnel. In the Criminal Enforcement activity, the offices are called Post-of-Duty and are headed by Resident Agents-In-Charge. In the Regulatory Enforcement activity the offices are called resident offices and are located in various cities or at distilled spirits plants. A number of the resident offices located at distilled spirits plants are headed by an Officer-In-Charge.

e. The Bureau maintains a National Laboratory which is responsible to the Assistant Director for Technical and Scientific Service and is located at the Headquarters Office.

f. There are 3 Regional Laboratories which are located in the Mid-Atlantic, Central and Southeast Regions. The Regional Directors exercise line authority over each Regional Laboratory. The Chief, Scientific Services Division, under the general supervision of the Assistant Director, Technical and Scientific Services, is responsible for exercising functional authority over the Regional Laboratories.

6. *Immediate Office of the Director.* a. *The Director* of the Bureau of Alcohol, Tobacco and Firearms, in conformity with policies and delegations of authority made by the Secretary of the Treasury, establishes the policies and administers the activities of the Bureau of Alcohol, Tobacco and Firearms.

b. *The Deputy Director* assists the Director in all aspects of the management of the Bureau, and performs the duties of the Director during the latter's absence.

c. *Assistant to the Director (Public Affairs)* conceives, implements, monitors and directs a comprehensive liaison and public information program for the Bureau of Alcohol, Tobacco and Firearms; assists in formulating Bureau policies and programs concerning release of public information; provides liaison with other governmental agencies, members of Congress, and the industries regulated by the Bureau; responsible for presenting alcohol, tobacco and firearms programs and accomplishments to the na-

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tion in such a manner that the public image of the Bureau is consistently enhanced; provides Director and Assistant Directors with latest information on sensitive items which may require intra- or interagency contact or explanations; handles all except extremely high level Executive Branch and Congressional contacts regarding work or the Bureau; maintains constant communication with other enforcement and regulatory agencies to promote the program administered by the Bureau of Alcohol, Tobacco and Firearms and to provide any needed assistance to other agencies in matters of mutual interest.

d. *Administrative Law Judges* in Treasury are appointed by the Department to conduct the trial of and decide cases involving charges brought by the Bureau of Alcohol, Tobacco and Firearms against (ATF) licensees and permittees, alleging violations of laws and regulations administered by ATF, seeking the annulment, suspension or revocation of existing permits and the revocation of existing licenses, as well as the denial of license and permit applications. The Administrative Law Judge is under the administrative (as distinguished from functional) control of the Director of Alcohol, Tobacco and Firearms.

e. *Chief Counsel* under the general direction of the General Counsel of the Department of the Treasury and subject to the supervision of the Assistant General Counsel who serves as legal advisor to the Assistant Secretary (Enforcement, Operations and Tariff Affairs), is the legal advisor to the Director of the Bureau of Alcohol, Tobacco and Firearms and is responsible for performing all of the legal services and provisions of the IRC and USC which relate to distilled spirits, tobacco, firearms, and explosives; the Omnibus Crime Control and Safe Streets Act of 1968; the Mutual Security Act of 1954 relating to the control of the importation of arms, ammunition and implements of war; legal work arising from the Federal Tort Claims Act and the Small Claims Act; and the Military Personnel and Civilian Employees' Claims Act of 1964; prepares, reviews or assists in the preparation of proposed legislation, regulations, and executive orders relating to the laws affecting and enforced by the Bureau, makes recommendations to the Department of Justice for the prosecution of cases referred to the Chief Counsel by the Director, Bureau of Alcohol, Tobacco and Firearms. The Chief Counsel has direct supervision of the Bureau's seven Regional Counsel Offices.

7. *Assistant Director (Administration)* is the principal assistant to the Director in planning and executing the administrative program of the Bureau, which includes fiscal management, personnel, administrative programs, management analysis, information management and training. Jointly with other Assistant Directors he participates in the general management of the Bureau by coordinating administration with other functions to accomplish program objectives of the Bureau. On general administrative matters, represents the Director in relationship with the Congress, Department of the Treasury, Office of the Secretary and other components of the Department of the Treasury; and such agencies as Office of Management and Budget; the Civil Service Commission and General Services Administration. Supervises the activities of the Fiscal, Administrative Programs, Planning, Organization and Management Staff, Information Management, Personnel, and Training Divisions and is responsible for the functional supervision of field administrative activities.

a. *Equal Employment Opportunity Officer* serves as principal assistant to the Director in all matters of equal employment opportunity relating to actions required under Public Law 92-261 throughout the United States. Has overall responsibility and supervision of the Bureau Office of Equal Employment Opportunity; coordinates and evaluates the work of the Headquarters program and those conducted by Regional Directors. In reference to the total EEO Program recommends manpower and resources at both the national and field levels, taking into consideration fluctuating requirements and changing conditions affecting the program. As delegated by the Director, is responsible for final decisions regarding all complaints filed and for recommending specific actions, i.e. promotions, re-evaluations, training, in resolution of the complaint. Develops and recommends policies and national programs to meet the Bureau Equal Employment responsibilities.

b. *Planning, Organization and Management Staff* has the responsibility for coordinating and integrating Bureau policies, and for analyzing all programs to optimize the accomplishment of the Bureau's mission. In cooperation with the Director, Deputy Director, Assistant Directors and the Chief Counsel, it develops the Bureau's Long Range Plan; maintains the Bureau's Management by Objective Program; compiles and provides analysis of the Bureau's productivity indices; evaluates the feasibility and cost of existing and proposed plans, policies, organizations, and program objectives; develops criteria and presentations to measure accomplishments; and determines the scope of operating data necessary for performance evaluation. Conducts, participates in, and provides advisory service to management on organizational and staffing matters; and assists in formulating policy pertaining to the organizational structure and lines of authority from the Bureau Headquarters to subordinate offices.

c. *Administrative Programs Division* develops, directs, coordinates, and evaluates policies and programs for providing essential support activities for the Bureau's primary programs. Its programs are designed to increase the effectiveness of the Bureau, reduce its operating cost, and improve its physical facilities. These programs include procurement and contracting; real and personal property management; supply, transportation and communications management; national emergency planning, safety, documents and physical security; and records retention and disposal. Develops the standards and procedures necessary for effective performance of its functions. The Division consists of two branches: Procurement and Property Branch and Administrative Services Branch.

(1) *Procurement and Property Management Branch.* Develops, coordinates, directs, and evaluates the Contracting and Procurement Programs of the Bureau. Develops procurement policy and procedures, and provides guidelines and consultative assistance for all Bureau Procurement Programs. Appraises procurement programs through a systematic program of visits to field offices and through review and analysis of reports and accomplishments. Plans, develops, promotes, coordinates and evaluates programs designed to increase the effectiveness of Bureau wide operations in the area of real and personal property management: (1) Establishes standards, guidelines, and procedures to administer the national property program. Conducts utilization studies, establishes requirements for and disposes of and maintains furniture, furnishings, certain non-capitalized equipment including data processing auxiliary and accessory equipment; and (2) Plans, develops, coordinates and evaluates a space program designed to increase the effectiveness of the Bureau. Provides liaison between General Services Administration, other government agencies and private concerns relating to space negotiations. Develops and administers standards for the acquisition, utilization, and maintenance of space, layout of space, and planning for the Bureau's future space needs nationwide.

(2) *Administrative Services Branch.* Develops, coordinates, directs and evaluates all service activities of the Bureau's Headquarters office. Administers a support services program consisting of travel, files management, mail management, protective programs, building maintenance, transportation, equipment and vehicle repairs, and inter-office movement of records, documents, supplies, furniture, equipment and other materials. Develops, coordinates, directs, and evaluates a communications programs consisting of services and facilities used for transmitting and receiving voice, data and other message information by wire, visual, or other electrical or electro-magnetic transmission modes; systems, equipment, and circuitry for telephone, telegraph, facsimile, video and other communications operations.

Protective Programs Staff. Plans, directs, and executes a comprehensive and complete Bureau-wide accident and fire prevention program, the Federal Tort Claims Act, the Small Claims Act, the Military Personnel and Civilian Employees' Claims Act, and certain claims under the Claims Collection Act. Administers the Bureau's (1) Security Program (preserving evidence, safeguarding property and preventing misuse, damage, loss or theft of Government property); (2) Emergency Preparedness Program (ensuring the Bureau's capability of discharging its essential function, both at Headquarters and field levels, during an emergency, war or civil related, and providing for the Bureau's civil defense shelter program); (3) Energy Conservation Program (ensuring maximum support to the President's program of conserving energy within the Federal Establishment); and (4) Environmental Program (ensuring that ATF facilities meet Federal, state and local pollution control and abatement requirements).

d. *Fiscal Division* develops, plans, coordinates and evaluates the financial management and budget policies and programs of the Bureau; develops and prepares justification of the Bureau's budget; advises on its execution; establishes procedures covering the accounting systems for appropriated funds; and directs the budget and fiscal activities of the Bureau. Counsels and advises the Director, the Deputy Director and all levels of management on matters concerning budget and the fiscal management of funds appropriated for the administration of the Bureau. The Division, under the direction of the Fiscal Management Officer consists of two branches: Budget Branch and Accounts Branch.

(1) *Accounts Branch.* Develops, prescribes, and installs the Bureau's financial accounting system to produce timely and accurate data for budgetary and fiscal management purposes and timely liquidation of bureau financial obligations.

(2) *Budget Branch.* The Budget Branch develops the Bureau's budget in conformance with the established overall program policies through consultation and cooperation with the responsible operating officials. It prescribes budget procedures and directs the preparation of budget estimates for the Bureau; participates in the development of standards for the measurement of work necessary in the justification of estimates or the evaluation of financial plans; prepares requests for the apportionment and reapportionment of appropriations; establishes the procedures and records necessary to properly reflect the execution of the budget.

e. *Information Management Division* plans, evaluates, develops, coordinates and directs programs, systems, procedures, and standards for the publishing needs of the Bureau. Collects, compiles, publishes and maintains official statistics relating to industrial alcohol, beverage, spirits, wine, beer, tobacco, firearms and explosives. Provides such information to Bureau management, the industries, and the public. Division programs are designed to provide the most efficient support services to meet the Bureau needs and requirements. Programs include coordination of preparation, procurement and printing of all forms, publications and documents, rulings, decisions, manuals, handbooks, and statistical releases necessary to the operation of the Bureau. Develops the necessary standards and procedures for effective performance of its function. The Division consists of two Branches: Forms Management and Distribution Branch and Directives and Reports Management Branch.

(1) *Forms Management and Distribution Branch.* Administers the Bureau-wide forms management program and the publishing system for forms, publications and envelopes. Initiates, directs, and coordinates studies to develop or improve processes in the publishing and graphic arts field. Responsible for the fiscal control planning, analysis, design requirement determination, procurement scheduling, distribution, warehousing and inventory management of printing and published products. Provides functional supervision and logistical support to field components for the management of printing, procurement, and distribution of forms and graphic designs. Initiates, directs, and coordinates printing requirements through proper channels and distributes finished products. Maintains a centralized distribution operation which supplies forms, publications, directives and other Bureau materials to Bureau Offices, industry and the general public; and is also responsible for dissemination of pertinent information on a timely basis to industry.

(2) *Directives and Reports Management Branch.* Participates in bureau-wide program planning and development. Compiles material for publication in official documents announcing official rulings and procedures of the Bureau, directives, delegation orders, court decisions, and other items of general interest for research by the public and Bureau personnel. Compiles record retention requirements from regulations for publication in the FEDERAL REGISTER and compiles the Bureau's Looseleaf Directives Systems. Coordinates actions on matters involving public availability of information under 5 U.S.C. 552. Initiates guidelines for records retention and disposition. Develops and administers the Internal Management Document System which includes the review of issuances for conformance to policies of the Bureau. Collects, compiles, publishes, and maintains historical data concerning alcohol, spirits, wine, beer, tobacco, firearms and explosives production, manipulation, storage and dispositon. Collects, records, compiles and maintains official operational statistics of the Bureau including results of Criminal Enforcement operations. Provides such information to Bureau management, the controlled industries, industrial associations and the public. Administers and is the primary contact for reports program, provides functional supervision and support to field components relating to their reporting requirements.

f. *Personnel Division* plans, directs, and leads in the development, coordination and evaluation of the personnel policies and programs of the Bureau. Provides functional supervision over personnel programs throughout the Bureau, including staffing development and program evaluation. Acts as appellate office for the Director on adverse action and grievance appeals and designates hearing officers when requested. Directs appropriate personnel activities to promote effective manpower utilization. Prepares certain personnel reports for the Civil Service Commission, Department of the Treasury, and other agencies.

(1) *Employee Relations Branch.* Develops and coordinates policies, procedures and instructions, and is responsible for the direction, scope and effectiveness of union-management relations, employee-management communication and information, employee conduct and discipline, appeals and grievances, employee recognition and performance, hours of work, pay and leave administration, and employee services. Responsible for liaison, consultation and negotiations with unions. Serves as Bureau functional specialist and reviews, evaluates, assists, interprets, and disseminates information in these program areas. Acts as liaison between the Bureau and the Office of the Secretary, Civil Service Commission and other Federal agencies.

(2) *Employment Branch.* Develops and coordinates policies, procedures and instructions for the Bureau relating to recruitment, selection, placement, appointment, career status, promotion plans, details, veteran's preference, orientation and placement follow-up, reduction-in-force, and separation. Develops and coordinates occupational standards and guides including qualification and performance standards, qualifications evaluation, qualification rating keys and criteria, and qualifications and training selection determinations. Develops and coordinates policies and procedures pertaining to participation of the Interagency Boards. Reviews and advises on budgetary and staffing proposals relative to recruitment, selection and utilization of personnel. When appropriate, acts as liaison between the Bureau and the Office of the Secretary, Civil Service Commission and other Federal Agencies.

(3) *Position Management Branch.* Develops and coordinates policies, procedures, and program instructions for the position classification, position management and occupational standards programs of the Bureau. Advises management officials on organization, assignment practices, job design and other aspects of position management. Reviews and counsels on position classification and position management implications of budgetary and financial planning with respect to proposed grade structure changes as justified by data on available workload and conformance with existing classification guides and standards. Reviews and makes recommendations on Civil Service Commission and Treasury classification and qualification standards. Performs such centralized services as classification of positions for which authority has not been delegated, preparation of supergrade recommendations, and justification, and development of standard posi-

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tion descriptions. With assistance from Training Division, develops, negotiates and administers training agreements. Evaluates decentralized performance of functions relating to position classification, position management and occupational standards.

g. *Training Division* formulates and recommends overall training policies of the Bureau and provides professional training leadership and guidance to Bureau officials and personnel. Performs the following functions: administers the total Bureau training program, coordinates training within the Bureau providing liaison between operational Divisions and respective training branches, and between the Bureau and Treasury officials. Administers budgetary formulation and financial planning, fiscal resources and technical/professional personnel resources.

(1) *Employee Development Branch.* Administers and conducts employee development training courses. Included are management development, supervisory and leadership, instructor training and other employee development related courses. Coordinates intra-Departmental training; intra-Governmental training; and Bureau participation in non-Governmental training programs.

(2) *Law Enforcement Branch.* Administers and conducts law enforcement training courses for Bureau personnel and state and local officers. Develops course material; program revisions; and student and instructor evaluations. Determines instructor selections and assignments and reference material retention. Relates current training technology to the various enforcement programs.

(3) *Regulatory Enforcement Branch.* Administers and conducts regulatory enforcement training courses. Develops course material; program revisions; and student and instruction evaluations. Determines instructor selections and assignments. Training relates, though not exclusively, to Inspectors and Plant Officers.

8. *Assistant Director (Criminal Enforcement)* serves as principal assistant to the Director in all matters of criminal enforcement relating to firearms, explosives, liquor and tobacco laws throughout the United States. Has over-all responsibility and supervision of Headquarters Office Criminal Enforcement Divisions; and monitors and supervises through the Regional Director, field Criminal Enforcement programs. Recommends manpower and resources to the various Headquarters Office Divisions and field offices, taking into consideration fluctuating requirements and changing conditions affecting criminal enforcement operations. With the concurrence of the Director, is responsible for final decisions regarding all supervisory and management personnel actions in the criminal enforcement operations.

a. *Liaison Staff* performs the liaison function for the various components of the Office of Criminal Enforcement. Maintains regular contact with other law enforcement and other Government agencies to assure proper coordination and communication with the Bureau on Special Enforcement matters relating to investigative responsibilities. Seeks, acquires and exchanges intelligence information with counterpart representatives of other Bureaus. Establishes appropriate contacts with local and Federal offices, when applicable, in connection with criminal enforcement of liquor, firearms, tobacco and explosive matters.

b. *Operations Division* provides technical information and support to Special Agents in the field, through the Special Agent in Charge, in all Enforcement matters relating to alcohol, tobacco, firearms, and explosives. Reviews and evaluates case reports, investigation progress reports, other field generated reports and reports from Inspection Division and Planning and Procedures Division relating to program on-site visits and field inspections. Informs Assistant Director (Criminal Enforcement), and other Division Chiefs on enforcement matters relating to alcohol, tobacco, firearms and explosives. Makes recommendations on enforcement program and policy matters relating to alcohol, tobacco, firearms and explosives. Provides technical information to Planning and Procedures Division for their use in formulation of new programs and manual of instructions.

c. *Planning and Procedures Division* conducts a continuing evaluation of existing programs and procedures. Maintains close liaison with other Division Chiefs in Bureau Headquarters and Special Agents in Charge of field offices to develop methods of evaluating day-to-day program effectiveness. Develops new programs and procedures as needed. Participates in writing new regulations and recommending needed regulations changes. Prepares and issues Bureau manuals and other written instructions to field personnel. Develops and issues needed handbooks, forms, and industry circulars.

d. *Special Programs Division* coordinates special enforcement programs, including organized crime and intelligence gathering and dissemination. Informs Assistant Director (Criminal Enforcement), on matters relating to these special programs. Receives and evaluates progress of special programs and makes recommendations for new or revised program priorities. Coordinates very closely with other Division Chiefs the activities of this Division. Coordinates activities with Regulatory Enforcement on organized crime matters relating to legal industry. Reviews and evaluates reports from the field relating to Division activities.

9. *Assistant Director (Regulatory Enforcement)* as principal assistant to the Director in the area of Regulatory Enforcement, is responsible for directing and supervising all activities relating to the administration of Internal Revenue laws concerning the production, processing distribution, and use of alcoholic beverages, alcohol for the industries, tobacco, and other related products; enforcing provisions of the Federal Alcohol Administration Act relating to consumer protection and trade practices in the alcoholic beverages field; regulating the firearms and explosives industries; formulating and developing plans, programs and procedures for regulating the above industries; controlling and coordinating Regulatory Enforcement activities with other Federal and State agencies and industry members; developing resource requirements; allocating available resources and adopting inspection techniques and procedures to the varying needs of the different regions, considering the regional diversity of industry operations and their fluctuating requirements; preparing regulations, procedures, and rulings relating to the legal liquor and tobacco industries regulated by the Bureau; developing and recommending recruiting, job classification, and training programs for Regulatory Enforcement personnel, in cooperation with the Personnel and Training Divisions, to maintain adequate work force levels, improve the quality and performance of employees and effectively apply policies and programs; planning, directing and coordinating the work of the Regulations and Procedures Division, Industry Control Division, and Trade and Consumer Affairs Division.

a. *Technical Advisor (Tobacco Affairs)* is responsible for advising the Assistant Director and his staff in important cases relating to tobacco; serving as the principal point of contact on tobacco tax matters for the tobacco industry, government officials and others; reviewing important rulings and outgoing correspondence on tobacco tax matters to the general public, trade associations, industry members, other government agencies, and Congress; reviewing proposed regulations and advising as to the need for new or amended regulations; participating in making decisions and taking action for the Bureau on tobacco tax matters; serving as a panel member for public hearings on proposed regulations and industry conferences.

b. *Program Development and Coordination Staff* is responsible for planning, developing, and coordinating Nationwide Regulatory Enforcement field programs; conducting high-level management studies; initiating and directing studies aimed at improving methods for more economical and effective supervision and control of industry operations; developing resource requirements and planning allocation or resources; advising and assisting regional offices on technical problems, not directly related to the responsibilities of the Divisions, to enable them to more effectively accomplish their objectives and to insure uniform interpretation and implementation of regulations, procedures, and other instructions; coordinating the activities of the divisions in Regulatory Enforcement; and coordinating functions and activities across regional lines and with other Bureau elements, including coordinating Regulatory Enforcement technical training matters with the Training Division and classification and other personnel matters with the Personnel Division.

c. *Industry Control Division* responsible for directing the Bureau's control over the operations of the legal liquor, tobacco, firearms and explosives industries by formulating decisions and taking definitive action on industry operational matters, including determination of environmental impact; and providing advice and information on such matters to industry members, the Bureau's field offices and others.

(1) *Rulings Branch.* Responsible for acting on special applications involving proposals for conducting operations or installing, using, or constructing equipment or premises in a manner other than as prescribed by law or regulations; preparing precedent-setting interpretive responses or comments on Regulatory Enforcement matters, involving excise or occupational taxes, claims, or other matters not directly related to the aforementioned special applications; preparing and publishing formalized rulings and industry circulars on any industry related actions or interpretations of the Bureau which are of a precedent-setting nature, whenever the matter acted on may have general industry-wide or area-wide application; and preparing and publishing procedural statements relating to procedures to be followed by industry members in complying with applicable laws and regulations.

(2) *Special Operations Branch.* Responsible for preparing environmental impact statements and furnishing information and advice on all matters acted on by the Bureau relating to any industry operations which are likely to have an impact on the environment; reviewing for acceptability offers in compromise of violations of the Internal Revenue Code and the Federal Alcohol Administration Act; advising regional offices and industry of tax classification of tobacco products; approving or disapproving distinctive liquor bottles; providing information and advice with respect to firearms and explosives licensing and occupational tax matters to regional offices, dealers, and the general public; providing general information to prospective industry members and to the general public; acting on applications from other U.S. Government agencies for permits to procure tax-free and specially denatured alcohol; maintaining lists of qualified establishments and periodically publishing updated lists of same for governmental, public, and industry use; and drafting material concerning the above areas of responsibility for inclusion in internal management documents prepared for issuance of the Regulations and Procedures Division.

d. *Regulations and Procedures Division* responsible for preparation of the Bureau's regulations, methods, and procedures for the control and supervision of the legal liquor, tobacco, firearms and explosives industries by researching and evaluating existing regulations and procedural guidelines to determine adequacy and effectiveness; conducting studies and testing proposals advanced by others prior to implementation including studies aimed at improved methods and procedures applicable to both the industries and field operations; preparing new or amendatory regulatory and internal management documents, forms, and publications; providing technical assistance to other Divisions with respect to preparation and processing of rulings, internal management documents, forms and other publications; coordinating regional projects relating to new or amended regulations, methods and procedures; and developing recommendations and providing technical assistance with respect to new or amendatory legislation.

(1) *Research and Regulations Branch.* Responsible for research and analytical studies to determine the need for new or amended Bureau regulations, to implement legislation, recognized technological changes and trends, or increase the efficiency and effectiveness of Bureau regulatory programs; preparation and coordination of the issuance of appropriate documents setting forth new or amended regulations; conducting field visits to test proposals for new or amended regulations prior to adoption, identifying regulatory problem areas, and ensuring uniform application of regulations; coordinating regional projects relating to new or amended regulations, methods, and procedures; studying existing and proposed laws and developing recommendations for (or providing technical assistance in the development of) new or amendatory legislation.

(2) *Procedures Branch.* Responsible for planning, developing and issuing internal procedures and internal and public-use forms to implement laws and regulations relating to the legal liquor, tobacco, firearms and explosives industries; conducting research and analytical studies of internal management documents and regional comments respecting internal procedures; determining the need for and preparing internal guides; providing technical expertise as requested to other divisions in preparing and processing any documents other than regulatory documents, and in preparing and processing forms; acting on requests for internal management variations; issuing and amending regulations relating to the Statement of Procedural and Administration of the bureau; furnishing general information to the industry and the public; and evaluating and reviewing field office issuances.

e. *Trade and Consumer Affairs Division* responsible for directing the Bureau's control over trade and consumer affairs by classifying, for tax and regulatory purposes, alcoholic beverages products under the Internal Revenue laws; controlling the labeling and advertising of alcoholic beverages under the Federal Alcohol Administration Act; taking definitive action on a wide variety of matters relative to industry trade practices; providing advice on the Act and the Internal Revenue Code to domestic and foreign industries, the Bureau's field offices, public and private organizations and the staff of foreign embassies.

(1) *Commodity Classification Branch.* Responsible for acting on applications for certificates of label approval for alcoholic beverages and applications for exemption from label approval; acting on formulas for rectified distilled spirits and wines to determine applicable tax rates and to assure that products are manufactured in accordance with laws and regulations; examination, for proper classification of statements of process filed by proprietors of distilled spirits plants and breweries; providing general information to industry members and to the general public.

(2) *Trade Affairs Branch.* Responsible for acting on the acceptability of advertising of alcoholic beverages in all media; consulting with industry regarding proposed sales promotion and advertising campaigns; making decisions as to the legality with respect to the FAA Act, of industry trade practices and advising the Bureau's field offices relative to such practices; reviewing offers in compromise submitted to the Director and providing advice as to their acceptance or rejection; monitoring progress of inspections and legal actions initiated by Regional offices or other Federal or State agencies which may be of national or multi-regional interest; acting on applications for interlocking directorates with the view toward deterring and preventing monopolistic growth within the distilled spirits industry; holding public hearing, making recommendations and offering technical advice as to proposals for amendment of the Federal Alcohol Administration Act regulations in the areas of consumer protection, trade practices, and advertising; and providing for interchange of technical advice with representative of foreign Governments relative to the laws and regulations for alcoholic beverages.

10. *Assistant Director (Technical and Scientific Services)* as principal assistant to the Director in the area of Technical and Scientific Services is responsible for directing and supervising all activities performed by the Scientific Services Division, ADP Services Division and Technical Services Division. This includes developing, planning, directing, coordinating, and evaluating the technical and scientific services program, policies, systems, procedures and standards of the Bureau; furnishing research, developmental and operational support on a Bureau-wide basis, in all areas of manual, automated and electronic data processing.

a. *Program Development Staff* provides a source of continuing and immediate scientific and technical advice to the Assistant Director (Technical and Scientific Services). Provides technical guidance and coordination on projects which are inter-divisional in nature, are of limited duration, or require quick reaction. Provides leadership for individuals who may be assigned for a specific project on detail from other Offices or Regions. Performs studies, analyses and research projects of a technical or scientific nature as directed. When technical or scientific expertise is required by the Bureau and is not available within the

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Bureau, searches for and acquires this expertise. Acquisition may be from other agencies of the Federal, state, or local governments, from universities or research institutes, or from contract industrial or consultant support. Provides a point of contact for the Bureau with outside elements of the scientific community. Continuously re-assesses the technical capabilities within the Bureau to insure that the Bureau remains cognizant of the advancing "state-of-the-art".

b. *ADP Services Division* is responsible for providing all automatic data processing services for the Bureau. These functions include surveying the functions of the Bureau, and where appropriate, applying automated techniques. Field oriented systems include the recommendation and installation of remote terminals and telecommunications links between the Headquarters office and the Regional offices. Provides advisory service to the Assistant Director (Technical and Scientific Services) and Director, Bureau of Alcohol, Tobacco and Firearms on all ADP matters. The ADP Services Division is responsible for maintaining two support functions: (1) Programming and Operations Branch; (2) Analysis and Design Branch.

(1) *Analysis and Design Branch.* The Analysis and Design Branch reviews activities of the Bureau in an order of priority established by the Director. Its personnel examine the information flow and procedures for functions which are to be converted to automation and produce an optimum flow function for each task. The optimized information flow is then used to develop automated procedures for use in available data processing equipment. Personnel within the branch recommend the optimum hardware for the system.

(2) *Programming and Operations Branch.* The Programming and Operations Branch converts the necessary program functions into computer language computable with either time-shared computer operated by other agencies or the Headquarters computer when it becomes operational. The branch also corrects program problems and, as directed, modify or reprogram to improve operational efficiency. In addition, the branch operates the Remote Job Entry Terminal at Headquarters. When it becomes operational it will have the responsibility for actual operation of the ATF National Computer Center.

c. *Scientific Services Division* develops, plans, directs, coordinates and evaluates the scientific services programs, policies, systems, procedures and standards of the Bureau. Provides solutions to chemical, physical and scientific problems arising in connection with laws and regulations administered by the Bureau. Conducts a long-range research programs in areas which have potential, practical application to Bureau problems. Plans for smooth transfer of research results to practical applications. Provides technical guidance for other branches in the Bureau. Coordinates Bureau scientific objectives with those of other government departments. Maintains information exchange with other members of the scientific community. Exercises functional authority over the ATF Regional Laboratories through: establishing guidelines for accomplishing the laboratory workload; instituting approved scientific procedures; assigning special scientific projects; evaluating the professional performance of the laboratories; devising programs for the maintenance and improvement of professional competence; and approving the purchase of scientific equipment costing more than $2,500.

(1) *Chemical Branch.* Develops and utilizes chemical, physical and instrumental analyses to regulate commodities and resolve problems arising in connection with laws and regulations administered by ATF, particularly as they relate to alcohol, alcoholic beverages, tobacco, excise tax and consumer protection matters. Provides expert court testimony and advice in technical matters. Determines scientific bases for certain decisions and policies of ATF. Monitors new industrial processes and practices to maintain the technological competence of ATF in a position of leadership.

(2) *Forensic Branch.* Develops and utilizes chemical, physical and instrumental analyses to perform work and resolve problems arising in connection with criminal enforcement work and with laws and regulations administered by ATF, primarily in the areas of firearms and explosives. Provides expert court testimony and advice in technical matters. Determines scientific bases for certain decisions and policies of ATF. Conducts a continuing program utilizing new instruments and techniques to bring the full impact of scientific advancement to support law enforcement activities. Provides guidance to state and local forensic laboratories, and assists them in support of their law enforcement efforts. Provides training for visiting forensic scientists.

(3) *Identification Branch.* Develops and utilizes identification techniques (fingerprint, document, firearms and toolmarks examination, ink identification, photography, voiceprint identification, etc.) to perform work and resolve problems arising in connection with criminal enforcement work and with laws and regulations administered by ATF. Provides expert court testimony and advice in technical matters. Determines scientific bases for certain decisions and policies of the Bureau. Initiates studies and research necessary to utilize advances in instrumentation and methodology in problem solving for ATF. Provides guidance to state and local laboratories engaged in identification analyses and assists them in their efforts. Provides training for identification scientists.

(4) *Test and Instrumentation Branch.* Plans, develops and conducts tests for the evaluation of equipment proposed for purchase and use by personnel in the Offices of Criminal Enforcement, Regulatory Enforcement, Technical and Scientific Services and to a more limited extent for other segments of ATF. Provides expertise in evaluating processes and applications of chemistry, physics, communications, electronics, mechanical and electrical engineering, biology and other disciplines having application in ATF programs. Provides a staff for studies of scientific and technical problems confronting ATF. Acts as the primary evaluation center for ATF for analytical instruments, equipment and devices. Provides for field testing, environmental surveys, and installations of systems, equipment, and devices wherever needed by ATF operations. When contract support is required, selects and monitors the work of the contractor.

d. *Technical Services Division* plans, develops, coordinates and evaluates policies, programs, systems and procedures necessary for the regulation of the firearms and explosives industries as required by the Gun Control Act of 1968, Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968," Mutual Security Act of 1954, Title XI of the Organized Crime Control Act of 1970; and the regulation of commerce in NFA firearms. Included are activities concerned with delinquency checks; expert Court testimony; processing of license and permit applications and performance of related functions to regulate commerce in firearms, ammunition, implements of war, and explosive materials; tracing of firearms and explosives; maintenance of National Firearms Registration and Transfer Record; providing technical advice, making classifications of firearms and explosives, compiling and analyzing statistical data, and supporting field activities in regulatory and criminal aspects; providing liaison and proponent capabilities with industry, Government and local law enforcement on technical firearms and explosives matters; and maintaining firearms and explosives reference libraries. Coordinates preparation of the budget and other management data, various statistical reports, and briefing materials required by the Director and Treasury Department officials.

(1) *Firearms Technology Branch.* Tests and evaluates firearms, ammunition and implements of war for classification under the Gun Control and Mutual Security Acts. Traces firearms to assist Federal, State and local law enforcement authorities. Establishes factoring criteria for importation of firearms. Attends Congressional hearings on firearms legislation and furnishes related data to Treasury and OMB. Gives technical advice to State and local authorities on firearms legislation and implementation. Maintains liaison with foreign and domestic military industrial complex. Maintains extensive firearms collection as well as technical reference library. Responds to inquiries on technical firearms matters. Approves or denies variances from statutory marking requirements of firearms. Maintains statistics on domestic manufacture of firearms and importation of parts. Prepares material for training; conducts firearms demonstrations, seminars and training courses for ATF and local law enforcement.

(2) *Explosives Technology Branch.* Provides technical support to ATF personnel on provisions of Title XI of the Organized Crime Control Act of 1970 and Title II of the Gun Control Act. Tests explosives and pyrotechnics, destructive devices and implements of war for use by industry, the Courts, ATF and other Government agencies. Maintains close liaison with other Federal agencies. Responds to inquiries from Government, the public and the explosives industry. Maintains collection of all types of inert explosives and explosive incendiary devices as well as a technical library. Provides explosive tracing. Conducts demonstrations, seminars and training courses for ATF and other organizations. Reviews and edits Publication 740. Prepares and revises Explosives List. Represents ATF as a proponent agency in interagency and manufacturers' development of explosives tagging program.

(3) *Imports Branch.* Processes applications to import firearms, ammunition and implements of war to implement relevant provisions of the Gun Control and Mutual Security Acts. Maintains files on all Forms 6 (applications for importation). Matches Forms 6A showing certification and release of firearms with relevant Forms 6. Refers information on importations of NFA firearms to NFA Branch to ensure submission of Forms 2 to establish registration. Provides technical information and assistance to ATF personnel on importations. Maintains liaison with industry, the general public and other Government agencies. Provides industry and public use information sheets.

(4) *National Firearms Act Branch.* Processes applications to register, make, manufacture, transfer and/or export NFA firearms, and responds to inquiries and correspondence about NFA firearms. Maintains National Firearms Registration and Transfer Record required for NFA weapons. Maintains files of special (occupational) taxpayers. Grants exemptions to and maintains file on organizations such as government supported museums and to those engaged in business for or on behalf of the United States Government. Furnishes certifications for use as evidence, and personal testimony in Courts, on registration of NFA firearms. Monitors activity flow and maintains statistical data to discover regulatory or criminal violations and trends requiring initiation of investigations or revision of procedures, rulings or legislation. Maintains liaison with other Government agencies, the firearms and explosives industry, and local law enforcement officials, as well as Chief Counsel, and ATF Headquarters and field personnel. Provides instruction in ATF basic investigator schools and assists in preparation of training texts. Prepares industry and public use information sheets.

11. *Assistant Director (Inspection)* acts as principal assistant to the Director in developing and implementing the inspection and internal audit programs on a Bureau-wide basis. This includes the independent review and appraisal of all Bureau activities as a basis for assisting management in maintaining the highest standards of efficiency and integrity among its employees in accomplishing the mission of the Bureau. This responsibility is carried out through the Operations Review Division and the Internal Audit Division.

a. *Internal Audit Division* provides management with a protective and constructive service through an independent review appraisal on the accounting and financial operating activities of the Bureau. Determines that expenditures are made only in furtherance of the authorized activities and in compliance with applicable laws and regulations; that all assets of the Bureau or in its custody are adequately safeguarded, controlled, and utilized in an efficient number. In conjunction with the Operations Review Division, determines that all revenue and receipts from Bureau activities are collected and properly accounted for.

b. *Operations Review Division* plans and performs a program of regularly scheduled independent comprehensive inspections, reviews and evaluations of all offices, functions and activities of the Bureau of Alcohol, Tobacco and Firearms, to determine their effectiveness and conformance with established policies and procedures. Prepares reports on inspections, reviews and evaluations for submission to the Director; and informs operating officials about findings of noncompliance or problems involving functions for which they are responsible. In conjunction with the Internal Audit Division determines that all revenue and other receipts from Bureau activities are collected and properly accounted for. Conducts inquiries and investigations, as required or directed, on allegations concerning employee integrity and conduct. Investigates reports of attempted bribery and other efforts of undermining employee integrity. Coordinates and reviews routine Federal Tort Claims investigations; conducts inquiries involving fatalities, shootings, or other critical or sensitive incidents.

c. *Security Division* establish guidelines for and maintain coordination over background and character investigations pertaining to all persons employed or to be employed by the Bureau as such may relate to security suitability and/or security clearances. Receive, review and serve as a repository for all employee and applicant background investigations. Grant security clearances as appropriate and warranted by Bureau needs in accordance with Treasury orders and Bureau policy, including periodic updating of security clearances. Establish guidelines for and maintain coordination of document classification within the Bureau and for document security procedures. Serve as a repository for investigation report files concerning employee conduct and/or integrity matters, complaints against employees and sensitive tort claim investigation reports. Participate in operational review activities relating to all parts of the Bureau, particularly as such may relate to personnel, document and physical security matters. Conduct sensitive background investigations relative to Headquarters employees and applicants and certain investigations of misconduct or integrity breach allegations involving criminal violations on a Bureau-wide basis.

12. *Office of Regional Director.* The mission of the Office of Regional Director is to execute under the general direction of the Bureau Director, the broad nationwide policies and programs for the administration of laws pertaining to alcohol, tobacco and firearms programs at the regional level, and to direct and coordinate the functions and activities of the district and area offices within the region.

13. *Regional Counsel (Office of the Chief Counsel).* There are seven Regional Counsels, one in each Bureau of Alcohol, Tobacco and Firearms region. The Regional Counsel, who operates under the general direction of the Chief Counsel for the Bureau of Alcohol, Tobacco and Firearms, serves as the principal legal advisor to the Regional Director, Assistant Regional Directors and their staff. The Regional Counsel's office gives legal advice on request to the Regional Director and his staff on the administration and enforcement of the laws and regulations pertaining to liquor, tobacco, firearms and explosives. The office reviews and makes recommendations, upon request, regarding claims for refund, abatement and drawback of liquor, tobacco and firearms taxes, and for damages, and with respect to petitions for remission or mitigation of forfeitures, offers in compromise, and proposed tax assessments. Upon request, the office assists United States Attorneys by preparing indictments, briefs, stipulations and other legal documents required in litigation, and by aiding in the prosecution and defense of suits. The office also handles the legal work in connection with administrative proceedings involving the issuance, suspension, revocation or annulment of liquor and tobacco permits, including the preparation of the necessary orders, notices and pleadings and the presentation of the Goverment's case at both formal and informal hearings; and performs similar functions with respect to the issuance and revocation of firearms and explosive licenses and permits. The office also furnishes legal assistance to field administrative officers in connection with the investigation of accidents; the assertion of claims on behalf of the United States arising out of damage to, or loss of, Bureau property, including claims under the Federal Claims Collection Act of 1966 (31 U.S.C. 951–3) and the compromise, termination or suspension of such claims; and prepares recommendations and furnishes advice and assistance to the United States Attorneys with respect to suits to recover such damages where the amount claimed by the United States does not exceed $5,000.00 exclusive of interest and costs. The office also furnishes legal advice and assistance in respect to the seizure, forfeiture, and disposition of, and proceed-

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ings *in rem* and prepares complaints for the forfeiture of, property seized in connection with violations of laws relating to alcohol, tobacco, firearms and explosives, and prepares briefs and recommendations regarding petitions for remission or mitigation of forfeitures. The office further makes recommendations to the Chief Counsel respecting appeals of court decisions in alcohol, tobacco, firearms and explosive matters.

14. *Office of Administration (Regional).* The office of Administration provides assistance to the Regional Director in planning and executing the administrative functions of the Region, which includes the personnel, fiscal management, seized property, and administrative programs activities. In administering the regional personnel function, the Office of Administration plans and provides a comprehensive program of staff support services and technical advice for regional personnel management activities. The Office implements the personnel policies and programs of the Bureau which include recruitment, selection, placement, appointment, career status, promotion, equal employment opportunity, pay administration, employee conduct, disciplinary actions, and appeal procedures. In administering the regional fiscal function, the Office of Administration manages a program of financial resources for the region. In this capacity effective control is exercised over the resources allocated to the region. The Office of Administration advises, develops, coordinates and carries out financial policies, plans, and procedures; and is responsible for submitting regional budgetary requirements. In coordinating administrative programs for the region, the Office of Administration develops, directs, and evaluates programs designed to increase the effectiveness of the Region by reducing operating cost; improving physical facilities; and by providing support services to best meet the total needs of the Region. These programs include records systems, space, property, supply, transportation, telecommunications management, procurement and contracting, printing and distribution, emergency planning, safety, documents and physical security.

15. *Assistant Regional Director (Criminal Enforcement).* The Office of Assistant Regional Director (Criminal Enforcement) coordinates and evaluates the Alcohol, Tobacco and Firearms enforcement activities, to assure that throughout the region the policies and programs are properly executed with equal emphasis and uniform effort and that the investigative work is pursued in an orderly and timely manner. In conformity with Alcohol, Tobacco and Firearms enforcement policies and programs established by the Headquarters Office, it develops regional programs, standards, and other measures necessary to implement most effectively the investigative program relating to violations of statutes relating to alcohol, alcoholic beverages and products, tobacco and tobacco products, firearms and explosives. The Office also directs investigations of ATF criminal cases throughout the region.

16. *Assistant Regional Director (Regulatory Enforcement).* The Office of Assistant Regional Director (Regulatory Enforcement) coordinates and evaluates the Alcohol, Tobacco and Firearms activities to assure that throughout the region the policies and programs are properly executed with equal emphasis and uniform effort and that the work is processed in an orderly and timely manner. In conformity with Alcohol, Tobacco and Firearms regulatory policies and programs established by the Headquarters Office, it develops regional programs, standards, and other measures necessary to implement most effectively the control and supervision of the legally qualified alcohol, tobacco, firearms and explosives industries, and permittees and licensees. The Office of Assistant Regional Director (Regulatory Enforcement) exercises jurisdiction over the qualification of plants and premises and the issuance of permits, and examines and/or audits reports relating to plant operation submitted by proprietors and Government employees.

17. *Laboratory (Regional).* Develops and utilizes chemical physical and instrumental analyses to resolve problems and characterize physical evidence and samples arising in connection with criminal law enforcement activities administered by the Bureau, particularly relating to firearms, explosives, tax matters and illicit distilled spirits; and regulatory enforcement activities relating to commodities and problems administered by the Bureau particularly relating to alcoholic beverages, tobacco, excise tax and consumer protection matters; provides expert court testimony in criminal and regulatory enforcement cases and furnishes advice in technical matters to the Bureau; determines scientific bases and from them recommends decisions and policies for the Bureau; conducts a continuing program utilizing new instruments and techniques to bring the full impact of scientific advancement to support law enforcement activities; monitors new industrial processes and practices to assist in maintaining the technological competence of the Bureau in a position of leadership.

18. *Authority for Regionalization.* The regionalization of the Bureau of Alcohol, Tobacco and Firearms field activities is based on Treasury Department Order 221, dated July 1, 1972, transferring the functions, powers, and duties of the Internal Revenue Service arising under laws relating to Alcohol, Tobacco, Firearms and Explosives to the Bureau of Alcohol, Tobacco and Firearms.

19. *Establishment of ATF Regions.* a. Under the above authority, 7 offices of Regional Director, Bureau of ATF were established and those functions previously assigned to the Regional Commissioners Internal Revenue Service were transferred to the Regional Directors Bureau of Alcohol, Tobacco and Firearms.

b. The Regions shall have geographic areas of responsibility as shown in Exhibits 3 & 4. Copies of the Organization Maps are attached to the original of this document on file in the Office of the Federal Register. The titles of the Regional offices and the locations of the Regional Directors are as follows:

Title:	*City and State*
North Atlantic Region.	New York, N.Y.
Mid-Atlantic Region.	Philadelphia, Pa.
Central Region	Cincinnati, Ohio
Southeast Region	Atlanta, Ga.
Midwest Region	Chicago, Ill.
Southwest Region	Dallas, Tex.
Western Region	San Francisco, Calif.

c. The boundaries of the ATF Regions were established effective July 1, 1972, by virtue of TDO No. 221. On October 1, 1973, as announced in ATF Bulletin No. 1973–9, dated September 10, 1973, the Southwest and Midwest Regions of the Bureau were realigned, transferring the State of Kansas from the Southwest to the Midwest Region.

(1) North Atlantic Region—States of Maine, Rhode Island, New Hampshire, Vermont, Massachusetts, Connecticut, New York and Puerto Rico and the Virgin Islands.

(2) Mid-Atlantic Region—States of New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia.

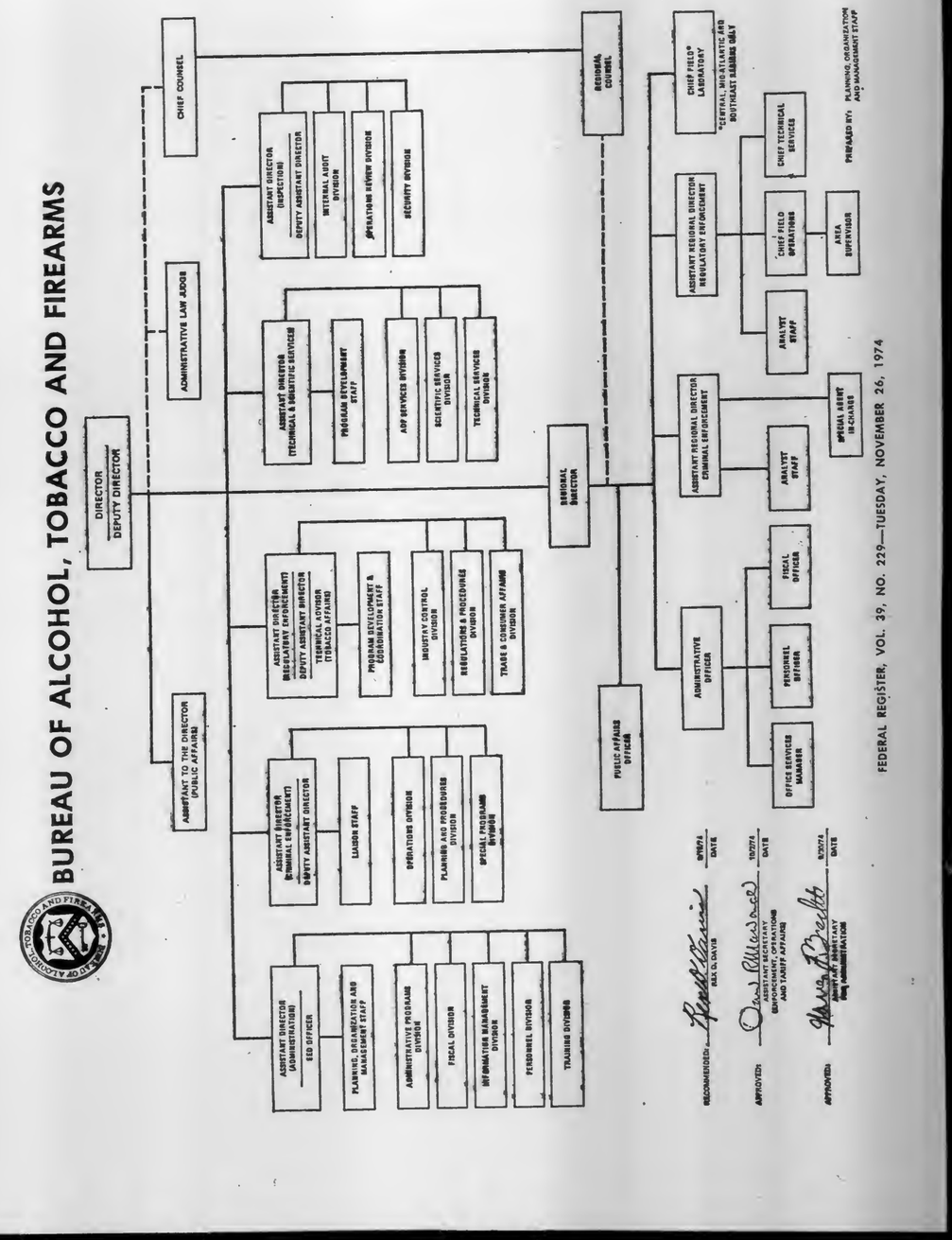
(3) Central Region—States of Ohio, Michigan, Indiana, West Virginia and Kentucky.

(4) Southeast Region—States of North Carolina, South Carolina, Tennessee, Mississippi, Alabama, Georgia, and Florida.

(5) Midwest Region—States of Illinois, Missouri, Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas.

(6) Southwest Region—States of Arkansas, Louisiana, Oklahoma, Texas, New Mexico, Colorado.

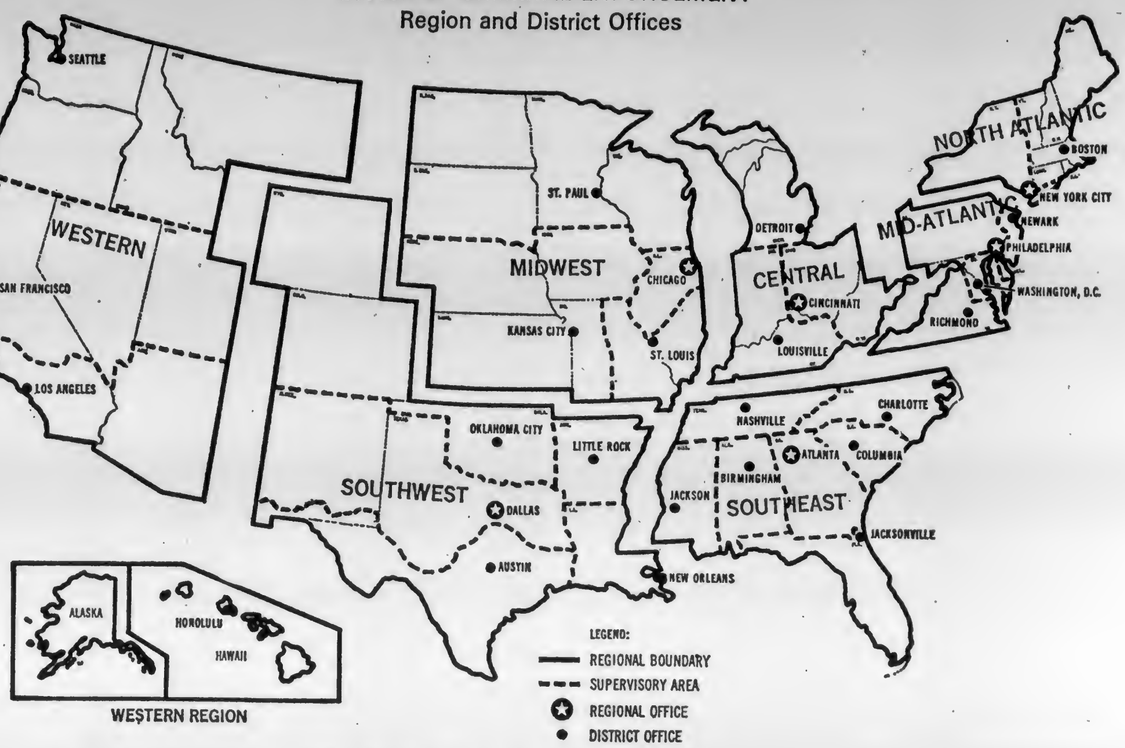
(7) Western Region—States of Montana, Washington, Idaho, California, Nevada, Oregon, Utah, Arizona, Alaska and Hawaii.



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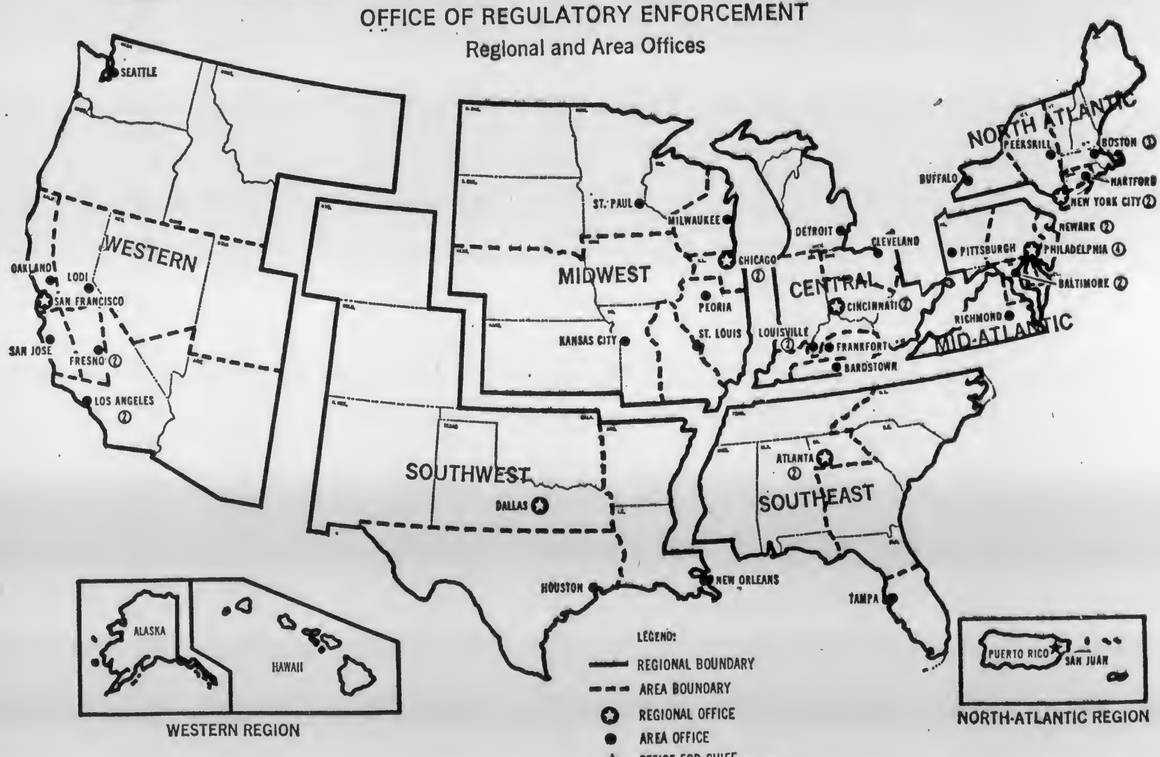
Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms

OFFICE OF CRIMINAL ENFORCEMENT
Region and District Offices



Department of the Treasury
Bureau of Alcohol, Tobacco and Firearms

OFFICE OF REGULATORY ENFORCEMENT
Regional and Area Offices



[FR Doc.74-27424 Filed 11-25-74;8:45 am]

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DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

NOVEMBER 20, 1974.

The United States Air Force Scientific Advisory Board B–1 Structures Committee will hold an open meeting on December 17, 1974 from 8 a.m. until 5 p.m., General Dynamics Corporation, Fort Worth, Texas.

The Committee will discuss the advanced metallic air vehicle structure designs of the Air Force Flight Dynamics Laboratory and General Dynamics and their proposed inclusion in the B–1 development program.

For further information on this meeting, contact the Scientific Advisory Board Secretariat at 202–697–8845.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.74–27610 Filed 11–25–74;8:45 am]

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE

Cancelled Meeting

The airframe subcommittee of a special advisory committee to the Defense Science Board on "Export of U.S. Technology; Implications to U.S. Defense" cancels its meeting scheduled for 4 December 1974 at the Boeing Commercial Airplane Company, Seattle, Washington.

MAURICE W. ROCHE,
Director Correspondence and Directives, OASD (Comptroller).

NOVEMBER 21, 1974.

[FR Doc.74–27671 Filed 11–25–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

OUTER CONTINENTAL SHELF OIL AND GAS LEASING

Proposed Planning Schedule

Pursuant to the Outer Continental Shelf Lands Act (67 Stat. 462; 43 U.S.C. 1331–1343 (1970)) and the regulations issued thereunder (43 CFR 3301.2), an Outer Continental Shelf (OCS) proposed four-year oil and gas lease planning schedule is hereby announced by the Bureau of Land Management.

The OCS proposed planning schedule provides for twenty-four sales through 1978, nineteen of them in frontier areas. Nine sales are listed for Alaska, six for the Atlantic coast, five for the Pacific coast, and four for the Gulf of Mexico. The proposed planning schedule was prepared as a part of the proposed accelerated OCS leasing program.

Prior to holding any sale shown on the proposed planning schedule the area is subject to detailed study and analysis including: (1) Requesting reports from interested Federal agencies, (2) conducting environmental baseline studies, (3) call for nominations and comments from industry and all other interested groups and individuals, (4) acceptance of nominations and comments, (5) tentative selection of tracts for further environmental analysis, (6) preparation of Draft Environmental Impact Statement, (7) holding of a public hearing, (8) preparation of Final Environmental Impact Statement and submission to the Council on Environmental Quality, (9) preparation of Program Decision Option Document for use by the Secretary in deciding whether or not to hold the sale, (10) pre-sale evaluation of tracts, and (11) publication of notice of sale in the FEDERAL REGISTER. All sales included in the schedule are subject to modification or elimination. Holding the sales in the Atlantic is dependent on the outcome of pending litigation with the Atlantic states regarding jurisdiction in this area. Holding the Cook Inlet sale is dependent on the final resolution of litigation regarding jurisdiction over this area or completion of a satisfactory interim agreement between the U.S. and the State of Alaska.

Copies of the OCS proposed planning schedule may be obtained from (1) the Director, Bureau of Land Management (Attn: 130), Washington, D.C. 20240, (2) the Leader, Environmental Assessment Team, Atlantic OCS Office, Bureau of Land Management, 90 Church Street, New York, New York 10007, (3) the Manager, Alaska OCS Office, P.O. Box 1159, Anchorage, Alaska 99510, (4) the Manager, New Orleans OCS Office, Bureau of Land Management, 1001 Howard Avenue, New Orleans, Louisiana 70113, or from (5) the Manager, Pacific OCS Office, Bureau of Land Management, 300 North Los Angeles Street, Los Angeles, California 90012.

Draft copies of this proposed planning schedule were distributed at the Conference of Coastal State Governors held in Washington, D.C. on November 13 and 14, 1974.

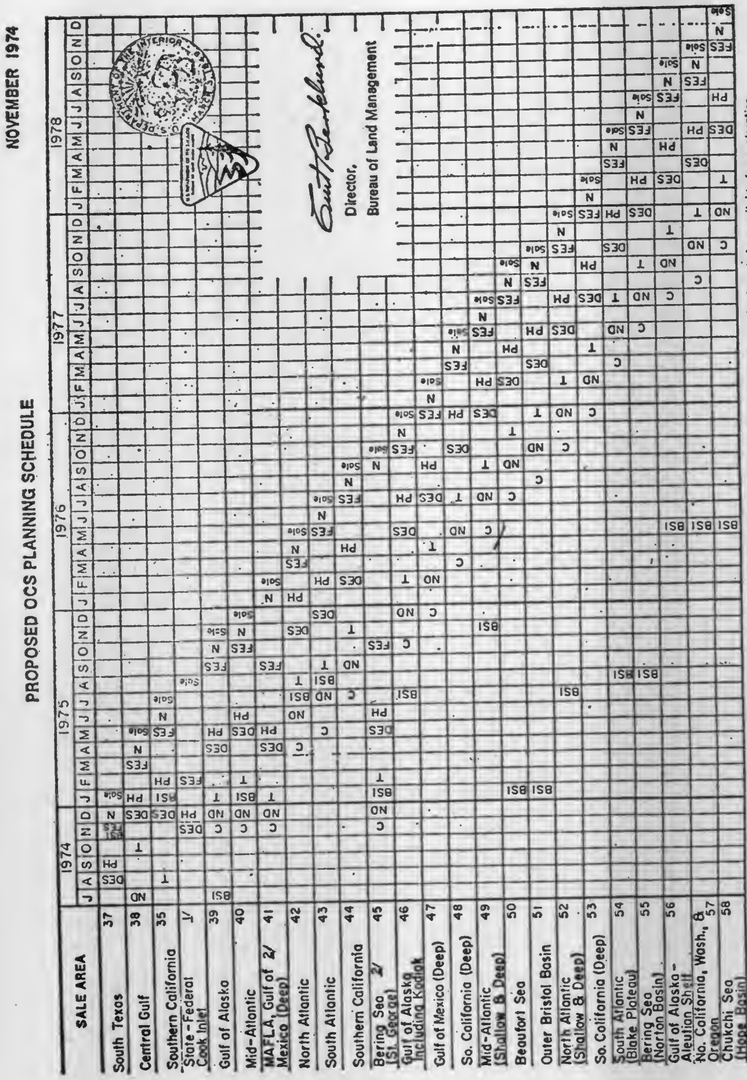
CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 19, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 1974

PROPOSED OCS PLANNING SCHEDULE



SALE AREA		J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
South Texas	37																														
Central Gulf	38																														
Southern California	35																														
State-Federal Cook Inlet	1/																														
Gulf of Alaska	39																														
Mid-Atlantic	40																														
MAFLA, Gulf of Mexico (Deep)	41																														
North Atlantic	42																														
South Atlantic	43																														
Southern California	44																														
Bering Sea (Deep)	45																														
Gulf of Alaska (Including Shelf)	46																														
Gulf of Mexico (Deep)	47																														
So. California (Deep)	48																														
Mid-Atlantic (Shallow & Deep)	49																														
Beaufort Sea	50																														
Outer Bristol Basin	51																														
North Atlantic (Shallow & Deep)	52																														
So. California (Deep)	53																														
South Atlantic (Blake Plateau)	54																														
Bering Sea (Norton Basin)	55																														
Gulf of Alaska - Aleutian Shelf	56																														
No. California, Wash. & Oregon	57																														
Chukchi Sea (Hope Basin)	58																														

Sales are contingent upon technology being available for exploration and development. A decision whether to hold any of the lease sales listed will not be made until completion of all necessary studies of the environmental impact and the holding of public hearings; as a result of the environmental, technical, and economic studies employed in the decision-making process, a decision, may, in fact, be made not to hold any sale on this schedule.

1/ State may conduct sale.

2/ These sales could be contingency sales for either Gulf of Alaska (39) or Mid-Atlantic (40).

BSI Baseline Studies Initiated
C Call for Nominations
ND Nominations Due
T Announcement of Tracts
DES Draft Environmental Statement
PH Public Hearing
FES Final Environmental Statement
N Notice of Sale

Baseline studies scheduled are contingent upon scientific personnel and equipment being available to perform the studies.

The holding of sales in the Atlantic is dependent upon the outcome of pending litigation with the Atlantic States regarding jurisdiction over this area.

[FR Doc.74–27417 Filed 11–25–74;8:45 am]

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CEDAR CITY DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Cedar City District Advisory Board will hold its regular meeting on December 19, 1974, at 9 a.m., at the Cedar City District Office, 154 North Main, Cedar City, Utah. The agenda will include considering and recommending action on the following: (1) grazing applications for the 1975 season, (2) grazing transfers, (3) proposed changes in class of livestock, (4) grazing problems and alternatives on proposed desert tortoise natural area, (5) status of wild horse program, and (6) current policies on predator control.

The meeting will be open to the public. Time will be available for statements by members of the public. Those wishing to make an oral statement should inform the chairman in writing prior to the meeting. Interested persons may file a written statement with the board for its consideration. They should be submitted to: Chairman, District Advisory Board, c/o Bureau of Land Management, P.O. Box 729, Cedar City, Utah 84720.

HAROLD E. ISAACSON,
District Manager.

[FR Doc.74-27646 Filed 11-25-74;8:45 am]

OUTER CONTINENTAL SHELF OFFICIAL PROTRACTION DIAGRAMS, ATLANTIC

Notice of Availability

Notice is hereby given that "Outer Continental Shelf Official Protraction Diagrams" for the North and Mid-Atlantic areas of the United States Outer Continental Shelf are available for distribution. The issuance of these maps showing potential lease blocks is not a leasing action, and it does not imply that a decision to lease offshore the Atlantic Coast has been made. No decision whether to hold a lease sale anywhere in this area will be made until all the requirements of the National Environmental Policy Act have been met and the pending litigation between the Federal Government and the east coast States concerning jurisdiction over the east coast OCS has been concluded or an interim agreement with the States involved has been entered into. These maps are needed for scientific, environmental and resource data collection purposes. Any delineations of State and Federal boundaries thereon do not represent legal boundaries between either adjacent States or between the States and the Federal Government, but are intended for administrative convenience only.

The new maps are identified by name (only those adjacent to the shoreline), and map number, and are listed as follows:

1. Manteo NI 18-2
2. NI 18-3
3. Eastville South NJ 18-11
4. NJ 18-12
5. Eastville North NJ 18-8
6. NJ 18-9
7. Salisbury NJ 18-5
8. NJ 18-6
9. NJ 19-4
10. Wilmington NJ 18-2
11. NJ 18-3
12. NJ 19-1
13. New York NK 18-12
14. Hartford NK 18-9
15. NK 19-10
16. NK 19-11
17. Providence NK 19-7
18. NK 19-8
19. Boston NK 19-4
20. NK 19-5
21. Portland NK 19-1
22. Bath NK 19-2
23. Bangor NL 19-11

These maps may be purchased for $2.00 each from:

Environmental Assessment Team Leader, Atlantic OCS Office, Bureau of Land Management, 90 Church Street, Room 1305, New York, New York 10007.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: November 21, 1974.

ROLAND G. ROBINSON, Jr.,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-27675 Filed 11-25-74;8:45 am]

[FES 74-68]

OUTER CONTINENTAL SHELF OFFSHORE TEXAS

Availability of Final Environmental Impact Statement Regarding Possible Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 551 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Texas.

Single copies of the final environmental statement can be obtained from the Office of the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the final environmental statement will also be available for public review in the main libraries in the following cities:

Brownsville, Corpus Christi, Freeport, Galveston, and Houston, Texas.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: November 25, 1974.

STANLEY D. DORKMUS,
Deputy Assistant Secretary of the Interior.

[FR Doc.74-27793 Filed 11-25-74;9:24 am]

National Park Service

BLACK CANYON OF THE GUNNISON NATIONAL MONUMENT AND CURECANTI NATIONAL RECREATION AREA

Notice of Areas Open to Snowmobile and Other Off-Road Vehicle Use

As provided in the Title 36 CFR, Park, Forest, and Public Property; Chapter I—National Park Service, Department of the Interior; Part 2—Public Use and Recreation § 3.34 snowmobiles, paragraph (c) and Part 4—Vehicles and Traffic Safety § 4.19 paragraph (b) and after formulation of environmental assessments for the areas concerned (copies available at the Office of the Superintendents of Colorado West Group, Black Canyon of the Gunnison National Monument and Curecanti National Recreation Area) the following areas have been determined to be open for use of snowmobiles and/or off-road vehicles.

1. Snowmobiles. a. Black Canyon—That surface portion of the North Rim road, and parking areas normally traveled by motor vehicles during the summer months.

b. Curecanti—Designated fishing access roads and all land and water areas located below the high-water line of Blue Mesa Lake.

2. Off-road vehicles—Curecanti. The land area lying below the high-water line of Blue Mesa Lake. Access to said area must be by designated fishing access roads.

The criteria contained in sections 3 and 4 of E.O. 11644 (37 FR 2877) and other factors such as other visitor uses, safety, wildlife management, noise, erosion, geography, weather, vegetation, resource protection, and other management considerations were taken into account when formulating the environmental assessments and in the determination that the above areas would be open for use by snowmobiles and/or off-road vehicles.

As provided in the rules and regulations cited above the public is provided a period of 30 days to comment on the proposed designations. Comments should be submitted in writing to the General Superintendent, Colorado West Group, P.O. Box 1648, Montrose, Colorado 81401.

Dated: September 19, 1974.

KARL T. GILBERT,
General Superintendent, Colorado West Group.

[FR Doc.74-27631 Filed 11-25-74;8:45 am]

[Order No. 2]

CHIEF, DIVISION OF PROFESSIONAL SERVICES CONTRACTS, OFFICE OF CONTRACT ADMINISTRATION, DENVER SERVICE CENTER

Delegation of Authority

The Chief, Division of Professional Services Contracts, Office of Contract Administration, Denver Service Center, is authorized to negotiate, approve, enter into, modify, administer, and terminate professional services contracts not in excess of $100,000 and work directives under professional services basic agreements not in excess of $50,000 in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(NPS Order No. 84 (39 FR 13904) as amended (39 FR 38118) and DSC Order No. 1 (39 FR 28301))

Dated: November 5, 1974.

LEON R. THYGESEN,
Chief, Contract Administration, Denver Service Center.

[FR Doc.74-27629 Filed 11-25-74;8:45 am]

[Order No. 3]

CHIEF, DIVISION OF CONSTRUCTION CONTRACTS, OFFICE OF CONTRACT ADMINISTRATION, DENVER SERVICE CENTER

Delegation of Authority

The Chief, Division of Construction Contracts, Office of Contract Administration, Denver Service Center, is authorized to approve, enter into, modify, administer, and terminate construction contracts not in excess of $200,000 in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(NPS Order No. 84 (39 FR 13904) as amended (39 FR 38118) and DSC Order No. 1 (39 FR 28301))

Dated: November 5, 1974.

LEON R. THYGESEN,
Chief, Contract Administration, Denver Service Center.

[FR Doc.74-27630 Filed 11-25-74;8:45 am]

Office of the Secretary

[INT FES 74-62]

MAPLE VALLEY, 500-kV REINFORCEMENT

Availability of Final Supplement to Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a final facility location supplement to its Fiscal Year 1975 Environmental Statement. This supplement covers the proposal for the Maple Valley, 500-kV Reinforcement.

The proposed plan of service consists of the construction of approximately 16 miles of double-circuit 500-kV transmission line. Of this total length 0.5 miles will require new right-of-way easement, 8.25 miles would parallel existing transmission lines, and 7.25 would occur on existing right-of-way. In addition, a new substation will also be required southwest of Snoqualmie, Washington.

Copies of the final supplement are available for inspection in the library of the Headquarters Office of BPA, 1002 NE Holladay Street, Portland, Oregon 97232; the Washington, D.C., Office in the Interior Building, Room 5600; and Seattle Area Office, 415 1st Avenue North, Room 250, Seattle, Washington 98109.

A limited number of copies are also available and may be obtained by writing to the Environmental Office, Bonneville Power Administration, P.O. Box 3621, Portland, Oregon 97208 or to the Seattle Area Manager at the above address.

STANLEY D. DOREMUS,
Deputy Assistant Secretary of the Interior.

NOVEMBER 19, 1974.

[FR Doc.74-27627 Filed 11-25-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

FLUE-CURED TOBACCO ADVISORY COMMITTEE

Postponed Meeting

The Flue-Cured Tobacco Advisory Committee meeting which was scheduled for December 6, 1974, (39 FR 39588, 11-8-74) is postponed until Friday, December 13, 1974, at 1 p.m., and will be held in the Board Room of the Flue-Cured Tobacco Cooperative Stabilization Corporation, 522 Fayetteville Street, Raleigh, North Carolina 27602.

The reason for the postponement of the December 6 meeting is that it is in conflict with the North and South Carolina Farm Bureau State Conventions scheduled for that same day.

At the October 14, 1974, meeting of the Committee, a 5-man subcommittee was appointed to study the work of the Committee during the 1974 marketing year. Members of the subcommittee are: Adron Harden, Georgia Farm Bureau; B. Frank Williamson, Sr., South Carolina Farm Bureau; James B. Hunt, Sr., North Carolina Grange; John S. Watkins, Jr., warehouseman and W. E. Michaels, dealer-exporter. Mr. Hunt will serve as chairman for the subcommittee.

The purpose of the final meeting of the Flue-Cured Tobacco Advisory Committee for the 1974 marketing season is to hear the report of the 5-man subcommittee. Also, matters, as specified in 7 CFR, Part 29, Subpart G, § 29.9404, will be discussed.

The meeting is open to the public, but space and facilities are limited. Public participation will be limited to written statements submitted before or at the meeting unless their participation is otherwise requested by the Committee Chairman, J. Frank Bryant. Persons, other than members who wish to attend the meeting should contact Mr. J. W. York, Director, Tobacco Division, Agricultural Marketing Service, 300 12th Street, SW, United States Department of Agriculture, Washington, D.C. 20250 (202) 447-2567.

Dated: November 20, 1974.

E. L. PETERSON,
Administrator.

[FR Doc.74-27574 Filed 11-25-74;8:45 am]

Commodity Exchange Authority

WHEAT AND CORN TRADERS

Release of Names and Transactions to the Senate Committee on Government Operations

The Secretary of Agriculture, in response to a letter from the Committee on Government Operations, Senate Permanent Subcommittee on Investigations, U.S. Senate, submitted to the committee, information disclosing the names of traders in wheat and corn futures in all futures contract markets during the period September 23–October 3, 1974, with respect to whom the Secretary has information, together with data concerning futures transactions and positions of each such trader. Weekly cash positions of merchandisers, processors and dealers included in the above categories were also supplied for September 20, September 27, and October 4, 1974, for each such trader.

Such information was submitted in accordance with Section 8 of the Commodity Exchange Act (7 U.S.C. 12–1) which requires the Secretary upon request of any committee of either House of Congress, acting within the scope of its jurisdiction, to furnish and make public the names and addresses of such traders, together with information concerning their futures transactions. The material submitted covered those traders in reporting status (traders holding a position of 200,000 bushels or more in any one future) in the respective markets.

The data will be made available for inspection and copying to anyone upon request at the Commodity Exchange Authority's regional office in Chicago. In accordance with the Department of Agriculture fee schedule, copies of the material will be furnished at a charge of 10 cents for each copy of each page.

Issued: November 21, 1974.

ALEX C. CALDWELL,
Administrator, Commodity Exchange Authority.

[FR Doc.74-27576 Filed 11-25-74;8:45 am]

Food and Nutrition Service

[FSP No. 1975-2.1; Amdt. 40]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Alaska

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year, i.e., in July, based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law speci-

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fied that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and is being used for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974. Therefore, Notice FSP No. 1974–2.2, which is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1975, by this Notice FSP No. 1975–2.1.

The total monthly coupon allotment for some households is not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotments.

In view of the need for placing this notice into effect on January 1, 1975, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1975–2.1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE; ALASKA

Households in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefit shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, general assistance, or supplemental security income benefit, in Alaska, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Alaska prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	*Maximum allowable monthly income standards—Alaska*
1	[1] $229
2	380
3	546
4	693
5	826
6	946
7	1,066
8	1,186
Each additional member	+100

[1] Poverty guideline

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7(a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Alaska are as follows:

Monthly coupon allotments and purchase requirements—Alaska

Monthly net income	For a Household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$62	$114	$164	$208	$248	$284	$330	$366
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	20	26	27	28	29	30	31	32
$120 to $129.99	22	29	30	31	32	33	34	35
$130 to $139.99	24	32	33	34	35	36	37	38
$140 to $149.99	26	35	36	37	38	39	40	41
$150 to $159.99	28	38	39	40	41	42	43	44
$160 to $169.99	30	41	42	43	44	45	46	47
$170 to $179.99	32	44	45	46	47	48	49	50
$180 to $189.99	34	47	48	49	50	51	52	53
$190 to $199.99	36	50	51	52	53	54	55	56
$200 to $209.99	38	53	54	55	56	57	58	59
$210 to $219.99	40	56	57	58	59	60	61	62
$220 to $229.99	42	59	60	61	62	63	64	65
$230 to $239.99	44	62	63	64	65	66	67	68
$240 to $249.99	46	65	66	67	68	69	70	71
$250 to $259.99		68	69	70	71	72	73	74
$260 to $269.99		71	72	73	74	75	76	77
$270 to $279.99		74	75	76	77	78	79	80
$280 to $289.99		77	78	79	80	81	82	83
$290 to $299.99		80	81	82	83	84	85	86
$300 to $309.99		83	84	85	86	87	88	89
$310 to $319.99		86	87	88	89	90	91	92
$320 to $329.99		89	90	91	92	93	94	95
$330 to $339.99		92	93	94	95	96	97	98
$340 to $349.99		95	96	97	98	99	100	101
$350 to $359.99		98	99	100	101	102	103	104
$360 to $369.99		101	102	103	104	105	106	107
$370 to $379.99		104	105	106	107	108	109	110
$380 to $389.99		107	108	109	110	111	112	113
$390 to $399.99		110	111	112	113	114	115	116
$400 to $409.99		113	114	115	116	117	118	119
$410 to $419.99		116	117	118	119	120	121	122
$420 to $429.99		119	120	121	122	123	124	125
$430 to $439.99		122	123	124	125	126	127	128
$440 to $449.99		125	126	127	128	129	130	131
$450 to $459.99		128	129	130	131	132	133	134
$460 to $469.99		131	132	133	134	135	136	137
$470 to $479.99		134	135	136	137	138	139	140
$480 to $489.99		137	138	139	140	141	142	143
$490 to $499.99		140	141	142	143	144	145	146
$500 to $509.99		143	144	145	146	147	148	149
$510 to $519.99		146	147	148	149	150	151	152
$520 to $529.99		149	150	151	152	153	154	155
$530 to $539.99		152	153	154	155	156	157	158
$540 to $549.99		155	156	157	158	159	160	161
$550 to $559.99		158	159	160	161	162	163	164
$560 to $569.99		161	162	163	164	165	166	167
$570 to $579.99		164	165	166	167	168	169	170
$580 to $589.99		167	168	169	170	171	172	173
$590 to $599.99		170	171	172	173	174	175	176
$600 to $609.99		173	174	175	176	177	178	179
$610 to $619.99		176	177	178	179	180	181	182
$620 to $629.99		179	180	181	182	183	184	185
$630 to $639.99		182	183	184	185	186	187	188
$640 to $649.99		185	186	187	188	189	190	191
$650 to $659.99		188	189	190	191	192	193	194
$660 to $669.99		191	192	193	194	195	196	197
$670 to $679.99		194	195	196	197	198	199	200
$680 to $689.99		197	198	199	200	201	202	203
$690 to $699.99		200	201	202	203	204	205	206
$700 to $709.99		203	204	205	206	207	208	209
$710 to $719.99		206	207	208	209	210	211	212
$720 to $729.99		209	210	211	212	213	214	215
$730 to $739.99		212	213	214	215	216	217	218
$740 to $749.99		215	216	217	218	219	220	221
$750 to $759.99		218	219	220	221	222	223	224
$760 to $769.99		221	222	223	224	225	226	227
$770 to $779.99		224	225	226	227	228	229	230
$780 to $789.99		227	228	229	230	231	232	233
$790 to $799.99		230	231	232	233	234	235	236
$800 to $809.99		233	234	235	236	237	238	239
$810 to $819.99		236	237	238	239	240	241	242
$820 to $829.99		239	240	241	242	243	244	245
$830 to $839.99		242	243	244	245	246	247	248
$840 to $849.99		245	246	247	248	249	250	251
$850 to $859.99		248	249	250	251	252	253	254
$860 to $869.99		251	252	253	254	255	256	257
$870 to $879.99		254	255	256	257	258	259	260
$880 to $889.99		257	258	259	260	261	262	263
$890 to $899.99		260	261	262	263	264	265	266
$900 to $909.99		263	264	265	266	267	268	269
$910 to $919.99		266	267	268	269	270	271	272
$920 to $929.99		269	270	271	272	273	274	275
$930 to $939.99		272	273	274	275	276	277	278
$940 to $949.99		275	276	277	278	279	280	281
$950 to $959.99		278	279	280	281	282	283	284
$960 to $969.99		281	282	283	284	285	286	287
$970 to $979.99		284	285	286	287	288	289	290
$980 to $989.99		287	288	289	290	291	292	293
$990 to $999.99		290	291	292	293	294	295	296
$1,000 to $1,019.99		293	294	295	296	297	298	299
$1,020 to $1,049.99		296	297	298	299	300	301	302
$1,050 to $1,079.99		299	300	301	302	303	304	305
$1,080 to $1,109.99		302	303	304	305	306	307	308
$1,110 to $1,139.99		305	306	307	308	309	310	311
$1,140 to $1,169.99		308	309	310	311	312	313	314
$1,170 to $1,199.99		311	312	313	314	315	316	317

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA

A. *Value of the Total Allotment.* For each person in excess of eight, add $30 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,049.99 or less per month.

2. For households with monthly income of $1,050 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,049.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,049.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $26 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on January 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 10,551, National Archives Reference Services)

Dated: November 20, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-27406 Filed 11-25-74;8:45 am]

[FSP No. 1975–3.1; Amdt. 41]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Hawaii

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be adjusted semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. Prior to the amendment to the Act requiring semi-annual adjustment of the value of the coupon allotment, the adjustments were made at the beginning of each fiscal year, i.e., in July, based on the cost of the economy food plan in the preceding December. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974 adjustment and is being used for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974. Therefore, Notice FSP No. 1974–3.2, which is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1975, by this Notice FSP No. 1975–3.1.

The total monthly coupon allotments for the four- and six-person households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotments.

In view of the need for placing this notice into effect on January 1, 1975, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rulemaking with respect to this notice. Notice FSP No. 1975–3.1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE; HAWAII

Households in which all members are included in the federally aided public assistance grant, general assistance grant, or supplemental security income benefits shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance, general assistance, or supplemental security income benefit in Hawaii, shall be the higher of:

(1) The maximum allowable monthly income standards for each household size which were in effect in Hawaii prior to July 29, 1971, or

(2) The following maximum allowable monthly income standards:

Household size:	*Maximum allowable monthly income standards—Hawaii*
1	[1] $218
2	360
3	520
4	660
5	786
6	900
7	1,013
8	1,120
Each additional member	+93

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91–671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the Program and the amount charged for the monthly coupon allotment in Hawaii are as follows:

Monthly coupon allotments and purchase requirements—Hawaii

Monthly net income	For a Household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$60	$108	$156	$198	$236	$270	$304	$336
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	30	31	32
$120 to $129.99	24	29	30	31	32	33	34	35
$130 to $139.99	27	32	33	34	35	36	37	38
$140 to $149.99	30	35	36	37	38	39	40	41
$150 to $159.99	33	38	39	40	41	42	43	44
$160 to $169.99	36	41	42	43	44	45	46	47
$170 to $179.99	39	44	45	46	47	48	49	50
$180 to $189.99	42	47	48	49	50	51	52	53
$190 to $199.99	45	50	51	52	53	54	55	56
$200 to $209.99	48	53	54	55	56	57	58	59
$210 to $219.99		56	57	58	59	60	61	62
$220 to $229.99		59	60	61	62	63	64	65
$230 to $239.99		62	63	64	65	66	67	68
$240 to $249.99		65	66	67	68	69	70	71
$250 to $259.99		68	69	70	71	72	73	74
$260 to $269.99		71	72	73	74	75	76	77
$270 to $279.99		74	75	76	77	78	79	80
$280 to $289.99		77	78	79	80	81	82	83
$290 to $299.99		80	81	82	83	84	85	86
$300 to $309.99		83	84	85	86	87	88	89
$310 to $319.99		86	87	88	89	90	91	92
$320 to $329.99		89	90	91	92	93	94	95
$330 to $339.99		92	93	94	95	96	97	98
$340 to $349.99		95	96	97	98	99	100	101
$350 to $359.99		98	99	100	101	102	103	104
$360 to $369.99		101	102	103	104	105	106	107
$370 to $379.99		104	105	106	107	108	109	110
$380 to $389.99		107	108	109	110	111	112	113
$390 to $399.99		110	111	112	113	114	115	116
$400 to $409.99		113	114	115	116	117	118	119
$410 to $419.99		116	117	118	119	120	121	122
$420 to $429.99		119	120	121	122	123	124	125
$430 to $439.99		122	123	124	125	126	127	128
$440 to $449.99		125	126	127	128	129	130	131
$450 to $459.99		128	129	130	131	132	133	134
$460 to $469.99		131	132	133	134	135	136	137
$470 to $479.99		134	135	136	137	138	139	140
$480 to $489.99		137	138	139	140	141	142	143
$490 to $499.99		140	141	142	143	144	145	146
$500 to $509.99		143	144	145	146	147	148	149
$510 to $519.99		146	147	148	149	150	151	152
$520 to $529.99		149	150	151	152	153	154	155
$530 to $539.99		152	153	154	155	156	157	158
$540 to $549.99		155	156	157	158	159	160	161
$550 to $559.99		158	159	160	161	162	163	164
$560 to $569.99		161	162	163	164	165	166	167
$570 to $579.99		164	165	166	167	168	169	170
$580 to $589.99		167	168	169	170	171	172	173
$590 to $599.99		170	171	172	173	174	175	176
$600 to $609.99		173	174	175	176	177	178	179
$610 to $619.99		176	177	178	179	180	181	182
$620 to $629.99		179	180	181	182	183	184	185
$630 to $639.99		182	183	184	185	186	187	188
$640 to $649.99		185	186	187	188	189	190	191
$650 to $659.99		188	189	190	191	192	193	194
$660 to $669.99		191	192	193	194	195	196	197
$670 to $679.99		194	195	196	197	198	199	200
$680 to $689.99		197	198	199	200	201	202	203
$690 to $699.99		200	201	202	203	204	205	206
$700 to $709.99		203	204	205	206	207	208	209
$710 to $719.99		206	207	208	209	210	211	212
$720 to $729.99		209	210	211	212	213	214	215
$730 to $739.99		212	213	214	215	216	217	218
$740 to $749.99		215	216	217	218	219	220	221
$750 to $759.99		218	219	220	221	222	223	224
$760 to $769.99		221	222	223	224	225	226	227
$770 to $779.99		224	225	226	227	228	229	230
$780 to $789.99		227	228	229	230	231	232	233
$790 to $799.99		230	231	232	233	234	235	236
$800 to $809.99		233	234	235	236	237	238	239
$810 to $819.99		236	237	238	239	240	241	242
$820 to $829.99		239	240	241	242	243	244	245
$830 to $839.99		242	243	244	245	246	247	248
$840 to $849.99		245	246	247	248	249	250	251
$850 to $859.99		248	249	250	251	252	253	254
$860 to $869.99		251	252	253	254	255	256	257
$870 to $879.99		254	255	256	257	258	259	260
$880 to $889.99		257	258	259	260	261	262	263
$890 to $899.99		260	261	262	263	264	265	266
$900 to $909.99		263	264	265	266	267	268	269
$910 to $919.99		266	267	268	269	270	271	272
$920 to $929.99		269	270	271	272	273	274	275
$930 to $939.99		272	273	274	275	276	277	278
$940 to $949.99		275	276	277	278	279	280	281
$950 to $959.99		278	279	280	281	282	283	284
$960 to $969.99		281	282	283	284	285	286	287
$970 to $979.99		284	285	286	287	288	289	290
$980 to $989.99		287	288	289	290	291	292	293
$990 to $1,019.99		290	291	292	293	294	295	296
$1,020 to $1,049.99		293	294	295	296	297	298	299
$1,050 to $1,079.99		296	297	298	299	300	301	302
$1,080 to $1,109.99		299	300	301	302	303	304	305
$1,110 to $1,139.99		302	303	304	305	306	307	308

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA

A. *Value of the Total Allotment.* For each person in excess of eight, add $28 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $989.99 or less per month.

2. For households with monthly income of $990 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $989.99, add $9 to the monthly purchase equipment shown for the eight-person household with an income of $989.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $24 for each person over eight to the maximum purchase requirement shown for an eight-person household.

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Effective date. The provisions of this notice shall become effective on January 1, 1975.

(Catolog of Federal Domestic Assistance Program No. 10,551, National Archives Reference Services)

Dated: November 20, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-27495 Filed 11-25-74;8:45 am]

[FSP No. 1975-6.1; Amdt. 42]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Guam

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be revised semi-annually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics.

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules for Guam which reflect the average per capita income and cost of obtaining a nutritionally adequate diet. Additionally Section 5(b) specifies that these special standards of eligibility or coupon allotment schedules shall not exceed those in the fifty States.

The cost of a nutritionally adequate diet—the economy food plan—is estimated by the Agricultural Research Service based on food prices provided by the Bureau of Labor Statistics. Based on prices provided for Guam, the Agricultural Research Service estimated that the cost of the economy food plan would be higher than in the fifty States. Thus, the coupon allotments set forth for Guam are the same as those which will become effective in Alaska on January 1, 1975. Notice FSP No. 1974-6.1, which is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations, is superseded, effective January 1, 1975, by this Notice FSP No. 1975-6.1.

The total monthly coupon allotment for some households is not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirement for such allotments.

In view of the need for placing this notice into effect on January 1, 1975, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1975-6.1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: GUAM

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance grant or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Guam, shall be as follows:

Monthly coupon allotments and purchase requirements—Guam

Monthly net income	For a Household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$62	$114	$164	$208	$248	$284	$320	$356
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	39	44	46	47	48	49	50	51
$170 to $179.99	45	50	52	53	54	55	56	57
$180 to $189.99	48	56	58	59	60	61	62	63
$190 to $199.99		62	64	65	66	67	68	69
$200 to $209.99		68	70	71	72	73	74	75
$210 to $219.99		74	76	77	78	79	80	81
$220 to $229.99		80	82	83	84	85	86	87
$230 to $239.99		86	88	89	90	91	92	93
$240 to $249.99		88	94	95	96	97	98	99
$250 to $259.99		88	100	101	102	103	104	105
$260 to $269.99			106	107	108	109	110	111
$270 to $279.99			112	113	114	115	116	117
$280 to $289.99			118	119	120	121	122	123
$290 to $299.99			124	125	126	127	128	129
$300 to $309.99			130	131	132	133	134	135
$310 to $319.99			136	137	138	139	140	141
$320 to $329.99			142	143	144	145	146	147
$330 to $339.99			148	149	150	151	152	153
$340 to $349.99			154	155	156	157	158	159
$350 to $359.99			160	161	162	163	164	165
$360 to $369.99			166	167	168	169	170	171
$370 to $379.99			172	173	174	175	176	177
$380 to $389.99			178	179	180	181	182	183
$390 to $399.99			184	185	186	187	188	189
$400 to $409.99			190	191	192	193	194	195
$410 to $419.99			196	197	198	199	200	201
$420 to $429.99			202	203	204	205	206	207
$430 to $439.99			208	209	210	211	212	213
$440 to $449.99			214	215	216	217	218	219
$450 to $459.99			220	221	222	223	224	225
$460 to $469.99			226	227	228	229	230	231
$470 to $479.99			232	233	234	235	236	237
$480 to $489.99			238	239	240	241	242	243
$490 to $499.99			244	245	246	247	248	249
$500 to $509.99			250	251	252	253	254	255
$510 to $519.99			256	257	258	259	260	261
$520 to $529.99			262	263	264	265	266	267
$530 to $539.99			268	269	270	271	272	273
$540 to $549.99			274	275	276	277	278	279
$550 to $559.99			280	281	282	283	284	285
$560 to $569.99			286	287	288	289	290	291
$570 to $579.99			292	293	294	295	296	297
$580 to $589.99			298	299	300	301	302	303
$590 to $599.99			304	305	306	307	308	309
$600 to $609.99			310	311	312	313	314	315
$610 to $619.99			316	317	318	319	320	321
$620 to $629.99			322	323	324	325	326	327
$630 to $639.99			328	329	330	331	332	333
$640 to $649.99			334	335	336	337	338	339
$650 to $659.99			340	341	342	343	344	345
$660 to $669.99			346	347	348	349	350	351
$670 to $679.99			352	353	354	355	356	357
$680 to $689.99			358	359	360	361	362	363
$690 to $699.99			364	365	366	367	368	369
$700 to $709.99			370	371	372	373	374	375
$710 to $719.99			376	377	378	379	380	381
$720 to $729.99			382	383	384	385	386	387
$730 to $739.99			388	389	390	391	392	393
$740 to $749.99			394	395	396	397	398	399
$750 to $759.99			400	401	402	403	404	405
$760 to $769.99			406	407	408	409	410	411
$770 to $779.99			412	413	414	415	416	417
$780 to $789.99			418	419	420	421	422	423
$790 to $799.99			424	425	426	427	428	429
$800 to $809.99			430	431	432	433	434	435
$810 to $819.99			436	437	438	439	440	441
$820 to $829.99			442	443	444	445	446	447
$830 to $839.99			448	449	450	451	452	453
$840 to $849.99			454	455	456	457	458	459
$850 to $859.99			460	461	462	463	464	465
$860 to $869.99			466	467	468	469	470	471
$870 to $879.99			472	473	474	475	476	477
$880 to $889.99			478	479	480	481	482	483
$890 to $899.99			484	485	486	487	488	489
$900 to $909.99			490	491	492	493	494	495
$910 to $919.99			496	497	498	499	500	501
$920 to $929.99			502	503	504	505	506	507
$930 to $939.99			508	509	510	511	512	513
$940 to $949.99			514	515	516	517	518	519
$950 to $959.99			520	521	522	523	524	525
$960 to $969.99			526	527	528	529	530	531
$970 to $979.99			532	533	534	535	536	537
$980 to $989.99			538	539	540	541	542	543
$990 to $999.99			544	545	546	547	548	549
$1,000 to $1,009.99			550	551	552	553	554	555
$1,010 to $1,019.99			556	557	558	559	560	561
$1,020 to $1,029.99			562	563	564	565	566	567
$1,030 to $1,039.99			568	569	570	571	572	573
$1,040 to $1,049.99			574	575	576	577	578	579
$1,050 to $1,059.99			580	581	582	583	584	585
$1,060 to $1,069.99			586	587	588	589	590	591
$1,070 to $1,079.99			592	593	594	595	596	597
$1,080 to $1,089.99			598	599	600	601	602	603
$1,090 to $1,099.99			604	605	606	607	608	609
$1,100 to $1,109.99			610	611	612	613	614	615
$1,110 to $1,119.99			616	617	618	619	620	621
$1,120 to $1,129.99			622	623	624	625	626	627
$1,130 to $1,139.99			628	629	630	631	632	633
$1,140 to $1,149.99			634	635	636	637	638	639
$1,150 to $1,159.99			640	641	642	643	644	645
$1,160 to $1,169.99			646	647	648	649	650	651
$1,170 to $1,179.99			652	653	654	655	656	657
$1,180 to $1,189.99			658	659	660	661	662	663
$1,190 to $1,199.99			664	665	666	667	668	669

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA

A. *Value of the Total Allotment.* For each person in excess of eight, add $30 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $1,049.99 or less per month.

2. For households with monthly income of $1,050 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $1,049.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $1,049.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $26 for each person over eight to the maximum purchase requirement shown for the eight-person household.

Effective date. The provisions of this notice shall become effective on January 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 10,551, National Archives Reference Services)

Dated: November 20, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-27498 Filed 11-25-74;8:45 am]

[FSP No. 1975-4.1; Amdt. 43]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Puerto Rico

Section 7(a) of the Food Stamp Act, as amended, requires that the value of the coupon allotment be revised semi-annually, by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics. With the enactment of the semi-annual adjustment, the law specified that the first adjustment be made in January 1974 to reflect changes in food prices through August 1973. A similar procedure was used for the July 1, 1974, adjustment, and is being used for the January 1, 1975 adjustment in the value of the coupon allotment which is based on the cost of the economy food plan in August 1974. Therefore, Notice FSP No. 1974-4.2, issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II Code of Federal Regulations, is superseded effective January 1, 1975, by this Notice FSP No. 1975-4.1.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of uneven dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect immediately, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1975-4.1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: PUERTO RICO

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in Puerto Rico, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Puerto Rico*
1	[1] $194
2	273
3	393
4	500
5	593
6	680
7	767
8	853
Each additional member	+73

[1] Poverty guideline.

"Income" as the term is used in the notice is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which the State agency is authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in Puerto Rico are as follows:

Monthly coupon allotments and purchase requirements—Puerto Rico

Monthly net income	For a Household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$46	$82	$118	$150	$178	$204	$230	$256
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $159.99	33	38	40	41	42	43	44	45
$160 to $169.99	36	44	46	47	48	49	50	51
$170 to $179.99	36	50	52	53	54	55	56	57
$180 to $189.99		56	58	59	60	61	62	63
$190 to $199.99		62	64	65	66	67	68	69
$200 to $209.99		64	70	71	72	73	74	75
$210 to $219.99		64	76	77	78	79	80	81
$220 to $229.99			82	83	84	85	86	87
$230 to $239.99			88	89	90	91	92	93
$240 to $249.99			94	95	96	97	98	99
$250 to $259.99			100	104	105	106	107	108
$260 to $269.99			104	113	114	115	116	117
$270 to $279.99				122	123	124	125	126
$280 to $289.99				130	132	133	134	135
$290 to $299.99				130	141	142	143	144
$300 to $309.99					150	151	152	153
$310 to $319.99					154	160	161	162
$320 to $329.99					154	169	170	171
$330 to $339.99						178	179	180
$340 to $349.99						178	188	189
$350 to $359.99						178	197	198
$360 to $369.99							202	207
$370 to $379.99							202	216
$380 to $389.99							202	225
$390 to $399.99								226
$400 to $409.99								226
$410 to $419.99								226
$420 to $429.99								226
$430 to $439.99								226
$440 to $449.99								226
$450 to $459.99								226
$460 to $469.99								226
$470 to $479.99								226
$480 to $489.99								226
$490 to $499.99								226
$500 to $509.99								226
$510 to $519.99								226
$520 to $529.99								226
$530 to $539.99								226
$540 to $549.99								226
$550 to $559.99								226
$560 to $569.99								226
$570 to $579.99								226
$580 to $589.99								226
$590 to $599.99								226
$600 to $609.99								226
$610 to $619.99								226
$620 to $629.99								226
$630 to $639.99								226
$640 to $649.99								226
$650 to $659.99								226
$660 to $669.99								226
$670 to $679.99								226
$680 to $689.99								226
$690 to $699.99								226
$700 to $709.99								226
$710 to $719.99								226
$720 to $729.99								226
$730 to $739.99								226
$740 to $749.99								226
$750 to $759.99								226
$760 to $769.99								226
$770 to $779.99								226
$780 to $789.99								226
$790 to $799.99								226
$800 to $809.99								226
$810 to $819.99								226
$820 to $829.99								226
$830 to $839.99								226
$840 to $849.99								226
$850 to $859.99								226
$860 to $869.99								226
$870 to $879.99								226
$880 to $889.99								226
$890 to $899.99								226
$900 to $909.99								226
$910 to $919.99								226
$920 to $929.99								226
$930 to $939.99								226
$940 to $949.99								226
$950 to $959.99								226
$960 to $969.99								226
$970 to $979.99								226
$980 to $989.99								226
$990 to $999.99								226
$1,000 to $1,009.99								226
$1,010 to $1,019.99								226
$1,020 to $1,029.99								226
$1,030 to $1,039.99								226
$1,040 to $1,049.99								226
$1,050 to $1,059.99								226
$1,060 to $1,069.99								226
$1,070 to $1,079.99								226
$1,080 to $1,089.99								226
$1,090 to $1,099.99								226
$1,100 to $1,109.99								226
$1,110 to $1,119.99								226
$1,120 to $1,129.99								226
$1,130 to $1,139.99								226
$1,140 to $1,149.99								226
$1,150 to $1,159.99								226
$1,160 to $1,169.99								226
$1,170 to $1,179.99								226
$1,180 to $1,189.99								226
$1,190 to $1,199.99								226

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FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA

A. *Value of the Total Allotment.* For each person in excess of eight, add $22 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $779.99 or less per month.

2. For households with monthly incomes of $780 or more, use the following formula:

For each $30 worth of monthly income (or portion thereof) over $779.99, add $9 to the monthly purchase requirement shown for an eight-person household with an income of **$779.99.**

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $18 for each person over eight to the maximum purchase requirements shown for an eight-person household.

Effective date. The provisions of this notice shall become effective January 1, 1975.

(Catalog of Federal Domestic Assistance Programs 10.551, National Archives Reference Services)

Dated: November 20, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-27499 Filed 11-25-74;8:45 am]

[FSP No. 1975-5.1; Amdt. 44]

FOOD STAMP PROGRAM

Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance—Virgin Islands

Section 5(b) of the Food Stamp Act requires the establishment of special standards of eligibility and coupon allotment schedules, not to exceed those of the fifty States, which reflect the average per capita income and cost of obtaining a nutritionally adequate diet in the Virgin Islands.

Additionally, section 7(a) of the Food Stamp Act requires that the value of the coupon allotment be adjusted semiannually by the nearest increment that is a multiple of two to reflect changes in the prices of food published by the Bureau of Labor Statistics commencing January 1, 1974, incorporating food price changes through August 31, 1973.

The first coupon allotment schedules, effective July 1, 1974, were based on the Economy Food Plan in February 1974. A similar procedure is being used for the January 1, 1975 adjustment in the coupon allotments which are based on the cost of the Economy Food Plan in August 1974. Therefore, Notice FSP No. 1974-5.1 which is issued pursuant to a part of Subchapter C—Food Stamp Program, under Title 7, Chapter II, Code of Federal Regulations is superseded by this Notice FSP No. 1975-5.1.

The total monthly coupon allotments for some households are not divisible by four. This results in total coupon allotments of less than whole dollar amounts for those households which choose to purchase one-fourth or three-fourths of their total coupon allotment. For such households, the State agency shall round the face value of one-fourth or three-fourths of the total coupon allotment up to the next higher whole dollar amount and shall not change the purchase requirements for such allotments.

In view of the need for placing this notice into effect immediately, it is hereby determined that it is impracticable and contrary to the public interest to give notice of proposed rule making with respect to this notice. Notice FSP No. 1975-5.1 reads as follows:

MAXIMUM MONTHLY ALLOWABLE INCOME STANDARDS AND BASIS OF COUPON ISSUANCE: VIRGIN ISLANDS

As provided in § 271.3(b), households in which all members are included in the federally aided public assistance or general assistance grant shall be determined to be eligible to participate in the program while receiving such grants without regard to the income and resources of the household members.

The maximum allowable income standards for determining eligibility of all other applicant households, including those in which some members are recipients of federally aided public assistance or general assistance, in the Virgin Islands, shall be as follows:

Household size:	*Maximum allowable monthly income standards—Virgin Islands*
1	[1] $194
2	353
3	507
4	640
5	760
6	873
7	987
8	1,100
Each additional member	+93

[1] Poverty guideline.

"Income" as the term is used in the notices is as defined in paragraph (c) of § 271.3 of the Food Stamp Program Regulations.

Pursuant to section 7 (a) and (b) of the Food Stamp Act, as amended, (7 U.S.C. 2016, Public Law 91-671), the face value of the monthly coupon allotment which State agencies are authorized to issue to any household certified as eligible to participate in the program and the amount charged for the monthly coupon allotment in the Virgin Islands are as follows:

MONTHLY COUPON ALLOTMENTS AND PURCHASE REQUIREMENTS—VIRGIN ISLANDS

Monthly net income	For a Household of— 1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
	The monthly coupon allotment is—							
	$58	$106	$152	$192	$228	$262	$296	$330
	And the monthly purchase requirement is—							
$0 to $19.99	0	0	0	0	0	0	0	0
$20 to $29.99	1	1	0	0	0	0	0	0
$30 to $39.99	4	4	4	4	5	5	5	5
$40 to $49.99	6	7	7	7	8	8	8	8
$50 to $59.99	8	10	10	10	11	11	12	12
$60 to $69.99	10	12	13	13	14	14	15	16
$70 to $79.99	12	15	16	16	17	17	18	19
$80 to $89.99	14	18	19	19	20	21	21	22
$90 to $99.99	16	21	21	22	23	24	25	26
$100 to $109.99	18	23	24	25	26	27	28	29
$110 to $119.99	21	26	27	28	29	31	32	33
$120 to $129.99	24	29	30	31	33	34	35	36
$130 to $139.99	27	32	33	34	36	37	38	39
$140 to $149.99	30	35	36	37	39	40	41	42
$150 to $169.99	33	38	40	41	42	43	44	45
$170 to $189.99	39	44	46	47	48	49	50	51
$190 to $209.99	44	50	52	53	54	55	56	57
$210 to $229.99		56	58	59	60	61	62	63
$230 to $249.99		62	64	65	66	67	68	69
$250 to $269.99		68	70	71	72	73	74	75
$270 to $289.99		74	76	77	78	79	80	81
$290 to $309.99		80	82	83	84	85	86	87
$310 to $329.99		80	88	89	90	91	92	93
$330 to $359.99		80	94	95	96	97	98	99
$360 to $389.99			103	104	105	106	107	108
$390 to $419.99			112	113	114	115	116	117
$420 to $449.99			121	122	123	124	125	126
$450 to $479.99			130	131	132	133	134	135
$480 to $509.99			130	140	141	142	143	144
$510 to $539.99				149	150	151	152	153
$540 to $569.99				158	159	160	161	162
$570 to $599.99				164	168	169	170	171
$600 to $629.99				164	177	178	179	180
$630 to $659.99				164	186	187	188	189
$660 to $689.99					195	196	197	198
$690 to $719.99					196	206	206	207
$720 to $749.99					196	214	215	216
$750 to $779.99					196	223	224	225
$780 to $809.99						226	233	234
$810 to $839.99						226	242	243
$840 to $869.99						226	251	252
$870 to $899.99						226	256	261
$900 to $929.99							256	270
$930 to $959.99							256	279
$960 to $989.99							256	286
$990 to $1019.99								286
$1020 to $1049.99								286
$1050 to $1079.99								286
$1080 to $1109.99								286

FOR ISSUANCE TO HOUSEHOLDS OF MORE THAN EIGHT PERSONS USE THE FOLLOWING FORMULA

A. *Value of the Total Allotment.* For each person in excess of eight, add $28 to the monthly coupon allotment for an eight-person household.

B. *Purchase Requirement.* 1. Use the purchase requirement shown for the eight-person household for households with incomes of $959.99 or less per month.

2. For households with monthly income of $960 or more, us the following formula:

For each $30 worth of monthly income (or portion thereof) over $959.99, add $9 to the monthly purchase requirement shown for the eight-person household with an income of $959.99.

3. To obtain maximum monthly purchase requirements for households of more than eight persons, add $24 for each person over eight to the maximum purchase requirement shown for an eight-person household.

Effective date. The provisions of this notice shall become effective on January 1, 1975.

(Catalog of Federal Domestic Assistance Program No. 10.551, National Archives Reference Services)

Dated: November 20, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-27497 Filed 11-26-74;8:45 am]

Forest Service

CONTROL OF SOUTHERN PINE BEETLE

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the strategy for control of southern pine beetle in the southeastern United States, (USDA-FS-SA-FES(Adm) FY-'74-1.)

This environmental statement is an analysis of the Southeastern Area-wide suppression program. Subjects discussed are the resources threatened, a description of the techniques and benefits of suppression, and an assessment of the environmental impact of suppression activity.

The final environmental statement was filed with CEQ on November 29, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Building, Room 3230
12th St. & Independence Ave., S.W.
Washington, D.C. 20250

USDA, Forest Service
Division of Forest Pest Control
1621 N. Kent St., Room 1205-B
Arlington, Va. 22209

A limited number of single copies are available upon request to:

USDA, Forest Service
Division of Forest Pest Control
1720 Peachtree St., Room 711
Atlanta, Ga. 30309

Copies of the final environmental statement have been sent to various Federal, State and local agencies as outlined in the Council on Environmental Quality Guidelines.

SIDNEY WEITZMAN,
Area Director.

[FR Doc.74-27552 Filed 11-25-74;8:45 am]

ROCK CREEK ADVISORY COMMITTEE

Meeting

The Rock Creek Advisory Committee will meet at 7 p.m. on December 17, 1974. Meeting place will be in Drummond, Montana, in the Catholic Church basement.

The purpose of this meeting is to complete Committee critique of the bio-physical land use analysis for the East Fork-Skalkaho planning unit in Upper Rock Creek. Also, Committee review and comment will be received on the process of integration of bio-physical and cultural factors for the purpose of management option development in the planning unit.

The meeting will be open to the public. Any member of the public who wishes to do so shall be permitted to file a written statement with the Committee before or after the meeting. To the extent that time permits, the Committee Chairman may permit interested persons to present oral statements at the meeting.

General participation by members of the public, or questioning of Committee members or other participants shall not be permitted unless approved by the majority of Committee members.

Dated: November 19, 1974.

BERNARD W. ALT,
Acting Forest Supervisor, Deerlodge National Forest.

[FR Doc.74-27550 Filed 11-25-74;8:45 am]

WITHLACOOCHEE STATE FOREST, FLA.

Limestone Mining; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, in cooperation with the Division of Forestry, Department of Agriculture and Consumer Services, State of Florida, has prepared a final environmental statement for Limestone Mining, Plan of Operation, Withlacoochee State Forest, Florida, USDA-FS-R8-FES (ADM) 74-5.

The environmental statement concerns USDA, Forest Service approval of mining operations under lease to Florida Rock Products Corporation on the Withlacoochee State Forest. Lands comprising the Withlacoochee State Forest are presently being acquired by the State of Florida with the minerals being retained by the United States.

This final environmental statement was transmitted to CEQ on November 18, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg, Room 3230
12th St. & Independence Ave. SW
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Rd., NW, Room 804
Atlanta, Georgia 30309

Forest Supervisor
USFS, Box 1050
214 South Bronough Street
Tallahassee, Florida 32302

A limited number of single copies are available upon request to B. Frank Finison, Forest Supervisor, NFS in Florida, Box 1050, 214 South Bronough Street, Tallahassee, Florida 32302.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outline in CEQ Guidelines.

THOMAS W. SEARS,
Acting Regional Environmental Coordinator.

NOVEMBER 19, 1974.

[FR Doc.74-27553 Filed 11-25-74;8:45 am]

Office of the Secretary

PACIFIC COMMODITIES EXCHANGE, INC.

Designation as Contract Palm Oil Market

Pursuant to the authorization and direction contained in the Commodity Exchange Act as amended (7 U.S.C. 1 et seq.), I hereby designate the Pacific Commodities Exchange, Inc., of San Francisco, California, as a contract market for palm oil effective on this date, as shown below. The said exchange has applied for, and has otherwise complied with the requirements imposed by the said Act as a condition precedent to, such designation.

The designation is subject to suspension or revocation in accordance with the provisions of the said Act. For the purpose of any such suspension or revocation, this designation and the order issued by the Acting Assistant Secretary of Agriculture on August 1, 1972, and the Assistant Secretary of Agriculture on February 9, 1973, designating the said exchange as a contract market for the commodities specified in said orders, may constitute either a single designation or several designations.

Issued this 20th day of November 1974.

RICHARD L. FELTNER,
Assistant Secretary for Marketing and Consumer Services.

[FR Doc.74-27577 Filed 11-25-74;8:45 am]

Rural Electrification Administration

LOWER VALLEY POWER AND LIGHT, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to

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prepare a Draft Environmental Impact Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with a loan application from Lower Valley Power and Light, Inc., 416 Washington Street, Afton, Wyoming 83110. The statement will cover approximately 11 miles of new 115 kV transmission line from Teton to Jackson, Teton County.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to Lower Valley Power and Light, Inc., whose address was given above. Additional information may be obtained at Lower Valley's office during regular business hours. Dated at Washington, D.C., the 19th day of November, 1974.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.74-27575 Filed 11-25-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-432]

PACIFIC FAR EAST LINE, INC.

Application for Approval of Certain Cruises

Correction

In FR Doc. 74-26718 appearing on page 40183 of the issue for Thursday, November 14, 1974, in the table the year "1976" should be deleted from the middle column, and the last listed cruise of the SS Mariposa, now appearing as "Dec. 14–Jan. 1, 1976", should read "Dec. 14–Jan. 1, 1976".

National Oceanic and Atmospheric Administration

[Docket No. B-428]

STEN CARLSON

Application for Transfer of Fishery

NOVEMBER 19, 1974.

Sten Carlson, Post Office Box 878, Wellfleet, Massachusetts 02667, owner of the vessel *Jocelyn C* purchased with the aid of a Fisheries Loan to engage in the fishery for groundfish, halibut, and lobsters has requested permission to extend his fishing operations to engage in the fishery for groundfish, halibut, lobsters, and swordfish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, "Fisheries Loan Fund Procedures" (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, on or before December 26, 1974. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JACK W. GEHRINGER,
Acting Director.

[FR Doc.74-27560 Filed 11-25-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ENVIRONMENTAL EDUCATION

Closing Date for Receipt of Applications

Notice is hereby given, pursuant to the authority contained in the Environmental Education Act, Public Law 91-516, 20 U.S.C. 1531-1535, as amended by Public Law 93-278 (88 Stat. 121), that applications are being accepted from institutions of higher education, State or local educational agencies, and other public and nonprofit private agencies, organizations and institutions for environmental education project grants.

Applications must be received by the U.S. Office of Education Application Control Center on or before January 23, 1975.

A. *Application sent by mail.* An application sent by mail should be addressed as follows: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.522. An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. *Hand delivered applications.* An application to be hand delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. *Program information and forms.* Information and application forms may be obtained from the Division of Technology and Environmental Education, Bureau of School Systems, Office of Education, Rm. 2029, 400 Maryland Avenue, SW, Washington, D.C. 20202.

D. *Applicable regulations.* The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973 at 38 F.R. 30654, Environmental Education Regulations (45 CFR Part 183) published in the FEDERAL REGISTER on May 21, 1974 at 39 F.R. 17842, and the priorities for financial assistance published in this issue of the FEDERAL REGISTER.

Dated: November 8, 1974.

(20 U.S.C. 1531-1536)

(Catalog of Federal Domestic Assistance Number 13.522; Environmental Education Act)

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74-27645 Filed 11-25-74;8:45 am]

TITLE I AUDIT APPEAL

Approval of Application for Appeal

Notice is hereby given that, pursuant to the Notice establishing the Title I Audit Hearing Board (37 FR 23002, October 27, 1972), an application for an appeal before the Board has been received from the State of Nebraska and it has met the jurisdictional requirements of Section 5 of the Notice establishing the Board. The appeal involves the allowability of specified expenditures of funds under Title I of the ESEA during the period of September 23, 1965 through June 30, 1970, by the State Education Agency. The amount involved in the subject audit appeal is $70,867.

The prehearing conference will be held at 1 P.M. on December 10, 1974, in Room 4173, 400 Maryland Avenue, SW., Washington, D.C. 20202.

Section 7(c) of the Notice setting up the board provides:

(c) Intervention by third parties. (1) Interested third parties may, upon application to the Board Chairman, intervene in proceedings conducted under this notice. Such application must indicate to the satisfaction of the Board Chairman that the intervener has information relative to the specific issues raised by the final audit determination and that such information will be useful to the Hearing Panel in resolving those issues.

(2) When third parties are given leave to intervene in accordance with subparagraph (1) above, such parties shall be afforded the same opportunities as other parties to present written materials, to participate in informal conferences, to call witnesses, to cross-examine

other witnesses, and to be represented by counsel.

All such applications for intervention will be considered if received on or before December 2, 1974.

(20 U.S.C. 241a, 1232c)

(Catalog of Federal Domestic Assistance Numbers 13.427, Educationally Deprived Children—Handicapped (P.L. 89-313); 13.428, Educationally Deprived Children—Local Educational Agencies; 13.429, Educationally Deprived Children—Migrants; 13.430, Educationally Deprived Children—State Administration; 13.431, Educationally Deprived Children in State Administered Institutions Serving Neglected or Delinquent Children.)

Dated: November 22, 1974.

T. H. BELL,
Commissioner of Education.

[FR Doc.74-27741 Filed 11-25-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-155 etc.]

CONSUMERS POWER CO. ET AL.

Memorandum and Order

In the Matter of Consumers Power Company (Big Rock Point Nuclear Plant), Docket No. 50-155. Vermont Yankee Nuclear Power Corporation (Vermont Yankee Nuclear Power Station), Docket No. 50-271, Public Service Company of New Hampshire (Seabrook Station, Units 1 and 2), Dockets Nos. 50-443, 50-444.

Intervenor groups in the above cases have petitioned for financial assistance from this Commission in aid of their participation in these adjudications.[1] They seek Commission funds to pay the fees of attorneys and technical experts, and for related expenses of litigation.

Shortly after these petitions were filed, it appeared that the question of our statutory authority, as well as related policy questions, might soon be resolved by Congress in the "Energy Reorganization Act of 1974" then pending before it. The Senate had adopted an amendment expressly authorizing Commission assistance to intervenors in some circumstances and providing standards and procedures for such requests. See 120 Cong. Rec. S15050-15054 (daily ed.). The House bill contained no comparable provision. In that setting, in addressing another question presented in the *Big Rock Point* proceeding, we took the occasion to state that—

> We believe it appropriate * * * to defer action on [the intervenor's] financial assistance petitions, and other similar petitions, until completion of the pending Congressional consideration. RAI-74-8, p. 223.

That Congressional consideration was completed on October 10, 1974, with the passage of the "Energy Reorganization Act of 1974." Contrary to our expectations, Congress did not resolve the policy questions raised by these petitions. The Senate amendment dealing with financial assistance was deleted by the Conference Committee. See H. Rep. 93-1455, reproduced at 120 Cong. Rec. H 10128 (daily ed.). The Conference Committee Report states, in explanation of that deletion, that (120 Cong. Rec. H 10138)—

> The deletion of title V is in no way intended to express an opinion that parties are or are not now entitled to some reimbursement for any or all costs incurred in licensing proceedings. Rather, it was felt that because there are currently several cases on this subject pending before the Commission, it would be best to withhold Congressional action until these issues have been definitively determined. The resolution of these issues will help the Congress determine whether a provision similar to title V is necessary since it appears that there is nothing in the Atomic Energy Act, as amended, which would preclude the Commission from reimbursing parties where it deems it necessary.

STATUTORY AUTHORITY

In two earlier decisions, we stated, without extended consideration of the question, that this Commission "has neither statutory nor regulatory authority" to grant financial assistance to an intervenor group.[2] Though the reasoning was not articulated, the result in those cases was based upon the decision in *Greene County Planning Board* v. *FPC*, 455 F.2d 412 (C.A. 2, 1972), *cert. denied*, 409 U.S. 849. The Court of Appeals there held that "under current circumstances, without a clearer congressional mandate" (455 F.2d at 426) the FPC lacked statutory authority to pay certain intervenors' expenses.

Several months after *Greene County*, the Comptroller General issued an opinion holding that the Federal Trade Commission has authority to grant financial assistance to needy respondents and intervenors. Opinion B-139703, July 24, 1972, reproduced in 31 Pike & Fischer Ad. L. 2d at 474. In June of this year, a District Court, in dictum, took the view that this Commission "possesses the power to grant fees for the costs of participating in its hearing processes, * * *." *West Michigan Environmental Action Council* v. *AEC*, W.D. Mich. No. G 5873, decided June 19, 1974, slip opinion, p. 5. Finally, in October of this year, the Conference Committee on the Energy Reorganization Act referred the question to the Commission, explaining that deletion of the Senate provision should not be construed as intimating that any party was or was not "entitled" to some reimbursement. At the same time, the Committee stated that agency resolution of the matter would help Congress determine whether legislation was necessary "since it appears that there is nothing in the Atomic Energy Act, as amended, which would preclude the Commission from reimbursing parties where it deems it necessary" (Cong. Rec. *supra*).

We have previously recognized that "the law in this area is currently in a state of flux." *Consumers Power Co.* (Midland), CLI-74-26, RAI-74-71 (July 10, 1974). The Comptroller General's ruling (not cited by those seeking funding in the two earlier AEC precedents), together with the District Court dictum and the Conference Report, warrant reexamination of our earlier conclusion that there was no statutory authority for financial assistance to intervenors.

To be sure, our organic statute does not, in so many words, contain authority to grant such financial assistance. But the absence of express language does not necessarily carry with it a negative inference as to the intention of Congress. Indeed, the Conference Committee report can be read as suggesting (albeit ambiguously) the existence of requisite statutory authority. The Courts have recognized that the Atomic Energy Act reflects

> a regulatory scheme which is virtually unique in the degree to which broad responsibility is reposed in the administering agency, free of close prescription in its charter as to how it shall proceed in achieving the statutory objectives.[3]

Section 189a of the Act [42 U.S.C. 2239 (a)] expressly provides for intervention by persons whose interests may be affected. Presumably, this reflects a Congressional emphasis on the importance of hearings and of broad public participation in the licensing process. From the face of things, this statute seems to have no lesser significance than the provisions of the FTC Act [15 U.S.C. 45(b)] which the Comptroller General found sufficient to authorize assistance to intervenors.[4]

Viewing the issue in light of these recent authorities, we conclude that there is a serious question as to the continuing validity of our earlier holdings that there was no statutory authority for assistance to intervenors. Indeed, we are tentatively inclined to the conclusion that such authority exists.

THE NEED FOR RULEMAKING

The questions posed by the requests before us far exceed the limitations of these particular adjudicatory records. The entire subject, including the statutory question, has the broadest policy implications for a diverse array of interests. The issue raises a number of difficult questions, which are not adequately developed in the records before us. Some of the issues, as we now see them, are as follows:

1. Does the statutory authority question involve a choice between equally permissible constructions of the Atomic Energy Act? What is the relevance of the National Environmental Policy Act of 1969 to the issue of statutory authority?

[1] In view of our recent *Vermont Yankee* decision, CLI-74- , RAI-74-11 (November 7, 1974), the funding request is moot with respect to that adjudication.

[2] *Metropolitan Edison Co.* (Three Mile Island Nuclear Station), RAI-73-2-43, at 44, *petition for review dismissed sub nom. Citizens for a Safe Environment* v. *AEC*, 489 F.2d 1018 (C.A. 3, 1974); *Philadelphia Electric Co.* (Peach Bottom Atomic Power Station), RAI-73-2-46, at 47.

[3] *Siegel* v. *AEC*, 400 F.2d 778, 783 (C.A.D.C. 1968), quoted with approval in *Union of Concerned Scientists* v. *AEC*, 499 F. 2d 1069, 1079 (C.A.D.C. 1974).

[4] It has also been argued that section 31 of the Act (42 U.S.C. 2051), authorizing the Commission to make arrangements for various research activities, provides a basis for assistance to intervenors.

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2. If there are equally permissible constructions, is the "statutory" question really one of policy choice?

3. How can the arguments in favor of statutory authority be squared with *Greene County, supra?*

4. Should the authority be exercised at all—assuming its existence?[*]

5. Are there preferable alternatives to financial assistance to intervenors—such as establishment of an agency Office of Public Counsel, or provision for other forms of Commission assistance?

6. What is the experience of other federal and state agencies regarding financial assistance to intervenors?

7. If there is statutory authority and if it is to be exercised,

(a) What kinds of expenses should qualify for Commission assistance—experts' fees, attorneys' fees, other expenses?

(b) Should assistance be granted before or after an intervenor's presentation?

(c) What criteria should govern grants of assistance? Must an intervenor prevail on its contentions?

(d) Should assistance be granted to more than one intervenor in a particular proceeding? Would payment to one intervenor encourage consolidation of positions, thereby expediting hearings?

(e) Given availability of funds, what should be the maximum amounts of assistance for particular kinds of expenses? For example, could payments lawfully exceed what the Commission pays outside consultants? If so, should they exceed such limits? Would the availability of Commission assistance tend to dry up private sources of funds?

(f) Given limited availability of funds, how should they be allocated among different proceedings?

(g) What kind of proceedings should be covered—licensing, rulemaking, other proceedings?

(h) What procedures should be required in support of a petition for assistance? Should the Commission oversee expenditures by intervenors? If so, how?

In our judgment, these, and other related generic policy questions, shoud be explored in a rulemaking proceeding where a broad spectrum of views can be presented, thereby facilitating meaningful public participation in the process of addressing significant regulatory questions. In addition, the regulatory functions of this Commission will be transferred to the new Nuclear Regulatory Commission on or before February 8, 1975. In our view, resolution of these major policy questions—having far-reaching ramifications for the future—should appropriately rest with the membership of the new Commission.

In order to focus the rulemaking comments, and to help development of the issues which have thus far not been briefed, we shall direct the conduct of an examination and the issuance of a report by persons other than Commission employees. It is our intention that the examination be conducted and the report be issued expeditiously so as to serve as a basis for the comments in the rulemaking proceeding. This report shall be made a part of the public record. An appropriate notice of rulemaking will be published in the FEDERAL REGISTER promptly on issuance of the report. Whether or not any rule should be promulgated is, of course, a question for decision by the new Nuclear Regulatory Commission, after review of the report and the rulemaking record.

THE INSTANT PETITIONS

The instant petitions seek advance Commission assistance for future participation in separate licensing proceedings. West Michigan Environmental Action Council also seeks advance assistance for its participation in the generic proceedings regarding mixed-oxide fuel (WASH–1327) and in a related proceeding concerning radiation protection standards for "hot particles" (Docket No. PRM–20–5).

Payment in advance would reverse the procedure long followed by the courts in awarding costs and, in narrow classes of cases, attorneys' fees. Such awards are made only after trial, when all of the circumstances of record can be assessed. We think the same approach should govern here—pending the outcome of the rulemaking in which this issue will be reexamined. For present purposes, therefore, requests for payment should be considered following entry of a final agency order in the particular adjudications.[*] The pending petitions are, accordingly, denied as premature.

It is so ordered.

Dated at Germantown, Maryland this 20th day of November 1974.

GORDON M. GRANT,
Assistant Secretary of the Commission.

[*] It may be argued that public funds should never be used to finance essentially private litigation. Although many intervenors style themselves as champions of the "public interest," they have mandates beyond their own memberships, which are frequently quite limited. While it can be contended that the "public interest" in this context lies in the presentation of diverse viewpoints from which a better substantive result may, hopefully, emerge, the fact remains that intervenors are not necessarily identified with that result, and that they are largely unaccountable for the positions they espouse.

[*] We note in this connection that the Conference Committee statement quoted above spoke in terms of "reimbursement" of costs, suggesting the conferees' expectation that payment would follow an intervenor's demonstrated contribution. The West Michigan Environmental Action Council also seeks reimbursement for expenses already incurred in the *Big Rock Point* proceeding. We believe that any new standards that may be adopted in this area as a result of the coming rulemaking should not be applied retroactively to expenses incurred prior to the date of this decision. See *Consumers Power Co.* (Midland Plant), RAI–74–1, p. 27. Intervenors like West Michigan have incurred expenses in the past with no expectation of assistance from this Commission. Retroactive application of new standards would, therefore, have a windfall effect with no substantial corresponding benefit to the public interest.

[FR Doc.74–27559 Filed 11–25–74;8:45 am]

MANAGEMENT OF COMMERCIAL HIGH LEVEL AND TRANSURANIUM CONTAMINATED RADIOACTIVE WASTES

Supplemental Public Hearing Concerning Draft Environmental Statement

On Thursday, September 12, 1974, the Atomic Energy Commission (AEC) announced in the FEDERAL REGISTER (39 FR 32929) the issuance of a draft environmental impact statement, "Management of Commercial High-Level and Transuranium-Contaminated Radioactive Wastes," WASH–1539. That notice also requested that comments on the draft statement be sent to the AEC by October 28, 1974, and announced that a public hearing would be conducted in connection with the draft statement in Germantown, Maryland, starting on November 12, 1974.

Due to a number of requests from commentors and hearing participants, the AEC hereby gives notice of further proceedings in order to afford further opportunity for public participation in the assessment of environmental impacts and in the AEC's determination of the appropriate course to follow in this program.

Additional comments on the draft statement are requested from interested individuals, organizations and governmental agencies and the period for receipt of comments is hereby extended until December 12, 1974. Comments received by close of business on that date will receive careful consideration in the preparation of the final environmental impact statement. Comments may be sent to the Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C. 20545 or submitted at the hearing mentioned hereafter. Single copies of the draft statement may be obtained from the same address.

As comments are received, copies will be available for inspection at the AEC Public Document Room, 1717 H Street, NW., Washington, D.C.; the Richland Operations Office, Federal Building, Richland, Washington; the Idaho Operations Office, 550 Second Street, Idaho Falls, Idaho; the Nevada Operations Office, Las Vegas, Nevada; the Savannah River Operations Office, Savannah River Plant, Aiken, South Carolina; the San Francisco Operations Office, 1333 Broadway, Oakland, California; and the Cook County Law Library, 2900 Civic Center, Chicago, Illinois. Copies of the draft statements, comments received to date and the record of the hearing held November 12 at Germantown, Maryland, are also available for inspection at these locations.

The AEC will conduct a supplementary public hearing in connection with the draft environmental impact statement, "Management of Commercial High-Level and Transuranium-Contaminated Radioactive Wastes," starting at 10 a.m. on December 12, 1974, at the Ramada Inn, 999 South Main Street, Salt Lake City, Utah.

The public hearing will be legislative rather than adjudicatory in nature. Formal discovery, subpoena of witnesses, cross-examination of witnesses and similar formal procedures appropriate to a trial-type hearing will not be provided. The hearing will be conducted by the same Presiding Board that conducted the November 12 hearing, composed of Professor George T. Frampton, Chairman, and Dr. Thomas Franklin Parkinson and Mr. Joseph Coates, members. Procedures to be followed in the hearing, which will be the same as those of the previous hearing, are as follows:

Persons, organizations of governmental agencies are encouraged to become full participants in the proceeding by filing with the Secretary of the Commission not later than the close of business on December 5, 1974, a notice of intention to participate. The notice shall set forth: (1) the name and address of the participant; (2) the nature of the participant's interest in the proceeding, or his organizational affiliation; (3) the text of any statements to be presented at the hearing, or a reasonably detailed summary thereof; (4) the names and addresses of all witnesses to be produced at the hearing by the participant and a summary of the substance of the proposed testimony; and (5) the amount of time desired to complete the presentation. The Presiding Board will endeavor to schedule the full amount of time requested by full participants (those who file a timely notice) subject to the imposition of such reasonable time limits as may be consistent with orderly procedures as will assure other full participants a meaningful opportunity to present their views.

Persons, organizations, or governmental agencies wishing to participate but who do not file a timely notice as specified herein, may notify the Secretary of the Commission before the hearing or the Presiding Board during the hearing of their desire to make a presentation. Such parties shall be admitted as "limited participants" and shall be heard at such times as the Presiding Board shall permit for a period of not more than fifteen (15) minutes each, unless the Presiding Board, in its discretion, allows additional time.

Participants at the November 12 hearing may also participate in the supplemental hearing. However, duplication presentations should be avoided.

Copies of notices of intention to participate will be made available for inspection by the public at the address listed above as soon after receipt by the AEC as practicable.

The Presiding Board may permit participants (a) in the course of their presentations, to request other participants, witnesses or AEC spokesmen to respond to specific questions, or (b) to submit written questions to the Presiding Board, which will, in its discretion, make provision for the answering of such questions as it deems appropriate.

Participants may, but need not, be represented by counsel. Participants and their counsel will reference and produce, on request of the Presiding Board, the documents on which they rely.

The AEC will make available appropriate witnesses to explain the background and purpose of the waste management program and the contents of the draft environmental statement and to respond to appropriate questions.

Two members of the Presiding Board will constitute a quorum, if one of the members is the Chairman.

Consistent with the full and true disclosure of the facts, duplicative redundant, irrelevant, or otherwise unproductive testimony will not be permitted and the Presiding Board will impose suitable restrictions to that end. The Presiding Board is authorized to take appropriate action to control the course of the hearing, including authority to maintain order; rule on offers of, and receive, evidence; dispose of procedural requests or similar matters; allocate among participants the time available for presentations; provide for consolidation of presentations as appropriate; examine witnesses; and hold conferences before or during the hearing for the purpose of delineating contested issues or for other purposes within the authority of the Presiding Board.

A transcript of the hearing will be made and a copy of the transcript together with copies of all documents presented at the hearing, will constitute the record of the hearing. The record will be placed in the Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C., and at the other locations listed above where it will be available for inspection by members of the public.

After the conclusion of the hearing, the Presiding Board, without rendering any decision or making any recommendations, will forward the record of the hearing to the Commission together with its identification of issues raised at the hearing. These documents will be considered by the AEC staff in the preparation of the final impact statement and by the Commission in its determinations concerning the future of the program for management of commercial high-level and transuranium-contaminated radioactive wastes.

Dated at Germantown, Maryland, this 22d day of November 1974.

JOHN C. RYAN,
General Manager.

[FR Doc.74–27732 Filed 11–25–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25280; Order 74–11–84]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority November 19, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement as set forth below names four additional specific commodity rates reflecting reductions from general cargo rates, and were adopted pursuant to an unprotested notice to the carriers and promulgated in an IATA letter dated November 4, 1974.

Agreement C.A.B.	Specific commodity Item No.	Description and rate
24780:		
R–1	1204	Leather, Tanned, Dyed, Finished or Semifinished [1] 111 cents per kg., minimum weight 500 kgs. From Beirut to New York.
R–2	1231	Handbags, Pocketbooks, Wallets, Purses, 100 cents per kg., minimum weight 500 kgs. From Beirut to New York.
R–3	9903	Removal of Household Goods and Personal Effects [1] 111 cents per kg., minimum weight 500 kgs. From Beirut to New York.
R–4	9995	Personal Effects, Consisting of Wearing Apparel [1] 205 cents per kg., minimum weight 45 kgs. From Beirut to New York.

[1] See tariffs for complete commodity item descriptions.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.50, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, It is ordered, That:

Agreement C.A.B. 24780, R–1 through R–4, be and hereby is approved, provided that approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–27509 Filed 11–25–74;8:45 am]

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[Docket No. 25280, etc.; Order 74-11-95]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Currency Matters Over and Within the North/Central Pacific

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of November 1974.

In the matter of agreements adopted by the International Air Transport Association relating to currency matters over and within the North/Central Pacific. Dockets 25280, 25513, 26494; Agreement C.A.B. 24008, R-15; Agreement C.A.B. 24024, R-5; Agreement C.A.B. 24233, R-6; Agreement C.A.B. 24265, R-5; Agreement C.A.B. 24713.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreement, proposed for effectiveness November 1, 1974, was adopted at the Composite Traffic Conference in San Diego during September, 1974.

The agreement would increase all passenger fares and cargo rates stated in Japanese yen by a uniform four percent as a result of the recent depreciation of the yen *vis-a-vis* other currencies, including the U.S. dollar.[1]

There are currently in effect IATA resolutions which impose a three percent surcharge on U.S.-originating North/Central Pacific passenger fares and cargo rates, similar to that now proposed for transportation originating in Japan. The three percent surcharge was adopted as a consequence of the U.S. dollar devaluation of February 13, 1973, and reflected the weakening of the dollar relative to the yen and other currencies. The situation is now reversed, the dollar having closely approached its predevaluation parity, and the carriers conclude that an adjustment in yen fares is necessary.

The Board concludes that the recent depreciation of the yen warrants an increase in yen fares, and will approve the subject agreement. However, we are also of the opinion that the circumstances which justify the adjustment in yen fares likewise require that the surcharge on fares for U.S. originations be removed. The predevaluation yen/dollar parity was 307.98 yen=$1.00, and the current exchange rate is 298.78 yen=$1.00, only three percent below the previous parity. This comparison indicates that the dollar's value relative to the yen is approximately equal to that existing before devaluation, and that the surcharge on U.S.-originating transportation is not now warranted.[2] For this reason, the Board will withdraw its previous approval of Resolutions 022g and 022p, the respective surcharge resolutions for passenger fares and cargo rates in the North/Central Pacific.[3]

The Board approved the surcharge primarily on the basis of justification submitted by Japan Air Lines Company, Ltd. (JAL), the largest foreign-flag carrier in the North/Central Pacific market. The Board recognized that, when a currency depreciates, some compensating upward adjustment in fares and rates quoted in that currency is necessary, although the result is generally some over-compensation for U.S. carriers and under-compensation for foreign carriers. Data provided by JAL in support of the surcharges indicated that, in its U.S. passenger operations, its annual devaluation-related losses amounted to $3.678 million as compared with $2.291 million flowing from the surcharge. Similarly, JAL's loss in U.S. cargo operations was estimated at $603,000, against additional revenue of only $541,000.[4]

At the present time, however, JAL is receiving a significant windfall from the three percent surcharge in its U.S.-North/Central Pacific passenger and cargo operations, which produce a profit of $32.275 million annually. At the predevaluation rate quoted by JAL of 301.96 yen=$1.00[5] this would have amounted to 9745.8 million yen, while at the current exchange rate of 298.78 yen=$1.00,[6] it amounts to 9643.1 million yen. The net 102.7 million yen loss to JAL would require $340,000 in offsetting revenue at current conversion rates. However, by JAL's own estimates the present surcharges produces over $2.8 million annually.

We also note that the U.S. dollar has appreciated against the Hong Kong and Taiwan dollars, the other major hard currencies in the Far East, since adoption of the surcharge resolutions. In any event, review of passenger data published by the Immigration and Naturalization Service for calendar 1973, the latest reported 12-month period indicates that over 70 percent of U.S.-Far East traffic originates at or is destined for Japan, where the local currency has declined most in value relative to the dollar. Inclusion of traffic to/from Hong King and Taiwan cumulate to 85 percent of Pacific traffic.[7] Currency-related surcharges on eastbound transportation to U.S. points are now in effect from other, soft-currency countries of the Far East, and would not be affected by our instant action.

For all the reasons detailed above, the Board concludes that the surcharges on U.S.-originating North/Central Pacific transportation are no longer justified, and accordingly will be disapproved.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, makes the following findings:

1. It is not found that Resolution JT123 Reso. 3893 (Increase in Japanese yen local currency fares and rates), incorporated in Agreement C.A.B. 24713, is adverse to the public interest or in violation of the Act;

2. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act to the extent they apply to air transportation from U.S. points:

Agreement C.A.B.	IATA No.	Title	Application
24024: R-5	022g	North and Central Pacific Special Rules for Sales of Passenger Air Transportation.	3/1
24265: R-5		JT31(Mail 255)022p JT123(Mail 719)022p	

3. It is found that the following resolutions, incorporated in the agreements indicated, are adverse to the public interest and in violation of the Act to the extent they apply to air transportation from all U.S. territories within the Pacific except American Samoa:

Agreement C.A.B.	IATA No.	Title	Application
24008: R-15	022a	Special Rules for Sales of Cargo Air Transportation	3
24233: R-6	022e	TC3 Special Rules for Sales of Passenger Air Transportation	3

[1] Although IATA transpacific fares and rates are specified in U.S. dollars, Resolutions 021f, 021L and 021LL require payment in the currency of the country of origin, in this case Japanese yen, or an equivalent amount in other currencies converted at current banker's exchange rates.

[2] It could be argued that, by the same token, re-emergence of the predevaluation yen/dollar parity does not justify a surcharge on yen fares either. However, the second-round fuel-related increase in North/Central Pacific passenger fares was limited to three percent to/from Japan because of the currency situation at that time, while other fares were subjected to a seven percent increase. Thus, the present four percent increase in yen fares does no more than realign yen fares with the general level of Pacific fares based on current exchange relationships.
Australia/Pacific).

[3] We will take similar action with respect to surcharges now applicable from Guam to other points in Traffic Conference 3 (Asia/

[4] Order 73-12-84, December 20, 1973; Order 74-6-93, June 19, 1974.

[5] Monthly average of the official rate of exchange from January 1, 1972 through February 12, 1973.

[6] October 17 bank transfer rate. Source: *Wall Street Journal*, October 18, 1974.

[7] Although comparable data are not available for cargo over the Pacific, there is no reason to believe these relationships would differ substantially.

Accordingly, it is ordered, That:

1. Agreement C.A.B. 24713 be and hereby is approved;

2. Those portions of Agreements C.A.B. 24024, 24265, 24008 and 24233 set forth in finding paragraphs 2 and 3 above be and hereby are disapproved; and

3. All carriers providing North/Central Pacific service from U.S. points are hereby directed to revise their tariffs to remove the three percent surcharge on U.S.-originating passenger fares and cargo rates not later than November 25, 1974.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27511 Filed 11-25-74;8:45 am]

[Docket 19693, etc.; Order 74-11-120]

FRONTIER AIRLINES, INC.

Exemption and Certificate Amendment

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of November, 1974.

Application of Frontier Airlines, Inc., for extension and renewal of exemption authorizing service between Bismarck/Minot, N. Dak., and Winnipeg, Manitoba, Canada—docket 19693.

Application of Frontier Airlines, Inc., for amendment of its certificate of public convenience and necessity for route 73—docket 19018.

By order E-26988, June 27, 1968, Frontier Airlines, Inc. (Frontier), was authorized to provide two daily round trips in foreign air transportation between Bismarck and Minot, N. Dak., on the one hand, and Winnipeg, Manitoba, Canada, on the other, on a subsidy-ineligible basis, for a period of 2 years. The service proposed was two daily Convair 580 round-trip flights, one operating direct from Bismarck to Winnipeg and return and the other from Minot to Winnipeg and return. The flights between Minot and Winnipeg were to proceed beyond Minot to Great Falls, Mont., and the Bismarck flights were to extend beyond Bismarck to Denver. However, service was not inaugurated because Canadian authorization was not received by the carrier.

On March 16, 1970, Frontier filed an application for renewal of its exemption authority.[1] The carrier relied on the automatic extension provisions of section 9 (b) of the Administrative Procedure Act (now 5 U.S.C. 558(c)). Since the Board has not heretofore acted on the renewal request, the Bismarck/Minot-Winnipeg exemption authority has continued in effect.

In May 1974, the United States and Canada signed a new bilateral agreement which included an amended route schedule to the air transport agreement, containing, *inter alia*, a new Bismarck/Minot-Winnipeg route. Subsequently, by airport notice filed in June, Frontier indicated its intention to begin service to Winnipeg effective July 1. The carrier presenty utilizes B-737 jet aircraft on one round trip daily over a Phoenix/Las Vegas-Denver-Bismarck-Winnipeg routing.[2]

Since Frontier has now received authorization from the Canadian Government to provide the services permitted by the original exemption order issued in 1968, we believe it is now appropriate to consider the renewal request on the merits.

In support of its application for renewal, Frontier stated that the Board's prior findings of public interest and qualifications of the applicant for exemption authority were more applicable in 1970 than they were in 1968; that more community-of-interest elements between Frontier points and Winnipeg existed than were in evidence in 1968; that normal growth of traffic since 1968 revealed a greater public need and promised additional revenues to be derived by Frontier from the route; and that the exemption authority should not be permitted to lapse, while negotiations between the United States and Canada were underway.

The Denver Chamber of Commerce filed an answer in support of Frontier's renewal request. Northwest Airlines filed an answer in opposition, contending that renewal in view of the refusal of the Canadian Government to permit the service would be an empty gesture and serve only to embarrass the Executive Branch in the bilateral negotiations; and that Frontier would not realize the operating profit it originally forecast.

Frontier filed a reply to Northwest's answer, stating that Northwest had made no allegation that its operations would be adversely affected by the extension of Frontier's existing exemption authority; that Northwest had not applied to serve any of the markets at issue; that Frontier was not permitted to serve Winnipeg by the Canadian authorities because the proposed route did not qualify as a transborder operation under the terms of the 1966 bilateral; and that changes in its route authority since 1968 would result in traffic increases which would more than offset any loss of traffic alluded to by Northwest.

Upon consideration of the pleadings and all the relevant facts, we have decided (a) to extend the authority granted in order E-26988 until 60 days after Board action on the carrier's certificate amendment application in docket 19018, and (b) to issue an order to show cause which proposes to grant the requested amendment to route 73. In view of the new United States-Canada bilateral agreement signed in May, which provides for a Bismarck/Minot-Winnipeg route to be operated by a U.S. carrier, we believe that Frontier should be given the opportunity to provide the service which we authorized in 1968. We find, on reviewing the matter, that our findings in order E-26988 are still valid; that significant public benefits should arise from implementation of the exemption authority we are granting herein; that no diversion from any other carrier should result; and that the grant of the authority requested would be in the public interest. Accordingly, we find that enforcement of section 401 of the Act, to the extent that it would otherwise prevent the carrier from providing not more than two daily round trips between Bismarck and Minot, on the one hand, and Winnipeg, Manitoba, Canada, on the other hand, on route 73, would be an undue burden on the carrier by reason of the limited extent of, and unusual circumstances affecting, its operations and is not in the public interest.

In addition, we tentatively find and conclude that the public convenience and necessity require the amendment of Frontier's certificate for route 73 so as to add a new segment thereto between the coterminal points Bismarck and Minot, N. Dak., and the terminal point Winnipeg, Manitoba, Canada. In support of our ultimate determination, we make the following tentative findings and conclusions. The new bilateral agreement between the United States and Canada provides for service to Winnipeg from Bismarck and Minot. The authority requested involves simply the extension of Frontier's existing Bismarck/Minot services to Winnipeg,[3] thus requiring only a limited expenditure of additional resources.[4] Further, no other carrier has applied for the same or equivalent authority. Finally, the grant of Frontier's application will permit the carrier to provide improved service to the traveling public, while providing increased revenue for Frontier, without an adverse impact on any other carrier.[5]

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not

[1] The carrier has on file a certificate amendment application in docket 19018 for similar authority. That application is still pending.

[2] Northwest Airlines is the only other U.S. carrier presently serving Winnipeg. It provides four daily round trips between Winnipeg and Minneapolis and 3½ round trips between Winnipeg and Chicago.

[3] Frontier has been designated, pursuant to the Canadian bilateral (May 8, 1974), to perform the services requested herein.

[4] We further tentatively find that Frontier is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation pursuant to the amended certificate proposed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder. We also tentatively find that the proposed new authority should be granted on a subsidy-ineligible basis.

[5] We note that Northwest raised certain objections to Frontier's renewal request that are no longer valid due to the passage of time and the signing of the bilateral agreement with Canada. It is our view that the show-cause procedure will permit Northwest to present any objections it may still have to the amendment of Frontier's certificate as proposed herein.

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be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If any evidentiary hearing is requested, the objector should state in detail what he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. Frontier Airlines, Inc., be and it hereby is exempted from the provisions of section 401 of the Act insofar as they would otherwise prevent Frontier from providing not more than two daily round trips in foreign air transportation between Bismarck and Minot, N. Dak., on the one hand, and Winnipeg, Manitoba, Canada, on the other;

2. The portion of the flights between Bismarck and Minot, on the one hand, and Winnipeg, on the other, shall be subsidy ineligible;

3. The authority granted in 1 above shall be effective until 60 days after final decision in docket 19018;

4. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and amending Frontier's certificate of public convenience and necessity for route 73 so as to add a new segment between the coterminal points Bismarck and Minot, N. Dak., and the terminal point Winnipeg, Manitoba, Canada;

5. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendment set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 8 below a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [6]

6. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

7. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

8. A copy of this order shall be served on Frontier Airlines; North Central Airlines; Northwest Airlines; Mayor, City of Minot; Mayor, City of Bismarck; and Governor, State of North Dakota; and

9. This order may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27643 Filed 11-25-74;8:45 am]

[Docket No. 26494; Order 74-11-102]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fares

Issued under delegated authority November 20, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted at the 1974 San Diego Composite Passenger Traffic Conference, have been assigned the C.A.B. agreement numbers listed below.

The agreements would amend an existing resolution governing the meeting of non-IATA practices in the North/Central Pacific market to permit any one IATA carrier, rather than the two required formerly, to alter an IATA practice to match non-IATA competition. Notice to members would be permitted by cable rather than by written notice, the protest period would be shortened from 21 to 7 days and the effective date moved from 60 to 40 days after notice. In the event that a proposed practice is protested and the carriers are unable to resolve their differences by unanimous agreement at a special meeting convened for that purpose, the agreement would permit any member to rescind the North/Central Pacific fare structure effective 30 days after termination of that meeting. Additionally, the agreements would establish a new escape procedure whereby should the carriers be unable to resolve disputes over proration of special proportional fares used to construct certain through promotional fares between the South West Pacific and the Western Hemisphere, any carrier may request convening of a special meeting within ten days after notice. In the absence of agreement at such meeting, the special proportional fares would cease to be effective March 31, 1975. Finally, the agreements would formalize provisions governing a promotional excursion fare between the South West Pacific and South America earlier established by a special construction resolution [1] and extends its maximum stay period to 35 days. We will approve the agreements since for the most part they merely clarify or establish procedural practices within the IATA conference framework.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act:

[1] See Orders 74-8-26 (August 7, 1974) and 74-10-139 (October 29, 1974) amending.

Agreement CAB	IATA No.	Title	Application
24763	115j	Meeting Non-IATA Competition (JT3I North and Central Pacific) (Expedited) (Amending).	3/1
24779: R-1	00thh	Escape Resolution for JT3I (South Pacific) Special Proportional Fares (Expedited) (New).	3/1

2. It is not found that the following resolution, incorporated in Agreement C.A.B. 24779 and which has indirect application in air transportation as defined by the Act, is adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24779: R-2	070dd	South Pacific 35 Day Excursion Fares (Via Papeete) (Expedited) (New).	3/1

Accordingly, it is ordered, That:

Agreement C.A.B. 24763 and 24779, R-1 and R-2 be and hereby are approved.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27640 Filed 11-25-74;8:45 am]

[6] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Dockets Nos. 25286, 26494; Order 74-11-118]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Passenger Fares and Currency Matters

Issued under delegated authority November 21, 1974.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, adopted at the 1974 San Diego Composite Passenger Traffic Conference or by mail vote, have been assigned the C.A.B. agreement numbers listed below.

The agreements would amend first, economy and creative fares within Africa to reflect increases to existing fares or addition of new fares; increase by amounts averaging 33 percent proportional fares used for construction of fares between points in Japan and points in the Western Hemisphere; increase first and economy class proportional fares from Japan to Europe/Middle East/Africa; amend proportional fares from Korean points to reflect construction over Seoul rather than over Tokyo; specify fares between Nandi and Lima/Santiago under an existing resolution governing South Pacific 28 day excursion fares; increase all fares to Europe/Middle East/Africa from Scandinavian points and from Bulgaria; and increase to 34.89 percent and 18 percent,[1] the respective surcharges on sales of passenger air transportation originating in Iceland and Italy to Asia and the Pacific and Europe/Middle East/Africa, as well as increase to 18 percent the surcharge on cargo air transportation originating in Italy to all world areas including the United States as a consequence of the recent devaluation of the Italian lira. We will approve those changes which have direct or indirect application in air transportation as defined by the Act and will disclaim jurisdiction on the remainder.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14:

1. It is not found that the following resolutions, incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject where applicable to conditions previously imposed by the Board:

Agreement CAB	IATA No.	Title	Application
24761: R-1	056	North and Central Pacific First Class Fares (Expedited) (Amending).	3/1
R-2	066	North and Central Pacific Economy Class Fares (Expedited) (Amending).	3/1
R-3	070u	North and Central Pacific 21 Day Excursion Fares (Expedited) (Amending).	3/1
R-4	076j	North and Central Pacific Own Use and Affinity Group Fares (Expedited) (Amending).	3/1
R-5	083c	North and Central Pacific 25 Day Individual Inclusive Tour Fares (Expedited) (Amending).	3/1
R-6	084b	North and Central Pacific Group Inclusive Tour Fares (Expedited) (Amending).	3/1
24762: R-1	022f	JT23/123 Special Rules for Sales of Passenger Air Transportation (Expedited) (Amending).	2/3
R-2	022f	JT23/123 Special Rules for Sales of Passenger Air Transportation (Expedited) (Amending).	1/2/3
24781: R-2		JT12 (Mail 555)022j	
R-3		JT12(Mail 885)022k	
R-4		JT12(Mail 855)022L	
R-5		JT23(Mail 351)022b JT123(Mail 742)022b	

2. It is not found that the following resolutions, incorporated in the agreements as indicated and which have indirect application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24759: R-1	052	TC2 First Class Fares (Within Africa) (Expedited) (Amending)	2
R-2	062	TC2 Economy Class Fares (Within Africa) (Expedited) (Amending)	2
24761: R-7	070b	South Pacific 28 Day Excursion Fares (Expedited) (Amending)	3/1
24762: R-3	056	JT23 First Class Fares (Expedited) (Amending)	2/3
R-4	065	JT23 Economy Class Fares (Expedited) (Amending)	2/3
R-5	038	First Class Polar Fares (Expedited) (Amending)	1/2/3
R-6	068	Economy Class Polar Fares (Expedited) (Amending)	1/2/3
R-7	069	First Class Fares TC2-TC3 (Asia) via TC1 (Except Polar) (Expedited) (Amending).	1/2/3
R-8	069	Economy Class Fares TC2-TC3 (Asia) via TC1 (Except Polar) (Expedited) (Amending).	1/2/3
24764: R-1	005rr	Increase in fares to/from Denmark, Norway, and Sweden (Expedited) (New).	2
R-2	005yy	Increase in Fares to/from Bulgaria (Expedited) (New)	2
R-3	022d	TC2 Special Rules Relating to Sales of Passenger Air Transportation (Expedited) (Amending).	2
R-4	062	TC2 First Class Fares (Africa) (Expedited) (Amending)	2
R-5	062	TC2 Economy Class Fares (Africa) (Expedited) (Amending)	2
24781: R-1		200 (Mail 225)022m	

3. It is not found that the following resolutions, incorporated in Agreement C.A.B. 24764, affect air transportation within the meaning of the Act:

Agreement CAB	IATA No.	Title	Application
24764: R-6	072bI	TC2 Creative Fares Except Europe (Expedited) (Amending)	2
R-7	072bII	do	2

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 24759, 24761, 24762, 24764, and 24781 set forth in finding paragraphs 1 and 2 above be and hereby are approved; and

2. Jurisdiction be and hereby is disclaimed with respect to those portions of Agreement C.A.B. 24764 set forth in finding paragraph 3 above.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-27641 Filed 11-25-74;8:45 am]

[1] The present surcharges are 5.66 percent and 12 percent respectively.

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[Docket No. 27181]

SERVICE TO STOCKTON CASE

Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 7, 1975, at 10 a.m. (local time) in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Greer M. Murphy.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before December 13, 1974, and the other parties on or before December 27, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., November 21, 1974.

[SEAL] ROBERT L. PARK,
Chief Administrative Law Judge.

[FR Doc.74-27642 Filed 11-25-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 292-2]

PESTICIDE PRODUCTS CONTAINING HEPTACHLOR OR CHLORDANE

Intent To Cancel Registrations

On March 18, 1971, the Administrator of this Agency announced that active internal review was being initiated on a number of pesticide products, including those containing chlordane and heptachlor. As the result of such review and for the reasons set forth in the attached statement of reasons, I find that the continued registration and use of these pesticides appear to pose substantial questions of safety amounting to an unreasonable risk to man and the environment. I therefore serve and file this notice of intent, together with the attached statement of reasons, to cancel all registered uses of heptachlor and chlordane within thirty (30) days, pursuant to section 6 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, (86 Stat. 973, 7 U.S.C. 136d), with the exception of the use of heptachlor or chlordane through subsurface ground insertion for termite control and the dipping of roots or tops of nonfood plants. Any affected party may contest this action by requesting a hearing on specific registered uses on or before December 26, 1974. Requests for hearings should be submitted to the Agency's hearing clerk at the following address:

Mrs. Betty J. Billings
Hearing Clerk
U.S. Environmental Protection Agency
Room 1019, Waterside Mall—East Tower
401 M Street, SW.
Washington, D.C. 20460

The proposed cancellation shall become final and effective thirty (30) days from the date of this notice as to those registered uses for which a hearing is not requested by any affected party. The proposed cancellation shall not take effect regarding any registered use for which a hearing is requested until the hearing has been completed, unless there is a concurrence from all parties to the proceeding. The Agency reserves the opportunity to present evidence on any registered use affected by this order regardless of whether or not a hearing has been requested on that use, or whether or not such use is to be actively defended in the hearings.

Dated: November 18, 1974.

RUSSELL E. TRAIN,
Administrator.

STATEMENT OF REASONS: HEPTACHLOR AND CHLORDANE

I. LEGAL AUTHORITY

Section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 135 et seq) as amended (7 U.S.C. 136a(c)(5)(D)) authorizes the Administrator of the Environmental Protection Agency (or his designee) to issue a notice of intent to cancel the registration of a pesticide or to hold a hearing "[i]f it appears to the Administrator that a pesticide or its labeling * * * does not comply with the provisions of this act or, when used in accordance with widespread and commonly recognized practice, generally causes unreasonable adverse effects on the environment * * *." The phrase "unreasonable adverse effects on the environment" is defined in section 3 of the Act (7 U.S.C. 136(bb)) as "any unreasonable risk to man or the environment taking into account the economic, social, and environmental costs and benefits of any pesticide."

The Act also prohibits the sale of pesticides which are misbranded. A product is considered misbranded if the label does not contain directions for use and a warning or caution statement which are necessary and if complied with are adequate to protect health and the environment. (7 U.S.C. 136(a)(1)(F) and (G).)

II. CHEMISTRY OF HEPTACHLOR AND CHLORDANE

Heptachlor and chlordane are chlorinated hydrocarbon insecticides, and have a chemical structure which is similar to that of Aldrin and Dieldrin. Both pesticides consist of a complex mixture of compounds whose ratios in the final technical product have been standardized. Technical heptachlor consists primarily of pure heptachlor (70–73 percent), gamma-chlordane (20–23 percent), nonachlor (4.5–5 percent), and small amounts of both the initial reactant (hexachlorocyclopentadiene) and chlorene. Technical chlordane consists primarily of approximately equal amounts of alpha-chlordane and gamma-chlordane (total: 43±5 percent), pure heptachlor (10±3 percent), nonachlor (8±3 percent), chlordene isomers (21±4 percent), and a number of other compounds in varying lesser amounts.

Both heptachlor and chlordane form toxic metabolites (including heptachlor epoxide, chlordene epoxide and oxychlordane) which are found in the urine and feces of mammals. Chlordene epoxide may also be formed by soil organisms. In addition, a caged isomer more toxic to insects and fresh water animals than heptachlor has been shown to be formed on exposure of heptachlor to sunlight. Oxychlordane, a major metabolite of chlordane, found primarily in animals (including man), is formed very slowly in normal liver tissue. Its formation, moreover, is accelerated by the presence of compounds such as DDT, dieldrin, or heptabarbital.

III. USES

Heptachlor and chlordane have been used extensively in the United States since the 1950's. In 1971, 70 percent of the approximately one million pounds of heptachlor used in U.S. agriculture was as a soil treatment for a wide variety of crops. Its primary use was on corn but also included vegetables, cereals, forage crops, seed crops, and seed treatments. The remaining 30 percent was used for the protection of commercial and residential structures against termites and for a variety of nursery, lawn, and garden applications, and for foliar application to ditch banks, roadsides and vacant fields. Total use of heptachlor more than tripled in 1972, of which over 1.7 million pounds was used for termites and structural pest control alone, and 1.6 million pounds was used on agricultural crops. It is estimated that the use of heptachlor on corn alone could increase to 3 million pounds in 1975.

Chlordane is used in much greater quantities than heptachlor, and is one of the most widely used household and garden pesticides. The quantity used has increased from approximately 11 million pounds in 1971 to between 15–16 million pounds in 1972. About 60 percent of the 1972 volume was used for termite control and other household and commercial applications, including crabgrass control, use on shade trees and ornamentals, and treatment of indoor pests. An additional 6.5 million pounds were applied to corn, grain, fiber and forage crops, and a variety of fruits and vegetables. Chlordane is also used as a seed treatment and in summer months is applied directly to water in sewage treatment plants for control of *Psychoda* larvae.

IV. ALTERNATIVE PESTICIDES

There are alternative pesticides registered for virtually all of the registered uses of both heptachlor and chlordane. As registered alternatives, these pesticides should be effective although there may be geographical areas or special situations where this is not true. Many of these substitutes may be more expensive than heptachlor and chlordane. In addition, most are less persistent, although persistence is frequently not a critical factor in terms of efficacy. In the case of subsurface termite control, however, persistence is critical. Aldrin and dieldrin are the principal other persistent pesticides presently registered for subsurface application for termite control. These uses of aldrin and dieldrin were not included in the recent suspension order of the Administrator nor in the cancellation action now pending.

Although some alternatives may be more acutely toxic than heptachlor and chlordane, hazards to applicators may be minimized by adherence to labeling instructions and other regulations, with the benefit of eliminating the chronic effects of heptachlor and chlordane.

We do not now have information on the usefulness of nonchemical control methods for each of the registered uses of chlordane and heptachlor but these methods should be thoroughly explored in the hearing.

V. TOXICITY

Heptachlor and chlordane are chlorinated hydrocarbon pesticides which are broad spectrum pesticides and are toxic to nontarget organisms as well as to insect pests. Reductions in bird populations following application of heptachlor to an area have been reported frequently. It is difficult, however, to determine what impact these toxicities have on species populations, as opposed to individual fish or wildlife or specific local populations.

Heptachlor and chlordane have demonstrated toxic effects which may have significant adverse effects on human health. Heptachlor and its metabolite, heptachlor epoxide, have been found to increase significantly the incidence of liver tumors including carcinomas in one strain of mouse (C3Heb/Fe/J) at a single feeding level of 10 ppm. The majority of these tumors were originally reported as benign. On the basis of the original reported experiment the Carcinogenicity Panel of the HEW Secretary's Commission on Pesticides and their Relationship to Environmental Health judged heptachlor epoxide "positive for tumor induction on the basis of tests conducted adequately in one or more species, the results being significant at the 0.01 level." Subsequent analysis by pathologists revealed a high incidence of carcinomas in animals from the experiment (greater than 90 percent incidence in animals given heptachlor epoxide).

In addition a two-year feeding study of heptachlor expoxide to 225 CFN rats showed a significant increase in the number of animals with tumors at the 0.5 ppm feeding level, and for all test animals at all feeding levels (0.5 ppm to 10 ppm) when the groups were combined. The tumors were found primarily in the endocrine organs, but a substantial number of liver tumors were found in the treated animals while no liver tumors developed in the control group.

There is evidence of embryotoxicity on the part of both heptachlor and chlordane to some strains of rats or mice. Embryotoxicity is of particular importance since heptachlor epoxide residues have been detected in human fetuses and neonates. There is additional evidence in the literature indicting other toxic effects of a chronic nature attributable to heptachlor and chlordane. All such evidence should be further explored in the hearings.

Since technical [illegible]ordane generally contains 8 to 12 pe[illegible] heptachlor, all of the findings reporte[illegible]e for heptachlor and its metabolites [illegible]elevant to technical chlordane when [illegible]ted for the difference in concentra[illegible] Pure alpha and gamma chlordane [illegible]out heptachlor are not registered as a [illegible]-cide nor is the Agency aware of the [illegible]istence of adequate efficacy data satisfy registration requirements. Sufficient testing has not yet been completed or reported on highly purified chlordane to warrant a determination of the carcinogenicity of pure chlordane (without heptachlor).

VI. ENVIRONMENTAL CONTAMINATION AND PERSISTENCE

Heptachlor and chlordane, or their metabolites, are persistent in the environment long after use. Residues of heptachlor epoxide have been detected in soil samples for as long as ten years after application. Chlordane is even more persistent, with 18–20 percent of the originally applied dosage recoverable in soil ten years after application. In addition, heptachlor is quite volatile. Chlordane is also volatile, though somewhat less so than heptachlor. Chlordane vapors can penetrate packaging material and contaminate food in homes in which it is used.

Although we do not have data which can be considered representative of the ambient air nationally, limited sampling of sites selected for other purposes showed the presence of heptachlor, and to a very limited extent, chlordane. This indicates that air can be a source for human intake of these compounds.

As persistent compounds, heptachlor, chlordane, and their metabolites are subject to considerable movement from the site of actual application. Residues of both heptachlor and chlordane can be picked up from the soil and translocated to various parts of plants. Remnant residues are particularly significant in root crops such as carrots, potatoes, and beets. In addition, residues of chlordane were detected in alfalfa growth sampled at 2 months, 4 months, and 1 year after application to soil, at a dosage of 5 to 10 pounds actual chlordane per acre. One of the major residues found in alfalfa was oxychlordane (17 percent).

Although low in water solubility, their affinity for lipids and their ability to adhere to particulate matter make heptachlor and chlordane subject to bioaccumulation and transfer in the food chain, particularly in aquatic species. While heptachlor and chlordane would appear to be relatively immobile once they are bound to the soil, C_{14} labeled pesticides from treated fields east of Dallas, Texas, were monitored and later found to have been deposited by rain over Cincinnati, Ohio. The dust deposits contained 0.5 ppm chlordane. Treated soil is also subject to water erosion, ultimately leading to aquatic contamination, including contamination of phytoplankton and fish.

Chlorinated hydrocarbon pesticides have been detected in surface waters in concentrations of 10–150 ppt. Heptachlor concentrations in the Upper Mississippi and Missouri River Basins were all in the parts-per-trillion range and in many river basins of the country, ranged between 5–30 ppt. Heptachlor epoxide concentrations have ranged between 5–40 ppt.

Heptachlor, heptachlor epoxide and [illegible]hlordane residues have been found fre[illegible]ntly in fish, birds, and other wildlife. [illegible]achlor epoxide has been detected in birds at levels of 0.01–1.0 ppm. Chlordane residues in fish have generally been less than 0.5 ppm. Bluegill growth was reduced in heptachlor-treated ponds at a concentration in the water of 0.05 ppm. Heptachlor and heptachlor epoxide residues of 0.01–8.46 ppm were found in fish from the Great Lakes area.

Heptachlor epoxide has also been discovered in the tissues of several mammals, including pronghorn antelope (0.03 ppm), and mountain goats in South Dakota (0.12 ppm), which is indicative of its widespread distribution.

Heptachlor, heptachlor epoxide, and chlordane residues have also been found in food samples. Market basket samples for total diet studies were purchased from retail stores on a bi-monthly basis in five regions of the United States over a 6½ year period. Heptachlor epoxide was commonly found in the dairy, meat, fish and poultry components of the diet, with the residue levels ranging from trace (0.001 ppm) up to .03 ppm. The same surveys have indicated the presence of chlordane with first quarter 1974 levels being found at 0.01 to 0.3 ppm in significant percentages of cattle and poultry. The primary source of such residues in these products is probably the use of chlordane and heptachlor on feed crops like corn and alfalfa.

The most important aspect of the movement of heptachlor and chlordane in the environment is the presence of the metabolites of these pesticides in man. Human monitoring studies conducted in this country found concentrations of heptachlor epoxide in the adipose tissue in 96 percent of the 3451 hospital patients studied in 1970 (mean concentration: 0.08 ppm); 96 percent of the 3768 patients studied in 1971 (mean concentration: 0.08 ppm); and 93 percent of the 2854 patients studied in 1972 (mean concentration: 0.09 ppm). (Level of detection=0.01 ppm). Oxychlordane residues were detected in the adipose tissue of 97 percent of 3339 patients sampled in 1971 (mean concentration: 0.10 ppm), and 97 percent of 2707 patients sampled in 1972 (mean concentration: 0.11 ppm). (Level of detection=0.02 ppm). Residues of heptachlor epoxide in adipose tissues ranged as high as 2.68 ppm, while oxychlordane residues were as high as 1.61 ppm. Recent studies indicate that an additional chlordane metabolite, trans-

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nonachlor, may also be present in a very high percentage of humans.

Concentrations of heptachlor epoxide residues are found not only in adults, but in stillborn infants as well. The organs of 10 stillborn infants obtained in two Atlanta hospitals were found to contain an average of 0.54 ppm heptachlor epoxide. The highest levels were found in the heart, adrenal gland, and liver. The finding of residues in stillborn infants demonstrates that heptachlor epoxide is transferred from the mother to the infant across the placenta. In addition, 53 human milk samples collected in Philadelphia, and Center County, Pennsylvania, had an average concentration of heptachlor epoxide of 0.16 ppm (in milk fat) in a study reported in 1972. Three of the samples were in the 0.40 ppm to 0.49 ppm range.

These findings are disturbing since organisms that are exposed from the time of conception and then for the balance of their life are apt to be more responsive than those whose exposure begins after weaning. For this reason evidence that human fetuses are exposed across the placenta is considered especially significant even without quantitative evaluation. Similarly, levels in milk that may be the sole source of food for infants is of especial concern even though that level may not be continued after weaning. Quantification of the risk to man on the basis of a comparison between the levels of a carcinogen to which man is exposed and the levels which produced cancer in experimental animals is extremely difficult because of the number of factors which must be considered. In the case of heptachlor epoxide, experimental animals were dosed only by the oral route whereas man may be exposed by inhalation of air as well. The dosage to which animals are exposed are often in terms of concentrations in the feed (10 ppm and 0.5 ppm in experiments reported above). For a direct comparison of oral dosages, the concentration in feed (or man's food) must be multiplied by the volume of feed (or food) consumed per day to give the daily intake of the carcinogen. This must be further adjusted either for weight or size of the animal or man. Even such an adjustment is incomplete without some compensation for differences in metabolic rates. Both length of exposure (probably in terms of percentage of normal life span) and the age at which exposure is initiated must be considered. Additionally, an assumption must be made about the relative sensitivities of the experimental animals and man to the carcinogen in question. In the absence of data concerning the carcinogenicity of heptachlor epoxide to man, we must assume that the relative sensitivity of man to this effect is comparable or possibly greater than that of the experimental animals unless there is convincing evidence otherwise.

Thus even though it is impossible, because of all of the unquantified factors discussed above, to assign a numerical probability to the risk that heptachlor expoxide may produce cancer in humans, some generalized conclusions are possible. The presented evidence of measurable quantities entering man's body and further being transferred to fetuses in the uterus, indicates that humans are exposed to heptachlor epoxide from the moment of conception on throughout life. This is sufficient basis for grave concern for the possibility that humans, like the experimental mice and rats, may react to such exposure by producing malignant tumors.

VII. Economic Impacts of Cancellation

On the basis of present information, national macroeconomic effects from the cancellation of chlordane and heptachlor are estimated to be negligible. Overall national production, cost and price effects will be minor for all uses. However, some microeconomic effects in specific regional and local areas may occur for corn, particularly on land subject to black cutworm infestation. Some microeconomic effects are possible for citrus and strawberry uses. Certain specialty crops may also be impacted but this will need to be assessed in the hearing. For all remaining uses including hay and forage, tobacco, peanuts, vegetables, livestock, soybeans, cotton, potatoes, grapes and other fruits and vegetables, there is no indication of significant macro- or micro-economic impacts or dislocations.

VIII. Balance of Risks and Benefits

For the purposes of the following discussion, findings with regard to the risk of heptachlor must apply to registered chlordane products since chlordane as registered and used always includes heptachlor in substantial amounts.

A discussion of the risks associated with a pesticide under question as posing environmental or human health concerns must be based upon assessment of two interrelated factors: the toxicological characteristics of the compound, and the availability of the compound in environmental compartments which leads to exposure of man or of other organisms. Neither factor taken alone is sufficient to determine or estimate total risk. Evidence concerning risk will, then, be summarized in two parts: First, the effects of chlordane and heptachlor on man or other organisms; and second the levels of exposure which have been found to occur as a consequence of the use of these two products.

Concerning toxicity, heptachlor epoxide has been demonstrated to be carcinogenic in two species of laboratory animals: mice and rats at levels as low as 10 ppm and 0.5 ppm respectively. In the rat studies, several organs in addition to the liver, including the endocrine glands, showed increases in tumors. Both heptachlor and chlordane have significant toxicity for various species of wildlife, although it is difficult to determine what impact these toxicities have on species populations, as opposed to individual fish or wildlife or specific local populations.

With respect to exposure, available evidence indicates that both chlordane and heptachlor or their metabolites are present in water, dairy products, and other foods. Man's exposure to these compounds at significant levels is demonstrated by residues present in human milk, and the distribution of the compounds throughout the organs of stillborn fetuses. Analysis of autopsy and biopsy samples shows chlordane, heptachlor, and/or their metabolites at significant levels in human adipose tissue, further indicating intake and bioconcentration by man.

Available evidence of the costs of discontinuing the use of heptachlor and chlordane can be summarized as follows: Economic costs of pest control may rise but it is expected that the use of alternative means of pest control will allow continued control at costs which indicate no significant adverse macroeconomic effects. In certain geographical areas or for certain crops, microeconomic dislocations at the farm or county level might occur. The extent of this impact, if any, will need to be assessed further in the hearings.

IX. Conclusion

Weighing the risks presented by the continued use of heptachlor and chlordane against their benefits, it appears that they pose an unreasonable risk to man. Although these risks require further definition, a notice of intent to cancel these products should be issued in order that both the risks and the benefits may be more fully developed through the public hearing process. Public hearings should allow all pertinent evidence to be brought forth and examined so that a fully informed, indepth analysis of risks and benefits may be made, and appropriate remedies fashioned. Remedies to be considered at the hearings should include strengthening use restrictions, should any be appropriate, as well as removal of these products from the market for some or all uses.

Because heptachlor and chlordane have a very large number of uses, the Agency reserves the opportunity to present evidence on any registered use affected by this order regardless of whether or not a hearing has been requested on that use, or whether or not such use is to be actively defended in the hearings.

The only exceptions to the notice of intent to cancel are the use of chlordane and heptachlor for subsurface ground insertions for termite control and for the dipping of nonfood plants. These uses achieve the desired control of insects without apparent unreasonable environmental contamination.

A draft environmental impact statement concerning this intent to cancel certain products containing heptachlor and chlordane is being prepared and will be available in approximately 60 days.

An Order concerning intrastate products containing heptachlor and chlordane is also being issued today.

Dated: November 18, 1974.

Russell E. Train,
Administrator.

[FR Doc.74-27545 Filed 11-25-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 20240, 20241; Files Nos. BPH-8715, BPH 8912]

CLINCH VALLEY BROADCASTING CORP. AND HIGH KNOB BROADCASTERS INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Clinch Valley Broadcasting Corporation, Richlands, Virginia, Requests: 105.5 MHz, Channel No. 288; 3 kW (H&V); 800 feet, Docket No. 20240, File No. BPH-8715.

High Knob Broadcasters, Inc., Richlands, Virginia, Requests: 105.5 MHz, Channel No. 288; 3 kW (H&V); 798 feet, Docket No. 20241, File No. BPH-8912, For Construction Permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration: (i) the above-captioned applications, which are mutually exclusive in that they seek the same channel in Richlands, Virginia; (ii) a motion to stay processing of the application of High Knob Broadcasters, Inc., filed by Pocahontas Broadcasting Co. [Pocahontas], a party to the allocation proceeding which resulted in the assignment of channel 288 to Richlands; (iii) pleadings in opposition and reply.

2. Pocahontas seeks a stay of processing pending Commission action on its petition for reconsideration of the result in Docket No. 19677, which assigned channel 288 to Richlands. However, since the Commission has since denied that petition, the question is moot and need not be considered further. See Memorandum Opinion and Order, Docket No. 19677, 47 FCC 2d 722 (1974).

3. The proposed transmitter site of Clinch Valley Broadcasting Corporation is short-spaced 0.67 miles with the adjacent channel operation of station WFMX, Statesville, North Carolina. However, in view of the minor nature of the short-spacing, no issue has been specified.

4. Both applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered,* That, Pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing (in a consolidated proceeding), at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis better serve the public interest.

2. To determine, in the light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications should be granted.

6. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted November 15, 1974.

Federal Communications Commission,

[SEAL] Martin I. Levy,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-27606 Filed 11-25-74;8:45 am]

[Dockets Nos. 20219, 20220; Files Nos. BPH-8660, BPH-8663]

PHILADELPHIA BROADCASTING CO. AND H & G C., INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of: Melvin Pulley, tr/as Philadelphia Broadcasting Co., Philadelphia, Mississippi, Requests: 102.3 MHz, #272; 3 kW (H&V); 300 feet, Docket No. 20219, File No. BPH-8660.

H & G C., Inc., Philadelphia, Mississippi, Requests: 102.3 MHz, #272; 3 kW (H&V); 116 feet, Docket No. 20220, File No. BPH-8663. For construction permits.

1. The Commission, by the Chief of the Broadcast Bureau, acting pursuant to delegated authority, has under consideration the above-captioned applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. Data submitted by the applicants indicate that there would be a significant difference in the size of the areas and populations which would receive service from the proposals. Consequently, for the purposes of comparison, the areas and populations which would receive primary service, together with the availability of other primary aural services (1 mV/m or greater in the case of FM) in such areas will be considered under the standard comparative issue, for the purpose of determining whether a comparative preference should accrue to either of the applicants.

3. Philadelphia Broadcasting Co. proposes independent programming, while H & G C., Inc., proposes to duplicate the programming of its commonly owned AM station, WHOC, during 90 percent of its broadcast time. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programming is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits to be derived from the proposed duplication which would offset its inherent inefficiency, Jones T. Sudbury, 8 FCC 2d 360, 10 RR 114 (1967).

4. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

5. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine which of the proposals would, on a comparative basis, better serve the public interest.

2. To determine, in light of the evidence adduced pursuant to the foregoing issue, which, if either, of the applications should be granted.

6. *It is further ordered,* That to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

7. *It is further ordered,* That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: November 12, 1974.

Released: November 13, 1974.

Federal Communications Commission,

[SEAL] Paul Wm. Putney,
Acting Chief,
Broadcast Bureau.

[FR Doc.74-27604 Filed 11-25-74;8:45 am]

FEDERAL ENERGY ADMINISTRATION

ENHANCED OIL AND GAS RECOVERY ISSUES

Notice of Public Symposium

The Federal Energy Administration hereby announces that it will hold a public symposium in Washington, D.C. on December 4, 1974, to examine issues and problems surrounding accelerated, enhanced oil and gas production. Representatives of industry, environmental groups, government officials, and members of the public have been selected to present views on various aspects of the subject. Members of the public are invited to attend. The symposium will be held in the Federal Energy Administrator's Conference Room, Number 3000-A,

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in the Federal Building at 12th Street and Pennsylvania Avenue.

One of the few options available to the United States to increase domestic oil and gas production over the next 25 years is to recover additional supplies from existing fields which have been partially depleted and from which production is no longer economical. Technologies to recover additional supplies from such fields are beginning to emerge. For oil, new enhanced methods involve either fluid injection (chemical, gas or thermal) or partial combustion. For gas and oil, new sophisticated fracturing methods are under development. These new processes will supplement the proven secondary recovery methods of water flooding and gas repressuring.

Through wider application of enhancing methods, it is estimated that between 30 to 60 billion additional barrels of oil and 300 to 600 trillion cubic feet of additional gas could be drawn from existing reserves. In addition, oil and gas supplies secured through such methods may be cheaper than imported oil or liquid and gas fuels derived from coal.

FEA believes that the application of enhanced oil and gas recovery methods should be accelerated. The Bureau of Mines, Department of the Interior, has an expanding program for both oil and gas underway. Private oil and gas producers are also slowly expanding development programs.

The purpose of this symposium is to explore the long-range technical and other problems associated with expanding the application of enhanced recovery methods and the use of new exotic tertiary processes. FEA is also separately considering various proposals to amend its price regulations so as to provide sufficient incentives for the application of enhanced recovery methods during the near-term period in which price controls over crude oil are in effect. The issues associated with these possible regulatory changes will be raised in a proposed rulemaking which FEA expects to issue shortly and are not intended to be addressed at this symposium.

Discussions during the symposium will focus on the following issues and members of the public are invited to address their written comments to these issues as well:

(a) What is the state of the art of enhanced oil and gas recovery with respect to field applications?

(b) Who possesses the requisite technology and is it available for licensing?

(c) What problems exist in the exchange of technical and/or economic information in field testing and development?

(d) Is there an industry consensus on what to do in enhanced oil recovery and in enhanced gas recovery?

(e) Can the Bureau of Mines, Department of the Interior, program be accelerated and what would the results of such acceleration be?

(f) What rates of increase of oil and gas production through tertiary recovery methods can be expected by 1980, 1985, and 2000? (not including secondary)

(g) Are changes needed in State regulations concerning unitization of oil fields?

(h) Are financial incentives from the Federal Government such as the programs operated by the Bureau of Mines necessary or desirable to accelerate the development and application of secondary and tertiary recovery methods?

(i) What form should such financial incentives take? What will be the resulting increase in cost and impact on the consumer?

(j) How much will an accelerated enhanced oil and gas recovery program delay the abandonment of oil wells or fields nearing their present economic limits?

(k) What environmental problems are presented by enhanced oil and gas recovery? Are there solutions to these problems?

(l) If nuclear underground explosions for fracturing oil and/or gas formations prove to be a practical technology, what constraints, if any, should be placed on their use?

(m) What priority should enhanced oil and gas recovery have as compared to liquid and gas fuels from coal, OCS drilling, and nuclear power?

(n) What chemicals are needed, in what quantity, and when? Is government help necessary?

The FEA encourages representatives of recognized regional groups, environmental and consumer organizations, officials of State and local governments, and representatives of the oil, gas, and chemical industries; and members of the general public to attend the symposium and to submit written comments on the above issues. Written comments should be submitted no later than December 16, 1974, and should be addressed to the Federal Energy Administration, Executive Communications, Room 3309, Box BM, 12th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20461.

Procedures for the symposium. Specialists selected to address the symposium have been asked to limit their oral presentations to fifteen minutes, reserving a few minutes for questions. The symposium will be open to the public and to the press and other media. A complete record of the proceedings will be compiled and made available to the public in Room 3400, Administrator's Reception Area, between the hours of 8 a.m. and 4:30 p.m. daily.

Any questions concerning the symposium should be directed to the Office of Oil and Gas, 202-961-7425.

Dated: November 22, 1974.

DAVID G. WILSON,
Acting General Counsel.

[FR Doc.74-27789 Filed 11-25-74;8:45 am]

FEDERAL MARITIME COMMISSION

[Certificates P-126 and C-1,122]

HOLLAND AMERICA CRUISES

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-126 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,122.

N.V. Nieuw Amsterdam and Holland America Cruises N.V. Holland America Cruises Pier 40—North River, New York, New York 10014.

Whereas, N.V. Nieuw Amsterdam and Holland America Cruises N.V. (Holland America Cruises) have ceased to operate the passenger vessel Nieuw Amsterdam.

It is ordered, That Certificate (Performance) No. P-126 and Certificate (Casualty) No. C-1,122 covering the SS Nieuw Amsterdam be and are hereby revoked effective November 20, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the Certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27649 Filed 11-25-74;8:45 am]

[Certificates P-9 and C-1,016]

HOLLAND AMERICA LINE

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-9 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,016.

N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn" (Holland America Line), c/o Holland America Cruises, Pier 40—North River, New York, New York 10014.

Whereas, N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij "Holland-Amerika Lijn" (Holland-America Line) has ceased to operate the passenger vessel Nieuw Amsterdam,

It is ordered, That Certificate (Performance) No. P-9 and Certificate (Casualty) No. C-1,016 covering the SS Nieuw Amsterdam be and are hereby revoked effective November 20, 1974.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on the Certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27648 Filed 11-25-74;8:45 am]

INDEPENDENT OCEAN FREIGHT FORWARDER LICENSE

Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916, (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Chipman Moving & Storage (S.F.), Inc., 2130 Oakdale Avenue, San Francisco, California. Officers: Arthur L. Chipman, President, John H. Chipman, Vice President/Secretary.

Transoceanic Cargo Services, Michael J. Abraham d.b.a., 4445 Alton Road, Miami Beach, Florida 33140.

William M. Stringfield Company, William M. Stringfield d.b.a., P.O. Box 1457, Longview, Washington 98632.

All Sea & Air Forwarding Co., Wolfgang Lamberti d.b.a., 1345 Figueroa Place, Apt. 14A, Wilmington, California 90744.

By the Federal Maritime Commission.

Dated: NOVEMBER 21, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27647 Filed 11-25-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75-135]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Application

NOVEMBER 18, 1974.

Take notice that on October 31, 1974, Panhandle Eastern Pipe Line Company (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No CP75-135 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain compressor, pipeline and related facilities on its existing gas supply system west and southwest of its Haven, Kansas, compressor station, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

In the area of its traditional gas supplies, Applicant proposes to construct and operate 61.4 miles of 4-inch through 16-inch pipeline loops and the following field compressor stations:

Station name	Location	Proposed horsepower
Columbian	Grant County, Tex.	4,000
Ward	Morton County, Tex.	3,200
Gloden	Texas County, Okla.	1,800
Adams	do	1,200

Applicant claims that substantially all of the compression facilities and pipelines herein proposed will be located at or near existing sites or rights of way, thereby reducing the environmental impact.

Applicant states that the proposed facilities are used to help receive gas from old reservoirs. Applicant explains that the natural pressure decline in said old reservoirs has rendered many wells unable to produce contractually committed volumes of gas against existing line pressure. Resultant deliverability losses have not been offset by the acquisition of new gas supplies, applicant claims. Therefore, applicant proposes to construct the facilities set forth above to produce the necessary pressure reductions and capacity in applicant's system which will permit continued production from such older fields and assist applicant in meeting its mainline requirements.

Applicant estimates the cost of the compression facilities to be $5,535,000 and the cost of the pipeline facilities to be $4,616,000. The total cost for all facilities, including appurtenences and contingencies, is estimated to be $10,659,000, which will be initially financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 2, 1974, file with the Federal Power Commission, Washington, D.C., 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27431 Filed 11-25-74;8:45 am]

[Docket No. CI75-284]

CINCO EXPLORATION CO. ET AL.

Application

NOVEMBER 19, 1974.

Take notice that on November 1, 1974, Cinco Exploration Company (Operator), *et al.* (Applicant), 715 Houston Citizens Bank Building, Houston, Texas 77002, filed in Docket No. CI75-284 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Cinco-Bolton Nos. 1, 2 and 3 Wells,[1] Trinity County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on October 29, 1974, from the subject acreage to United within the contemplation of § 157.29 of the Commission's regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year from the end of the 60-day emergency period within the contemplation of section 2.70 of the Commission's General Policy and Interpretations (18 CFR 2.70). Applicant proposes to sell approximately 12,000 Mcf of gas per month at 70.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commisison on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecesary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27590 Filed 11-25-74;8:45 am]

[Docket No. RP71-15; PGA75-2]

EAST TENNESSEE NATURAL GAS CO.

Proposed PGA Rate Adjustment

NOVEMBER 19, 1974.

Take notice that on November 15, 1974, East Tennessee Natural Gas Com-

[1] Applicant states that the subject wells are owned one-half by Applicant and one-half by Venture Oil Company of Texas.

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pany (East Tennessee) tendered for filing proposed changes to Sixth Revised Volume No. 1 of its FPC Gas Tariff to be effective on January 1, 1975, consisting of the following revised tariff sheets:

Substitute Tenth Revised Sheet No. 4 and Tenth Revised Sheet No. 4

East Tennessee states that the sole purpose of these revised tariff sheets is to adjust East Tennessee's rates pursuant to the PGA provision in Section 22 of the General Terms and Conditions to reflect increased purchased gas costs resulting from a rate increase by its sole supplier, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee). East Tennessee further states that Substitute Tenth Revised Sheet No. 4 reflects the rate increase resulting from Tennessee's filing of November 15, 1974, and that East Tennessee's filing of Tenth Revised Sheet No. 4 reflects Tennessee's substitute filing of November 15, 1974.

East Tennessee states that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27596 Filed 11-25-74;8:45 am]

[Dockets Nos. CP73-334; CP74-289]

EL PASO NATURAL GAS CO.

Order Consolidating Proceedings and Granting Intervention

NOVEMBER 19, 1974.

By orders issued August 7, 1973, and October 10, 1973, El Paso Natural Gas Company, (El Paso), received authorization to construct and operate the facilities necessary to reactivate the Rhodes Reservoir storage area in Lea County, New Mexico and to transport and sell the gas to be withdrawn therefrom during the 1973-74 heating season. As the result of a mild winter on their system, El Paso filed, on June 11, 1974, a petition to amend the aforementioned authorization to permit the extension of the storage service for the 1974-75 heating season. Because of the fact that they had required no withdrawals from Rhodes in 1974-75 and because of a proposed special operating arrangement with Pacific Gas & Electric Co. (P.G.&E.), which is the subject of a proceeding in Docket No. CP74-289, El Paso indicated no further injections or increase in storage inventory was required.

However, on July 3, 1974, El Paso filed a supplement to the petition to amend which indicated that because of operational restraints on PG&E's system, their proposed arrangement with PG&E had to be scaled down to the point where it would no longer provide adequate service to El Paso's high priority (Priority 1 and 2) east-of-California (EOC) customers. In this supplement, El Paso proposed to increase the inventory of the Rhodes project from the previously authorized 16,766,000 Mcf to 25,866,000 Mcf, which would provide them with an increase in maximum deliverability from 63,000 Mcf per day to 123,000 Mcf per day. As part of this supplement, El Paso requested temporary authorization for the limited purpose of increasing the storage inventory and permitting additional injections, which authorization was granted by the Commission on July 19, 1974.

On August 30, 1974, El Paso submitted, as an additional supplement to its petition to amend its Rhodes expansion proposal, a request for permanent authorization for the increase in the storage inventory and the injection of additional volumes into Rhodes to increase its inventory as previously noted. In addition, El Paso has requested, in effect, an extension of the previously authorized 1973-74 heating season storage service to encompass the upcoming 1974-75 heating requirements of its high priority consumers.

The purpose of the instant proposals is to provide adequate protection for El Paso's EOC Priority 1 and 2 customers for the 1974-75 heating season. On days in which service to these customers is jeopardized by shortfall of supplies, El Paso will withdraw volumes from Rhodes sufficient to negate the deficiency. If the deficiency is such that even Rhodes withdrawals will be unable to provide full high priority service, El Paso has proposed the aforementioned special operating arrangements with PG&E and Southern California Gas Company, (So Cal), in Docket No. CP74-289.

Concurrently with its August 30, 1974, supplement, El Paso tendered for filing revised tariff sheets that incorporate the changes in service contemplated by the supplemented proposal.[1] These sheets are proposed to become effective on the date of authorization or on November 1, 1974, whichever is later, and provide for a surcharge of 0.66¢ for each Mcf of Priority 1 and 2 gas delivered to the EOC customers during the period November 1, 1974 through April 30, 1975. This surcharge is designed to permit recovery of costs associated with the operation of the Rhodes reservoir, including the cost of injecting additional gas authorized under the temporary certificate.

Because of common issues of law and fact present in the Rhodes storage docket, CP73-334, and the El Paso special operating arrangements docket, CP74-289, the Commission deems it necessary to consolidate for adjudication and disposition the issues involved in those respective proceedings. Thus, we will order a hearing to be held on the propriety of issuing a permanent certificate of public convenience and necessity to El Paso which will encompass the merits of the entire proposal presented in Docket No. CP73-334. We are particularly concerned with the justness and reasonableness of the surcharge to be levied on El Paso's high priority (1 and 2) customers as a result of the Rhodes storage operations, but certainly this will not be our sole concern in determining the propriety of the proposal herein.

In consolidating the instant dockets, we are mindful that the direct case of the applicant in Docket No. CP74-289, El Paso, has been presented and duly examined and that further procedural dates for rebuttal evidence have been established by the Presiding Judge therein. Specifically, he set November 1, 1974 as the due date for such evidence and November 20, 1974 as the date for cross-examination thereon. In light of this, we will order the Judge to expeditiously convene a conference for the purpose of setting further procedural dates to allow for the presentation of the aforementioned rebuttal testimony in Docket No. CP74-289 and for the serving and hearing of the direct testimony El Paso or other parties may wish to submit in support of the application in Docket No. CP73-334.

Finally, a petition to intervene in both instant dockets was filed on October 7, 1974 by American Smelting and Refining Company, Compania Minera De Cananea, S.A., Inspiration Consolidated Copper Company, and Kennecott Copper Corporation, (ASARCO, *et al.*), which requested permission to participate in both proceedings and asserted substantial interest therein by virtue of their collective status as industrial customers of El Paso. We will grant the intervention herein as their participation may be in the public interest.

The Commission finds: (1) Good cause exists to consolidate for hearing and disposition the matters involved in the proceedings in Docket Nos. CP73-334 and CP74-289 because of common issues of law and fact.

(2) Good cause exists to grant the intervention of ASARCO, *et al.* since their participation herein may be in the public interest.

The Commission orders: (A) The respective proceedings in Docket Nos. CP73-334 and CP74-289, involving El Paso's efforts to protect its Priority 1 and 2 customers from curtailment during the 1974-75 winter heating season are hereby consolidated for hearing and disposition because of common issues of law and fact.

(B) The Administrative Law Judge currently presiding in Docket No. CP74-289 shall expeditiously fix a date amenable to all parties for a conference, the purpose of which shall be to prescribe relevant procedural matters necessary to accommodate the consolidation of the instant cases and in particular to fix procedural dates, as necessary, for the presentation of rebuttal evidence in Docket No. CP74-289 and the direct evidence to be submitted in Docket No. CP73-334.

(C) The petitioner hereinabove set forth is permitted to intervene in this proceeding subject to the rules and regulations of the Commission; *Provided, however,* That the participation of such intervenor shall be limited to matters affecting asserted rights and interests specifically set forth in the petition to intervene, and, *Provided, further,* That the admission of said intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order of the Commission entered in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-27595 Filed 11-25-74;8:45 am]

[1] Substitute First Revised Sheet No. 63-C.3 to Original Volume No. 1; Substitute First Revised Sheet No. 1-M.3 to Third Revised Volume No. 2; Substitute First Revised Sheet No. 7-MM.3 to Original Volume No. 2A.

[Project 485]

GEORGIA POWER CO.

Issuance of Annual License

NOVEMBER 19, 1974.

On December 13, 1971, Georgia Power Company, Licensee for Bartletts Ferry Project No. 485, located on the Chattahoochee River Near Columbus, Georgia, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1-16.6).

The license for Project No. 485 was issued effective December 15, 1924, for a period ending December 15, 1974. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending Commission action on Licensee's application, it is appropriate and in the public interest to issue an annual license to Georgia Power Company for continued operation and maintenance of Project No. 485.

Take notice that an annual license is issued to Georgia Power Company (Licensee) under section 15 of the Federal Power Act for the period December 15, 1974, to December 15, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 485, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27583 Filed 11-25-74;8:45 am]

[Project 2301]

MONTANA POWER CO.

Issuance of Annual License

NOVEMBER 19, 1974.

On December 23, 1968, The Montana Power Company, Licensee for Mystic Lake Project No. 2301, located in Stillwater County, Montana, on West Rosebud Creek and Mystic Lake, filed an application for a new license under Section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 23, 1969, and a supplemental filing pursuant to Commission Order No. 415 on October 29, 1970.

The license for Project No. 2301 was issued effective December 1, 1961, for a period ending December 31, 1969. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to The Montana Power Company for continued operation and maintenance of Project No. 2301.

Take notice that an annual license is issued to The Montana Power Company (Licensee) under section 15 of the Federal Power Act for the period January 1, 1975, to December 31, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Mystic Lake Project No. 2301, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27587 Filed 11-25-74;8:45 am]

[Project 2207]

MOSINEE PAPER CO.

Issuance of Annual License

NOVEMBER 19, 1974.

Mosinee Paper Company is Licensee for Mosinee Project No. 2207, located on the Wisconsin River near Mosinee, Wisconsin. Application for a new license is not currently on file, but is expected sometime in November, 1974.

The license for Project No. 2207 was issued effective March 4, 1957 for a period ending December 31, 1974. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending filing of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Mosinee Paper Company for continued operation and maintenance of Project No. 2207.

Take notice that an annual license is issued to Mosinee Paper Company (Licensee) under section 15 of the Federal Power Act for the period January 1, 1975, to December 31, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Mosinee Project No. 2207, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27584 Filed 11-25-74;8:45 am]

[Docket No. RP74-88; PGA75-3]

NORTH PENN GAS CO.

Filing of Substitute Tariff Sheet

NOVEMBER 19, 1974.

Take notice that North Penn Gas Company (North Penn) on November 8, 1974, tendered for filing Second Substitute Twelfth Revised Sheet No. PGA-1 to its FPC Gas Tariff, First Revised Volume No. 1. This tariff sheet is proposed to become effective December 1, 1974, subject to refund, in accordance with the provisions of Section 4 of the Natural Gas Act and the Commission's order issued June 28, 1974 in the above-captioned proceeding in lieu of Substitute Twelfth Revised Sheet No. PGA-1 which was suspended until December 1, 1974.

North Penn states that the purpose of Second Substitute Twelfth Revised Sheet No. PGA-1 is (1) to remove from the base rate a Gross Receipts Tax Surcharge resulting from the imposition by the Commonwealth of Pennsylvania on September 12, 1973, of a gross receipts tax on North Penn's interstate sales under its P-1 Rate Schedule for the year 1972, which tax imposition North Penn has successfully challenged since North Penn made its filing in Docket No. RP74-88, and (2) to reflect intervening changes in rates that could not be anticipated when the rate filing was originally made on May 15, 1974.

North Penn requests a waiver of any of the Commission's Rules and Regulations as may be required to permit Second Substitute Twelfth Revised Sheet No. PGA-1 to become effective December 1, 1974 in lieu of Substitute Twelfth Revised Sheet No. PGA-1 as part of the rate filing made in Docket No. RP74-88, subject to the provisions of the Commission's order issued June 28, 1974.

The Company states that copies of this filing were served upon North Penn's jurisdictional customers as well as interested State Commissions.

Any persons desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 26, 1974. Protests will be considered by the Commission in considering the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commis-

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sion and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27599 Filed 11-25-74;8:45 am]

[Docket No. RP74-49]

NORTHWEST PIPELINE CORP.

Certification of Proposed Stipulation and Agreement

NOVEMBER 19, 1974.

Take notice that Presiding Administrative Law Judge Martin E. Rendelman, on November 11, 1974 certified to the Commission for action a proposed stipulation and areement filed by Northwest Pipeline Corporation (Northwest) in the above-mentioned docket on November 1, 1974. The proceeding involves tariff sheets filed with the Commission on December 19, 1973, providing for an interim emergency curtailment plan on the Northwest system.

The proposed stipulation and agreement consists of the following proposals:

(1) Northwest would curtail initially, on a pro rata basis, its interruptible service, both resale and direct.

(2) If further curtailment were necessary, Northwest would impose pro rata curtailment on firm resale customers, except those customers taking under the DS–1 (small volume) and SGS–1 (storage) Rate Schedules.

(3) Any full requirements resale customer could request an exemption, in whole or in part, from firm curtailment if the customer has completely curtailed interruptible deliveries, is fully utilizing peak day gas supplies, and needs the volumes to serve:

(a) Residential or small commercial requirements;

(b) Large commercial and firm industrial requirements for plant protection, feedstock and process needs, and storage injection requirements; and,

(c) All firm industrial requirements not specified in "b" above, except firm industrial requirements for boiler fuel exceeding 15,000 therms per day.

(4) All exemption volumes would be returned during subsequent periods by the customers reducing their takes below entitlements.

(5) In regard to compensation for exemption volumes, two alternatives are proposed:

(a) Each customer receiving exemption volumes shall pay Northwest thirty cents per therm, in addition to the regular price per therm. The thirty cents per therm would then be credited to each of the customers making exemption volumes available.

(b) Customers furnishing exemption volumes would be deemed to be sellers of the exemption gas to those customers receiving exemption volumes. The parties would then use the procedures set forth in § 2.68 of the Commission's General Policy and Interpretations.

(6) Not later than June 15, 1975, Northwest would file a detailed report describing the operation of the curtailment plan through April 30, 1975. This report would contain Northwest's recommendations for changes, if any, in its curtailment plan.

Comments on the proposed stipulation and agreement may be filed with the Commission within fifteen days of the date of issuance of this notice.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27593 Filed 11-25-74;8:45 am]

[Project 619]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

NOVEMBER 19, 1974.

On December 22, 1967, Pacific Gas and Electric Company, Licensee for Bucks Creek Project No. 619, located in the vicinity of Quincy, County of Plumas, California, on Bucks Grizzly and Milk Ranch Creeks, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on March 2, 1970, and a supplemental filing pursuant to Commission Order No. 415 on November 23, 1970, and additional filings on August 23, 1970, and July 30, 1973.

The license for Project No. 619 was issued effective April 14, 1926, for a period ending December 31, 1968. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 619.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period January 1, 1975, to December 31, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Bucks Creek Project No. 619, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27586 Filed 11-25-74;8:45 am]

[Project 1273]

PAROWAN CITY

Issuance of Annual License

NOVEMBER 19, 1974.

Parowan City is Licensee for Center Creek Project No. 1273, located on Center Creek near Parowan City, Utah. Application for a new license is not currently on file, but is expected sometime in November, 1974.

The license for Project No. 1273 was issued effective July 19, 1935, for a period ending December 31, 1974. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending filing of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Parowan City for continued operation and maintenance of Project No. 1273.

Take notice that an annual license is issued to Parowan City (Licensee) under section 15 of the Federal Power Act for the period January 1, 1975, to December 31, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Center Creek Project No. 1273, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27585 Filed 11-25-74;8:45 am]

[Docket No. CP70-224]

SEA ROBIN PIPELINE CO.

Petition To Amend

NOVEMBER 19, 1974.

Take notice that on November 4, 1974, Sea Robin Pipeline Company (Petitioner), P.O. Box 1407, Shreveport, Louisiana 71158, filed in Docket No. CP70–224 a petition to amend the order issued in the subject docket on June 1, 1970 (43 FPC 814), as amended August 16, 1971 (46 FPC 365), pursuant to section 7(c) of the Natural Gas Act by authorizing the use of an additional delivery point on Applicant's system in Block 181, East Cameron Area, offshore Louisiana, through which Columbia Gas Transmission Company (Columbia) may deliver volumes of natural gas to Applicant for transportation, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

By its order issued June 1, 1970, as amended, the Commission authorized Applicant to transport up to 30,600 Mcf of natural gas per day for United Fuel Gas Company (predecessor in interest to Columbia). Applicant states that Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and Columbia have entered into an agreement whereby Michigan Wisconsin will utilize 5,000 Mcf of gas per day of Columbia's daily contract demand of 30,600 Mcf of gas, such 5,000 Mcf of gas to be delivered by Michigan Wisconsin to Applicant for the account of Columbia at an additional delivery point on Applicant's system in Block 181. Applicant explains that because Michigan Wisconsin has no facilities in the area the arrangement with Applicant and Columbia together with the proposed delivery point will provide Michigan Wisconsin with a practical means of transporting its gas to shore.

Applicant states that the new delivery point, consisting of a valve connection on Applicant's pipeline, will be installed and paid for by Michigan Wisconsin.

Applicant points out that with the advent of the proposed delivery point, the agreed contract demand for each point of delivery of natural gas by Columbia for transportation will be as follows:

7,300 Mcf per day at a point on Applicant's pipeline system in Block 162, Vermilion Area, offshore Louisiana.

5,000 Mcf per day at a point on Applicant's pipeline system in Block 181, East Cameron Area, offshore Louisiana.

18,300 Mcf per day at a point on Applicant's pipeline system in Block 38, South Marsh Island Area, Offshore Louisiana.

Redelivery of all transport volumes to Columbia will be onshore at a point near Erath, Vermilion Parish, Louisiana.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 10, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27597 Filed 11-25-74;8:45 am]

FEDERAL RESERVE SYSTEM

D. H. BALDWIN CO.

Order Approving Acquisition of C. C. Fletcher Mortgage Co.

D. H. Baldwin Company, Cincinnati, Ohio, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of C. C. Fletcher Mortgage Company, Cincinnati, Ohio ("Company"), a company that engages in the activities of originating, selling and servicing mortgage loans and providing real estate construction loans.[1] Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 26317). The time for filing comments and views has expired, and the Board has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the 5th largest banking organization in Colorado[2] controls 11 banks with aggregate domestic deposits of approximately $566 million, representing about 8.5 per cent of deposits in commercial banks in the State.[3] Applicant also controls nonbanking subsidiaries engaged principally in insurance underwriting, savings and loan and leasing activities. Applicant is also engaged in the manufacture and marketing of musical instruments and electronic components.[4]

Company (total assets of approximately $0.4 million for the year ending October 31, 1973) operates from one office, which is located in Cincinnati, Ohio. The activities of Company will be the origination, sale and servicing of mortgage loans and the provision of real estate construction loans within a service area approximately by a contiguous area incorporating southwest Ohio, northern Kentucky and southeastern Indiana.[5] Company serviced a mortgage portfolio of approximately $22.6 million as of October 31, 1973. For the year ending October 31, 1973, Company originated mortgage loans amounting to $10.5 million.

Consummation of the proposed acquisition would have no adverse competitive effect in any market. While Applicant currently engages in some mortgage lending activities, such activities are confined to Colorado. On August 14, 1973, Applicant was granted permission by the Federal Reserve Bank of Kansas City to engage in mortgage banking through a *de novo* subsidiary known as Baldwin Mortgage Service Company ("BMSC") through which Applicant proposed to serve the tri-State area of Ohio, Indiana, and Kentucky, as well as Florida. However, BMSC has never commenced business, and Applicant has no plans to begin mortgage banking activities through BMSC. Company is one of the smallest of more than one hundred firms engaging in mortgage origination and servicing in its service area. In view of the large number of mortgage lenders in the market, the number of remaining independent mortgage banking firms, and Company's small size, the Board concludes that Applicant's acquisition of Company would not have significant adverse effects on existing or probable future competition nor raise significant barriers to entry.

It appears that consummation of this proposed transaction would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. Consummation, however, may increase the quantity of mortgage funds available to borrowers in the Cincinnati area. The increased lending capabilities that should result from the availability of Applicant's resources should enable Company to become a more effective competitor, and thus indirectly result in improved service and lower rates to the public.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City.

By order of the Board of Governors,[6] effective November 15, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27615 Filed 11-25-74;8:45 am]

BROWARD BANCSHARES, INC.

Acquisition of Bank

Broward Bancshares, Inc., Fort Lauderdale, Florida, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 per cent or more of the voting shares of Northwood Bank of West Palm Beach, West Palm Beach, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

[1] Company has, in the past, engaged in certain promotional, management consulting and finder's activities giving rise to "counseling fees." Applicant has indicated that such activities will be discontinued upon its acquisition of Company.

[2] Although headquartered in Cincinnati, Ohio, Applicant limits its banking activities to the State of Colorado.

[3] All banking data are as of December 31, 1973, and reflect holding company formations and acquisitions approved through September 30, 1974.

[4] By Order of June 14, 1973, the Board determined that, at that time, termination of the grandfather privileges Applicant possesses under section 4(a)(2) of the Act was not necessary in order to prevent an undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices. Therein, the Board further noted that Applicant has committed itself to divestment of its electronics business not related to the music business with reasonable speed and in any event by December 31, 1980. (1973 Federal Reserve *Bulletin* 536).

[5] Specifically, the estimated service area of Company includes Hamilton, Butler, Warren, and Clermont Counties in Ohio, Campbell, Kenton, and Boone Counties in northern Kentucky, and Franklin, Dearborn and Ohio Counties in southeastern Indiana.

[6] Voting for this action: Chairman Burns and Governors Mitchell, Sheehan, Bucher, and Wallich. Absent and not voting: Governors Holland and Coldwell.

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The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 10, 1974.

Board of Governors of the Federal Reserve System, November 18, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27618 Filed 11-25-74;8:45 am]

DEXTER BANKING CO.

Formation of Bank Holding Company

Dexter Banking Company, Dexter, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95 per cent or more of the voting shares of Farmers & Merchants State Bank, Dexter, Kansas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Dexter Banking Company, has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Kemp-McFall Insurance Agency, Dexter, Kansas. Notice of the application was published on September 18, 1974 in The Arkansas City Daily Traveller, a newspaper circulated in Cowley County, Kansas.

Applicant states that the proposed subsidiary would engage in acting as insurance agent or broker in offices at which its holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to any insurance sold in a community that has a population not exceeding 5,000. Such activity has been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 17, 1974.

Board of Governors of the Federal Reserve System, November 18, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27623 Filed 11-25-74;8:45 am]

FIDELITY NATIONAL FINANCIAL CORP.

Formation of Bank Holding Company

Fidelity National Financial Corporation, Baton Rouge, Louisiana, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of all of the voting shares (less directors' qualifying shares) of the successor by merger to Fidelity National Bank of Baton Rouge, Baton Rouge, Louisiana. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 10, 1974.

Board of Governors of the Federal Reserve System, November 18, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27619 Filed 11-25-74;8:45 am]

INDEPENDENT BANK CORP.

Order Approving Acquisition of Bank

Independent Bank Corporation, Ionia, Michigan, a bank holding company within the meaning of the Bank holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the First State Bank of Newaygo, Newaygo, Michigan. The interim bank which will merge into Bank has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and this Reserve Bank has considered the application and all comments received in light of factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant ranks 67th in the State, holding 0.20 percent of the total State commercial bank deposits through its sole subsidiary, First Security Bank, Ionia, Michigan (deposits $54.8 million).[1] Upon acquisition of Bank, Applicant's rank would rise to 60th and its share to total State deposits would increase to 0.23 percent, which would not significantly increase the concentration of banking resources in the State or the relevant area.

Bank (deposits $7.3 million) ranks third out of six banks in the relevant market,[2] holding about 13 percent of the total commercial bank deposits. Applicant's present subsidiary and Bank are each in different markets and the closest subsidiary office to Bank is about 59 miles southeast. No significant competition exists between Bank and Applicant's subsidiary. The town of Newaygo and its rural environs have a negative trend in population growth; therefore, de novo entry does not appear to be a likely alternative. There would be no elimination of significant present or future competition. Therefore, competitive considerations are consistent with approval.

Applicant plans to increase the rates paid on savings deposits to the maximum allowable by law, and to gradually restructure the loan portfolio to include a greater percentage of consumer installment loans. Although no other new or expanded services are planned immediately, Applicant's management and financial resources will be available to Bank for future possible expansion through branching and other improvements. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application.

The financial condition and managerial resources of Applicant and its subsidiary is satisfactory and consistent with approval of the application. Applicant is capable of providing managerial and technical assistance to Bank which would enhance its future prospects, and this consideration lends weight toward approval of the application.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Federal Reserve Bank of Chicago acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective November 12, 1974.

[SEAL] ROBERT P. MAYO,
President.

[FR Doc.74-27612 Filed 11-25-74;8:45 am]

[1] All deposit data are as of December 31, 1973.

[2] The relevant market is approximated by the southern two-thirds of Newaygo County.

JACOBUS CO. AND INLAND FINANCIAL CORP.

Order Approving Application To Engage in the Activity of Providing Management Consulting Advice to Nonaffiliated Banks

The Jacobus Company and its subsidiary Inland Financial Corporation, both of Milwaukee, Wisconsin, which are bank holding companies within the meaning of the Bank Holding Company Act, have applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to engage de novo in the activities of furnishing management consulting advice on a fee basis to nonaffiliated banks with respect to organizational skills, banking marketing strategy and analysis and consulting on bank operations. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(12)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, have been duly published (39 FR 25365). The time for filing comments and views has expired. The applications and all comments and views received have been considered in light of the public interest factors in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicants, the fourteenth largest banking organization in Wisconsin, control four banks with aggregate deposits of $109 million, representing slightly less than 1.0 per cent of total deposits in commercial banks in the State.[1] In addition to its subsidiary banks, Applicants hold nonsubsidiary interests in two other Wisconsin banks. Applicants also control a number of nonbanking subsidiaries that engage in data processing, insurance, leasing and investment management.

Applicants propose to provide management consulting advice to nonaffiliated banks located in the midwest. Applicants would provide to client banks, on an explicit fee basis, management consulting advice concerning organizational skills, banking marketing strategy, operational consulting and analysis of operating banks. Applicants also plan to provide advice to organizers of proposed new banks, including feasibility studies, new bank site proposals, and preparation of applications.

It would appear that no adverse effects on competition would result from Applicants offering bank management consulting advice. While such management consulting advice is usually available to banks as a correspondent banking service, such services are not presently available from correspondent banks on an explicit fee basis. The Board concludes, therefore, that no significant existing or potential competition would be eliminated upon approval of this application.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest. It is expected that Applicants' de novo entry into this industry should have a procompetitive effect by increasing the number of firms offering this specialized consulting advice. Further, by making this advice available on an explicit fee basis rather than as a correspondent banking service, client banks will now be able to more accurately analyze the cost of such services and may be able to more efficiently allocate their funds.

As noted in the Board's Order dated February 25, 1972 (1972 Fed. Res. Bulletin 306), approving Applicants' acquisition of the voting shares of Heritage Bank-Mayfair, Wauwatosa, Wisconsin, Jacobus has filed a declaration, pursuant to section 4(c)(12) of the Bank Holding Company Act, that it will cease to be a bank holding company by January 1, 1981. In addition, as the Board stated in the earlier Order, Jacobus has committed itself to divest itself of its interest in Inland within 90 days of the passage of enabling legislation permitting distribution of Inland's shares of Jacobus to Jacobus' shareholders on a tax free basis.

Based upon the foregoing and other considerations reflected in the record, the Board has determined in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the applications are hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago.

By order of the Board of Governors,[2] effective November 15, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27616 Filed 11-25-74;8:45 am]

FIRST NATIONAL CHARTER CORP.

Order Approving Acquisition of Bank

First National Charter Corporation, Kansas City, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the First National Bank of Richmond, Richmond, Missouri ("Bank").

The application has been processed by the Federal Reserve Bank of Kansas City pursuant to authority delegated by the Board of Governors of the Federal Reserve System under the provisions of § 265.2(f)(24) of the Rules Regarding Delegation of Authority.

Notice of the application, affording an opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The Federal Reserve Bank has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the fourth largest banking organization in Missouri, controls 14 operating banks with aggregate deposits of $810.2 million,[1] representing 5.39 percent of the commercial bank deposits in the State. Acquisition of Bank would increase Applicant's share of deposits only slightly, and would not result in a significant increase in the concentration of banking resources in Missouri. Applicant's ranking among banking organizations in the State would remain unchanged.

Bank ($10 million in deposits) is the second largest of four banking organizations in the Richmond market (approximated by the southern two-thirds of Ray County) and holds 25.3 percent of the deposits in commercial banks in the market. None of Applicant's subsidiary banks are located in Bank's primary service area and consummation of the proposed acquisition would eliminate a negligible amount of existing competition between any of these subsidiary banks and Bank. Neither entering the market *de novo* nor by means of a "foothold" acquisition are viable alternatives to the acquisition of Bank. Thus, it is unlikely that the acquisition would foreclose the development of significant potential competition between Applicant and Bank. Competitive considerations are, therefore, consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant and its subsidiaries and Bank appear satisfactory. Affiliation with Applicant should enable Bank to offer expanded banking services, including agriculture loans and trust services. These factors, as they relate to the convenience and needs of the community to be served, lend some weight for approval of the application. It is the Reserve Bank's judgment that consummation of the proposed acquisition is in the public interest and that the application should be approved.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved through July 31, 1974.

[2] Voting for this action: Chirman Burns and Governors Mitchell, Sheehan, Bucher, and Wallich. Absent and not voting: Governors Holland and Coldwell.

[1] All banking data are as of December 31, 1973, and reflect bank holding company formations and acquisitions approved by the Board to October 23, 1974.

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On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

Dated: November 14, 1974.

[SEAL] WILBUR T. BILLINGTON,
Senior Vice President.

[FR Doc.74-27621 Filed 11-25-74;8:45 am]

LANDMARK BANKING CORPORATION OF FLORIDA

Order Approving Acquisition of Robert Wilmoth Associates, Inc.

Landmark Banking Corporation of Florida, Fort Lauderdale, Florida, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Robert Wilmoth Associates, Inc., Palm Beach, Florida ("Company"), a company that engages in the activities of mortgage brokering, servicing real estate loans and appraising real estate in conjunction with its mortgage brokerage activities. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 32068). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant, the ninth largest banking organization in Florida, controls 16 banks with aggregate deposits of $679.2 million, representing 3.0 percent of the total commercial bank deposits in the State.[1] Applicant's bank subsidiaries originate permanent and construction loans secured by one-four family residential property and commercial property for their own portfolios and those of institutional investors. Applicant's mortgage company subsidiary, North American Morgtage Company, St. Petersburg, Florida ("North American"), principally originates one-four family residential loans for the portfolios of institutional investors. In addition, three of Applicant's subsidiaries also service mortgages for others.

Company, with assets of $712,000 as of March 31, 1974, has its main office in Palm Beach, and an office in Tampa. Company originates and services permanent and construction and development loans secured by income-producing properties exclusively for the portfolios of institutional investors. Company's total originations during the twelve months ending September 30, 1973, amounted to $103.2 million, and its servicing portfolio was $5.9 million as of April 30, 1974.

Company's originations from its Palm Beach office have primarily been on income-producing property located in Palm Beach, Broward, Dade, and Martin Counties ("the Palm Beach area"); originations from its Tampa office have primarily been on income-producing property located in Hillsborough and Pinealias Counties ("the Tampa area"). Company also originates mortgages on income-producing property located in Columbia, Volusia, and Orange Counties in Florida, as well as in Georgia and South Carolina. Consummation of the proposed acquisition will eliminate some existing competition between two of Applicant's banking subsidiaries and North American, on the one hand, and Company, on the other, in the market for the origination of mortgages on income-producing property located in Broward, Hillsborough, and Pinellas Counties. However, comparison of the originations of construction and development loans on income-producing property by Applicant and Company with the total value of construction contracts for such properties in these areas[2] indicates that the combined originations by Applicant and Company would account for only a small portion of such loans in these areas. Company's originations during the twelve months ending September 30, 1973, of construction and development loans on income-producing properties located in the Palm Beach and Tampa areas represented only 2.4 per cent and 1.4 per cent, respectively, of the value of construction contracts entered into during 1973 for income-producing properties located in the Palm Beach and Tampa areas, respectly. Applicant's subsidiaries' originations during the year ending December 31, 1973, of the same type of loans in the same areas were only 0.2 per cent and 0.2 per cent, respectively.

There are more than 216 competitors in the Palm Beach area that originate mortgages on income-producing property and more than 99 in the Tampa area. In view of the regional or national scope of the markets for the origination of permanent loans and construction and development loans on income-producing property and the large number of existing competitors for such loans, the Board concludes that consummation of the proposal would not substantially lessen competition for loans originated on income-producing property in the Palm Beach and Tampa areas nor adversely affect competition within the geographic markets for such loans.

Applicant through three of its subsidiaries and Company also service mortgages for institutional investors. Neither is significant in the national servicing market; as noted previously Company's servicing portfolio was $5.9 million as of April 30, 1974, and Applicant's portfolio was $276.6 million as of December 31, 1973. Elimination of Company as a competitor of Applicant in this market would have no significant adverse effect.

While it appears that Company could expand into other areas served by Applicant and that Applicant is capable of geographically expanding its operations, many other companies have expansion potential; the markets involved are at least regional in geographic scope; neither Applicant nor Company holds large shares of the relevant markets; and these markets are not concentrated. Accordingly, the Board concludes that consummation of the proposed acquisition would have no adverse effects on probable future competition in any market.

There is no evidence in the record indicating that consummation of the proposed acquisition would result in undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

The acquisition of Company would bring Applicant additional personnel, trained and experienced in originating loans on income-producing properties. Affiliation with Applicant would enable Company to attract capital at lower costs than those presently incurred by Company and may be expected to facilitate expansion by Company. These increased capabilities may be expected to result in benefits to the public in the form of improved service, lower rates, and increased competition.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the public benefits that may reasonably be expected to result from consummation of the proposed transaction outweigh any possible adverse effects of such consummation. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta.

[1] Banking data are as of June 30, 1974, adjusted to reflect bank holding company formations and acquisitions approved by the Board through August 31, 1974.

[2] Data on the amount of total originations of loans secured by income-producing properties are not available for the areas served by both Company and Applicant's subsidiaries. Data on the value of construction contracts for such buildings offer a reasonable approximation of the total amount of such loans.

By order of the Board of Governors,[3] effective

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27624 Filed 11-25-74;8:45 am]

MERCANTILE NATIONAL CORP.

Formation of Bank Holding Company

Mercantile National Corporation, Dallas, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Mercantile National Bank at Dallas, Dallas, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than December 17, 1974.

Board of Governors of the Federal Reserve System, November 18, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27613 Filed 11-25-74;8:45 am]

MERCANTILE BANCORPORATION INC.

Order Approving Acquisition of Bank

Mercantile Bancorporation Inc., St. Louis, Missouri ("Applicant"), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire at least 90 per cent of the voting shares, plus directors' qualifying shares, of Salisbury Savings Bank, Salisbury, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the application and all comments received have been considered by the Board in light of factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Missouri, presently controls 22 subsidiary banks[1] with aggregate deposits of $1.6 billion, representing 10.5 per cent of total commercial bank deposits in Missouri.[2] Acquisition of Bank, with $18 million in deposits, would increase Applicant's share of commercial bank deposits by 0.1 of a percentage point and would not result in any significant increase in the concentration of banking resources in Missouri.

Bank is the largest of six banks in its market area (which is approximated by Chariton County) and holds 42.1 percent of the total deposits in that area. Applicant's nearest subsidiary bank is located 74 miles south of Bank in another banking market. No significant competition exists between Bank and any of Applicant's subsidiary banks and it is unlikely that any will develop in the future due to Missouri branching restrictions. Moreover, a steadily declining population in Chariton County makes conditions for *de novo* entry by Applicant unlikely. On the other hand, the acquisition of Bank by Applicant would result in some reduction in the concentration of banking resources in the Chariton County banking market by eliminating the common ownership of two banks in this market.[3] Accordingly, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and prospects of Applicant, its subsidiaries and Bank are all regarded as satisfactory and consistent with approval of the application. Bank's management continuity would also be strengthened by affiliation with Applicant. Factors relating to convenience and needs are also consistent with approval. As a result of affiliation with Applicant, Bank will offer trust services on a referral basis and provide expanded lending services. Bank will also pay the highest rates on all time and savings deposits. Moreover, Applicant plans to increase Bank's loan-to-deposit ratio and diversify Bank's loan portfolio. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order, or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[4] effective November 19, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27622 Filed 11-25-74;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Holland.

[1] Includes a *de novo* bank, approved but not consummated.

[2] Deposit data as of December 31, 1973 adjusted to reflect holding company acquisitions approved through October 16, 1974.

[3] Bank and Bank of Bynumville, Bynumville, Missouri, are both subsidiaries of Joe W. Ingram Trust "B".

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Holland.

SECOND BANCORPORATION

Order Approving Formation of Bank Holding Company

Second Bancorporation, Eldora, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 per cent of the voting shares (less directors' qualifying shares) of Second National Bank, Eldora, Iowa ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a nonoperating company with no subsidiaries, was organized for the express purpose of becoming a bank holding company through the acquisition of Bank. Bank holds deposits of approximately $8.6 million,[1] representing 9.7 per cent of the total deposits in commercial banks in the relevant market,[2] and thereby ranks as the fifth largest of eight banks operating therein. Upon acquisition of Bank, Applicant would control less than 0.1 of one per cent of the total commercial bank deposits in Iowa.

The purpose of the proposed transaction is to effect a transfer of the ownership of Bank's shares to a corporation owned by the same individuals with no change in Bank's management or operations. A principal of Applicant is also a principal of another Iowa bank holding company; however, its subsidiary bank operates in a separate geographic market. Therefore, the Board concludes that consummation of the proposal would not have any adverse effects on existing or potential competition, nor would it increase the concentration of banking resources or have an adverse effect on other banks in the revelant market. Thus, the competitive considerations are consistent with approval of the application.

The financial condition of Bank is considered generally satisfactory in view of Applicant's commitment to inject $100,000 of equity capital into Bank within one year after consummation of the proposal. The managerial resources of Bank and Applicant are considered satisfactory and the future prospects for each appear favorable. Therefore, the banking factors are consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served are also con-

[1] All banking data are as of December 31, 1973.

[2] The revelant banking market is approximated by Hardin County, excluding the southeastern portion thereof.

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sistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of tihs Drder, after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,[3] effective November 18, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27617 Filed 11-25-74;8:45 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of United Bank of Monaco, N.A. Denver, Colorado, a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 17, 1974.

Board of Governors of the Federal Reserve System, November 18, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27614 Filed 11-25-74;8:45 am]

UNITED BANKS OF COLORADO, INC.

Acquisition of Bank

United Banks of Colorado, Inc., Denver, Colorado, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of South Platte National Bank, LaSalle, Colorado. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 17, 1974.

Board of Governors of the Federal Reserve System, November 18, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27625 Filed 11-25-74;8:45 am]

VIRGINIA NATIONAL BANKSHARES, INC.

Order Approving Acquisition of Nonbank Assets

Before the Federal Reserve Bank of Richmond acting under delegated authority by the Board of Governors of the Federal Reserve System. In the Matter of the Application of Virginia National Bankshares, Inc. For approval of its acquisition of substantially all of the assets of General Finance Company.

Virginia National Bankshares, Inc., Norfolk, Virginia (Applicant), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the approval of the Board of Governors of the Federal Reserve System under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, of its proposed acquisition of substantially all of the assets of General Finance Company (General) and its wholly owned subsidiary, City Auto Finance, Inc. (City), both of High Point, North Carolina, through Atlantic Credit Corporation, a wholly owned subsidiary of Applicant. This application is to be acted upon by the Federal Reserve Bank of Richmond (Reserve Bank) under authority delegated by the Board of Governors (12 CFR 265).

Applicant has caused an appropriate notice of its proposal to be published in a newspaper of general circulation in the area to be served and the Board of Governors has duly published a notice of the application, affording opportunity for interested persons to submit comments and views, at 39 FR 33833. The time for filing comments and views has expired. The Reserve Bank has considered the application and all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 USC 1843(c)(8)).

General and City are engaged primarily in the financing of automobile purchases indirectly through dealers and in selling insurance which is directly related to such financing. Applicant proposes to expand the present activities to include making consumer finance loans and loans secured by second mortgages as well as to act as agent in the sale of credit life insurance, credit accident and health insurance, and automobile physical damage insurance in connection with its extensions of credit. Such activities have generally been determined to be closed related to banking (12 CFR 225.4(a)(1) and (a)(9)(ii)).

Applicant is the second largest banking organization in Virginia and controls four banks with aggregate deposits of approximately 1.42 billion dollars as of December 31, 1973, which represented 10.9 percent of commercial bank deposits in the state on that date. In 1973 it acquired Atlantic Credit Corporation, Elizabeth City, North Carolina, which engages primarily in consumer finance activities, second mortgage lending and the sale of credit-related insurance from 18 offices located in the eastern one-third of the state of North Carolina.

General and City each operates one office in High Point, North Carolina, which is located roughly in the center of the state and some 80 miles distant from the nearest office of Atlantic. The closest banking subsidiary of Applicant is located in Virginia and is approximately 60 miles north of High Point. As of March 31, 1974, General and City had loans outstanding of $1,182,127 which appears to represent a small percentage of the automobile sale finance market[1] in High Point, North Carolina, and the surrounding area within a ten-mile radius, the geographic market relevant to this application.

There is no direct competition between any of Applicant's existing subsidiaries and General or City. Potential competition should not be significantly affected by approval since it appears there are a large number of competitors located and operating in the relevant market and also because of the vigorous competition now existing in the High Point area. Therefore, the competitive factors of the proposal are consistent with approval of the application.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest.

Applicant's greater access to financial resources may assure General and City of more ready access to funds, enable it to become a more effective competitor, offer expanded services and thereby increase public convenience. Based upon the foregoing and other considerations reflected in the record, the Reserve Bank has determined in accordance with the provisions of section 4(c)(8) that consummation of the proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved by the Reserve Bank under § 265.2(f)(31) of the Board's Rules Regarding Delegation of Authority. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y (12 CFR 225.4(c)) and to the authority of the Board of Governors to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board may find necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

By order of the Federal Reserve Bank of Richmond acting pursuant to authority delegated by the Board of Governors of the Federal Reserve System, effective November 15, 1974.

[SEAL] ROBERT P. BLACK,
President.

[FR Doc.74-27620 Filed 11-25-74;8:45 am]

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Wallich and Coldwell. Absent and not voting: Chairman Burns and Governor Holland.

[1] Market composed of loans to purchase automobiles on installment basis including purchased paper.

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of August 20, 1974

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on August 20, 1974.[1]

The information reviewed at this meeting suggests that real output of goods and services is changing little in the current quarter, following the first-half decline, and that price and wage increases are continuing large. In July industrial production was unchanged from the May–June level, and nonfarm payroll employment declined further. The unemployment rate edged up to 5.3 per cent. Wholesale prices of farm and food products rose sharply, after having declined for 4 months, and increases among industrial commodities continued widespread and extraordinarily large.

The new Administration has indicated that it will give high priority to combating inflation and that it will convene a summit meeting of the nation's economic leaders to that end.

In recent weeks the dollar has appreciated somewhat further against leading foreign currencies. U.S. bank lending to foreign borrowers, especially in Japan, has apparently continued large, but inflows of foreign capital, particularly from oil-exporting countries, have also been large. The foreign trade deficit, although smaller in June than in May, widened substantialy from the first to the second quarter as the value of petroleum imports increased.

The narrowly defined money stock rose only slightly in July, after having grown at an annual rate of 6 per cent over the first half of the year. Net inflows at banks of time deposits other than money market CD's slowed somewhat in July, and deposit experience at nonbank institutions worsened materially in July and early August. Growth in business loans and in total bank credit was substantial in July, although the pace of expansion slackened after the early part of the month. To finance loan growth, banks reduced their holdings of Treasury securities and increased their outstanding volume of large-denomination CD's by substantial amounts. Interest rates on most private market instruments have declined a little in recent weeks, and in association with some easing of tensions in financial markets, yield spreads between prime- and lower-quality issues—which had widened sharply—have narrowed. Yields on Government securities, particularly Treasury bills, have increased, in part because new Treasury offerings relieved a market shortage of such securities.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to resisting inflationary pressures, supporting a resumption of real economic growth, and achieving equilibrium in the country's balance of payments.

To implement this policy, while taking account of developments in domestic and international financial markets, the Committee seeks to achieve bank reserve and money market conditions consistent with moderate growth in monetary aggregates over the months ahead.

By order of the Federal Open Market Committee, November 18, 1974.

ARTHUR L. BROIDA,
Secretary.

[FR Doc.74-27611 Filed 11-25-74;8:45 am]

[1] The Record of Policy Actions of the Committee for the meeting of August 20, 1974, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

GENERAL ACCOUNTING OFFICE

FEDERAL POWER COMMISSION

Receipt of Regulatory Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 15, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the Federal Register is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FPC form are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed form, comments must be received on or before December 13, 1974, and should be addressed to Mr. Monte Canfield, Jr., Director, Office of Special Programs, United States General Accounting Office, 425 I Street, NW., Washington, D.C. 20548.

Further information about the form may be obtained from the Regulatory Reports Review Officer, 202–376–5425.

FEDERAL POWER COMMISSION

Request for clearance of FPC Form No. 45, Reporting of New Nonjurisdictional Sales of Natural Gas by Natural Gas Companies Subject to the Jurisdiction of the Federal Power Commission. This new form seeks to collect information relative to rates charged by jurisdictional natural gas companies for sales of natural gas which were not subject to Commission jurisdiction made pursuant to contracts executed on or after January 1, 1974. The Commission will require that this form be filed monthly by large and quarterly by small jurisdictional natural gas companies. There will be about 600 respondents and the reporting burden is estimated to be about 6 hours per response per respondent. The information is to be made available to other government agencies and the general public.

NORMAN F. HEYL,
Regulatory Reports Review Office.

[FR Doc.74-27600 Filed 11-25-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-[illegible]]

ADVISORY SUBCOMMITTEE TO REVIEW PROPOSALS FOR PARTICIPATION IN THE SCIENTIFIC DEFINITION OF EXPLORER CLASS PAYLOADS

Notice of Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), the Administrator of NASA has determined that the establishment of an ad hoc advisory Subcommittee to review proposals for Participation in The Scientific Definition of Explorer Class Payloads is in the public interest in connection with the performance of duties imposed upon NASA by law. The Space Science and Applications Steering Committee, under which the Subcommittee will operate, is a NASA internal committee, composed wholly of Government employees.

The function of this Subcommittee will be to obtain the advice of the scientific community on proposals in the specialized areas identified by the name of the Subcommittee.

Dated: November 20, 1974.

BOYD C. MYERS, II,
Assistant Associate Administrator for Organization and Management.

[FR Doc.74-27582 Filed 11-25-74;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

EDUCATION PANEL

Meeting

NOVEMBER 21, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on December 12, 1974.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meet-

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ing to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–27665 Filed 11–25–74;8:45 am]

EDUCATION PANEL

Meeting

NOVEMBER 25, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Education Panel will meet at Washington, D.C., on December 19 and 20, 1974.

The purpose of the meeting is to review Projects applications submitted to the National Endowment for the Humanities for grants to educational institutions and non-profit organizations.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–27666 Filed 11–25–74;8:45 am]

FELLOWSHIPS PANEL

Meeting

NOVEMBER 18, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Fellowships Panel will be held at Washington, D.C. on December 2, 6, 7, 9, 10, 11, 12, 13, 14, 16, and 17, 1974.

The purpose of the meeting is to review Independent Fellowship applications submitted to the National Endowment for the Humanities for 1975–1976 fellowship grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–27667 Filed 11–25–74;8:45 am]

FELLOWSHIPS PANEL

Meeting

NOVEMBER 18, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Fellowships Panel will be held at Washington, D.C. on December 4, 6, 9, 11, 13, 16, 18, 20, 23 and 30, 1974.

The purpose of the meeting is to review Summer Stipend applications submitted to the National Endowment for the Humanities for 1975 summer grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–27668 Filed 11–25–74;8:45 am]

FELLOWSHIPS PANEL

Meeting

NOVEMBER 18, 1974.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Fellowships Panel will be held at Washington, D.C. on January 3, 13, and 17, 1974.

The purpose of the meeting is to review Summer Stipend applications submitted to the National Endowment for the Humanities for 1975 summer grants.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street, NW., Washington, D.C. 20506, or call area code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.74–27669 Filed 11–25–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

ADVISORY COMMITTEE ON SOCIAL INDICATORS

Notice of Establishment

Determination Pursuant to Executive Order 11769 (Advisory Committee Management) and Public Law 92–463 (Federal Advisory Committee Act).

The objectives and scope of the Advisory Committee on Social Indicators is to provide advice relating to: (a) the planning and organization of a biennial report on social indicators and (b) the development and analysis of social statistics for use in the construction of a system of social indicators and social accounts.

It is determined that the Advisory Committee on Social Indicators is essential in providing assistance necessary to carry out my responsibilities under the Federal Reports Act, the Budget and Accounting Procedures Act of 1950, as amended, and Executive Order No. 8248, September 1939. It is also determined that the Advisory Committee on Social Indicators is in the public interest.

The Advisory Committee on Social Indicators will terminate on June 30, 1976 unless renewed prior to this date. The authority to make determinations as to the formation and utilization of advisory committees and panels of the Advisory Committee on Social Indicators is hereby delegated to the Deputy Associate Director for Statistical Policy. This authority may be redelegated.

ROY L. ASH,
Director.

NOVEMBER 18, 1974.

[FR Doc.74–27592 Filed 11–25–74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 21, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF AGRICULTURE

Soil Conservation Service: Conservation Plan of Operations (REC Program), Form SCS–CONS 11A, Occasional, Lowry (395–3772), Farmers and ranchers farm owner/operators.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration:
- Statement by Importer or Consignee—50 CFR 216.24(e)(3)(i), Form —, Occasional, Lowry (395–3772), Business firms.
- Statement of Compliance—(a)(3)(iv) and (v) 50 CFR 216.24, Form —, Occasional, Lowry (395–3772), Foreign government officials.

ENVIRONMENTAL PROTECTION AGENCY

Calibration of Continuous Monitoring Device Report, Forms, Form —, Single time, Lowry (395–3772), New and existing major sources of air pollution.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental:
- Interview Schedule for R&D Project, Directors on Aging, Form OS 50–74–A, Single time, Reese (395–5630), R&D project directors.
- R & D Users Mail Questionnaire—Aging, Form OS 50–74–B, Single time, Reese (395–5630), R & D users.
- Day Care Center Director's Phone Survey Form —, Single time, Reese (395–5630), Day care center directors.
- Community Planning and Feedback Instruments—Youth Development, Form OS 49–74, Single time, Reese (395–5630), Public & private youth-serving agencies and organizations.

DEPARTMENT OF LABOR

Economic Development Administration: Application for Approval of a Representative's Fee in a Black Lung Proceeding, Form CM 972, Occasional, Caywood (395–3443), Lawyers.

Labor Management Services Administration: Labor Organization Information Supplement, Form LM–1A, Occasional, Caywood (395–3443), Labor unions.

Occupational Safety and Health Administration: Longshoring Survey Interview Guide, Form OSHA 28, Single time, Ellett (395–6172), Longshoring employers, unions, trade associations & longshoremen.

REVISIONS

DEPARTMENT OF LABOR

Labor Management Services Administration:
- Labor Organization Information Report, Form LM–1, Single time, Caywood (395–3443), Labor unions.
- Terminal Trusteeship Information Report, Form LM 16, Occasional, Caywood (395–3443), Labor unions.
- Labor Organization Annual Report, Form LM 2, Annual, Caywood (395–3443), Labor unions.
- Labor Organization Annual Report, Form LM 3, Annual, Caywood (395–3443), Labor unions.

EXTENSIONS

None.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–27751 Filed 11–25–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5576]

ALABAMA POWER CO.

Proposed Amendments to Charter, Changes in Unsecured Debt Limitations, and Solicitation of Proxies

NOVEMBER 18, 1974.

Notice is hereby given that Alabama Power Company ("Alabama"), P.O. Box 2641, Birmingham, Alabama, an electric utility subsidiary company of The Southern Company ("Southern"), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Alabama intends to hold a special meeting of its stockholders on February 11, 1975, during which the following proposed transactions are to be considered and acted upon:

Proposal 1. To authorize an amendment to the charter of Alabama which would increase the authorized number of shares of preferred stock with a par value of $100 per share which the company may issue from 2,500,000 shares to 3,850,000 shares;

Proposal 2. To authorize an amendment to the charter of the company which would authorize the Board of Directors, in determining the relative rights and preferences of series of unissued shares of preferred stock, to fix and determine the sinking fund provisions, if any, for the redemption or purchase of shares;

Proposal 3. To authorize an amendment to the charter of the company which would increase the amount of securities representing unsecured debt the company may issue or assume without further consent of preferred stockholders, provided that (a) the total amount of securities representing unsecured debt would not exceed 20% of capital, surplus, and secured debt and (b) the total amount of securities representing unsecured debt having maturities of less than ten years would not exceed 10% of capital, surplus, and secured debt;

Proposal 4. To authorize the company (1), if Proposal 3 is adopted, to issue or assume, until July 1, 1981, securities representing unsecured debt having maturities of less than ten years in excess of 10% of capital, surplus, and secured debt, provided that (a) the amount of securities representing unsecured debt having maturities of less than ten years outstanding on January 1, 1982, shall not exceed said 10% limitation and (b) the company's total indebtednes represented by unsecured securities shall at no time exceed 20% of capital, surplus, and secured debt; and (2), if Proposal 3 is not adopted, to issue or assume, until July 1, 1981, securities representing unsecured debt in excess of 10% of capital, surplus, and secured debt, provided that (a) the amount of securities representing unsecured debt outstanding on January 1, 1982, shall not exceed said 10% limitation and (b) the company's total indebtedness represented by unsecured securities shall at no time exceed 20% of capital, surplus, and secured debt.

Southern, the owner of all of the outstanding 5,608,955 shares of Alabama's common stock, intends to vote all such shares for the adoption of Proposals 1, 2, and 3. The approval of Southern to Proposal 4 is not required. In addition, the affirmative favorable vote of a majority of the outstanding 2,354,000 shares of preferred stock is necessary for the adoption of Proposals 1 and 4, and the affirmative vote of two-thirds of the outstanding shares of preferred stock is necessary for the adoption of Proposals 2 and 3. Alabama proposes to solicit proxies from the holders of its outstanding stock in connection with the special meeting of stockholders.

Alabama states that, in order to keep pace with the company's continuing construction program, it is considered to be in the best interests of the company and its stockholders that the company have sufficient flexibility to respond to changing market conditions by financing an appropriate portion of its construction requirements through the issuance of additional shares of preferred stock as well as to utilize unsecured indebtedness to meet financing requirements for such construction on an interim basis.

Fees and expenses to be incurred in connection with the proposed transactions are estimated at $193,500, including the State of Alabama charter fee of $135,000, a fee for soliciting proxies of $35,000, and a legal fee of $15,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 13, 1974, request in writing that

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a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from its rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27570 Filed 11-25-74;8:45 am]

CHICAGO BOARD OPTIONS EXCHANGE, INC.

Proposed Changes in Amendments to Option Plan

Notice is hereby given that the Chicago Board Options Exchange, Inc. (CBOE) has filed proposed changes in its amendments to its Option Plan filed pursuant to Rule 9b-1 under the Securities Exchange Act of 1934 (17 CFR 240.9b-1). The changes involve Rules 4.15, 6.57 and 14.5(A)(1).

Proposed Rule 4.15 is being amended to delete the words "or specialists" from the last sentence. Proposed Rule 6.57 is being amended in the ninth line by changing the word "matched" to "unmatched" and by adding the words "to it" after the word "reporting." The Schedule to Rule 14.5(A)(1) is being amended to change the word "contract" to "share" and by adding the words "number of units of trading" above the last two columns. With respect to the last sentence of the proposed Rule 6.57, CBOE will not use a facility other than itself or the Chicago Board Options Exchange Clearing Corporation without notice to and non-disapproval of the Commission.

The proposed amendments will become effective on December 26, 1974, or upon such earlier date as the Commission may allow unless the Commission shall disapprove the changes in whole or in part as being inconsistent with the public interest or the protection of investors.

All interested persons are invited to submit their views and comments on the proposed amendments to CBOE's plan either before or after it has become effective. Written statements of views and comments should be addressed to the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to file number 10-54. The proposed amendments are, and all such comments will be, available for public inspection at the Public Reference Room of the Securities and Exchange Commission at 1100 L Street, NW., Washington, D.C.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 19, 1974.

[FR Doc.74-27679 Filed 11-25-74;8:45 am]

[File No. 500-1]

BIO-MEDICAL SCIENCES, INC.

Suspension of Trading

NOVEMBER 19, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Bio-Medical Sciences, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 20, 1974 through November 29, 1974.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27568 Filed 11-25-74;8:45 am]

[812-3695]

SECURITY EQUITY FUND, INC. ET AL.

Filing of Application To Permit an Offer of Exchange and for Exemption

NOVEMBER 18, 1974.

Notice is hereby given that Security Equity Fund, Inc., Security Investment Fund, Inc., Security Ultra Fund, Inc. (collectively referred to as the "Funds"), Security Benefit Life Building, 700 Harrison Street, Topeka, Kansas 66636, each of which is registered as an open-end diversified management investment company under the Investment Company Act of 1940 ("Act"), and Security Distributors, Inc. ("Distributors") (collectively referred to with the Funds as the "Applicants") filed an application on September 9, 1974 and an amendment thereto on October 25, 1974, for an order (1) pursuant to section 11(a) of the Act to permit the Funds to offer to exchange their shares for shares of Security Bond Fund, Inc. ("Bond Fund") on a basis other than their relative net asset value per share at the time of the exchange and (2) pursuant to 6(c) of the Act granting exemption from section 22(d) of the Act and Rules 22d-1 and 22d-2 thereunder, in connection with such exchanges. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Bond Fund is an open-end diversified management investment company registered under the Act. Distributors is the principal underwriter for Bond Fund.

Distributors, as principal underwriter for each of the Funds and for Bond Fund, maintains a continuous public offering of the shares thereof at their respective net asset values plus a sales charge. At present, the applicable sales charge for the Funds and for Bond Fund varies with the quantity purchased in the transaction as follows:

Size of transaction at offering price:	*Sales load (as percent of offering price)*
Less than $10,000	8¾
$10,000 to $24,999	7¼
$25,000 to $49,999	6¼
$50,000 to $99,999	5¼
$100,000 to $249,999	3¾
$250,000 to $999,999	2¼
$1,000,000 and over	1¼

Shares of each of the Funds and of Bond Fund may be exchanged for shares of any of the other Funds on the basis of the relative net asset value per share at the time of exchange without any sales charge. In addition, stockholders of Bond Fund who redeem their shares have for 30 days after redemption a one-time privilege, to the extent the redeemed shares would have been eligible for exchange, to purchase shares of the Funds without sales charge up to the dollar amount of the redemption proceeds.

Applicants state that Bond Fund's Board of Directors has approved a reduction of Bond Fund's sales charge, to take effect upon the effectiveness of the necessary Post-Effective Amendment to Bond Fund's Registration Statement, as follows:

Size of transaction at offering price:	*Sales load (as percent of offering price)*
Less than $100,000	2¾
$100,000 to $999,999	1¾
$1,000,000 and over	¾

Applicants propose to offer shares of each of the Funds to stockholders of Bond Fund for shares of Bond Fund that were purchased after the effectiveness of the Bond Fund sales load reduction, on the basis of relative net asset values at the time of exchange plus a sales charge described in the prospectus of the Fund being acquired, less the sales charge paid on such Bond Fund shares at the time they were originally acquired. An investor acquiring shares of one of the Funds through an exchange of shares of Bond Fund purchased at the reduced sales charges would, therefore, pay approximately the same overall sales charge that he would have paid had he purchased the same number of shares of one of the Funds directly.

Applicants represent that they will continue to exchange shares of each of the Funds for shares of Bond Fund which were purchased prior to the reduction of sales charges on the basis of the relative net asset value per share at the time of exchange without any sales charge. Applicants further submit that no additional sales charge will be imposed upon the exchange of shares of Bond Fund which were acquired as a result of an exchange for shares of the Funds or as a result of the reinvestment of dividends or capital gain distributions. In the event a stockholder desires to exchange a portion of his shares of Bond Fund, those shares that may be exchanged at relative net asset value without any additional sales charge will be exchanged first. The remaining shares to be exchanged will be selected from those shares entitled to be exchanged upon payment of the lowest additional sales charge.

Applicants further state that purchases of shares of the Funds by investors who redeemed Bond Fund shares within the previous 30 days will also include sales charges equal to the difference between the sales charges that were paid on the Bond Fund shares that were redeemed and the sales charges on the Fund shares acquired with the proceeds of such redemption. Purchases up to the dollar amount of proceeds from the redemption of Bond Fund shares that were acquired prior to the sales charge reduction as a result of an exchange for shares of the Funds or as a result of the reinvestment of dividends or capital gain distributions will be made on the basis of relative net asset value per share at the time of the purchase without any sales charge. In the event a stockholder desires to purchase shares of the Funds in an amount less than the dollar amount of redemptions, those purchases which can be made at relative net asset value without any sales charge will be made first followed by those purchases entitled to the lowest additional sales charge.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such company to make or cause to be made an offer to the shareholder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged unless the terms of the offer have first been submitted to and approved by the Commission.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus. Rule 22d-1 provides for exemption from section 22(d) to the extent necessary to permit the sale of securities of a registered investment company at prices which reflect reductions in or eliminations of the sales load under certain stated circumstances. Rule 22d-2 provides for a further exemption from the provisions of section 22(d) to the extent necessary to permit, without sales charge, reinvestment of the proceeds of a redemption made during the prior 30 days or the purchase with such proceeds of shares of another investment company which offers to exchange its shares for shares of the fund whose shares had been redeemed without any sales charge.

Applicants state that the purpose of the proposed exchange offer is to permit a shareholder of Bond Fund who changes his investment objective to change his investment to a different investment company without paying the full sales charge otherwise applicable. Applicants assert that the exchange offer to Bond Fund shareholders for Bond Fund shares acquired after the effectiveness of the reduced Bond Fund sales charge schedule cannot be made at the relative net asset values of the Fund to be acquired because the Bond Fund shareholder would have paid substantially less sales load on his investment than similarly situated investors in the Fund to be acquired. Applicants further submit that if shares of the Funds could be acquired at net asset value by a Bond Fund shareholder exchanging Bond Fund shares purchased at the reduced sales loads, section 22(d) of the Act might be violated as an investor would be able to purchase shares of one of the Funds at a sales charge other than that described in its prospectus merely by purchasing shares of Bond Fund at the new reduced sales load rates and thereafter exchanging such Bond Fund shares for Fund Shares at net asset value.

Section 6(c) provides, in part, that the Commission by order upon application, may conditionally or unconditionally exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provision or provisions of the Act and the Rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 13, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 13, 1974 unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27569 Filed 11-25-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 1101]

ALASKA

Disaster Relief Loan Availability

As a result of the President's declaration of the State of Alaska as a major disaster following severe storms and flooding beginning about November 11, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following area: Coastal Towns in Northwestern Alaska from Hooper Bay to Kotzebue, and adjacent affected areas. Adjacent areas include only areas within the state for which the declaration is made and do not extend beyond state lines.

Applications may be filed at the:

Small Business Administration
District Office
Suite 200, Anchorage Legal Center
1016 West Sixth Avenue
Anchorage, Alaska 99501

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than January 16, 1975. EIDL applications will not be accepted subsequent to August 18, 1975.

Dated: November 18, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-27607 Filed 11-25-74;8:45 am]

[Declaration of Disaster Loan Area 1103]

MONTANA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of October, because of the effects of a certain disaster, damage

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resulted to property located in the State of Montana;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the Town of Sheridan, Madison County, Montana, suffered damage or destruction resulting from a fire which occurred October 21, 1974.

Office:
Small Business Administration
District Office
Corner Main and Sixth Avenue
Helena, Montana 59601

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to January 17, 1975. EIDL applications will not be accepted subsequent to August 18, 1975.

Dated: November 18, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-27609 Filed 11-25-74;8:45 am]

[Notice of Disaster Loan Area 1102]

VIRGIN ISLANDS

Disaster Relief Loan Availability

As a result of the President's declaration of the Territory of the Virgin Islands as a major disaster following severe storms, landslides, and flooding, beginning about October 23, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from disaster victims in the following islands: St. Croix, St. John and St. Thomas.

Applications may be filed at the:

Small Business Administration
District Office
255 Ponce De Leon Avenue
Hato Rey, Puerto Rico 00919

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than January 16, 1975. EIDL applications will not be accepted subsequent to August 18, 1975.

Dated: November 18, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-27608 Filed 11-25-74;8:45 am]

TARIFF COMMISSION

[TEA-F-66]

HADDAD SHOE CORP.

Cancellation of Hearing on Petition for Determination

Notice is hereby given that the United States Tariff Commission has cancelled the public hearing scheduled for November 26, 1974, with regard to the petition of the Haddad Shoe Corporation, Lancaster, Pennsylvania, for a determination under section 301(c)(1) of the Trade Expansion Act of 1962. Cancellation is at the request of the petitioner. No other parties have entered an appearance in accordance with the Commission's Rules of Practice and Procedure.

Notice of the investigation and the scheduling of the public hearing was published in the FEDERAL REGISTER (39 FR 40336) on November 15, 1974.

Issued: November 22, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-27788 Filed 11-25-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

RECORDING OF OCCUPATIONAL INJURIES AND ILLNESSES

Revised Recordkeeping Forms; Availability

Notice is hereby given that under the authority of sections 8(c)(1), (2), 8(g)(2) and 24(e) of the Occupational Safety and Health Act of 1970 (the Act) the Bureau of Labor Statistics, U.S. Department of Labor, has revised certain of the forms which all employers having eight or more employees use in complying with the recordkeeping requirements of the Act.

These requirements are found in 29 CFR Part 1904. They provide that employers must maintain certain records regarding occupational injuries and illnesses on forms OSHA No. 100, or its equivalent, and OSHA No. 102.

This is to give notice that these forms have been revised and that for calendar year 1975, such records must be maintained on these revised forms.

The Bureau of Labor Statistics will supply upon request single copies of the revised forms. Only those employers who must reprogram computer systems used to maintain their injury and illness records, or who must alter recordkeeping training materials or administrative directives should request copies of the forms at this time. An extensive mailing of revised recordkeeping forms to employers is planned within the next few weeks and large quantities of the revised forms also will be available then.

Two recordkeeping forms are being revised:

(1) Log of Occupational Injuries and Illnesses (OSHA No. 100). Recordable cases which occur on or after January 1, 1975, must be entered on the revised form, or on an equivalent to the revised form. If the information is maintained on an equivalent form, such as a computer printout, it must be as readable and comprehensible as it is on the OSHA No. 100 form to a person not familiar with computer printouts.

(2) Summary of Occupational Injuries and Illnesses (OSHA No. 102). This form must be used to summarize the log entries for calendar year 1975 and subsequent years.

The third form used to prepare and maintain OSHA records, the Supplementary Record of Occupational Injuries and Illnesses (OSHA No. 101), is not being changed.

Employers are cautioned that the present edition of the log form is to be used to record cases which occur during 1974, and the present edition of the summary form is to be used to summarize the log entries for calendar year 1974.

Single copies of the revised recordkeeping forms may be obtained from regional offices of the Bureau of Labor Statistics at the following addresses:

REGION 1—BOSTON

Mr. Wendell D. Macdonald
Assistant Regional Director
1603-A Federal Office Building
Boston, Massachusetts 02203
Phone: 617-223-4541

REGION 2—NEW YORK

Mr. Herbert Bienstock
Assistant Regional Director
1515 Broadway
New York, New York 10036
Phone: 212-971-5015

REGION 3—PHILADELPHIA

Mr. Frederick W. Mueller
Assistant Regional Director
Post Office Box 13309
Philadelphia, Pennsylvania 19101
Phone: 215-597-1162

REGION 4—ATLANTA

Mr. Brunswick A. Bagdon
Assistant Regional Director
1371 Peachtree Street, NE.
Atlanta, Georgia 30309
Phone: 404-526-3660

REGION 5—CHICAGO

Mr. William E. Rice
Assistant Regional Director
230 South Dearborn Street
9th Floor
Chicago, Illinois 60604
Phone: 312-353-7253

REGION 6—DALLAS

Mr. Jack Strickland
Assistant Regional Director
1100 Commerce Street
Room 6B7
Dallas, Texas 75202
Phone: 214-749-1781

REGIONS 7 AND 8—KANSAS CITY AND DENVER

Mr. Elliott A. Brower
Assistant Regional Director
Federal Office Building
911 Walnut Street
Kansas City, Missouri 64106
Phone: 816-374-3685

REGIONS 9 AND 10—SAN FRANCISCO AND SEATTLE

Mr. D. Bruce Hanchett
Assistant Regional Director
450 Golden Gate Avenue
Box 36017
San Francisco, California 94102
Phone: 415-556-8980

Signed at Washington, D.C. this 21st day of November 1974.

JULIUS SHISKIN,
Commissioner of Bureau of Labor Statistics.

[FR Doc.74-27660 Filed 11-25-74;8:45 am]

Office of the Secretary

RCA CORP.

Investigation Regarding Certification of Eligibility of Workers to Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers producing electronic receiving tubes and components thereof known as mounts at the Harrison, New Jersey plant of RCA Corp., New York, New York (TEA-W-249). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before December 2, 1974.

Signed at Washington, D.C. this 18th day of November 1974.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.74-27661 Filed 11-25-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. 13542; Notice 74-5C]

1974-75 AIRWORTHINESS REVIEW PROGRAM

Notice of Conference

The purpose of this Notice is to inform all interested persons that from December 2 through 11, 1974, the Federal Aviation Administration will be conducting a conference at the Shoreham-Americana Hotel, 2500 Calvert Street, NW., Washington, D.C., at a part of the 1974-1975 Airworthiness Review Program. Information relating to the objectives of the Program, its operation, and additional information relating to this conference are contained in the following Notices that have been published in the FEDERAL REGISTER.

NOTICE

74-5 (39 FR 5785) February 15, 1974
74-5A (39 FR 18662) May 29, 1974
74-5B [1] (39 FR 36594) October 11, 1974

The proceedings will be conducted through six committees identified with their areas of coverage as—

I—Procedures and Special Issues.
II—Flight.
III(1)—Airframe (Large Airplanes).
III(2)—Airframe (Small Airplanes and Rotorcraft).
IV—Powerplant.
V—Equipment (and Systems).

The schedule for the plenary session, and for the working committees, is set forth below. Lunch breaks are scheduled from noon until 1:30 p.m. each day.

MONDAY, DECEMBER 2

PLENARY SESSION

Morning

9:30—Call to Order.
9:45—Welcoming Address.
11.05—Prologue; Conference Mission.
11:30—Public's Response.

Afternoon

1:30—NASA Technical Presentations: NASA General Aviation Crashworthiness Program. NASA Research on Aircraft Wake Vortex. NASA Research on Wet Runways. NASA Stall/Spin Program.
3:30—Conference Procedures & Announcements.
4:00—Committee Organization Sessions.

TUESDAY, DECEMBER 3

COMMITTEE SESSIONS

Morning (8:30 to 12:00)

Committee
I—Auxiliary Power Units.
II—Flight; General Small Airplane Performance.

Morning (8:30 to 12:00)

Committee:
III(1)—Structure; General Requirements. Structure; Flight Maneuver & Gust Conditions.
III(2)—Not in Session.
IV—Not in Session.
V—Not in Session.

Afternoon (1:30 to 5:00)

I—Auxiliary Power Units (cont'd), Surge and Stall, Parts Manufacturer Approval.
II—Small Airplane Performance (cont'd). Small Airplane Flight Characteristics.
III(1)—Structure; Supplementary Conditions. Structure; Control Surface & System Loads. Structure; Ground Loads.
III(2)—Not in Session.
IV—Not in Session.
V—Not in Session.

WEDNESDAY, DECEMBER 4

COMMITTEE SESSIONS

Morning (8:30 to 12:00)

Committee:
I—Parts Manufacturer Approval. Export Certification. Applicable Regulations.
II—Small Airplane Flight Characteristics (cont'd), Small Airplane Operating Limitations & Flight Manuals.
III(1)—Structure; Ground Loads (cont'd). Structure; Emergency Landing Conditions. Structure; Fatigue Evaluation.
III(2)—Not in Session.

Morning (8:30 to 12:00)

Committee:
IV—Contingency Ratings, 10-Minute Takeoff Rating.
V—Not in Session.

Afternoon (1:30 to 5:00)

I—Control Design Changes.
II—Small Airplane Operating Limitations & Flight Manuals (cont'd). Flight-General.
III(1)—Structure; Fatigue Evaluation (cont'd). Design & Construction; General Requirements.
III(2)—Not in Session.
IV—Engine Airworthiness Definitions. General.
V—Not in Session.

THURSDAY, DECEMBER 5

COMMITTEE SESSIONS

Morning (8:30 to 12:00)

Committee:
I—Continued Airworthiness.
II—Flight General (cont'd), Transport Airplane Performance.
III(1)—Design & Construction; General Requirements (cont'd). Design & Construction; Control Systems.
III(2)—Small Airplane Structure. Small Airplane Design & Construction; General Requirements.
IV—General (cont'd), Fuel System.
V—Equipment & Systems; General Requirements. Instruments.

Afternoon (1:30 to 5:00)

Committee:
I—Continued Airworthiness (cont'd).
II—Transport Airplane Performance (cont'd).

[1] Particular attention should be given to this Notice since it also contains procedures that will be applicable at the conference.

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III(1)—Design & Construction; Landing Gear. Design & Construction; Personnel & Cargo Accommodations.
III(2)—Small Airplane Design & Construction; Control Systems. Small Airplane Design & Construction; Landing Gear.
IV—Fuel System (cont'd).
V—Instruments (cont'd).

FRIDAY, DECEMBER 6

COMMITTEE SESSIONS

Morning (8:30 to 12:00)

Committee:

I—Minimum Equipment List.
II—Transport Airplane Flight Characteristics.
III(1)—Design & Construction; Personnel & Cargo Accommodations (cont'd).
III(2)—Small Airplane Design & Construction; Personnel & Cargo Accommodations.
IV—Oil System. Cooling System. Induction System.
V—Automatic Pilot & Flight Director Systems. Electrical System.

Afternoon (1:30 to 5:00)

I—Quality Control. Import Type Certification.
II—Transport Airplane Flight Characteristics (cont'd). Transport Airplane Flight Manuals.

Afternoon (1:30 to 5:00)

Committee:

III(1)—Design & Construction; Personnel & Cargo Accommodations (cont'd).
III(2)—Small Airplane Design & Construction; Miscellaneous.
IV—Induction System (cont'd). Exhaust System.
V—Electrical System (cont'd). Exterior Lights.

MONDAY, DECEMBER 9

COMMITTEE SESSIONS

Morning (8:30 to 12:00)

Committee

I—Restricted Category; Compensation or Hire. Individual Items.
II—Transport Airplane Flight Manuals (cont'd). Flight; General. Rotorcraft Performance.
III(1)—Design & Construction; Emergency Provisions.
III(2)—Rotorcraft Structure. Rotorcraft Design & Construction.
IV—Control & Accessories. Fire Protection.
V—Hydraulic System. Pressurization & Ventilation System.

Afternoon (1:30 to 5:00)

I—Balloons.
II—Rotorcraft Performance (cont'd). Rotorcraft Flight Characteristics.
III(1)—Design & Construction; Emergency Provisions (cont'd). Design & Construction; Pressurization.

Afternoon (1:30 to 5:00)

Committee

III(2)—Rotorcraft Design & Construction cont'd).
IV—Fire Protection (cont'd). Rotor Drive System.
V—Oxygen & Protective Breathing Equipment.

TUESDAY DECEMBER 10

COMMITTEE SESSIONS

Morning (8:30 to 12:00)

Committee

I—Open.
II—Rotorcraft Flight Characteristics (cont'd). Rotorcraft Operating Limitations & Flight Manuals.
III(1)—Design & Construction; Fire Protection.
III(2)—Open.
IV—Instruments.
V—Flight Recorders & Cockpit Voice Recorders.

Afternoon (1:30 to 5:00)

I—Open.
II—Rotorcraft Operating Limitations & Flight Manuals (cont'd).
III(1)—Design & Construction; Fire Protection (cont'd). Miscellaneous.
III(2)—Open.
IV—Operating Limitations. Propeller Airworthiness.
V—Miscellaneous.

WEDNESDAY, DECEMBER 11

PLENARY SESSION

Morning

9:30—Call to Order.
9:35—Summary; Committee I Chairman.
10:00—Summary; Committee II Chairman.
11:00—Summary; Committee III(1) Chairman.
11:30—Summary; Committee III(2) Chairman.

Afternoon

1:30—Summary; Committee IV Chairman.
2:00—Summary; Committee V Chairman.
3:00—Closing Address; View of the Future.

To register in advance, write to: Federal Aviation Administration, Flight Standards Service, Attn: Airworthiness Review Staff, AFS–70, 800 Independence Avenue, SW., Washington, D.C. 20591. There will also be a Conference Registration Desk in the Shoreham-Americana Hotel lobby during the conference dates.

There is no admission fee or any other charge required to be paid in order to attend and participate in the conference.

This notice is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on November 25, 1974.

C. R. MELUGIN, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.74-27912 Filed 11-25-74;1:54 pm]

INTERSTATE COMMERCE COMMISSION

[Notice 640]

ASSIGNMENT OF HEARINGS

NOVEMBER 21, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35997 and Sub 1, Aurora Cooperative Elevator Company V. Burlington Northern, Inc., now being assigned January 21, 1975 (9 days), at Lincoln, Nebr., in a hearing room to be later designated.

MC 119777 Sub 266, Ligon Specialized Hauler, Inc., now being assigned January 20, 1975 (2 days), at Seattle, Wash., in a hearing room to be later designated.

MC 136564 Sub 1, Shippers Leasing, Inc., now being assigned January 23, 1975 (2 days), at San Francisco, Calif., in a hearing room to be later designated.

MC 82965 Sub 3, Amador Stage Lines, Inc., now being assigned January 27, 1975 (1 week), at San Francisco, Calif., in a hearing room to be later designated.

AB–68, Lake Superior & Ishpeming Railroad Company Abandonment Between Munising and Marquette, and Lawson and Little Lake, in Alger and Marquette Counties, Michigan; F.D. 27478, Soo Line Railroad Company—Acquisition and Operation—Between Munising and Munising Junction in Alger County, Michigan; F.D. 27267, Michigan Corporation Trans Northern, Inc.—Acquisition and Operation—Between Munising and Eben Junction, Alger County, Michigan; F.D. 27750, Trans Northern, Inc. and Trans-Action Associates, Inc.—Acquisition and Operation in Alger and Marquette Counties, Michigan and F.D. 27751, Trans Northern, Inc.—Securities now being assigned December 17, 1974 at Washington, D.C., at the Offices of the Interstate Commerce Commission, for prehearing conference.

MC 107403 Sub 898, Matlack, Inc.; and MC 116077 Sub 353, Robertson Tank Lines, Inc., now being assigned January 28, 1975, at Dallas, Tex., in a hearing room to be later designated.

MC 52460 Sub 144, Ellex Transportation, Inc., now being assigned January 30, 1975, at Dallas, Tex., in a hearing room to be later designated.

MC–C–8413, William H. Ott DBA Texas Hot Shot Co.—Investigation and Revocation of Certificates, now being assigned February 3, 1975, at Dallas, Tex., in a hearing room to be later designated.

MC–F–12249, Briggs Transportation Co.—Purchase—Burlington Chicago Cartage, Inc., now being assigned January 14, 1975, at Chicago, Ill., in a hearing room to be later designated.

MC 114211 (Sub-No. 230), Warren Transport, Inc., now assigned December 3, 1974, at New Orleans, Louisiana, will be held at the Royall Orleans Hotel, 621 St. Louis Street.

F.D. 24024, Illinois Central Railroad Co. and Illinois Central Industries, Inc.—Purchase—Mississippi Central Railroad Co., now assigned December 5, 1974, at Natchez, Mississippi will be held at the Council Chambers, City Hall Corner of Pearl & State Streets.

MC 107515 (Sub-No. 887), Refrigerated Transport Co., Inc. now assigned December 9, 1974, at Tampa, Florida, will be held at the Sheraton Motor Inn, 515 East Cass Street.

MC 71593 Sub 1, C. G. Potter, Dba Maumee Express, now assigned December 3, 1974 at New York, N.Y., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27658 Filed 11-25-74;8:45 am]

[Ex Parte 241; Rule 19; Exemption 84, Amdt. 3]

MISSOURI PACIFIC RAILROAD CO.

Exemption Under Mandatory Car Service Rules

Upon further consideration of Exemption No. 84 issued August 21, 1974.

It is ordered, That, under the authority vested in me by Car Service Rule 19, Exemption No. 84 to the Mandatory Car Service Rules ordered in Ex Parte No. 241, be, and it is hereby amended to *expire December 15, 1974.*

This amendment shall become effective November 15, 1974.

Issued at Washington, D.C., November 13, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-27657 Filed 11-25-74;8:45 am]

[Ex Parte 241; Rule 18; Sixth Rev. Exemption 10]

ATLANTA & ST. ANDREWS BAY RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-ft. plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, I.C.C. R.E.R. No. 393, issued by W. J Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 ft. 6 in. or less and equipped with doors less than 9 ft. wide and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlanta and Saint Andrews Bay Railway Company. Reporting marks: ASAB.
The Central Railroad Company of New Jersey, Robert D. Timpany, Trustee. Reporting marks: CNJ.
Chicago, West Pullman & Southern Railroad Company. Reporting marks: CWP.
The Denver and Rio Grande Western Railroad Company. Reporting marks: DRGW.
Louisiana Midland Railway Company. Reporting marks: LOAM.

Effective November 14, 1974, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., November 14, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-27656 Filed 11-25-74;8:45 am]

[Rev. S.O. 994; Rev. I.C.C. Order 76, Amdt. 3]

READING CO.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 76 (Reading Company) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 76 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.* This order shall expire at 11:59 P.M., March 15, 1975, unless otherwise modified, changed, or suspended.

It is further ordered, That this amendment shall become effective at 11:59 p.m., November 15, 1974, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., November 11, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-27655 Filed 11-25-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Letter Notices

NOVEMBER 21, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's *Gateway Elimination* Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before December 6, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will *not* operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 2860 (Sub-No. E70) (correction), filed June 4, 1974, published in the FEDERAL REGISTER November 13, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from points in that part of New York on and east of a line beginning at the Pennsylvania-New York State line, thence along New York Highway 17 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line, between the United States and Canada to points in that part of Virginia west of U.S. Highway 1. The purpose of this filing is to eliminate the gateways of (1) the junction of the Pennsylvania Turnpike and U.S. Highway 130 at Philadelphia, (2) any point in Salem County, N.J.; and (3) any point in Delaware east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal. The purpose of this correction is to clarify the destination territory.

No. MC 2860 (Sub-No. E77) (correction), filed June 4, 1974, published in the FEDERAL REGISTER November 11, 1974. Applicant: NATIONAL FREIGHT, INC., 57 Westpark Ave., Vineland, N.J. 08360. Applicant's representative: Jacob P. Billig, Suite 300, 1126 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in that part of New York on and east of a line beginning at the New York-New Jersey State line, thence along New York Highway 17 to junction Interstate Highway 87, thence along Interstate Highway 87 to junction New York Highway 145, thence along New York Highway 145 to Sharon Springs, thence along New York Highway 10 to junction New York Highway 8, thence along New York Highway 8 to junction New York Highway 30, thence along New York Highway 30 to the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in that part of Maryland on and east of Interstate Highway 81, restricted against the transportation of traffic originating at, destined to, or received from or delivered to connection carriers at Somerville, N.J., or points in Morris County, N.J. The purpose of this filing is to eliminate the gateways of (1) Camden, N.J., and (2) any point in Somerset County, N.J. The purpose of this correction is to clarify the territorial description.

No. MC 40456 (Sub-No. E6), (correction), filed June 4, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: JOHN BENKART & SONS CO., 2500 No. Charles Street, Pittsburgh, Pa. 15219. Applicant's representative: William J. Lavelle, 2310 Grant Bldg., Pittsburg, Pa. 15219. Authority sought to operate as a *common carrier,* by motor

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vehicle, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, between points in Garrett, Allegany, and Washington Counties, Md., on the one hand, and, on the other, points in that part of New York on and west of a line beginning at Windsor Beach, thence along U.S. Highway 15 to junction New York Highway 255, thence along New York Highway 255 to junction New York Highway 256, thence along New York Highway 256 to junction New York Highway 36, thence along New York Highway 36 to the Pennsylvania-New York State line. The purpose of this filing is to eliminate the gateway of points in that part of Pennsylvania on, south, and west of a line beginning at the Ohio-Pennsylvania State line, thence along U.S. Highway 322 to junction U.S. Highway 219, thence along U.S. Highway 219 to the Pennsylvania-Maryland State line. The purpose of this correction is to correct the description of the gateway points to be eliminated.

No. MC 43867 (Sub-No. E1), filed May 6, 1974. Applicant: MCALISTER TRUCKING COMPANY, P.O. Box 2214, 1610 East Scott St., Wichita Falls, Tex. 76307. Applicant's representative: Hardy McAlister (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products, and by products, and *machinery, materials, equipment, and supplies*, used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe line, including the stringing and picking up thereof, (a) between points in Texas, Oklahoma, Louisiana, New Mexico, and Kansas (points in Oklahoma and Texas)*; and (b) between points in Kansas, Oklahoma, Texas, Louisiana, and those in Lea and Eddy Counties, New Mexico on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming (points in Kansas, Oklahoma, and Texas)*; (2) *Machinery and equipment*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, and *materials and supplies* (not including sulphur) used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of sulphur and its products, restricted to the transportation of shipments of materials and supplies moving to or from exploration, drilling, production, job, construction, plant (including refining, manufacturing, and processing plant) sites or storage sites, (a) between points in Kansas, Oklahoma, Texas, Louisiana, and those in Lea and Eddy Counties, New Mexico, on the one hand, and, on the other, points in Wyoming (points in Kansas, Oklahoma, and Texas)*; and (b) between points in Texas, Oklahoma, Louisiana, New Mexico, and Kansas (points in Oklahoma and Texas)*.

(3) *Machinery, equipment, materials, and supplies*, used in, or connection with, the drilling of water wells, (a) between points in Kansas, Oklahoma, Texas, Louisiana, and those in Lea and Eddy Counties, New Mexico, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming (points in Oklahoma and Texas)*; (b) between points in Texas, Oklahoma, Louisiana, and points in New Mexico on, south and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 56 to Springer, thence along U.S. Highway 85 to its intersection with northern boundary of Mora County, thence along the northern boundary of Mora County to its intersection with the eastern boundary of Santa Fe County, thence along the eastern, northern and western boundary of Santa Fe County to its intersection with Interstate Highway 25, thence along Interstate Highway 25 to its intersection with the northern boundary of Dona Ana County, thence along the western boundary of Dona Ana County to the intersection of the International Boundary line between the United States and Mexico and points in Kansas on, south or east of a line beginning at the Kansas-Oklahoma border and extending along U.S. Highway 56 to junction U.S. Highway 154, thence along U.S. Highway 154 to U.S. Highway 54, thence along U.S. Highway 54 to the junction Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to the junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Montana (points in Texas)*.

(c) Between points in Illinois, Indiana, and Kentucky on the one hand, and, on the other, St. Louis, Missouri, and points in Kansas, Oklahoma, New Mexico, Texas, Arizona, Colorado, Utah, and Wyoming, points in Kansas, Oklahoma, Louisiana, New Mexico, and Kansas (points in Kansas, Oklahoma, and Texas)*; (4) *Machinery, equipment, materials and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, other than pipelines used for the transmission of natural gas, petroleum, and their products and by-products, water, or sewerage, restricted to the transportation of shipments moving to or from pipeline rights of way, (a) between points in Kansas, Oklahoma, Texas, Louisiana, and those in Lea and Eddy Counties, New Mexico, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming (points in Kansas, Oklahoma, and Texas)*; (b) between points in Texas, Oklahoma, Louisiana, and points in New Mexico on, south, and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 56 to Springer, thence south along U.S. Highway 85 to the northern boundary of Mora County, thence along the northern boundary of Mora County to its intersection with the eastern boundary of Santa Fe County, thence along the eastern, northern, and western boundary of Santa Fe County to its intersection with Interstate Highway 25, thence along Interstate Highway 25 to its intersection with the northern boundary of Dona Ana County, thence along the western boundary of Dona Ana County to its intersection with the northern boundary of Luna County.

Thence along the northern and western boundary of Luna County to the International Boundary line between the United States and Mexico, and points in Kansas on, south, and east of a line beginning at the Kansas-Oklahoma border and extending along U.S. Highway 56 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction of Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 59 thence along U.S. Highway 59 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Montana (points in Texas)*; (c) between points in Illinois, Indiana, and Kentucky on the one hand, and, on the other, St. Louis, Missouri, and points in Kansas, Oklahoma, New Mexico, Texas, Arizona, Colorado, Utah, Wyoming, and Nevada (points in Kansas, Oklahoma, and Texas)*; (d) between points in Texas, Oklahoma, Louisiana, Lea and Eddy Counties, New Mexico, and points in Kansas on or south or east of a line beginning at the Colorado-Kansas border and extending along U.S. Highway 40 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and on the other, points in Nevada (points in Oklahoma and Texas)*; and (e) between points in Texas, Oklahoma, Louisiana, New Mexico, and Kansas (points in Oklahoma and Texas)*.

(5) *Machinery, equipment, supplies, and materials*, used in or incidental to, irrigation and drilling of water wells, between points in New Mexico and Idaho (Farmington, N. Mex.)*; (6) *Machinery, equipment, materials, and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by products; and *machinery, equipment, materials, and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main pipelines, (a) between points in Kansas, Oklahoma, Texas, Louisiana, and those in Lea and Eddy Counties, New Mexico, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming (points in Kansas, Oklahoma, and Texas)*; (b) between points in Texas, Oklahoma, Louisiana, and points in New Mexico on, south, and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 56 to Springer, thence south on U.S. Highway 85 to the northern boundary of Mora County, thence west along the northern boundary of Mora County to its intersection with the eastern boundary of Santa Fe County, thence along the eastern, northern, and western boundary of Santa Fe County to its intersection with Interstate Highway 25, thence south along Interstate Highway 25 to its intersection with the northern boundary of Dona Ana County, thence along the western boundary of Dona Ana County to its intersection with the northern boundary of Luna County.

Thence along the northern and western boundary of Luna County to the International Boundary line between the United States and Mexico, and points in Kansas on, south, and east of a line beginning at the Kansas-Oklahoma border and extending along U.S. Highway 56 to the junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Montana (points in Texas)*; (c) between points in Illinois, Indiana, and Kentucky on the one hand, and, on the other, St. Louis, Missouri, and points in Kansas, Oklahoma, New Mexico, Texas, Arizona, Colorado, Utah, and Wyoming (points in Kansas, Oklahoma, and Texas)*; (d) between points in Texas, Oklahoma, Louisiana, and points in New Mexico on, south, and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 56 to Springer, thence along U.S. Highway 85 to the northern boundary of Mora County, thence along the northern boundary of Mora County to its intersection with the eastern boundary of Santa Fe County, thence along the eastern, northern and western boundary of Santa Fe County to its intersection with Interstate Highway 25.

Thence along Interstate Highway 25 to the northern boundary of Dona Ana County, thence along the western boundary of Dona Ana County to its intersection with the northern and western boundary of Luna County to the International Boundary line between the United States and Mexico, and points in Kansas on, south and east of a line beginning at the Kansas-Oklahoma border and extending along U.S. Highway 56 to the junction of U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Montana (points in Texas)*; (c) between points in Illinois, Indiana, and Kentucky on the one hand, and, on the other, St. Louis, Missouri, and points in Kansas, Oklahoma, New Mexico, Texas, Arizona, Colorado, Utah, Wyoming, and Nevada (points in Kansas, Oklahoma, and Texas)*; (d) between points in Texas, Oklahoma, Louisiana, Lea, and Eddy Counties, New Mexico, and points in Kansas on, south and east of a line beginning at the Colorado-Kansas border extending along U.S. Highway 40 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Nevada (points in Oklahoma and Texas)*; and (e) between points in Texas, Oklahoma, Louisiana, New Mexico, and Kansas (points in Oklahoma and Texas)*.

(8) *Machinery, equipment, materials, and supplies*, used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and *machinery, materials, supplies, and equipment*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except the picking up or stringing of pipe in connection with main or trunk pipelines, (a) between points in Kansas, Oklahoma, Texas, Louisiana, and those in Lea and Eddy Counties, New Mexico, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming (points in Kansas, Oklahoma, and Texas)*; (b) between points in Texas, Oklahoma, Louisiana and points in New Mexico on, south and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 56 to Springer, thence south along U.S. Highway 85 to the northern boundary of Mora County, thence along the northern boundary of Mora County to its intersection with the eastern boundary of Santa Fe County, thence along the eastern, northern and western boundary of Santa Fe County to its intersection with Interstate Highway 25.

Thence along Interstate Highway 25 to the northern boundary of Dona Ana County, thence along the western boundary of Dona Ana County to its intersection with the northern and western boundary of Luna County to the International Boundary line between the United States and Mexico, and points in Kansas on, south and east of a line beginning at the Kansas-Oklahoma border and extending along U.S. Highway 56 to the junction of U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Montana (points in Texas)*; (c) between points in Illinois, Indiana, and Kentucky on the one hand, and, on the other, St. Louis, Missouri, and points in Kansas, Oklahoma, New Mexico, Texas, Arizona, Colorado, Utah, Wyoming, and Nevada (points in Kansas, Oklahoma, and Texas)*; (d) between points in Texas, Oklahoma, Louisiana, Lea, and Eddy Counties, New Mexico, and points in Kansas on, south and east of a line beginning at the Colorado-Kansas border extending along U.S. Highway 40 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Nevada (points in Oklahoma and Texas)*; and (e) between points in Texas, Oklahoma, Louisiana, New Mexico, and Kansas (points in Oklahoma and Texas)*.

(9) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe* incidental to be used in, or in connection with (a) the transportation, installation, removal, operation, repair, servicing, maintenance, and dismantling of drilling machinery and equipment, (b) the completion of holes or wells drilled, (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites and (d) the injection or removal of commodities into or from holes or wells, (a) between points in Kansas, Oklahoma, Texas, Louisiana, and those in Lea and Eddy Counties, New Mexico, on the one hand, and, on the other, points in Arizona, Colorado, Utah,

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and Wyoming (points in Kansas, Oklahoma, and Texas)*; (b) between points in Texas, Oklahoma, Louisiana, and points in New Mexico on, south and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 40 to Springer, thence along U.S. Highway 85 to the northern boundary of Mora County, thence along the northern boundary of Mora County to its intersection with the eastern boundary of Santa Fe County, thence along the eastern, northern and western boundary of Santa Fe County to its intersection with Interstate Highway 25, thence along along Interstate Highway 25 to the northern boundary of Dona Ana County, thence along the western boundary of Dona Ana County, to its intersection with the northern boundary of Luna County, thence along the northern and western boundary of Luna County to the International Boundary line between the United States and Mexico, and points in Kansas on, south and east of a line beginning at the Kansas-Oklahoma State line and extending along U.S. Highway 56 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Montana (points in Texas)*.

(c) Between points in Illinois, Indiana, and Kentucky on the one hand, and, on the other, St. Louis, Missouri, and points in Kansas, Oklahoma, New Mexico, Texas, Arizona, Colorado, Utah, Wyoming, and Nevada (points in Oklahoma and Texas)*; (d) between points in Texas, Oklahoma, Louisiana, Lea and Eddy Counties, New Mexico, and points in Kansas on, south and east of a line beginning at the Colorado-Kansas State line and extending along U.S. Highway 40 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Nevada (points in Oklahoma and Texas)*; and (e) between points in Texas, Oklahoma, Louisiana, New Mexico, and Kansas (points in Oklahoma and Texas)*; (X) *Machinery, equipment, materials and supplies*, used in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipelines for the transportation of water and sewage, including the stringing and picking up of pipe, (a) between points in Kansas, Oklahoma, Texas, Louisiana, and those in Lea and Eddy Counties, New Mexico, on the one hand, and, on the other, points in Arizona, Colorado, Utah, and Wyoming (points in Kansas, Oklahoma, and Texas)*; (b) between points in Texas, Oklahoma, Louisiana, and points in New Mexico on, south and east of a line beginning at the Texas-New Mexico State line and extending along U.S. Highway 56 to Springer.

Thence along U.S. Highway 85 to the northern boundary of Mora County, thence along the northern boundary of Mora County to its intersection with the eastern boundary of Santa Fe County, thence along the eastern, northern and western boundary of Santa Fe County to its intersection with Interstate Highway 25, thence along Interstate Highway 25 to its intersection with the northern boundary of Dona Ana County, thence along the western boundary of Dona Ana County to its intersection with the northern boundary of Luna County, thence along the northern and western boundary of Luna County to the International Boundary line between the United States and Mexico, and points in Kansas on, south and east of a line beginning at the Kansas-Oklahoma border and extending along U.S. Highway 56 to junction U.S. Highway 154, thence along U.S. Highway 154 to junction U.S. Highway 54, thence along U.S. Highway 54 to junction Kansas Highway 96, thence along Kansas Highway 96 to junction Kansas Highway 39, thence along Kansas Highway 39 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Kansas Highway 57, thence along Kansas Highway 57 to junction U.S. Highway 69, thence along U.S. Highway 69 to junction U.S. Highway 160, thence along U.S. Highway 160 to the Kansas-Missouri State line, on the one hand, and, on the other, points in Montana (points in Texas)*; (c) between points in Illinois, Indiana, and Kentucky on the one hand, and, on the other, St. Louis, Missouri, and points in Kansas, Oklahoma, New Mexico, Texas, Arizona, Colorado, Utah, Wyoming, and Nevada (points in Kansas, Oklahoma, and Texas)*; (d) between points in Texas, Oklahoma, Louisiana, Lea, and Eddy Counties, New Mexico, and points in Kansas on, south and east of a line beginning at the Colorado-Kansas Border and extending along U.S. Highway 40 to junction U.S. Highway 283, thence along U.S. Highway 283 to junction U.S. Highway 24, thence along U.S. Highway 24 to junction Kansas Highway 9, thence along Kansas Highway 9 to junction U.S. Highway 81, thence along U.S. Highway 81 to the Kansas-Nebraska State line, on the one hand, and, on the other, points in Nevada (points in Oklahoma and Texas)*; and (e) between points in Texas, Oklahoma, Louisiana, New Mexico, and Kansas (points in Oklahoma and Texas)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 76177 (Sub-No. E54), filed April 15, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd St., Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A, B, and C explosives and blasting supplies*, between points in Florida south of Interstate Highway 4, on the one hand, and, on the other, points in New Mexico in and west of Otero, Sierra, Socorro, Valencia, Bernalillo, Sandova, Los Alamos, and San Juan Counties. The purpose of this filing is to eliminate the gateway of points within 15 miles of both Energy and Wolf Lake, Ill.

No. MC 76177 (Sub-No. E57), filed April 15, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd St., Birmingham, Ala. 35233. Applicant's representative: C. T. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies*, from points in Tennessee on and east of U.S. Highway 27 to points in Pittsburg County, Okla. The purpose of this filing is to eliminate the gateway of McAdory, Ala., and points within 15 miles thereof.

No. MC 76177 (Sub-No. E62), filed April 15, 1974. Applicant: BAGGETT TRANSPORTATION CO., 2 South 32nd St., Birmingham, Ala. 35233. Applicant's representative: T. C. Sinclair (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Classes A and B explosives and blasting supplies;* (1) between points in Pennsylvania, on the one hand, and, on the other, points in Alabama south of the Tennessee River; and (3) between points in Franklin County, Pa., on the one hand, and, on the other, points in Alabama. The purpose of this filing is to eliminate the gateway of McAdory, Ala., and points within 15 miles thereof.

No. MC 78228 (Sub-No. E3) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 7, 1973. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alloys and ores*, from Philadelphia, Pa., to points in Ohio (East Liverpool, Ohio)*; (2) *Ferro alloys and silicon metal*, in dump vehicles, from points in Ohio to points in Connecticut, Delaware, Maryland (except points in Garrett, Allegany, Washington, and Frederick Counties), and New Jersey (Vancoram, Ohio)*; and (3) *Metals, metal alloys, sand, ores, and limestone*, in dump vehicles, from points in Connecticut, Delaware, and New Jersey (except Mount Hope, N.J., and points in its commercial zone and points in Gloucester and Cumberland Counties)*, to points in Ohio (Graham, W. Va., or Vancoram, Ohio)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include a gateway which was omitted in (1) above, and the commodity description and origin points in (2) above.

No. MC 78228 (Sub-No. E9), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 7, 1974. Applicant: J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Bldg., Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ferro alloys, silicon metal, and manganese metal*, in dump vehicles, from points in that part of West Virginia on and north of U.S. Highway 50, to points in Illinois, Indiana, Iowa, and Missouri (Graham, W. Va., Vancoram, Ohio, or Vanadis, Ohio)*; (2) *Pig iron*, in dump vehicles, from points in Ohio to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont (Buffalo, N.Y.)*; and (3) *Pig iron*, in dump vehicles, from points in that part of New York on and west of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction Alternate U.S. Highway 20, thence along Alternate U.S. Highway 20 to junction New York Highway 63, thence along New York Highway 63 to junction New York Highway 408, thence along New York Highway 408 to junction New York Highway 16, thence along New York Highway 16 to junction New York Highway 16A, thence along New York Highway 16A to the New York-Pennsylvania State line, to points in Illinois, Kentucky, and Maine (Buffalo, N.Y.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the destination states in (2) above.

No. MC 89697 (Sub-No. E1), filed May 31, 1974. Applicant: KRAJACK TANK LINES, INC., 480 East Westfield Ave., Roselle Park, N.J. 07204. Applicant's representative: Morton E. Kiel, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commercial solvents, paint, lacquer, and cleaning solvents, ether, alcohol, and acetates* in bulk, in tank trucks as are liquid chemicals, (1) between points in Massachusetts, Rhode Island, and Connecticut, on the one hand, and, on the other, points in that part of Delaware and that part of Pennsylvania within 250 miles of Elizabeth, N.J.; (2) between points in Massachusetts and Rhode Island, on the one hand, and, on the other, points in New Jersey, New York, N.Y., and Nassau and Suffolk Counties, N.Y. (except between points in Berkshire County, Mass., on the one hand, and, on the other, New York, N.Y.); (3) between points in Litchfield, Hartford, Middlesex, Tolland, Windham, and New London Counties, Conn., on the one hand, and, on the other, points in New Jersey (except between points in Litchfield County, Conn., on the one hand, and, on the other, points in Sussex, Passaic, Bergen, and Hudson Counties, N.J.); (4) between points in Fairfield and New Haven Counties, Conn., on the one hand, and, on the other, points in New Jersey (except Passaic, Bergen, Hudson, Essex, Union, Sussex, and Morris Counties); (5) between points in Delaware on the one hand, and, on the other, points in that part of New York within 250 miles of Elizabeth, N.J. (except between points in Delaware, on the one hand, and, on the other, points in Chautauqua, Cattaraugus, Allegany, and Steuben Counties, N.Y.).

(6) Between points in Erie and Niagara Counties, N.Y., on the one hand, and, on the other, points in Connecticut (except Litchfield County), Rhode Island, Massachusetts (except Berkshire, Franklin, Hampshire, and Hampden Counties), and New York, N.Y.; (7) between Syracuse, N.Y., on the one hand, and, on the other, points in New Jersey (except Sussex, Warren, and Hunterdon Counties), and Philadelphia, Penn.; (8) between points in Erie, Niagara, Orleans, and Monroe Counties, N.Y., on the one hand, and, on the other, points in Bucks, Philadelphia, Delaware, and Chester Counties, Penn.; (9) between points in New Jersey (except Bergen, Sussex, Hudson, Union, Passaic, Essex, Morris, Hunterdon, and Warren Counties) on the one hand, and, on the other, points in New York; (10) between points in Sussex and Warren Counties, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y., and New York, N.Y.; (11) between points in Monmouth, Bergen, Essex, Hudson, and Union Counties, N.J., on the one hand, and, on the other, points in Pennsylvania; (12) between New York, N.Y. and points in Nassau and Suffolk Counties, N.Y., on the one hand, and, on the other, points in that part of Pennsylvania 250 miles of Elizabeth, N.J. (except between New York, N.Y., on the one hand, and, on the other, points in Pike County, Penn.); (13) between points in Bucks, Montgomery, Chester, Philadelphia, and Delaware Counties, Penn., on the one hand, and, on the other, points in New York except Chautauqua, Cattaraugus, Allegany, Steuben, Schuyler, Chemung, Tompkins, Tioga, Cortland, Chenango, Broome, Otsego, Delaware, and Sullivan Counties (except between Chester, Bucks, and Montgomery Counties, Penn., on the one hand, and, on the other, points in Erie County, N.Y.); (14) between points in that part of Pennsylvania south of Interstate Highway 80, on the one hand, and, on the other, Clinton, St. Lawrence, Franklin, Hamilton, Essex, Warren, Fulton, Saratoga, Washington, Schenectady, Rensselaer, Albany, Greene, Columbia, Ulster, Dutchess, Putnam, Westchester, Nassau, and Suffolk Counties, N.Y., and New York, N.Y.

IV. Lacquer solvents, cleaning solvents, industrial alcohol, and acetates, in bulk, in tank trucks, from points in New Jersey, Delaware, and that part of Pennsylvania within 250 miles of Elizabeth, N.J., to New York, N.Y., and East Berlin, Conn. (Hudson County, N.J.)* *V. Such commercial solvents, paint-lacquer-, and cleaning solvents, and ether, alcohol, and acetates*, in bulk, in tank trucks, as are liquid chemicals, from points in Massachusetts, Rhode Island, and Connecticut, to Philadelphia, Penn. (Carteret, N.J.)* *VI. Industrial alcohol, and alcohol paint-, lacquer-, and cleaning solvents*, in bulk, in tank trucks, as are liquid chemicals, from points in Connecticut, Rhode Island, and Massachusetts, to points in that part of Maryland within 200 miles of Yonkers, N.Y. (Carteret, N.J., and New York, N.Y.).* (15) from points in Providence and Bristol Counties, R.I., on the one hand, and, on the other, Orleans, Cayuga, Wayne, Genesee, Erie, Chemung, Steuben, Tompkins, Chautauqua, Livingston, Niagara, Sullivan, Cattaraugus, Yates, Monroe, Seneca, Schuyler, Wyoming and Allegany Counties, N.Y.; and (16) between points in Passaic County, N.J., on the one hand, and, on the other, points in Delaware and Pennsylvania (except Northampton, Wayne, Pike, and Monroe Counties) (Carteret, N.J.).* II. *Inflammable alcohols, acetates, commercial solvents, and paint-, lacquer-, and cleaning solvents*, in bulk, in tank trucks, (1) from points in that part of Delaware, that part of New Jersey, and that part of Pennsylvania, within 250 miles of Elizabeth, N.J., to points and places in Bristol and Providence Counties, R.I.; and (2) from New York, N.Y., and points in Nassau and Suffolk Counties, N.Y., to points in Bristol and Providence Counties, R.I. (Newark, N.J.).* III. *Industrial alcohol, and alcohol lacquer and cleaning solvents*, in bulk, in tank trucks, from Bergen, Essex, and Hudson Counties, N.J., to points in Maryland (New York, N.Y.).* VII. *Industrial alcohol, and alcohol lacquer and cleaning solvents*, in bulk, in tank trucks, from points in Massachusetts and Connecticut to points in that part of Maryland within 200 miles of Yonkers, N.Y. ((1) Hudson, Bergen, or Essex Counties, N.Y., and (2) New York, N.Y.).*

VIII. *Industrial alcohol, and alcohol paint-, lacquer-, and cleaning solvents*, in bulk, in tank trucks, as are liquid chemicals, from St. Lawrence, Franklin, Herkimer, Hamilton, Essex, Warren, Washington, Fulton, Saratoga, Rensselaer, Albany, Clinton, Schuyler, Greene, and Columbia Counties, N.Y., to points in that part of Maryland within 200 miles of Yonkers, N.Y. (Carteret, N.J., and New York, N.Y.).* IX. *Dry chemicals* (except calcium chloride), in bulk, in tank vehicles, from Marcus Hook, Penn., to Niagara, Erie, Orleans, Genesee, Wyoming, Monroe, Livingston, Wayne, Ontario, Yates, Cayuga, Seneca, Onondaga, Oswego, Jefferson, Madison, Oneida, Lewis, St. Lawrence, Herkimer, Hamilton, Franklin, and Clinton Counties, N.Y. (Solvay, N.Y.).* X. *Liquid fatty acid esters*, in bulk, in tank vehicles, as are liquid chemicals, from South Bound Brook, N.J., and points in Middlesex County, N.J., to Momence, Ill., and Cincinnati, Ohio (Huguenot, N.Y.).* XI. *Denatured alcohol, commercial solvents, and paint-, lacquer-, and cleaning solvents*, in bulk, in tank trucks, between Baltimore, Md., on the one hand, and, on the other, points in Morris, Essex, Bergen, Middlesex, Passaic, Somerset, Sussex, Warren, Hunterdon, Union, and Hudson Counties, N.J., New York (except points

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west of Interstate Highway 81), Connecticut, and Massachusetts (Newark, N.J.).* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 107515 (Sub-No. E65), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 5, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), and *frozen foods*, from Scranton, Pa., to points in Alabama, Georgia, Florida, Tennessee, Louisiana, Mississippi, and that part of Kentucky on and south of a line beginning at the Kentucky-Virginia State line, thence along U.S. Highway 460 to junction Kentucky Highway 1427, thence along Kentucky Highway 1427 to junction Kentucky Highway 11, thence along Kentucky Highway 11 to junction Kentucky Highway 52, thence along Kentucky Highway 52 to junction Interstate Highway 75, thence along Interstate Highway 75 to junction U.S. Highway 150, thence along U.S. Highway 150 to junction Kentucky Highway 78, thence along Kentucky Highway 78 to junction Kentucky Highway 70, thence along Kentucky Highway 70 to junction Kentucky Highway 210, thence along Kentucky Highway 210 to junction Kentucky Highway 61, thence along Kentucky Highway 61 to junction Kentucky Highway 86, thence along Kentucky Highway 86 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Ohio River, restricted to transportation in vehicles with mechanical refrigeration. The purpose of this filing is to eliminate the gateway of Richmond, Va. The purpose of this correction is to clarify the territorial description.

No. MC 107515 (Sub-No. E87) (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Chickasha, Enid, Elk City, and Woodward, Okla., to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Atlanta, Ga. The purpose of this correction is to reflect the client's correct name.

No. MC 107515 (Sub-No. E109), (Correction), filed May 29, 1974, published in the FEDERAL REGISTER September 5, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Oklahoma City and Elk City Okla., to the District of Columbia, points in Connecticut and Massachusetts, and points in those parts of Virginia, Maryland, and Delaware on and east of Interstate Highway 95, that part of Pennsylvania on and east of a line beginning at the Pennsylvania-Maryland State line, thence along Interstate Highway 83 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction U.S. Highway 222, thence along U.S. Highway 222 to junction Pennsylvania Turnpike, Northeast Extension, thence along Pennsylvania Turnpike, Northeast Extension, to junction Interstate Highway 80, thence along Interstate Highway 80 to the Pennsylvania-New York State line, that part of New Jersey on and east of a line beginning at the New Jersey-Pennsylvania State line, thence along Interstate Highway 80 to junction New Jersey Highway 94, thence along New Jersey Highway 94 to the New York-New Jersey State line, and that part of New York on and east of a line beginning at the New York-Pennsylvania State line, thence along Interstate Highway 84 to junction Interstate Highway 87, thence along Interstate Highway 87 to the International Boundary line between the United States and Canada. The purpose of this filing is to eliminate the gateway of Ayden, N.C. The purpose of this correction is to clarify the destination States.

No. MC 107515 (Sub-No. E166), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned citrus products*, in mixed loads with citrus products, frozen (presently authorized), and/or citrus products, not canned and not frozen (presently authorized), in vehicles equipped with mechanical refrigeration, from points in that part of Florida on and east of U.S. Highway 319, to points in Minnesota and Iowa. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, in Jefferson County, Ky.

No. MC 107515 (Sub-No. E167), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, in mixed shipments with bananas, from Jacksonville, Fla., to New York, N.Y., the District of Columbia, and points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and that part of Virginia on and east of a line beginning at the North Carolina-Virginia State line, thence along U.S. Highway 15 to junction Virginia Highway 20, thence along Virginia Highway 20 to Scottsville, thence along Virginia Highway 6 to Waynesboro, thence along U.S. Highway 340 to junction U.S. Highway 33, thence along U.S. Highway 33 to the Virginia-West Virginia State line. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E168), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Canned fruit juices*, in vehicles equipped with mechanical refrigeration, from points in that part of Florida on and east of a line beginning at the Georgia-Florida State line, thence along U.S. Highway 125 to junction Florida Highway 51, thence along Florida Highway 51 to the Gulf of Mexico, to points in Tennessee. The purpose of this filing is to eliminate the gateway of the plant site of Commercial Cold Storage, at Doraville, Ga.

No. MC 110420 (Sub-No. E155), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wisconsin 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bichromate of soda*, in bulk, in tank vehicles, from Kearny, N.J., to (1) points in Kansas, Iowa, Minnesota, the Upper Peninsula, Benton, and Washington Counties, Ark., that part of Missouri in, north, and west of Monett, Lawrence, Dade, Cedar, St. Clair, Benton, Pettis, Saline, Howard, Randolph, Shelby, and Marion Counties, and that part of Illinois in and north of Whiteside, Lee, De Kalb, Kane, Du Page, and Cook Counties (Milwaukee, Ill.)*; (2) points in South Dakota, North Dakota (except points in Pembina, Walsh, Grand Forks, Traill, Cass, and Richland Counties), and that part of Kansas in and west of Marshall, Riley, Geary, Morris, Chase, Butler, and Cowley Counties (Milwaukee, Wis., Clinton, Iowa, and Fremont, Nebr.)*; (3) to points in Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Milwaukee, Wis., Ringwood, Ill., and Janesville, Wis.)*; The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110421 (Sub-No. E156), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 11th St. NW., Washington, D.C. 20001. Au-

thority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bichromate of soda*, in bulk, in tank vehicles, from Baltimore, Md., to points in (1) South Dakota, North Dakota (except Cavaber, Pembina, Ramsey, Walsh, Nelson, Grand Forks, Greggs, Steele, and Traill Counties), and that part of Kansas in and west of Norton, Graham, Trego, Ness, Hodgeman, Fork, and Clark (Milwaukee, Wis., Clinton, Iowa, and Fremont, Nebr.)*, (2) Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Milwaukee, Wis., and Ringwood, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110420 (Sub-No. E157), filed June 4, 1974. Applicant: QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bichromate of soda*, in bulk, in tank vehicles, from Painesville, Ohio; (1) to points in Minnesota and the Upper Peninsula of Michigan (Milwaukee, Wis.)*; (2) to points in that part of South Dakota in, west, and north of Campbell, Walworth, Potter, Hyde, Buffalo, Jerauld, Sanborn, Miner, Lake, and Moody Counties, and that part of Nebraska in and west of Norton, Sheridan, Gove, Lane, Furvey, Haskell, and Seward Counties (Milwaukee, Wis., Clinton, Iowa, and Fremont, Nebr.)*; (3) to points in Colorado, Idaho, Montana, Utah, Wyoming, and that part of Nebraska on and west of U.S. Highway 281 (Milwaukee, Wis., and Ringwood, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1283), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, from points in Maryland to points in Rhode Island. The purpose of this filing is to eliminate the gateway of Lima, Pa., and Newark, N.J. The purpose of this correction is to clarify the commodity description.

No. MC 112822 (Sub-No. E167), (Correction), filed June 3, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese*, from points in that part of Kansas on and north of a line beginning at the Kansas-Colorado State line, and extending U.S. Highway 40 to Junction City, thence along U.S. Highway 77 to Herington, thence along U.S. Highway 56 to the Kansas-Missouri State line, to points in California. The purpose of this filing is to eliminate the gateway of Logan, Smithfield, or Wellsville, Utah. The purpose of this correction is to reflect the correct MC number, previously published as No. MC 112422.

No. MC 111545 (Sub-No. E390) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: HOME TRANSPORTATION CO., INC., P.O. Box 6426, Station A, Marietta, Ga. 30062. Applicant's representative: Robert E. Born (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron soil pipe and fittings and bituminized fibre pipe and fittings*, the transportation of which because of size or weight, requires the use of special equipment, from points in that part of Georgia within 175 miles of Chattanooga, Tenn., and on and south of a line beginning at the Georgia-Alabama State line, thence along Georgia Highway 20 to junction U.S. Highway 41, thence along U.S. Highway 41 to Atlanta, thence along U.S. Highway 78 to the Georgia-South Carolina State line, to points in that part of Missouri on and west of U.S. Highway 63. The purpose of this filing is to eliminate the gateway of Holt, Ala. The purpose of this correction is to correct the "E" number, previously published as E391.

No. MC 111548 (Sub-No. E16), filed June 4, 1974. Applicant: SHARPE MOTOR LINES, INC., P.O. Box 517, Hildebran, N.C. 28637. Applicant's representative: Edward G. Villalon, Suite 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Laboratory and technical furniture, fixtures, equipment, material, and supplies*, uncrated, from points in the District of Columbia, and points in that part of Maryland on and west of U.S. Highway 1, to points in Georgia, Florida, Alabama, Mississippi, Louisiana, and points in that part of South Carolina on and west of U.S. Highway 52. The purpose of this filing is to eliminate the gateway of Warren, Pa., and Statesville, N.C.

No. MC 113495 (Sub-No. E44) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and (2) *Road construction machinery and equipment* as described in Appendix VIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, the transportation of which because of size or weight requires the use of special equipment, from points in Illinois (except Aurora, Beardstown, Decatur, Deerfield, De Kalb, Harvey, Joliet, Morton, Mossville, Peoria, and Springfield, and points within 10 miles of each), to points in Berkeley, Grant, Hampshire, Hardy, Jefferson, Pendleton, Randolph, and Tucker Counties, W.Va., restricted in (1) above, against the transportation of commodities which because of size or weight requires the use of special equipment, and restricted in (2) above, to the transportation of the described commodities when moving in the same vehicle with shipments of such commodities which do not require the use of special equipment. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to correct the "E" number, previously published as E41.

No. MC 113843 (Sub-No. E932) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in that part of New Hampshire on and north of New Hampshire Highway 11. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E933) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St. Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in Colorado. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E934) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in that portion of Minnesota on and west of a line beginning at the Mississippi River and extending along U.S. Highway 61 to junction Minnesota Highway 42, thence along Minnesota Highway 42 to junction U.S. Highway 14,

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thence along U.S. Highway 14 to Eyota, thence along unnumbered highway to junction U.S. Highway 52, thence along U.S. Highway 52 to junction Minnesota Highway 139, thence along Minnesota Highway 139 to the Minnesota-Iowa State line. The purpose of this filing is to eliminate the gateway of Dundee, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E937) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in that part of Vermont on and north of U.S. Highway 4. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E938) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in that part of the Upper Peninsula of Michigan on and west of a line beginning at the Michigan-Wisconsin State line and extending along U.S. Highway 45 to junction Michigan Highway 26, thence along Michigan Highway 26 to Lake Superior. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E939) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to St. Joseph, Mo. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E940) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to Calais, Maine, and points in Aroostook County, Maine. The purpose of this filing is to eliminate the gateway of Elmira, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E941) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in Iowa on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of LeRoy, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 113843 (Sub-No. E942), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 30, 1974. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Hanover, Pa., to points in that portion of New Hampshire on and north of a line beginning at the New Hampshire-Vermont State line at or near Lebanon, and extending along U.S. Highway 4 to junction New Hampshire Highway 104, thence along New Hampshire 104 to junction U.S. Highway 3, thence along U.S. Highway 3 to junction New Hampshire Highway 25, thence along New Hampshire Highway 25 to the New Hampshire-Maine State line. The purpose of this filing is to eliminate the gateway of Syracuse, N.Y. The purpose of this correction is to correct a typographical error.

No. MC 116008 (Sub-No. E1), filed June 4, 1974. Applicant: ARCHIE'S MOTOR FREIGHT, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by five-and-ten-cent retail stores, and in connection therewith, *equipment, material*, and *supplies* used in the conduct of such business (except commodities in bulk and those requiring special equipment), between points in Allegheny County, Pa., on the one hand, and, on the other, Silver Spring and Hancock, Md., and Clarendon, Va. The purpose of this filing is to eliminate the gateway of McKeesport, Pa.

No. MC 116008 (Sub-No. E2), filed June 4, 1974. Applicant: ARCHIE'S MOTOR FREIGHT, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or sold by dealers in five-and-ten-cent store merchandise, between points in Allegheny County, Pa., on the one hand, and, on the other, Annapolis, Baltimore, Cumberland, Frostburg, Rockville, and Westminster, Md., Keyser and Piedmont, W. Va., Alexandria and Richmond, Va., and points in the District of Columbia. The purpose of this filing is to eliminate the gateway of McKeesport, Pa.

No. MC 116008 (Sub-No. E3), filed June 4, 1974. Applicant: ARCHIE'S MOTOR FREIGHT, INC., P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Gene R. Prohushi (Same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Such commodities* as are used or sold by dealers in five-and-ten-cent store merchandise, from Frederick and Hagerstown, Md., to points in Allegheny County, Pa. The purpose of this filing is to eliminate the gateway of McKeesport, Pa.

No. MC 119988 (Sub-No. E25), filed June 3, 1974. Applicant: GREAT WESTERN TRUCKING CO., INC., P.O. Box 1384, Lufkin, Tex. 75902. Applicant's representative: Joe E. Kinard, 201 W. Commerce St., Dallas, Tex. 75208. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed advertising matter*, and (2) *newspaper supplements* otherwise exempt from economic regulation under section 203 (b)(7) of the Act when transported in mixed loads with printed advertising matter, from the plant site and storage facilities of the Oklahoma Publishing Co., Web Offset Division, at or near Oklahoma City, Okla., to points in that part of California (except Los Angeles) on and south of a line beginning at the California-Arizona State line at or near Needles, Calif., thence along Interstate Highway 40 to junction California Highway 58, thence along California Highway 58 to junction California Highway 99, thence along California Highway 99 to junction California Highway 46, thence along California Highway 46 to Cambria. The purpose of this filing is to eliminate the gateway of Ringgold, Tex.

No. MC 123407 (Sub-No. E86), filed June 4, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board and materials and accessories* used in the installation thereof, from the plant site and storage facilities of the National Gypsum Company at Mobile, Ala., to Bensenville, Schiller Park, and O'Hare International Airport, Ill. The purpose of this filing is to eliminate the gateway of Dubuque, Iowa.

No. MC 128007 (Sub-No. E7), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate

as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry fish meal;* (1) from Houston, Tex., to points in Wisconsin; (2) from Moss Point and Pascagoula, Miss., Empire, Dulac, and Cameron, La., to points in New Mexico; and (3) from New Orleans, Holmwood, Abbeville, and Morgan City, La., and Sabine Pass and Port Arthur, Tex., to points in New Mexico and Wisconsin. The purpose of this filing is to eliminate the gateways of Pittsburg, Kans., or Altus, Okla.

No. MC 128007 (Sub-No. E9), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Levelland, Tex., to points in Ohio, Wisconsin, Indiana, Mississippi (except points in Wilkinson County), and points in Tennessee (except points in Shelby County). The purpose of this filing is to eliminate the gateways of Liberal, Kans., or Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E11), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from El Paso, Tex., to points in Wisconsin, Indiana, Ohio, and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E12), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Pumas, Tex., to points in Wisconsin, Indiana, Ohio, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or Pittsburg, Kans.

No. MC 128007 (Sub-No. E13), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Hereford, Tex., to points in Indiana, Ohio, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., and Pittsburg, Kans.

No. MC 128007 (Sub-No. E14), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Etter, Tex., to points in Wisconsin, Indiana, Ohio, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E15), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Lubbock, Tex., to points in Ohio, Wisconsin, Indiana, points in Mississippi (except points in Wilkinson County), and points in Tennessee (except points in Shelby County). The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or Pittsburg, Kans.

No. MC 128007 (Sub-No. E16), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Sweetwater, Tex., to points in Ohio, Wisconsin, Indiana, and points in Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E17), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Abilene, Tex., to points in Ohio, Wisconsin, Indiana, and points in Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or Pittsburg, Kans.

No. MC 128007 (Sub-No. E18), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients;* from Hamlin, Tex., to points in Ohio, Indiana, Wisconsin, and points in Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or Pittsburg, Kans.

No. MC 128007 (Sub-No. E19), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Plainview, Tex., to points in Wisconsin, Indiana, Ohio, Mississippi on and north of Interstate Highway 20, and points in Tennessee (except points in Shelby County). The purpose of this filing is to eliminate the gateways of Liberal and Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E20), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from El Paso, Tex., to points in Mississippi on and north of Interstate Highway 20 and on and east of Interstate Highway 55. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 128007 (Sub-No. E21), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Rotan, Tex., to points in Ohio, Indiana, Wisconsin, and points in Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or Pittsburg, Kans.

No. MC 128007 (Sub-No. E22), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Richmond, Tex., to points in Ohio, Indiana and Wisconsin. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kansas.

No. MC 128007 (Sub-No. E23), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kansas 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Wolfe City, Tex., to points in Wisconsin, Ohio, Indiana and points in Mississippi (except points in Wilkinson County). The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kansas.

No. MC 128007 (Sub-No. E24), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Sherman, Tex., to points in Indiana, Wisconsin, Ohio, and points in Mississippi (except points in Jackson County). The purpose of this

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filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E25), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Freeport, Tex., to points in Wisconsin, Ohio, and Indiana. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E26), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Fort Worth, Tex., to points in Wisconsin, Indiana, and Ohio, and points in Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E27), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Harlingen, Tex., to points in Wisconsin, Indiana, Ohio, and points in Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E28), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Bryan, Tex., to points in Wisconsin, Ohio, Indiana, and points in Mississippi on and north of Mississippi Highway 6. The purpose of this filing is to eliminate the gateways of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E29), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Temple, Tex., to points in Indiana, Wisconsin, Ohio, and points in Mississippi (except points in Jackson County). The purpose of this filing is to eliminate the gateways of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E30), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Stamford, Tex., to points in Wisconsin, Indiana, Ohio, and points in Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E31), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Beaumont, Tex., to points in Ohio, Wisconsin, and points in Indiana on and north of Indiana Highway 46. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E32), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Waxahachie, Tex., to points in Indiana, Wisconsin, Ohio, and points in Mississippi on and north of Interstate Highway 20. The purpose of this filing is to eliminate the gateways of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E33), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Guymon, Okla., to points in Wisconsin, Ohio, Indiana, and Mississippi. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E34), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Oklahoma City, Okla., to points in Wisconsin, Ohio, Indiana, and Mississippi. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E35), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Altus, Okla., to points in Wisconsin, Indiana, Ohio, and Mississippi. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E36), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison St., Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Clinton, Okla., to points in Mississippi, Oklahoma, Indiana, and Ohio. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E37), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kans. 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Hollis, Okla., to points in Indiana, Wisconsin, Ohio, and Mississippi. The purpose of this filing is to eliminate the gateway of the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans., or Van Buren, Ark.

No. MC 128007 (Sub-No. E45), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Kansas City, Kans., to points in Louisiana and Mississippi. The purpose of this filing is to eliminate the gateway of Van Buren, Ark.

No. MC 129872 (Sub-No. E2), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80228, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except truck-tractors), (2) *Agricultural implements and machinery*; and (3) *Attachments* for, and *equipment*

designed for use with the articles described in (1) and (2) above, when moving in mixed loads with the articles described in (1) and (2) above, from Rock Island and East Moline, Ill., to points in that part of Nebraska on, north, and west of a line beginning at the Kansas-Nebraska State line, thence along Nebraska Highway 14 to junction U.S. Highway 30, thence along U.S. Highway 30 to junction Nebraska Highway 15, thence along Nebraska Highway 15 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction Nebraska Highway 51, thence along Nebraska Highway 51 to the Nebraska-Iowa State line, and points in that part of Minnesota on and west of a line begining at the Iowa-Minnesota State line, thence along Minnesota Highway 86 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 273, thence along Minnesota Highway 273 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 32, thence along Minnesota Highway 32 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line. The purpose of this filing is to eliminate the gateway of points within 25 miles of LeMars, Iowa, in Cherokee, O'Brien, Sioux, Plymouth, and Woodbury Counties, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27659 Filed 11-25-74;8:45 am]

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federal register

TUESDAY, NOVEMBER 26, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 229

PART II

FEDERAL ENERGY ADMINISTRATION

■

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentages for December 1974

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FEDERAL ENERGY ADMINISTRATION

NATIONAL UTILITY RESIDUAL FUEL OIL ALLOCATION

Supplier Percentage Notice for December, 1974

Pursuant to the provisions of 10 CFR 211.163(b)(3), 211.165 and 211.166(d)(2), the Federal Energy Administration (FEA) hereby provides notice of the volumes of residual fuel oil allocated to each utility for December, 1974, and the percentage of such volumes required to be supplied by each supplier for delivery in December. This information is set forth in the Appendix to this notice. Adjustments of certain supplier base period percentages have been made at the request of affected utilities, pursuant to the criteria of 10 CFR 205.25 and are reflected in the Appendix.

The utility allocations were determined after review of the impact of available fuel supplies between utility and non-utility uses of residual fuel oil. In calculating the allocation level for each utility the FEA considered all of the factors enumerated in 10 CFR 211.163(b)(3) and also the following other factors:

1. The data contained in the Federal Power Commission (FPC) Forms 23 and 23A submitted by utilities;

2. Dwindling utility coal reserves combined with favorable residual fuel oil supply forecast for the fourth quarter, which justify temporary suspension of FEA's efforts to maximize non-oil based energy production.

3. FEA's prediction that the supply level of residual fuel oil is expected to equal or exceed the total demand. In view of the impact of natural gas curtailments and the possibility of coal shortages, the supply/demand balance could rapidly change. Accordingly, utilities may build up inventories through purchase of surplus volumes pursuant to the procedures set forth in 10 CFR 211.10(g), consistent with the provisions of 10 CFR 211.166(c).

The amounts shown in the Appendix are the quantities of residual fuel oil to be delivered to the utility listed during the month of December, 1974. Some utilities will not receive any allocation for this month. This is due to the fact that these utilities burn other fuels primarily and use residual fuel oil only for standby purposes.

The Appendix provides the names of the suppliers obligated to supply each utility and each supplier's percentage and volume of each month's allocation to a utility. The first column of the Appendix lists each utility with its suppliers. The second column sets forth the recommended FEA burn level for December. The third and fourth columns provide each supplier's respective percentage and volume share of a utility's allocated volume of residual fuel oil. The fifth column provides the total volume of residual fuel oil for each utility from all suppliers. Following the name of certain suppliers, an additional supplier is shown in parentheses. The supplier in parentheses is presumed, on the basis of the best information available, to be the supplier of the utility's supplier. This information is provided for the convenience of such suppliers and the FEA requests that any additions or corrections in this regard be forwarded to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

FEA will consider special circumstances such as unexpected outages which may cause fuel consumption to exceed FEA burn levels in any month. Adjustments have been made in the allocation levels of certain utilities to reflect necessary corrections in the delivery levels authorized in previous months. It is contemplated that corrections or adjustments to delivery levels for certain utilities may be required during the month of December to avoid undue hardship. Such corrections or adjustments may be made pursuant to Subpart B and C of Part 10 CFR Part 205.

FEA expects the utilities to consume supplies at or below FEA burn levels, which are based on the utilities' proposed burn levels less adjustments for projected growth exceeding historic averages.

The utility residual fuel oil allocation program is based in part on the data derived from utilities' filings of FPC Forms 23 and 23A. Thus, the timely submission of these forms will be a necessary prerequisite to receiving future allocation notices.

Reports should be addressed to FEA Electrical Utilities Reports, Code 47, Washington, D.C. 20461.

Issued in Washington, D.C., November 20, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel.

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APPENDIX

RESIDUAL FUEL OIL ALLOCATIONS TO UTILITIES FOR THE MONTH OF DECEMBER, 1974

	RECOMMENDED FEO BURN	PCT.	BY SUPPLIER (BARRELS)	TOTAL (BARRELS)
1. NORTHEAST POWER COORDINATING COUNCIL AREA (NPCC)				
CONNECTICUT				
NORTHEAST UTILITIES	2,013,896			2,013,896
AMERADA HESS CORP.		68.0	1,369,449	
TAD JONES CO. (GULF)		21.0	422,918	
WYATT, INC. (EXXON)		10.0	201,390	
H.N.HARTWELL & SON INC.		1.0	20,139	
UNITED ILLUMINATING CO.	754,000			754,000
TEXACO		87.0	655,980	
WYATT, INC. (EXXON)		13.0	98,020	
MAINE				
BANGOR HYDRO ELEC. CO.	22,358			22,358
SPRAGUE		100.0	22,358	
CENTRAL MAINE POWER CO.	288,520			288,520
TEXACO		100.0	288,520	
MAINE PUBLIC SERVICE CO.	11,606			11,606
DEAD RIVER OIL (SPRAGUE)		100.0	11,606	
MASSACHUSETTS				
BOSTON EDISON CO.	980,674			980,674
WHITE FUEL (TEXACO)		46.0	451,110	
EXXON		42.0	411,883	
SPRAGUE		12.0	117,681	
BRAINTREE ELEC. LT. DEPT.	15,893			15,893
C.K.SMITH (GOLDEN EAGLE)		100.0	15,893	
E.UTIL.ASSOC.(MONTAUP & BLACKS.)	249,420			249,420
TEXACO		100.0	249,420	
FITCHBURG GAS & ELEC.	14,000			14,000
NORTHEAST PETROLEUM		100.0	14,000	
HOLYOKE GAS AND ELECTRIC	11,830			11,830
WYATT, INC. (EXXON)		100.0	11,830	
NEW ENGLAND ELECTRIC	1,364,177			1,364,177
ASIATIC PETRO. CORP.		60.0	818,506	
GOLDEN EAGLE		40.0	545,671	

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NEW ENG. GAS & ELECTRIC	536,000			536,000
NEW ENGLAND PETRO		82.0	439,520	
WHITE FUEL (TEXACO)		18.0	96,480	
PEABODY ELECTRIC LT. DEPT.	1,845			1,845
PICKERING OIL		100.0	1,845	
TAUNTON MUN. LIGHT	50,720			50,720
QUINCY OIL CO. (EXXON)		100.0	50,720	
NEW HAMPSHIRE				
PUBLIC SERVICE OF NEW HAMPSHIRE	522,000			522,000
SPRAGUE		26.3	137,286	
CONOCO		73.7	384,714	
NEW YORK				
CENTRAL HUDSON GAS & ELEC. CO.	1,175,557			1,175,557
AMERADA HESS CORP.		100.0	1,175,557	
CONSOL. EDISON OF NEW YORK	4,418,887			4,418,887
NEW ENGLAND PETRO.		45.5	2,010,594	
EXXON		20.8	919,128	
AMERADA HESS CORP.		22.3	985,412	
TEXACO		11.4	503,753	
FREEPORT, VILLAGE OF	21,600			21,600
BURNS BROS. OIL(NEPCO)		100.0	21,600	
LONG ISLAND LIGHT CO.	1,714,208			1,714,208
NEW ENGLAND PETRO.		100.0	1,714,208	
NIAGARA MOHAWK POWER CO.	599,640			599,640
NEW ENGLAND PETRO.		100.0	599,640	
ORANGE & ROCKLAND UTILITIES	1,167,217			1,167,217
NEW ENGLAND PETRO.		31.6	368,841	
HOWARD FUEL CORP.		68.4	798,376	
ROCHESTER GAS & ELECTRIC	2,237			90,176
ALLIED OIL		29.7	26,782	
MONOCO OIL COMPANY		70.3	63,394	
RHODE ISLAND				
NEWPORT ELECTRIC CORP.	7,766			7,766
C.D. SMITH		100.0	7,766	

2. MID-ATLANTIC AREA COORDINATION AGREEMENT (MAAC)

DELAWARE				
DELMARVA POWER & LIGHT	637,603			637,603
STEUART PETROLEUM CO.		22.0	140,273	
TEXACO		5.0	31,880	
GULF		8.0	51,008	
CONOCO		65.0	414,442	
DOVER, CITY OF	42,573			42,573
TEXACO		100.0	42,573	
DISTRICT OF COLUMBIA				
POTOMAC ELEC. PWR.	1,370,000			1,370,000
ASIATIC PETRO. CORP.		79.0	1,082,300	
STEUART PETROLEUM CO.		21.0	287,700	
MARYLAND				
BALTIMORE GAS & ELECTRIC	997,108			997,108
AMERADA HESS CORP.		52.7	525,476	
EXXON		47.3	471,632	
NEW JERSEY				
ATLANTIC CITY ELECTRIC CO.	414,046			414,046
AMERADA HESS CORP.		100.0	414,046	
GPU INTEGRATED SYSTEMS	445,184			445,184
AMERADA HESS CORP.		91.6	407,789	
SWANN OIL, INC.		5.0	22,259	
ARCONE OIL CO.		2.4	10,684	
SHIPLEY-HUMBLE		1.0	4,452	
PUBLIC SERVICE ELECTRIC	1,806,954			1,806,954
AMERADA HESS CORP.		78.0	1,409,424	
EXXON		22.0	397,530	
VINELAND, CITY OF ELEC.	63,983			63,983
SWANN OIL, INC.		100.0	63,983	

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PENNSYLVANIA				
PENNSYLVANIA PWR. & LIGHT	0			0
PHILADELPHIA ELECTRIC CO.	724,939			724,939
ARCO		28.5	206,608	
AMERADA HESS CORP.		21.5	155,862	
GULF		9.0	65,244	
NEW ENGLAND PETRO.		2.1	15,224	
TEXACO		24.0	173,985	
CONOCO		14.9	108,016	

3. SOUTHEASTERN ELECTRIC RELIABILITY COUNCIL (SERC)

FLORIDA				
FLORIDA KEYS ELEC. COOP.	0			0
FLORIDA POWER & LIGHT	2,196,402			2,196,402
EXXON		15.0	329,460	
BELCHER OIL (EXXON)		85.0	1,866,942	
FLORIDA POWER CORPORATION	1,496,800			1,496,800
EXXON		60.0	898,080	
AMERADA HESS CORP.		40.0	598,720	
FORT PIERCE, CITY OF	27,000			27,000
NEW ENGLAND PETRO.		100.0	27,000	
GAINESVILLE, CITY OF	89,979			89,979
EASTERN SEABOARD		100.0	89,979	
GULF POWER CO.	90,368			90,368
BAKER SERVICE (EXXON)		100.0	90,368	
JACKSONVILLE ELEC. AUTH.	658,978			658,978
VEN FUEL INC.		82.6	544,316	
AMERADA HESS		8.7	57,331	
NEW ENGLAND PETRO.		8.7	57,331	
KEY WEST UTILITIES	37,739			37,739
STD. OIL-KY.		100.0	37,739	
LAKE WORTH UTIL. AUTHORITY	13,145			13,145
BELCHER OIL (EXXON)		100.0	13,145	
LAKELAND LIGHT & WATER DEPT.	133,000			133,000
BELCHER (STD. OIL-KY.)		100.0	133,000	
NEW SMYRNA BEACH	0			0

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ORLANDO UTILITIES COMM.	360,639			360,639
NEW ENGLAND PETRO.		100.0	360,639	
SEBRING UTILITIES COMM.	4,762			4,762
UNION OIL OF CALIF.		100.0	4,762	
TALLAHASSEE, CITY OF	72,237			72,237
UNION OIL OF CALIF.		100.0	72,237	
TAMPA ELECTRIC CO.	129,000			129,000
WESTERN (STD. OIL-KY.)		100.0	129,000	
VERO BEACH MUNICIPAL POWER	28,105			28,105
VELCHER OIL (EXXON)		100.0	28,105	
GEORGIA				
GEORGIA POWER COMPANY	42,533			42,533
NEW ENGLAND PETRO.		100.0	42,533	
SAVANNAH ELECTRIC & POWER CO.	233,700			233,700
COLONIAL OIL (EXXON)		100.0	233,700	
MISSISSIPPI				
MISSISSIPPI POWER CO.	68,360			68,360
ERGON (INT'L. TRADING)		45.0	30,762	
BAKER SERVICE (EXXON)		55.0	37,598	
SOUTH MISSISSIPPI ELEC.	62,365			62,365
SOUTHLAND OIL		83.0	51,763	
AMERADA HESS CORP.		17.0	10,602	
NORTH CAROLINA				
CAROLINA POWER & LIGHT	660,000			660,000
EXXON		100.0	660,000	
SOUTH CAROLINA				
S. CAROLINA ELEC. & GAS CO.	470,710			470,710
EXXON		100.0	470,710	
S. CAROLINA PUBLIC SERV. AUTH.	0			0
VIRGINIA				
VIRGINIA ELECTRIC POWER	1,939,700			1,939,700
EXXON		64.0	1,241,408	
AMERADA HESS CORP.		22.5	436,433	
AMOCO		13.5	261,860	

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4. SOUTHWEST POWER POOL COORDINATION COUNCIL (SPP)

ARKANSAS				
ARKANSAS ELEC. COOP.	148,828			148,828
LOGICON INC. (SHELL)		80.0	119,062	
E. L. BRIDE (TEXACO)		20.0	29,766	
JONESBORO WATER & LIGHT PLANT	0			0
COLORADO				
C T & U, S. COLORADO PWR. DIV.	970			970
CONTINENTAL OIL CO.		100.0	970	
KANSAS				
CENTRAL KANSAS POWER	6,343			6,343
GR. PLAINS (CRA-FARMLAND)		100.0	6,343	
CHANUTE, CITY OF	4,300			4,300
MID AMERICA REFINING		100.0	4,300	
CLAY CENTER LIGHT & WATER	1,178			1,178
CARTER WATERS		100.0	1,178	
COFFEYVILLE LIGHT & POWER	2,011			2,011
CRA-FARMLAND		100.0	2,011	
C T & U, WESTERN PWR. DIV.	9,770			9,770
AMOCO		73.0	7,132	
NO. AMERICAN PETRO.		23.0	2,247	
CARTER WATERS		4.0	391	
KANSAS GAS & ELECTRIC	0			0
KANSAS POWER & LIGHT	98,057			98,057
PHILLIPS PETROLEUM		46.1	45,204	
GREAT PLAINS		38.4	37,654	
NATL. COOP. REFINERY		15.5	15,199	
LARNED WATER & ELEC.	261			261
CARTER WATERS		100.0	261	
MCPHERSON BOARD OF PUB. UTIL.	5,230			5,230
NATL. COOP REFINERY		100.0	5,230	
OTTAWA WATER & LIGHT	185			185
CARTER WATER (AMOCO)		100.0	185	

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LOUISIANA				
CENTRAL LOUISIANA ELECTRIC CO.	0			0
JONESBORO POWER & LIGHT	0			0
MIDDLE SOUTH SERVICES	1,416,633			1,416,633
MURPHY OIL CORP.		30.0	424,990	
TAUBER OIL CO.		20.5	290,410	
SHELL		21.3	301,743	
EXXON		12.9	182,745	
GULF		9.5	134,580	
ERGON, INC. (EXXON)		3.8	53,832	
E.L. BRIDE (OKC REF.)		1.7	24,083	
REESE OIL (SUN OIL)		.3	4,250	
SOUTHWESTERN ELECTRIC POWER	0			0
MISSISSIPPI				
CLARKSDALE WATER & LIGHT	506			506
SOUTHLAND OIL		100.0	506	
YAZOO CITY PUBLIC SERVICE	6,428			6,428
SOUTHLAND OIL (HOWELL)		100.0	6,428	
MISSOURI				
EMPIRE DIST. ELEC.	7,900			7,900
E. L. BRIDE		100.0	7,900	
ST. JOSEPH LT. & PWR.	259			259
E. L. BRIDE		100.0	259	
OKLAHOMA				
BLACKWELL WATER & LIGHT	0			0
OKLAHOMA GAS & ELECTRIC	0			0
WESTERN FARMERS ELEC COOP	18,746			18,746
MC PHERSON BROTHERS		100.0	18,746	
TEXAS				
GULF STATES UTILITIES	200,000			200,000
COASTAL STATES MKTG		37.5	75,000	
TENNECO		16.1	32,200	
LAJET		4.0	8,000	
EXXON		20.1	40,200	
SOUTH HAMPTON		22.3	44,600	

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5. ELECTRIC RELIABILITY COUNCIL OF TEXAS (ERCOT)

AUSTIN CITY ELEC DEPT	61,735			61,735
TESORO		100.0	61,735	
BRAZOS ELEC COOP	0			0
BRYAN, CITY OF	8,222			8,222
PETROLEUM T & T (3 RIVER)		100.0	8,222	
DALLAS POWER & LIGHT	0			0
GARLAND, CITY OF	39,031			39,031
PRIDE REFINERY		74.7	29,156	
DELTA REFINING CO		35.3	9,875	
HOUSTON LIGHT & POWER	0			0
LOWER COLORADO RIVER AUTH	0			0
MEDINA ELEC COOP	0			0
SAN ANTONIO PUBLIC SERV	258,550			258,550
TESORO		100.0	258,550	
TEXAS ELECTRIC SERV	0			0
TEXAS POWER & LIGHT	10,968			10,968
LA GLORIA OIL & GAS CO		31.1	3,411	
J & W REFINING		49.0	5,374	
KERR MCGEE		19.9	2,183	
WEST TEXAS UTIL	168,313			168,313
PRIDE		100.0	168,313	

6. MID-AMERICA INTERPOOL NETWORK (MAIN)

ILLINOIS

COMMONWEALTH EDISON CO.	430,000			430,000
ALLIED OIL		98.0	421,400	
CLARK OIL & REF CORP		2.0	8,600	
ILLINOIS POWER	0			0

MISSOURI

UNION ELECTRIC	9,939			9,939
APEX OIL CO.		100.0	9,939	

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WISCONSIN

SUPERIOR WATER & LIGHT	14,286			14,286
MURPHY OIL		100.0	14,286	
WISCONSIN ELECTRIC POWER	8,161			8,161
INDUST. FUEL & ASPHALT		100.0	8,161	

7. MID-CONTINENT AREA RELIABILITY COORDINATION AGREEMENT (MARCA)

IOWA

ATLANTIC MUNICIPAL UTILITIES	650			650
MCMILLAN OIL CO.		100.0	650	
INTERSTATE POWER	53,720			53,720
NORTHWESTERN REF.		100.0	53,720	
LAMONI MUNICIPAL	0			0

MINNESOTA

AUSTIN UTILITIES	6,929			6,929
NORTHWESTERN REF		48.3	3,347	
GUSTAFSON OIL CO		33.0	2,286	
W H BARBER		18.7	1,296	
FAIRMONT WTR & LT	0			0
MARSHALL MUNICIPAL UTIL	2,276			2,276
E.L. BRIDE		100.0	2,276	
MINNESOTA PWR & LIGHT	27,285			42,285
MURPHY OIL		100.0	42,285	
NORTHERN STATES POWER	0			0
OWATONNA MUNICIPAL UTIL.	17,586			17,586
NORTHWESTERN REF.		60.0	10,552	
GUSTAFSON OIL CO.		40.0	7,034	
WORTHINGTON, CITY OF	2,075			2,075
ALLIED OIL		100.0	2,075	

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NEBRASKA				
CENTRAL NEBRASKA PUBLIC	66,641			66,641
FARMLAND INDUSTRIES		100.0	66,641	
FAIRBURY LIGHT & WATER	5,137			5,137
CARTER WATER (TEXACO)		100.0	5,137	
GRAND ISLAND ELEC.	28,982			28,982
E. L. BRIDE		100.0	29,982	
HASTINGS UTILITIES DEPT.	3,831			3,831
CARTER WATERS		100.0	3,831	
LINCOLN ELECTRIC CYSTEM	0			0
NEBRASKA PUBLIC POWER DIST.	22,071			22,071
PANHANDLE COOP. ASSOC.		100.0	22,071	
OMAHA PUBLIC PWR. DIST.	0			0
WISCONSIN				
LAKE SUPERIOR DIST. PWR.	0			0

8. EAST CENTRAL AREA RELIABILITY COORDINATION AGREEMENT (ECAR)

MICHIGAN				
CLINTON LIGHT & WATER	858			858
CRYSTAL REFINING CO.		100.0	858	
CONSUMERS POWER	500,591			500,591
CONSUMERS PWR-CRUDE		54.0	270,319	
LAKESIDE REFINING CO.		14.0	70,083	
OSCEOLA REFINING CO.		8.0	40,047	
TOTAL LEONARD, INC.		4.0	20,024	
MURPHY MI. DIV. AMOCO		6.0	30,035	
ENTERPRISE OIL CO.		6.0	30,035	
BORON OIL (STANDARD)		3.0	15,018	
INDUST. FUEL & ASPHALT		2.0	10,012	
RUPP OIL COMPANY		2.0	10,012	
GLADIEUX REFINING		1.0	5,006	

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DETROIT EDISON CO.	445,056			445,056
SUN OIL, LTD.		70.0	311,539	
CANADIAN FUEL MKTRS.		9.9	44,061	
ENTERPRISE OIL CO.		4.8	21,362	
PETRO PRODUCTS		5.4	24,033	
MARATHON OIL		9.9	44,061	
GRAND HAVEN BD. PUB.	585			585
OSCEOLA REF.		100.0	585	
HILLSDALE BD. OF PUB. WORKS	5,673			5,673
LEWIS (GLADIEUX REF.)		100.0	5,673	
OHIO				
CLEVELAND ELEC. ILLUMIN.	169,643			169,643
ALLIED OIL (ASHLAND)		100.0	169,643	
TOLEDO EDISON	13,848			13,848
SUN OIL		100.0	13,848	
PENNSYLVANIA				
ALLEGHENY POWER SERVICE	120,000			120,000
ALLIED OIL (NEPCO)		100.0	120,000	

9. WESTERN SYSTEMS COORDINATING COUNCIL (WSCC)

ARIZONA				
ARIZONA PUBLIC SERVICE CO.	136,447			136,447
UNION OIL OF CALIF.		63.0	85,962	
PACIFIC SOUTHWEST		16.5	22,514	
SAN JOAQUIN REF.		16.5	22,514	
BASIN FUELS		4.0	5,458	
SALT RIVER PROJECT	237,553			237,553
TESORO		12.4	29,457	
DOUGLAS OIL CO.		2.8	6,651	
GUSTAFSON OIL CO.		.9	2,138	
MACMILLAN		17.0	40,384	
POWERINE OIL CO.		18.1	42,997	
LITTLE AMERICA		19.7	46,798	
SAN JOAQUIN REF.		29.1	69,128	

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TUCSON GAS & ELEC.	194,865			194,865
GOLDEN GATE PETRO.		22.0	42,871	
NAVAJO REFINING		5.0	9,743	
TOSCO		43.0	83,792	
UNION OIL OF CALIF.		25.0	48,716	
HOLLAND OIL (TOSCO)		5.0	9,743	
CALIFORNIA				
BURBANK CITY PUBLIC SER.	84,570			84,570
ARCO		100.0	84,570	
GLENDALE PUBLIC SERVICES	86,577			86,577
POWERINE OIL CO.		100.0	86,577	
IMPERIAL IRRIGATION DISTR.	81,900			81,900
CRESCENT REF.		100.0	81,900	
LOS ANGELES DEPT. OF W.& P.	1,613,000			1,613,000
ARCO		59.8	964,574	
EDGINGTON OIL CO.		20.9	337,117	
PETROBAY		7.6	122,588	
NEWHALL REFINING CO.		5.0	80,650	
SAN JOAQUIN REF.		3.5	56,455	
POWERINE OIL CO.		3.2	51,616	
PACIFIC GAS & ELECTRIC CO.	2,408,459			2,408,459
ARCO		59.8	1,440,258	
UNION OIL OF CALIF		4.0	96,338	
PHILLIPS PETROLEUM		20.1	484,100	
PERTA OIL		16.1	387,763	
PASADENA POWER CO.	80,804			80,804
GOLDEN EAGLE		100.0	80,804	
SAN DIEGO GAS & ELEC. CO.	1,032,149			1,032,149
UNION OIL OF CALIF.		29.8	307,580	
HIRI		16.2	167,208	
EDGINGTON OIL CO.		21.3	219,848	
TESORO		32.7	337,513	

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SOUTHERN CALIF. EDISON	4,805,549			4,805,549
STD. OIL - CALIF.		50.1	2,407,580	
TEXACO		9.7	466,138	
ARCO		7.8	374,833	
EXXON		20.4	980,332	
PACIFIC RESOURCES		6.8	326,777	
MACMILLAN RING FREE OIL		3.0	144,167	
CONOCO		2.2	105,722	
COLORADO				
COLORADO SPRINGS LIGHT & PWR.	0			0
LAMAR LIGHT & POWER	0			0
PUBLIC SERVICE OF COLORADO	53,011			53,011
REF. CORP.		43.5	23,060	
CONOCO		36.4	19,296	
PLATEAU		20.1	10,655	
MONTANA				
MONTANA POWER	0			0
NEVADA				
NEVADA POWER COMPANY	166,600			166,600
GUSTAFSON OIL CO.		54.0	89,964	
HUSKY OIL CO.		46.0	76,636	
SIERRA PACIFIC POWER	130,620			130,620
GOLDEN GATE PETRO.		100.0	130,620	
NEW MEXICO				
PLAINS ELEC. GEN. & TRANSM.	2,381			2,381
PLATEAU		97.8	2,329	
CARIBOU FOUR CORNERS		2.2	52	
PUBLIC SERVICE NEW MEXICO	21,971			21,971
PLATEAU, INC.		39.8	8,744	
SHELL		26.4	5,800	
THRIFTWAY		5.4	1,186	
NAVAJO REFINING		24.1	5,295	
STD. OIL - TEXAS		4.3	945	

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OREGON				
PACIFIC POWER & LIGHT CO.	0			0
TEXAS				
COMMUNITY PUBLIC SERVICE	29,703			29,703
STD. OIL - TEXAS		100.0	29,703	
EL PASO ELECTRIC	143,665			143,665
SOUTHERN UNION		74.5	107,030	
TESORO		25.5	36,635	
UTAH				
UTAH POWER & LIGHT CO.	0			0
WASHINGTON				
PUGET SOUND POWER & LIGHT CO.	0			0
SEATTLE DEPT. OF LIGHT	0			0
TACOMA DEPT. OF PUBLIC UTIL.	0			0

10. ASCC

ALASKA				
CORDOVA, TOWN OF	0			0
HAWAII				
HAWAIIAN ELECTRIC COMPANY	699,694			699,694
STD. OIL - CALIF.		100.0	699,694	
HILO ELECT. LIGHT	26,500			26,500
STD. OIL - CALIF.		100.0	26,500	
KAUAI ELECTRIC	6,740			6,740
STD. OIL - CALIF.		100.0	6,740	
MAUI ELECTRIC	39,450			39,450
STD. OIL - CALIF.		100.0	39,450	

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11. NOT OTHERWISE CLASSIFIED

UNKNOWN				
GUAM POWER AUTHORITY	103,978			103,978
U.S. NAVY		100.0	103,978	
PUERTO RICO WATER RESOURCES	1,612,968			1,612,968
COMMONWEALTH OIL		50.0	806,484	
PUERTO RICO SUN OIL		30.0	483,890	
CARIBBEAN GULF REF.		20.0	322,594	
ST. CROIX, V.I. WATER PWR.	39,542			39,542
AMERADA HESS CORP.		100.0	39,542	
ST. THOMAS, V.I. WATER PWR.	53,339			53,339
AMERADA HESS CORP.		100.0	53,339	

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federal register

WEDNESDAY, NOVEMBER 27, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 230

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Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 12471..... Pub. Law 93–502
Freedom of Information Act, amendments
(Passed over Presidential veto, Nov. 21, 1974; 88 Stat. 1561)

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 2—Clemency

CHAPTER II—PRESIDENTIAL CLEMENCY BOARD

PART 201—ADMINISTRATIVE PROCEDURES

PART 202—SUBSTANTIVE STANDARDS OF THE PRESIDENTIAL CLEMENCY BOARD

Procedures and Standards

In order to accommodate new regulations being issued by the Presidential Clemency Board, the heading of Title 2 of the Code of Federal Regulations is changed to read: Title 2—Clemency. In addition, a new Chapter II, Presidential Clemency Board, is added, reading as set forth below.

This notice of rulemaking sets forth in Part 201 the administrative procedures and in Part 202 the substantive standards to be used by the Presidential Clemency Board (hereinafter "the Board") in accepting and processing applications from individuals subject to the jurisdiction of the Board and in the determination of its recommendations to the President concerning those individuals.

The Presidential Clemency Board has made every reasonable effort to assure to both applicants and those individuals who may be subject to the jurisdiction of any of the three parts of the Presidential clemency program every procedural consideration. Applicants will be sent notice concerning the procedures and standards used by the Board; their privacy will be respected in every way possible within the bounds of the law. All information concerning the applicant which is sought by the Board from governmental sources will be open to inspection by the applicant or his representative. The records and files concerning the applicant will be summarized by an attorney on the staff of the Board, and sent to the applicant for his amendment and correction. A sure process for the appeal of adverse determinations has been established. In the Board's discretion, the applicant or his representative may be allowed to persent an oral statement to the Board prior to its determination of his case. Each applicant will have an opportunity to petition for reconsideration of the decision to recommend, grant, or deny executive clemency in his case.

Individuals who may be subject to the jurisdiction of the Department of Justice or the Departments of Defense or Transportation will be assisted in confidence in determining their status with respect to the clemency program.

Finally, it cannot be too often stated that an applicant may apply to the Clemency Board without risk. His application will be held in confidence, and he may withdraw his application at any time.

It is the intent of the Presidential Clemency Board to provide notice to applicants, and to maximize public certainty and predictability, about the substantive standards which the Board will apply in recommending to the President proposed dispositions of applications for executive clemency under Proclamation 4313 (published in the FEDERAL REGISTER on September 17, 1974, 39 FR 33293). It is further the intent of the Board to ensure equity and consistency in the way that similarly situated applicants are treated.

The Presidential Clemency Board therefore herein publishes the substantive standards to which it has committed itself in the implementation of the clemency program. Applicants for executive clemency under the program are invited to submit evidence suggesting that one or more of the mitigating circumstances listed below apply to their case, or that one or more of the aggravating circumstances listed do not apply to their case. Applicants are also invited to submit letters from third parties containing such evidence, or to ask other people to write directly to the Board on their behalf.

It is contemplated that the Board will weigh the factors listed below in each individual case. It is not contemplated, however, that any one of these factors will necessarily be dispositive of a particular case, and the Board reserves the option of considering other factors in mitigation not listed herein to be dispositive of a particular case.

Actions taken and determinations made by the Presidential Clemency Board and members of the Board's staff prior to the issuance of these regulations have been in substantial compliance with the provisions thereof.

Because of the short duration of the Presidential clemency program, and for other good cause appearing, it is hereby determined that publication of this chapter in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these regulations effective in less than thirty (30) days. Notwithstanding the abbreviated rulemaking procedure, however, comments and views regarding the proposed chapter are solicited, and may be filed to be received no later than 5 p.m. d.s.t., December 12, 1974. Comments should be submitted in five (5) copies, and directed to:

Office of the General Counsel
Presidential Clemency Board
The White House
Washington, D.C. 20500

(Executive Order 11803, 39 FR 33297)

In consideration of the foregoing, this chapter will become effective immediately.

Issued in Washington, D.C., on November 25, 1974.

CHARLES E. GOODELL,
Chairman,
Presidential Clemency Board.

1. Part 201 is added to read as follows:

Sec.
201.1 Purpose and scope.
201.2 General definitions.
201.3 Initial filing.
201.4 Application form.
201.5 Assignment of Action Attorney and case number, and determination of jurisdiction.
201.6 Initial summary.
201.7 Final summary.
201.8 Consideration before the Board.
201.9 Recommendations to the President.
201.10 Reconsideration.
201.11 Referral to appropriate agencies.
201.12 Confidentiality of communications.
201.13 Representation before the Board.
201.14 Requests for information about the clemency program.
Appendix A.
Appendix B.

AUTHORITY: E.O. 11803, 39 FR 33297.

§ 201.1 Purpose and scope.

This subpart contains the regulations of the Presidential Clemency Board, created pursuant to Executive Order 11803 (39 FR 33297) concerning the procedures by which the Board will accept and process applications from individuals who avail themselves of the opportunity to come within its jurisdiction. Certain other matters are also treated, such as the assistance to be given to individuals requesting determinations of jurisdiction, or requesting information respecting those parts of the Presidential Clemency Program which are administered by the Department of Defense and the Department of Justice under Presidential Proclamation 4313 (39 FR 33293).

§ 201.2 General definitions.

"Action attorney" means an attorney on the staff of the Board who is assigned an applicant's case and is thereafter responsible for all information-gathering and communications concerning that

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applicant's case from the applicant's initial filing until final disposition has been made by the Board.

"Applicant" means an individual who is subject to the jurisdiction of the Board, and who has submitted an initial filing.

"Board" means the Presidential Clemency Board as created by Executive Order 11803, or any successor agencies.

§ 201.3 Initial filing.

In order to comply with the requirements of Executive Order 11803 as to timely application for consideration by the Board, an individual must make an initial filing prior to January 31, 1975. The Board will consider sufficient as an initial filing any written communication received from an individual or his representative which requests consideration of the individual's specific case or which demonstrates an intention to request consideration. Oral initial filings will be considered sufficient if reduced to writing and received by the Board within thirty (30) calendar days.

§ 201.4 Application form.

(a) Upon receipt of an initial filing a member of the Board's staff will make a determination of probable jurisdiction. Applicants who are clearly beyond the Board's jurisdiction will be so notified in writing. An applicant who questions this adverse determination of probable jurisdiction should promptly write the General Counsel, Presidential Clemency Board, The White House, Washington, D.C. 20500, stating his reasons for questioning the determination. The General Counsel of the Board shall make the final determination of jurisdiction.

(b) An applicant who has been notified that probable jurisdiction does not lie in his case will be considered as having made a timely filing should the final decision be that the Board has jurisdiction over his case.

(c) Applicants who are within the probable jurisdiction of the Board will be sent by mail:

(1) An application form (see appendix "A"[1]);

(2) Information about the Presidential Clemency program and instructions for the preparation of the application form (see appendix "B");

(3) A statement describing the Board's procedures and method of determining cases.

(d) The applicant will be urged to return the completed application form to the Board as soon as possible. In the absence of extenuating circumstances, completed application forms must be received by the Board within thirty (30) calendar days of receipt.

§ 201.5 Assignment of Action Attorney and case number, and determination of jurisdiction.

(a) Upon receipt of all necessary information, the applicant's case will be assigned to an Action Attorney, who will make a preliminary determination of the Board's jurisdiction. If the Action Attorney determines that the Board has jurisdiction over the applicant, a file for the applicant's case will be opened and a case number for that file will be assigned. With the opening of the file, the Action Attorney shall request from all appropriate government agencies the relevant records and files pertaining to the applicant's case before the Board.

(b) In normal cases, the relevant records and files will include for civilian cases the applicant's files from the Selective Service System and the Bureau of Prisons, and for military cases the applicant's military personnel records, military clemency folder, and record of court martial. Applicants may request that the Board consider other pertinent files, but such applicant-requested files will not be made available to the applicant and his representative as of right.

(c) Where the initial filing contains adequate information, Board staff may assign a case number and request records and files prior to receipt of the completed application form.

(d) If the Action Attorney determines that probable jurisdiction does not exist, he will promptly notify the applicant in writing, stating the reasons therefor.

(e) An applicant who questions this adverse determination of jurisdiction should write the General Counsel of the Board in accordance with the provisions of § 201.4(a).

§ 201.6 Initial summary.

(a) Upon receipt of the necessary records and files, the Action Attorney will prepare an initial summary of the applicant's case. The files, records, and any additional sources used in preparing the initial summary will be noted thereupon; no material not so noted will be used in its preparation. The initial summary shall include the name and business telephone number of the Action Attorney who prepared it, and who may be contacted by the applicant or his representative.

(b) The initial summary shall be sent by certified mail to the applicant. The summary will be accompanied by an instruction sheet describing the method by which the summary was prepared, and by a copy of the guidelines that have been adopted by the Board for the determination of cases. Applicants will be requested to review the initial summary for accuracy and completeness, and advised of their right to submit additional sworn or unsworn material. Such additional material may be submitted in any length, but should be accompanied by a summary of not more than three (3) single-spaced, typewritten, letter-sized pages in length. If a summary of suitable length is not submitted with the additional material, the Action Attorney will prepare such a summary.

(c) At any time after the mailing to the applicant of his initial summary, the applicant's complete Board file, and the files from which the summary was prepared, may be examined at the offices of the Board by the applicant, his representative, or by any member of the Board. An applicant or his representative may submit evidence of inaccurate, incomplete, or misleading information in the complete Board file.

(d) An applicant's case will be considered ready for consideration by the Board not earlier than twenty (20) days after the initial summary has been received by the applicant. Material which amends or supplements the applicant's initial summary must therefore be received by the Board within twenty (20) days to insure that it will be considered. unless within that period the applicant requests and receives permission for an extension. Permission for late filing shall be liberally granted, if the request is received prior to Board action.

§ 201.7 Final summary.

(a) Upon receipt of the applicant's response to the initial summary, the Action Attorney will note such amendments, supplements, or corrections on the initial summary as are indicated by the applicant.

(b) The final summary shall then consist of the initial summary with appropriate amendments and additions, and the summary of the materials submitted by the applicant as described in § 201.6 (b).

§ 201.8 Consideration before the Board.

(a) At a regularly scheduled meeting of the Presidential Clemency Board, a quorum of at least five (5) members being present, the Board will consider the applicant's case.

(b) The Action Attorney will present to the Board, a brief statement of the final summary of the applicant's case. The Action Attorney will then stand ready to answer from the complete file any questions from the members of the Board concerning the applicant's case.

(c) At the Board's discretion, it may permit an applicant or his representative to present before the Board an oral statement, not to exceed ten (10) minutes in length. Neither applicant nor his representative may be present when the Board begins deliberations, but should remain available for further consultation immediately thereafter for a period not to exceed one hour.

(d) After due deliberation, the Board will decide upon its recommendation to the President concerning the applicant's case, stating the reasons for its recommendation.

§ 201.9 Recommendations to the President.

(a) At appropriate intervals, the Chairman of the Board will submit to the President certain master warrants listing the names of applicants recommended for executive clemency, and a list of the names of applicants considered by the Board but not recommended for clemency. The Chairman will also submit such terms and conditions for executive clemency if any, that have been recommended in each case by the Board.

(b) Following action by the President, the Board will send notice of such action in writing to all persons whose names were submitted to the President. Persons not receiving executive clemency will be so notified.

[1] Filed as part of the original document.

§ 201.10 Reconsideration.

(a) An applicant may petition the Board for reconsideration of his grant or denial of executive clemency, or of the terms and conditions thereof.

(b) Such petitions for reconsideration, including any supplementary material, must be received by the Board within thirty (30) days of the mailing of the notification in § 201.9(b).

(c) At a regularly scheduled Board meeting, a quorum being present, the Board will consider the applicant's petition for reconsideration.

(d) In appropriate cases, the Board may permit an applicant or his representative to present before the Board an oral statement not to exceed fifteen (15) minutes in length.

(e) After due deliberation, the Board may either:

(1) As to any person granted executive clemency, let stand or mitigate the terms and conditions upon which executive clemency was granted;

(2) As to any person denied executive clemency, recommend to the President that he grant executive clemency in accordance with such terms and conditions as may be appropriate; or

(3) As to any person denied executive clemency, again not recommend the applicant for executive clemency.

§ 201.11 Referral to appropriate agencies.

After the expiration of the period allowed for petitions for reconsideration, the Chairman of the Board shall forward for further action to the Secertaries of the Army, Navy, and Air Force, the Secretary of the Department of Transportation, the Director of the Selective Service System, and the Attorney General, as appropriate, the President's determination as to each recipient of executive clemency.

§ 201.12 Confidentiality of communications.

(a) The Board has determined that it will take all steps possible to protect the privacy of applicants and potential applicants to the Presidential clemency program. No personal information concerning an applicant or potential applicant and related to the Presidential clemency program will be made known to any agency, organization, or individual, whether public or private, unless such disclosure is necessary for the normal and proper functioning of the Presidential Clemency Board. However, information which reveals the existence of a violation of law (other than an offense subject to the Presidential clemency program) will of necessity be forwarded to the appropriate authorities.

(b) In order to have his case considered by the Board, an applicant need submit only information sufficient for a determination of jurisdiction, and for the retrieval of necessary official records and files. The application form will therefore require the applicant's name; date of birth; selective service number; military service and service number, if applicable; information concerning the draft evasion offenses or absence-related military offenses and the disposition thereof; and the mailing address of either the applicant or his representative. If the applicant submits such information as part of his initial filing, the completion of the application form itself is not necessary.

§ 201.13 Representation before the Board.

(a) Although an applicant may bring his case before the Board without a representative or legal counsel, each applicant is entitled to representation and will be encouraged to seek legal counsel experienced in military or selective service law. Upon request, Board staff will attempt to refer an applicant to a skilled volunteer representative.

(b) An applicant who does not wish to file his application in person may have his representative do so on his behalf.

§ 201.14 Requests for information about the clemency program.

(a) Upon receipt by the Board of an oral or written request for information or consideration concerning an individual who is clearly beyond the jurisdiction of the Board, a member of the Board's staff shall inform the individual:

(1) That jurisdiction does not lie;

(2) Whether jurisdiction may lie within the Presidential clemency program, and if so, with which agency;

(3) That in the event the individual prefers not to contact personally such other agency that an Action Attorney will obtain from such other agency information concerning the individual's status with respect to the Presidential clemency program, and provide to the individual that information.

(b) The Action Attorney shall submit to the Executive Secretariat of the Presidential Clemency Board a summary of the communication with, and information provided to, such individuals.

APPENDIX B

INSTRUCTIONS FOR APPLICATION FOR CLEMENCY

On September 16, 1974 the President announced a program of clemency. Depending on your case, you may apply to the Presidential Clemency Board, the Department of Justice, or the Department of Defense.

You may be eligible for clemency by the Presidential Clemency Board if you have been convicted of a draft evasion offense such as failure to register or register on time; failure to keep the local board informed of current address; failure to report for or submit to pre-induction or induction examination; failure to report for or submit to or complete service, during the period from August 4, 1964 to March 28, 1973; or if you have received an undesirable, bad conduct, or dishonorable discharge for desertion, absence without leave, or missing movement, and for offenses directly related, between August 4, 1964 to March 28, 1973.

If you are now absent from military service or have a charge against you for a Selective Service violation and have not been convicted or received a discharge, you may still be eligible for clemency under another part of the President's program. If you have any questions, please contact the Board and we will try to answer your questions.

If you believe that you are eligible to be considered by the Presidential Clemency Board but are not sure, you should apply to the Board. If it turns out that you are not eligible for consideration by the Board, you may possibly qualify under another part of the clemency program. You do not have to identify your current location. We will then be able to notify you of the proper agency to contact. If you are appealing a conviction or a military discharge you may continue your appeal, and still apply to the Board at the same time.

I. The Board will not give its files to any other federal agency. It will keep any information you provide in strictest confidence, except evidence of a serious crime which is not covered in the Presidential Clemency program.

II. Although you may apply to the Board without attorney or any other representative if you wish, we encourage you to obtain the help of legal counsel. If you do not have a counsel but desire one, we will be glad to refer you to a lawyers' organization which will help you find one. These organizations will help you get legal assistance even if you cannot afford to pay.

III. To apply to the Board, you need only supply the information necessary to find your file from other departments. If you do not wish to file your application personally, you may select a representative of your own choice to do it for you, but you must tell us that he is authorized. The Board will maintain its own file on your case and that file will be available for examination by you or your own attorney.

IV. You are encouraged to submit evidence which you feel helps your case, and to submit letters from other people on your behalf. You may submit evidence in order to correct inaccurate, incomplete, or misleading information to the Board's file.

V. A personal appearance by you before the Board will not be necessary.

If you have any questions, please call or write the Presidential Clemency Board. The White House, Washington, D.C. 20500, (202-456-6476). If application is made by a representative on your behalf, it is not necessary that your home address and telephone number be included. Your representative should indicate his capacity (attorney, friend, etc.) and give us his address and telephone number.

Application for people not in custody should be completed and mailed to the Board no later than midnight, January 31, 1975. Special procedures will be established for persons incarcerated whether or not they have been released on furlough.

2. Part 202 is added to read as follows:

Sec.
202.1 Purpose and scope.
202.2 Board decision on whether or not to recommended that the President grant executive clemency.
202.3 Aggravating circumstances.
202.4 Mitigating circumstances.
202.5 Calculation of length of alternative service.

AUTHORITY: E. O. 11803, 39 FR 33297.

§ 202.1 Purpose and scope.

This part articulates the standards which the Presidential Clemency Board will employ in deciding whether to recommend that the President grant executive clemency to a particular applicant, and in then deciding whether that grant of celemency should be conditional, and, if so, upon what specified period of alternative service.

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§ 202.2 Board decision on whether or not to recommend that the President grant executive clemency.

(a) The first decision which the Board will reach, with respect to an application before it, is whether or not it will recommend to the President that the applicant be granted executive clemency. In reaching that decision, the Board will take notice of the presence of any of the aggravating circumstances listed in § 202.3, and will further take notice of whether such aggravating circumstances are balanced by the presence of any of the mitigating circumstances listed in § 202.4.

(b) Unless there are aggravating circumstances not balanced by mitigating circumstances, the Board will recommend that the President grant executive clemency to each applicant.

§ 202.3 Aggravating circumstances.

(a) Presence of any of the aggravating circumstances listed herein either will disqualify an individual for executive clemency or may be considered by the Board as cause for recommending to the President executive clemency conditioned upon a length of alternative service exceeding the applicant's "baseline period of alternative service," as determined under § 202.5.

(b) Aggravating circumstances of which the Board will take notice are:

(1) Prior adult criminal convictions.

(2) False statement by applicant to the Presidential Clemency Board.

(3) Use of force by applicant collaterally to AWOL, desertion, missing movement, or civilian draft evasion offense.

(4) Desertion during combat.

(5) Evidence that applicant committed the offense for obviously manipulative and selfish reasons.

(6) Prior refusal to fulfill alternative service.

(7) Prior violation of probation or parole requirements.

§ 202.4 Mitigating circumstances.

(a) Presence of any of the mitigating circumstances listed herein will be considered by the Board as cause for recommending that the President grant executive clemency to a particular applicant, and will in exceptional cases be further considered as cause for recommending clemency conditioned upon a period of alternative service less than the applicant's "baseline period of alternative service," as determined under § 202.5.

(b) Mitigating circumstances of which the Board will take notice are:

(1) Applicant's lack of sufficient education or ability to understand obligations, or remedies available, under the law.

(2) Personal and family hardship either at the time of the offense or if the applicant were to perform alternative service.

(3) Mental or physical illness or condition, either at the time of the offense or currently.

(4) Employment or volunteer activities of service to the public since conviction or military discharge.

(5) Service-connected disability, wounds in combat, or decorations for valor in combat.

(6) Tours of service in the war zone.

(7) Substantial evidence of personal or procedural unfairness in treatment of applicant.

(8) Denial of conscientious objector status, of other claim for Selective Service exemption or deferment, or of a claim for hardship discharge, compassionate reassignment, emergency leave, or other remedy available under military law, on procedural, technical, or improper grounds, or on grounds which have subsequently been held unlawful by the judiciary.

(9) Evidence that an applicant acted in conscience, and not for manipulative or selfish reasons.

(10) Voluntary submission to authorities by applicant.

§ 202.5 Calculation of length of alternative service.

(a) Having reached a decision to recommend that the President grant executive clemency to a particular applicant, the Board will then decide whether clemency should be conditioned upon a specified period of alternative service and, if so, what length that period should be.

(1) The starting point for calculation of length of alternative service will be 24 months.

(2) That starting point will be reduced by three times the amount of prison time served.

(3) That starting point will be further reduced by the amount of prior alternative service performed, provided that a prescribed period of alternative service has been satisfactorily completed.

(4) That starting point will be further reduced by the amount of time served on probation or parole, provided that a prescribed period of alternative service has been satisfactorily completed.

(5) The remainder of those three subtractions will be the "baseline period of alternative service" applicable to a particular case before the Board: *Provided*, That the baseline period of alternative service shall not exceed a judge's sentence to imprisonment in any case: *And provided further*, That the baseline period of alternative service shall be, notwithstanding the remainder of the calculation above, not less than a minimum of three (3) months.

(6) In exceptional cases in which mitigating circumstances are present, the Board may consider such mitigating circumstances as cause for recommending clemency conditioned upon a period of alternative service less than an applicant's baseline period of alternative service.

(7) In cases in which aggravating circumstances are present and are not, in the Board's judgment, balanced by mitigating circumstances, the Board may consider such aggravating circumstances as cause for recommending clemency conditioned upon a period of alternative service exceeding, either by three (3) additional months or by six (6) additional months, the applicant's baseline period of alternative service.

[FR Doc.74-27863 Filed 11-26-74;8:45 am]

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1975 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas

STATE RESERVES AND COUNTY ALLOTMENTS

Section 722.562 is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.). This section establishes the State reserves and allocation thereof among uses for the 1975 crop of extra long staple cotton. It also establishes the county allotments. Such determinations were made initially by the respective State committees and are hereby approved and made effective by the Administrator, ASCS, pursuant to delegated authority (35 FR 19708, 36 FR 6907, 37 FR 624, 3845, 22008).

Notice that the Secretary was preparing to establish State and county allotments was published in the FEDERAL REGISTER on July 17, 1974 (39 FR 26160) in accordance with 5 U.S.C. 553. The views and recommendations received in response to such notice have been duly considered.

In order that farmers may be informed as soon as possible of 1975 farm allotments so that they may make plans accordingly, it is essential that this section be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest, and § 722.562 shall be effective November 22, 1974. The material previously appearing in this section under centerhead "1974 Crop of Extra Long Staple Cotton; Acreage Allotments and Marketing Quotas" remains in full force and effect as to the crop to which it was applicable.

Section 722.562 is revised to read as follows:

§ 722.562 State reserves and county allotments for the 1975 crop of extra long staple cotton.

(a) (1) *State reserves.* The State reserves for each State shall be established and allocated among uses for the 1975 crop of extra long staple cotton pursuant to § 722.508.

(2) It is hereby determined that no State reserve is required for trends, abnormal conditions, inequities, and hardships or small farms. The amount of the State reserve held in each State and the amount of allotment in the State productivity pool resulting from productivity adjustments under § 722.529 (c) and (d) is available for inspection at each State ASCS office.

(b) *County allotments.* County allotments are established for the 1975 crop of extra long staple cotton in accordance with § 722.509. The following table sets forth the county allotments:

ARIZONA

County	County allotment (acres)	County	County allotment (acres)
Cochise	1,610.2	Pima	2,924.3
Gila	4.3	Pinal	8,330.0
Graham	10,761.4	Yuma	1,513.8
Maricopa	13,596.9	State	38,740.9

CALIFORNIA

County	County allotment (acres)	County	County allotment (acres)
Imperial	94.4	Riverside	426.3
	State	520.7	

FLORIDA

County	County allotment (acres)	County	County allotment (acres)
Alachua	42.3	Marion	0.0
Hamilton	3.1	Suwanee	2.0
Jefferson	1.3	Union	43.2
Madison	22.5	State	114.4

GEORGIA

County	County allotment (acres)	County	County allotment (acres)
Berrien	110.1	Cook	9.5
	State	119.6	

NEW MEXICO

County	County allotment (acres)	County	County allotment (acres)
Chaves	53.8	Luna	972.6
Dona Ana	17,140.9	Otero	33.1
Eddy	136.9	Sierra	152.3
Hidalgo	15.0	State	18,506.6

TEXAS

County	County allotment (acres)	County	County allotment (acres)
Brewster	13.2	Loving	10.6
Culberson	312.4	Pecos	1,273.1
El Paso	20,488.5	Presidio	76.0
Hudspeth	2,866.4	Reeves	6,407.1
Jeff Davis	79.0	Ward	460.1
	State	31,986.8	

(Secs. 344, 347, 375, 63 Stat. 670, as amended, 675, as amended, 52 Stat. 66, as amended; (7 U.S.C. 1344, 1347, 1375)).

Effective date: November 22, 1974.

Signed at Washington, D.C., on November 22, 1974.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-27773 Filed 11-22-74;4:13 p.m.]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Navel Orange Regulation 328]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This section fixes the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Nov. 29–Dec. 5, 1974. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907. The quantity of Navel oranges so fixed was arrived at after consideration of the total available supply of Navel oranges, the quantity currently available for market, the fresh market demand for Navel oranges, Navel orange prices, and the relationship of season average returns to the parity price for Navel oranges.

§ 907.628 Navel Orange Regulation 328.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Navel oranges that may be marketed from District 1, District 2, and District 3 during the ensuing week stems from the production and marketing situation confronting the Navel orange industry.

(i) The committee has submitted its recommendation with respect to the quantities of Navel oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The committee further reports that the fresh market demand for Navel oranges is not fully stabilized. Prices f.o.b. averaged $4.31 per carton on a reported sales volume of 864 carlots last week, compared with an average f.o.b. price of $5.17 per carton and sales of 378 carlots a week earlier. Track and rolling supplies at 472 cars were up 230 cars from last week.

(ii) Having considered the recommendation and information submitted by the committee, and other available information, the Secretary finds that the respective quantities of Navel oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on November 25, 1974.

(b) *Order.* (1) The respective quantities of Navel oranges grown in Arizona and designated part of California which may be handled during the period November 29, 1974, through December 5, 1974, are hereby fixed as follows:

(i) District 1: 920,000 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: 80,000 cartons."

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended (7 U.S.C. 601–674))

Dated: November 26, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

Size Tolerances for Undersized Prunes

On November 1, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 38662) regarding a proposal to amend the Administrative Rules and Regulations (7 CFR 993.101–993.174) to provide size tolerances for prunes disposed of by handlers as undersized prunes. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 993, as amended, regulating the handling of dried prunes produced in California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

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Interested persons were given until November 20, 1974, to submit written data, views, or arguments with respect to the proposal. None were submitted.

At its August 1, 1974, meeting the Prune Administrative Committee unanimously recommended establishment of tolerances to insure that prunes disposed of by handlers as undersized prunes are reasonably comparable in size to the undersized prunes received by them from producers and dehydrators during the crop year that the applicable undersized regulation is in effect. Such a regulation has been established for the 1974–75 crop year (§ 993.401; 39 FR 32733).

Tolerances are authorized pursuant to § 993.50(g) of the order because normal commercial size grading practices cannot duplicate the measurement of the quantity of undersized prunes in a lot by inspection methods. In commercial size grading, the movement of prunes over the various screens is at such a rate and in such volume that some of the undersized prunes may not be removed by the applicable screen, but may override this screen and fall through screens with larger openings. The removal of the exact quantity of undersized prunes, as determined by inspection analysis, would be costly and impractical.

It is found that the tolerances provided in this action are authorized by § 993.50(g) and should be established to accomplish the purposes of the act and the efficient administration of the order.

It is further found that good cause exists for not postponing the effective date of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This proposal was unanimously recommended by the Prune Administrative Committee, and handlers and producers are aware of this action; (2) prunes received by handlers are being size-graded resulting in the accumulation of undersized prunes; (3) handlers are preparing to dispose of those prunes, and this action should be made effective on the date provided at the end of this action to enable handlers to use the tolerances as soon as possible; (4) this action imposes no restriction on handlers; and (5) no useful purpose would be served by postponing its effective time.

Therefore, § 993.150 of Subpart—Administrative Rules and Regulations is amended by adding a new paragraph (g) (3) reading as follows:

§ 993.150 Disposition of prunes by handlers.

* * * * *

(g) * * *

(3) *Tolerances permitting a deviation in prune sizes from applicable undersized openings*—(i) *Undersized French prunes.* Any quantity of French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 15 percent by weight of prunes which do not pass freely through a round opening 24/32 of an inch in diameter; and

(ii) *Undersized non-French prunes.* Any quantity of non-French prunes disposed of by a handler in compliance with § 993.50(g) shall not contain more than 10 percent by weight of prunes which do not pass freely through a round opening 30/32 of an inch in diameter.

(Secs. 1–19, 48 Stat. 31, as amended; (7 U.S.C. 601–674))

Dated November 22, 1974, to become effective December 1, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74-27769 Filed 11-26-74;8:45 am]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to set forth a complete and updated listing of all ports, stations and areas and their respective commuted traveltime periods established under § 97.2 of the regulations contained in 9 CFR Part 97.

The amendment establishes commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

The amendment also deletes certain ports, stations and areas from said listing inasmuch as Veterinary Services no longer has personnel servicing these places.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999), January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), June 5, 1974 (39 FR 19940), June 25, 1974 (39 FR 22942), August 14, 1974 (39 FR 29172), August 30, 1974 (39 FR 31622), September 23, 1974 (39 FR 34019), October 11, 1974 (39 FR 36570), and November 6, 1974 (39 FR 39019–39020), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, is hereby amended to read as follows:

§ 97.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty as prescribed in § 97.1 shall, in addition, include a commuted traveltime period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service. The prescribed commuted traveltime periods are as follows:

WITHIN METROPOLITAN AREA

ONE HOUR

Alexandria Bay, New York.
Antelope Wells, New Mexico.
Anchorage, Alaska.
Beltsville, Maryland.
Blaine, Washington.
Brownsville, Texas.
Burlington International Airport (served from Burlington, Vermont).
Calexico, California.
Champlain, New York.
Columbus, New Mexico.
Del Rio, Texas.
Douglas, Arizona.
Eagle Pass, Texas.
Harrisburg, Pennsylvania (served from Camp Hill, Pennsylvania).
Houlton, Maine.
Laredo, Texas.
Los Angeles Harbor, San Pedro, California, including: Long Beach; Wilmington; and Terminal Island.
Mobile, Alabama.
Naco, Arizona.
Newburgh, New York.
Nogales, Arizona.
Ogdensburg, New York.
Oroville, Washington.
Pembina, North Dakota.
Plentywood, Montana.
Portal, North Dakota.
Port Huron, Michigan.
Port of Albany, Albany, New York.
Presidio, Texas.
Sacramento, California.
San Diego, California.
San Ysidro, California.
Sasabe, Arizona.
St. Albans, Vermont.
Standiford Field (served from Louisville, Kentucky).
Stapleton International Airport (served from Arvada, Colorado).
Sweetgrass, Montana.

TWO HOURS

Buffalo, New York.
Charleston, South Carolina.
Honolulu, Hawaii, including: Aiea; Barber's Point, Naval Air Station; Honolulu International Airport; West Loch; Middle Loch; East Loch; Pearl City; and Waipahu.
Houston, Texas (except Houston Intercontinental Airport).
Indianapolis, Indiana.
Jacksonville, Florida.
Los Angeles International Airport (served from Los Angeles, California).
Miami, Florida.
Milwaukee, Wisconsin.
Norfolk-Newport News, Virginia.
Portland, Oregon.
Port of Richmond, Richmond, Virginia.
Port of San Luis, Arizona (served from Yuma, Arizona).
Port of Savannah (served from Savannah, Georgia).
San Francisco, California, including: Alameda, Richmond, Pittsburg, and other ports in San Francisco and San Pablo Bay areas.
San Juan, Puerto Rico.
St. Louis Lambert Airport, St. Louis, Missouri (served from National Stock Yards, Illinois).
Tampa, Florida.

THREE HOURS

Baltimore, Maryland.
Boston, Massachusetts.
Chicago, Illinois.
Detroit, Michigan.
Houston Intercontinental Airport, Houston, Texas.
New York, New York.
Philadelphia, Pennsylvania.

OUTSIDE METROPOLITAN AREA

ONE HOUR

Alburg, Vermont (served from St. Albans, Vermont).
Bangor, Maine (served from Carmel, Maine).
Great Falls Airport (served from Great Falls, Montana).
Highgate Springs, Vermont (served from St. Albans, Vermont).
Hawaiihae, Hawaii (served from Waimea, Hawaii).
Monticello, Maine (served from Houlton, Maine).
Mooers Junction, New York (served from Champlain, New York).
Morristown, New York (served from Ogdensburg, New York).
Nighthawk, Washington (served from Oroville, Washington).
Newport, Vermont (served from Derby Line, Vermont).
New Windsor, New York (served from Newburgh, New York).
North Troy, Vermont (served from Derby Line, Vermont).
Noyes, Minnesota (served from Pembina, North Dakota).
Port Huron, Michigan.
Port of Morgan (served from Morgan, Montana).
Raymond, Montana (served from Plentywood, Montana).
Roseton, New York (served from Newburgh, New York).
Rouses Point, New York (served from Champlain, New York).
Shelbyville, Illinois (served from Pana, Illinois).
Waddington, New York (served from Ogdensburg, New York).

TWO HOURS

Any point on the Mississippi River above the St. Charles-Jefferson Parish boundary to and including Gramercy, Louisiana (served from Baton Rouge or Thibodeaux).
Bellingham, Washington (served from Blaine, Washington).
Boise, Idaho (served from Caldwell or Middleton, Idaho).
Bradley International Airport, Windsor Locks, Connecticut (served from Hartford, Connecticut).
Bridgeman, Ludington, Muskegon, and Saginaw, Michigan.
Bridgewater, Maine (served from Houlton, Maine).
Buchanan, New York (served from Newburgh, New York).
Burlington International Airport (served from Highgate Springs, Vt.).
Burlington International Airport (served from Montpelier, Vermont).
Dallas-Fort Worth International Airport (served from Ft. Worth or Dallas, Texas).
Ferndale, Washington (served from Blaine, Washington).
Harrisburg, Pennsylvania (served from Northumberland, Pennsylvania).
Hogansburg, New York (served from Ogdensburg, New York).
Island Pond, Vermont (served from Derby Line, Vermont).
Lake Mills, Wisconsin (served from Madison, Wisconsin).
Los Angeles and Los Angeles International Airport (served from San Pedro, California).
Lynden, Washington (served from Blaine, Washington).
Milton, New York (served from Newburgh, New York).
Naco, Arizona (served from Douglas, Arizona).
Niagara Falls, New York (served from Buffalo, New York).
Nogales, Arizona (when served from Tumacacori, Arizona).
Nogales, Arizona (when served from Lochiel, Arizona).
Peabody, Massachusetts (served from Lowell, Massachusetts).
Peekskill, New York (served from Newburgh, New York).
Peoria, Illinois (served from Normal, Illinois).
Portal, North Dakota (served from Kenmare, North Dakota).
Port Everglades, Florida (served from Miami, Florida).
Port of Albany, Albany, New York (when served from Averill Park, New York).
Port of Columbus, New Mexico (served from Deming, New Mexico).
Poughkeepsie, New York (served from Newburgh, New York).
Richford, Vermont (served from Derby Line or St. Albans, Vermont).
Rooseveltown, New York (served from Ogdensburg, New York).
San Diego, California (served from San Ysidro, California).
San Luis, Arizona (served from Yuma, Arizona).
St. Petersburg, Florida (served from Tampa, Florida).
Shelbyville, Illinois (served from Mattoon, Illinois).
Stony Point, New York (served from Newburgh, New York).
Sumas, Washington (served from Blaine, Washington).
Vancouver, Washington (served from Portland, Oregon).

THREE HOURS

Aberdeen, Washington (served from Olympia, Washington).
Alexandria, Virginia (when served from Orleans, Virginia).
Anacortes, Washington (served from Blaine, Washington).
Antelope Wells, New Mexico (served from Hachita, New Mexico).
Antler, North Dakota (served from Minot, North Dakota).
Any undesignated Virginia port (served from Norfolk-Newport News, Va.).
Bangor, Maine (served from Augusta, Maine).
Beecher Falls, Vermont (served from Derby Line, Vermont).
Bradley International Airport, Windsor Locks, Connecticut (served from Storrs, Connecticut).
Calexico, California (served from Campo or Manzanita, California).
Chateaugay, New York (served from Champlain, New York).
Columbus, New Mexico (served from Hachita, New Mexico).
Del Rio, Texas (served from Eagle Pass, Texas).
Dulles International Airport (served from Hyattsville, Maryland).
Dulles International Airport (served from Orleans, Virginia).
Eagle Pass, Texas (served from Del Rio, Texas).
Eastport and Porthill, Idaho (served from Sandpoint, Idaho).
El Paso, Texas (served from Las Cruces, New Mexico).
Fort Covington, New York (served from Ogdensburg, New York).
Fort Fairfield, Maine (served from Houlton, Maine).
Frankfort, Michigan.
Green Bay, Wisconsin (served from Clintonville, Wisconsin).
Harrisburg, Pennsylvania (served from Morgantown, Pennsylvania).
Hastings-on-Hudson, New York (when served from Newburgh, N.Y.).
Henry, Illinois (served from Normal, Illinois).
Hidalgo, Texas (served from Brownsville, Texas).
Hilo, Hawaii (served from Waimea, Hawaii).
Hoquiam, Washington (served from Olympia, Washington).
Irvington, New York (when served from Newburgh, New York).
Kalama, Washington (served from Portland, Oregon).
Kenosha-Racine, Wisconsin (served from Milwaukee, Wisconsin).
Limestone, Maine (served from Houlton, Maine).
Longview, Washington (served from Portland, Oregon).
Malone, New York (served from Champlain, New York).
Manitowic, Wisconsin (served from Clintonville, Wisconsin).
Moses Lake, Washington (served from Wenatchee, Washington).
New Orleans, Louisiana, including: Orleans Parish and all points on the east bank of the Mississippi River from the St. Charles-Jefferson Parish boundary to and including Chalmette, La., and all points on the west bank from the St. Charles-Jefferson Parish boundary to, but excluding, Belle Chasse, Louisiana (served from Baton Rouge and Thibodeaux).
Newport Beach, California (served from San Pedro, California).
Newport, Vermont (served from St. Albans, Vermont).
Nogales, Arizona (served from Tucson, Arizona).
Norton, Vermont (served from Derby Line, Vermont).
North Troy, Vermont (served from St. Albans, Vermont).
Port of Morgan (when served from Malta, Montana).
Port of Portland, Maine (when served from Augusta, Maine).
Raymond, Washington (served from Olympia, Washington).
San Pedro (Palominas), Arizona (served from Douglas, Arizona).
Sasabe, Arizona (served from Tucson, Arizona).
Scobey, Montana (served from Plentywood, Montana).
St. Boniface, Manotoba (served from Pembina, North Dakota).
Sea-Tac Airport (when served from Olympia, Washington).
Standiford Field (when served from Frankfort, Kentucky).
Wilmington, Delaware (served from Dover, Delaware).
Vernon, California (served from San Pedro, California).

FOUR HOURS

Anchorage, Alaska (when served from Palmer, Alaska).
Any point below Chalmette, La., and on the East Bank, Belle Chasse, La., and points to and including Port Sulphur on the west bank (served from Baton Rouge or Thibodeaux).
Barron, Wisconsin (when served from Eau Claire, Wisconsin).
Burns Harbor, Indiana (when served from Monticello, Indiana).
Calexico, California (served from Yuma, Arizona).
Columbus, New Mexico (served from Las Cruces, New Mexico).
Derby Line, Vermont (served from St. Albans, Vermont).

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DuQuion, Illinois (served from Collinsville, Illinois).
Erie, Pennsylvania (served from Buffalo, New York).
Hueneme, California (served from San Pedro, California).
Morgan City, La., and any undesignated point served from Port of New Orleans.
Moses Lake, Washington (served from Spokane and Yakima, Washington).
Nikiski, Alaska (served from Palmer, Alaska).
Ontario, California (served from San Pedro, California).
Portal, North Dakota (when served from Minot, North Dakota).
Port of Brunswick (served from Savannah, Georgia).
Port of Portland, Maine (when served from Concord, New Hampshire).
Rochester, New York (served from Buffalo, New York).
San Luis, Arizona (served from Calexico, California).
Sea-Tac Airport (when served from Mount Vernon, Washington).
Sasabe, Arizona (served from Nogales or Sells, Arizona).
Sheboygan Falls, Wisconsin (served from Milwaukee and Ripon, Wis.).
Sheboygan, Wis. (served from Milwaukee, Wisconsin).
Stockton, California (served from San Francisco, California).
Van Buren, Maine (served from Houlton, Maine).

FIVE HOURS

Antelope Wells, New Mexico (served from Deming, New Mexico).
Antler, North Dakota (when served from Portal, North Dakota).
Austin, Minnesota (served from St. Paul, Minnesota).
Brownsville, Texas (served from Laredo or San Antonio, Texas).
Calais, Maine (served from Houlton, Maine).
Columbus, New Mexico (served from El Paso, Texas).
Del Rio, Texas (served from Laredo or San Antonio, Texas).
Douglas, Arizona (served from Lochiel, Arizona).
Dulles International Airport (served from Richmond, Virginia).
Eagle Pass, Texas (served from Laredo or San Antonio, Texas).
Fort Kent, Maine (served from Houlton, Maine).
Holeb-Jackman, Maine (served from Augusta, Maine).
Holeb-Jackman, Maine (served from Bangor, Maine).
Laredo, Texas (served from Brownsville, Eagle Pass, or San Antonio, Texas).
Laurier, Washington (served from Oroville, Washington).
Madawaska, Maine (served from Houlton, Maine).
Opheim, Montana (served from Plentywood, Montana).
Port of Homer, Alaska (served from Anchorage, Alaska).
Port of Opheim (served from Wolf Point or Plentywood, Montana).
Port of Raymond, Montana (served from Wolf Point, Montana).
Port of Sweetgrass, Montana(served from Great Falls, Montana).
Sacramento, California (served from San Francisco, Calif.).
San Pedro, Arizona (served from Nogales, Arizona).
Sasabe, Arizona (served from Lochiel, Arizona).
Sault Ste. Marie (when served from Lansing, Michigan).
Vanceboro, Maine (served from Houlton, Maine).

SIX HOURS

Antelope Wells, New Mexico (served from Las Cruces, New Mexico).
Antler, North Dakota (when served from Bismarck, North Dakota).
Barron, Wisconsin (when served from St. Paul, Minnesota).
Eastport, Maine (served from Houlton, Maine).
Edwards Air Force Base, Calif. (served from San Pedro, Calif.).
El Paso, Texas (served from Hatchita or Deming, New Mexico).
March Field, California (served from San Pedro, California).
Newport, Oregon (served from Roseburg, Oregon).
Port Angeles (served from Olympia, Washington).
Port of Portland, Maine (when served from Bangor, Maine).
Port of St. Mary's (served from Savannah, Georgia).
Presidio, Texas (served from El Paso, Texas).
San Luis Obispo (served from San Pedro, California).
Sasabe, Arizona (served from Ajo, Arizona).
Seward, Alaska (served from Anchorage, Alaska).
Sheboygan Falls, Wisconsin (served from Madison, Wisconsin).

SEVEN HOURS

Beecher Falls, Vermont (served from St. Albans, Vermont).
Island Pond, Vermont (served from St. Albans, Vermont).
Norton, Vermont (served from St. Albans, Vermont).
Kansas City International Airport (served from Jefferson, Missouri).
Mabel, Minnesota (served from St. Paul, Minnesota).
Port of Morgan (when served from Wolf Point, Montana).

EIGHT HOURS

St. Petersburg, Florida (served from Miami, Florida).
Tampa, Florida (served from Miami, Florida).

(64 Stat. 561; 7 U.S.C. 2260.)

Effective date. The foregoing amendment shall become effective November 27, 1974.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of November 1974.

PIERRE A. CHALOUX,
Acting Deputy Administrator, Veterinary Services Animal and Plant Health Inspection Service.

[FR Doc.74-27771 Filed 11-26-74;8:45 am]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

INCREASE IN INSURANCE COVERAGE

Miscellaneous Amendments

Effective November 27, 1974, Parts 306, 308, 328, 330, and 331 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR Parts 306, 308, 328, 330, and 331) are amended as follows:

PART 306—RECEIVERSHIPS AND LIQUIDATIONS

§ 306.2 [Amended]

1. The fifth sentence of § 306.2 is amended to read as follows:

"The liquidator as local representative of the Corporation proceeds, in compliance with the manual of instructions of the Division of Liquidation, and in conformity with applicable provisions of the National Bank Act and the Federal Deposit Insurance Act, to liquidate the assets, receive claims of depositors (claiming in excess of their insured deposits)[1] and other creditors, pay the expenses of administration, distribute the proceeds of such liquidation, and otherwise wind up the affairs of the bank subject to the control of the Board of Directors of the Corporation and under the supervision of the Chief of the Division of Liquidation."

2. The sixth sentence of § 306.2 is amended to read as follows:

"After notice by advertisement pursuant to law, depositors having claims in excess of their insured deposits, and other creditors, are permitted to file claims with the liquidator, who transmits such claims to the Division of Liquidation for allowance, classification, and deductions by way of set-offs or counterclaims."

3. Footnote 1 to § 306.2 is amended by deleting the words: "up to $20,000 for each depositor".

PART 308—RULES OF PRACTICE AND PROCEDURES

§ 308.26 [Amended]

4. The third paragraph of the notice of termination of insured status prescribed by § 308.26 is amended to read as follows:

3. Insured deposits in the bank on the ---------- day of ----------, 19---- will continue to be insured, as provided by the Federal Deposit Insurance Act, for 2 years after the close of business on the ---------- day of ----------, 19----: • • •

PART 328—ADVERTISEMENT OF MEMBERSHIP

§ 328.1 [Amended]

5. The design of the official sign prescribed by § 328.1 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

§ 328.2 [Amended]

6. Subparagraph (11) of paragraph (c) of § 328.2 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

PART 330—CLARIFICATION AND DEFINITION OF DEPOSIT INSURANCE COVERAGE

§ 330.1 [Amended]

7. Subparagraph (2) of paragraph (c) of § 330.1 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

§ 330.2 [Amended]

8. The first sentence of § 330.2 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

9. Paragraph (a) of § 330.2 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

10. Paragraph (b) of § 330.2 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

11. Paragraph (c) of § 330.2 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

§ 330.3 [Amended]

12. Paragraph (a) of § 330.3 is amended by deleting the figure "$20,000" and by inserting "$40,000" in lieu thereof.

13. Paragraph (b) of § 330.3 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

§ 330.4 [Amended]

14. Section 330.4 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

§ 330.5 [Amended]

15. The first sentence of § 330.5 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

16. The second sentence of § 330.5 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

§ 330.6 [Amended]

17. The first sentence of § 330.6 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

18. The second sentence of § 330.6 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

19. Paragraph (a) of § 330.8 is amended to read as follows:

§ 330.8 Public Unit Accounts.

(a) (1) Each official custodian of funds of the United States depositing the same in time or savings deposits in an insured bank shall be separately insured up to $100,000 as to such deposits. Each such official custodian depositing such funds in a demand deposit shall be separately insured up to $40,000.

(2) Each official custodian of funds of any State of the United States or any county, municipality, or political subdivision thereof depositing the same in time or savings deposits in an insured bank in the same State shall be separately insured up to $100,000.

(3) Each official custodian of funds of the District of Columbia lawfully depositing the same in time or savings deposits in an insured bank in the District of Columbia shall be separately insured up to $100,000.

(4) Each official custodian of funds of the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, or Guam, or of any county, municipality, or political subdivision thereof lawfully depositing the same in time or savings deposits in an insured bank in Puerto Rico, the Virgin Islands, American Samoa, or Guam, respectively, shall be separately insured up to $100,000.

(5) Each official custodian referred to in paragraphs (a)(2), (3), and (4) of this section lawfully depositing such funds in demand deposits in an insured bank within the same State, District of Columbia, Commonwealth, possession or territory comprising the public unit or wherein the public unit is located, or in any form of deposit, whether time, savings or demand, in an insured bank outside such jurisdiction, shall be separately insured up to $40,000.

(6) For purposes of this paragraph (a), if the same person is an official custodian of more than one public unit, he shall be separately insured with respect to the public funds held by him for each such unit, but shall not be separately insured by virtue of holding different offices in such unit or, except as provided in paragraph (b) of this section, holding such funds for different purposes.

• • • • •

§ 330.8 [Amended]

20. Paragraph (b) of § 330.8 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

§ 330.9 [Amended]

21. Paragraph (c) of § 330.9 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

22. Paragraph (d) of § 330.9 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

23. Paragraph (e) of § 330.9 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

§ 330.10 [Amended]

24. Section 330.10 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

PART 331—INSURANCE OF TRUST FUNDS

§ 331.1 [Amended]

25. Paragraph (d) of § 331.1 is amended by deleting the figure "$20,000" and by inserting the figure "$40,000" in lieu thereof.

The Act of October 28, 1974 (Pub. L. 93-495), among other things increased the maximum amount of insured deposit of any depositor (other than custodians of funds of public units depositing in time and savings deposits) from 20,000 to $40,000, and provided coverage of up to $100,000 for certain time and savings deposits of custodians of public funds. The amendments to Parts 306 and 308 of the Corporation's rules and regulations delete any reference to the existing limitation of $20,000, and the amendments to Parts 328, 330 and 331 reflect the increase in the maximum amount of deposit insurance generally and the special treatment afforded to public time and savings deposits.

Inasmuch as the Board of Directors has found, pursuant to § 302.6 of the Corporation's rules and regulations, that the amendments to Parts 306, 308, 328, 330, and 331 are largely editorial and not substantive in nature, that the amendments to § 330.8 relieve a restriction, and that notice, public participation and prior publication are unnecessary and would serve no useful purpose, the requirements of section 553 of title 5, United States Code, with respect to notice, public participation, and deferred effective date were not followed in connection with this amendment.

(Sec. 9, 64 Stat. 881; (12 U.S.C. 1819.))

Dated at Washington, D.C., this 20th day of November, 1974.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.74-27753 Filed 11-26-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-8569]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Amendments of Rule Permitting Quantity Discounts for Certain Group Purchases of Mutual Fund Shares

Correction

In FR Doc. 74-26798 appearing at page 40281 of the issue for Friday, November 15, 1974, on page 40283, the first column, the third and fourth lines which presently read "the dealer involved, if any, for all purchases, and equal an aggregate amount" should read "purchaser as his expected aggregate purchases, and equal an aggregate amount."

V 39 I 230 NOV 27 74 XUM

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE

[T.D. 74-292]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

LASH-Type Barges and Vessels of the Union of Soviet Socialist Republics

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury on September 27, 1974, that the Union of Soviet Socialist Republics allows privileges reciprocal to those provided for in the sixth and seventh provisos of the cited statute with respect to certain articles transported by vessels of the United States, and with respect to merchandise transported by United States-flag LASH-type barges. Therefore, corresponding privileges are accorded to vessels and LASH-type barges of Soviet registry effective on the date of such notification.

These privileges relate to the coastwise transportation, under the conditions specified in the sixth and seventh provisos of 46 U.S.C. 883, of empty cargo vans, empty lift vans, empty shipping tanks; equipment for use with those articles; empty barges specifically designed for carriage aboard a vessel; any empty instruments for international traffic exempted from application of the Customs laws by the Secretary of the Treasury pursuant to section 322(a) of the Tariff Act of 1930, as amended (19 U.S.C. 1322(a)); certain stevedoring equipment and material, and of merchandise by LASH-type barges.

Accordingly, §§ 4.81a and 4.93 of the Customs regulations (19 CFR 4.81a, 4.93) are amended as set forth below:

§ 4.81a [Amended]

Paragraph (b) of § 4.81a of the Customs regulations (19 CFR 4.81(b)) is amended by the insertion of "Union of Soviet Socialist Republics" in appropriate alphabetical order in the list of countries under that paragraph.

§ 4.93 [Amended]

Paragraphs (b)(1) and (b)(2) of § 4.93 of the Customs regulations (19 CFR 4.93(b)(1), (b)(2)), are amended by the insertion of "Union of Soviet Socialist Republics" in appropriate alphabetical order in the lists of countries under those paragraphs.

(Sec. 27, 41 Stat. 999, as amended, sec. 14, 67 Stat. 516 (5 U.S.C. 301, 19 U.S.C. 1322(a), 46 U.S.C. 883))

There is a statutory basis for the described extension of reciprocal privileges, and the amendments recognize an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause is found for dispensing with notice and public procedure thereon as unnecessary, and good cause exists for dispensing with a delayed effective date under the provisions of 5 U.S.C. 553.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: November 18, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-27761 Filed 11-26-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT AND FRUIT JUICES

Canned Grapefruit Standards; Confirmation of Effective Date

The Commissioner of Food and Drugs, in accordance with the procedure established in 21 CFR 10.8, issued an order, published in the FEDERAL REGISTER of May 29, 1974 (39 FR 18643), amending the canned grapefruit standards of identity (21 CFR 27.90), quality (21 CFR 27.91), and fill of container (21 CFR 27.92), taking into consideration the Recommended International Standard for Canned Grapefruit submitted by the Codex Alimentarius Commission.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120), notice is given that no objections were filed in response to the subject order. Accordingly, the amendments promulgated by that order shall become effective as follows: Compliance with the order, which shall include any labeling changes required, may have begun July 29, 1974, and all products shipped in interstate commerce after June 30, 1975, shall comply with these regulations.

Dated: November 19, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27707 Filed 11-26-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 411]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federau Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Arizona	Unincorporated	Puma County	Nov. 22, 1974. Emergency	Apr. 12, 1974		
California	Santa Barbara	Lompac, city of	do	Jan. 23, 1974		
Kentucky	Unincorporated	Mercer County	do			
Michigan	Chippewa	Whitefish, county of	do			
Ohio	Athens	Athens, city of	do	May 31, 1974		
Pennsylvania	Lawrence	Neshannock, town of	do	Nov. 29, 1974		
Do	Montgomery	Green Lane, borough of	do			
Do	Allegheny	Sewickley, borough of	do	Jan. 9, 1974		
Do	do	North Versailles, township of	do	Sept. 6, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: November 18, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27580 Filed 11-26-74;8:45 am]

[Docket No. FI 412]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Iowa	Story	Nevada, city of	Nov. 25, 1974. Emergency	June 28, 1974		
Maine	Penobscot	Bradley, town of	do	Sept. 20, 1974		
Do	Kennebec	Waterville, city of	do	Mar. 29, 1974		
Michigan	Lapeer	Lapeer, city of	do	May 17, 1974		
Minnesota	Hennepin	Wayzata, city of	do	June 21, 1974		
New Jersey	Atlantic	Port Republic, city of	do	Aug. 23, 1974		
New York	Nassau	Hewlett Bay Park, village of	do	June 28, 1974		
Oklahoma	Custer	Clinton, city of	do	Jan. 23, 1974		
Pennsylvania	Cambria	Barnesboro, borough of	do	Mar. 29, 1974		
Utah	Duchesne	Duchesne, city of	do	June 21, 1974		
West Virginia	Roane	Spencer, town of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: November 18, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27579 Filed 11-26-74;8:45 am]

[Docket No. FI 413]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the fourth column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

State	County	Location	Effective date of authorization of sale of flood insurance for area	Hazard area identified	State map repository	Local map repository
•	•	•	•	•	•	•
Alabama	Lee	Auburn, city of	Nov. 21, 1974 Emergency	June 7 1974		
Minnesota	St. Louis	Proctor, village of	do	Apr. 5 1974		
Do	Mille Lacs	Onamia, city of	do	May 10, 1974		
Do	Wabasha	Zumbro Falls, city of	do	Aug. 16, 1974		
Nebraska	Gage	Wymore, city of	do	May 3, 1974		
New York	Cortland	Marathon, city of	do	May 3, 1974		
Vermont	Orange	Randolph, town of, including village of	do	June 28, 1974		

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), (42 U.S.C. 4001–4127); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969) as amended 39 FR 2787, Jan. 24, 1974.

Issued: November 15, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27539 Filed 11-26-74;8:45 am]

V 39 I 230 NOV 27 74 XUM

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-81]

PART 62—ESTABLISHMENT OF AIDS TO NAVIGATION

Caution Concerning Use of Buoys

The purpose of this amendment is to revise the Coast Guard's caution statement concerning the use of buoys.

The Coast Guard aids to navigation system is developed, established, operated, and maintained by the Coast Guard to assist the navigator in determining his position and a safe course on which to proceed and to warn the navigator of dangers and obstructions. The aids to navigation system provides the tools from which a mariner may obtain certain information. When this information is used in a prudent manner his safe passage will be enhanced.

The subject of this amendment is the manner in which buoys are used as an aid to navigation. Section 62.25–55 of the Coast Guard's regulations on establishment of aids to navigation briefly mentions some of the reasons why mariners should not rely completely upon the position or operation of floating aids to navigation.

Numerous similar cautions are given to the mariner in Government publications indicating the various reasons why buoys may be found somewhere other than at their exact charted locations.

Recent marine casualties involving mariners totally relying upon buoys for vessel positioning have made it clear that the Coast Guard's caution statements may not be sufficient to fully convey to the mariner the inexactness of the position of a buoy in delineating channels, indicating shoals, marking obstructions, or warning the mariner of danger.

This revision of the caution statement explains more fully the reasons why buoys should not be heavily relied on if marine casualties are to be avoided.

Similar changes are being made in the caution statements in applicable Government publications such as notices to mariners and light lists.

In addition to further explaining the possible inaccuracies of buoys, the purpose of this revised caution statement is to emphasize that buoys are intended by the Coast Guard to be used as an aid in navigating and not as a substitute for fixed aids to navigation, objects on shore, and other sources of navigational information.

Since this amendment to Part 62 is a revision of cautionary information and not regulatory, the rulemaking requirements of 5 U.S.C. 553 are not applicable and these revisions are effective immediately.

In consideration of the foregoing, Part 62 of Title 33 of the Code of Federal Regulations is amended by redesignating § 62.25–55(c) as a new § 62.25–60 headed "*Station buoys*" and revising § 62.25–55 to read as follows:

§ 62.25–55 Caution.

All mariners are cautioned not to rely solely on buoys for navigational purposes because of their potential unreliability. Individual buoys have varying degrees of reliability because of the factors described below.

(a) On government charts, the approximate position of a buoy and its sinker is represented by the dot or circle associated with the buoy symbol. The dot or circle represents the approximate position because of practical limitations in positioning and maintaining buoys and their sinkers in precise geographical locations. These limitations include, but are not limited to, inherent imprecisions in position fixing methods, prevailing atmospheric and sea conditions, the slope of and the material making up the seabed, the fact that buoys are moored to sinkers by varying lengths of chain, and the fact that buoy body and sinker positions are not under continuous surveillance but are normally verified only during periodic maintenance visits which often occur more than a year apart. The position of the buoy body can be expected to shift inside and outside the charting symbol due to the forces of nature. The mariner is also cautioned that buoys are liable to be carried away, shifted, capsized, sunk, etc. Lighted buoys may be extinguished or sound signals may not function as the result of ice, running ice, or other natural causes, collisions, or other accidents.

(b) So as not to endanger the safety of his vessel, a mariner is cautioned that he must not rely completely upon the position or operation of buoys to determine the position of his vessel. A prudent mariner also utilizes bearings or angles from fixed aids to navigation and objects on shore, when available, as well as other sources of navigational information such as soundings, RDF, etc. Also, a vessel attempting to pass close aboard risks collision with a yawing buoy or with the obstruction the buoy marks.

((44 U.S.C. 1505 (49 U.S.C. 1655(b)(1)); 49 CFR 1.4(b) and 1.46(b))

Effective date. This amendment is effective immediately.

Dated: November 18, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74–27743 Filed 11–26–74;8:45 am]

[CGD 74–71]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Chuckatuck Creek, Va.

This amendment changes the regulations for the Virginia Department of Highways drawbridge across Chuckatuck Creek, Virginia, mile 1, to require at least two hours notice at all times. This amendment was circulated as a public notice dated March 29, 1974, by the Commander, Fifth Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rule making (CGD 74–71) on March 29, 1974 (39 FR 11560). Three replies were received which either had no comment or no objection to the proposal.

Accordingly, Part 117 of Title 33 of the Code of Federal Regulations is amended by revising subparagraph (23) of paragraph (f) of § 117.245 to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and in the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * * * *

(f) * * *

(23) Chuckatuck Creek, Va.; Virginia Department of Highways bridge on U.S. Route 17 between Nansemond and Isle of Wight County. The draw shall open on signal if at least two hours notice is given. If an emergency exists the draw shall open as soon as possible.

* * * * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4)).

Effective date. This revision shall become effective on December 31, 1974.

Dated: November 22, 1974.

W. E. CALDWELL,
Captain, U.S. Coast Guard,
Acting Chief, Office of Marine Environment and Systems.

[FR Doc.74–27744 Filed 11–26–74;8:45 am]

[CGD 73–23]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Long Island Inland Waterway, New York

Correction

In FR Doc. 74–26321, appearing at page 39720 in the issue for Monday, November 11, 1974, in the first column of page 39722, the seventh line of paragraph (m) should read "from 8:00 a.m. to 4:00 p.m. from October".

[CGD 74–177]

PART 135—LIGHTS FOR COAST GUARD VESSELS OF SPECIAL CONSTRUCTION

This notice revises the listing of Coast Guard vessels contained in 33 CFR Part 135 in order to reflect changes in the operational status and designation of the vessels listed therein. Several vessels have been decommissioned and removed from active service and are removed from the listing. New vessels are soon to be commissioned and placed in active service. The special construction of these new vessels precludes their carrying the masthead and range lights with the horizontal separation required by the statutory 'Rules of the Road.' Consequently, these vessels are exempted from the requirements of the statutes by the Secretary of Transportation under 33 U.S.C. 360 and 33 U.S.C. 1052, and they are added to the list of exempted vessels.

Additionally, several vessels have recently changed, or are about to change, their area of operation. These changes are reflected in this notice. Finally, one vessel has been redesignated a medium endurance cutter, from its previous designation as an auxiliary vessel, and the amendments reflect this redesignation.

This notice constitutes certification that, by reason of special construction, it is not possible for certain Coast Guard vessels to comply with existing statutory lighting requirements. Accordingly, this notice is not subject to the rulemaking requirements of 5 U.S.C. 553 and may become effective immediately.

In consideration of the foregoing, Chapter I of Title 33, Code of Federal Regulations, is amended as follows:

1. In § 135.25, by revising paragraph (b); by deleting the entries "USCGC Southwind (WAGB–280)." and "USCGC Staten Island (WAGB–278)." from paragraph (c); by adding paragraph (d); by deleting the entries "U.S.C.G.C. Cactus (WLB–277)," and "U.S.C.G.C. Cowslip (WLB–277)."; by inserting, as the last entry of the listing in paragraph (e), "USCGC Tupelo (WLB–303)."; by adding, after the entry "USCGC Ironwood (WLB–297).", the entry "USCGC Mesquite (WLB–305)." in paragraph (f); by adding, before the entry "USCGC Basswood (WLB–388).", the entry "USCGC Acacia (WLB–406).", by adding, after the "USCGC Blackthorn (WLB–391).", the entry "USCGC Bramble (WLB–392).", by adding, after the entry "USCGC Spar (WLB–403).", the entry USCGC Sundew (WLB–404).", and by adding, after the entry "USCGC Sweetbrier (WLB–405).", the entry "USCGC Woodrush (WLB–407)." in paragraph (g), so as to have § 135.25 read as follows:

§ 135.25 Horizontal separation of range lights.

* * * * * * *

(b) The following patrol cutter, medium endurance, 230-foot class, shall carry the forward masthead light and the after range light with a horizontal separation of 34 feet:

USCGC Storis (WMEC–38).

(c) * * *

USCGC Northwind (WAGB–282).
USCGC Westwind (WAGB–281).

(d) The following Icebreakers carry the forward masthead light and after range light with a horizontal separation of 37 feet:

USCGC Polar Star (WAGB–10).
USCGC Polar Sea (WAGB–11).

(e) * * *

USCGC Balsam (WLB–62).
USCGC Citrus (WLB–300).
USCGC Clover (WLB–292).
USCGC Conifer (WLB–301).
USCGC Evergreen (WAGO–395).
USCGC Gentian (WLB–290).
USCGC Laurel (WLB–291).
USCGC Madrona (WLB–302).
USCGC Sorrel (WLB–296).
USCGC Tupelo (WLB–303).

(f) * * *

USCGC Buttonwood (WLB–306).
USCGC Ironwood (WLB–297).
USCGC Mesquite (WLB–305).
USCGC Papaw (WLB–308).
USCGC Planetree (WLB–307).
USCGC Sweetgum (WLB–309).

(g) * * *

USCGC Acacia (WLB–406).
USCGC Basswood (WLB–388).
USCGC Bittersweet (WLB–389).
USCGC Blackhaw (WLB–390).
USCGC Blackthorn (WLB–391).
USCGC Bramble (WLB–392).
USCGC Firebush (WLB–393).
USCGC Hornbeam (WLB–394).
USCGC Iris (WLB–395).
USCGC Mallow (WLB–396).
USCGC Mariposa (WLB–397).
USCGC Sagebrush (WLB–399).
USCGC Salvia (WLB–400).
USCGC Sassafras (WLB–401).
USCGC Sedge (WLB–402).
USCGC Spar (WLB–403).
USCGC Sundew (WLB–404).
USCGC Sweetbrier (WLB–405).
USCGC Woodrush (WLB–407).

§ 135.35 [Deleted]

2. By deleting § 135.35.

3. By amending § 135.50 by deleting and reserving paragraph (b); by adding, after the entry "USCGC Bramble (WLB–392).", the entry "USCGC Mariposa (WLB–397).", by deleting the entry "U.S.C.G.C. Mackinaw (WAGB–83)." from paragraph (d); and by deleting the entries "USCGC Southwind (WAGB–280).", and "USCGC Staten Island (WAGB–278) from paragraph (f).

Section 135.50 is amended as follows:

§ 135.50 Great Lakes Rules; horizontal separation of range lights.

* * * * * * *

(b) [Deleted]

* * * * * * *

(d) * * *

USCGC Acacia (WLB–406).
USCGC Bramble (WLB–392).
USCGC Mariposa (WLB–397).
USCGC Sundew (WLB–404).
USCGC Woodrush (WLB–407).

* * * * * * *

(f) * * *

USCGC Northwind (WAGB–282).
USCGC Westwind (WAGB–281).

(33 U.S.C. 360, 1052; (49 U.S.C. 1655(b)(1); 49 CFR 1.4(b) and 1.46(b))

Effective date. November 26, 1974.

Dated: November 18, 1974.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.74–27746 Filed 11–26–74;8:45 am]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Correction

In FR Doc. 74–25445 appearing at page 39017 in the issue for Tuesday, November 5, 1974, in § 257.8, paragraph (f)(6) on page 39018, in the third line, the word "which" should read "when".

Title 40—Protection of Environment

[FRL 267–2]

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Pennsylvania: Approval of Compliance Schedules

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each state to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the state. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of Pennsylvania's State Implementation Plan.

Pursuant to 40 CFR 51.6, the Commonwealth of Pennsylvania has submitted for the Environmental Protection Agency's approval, revisions to the compliance schedule portion of its plan. The approval of these revisions was proposed by the Administrator on August 1, 1974 (39 FR 27809). This publication approves these revisions with specific exceptions pursuant to the provisions of 40 CFR 51.8.

Two hundred four (204) compliance schedules were submitted by the Commonwealth of Pennsylvania for the Environmental Protection Agency's approval. Of these, twenty-seven (27) were evaluated and proposed for approval in the FEDERAL REGISTER on the above date. The remaining compliance schedules submitted by the state were not proposed for approval either because the dates for final compliance will have passed by the date of this publication, or because the Environmental Protection Agency is still negotiating with the State and the individual sources to correct deficiencies appearing in the schedules.

Of the twenty-seven schedules proposed for aproval on the above mentioned date, we have found two (2) schedules to be duplicates of schedules proposed for approval in the July 22, 1974, FEDERAL REGISTER (39 FR 26652). These schedules will be approved in a separate promulgation. In addition, five (5) schedules are duplicates of ones appearing in the August 22, 1974, FEDERAL REGISTER (39 FR 30349). Therefore, the following seven (7) schedules do not appear in the table below: North American Refractories Co. (73–775–V–A), Armco Steel Corp. (73–859–V), Koppers Co., Inc. (73–734–V–A), Bethlehem Steel Corp. (73–757–V), Medusa Cement Co. (73–819–V), Carnegie-Mellon University (14c 352–354), and American Oil Co. (191 P).

The State Order Number for the Roessing Bronze Co. appearing in the August 1 FEDERAL REGISTER, has been corrected to read No. 73–766–V (previously No. 73–765–V). Minor errors which ap-

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pear in the August 1, table also have been corrected.

The Administrator has not received public comments concerning the proposed approval of the compliance schedules listed in the August 1, 1974, FEDERAL REGISTER notices. However, ARCO Polymers, Inc. (formerly Sinclair-Koppers Co., 74-903-V) has informed EPA that it will not meet its schedule as proposed and has appealed to the Pennsylvania Environmental Review Board for a revised schedule. Therefore, the Administrator cannot approve this schedule at this time.

Each revision established a date by which an individual air pollution source must attain compliance with an emission limitation specified by the State Implementation Plan. This date is indicated in the table below under the heading "Final compliance date". In most cases, the schedules include incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. Evaluation reports have been prepared for each listed compliance schedule and are available for public inspection at the Region III Office in Philadelphia, Pennsylvania. All the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106

Bureau of Air Quality and Noise Control
Fulton National Building
208 North Third Street
Harrisburg, Pennsylvania 17120

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW
Washington, D.C. 20460

Each compliance schedule listed below has been adopted by the Pennsylvania Bureau of Air Quality and Noise Control and submitted to the Environmental Protection Agency after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51. The compliance schedules for the sources identified below meet the requirements of 40 CFR 51.15.

This regulation will become effective December 27, 1974.

(42 U.S.C. 1857c-5)

Dated: November 21, 1974.

RUSSELL E. TRAIN,
Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart NN—Pennsylvania

In § 52.2036(a) the table is amended by adding the following schedules:

§ 52.2036 Compliance schedules.

(a) • • •

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
•	•	•	•	•	•
Anchor Hocking Corp., State Order No.: 73-729-V.	South Connellsville.	123.13(c), 123.41.	Aug. 23, 1973	Immediately..	July 31, 1975
Appleton Papers Inc., State Order No.: 73-805-V, as amended Mar. 15, 1974.	Roaring Spring.....	123.11, 123.31..	Oct. 18, 1973	do.....	Do.
Atlantic Steel Castings Co., State Order No.: 73-832-V.	Chester City.....	123.13.....	Nov. 19, 1973	do.....	Do.
Bethlehem Steel Corp., State Order No.: 73-701-V, as amended May 21, 1974.	Bethlehem.....	123.1, 123.13, 123.23, 123.31, 123.41.	Aug. 8, 1973	do.....	Do.
Corning Glass Works, State Order No.: 73-730-V, as amended Apr. 5, 1974.	Charleroi.....	123.13, 123.41..	Aug. 22, 1973	do.....	Do.
Corning Glass Works, State Order No.: 74-909-V.	do.....	123.13, 123.41..	Jan. 31, 1974	do.....	Do.
H & E Manufacturing Co., State Order No.: 73-836-V, as amended May 21, 1974.	Picture Rocks.....	123.11, 123.41..	Nov. 7, 1973	do.....	Dec. 31, 1974
Hammermill Paper Co., State Order No.: 73-809-V, as amended Nov. 15, 1973.	Erie.....	123.11, 123.22, 123.41.	Oct. 17, 1973	do.....	July 31, 1975
Hammermill Paper Co., State Order No.: 73-824-V.	Lock Haven.....	123.11, 123.41..	Nov. 14, 1973	do.....	Do.
Kraftco Corp., Metro Containers, State Order No.: 73-732-V, as amended May 6, 1974.	Washington.....	123.13.....	Sept. 7, 1973	do.....	Do.
National Roll Division, General Steel Industries, Inc., State Order No.: 73-707-V.	Avonmore.....	123.13.....	Oct. 17, 1973	do.....	Do.
Penntech Papers, Inc., State Order No.: 73-852-V, as amended Dec. 21, 1973.	Johnsonburg.....	123.2, 123.11, 123.13, 123.22, 123.31, 123.41, 131.2, 131.3.	Dec. 4, 1973	do.....	Do.
Reading Metals Refining Corp., State Order No.: 74-894-V, as amended May 21, 1974.	Oaklaunce.....	123.13, 123.41..	Jan. 25, 1974	do.....	May 21, 1975
Roessing Bronze Co., State Order No.: 73-766-V.	Adams Township..	123.13.....	Sept. 18, 1973	do.....	July 31, 1975
Sun Oil Co., State Order No.: 74-916-V, as amended May 21, 1974.	Marcus Hook.....	123.31.....	Feb. 27, 1974	do.....	Mar. 10, 197
Sun Oil Co., State Order No.: 74-918-V.	do.....	129.2.....	Feb. 22, 1974	do.....	May 31, 1975
Jones & Laughlin Steel Corp., County Order No.: 54 C 212.	Pittsburgh.....	1809.6B.2.....	Apr. 3, 1973	Apr. 10, 1973	July 1, 1975
Shenango, Inc., County Order No.: 35 C 108-109.	Neville Island.....	1809.6B.2.....	June 11, 1973	June 21, 1973..	June 1, 1975
U.S. Steel Corp., County Order No.: 143 P 127.	Duquesne.....	1809.1..... 1809.4A.	July 3, 1973	July 13, 1973..	May 1, 1975

[FR Doc.74-27673 Filed 11-26-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5448]

[Fairbanks 19424]

ALASKA

Partial Revocation of Public Land Order No. 715 of April 20, 1951.

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 715 of April 20, 1951, which withdrew lands for use of the Department of the Air Force for military purposes, is hereby revoked as to the following described lands:

A tract of land situated on Barter Island, Fourth Judicial District, State of Alaska. The boundaries of said tract of land are described as follows:

Beginning at Tri Station USC&GS "Barter Astro" (designated USLM No. 4234); thence S. 83°15'00" E., a distance of 2,324.52 feet to WCMC, the true point of beginning; thence S. 54°26' W., a distance of 360 feet; thence N. 35°24' W., a distance of 3,588.65 feet; thence N. 01°24' W., a distance of 600.00 feet to Corner No. 2, U.S. Survey No. 4234; thence S. 35°24' E., a distance of 4,068.66 feet to the true point of beginning, containing 31.7 acres, more or less.

2. The lands described in paragraph 1 are withdrawn under section 11(a)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688), for selection by the village of Kaktovik.

3. Prior to any conveyance of the lands described in paragraph 1 the lands shall be subject to administration by the Secretary of the Interior under the applicable laws and regulations, and his authority to make contracts and to grant leases, permits, rights-of-way, or easements shall not be impaired by this order. Applications for leases under the Mineral Leasing Act, as amended, 30 U.S.C. 181-287 (1970), will be rejected until this order is modified or the lands are appropriately classified to permit mineral leasing.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 20, 1974.

[FR Doc.74-27688 Filed 11-26-74;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 74-119]

PART 5—SUSPENSION AND REVOCATION PROCEEDINGS

Miscellaneous Amendments

Correction

In FR Doc. 74-26319, appearing at page 39723, in the issue of Monday, November 11, 1974, the section heading reading "§ 5.20-1 Commandant" should read "§ 5.02-1 Commandant".

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER A—GENERAL PROVISIONS

[Commission Order 53; Amdt. 2]

PART 500—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Information Required on Employment and Financial Statements

The Federal Maritime Commission published in the FEDERAL REGISTER, August 20, 1968 (33 FR 11767), Commission Order No. 53 (amended), which provided in § 500.735-37 that if any information required to be included on a statement of employment and financial interests, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit information in his behalf.

Paragraph 4-8, Chapter 735, Federal Personnel Manual, has been amended to provide that if any holdings have been or are to be placed in a blind or no-control trust, a copy of the trust agreement together with an inventory of the holding placed in trust must be submitted with the employee's statement.

§ 500.735-37 [Amended]

Accordingly, the following sentence shall be inserted at the end of § 500.735-37, Title 46, Code of Federal Regulations:

"If any holdings have been or are to be placed in a blind or no-control trust, a copy of the trust agreement together with an inventory of the holdings placed in trust must be submitted with the employee's statement."

This revision effective on November 27, 1974.

HELEN DELICH BENTLEY,
Chairman.

[FR Doc.74-27756 Filed 11-26-74;8:45 am]

[General Order No. 33; Docket No. 72-62]

PART 506—REGULATIONS TO ADJUST OR MEET CONDITIONS UNFAVORABLE TO SHIPPING IN THE FOREIGN TRADE

Effective Date Stayed

On November 1, 1974, the Commission published General Order No. 33 (46 CFR Part 506), containing regulations implementing section 19, Merchant Marine Act of 1920. General Order No. 33 has prompted numerous comments from several parties requesting the Commission to delay the effective date and extend the time for filing petitions for reconsideration. Because of the importance of the issues involved in General Order No. 33, the Commission believes that additional opportunity to comment should be accorded. Therefore, the Commission will treat the requests as petitions for reconsideration and stay of the effective date of General Order No. 33. Interested parties are invited to submit comments regarding General Order No. 33 by filing with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 20, 1974, an original and fifteen copies of their views and arguments.

Therefore it is ordered, That the effective date of General Order No. 33 be stayed until further order of the Commission.

It is further ordered, That interested parties shall have until December 20, 1974, to file views and arguments regarding General Order No. 33 with the Secretary, Federal Maritime Commission, by submitting an original and fifteen copies.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27757 Filed 11-26-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-114; Amdt. No. 174-24]

PART 174—CARRIERS BY RAIL FREIGHT

Rail Cars Used To Transport Class A Explosives

This amendment prescribes standards to eliminate potential fire hazards resulting from overheated friction journal bearings, overheated and sparking brake shoes, and the presence of combustible material on the undersides of cars used to transport Class A explosives. It establishes new requirements for selection, preparation, inspection, certification and loading of these railroad cars.

On February 6, 1974, the Hazardous Materials Regulations Board published a notice of proposed rulemaking (NPRM), Docket No. HM-114; Notice No. 74-1 (39 FR 4668), which proposed this amendment. The reasons for this amendment were discussed in that notice of proposed rulemaking. Interested persons were invited to comment and several comments were received by the Board. In addition, a public hearing was held on March 21, 1974, to provide interested persons an opportunity to present information orally to assist the Board in developing a final rule in this proceeding. All written comments received and those made at the public hearing have been fully considered by the Board. The interest shown and the views expressed are appreciated by the Board.

The major issues raised in these comments involve bearings, brake shoes, and spark shields. These issues were discussed at length in the NPRM and are also discussed separately below.

Bearings. One commenter strongly opposed requiring all box cars used to transport Class A explosives to be equipped with roller bearings. He noted that solid bearing cars travel an average of one million miles before occurrence of an overheated journal or "hot box" and that only four percent of these result in reportable accidents. This average mileage figure is expected to improve as more cars are equipped with stabilized bearings under an industry specification which requires the owning railroad to stabilize bearings whenever it disassembles a truck. Because of the expected improvement in the ratio of overheated journals and freight car miles operated, the present requirement that trucks and journals be inspected before a car is loaded with Class A explosives, and the substantial investment of the railroad industry in "hot box" detectors, this commenter contended that there is no factual basis for excluding solid bearing box cars from Class A explosives service. Any type of bearing can fail for any number of reasons, including poor design, bad maintenance and undetected structural flaws. Since the primary cause of solid bearing failure is inadequate servicing and any existing service-related defects will be corrected during the required preloading inspection, he concluded that cars equipped with solid bearings should remain acceptable for the transportation of Class A explosives.

One commenter stated that if the proposed roller bearing requirement were adopted it would create a serious shortage of cars available to transport Class A explosives.

After carefully considering these arguments, the Board still believes that safety considerations require that all box cars used to transport Class A explosives be equipped with roller bearings after December 31, 1975. Cars transporting Class A explosives should be equipped with the safest journal bearings available because a major cause of derailments due to equipment failures is the overheating of journals. In its report entitled "Journal Failure Report" dated October 1972, the FRA established that in the years 1968, 1969 and 1970, the failure ratio of plain bearings to roller bearings was 11.4, 8.1 and 5.8, respectively. The report projected that the failure rate of plain bearings would probably level off at about three times the failure rate of roller bearings. By January 1, 1976, sufficient time will have elapsed since issuance of Emergency Order No. 3, by the Federal Railroad Administration (FRA) on August 9, 1973 (38 FR 22172), for car owners and railroads to locate and equip a sufficient number of cars to transport Class A explosives. Approximately one-half of the national rail car fleet is equipped with roller bearings and all new cars placed in service are equipped with roller bearings.

Brake Shoes. None of the commenters opposed the proposed elimination of cast iron brake shoes. However, two commenters vigorously opposed elimination of high phosphorous brake shoes on cars

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used to transport Class A explosives. One commenter submitted extensive test data to support its contention that with respect to the fire hazard, the high phosphorous shoe coupled with the Association of American Railroads standard spark shield, is the safest material developed for braking railroad freight cars.

Both commenters also stated that the sparking of high phosphorous shoes under heavy sustained braking promptly stops when the brakes are released. On the other hand, it was noted that, while high friction composition brake shoes do not spark under these conditions, they may ignite and burn freely and will continue to burn freely with an open flame after the brakes have been released.

Both commenters recognized the hazards inherent in the possible misapplication of standard metal brake shoes instead of high phosphorous brake shoes. One commenter relied upon a program for positive identification of high phosphorous brake shoes which is now underway within the railroad supply industry to resolve this problem. The other commenter indicated that the high phosphorous brake shoe may soon replace the cast iron brake shoe and that this would eliminate any possibility for misapplication of metal shoes.

FRA has carefully considered these comments but still believes that the exclusive use of high-friction composition brake shoes on cars transporting Class A explosives is necessary to assure safety. Sparks resulting from the friction of a brake shoe wearing on a wheel tread provide a high potential for ignition of any exposed combustible material. The high-friction composition brake shoe has a practically zero sparking effect.

The risk of high friction composition shoes igniting and burning is rather remote since combustion occurs only under the most severe and sustained braking conditions. Although the high phosphorous type brake shoe exhibits a dramatically reduced tendency for sparking compared to the common cast iron shoe, it is still a metallic material which can produce sparks under certain braking conditions.

Spark Shields. Two commenters opposed the spark shields proposed by FRA. They contended that composition brake shoes alone provide sufficient protection on cars not equipped with spark shields and that high phosphorous shoes on cars equipped with the smaller AAR standard spark shields provide a sufficient degree of safety.

FRA does not agree. The criteria requiring spark shields is the flammability of material exposed to ignition from truck effects such as overheated journals, dragging equipment, and sparks from braking. Although the high-friction composition brake shoe has minimal sparking characteristics, there is no positive assurance that metal type brake shoes will not be substituted in error. Although measures have been developed recently to prevent misapplication of cast iron shoes on brake heads intended for none other than high-friction composition type brake shoes, it will be years before these measures are implemented and become totally effective. In the interim, and pending availability of sufficient cars with all-metal sub-flooring, the security of Class A Explosives demands the protection of the larger FRA spark shields.

Several commenters suggested that the FRA require the placement of at least one spacer car not containing hazardous materials regulated under 49 CFR Parts 170–189 between cars of explosives. This suggestion and a number of other suggestions which were beyond the scope of a notice of proposed rulemaking are being studied by the FRA and may be the subject of future rulemaking proceedings.

Several commenters requested clarification of the term "qualified inspector" in the proposed amendment. Accordingly, FRA has changed this term to "qualified person designated under § 215.-15."

In consideration of the foregoing, Title 49 of the Code of Federal Regulations, § 174.525 is amended by revising paragraphs (b) (1), (3), (4), (6), (11), (12), (13), and (14) and by revising paragraphs (c) (1) and (3) as follows:

§ 174.525 Loading packages of explosives in cars, selection, preparation, inspection and certification.

* * * * *

(b) Certified closed cars must be inspected inside and outside, other cars must be inspected as applicable to the type of cars and must conform to the following specifications:

(1) Closed cars of not less than 80,000 pounds capacity, with steel underframes and friction draft gear, must be used except that on narrow-gage railroad explosives may be transported in cars of less than that capacity provided the available cars of greatest capacity and strength are used for this purpose.

* * * * *

(3) Must have no holes or cracks in the roof, sides, ends, or doors through which sparks may enter, or unprotected decayed spots which may hold sparks and start a fire.

(4) The roof of the car must be carefully inspected from the outside for decayed spots, especially under or near the running board, and such spots must be covered or repaired to prevent their holding fire from sparks. A car with a roof generally decayed, even if tight, must not be used.

* * * * *

(6) The roller bearings or journal boxes, and the trucks must be carefully examined and put in such condition as to reduce to a minimum the danger of hotboxes or other failure necessitating the setting out of the car before reaching destination. The lids or covers of journal boxes must be in place. After December 31, 1975, the car must be equipped with roller bearings.

* * * * *

(11) The car must be equipped with high-friction composition brake shoes only and brake rigging designed for this type of brake shoe. Each brake shoe on the car must be at least three-eighths inch thick, and in safe and suitable condition for service.

(12) The car must have either a metal sub-floor with no combustible material exposed beneath the car, or metal spark shields extending from center sill to side sills and from end sills to at least 12 inches beyond the extreme treads of the inside wheels of each truck, which are tightly fitted against the sub-floor so that there is no vacant space or combustible material exposed. The metal sub-floor or spark shieds may not have an accumulation of oil, grease, or other debris which could support combustion.

(13) The carrier must have the car examined by a qualified person designated under § 215.15 of this title to see that it is properly prepared, and must have a "Car Certificate" signed in triplicate upon the form prescribed in paragraphs (c) (2) and (3) of this section before permitting the car to be loaded.

(14) Except as provided in § 174.584 (h), a car must not be loaded with any explosives, class A, until it shall have been thoroughly inspected by a qualified person designated under § 215.15 of this title who shall certify as to its proper condition under this section and shall sign Certificate No. 1 prescribed in paragraphs (c) (2) and (3) of this section.

(c) * * *

(1) For all shipments loaded by the shipper, a qualified person designated under § 215.15 of this title must inspect the finished load and certify to its compliance with this part before the car shall be accepted for transportation; and Certificate No. 2 as prescribed by paragraphs (c) (2) and (3) of this section shall be signed before the car is permitted to go forward. When a car is loaded by the carrier, Certificate No. 2 must be signed only by the representative of the carrier.

* * * * *

(3) Car certificate: The following certificate, printed on strong tag board measuring 7 by 7 inches, or 6 by 8 inches, must be duly executed in triplicate by the carrier, and by the shipper if he loads the shipment; the original must be filed by the carrier at the forwarding station in a separate file; and the other two must be attached, one to each outer side of car to the fixed placard board or as otherwise provided.

---------- Railroad

CAR CERTIFICATE

No. 1 ---------- Station. ----------, 19--

I hereby certify that I have this day personally examined Car Number -- and that the car is in condition for service and complies with the FRA Freight Car Safety Standards (49 CFR Part 215) and with the requirements for freight cars used to transport explosives prescribed by the DOT Hazardous Materials Regulations (49 CFR Part 174).

(Qualified Person Designated Under 49 CFR 215.15)

This amendment is effective July 1, 1975. However, compliance with the regulations, as amended herein, is authorized immediately. The Federal Railroad Administration will publish a separate notice revoking Emergency Order No. 3 published in the August 16, 1973, issue of the FEDERAL REGISTER (38 FR 22172); this revocation will also become effective July 1, 1975.

(Secs. 831–835 of Title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657); § 1.49(f) of the regulations of the Secretary of Transportation (49 CFR 1.49 (f)))

Issued in Washington, D.C. on November 19, 1974.

ASAPH H. HALL,
Acting Administrator, FRA
Board Member for the Federal Railroad Administration.

[FR Doc.74–27763 Filed 11–26–74;8:45 am]

Title 50—Wildlife

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

The following special regulation is issued and is effective November 27, 1974.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing, in accordance with all applicable State regulations is permitted on the Necedah National Wildlife Refuge, Necedah, Wisconsin, but only on those areas designated as open to fishing during the following dates:

1. January 1, 1975 thru March 15, 1975, the entire 39,549-acre refuge.

2. June 1, 1975 thru September 30, 1975, only on the Sprague-Mather Pool, an area of approximately 2,000 acres.

3. December 15, 1975 through December 31, 1975, the entire refuge, except Rynearson No. 1 Pool, approximately 39,000 acres. The use of boats without motors is permitted. The open fishing areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

GERALD H. UPDIKE,
Refuge Manager,
Necedah National Wildlife Refuge.

NOVEMBER 19, 1974.

[FR Doc.74–27690 Filed 11–26–74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

ENDANGERED SPECIES

The regulations herein referred to are only for those species under the jurisdictional responsibilities of the Secretary of Commerce. Species presently treated as endangered and under the jurisdiction of the Secretary of Commerce are identified later in this preamble and in § 222.-23(a) of the regulations.

Regulations on endangered species, Title 50, CFR, Chapter II, Parts 217–222, dealing with endangered species importation permits and enforcement (civil procedures, seizure and forfeiture procedures, designated ports), were published in the FEDERAL REGISTER on March 18, 1974 (39 FR 10146), as amended on April 1, 1974 (39 FR 11892), under the authority of the Endangered Species Act of 1973 (the "Act"; 87 Stat. 884 et seq.; 16 U.S.C. 1531 et seq.).

The regulations were a republication and readoption with technical changes of regulations originally promulgated by the Department of the Interior under the Endangered Species Conservation Act of 1969.

The purpose of this rulemaking is to amend the portion of those regulations (March 18, 1974, and April 1, 1974, regulations) dealing with permits in order to implement new expanded permit regulations which comply with the Endangered Species Act of 1973. These new regulations allow, under certain conditions, permits for scientific purposes or to enhance the propagation or survival of endangered species which authorize, among other things, taking, exportation, and importation otherwise prohibited by the Act.

This rulemaking, by restatement, also serves to edit and make technical revisions in those regulations (March 18, 1974, and April 1, 1974, regulations), in order to bring them into conformity with the Act and serves to revise agency procedures and practices for the Act. The purposes of this rulemaking are accomplished by amending or revoking all existing Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service endangered species regulations (March 18, 1974, and April 1, 1974, regulations), and replacing them with those established by this rulemaking.

On August 9, 1974, notice of proposed rulemaking governing endangered species permits was published in the FEDERAL REGISTER (39 FR 28641). This rulemaking proposed revisions in only one Part (Part 222) of the existing Regulations on Endangered Species (March 18, 1974, and April 1, 1974, regulations). Sixty days were given within which any person wishing to do so could submit written comments, views, and objections pertaining to the proposed regulations.

Six written comments on the published proposed rulemaking were received. After consideration of all relevant material including the comments presented by interested persons, the proposed rulemaking is hereby adopted as final regulations, subject to the changes set out below.

In addition, the editorial and technical revisions, and the revisions in agency procedures and practices, made in other sections of Part 222 and in the other parts (Parts 217, 218, 219, 220, and 221) of the existing regulations on endangered species (March 18, 1974, and April 1, 1974 regulations) are hereby adopted by restatement in order to, among other things, bring them into conformity with the Endangered Species Act of 1973 and with this rulemaking finalizing permit regulations under the 1973 Act (Part 222, §§ 222.23, 222.24, 222.25, 222.26, 222.27, and 222.28). These additional revisions, which include the revocation of provisions replaced by the regulations proposed on August 9 and now promulgated as final regulations, are also set forth below.

PART 217 GENERAL PROVISIONS

1. In Part 217, General Provisions, Table of Sections, Subpart C, § 217.22, the title designation "Division of Law Enforcement and Marine Mammal Protection" has been deleted and the title designation "Marine Mammals and Endangered Species Division" has been substituted.

2. Under Part 217—General Provisions, Table of Sections, Subpart C, reference to a new section entitled § 217.23 *Law Enforcement Division*, has been added after § 217.22 *Marine Mammals and Endangered Species Division.*

SUBPART A—INTRODUCTION

3. Section 217.1 *Purpose of regulations.* In § 217.1, the words ", National Oceanic and Atmospheric Administration, Department of Commerce," have been added after the words "National Marine Fisheries Service".

4. Section 217.2 *Scope of regulations.* At the end of § 217.2, the following sentence has been added: "The regulations in Parts 217–222 apply only for fish or wildlife under the jurisdictional responsibilities of the Secretary of Commerce for the purpose of carrying out the Endangered Species Act of 1973 (see Part 222, section 222.23(a)). Endangered species of fish or wildlife other than those covered by these regulations are under the jurisdiction of the Secretary of the Interior. For rules and procedures relating to such species, see 50 CFR Parts 10–17."

5. Section 217.4 *When regulations apply.* In § 217.4, the words ", including the processing of permits," have been added after the words "all matters" and the final letter in the word "exceptions" has been deleted.

6. Section 217.4(b) has been revoked.

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SUBPART B—DEFINITIONS

7. Section 217.12 *Definitions.* Under § 217.12: (1) The term "Bureau" and its definition have been deleted; (2) the definition of the term "Fish or wildlife" has been deleted and the definition "means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof" has been substituted; (3) the definition of the term "Person" has been deleted and the definition "means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government," has been substituted; (4) the definition of the term "State" has been revised by deleting the word "and" before the word "Guam" and by adding the words ", and the Trust Territory of the Pacific Islands." after the word "Guam"; (5) the definition of the term "Take" has been revised by adding the words "harass, harm," before the word pursue in both places that the word "pursue" appears; and (6) the definition of the term "United States" has been revised by deleting the word "and" before the word "Guam" and by adding the words ", and the Trust Territory of the Pacific Islands." after the word "Guam".

SUBPART C—ADDRESSES

8. Section 217.22 *Division of Law Enforcement and Marine Mammal Protection.* The title designation of § 217.22, "Division of Law Enforcement and Marine Mammal Protection", has been deleted and the title designation "Marine Mammals and Endangered Species Division" has been substituted. The corresponding portion of the address has also been changed in this manner. In addition, the words "law enforcement and" have been deleted from the instruction.

9. In subpart C, a new section entitled § 217.23 *Law Enforcement Division* has been added after Section 217.22.

PART 218 CIVIL PROCEDURES

10. In Part 218—Civil Procedures, the authority citation "7 Stat. 884" has been deleted and the citation "87 Stat. 884" has been substituted.

PART 219 SEIZURE AND FORFEITURE PROCEDURES

SUBPART B—HOLDING, BONDING, AND RETURN OF CERTAIN WILDLIFE OR OTHER PROPERTY

11. Section 219.12 *Seizure by Customs.* In Section 219.12, the office title designation "Division of Law Enforcement and Marine Mammal Protection" and the reference "(See § 217.22)" have been deleted and the office title designation "Law Enforcement Division" and the reference "(See § 217.23)" have been substituted.

PART 220 GENERAL PERMIT PROCEDURE

12. In Part 220—General Permit Procedures, Table of Sections, the references to "§ 220.12 Information requirements on permit applications" and "§ 220.14 Insufficient fee." in Subpart B, to § 220.23 Amendment of applications or permits." in Subpart C, and to "§ 220.41 Recall and amendment of permit during its term." in Subpart D have been deleted. In addition, the reference to "Subpart E—Violations of the Permit" and its "§ 220.51 Penalties for violation of a permit, notice; demonstration of compliance." has been deleted.

SUBPART A—INTRODUCTION

13. Section 220.1 *General.* In § 220.1 the words "or the Endangered Species Act of 1973" have been added after the first use of the words "Parts 217–222 of this chapter". In addition, in the last sentence of this section the word "will" has been deleted and the word "may" has been substituted both times the word "will" appears.

14. Section 220.2 *Purpose of Regulations.* In section 220.2, the word "revocation," has been deleted.

15. Section 220.3 *Scope of Regulations.* In section 220.3 the words " 'Import and Marketing' (Part 221)," have been deleted. Also, the words " 'Endangered Wildlife' (Part 222)" have been changed to " 'Endangered Fish or Wildlife' (Part 222)".

SUBPART B—APPLICATION FOR PERMITS

16. Section 220.11 *Procedure for obtaining a permit.* In § 220.11(b), the words "Division of Law Enforcement and Marine Mammal Protection" have been deleted and the words "Director, National Marine Fisheries Service." have been substituted. The reference "§ 217.22." has been deleted and a reference to "§ 217.21." has been substituted.

17. In § 220.11(c), the number "30" appearing immediately after the words "at least" and "guarantee" have been deleted and the number "90" has been substituted. In the second sentence of this section, the words "deemed sufficient" have been added immediately after the first use of the word "applications" and a period has been added immediately after the word "time" deleting the following words "and most complete and properly addressed applications will be acted on within 90 days." In the third sentence, the words "after publication in the FEDERAL REGISTER of receipt of a permit application" have been added after the word issuance".

18. Section 220.12 *Information requirements or permit applications.* Section 220.12 has been revoked.

SUBPART C—PERMIT ADMINISTRATION

19. Section 220.21 *Issuance of Permits.* In the second sentence of § 220.21 (a), the words "An oral or written" have been deleted and the word "Any" has been substituted. Also deleted were the words ", or an action of such employee or agent,".

20. In § 220.21(b), the words "Upon receipt of a properly executed application for a permit," have been deleted and the first letter in the following word, "the", capitalized.

21. In Section 220.21(b)(3), the word "and" has been deleted and the word "or" has been substituted.

22. Section 220.23 Amendment of applications or permits. Section 220.23 has been revoked.

23. Section 220.25 Permits not transferable; agents. In § 220.25(a), the words "this part" have been deleted and "Parts 220–222" has been substituted.

24. Section 220.27 Change of mailing address. In § 220.27, the words "in accordance with § 220.23" have been deleted.

25. Section 220.29 Official endorsement of changes required. Section 220.29 has been revoked.

26. Section 220.30 Certain continuancy of activity. Section 220.30 has been revoked.

SUBPART D—CONDITIONS

27. Section 220.41 Recall and amendment of permit during its term. Section 220.41 has been revoked.

28. Section 220.42 Permits are specific. In Section 220.42, the words "fish or" have been added immediately before the word "wildlife."

29. Section 220.43 *Alteration of permits* in § 220.43, the second sentence "Unless specifically permitted on the face thereof, no permit shall be copied, nor shall any copy of a permit issued pursuant to Parts 217–222 of this chapter be displayed, offered for inspection, or otherwise used for any official purpose for which the permit was issued." has been deleted.

30. Section 220.44 *Display of permit.* In § 220.44, the words "this part" have been deleted and "Parts 220–222" has been substituted.

31. Section 220.46 *Maintenance of records* in § 220.46, the words "fish or" have been added immediately before the word "wildlife" each time "wildlife" appears.

32. Section 220.47 *Inspection requirement* in § 220.47, the words "fish or" have been added immediately before the word "wildlife". Also, the words "or by the Endangered Species Act of 1973" have been added after the last word, "chapter", in the last sentence of this section.

SUBPART E—VIOLATIONS OF THE PERMIT

33. Section 220.51 *Penalties for violation of a permit, notice; demonstration of compliance.* Subpart E, with its § 220.51, has been revoked.

PART 221 DESIGNATED PORTS

34. Section 221.1 *Importation at designated ports.* In the title designation of § 221.1, the words "and exportation" have been added immediately after the word "importation".

35. In the first sentence of § 221.1, the words "(other than shellfish and fishery products which (1) are not endangered or not threatened species, and (2) are imported for purposes of human or animal consumption or taken in waters

under the jurisdiction of the United States or on the high seas for recreational purposes)" have been added immediately after the words "Any fish or wildlife". In addition, the words "or exportation from" have been added immediately after the words "for importation into". A comma has been added after "United States". The words "be subject to the provisions of 50 CFR Part 14" have been deleted and the words "not be imported or exported except at a port or ports designated by the Secretary of the Interior." have been substituted. Next, a new sentence has been added which reads "The Secretary of the Interior may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife, or for other reasons if he deems it appropriate and consistent with the purpose of facilitating enforcement of the Endangered Species Act and reducing the costs thereof." In the last sentence of § 221.1, the words "and exporters" have been added after the word "Importers" and the words "and exportation" have been added after the word "importation."

PART 222 ENDANGERED WILDLIFE

36. In the title designation of Part 222, the words "FISH or" have been added immediately after the word "ENDANGERED".

37. In Part 222—Endangered Fish or Wildlife, Table of Sections, Subpart C, the title designation "Endangered Wildlife Importation Permits" has been deleted and the title designation "Endangered Fish or Wildlife Permits" has been substituted.

38. In Part 222—Endangered Fish or Wildlife, Table of Sections, Subpart C, § 222.23, the title designation "Zoological, educational, scientific, or propagation permits." has been deleted and the title designation "Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species." has been substituted.

39. Under Part 222—Endangered Fish or Wildlife, Table of Sections, Subpart C, references to five new sections entitled "§ 222.24 Procedures for issuance of permits.", "§ 222.25 Applications for modification of permit by permittee.", "§ 222.26 Recall and amendment of permits by NMFS.", "§ 222.27 Procedures for suspension or revocation of permits.", and "§ 222.28 Possession of permits.", have been added after "§ 222.23 Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species."

SUBPART A—INTRODUCTION

40. Section 222.1 *Purpose of regulations.* In § 222.1, the words "native and foreign wildlife determined by the Secretary to be threatened with extinction" have been deleted and the words "fish or wildlife determined to be endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973, and presently deemed as endangered species, under the Endangered Species Act of 1973, which are under the jurisdiction of the Secretary of Commerce, and" have been substituted. Also in the first sentence of § 222.1, the words "importation of endangered foreign wildlife, and provide for public participation in the amendment of the endangered wildlife lists." have been deleted and the words "the taking, importation, exportation, or otherwise prohibited acts, involving endangered fish or wildlife." have been substituted.

41. Section 222.2 *Scope of regulations.* In § 222.2(a), the words "fish or" have been added immediately before the word "wildlife".

42. In § 222.2(b), the word "taking," has been added immediately before the word "importation" and the words "fish or" have been added immediately before the word "wildlife".

43. Under § 222.2(b), the reference "(See also Part 220 of this subchapter.)" has been deleted and the reference "(See also Parts 220 and 221 of this chapter.)" has been substituted.

SUBPART C—ENDANGERED WILDLIFE IMPORTATION PERMITS

44. The title designation for Subpart C, "Endangered Wildlife Importation Permits", has been deleted and the title designation "Endangered Fish or Wildlife Permits" has been substituted.

45. Section 222.21 *General permit requirement.* In § 222.21, the words "import from any foreign country any species or subspecies of wildlife which the Secretary has determined to be threatened with worldwide extinction, as evidenced by its inclusion on the list of endangered foreign wildlife (50 CFR 17.11)" have been deleted and the words "take, import, export, or engage in any other prohibited activity involving, any species or subspecies of fish or wildlife which the Secretary has determined to be endangered under the Endangered Species Act of 1973, as evidenced by its inclusion on the list of endangered fish or wildlife (see 50 CFR Chapter I, Part 17) or which the Secretary of the Interior determined to be endangered under the Endangered Species Conservation Act of 1969 and which are now under the jurisdictional responsibilities of the Secretary of Commerce," have been substituted.

46. Section 222.23. *Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species.* In § 222.23(a) the organization name ", National Marine Fisheries Service," has been added after "Director" for clarity and the word "exportation," has been added after the word "importation,".

47. Under § 222.23(a), the species listed as endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973 and currently under the jurisdiction of the Secretary of Commerce have been identified.

48. In § 222.23(b), the telephone number for the Marine Mammal and Endangered Species Division in Washington, D.C. has been changed to 202–343–9445 and effective Dec. 2, 1974, it will become 202–634–7529. In addition, the "120" days has been changed to "90" days.

49. Under § 222.23(b), immediately after the sentence informing potential applicants as to where assistance may be obtained, a new sentence has been added: "A copy of each application for a permit involving a sea turtle(s) will be forwarded by the National Marine Fisheries Service to the U.S. Fish and Wildlife Service.". This sentence has been added since jurisdiction on sea turtles is presently shared by these two agencies.

50. In § 222.23(b)(6)(i), a semicolon has been substituted for the comma immediately after the parenthesis to clarify that "population group, and range" information is required for species as well as for subspecies.

51. In § 222.23(b)(6)(iii), the words "capture and importation or exportation" have been deleted each time they appear and the words "capture or other taking, importation, exportation, and other acts which require a permit" substituted to reflect the broad coverage of the Act.

52. In § 222.23(b)(6)(vi), the words "or otherwise take" have been added after "capture" to reflect the broad coverage of the Act.

53. In § 222.23(b)(6)(vii), the words "or other taking" or the words "or otherwise take" have been added after "capture" each time "capture" appears to reflect the broad coverage of the Act. In addition, the words "If applicable" have been deleted since they are unnecessary.

54. The intent of § 222.23(b)(7) was to deal with the transportation of live animals only. This intent has been clarified by adding the word "live" before "animal" where it first appears in the section. In addition, the word "or" before "exported" has been deleted and the words "or shipped in interstate commerce," have been added after "exported" to reflect the broad coverage of the Act.

55. In § 222.23(b)(7)(iii), the words "research or display" have been deleted and the word "holding" substituted. This change was made to avoid any possible confusion that permits for public display might be granted. The Act does not authorize the issuance of permits for public display purposes.

56. In § 222.23(b)(7)(vi), for illustrative purposes, the word "tank," has been added before the word "container".

57. The intent of § 222.23(b)(8) was to deal with the care and maintenance of live animals only. This intent has been clarified by adding the word "live" before "animals" where it first appears in the section.

58. In § 222.23(b)(8)(i), the words, "sex, and age" have been added immediately after the word "number" to provide more information useful in determining the adequacy of the size of the pools or other holding facilities.

59. In § 222.23(b)(8)(vi), the period has been changed to a semicolon and the words "Such veterinarian or expert may not be formally affiliated with the applicant" have been deleted. This change has been made to avoid what might otherwise be inconvenient and unnecessary due to the fact that the numbers of qualified veterinarians or recognized experts familiar with marine mammals

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are very limited and many are formally affiliated with potential applicants. The requirement which has been omitted from the final rulemaking may be reinstituted if abuses occur or when additional qualified veterinarians or experts become available.

60. In § 222.23(b)(10), the words "or benefit" have been added after "enhance" to allow the applicant to support the application by showing benefit to the species as a result of the permitted action.

61. Section 222.23(b)(11) has been amended for clarification by deleting the words "endangered species and species related to" appearing after the words "all mortalities involving" and substituting the words "species which were under the control of or utilized by the applicant and are either presently listed as endangered species or are taxonomically related within the Order to".

62. In § 222.23(b)(11)(i) a comma has been added immediately after the second use of the word "captured" for proper diction.

63. In § 222.23(b)(11)(ii) the words ", location of capture, i.e., from which population," have been added after "date" to obtain useful population infomation.

64. In § 222.23(b)(12), the United States Code citation for the Act (16 U.S.C. 1531 et seq.) has been added to the certification requirement.

65. In § 222.23(c)(7), the misspelling of "species" has been corrected.

66. Under § 222.23(c), the following new subsection has been added: "(13) If the permit application involves a sea turtle(s), both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service must concur prior to issuance since these two agencies presently share jurisdiction on sea turtles." This addition to the issuance criteria was necessary to reflect an interagency agreement on jurisdictional responsibilities for the Endangered Species Act of 1973.

67. In § 222.23(d)(8), the words "reasonable inspections and" have been added after the word "including" and an additional sentence, "All such fees will be deposited in the Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing the service.", has been added in order to parallel section 11(f) of the Act.

68. Section 222.24 *Procedures for issuance of permits.* Section 222.24(d) has been deleted as a separate section and instead this provision has been incorporated in § 222.24(c) immediately before the last sentence. In addition, the opening word "When" has be changed to "If".

69. Section 222.26 *Recall and amendment of permits by NMFS.* In § 222.26 the words "recall and" have been deleted to reflect NMFS procedures under other laws which do not involve physical recall of the permit when amended.

70. Section 222.27 *Procedures for suspension or revocation of permits.* In § 222.27(a)(2), the word "and" has been deleted and "and/or" used.

71. Section 222.28 *Possession of permits.* In § 222.28(a)(2), for clarity the word "or" before "importation" has been deleted and a comma substituted, and the word "exportation," has been added after "importation".

72. In § 222.28(b), for illustrative purposes, the word "tank," has been added before the word "container".

All species that were listed as endangered species threatened with extinction under the Endangered Species Conservation Act of 1969 are deemed endangered species under the Endangered Species Act of 1973 until they are reclassified and republished to conform to the more recent Act. Of the species which are now listed in 50 CFR 17.11 and 17.12, the National Marine Fisheries Service has jurisdiction over the following:

Class, scientific name, and common name	
Fishes:	
Acipenser brevirostrum.	Shortnose sturgeon.
Mammals:	
Eschrichtius robustus (glaucus, gibbosus).	Gray whale.
Balaenoptera musculus.	Blue whale.
Megaptera novaeangliae.	Humpback whale.
Balaena mysticetus.	Bowhead whale.
Eubalaena spp.	Right whales.
Balaenoptera physalus.	Fin or finback whale.
Balaenoptera borealis	Sei whale.
Physeter catodon	Sperm whale.
Monachus monachus	Mediterranean monk seal.
Reptiles:[1]	
Dermochelys coriacea.	Leatherback sea turtle.
Eretmochelys imbricata bissa.	Pacific Hawksbill sea turtle.
Eretmochelys imbricata imbricata.	Atlantic hawksbill sea turtle.
Lepidochelys kempii.	Atlantic ridley sea turtle.

[1] The National Marine Fisheries Service and the U.S. Fish and Wildlife Service presently share jurisdictional responsibility for sea turtles.

This rulemaking is based on the desire of the National Marine Fisheries Service to state the policies and procedures which will be followed in the consideration of applications and the issuance of permits under section 10(a) of the Act. It is also based on the desire to accurately state by regulation other administrative and enforcement procedures appropriate to carry out the Act. These regulations may be modified in the future following discussions with the U.S. Fish and Wildlife Service to develop compatible regulations.

For the survival of many endangered species, certain activities need to be permitted in order to provide for, among other things, necessary scientific research and/or the establishment of populations removed from the threat of destruction. This rulemaking is intended to provide for these activities under the provisions of section 10(a) of the Act which allow the issuance of permits for scientific purposes or to enhance the propagation or survival of the affected species.

These regulations are effective November 27, 1974.

Dated: November 22, 1974.

JOSEPH W. SLAVIN,
Acting Director,
National Marine Fisheries Service.

PART 217—GENERAL PROVISIONS

Subpart A—Introduction

Sec.
217.1 Purpose of regulations.
217.2 Scope of regulations.
217.3 Other applicable laws.
217.4 When regulations apply.

Subpart B—Definitions

217.11 Scope of definitions.
217.12 Definitions.

Subpart C—Addresses

217.21 Director.
217.22 Marine Mammals and Endangered Species Division.
217.23 Law Enforcement Division.

AUTHORITY: Endangered Species Act of 1973, sec. 11(f), 87 Stat. 884, Pub. L. 93-205; Fish and Wildlife Act of 1956, sec. 3(d), 88 Stat. 905 amending 85 Stat. 480.

Subpart A—Introduction

§ 217.1 Purpose of regulations.

The regulations of Parts 217–222 are promulgated to implement the following statutes enforced by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, which regulate the taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife.

Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205; Fish and Wildlife Act of 1956, 16 U.S.C. 742a-1.

§ 217.2 Scope of regulations.

The various provisions of Parts 217–222 of this chapter are interrelated, and particular note should be taken that the parts must be construed with reference to each other. The regulations in Parts 217–222 apply only for fish or wildlife under the jurisdictional responsibilities of the Secretary of Commerce for the purpose of carrying out the Endangered Species Act of 1973 (see Part 222, § 222.23(a)). Endangered species of fish or wildlife other than those covered by these regulations are under the jurisdiction of the Secretary of the Interior. For rules and procedures relating to such species, see 50 CFR Parts 10–17.

§ 217.3 Other applicable laws.

No statute or regulation of any State shall be construed to relieve a person from the restrictions, conditions, and requirements contained in Parts 217–222 of this chapter. In addition, nothing in Parts 217–222 of this chapter, nor any permit issued under Parts 217–228 of this chapter, shall be construed to relieve a person from any other requirements imposed by a statute or regulation of any State or of the United States, including any applicable health, quarantine, agricultural, or customs laws or regulations, or other National Marine Fisheries Service enforced statutes or regulations.

§ 217.4 When regulations apply.

The regulations of Parts 217–222 of this chapter shall apply to all matters, including the processing of permits, arising after the effective date of such regulations, with the following exception:

(a) *Civil penalty proceedings.* Except as otherwise provided in section 218.25, the civil penalty assessment procedures contained in Parts 217–222 of this chapter shall apply only to any proceeding instituted by notice of violation dated subsequent to the effective date of these regulations, regardless of when the act or omission which is the basis of a civil penalty proceeding occurred.

Subpart B—Definitions

§ 217.11 Scope of definitions.

In addition and subject to definitions contained in applicable statutes and subsequent parts or sections of Parts 217–222 of this chapter, words or their variants shall have the meanings ascribed in this subpart. Throughout Parts 217–222 of this chapter, words in the singular form shall include the plural, words in the plural form shall include the singular, and words in the masculine form shall include the feminine.

§ 217.12 Definitions.

"Country of exportation" means the last country from which the animal was exported before importation into the United States.

"Country of origin" means the country where the animal was taken from the wild, or the country of natal origin of the animal.

"Director" means the Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, or his authorized representative.

"Fish or wildlife" means any member of the animal kingdom, including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, arthropod or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof.

"Foreign commerce" includes, among other things, any transaction (1) between persons within one foreign country, or (2) between persons in two or more foreign countries, or (3) between a person within the United States and a person in one or more foreign countries, or (4) between persons within the United States, where the fish or wildlife in question are moving in any country or countries outside the United States.

"Import" means t oland on, bring into, or introduce into, or attempt to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, whether or not such landing, bringing, or introduction constitutes an importation within the meaning of the tariff laws of the United States.

"Permit" means any document so designated as a permit by the National Marine Fisheries Service and signed by an authorized official of the National Marine Fisheries Service.

"Person" means an individual, corporation, partnership, trust, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the Federal Government, of any State or political subdivision thereof, or of any foreign government.

"Possession" means the detention and control, or the manual or ideal custody of anything which may be the subject of property, for one's use and enjoyment, either as owner or as the proprietor of a qualified right in it, and either held personally or by another who exercises it in one's place and name. Possession includes the act or state of possessing and that condition of facts under which one can exercise his power over a corporeal thing at his pleasure to the exclusion of all other persons. Possession includes constructive possession which means not actual but assumed to exist, where one claims to hold by virtue of some title, without having actual custody.

"Secretary" means the Secretary of Commerce or his authorized representative.

"State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

"Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to harrass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect.

"Transportation" means to ship, convey, carry or transport by any means whatever, and deliver or receive for such shipment, conveyance, carriage, or transportation.

"United States" means the several States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

"Whoever" means the same as person.

"Wildlife" means the same as fish or wildlife.

Subpart C—Addresses

§ 217.21 Director.

Mail forwarded to the Director of the National Marine Fisheries Service should be addressed:

Director
National Marine Fisheries Service
Washington, D.C. 20235

§ 217.22 Marine Mammals and Endangered Species Division.

Mail in regard to permits should be addressed to:

Marine Mammals and Endangered Species Division
National Marine Fisheries Service
Washington, D.C. 20235

§ 217.23 Law Enforcement Division.

Mail in regard to law enforcement should be addressed to:

Law Enforcement Division
National Marine Fisheries Service
Washington, D.C. 20235

PART 218—CIVIL PROCEDURES

Subpart A—Introduction

Sec.
218.1 Purpose of regulations.
218.2 Scope of regulations.
218.3 Filing of documents.

Subpart B—Assessment Procedure

218.11 Notice of violation.
218.12 Petitions for relief.
218.13 Decision by the Director.
218.14 Notice of assessment.
218.15 Request for a hearing.
218.16 Final administrative decision.
218.17 Payment of final assessment.

Subpart C—Hearing and Appeal Procedure

218.21 Commencement of hearing proceedings.
218.22 Appearance and practice.
218.23 Hearings.
218.24 Final administrative action.
218.25 Appeals.
218.26 Reporting service.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93-205.

Subpart A—Introduction

§ 218.1 Purpose of regulations.

The regulations contained in this part provide uniform rules and procedures for the assessment of civil penalties in connection with violations of certain laws and regulations enforced by the National Marine Fisheries Service.

§ 218.2 Scope of regulations.

The regulations contained in this part apply only to actions arising under the following laws and regulations issued thereunder:

Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93-205.

§ 218.3 Filing of documents.

(a) Whenever a document or other paper is required to be filed under this Part within a certain time, such document or paper will be considered filed as of the date of the postmark if mailed, or the date actually delivered to the office where filing is required. The time periods set forth in this Part shall begin to run as of the day following the date of the document or other paper.

(b) If an oral or written application is made to the Director up to 10 calendar days after the expiration of a time period established in this Part for the required filing of documents or other papers, the Director may permit a late filing within a fixed period where reasonable grounds are found for an inability or failure to file within the time period required. All such extensions shall be in writing. Except as provided in this subsection, no other requests for an extension of time may be granted.

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Subpart B—Assessment Procedure

§ 218.11 Notice of violation.

(a) A notice of violation (hereinafter "notice"), shall be issued by the Director and served personally or by registered or certified mail, return receipt requested, upon the person believed to be subject to a civil penalty (the respondent). The notice shall contain: (1) A concise statement of the facts believed to show a violation, (2) a specific reference to the provisions of the statute or regulation allegedly violated, and (3) the amount of penalty proposed to be assessed. The notice may also contain an initial proposal for compromise or settlement of the case. The notice shall also advise the respondent of his right to file a petition for relief pursuant to § 218.12, or to await the Director's notice of assessment.

(b) The respondent shall have 45 days from the date of the notice of violation in which to respond. During this time he may:

(1) undertake informal discussions with the Director;

(2) accept the proposed penalty, or the compromise, if any, offered in the notice;

(3) file a petition for relief; or

(4) take no action, and await the Director's decision, pursuant to § 218.13.

(c) Acceptance of the proposed penalty or the compromise shall be deemed to be a waiver of the notice of assessment required by § 218.14, and of the opportunity for a hearing. Any counter offer of settlement shall be deemed a rejection of the proposed offer of compromise.

§ 218.12 Petitions for relief.

If the respondent so chooses he may ask that no penalty be assessed or that the amount be reduced, and he may admit or contest the legal sufficiency of the charge and the Director's allegations of facts, by filing a petition for relief [hereinafter "petition"] with the Director at the address specified in the notice within 45 days of the date thereof. The petition shall be in writing and signed by the respondent. If the respondent is a corporation, the petition must be signed by an officer authorized to sign such documents. It must set forth in full the legal or other reasons for the relief.

§ 218.13 Decision by the Director.

Upon expiration of the period required or granted for filing of a petition for relief, the Director shall proceed to make an assessment of a civil penalty, taking into consideration information available to him and such showing as may have been made by the respondent, either pursuant to § 218.11 or § 218.12, or upon further request of the Director.

§ 218.14 Notice of assessment.

The Director shall notify the respondent by a written notice of assessment, by personal service or by registered or certified mail, return receipt requested, of his decision pursuant to § 218.13. He shall set forth therein the facts and conclusions upon which he decided that the violation did occur and appropriateness of the penalty assessed.

§ 218.15 Request for a hearing.

Except where a right to request a hearing is deemed to have been waived as provided § 218.11, the respondent may, within 45 calendar days from the date of the notice of assessment referred to in § 218.14, file a dated, written request for a hearing with the Director, National Marine Fisheries Service, Washington, D.C. 202 . The request should state the respondent's preference as to the place and date for a hearing. The request must enclose a copy of the notice of violation and notice of assessment. A copy of the request shall be served upon the Director personally or by registered or certified mail, return receipt requested, at the address specified in the notice.

§ 218.16 Final administrative decision.

(a) Where no request for a hearing is filed as provided in § 218.15 the Director's assessment shall become effective and shall constitute the final administrative decision of the Secretary on the 45th calendar day from the date of the notice of assessment.

(b) If a request for a hearing is timely filed in accordance with § 218.15, the date of the final administrative decision in the matter shall be as provided in Subpart C of this part.

§ 218.17 Payment of final assessment.

When a final administrative decision becomes effective in accordance with this Part 218, the respondent shall have 20 calendar days from the date of the final administrative decision within which to make full payment of the penalty assessed. Payment will be timely only if received in Office of the Director during normal business hours, on or before the 20th day. Upon a failure to pay the penalty, the General Counsel of the Department may request the Attorney General to institute a civil action in the U.S. District Court to collect the penalty.

Subpart C—Hearing and Appeal Procedures

§ 218.21 Commencement of hearing proceedings.

Proceedings under this subpart are commenced upon the timely filing with the Director of a request for a hearing, as provided in § 218.15 of Subpart B, of this Part. Upon receipt of a request for a hearing, the Secretary will assign an administrative law judge to the case. Notice of assignment will be given promptly to the parties, and thereafter, all pleadings, papers, and other documents in the proceeding shall be filed directly with the administrative law judge, with copies served on the opposing party.

§ 218.22 Appearance and practice.

(a) Subject to the provisions of 43 CFR 1.3, the respondent may appear in person, by representative, or by counsel, and may participate fully in these proceedings.

(b) Counsel designated by the General Counsel of the National Oceanic and Atmospheric Administration shall represent the Director in these proceedings. Upon notice to the Director of the assignment of an administrative law judge to the case, said counsel shall enter his appearance on behalf of the Director and shall file all petitions and correspondence exchanged by the Director and the respondent pursuant to Subpart B of this Part, which shall become part of the hearing record. Thereinafter, service upon the Director in these proceedings shall be made to his counsel.

§ 218.23 Hearings.

(a) The administrative law judge shall have all powers accorded by law and necessary to preside over the parties and the proceedings and to make decisions in accordance with 5 U.S.C. Sections 554–557. Failure to appear at the time set for hearing shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the record made at the hearing. Copies of the transcript may be inspected or copied.

(b) The transcript of testimony, the exhibits, and all papers, documents, and requests filed in the proceedings, shall constitute the record for decision. The judge will render a written decision upon the record, which shall set forth his findings of fact and conclusions of law, and the reasons and basis therefor, and an assessment of a penalty, if any.

§ 218.24 Final administrative action.

Unless a notice of request for an appeal is filed in accordance with § 218.25 of this Subpart C, the administrative law judge's decision shall constitute the final administrative determination of the Secretary in the matter and shall become effective 30 calendar days from the date of the decision.

§ 218.25 Appeals.

(a) Either the respondent or the Director may seek an appeal from the decision of an administrative law judge rendered subsequent to February 1, 1974, by the filing of a "Notice of Request for Appeal" with the Secretary within 30 calendar days of the date of the administrative law judge's decision. Such notice shall be accompanied by proof of service on the administrative law judge and the opposing party.

(b) Upon receipt of such a request, the Secretary shall appoint an ad hoc appeals board to determine whether an appeal should be granted, and to hear and decide an appeal. To the extent they are not inconsistent herewith, the provisions of Subpart G of 43 CFR Part 4 shall apply to appeal proceedings under this Subpart. The determination of the board to grant or deny an appeal, as well as its decision on the merits of an appeal, shall be in writing and become effective as the final administrative determination of the Secretary in the proceeding on the date it is rendered, unless otherwise specified therein.

§ 218.26 Reporting service.

Copies of decisions in civil penalty proceedings instituted under statutes referred to in Subpart A of this Part and rendered subsequent to February 1, 1974, may be obtained by letter of request addressed to the Secretary. Fees for this service shall be as established by the Secretary.

PART 219—SEIZURE AND FORFEITURE PROCEDURES

Subpart A—Introduction

Sec.
219.1 Purpose of regulations.
219.2 Scope of regulations.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

219.11 Notification of seizure.
219.12 Seizure by Customs.
219.13 Bonded release.
219.14 Return of seized wildlife or other property.
219.15 Abandonment provisions.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205.

Subpart A—Introduction

§ 219.1 Purpose of regulations.

The regulations in this part provide rules and procedures for the seizure, holding, bonding, abandonment, and forfeiture of wildlife and other property, which under certain laws enforced by the National Marine Fisheries Service are subject to seizure and forfeiture.

§ 219.2 Scope of regulations.

(a) The regulations contained in Subpart B of this Part apply only to actions arising under the following laws and regulations issued thereunder:

(1) Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

Subpart B—Holding, Bonding, and Return of Certain Wildlife or Other Property

§ 219.11 Notification of seizure.

Except where the owner or consignee is personally notified or seizure is made pursuant to a search warrant, the Director shall, as soon as practicable following his seizure or other receipt of seized wildlife or other property, mail a notification of seizure by registered or certified mail, return receipt requested, to the owner or consignee, if known. Such notification shall describe the seized wildlife or other property, and shall state the time, place, and reason for the seizure.

§ 219.12 Seizure by Customs.

Any authorized employee or officer of the U.S. Customs Service who has seized any wildlife or other property shall deliver such seizure to the Law Enforcement Division (See § 217.23), or its designee, who shall either hold such seized wildlife or other property or arrange for its proper handling and care.

§ 219.13 Bonded release.

The Director may, in his sole discretion, accept an appearance bond or other security in place of wildlife or other property seized. Said bond or security may contain such additional conditions as may be appropriate. Such bond or security may be in an amount up to $10,000 per offense and shall only be allowed where the Director determines either that the health or safety of any wildlife so requires, or that the release of the seized wildlife or other property would not frustrate the purposes of the statute.

§ 219.14 Return of seized wildlife or other property.

If, at the conclusion of the appropriate proceedings, the seized wildlife or other property is to be returned to the owner or consignee, the Director shall issue a letter or other document authorizing its return. This letter or other document shall be delivered personally or sent by registered or certified mail, return receipt requested, and shall identify the owner or consignee, the seized property, and, if appropriate, the bailee of the seized wildlife or other property. It shall also provide that upon presentation of the letter or other document and proper identification, the seized wildlife or other property is authorized to be released, provided it is properly marked in accordance with applicable State or Federal requirements.

§ 219.15 Abandonment provisions.

When any wildlife or other property is subject to seizure and forfeiture, a blank assent to forfeiture form (Customs Form 4607, or a similar National Marine Fisheries Service form) may be given or sent, with the notification required by § 218.11 or by § 219.11, to the owner thereof. The owner may voluntarily abandon the wildlife or other property to the Government by executing and returning the assent to forfeiture form. Such abandonment will be considered by the Director in the disposition of the case, and may be the basis for the compromise of any proposed assessment of a civil penalty under Part 218.

PART 220—GENERAL PERMIT PROCEDURES

Subpart A—Introduction

Sec.
220.1 General.
220.2 Purpose of regulations.
220.3 Scope of regulations.
220.4 Emergency variation from requirements.

Subpart B—Application for Permits

220.11 Procedure for obtaining a permit.
220.12 [Reserved].
220.13 Abandoned application.

Subpart C—Permit Administration

220.21 Issuance of permits.
220.22 Duration of permit.
220.23 [Reserved].
220.24 Renewal of permit.
220.25 Permits not transferable; agents.
220.26 Right of succession by certain persons.
220.27 Change of mailing address.
220.28 Change in name.
220.29–220.30 [Reserved].
220.31 Discontinuance of activity.

Subpart D—Conditions

220.42 Permits are specific.
220.43 Alteration of permits.
220.44 Display of permit.
220.45 Filing of reports.
220.46 Maintenance of records.
220.47 Inspection requirement.

AUTHORITY.—Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205; act of August 31, 1951, Ch. 376, Title 5, section 501, 65 Stat. 290 (31 U.S.C. 483a).

Subpart A—Introduction

§ 220.1 General.

Each person intending to engage in an activity for which a permit is required by Parts 217–222 of this chapter or the Endangered Species Act of 1973 shall, before commencing such activity, obtain a valid permit authorizing such activity. Each person who desires to obtain the permit privileges authorized by Parts 217–222 of this chapter must make application for such permit in accordance with the requirements of this Part 220 of this chapter and the other regulations in Parts 217–222 of this chapter which set forth the additional requirements for the specific permits desired. If the activity for which permission is sought is covered by the requirements of more than one Part of Parts 217–222 of this chapter, the requirements of each Part must be met. If the information required for each specific permitted activity is included, one application may be accepted for all permits required, and a single permit may be issued.

§ 220.2 Purpose of regulations.

The regulations contained in this part will provide uniform rules and procedures for application, issuance, renewal, conditions, and general administration of permits issuable pursuant to Parts 217–222 of this chapter.

§ 220.3 Scope of regulations.

The provisions in this part are in addition to, and are not in lieu of, other permit regulations of Parts 217–222 of this chapter and apply to all permits issued thereunder, including "Endangered Fish or Wildlife" (Part 222).

§ 220.4 Emergency variation from requirements.

The Director may approve variations from the requirements of this part when he finds that an emergency exists and that the proposed variations will not hinder effective administration of Parts 217–222 of this chapter, and will not be unlawful.

Subpart B—Application for Permits

§ 220.11 Procedure for obtaining a permit.

The following general procedures apply to applications for permits:

(a) *Forms.*—Applications must be submitted by letter containing all necessary information, attachments, certification, and signature. In no case will oral or telephone applications be accepted.

(b) *Forwarding instructions.*—Applications must be submitted to the Director, National Marine Fisheries Service. The address is listed in § 217.21.

(c) *Time requirement.*—Applications must be received by the appropriate official of the National Marine Fisheries Service at least 90 calendar days prior to the date on which the applicant desires to have the permit made effective.

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The National Marine Fisheries Service will, in all cases, attempt to process applications deemed sufficient in the shortest possible time. The National Marine Fisheries Service does not, however, guarantee 90 day issuance after publication in the FEDERAL REGISTER of receipt of a permit application and some permits cannot be issued within that time period.

§ 220.12 [Reserved]

§ 220.13 Abandoned application.

Upon receipt of an insufficiently or improperly executed application, the applicant shall be notified of the deficiency in the application. If the applicant fails to supply the deficient information or otherwise fails to correct the deficiency within 60 days following the date of notification, the application shall be considered abandoned.

Subpart C—Permit Administration

§ 220.21 Issuance of permits.

(a) No permit may be issued prior to the receipt of a written application therefor, unless a written variation from the requirements, as authorized by § 220.4 is inserted into the official file of the National Marine Fisheries Service. Any representation of an employee or agent of the United States Government shall not be construed as a permit unless it meets the requirements of a permit as defined in 50 CFR 217.12.

(b) The Director shall issue the appropriate permit unless—

(1) The applicant has been assessed a civil penalty or convicted of any civil or criminal provision of any statute or regulation relating to the activity for which the application is filed, if such assessment or conviction, evidences a lack of responsibility;

(2) The applicant has failed to disclose material information required, or has made false statements as to any material fact, in connection with his application;

(3) The applicant has failed to demonstrate a valid justification for the permit or a showing of responsibility;

(4) The authorization requested potentially threatens a wildlife population, or

(5) The Director finds through further inquiry or investigation, or otherwise, that the applicant is not qualified.

(c) Each permit shall bear a serial number. Such number may be reassigned to the permittee to whom issued so long as he maintains continuity of renewal.

(d) The applicant shall be notified in writing of the denial of any permit request, and the reasons therefor. If authorized in the notice of denial, the applicant may submit further information, or reasons why the permit should not be denied. Such further submissions shall not be considered a new application. The final action by the Director shall be considered the final administrative decision of the Department.

§ 220.22 Duration of permit.

Permits shall entitle the person to whom issued to engage in the activity specified in the permit, within the limitations of the applicable statute and regulations contained in Parts 217–222 of this chapter for the period stated on the permit, unless sooner terminated.

§ 220.23 [Reserved]

§ 220.24 Renewal of permit.

Where the permit is renewable and a permittee intends to continue the activity described in the permit during any portion of the year ensuing its expiration, he shall, unless otherwise notified in writing by the Director, file a request for permit renewal, together with a certified statement that the information in his original application is still currently correct, or a statement of all changes in the original application, accompanied by any required fee at least 30 days prior to the expiration of his permit. Any person holding a valid renewable permit, who has complied with the foregoing provision of this section, may continue such activities as were authorized by his expired permit until his renewal application is acted upon.

§ 220.25 Permits not transferable; agents.

(a) Permits issued under Parts 220–222 are not transferable or assignable. Some permits authorize certain activities in connection with a business or commercial enterprise and in the event of any lease, sale, or transfer of such business entity, the successor must obtain a permit prior to continuing the permitted activity. However, certain limited rights of succession are provided in § 220.26.

(b) Except as otherwise stated on the face of a permit, any person who is under the direct control of the permittee, or who is employed by or under contract to the permittee for the purposes authorized by the permit, may carry out the activity authorized by the permit.

§ 220.26 Right of succession by certain persons.

(a) Certain persons, other than the permittee, are granted the right to carry on a permitted activity for the remainder of the term of a current permit provided they comply with the provisions of paragraph (b) of this section. Such persons are the following:

(1) The surviving spouse, child, executor, administrator, or other legal representative of a deceased permittee; and

(2) A receiver or trustee in bankruptcy or a court designated assignee for the benefit of creditors.

(b) In order to secure the right provided in this section, the person or persons desiring to continue the activity shall furnish the permit to the issuing officer for endorsement within 90 days from the date the successor begins to carry on the activity.

§ 220.27 Change of mailing address.

During the term of his permit, a permittee may change his mailing address without procuring a new permit. However, in every case notification of the new mailing address must be forwarded to the issuing official within 30 days after such change. This section does not authorize the change of location of the permitted activity for which an amendment must be obtained.

§ 220.28 Change in name.

A permittee continuing to conduct a permitted activity is not required to obtain a new permit by reason of a mere change in trade name under which a business is conducted or a change of name by reason of marriage or legal decree: *Provided*, That such permittee must furnish his permit to the issuing official for endorsement within 30 days from the date the permittee begins conducting the permitted activity under the new name.

§§ 220.29–220.30 [Reserved]

§ 220.31 Discontinuance of activity.

When any permittee discontinues his activity, he shall, within 30 days thereof, mail his permit and a request for cancellation to the issuing officer, and said permit shall be deemed void upon receipt. No refund of any part of an amount paid as a permit fee shall be made where the operations of the permittee are, for any reason, discontinued during the tenure of an issued permit.

Subpart D—Conditions

§ 220.42 Permits are specific.

The authorizations on the face of a permit which set forth specific times, dates, places, methods of taking, numbers and kinds of fish or wildlife, location of activity, authorize certain circumscribed transactions, or otherwise permit a specifically limited matter, are to be strictly construed and shall not be interpreted to permit similar or related matters outside the scope of strict construction.

§ 220.43 Alteration of permits.

Permits shall not be altered, erased, or mutilated, and any permit which has been altered, erased, or mutilated shall immediately become invalid.

§ 220.44 Display of permit.

Any permit issued under Parts 220–222 shall be displayed for inspection upon request to the Director or his agent, or to any other person relying upon its existence.

§ 220.45 Filing of reports.

Permittees may be required to file reports of the activities conducted under the permit. Any such reports shall be filed not later than March 31 for the preceding calendar year ending December 31, or any portion thereof, during which a permit was in force, unless the regulations of Parts 217–222 of this chapter or the provisions of the permit set forth other reporting requirements.

§ 220.46 Maintenance of records.

From the date of issuance of the permit, the permittee shall maintain complete and accurate records of any taking, possession, transportation, sale, purchase, barter, exportation, or importation of fish or wildlife pursuant to such permit. Such records shall be kept current and shall include names and addresses of persons with whom any fish or wildlife has been purchased, sold, bartered, or otherwise transferred, and the date of such transaction, and such other information as may be required or appropriate. Such records, unless otherwise specified, shall be entered in books, legibly written in the English language. Such records shall be retained for 5 years from the date of issuance of the permit.

§ 220.47 Inspection requirement.

Any person holding a permit under Parts 217–222 of this chapter shall allow the Director's agent to enter his premises at any reasonable hour to inspect any fish or wildlife held or to inspect, audit, or copy any permits, books, or records required to be kept by regulations of Parts 217–222 of this chapter or by the Endangered Species Act of 1973.

PART 221—DESIGNATED PORTS

§ 221.1 Importation and exportation at designated ports.

Any fish or wildlife (other than shellfish and fishery products which (a) are not endangered or not threatened species, and (b) are imported for purposes of human or animal consumption or taken in waters under the jurisdiction of the United States or on the high seas for recreational purposes) which is subject to the jurisdiction of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce and is intended for importation into or exportation from the United States, shall not be imported or exported except at a port or ports designated by the Secretary of the Interior. The Secretary of the Interior may permit the importation or exportation at nondesignated ports in the interest of the health or safety of the fish or wildlife or for other reasons if he deems it appropriate and consistent with the purpose of facilitating enforcement of the Endangered Species Act and reducing the costs thereof. Importers and exporters are advised to see 50 CFR Part 14 for importation and exportation requirements and information.

PART 222—ENDANGERED FISH OR WILDLIFE

Subpart A—Introduction

Sec.
222.1 Purpose of regulations.
222.2 Scope of regulations.

Subpart B [Reserved]

Subpart C—Endangered Fish or Wildlife Permits

222.21 General permit requirement.
222.22 [Reserved]
222.23 Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species.
222.24 Procedures for issuance of permits.
222.25 Applications for modification of permit by permittee.
222.26 Recall and amendment of permits by NMFS.
222.27 Procedures for suspension or revocation of permits.
222.28 Possession of permits.

AUTHORITY: Endangered Species Act of 1973, section 11(f), 87 Stat. 884, Pub. L. 93–205.

Subpart A—Introduction

§ 222.1 Purpose of regulations.

The regulations contained in this part identify the species or subspecies of fish or wildlife determined to be endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973, and presently deemed endangered species under the Endangered Species Act of 1973, which are under the jurisdiction of the Secretary of Commerce, and establish procedures and criteria for issuance of permits for the taking, importation, exportation, or other otherwise prohibited acts, involving endangered fish or wildlife. The regulations of this part implement, in part, the Endangered Species Act of 1973, 87 Stat. 884, Pub. L. 93–205.

§ 222.2 Scope of regulations.

(a) The regulations of this part apply only to endangered fish or wildlife.

(b) The provisions in this part are in addition to, and are not in lieu of, other regulations of Parts 217–222 of this chapter which may require a permit or prescribe additional restrictions or conditions for the taking, importation, exportation, and interstate transportation of fish or wildlife. (See also Parts 220 and 221 of this chapter.)

Subpart B [Reserved]

Subpart C—Endangered Fish or Wildlife Permits

§ 222.21 General permit requirement.

No person shall take, import, export, or engage in any other prohibited activity involving, any species or subspecies of fish or wildlife which the Secretary has determined to be endangered under the Endangered Species Act of 1973, as evidenced by its inclusion on the list of endangered fish or wildlife (see 50 CFR Chapter I, Part 17) or which the Secretary of the Interior determined to be endangered under the Endangered Species Conservation Act of 1969 and which are now under the jurisdictional responsibilities of the Secretary of Commerce, without a valid permit issued pursuant to this subpart C.

§ 222.22 [Reserved]

§ 222.23 Permits for scientific purposes or to enhance the propagation or survival of the affected endangered species.

(a) The Director, National Marine Fisheries Service, may issue permits for scientific purposes or to enhance the propagation or survival of the affected endangered species which authorize, under such terms and conditions as he may prescribe, taking, importation, or certain other acts with respect to endangered species otherwise prohibited by section 9 of the Endangered Species Act of 1973. The species listed as endangered under either the Endangered Species Conservation Act of 1969 or the Endangered Species Act of 1973 and currently under the jurisdiction of the Secretary of Commerce are: Shortnose sturgeon (*Acipenser brevirostrum*); Gray whale (*Eschrichtius robustus* (*glaucus, gibbosus*)), Blue whale (*Balaenoptera musculus*), Humpback whale (*Megaptera novaeangliae*), Bowhead whale (*Balaena mysticetus*), Right whales (*Eubalaena* spp.), Fin or finback whale (*Balaenoptera physalus*), Sei whale (*Balaenoptera borealis*), Sperm whale (*Physeter catodon*); Mediterranean monk seal (*Monachus monachus*); Leatherback sea turtle (*Dermochelys coriacea*), Pacific hawksbill sea turtle (*Eretmochelys imbricata bissa*), Atlantic hawksbill sea turtle (*Eretmochelys imbricata imbricata*), Atlantic ridley sea turtle (*Lepidochelys kempii*). Of these, the National Marine Fisheries Service and the U.S. Fish and Wildlife Service presently share endangered species jurisdictional responsibility for sea turtles. Within the jurisdiction of a State, more restrictive State laws or regulations in regard to endangered species shall prevail in regard to taking. Proof of compliance with applicable State laws will be required before a permit will be issued.

(b) *Application procedures.* Any person desiring to obtain such a permit may make application therefor to the Director. The sufficiency of the application shall be determined by the Director in accordance with the requirements of this part and, in that connection, he may waive any requirement for information, or require any elaboration or further information deemed necessary. The following information will be used as the basis for determining whether an application is complete and whether a permit for scientific purposes or to enhance the propagation or survival of the affected endangered species should be issued by the Director. An original and four copies of the completed application shall be submitted to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NOAA), U.S. Department of Commerce, Washington, D.C. 20235. Assistance may be obtained by writing the Director or calling the Marine Mammal and Endangered Species Division in Washington, D.C. (202 343–9445 and effective Dec. 2, 1974, it will become 202–634–7529). A copy of each application for a permit involving a sea turtle(s) will be forwarded by the National Marine Fisheries Service to the U.S. Fish and Wildlife Service. At least 45 days should be allowed for processing. An application for a permit shall provide the following information (when the information requested is not applicable put "N.A.") and such other information that the Director may require:

(1) Title: As applicable, either:

(i) Application for Permit for Scientific Purposes under the Endangered Species Act of 1973; or

(ii) Application for Permit to Enhance the Propagation or Survival of the Endangered Species Under the Endangered Species Act of 1973.

(2) The date of the application.

(3) The identity of the applicant including complete name, address, and telephone number. If the applicant is a partnership or a corporate entity set forth the details. If the endangered species is to be utilized by a person other than the Applicant, set forth the name of that person and such other informa-

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tion as would be required if such person were an Applicant.

(4) A description of the purpose of the proposed acts, including:

(i) A detailed justification of the need for the endangered species, including a discussion of possible alternatives, whether or not under the control of the applicant; and

(ii) A detailed description of how the species will be used.

(5) A detailed description of the project, or program, in which the endangered species is to be used, including:

(i) the period of time over which the project or program will be conducted;

(ii) A list of the names and addresses of the sponsors or cooperating institutions and the scientists involved;

(iii) A copy of the formal research proposal or contract if one has been prepared;

(iv) A statement of whether the proposed project or program has broader significance than the individual researcher's goals (i.e., does the proposed project or program respond directly or indirectly to recommendation of any national or international scientific body charged with research or management of the endangered species, and, if so, how?); and

(v) A description of the arrangements, if any, for the disposition of any dead specimen or its skeleton or other remains, for the continued benefit to science, in a museum or other institutional collection.

(6) A description of the endangered species which is the subject of the application, including the following:

(i) A list of each species and the number of each, including the common and scientific name; the subspecies (if applicable); population group, and range;

(ii) A physical description of each animal, including the age, size, and sex;

(iii) A list of the probable dates of capture or other taking, importation, exportation, and other acts which require a permit, for each animal, and the location of capture or other taking, importation, exportation, and other acts which require a permit, as specifically as possible;

(iv) A description of the status of the stock of each species related insofar as possible to the location or area of taking;

(v) A description of the manner of taking for each animal, including the gear to be used;

(vi) The name and qualifications of the persons or entity which will capture or otherwise take the animals;

(vii) If the capture or other taking is to be done by a contractor, a statement as to whether a qualified member of your staff (include name(s) and qualifications) will supervise or observe the capture or other taking. Accompany such statement with a copy of the proposed contract or a letter from the contractor indicating agreement to capture or otherwise take the animals, should a permit be granted;

(7) A description of the manner of transportation of any live animal taken, imported, exported, or shipped in interstate commerce, including:

(i) Mode of transportation;

(ii) Name of transportation company;

(iii) Length of time in transit for the transfer of the animal(s) from the capture site to the holding facility;

(iv) Length of time in transit for any future move or transfer of the animal(s) that is planned;

(v) The qualifications of the common carrier or agent used for transportation of the animals;

(vi) A description of the pen, tank, container, cage, cradle, or other devices used, both to hold the animal at the capture site and during transportation;

(vii) Special care before and during transportation, such as salves, antibiotics, moisture; and

(viii) A statement as to whether the animals will be accompanied by a veterinarian or other similarly qualified person, and the qualifications of such person.

(8) Describe the contemplated care and maintenance of any live animals sought, including a complete description of the facilities where any such animals will be maintained including:

(i) The dimensions of the pools or other holding facilities and the number, sex, and age of animals by species to be held in each;

(ii) The water supply, amount, and quality;

(iii) The diet, amount and type, for all animals;

(iv) Sanitation practices used;

(v) Qualifications and experience of the staff; and

(vi) A written certification from a licensed veterinarian knowledgeable about the species (or related species) or group which is the subject of the application, or from a recognized expert on the species (or related species) or group covered in the application that he has personally reviewed the amendments for transporting and maintaining the animal(s) and that in his opinion they are adequate to provide for the well-being of the animal; and

(vii) The availability in the future of a consulting expert or veterinarian meeting (8) (vi) requirements;

(9) A statement of willingness to participate in a cooperative breeding program and maintain or contribute data to a stud book.

(10) A statement of how the applicant's proposed project or program will enhance or benefit the wild population.

(11) For the 5 years preceding the date of this application, provide a detailed description of all mortalities involving species which were under the control of or utilized by the applicant and are either presently listed as endangered species or are taxonomically related within the Order to the species which is the subject of this application, including:

(i) A list of all endangered species and species related to the species which is the subject of this application; captured, transported, maintained, or utilized by the applicant for scientific purposes or to enhance the propagation or survival of the affected species, and/or for all such species caused to be captured, transported, maintained, or utilized for scientific purposes or to enhance the propagation or survival of the affected species, by the Applicant;

(ii) The numbers of mortalities among such animals by species, by date, location of capture, i.e., from which population, and location of such mortalities;

(iii) The cause(s) of any such mortalities; and

(iv) The steps which have been taken by Applicant to avoid or decrease any such mortalities.

(12) A certification in the following language:

I hereby certify that the foregoing information is complete, true and correct to the best of my knowledge and belief. I understand that this information is submitted for the purpose of obtaining a permit under the Endangered Species Act of 1973 (87 Stat. 864, Pub. L. 93-205, 16 U.S.C. 1531 et seq.) and regulations promulgated thereunder, and that any false statement may subject me to the criminal penalties of 18 U.S.C. 1001, or to penalties under the Endangered Species Act of 1973.

(13) The applicant and/or an officer thereof must sign the application.

(c) *Issuance criteria.* The Director shall specifically consider, among other criteria, the following in determining whether to issue a permit for scientific purposes or to enhance the propagation or survival of the affected endangered species:

(1) Whether the permit was applied for in good faith;

(2) Whether the permit if granted and exercised will not operate to the disadvantage of the endangered species;

(3) Whether the permit would be consistent with the purposes and policy set forth in section 2 of the Act;

(4) Whether the permit would further a bona fide and necessary or desirable scientific purpose or enhance the propagation or survival of the endangered species, taking into account the benefits anticipated to be derived on behalf of the endangered species;

(5) The status of the population of the requested species, and the effect of the proposed action on the population, both direct and indirect;

(6) If a live animal is to be taken, transported, or held in captivity—the applicant's qualifications for the proper care and maintenance of the species and the adequacy of his facilities;

(7) Whether alternative non-endangered species or population stocks can and should be used;

(8) Whether the animal was born in captivity or was (or will be) taken from the wild;

(9) Provision for disposition of the species if and when the applicant's project or program terminates;

(10) How the applicant's needs, program, and facilities compare and relate to proposed and ongoing projects and programs;

(11) Whether the expertise, facilities, or other resources available to the applicant appear adequate to succesfully accomplish the objectives stated in the application;

(12) Opinions or views of scientists or other persons or organizations knowledgeable of the species which is the subject of the application or of other matters germane to the application; and

(13) If the permit application involves a sea turtle(s), both the National Marine Fisheries Service and the U.S. Fish and Wildlife Service must concur prior to issuance since these two agencies presently share jurisdiction on sea turtles.

(d) Permits applied for under this section shall contain terms and conditions as the Director may deem appropriate, including:

(1) The number and kind of species which are covered;

(2) The location and manner of taking;

(3) Port of entry or export;

(4) The methods of transportation, care and maintenance to be used with live species;

(5) Any requirements for reports or rights of inspections with respect to any activities carried out pursuant to the permit;

(6) The transferability or assignability of the permit;

(7) The sale or other disposition of the species, its progeny or the species product;

(8) A reasonable fee covering the costs of issuance of such permit, including reasonable inspections and an appropriate apportionment of overhead and administrative expenses of the Department of Commerce. All such fees will be deposited in the Treasury to the credit of the appropriation which is current and chargeable for the cost of furnishing the service.

§ 222.24 Procedures for issuance of permits.

(a) Whenever application for a permit is received by the Director which the Director deems sufficient, he shall, as soon as practicable, publish a notice thereof in the FEDERAL REGISTER. Information received by the Director as a part of the application shall be available to the public as a matter of public record at every stage of the proceeding. An interested party may within 30 days after the date of publication of such notice, submit to the Director his written data, views, or arguments with respect to the taking, importation, or other action proposed in the application and may request a hearing in connection with the action to be taken thereon.

(b) If a request for a hearing is made within the 30-day period referred to in paragraph (a) of this section, or if the Director determines that a hearing would otherwise be advisable, the Director may, within 60 days after the date of publication of the notice referred to in paragraph (a) of this section, afford to such requesting party or parties an opportunity for a hearing. Such hearing shall also be open to participation by any interested members of the public. Notice of the date, time, and place of such hearing shall be published in the FEDERAL REGISTER not less than 15 days in advance of such hearing. Any interested person may appearin person or through representatives at the hearing and may submit any relevant material, data, views, comments, arguments, or exhibits. A summary record of the hearing shall be kept.

(c) As soon as practicable but not later than 30 days after the close of the hearing (or if no hearing is held, as soon as practicable after the end of the 30 days succeeding publication of the notice referred to in paragraph (a) of this section) the Director shall issue or deny issuance of the permit. Notice of the decision of the Director shall be published in the FEDERAL REGISTER within 10 days after the date of the issuance or denial and indicate where copies of the permit, if issued, may be obtained.

(d) If a permit is issued, the Director shall publish notice thereof in the FEDERAL REGISTER, including his finding that (1) such permit was applied for in good faith, (2) if granted and exercised will not operate to the disadvantage of such endangered species, and (3) will be consistent with the purposes and policy set forth in section 2 of the Endangered Species Act of 1973.

§ 222.25 Applications for modification of permit by permittee.

Where circumstances have changed so that an applicant or permittee desires to have any term or condition of his application or permit modified, he must submit in writing full justification and supporting information in conformance with the provisions of this part and the part under which the permit has been issued or requested. Such applications for modification are subject to the same issuance criteria as are original applications, as provided in § 222.23(c).

§ 222.26 Amendment of permits by NMFS.

All permits are issued subject to the condition that the National Marine Fisheries Service reserves the right to amend the provisions of a permit for just cause at any time during its term. Such amendments take effect on the date of notification, unless otherwise specified.

§ 222.27 Procedures for suspension or revocation of permits.

(a) Any violation of the applicable provisions of parts 217-222, or of the statute under which the permit was issued, or of a conditon of the permit, may subject the permittee to the following penalties:

(1) The penalty provided in the statue under which the permit was issued;

(2) Temporary suspension of the permit for a specified period; and/or

(3) Revocation of the permit. When revoked, permits must be surrendered to the Director on demand.

(b) Except in cases of willfulness or those in which the public health, safety, or interest requires, prior to any suspension or revocation of a permit, the permittee shall be given:

(1) Notice by the National Marine Fisheries Service in writing of the facts or conduct which may warrant the suspension or revocation; and

(2) Opportunity to demonstrate or achieve compliance with all permit requirements.

§ 222.28 Possession of permits.

(a) Any permit issued under these regulations must be in the possession of the person to whom it is issued (or an agent of such person) during:

(1) The time of the authorized taking, importation, exportation, or other act;

(2) The period of any transit of such person or agent which is incident to such taking, importation, exportation, or other act; and

(3) Any other time while any animal under such permit is in the possession of such person or agent.

(b) A duplicate copy of the issued permit must be physically attached to the tank, container, package, enclosure, or other means of containment, in which the animal is placed for purposes of storage, transit, supervision, or care.

[FR Doc.74-27772 Filed 11-26-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE TREASURY

Customs Service

[19 CFR Part 151]

EXAMINATION, SAMPLING, AND TESTING OF MERCHANDISE

Criteria Used to Determine Excessive Water and Sediment in Petroleum and Petroleum Products

Notice is hereby given that under the authority of R.S. 251, as amended (19 U.S.C. 66), sections 507, 624, 46 Stat. 732, 759 (19 U.S.C. 1507, 1624), and 77A Stat. 14 (General Headnotes 11 and 12, Tariff Schedules of the United States; 19 U.S.C. 1202), it is proposed to amend § 151.46 of the Customs regulations (19 CFR 151.46) by deleting all references to the descriptive names of the listed petroleum products. All petroleum products would be characterized only by their American Petroleum Institute (APD) gravity at 60° Fahrenheit which is an easily determined and widely used measure of the density of the product. This amendment would broaden the range of application of this section and eliminate any ambiguities caused by identifying a product by name. It is not intended to change the established allowances for excessive water and sediment for those petroleum products now imported.

Crude petroleum, because of differences in its physical nature, will continue to be descriptively named.

Accordingly, it is proposed to amend § 151.46 of the Customs regulations (19 CFR 151.46) to read as follows:

§ 151.46 Allowance for excessive water and sediment.

Allowance for excessive moisture or other impurities in imported petroleum or petroleum products shall be made in accordance with § 158.13 of this chapter for the quantity of water and sediment established to be in excess of that usually found in such merchandise, as set forth in the following table:

Merchandise:	Quantity (percent)
Crude petroleum	0.3
Petroleum products having an API gravity at 60° of less than 22°	0.5
22° to 30°	0.3
More than 30°	0.0

Data, views or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Attention: Regulations Division, Washington, D.C. 20229. To insure consideration of such communications, they must be received on or before December 27, 1974.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.8(b) of the Customs regulations (19 CFR 103.8(b)), at the Regulations Division, Headquarters, United States Customs Service, Washington, D.C., during regular business hours.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: November 18, 1974.

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[FR Doc.74-27759 Filed 11-26-74;8:45 am]

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Part 204]

VISA PETITIONS

Proposed Preference Classification; Evidence of Training or Experience of Beneficiary

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of § 204.2(e)(1) of Chapter I of Title 8 of the Code of Federal Regulations, pertaining to the evidence of training or experience of a third or sixth preference petition beneficiary.

Current § 204.2(e)(1) provides that if the eligibility of an alien beneficiary of a visa petition to accord third or sixth preference classification is based on training or experience, documentary evidence of such training or experience, such as affidavits, must be submitted by the petitioner in support of the petition. The current regulation also specifies the information to be set forth in the affidavits concerning training or experience submitted by the petitioner. Experience indicates there has been a high incidence of submission of fraudulent documents in support of visa petitions, particularly petitions to accord sixth preference classification. It is, therefore, proposed to amend § 204.2(e)(1) to provide that if an alien beneficiary's eligibility is based on training or experience, affidavits by the trainers or employers attesting to the training or experience which they provided to the alien beneficiary must be submitted by the petitioner. It is proposed to further amend that section to provide that if such affidavits by the trainers or employers cannot be obtained, the petitioner shall submit an affidavit by the alien beneficiary attesting to the reasons therefor, and shall also submit other documentary evidence of the beneficiary's qualifications.

In accordance with the provisions of section 553 of Title 5 of the United States (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100-C, 425 Eye Street, NW, Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received by December 27, 1974, will be considered.

In the light of the foregoing, it is proposed to amend § 204.2(e)(1) by revising the existing last two sentences and by adding a new sentence at the end thereof to read as follows:

§ 204.2 Documents.

* * * * *

(e) *Evidence of eligibility for third- or sixth-preference classification*—(1) *General.* * * * If the alien's eligibility is based on training or experience, affidavits by the trainers or employers attesting to the training or experience which they provided to the alien must be submitted by the petitioner. These affidavits must set forth the name and address of the affiant, state how he acquired his knowledge of the alien's qualifications, state the places where and the dates between which the alien gained the training or experience, and describe in detail the duties performed by the alien, any tools used, and any supervision received or exercised by the alien. If such affidavits cannot be obtained, the petitioner shall submit an affidavit by the alien beneficiary attesting to the reasons therefor, and shall also submit other documentary evidence of the alien's qualifications, such as copies of company records or affidavits by persons other than the alien's trainers or employers having personal knowledge of the facts to which the affiants are attesting, setting forth the information specified in the preceding sentence.

* * * * *

(Sec. 103; 66 Stat. 173 (8 U.S.C. 1103)

Dated: November 20, 1974.

JAMES F. GREENE,
Acting Commissioner of Immigration and Naturalization.

[FR Doc.74-27674 Filed 11-26-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 906]

HANDLING OF ORANGES AND GRAPEFRUIT GROWN IN THE LOWER RIO GRANDE VALLEY IN TEXAS

Proposed Additions to Rules and Regulations

The proposed amendment would provide additional safeguards to prevent fruit handled under the exemption provisions of the order from entering the fresh regulated market.

Notice is hereby given that the Department is considering an amendment, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations; 7 CFR 906.120–906.151) currently in effect pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 906, as amended (7 CFR Part 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The additional rules and regulations were proposed by the Texas Valley Citrus Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 16, 1974. All written submissions made pursuant to this notice will be available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would provide additional safeguards pursuant to § 906.44 *Safeguards* to prevent fruit handled under the exemption provisions specified in § 906.42 *Shipments for special purposes* from entering the fresh regulated market. Additional safeguards would be provided by removing fruit handled for processing into fresh juice from exemption and by including fruit handled for processing under the exemption provisions, including a definition of "processing." In addition, a new rule and regulation, § 906.123 *Fruit for processing*, would require that fruit handled for processing into products be shipped only to approved processors, and procedures are outlined for the approval of such processors by the committee. Handlers who shipped fruit to such processors for processing would be required to promptly file diversion reports with the committee, and if necessary to ensure compliance, the committee could require the processors to file disposition reports.

The proposed amendment is necessary to prevent exempt fruit from entering the fresh regulated market. When fruit leaves the production area, it often loses its identity and it is difficult to determine its ultimate disposition. Currently, under the rules and regulations of the order, fruit for processing into fresh juice is exempt from grade, size, container, inspection, and assessment requirements if certain reporting requirements are met. The committee reports that fruit in such shipments should no longer have an exempt status because the number of such shipments is increasing and they are difficult to monitor since most shipments are to small processors for conversion into fresh juice. It also now considers it necessary to require handlers who ship exempt fruit for processing to processors outside of the production area to file disposition reports with the committee and only ship such fruit to "approved processors." A procedure is outlined by which the committee could certify processors and place their names on a list of approved processors. The committee could require that such processors file reports relating to the fruit they receive for processing if it is determined that such reports are necessary to effectuate compliance. These provisions are designed to ensure that fruit for processing is only shipped to bona fide processors and that the fruit is actually processed.

The first proposal is to revise paragraph (b) in § 906.120 *Fruit exempt from regulations* to read as follows:

§ 906.120 Fruit exempt from regulations.

* * * * *

(b) *Processing.* The term "processing" as used in § 906.42(b) means the manufacture of any orange or grapefruit product which has been preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, and the addition of chemical substances, or by fermentation. Fruit so processed if handled in accordance with § 906.123 shall be exempt from the provisions of §§ 906.34 and 906.40. Fruit for conversion into juice without pasteurization or preservative treatment, as herein described shall be deemed fresh fruit and subject to all regulations under this part.

* * * * *

The second proposal would establish a new § 906.123 *Fruit for processing* reading as follows:

§ 906.123 Fruit for processing.

(a) No handler shall be granted exemption from regulation to handle oranges and grapefruit for processing unless such fruit is shipped to an approved processor. All such shipments to an approved processor shall be reported to the committee on a form approved by it.

(b) *Approved processor.* Any person who desires to buy, as an approved processor, fruit for processing, as set forth in § 906.120(b), shall, prior thereto, file an application with the committee on a form approved by it, which shall contain, but not be limited to, the following information:

(1) Name and address of applicant;

(2) Location of plant or plants where manufacturing is to take place;

(3) Approximate quantity of fruit used each month;

(4) A statement that the fruit obtained will be used for processing only and will not be resold or disposed of in fresh fruit channels; and

(5) Agree to submit such reports as are required by the committee. Such application shall be investigated by the committee staff. After such investigation, the staff shall report its findings to the committee at its next meeting or to its delegated subcommittee. Based upon the staff's report and other reliable information, the committee or delegated subcommittee shall approve or disapprove the application and notify the applicant accordingly. If the application is approved, the applicant's name shall be placed upon the list of approved processors.

(c) *Certificate by processors.* Upon request by the committee each approved processor shall submit to the committee on or before the 10th day of each month a report of the oranges and grapefruit used during the preceding calendar month. Each report shall contain a certificate to the United States Department of Agriculture and to the committee as to the truthfulness of the information shown therein.

(d) *Diversion report.* Each handler who ships fruit to processors for processing shall report to the committee on a form approved by it the following information:

(1) Name and address of the processor's place of business where the fruit was shipped;

(2) The net weight of oranges or grapefruit;

(3) Truck license number or rail car initial and number;

(4) Inspection certificate number; and

(5) Such other information as the committee may require.

The handler shall prepare 4 copies of the report and sign it. The original copy shall be submitted to the committee within 7 days. One copy shall be retained by the handler, one copy shall be given to the party transporting the fruit who, upon arrival at the processor's place of business, shall turn it over to the party receiving the fruit with the understanding that the processor will record thereon the actual net weight of the fruit received and forward such copy to the committee office. One copy shall be submitted to the processor along with the invoice.

Dated: November 22, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-27768 Filed 11-26-74;8:45 am]

[7 CFR Part 913]

HANDLING OF GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Expenses and Fixing of Rate of Assessment for the 1974–75 Fiscal Period

This notice invites written comment relative to the proposed expenses of

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$27,800 and rate of assessment of $0.0055 per standard packed box of grapefruit to support the activities of the Interior Grapefruit Marketing Committee for the 1974–75 fiscal period under Marketing Order No. 913.

Consideration is being given to the following proposals submitted by the Interior Grapefruit Marketing Committee, established under the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That the expenses that are reasonable and likely to be incurred by the Interior Grapefruit Marketing Committee, during the fiscal period August 1, 1974, through July 31, 1975, will amount to $27,800.

(b) That the rate of assessment for such period, payable by each handler in accordance with § 913.31, be fixed at $0.0055 per standard packed box of grapefruit.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals shall file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than December 12, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: November 22, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-27767 Filed 11-26-74;8:45 am]

[7 CFR Part 959]

ONIONS GROWN IN SOUTH TEXAS

Proposed Handling Regulation

This proposal would impose grade, size and container standards on fresh market shipments of South Texas early spring onions and require inspection. This would promote orderly marketing and ensure that only the more desirable onions are shipped to consumers.

Consideration is being given to the issuance of a handling regulation, hereinafter set forth, which was recommended by the South Texas Onion Committee, established pursuant to Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959). This program regulates the handling of onions grown in designated counties in South Texas and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee reflect its appraisal of the expected volume and composition of the 1975 early spring crop of South Texas onions and of the marketing prospects for the shipping season which is expected to begin on or about March 10.

The proposed grade and size requirements are similar to last season's and are designed to prevent onions of poor quality or undesirable sizes from being distributed in fresh market channels.

The proposed container requirement should prevent the use of off-size or deceptive containers which could adversely affect the reputation and returns of South Texas onions. However, it would not preclude the use of containers customarily packed for the retail trade. The proposed prohibition on packaging and loading onions on Sunday is recommended to provide more orderly marketing by tailoring shipments from the production area more closely to the ability of receiving markets to accept marketings.

Exceptions are provided to certain of these requirements to recognize special situations in which such requirements would be inappropriate or unreasonable. Up to 100 pounds of onions may be handled, other than for resale, per day without regard to requirements of this section in order to avoid placing an unreasonable burden on persons handling non-commercial quantities of onions.

The proposals with respect to special purpose shipments are recommended to allow the shipment of onions for experimental purposes or the use of containers which have been the subject of test shipments during past seasons, and should encourage exports by allowing the use of containers required for such purposes. Shipments for relief or charity should be exempt from inspection and assessment requirements since no useful purpose would be served by regulating such shipments.

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in duplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than December 16, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

It is proposed to add § 959.315 as follows:

§ 959.315 **Handling regulation.**

During the period March 10–May 11, 1975, no handler may package or load onions on any Sunday, or handle any lot of onions grown in the production area, except red onions, unless such onions meet the requirements of paragraphs (a), (b), (c) and (d) of this section, or unless such onions are handled in accordance with the provisions of paragraphs (e) or (f) of this section.

(a) *Grade requirements.* Not to exceed 20 percent defects of U.S. No. 1 grade. In percentage grade lots, tolerances for serious damage shall not exceed 10 percent including not more than 2 percent decay. Double the lot tolerance shall be permitted in individual packages in percentage grade lots. Application of tolerances in U.S. onion standards shall apply to in-grade lots.

(b) *Size requirements.* (1) "Small"—1 to 2¼ inches in diameter, and limited to whites only;

(2) "Repacker"—1¾ to 3 inches in diameter, with 60 percent or more 2 inches in diameter or larger;

(3) "Medium"—2 to 2½ inches in diameter; or

(4) "Jumbo"—3 inches or larger in diameter.

(5) Application of tolerances in the U.S. onion standards shall apply to in-grade lots except that not more than 20 percent by weight of onions in any lot may be larger than the maximum diameter for "repacker" and "medium" sizes.

(c) *Container requirements.* (1) 25-pound bags, with an average net weight in any lot of not more than 27½ pounds per bag, and with outside dimension not larger than 29 inches by 31 inches; or

(2) 50-pound bags, with an average net weight in any lot of not more than 55 pounds per bag, and with outside dimensions not larger than 33 inches by 38½ inches.

(3) These container requirements shall not be applicable to onions sold to Federal agencies.

(d) *Inspection.* (1) No handler may handle any onions regulated hereunder (except pursuant to paragraphs (e) or (f)(3) of this section) unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of shipment.

(2) No handler may transport or cause the transportation by motor vehicle of any shipment of onions for which an inspection certificate is required unless each such shipment is accompanied by a copy of the inspection certificate applicable thereto or by documentary evidence on forms furnished by the committee identifying truck lots to which a valid inspection certificate is applicable and a copy of such inspection certificate or committee document, upon request, is surrendered to authorities designated by the committee.

(3) For purposes of operation under this part each inspection certificate or committee form required as evidence of inspection is hereby determined to be valid for a period not to exceed 72 hours following completion of inspection as shown on the certificate.

(e) *Minimum quantity exemption.* Any handler may handle, other than for resale, up to, but not to exceed 100 pounds of onions per day without regard to the requirements of this section, but this exemption shall not apply to any shipment or any portion thereof of over 100 pounds of onions.

(f) *Special purpose shipments and culls.* (1) Onions may be handled in containers customarily packed for the retail trade and in other designated special purpose containers as follows:

(i) Each handler desiring to make such shipments shall first apply to the committee for and obtain a Certificate of Privilege to make such shipments.

(ii) After obtaining an approved Certificate of Privilege, each handler may handle onions packed in 2, 3 or 5-pound containers customarily packed for the retail trade, 20-kilogram bags, or 50-pound cartons, if they meet the grade, size, and inspection requirements of paragraphs (a), (b) and (d) of this section and if they are handled in accordance with the reporting requirements established in paragraph (f)(2) of this section on such shipments: *Provided,* That shipments of 2, 3 and 5-pound containers shall not exceed 10 percent of a handler's total weekly onion shipments, and provided further that shipments of 50-pound cartons shall not exceed 10 percent of a handler's total weekly onion shipments of all onions allowed to be marketed under this section.

(iii) The average gross weight per lot of onions packed in master containers shall not exceed 115 percent of the designated net contents.

(iv) The average net weight per lot of 50-pound cartons shall not exceed 55 pounds.

(v) The average net weight per lot of 20-kilogram bags shall not exceed 22 kilograms, and with outside dimensions of such bags not greater than 32 inches by 36 inches.

(vi) 20-kilogram bags shall be conspicuously labeled with the words "FOR EXPORT ONLY" and shipments shall be only to points outside of the 48 contiguous States of the United States, the District of Columbia, Canada, or Mexico.

(2) *Reporting requirements for shipments in designated special purpose containers.* Each handler who handles shipments of onions in containers customarily packed for the retail trade and in other designated special purpose containers, shall report thereon to the committee, the inspection certificate numbers, the grade and size of onions packed, and the size of the containers in which such onions were handled. Such reports, in accordance with § 959.80, shall be furnished to the committee in such manner, on such forms and at such times as it may prescribe. Also, each handler of such shipments of onions shall maintain records of such marketings, pursuant to § 959.80(c). Such records shall be subject to review and audit by the committee to verify reports thereon.

(3) *Experimental shipments.* Upon approval of the committee onions may be shipped for experimental purposes exempt from regulations issued pursuant to §§ 959.42, 959.52 and 959.60 provided they are handled in accordance with safeguard provisions of § 959.54.

(4) *Onions failing to meet requirements.* Onions failing to meet the grade, size, and container requirements of this section, and not exempted under paragraph (e) of this section, may be handled only pursuant to § 959.126. Culls may be handled pursuant to § 959.126(a)(1). Shipments for relief or charity may be handled without regard to inspection and assessment requirements.

(g) *Definitions.* "U.S. onion standards" mean the United States Standards for Grades of Bermuda-Granex-Grano Type Onions (§§ 51.3195–51.3209 of this title), or the United States Standards for Grades of Onions (Other Than Bermuda-Granex-Grano- and Creole Types) (§§ 51.2830–51.2854 of this title), whichever is applicable to the particular variety, or variations thereof specified in this section. The term "U.S. No. 1" shall have the same meaning as set forth in these standards.

All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 143, as amended, and this part.

Dated: November 22, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.74-27766 Filed 11-26-74;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR Parts 317, 381]

MEAT AND POULTRY FOOD PRODUCTS

Representations Regarding the Geographical Origin

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Animal and Plant Health Inspection Service is considering amending § 317.8 of the meat inspection regulations and § 381.129 of the poultry products inspection regulations (9 CFR 317.8, 381.129), pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act, as amended (21 U.S.C. 451 et seq.).

Statement of considerations. The Federal Meat Inspection Act and Poultry Products Inspection Act prohibit, among other things, the sale or transportation in commerce of "misbranded" products. The Acts apply the term "misbranded" to any meat or poultry products if, among other things, its labeling is false or misleading in any particular.

For many years, terms having geographical significance have appeared on the labeling for meat and poultry products. Use of such labeling features is permitted under conditions specified in § 317.8 of the meat inspection regulations and § 381.129 of the poultry products inspection regulations. Recently, use of these features has become common and widespread. Indiscriminate use of geographical terms may be misleading to the consumer despite a statement of origin appearing on the labeling. Both Acts are specific in prohibiting false or misleading labeling. Accordingly, the Department finds the need to prescribe broad, all encompassing, yet practical regulatory provisions under which these labeling features may be used and still comply with the Acts.

The proposed amendments would consider a product as misbranded if its labeling expresses or implies a particular geographical origin for the product and it does not come within the following categories for acceptable use:

1. A truthful origin statement would be acceptable, such as "Danish Ham" for a ham produced in Denmark; "German Sausage" for a sausage produced in Germany; or "Virginia Ham" for a ham produced in the State of Virginia.

2. A geographical term used as a trademark or trade name would be acceptable if the following conditions are met:

(a) The particular trademark or trade name has been so long and exclusively used by a manufacturer or distributor that it is generally understood by consumers to mean the product or products of the particular manufacturer or distributor; or

(b) The trademark or trade name is so arbitrary or fanciful that it is generally understood by consumers not to suggest the geographical origin for the product. For example, consumers generally would not expect a product labeled "Moon Sausage" to be made on the moon.

3. A geographical term would be acceptable when it is required by a Federal standard. For example, the Federal meat inspection regulations provide for the use of the names "Frankfurt", "Bologna", and "Vienna" as names for specific types of sausages.

4. A geographical term would be acceptable when it is generally understood by consumers to connote a particular class or kind of product rather than to indicate the geographical area in which the product was produced. Such geographical terms as "lebanon bologna", "genoa salami", and "milan salami" are recognized by the consumer as describing a particular kind of sausage.

5. A geographical term would be acceptable when there is a generally recognized style or type of product identified with and peculiar to the geographical area indicated by such term and the term is used in conjunction with the word "style" or "type" for a product possessing the characteristics of such style or type of geographical area product, e.g. "German style sauerbraten".

The proposal is intended to eliminate consumer confusion that may be brought about by labeling which features geographical terms qualified by the word "brand". It appears that the consumer in such cases may be prevented from making a knowledgeable selection, since the significance of the term "brand" with a geographical term is not clear. Therefore, it is proposed to prohibit the use of the term "brand" to modify a geographical term on labeling of meat or poultry products which are not produced in the area indicated by the geographical term.

Geographical terms proposed for labeling would be required to conform to the criteria stated in the proposed amendment. What consumers understand by geographical terms such as "Virginia", "New England", "Danish", "German", "Virginia style", "Danish style", or "German style" on labeling for meat and poultry products is very important to the

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Department in its efforts to approve labeling only if it is not "false or misleading in any particular".

Therefore, it is proposed to amend the meat inspection regulations (9 CFR Part 317) and the poultry products inspection regulations (9 CFR Part 381) as follows:

1. Section 317.8 of the meat inspection regulations would be amended by revising the existing paragraph (b)(1) to read as follows:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

• • • • •

(b)(1) Any representation that expresses or implies a particular geographical origin of the product or any ingredient of the product shall not be used on labeling, except when such representation is:

(i) A truthful representation of geographical origin; or

(ii) A trademark or trade name which

(a) Has been so long and exclusively used by a manufacturer or distributor that it is generally understood by consumers to mean the product of the particular manufacturer or distributor; or

(b) Is so arbitrary or fanciful that it is generally understood by the consumer not to suggest geographical origin; or

(iii) Is a part of the name required by an applicable Federal standard; or

(iv) Is a name that is generally understood by consumers to connote a particular class or kind of product rather than to indicate geographical origin of the product; or

(v) Is used in conjunction with the word "style" or "type" for a product possessing the characteristics of a generally recognized style or type of product identified with and peculiar to a particular geographical area indicated by such geographical term.

• • • • •

2. Section 381.129 of the poultry products inspection regulations would be amended by revising existing paragraph (b)(2) to read as follows:

§ 381.129 False or misleading labeling or containers.

• • • • •

(b)(2) Any representation that expresses or implies a particular geographical origin of the product or any ingredient of the product shall not be used on labeling, except when such representation is:

(i) A truthful representation of geographical origin; or

(ii) A trademark or trade name which

(a) Has been so long and exclusively used by a manufacturer or distributor that it is generally understood by consumers to mean the product of the particular manufacturer or distributor; or

(b) Is so arbitrary or fanciful that it is generally understood by the consumer not to suggest geographical origin; or

(iii) Is a part of the name required by an applicable Federal standard; or

(iv) Is a name that is generally understood by consumers to connote a particular class or kind of product rather than to indicate geographical origin of the product; or

(v) Is used in conjunction with the word "style" or "type" for a product possessing the characteristics of a generally recognized style or type of product identified with and peculiar to a particular geographical area indicated by such geographical term.

• • • • •

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, or if the material is deemed to be confidential, with the Labels and Packaging Staff, Technical Services, Meat and Poultry Inspection Program, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, by February 7, 1975.

Persons desiring opportunity for oral presentation of views should address such requests to the Staff identified in the preceding paragraph, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A record will be made of all views orally presented.

All written submission and records of oral views made pursuant to this notice will be made available for public inspection unless the person makes the submission to the Staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect any person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27(c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on: November 22, 1974.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.74-27770 Filed 11-26-74;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis [1]

[15 CFR Part 804]

FOREIGN DIRECT INVESTMENT IN THE U.S. STUDY REGULATIONS

Notice of Proposed Rulemaking

Notice is hereby given that the Bureau of Economic Analysis of the Department of Commerce proposes to add a new Part 804 to Title 15 of the Code of Federal Regulations which will include the Foreign Direct Investment in the U.S. Study Regulations. The reporting requirements prescribed under 15 CFR Parts 802 and 803 are not affected by these provisions. The proposed regulations are promulgated under the authority of the Foreign Investment Study Act of 1974 ("The Act") (Pub. L. 93-479) which directs the Secretary of Commerce to:

(1) Investigate and review the nature, scope, magnitude, and rate of foreign direct investment activities in the United States;

(2) Survey the reasons foreign firms are undertaking direct investment in the United States;

(3) Identify the processes and mechanisms through which foreign direct investment flows into the United States, the financing methods used by foreign direct investors, and the effects of such financing on American financial markets;

(4) Analyze the scope and significance of foreign direct investment in acquisitions and takeovers of existing American enterprises, the significance of such investments in the form of new facilities or joint ventures with American firms, and the effects thereof on domestic business competition;

(5) Analyze the concentration and distribution of foreign direct investment in specific geographic areas and economic sectors;

(6) Analyze the effects of foreign direct investment on United States national security, energy, natural resources, agriculture, environment, real property holdings, balance of payments, balance of trade, the United States international economic position, and various significant American product markets;

(7) Analyze the effect of foreign direct investment in terms of employment opportunities and practices and the activities and influence of foreign and American management executives employed by foreign firms;

(8) Analyze the effect of Federal, regional, State, and local laws, rules, regulations, programs, and policies on foreign direct investment in the United States with laws, rules, regulations, programs, and policies of selected nations and areas where such comparison may be informative;

(10) Compare and contrast the foreign direct investment activities in the United States with the investment activities of American investors abroad and appraise the impact of such American activities abroad on the investment activities and policies of foreign firms in the United States; and

(11) Study the adequacy of information, disclosure, and reporting requirements and procedures;

(12) Determine the effects of variations between accounting, financial reporting, and other business practices of American and foreign investors on foreign investment activities in the United States; and

(13) Study and recommend means whereby information and statistics on foreign direct investment activities can be kept current.

The proposed regulations define foreign direct investment in the United States for purposes of the Act, set forth reporting and recordkeeping requirements, outline confidentiality provisions applicable to reports and analysts studying the reports, describe reporting forms to be used and where such forms can be obtained, and specify penalties for violation of the regulations. These regulations shall become effective when published in final form in the Federal Register. Prior to the adoption of these regulations, consideration will be given to any comments, data, views, arguments, or suggestions pertaining thereto which are submitted in writing by December 16, 1974. Such comments or suggestions should be directed to Director, Bureau of Economic Analysis, Attention BE-50 (LM), U.S. Department of Commerce, Washington, D.C. 20230.

The Act authorizes the Secretary, pursuant to section 7(a) to issue such rules as he deems necessary to carry out his functions under the Act.

Notice of intent to effect the study has previously been published in the FEDERAL REGISTER (Tuesday, November 5, 1974, Volume 39, Number 214).

The proposed regulations are as follows:

[1] NOTE: The Department of Commerce is in the process of changing the name of Chapter VIII from "Office of Business Economics, Department of Commerce" to "Bureau of Economic Analysis, Department of Commerce."

PART 804—FOREIGN DIRECT INVESTMENT IN THE UNITED STATES STUDY REGULATIONS

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AUTHORITY: Foreign Investment Study Act of 1974 (Pub. L. 93-479).

Subpart A—Definitions

§ 804.1 Person.

The term "person" means an individual, a government, a corporation, branch, a partnership, an associated group, an affiliated foreign group, a joint stock company, a trust, an estate, or other unincorporated organization.

§ 804.2 Associated group.

The term "associated group" means two or more foreign persons who, by the appearance of their actions, by agreement, or by an understanding, exercise their voting privileges in a concerted manner to influence the management of a U.S. business enterprise. The following are deemed to be associated groups:

a. Members of the same family.

b. A foreign business enterprise and one or more of its officers or directors.

c. Members of a syndicate or joint venture.

§ 804.3 Affiliated foreign group.

The term "affiliated foreign group" means a foreign business enterprise which is not owned to the extent of more than 50 percent of its voting rights by another foreign person, and all of its majority-owned non-U.S. business enterprises.

§ 804.4 Business enterprise.

The term "business enterprise" means any organization, branch, or venture which exists for profit making purposes, and any real estate which is owned.

§ 804.5 Branch.

Branch shall include—

(a) The operations or activities conducted by an incorporated or unincorporated person in its own name in a different location, but not through an incorporated entity.

(b) The U.S. business of foreign mutual insurance companies.

§ 804.6 Control or controlling interest.

The term "control or controlling interest" means for the purposes of this survey, the direct and/or indirect ownership through intermediaries or affiliates of 10 percent or more the voting securities of an incorporated business enterprise, or an equivalent interest in an unincorporated business enterprise.

§ 804.7 Reporter.

The term "reporter" means the U.S. business enterprise required to file a report in this survey, or for which a report is required to be filed.

§ 804.8 U.S. affiliate.

The term "U.S. affiliate" means a U.S. business enterprise owned directly or indirectly by a foreign person to the extent of 10 percent or more of its voting securities for an incorporated business enterprise, or an equivalent interest for an unincorporated business enterprise.

§ 804.9 Parent.

Parent refers to:

(a) The foreign person (including an individual business enterprise which is a member of an affiliated foreign group) holding a direct ownership interest in a U.S. affiliate of that foreign person.

(b) A U.S. affiliate, of a foreign person, which holds a direct ownership interest in another U.S. affiliate of that same foreign person.

§ 804.10 Foreign parent.

"Foreign parent" refers to a foreign person (including an individual business enterprise which is a member of an affiliated foreign group) holding a direct or indirect ownership interest in a U.S. affiliate of that foreign person.

§ 804.11 Foreign affiliate of foreign parent.

With reference to a given U.S. affiliate, a "foreign affiliate of foreign parent" is any individual foreign business enterprise which is a member of an affiliated foreign group owning a given U.S. affiliate, but which does not have a direct ownership interest in that U.S. affiliate.

§ 804.12 United States.

"United States" shall refer to the 50 states of the United States; the District of Columbia; the Commonwealth of Puerto Rico; the Panama Canal Zone; the U.S. Virgin Islands; Guam; American Samoa; and all other territories and possessions of the United States.

§ 804.13 Foreign.

The term "foreign" means that which is situated outside the United States; belonging to, characteristic of, or under the jurisdiction of a country or political entity other than the United States.

§ 804.14 The Act.

For purposes of this part, "the Act" means the Foreign Investment Study Act of 1974 (Pub. L. 93-479, 88 Stat. 1450).

§ 804.15 The Secretary.

The term "the Secretary" means the Secretary of Commerce.

Subpart B—Recordkeeping and Reporting Requirements

§ 804.16 Determination by the Secretary.

The Secretary hereby determines that the recordkeeping and reporting provisions of this subpart are necessary to enable him to carry out his functions under the Act.

§ 804.17 Reports.

(a) *Basic requirement.* Every business enterprise subject to the jurisdiction of the United States, which was controlled directly or indirectly by a foreign person at any time during the year ending December 31, 1974, is required to report.

(1) Reports are required even though the U.S. business enterprise may have been established, liquidated, sold to U.S. persons, or destroyed during the reporting period.

(2) If the U.S. business enterprise is in the nature of real property not identifiable by name, the report must be filed in the name of the foreign beneficial owner, or in the name of such foreign beneficial owner by the agent or representative of such owner.

(b) *Intermediary of a foreign beneficial owner.* If the foreign controlling interest in a U.S. business enterprise, including real estate, was held, exercised, administered, or managed by a U.S. estate, trust, nominee, agent, manager, custodian, or other intermediary of the foreign beneficial owner; such estate, trust, nominee, agent, manager, custodian, or other intermediary shall be responsible for reporting the required information for the U.S. business enterprise, and shall report on behalf of the U.S. business enterprise or shall instruct

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the U.S. business enterprise in question to submit the required information.

(1) For the purposes of this survey, accounts or transactions of a U.S. estate, trust, nominee, agent, manager, custodian, or other intermediary with a foreign beneficial owner shall be considered as accounts or transactions of the U.S. business enterprise with the foreign beneficial owner.

§ 804.18 Exemptions and exclusions.

(a) Property held exclusively for personal use, and not for profitmaking purposes, is exempt for purposes of this survey. For example, hunting lodges, homes, automobiles for personal use are exempt.

(b) A report need not be filed for ownership in a U.S. business enterprise held by persons who are:

(1) Citizens of a foreign country who permanently reside in the United States.

(2) U.S. citizens who are residents of foreign countries and who are officers or employees of the U.S. Government, or of international (quasi-governmental) organizations, and members of the immediate families of such individuals, provided they are citizens of the United States.

(c) U.S. religious bodies, charitable organizations, and other nonprofit organizations are not business enterprises and, therefore, foreign ownership of these types of U.S. organizations is not reportable.

(d) Partial exemption based on value—If the value of both total assets, including real property investments, and total revenues of any U.S. affiliate otherwise required to report, were each less than $100,000 on December 31, 1974, such U.S. affiliate is required to file only PART 1 of Form BE–12 for this survey.

§ 804.19 Records.

(a) Every person subject to the provisions of this part, whether or not such person is exempt from the reporting requirements of this part, shall maintain a full record of any information which the Secretary directs (including worksheets, journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) as being germane to his functions in carrying out the foreign direct investment study in the United States.

(b) Such information shall be maintained for such period as the Secretary directs, but shall not be required to be maintained beyond the date fixed by section 10 of the Act for final submission of the study to Congress.

§ 804.20 Protection of information.

(a) *Confidentiality.* In addition to the Secretary, the only individuals who may have access to information furnished under the provisions of this part are those sworn employees, including consultants, of the Department of Commerce designated by the Secretary. Neither the Secretary nor any such employee may:

(1) Use any information furnished under this part except for analytical or statistical purposes within the United States government; or

(2) Publish, or make available to any other person in any manner, any such information in a manner that the information furnished under this part by any person can be specifically identified with such person except for purposes of an enforcement proceeding under the Act: *Provided*, That the Secretary may exchange information furnished under the provisions of this part with the Secretary of Treasury in order to prevent any duplication or omission in the studies conducted by each Secretary pursuant to the Act.

(b) *Notification of customers.* (1) Section 7(b)(2) of the Act provides that:

> Whenever an order under clause (2) of this subsection requires a person to produce information which can be specifically identified as being part of the records of its customers, the Secretary shall upon being provided the names and addresses of such customers, send a notice to such customers that information from their records will be disclosed pursuant to this Act; • • •.

Notice to customers is not required under the Act where a reporter is "directly involved in the ownership or management of assets for the customer as nominee, agent, partner, fiduciary, trustee, or in a similar relationship."

(2) Should any person be required to submit, pursuant to the provisions of the Act or any amendment to this part, information which can be specifically identified as being part of the records of its customers where such person is not directly involved in the ownership or management of assets for the customers as a nominee, agent, partner, fiduciary, trustee, or in a similar relationship, the Secretary, upon being provided the names and addresses of such customers, shall send a notice to such customers, that information from their records will be disclosed pursuant to the Act. Any reporter having submitted names of customers pursuant to the provisions of this paragraph shall be required to submit a report on its due date or within 10 days of being notified by the Secretary that notice to such customers has been given, whichever is later.

§ 804.21 Miscellaneous.

(a) *Accounting records to be used.* In supplying the information required in this survey, data for corporations should be derived from the records used to generate reports to stockholders. Reports for unincorporated persons should be derived from equivalent records.

(b) *Reporting period.* Reports should be submitted on a calendar year basis for the year ending December 31, 1974. If this necessitates the estimation of annual data based upon quarterly or monthly reports in order to present the data on a calendar year basis, or closer to a calendar year basis, such estimates are acceptable.

(c) *Annual stockholder's report.* Reporters are requested to submit, along with their completed Form BE–12, a copy of their annual report to stockholders.

(d) *Required information not available.* All reasonable efforts should be made to obtain information required for reporting. Every question on each form should be answered, except where Reporters are specifically exempt from reporting certain parts or items on the forms. Where only partial information is available, an appropriate indication should be given.

(e) *Estimates.* If actual figures are not available, supply estimates. When data items requiring detailed breakdowns cannot be fully subdivided, supply totals and an estimated percentage breakdown.

(f) *Specify.* Certain data lines required that reporters "Specify" items included in the total for such lines. In all such cases, the Reporter should give the type and dollar amount of the items included in the line.

(g) *Space on form insufficient.* When space is insufficient to permit a full answer to any item on the form, the information required should be submitted on supplementary sheets appropriately labeled and referenced to the item and the form.

(h) *Filing date.* Reports shall be filed within 60 days after publication of the reporting requirements in the FEDERAL REGISTER.

(i) *Assistance.* If there are any questions concerning the report, telephone (202) 523–0547.

(j) *Number of copies.* A single original copy shall be filed with this Bureau. In addition, each Reporter should retain a copy of this report for his files.

(k) *Where to send reports.* Mail all reports to Bureau of Economic Analysis, Attention BE–50 (LM), U.S. Department of Commerce, Washington, D.C. 20230.

Subpart C—Description of Forms Described Under This Part

§ 804.22 Copies.

Copies of the forms described in this subpart may be obtained from the Bureau of Economic Analysis, Attention BE–50 (LM), U.S. Department of Commerce, Washington, D.C. 20230.

§ 804.23 Form BE–12.

On Form BE–12, each U.S. business enterprise which was controlled directly or indirectly by a foreign person at any time during the year ending December 31, 1974 is required to report information on investment and transactions between the U.S. business enterprise and its parent(s); information on direct financial transactions between the U.S. business enterprise and all foreign affiliates of all foreign parents which did not have a direct line of ownership in the U.S. business enterprise any time during the year ending December 31, 1974; various financial schedules covering the year ending December 31, 1974; information on merchandise trade of the U.S. business enterprise with foreigners; information on employment, revenues, operating assets and land owned by State; and other information concerning the operations of the U.S. business enterprise and its relationship with the foreign person(s) having the controlling interest in the U.S. business enterprise.

Subpart D—Penalties

§ 804.24 Civil and criminal penalties.

In accordance with section 8 of the Act, the penalties and enforcement procedures described in paragraphs (a), (b), and (c) of this section shall apply to violations of this part and any reporting requirement imposed hereunder or any other rule, regulation, order or instruction promulgated by the Secretary under the authority of the Act.

(a) *Civil penalty.* Attention is directed to section 8(a) of the Act which provides:

> Whoever fails to furnish any information required pursuant to the authority of this Act, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instructions promulgated pursuant to the authority of this Act may be assessed a civil penalty not exceeding $10,000 in a proceeding brought under subsection (b) of this section.

(—— Stat. ——)

(b) *Civil proceeding; injunction.* Attention is directed to section 8(b) of the Act which provides:

> Whenever it appears to either the Secretary of the Treasury or the Secretary of Commerce that any person has failed to furnish any information required pursuant to the provisions of this Act, whether required to be furnished in the form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act, such Secretary may in his discretion bring an action, in the proper district court of the United States or the proper United States court of any territory or other place subject to the jurisdiction of the United States, seeking a mandatory injunction commanding such person to comply with such rule, regulation, order, or instruction, and upon a proper showing by such Secretary of the relevance to the purposes of the Act of such rule, regulation, order, or instructions, a permanent or temporary injunction or restraining order shall be granted without bond, and such person shall also be subject to the civil penalty provided in subsection (a) of this section if the judge finds that such penalty is necessary to obtain compliance with such injunction or restraining order.

(c) *Criminal penalties.* Attention is directed to section 8(c) of the Act which provides:

> Whoever willfully fails to submit any information required pursuant to this Act, whether required to be furnished in the form of a report or otherwise, or willfully violates any rule, regulation, order, or instruction promulgated pursuant to the authority of this Act shall, upon conviction, be fined not more than $10,000 or, if a natural person, may be imprisoned for not more than one year or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(— Stat. —).

§ 804.25 Fraudulent reporting.

Attention is also directed to section 1001 of the United States Criminal Code which provides:

> Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both.

(18 U.S.C. 1001)

GEORGE JASZI,
Director,
Bureau of Economic Analysis.

[FR Doc.74–27721 Filed 11–26–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 429]

INSULIN

Proposal to Discontinue Certifying All 80-Unit Insulins

Correction

In FR Doc. 74–26778, appearing at page 40301 in the issue of Friday, November 15, the comments closing date given in the second line of the final paragraph page 40302, third column, should read "February 13, 1975".

ATOMIC ENERGY COMMISSION

[10 CFR Part 170]

FEES FOR FACILITIES AND MATERIALS LICENSES

Proposed Revision of License Fee Schedules

Correction

In FR Doc. 74–25857 appearing at page 39734 in the issue for Monday, November 11, 1974, make the following changes:

1. On page 39737, in the sentence immediately following the heading for § 170.31, the phrase now reading "• • • and holders of materials shall pay • • •" should read "• • • and holders of materials licenses shall pay • • •".

2. In the table on page 39737, under the heading "Inspection fee", in entry 2.B. the "+" before 896 should be deleted.

3. On page 39737, under the heading "Amendment fee", the number 135 in entry 3.E. should read "35", and the number "24" in 3.G. should read "124".

4. On page 39738, the last item in the table under "Category of materials licenses", now reading "5 Special projects", should read "9. Special projects".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

[FRL 300–3]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

2,4-D; Proposed Tolerance

Dr. C. C. Compton, Coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, NJ 08903, on behalf of the IR–4 Technical Committee and the Agricultural Experiment Stations of Washington and California submitted a petition (PP 4E1475) proposing (1) that the established tolerance (§ 180.165) for residues of 2,4-D sodium salt, calculated as 2,4-D (2,4-dichlorophenoxyacetic acid), in or on asparagus at 5 parts per million be extended to include the alkanolamine salts (of the ethanol and isopropanol series) and (2) that § 180.165 be consolidated with the other established tolerances for 2,4-D in § 180.142.

Based on consideration given data submitted in the petition and other relevant materials, it is concluded that:

1. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

2. The proposed tolerance will protect the public health.

3. The tolerance in § 180.165 should be combined with those in § 180.142.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), it is proposed that Part 180 be amended by (1) deleting § 180.165 and (2) amending § 180.142 by adding a new paragraph after paragraph (c) as follows:

§ 180.142 2,4-D; tolerances for residues.

• • • • • •

(d) A tolerance of 5 parts per million is established for residues of 2,4-D sodium salt and alkanolamine salts (of the ethanol and isopropanol series), calculated as 2,4-D (2,4-dichlorophenoxyacetic acid), in or on asparagus.

Any person who has registered or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before December 27, 1974, that this proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH–569), Office of Pesticide Programs, Environmental Protection Agency, Room 421 East Tower, 401 M Street, SW., Washington, D.C. 20460. Three copies of the comments should be submitted to facilitate the work of the Environmental Protection Agency and others interested in inspecting the documents. The comments must be received on or before December 27, 1974 and should bear a notation indicating the subject. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register

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Section from 8:30 a.m. to 4:00 p.m. Monday through Friday.

Dated: November 14, 1974.

JOHN B. RITCH, Jr.,
Director,
Registration Division.

[FR Doc.74-27650 Filed 11-26-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 74-1111]

FEDERAL SAVINGS AND LOAN SYSTEM

Proposed Amendment Relating to Interest on Escrow Funds

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.6-11 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-11), for the purpose of making clear that the amount of escrowed funds must be calculated on a reasonable basis and may not exceed an amount necessary to assure payment of annual taxes, assessments, insurance premiums and other similar charges on the real estate security, and that the payment of interest on such escrowed funds is solely a matter of contract between a Federal association and borrowers therefrom without regard to any provision of State law relating to such payment of interest. This latter provision would have the effect of preempting State laws which, for example, condition the charging of a rate of interest in excess of the normal usury limit upon the payment of interest on escrow accounts; a Federal association in such a State could charge the higher interest rate on the loans without regard to the requirement that interest be paid on escrow accounts.

Accordingly, the Board hereby proposes to amend § 545.6-11 as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 320 First Street, NW, Washington, D.C. 20552, by December 31, 1974, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.6-11 **Loan contract.**

Each loan shall be evidenced by note, bond, or other instrument and shall be secured by such security instrument as is in keeping with sound lending practices in the locality. The loan contract shall provide for full protection to the Federal association and shall be recorded; it shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs, and it may provide for an assignment of rents and for such other protection as may be lawful or appropriate. Such Federal association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans; all such payments may, when lawful, be added to the unpaid balance of the loan. A Federal association may require life insurance to be assigned to it by its borrowers as additional collateral for loans on the security of real estate, such association may advance premiums on any such life insurance and, when lawful, may add the premium so advanced to the unpaid balance of the loan. A Federal association may require that the equivalent of one-twelfth of an amount which is necessary to assure payment of the estimated annual taxes, assessments, insurance premiums, and other charges on real estate security, or any of them, be paid in advance to such association in addition to interest and principal payments on its loans, to enable the association to pay such charges as they become due from the funds so received. The payment of interest on the amount of advance payments of charges as described in the preceding sentence is solely a matter of contract between a Federal association and borrowers therefrom, without regard to any provision of State law relating to such payment of interest. A Federal association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which such association has loans or which is owned by it. All loan instruments shall comply with applicable provisions of law, governmental regulations, and the Federal association's charter.

(Sec. 5, 48 Stat., 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071).

Dated: October 24, 1974.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-27684 Filed 11-26-74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 74-293]

FOREIGN CURRENCIES

Certification of Rates

NOVEMBER 18, 1974.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372 (c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 74-264 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Switzerland franc:
Nov. 7, 1974 ---------- $0.3587
Nov. 8, 1974 ---------- .3574

[SEAL] R. N. MARRA,
Director,
Duty Assessment Division.

[FR Doc.74-27760 Filed 11-26-74;8:45 am]

Office of the Secretary

PRESIDENT'S LABOR-MANAGEMENT COMMITTEE

Notice of Meeting

Notice is hereby given that the President's Labor-Management Committee will meet in the Cabinet Room of the White House, Washington, D.C., on December 16, 1974, at 10:00 a.m.

The purpose of the meeting is to discuss economic policy issues relating to recommendations which may be made in the State of the Union and Budget Messages.

A determination as required by section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) has been made that this meeting is for the purpose of considering matters falling within the exemption to public disclosure set forth in section 552(b)(5) of Title 5 of the United States Code, and that the public interest requires such meeting be closed to public participation.

Dated: November 22, 1974.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.74-27758 Filed 11-26-74;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

NATIONAL PRIVATE SECURITY ADVISORY COUNCIL

Notice of Meeting

Notice is hereby given that the National Private Security Advisory Council to the Law Enforcement Assistance Administration will meet on December 11-13, 1974 at The Motor House, Williamsburg, Virginia. The Advisory Council will, in conjunction with this meeting, hold public hearings on proposed model statutes related to the licensing and regulation of alarm businesses and alarm business employees and minimum selection and training standards for security guards.

The meeting will be open to the public. Any interested person may file a written statement with the Council for its consideration or may appear in person to make a statement on the matters being reviewed by the Council. Copies of the model statutes and reports of the Council are available on request.

Statements may be sent to or personal appearances scheduled with Irving Slott, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue, NW., Washington, D.C. 20530, (202/386-3317).

JACK A. NADOL,
Advisory Committee Management Officer, Office of General Counsel.

[FR Doc.74-27717 Filed 11-26-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

MALTA DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Malta District Advisory Board will be held December 18, 1974, 9:30 a.m. m.s.t., at the Malta District Office, 501 South Second Street East, Malta, Montana.

The Board was established in order that the Secretary of the Interior may have the benefit of the fullest information and advice concerning physical, economic, and other local conditions in the several grazing districts (Sec. 18a of the Taylor Grazing Act, June 28, 1934, as amended and supplemented). The purpose of the meeting is to hear any protests from actions recommended in the initial November 15, 1974 meeting, proposed FY76 projects, section 4 and 15 permits, allotment management plan term grazing permits, update on local bentonite development, and other district programs as time permits.

The meeting is open to the public. It is expected that twelve persons will be able to attend the session in addition to the committee members. Interested persons may make oral or written presentations to the Board or file written statements. Such requests should be made at least four days prior to the meeting to John W. Black, Chairman, Malta District Advisory Board, Hinsdale, Montana 59241.

Further information concerning the meeting may be obtained from Dante Solari, District Manager, Bureau of Land Management, Box B, Malta, Montana 59538, telephone number area code 406, 654-1240. Minutes of the meeting will be available for public inspection and copying four weeks after the meeting at the Bureau of Land Management, Malta District Office, Box B, Malta, Montana 59538.

DANTE SOLARI,
District Manager.

NOVEMBER 19, 1974.

MALTA DISTRICT ADVISORY BOARD MEETING

December 18, 1974

AGENDA

9:30 a.m.	Introduction and Welcome, Dan Solari.
10:00 a.m.	Protests—AMP Term Permits, Section 4 and 15 Permits, Planning System Status, Other Resource Area Items of Interest. Blaine Resource Area—Don Lotvedt, Phillips Resource Area—Charles Dahlen, Valley Resource Area—Jim Hicks.
12:00 Noon	Lunch.
1:00 p.m.	Hallett Minerals Company, Irving Sewell.
2:30 p.m.	FY76 Proposed Projects, Art Halvorson.
3:00 p.m.	Fire Program, Phil Perry.
3:30 p.m.	Environmental Analysis Procedures, Neil Talbot.
4:00 p.m.	Other Items of Interest.

FR Doc.74-27687 Filed 11-26-74;8:45 am]

[Tentative Sale No. 39]

NORTHERN GULF OF ALASKA OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3 (1973), nominations are hereby requested for areas of the Outer

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Continental Shelf (OCS) in the Northern Gulf of Alaska for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331–1343 (1970)). Nominations will be considered for any or all of that part of the following mapped areas shoreward of the 200 meter depth contour and seaward of the Alaska three-mile (State-Territorial Waters) line:

OCS OFFICIAL PROTRACTION DIAGRAMS

1. Cordova NP 6–8.
2. Middleton Island NO 6–2.
3. Icy Bay NO 7–1.
4. Yakutat NO 7–2.

These four protraction diagrams are new diagrams, the publication and availability of which are hereby announced. They may be purchased for $2.00 each from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 A Street, Anchorage, Alaska.

All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management, Department of the Interior and referred to above. Only whole blocks or properly described subdivisions thereof, not less than one quarter of a block, may be nominated.

In addition to requesting nominations of tracts for possible oil and gas leasing within the specified areas, this notice also requests particular geological, environmental, biological, archaeological, socio-economic or other information which might bear upon potential leasing and development within this general area. Information on these subjects will be used in the preliminary selection of tracts leading to a final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State and local governments; industry; universities; research institutes; environmental organizations; and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make preliminary selections of particular tracts within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347 (1970)) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments should be submitted not later than December 30, 1974, in envelopes labeled "Nominations of Tracts for Leasing on the Outer Continental Shelf—Northern Gulf of Alaska" or "Comments on Leasing on the Outer Continental Shelf—Northern Gulf of Alaska," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Area Oil and Gas Supervisor, Geological Survey, P.O. Box 259, Anchorage, Alaska 99510, and to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, at his address cited above.

This call for nominations and comments does not in any way commit the Department to leasing in the Northern Gulf of Alaska. It is an information gathering component of the Department's leasing procedure.

Tracts will be finally selected for competitive bidding only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any tracts finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date and hour at which bids will be received and opened.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: November 22, 1974.

JACK O. HORTON,
Assistant Secretary of the Interior.

[FR Doc.74–27762 Filed 11–26–74;8:45 am]

RAWLINS DISTRICT ADVISORY BOARD

Notice of Meeting

NOVEMBER 19, 1974.

Notice is hereby given that the Rawlins District Advisory Board will hold a Protest Meeting December 12, 1974, at 9 a.m. in the Bel Air Inn, 23rd and Spruce Streets, Rawlins, Wyoming. The agenda for the meeting will include hearing of protests, consideration of the 1975 range improvement program, and discussions of future advisory boards and funds.

The meeting will be open to the public as space is available. Time will be available for a limited number of brief statements by members of the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration.

Written statements and requests to appear before the Board should be submitted to Curtis Rochelle, Chairman, c/o District Manager, Bureau of Land Management, Rawlins, Wyoming 82301.

FRED WOLF,
District Manager.

[FR Doc.74–27765 Filed 11–26–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Notice of Designation Number A095]

GEORGIA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in Georgia:

Burke

The Secretary has found that this need exists as a result of a natural disaster consisting of severe drought conditions June 20 to July 26, 1974, followed by excessive rainfall July 26 to August 20, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Jimmy Carter that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 13, 1975, for physical losses and August 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 21st day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–27724 Filed 11–26–74;8:45 am]

[Notice of Designation Number A097]

ILLINOIS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Illinois:

Boone	Scott
Effingham	Shelby
Ford	Stark
Gallatin	Wabash
Jasper	Wayne
Putnam	

The Secretary has found that this need exists as a result of a natural disaster consisting of excessive rainfall, with flooding in some areas, from April 1 through June 30, 1974, in all 11 counties. Farmers in Jasper County also suffered damages and losses caused by a hailstorm and windstorm June 22, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Daniel Walker that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 13, 1975, for physical losses and August 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 21st day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–27722 Filed 11–26–74;8:45 am]

[Notice of Designation Number A094]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculure has found that a general need for agricultural credit exists in the following counties in North Dakota:

Emmons	McIntosh
Kidder	Mercer
Logan	Oliver

The Secretary has found that this need exists as a result of a natural disaster consisting of drought from January 1 to October 15, 1974, in all six counties. Emmons County also had hailstorms July 11, 13, 21, and August 19; windstorms July 11 and 13; and a tornado August 19, 1974. Kidder County also had damages due to hailstorms July 13, 21, and August 11, 19, and 23, 1974. Logan County had damages due to hailstorm, windstorm, and tornadoes August 19, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 13, 1974, for physical losses and August 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of November, 1974.

FRANK B. ELLIOTT,
Administrator.
Farmers Home Administration.

[FR Doc.74–27727 Filed 11–26–74;8:45 am]

[Notice of Designation Number A096]

TEXAS

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas:

Coke	Hartley
Concho	Jones
Deaf Smith	Kent
Delta	Mitchell

The Secretary has found that this need exists as a result of a natural disaster consisting of drought on various dates from August 1, 1973, through September 15, 1974, in all eight counties. In addition to drought, Deaf Smith County suffered from large hailstorms May 24 and August 11, 1974; isolated hailstorms in the spring and summer of 1974; and an insect infestation caused by the drought; Delta County because of excessive rainfall August 20 to September 24, 1974; and Kent County because of hailstorms June 3 and 11, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 13, 1975, for physical losses and August 14, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc. 74–27725 Filed 11–26–74;8:45 am]

[Notice of Designation Number A054—Amdt. 1]

TEXAS

Amendment to Notice of Designation of Emergency Areas

The Secretary of Agriculture has found that an additional general need for agricultural credit exists in the following county in Texas:

Stonewall

The Secretary has found that this additional need exists as a result of a continuing natural disaster consisting of drought and has amended his designation of June 28, 1974, to extend the incidence period from September 7, 1973, through April 29, 1974, to September 7, 1973, through August 23, 1974.

Therefore, the Secretary has designated this area as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Public Law 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Dolph Briscoe that such designation and amendment be made.

Applications for Emergency loans must be received by this Department no later than December 9, 1974, for physical losses and March 31, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 18th day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–27726 Filed 11–26–74;8:45 am]

Forest Service

MULTIPLE USE PLAN; JOHN DAY PLANNING UNIT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for John Day Planning Unit, Forest Service Report Number USDA FS–FES (Adm) R–1 74–14.

The enviromental statement concerns a proposal for development of part of a 6,745-acre tract of National Forest land. It also sets constraints and controls associated with the development and delineates that part of the total area which will be left in a natural state. This final environmental statement was filed with CEQ on November 20, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, DC 20250

USDA Forest Service
Northern Region
Federal Building
Missoula, MT 59801

USDA Forest Service
Nezperce National Forest
319 East Main
Grangeville, ID 83530

USDA Forest Service
Slate Creek District Ranger
Salmon River Ranger District
White Bird, ID 83554

A limited number of single copies are available upon request to Forest Supervisor Don Biddison, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

J. R. STEPHENSON,
Acting Regional Forester,
Northern Region, Forest Service.

NOVEMBER 20, 1974.

[FR Doc.74–27682 Filed 11–26–74;8:45 a.m.]

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Soil Conservation Service

NORTHWOOD DRIVE RC&D PROJECT MEASURE, ALA.

Negative Declaration

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; part 1500.6(e) of the Council on Environmental Quality Guidelines (38 FR 20550) August 1, 1973; and § 650.8 (b)(3) of the Soil Conservation Service Guidelines (39 FR 19651) June 3, 1974; the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the Northwood Drive RC&D Project Measure, Dale, County, Alabama.

The environmental assessment of this federal action indicates that the project will not create significant adverse local, regional, or national impacts on the environment and that no significant controversy is associated with the project. As a result of these findings, Mr. W. B. Lingle, State Conservationist, Soil Conservation Service, USDA, P.O. Box 311, Auburn, Alabama 36830, has determined that the preparation and review of an environmental impact statement is not needed for this project.

The project measure concerns a plan for flood prevention and erosion control. The planned works of improvement include 3,683 feet of concrete-lined channel, 1,217 feet of rock-lined channel and adapted vegetation for beautification.

The environmental assessment file is available for inspection during regular working hours at the following location:

Soil Conservation Service, USDA
138 S. Gay Street
Auburn, Alabama 36830

No administrative action on implementation of the proposal will be taken on or before December 12, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904 National Archives Reference Services.)

Dated: November 20, 1974.

D. M. WHITT,
Deputy Administrator for Field Services, Soil Conservation Service.

[FR Doc.74-27681 Filed 11-26-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-433]

STATES STEAMSHIP CO.

Notice of Application

Notice is hereby given that States Steamship Company has applied for amendment to the service description of its subsidized Trade Route 29, Service B and Service C Freight Services so as to add Singapore, ports in Indonesia, and ports in Malaysia other than Sarawak. Sarawak is now included in the service description of States Steamship Company's Service B and Service C, between the U.S. Pacific Northwest and California and ports in the Far East.

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should by the close of business on December 12, 1974, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

Interested parties may inspect the application in the Office of the Secretary, Maritime Subsidy Board, Room 3099-B, Department of Commerce Building, Fourteenth and E Streets NW, Washington, D.C. 20230.

The grounds of any claim should be specified in such detail that the Board can determine its exact nature, the facts upon which it relies, and the necessity of an evidentiary hearing to be held thereon.

If no notice and claim is made, and no request for a hearing is received within the specified time, or if the Maritime Subsidy Board determines that those filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

(Catalog of Federal Domestic Assistance Program No. 11.504, Operating-Differential Subsidies (ODS))

By order of the Maritime Subsidy Board.

Dated: November 22, 1974.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-27787 Filed 11-26-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Applications for Certification of Certain Gas Detector Tube Units

Correction

In FR Doc. 74-26864, appearing in the issue of Friday, November 15, 1974, at page 40315, make the following changes:

1. In the table, under the heading "Gas", the third line of entry "3." reading "($C_2H_3Cl_1$)" should read "($C_2H_3Cl_3$)".

2. The signature reading "John Logen" should read "James H. Eagen".

Food and Drug Administration

NORWICH PHARMACAL CO.

Dermafur Dressing, Veterinary; Withdrawal of Approval of New Animal Drug Application

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-347, 21 U.S.C. 360b (e)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), the following notice is issued:

Norwich Pharmacal Co., Division of Morton-Norwich Products Inc., Norwich, NY 13815, holder of new animal drug application (NADA) No. 35-721V for Dermafur Dressing, Veterinary, by letter of August 23, 1974 has requested that the application be withdrawn and has waived the opportunity for a hearing. The application was approved on July 11, 1967 as a prescription topical antibacterial containing furazolium chloride for use on dogs and horses. It is not for use on food-producing animals.

Based upon a finding of toxic effects in laboratory animals fed furazolium chloride orally, the firm was advised that additional studies would be necessary to permit an assessment of the clinical significance of the findings and that the Administration would propose to withdraw approval of the application on the basis that the drug is not shown to be safe for use under the conditions of use upon the basis of which the application was approved because of the unresolved questions raised by the cited rat-feeding study. In lieu of the submission of the requested studies and in view of the fact that the drug is no longer being distributed, the firm has elected to request that approval of the application be withdrawn and has waived an opportunity for a hearing.

Therefore, in accordance with § 135.28 (21 CFR 135.28), notice is given that approval of NADA No. 35-721V and all supplements and amendments thereto for Dermafur Dressing, Veterinary, for dogs and horses is hereby withdrawn effective November 27, 1974.

Dated: November 19, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27708 Filed 11-26-74;8:45 am]

Health Services Administration

HEALTH MAINTENANCE ORGANIZATIONS

Applications for Federal Financial Assistance

On October 18, 1974, there was published in the FEDERAL REGISTER (39 FR 37307-23) a regulation implementing certain of the provisions of the Health Maintenance Organization Act of 1973 (42 U.S.C. 300e et seq.). That regulation set forth the requirements which health maintenance organizations must meet and the procedures and requirements regarding the provision of Federal financial assistance for activities relating to the development, establishment, expansion, and operation of health maintenance organizations.

Notice is hereby given that applications for such assistance may be submitted, and will be considered and acted upon, in accordance with the following schedule:

Deadline for Submission of Applications	*Anticipated Date of Award*
Feb. 3, 1975	April 30, 1975.
May 5, 1975	July 31, 1975.

A further notice will be published in the FEDERAL REGISTER when subsequent award cycles are established.

Dated: November 18, 1974.

HAROLD O. BUZZELL,
Administrator, Health Services Administration.

[FR Doc.74-27686 Filed 11-26-74;8:45 am]

National Institute of Education

NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Notice of Meetings

The National Council on Educational Research hereby gives notice that it has tentatively scheduled meetings for the following dates and places:

1975:

Jan. 9-10	Washington, D.C.
March 7	Austin, Texas.
April 4	Washington, D.C.
May 2	Washington, D.C.
June 6	St. Louis, Missouri.

Agendas for these meetings and any changes in meeting dates or locations will be published in the FEDERAL REGISTER as promptly as possible.

The Council was established under section 405(b) of the General Education Provisions Act (20 U.S.C. 1221e(b)). Its statutory duties include:

(a) Establishing general policies for, and reviewing the conduct of the Institute;

(b) Advising the Assistant Secretary for Education and the Director of the Institute on development of programs to be carried out by the Institute;

(c) Recommending to the Assistant Secretary and the Director ways to strengthen educational research, to improve the collection and dissemination of research findings, and to insure the implementation of educational renewal and reform based upon the findings of educational research.

It is the Council policy that all sessions are open unless they concern confidential budgetary or personnel information or concern other matters requiring confidentiality. Members of the public are invited to attend the open sessions. Written statements relevant to an agenda item (or to any other item considered of interest to the Institute) may be submitted to the Council at any time and should be sent to the Chairman and the Executive Secretary of the Council at the address shown below. Requests to make a presentation at a Council meeting should be submitted in writing to the Chairman and the Executive Secretary at least 10 days in advance of the meeting. The Chairman will determine whether a presentation should be scheduled.

In accordance with Council policy (NCER Resolution No. 013074-8) copies of Council resolutions and minutes of Council meetings can be obtained by contacting the Executive Secretary. Resolutions are available shortly after the particular meeting at which adopted. Because minutes require approval by the Council at a subsequent meeting, they are usually available approximately four to six weeks after the date of the meeting to which they refer.

In order to assure adequate seating arrangements, persons interested in attending Council meetings are requested to contact in advance:

Mrs. Caroline Phillips, Executive Secretary, National Council on Educational Research, National Institute of Education, Room 714, Washington, D.C. 20208, Telephone: 202 254-7900.

EMERSON J. ELLIOTT,
Acting Director, National Institute of Education.

[FR Doc.74-27685 Filed 11-26-74;8:45 am]

CANCER CONTROL GRANT REVIEW COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Cancer Control Grant Review Committee, National Cancer Institute, on January 13 and 14, 1975, Building 31, C Wing, Conference Room 9.

This meeting will be open to the public on January 13 from 9 a.m. until 10:30 a.m. during which time the Director, DCRRC and the Director, DCCR will report upon changes in NIH, Institute and Division policy as such changes may relate to grants. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6), Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on January 13, 1975, from 10:30 a.m. to 6 p.m., and on January 14, 1975, from 9 a.m. to adjournment for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 3A16, National Institutes of Health, Bethesda, Maryland 20014 (301/496-5708) will furnish summaries of meetings and rosters of committee members.

Dr. Barney C. Lepovetsky, Executive Secretary, Westwood Building, Room 809A, National Institutes of Health, Bethesda, Maryland 20014 (301/496-7565) will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.399, National Institutes of Health.)

Dated: November 20, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-27714 Filed 11-26-74;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM—PROJECT REVIEW A COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review A Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, January 24 and 25, 1975, at 9 a.m. in the Holiday Inn, Delaware Room, Bethesda, Maryland.

This meeting will be open to the public from 9 a.m. until 11 a.m. on January 24th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 11 a.m. on January 24th to adjournment on January 25, 1975 for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

Dr. Leon J. Greenbaum, Jr., Executive Secretary, Westwood Bldg., Room 7A03a, Bethesda, Maryland, telephone 496-7966, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: November 20, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-27713 Filed 11-26-74;8:45 am]

NEUROLOGICAL DISORDERS PROGRAM-PROJECT REVIEW B COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Neurological Disorders Program-Project Review B Committee, National Institute of Neurological Diseases and Stroke, National Institutes of Health, January 24 and 25, 1975, at 9 a.m. in the Holiday Inn, Connecticut Room, Bethesda, Maryland.

This meeting will be open to the public from 9:00 a.m. until 11:00 a.m. on January 24th, to discuss program planning and program accomplishments. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and

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section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 11 a.m. on January 24th to adjournment on January 25, 1975 for the review, discussion and evaluation of individual grant applications. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

The Chief, Office of Scientific and Health Reports, Mrs. Ruth Dudley, Bldg. 31, Room 8A03, NIH, NINDS, Bethesda, Maryland, will furnish summaries of the meeting and rosters of committee members.

Dr. G. Lawrence Fisher, Executive Secretary, Westwood Bldg., Room 7A03B, Bethesda, Maryland, telephone 496–7967, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.356, National Institutes of Health.)

Dated: November 20, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–27712 Filed 11–26–74;8:45 am]

TRANSPLANTATION AND IMMUNOLOGY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, January 10, 1975, Building 31, Room 7A–24, National Institutes of Health, Bethesda, Maryland 20014.

This meeting will be open to the public from 8:30 a.m. to 10:30 a.m. on January 10, 1975 to review and discuss the transplantation and immunology collaborative studies and other Transplantation and Immunology Branch programs, progress and administrative reports. Attendance by the public will be limited to space available. In accordance with the provisions set forth in sections 552(b)4 and 552(b)6, Title 5, U.S. Code and section 10(d) of Pub. L. 92–463, the meeting will be closed to the public from 10:30 a.m. to 5 p.m. on January 10, 1975 for the review, discussion and evaluation of individual contractors performance and progress in the Transplantation and Immunology Branch program. Discussions will contain information of a proprietary or confidential nature and unpublished data, including detailed research protocols, designs and other technical information, financial data, such as salaries and personal information concerning individuals associated with existing contracts.

Mr. Robert Schreiber, Information Officer, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–24, National Institutes of Health, Bethesda, Maryland 20014, phone 496–5717 will furnish summaries of the meeting and roster of Committee members. Dr. Donald E. Kayhoe, Executive Secretary of the Transplantation and Immunology Committee, National Institute of Allergy and Infectious Diseases, Building 31, Room 7A–23, National Institutes of Health, Bethesda, Maryland 20014, phone 496–4733, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.855, National Institutes of Health)

Dated: November 20, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74–27716 Filed 11–26–74;8:45 am]

Office of Education

LEGISLATIVE COMMITTEE OF THE NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the National Advisory Council on Indian Education (Legislative Committee) will be held on December 12, 1974, 9 a.m. to 5 p.m. Travel Lodge—Florida Center, 6233 International Drive, Orlando, Florida.

The National Advisory Council on Indian Education is established under Section 401 of the Indian Education Act (Pub. L. 92–318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Reorganization of the Committee.
2. Discuss and act upon changes in the Indian Education Act and other Federal laws relating to Indian Education activities and services.

This meeting is open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th Street, NW, Room 326, Washington, D.C. 20004)

Signed at Washington, D.C. on November 21, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74–27731 Filed 11–26–74;8:45 am]

NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), that the next meeting of the National Advisory Council on Indian Education (Full Council) will be held on December 13, 14, and 15, 1974 from 9 a.m. to 5 p.m. Travel Lodge—Florida Center, 6233 International Drive, Orlando, Florida.

The National Advisory Council on Indian Education is established under section 401 of the Indian Education Act (Pub. L. 92–318, Title IV). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 318 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering Indian Education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other federal laws relating to Indian Education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The proposed agenda includes:

1. Discuss methods of providing technical assistance to local educational agencies, institutions, and organizations to assit them in improving the education of Indian children.
2. Regular Council business.

This meeting is open to the public. Records shall be kept of all Council proceedings (and shall be available for public inspection at the Office of the National Advisory Council on Indian Education located at 425 13th St., NW., Room 326, Washington, D.C. 20004).

Signed at Washington, D.C. on November 21, 1974.

DWIGHT A. BILLEDEAUX,
Executive Director, National Advisory Council on Indian Education.

[FR Doc.74–27730 Filed 11–26–74;8:45 am]

EDUCATIONAL PROGRAMS FOR MIGRATORY CHILDREN

Closing Date for Receipt of Applications

Notice is hereby given pursuant to the authority contained in section 122 of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241c–2), that applications are being accepted from state educational agencies for grants to establish or improve programs of education for migratory children of migratory agricultural workers or of migratory fishermen.

Complete applications for grants for such programs for fiscal year 1975 must be submitted on or before December 31, 1974. Such applications shall include, in addition to the required descriptions and budgets for programs to be funded with fiscal year 1975 funds, separate descriptions and budgets for programs for migratory children being conducted or to be conducted with Title I funds which may be available from the appropriations for fiscal year 1973 and fiscal year 1974.

A. APPLICATIONS SENT BY MAIL

An application sent by mail should be addressed to: Mr. Vidal A. Rivera, Jr., Chief, Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, 400 Maryland Avenue SW. (Room 3642–G, ROB–3), Washington, D.C. 20202. An application sent by mail will be considered to be received on time by the Migrant Branch if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

B. HAND DELIVERED APPLICATIONS.

An application to be hand delivered must be taken to the Migrant Branch, Division of Education for the Disadvantaged, U.S. Office of Education, Room 3642–G, Regional Office Building Three, 7th and D Streets, SW, Washington, D.C. Hand delivered applications will be accepted daily between the hours of 8 a.m. and 4 p.m. Washington, D.C. time except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

C. PROGRAM INFORMATION AND FORMS

Information and application forms may be obtained from the Migrant Branch, Division of Education for the Disadvantaged, Bureau of School Systems, U.S. Office of Education, Room 3642–G, 7th and D Streets, SW, Washington, D.C. 20202.

D. APPLICABLE REGULATIONS

The regulations applicable to this program include the Office of Education General Provisions Regulations (45 CFR Part 100b) published in the FEDERAL REGISTER on November 6, 1973 at 38 FR 30654 and Financial Assistance to Meet the Special Educational Needs of Educationally Deprived Children (45 CFR Part 116), (20 U.S.C. 241c–2).

(Catalog of Federal Domestic Assistance Program No. 13.429, Educationally Deprived Children)

Dated: November 22, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74–27792 Filed 11–26–74;8:46 am]

Public Health Service

OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH

Statement of Organization, Functions, and Delegations of Authority

Chapter 15 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Assistant Secretary for Health (formerly Chapter 1N, see 39 FR 30066, 8/20/74) is amended as follows:

(1) Chapter 15 is renumbered Part 11.

(2) A new Part 15 is hereby established to read:

Part 15 *Public Health Service (PHS) Regional Offices. (1N81–1N8A)*

Section 15–A Mission. (Reserved)

Section 15–B Organization and Functions.

Remove from the new Part 11, "Public Health Service (PHS) Regional Offices. (1N81–1N8A)" through the entire "Division of Prevention. (1N8149)" (38 FR 18571, 7/12/73, as amended by 39 FR 1468, 1/9/74) and establish it as the new Part 15, using the above title headings.

(3) The new Part 11 reads as follows:

Section 11–A Mission. The Assistant Secretary for Health is responsible for the direction of the Public Health Service, for providing leadership and policy guidance for health-related activities throughout the Department and for maintaining relationships with other governmental and private agencies concerned with health. The Assistant Secretary for Health is the principal advisor and assistant to the Secretary on health policy and all health-related activities in the Department.

Section 11–B Organization and Functions. The Assistant Secretary for Health: Provides leadership and guidance on all health and health-related activities, including research and development; education and training; organization financing and delivery of health care services; and problems of public and environmental health. In addition, he is responsible for the direction of nursing home affairs throughout the Department; and exercising specialized responsibilities in the areas of population affairs, international health, and transportation and disposition of certain hazardous materials. He coordinates the health and health-related functions of the Department with those of other Federal agencies and provides advice and assistance on health matters to such agencies as requested.

The Assistant Secretary for Health directs the activities of the Public Health Service, which is composed of the following:

Office of the Assistant Secretary for Health.
Health Services Administration.
Food and Drug Administration.
Health Resources Administration.
National Institutes of Health.
Center for Disease Control.
Alcohol, Drug Abuse, and Mental Health Administration.
Public Health Service (PHS) Regional Offices.

The portion of Part 11 beginning with "Executive Secretariat (1N02)" through and including Section 1N–F "Redelegation of Authority" remains in effect and Section headings 1N–C through 1N–F are to be renumbered 11–C through 11–F.

Dated: November 20, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74–27719 Filed 11–26–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Assistant Secretary for Policy Development and Research

[Docket No. N–74–256]

DIRECTORS OF NATIONAL INSTITUTE OF BUILDING SCIENCES

Nominations for Members of the Board

Section 809 of the Housing and Community Development Act of 1974 (Pub. L. 93–383) authorizes the establishment of a National Institute of Building Sciences. Section 809(a)(3) requires that the creation of this organization be initiated by the government. The Assistant to the President for Domestic Affairs has designated The Secretary of Housing and Urban Development to coordinate Federal agency recommendations to the President concerning creation of the Institute.

The Department is currently developing recommendations to the President concerning the composition and membership of the initial Board of Directors. Under section 809(c)(1), this Board should include representatives of the construction industry, including representatives of construction labor organizations, product manufacturers, builders, housing management experts and experts in building standards, codes, and fire safety; and members representative of the public interest including architects, professional engineers, Federal, State, and local agencies, and representatives of consumer organizations.

This notice invites all interested persons and organizations to submit nominations and recommendations concerning the membership of the Board of Directors. Nominations received prior to December 16, 1974 will be considered by the Department in developing recommendations for membership on the Board of Directors.

Nominations should include a resume of the background and qualifications of the individual(s) nominated, and should

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be addressed to Michael H. Moskow, Assistant Secretary for Policy Development and Research, Department of Housing and Urban Development, Room 4100, 451 7th Street, SW, Washington, D.C. 20410.

MICHAEL H. MOSKOW,
Assistant Secretary for Policy Development and Research.

[FR Doc.74-27784 Filed 11-26-74;8:45 am]

DEPARTMENT OF THE TREASURY

Coast Guard

[CGD 74 271]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from August 29, 1974 to September 25, 1974 (List No. 19–74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46 (b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SIGNALS, DISTRESS, HAND RED FLARE, FOR MERCHANT VESSELS

Approval No. 160.021/7/0, Bristol Marine hand red flare distress signal, 500 candle power, 2 minutes burning time, dwg. No. 506 revised May 14, 1958, manufactured by Bristol Flare Corporation, State Road, Bristol, Pennsylvania 19007, for Olin Corporation, East Alton, Illinois 62024, effective September 3, 1974. (It is an extension of Approval No. 160.021/7/0 dated November 5, 1969.)

SIGNALS, DISTRESS, FLOATING ORANGE SMOKE FOR MERCHANT VESSELS

Approval No. 160.022/9/0, Smith & Wesson Chemical Company, Inc., floating orange smoke signal, general arrangement dwg. No. 1910 dated August 8, 1974, dwg. list No. 1910 dated August 8, 1974, assembly dwg No. 6–0089–C dated November 13, 1968, dwg. list No. 6–0089–C dated November 13, 1968 and label dwg. dated September 1, 1974, manufactured by Smith & Wesson Chemical Company, Inc., 2399 Forman Road, Rock Creek, Ohio 44084, formerly Smith & Wesson Pyrotechnics, Inc., effective September 19, 1974. (It supersedes Approval No. 160.022/9/0 dated August 12, 1970 to show minor changes and change of name of manufacturer.)

SIGNALS, DISTRESS, HAND, ORANGE SMOKE, FOR MERCHANT VESSELS

Approval No. 160.037/13/0, Bristol Marine hand orange smoke distress signal, dwg. No. 600 revised June 2, 1958, manufactured by Bristol Flare Corporation, State Road, Bristol, Pennsylvania 19007, for Olin Corporation, East Alton, Illinois 62024, effective September 3, 1974. (It is an extension of Approval No. 160.037/13/0 dated November 5, 1969.)

INFLATABLE LIFE RAFTS

Approval No. 160.051/13/3, 4-person inflatable life raft; identified by general arrangement drawing SPC–MM–4002 (Rev. 7) dated April 6, 1973, and drawing list SPC–MM–4, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/13/3 dated April 24, 1973 to show revised drawing list.)

Approval No. 160.051/14/2, 6-person inflatable life raft; identified by general arrangement drawing SPC–MM–6002 (Rev. 7) dated June 24, 1974; and drawing list SPC–MM–6, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/14/2 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/15/4, 8-person inflatable life raft; identified by general arrangement drawing SPC–MM–8002 (Rev. 10) dated June 18, 1974, and drawing list SPC–MM–8, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/15/4 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/16/4, 10-person inflatable life raft; identified by general arrangement drawing SPC–LRC–10002 (Rev. 10) dated June 18, 1974, and drawing list SPC–MM–10, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/16/4 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/18/4, 15-person inflatable life raft; identified by general arrangement drawing SPC–LRC–15002 (Rev. 9) dated June 17, 1974, and drawing list SPC–MM–15, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/18/4 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/19/4, 20-person inflatable life raft; identified by general arrangement drawing SPC–MM–20002 (Rev. 9) dated June 13, 1974, and drawing list SPC–MM–20, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/19/4 dated August 7, 1974 to show revised drawing list.)

Approval No. 160.051/20/4, 25-person inflatable life raft; identified by general arrangement dwg. SPC–MM–25002(Rev. 10) dated June 13, 1974, and drawing list SPC–MM–25, revised August 20, 1974, manufactured by Switlik Parachute Company, Inc., 1325 East State Street, Trenton, New Jersey 08607, effective September 23, 1974. (It supersedes Approval No. 160.051/20/4 dated August 7, 1974 to show revised drawing list.)

KITS, FIRST-AID, FOR INFLATABLE LIFE RAFTS

Approval No. 160.054/4/1, Model M–3 first aid kit for inflatable life rafts, dwg. dated December 29, 1964, manufactured by E. D. Bullard Company, 2680 Bridgeway, Sausalito, California 94965, effective September 3, 1974. (It is an extension of Approval No. 160.054/4/1 dated November 5, 1969.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM ADULT AND CHILD, FOR MERCHANT VESSELS

Approval No. 160.055/79/0, Model No. 501–U–22 (Mariner III), adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and Gentex dwg. No. 67F1786, Rev. D dated August 22, 1974 and dwg. No. 67F1785 dated August 15, 1967, Type I PFD, approved for use on all vessels and motor boats, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective September 12, 1974. (It supersedes Approval No. 160.055/79/0 dated January 31, 1972.)

Approval No. 160.055/80/0, Model No. 501–U–11 (Mariner Jr.), child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055 and Gentex dwg. No. 68F5205 dated May 14, 1968, and dwg. No. 68F-5206, Rev. C dated August 11, 1974 and Bill of Materials dated May 24, 1968, Type I PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective September 12, 1974. (It supersedes Approval No. 160.055/80/0 dated August 2, 1973.)

Approval No. 160.055/98/0, Model No. 501–U–22 (Mariner III), adult vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, Gentex dwg. No. 67F1786 Rev. D wated August 22, 1974, dwg. No. 67F1785 dated August 15, 1967 and COMDT (MMT–3) letter file No. 5946/160.055/98 dated September 13, 1971 to Gentex Corporation, Type I PFD, approved for use on all Vessels and Boats operated on waters exclusively within Walt Disney World, Orlando, Florida, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective September 12, 1974. (It supersedes Approval No. 160.055/98/0 dated September 14, 1971.)

Approval No. 160.055/99/0, Model No. 501–U–11 (Mariner Jr.) child vinyl dip coated unicellular plastic foam life preserver, U.S.C.G. Specification Subpart 160.055, Gentex dwg. No. 68F5205 dated May 14, 1968, dwg. No. 68F5206 Rev. C dated August 11, 1974, Bill of Materials dated May 24, 1968 and COMDT (MMT–3) letter file No. 5946/160.055/99 dated September 13, 1971 to Gentex Corporation, Type I PFD, approved for use on all Vessels and Boats operated on waters exclusively within Walt Disney World, Orlando, Florida, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18401, effective September 12, 1974. (It supersedes Approval No. 160.055/99/0 dated September 14, 1971.)

Approval No. 160.055/103/0, adult, cloth covered life preserver, Model 8125, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.055 and Atlantic-Pacific drawing number 8125–6/9/74 (2 sheets) dated September 5, 1974, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective September 18, 1974.

Approval No. 160.055/104/0, child, cloth covered life preserver, Model 8126, manufactured in accordance with U.S. Coast Guard Specification Subpart 160.055 and Atlantic-Pacific drawing number 8125–6/9/74 (2 sheets) dated September 5, 1974, Type I PFD, manufactured by Atlantic-Pacific Manufacturing Corporation, 124 Atlantic Avenue, Brooklyn, New York 11201, effective September 18, 1974.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/743/0, child medium, Model No. 600, cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 182, Type III PFD, manufactured by Miltco Products Corporation, 139 Emerson Place, Brooklyn, New York 11205, effective September 17, 1974.

Approval No. 160.064/744/0, adult S/M, Model No. 601, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file MQ 182, Type III PFD, manufactured by Miltco Products Corporation, 139 Emerson Place, Brooklyn, New York 11205, effective September 17, 1974.

Approval No. 160.064/751/0, adult small, Model NCS–G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/752/0, adult medium, Model No. NCM–G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/753/0, adult large, Model NCL–G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 31, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperflex of America, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/755/0, adult small, Model No. TNS–G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperpro USA, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/756/0, adult medium, Model TNM–G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperpro USA, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

Approval No. 160.064/757/0, adult large, Model No. TNL–G, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 167, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont, Alhambra, California 91803 for Taperpro USA, 558 Library Street, San Fernando, California 91341, effective September 12, 1974.

SAFETY RELIEF VALVES, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/81/0, Style JO–22 safety relief valve for liquefied compressed gas service, minimum allowable service temperature —400° F., approved for inlet diameters of 1 inch through 8 inches, maximum set pressure of 275 p.s.i.g. for orifices D, E, F, G, H, J, K, L, M, N, P; 165 p.s.i.g. for Q, 100 p.s.i.g. for R, and 65 p.s.i.g. for orifice T, manufactured by Crosby Valve & Gage Company, Wrentham, Massachusetts 02093, effective August 29, 1974.

DECK COVERINGS FOR MERCHANT VESSEL

Approval No. 164.006/38/1, Marbleloid, magnesite type deck covering identical to that described in National Bureau of Standards Test Report No. TG10230–12:FP2687 dated February 4, 1949, approved for use without other insulating material as meeting Class A–60 requirements in a 1½-inch thickness, manufactured by The Marbleloid Corporation, 2515 Newbold Avenue, Bronx, New York 10462, effective September 25, 1974. (It reinstates and supersedes Approval No. 164.006/38/0 terminated March 13, 1974 and change of address of manufacturer.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/56/1, Cape Boards and Panels Ltd. bulkhead panel "U.K. Marinite-36" identical to that described in the National Bureau of Standards Report No. FR3743 dated January 25, 1971 and Marinite's letter dated August 29, 1969, approved as meeting Class B–15 requirements in a density of 36 lbs. per cubic foot in a ¾" thickness, manufactured by Cape Boards and Panels Limited, Cape Universal House Exchange Rd., Watford Herts, England, Plants: Cape Boards and Panels Limited, Geriston Works, Pertershell Rd., Springburn, Glasgow No. 1, Scotland, effective September 11, 1974. (It supersedes Approval No. 164.008/56/0 dated February 5, 1971 to show change of name of company and product.)

Approval No. 164.008/62/1, Cape Boards and Panels Ltd. bulkhead panel "U.K. Marinite-45" identical to that described in the national Bureau of Standards Report No. FR 3743 dated January 25, 1971 and Marinite's letter dated August 29, 1969; approved as meeting Class B–15 requirements in a density of 45 lbs. per cubic foot in a ¾" thickness, manufactured by Cape Boards and Panels Limited, Cape Universal House Exchange Rd., Watford Herts, England, Plant: Cape Boards and Panels Limited, Germiston Works, Pertershell Rd., Springburn, Glasgow No. 1, Scotland, effective September 11, 1974. (It supersedes Approval No. 164.008/62/0 dated April 2, 1971 to show change of name of company and product.)

Dated: November 15, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-27749 Filed 11-26-74;8:45 am]

[CGD 74 272]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Chapter I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands

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and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 26, 1972 to August 14, 1974 (List No. 20–74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

SAFETY VALVES (POWER BOILERS)

The DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, Approval Nos. 162.001/141/1, 162.001/142/1 and 162.001/143/1 expired and were terminated effective February 6, 1974.

The DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, Approval Nos. 162.001/183/1 and 162.001/185/1 expired and were terminated effective January 21, 1974.

The DRESSER, Industrial Valve & Instrument Division, P.O. Box 1430, Alexandria, Louisiana 71301, Approval Nos. 162.001/184/1, 162.001/186/0, 162.001/187/0 and 162.001/188/0 expired and were terminated effective November 1, 1972.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

The Kiekhaefer Corporation, 1939 Pioneer Road, Fond Du Lac, Wisconsin 54935, Approval No. 162.041/101/0 expired and was terminated effective October 26, 1972.

The Chrysler Corporation, Marine Industrial Division, 840 Huron Boulevard, Marysville, Michigan 48040, Approval No. 162.041/107/0 expired and was terminated effective August 14, 1974.

Dated: November 15, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-27750 Filed 11-26-74;8:45 am]

[CGD 74-273]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from October 3, 1974 to October 15, 1974 (List No. 22–74). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of Title 46, United States Code, section 1333 of Title 43, United States Code, and section 198 of Title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES

Approval No. 160.064/662/0, adult X-large, Model No. 7710, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 8, 1974.

Approval No. 160.064/671/0, child medium, Model No. 7725, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 8, 1974.

Approval No. 160.064/672/0, adult medium, Model No. 7720, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 38, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for Ero Industries, Inc., 1934 N. Washtenaw Avenue, Chicago, Illinois 60647, effective October 8, 1974.

Approval No. 160.064/677/0, adult medium, Model No. SM–1000, cloth covered unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 204, Type III PFD, manufactured by American Cotton Yarns, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, for L. S. Brown Company, 228 Margaret Street, S. E., Atlanta, Georgia 30315, effective October 9, 1974.

Approval No. 160.064/678/0, adult large, Model No. SM–2000, cloth covered unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 178, Type III PFD, manufactured by American Cotton Yarns, Inc., 240 Shore Drive, Hinsdale, Illinois 60521, for L. S. Brown Company, 228 Margaret Street, S. E., Atlanta, Georgia 30315, effective October 9, 1974.

Approval No. 160.064/679/0, adult small, Model No. S cloth covered unicellular plastic foam "Buoyant Vest," manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 210, Type III PFD, manufactured by A. B. Sea, Ltd., 3596 Geddes Avenue, Littleton, Colorado 80121, for High Performance Products, Inc., 25 Industrial Park, Hingham, Massachusetts 02043, effective October 9, 1974.

Approval No. 160.064/680/0, adult medium, Model No. S, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 210, Type III PFD, manufactured by A. B. Sea, Ltd., 3596 Geddes Avenue, Littleton, Colorado 80121, for High Performance Products, Inc., 25 Industrial Park, Hingham, Massachusetts 02043, effective October 9, 1974.

Approval No. 160.064/681/0, adult large, Model No. S, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 210, Type III PFD, manufactured by A. B. Sea, Ltd., 3596 Geddes Avenue, Littleton, Colorado 80121, for High Performance Products, Inc., 25 Industrial Park, Hingham, Massachusetts 02043, effective October 9, 1974.

Approval No. 160.064/682/0, child medium, Model No. SKV–1, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 65, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for Nova Products, Inc., 205 Johnson Avenue, Carrollton, Georgia 30117, effective October 8, 1974.

Approval No. 160.064/683/0, child small, Model No. 780–24, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/684/0, child medium, Model No. 780–25, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/680/0, adult medium, Model No. 780–27, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/687/0, adult large, Model No. 780–28, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/688/0, adult X-large, Model No. 780–29, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 40, Type III PFD, manufactured by Farber Brothers, Inc., 1324 Farmville Road, Memphis, Tennessee 38122, effective October 3, 1974.

Approval No. 160.064/691/0, child medium, Model No. ACG 400, vinyl dipped unicellular plastic foam "Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report filed No. MQ 178, Type III PFD, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Illinois 61880, for American Cotton Yarns, Inc., 240 W. Shore Boulevard, Hinsdale, Illinois 60521, effective October 8, 1974.

Approval No. 160.064/695/0, child XX-small, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report filed No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/696/0, child X-small, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/697/0, child large, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report filed No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/698/0, adult medium, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report filed No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/699/0, adult large, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/700/0, adult X-large, Model No. CGJ 700, vinyl dipped unicellular plastic foam "Water Ski Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 206, Type III PFD, manufactured by Cypress Gardens Skis, Inc., Hoover Road, P.O. Box 8, Cypress Gardens, Florida 33880, for American Water Ski Association, Winter Haven, Florida 33880, effective October 10, 1974.

Approval No. 160.064/701/0, adult X-large, Model Workguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/705/0, adult small, Model Seamaster Reversible, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/706/0, adult medium, Model Seamaster Reversible, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/707/0, adult large, Model Seamaster Reversible, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/708/0, child medium, Model Seamaster Reversible, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/709/0, adult small, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/710/0, adult medium, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/711/0, adult large, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/712/0, adult X-large, Model Skiguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/713/0, adult large, Model Workguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/714/0, adult medium, Model Workguard, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 16, Type III

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PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, effective October 4, 1974.

Approval No. 160.064/745/0, adult small, Model No. VNCG, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective October 4, 1974.

Approval No. 160.064/746/0, adult medium, Model No. VNCG, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective October 4, 1974.

Approval No. 160.064/747/0, adult large, Model No. VNCG, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective October 4, 1974.

Approval No. 160.064/748/0, adult X-large, Model VNCG, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S. C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 71, Type III PFD, manufactured by Gentex Corporation, Carbondale, Pennsylvania 18407, for AMF Voit, Inc., 3801 S. Harbor Boulevard, Santa Ana, California 92702, effective October 4, 1974.

Approval No. 160.064/750/0, adult X-large, Model No. 505, cloth covered unicellular plastic foam "Buoyant Vest", manufactured in accordance with U.S.C.G. Specification Subpart 160.064 and UL/MD report file No. MQ 69, Type III PFD, manufactured by America's Cup, Inc., 1109 South Fremont Avenue, Alhambra, California 91803, effective October 3, 1974.

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/13/0, National Aer-O-Foam Marine Foam Fire Extinguishing Systems with Universal Foam liquids, Instruction Sheet #631 dated July 31, 1974, manufactured by National Foam Systems, Inc., 150 Gordon Drive, Lionville, Pennsylvania 19353, effective October 15, 1974.

DECK COVERINGS FOR MERCHANT VESSELS

Approval No. 164.006/52/0, "Selbalith 7K-FR" magnesium oxychloride cement type deck covering identical to that described in National Bureau of Standards Test Report No. TG10210-2187:FR3724 dated December 5, 1969, approved for use without other insulating material as meeting Class A-60 requirements in a 1½ inch thickness, manufactured by Selby Battersby & Company, 5220 Whitby Avenue, Philadelphia, Pennsylvania 19143, effective October 15, 1974. (It is an extension of Approval No. 164.006/52/0 dated December 30, 1969.)

BULKHEAD PANELS FOR MERCHANT VESSELS

Approval No. 164.008/72/0, TAC Construction Materials Ltd., bulkhead panel "TURNALL Asbestos Ships Board" identical to that described in TAC's letter of October 4, 1974; approved as meeting B-15 requirements in a density of 36 lbs. per cubic foot in a ⅞" thickness (unveneered), approved drawing dated September 8, 1971, SB188E forms a part of this certificate, manufactured by TAC Construction Materials Ltd., Building & Insulation Division, P.O. Box 22, Trafford Park, Manchester M17 1RU, England. Plant: Trafford Park, Manchester England, effective October 15, 1974.

Dated: November 15, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard,
Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-27748 Filed 11-26-74;8:45 am]

[CGD 74-270]

INDUSTRY ADVISORY COMMITTEE ON RULES OF THE ROAD

Notice of Open Meeting

This is to give notice pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that the Industry Advisory Committee on Rules of the Road, U.S. Coast Guard, will conduct an open meeting on Tuesday and Wednesday, December 17 and 18, 1974, at the NASSIF Building, 400 Seventh Street SW, Washington, D.C., beginning at 9:30 a.m. Tuesday, December 17, 1974 in room 2230.

The Industry Advisory Committee on Rules of the Road is a committee authorizer by the Secretary of Transportation. The Committee provides advice and consultation with respect to matters concerned with proposals affecting the rules of the road.

The agenda for the December meeting consists of the following:

Evaluation by the Committee of working group proposals for unified rules for United States waters.

Development of final Committee recommendations for unified rules of the road.

Any other business. Members are invited to present views on subjects which should be placed on future agendas or which are pertinent to the safety of navigation as it relates to the rules of the road.

Any member of the public who wishes to do so may file a written statement with the Industry Advisory Committee on Rules of the Road, before or after the meeting, or may present an oral statement with advance approval of the Chairman.

Interested persons may request additional information concerning the December meeting and other matters relating to the Industry Advisory Committee on Rules of the Road from Captain K. L. Moser, Executive Director, Industry Advisory Committee on Rules of the Road, U.S. Coast Guard Headquarters (G-WLE-4/73), 400 Seventh Street SW, Washington, D.C. 20590, or by calling 202-426-4958.

Dated: November 21, 1974.

W. E. CALDWELL,
Captain, U.S. Coast Guard,
Acting Chief, Office of Marine Environment and Systems.

[FR Doc.74-27747 Filed 11-26-74;8:45 am]

[74 277]

TOWING INDUSTRY ADVISORY COMMITTEE

Notice of Open Meeting

This is to to give notice in accordance with section 10(a) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. 1) of October 6, 1972, that the Towing Industry Advisory Committee will conduct an open meeting on December 12, 1974, in Room 2230 of the Nassif Building, 400 Seventh St., SW, Washington, D.C. The meeting will begin at 8 a.m. and is expected to last all day.

Discussion items on the agenda include the following:

1. Buoy and channel management on Western Rivers.
2. Discussion of the air pollution decisions affecting the marine trade.
3. Discussion on proposed rules on tankerman certificates.
4. Visual identification of barges carrying hazardous materials.
5. Internal inspection and drydocking of inspected barges.
6. Barge fleeting rules for the New Orleans area.
7. Temporary tank barge repairs.
8. Report on the Maritime Administration Tank Barge Study.
9. Tonnage Horsepower relationships.
10. Applicability of IMCO 1973.
11. Marine Traffic Requirements.
12. Occupational Safety and Health Act.
13. Report by the Education Working Group.
14. Coast Guard publications—Code of Federal Regulations.
15. Future Committee plans.

The Towing Industry Advisory Committee was chartered by the Commandant of the Coast Guard on August 3, 1973 to advise the Marine Safety Council on matters regarding safe towing operations. Public members of the Committee serve voluntarily without compensation from the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing:

Commandant (G-CMC/82)
U.S. Coast Guard
Washington, D.C. 20590

or by calling; 202-426-1477.

Dated: November 21, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-27745 Filed 11-26-74;8:45 am]

National Highway Traffic Safety Administration

HIGHWAY SAFETY PROGRAMS

Qualified Products List for Devices To Measure Breath Alcohol

This Notice establishes the list of evidential breath testers that have been found to qualify under the Standard for Devices to Measure Breath Alcohol (38 FR 30459 November 5, 1973) and that may therefore be purchased with Federal funds under sections 402(a) and 403 of the Highway Safety Act, 23 U.S.C. 402(a), 403.

To guide states and local jurisdictions in choosing among a growing number of devices to measure breath alcohol, NHTSA requested the National Bureau of Standards to develop a performance standard to evaluate these devices and to provide the basis for a qualified products list. After submitting the draft standard for comment to the states, to the breath tester manufacturers, and to other experts in the field, NHTSA published the Standard in the FEDERAL REGISTER on November 5, 1973 (38 FR 30459).

In accordance with the schedule outlined in the FEDERAL REGISTER, the DOT Transportation Systems Center in Cambridge, Massachusetts, began tests in December 1973 on devices submitted by the manufacturers. Upon completing the tests, NHTSA advised the manufacturers of the tentative results and afforded them a brief period in which to diagnose and correct any deficiencies that might have appeared. The qualified products list issued hereby consists of those devices that NHTSA found capable of meeting the standard's performance requirements, either upon initial testing or upon retesting after modification.

The qualified products list will not be a static list. NHTSA plans to revise it periodically in response to the following events:

a. Periodic test of devices on the lists and of candidate devices.
b. Revisions to the standard.
c. Manufacturing changes in devices on the list.
d. Complaints from agencies using the devices.
e. Results of the Government sponsored Standard Compliance Information System.

A device tested but rejected may be resubmitted for retesting 6 months after issuance of the edition of the list for which is was submitted. A manufacturer whose device is threatened with removal from the list will be given 30 days in which to cure the deficiency.

The qualified products meeting all performance requirements, including those for Mobile Evidential Breath Testers, are as follows, listed alphabetically by manufacturer:

Device:	*Manufacturer*
1. Alco-Limited	Energetics Science, Inc., New York, N.Y.
2. Mark II Gas Chromatograph	Intoximeters, Inc., St. Louis, Mo.
3. Intoxilyzer Model 4011	Omicron Systems Corp., Palo Alto, Calif.
4. Breathalyzer Models 900A, 1000.[1]	Smith & Wesson Electronics Co., Eatontown, N.J.
5. Roadside Breath Tester	U.S. Department of Transportation, Washington, D.C.

The qualified products meeting all performance requirements excluding those for Mobile Evidential Breath Testers are as follows, listed alphabetically by manufacturer:

Device:	*Manufacturer*
1. Alco-Tector Model 500	Decatur Electronics, Decatur, Ill.
2. Photo-Electronics Intoximeter	Intoximeters, Inc., St. Louis, Mo.

(23 U.S.C. 402; delegations of authority at 49 CFR 1.5 and 501.8)

Issued on November 21, 1974.

CHARLES F. LIVINGSTON,
Acting Associate Administrator,
Traffic Safety Programs.

[FR Doc.74-27736 Filed 11-26-74; 8:45 am]

Urban Mass Transportation Administration

CHIEF COUNSEL AND ASSOCIATE ADMINISTRATOR FOR CAPITAL ASSISTANCE

Redelegations of Authority

The purpose of the following notice is to redelegate within the Urban Mass Transportation Administration certain authority delegated by the Secretary of Transportation to the Urban Mass Transportation Administrator (39 FR 3566; October 3, 1974).

Since this redelegation is solely a matter of departmental management, procedures and practices, notice and public procedure thereon is unnecessary, and it may be made effective in less than thirty days after publication in the FEDERAL REGISTER.

Issued in Washington, D.C., November 20, 1974.

FRANK C. HERRINGER,
Urban Mass Transportation Administrator.

Pursuant to the authority delegated to me by §§ 1.45(b) and 1.50 of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.45(b) and 1.50), the Chief Counsel and Associate Administrator for Capital Assistance, acting jointly, are hereby authorized and empowered, in connection with financial assistance provided under the Urban Mass Transportation Act of 1964, as amended (49 U.S.C. 1601 et seq.) and the Federal-Aid Highway Act of 1973 (Pub. L. 93-87; August 13, 1973; 81 Stat. 250) for the purchase or operation of buses, to approve fair and equitable arrangements to assure that such financial assistance will not enable public bodies and privately owned operators for public bodies to foreclose private operators from the intercity charter bus industry where such private operators are willing and able to provide such service.

This redelegation becomes effective immediately.

[FR Doc.74-27752 Filed 11-26-74;8:45 am]

[1] Breathalyzer Models 900 and 1100 do not differ from those models tested in any manner that affects performance under the standard.

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS WORKING GROUP ON LMFBR HYPOTHETICAL CORE DISRUPTIVE ACCIDENTS (HCDA's)

Meeting

NOVEMBER 22, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Working Group on LMFBR Hypothetical Core Disruptive Accidents (HCDA's) will hold a meeting at 9 a.m. on December 12, 1974 in the O'Hare International Tower Hotel, O'Hare International Airport, Chicago, Illinois. The subject scheduled for discussion is LMFBR Hypothetical Core Disruptive Accidents. This meeting will be closed to the public.

The Subcommittee is meeting to discuss various alternative proposals which might be made as to how best to proceed with the study as the initial step towards formulating recommendations to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Pub. L. 92-463 that the meeting will consist of exchanges of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). Any factual material that may be presented during the meeting will be inextricably intertwined with such exempt material and no separation of this material is considered practical. It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee and agency operation.

JOHN C. RYAN,
Advisory Committee,
Management Officer.

[FR Doc.74-27735 Filed 11-26-74;8:45 am]

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[Docket No. PRM-30-50]

BULOVA WATCH CO., INC.

Withdrawal of Petition for Rule Making

Notice is hereby given that the Bulova Watch Company, Inc., by letter dated November 11, 1974, has withdrawn its petition for rule making PRM-30-50.

The petitioner had requested the Atomic Energy Commission to amend its regulation 10 CFR Part 30 to exempt from licensing requirements timepieces containing not more than 0.05 microcurie of neptunium-237.

Copies of the petition and the letter withdrawing the petition are available for public inspection at the Commission's Public Document Room at 1717 H Street NW, Washington, D.C.

Dated at Washington, D.C. this 21st day of November 1974.

For the Atomic Energy Commission.

GORDON M. GRANT,
Assistant Secretary of the Commission.

[FR Doc.74-27695 Filed 11-26-74;8:45 am]

[Docket Nos. 50-3 and 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Issuance of License Amendments

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 8 to Provisional Operating License No. DPR-5 for Indian Point Nuclear Generating Unit No. 1, and Amendment No. 10 to Facility Operating License No. DPR-26 for Indian Point Nuclear Generating Unit No. 2, to Consolidated Edison Company of New York, Inc. Both units are located in Westchester County, State of New York. The amendments are effective as of their date of issuance.

The amendments permit the licensee to use an alternate corrosion inhibitor, Drewgard 100, in place of a heavy metal corrosion inhibitor, potassium chromate, in certain closed cycle cooling water systems. The maximum concentration of the Drewgard 100 discharged to the Hudson River from accidental leakages will be limited to 2.5 parts per million. Supporting documentation on the acute toxicity of the compound from bioassay tests indicates that at this concentration no significant impact on the Hudson River ecosystem will occur.

The application for amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments.

For further details with respect to these actions, see: (1) The application for the amendments dated August 2, 1974; (2) Amendment No. 8 to License No. DPR-5 with its attachment, Change No. 64; (3) Amendment No. 10 to License No. DPR-26 with its attachment Change No. 7 and (4) the Commission's related Environmental Evaluation.

All of the above items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, New York 10548. Copies are also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and the Tri-State Regional Planning Commission, 100 Church Street, New York, New York 10007.

A copy of items (2) through (4) may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Rockville, Maryland, this 21st day of November 1974.

For the atomic energy commission.

GEORGE W. KNIGHTON,
Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.74-27696 Filed 11-26-74;8:45 am]

[Docket No. 50-268]

GENERAL ELECTRIC CO.

Order Authorizing Dismantling of Facility to Render Inoperable

By application notarized September 17, 1974, the General Electric Company requested authorization to render the Midwest Fuel Recovery Plant inoperable in accordance with a proposed plan submitted to the Commission with the Application pursuant to Part E of Facility License for Possession Only No. CSF-2. The facility has never been licensed to operate as a reprocessing plant.

The Commission has reviewed the application in accordance with the provisions of the Commission's regulations and has found that the plan to render the MFRP inoperable will be accomplished in accordance with the regulations in 10 CFR Chapter I, and will not be inimical to the common defense and security or to the health and safety of the public, and involves no significant hazards consideration. The bases for these findings are set forth in the Safety Evaluation by the Regulatory Staff issued concurrently with the Notice of Intent to issue this order, dated October 30, 1974.

Accordingly, it is hereby ordered that the General Electric Company may dismantle the Midwest Fuel Recovery Plant covered by Facility License for Possession Only No. CSF-2, to render the facility inoperable in accordance with the General Electric Company plan submitted to the Commission on September 17, 1974 and with applicable Commission regulations.

After completion of the dismantlement of the Midwest Fuel Recovery Plant rendering the plant inoperable and inspection of the dismantlement by representatives of the Commission, consideration will be given to whether a further order should be issued terminating Facility License for Possession Only No. CSF-2.

Dated at Bethesda, Maryland this November 21, 1974.

For the Atomic Energy Commission.

RICHARD E. CUNNINGHAM,
Assistant Director for Fuel Cycle, Directorate of Licensing.

[FR Doc.74-27694 Filed 11-26-74;8:45 am]

[Docket Nos. 50-338-OL, 50-339-OL]

VIRGINIA ELECTRIC AND POWER CO.

Reconstitution of Board

Dr. Emil T. Chanlett was a member of the Atomic Safety and Licensing Board established to consider the above applications for operating licenses. Dr. Chanlett has retired from the Atomic Safety and Licensing Board Panel.

Accordingly, Dr. Paul W. Purdom, whose address is Chairman, Department of Engineering, Drexel University, 32nd and Chestnut Streets, Philadelphia, Pa. 19104, is appointed a member of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Maryland, this 22nd of November 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-27742 Filed 11-26-74;8:45 am]

[Docket Nos. 50-440 and 50-441]

CLEVELAND ELECTRIC ILLUMINATING CO.

Limited Work Authorization; Correction

In the notice of issuance of a Limited Work Authorization, published on October 29, 1974, at page 38125, the following was omitted after item 1.g.:

h. Relocation of the 16-inch gas pipeline.

Dated at Rockville, Maryland, this 20th day of November, 1974.

For the Atomic Energy Commission.

WM. H. REGAN, JR.,
Chief, Environmental Projects Branch 4, Directorate of Licensing.

[FR Doc.74-27692 Filed 11-26-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS SUBCOMMITTEE ON DOUGLAS POINT NUCLEAR GENERATING STATION

[Docket Nos. 50-448 and 50-449]

Notice of Meeting

NOVEMBER 22, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Douglas Point Nuclear Generating Station will hold a meeting on December 13 and 14, 1974, in Room 1046, 1717 H Street, NW., Washington, D.C. The purpose of the meeting

will be to develop information for consideration by the ACRS in its review of the application for a permit to construct the Douglas Point Nuclear Generating Station, Units 1 and 2.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, December 13, 1974—3 p.m. and Saturday, December 14, 1974—9 a.m. until the conclusion of business. The Subcommittee will hear presentations by representatives of the Regulator Staff and the Potomac Electric Power Company (PEPCO) and will hold discussions with these groups pertinent to its review of matters relating to the construction of the Douglas Point Nuclear Generating Station.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 2:30 p.m. on December 13 and 8:30 a.m. on December 14 and at the end of the day on each day to consider matters related to the above review. These sessions will involve an exchange of opinions and discussions of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold one or more closed sessions with representatives of the Regulatory Staff and PEPCO for the purpose of discussing privileged information relating to the matters under review, if necessary.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the above-noted Executive Sessions will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemtpion (5) of 5 U.S.C. 552(b) and that closed sessions may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Subcommittee operation, and to avoid public disclosure of proprietary information.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than December 6, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 and at the St. Charles County Library, Garrett and Charles Street, La Plata, Maryland 20646.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on December 14.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time alloted, can be obtained by a prepaid telephone call on December 12, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW, Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after December 16, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545, and within approximately nine days at the St. Charles County Library, Garrett and Charles Street, La Plata, Maryland 20646. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE, Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. 20545 after March 14, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-27794 Filed 11-26-74;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 300-6]

AMERICAN SPICE TRADE ASSOCIATION

Notice of Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 5H5064) has been filed by American Spice Trade Association, 580 Sylvan Avenue, Englewood Cliffs, NJ 07632, proposing establishment of a food additive tolerance (21 CFR Part 121) for residues of the insecticide DDT (a mixture of 1,1,1-trichloro-2,2-bis(*p*-chlorophenyl)ethane and 1,1,1-trichloro-2-(*o*-chlorophenyl) - 2 - (*p*-chlorophenyl) ethane in oregano imported from Mexico at 5 parts per million resulting from inadvertent application of the insecticide to the growing oregano.

Dated: November 14, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-27672 Filed 11-26-74;8:45 am]

[FRL 300-4]

FMC CORP.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1557) has been filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, proposing establishment of a tolerance (40 CFR Part 180) for combined residues of the insecticide carbofuran (2,3 - dihydro - 2,2 - dimethyl - 7 - benzofuranyl-*N*-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl - 3 - hydroxy - 7 - benzofuranyl - *N*-methylcarbamate, and the phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the raw agricultural commodities soybean forage and hay at 35 parts per million, of which no more than 20 parts per million is carbamates, and soybeans at 1 part per million, of which no more than 0.2 part per million is carbamates.

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The analytical method proposed in the petition for determining residues of carbofuran and its carbamate metabolite is a gas chromatographic procedure using a nitrogen specific microcoulometric detector. The analytical method proposed for determining residues of the phenolic metabolites is one in which the residues are converted to 2,4-dinitrophenyl ethers with 1-fluoro-2,4-dinitrobenzene and determined by gas chromatography using a nitrogen specific detector.

Dated: November 14, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-27670 Filed 11-26-74;8:45 am]

[FRL 300-5]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 5F1560) has been filed by Monsanto Co., 800 N. Lindbergh Boulevard, St. Louis, MO 63166, proposing establishment of a tolerance (40 CFR Part 180) for combined negligible residues of the herbicide glyphosate (*N*-(phosphonomethyl) glycine) and its metabolite aminomethylphosphonic acid in or on grapes at 0.1 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its metabolite is a procedure in which the residues are derivatized to form the corresponding *N*-trifluoroacetyl methyl esters. The derivative is then determined by a gas chromatographic procedure with a flame photometric detector for phosphorus.

Dated: November 14, 1974.

JOHN B. RITCH, Jr.,
Director, Registration Division.

[FR Doc.74-27671 Filed 11-26-74;8:45 am]

[FRL 299-1]

LAKE MICHIGAN COOLING WATER STUDIES PANEL

Notice of Meeting

Pursuant to Pub. L. 92-463 notice is given that a meeting of the Lake Michigan Cooling Water Studies Panel will be held at 9:30 a.m. on Tuesday, December 17, 1974 at a room in the O'Hare International Towers, O'Hare International Airport.

The purpose of this meeting will be to discuss the Panel's program report and comments received. There will also be some discussion on lake wide effects from thermal discharges.

The meeting will be open to the public. Any member of the public wishing to attend should contact the Executive Secretary, Mr. William D. Franz, Environmental Protection Agency, Region V, Federal Activities Branch, 230 South Dearborn Street, Chicago, Illinois 60604. The telephone number is 312-353-5756. Minutes of the meeting will be made available for public inspection two weeks after the meeting at the EPA Region V Office.

RUSSELL E. TRAIN,
Administrator.

NOVEMBER 22, 1974.

[FR Doc.74-27790 Filed 11-26-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN BROADCAST STATIONS

[Canadian List No. 333]

Notification List

NOVEMBER 8, 1974.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power, kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		580 kHz							
CKAP (PO 580 kHz, 1 kW, DA-1).	Kapuskasing, Ontario, N. 49°23' 17", W. 82°23'52".	*10D/1N*	DA-N *ND-D-175*	U	III				E.I.O. 11-8-75.
		910 kHz							
CHRL (new in operation)	Roberval, Quebec, N. 48°26'25", W. 72°06'47".	10D/2.5N	DA-N ND-D-182.5	U	III				
		960 kHz							
CKGM (change in daytime operation—PO 960 kHz, 10 kW, DA-1).	Montreal, Quebec, N. 45°22'05", W. 73°37'23".	10	*DA-2*	U	III				
		1190 kHz							
CHTN (correction to coordinates).	Charlottetown, Prince Edward Island, N. 46°11'25", W. 63°09'44".	10	DA-N	U	II				
		1270 kHz							
CFGT (now in operation)	Alma, Quebec, N. 48°31'46", W. 71°36'31".	10D/5N	DA-N ND-D-122	U	III				
CKMC	Maniwaki, Quebec, N. 46°22' 40", W. 75°56'55". (assignment of call letters).	*1340 kHz* 1D/0.25N	ND-188	U	IV	180	120	208	
CKGR	Golden, British Columbia., N. 51°18'13", W. 116°58'26". (now in operation).	*1400 kHz* 1D/0.25N	ND-185	U	IV	150	120	231	
CKSJ	St. Jovite, Quebec, N. 46°07'49", W. 74°33'33". (assignment of call letters).	*1400 kHz* 0.25	ND-192	U	IV	180	120	280	
CKLR	L'Annonciation, Quebec, N. 46°25'20", W. 74°52'16. (assignment of call letters).	*1490 kHz* 1D/0.25	ND-195	U	IV	180	120	264	
CJMC	Ste-Anne-des-Monts, Quebec, N. 49°09'08", W. 66°26'05". (now in operation).	*1490 kHz* 1D/0.25N	ND-190	U	IV	165	120	264	
CKTA	Taber, Alberta, N. 49°45'38", W. 112°16'17. (correction to coordinates).	*1870 kHz* 5	DA-N	U	II				
CHNR	Simcoe, Ontario, N. 42°45'06", W. 80°16'03". (change in call letters).	*1600 kHz* 10	DA-2	U	III				

[SEAL]

PAUL WM. PUTNEY,
Acting Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.74-27603 Filed 11-26-74;8:45 am]

[Report No. 728]

COMMON CARRIER SERVICES INFORMATION[1]

Domestic Public Radio Services Applications Accepted for Filing[2]

NOVEMBER 18, 1974.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules an application, in order to be considered with any domestic public radio services application appearing on the attached list, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cut-off dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to §§ 21.27 of the Commission's Rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

20738-CD-P-(2)-75, The Bell Telephone Company of Pennsylvania (KGH861). C.P. to change antenna system, replace transmitter and change frequencies from 35.58 MHz to 152.84 MHz at Loc. #1: 920 Harwick St., Chester, Pennsylvania, and Loc. #2: 28 South Chester Pike, Glenolden, Pennsylvania.

20739-CD-P-(2)-75, The Diamond State Telephone Company (KGA473). C.P. to change antenna system, replace transmitter and change frequencies from 35.58 MHz to 152.84 MHz at Loc. #1: 919 Market St., Wilmington, Delaware, and Loc. #2: Dupont Louviers Building, Milford Crossroads, Delaware.

20740-CD-P-75, John C. Simmons dba Simmons Electronics (new). C.P. for a new 2-way station to operate on 152.03 MHz to be located 3400 feet W. of Highways 19 & 27, 1 mile W. of Perry, Florida.

20741-CD-P-75, The Chesapeake and Potomac Telephone Company of West Virginia (KQD312). C.P. to relocate facilities operating on 35.66 MHz at Loc. #2: 816 Lee Street, Charleston, West Virginia.

20742-CD-MP-75, William R. Miears dba Southwestern Communications Service (KUC855). C.P. for additional facilities to operate on 152.18 MHz located ½ mile West of Carrizo Springs, Texas.

20743-CD-P-75, Midway Telephone Company (new). C.P. for a new 1-way station to operate on 158.10 MHz to be located at 202 East Ogden Street, Medford, Wisconsin.

20744-CD-R-75, The Pacific Telephone and Telegraph Company (KA4326). Renewal of Developmental license expiring 12-11-74. Term: 12-11-74 to 12-11-75.

20745-CD-P-(2)-75, South Central Bell Telephone Company (KIY600). C.P. to change antenna system, and replace transmitter operating on 152.78 MHz, base and replace transmitter operating on 158.04 MHz, test, located at 810 Kentucky Avenue, Paducah, Kentucky.

20746-CD-P-75, Waco Communications, Inc. (KQZ760). C.P. to change antenna system and relocate facilities operating on 158.70 MHz to be located approximately 2 miles SW of Belton, Texas.

20747-CD-MP-(2)-75, RadioCall, Inc. (KUA-482). C.P. to relocate facilities operating on 158.70 MHz at Loc. #4: 2333 Kapiolani Boulevard, Honolulu, Hawaii; and change antenna system and relocate facilities operating on 158.70 MHz at Loc. #6: Huling Tunnel, Diamond Head, Honolulu, Hawaii.

20748-CD-P-(2)-75, Communications Electronics Center, Inc. (KQZ712). C.P. for additional facilities to operate on 152.09 & 152.18 MHz located at Corner Smiley Street and Oak Drive, Colquitt, Georgia.

20749-CD-P-75, Communications Electronics Center, Inc. (new). C.P. for a new 1-way station to operate on 152.24 MHz to be located at Corner Smiley Street and Oak Drive, Colquitt, Georgia.

20751-CD-P-(2)-75, RCC of Virginia, Inc. (KLF517). C.P. for additional facilities to operate on 454.275 & 454.325 MHz located at 707 Industry Drive, Hampton, Virginia.

MAJOR AMENDMENT:

20676-C2-P-(2)-74, South Central Bell Telephone Company (KIY458), Pikeville, Kentucky. Delete base frequency 152.60 MHz and add 152.57 MHz. All other particulars to remain as reported on the Commission's PN #679 dated December 17, 1973.

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's Rules regarding Ex Parte presentations by reasons of potential electrical interference.

OHIO

Answering Exchange, Inc., Cincinnati, Ohio (new), File No. 8161-C2-P-73.

Telepage Corporation, Laurel, Ohio (new), File No. 20031-C2-P-74.

Cincinnati Radio Telephone Systems, Inc., Afton, Ohio (new), File No. 20035-C2-P-74.

RURAL RADIO SERVICE

60086-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new interoffice station to operate on 157.3875 MHz located at Alps Pump Station #3, 290 miles North of Fairbanks, Pump Station #3, Alaska.

60086-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new interoffice station to operate on 161.9875 & 161.8375 MHz located at Hill 4010, 283 miles North of Fairbanks, Slope, Alaska.

60087-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new interoffice station to operate on 157.2375, 157.3375, & 157.3375 MHz located on Hill 3456, 261 miles North of Fairbanks, Galbraith, Alaska.

60088-CR-P-75, RCA Alaska Communications, Inc. (new). C.P. for a new interoffice station to operate on 161.9375 MHz to be located at Alps Remote Block Valve #26, 123 miles South of Deadhorse, RBV 26, Alaska.

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's Rules, regulations and other requirements.

[2] The above alternative cut-off rules apply to those applications listed in the appendix as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio and Local Television Transmission Services (Part 21 of the Rules).

V 39 I 230 NOV 27 74 XUM

60089–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9375 & 161.8875 MHz located at Atigun River Valley, 255 miles NNW. of Fairbanks, Teak Lake, Alaska.

60090–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2875 & 157.3625 MHz located at Atigun Pass, 236 miles NNW. of Fairbanks, Atigun, Alaska.

60091–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625, 161.8625 MHz located near Hill 4664, 228 miles NW. of Fairbanks, Margaret Hill, Alaska.

60092–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #31, 149 miles South of Deadhorse, RBV 31, Alaska.

60093–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #32, 155 miles South of Deadhorse, RBV 32, Alaska.

60094–CR–P–75 RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #33, 159 miles South of Deadhorse, EBV 33, Alaska.

60095–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 & 157.3875 MHz located on Hill 4363, 202 miles NNW. of Fairbanks, Kaaruk, Alaska.

60096–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #34, 163 miles South of Deadhorse, RBV 34, Alaska.

60097–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #35, 167 miles South of Deadhorse, RBV 35, Alaska.

60098–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #35A, 171 miles South of Deadhorse, RBV 35A, Alaska.

60099–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #36, 174 miles South of Deadhorse, RBV 36, Alaska.

60100–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #37, 181 miles South of Deadhorse, RBV 37, Alaska.

60101–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.9375 MHz located at Alps Remote Block Valve #39, 191 miles South of Deadhorse, RBV 39, Alaska.

60102–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #40, 193 miles South of Deadhorse, RBV 40, Alaska.

60103–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9875 & 161.9125 MHz located at Hill 4380, 184 miles NW. of Fairbanks, Coldfoot, Alaska.

60104–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #42, 187 miles NNW. of Fairbanks, RBV 42, Alaska.

60105–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #43, 184 miles NNW. of Fairbanks, RBV 43, Alaska.

60106–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #44, 181 miles NNW. of Fairbanks, RBV 44, Alaska.

60107–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #45, 179 miles NNW. of Fairbanks, RBV 45, Alaska.

60108–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 & 157.3625 MHz located on Hill 3855, 162 miles NW. of Fairbanks, Eagle, Alaska.

60109–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #47, 169 miles NNW. of Fairbanks, RBV 47, Alaska.

60110–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #49, 163 miles NNW. of Fairbanks, RBV 49, Alaska.

60111–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 & 161.8375 MHz located at Alps Pump Station #5, 152 miles NW. of Fairbanks, Pump Station #5, Alaska.

60112–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2375 & 157.2875 MHz located at Hill 3630, 143 miles NW. of Fairbanks, Fish, Alaska.

60113–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #51, 153 miles NW. of Fairbanks, RBV 51, Alaska.

60114–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #53, 148 miles NW. of Fairbanks, RBV 53, Alaska.

60115–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #54, 141 miles NW. of Fairbanks, RBV 54, Alaska.

60116–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #56, 124 miles NW. of Fairbanks, RBV 56, Alaska.

60117–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875, 161.8625, 161.9875, & 161.9375 MHz located on Hill 3152, 103 miles NW. of Fairbanks, Bench, Alaska.

60118–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #57, 118 miles NW. of Fairbanks, RBV 57, Alaska.

60119–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #58, 113 miles NW. of Fairbanks, RBV 58, Alaska.

60120–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #59, 102 miles NW. of Fairbanks, RBV 59, Alaska.

60121–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 MHz located at Alps Remote Block Valve #60, 93 miles NW. of Fairbanks, RBV 60, Alaska.

60122–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3375 & 157.3875 MHz located at Alps Pump Station #6, 90 miles NW. of Fairbanks, Pump Station #6, Alaska.

60123–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 & 157.3625 MHz located on Hill 2622, 58 miles NW. of Fairbanks, Livengood, Alaska.

60124–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve, 71 miles NW. of Fairbanks, RBV 62, Alaska.

60125–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #65, 54 miles NW. of Fairbanks, RBV 65, Alaska.

60126–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #67, 39 miles NW. of Fairbanks, RBV 67, Alaska.

60127–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625, 161.9875, 161.8375, & 161.9125 MHz located on Hill 3207, 26 miles NW. of Fairbanks, Aggie, Alaska.

60128–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2375 & 157.3875 MHz located at Alps Pump Station #7, 42 miles South of Glennallen, Pump Station #7, Alaska.

60129–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #68, 23 miles NW. of Fairbanks, RBV 68, Alaska.

60130–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #69, 18 miles NNW. of Fairbanks, RBV #69, Alaska.

60131–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #69A, 16 miles NNW. of Fairbanks, RBV 69A, Alaska.

60132–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.8875 & 161.9375 MHz located at Alps Pump Station #8, 38 miles SE. of Fairbanks, Pump Station #8, Alaska.

60133–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3125, 157.2625, 157.3375, & 157.2875 MHz located at Hill 3026, 50 miles SE. of Fairbanks, Buck, Alaska.

60134–CR–P–75. Same as above. (new). C.P. for a new inter-office station to operate on 161.8875 MHz located at Alps Remote Block Valve #72, 7 miles NE. of Fairbanks, RBV 72, Alaska.

60135–CR–P–75, same. (new). C.P. for new inter-office station to operate on 161.8375 MHz located at Alps Remote Block Valve #73, 7 miles NE. of Fairbanks, RBV 73, Alaska.

60136–CR–P–75, same. (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #77A, 39 miles SE. of Fairbanks, RBV 77A, Alaska.

60137–CR–P–75, same. (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #80, 61 miles SE. of Fairbanks, RBV 80, 61 miles SE. of Fairbanks, RBV 80, Alaska.

60138–CR–P–75, same. (new). C.P. for a new inter-office station to operate on 161.8625 & 161.9625 MHz located at Alps Pump Station #9, 3.6 miles SSW. of Allen, AAF, Pump Station #9, Alaska.

60139–CR–P–75, same. (new). C.P. for a new inter-office station to operate on 161.8375 & 157.2375 MHz located at Nicole Knob, 31 miles SSW. of Delta Junction, Nicole Knob, Alaska.

60140–CR–P–75, same. (new). C.P. for a new inter-office station to operate on 161.8375 MHz located at Alps Remote Block Valve #88, 101 miles SSE. of Fairbanks, RBV 88, Alaska.

60141–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.8375 & 161.9875 MHz located at MI 180 Richardson Hwy., 42 miles South of Delta Junction, Pump Station #10, Alaska.

60142–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.3875 MHz located at Alps Remote Block Valve #91, 86 miles North of Glennallen, RBV 91, Alaska.

60143–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.3875 & 157.3125 MHz located at Hill 3838, 53 miles South of Delta Junction, Yost, Alaska.

60144–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.9125 & 161.8625 MHz located at Roundtop Mountain, 85 miles South of Delta Junction, Roundtop, Alaska.

60145–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #95, 66 miles North of Glennallen, RBV 95, Alaska.

60146–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #95B, 53 miles north of Glennallen, RBV 95B, Alaska.

60147–CR–P–75, same as above (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Value #96, 49 miles North of Glennallen, REV 96, Alaska.

60148–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #97, 36 miles North of Glennallen, RBV 97, Alaska.

60149–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #98, 33 miles North of Glennallen, RBV 98, Alaska.

60150–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #98A, 30 miles North of Glennallen, RBV 98A, Alaska.

60151–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #100, 24 miles North of Glennallen, RBV 98A, Alaska.

60152–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #101, 18 miles North of Glennallen, RBV 101, Alaska.

60153–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #102, 15 miles North of Glennallen, RBV 102, Alaska.

60154–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2625 MHz located at Alps Remote Block Valve #103, 11 miles North of Glenallen, RBV 103, Alaska.

60155–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2625 157.3875 157.2375 & 157.3625 MHz located at MI 88 Richardson Hwy., 12 miles South of Copper Center, Stuck, Alaska.

60156–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #104, 7 miles North of Glennallen, RBV 104, Alaska.

60157–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 161.9625 MHz located at Alps Remote Block Valve #105, 3 miles NNE of Glennallen, RBV 105, Alaska.

60158–CR–P–75, same as above (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #107, 8 miles SSE of Glennallen, RBV 107, Alaska.

60159–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.9875 MHz located at Alps Remote Block Valve #108, 13 miles SSE of Glennallen, RBV 108, Alaska.

60160–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.8375 & 161.9625 MHz located at Alps Pump Station #11, 4.3 miles SSE of Gulkana, Pump Station #11, Alaska.

60161–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.9875, 161.9375, 161.8875 & 161.9125 MHz located at Kimball Pass, 44 miles SSE of Glennallen, Kimball Pass, Alaska.

60162–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.3125 MHz located at Alps Remote Block Valve #113, 37 miles SSE of Glennallen, RBV 113, Alaska.

60163–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.2875 & 157.3125 MHz located at Richardson Hwy., 48 miles South of Glennallen, Pump Station #12, Alaska.

60164–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.3325 & 157.2625 MHz located at Tiekel River Valley, 38 miles ENE of Valdez, Tiekel, Alaska.

60165–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #115, 51 miles South of Glennallen, RBV 115, Alaska.

60166–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.8625 MHz located at Alps Remote Block Valve #116, 53 miles South of Glennallen, RBV 116, Alaska.

60167–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.8625 & 161.9625 MHz located on Hill 4109, Tsina River Valley, 34 miles ENE of Valdez, Tsina, Alaska.

60168–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #117, 35 Miles NE of Valdez, RBV 117, Alaska.

60169–CR–P–75, RCA Alaska Communications, Inc. (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #118, 31 miles East of Valdez, RBV 118, Alaska.

60170–CR–P–75, same as above (new). C.P. for a new inter-office station to operate on 157.3625 MHz located at Alps Remote Block Valve #119, 27 miles East of Valdez, RBV 119, Alaska.

60171–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.3625 & 157.0375 MHz located at Hill 3700, 24 miles ENE of Valdez, Ptarmigan, Alaska.

60172–CR–P–75, same (new). C.P. for a new inter-office station to operate on 161.4625 & 161.5875 MHz located at Thompson Pass, 18 miles ESE of Valdez, Keystone, Alaska.

60173–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #121, 19 miles East of Valdez, RBV 121, Alaska.

60174–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #121, 17 miles East of Valdez, RBV 121A, Alaska.

60175–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #123, 15 miles East of Valdez, RBV 123, Alaska.

60176–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #124, 11 miles SE of Valdez, RBV 124, Alaska.

60177–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at Alps Remote Block Valve #125, 6 miles SSE of Valdez, RBV 125, Alaska.

60178–CR–P–75, same (new). C.P. for a new inter-office station to operate on 157.1875 MHz located at South Side of Port Valdez, 3.7 miles South of Valdez City, Valdez Terminal, Alaska.

60190–CR–P–75, The Mountain States Telephone & Telegraph Company (new). C.P. for a new rural subscriber station to operate on 157.77 MHz located 17.0 miles North of Casper, Wyoming.

POINT-TO-POINT MICROWAVE RADIO SERVICE

1433–CF–ML–75, Southern Bell Telephone and Telegraph Company (KJC21), 5.5 miles South of Jasper, Florida. Lat. 30°26'17"N., Long. 82°56'17"W. Mod. of License to change polarity from V to H on 3730, 3810 and 4130 MHz towards Madison, Florida on azimuth 274°28'.

1434–CF–ML–75, same (KJC22), Brookdale Avenue and State Road #10, Madison, Florida. Lat. 30°28'11" N., Long. 83°25'11" W. Mod. of License to change polarity from V to H on 3770, 4090, 4170 and from H to V on 3950 MHz towards Jasper, Florida on azimuth 94°13'.

1435–CF–P–75, The Bell Telephone Company of Pennsylvania (KGP36), 4 miles North of Altoona, Pennsylvania. Lat. 40°34'00" N., Long. 78°26'38" W. C.P. to change power and add TL–A2 power amplifiers on freq. 11405H and 11565H MHz towards Pine Grove Mills, Pennsylvania on azimuth 70°10'.

1436–CF–P–75, same (KGO89), 1.5 miles South of Pine Grove Mills, Pennsylvania. Lat. 40°42'57" N., Long. 77°53'45" W. C.P. to change power and add TL–A2 Power amplifiers to freq. 10955H and 11115H MHz towards Wapsononock Mountain, Pennsylvania on azimuth 250°31'.

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1437–CF–P–75, Southern Bell Telephone and Telegraph Company (KZI76), Maybank Highway, Johns Island, South Carolina. Lat. 32°43'16" N., Long. 80°04'59" W. C.P. to replace transmitter and change freq. from 2114.6H to 2178.0H MHz towards Edisto Beach, South Carolina on azimuth 220°57'.

1438–CF–P–75, same (KZI77), Chancellor Street, Edisto Beach, South Carolina. Lat. 32°29'20" N., Long. 80°19'14" W. C.P. to replace transmitter and change freq. from 2164.6H to 2128.0H MHz towards Johns Island, South Carolina on azimuth 40°49'.

1439–CF–P–75, Southwestern Bell Telephone Company (KLT09), 10 miles North of Odessa, Texas. Lat. 32°02'11" N., Long. 102°-22'42" W. C.P. to add 3850H MHz towards Midland R.S., Texas on azimuth 103°02'.

1440–CF–P–75, same (WDE62), Interstate Highway #20 and State Highway #349, Midland, Texas. Lat. 31°58'37" N., Long. 102°04'44" W. C.P. to add 4050H MHz and change polarity from V to H on 3730, 3810, 3890 and 3970 MHz towards Odessa, Texas on azimuth 283°12'.

1441–CF–P–75, Universal Telephone Company of Colorado (new), Proposed steel tower adjacent to the Central Office, Pagosa Springs, Colorado, Lat. 37°16'04" N., Long. 107°00'38" W. C.P. for a new station on 2121.6H MHz towards Mesa, Colorado via passive reflector.

1158–CF–P–75, South Central Bell Telephone Company (KLO98). 3.8 miles SE of Clarksdale, Mississippi. Lat. 34°09'10" N., Long. 90°32'21" W. C.P. to change power, equipment, replace transmitter and change freq. from 6264.0H and 6382.6H to 6004.5H and 6123.1H MHz towards Clarksdale, Mississippi on azimuth 331°09'; change 6249.1V and 6367.7V MHz to 6004.5V and 6123.1V MHz towards Glendora, Mississippi on azimuth 149°39'.

1259–CF–P–75, same (KLO99). 1.2 miles WNW of Glendora, Mississippi. Lat. 33°50'05" N., Long. 90°18'58" W. C.P. to change power, equipment, replace transmitter and change freq. from 5997.1V and 6115.7V MHz to 6256.5H and 6375.2H MHz towards Clarksdale, Repeater, Mississippi on azimuth 329°46'; change 6071.2H and 6130.5H MHz to 6256.5V and 6375.2V MHz towards Greenwood, Mississippi on azimuth 159°51'.

1260–CF–P–75, same (KLP20). 201 East George Street, Greenwood, Mississippi Lat. 33°31'15" N., Long. 90°10'43" W. C.P. to change power, equipment, replace transmitter and change freq. 6382.6 and 6323.3 MHz to 6004.5H and 6123.1H MHz towards Glendora, Mississippi on azimuth 339°55'.

1261–CF–P–75, same (KYJ42). 86 Yazoo Avenue, Clarksdale, Mississippi. Lat. 34°12'17" N., Long. 90°34'25" W. C.P. to change power, equipment, replace transmitter and change freq. 6001.9H and 6130.5H MHz to 6256.5V and 6375.2V MHz towards Clarksdale, Repeater, Mississippi on azimuth 151°08'.

1262–CF–P–75, New England Telephone and Telegraph Company (KCL66). Off Haggetts Pond Road, 4.2 miles West of Andover, Massachusetts. Lat. 42°39'16" N., Long 71°13'12" W. C.P. to change antenna location, resulting in change in coordinates as stated above; change polarity on freq. 10835 from Vertical to Horizontal; change path length and azimuth towards Lawrence, Massachusetts to 39°01'; change polarity from V to H on freq. 6367.7, change azimuth towards Goffstown, New Hampshire to 320°31'.

1263–CF–P–75, same (KCL67). 2 Hampshire Street, Lawrence, Massachusetts. Lat. 42°-42'18" N., Long. 71°09'52" W. C.P. to change antenna location resulting in a change of coordinates as stated above; change polarity from Vertical to Horizontal on 11285; change path length and azimuth towards Andover, Massachusetts to 219°03'.

1476–CF–P–75, RCA Alaska Communications, Inc. (WBP76). On Killisnoo Road, in Agnoon, Alaska. Lat. 57°30'02" N., Long. 134°34'44" W. C.P. to add 6197.24V and 6315.84V MHz towards a new point of communication at Warm Springs, Alaska via passive reflector.

1477–CF–MP–75, RCA Alaska Communications, Inc. (WGF59), 2319 North Tongass Street, Ketchikan, Alaska. Lat. 55°21'12" N., Long. 131°40'51" W. Mod. C.P. to add 6226.89H and 6345.49H MHz towards a new point of communication at Tolstoi #2, via passive reflector.

1478–CF–P–75, same (WJM35). 0.2 mile Southeast of Duncan Canal White Alice Station; on access road, Duncan Canal, Alaska. Lat. 56°45'21" N., Long. 133°10'01" W. C.P. to change antenna location resulting in change in coordinates as stated above; add 5945.20V and 6063.80V MHz towards Petersburg Mountain, via passive reflector; add 6004.50H and 6123.10H MHz towards Kake North, Alaska via passive reflector.

1479–CF–P–75, same (new). On Block 62, in Wrangell, Alaska. Lat. 56°28'28" N., Long. 132°23'41" W. C.P. for a new station on 6004.50V and 6123.10V MHz towards Burnett NE #1 and #2 via passive reflector; add 5974.85H and 6093.45H MHz toward Horn Mountain, Alaska via passive reflector.

1480–CF–P–75, same (new). 1.2 miles East of Baranof; on northeast side of Warm Springs Bay, Warm Springs, Alaska. Lat. 57°05'16" No., Long. 134°48'07" W. C.P. for a new station on 5974.85V and 6093.45V MHz towards Baranof West via passive reflector; 5945.20H and 6063.80 H MHz towards Bahovec via passive reflector.

1481–CF–P–75, same (new), 1.5 miles NW. of Thorne Bay Village at NW. end of Bay, Thorne Bay, Alaska. Lat. 55°41'34" N., Long. 132°33'23" W. C.P. for a new station on freq. 2167.20H MHz towards Tolstoi #1, via passive reflector.

1482–CF–P–75, same (new), 29 miles south of Wrangell, on Sellers Island, Alaska. Lat. 56°03'36" N., Long. 132°29'51" W. C.P. for a new station on 6197.24V and 6315.84V MHz towards Burnett, NW., via passive reflector; 6256.54H and 6375.14H MHz towards Burnett NE. #2, via passive reflector.

1483–CF–P–75, same (new), 17 miles WNW of Meyers Chuck, near Hilltop 2878, Ratz Mountain, Alaska. Lat. 55°48'59" N., Long. 132°41'12" W. C.P. for a new station on 2167.20V MHz towards Klawok, Alaska, on azimuth 221°32'; 2162.40H MHz towards Meyers Chuck, Alaska, on azimuth 107°50'.

1484–CF–P–75, same (new), 1st and D Streets, Petersburg, Alaska. Lat. 56°48'52" N., Long. 132°57'18" W. C.P. for a new station on freq. 6226.89V and 6345.49V MHz towards Horn Mountain, Alaska, via passive reflector; 6197.24H and 6315.84H MHz towards Petersburg Mountain, via passive reflector.

1485–CF–P–75, same (new). On lot #1 at South End of Meyers Chuck, Alaska. Lat. 55°44'16" N., Long. 132°15'28" W. C.P. for a new station on freq. 5974.85V and 6093.-45V MHz towards Tolstoi #2, via passive reflector; 5945.20H and 6063.80H MHz towards Burnett NW. via passive reflector; 2117.20V MHz towards Tolstoi #1 via passive reflector; 2112.40V MHz towards Ratz Mountain via passive reflector.

1486–CF–P–75, RCA Alaska Communications, Inc. (New). On bick 32, Klawok, Alaska. Lat. 55°33'17" N., Long. 133°05'40" W. C.P. for a new station on freq. 2126.80V MHz towards Wadleigh Island, via passive reflector; 2117.20H MHz towards Ratz Mountain, Alaska, on azimuth 41°12'.

1487–CF–P–75, same (new). Near center of village of Kake, Alaska. Lat. 56°58'35" N., Long. 133°56'34" W. C.P. for a new station on 6256.54V and 6375.14V MHz towards Kake North, via passive reflector; 6226.89H and 6345.49H MHz towards Baranof West, via passive reflector.

1488–CF–P–75, same (new). Hydaburg, South end of 13th Street in Craig, Alaska. Lat. 55°12'18" N., Long. 132°49'10" W. C.P. for a new station on 2142.00H MHz towards Sunny Hay #2, Alaska via passive reflector.

1489–CF–P–75, same (new). 5th and Spruce Streets, Craig, Alaska. Lat. 55°28'32" N., Long. 133°08'52" W. C.P. for a new station on 2192.00V MHz towards Sunny Hay #1 via passive reflector; 2176.80H MHz towards Wadleigh Island via passive reflector.

1156–CF–P–75, Southern Pacific Communications Company (new). 3.7 miles North of Woodworth, Illinois. Lat. 40°40'55" N., Long. 87°54'32" W. C.P. to add frequency 6256.5V to new point of communications toward Earl Park, Indiana on azimuth 95°16'.

1157–CF–P–75, same (WAH604). 3.5 Miles South of Earl Park, Indiana. Lat. 40°38'-43" N., Long. 87°25'02" W. C.P. to add frequency 6004.5V to new point of communications toward Woodworth, Illinois on azimuth 275°54'.

1369–CF–P–75, Microwave Transmission Corporation (new). Sulphur Mtn., 3.5 Miles South of Ojai, California. (Lat. 34°24'17" N., Long. 119°14'44" W.) C.P. for a new station on 10815V MHz, 10935H MHz, 11055V MHz, 11095H MHz, 11135V MHz and 11175H MHz toward Broadcast Peak (KVU78), California, on azimuth 281 degrees/45 minutes.

1371–CF–P–75, same, (KVU78). Broadcast Peak, 16.0 Miles NW of Santa Barbara, California. (Lat. 34°31'31" N., Long. 119°-57'29" W.): C.P. (a) to change frequencies to 11225V MHz, 11425H MHz, 11465V MHz, 11545V MHz, 11585H MHz and 11665H MHz toward San Antonio Hill (WDD52), California, on azimuth 305 degrees/30 minutes and (b) to replace transmitters.

1370–CF–P–75, same (WDD52), San Antonio Hill, 1.7 Miles East of Casmalia, California. (Lat. 34°50'30" N., Long. 120°29'53" W.): C.P. (a) to change frequencies to 10735H MHz, 10775V MHz, 10975H MHz, 11015V MHz, 11095V MHz, and 11135H MHz toward Cuesta Ridge (KNK60), California, on azimuth 346 degrees/05 minutes and (b) to replace transmitters.

1372–CF–P–75, Western Tele-Communications, Inc. (KPT21), Nelson Peak, 18.0 Miles SW. of Salt Lake City, Utah (Lat. 40°36'28" N., Long. 112°09'27" W.): C.P. (a) to change frequency from 11245H MHz to 11605V MHz toward Salt Lake City (CATV), Utah, on azimuth 63 degrees/11 minutes, and (b) to change polarity from 11645V MHz to 11645H MHz toward Salt Lake City (CATV).

1362–CF–MP–75, United Video, Inc. (WOE70), 1.0 Mile NE. of Holdenville, Oklahoma (Lat. 35°06'09" N., Long. 96°23'43" W.): Mod. of C.P. (1855–C1–P–70) to change azimuth to 42 degrees/10 minutes toward Henryetta, Oklahoma.

1361–CF–MP–75, same (WOE69), 1.0 Mile West of Henryetta, Oklahoma. (Lat. 35°26'52" N., Long. 96°00'45" W.): Mod. of C.P. (1856–C1–P70/35–C1–P–74) to relocate station to foregoing coordinates and (b) to change azimuth to 25 degrees/14 minutes; 155 degrees/57 minutes; and 97 degrees/10 minutes toward Bald Hill, McAlester, and Eufaula, Oklahoma, respectively.

Major Amendments

214–CF–P–75, Southern Pacific Communications Company (new), 3.8 Miles SE. of Attica, New York. Lat. 42°50'15" N., Long. 78°12'20" W. Delete: Freq. 6197.2V MHz toward Colden, New York, and add: freq. 6375.2V MHz toward Yorkshire, New York, on azimuth 217°06'.
Colden, New York, and replace with Yorkshire, New York, 4.6 Miles WSW. of Delevan, New York. Lat. 42°28'52" N., Long. 78°-34'03" W. C.P. for a new station on freq. 5974.8V MHz toward Arkwright, New York, on azimuth 259°47', and on freq. 6034.2H MHz toward Attica, New York, on azimuth 36°37'.

216–CF–P–75, same (new). 1.3 Miles SSE. of Arkwright, New York. Lat. 42°23'20" N., Long. 79°13'43" W. Delete: Freq. 6226.9V MHz toward Colden, New York and add: freq. 6226.9V MHz toward Yorkshire, New York, on azimuth 78°53'.

65–CF–MP–75, Mountain Microwave Corporation (KFA41), Salt Lake City TOC, Univ. Club Bldg., Utah. Lat. 40°46'09" N., Long. 111°53'12" W. Application amended to change frequency 11035H MHz to 5974.8V MHz and 6093.5V MHz toward Salt Lake City (KCPX–TV Studio), Utah, on azimuth 234 degrees/03 minutes.

646–CF–P–75, Midwestern Relay Company (WIV45), Arden Hills, Minnesota. Lat. 45°03'47" N., Long. 93°09'18" W. Application amended to change point of communication to Minneapolis (IDS Bldg.), Minnesota, on azimuth 223 degrees/29 minutes.

310–CF–P–75, CPI Microwave, Inc. (new), Austin (KLRN–TV), Texas. Lat. 30°17'20" N., Long. 97°44'27" W. Application amended to change frequency to 10875V MHz toward Austin (WPE49), Texas, on azimuth 182 degrees/19 minutes.

[FR Doc.74–27738 Filed 11–26–74;8:45 am]

RADIO TECHNICAL COMMISSION FOR MARINE SERVICES

Notice of Meetings

In accordance with Pub L. 92–463, "Federal Advisory Committee Act," Radio Technical Commission for Marine Services (RTCM) meetings scheduled for the future are as follows:

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

SPECIAL COMMITTEE NO. 67 "VESSEL TRAFFIC SYSTEMS"

Notice of 10th meeting. Tuesday, December 17, 1974—9:30 a.m., Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Confirmation of SC–67 Secretary.
3. Acceptance of SC–67 Summary Records.
4. Status report on U.S. Coast Guard VTS Issue Study.
5. Status reports on Work Assignments.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

Captain B. E. Smith, Chairman, SC–67
Gulf Oil Trading Company
Philadelphia, Pa. 19101
Phone: (215) 667–9000 (Ext. 705)

SPECIAL COMMITTEE NO. 66 "RECEIVER STANDARDS FOR THE MARITIME MOBILE SERVICE"

Notice of 26th Meeting, Wednesday, December 18, 1974—9:00 a.m. (All-day meeting), Conference Room A205, 1229—20th Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Appointment of Rapporteurs.
3. Acceptance of SC–66 Summary Records.
4. Reports on Work Assignments.
5. 5. Continued preparation of VHF antenna standard.
6. Discussion of problem areas.
7. Solicitation of Work Assignments.
8. Other business.
9. Establishment of next meeting date.

H. R. Smith, Chairman, SC–66
ITT Mackay Marine
441 U.S. Highway No. 1, Elizabeth, N.J. 07202
Phone: (201) 527–0300

SPECIAL COMMITTEE NO. 68 "MARINE RADIOTELEPHONE OPERATOR EDUCATION"

Notice of 2nd Meeting, Wednesday, December 18, 1974—9:30 a.m., Conference Room 847, 1919 M Street, NW., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Adoption of Agenda; Confirmation of Secretary.
3. Acceptance of SC–68 Summary Records.
4. Reports on Work Assignments.
5. Progress reports on incompleted Work Assignments.
6. Discussion of problem areas.
7. Solicitation of additional Work Assignments.
8. Other business.
9. Review of Terms of Reference.
10. Establishment of next meeting date.

A. Newell Garden, Chairman, SC–68
Raytheon Company
141 Spring Street
Lexington, Massachusetts 02173
Phone: (617) 862–6600 (Ext. 414)

EXECUTIVE COMMITTEE

The next Executive Committee Meeting will be on Thursday, December 19, 1974, at 9:30 a.m. in Conference Room 847, 1919 M Street, N.W., Washington, D.C.

AGENDA

1. Call to Order; Chairman's Report.
2. Introduction of Attendees; Adoption of Agenda.
3. Approval of the Minutes of Executive Committee Meetings.
4. Progress Reports on Currently Active Committees.
5. Status Reports on Other Committees.
6. Reports of Standing Committees.
7. Status report on "Federal Advisory Committee Act" as relating to RTCM.
8. Discussion on draft paper, "Special Committee Procedures and Reports."
9. Report on 1975 St. Louis Assembly Meeting.
10. Report of Budget Committee.
11. Summary Reports and Announcements.
12. New business.
13. Establishment of next meeting date.

To comply with the advance meeting notice requirements of Public Law 92–463, a comparatively long interval of time occurs between publication of this notice and the actual meetings. Consequently, there is no absolute certainty that the listed meeting room will be available on the day of the meeting. Those planning to attend any of the preceding listed meetings should report to the room number given in the notice. I a room substitution has been made, the new meeting room location will be posted at the room listed in this notice.

Agendas, working papers, and other appropriate documentation for each committee meeting are available at that meeting. Those desiring more specific information may contact either the designated Committee Chairman or the RTCM Secretariat. (Phone: (202) 632–6490)

The RTCM has acted as a coordinator for maritime telecommunications since its establishment in 1947. Problems are studied by Special Committees and the final reports are approved by the RTCM Executive Committee. All RTCM meetings are open to the public.

[FR Doc.74–27740 Filed 11–26–74;8:45 am]

[Docket No. 20207]

RCA GLOBAL COMMUNICATIONS, INC.

Rates for Leased Voice-Grade Channels

In the matter of RCA Global Communications, Inc. for Rates for Leased Voice-Grade Channels Between Guam and the Philippines.

1. The Commission has received a request dated November 13, 1974 from RCA Global Communications, Inc. (RCA) seeking an extension of time from November 18, 1974, until December 2, 1974 in which to respond to the Commission's order in this proceeding (39 FR 37536). RCA has requested this extension to enable it to propose a compromise solution to this matter. Counsel for all parties in this proceeding have indicated that they have no objection to this request.

2. Good cause has been shown, therefore, for this request. Accordingly, IT IS ORDERED, That, pursuant to § 0.303(c) of the Commission's Rules, RCA is granted an extension until December 2, 1974 to respond to the Commission's original order in this proceeding.

Adopted: November 19, 1974.

Released: November 21, 1974.

[SEAL] WALTER R. HINCHMAN,
Chief, Common Carrier Bureau.

[FR Doc.74–27737 Filed 11–26–74;8:45 am]

NATIONAL INDUSTRY ADVISORY COMMITTEE, BROADCAST SERVICES SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of Pub. L. 92–463, announcement is made of a public meeting of Working Groups I and IV, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Thursday, December 12, 1974. The Working Groups will meet in joint session at the FCC Building, 1919 M Street, NW., Washington, D.C., in Room 752 at 10 a.m.

PURPOSE. To consider and submit recommendations to the Federal Communications Commission concerning; (1) a revised Basic Emergency Broadcast System (EBS) Plan; (2) a prototype for a revised Detailed State EBS Plan; (3) a proposed revision of the Public

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Notice concerning Weather Information; and (4) a recommendation that EBS announcements be broadcast in ethnic language by all broadcast stations in certain areas.

AGENDA ITEMS

1. Proposed revision of the Basic Emergency Broadcast System (EBS) Plan.
2. Proposed prototype for a revised Detailed State Emergency Broadcast System Plan.
3. Proposed revised Public Notice concerning Weather Information.
4. Consideration of a recommendation that EBS announcements be broadcast in ethnic language by all broadcast stations in areas of large percentages of ethnic groups.
5. New Business.

Any member of the general public may attend or file a written statement with the Committee either before or after the meeting. Any member of the public wishing to make an oral statement must consult with the committee prior to the meeting. Those desiring more specific information about the meeting may telephone the Emergency Communications Division, FCC, (202) 632-7232.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] VINCENT J. MULLINS,
Secretary.

[FR Doc.74-27739 Filed 11-26-74;8:45 am]

FEDERAL MARITIME COMMISSION

THE NORTHERN PAN-AMERICAN LINE A/S dpa NOPAL CARIBE LINES (NOCAL) AND NANACO LINEA NATIONAL COSTARICENSE S.A. (NANACO)

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 17, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thomas K. Roche, Esquire
10 Audrey Avenue
Oyster Bay, New York 11771

Agreement No. 10147, between the above listed carriers, establishes a space chartering arrangement in the trade between the ports of Miami, Florida and Puerto Limon, Costa Rica, whereby NOCAL will provide NANACO with a specified number of trailerspaces on each of its southbound and northbound voyages pursuant to terms and conditions spelled out in the agreement.

By order of the Federal Maritime Commission.

Dated: November 22, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27754 Filed 11-26-74;8:45 am]

UNIVERSAL ALCO LIMITED TROPICAL SHIPPING CO. AND NORWEGIAN CARIBBEAN LINES

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before December 9, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Lebron Shields, Executive
Vice President
Universal Alco Limited
750 N. E. 7th Avenue
Port Laudania
Dania, Florida 33004

Agreement No. 10021-3, between the above listed carriers, is a petition to extend their discussion agreement applying in the trade between Florida ports and ports in the Bahama Islands for a one year period ending December 27, 1975, or for the period necessary to evolve a rate agreement between the same carriers in the same trade.

By order of the Federal Maritime Commission.

Dated: November 22, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-27755; Filed 11-26-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP74-61, PGA75-1]

ARKANSAS-LOUISIANA GAS CO.

Filing of Revised Tariff Sheet

NOVEMBER 20, 1974.

Take notice that on November 12, 1974 Arkansas-Louisiana Gas Company (Arkla) tendered for filing First Substitute Third Revised Sheet No. 4. Arkla states that this filing is made pursuant to paragraph (B) of the Commission's Order of October 31, 1974 in the above dockets, and is intended to replace Third Revised Tariff Sheet No. 4 to FPC Gas Tariff, First Revised Volume No. 1.[1] According to Arkla, the substitute sheet reflects an elimination from the proposed PGA of that portion of payments to producers in excess of the National Rate Level established in Opinion No. 699. The elimination allegedly results in a reduction from 5.6 cents to 5.4 cents per Mcf in the proposed PGA.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 5, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27702 Filed 11-26-74;8:45 am]

[Docket No. E-9068]

CITY OF CUYAHOGA FALLS, OHIO AND OHIO EDISON CO.

Filing of Complaint

NOVEMBER 19, 1974.

Pursuant to the authority of the Federal Power Act, particularly section 306 thereof, and § 2.1(a)(1) of the Commission's general policy and interpretations, notice is hereby given that on October 15, 1974, approximately 3500 signatory petitioners, who are residents of Cuyahoga Falls, Ohio, filed in the above-captioned docket a complaint against Ohio Edison Company, requesting this Commission to initiate an investigation of Ohio Edison's wholesale electric rate to the City of Cuyahoga Falls pursuant to section 206 of the Federal Power Act.

Any person wishing to do so may submit written comments concerning the above-referenced complaint on or before December 9, 1974, to the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. All comments submitted will be considered by the Commission in determining the appropriate action to be taken.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27699 Filed 11-26-74;8:45 am]

[1] Originally filed in these dockets on September 12, 1974, made effective, and suspended by the above mentioned order.

[Docket Nos. R175-68 and RI75-69]

MARATHON OIL COMPANY, ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

NOVEMBER 19, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 5, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
R175-68...	Marathon Oil Co.	25	20	El Paso Natural Gas Co. (Production in San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	$273	10-21-74	----	6-1-75	[1] 28.5	[1] 29.0	R174-89
	do	55	15	do	698	10-21-74	----	6-1-75	[1] 28.5	29.0	R174-89
RI75-69...	Northeast Blanco Development Corp.	1	[2] 9	El Paso Natural Gas Co. (Blanco Field, San Juan and Rio Arriba Counties, N. Mex.) (San Juan Basin Sub Area) (Rocky Mountain Area).	635,251	10-21-74	----	4-21-75	29-23	[3] 53.98	RI72-82

* Unless otherwise stated, the pressure base is 15.025 lb/in²a.
[1] Base rate—subject to applicable taxes and Btu adjustment.
[2] Unilateral increase under a basic contract dated Mar. 18, 1953 (terminated effective Oct. 20, 1974): base rate 43.88 cents plus 3.86 cents tax, 5.26 cents Btu and 1.0 cent liquids (applicable to 53 percent volume).
[3] Notice does not include interests of successors, nonsignatory parties, or parties to ratifications thereof.

The proposed rate increases of Marathon and Northeast Blanco exceed the applicable area ceiling rate in Opinion No. 658, and are suspended for five months.

Northeast Blanco requested waiver of § 154.94(b), Regulations Under The Natural Gas Act, to the extent necessary for the proposed rate to become effective October 20, 1970, the date its original contract terminated. Respondent also requested that, if the waiver not be granted, that it be suspended for only one day, thus shortening the suspension period to 61 days after filing or a lesser period. Good cause has not been shown for granting these requests and they are denied.

In regard to any sale of natural gas for which the proposed increased rate is filed under the provisions of Opinion No. 699, issued June 21, 1974, in Docket No. R-389-B, no part of the proposed rate increase above the prior applicable area ceiling rate may be made effective until the seller submits a statement in writing demonstrating that Opinion No. 699 is applicable to the particular increased rate filing, in whole or in part. The proposed increased rates for which such support shall have been satisfactorily demonstrated prior to September 23, 1974, will be made effective as of June 21, 1974.

[FR Doc.74-27594 Filed 11-26-74;8:45 am]

[Docket No. E-9108]

MONTANA-DAKOTA UTILITIES CO.

Application

NOVEMBER 20, 1974.

Take notice that on November 12, 1974, Montana-Dakota Utilities Co. ("Applicant") filed an application pursuant to section 204 of the Federal Power Act seeking an Order authorizing the Applicant to enter into a Guaranty Agreement with a bank (to be selected) acting as Trustee (the "Trustee"), guaranteeing payment of the principal, premium, if any, and interest on pollution control revenue bonds designated "City of Beulah, North Dakota, Pollution Control Revenue Bonds (Montana-Dakota Utilities Co. Project), Series 1974" (the "Bonds") to be issued by the City of Beulah, North Dakota, an organized City within the State of North Dakota, being a body corporate and politic (the "City"), pursuant to a Trust Indenture (the "Indenture") to be entered into between the City and the Trustee. The aggregate amount of such obligations to be the subject of the Guaranty Agreement shall not exceed $1,500,000.

The Applicant proposes to enter into a Guaranty Agreement with the Trustee under the Indenture pursuant to which the Bonds of the City are to be issued to finance the construction and acquisition in the City of air pollution control facilities at the Beulah-Dakota electric generating station, presently owned by the Applicant (said air pollution control facilities are hereinafter referred to as the "Project"). The Project will be owned by the City and will be leased by the City to the Applicant. The term of the lease (the "lease"), will commence

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with the date of issuance of the bonds and will terminate on the date of final payment of the Bonds, such lease term to be more specifically set forth in the Lease at the time of execution.

Under the Guaranty Agreement, the Applicant will unconditionally guaranty to the Trustee for the benefit of the holders from time to time of the Bonds and the interest coupons appertaining thereto (a) the full and prompt payment of the principal of and premium, if any, on each Bond when and as the same shall become due, whether at the stated maturity thereof, by acceleration, call for redemption or otherwise, and (b) the full and prompt payment of any interest on any Bond when and as the same shall become due.

The City is authorized to issue the bonds under the Municipal Industrial Development Act of 1955, being chapter 40–57 of the North Dakota Century Code, as amended, and the City will issue the Bonds pursuant to the Indenture. Interest payable on the Bonds will be exempt from Federal Income Tax as enacted and construed on the date of original delivery (except as provided by section 103(c)(7) of the Internal Revenue Code of 1954 as to bonds held by a substantial user of the Project or a "related user" as such term is defined in section 103(c)(6)(C) of the Code).

While the City will be the issuer of the Bonds as required for purposes of exemption of the interest on the Bonds from Federal Income taxation, the credit of the City will not be pledged to the payment of the bonds. The Bonds will be payable only from the revenues and income under the Lease, and all lease rentals will be assigned to, and deposited directly with, the Trustee. The Lease will require that the Applicant continue to pay rental whether or not the Project is destroyed, and the amount payable will be the amount required to pay principal, premium, if any, and interest on the Bonds and to pay from time to time the fees and expenses of the City and the Trustee. Under the terms of the Lease Agreement, the City will at the option of the Applicant, sell, assign transfer and convey to the Applicant at a purchase price of $10, all of its right, title and interest in the Project at any time after completion of construction as specified in the Lease, provided however, notwithstanding the foregoing, such sale, assignment, transfer and conveyance will not operate by merger or otherwise to terminate the Lease, the lease term or the obligations, terms and conditions of the Lease.

The guaranty proposed herein is required because, under the United States Bankruptcy Act, the claim provable with respect to a lease is limited to one year's rent in the event of the reorganization of the Applicant. If there is no guaranty as herein proposed, rating agencies customarily rate industrial revenue bonds to be paid out of the lease payments one grade lower than they rate senior unsecured long-term debt of the lessee.

The guaranty is to be absolute and unconditional. It will apply notwithstanding any default on the part of the City or any compromise, settlement, modification, amendment, release or termination of any or all of the obligations, covenants or agreements of the City. The guaranty is desired by the Applicant, since it will permit the Applicant to obtain the most advantageous interest rate for the Bonds with a consequent reduction in the rental to be paid by the Applicant under the Lease.

The Bonds will be sold to underwriters by the City, and a Bond Purchase Agreement relating to the Bonds will be entered into between the City and the underwriters.

The sale of the bonds will be governed by state law and will be accomplished without competitive bidding by the City. Since the guaranty by the Applicant will be given to the Trustee for the benefit of the holders of the Bonds issued by the City, the Applicant believes that competitive bidding with respect to the guaranty is not possible. The guaranty is the subject of an application for exemption from competitive bidding under § 34.2(f)(2).

Any person desiring to be heard or to make any protest with reference to said application should on or before December 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27706 Filed 11-26-74;8:45 am]

[Project No. 96]

PACIFIC GAS AND ELECTRIC CO.

Issuance of Annual License

NOVEMBER 20, 1974.

On August 31, 1970, Pacific Gas and Electric Company, Licensee for Kerckhoff Project No. 96, located on the San Joaquin River in Fresno and Madera Counties, California, and affecting public lands of the United States and The Sierra National Forest, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (Sections 16.1–16.6).

The license for Project No. 96 was issued effective December 2, 1922, for a period ending December 1, 1972. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Gas and Electric Company for continued operation and maintenance of Project No. 96.

Take notice that an annual license is issued to Pacific Gas and Electric Company (Licensee) under section 15 of the Federal Power Act for the period December 2, 1974 to December 1, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Kerckhoff Project No. 96, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-27698 Filed 11-26-74;8:45 am]

[Project No. 2516]

POTOMAC EDISON COMPANY OF WEST VIRGINIA

Issuance of Annual License

NOVEMBER 20, 1974.

On September 28, 1973, The Potomac Edison Company of West Virginia, Licensee for Dam No. 4 Project No. 2516, located in Berkeley County, West Virginia on the Potomac River near the town of Shepherdstown, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1–16.6). The Applicant filed a motion requesting Commission permission to file late on October 15, 1973.

The License for Project No. 2516 was issued effective January 1, 1969, for a period ending December 31, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to The Potomac Edison Company of West Virginia for continued operation and maintenance of Project No. 2516.

Take notice that an annual license is issued to Potomac Edison Company of West Virginia (Licensee) under section 15 of the Federal Power Act for the period January 1, 1975, to December 31, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Dam No. 4 Project No. 2516, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27696 Filed 11-26-74;8:45 am]

[Project No. 2517]

POTOMAC EDISON COMPANY OF WEST VIRGINIA

Issuance of Annual License

NOVEMBER 20, 1974.

On September 28, 1973, The Potomac Edison Company of West Virginia, Licensee for Dam No. 5 Project No. 2517, located in Berkeley County, West Virginia on the Potomac River, near the Town of Hedgesville, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). The applicant filed a motion requesting Commission permission to file late on October 15, 1973.

The License for Project No. 2517 was issued effective January 1, 1969, for a period ending December 31, 1973. Since the original date of expiration, the Project has been under annual license. In order to authorize the continued operation and maintenance of the Project pursuant to Section 15 of the Act, pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to The Potomac Edison Company of West Virginia for continued operation and maintenance of Project No. 2517.

Take notice that an annual license is issued to Potomac Edison Company of West Virginia (Licensee), under Section 15 of the Federal Power Act for the period January 1, 1975, to December 31, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Dam No. 5 Project No. 2517, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27697 Filed 11-26-74;8:45 am]

[Docket No. E-8741]

POTOMAC ELECTRIC POWER CO.

Further Extension of Procedural Dates

NOVEMBER 19, 1974.

On November 15, 1974, Staff Counsel filed a motion for extension of the procedural dates fixed by order issued August 6, 1974, as modified by notice issued October 7, 1974, in the above-designated matter. The motion states that no party objects to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Evidence—January 14, 1975.
Service of Intervenor Evidence—February 4, 1975.
Company Rebuttal Evidence—February 18, 1975.
Hearing—March 4, 1975 (10:00 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27701 Filed 11-26-74;8:45 am]

[Docket No. E-8514]

SOUTHERN SERVICES, INC.

Further Extension of Procedural Dates

NOVEMBER 19, 1974.

On November 13, 1974, Southern Services, Inc., Alabama Power Company, Georgia Power Company, Gulf Power Company and Mississippi Power Company, the Cities of Acworth, et al, and the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia, jointly filed a motion to extend the procedural dates fixed by order issued May 8, 1974, as most recently modified by notice issued October 22, 1974, in the above-designated matter. The motion states that Staff Counsel has no objection to the extension.

Upon considering, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence by Intervenors—December 20, 1974.
Service of Evidence by Staff—January 10, 1975.
Service of Company Rebuttal—January 20, 1975.
Hearing—February 4, 1975 [10:00 a.m. e.s.t.].

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27700 Filed 11-26-74;8:45 am]

[Docket No. RP74-91-12]

TENNESSEE GAS PIPELINE CO.

Withdrawal of Petition for Extraordinary Relief

NOVEMBER 20, 1974.

On October 7, 1974, the City of Vina, Alabama (Vina), filed in Docket No. RP74-91-12, a petition for extraordinary relief pursuant to § 1.7 of the Commission's rules of practice and procedure requesting relief from the curtailment plan of Tennessee Gas Pipeline Company, a Division of Tenneco, Inc. (Tennessee).

By telegram of October 11, 1974, Vina notified the Commission of the withdrawal of the aforementioned petition. As of November 10, 1974, therefore, Vina's petition for extraordinary relief is deemed to be withdrawn.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27704 Filed 11-26-74;8:45 am]

[Docket No. RP74-39-20]

TEXAS EASTERN TRANSMISSION CORP., ET AL.

Petition for Extraordinary Relief

NOVEMBER 20, 1974.

Public notice is hereby given that on November 8, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed a petition for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to supply Penn Fuel's distributor subsidiary, Pottsville Gas Company (Pottsville) with sufficient volumes of natural gas to enable Pottsville to deliver to its customer, American Argo Corporation (Argo) at its Schuylkill Haven Plant up to 216 Mcf per day until December 8, and up to 168 Mcf per day thereafter for an indefinite period. Argo requests that the relief be granted on a temporary basis pendente lite.

Penn Fuel is a public utility holding company with distributor affiliates serving the eastern half of Pennsylvania. Several of these affiliates, including Pottsville, purchase their entire natural gas requirements from TETCO. Pottsville, in turn, supplies the total requirements of Argo.

Argo's Schuylkill Haven Plant is a part of an integrated fabric manufacturing division. It supplies finished knitted fabrics to Argo's sewing and cutting plants.

Griege yarn arrives in the plant and is diverted as follows:

(a) Yarn to be packaged dyed is first dyed, then dried by steam, then knitted.
(b) Yarn to be piece-dyed is first knitted into single fabrics and then dyed.

The fabric is then successively dried, resinated, dried once again and cured.

The three drying processes and the curing process presently require natural gas. Penn Fuel states that oil cannot be used at this time in its four drying ovens, since oil would leave a residue on the fabrics.

Argo is now converting one oven to oil heated steam and will lose thereby that oven's capacity to cure fabrics. Penn Fuel states that Argo is conducting an experiment in which an additional oven will be converted to oil. If the experiment is successful it will convert its two remaining ovens to oil. Until the conversion of one oven to steam is made, Argo will need 216 Mcf per day. Thereafter it will require 168 Mcf until and if conversion to oil can be accomplished.

Argo states that the Schuylkill Haven Plant employs 250 people, but that being part of an integrated operation, if that plant closes, employees at eight other plants might be laid off.

Argo, Penn Fuel states, is currently curtailed to 31 percent of its base allocation.

Any person desiring to be heard or to make protest with reference to said petition should on or before November 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The petition is on file with the Commission and is available for public inspection. A shortened notice period in this matter may be in the public interest.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27705 Filed 11-26-74;8:45 am]

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[Docket Nos. RP74-39-14 etc.]

TEXAS EASTERN TRANSMISSION CORP., ET AL.

Order Granting Extraordinary Relief Pendente Lite, Permitting Intervention, Providing for Hearing and Establishing Procedures

NOVEMBER 19, 1974.

During the period October 30, 1974, through November 7, 1974, Penn Fuel Gas, Inc. (Penn Fuel) filed six petitions for extraordinary relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure.[1] In each petition, Penn Fuel requests that the Commission issue an order directing Texas Eastern Transmission Corporation (TETCO) to supply one of Penn Fuel's distributor subsidiaries with sufficient volumes of natural gas to enable those distributors to serve their industrial customers with specific volumes of gas. The table below sets out the specific requests made in each petition:

[1] Five of the petitions so filed will be dealt with in this order. The sixth, assigned the Docket No. RP74-39-16, will be handled separately.

Docket No.	Distributor	Industrial	Mcf per d/ Mcf per month [2]	Duration
RP74-39-14	Huntingdon Gas Co. (Huntingdon).	Owens-Corning Fiberglas Corp., Huntingdon, Pa. (Owens-Corning).	225	5½ months.
RP74-39-15	Hamburg Gas Co. (Hamburg).	Brush Wellman Corp., Shoemakersville, Pa. (Brush Wellman).	172.5/3662.5	2 months.
RP74-39-17	Hamburg	Glen-Gery Corp., Shoemakersville, Pa. (Glen-Gery).	200	Do.
RP74-39-18	Pottsville Gas Co. (Pottsville).	Bound Brook Corp., Auburn, Pa. (Bound Brook).	261.2/8710.2	Indefinite.
RP74-39-19	Pottsville	Allied Chemical Corp., Pottsville, Pa. (Allied).	180/5000	6 months.

[2] Monthly volumes are listed only when the customer does not plan to use the full daily volume on every day of the month.

Penn Fuel is a public utility holding company with several distributor subsidiaries serving the eastern half of Pennsylvania. Fourteen of these distributors are listed under Pottsville Gas Company, et al. (Pottsville Group) in TETCO's Index of Purchasers. Hamburg, Huntingdon, and Pottsville are members of the Pottsville Group. All three of these distributors receive their entire natural gas requirements from TETCO. Each of these three distributors is the sole supplier of natural gas to one or two of the five industrials for whom relief is being sought.

In each of the five petitions considered herein, Penn Fuel has attempted to provide a picture of the operations, fuel requirements, employment statistics, markets and other relevant information regarding the industrial for whom relief is requested. We shall summarize below the information provided under oath by Penn Fuel:

Owens-Corning — Owens-Corning manufactures textile and industrial fiberglass products at its plant in Huntingdon, Pennsylvania. It employs 1,070 people at the Huntingdon plant. Owens-Corning maintains three mat lines for the production of automotive reinforcements and electrical mats. A roving and curing operation produces roving yarn products which are used to produce missile nose cones, radar antennas, etc. A scrim process produces nonwoven fabric to reinforce paper and packaging materials. It is claimed that natural gas is essential in the mat line, roving process and scrim process for the curing oven operations. Heat generated in the oven must be clean, leaving no carbon deposits. Electricity could be used but would require construction of a transmission substation and complete redesign of the mat line. The requested relief, which Owens-Corning states will be necessary on every day until April 15, 1975, will be utilized as follows:

Use	Thousand cubic feet daily	Thousand cubic feet monthly (31 days)
2 mat lines	180	5,580
Roving and curing	30	930
Scrim	15	465
Total	225	6,975

Owens-Corning's base monthly volume for November is 9,029 Mcf and would result in deliveries of 303 Mcf/d without curtailment.[3] Owens-Corning's base volumes for December through April in Mcf are 10,617, 10,819, 11,103, 10,305, and 8,546.

As of October 30, 1974, when Penn Fuel filed the subject petition for Owens-Corning, Owens-Corning was being curtailed 97 percent and had closed down its mat lines, roving and curing process and scrim process. The petition indicates that such curtailment, if it continues, will force a layoff of approximately 140 employees.

As of November 1, 1974, due to a systemwide decrease in Texas Eastern's curtailment level from 1,000,000 dekatherms per day to 650,000 dekatherms per day, Owens-Corning's curtailment was reduced to 66 percent resulting in daily volumes being available of 99 Mcf. This volume still falls short of 225 Mcf/d that is allegedly needed by Owens-Corning to prevent layoffs.

Brush Wellman—Brush Wellman is one of two American producers of beryllium copper alloys which are used in electro-mechanical applications and which are essential to the electronics, communications and computer industries. Brush Wellman's basic beryllium refining operations are in Elmore, Ohio, but 100 percent of its finish beryllium copper strip is produced at the Shoemakersville, Pennsylvania, plant. It is estimated that 15 to 20 percent of berryllium copper strip output of the plant is utilized in defense-related applications.

Brush Wellman requires gas on peak days for the following uses for which no alternate fuel capability is installed and which require inert atmospheres and/or carefully controlled temperatures:

Use	Thousand cubic feet daily	Thousand cubic feet monthly
Nitrogen generator	18.0	
Pickling line	10.0	
Caustic lines	33.0	
Salt bath	36.0	
Strand annealing furnace	44.5	
Rolling hearth furnace	31.0	
Total	172.5	3,662.5

Brush Wellman's base monthly volume for November is 5,634 Mcf and would result in deliveries of 188 Mcf/d without curtailment. Brush Wellman's December base volume is 5,559 Mcf.

As of October 31, 1974, when Penn Fuel filed the subject petition for Brush Wellman, Brush Wellman was being curtailed 97 percent. Should Brush Wellman be forced to shut down due to a lack of gas supply, 140 employees at its Shoemakersville plant will be laid off and an additional 200 employees at Brush Wellman's refinery operations in Elmore, Ohio, would be in jeopardy.

As of November 1, 1975, due to the decrease in Texas Eastern's curtailment level mentioned above, Brush Wellman's curtailment was reduced to 66 percent resulting in daily volumes of 62 Mcf being available. This volume still falls short of the 172.5 Mcf/d that is allegedly necessary for Brush Wellman to prevent layoffs.

Glen-Gery—Glen-Gery is a major producer of structural clay products, concrete blocks and bricks and has eleven plants in Pennsylvania and Ohio. The Shoemakersville, Pennsylvania plant employs 125 people. The plant contains 2 tunnel kilns and 7 periodic kilns which operate seven days a week. On October 12, 1974, Glen-Gery was curtailed 100 percent and this curtailment was reduced to 98 percent on October 25 through October 31. This severe curtailment resulted in the layoff of 12 employees. On November 1, 1974, Glen-Geary's curtailment was reduced to 69 percent and is currently at this level. Glen-Gery has a contract with Hamburg for 1,000 Mcf/d (90 percent firm). If all of its kilns were operated on natural gas, Glen-Gery states that it would need 2,100 Mcf/d. Glen-Gery's minimum volume of gas necessary to operate its kilns is as follows:

[3] Penn Fuel has established base monthly volumes for its customers based on historical usage and curtailment is deducted from these volumes to determine the volumes available for each customer.

Use	Thousand cubic feet daily	Thousand cubic feet monthly
Old tunnel kiln	[1] 500	15,500
New tunnel kiln	(2)	
7 periodic kilns	(2)	
Total	500	15,500

[1] Old tunnel kiln originally required 750 Mcf daily. In January 1974 the kiln was converted so that fuel oil could be utilized to provide an equivalent of 250 Mcf daily.
[2] Oil.
[3] Glen-Gery has a plant that produces gas from coal. It can produce 550 Mcf per day from 23 tons of coal.

Glen-Gery has taken further steps to convert its older kiln to alternate fuel and estimates that with design changes and delivery time conversion will take eight weeks. Glen-Gery applied for a fuel allocation on October 15, 1974.

Glen-Gery is currently receiving 300 Mcf per day (commencing November 1) and therefore requires an additional 200 Mcf/d. Without such gas Glen-Gery contends that an additional 18 employees will be laid off and reduced production of bricks will result in delays in major building projects in the Northeast.

Bound Brook—Bound is a manufacturer of metal bearings used principally in the agricultural equipment industry but also in other industries such as the automotive industry. Bound Brook employs 170 people. The bearings are produced using powder metallurgy techniques. Presses compact alloyed and blended powers and the part is then sintered (heated) at precise temperatures and controlled atmospheres.

Bound Brook states that it needs natural gas to use in the following equipment and that neither electric nor oil energy sources can be used because they do not meet the needs for controlled precise heating and protective atmosphere:

Use	Thousand cubic feet daily	Thousand cubic feet monthly
2 standard kilns	51.0	
2 SRX generators (generate gas)	68.0	
3 reduction furnaces	30.0	
Tin furnace	9.6	
Copper shot furnace	24.0	
3 18-in furnaces	100.8	
24-in furnace	7.0	
2 12-in furnaces	18.0	
3 generators (generate gas)	52.8	
Total	361.2	8,710.2

Bound Brook's base monthly volumes are as follows:

November	5,591
December	6,932.3
January	6,932.3
February	6,932.3
March	7,046
April	7,584
May	7,576
June	7,476
July	3,130
August	7,706
September	6,949
October	7,769

Thus, Bound Brook is petitioning for more gas than it would be entitled to receive from Pottsville even if TETCO were not presently curtailing. Bound Brook indicates that the request for relief is for an indefinite time period since no alternate fuels can be used.

Bound Brook states that in October 1974, it was curtailed by 97 percent which led to a layoff of 150 employees. As of November 1, it states that its curtailment is 66 percent and that 65 of the 150 employees laid off have been recalled. Bound Brook requests additional gas so that it may recall its additional employees and meet the demands of the agricultural and automotive industries.

Allied Chemical—Allied Chemical produces thermo plastic films from nylon, fluorohalocarbon and polyvinyl chloride resins which are used in meat and cheese packaging, aircraft parts, military rust prevention packaging and in pharmaceutical packaging. Allied Chemical states that its Pottsville, Pennsylvania plant is the only one in the United States which coats nylon based films. It employs 225 people at its Pottsville plant.

Allied Chemical states that 93 percent of the natural gas supplied to its plant is used in direct fired gas ovens for a two step coating process producing coated films. Two percent of the natural gas is used to fire a steam boiler and 5 percent is used for plant protection in severe cold weather to prevent fire lines from freezing. Allied Chemical claims that gas space heating has been eliminated in the plant except during severe cold weather. Allied Chemical further alleges that fuel oil cannot be used in the coating process since the coated film is a "food grade" product and foreign contamination is precluded by FDA regulations. It is stated that the production of steam is intimately tied to the total manufacturing process and is proportionately such a small use of energy that it cannot be converted to fuel oil.

The volumes requested will be used as follows:

Use	Thousand cubic feet daily	Thousand cubic feet monthly
Coating ovens	167.4	
Plant protection	9.0	
Boiler fuel	3.6	
Total	180.0	5,000

Allied Chemical expects to have propane backup capability in six months and requests relief until that time. Base volumes for Allied Chemical for the months for which relief is requested are as follows:

Month	*Mcf*	*Month*	*Mcf*
November	4,756	March	5,883
December	6,493	April	5,010
January	5,166	May	3,468
February	7,281		

Without relief Allied Chemical states that it could maintain full production for less than one day in November and would have to start reducing plant personnel man hours.

It appears that all five industrial customers have undertaken significant energy conservation programs. Three of the industrials (Brush Wellman, Glen-Gery and Allied Chemical) are installing alternate fuel facilities and have requested relief only until the facilities are operational. While the requests for relief for four of the customers have been lower than the base period volumes from which Penn Fuel curtails, presumably due to conservation and/or conversion efforts, Bound Brook requests a monthly volume of relief greater than its base period volumes. It will be recommended that temporary relief for Bound Brook shall not exceed the average monthly usage of Bound Brook during the base period. Owens-Corning and Bound Brook do not contemplate use of alternate fuels.

Public notice of the petitions filed in Docket Nos. RP74-39-14 and RP74-39-15 was given on November 6, 1974, with protests and petitions to intervene due by November 22, 1974. A petition to intervene was received from Owens-Corning on November 1, 1974.

We shall order that the five proceedings initiated by the petitions discussed herein be consolidated for the purposes of hearing and decision inasmuch as they involve common questions of law and fact.

Under the circumstances as described above, good cause has been shown to authorize and direct TETCO to supply to Penn Fuel, through its distributor affiliates, the relief volumes specified below for the use of the industrial customers named in these consolidated proceedings. This grant of relief shall be effective pending notice, hearing and final decision in these proceedings.

TETCO is hereby directed to supply to the Pottsville Group sufficient volumes of natural gas to enable:

(1) Huntingdon to serve Owens-Corning a minimum of 225 Mcf/d until January 15, 1975.

(2) Hamburg to serve Brush Wellman up to 172.5 Mcf/d and up to 3662.5 per month until January 1, 1975.

(3) Hamburg to serve Glen-Gery up to 200 Mcf/d until January 1, 1975.

(4) Pottsville to serve Bound Brook up to 283 Mcf/d and up to 6,802 Mcf per month until January 15, 1975.

(5) Pottsville to serve Allied up to 180 Mcf/d and up to 5,000 Mcf per month until January 15, 1975.[3] All relief volumes delivered by TETCO to Penn Fuel shall be classified in category 2 of TETCO's curtailment program, except that deliveries to Penn Fuel will be protected until category 1 customers are subject to curtailment, i.e., Penn Fuel would be the last to be curtailed in category 2. Accordingly, we grant Penn fuel temporary extraordinary relief on the basis of sworn allegations made pending hearing and decision on its petitions. All or part of this relief may be subject to payback as provided in 18 CFR 2.78(a)(11). The relief shall extend for the periods specified below or until a final decision is issued in this consolidated proceeding, whichever first occurs.

The Commission finds: (1) Good cause exists to consolidate the proceedings in Docket Nos. RP74-39-14, RP74-39-15, RP74-39-17, RP74-39-18 and RP74-39-19 for the purposes of hearing and decision.

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(2) The grant of Penn Fuel's petitions on a temporary basis, as hereinafter ordered, is in the public interest and is consistent with the purposes of the Natural Gas Act.

(3) Good cause exists to set the consolidated proceedings initiated by Penn Fuel's petitions for formal hearing.

(4) Participation of Owens-Corning in these proceedings may be in the public interest.

The Commission orders: (A) The relief sought by Penn Fuel in its petitions filed in these consolidated proceedings is granted by directing TETCO to deliver to Penn Fuel through its distributor subsidiaries sufficient volumes to enable:

(1) Huntingdon to serve Owens-Corning a minimum of 225 Mcf/d until January 15, 1975.

(2) Hamburg to serve Brush Wellman up to 172.5 Mcf/d and up to 3662.5 per month until January 1, 1975.

(3) Hamburg to serve Glen-Gery up to 200 Mcf/d until January 1, 1975.

(4) Pottsville to serve Bound Brook up to 283 Mcf/d and up to 6802 Mcf per month until January 15, 1974.

(5) Pottsville to serve Allied up to 180 Mcf/d and up to 5,000 Mcf per month until January 15, 1975.

All relief volumes delivered by TETCO to Penn Fuel shall be classified in category 2 of TETCO's curtailment program, except that deliveries to Penn Fuel will be protected until category 1 customers are subject to curtainment, i.e., Penn Fuel would be the last to be curtailed in category 2.

(B) Pending hearing and decision, all of the relief hereby granted may be subject to payback.

(C) Pursuant to the authority of the Natural Gas Act, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act, a public hearing shall be held on December 2, 1974, at 10 a.m. in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426 concerning the Penn Fuel petitions.

(D) On or before November 26, 1974, petitioners and all parties supporting or opposing petitioners' request shall serve with the Commission and upon all parties to the proceeding, including Commission Staff, their testimony and exhibits in support of their position.

(E) As part of its case in chief, Penn Fuel and each of the five industries shall provide evidence of any contract between themselves and the Federal Energy Administration (FEA) and any assistance provided by FEA.

(F) As part of its case in chief, Penn Fuel shall provide evidence regarding availability of gas supply on all of its systems from all sources, intrastate and interstate.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge for this purpose, shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

(H) The Presiding Administrative Law Judge shall render his initial decision within 15 days of the close of the record.

(I) Briefs on exceptions must be filed within 10 days of the date on which the Initial Decision is issued. No Briefs Opposing Exceptions will be accepted for filing.

(J) Owens-Corning is hereby permitted to intervene subject to the Rules and Regulations of the Commission; *provided, however,* That the participation of such intervenor shall be limited to matters affecting the rights and interests specifically set forth in the respective petition to intervene; and *provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27598 Filed 11-26-74;8:45 am]

FEDERAL RESERVE SYSTEM

COUNTY NATIONAL BANCORP.

Order Approving Acquisition of Bank

County National Bancorporation, Clayton, Missouri, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire all of the voting shares (less directors' qualifying shares) of First National Bank of Arnold, Arnold, Missouri ("Bank"), a proposed new bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the ninth largest bank holding company in Missouri, controls 2 banks with aggregate deposits of $251 million, representing 1.7 percent of total commercial bank deposits in the state.[1] Since Bank is a proposed new bank, its acquisition by Applicant would not immediately increase Applicant's share of commercial bank deposits in Missouri.

Bank will be located in Arnold, the largest city in Jefferson County, approximately 18 miles south of St. Louis, and will be competing in the St. Louis banking market.[2] Applicant's subsidiary banks are both located in the relevant market, approximately 15 and 18 miles, respectively, from the proposed site of Bank. The three largest banking organizations in the St. Louis market control approximately. 38 percent of total market deposits. Applicant is the fifth largest banking organization therein with 3.6 percent of total deposits in the market. Since this acquisition involves the establishment of a proposed new bank, consummation of the subject acquisition would eliminate no existing competition, and no immediate increase in the concentration of banking resources would result therefrom. The Board concludes that consummation of the proposal would not have an adverse effect on existing or future competition in any relevant area.

The financial and managerial resources and future prospects of Applicant and its subsidiary banks are regarded as satisfactory, particularly in view of Applicant's commitment to furnish additional equity capital into one of its subsidiaries. Bank, as a proposed new bank, has no financial or operating history; however, its prospects under Applicant's management appear favorable. Bank would provide an additional alternative source of full banking services to the residents of the Arnold area. Accordingly, considerations relating to the convenience and needs of the community to be served lend some weight toward approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after that date, and (c) First National Bank of Arnold, Arnold, Missouri, shall be opened for business not later than six months after the effective date of this Order. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[3] effective November 20, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27683 Filed 11-26-74;8:45 am]

[1] All banking data are as of December 31, 1973 and reflect bank holding company formations and acquisitions approved by the Board through October 31, 1974.

[2] The St. Louis banking market is approximated by the City of St. Louis, St. Louis County, portions of St. Charles and Jefferson Counties in Missouri, and portions of Madison and St. Clair Counties in Illinois.

[3] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

GENERAL ACCOUNTING OFFICE

FEDERAL COMMUNICATIONS COMMISSION; REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 14, 1974. See 44 U.S.C. 3512(c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

FEDERAL COMMUNICATIONS COMMISSION

Request for clearance of a revision to a mandatory program evaluation report, FCC Form P—Annual Report of Miscellaneous Microwave Common Carriers. Potential respondents are licensees in the Domestic Public P-to-P Microwave Service. Respondent burden is estimated at 12 hours for each respondent per response.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-27786 Filed 11-26-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

REGIONAL PUBLIC ADVISORY PANEL ON ARCHITECTURAL AND ENGINEERING SERVICES

Notice of Meeting

NOVEMBER 18, 1974.

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Regional Public Advisory Panel on Architectural and Engineering Services, Region 1, December 13, 1974 from 10 a.m. to noon, Room 711, John W. McCormack Post Office and Courthouse Building, Post Office Square, Boston, Massachusetts 02109. The meeting will be devoted to the initial step of the procedures for screening and evaluating the qualifications of architect-engineers under consideration for selection to furnish professional services for the proposed new Federal Office Building—Pittsfield, Massachusetts. Frank and open discussion of the professional qualifications of the firms being considered is essential to the success of the meeting. Accordingly, pursuant to a determination that it will be concerned with a matter listed in 5 U.S.C. 552(b)(5), the meeting will not be open to the public.

ALBERT A. GAMMAL, JR.,
Regional Administrator.

[FR Doc.74-27602 Filed 11-26-74;8:45 am]

CIVIL AERONAUTICS BOARD; REGULATORY REPORTS REVIEW

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on November 18, 1974. See 44 U.S.C. 3512 (c) & (d). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public of such receipt.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Further information about the items on this list may be obtained from the Regulatory Reports Review Officer, 202-376-5425.

CIVIL AERONAUTICS BOARD

Request for clearance of an amendment to CAB Form 239, "Reporting Data Pertaining to Freight Loss and Damage Claims by Certain Air Carriers and Foreign Route Air Carriers (Schedules A and B). This revision involves clarification of the instructions on CAB Form 239, Schedule A with respect to reporting of interline claims and slight modification of the reporting on CAB Form 239, Schedule B. The reporting requirement is mandatory under the Federal Aviation Act. Potential respondents are certificated route and supplemental air carriers, commuter air carriers, air freight forwarders and international air freight forwarders, and foreign route air carriers. The amendment does not impose any additional reporting requirements since it involves only a clarification and minor editorial changes. Therefore, there should be no increase in man-hour burden occasioned by the amendment.

NORMAN F. HEYL,
Regulatory Reports Review Officer.

[FR Doc.74-27785 Filed 11-26-74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

BUCHANON & SONS COAL CO., INC.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4005-000, BUCHANAN & SONS COAL CO., INC., Mine No. 19, Mine ID No. 44 01697 0, Pound, Virginia,
ICP Permit No. 4005-001 (Wise 454 4-Wheel Mine Tractor, I.D. No. 412),
ICP Permit No. 4005-006 (Wise 454 Mine Tractor, I.D. No. 357),
ICP Permit No. 4005-009 (Wise 454 4-Wheel Mine Tractor, I.D. No. 385).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW, Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 22, 1974.

[FR Doc.74-27709 Filed 11-26-74;8:45 am]

M & M COAL CO., INC.

Applications for Renewal Permits Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

ICP Docket No. 4358-000, M & M Coal Co., Inc., No. 15 B Portal Mine, Mine ID No. 44 01691 0, Pound, Virginia,
ICP Permit No. 4358-001 (Spinner Loading Machine, I.D. No. 6),
ICP Permit No. 4358-002 (Royal No. 4 Cutting Machine, Ser. No. 201),
ICP Permit No. 4358-003 (Kersey 464 Rubber Tired Mine Tractor, Ser. No. 6106).

In accordance with the provisions of § 504.7(b) of Title 30, Code of Federal Regulations, notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW, Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

NOVEMBER 22, 1974.

[FR Doc.74-27710 Filed 11-26-74;8:45 am]

NATIONAL TRANSPORTATION SAFETY BOARD

[Docket No. SS-R/H-7]

SOUTHERN RAILWAY AND POLK DISTRICT

Accident Investigation; Change of Location of Hearing

In the matter of the investigation of the collision of the Southern Railway Work Train with the Polk District School Bus at Aragon, Georgia on October 23, 1974, resulting in seven fatalities and numerous injuries.

Notice is hereby given that the location of the Highway/Railroad Grade Crossing Accident Investigation Hearing on the above matter commencing on December 3, 1974, has been changed from the Squire Inn, Atlanta, Georgia, to Ball-

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room C of the Ramada Inn, Highway 411, Rome, Georgia.

Dated this 19th day of November 1974.

FRANCIS H. MCADAMS,
Chairman, Board of Inquiry.

[FR Doc.74-27711 Filed 11-15-74;8:45 am]

RAILROAD RETIREMENT BOARD

SUPPLEMENTAL ANNUITY PROGRAM

Quarterly Rate of Excise Tax

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning January 1, 1975 shall be at the rate of eight and one-half cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning January 1, 1975, four percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and ninety-six percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

Dated: November 20, 1974.

By Authority of the Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

[FR Doc.74-27764 Filed 11-26-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

NOVEMBER 20, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from November 21, 1974 through November 30, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27678 Filed 11-26-74;8:45 am]

[Rel. No. 8589; 812-3701]

HARTFORD VARIABLE ANNUITY LIFE INSURANCE CO., ET AL.

Application for Exemption

NOVEMBER 20, 1974.

In the matter of Hartford Variable Annuity Life Insurance Co., Hartford Variable Annuity Life Insurance Company Separate Account, and Hartford Equity Sales Company, Inc., Hartford Plaza, Hartford, Connecticut, 06115.

Notice is hereby given that Hartford Variable Annuity Life Insurance Co., an insurance company organized under the laws of South Carolina, Hartford Variable Annuity Life Insurance Company Separate Account, a separate account for the funding of variable annuity contracts ("Separate Account"), registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified management investment company; and Hartford Equity Sales Company, Inc., a broker-dealer in securities registered under the Securities Exchange Act of 1934, the principal underwriter for the variable annuity contracts issued with respect to the Separate Account (hereinafter collectively referred to as "Applicants"), filed an application on September 26, 1974, pursuant to section 6(c) of the Act for an order exempting Applicants from the provisions of section 22(d) and 27(a)(3) of the Act to the extent hereinafter set forth. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein which are summarized below.

At present there are several different types of variable annuity contracts issued with respect to the Separate Account. Specifically, there are single premium, immediate and deferred individual contracts; flexible-payment deferred individual contracts; and group immediate and deferred contracts, which group contracts are further subdivided into group annuity contracts, terminal funding contracts and deposit administration contracts. All of the contracts may be sold on either a tax-qualified or a non-tax qualified basis with the exception of one class of flexible payment deferred individual contracts which may only be sold on a tax-qualified basis. There are differences in the deductions for sales and administrative expenses required by each of the various classes of group and individual contracts which, the application states, have come about largely because of the peculiarities of the particular markets for which contracts have been designed.

It is the intention of Applicants to revise the deduction patterns for sales and administrative expenses with respect to both group and individual contracts according to the schedules set forth in the application.

If the requested order is granted, Applicants will shortly thereafter discontinue offering variable annuity contracts providing for the old series of deductions, although contract owners of then outstanding contracts and participants thereunder shall retain the right to continue making purchase payments under their contracts subject to the old percentage deductions. However, then existing contract owners shall have the right to exchange their contracts for comparable new contracts which provide for the new rates of deductions and charges. An investor under an individual or a group contract who exchanges an existing contract calling for the old rates of deduction for a new contract providing for the new rates of deduction will be able to invest the proceeds of redemption at net asset value without any deductions being made for sales and administrative expenses or, if appropriate, for the minimum death benefit guarantee. However, he will be considered a new purchaser of a contract or a new participant under a new group contract and the value of the amount which is transferred from the old contract to the new contract will not be considered in determining the amounts of deductions for sales and administrative expenses from purchase payments made under the new contracts.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company may sell any redeemable security issued by it except either to or through a principal underwriter for distribution or at a current public offering price described in its prospectus.

Each installment payment made pursuant to the terms of a security, such as a periodic payment plan certificate, constitutes a separate offer and sale of a redeemable security. If periodic payments under outstanding flexible payment deferred individual contracts and under outstanding group contracts subject to the existing level of deductions set forth in such outstanding contracts are made while, at the same time, periodic payments are made under new contracts which provide for a different level of deduction, a violation of section 22(d) of the Act may be said to take place.

Applicants, accordingly, request an exemption from the provisions of section 22(d) of the Act (1) in order that they may continue to accept payments under the old contracts made by or on behalf of intended annuitants at the level for deductions provided for in those contracts while, at the same time, the new contracts are being offered and sold and purchase payments accepted thereunder subject to the deductions from payments provided; and (2) so that contract owners wishing to exchange their existing contracts which provide for a level deduction for sales and administrative expenses for a new contract which provides for varying levels of deduction for sales and administrative expenses depending on the amount invested may invest the value of the contract accounts in the new contracts without any deduction being made for sales or administrative expenses if they deem it in their best interests to do so.

Section 27(a)(3) of the Act provides, in pertinent part, that "It shall be unlawful for any registered investment company issuing periodic payment plan certificates or for any depositor or underwriter for such company to sell any such certificates if * * *. (3) the amount of sales load deducted from any one of such

first payments exceeds proportionately the amount deducted from any other such payment, or the amount deducted from any subsequent payment exceeds proportionately the amount deducted from any other subsequent payment; * * *."

As noted above, Applicants intend to permit a holder of an existing contract to redeem such contract and invest the proceeds thereof in a new contract without the imposition of additional charges. However, such an investor would not receive credit for such transferred amounts in determining the applicable sales charges for subsequent purchase payments under the new contract. Since the charges deducted from payments under the new contracts may, in some instances, exceed the charges previously paid by an investor who had transferred his old contract, Applicants have requested that the Commission issue an order of exemption from the provisions of section 27(a)(3) in order that they may offer the variable annuity contracts with such sales load deductions.

Applicants allege that the granting of the requested exemptions from the provisions of section 22(d) and section 27(a)(3) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors because public investors will benefit from the reduced scale of charges for sales and administrative expenses and the granting of such an order will not be detrimental to existing investors because existing contract owners may continue to hold their existing contracts and make contributions thereunder at the deduction levels set forth therein or, if they deem it in their best interests to do so, they will have an opportunity to exchange their existing contracts for new contracts which provide for the new schedule of sales and administrative expense deductions.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policies and provisions of the Act.

Notice is further given that any interested person may, not later than December 13, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27677 Filed 11-26-74;8:45 am]

[Rel. No. 8590; 812-3693]

NATIONWIDE LIFE INSURANCE CO. AND NATIONWIDE DC VARIABLE ACCOUNT

Application for Approval of Offer of Exchange and for Exemption

NOVEMBER 21, 1974.

Notice is hereby given that Nationwide Life Insurance Company, 246 North High Street, Columbus, Ohio 43216, ("Nationwide Life"), a stock life insurance company organized under the laws of the State of Ohio, and Nationwide DC Variable Account ("DCVA"), a unit investment trust registered under the Investment Company Act of 1940 ("Act") (hereinafter collectively referred to as "Applicants") filed an application on September 9, 1974, and an amendment thereto on November 8, 1974, pursuant to section 11 of the Act for an order to permit certain offers of exchange and pursuant to section 6(c) of the Act for exemption from the provisions of section 22(d), 26(a), and 27(c)(2) of the Act, to the extent noted below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

DCVA was established by Nationwide Life pursuant to Ohio law in connection with the proposed issuance of certain group variable annuity contracts ("Contracts"). Assets of DCVA will be invested at the discretion of the owner, or participant if permitted by the retirement plan, in MIF Fund, National Investors Corporation, or Putnam Investors Fund, Inc. (hereinafter collectively "Funds") or all three. Such investments will be allocated to three series, each of which represents investment in a separate Fund.

Funds are open-end, diversified management investment companies registered under the Act. Applicants propose to offer Contracts designed to fund supplemental retirement plans ("Plans") established for employees of states and their political subdivisions or any tax exempt organization.

The Contracts provide that a sales charge of 5 percent will be deducted from each purchase payment under a Contract. A deduction of 50¢ from each purchase payment will also be made to cover the costs of processing payments. In addition, on each participant's anniversary date, an administration charge of $8 will be made. If a participant's account is cancelled as a result of a complete redemption more than 30 days after the anniversary date, Nationwide Life will deduct an administrative charge of $8 or 2 percent of the value of the participant's account, whichever is less.

SECTION 11

Applicants request an order pursuant to sections 11(a) and 11(c) of the Act to permit Contract owners, or participants if permitted by the Plan, to convert accumulation units from one DCVA series to another. Upon receipt of such an election, Nationwide Life will transfer the amount to be converted within seven days of receipt of the election. Such transfer will be based on the accumulation unit values of the affected series on the day such transfer occurs. No conversion between series may be made for any participant within three years of (1) the participant's entry into the plan or (2) the date of the last election, except that a change will be permitted one month before the date retirement income payments commence for a participant without regard to the three year limitation. The amount converted must be at least $1,000 and if any amount remains in the series from which the conversion is being made, that amount must be at least $250. A $5.00 charge will be made against a participant's account to cover the cost of effecting conversions between series.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such a company or of any other open-end investment company to exchange his security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, the provisions of section 11(a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trusts for the securities of any type of any other investment company.

Applicants allege that the proposed conversion privilege will afford Contract owners and participants the opportunity to choose between shares of underlying investment companies having different investment objectives. Applicants also allege that the $5.00 charge for effecting such a conversion will be uniformly applied only to those participants who elect the conversion privilege to pay for the administrative costs involved, and, there-

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fore, will not be discriminatory gainst those participants who do not make the election.

SECTION 22(d)

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter therefor shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Applicants request an exemption from the provisions of section 22(d) to permit, without additional sales charge, the transfer of fixed accumulations in a participant's account for variable accumulation units in DCVA. Applicants state that the same amount of sales charges are imposed on all purchase payments regardless of whether they are applied to provide fixed accumulations or variable accumulations.

Applicants also request an exemption from section 22(d) to permit a beneficiary named under any of the Contracts to apply death benefit proceeds to provide variable annuity payments without the imposition of a sales charge. Applicants state that sales charges will have already been paid on purchase payments under the Contracts, and that no further selling expense will be involved.

Applicants also request an exemption from the provisions of section 22(d) to permit the transfer of a participant's account from one Contract to another, without the imposition of additional sales charges, provided the participant has the consent of the owners of both Contracts. Applicants represent that, under certain circumstances, such as when a participant is successively employed by two or more employers who are owners of Contracts, it would be desirable to combine such employee's accumulated amounts into the Contract of his current employer. Since sales charges have previously been deducted in such instance, Applicants state that it would be inequitable to impose additional charges upon such transfers.

Applicants further request an exemption from section 22(d) to permit experience rating credits under a Contract without further deductions for sales charges in the event gains accrue to Nationwide Life from expense and risk charges made under a Contract which exceed amounts that the Board of Directors of Nationwide Life determine, at their sole discretion, should be added to contingency reserves and surplus. Such gains may be used to purchase additional accumulation units for the benefit of participants under such Contracts. Applicants state, in support of their request, that it is impossible to make any advance determination or projection as to amounts resulting from possible expense deductions, and that sales charges have already been made on payments giving rise to the experience rating credits.

SECTIONS 26(a) AND 27(c)(2)

Sections 26(a) and 27(c)(2) of the Act, as here pertinent, provide, in substance, that a registered unit investment trust, and any depositor and underwriter for the trust, are prohibited from selling periodic payment plan certificates unless the proceeds of all payments other than sales load are deposited with a qualified bank as trustee or custodian and held under an indenture or agreement containing specified provisions. Such agreement must provide, in part, that (i) the custodian bank shall have possession of all the property of the unit investment trust and shall segregate and hold the same in trust; (ii) the custodian bank shall not resign until either the unit investment trust has been liquidated or a successor custodian has been appointed; (iii) the custodian may collect fees from the income and, if necessary, from the corpus of the trust for services performed and for reimbursement for expenses incurred; and (iv) that no payment to the depositor or principal underwriter shall be allowed the custodian bank as an expense, except a fee, not exceeding such reasonable amounts as the Commission may prescribe, as compensation for performing bookkeeping and other administrative expenses normally performed by the custodian. Although the assets of DCVA are held under custodian agreements with the Ohio National Bank of Columbus ("Bank"), a bank having the qualifications described in section 26(a) of the Act, the agreement does not create a trust with respect to the assets of DCVA because Nationwide Life, as a life insurance company, must retain ownership of and control of the disposition of its property under Ohio law. Accordingly, an exemption is requested to the extent necessary from the requirement that the assets be held in a trust.

In support of the requested exemption from the foregoing provisions of the Act, Applicants state that, under the custodian agreement, Nationwide Life will pay the expenses for the safekeeping of the DCVA assets. Applicants also state that the ownership of Funds shares by DCVA will be held in an open account so that the ownership of Funds shares by DCVA will be indicated only on the books of the Funds and DCVA, and that, under the agreement, the assets of each DCVA series will be kept physically segregated by the Bank and held separate from the assets of any other firm, person or corporation. The Bank will maintain a record of all purchases and redemptions of Funds shares in each applicable DCVA series and will assist in the preparation of reports to the Commission.

Applicants further state that Nationwide Life is subject to the extensive supervision and control by the Director of Insurance for the State of Ohio and the comparable official of each state in which it does business. Such supervision requires Nationwide Life to file complete and detailed periodic reports. Applicants also state that the activities of Nationwide Life are subject to review by the Ohio Insurance Department and its representatives at all times and are subject to comprehensive examinations periodically. Applicants allege that any substitution of an underlying Fund of DCVA can only take place by a majority vote of those having an interest in the Fund to be substituted and the prior approval of the Commission. Applicants finally state that Nationwide Life maintains with Fidelity and Deposit Company of Maryland a fidelity bond covering its employees in the amount of $2,000,000 in the event of wrong doing and $1,000,000 in the event of securities forgery.

Applicants contend that the foregoing laws, regulations and arrangements will provide substantial assurance that all obligations under the Contracts issued by DCVA will be performed.

Applicants have consented that the foregoing requested exemption may be made subject to the following conditions: (1) That the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe and the Commission may reserve jurisdiction for such purpose; and (2) that the payment of sums and charges out of the assets of DCVA shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that Applicants' consent to this condition shall not be determined to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets, other than the charges for administrative services, and Applicants reserve the right in any proceeding before the Commission, or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application will

be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commissions own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27676 Filed 11-26-74;8:45 am]

[Exception No. 37 to Rev. S.O. No. 1173]

INTERSTATE COMMERCE COMMISSION

BURLINGTON NORTHERN INC. ET AL.

Notice of Exceptions

NOVEMBER 8, 1974.

Pursuant to the authority vested in me by paragraph (4), section (a) of Revised Service Order No. 1173, the Green Bay and Western Railroad Company is hereby authorized to accept from shipper or shippers, located on their line, thirteen (13) mechanical refrigerator cars marked BNFE, for transport to destination via The Chesapeake and Ohio Railway Company, regardless of the provisions of Revised Service Order No. 1173.

Effective November 8, 1974.

Expires November 25, 1974.

Issued at Washington, D.C., November 8, 1974.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-27774 Filed 11-26-74;8:45 am]

[Exception No. 2 to Second Revised Service Order No. 1186]

UNIT-TRAIN SHIPMENTS OF COAL

Notice of Exception to all Railroads

NOVEMBER 18, 1974.

Pursuant to the authority vested in the Railroad Service Board by section (a)(2) of Second Revised Service Order No. 1186, "Unit-Train" shipments of coal as defined in section (c) of the aforementioned order which are consigned to The Dow Chemical Company, Midland, Mich., and which are loaded in hopper cars owned by The Dow Chemical Company and bearing identifying marks DOWX 84001-84220, inclusive, and which are tendered for shipment in the manner provided in Second Revised Service Order No. 1186 shall be deemed consigned to an industry designated as being "Vital to the Nation's Economy."

Effective November 18, 1974.

Issued at Washington, D.C., November 18, 1974.

By the Commission, Railroad Service Board.

[SEAL] R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-27775 Filed 11-26-74;8:45 am]

[Exception No. 1 to Second Revised Service Order No. 1186]

UNIT-TRAIN SHIPMENTS OF COAL

Notice of Exceptions to All Railroads

NOVEMBER 15, 1974.

Pursuant to the authority vested in the Railroad Service Board by section (a)(2) of Second Revised Service Order No. 1186, "Unit-Train" shipments of coal as defined in section (c) of the aforementioned order which are consigned to Allied Chemical Corporation, Syracuse, N.Y., and which are loaded in hopper cars owned by Allied Chemical Corporation and bearing identifying marks ACTX 927000-927219, inclusive, and which are tendered for shipment in the manner provided in Second Revised Service Order No. 1186 shall be deemed consigned to an industry designated as being "Vital to the Nation's Economy".

Effective November 18, 1974.

Issued at Washington, D.C., November 15, 1974.

By the Commission, Railroad Service Board.

R. D. PFAHLER,
Chairman,
Railroad Service Board.

[FR Doc.74-27778 Filed 11-26-74;8:45 am]

[Notice No. 94]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

NOVEMBER 22, 1974.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before January 27, 1975, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

No. MC 531 (Sub-No. 300), filed October 29, 1974. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Grimes, Calif., to points in Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Pennsylvania, Ohio, Tennessee, Texas, and Rhode Island.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex.

No. MC 6461 (Sub-No. 14), filed October 25, 1974. Applicant: B-LINE TRANSPORT CO., INC., East 7100 Broadway, Spokane, Wash. 99206. Applicant's rep-

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

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resentative: Max Gray (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating materials*, between the plantsite of United States Gypsum Company at or near Tacoma, Wash., and points in Oregon and Washington, and Beaverhead, Broadwater, Cascade, Chouteau, Deer Lodge, Flathead, Gallatin, Glacier, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, Madison, Meagher, Mineral, Missoula, Pondera, Powell, Ravalli, Sanders, Silver Bow, Teton and Toole Counties, Mont., and points in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon and Elmore Counties, Idaho, in non-radial movements.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 10345 (Sub-No. 95), filed October 25, 1974. Applicant: C & J COMMERCIAL DRIVEWAY, INC., 2400 West St. Joseph, Lansing, Mich. 48903. Applicant's representative: Robert E. Joyner, 2008 Clark Tower, 5100 Popular Avenue, Memphis, Tenn. 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles, trucks and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in secondary movements in truckaway service, from Wilmington, Del., to points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, North Carolina, South Carolina and the District of Columbia; and (2) *wrecked, disabled or rejected vehicles*, on return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 11220 (Sub-No. 141), filed October 29, 1974. Applicant: GORDONS TRANSPORT, INC., 185 West McLemore Avenue, Memphis, Tenn. 38101. Applicant's representative: James J. Emigh, P.O. Box 59, Memphis, Tenn. 38101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite and warehouse facilities of Tennant Company, at or near Maple Grove, Minn., as an off-route point in connection with carrier's regular route operations, from and to Minneapolis, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 14552 (Sub-No. 58), filed October 21, 1974. Applicant: J. V. McNICHOLAS TRANSFER COMPANY, a corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 8 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such business, between the plantsite and warehouses of Thorofare, Inc., located at or near Austintown Township (Mahoning County), Ohio, on the one hand, and, on the other, points in Pennsylvania on and west of U.S. Highway 219, and points in West Virginia on and north and west of U.S. Highway 219, and points in Boyd County, Ky., restricted to traffic originating at and/or destined to the above named origins and destinations.

NOTE.—Common control may be involved. Applicant holds contract carrier authority in MC 123991 and subs thereunder, therefore dual operations may be also involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 19227 (Sub-No. 205), filed November 1, 1974. Applicant: LEONARD BROS. TRUCKING CO., INC., 2515 NW. 20th Street, Miami, Fla. 33152. Applicant's representative: J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buses, self-propelled and non self-propelled*, weighing less than 15,000 pounds, from points in Los Angeles County, Calif., to points in Arizona, Arkansas, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 20722 (Sub-No. 26), filed October 25, 1974. Applicant: M & G CONVOY, INC., 590 Elk Street, Buffalo, N.Y. 14240. Applicant's representative: Eugene C. Ewald, 100 West Long Lake Road, Suite 102, Bloomfield Hills, Mich. 48013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor homes*, in secondary movements, in truckaway service, between points in Delaware, Maryland, New Jersey, Pennsylvania, New York, the District of Columbia, Connecticut, Massachusetts, Ohio, Illinois, Indiana, Michigan, Missouri, West Virginia, Arkansas, Oklahoma, points in Kentucky contiguous to Indiana and Illinois, and points in Iowa on and east of a line beginning at the Minnesota-Iowa State Boundary line and extending along U.S. Highway 52 to Dubuque, Iowa, thence along U.S. Highway 67 to Davenport, Iowa, and thence along U.S. Highway 61 to the Iowa-Missouri State Boundary line.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 22195 (Sub-No. 158), filed October 29, 1974. Applicant: DAN DUGAN TRANSPORT COMPANY, a corporation, 41st & Grange Avenue, Sioux Falls, S. Dak. 57105. Applicant's representative: Fred Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalts, and road oils*, in bulk, in tank vehicles, from Alton, Iowa, to points in Nebraska; and (2) *fly ash*, in bulk, in tank vehicles, from Big Stone City, S. Dak., to points in Minnesota, North Dakota, Iowa, Nebraska, and South Dakota.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak., or Minneapolis, Minn.

No. MC 22229 (Sub-No. 94), filed November 4, 1974. Applicant: TERMINAL TRANSPORT COMPANY, INC., 248 Chester Ave. SE., Atlanta, Ga. 30316. Applicant's representative: Harold H. Clokey, 1740 The Equitable Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, container ends, container accessories, and materials and supplies*, used in the manufacture and distribution of metal containers, container ends, and container accessories (except in bulk), from Bartow and Orlando, Fla., to points in Illinois, Indiana, Michigan, Missouri, Kentucky, Tennessee, Alabama, Mississippi, and Georgia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Atlanta, Ga.

No. MC 29120 (Sub-No. 186), filed October 17, 1974. Applicant: ALL-AMERICAN, INC., 900 West Delaware, P.O. Box 769, Sioux Falls, S. Dak. 57101. Applicant's representative: R. H. Jinks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and hides): (1) Between the junction of U.S. Highway 75 and Interstate Highway 29 at or near Council Bluffs, Iowa, and St. Louis, Mo.: From the junction of U.S. Highway 75 and Interstate Highway 29 over Interstate Highway 29 and designated highways connecting uncompleted segments, to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same route, serving no intermediate points, and serving the junction of U.S. Highway 75 and Interstate Highway 29 for joinder purposes only, restricted against service between Omaha, Nebr. and St. Louis, Mo. and their defined Commercial Zones; and (2) Between the junction of Interstate Highway 80 and Interstate Highway 235 and the junction

of U.S. Highway 65 and Interstate Highway 70: From the junction of Interstate Highway 80 and Interstate Highway 235 over Interstate Highway 235 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Interstate Highway 70, serving no intermediate points, and serving the junction of Interstate Highway 80 and Interstate Highway 235 for joinder purposes only, restricted against service between Des Moines, Iowa, and St. Louis, Mo., and their defined Commercial Zones.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Sioux Falls, S. Dak.; Des Moines, Iowa; or Omaha, Nebr.

No. MC 30605 (Sub-No. 157), filed October 15, 1974. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a corporation, 433 East Waterman Street, Wichita, Kans. 67202. Applicant's representative: J. M. Bourk (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Lamar, Colo., and Amarillo, Tex.: From Lamar, Colo., over U.S. Highway 287 to Amarillo, Tex., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Denver, Colo.

No. MC 31809 (Sub-No. 11) (Correction), filed September 20, 1974, and published in the FEDERAL REGISTER issue of October 24, 1974, and republished as corrected this issue. Applicant: CLAY'S TRANSFER CO., INC., P.O. Box 1131, Rocky Mount, N.C. 27801. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: (1) *Landscape timbers and fencing*: (a) from Plymouth and Weyco, N.C., to Salisbury, Md. for stopping-in-transit for rot preventive treatment, thence to points in North Carolina, Virginia, Tennessee, Kentucky, Illinois, Indiana, Michigan, Ohio, West Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Maryland and the District of Columbia; and (b) from Plymouth and Weyco, N.C., to Pageland, S.C. for stopping-in-transit for rot preventive treatment, thence to points in the United States in and east of Michigan, Illinois, Kentucky, Tennessee, Mississippi and Louisiana; and (2) *wood chips, sawdust and wood shavings*, from New Bern, N.C., to Morehead City, N.C.

NOTE.—The purpose of this correction is to indicate the correct spelling of Weyco, N.C. If a hearing is deemed necessary, the applicant requests it be held at Raleigh, N.C. or Washington, D.C.

No. MC 43421 (Sub-No. 53), filed October 29, 1974. Applicant: DOHRN TRANSFER COMPANY, 4016 Ninth Street, Rock Island, Ill. 61201. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of the Tennant Company located at or near Maple Grove, Minn., as an off-route point in connection with carrier's regular-route operations to and from points in the Minneapolis-St. Paul, Minn. Commercial Zone.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 44639 (Sub-No. 84), filed October 31, 1974. Applicant: L. & M. EXPRESS, CO., INC., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, One Woodbridge Center, Woodbridge, N.J. 07095. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the manufacture of wearing apparel (except commodities in bulk), between Big Stone Gap, Ewing and Blackwater, Va., on the one hand, and, on the other, points in New Jersey, the New York, N.Y. Commercial Zone and Copiaque, L.I., N.Y.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 52110 (Sub-No. 143), filed November 1, 1974. Applicant: BRADY MORTORFRATE, INC., P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of the Tennant Company, located at or near Maple Grove, Minn., as an off-route point in connection with applicant's existing authority to serve Minneapolis, Minn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Minneapolis, Minn.

No. MC 61440 (Sub-No. 145), filed October 29, 1974. Applicant: LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, Oklahoma City, Okla. 73108. Applicant's representative: Richard H. Champlin, P.O. Box 82488, Oklahoma City, Okla. 73108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving the plantsite of The Firestone Tire & Rubber Company, at or near Nashville, Tenn., as an off-route point in connection with applicant's authorized regular route authority.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla., or Washington, D.C.

No. MC 64994 (Sub-No. 117), filed November 1, 1974. Applicant: HENNIS FREIGHT LINES, INC., P.O. Box 612, Winston-Salem, N.C. 27102. Applicant's representative: W. C. Thornton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Santa Claus, Ind. as an off-route point in connection with applicant's regular route authority between Louisville, Ky. and Evansville, Ind.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 67210 (Sub-No. 6), filed November 4, 1974. Applicant: GLENNON TRANSPORTS, INC., 1000 North Fourteenth Street, St. Louis, Mo. 63106. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): Serving Central Illinois Public Service Company Power Plant, located near Dieterich, Ill., as an off-route point in connection with carrier's regular-route operations to and from Flora, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 73165 (Sub-No. 357), filed November 4, 1974. Applicant: EAGLE MOTOR LINES, INC., P.O. Box 11086, 830 North 33d St., Birmingham, Ala. 35202. Applicant's representative: Carl U. Hurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, valves, hydrants, hydrant sections, and components, parts, attachments, and accessories for pipe, valves, hydrants, and hydrant sections*, from points in Hamilton County, Tenn., and Marshall County, Ala., to points in the United States (except Alaska and Hawaii).

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NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn.

No. MC 82492 (Sub-No. 115), filed October 24, 1974. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same as address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk), from Cincinnati and Norwood, Ohio, to points in Illinois, Kansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 85255 (Sub-No. 55), filed November 4, 1974. Applicant: PUGET SOUND TRUCK LINES, INC., P.O. Box 24526, 3720 Airport Way S., Seattle, Wash. 98124. Applicant's representative: Clyde H. MacIver, 1900 Peoples National Bank Bldg., 1415 Fifth Avenue, Seattle, Wash. 98171. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Metal cans and can parts*, from Hillsboro, Oreg., to Seattle, Wash.; and (2) *rejected shipments*, on return, from Seattle, Wash., to Hillsboro, Oreg.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 87103 (Sub-No. 14), filed November 4, 1974. Applicant: MILLER TRANSFER AND RIGGING CO., a Corporation, P.O. Box 6077, Akron, Ohio 44312. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Off-the-road equipment tires and earthmoving equipment tires* ranging in size from not less than 8' to 13½' high, which because of size and weight require special lowboy equipment, from the plantsites of The General Tire and Rubber Company located at Akron and Bryan, Ohio, to points in the United States, including Alaska but excluding Hawaii; (2) *used off-the-road equipment tires and used earthmoving equipment tires* ranging in size from not less than 8' to 13½' high which because of size and weight require special lowboy equipment, between points in the United States, including Alaska but excluding Hawaii; and (3) *refused and rejected off-the-road and earthmoving equipment tires and such tires* being returned for repair or recapping which because of size and weight require special lowboy equipment, from points in the United States, including Alaska but excluding Hawaii, to points in Akron and Bryan, Ohio.

NOTE.—Applicant holds contract authority in MC 119302 and subs thereto, therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 96881 (Sub-No. 16), filed October 29, 1974. Applicant: ORVILLE M. FINE, doing business as FINE TRUCK LINE, 801 Dodson Avenue, Fort Smith, Ark. 72901. Applicant's representative: Don A. Smith, P.O. Box 43, Kelley Building, Fort Smith, Ark. 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (1) Between Bella Vista, Ark., and Fort Smith, Ark.: From Bella Vista, Ark., over U.S. Highway 71 to Fort Smith, Ark., and return over the same route, serving all intermediate points; and (2) Between Sulphur Springs, Ark., and the junction of Arkansas Highway 68 and U.S. Highway 71: From Sulphur Springs, Ark., over Arkansas Highway 59 to the junction of Arkansas Highway 68, thence over Arkansas Highway 68 to the junction of U.S. Highway 71 and return over the same route, serving all intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Fayetteville or Fort Smith, Ark., for one week and Dallas, Tex., for one week.

No. MC 99780 (Sub-No. 44) (Amendment), filed July 8, 1974, published in the FEDERAL REGISTER issue of August 22, 1974, and November 7, 1974, and republished as amended this issue. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 NE. Bond Street, Peoria, Ill. 61603. Applicant's representative: John R. Zang, P.O. Box 1345, Peoria, Ill. 61601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk), (1) from (a) the storage facilities of the Dry Storage Corporation, (b) the plantsites and storage facilities of M. & M Mars, and (c) the plantsites and storage facilities of the A. E. Staley Manufacturing Co., located in that portion of the Chicago, Ill., Commercial Zone in Illinois, to Milwaukee, Wis., and points in the Milwaukee, Wis., Commercial Zone, St. Louis, Mo., and points in the St. Louis, Mo. Commercial Zone, Detroit, Mich., and points in the Detroit, Mich., Commercial Zone, and points in Iowa east of U.S. Highway 169; and (2) *Foodstuffs*, from (a) the storage facilities of the Dry Storage Corporation, and (b) the plant sites and storage facilities of Standard Brands, Inc., located in that portion of the Chicago, Ill., Commercial Zone in Illinois, to points in that portion of Iowa east of U.S. Highway 169; restricted in (1) and (2) above to traffic originating at the above specified origins and destined to the above specified destinations.

NOTE.—The purpose of this republication is to amend the requests for authority in (1) and (2) above, to indicate applicant seeks points in Iowa east of U.S. Highway 169. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 100449 (Sub-No. 55), filed October 29, 1974. Applicant: MALLINGER TRUCK LINE, INC., R.F.D. 4, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined by Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities of Wilson & Co., Inc., at Albert Lea, Minn., to points in Oklahoma and Texas, restricted to the transportation of traffic originating at the above-named origins and destined to the named destinations.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 102616 (Sub-No. 906), filed October 31, 1974. Applicant: COASTAL TANK LINES, INC., 215 East Waterloo Road, Akron, Ohio 44319. Applicant's representative: Fred H. Daly (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends containing corn products*, in bulk, from Indianapolis, Ind., to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 106398 (Sub-No. 721), filed October 29, 1974. Applicant: NATIONAL TRAILER CONVOY, INC., 525 South Main, Tulsa, Okla. 74103. Applicant's representative: Irvin Tull (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings and related parts and equipment and materials, supplies, and equipment* used in the manufacture of metal building on return, from Portland, Tenn., and Houston, Tex., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex.

No. MC 106644 (Sub-No. 197), filed November 1, 1974. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, industrial and construction machinery and equipment, tree spades, stump cutter, irrigation equipment, drainage systems, log splitters, log chipper;* and (2) *attachments, parts, and supplies* used in operation of commodities in (1) above, from Pella, Iowa, and its Commercial Zone, to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, Texas, Oklahoma, Arkansas, Missouri, Nebraska, Illinois, Indiana, Ohio, and Kentucky.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Des Moines, Iowa, or Washington, D.C.

No. MC 107012 (Sub-No. 211), filed November 4, 1974. Applicant: NORTH AMERICAN VAN LINES, INC., P.O. Box 988, Lincoln Highway & Meyer Road, Fort Wayne, Ind. 46801. Applicant's representative: Michael L. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpet padding*, from Dyersburg, Tenn., to points in Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Utah, Arizona, Colorado, New Mexico, Texas, Oklahoma, Kansas, Arkansas, Louisiana, Mississippi, Alabama, Kentucky, Georgia, Virginia, North Carolina, South Carolina, and Florida.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Cincinnati, Ohio.

No. MC 107605 (Sub-No. 19), filed October 25, 1974. Applicant: ADVANCE-UNITED EXPRESSWAYS, INC., 2601 Broadway Road, Minneapolis, Minn. 55413. Applicant's representative: James L. Nelson, 325 Cedar Street, St. Paul, Minn. 55101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Tennant Company in Maple Grove, Minn., as an off-route point in connection with its regular route operations to and from Minneapolis-St. Paul, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis or St. Paul, Minn.

No. MC 108676 (Sub-No. 72), filed October 25, 1974. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: William T. McManus (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, *and related machinery, tools, parts, and supplies*, moving in connection therewith, from Shady Grove, Pa., and points in Horry County, S.C., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 109397 (Sub-No. 306), filed October 21, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., a Corporation, P.O. Box 113 (Business I–44), Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials and non-radioactive waste materials* requiring special disposition for ecological purposes *and containers and equipment* used in the transportation or disposition of such commodities, between the facilities of Nuclear Engineering Company, Inc., located at or near Maxey Flats (Fleming County), Ky., Sheffield, Ill., Richland, Wash., Beatty, Nev., and San Ramon, Calif.; and the facilities of Texas Ecologists Company, Inc., located at or near Robstown, Tex., on the one hand, and, on the other, points in the United States (except Hawaii and Alaska), restricted to the handling of traffic originating at or destined to such points.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Louisville, Ky., or St. Louis, Mo.

No. MC 109533 (Sub-No. 67), filed October 21, 1974. Applicant: OVERNITE TRANSPORTATION COMPANY, a Corporation 1100 Commerce Road, Richmond, Va. 23224. Applicant's representative: E. T. Lilpfert, Suite 1100, 1660 L Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); (1) between Jacksonville, Fla., and Houston, Tex., serving all intermediate points and the off-route points of Gonzales, Fla., Port Arthur and Port Neches, Tex., Lemoyne, Ala., Calvert, Ala., and the plant site of Dow Badische Company at or near Calvert, Ala.: From Jacksonville over Interstate Highway 10 (Interstate Highway 90) to New Orleans, La., thence over U.S. Highway 61 to Baton Rouge, La., thence over U.S. Highway 190 to Opelousas, La., thence over U.S. Highway 167 to Lafayette, La., thence over Interstate Highway 10 (Interstate Highway 90) to Houston, and return over the same route; (2) Between junction Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., and junction Interstate Highway 12 and Interstate Highway 10 at or near Baton Rouge, La., serving all intermediate points: From junction Interstate Highway 12 and Interstate Highway 10 at or near Pearl River, La., over Interstate Highway 12 to junction Interstate Highway 10 at or near Baton Rouge, La., and return over the same route;

(3) Between junction U.S. Highway 190 and U.S. Highway 90 near Slidell, La. and Baton Rouge, La., serving all intermediate points: From junction U.S. Highway 190 and U.S. Highway 90 near Slidell, La. over U.S. Highway 190 to Baton Rouge, La. and return over the same route; (4) between New Orleans, La. and Baton Rouge, La., serving all intermediate points: From New Orleans, La. over Interstate Highway 10 to Lafayette, La., and return over the same route; (5) Between LaGrange, Ga. and Mobile, Ala., serving no intermediate points, but serving Pensacola and Gonzales, Fla. as off-route points: From LaGrange over Georgia Highway 219 to junction Interstate Highway 85, thence over Interstate Highway 85 to junction Interstate Highway 65, thence over Interstate Highway 65 to junction Alabama Highway 59, thence over Alabama Highway 59 to junction U.S. Highway 31, thence over U.S. Highway 31 to Mobile, Ala., and return over the same route; and (6) Between Macon, Ga. and Tallahassee, Fla., serving no intermediate points: From Macon over Interstate Highway 75 to junction U.S. Highway 319 at or near Tifton, Ga., thence over U.S. Highway 319 to Tallahassee, and return over the same route.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Atlanta, Ga. or New Orleans, La.

No. MC 110683 (Sub-No. 102), filed October 22, 1974. Applicant: SMITH'S TRANSFER CORPORATION, P.O. Box 1000, Staunton, Va. 24401. Applicant's representative: Harry J. Jordan, 1000 Sixteenth St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Firestone Tire and Rubber Company at or near Nashville, Tenn. (Rutherford County, Tenn.), in connection with applicant's authorized regular route operations serving Nashville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn. or Washington, D.C.

No. MC 110841 (Sub-No. 18), filed October 30, 1974. Applicant: PORT NORRIS EXPRESS CO., INC., 28 High Street, Port Norris, N.J. 08349. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, from points in Cumberland, Salem, Gloucester, Atlantic, Camden, Burlington, and Cape May Counties, N.J., to points in California, Oregon, Washington, Nevada, Idaho, Montana, New Hampshire, Wyoming, Utah, Arizona, Colorado, New Mexico, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Minnesota, Iowa, Missouri, Arkansas, Louisiana, Michigan, Wisconsin, Illinois,

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Indiana, Kentucky, Tennessee, Mississippi, Alabama, Georgia, South Carolina, and Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Trenton, N.J.

No. MC 110988 (Sub-No. 318), filed November 8, 1974. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: Neil A. DuJardin, P.O. Box 2298, Green Bay, Wis. 54306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry detergents*, in bulk, from the plantsite of Economics Laboratory, Inc., at or near Channahon, Ill., to points in Texas and New Jersey.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 111045 (Sub-No. 121), filed November 4, 1974. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. 33601. Applicant's representative: J.V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate, phosphate products, phosphate by-products, fertilizer and fertilizer materials*, from the plantsite and storage facilities of International Minerals and Chemicals Corporation, located in Polk County, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 111302 (Sub-No. 81), filed October 25, 1974. Applicant: HIGHWAY TRANSPORT, INC., 1500 Amherst Road, P.O. Box 10470, Knoxville, Tenn. 37919. Applicant's representative: Jerome F. Marks, 1940 Monroe Drive, P.O. Box 1636, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime products*, in bulk, in tank vehicles, from points in Knox County, Tenn., to points in Louisiana, Mississippi, Arkansas, Indiana, and those points in Ohio on and north of U.S. Highway 40.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 111397 (Sub-No. 110), filed October 29, 1974. Applicant: DAVIS TRANSPORT, INC., 1345 South Fourth Street, Paducah, Ky. 42001. Applicant's representative: H. S. Melton, Jr., P.O. Box 1407, Avondale Station, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ground, and pulverized coal*, in bulk, from the plantsite of Ashland Chemical Company, at or near Hansford, W. Va., to Indianapolis, Ind.; Tiffin, Ohio; and Detroit, Mich.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Columbus, Ohio, or Indianapolis, Ind.

No. MC 111729 (Sub-No. 474), filed October 24, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: Russell S. Bernhard, 1625 K Street NW., Washington, D.C. 20007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, audit and accounting media* of all kinds: (a) between Newport News, Va., on the one hand, and, on the other, Durham, Kinston, Raleigh, Wilson, and Winston-Salem, N.C., and Columbia and Florence, S.C.; and (b) between Richmond, Va., on the one hand, and, on the other, Conway, Dillon, and Mullins, S.C.; and points in North Carolina; (2) *video tapes:* (a) from Atlanta, Ga. and Washington, D.C., to Petersburg, Va.; and (b) between Richmond, Va., on the one hand, and, on the other, Conway, Dillon, and Mullins, S.C.; and points in North Carolina; (3) *critical plumbing, heating, industrial, electrical, refrigeration, air conditioning and mechanical tooling replacement parts*, between Newport News, Va., on the one hand, and, on the other, Durham, Kinston, Raleigh, Wilson, and Winston-Salem, N.C.; and Columbia and Florence, S.C.; and (4) *office supplies:* (a) between Newport News, Va., on the one hand, and, on the other, Durham, Kinston, Raleigh, Wilson, and Winston-Salem, N.C., and Columbia and Florence, S.C.; and (b) between Richmond, Va., on the one hand, and, on the other, Conway, Dillon, and Mullins, S.C.; and points in North Carolina, restricted in (2), (3), and (4) above against the transportation of packages or articles weighing in the aggregate more than 50 pounds from one consignor to one consignee on any one day.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 112304 (Sub-No. 86), filed November 4, 1974. Applicant: ACE DORAN HAULING & RIGGING CO., a Corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: John D. Herbert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refrigeration and air conditioning systems and machinery, heating and cooling systems, components, and parts and accessories*, from Beardstown and Danville, Ill., to points in the United States (except Alaska and Hawaii); and (2) *return shipments* of the commodities in (1) above, from points in the United States (except Alaska and Hawaii), to Beardstown, and Danville, Ill.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or St. Louis, Mo.

No. MC 113119 (Sub-No. 11), filed October 24, 1974. Applicant: C.S.I., INC., doing business as CONTRACT SERVICE, INC., P.O. Box 281, Trewigtown Rd., Colmar, Pa. 18915. Applicant's representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K Street NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Conduit pipe and materials and supplies* used in the manufacture thereof, between the facilities of Certain-Teed Products Corporation at Ambler, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, New Jersey, New York, Maine, Maryland, Massachusetts, Pennsylvania, Rhode Island, New Hampshire, Vermont, Virginia, West Virginia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 113459 (Sub-No. 94), filed November 4, 1974. Applicant: H. J. JEFFRIES TRUCK LINE, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings, complete, knocked down, and in sections;* (2) *building sections and building panels;* (3) *parts and accessories*, used in the installation and completion of commodities in (1) and (2) above; and (4) *metal prefabricated structural components and panels and accessories*, used in the installation and completion thereof, from the plantsite and storage facilities of Armco Steel Corporation, in Fayette County, Ohio, to points in Arizona, Arkansas, Colorado, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Cincinnati, Ohio, or Washington, D.C.

No. MC 114045 (Sub-No. 407), filed November 4, 1974. Applicant: TRANSCOLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Citric acid*, in bags, drums and containers, from the plant site of Pfizer, Inc., at or near Southport, N.C., to points in Arkansas, Colorado, Louisiana, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Washington, D.C. or New York, N.Y.

No. MC 114290 (Sub-No. 74), filed November 4, 1974. Applicant: EXLEY EXPRESS, INC., 2610 S.E. 8th Avenue, Portland, Oreg. 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, mayonnaise, salad and cooking oils, and salad dressings*, from points in Alameda, San Francisco, Santa Clara, and San Mateo Counties, Calif., to points in Oregon, and Washington.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at San Francisco, Calif.

No. MC 114301 (Sub-No. 85), filed November 4, 1974. Applicant: DELAWARE EXPRESS CO., a Corporation, P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K St. NW., Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, in tank vehicles, from Baltimore, Md., to points in Pennsylvania, New Jersey, Delaware, Maryland, and Virginia.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 211), filed October 25, 1974. Applicant: DART TRANSIT COMPANY, a Corporation, 780 N. Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic shower stalls and tubs and accessories*, from Monroe, Ohio, to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either St. Paul, Minn. or Cincinnati, Ohio.

No. MC 115092 (Sub-No. 35), filed November 4, 1974. Applicant: TOMAHAWK TRUCKING, INC., P.O. Box O, Vernal, Utah 84078. Applicant's representative: Thomas M. Zarr, 1515 Walker Bank Bldg., P.O. Box 2465, Salt Lake City, Utah 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and lumber mill products*, (1) from points in Archuleta, La Plata, Rio Grande, Montezuma, and Eagle Counties, Colo., to points in Wyoming, Missouri, Illinois, Kansas, Nebraska, Iowa, Michigan, Indiana, Wisconsin, and Ohio; (2) from points in San Juan County, Utah, to points in Kansas, Nebraska, Iowa, Wyoming, Missouri, Illinois, Arkansas, Indiana, Texas, Colorado, Ohio, Oklahoma, Michigan, and Wisconsin; and (3) from points in Uintah County, Utah, to points in Wyoming and Kansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Albuquerque, N. Mex.

No. MC 115331 (Sub-No. 380), filed November 1, 1974. Applicant: TRUCK TRANSPORT, INCORPORATED, 29 Clayton Hills, Lane, St. Louis, Mo. 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, Ill. 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages;* (2) *empty malt beverage containers;* and (3) *pulversized limestone*, in bulk, in tank vehicles, (1) from Milwaukee, Wis., to points in Missouri located on and south of Interstate 70 and on and east of U.S. Highway 65; and (2) from points in Missouri on and south of Interstate 70 and on and east of U.S. Highway 65 to Milwaukee, Wis. and from Valmeyer, Ill. to Mt. Vernon, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo.

No. MC 115841 (Sub-No. 483), filed October 29, 1974. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 105 Vulcan Road, Suite 200, Homewood, Ala. 35209. Applicant's representative: Roger M. Shaner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, skins, and commodities in bulk), from Roswell, N. Mexico, to points in Alabama, Arkansas, Connnecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Missouri, Minnesota, New Jersey, New York, North Carolina, New Hampshire, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia, Wisconsin, and the District of Columbia, Arizona, California, Colorado, Oklahoma, and Texas.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Dallas, Tex.

No. MC 116763 (Sub-No. 297), filed October 29, 1974. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, foodstuffs, and food curing, and preserving and seasonings compounds*, from San Jose, Calif., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 116938 (Sub-No. 9), filed November 4, 1974. Applicant: FRANK BEATY, Route 2, Manchester, Tenn. 37355. Applicant's representative: R. Cameron Rollins, 321 E. Center Street, Kingsport, Tenn. 37660. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) (a) *Brick, cinder block, concrete block, and tile, and* (b) *materials and supplies*, used in the manufacture of brick, block and tile (except cement, in bags, and commodities in bulk), between Huntsville, Ala., on the one hand, and, on the other, points in Tennessee, Mississippi, Georgia, and North Carolina; and (2) *materials and supplies*, used in the manufacture of brick, block and tile (except cement in bags, and commodities in bulk), between Huntsville, Ala., on the one hand, and, on the other, points in Kentucky, under contract with General Shale Products Corporation, at Johnson City, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 117557 (Sub-No. 19), filed October 31, 1974. Applicant: MATSON INC., P.O. Box 43, Cedar Rapids, Iowa 52507. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and equipment, industrial and contractors machinery and equipment truck bodies, truck beds, and conveyor bodies* mounted on vehicle or wheel assemblies, from the plantsite and facilities of Henderson Manufacturing Company located at Manchester, Iowa, to points in the United States (except Alaska and Hawaii); and (2) *materials, equipment, and supplies* used in the manufacture of (1) above, from points in the United States to the plantsite and facilities of Henderson Manufacturing Company located at or near Manchester, Iowa.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or Kansas City, Mo.

No. MC 117589 (Sub-No. 25), filed October 30, 1974. Applicant: PROVISIONERS FROZEN EXPRESS, INC., 3801 Seventh Avenue South, Seattle, Wash. 98108. Applicant's representative: James T. Johnson, 1610 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen human blood plasma*, from Spokane, Wash., to Los Angeles, Calif.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Seattle, Wash., or Portland, Oreg.

No. MC 117940 (Sub-No. 154), filed October 25, 1974. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from Winchester, Va., to Niles, Ill., and Detroit, Mich.

NOTE.—Applicant holds contract carrier authority in MC 114789 Sub 1, and other subs thereunder, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Minneapolis, Minn.

No. MC 119641 (Sub-No. 126), filed October 25, 1974. Applicant: RINGLE EXPRESS, INC., 450 East Ninth Street, Fowler, Ind. 47944. Applicant's representative: Robert C. Smith, P.O. Box 2278—Colee Station, Ft. Lauderdale, Fla. 33303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the Report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209, from

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Shelby, Ohio, to points in Iowa and Missouri; Moline, Rock Island and Quincy, Ill.; and points in Minnesota on and south of a line beginning at the Minnesota-South Dakota State Boundary line and extending along Minnesota Highway 28 to junction Interstate Highway 94, thence east along Interstate Highway 94 to junction Minnesota Highway 23, thence northeast along Minnesota Highway 23 to junction Interstate 35, thence north to Duluth, Minn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Columbus, Ohio or Washington, D.C.

No. MC 120910 (Sub-No. 9), filed October 30, 1974. Applicant: SERVICE EXPRESS, INC., P.O. Box 1009, Tuscaloosa, Ala. 35401. Applicant's representative: William P. Jackson, Jr., 919 Eighteenth St. NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic resins*, and *compounds* and *products* thereof (except in bulk) in vehicles equipped with mechanical refrigeration, from the facilities utilized by Reichhold Chemicals, Inc. at or near Tuscaloosa, Ala. and its Commercial Zone, to points in Texas, Oklahoma, Kansas, Missouri, Arkansas, Louisiana, Mississippi, Tennessee, Georgia, Florida, North Carolina, South Carolina and Mobile, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tuscaloosa, Ala. or Washington, D.C.

No. MC 123407 (Sub-No. 210), filed October 29, 1974. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Loser, Chamber of Commerce Bldg., 320 North Meridian Street, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, between points in Harris County, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Houston, Tex., or Washington, D.C.

No. MC 123956 (Sub-No. 7), filed November 1, 1974. Applicant: T. T. BROOKS TRUCKING COMPANY, INCORPORATED, 970 Washington Street, Akron, Ohio 44311. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials* used in the manufacture of rubber products; and (2) *returned and rejected shipments* of such commodities as are manufactured, processed, or dealt in by rubber or rubber products manufacturers, *including supplies* incidental to the conduct of such business, from the plantsite and manufacturing facilities of Firestone Tire & Rubber Co., located in Davidson and Rutherford Counties, Tenn., to points in Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 124078 (Sub-No. 620), filed November 1, 1974. Applicant: SCHWERMAN TRUCKING CO., a Corporation, 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Arkansas, Mississippi, Missouri, and Tennessee.

NOTE.—Applicant holds contract carrier authority in No. MC 113832 (Sub-No. 68), therefore dual operations may be involved. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., or Chicago, Ill.

No. MC 124154 (Sub-No. 67), filed October 30, 1974. Applicant: WINGATE TRUCKING COMPANY, INC., P.O. Box 645, Albany, Ga. 31702. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Baler presses and shears*, from Taylors, S.C., to points in the United States (except Alaska and Hawaii); and (2) *components parts and materials*, used in the manufacture of baler presses and shears, from points in the United States (except Alaska and Hawaii), to Taylors, S.C.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Atlanta, Ga.

No. MC 124170 (Sub-No. 47), filed October 29, 1974. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 29 South LaSalle St., Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food products*, from points in Michigan on and south of Michigan State Highway 46, to points in Texas, Louisiana, Oklahoma, Kansas, Missouri, and Arkansas.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Detroit, Mich., or Washington, D.C.

No. MC 124170 (Sub-No. 48), filed October 30, 1974. Applicant: FROSTWAYS, INC., 3900 Orleans, Detroit, Mich. 48207. Applicant's representative: William J. Boyd, 29 South La Salle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foods, foodstuffs, and food products*, from points in Michigan on and south of Michigan Highway 46, to points in Iowa, Nebraska, North Dakota, South Dakota, Colorado, Minnesota, Illinois, and Wisconsin.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Detroit, Mich., or Washington, D.C.

No. MC 125433 (Sub-No. 53), filed October 29, 1974. Applicant: F–B TRUCK LINE COMPANY, a Corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles and aluminum products*, including but not limited to, tubing and couplers, from points in Twin Falls County, Idaho, to points in Washington, Oregon, Colorado, Nebraska, Utah, Nevada, Montana, Wyoming, California, Arizona, and New Mexico.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Salt Lake City, Utah, or Portland, Oreg.

No. MC 126276 (Sub-No. 106), filed October 16, 1974. Applicant: FAST MOTOR SERVICE, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container ends, and equipment, materials, accessories*, and *supplies* used in the manufacture and distribution of containers and container ends, when moving with containers and container ends, from the plantsite of National Can Company at Piscataway, N.J., to points in the United States (except Alaska, Hawaii, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Pennsylvania, Vermont, and West Virginia), under a continuing contract or contracts with National Can Company.

NOTE.—Applicant holds motor common carrier authority in MC 134612, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126276 (Sub-No. 110), filed October 29, 1974. Applicant: FAST MOTOR SERVICES, INC., 9100 Plainfield Road, Brookfield, Ill. 60513. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Containers, container closures, container components, materials, and supplies* used in the sale, manufacture, or distribution of containers, from the plant site of American Can Company at Chicago, Ill., to points in Delaware, Rhode Island, and Virginia, under a continuing contract or contracts with American Can Company.

NOTE.—Applicant holds common carrier authority in MC 134612 Sub-No. 2, therefore, dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 126503 (Sub-No. 7), filed November 4, 1974. Applicant: COMMAND DELIVERIES, INC., 5215 Hesperus Drive, Columbia, Md. 21044. Applicant's representative: Steven L. Weiman, 303 N. Frederick Ave., Gaithersburg, Md. 20760. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting:

(1) *Processed and unprocessed photographic film, photographic equipment, materials, and supplies, and related advertising materials and displays*, from Alexandria, Va., to points in Delaware, Maryland, Martinsburg, W. Va., those in New Jersey south of New Jersey Highway 38, and those in Franklin, Fulton, Adams, Bedford, Lancaster, Cumberland, York, Dolphin, Chester, Montgomery, Delaware, Lebanon, and Burks Counties, Pa.; and (2) *return shipments of such commodities* referred to in (1) above, from the destination described in (1) above to Alexandria, Va., restricted in (1) and (2) above to same day, round trip service performed in the transportation of shipments originating at or destined to the facilities of Cullen Photo Service, Inc., at Alexandria, Va., and further restricted to service performed under a continuing contract or contracts with Cullen Photo Service, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 126899 (Sub-No. 80), filed October 21, 1974. Applicant: USHER TRANSPORT, INC., 3925 Old Benton Road, P.O. Box 3051, Paducah, Ky. 42001. Applicant's representative: George M. Catlett, Suite 703–706, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials and non-radioactive waste materials* requiring special disposition for ecological purposes, *and containers and equipment* used in the transportation or disposition of such commodities, between the facilities of Nuclear Engineering Company, Inc., located at or near Maxey Flats (Fleming County), Ky., Sheffield, Ill., Richland, Wash., Beatty, Nev., and San Ramon, Calif., and the facilities of Texas Ecologists Company, Inc., located at or near Robstown, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), restricted to the handling of traffic originating at or destined to such points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 127274 (Sub-No. 45), filed October 21, 1974. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, Ind. 47302. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closure therefore, glassware, and fibreboard boxes*, from the plantsite and storage facilities of Kerr Glass Manufacturing Corp., located at Sand Springs, Okla., to points in Mississippi and Louisiana and the plantsites and warehouse facilities of Kerr Glass Manufacturing Corp. located at Dunkirk, Ind., to points in Tennessee west of U.S. Highway 127 including Chattanooga, Tenn.; and (2) *returned shipments of glass containers and glassware and pallets*, from points in Louisiana and Mississippi, to points in Sand Springs, Okla. and from points in Tennessee west of U.S. Highway 127 to Dunkirk, Ind.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 127616 (Sub-No. 20), filed November 8, 1974. Applicant: SAVAGE TRUCKING COMPANY, INC., P.O. Box 27, Chester Depot, Vt. 05144. Applicant's representative: Francis J. Ortman, 1100 17th St. NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, between points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, West Virginia, Ohio, Virginia, Kentucky, North Carolina, South Carolina, Tennessee, Georgia, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 128086 (Sub-No. 3), filed October 29, 1974. Applicant: A & M HAULING, INC., 2024 Trade Street, Billings, Mont. 59801. Applicant's representative: Joe Gerbase, 100 Transwestern Bldg., 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Humboldt, Del Norte, Mendocino, Siskiyou, Trinity, Tehama, and Shasta Counties, Calif., to points in Wyoming, North Dakota, and South Dakota.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at either Missoula or Billings, Mont.

No. MC 128279 (Sub-No. 26) filed October 9, 1974. Applicant: ARROW FREIGHTWAYS, INC., 150 Woodward Rd., SE., P.O. Box 25125, Albuquerque, N. Mex. 87125. Applicant's representative: Olif Q. Boyd (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete roof tile*, from the plantsite of Century Roof Tile, Inc., located at or near Albuquerque, N. Mex., to points in Arizona, Colorado, Nevada, Oklahoma, Texas, Utah, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 128521 (Sub-No. 6), filed November 4, 1974. Applicant: BIRMINGHAM-NASHVILLE EXPRESS, INC., P.O. Box 7429, Nashville, Tenn. 37210. Applicants representative: Walter Harwood, P.O. Box 15214, Nashville, Tenn. 37215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods, Classes A and B explosives, commodities in bulk, and articles requiring special equipment), serving the plantsite of the Firestone Tire & Rubber Company, at or near Nashville, Tenn., as an off-route point in conjunction with applicant's existing authority to serve Nashville, Tenn.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 128981 (Sub-No. 8) (Amendment, filed February 21, 1974, and published in the FEDERAL REGISTER issue of May 16, 1974, and republished, this issue. Applicant: LAND-AIR DELIVERY, INC., 1736 North 79th Street, Kansas City, Kans. 66112. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities which require special equipment, and automobiles, trucks, and buses as defined by the Commission in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209), between Kansas City International Airport, Kansas City Municipal Airport, and Fairfax Airport, all located in the Kansas City, Mo.-Kans., Commercial Zone, and points in the United States on and east of the Western State Boundary lines of Arkansas, Iowa, Louisiana, Minnesota and Missouri, restricted to traffic moving from, to, or between Air Lines and Air Freight Forwarders.

NOTE.—The purpose of this republication is to add the service restriction stated above. The above proceeding is assigned for hearing on January 27, 1975, at 9:30 a.m., Local Time, at the Offices of the Interstate Commerce Commission, Washington, D.C.

No. MC 128981 (Sub-No. 9) (Amendment), filed April 30, 1974, and published in the FEDERAL REGISTER issue of June 6, 1974, and republished as amended this issue. Applicant: LAND–AIR DELIVERY, INC., 1736 North 79th Street, Kansas City, Kans. 66112. Applicant's representative: Louis J. Amato, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, commodities which require special equipment, and automobiles, trucks and buses as defined by the Commission in Descriptions in Motor Carriers Certificates, 61 M.C.C. 209), between Kansas City International Airport, Kansas City Municipal Airport, located at Kansas City, Mo., and Fairfax Airport, located at Kansas City, Kans., points in Arkansas, Iowa, Illinois, Indiana, Kansas, Louisiana, Michigan, Missouri, Minnesota, Nebraska, New Mexico on and east of Interstate Highway 25 and Interstate Highway 10, Oklahoma, Texas, and Wisconsin, in non-radial movements, restricted to traffic moving from, to, or between Air Lines and Air Freight Forwarders.

NOTE.—The purpose of this amended republication is to indicate the restriction imposed on the above service. Hearing is to be set at a later time and place.

No. MC 129326 (Sub-No. 16), filed November 4, 1974. Applicant: CHEMICAL TANK LINES, INC., P.O. Drawer 437, Mulberry, Fla. 33860. Applicant's repre-

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sentative: Karel Konicek (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate, phosphate products, phosphate by-products, and fertilizer and fertilizer materials*, from the plantsite and storage facilities of International Minerals and Chemicals Corp., located in Polk County, Fla., to points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Chicago, Ill.

No. MC 129645 (Sub-No. 54), filed October 31, 1974. Applicant: BASIL J. SMEESTER AND JOSEPH G. SMEESTER, a partnership, doing business as SMEESTER BROTHERS TRUCKING, 1330 South Jackson Street, Iron Mountain, Mich. 49801. Applicant's representative: John M. Nader, P.O. Box E., Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood panels, furniture stock panels, and accessories used in the installation thereof* (except lumber, rough or dressed), from the plant and warehouse facilities of The Iron Wood Products Corporation at Bessemer, Mich., to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 133936 (Sub-No. 3), filed November 4, 1974. Applicant: SECO TRUCKING, INC., 61 W. Calhoun, P.O. Box 437, Memphis, Tenn. 38102. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture, and parts and items*, used and dealt in by wholesale and retail furniture merchandisers and suppliers; (2) *premiums, prizes, displays, and advertising materials*, used, distributed or dealt in by wholesale and retail furniture merchandisers and suppliers; and (3) *agricultural commodities*, otherwise exempt under section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with commodities set forth in (1) and (2) above, from points in Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, to Memphis, Tenn.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Memphis, Tenn.

No. MC 134323 (Sub-No. 66), filed November 11, 1974. Applicant: JAY LINES, INC., 720 North Grand, P.O. Box 4146, Amarillo, Tex. 79105. Applicant's representative: Gailyn Larsen, 521 14th Street, P.O. Box 80806, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dated, printed publications*, from the warehouse and storage facilities of Magazine Shippers Association, Inc., at or near Bridgeport, Conn., to points in Indiana, Kentucky, and Tennessee, under contract with Magazine Shippers Association.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Bridgeport, Conn., or Lincoln, Nebr.

No. MC 134477 (Sub-No. 84), filed October 30, 1974. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 44118. Applicant's representative: Thomas D. Sischbach (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Green Bay, Wis., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the plantsite and storage facilities of Green Bay Dressed Beef Company, at Green Bay, Wis., and destined to points in the above-named states.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Madison, Wis.

No. MC 134551 (Sub-No. 5), filed October 29, 1974. Applicant: LANTER REFRIGERATED DISTRIBUTING CO., a corporation, No. 3 Caine Drive, Madison, Ill. 62020. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Bldg., St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in Appendix I to report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 276, from Kansas City, Kans., to Fulton and Mexico, Mo., and those points in Missouri located on and west of U.S. Highway 63; and Hutchinson, Kans., and those points in Kansas on and east of U.S. Highway 81.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo., or Kansas City, Kans.

No. MC 134574 (Sub-No. 18), filed October 21, 1974. Applicant: FIGOL DISTRIBUTORS LIMITED, 11041—105th Avenue, Edmonton, Alberta, Canada. Applicant's representative: Eldon M. Johnson, 650 California Street, Suite 2808, San Francisco, Calif. 94108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Manufactured fertilizer* in packages, from ports of entry on the International Boundary Line between the United States and Canada in Washington, Idaho, and Montana, to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, restricted to shipments originating at points in the Provinces of Alberta and Saskatchewan, Canada.

NOTE.—Applicant holds contract carrier authority in MC 124972 Sub-No. 2, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at either Edmonton, Alberta, Canada or Billings, Mont,

No. MC 134915 (Sub-No. 6), filed October 25, 1974. Applicant: SOUTHWEST REFRIGERATED DISTRIBUTING, INC., doing business as REFRIGERATED DISTRIBUTING, P.O. Box 747 Central Station, St. Louis, Mo. 63188. Applicant's representative: Eugene W. Ferguson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except abrasives, detergents, soap, soap stock and soap products), between points in the East St. Louis Commercial Zone, as defined by the Commission. Note: Applicant states that it intends to tack the requested authority with the authority held in MC–134915 (Sub-No. 2) in order to provide a through service from points in the East St. Louis Commercial Zone as defined by the Commission, to points in Alexander, Franklin, Schuyler, Adams, Brown, Cass, Morgan, Pike, Scott, Sangamon, Calhoun, Greene, Macoupin, Christian, Moultrie, Shelby, Montgomery, Jersey, Fayette, Effingham, Bond, Madison, Clinton, Marion, St. Clair, Washington, Jefferson, Monroe, Perry, Randolph, Hamilton, Jackson, Williamson, Saline, Union, and Johnson Counties, Ill., and Rails, Pike, Monroe, Boone, Audrain, Lincoln, Montgomery, Warren, Callaway, Cole, St. Charles, St. Louis, Gasconade, Osage, Franklin, Jefferson, Crawford, Maries, Washington, Dent, Ste. Genevieve, Reynolds, Iron, Madison, Bollinger, Marion, Phelps, Perry, Cape Girardeau, and St. Francois Counties, Mo., and the City of St. Louis, Mo.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at St. Louis, Mo. or Springfield, Ill.

No. MC 134974 (Sub-No. 3), filed October 7, 1974. Applicant: BE-WELL FARMS, INC., Two Franklin Street, Medway, Mass. 02053. Applicant's representative: Frederick T. O'Sullivan, Box 2184, 622 Lowell Street, Peabody, Mass. 01960. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by manufacturers of plastic products* and *supplies, materials, and equipment* used in connection therewith (except in bulk, in tank vehicles, and those which because

of size or weight require the use of special equipment), between Lynn, Mass., on the one hand, and, on the other, points in the United States in and east of Minnesota, Iowa, Missouri, Arkansas and Texas, under a continuing contract or contracts with U.S. Plastics Corporation.

NOTE.—Applicant holds motor common carrier authority in MC 87528, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 135032 (Sub-No. 11), filed November 5, 1974. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 West Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confections and items used in the sale and distribution of candy and confections*, from Humboldt Industrial Park at or near Hazleton, Pa., to points in Illinois, Indiana, Iowa, Michigan, Mimesota, Missouri, Ohio, North Dakota, South Dakota, Kansas, and Wisconsin.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 135032 (Sub-No. 12), filed November 5, 1974. Applicant: HIAWATHA PRODUCE COMPANY, a corporation, 4195 West Fourth St., Winona, Minn. 55987. Applicant's representative: Allan B. Torhorst, 217 E. Jefferson St., Burlington, Wis. 53105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs*, from Rockland, Maine, to points in Arkansas, Tennessee, Wisconsin, Minnesota, Mississippi, South Carolina, Florida, Texas, North Carolina, Oklahoma, Colorado, Louisiana, Alabama, Georgia, and Kansas.

NOTE.—Applicant holds contract carrier authority in MC 133709 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Minneapolis, Minn.

No. MC 135117 (Sub-No. 7), filed November 4, 1974. Applicant: SPECIALIZED HAULING, INC., 1500 Omaha Street, Sioux City, Iowa 51104. Applicant's representative: S. A. Huff, 314 Security Bank Bldg., Sioux City, Iowa 51101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Offal and bone*, from points in Nebraska and South Dakota, and that part of Minnesota on and south of U.S. Highway 14, to the Commercial Zone of Sioux City, Iowa, under contract with Flavorland Industries, Inc., and Great Plains Processing.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Sioux City, Iowa, Omaha, Nebr., or Kansas City, Mo.

No. MC 135726 (Sub-No. 3), filed October 10, 1974. Applicant: GUST HRONIS, doing business as LANGE TRUCKING SERVICE, Route One, Box 176, West Bend, Wis. 53095. Applicant's representative: William L. Slover, 1224 Seventeenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buffing or polishing compounds*, NOI, including boat, floor, furniture or vehicle polish or wax; (2) *cleaning, scouring or washing* compounds, NOI, liquid or other than liquid; (3) *chemicals*, NOI; (4) *coatings*, wax, fruit or vegetable; (5) *compounds*, increasing, reducing, removing or thinning, paint, lacquer or varnish; (6) *deodorants and disinfectants*, NOI (except toilet preparations); (7) *dressing or blacking*, shoe, including shoe whitener and shoe cleaner; (8) *electric floor polishers or scrubbers;* (9) *insecticides or insect repellents* (except agricultural, NOI, or animal repellents); (10) *metal cutting, drawing or drilling lubricants or compounds*, liquid or paste (except petroleum) NOI; (11) *mops and mop parts*, NOI; (12) *varnishes*, NOI; (13) *plastics*, NOI, liquid and other than liquid; (14) *printed matter*, paper or paperboard, NOI; (15) *shaving cream;* (16) *sizing*, NOI; (17) *Textile softeners;* (18) *liquid starch;* (19) *store display stands or racks;* and (20) *such other commodities* as are sold, dealt in, or manufactured by manufacturers of the above described commodities, from the plantsite and storage facilities utilized by S. C. Johnson & Son, Inc. at Waxdale, Wis., to points in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington, under a continuing contract or contracts with S. C. Johnson and Son, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C. or Milwaukee, Wis.

No. MC 135884 (Sub-No. 5), filed October 24, 1974. Applicant: STEVE CALDWELL, Route 1, Box 36, Adams, Oreg. 97810. Applicant's representative: Lawrence V. Smart, Jr., 419 NW., 23rd Avenue, Portland, Oreg. 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Milk replacer whey and whey-fat mixes* (except in vehicles equipped with mechanical refrigeration), from Dundee and Pittsfield, Ill., and Boscobel, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Oregon, Utah and Washington, under contract with Milk Specialties, a Division of Cudahy Company.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136008 (Sub-No. 44), filed October 4, 1974. Applicant: JOE BROWN COMPANY, INC., 20 Third Street, NE., P.O. Box 1669, Ardmore, Okla. 73401. Applicant's representative: Rufus H. Lawson, 106, Bixler Building, 2400 Northwest 23d Street, Oklahoma City, Okla. 73107. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic scoria*, from the plantsite of Twin Mountain Rock Company located 8 miles north of Des Moines, N. Mex., to points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin and Wyoming.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Oklahoma City, Okla.

No. MC 136208 (Sub-No. 3), filed October 25, 1974. Applicant: CREAGER TRUCKING CO., INC., 5625 Utah Avenue South, Seattle, Wash. 98134. Applicant's representative: George R. LaBissoniere, P.O. Box 88968, Tukwila Branch, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paint, paint products, iron, steel and aluminum*, in bars, sheets, plates and tubing, between Berkeley, Calif.; points in Los Angeles County, Calif.; Portland, Oreg.; and points in Washington; and (2) *steel fence posts*, from Los Angeles, Calif., to points in Oregon and Washington, restricted in (1) above against traffic moving between points in Washington.

NOTE.—Applicant holds motor contract carrier authority in MC 129352 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 138043 (Sub-No. 3), filed November 4, 1974. Applicant: F. W. CASPERSEN, Rural route 3, Box 340, 121 Lake Street, Antioch, Ill. 60002. Applicant's representative: Donald S. Mullins, 4704 W. Irving Park Road, Chicago, Ill. 60641. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Radio pharmaceuticals, radioactive drugs, medical isotopes, and medical test kits*, between St. Louis, Mo., and Chicago, Ill., on the one hand, and, on the other, points in Michigan, Ohio, and Pennsylvania, under a continuing contract or contracts with Mallinckrodt/Nuclear.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Chicago, Ill., or St. Louis, Mo.

No. MC 138115 (Sub-No. 4), filed October 31, 1974. Applicant: FRANK D. CORBIN, 1308 Ambrose Drive, Winchester, Va. 22601. Applicant's representative: Charles E. Creager, 1329 Pennsylvania Avenue, P.O. Box 1417, Hagerstown, Md. 21470. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap paper*, for recycling, from Hagerstown, Md. to points in Pennsylvania, Virginia, and West Virginia; (2) *printed matter*, from Hagerstown, Md., to points in Virginia, the District of Columbia, West Virginia, Pennsylvania, Delaware, and New Jersey; and (3) *paper*, from points in Virginia, Pennsylvania, and the District of Columbia to Hagerstown, Md., under a continuing contract with Hagerstown Bookbinding and Printing Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

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No. MC 138663 (Sub-No. 2), filed October 21, 1974. Applicant: THE TERMINAL SERVICE CO., a corporation, 600 Provident Bank Bldg., Cincinnati, Ohio 45202. Applicant's representative: Norbert B. Flick, Executive Bldg., Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Employees of the Penn Central Transportation Co.*, for the account of Penn Central Transportation Co., between the facilities of Penn Central Transportation Co., at points in Indiana, Ohio and Illinois, restricted against a transportation service of passengers whose entire ride is between any of the following points: Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Lima, Mansfield, Toledo and Youngstown, Ohio; Elkhart, Evansville, Fort Wayne, Gary-Hammond, Indianapolis, Richmond and Terre Haute, Ind; Champaign, Chicago, Danville, Effingham, East St. Louis, Marion, Mt. Vernon, Paris, and Springfield, Ill.; under a continuing contract or contracts with Penn Central Transportation Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Cincinnati or Columbus, Ohio.

No. MC 138719 (Sub-No. 4), filed November 4, 1974. Applicant: PATTEN TRUCKING COMPANY, INC., c/o Mr. Thomas L. Delgan, Jr., Frankford Supply Company, Bristol, Pa. 19007. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Ave. NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, and wooden fencing*, from points in Vermont and New Hampshire, to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia, under a continuing contract with Northern Mill and Lumber Co., Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Philadelphia, Pa.

No. MC 139193 (Sub-No. 22), filed October 21, 1974. Applicant: ROBERTS & OAKE, INC., 208 South La Salle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126–16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packing houses*, as defined by the Commission in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the plantsite and storage facilities of John Morrell & Co., at Sioux Falls, S. Dak., to points in Oklahoma and Texas; and (2) *such commodities as are used by meat packing houses in conduct of their business*, from points in Oklahoma and Texas, to the plantsite and storage facilities of John Morrell & Co., at Sioux Falls, S. Dak., restricted to a transportation service to be performed under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill.

No. MC 139193 (Sub-No. 23), filed October 30, 1974. Applicant: ROBERTS & OAKE, INC., 208 South LaSalle Street, Chicago, Ill. 60604. Applicant's representative: Jacob P. Billig, 1126 16th Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as defined by the Commission in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., at El Paso, Tex., to points in the United States (except Alaska and Hawaii); and (2) *such commodities as are used by meat packinghouses in the conduct of their business*, from points in the United States (except Alaska and Hawaii), to El Paso, Tex., restricted to a transportation service to be performed under a continuing contract or contracts with John Morrell & Co.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 139495 (Sub-No. 14), filed October 30, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and compounds, derivatives and products thereof*, in containers, from the facilities of P.V.O. International, Inc., at or near Boonton, N.J., to Winchester, Va., Pittsburgh, Pa., and points in Indiana, Illinois, Missouri, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139495 (Sub-No. 15), filed October 30, 1974. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, Kans. 67901. Applicant's representative: Herbert Alan Dubin, 1819 H Street, NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from the facilities of the Cities Service Oil Company at or near Cicero, Ill., and the facilities of the Southern Petroleum Industry at or near West Memphis, Ark., to points in Kansas, those in Oklahoma on and north of U.S. Highway 40, points in Texas on and north of Interstate Highway 40, and Kimball, Nebr.

NOTE.—Applicant holds contract carrier authority in MC 133106 and Subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 139782 (Sub-No. 1), filed October 29, 1974. Applicant: REYNOLDS DISTRIBUTING CO., INC., 845 S. Montana Street, Butte, Mont. 59701. Applicant's representative: Ray J. Reynolds (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Los Angeles and San Francisco, Calif., Portland, Oreg., and Minneapolis-St. Paul, Minn., to Bozeman, Dillon, Helena, Great Falls, Missoula, and Kalispell, Mont.; (2) *fruit juices and vegetable juices*, from Minneapolis, Minn., to Dillon, Helena, Great Falls, Bozeman, Missoula, and Kalispell, Mont.; and (3) *beverage mixes*, from Los Angeles, Calif., and Minneapolis, Minn., to Butte, Mont.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Butte, Helena, or Billings, Mont.

No. MC 139892 (Sub-No. 1) (Correction), filed September 16, 1974, and published in the FEDERAL REGISTER issue of October 17, 1974, and republished as corrected this issue. Applicant: M. E. TRANSFER & STORAGE, INC., 200 West Broadway, P.O. Box 1095, Moses Lake, Wash. 98837. Applicant's representative: Jack R. Davis, 1100 IBM Bldg., Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, restricted to the transportation of shipments having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with the packing, crating, and containerization or unpacking, uncrating, and decontainerization of such shipments, between points in Grant, Adams, and Lincoln Counties, Wash., and the Othello Air Force Station in Franklin County, Wash.

NOTE.—The purpose of this correction is to add the Othello Air Force Station in Franklin County, Wash., as a service point. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 140022 (Sub-No. 2), filed October 29, 1974. Applicant: DONOVAN P. RODRIGUEZ, doing business as MICHIGAN TRUCKING SERVICE, 4630 Benzie Hwy., Benzonia, Mich. 49616. Applicant's representative: James R. Davis, 1018 Michigan National Tower, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pallets and pallet stock* in mixed shipments with pallets on flat bed equipment, (1) between points in Michigan and points in Indiana on and north of Interstate Highway 70; and (2) between points in Michigan (except those points located east of U.S. Highway 127 and south of Michigan Highway M–21) and points in Ohio on and north of Interstate Highway 70.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Lansing or Detroit, Mich.

No. MC 140043 (Sub-No. 2), filed October 29, 1974. Applicant: ANTHONY REPACI & SONS, INC., 835 Route 1, Iselin, N.J. 08830. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cashew nut shell liquid*, in bulk, in tank vehicles, (1) from piers at Brooklyn, N.Y., to Newark and Cedar Knolls, N.J., and Stratford, Conn.; and (2) from Cedar Knolls, N.J., to Green Island, North Tonawanda, and Schenectady, N.Y., and Stratford, Conn., under contract with Colloid Chemical Laboratories, Inc., at Cedar Knolls, N.J.; Raybestos Manhattan, at Stratford, Conn., and Minnesota Mining & Manufacturing Corp., at Newark, N.J.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 140060 (Sub-No. 2), filed October 21, 1974. Applicant: JOE REI, doing business as JOE REI TRUCKING COMPANY, a Proprietorship, Box 57, Blue Mound, Kans. 66010. Applicant's representative: Robert B. Sullivan, 1100 Commerce Bank Building, Kansas City, Mo. 64106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Unassembled steel grain bins, related component parts, and related agriculture equipment*, from the facilities of Circle Steel Corporation at or near Taylorville, Ill., and Falls City, Nebr., to the facilities of Jet-Flow Manufacturing, Inc., at or near LaCygne, Kans., under a continuing contract or contracts with Jet-Flow Manufacturing, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Topeka, Kans., or Kansas City, Mo.

No. MC 140092 (Sub-No. 1), filed November 4, 1974. Applicant: KEYSTONE TRUCKING CORP., Suite 1803, 744 Broad Street, Newark, N.J. 07102. Applicant's representative: A. David Millner, Suite 2005, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail chain grocery and food business houses*, and, in connection therewith, *equipment, material, and supplies*, used in the conduct of such business, between points in New Jersey; New York, N.Y., and points in Broome, Chemung, Delaware, Nassau, Orange, Rockland, Steuben, Suffolk, Sullivan, Tioga, Tompkins, Ulster, and Westchester, Counties, N.Y.; and those points in Berks, Bradford, Bucks, Carbon, Chester, Columbia, Dauphin, Delaware, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Wayne, Wyoming, Tioga, and Union Counties, Pa., under contract with The Great Atlantic & Pacific Tea Co., Inc.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 140177 (Sub-No. 2), filed November 1, 1974. Applicant: BLACK DIAMOND TRANSPORT, INC., P.O. Box 291, Emporium, Pa. 15834. Applicant's representative: John E. Rydesky, National Bank Bldg., Emporium, Pa. 15834. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal and clay*, from points in Clinton, Cameron, and Tioga Counties, Pa., to points in Maryland, New Jersey, New York, and Ohio.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C., or either Erie or Pittsburgh, Pa.

No. MC 140240 (Sub-No. 2), filed October 31, 1974. Applicant: TIPPECANOE WAREHOUSING, INC., 192 Farabee Drive, Lafayette, Ind. 47905. Applicant's representative: Francis W. McInerny, 1000 Sixteenth Street NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Hospital and medical supplies, and articles dealt in by drug stores*, from Monticello and Lafayette, Ind., to Chicago, Ill., under a continuing contract or contracts with Chesebrough-Pond's Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140325 (Sub-No. 1), filed November 4, 1974. Applicant: T. J. LEASING, INC., 34162 E. Cloverdale, Creswell, Oreg. 97426. Applicant's representative: Jerry R. Woods, 620 Blue Cross Bldg., 100 S.W. Market St., Portland, Oreg. 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Irrigation systems, parts and attachments thereof, aluminum auto wheels, aluminum automobile engine valve covers, aluminum computing machine parts, and cast aluminum aircraft components*, from the plantsite of Ireco Industries, Inc., at Eugene, Oreg., to points in the United States (except Alaska and Hawaii); and (2) *Iron and steel articles, aluminum tubing, plastic tubing, steel tubing, aluminum ingot, grease in packages, lubricating and hydraulic oils in packages, galvanized steel spokes, orbit motors, and steel chain*, from points in the United States (except Alaska and Hawaii), to the plantsite of Ireco Industries, at Eugene, Oreg., under contract with Ireco Industries, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Portland or Eugene, Oreg.

No. MC 140347, filed October 23, 1974. Applicant: KANGAROO CAR CARRIERS, INC., 14 Carolyn Place, Armonk, N.Y. 10504. Applicant's representative: Morris Honig, 150 Broadway, New York, N.Y. 10038. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Privately owned, in use passenger vehicles*, between New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Orange, and Rockland Counties, N.Y., Fairfield County, Conn., and Bergen, Essex, Hudson, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Florida.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 140351, filed October 23, 1974. Applicant: ARTHUR S. MALANSON, Box 94, Lancaster, N. Hamp. 03584. Applicant's representative: Grenville Clark III, 40 Stark Street, Manchester, N. Hamp. 03101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Truck parts and truck cabs*, between Hagerstown, Md.; Allentown and Philadelphia, Pa., and Somerville, N.J., on the one hand, and, on the other, Manchester and Lancaster, N.H., and Bangor, Portland, Waterville, and Dickey, Maine, under contract with White Mt. Mack, Inc., and Maine Mack, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Manchester or Concord, N.H.

No. MC 140359, filed October 24, 1974. Applicant: BUFTON ASSOCIATES LIMITED, Line 1 and Creek Road, Virgil, Ontario, Canada. Applicant's representative: David A. Sutherlund, 2001 Massachusetts Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel products, and materials and supplies*, used in the manufacture of iron and steel products, between Tonawanda, N.Y., and Warrenton, Va., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia, under continuing contracts with New York Wire Mills Corp. and Virginia Wire and Fabric Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Washington, D.C.

No. MC 140362, filed October 24, 1974. Applicant: CASS COUNTY ELEVATOR, INC., Atlantic, Iowa 50022. Applicant's representative: Einar Viren, 904 City National Bank Bldg., Omaha, Nebr. 68102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients, including alfalfa meal and bean meal*, in bulk and in bags, from points in Cass County, Iowa, to points in Buchanan County, Mo., Doniphan County, Kans., and Platte and Lancaster County, Nebr.; and (2) from points in Nebraska, to points in Cass County, Iowa, under contract with Allied Mills, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Omaha, Nebr.

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No. MC 140364, filed October 23, 1974. Applicant: ATL, INC., 222 S. 72nd St., Omaha, Nebr. 68114. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, Va. 22314. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat byproducts*, and *articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Armour Food Company at Hereford, Tex., and the public warehouse and storage facilities used by Armour Food Company's plant at Hereford, Tex., located within 100 miles of Hereford, to points in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, under a continuing contract or contracts with Armour Food Company (a division of Armour and Company); and (2) *parts, equipment, and materials* used in the manufacture and assembly of automotive buses, from points in Illinois, Indiana, Michigan, New York, Ohio, Pennsylvania, and Wisconsin, to the plantsite of Transportation Manufacturing Corporation at Roswell, N. Mex., under a continuing contract or contracts with Transportation Manufacturing Corporation.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 140366, filed October 30, 1974. Applicant: CREASY TRUCKING, INC., P.O. Box 447, Highway 231 and 31-E, Westmoreland, Tenn. 37186. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials, supplies, and equipment* used in the maintenance and operation of printing plants (except commodities in bulk, in tank vehicles), between the plantsite of R. R. Donnelley & Sons Company located at or near Gallatin, Tenn., to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin, under a continuing contract or contracts with R. R. Donnelly & Sons Company.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 140367, filed October 29, 1974. Applicant: AIR FREIGHT FORWARDERS, INC., 601 Memory Avenue, Green Bay, Wis. 54301. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Brown, Oconto, Shawano, Langlade, Menominee, Marinette, Florence, Forest, Lincoln, Oneida, Vilas, Iron, Ashland, and Prince Counties, Wis., and Menominee County, Mich., restricted to the transportation of traffic having a prior or subsequent movement by air or moving in substituted motor-for-air service.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Green Bay, Wis., Marinette, Wis., or Menominee, Mich.

No. MC 140370, filed October 29, 1974. Applicant: V. G. H. TRUCKING, INC., Highway 2 East, East Grand Forks, Minn. 56721. Applicant's representative: William J. Boyd, 29 South LaSalle Street, Suite 330, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs*, from Crookston, Fosston, and the Minneapolis-St. Paul Commercial Zone, Minn., to points in Mississippi, Alabama, Louisiana, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, and Florida, restricted to the transportation of traffic under a continuing contract or contracts with J. R. Simplot Company; and (2) *Foodstuffs*, from Grand Forks, N. Dak., to points in Mississippi, Alabama, Louisiana, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Kentucky, Tennessee, and Florida, restricted to the transportation of traffic under a continuing contract or contracts with Western Potato Service, Inc., a division of American Kitchen Foods, Inc.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Minneapolis, Minn., or Denver, Colo.

No. MC 140376, filed November 4, 1974. Applicant: J. T. ARNETT-GRAIN CO., INC., 600 East 10th Avenue, P.O. Box 25, Corsicana, Tex. 75110. Applicant's representative: Jack H. Blanshan, 29 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities*, exempt from economic regulation under Section 203(b)(6) of the Act, when transported in mixed loads with bananas, from Mobile, Ala., to points in Illinois, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to the transportation of traffic having an immediate prior movement by water.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Miami, Fla., or Washington, D.C.

MOTOR CARRIERS OF PASSENGERS

No. MC 15364 (Sub-No. 17), filed October 23, 1974. Applicant: WISCONSIN-MICHIGAN COACHES, INC., 725 Smith Street, Green Bay, Wis. 54302. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at all authorized service points on applicant's presently authorized regular routes located in Wisconsin and Michigan, and extending to points in the United States including Alaska but excluding Hawaii.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Green Bay or Milwaukee, Wis., or Chicago, Ill.

No. MC 54534 (Sub-No. 7), filed October 25, 1974. Applicant: GRAND ISLAND TRANSIT CORPORATION, 5355 Junction Road, Lockport, N.Y. 14094. Applicant's representative: James E. Wilson, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St. N.W., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from points in Niagara and Orleans Counties, N.Y., and Buffalo, Tonawanda, Amherst, Cheektowaga, West Seneca, Lackawanna, Kenmore, Sloan, Williamsville, Depew, Lancaster, and Grand Island, N.Y., to points in the United States, including Alaska but excluding Hawaii, and return.

NOTE.—Common control may be involved. If a hearing is deemed necessary, the applicant requests it be held at Buffalo, N.Y.

No. MC 135288 (Sub-No. 3), filed October 24, 1974. Applicant: MCGILL'S TAXI AND BUS LINES, INC., doing business as ASHEBORO COACH CO., 151 Sunset Avenue, P.O. Box 626, Asheboro, N.C. 27203. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at High Point, N.C., and points in its Commercial Zone, and those in Alamance, Anson, Chatham, Davidson, Guilford, Hoke, Lee, Montgomery, Moore, Orange, Randolph, Richmond, Robeson, Scotland, Stanly, and Union Counties, N.C., and extending to points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at either Asheboro or Greensboro, N.C.

No. MC 139707 (Sub-No. 3), filed October 31, 1974. Applicant: RESORT BUS LINES, INC., 41 Railroad Avenue, Yonkers, N.Y. Applicant's representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, N.Y. 11021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, from points in New York City, Nassau, Suffolk, and Westchester Counties, N.Y., to Montvale and Paterson, N.J., *and return*, under a continuing contract or contracts with Great Atlantic & Pacific Tea Company.

NOTE.—Common control may be involved. Applicant holds common carrier authority in MC 67340 Subs 4 and 9, therefore dual operations may also be involved. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

BROKERAGE APPLICATIONS

No. MC 12797 (Sub-No. 5), filed October 11, 1974. Applicant: PRESLEY TOURS, INC., Makanda, Ill. 62958. Applicant's representative: S. Harrison Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker*, at Makanda and Elmhurst, Ill., to sell or offer to sell transportation by motor, rail, water, and air carriers, in an intermodal method and independently by any component of the transportation industry, in the transportation of *passengers and their baggage*, in charter and special operations in round-trip, all expense tours, beginning and ending at points in Missouri, Indiana, Ohio, and Illinois (except Chicago), and extending to points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either St. Louis, Mo., or Chicago, Ill.

No. MC 130272, filed October 21, 1974. Applicant: ANNAMARIE SPADUZZI AND RALPH SPADUZZI, a Partnership, 123 Huntington Avenue, New Haven, Conn. 06512. Applicant's representative: Annamarie Spaduzzi and Ralph Spaduzzi (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker*, at East Haven, Conn., to sell or offer to sell the transportation of *Groups of passengers and their baggage*, by motor carrier vehicles, from East Haven, Conn., to points in New York, New Jersey, Vermont, Pennsylvania, the District of Columbia, Massachusetts, Florida, and the ports of entry on the International Boundary line between the United States and Canada.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at East Haven, Conn., New Haven, Conn., or Hartford, Conn.

No. MC 130274, filed October 25, 1974. Applicant: WILLIAM S. PEPPER and ANN C. PEPPER, doing business as MOUNT DESERT TRAVEL, Box 407, Main Street, Northeast Harbor, Maine 04662. Applicant's representative: William S. Pepper (same address as applicant). Authority sought to engage in operation, in interstate or foreign commerce, as a *broker*, at Northeast Harbor, Maine, transporting: *Passengers and their baggage*, in charter operations, in round trip tours, beginning and ending at points in the United States.

NOTE.—If a hearing is deemed necessary, the applicant requests it be held at Ellsworth, Bangor, or Portland, Maine.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27763 Filed 11-26-74;8:45 am]

[Notice No. 641]

ASSIGNMENT OF HEARINGS

NOVEMBER 22, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after November 27, 1974.

MC-F-12199, General Highway Express, Inc.—Purchase—Roethlisberger Transfer Co.; F.D. 27692, General Highway Express, Inc., Securities, and MC 97841 Sub 20, General Highway Express, Inc., now being assigned January 20, 1975 (1 week) at Columbus, Ohio.

MC-C-8417, Rockland Coaches, Inc.—Investigation and Revocation of Certificates—now assigned December 3, 1974, at New York, New York, will be held at the U.S. Customs Court, 1 Federal Plaza.

MC 139614, Erin Tours, Inc., now assigned December 9, 1974, at Brooklyn, N.Y., will be held in Hearing Room No. 2, 24th Floor, New York State Public Service Commission, 2 World Trade Center.

MC 130228, Moreno Tours, Inc., now assigned December 5, 1974, at New York, New York, will be held in Hearing Room No. 2, 24th Floor, New York State Public Service Commission, 2 World Trade Center.

MC 126266 (Sub-No. 8), Dudley Boat & Trailer Transportation Inc., Extension—Oregon and Washington, now assigned December 12, 1974, at Olympia, Washington, will be held in Room 3F21, Highway Administration Building, 14th & Jefferson Streets.

MC 126276 Sub 96, Fast Motor Service, Inc., now being assigned hearing January 14, 1975 (1 day), at Columbus, Ohio, in a hearing room to be later designated.

No. 36061, Increased Fares, Transport of New Jersey, now assigned December 9, 1974, and MC 30844 Sub 505, Kroblin Refrigerated Xpress, Inc., now assigned December 12, 1974, at New York, N.Y., will be held in U.S. Customs Court, 1 Federal Plaza, instead of Room A-238, Court of Claims, 26 Federal Plaza.

I & S No. 8986, Quarterly Settlements of Training Accounts—WTL, SWL Territories, now being assigned January 15, 1975 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

MC 71459 Sub 42, O.N.C. Freight Systems, now assigned January 14, 1975, at Salt Lake City, Utah, is cancelled and the application is dismissed.

MC 77972 Sub 19, Merchants Truck Line, Inc., the application is dismissed.

No. 36051, Lake Superior & Ishpeming Railroad Company v. Chicago and North Western Transportation Company, now being assigned January 14, 1975 (2 days), at Chicago, Ill., in a hearing room to be designated later.

I & S No. M 28100, Increased Fares, North Boulevard Transportation Co., now being assigned January 23, 1975 (2 days), at New York, N.Y., in a hearing room to be designated later.

MC 119493 Sub 110, Monkem Co., Inc., now being assigned January 16, 1975 (2 days), at Chicago, Illinois, in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27777 Filed 11-26-74;8:45 am]

[Notice No. 38]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 22, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before December 27, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 2202 (Deviation No. 132), ROADWAY EXPRESS, INC., P.O. Box 471, 1077 Gorge Blvd., Akron, Ohio 44309, filed November 18, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Strafford, Mo., over Missouri Highway 125 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 32, thence over Missouri Highway 32 to junction Missouri Highway 73, thence over Missouri Highway 73 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Missouri Highway 19, thence over Missouri Highway 19 to junction

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U.S. Highway 61, thence over U.S. Highway 61 to Davenport, Iowa, and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Strafford, Mo., over U.S. Highway 66 to Springfield, Ill., thence over Illinois Highway 29 to LaSalle, Ill., thence over U.S. Highway 51 to Mendota, Ill., thence over Illinois Highway 92 to Moline, Ill., thence over U.S. Highway 6 to Davenport, Iowa, and return over the same route.

No. MC 59856 (Deviation No. 4), SALT CREEK FREIGHTWAYS, 6540 North Washington Street, Denver, Colo. 80229, filed November 5, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Billings, Mont., over Montana Highway 3 to junction U.S. Highway 12 near Lavina, Mont., thence over U.S. Highway 12 to junction U.S. Highway 191 near Harlowton, Mont., thence over U.S. Highway 191 to junction U.S. Highway 87 near Moore, Mont., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Billings, Mont., over U.S. Highway 87 to junction U.S. Highway 191 near Moore, Mont., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27779 Filed 11-26-74;8:45 am]

[Notice No. 23]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 22, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before December 27, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 685) (Cancels Deviation No. 661), GREYHOUND LINES, INC. (Eastern Division), P.O. Box 6903, 1400 W. Third Street, Cleveland, Ohio 44101, filed November 14, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over deviation routes as follows: (A) From Jacksonville, Fla., over Interstate Highway 10 to junction U.S. Highway 90, near Tallahassee, Fla., with the following access routes: (1) From Lake City, Fla., over U.S. Highway 441 to junction Interstate Highway 10, (2) From Live Oak, Fla., over U.S. Highway 129 to junction Interstate Highway 10, (3) From Madison, Fla., over Florida Highway 53 to junction Interstate Highway 10, and (4) From Monticello, Fla., over U.S. Highway 19 to junction Interstate Highway 10, and (B) From junction U.S. Highway 31 and Interstate Highway 10 at Spanish Fort, Ala., over Interstate Highway 10 to junction Florida Highway 279, thence over Florida Highway 279 to junction U.S. Highway 90 at Caryville, Fla., with the following access routes: (1) From Pensacola, Fla., over U.S. Highway 29 to junction Interstate Highway 10, (2) From Milton, Fla., over Florida Highway 191 to junction Interstate Highway 10, (3) From Crestview, Fla., over Florida Highway 85 to junction Interstate Highway 10, and (4) From Defuniak Springs, Fla., over U.S. Highway 331 to junction Interstate Highway 10, and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Mobile, Ala., over U.S. Highway 31 to junction U.S. Highway 90, thence over U.S. Highway 90 via Pensacola, Fla., to Caryville, Fla., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27781 Filed 11-26-74;8:45 am]

[Notice No. 95]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 22, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

Special Notice: The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 20916 (Sub-No. 13) (Republication), filed April 12, 1974, and published in the FEDERAL REGISTER issue of May 31, 1974, and republished this issue. Applicant: JOHN T. SISK, Rt. 2, Box 182–B, Culpeper, Va. 22701. Applicant's representative: Frank B. Hand, Jr., P.O. Box 446, Winchester, Va. 22601. An Order of the Commission, Operating Rights Board, dated October 22, 1974, and served November 15, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *wire and wire rope*, between Culpeper, Va., and Baltimore, Md. (2) *precast concrete and precast concrete products* (a) from Midland, Va., to points in Delaware, Georgia, Florida, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, West Virginia, and the District of Columbia, and (b) from Gainsville, Ga., to points in Virginia, and (3) *crushed stone, stone dust, sand, and gravel*, from Culpeper and Fredericksburg, Va., to Washington, D.C., and points in Montgomery, Howard, Prince Georges, Ann Arundel, and Charles Counties, Md.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to indicate that the authority in (1) above has been changed from radial to non-radial, and to indicate that the territorial description in (2)(b) above has been changed. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-35072 (Notice of filing of petition to add additional county), filed October 29, 1974. Petitioner: EDWIN L. ELLOR & SON, INC., 29 Mountain Blvd., Warren, N.J. 07060. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner holds a motor *contract carrier* permit in No. MC 35072, issued February 9, 1942, authorizing transportation,

as pertinent, over irregular routes, of (1) *Machinery, hydrants, pipes, patterns, metal castings, valves, and contractors' supplies*, between points in Essex, Hudson, Bergen, Union and Passaic Counties, N.J., on the one hand, and, on the other, Baltimore, Md., and Philadelphia, Pa., and points within 20 miles of Baltimore and Philadelphia, New York, N.Y., and points in Westchester, Nassau, Orange, Rockland, Dutchess, and Suffolk Counties, N.Y., and Fairfield County, Conn., (2) *meters*, between East Orange, N.J., on the one hand, and, on the other, New York, N.Y., (3) *tapping, inserting, and cutting machines, and material and supplies*, used or useful in making repairs to waterlines, between East Orange, N.J., on the one hand, and, on the other, points in New York, Connecticut, Pennsylvania, and Maryland within 200 miles of East Orange, and (4) *electric motors*, from Bendix and Ampere, N.J., to New York, N.Y., with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to add an additional county to the authority described in (1) above. The authority in (1) above would read: "(1) *Machinery hydrants, pipes, patterns, metal castings, valves, and contractors' supplies*, between points in Essex, Hudson, Bergen, Union, Passaic and Morris Counties, N.J., on the one hand, and, on the other, Baltimore, Md., and Philadelphia, Pa., and points within 20 miles of Baltimore and Philadelphia, New York, N.Y., and points in Westchester, Nassau, Orange, Rockland, Dutchess, and Suffolk Counties, N.Y., and Fairfield County, Conn." Everything else will remain the same. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 66562 (Sub-Nos. 1412 and 1415) (Notice of filing of petition for extension of explosive authority), filed October 2, 1974. Petitioner: REA EXPRESS, INC., 219 East 42nd Street, New York, N.Y. 10017. Petitioner's representative: Michael J. Briody (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 66562 (Sub-Nos. 1412 and 1415) issued September 10, 1970, authorizing transportation, over regular routes, in Sub-No. 1412 of *General commodities*, moving in express service, Between Roanoke, Va., and Bristol, Va., serving the intermediate points of Salem, Elliston, Christiansburg, Radford, Dublin, Pulaski, Wytheville, Marion, Chilhowie, and Abingdon, Va., and the off-route points of Cambria, Max Meadows, Rural Retreat, Glade Spring, Emory, and Meadow View, Va.: From Roanoke over U.S. Highway 460 to junction Alternate U.S. Highway 460, thence over Alternate U.S. Highway 460 to Salem, Va., thence over U.S. Highway 11 to Bristol, and return over the same route. From Columbia, S.C., to Aiken, S.C., serving the intermediate points of Perry, Salley, and Springfield, S.C.: From Columbia over South Carolina Highway 215 to junction South Carolina State Road S–2–237, thence over South Carolina State Road S–2–237 to junction South Carolina Highway 39, thence over South Carolina Highway 39 to junction South Carolina Highway 4, thence over South Carolina Highway 4 to junction South Carolina Highway 215, thence over South Carolina Highway 215 to Aiken, and return over the same route with no transportation for compensation except as otherwise authorized.

Restriction: The service authorized herein is subject to the following conditions: The service to be performed by carrier shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, and immediately prior or an immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict carrier's operation to that which is auxiliary to, or supplemental of, air or railway express service. The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring September 30, 1973, and in Sub-No. 1415 of (1) *General commodities*, except classes A and B explosives, moving in express service, between Leechburg, Pa., and Schenley, Pa. (Kishiminetas Junction, Pa.), serving no intermediate points: From Leechburg over Pennsylvania Highway 66 to junction unnumbered highway known as Old Schenley Road, thence over unnumbered highway to Schenley, and return over the same route and (2) *general commodities*, moving in express service, between Asheville, N.C., and Spruce Pine, N.C., serving the intermediate point of Burnsville, N.C.; From Asheville over combined U.S. Highways 19–23 to junction U.S. Highways 19 and 19E to Spruce Pine, and return over the same route. Restriction: The authority granted herein is subject to the following conditions: The service to be performed by carrier shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition to a motor carrier movement by carrier, an immediately prior or an immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict carrier's operation to that which is auxiliary to, or supplemental of, air or railway express service. The authority granted herein, to the extent it authorizes the transportation of classes A and B explosives, shall be limited in point of time to a period expiring September 16, 1973. By the instant petition, petitioner seeks for an extension of its authority in its certificates to transport explosives. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115215 (Sub-No. 13) (Notice of filing of petition to reinstate certificate), filed October 30, 1974. Petitioner: NEW TRUCK LINES, INC., P.O. Box 639, Hwy. 27 South, Perry, Fla. 32347. Petitioner's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Petitioner holds a motor *common carrier* certificate in No. MC 115215 (Sub-No. 13) issued May 21, 1969, authorizing transportation, over irregular routes, of (1) *Explosives, explosive components, and explosive products*, except commodities in bulk and commodities because of their size or weight require the use of special equipment, from the plant site of Martin Electronics, Inc., at or near Perry, Fla., to points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, and Wisconsin and (2) *materials and supplies* used in the manufacture of the above-named commodities, except commodities in bulk and commodities because of their size or weight require the use of special equipment, from points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin, to the plantsite of Martin Electronics, Inc., at or near Perry, Fla. By the instant petition, petitioner seeks to reinstate its certificate which expired May 21, 1974. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 121060 (Sub-No. 19) (notice of filing of petition for modification of certificate), filed November 11, 1974. Petitioner: ARROW TRUCK LINES, INC., 1220 West 3rd St., P.O. Box 1416, Birmingham, Ala. 35207. Petitioner's representative: William P. Jackson, Jr., 919 Eighteenth Street NW., Washington, D.C. 20006. Petitioner holds a motor *common carrier* certificate in No. MC 121060 (Sub-No. 19) issued October 17, 1974, authorizing transportation, as pertinent, over irregular routes, of *Construction materials* (except commodities

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in bulk), from the facilities of the Celotex Corporation, at Charleston, Ill., to points in Delaware, Indiana, Iowa, Maryland, Michigan, Missouri, Ohio, Pennsylvania, Virginia, Wisconsin, and West Virginia, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of the Celotex Corporation at Charleston, Ill., and destined to points in the above-described destination area. By the instant petition, petitioner seeks to delete the restriction above which reads as follows: "Restriction: The operations authorized herein are restricted to the transportation of shipments originating at the facilities of the Celotex Corporation at Charleston, Ill., and destined to points in the above-described destination area". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 136100 (Sub-No. 1) (Notice of filing of petition for modification of permit), filed November 1, 1974. Petitioner: K & K TRANSPORTATION CORP., 4515 No. 24 Street, Omaha, Nebr. 68110. Petitioner's representative: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Petitioner holds a motor *contract carrier* permit in No. MC 136100 (Sub-No. 1) issued December 11, 1972, authorizing transportation, as pertinent, over irregular routes, of (1) *Folding cartons*, From Omaha, Nebr., to points in the United States (including Alaska but excluding Hawaii), with no transportation for compensation on return except as otherwise authorized, (2) *carton forming machinery*, (a) From Omaha, Nebr., (3) *plastic film*, From to points in the United States (including Alaska but excluding Hawaii), and; (b) From points in the United States (including Alaska but excluding Hawaii), to Omaha, Nebr., (3) *plastic film*, From Chicago, Ill., and Bridgeport, Conn., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Malnove Specialty Box Company, of Omaha, Nebr., (4) *packaging equipment, heat sealing electrical tools, marking pens, paper clips, plastic aprons, sawdust*, and *cash register tapes*, From Omaha, Nebr., to points in the United States (including Alaska but excluding Hawaii), with no transportation for compensation on return except as otherwise authorized, (5) *packaging materials*, From Los Angeles, Calif., Jacksonville, Ill., Ft. Madison and Olewine, Iowa, St. Louis, Mo., New Rochelle, N.Y., Hoboken, N.J., Hickory and Patterson, N.C., Akron, Ohio, Downingtown, and Marcus Hook, Pa., and Fredricksburg, Va., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, (6) *paper clips and staples*, From Chicago, Ill., and Long Island City, N.Y., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, (7) *heat sealing electrical tools*, From Cleveland, Ohio, to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, (8) *cash register tapes*, From Port Austin, Mich., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, (9) *frozen vegetables*, From Sanger, Calif., American Falls and Nampa, Idaho, and Milton-Freewater, Oreg., to Omaha, Nebr., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Midwest Supply Company, Division of The Alger Corporation, of Omaha, Nebr. By the instant petition, petitioner seeks modification of its commodity description in (4) above to read: "(4) *Packaging equipment and supplies, heat sealing electrical tools, marking pens, paper clips, plastic aprons, sawdust, and cash register tapes*". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1,240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 68917 (Sub-No. 8) (Amendment), filed December 27, 1973 published in the FEDERAL REGISTER issue of January 23, 1974, and republished as amended this issue. Applicant: H. P. WELCH CO., 7401 Newman Boulevard, LaSalle, 660, P.Q. Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving all points in Massachusetts as off-route points in connection with carrier's authorized regular routes, Between Lowell, Mass., and Springfield, Mass.: From Lowell, Mass., over U.S. Highway 495 to junction U.S. Highway 290 thence over U.S. Highway 290 to U.S. Highway 90, thence over U.S. Highway 90 to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: From Lowell, Mass., over U.S. Highway 3 to Massachusetts Highway 128, thence over Massachusetts Highway 128 to Massachusetts Turnpike, and thence over Massachusetts Turnpike, to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: From Lowell, Mass. over U.S. Highway 3 to Massachusetts Highway 128, thence over Massachusetts Highway 128 to U.S. Highway 20, thence over U.S. Highway 20 to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: Between Boston, Mass., and Springfield, Mass.: From Boston, Mass., over Massachusetts Highway 9 to Worcester, Mass., and thence over U.S. Highway 20 to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points: From Boston, Mass., over unnumbered highways to Massachusetts Turnpike at or near Newton, Mass. (U.S. Highway 90), and thence over Massachusetts Turnpike (U.S. Highway 90), to Springfield, Mass., and return over the same route. Service is authorized to and from all intermediate points.

NOTE.—The purpose of this republication is to add a commodity restriction and to change irregular route authority to that of a regular route. The purpose of this application is to convert the Certificate of Registration issued under MC 96691 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. This is a matter directly related to a section 5 proceeding in MC F 12087 published in the FEDERAL REGISTER issue of January 16, 1974. If a hearing is deemed necessary, the applicant requests it be held at Boston, Mass.

No. MC 109397 (Sub-No. 307), filed October 7, 1974. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Business I–44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned foodstuffs and animal food*, from points in Merced, Santa Clara, Alameda, Contra Costa, Los Angeles and San Benito Counties, Calif., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, New Mexico, Oklahoma, and Texas.

NOTE.—Common control may be involved. This is a matter directly related to the section 5 proceeding in MC F 12360 published in the FEDERAL REGISTER issue of November 20, 1974. If a sharing is deemed necessary, the applicant requests it be held at either San Francisco, Calif.; Denver, Colo.; Kansas City, Mo.; or Washington, D.C.

No. MC 121393 (Sub-No. 5), filed October 18, 1974. Applicant: HEMPSTEAD DELIVERY CO., INC., 407 West 35th Street, New York, N.Y. 10001. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, N.Y. 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wearing apparel*, as described in Appendix X in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *accessories and dry goods*, between New York, N.Y., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.; and (2) *wearing apparel, and accessories*, between points in Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., on the one hand, and, on the other, points in Nassau and Suffolk Counties, N.Y.

NOTE.—Applicant seeks to purchase portion of the authority held by Empire Carriers Corporation. This is a matter directly related to the section 5 proceeding in MC F 12344 published in the FEDERAL REGISTER issue of October 31, 1974. If a hearing is deemed necessary, the applicant requests it be held at New York, N.Y.

No. MC F 12126 (Amendment) (Redbank Transport, Inc.—purchase—Carl Krebs), published in the February 13, 1974, issue of the FEDERAL REGISTER on page 5543. By amendment filed November 8, 1974, applicants seek to amend the application to substitute Union Mechling Corporation, as applicant in place of Redbank Transport, Inc. and to read as follows: UNION MECHLING CORPORATION—PURCHASE—CARL KREBS.

NOTE.—Dravo Corporation owns 100% of the outstanding stock of Union Mechling Corporation.

No. MC F 12355. (Correction) (C & J COMMERCIAL DRIVEAWAY, INC.—PURCHASE (PORTION)—DEALERS TRANSIT, INC.), published in the November 13, 1974, issue of the FEDERAL REGISTER on page 40089. Prior notice should be modified to read: C & J COMMERCIAL DRIVEAWAY, INC.—LEASE (PORTION)—DEALERS TRANSIT, INC.

NOTE.—This publication does not affect the due date for filing protest.

No. MC F 12364. Authority sought for control by ARKANSAS BEST CORPORATION, a non-carrier, 1000 So. 21st St., Fort Smith, AR 72901, of CONTAINER CARRIER CORPORATION, 301 So. 11th St., Fort Smith, AR 72901. Applicants' attorney: Thomas Harper, 13 No. 7th St., P.O. Box 43, Fort Smith, AR 72901. Operating rights sought to be controlled: Order in No. MC–135419, conditioned the grant of authority therein upon the filing of this application by ARKANSAS BEST CORPORATION. Operation by applicant, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, (1) of general commodities (except classes A and B explosives, household goods as defined by the Commission, motor vehicles, bananas, and commodities which because of their size and weight require special equipment), in containers or in trailers having an immediately prior or subsequent movement by water, (a) between Houston, Tex., and New Orleans, La., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana north of U.S. Highway 84, Michigan, Mississippi, Missouri, Nebraska (except Alliance, David City, Fairbury, Fremont, Lincoln, McCook Norfolk, Omaha, and Scottsbluff) New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas west of U.S. Highway 277, and Wisconsin, and (b) between Mobile, Ala., on the one hand, and, on the other, points in Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin; (2) of general commodities (except classes A and B explosives, household goods as defined by the Commission, motor vehicles, bananas, commodities which because of their size and weight require special equipment, and alcoholic beverages), in containers or in trailers having an immediately prior or subsequent movement by water, between Houston, Tex., New Orleans, La., and Mobile, Ala., on the one hand, and, on the other, points in Minnesota; (3) of general commodities (except classes A and B explosives household goods as defined by the Commission, motor vehicles, bananas, commodities which because of their size and weight require special equipment, and non-frozen beverages), in containers or in trailers having an immediate prior or subsequent movement by water, from New Orleans, La., and Houston, Tex., to Alliance, David City, Fairbury, Fremont, Lincoln, McCook, Norfolk, Omaha, and Scottsbluff, Nebr.; and (4) of empty used containers, used trailers, and used trailer chassis between Houston, Tex., Mobile, Ala., and New Orleans, La., on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, and with all authority set forth above, subject to the extent that the grant of authority herein duplicate certain existing authority held by Arkansas-Best Freight System, Inc., it shall not be construed as conferring more than a single operating right. ARKANSAS BEST CORPORATION, holds no authority from this Commission. However it is affiliated with ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th St., Fort Smith, AR 72901, MC 29910, which is authorized to operate as a *common carrier* in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Florida. Application has not been filed for temporary authority under section 210a(b).

No. MC F 12365. Authority sought for control by LIGON SPECIALIZED HAULER, INC., P.O. Drawer L, Madisonville, KY 42431, of CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Ave., Nashville, TN 37203, and for acquisition by HERBERT A. LIGON, JR., also of Madisonville, KY 42431, of control of CHEROKEE HAULING & RIGGING, INC., through the acquisition by LIGON SPECIALIZED HAULER, INC. Applicants' attorneys: Robert M. Pearce, P.O. Box E, Bowling Green, KY 42101, and Paul M. Daniell, Suite 1600, First Federal Bldg., Atlanta, GA 30303. Operating rights sought to be controlled: certain specified commodities as a *common carrier*, over irregular routes, from, to, and between all of the States in the United States (except Hawaii), with certain restrictions, as more specifically described in Docket No. MC 127834 and Sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. LIGON SPECIALIZED HAULER, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Hawaii), and as a contract carrier in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTICE

The Missouri Pacific Railroad Company, The Texas and Pacific Railway Company, and the Chicago & Eastern Illinois Railroad Company hereby give notice that on the 1st day of November, 1974, they jointly filed an Application, assigned F.D. 27773 with the Interstate Commerce Commission at Washington, D.C.: (1) Under section 5(2) of the Interstate Commerce Act for an Order Authorizing (a) the Merger of the Property and Franchise of The Texas and Pacific Railway Company and the Chicago & Eastern Illinois Railroad Company with and into the Missouri Pacific Railroad Company, and (b) the Acquisition by Missouri Pacific Railroad Company, through Ownership of Stock, of Sole or Joint Control of Carriers Subsidiary to or Affiliated with The Texas and Pacific Railway Company and the Chicago & Eastern Illinois Railroad Company; (2) under section 20a of the Interstate Commerce Act for an Order Authorizing the Surviving Corporation Resulting from such Merger, i.e., Missouri Pacific Railroad Company, to Issue Common Stock and to Assume Liability in Respect of Securities to the Extent to which any other Applicant is Liable as Obligor or Guarantor Thereon. This application has been assigned F.D. 27774.

(1) The names and addresses of the applicants are as follows:

Missouri Pacific Railroad Company, Missouri Pacific Building, 210 North 13th Street, St. Louis, Missouri 63103.

The Texas and Pacific Railway Company, 505 North Industrial Boulevard, Dallas, Texas 75207.

Chicago & Eastern Illinois Railroad Company, Missouri Pacific Building, 210 North 13th Street, St. Louis, Missouri 63103.

The names and addresses of Appli-

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cants' Attorneys are as follows:

For the Missouri Pacific Railroad Company

Mark M. Hennelly, Vice President & General Counsel, Missouri Pacific Railroad Company, 2003 Missouri Pacific Building, St. Louis, Missouri 63103.

For The Texas and Pacific Railway Company.

William R. McDowell, Vice President & General Counsel, The Texas and Pacific Railway Company, 505 North Industrial Boulevard, Dallas, Texas 75207.

For the Chicago & Eastern Illinois Railroad Company

Patrick C. Mullen, Vice President & General Counsel, Chicago & Eastern Illinois Railroad Company, 72 West Adams Street, Chicago, Illinois 60603.

(ii) The nature of the proposed transaction is a merger of Railroads subject to Part I of the Interstate Commerce Act.

(iii) A brief geographical description of the operations of the Missouri Pacific Railroad Company, as the surviving, unified corporation, is the same as it presently performs as the Missouri Pacific System, i.e.: Class I railroad service from Chicago, Illinois, on the North, to the Gulf Coast Region of both Louisiana and Texas on the South, and from the Mississippi River on the East to Pueblo, Colorado and El Paso, Texas, on the West.

(iv) A brief description of the line of railroad, including principal city and state locations, termini, and approximate mileage is as follows:

MISSOURI PACIFIC RAILROAD COMPANY

Missouri Pacific Railroad operates 8,906 miles of main line and 4,131 miles of branch line railroad in the States of Illinois, Missouri, Kansas, Nebraska, Colorado, Arkansas, Oklahoma, Louisiana, Texas, Tennessee, and Mississippi.

To the West, Missouri Pacific's principal main lines run from St. Louis to Kansas City, Missouri, and thence (1) on a line West through Kansas to Pueblo, Colorado, and (2) on a line Northwest to Omaha, Nebraska. To the Southwest, it has principal lines extending from St. Louis and Kansas City, Missouri, to Little Rock, Arkansas, through Missouri, Kansas, and Oklahoma, and from Little Rock said line proceeds to Texarkana, Arkansas. Another principal line runs from East St. Louis, South through Illinois, crosses the Mississippi River at Thebes, Illinois, and then proceeds Southwest through Arkansas and Louisiana to Lake Charles, Louisiana, on the Gulf Coast of Mexico. Another important line has terminus at Memphis and connects with St. Louis-Little Rock line North of Little Rock.

Principal lines in the Southwest are (1) a line from Texarkana via The Texas and Pacific to Longview, Texas, and thence proceeds Southwest through Austin and San Antonio to Laredo on the Mexican border, (2) a line from New Orleans, Louisiana, which parallels the Gulf of Mexico, passes through Houston, Texas, and terminates at Brownsville, Texas, also on the Mexican border, (3) a line from New Orleans, Louisiana, which runs Northwest to Alexandria, Louisiana, where it connects with the main line from the North, and (4) a line from Fort Worth which runs Southeast to the Gulf Ports of Houston and Galveston, Texas.

THE TEXAS AND PACIFIC RAILWAY COMPANY

The Texas and Pacific Railway Company operates 2,551 miles of main lines and 501 miles of branch line railroad in the States of Texas, Louisiana and Oklahoma.

Its main line runs from New Orleans, Louisiana, Northwest through Alexandria to Shreveport, Louisiana; thence West to Dallas and Fort Worth, Texas; and thence West to its terminus at El Paso, Texas. Another line runs from Fort Worth, North to Denison, Texas, North, through Muskogee, Oklahoma, to Tulsa, Oklahoma.

CHICAGO & EASTERN ILLINOIS RAILROAD COMPANY

The Chicago & Eastern Illinois Railroad Company operates 1,024 miles of main line and 43 miles of branch line railroad in the States of Illinois and Missouri.

Its main line runs from Chicago, Illinois, South through Woodland Junction, Villa Grove, Findlay Junction, Mt. Vernon, Benton, Thebes, Illinois, to its terminus at Chaffee, Missouri. Another line runs from Findlay Junction, Illinois, through Pana, Illinois, to St. Louis, Missouri.

Applicant has alleged in its application that the quality of the human environment will not be affected by the proposed Commission action requested in the application. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), *supra*, Part (b) (1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27782 Filed 11-26-74;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

NOVEMBER 22, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 55312 filed November 14, 1974. Applicant: SENNA TRUCKING CO., INC., 2101 Davis Street, San Leandro, Calif. 94577. Applicant's representative: E. H. Griffiths, 1182 Market Street Suite 207, San Francisco, Calif. 94102. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of A. *General commodities*, except as hereinafter provided: Between all points and places in the San Francisco Territory as described in Part I. Except that Applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) Automobiles, trucks and buses, viz.: New and used, finished and unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (3) Livestock, viz.: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semi-trailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks.

(6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; (9) Commodities of unusual or extraordinary values; and (10) Fresh fruits and vegetables. B. Transportation of the following commodities between San Francisco Territory and Los Angeles Territory, Part I and Part II, respectively: *Boilers, furnaces, radiators, stoves, related articles or parts named.* As described in Items Nos. 25400 to 27682. *Iron or steel.* As described in Items Nos. 104000 to 107520. *Conduits, pipe, smokestacks, tubing or fittings, other than clay, concrete or earthen.* As described in Items Nos. 50750 to 52620. *Aluminum articles.* As described in Items Nos. 13100 to 13812. *Brass, bronze and copper.* As described in Items Nos. 30100 to 31000. *Machinery.* As described in Items Nos. 114000 to 133454. *Miscellaneous commodities, viz.:* Rubber, reclaimed, Rubber, crude, Scrap metal. C. Transportation of lumber and forest products: (1) Between all points in that part of California north of a line beginning at the Pacific Coast and extending through Carmel and Merced, California, to the California-Nevada State Line near the Junction of U.S. Highway 395 and State Highway 89. (2) Applicant may use any and all streets, roads, highways, and bridges necessary or convenient for the performance of service within the above described area.

Part I.: San Francisco Territory includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos City limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road.

Southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue), northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

Part II.: Los Angeles Territory includes that area embraced by the following boundary: Beginning at the intersection of Sunset Boulevard and U.S. Highway 101, Alternate, thence northeasterly on Sunset Boulevard to State Highway 7; northerly along State Highway 7 to State Highway 118; northeasterly along State Highway 118 through and including the City of San Fernando; continuing northeasterly and southesterly along State Highway 118 to and including the City of Pasadena; easterly along Foothill Boulevard from the intersection of Foothill Boulevard and the Michillinda Avenue to Valencia Way; northerly on Valencia Way to Hillcrest Boulevard; easterly and northeasterly along Hillcrest Boulevard to Grand Avenue; easterly and southerly along Grand Avenue to Greystone Avenue; easterly on Greystone Avenue to Oak Park Lane; easterly on Oak Park Lane and the prolongation thereof to the west side of the Sawpit Wash; southerly along the Sawpit Wash to the north side of the Pacific Electric Railway right of way; easterly along the north side of the Pacific Electric Railway right of way to Buena Vista Street; south and southerly on Buena Vista Street to its intersection with Meridian Street; due south along an imaginary line to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Beverly Boulevard; southeasterly on Beverly Boulevard to Painter Avenue in the city of Whittier; southerly on Painter Avenue to Telegraph Road; westerly on Telegraph Road to the west bank of the San Gabriel River; southerly along the west bank of the San Gabriel River to Imperial Highway; westerly on Imperial Highway to State Highway 19; southerly along State Highway 19 to its intersection with U.S. Highway 101, Alternate, at Ximeno Street; southerly along Ximeno Street and its prolongation to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101, Alternate; thence northerly along an imaginary line to point of beginning. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Louisiana Docket No. T 12692, filed October 31, 1974. Applicant: PACKARD TRUCK LINES, INC., P.O. Drawer H, Buras, La. 70041. Applicant's representative: Henry O'Connor, Jr., 1440 Oil & Gas Bldg., New Orleans, La. 70112. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *Oilfield equipment and materials, timbers, machinery, pipe, cement, lumber, and materials, supplies, and equipment* to be used in the construction, development, operation and maintenance of facilities for the discovery and development of natural gas and petroleum, fertilizer and building materials, excavating and construction of dirt work, over irregular routes. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time and place not shown. Requests for procedural information should be addressed to the Louisiana Public Service Commission, P.O. Box 44035, Capitol Station, Baton Rouge, La. 70804, and should not be addressed to the Interstate Commerce Commission.

Tennessee Docket No. MC 4470 (Sub-No. 13), filed October 31, 1974. Applicant: POTTER FREIGHT LINES, INC., P.O. Box 428, Sparta, Tenn. 38583. Applicant's representative: James Clarence Evans and Charles Carter Baker, Jr., Eighteenth Floor, Third National Bank Bldg., Nashville, Tenn. 37219. Certificate of Public Convenience and Necessity sought to operate a freight service as follows: Transportation of *General Commodities* excluding used household goods and commodities in bulk in intrastate commerce and co-extensively in interstate commerce as follows: Between Nashville, Tenn., and the plantsite of Firestone Tire and Rubber Company in Rutherford County, LaVerne, Tenn., over irregular routes. The foregoing routes and authority are to be used in conjunction with all of Applicant's existing authority by tacking or joinder.

HEARING: December 18, 1974, at the Commission's Court Room, C–1 Cordell Hull Building, Nashville, Tenn., at 9:30 a.m. Requests for procedural information should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, Tenn. 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27780 Filed 11-26-74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY

Elimination of Gateway Applications; Notice

NOVEMBER 22, 1974.

The following applications to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed

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with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(d)(2)), and notice thereof to all interested persons is hereby given as provided in such rules.

Carriers having a genuine interest in an application may file an original and three copies of verified statements in opposition with the Interstate Commerce Commission on or before December 27, 1974. (This procedure is outlined in the Commission's report and order in Gateway Elimination, 119 M.C.C. 530.) A copy of the verified statement in opposition must also be served upon applicant or its named representative. The verified statement should contain all the evidence upon which protestant relies in the application proceeding, including a detailed statement of protestant's interest in the proposal.

No. MC 21170 (Sub-No. 269G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared foodstuffs*, from the plantsite and warehouse of the Pillsbury Corporation in New Albany, Ind., to points in Iowa. The purpose of this filing is to eliminate the gateway of points in Missouri on and north of U.S. Highway 50, and on the west of U.S. Highway 63.

No. MC 21170 (Sub-No. 271G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., to points in Minnesota. The purpose of this filing is to eliminate the gateway of Marshalltown, Iowa.

No. MC 21170 (Sub-No. 272G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Minnesota, points in Kansas east of U.S. Highway 81, and those points in Missouri on and north of U.S. Highway 50 and on the west of U.S. Highway 63 to points in Illinois (except Chicago, Ill. and points in the Commercial Zone thereof, as defined by the Commission, and except Rock Island, Moline, and East Moline, Ill.). The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC 21170 (Sub-No. 273G), filed June 13, 1974. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC. (Operator of Bos Lines, Inc.), P.O. Box 68, Cedar Rapids, Iowa 52406. Applicant's representative: Robert E. Konchar, Suite 315 Commerce Exchange Bldg., 2720 First Avenue NE., P.O. Box 1943, Cedar Rapids, Iowa 52406. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in the appendix to the report in *Modification of Permits-Packinghouse Products*, 48 M.C.C. 628, from points in Minnesota, to La Crosse, Madison, Milwaukee, Racine, and Kenosha, Wis. The purpose of this filing is to eliminate the gateway of Cedar Rapids, Iowa.

No. MC 45194 (Sub-No. 13G), filed September 15, 1974. Applicant: LATTAVO BROTHERS, INC., P.O. Box 820, 500 Cleveland Ave. N., Canton, Ohio 44701. Applicant's representative: John P. McMahon, 100 East Broad, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment, between points in Ohio, on the one hand, and, on the other, points in that part of West Virginia on and north of U.S. Highway 40 and points in that part of Pennsylvania on and west of a line beginning at Erie, Pa., and extending along Pennsylvania Highway 8 to Pittsburgh, Pa., thence along Pennsylvania Highway 88 to Point Marion, Pa., thence along U.S. Highway 119 to the Pennsylvania-West Virginia State line. The purpose of this filing is to eliminate the gateways at Youngstown, Boardman, Canfield, and Poland in Mahoning County, Ohio, and Cleveland, Ohio. (2) *Iron and steel articles, contractors' and builders' supplies and equipment*, and *building and construction materials* (except commodities in bulk), between points in Ohio, on the one hand, and, on the other, points in West Virginia. The purpose of this filing is to eliminate the gateways at Neville Island, Coraopolis, Washington, and Beaver Falls, Pa., the junction of U.S. Highway 19 and Interstate Highways 70 and 80–S at Interchange No. 3 of the Pennsylvania Turnpike north of Pittsburgh in Allegheny County, Pa., and the junction of U.S. Highways 30 and 22 west of Pittsburgh in Allegheny County, Pa.

No. MC 46365 (Sub-No. 3G), filed June 4, 1974. Applicant: P. W. LINCOLN HORSE TRANSPORTATION, INC., 660 Broadway, North Attleboro, Mass. 02760. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock horses* (other than ordinary livestock), *race horses, show and saddle horses and polo ponies and stable supplies and equipment, stable dogs and pets and personal effects* of attendants in the same vehicle with such horses, between points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Pennsylvania, New Jersey, Delaware, Maryland, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Florida, Louisiana, Texas, Arkansas, Missouri, Tennessee, Kentucky, Illinois, Indiana, Michigan, and Ohio, restricted against movement between Tennessee and South Carolina. The purpose of this filing is to eliminate the gateways at Lexington, Ky., and points in West Virginia, Maryland, and Pennsylvania.

No. MC 65112 (Sub-No. 11–G), filed June 4, 1974. Applicant: FOGARTY BROS. TRANSFER, INC., 1103 Cumberland Avenue, Tampa, Fla. 33601. Applicant's representative: Thomas R. Kingsley, 1819 H Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Arizona, Arkansas, Colorado, New Mexico, Oklahoma, and Texas, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New York, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. The purpose of this filing is to eliminate the gateways of Dallas, Fort Worth, and Houston, Tex.; Texas and Florida.

No. MC 71536 (Sub-No. 10G), filed June 4, 1974. Applicant: ARROW CARRIER CORPORATION, 160 Route 17, Rochelle Park, N.J. 07662. Applicant's representative: A. David Millner, Suite 2005, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (a) between Philadelphia, Pa., and points within 15 miles of Philadelphia, on the one hand, and, on the other, points in Bergen, Essex, Hudson, and Passaic Counties, N.J., and those in Albany, Rensselaer, Greene, Ulster, Orange, Rockland, Columbia, Dutchess, Putnam, Westchester, Sullivan, and Delaware Counties, N.Y.; and (b) between points in Bergen and Passaic Counties, N.J., on the one hand, and, on the other, points in Orange, Sullivan, Ulster, and Delaware Counties, N.Y.; (2) *General commodities* (except brick, coal and coke, coin, currency, valuable papers, gems, or other articles of extraordinary value, conduits or pipe (clay or terra cotta), cut glass, dangerous explosives, fireworks, fish fresh or frozen, flowers, fruits, fresh vegetables, furs, compressed gases, gasoline or other inflammable liquids or articles, hides, skins or pelts, livestock and live poultry, motion picture films, sand, gravel or crushed stone for building material purposes, X-ray machines or tubes, commodities in bulk in tank trucks or dump trucks, commodities exceeding ordinary equipment and loading facilities, or unsuitable ordinary equipment and loading facilities, or unsuitable for transportation by truck, and household goods as defined by the Commission), between points in New Jersey within 35 miles of Columbus Circle, New York, N.Y., other than those in Bergen, Passaic, Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Orange, Sullivan, Ulster, and Delaware Counties, N.Y.; and (b) between points in Hudson and Essex Counties, N.J., on the one hand, and, on the other, points in Orange, Sullivan, and Delaware Counties, N.Y. The purpose of this filing is to eliminate the gateways in (1) and (2) above, at New York, N.Y., Philadelphia, Pa., and points in Bergen, Passaic, and Essex Counties, N.J.

(3) *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment) (except with respect to the 35 mile nonradial radius of Columbus Circle, New York City, N.Y.), from Philadelphia, Pa., and points within 15 miles of Philadelphia, points in Bergen, Hudson, Essex, Union, and Passaic Counties, N.J., those points in Middlesex County, N.J. north of the Raritan River, those points in Albany, Rensselaer, Greene, Ulster, Orange, Rockland, Columbia, Dutchess, Putnam, Westchester, Delaware, and Sullivan Counties, N.Y., to points in Sussex County, N.J. The purpose of this filing is to eliminate the gateway at Port Jervis, N.Y.

No. MC 79196 (Sub-No. 5G), filed June 4, 1974. Applicant: TRANS UNIVERSAL VAN LINES, INC., 7230 South Chicago Avenue, Chicago, Ill. 60619. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, N.Y. 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, Ohio, Pennsylvania, West Virginia, and Wisconsin, and, on the other, points in Colorado, Connecticut, Illinois, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of points in Illinois.

No. MC 92633 (Sub-No. 26G), filed June 2, 1974. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, Idaho 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining and contractors materials, supplies, and equipment, petroleum products* in containers, *agricultural commodities*, and *farm machinery and tractors*, between points in Washington west of the Cascade Mountains and points in Oregon, on the one hand, and on the other, points in Washington east of the Cascade Mountains and points in Idaho. The purpose of this filing is to eliminate the gateway of a point within 100 miles of Lewiston, Idaho.

No. MC 105457 (Sub-No. 79G), filed June 4, 1974. Applicant: THURSTON MOTOR LINES, INC., 600 Johnston Road, Charlotte, N.C. 28201. Applicant's representative: John V. Luckadoo, P.O. Box 10638, Charlotte, N.C. 28201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between those points in South Carolina west of a line extending from the North Carolina-South Carolina State line along South Carolina Highway 49 to York, S.C., thence along U.S. Highway 321 to Ulmers, S.C., thence along U.S. Highway 301 to the South Carolina-Georgia State line, on the one hand, and, on the other, those points in North Carolina on and east of U.S. Highway 29 and Winston-Salem, N.C. The purpose of this filing is to eliminate the gateway of Charlotte, N.C.

No. MC 111401 (Sub-No. 426G), filed June 3, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from points in that part of Texas on and north of U.S. Highway 66 from the Texas-New Mexico State line to junction U.S. Highway 83, and on and east of U.S. Highway 83 from its junction with U.S. Highway 66 to the boundary line between Texas and Mexico, to points in Alabama, Arizona, Arkansas, California, Florida, Georgia, Illinois, Iowa, Louisiana, Michigan, Mississippi, Missouri, Nebraska, New Mexico, South Carolina, Utah, and Wyoming. The purpose of this filing is to eliminate the gateways of Texas City, Longview, Kings Mill, and Etter, Tex.

No. MC 107515 (Sub-No. 922G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, and 766: From points in Iowa, to points in Alabama, Florida, Tennessee, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateway of points in Georgia. (2) (a) *unfrozen meat*, (b) *meat products*, (c) *edible meat, meat products, meat by-products, and dairy products*, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 272, and 766, from points in Iowa, to points in West Virginia. The purpose of this filing is to eliminate the gateway of Gatesville, N.C. (3) *Edible meat, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 272, and 766: From points in Iowa to points in Virginia. The purpose of this filing is to eliminate the gateways of Rocky Mount and Ayden, N.C. (4) (a) *unfrozen meat*, (b) *meat products*, (c) *frozen edible meats, meat products, meat by-products, dairy products, and articles distributed by meat packinghouses*, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier *Certificates*, 61 M.C.C. 209, 272, and 766: From points in Iowa to points in Pennsylvania, New Jersey, New York, Rhode Island, Connecticut, and Massachusetts. The purpose of this filing is to eliminate the gateways of Rocky Mount and and Gatesville, N.C.

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No. MC 107515 (Sub-No. 925G), filed June 4, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., 3901 Jonesboro Road, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 3379 Peachtree Rd. NE., Suite No. 375, Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (a) from Oklahoma City, Okla., and points in its Commercial Zone, to points in Illinois, Pennsylvania, Virginia, and West Virginia. The purpose of this filing is to eliminate the gateways of Booneville, Miss., and the plant site of Odom's Sausage Co., at Madison, Tenn. (b) from Oklahoma City, Okla., and points in its Commercial Zone, to points in Kentucky and Maryland. The purpose of this filing is to eliminate the gateway of Booneville, Miss. (2) *fresh and cured meats and dairy products*, from Oklahoma City, Okla., and points in its Commercial Zone, to points in North Carolina and South Carolina. The purpose of this filing is to eliminate the gateway of Atlanta, Ga.

No. MC 113459 (Sub-No. 85G), filed June 4, 1974. Applicant: H. J. JEFFRIES TRUCK LINE,, INC., P.O. Box 94850, Oklahoma City, Okla. 73109. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Bldg., Dallas, Tex. 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) (A) *Commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, and (B) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection therewith, restricted to commodities which are transported on trailers, (a) between points in New Mexico and Wyoming, and (b) between points in New Mexico and Colorado. The purpose of this filing is to eliminate the gateway of Oklahoma. (2) (A) *commodities*, the transportation of which, by reason of size or weight, require the use of special equipment, restricted against the transportation of agricultural machinery and agricultural tractors, and (B) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* when moving in connection, therewith, restricted to commodities which are transported on trailers, (a) between points in Texas and Minnesota, (b) between points in Texas and Iowa, (c) from points in Texas, to points in Ohio, and (d) from points in Oklahoma, to points in Ohio. The purpose of this filing is to eliminate the gateway of Sterling, Ill.

(3) (A) *machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; or used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up thereof; (B) *commodities*, the transportation of which by reason of size or weight, require the use of special equipment or handling and; (C) *parts* of commodities authorized in (3) (B) above either when incidental to the transportation of such commodities, or when transported as separate and unrestricted shipments and (D) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies*, when moving in connection therewith, restricted to commodities transported on trailers, between points in Colorado and Utah. The purpose of this filing is to eliminate the gateway of Oklahoma.

No. MC 117344 (Sub-No. 234G), filed June 4, 1974. Applicant: THE MAXWELL CO., a corporation, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: James R. Stiverson, 50 West Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan and Wisconsin. The purpose of this filing is to eliminate the gateway at Jackson, Ind. (2) *petroleum products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan. The purpose of this filing is to eliminate the gateway at Jackson, Ind. (3) *Caustic soda, alkaline cleaning compounds, and buffing, polishing, and abrasive compounds*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan. The purpose of this filing is to eliminate the gateway at Jackson, Ind. (4) *Hydrochloric acid*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Michigan. The purpose of this filing is to eliminate the gateway at Jackson, Ind. (5) *Cleaning and washing compounds and wetting agents*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in Georgia, Illinois (except points in the St. Louis, Mo.-East S. Louis, Ill., Commercial Zone as defined by the Commission), North Carolina, South Carolina, Tennessee (except Kingsport), and Wisconsin. The purpose of this filing is to eliminate the gateway at Owensboro, Ky.

(6) *Chemicals* (except petro chemicals) in bulk, in tank or hopper type vehicles, from Cincinnati, Ohio, to points in Georgia, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), Indiana, Iowa, Minnesota, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), North Carolina, South Carolina, Tennessee (except Kingsport), and Wisconsin. The purpose of this filing is to eliminate the gateway at Owensboro, Ky. (7) *vegetable oil products*, in bulk, in tank vehicles, from Cincinnati, Ohio, to points in North Carolina. The purpose of this filing is to eliminate the gateway at Columbus, Ohio. (8) *Chemicals*, in bulk, in tank vehicles, from Delaware, Ohio, to points in Georgia, Illinois (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), North Carolina, South Carolina, Tennessee (except Kingsport), and Wisconsin. The purpose of this filing is to eliminate the gateway at Jackson County, Ind., or Owensboro, Ky. (9) *liquid chemicals*, in bulk, in tank vehicles, from Columbus, Ohio, to points in Indiana, Iowa, Minnesota, Missouri (except points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone as defined by the Commission), North Carolina, South Carolina, and Wisconsin. The purpose of this filing is to eliminate the gateway at Owensboro, Ky.

No. MC 123956 (Sub-No. 5G), filed June 4, 1974. Applicant: T. T. BROOKS TRUCKING COMPANY, INC., 970 Washington, Street, Akron, Ohio 44311. Applicant's representative: John P. McMahon, Suite 1800, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are usually manufactured, processed, or dealt in by rubber and rubber-products manufacturers, and empty textile cones, from points in Ohio, to points in Tennessee, restricted to shipments moving from, to, or between facilities of rubber products manufacturers; (2) *Such commodities* as are manufactured, processed, or dealt in by rubber or rubber-products manufacturers, including supplies incidental to or used in the conduct of such businesses, from points in Ohio, to Knoxville, Chattanooga, and Nashville, Tenn.; Jackson, Laurel, Meridian, and Columbus, Miss.; and points in Alabama and Georgia; and (3) *Materials, equipment, and supplies*, used in the manufacture of rubber products, from Knoxville, Chattanooga, and Nashville, Tenn.; Jackson, Laurel, Meridian, and Columbus, Miss.; and points in Alabama and Georgia, to points in Ohio. The purpose of this filing is to eliminate the gateway at Akron, Ohio.

No. MC 124111 (Sub-No. 48G), filed June 4, 1974. Applicant: OHIO EASTERN EXPRESS, INC., P.O. Box 2297, Sandusky, Ohio 44870. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas*, and (2) *agricultural commodities*, the transportation of which is otherwise exempt from economic regulation under Section 203(b)(6) of the Act in mixed loads with bananas, from points in the New York, N.Y., Commercial Zone, to points in Pennsylvania, Ohio, Michigan, Indiana, Illinois, Kentucky, West Virginia, Wisconsin, New Jersey; Delaware, Virginia, Maryland, and the District of Columbia. The purpose of this filing is to eliminate the gateways at Albany, N.Y.

INTERSTATE COMMERCE COMMISSION

Office of Proceedings

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER-NOTICES

NOTICE

NOVEMBER 22, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065 (a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission within 10 days from the date of this publication. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC 52953 (Sub-No. E2), filed May 3, 1974. Applicant: ET & WNC TRANSPORTATION COMPANY, 132 Legion Street, Johnson City, Tenn. 37601. Applicant's representative: H. M. Cook (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Delaware, New Jersey, and Pennsylvania within 35 miles of Philadelphia, Pa., and points in New Jersey within 35 miles of the New York, N.Y., commercial zone, on the one hand, and, on the other, points in Burke, Cleveland, McDowell, Polk, and Rutherford Counties, N.C., points in that part of Catawba County, N.C., on and west of a line beginning at the northern Catawba County line and extending along North Carolina Highway 127 to junction North Carolina Highway 10, thence along North Carolina Highway 10 to the southern Catawba County line, and points in Caldwell County, N.C., on and west of a line beginning at the northern Caldwell County line and extending along U.S. Highway 321 to junction North Carolina Highway 18, thence along North Carolina Highway 18 to the southern Caldwell County line. The purpose of this filing is to eliminate the gateway of Asheville and Swannanoa, N.C.

No MC 83835 (Sub-No. E5), filed July 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas. Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Contractors' machinery, equipment, materials and supplies* (except commodities in bulk), which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment, except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and by products, and materials, equipment and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipeline, including the stringing and picking up thereof; or which are self-propelled articles, each weighing 15,000 pounds or more, and related machinery, tools, parts, and supplies moving in connection therewith. (a) between points in Wisconsin, on the one hand, and, on the other, points in New Mexico, Texas, and in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to its junction with Arkansas Highway 7, thence along Arkansas Highway 7 to its junction with U.S. Highway 67.

Thence along U.S. Highway 67 to its junction with Arkansas Highway 24, thence along Arkansas Highway 24 to its junction with U.S. Highway 79, thence along U.S. Highway 79 to the Arkansas-Louisiana State line, and points in that part of Louisiana on and west of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 24 to its junction with Louisiana Highway 20, thence along Louisiana Highway 20 to its junction with Louisiana Highway 18, thence along Louisiana Highway 18 to its junction with Louisiana Highway 75, thence along Louisiana Highway 75 to its junction with Louisiana Highway 74, thence along Louisiana Highway 74 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to the Mississippi-Louisiana State line, thence along the Mississippi-Louisiana State line to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Louisiana Highway 124, thence along Louisiana Highway 124 to its junction with Louisiana Highway 126, thence along Louisiana Highway 126 to its junction with U.S. Highway 165, thence along U.S. Highway 165 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to the Louisiana-Arkansas State line; (c) between points in Louisiana on the one hand, and, on the other, points in the Upper Peninsula of Michigan, and points in that part of Wisconsin on and west of a line beginning at the Wisconsin-Minnesota State line, thence along U.S. Highway 53 to its junction with Wisconsin Highway 27, thence along Wisconsin Highway 27 to its junction with Wisconsin Highway 70, thence along Wisconsin Highway 70 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 13 to its junction with Wisconsin Highway 77.

Thence along Wisconsin Highway 77 to the Michigan-Wisconsin State line; (d) between points in Wisconsin on and west of a line beginning at Sister Bay, thence along Wisconsin Highway 57 to its junction with U.S. Highway 151, thence along U.S. Highway 151 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to the Wisconsin-Illinois State line, on the one hand, and, on the other, points in that part of Louisiana on and west of a line beginning at the Gulf of Mexico, thence along Louisiana Highway 24 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its junction with Louisiana Highway 95, thence along Louisiana Highway 95 to its junction with Louisiana Highway 74, thence along Louisiana Highway 74 to its junction with U.S. Highway 61, thence along U.S. Highway 61 to its intersection with the Mississippi River, thence along the Mississippi River to its intersection with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Louisiana Highway 124, thence along Louisiana Highway 124 to its intersection with Louisiana Highway 8, thence along Louisiana Highway 8 to its junction with Louisiana Highway 15 to the Louisiana-Arkansas State line; (e) between points in that part of Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65, to its junction with U.S. Highway 79, thence along U.S. Highway 79 to its junction with U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in that part of Wisconsin on and north of a line beginning at Lake Michigan, thence along U.S. Highway 41 to its junction with Wisconsin Highway 22, thence along Wisconsin Highway 22 to its junction with Wisconsin Highway 29, thence along Wisconsin Highway 29 to its junction with U.S. Highway 51, thence along U.S. Highway 51 to its junction with Wisconsin Highway 153.

Thence along Wisconsin Highway 153 to its junction with Wisconsin Highway 97, thence along Wisconsin Highway 97 to its junction with Wisconsin Highway 13, thence along Wisconsin Highway 10, to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 12, thence along U.S. Highway 12 to the Wisconsin-Minnesota State line; (f) between points in Arkansas on and west of a line beginning at the Arkansas-Missouri State line, thence along U.S. Highway 65 to its junction with U.S. Highway 167, thence along U.S. Highway 167 to the Arkansas-Louisiana State line, on the one hand, and, on the other, points in Michigan on and north of a line beginning at Lake Michigan, thence along Interstate Highway 96

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to its junction with Michigan Highway 21, thence along Michigan Highway 21 to the U.S.-Canadian International Boundary line (except points in the upper peninsula of Michigan); (g) between points in Wisconsin, on the one hand, and, on the other, points in Louisiana on and west of a line beginning at the Louisiana-Arkansas State line, thence along Louisiana Highway 15 to its junction with Interstate Highway 20, thence along Interstate Highway 20 to its junction with Louisiana Highway 15, thence along Louisiana Highway 15 to its junction with Louisiana Highway 8, thence along Louisiana Highway 8 to its junction with Louisiana Highway 124, thence along Louisiana Highway 124 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with Louisiana Highway 129, thence along Louisiana Highway 129 to Acme, thence along the Red River to Simmesport, thence along Louisiana Highway 105 to its junction with U.S. Highway 190, thence along U.S. Highway 190 to its junction with Louisiana Highway 77, thence along Louisiana Highway 77 to its junction with Louisiana Highway 75, thence along Louisiana Highway 75 to its junction with Louisiana Highway 1, thence along Louisiana Highway 1 to its junction with Louisiana Highway 24, thence along Louisiana Highway 24 to the Gulf of Mexico. The purpose of this filing is to eliminate the gateways of points in Illinois and Oklahoma.

No. MC 83835 (Sub-No. E6), filed May 14, 1974. Applicant: WALES TRANSPORTATION, INC., P.O. Box 6186, Dallas, Tex. 75222. Applicant's representative: William A. Cunningham (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, and *commodities* which, because of their size or weight, require the use of special equipment, and related parts when their transportation is incidental to the transportation of commodities, which by reason of size or weight require the use of special equipment (except machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and materials, equipment, and supplies used in, or in connection with the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof; (a) between points in Arkansas, Louisiana, and Texas, on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, and Wyoming; (b) between points in Utah, on the one hand, and, on the other, points in Arkansas and Louisiana; (c) between points in New Mexico, on the one hand, and, on the other, points in Missouri; (d) between points in Utah, on the one hand, and, on the other, points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line, thence along U.S. Highway 83 to its junction with U.S. Highway 87, thence along U.S. Highway 87 to its junction with U.S. Highway 277, thence along U.S. Highway 277 to its junction with U.S. Highway 83, thence along U.S. Highway 83 to the U.S.-Mexico International Boundary line.

(e) Between points in South Dakota, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with New Mexico Highway 102, thence along New Mexico Highway 102 to its junction with New Mexico Highway 65, thence along New Mexico Highway 65 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with New Mexico Highway 3, thence along New Mexico Highway 3 to its junction with U.S. Highway 66, thence along U.S. Highway 66 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 60, thence along U.S. Highway 60 to its junction with New Mexico Highway 78, thence along New Mexico Highway 78 to the New Mexico-Arizona State line; (f) between points in New Mexico, on the one hand, and, on the other, points in that part of North Dakota on and east of U.S. Highway 83, and that part of South Dakota on and east of a line beginning at the South Dakota-North Dakota State line, thence along U.S. Highway 83 to its junction with U.S. Highway 16, thence along U.S. Highway 16 to its junction with U.S. Highway 183, thence along U.S. Highway 183 to the South Dakota-Nebraska State line; (g) between points in North Dakota, on the one hand, and, on the other, points in New Mexico on and south of a line beginning at the New Mexico-Arizona State line, thence along U.S. Highway 66 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 64, thence along U.S. Highway 64 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to the New Mexico-Colorado State line; (h) between points in that part of Wyoming on and east of a line beginning at the Wyoming-Montana State line, thence along Wyoming Highway 296 to its junction with Wyoming Highway 120.

Thence along Wyoming Highway 120 to its junction with Wyoming Highway 789, thence along Wyoming Highway 789 to its junction with U.S. Highway 287, thence along U.S. Highway 287 to its junction with Wyoming Highway 220, thence along Wyoming Highway 220 to its junction with Wyoming Highway 487, thence along Wyoming Highway 487 to its junction with Wyoming Highway 91, thence along Wyoming Highway 91 to its junction with U.S. Highway 30, thence along U.S. Highway 30 to the Wyoming-Nebraska State line, on the one hand, and, on the other, points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with New Mexico Highway 88, thence along New Mexico Highway 88 to its junction with New Mexico Highway 330, thence along New Mexico Highway 330 to its junction with U.S. Highway 70, thence along U.S. Highway 70 to its junction with U.S. Highway 285, thence along U.S. Highway 285 to its junction with U.S. Highway 62, thence along U.S. Highway 62 to the New Mexico-Texas State line; (i) between points in New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to the New Mexico-Texas State line, on the one hand, and, on the other, points in that part of Wyoming on and east of a line beginning at the Wyoming-Nebraska State line, thence along Wyoming Highway 151 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with Wyoming Highway 313, thence along Wyoming Highway 313 to its junction with U.S. Highway 87, thence along U.S. Highway 87 to its junction with U.S. Highway 20, thence along U.S. Highway 20 to its junction with Wyoming Highway 120, thence along Wyoming Highway 120 to its junction with Wyoming Highway 296, thence along Wyoming Highway 296 to the Wyoming-Montana State line; (j) between points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with U.S. Highway 56, thence along U.S. Highway 56 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with U.S. Highway 84, thence along U.S. Highway 84 to its junction with New Mexico Highway 219, thence along New Mexico Highway 219 to its junction with U.S. Highway 54.

Thence along U.S. Highway 54 to the New Mexico-Texas State line, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the U.S.-Canada International Boundary line, thence along U.S. Highway 93 to its junction with U.S. Highway 10, thence along U.S. Highway 10 to its junction with U.S. Highway 89, thence along U.S. Highway 89 to the Montana-Wyoming State line; (k) between points in that part of New Mexico on and east of a line beginning at the New Mexico-Oklahoma State line, thence along New Mexico Highway 18 to its junction with U.S. Highway 54, thence along U.S. Highway 54 to its junction with U.S. Highway 380, thence along U.S. Highway 380 to its junction with U.S. Highway 85, thence along U.S. Highway 85 to its junction with New Mexico Highway 90, thence along New Mexico Highway 90 to its junction with U.S. Highway 80, thence along U.S. Highway 80 to the New Mexico-Arizona State line, on the one hand, and, on the other, points in that part of Montana on and east of a line beginning at the Montana-Wyoming State line, thence along U.S. Highway 87 to its junction with U.S. Highway 91, thence along U.S. Highway 91 to the Montana-Canada International Boundary line; (l) between points in Utah, on the one hand, and, on the other, points in that part of Texas on and east of U.S. Highway 75; restricted to the transportation of commodities which are transported on trailers. The purpose of this filing is to eliminate the gateways of points in Kansas and Oklahoma.

No. MC 95084 (Sub-No. E1) filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Yates Bldg., 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fence posts, and bolts, nuts and fittings* therefor, from Bartonville, Ill., to points in Colorado, North Dakota, Wyoming, points in Minnesota on and west of U.S. Highway 169, and points in Nebraska on and west of a line from the Nebraska-Kansas State line along Nebraska Highway 15 to the junction of U.S. Highway 30, thence along U.S. Highway 30 to the Iowa-Nebraska State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E2), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, Yates Bldg., 611 Church St., P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel fence posts*, from Chicago Heights, Ill., to points in Colorado, Nebraska, North Dakota, South Dakota, and Wyoming, points in Kansas (except points in Johnson, Leavenworth and Wyandotte Counties), and points in Minnesota on and west of a line from the Iowa-Minnesota State line along U.S. Highway 65 to the junction of Minnesota Highway 13, thence along Minnesota Highway 13 to the junction of Minnesota Highway 19, thence along Minnesota Highway 19 to the junction of Minnesota Highway 15, thence along Minnesota Highway 15 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E3), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stan Hope, Iowa, 50246. Applicant's repreesntative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa, 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fence posts and bolts, nuts and fittings* therefor, from Joliet, Ill., to points in Colorado, Nebraska, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State line along U.S. Highway 75 to the junction of Interstate Highway 70, thence along Interstate Highway 70 to the junction of U.S. Highway 156, thence along U.S. Highway 156 to the junction of U.S. Highway 183, thence along U.S. Highway 183 to the Kansas-Oklahoma State line, and points in Minnesota on and west of a line from the Minnesota-Iowa State line along Minnesota Highway 22 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E4), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stan Hope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing, fence posts, bolts, nuts, and fittings* therefor, from Princeton, Ill., to points in Colorado, North Dakota, South Dakota, Wyoming, points in Kansas on and west of a line from the Kansas-Nebraska State line along U.S. Highway 75 to the junction of Interstate Highway 85, thence along Interstate Highway 35 to the junction of U.S. Highway 77, thence along U. S. Highway 77 to the Kansas-Oklahoma State line, and points in Nebraska on and south of a line from the Iowa-Nebraska State line along U.S. Highway 30 to the junction of Nebraska Highway 31, thence along Nebraska Highway 31 to the junction of Nebraska Highway 50, thence along Nebraska Highway 50 to the Nebraska-Iowa State line. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa.

No. MC 95084 (Sub-No. E5), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery and agricultural implements*, and *parts* when transported with farm machinery and agricultural implements from Hesston, Kans., to points in Wisconsin and points in Minnesota on and east of a line beginning at the Iowa-Minnesota State line extending along U.S. Highway 71 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to the Minnesota-North Dakota State line, and points in North Dakota on and west of North Dakota Highway 1 The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa and points within 1 mile thereof.

No. MC 95084 (Sub-No. E6), filed June 3, 1974. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery* from Sandwich, Ill., to points in Colorado, Nebraska, North Dakota, South Dakota, Wyoming, points in Minnesota on and west of a line from the Iowa-Minnesota State line along U.S. Highway 69, to the junction of Minnesota Highway 13, thence along Minnesota Highway 13 to the junction of Minnesota Highway 19, thence along Minnesota Highway 19 to the junction of Minnesota Highway 22, thence along Minnesota Highway 22 to the junction of Interstate Highway 94, thence along Interstate Highway 94 to the Minnesota-North Dakota State line and points in Kansas on and west of U.S. Highway 75. The purpose of this filing is to eliminate the gateway of Fort Dodge, Iowa, and points within 1 mile thereof.

No. MC 106920 (Sub-No. E48), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Paragraph B in the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Texas to points in Kentucky on and north of a line beginning at the Kentucky-Ohio State line and extending along U.S. Highway 27 to junction Kentucky Highway 617, thence along Kentucky Highway 617 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction Kentucky Highway 165, thence along Kentucky Highway 165 to junction Kentucky Highway 32, thence along Kentucky Highway 32 to junction Kentucky Highway 201, thence along Kentucky Highway 201 to junction U.S. Highway 460, thence along U.S. Highway 460 to the Kentucky-Virginia State line; and *empty containers* used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Auglaize, and Mercer Counties, Ohio.

No. MC 106920 (Sub-No. E49), filed June 3, 1974. Applicant: RIGGS FOOD EXPRESS, INC., P.O. Box 26, New Bremen, Ohio 45869. Applicant's representative: E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products* as described in Paragraph B in the appendix to the report in *Modification of Permits*, 48 M.C.C. 628, from points in Texas on and north of a line beginning at the Texas-New Mexico State line, and extending along Interstate Highway 40 to junction Texas Highway 207 to junction U.S. Highway 60, thence along U.S. Highway 60 to the Texas-Oklahoma State line to points in South Carolina on and north of a line beginning at the South Carolina-North Carolina State line and extending along U.S. Highway 276 to junction Interstate Highway 26, thence along Interstate Highway 26 to Columbia,

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thence along U.S. Highway 76 and 378 to junction U.S. Highway 378, thence along U.S. Highway 378 to junction U.S. Highway 501, thence along U.S. Highway 501 to the East Coast; and *empty containers* used in the transportation of the above-specified commodities from the above-named destination points to the above-named origin points. The purpose of this filing is to eliminate the gateway of points in Darke, Mercer, and Auglaize Counties, Ohio.

No. MC 107403 (Sub-No. E571), (Correction), filed May 29, 1974, re-published in the FEDERAL REGISTER November 7, 1974. Applicant: MATLACK, INC., 10 W. Baltimore Ave., Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sulphuric acid and phosphate fertilizer solutions*, in bulk, in tank vehicles, from the plant site of Freeport Chemical Co., near Uncle Sam, La., to points in Colorado, Illinois, Indiana, Missouri, North Carolina, South Carolina, Utah, Wisconsin, and Wyoming. The purpose of this filing is to eliminate the gateway of Baton Rouge, La. The purpose of this correction is to reflect the correct territory descriptions.

No. MC 107515 (Sub-No. E173), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, coconuts, and pineapples*, in packages, from Tampa, Fla., to the District of Columbia, and to points in Pennsylvania, Maryland, Delaware, New Jersey, New York, Rhode Island, Connecticut, New Hampshire, Vermont, Massachusetts, and Maine. The purpose of this filing is to eliminate the gateway of Gatesville, N.C.

No. MC 107515 (Sub-No. E285), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen poultry and frozen pies*, in vehicles equipped with mechanical refrigeration, from points in North Carolina to points in Colorado. The purpose of this filing is to eliminate the gateway of Florence, Ala.

No. MC 107515 (Sub-No. E286), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foods*, in vehicles equipped with mechanical refrigeration, from Rocky Mount, N.C., to points in Michigan. The purpose of this filing is to eliminate the gateway of any point in Ohio.

No. MC 107515 (Sub-No. E288), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh and cured meats*, in vehicles equipped with mechanical refrigeration (except in bulk, in tank vehicles), (1) from points in that part of North Carolina on and east of U.S. Highway 29 to points in Minnesota and Missouri, and (2) from points in that part of North Carolina on and east of North Carolina Highway 49 to Deerfield and Des Plaines, Ill., and to points in Wisconsin and that part of Illinois on and west of a line beginning at the Indiana-Illinois State line, thence along Interstate Highway 80 to junction Interstate Highway 294, thence along Interstate Highway 294 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction U.S. Highway 41, thence along U.S. Highway 41 to junction Illinois Highway 83, thence along Illinois Highway 83 to Lake Michigan. The purpose of this filing is to eliminate the gateways of (1) the plant site of Commercial Cold Storage at Doraville, Ga., and (2) the plant site of Odom's Sausage Co., at Madison, Tenn.

No. MC 107515 (Sub-No. E290), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salads and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Arkansas, Kansas, North Dakota, Oklahoma, South Carolina, Texas, and that part of Ohio on and west of Interstate Highway 75. The purpose of this filing is to eliminate the gateway of Knoxville, Tenn.

No. MC 107515 (Sub-No. E291), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pizza, salads, and sandwich spreads*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Minnesota, Missouri, Wisconsin, Illinois, and Iowa. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, a Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E296), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from Goldsboro, N.C., to points in Arkansas, Oklahoma, and Texas, restricted against the transportation of traffic originating at points in Florida. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E297), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plant sites of Family Foods, Inc., and Ambrosia Chocolate Co., Division of W. R. Grace & Co., at Charlotte, N.C., to points in Louisiana and Mississippi, restricted against the transportation of candy and confectionery. The purpose of this filing is to eliminate the gateway of the plant site of Commercial Cold Storage, at Doraville, Ga.

No. MC 107515 (Sub-No. E298), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared dough*, in vehicles equipped with mechanical refrigeration, from Greensboro, N.C., to points in Minnesota, Missouri, Wisconsin, and Iowa. The purpose of this filing is to eliminate the gateway of the plant site of Food Specialties of Kentucky, Division of Oscar Ewing, Inc., in Jefferson County, Ky.

No. MC 107515 (Sub-No. E300), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: R. M. Tettlebaum, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from Adairsville, Ky., to points in Rhode Island and Massachusetts and that part of New York on and east of a line beginning at Lake Ontario, thence along U.S. Highway 15 to junction New York-Pennsylvania State line, thence along the New York-Pennsylvania State line to junction Interstate Highway 84, thence along Interstate Highway 84 to the New York-Connecticut State line, restricted against the transportation of traffic originating at Nashville, Tenn. The purpose of this filing is to eliminate the gateway of Detroit, Mich.

No. MC 107515 (Sub-No. E370), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, as described in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from Columbus, Ohio, to points in that part of Texas on and south of a line beginning at the Texas-Louisiana State line, thence along Interstate Highway 20 to junction Texas Highway 42, thence along Texas Highway 42 to junction Texas Highway 31, thence along Texas Highway 31 to junction Texas Highway 22, thence along Texas Highway 22 to junction Texas Highway 171, thence along Texas Highway 171 to junction U.S. Highway 180, thence along U.S. Highway 180 to the Texas-New Mexico State line. The purpose of this filing is to eliminate the gateway of Montgomery, Ala.

No. MC 107515 (Sub-No. E373), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gelatin salads*, in vehicles equipped with mechanical refrigeration, from Atlanta, Ga., to points in that part of Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateways of the plant sites of Family Foods, Inc., or Ambrosia Chocolate Company, division of W. R. Grace and Company at Charlotte, N.C.

No. MC 107515 (Sub-No. E374), filed May 29, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 33050. Applicant's representative: Bruce E. Mitchell, Suite 375, 3379 Peachtree Rd. NE., Atlanta, Ga. 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy*, in vehicles equipped with mechanical refrigeration during the season April 15 to September 15, both inclusive of each year, from Atlanta, Ga., to points in that part of Virginia on and east of U.S. Highway 21. The purpose of this filing is to eliminate the gateway of the plant sites of Family Foods, Inc., and Ambrosia Chocolate Company, division of W. R. Grace and Company at Charlotte, N.C.

No. MC 110525 (Sub-No. E1119), (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 16, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Liquid synthetic resins and plasticizers*, in bulk, in tank vehicles, from Anniston, Ala., (1) to points in Connecticut, Massachusetts, and Rhode Island (Greensboro, N.C., and Newark, N.J.)*, (2) to points in Maine, New Hampshire, and Vermont (Greensboro, N.C., and Syracuse, N.Y.)*, (3) to points in Virginia (points in North Carolina)*, and (4) to points in West Virginia (points in that part of Tennessee on and east of U.S. Highway 27)*; and (B) *Synthetic resins and plasticizers*, from Anniston, Ala., to points in Ohio (Copperhill, Tenn.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to include (B) above.

No. MC 110525 (Sub-No. E1130), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (except liquefied petroleum gases), in bulk, in tank vehicles, from points in Kanawha County, W. Va., to points in that part of Arizona on and south of Interstate Highway 40, and that part of California on and south of Interstate Highway 80. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 110525 (Sub-No. E1156) (Correction), filed May 20, 1974, published in the FEDERAL REGISTER October 15, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals* (except vegetable oil, crude tall oil, sulphate, black liquor skimmings, and naval stores), in bulk, in tank vehicles, from points in Dade County, Fla.; (1) to points in Arkansas (Atlanta, Ga.)*; (2) to points in Oklahoma (Baton Rouge, La.)*; and (3) to points in Arizona, California, Colorado, and Wyoming (Baton Rouge, La., and Texas City, Tex.)*, restricted in (1) above against the transportation of hydrofluosilic acid and liquid alum. The purpose of this filing is to eliminate the gateways indicated by asterisks above. The purpose of this correction is to clarify the exception and to include the restriction.

No. MC 110525 (Sub-No. E1168), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Dry chemicals*, in bulk, in tank vehicles, from the District of Columbia to points in Maine (except points in Aroostook County), New Hampshire, and Vermont. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa., Newark, N.J., and Springfield, Mass.

No. MC 110525 (Sub-No. E1169), filed May 20, 1974. Applicant: CHEMICAL LEAMAN TANKLINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities*, in bulk, in tank vehicles, from Philadelphia, Pa., to points in Connecticut, Massachusetts, and Rhode Island. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E1213), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from points in Jefferson County, Ky., to points in Arizona, California, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and that part of Oklahoma on and west of a line beginning at the Kansas-Oklahoma State line, thence along U.S. Highway 75 to Tulsa, thence along Interstate Highway 44 to Oklahoma City, thence along Interstate Highway 35 to the Oklahoma-Texas State line. The purpose of this filing is to eliminate the gateway of Addyston, Ohio.

No. MC 110525 (Sub-No. E1226), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nickel plating solutions and liquid fluoride compounds*, in bulk, in tank vehicles, from points in Indiana to points in that part of Pennsylvania on, south, and east of U.S. Highway 62. The purpose of this filing is to eliminate the gateways of Cleveland, Ohio, and Josephtown, Pa.

No. MC 110525 (Sub-No. E1245), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor

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vehicle, over irregular routes, transporting: *Fatty acids, lard, tallow, and animal oil*, in bulk, in tank vehicles, from Asheville, N.C., to points in Massachusetts, Connecticut, and Rhode Island. The purpose of this filing is to eliminate the gateways of Baltimore, Md., Philadelphia, Pa., and Newark, N.J.

No. MC 110525 (Sub-No. E1259), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles; (1) from Palmerton, Pa., to points in Delaware (Camden, N.J., and Lima, Pa.)*; and (2) from Palmerton, Pa., to points in Virginia, restricted against the transportation of bituminous products and materials (Camden, N.J., Lima, Pa., and the District of Columbia)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 110525 (Sub-No. E1272), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, between the District of Columbia and points in Delaware and Maryland, on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y. The purpose of this filing is to eliminate the gateways of Lima and Philadelphia, Pa., and points in the New York, N.Y., commercial zone.

No. MC 110525 (Sub-No. E1282), (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, from points in Maryland to points in Connecticut. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Newark, N.J. The purpose of this correction is to clarify the commodity description.

No. MC 110525 (Sub-No. E1285), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677, from points in that part of Alabama on and south of U.S. Highway 278 (except Anniston), to points in the Lower Peninsula of Michigan. The purpose of this filing is to eliminate the gateway of Institute, W. Va.

No. MC 110525 (Sub-No. E1288) (Correction), filed June 4, 1974, published in the FEDERAL REGISTER October 24, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal, vegetable, mineral, and fish oil, chemicals, soap and soap products, and glycerin*, in bulk, in tank vehicles, from points in Maryland to points in Massachusetts. The purpose of this filing is to eliminate the gateways of Lima, Pa., and Newark, N.J. The purpose of this correction is to clarify the commodity description.

No. MC 110525 (Sub-No. E1301), filed June 4, 1974. Applicant: CHEMICAL LEAMAN TANK LINES, INC., P.O. Box 200, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* as defined in *The Maxwell Co., Extension—Addyston* (except liquefied petroleum gases), in bulk, in tank vehicles, from points in that part of California in and south of Santa Cruz, Santa Clara, Merced, Mariposa, Madera, and Mono Counties, to points in that part of Ohio on, south, and east of a line beginning at the Indiana-Ohio State line, thence along Ohio Highway 81 to Lima, thence along Interstate Highway 75 to Findley, thence along Ohio Highway 12 to junction Ohio Highway 53, thence along Ohio Highway 53 to junction U.S. Highway 6, thence along U.S. Highway 6 to Sandusky. The purpose of this filing is to eliminate the gateway of Houston, Tex.

No. MC 112696 (Sub-No. E1), filed June 3, 1974. Applicant: HARTMANS, INC., 833 Chicago Ave., Harrisonburg, Va. 22801. Applicant's representative: James E. Wilson, Suite 1032, 13th & Penn. Ave. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, (1) from Baltimore, Md., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Carolina, Tennessee, and Wisconsin; and (2) from Martinsburg, W. Va., to points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, and Wisconsin. The purpose of this filing is to eliminate the gateway of Harrisonburg, Va., for points in (1) above, and Winchester, Va., for points in (2) above.

No. MC 112822 (Sub-No. E145) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER November 5, 1974. Applicant: BRAY LINES, INC., P.O. Box 1191, Cushing, Okla. 74023. Applicant's representative: Robert A. Stone (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in that part of California on and north of a line beginning at the Pacific Ocean and extending along California Highway 68 to Salinas, thence along U.S. Highway 101 to junction California Highway 152, thence along California Highway 152 to junction California Highway 99, thence along California Highway 99 to junction California Highway 180, thence along California Highway 180 to junction U.S. Highway 395, thence along U.S. Highway 395 to junction California Highway 190, thence along California Highway 190 to the California-Nevada State line, to points in Missouri. The purpose of this filing is to eliminate the gateway of points in Idaho. The purpose of this correction is to clarify the destination territory.

No. MC 113495 (Sub-No. E48) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER November 4, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio, to points in Greenbrier County, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 113495 (Sub-No. E49) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Ohio 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio, to points in McDowell, Mercer, Summers, and Monroe Counties in West Virginia. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 113495 (Sub-No. E50) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over

irregular routes, transporting: *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio, to points in Hardy, Hampshire, Morgan, Berkeley, and Jefferson Counties, in West Virginia. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 113495 (Sub-No. E51) (Correction), filed June 3, 1974, published in the FEDERAL REGISTER October 31, 1974. Applicant: GREGORY HEAVY HAULER, INC., P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: E. T. Gregory (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road-construction machinery, equipment, and supplies* (except petroleum products and coal tar products, in bulk, in tank vehicles, and except coal), from points in Ohio, to points in Pendleton County, W. Va. The purpose of this filing is to eliminate the gateway of points in Virginia. The purpose of this correction is to clarify the exception.

No. MC 115331 (Sub-No. E8), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 St. Clair Ave., East St. Louis, Ill. 62201. Applicant's representative: Mr. E. Stephen Heisley, 666 Eleventh St. NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products*, in bulk, from Davenport, Iowa, to points in Arkansas, Tennessee, Kansas, Texas, Colorado, Oklahoma, Louisiana, and points in Kentucky on and south of a line beginning at the Illinois-Kentucky State line and extending along U.S. Highway 62 to its junction with Interstate Highway 64, thence along Interstate Highway 64 to its junction with the Kentucky-West Virginia State line (Adams County, and Quincy, Ill., and Hannibal, St. Genevieve, and Kansas City, Mo.)*; (2) *Limestone products*, in bulk, from Davenport, Iowa, to points in Alabama, Florida, and points in Georgia on and south of a line beginning at the Alabama-Florida State line and extending along U.S. Highway 280 to its junction with U.S. Highway 341, thence along U.S. Highway 341 to the Atlantic Ocean (St. Francois County, Mo., and Roberta, Ala.; (3) *Crushed or ground limestone*, in bulk, from Davenport, Iowa, to points in Mississippi (Valmeyer, Ill.)*; and (4) *Lime and limestone products*, which are defined as chemicals, in bulk, from Davenport, Iowa, to points in Kentucky (El Paso, Ill.)*. The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E9), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, as defined as chemicals, in bulk, in dump vehicles, from points in Iron County, Mo., to points in Iowa, Kansas, Ohio, Oklahoma, Minnesota, Wisconsin, South Dakota, Michigan, Nebraska, Colorado, Montana, North Dakota, and Wyoming. The purpose of this filing is to eliminate the gateways of Chicago and East St. Louis, Ill., Davenport, Iowa, and Hannibal and Kansas City, Mo.

No. MC 115331 (Sub-No. E10), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois, 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products*, as defined as chemicals, in bulk, from Kansas City, Mo., to points in Kentucky, Indiana, and points in Illinois on and south of a line beginning at the Iowa-Illinois State line, and extending along U.S. Highway 20 to its junction with Interstate Highway 90, thence along Interstate Highway 90 to its intersection with the Illinois-Indiana State line, (St. Louis, Mo.)* (2) *Lime* and *limestone products*, in bulk, from Kansas City, Mo., to points in Tennessee. (Ste. Genevieve, Mo.)* (3) *Limestone products*, in bulk, from Kansas City, Mo., to points in Ohio (points in St. Francois County, Mo.)* (4) *Lime*, in bulk, from Kansas City, Mo., to points in the lower peninsula of Michigan. (St. Louis, Mo., and Chicago, Ill.). The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 115331 (Sub-No. E14), filed May 6, 1974. Applicant: TRUCK TRANSPORT INCORPORATED, 230 Saint Clair Avenue, East Saint Louis, Illinois 62201. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Lime and limestone products*, in bulk, from points in Manitowoc County, Wis., to points in Arkansas, Nebraska, Kansas, Texas, Colorado, Oklahoma, points in Tennessee on and west of Interstate Highway 65, points in South Dakota on and south of Interstate Highway 90 (Ste. Genevieve, Kansas City, and Hannibal, Mo., Limedale, Ark., Davenport, Iowa)* (2) *Lime*, in bulk, (except lime used for agricultural purposes) from points in Manitowoc County, Wis., to points in Louisiana, (Ste. Genevieve, Mo., and Limedale, Ark.)* (3) *Lime* and *limestone products*, as defined as chemicals, in bulk, from points in Manitowoc County, Wis., to points in Kentucky (El Paso, Ill.)* (4) *Crushed* and *ground limestone*, in bulk, from points in Manitowoc County, Wis., to points in Mississippi (Valmeyer, Ill.)* (5) *Lime*, in bulk, from points in Manitowoc County, Wis., to points in Michigan on and south of Michigan Highway 32. (Chicago, Ill.)* The purpose of this filing is to eliminate the gateways indicated by asterisks above.

No. MC 128007 (Sub-No. E38), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Friona, Tex., to points in Wisconsin, Indiana, Ohio, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., Liberal, Kans., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E39), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Pampa, Tex., to points in Ohio, Indiana, Wisconsin, Mississippi, and Tennessee (except points in Shelby County, Tenn.)*. The purpose of this filing is to eliminate the gateways of Liberal, Kans., Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E40), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Quanah, Tex., to points in Indiana, Wisconsin, Ohio, and Mississippi. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E41), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Amarillo, Tex., to points in Wisconsin, Indiana, Ohio, Mississippi, and Tennessee. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E42), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier by motor vehicle over irregular routes transporting: *Dry fertilizer*, from Lawrence, Kans., to points in Texas (except points in Dullam, Sher-

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man, Hansford, Ochiltree, Lipscomb, Hartley, Moore, Hutchinson, and Oldham Counties). The purpose of this filing is to eliminate the gateway of Pittsburg, Kans.

No. MC 128007 (Sub-No. E43), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from McPherson and Wichita, Kans., to points in New Mexico, Mississippi, and Louisiana. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 128007 (Sub-No. E44), filed June 4, 1974. Applicant: HOFER, INC., P.O. Box 583, Pittsburg, Kansas 66762. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, Kansas 66603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry feed ingredients*, from Hereford, Tex., to points in Ohio, Mississippi, Wisconsin, and Indiana. The purpose of this filing is to eliminate the gateways of Van Buren, Ark., or the plant site of Harvest Brand, a division of Harvest Industries, Inc., located at Pittsburg, Kans.

No. MC 129872 (Sub-No. E3), filed May 24, 1974. Applicant: SCHUSTER TRANSPORT, INC., Knapp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery;* (1) between points in that part of Minnesota on, south, and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 59 to junction Minnesota Highway 30, thence along Minnesota Highway 30 to the Minnesota-South Dakota State line, on the one hand, and, on the other, points in that part of Wisconsin on and south of a line beginning at the Illinois-Wisconsin State line, thence along U.S. Highway 51 to junction Wisconsin Highway 59, thence along Wisconsin Highway 59 to junction U.S. Highway 18, thence along U.S. highway 18 to Milwaukee; (2) between points in that part of Illinois on and south of a line beginning at the Illinois-Iowa State line, thence along Illinois Highway 9 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 121, thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130.

Thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to junction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line, and points on, north, and east of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to Cairo, on the one hand, and, on the other, points in that part of Minnesota on and east of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 71 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 29, thence along Minnesota Highway 29 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 200, thence along Minnesota Highway 200 to junction Minnesota Highway 92, thence along Minnesota Highway 92 to junction unnumbered Minnesota near Clearbrook, thence along unnumbered Minnesota highway to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line; (3) between Rock Island, Moline, and East Moline, Ill., and points in that part of Illinois on and south of U.S. Highway 150, and points on and north of a line beginning at the Iowa-Illinois State line, thence along Illinois Highway 9 to junction Illinois Highway 78, thence along Illinois Highway 78 to junction U.S. Highway 136, thence along U.S. Highway 136 to junction Illinois Highway 10, thence along Illinois Highway 10 to junction Illinois Highway 121.

Thence along Illinois Highway 121 to junction Illinois Highway 32, thence along Illinois Highway 32 to junction Illinois Highway 33, thence along Illinois Highway 33 to junction Illinois Highway 130, thence along Illinois Highway 130 to junction Illinois Highway 1, thence along Illinois Highway 1 to punction Interstate Highway 64, thence along Interstate Highway 64 to the Illinois-Indiana State line, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, and thence along Minnesota Highway 86 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction U.S. Highway 71, thence along U.S. Highway 71 to junction Minnesota Highway 67, thence along Minnesota Highway 67 to junction Minnesota Highway 273, thence along Minnesota Highway 273 to junction Minnesota Highway 23, thence along Minnesota Highway 23 to junction U.S. Highway 12, thence along U.S. Highway 12 to junction Minnesota Highway 9, thence along Minnesota Highway 9 to junction U.S. Highway 59, thence along U.S. Highway 59 to junction Minnesota Highway 32, thence along Minnesota Highway 32 to junction Minnesota Highway 11, thence along Minnesota Highway 11 to junction Minnesota Highway 89, thence along Minnesota Highway 89 to the United States-Canada International Boundary line; (4) between Rock Island, Moline, and East Moline, Ill., and points in that part of Illinois north of U.S. Highway 150, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line, thence along U.S. Highway 59 to junction U.S. Highway 212, thence along U.S. Highway 212 to junction U.S. Highway 75, thence along U.S. Highway 75 to junction U.S. Highway 12, thence along U.S. Highway 12 to the Minnesota-South Dakota State line.

(5) Between points in that part of Illinois on and west of a line beginning at the Illinois-Missouri State line, thence along Illinois Highway 13 to junction U.S. Highway 51, thence along U.S. Highway 51 to Cairo, on the one hand, and, on the other, points in that part of Minnesota on and west of a line beginning at the Iowa-Minnesota State line thence along Minnesota Highway 4 to junction Minnesota Highway 60, thence along Minnesota Highway 60 to junction Minnesota Highway 15, thence along Minnesota Highway 15 to junction Minnesota Highway 55, thence along Minnesota Highway 55 to junction Minnesota Highway 4, thence along Minnesota Highway 4 to junction Interstate Highway 94, thence along Interstate Highway 94 to junction Minnesota Highway 28, thence along Minnesota Highway 28 to junction Minnesota Highway 27, thence along Minnesota Highway 27 to junction Minnesota Highway 371, thence along Minnesota Highway 371 to junction Minnesota Highway 210, thence along Minnesota Highway 210 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 2, thence along U.S. Highway 2 to junction Minnesota Highway 38, thence along Minnesota Highway 38 to junction Minnesota Highway 1, thence along Minnesota Highway 1 to junction Minnesota Highway 6, thence along Minnesota Highway 6 to junction U.S. Highway 71, thence along U.S. Highway 71 to the United States-Canada International Boundary line near International Falls, Minn.; (6) between Lexington and Grand Island, Nebr., on the one hand, and, on the other, points in that part of Missouri on and east of a line beginning at the Missouri-Arkansas State line, thence along Missouri Highway 25 to junction Missouri Highway 74, thence along Missouri Highway 74 to Cape Girardeau.

(7) Between points in that part of Nebraska within an area on and bounded by a line beginning at the Colorado-Nebraska State line, thence along Interstate Highway 80 to junction U.S. Highway 83, thence along U.S. Highway 83 to junction Nebraska Highway 70, thence along Nebraska Highway 92 to junction U.S. Highway 183, thence along U.S. Highway 183 to junction Nebraska Highway 70, thence along Nebraska Highway 70 to junction Nebraska Highway 91, thence along Nebraska Highway 91 to junction U.S. Highway 81, thence along U.S. Highway 81 to junction U.S. Highway 275, thence along U.S. Highway 275 to junction U.S. Highway 20, thence along U.S. Highway 20 to junction Nebraska Highway 87, thence along Nebraska Highway 87 to junction U.S. Highway 385, thence along U.S. Highway 385 to junction Nebraska Highway L-62A, thence along Nebraska Highway L-62A to junction U.S. Highway 26, thence along U.S. Highway 26 to the Wyoming-Nebraska State line; and (9) between points in that part of Nebraska on and north of U.S. Highway 20, on the one hand, and, on the other, points in that part of Missouri on and west of U.S. Highway 69. The purpose of this filing is to eliminate the gateway of LeMars, Iowa, and points within 25 miles thereof.

No. MC 129872 (Sub-No. E4) (Correction), filed May 24, 1974, published in the FEDERAL REGISTER November 12, 1974. Applicant: SCHUSTER TRANSPORT, INC., Canpp, Wis. 54749. Applicant's representative: Bradford E. Kistler, P.O. Box 80288, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery;* (1) between points in Illinois and Wisconsin, on the one hand, and, on the other, points in Nebraska and South Dakota; and (2) between points in Missouri, on the one hand, and, on the other, points in South Dakota and Minnesota. The purpose of this filing is to eliminate the gateway of LeMars, Iowa, and points within 25 miles thereof. The purpose of this correction is to correct the "E" number, previously published as E1.

No. MC 134838 (Sub-No. E1) (Correction), filed June 4, 1974, republished in the FEDERAL REGISTER October 22, 1974. Applicant: SOUTHEASTERN TRANSFER & STORAGE CO., INC., 2567 Plant Atkinson Rd. NW., Atlanta, Ga. 30318. Applicant's representative: Charles Ephraim, Suite 600–1250 Connecticut Ave. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden poles;* (a) between points in that part of Alabama north of a line beginning at the Mississippi-Alabama State line, thence along U.S. Highway 80 to junction Alabama Highway 14, thence along Alabama Highway 14 to junction U.S. Highway 29, thence along U.S. Highway 29 to the Alabama-Georgia State line (except those points in and east of Pickens, Tuscaloosa, Jefferson, Blount, Etowah, De Kalb, and Jackson Counties, and except Florence, Huntsville, and Athens, Ala.)*, on the one hand, and, on the other, points in that part of Tennessee on and east of Scott, Morgan, Roane, Rhea, and Hamilton Counties; . . . The purpose of this filing is to eliminate the gateways of Chattanooga, Tenn., for points in (1)(a), (b), (e), (f), and 5(a) above; Macon, Ga., for points in (1)(c), (4)(c), (d), (e), (f), (g), (h), and (i) above; Atlanta, Ga., for points in (1)(d), (g), and (4)(a) above; Florence, S.C., for points in (2)(a), and (b) above; points in Georgia for points in (2)(c), (d), (e), (i), (j), and (3) above; Florence, S.C., or points in Georgia for points in (2)(f), (g), (h), (k), (l), and (m) above; and Macon, Atlanta, or Augusta, Ga., for points in (4)(b) above; and points in Georgia or Atlanta, Macon, or Augusta, Ga., for points in (5)(b) above. The purpose of this partial correction is to correct the commodity description in (1) above. The remainder of this letter-notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27778 Filed 11-26-74;8:45 am]

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WEDNESDAY, NOVEMBER 27, 1974
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Volume 39 ■ Number 230
PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SOCIAL AND REHABILITATION SERVICE

■

MEDICAL ASSISTANCE PROGRAM

Proposed Reimbursment of Drug Cost

V 39 I 230 NOV 27 74 XUM

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 250]

REIMBURSEMENT OF DRUG COST—MEDICAL ASSISTANCE PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement the provisions of section 1903(i) of the Social Security Act mandating upper limits of reimbursement for prescribed drugs in the medical assistance program administered under title XIX, Social Security Act. The proposed changes are as follows:

Reimbursement Policy for All Prescribed Drugs. Section 1902(a)(30) of the Social Security Act, enacted as part of the 1967 Social Security Amendments, requires that a State medical assistance plan include methods and procedures to safeguard against payments in excess of reasonable charges for drugs, consistent with efficiency, economy, and quality of care. Section 224 of the 1972 Social Security Act Amendments, Pub. L. 92-603, limits Federal financial participation for items or services that do not generally vary significantly in quality from one supplier to another, to the lowest charge levels at which they are widely and consistently available in a locality, except as otherwise specified by the Secretary. The new regulations provide upper limits for reimbursement of the cost of prescribed drugs which are consistent with the 1972 statutory requirement.

Achieving the mandated economies in drug cost reimbursement involves two principal elements: the cost of the drug to the provider and the provider's charge for dispensing. Current regulations under section 1902(a)(30), in effect since 1969, governing the upper limits of reimbursement for prescribed drugs, provide that the State may reimburse providers either on the basis of drug cost plus a fixed dispensing fee, or the usual charge to the general public.

Dispensing Charges. Since 1969, there has been a steady movement toward reimbursement on the basis of cost plus dispensing fee. Of the 49 States and jurisdictions which include prescribed drugs in their Medicaid programs, more than two-thirds now reimburse on this basis. It is also used by a growing number of non-governmental third party programs and an increasing number of retail pharmacists in determining drug charges to the general public. Compared to reimbursement on the basis of "usual charge," the fee system offers several important advantages: it recognizes that the cost of dispensing is not necessarily related to the cost of the drug; it facilitates automated claims processing and speeds the payment of claims; and it lessens the need of monitoring to assure that drug charges to the program do not exceed those to the public.

For these reasons the proposed regulation requires that the method of reimbursement under Medicaid be on the basis of drug cost plus dispensing fee.

Acquisition Costs. In referring to drug cost, current regulations specify "cost as determined by the State." Most States use average wholesale price, Red Book data, Blue Book data, survey results or similar standard costs. Such standard prices are frequently in excess of actual acquisition costs to the retail pharmacist. Thus, to achieve maximum savings to the Medicaid program, the proposal requires the use of actual acquisition cost.

Reimbursement for Unit Dose Dispensing. The proposed regulation also clarifies the use of a dispensing fee for drugs furnished recipients of medical assistance in long term care facilities by pharmacies employing a unit does system. This system involves the dispensing of only that amount of drug intended to be consumed in a given time period. This method is considered by many to result in both cost savings and increased quality of care. Dollar savings result from paying only for drugs which are actually consumed. Savings also result from reduced personnel costs in long term care facilities but these may be offset to some extent by the relative increase in the dispensing cost paid to the pharmacy. Factors which contribute to increased quality include fewer medical errors, close monitoring of drug intake, and fewer drug interactions.

Cost Limits on Multiple Source Drugs. On November 15, 1974, the Secretary published a proposal for a Pharmaceutical Reimbursement Board which will publish and periodically revise maximum allowable cost (MAC) limitations on the reimbursement of multiple-source drug costs in Departmentally-supported health programs. Under the regulations proposed herein, cost will be limited to the lower of the MAC or actual acquisition cost plus 25 percent of the differential between actual acquisition cost and the established MAC, unless the prescribing physician certifies that a specific brand of a multiple-source drug is medically indicated.

Medicaid recipients also are furnished drugs while they are inpatients in hospitals. Payment for inpatient hospital care under Medicaid is on a reasonable cost basis using the Medicare formula. Since regulations are concurrently being published by the Social Security Administration for Medicare (title XVIII) placing restrictions on the level of reimbursement for multiple source drugs used in hospitals, such restrictions will automatically apply to the State Medicaid programs.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, P.O. Box 2382, Washington, D.C. 20013 on or before January 27, 1975. Comments received will be available for public inspection in Room 5326 of the Department's offices at 301 C Street, SW, Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (Area Code 202-245-0950).

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302)) (Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

Dated: October 30, 1974.

JAMES S. DWIGHT, Jr.,
Administrator, Social and Rehabilitation Service.

Approved: November 21, 1974.
CASPAR W. WEINBERGER,
Secretary.

Section 250.30(b)(2) of Part 250, Chapter II, Title 45, Code of Federal Regulations, is revised as set forth below:

§ 250.30 Reasonable charges.

(b) *Upper limits.* • • •

(2) *Drugs.* The upper limit for payment for prescribed drugs—whether legend items (for which a prescription is required under Federal law) or non-legend items—shall be based on the cost of the drug (as determined in accordance with paragraph (b)(2)(ii) of this section) plus a dispensing fee established by the State.

(i) The dispensing fee should be ascertained by analysis of pharmacy operational data which includes such components as overhead, professional services, and profit. Indices to be considered shall include payment practices of other third-party organizations, including other Federal programs.

(a) The dispensing fee may vary according to the size and location of the pharmacy and according to whether the dispensing is done by a physician or by an outpatient drug department of an institution and according to whether the drug is a legend or a non-legend item.

(b) The dispensing fee may also vary for prescribed drugs furnished to title XIX recipients in an institutional setting by a pharmacy employing a unit dose system. In such instances the dispensing fee may be either: (1) An amount added to the cost of each unit dose furnished by the pharmacy or (2) a daily or monthly capitation rate per resident for whom prescribed drugs are being furnished. In either case, the dispensing fee is added to the ingredient cost of the prescribed drug which is actually consumed.

(c) In evaluating a dispensing fee by analysis of operational data, the objective of the State agency should be to insure that the average prescription price paid by the State agency does not exceed the average prescription price paid by the general public.

(ii) For each multiple source drug designated by the Pharmaceutical Reimbursement Board and published in the FEDERAL REGISTER, cost will be limited to the lesser of (a) the maximum allowable cost established by the Board for such drug, and published in the FEDERAL REGISTER, or (b) the actual acquisition cost plus 25 percent of the amount, if any, by which the maximum allowable

cost exceeds the acquisition cost; except that such limitation shall not apply in any case where a physician certifies in writing that only a specific brand of drug can be tolerated by or is effective for a particular patient. For all other prescribed drugs, cost shall be determined on the basis of actual acquisition cost. For the purposes of this section, "actual acquisition cost" means the cost of the product to the provider less any quantity, trade, and promotional discounts and allowances except cash discounts not in excess of 2 percent of cost. It may include warehousing and other distributional costs incurred by a provider who maintains a warehouse separate from his retail place of business. In no case shall the claimed acquisition cost be greater than the lowest cost which would have been incurred if the product had been obtained through a wholesaler.

(iii) The upper limits governing reimbursement by State agencies to providers of prescribed drugs specified in this section shall also apply in cases where prescribed drugs are furnished as part of skilled nursing facility or intermediate care facility services or under prepaid capitation arrangements. Contracts between the State agency and the underwriter, carrier, foundation, health maintenance organization or other insurers containing the terms of such prepaid capitation arrangements shall include a provision imposing the same upper limits for reimbursement or prescribed drugs as are imposed by paragraph (b)(2) of this section on the State agency.

[FR Doc.74-27718 Filed 11-26-74;8:45 am]

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PART III

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner

■

COINSURANCE

Eligibility Requirements; Contract Rights and Obligations

V 39 I 230 NOV 27 74 XUM

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT—FEDERAL HOUSING COMMISSIONER

[24 CFR Part 204]

[Docket No. R-74-306]

COINSURANCE

Proposed Eligibility Requirements, Contract Rights and Obligations

Section 307 of the Housing and Community Development Act of 1974 amended the National Housing Act by adding a new section 244, entitled Coinsurance. The amendment authorizes the Secretary, upon request of an approved mortgagee, to insure and make commitments to insure mortgages, loans or advances under Title II of the National Housing Act pursuant to a coinsurance contract which provides that the mortgagee will: (1) Assume a percentage of any loss and receive a percentage of any premium paid on the insured mortgage, and (2) carry out such credit approval, appraisal, inspection, commitment, property disposition or other functions as the Secretary pursuant to regulation may approve as consistent with the purposes of the Act.

Notice is hereby given that the Secretary proposes to amend Chapter II of Title 24 of the Code of Federal Regulations by adding a new Part 204 to implement the coinsurance program authorized by the Housing and Community Development Act of 1974.

Interested persons are invited to participate in this proposed rulemaking by submitting written data, views and arguments with respect to this proposal. Communications should be identified by the above docket number and title, and should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material received on or before December 23, 1974 will be considered before adoption of the final rule. Copies of comments submitted will be available for public inspection during normal business hours at the above address.

In consideration of the foregoing, and purusant to authority contained in section 211 of the National Housing Act, 12 USC 1715b, it is proposed to amend Chapter II of Title 24 of the Code of Federal Regulations by adding a new Part 204, as set forth below.

1. A new Part 204, is added as set forth below.

PART 204—COINSURANCE

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AUTHORITY: 12 U.S.C. 1715b.

Subpart A—Eligibility Requirements

§ 204.1 Incorporation by reference.

All of the provisions of Subpart A, Part 203 of this Chapter concerning eligibility requirements of mortgages under section 203(b) of the National Housing Act apply to mortgages, covering one- to four-family dwellings, to be insured under section 203(b) pursuant to the coinsurance authority of section 244 of the National Housing Act except the following provisions.

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§ 204.2 Approval of coinsuring mortgagees.

(a) A mortgagee approved under §§ 203.1, 203.2, 203.4(b) or 203.4(c) of this chapter and meeting the following special requirements may be approved as a coinsuring mortgagee under this part:

(1) It shall have sound capital funds (net worth) of a value of not less than $500,000.

(2) It shall submit evidence satisfactory to the Commissioner that it is capable of discharging full underwriting, servicing and property disposition responsibilities as required under instructions and standards issued by the Commissioner.

(3) It shall submit to such monitoring, auditing and review as the Commissioner may require.

(4) It shall submit a detailed audit report of its books made by an independent accountant satisfactory to the Commissioner, reflecting a condition satisfactory to him.

(5) It shall file with the Commissioner similar annual audits within 75 days of the closing of its fiscal year so long as its aproval as a coinsuring mortgagee continues.

(6) It shall comply with any other conditions that the Commissioner may impose.

(b) Approval of a coinsuring mortgagee under this part may be withdrawn for the causes provided in § 203.7 of this chapter or for any of the following causes:

(1) Failure to maintain the required sound capital funds;

(2) Failure to properly perform underwriting, servicing or property disposition functions in accordance with instructions and standards issued by the Commissioner;

(3) Failure of an originating mortgagee to discharge its responsibilities under a contract for coinsurance;

(4) Failure to make full payment to an investing mortgagee as required in this part.

(5) Such other causes as the Commissioner determines to be justified.

§ 204.3 Delegation of authority.

(a) A mortgagee approved for coinsurance is authorized to make determinations relating to the eligibility of the mortgage, the mortgagor and the property, pursuant to instructions and standards issued by the Commissioner, for insurance of a mortgage with respect to any mortgage to be coinsured by the Commissioner and the mortgagee, except:

(1) Mortgages covering property which has been occupied by parties other than the owner for 2 years or less preceding the application for insurance.

(2) Mortgages covering proposed construction in new subdivisions which have not been approved by the Commissioner.

(b) In making the determinations set forth in this section the mortgagee shall utilize only staff or fee appraisers, mortgage credit examiners and inspectors approved by the Commissioner.

§ 204.4 Application fees.

(a) When the mortgagee determines the appraised value of the property, the eligibility of the property for insurance, and the mortgage amount which may be insured, the mortgagee may collect from the mortgagor for its own use an application fee as follows:

(1) $50 for an application involving existing housing.

(2) $65 for an application involving proposed construction.

(b) When the mortgagee submits an application for conditional commitment to be processed by the Commissioner the mortgagee shall pay the application fees required by § 203.12 of this chapter.

§ 204.5 Mortgagor's payments when mortgage is executed.

The mortgagor must pay to the mortgagee, upon the execution of the mortgage, a sum that will be sufficient to pay the ground rents, if any, the estimated taxes, special assessments, flood insurance premiums, if required, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the mortgage plus an amount sufficient to pay the initial mortgage insurance premium.

§ 204.6 Mortgage servicing during coinsurance period.

Servicing functions during the period of coinsurance shall be performed only by the originating mortgagee or by an approved coinsuring mortgagee which agrees to assume the originating mortgagee's liability under the contract of coinsurance: *Provided, however,* That the investing mortgagee may elect to transfer servicing to other than an approved coinsuring mortgagee if the investing mortgagee assumes the obligations of the originating mortgagee under the contract of coinsurance.

Subpart B—Contract Rights and Obligations

§ 204.251 Definitions.

As used in this subpart the following terms shall have the meaning indicated:

(a) "Commissioner" means the Federal Housing Commissioner or his authorized representative.

(b) "Act" means the National Housing Act, as amended.

(c) "FHA" means the Federal Housing Administration.

(d) "Mortgage" means such a first lien upon real estate as is commonly given to secure advances on, or the unpaid purchase price of, real estate under the laws of the jurisdiction where the real estate is situated, together with the credit instruments, if any, secured thereby.

(e) "Mortgagor" means the original borrower under a mortgage and his heirs, executors, administrators and assigns.

(f) "Mortgagee" means the original lender under a mortgage and its successors and such of its assigns as are approved by the Commissioner.

(g) "Originating mortgagee" means the original coinsured lender, or an assignee which has assumed responsibility for the original coinsured lender's liability under the coinsurance contract, with the approval of the Commissioner.

(h) "Investing mortgagee" means a lender approved by the Commissioner pursuant to §§ 203.1 through 203.6 of this section to which the coinsured mortgage has been sold, assigned or transferred and which has not assumed responsibility for the originating mortgagee's liability under the coinsurance contract, except as provided in § 204.6.

(i) "Insured mortgage" means a mortgage which has been insured as evidenced by the issuance of a Mortgage Insurance Certificate by the Commissioner.

(j) "Contract of insurance" means the agreement evidenced by the issuance of a Mortgage Insurance Certificate incorporating by reference the regulations in this part and the applicable provisions of the Act.

(k) "Period of coinsurance" means a period of time beginning on the effective date of the Mortgage Insurance Certificate and ending on the date the 60th monthly amortization payment is actually made by the mortgagor.

(l) "Fully insured" means entitlement to the benefits, and subject to the conditions, of §§ 203.295 through 203.435 of this chapter.

(m) "MIP" means the mortgage insurance premium paid by the mortgagee to the Commissioner in consideration of the contract of insurance.

(n) "Maturity" means the date on which the mortgage indebtedness would be extinguished if paid in accordance with periodic payments provided for in the mortgage.

(o) "Debentures" means registered, transferable securities which are valid and binding obligations, issued in the name of the Mutual Mortgage Insurance Fund in accordance with the provisions of this part; such debentures are the primary liability of the Mutual Mortgage Insurance Fund and are unconditionally guaranteed as to principal and interest by the United States.

(p) "State" includes the several States, Puerto Rico, the District of Columbia, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands.

ENDORSEMENT AND CONTRACT OF INSURANCE

§ 204.254 Application for insurance.

The mortgagee shall submit to the Commissioner, on forms prescribed by him, within 15 days after the date of closing the loan evidence that the mortgage, the mortgagor and the property are eligible for insurance, that the principal amount of the loan has been disbursed to the mortgagor or for his account, and such other matters as the Commissioner may require.

§ 204.255 Insurance of mortgage.

Upon compliance with the requirements of this part the Commissioner will insure the loan as of the date of closing evidencing the insurance by the issuance of a Mortgage Insurance Certificate which the loan is insured and the date which the loan is insured an the date of insurance.

§ 204.256 Reinsurance prohibited.

The mortgagee shall not obtain reinsurance of its share of any loss suffered under this part.

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§ 204.257 Contract created by Mortgage Insurance Certificate.

The mortgage shall be a coinsured mortgage from the effective date of the Mortgage Insurance Certificate and continuing through the period of coinsurance; thereafter, the mortgage shall be fully insured until termination of the mortgage insurance contract. After the effective date of a Mortgage Insurance Certificate the Commissioner and the mortgagee shall be bound by the regulations in this part with the same force and to the same extent as if a separate contract had been executed relating to the insured mortgage including the provisions of the regulations in this subpart and of the Act.

MORTGAGE INSURANCE PREMIUMS—IN GENERAL

§ 204.260 Method of payment of MIP.

The payment of any MIP under this subpart shall be made to the Commissioner by the mortgagee either in cash or debentures at par plus accrued interest. All premiums are payable in advance and no refund will be made of any portion thereof except as provided in this subpart.

INITIAL MORTGAGE INSURANCE PREMIUM

§ 204.261 Amount of initial MIP.

The initial MIP shall be in an amount equal to one percent of the average outstanding principal obligation for the first year of amortization under the mortgage, without taking into account delinquent payments or prepayments.

§ 204.262 Due date of initial MIP.

The initial MIP shall be due and payable by the mortgagee upon receipt from FHA of a monthly statement covering the related transaction.

§ 204.263 Period covered by initial MIP.

The initial MIP shall cover the period beginning with the effective date of the Mortgage Insurance Certificate and ending on the next anniversary of such date. Subsequent premium payments shall cover the 12-month period following each anniversary date.

ANNUAL MORTGAGE INSURANCE PREMIUM

§ 204.265 Amount of annual MIP.

After payment of the initial MIP an annual MIP shall be paid in an amount equal to one-half percent of the average outstanding principal obligation for the 12 month period following the date on which the premium becomes payable, without taking into account delinquent payments or prepayments.

§ 204.266 Due date of annual MIP.

After payment of the initial MIP an annual MIP shall be paid on each anniversary date of the effective date of the Mortgage Insurance Certificate.

§ 204.267 Duration of annual MIP.

After payment of the initial MIP the mortgagee shall pay an annual MIP to the Commissioner until the earliest date on which one of the following occurs:

(a) The fifth anniversary date of the effective date of the Mortgage Insurance Certificate; or

(b) The mortgage is paid in full; or

(c) A deed to the mortgagee is filed for record; or

(d) The contract of insurance is otherwise terminated with the consent of the Commissioner.

ADJUSTED MORTGAGE INSURANCE PREMIUM

§ 204.268 Discontinuance of adjusted premium charge.

Notwithstanding any provision in the mortgage instrument there shall be no adjusted mortgage insurance premium due the Commissioner on account of the prepayment of any mortgage.

COINSURANCE RESERVE

§ 204.270 Annual coinsurance reserve.

There shall be established by the Commissioner for each originating mortgagee an Annual Coinsurance Reserve which shall consist of credits and debits relating to all mortgages insured with respect to such mortgagee under this part during each calendar year.

§ 204.271 Credits to reserve.

(a) There shall be credited to each Annual Coinsurance Reserve on the date of receipt of a mortgage insurance premium, as follows: 1.90 percent of the initial MIP, 13.5 percent of the first annual MIP, 13.9 percent of the second annual MIP, 12.2 percent of the third annual MIP, 9.7 percent of the fourth annual MIP.

(b) In the event of the stop loss limit becoming applicable pursuant to § 204.321(c), no future premium income will be credited to the Annual Coinsurance Reserve to which the stop loss was applied.

§ 204.272 Debits to reserve.

There shall be debited to each Annual Coinsurance Reserve all losses paid by the Commissioner for which the mortgagee is responsible pursuant to § 204.321 (c), and all amounts due the Commissioner pursuant to § 204.284(a)(2).

§ 204.273 Distribution of reserve.

On the sixth anniversary of the establishment of an Annual Coinsurance Reserve with respect to any mortgagee, or as soon thereafter as is practicable, the Commissioner will pay to the mortgagee the credit balance remaining in the reserve.

§ 204.275 Transfer of Annual Coinsurance Reserve.

MIP credits and loss debits shall not be transferred from any Annual Coinsurance Reserve established pursuant to § 204.270 to any other Annual Coinsurance Reserve of the same or a different mortgagee. If there is an approved transfer of servicing responsibility with respect to a coinsured mortgage, the mortgagee's share of insurance premiums received and losses occurring subsequent to the date of transfer shall be credited or debited to the Annual Coinsurance Reserve of the transferee.

§ 204.276 Mortgagee's Participating share.

(a) The Commissioner will maintain a separate account of all receipts, disbursements and expenses attributable to all mortgages coinsured in each calendar year. He will share with all coinsuring mortgagees the aggregate amount available for the mortgagees' participating share which shall consist of one-half of the difference between the net income so computed and the assumed actuarial basis used in the premium computation.

(b) The Commissioner will pay to each coinsuring mortgagee, that portion of the aggregate amount available for the mortgagees' participating share in the proportion that the credit balance remaining in the mortgagees' Annual Coinsurance Reserve bears to the credit balance remaining in Annual Coinsurance Reserves for all mortgagees in the applicable year.

(c) In no event will a mortgagee receive an amount in excess of one-half of one percent of the total of the original principal obligations of the mortgages coinsured by such mortgagee in the applicable calendar year and of the mortgages, for which such mortgagee assumed coinsurance liability, which were originated in the applicable calendar year.

(d) The determination of the Commissioner as to the amount to be paid to any mortgagee from the mortgagees' participating share shall be final and conclusive.

TERMINATION

§ 204.280 Termination of insurance contract.

The contract of insurance shall be terminated if:

(a) The mortgage is paid in full prior to its maturity; or

(b) The mortgagee acquires the mortgaged property and notifies the Commissioner that no claim for insurance benefits has been or will be made; or

(c) After foreclosure the property is redeemed; or

(d) The property is bid in and acquired at a foreclosure sale by a party other than the mortgagee; or

(e) The mortgagor and mortgagee jointly request termination. The mortgagee shall cancel the insurance endorsement on the Mortgage Insurance Certificate upon receipt of notice from the Commissioner that the contract of insurance is terminated.

§ 204.281 Notice of termination by mortgagee.

No contract of insurance shall be terminated until the mortgagee has given written notice thereof to the Commissioner within 30 days from the occurrence of one of the approved methods of termination set forth in this subpart.

§ 204.282 Notice and date of termination by Commissioner.

The Commissioner shall notify the mortgagee that the contract of insurance has been terminated and the effective termination date. The termination date shall be the last day of the month in which any one of the following events first occurs:

(a) The date foreclosure proceedings were instituted, or the property was otherwise acquired by the mortgagee, if the mortgagee notifies the Commissioner that no claim for insurance benefits has been or will be made;

(b) The date the mortgage was prepaid in full;

(c) The date a voluntary termination request is received by the Commissioner.

§ 204.283 Effect of termination.

Upon termination of the contract of insurance, the obligation to pay any subsequent MIP shall cease and all rights of the mortgagor and mortgagee shall be terminated.

§ 204.284 Termination of coinsurance provisions of the insurance contract.

(a) The coinsurance provision of the mortgage insurance contract shall cease and the mortgage shall be fully insured upon:

(1) Expiration of the period of coinsurance; or

(2) Failure or inability of the originating mortgagee to perform its servicing responsibilities because of dissolution, bankruptcy or withdrawal of approval as a mortgagee, provided that the originating mortgagee will remain liable for any losses under the coinsurance provisions of the mortgage insurance contract.

(b) If the mortgagee agrees to provide forbearance relief, or recasting or forbearance relief for military personnel, pursuant to § 204.294, the Commissioner upon request may agree to terminate the coinsurance provisions of the mortgage insurance contract after which the mortgage will be fully insured on the due date of the 60th scheduled monthly payment under the original terms of the mortgage, provided that payments are current on such date under the terms of the forbearance or recasting agreement.

DEFAULT UNDER MORTGAGE

§ 204.290 Definition of default.

If the mortgagor fails to make any payment, or to perform any other obligation under the mortgage, and such failure continues for a period of 30 days, the mortgage shall be considered in default for the purposes of this subpart.

§ 204.291 Date of default.

For the purposes of this subpart, the date of default shall be considered as 30 days after—

(a) The first uncorrected failure to perform any obligation under the mortgage; or

(b) The first failure to make a monthly payment which is not covered by subsequent payments made by the mortgagor when such subsequent payments are applied to the overdue monthly payments in the order in which they became due.

§ 204.292 Notice of default.

The mortgagee shall, within 60 days after the date of default as defined in this part, give written notice thereof to the Commissioner on a form prescribed by him, unless such default has been cured or unless the Commissioner has been notified of a previous default which remains uncured.

§ 204.293 Reinstatement of defaulted mortgage.

If after default and prior to the completion of foreclosure proceedings the mortgagor shall cure the default, the insurance shall continue as if a default had not occurred, provided the mortgagor pays to the mortgagee such expenses as the mortgagee has incurred in connection with the foreclosure proceedings and the mortgagee gives written notice of reinstatement to the Commissioner.

§ 204.294 Forbearance relief and recasting of mortgage.

All of the provisions of §§ 203.340 through 203.346 of this chapter shall apply to mortgages insured under this part.

CLAIM PROCEDURE

§ 204.300 Claim procedure in general.

(a) The provisions of §§ 204.301 through 204.381 of this chapter shall be applicable to mortgages foreclosed and property acquired during the period of coinsurance.

(b) The provisions of §§ 203.295 through 203.425 of this chapter shall be applicable to mortgages foreclosed or assigned and property conveyed to the Commissioner after termination of the period of coinsurance and while the mortgage is fully insured.

§ 204.301 Acquisition of property.

At any time within one year from the date of default, or such additional period of time as may be approved by the Commissioner, the mortgagee, at its election, shall either—

(a) Commence foreclosure of the mortgage; or

(b) Acquire possession of, and title to, the mortgaged property by means other than foreclosure.

§ 204.302 Notice of foreclosure.

The mortgagee shall give written notice to the Commissioner on a form prescribed by him within 30 days after the institution of foreclosure proceedings and shall exercise reasonable diligence in prosecuting such proceedings to completion.

§ 204.303 Deed in lieu of foreclosure.

In lieu of instituting or completing a foreclosure, the mortgagee may acquire property by voluntary conveyance from the mortgagor. Conveyance of the property by deed in lieu of foreclosure is approved subject to the following requirements:

(a) The mortgage is in default at the time the deed is executed and delivered;

(b) The credit instrument is cancelled and surrendered to the mortgagor;

(c) The mortgage is satisfied of record as a part of the consideration for such conveyance;

(d) The deed from the mortgagor contains a covenant which warrants against the acts of the grantor and all claiming by, through, or under him and conveys good marketable title.

§ 204.304 Notice of acquisition of title.

The mortgagee shall give written notice to the Commissioner on a form prescribed by him within 15 days of acquisition of good marketable title to the property.

§ 204.305 Disposition of the property.

(a) The mortgagee shall take possession of, preserve and repair the property, and within six months after date of acquisition of marketable title, shall sell the property for the best price obtainable. Repairs shall not exceed those needed to meet the requirements of local codes, law or ordinances; those necessary to meet FHA Minimum Property Standards in cases where the sale is made with FHA-insured or VA-guaranteed financing; or those which the Commissioner has specifically approved in advance.

(b) The mortgagee shall not enter into a contract for the preservation, repair or sale of the property with any officer, employee, owner of ten percent or more interest in the mortgagee or with any other person or organization having an identity of interest with the mortgagee or with any relative of such officer, employee, owner or person.

§ 204.306 Application for insurance benefits.

(a) Within 30 days after the sale of the property the mortgagee shall notify the Commissioner on a form prescribed by him of the sale of the property, the purchase price, income, and expenses incurred in connection with the acquisition, repair and sale of the property and shall assign to the Commissioner without recourse or warranty any and all claims (other than the mortgage financing such sale) which the mortgagee has acquired in connection with the mortgage transaction.

(b) If the property is not expected to be sold within six months after the date of acquisition of marketable title the mortgagee shall, at least 15 days prior to the expiration of the six-month period, notify the Commissioner who will promptly cause an appraisal of the property to be made by an independent appraiser. Within 15 days of receipt of the notice of the appraised value the mortgagee shall notify the Commissioner as provided in paragraph (a) of this section, utilizing the appraised value in lieu of the purchase price.

PAYMENT OF INSURANCE BENEFITS

§ 204.320 Method of payment.

If the application for insurance benefits is acceptable to the Commissioner,

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payment of the insurance claim shall be made in cash, in debentures or a combination of both, as determined by the Commissioner at the time of payment.

§ 204.321 Amount of payment.

(a) The basis for the computation of insurance benefits during the term of coinsurance shall be the sum of the original principal of the mortage which was unpaid on the date of the institution of foreclosure proceedings or on the date of acquisition of the property otherwise after default, plus the amount of all payments made by the mortgagee and allowances for items as set forth in § 204.332, less all items as set forth in § 204.323.

(b) The amount of insurance benefits shall be 90 percent of the amount computed pursuant to paragraph (a) of this section.

(c) The originating mortgagee will be responsible for ten percent of the amount computed pursuant to paragraph (a) of this section.

(d) The aggregate amount for which a mortgage will be responsible with respect to mortgages coinsured in any calendar year shall not exceed one percent of the total of the original principal amount of all mortgages coinsured by the mortgagee in such calendar year (including mortgages for which the coinsurance liability has been transferred), plus the total of the original principal amounts of all additional mortgages originated during such calendar year for which such mortgagee has assumed coinsurance liability. In the event an application for insurance benefits is accepted by the Commissioner which would cause the mortgagee's responsibility to exceed such limitation, the amount of insurance benefits shall be 100 percent of the amount computed pursuant to paragraph (a) of this section.

(e) The Commissioner will pay the originating mortgagee 100 percent of the amount computed pursuant to paragraph (a) of this section and will debit to the Annual Coinsurance Reserve any payment in excess of the amount of insurance benefits, provided the credit balance in the Annual Coinsurance Reserve is equal to, or more than, the amount of the mortgagee's responsibility under pargaraph (c) of this section.

§ 204.322 Items included in payment.

The insurance benefits paid shall include the following items:

(a) Taxes, ground rent and water rates, which are liens prior to the mortgage, prorated to the date of disposition of the property;

(b) Special assessments, which are noted on the application for insurance or which become liens after the insurance of the mortgage, prorated to the date of disposition of the property;

(c) Hazard insurance on the mortgaged property, prorated to the date of disposition of the property;

(d) MIP;

(e) Taxes imposed upon any deeds or other instruments by which said property was acquired by the mortgagee;

(f) Foreclosure costs or costs of acquiring the property otherwise actually paid by the mortgagee and approved by the Commissioner, in an amount not in excess of two-thirds of such costs or $75, whichever is the greater. Where the foreclosure involves a mortgage executed in connection with the sale of property by the Secretary, the mortgagee shall be reimbursed (in addition to the amount determined under the foregoing) for any extra costs incurred in the foreclosure as a result of a defect in title which existed at or prior to the time the mortgage was filed for record, if the mortgagee establishes to the satisfaction of the Commissioner that such extra costs are over and above those customarily incurred in the area.

(g) Any uncollected mortgage interest allowed pursuant to forbearance relief granted under § 204.294;

(h) An amount which the Commissioner finds to be sufficient to compensate the mortgagee for any loss which it may have sustained on account of interest on debentures and the payment of any MIP by reason of its having postponed the institution of foreclosure proceedings or the acquisition of the property by other means under a mortgage to which the provisions of sections 302 and 306 of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, apply during any part or all of the period of the mortgagor's military service and three months thereafter.

(i) Charges for the administration, operation, maintenance or repair of community-owned property or the maintenance and repair of the mortgaged property paid by the mortgagee with respect to which it certifies to the Commissioner that payment was made for the purpose of discharging an obligation arising out of a covenant filed for record and approved by the Commissioner prior to the insurance of the mortgage.

(j) An amount equivalent to the debenture interest which would have been earned on the portion of the insurance benefits paid in cash, from the date of default to the date of acquisition of marketable title except that when the mortgagee fails to meet any one of the applicable requirements of §§ 204.301, 204.302, 204.304, 204.305 or 204.306 within the specified time and in a manner satisfactory to the Commissioner (or within such further time as the Commissioner may approve in writing), the interest allowance in such cash payment shall be computed only to the date on which the particular required action should have been taken or to which it was extended.

(k) An amount equivalent to mortgage interest on the unpaid principal of the mortgage from the date of acquisition of marketable title to 15 days after disposition or appraisal of the property pursuant to § 204.306(b).

(l) Reasonable payments made by the mortgagee for:

(1) Preservation and maintenance of the property;

(2) Repairs necessary to meet local codes, law or ordinances; repairs necessary to meet FHA Minimum Property Standards in those cases where the sale is made with FHA-insured or VA-guaranteed financing; or such additional repairs as may be specifically approved in advance by the Commissioner.

(3) Expenses in connection with the sale of the property including a sales commission at the rate customarily paid in the community and, if the sale to a buyer involves an FHA or VA mortgage, a discount at a rate approved by the Commissioner.

(m) An amount to compensate the mortgagee for overhead costs, not to exceed $40 plus $15 per month for each month, or a part thereof, from the date of acquisition of title to the date of sale.

§ 204.323 Items deducted from payment.

There shall be deducted from the total of the added items in §§ 204.321(a) and 204.322 the following cash items:

(a) All amounts received by the mortgagee on account of the mortgage after the institution of foreclosure proceedings or the acquisition of the property by direct conveyance or otherwise after default.

(b) All amounts received by the mortgagee from any source relating to the property on account of rent or other income after deducting reasonable expenses incurred in handling the property.

(c) All cash retained by the mortgagee including amounts held or deposited for the account of the mortgagor or to which it is entitled under the mortgage transaction that have not been applied in reduction of the principal amount of the mortgage indebtedness.

(d) All amounts received by the mortgagee from any source relating to the sale of the property or the appraised value of the property as determined by an independent appraiser pursuant to § 204.306(b).

§ 204.330 Benefits to investing mortgagees.

Unless the originating mortgagee and the investing mortgagee otherwise agree, the originating mortgagee shall pay to the investing mortgagee:

(a) Within 15 days of sale of the property or within 6 months and 15 days of acquisition of the property, whichever first occurs, the original principal of the mortgage which was unpaid on the date of institution of foreclosure proceedings or on the date of acquisition of the property otherwise after default.

(b) Within 5 days of receipt of insurance benefits, contract and debenture interest as provided in § 204.322, less one-third of the cost of foreclosure.

§ 204.350 Debentures.

All of the provisions of §§ 203.405 through 203.409 and § 203.411 of this Chapter shall apply to mortgages insured under this subpart, except that the debentures shall bear interest at the rate in effect on the effective date of the Mortgage Insurance Certificate.

§ 204.351 Issue date of debentures.

The debenture shall be issued as of the date of default as defined in this part.

§ 204.355 Mutual Mortgage Insurance Fund and distributive shares.

All of the provisions of §§ 203.420 through 203.425 of this Chapter shall apply to mortgages insured under this subpart except with respect to the rights and obligations of originating mortgagee.

§ 204.360 Sale, assignment and pledge of insured mortgages.

All of the provisions of §§ 203.430 through 203.435 of this Chapter shall apply to mortgages insured under this subpart.

EXTENSION OF TIME

§ 204.380 Actions to be taken by mortgagee or lender.

With respect to any action required by the mortgagee or lender within a period of time prescribed by this subpart the Commissioner may extend such period.

AMENDMENTS

§ 204.381 Effect of amendments.

The regulations in this subpart may be amended by the Commissioner at any time and from time to time, in whole or in part, but such amendment shall not adversely affect the interests of a mortgagee or lender under the contract of insurance on any mortgage or loan already insured and shall not adversely affect the interest of a mortgagee or lender on any mortgage or loan to be insured on which the Commissioner has made a commitment to insure.

(Sec. 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)))

SHELDON B. LUBAR,
Assistant Secretary for Housing Production and Mortgage Credit, Federal Housing Commissioner.

[FR Doc.74-27734 Filed 11-26-74;8:45 am]

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

■

COMMUNITY DEVELOPMENT BLOCK GRANTS

Notice of Proposed Rulemaking

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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Community Planning and Development

[24 CFR Part 570]

[Docket No. R-74-307]

COMMUNITY DEVELOPMENT BLOCK GRANTS

Notice of Proposed Rulemaking

The Department of HUD on 11/13/74 at 39 FR 40136 amended Title 24 of the Code of Federal Regulations by adding a new Part 570 to Chapter V reserving Subpart E-Applications and Criteria for Discretionary Grants. The Department herewith publishes its proposed regulations for Subpart E.

These regulations deal with the distribution and application process for these discretionary grants as more fully defined in § 570.104, Funds for discretionary grants. There are four basic sources of funds authorized by Title I of the Housing and Community Development Act of 1974. The first source is entitlement grants which were described in the November 13, 1974, FEDERAL REGISTER publication referred to above. The other three sources of funds are the urgent needs fund, metropolitan and nonmetropolitan discretionary balances, and the Secretary's fund, which are all described in these proposed regulations.

The urgent needs funds is authorized by section 103(b) of the Act. This fund, referred to in § 570.104(b) of the November 13, 1974, FEDERAL REGISTER publication as the "transition fund," will be hereafter called the "urgent needs fund."

Grants made from metropolitan and nonmetropolitan discretionary balances are authorized by section 103(a) of the Act, and the amounts are established under sections 160 (d) and (f) of the Act.

The Secretary's fund is authorized by section 107 of the Act and is available for the following purposes: new communities; areawide projects; Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands; innovative projects; federally recognized disasters; and correction of inequities resulting from the allocation provisions of section 106 of the Act.

Interested persons are invited to participate in the making of the proposed rules by submitting written data, views or statements. Comments should be filed in triplicate with the Rules Docket Clerk, Office of General Counsel, Room 10245, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410. All relevant material received on or before December 27, 1974 will be considered before adoption of final rules. Copies of comments will be available for examination during business hours at the above address.

To Subchapter D of Chapter V, Part 570, add a new Subpart E to read as follows:

Subpart E—Applications and Criteria for Discretionary Grants

Sec.
570.400 General.
570.401 Urgent needs fund.
570.402 Metropolitan and nonmetropolitan discretionary balances.
570.403 New communities.
570.404 Areawide projects [Revised].
570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.
570.406 Innovative projects.
570.407 Federally recognized disasters.
570.408 Inequities.

AUTHORITY: Title I of the Housing and Community Development Act of 1974 (Pub. Law 93-383; sec. 7(d), Department of HUD Act (42 U.S.C. 3535(d)).

Subpart E—Applications and Criteria for Discretionary Grants

§ 570.400 General.

(a) *Applicability of rules and regulations.* The policies and procedures set forth in Subpart A, B, C, F, G, H, I, and J of this Part shall apply to this subpart and to the funds described in § 570.104, except to the extent that they are specifically modified or augmented by the contents of this subpart, including specified exemptions described herein. The HUD Environmental Review Procedures contained in 24 CFR Part 58 also apply to this subpart, unless otherwise specifically provided herein.

(b) *Preapplications.* Preapplications will be accepted for metropolitan and nonmetropolitan discretionary balances described in § 570.402, and for areawide projects and innovative projects described in § 570.404 and § 570.406, respectively.

(1) *Submission requirements.* Preapplications shall be submitted on HUD forms to the appropriate HUD Area Office. The preapplication shall consist of a brief description of the applicant's community development needs, the activities proposed to meet those needs, and the general location and estimated cost of the proposed activities. The purpose of the preapplication is basically: (i) To determine how well the application compares with similar applications from other jurisdictions, and (ii) to discourage applications which have little or no chance for Federal funding before applicants incur significant expenditures for preparing an application.

(2) *HUD review of preapplications.* HUD will review preapplications to determine how well an application is likely to compete with other applications for the same discretionary funds submitted by other jurisdictions. Applicants will be advised of HUD's determinations and judgments on the preapplication, and of the availability of funds for that particular fiscal year. Notwithstanding the nature of such advice, any eligible applicant may submit an application under the provisions of this subpart.

(3) *Preapplication submission dates.* The Secretary will establish from time to time the earliest and latest dates for submission of preapplications for each fiscal year. For Fiscal Year 1975, the earliest date for submission of a preapplication shall be January 1, 1975; the latest date shall be March 1, 1975.

(c) *Applications*—(1) *Submission requirements.* Applications shall be submitted on HUD forms to the appropriate HUD Area Office. Specific submission requirements are contained in the following sections of this subpart which describe each discretionary fund. In addition, applicants shall submit the certification described in § 570.303(e)(7). To the maximum extent possible, and with the prior concurrence of the Secretary, documentation submitted in support of an application previously submitted for funding under this part will be accepted and need not be resubmitted with an application for a discretionary grant. For new activities to be carried out with a discretionary grant the applicant shall apply for discretionary funds in an amount which, along with any other resources that may be available, will be adequate to complete the activities. Applicants shall not anticipate additional discretionary funding in subsequent years to continue or extend the activities.

(2) *Application submission dates.* The Secretary will establish from time to time the earliest and latest dates for submission of applications for discretionary grants for each fiscal year. For Fiscal Year 1975 the earliest and latest dates shall be as follows:

(i) Metropolitan and nonmetropolitan discretionary balances—March 15, 1975 through May 15, 1975;

(ii) Urgent needs fund—January 1, 1975 through May 15, 1975;

(iii) Secretary's fund:

(A) New communities—February 1, 1975 through May 15, 1975;

(B) Areawide projects—March 15, 1975 through May 15, 1975;

(C) Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands—February 1, 1975 through May 15, 1975;

(D) Innovative projects—March 15, 1975 through May 15, 1975;

(E) Federally recognized disasters—January 1, 1975 through June 30, 1975; and

(F) Inequities—February 1, 1975 through May 15, 1975.

(d) *Meeting the requirements of OMB Circular No. A-95.* Applicants must comply with the procedures set forth in OMB Circular No. A-95 which require the submission of pre-applications and applications to the State and areawide clearinghouses for review and comment prior to submission to HUD.

(e) *Advances of funds.* Applicants are not authorized to receive an advance of funds from discretionary grants, except for Guam and the Virgin Islands which may receive an advance of funds in an amount not to exceed ten percent of their hold harmless amounts.

(f) *Review of applications for discretionary grants*—(1) *Acceptance of application.* HUD will accept an application for review, *Provided,* That:

(i) It has been received before the close of business on the final date established by HUD for submission of applications for each fiscal year;

(ii) The application is complete, as required in this subpart;

(iii) The required certifications have been properly executed; and

(iv) The applicant has attached or enclosed any comments or recommendations made by or through state and areawide clearinghouses or has stated that no comments or recommendations have been received.

(2) *Timing of review.* While the Secretary is not required by the Act to review and approve a descretionary grant application within any specified time period, the Secretary will make every effort to complete his review of all such applications within 75 days.

(3) *Notification to applicants.* The Secretary will notify the applicant in writing that the application has been approved, partially approved, or disapproved. If an application is partially approved or disapproved, the applicant will be informed of the specific reasons for partial approval or disapproval. The Secretary may make conditional approvals, as provided in § 570.306(e).

(g) *Performance Report.* Except for new communities applicants, each applicant shall, upon completion of the activities carried out with the discretionary grant, submit a performance report as described in § 570.906(b), and shall meet the requirements of § 570.906(c) concerning notice of the availability of the report for examination by the public.

§ 570.401 Urgent Needs Fund.

(a) *Eligible applicants.* Eligible applicants include any unit of general local government as defined in the first sentence of § 570.3(v).

(b) *Criteria for Funding.* The Secretary shall select eligible applicants and request the submission of applications for funds under this section in accordance with one or more of the following criteria:

(1) The analysis performed by the unit of general local government of its ongoing projects or program undertaken pursuant to Title I of the Housing Act of 1949 indicates that the amount of hold harmless funds attributable to such program or projects (or the amount of its formula entitlement, whichever is the lesser) is: (i) Insufficient, over a three-year period beginning January 1, 1975, to complete the program or project plan as approved by HUD; or (ii) in any one of those three years the funds available from such sources will be insufficient to maintain the progress schedules adopted locall for achievement of the program and the inability to maintain such progress will seriously and adversely affect the financial interest of the Federal Government.

(2) A unit of general local government has experienced substantial decreases in funding levels in FY 1975 or FY 1976 from levels of funding previously available during FY 1971 to 1974 due to the locality's participation in the planned variations demonstration assisted under the provisions of the Demonstration Cities and Metropolitan Development Act of 1966.

(3) A unit of general local government, as a result of cost increases due to circumstances beyond its control, has been unable to complete an ongoing project assisted under one or more of the following terminated categorical programs: (i) Water and sewer facilities under section 702 of the Housing and Urban Development Act of 1965; (ii) neighborhood facilities under section 703 of the Housing and Urban Development Act of 1965; (iii) open-space land under Title VII of the Housing Act of 1961; and the Secretary's analysis of the financial capacity of the unit of general local government indicates a lack of available resources locally or otherwise to finance completion of the project and the Federal investment in the project as of January 1, 1975 warrants the incremental Federal assistance required to complete the project.

(c) *Application requirements.* Applications for funds to meet urgent community development needs shall be submitted by units of general local government to the HUD Area Office serving the locality. Applications shall be submitted on forms prescribed by HUD. The required documentation establishing the basis for grants under this section shall be supplied by applicants at the request of the HUD Area Office.

§ 570.402 Metropolitan and nonmetropolitan discretionary balances.

(a) *Eligible applicants.* Eligible applicants include any unit of general local government as defined in the first sentence of § 570.3(v), excluding metropolitan cities, urban counties and units of general local government which are included in urban counties as described in § 570.105(b)(3) (ii) and (iii). Such applicants may apply under this section for grants made on the basis of the funding criteria set forth in paragraph (b) of this section.

(b) *Criteria for funding.* In selecting among applications, priority will be extended to those applications showing the highest aggregate combination of the following conditions, and activities which directly or indirectly relate to these conditions:

(1) Extent of overcrowded housing as defined in § 570.3(i).

(2) Extent of poverty as defined in § 570.3(j).

(3) Urgent community development needs.

In addition, priority may be extended where there is an extraordinarily high rate of growth, or a severe and rapid decline in population and economic activity, either one of these conditions being induced primarily because of the impact of national policy decisions or direct Federal program decisions, and where the program is designed to offset or mitigate the adverse effects of such sudden spurts or declines in growth. Area Offices of HUD are authorized at their discretion (but not required) to set maximum grant limits for each fiscal year, related to the total amount of discretionary balance available in that year to a given metropolitan area or to the nonmetropolitan portion of a State. A judgmental factor to be applied by each Area Office shall be an estimate of the capacity of the applicant to meet satisfactorily the various requirements of this Part, including performance under the required assurances and certifications. These funding criteria shall also govern grants made pursuant to the reallocation provisions of § 570.107.

(c) *Application requirements.* Applicants for metropolitan and nonmetropolitan discretionary balances shall meet the application requirements in § 570.303.

(d) *Waiver of Application requirements.* The provisions of § 570.304 shall also apply to applications for metropolitan and nonmetropolitan discretionary balances.

(e) *Applications submitted by States.* States (including the Commonwealth of Puerto Rico) may apply for metropolitan and nonmetropolitan discretionary balances for grants to carry out eligible activities in metropolitan and nonmetropolitan areas, respectively.

§ 570.403 New communities.

(a) *General.* This Section covers grants made in behalf of activities and projects to be undertaken in direct support of a new community (which term means a new community approved by the Secretary under Title VII of the Housing and Urban Development Act of 1970 or Title IV of the Housing and Urban Development Act of 1968), and reflected in a current new community development plan (the development plan which forms an attachment to each new community project agreement by and between each developer and the United States, as the same may be revised and amended from time to time).

(b) *Eligible Applicants.* Units of general local government which meet the definition contained in § 570.3(v) may apply under this subsection for grants made on the basis of the provisions of this section. For the purpose of this section, the second sentence in § 570.3(v) includes:

(1) A State land development agency or local public body or agency with authority to act as a developer of a new community.

(2) Any Homes Association, Community Association, or other similar nonprofit organization established in a new community under covenants approved by the Secretary in connection with approved new community development projects, or any Community Authority established under State law for similar purposes, or any of the foregoing organizations otherwise approved by the Secretary which possesses the legal basis and administrative capacity to carry to successful completion those projects for which grant assistance is sought by the applicant.

(3) A new community developer or any subsidiary thereof organized in a form satisfactory to the Secretary, *Provided,* That grants will be awarded to private new community developers only when no appropriate governmental body or non-profit organization is available to serve as grantee for the direct benefit of a new community.

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Ordinarily, the Secretary will make grants to units of general local government rather than to special purpose units of government or to community associations or other similar organizations.

(c) *Application Requirements*—(1) *General.* The requirements of this paragraph shall be applicable only for the geographic area within the new community. The requirements set forth in this paragraph are designed to supplement application procedures and approval requirements of the new communities program under which applicants will have already provided substantial information to the Secretary.

(2) *Activities Program.* The application shall include a brief description of the activities and costs to be funded from the grants for the program year. The application shall identify separately any activities not previously submitted to and approved by the New Communities Administration (NCA) of the Department of Housing and Urban Development as part of Title IV or Title VII documentation. The estimated costs and general location of these latter activities are to be shown.

(3) *Certifications.* The Applicant shall submit certifications in such form as HUD will prescribe, providing the assurances required under § 570.303(e) (1), (3), (5), and (6) with respect to activities undertaken with funds under this Part.

(4) *Environmental review requirements.* (i) To the extent that proposed activities are part of new community plans or programs that have already received environmental review, such review need not be repeated if NCA determines that: (A) The activities have been covered in sufficient detail in the initial review, (B) the activities do not represent a substantial change from the initial plan or program, or (C) there have been no significant changes in conditions. (ii) Activities not meeting the criteria set out in paragraph (c)(4)(i) of this section must provide the certification required by § 570.303(e)(4) and follow the environmental review process prescribed in § 570.603. However, activities which do not meet the criteria set out in paragraph (c)(4)(i) of this section and which are to be performed by community organizations or other similar organizations or by private new community developers must comply with the environmental review process prescribed in HUD Circular 1390.1.

(5) *Clearinghouse review.* Applicants must comply with the procedures set forth in OMB Circular A-95 (requiring review by a clearinghouse) only where the proposed Title I funded activities have not previously been the subject of clearinghouse review.

(6) *Performance report.* Progress in execution activities funded under the Act shall be reported to NCA as a part of the quarterly and annual reporting and review procedures.

(7) *Program amendments.* Grantees shall conform to § 570.305(a) concerning mid-program year amendments, except that amended applications shall be submitted to NCA through the appropriate HUD Area Office. The provisions of § 570.305(b) concerning other program amendments shall not apply to grants made under this section; instead, grantees shall be authorized to modify the budgets for approved activities by reallocation of funds among approved budget lines, to the extent that no such reallocation results in a modification of any line in excess of 10 percent of the amount HUD has theretofore approved.

(d) *Review and approval of applications.* All applications for grants to assist new community development projects pursuant to this section shall be submitted to NCA through the appropriate HUD Area Office.

(1) *Scope of review.* NCA will review the application, based upon data and information supplied by the developer of the new community project and other independent reviews conducted by NCA staff or others at NCA request, to determine pertinent facts and goals and their consistency with information contained in the Project Agreement, Development Plan, and other documents submitted by the developer or obtained by NCA in the project review process. The review will include application of the selection criterion in paragraph (d)(2) of this section.

(2) *Selection criterion.* The criterion to be used in selecting among applications and activities is whether the grants are necessary to achieve new community objectives, including the financial viability of a new community.

(e) *Grant administration.* The provisions of Subpart F, Grant Administration, shall be applicable to applicants, except that private developers shall not be required to comply with the competitive bidding requirements of subsections 3c (5), (6) and (8) of Attachment O, FMC Circular 74-7, which is incorporated in § 570.507.

(f) *Program management.* Program management shall be accomplished within the framework of NCA project management, including the financial and physical progress reports required by NCA administrative procedures.

(g) *Remedies for non-compliance.* The provisions of § 570.911 shall apply except that § 570.911(b) (requests to State governors to secure compliance) shall not apply to private developers, or prospective grantees controlled by private developers.

§ 570.404 Areawide projects [Reserved]

§ 570.405 Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(a) *Eligible applicants.* Eligible applicants are Guam, the Virgin Islands, American Samoa, and the Trust Territory of the Pacific Islands.

(b) *Criteria for funding.* Applicants may submit applications for discretionary grants for the full range of eligible activities described in § 570.200. The Secretary will establish for each fiscal year an amount for which each eligible applicant may apply. For Fiscal Year 1975, the following shall apply:

(1) Guam and the Virgin Islands shall each receive their hold-harmless amount as calculated pursuant to § 570.103(c). Guam and the Virgin Islands may also apply for funds to cover urgent needs not met by the hold-harmless amounts.

(2) The Secretary shall establish a funding level for American Samoa and the Trust Territory of the Pacific Islands, taking into account their needs and their local administrative capacity.

(c) *Application requirements.* Applicants shall meet application requirements in § 570.303.

§ 570.406 Innovative projects.

(a) *Eligible applicants.* States and units of general local government, and combinations of the above, are eligible to submit proposals for innovative community development projects.

(b) *Criteria for funding*—(1) *Definition.* An innovative community development project is one which encompasses a concept, system, or procedure that is unique, advances the state of the community development art and has the potential for transferability. Where a proposed project is one which has been demonstrated or is in use elsewhere, the applicant will be expected to show the key variables of the project within the applicant's jurisdiction which will be significantly different from previous projects or that the circumstances and environment for its adaptation are different. In general, a project will not be considered as meeting innovative criteria if it does not significantly advance the state of the community development art.

(2) *Selection criteria.* Each year HUD may establish areas of national significance which will be given priority in the review of application for funds under this section. In Fiscal Year 1975 priority will be given to projects which address one or more of the following areas:

(i) *Public service productivity.* Efforts to make local government service more effective, more efficient and less costly, and which are designed to mitigate the effects of inflation.

(ii) *Community development energy conservation.* Projects designated to enhance energy conservation in community development.

(iii) *Neighborhood preservation.* Projects which maximize the use of existing housing stock and community development resources for neighborhood preservation.

In subsequent years, HUD will establish such priorities annually.

(3) In addition to the above criteria, HUD will consider the degree to which applications:

(i) Integrate and relate the provision of housing to the provision of public facilities and/or supportive social services.

(ii) Demonstrate improved policy-planning-management capacity.

(iii) Demonstrate the involvement of both the public and private sectors.

(iv) Encourage and reinforce the creation of community and neighborhood urban development organizations with

the required persons and ability to attract and involve public and private resources.

(v) Serve as a prototype for improving community development activities, which without Federal assistance could not otherwise be undertaken.

(vi) Promote an increase in the diversity and vitality of neighborhoods.

(c) *Application requirements.* Each application must include a full description of the project identifying the unit or units of general local government involved, the proposed activity, the estimated cost, and the specific innovative impact. Applications shall be submitted to HUD's Office of Policy Development and Research through the appropriate HUD Area Office on forms and in the manner prescribed by HUD.

§ 570.407 Federally recognized disasters.

(a) *General.* Grants under this section shall be for the purpose of meeting emergency community development needs caused by federally recognized disasters. For purposes of this section, "federally recognized disasters" means major disasters declared by the President on or after January 1, 1975, pursuant to section 301(b) of the Disaster Relief Act of 1974.

(b) *Eligible Applicants.* Eligible applicants include units of general local government as defined in the first sentence of § 570.3(v) which have emergency community development needs caused by Presidentially declared major disasters. (See 24 CFR Part 2205.)

(c) *Criteria for Funding.* Within the limits of available funds, applications will be funded on the basis of the following criteria:

(1) Severity and magnitude of declared disaster.

(2) Resources are not available from other sources to meet emergency community development needs in a timely fashion.

(3) Emergency community development needs have been identified which are essential for the immediate restoration or maintenance of community health, safety, or economic stability.

(d) *Application Requirements.* An application should be submitted within 120 days after the Presidential declaration. The application shall describe the emergency needs, the proposed program of activities, sources of funds and the level of funding requested. If the emergency nature of the needs requires, satisfaction of selected application requirements may be postponed or waived by the Secretary. Applications shall be submitted to the Secretary through the Federal Coordinating Officer designated to coordinate Federal assistance in the federally recognized-disaster area and the FDAA Regional Director to ensure coordination with respect to other disaster relief and emergency measures undertaken or being considered.

§ 570.408 Inequities funds.

(a) *General.* Funds are available under this subpart to correct in whole or in part inequities resulting from the allocation provisions of Section 106 of the Act.

(b) *Eligible applicants.* Eligible applicants include any unit of general local government as defined in the first sentence of § 570.3(v).

(c) *Criteria for funding.* Applications for funds available under this subpart shall be reviewed by the Secretary in accordance with the following criteria:

(1) Funding under this subpart is necessary to correct a technical error in the computation of a locality's entitlement amount and the error is acknowledged by the Secretary subsequent to the establishment of entitlement amounts in any fiscal year.

(2) Funding under this subpart is needed by an applicant, meeting the criteria as specified in § 570.401(b) for urgent needs funds.

Issued at Washington, D.C. November 25, 1974.

DAVID O. MEEKER, Jr.,
Assistant Secretary for Community Planning and Development.

[FR Doc.74-27914 Filed 11-26-74;8:45 am]

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presidential documents

Title 3—The President

PROCLAMATION 4336

Wright Brothers Day, 1974

By the President of the United States of America

A Proclamation

On December 17, 1903, near Kitty Hawk, North Carolina, Orville and Wilbur Wright revolutionized transportation in America and the world. The two brothers made the first successful flight in a heavier-than-air, mechanically-propelled airplane designed and built by them after years of difficult experimentation.

In the 71 years since their epic flight, aviation and space technology has contributed to closer ties among the peoples of the world by igniting their imagination, promoting commerce, and encouraging travel.

To commemorate the historic achievements of the Wright brothers, the Congress, by a joint resolution of December 17, 1963 (77 Stat. 402), designated the seventeenth day of each December as Wright Brothers Day. It requested that the President issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, GERALD R. FORD, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1974, with appropriate ceremonies and activities to recall the accomplishments of the Wright brothers and to encourage further aviation advances in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of November, in the year of our Lord nineteen hundred seventy-four, and of the Independence of the United States of America the one hundred ninety-ninth.

Gerald R. Ford

[FR Doc.74-28155 Filed 11-27-74;12:08 pm]

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EXECUTIVE ORDER 11820

International Council on Archives—Bicentennial Year Meeting

By virtue of the authority vested in me by section 104 of the Mutual Educational and Cultural Exchange Act of 1961, 22 U.S.C. 2454 (hereinafter referred to as the Act); section 301 of title 3 of the United States Code; and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Administrator of General Services is authorized, with respect to the meeting of the International Council on Archives to be held in Washington, D.C. in 1976, to perform the functions conferred by sections 102(b)(8) and 104(e) of the act.

SEC. 2. I find that the delegation made by section 1 of this order is in the interest of the purposes expressed in the act and the efficient administration of the meeting of the International Council on Archives to be held during the celebration of the Nation's bicentennial.

SEC. 3. The delegation made by this order shall become effective upon the expiration of sixty days while the Congress is in session. In computing that sixty days, there shall be excluded days on which either House is not in session because of an adjournment of more than three days.

Gerald R. Ford

THE WHITE HOUSE,
November 27, 1974.

[FR Doc.74-28156 Filed 11-27-74;12:08 pm]

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EXECUTIVE ORDER 11821

Inflation Impact Statements

In my address to the Congress on October 8, 1974, I announced that I would require that all major legislative proposals, regulations, and rules emanating from the executive branch of the Government include a statement certifying that the inflationary impact of such actions on the Nation has been carefully considered. I have determined that this objective can best be achieved in coordination with the budget preparation, legislative clearance, and management evaluation functions of the Director of the Office of Management and Budget.

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States of America by the Constitution and laws of the United States, it is hereby ordered as follows:

SECTION 1. Major proposals for legislation, and for the promulgation of regulations or rules by any executive branch agency must be accompanied by a statement which certifies that the inflationary impact of the proposal has been evaluated. Such evaluation must be in accordance with criteria and procedures established pursuant to this order.

SEC. 2(a) The Director of the Office of Management and Budget is designated and empowered, to the extent permitted by law, to develop criteria for the identification of major legislative proposals, regulations, and rules emanating from the executive branch which may have a significant impact upon inflation, and to prescribe procedures for their evaluation.

(b) The Director, in carrying out the provisions of this order, may delegate functions to the head of any department or agency, including the Chairman of the Council on Wage and Price Stability, when appropriate in the exercise of his responsibilities pursuant to this order.

SEC. 3. In developing criteria for identifying legislative proposals, regulations, and rules subject to this order, the Director must consider, among other things, the following general categories of significant impact:

a. cost impact on consumers, businesses, markets, or Federal, State or local government;

b. effect on productivity of wage earners, businesses or government at any level;

c. effect on competition;

d. effect on supplies of important products or services.

SEC. 4. Each Federal department and agency must, to the extent permitted by law, cooperate with the Director of the Office of Management and Budget in the performance of his functions under this order,

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furnish him with such information as he may request, and comply with the procedures prescribed pursuant to this order.

SEC. 5. This order expires December 31, 1976, unless extended prior to that time.

Gerald R. Ford

THE WHITE HOUSE,
November 27, 1974.

[FR Doc.74-28157 Filed 11-27-74;12:09 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.
The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 410]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Chambers	Five Points, town of.	H 010027 01	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104.	Mayor, City Hall, Five Points, Ala. 36855.	Nov. 15, 1974.
Do	Baldwin	Elberta, town of.	H 010212 01 through H 010212 02	Alabama Insurance Department, Room 453, Administrative Bldg., Montgomery, Ala. 36104.	Mayor, Town of Elberta, Elberta, Ala. 36530.	Do.
California	Los Angeles	Bradbury, city of.	H 065017 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012. and 1407 Market St., San Francisco, Calif. 94103.	City Hall, City of Bradbury, 610 Winston Ave., Bradbury, Calif. 91010.	Do.
Colorado	Sedgwick	Ovid, town of.	H 080170 01	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	Mayor, Town of Ovid, Ovid, Colo. 80744.	Do.
Delaware	Sussex	Slaughter Beach, town of.	H 100050 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Slaughter Beach Fire Hall, Second Floor, Rural Delivery #1, Town of Slaughter Beach, Milford, Del. 19963.	Do.
Georgia	Hall	Bowden, city of.	H 130244 01 through H 130244 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St., SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	Mayor, City of Bowden, Bowden, Ga.	Do.
Illinois	Edwards	Browns, village of.	H 170226 01	Governor's Task Force on Flood, Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 West Jefferson St., Springfield, Ill. 62702.	Mayor, Village of Browns	Do.
Do	Hancock	Bowen, village of.	H 170268 01	do	Mayor, Bowen, Ill. 62316	Do.
Do	Knox	Maquon, village of.	H 170351 01	do	Village President, Village Hall, Maquon, Ill. 61458.	Do.
Do	Mason	Mason City, city of.	H 170466 01	do	Mayor, City Hall, Mason City, Ill. 62664.	Do.
Do	Kankakee	Aroma Park, village of.	H 170740 01	do	Mayor, Village of Aroma Park, Aroma Park, Ill. 60910.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Henry	Cleveland, village of.	H 170748 01	do	Mayor, Village of Cleveland, Henry, Ill. 61537.	Do.
Do	Stark	Lafayette, village of.	H 170759 01	do	Chairman, Stark County Planning Commission, Village of Lafayette, Toulon, Ill. 61483.	Do.
Indiana	Wells	Uniondale, town of.	H 180292 01	Division of Water, Department of Natural Resources, 608 State, Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	County Area Plan Commission, Wells County Courthouse, Town of Uniondale, Bluffton, Ind. 46714.	Do.
Kansas	Franklin	Rantoul, city of	H 20017 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, Rantoul, Kans. 66079.	Do.
Maine	Cumberland	Gorham, town of	H 230047 01 through H 230047 07.	Maine Soil and Water Conservation, Commission, State House, Augusta, Maine 04330. Maine Insurance Department, Capitol Shopping Center, Augusta, Maine 04330.	Planning Board, Gorham, Maine 04038.	Do.
Maryland	Anne Arundel	Unincorporated areas.	H 250008 01 through H 240008 112.	Department of Water Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Planning and Zoning Office, Anne Arundel County, Annapolis, Md. 21404.	Do.
Minnesota	McLeod	Biscay, city of	H 270261 01	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Mayor, City of Biscay, Biscay, Minn.	Do.
Do	Becker	Frazee, city of	H 270570 01	do	Mayor, City of Frazee, Frazee, Minn. 56544.	Do.
Do	Dodge	Mantorville, city of.	H 270585 01	do	Mayor, City of Mantorville, Mantorville, Minn. 55955.	Do.
Do	Chippewa	Maynard, city of	H 270587 01	do	Mayor, City of Maynard, Maynard, Minn. 56260.	Do.
Nebraska	Antelope	Orchard, village of.	H 310005 01	NB Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. NB Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, Village of Orchard, Orchard, Nebr. 68764.	Do.
Do	Nuckolls	Oak, village of	H 310159 01	do	Mayor, Village of Oak, Oak, Nebr. 68964.	Do.
Do	Saunders	Prague, village of	H 310202 01	do	Village Board, City Hall, Prague, Nebr. 68050.	Do.
Do	Washington	Herman, village of	H 310229 01	do	Mayor, Herman, Nebr. 68034.	Do.
New York	Oswego	Altmar, village of	H 360946 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Mayor, Altmar, N.Y. 13302.	Do.
Do	do	Mexico, town of	H 360654 01 through H 360654 07	do	Mayor, Mexico, N.Y. 13114.	Do.
Do	Herkimer	Newport, town of	H 361111 01 through H 361111 05	do	Mayor, Town of Newport, Newport, N.Y. 13416.	Do.
Do	Franklin	Moira, town of	H 361125 01 through H 361125 12	do	Mayor, Town of Moira, Moira, N.Y. 12957.	Do.
Do	Fulton	Stratford, town of	H 361136 01 through H 361136 10	do	Mayor, Town of Stratford, Stratford, N.Y. 13470.	Do.
Do	Dutchess	Union Vale, town of.	H 361146 01 through H 361146 05	do	Mayor, Town of Union Vale, Union Vale, N.Y.	Do.
Do	St. Lawrence	Hopkinton, town of.	H 361179 01 through H 361179 14	do	Mayor, Town of Hopkinton, Hopkinton, N.Y. 12940.	Do.
Do	do	Potsdam, town of.	H 361185 01 through H 361185 06	do	Town Clerk's Office, Civic Center, Park St., Potsdam, N.Y. 13676.	Do.
Do	Saratoga	Day, town of	H 361188 01 through H 361188 09	do	Mayor, Town of Day, Day, N.Y.	Do.
Do	do	Providence, town of.	H 361190 01 through H 361190 04	do	Mayor, Town of Providence, Providence, N.Y.	Do.
Do	Schuyler	Cayuta, town of	H 361203 01 through H 361203 06	do	Mayor, Town of Cayuta, Cayuta, N.Y. 14824.	Do.
Do	Orange	Crawford, town of.	H 361250 01 through H 361250 13	do	Mayor, Town of Crawford, Crawford, N.Y.	Do.
Do	Oswego	Amboy, town of	H 361260 01 through H 361260 01	do	Town Clerk, Town of Amboy, Oswego, N.Y. 13126.	Do.
Do	Otsego	Morris, town of	H 361273 01 through H 361273 03	do	Mayor, Town of Morris, Morris, N.Y. 13808.	Do.
Do	Columbia	Ancram, town of	H 361312 01 through H 361312 04	do	Mayor, Town of Ancram, Ancram, N.Y. 12502.	Do.
Do	do	Germantown, town of.	H 361317 01 through H 361317 03	do	Mayor, Town of Germantown, Germantown, N.Y. 12526.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Otsego	Laurens, village of	H 361361 01	do	Mayor, Village of Laurens, Laurens, N.Y. 13796.	Do.
Do	do	Morris, village of	H 361353 01	do	Mayor, Village of Morris, Morris, N.Y. 13808.	Do.
Do	Oneida	Prospect, village of.	H 361356 01	do	Mayor, Village of Prospect, Prospect, N.Y. 13435.	Do.
Do	Oswego	Sandy Creek, village of.	H 361358 01	do	Mayor, Village of Sandy Creek, Sandy Creek, N.Y. 13145.	Do.
Do	Otsego	Schenevus, village of.	H 361359 01	do	Mayor, Village of Schenevus, Schenevus, N.Y. 12155.	Do.
Do	do	Richfield Springs, village of.	H 361360 01	do	Mayor, Village of Richfield Springs, Richfield Springs, N.Y. 13439.	Do.
Do	do	Cherry Valley, village of.	H 361449 01	do	Mayor, Village, of Cherry Valley, Cherry Valley, N.Y. 13320.	Do.
Do	Lewis	Harrisville, village of.	H 361451 01	do	Mayor, Village of Harrisville, Harrisville, N.Y. 13648.	Do.
Do	Livingston	Geneseo, village of.	H 361452 01 through H 361452 02	do	Town Supervisor, Geneseo, N.Y. 14454.	Do.
Do	Allegany	Clarksville, town of.	H 361461 01 through H 361461 05	do	Mayor, Town of Clarksville, Clarksville, N.Y. 12041.	Do.
Do	St. Lawrence	Edwards, village of	H 361463 01	do	Mayor, Village of Edwards, Edwards, N.Y. 13635.	Do.
Do	do	Rensselaer Falls, village of.	H 361466 01	do	Mayor, Village of Rensselaer Falls, Rensselaer Falls, N.Y. 13660.	Do.
Do	do	Waddington, village of.	H 361468 01	do	Mayor, Village of Waddington, Waddington, N.Y. 13694.	Do.
Do	Tioga	Spencer, village of.	H 361471 01 through H 361471 02	do	Mayor, Village of Spencer, Spencer, N.Y. 14883.	Do.
Do	Sullivan	Bloomingburg, village of.	H 361473 01	do	Chairman, Village of Bloomingburg, Bloomingburg, N.Y. 12721.	Do.
Do	do	Woodridge, village of.	H 361475 01	do	Mayor, Village of Woodridge, Woodridge, N.Y. 12789.	Do.
Do	Franklin	Brushton, village of.	H 361480 01	do	Mayor, Village of Brushton, Brushton, N.Y. 12916.	Do.
Do	Fulton	Mayfield, village of.	H 361483 01 through H 361483 03	do	Mayor, Village of Mayfield, Mayfield, N.Y. 12117.	Do.
Do	Essex	Bloomingdale, village of.	H 361490 01	do	Mayor, Village of Bloomingdale, Bloomingdale, N.Y. 12913.	Do.
Do	do	Lake Placid, village of.	H 361492 01 through H 361492 02	do	Mayor, Village of Lake Placid, Lake Placid, N.Y. 12946.	Do.
Do	do	Ticonderoga, village of.	H 361494 01	do	Mayor, Village of Ticonderoga, Ticonderoga, N.Y. 12883.	Do.
Do	Genesee	Corfu, village of	H 361498 01 through H 361498 02	do	Mayor, Village of Corfu, Corfu, N.Y. 14036.	Do.
Do	do	Oakfield, village of.	H 361500 01 through H 361500 02	do	Mayor, Village of Oakfield, Oakfield, N.Y. 14125.	Do.
Do	Ulster	Rosendale, village of.	H 361502 01 through H 361502 04	do	Mayor, Village of Rosendale, Rosendale, N.Y. 12472.	Do.
Do	do	Saugerties, village of.	H 361504 01 through H 361504 05	do	Mayor, Village of Saugerties, Saugerties, N.Y. 12477.	Do.
Do	Wayne	Savannah, village of.	H 31505 01	do	Mayor, Village of Savannah, Savannah, N.Y. 13146.	Do.
Do	Suffolk	Shoreham, village of.	H 361506 01	do	Mayor, Village of Shoreham, Shoreham, N.Y. 11786.	Do.
Do	Columbia	Valatie, village of	H 361508 01	do	Mayor, Village of Valatie, Valatie, N.Y. 12184.	Do.
Do	Wayne	Wolcott, village of	H 361509 01	do	Mayor, Village of Wolcott, Wolcott, N.Y. 14590.	Do.
Do	Columbia	Hudson, city of	H 361512 01 through H 361512 02	do	Mayor, City Hall, City of Hudson, Hudson, N.Y. 12534.	Do.
Do	Suffolk	Head of the Harbor, village of.	H 361513 01 through H 361513 07	do	Mayor, Village of Head of the Harbor, Head of the Harbor, N.Y.	Do.
Do	do	Poquott, village of	H 361518 01 through H 361518 02	do	Mayor, Village of Poquott, Poquott, N.Y.	Do.
North Dakota	Benson	Maddock, city of	H 380004 A 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, City of Maddock, Maddock, N. Dak. 58348.	Mar. 8, 1974, Nov. 15, 1974.
Do	Bottineau	Willow City, city of.	H 380011 01	do	Mayor, Willow City, N. Dak. 58384.	Do.
Do	Pembina	Neche, city of	H 380065 01	do	Mayor, Neche, N. Dak. 58265.	Do.
Do	Ramsey	Crary, city of	H 380003 01	do	Mayor, Crary, N. Dak. 58327.	Do.
Do	Stutsman	Montpelier, city of.	H 380125 01	do	Mayor, Montpelier, N. Dak. 58472.	Do.
Ohio	Hocking	Murray City, village of.	H 390275 01	Ohio Department of Natural Resources Fountain Square Columbus Ohio 43224. Director of Insurance, State of Ohio, Department of Insurance, 115 East Rich St., Columbus, Ohio, 43215.	Mayor, Municipal Bldg.	Do.
Do	Ross	Clarksburg, village of.	H 390483 01	do	Mayor Post Office, Clarksburg, Ohio 43116.	Do.
Do	Wayne	Orrville, city of	H 390577 01 through H 390577 02	do	Mayor, City of Orrville, Orrville, Ohio 44667.	Do.
Oklahoma	Major	Meno, town of	H 400112 01	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Mayor, Town of Meno, Meno, Okla. 73760.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Pennsylvania	Bedford	Rainsburg, borough of.	H 420122 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg.; Harrisburg, Pa. 17120.	Mayor, Borough of Rainsburg, Rural Delivery 4, Bedford, Pa. 15522.	Do.
Do	Clearfield	Burnside, borough of.	H 420298 01 through H 420298 04	do	Mayor, Burnside, Pa. 15721	Do.
Do	Erie	Fairview, township of.	H 420450 01 through H 420450 10	do	Fairview Township Bldg., 7471 McCray Rd., Fairview, Pa. 16415.	Do.
Do	Greene	Clarksville, borough of.	H 420476 01	do	Mayor, Clarksville, Pa. 15322	Do.
Do	Huntingdon	Shirleysburg, borough of.	H 420493 01	do	Mayor, Shirleysburg, Pa. 17260	Do.
Do	Lackawanna	Clarks Summit, borough of.	H 420527 01 through H 420527 04	do	Clarks Summit Municipal Bldg., 304 South State St., Clarks Summit, Pa. 18411.	Do.
Do	Luzerne	Dallas, borough of.	H 420602 01 through H 420602 02	do	Dallas Municipal Bldg., Route No. 309, Rural Delivery No. 1, Dallas, Pa. 18612.	Do.
Do	Somerset	Shanksville, borough of.	H 420802 01	do	Mayor, Shanksville, Pa. 15560	Do.
Do	do	Ursina, borough of.	H 420801 01	do	Mayor, High St., Ursina, Pa. 15485	Do.
Do	Cambria	Westmont, borough of.	H 421139 01 through H 421139 06	do	Mayor, Borough of Westmont, 825 Thermal Ave., Johnstown, Pa. 15905.	Do.
Do	Adams	York Springs, borough of.	H 421239 01	do	Municipal Bldg., Borough of York Springs, Harrisburg St., Adams County, Pa. 17372.	Do.
Do	Armstrong	Washington, township of.	H 421317 01 through H 421317 07	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Washington, Adrian, Pa. 16210.	Do.
Do	Berks	District, township of.	H 421378 01 through H 421378 06	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of District, Alburtis, Pa. 18011.	Do.
Do	do	Hereford, township of.	H 421379 01 through H 421379 07	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Hereford, Macungie, Pa. 18062.	Do.
Do	Butler	Connoquenessing, borough of.	H 421413 01 through H 421413 04	do	Mayor, Connoquenessing, Pa. 16027	Do.
Do	do	Connoquenessing, township of.	H 421418 01 through H 421418 04	do	Chairman, Board of Supervisors, Rural Delivery No. 7, Township of Connoquenessing, Butler, Pa. 16001.	Do.
Do	do	Jackson, township of.	H 421420 01 through H 421420 02	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Jackson, Zelienople, Pa. 16063.	Do.
Do	do	Worth, township of.	H 421425 01 through H 421425 08	do	Chairman Board of Supervisors, Township of Worth, Rural Delivery No. 2, Slippery Rock, Pa. 16057.	Do.
Do	Cambria	Loretto, borough of.	H 421431 01	do	Mayor, Loretto, Pa. 15940	Do.
Do	do	Susquehanna, township of.	H 421447 01 through H 421447 11	do	Chairman, Board of Supervisors Township of Susquehanna, Barnesboro, Pa. 15714.	Do.
Do	Centre	Walker, township of.	H 421471 01 through H 421471 12	do	Walker Township Municipal Bldg., Rural Delivery No. 1, Thompstontown, Pa. 17094.	Do.
Do	Chester	Avondale, borough of.	H 421473 01	do	Mayor, 214 Pennsylvania Ave., Avondale, Pa. 19311.	Do.
Do	Clarion	Perry, township of.	H 421509 01 through H 421509 06	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Perry, Parker, Pa. 16049.	Do.
Do	Clearfield	Boggs, township of.	H 421515 01 through H 421515 05	do	Chairman, Board of Supervisors, Box 32, Township of Boggs, West Decatur, Pa. 16878.	Do.
Do	do	Brady, township of.	H 421517 01 through H 421517 12	do	Chairman, Board of Supervisors, Township of Brady, Luthersburg, Pa. 15848.	Do.
Do	do	Chest, township of.	H 421519 01 through H 421519 13	do	Chairman, Board of Supervisors, Rural Delivery No. 1, La Jose, Pa. 15753.	Do.
Do	Clinton	Greene, township of.	H 421538 01 through H 421538 13	do	Chairman, Board of Supervisors, Township of Greene, Rural Delivery No. 1, Loganton, Pa. 17747.	Do.
Do	Crawford	Woodcock, township of.	H 421578 01 through H 421578 05	do	Chairman Board of Supervisors, Rural Delivery No. 3, Township of Woodcock, Meadville, Pa. 16335.	Do.
Do	Cumberland	Upper Mifflin, township of.	H 421589 01 through H 421589 09	do	Chairman, Board of Supervisors, Township of Upper Mifflin, Rural Delivery No. 2, Newville, Pa. 17241.	Do.
Do	Dauphin	Halifax, township of.	H 421592 01 through H 421592 03	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Halifax, Pa. 17032.	Do.
Do	Elk	Fox, township of.	H 421608 06	do	Chairman, Board of Supervisors, Township of Fox, Rural Delivery No. 2, Kersey, Pa. 15846.	Do.
Do	do	Jay, township of.	H 421611 01 through H 421611 10	do	Chairman, Board of Supervisors, Township of Jay, Weedville, Pa. 15868.	Do.
Do	Fayette	Point Marion, borough of.	H 421617 01 through H 421617 02	do	Secretary, Borough of Point Marion, Borough Council, P.O. Box 298, Point Marion, Pa. 15474.	Do.
Do	do	Saltlick, township of.	H 421636 01 through H 421636 11	do	Chairman, Board of Supervisors, Township of Saltlick, White, Pa. 15490.	Do.
Do	Indiana	Black Lick, township of.	H 421709 01 through H 421709 05	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Blairsville, Pa. 15717.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Lehigh	Washington, township of.	H 421816 01 through H 421816 07	do	Washington Township, Municipal Bldg., Rural Delivery No. 2, Slatington-at-Emerald, Pa. 18080.	Do.
Do	Luzerne	Foster, township of.	H 421828 01 through H 421828 04	do	Foster Township Municipal Bldg., 1000 Wyoming Ave., Foster Township, Freeland, Pa. 18224.	Do.
Do	McKean	Eldred, township of.	H 421854 01 through H 421854 05	do	Township of Eldred, Township Building, Eldred, Pa. 16731.	Do.
Do	do	Otto, township of.	H 421860 01 through H 421860 10	do	Chairman, Board of Supervisors, Township of Otto, Duke Center, Pa. 16729.	Do.
Do	Mifflin	Decatur, township of.	H 421880 01 through H 421880 11	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of McClure, McClure, Pa. 17841.	Do.
Do	Monroe	Barrett, township of.	H 421884 01 through H 421884 15	do	Chairman, Board of Supervisors, Cresco, Pa. 18326.	Do.
Do	do	Chestnut Hill, township of.	H 421885 01 through H 421885 10	do	Chairman, Board of Supervisors, Chestnut Hill, Township of Brodheadsville, Pa. 18322.	Do.
Do	do	Price, township of.	H 421894 01 through H 421894 03	do	Chairman, Board of Supervisors, Township of Price, Rural Delivery No. 4, East Stroudsburg, Pa. 18301.	Do.
Do	Montgomery	East Greenville, borough of.	H 421901 01	do	Mayor, 228 Washington, St., East Greenville, Pa. 18041.	Do.
Do	do	Trappe, borough of.	H 421907 01 through H 421907 04	do	Mayor, 29 College Ave., Trappe Collegeville, Pa. 19426.	Do.
Do	Northampton	Lehigh, township of.	H 421931 01 through H 421931 10	do	Chairman, Board of Supervisors, Route 1, Township of Lehigh, Walnutport, Pa. 18088.	Do.
Do	Schuylkill	Branch, township of.	H 421998 01 through H 421998 05	do	Chairman, Board of Supervisors, Box 222, Llewellyn, Pa. 17944.	Do.
Do	do	East Union, township of.	H 422004 01 through H 422004 10	do	Chairman, Board of Supervisors, Township of East Union, Oneida, Pa. 18242.	Do.
Do	do	North Manheim, township of.	H 422013 01 through H 422013 08	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of North Manheim, Schuylkill Haven, Pa. 17972.	Do.
Do	do	North Union, township of.	H 422014 01 through H 422014 08	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of North Union, Zion Grove, Pa. 17985.	Do.
Do	do	Porter, township of.	H 422016 01 through H 422016 06	do	Chairman, Board of Supervisors, Township of Porter, Muir, Pa. 17957.	Do.
Do	do	Tremont, township of.	H 422023 01 through H 422023 09	do	Chairman, Board of Supervisors, Rural Delivery No. 3, Township of Tremont, Pine Grove, Pa. 17963.	Do.
Do	do	West Penn, township of.	H 422029 01 through H 422029 16	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of West Penn, New Ringgold, Pa. 17960.	Do.
Do	Snyder	Franklin, township of.	H 422035 01 through H 422035 05	do	Chairman, Board of Supervisors, Rural Delivery No. 3, Township of Franklin, Middleburg, Pa. 17842.	Do.
Do	Somerset	Meyersdale, borough of.	H 422044 01 through H 422044 02	do	Mayor, 220 Center St., Meyersdale, Pa. 15552.	Do.
Do	do	Fairhope, township of.	H 422049 01 through H 422049 04	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Fairhope, Pa. 15538.	Do.
Do	Venango	Emlenton, borough of.	H 422107 01	do	Mayor, Emlenton, Pa. 16373	Do.
Do	Warren	Deerfield, township of.	H 422118 01 through H 422118 04	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Deerfield, Pittsfield, Pa. 16340.	Do.
Do	Washington	Finleyville, borough of.	H 422135 01	do	Mayor, 3551 Washington Ave., Finleyville, Pa. 15332.	Do.
Do	do	Carroll, township of.	H 422142 01 through H 422142 06	do	Carroll Township, Municipal Bldg., Rural Delivery No. 2, Chestnut Grove Rd., Dilisburg, Pa. 17019.	Do.
Do	Wayne	Buckingham, township of.	H 422159 01 through H 422159 08	do	Chairman, Board of Supervisors, Starlight, Pa. 18461.	Do.
Do	do	Preston, township of.	H 422171 01 through H 422171 06	do	Chairman, Board of Supervisors, Preston Park, Pa. 18455.	Do.
Do	do	Texas, township of.	H 422176 01 through H 422176 06	do	Chairman, Board of Supervisors, Township of Texas, Erie Heights, Honesdale, Pa. 18431.	Do.
Do	Wyoming	North Moreland	H 422204 01 through H 422204 06	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of North Moreland, Tunkhannock, Pa. 18657.	Do.
Do	York	West Manchester, township of.	H 422233 01 through H 422233 12	do	West Manchester Township Office, Municipal Bldg., 2501 Catherine St., York, Pa. 17402.	Do.
Do	Northampton	Chapman, borough of.	H 422251 01	do	Mayor, Rural Delivery No. 1, Borough of Chapman, Bath, Pa. 18014.	Do.
Do	do	East Bangor, borough of.	H 422252 01	do	Mayor, 123 Blaine St., East Bangor, Pa. 18013.	Do.
Do	do	Lower Nazareth, township of.	H 422253 01 through H 422253 04	do	Chairman, Board of Supervisors, Rural Delivery No. 1, Township of Lower Nazareth, Bethlehem, Pa. 18017.	Do.
Do	do	Glendon, borough of.	H 422254 01 through H 422254 02	do	Mayor, 105 Crescent St., Glendon Heights, Easton, Pa. 18042.	Do.
Do	do	Roseto, borough of.	H 422255 01	do	Mayor, 91 Roseto Ave., Roseto, Pa. 18013.	Do.
Do	Cambria	East Conemaugh, borough of.	H 422259 01	do	Mayor, Rear 321 1-2 Third St., Conemaugh, Pa. 15909.	Do.

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State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	do	Ashville, borough of.	H 422266 01	do	Mayor, Ashville, Pa. 16613	Do.
Do	Mercer	Pine, township of.	H 422284 01 through H 422284 08	do	Chairman, Board of Supervisors, Rural Delivery No. 2, Township of Pine, Grove City, Pa. 16127.	Do.
Do	do	Pymatuning, township of.	H 422285 01 through H 422285 05	do	Chairman, Board of Supervisors, 517 Shenango Dr., Township of Pymatuning, Greenville, Pa. 16125.	Do.
Do	Chester	Elk, township of.	H 422286 01 through H 422286 02	do	Chairman, Board of Supervisors, Rural Delivery No. 3, Township of Elk, Oxford, Pa. 19363.	Do.
South Carolina	Spartanburg	Campobello, town of.	H 450216 01	South Carolina Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Town of Campbello, Campobello, S.C. 29322.	Do.
Tennessee	Robertson	Adams, town of.	H 470159 01 through H 470159 02	Tennessee State Planning Office, 600 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, Adams, Tenn. 37010	Do.
Vermont	Bennington	Woodford, town of.	H 500023 01 through H 500023 06	Management and Engineering Division, Waters Resources Department, State Office Bldg., Montepelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Woodford Board of Town of Woodford, Bennington, Vt. 05201.	Do.
Do	Orleans	Barton, town of.	H 500081 01 through H 500081 13	do	Town Clerk, Town of Barton, Barton, Vt. 05822.	Do.
Do	Addison	Orwell, town of.	H 500168 01 through H 500168 04	do	Mayor, Town of Orwell, Orwell, Vt. 05760.	Do.
Do	Bennington	Searsburg, town of.	H 500184 01 through H 500184 02	do	Mayor, Town of Searsburg, Bennington, Vt. 05201.	Do.
Do	Caledonia	Wheelock, town of.	H 500204 01 through H 500204 04	do	Mayor, Wheelock, Vt	Do.
Do	Windsor	Ludlow, village of.	H 500294 01 through H 500294 02	do	Village of Ludlow, Municipal Bldg., Ludlow, Vt. 05149.	Do.
Do	Franklin	Franklin, town of.	H 500310 01 through H 500310 04	do	Mayor, Franklin, Vt. 05457	Do.
Virginia	Fauquier	Remington, town of.	H 510056 01	Bureau of Water Control Management, State Water Control Board, 2d Floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, Town Hall, Remington, Va. 22734.	Do.
Do	Rockingham	Unincorporated areas.	H 510133 01 through H 510133 56	do	Municipal Bldg., County of Rockingham, Courthouse, Harrisonburg, Va. 22801.	Do.
Do	Dinwiddie	do	H 510187 01 through H 510187 35	do	County Administrator, Dinwiddie County Courthouse, Dinwiddie, Va. 23841.	Do.
Do	Giles	Glen Lyn, town of.	H 510289 01	do	Mayor, Town of Glen Lyn, Glen Lyn, Va. 24093.	Do.
Do	Southampton	Branchville, town of.	H 510296 01 through H 510296 03	do	Mayor, Branchville, Va. 23828	Do.
Do	Surry	Dendron, town of.	H 510300 01 through H 510300 02	do	Mayor, Dendron, Va. 23839	Do.
Do	Halifax	Halifax, town of.	H 510301 01 through H 510301 02	do	Mayor, Halifax, Va. 24558	Do.
Do	Charlotte	Phenix, town of.	H 510302 01 through H 510302 03	do	Mayor, Town of Phenix, Phenix, Va. 23959.	Do.
Washington	Skagit	Lyman, town of.	H 530157 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, Town of Lyman, Lyman, Wash. 98501.	Do.
Do	Spokane	Waverly, town of.	H 530184 01	do	County Commissioners, Spokane County Courthouse, Spokane, Wash. 99201.	Do.
Do	Thurston	Bucoda, town of.	H 530189 01	do	Mayor, Bucoda, Wash. 98530	Do.
West Virginia	Boone	Whitesville, town of.	H 540229 01	Office of Federal-State Relations, Room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Boone County Court, Madison, W. Va. 25130.	Do.
Do	do	Danville, town of.	H 540230 01	do	Boone County Court, Town of Danville, Madison, W. Va. 25130.	Do.
Do	do	Sylvester, town of.	H 540238 01	do	Boone County Court, Town of Sylvester, Madison, W. Va. 25130.	Do.
Do	Jackson	Ravenswood, city of.	H 540241 01 through H 540241 05	do	Mayor, City of Ravenswood, Ravenswood, W. Va. 26164.	Do.
Do	Harrison	Salem, city of.	H 540242 01 through H 540242 03	do	Mayor, City of Salem, Salem, W. Va. 26426.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Greenbrier	Falling Spring, town of.	H 540243 01 through H 540243 02	do	Mayor, Town of Falling Spring, Falling Spring, W. Va.	Do.
Do	Hardy	Wardensville, town of.	H 540245 01	do	Mayor, Town of Wardensville, Wardensville, W. Va. 26851.	Do.
Do	Mason	Mason, town of.	H 540248 01	do	Mayor, Town of Mason, Mason, W. Va. 25260.	Do.
Do	do	New Haven, town of.	H 540249 01 through H 540249 04	do	Mayor, Town of New Haven, New Haven, W. Va. 25265.	Do.
Do	Morgan	Paw Paw, town of.	H 540252 01	do	Mayor, Town of Paw Paw, Paw Paw, W. Va. 25434.	Do.
Do	Wetzel	Littleton, town of.	H 540255 01	do	Wetzel County Court, Town of Littleton, New Martinsville, W. Va. 26155.	Do.
Do	Preston	Alta, town of.	H 540257 01 through H 540257 03	do	Mayor, Town of Alta, Alta, W. Va. 26655.	Do.
Do	Wetzel	Smithfield, town of.	H 540258 01 through H 540258 02	do	Wetzel County Court, Town of Smithfield, New Martinsville, W. Va. 26155.	Do.
Do	Randolph	Huttonsville, town of.	H 540264 01	do	Mayor, Town of Huttonsville, Huttonsville, W. Va. 26273.	Do.
Do	do	Montrose, town of.	H 540265 01	do	Mayor, Town of Montrose, Montrose, W. Va. 26283.	Do.
Do	Preston	Newburg, town of.	H 540268 01 through H 540268 02	do	Mayor, Town of Newburg, Newburg, W. Va. 26410.	Do.
Do	do	Reedsville, town of.	H 540269 01 through H 540269 02	do	Mayor, Town of Reedsville, Reedsville, W. Va. 26547.	Do.
Do	do	Masontown, town of.	H 540270 01	do	Mayor, Town of Masontown, Masontown, W. Va. 26542.	Do.
Do	Putnam	Winfield, town of.	H 540271 01	do	Mayor, Town of Winfield, Winfield, W. Va. 25213.	Do.
Wisconsin	Dodge	Reeseville, village of.	H 550105 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 213 North Bassett St., Madison, Wis. 53701.	Village President, Reeseville, Wis. 53579.	Do.
Do	Juneau	Union Center, village of.	H 550207 01	do	Village Preddent, Village Hall, Union Center, Wis. 53962.	Do.
Do	Kewaunee	Casco, village of.	H 550214 01	do	Village Preddent, Casco, Wis. 54205	Do.
Do	St. Croix	Stanton, town of.	H 550388 01 through H 550388 11	do	Chairman, Route 3, New Richmond, Wis. 54017.	Do.
Do	Winnebago	Omro, village of.	H 550633 01	do	Mayor, Village of Omro, Omro, Wis. 54963.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: November 13, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–27581 Filed 11–27–74;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On January 8, 1972, in 37 FR 281, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Insurance Rate Maps were available for public inspection. This list included the unincorporated areas of Fairfax County, Virginia, as an eligible community and included map No. H 51 059 0000 18 which indicates that lots No. 1 through 159, Greenfield Farms, as recorded in Fairfax County, Virginia Deed Book 3954, Pages 645 through 656, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective January 7, 1972, map No. H 51 059 0000 18 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 F.R. 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–27917 Filed 11–27–74;8:45 am]

[Docket No. FI–246]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On April 16, 1974, in 39 FR 13647, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Farmers Branch, Texas, as an eligible community and included map No. H 48 113 2310 01 which indicates that lots No. 1 through 43 of Wooded Creek Estates, City of Farmers Branch, Texas, as recorded in Volume 71004, Page 1161, of the Deed Records of Dallas County, Texas, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after a further technical

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review of the above map in the light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective April 12, 1974, map No. H 48 113 2310 01 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 8, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27915 Filed 11-27-74;8:45 am]

[Docket No. FI 279]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas; Correction

On June 3, 1974, in 39 FR 19457, the Federal Insurance Administrator published a list of communities with Special Flood Hazard Areas and the map number and locations where Flood Hazard Boundary Maps were available for public inspection. This list included the City of Augusta, Georgia, as an eligible community and included map No. H 13 0159 04 which indicates that the Morningside Condominiums—Buildings A and C in the City of Augusta, Georgia as recorded in the Office of the Clerk of the Superior Court of Richmond County, Georgia, in Realty Book 38-W, Pages 50–52, are in their entirety within the Special Flood Hazard Area. It has been determined by the Federal Insurance Administration, after further technical review of the above map and in light of additional, recently acquired flood information, that the above property is not within the Special Flood Hazard Area. Accordingly, effective May 24, 1974, map No. H 13 0159 04 is hereby corrected to reflect that the above property is not within the Special Flood Hazard Area.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969, (33 F.R. 17804, November 28, 1968), as amended (secs. 408–410, Pub. L. 91–152, December 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended by 39 FR 2787, January 24, 1974)

Issued: November 15, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-27916 Filed 11-27-74;8:45 am]

Title 7—Agriculture

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 63]

PART 401—FEDERAL CROP INSURANCE

Subpart—Regulations for the 1969 and Succeeding Crop Years

THE BURLEY TOBACCO POUNDAGE QUOTA ENDORSEMENT

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1975 crop year in the following respects:

1. That portion of section 3 of the Burley Tobacco Poundage Quota Endorsement shown in § 401.148 of this chapter which reads "(rounded to tenths of an acre)" is deleted.

2. Subsection 4(b) of the Burley Tobacco Poundage Quota Endorsement shown in § 401.148 of this chapter is amended by changing the second paragraph thereof to read as follows:

Unless otherwise provided on the actuarial table, for any crop year in which burley tobacco poundage marketing quota regulations are not in effect, the poundage used in determining the applicable amount of insurance for a unit shall be obtained by multiplying the applicable farm yield (see subsection 10(g)) by the percentage guarantee shown on the actuarial table and the result by the lower of the reported or insured acreage.

3. Subsection 10(a) of the Burley Tobacco Poundage Quota Endorsement shown in § 401.148 of this chapter is amended to read as follows:

(a) "Insurance Unit," notwithstanding the first sentence of section 19(e) of the policy, means all the insurable acreage in the county planted to burley tobacco on a farm for which a single farm poundage marketing quota for burley tobacco is established and at the time of planting (1) in which the insured has 100 percent interest, (2) which is owned by one person and operated by the insured as a tenant, or (3) which is owned by the insured and rented to one tenant: *Provided, however,* That if a burley tobacco price support program is not in effect for any crop year, the above words "on a farm for which a single poundage marketing quota for burley tobacco is established" shall be disregarded: *Provided, further,* That when poundage quotas are leased and combined with other quotas under leasing arrangements providing compensation to the lessor on some other basis than a specified share in the production from a unit, the lessee shall be regarded as the owner-operator having the entire insurable interest in the leased quota. Otherwise the provisions of section 19(e) of the policy apply to burley tobacco crop insurance, except that no other agreement shall be made which divides the insurable acreage into two or more units.

4. Subsection 10(g) of the Burley Tobacco Poundage Quota Endorsement shown in § 401.148 of this chapter is amended to read as follows:

(g) "Farm Yield" means the yield per acre used by ASCS in establishing the basic farm marketing poundage quota for the tobacco farm, unless the Corporation has established a farm yield for the farm on the county actuarial table.

(Secs. 506, 516, 52 Stat. 73, as amended, 77 as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment is designed to correct several deficiencies in the Burley Tobacco Poundage Quota Endorsement. It is desirable that this amendment become effective in 1975. Notice of changes must however be given insureds by January 15, 1975. It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1975 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on —.

[SEAL] LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

NOVEMBER 13, 1974.

Approved on November 22, 1974.

EARL L. BUTZ,
Secretary.

[FR Doc.74-27884 Filed 11-27-74;8:45 am]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

PART 982—HANDLING OF FILBERTS GROWN IN OREGON AND WASHINGTON

Free and Restricted Percentages for the 1974–75 Fiscal Year

Notice of a proposal to establish free and restricted percentages of 52 percent and 48 percent, respectively, for filberts grown in Oregon and Washington, was published in the FEDERAL REGISTER on October 25, 1974 (39 FR 37990). These percentages would apply to filberts grown in the 1974–75 fiscal year, beginning August 1, 1974.

The free percentage prescribes that portion of the total merchantable supply which may be handled as inshell filberts. The restricted percentage prescribes that portion of the total merchantable supply which must be withheld from such handling. Restricted filberts may be shelled (for domestic or foreign consumption), exported, or disposed of in outlets determined by the Filbert Control Board to be noncompetitive with normal market outlets for inshell filberts.

The percentages would be established under § 982.41 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982), hereinafter referred to collectively as the "order". The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act".

Interested persons were afforded an opportunity to submit written data, views, or arguments on the proposal, and two such comments were received, one of which was from the Filbert Control Board.

In September, the Crop Reporting Board and the Filbert Control Board estimated total filbert production for 1974, at 8,850 tons, of which the Filbert Control Board estimated 7,793 tons would be merchantable. The Crop Reporting Board's November 1 estimate of total filbert production was 7,250 tons. At this meeting of November 12, 1974, the Filbert Control Board reviewed this estimate and estimated that the total production would likely be 7,000 tons, of which 6,164 tons would be merchantable. The Board also changed its September estimate of carryover on July 31, 1975, from 600 tons to 400 tons. On the basis of these estimates, the Board, in its written comment, recommended that free and restricted percentages be 61 percent and 39 percent, respectively.

The other commentator stated that: The September estimate of 1974 merchantable production of filberts of 7,793 tons was too high; a free percentage of 52 percent (as proposed in the notice) would release only about 4,000 tons of filberts from the 1974 production which is not enough to supply the inshell market and the commentator could not get enough inshell filberts to supply his customers; and the marketing order creating the restricted filberts is highly injurious to the growers of Oregon, and feels that it should be entirely eliminated.

The commentator did not indicate his estimate of the 1974 production. As previously indicated, the revised crop estimates by the Crop Reporting Board and the Filbert Control Board recognized that the September estimate of 1974 production was too high, and the allocation percentages being established for the 1974–75 fiscal year reflect the reduction in the crop estimate.

The free percentage of 61 percent established by this action results in a total available supply of inshell filberts of about 5,515 tons for the domestic market. The annual average quantity of inshell filberts acquired by the domestic trade for the five-year period of 1969–73 was 5,403 tons.

Excessive supplies of inshell filberts contribute to disorderly marketing conditions which are injurious to both growers and handlers. The purpose of the marketing order and the allocation percentages is to establish and maintain orderly marketing conditions for domestic filberts and provide stability for that industry.

After consideration of all relevant material presented, including that in the notice, the written comments submitted on the notice, the information and recommendation submitted by the Filbert Control Board, and other available information, it is found that to establish for the 1974–75 fiscal year, free and restricted percentages applicable to filberts grown in Oregon and Washington, of 61 percent and 39 percent, respectively, will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) The relevant provisions of the amended marketing agreement and this part require that free and restricted percentages designated for a particular fiscal year shall be applicable to all inshell filberts handled during that fiscal year; (2) the current fiscal year began on August 1, 1974, and the percentages established by this action will automatically apply to all such filberts beginning with that date; and (3) no useful purpose would be served by delaying this action.

Therefore, the free and restricted percentages for merchantable filberts during the 1974–75 fiscal year are established as follows:

§ 982.224 Free and restricted percentages for merchantable filberts during the 1974–75 fiscal year.

The following percentages are established for merchantable filberts for the fiscal year beginning August 1, 1974:

Free percentage	61
Restricted percentage	39

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: November 22, 1974.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division.

[FR Doc.74-27934 Filed 11-27-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FmHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

EXTENSION OF THE INCIDENCE PERIOD OF NATURAL DISASTER

Section 1832.3, Subpart A of Part 1832, Chapter XVIII, Title 7, Code of Federal Regulations (39 FR 14499) is amended. Paragraph (b)(10) of this section is deleted and the provisions thereof incorporated in a new paragraph (d) which provides for the extension of the incidence period of a natural disaster because of a subsequent occurrence or continuation of the same natural disaster. Section 1832.3(d) is redesignated as § 1832.3(e), and the cross-references to § 1832.3 (d) in the narrative text under § 1832.3 and paragraph (c) of this section are amended to reflect this redesignation.

This revision to regulations is not issued for proposed rulemaking because it authorizes the making of Emergency loan assistance available to farmers and ranchers that is currently not authorized. Many areas of the country have been and are being affected by subsequent or continuing natural disasters and this authority is needed in order to provide assistance to these areas. Failure to implement this change immediately would be contrary to the public interest. These revisions are effective upon publication in the FEDERAL REGISTER.

Interested persons are invited to submit written comments, suggestions, or objections regarding this revision to the Deputy Administrator Comptroller, Farmers Home Administration, U.S. Department of Agriculture, Room 5007, South Building, Washington, D.C. 20250, on or before 30 days from the date of this publication. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Since these rules are needed immediately to assist natural disaster victims, these revisions shall remain in effect until amended. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Deputy Administrator Comptroller during regular business hours (8:15 a.m.–4:45 p.m.).

As amended, § 1832.3 and paragraphs (b)(3) and (d) under this section read as follows:

§ 1832.3 Making EM loans available.

EM loans will be made available in counties named by Federal Disaster Assistance Administration (FDAA) as eligible for Federal assistance under a major disaster declaration by the President; in counties designated by the Secretary; and in counties authorized by State Directors for isolated production loss loans. On becoming aware of the occurrence of a natural disaster, the County Supervisor in whose area the disaster has occurred will gather all available information and immediately notify the county governing body, or its authorized representative, and the Farmers Home Administration (FmHA) State Director by phone, followed by a written report on Form FmHA 441–27, "Report of Natural Disaster." The procedure for reporting natural disasters is covered in paragraph (e) of this section.

* * * * * * *

(b) *Designation by the Secretary.* * * *

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(3) The County Supervisor will report immediately the occurrence of a natural disaster to the State Director and to the county governing body, or its authorized representative, in accordance with paragraph (e) of this section. When the County Supervisor can obtain complete information on the actual damage and losses caused by the natural disaster he will report this information to the county governing body, or its authorized representatives, using Form FmHA 441–28, "Report of Natural Disaster for Consideration in Designating Emergency Loan Area." Form FmHA 441–28 will be based on information obtained from his personal knowledge and from farmers, agricultural and community leaders, representatives of other agricultural agencies, agricultural lenders, and from any other reliable source. When letters or copies of reports are received from the sources contacted, they also will be submitted with Form FmHA 441–28. Form FmHA 441–28 will be prepared in accordance with prescribed guidelines available in all FmHA offices. The original and one copy will be sent to the county governing body or its authorized representative. One copy of each will be sent to the State Director and the Chairman of the County USDA Emergency Board.

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(10) Deleted.

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(d) *Continuing disaster conditions.* A need for EM loans resulting from a subsequent natural disaster or the continuation of a natural disaster which occurs or continues in any area presently designated for EM loans under paragraphs (a), (b), or (c) of this section cannot be met under that designation, without completing one of the steps below.

(1) Extension by the Secretary and State Director for natural disasters: Certain types of natural disasters which affect agricultural crops, such as drought, floods, and insect infestation, may extend beyond the incidence period established in connection with a Secretary's designation pursuant to paragraph (b) of this section or a State Director's designation pursuant to paragraph (c) of this section. Furthermore, the disaster conditions which led to the original designation may be prolonged in the same area by a new natural disaster which affects the same crops during the same crop year. Under these circumstances, the Secretary, or State Director under paragraph (c) of this section, may order that the incidence period for the initial designation be extended and set a new termination date for receiving applications, *Provided*, That no incidence period shall be extended beyond the end of the crop year affected by the original designation; and provided further, that the State Director may not extend the incidence period if the resulting extension will result in a finding that more than twenty-five farmers have had severe production losses. State Directors will give prior notice to the National Office by telephone before authorizing an extension of an incidence period or an additional disaster. To extend an incidence period because of a continuing natural disaster or an additional disaster affecting the same crop, it will be necessary that a request for an extension be made by the county governing body or its authorized representative, and transmitted through the Governor to the Secretary. All requests for extension shall be made on a Form FmHA 441–28, and processed in accordance with paragraph (b) of this section, except that Item L, "Expression of Local Lenders," need not be completed, since the original designation has proven that there is a general need for agricultural credit.

(2) Major disaster areas: EM loans are made available in counties determined by FDAA to be eligible for Federal assistance under a major disaster declared by the President without establishing that the disaster had caused a general need for agricultural credit. The conditions which led to the major disaster declaration and which affect agricultural crops may extend beyond the incidence period established by FDAA, or the disaster conditions which led to the original declaration may have been prolonged in the same area by a new natural disaster which affects the same crops during the same crop year. Under such circumstances, the Secretary may designate the area as a natural disaster area and establish an incidence period commencing on, or subsequent to, the date of the commencement of the incidence period for the major disaster declaration, provided that the requirements of paragraph (b) of this section are met. In those cases, the Secretary may also set a termination date for the incidence period for the natural disaster extending beyond the termination date established for the major disaster. The Secretary may also establish the termination date for accepting applications in connection with a designation under this subparagraph.

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Effective date. This amendment is effective November 29, 1974.

(7 U.S.C. 1989; 42 U.S.C. 1480; delegation of authority by the Sec. of Agri., 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 7 CFR 2.70)

Dated: November 22, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-27883 Filed 11-27-74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Adjustments and Assignments of Allocated Products and Curtailment of Sources of Energy

On October 9, 1974, the Federal Energy Administration published a notice of proposed rulemaking (39 FR 36603, October 11, 1974) to amend Chapter II of Title 10, Code of Federal Regulations, Part 211, the Mandatory Petroleum Allocation Regulations, to revise and clarify the procedures for adjustments and assignments to purchasers whose source of energy other than allocated products has been or may be curtailed under a plan filed in compliance with a rule or order of a Federal or State agency. Written comments were invited through October 22, 1974 and a public hearing was held on October 24, 1974.

Over 50 comments were received by FEA in response to the notice of proposed rulemaking and seven oral presentations were made during the public hearing on October 24. Those making comments included refiners, manufacturers, trade associations, state governments, independent fuel marketers, universities and public utilities.

In response to the comments received, the oral presentations, and other relevant information concerning proposed § 211.12(h), that section and § 211.10(f) have been revised to clarify the procedures for adjusting base period uses, assigning purchasers to suppliers and providing allocations to firms which have received an assignment or adjustment pursuant to § 211.12(h) or to firms under an allocation level of one hundred (100) percent of current requirements subject to an allocation fraction which have increased current requirements by reason of a curtailment action specified in § 211.12(h).

FEA ACTION

Concern was expressed that applications by purchasers for adjustments and assignments of suppliers would not be handled in a timely fashion by FEA. FEA anticipates that any adjustment or assignment ordered pursuant to § 211.12(h) will be handled expeditiously and that the full 90-day maximum period allowed FEA for taking action on applications for adjustments and assignments will not be necessary. The purpose of the proposal was to permit purchasers to apply for assignments and adjustments well in advance of anticipated curtailments so that when curtailments actually occur a purchaser will have previously obtained assignment of a supplier and the basis for an allocation requirement.

ADJUSTMENT AND ASSIGNMENT PROCEDURES

There were several comments which indicated a misunderstanding of the procedure wholesale purchaser-consumers and end-users should follow in seeking adjustments and assignments under § 211.12(h). As soon as a wholesale purchaser-consumer or end-user receives notice from its supplier of an energy source other than an allocated product that it may expect curtailments, the wholesale purchaser-consumer or end-user wishing to purchase an allocated product as a substitute for the curtailed product should immediately apply to FEA for an adjustment of its base period use or assignment of a supplier and a base period use, as the case may be. Such notice need not be notice of an actual curtailment. FEA wishes to stress that purchasers which wait until an actual curtailment is imminent run the risk that assignments and adjustments cannot be made in a timely manner. The written notice of actual or possible curtailment will constitute the documented evidence required by § 211.12(h)(4). If the supplier has given only a verbal notice of anticipated curtailments, the wholesale purchaser-consumer or end-user should request written confirmation from the supplier. The wholesale purchaser-consumer or end-user should also attempt to obtain written advice from suppliers which do not normally provide advance notice of possible curtailments.

After an application for adjustment has been submitted to the base period supplier for certification, the supplier must submit the application to FEA within ten days. An application for assignment of a supplier and a base period use by a wholesale purchaser-consumer or end-user should be submitted directly to FEA.

Following evaluation of the application for adjustment or assignment and all supporting documents, FEA will notify the wholesale purchaser-consumer or end-user of the adjusted base period volume or the new base period volume and new supplier, as appropriate, for each period corresponding to a base period included within the assignment or adjustment order. Depending on the assigned fuel, periods corresponding to a base period will be monthly or quarterly. It will then be the responsibility of the wholesale purchaser-consumer or end-user to notify the supplier how much of the adjusted or new base period use for each period corresponding to a base period the wholesale purchaser-consumer or end-user intends to lift during each period corresponding to a base period. This declaration of intent must be given to the supplier no later than 20 days prior to the beginning of each period corresponding to a base period. If a wholesale purchaser-consumer or end-user indicates that it will not lift all of its adjusted or new base period volume, the supplier will not be required to allocate the amount not nominated and will not include such amount in its supply obligation. The failure to nominate any amount as provided in the regulations will discharge the supplier from its obligation to allocate such amounts.

"TAKE-OR-PAY" PROVISION

The comments expressed strong views with respect to the proposed provision permitting suppliers to require wholesale purchaser-consumers and end-users to enter into agreements requiring the purchaser to pay for any portion of the purchaser's allocation requirement which the purchaser declares it will lift even though the purchaser subsequently fails to lift the entire amount. After a review of the comments, FEA concluded that the "take-or-pay" provision of proposed § 211.12(h)(5) should be modified. As modified, suppliers will be permitted to require purchasers to enter into agreements requiring purchasers to pay for no more than three percent of any portion of the purchaser's allocation entitlement which the purchaser declares it will lift for a period which corresponds to a base period but which the purchaser subsequently fails to lift. An allocation entitlement would be the purchaser's allocation requirement as defined in § 211.10(b)(2)(iii) reduced by application of the supplier's allocation fraction. FEA believes that the three percent figure represents reasonable compensation for suppliers which obtain product for purchasers who may not in fact purchase that product. It is also believed that three percent of the purchase price of the unlifted portion of a purchaser's entitlement will encourage purchasers to be as accurate in predicting need as possible.

FEA recognizes that in the event of shortages, assignments and adjustments pursuant to § 211.12(h) may place a heavy demand on suppliers and their traditional customers. Purchasers are reminded that the provisions of § 211.10(g)(3) limiting the volume of product supplied to wholesale purchaser-consumers and end-users to no more than one hundred percent of current requirements shall be observed by purchasers seeking adjustments or assignments pursuant to § 211.12(h).

In order to alleviate the burden placed on base period customers which traditionally use allocated products and which may suffer shortages as curtailed purchasers request allocated petroleum products, § 211.10(f) has been amended to require that whenever a supplier's allocation fraction is less than 0.8 and the supplier has purchasers assigned or adjusted pursuant to § 211.12(h) or has purchasers under an allocation level of one hundred (100) percent of current requirements subject to an allocation fraction which have increased requirements by reason of a curtailment action specified in § 211.12(h), the supplier shall report its allocation fraction to FEA, the amount of product it is required to supply by reason of assignments or adjustments pursuant to § 211.12(h) and curtailment actions specified in § 211.12(h), and the amount of product it would have available if it were required to supply with an allocation fraction of 0.8 only the allocation requirements of its purchasers which do not represent an assignment, adjustment pursuant to or increased current requirements by reason of a curtailment action specified in § 211.12(h). If the supplier is required to file Form FEA–1000, it will file its report at the same time that form is filed; otherwise, it will report within five (5) days of determining that its fraction is less than 0.8.

During the ten (10) days which follow FEA's actual receipt of its report, the supplier shall supply using its reported allocation fraction the allocation requirements subject to an allocation fraction of its purchasers which do not represent an assignment, adjustment, or increased current requirements by reason of an action specified in § 211.12(h). If FEA does not advise the supplier to the contrary within ten (10) days, the supplier shall supply all the allocation requirements of its purchasers using the reported fraction.

However, within the ten (10) days, FEA may assign additional product to the supplier to increase the supplier's reported allocation fraction, may reassign some or all of the allocation requirements of any purchaser affected by a curtailment action to other suppliers, reduce the allocation requirements of purchasers which have been assigned, adjusted or have increased current requirements by reason of a curtailment action taken pursuant to or specified in § 211.12(h).

In addition during the ten (10) day period, FEA may specify that the allocation requirements of purchasers which do not represent an assignment, adjustment, or increased current requirements by reason of a curtailment action pursuant to or specified in § 211.12(h) shall be supplied at an allocation fraction not to exceed 0.8. If product remains available, it shall be distributed pro rata to meet the allocation requirements of purchasers which represent an assignment, adjustment or increased current requirements pursuant to or by reason of an action specified in § 211.12(h).

In exercising its authority under § 211.10(f)(3), FEA intends, if necessary, to provide customers who are not able to use allocated products with a higher priority treatment than purchasers curtailed from using non-allocated products by requiring the curtailed purchasers to bear a larger share of any supply shortages than the traditional customer whenever allocation fractions fall below 0.8. However, in these instances, the provisions of § 211.10(f)(3) allow FEA to choose the most appropriate action from a wide range of remedial actions so that the needs of the traditional customers may be balanced against the needs of the curtailed purchasers in the most equitable manner.

ADJUSTMENTS AND ASSIGNMENTS FOR ELECTRIC UTILITIES

It is anticipated that most electric utilities which are curtailed will utilize either residual fuel oil or middle distillate to provide an alternative energy source. Section 211.166(d) already specifies that curtailments will be considered in allocating residual fuel oil to utilities pursuant to § 211.166(d). In the case of middle distillate, curtailment is one factor to be considered by FEA is granting adjustments to electric utilities under § 211.125. Therefore, the provisions of § 211.12(h) will not be utilized to assign or adjust electric utilities except in unusual cases where propane or butane is the allocated product. Because of shortages and other priority needs for propane and butane, FEA will make adjustments and assignments of propane and butane to electric utilities and other users under § 211.12(h) only in extraordinary circumstances.

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ADJUSTMENTS FOR PURCHASERS ENTITLED TO CURRENT REQUIREMENTS NOT SUBJECT TO AN ALLOCATION FRACTION

The amendment sets forth the procedure for adjustments and assignments in § 211.12(h) (2) and (3), respectively. In the case of purchasers which are entitled to one hundred percent of current requirements whether or not subject to an allocation fraction, no base period volume will be established by FEA in making assignments under § 211.12(h) since, of course, such purchasers are not supplied on the basis of base period use but rather of current requirements. However, the assignment will indicate the appropriate level of such current requirements to provide a basis for subsequent adjustments under § 211.13. With respect to their increased current requirements by reason of an action specified in § 211.12(h), all purchasers under an allocation level of one hundred percent of current requirements subject to an allocation fraction are subject to § 211.10(f)(3) and the "take-or-pay" provisions of § 211.12(h).

CURTAILMENT NOT UNDER A PLAN FILED IN COMPLIANCE WITH A RULE OR ORDER OF A FEDERAL OR STATE AGENCY

A number of comments noted that not all curtailments of non-allocable sources of energy occur as the result of plans filed in compliance with a rule or order of a Federal or State agency. The amendment does not expand the applicability of § 211.12(h), because FEA believes § 211.12 (e) and (f) and the exception procedures of Subpart D of Part 205 afford wholesale purchaser-consumers and end-users adequate means of relief in such circumstances.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159; Federal Energy Administration Act of 1974, Pub. L. 93-275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations, is amended as set forth below, effective immediately.

Issued in Washington, D.C., on November 25, 1974.

ROBERT E. MONTGOMERY, JR.,
General Counsel,
Federal Energy Administration.

1. Section 211.10 is amended in paragraph (f) by adding a subparagraph (3) to read as follows:

§ 211.10 Supplier's method of allocation.

* * * * *

(f) *Allocation fractions less than one.*

* * * * *

(3) *Suppliers of purchasers affected by government mandated energy curtailments.* Any supplier which has an allocation fraction less than 0.8 for a period which corresponds to a base period and which has purchasers assigned to it pursuant to § 211.12(h) or which has purchasers which have received adjustments to base period use pursuant to § 211.12 (h) or which has purchasers entitled to an allocation level of one hundred (100) percent of current requirements subject to an allocation fraction which have increased current requirements by reason of a curtailment action specified in § 211.12(h) shall allocate its product as follows:

(i) The supplier shall report to the FEA National office and the appropriate FEA regional office (A) its allocation fraction, (B) the allocation requirements of the purchasers which have been assigned to it pursuant to § 211.12(h) and which are subject to an allocation fraction, and the portions of the allocation requirements of its purchasers which result from adjustments to base period uses received pursuant to § 211.12(h) and current requirements increased by reason of a curtailment action specified in § 211.12(h) and which are subject to an allocation fraction, and (C) the amount of product which would remain available if the supplier applied an allocation fraction of 0.8 to all the allocation requirements of its purchasers except those allocation requirements described in clause (B) above. The report shall be submitted in writing to the FEA National office, with a copy to the appropriate Regional offices, at the same time that supplier reports to FEA pursuant to § 211.222(b), or if the supplier is not required to report to FEA pursuant to § 211.222(b), the report shall be filed with the FEA National office and with the appropriate Regional FEA office within five (5) days of the supplier's determination that its allocation fraction will be less than 0.8. The report must be clearly labeled "Curtailed Product Report" both on the document and on the outside of the envelope in which the document is transmitted. The FEA shall provide written notice to each supplier of the exact time of receipt of the report.

(ii) Within ten (10) days of actual receipt of any report made pursuant to this paragraph, the National FEA or the appropriate Regional FEA may:

(A) Assign other suppliers to the reporting supplier;

(B) Reassign some or all of the supplier's purchasers affected by a curtailment action to other suppliers;

(C) Reassign a portion or all of the base period use or increased current requirements of any purchaser affected by a curtailment action to other suppliers;

(D) Adjust downward the portion of any purchaser's base period use which represents an assignment or adjustment of base period use pursuant to § 211.12 (h) or any purchaser's current requirements increased by reason of a curtailment action specified in § 211.12(h);

(E) Require the supplier to allocate its allocable supply by applying a fraction no greater than 0.8 to all the allocation requirements of its purchasers which are subject to an allocation fraction other than the allocation requirements of the purchasers which have been assigned pursuant to § 211.12(h) and the portions of the allocation requirements of its purchasers which result from adjustments to base period uses received pursuant to § 211.12(h) and current requirements increased by reason of a curtailment action specified in § 211.12(h); and by then distributing the remainder of the supplier's allocable supply on a pro rata basis among the allocation requirements of its purchasers which result from assignments and adjustments pursuant to or current requirements increased by reason of a curtailment action specified in § 211.12(h); or

(F) Require the supplier to adjust its inventory to increase its allocable supply.

(iii) During the ten (10) days following FEA's actual receipt of any report submitted pursuant to this paragraph, if a supplier starts to distribute its allocable supply for the period which corresponds to a base period in which its allocation fraction is less than 0.8, the supplier shall allocate product applying its reported allocation fraction only to the allocation requirements of its purchasers which are subject to an allocation fraction other than the allocation requirements of the purchasers which have been assigned to the supplier pursuant to § 211.12(h) and the portions of the allocation requirements of its purchasers which result from adjustments to base period uses received pursuant to § 211.12(h) and current requirements increased by reason of a curtailment action specified in § 211.12(h).

(iv) Unless notified to the contrary by FEA within ten (10) days of actual receipt by FEA of the supplier's report, any supplier which reports pursuant to this paragraph shall allocate its total allocable supply to all its purchasers at its reported allocation fraction.

* * * * *

2. Section 211.12 is amended in paragraph (h) to read as follows:

§ 211.12 Purchaser's allocation entitlement.

* * * * *

(h) *Curtailment of certain energy sources pursuant to Federal or State rule or order.* (1) Any end-user or wholesale purchaser-consumer which has been denied access or advised that it may be denied access to a source of energy other than an allocated product as a consequence of curtailment under a plan filed in compliance with a rule or order of a Federal or State agency, or which is or may be unable to obtain such fuel by reason of an abandonment of service permitted or ordered by a Federal or State agency, may apply to the FEA in accordance with this paragraph for adjustment of base period use or for assignment of a supplier and a base period use if such purchaser does not have a base period supplier of an allocated product; *Provided,* That no utility shall receive an assignment of a supplier or adjustment of its base period use for middle distillate or residual fuel oil pursuant to this paragraph.

(2) Applications under this paragraph by wholesale purchaser-consumers which have base period suppliers shall be made in accordance with Subpart B of Part 205 of this chapter. Applications under this paragraph by end-users which have base period suppliers shall be made to the appropriate Regional FEA Office. Wholesale purchaser-consumers and end-users shall submit their applications for adjustments to their base period use under this paragraph to their suppliers prior to submission to FEA. The supplier shall certify information with respect to the application in accordance with forms and instructions issued by FEA and submit the application together with its certification to FEA not later than ten (10) days following receipt of the application from the wholesale purchaser-consumer or end-user.

(3) Notwithstanding the provisions of paragraph (e) of this section, applications under this paragraph by wholesale purchaser-consumers which do not have base period suppliers shall be made in accordance with Subpart C of Part 205 of this chapter. Notwithstanding the provisions of paragraph (f) of this section, applications under this paragraph by end-users which do not have base period suppliers shall be made to the appropriate Regional FEA Office.

(4) Applications under this paragraph shall be in accordance with forms and instructions issued by FEA or § 205.24(b) or § 205.34(b) if appropriate, and shall include documented evidence that the applicant's source of energy has been or may be curtailed, or has or may become unobtainable as a consequence of a rule or order of a Federal or State agency. FEA shall only make adjustments and assignments pursuant to this paragraph when there are compelling situations requiring relief. Such adjustments shall be based upon applications which are fully supported by detailed facts, figures and other relevant documentation whenever possible.

(5) Wholesale purchaser-consumers and end-users which have received an assignment or adjustment pursuant to this paragraph or which have increased current requirements (whether or not subject to an allocation fraction) by reason of a curtailment or abandonment of service specified in this section shall notify their suppliers whether they will lift all or part of their base period use or current requirements for a period corresponding to a base period. Such notification shall be made at least twenty (20) days prior to the beginning of each such period. Suppliers shall exclude from their supply obligation that portion of a purchaser's base period use or current requirements which the purchaser indicates it will not lift. Suppliers may require that wholesale purchaser-consumers and end-users enter into an agreement requiring the purchaser to pay for no more than three (3) percent of any portion of the purchaser's allocation entitlement which the purchaser declares it will lift but which the purchaser subsequently fails to lift during a period corresponding to a base period. Such an agreement shall be entered into only after the purchaser declares the portion of its base period use or increased current requirements it will lift and prior to the commencement of the period corresponding to a base period for which the allocation entitlement relates.

(6) A supplier (i) which has purchasers assigned to it pursuant to this paragraph, which has purchasers which have received adjustments to base period use pursuant to this paragraph or which has purchasers entitled to an allocation level of one hundred (100) percent of current requirements subject to an allocation fraction which have increased current requirements by reason of a curtailment action specified in this § 211.12 (h) and (ii) which has an allocation fraction less than 0.8 shall allocate its product pursuant to § 211.10(f)(3) of this part.

[FR Doc.74-27949 Filed 11-27-74;8:45 am]

Title 12—Banks and Banking

[No. 74-1200]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Federal Associations With Home Offices in Puerto Rico

NOVEMBER 22, 1974.

The following summary of amendments adopted by this Resolution is provided for the reader's convenience and is subject to the full provisions of this Resolution, including the provisions in the preamble thereof and in the amended regulations set forth below.

I. Regulations prior to present amendments:

A. Marketable certificates issued by Federal associations in Puerto Rico or elsewhere must have a face amount of at least $100,000.

B. Non-marketable certificates of less than $100,000 may be issued by Federal associations in Puerto Rico or elsewhere if the term to maturity of the certificates is at least 90 days.

C. Both marketable and non-marketable certificates issued by a Federal association whose home office is located in Puerto Rico are excepted from rate ceiling (up to 15 percent of savings accounts but not more than 10 percent of savings accounts with original maturities of less than 2 years) if (1) the face amount of the certificates is at least $50,000 and (2) the term to maturity of the certificates is at least 30 days.

II. Amended regulations:

A. Marketable certificates.

Reduce from $100,000 to $50,000 the minimum face amount if issued by a Federal association whose home office is located in Puerto Rico.

B. Non-marketable certificates.

Reduce from 90 days to 30 days the minimum time to maturity if issued by a Federal association whose home office is located in Puerto Rico.

III. Reason for Changing the Regulations.

Put Federal associations whose home ofices are located in Puerto Rico and commercial banks which are located in Puerto Rico on a parity as to marketable and non-marketable certificates having face amounts of $50,000 or more.

Commercial banks located in Puerto Rico are permitted to issue certificates of deposit having a face amount of $50,000 or more without restriction as to the maximum rate of return on such certificates. The principal purpose of this resolution is to establish parity in Puerto Rico between commercial banks and Federal savings and loan associations as to issuing certificate accounts having face amounts of $50,000 or more and less than $100,000. Such parity already exists as to certificate accounts of $100,000 or more.

Section 526.5-1 of the regulations for the Federal Home Loan Bank System (12 CFR 526.5-1) creates an exception (up to 15 percent of savings accounts but not more than 10 percent of savings accounts with original maturities of less than 2 years) from rate control for certificate accounts of $100,000 or more having a maturity of at least 30 days. Also this section provides that the $100,000 amount is reduced to $50,000 as to certificate accounts issued by members whose home offices are located in Puerto Rico.

Prior to the present amendments, § 545.1-5(d)(1) (relating to marketable certificates) of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.1-5(d)(1)) provided that a marketable certificate must have a face amount of at least $100,000. There was no geographic exception similar to the rate ceiling exception in the above mentioned § 526.5-1 as to Federal associations whose home offices are located in Puerto Rico. The present amendments add such a geographic exception in § 545.1-5(d)(1) and thereby authorize such Federal associations to issue marketable certificates of less than $100,000 but not less than $50,000.

Prior to the present amendments, the substance of the general rule stated in §§ 545.1-4(c)(3) (relating to savings deposits for fixed periods of time and bearing fixed rates of interest) and 545.3-1(b)(3) (relating to variable rate certificate accounts) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.1-4(c)(3), 545.3-1(b)(3)) was that an account issued pursuant to either of these sections must have a maturity or be maintained for a period of at least 90 days, except that the 90-day time requirement is reduced to 30 days as to such an account of $100,000 or more. There was no geographic exception similar to the rate ceiling exception in the above mentioned § 526.5-1 as to Federal associations whose home offices are located in Puerto Rico. The present amendments add such a geographic exception in §§ 545.1-4(c)(3) and 545.3-1(b)(3) and thereby reduce from 90 to 30 days the minimum time to maturity if issued by a Federal association whose home office is located in Puerto Rico.

The Board hereby amends §§ 545.1-4(c)(3), 545.1-5(d)(1) and 545.3-1(b)(3) of the rules and regulations for the Federal Savings and Loan System to read as

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set forth below. Since these amendments relieve restriction, the Board hereby finds that notice and public procedure are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendments is unnecessary; and the Board hereby provides that said amendments shall become effective November 29, 1974.

In § 545.1–4 paragraph (c)(3)(i) is revised to read as follows:

§ 545.1–4 Other savings deposits.

• • • • •

(c) *Limitations.* In accepting savings deposits under the authority contained in paragraph (a) of this section, no Federal association shall:

• • • • •

(3)(i) Accept any fixed-term savings deposit of less than $100,000 ($50,000, if the association's home office is located in Puerto Rico) for a term of less than 90 days or more than 10 years; or (ii) Accept any fixed-term savings deposit of $100,000 ($50,000, if the association's home office is located in Puerto Rico) or more for a term of less than 30 days or more than 10 years. (iii) Any savings deposit issued pursuant to this section may provide for renewal, at the option of the association, for successive periods not exceeding 10 years for each renewal.

• • • • •

In § 545.1–5 paragraph (d)(1) is revised to read as follows:

§ 545.1–5 Marketable certificates of deposit.

• • • • •

(d) Limitations. In exercising authority under this section, a Federal association shall not issue any certificate:

(1) with a face amount (inclusive of discount, whether or not arrived at in whole or part by add-on calculation) of less than $100,000, except that such dollar amount is $50,000 as to a certificate issued by a Federal association whose home office is located in Puerto Rico;

• • • • •

In § 545.3–1 paragraph (b)(3) is revised to read as follows:

§ 545.3–1 Distribution of earnings at variable rates.

• • • • •

(b) Eligibility requirements. • • •

(3) Accounts evidenced by certificates. (i) A savings accounts of less than $100,000 ($50,000, if the association's home office is located in Puerto Rico) which is evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a rate higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter, if such account is maintained at not less than the minimum amount required by such Part for such rate of return, and for such continuous period of not less than 90 days, nor more than 10 years, commencing on the date of such certificate, as the association may determine. (ii) A savings account of $100,000 ($50,000, if the association's home office is located in Puerto Rico) or more which is evidenced by a certificate meeting the requirements of paragraph (c) of this section may receive earnings at a higher than the regular rate, but not in excess of the applicable maximum rate of return prescribed for certificate accounts in Part 526 of this chapter, if such account is maintained at not less than such minimum amount, for such continuous period of not less than 30 days, nor more than 10 years, commencing on the date of such certificate, as the association may determine. (iii) Any savings account issued pursuant to this section may be evidenced by more than one certificate.

• • • • •

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74–27934 Filed 11–27–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74–SO–111; Amdt. 39–2027]

PART 39—AIRWORTHINESS DIRECTIVES

Grumman American Model G–1159 Airplanes

There have been malfunctions of the Flight Power Shut-off System on a Grumman American Model G–1159 airplane that could result in loss of hydraulic power to the flight control actuators. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to prevent the actuation of the Flight Power Shut-off handle in flight until Grumman American Aircraft Service Change No. 186 has been incorporated.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (37 FR 13697), § 39.13 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

GRUMMAN AMERICAN AVIATION CORPORATION. Applies to Grumman American G–1159 airplanes certificated in all categories

Compliance required immediately after the effective date of this AD.

To preclude the actuation of the Flight Power Shut-off valve in flight, accomplish the following:

Make and install a placard reading "DO NOT PULL IN FLIGHT" on the Flight Power Shut-off handle. Upon compliance with Grumman American Aircraft Service Change No. 186, remove this placard.

This amendment becomes effective immediately.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in East Point, Georgia on November 19, 1974.

P. M. SWATEK,
Director, Southern Region.

[FR Doc.74–27796 Filed 11–27–74;8:45 am]

[Airworthiness Docket No. 74–WE–40–AD; Amdt. 39–2029]

PART 39—AIRWORTHINESS DIRECTIVES

Ted Smith Aerostar Models 600/601/601P Airplanes

It has been determined that in Aerostar Models 600, 601 or 601P Airplanes modified by either STC SA2367WE or SA2336WE (or originally equipped with 70 amp alternators), the failure of an alternator is not accompanied by a positive indication of such failure. As a result, when electrical loads exceed the generating capacity of a single alternator, electrically powered attitude and directional gyros may fail due to the diminishing bus voltage which accompanies depletion of the aircraft battery. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued to require a limitation during IFR conditions not to exceed a maximum electrical load of 55 amperes.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

TED R. SMITH & ASSOCIATES, INC. Applies to Aerostar Models 600/601/601P airplanes certificated in all categories with electrical attitude and directional gyros and 70 amp alternators installed either by the manufacturer or by incorporating STC SA2336WE or STC SA2367WE, as provided below.

Compliance required within the next 30 days after the effective date of this AD, unless already accomplished.

To prevent the possible overloading of the remaining alternator system after failure of either one of the dual alternator systems, accomplish the following:

(1) Amend, in pertinent part, the Electrical System Load Limitations Section of the FAA-approved Airplane Flight Manual for those airplanes affected, as follows:

ELECTRICAL SYSTEM LOAD LIMITATIONS

Aircraft with electrical attitude and directional gyros installed and equipped with 70 amp alternators: Do not exceed 55 amps continuous electrical load during IFR conditions.

NOTE. To determine actual alternator load, total the left and right amp readings. Do not read main position for actual alternator load."

(2) Install a placard in the cockpit, and add to the placard list in the AFM Limitations Section which provides: "Do not exceed 55 amps continuous electrical load during IFR conditions."

(3) This airworthiness directive must remain with the Airplane Flight Manual until replaced by an FAA-approved AFM revision issued by Ted R. Smith & Associates, Inc. providing the limitations of this A.D.

(4) The limitations described in (1), above, and placard installed per (2), above, may be removed upon the installation of an alternate electrical warning system approved by the Chief, Aircraft Engineering Division, FAA Western Region.

This amendment becomes effective December 4, 1974.

(Secs. 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Los Angeles, California on November 20, 1974.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.74–27797 Filed 11–27–74;8:45 am]

[Docket No. 74–CE–22–AD; Amdt. 39–2028]

PART 39—AIRWORTHINESS DIRECTIVES

United Instruments, Inc. Altimeters

There have been reports that some altimeters manufactured by United Instruments, Inc., Wichita, Kansas, and installed on various aircraft have experienced loosening of the plastic film bearings (teflon tape) which are bonded to the altimeter's mechanism to separate two moving metal assemblies. This loosening may allow the tape to fall into the altimeter's gear mechanism causing the altimeter to jam. A jammed altimeter results in an unsafe condition wherein the pilot is unable to determine his altitude above the terrain. This is most critical during night and IFR conditions. While it has been established that some cleaning fluids will loosen these teflon tapes, reports indicate that loose tapes also have been found on altimeters that were not subjected to cleaning fluids. Since this condition is likely to exist or develop in other altimeters of the same type design, an Airworthiness Directive (AD) is being issued requiring a one-time check to determine if affected altimeters are installed in the aircraft and, if so, the installation of a placard restricting aircraft operations to day VFR flight only. The AD will further require, prior to December 1, 1976, replacement of the affected altimeter with an airworthy unit from outside the applicable serial numbers, other approved replacement part, or a modified altimeter in accordance with United Instruments, Inc., Service Bulletin No. 1, dated September 19, 1974, or subsequent revisions.

Since a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator 14 CFR 11.89 (31 FR 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

UNITED INSTRUMENTS, INC. Applies to P/N 5932( ) (Serial Numbers 47851 thru 69000) and P/N 5934( ) (Serial Numbers 70,000 thru 102,000, A1 thru A9999, B1 thru B9999, and C1 thru C2860) altimeters installed on various aircraft, such as Piper, Beech, Cessna, Bell, Aero Commander, Schweizer, Enstrom, Helio, American Aviation, Bellanca, et al.

NOTE 1: United Instruments P/N 5932( ) altimeters may be additionally identified as TKK Model LA 4 TSO C–10b. United Instrument P/N 5934( ) altimeters may be additionally identified as TKK Model LA 7 TSO C–10b.

NOTE 2: These altimeters may also be identified by various aircraft manufacturer's part numbers. Some but not all are:

Beech P/N 50–380094–( ), 50–384119–( ), 58–380011–( ), 58–380012–( ), 58–380041–( ), 100–324056–( ), 169–380073–( )

Cessna P/N C661011–( ), C661071–( ), C661025–( ), C661014–( )

Piper P/N 99009–( ), 450–611–( ), 450–694–( ), P850008–( )–( ), 550–488–( ), 550–489–( ), 550–490–( ), 550–491–( ), 550–492–( ), 550–493–( ), 322–81–03, 322–81–04

Bell P/N 206–070–263–( ), 47–711–303–( )

Compliance: Required as indicated, unless already accomplished.

To prevent being deprived of altimeter readings during certain aircraft operating conditions, accomplish the following:

(A) Within the next 10 hours' time in service after the effective date of this AD, check each altimeter installed in all aircraft or check the aircraft's permanent maintenance record to determine if the altimeter falls within the Part Number and Serial Number designations set forth in the applicability statement. The owner/operator of the aircraft may make these checks.

(B) If, as a result of the determinations required by Paragraph A, an altimeter falls within the Part Number and Serial Number designations in the applicability statement, prior to further flight, either comply with Paragraph C or install a placard on the instrument panel in clear view of the pilot which states:

"Aircraft Approved For Day VFR Flight Only"

and operate the aircraft in accordance with this limitation.

(C) On or before November 30, 1976, on any altimeter which falls within the Part Number and Serial Number designations set forth in the applicability statement, either replace the altimeter with an approved replacement part, or altimeter from outside the applicable Serial Numbers, or modify the existing altimeter in accordance with the United Instruments, Inc., Service Bulletin No. 1, dated September 19, 1974, or subsequent approved revisions. A modified altimeter will be identified by a ¼-inch white dot painted alongside the nameplate on the back of the case. Upon compliance with this paragraph, the requirements of Paragraph B are no longer applicable.

(D) Any alternate means of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(E) Compliance with Paragraph B of this AD is not required if the aircraft has two sensitive altimeters installed. In the event of failure of one of the altimeters, where both altimeters are noted in the applicability statement, compliance with Paragraph B and/or C is required.

This amendment becomes effective December 5, 1974.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421 and 1423), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on November 19, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74–27798 Filed 11–27–74;8:45 am]

[Airspace Docket No. 74–CE–32]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Davenport, Iowa, control zone and the Moline, Illinois, transition area.

The names of the Davenport non-directional beacon (NDB) and the Cordova VORTAC, located in the vicinity of the Davenport, Iowa, Airport are being changed. The Davenport NDB will be renamed Cody and the Cordova VORTAC will be renamed Davenport. Accordingly, alterations of the Davenport, Iowa, control zone and Moline, Illinois, transition area descriptions are necessary to reflect these name changes.

Since these amendments are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., January 30, 1975, as hereinafter set forth:

(1) In § 71.171 (39 FR 354), the following control zone is amended to read:

DAVENPORT, IOWA

Within a 5-mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20"W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 5-mile radius zone to 6½ miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 5-mile radius zone to 1 mile southwest of the VOR. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

V 39 231 NOV 29 74 XUM

(2) In § 71.181 (39 FR 440), the following transition area is amended to read:

MOLINE, ILLINOIS

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Quad City Airport (latitude 41°26'50" N., longitude 90°30'40" W.); within 4½ miles north and 9½ miles south of the Quad City ILS localizer west course, extending from 1 mile east to 18½ miles west of the OM; within a 6½ mile radius of Davenport Municipal Airport (latitude 41°36'40" N., longitude 90°35'20" W.); within 3 miles each side of the 224° bearing from the Cody RBN, extending from the 6½ mile radius area to 8 miles southwest of the RBN; and within 2 miles each side of the Davenport VOR 220° radial, extending from the 6½ mile radius area to the VOR; and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°55'00" N., on the southeast by the Illinois-Iowa boundary, and on the west by longitude 91°00'00" W.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Missouri, on November 19, 1974.

A. L. COULTER,
Director, Central Region.

[FR Doc.74-27808 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the South Bend, Indiana, control zone and transition area.

The St. Joseph County Airport, South Bend, Indiana, has been renamed Michiana Regional Airport. Therefore, it is necessary to alter the South Bend control zone and transition area which presently refer to the airport as St. Joseph County Airport to reflect the airport change of name. Action is taken herein to reflect this change.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective immediately as hereinafter set forth:

(1) In § 71.171 (39 FR 354), the South Bend, Indiana, control zone is altered by deleting "St. Joseph County Airport" in the text and substituting therefor "Michiana Regional Airport".

(2) In § 71.181 (39 FR 440), the South Bend, Indiana, transition area is altered by deleting "St. Joseph County Airport" in the text and substituting therefor "Michiana Regional Airport".

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued at Des Plaines, Illinois, on November 6, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

[FR Doc.74-27807 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-WA-37]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Change of VORTAC Name

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to change the name of the Cordova, Ill., VORTAC to Davenport, Iowa, VORTAC wherever it appears in §§ 71.123 and 71.203.

On May 1, 1969, the Cordova VOR was moved from a location in Ill., near the town of Cordova at Lat. 41°43'35.1" N., Long. 90°16'24.6" W., to a location in Iowa, less than 7 miles NE of the NE/SW runway of the Davenport Municipal Airport at Lat. 41°42'30.0" N., Long. 90°28'59.8" W. Because a nondirectional radio beacon (NDB) SW of the airport was named Davenport it was decided at that time to retain the name Cordova for the VOR. On January 30, 1975, the Davenport NDB will be renamed Cody NDB, which will permit the name Davenport to be used for the VORTAC.

Since this action simply changes the name of the Cordova VORTAC to the Davenport VORTAC with no alteration to any route structure or airspace dimension, it is a minor matter upon which the public is not particularly interested, so notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

1. Section 71.123 (39 FR 307, 6606, 38637, 38 FR 32128, 33393) is amended as follows:

a. In V-6 "Cordova, Ill.; INT Cordova 067° and DuPage, Ill., 255° radials;" is deleted and "Davenport, Iowa.; INT Davenport 067° and DuPage, Ill., 255° radials;" is substituted therefor.

b. In V-8 "Cordova, Ill.; INT Cordova 087° and Joliet, Ill., 291° radials;" is deleted and "Davenport, Iowa.; INT Davenport 087° and Joliet, Ill., 291° radials;" is substituted therefor.

c. In V-63 "Cordova, Ill.;" is deleted and "Davenport, Iowa, ;" is substituted therefor.

d. In V-129 "Cordova, Ill.;" is deleted and "Davenport, Iowa.;" is substituted therefor.

e. In V-294 "Cordova, Ill." is deleted and "to Davenport, Iowa." is substituted therefor.

2. Section 71.203 (39 FR 620) is amended as follows:

"Cordova, Ill." is deleted and "Davenport, Iowa" is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on November 22, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-27810 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-SW-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the West Memphis, Ark., control zone.

On October 11, 1974, a notice of proposed rule making was published in the FEDERAL REGISTER (39 FR 36595) stating the Federal Aviation Administration proposed to designate a control zone at West Memphis, Ark.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

WEST MEMPHIS, ARK.

Within a 5-mile radius of the Municipal Airport, West Memphis, Ark. (latitude 35°08'24" N, longitude 90°14'00" W); within 8 miles each side of the 351° bearing from the West Memphis RBN (latitude 35°08'20" N, longitude 90°14'02" W), extending from the 5-mile radius zone to 8 miles north of the RBN; and within 3 miles each side of the 186° bearing from the West Memphis RBN, extending from the 5-mile radius zone to 8 miles south of the RBN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Fort Worth, Tex., on November 19, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-27811 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Revocation of Transition Area

On Pages 34299 and 34300 of the FEDERAL REGISTER dated September 24, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Janesville, Wisconsin and revoke the transition area at Rockton, Illinois.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348], and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1955(c)].

Issued in Des Plaines, Illinois on November 8, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

1. In § 71.181 (39 FR 440), the following transition area is amended to read:

JANESVILLE, WISCONSIN

That airspace extending upward from 700 feet above the surface within a ten-mile radius of the Rock County Airport, Janesville, Wisconsin (Latitude 42°37'12" N., Longitude 89°02'28" W.), within a six-mile radius of the Beloit, Wisconsin Airport (Latitude 42°29'51" N., Longitude 88°58'05" W.), and within a five-mile radius of the Wagon Wheel Airport, Rockton, Illinois (Latitude 42°26'15" N., Longitude 89°04'21" W.).

2. In § 71.181 (39 FR 440) the following transition area is deleted: Rockton, Illinois.

(Sec. 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

[FR Doc.74-27809 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On 34299 of the FEDERAL REGISTER dated September 24, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Baraboo, Wisconsin.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348], and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)])

Issued in Des Plaines, Illinois, on November 8, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

BARABOO, WISCONSIN

That airspace extending upward from 700 feet above the surface within an eleven-mile radius of Baraboo-Wisconsin Dells Airport (Latitude 43°31'30" N., Longitude 89°46'15" W.) and within an eleven-mile radius of the Reedsburg Airport (Latitude 43°31'44" N., Longitude 89°59'06" W.).

[FR Doc.74-27802 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-33]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Page 35386 of the FEDERAL REGISTER dated October 1, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Warsaw, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on November 8, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

WARSAW, INDIANA

That airspace extending upward from 700 feet above the surface within a seven-mile radius of the Warsaw Municipal Airport (Longitude 41°16'45" N., Latitude 85°50'45" W.), excluding the airspace which overlies the Nappanee, Indiana, transition area.

[FR Doc.74-27801 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-GL-35]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On Pages 35385 and 35386 of the FEDERAL REGISTER dated October 1, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend Section 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Marion, Ohio.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective January 30, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on November 8, 1974.

R. O. ZIEGLER,
Acting Director, Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is amended to read:

MARION, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the Marion Municipal Airport (Latitude 40° 36' 58" N., Longitude 83° 03' 51" W.); within three miles each side of the 067° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles northeast of the airport; and within three miles each side of the 327° bearing from the airport extending from the 6.5-mile radius area to 8.5 miles northwest of the airport.

[FR Doc.74-27800 Filed 11-27-74;8:45 am]

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[Airspace Docket No. 74-GL-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 35385 of the FEDERAL REGISTER dated October 1, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Sparta, Michigan.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 [49 U.S.C. 1348], and of sec. 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].)

Issued in Des Plaines, Illinois on November 8, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In Section 71.181 (39 FR 440), the following transition area is added:

SPARTA, MICHIGAN

That airspace extending upward from 700 feet above the surface within a seven-mile radius of the Sparta Airport (Latitude 43°07'45" N., Longitude 85°40'30" W.); excluding that airspace which overlies the Muskegon, Michigan transition area.

[FR Doc.74-27799 Filed 11-27-74;8:46 am]

[Airspace Docket No. 74-GL-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On Page 33010 of the FEDERAL REGISTER dated September 13, 1974, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at the Jasper County Airport, Rensselaer, Indiana.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., January 30, 1975.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Des Plaines, Illinois, on November 4, 1974.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

In § 71.181 (39 FR 440), the following transition area is added:

RENSSELAER, INDIANA

That airspace extending upward from 700 feet above the surface within a five-mile radius of Jasper County Airport (Latitude 40°56'30" N., Longitude 87°11'00" W.) and within three miles each side of the 007° bearing from the airport extending from the five-mile radius area to eight miles north of the airport.

[FR Doc.74-27803 Filed 11-27-74;8:46 am]

[Airspace Docket No. 74-WA-22]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Area High Routes, Jet Route and Controlled Airspace

On September 26, 1974, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (39 FR 34567) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would realign J-833R, designate J-831R, extend J-150 and its controlled airspace, and add a waypoint to J-808R/J-809R.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. The only comment received was a favorable one from the Air Transport Association of America.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

1. In § 71.161 (39 FR 345) Jet Route No. 150 is amended to read as follows:

"Jet Route No. 150 From Robbinsville, N.J., via Hampton, N.Y.; Hyannis, Mass.; to the INT of Hyannis 068° and Boston, Mass., 097° radials."

2. In § 75.100 (39 FR 699) Jet Route No. 150 is amended to read as follows:

"Jet Route No. 150 From Robbinsville, N.J., via Hampton, N.Y.; Hyannis, Mass.; to the INT Hyannis 068° and Boston, Mass., 097° radials."

3. Section 75.400 (39 FR 718, 38 FR 24204) is amended as follows:

a. In J808R and J809R, waypoint "PATTY 40°50'10" N., 71°58'04" W., Putnam, Conn." is added between waypoint SARDI and waypoint MARYS.

b. J833R is amended to read as follows: J833R Bangor, Maine, to New York, N.Y. Bangor, Maine 44°50'30" N., 68°52'28" W., Bangor, Maine, GORDI 43°55'19" N., 69°-29'54" W., Kennebunk, Maine, DOMIE 41°-39'12" N., 70°57'00" W., Putnam, Conn., PATTY 40°50'10" N., 71°58'04" W., Putnam, Conn., SARDI 40°31'19" N., 72°47'56" W., Kennedy, N.Y.

c. J831R would be added to read as follows: J831R New York, N.Y., to CODDS, PATTY 40°50'10" N., 71°58'04" W., Putnam, Conn., Nantucket, Mass., 41°16'54" N., 70°01'38" W., Nantucket, Mass., CODDS 41°16'38" N., 68°-00'00" W., Nantucket, Mass.

(Sec. 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on November 21, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-27813 Filed 11-27-74;8:45 am]

[Airspace Docket No. 74-WA-33]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Change of Area High Route Waypoints

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to redefine the geographic descriptions of five waypoints to coincide with reporting points of the same name.

A review of airspace designations has disclosed that there are a few locations where waypoints are designated in close proximity to reporting points having the same name. These dual locations are not compatible in the program to computerize air traffic control of the airways, and they may lead to pilot confusion. To eliminate this problem, it has been determined that those waypoints should be relocated to coincide with the reporting points of the same name. As the greatest distance separating these dual locations is less than two miles, and no airspace designation is involved, relocation of those waypoints is a minor matter on which the public would have no particular desire to comment. Therefore, notice and public procedure thereon are unnecessary. In order to provide sufficient time for changes to be depicted on appropriate aeronautical charts, this amendment will be made effective January 30, 1975.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., January 30, 1975, as hereinafter set forth.

Section 75.400 (39 FR 718, 38 FR 24204) is amended as follows:

1. In J993R and J995R:

a. "AZANA 32°23'00" N. 78°15'00" W." is deleted and "AZANA 32°23'32" N. 78°14'57" W." is substituted therefor.

b. "GAUGE 30°24'00"N. 78°34'00" W." is deleted and "GAUGE 30°25'29" N. 78°33'57" W." is substituted therefor.

2. In J995R "HALBI 26°41'00" N. 79°07'00" W." is deleted and "HALBI 26°41'00" N. 79°08'05" W." is substituted therefor.

3. In J944R and J960R "PERCH 33°51'30" N. 119°10'03" W." is deleted and "PERCH 33°52'03" N. 119°09'24" W." is substituted therefor.

4. In J947R and J963R "GATES 34°13'00" N. 123°03'00" W." is deleted and "GATES 34°12'53" N. 123°03'27" W." is substituted therefor.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Washington, D.C., on November 21, 1974.

CHARLES H. NEWPOL,
Acting Chief Airspace and
Air Traffic Rules Division.

[FR Doc.74-27812 Filed 11-27-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER VI—WATER RESOURCES COUNCIL

NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS

Implementation Provisions

On September 26, 1974, there was published in the FEDERAL REGISTER (39 FR 188) a notice of proposed rulemaking with a proposed amendment to Chapter VI, Title 18, Code of Federal Regulations consisting of the addition of § 701.78(a)(13) to Part 701, the replacement of present § 703.5(n) of Part 703 with a new § 703.5(n), the deletion of § 703.12, and the addition of Part 705.

The purpose of the new Part 705 is to implement the provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d-1, to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from the participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Water Resources Council.

The purpose of the addition of § 701.78(a)(13), the replacement of present § 703.5(n) with the new § 703.5(n) and the deletion of § 703.12, is to coordinate and implement other relevant rules and regulations of the Water Resources Council so as to facilitate the purposes of Part 705.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date: These Civil Rights regulations are effective November 29, 1974.

Approved November 20, 1974.

WARREN D. FAIRCHILD,
Director, U.S. Water
Resources Council.

By the Attorney General of the United States.

WILLIAM SAXBE,
Attorney General.

PART 701—COUNCIL ORGANIZATION

1. Section 701.78(a)(13) is added to read as follows.

§ 701.78 Executive Director—delegation of authorities.

(a) • • •

(13) Serve as the "responsible agency official" under Part 705 of these rules and regulations.

• • • • • •

PART 703—GRANTS TO STATES FOR COMPREHENSIVE WATER AND RELATED LAND RESOURCES PLANNING

2. In § 703.5 paragraph (n) is revised to read as follows:

§ 703.5 Contents of applications.

• • • • • •

(n) Civil rights assurance: Provide assurance that the planning will be conducted in compliance with the provisions of Part 705 of these rules and regulations.

• • • • • •

3 Part 705 is added to read as follows:

PART 705—NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.
705.1 Purpose.
705.2 Definitions.
705.3 Application of this part.
705.4 Discrimination prohibited.
705.5 Assurances required.
705.6 Compliance information.
705.7 Conduct of investigations.
705.8 Procedure for effecting compliance.
705.9 Hearings.
705.10 Decisions and notices.
705.11 Judicial review.
705.12 Effect on other regulations.

AUTHORITY: Sec. 602 of P.L. 88-352, 78 Stat. 252, (42 U.S.C. 2000 d-1), and Sec. 402 of Pub L. 89-80, 79 Stat. 254, (42 U.S.C. 1962 d-1).

§ 705.1 Purpose.

The purpose of this subpart is to implement the provisions of Title VI of the Civil Rights Act of 1964, 78 Stat. 252 (hereafter referred to as the "Act"), to the end that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance from the Water Resources Council.

§ 705.2 Definitions.

As used in this part—

(a) "Applicant" means one who submits an application, request, or plan required to be approved by the Water Resources Council, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and the term "application" means such an application, request, or plan.

(b) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the provision of facilities includes the construction, expansion, renovation, remodeling, alteration or acquisition of facilities.

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale and lease of, and the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration or at a nominal consideration, or at a consideration which is reduced for the purpose of assisting the recipient, or in recognition of the public interest to be served by such sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(d) "Primary recipient" means any recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes any program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training, health, welfare, rehabilitation, housing, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include any services, financial aid, or other benefits provided with the aid of Federal financial assistance or the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and to include any services, financial aid, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, territory, possession, the District of Columbia, or Puerto Rico, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual, in any State, territory, possession, the District of Columbia, or Puerto Rico, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but such term does not include any ultimate beneficiary under any such program.

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(g) "Responsible agency official" means the Director of the Water Resources Council or his designee.

§ 705.3 Application of this part.

This part applies to any program for which Federal financial assistance is authorized under a law administered by the Water Resources Council. It applies to money paid, property transferred, or other Federal financial assistance extended under any such program after the date of this part pursuant to an application whether approved before or after such date. This part does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, or (b) any employment practice except to the extent described in § 705.4(c).

§ 705.4 Discrimination prohibited.

(a) *General.* No person in the United States shall, on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, any program to which this part applies.

(b) *Specific discriminatory actions prohibited.* (1) A recipient under any program to which this part applies may not directly or through contractual or other arrangements, on the grounds of race, color, or national origin—

(i) Deny a person any service, financial aid, or other benefit provided under the program;

(ii) Provide any service, financial aid, or other benefit to a person which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program;

(v) Treat a person differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial aid, or other benefit provided under the program; or

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program.

(vii) Deny a person the opportunity to participate as a member of a planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under any such program, or the class of persons to whom, or the situations in which, such services, financial aid, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

(3) As used in this section, the services, financial aid, or other benefits provided under a program receiving Federal financial assistance include any service, financial aid, or other benefit provided in or through a facility provided with the aid of Federal financial assistance.

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(5) This part does not prohibit the consideration of race, color, or national origin if the purpose and effect are to remove or overcome the consequences of practices or impediments which have restricted the availability of, or participation in, the program or activity receiving Federal financial assistance, on the grounds of race, color, or national origin. When previous discriminatory practice or usage tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this part applies, the applicant or recipient has an obligation to take reasonable action to remove or overcome the consequences of the prior discriminatory practice or usage, and to accomplish the purposes of the Act.

(c) *Employment practices.* (1) Where a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the grounds of race, color, or national origin in its employment practices under such program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). Such recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to their race, color, or national origin. The requirements applicable to construction employment under any such program shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the grounds of race, color, or national origin in the employment practices of the recipient or other persons subject to the regulation tends, on the grounds of race, color, or national origin, to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of subparagraph (1) of this paragraph shall apply to the employment practice of the recipient or other persons subject to the regulation, to the extent necessary to assure equality of opportunity to, and nondiscriminatory treatment of, beneficiaries.

(d) *Location of facilities.* A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the grounds of race, color, or national origin; or if the purpose is to, or its effect when made will, substantially impair the accomplishment of the objectives of this part.

705.5 Assurance required.

(a) *General.* Every application for Federal financial assistance to carry out a program to which this part applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part. In the case of an application for Federal financial assistance to provide real property or structures thereon, or personal property or equipment of any kind, such assurance shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for any other purpose involving the provisions of similar services or benefits. In all other cases, such assurance shall obligate the recipient for the period during which Federal financial assistance is extended pursuant to the application. The responsible agency official shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which give the United States a right to seek its judicial enforcement.

(b) *Planning grants to states.* Each designated state agency must submit the assurance specified in § 703.5(n) of these rules and regulations.

(c) *River basin commissions.* Each river basin commission is required to submit, along with its annual budget request, written assurance of its continuing compliance with § 705.4 of this part.

§ 705.6 Compliance information.

(a) *Cooperation and assistance.* The responsible agency official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.* Each recipient shall keep such records and submit to the responsible agency official timely, complete, and accurate compliance reports at such times, and in such form and containing such information, as the responsible agency official may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this part. In the case of any program under which a primary recipient extends Federal financial assistance to any other recipient or subcontracts with any other person or group, such other recipient shall also submit such compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part.

(c) *Access to sources of information.* Each recipient shall permit access by the responsible agency official during normal business hours to such of its books, records, accounts, and other sources of information, and its facilities, as may be pertinent to ascertain compliance with this part. Whenever any information required of a recipient is in the exclusive possession of any other agency, institution, or person and that agency, institution, or person fails or refuses to furnish that information, the recipient shall so certify in its report and set forth the efforts which it has made to obtain the information.

(d) *Information to beneficiaries and participants.* Each recipient shall make available to participants, beneficiaries, and other interested persons such information regarding the provisions of this part and its applicability to the program under which the recipient receives Federal financial assistance, and make such information available to them in such manner, as the responsible agency official finds necessary to apprise such persons of the protections against discrimination assured them by the Act and this part.

§ 705.7 Conduct of investigations.

(a) *Periodic compliance reviews.* The responsible agency official shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.* Any person who believes himself or any specific class of individuals to be subjected to discrimination prohibited by this part may by himself or by a representative file with the responsible agency official a written complaint. A complaint must be filed not later than 180 days from the date of the alleged discrimination, unless the time for filing is extended by the responsible agency official.

(c) *Investigations.* The responsible agency official will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation should include, whenever appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.* (1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, the responsible agency official will so inform the recipient and the matter will be resolved by informal means whenever possible. If it has been determined that the matter cannot be resolved by informal means, action will be taken as provided for in § 705.8.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the responsible agency official will so inform the recipient and the complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.* No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential except to the extent necessary to carry out the purpose of this part, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

§ 705.8 Procedure for effecting compliance.

(a) *General.* If there appears to be a failure or threatened failure to comply with this part and if the noncompliance or threatened noncompliance cannot be corrected by informal means, the responsible agency official may suspend or terminate, or refuse to grant or continue, Federal financial assistance, or use any other means authorized by law, to induce compliance with this part. Such other means include, but are not limited to, (1) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce any rights of the United States under any law of the United States (including other titles of the Act), or any assurance or other contractual undertaking, and (2) any applicable proceeding under State or local law.

(b) *Noncompliance with assurance requirement.* If an applicant or recipient fails or refuses to furnish an assurance required under § 705.5 or fails or refuses to comply with the provisions of the assurance it has furnished, or otherwise fails or refuses to comply with any requirement imposed by or pursuant to Title VI or this part, Federal financial assistance may be suspended, terminated, or refused in accordance with the procedures of Title VI and this part. The Water Resources Council shall not be required to provide assistance in such a case during the pendency of administrative proceedings under this part, except that the Council will continue assistance during the pendency of such proceedings whenever such assistance is due and payable pursuant to a final commitment made or an application finally approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.* No order suspending, terminating, or refusing to grant or continue Federal financial assistance shall become effective until—

(1) The responsible agency official has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or pursuant to this part.

(3) The action has been approved by the Chairman of the Water Resources Council pursuant to § 705.10(e); and

(4) The expiration of 30 days after the responsible agency official has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for such action. Any action to suspend or, terminate or to refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom such a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found.

(d) *Other means authorized by law.* No action to effect compliance with Title VI of the Act by any other means authorized by law shall be taken until—

(1) The responsible agency official has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified or its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of such notice to the recipient or other person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take such corrective action as may be appropriate.

§ 705.9 Hearings.

(a) *Opportunity for hearing.* Whenever an opportunity for a hearing is required by § 705.8(c), reasonable notice shall be given by registered or certified

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mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of such notice within which the applicant or recipient may request of the responsible agency official that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated place and time. The time and place so fixed shall be reasonable and shall be subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under section 602 of the Act and § 705.8(c) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Water Resources Council in Washington, D.C., at a time fixed by the responsible agency official unless it determines that the convenience of the applicant or recipient or of the Council requires that another place be selected. Hearings shall be held before the responsible agency official or at its discretion, before a hearing examiner appointed in accordance with Section 3105 of Title 5, U.S.C., or detailed under Section 3344 of Title 5, U.S.C.

(c) *Right to counsel.* In all proceedings under this section, the applicant or recipient and the Water Resources Council shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with the Administrative Procedure Act (5 U.S.C. 554–557) and with such other regulations that may be necessary or appropriate for the conduct of hearings pursuant to this part.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. All documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.* In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under Title VI of the Act, the responsible agency official may, by agreement with such other departments or agencies, where applicable, provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases, insofar as this regulation is concerned, shall be made in accordance with § 705.10.

§ 705.10 Decisions and notices.

(a) Procedure on decisions by hearing examiner. If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible agency official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of such notice of initial decision, file with the responsible agency official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible agency official may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the responsible agency official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice or review the initial decision shall, subject to paragraph (e) constitute the final decision of the responsible agency official.

(b) *Decisions on record or review by the responsible agency official.* Whenever a record is certified to the responsible agency official for decision or it reviews the decision of a hearing examiner pursuant to paragraph (a) of this section or whenever the responsible agency official conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of its contentions and a written copy of the final decision of the responsible agency official shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.* Whenever a hearing is waived pursuant to § 705.9, a decision shall be made by the responsible agency official on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.* Each decision of a hearing examiner or the responsible agency official shall set forth his or its ruling on each finding, conclusion, or exception presented, and shall identify the requirement or requirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by the Chairman.* Any final decision by the responsible agency official provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or the Act, shall promptly be transmitted to the Chairman of the Water Resources Council, who may approve such decision, may vacate it, or remit or mitigate any sanction imposed.

(f) *Content of orders.* The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such programs to the applicant or recipient determined by such decision to be in default in its performance of an assurance given by it pursuant to this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies the responsible agency official that it will fully comply with this part.

(g) *Post termination proceedings.* (1) An applicant or recipient adversely affected by an order issued under paragraph (f) shall be restored to full eligibility to receive Federal financial assistance if it satisfies the terms and conditions of that order for such eligibility or if it brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the responsible agency official to restore fully its eligibility to receive Federal financial assistance. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of paragraph (g)(1) of this section. If the responsible agency official determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the responsible agency official denies any such request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the responsible agency official to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of paragraph (g)(1). While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 705.11 Judicial review.

Action taken pursuant to section 602 of the Act is subject to judicial review as provided in section 603 of the Act.

§ 705.12 Effect on other regulations.

(a) Nothing in this part shall be deemed to supersede any other order, regulation, or instruction which prohibits discrimination on the grounds of race, color, or national origin in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.* The responsible agency official shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.* The responsible agency official may from time to time assign to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of Title VI of the Act and this part (other than responsibility for final decision as provided in § 705.10), including the achievement of effective coordination and maximum uniformity within the Water Resources Council and within the Executive Branch of the Government in the application of Title VI and this part to similar programs and in similar situations. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though such action had been taken by the responsible agency official.

[FR Doc.74-27841 Filed 11-27-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 10, further amended]

PART 410—FEDERAL COAL MINE HEALTH AND SAFETY ACT OF 1969, TITLE IV—BLACK LUNG BENEFITS (1969)

Subpart B—Requirements for Entitlement; Duration of Entitlement; Filing of Claims; and Evidence

On July 29, 1974, there was published in the FEDERAL REGISTER (39 FR 27471) a notice of proposed rule making with proposed amendments to Subpart B of Regulations No. 10 which would eliminate the necessity for a dependent survivor of a miner to file an application for black lung benefits on a prescribed form, when the miner's benefit, prior to his death, had been subject to augmentation because of such dependent.

Interested parties were given the opportunity to submit, within 30 days, data, views or arguments with regard to the proposed changes. The time period for submitting comments has elapsed, and no unfavorable comments have been received. Accordingly, the amendments as proposed are hereby adopted as set forth below.

(Sections 411(a), 426(a), and 508 of the Federal Coal Mine Health and Safety Act of 1969, as amended; 83 Stat. 793, as amended, 83 Stat. 798; 83 Stat. 803, 30 U.S.C. 921(a), 936(a), and 957)

Effective date. The amendments shall be effective November 29, 1974.

Dated: November 13, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 25, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

(Catalog of Federal Domestic Assistance Program No. 13.806, Special Benefits for Disabled Coal Miners)

Part 410 of Chapter III of Title 20 of the Code of Federal Regulations is amended as follows:

1. In § 410.229, paragraph (b)(3) is revised to read as follows:

§ 410.229 When written statement is considered a claim; general.

* * * * * *

(b) *Written statement filed by individual on behalf of another.* A written statement filed by an individual which indicates an intention to claim benefits on behalf of another person shall, unless otherwise indicated thereon, be considered to be the filing of a claim for such purposes: *Provided* That: * * *

(3) Except as specified in § 410.230, a prescribed application form (see § 410.221) is executed and filed in accordance with the provisions of paragraph (a)(1) or (2) of this section.

* * * * * *

2. Section 410.230 is revised to read as follows:

§ 410.230 Written statement filed by or for a miner on behalf of a member of his family.

Notwithstanding the provisions of § 410.229, the Social Security Administration will take no action with respect to a written statement filed by or for a miner on behalf of a member of his family until such miner's death. At such time, the provisions of § 410.229 shall apply as if such miner's claim on behalf of a member of his family had been filed on the day of the miner's death. However, for purposes of paying benefits to an otherwise entitled survivor of a miner, such written statement will be considered to be a valid claim for benefits (see §§ 410.210(c) and 410.212(a)(2)) where such member of his family qualified as a dependent for purposes of augmentation of the miner's benefits prior to his death. In such case the member of his family is not required to file a prescribed application form (see § 410.221) with the Social Security Administration (see § 410.229(b)). Nevertheless, the survivor beneficiary may be required to furnish supplemental information within 6 months of notification to do so. If such beneficiary fails to furnish the information requested within 6 months of notice to do so, benefits may be suspended, after notice of such proposed action and opportunity to be heard is provided the beneficiary. A subsequent determination to suspend benefits shall be an initial determination (see § 410.610).

[FR Doc.74-27927 Filed 11-27-74;8:45 am]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATIONS OF AUTHORITY TO CERTIFY TRUE COPIES AND USE THE DEPARTMENT SEAL

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to certify true copies and use the Department seal. The amendment includes numerous unit and position title changes made by recent reorganizations.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (d) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * * *

(d) *Delegations regarding certification of true copies and use of Department seal.* (1) The following officials are authorized to certify true copies of or extracts from any books, records, papers, or other documents on file within the Food and Drug Administration, to certify that copies are true copies of the entire file, to certify the complete original record, or to certify the nonexistence of

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records on file within the Administration, and to cause the seal of the Department to be affixed to such certifications:

(i) Associate and Deputy Associate Commissioners.

(ii) Assistant and Deputy Assistant Commissioners.

(iii) Director of the Executive Secretariat.

(iv) Director and Deputy Director of the Office of Legislative Services.

(v) The FDA Regulations Officer and the Federal Register Liaison Officer and their alternates, and Director, Public Records and Documents Center of the Office of Compliance.

(vi) Directors and Deputy Directors of Bureaus and Executive Director and Deputy Executive Director of Regional Operations.

(vii) Director of the Office of Planning and Evaluation, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of the Bureau of Drugs.

(viii) Associate Director for Management, the Associate Director and Deputy Associate Director for Compliance, and the Directors of the Divisions of: Regulatory Guidance; Food Technology; and Food Service of the Bureau of Foods.

(ix) Associate Director and the Director of the Division of Compliance of the Bureau of Biologics.

(x) Director and Deputy Director of the Division of Compliance of the Bureau of Veterinary Medicine.

(xi) Associate Director for Administration of the Bureau of Radiological Health, and the Director of the Division of Compliance of that Bureau.

(xii) Assistant Director for Program Operations and the Director of the Division of Compliance of the Bureau of Medical Devices and Diagnostic Products.

(2) The following officials are authorized to cause the seal of the Department to be affixed to agreements, awards, citations, diplomas, and similar documents.

(i) Associate and Deputy Associate Commissioners.

(ii) The Director of the Division of Personnel Management of the Office of Administration and the Chief of the Career Development and Training Branch of that Division and Office.

(3) The Federal Register Writer and his alternates of the Office of Compliance are authorized to certify true copies of FEDERAL REGISTER documents.

* * * * *

Effective date. This order shall be effective November 29, 1974.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27875 Filed 11-27-74;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATIONS OF AUTHORITY TO DISCLOSE OFFICIAL RECORDS AND INFORMATION

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to disclose official records and information. The amendment includes numerous unit and position title changes made by recent reorganizations.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (e) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(e) *Delegations regarding disclosure of official records.* (1) The following officials are authorized to make determinations to disclose official records and information in accordance with Part 4 of this chapter.

(i) The Director and Deputy Director of the Bureau of Drugs, and the Associate Director and Deputy Associate Director for Compliance and the Directors of the Divisions of: Methadone Monitoring; Drug Product Quality; Drug Labeling Compliance; and Drug Manufacturing of that Bureau.

(ii) The Director and Deputy Director of the Bureau of Foods, and the Associate Director and Deputy Associate Director for Compliance and the Director of the Division of Regulatory Guidance of that Bureau.

(iii) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(iv) The Director and Deputy Director, Bureau of Radiological Health, and the Director of the Division of Electronic Products and the Director of the Division of Compliance of that Bureau.

(v) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(vi) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(2) The Chief of the Drug Listing Branch of the Division of Drug Labeling Compliance of the Bureau of Drugs is authorized to sign affidavits regarding the presence or absence of records of Registration of Drug Establishments.

(3) The Chief of the Records Section of the Administrative Services Branch, Division of Management Services, Office of Administration, is authorized to sign affidavits regarding the presence or absence of records in the files of that section.

* * * * *

Effective date. This order shall be effective November 29, 1974.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27877 Filed 11-27-74;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATION OF AUTHORITY RELATING TO REGULATIONS FOR ANTIBIOTIC DRUGS FOR HUMAN USE

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to issue, amend, or repeal regulations pertaining to antibiotic drugs for human use. The delegation is revised to reflect a new title for the Assistant Director for Regulatory Affairs.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (s) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(s) *Delegation regarding issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.* The Director and Deputy Director of the Bureau of Drugs and the Assistant Director for Regulatory Affairs are authorized to perform all of the functions of the Commissioner of Food and Drugs under section 507 of the Federal Food, Drug, and Cosmetic Act regarding the issuance, amendment, or repeal of regulations pertaining to antibiotic drugs for human use.

* * * * *

Effective date. This order shall be effective November 29, 1974.

(Sec. 701(a), 52 Stat. 1055; (21 U.S.C. 371(a)))

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27876 Filed 11-27-74;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

REVISION OF DELEGATIONS OF AUTHORITY TO ISSUE REPORTS OF MINOR VIOLATIONS

The Commissioner of Food and Drugs is amending "Part 2—Administrative Functions, Practices, and Procedures" (21 CFR Part 2) to provide for revised delegations relating to authority to issue written notices or warnings regarding minor violations. The amendment expands the delegation to include two additional bureaus: namely, the Bureau of Medical Devices and Diagnostic Products and the Bureau of Biologics. Additionally, it corrects the titles of officials in others.

Further redelegation of the authority redelegated hereby is not authorized. Authority redelegated hereby to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting" or unless not legally permissible.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a); 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 2 is amended in § 2.121 by revising paragraph (x) to read as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(x) *Delegations regarding issuance of reports of minor violations.* (1) The following officials are authorized to perform all the functions of the Commissioner of Food and Drugs under section 305 of the Federal Food, Drug, and Cosmetic Act regarding the issuance of written notices or warnings:

(i) The Director and Deputy Director of the Bureau of Drugs and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(ii) The Director and Deputy Director of the Bureau of Foods and the Associate Director and Deputy Associate Director for Compliance of that Bureau.

(iii) The Director and Deputy Director of the Bureau of Veterinary Medicine and the Director and Deputy Director of the Division of Compliance of that Bureau.

(iv) The Director and Deputy Director of the Bureau of Medical Devices and Diagnostic Products and the Director of the Division of Compliance of that Bureau.

(v) The Director and Deputy Director of the Bureau of Biologics, and the Associate Director and the Director of the Division of Compliance of that Bureau.

(2) The Director and Deputy Director of the Bureau of Radiological Health are authorized to perform all the functions of the Commissioner of Food and Drugs under section 360C(d) of the Public Health Service Act regarding the issuance of written notices or warnings.

* * * * *

Effective date. This order shall be effective November 29, 1974.

(Sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a))

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27874 Filed 11-27-74;8:45 am]

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

IRRADIATION OF ETHYLENE-VINYL ACETATE COPOLYMERS

Correction

In FR Doc. 74-26868 appearing in the issue of Monday, November 18, 1974 in the fourth line of § 121.2570(d) on page 40493 the word "impact" should read "impart".

Title 25—Indians

CHAPTER I—BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR

PART 221—OPERATION AND MAINTENANCE CHARGES

Ahtanum Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 37199 of the FEDERAL REGISTER of October 18, 1974 (39 FR 203), there was published a notice of intention to modify § 221.1 of Part 221, Subchapter T, Chapter I of Title 25 of the Code of Federal Regulations by changing the rate for annual operation and maintenance assessments on the Ahtanum Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Ahtanum Indian Irrigation Project as set forth below.

The modified § 221.1 shall become effective December 30, 1974.

§ 221.1 Charges.

Pursuant to the provisions of the Acts of August 1, 1914 and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385,-387), the operation and maintenance charges on lands of the Ahtanum Indian Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1975 and subsequent years until further notice, are hereby fixed at $4.00 per acre per annum for each irrigable acre of land to which water can be delivered from the project works.

KENNETH W. HADLEY,
Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27816 Filed 11-27-74;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Pine River Indian Irrigation Project, Colorado

NOVEMBER 22, 1974.

On page 29923 of the FEDERAL REGISTER of August 19, 1974, there was published a notice of intention to modify § 221.55 of Title 25, Code of Federal Regulations, dealing with the Annual Per-Acre Assessment against the irrigable lands of the Pine River Indian Irrigation Project by increasing the basic water charges from $2.50 per acre to $3.50 per acre per annum for Project operation and maintenance and $0.16 per acre per annum for Vallecito Reservoir operation and maintenance.

Interested persons were given thirty (30) days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No objections were received.

Section 221.55 is modified to read as follows:

§ 221.55 Charges.

Pursuant to the provisions of the Act of August 1, 1914 (38 Stat. 543; U.S.C., Sec. 385) and March 7, 1928 (45 Stat. 200, 210), the basic annual charges for operation and maintenance against the irrigable lands of the Pine River Indian Irrigation Project, Colorado, for the year

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1975 and thereafter until further notice are hereby fixed as follows:

Annual per acre assessment:	
(1) Project operations and maintenance	$3.50
(2) Vallecito Reservoir operation and maintenance	0.16
(3) Minimum charges for any tract	4.00

A minimum billing will be assessed against any tract of land where the total charges are less than $4.00.

LOYD E. NICKELSON,
Assistant Area Director, Resource Development and Protection.

[FR Doc.74-27896 Filed 11-27-74;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Toppenish-Simcoe Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 37199 of the FEDERAL REGISTER of October 18, 1974, (39 F.R. 203), there was published a notice of intention to modify § 221.73 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Toppenish-Simcoe Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for water charges for the Toppenish-Simcoe Indian Irrigation Project as set forth below.

The modified § 221.73 shall become effective December 30, 1974.

§ 221.73 Charges.

Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583 and 45 Stat. 210; 25 U.S.C. 385, 387), the operation and maintenance charges for the lands under the Toppenish-Simcoe Irrigation Project, Yakima Indian Reservation, Washington, for the Calendar Year 1975 and subsequent years until further notice, are hereby fixed as follows:

All lands for which application for water is made and approved by Project Engineer, per acre $4.35

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27817 Filed 11-27-74;8:45 am]

PART 221—OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project

These final regulations are issued under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Directors in 10 BIAM 3. The authority to issue regulations is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9).

On page 37199 of the FEDERAL REGISTER of October 18, 1974, (39 FR 203), there was published a notice of intention to modify § 221.86 of Part 221, Subchapter T, Chapter I of Title 25 of the Code of Federal Regulations by changing the basic rate for annual operation and maintenance assessments on the Wapato Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification was proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), and March 7, 1928 (45 Stat. 210).

Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

During this period no comments, suggestions, or objections were submitted. It has been determined that sufficient justification exists for modifying the rate for basic and other water charges for the Wapato Indian Irrigation Project as set forth below.

The modified § 221.86 shall become effective December 30, 1974.

§ 221.86 Charges.

The operation and maintenance charges on assessable lands under the Wapato Indian Irrigation Project, Yakima Indian Reservation, Washington, are hereby fixed as follows:

(a) Pursuant to the provisions of the Acts of August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385, 387), the basic operation and maintenance assessment rates for the Calendar Year 1975 and subsequent years until further notice are:

(1) Minimum charges for all tracts in noncontiguous single ownership	$11.80
(2) Flat rate upon all farm units or tracts for each assessable acre except Additional Works lands	11.80
(3) Storage operation and maintenance. For all lands with a storage water right, known as "B" lands, in addition to other charges per acre	0.60
(4) Flat rate upon all farm units or tracts for each assessable acre of Additional Works lands	12.30

(b) Pursuant to the provisions of the Act of September 26, 1961 (75 Stat. 680), there shall be assessed and collected from all lands except Additional Works lands beginning with the Calendar Year 1967 and until further notice but not to exceed a period of 10 years, an annual per acre charge of $0.20 to defray the cost of replacing a wooden pipeline.

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27815 Filed 11-27-74;8:45 am]

Title 29—Labor

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 95—PROGRAMS UNDER TITLE I OF THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Consortium Amendments

In order to simplify the preapplication procedure for certain established consortia, the Secretary of Labor has determined that the regulation governing that procedure should be amended. The present regulations require that each consortium submit annually (1) a preapplication for federal assistance and (2) a copy of the entire consortium agreement; it is also required that both of these documents be signed by the chief elected official or chief executive officer of each consortium member. These requirements will remain in effect for newly formed consortia and for consortia in which there has been a change in membership during the year preceding the new grant. For established consortia in which there has been no change in membership, the new amendments will (1) allow the preapplication form to be signed by the consortium's chief executive officer, if all of the consortium members consent to this procedure, and (2) allow the copy of the complete consortium agreement to be replaced by a document attesting that the formal written agreement remains the same as that submitted earlier or specify amendments to the agreement submitted earlier; such a document of attestation must be signed by the chief elected official or chief executive officer of each consortium member.

In addition, § 95.11(a) has been rewritten to delete references to the now obsolete Fiscal Year 1975 procedure.

As these regulations relate to public property, loans, benefits or contracts, they have been excepted from the application of the notice and comments provisions of the Administrative Procedure Act, 5 U.S.C. 553(a)(2). The policy of the Department of Labor as stated in 29 CFR 2.7 is not to use this exception as a basis for not giving opportunity for notice and comment. The only effect of this amendment is to simplify administrative procedure for some potential prime sponsors, and a delay in effective date of this amendment would make the simplified procedures unavailable to them in the current funding cycle. Therefore, I find that it is contrary to the public interest to delay the issuance of these regulations to the extent necessary for the preparation, receipt and evaluation of the comments. Accordingly they are not issued for comments prior to publication in their final form.

Nevertheless, although these regulations are being published in final form and are made effective December 30, 1974, it is the policy of the Department of Labor to solicit and consider comments on its regulations. Accordingly, comments will be received, just as though this document were a proposal, until January 14, 1974, after which the comments received will be evaluated and, if warranted, the regulations will be appropriately amended. Meanwhile, however, in the interest of expediting the program, these regulations shall remain in force until amended.

Interested persons are invited to submit comments, data or arguments to: Assistant Secretary for Manpower, United States Department of Labor, 6th and D Streets, NW., Washington, D.C. 20213. Attention: Pierce A. Quinlan, Associate Manpower Administrator for Manpower Development Programs.

Section 95.11 is amended to read as follows:

§ 95.11 Notification of intent to apply for prime sponsorship; consortium agreements.

(a) An applicant interested in receiving financial assistance shall submit to the ARDM, the Governor, and the appropriate State A-95 clearinghouses (see OMB Circular A-95) the Preapplication for Federal Assistance, Part I, prescribed by Federal Management Circular 74-7 (formerly OMB Circular A-102) in the format described in this part. Submission shall be by a date set by the Secretary (section 102(c)).

(b) * * *

(6) The signature of the chief elected official(s) or chief executive officer(s), as appropriate, of each prime sponsor applicant. For a consortium, the signature of the chief elected official or chief executive officer of each consortium member is required for a newly formed consortium and for a consortium in which one or more members has withdrawn or been added. In the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer.

* * * * *

(c) In addition to a prime sponsor preapplication each consortium of local governments shall, prior to execution of the grant, submit to the ARDM for his approval a formal agreement which includes the items required by this paragraph (c). The formal agreement shall be signed by the chief elected official or chief executive officer of each consortium member. An established consortium which submitted a formal written agreement (or an attestation as described in this paragraph) in the preceding year may attest in writing that the agreement is the same or specify amendments to the agreement if such attestation is signed by the chief elected official or chief executive of each consortium member.

* * * * *

Signed this 25th day of November, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-27910 Filed 11-27-74;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER VI—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

[DPS Reg. 1, Amdt. 2]

DPS REG. 1—BASIC RULES OF THE DEFENSE PRIORITIES SYSTEM

Change in Schedule II, Part A

NOVEMBER 25, 1974.

In the formulation of this amendment, a notice of proposed rulemaking was published in the FEDERAL REGISTER on September 13, 1974 (39 FR 33008) proposing to change Schedule II to DPS Reg. 1, Materials and Services, Not Subject to BDC Rating Authority, Part A, by removing from the schedule "copper raw materials," as that term is defined in DMS Order 4, thereby making all, "copper raw materials," other than scrap, subject to priority ratings. All pertinent comments received in response to the proposal were given due consideration.

Several comments received from interested parties supported adoption of the proposed amendment. However, others expressed the following concerns:

(1) The proposed amendment would place restrictions on foreign source materials; i.e., copper raw materials imported under toll or conversion arrangements intended to be processed for the account of the foreign owner and reexported, and copper raw materials imported for the importers' own account. Thus the amendment would jeopardize the U.S. smelting and refining industry, as foreign suppliers would be reluctant to contract for shipment to the U.S. for processing and reexport if they fear possible government regulations.

(2) Refined copper supplied to copper fabricators as a result of the conversion of the fabricator's by-product scrap should be exempt from the defense priorities system.

(3) The proposed amendment would add complications to a copper set-aside system because the inclusion of all copper raw materials would interject a measure of uncertainty and unpredictability in establishing a base production set-aside period.

(4) Re-cycled copper scrap should be subject to priority ratings.

(5) The adoption of the proposed amendment, in combination with other forms of possible future government regulations, i.e., price and wage controls, could require copper producers to sell in the domestic market, at domestic prices, copper produced from foreign raw materials purchased at higher world prices.

The Bureau does not believe that the proposed amendment should be modified, based upon the comments received, for the following reasons:

(1) This amendment does not provide for the extension of priority ratings to foreign source materials imported under toll or conversion arrangements, intended to be processed for the account of the foreign owner and reexported. With respect to copper raw materials imported for the importers' own account, such materials would be subject to this regulation, which is in keeping with the basic intent of this amendment, i.e., to make all copper raw materials, under the jurisdiction of the Bureau, other than scrap, subject to priority ratings. Accordingly, since the proposed amendment does not affect copper raw materials shipped to the U.S. under foreign ownership for processing and to be reexported, the Bureau does not believe foreign suppliers would be reluctant to contract with the U.S. smelting and refining industry for processing of such materials.

(2) The amendment does not affect copper supplied to fabricators as a result of the conversion of the fabricator's by-product scrap, since the copper will be consumed by the owner. However, if such fabricator sells that copper as a "copper raw material" that material would be subject to this amendment.

(3) The proposed amendment does not directly concern itself with a copper set-aside system.

Because a set-aside system encompassing all copper raw materials may be more difficult to administer than one encompassing only domestic refined copper, is not sufficient reason not to include all copper raw materials under the Defense Priorities System Regulations.

(4) Copper scrap re-cycled or converted to other forms of copper raw materials would be subject to priority ratings under the proposed amendment.

(5) There are currently no government regulations with respect to price and wage controls. The Bureau believes it is too speculative to assume that, if at some future time a government agency were to issue regulations regarding price and wage controls, such controls in combination with the requirements of the proposed amendment would have the stated effect. Moreover, should a situation of this nature occur at some future date, the agency responsible for any such price and wage controls, as well as this agency, could be requested to amend their respective regulations, in an appropriate manner, so as to avoid the situation suggested. Accordingly, the Bureau does not believe that the hypothetical circumstance set forth constitutes a sufficient reason not to adopt the amendment as proposed.

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, there has been consultation with industry representatives, including trade association representatives, and consideration has been given to their recommendations.

Part A of Schedule II to DPS Regulation 1 is hereby amended to read as follows:

PART A

The following items under the jurisdiction of BDC are presently not subject to any ratings issued by or under authority of BDC (but are subject to directives issued

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by or under authority of BDC) and therefore such ratings shall not be effective to obtain any of them: [1]

Communications services.	Scrap.
Crushed stone.	Slag.
Gravel.	Steam heat, central.
Sand.	Waste paper.

AUTHORITY: Defense Production Act of 1950, as amended, (64 Stat. 816; 50 U.S.C. App. 2061 et seq.); Executive Order 10480, as amended, 18 FR 4939, 6201, 19 FR 3807, 7249, 21 FR 1673, 23 FR 5061, 6971, 24 FR 3779, 27 FR 9683, 11447, 3 CFR 1949–1953 Comp., p. 919; E.O. 11725, 38 FR 17175; DMO 8400.1, 32A CFR 15; Department of Commerce Organization Order 10–3, 39 FR 27484, and 40–1, 39 FR 1871; Department of Commerce, Domestic and International Business Administration Organization and Function Orders 41–1, as amended, 39 FR 2780, 39 FR 18490, 45–1, 39 FR 18488, and 45–2, 39 FR 18489.

Effective date. This amendment is effective November 25, 1974.

Approved November 22, 1974.

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, BUREAU OF DOMESTIC COMMERCE,

SAMUEL B. SHERWIN,
Deputy Assistant Secretary for Domestic Commerce.

[FR Doc.74-27926 Filed 11-27-74;8:45 am]

[1] The following delegations and agreements, as the same may from time to time be amended, revoked, or superseded, further delineate jurisdictional responsibilities for the exercise of priorities and allocations powers:

(1) Memorandum of Agreement between the Department of the Interior and the Department of Commerce with respect to the production and/or distribution of designated products and equipment, including chemicals, associated with the output of petroleum and gas, effective October 30, 1973 (38 FR 30896).

(2) Defense Solid Fuels Administration (DSFA) Delegation 1 to the Secretary of Commerce with respect to the distribution of coal chemicals produced as by-products of coke made from coal, effective May 15, 1951 (16 FR 4590). The DSFA was abolished in 1954 and its responsibilities within the Department of the Interior have been transferred to the Office of the Assistant Secretary for Energy and Minerals, Department of the Interior.

(3) Delegation of Authority from the Secretary of Commerce to the Secretary of the Interior of priorities and allocations powers with respect to certain minerals facilities and materials, effective January 26, 1967 (32 FR 2462).

(4) Memorandum of Agreement between the Department of Agriculture and the Department of Commerce with respect to the scope of allocation and priority responsibilities in connection with foods which have industrial uses, effective December 5, 1973 (38 FR 33504).

(5) Memorandum of Understanding and Agreement between the Agricultural Stabilization and Conservation Service, Department of Agriculture, and the Bureau of Competitive Assessment and Business Policy, Department of Commerce, with respect to the scope of the term "farm equipment," effective December 5, 1973 (38 FR 33506). The responsibilities of the Bureau of Competitive Assessment and Business Policy have been transferred to the Bureau of Domestic Commerce (BDC), Department of Commerce.

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

POSTAL SERVICE MANUAL

Miscellaneous Amendments

Chapter I of the Postal Service Manual, which has been incorporated by reference in the FEDERAL REGISTER (see 39 CFR 111.1), has been amended by the issuance of Post Office Services (Domestic) Transmittal Letter 31, Issue 89, dated November 15, 1974.

In accordance with 39 CFR 111.3 notice of these changes is hereby published in the FEDERAL REGISTER as an amendment to that section and the text of the changes is filed with the Director, Office of the Federal Register. Subscribers to the Manual will receive these amendments automatically from the Government Printing Office. (For other availability of Chapter I of the Postal Service Manual, see 39 CFR 111.2.)

Description of these amendments to the Postal Service Manual follows:

PART 113—SERVICE IN POST OFFICES

1. Section 113.2 is completely revised to update it and to allow flexibility in establishing window service hours that are most appropriate to meet the requirements of postal customers in all locations throughout the Postal Service.

PART 122—ADDRESSES

2. Section 122.12 is amended to extend present address requirements to include both non-delivery as well as city delivery routes.

PART 125—SECOND-CLASS BULK MAILINGS

3. Section 125.342 is amended to reflect the dissolution of the regional mail classification office and to delete certain obsolete references.

4. Section 125.41 is amended to redefine publications qualified for treatment as newspapers.

5. Section 125.42 is amended to add permissible endorsements on publications qualified for treatment as newspapers.

6. Section 125.44 is amended to add newsletters to those second-class publications entitled to receive expeditious handling.

PART 147—EXCHANGES AND REFUNDS

7. Sections 147.232 and 147.272 are amended to provide a more equitable formula for refunds for unused meter stamps.

PART 156—RURAL SERVICE

8. Section 156.312 is amended to correct the impression that door delivery service is provided to apartment houses on rural routes.

PART 158—FORWARDING MAIL

9. Section 158.221 is amended to provide that the normal one-year forwarding limitation will not apply to mail transferred to a post office box at the same post office. Such changes of address are to be honored indefinitely.

10. Section 158.31 is amended to permit forwarding of all mail, when the change of address is to a post office box served by the same post office.

PART 161—REGISTERED MAIL

11. New § 161.846 is added to establish control over numbered seals to prevent them from falling into unauthorized hands and being used to conceal thefts.

PART 163—COD MAIL

12. Sections 163.132 and 163.21 are amended to authorize and promulgate the rate for sending COD parcels valued between $200.01 and $300. A conforming amendment is also made to 163.174.

13. Section 163.411 is amended to limit the length of mailer-provided COD numbers to six digits, plus one prefix if used.

The remainder of the changes are minor, technical, or editorial in nature.

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

In consideration of the foregoing, 39 CFR 111.3 is amended by adding the following:

§ 111.3 Amendments to Chapter I of Postal Service Manual.

* * * * *

Amendments to postal service manual

Transmittal Letter	Date	FR Publication
* * * * *		
Letter 31, Issue 89	11-15-74	39 FR 41530.

These amendments are effective immediately.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408, 3001–3011, 3201–18, 3403–05, 3601, 3621 and 50 U.S.C. 1463–64)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc.74-27897 Filed 11-27-74;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5449]

[A-054076]

ALASKA

Revocation of Public Land Order No. 2843 of December 7, 1962

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Public Land Order No. 2843 of December 7, 1962, which withdrew the minerals in the following described national forest lands from prospecting, location, entry, and purchase under the mining laws of the United States to aid the Forest Service in utilizing the surface as an administrative site, is hereby revoked in its entirety. The lands involved are described as follows:

TONGASS NATIONAL FOREST

U.S. SURVEY 3590

Lots D, J, K, L, and L-1. Containing 2.04 acres.

2. The lands described in paragraph 1 are withdrawn under section 16(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1600, 1615(a) (1970), for selection by the Native village of Yakutat, and are not at this time subject to other disposition.

JACK O. HORTON,
Assistant Secretary of the Interior.

NOVEMBER 21, 1974.

[FR Doc.74-27825 Filed 11-27-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—U.S. FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Havasu National Wildlife Refuge

The following special regulation is issued and is effective November 29, 1974.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Havasu National Wildlife Refuge, Needles, California, is open to public access, use and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Waterskiing is permitted only on the channelized segment of the Colorado River except for that portion of the river called "Topock Gorge", which is designated by buoys as being "Closed to Waterskiing". The north buoy is located between the I-40 highway bridge and the A.T. & S.F. Railroad bridge. The south buoy is located on an imaginary line between the southern entrance to Jops Landing on the Arizona shoreline and the southern entrance to Clear Bay on the California shoreline.

(2) The observer of a person in tow behind a boat shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons falls into the water and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright or brilliant orange or red color, measuring no less than twelve inches on each side, mounted on a handle, and displayed as to be visible in every direction.

(3) Camping is restricted to tent and boat camping along the Arizona shore line below the buoy designating the southern entrance to Topock Gorge. This buoy is located on an imaginary line between the southern entrance to Clear Bay on the California shore line and the southern entrance to Jops Landing on the Arizona shore line. Camping is also prohibited at Mesquite Bay.

Recreational vehicle and tent camping is permitted at Five Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days.

(4) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on the Bill Williams River and within the harbors of Five Mile Landing and Catfish Paradise.

(5) All wheeled vehicles, including motorbikes, are permitted on developed roads and parking areas. Driving off roads or roads closed by sign or barrier is prohibited.

(6) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs.

(7) Fires may be built only in areas where camping is allowed.

(8) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting, hiking or camping.

(9) Additional attachments to mobile homes and travel trailers located at refuge concessions must be limited to cabanas, awnings, or similar types of shades that are easily removable, portable and not permanently fixed to the ground. They may be equipped with windbreaks of a similar portable nature that do not completely enclose the sides, but may not be utilized for regular living or sleeping space or to house household equipment other than lounge furniture.

(10) Residents are required to maintain their lots and trailers in a neat, orderly and hazard free condition. Trailer slabs, porches, and cabanas are not to be used for permanent living space, storage of household goods or other miscellaneous items with the exception of lounge furniture.

No storage will be allowed under the mobile home, travel trailer or porch area. The interior of the mobile home, travel trailer, storage shed or storage yard are the only authorized storage areas.

(11) Concession operators and tenants will maintain their facilities and residences in accordance with Title 25, Housing and Community Development; Chapter 5, Mobile Home Parks, Special Occupancy Trailer Parks and Campgrounds; California Administration Code; State of California.

(12) All trailers, attachments and other structures on the lots must be capable of being removed within 24 hours of notice. All tires must remain on the mobile home or travel trailers at all times.

The provisions of this special regulation supplement the regulations which govern public access, use and recreation of wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

Dated: November 22, 1974.

W. O. NELSON, JR.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

[FR Doc.74-27891 Filed 11-27-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

PART 33—SPORT FISHING

National Wildlife Refuges

The following special regulations are issued and are effective November 29, 1974.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Portions of the Imperial National Wildlife Refuge, Arizona and California, are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, and all applicable Federal and State laws and regulations. The public use areas are designated on maps available at refuge headquarters, Martinez Lake, Arizona, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103, and are subject to the following special conditions:

(1) An area on the west end of Martinez Lake, consisting of approximately 175 acres, and an area of approximately 60 acres in the north end of Ferguson Lake shall be closed to public entry during the periods January 1 through March 1, 1975, inclusive; and October 1 through December 31, 1975, inclusive.

(2) The removal or disturbance of dead wood is prohibited.

(3) Pets are permitted only if they are confined or kept on a leash not to exceed ten (10) feet in length, one end of which is secured so as to restrict the movements of the animal.

(4) Boating is permitted in all waters of the refuge except when prohibited by appropriate signs and in those areas closed to public entry.

(5) Hiking, sightseeing and photography are permitted except in those areas closed to public entry.

(6) The removal or disturbance of sand, gravel or rock is prohibited.

(7) Blocking of boat ramps or routes of public access in prohibited.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on national wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1975.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BOSQUE DEL APACHE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bosque del Apache National Wildlife Refuge, New Mexico, is permitted in certain areas open to public use. These open areas, comprising 1,800 acres, are delineated on maps available at refuge headquarters, 8 miles south of San Antonio, New Mexico, and from the Regional Director, U.S. Fish and

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Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on all areas on the refuge extends from May 1 through September 30, 1975, inclusive.

(2) Fishing hours are from one-half hour before sunrise to one-half hour after sunset.

(3) Trotlines and bows and arrows are prohibited.

(4) The use of boats or other floating devices is prohibited.

(5) Fires are prohibited.

(6) Frogging is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1975.

OKLAHOMA

TISHOMINGO NATIONAL WILDLIFE REFUGE

Sport fishing on the Tishomingo National Wildlife Refuge, Oklahoma, is permitted only on the areas designated by signs as open to fishing. These open areas, comprising 10,000 acres, are delineated on maps available at refuge headquarters, Tishomingo, Oklahoma, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, on the waters of Lake Texoma east of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E., and in Rock Creek, Polecat Creek, Bell Creek, Big Sandy Creek, Dick's Pond and Goose Pen Pond; and from April 1 through September 30, 1975, inclusive, for waters of Lake Texoma west of the north-south center line of Secs. 19, 30, and 31, T. 4 S., R. 7 E.

(2) The open season for sport fishing on the Tishomingo Management Unit extends from March 1 through September 30, 1975, inclusive. Fishing with trotlines in Lost Lake, Bobcat Gulch and McAdams Pond is prohibited during the open season.

(3) Overnight use in association with fishing is limited to seven (7) days unless otherwise posted and is permitted only at designated sites.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

TEXAS

HAGERMAN NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, pole and line(s), including frog gigging, on the Hagerman National Wildlife Refuge, Texas, is permitted from April 1 through September 30, 1975, inclusive, but only on the areas designated by signs as open to fishing. These open areas, comprising 2,900 acres, are delineated on maps available at refuge headquarters, 6 miles west of Pottsboro, Texas, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special condition:

(1) Fishing is not permitted from Harris Creek Bridge.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27890 Filed 11-27-74;8:45 am]

PART 28—PUBLIC ACCESS, USE AND RECREATION

Salt Plains National Wildlife Refuge

The following special regulation is issued and is effective November 29, 1974.

§ 28.28 Special regulations; public access, use, and recreation, for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Portions of the Salt Plains National Wildlife Refuge, Oklahoma, are open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations. The public use area is designated on maps available at refuge headquarters, Jet, Oklahoma, and from the Regional Director, Fish and Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103, and subject to the following special conditions:

(1) The public is permitted to enter upon the Great Salt Plains from the west along designated routes of travel to collect gypsum (selenite) crystals. Vehicles will be allowed only along such travel lanes and parking areas as are posted for such activity.

(2) Each individual may collect for his personal use up to a maximum of 10 pounds plus one crystal or crystal cluster per day.

(3) Digging for crystals will be confined to areas posted for such activity.

(4) The period of use shall be on Saturdays, Sundays and holidays, from April 1 through October 15, 1975, inclusive.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through October 15, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27889 Filed 11-27-74;8:45 am]

PART 33—SPORT FISHING

Bitter Lake National Wildlife Refuge

The following special regulation is issued and is effective November 29, 1974.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

NEW MEXICO

BITTER LAKE NATIONAL WILDLIFE REFUGE

Sport fishing on the Bitter Lake National Wildlife Refuge, New Mexico, is permitted only on pool Units 5, 6, 7, 15 and 16. These open areas, comprising approximately 550 acres, are delineated on maps available at refuge headquarters, 13 miles northeast of Roswell, New Mexico, and from the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) Fishing is permitted from April 1 through October 15, 1975, inclusive.

(2) The use of boats or floating devices is prohibited.

(3) Fishing hours are from one hour before sunrise until one hour after sunset daily.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through October 15, 1975, inclusive.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27893 Filed 11-27-74;8:45 am]

PART 33—SPORT FISHING

Havasu National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUGE

Sport fishing on the Havasu National Wildlife Refuge, Arizona and California, is permitted on waters designated as open to fishing. These waters, comprising 12,388 acres, are delineated on maps available at refuge headquarters, Needles, California and from the Regional Director, U.S. Fish and Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, except that the closed area, as posted, in Topock Marsh is closed to fishing from January 1 through January 31, 1975, and from October 1, 1975 through December 31, 1975, inclusive.

(2) The possession of trotlines on the refuge is prohibited. A trotline is any hook and line arrangement that, when used, constitutes a violation of the "angling" laws of either Arizona or California.

(3) The taking of fish with bow and arrow is prohibited.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27894 Filed 11-27-74;8:45 am]

PART 33—SPORT FISHING

Imperial National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

IMPERIAL NATIONAL WILDLIFE REFUGE

Sport fishing and the taking of bullfrogs, crustaceans and mollusks on the Imperial National Wildlife Refuge, Arizona and California, is permitted in all areas except in those areas closed to public entry. These open areas, comprising 8,100 acres, are delineated on maps available at refuge headquarters, Yuma, Arizona, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico 87103. Sport fishing and the taking of bullfrogs, crustaceans and mollusks shall be in accordance with applicable State regulations subject to the following special conditions:

(1) The open seasons for the taking of bullfrogs, crustaceans and mollusks shall be in accordance with State regulations.

(2) The open season for sport fishing on the refuge extends from January 1 through December 31, 1975, inclusive, except for an area of approximately 165 acres in Martinez Lake, Arizona as posted, to be closed during the periods January 1 through March 1, 1975, inclusive, and October 1 through December 31, 1975, inclusive, and an area of approximately 60 acres in Ferguson Lake, California, as posted, to be closed during the same periods.

(3) The use of bow and arrow for the taking of carp, buffalo, mullet, suckers and bullfrogs is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27895 Filed 11-27-74;8:45 am]

PART 33—SPORT FISHING

Salt Plains National Wildlife Refuge

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

SALT PLAINS NATIONAL WILDLIFE REFUGE

Sport fishing on the Salt Plains National Wildlife Refuge, Oklahoma, is permitted only on areas designated by signs as open to fishing. These open areas, comprising 7,800 acres, are delineated on maps available at refuge headquarters, Jet, Oklahoma, and from the Regional Director, Fish and Wildlife Service, Post Office Box 1306, Albuquerque, New Mexico 87103. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on the refuge extends from April 15 through October 15, 1975, inclusive, in Great Salt Plains Lake as posted, in Sand Creek, the three main channels of Salt Fork River, and north of the right-of-way of Oklahoma State Highway 11 as posted.

(2) It is illegal to take game fish by any means other than hook and line. Trotlines must be removed from waters at the close of the fishing season.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through December 31, 1975.

W. O. NELSON, Jr.,
Regional Director, U.S. Fish and Wildlife Service, Albuquerque, New Mexico.

NOVEMBER 22, 1974.

[FR Doc.74-27892 Filed 11-27-74;8:45 am]

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proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Ahtanum Indian Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.2 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Ahtanum Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the penalty charge on delinquent accounts to more realistically cover processing costs, and provide a deterrent for late payment of operation and maintenance assessments.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, by December 30, 1974.

Section 221.2 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.2 Time of payment.

The charges as fixed in this part shall become due April 1 of each year, and are payable on or before that date. To all the charges assessed against owners of patent in fee lands not paid on July 1 of the year in which they fall due, there shall be added a penalty of one and one half per cent per month, or fraction thereof, from April 1 of that year, so long as the delinquency continues.

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27823 Filed 11-27-74;8:45 am]

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Fort Hall Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.33 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Fort Hall Project for Calendar Year 1975 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of March 1, 1907 (34 Stat. 1024), and August 31, 1954 (68 Stat. 1026).

The purpose of this modification is to increase the penalty charge on delinquent accounts to more realistically cover processing costs, and provide a deterrent for late payment of operation and maintenance assessments.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, by December 30, 1974.

Section 221.33 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.33 Payments.

The assessments fixed in § 221.32 shall become due on April 1 of each year, and are payable on or before that date. To all assessments against lands in non-Indian ownership which do not qualify Indian ownership which do not qualify for free water under § 221.34, remaining unpaid on or after July 1 following the due date, there shall be added a penalty of one and one half per cent per month or fraction thereof, from the due date until paid. No water shall be delivered to any of these lands until the entire irrigation charges have been paid. To qualify Indian owned leased lands for exemption under § 221.34, an approved lease must be on file at the Fort Hall Agency.

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27824 Filed 11-27-74;8:45 am]

[25 CFR Part 221]

IRRIGATION OPERATION AND MAINTENANCE CHARGES

Wapato Indian Irrigation Project

These proposed regulations are being considered for issuance under the authority delegated to the Commissioner of Indian Affairs by the Secretary of the Interior in 230 DM 1 and redelegated by the Commissioner to the Area Director in 10 BIAM 3.

Notice is hereby given that it is proposed to modify § 221.87 of Part 221, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations by changing the penalty for delinquent operation and maintenance accounts on the Wapato Indian Irrigation Project for Calendar Year 1975 and subsequent years. This modification is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583) and March 7, 1928 (45 Stat. 210).

The purpose of this modification is to increase the penalty charge on delinquent accounts to more realistically cover processing costs, and provide a deterrent for late payment of operation and maintenance assessments.

The public is welcome to participate in the rule making process of the Department of the Interior. Accordingly, interested persons may submit written comments, views or arguments with respect to the proposed rates to the Area Director, Portland Area Office, Bureau of Indian Affairs, Post Office Box 3785, Portland, Oregon 97208, no later than December 30, 1974.

Section 221.87 of Chapter I, Title 25 of the Code of Federal Regulations is revised to read as follows:

§ 221.87 Time of payment.

The charges fixed by § 221.86 shall become due April 1, of each year, and are payable on or before that date. To all charges assessed against lands in non-Indian ownership, and those paid by lessees of Indian lands direct to the project office, remaining unpaid on July 1, following, there shall be added a penalty of one and one half per cent for each month or fraction thereof, from the due date until the charges shall have been paid.

KENNETH W. HADLEY,
Acting Area Director.

NOVEMBER 21, 1974.

[FR Doc.74-27822 Filed 11-27-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

ALTERNATE BID PROVISIONS FOR THE PURCHASE OF MATERIALS AND EQUIPMENT

Alternate Bid Provisions

Notice is hereby given that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue a supplement to REA Bulletin 40–6, Construction Methods and the Purchase of Materials and Equipment, to set forth procedure whereby borrowers may make modifications in REA standard forms of equipment and materials contracts to include, as an alternate, provisions for adjusting a base price either upward or downward as determined by changes in specified Bureau of Labor Statistics labor and materials indexes between the bid date and scheduled shipping date. On issuance of the supplement to REA Bulletin 40–6, Appendix A to Part 1701 will be revised accordingly.

Persons interested in the provisions of the proposed supplement to REA Bulletin 40–6, may submit written data, views or comments to the Director, Power Supply, Management and Engineering Standards Division, Room 3313, South Building, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250 by December 30, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Power Supply, Management and Engineering Standards Division, during regular business hours.

A copy of the proposed supplement and related forms may be secured in person or by written request from the Director, Power Supply, Management and Engineering Standards Division.

The proposed supplement to REA Bulletin 40–6 is as follows:

SUBJECT: ALTERNATE BID PROVISIONS FOR THE PURCHASE OF MATERIALS AND EQUIPMENT

I. *Purpose.* To provide for acceptable alternates to REA standard forms of equipment and materials contracts which may be used, at the option of the borrower, when necessary to obtain responsive bids in the purchase of major items of materials and equipment having long-term delivery.

II. *General.* When materials or equipment are to be shipped longer than three to six months after date of bid, some manufacturers and suppliers will not bid or are reluctant to bid on a firm price basis or on a base price to be adjusted to the price in effect at time of shipment when the adjustment is to be limited to a stated maximum percentage of the base price. In a period of rapidly changing price levels, the use of price adjustment clauses in contracts, providing for either upward or downward adjustments based on appropriate labor and material indexes published by the U.S. Department of Labor, Bureau of Labor Statistics, is considered equitable to both purchaser and seller.

III. *Procedure.* A. Borrowers may make modifications in REA standard forms of equipment and materials contracts to include, as an alternate, provisions for adjusting a base price either upward or downward as determined by changes in specified indexes between the bid date and scheduled shipping date. This type of alternate will have most application in the purchase of major items of generation equipment and power apparatus such as large power transformers and circuit breakers. The attached suggested "Modification to Equipment Contract, REA Form 198 to Incorporate Price Adjustment Provisions" is designed specifically for REA Form 198, but may be used with appropriate changes, at the option of the borrower, with the Materials Contracts, REA Forms 173 and 458.

B. If it is unlikely that bids can be obtained with firm prices or with base prices to be adjusted to the prices in effect at time of shipment limited to stated maximum percentages of base prices (ceiling prices), a decision to include an alternate in the contract documents providing for price adjustments based on labor and material indexes should be made by the borrower's board of directors. If bidders respond both on a firm price basis (or with base prices including a stated maximum percentage escalation) and on the alternate providing for the prices to be adjusted by applying the indexes, the borrower should have the option of making its selection of a bid on either basis.

C. A large number of labor and materials indexes are published monthly by the Bureau of Labor Statistics (BLS). Indexes which may be applicable to major items of equipment and materials for generation, transmission and distribution systems include:

1. Labor Indexes—Average Hourly Earning Rate
   a. Fabricated Structural Metal Products (SIC 344)
   b. Pumps and Compressors (SIC 3561)
   c. Electrical Equipment and Supplies (SIC 36)
   d. Switchgear and Switchboard Apparatus (SIC 3613)
2. Materials—Wholesale Price Indexes
   a. Steel Mill Products (WPI 1012)
   c. Electrical Equipment and Supplies (SIC 3352)
   c. Structural Shape, Wide Flange (WPI 1013–0239)
   d. Plates, Carbon, A–285 (WPI 1013–0245)
   e. Wire and Cable (WPI 1026)
   f. ACSR Cable, (Drake) (WPI 1026–0261)
   g. Pumps, Compressors, and Equipment (WPI 1141)
   h. Switchgear, Switchboard, Etc., Equipment (WPI 1175)

Other appropriate BLS indexes may be used other than those listed above. The borrower on the advice of its engineer should select the indexes for the particular item of equipment or materials to be used in the price adjustment clause. Labor and materials indexes are reported in the Bureau of Labor Statistics monthly publications entitled "Employment and Earnings" and "Wholesale Prices and Price Indexes." These publications may be ordered through the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, or any of the BLS Regional Offices.

The portion of the adjustment in the contract price which will apply to materials and to labor should be determined by the borrower on the advice of its engineer in preparing a price adjustment clause. As a suggestion, 55 percent labor cost and 35 percent materials cost is generally recognized by manufacturers as appropriate for most electrical equipment. Other percentages may be selected to represent the relative changes in labor and materials costs as appropriate.

D. Insulating oil is used in large quantities in some electrical equipment and has been subject to substantial changes in price. A suitable paragraph providing for price adjustment of insulating oil may be desirable in contracts for such equipment and is included as the third item in the attachment.

MODIFICATION TO EQUIPMENT CONTRACT, REA FORM 198 TO INCORPORATE PRICE ADJUSTMENT PROVISIONS

1. Insert a new paragraph 10 on Page 2 of the Notice and Instructions to Bidders as follows:

10. Proposals are invited on the basis of firm prices (or prices with a stated maximum percentage escalation) and/or on the basis of prices to be adjusted as provided for in Alternate No. 1 included in the Proposal. The Owner may award the Contract on either basis regardless of which Proposal appears to offer the lowest price at the time proposals are considered.

2. Insert on Page 3 of the Proposal under paragraph 1 the following:

Alternate Number 1 $_____

The prices are subject to adjustment upward or downward based on changes in the Bureau of Labor Statistics labor and material indexes. A proportion of 55 percent[1] of the Contract prices shall be deemed to represent labor costs and shall be adjusted based on changes in the Bureau of Labor Statistics, Average Hourly Earnings Rate—Electrical Equipment and Supplies Industry (SIC 36)[2] from the month in which the bids are opened to the month in which the Equipment is scheduled to be shipped. For the purpose of this adjustment, the month the Equipment is scheduled to be shipped shall be the month determined by subtracting 30 days from the number of days specified in Paragraph 2 of the Proposal for time of delivery. The adjustment for labor costs shall be obtained by applying the percentage of increase or decrease in such index, calculated to the nearest one-tenth of one percent, to 55 percent of the Contract prices. A proportion of 35 percent[1] of the Contract prices shall be deemed to represent material costs and shall be adjusted based on changes in the Bureau of Labor Statistics, Steel Mill Products Index (WPI 1013)[2] for the period and in the manner hereinbefore stated.

3. Insert on Page 3 of the Proposal under paragraph 1 the following, as appropriate:

The price for insulating oil shall be adjusted upward or downward based on the difference between 30 cents per gallon for oil and the actual total cost of oil on the date of shipment of such oil to the Purchaser. Such adjustment, if any, shall not change the Contract amount for purposes of applying any other adjustments to the Contract prices.

Dated: November 22, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74-27943 Filed 11-27-74;8:45 am]

[1] The borrower should substitute other percentage amounts if appropriate.

[2] The borrower should substitute other BLS labor and materials indexes, if appropriate.

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DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Parts 154 and 155]

TALENT SEARCH, UPWARD BOUND, SPECIAL SERVICES FOR DISADVANTAGED STUDENTS, AND EDUCATIONAL OPPORTUNITY CENTERS PROGRAMS

Proposed Criteria for Funding for Fiscal Year 1975

1. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below in Appendix A, as the basis upon which applications for the development and operation of Talent Search projects, including National Demonstration projects supported under Talent Search monies, submitted for Fiscal Year 1975 by institutions of higher education, public and private agencies and organizations, and secondary schools and secondary vocational schools under section 417 B of Title IV–A–4 of the Act (20 U.S.C. 1070d–1) will be evaluated. Talent Search projects are designed to: identify qualified youths of financial or cultural need with an exceptional potential for postsecondary educational training and encourage them to complete secondary school and undertake postsecondary educational training, publicize existing forms of student financial aid, including aid furnished under Title IV, and encourage secondary school or college dropouts of demonstrated aptitude to reenter educational programs, including postsecondary school programs.

2. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to issue the criteria set forth below in Appendix B, as the basis upon which applications for the development and operation of Special Services for Disadvantaged Students projects, including National Demonstration projects supported under Special Services for Disadvantaged Students monies, submitted for Fiscal Year 1975 by eligible applicants under section 417B of Title IV–A–4 of the Act (20 U.S.C. 1070d–1) will be evaluated. Special Services for Disadvantaged Students projects provide remedial and other special services for students with academic potential who are enrolled or accepted for enrollment at the institution which is the beneficiary of the grant and who, by reason of deprived educational, cultural or economic background, physical disability, or limited English-speaking ability, are in need of such services to assist them to initiate, continue, or resume programs of postsecondary education.

3. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965 (20 U.S.C. 1070–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 155 of Title 45 of the Code of Federal Regulations, "Upward Bound," by revising the criteria contained in § 155.7 thereof, to read as set forth below in Appendix C, as the basis upon which continuation applications and applications for the development and operation of National Demonstration projects supported under Upward Bound monies, submitted for Fiscal Year 1975 by eligible applicants under section 417B of Title IV–A–4 of the Act (U.S.C. 1070d–1), will be evaluated. Upward Bound projects are designed to generate skills and motivation necessary for success in education beyond high school and are projects in which enrollees from low-income backgrounds and with inadequate secondary school preparation participate on a substantially full-time basis during all or part of the project period.

4. Pursuant to the authority contained in Title IV, Part A, Subpart 4 of the Higher Education Act of 1965 (20 U.S.C. 1070–1070d–1), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend Part 154 of Title 45 of the Code of Federal Regulations, "Educational Opportunity Centers" by revising the criteria contained in § 154.6 thereof, to read as set forth below in Appendix D, as the basis upon which renewal and continuation applications for the development and operation of Educational Opportunity Centers submitted for Fiscal Year 1975 by eligible applicants under section 417B of Title IV–A–4 of the Act (20 U.S.C. 1070d–1) will be evaluated. Educational Opportunity Centers will serve areas with major concentrations of low-income persons by providing, in coordination with other applicable programs and services, information with respect to finanacial and academic assistance available for persons in such areas desiring to pursue a program of postsecondary education, and assistance to such persons in applying for admission to institutions of higher education including the preparation of applications for use by admissions and financial aid officers, and counseling and tutorial services and other necessary assistance to such persons while attending such institutions.

3. Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the Division of Student Support and Special Programs, Bureau of Postsecondary Education, U.S. Office of Education, Seventh and D Streets, SW., Room 4010, Washington, D.C. 20202. Comments received in response to this Notice will be available for public inspection at the above office Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material must be received on or before December 30, 1974.

(Catalog of Federal Domestic Assistance Program Numbers: 13.488 Talent Search, 13.492 Upward Bound, 13.482 Special Services for Disadvantaged Students, and 13.543 Educational Opportunity Centers)

Dated: November 1, 1974.

T. H. BELL,
U.S. Commissioner of Education.

Approved: November 25, 1974.

CASPER W. WEINBERGER,
Secretary of Health, Education, and Welfare.

APPENDIX A—CRITERIA FOR TALENT SEARCH

The Commissioner will select applicants to be funded under the Talent Search Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multiyear work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in placing students suffering from financial or cultural need in postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) The extent to which the target area of the project is characterized by (i) high concentration of secondary school dropouts; (ii) low level of postsecondary school attendance; (iii) persons having family income at or below the Federal poverty level; and (iv) students from low-income families having low aspiration levels and special needs resulting from cultural isolation, language disabilities, and educational deficiencies;

(2) The scope and variety of methods to be used in the recruitment of Talent Search youth;

(3) Evidence of prior involvement with the community to be served;

(4) Evidence of the ability of the applicant to work with members of the academic community in the area to be served, especially in the area of admissions and financial aid, as reflected by previous and projected activities of the applicant;

(5) The method to be utilized to impact upon the target community in terms of (i) expanding options for postsecondary opportunities; and (ii) securing admissions and financial assistance for target students;

(6) A comprehensive plan for providing counseling services;

(7) A comprehensive plan outlining how other educational and community resources will be utilized in providing services which the Talent Search project cannot itself provide; and

(8) Evidence that the project staff is sensitive to the ethnic or racial backgrounds of project participants.

(c) National Demonstration Awards. The Commissioner will select a limited number of applications to be funded as Talent Search National Demonstration awards on the basis of the criteria specified in part (b) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the recruitment of disadvantaged students for postsecondary education, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such form as to be readily utilized by other educational programs concerned with the recruitment of disadvantaged students for postsecondary education;

(3) The proposed project would provide a service not readily available on a local or regional basis for that recruitment; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers for the disadvantaged.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period.

It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d–1)

APPENDIX B—CRITERIA FOR SPECIAL SERVICES FOR DISADVANTAGED STUDENTS

The Commissioner will select applicants to be funded under the Special Services for Disadvantaged Students Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in enabling students to initiate, resume or continue their post-secondary education with adequate financial aid.

Before any proposal for the continuation of a project is evaluated all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(b) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) Evidence of the enrollment at the institution of physically disabled and/or low-income students who, by reason of deprived educational, cultural, or economic background, or physical handicap, or students who by reason of limited English-speaking ability, are in need of supportive special services to assist them to initiate, continue, or resume their postsecondary education;

(2) Evidence of the availability and distribution of financial assistance to meet the needs of low-income students enrolled in the applicant institution:

(3) Delineation of a clear and precise plan for the selection of students which must include a comprehensive assessment of the supportive services needed by the the student. In the event a project will include students who by reason of limited English-speaking ability are in need of bilingual supportive services, the proposal must include a plan whereby such students will be selected for participation in the project on the basis of the difficulty the student has in speaking and understanding instruction in the English language.

(4) Evidence of institutional policies in such areas as retention, grading, course options, and other administrative and academic policies which have as their purpose the maximization of a student's chances for a successful completion of postsecondary education;

(5) A work program including (i) a comprehensive counseling program, including student personal, career and academic counseling; (ii) special classes, remedial and other activities that have as their purpose the preparation of students to compete with sufficient academic skills at the institution; (iii) a comprehensive plan for providing tutorial services; (iv) a comprehensive plan to provide other services necessary to meet the educational needs of those students participating in the project; and/or (v) a comprehensive work program for students of limited English-speaking ability participating in the project which includes (a) provision for a program of English language instruction for students of limited English-speaking ability and usage participating in the project; and (b) necessary remedial instruction and tutoring, as well as personal, career and academic guidance and counseling, in order to permit students of limited English-speaking ability to pursue successfully postsecondary education;

(6) A comprehensive plan for staff selection and training;

(7) A comprehensive plan to orient the institutional community to the goals and objectives of the Special Services Program;

(8) A method of assessing and documenting the effects of the project services on the progress made by students participating in the project or former student participants of the project; and

(9) A comprehensive plan for the utilization of institution and community resources available to the project.

(c) National Demonstration Awards. The Commissioner will select a limited number of applications to be funded as Special Services for Disadvantaged Students National Demonstration awards on the basis of the criteria specified in part (b) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the provision of special services for students from deprived educational, cultural, or economic backgrounds, students with physical disabilities, or students of limited English-speaking ability enrolled at the institution which is the beneficiary of the award, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such a form as to be readily utilized by other educational programs concerned with the provision of special supportive services for eligible students enrolled at the institution;

(3) The proposed project would provide a service not readily available on a local or regional basis for those services; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period.

It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d–1)

APPENDIX C—CRITERIA FOR UPWARD BOUND

Section 155.7 is revised to read as follows:

§ 155.7 Criteria for evaluating proposals.

The Commissioner will select applicants to be funded under the Upward Bound Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria:

(1) Knowledge of the specific needs of an identifiable student population to be served in terms of income, educational achievement, educational and related problems, and conditions and/or attitudes which are barriers to educational advancement;

(2) Comprehensiveness of recruiting sources and methods;

(3) Experience in serving low-income students, including cooperation with other agencies providing services to the target community;

(4) Evidence of the commitment of the applicant to see that all of its Upward Bound students are provided with opportunities to attend postsecondary institutions, by assisting students in receiving special review from the admissions and financial aid personnel of the host institution, and by assisting students in learning about and applying for admission to other postsecondary institutions;

(5) A work program which is designed to develop critical thinking, effective expression, and positive attitudes toward learning and which: (i) is realistic and practicable; (ii) diagnoses individual student needs and abilities, including academic deficiencies, at the time of entry into the project; (iii) contains an individualized curriculum design appropriate for each student's identified needs and involves a variety of methods and levels of instruction appropriate to individual needs; (iv) contains a mechanism for measuring the effectiveness of the project, and each student's progress, in remedying academic deficiencies; (v) provides for a timetable for implementation and development; (vi) contains supportive services directly related to the application of formal learning ex-

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periences, and designed to enhance the academic, personal and social effectiveness, and the cultural development of the student; (vii) contains a prognostic evaluation of individual student performance, including documentation of student growth and development, academic and personal; (viii) contains internal evaluation mechanisms to test program effectiveness; and (ix) includes a comprehensive counseling program;

(6) Clearly delineates the lines of authority and communication between the applicant institution and the project staff; and

(7) Outlines the composition and responsibilities of the Advisory Committees.

(b) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year and containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation awards will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in providing access for underachieving students into postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports, including fiscal audits, data collection forms, quarterly fiscal reports, and semi-annual and annual narrative reports must be received and accepted by the appropriate Office of Education staff.

(c) National Demonstration Awards. The Commissioner will select a limited number of applications to be funded as Upward Bound National Demonstration awards on the basis of the criteria specified in part (a) above and these additional criteria:

(1) The proposed project is national or inter-regional in scope, neither duplicates nor competes with existing regional or national programs, nor consolidates existing regional or inter-regional educational activities under the aegis of a single agency or institution;

(2) The proposal presents a clearly new or experimental technique or design for the preparation of students with inadequate secondary school preparation for success in education beyond high school, and clearly demonstrates a degree of replicability, and provides for an evaluation of the results in such a form as to be readily utilized by other educational programs concerned with the preparation of disadvantaged students for postsecondary education;

(3) The proposed project would provide a service not readily available on a local or regional basis for that preparation; and

(4) The proposed project would be able to provide a variety of educational opportunities and options for postsecondary educational careers for the disadvantaged.

It is expected that approved activities as set forth in a work plan for projects funded under this paragraph will be accomplished within a maximum 3-year period. It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S. 1070d–1)

APPENDIX D—CRITERIA FOR EDUCATIONAL OPPORTUNITY CENTERS

§ 154.6 Selection criteria.

The Commissioner will select applicants to be funded under the Educational Opportunity Center Program on the basis of the criteria set forth in 45 CFR 100a.26(b), as well as the following criteria:

(a) New awards. A request for funds for the initiation of a new project will be evaluated on the following criteria: (1) need for services to enhance the accessibility to postsecondary education opportunities as indicated by:

(i) Low historical rates of participation in postsecondary education in the area to be served;

(ii) The total number of students and other persons in the service area;

(iii) The number of low income families in the area to be served;

(iv) The proportion of the number of persons residing in the service area who would be effectively served by the Center;

(2) Appropriateness of the applicant's proposed means of carrying out activities under § 154.7 in terms of meeting needs of persons in the service area;

(3) The proposed staff of the Center and the extent to which the staff has experience in dealing with low-income and physically handicapped students;

(4) The extent to which community representatives have participated in the formulation of the proposal and will participate in the operation of the Center;

(5) The extent to which the secondary schools and institutions of higher education in the area to be served by the Center will be involved in the operation of the Center;

(6) The appropriateness of the Center's relationship to the Talent Search, Upward Bound, and Special Services for Disadvantaged Students projects being carried out in the area and to such other similar programs and services, including those for the physically handicapped, in terms of: (a) avoiding duplication of services; (b) providing authorized services not otherwise available; and (c) coordination of services to individuals who participate in more than one such program;

(7) The ability of the Center to serve as a clearinghouse and as a resource for institutions of higher education in the area which admit educationally disadvantaged persons; and

(8) The cost of operating the Center.

(b) The Commissioner will award grants and contracts to insure that major concentrations of low-income persons in both urban and rural areas will be represented among areas to be served by Centers.

(20 U.S.C. 1070d–1)

(c) Renewal awards. An application for a project which received funding in FY 1974 will be given priority over an application for the initiation of a new project. Requests for renewal applications will be subject to the evaluation criteria in paragraphs (a) and (b) of this section, as well as the following additional criteria: (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in increasing the postsecondary enrollment of students from the target area and improving the retention rate of students from the target area in postsecondary educational institutions.

Before any proposal for the renewal of a project is evaluated, all required reports must be received and accepted by the Office of Education.

(d) Continuation awards. A request for funds for the continuation of a project begun in a prior fiscal year containing an approved multi-year work plan will be given priority over an application for the initiation of a new project. Requests for continuation will be approved only if (1) satisfactory progress, as indicated by site visits, progress reports and other relevant data, has been made in implementing the approved work program; (2) the project, in conformity with the funding criteria against which the original proposal was evaluated, is achieving the approved goals and objectives; and (3) the project has been successful, and continues to offer promise of success, in increasing the postsecondary enrollment of students from the target area and improving the retention rate of students from the target area in postsecondary educational institutions.

Before any proposal for the continuation of a project is evaluated, all required reports must be received and accepted by the Office of Education. It is anticipated that awards made pursuant to this notice will be primarily grants. However, applications from profit-making organizations, named as the principal agent for members of a combination of institutions and/or agencies, will be considered as unsolicited proposals and will be evaluated in accordance with the criteria set forth in this proposed rulemaking. Successful applications from profit-making organizations will be funded under contracts.

(20 U.S.C. 1070d–1)

[FR Doc.74–27929 Filed 11–27–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 74–SW–47]

AIRWORTHINESS DIRECTIVES; CESSNA MODEL 305A AIRPLANES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Cessna Model 305A airplanes modified by STC–SA568SW or SA504SW. There have been failures of the oil line fittings on these airplanes that could result in loss of engine lubricating oil. Since this condition is likely to exist or develop in other airplanes of the same design, the proposed airworthiness directive would require installation of new oil line fittings on these modified Cessna Model 305A airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Federal Aviation Administration, Regional Counsel, P.O. Box 1689, Fort Worth, Texas 76101. All communications received on or before December 20, 1974 will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas, for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c).

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

CESSNA AIRCRAFT CORPORATION: Applies to Cessna Model 305A series airplanes, modified per STC–SA568SF or SA504SW (oil line rerouting), including airplanes listed in Note 3 of Aircraft Specification 5A5.

Compliance required within the next twenty-five hours' time in service after the effective date of this AD, unless already accomplished.

To prevent failure of the aluminum X34352 elbow fitting, remove the fitting from the oil cooler and replace with a fitting of the same part number fabricated from brass, or equivalent part approved by the Chief, Engineering and Manufacturing Branch, Southwest Region, Federal Aviation Administration, Fort Worth, Texas.

(NOTE: Advisory Circular AC 43.13–1A, Chapter 10, provides information on the proper flex line installation procedure that should be followed when reconnecting the oil system line. These parts are available from Ector Aircraft Company, 414 East Hillmont, Odessa, Texas 79760.)

Issued in Fort Worth, Texas on November 11, 1974.

HENRY L. NEWMAN,
Director,
Southwest Region.

[FR Doc.74–27804 Filed 11–27–74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73–WA–11]

KANSAS CITY, MISSOURI, TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering the adoption of a Group II Terminal Control Area (TCA) for Kansas City, Mo. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.24, 91.70 and 91.90 of the Federal Aviation Regulations. Further information concerning flight within TCAs is contained in the Airman's Information Manual.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Additionally, comments are invited on the potential impacts of this proposal on the quality of the human environment. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 601 E. 12th Street, Kansas City, Mo. 64106. All communications received on or before January 28, 1975 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the Chief Counsel, Rules Docket, Room 916, 800 Independence Avenue, SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The establishment of terminal control areas at 22 large hub airports was proposed in Notice 69–41 and supplemental notices thereto, and adopted on May 20, 1970 (35 FR 7782), to create a safer environment in those congested terminal areas. The need for TCAs has been well established, and a priority implementation schedule has been developed which is based on the air traffic congestion at each location, the capability of the terminal air traffic control facility to provide separation service to VFR aircraft, the experience gained from earlier established TCAs, and the publication dates of associated aeronautical charts.

Notice 69–41 and the amendments thereto delineated those major hub cities for which TCAs were planned. This Notice is intended to produce the input necessary to design an appropriate airspace configuration that can provide the safest environment with the least impact on the airspace users. TCAs have now been designated at all Group I locations, and this Notice proposes a configuration for a Group II TCA at Kansas City, Mo.

A proposed airspace configuration was discussed at a public meeting held at the Kansas City International Airport, Kansas City, Mo., September 18, 1974. Approximately 30 airspace users attended. Several comments were offered and were considered in developing the proposed configuration. The proposal contained herein reflects a revision to the TCA configuration presented at the meeting. The airspace within a 2-mile radius of Fairfax Airport and a 1½-mile radius of the Sherman Army Airfield has been excluded from Area B and included within Area C thus raising the floor of the TCA over these two airports from 2,400 feet MSL to 3,000 feet MSL.

These proposed TCA boundaries and floor altitudes have been established to offer the least inconvenience to satellite airports, yet provide the necessary maneuvering area for large turbine-powered aircraft landing and departing Kansas City International Airport.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 FR 7782), it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401 (b) Group II Terminal Control Areas.

KANSAS CITY, MO., TERMINAL CONTROL AREA

Primary Airport

Kansas City International Airport (Lat. 39°18'18" N., Long. 94°42'40" W.)

Boundaries

AREA A

That airspace extending upward from the surface to and including 8,000 feet MSL within a 6-mile radius of the Kansas City International Airport, excluding that airspace within a 1-mile radius of the Noah's Ark Airport (Lat. 39°13'50" N., Long. 94°48'15" W.).

AREA B

That airspace extending upward from 2,400 feet MSL to and including 8,000 feet MSL within a 10-mile radius of the Kansas City International Airport excluding Area A, that airspace within a 2-mile radius of the Fairfax Airport (Lat. 39°08'49" N., Long. 94°36'09" W.) and that airspace within a 1½-mile radius of the Sherman Army Airfield (Lat. 39°22'15" N., Long. 94°54'45" W.).

AREA C

That airspace extending upward from 3,000 feet MSL to and including 8,000 feet MSL within a 15-mile radius of the Kansas City International Airport excluding Area A and Area B.

AREA D

That airspace extending upward from 4,000 feet MSL to and including 8,000 feet MSL within a 20-mile radius of the Kansas City International Airport excluding Area A, Area B and Area C.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

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Issued in Washington, D.C., on November 22, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-27805 Filed 11-27-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-46]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a transition area at Carthage, Tex.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Texas 76101. All communications received by December 30, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

CARTHAGE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Panola County Airport (latitude 32°10'21" N., longitude 94°17'51" W.) and within 3 miles each side of the Gregg County VORTAC (latitude 32°25'03.3" N., longitude 94°45'10.5" W.) 122°T (115°M) radial, extending from the 5-mile radius area to 25 miles southeast of the Gregg County VORTAC.

The proposed transition area will provide controlled airspace for aircraft executing approach/departure procedures proposed at the Panola County Airport, Carthage, Tex.

(Sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Fort Worth, TX., on November 19, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc.74-27806 Filed 11-27-74;8:46 am]

Federal Highway Administration

[49 CFR Part 395]

[Docket No. MC-47; Notice No. 74-24]

DRIVER'S DAILY LOGS; USE OF 7-DAY LOG FORM

Extension of Time for Comments

The Director of the Bureau of Motor Carrier Safety is extending the time for filing of comments on a notice of proposed rule making issued by the Bureau on August 29, 1974 and published in the FEDERAL REGISTER on September 10, 1974 (39 FR 32620).

The notice announced that the Director was considering amendments to Part 395 of the Federal Motor Carrier Safety Regulations to permit drivers of commercial motor vehicles operated in interstate or foreign commerce to make logs, under certain conditions, on a new form with space for recording seven days of activities upon a single document. Interested persons were invited to submit comments on the proposal before the close of business on December 9, 1974.

The Director has received a request from the American Trucking Associations, Inc. for a 60-day extension of the comment closing date. Upon examination of that request, the Director has determined that there is good cause for granting the 60-day extension.

In consideration of the foregoing, the closing date for filing of comments on the Notice of Proposed Rule Making in Docket No. MC-47 is extended from December 9, 1974 to the close of business on February 7, 1975.

This action is taken under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 49 CFR 389.4, respectively.

Issued on November 20, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.74-27834 Filed 11-27-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-11094, 57-533]

ALTERNATIVE NET CAPITAL REQUIREMENT FOR CERTAIN BROKERS AND DEALERS

Proposed Adoption

The Securities and Exchange Commission today announced final revisions to the Commission's proposal to adopt a uniform net capital rule applicable to all broker-dealers. The Commission has also determined to publish for comment at this time an alternative approach for measuring the adequacy of a broker-dealer's capital which would measure both the general financial integrity of a broker-dealer and the minimum net capital necessary to support its customer activities.

Because an alternative approach to broker-dealer capital requirements is being published for the first time in this release, it may be necessary to refine the alternative proposal contained in paragraph (f) of the rule and republish it for additional comment. In any event, the Commission desires to make known its intention to adopt a uniform net capital rule after the expiration of this comment period. Whether the rule as adopted will include the alternative net capital requirement proposed in this release, of course, cannot be determined at this time. Accordingly, interested persons are urged to study carefully the impact of both the proposed uniform rule and the alternative proposal and submit appropriate comments on both proposals by December 31, 1974.

I. *Proposal to adopt alternative net capital requirements for certain broker-dealers. A. Changes in the securities industry.* The Commission has determined to publish for comment a new concept to measure the capital adequacy of broker-dealers which would eliminate in part restraints presently imposed by the net capital ratio and aggregate indebtedness concepts which have served as the primary source of protection of customers and other broker-dealers for over 30 years. The Commission believes that, as a result of the numerous changes that have occurred in the securities industry over the last five years, the evolving future structure of the securities markets and the future needs of the nation's corporate issuers to raise both equity and debt capital, it is important at this time to develop new approaches to the financial responsibility and capital adequacy of broker-dealers for both the protection of customers and to maintain sound and viable primary and secondary capital markets.

In its "Study of Unsafe and Unsound Practices of Brokers and Dealers," the Commission contemplated that, with the adoption of Rule 15c3-3 [17 CFR 240.15c3-3], the capital requirements for broker-dealers eventually might be reduced. The Study noted:

> Any discussion of the subject of 'net capital' and 'capital' must take into account the amendment of section 15(c)(3) of the Exchange Act by section 7(d) of the SIPC Act broadening and specifying with particularity the powers of the Commission on the subjects of reserves for customers' securities. As noted above, the Commission recently acted pursuant to this authority with proposed rules which will seriously restrict the use of customers' funds and securities in the business of a broker-dealer. Proper reserves and adequate custodial requirements and procedures should, by themselves, take over the liquidity objective of net capital requirements in large part. It is contemplated that, with operational experience, the rules regarding customer funds and securities will eventually supplement and then eliminate the complex substructure of the net capital requirements and, with that, the corresponding intricacies of interpretation.[1]

While the changes in the securities industry since 1967 culminated with the adoption of Rule 15c3-3 [17 CFR 240.-15c3-3], it is important to emphasize other major advances of the past several years which the Commission believes provide a basis for the belief that the operational failures which result from increased trading volume and inadequate systems for the control and delivery of securities should not recur. Also, the Commission believes that the ultimate objective of improving business practices in the securities industry to serve and protect investors is approaching realization. Such recent advances include:

1. The development and almost universal acceptance of the continuous net settlement system ("CNS") for the completion of securities transactions coupled with the use of securities depositories and other processing facilities and the progress toward realization of a nationwide clearance and depository system.

The improvement of these systems not only reduces exposure to operational problems and exposure to theft inherent in the physical handling and processing of securities but also protects the broker-dealer community from loss to it or its customers occasioned by the failure of any given broker-dealer. Transactions completed through such systems are marked to the market on a daily basis, minimizing the risk to the system and its members who are required to maintain substantial clearing fund deposits with such systems not only as collateral for their own obligations but also to provide additional protection to such systems which should be used only to satisfy losses incurred by the default of other members.

2. The development of more comprehensive recordkeeping and control requirements including the quarterly count and verification of securities positions and expanded requirements of independent public accountants to (1) review the procedures for compliance with Rule 15c3-3 and margin requirements of the Federal Reserve System; and (2) comment upon any material inadequacies in systems of accounting control and procedures for safeguarding securities.

3. The implementation by the Commission and the self-regulators of more vigorous buy-in requirements respecting incompleted transactions with both broker-dealers and their customers.

[1] "Study of Unsafe and Unsound Practices of Brokers and Dealers," report and recommendations of the Securities and Exchange Commission, December 1971, at page 17. The Commission adopted Rule 15c3-3 on November 10, 1972, effective January 15, 1973 (Release No. 34-9856).

4. The development by the Commission and the self-regulatory organizations of comprehensive examination and surveillance programs which have been of significant importance in the timely detection of operational and financial difficulties experienced by broker-dealers. Of equal importance is the concern and premium that broker-dealers themselves now place on the effective management and control of their securities processing and other operational areas.

5. The development of the Joint Regulatory Report and the steps taken by the Commission to develop a FOCUS Report which will ultimately provide for more effective analysis of the financial and operational condition of broker-dealers.

6. The development by the Commission and the self-regulators of substantially more effective requirements for retaining both equity and subordinated capital which has eliminated impermanent capital and the probability of a recurrence of a dangerous flight of capital from the securities industry at times when permanent capital is most necessary.

B. *Responsibility for protection of customers' funds and securities.* The key factors which distinguish the securities industry from other industries are its custodial responsibility for customers' funds and securities and the unique role the industry must play in the formation and maintenance of the capital needs of governments and corporations. Thus, the scope and purpose of requirements concerning the fiscal responsibility of broker-dealers are designed to achieve an environment in which the failure of a broker-dealer does not result in loss to its customers or the customers of other broker-dealers.

It is the Commission's view that capital requirements must not only be sufficient to enable broker-dealers to meet their immediate commitments to customers but also provide reasonable assurance against the loss of customer assets by interacting with minimum operational and custodial standards as well as existing surveillance, reporting and examination programs within the industry's regulatory and self-regulatory framework. Capital requirements must also balance the need for the efficient use and deployment of existing resources to meet the industry's function of capital formation and maintenance with the equally important need to protect public customers and instill within them confidence to insure their continued participation in the nation's capital markets.

Capital requirements must eventually become simple enough in concept and design to facilitate their review by regulators and make the capital structures of broker-dealers, as well as their investment and operating policies, more understandable to the public, lending institutions and other suppliers of capital. Finally, capital requirements should provide a reasonable, yet finite, limitation on unreasonable expansion by broker-dealers to minimize the possibility of customer losses and SIPC fund exposure.

While the Commission is of the view that substantial progress has occurred in the securities industry over the past five years, much remains to be done before the liquidity requirements of the net capital rule can be supplanted entirely by other rules such as the custodial and reserve requirements of Rule 15c3-3 as noted above. It is the Commission's determination to continue to monitor the operation and effectiveness of Rule 15c3-3 and strengthen the rule where necessary to furnish the protection for the integrity of customers' funds and securities as envisioned by Congress when it amended Section 15(c)(3) of the Securities Exchange Act by adopting Section 7(d) of the SIPC Act.

C. *Proposed alternative financial responsibility requirements.* The alternative approach to the financial responsibility requirements for broker-dealers would begin to integrate the net capital requirements of Rule 15c3-1 [17 CFR 240.15c3-1] with the custodial and reserve requirements of Rule 15c3-3, moving to place greater responsibility and reliance for the protection of customer assets on Rule 15c3-3 while continuing the liquidity requirements of Rule 15c3-1 to insure the general financial integrity of the broker-dealer.

1. *Alternative net capital requirement:* Rule 15c3-1(f), as proposed, would serve as a minimum net capital or liquidity standard which will measure the general financial integrity and liquidity of the broker-dealer and will define the minimum net capital deemed necessary to meet the broker-dealer's continuing commitments to its customers. Also, it will indicate to other creditors, with whom the broker-dealer may deal, what portion of its liquid assets in excess of that required to protect customers will be available to meet other commitments of the broker-dealer. In addition, the amount of the firm's liquid assets in excess of the broker-dealer's minimum requirement to protect customers would give the Commission, self-regulators and SIPC sufficient early warning to take appropriate action to protect customers prior to the time when assets would be insufficient to satisfy customers' claims in the event of liquidation.

The proposal would eliminate the current standard of measuring such customer obligations (i.e., aggregate indebtedness and the net capital ratio test) and substitute as the standard for determining the level of the broker-dealer's customer-related activity the aggregate dollar amount of assets which have as their source transactions with customers (i.e., items includable in the Formula for Determination of Reserve Requirements for Brokers and Dealers ("Reserve Formula")). These items include debit balances in customer cash and margin accounts, fails to deliver, stock borrowed and certain securities purchased as principal which are short in customers' accounts. Rule 15c3-1(f)

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would thus require a broker-dealer to maintain minimum net capital equal to the greater of $100,000 or 4% of aggregate debit balances includable in the Reserve Formula.

This new approach would be applicable only to broker-dealers who have not elected to operate pursuant to an exemption from Rule 15c3–3 through paragraph (k)(1) or (k)(2)(A). Broker-dealers who meet the requirements of paragraph (k)(2)(B) of Rule 15c3–3 and introduce all customer transactions to another broker-dealer on a fully disclosed basis would be eligible to operate pursuant to Rule 15c3–1(f), if they maintained minimum net capital of $100,000.

Rule 15c3–1(f) also seeks to enhance the ability of broker-dealers to engage in market making, block positioning and specializing. To achieve this objective, the alternative approach would reduce the haircut on the greater of the long or short position in equity securities to 15 percent of the market value of such securities. The rule would continue to exempt the lesser of the aggregate long or short position from any haircut to the extent such position does not exceed 25 percent of the greater of such positions. However, the rule would maintain a 30 percent haircut on security positions in excess of the 25 percent exclusion.

Because the alternative approach seeks to measure the general financial integrity of the broker-dealer, the Commission believes it appropriate to propose more stringent requirements to guard against broker-dealers over-extending themselves by unduly concentrating their assets in any one security position. Consequently, the alternative approach would result in an additional 15 percent haircut on equity security positions to the extent they exceed 10 percent of net capital before the application of haircuts and such additional charges would attach immediately, rather than after 11 business days, except in the case of security positions which result from the broker-dealer's underwriting a security, in which case the additional charge would attach after 7 business days.

In addition, the alternative approach would preclude the withdrawal of equity capital if the broker-dealer's minimum net capital is less than 7 percent of aggregate Reserve Formula debits and subordinated capital could not be withdrawn if minimum net capital is less than 6 percent of aggregate Reserve Formula debits.

While the Reserve Formula would be computed on a weekly basis and hence minimum net capital requirements would be determined weekly, broker-dealers would still be required to know their available net capital at all times.

The Commission is also of the view that the foregoing approach to minimum net capital requirements can be made applicable to stock exchange specialists who have no public customers, and the Commission seeks the comments of interested parties with respect to this question.

2. *Modifications to Rule 15c3–3:* As mentioned earlier the Commisison believes that the goals to be achieved by the proposed alternative capital adequacy approach can only be realized by further strengthening the custodial and Reserve Formula safeguards for the protection of customer assets found in Rule 15c3–3.

Conceptually, the reserve requirements of Rule 15c3–3 permit a broker-dealer to use customer free credit and other credit balances as well as funds derived from the lending and hypothecation of customers' securities to finance other customer-related receivables. To the extent funds derived from customers exceed the amounts customers owe the broker-dealer, Rule 15c3–3 requires that such funds or certain qualified securities be placed in a "Special Reserve Bank Account for the Exclusive Benefit of Customers." While no reserve deposits are required of a broker-dealer during a period when the amounts receivable by a broker-dealer from servicing his customers exceeds the amounts derived from the permissible uses of customer funds, the existence of such excess receivables is of itself a sign of a healthy and viable broker-dealer who is financing substantial amounts of customer receivables with its own capital rather than that of its customers. Moreover, unlike the concept of aggregate indebtedness which reflects only certain money liabilities of the broker-dealer, the Reserve Formula of Rule 15c3–3 and the Reserve Bank Account will reflect and provide actual cash reserves when a broker-dealer is beset with operational problems which result in stock record differences, aged stock dividends and aged transfer items.

Thus, Rule 15c3–3 recognizes that the healthy and viable broker-dealer will receive a substantial positive cash flow from the realization of its customer-related receivables to meet not only its current and ongoing commitments to its customers but also to provide reserves for operational difficulties which represent substantial risks to customers and the viability of the broker-dealer itself.

The mere realization of cash from other customers, however, will be insufficient to protect customers whose funds may be utilized by the broker-dealer unless there is a sufficient cushion of excess customer-related receivables available to give regulators and others who have sufficient early warning of a broker-dealer's instability to permit them to take timely and effective action to protect customers. Such a cushion would permit the administration of an orderly liquidation of a broker-dealer or the orderly transfer of customer accounts to other viable broker-dealers.

Rule 15c3–1(f) would therefore require broker-dealers who determine to operate under the proposed alternative capital approach to provide the following additional protections to customers through the computation of their reserve requirements pursuant to Rule 15c3–3:

1. Reduce the dollar value of aggregate debit items in the Reserve Formula by 3 percent in lieu of the deductions required by Note B(2) to Exhibit A to Rule 15c 3–3; and

2. Including the market value of short security count differences and short securities and credits in all suspense accounts as called for in Items 7 and 8 to Exhibit A to Rule 15c3–3 after 7 business days.

Thus, Rule 15c3–3 as revised by Rule 15c3–1(f) would require a 100 percent reserve, for customer funds not available for use by the broker-dealer, and will also require an additional 3 percent commitment of the broker-dealer's own liquid capital in the form of cash or qualified securities as an additional reserve and to insure his ability to finance his customer-related receivables. Such additional reserves will thus be available to provide self-regulatory organizations and others with additional assets for the satisfaction of customer cash claims and to redeem customers' securities which have been hypothecated or otherwise encumbered when necessary for the orderly winding up of the business of any broker-dealer

D. *Conclusion.* The Commission believes that the foregoing approach to capital adequacy, while not intended to be the final answer, forms the foundation for the ultimate achievement of the goals a new approach to capital requirements must fulfill to contribute to an environment of adequate protection of customer assets. While initially this new approach is not intended to have applicability to all broker-dealers, experience may warrant its extension to all registered broker-dealers as well as specialists not currently subject to the Commission's minimum capital standards.[1]

II. *Revised Rule 15c3–1.* A. *Introduction.* On November 29, 1973, the Commission published for comment its proposal to adopt a uniform net capital rule applicable to all broker-dealers. The Commission herein is announcing revisions to that proposal and plans to adopt the uniform rule after the expiration of this comment period.

The revised rule contains an entirely new format designed to simplify and clarify the rule's requirements. The revised rule contains a table of contents respecting its provisions, the basic net capital requirement for broker-dealers and five appendices which deal with problems that are unique to certain broker-dealers, their attorneys or personnel involved in specific broker-dealer functions. These appendices concern: A. Options, B. Commodities, C. Margin Maintenance Requirements, D. Satisfactory Subordination Agreements and E. Flow Through Capital Provisions.

[1] The Commission wishes to make clear that the 4 percent minimum net capital requirement of Rule 15c3–1(f) [17 CFR 240.15c3–1(f)] and the additional 3 percent reduction of aggregate debits in the Formula for Determination of Reserve Requirements are tentative and specific comments are invited as to the adequacy of the levels proposed under the alternative approach. Such levels may be further revised by the Commission prior to the alternative being adopted.

This release does not discuss all the revisions to the proposal but highlights the changes resulting from the principal concerns expressed by the commentators.

B. *Minimum net capital requirements.* 1. The revised rule would expand the $5,000 minimum net capital requirement to permit many small broker-dealers to engage in the sale of mutual funds on a direct wire order basis. At present a broker-dealer having minimum net capital of $5,000 may sell mutual funds only pursuant to the application way method and as a result they cannot provide their customers with a price for the fund shares purchased which is based on the net asset value of the fund on the day the shares are purchased.

2. A $50,000 minimum net capital requirement for writers and endorsers of options will be required only of those broker-dealers writing or endorsing options which are not listed on a registered national securities exchange. It is the Commission's view that, since listed options bear the ultimate guarantee of an exchange clearing facility which requires special safeguards and margin requirements for options written on those exchanges, a $25,000 minimum net capital requirement is appropriate for the writers of such options.

C. *Fails to receive and fails to deliver.* 1. The inclusion of certain fail to receive contracts in aggregate indebtedness where the underlying securities are no longer owned by broker-dealers, in certain instances, results in situations where the capital reserve required to be maintained for such fails results in a greater capital commitment by the broker-dealer than would result if the securities were still owned by him. Such situations arise primarily in the area of debt instruments where the proprietary haircuts required by the rule are generally less than 7 percent. To insure that such capital requirements do not result in the inhibition of the market for such debt instruments, the Commission has determined to revise the net capital rule in two respects. First, the revised rule would exclude from aggregate indebtedness all those fail to receive contracts where the broker-dealer does not owe such securities to a customer. Second, in order to encourage the elimination of a large source of such failing contracts (i.e., the failure of some other broker-dealer to deliver the securities to the broker-dealer failing to receive) the revised rule would require that any fail to deliver contract outstanding more than 11 business days past settlement be treated as if it were a proprietary position of the broker-dealer subject to a haircut. Any adverse movement of the market value of the underlying security from the contract value of the fail would also be charged against capital.

2. Special problems often result from the failure of issuers of commercial paper, bankers acceptances, certificates of deposit and other money market instruments to issue these instruments in a timely fashion and thereby result in liabilities of the broker-dealer which are includable in aggregate indebtedness. Such delays by the issuers of these instruments or their agents from mechanical or other temporary factors are often most acute at the end of the month when large amounts of notes are being processed by banks for delivery. Such delays are often self-correcting since the failure to make a prompt delivery results in the issuer's loss of interest on such instruments, the cost of which in most instances is borne by the agent bank. In order to avoid adverse effects which the inclusion of such items in aggregate indebtedness can have on the willingness of broker-dealers to participate in the nation's money markets, the revised rule would provide that such liabilities may be excluded from aggregate indebtedness for up to 3 business days.

D. *Deferred income taxes.* The rule as revised has been clarified with respect to the treatment of deferred income tax liabilities recorded in the books and records of the broker-dealer. Since such liabilities are generally related to unrealized profits and losses on securities transactions or assets not readily convertible to cash which do not represent tax obligations currently payable, the Commission has determined that such liabilities should be excludable from the computation of aggregate indebtedness of the broker-dealer.

Since the net capital rule requires that a broker-dealer have sufficient assets to meet its obligations to customers, the determination of a broker-dealer's net capital must take into account the income tax effect on its transactions. In this connection, the revised proposal would provide that the net worth of the broker-dealer may be adjusted in recognition of the fact that the rule's haircut provisions have already taken into account the value of the broker-dealer's proprietary securities positions. The effect of this provision is not to require the broker-dealer to provide for taxes on the "haircut" portion of the broker-dealer's security position to the extent of his unrealized gain. Thus, the rule now provides that net worth may be adjusted by adding back the lesser of: (1) the total of all deferred tax liabilities provided for under generally accepted accounting principles or (2) the amount which results from applying the broker-dealer's effective income tax rates to the total amount of haircuts provided for by the rule.

This approach acknowledges that, when a broker-dealer has substantial unrealized profits in his portfolio, a lesser capital reserve is appropriate and such profits should be available to supplement the broker-dealer's business activities.

E. *Management fees receivables.* The revised rule would treat management fees receivables from registered investment companies as assets readily convertible to cash for a 30 day period.

F. *Good faith deposits.* The rule has been revised to recognize that good faith deposits may not be returned by the municipality or managing underwriter until a period subsequent to the settlement date of the underwriting which in most instances is a period longer than 30 days from the time of the deposit. Thus, the rule would require that good faith deposits be deducted from net worth if not returned to the broker-dealer within 11 business days subsequent to the settlement date of the underwriting.

G. *Insurance claims receivable.* In many instances broker-dealers have insurance claims which relate to losses of securities which have been resolved. The revised rule would not require such losses to be deducted in the computation of net capital if within 7 days after the loss has been discovered and is required to be recorded, the broker-dealer has obtained an opinion of outside counsel that the claim is valid and is covered by insurance policies presently in force and if within 20 business days after the loss is discovered the claim is acknowledged as due and payable by the insurance carrier. At such time as the claim is acknowledged as due and payable by the insurance carrier, the receivable from the carrier may be considered an asset readily convertible to cash for an additional 20 business days.

H. *Free shipments of securities.* The revised rule provides that free shipments of securities not exceeding $5,000 (excluding shipments of mutual fund shares to the issuer or its agent for redemption) will not result in a charge against net capital for a period of 7 business days. Thereafter all free shipments outstanding (including the free shipment mutual funds) will be required to be charged against capital.

I. *Undue concentrations.* The revised rule continues to require an undue concentration haircut where any security position of the broker-dealer in position for more than 11 business days exceeds 10 percent of net capital before the application of haircuts. The revised rule, however, would permit the Examining Authority designated by SIPC to provide relief from this requirement as to a specialist's specialty stock where it is in the public interest to do so.

J. *Options.* The revised rule sets forth in a separate Appendix A the requirements of the net capital rule respecting security positions in options.

1. Uncovered put and call options: The rule will require uncovered short options to receive a capital charge equal to 30 percent of the market value of the underlying security reduced by any amount the option position is "out of the money" with a minimum change of $250 for each option contract for 100 shares of the underlying security. Unrealized losses in such option positions would be charged to net capital.

2. Covered put and call options: A broker-dealer who has written an option and also has a position in the underlying security would be permitted to reduce the haircut on the underlying security position to the extent the holder of the option is likely to either call the underlying security away from the broker-dealer or put the underlying security to the broker-dealer.

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3. Spread positions in options: To the extent the broker-dealer is both long and short an option for the same underlying security with different exercise prices, so long as the long option expires subsequent to the short option, the broker-dealer's capital charge would be the difference between the exercise prices of the two options

4. Requirements for customer short option positions: The rule requires that the broker-dealer deduct from net capital an amount equal to 30 percent of the market value of customer uncovered short positions reduced by any amount the option is "out of the money" and, consequently, is not likely to be exercised, or increased by any loss with a minimum charge of $250 for each option contract written for 100 shares. The charge would be reduced by any margin deposited with the broker-dealer to collateralize the transaction.

K. *Satisfactory subordination agreements.* The revised rule sets forth in a separate Appendix D to the rule the requirements for satisfactory subordination agreements.

The revised rule makes clear that subordinated capital contributions may take the form of contributions of cash or securities; however, all contributions of securities must be pursuant to a secured demand note arrangement. The appendix defines the minimum standards for the contribution and form of secured demand notes as well as subordinated contributions of cash. Appendix D should be carefully examined by broker-dealers and their counsel in preparing comments on the proposal.

The revised rule would limit the ability of the broker-dealer to reduce the principal amount of a secured demand note to one 15 percent reduction during the term of the agreement. After any such reduction the lender would be precluded from withdrawing excess collateral securities from the collateral given for the secured demand note.

The provisions of Appendix D to the rule which would permit the prepayment of such subordination agreements has been modified to provide that any such prepayment receive the prior written approval of the Examining Authority for the broker-dealer which has been so designated by SIPC. Since such written approval is now a mandatory requirement, the prepayment of such obligations will be permitted, subject to such approval, if the broker-dealer's capital ratio does not exceed 10 to 1 after consideration of scheduled capital withdrawals over the six months following the prepayment date.

The proposed rule provides that subordination agreements are to be examined and approved by the SIPC designated examining authority or the Commission's Regional Offices in the case of a SECO broker-dealer prior to their becoming effective. In addition, all subordination agreements must be filed with both the SIPC designated examining authority and the appropriate Commission regional office.

Finally, since contributions of securities other than equity contributions must now take the form of a secured demand note, the definition of securities accounts of partners has been eliminated.

L. *Flow through capital from subsidiaries and affiliates.* Appendix E of the rule sets forth the requirements which must be met to consolidate in a single net capital computation the assets and liabilities of subsidiaries and affiliates in order to obtain flow-through capital benefits for the broker-dealer.

The rule has been revised to provide that flow-through capital benefits can be available to the broker-dealer if the subsidiary or affiliate is majority-owned and controlled and the assets of the subsidiary or affiliate or the broker-dealer's interest therein may be distributed to the broker-dealer within a 30 day period.

In addition, the rule has been revised to make clear that subordinated obligations of the subsidiary may not increase the net worth of the parent unless the obligation is also subordinated to the claims of present and future creditors of the parent.

Finally, the revised rule requires that liabilities which are guaranteed by the broker-dealer be reflected in the firm's net capital computation.

M. *U.S. government securities.* The Commission wishes to clarify what it deems to be the appropriate treatment for purposes of the net capital rule of repurchase, reverse repurchase and matched repurchase agreements in U.S. government securities.

It is the Commission's view that government securities subject to repurchase agreements are to be treated as if owned by the broker-dealer and a haircut applied to the market value of the security. In the case of reverse repurchase agreements for U.S. government securities these transactions result in the broker having a secured receivable from the borrower of funds from him and any capital charge should be limited to the deficiency, if any, in the security collateralizing the receivable. Finally, matched repurchase agreements result in matched contractual commitments to buy or sell the U.S. government securities subject to the agreements and as such a capital charge should not normally arise.

N. *Risk arbitrage.* The revised rule provides that the haircut on risk arbitrage positions be on the market value of the greater of the long or short positions. A risk arbitrage transaction is deemed to continue until the merger or consolidation has been terminated by the parties.

Statutory basis. These amendments are proposed to be adopted under the Securities Exchange Act of 1934, particularly Sections 10(b), 15(c)(3), 17(a)and 23(a) thereof.

1. Section 240.15c3–1 is revised to read as follows:

§ 240.15c3–1. Net Capital Requirements for Broker-Dealers.

(a) No broker-dealer shall permit his aggregate indebtedness to all other persons to exceed 1500 per centum of his net capital, except as provided in paragraph (a)(1) and paragraph (f) of this section, and every broker-dealer shall have the net capital necessary to comply with the following conditions except as otherwise provided for in paragraph (f) of this section:

(1) Broker-dealers engaged in a general securities business: No broker-dealer, except one who operates under paragraph (f) of this section, shall permit his aggregate indebtedness to all other persons to exceed 800 per centum of his net capital for 12 months after becoming a broker-dealer, and, except as otherwise provided for in paragraph (a) or paragraph (f) of this section, the broker-dealer shall at all times have and maintain net capital of not less than $25,000;

(2) Brokers who do not generally carry customers' accounts: Notwithstanding the provisions of paragraph (a)(1) hereof, a broker-dealer shall have and maintain net capital of not less than $5,000 if he does not hold funds or securities for, or owe money or securities to, customers and does not carry accounts of or for customers, except as provided for in paragraph (a)(3)(v) below, and he conducts his business in accordance with one or more of the following conditions but engages in no other securities activities;

(i) He introduces and forwards as a broker all transactions and accounts of customers to another broker-dealer who carries such accounts on a fully disclosed basis and promptly forwards thereto all of the funds and securities of customers received in connection with his activities as a broker;

(ii) He participates, as broker, in underwritings on a "best efforts" or "all or none" basis in accordance with the provisions of Rule 15c2–4(b)(2) (§ 240.15c2–4(b)(2) of this chapter) and he promptly forwards to an independent escrow agent customers' checks, drafts, notes or other evidences of indebtedness received in connection therewith which shall be made payable to such escrow agent;

(iii) He promptly forwards, as broker, subscriptions for securities to the issuer, underwriter, sponsor or other distributor such securities and receives checks, drafts, notes or other evidences of indebtedness payable solely to the issuer, underwriter, sponsor or other distributor who delivers the security purchased directly to the subscriber;

(iv) He effects an occasional transaction in securities for his own investment account;

(v) He acts as broker-dealer with respect to the purchase, sale and redemption of redeemable shares of registered investment companies or of interests or participations in insurance company separate accounts, whether or not registered as an investment company, and he promptly transmits all funds and delivers all securities received in connection with such activities;

(vi) He introduces and forwards all customer and all principal transactions and accounts to another broker-dealer who carries such accounts on a fully

disclosed basis and promptly forwards all funds and securities received in connection with his activities as a broker-dealer and does not otherwise hold funds or securities for, or owe money or securities to, customers and does not otherwise carry proprietary or customer accounts and his activities as dealer are limited to holding firm orders of customers and in connection therewith: (A) In the case of a buy order, prior to executing such customers' order, purchases as principal the same number of shares or purchases shares to accumulate the number of shares necessary to complete the order which shall be cleared through another broker-dealer or (B) in the case of a sell order, prior to executing such customers' order sold the same number of shares or a portion thereof which shall be cleared through another broker-dealer.

(3) Broker-dealers engaged solely in the sale of redeemable shares of registered investment companies and certain other share accounts: Net capital of not less than $2,500 shall be maintained by a broker-dealer who engages in no other securities activities except those prescribed in this subparagraph and who meets all of the following conditions:

(i) His dealer transactions are limited to the purchase, sale and redemption of redeemable shares of registered investment companies or of interests or participations in an insurance company separate account, except that he may also effect an occasional transaction in other securities for his own investment account with or through another registered broker-dealer;

(ii) His transactions as broker are limited to: (A) The sale and redemption of redeemable shares of registered investment companies or of interests or participations in an insurance company separate account whether or not registered as an investment company; (B) the solicitation of share accounts for savings and loan associations insured by an instrumentality of the United States; and, (C) the sale of securities for the account of a customer to obtain funds for immediate reinvestment in redeemable securities of registered investment companies; and

(iii) He promptly transmits all funds and delivers all securities received in connection with his activities as a broker-dealer, and does not otherwise hold funds or securities for, or owe money or securities to, customers;

(4) Certain additional capital requirements for market makers: Notwithstanding the provisions of paragraphs (a)(1), (2), and (3), a broker-dealer engaged in activities as a market maker as defined in paragraph (c)(7) of this section, shall maintain net capital in an amount not less than $2,500 for each security in which he makes a market (unless a security in which he makes a market has a market value of $5 or less, in which event the amount of net capital shall be not less than $500 for each such security) except that under no circumstances shall he have net capital of less than that required by paragraph (a)(1) or be required to maintain net capital of more than $100,000 unless otherwise required herein; and

(5) Certain additional capital requirements for broker-dealers engaged in the sale of options: Notwithstanding the provisions of paragraphs (a)(1) thru (4), a broker-dealer who endorses or writes options, including, but not limited to, puts, calls, straddles, strips or straps otherwise than on a registered national securities exchange or a facility of a registered national securities association shall have net capital of not less than $50,000.

(b) *Exemptions.* (1) The provisions of this section shall not apply to any specialist who does not transact a business in securities with other than members, brokers or dealers and who is in good standing and subject to the capital requirements of the American Stock Exchange (if he is not also a clearing member of the American Stock Exchange), the Boston Stock Exchange, the Midwest Stock Exchange, the New York Stock Exchange, the Pacific Stock Exchange, the PBW Stock Exchange, or the Chicago Board Options Exchange (if he is not also a clearing member of the Chicago Board Options Exchange); whose rules, settled practices and applicable regulatory procedures are deemed by the Commission to impose requirements that are satisfactory to the Commission, provided that this exclusion as to a particular specialist of any exchange or as to the exchange itself, may be suspended or withdrawn by the Commission at any time, upon (10) ten days written notice to such exchange or specialist, if it appears to the Commission that such action is necessary or appropriate in the public interest or for the protection of investors.

(2) The Commission may, upon written application, exempt from the provisions of this section, either unconditionally or on specified terms and conditions, any broker-dealer who satisfies the Commission that, because of the special nature of his business, his financial position, and the safeguards he has established for the protection of customers' funds and securities, it is not necessary in the public interest or for the protection of investors to subject the particular broker-dealer to the provisions of this section.

(c) *Definitions.* For the purpose of this section:

(1) Aggregate Indebtedness: The term "aggregate indebtedness" shall be deemed to mean the total money liabilities of a broker-dealer arising in connection with any transaction whatsoever, and includes, among other things, money borrowed, money payable against securities loaned and securities "failed to receive," the market value of securities borrowed to the extent to which no equivalent value is paid or credited (other than the market value of margin securities borrowed from customers in accordance with the provisions of 17 CFR 240.15c3–3), customers' free credit balances, credit balances in customers' accounts having short positions in securities, equities in customers' future commodities accounts and credit balances in customers' commodities accounts, but excluding:

(i) Indebtedness adequately collateralized as defined in paragraph (c)(6), by securities which are owned by the broker-dealer, contributed as partnership capital or securities subordinated pursuant to Appendix (D) to this section or indebtedness adequately collateralized by spot commodities owned by the broker-dealer.

(ii) Amounts payable against securities loaned which securities are owned by the broker-dealer, contributed as partnership capital or securities subordinated pursuant to Appendix (D) to this section;

(iii) Amounts payable against securities failed to receive which securities are owned by the broker-dealer, contributed as partnership capital, or subordinated pursuant to Appendix (D) to this section or amounts payable against securities failed to receive for which the broker-dealer also has a receivable related to securities failed to deliver or securities borrowed by the broker-dealer;

(iv) Credit balances in accounts representing amounts payable for securities not yet received from the issuer or its agents which securities are specified in paragraph (c)(2)(vi)(E) of this section and which amounts are outstanding not more than three business days;

(v) Amounts payable to the extent the funds are segregated in accordance with the provisions of the Commodity Exchange Act and the rules and regulations thereunder;

(vi) Liability reserves established and maintained for refunds of charges required by section 27(d) of the Investment Company Act of 1940, but only to the extent of amounts on deposit in a segregated trust account in accordance with Rule 27d–1 under the Investment Company Act of 1940 [17 CFR 270.27d–1];

(vii) Amounts payable to the extent funds are on deposit in a "Special Reserve Bank Account for the Exclusive Benefit of Customers" pursuant to 17 CFR 240.15c3–3 under the Securities Exchange Act of 1934;

(viii) Fixed liabilities adequately secured by real estate or any other asset of the broker-dealer which is not included in the computation of "net capital" under this section;

(ix) Liabilities on open contractual commitments;

(x) Indebtedness subordinated to the claims of all present and future creditors pursuant to a satisfactory subordination agreement, as defined in Appendix (D) to this section;

(xi) Liabilities which are effectively subordinated to the claims of all present and future creditors, (but which are not satisfactory subordination agreements as defined in Appendix (D) to this section), by persons not customers of the broker-dealer prior to such subordination;

(xii) Credit balances in accounts of general partners; and

(xiii) Deferred tax liabilities.

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(2) Net capital: The term "net capital" shall be deemed to mean the net worth of a broker-dealer (that is, the excess of total assets over total liabilities), adjusted by:

(i) Adjustments to net worth related to unrealized profits and losses and deferred tax provisions: (A) Adding unrealized profits (or deducting unrealized losses) in the accounts of the broker-dealer and, if such broker-dealer is a partnership, adding equities (or deducting deficits) in capital accounts of partners;

(B) (*1*) Where the broker-dealer is either long or short the security underlying an option which option is either short and/or long in the capital, proprietary or other accounts of the broker-dealer, the unrealized profit or loss shall be the difference between the cost, other basis or proceeds from the sale of the underlying security position and the security position's realizable value.

(*2*) Where the broker-dealer is long an option not listed on a registered national securities exchange or facility of a registered national securities association and there is no offsetting security position, the unrealized profit to be recognized is that which would be realized if the option were exercised.

(*3*) Where the broker-dealer is short an option and there is no offsetting security position the unrealized loss to be recognized is that which would be realized if the option were exercised.

(*4*) Unrealized profits or losses on options not listed on a registered national securities exchange or facility of a registered national securities association shall be increased or decreased by the write-off of any unamortized cost of long options or recognition of any unamortized proceeds from the writing or sale of options.

(C) Adding to net worth the lessor of any deferred income tax liability, or the sum of (*1*), (2) and (3) below;

(*1*) The aggregate amount resulting from applying to the amount of the deductions computed in accordance with paragraph (c) (2) (vi) and Appendices A and B to this section or, where appropriate, paragraph (f) of this section, the appropriate Federal and State tax rate[s] applicable to any gain or income on the asset on which the deduction was computed.

(2) Any deferred tax liability related to income accrued which is directly related to an asset otherwise deducted pursuant to the section;

(3) Any deferred tax liability related to unrealized appreciation in value of any asset[s] which has been otherwise deducted from net worth in accordance with the provisions of the section; and

(D) Adding, in the case of future income tax benefits arising as a result of unrealized losses, the amount by which such benefits do not exceed the amount of income tax liabilities accrued on the books and records of the broker-dealer, and only to the extent such benefits could have been applied to reduce accrued tax liabilities on the date of the capital computation had the related unrealized losses been realized on that date.

(ii) Subordinated liabilities: Excluding liabilities of the broker-dealer which are subordinated to the claims of all present and future creditors pursuant to a satisfactory subordination agreement, as defined in Appendix (D) to this section.

(iii) Sole proprietors: Deducting, in the case of a broker-dealer who is a sole proprietor, the excess of (A) liabilities which have not been incurred in the course of business as a broker-dealer over (B) assets not used in the business.

(iv) Assets not readily convertible to cash: Deducting fixed assets and assets which cannot readily be converted into cash (less any indebtedness adequately secured thereby) including, among other things:

(A) Fixed assets and prepaid items: Real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and other expenses; goodwill, organization expenses;

(B) Certain unsecured and partly secured receivables: All unsecured advances and loans; deficits in customers' unsecured and partly secured notes and unsecured and partly secured accounts except in cash accounts as defined in 12 CFR 220.4(c) of Regulation T under the Securities Exchange Act of 1934 for which not more than one extension respecting a specified securities transaction has been requested and granted; receivables arising out of free shipments of securities (other than mutual fund redemptions) in excess of $5,000 per shipment or outstanding more than 7 business days; deficits in secured demand notes as defined in Appendix (D) to this section;

(C) Certain receivables: Interest receivable, floor brokerage receivable, commissions receivable from other broker-dealers (other than syndicate profits which shall be treated as required in (E) below), mutual fund concessions receivable and management fees receivable from registered investment companies which are outstanding longer than 30 days from the date they arise; dividends receivable outstanding longer than 30 days from the payable date; and good faith deposits oustanding longer than 11 business days from the settlement of the underwriting;

(D) Insurance claims: Insurance claims which after 7 business days from the date the loss giving rise to the claim is discovered are not covered by an opinion of outside counsel that the claim is valid and is covered by insurance policies presently in effect; insurance claims which after twenty business days from the date the loss giving rise to the claim is discovered and which are accompanied by an opinion of outside counsel described above, have not been acknowledged by the insurance carrier as due and payable; and insurance claims acknowledged by the carrier as due and payable outstanding longer than 20 business days from the date they are so acknowledged by the carrier; and

(E) Other assets: All other unsecured receivables; all assets doubtful of collection less any reserves established therefor; and, the funds on deposit in a "segregated trust account" in accordance with Rule 27d–1 under the Investment Company Act of 1940 [17 CFR 270.27d–1], but only to the extent that the amounts on deposit in such segregated trust account exceeds the amount of liability reserves established and maintained for refunds of charges required by sections 27(d) and 27(f) of the Investment Company Act of 1940; Provided, that any amount deposited in the "Special Reserve Bank Account for the Exclusive Benefit of Customers" established pursuant to Rule 15c3–3 [§ 240.15c3–3 of this chapter] and clearing deposits shall not be so deducted.

(v) Security differences: Deducting the market value of all short securities differences (which shall include securities positions reflected on the securities record which are not susceptible to either count or confirmation) unresolved for seven business days after discovery and the market value of any long security differences (which shall include securities positions reflected on the securities record which are not susceptible to either count or confirmation) where such securities have been sold by the broker-dealer until they are adequately resolved, less any reserves established therefor;

(vi) Securities haircuts: Deducting the percentages specified in subdivisions (A) thru (M) below (or the deductions prescribed for securities positions set forth in Appendix A to this section or, where appropriate, paragraph (f) of this section) of the market values of all securities, money market instruments or options, in the capital, proprietary and other accounts of the broker-dealer.

(A) Government securities: In the case of a security issued or unconditionally guaranteed as to principal and interest by the United States or any agency thereof, the applicable percentages of the net market value long or short in each of the categories specified below are:

(*1*) Less than 1 year to maturity—0 percent;

(2) 1 year but less than 3 years to maturity—1 percent;

(3) 3 years but less than 5 years to maturity—2 percent;

(*4*) 5 years or more to maturity—3 percent.

(B) Municipals: In the case of any security issued or unconditionally guaranteed as to principal and interest by any State, territory or possession of the United States or any political subdivision thereof, or any authority, commission or agency of a State, territory or possession of the United States or any political subdivision thereof, which is not in default as to principal or interest or traded flat, the applicable percentages on the greater of the market value of the long or short position in each of the categories specified below are:

(*1*) Less than 1 year to maturity—1 percent;

(2) 1 year but less than 2 years to maturity—2 percent;

(3) 2 years but less than 5 years to maturity—3 percent;

(*4*) 5 years or more to maturity—5 percent.

(C) Canadian debt obligations: In the case of any security issued or unconditionally guaranteed as to principal and interest by the Government of Canada or any agency thereof, the percentages of market value to be deducted are the same as in paragraph (c) (2) (vi) (A) of this section.

(D) Certain municipal bond trusts and liquid asset funds: In the case of securities of an investment company registered under the Investment Company Act of 1940, if all of the assets of such investment company are in the form of cash or securities specified in paragraph (c) (2) (vi) (A) thru (C) or (E) of this section below, the deduction shall be 7 percent of the market value of the greater of the long or short position.

(E) Commercial paper, bankers acceptances and certificates of deposit: In the case of any short-term promissory note or evidence of indebtedness issued by any industrial, utility, commercial or finance company or Real Estate Investment Trust, which has a fixed rate of interest or is sold at a discount, and which has a maturity date at date of issuance not exceeding nine months exclusive of days of grace, or any renewal thereof, the maturity of which is likewise limited and is rated in one of the three highest categories by at least one of the nationally recognized statistical rating organizations, or in the case of any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank as defined in section 3(a) (6) of the Securities Exchange Act of 1934, the applicable percentage of the market value of the greater of the long or short position in each of the categories specified below are:

(*1*) Less than 30 days to maturity—0 percent;

(2) 30 days but less than 91 days to maturity—⅛ of 1 percent;

(3) 91 days but less than 181 days to maturity—¼ of 1 percent;

(*4*) 181 days but less than 271 days to maturity—⅜ of 1 percent;

(*5*) 271 days but less than 1 year to maturity—½ of 1 percent; and

(*6*) With respect to any negotiable certificate of deposit or bankers acceptance or similar type of instrument issued or guaranteed by any bank, as defined above, having 1 year or more to maturity, the deduction shall be on the greater of the long or short position and shall be the same percentage as that prescribed in paragraph (c) (2) (vi) (A) above.

(F) Nonconvertible debt securities: In the case of nonconvertible debt securities having a fixed interest rate and fixed maturity date and which are not in default as to principal or interest or traded flat and which are rated in one of the four highest rating categories by at least one of the nationally recognized statistical rating organizations, the applicable percentages on the market value of the greater of the long or short position in each of the categories specified below are:

(*1*) Less than one year to maturity—1 percent;

(2) One year but less than two years to maturity—2 percent;

(3) Two years but less than three years to maturity—3 percent;

(*4*) Three years but less than four years to maturity—4 percent;

(*5*) Four years but less than five years to maturity—5 percent; and

(*6*) Five years or more to maturity—7 percent.

(G) Convertible debt securities: In the case of a debt security not in default which has a fixed rate of interest and a fixed maturity date and which is convertible into an equity security, the deductions shall be as follows: if the market value is 100 percent or more of the face value, the deductions shall be determined as specified in paragraph (c) (2) (vi) (J); of this section; if the market value is below the face value, the deductions shall be determined as specified in paragraph (c) (2) (vi) (F) of this section.

(H) Preferred stock: In the case of cumulative, nonconvertible preferred stocks ranking prior to all other classes of stock of the same issue, which is not in arrears as to dividends, the deduction shall be 20 percent of the market value of the greater of the long or short position;

(I) Risk arbitrage positions: In the case of each risk arbitrage transaction, the deduction shall be 30 percent (or such other percentage as required by this subdivision) on the long or equivalent short position, whichever has the greater market value. For the purposes of this subparagraph, a "risk arbitrage transaction" shall mean the sale (either when issued, when distributed or short) of securities involved in a pending merger, consolidation, transfer of assets, exchange offer, recapitalization or other similar transaction which has been publicly announced and has not been terminated, in connection with a previous or approximately simultaneous offsetting purchase of other securities which upon consummation of the transaction will result in the equivalent of the securities sold.

(J) All other securities. In the case of all securities, except as provided in Appendix (A) to this section and, where appropriate, paragraph (f) of this section, which are not included in any of the percentage categories enumerated in paragraph (c) (2) (vi) (A) through (I) above, the deduction shall be 30 percent of the market value of the greater of the long or short position. To the extent the market value of the lesser of the long or short positions exceeds 25 percent of the market value of the greater of the long or short positions, there shall be a percentage deduction on such excess equal to 15 percent of the market value of such excess; *Provided*, That no deduction need be made in the case of (*1*) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money; and the other securities into which such security is convertible or for which it is exchangeable, are short in the accounts of such broker-dealer or (2) a security which has been called for redemption and which is redeemable within 90 days.

(K) Securities with a limited market: In the case of securities (other than exempted securities, nonconvertible debt securities, and cumulative nonconvertible preferred securities) which are not: (*1*) Traded on a national securities exchange; (2) designated as "OTC Margin stock" pursuant to Regulation T under the Securities Exchange Act of 1934; (3) listed on "NASDAQ"; or (*4*) redeemable shares of registered investment companies, the deduction shall be as follows:

(*i*) In the case where there are regular quotations in an inter-dealer quotations system for the securities by three or more independent market-makers and where each such quotation represents a bona fide offer to broker-dealers to both buy and sell in reasonable quantities at stated prices, or where a ready market as defined in paragraph (c) (10) (ii) is deemed to exist, the deduction shall be determined in accordance with paragraph (c) (2) (vi) (J) above.

(*ii*) In the case where there are regular quotations in an inter-dealer quotations system for the securities by only one or two independent market-makers and where each such quotation represents a bona fide offer to broker-dealers to both buy and sell in reasonable quantities, at stated prices, the deduction on both the long and short position shall be 40 percent.

(L) Where a broker-dealer demonstrates that there is sufficient liquidity for any securities long or short in the capital, proprietary or other accounts of the broker-dealer which are subject to a deduction required by paragraph (c) (2) (vi) (K) above, such deduction upon a proper showing may be appropriately decreased, but in no case shall such deduction be less than that prescribed in paragraph (c) (2) (vi) (J) above.

(M) Undue concentration: In the case of money market instruments or securities of a single class or series of an issuer, including any option written, endorsed or held to purchase or sell securities of such a single class or series of an issuer (other than "exempted securities"), which are long or short in the capital, proprietary or other accounts of a broker-dealer for more than 11 business days and which have a market value of more than 10 percent of the "net capital" of a broker-dealer before the application of paragraph (c) (2) (vi) or Appendix (A) to this section, there shall be an additional deduction from net worth equal to 50 percent of the percentage deduction otherwise provided by this paragraph (c) (2) (vi) or Appendix (A) to this section on that portion of the securities position in excess of 10 percent of the "net capital," of the broker-dealer before the application of paragraph (c) (2) (vi) and Appendix (A) to

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this section. This provision shall apply notwithstanding any long or short position exemption provided for in paragraphs (c)(2)(vi)(D or (J) of this section and the deduction on any such exempted position shall be 15 percent of that portion of the position in excess of 10 percent of net capital before the application of paragraph (c)(2)(vi) and Appendix (A) to this section. Provided, that such additional deduction shall be applied in the case of equity securities only on the market value in excess of $10,000 or the market value of 500 shares, whichever is greater, or $25,000 in the case of a debt security. *Provided, further,* That any specialist which is subject to a deduction required by this subparagraph (M), respecting his specialty stock, who can demonstrate to the satisfaction of the self-regulatory organization which has been designated by SIPC as the Examining Authority for such broker-dealer that there is sufficient liquidity for such specialists' specialty stock and that such deduction need not be applied in the public interest for the protection of investors, may upon a proper showing to such Examining Authority have such deduction appropriately decreased but in no case shall such deduction be less than that prescribed in paragraph (c)(2)(vi)(J) above. Each such Examining Authority shall make and preserve for a period of not less than 3 years a record of each application granted pursuant to this subdivision, which shall contain a summary of the justification for the granting of the application.

(vii) Open contractual commitments: Deducting, in the case of a broker-dealer who has open contractual commitments (other than option positions treated in Appendix (A) to this section), the respective deductions as specified in paragraph (c)(2)(vi) of this section or Appendix (B) to this section (in the case of a broker-dealer electing to operate pursuant to paragraph (f) of this section, the percentage deduction for contractual commitments in securities described in paragraph (c)(2)(vi)(J) shall be 30%) from the value (which shall be the market value whenever there is a market) of each net long and each net short position contemplated by any existing contractual commitment in the capital, proprietary and other accounts of the broker-dealer. *Provided,* That the deduction with respect to any single commitment shall be reduced by the unrealized profit in an amount not greater than the deduction provided for in paragraph (c)(2)(vi) of this section (or increased by the unrealized loss) in such commitment; and that in no event shall an unrealized profit on any closed transactions operate to increase net capital.

(viii) Aged fails to deliver: Deducting the percentages of the market value of each failed to deliver contract which is outstanding 11 business days or longer which would be required by application of the deduction required by paragraph (c)(2)(vi) or, where appropriate, paragraph (f) of this section, on the underlying security; *Provided,* That such deduction shall be increased by any excess of the contract price of the fail to deliver over the market value of the underlying security position.

(ix) Non-marketable securities: Deducting 100 percent in the case of securities in the capital, proprietary or other accounts of the broker-dealer, for which there is no ready market, as defined in paragraph (c)(10), and securities, in the capital, proprietary or other accounts of the broker-dealer, which cannot be publicly offered or sold because of statutory, regulatory or contractual arrangement or other restrictions.

(x) Broker-dealers carrying accounts of option specialists: With respect to any transactions in options listed on a registered national securities exchange or facility of a registered national securities association for which a broker-dealer acts as a guarantor, endorser or carrying broker-dealer for options written by a specialist not subject to the provisions of this section, such broker-dealer shall adjust net capital by deducting for each class of options contract in which such specialist is a market-maker an amount equal to the deduction required by the capital rule of the registered national securities exchange or facility of a registered national securities association to which such specialist is subject, less the amount of any related collateral (valued in accordance with the rules of the registered national securities exchange or facility of a registered national securities association to which such specialist is subject) deposited with such broker-dealer by such specialist. Provided, that in no event shall this provision result in increasing the net capital of such guarantor, carrying or endorsing broker-dealer.

(3) Exempted securities: The term "exempted securities" shall mean those securities deemed exempted securities by section 3(a)(12) of the Securities Exchange Act of 1934 and sections thereunder.

(4) Contractual commitments: The term "contractual commitments" shall include underwriting, when issued, when distributed and delayed delivery contracts, the writing or endorsement of puts and calls and combinations thereof, commitments in foreign currencies, and spot (cash) commodities contracts, but shall not include uncleared regular way purchases and sales of securities and contracts in commodities futures. A series of contracts of purchase or sale of the same security conditioned, if at all, only upon issuance may be treated as an individual commitment.

(5) Adequately secured: Indebtedness shall be deemed to be adequately collateralized or secured within the meaning of this section when the excess of the market value of the collateral over the amount of the indebtedness is sufficient to make the loan acceptable as a fully secured loan to banks regularly making secured loans to broker-dealers.

(6) Customer: The term "customer" shall mean any person from whom or on whose behalf a broker-dealer has received or acquired or holds funds or securities for the account of such person, but shall not include a broker-dealer, or a general, special or limited partner or director or officer of the broker-dealer, or any person to the extent that such person has a claim for property or funds which by contract, agreement or understanding, or by operation of law, is part of the capital of the broker-dealer or is subordinated to the claims of creditors of the broker-dealer: *Provided, however,* That the term "customer" shall also include a broker-dealer, but only insofar as such broker-dealer maintains a special omnibus account carried with another broker-dealer in compliance with 12 CFR 220.4(b) of Regulation T under the Securities Exchange Act of 1934.

(7) Market maker: The term "market maker" shall mean a dealer who, with respect to a particular security (i) regularly publishes bona fide, competitive bid and offer quotations in a recognized inter-dealer quotation system; or (ii) furnishes bona fide competitive bid and offer quotations to other broker-dealers on request; and, (iii) is ready, willing and able to effect transactions in reasonable quantities at his quoted prices with other broker-dealers.

(8) Promptly transmit and deliver: A broker-dealer is deemed to "promptly transmit" all funds and to "promptly deliver" all securities within the meaning of paragraphs (a)(2) and (a)(3) of this section where such transmission or delivery is made no later than noon of the next business day after the receipt of such funds or securities: *Provided, however,* That such prompt transmission or delivery shall not be required to be effected prior to the settlement date for such transactions.

(9) Forward and promptly forward: A broker-dealer is deemed to "forward" or "promptly forward" funds or securities within the meaning of paragraph (a)(2)(i) and (iv) of this section only when such forwarding occurs no later than noon of the next business day following receipt of such funds or securities.

(10)(i) Ready market: The term "ready market" shall include a recognized established securities market in which there exists independent bona fide offers to buy and sell so that a price reasonably related to the last sales price or current bona fide competitive bid and offer quotations can be determined for a particular security almost instantaneously and where payment will be received in settlement of a sale within a relatively short time conforming to trade custom.

(ii) A "ready market" shall also be deemed to exist where such securities have been accepted as collateral for a loan by a bank as defined in section 3(a)(6) of the Securities Exchange Act of 1934 and where the broker-dealer demonstrates that such securities adequately collateralize such loans as defined in subparagraph (c)(5) of this section.

(d) *Debt-Equity Requirements.* No broker-dealer shall permit capital subordinated pursuant to Appendix (D) to this section to exceed 70 percent of his debt-equity total, as hereinafter defined, for a period in excess of 90 days or for such longer period which the Commission may upon application of the broker-dealer grant in the public interest or for the protection of investors. In the case of a corporation, the debt-equity total shall be the sum of capital subordinated pursuant to Appendix (D) to this section, paid in capital, capital surplus, retained earnings, unrealized profit and loss and other capital accounts of the corporation. In the case of a partnership, the debt-equity total shall be the sum of capital subordinated pursuant to Appendix (D) to this section, capital accounts of partners subject to the provisions of paragraph (e) of this section and unrealized profit and loss. In the case of a sole proprietorship, the debt-equity total shall include the sum of capital subordinated pursuant to Appendix (D) to this section, capital accounts of the sole proprietorship and unrealized profit and loss; Provided, however, that a satisfactory subordination agreement entered into by a partner or stockholder which has a remaining term of not less than three years and which does not have a provision for accelerated maturity, except as may be required by paragraph (b)(7)(ii) of Appendix (D) to this section, shall be considered equity for purposes of this paragraph if maintained as proprietary capital subject to the provisions of paragraph (e) of this section.

(e) No equity capital of the broker-dealer or a subsidiary or affiliate consolidate pursuant to Appendix (E) to this section whether in the form of capital contributions by partners (which shall include a satisfactory subordination agreement of a partner or stockholder which has a remaining term of not less than three years which shall be maintained as equity capital subject to the provisions of this paragraph (e) and which does not have provision for accelerated maturity, except as may be required by paragraph (b)(7)(ii) of Appendix (D) to this section) or represented by stock, paid-in capital, capital surplus, retained earnings or otherwise, may be withdrawn by action of a stockholder or partner, or by redemption or repurchase of shares of stock by any of the consolidated entities or through the payment of dividends or any similar distribution, nor may any unsecured advance or loan be made to a stockholder, partner or sole proprietor if either aggregate indebtedness of any of the consolidated entities exceeds 1000 percentum of his net capital or his net capital would fail to equal 120 percentum of the minimum dollar amount required by this section, or if it would cause capital subordinated pursuant to Appendix (D) to this section to exceed 70 percent of the corporate, partnership or sole proprietorship debt-equity total as defined in paragraph (d). Provided, that this provision shall not preclude a broker-dealer from making required tax payments or preclude the payment to partners of a reasonable salary.

(f) *Alternative Net Capital Requirement.* (1) A broker-dealer who is not exempt from the provisions of 17 CFR 240.15c3-3 under the Securities Exchange Act of 1934 pursuant to paragraph (k)(1) or (k)(2)(i) may elect not to be subject to the limitations of paragraph (a) of this section respecting aggregate indebtedness, the computation of aggregate indebtedness provided for in paragraph (c)(1) of this section and certain deductions provided for in paragraph (c)(2) of this section. In order to qualify for such election, such broker-dealer shall at all times maintain minimum net capital equal to the greater of $100,000 or 4 percent of aggregate debit items in the Formula for Determination of Reserve Requirements for Broker-Dealers (Exhibit A to Rule 15c3-3, 17 CFR 240.15c3-3a). Once a broker-dealer has determined to operate pursuant to the provisions of this elective paragraph (f), he shall continue to do so unless a change in such election is approved by the Commission.

(2) A broker-dealer electing to operate pursuant to paragraph (f), shall be subject to the deductions set forth in paragraph (c)(2), except that he shall not be subject to the deductions required by paragraphs (c)(2)(vi)(G), (c)(2)(vi)(I), (c)(2)(vi)(J), (c)(2)(vi)(K)(1), and (c)(2)(vi)(M) and shall in lieu thereof deduct the following amounts from paragraph (c)(2) in their computation of net capital:

(i) Convertible debt securities: In the case of a debt security not in default which has a fixed rate of interest and a fixed maturity date and which is convertible into an equity security, the deduction shall be as follows: If the market value is 100 percent or more of the face value, the deduction shall be determined as specified in (ii) below; if the market value is below the face value, the deduction shall be determined as in paragraph (c)(2)(vi)(F) of this section;

(ii) All other securities: In the case of all securities, except as provided in Appendix (A) to this section, which are not included in any of the percentage categories specifically enumerated in paragraph (c)(2)(vi)(A) thru (H) or (K)(2) of this section, the deduction shall be 15 percent of the market value of the greater of the long or short positions. To the extent the market value of the lesser of the long or short positions exceeds 25 percent of the greater of the long or short positions there shall be a percentage deduction equal to 30 percent of the market value of such excess; *Provided,* That no deduction need be made in the case of (A) a security which is convertible into or exchangeable for other securities within a period of 90 days, subject to no conditions other than the payment of money, and the other securities into which such security is convertible or for which it is exchangeable are short in the account of such broker-dealer or (B) a security which has been called for redemption and which is redeemable within 90 days.

(iii) Undue concentration: In the case of the money market instruments or securities of a single class or series of an issuer, including any option written, endorsed or held to purchase or sell securities of such a single class or series of an issuer, (other than "exempted securities") and securities underwritten (in which case the deduction provided for herein shall be applied after 7 business days) which are long or short in the capital, proprietary or other accounts of a broker-dealer and which have a market value of more than 10 percent of the "net capital" of a broker-dealer before the application of paragraphs (c)(2)(vi), (f)(2)(i) or (ii) or Appendix (A) to this section, there shall be an additional deduction from net worth equal to 50 percent of the percentage deduction otherwise provided by this subparagraph or Appendix (A) to this section (in the case of securities described in paragraph (f)(2)(i) or (ii) the deduction shall be 15 percent of the market value of such excess) on that portion of the securities position in excess of 10 percent of the "net capital" of the broker-dealer before the application of paragraph (c)(2)(vi), (f)(2)(i) or (ii) and Appendix (A) to this section. This provision shall apply notwithstanding any long or short position exemption provided for in paragraph (f)(2)(ii) of this paragraph and the deduction on any such exempted position shall be 15 percent of that portion of the position in excess of 10 percent of net capital before the application of paragraph (c)(2)(vi), paragraph (f) or Appendix (A) of this section.

(3) For broker-dealers operating pursuant to paragraph (f):

(i) Where paragraph (e) or Appendix (D) of this section prohibits the withdrawal of equity capital, the advance of funds or loans to specified parties, the prepayment of subordinated indebtedness, the infusion of temporary subordinated indebtedness, the reduction of the principal amount of a secured demand note, or similar actions, if the broker's or dealer's ratio of aggregate indebtedness to net capital exceeds 1000 percentum either before or subsequent to such actions, such action shall be prohibited for broker-dealers operating pursuant to paragraph (f), if net capital as recomputed in accordance with paragraph (f) is less than 120 percent of his minimum requirement or is less than 7 percent of aggregate debits computed in accordance with 17 CFR 240.15c3-3a.

(ii) Where Appendix (D) to this section either suspends the obligation to repay subordinated indebtedness for a period of time, or permits the liquidation of the broker-dealer at a time subsequent to such suspension, or similar type actions, if the broker-dealer's ratio of aggregate indebtedness to net capital exceeds 1200 percentum either before or subsequent to such event or similar type action, such action shall be prohibited or permitted for broker-dealers operating pursuant to paragraph (f), if net capital as recomputed in accordance with paragraph (f) is less than 120 percent of his minimum requirement or is less than 6 percent of aggregate debits computed in accordance with 17 CFR 240.-15c3-3a. In any event, payment of such subordinated indebtedness shall remain subordinate as provided in Appendix (D) to this section.

(iii) Where Appendix (D) of this section would permit the acceleration of maturity of subordinated indebtedness,

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if aggregate indebtedness exceeds 1500 percentum of net capital for 15 consecutive days, acceleration of maturity of subordinated indebtedness for a broker or dealer operating pursuant to paragraph (f) shall be permitted if net capital is less than 4 percent of aggregate debits computed in accordance with 17 CFR 240.15c3–3a for more than 15 consecutive days, but payment of same shall remain subordinate as provided by Appendix (D) of this section.

(4) In addition to the foregoing, broker-dealers electing this alternative shall: (i) Make the computation required by 17 CFR 240.15c3–3(e) and found in Exhibit A to that section on a weekly basis and in lieu of the 1 percent reduction of certain debit items required by Note B(2) in the computation of their Exhibit A requirement reduce aggregate debit items in such computation by 3 percent and (ii) include in Items 7 and 8 of Exhibit A the market value of items specified therein over 7 business days old.

(2) Section 240.15c3–1a is added to read as follows:

§ 240.15c3–1a. Appendix A to Rule 15c3–1.

(a) *Deductions from net worth for uncovered options and securities positions in which the broker-dealer also has offsetting option positions.* Every broker-dealer shall deduct from net worth the percentages specified below of all securities positions or options in the capital, proprietary or other accounts of the broker-dealer. If computing the deductions required for each security position as if the security position had no related option position and all positions in options as if uncovered results in a lesser deduction from net worth, the broker-dealer may compute such deductions separately.

(1) Uncovered calls: In the case where a broker-dealer is short a call in his capital, proprietary or other accounts; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi)(A) thru (K) of § 240.1503) of the current market value of the security underlying such option reduced by any excess of the exercise value of the call over the current market value of the underlying security. Provided, that in no event shall the deduction provided by this subparagraph be less than $250 for each option contract for 100 shares.

(2) Uncovered puts: In the case where a broker-dealer is short a put in his capital, proprietary or other accounts; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi)(A) thru (K) of § 240.1503) of the current market value of the security underlying the option reduced by any excess of the market value of the underlying security over the exercise value of the put. Provided, that in no event shall the deduction provided by this subparagraph be less than $250 for each option contract for 100 shares.

(3) Covered calls: In the case of a broker-dealer who is short any call and long equivalent units of the underlying security; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi)(A) thru (K) or, where appropriate, paragraph (f) of § 240.1503) of the current market value of the underlying security reduced by any excess of the current market value of the underlying security over the exercise value of the call. *Provided*, That no such reduction shall have the effect of increasing net capital.

(4) Covered puts: In the case of a broker-dealer who is short a put and short equivalent units of the underlying security; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi)(A) thru (K) or, where appropriate, paragraph (f) of § 240.15c3) of the current market value of the underlying security reduced by any excess of the exercise value of the put over the market value of the underlying security. Provided, that no such reduction shall have the effect of increasing net capital.

(5) Conversion accounts: In the case of a broker-dealer who is long equivalent units of the underlying security, long a put written or endorsed by a broker-dealer and short a call in his capital, proprietary or other accounts; deducting 15 percent (or 50 percent of such other percentage required by paragraph (c)(2)(vi)(A) thru (K) or, where appropriate, paragraph (f) of § 240.15c3) of the market value of the underlying security.

(6) In the case of a broker-dealer who is short equivalent units of the underlying security, long a call written or endorsed by a broker-dealer and short a put, in his capital, proprietary or other accounts; deducting 15 percent (or 50 percent of such other percentage required by paragraph (c)(2)(vi)(A) thru (K) or, where appropriate, paragraph (f) of this § 240.15c3) of the market value of the underlying security.

(7) Long over-the-counter options. In the case of a broker-dealer who is long a put or call endorsed or written by a broker-dealer in his capital, proprietary or other accounts; deducting 30 percent (or such other percentage required by paragraph (c)(2)(vi)(A) thru (K) or, where appropriate, paragraph (f) of § 240.15c3) of the market value of the underlying security, not to exceed any unrealized profit to be recognized pursuant to paragraph (c)(2)(i)(B) of § 240.15c3.

(8) Uncovered listed options: In the case of any option listed on a registered national securities exchange or a facility of a registered national securities association; deducting 30 percent of the market value of any net long positions in options in the same underlying security, with the same exercise price and the same expiration date. In the case of any net short position in an option in the same underlying security, with the same exercise price and the same expiration date and for which the broker-dealer does not have a related position in the underlying security, the deduction shall be determined as in paragraph (a)(1) or (2) of this section.

(9) Certain security positions with offsetting long options: In the case of a broker-dealer who is long a security for which he is also long a put listed on a registered national securities exchange or a facility of a registered national securities association (such broker-dealer may also be short a call) in his capital, proprietary or other accounts; deducting 30 percent or, where appropriate, the percentage specified in paragraph (f) of the market value of the long security position not to exceed the amount by which the market value of equivalent units of the long security position exceeds the exercise value of the put. Provided, that if the exercise value of the put exceeds the market value of equivalent units of the long security position, no percentage deduction shall be applied.

(10) In the case of a broker-dealer who is short a security for which he is also long a call listed on a registered national securities exchange or a facility of a registered national securities association (such broker-dealer may also be short a put) in his capital, proprietary or other accounts; deducting 30 percent or, where appropriate, the percentage specified in paragraph (f) of the market value of the short security position not to exceed the amount by which the exercise value of the long call exceeds the market value of equivalent units of the short security positions. *Provided*, That if the exercise value of the call is less than the market value of equivalent units of the short security position no percentage deduction shall be applied.

(11) Certain spread positions. In the case of a broker-dealer who is short a call listed on a registered national securities exchange or facility of a registered national securities association and is also long a call listed on a registered national securities exchange or facility of a registered national securities association in the same class of option contracts which have different exercise values and the long option expires subsequent to the short option, the deduction provided by this section shall be the amount which the exercise value of the long call exceeds the exercise value of equivalent units of the short call. *Provided*, That if the exercise value of the long call is less than the exercise value of the short call, no deduction is required.

(12) In the case of a broker-dealer who is short a put listed on a registered national securities exchange or facility of a registered national securities association and is also long a put listed on a registered national securities exchange or facility of a registered national securities association in the same class of option contracts which have different exercise values and the long option expires subsequent to the short option, the deduction provided by this section shall be the amount by which the exercise value of the short put exceeds the exercise value of equivalent units of the long put. Provided, that if the exercise value of the long put is greater than the exercise value of the short put, no deduction is required.

3. Section 240.15c3–1b is added to read as follows:

§ 240.15c3–1b. Appendix B to Rule 15c3–1.

(a) *Deductions From Net Worth for Certain Commodities Transactions.* Every broker-dealer shall:

(1) Deduct 30 percent of the market value of all "long" and all "short" future commodity contracts (other than those contracts representing spreads and straddles in the same commodity and those offsetting or hedging any "spot" commodity positions) carried in the capital, proprietary or other accounts of the broker-dealer and, if such broker-dealer is a partnership, in the commodities accounts of partners.

(2) Deduct 30 percent of the market value of spot commodities long or short in the capital, proprietary and other accounts of the broker-dealer and in customer's, broker-dealer's, limited partner's, officer's and director's accounts liquidating to a deficit; Provided, that the deduction shall be 10 percent of the market value of the spot commodities to the extent they are hedged by future commodity contracts or forward spot commodity contracts in the same commodity.

(3) Deduct, after application of outstanding calls for margin, marks to market or other required deposits met within 5 business days, the total of credit lines granted by the broker-dealer in "trade" accounts with net long positions or in "trade" accounts with net short positions, whichever is greater, plus any credit lines granted on open commodity contracts in "trade" accounts with no net long or net short position (in computing the credit line granted in the case of each account, deduct the amount of the equity or deficit therein. Provided, that any deficit is deducted under other provisions of this section). For purposes of this subdivision "trade" accounts shall mean an account for a business entity which regularly is engaged in the importing or processing of the commodity or the by-products thereof for which the credit line is granted.

(4) Deduct the total amount by which the daily limit fluctuation of all future commodity contracts carried for a customer's, broker-dealer's, limited partner's, officer's and director's account or accounts controlled by such persons exceeds 10 percent of the debit-equity total of the broker-dealer as defined in paragraph (d) of this section. Contracts in each customer's, broker-dealer's, limited partner's, officer's or director's account representing purchases and sales of a like amount of the same commodity in the same market in the same crop year may be eliminated. The daily limit fluctuations for future contracts effected in foreign markets are to be considered the same as if such contracts had been effected in a domestic market.

(5) Deduct, exclusive of liquidating deficits deducted under other provisions of this section, the amount of cash required to provide margin on all future commodity contracts in customer's, broker-dealer's, limited partner's, officer's or director's accounts equal to the amount necessary, after application of outstanding calls for margin, marks to market or other required deposits which are met within 5 business days, to restore the original margin required by the relevant commodity exchange or clearing house, whichever is greater, per contract, when the original margin has been depleted by 50 percent.

(6) Deduct, exclusive of liquidating deficits deducted under other provisions of this section, the amount of cash required to provide margin equal to 20 percent of the market value in each customer's, broker-dealer's, limited partner's, officer's, or director's account with equity, after application of outstanding calls for margin, marks to market or other required deposits met within 5 business days, when such account contains spot commodity positions, evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange, which are the result of a future contract tendered through an exchange within the last 90 days, and are not hedged by future contracts in the same commodity. The margin required shall be 100 percent and the amount of the deduction required herein shall be the amount required to provide margin equal to 100 percent where the spot commodity positions (i) result from other than a tender made on a futures contract within the past 90 days or (ii) are not evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange.

(7) Deduct the amount of the cash required to provide margin equal to 10 percent of the market value in each customer's, broker-dealer's, limited partner's, officer's, or director's combined account with equity, after application of outstanding calls for margin, marks to the market or other required deposits met within 5 business days, when such account contains spot commodity positions evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange, which are the result of a future contract tendered through an exchange within the last 90 days and are not hedged by future contracts in the same commodity. The margin required shall be 100 percent where the spot commodity positions (i) result from other than a tender made on a futures contract within the past 90 days or (ii) are not evidenced by warehouse receipts issued by a warehouse licensed by a commodity exchange.

(8) Deduct an amount equal to ½ percent of the market value of the total long or total short futures contracts (other than those contracts representing spreads or straddles in the same commodity and those contracts offsetting or hedging any "spot" commodity positions) in each commodity, whichever is greater, carried for all customers, broker-dealers, limited partners, officers or directors.

4. Section 240.15c3–1c is added to read as follows:

§ 240.15c3–1c. Appendix C to Rule 15c3–1.

(a) *Deductions From Net Worth for Certain Undermargined Accounts.* Every broker-dealer shall:

(1) Deduct the amount of cash required in each customer's, broker-dealer's, limited partner's, officer's or director's account to meet the maintenance margin requirements of the regulatory or self-regulatory authority designated by SIPC as the Examining Authority for the broker-dealer, after application of calls for margin, marks to the market or other required deposits which are met within 5 business days.

(2) Deduct with respect to a call short in a customer's, broker-dealer's, limited partner's, officer's or director's account when such person's account is not also long equivalent units of the underlying security an amount equal to 30 percent of the market value of equivalent units of the underlying security increased by any unrealized loss on the transaction or reduced by any excess of the exercise value of the call over the current market value of the underlying security, less any margin deposits collateralizing the account and any calls for margin, marks to the market or other required deposits met within 5 business days or less. Provided, that in no event shall the deduction provided by this subdivision be less than $250 for each option contract for 100 shares, less any margin or other deposits collateralizing the account and any calls for margin, marks to the market or required deposits met within 5 business days or less.

(3) Deduct with respect to a put short in a customer's, broker-dealer's, limited partner's, officer's or director's account when such person's account is not also short equivalent units of the underlying security, an amount equal to 30 percent of the market value of equivalent units of the underlying security increased by any unrealized loss on the transaction or reduced by any excess of current market value of the underlying security over the exercise value of the put, less any margin deposits collateralizing the account and any calls for margin, marks to the market or required deposits met within 5 business days. Provided, that in no event shall the deduction provided by this subdivision be less than $250 for each option contract for 100 shares, less any margin deposits collateralizing the account and any calls for margin, marks to the market or required deposits met within 5 business days.

5. Section 240.15c3–1d is added to read as follows:

§ 240.15c3–1d. Appendix D Satisfactory Subordination Agreements.

(a)(1) *Introduction.* This Appendix sets forth minimum and non-exclusive requirements for satisfactory subordination agreements (hereinafter "subordination agreement"). The self-regulatory organization which has been designated by SIPC as the Examining Authority for the broker-dealer may require or the broker-dealer may include such additional provisions as they deem necessary or appropriate to the extent such provisions are not inconsistent with the provisions of this section.

(2) *Certain definitions.* For purposes of this section:

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(i) A subordination agreement may be either a subordinated loan agreement or a secured demand note agreement.

(ii) The term "subordinated loan agreement" shall include the agreement or agreements evidencing or governing a subordinated borrowing of cash.

(iii) The term "secured demand note agreement" shall mean the agreements (including the secured demand note) which evidence or govern the contribution of a secured demand note to a broker-dealer and the pledge of securities and/or cash with the broker-dealer to secure payment of such secured demand note and which may provide that neither the lender, his heirs, executors, administrators or assigns shall be personally liable on such note and in the event of default the broker-dealer shall look for payment of such note solely to the collateral then pledged to secure the same.

(A) If such note is not paid upon presentment and demand as provided for therein, the broker-dealer shall have the right to liquidate all or any part of the collateral then pledged to secure payment of the same and to apply the net proceeds of such liquidation, together with any cash included in the collateral, in payment of such note.

(B) Until such collateral is liquidated, the lender, as defined herein, may retain ownership of the collateral and have the benefit of any increases and bear the risks of any decreases in the value of the collateral, may substitute other securities or collateral and may retain the right to vote securities contained within the collateral and any right to income therefrom or distributions thereon, except the broker-dealer shall have the right to receive and hold as pledgee all dividends payable in securities and all partial and complete liquidating dividends.

(C) The lender may have the right to direct the sale of any securities included in the collateral and to direct the purchase of securities with any cash included therein and withdraw excess collateral prior to the broker-dealer exercising his rights to liquidate the collateral and apply the proceeds to the payment of the secured demand note, provided that the net proceeds of any such sale and the securities so purchased are held by the broker-dealer as pledgee and are included within the collateral to secure payment of the secured demand note, and provided further that so such transaction shall be permitted if, after giving effect thereto, the market value of the securities after giving effect to the percentage deductions specified in paragraph (c)(2)(vi) or, where appropriate, paragraph (f) of this section plus any cash proceeds of the sale and any other cash collateral is less than the amount of the secured demand note.

(iv) Upon any payment of all or any part of the unpaid principal amount of a secured demand note a broker-dealer may issue to the lender some other instrument evidencing a subordination agreement in the amount of such payment or otherwise credit the capital accounts of the broker-dealer or issue preferred stock of the broker-dealer.

(v) The term "lender" as used in this section shall include the person who loans cash or securities to a broker-dealer pursuant to a subordinated loan agreement and the person who contributes a secured demand note to a broker-dealer and secures payment of such note by pledging cash and/or securities with the broker-dealer pursuant to a secured demand note collateral agreement.

(b) *Minimum requirements for subordination agreements.* Subject to paragraph (a) of this section, a subordination agreement shall mean a written agreement between the broker-dealer and the lender, which is consistent with the provisions of this section and is a valid and binding obligation enforceable in accordance with its terms (subject as to enforcement to applicable bankruptcy, insolvency, reorganization, moratorium and other similar laws) against the lender, its heirs, executors, administrators, successors and assigns.

(1) Specific amount: All subordination agreements shall be for a specific dollar amount which shall not be reduced for the duration of the agreement except as otherwise provided in this paragraph;

(2) Effective subordination: The subordination agreement shall effectively subordinate any right of the lender, to demand or receive payment or return of the cash loaned or securities pledged or to receive payment of interest or compensation, to the claims of all present and future creditors of the broker-dealer arising out of any matter occurring prior to the date on which such obligation matures except for claims which are the subject of subordination agreements which may rank on the same priority as or junior to such subordination agreement;

(3) Proceeds of subordinated loan agreements: The proceeds of a subordinated loan agreement defined in paragraph (a)(2)(ii) of this section shall be used and dealt with by the broker-dealer as part of its capital and shall be subject to the risks of the business;

(4) Certain rights of the broker-dealer: The broker-dealer shall have the right to:

(i) Deposit any cash proceeds of a subordinated loan agreement and any cash included within the collateral to a secured demand note in an account or accounts in its own name in any bank or trust company;

(ii) Pledge, repledge, hypothecate, rehypothecate, any or all of the securities pledged as collateral subject to a subordination agreement, without notice, separately or in common with other securities or property, to secure any indebtedness of the broker-dealer;

(iii) Lend to itself or others any or all of the securities pledged subject to a subordination agreement;.

(5) Subject of subordination agreements: Only cash and securities which are fully paid for and which may be publicly offered or sold without registration under the Securities Act of 1933, and the sale and transfer of which are not otherwise restricted, may be the subject of or collateral for a subordination agreement with a broker-dealer. If the market value of any securities or cash collateralizing a subordination agreement after application of the deductions specified in paragraph (c)(2)(vi) of this section or, where appropriate, paragraph (f) plus any cash proceeds or collateral arising from the sale thereof at any time are less than the unpaid principal amount of a secured demand note, the broker-dealer must immediately notify the lender and the self-regulatory organization, which has been designated by SIPC as the Examining Authority for such broker-dealer or, where a broker-dealer is not a member of a self-regulatory organization, the Commission's Regional Office for the region in which the broker-dealer has his principal place of business. Following such notice:

(i) The lender, prior to noon of the business day next succeeding the giving of such notice, may contribute additional cash or securities sufficient to bring the value of the securities and any cash which is the subject of or collateral for a subordination agreement after giving effect to the percentage deductions specified in paragraph (c)(2)(vi), or, where appropriate, paragraph (f) of this section plus any additional cash contributed or pledged up to an amount not less than the unpaid principal amount of the subordination agreement[s].

(ii) Unless additional cash or securities are pledged by the lender as provided in (i) above, the broker-dealer at noon on the business day next succeeding the giving of notice to the lender must commence sale of such of the securities as may be necessary to bring the value of the remaining securities after giving effect to the percentage deductions specified in paragraph (c)(2)(vi) or, where appropriate, paragraph (f) of this section for the securities and any cash plus the cash proceeds of the sale of the securities up to an amount not less than the unpaid principal amount of the subordination agreement[s]. The broker-dealer may not purchase for its own account any securities subject to such a sale.

(iii) Notwithstanding (ii) above, the broker-dealer in lieu of selling the securities pledged subject to a subordination agreement may reduce the amount thereof; Provided, that after such reduction aggregate indebtedness of the broker-dealer would not exceed 1000 per centum of his net capital, and provided, further, that no single subordination agreement shall be permitted to be reduced by more than 15 percent of the original face amount of the subordination agreement and after such reduction no excess collateral may be withdrawn.

(6) Permissive prepayments: In the case of any subordination agreement which has a term exceeding one year, a broker-dealer at his option but not at the option of the lender, may, if the subordination agreement so provides, prepay the entire amount of the subordination agreement or return any collateral pledged subject to a subordination agreement or any portion thereof prior to its maturity date but in no event may any prepayment be made before the expiration of one year from the date such subordination agreement became effective; *Provided*, That no such prepayment shall be made, if, after giving effect to such prepayment and repayment of any other subordination agreements or installment or sinking fund payments pursuant to subordination agreements whose maturity or accelerated maturity falls due or which is scheduled to fall due within six months after the date such prepayment of the subordination agreement is to occur pursuant to this provision, without reference to any projected profit or loss, either aggregate indebtedness of the broker-dealer exceeds 1000 per centum of his net capital or his net capital is less than 120 per centum of the minimum dollar amount provided by this section. Notwithstanding the above, no such prepayment shall occur without the written approval of the self-regulatory organization, designated by SIPC as the Examining Authority for such broker-dealer or, where the broker-dealer is not a member of a self-regulatory organization, the Regional Office of the Commission in which the broker-dealer has his principal place of business.

(7)(i) Suspended repayment: The obligation of the broker-dealer to repay any subordination agreement or make any installment or sinking fund payment or payment of interest or compensation required pursuant to a subordination agreement shall be suspended and the obligation shall not mature if, after giving effect to such payment and the payment of any other subordination agreement or installment or sinking fund payment required pursuant to subordination agreement[s], the scheduled maturity date[s] of which, whether normal or accelerated, falls due on or before the scheduled maturity date, whether normal or accelerated, of such subordination agreement, either the aggregate indebtedness of the broker-dealer exceeds 1200 per centum of its net capital or its net capital is less than 120 percent of the minimum dollar amount required by this section. Provided, that if the obligation of the broker-dealer to repay the subordination agreement does not mature and is suspended for a period not less than six months the broker-dealer and the lender may agree that the broker-dealer shall thereupon commence the rapid and orderly liquidation of the broker-dealer but payment of the obligation shall remain subordinate pursuant to the provisions of this section.

(ii) Whenever a subordination agreement provides that a broker-dealer shall commence a rapid and orderly liquidation, as permitted in (i) above, the date on which the liquidation commences shall be the maturity date for each subordination agreement of the broker-dealer then outstanding but payment of the same shall remain subordinated pursuant to the provisions of this section.

(8)(i) Accelerated maturity-obligation to repay to remain subordinate: Subject to paragraph (b)(9) of this section, no default in the payment of interest or in the performance of any covenant or condition by the broker-dealer shall have the effect of accelerating the maturity of a subordination agreement to a date earlier than six months from the date such acceleration privilege is exercised. *Provided*, That in the event of the receivership, insolvency, liquidation pursuant to the Securities Investor Protection Act of 1970 or otherwise, bankruptcy, assignment for the benefit of creditors, reorganization, whether or not pursuant to the bankruptcy laws or any marshalling of the assets and liabilities of the broker-dealer or in the event that aggregate indebtedness exceeds 1500 percentum of net capital for more than 15 consecutive days commencing on the date on which the broker-dealer first notifies the self-regulatory organization designated by SIPC as the Examining Authority for such broker-dealer or, in the event the broker-dealer is not a member of a self-regulatory organization, the Regional Office of the Commission in which the broker-dealer has his principal place of business or the date on which such self-regulatory organization or the Commission so notifies the broker-dealer of the existence of such condition or the broker-dealer's registration is revoked by the Commission, the lender may accelerate the maturity of a subordination agreement to the date of the occurrence of such event but payment of same shall remain subordinate as required by the provisions of this section.

(ii) Whenever any satisfactory subordination agreement of a broker-dealer matures pursuant to (i) above, each other subordination agreement of the broker-dealer then outstanding shall also mature at the same date, but payment of same shall remain subordinate as required by the provisions of this section.

(9) Subject to paragraph (b)(8) of this section, a broker-dealer and a lender may agree to accelerate the maturity of a specified subordination agreement upon the happening of any specified event or such events as are satisfactory to the self-regulatory organization designated by SIPC as the Examining Authority for such broker-dealer to a date not earlier than six months from the date such acceleration privilege is exercised. Provided, that in no event shall the accelerated maturity date be less than one year from the date the subordination agreement became effective.

(10) Prohibited cancellation: The subordination agreement shall not be subject to cancellation by either party and the subordination agreement shall not be repaid and the agreement shall not be terminated, rescinded or modified by mutual consent or otherwise if the effect thereof would be to render the agreement inconsistent with the conditions of this section.

(11) Notice of maturity or accelerated maturity: Every broker-dealer shall immediately notify the self-regulatory organization which has been designated by SIPC as the Examining Authority for such broker-dealer or, where the broker-dealer is not a member of a self-regulatory organization, the Commission's Regional Office for the region where the broker-dealer has his principal place of business of the maturity or accelerated maturity of any subordination agreement at least six months prior to maturity of any such subordination agreement if, after giving effect to the payment of the subordination agreement or any installment or sinking fund payment required pursuant to a subordination agreement without reference to any projected profit or loss, either the aggregate indebtedness of the broker-dealer exceeds 1200 percentum of its net capital or its net capital is less than 120 percent of the minimum dollar amount required by this section.

(12) Certain legends: If the applicable requirements of this subparagraph are not satisfied by the provisions of the note, debenture or other evidence of indebtedness included within a subordination agreement, then such notes or written instruments evidencing the subordination agreement shall bear on their face an appropriate legend stating that such notes or instruments are issued subject to the requirements of this section and the provisions of a subordination agreement which shall be adequately referred to and incorporated by reference.

(13) Legal title to securities: All securities pledged as collateral subject to a subordination agreement must be held by the broker-dealer in its own name or the name of its nominee or custodian; and

(14) Temporary subordinations: For the purpose of enabling a broker-dealer to participate as an underwriter with respect to a public offering of securities in compliance with the net capital requirements of this section a broker-dealer shall be permitted in any 12 month period and on no more than three occasions in any such 12 month period, to incur indebtedness which is subject to a satisfactory subordination agreement on a temporary basis which bears a maturity date of no more than 45 days from the date such subordination agreement became effective. *Provided*, That this temporary relief shall not apply to a broker-dealer if, at such time, he is subject to any of the reporting provisions of Rule 17a-11 under the Securities Exchange Act of 1934 [17 CFR § 240.17a-11], irrespective of his compliance with such provisions; and provided, further, that immediately prior to incurring such subordinated indebtedness his ratio of aggregate indebtedness to net capital does not exceed 1000 percentum and that the amount of his subordinated indebtedness does not exceed the limits specified in paragraph (d) of this section. Such temporary subordinated indebtedness shall not be subject to any cancellation or acceleration provisions by mutual consent or otherwise and the obligations to repay same shall be suspended if aggregate indebtedness of the broker-dealer exceeds 1200 percentum of his net capital.

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(15) Filing of agreements: Two copies of any such subordination agreement, and of any notes or written instruments evidencing the indebtedness, shall be filed at least 10 days prior to the agreement becoming effective, with the Commission's Regional Office for the region in which the broker-dealer maintains his principal place of business, and if the broker-dealer is a member of a self-regulatory organization which has been designated by SIPC as the Examining Authority for such broker-dealer, the agreement shall also be filed with such self-regulatory organization at such earlier time as that organization may by rule require. The broker-dealer shall also file a statement setting forth the name and address of the lender, the business relationship of the lender to the broker-dealer, and whether the broker-dealer carried funds or securities for the lender at or about the time the agreement was entered into. All agreements shall be examined and approved by the Commission's Regional Office or the self-regulatory organization with whom such agreement is required to be filed prior to their becoming effective.

(16) *Subordination agreements in effect prior to adoption:* Any subordination agreement which has been entered into prior to (date of adoption) and which has been deemed to be satisfactorily subordinated pursuant to this section or the net capital rules of a registered national securities exchange the members of which previously had been exempted from this section shall continue to be deemed a satisfactory subordination agreement until the maturity of such agreement. Provided, that no agreement which provides for automatic or optional renewal by the broker-dealer or lender shall be deemed to be a satisfactory subordination agreement unless any such renewed agreement meets the requirement of this section. *Provided, further,* That all subordination agreements must meet the requirements of this Appendix within 5 years of the effective date of these amendments.

6. Section 240.15c3–1e is added to read as follows:

§ 240.15c3–1e. Appendix E Consolidated Net Capital Computations for Certain Subsidiaries and Affiliates.

(a) *Flow through capital benefits.* Every broker-dealer in computing its net capital pursuant to this section shall, subject to the provisions of paragraphs (b) and (d) of this section, consolidate in a single computation assets and liabilities of any subsidiary or affiliate for which it guarantees, endorses or assumes directly or indirectly the obligations or liabilities. The assets and liabilities of a subsidiary or affiliate whose liabilities and obligations have not been guaranteed, endorsed, or assumed directly or indirectly by the broker-dealer may also be so consolidated if an opinion of counsel as called for in paragraph (b) of this section is obtained.

(b) (1) *Required counsel opinions.* If the consolidation of the assets, liabilities or other obligations of any such subsidiary or affiliate results in the increase of the broker-dealer's net capital and/or decrease in the broker-dealer's ratio of aggregate indebtedness to net capital or decreases the minimum net capital requirement called for by paragraph (f) (1) of this section and an opinion of counsel called for in this paragraph has not been obtained, such benefits shall not be recognized in the broker-dealer's computation pursuant to this section.

(2) Consolidation shall be permitted with respect to any subsidiaries or affiliates which are majority-owned and controlled by the broker-dealer for which the broker-dealer can demonstrate to the satisfaction of the Commission, through (i) its Regional Office for the region in which the broker-dealer maintains its principal place of business, or (ii) where the broker-dealer is a member of a self-regulatory organization, the self-regulatory organization designated as its Examining Authority by an opinion of counsel that the net asset values or a portion thereof of the subsidiary or affiliate may be caused by the broker-dealer or a trustee appointed pursuant to the Securities Investor Protection Act of 1970 or otherwise, to be distributed to the broker-dealer within 30 calendar days. Such opinion shall also set forth the actions necessary to cause such a distribution to be made, identify the parties having the authority to take such actions, identify and describe the rights of other parties or classes of parties, including but not limited to customers, general creditors, subordinated lenders, minority shareholders, employees, litigants and governmental or regulatory authorities, who may delay or prevent such a distribution and such other assurances as the Commission by rule or interpretation may require. Such opinion shall be periodically renewed in connection with the broker-dealer's annual audit pursuant to Rule 17a–5 under the Securities Exchange Act of 1934 [17 CFR § 240.17a–5], or upon any material change in circumstances.

(c) *Principles of consolidation.* In preparing a consolidated computation of net capital and/or aggregate indebtedness pursuant to this section, the following minimum and non-exclusive requirements shall be observed:

(1) Consolidated net worth shall be reduced by the estimated amount of any tax expected to be incurred upon distribution of the assets of the subsidiary or affiliate.

(2) Liabilities of a consolidated subsidiary or affiliate which are subordinated to the claims of present and future creditors pursuant to a satisfactory subordination agreement shall not be included in consolidated net worth unless such subordination extends also to the claims of present or future creditors of the parent broker-dealer and all consolidated subsidiaries.

(3) Liabilities of a consolidated subsidiary or affiliate which are consolidated in accordance with paragraph (c) (2) above may not be prepaid, repaid or accelerated if any of the entities included in such consolidation would be unable to comply with the provisions of Appendix (D) to this section.

(d) *Certain precluded acts.* No broker-dealer shall guarantee, endorse or assume directly or indirectly any obligation or liability of a subsidiary or affiliate unless the obligation or liability is reflected in the computation of net capital and/or aggregate indebtedness pursuant to this section, except as provided in paragraph (b) (1) of this section.

All interested persons are invited to submit their views and comments on this proposal by December 31, 1974 to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All such communications should bear the File No. S7–533 and will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

NOVEMBER 11, 1974.

[FR Doc.74–27880 Filed 11–27–74;8:45 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

CHIEF COUNSEL'S ADVISORY COMMITTEE ON RULES OF PROFESSIONAL CONDUCT

Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463, 86 Stat. 770–776, 5 U.S.C. App. I, Supp. II) the Office of Chief Counsel, Internal Revenue Service, announces the establishment of the following advisory committee:

Title: The Chief Counsel's Advisory Committee on Rules of Professional Conduct.

Purpose: The Committee will study the various rules of conduct currently applicable to practitioners representing taxpayers before the Internal Revenue Service and the courts and make specific recommendations with respect to recurring problems, including, but not limited to, those that develop as a result of taxpayer representation by former Internal Revenue Service or Chief Counsel employees or by others with whom such former employees are associated in professional practice. The Committee will also review Treasury Department Circular 230 governing practice before the Treasury Department and recommend whether and in what respects its provisions may need modification. The Committee will consider and make recommendations toward establishment of a uniform policy on proper professional conduct in the representation of taxpayers before the Internal Revenue Service and the courts.

Statement of Public Interest: Various rules of professional conduct govern individuals representing taxpayers before the Internal Revenue Service or the courts. The scope and interrelation of these rules, and their application to specific situations, is not always clear. Recurring problems arise on which clarification and guides are needed. Moreover, Treasury Department Circular 230, specifically governing practice before the Internal Revenue Service, does not always provide a satisfactory reference for raising and answering questions concerning the propriety of a proposed course of conduct or for processing complaints of alleged improper conduct.

It is in the public interest to insure that the highest ethical standards are observed in the course of taxpayer representation in order to avoid impropriety or the appearance of impropriety. The advice and recommendations of the Committee are indispensable to accomplish this goal since there is no other source within the Department of the Treasury or other Advisory Committee that is capable of rendering the necessary assistance.

The membership of the Committee will be fairly balanced in terms of the points of view represented and the functions to be performed. Towards this end, the Committee will consist of at least one former government attorney, one recognized scholar on the rules of professional conduct, and several practitioners from diverse geographical areas that are associated with various sizes of firms.

Authority for this Committee will expire two years from the date the Committee's charter is approved by signature of the Assistant Secretary of the Treasury for Administration unless the Chief Counsel formally determines that continuance is in the public interest.

Dated: November 25, 1974.

MEADE WHITAKER,
Chief Counsel,
Internal Revenue Service.

[FR Doc.74–28022 Filed 11–27–74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

THE JUDGE ADVOCATE GENERAL'S SCHOOL

Notice of Meeting

1. In accordance with section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee meeting:

a. Name of Committee: Board of Visitors, The Judge Advocate General's School, U.S. Army, Charlottesville, Virginia 22901.

b. Date of Meeting: December 9, 1974.

c. Place: The Judge Advocate General's School, U.S. Army, Charlottesville, Virginia 22901.

d. Time: 0800–1700.

e. Proposed Agenda:

0800–1000 Briefings and discussion of role, mission, and objectives of the School.

1000–1200 Interviews with individual students, staff, and faculty.

1200–1300 Luncheon.

1300–1500 Inspection of new JAG School Building and facilities.

1500–1700 Final meeting, discussion, preparation of preliminary report.

2. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

Dated: November 18, 1974.

By authority of the Secretary of the Army:

FRED R. ZIMMERMAN,
Lt. Colonel, U.S. Army,
Chief, Plans Office, TAGO.

[FR Doc.74–27913 Filed 11–27–74;8:45 am]

Office of the Secretary of Defense

DEFENSE PANEL ON INTELLIGENCE

Notice of Closed Meeting

The Third meeting of the Defense Panel on Intelligence will be held December 12, 1974 in the Pentagon, Office of the Secretary of Defense, and in the interest of national security the meeting shall be closed to the public under the provisions of section 552(b)(1) of Title 5, United States Code, since classified material will be discussed at all sessions of the meeting. Subject matter is to assess the cumulative effects of actions which have been taken to improve intelligence within the Department of Defense in response to recommendations of the Blue Ribbon Defense Panel and to the President's memorandum of November 5, 1971.

MAURICE W. ROCHE,
Director, Correspondence and Directives, OASD (Comptroller).

NOVEMBER 25, 1974.

[FR Doc.74–27930 Filed 11–27–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

HOH INDIAN RESERVATION, WASHINGTON

Ordinance Legalizing the Introduction, Sale or Possession of Intoxicants

NOVEMBER 22, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Hoh Indian Reservation, Washington was adopted on March 7, 1974 by the Hoh Tribal Business Committee which has jurisdiction over the

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area of Indian Country included in the ordinance reading as follows:

Whereas, Pub. L. 277, 83rd Congress, approved August 15, 1953, provided that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country, provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER; and,

Whereas, the Hoh Tribal Business Committee, the governing body of the Hoh Indian Tribal Community, which has jurisdiction over the Hoh Indian Reservation, now believes that the introduction, sale, or possession of intoxicating beverages upon and within the Hoh Indian Reservation should be allowed, provided the same is in conformity with the laws of the State of Washington and only by such persons or corporations as are approved by the Hoh Tribal Business Committee; now, therefore,

Be it enacted by the Hoh Tribal Business Committee of the Hoh Reservation that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Hoh Indian Tribal Community, provided that such introduction, sale, or possession is in conformity with the laws of the State of Washington and only by person, persons, or corporations as are approved by the Hoh Tribal Business Committee; and

Be it further enacted by the Tribal Business Committee of the Hoh Reservation that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed; and

Be it further enacted by the Tribal Business Committee of the Hoh Reservation that this ordinance shall become effective after it has been submitted to the Secretary of the Interior for his certification and published in the FEDERAL REGISTER.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27820 Filed 11-27-74;8:45 am]

LA JOLLA BAND OF MISSION INDIANS RESERVATION, CALIFORNIA

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

NOVEMBER 22, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the La Jolla Indian Reservation, California was adopted on March 24, 1974 by the La Jolla Band of Mission Indians which has jurisdiction over the area of Indian Country included in the ordinance reading as follows:

An ordinance to establish regulations and procedures for governing the Control of Indian Liquor on the La Jolla Indian Reservation in compliance with the Federal Indian Liquor Laws.

Whereas, Pub. L. 277 83rd Congress, approved August 15, 1953 provided that sections 1154, 1156, 3113, 3488 and 3618 Title 18 United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian Country provided such act or transaction is in conformity with both the laws of the State in which both act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER.

Now therefore be it now resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the La Jolla Band of Mission Indian, provided that such introduction sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances, heretofore enacted which prohibit this sale, introduction or possession of intoxicating beverages are hereby repealed.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27819 Filed 11-27-74;8:45 am]

MANZANITA BAND OF MISSION INDIANS, CALIFORNIA

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

NOVEMBER 22, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938) and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Manzanita Band of Mission Indian Reservation, California, was adopted May 25, 1974 by the Manzanita Band of Mission Indians which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Whereas, Pub. L. 277, 83rd Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER; and,

Now, Therefore, be it hereby resolved that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Manzanita Band, provided, that such introduction sale or possession is in conformity with the laws of California, and

Be it further resolved, that any tribal laws, resolutions or ordinances, heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27818 Filed 11-27-74;8:45 am]

NEZ PERCE TRIBE OF IDAHO

Use and Distribution of Funds

NOVEMBER 22, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Nez Perce Tribe in Indian Claims Commission Docket 175-B. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 8, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on July 10, 1974, and by the Senate on July 23, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on October 10, 1974, as provided by section 5 of the 1973 act, *supra*.

The plan reads as follows:

The funds appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Nez Perce Indians in Docket 175-B before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of eighty (80 percent of the judgment fund principal and its accrued interest, in shares as equal as possible, to all members of the Nez Perce Tribe of Idaho who were born on or prior to and are living on the approval date of this plan. Procedures for updating the tribal membership roll shall be implemented through the publication of rules and regulations in the FEDERAL REGISTER.

The shares of living competent adults shall be paid directly to them. The shares belonging to minors, legal incompetents, and deceased persons shall continue to be invested as individual Indian money until a suitable trust is developed and approved by the Secretary, or are disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200-4.297).

The programing aspect of this plan shall consist of the utilization of ten (10) percent of the judgment fund principal, and its accrued interest for a Tribal Land Acquisition Program. These funds are to be expended subject to the approval of the Secretary, in accordance with the provisions of the Nez Perce Tribal Land Enterprise outlined in Tribal Resolution NP 74-122. The remaining ten (10) percent of the judgement fund principal, and its accrued interest, shall be utilized in the Nez Perce Tribal Scholarship and Vocational Assistance Program and expended subject to the approval of the Secretary of the Interior, in accordance with the provisions outlined in the "Plan of Operation of the Nez Perce Tribal Educational Assistance Program."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-27821 Filed 11-27-74;8:45 am]

Bureau of Land Management

[A 8736]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 8736, for withdrawal of lands from location and entry under the general mining laws, but not the mineral leasing laws, subject to existing valid rights.

The Forest Service proposes to withdraw these lands for their historical value. The site is the old Dragoon Spring Stage Station which is one of many stations constructed by the Butterfield-Overland Stage Company in the 1850's. This particular station is one of the few remaining along the old stage route, and this site has been nominated for inclusion in the National Register of Historic Sites. Any mining activity would adversely affect its historical value.

On or before December 30, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

CORONADO NATIONAL FOREST

Dragoon Spring Stage Station Historic Site

T. 16 S., R. 23 E.,
Sec. 32, SW¼NW¼NW¼SE¼, SE¼NE¼NE¼SW¼, NE¼SE¼NE¼SW¼, NW¼SW¼NW¼SE¼.

The area described contains 10 acres in Cochise County.

Dated: November 22, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-27886 Filed 11-27-74;8:45 am]

[CA 977]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

NOVEMBER 22, 1974.

Subject to prior valid rights, the U.S. Forest Service, Department of Agriculture, has filed application CA 977 for the withdrawal of six acres of national forest lands described herein-from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601, 604) as amended for the purpose of granting easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964 (78 Stat.; 16 U.S.C. 532, 533).

The lands are located within the Mendocino National Forest and have been open to entry under the general mining laws, subject to valid existing rights. The lands are proposed for a road right-of-way to provide safe vehicle access to approximately 8,500 acres of public lands. About 4,700 acres of the total are timber producing lands and logs from these lands will be hauled to milling points over this road. The road also provides access to recreationists.

On or before January 2, 1975 all persons who wish to submit comments, suggestions or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the Authorized Officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. Adjustments will be made as necessary to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The Authorized Officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 11 W.,

Beginning at a point on the East line of Sec. 1, T. 20 N., R. 11 W., M.D.B. & M. which point lies approximately 3,500 feet North of the Southeast corner of Section 1 thence westerly through Lot 7 of said Section 1 to a point on the West line of Lot 7 which point lies approximately N38°-30'E 4,040 feet from the Southwest corner of Section 1. (Parcel 1)

Beginning at a point on the South line of Lot 5 of Sec. 1, T20 N., R. 11 W., M.D.B. & M. which point lies approximately N23°-00'E 4,050 feet from the Southwest corner of Section 1 thence northerly through Lot 5 of said Section to a point on the South Line of Lot 3 which point lies approximately S77°-30'E 2,000 feet from the Northwest corner of Section 1 thence Northwesterly through said Lot 3 to a point on the North line of which point lies approximately East 1,750 feet from the Northwest corner of said section. (Parcel 2)

The area described aggregates six acres in Mendocino County, California.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27885 Filed 11-27-74;8:45 am]

GEOTHERMAL LEASE SALES

Tentative Schedule

The following notice announces certain Known Geothermal Resources Areas tentatively scheduled for sale for the remainder of Fiscal Year 1975 and all of Fiscal Year 1976.

FISCAL YEAR 1975

Date:	*KGRA*
December 17	Beowawe, Nev.
January 28	Southeastern, Ariz.
February 18	Cove Fort, Utah.
March 18	Lake City, Calif., Surprise Valley, Calif.
March 25	Geysers, Calif.
April 8	Fly Ranch, Nev.
April 23	Vale Hot Springs, Oreg.
April 30	Colorado (4 KGRA's)
May 15	Kilborne Hole, N. Mex.
May 22	Mickey Hot Springs, Oreg. (Alvord Desert KGRA)
May 29	Alvord Hot Springs, Oreg. (Alvord Desert KGRA)
June 5	Borax Lake Hot Springs, Oreg. (Alvord Desert KGRA).
June 12	Thermo-Lund, Utah.
June 19	Mtn. Home—Bruneau, Idaho.
June 26	Stillwater-Soda Lake, Nev.

FISCAL YEAR 1976

July	Warner Valley, Oreg.
August	Cow Mtn. No. 1, Calif., Cow Mtn. No. 2, Calif.
September	Steamboat Springs, Nev.
October	New Mexico (North-Central).
November	Weiser, Idaho.
December	Coso Hot Springs, Calif., Crater Springs, Utah.

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area of Indian Country included in the ordinance reading as follows:

Whereas, Pub. L. 277, 83rd Congress, approved August 15, 1953, provided that sections 1154, 1156, 3113, 3488, and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country, provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER; and,

Whereas, the Hoh Tribal Business Committee, the governing body of the Hoh Indian Tribal Community, which has jurisdiction over the Hoh Indian Reservation, now believes that the introduction, sale, or possession of intoxicating beverages upon and within the Hoh Indian Reservation should be allowed, provided the same is in conformity with the laws of the State of Washington and only by such persons or corporations as are approved by the Hoh Tribal Business Committee; now, therefore,

Be it enacted by the Hoh Tribal Business Committee of the Hoh Reservation that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the Hoh Indian Tribal Community, provided that such introduction, sale, or possession is in conformity with the laws of the State of Washington and only by person, persons, or corporations as are approved by the Hoh Tribal Business Committee; and

Be it further enacted by the Tribal Business Committee of the Hoh Reservation that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction, or possession of intoxicating beverages are hereby repealed; and

Be it further enacted by the Tribal Business Committee of the Hoh Reservation that this ordinance shall become effective after it has been submitted to the Secretary of the Interior for his certification and published in the FEDERAL REGISTER.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27820 Filed 11-27-74;8:45 am]

LA JOLLA BAND OF MISSION INDIANS RESERVATION, CALIFORNIA

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

NOVEMBER 22, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the La Jolla Indian Reservation, California was adopted on March 24, 1974 by the La Jolla Band of Mission Indians which has jurisdiction over the area of Indian Country included in the ordinance reading as follows:

An ordinance to establish regulations and procedures for governing the Control of Indian Liquor on the La Jolla Indian Reservation in compliance with the Federal Indian Liquor Laws.

Whereas, Pub. L. 277 83rd Congress, approved August 15, 1953 provided that sections 1154, 1156, 3113, 3488 and 3618 Title 18 United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian Country provided such act or transaction is in conformity with both the laws of the State in which both act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian Country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER.

Now therefore be it now resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian Country under the jurisdiction of the La Jolla Band of Mission Indian, provided that such introduction sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions or ordinances, heretofore enacted which prohibit this sale, introduction or possession of intoxicating beverages are hereby repealed.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27819 Filed 11-27-74;8:45 am]

MANZANITA BAND OF MISSION INDIANS, CALIFORNIA

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

NOVEMBER 22, 1974.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938) and in accordance with the Act of August 15, 1953, Pub. L. 277, 83rd Congress, 1st Session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the Manzanita Band of Mission Indian Reservation, California, was adopted May 25, 1974 by the Manzanita Band of Mission Indians which has jurisdiction over the area of Indian country included in the Ordinance, reading as follows:

Whereas, Pub. L. 277, 83rd Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488 and 3618 of Title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior and published in the FEDERAL REGISTER; and,

Now, Therefore, be it hereby resolved that the introduction, sale, or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Manzanita Band, provided, that such introduction sale or possession is in conformity with the laws of California, and

Be it further resolved, that any tribal laws, resolutions or ordinances, heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

RAYMOND V. BUTLER,
Acting Deputy Commissioner of Indian Affairs.

[FR Doc.74-27818 Filed 11-27-74;8:45 am]

NEZ PERCE TRIBE OF IDAHO

Use and Distribution of Funds

NOVEMBER 22, 1974.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Nez Perce Tribe in Indian Claims Commission Docket 175-B. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated July 8, 1974, and was received (as recorded in the Congressional Record) by the House of Representatives on July 10, 1974, and by the Senate on July 23, 1974. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on October 10, 1974, as provided by section 5 of the 1973 act, *supra*.

The plan reads as follows:

The funds appropriated by the Act of July 1, 1973 (87 Stat. 99), in satisfaction of the award granted to the Nez Perce Indians in Docket 175-B before the Indian Claims Commission, including all interest accrued, less attorney fees and litigation expenses, shall be used and distributed as herein provided:

The Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of eighty (80 percent of the judgment fund principal and its accrued interest, in shares as equal as possible, to all members of the Nez Perce Tribe of Idaho who were born on or prior to and are living on the approval date of this plan. Procedures for updating the tribal membership roll shall be implemented through the publication of rules and regulations in the FEDERAL REGISTER.

The shares of living competent adults shall be paid directly to them. The shares belonging to minors, legal incompetents, and deceased persons shall continue to be invested as individual Indian money until a suitable trust is developed and approved by the Secretary, or are disposed of in accordance with Departmental regulations governing estates (43 CFR 4.200-4.297).

The programing aspect of this plan shall consist of the utilization of ten (10) percent of the judgment fund principal, and its accrued interest for a Tribal Land Acquisition Program. These funds are to be expended subject to the approval of the Secretary, in accordance with the provisions of the Nez Perce Tribal Land Enterprise outlined in Tribal Resolution NP 74-122. The remaining ten (10) percent of the judgement fund principal, and its accrued interest, shall be utilized in the Nez Perce Tribal Scholarship and Vocational Assistance Program and expended subject to the approval of the Secretary of the Interior, in accordance with the provisions outlined in the "Plan of Operation of the Nez Perce Tribal Educational Assistance Program."

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74-27821 Filed 11-27-74;8:45 am]

Bureau of Land Management

[A 8736]

ARIZONA

Proposed Withdrawal and Reservation of Lands

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. A 8736, for withdrawal of lands from location and entry under the general mining laws, but not the mineral leasing laws, subject to existing valid rights.

The Forest Service proposes to withdraw these lands for their historical value. The site is the old Dragoon Spring Stage Station which is one of many stations constructed by the Butterfield-Overland Stage Company in the 1850's. This particular station is one of the few remaining along the old stage route, and this site has been nominated for inclusion in the National Register of Historic Sites. Any mining activity would adversely affect its historical value.

On or before December 30, 1974, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, Arizona 85025.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in this application are as follows:

GILA AND SALT RIVER MERIDIAN, ARIZONA

CORONADO NATIONAL FOREST

Dragoon Spring Stage Station Historic Site

T. 16 S., R. 23 E.,
Sec. 32, SW¼NW¼NW¼SE¼, SE¼NE¼NE¼SW¼, NE¼SE¼NE¼SW¼, NW¼SW¼NW¼SE¼.

The area described contains 10 acres in Cochise County.

Dated: November 22, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74-27886 Filed 11-27-74;8:45 am]

[CA 977]

CALIFORNIA

Proposed Withdrawal and Reservation of Lands

NOVEMBER 22, 1974.

Subject to prior valid rights, the U.S. Forest Service, Department of Agriculture, has filed application CA 977 for the withdrawal of six acres of national forest lands described herein-from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C. Ch. 2) but not from leasing under the mineral leasing laws nor disposal of materials under the Act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601, 604) as amended for the purpose of granting easements for road rights-of-way as authorized by section 2 of the Act of October 13, 1964 (78 Stat.; 16 U.S.C. 532, 533).

The lands are located within the Mendocino National Forest and have been open to entry under the general mining laws, subject to valid existing rights. The lands are proposed for a road right-of-way to provide safe vehicle access to approximately 8,500 acres of public lands. About 4,700 acres of the total are timber producing lands and logs from these lands will be hauled to milling points over this road. The road also provides access to recreationists.

On or before January 2, 1975 all persons who wish to submit comments, suggestions or objections with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of Interior, Room E-2841, Federal Office Building, 2800 Cottage Way, Sacramento, California 95825.

The Department's regulations provide that the Authorized Officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and their resources. Adjustments will be made as necessary to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The Authorized Officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the land will be withdrawn as requested.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN

T. 20 N., R. 11 W.,

Beginning at a point on the East line of Sec. 1, T. 20 N., R. 11 W., M.D.B. & M. which point lies approximately 3,500 feet North of the Southeast corner of Section 1 thence westerly through Lot 7 of said Section 1 to a point on the West line of Lot 7 which point lies approximately N38°-30'E 4,040 feet from the Southwest corner of Section 1. (Parcel 1)

Beginning at a point on the South line of Lot 5 of Sec. 1, T20 N., R. 11 W., M.D.B. & M. which point lies approximately N23°-00'E 4,050 feet from the Southwest corner of Section 1 thence northerly through Lot 5 of said Section to a point on the South Line of Lot 3 which point lies approximately S77°-30'E 2,000 feet from the Northwest corner of Section 1 thence Northwesterly through said Lot 3 to a point on the North line of which point lies approximately East 1,750 feet from the Northwest corner of said section. (Parcel 2)

The area described aggregates six acres in Mendocino County, California.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27885 Filed 11-27-74;8:45 am]

GEOTHERMAL LEASE SALES

Tentative Schedule

The following notice announces certain Known Geothermal Resources Areas tentatively scheduled for sale for the remainder of Fiscal Year 1975 and all of Fiscal Year 1976.

FISCAL YEAR 1975

Date:	KGRA
December 17	Beowawe, Nev.
January 28	Southeastern, Ariz.
February 18	Cove Fort, Utah.
March 18	Lake City, Calif., Surprise Valley, Calif.
March 25	Geysers, Calif.
April 8	Fly Ranch, Nev.
April 23	Vale Hot Springs, Oreg.
April 30	Colorado (4 KGRA's)
May 15	Kilborne Hole, N. Mex.
May 22	Mickey Hot Springs, Oreg. (Alvord Desert KGRA)
May 29	Alvord Hot Springs, Oreg. (Alvord Desert KGRA)
June 5	Borax Lake Hot Springs, Oreg. (Alvord Desert KGRA).
June 12	Thermo-Lund, Utah.
June 19	Mtn. Home—Bruneau, Idaho.
June 26	Stillwater-Soda Lake, Nev.

FISCAL YEAR 1976

July	Warner Valley, Oreg.
August	Cow Mtn. No. 1, Calif., Cow Mtn. No. 2, Calif.
September	Steamboat Springs, Nev.
October	New Mexico (North-Central).
November	Weiser, Idaho.
December	Coso Hot Springs, Calif., Crater Springs, Utah.

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January ------	Double Hot Springs, Nev.
February -----	Klamath, Oreg., Yellowstone, Idaho, Yellowstone, Mont.
March --------	Wendell-Amedee, Calif.
April --------	Boulder, Mont., Gerlach, Nev.
May ----------	Corwin, Mont., Baca Location No. 1, N. Mex.
June ---------	Marysville, Mont., Navajo Lake, Utah.

Each sale will range from 10–30,000 acres.

Individual sale announcements will appear as special notices in the FEDERAL REGISTER and in a newspaper of general circulation in the State and county affected.

CURT BERKLUND,
Director,
Bureau of Land Management.

Approved: November 21, 1974.

W. W. LYONS,
Deputy Under Secretary.

[FR Doc.74-27689 Filed 11-27-74;8:45 am]

GEOTHERMAL LEASE SALE

Notice of Competitive Bids

The following notice describes certain lands to be offered for competitive lease sale in the Beowawe, Hot Springs Point and Brady-Hazen Known Geothermal Resources Areas, located in Lander, Eureka and Churchill Counties, Nevada. Sealed bonus bids must be received on or before 10:30 A.M. on December 18, 1974, at the State Office of the Bureau of Land Management, Reno, Nevada. Lease forms, stipulations, and optional use bid forms are available through the Nevada State Office, Bureau of Land Management, 300 Booth Street, Reno, Nevada 89502.

NOTICE OF GEOTHERMAL LEASE SALE BEOWAWE, HOT SPRINGS POINT AND BRADY-HAZEN KGRA'S

U.S. Department of the Interior, Bureau of Land Management, State Office, Reno, Nevada. Notice is hereby given that eight leasing units of land, totaling 16,530.22 acres within the Beowawe Known Geothermal Resources Area in Lander and Eureka Counties, three leasing units of land, totaling 5,341.00 acres in the Hot Springs Point Known Geothermal Resources Area in Eureka County and four leasing units of land, totaling 8,273.76 acres in the Brady-Hazen Known Geothermal Resources Area in Churchill County, Nevada, are offered for geothermal leasing through sealed bids on the terms hereinafter specified, to the responsible, qualified bidders of the highest cash bonus for the privilege of leasing units one (1) to eight (8), inclusive, in the Beowawe KGRA, units one (1) to three (3) in the Hot Springs Point KGRA, and units one (1) to four (4) in the Brady-Hazen KGRA, pursuant to the Geothermal Steam Act of December 24, 1970 (84 Stat. 1566; 30 U.S.C. 1001–1025) and the regulations promulgated thereunder (43 CFR Group 3200). Separate bids for each leasing unit in each KGRA must be submitted to the Nevada State Office, Bureau of Land Management, 300 Booth Street (Room 3008), Reno, Nevada 89502, and time stamped on or before 10:30 a.m., p.s.t., December 18, 1974. Bids will be opened and read at 11 a.m., December 18, 1974, in Room 4002 Federal Building, 300 Booth Street, Reno, Nevada, in accordance with 43 CFR 3200.6 (a). Bids may not be modified or withdrawn unless the modification or withdrawal is received prior to the time fixed for opening of bids. No bids received after the hour specified herein will be considered. The government reserves the right to reject any and all bids. Each bidder must submit with each bid a certified or cashier's check, bank draft or money order, made payable to the Bureau of Land Management, or cash, in the amount of one-half the amount of bid, and proof of qualifications, as required by the regulations 43 CFR, Group 3200.

The envelope in which the bid is submitted must be plainly marked so that it is not opened before the date and hour set out herein. It must show the lease unit number and that it is for the Beowawe, Hot Springs Point or Brady-Hazen KGRA. Before issuance of a lease, the successful bidder must pay the remainder of the bonus, plus the first year's rental. In addition before lease issuance, the successful bidder must furnish an acceptable lease compliance surety bond in the sum of not less than $10,000.00, together with a proposed plan of operation as required by 43 CFR 3210.2–1(d) and must complete Forms 1140–7, Equal Opportunity Affirmative Action Program Representation, and 1140–8, Equal Opportunity Compliance Report Certification.

The successful bidder may furnish a bond in the amount of not less than $150,000 for full nationwide coverage for all of said bidder's geothermal leases, or not less than $50,000 for coverage of all geothermal leases in the State of Nevada. The deposits of the unsuccessful bidders will be returned upon acceptance of the successful bid. Bidders are warned against violation of section 1860, Title 18, U.S. Code, prohibiting unlawful combination or intimidation of bidders. Any bonus bid considered as inadequate on the basis of the estimated value of the lease unit will be rejected. Royalties payable to the United States will be at the rate of: (a) 10 percent of the amount or value of steam or any other form of heat or energy derived from production, (b) 5 percent of the value of any by-product derived from production under the lease; except that as to any by-product which is a mineral named in section 1 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181), the royalty for such mineral shall be the same as provided in that Act, and (c) 5 percent of the value of commercially demineralized water sold or utilized by the lessee, except that no payment of royalty will be required on such water used in plant operation for cooling or in the generation of electric energy or otherwise. Annual rental for the first through the fifth lease years will be at the rate of $2.00 per acre or fraction thereof; for the sixth lease year and for each year thereafter prior to production, the rental will be the amount of the rental for the preceding year, plus an additional $1.00 per acre. The lands are offered in leasing units as follows:

BEOWAWE KGRA, MD MERIDIAN, LANDER AND EUREKA COUNTIES, NEVADA

Leasing Unit No. 1: T. 30 N., R. 47 E., sec. 4, Lots 1, 2, 3, 4, S½N½, S½ (all); T. 31 N., R. 47 E., sec. 32, All; sec. 34, All. 1942.64 acres.

Leasing Unit No. 2: T. 31 N., R. 47 E., sec. 16, All; sec. 22, All; sec. 28, All. 1920.00 acres.

Leasing Unit No. 3: T. 31 N., R. 47 E., sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 10, All; sec. 12, All. 1,937.68 acres.

Leasing Unit No. 4: T. 31 N., R. 47 E., sec. 14, All; sec. 24, All; sec. 26, All; T. 31 N., R. 48 E., sec. 18, Lots 1, 2, 3, 4, W½NE¼, E½W½, SE¼. 2,478.72 acres.

Leasing Unit No. 5: T. 31 N., R. 48 E., sec. 14, All; sec. 16, Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All); sec. 20, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 22, All. 2,520.62 acres.

Leasing Unit No. 6: T. 31 N., R. 48 E., sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 4, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 8, NE¼, W½, N½SE¼; sec. 10, Lots 1–7, S½NE¼, SE¼NW¼, E½SW¼, SE¼ (All). 2,467.83 acres.

Leasing Unit No. 7: T. 32 N., R. 48 E., sec. 24, W½NW¼; sec. 26, Lots 1, 2, 3, 4, NW¼NE¼, W½SW¼; sec. 34, Lots 1, 2, 3, 4, E½W½, W½E¼. 844.20 acres.

Leasing Unit No. 8: T. 31 N., R. 48 E., sec. 12, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 24, All; T. 31 N., R. 49 E., sec. 6, Lots 6, 7, SE¼NE¼, E½SW¼, SE¼; sec. 8, SW¼; sec. 18, Lots 1, 2, 3, 4, E½W½, E½ (All). 2,418.53 acres.

HOT SPRINGS POINT KGRA, MD MERIDIAN, EUREKA COUNTY, NEVADA

Leasing Unit No. 1: T. 30 N., R. 49 E., sec. 16, All. 640.00 acres.

Leasing Unit No. 2: T. 29 N., R. 48 E., sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All); T. 30 N., R. 48 E., sec. 26, All; sec. 36, Lots 1, 2, 3, 4, N½, N½S½, (All); T. 30 N., R. 49 E., sec. 30, Lots 1, 2, 3, 4, (All). 2,141.06 acres.

Leasing Unit No. 3: T. 29 N., R. 48 E., sec. 10, All; sec. 12, All; sec. 14, All; sec. 22, All. 2,560.00 acres.

BRADY-HAZEN KGRA, MD MERIDIAN, CHURCHILL COUNTY, NEVADA

Leasing Unit No. 1: T. 22 N., R. 26 E., sec. 25, All. 640.00 acres.

Leasing Unit No. 2: T. 22 N., R. 26 E., sec. 2, Lots 1, 2, 3, 4, S½N½, S½ (All); sec. 10, E½E½; sec. 12, E½, NW¼NW¼, W½SW¼, SE¼SW¼; sec. 14, All; sec. 24, All. 2,561.20 acres.

Leasing Unit No. 3: T. 22 N., R. 26 E., sec. 16, All; sec. 22, All; sec. 27, All; sec. 28, All. 2,560.00 acres.

Leasing Unit No. 4: T. 22 N., R. 26 E., sec. 26, All; T. 22 N., R. 27 E., sec. 6; SE¼; sec. 8, All; sec. 18, Lots 1, 2, E½NW¼, E½; sec. 30, Lots 1, 2, 3, 4, E½W½, E½ (All). 2,512.56 acres.

In addition to lease terms and requirements contained in the lease form, the following stipulations will apply to all of the lands included in the Beowawe and Hot Springs Point KGRA leasing units:

1. The certified statement required by Section 18 of the lease form must be completed by a qualified archeologist who is acceptable to the Authorized Officer.

2. Springs and water developments on Federal land may be used only with the prior, written approval of the Authorized Officer.

Attention is directed to Leasing Unit No. 2 in the Brady-Hazen KGRA which has a civil action pending on it. The civil action was filed by Union Oil Company of California for a claimed grandfather conversion right, based on mining claims. The successful bid on this leasing unit is subject to the outcome of this civil action in Federal District Court.

In addition to lease terms and requirements contained in the lease form, the following special stipulations will apply to all of the lands included in T. 22 N., R. 26 E., MD Meridian of Brady-Hazen KGRA leasing units:

1. The Lessor reserves the ownership of brines and condensates and the right to receive or take possession of all or any part thereof following the extraction or utilization by Lessee of the heat energy and byproducts other than demineralized water associated therewith subject to such rules and regulations as shall be prescribed by the Secretary of the Interior. If the Lessor elects to take the brines and condensates, the Lessee shall deliver all or any portion thereof to the Lessor at any point in the Lessee's geothermal gathering system after separation of the steam and brine products or from the disposal system as specified by the Lessor for the extraction of said brines and condensates by such means as the Lessor may provide and without cost to the Lessee. There is no obligation on the part of the Lessor to exercise its reserved rights. The Lessor shall not be liable in any manner if those rights are not exercised, and, in that event, the lessee shall dispose of the brines and condensates in accordance with applicable laws, rules and regulations.

2. The Lessor reserves the right to conduct on the leased lands, testing and evaluation of geothermal resources which the Lessor determines are required for its desalinization research programs for utilization of geothermal fluids. These programs may include shallow temperature gradient hole underground explorations, if they are conducted in a manner compatible with lease operations and the production by Lessee of geothermal steam and associated geothermal resources. Lessor reserves the right to erect, maintain, and operate any and all facilities, pipelines, transmission lines, access roads, and appurtenances necessary for desalinization research on the leased premises. Any desalting plants, piping, wells, or other equipment installed by the Lessor on the leased premises shall remain the property of the Lessor; and the Lessee shall conduct his operations in a manner compatible with the operation and maintenance of any desalting plants, piping, wells, or other equipment installed by the Lessor. Any brines and condensates removed by the Lessor shall be replaced without cost to the Lessee with fluids as compatible with reservoir fluids as the brines or condensates that the Lessor removed and where the Lessor and Lessee determine that they are needed by the Lessee for his operations or for reinjection into the geothermal anomalies.

3. The Lessor and the Lessee, if authorized by law, may enter into cooperative agreements for joint development and production of geothermal resources from the leased premises consistent with applicable laws and regulations.

4. Any geophysical, geological, geochemical, and reservoir hydraulic data collected by either the Bureau of Reclamation or the Lessee will be made available upon request to the other party, and the data furnished to Reclamation by the Lessee shall be considered confidential so long as the following conditions prevail:

(a) Until the Lessee notifies Reclamation that there is no requirement to retain the submitted data in confidential status or until Lessee relinquishes all interest in the leased area from where the information was obtained.

(b) Reclamation shall not incorporate data received from the Lessee in its publications or reports during the period that confidential data are being retained without written authorization from the Lessee.

(c) Information obtained by Reclamation, and upon request submitted to the Lessee, shall not be used in publications or reports issued by Lessee without written consent of Reclamation until the data have been published or otherwise given distribution by Reclamation.

5. There is also reserved to the United States, the right of its officers, agents, employees, licensees and permittees, at all proper times and places freely to have ingress to, passage over, and egress from all of said lands for the purpose of exercising, enforcing and protecting the rights reserved herein.

6. The Lessee further agrees that the United States its officers, agents and employees and its successors and assigns shall not be held liable for any damage to the Lessee's improvements or works by reason of the exercise of the rights here reserved; nor shall anything contained in this paragraph be construed as in any manner limiting other reservations in favor of the United States contained in this lease.

Copies of lease forms, bond forms, regulations, special stipulations, and optional bid forms may be obtained from the Bureau of Land Management, 300 Booth Street, Reno, Nevada 89502.

WILLIAM J. MALENCIK,
Chief,
Division of Technical Services.

[FR Doc.74-27826 Filed 11-27-74;8:45 am]

[M 30472]

MONTANA

Order Providing for Opening of Public Lands

NOVEMBER 22, 1974.

In an exchange made under the provisions of section 8 of the Act of June 28, 1934, as amended, 43 U.S.C. 315g, the following described lands have been reconveyed to the United States:

PRINCIPAL MERIDIAN, MONTANA

T. 2 N., R. 5 W.,
Sec. 15, All; and
Sec. 21, N½ and N½SE¼.

The area described contains 1,040.00 acres.

The reconveyed lands are located in Jefferson County, approximately six miles northwest of Whitehall. Topography varies from rolling to rough. Soils are shallow and rocky; vegetation is sage, rabbit brush, native grasses, and scattered juniper. The lands are within a block of Federal lands presently under an allotment management plan and will be managed for multiple resource use in conjunction with these adjoining national resource lands.

At 10 a.m. on January 7, 1975, subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands will be open to the operation of the public land laws.

The mineral rights in the lands were not exchanged; therefore, the mineral status of the lands is not affected by this order.

Inquiries concerning the land should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101.

KENNETH J. SIRE,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc.74-27887 Filed 11-27-74;8:45 am]

[NM 23670, 23705]

NEW MEXICO

Notice of Application

NOVEMBER 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 5, SE¼SE¼;
Sec. 8, N½NE¼; SW¼NE¼; NW¼SE¼.
T. 20 S., R. 28 E.,
Sec. 23, NE¼NW¼.

These pipelines will convey natural gas across .939 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc.74-27827 Filed 11-27-74;8:45 am]

V 39 231 NOV 29 74 XUM

[NM 23666, 23667, 23671]

NEW MEXICO

Notice of Applications

NOVEMBER 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for six 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 27 E.,
Sec. 9, SW¼NE¼.
T. 19 S., R. 28 E.,
Sec. 35, SE¼NW¼, SW¼NE¼.
T. 20 S., R. 29 E.,
Sec. 16, W½NW¼.

These pipelines will convey natural gas across .963 mile of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27828 Filed 11-27-74;8:45 am]

[NM 23643]

NEW MEXICO

Notice of Application

NOVEMBER 19, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Company has applied for a 3½-inch natural gas pipeline right-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 16 S., R. 30 E.,
Sec. 27, SW¼SE¼;
Sec. 34, NW¼NE¼; S½NE¼; N½SE¼; SE¼SE¼;
T. 17 S., R. 30 E.,
Sec. 3, Lot 1.

This pipeline will convey natural gas across 1.185 miles of national resource lands in Eddy County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, NM 88201.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27829 Filed 11-27-74;8:45 am]

[NM 23434, 23438, 23658, 23672]

NEW MEXICO

Notice of Applications

NOVEMBER 18, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for four 4½-inch natural gas pipelines rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 27 N., R. 7 W.,
Sec. 6, Lot 1, SE¼NE¼;
Sec. 30, N½NE¼.
T. 26 N., R. 10 W.
Sec. 12, N½NW¼.
T. 31 N., R. 13 W.,
Sec. 30, Lots 17, 18, 19.

These pipelines will convey natural gas across .913 mile of natural resource lands in Rio Arriba and San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, 3550 Pan American Freeway, Albuquerque, NM 87107.

FRED E. PADILLA,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-27830 Filed 11-27-74;8:45 am]

Fish and Wildlife Service

COYOTE DAMAGE CONTROL; SHEEP AND GOATS

Report on Emergency Use of M-44 Devices Through September

Notice is hereby given on the emergency use of M-44 devices by the Department of Interior's operational predator damage control program, from inception and through the month of September. This is in compliance with the experimental use permit (No. 6704-EXP-6G) issued by the Environmental Protection Agency pursuant to Section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended (7 U.S.C. 135-135K), and in accordance with 46 CFR part 162.19, as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939). This report is made pursuant to FEDERAL REGISTER Notice of June 20, 1974 (39 FR 22166).

Cumulative data for approval to use the M-44 device for June through September 1974 is as follows:

M-44.—Emergency use approval, June 1 through September 30, 1974

State	Number counties	Number ranches	Number sheep and goats protected	Number M-44's approved
Arizona	3	19	3,754	412
California	1	1	200	20
Idaho	1	1	1,400	20
Montana	21	35	23,835	997
Nevada	2	5	7,921	180
New Mexico	7	18	8,862	630
Oregon	4	21	2,577	226
Texas	38	139	114,509	2,490
Utah	12	21	20,818	345
Wyoming	7	27	34,792	435
Totals	96	287	218,668	5,795

Although summer weather conditions inhibited M-44 effectiveness, 250 coyotes were taken by this device during this time period. Acceptance of the device has increased with the onset of fall weather.

All of the above use of M-44 devices as a supplemental tool to attempt to resolve coyote depredation on sheep and goats was conducted by trained Service personnel in accordance with the Procedure For Advance Identification and Approval of Areas For the Possible Emergency Use of Sodium Cyanide Delivered by the M-44 Device for the Control of Depredating Canids, as it appears in the FEDERAL REGISTER, Volume 39, No. 120—Thursday, June 20, 1974.

Dated: November 20, 1974.

LYNN A. GREENWALT,
Director,
U.S. Fish and Wildlife Service.

[FR Doc.74-27888 Filed 11-27-74;8:45 am]

Geological Survey

PUBLIC INSPECTION OF RECORDS

OCS Order No. 12, Pacific Area

A notice published in the FEDERAL REGISTER on June 3, 1974 (39 FR 19524) solicited comments on the content of the proposed OCS Order.

Changes made in the order since its earlier publication as a proposed Order include the listing of information available for inspection from various forms required to be submitted pursuant to OCS Order No. 11, soon to be issued in the Pacific Area.

Paragraph 1.B.(3) was amended to indicate that the time period for the mandatory release of date on non-producing leases does not include that time in which operations or production are suspended by order of the Secretary of the Interior or his representative.

Also included is a new paragraph advising of the availability for public inspection of accident investigation reports, pollution incident reports, inspection reports, and enforcement actions.

Other modifications were made in the Order consistent with the intent of the Order, but clarifying its meaning.

This order will be effective December 1, 1975.

W. A. RADLINSKI,
Acting Director.

[OCS Order No. 12]

PUBLIC INSPECTION OF RECORDS

LESSEES AND OPERATORS OF FEDERAL OIL AND GAS LEASES IN THE OUTER CONTINENTAL SHELF, PACIFIC AREA

This Order is established pursuant to the authority prescribed in 30 CFR 250.11 and in accordance with 30 CFR 250.97 and 43 CFR 2.2. Section 250.97 of 30 CFR provides as follows:

Public Inspection of Records. Geological and geophysical interpretations, maps, and data required to be submitted under this part shall not be available for public inspection without the consent of the lessee so long as the lease remains in effect or until such time as the Supervisor determines that release of such information is required and necessary for the proper development of the field or area.

Section 2.2 of 43 CFR provides in part as follows:

Determinations as to Availability of Records. (a) Section 552 of Title 5, U.S. Code, as amended by Pub. L. 90-23 (the act codifying the "Public Information Act") requires that identifiable agency records be made available for inspection. Subsection (b) [1] of section 552 exempts several categories of records from the general requirements but does not require the withholding from inspection of all records which may fall within the categories exempted. Accordingly, no request made of a field office to inspect a record shall be denied unless the head of the office or such higher field authority as the head of the bureau may designate shall determine (1) that the record falls within one or more of the categories exempted and (2) either that disclosure is prohibited by statute or Executive Order or that sound grounds exist which require the invocation of the exemption. A request to inspect a record located in the headquarters office of a bureau shall not be denied except on the basis of a similar determination made by the head of the bureau or his designee, and a request made to inspect a record located in a major organizational unit of the Office of the Secretary shall not be denied except on the basis of a similar determination by the head of that unit. Officers and employees of the Department shall be guided by the "Attorney General's Memorandum on the Public Information Section of the Administrative Procedure Act" of June 1967.

(b) An applicant may appeal from a determination that a record is not available for inspection to the Solicitor of the Department of the Interior, who may exercise all of the authority of the Secretary of the Interior in this regard. The Deputy Solicitor may decide such appeals and may exercise all of the authority of the Secretary in this regard.

The operator shall comply with the requirements of this Order. All departures from the requirements specified in this Order shall be subject to approval pursuant to 30 CR 250.12(b).

1. *Availability of Records Filed on or After the Effective Date of This Order.* It has been determined that certain records pertaining to leases and wells in the Outer Continental Shelf and submitted under 30 CFR 250 shall be made available for public inspection, as specified below, in the Area office, Los Angeles, California.

A. *Form 9-152—Monthly Report of Operations.* All information contained in this form shall be available except the information required in the Remarks column.

B. *Form 9-330—Well Completion or Recompletion Report and Log.*

(1) Prior to commencement of production, all information contained on this form shall be available except Item 1a, Type of Well; Item 4, Location of Well, At top prod. interval reported below; Item 22, If Multiple Compl., How Many; Item 24, Producing Interval; Item 26, Type Electric and Other Logs Run; Item 28, Casing Record; Item 29, Liner Record; Item 30, Tubing Record; Item 31, Perforation Record; Item 32, Acid, Shot, Fracture, Cement Squeeze, etc.; Item 33, Production; Item 37, Summary of Porous Zones; and Item 38, Geologic Markers.

(2) After commencement of production, all information shall be available except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers.

(3) If production has not commenced after an elapsed time of five years from the date of filing Form 9-330 as required in 30 CFR 250.38(b), excluding the total of such time that operations and production are suspended by direction of the Secretary of the Interior or his duly authorized representative, and further excluding the total of such time that operations and production are prohibited by Court order, all information contained on this form shall be available except Item 37, Summary of Porous Zones; and Item 38, Geologic Markers. Within 90 days prior to the end of the 5-year period, exclusive of exceptions noted above, the lessee or operator shall file a Form 9-330 containing all information requested on the form, except Item 37, Summary of Porous Zones, and Item 38, Geologic Markers, to be made available for public inspection. Objections to the release of such information may be submitted with the completed Form 9-330.

C. *Form 9-331—Sundry Notices and Report on Wells.* (1) When used as a "Notice of Intention to" conduct operations, all information contained on this form shall be available except Item 4, Location of Well, At top prod. interval; and Item 17, Describe Proposed or Completed Operations.

(2) When used as a "Subsequent Report of" operations, and after commencement of production, all information contained on this form shall be available except information under Item 17 as to subsurface locations and measured and true vertical depths for all markers and zones not placed on production.

D. *Form 9-331C—Application for Permit to Drill, Deepen or Plug Back.* All information contained on this form and location plat attached thereto, shall be available except Item 4, Location of Well, at proposed prod. zone; and Item 23, Proposed Casing and Cementing Program.

E. *Form 9-1869—Quarterly Oil Well Test Report.* All information contained on this form shall be available.

F. *Form 9-1870—Semi-Annual Gas Well Test Report.* All information contained on this form shall be available.

G. *Multi-Point Back Pressure Test Report.* All information contained on the form used to report the results of required multi-point back pressure test of gas wells shall be available.

H. *Sales of Lease Production.* (1) Information contained on monthly Geological Survey computer printout showing sales volumes value, and royalty of production of oil, condensate, gas and liquid products, by lease, shall be made available.

2. *Filing of Reports.* All reports on Form 9-152, 9-330, 9-331, 9-331C, 9-1869, 9-1870, and the forms used to report the results of multi-point back pressure tests, shall be filed in accordance with the following: All reports submitted on these forms after the effecive date of this Order shall include a copy with the words "Public Information" shown on the lower right-hand corner. All items on the form not marked "Public Information" shall be completed in full; and such forms, and all attachments thereto, shall not be available for public inspection. The copy marked "Public Information" shall be completed in full, except that the items described in 1.A., B., C., and D. above, and the attachments relating to such items, may be excluded. The words "Public Information" shall be shown on the lower right-hand corner of this set. This copy of the form shall be made available for public inspection.

3. *Availability of Records Filed Prior to December 1, 1974.* Information filed prior to December 1, 1974, on Forms 9-152, 9-330, 9-331, and 9-331C is not in a form which can be readily made available for public inspection. Requests for information on these forms shall be submitted to the Supervisor in writing and shall be made available in accordance wth 43 CFR Part 2.

4. *Availability of Inspection Records.* All accident investigation reports, pollution incident reports, facilities inspection

[1] Subsection (b) of section 552 provides that:

(b) This section does not apply to matters that are—* * *

(4) Trade secrets and commercial or financial information obtained from a person and privileged or confidential;

(9) Geological and geophysical information and data, including maps, concerning wells.

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data, and records of enforcement actions are also available for public inspection.

Approved: November 21, 1974.

Effective: December 1, 1974.

F. J. SCHAMBECK,
Oil and Gas Supervisor, Pacific Area.

RUSSELL G. WAYLAND,
Chief, Conservation Division.

[FR Doc.74-27833 Filed 11-27-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-45]

B & S COAL CO.

Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861 (c) (1970), B & S Coal Company has filed a petition to modify the application of 30 CFR 77.1605(k) to its Mine No. 1, Logan County, West Virginia.

30 CFR 77.1605(k) provides:

Berms or guards shall be provided on the outer bank of elevated roadways.

In support of its petition, Petitioner states:

I. *Nature of Mining Operations.* A. Petitioner operates an underground bituminous coal mine. In connection with operation of Petitioner's mine, coal, mine refuse, supplies, materials and personnel must be transported over a roadway on the surface. This roadway has been constructed and is maintained by Petitioner. Inasmuch as the roadway is located in the mountainous area of West Virginia, it is an all elevated roadway, that is, it contains grades of 6 percent to 8 percent, rather than being laid out on level ground. Accordingly, such roadway is covered by the Interior Department mandatory safety standard as set forth in 30 CFR 77.1605(k).

II. *Safety considerations.* The access roadways which are the subject of this petition are one mile in length and have been carved out of the side of hills and mountains. Consequently, the roads are narrow and the outer banks are on fill material which will not provide sufficient anchorage for guard rails. The use of berms would trap run-off water resulting from rain or thawing ice and snow, cause erosion of the roadway, and result in hazardous driving conditions. Beyond this, during the winter months the freezing of trapped water in the roadway would be extremely hazardous. Thus, compliance with the requirements of berms or guard rails under 30 CFR 77.1605(k) would result in a diminution of safety.

III. *Alternate method.* A—Petitioner does not deny that there are safety hazards in operating vehicles over elevated roadways in mountainous areas. However, it does not feel that such hazards can be overcome—they would actually be increased—by application of 30 CFR 77.1605(k).

B—Accordingly Petitioner proposes the following alternate method which it feels would afford a greater measure of protection to the employees at the subject mine:

1. A daily inspection of all coal-hauling vehicles shall be made and any defects detected shall be corrected before the vehicle is put into service. A record of the inspection and repair on each vehicle shall be kept and maintained by a supervisory employee.

2. Roadway surfaces shall be kept free of debris, excessive water and snow and ice, and maintained as free as practicable of small ditches (washboard effects).

3. A traffic system shall be put into use for these roads requiring that loaded vehicles have the right-of-way on the highwall side of roads regardless of their direction of travel.

4. Warning signs shall be posted designating where roadways are reduced to one-lane traffic. Stop signs shall be posted where one road intersects another, giving main haulage road traffic the right-of-way. Signs shall also be posted designating passing points.

5. All equipment operators shall be trained in the use of haulage equipment and the safety of vehicles on haulage roads.

6. All haulage vehicles shall have:
(a) Original manufacturers brakes.
(b) Engine or Jacobs brakes.
(c) Emergency (parking) braking system.

7. A minimum width of 24 feet shall be provided and maintained along two-lane roads, and where widths of less than 24 feet are provided and maintained, the roads shall be designated as single-lane roads.

8. On roads that afford only one traffic lane, a minimum width of 16 feet shall be maintained, with passing points provided at intervals of not more than 1,000 feet; if visibility is obscured by brush or other materials, passing points shall not be more than 500 feet apart.

9. All rules of the road (traffic system) shall be posted on the bulletin boards throughout the mine area, and such rules of the road shall be made part of the training and retraining programs.

10. Passing of any vehicle by another vehicle while traveling in the same direction is prohibited except in the case where one vehicle is parked in a run-around area out of the normal lanes of travel.

11. The speed at which trucks are operated shall be consistent with the condition of roadway, clearance, visibility and traffic.

C—The foregoing alternate method has been approved by Administrative Law Judges of the Office of Hearings and Appeals of the Department of the Interior for application under circumstances similar to those present at the subject mine. It is a method which has been developed with the assistance of technical experts of the Mining Enforcement and Safety Administration and addresses itself to not only the safety objectives sought by 30 CFR 77.1605(k) but also to the particular hazards that would be created if application of such standard were required.

In consideration of the above, Petitioner requests that the proposed alternate system be approved as the replacement mandatory standard for 30 CFR 77.1605(k).

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 30, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 21, 1974.

[FR Doc.74-27831 Filed 11-27-74;8:45 am]

[Docket No. M 75-31]

REPUBLIC STEEL CORP.

Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Republic Steel Corporation has filed a petition to modify the application of 30 CFR 75.305 to its Clyde Mine, Cleveland, Ohio.

30 CFR 75.305 provides:

In addition to the preshift and daily examinations required by this Subpart D, examinations for hazardous conditions, including tests for methane, and for compliance with the mandatory health or safety standards, shall be made at least once each week by a certified person designated by the operator in the return of each split of air where it enters the main return, on pillar falls, at seals, in the main return, at least one entry of each intake and return aircourse in its entirety, idle workings, and, insofar as safety considerations permit, abandoned areas. Such weekly examinations need not be made during any week in which the mine is idle for the entire week, except that such examination shall be made before any other miner returns to the mine. The person making such examinations and tests shall place his initials and the date and time at the places examined, and if any hazardous condition is found, such condition shall be reported to the operator promptly. * * *

Petitioner hereby requests modification of 30 CFR 75.305 as it applies to those return air courses located at its Clyde Mine from Clyde Shaft to the entrance of 2 Flat of said mine.

1. Modification of § 75.305 is sought in light of the fact that Petitioner's Clyde Mine is an old mine with many worked out areas. Many of the return air entries were developed 40 years ago prior to the use of roof bolting for roof control. The support timbers installed during the original mining cycles have deteriorated and many roof falls have occurred in these return airways rendering them impassible.

The air courses are located in a non-producing area and were not traveled prior to the enactment of the Coal Mine Health and Safety Act of 1969. However, air and methane readings can be taken in certain areas along the return courses to assure that methane does not accumulate beyond legal limits.

To require restoration of the return air courses to travelable condition would be an almost impossible task necessitating exorbitant expenditures and years of work to complete.

2. *Alternate Method.* Of the alternate methods available, Petitioner asserts that only one alternate method is both practicable and feasible and would, at all times, guarantee the miners at the subject mine no less than the same measure of protection afforded by the mandatory standard. This alternate method would require the construction of air measuring stations from Clyde Shaft to the entrance of 2 Flat. Said air measuring stations would assure compliance within the criteria set forth in 30 CFR 75.305. The return air from the return air courses in question would at no time have any effect on the present active workings at the subject mine.

Guidelines would be as follows:

1. Methane and air readings will be made by certified personnel.
2. Methane will not be allowed to accumulate beyond legal limits in these return airways.
3. The three (3) measuring stations will, at all times, be maintained in a good working condition.
4. A date board or book will be located at each measuring station and air and methane readings will be taken and recorded.
5. Examinations will be made at each measuring station daily by a properly qualified person.
6. The number of employees who work in this area will be minimal. Each man is able to reach a separate split of air in a reasonable period of time. Each man working in this area is required to carry a one hour self-rescuing device on his person at all times.
7. A diagram showing the direction of air flows in this area will be posted at the measuring stations and at other strategic locations.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before December 30, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Virginia 22203. Copies of the petition are available for inspection at that address.

JAMES R. RICHARDS,
Director, Office of Hearings and Appeals.

NOVEMBER 21, 1974.

[FR Doc.74-27832 Filed 11-27-74;8:45 am]

Agricultural Marketing Service

[Marketing Order No. 905]

SHIPPERS ADVISORY COMMITTEE MEETING

Postponement of Public Meeting

The meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905) originally scheduled for December 3, 1974, is postponed until December 17, 1974. The meeting will be held in the A. B. Michael Auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Florida, at 10:30 a.m., local time. This notice is issued pursuant to the provisions of section 19(a)(2) of the Federal Advisory Committee Act (86 Stat. 770). Marketing Order No. 905 regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The need for postponement of the meeting of the Shippers Advisory Committee results from recent changes in the demand situation for citrus fruits produced in Florida.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for modification of current grade and size limitations applicable to domestic and export shipments of the named fruits.

The names of committee members, agenda, summary of the meeting and other information pertaining to the meeting may be obtained from Frank D. Trovillion, Manager, Grower Administrative Committee, P.O. Box R, Lakeland, Florida 33802; telephone 813–682–3103.

Dated: November 27, 1974.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.74-28142 Filed 11-27-74;11:24 am]

Farmers Home Administration

[Designation No. AO97]

MISSOURI

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the 29 counties in Missouri. The Secretary has found that this need exists as a result of natural disasters listed on the following chart:

Missouri—1974

County	Excessive rainfall, flooding	Drough	Freeze	Windstorm	Hailstorm
Audrain	Apr. 1 to June 15	July 3 to Aug. 26	Oct. 1 and 2		
Bates	Apr. 1 to June 10	June 10 to Aug. 8	do		
Bollinger	Apr. 1 to May 31	June 1 to Aug. 15	Mar. 21 to 24, Oct. 1 and 2		
Caldwell		July 4 to Aug. 1	do		
Callaway	Apr. 1 to June 15	June 20 to Aug. 2	do		
Cape Girardeau	Mar. 1 to June 10	June 1 to Aug. 8	Mar. 21 to 24, Oct. 1 and 2		
Carroll		June 1 to Aug. 5	do		
Cass	May 1 to June 10	June 10 to Aug. 8	do		
Christian	June 1 to 10	June 11 to July 31	Mar. 21 to 25		
Cooper	May 5 to June 1	June 1 to Aug. 9	Oct. 1 and 2		
Dallas	Apr. 1 to May 31	June 15 to Aug. 1	Mar. 24		
Greene	June 1 to 11	June 11 to July 31	Mar. 21 to 25		
Iron	Mar. 1 to June 15	June 15 to Aug. 15	Mar. 23, Oct. 1 and 2		
Jasper	Mar. 1 to 31	June 10 to Aug. 15	Mar. 23 and 24		
Linn	Mar. 1 to July 3	July 14 to Aug. 7	Oct. 1 and 2		
Madison	Apr. 1 to May 31	June 1 to Aug. 15	Mar. 21 to 24, Oct. 1 and 2		
McDonald	Mar. 1 to Apr. 30, flood—May 17.	June 1 to Aug. 3	Mar. 23 and 24	June 8	May 14
Monroe	Apr. 22 to July 3	July 3 to Aug. 16	Oct. 1 and 2		
Morgan	Mar. 1 to June 10	June 10 to Aug. 15	Mar. 23 and 24		
Newton	Mar. 1 to Apr. 30, flood—May 17.	June 1 to Aug. 3	do	June 8	Do.
Perry	Mar. 1 to Apr. 30	June 1 to Aug. 8	Mar. 21, Oct. 1 and 2		
Polk	Apr. 1 to May 31	June 15 to Aug. 1	Mar. 24, Oct. 1 and 2		
Putnam	July 3, flooding—July 3 to 7		do		July 3
Saline	May 5 to June 1	June 1 to Aug. 9	do		
Schuyler	May 15 to June 1, flood—July 3	July 4 to Aug. 15	do		
St. Francois	Mar. 1 to June 15	June 15 to Aug. 15	Mar. 23, Oct. 1 and 2		
Ste. Genevieve	Mar. 1 to June 10	June 10 to Aug. 15	Mar. 23, Oct. 1 and 2		
Sullivan	May 1 to 31, flood—July 3	July 3 to Aug. 3	do		
Washington	Mar. 1 to June 10	June 10 to Aug. 15	Mar. 23 and 24, Oct. 1 and 2		

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93–237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Christopher S. Bond that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 16, 1975, for physical losses and August 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

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Done at Washington, D.C., this 21st day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-27723 Filed 11-27-74;8:45 am]

[Notice of Designation Number A098]

NEBRASKA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Nebraska:

Buffalo	Madison
Cedar	Sherman
Kearney	Thayer
Keya Paha	(7)

The Secretary has found that this need exists as a result of a natural disaster consisting of prolonged drought from June 1 to October 1, 1974, in these seven counties. Also in addition to the drought, the following natural disasters also were reported:

Freeze September 2, 1974, in Buffalo, Cedar, and Kearney Counties
Freeze September 3, 1974, in Madison County
Freeze September 2 and 3, 1974, in Sherman County
Hailstorms August 13 and 17, 1974 in Thayer County
Hailstorm and windstorm September 7, 1974, in Cedar County

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor J. James Exon that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 16, 1975, for physical losses and August 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 21st day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-27882 Filed 11-27-74;8:45 am]

[Designation Number AO99]

NORTH DAKOTA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in North Dakota:

Sheridan	Wells

The Secretary has found that this need exists as a result of a natural disaster consisting of drought from June 1 through August 1, 1974.

Therefore, the Secretary has designated these areas as eligible for Emergency loans, pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended by Pub. L. 93-237, and the provisions of 7 CFR 1832.3(b) including the recommendation of Governor Arthur A. Link that such designation be made.

Applications for Emergency loans must be received by this Department no later than January 16, 1975, for physical losses and August 18, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated areas makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 21st day of November, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-27881 Filed 11-27-74;8:45 am]

Rural Electrification Administration

LEESPORT TELEPHONE CO.

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $4,750,000 to Leesport Telephone Co., Leesport, Pennsylvania. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. David R. Willits, President, Leesport Telephone Company, 100 Lake Street, Dallas, Pennsylvania 18612.

To assure consideration, proposals must be submitted by December 30, 1974, to Mr. David R. Willits. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Leesport Telephone Company and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 22d day of November, 1974.

DAVID A. HAMIL,
Administrator, Rural
Electrification Administration.

[FR Doc.74-27942 Filed 11-27-74;8:45 am]

TACONIC TELEPHONE CORPORATION

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in the proposed REA Bulletin 320-22, "Guarantee of Loans for Telephone Facilities," published in the FEDERAL REGISTER, September 16, 1974 (39 FR 33228-33229) notice is hereby given that the Administrator of REA will consider providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,645,000 to Taconic Telephone Corporation, Chatham, New York. The loan funds will be used to finance the construction of facilities to extend telephone service to new subscribers, and improve telephone service for existing subscribers.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information and details of the proposed project from Mr. John B. Ackley, President, Taconic Telephone Corporation, 19 Railroad Avenue, Chatham, New York 12037.

To assure consideration, proposals must be submitted by December 30, 1974, to Mr. John B. Ackley. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Taconic Telephone Corporation and REA deem appropriate. Prospective lenders are advised that financing for this project is available from the Federal Financing Bank under a standing loan commitment agreement with the Rural Electrification Administration.

Copies of the proposed REA Bulletin 320-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 22d day of November, 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-27940 Filed 11-27-74;8:45 am]

WESTERN FARMERS ELECTRIC COOPERATIVE

Proposed Loan Guarantee

Under the authority of Pub. L. 93-32 (87 Stat. 65) and in conformance with applicable agency policies and procedures as set forth in proposed REA Bulletin 20-22 (Guarantee of Loans for Bulk Power Supply Facilities), notice is hereby given that the Administrator of REA will consider (a) providing a guarantee supported by the full faith and credit of the United States of America for a loan in the approximate amount of $10,383,000 to Western Farmers Electric Cooperative of Anadarko, Oklahoma and, (b) supplementing such a loan with an insured REA loan at 5 percent interest in the amount of $20,133,000 to this cooperative. These funds will provide for the construction of 145 miles of gas-pipe line for the existing Anadarko Power Plant and 289 miles of electric transmission line and related substation facilities, respectively.

Legally organized lending agencies capable of making, holding and servicing the loan proposed to be guaranteed may obtain information on the proposed project, including the engineering and economic feasibility studies and the proposed schedule for the advances to the borrower of the guaranteed loan funds from Mr. Robert E. Good, Manager, Western Farmers Electric Cooperative, P.O. Box 429, Anadarko, Oklahoma 73005.

In order to be considered, proposals must be submitted by January 27, 1974, to Mr. Good. The right is reserved to give such consideration and make such evaluation or other disposition of all proposals received, as Western Farmers and REA deem appropriate. Prospective lenders are advised that it is anticipated that the financing proposed for this project will be available from the Federal Financing Bank.

Copies of proposed REA Bulletin 20-22 are available from the Director, Information Services Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250.

Dated at Washington, D.C., this 22 day of November, 1974.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.74-27941 Filed 11-27-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CEDARS-SINAI MEDICAL CENTER, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, by December 23, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket number: 74-00540-33-46040. Applicant: Cedars-Sinai Medical Center, 4833 Fountain Avenue, Los Angeles, California 90029. Article: Electron Microscope, Model JEM 100. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to survey electron microscopy of the thymus of amphibians, reptiles, birds, and mammals, including normal and diseased tissue. The origin, structure, and fate of annulated lamellae within the mucosa of the epididymis will also be studied. Several problems will be examined related to heart disease in which both experimental and human tissues will be studied. Both low and high magnification studies of myoid cells of the retina will will be made. In addition there are projected requirements for analytical electron microscopy and transmission/scanning electron microscopy. Application received by Commissioner of Customs: June 25, 1974.

Docket number: 75-00182-33-46040. Applicant: Tennessee State University, Dept. of Biology, 3500 Centennial Blvd., Nashville, Tennessee 37203. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used to study the localization of viruses and antibodies associated with murine leukemias and the molecular involvement between the host cell membrane and the virus particle. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00183-33-46070. Applicant: Bowdoin College, Brunswick, Maine 04011. Article: Scanning Electron Microscope, Model SSM-2A. Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is intended to be used to examine the membranes of muscle and red blood cells from normal and dystrophic animals and human patients. Application received by Commissioner of Customs: October 29, 1974.

Docket Number: 75-00184-33-22400. Applicant: The University of Rochester, School of Medicine and Dentistry, 601 Elmwood Avenue, Rochester, N.Y. 14642. Article: MSE 150 Watt Ultrasonic Disintegrator, PG-100 and Titanium Exponential Micro Probe 34041. Manufacturer: Measuring & Scientific Equipment, United Kingdom. Intended use of article: The foreign article is to be used to reproducibly disrupt extremely small quantities of human white blood cells in order to determine inherited differences in PGM$_1$, a sensitive labile enzyme contained in such cells. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00185-56-54100. Applicant: U.S. Department of Commerce, NOAA, NMFS, Office of Resource Research, Fishery Technology Group, 330 Whitehaven Street, NW., Washington, D.C. 20235. Article: Undulating Oceanographic Recorder System. Manufacturer: The Plessey Co. Ltd., United Kingdom. Intended use of article: The article is intended to be used to replace a continuous Plankton Recorder and will:

(a) Sample the plankton over an extended range of depth (instead of the present single depth).

(b) Measure and record, in situ, a number of physical parameters of vital importance in marine ecology as well as in physical oceanography and meteorology. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00186-33-90000. Applicant: University of Alabama Hospitals, Department of Diagnostic Radiology, 619 South Nineteenth St., Birmingham, Alabama 35233. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for detection and evaluation of primary and secondary tumors. Comparisons will be made evaluating the accuracy of detection between the Computer Assisted Tomography (CAT) and conventional radiographic methods (brain scan, pneumonencephalogram and arteriography). Stroke patients will be studied at various intervals following the onset of symptoms to determine CAT's potential and accuracy in early detection of strokes. The article will also be used for the evaluation of infants with hydrocephalus and congenital anomalies and follow-up examination of the above conditions post-treatment. Evaluation of CAT's diagnostic capability through statistical analysis of the data print-out sheets as compared to the photographic printout. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75-00187-33-90000. Applicant: Baptist Memorial Hospital, 11 Dallas Street, San Antonio, Texas 78286. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used to determine minute variations in the density of brain tissue providing information on brain conditions during investigations of cerebral diseases such as tumors, cysts, and hemorrhages. The article will also be used in the training of residents in radiology at the Hospital as well as for the training of students in radiological

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techniques in the school of X-ray Technology. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75–00188–00–46040. Applicant: University of Illinois, Urbana-Champaign Campus, Purchasing Division, 223 Admin. Bldg., Urbana, Illinois 61801. Article: Low Temperature Specimen Stage, Type KH–4BM (Modified). Manufacturer: Hitachi Perkin-Elmer, Japan. Intended use of article: The article is an accessory device for an existing electron microscope which will allow the general observation of specimens at low temperatures (in addition to room temperature) for the study of nucleation and growth of martensitic phases at low temperatures; pre-transformation lattice instabilities as observed at room temperatures and below. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75–00189–33–46500. Applicant: University of South Florida Medical School, Pathology, 4202 Fowler Avenue, Tampa, Florida 33620. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for investigation of altered structure of cellular organelles of tissues from organs of experimental animals or of human autopsy or surgical material. Application received by Commissioner of Customs: October 29, 1974.

Docket number: 75–00190–33–90000. Applicant: Tallahassee Neurological Foundation, Inc., 2412 W. Plaza Drive, Eastwood Plaza, Tallahassee, Florida 32303. Article: EMI Scanner System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used for the study of the human brain in patients who have lost the ability to speak. The objectives to be pursued in the course of the investigation include precise identification of areas of brain damage which result in various types of aphasia. Application received by Commissioner of Customs: October 29, 1974.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–27864 Filed 11–27–74;8:45 am]

KEAN COLLEGE OF N.J.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00054–33–46040. Applicant: Kean College of New Jersey, Pathology Department, Morris Avenue, Union, New Jersey 07083. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for studies of tissues, cells, bacteria and viruses to localize enzymatic activity at the subcellular level and to develop selective stains for cellular components. The article will also be used in a course, Biology 4200, to teach biochemical concepts governing the preparation of biological specimens for electron microscopy.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the applicant's initial application was received by Customs (January 2, 1974).

Reasons: This application is a resubmission of Docket Number 74–00259–33–46040 which was denied without prejudice to resubmission on April 19, 1974 for informational deficiencies. The applicant requires an electron microscope which is suitable for the instruction of undergraduates in basic electron microscopy and micrograph interpretation. The foreign article is a relatively simple, medium resolution electron microscope providing 7 Angstroms (Å) point-to-point resolution, an accelerating voltage of 60 kilovolts (KV), and low distortion magnifications at 140–60,000x with 140 to 1000x in the normal microscope range which permits an overlap of light and electron microscopy. The article is also designed for confident use (through ease of operation) by beginning students with a minimum of detailed programming.

Domestic instruments available at the time the initial application was received were the Model EMU–4C, supplied by the Adam David company and the Model ETEM–101 manufactured by Elektros Incorporated. The Model EMU–4C is a relatively complex instrument designed for the use of an experienced operator which provides low distortion magnifications at 500X and higher. The Model ETEM–101 is a relatively simple low resolution instrument (10Å point to point). The Department of Health, Education, and Welfare (HEW) advises in its memorandum dated November 5, 1974 that for the applicant's intended uses (1) a 60 KV accelerating voltage for adequate illumination (2) a maximum overlap of the optical (microscope) range and (3) simplicity and ease of operation are pertinent. HEW also advises that the Model EMU–4C is too complex for the applicant's educational purposes. In addition, HEW advises that the Model ETEM–101 does not provide an equal overlap of the optical magnification range or 60 KV accelerating voltage. HEW also cites as precedent Docket Number 75–00031–99–46040 which conforms in certain essential particulars with this application. We, therefore, find that neither the Model EMU–4C nor the Model ETEM–101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the initial application was received by Customs.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the initial application was received by Customs.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–27867 Filed 11–27–74;8:45 am]

TULANE U. SCH. OF MED.

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00062–33–90000. Applicant: Tulane University School of Medicine, 1430 Tulane Avenue, New Orleans, La. 70112. Article: EMI Scanning Unit with Magnetic Tape Storage System. Manufacturer: EMI Limited, United Kingdom. Intended use of article: The article is intended to be used in teaching specialists in training in neurology and psychiatry, as well as medical students in methods of diagnosis of neurological diseases. Didactic work will include theory, methodology, and interpretation of the data that are collected. The article will be used also for clinical research centering on assaying the relative effectiveness of this instrument versus existing techniques of pneumoencephalography, radioisotope scanning, and angiography.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article is a newly developed system which is designed to provide precise transverse axial X-ray tomography. We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 5, 1974 that the speed, sensitivity, and non-invasive methodology of the article are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–27869 Filed 11–27–74;8:45 am]

TUSKEGEE INSTITUTE

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 74–00176–33–46040. Applicant: Tuskegee Institute, Purchasing Department, P.O. Box 1239, Tuskegee Institute, Ala. 36088. Article: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended use of article: The article is intended to be used in experiments to identify by electron microscopy ultrastructural changes in the following tissues:

(I) In vitro grown cells (Hela and Mouse fibroblasts).

(II) Brain, uterus and liver of Mice and Sheep,

(III) Rat liver,

(IV) Oviduct and uterine tissue from rabbits, rats, and some birds, and

(V) Developing Oocytes isolated from Ovaries of Salamanders. Specific projects to be investigated include: (I) Diet Related Toxemia in Pregnancy, (II) Pesticides in Mammalian Cell Systems, (III) Ultrastructural changes Induced in Animal tissue by listeria Monocytogenes and its Components, (IV) Thyroid Hormone and Ablastin Influence on Trypanosoma Lewisi Mitochondria, (V) The Influence of Drugs on Ultrastructural changes in the Female Genital Tract, and

(VI) Ultrastructure of Lampbrush Chromosomes.

The article will also be used in the course Techniques in Electron Microscopy which will include some theory of electron optics, the preparation of specimens and the operation of the electron microscope and associated equipment.

Comments: No comments have been received with respect to this application. A letter dated January 3, 1974 was received from Adam David Company and is being treated as an offer to supply additional information under § 701.10 of the regulations.

Decision: Application denied. An instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

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Reasons: In the reply to Question 8 in this application, the applicant alleged the foreign article provided the following pertinent features:

(1) a prepumped airlock chamber;

(2) a magnification range continuous between 200–200,000x without specimen removal or pole-piece change;

(3) a single condenser system providing spot sizes close to that for double condenser system with a single control;

(4) available multiple camera system for 35 millimeter (mm) 70 mm and plate camera which are interchangeably usable; and

(5) resolution guaranteed 5 Angstroms.

The Department of Health, Education, and Welfare (HEW) compared the alleged pertinent features of the article with those of the most closely comparable domestic electron microscope, the Model EMU–4C supplied by the Adam David Company. HEW advises in its memorandum dated August 7, 1974 that the applicant's description of its intended research and teaching does not establish a pertinent specification (within the meaning of § 701.2(n) of the regulations) for the article that upholds duty-free entry. Specifically HEW advises that (1) the article and the domestic EMU–4C are equivalent with respect to guaranteed resolution and magnification range, and that (2) the domestic instrument also provides a prepumped specimen airlock, single condenser, if desired, and a selection of cameras. HEW further advises that the EMU–4C has all the features needed to carry out the work proposed.

It is noted that while the plate camera was ordered with the article, the 35 mm and 70 mm cameras were not ordered. Features not ordered with the article cannot be considered in the determination of scientific equivalency, pursuant to §§ 701.2(d) and 701.6(a)(3) of the regulations.

Accordingly, we find that the domestic Model EMU–4C is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–27866 Filed 11–27–74;8:45 am]

UNIVERSITY OF MONTANA

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket number: 75–00031–99–46040. Applicant: University of Montana, Missoula, Montana 59801. Article: Electron Microscope, Model EM 9S–2. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used primarily for educational purposes which are designed to provide instruction and experience in electron microscopy for both graduates and undergraduates in the allied health sciences. Undergraduate participation will be almost entirely at the level of formal course offerings. These offerings will provide the students with a sound introduction to the theory and practice of specimen preparation, electron microscopic operation, and interpretations of photomicrographs. Predoctoral and premaster's graduate students with research interests and thesis projects concerned with biological ultrastructure will be allowed to use the electron microscope for their research. Certain graduate students and faculty members will be given the opportunity to receive individual instruction in electron microscopic techniques.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time the article was ordered (January 9, 1974).

Reasons: This application is a resubmission of Docket Number 74–00265–99–46040 which was denied without prejudice to resubmission on April 19, 1974 for informational deficiencies. The applicant requires an electron microscope which is suitable for instruction of undergraduates in basic electron microscopy and micrograph interpretation. The foreign article is a relatively simple, medium resolution electron microscope providing 7 Angstroms point to point resolution, an accelerating voltage of 60 kilovolts (KV),

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and low distortion magnifications at 140–60,000x with 140 to 1000x in the normal microscopic range which permits an overlap of light and electron microscopy. The article is also designed for confident use [through ease of operation] by beginning students with a minimum of detailed programming.

Domestic instruments available at the time the article was ordered were the Model EMU–4C, a relatively complex instrument designed for the use of an expert which provides low distortion magnification at 500x and higher, available from the Adam David Company and the Elektros Incorporated Model ETEM–101, a relatively simple low resolution instrument. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated October 24, 1974, that for the applicant's intended uses (1) 60 KV accelerating voltage for adequate contrast, (2) low magnifications overlapping the optical microscope and (3) simplicity and ease of operation are pertinent. HEW also advised that the article provides better low magnification range capabilities (140x–1000x range) and a higher accelerating voltage (60KV) than the ETEM–101. In addition HEW advised that the Model EMU–4C is too complex for the applicant's educational purposes.

We, therefore, find that neither the Model EMU–4C nor the Model ETEM–101 was of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time the article was ordered.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which was being manufactured in the United States at the time the article was ordered.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–27865 Filed 11–27–74;8:45 am]

YALE UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket numer: 75–00030–90–90000. Applicant: Yale University, Purchasing Department, 260 Whitney Avenue, New Haven, Connecticut 06520. Article: Rotating Anode X-Ray Diffraction System, Model RU–200 FL. Manufacturer: Rigaku Denki Co., Japan. Intended use of article: The article is intended to be used for studies of purified enzymes, including hexokinase and alkaline phosphatase, and membranes to determine the detailed three dimensional structure of the molecule and its complexes in order to understand the specificity, mechanism chemistry, and stability of the enzyme. The article will also be used in the courses: Molecular Biophysics and Biochemistry for teaching purposes.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article provides a focused spot of minimal size (point foci 0.1 x 0.1 millimeters squared) and a rotating anode target for maximum X-ray brilliance. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated November 4, 1974 that the capabilities described above are pertinent to the applicant's purposes. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74–27868 Filed 11–27–74;8:45 am]

Office of the Secretary

SEMINAR ON INSTITUTIONAL AND LEGAL CONSTRAINTS TO COOPERATIVE ENERGY R&D

Notice of Meeting

The U.S. Department of Commerce and the Industrial Research Institute will co-sponsor a seminar on institutional and legal constraints to cooperative energy research and development. The seminar is scheduled for December 16, 1974, at the Main International Conference Room, Department of State, 2201 C Street, NW., Washington, D.C.

Advanced registration is required. The registration fee of $20.00 includes luncheon at the Department of State.

To register, send your name, title, affiliation, address and check for $20.00 to Commerce Technical Advisory Board, U.S. Department of Commerce, Room 3877, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230. Make checks payable to "Seminar on Cooperative R&D." Please respond as quickly as possible. Space is limited and reservations will be accepted on a first-come first-served basis. Cancellations may be made if received by December 10, 1974.

Background. Our Nation is now involved in a thorough examination of the deployment of our national resources to meet our long term energy requirements. Because of the high risk and large investments involved, many experts feel that a number of industry-Government and multicompany cooperative research and development programs should be considered.

At the recommendation of the Commerce Technical Advisory Board, the Department of Commerce and the Industrial Research Institute are sponsoring a seminar to provide an opportunity for open dialogue between industry and Government on this important subject. Industry spokesmen will have an opportunity to indicate their potential interest in joint ventures and to express their percepion of the major barriers to such ventures. Government spokesmen can spell out the acceptable approaches to joint ventures. Both sides can explore the importance of joint ventures to our future development of energy resources.

AGENDA

Monday Morning, December 16, 9:30 a.m.

CALL TO ORDER

Betsy Ancker-Johnson, Assistant Secretary for Science and Technology, U.S. Department of Commerce.

Keynote Speaker: Honorable Frederick B. Dent, Secretary, U.S. Department of Commerce.

Session Chairman: S. William Gouse, Jr., Director, Office of R&D, and Acting Director, Office of Coal Research, U.S. Department of the Interior.

OVERVIEW STATEMENTS ON THE CONSTRAINTS TO FORMATION OF R&D CONSORTIA

William D. Carey, Member of CTAB, Vice President, Arthur D. Little, Inc.; F. L. Cuthbert, Principal Investigator, Industrial Research Institute.

FEAR OF ANTITRUST VIOLATIONS AS DETERRENTS

Cases Presented by: Dayton H. Clewell, Senior Vice President, Mobil Oil Corporation; David Swan, Vice President-Technology, Kennecott Copper Corporation.

COFFEE BREAK

Government Speakers:

Thomas E. Kauper, Assistant Attorney General for the Antitrust Division, U.S. Department of Justice; Karl E. Bakke, General Counsel, U.S. Department of Commerce.

OPPORTUNITY FOR QUESTIONS ON THE CASES

12:30 P.M., LUNCH, DEPARTMENT OF STATE

Monday Afternoon, December 16, 2 p.m.

Session Chairman: Donald W. Collier, IRI Vice President—Research, Borg-Warner Corporation (Past President, IRI).

GOVERNMENT PATENT POLICY AS A DETERRENT IN THE FORMATION OF R&D CONSORTIA

Case Presented by: Jason M. Salsbury, Director, Chemical Research, American Cyanamide Company.

Government Speaker: Betsy Ancker-Johnson, Chairman, Government Patent Policy Committee.

GOVERNMENT DELAYS AS A DETERRENT

Case Presented by: Philip C. White, General Manager, Research, Standard Oil Company (Indiana) (Past President, IRI).

GENERAL DISCUSSION

Panel to include all speakers

Anticipated Adjournment Time: 4:30 p.m.

Further information may be obtained by writing Dr. Bruce Robinson or Mrs. Florence Feinberg, Room 3877, Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, D.C. 20230, or by calling either at (202) 967–5065.

BETSY ANCKER-JOHNSON,
Assistant Secretary of Commerce for Science and Technology.

NOVEMBER 20, 1974.

[FR Doc.74–27870 Filed 11–27–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[FAP 5B3051]

BORG-WARNER CORP.

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 5B3051) has been filed by Carr, Bonner, O'Connell, Kaplan and Thompson, 900 Seventeenth St., NW., Washington, DC 20006, on behalf of Borg-Warner Corp. proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of an acrylonitrile/butadiene/styrene copolymer in contact with food other than carbonated beverages. The environmental impact analysis report and other relevant material have been reviewed, and it has been determined that the proposed use of the additive will not have a significant environmental impact. Copies of the environmental impact analysis report may be seen in the office of the Assistant Commissioner for Public Affairs, Rm. 15B–42 or the office of the Hearing Clerk, Food and Drug Administration, Rm. 4–65, 5600 Fishers Lane, Rockville, MD 20852, during working hours, Monday through Friday.

Dated: November 21, 1974.

HOWARD R. ROBERTS,
Acting Director,
Bureau of Foods.

[FR Doc.74–27871 Filed 11–27–74;8:45 am]

INSPECTION AND RELATED SERVICES OF DRUGS MANUFACTURED IN FOREIGN COUNTRIES

Agreement Between the Defense Supply Agency and the Food and Drug Administration

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

An interagency agreement was approved and accepted by the Food and Drug Administration and the Defense Supply Agency on October 15, 1974 and October 22, 1974, respectively. This agreement, which provides for reimbursement by the Defense Supply Agency to the Food and Drug Administration for performing certain inspection and related services relating to drugs manufactured in foreign countries, reads as follows:

INTERAGENCY AGREEMENT BETWEEN THE DEFENSE SUPPLY AGENCY AND THE FOOD AND DRUG ADMINISTRATION

The Defense Supply Agency (hereinafter called DSA) agrees to reimburse the Food and Drug Administration (hereinafter called FDA) for services as provided and described herein.

Purpose: To provide for DSA certain inspection and related services of drugs manufactured in foreign countries.

I. STATUTORY RIGHTS AND OBLIGATIONS

Any and all statutory rights and obligations of FDA with respect to licensed biologics, certifiable antibiotics and drugs and with respect to the evaluation and issuance, by FDA, of New Drug Applications, are in no way affected by this agreement.

II. SERVICES TO BE PERFORMED

A. *FDA agrees:*

To inspect, at DSA's request, drug manufacturing plants and facilities of foreign manufacturers being considered by DSA as possible suppliers of drugs.

1. Such inspection by FDA will be performed by qualified FDA personnel.

2. Such inspections will be made for the purpose of appraising and evaluating the quality assurance capability and performance in relation to compliance with the Current Good Manufacturing Practice Regulations (21 CFR 133), where applicable, and requirements of solicitations for bids and resulting contracts. Such inspections will also identify the existence of foreign patents or licenses, if materials to be used are from Communist controlled areas, whether clients are in compliance with applicable approved new drug applications and whether the specification requirements of DSA can be met.

3. FDA will furnish DSA with a written report of its findings. The report will make a recommendation as to whether the firm surveyed is qualified to produce the pertinent supplies as required by solicitation for bid and contracts. These reports will be furnished within 30 days or an earlier mutually agreed upon time. If written reports cannot be furnished within the agreed upon time, FDA will telephone results of inspection to DSA and follow with written confirmation.

B. *DSA agrees:*

1. To furnish written requests for inspection services.

2. To furnish FDA with an annual estimate of the number of inspections to be required, the estimate not to be binding on either party.

3. To notify FDA of any specific changes in DSA contracting and purchasing arrangements which might affect this agreement.

4. To furnish FDA concurrent with requests for foreign inspection any background or inspectional data, as available in-house, for any foreign inspection conducted by FDA under this agreement.

5. To furnish FDA copies of all current drug and pharmaceutical specifications used in procurement. This will include, but not be limited to, Federal specification, military purchase descriptions, etc.

C. *Revisions:*

1. Additional procedures and revisions as may be necessary for the implementation of this agreement and to effectuate the intention of the parties may be developed jointly by FDA and DSA. Such revisions shall become effective on such date as is mutually agreed upon by the parties.

2. In the event that the time requirements expressed herein cannot be met by FDA, the DSA will be advised promptly.

D. *Other Provisions:*

1. In the event FDA has inspected the facilities of the foreign manufacturer within one (1) calendar year of the date of the inspection request from DSA, a written report of that inspection will be furnished DSA. DSA will review the report and if additional information is required, FDA will furnish the required information or perform the supplementary inspection necessary.

2. Nothing in this agreement will preclude DSA representatives from making visits to foreign suppliers with FDA or separately.

3. FDA personnel carrying out inspection services will be made available as witnesses or be permitted to supply information and data to DSA for GAO protest, Armed Services Board of Contract Appeal cases and such other cases where expertise is required.

III. LIAISON OFFICERS

A. Mr. Gordon J. Keefe, Special Project Officer for Medical Materiel Management, DSAH–PV, Headquarters Defense Supply Agency, Cameron Station, Alexandria, Virginia 22314. Telephone: (202) 274–6441.

B. Mr. Richard McDermaid, Foreign Inspection Program, HFO–120, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852. Telephone: (301) 443–1855.

IV. PERIOD OF AGREEMENT

This agreement, when accepted by both parties, will have an effective date beginning July 1, 1974, and continue for an indefinite period of time, and may be modified by mutual consent of both parties or may be terminated by either party upon a thirty (30) day advance written notice to the other.

V. COST

DSA shall reimburse FDA an amount not to exceed $20,000 for FY 75 services as outlined in this agreement.

VI. FUNDING

A. Billing will be based on the rates effective under the Food and Drug Administration's user charges policy at the time service is rendered and shall be based on actual time records covering each inspection analysis performed by FDA. Such billings shall designate the service performed (i.e., inspection of facilities, testing of samples, etc.), name of manufacturer or bidder involved, and shall itemize the charges by designating the type of cost (i.e., salaries, per diem, transportation, etc.), and the computation of the sum billed.

B. FDA shall submit vouchers quarterly, on Standard Form 1080, and mail to:

Defense Personnel Support Center, 2800 South 20th Street, Philadelphia, Pennsylvania 19101, Attn: Medical Materiel Directorate DPSC–A.

C. Administrative billing requirements shall be in accordance with GAO Policy and Procedure, Title 7, section 8.4.

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VII. AUTHORITY

This agreement is entered into under the authority of the Economy Act approved June 30, 1932, as amended 31 U.S.C. 686.

Approved and accepted for the Food and Drug Administration.

EDWARD A. STEFFEE,
Associate Commissioner for Administration.

Date: October 15, 1974.

Approved and accepted for the Defense Supply Agency.

P. F. COSGROVE, Jr.,
Deputy Director.

Date: October 22, 1974.

Effective date. This agreement became effective July 1, 1974.

Dated: November 22, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27873 Filed 11-27-74;8:45 am]

INVESTIGATIONAL USE OF DRUGS BY THE DEPARTMENT OF DEFENSE

Memorandum of Understanding Between the Food and Drug Administration and the Department of Defense

Pursuant to the notice published in the FEDERAL REGISTER of October 3, 1974 (39 FR 35697) that future agreements or memoranda of understanding between the Food and Drug Administration and others would be published in the FEDERAL REGISTER, the Commissioner of Food and Drugs issues the following notice:

A Memorandum of Understanding was approved and accepted by the Food and Drug Administration and the Department of Defense on August 19, 1974 and October 24, 1974, respectively, replacing one that was signed in 1964. This memorandum, which establishes procedures to be followed by the Department of Defense and the Food and Drug Administration regarding the investigational use of drugs by the Department of Defense, reads as follows:

MEMORANDUM OF UNDERSTANDING BETWEEN THE FOOD AND DRUG ADMINISTRATION AND THE DEPARTMENT OF DEFENSE CONCERNING INVESTIGATIONAL USE OF DRUGS BY THE DEPARTMENT OF DEFENSE

The Department of Defense (hereinafter called DOD) and the Food and Drug Administration of the Department of Health, Education, and Welfare (hereinafter called FDA) hereby jointly agree to the terms and conditions as described herein.

Purpose. To establish the procedures to be followed by the Department of Defense and the Food and Drug Administration regarding the investigational use of drugs by the Department of Defense. This Memorandum of Understanding, when signed by representatives of the agencies, replaces the current Memorandum of Understanding signed in 1964.

Background. Section 505(a) of the Federal Food, Drug, and Cosmetic Act, as amended by section 104 of Pub. L. 87-781, 76 Stat. 784; 21 U.S.C. 355(a) (1970) established procedures for the approval required before a new drug can be introduced into interstate commerce. Section 505(1) of the act (21 U.S.C. 355(1)) establishes exemptions from the approval procedures for drugs which will be used only for manufacture of other drugs or for investigational purposes. That section provides the authority for the regulations to give effect to the general guidance of the statute, promulgated in 21 CFR 312.1 (formerly 130.3) by Secretary of Health, Education, and Welfare. These regulations establish the procedure and prescribe the necessary forms to be filed in order to exempt drugs to be used only for investigational purposes from the approval procedures of the Federal Food, Drug, and Cosmetic Act.

A Memorandum of Understanding was executed by the Departments of Defense and Health, Education, and Welfare in 1964 to state the procedures that will be followed to ensure that the requirements of the Federal Food, Drug, and Cosmetic Act and the investigational drug regulations issued under that act are fully met without jeopardizing or impeding the requirements of national security or the requirements of Federal laws and regulations relating to such use of drugs.

The Surgeon General of each Military Department has established within his office a formal "Review Board" which carefully considers each research proposal from its own agency or from outside contractors or grantees which involve the use of human subjects in the clinical investigation of new drugs. Each "Review Board" is staffed with highly qualified professionals capable of performing competent review of such research proposals to ensure adequate protection of human subjects. The DOD assumes full responsibility for the protection of all human subjects involved in research under its sponsorship whether this involves investigational drugs or other hazards. Before a clinical test may be performed with an investigational drug, the plan of the test and other pertinent details must be submitted to the appropriate "Review Board," the Board must indicate its approval, and the approval must be confirmed by the appropriate Surgeon General.

Experience in operating under this Memorandum of Understanding from 1964 to 1974 indicates that the DOD adheres to the standards of the FDA; that human subjects have been adequately protected in the DOD-sponsored studies; that the DOD has been able to effectively carry out its responsibilities for national security without compromise of the intent of the above-cited statutes and regulations; and that certain exemptions provided the DOD from meeting the ordinary requirements of the investigational new drug regulations are no longer necessary. Accordingly, the DOD and the FDA agree to the following new procedures to meet the requirements of the Federal Food, Drug, and Cosmetic Act concerning investigational use of drugs:

I. SUBSTANCE OF AGREEMENT

The Food and Drug Administration and the Department of Defense agree that:

1. Clinical investigations that are classified for reasons of national security will not require the filing of a formal "Claim for Exemption" to the FDA. The DOD shall be solely responsible for determining the security classification of such research projects. Approval by the appropriate "Review Board" and Surgeon General of a test classified for reasons of national security will automatically exempt the drug being employed from the application of the new drug section of the Food, Drug, and Cosmetic Act during such investigational study. The DOD will report to the FDA unclassified findings associated with such studies which the FDA should be aware of in order to make a sound evaluation of non-classified studies proposed on the same or similar drugs. Additionally, the DOD will discuss its classified investigations of drugs on a frequent basis with personnel from the FDA who have proper security clearance.

2. When the unique requirements of the military dictate the extensive use in military personnel of drugs which, though not yet approved, have been tested under the investigational new drug regulations sufficiently to establish with reasonable certainty their safety and efficacy, special ad hoc review and approval for such use will be effected expeditiously through joint action by representatives of the Department of Defense and the Food and Drug Administration to ensure timely response to the military need. The DOD will report to the FDA findings associated with such use which the FDA should be aware of in order to make a sound evaluation of other studies proposed on the same or similar drug.

3. In all other cases involving the clinical testing of investigational drugs under programs sponsored by the DOD and conducted either by the DOD within its own research facilities, or for the DOD by a contractor or grantee, the ordinary provisions of 21 CFR 312.1 (formerly 130.3) of the Code of Federal Regulations governing the investigational use of new drugs in human beings shall be followed.

II. NAME AND ADDRESS OF PARTICIPATING AGENCIES

A. Department of Defense
Washington, DC 20314
B. Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852

III. LIAISON OFFICERS

A. Col. Edward J. Huycke
Director, Professional Services
Office of the Assistant Secretary of Defense (Health and Environment)
Washington, DC 20301
Telephone: (202) 697-9658
B. John Jennings, M.D.
Associate Commissioner for Medical Affairs, HFM-1
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20852
Telephone: (301) 443-4124

IV. PERIOD OF AGREEMENT

This agreement, when accepted by both parties, covers an indefinite period of time and is subject to modification by mutual consent by both parties.

V. AUTHORITY

This agreement is entered into under the authority of the Economy Act, approved June 30, 1932, as amended, 31 U.S.C. 686.

Approved and accepted for the Department of Defense.

V. MCKENZIE,
Acting Assistant Secretary, Health and Environment.

Date 10/24/74

Approved and accepted for the Food and Drug Administration.

A. M. SCHMIDT,
Commissioner, Food and Drug Administration.

Date 8/19/74

Effective date. This Memorandum of Understanding became effective on October 24, 1974.

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27872 Filed 11-27-74;8:45 am]

PANEL ON REVIEW OF ANTIMICROBIAL AGENTS

Cancellation of Meeting

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776; 5 U.S.C. App.), the Food and Drug Administration announced in a notice published in the FEDERAL REGISTER of November 15, 1974 (39 FR 40315), public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act.

Notice is given that the meeting of the Panel on Review of Antimicrobial Agents scheduled for December 20, 21, and 22, 1974 is cancelled.

Dated: November 21, 1974.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.74-27878 Filed 11-27-74;8:45 am]

National Institutes of Health

ALLERGY AND IMMUNOLOGY STUDY SECTION, ET AL.

Notice of Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of the following study sections for January 1975 and the individuals from whom summaries of meetings and rosters of committee members may be obtained.

These meetings will be open to the public to discuss administrative details relating to Study Section business for approximately one hour at the beginning of the first session of the first day of the meeting. Attendance by the public will be limited to space available. These meetings will be closed thereafter in accordance with the provisions set forth in sections 552(b)(4) and 552(b)(6) of Title 5, U.S. Code and section 10(d) of Pub. L. 92-463 for the review, discussion and evaluation of applications for research projects and for grants and awards for research and training activities. The applications contain information of a proprietary or confidential nature, including detailed research protocols, designs, and other technical information; financial data, such as salaries; and personal information concerning individuals associated with the applications.

Mr. Richard Turlington, Chief, Grants Inquiries Office of the Division of Research Grants, Westwood Building, National Institutes of Health, Bethesda, Maryland 20014, telephone area code 301-496-7441 will furnish summaries of the meetings and rosters of committee members. Substantive program information may be obtained from each Executive Secretary whose name, room number, and telephone number are listed below each study section. Anyone planning to attend a meeting should contact the Executive Secretary to confirm the exact meeting time.

Study section	January 1975 meetings	Time	Location
		a.m.	
Allergy and Immunology, Dr. Mischa E. Friedman, room 320, telephone 301-496-7380.	16-18	8:45	Holiday Inn, Chevy Chase, Md.
Applied Physiology and Bioengineering, Mrs. Ileen E. Stewart, room 318, telephone 301-496-7581.	23-25	8:30	Building 31, Room 9, Bethesda, Md.
Bacteriology and Mycology, Dr. Milton Gordon, room A-27, telephone 301-496-7340.	9-11	8:30	Connecticut Inn, Washington, D.C.
Biochemistry, Dr. William R. Sanslone, room 350, telephone 301-496-7516.	17-19	9:00	Linden Hill, Bethesda, Md.
Biomedical Communications, Mrs. Ileen E. Stewart, room 318, telephone 301-496-7581.	16-17	9:00	Holiday Inn, Chevy Chase, Md.
Biophysics and Biophysical Chemistry A, Dr. Irvin Fuhr, room 4A-09, telephone 301-496-7060.	10-11	9:00	Shoreham Hotel, Washington, D.C.
Biophysics and Biophysical Chemistry B, Dr. John B. Wolff, room 4A-07, telephone 301-496-7070.	16-18	8:30	Building 31, room 3, Bethesda, Md.
Cardiovascular and Pulmonary, Dr. Berton J. Leach, room 339, telephone 301-496-7901.	8-11	8:30	Holiday Inn, Bethesda, Md.
Cardiovascular and Renal, Dr. Floyd O. Atchley, room 339, telephone 301-496-7901.	15-18	8:30	Do.
Cell Biology, Dr. Evelyn A. Horenstein, room 4A-04, telephone 301-496-7020.	16-18	9:00	Shoreham Hotel, Washington, D.C.
Communicative Sciences, Mr. Frederick J. Gutter, room 321, telephone 301-496-7550.	8-10	9:00	Building 31, room 3, Bethesda, Md.
Computer and Biomathematical Sciences, Dr. Bernice S. Lipkin, room 310, telephone 301-496-7568.	15-17	9:00	Holiday Inn, Bethesda, Md.
Dental, Dr. Thomas M. Tarpley, Jr., room 4A-03, telephone 301-496-7818.	21-24	9:00	Building 31, room 10, Bethesda, Md.
Developmental Behavioral Sciences, Dr. Bertie H. R. Woolf, room 4A-10, telephone 301-496-7471.	22-24	8:30	Do.
		p.m.	
Endocrinology, Mr. Morris M. Graff, room 333, telephone 301-496-7346.	6-9	7:00	Sheraton Inn, Silver Spring, Md.
Epidemiology and Disease Control, Mr. Glenn G. Lamson, Jr., room 4A-11, telephone 301-496-7080.	15-17	8:30	Building 31, room 7, Bethesda, Md.
Experimental Psychology, Dr. A. Keith Murray, room 226, telephone 301-496-7004.	15-18	9:30	Shoreham Hotel, Washington, D.C.
Experimental Therapeutics, Dr. Anne R. Bourke, room 319, telephone 301-496-7839.	9-11	8:30	Building 31, room 6, Bethesda, Md.
General Medicine A, Dr. Harold M. Davidson, room 354, telephone 301-496-7797.	19-21	9:00	Do.
General Medicine B, Dr. William F. Davis, Jr., room 222, telephone 301-496-7730.	15-18	2:00	Embassy Row Hotel, Washington, D.C.
Genetics, Dr. Katherine S. Wilson, room 349, telephone 301-496-7271.	16-18	9:00	Building 31, room 6, Bethesda, Md.
Hematology, Dr. Joseph E. Hayes, Jr., room 355, telephone 301-496-7508.	13-15	9:00	Holiday Inn, Chevy Chase, Md.
Human Embryology and Development, Dr. Samuel Moss, room 221, telephone 301-496-7597.	8-11	9:00	Building 31, room 7, Bethesda, Md.
Immunobiology, Dr. James H. Turner, room A-25, telephone 301-496-7780.	23-25	9:00	Drake Wiltshire Hotel, San Francisco, Calif.
Medicinal Chemistry A, Dr. Asher A. Hyatt, room 222, telephone 301-496-7286.	12-14	9:00	Holiday Inn, Bethesda, Md.
Medicinal Chemistry B, Mr. Richard P. Bratzel, room 222, telephone 301-496-7286.	5, 8-9	9:00	Monteleone Hotel, New Orleans, La.
Metabolism, Dr. Robert M. Leonard, room 218, telephone 301-496-7091.	15-18	8:30	Sheraton Inn, Silver Spring, Md.
Microbial Chemistry, Dr. Gustave Silber, room 357, telephone 301-496-7130.	9-11	8:30	Embassy Row Hotel, Washington, D.C.
Molecular Biology, Dr. Donald T. Disque, room 328, telephone 301-496-7830.	16-18	8:30	Building 31, room 8, Bethesda, Md.
Neurology A, Dr. William E. Morris, room 326, telephone 301-496-7095.	8-11	9:00	Do.
Neurology B, Dr. Willard L. McFarland, room 2A-10, telephone 301-496-7422.	16-18	8:30	Embassy Row Hotel, Washington, D.C.
Nutrition, Dr. John R. Schubert, room 204, telephone 301-496-7178.	15-18	8:30	Building 31, room 4, Bethesda, Md.
Pathology A, Dr. William B. Savebuck, room 337, telephone 301-496-7305.	8-10	8:30	Sheraton Inn, Silver Spring, Md.
Pathology B, Dr. James K. MacNamee, room 352, telephone 301-496-7244.	9-11	8:30	Holiday Inn, Bethesda, Md.
Pharmacology, Dr. Joseph A. Kaiser, room 334, telephone 301-496-7408.	22-25	9:00	Building 31, room 8, Bethesda, Md.
Physiological Chemistry, Dr. Robert L. Ingram, room 338, telephone 301-496-7837.	13-17	9:00	Sheraton-Four Ambassadors, Miami, Fla.
Physiology, Dr. Clara E. Hamilton, room 219, telephone 301-496-7878.	23-25	9:00	Building 31, room 4, Bethesda, Md.
Population Research, Miss Carol A. Campbell, room 210, telephone 301-496-7140.	24-26	9:00	Skyline Inn, Washington, D.C.
Radiation, Dr. Robert L. Straube, room 206, telephone 301-496-7510.	14-17	8:30	Building 31, room 10, Bethesda, Md.
Reproductive Biology, Dr. Robert T. Hill, room 206, telephone 301-496-7318.	13-15	9:00	United Inn, Bethesda, Md.
Surgery A, Dr. Raymond J. Helvig, room 336, Telephone 301-496-7771.	10-11	8:30	Building 31, room 9, Bethesda, Md.
Surgery B, Dr. Joe W. Atkinson, room 348, telephone 301-496-7506.	10-11	8:30	Do.
Toxicology, Dr. Rob S. McCutcheon, room 226, telephone 301-496-7570.	15-18	8:00	Westwood Bldg., room D, Bethesda, Md.
Tropical Medicine and Parasitology, Dr. George W. Lattermoser, room 319, telephone 301-496-7494.	8-10	9:00	Connecticut Inn Motel, Washington, D.C.
Virology, Dr. Claire H. Winestock, room 340, telephone 301-496-7128.	9-11	9:00	Building 31, room 10, Bethesda, Md.
Visual Sciences A, Dr. Orvil E. A. Bolduan, room 2A-05, telephone 301-496-7180.	15-17	9:00	Holiday Inn, Bethesda, Md.
Visual Sciences B, Dr. Marie A. Jakus, room 353, telephone 301-496-7251.	15-17	9:00	Do.

(Catalog of Federal Domestic Assistance Program Nos. 13.333, 13.349, 13.393-13.396, 13.836-13.844, 13.846-13.871, 13.876, National Institutes of Health, DHEW)

Dated: November 20, 1974.

SUZANNE L. FREMEAU,
Committee Management Officer, National Institutes of Health.

[FR Doc.74-27715 Filed 11-27-74;8:45 am]

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GRANT-SUPPORTED CLINICAL CANCER PROGRAM

Establishment of Program

Notice is hereby given that the National Cancer Institute, under the authority of section 301 and Title IV, Part A, of the Public Health Service Act, as amended (42 U.S.C. 241, 281 et seq.) will establish a grant-supported program to improve the teaching of cancer prevention, diagnosis, and treatment by means of coordinated, correlated, and interdisciplinary educational programs. These awards are intended: to encourage planning and development of educational programs aimed towards achievement of optimal care of the cancer patient; to enable students in the health professions to acquire basic knowledge of neoplastic disease and of preventive measures, as well as diagnostic and therapeutic skills and experience in optimal cancer care and to stimulate and expand efforts in cancer education and in the delivery of health care services as they apply to the cancer patient. This is an educational program which provides support for improving the teaching of cancer-related topics rather than a fellowship program which would provide individual stipendiary support.

Eligible institutions include schools of medicine, schools of osteopathy, affiliated teaching hospitals, schools of dentistry and public health, and specialized cancer institutions capable of giving intensive training in cancer management. Applications shall be subject to technical review by an initial review committee and must receive favorable recommendation from the National Cancer Advisory Board. Application must be made to the Division of Research Grants, National Institutes of Health, and must be received by February 1, June 1, and October 1 of each year in order to be reviewed at the succeeding meetings of the National Cancer Advisory Board, (i.e., June, November and March respectively). Although applications are currently being solicited, no awards will be made until issuance of final Federal regulations for the program. These regulations are currently being developed.

For further information contact Chief, Education Branch, Division of Cancer Research Resources and Centers, Bethesda, Maryland 20014.

(Catalog of Federal Domestic Assistance Program No. 13.398, National Institutes of Health)

Dated: November 18, 1974.

ROBERT S. STONE,
Director,
National Institutes of Health.

[FR Doc.74-27814 Filed 11-27-74;8:45 am]

Office of Education

TALENT SEARCH, UPWARD BOUND, SPECIAL SERVICES FOR DISADVANTAGED STUDENTS, AND EDUCATIONAL OPPORTUNITY CENTERS PROGRAMS

Closing Date for Receipt of Applications

Pursuant to the authority contained in Title IV, part A, Subpart 4 of the Higher Education Act of 1965, as amended (20 U.S.C. 1070d–1070d–1), notice is hereby given that the Commissioner of Education has established a closing date for receipt of applications for awards under the Talent Search, Upward Bound, Special Services for Disadvantaged Students, and Educational Opportunity Centers Programs.

All applications must be received on or before January 10, 1975.

A. *Submission procedures.*—(1) Proposals for Talent Search, Upward Bound, and/or Special Services for Disadvantaged Students projects must be submitted to the appropriate Regional Office of Education, Application Control Center, Attention: 13.482 (Special Services for Disadvantaged Students), 13.488 (Talent Search), and/or 13.492 (Upward Bound).

(2) Proposals for Educational Opportunity Centers projects must be submitted to the Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.543 (Educational Opportunity Centers).

(3) Proposals for National Demonstration Talent Search, Upward Bound, or Special Services for Disadvantaged Students projects must be submitted to the Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.482 (Special Services for Disadvantaged Students), 13.488 (Talent Search), or 13.492 (Upward Bound).

B. *Applications sent by mail.* An application sent by mail will be considered to be received on time by the appropriate Application Control Center cited above if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C., for Education Opportunity Centers or National Demonstration proposals, or the mail room of the appropriate Regional Office of Education for Talent Search, Upward Bound, and Special Services for Disadvantaged Students proposals. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education, including the Regional Offices of Education).

C. *Hand-delivered applications.* An application to be hand-delivered must be taken to the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C., or the appropriate Regional Office of Education Application Control Center. Hand-delivered applications will be accepted daily between the hours of 9 a.m. and 4 p.m. except Saturdays, Sundays, or Federal holidays. Applications will not be accepted after 4 p.m. on the closing date.

D. *Program information and forms.* Information and application forms may be obtained from the appropriate Regional Office of Education or from the Division of Student Support and Special Programs, Rm. 4010, 7th and D Sts., SW., Washington, D.C. 20202.

E. *Applicable regulations.* The regulations applicable to these programs include the Office of Education General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973, the regulations set forth at 45 CFR Part 154 (Educational Opportunity Centers) and 45 CFR Part 155 (Upward Bound) and the funding criteria for Upward Bound projects, Educational Opportunity Centers, Talent Search, and Special Services for Disadvantaged Students projects published in this issue of the FEDERAL REGISTER.

(Catalog of Federal Domestic Assistance Programs, Numbers 13.482 Special Services for Disadvantaged Students, 13.488 Talent Search, 13.492 Upward Bound, and 13.543 Educational Opportunity Centers)

Dated: November 1, 1974.

T. H. BELL,
U.S. Commissioner of Education.

[FR Doc.74-27923 Filed 11-27-74;8:45 am]

Office of the Secretary

LONG-TERM CARE MARKET PLACE

Notice of Program Results

Pursuant to section 606 of the Economic Opportunity Act of 1964, as amended, 42 USC 2946, this agency announces the results of activity associated with HEW project entitled, "Report on Deficiencies of the Long-Term Care Market Place with Emphasis on Reform."

There appears to be general agreement that the reimbursement mechanism characteristic of both the acute and chronic health care sectors provides few stimuli for cost containment, and has largely been responsible for the cost spiral that has characterized the institutional components of the health care industry. This study focuses specifically on the long-term care sector of the health industry, analyzes its current reimbursement structure, reviews the pertinent literature in the areas of incentive reimbursement and patient and facility assessment, and presents a specific model for developing an incentive reimbursement program which should improve economic performance without sacrificing appropriate elements of patient care.

Three major areas were identified which jointly contributed to the recognized deficiences of long-term care. The areas and the contributing elements within each are:

1. Institutional Deficiencies—poor compliance with various codes and regulations; patient misplacement; paucity of suitable alternatives to institutionalization; and the limited involvement of the medical and lay communities in the long-term care setting.

2. Industry Deficiencies—the current reimbursement system which fails to encourage economic efficiency; and the absence of a competitive environment.

3. Regulatory Deficiencies—absence of uniform codes for licensing and setting of standards with regard to acceptable levels of care; poor and uneven enforcement of existing standards and codes; and a significant communications gap among the public health, rate setting, and social welfare agencies charged with policymaking in the long-term care area.

Four major market consequences are identified as the result of these deficiencies. They are: high prices relative to the quality of the product provided, a low level of product satisfaction, a limited product range, and a low level of patient health status. In light of these deficiencies and consequences, a proposed incentive reimbursement system was developed to alter the reimbursement process. As such it can be incorporated into almost any financing vehicle or program.

A copy of this report, now in production, will be filed with the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151, and copies may be obtained through that office.

Dated: November 25, 1974.

WILLIAM A. MORRILL,
Assistant Secretary for Planning and Evaluation.

[FR Doc.74-27925 Filed 11-27-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Commissioner (Federal Housing Administration)

[Docket No. N–74–218]

MORTGAGE AND LOAN INSURANCE PROGRAMS

Policy Statement on Thermal Insulation Requirements

Correction

In FR Doc. 74–27112 appearing at page 40968 of the issue of Friday, November 22, 1974, the following correction should be made in Table 6–7.1, appearing at page 40969:

1. In the first line of the first column under the heading "Winter degree days", the number "8,500" should read "4,500".

2. In the last line of the same column, the number "4,001" should read "8,001".

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS GENERAL ELECTRIC COMPANY SUBCOMMITTEE

Notice of Meeting

NOVEMBER 22, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' General Electric Company Subcommittee will hold a meeting on December 16, 1974 in Room 1046 at 1717 H Street NW., Washington, D.C.

The purpose of the meeting will be to discuss General Electric's Standard Safety Analysis Report (GESSAR). This is the fourth meeting on this subject.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

MONDAY, DECEMBER 16, 1974, 9 A.M.–5 P.M. DISCUSSIONS WITH THE GENERAL ELECTRIC COMPANY AND THE AEC REGULATORY STAFF.

Representatives of the General Electric Co. will make presentations on General Electric's Standard Safety Analysis Report (GESSAR).

In connection with the above agenda, the Subcommittee will hold executive sessions prior to, and at the close of, the day's public session, which will involve a discussion of its preliminary views, and an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the Regulatory Staff and representatives of the General Electric Co. to discuss privileged information relating to the proposed standard design features.

I have determined, in accordance with subsection 10(d) of Pub. L. 92–463, that the executive sessions at the beginning and end of each day's session will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than December 9, 1974 to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3:30 p.m. on December 16, 1974.

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(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on December 13, 1974 to the Advisory Committee on Reactor Safeguards (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m., e.s.t

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meting, will be permitted both before and after the meeting and during any recess. The use of such equipment, will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portions of the meeting will be available for inspection on or after December 18, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street NE., Washington, D.C. 20002 (telephone 202–547–6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545 after March 17, 1975. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee,
Management Officer.

[FR Doc.74–27795 Filed 11–27–74;8:46 am]

[Docket Nos. 50–524, 50–525, 50–526, and 50–527]

ALABAMA POWER CO.

Application for Construction Permits and Facility Licenses; Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

The Alabama Power Company (the applicant), pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed September 27, 1974, for authorization to construct and operate four generating units utilizing four boiling water reactors. The application was tendered on August 16, 1974. Following a preliminary review for completeness, the application (the preliminary safety analysis report and antitrust information) was found to be acceptable for docketing. Docket Nos. 50–524, 50–525, 50–526, and 50–527 have been assigned to the application and they should be referenced in any correspondence relating to the application. The environmental report, which was also tendered on August 16, 1974 and supplemented on October 14, 1974, was accepted for a detailed review on November 15, 1974.

The proposed nuclear facilities, designated by the applicant as the Alan R. Barton Nuclear Plant, Units 1, 2, 3, and 4 are to be located in Chilton and Elmore Counties, Alabama, approximately 15 miles southeast of Clanton, along the west side of the Coosa River. Each unit is designed for initial operation at approximately 3579 megawatts (thermal), with a net electrical output of approximately 1159 megawatts.

A notice of hearing with opportunity for public participation is being published separately.

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before January 28, 1975. The request should be filed in connection with Docket Nos. 50–524–A, 50–525–A, 50–526–A, and 50–527–A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Clanton Public Library, 100 First Avenue, Clanton, Alabama 35045.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in 10 CFR Part 51, an environmental report dated November 11, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities is being made available for public inspection at the aforementioned locations and at the Alabama Development Office, State Office Building, Montgomery, Alabama 36104; Birmingham Regional Planning Commission, 2121 Building, Room 1524, Eighth Avenue North, Birmingham, Alabama 35203; Central Alabama Regional Planning Commission, 210 Washington Building, Montgomery, Alabama 36104.

After the environmental report has been analyzed by the Commission's Director of Regulation or his designee, a draft environmental statement will be prepared by the Commission's Regulatory staff. Upon preparation of the draft environmental statement, the Commission will, among other things, cause to be published in the FEDERAL REGISTER a summary notice of availability of the draft statement, with a request for comments from interested persons on the draft statement. The summary notice will also contain a statement to the effect that comments of Federal agencies and State and local officials will be made available when received. Upon consideration of comments submitted with respect to the draft environmental statement, the Regulatory staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Dated at Bethesda, Maryland, this 15th day of November 1974.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2–1 Directorate of Licensing.

[FR Doc.74–27691 Filed 11–27–74;8:45 am]

[Docket No. 50–313]

ARKANSAS POWER AND LIGHT CO.

Amendment to Facility Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 1 to Facility Operating License No. DPR–51, issued to the Arkansas Power and Light Company, which revised Technical Specifications for operation of the Arkansas Nuclear One, Unit 1, located on a peninsula on the northern shores of Lake Dardanelle, in Pope County, 2 miles southeast of the village of London and 5 miles northwest of the city of Russellville in Arkansas. The amendment is effective as of its date of issuance.

The amendment permits monitoring the temperature differential across the plant condenser once each shift rather than every two hours when the plant is at steady state power levels. The temperature differential across the condenser will be measured within two hours after a change in power level has stabilized. The amendment requires monitoring of condenser outlet temperature every two hours if condenser inlet exceeds 85°F with four circulating water pumps running or 70°F with three circulating pumps running.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see (1) the application for amendment dated November 20, 1974, (2) Amendment No. 1 to License No. DPR–51, with Change No. 1, and (3) the Commission's related Environmental Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Arkansas Polytechnic College, Russellville, Arkansas.

A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 22d day of November 1974.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors Branch No. 2, Directorate of Licensing.

[FR Doc.74–27932 Filed 11–27–74;8:45 am]

[Docket Nos. Stn 50–498 and Stn 50–499]

HOUSTON LIGHTING AND POWER CO.

Availability of AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in 10 CFR Part 50, Appendix D, notice is hereby given that a Draft Environmental Statement prepared by the Commission's Directorate of Licensing related to the proposed South Texas Project, Units 1 and 2, to be constructed by the Houston Lighting and Power Company in Matagorda County, Texas, is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Matagorda County Courthouse, 1700 Seventh Street, Bay City, Texas 77414. The Draft Environmental Statement is also being made available at the Division of Planning Coordination, Office of the Governor, P.O. Box 12428, Capitol Station, Austin, Texas 78711. Copies of the Commission's Draft Environmental Statement may be obtained by request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

The Environmental Report, as supplemented, submitted by the Houston Lighting and Power Company is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on July 19, 1974 (39 FR 26472).

Pursuant to 10 CFR Part 51, interested persons may submit comments on the Applicant's Environmental Report and the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the Applicant's Environmental Report and the Draft Environmental Statement (local agencies may obtain these documents upon request). Comments are due by January 20, 1975.

Comments by Federal, State and local officials or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. and at the Matagorda County Courthouse, Bay City, Texas. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the regulatory staff will prepare a Final Environmental Statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 25th day of November, 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects, Branch 3, Directorate of Licensing.

[FR Doc.74–27931 Filed 11–27–74;8:45 am]

[Docket No. 50–206]

SOUTHERN CALIFORNIA EDISON CO. AND SAN DIEGO GAS AND ELECTRIC CO.

Amendment to Provisional Operating License

Notice is hereby given that the U.S. Atomic Energy Commission (the Commission) has issued Amendment No. 6 to Provisional Operating License No. DPR–13 issued to Southern California Edison Company and San Diego Gas and Electric Company which revised Technical Specifications for operation of the San Onofre Nuclear Generating Station, Unit 1, located near Camp Pendleton, San Diego County, California. The amendment is effective as of its date of issuance.

The amendment incorporates environmental technical specifications in Provisional Operating License No. DPR–13, and deletes Paragraph 4 therein, relating to the allocation of special nuclear material pursuant to 10 CFR § 50.60.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

For further details with respect to this action, see the application for amendment, dated February 21, 1974 and Amendment No. 6 to License No. DPR–13, with any attachments. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and in the San Clemente Public Library, 233 Granada Street, San Clemente, California.

A copy of Amendment No. 6 may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing—Regulation.

Dated at Bethesda, Maryland, this 22nd day of November 1974.

For the Atomic Energy Commission.

B. J. YOUNGBLOOD,
Chief, Environmental Projects Branch 3, Directorate of Licensing.

[FR Doc.74–27933 Filed 11–27–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 27019]

LISSONE LINDEMAN, U.S.A., INC., D/B/A LISLIND INTERNATIONAL

Foreign Indirect Air Carrier Permit

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding which is currently in recess will reconvene and be held on December 9, 1974, at 10 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., November 22, 1974.

[SEAL] WILLIAM H. DAPPER,
Administrative Law Judge.

[FR Doc.74–27935 Filed 11–27–74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, FR Doc. 67–13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from Director of Policy Planning, Antitrust Division to Deputy Assistant Attorney General, Office of the Assistant Attorney General, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–27903 Filed 11–27–74;8:45 am]

DEPARTMENT OF JUSTICE

Revocation of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy

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Director of Operations, Office of the Assistant Attorney General, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27904 Filed 11-27-74;8:45 am]

DEPARTMENT OF JUSTICE

Title Change in Noncareer Executive Assignment

By notice of November 17, 1967, FR Doc. 67-13608, the Civil Service Commission authorized the departments and agencies to fill by noncareer executive assignment, certain positions removed from Schedule C of Civil Service Rule VI by 5 CFR 213.3301a on November 17, 1967. This is notice that the title of one such position so authorized to be filled by noncareer executive assignment has been changed from First Assistant to the Assistant Attorney General, Antitrust Division to Chief Deputy Assistant Attorney General, Office of the Assistant Attorney General, Antitrust Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27905 Filed 11-27-74;8:45 am]

DEPARTMENT OF LABOR

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Labor to fill by noncareer executive assignment in the excepted service the position of Public Affairs Director, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27902 Filed 11-27-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Title Change in Noncareer Executive Assignment

By notice of September 1, 1971, FR Doc. 71-12771 the Civil Service Commission authorized the Department of Transportation to fill by noncareer executive assignment the position of Deputy Assistant Secretary for Safety and Consumer Affairs, Office of the Secretary. This is notice that the title of this position is now being changed to Deputy Assistant Secretary for Environment, Safety & Consumer Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27900 Filed 11-27-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Management and Budget to fill by noncareer executive assignment in the excepted service the position of Assistant to the Director, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION.
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-27901 Filed 11-27-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 300-7; OPP-32000/147]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This policy provides that EPA will, upon receipt of every application for registration, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-31, East Tower, 401 M Street SW., Washington, D.C. 20460.

On or before January 27, 1974, any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after October 21, 1972, is being used to support an application described in this notice, (c) desires to assert a claim for compensation under section 3(c)(1)(D) for such use of his data, and (d) wishes to preserve his right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Information Coordination Section, Technical Services Division (WH-569), Office of Pesticide Programs, 401 M Street SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the interim policy of November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy will be processed to completion in accordance with existing procedures. Applications submitted under 2(c) of the interim policy cannot be made final until the 60 day period has expired. If no claims are received within the 60 day period, the 2(c) application will be processed according to normal procedure. However, if claims are received within the 60 day period, the applicants against whom the claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after January 27, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 3533-LA. Airkem, A Div. of Airwick Inds, Inc., 111 Commerce Rd., Carlstadt NJ 07072. AIRKEM ROC RESIDUAL ODOR CONTROLLED INSECTICIDE. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrmidinyl) phosphorothioate 0.500%; Pyrethrins 0.045%; Technical piperonyl butoxide (equivalent to 0.072%) (butylcarbityl) (6-propylpiperonyl) ether and other related compounds (0.018%) 0.090%; N-octyl bicyclo heptene dicarboximide 0.151%; Petroleum distillate 68.710%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3533-LT. Airkem, A Div. of Airwick Inds. Inc., 111 Commerce Rd., Carlstadt NJ 07072. AIRKEM RIC RESIDUAL INSECT CONTROL. Active Ingredients: 0,0-diethyl 0-(2-isopropyl-6-methyl-4-pyrimidinyl) phosphorothioate 0.500% Pyrethrins 0.052%; Technical piperonyl butoxide (equivalent to 0.209%) (butylcarbityl) (6-propylpiperonyl) ether and 0.052% other related compounds 0.260%; Petroleum distillate 68.544%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1762-GG. Associated Chemists Inc., 4401 S.E. Johnson Creek Blvd., Portland OR 97206. PINE NEEDLE ODOR SANITIZER. Active Ingredients: Sodium carbonate 5%; n-alkyl (C14 50%, C12 40%, C16 10%) dimethyl benzyl ammonium chlorides 2%; Tetrasodium ethylenediamine tetraacetate 0.4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-EN. Atlantic Chemicals, Inc., PO Box 8035, Orlando FL 32806. 10-TO-1 CUNILATE WOOD SEAL. Active Ingredients: Copper 8-Quinolinolate (Metallic Copper 0.70%) 3.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-RI. Atlantic Chemicals, Inc. SODIUM HYPOCHLORITE SOLUTION. Active Ingredients: Sodium Hypochlorite 10.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-ER. Atlantic Chemicals, Inc. A.C.I. DOWICIDE A-HEXAMINE, DOW-A HEX CONCENTRATE. Active Ingredients: Sodium Orthophenyl Phenate 35%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-EE. Atlantic Chemicals, Inc. ATAMINE ALGAECIDE. Active Ingredients: Methydodecylbenzyl Trimethyl Ammonium Chloride 8%; Methyl Dodecylxylyene bis (Trimethyl Ammonium Chloride) 2%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 2986-RO. Atlantic Chemicals, Inc. 2-TO-1 CUNILATE WOOD SEAL. Active Ingredients: Copper 8-Quinolinolate (Metallic Copper 0.14%) 0.75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 352-317. E. I. DuPont De Nemours & Co., 6054 DuPont Bldg., Wilmington, DE 19898. SINBAR TERBACIL WEED KILLER. Active Ingredients: Terbacil (3-tert-butyl-5-chloro-6-methyluracil) 80%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 4816-67. FMC Corporation, Agricultural Chem. Div., 100 Niagara St., Middleport NY 14105. CODE 716.00 ROTENON SOLUTION FK-11. Active Ingredients: Rotenone 2.50%; Other Cube Extractives 5.00%; Technical Piperonyl Butoxide 2.50%; Aromatic Petroleum Derivative Solvent 80.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 302-241. The Chas. H. Lilly Co., 109 SE Alder, Portland OR 97214. ENVY 2,4-D. Active Ingredients: Triethylamine Salt of 2,4-Dichlorophenoxyacetic Acid 50.32%; 2,4-Dichlorophenoxyacetic Acid 10.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1266-RLU. Malter International Corp., PO Box 6099, New Orleans LA 70114. MALTER INTERNATIONAL RANIS LIQUID CONCENTRATED RESIDUAL INSECTICIDE. Active Ingredients: Petroleum Distillates 42.0%; Ethyl Alcohol 35.8%; Methyl Alcohol 5.0%; Methylene Chloride 5.0%; 0-Isopropoxyphenyl methycarbamate 4.0%; Ethyl Acetate 1.7%; 2,2-dichlorovinyl dimethyl phosphate 0.93%; Related Compounds 0.07%; Methyl Isobutyl Ketone 0.40%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 33009-R. Nottingham Co., PO Box 17896 Station N, Atlanta GA 30325. PINE OIL-150, FOR MANUFACTURING GERMICIDES. Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 655-LER. Prentiss Drug & Chemical Co., Inc., 363 7th Ave., New York NY 10001. PRENTOX METHOXYCHLOR-DDVP EMULSIFIABLE CONCENTRATE. Active Ingredients: Methoxychlor Technical 14.67%; 2,2-Dichlorovinyl Dimethyl Phosphate 1.38%; Related Compounds 0.11%; Aromatic Petroleum Derivatives 78.84%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 655-LEN. Prentiss Drug & Chemical Co., Inc., 363 7th Ave., New York NY 10001. PRENCHLOR 20% OIL SOLUBLE CONCENTRATE. Active Ingredients: Technical Chlordane 20.0%; Petroleum Distillate 80.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 538-REO. O. M. Scott & Sons Co., Marysville OH 43040. PROTURF FERTILIZER AND CRABGRASS PREVENTER FOR USE ON LAWN AND TURF-GRASSES ONLY. Active Ingredients: S-(0,0-Diisopropyl phosphorodithioate) ester of N-(2-Mercaptoethyl) benzenesulfonamide 5.20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 777-LR. Lehn & Fink Products Div. of Sterling Drug Inc., 225 Summit Ave., Montvale NJ 07645. LYSOL BRAND DISINFECTANT BASIN/TUB/TILE PUMP SPRAY CLEANER. Active Ingredients: Tetrasodium ethylenediamine, tetraacetate 1.52%; Sodium metasilicate 0.06%; Alkyl dimethyl benzyl ammonium chlorides 0.08%; Alkyl dimethyl benzyl ammonium chlorides 0.02%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 557-RORI. Swift Chemical Co., 111 W. Jackson Blvd., Chicago, IL 60604. K-MART WEED AND FEED. Active Ingredients: Dimethylamine salts of 2,4-dichlorophenoxyacetic acid 0.976%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557-RORT. Swift Chemical Co., 111 W. Jackson Blvd., Chicago, IL 60604. VIGORO INDOOR-OUTDOOR INSECT KILLER POWDER. Active ingredients: 2-(1-Methylethoxy) Phenol Methylcarbamate 2.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 148-RROU. Thompson-Hayward Chemical Co., 5200 Speaker Rd., Kansas City KS 66110. FREE STYLE POOL START C. Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 49.1%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-389. Wilbur-Ellis Co., PO Box 1286 Fresno CA 93715. RED-TOP NUSAN 30 E. C. Active Ingredients: 2-(thiocyanomethylthio benzothiazole 30%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA Reg. No. 2935-380. Wilbur-Ellis Co. RED-TOP TRITHION 4 EMULSIVE. Active Ingredients: Carbophenothion 45%; Xylene 46%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-377. Wilbur-Ellis Co. RED-TOP LINDANE 1.7% SPRAY. Active Ingredients: Lindane (gamma isomer of benzene hexachloride) 20%; Petroleum hydrocarbons 75%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-368. Wilbur-Ellis Co. RED-TOP ETHION 4 SPRAY. Active Ingredients: Ethion 47.10%; Petroleum Hydrocarbons 47.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-363. Wilbur-Ellis Co. RED-TOP METHYL PARATHION 5 SPRAY. Active Ingredients: 0,0-Dimethyl 0-p-nitrophenol thiophosphate %4.5%; Xylene 40.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-360. Wilbur-Ellis Co. RED-TOP ETHYL-METHYL PARATHION 6-3 SPRAY. Active Ingredients: Parathion: O, O-diethyl O-p-nitrophenyl phosphorothioate 58.0%; O, O-dimethyl O-p-nitrophenyl phosphorothioate 29.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-329. Wilbur-Ellis Co. RED-TOP PARATHION 8 FLOWABLE. Active Ingredients: Parathion 80%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-353. Wilbur-Ellis Co. RED-TOP CONTACT WEED KILLER. Active Ingredients: 4,6-Dinitro-o-secbutylphenol 30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-311. Wilbur-Ellis Co. RED-TOP SUPERIOR SPRAY OIL. Active Ingredients: Mineral Oil 99%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-386. Wilbur-Ellis Co. RED-TOP DIAZINON-SUPERIOR SPRAY OIL. Active Ingredients: O,O-diethyl O-(2-isopropyl-6-methyl-4-pyrimindyl) phosphorothioate 4.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-308. Wilbur-Ellis Co. RED-TOP SEVIN 10 SULFUR 50 DUST. Active Ingredients: Carbaryl 10%; Sulfur 50%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-284. Wilbur-Ellis Co. RED-TOP DIBROM 8 SPRAY. Active Ingredients: Naled 58%; Xylene 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-235. Wilbur-Ellis Co. RED-TOP LINDANE 20 SPRAY. Active Ingredients: Lindane (gamma isomer of benzene hexachloride) 20%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-233. Wilbur-Ellis Co. 7.5 SULFUR 50 DUST. Active Ingredients: Carbaryl (1-naphthyl N-methylcarbamate) 7.5%; Sulfur 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-223. Wilbur-Ellis Co. RED-TOP KELTHANE 4 DUST. Active Ingredients: 1,1-bis (chlorophenyl)-2,2,2-trichloroethanol 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-167. Wilbur-Ellis Co. RED-TOP PHOSDRIN 4 SPRAY. Active Ingredients: Alpha Isomer of 2-Carbomethoxy-1-methylvinyl Dimethyl Phosphate 30.0%; Related Compounds 20.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-165. Wilbur-Ellis Co. RED-TOP EHTION 25 SPRAY POWDER. Active Ingredients: Ethion 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-162. Wilbur-Ellis Co. RED-TOP THIODAN 2 SPRAY. Active Ingredients: Endosulfan 24%; Xylene 69%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-136. Wilber-Ellis Co. RED-TOP PARATHION 4 SPRAY. Active Ingredients: Parathion 47%; Petroleum hydrocarbons 48%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-87. Wilbur-Ellis Co. RED-TOP MALATHION 4 DUST. Active Ingredients: Malathion 4%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 2935-138. Wilbur-Ellis Co. RED-TOP PARATHION 25 SPRAY POWDER. Active Ingredients: Parathion 25%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 168-UOI. Wasatch Chemical Div., Entrada Ind. Inc., PO Box 6219, Salt Lake City UT 84106. WASO CAPTAN 5 DUST. Active Ingredients: Captan (N-trichloromethylthio - 4 - cyclohexene1,2-dicarboximide) 5.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270-RON. Zep Manufacturing Co., PO Box 2015, Atlanta GA 30301. ZEP X-12174 HOSPITAL TYPE CLEANER-DISINFECTANT - DEODORANT - FUNGICIDE-VIRUCIDE. Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium, Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 1270-RIO. Zep Manufacturing Co. ZEP VANQUISH INSECTICIDE SPRAY. Active Ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3-(2-methylpropenyl) cyclopropanecarboxylate 0.200%; Related compounds 0.028%; d - trans Allethrin (allyl homolog of Cinerin I) 0.150%; Related compounds 0.012%; Aromatic petroleum hydrocarbons 0.272%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1270-RIG Zep Manufacturing Co. ZEP X-8974 GERMICIDAL CLEANER AND DEODORANT. Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 0.052%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 0.052%; Tetrasodium ethylenediamine tetraacetate 0.080%. Method of Support: Application proceeds under 2(c) of interim policy.

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REPUBLISHED ITEMS

The following items represent corrections in the list of Applications Received previously published in the FEDERAL REGISTER of November 11, 1974 (39 FR 39768).

EPA File Symbol 11556–UI. Cutter Animal Health Lab., Div. of Bayvet Corp., PO Box 390, Shawnee Mission KS 66201. MALEX POUR-ON FOR LICE. Originally published as EPA File Symbol 11556–IIT.

EPA File Symbol 498–OU. Chase Products Co., 19th & Gardner Rd., Broadview IL 60153. SPRAY-PAK SPRAY-FOG. Active Ingredients: Ronnel [O, O-Dimethyl O-(2,4,5-Trichlorophenyl) Phosphorothioate] 2.00% • • • Pyrethrins 0.40% • • • Originally published as Pyrethrins 0.4%.

The following item represents a correction in the list of Applications Received published in the FEDERAL REGISTER of November 12, 1974 (39 FR 39907).

EPA File Symbol 6735–EGE. Tide Products, Inc., PO Box 1020, Edinburg TX 78539. TIDE SEVIMOL 4. Originally published as EPA File Symbol 6735–EDGE. Tide Products, Inc., PO Box 1020, Edinburg T–X 78539.

Dated: November 21, 1974.

JOHN B RITCH, Jr.,
Director, Registration Division.

[FR Doc.74–27791 Filed 11–27–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP75–137]

GRANITE STATE GAS TRANSMISSION, INC.

Application

NOVEMBER 20, 1974.

Take notice that on November 4, 1974, Granite State Gas Transmission, Inc. (Applicant), P.O. Box 508, Portsmouth, N.H. 03801, filed in Docket No. CP75–137 an application pursuant to sections 7(b) and (c) of the Natural Gas Act for permission and approval to abandon by sale certain transmission line and related land and rights-of-way together with three metering stations, and for authorization to construct a new metering station on its 4-inch mainline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon, by sale to its parent, Northern Utilities, Inc., approximately 57,330 feet of 4-inch transmission line and related land and rights-of-way extending from Great Bay to Somersworth, New Hampshire, and three metering stations serving the cities of Dover and Somersworth. Applicant states that because the area is now largely residential and commercial, Northern Utilities, Inc. can better integrate this transmission line with its existing distribution facilities to serve the Dover/Somersworth area than would be the case if it continued to operate as part of Applicant's interstate pipeline. Applicant further states that the property will be sold to Northern Utilities, Inc. for the depreciated original cost on the date of transfer.

In connection with said abandonment and transfer, Applicant proposes to install a new metering station on its maintest in accordance with the requirea at Great Bay. Applicant estimates the cost of the meter location to be $5,615, which will be financed with cash on hand.

Applicant claims that the proposed abandonment and construction will not cause any change in or diminution of its present service.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27849 Filed 11–27–74;8:45 am]

[Docket No. CP75–139]

INTER-CITY MINNESOTA PIPELINES LTD., INC.

Application

NOVEMBER 20, 1974.

Take notice that on November 7, 1974, Inter-City Minnesota Pipelines Ltd., Inc. (Applicant), 1500 Richardson Building, 1 Lombard Place, Winnipeg 2, Manitoba, Canada, filed in Docket No. CP75–139 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of additional volumes of natural gas to its two customers, the Village of Warroad, Minnesota (Warroad) and Inter-City Gas Limited, Inc. (Inter-City Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order of August 10, 1970 (44 FPC 262), as amended September 26, 1973 (50 FPC ____), the Commission authorized the importation and sale of 48,296 Mcf of natural gas by Applicant, on a permanent daily basis. Applicant claims that to date it has not imported and sold this total authorization in the United States. Applicant seeks to provide its customers with certain additional amounts of gas from the volumes Applicant is already authorized to import and sell. Accordingly, Applicant requests authorization to sell (1) an additional 258 Mcf of gas daily to Warroad pursuant to Applicant's SG–1 Rate Schedule, (2) 242 Mcf of gas per day to Warroad pursuant to Applicant's TWS–1 Rate Schedule, and (3) 3,248 Mcf of gas per day to Inter-City Gas pursuant to Applicant's TWS–1 Rate Schedule.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20428, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27850 Filed 11–27–74;8:45 am]

[Docket No. E–9023]

INTERSTATE POWER CO.

Extension of Time

NOVEMBER 21, 1974.

On November 18, 1974, Interstate Power Company filed a motion to extend the date for filing a revised fuel adjustment clause fixed by order issued October 18, 1974, in the above-designated matter.

Upon consideration, the date for filing the above material is extended to and including December 4, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27862 Filed 11–27–74;8:45 am]

[Rate Schedule Nos. 56, etc.]

KERR-McGEE CORP., ET AL.

Rate Change Filings

NOVEMBER 19, 1974

Take notice that the producers listed in the Appendix attached hereto have filed proposed increased rates to the applicable area new gas or national ceiling based on the interpretation of vintaging concepts set forth by the Commission in its Opinion No. 639, issued December 12, 1972, and followed in Opinion No. 699, issued June 21, 1974.

The information relevant to each of these sales is listed in the Appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before December 6, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

Appendix

Filing date	Producer	Rate schedule No.	Buyer	Area
Oct. 30, 1974	Kerr-McGee Corp., Kerr-McGee Center, Oklahoma City, Okla. 73102.	56	The Jupiter Corp.	South Louisiana.
Nov. 1, 1974	Texaco Inc., P.O. Box 52332, Houston, Tex. 77052.	3	Columbia Gas Transmission.	Do.
Do	do	4	do	Do.
Nov. 4, 1974	do	57	Tennessee Gas Pipeline Co.	Texas Gulf Coast.
Do	do	58	do	Do.
Do	do	132	do	Do.
Do	Burmah Oil and Gas Co., 2800 North Loop West, Houston, Tex. 77018.	30	Lone Star Gas Co.	Other Southwest.
Nov. 6, 1974	Phillips Petroleum Co., Bartlesville, Okla. 74004.	[1] 568	Arkansas Louisiana Gas Co.	Do.
Nov. 8, 1974	Lamar Hunt Trust Estate, 1401 Elm, Dallas, Tex. 75202.	8	Texas Eastern Transmission.	Do.
Do	William Herbert Hunt Trust Estate, 1401 Elm, Dallas, Tex. 75202.	10	do	Do.
Do	Nelson Bunker Hunt Trust Estate, 1401 Elm, Dallas, Tex. 75202.	7	do	Do.
Do	Lamar Hunt, 1401 Elm, Dallas, Tex. 75202.	9	do	Do.

[1] Teniative designation of new contract proposing to cover sales presently made under Phillips Petroleum Company FPC Gas Rate Schedule Nos. 48 and 417.

[FR Doc.74–27703 Filed 11–27–74;8:45 am]

[Docket No. E–8832]

METROPOLITAN EDISON CO.

Postponement of Hearing Date

NOVEMBER 21, 1974.

On November 15, 1974, the Borough of Middletown filed a motion to postpone the hearing date fixed by order issued June 6, 1974, as most recently modified by notice issued November 1, 1974, in the above-designated matter. On November 11, 1974 Metropolitan Edison Company filed an answer opposing the length of the extension proposed. On November 15, 1974, the Borough of Middletown filed a response agreeing to an earlier date.

Upon consideration, notice is hereby given that the hearing date in the above matter is postponed until December 11, 1974, at 10 a.m. e.s.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27854 Filed 11–27–74;8:45 am]

[Docket No. RP71–16; PGA75–3]

MIDWESTERN GAS TRANSMISSION CO.

Proposed PGA Rate Adjustment

NOVEMBER 20, 1974.

Take notice that on November 15, 1974, Midwestern Gas Transmission Co. (Midwestern) tendered for filing Seventh Revised Sheet No. 5 and First Revised Sheet Nos. 84, 85 and 86 in Third Revised Volume No. 1 of its FPC Gas Tariff, to be effective on January 1, 1975.

Midwestern states that the purpose of the revised tariff sheets is (1) to increase its Northern System rates to reflect an increase in rates to $1.00 (Canadian) per MMbtu which Midwestern must pay as of January 1, 1975, to TransCanada Pipe Lines, Limited (TransCanada), pursuant to TransCanada's export licenses as recently amended by the Canadian National Energy Board, and (2) to make related technical changes in Midwestern's Northern System PGA provisions to conform to the changes in price form (Mcf to MMbtu and U.S. dollars to Canadian dollars) resulting from this new TransCanada rate increase and, further, to make all future PGA rate increases and surcharges, including the January 1, 1975, rate increase, applicable to its commodity rates.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene; provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–27856 Filed 11–27–74;8:45 am]

[Docket No. E–8841]

MISSISSIPPI POWER & LIGHT CO.

Filing of Supplement to Interconnection Agreement

NOVEMBER 21, 1974.

Take notice that on June 10, 1974, the Mississippi Power and Light Co., tendered for filing pursuant to part 35 of the Commission's regulations under the Federal Power Act, a letter Agreement dated April 17, 1974, amending the interconnection between itself and the City of Yazoo City, Mississippi. Mississippi Power & Light Company requests that its filing be designated as a Supplement to its Rate Schedule FPC No. 122. Attached to the amending letter are "Schedule C, Reserve Capacity" and "Schedule D, unintentional Energy." In accordance with the amending letter agreement the included service schedules C and D are to replace the formerly effective Schedule A and Schedule B, which were included with the original filing of the subject

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agreement. Mississippi Power and Light Company has no comparable service schedules in its interconnection agreements with other utilities. No changes in the facilities of either party will be required to implement the letter amendment and related service schedules included in this filing.

Mississippi Power and Light Company requests that the Commission permit the amendment to the subject Interconnection Agreement to become effective at the earliest date permitted by the rules.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice, should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to any proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27851 Filed 11-27-74;8:45 am]

[Docket No. E-9063]

MISSOURI POWER AND LIGHT CO.

Correction to Filing

NOVEMBER 21, 1974.

Take notice that on October 15, 1974, Missouri Power and Light Co. (Missouri) disclosed the following error in its filing of October 15, 1974, notice of which was issued on October 29, 1974:

On Page 2 of Missouri's transmittal letter under paragraph entitled "Summary", the figure of 56 cents per M/Btu should be revised to appear as 36 cents per M/Btu.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27859 Filed 11-27-74;8:45 am]

[Docket No. E-9046]

MONTAUP ELECTRIC CO.

Supplemental Data and Petition for Waiver of Notice Requirements

NOVEMBER 21, 1974.

Take notice that on November 18, 1974, Montaup Electric Co. (Montaup) tendered supplemental data intended to make complete its original filing of October 1, 1974. This action is in response to a deficiency letter issued by the Secretary of the Federal Power Commission.

Montaup requests that the thirty day notice requirement under section 205(d) of the Federal Power Act be waived in light of the fact that its October 1, 1974 filing was in substantial compliance with the Commission's regulations, and none of its customers will be adversely affected thereby. The requested effective date becomes December 1, 1974.

Montaup indicates that it has mailed copies of the subject supplemental data to all parties on the official service list in the above-mentioned docket.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 10, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27857 Filed 11-27-74;8:45 am]

[Docket No. RP74-35]

NATIONAL FUEL GAS SUPPLY CORP.

Proposed PGA Rate Adjustment

NOVEMBER 20, 1974.

Take notice that on November 13, 1974, National Fuel Gas Supply Corp. (formerly United Natural Gas Co.) (National) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, Fourteenth Revised Sheet No. 3-A to be effective November 1, 1974.

National states that the sole purpose of this revised tariff sheet is to adjust National's rates pursuant to the PGA provision in section 16 of the General Terms and Conditions approved by the Commission's Order issued December 10, 1973, in Docket No. RP74-35. National further states that such tariff sheets reflect an adjustment in National's rates of .80¢ per MCF on Fourteenth Revised Sheet No. 3-A. According to National, this adjustment reflects the same PGA adjustment as was contained in its filing of October 21, 1974, but since National's interim rates approved in Docket No. RP74-100 on October 31, 1974, supersede two of the three rate schedules affected by the October 21, 1974 filing, National is withdrawing the October 21 filing and tendering this filing in its place. In addition, National requests waiver of the 45 day notice requirement contained in its tariff and waiver of any of the Commission's Rules and Regulations as may be required to permit this filing to become effective November 1, 1974.

It is stated that copies of the filing have been mailed to all of its jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27861 Filed 11-27-74;8:45 am]

[Docket No. RP74-101]

NATIONAL FUEL GAS SUPPLY CORP.

Withdrawal of Filing

NOVEMBER 20, 1974.

Take notice that on October 21, 1974, National Fuel Gas Supply Corp. (National) tendered for filing Fourth Revised Sheet No. 2 and Alternate Fourth Revised Sheet No. 2 to its FPC Gas Tariff, Original Volume No. 2. By order issued October 31, 1974, the Commission approved National's October 4, 1974 interim rate request in Docket No. RP74-100. The approved interim rates, effective November 1, 1974, supersedes the rates proposed by National's October 21 filing, and therefore, National filed to withdraw the October 21 filing on November 8, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before November 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Comission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27860 Filed 11-27-74;8:45 am]

[Docket No. CP75-141]

NATURAL GAS PIPELINE CO. OF AMERICA

Application

NOVEMBER 21, 1974.

Take notice that on November 11, 1974, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Illinois 60603, filed in Docket CP 75-141 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Arkansas Louisiana Gas Co. (Arkla) and to construct and operate certain facilities related thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to exchange up to 10,000 Mcf of gas per day with Arkla in Washita and Grady Counties, Oklahoma, pursuant to a 20-year gas exchange agreement between the parties dated July 5, 1974. Applicant states that under said agreement Arkla will deliver exchange volumes to Applicant from gas available to Arkla in Washita County, at a proposed exchange point in that county, and Applicant will redeliver thermally equivalent volumes to Arkla at an existing delivery point at the intersection of Applicant's and Arkla's systems in Grady County. Applicant claims that its exchange gas will emanate from existing sources of supply in the general area of the Grady County delivery point.

Applicant states that the proposed exchange is beneficial to Applicant in that it will reduce the gas haul between the exchange points in Grady and Washita Counties and result in a cost savings in compression fuel. Applicant maintains that the proposed exchange will not occasion change in any of Applicant's other sales, services or operations.

The application states that the estimated cost of the proposed facilities is $5,300, which cost initially will be met from funds on hand and ultimately will be reimbursed to Applicant by Arkla. The application further states that there will be no monetary compensation involved in this proposed gas-for-gas exchange with Arkla.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27847 Filed 11-27-74;8:45 am]

[Docket No. E-9104]

NEVADA POWER CO.

Change in Rate Schedule

NOVEMBER 21, 1974.

Take notice that on November 12, 1974, the Nevada Power Co. (NPC) tendered for filing a change in rate schedule for the California-Pacific Utilities (CPUC) at Henderson, Nevada and at Needles, California. Nevada states that the change in CPUC's rates will consist of an increase in energy component of 12.20 mills to CPUC at Henderson, and 13.0 mills to CPUC at Needles.

NPC has requested that the effective date be as of the receipt of their application.

NPC also states that the proposed filing includes a fuel adjustment clause.

NPC states that the proposed change in the rate schedule is necessary because they have been unable to attract the capital it needs to supply the reasonably expected requirements of its customers. NPC further stated that this rate relief is urgent.

NPC states that copies of this filing have been mailed to CPUC, Public Service Commission of Nevada, Public Utilities Commission of California, and the Federal Power Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such positions or protests should be filed on or before December 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27852 Filed 11-27-74;8:45 am]

[Docket No. RP74-88]

NORTH PENN GAS CO.

Extension of Time

NOVEMBER 21, 1974.

On November 14, 1974, Staff Counsel filed a motion to extend the procedural dates fixed by order issued June 28, 1974, as modified by notice issued September 16, 1974, in the above-designated matter. No party opposes the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff Testimony, December 5, 1974.
Service of Intervenor's Testimony, December 20, 1974.
Service of Company's Rebuttal Testimony, January 8, 1975.
Hearing, January 28, 1975 (10 a.m. e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27858 Filed 11-27-74;8:45 am]

[Docket No. RP72-154; PGA 75-3]

NORTHWEST PIPELINE CORP.

Proposed Change in FPC Gas Tariff

NOVEMBER 21, 1974.

Take notice that Northwest Pipeline Corp. (Northwest) on November 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $13,754,133 based on the twelve (12) month period ending August, 1974.

By order issued October 30, 1974, in Docket Nos. RP72-154 and CP73-332, the Commission amended Northwest's import authorizations to permit Northwest to continue to import natural gas from Canada at the price of $1.00 per Mcf, to become effective on November 1, 1974, for deliveries at Sumas, Washington (Export License GL-41) and January 1, 1975, for deliveries at Kingsgate, British Columbia (Export License GL-4). The purpose of the instant filing, Northwest states, is to track the aforementioned increase in the cost of Canadian gas purchased at the Kingsgate import point as previously authorized by that October 30 order.

Copies of the filing were served upon all parties of record in Docket Nos. RP72-154 and RP74-95 and otherwise,

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upon Northwest's jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 16, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27853 Filed 11-27-74;8:45 am]

[Docket No. CP75-140]

PACIFIC ALASKA LNG CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 11, 1974, Pacific Alaska LNG Co. (Applicant),[1] P.O. Box 54288, Terminal Annex, Los Angeles, California 90054, filed in Docket No. CP 75-140 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing 1) the construction and operation of certain pipeline and natural gas liquefaction facilities, 2) the transportation of natural gas in interstate commerce, and 3) the sale of such natural gas to Southern California Gas Company (SoCal), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to undertake a project designed to transport natural gas in the form of vaporous and liquefied natural gas (LNG) from producing areas in Alaska to southern California for sale to SoCal. To implement such design, Applicant states that it will gather gas produced in the Cook Inlet area of Alaska, liquefy the gas, and load the LNG aboard LNG ships for transportation by Pacific Lighting Marine Company (Pacific Marine) to the Los Angeles Harbor facilities of Western LNG Terminal Company (Western Terminal). Thereupon, Applicant states, the LNG will be regasified by Western Terminal and delivered through Western Terminal's pipelines to SoCal's distribution system for sale by Applicant to SoCal.

Applicant proposes to construct in two phases facilities to liquefy and transport up to approximately 400,000 Mcf of gas per day. Applicant states that it will construct facilities to transport and liquefy up to approximately 200,000 Mcf per day in Phase I, and in Phase II it will add necessary facilities to liquefy and transport the full 400,000 Mcf per day. Applicant seeks unconditional authorization for Phase I construction and related gas sales. But, because Applicant anticipates that during this application's pendency it will not have adequate gas supplies to support Phase II, Applicant requests that Phase II construction and related sales be conditioned to a supplemental showing by Applicant of the required gas supply to support Phase II of the project.

Applicant presently anticipates that Phase I of the project will be operational in 1979, and that full operation at 400,000 Mcf of gas per day will begin in 1980.

Applicant claims that it has contracted for uncommitted volumes of gas from certain independent producers,[2] which gas Applicant intends to gather to a central location in the North Foreland, Alaska, area and transport across the Cook Inlet to the proposed liquefaction site in Nikiski, Alaska. For purposes of said gas gathering and transporting, Applicant proposes, for Phase I, pipelines to the Beluga River and Ivan River Fields consisting of 83.0 miles of 6- to 24-inch pipe on 60.0 miles of right-of-way. Applicant projects that during Phase II it will add 21.5 miles of 24-inch pipeline, which will extend the initial line into other supply areas. Applicant estimates the pipeline costs (including an allowance for inflation) to be $134 million for Phase I and $31 million for Phase II.

Applicant states that the proposed liquefaction plant will consist of two identical mixed component refrigeration cycle trains which will treat, dehydrate, compress and liquefy the natural gas at an initial net production rate of 200,000 Mcf per day, which will later be increased to approximately 400,000 Mcf per day. To store the LNG Applicant proposes to construct two, 55,000-barrel double-walled tanks with external pumps which can remove the stored LNG from the two tanks in combination or separately at a maximum rate of up to 76,000 barrels of LNG per hour. In addition, Applicant proposes to construct, at the head of a 2,200-foot trestle, marine terminal facilities for the berthing and servicing of the LNG carrier ships. The estimated cost of the liquefaction plant and marine terminal facilities is $338 million for Phase I and $163 million for Phase II.

Applicant claims to have contracted with Pacific Marine for the transportation of the LNG in two ships (each of 120,000–160,000 cubic meter capacity) to Los Angeles Harbor. Applicant states that Pacific Marine initially will operate one LNG ship which will transport a volume of LNG equivalent to 400,000 Mcf of gas per day. The application indicates that the cost of the ships, estimated to be $379.5 million, and the cost of shipping operations, estimated to be up to $65.2 million annually, will be reimbursed by Applicant to Pacific Marine through the "shipping rate" charges.

Applicant further claims to have entered into an agreement with Western Terminal whereby Western Terminal has agreed to terminal, offload, store, and regasify the LNG and to deliver the gas into the facilities of SoCal, all on a cost-of-service basis. The application indicates that total capital costs for terminaling facilities through Phase II will be approximately $164.6 million and that operations costs may be as high as $48.1 million annually.

Applicant estimates annual gas delivery to SoCal to be 85.5 million Mcf in 1979 (Phase I) and 146 million Mcf beginning in 1980 (Phase II). Applicant proposes to sell such gas to SoCal under a cost-of-service tariff.

Applicant states that total capital expenditures for the project through Phase II are estimated to be $924 million, expressed in 1974 prices,[3] or $1.98 per Mcf of gas delivered to SoCal.

Applicant expects that its tariff will provide the credit support for the necessary financing incident to the instant project. Therefore, Applicant requests the Commission to provide within its certification order that Applicant's proposed tariff will become effective 30 days after certificate issuance.

In support of the instant proposals, Applicant states that in light of the current energy shortage, especially critical in the southern California area, no effort should be spared to develop new sources of natural gas. Applicant maintains that the Cook Inlet area is one such source, for there are presently seven known gas field discoveries within the Cook Inlet area which are currently shut-in because of the non-availability of gas markets.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 11, 1974 file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27842 Filed 11-27-74;8:45 am]

[1] A wholly-owned subsidiary of Pacific Lighting Corporation.

[2] Applicant states that it currently has contracts for the purchase of natural gas from Atlantic Richfield Company, Shell Oil Company, Standard Oil Company of California, and Union Oil Company of California.

[3] It is estimated that economic inflation will increase the total capital costs to an aggregate of over $1.2 billion.

[Docket No. CP75-144]

SOUTHERN NATURAL GAS CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 14, 1974, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Alabama 35202, filed in Docket No. CP75-144 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain receiving station facilities in Lafourche and West Carroll Parishes, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant requests permission and approval to abandon the Bully Camp receiving station, consisting of certain metering and regulating facilities, located on Applicant's Montegut-Gloria Line in Lafourche Parish, and the Epps receiving station, connections and tap line on Applicant's North Main Loop Line in West Carroll Parish. Applicant states that the Bully Camp receiving station was destroyed by fire and no gas has been received from this station since February 1973. Applicant further states that the wells supplying the Epps receiving station have been plugged and abandoned pursuant to a certificate of cancellation from the Louisiana Department of Conservation issued August 17, 1973. Applicant claims that not only is no service being rendered by the facilities proposed to be abandoned, but also that no service now being rendered will be affected by the proposed abandonment.

Applicant states that it intends to survey the facilities to be abandoned and either to salvage or retire the material as appropriate.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27848 Filed 11-27-74;8:45 am]

[Docket No. CI75-312]

SUN OIL CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 4, 1974, Sun Oil Co. (Applicant), P.O. Box 2880, Dallas, Texas 75221, filed in Docket No. CI75-312 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon a sale of natural gas in interstate commerce to Skelly Oil Co. (Skelly) from the Drinkard Field, Lea County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to abandon the sale of gas to Skelly from Wells 1-T and 3-T, Eva Owen Lease, Drinkard Field, which has been made pursuant to a percentage-type contract with Skelly. Applicant states further that as oil wells, the casinghead gas therefrom is dedicated to Skelly, and as gas wells the gas-well gas therefrom is dedicated to El Paso Natural Gas Co. (El Paso). Applicant proposes to abandon the sale to Skelly because the New Mexico Oil Conservation Commission has reclassified the wells from oil wells to gas wells; and, therefore, Skelly is no longer contractually entitled to the gas from the subject acreage. Applicant claims that sales from said acreage to El Paso will be covered by a contract between the parties dated June 1, 1957, designated as Applicant's FPC Gas Rate Schedule No. 340.

The application indicates that Skelly has not concurred in the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commisison by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27845 Filed 11-27-74;8:45 am]

[Docket No. CP75-145]

TEXAS EASTERN TRANSMISSION CORP.

Application

NOVEMBER 21, 1974.

Take notice that on November 14, 1974, Texas Eastern Transmission Corp. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-145 an application pursuant to section 7(c) of the Natural Gas Act, implemented by § 157.7(b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1975, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas, which will be purchased from producers and other similar sellers, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

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Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in the general area of its existing system.

Applicant further states that the total cost of the facilities proposed herein is not to exceed $2,000,000, with single project limitations not to exceed $500,000 for both onshore and offshore projects, which cost is to be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27844 Filed 11-27-74;8:45 am]

[Docket No. RP75-16-5]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Petition for Extraordinary Relief

NOVEMBER 21, 1974.

Take notice that on November 11, 1974, the City of Linden, Alabama (Linden), Marengo Corporation (Marengo), and Gulf States Paper Corp. (Gulf States) jointly filed a petition for extraordinary relief pursuant to section 1.7(b) of the Commission's rules of practice and procedure. Linden, et al. request that the Commission issue an order directing Transcontinental Gas Pipe Line Corp. (Transco) to deliver 500 Mcf per day to Linden for sale to Marengo for delivery to Gulf States during the period from November 15, 1974, to February 1, 1975, and to deliver 450 Mcf during the period from February 1, 1975 to April 15, 1975, and from November 15, 1975, to April 15, 1976. Linden, et al. state that deliveries would be made pursuant to existing agreements between Transco and Linden, Linden and Marengo, and Marengo and Gulf States.

Linden, et al. state that Linden operates a natural gas distribution system within the City of Linden with natural gas purchased from Transco. In addition, Linden, et al. state that Linden has contracted to sell to Marengo all natural gas, received or receivable by Linden from Transco, in excess of its domestic requirements, for resale by Marengo to Gulf States. Linden, et al. state that Linden's contract demand from Transco is 2,000 Mcf per day pursuant to Tranco's Rate Schedule CD-1.

Linden, et al. state that they have recently been advised by Transco that Linden's firm contract demand volumes would be curtailed commencing November 15, 1974, to the extent that such volumes are used to serve Gulf States. Linden, et al. state that the requested relief is being sought in view of this advice. Linden, et al. claim that they seek relief only when interruptible service from Southern Natural Gas Company (Southern) is being curtailed and only as an interim measure while alternate facilities are being constructed and alternate fuel is being obtained.

In support of their petition, Linden, et al. allege that the volumes of gas requested will be used by equipment which is vital to the continued operation of the Demopolis mill operated by Gulf States. Linden, et al. claim that absent the requested relief, it will be necessary for Gulf States to shut down its Demopolis plant on days when Southern curtails its service. Linden, et al. state that a shutdown of the Demopolis plant would idle 300 employees if the shutdown were of limited duration and 400 employees if it were extended. Linden, et al. state that for every day's shutdown, 520 tons of production of bleached coated paper board will be lost. Linden, et al. state that this production accounts for approximately 10 percent of the national production of this paper board, which is used principally in making frozen food containers.

A shortened notice period in this matter may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should, on or before December 6, 1974, file with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the proper action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27855 Filed 11-27-74;8:45 am]

[Docket No. CP75-146]

TRANSWESTERN PIPELINE CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 14, 1974, Transwestern Pipeline Co. (Applicant), P.O. Box 2521, Houston, Texas 77001, filed in Docket No. CP75-146 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7 (b) of the regulations thereunder (18 CFR 157.7(b)), for a certificate of public convenience and necessity authorizing construction, during the calendar year 1975, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers and other similar sellers, all as more fully set forth in the application, which is on file with the Commission and open to the public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in the general area of its existing system.

Applicant further states that the total costs of the facilities proposed herein is not to exceed $5,000,000, with single project limitations not to exceed $1,000,000, which cost is to be financed from funds made available from company operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commisson, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without

further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27843 Filed 11-27-74;8:45 am]

[Docket No. CP75-143]

TRUNKLINE GAS CO.

Application

NOVEMBER 21, 1974.

Take notice that on November 13, 1974, Trunkline Gas Co. (Applicant), P.O. Box 1642, Houston, Texas 77001, filed in Docket No. CP75-143 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of gas with Natural Gas Pipeline Company of America (Natural) and the construction and operation of facilities required to implement such exchange, all as more fully set forth in the application, which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate exchange points at two points of interconnection of Applicant's and Natural's systems in Montgomery County, Texas, (one point referred to as "Trunkline's Delivery Point" and the other referred to as "Natural's Delivery Point") and to operate exchange points, for which no new facilities are required to be constructed, at Texaco, Inc.'s Henry Plant in Vermilion Parish, Louisiana, and Phillips Petroleum Company's Brazoria Plant in Brazoria County, Texas.

Under a July 30, 1974, exchange agreement, as amended, the proposed exchange points, as well as other points as may be mutually acceptable to the parties, will be used exclusively for the exchange of gas between Applicant and Natural when emergency conditions exist on the pipeline system of either company. The agreement provides that in the event of an emergency the parties will exchange unspecified quantities of gas for such period of time as may be mutually and reasonably possible, consistent with prudent operating procedures, and that all such volumes delivered will be redelivered concurrently on a thermally equivalent basis, or as soon as practicable after such emergency has ended.

Applicant estimates the construction cost of the proposed facilities to be $82,000, which will be met from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-27846 Filed 11-27-74;8:45 am]

FEDERAL RESERVE SYSTEM

BANKSHARES OF INDIANA, INC.

Order Denying Acquisition of Goodwin Brothers Leasing, Inc.

Bankshares of Indiana, Inc., Merrillville, Indiana, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire[1] all of the assets of Goodwin Brothers Leasing, Inc., Lexington, Kentucky, a company that engages in the activities of full-payout leasing of real and personal property and commercial financing. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1) and (6) (a) and (b)).

[1] Upon acquisition of Company, Applicant proposes to transfer the assets and liabilities of Company to a wholly-owned operating subsidiary of Applicant's banking subsidiary (See 12 CFR 7.7376 and 7.7380).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 26786). The time for filing comments and views has expired, and the Board has considered the application and all comments and views received in light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant controls one bank, Bank of Indiana (N.A.) ("Bank"), with deposits of $155 million, which represents about 1 per cent of the total deposits in commercial banks in Indiana. Applicant is the 15th largest banking organization in the State.[2]

Company, organized in 1957, has total assets of $7.2 million and total lease receivables of $5.7 million. Company is primarily engaged in leasing, on a full-payout basis, personal property.[3] Company leases construction equipment, restaurant and grocery equipment, furniture and fixtures, vehicles and dairy cows. With offices in Lexington and Louisville, Kentucky, and in Nashville and Memphis, Tennessee, Company serves portions of Tennessee, Kentucky, Ohio, Indiana, West Virginia, Georgia, Alabama, Mississippi and Arkansas. Company competes with numerous national and regional lessors and is not viewed as dominant in any of the markets it serves. Applicant does not engage in any leasing activity directly or indirectly and there is no evidence in the record that, absent this proposal, Applicant would be likely to engage de novo in leasing operations in the areas served by Company. Furthermore, acquisition of Company would not give Applicant a dominant position in any relevant market. On the basis of these and other facts of record, it appears that no substantial amount of existing or potential competition in personal or real property leasing would be eliminated by consummation of this proposal.

Company also engages in commercial lending activities incidental to its leasing operations and in 1973, Company had commercial finance receivables of $762,000. This activity is primarily conducted from the Lexington office and is engaged in for a limited number of customers. Company is a relatively minor competitive factor in the commercial lending market it serves. Company does not derive any of its commercial loans from Bank's market area and the amount and size of Bank's loans in Company's service area indicate that Bank and Company are only marginal competitors. The Board finds that overall competitive considerations with regard to commercial finance loans are consistent with approval of the application.

In order to approve the subject application section 4(c)(8) of the Act requires

[2] Banking data are as of December 31, 1973.
[3] Company also presently engages in leas-

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the Board to find that Applicant's acquisition of Company can reasonably be expected to produce benefits to the public such as greater convenience, increased competition, or gains in efficiency that outweigh possible adverse effects such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices. In applying this test the Board finds that this application should be denied.

Over the past few years Company has not had a significant increase in its gross receivables. During the same period, Company's earnings have been uneven and recently have decreased. Further, while Company appears to be conservatively capitalized for a leasing company, its cost of funds has been high. Upon acquisition by Applicant, Company would be transferred to Bank and Bank would provide funds to Company at a lower rate.

The Board has on numerous occasions stated that one of the primary purposes of a holding company is to serve as a source of financial strength for its subsidiary banks. Applicant has experienced significant growth in its assets over the last few years and this growth has not been accompanied by a concomitant increase in its equity base. Applicant's overall capital position in relation to its total assets has improved somewhat recently; however, it is the Board's judgment that further augmentation is needed. While acquisition of Company would initially improve Bank's capital position somewhat, such improvement would be only temporary and it appears that thereafter Applicant would be called upon to devote significant resources to Company. The Board is of the view that any additional funds should be used to strengthen Bank rather than be diverted to expand or support Company's leasing activities. Accordingly, in the Board's judgment, this proposal could detract from Applicant's overall financial condition and reduce Applicant's ability to provide additional financial support to its subsidiary bank. In cases where a banking organization has experienced significant growth in assets without a concomitant increase in its capital accounts, the Board, under current economic and financial conditions, gives additional weight to considerations of whether proposals that would utilize funds for further expansion rather than for improvement of the organization's capital position are consistent with the public interest standard of section 4(c)(8) of the Act. Under the circumstances of this case, the Board does not regard this proposal as being in the public interest. While Applicant proposes, upon acquiring Company, to open a new office to serve northwestern Indiana and to serve smaller customers, it is the Board's view that such benefits to the public do not outweigh the possible adverse financial effects connected with this proposal.

Based upon the foregoing and other considerations reflected in the record, the Board has determined, in accordance with the provisions of section 4(c)(8), that the possible adverse effects of consummation of the proposal are not outweighed by reasonably expected benefits to the public and that the application should be, and hereby is, denied.

By order of the Board of Governors,[4] effective[5] November 19, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27840 Filed 11-27-74;8:45 am]

D. H. BALDWIN CO.

Acquisition of Computer Congenerics Corporation of Colorado

D. H. Baldwin Company, Cincinnati, Ohio, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in a joint venture with Computer Congenerics Corporation, Denver, Colorado and thereby acquire voting shares of Computer Congenerics Corporation of Colorado, Denver, Colorado. Notices of the application were published on August 1, 1974 in The Denver Post, a newspaper circulated in Denver, Colorado, and on August 4, 1974, in The Daily Sentinel, a newspaper circulated in Grand Junction, Colorado.

Applicant states that the proposed subsidiary would perform bookkeeping or data processing services for the internal operations of such bank holding company and its subsidiaries and storing and processing other banking, financial or related economic data, including performing payroll, accounts receivable or payable, or billing services. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than December 17, 1974.

Board of Governors of the Federal Reserve System, November 18, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27838 Filed 11-27-74;8:45 am]

FIDELITY AMERICAN BANKSHARES, INC.

Acquisition of Bank

Fidelity American Bankshares, Inc., Lynchburg, Virginia, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 90 percent or more of the voting shares of The Citizens National Bank of Emporia, Emporia, Virginia. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Richmond. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than December 19, 1974.

Board of Governors of the Federal Reserve System, November 20, 1974.

[SEAL] GRIFFITH L. GARWOOD,
Assistant Secretary of the Board.

[FR Doc.74-27837 Filed 11-27-74;8:45 am]

UNITED CAROLINA BANCSHARES CORP.

Establishment of UCB Management Services Division

United Carolina Bancshares Corporation, Whiteville, North Carolina, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(1) of the Board's Regulation Y, for the formation of a new division to be known as UCB Management Services Division ("Division"), that would engage in the activity of providing management consulting advice on an explicit fee basis to nonaffiliated banks with respect to personnel operations and facilities planning. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(12)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 33833). The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the Act (12 U.S.C. 1843(c)).

Applicant is the sixth largest banking organization in North Carolina with total deposits of $348 million representing 3 percent of the total deposits in commercial banks in the State.[1] Applicant controls four North Carolina banks: American Bank & Trust Company, Monroe; Cape Fear Bank & Trust Company, Fayetteville; Capitol National Bank, Raleigh; and Waccamaw Bank & Trust Company, Whiteville. In addition, the Applicant controls several nonbanking subsidiaries including companies that engage in consumer finance and mortgage banking.

Division proposes to provide management consulting advice to rural small and medium-sized nonaffiliated banks in North Carolina only. Division would provide to client banks, on an explicit fee basis, management consulting advice with respect to personnel operations including employee relations, compensation, compliance with regulations[2] and training, and with respect to bank facilities planning and security procedures.

It appears that no adverse effects on competition would result from Division offering these services. There are at present only a small number of firms that offer management consulting services. De novo entry by Applicant may not be expected to have any adverse effects on competition.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices or other adverse effects on the public interest. Division would provide an additional source of management consulting services to small, nonaffiliated banks. To the extent that these banks are more efficiently managed, the public should benefit.

Based upon the foregoing and other considerations reflected in the record, the Board has determined in accordance with the provisions of section 4(c)(8), that consummation of this proposal can reasonably be expected to produce benefits to the public that outweigh possible adverse effects. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in §§ 225.4(c) and 225.4(a)(12) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this Order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond.

By order of the Board of Governors,[3] effective November 20, 1974.

[SEAL] THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc.74-27839 Filed 11-27-74;8:45 am]

[4] Voting for this action: Vice Chairman Mitchell and Governors Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

[5] Board action was taken before Governor Coldwell was a board member.

[1] All banking data are as of December 31, 1973, and reflect holding company acquisitions and formations approved through October 31, 1974.

[2] The Applicant has satisfied the Board that advice given with regard to compliance with regulations will be incidental to its personnel operations and will not constitute a rendering of legal advice.

[3] Voting for this action: Vice Chairman Mitchell, Governors Sheehan, Bucher, Holland, Wallich and Coldwell. Absent and not voting: Chairman Burns.

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

COUNCIL RECOMMENDATIONS FOR THE 1975 REPORT YEAR

Notice of Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on December 13, 1974 from 9 a.m.–5 p.m. and December 14, 1974 from 9 a.m.–4 p.m. The meeting will be held at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting will include Subcommittee meetings, a briefing by Dr. John Elias, Chairman of the Distributive Education Department, University of Missouri, and a review of preliminary Subcommittee drafts of Council recommendations for 1975 Report Year.

Because of limited space, all persons wishing to attend should call for reservations by December 6, 1974, Area Code 202/382-6945.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street, NW., Suite 1012, Washington, D.C.

Signed at Washington, D.C. on November 25, 1974.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.74-27924 Filed 11-27-74;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 74-73]

SPACE PROGRAM ADVISORY COUNCIL

Notice of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet at the National Aeronautics and Space Administration on December 16–17, 1974. The meeting will be held in room 6004 of Federal Office Building 6, located at 400 Maryland Avenue SW, Washington, DC 20546. The meeting is open to members of the public, from 8:30 a.m. to 3:30 p.m. on December 16, 1974, and from 8 a.m. to 4:30 p.m. on December 17, 1974, on a first-come, first-served basis to within the 40-seat capacity of the room. Visitor's will be requested to sign a visitor's register.

This notice of meeting may not be published in the FEDERAL REGISTER in time to meet the required public notice period. Should actual date of publication in the FEDERAL REGISTER not provide the 15-day notice, the reason was due to the unusual amount of time required to involve appropriate NASA officials in formulating the substance of an agenda. Rescheduling of the meeting to a later date was not considered to be a practicable alternative. NASA regrets the lateness.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The Committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The Committee presently has 12 members including the Chairman, Dr. Michael B. McElroy. For further information regarding the meeting, please contact Mr. Guenter Strobel; area code 202/755-3645. The agenda for the meeting is as follows:

DECEMBER 16, 1974

ITEM 1

Time	*Topic*
8:30 a.m.–9:30 a.m.	*Space Science Program Status, Planetary Programs*, Mr. Kraemer; *Solar Electric Propulsion*, OAST: *Lunar Programs*, Mr. Roberson; *Physics and Astronomy*, Dr. Schardt.

Action: The Committee is required to consult and advise the Associate Administrator and the Space Program Advisory Council on the timeliness and effectiveness of NASA Programs in the physical sciences and the degree to which those programs in the physical sciences and the degree to which these programs contribute to the overall agency objectives. To fulfill this responsibility, it is necessary that the Committee periodically review the status of those programs.

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ITEM 2

Time	Topic
9:30 a.m.–10:30 a.m	*LST Program Reconfiguration,* Dr. O'Dell, et al. *Action:* The Committee will be presented with the current tentative reconfiguration plans for the LST. The Committee is requested to comment on these plans, and advise the Associate Administrator for Space Science on the best strategy to follow to obtain a viable LST program, with minimum LST Scientific Specifications and the best possible Post Launch operations.

ITEM 3

10:30 a.m.–12 p.m.	*Near Term New Starts,* Mr. Herman, Mr. Roberson, Dr. Schardt. *Action:* The Committee is requested to comment and advise on current new start planning, and on the selection of future space science programs.

ITEM 4

1 p.m.–2 p.m	*Long Term New Starts,* Dr. Hinners. *Action:* The Committee will be presented with options for Long Term New Starts, FY 1977 Budget Issues, and current constraints and guidelines. The Committee is requeste to review these plans and the issues they raise, and to recommend to the Associate Administrator for Space Science options for the best Physical Science Program which can be undertaken under present constraints.

ITEM 5

2 p.m.–3:30 p.m	*Space Science Board Priorities Report,* Dr. M. Rosen (SSB). *Action:* The Committee will receive a presentation on the SSB's Priority Report, to keep the Committee currently informed.

ITEM 6

3:30 p.m.–6 p.m	*Executive Session, Closed to the Public,* Dr. Hinners. *Action:* FY 76 budget matters and related program considerations in the physical sciences program area will be presented and discussed. The Committee is requested to review the general program issues and comment on program content, direction and scientific alternatives. These matters may not be disclosed publicly until the President's FY 1976 budget is submitted to Congress. Because of these considerations, the session will be closed pursuant to 5 US Code 552(b)(5) and OMB Circular A–10.
6 p.m	Adjourn.

DECEMBER 17, 1974

ITEM 7

8 a.m.–12 p.m	*Committee Working Session,* Chairman. *Action:* The members of the Committee will use this period to prepare working papers and draft letters/reports to the Associate Administrator and/or the Space Program Advisory Council.
1 p.m.–4:30 p.m	*Item 7 Continued.*
4:30 p.m	Adjourn.

BOYD C. MYERS II,
Assistant Associate Administrator for Organization and Management, National Aeronautics and Space Administration.

[FR Doc.74–28128 Filed 11–27–74;10:49 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Student-Originated Studies Project Directors Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a Student-Originated Studies (SOS) Project Directors Meeting, which is under the aegis of the Advisory Panel on Science Education Projects. The meeting is to be held from 8 a.m. to 4:30 p.m. on December 26, 27, and 28, 1974, in the Diplomat Room of the Shoreham-Americana Hotel, 2500 Calvert Street NW., Washington, D.C.

The purpose of this Advisory Panel on Science Education Projects is to provide a forum for the exchange of information relating to the Foundation's support activities in the field of science education and, in the process, to provide recommendations on ways to improve the efforts of the Foundation in support of science education.

The purpose of the SOS Project Directors meeting is to provide a forum for the exchange of information relating to the student-originated studies activity which is supported by the National Science Foundation, with a view to determining the impact of the Foundation's efforts in science education. Specifically, the project directors will report the results of completed projects sponsored by the SOS program.

The meeting will be open to the public. Persons who plan to attend should contact Mr. Alexander J. Barton, Program Manager, no later than December 20 (telephone 202/282–7930, Rm. 600–W, National Science Foundation, Washington, D.C. 20550).

For further information about Student-Originated Studies, please contact Mr. Barton at the above address. Summary minutes relative to this meeting may be obtained from the Management Analysis Office, Rm. K–720, National Science Foundation, Washington, D.C. 20550.

FRED K. MURAKAMI,
Committee Management Officer.

NOVEMBER 21, 1974.

[FR Doc.74–27898 Filed 11–27–74;8:45 am]

ADVISORY PANEL ON SCIENCE EDUCATION PROJECTS

Student-Originated Studies Panel Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Student-Originated Studies Subpanel of the Advisory Panel on Science Education Projects to be held from 9 a.m. to 4:30 p.m. on December 16, 17, and 18, 1974, in the Franklin Room of the Sheraton Park Hotel, 2660 Woodley Road NW., Washington, D.C.

The purpose of this Subpanel is to identify new directions and possible future trends in innovative science education concerning student-originated studies and to provide a mechanism for the review and evaluation of specific proposals for support in the student-originated studies activity.

This meeting will not be open to the public because the Subpanel will be reviewing, discussing, and evaluating individual proposals. These proposals contain information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within the exemptions of 5 U.S.C. 552(b). The closing of this meeting is in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

For further information about the Student-Originated Studies Subpanel, please contact Mr. Alexander J. Barton, Program Manager, Rm. W–600, National Science Foundation, Washington, D.C. 20550, telephone 202–282–7930.

FRED K. MURAKAMI,
Committee Management Office.

NOVEMBER 22, 1974.

[FR Doc.74–27899 Filed 11–27–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 22, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529) or from the reviewer listed.

NEW FORMS

ENVIRONMENTAL PROTECTION AGENCY

Chromosome Study in Welder Trainees, Form ----, Occasional, Hall (395–4697), Army welder trainees.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Center for Education Statistics: Study of State Survey Methods and Results (1973 C IR Validity), Form OE 4484–3, Single time, Panchon (395–3898), SEA's and LEA's.

TENNESSEE VALLEY AUTHORITY

Skill Supply Questionnaire, Form ----, Single time, Johnston (395–3840), Proprietary vocational schools in TVA region.

REVISIONS

EXTENSIONS

DEPARTMENT OF THE INTERIOR

Bureau of Mines:
- Monthly Coal Report Supplement, Form 6–1400–M–X, Occasional, Evinger (x) (395–3648).
- Coke and Coal-Chemical Materials Supplement, Form 6–1365–M–X, Occasional, Evinger (x) (395–3648).

Bureau of Reclamation: Application for Farm Unit, Form 7–511a, Occasional, Evinger (395–3648), Individuals.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Qualifications Inquiry—Professional and Scientific Positions, Form NASA 676, Occasional, Evinger (395–3648), Business Associates of applicants for employment.

Employment Inquiry for Job Applicant, Form NASA 608, Occasional, Evinger (395–3648), Business associates of applicants for employment.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.74–27994 Filed 11–27–74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on November 25, 1974 (44 USC 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503 (202–395–4529), or from the reviewer listed.

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of the Census:
- Instructions for Selecting Shipping Documents and Transcription Records for Shipments from Establishment 1974 Commodity Transportation Survey of Wholestalers and Mineral Industries, Form S–188, S–189, Single time, Strasser (395–3880), Selected wholesalers assemblers of farm products and mineral industries.
- Annual Demographic Survey—March 1975 CPS–1, Form CPS–1, CPS 580, CPS 581, CPS 630, Single time, Hall (395–4697), Individuals.

National Oceanic and Atmospheric Administration: 1974 Northwest Salmon Fishing Survey, Form ----, Single time, Lowry (395–3772), Commercial salmon fishermen—Pacific Northwest.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental: Post Pretest R & D Users Questionnaire—Older American Act, Title IV, Form OS–52–74, Single time, HRD (395–3532), Reese (395–5630), R & D Users.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Bonus Incidence Supplement, Form BLS 3056, Single time, Strasser (395–3880), Business firms.

NATIONAL FOUNDATION ON THE ARTS AND HUMANITIES

Consultant Request Form, Form ----, Occasional, Lowry (395–3772), Colleges, universities, cultural institutions.

Grant Application Face Sheet for Consultants Grants, Form ----, Occasional, Lowry (395–3772), Colleges, universities, cultural institutions.

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard: Boating Safety Educational Material, Form ----, Single time, Lowry (395–3772), Government agencies.

VETERANS ADMINISTRATION

Request for Water and Sanitary Assessment Information, Form FL 26–617, Occasional, Caywood (395–3443), County government.

REVISIONS

GENERAL SERVICES ADMINISTRATION

Application for Donation of Surplus Personal Property, Form SF 123, Occasional, Caywood (395–3443), Donees.

DEPARTMENT OF LABOR

Labor Management Services Administration: Information and Signature Sheet for Financial Report of Labor Organization under Trusteeship, Form G–6, Occasional, Caywood (395–3443).

EXTENSIONS

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service: Request for Classification—Cotton, Form CN–357, Occasional, Evinger (395–3648), Cotton merchants.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration: Survey on Public Education Campaign, Form ADAMAAA 1104, Occasional, Reese (395–5630), Individuals 18 yrs. old and older.

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation: Evidence of Qualification of Farm Applicant—Fulltime Farm Unit, Form 7–511d, Occasional, Evinger (395–3648), Individuals.

Recreation and Wildlife Summary, Form 7–1643, Annual, Evinger (395–3648), Agencies administering Reclamation recreation areas.

NATIONAL SCIENCE FOUNDATION

Industrial Panel on Science and Technology: Form ----, Occasional, Weiner (395–4890), R & D performing companies.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc. 74–28048 Filed 11–27–74;8:45 am]

RAILROAD RETIREMENT BOARD

RAILROAD UNEMPLOYMENT INSURANCE ACCOUNT

Credit Balance

Pursuant to section 8(a) of the Railroad Unemployment Insurance Act, the Railroad Retirement Board has determined, and hereby proclaims, that the balance to the credit of the railroad unemployment insurance account as of the close of business on September 30, 1974, was $89,489,260.34.

In witness whereof the members of the Railroad Retirement Board have hereunto set their hands and caused its seal to be affixed.

Done at Chicago, Illinois, this 22nd day of November, 1974.

JAMES L. COWEN,
Chairman.

NEIL P. SPEIRS,
Member.

WYTHE D. QUARLES, Jr.,
Member.

By the Railroad Retirement Board.

[SEAL] R. F. BUTLER,
Secretary of the Board.

NOVEMBER 22, 1974.

[FR Doc.74–27836 Filed 11–27–74;8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[70-5577]

YANKEE ATOMIC ELECTRIC CO.

Proposed Issue and Sale of Short-Term Promissory Notes to a Bank and a Dealer in Commercial Paper and Request for Exemption From Competitive Bidding

Notice is hereby given that Yankee Atomic Electric Company ("Yankee Atomic"), 20 Turnpike Road, Westborough, Massachusetts 01581, an electric utility subsidiary company of New England Electric System and Northeast Utilities, registered holding companies, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Yankee Atomic proposes to issue and sell from time to time, but not later than December 31, 1975, short-term promissory notes, in order to finance its nuclear fuel requirement, and for other corporate purposes. The notes are expected to be sold to The First National Bank of Boston, Boston, Massachusetts, or to A. G. Becker & Company, Incorporated ("Becker"), a dealer in commercial paper, or both, up to a maximum aggregate principal amount of $18,000,000 to be outstanding at any one time. The Yankee Bond Indenture limits the amount of short-term indebtedness which may be outstanding to $18,000,000, $15,000,000 for nuclear fuel and $3,000,000 for other corporate purposes.

The proposed short-term borrowing will be repaid from time to time in part from internally generated funds and the balance will be refinanced either through additional short-term borrowings or permanent financing.

The proposed borrowings from The First National Bank of Boston will be evidenced by notes payable maturing in less than one year from the date of issuance and will provide for prior payment in whole or in part without premium. The notes will bear interest at not in excess of the prime rate at such bank in effect at the time borrowings are made. If balances were maintained to solely fulfill prevailing compensating balance requirements of 15 percent to 20 percent, the effective interest cost to Yankee Atomic would be about 12.35 percent to 13.13 percent per annum based on the current prime rate of 10.5 percent.

Yankee Atomic also proposes to issue and sell its commercial paper during the period through December 31, 1975, directly to Becker, a dealer in commercial paper. Becker, as a principal, will reoffer such commercial paper to not more than 200 of its customers whose names appear on a non-public list prepared by Becker in advance. No additions will be made to such list of customers. The commercial paper so issued and sold will be in the form of unsecured promissory notes having varying maturities of not in excess of 270 days. Actual maturities will be determined by market conditions, the effective interest cost to Yankee Atomic, and Yankee Atomic's cash requirements at the time of issuance. The commercial paper will be in denominations of not less than $50,000 and not more than $1,000,000, and will not by its terms be prepayable prior to maturity. The commercial paper will be purchased by Becker from Yankee Atomic at a discount which will not be in excess of the discount rate per annum prevailing at the date of issuance for the particular maturity at which prime commercial paper of comparable quality is sold by public utility issuers to commercial paper dealers. Becker will initially reoffer the commercial paper at a discount rate not more than ⅛ of 1 percent per annum less than the prevailing discount rate to Yankee Atomic. The effective interest to Yankee Atomic on such paper will not exceed the effective interest cost at the time of issue for borrowings from The First National Bank of Boston, except that, in order to obtain maximum flexibility, commercial paper with a maturity of not more than 90 days may be issued with an effective cost in excess of the effective interest cost from The First National Bank of Boston.

Yankee Atomic requests authority under Rule 24 of the Act to file within 30 days after the end of each calendar quarter a certificate of notification covering all transactions effected pursuant to the borrowing authority requested herein during such quarter.

Yankee Atomic now requests pursuant to the provisions of (a)(5) of Rule 50 that it be granted an exemption from the competitive bidding requirements of Rule 50 with respect to the proposed issuance and sale of commercial paper on the grounds that the commercial paper to be issued will have maturities of not more than nine months, the current rates for commercial paper for prime borrowers such as Yankee Atomic are readily ascertainable by reference to daily financial publications and it is not practical to publish invitations for bids for commercial paper.

No fees or commissions are to be paid in connection with the proposed transactions. No state commission and no federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than December 20, 1974, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-27879 Filed 11-27-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02-5296]

CEDC MESBIC, INC.

Filing of Application for Approval of Conflict of Interest Transaction

Notice is hereby given that CEDC MESBIC, Inc. (CEDC), 106 Main Street, Hempstead, New York 11550, a small business investment company licensed under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (Act); has filed an application pursuant to 13 CFR 107.1004 (1974) for approval of a conflict of interest transaction.

CEDC was licensed by the Small Business Administration (SBA) on December 29, 1972. The licensee's voting stock is owned by CEDC, Incorporated, a New York not-for-profit corporation.

On October 21, 1974, the licensee's Investment Committee and Board of Directors approved an application for a loan in the amount of $150,000 to the Arthur J. Choice Oil Corporation, 128 Babylon Turnpike, Roosevelt, New York 11575, an independent fuel oil dealer. The loan will bear interest at the rate of 8 percent per annum, payable monthly, and shall be subject to a moratorium on principal repayments until an SBA guaranteed bank loan is repaid. Thereafter, licensee's loan is to be repaid as rapidly as possible, but in no event beyond 12 years from the date of the loan. The terms of this loan are comparable to other financings made by the licensee.

This company, like other independent fuel oil dealers, has been seriously affected by the fuel-energy crisis.

Mr. Arthur J. Choice is the sole owner of this small business concern.

The transaction falls within the purview of the cited regulation by reason of the fact that Mr. Choice is the Chairman of the Board of the licensee. Mr. Choice owns none of the licensee's stock, did not participate in the board's deliberation concerning this loan, and abstained from voting on the subject resolution.

Notice is hereby given that any interested person may submit to SBA written comments on this financing, on or before December 16, 1974.

Any such communication should be addressed to: Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the licensee in a newspaper of general circulation in Hempstead, New York.

Dated: November 21, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-27835 Filed 11-27-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Tuesday, January 7; Wednesday, January 8; Thursday, January 9; and Friday, January 10, 1975. The meeting will begin at 9 a.m. in the Chinese Room of the Mayflower located at 1127 Connecticut Avenue, NW., Washington, D.C. The meeting will be open to the public, and all interested parties are encouraged to attend.

The proposed agenda for the ensuing meeting calls for the Committee to continue its consideration of the recommendations of the 1926/1910 Project Subcommittee. The recommendations are oriented toward selected items in Part 1910 of 29 CFR which the Subcommittee deemed applicable to Part 1926 of 29 CFR.

Any member of the public wishing to submit written presentations and/or recommendations to the Committee may do so by filing such a statement, together with 20 duplicate copies, with the Committee Management Officer by December 31, 1974. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting.

The Committee Chairman may permit oral statements before the Committee by interested persons. Consequently, persons desiring to make an oral presentation should submit a written request to be heard to the Committee Management Officer by December 31, 1974. The request must have the name and address of the person wishing to appear, the capacity in which he will appear, a short summary of the intended presentation, and the approximate amount of time required for his presentation. Such submissions will be provided to the Chairman for his consideration.

All materials which have been submitted to or developed by the Committee as well as the official record of all Committee proceedings are available for public inspection and copying at the Committee Management Office. Any copying will be done at the cost of 20¢ per page. However, it should be understood that no arrangement will be made to supply Committee materials to the public at any meeting site.

Any communications relating to Committee activities or requests for copies of materials utilized by the Committee

1726 M Street, NW.

Julius Jimeno
Committee Management Officer
Occupational Safety and Health Administration
U.S. Department of Labor
1726 M Street, NW.
Washington, D.C. 20210
Phone: 202/961-2248, 3181

Signed at Washington, D.C. this 21st day of November, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-27907 Filed 11-27-74;8:45 am]

[V-74-20]

PLASTIC APPLICATORS, INC.

Grant of Variance

I. *Background.* Plastic Applicators, Inc., 9900 Northwest Freeway, Houston, Texas 77007 made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596; 29 U.S.C. 655) and 39 CFR 1905.11 for a permanent variance, and for an interim order pending a decision on the application for a variance, from the safety standards prescribed in 29 CFR 1910.107(j)(2). The standard prohibits spray booths from being alternately used for drying by any arrangement which would materially increase the temperature of the room. Facilities affected by this application are:

Plastic Applicators, Inc.
7020 Old Katy Road
Houston, Texas 77024

Plastic Applicators, Inc.
300 E. Railroad Ave.
Morgan City, La. 70380

Plastic Applicators, Inc.
300 West 61st St.
Odessa, Texas 79760

Notice of the application, and of the granting of an interim order, was published in the FEDERAL REGISTER on April 10, 1974 (39 FR 13050). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested. In addition, affected employers and employees were notified of their right to request a hearing on the application for a variance. No written comments or requests for a hearing have been received.

II. *Facts.* Part of the applicant's work process involves coating the inside of plain carbon steel pipes with plastic to prevent corrosion. To accomplish this, the spraying and drying processes are performed in the same room according to the following procedure.

A cart load of primed pipes is brought into an enclosure ventilated by a fume-removal ventilation system. The enclosure is closed and a second ventilation system, controlled by interlocks, purges the area for five minutes. Hot air is then circulated through the enclosure slowly raising the temperature to a range of 250° F to 450° F. The heating element remains outside the enclosure at all times. This temperature is maintained for at least an hour, then the room is cooled to 140° F or less before opening the enclosure.

A second coat of plastic is applied to the pipes while they are located in the enclosure. A probe is inserted into the pipes to apply the plastic. Most overspray is contained within the pipes. However, disposable masks are used to collect any overspray which might escape the pipes. These masks are disposed of prior to the next heat cycle. During this process the doors of the enclosure are open, and a movable ventilation system, separate from the one associated with heat, is used.

After the second coat had been applied, the ventilation is continued for at least thirty minutes, during which any necessary hand touch-up work is done. The enclosure is then closed and the purge ventilation cycle and heat cycle are repeated.

III. *Decision.* 29 CFR 1910.107(j)(2) prohibits enclosures used for spraying operations from being alternately used for drying operations by any arrangement which would cause a material increase in the surface temperature of the enclosure. This is intended to prevent a fire caused by the ignition of fumes or overspray residues.

The applicant's spraying operation is unusual in that the area to be sprayed is the inside of the pipes. Therefore, overspray is limited to a minimum and is contained by the disposable masks. Dual ventilation systems remove all fumes from the air during a 30 minute period following the spraying and a final five minute purge prior to the introduction of the heat.

The heat source is outside the spray enclosure with hot air circulated to raise the temperature of the room. The heating and ventilation systems conform to the requirements of NFPA 86A-1969 concerning ovens. All operating procedures are contained in a manual which has been used for over ten years and training

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sessions are conducted regularly. These procedures are enforced by audits of the operations by the applicant's engineering and quality control groups.

The procedures being used prevent a buildup of overspray residue in the spray enclosure, and insure the removal of fumes before the introduction of heat. The procedures therefore meet the purpose of § 1910.107(j)(2) and provide a place of employment as safe as would be obtained by complying with the standard.

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Plastic Applicators, Inc. be, and it is hereby, authorized to use its spray enclosure alternately as a drying area although this results in a material increase in the surface temperature of the enclosure, in lieu of complying with the requirements of 29 CFR 1910.107(j)(2) under the following conditions:

(1) This authority is restricted to spraying the inside of pipes.

(2) Disposable masks shall be used at the end of the pipes to catch any overspray and shall be removed prior to the heat cycle.

(3) The movable ventilation system shall be used during the spraying operations.

(4) The ventilation system shall operate a minimum of thirty minutes after completion of the spraying operation and prior to the introduction of heat.

(5) A second ventilation system shall purge the closed room for a minimum of five minutes prior to the introduction of heat.

(6) Heat shall be introduced to the room by circulating hot air. At no time shall the heating element be in the spray enclosure.

(7) The room shall be cooled to a maximum of 140° F before the enclosure is opened and the spraying process is repeated.

As soon as possible Plastic Applicators, Inc. shall give notice to affected employees of the terms of this order by the same means required to be used to inform them of the application for variance.

Effective date. This order shall become effective on November 29, 1974, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C. this 20th day of November 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-27906 Filed 11-27-74;8:45 am]

Office of the Secretary

COMPREHENSIVE MANPOWER SERVICES

Financial Assistance and Request for Preapplication for Federal Assistance

Pursuant to Title I of the Comprehensive Employment and Training Act of 1973 (hereinafter referred to as the Act), the Secretary of Labor provides comprehensive manpower services throughout the United States with fiscal year 1976 funds. The program includes the development and creation of job opportunities and the training, education, and other services needed to enable individuals to secure and retain employment at their maximum capacity. This comprehensive manpower program will be carried out by qualified prime sponsors through financial assistance to be made available by the Secretary of Labor. Although many prime sponsors were designated in fiscal year 1975, each year existing prime sponsors and those wishing to become prime sponsors must submit a preapplication for Federal assistance to be considered for the subsequent fiscal year funds. Eligibility criteria and procedures for preapplication are described below:

Prime Sponsors. In order to be eligible to receive financial assistance under Title I of the Act, a prime sponsor must be:

(a) A State;

(b) A unit of general local government which has a population of 100,000 or more on the basis of the most satisfactory current data available to the Secretary;

(c) Any combination of units of general local government which includes any units of general local government qualifying under paragraph (b) above;

(d) Any unit of general local government or any combination of such units, without regard to population, which in exceptional circumstances, is determined by the Secretary of Labor:

(1) (i) To serve a substantial portion of a functioning labor market area, or (ii) to be a rural area having a high level of unemployment; and

(2) To have demonstrated (i) that it has the capability for adequately carrying out programs under this Act, and (ii) that there is a special need for services within the area to be served, and (iii) that it will carry out such programs and services in such areas as effectively as the State; or

(e) A limited number of existing concentrated employment program grantees serving rural areas having a high level of unemployment which the Secretary determines have demonstrated special capabilities for carrying out programs in such areas and are designated by him for that purpose.

Procedures for applying for prime sponsorship. In accordance with section 102(c)(1) of the Act, and in order to be considered eligible for prime sponsorship under Title I, the Secretary of Labor hereby informs all potentially eligible applicants that they must submit a preapplication for Federal assistance no later than December 13, 1974.

The preapplication must be submitted to appropriate Assistant Regional Directors for Manpower (ARDM), the Governor, and appropriate State and area-wide clearinghouses (see OMB Circular A-95). The preapplication will consist of the Preapplication for Federal Assistance form, Part I, contained in Federal Management Circular No. 74-7 (formerly OMB Circular A-102), with an attachment giving the following information:

(a) Geographical area(s) to be served;

(b) Population of area(s) to be served;

(c) Certification that the potential prime sponsor, except for CEP prime sponsors, has the required general government authority; a potential prime sponsor is defined as a unit of general local government or other general purpose political subdivision which has the power to levy taxes and spend funds, as well as general corporate and police powers (section 601(10) of the Act); and

(d) Certification that the development of the applicant's plan will be in accordance with the directions specified in the Act and regulations (e.g., involvement of local elected officials of the areas to be served).

Special procedures for: (a) *Independently eligible prime sponsors.* Based upon information currently available and according to the 1970 official census as published by the U.S. Bureau of the Census, the jurisdictions on the attached list of States and units of general local governments may be eligible to be prime sponsors under section 102(a)(1) and (2) of the Act. See Attachment No. 1.

The Department of Labor is presently reviewing with the Bureau of Census, the feasibility of utilizing updated population figures. Any jurisdiction which believes that its population increased to 100,000 since 1970 should submit a preapplication according to the procedures set forth above. Such a jurisdiction will be considered eligible for prime sponsorship if the Department of Labor determines that the new census data is satisfactory and whether the jurisdiction's population has, in fact, increased to 100,000.

(b) *Units of government which have less than 100,000 population desiring to be prime sponsors because of exceptional circumstances.* Any unit of general local government which does not have a population of 100,000, but wishes to be named a prime sponsor because of exceptional circumstances under the provisions of section 102(a)(4) should submit a preapplication according to procedures set forth above. In addition, the preapplication should include information relative to:

(1) The labor market area in which the unit of general local government is located;

(2) The proportion of the labor market area population which resides within the jurisdiction of the unit of general local government;

(3) The unit of general local government's administrative and organizational capability for adequately carrying out programs under the Act;

(4) The unit of general local government's ability to carry out the program as effectively as the State, e.g., past experience in operating manpower or manpower-type programs, effective linkages with community-based organizations and programs, administrative efficiency in terms of costs, and existence and effective operation of an Operational Planning Grant, a Public Employment Program or other manpower delivery services; and

(5) The special need for services within the area to be served, e.g., a high proportion of groups within the population such as disadvantaged youth, offenders, high school dropouts, a high unemployment rate, substantial outmigration, or unique commuting problems.

(c) *Rural concentrated employment program grantees.* Any of the existing four Concentrated Employment Program (CEP) prime sponsors serving a rural area having a high level of unemployment and desiring to serve as a prime sponsor again should submit a preapplication according to the procedures set forth above. In addition such CEP must cite whatever special capabilities it has demonstrated in carrying out manpower programs.

(d) *Consortia.* Combinations of units of general local government may form a consortium to plan and operate a comprehensive manpower program. The nature of consortia agreements are set forth in detail in §§ 95.3 (3) and (4) of the regulations for the Comprehensive Employment and Training Act of 1973 (29 CFR 95.3 (3) and (4)).

In order to encourage consortia which comprise substantial portions (e.g., 75 percent) of labor market areas, the Secretary may use up to 5 percent of the funds available for Title I of the Act to provide additional funding for such consortia. Consortia which do not serve such areas shall not be eligible for additional funds. Prior to making decisions concerning these funds, the ARDM shall consult with the Governors of the appropriate States and afford them an opportunity to make recommendations.

A consortium must submit a preapplication according to the procedures set forth above. The preapplications for a new consortium or an existing consortium whose membership has changed from last year must include the signature of the chief elected official or chief executive officer of each consortium member. However, in the case of an established consortium with no membership changes, the preapplication may, with the consent of all consortium members, be signed by the consortium's chief executive officer.

In addition, each consortium shall submit a formal agreement including all items required by § 95.11(c) of the regulations to the Act to the appropriate ARDM by March 1, 1975. An established consortium which submitted a formal written agreement last year may attest in writing that the agreement is the same or specify amendments to the agreement. The formal agreement or attestation must be signed by the chief elected official or chief executive officer of each consortium member.

List of manpower regional offices. All preapplication information and consortia agreements (described above) must be submitted to the appropriate Assistant Regional Director for Manpower. The names, addresses and areas of responsibility of the ARDM's are listed on Attachment No. 2.

Implementation schedule. Title I and II grants for Fiscal Year 1976 will be executed by July 1, 1975. (When Title II planning figures are available, prime sponsors eligible for Title II grants will be requested to submit a preapplication identical to the one discussed in this announcement for Title I.)

The approximate target date for the initial publication of the revised regulations for Title I and II is January 31, 1975. It is anticipated that planning figures for Title I also will be released by January 31, 1975. Prime sponsors will be expected to submit their grant applications to the appropriate ARDM by June 2, 1975.

Eligible applicants for Title III programs for Indian tribes (section 302 of the Act) are required to submit their preapplications by March 1, 1975, as prescribed by § 97.5 in the regulations published in the FEDERAL REGISTER on June 26, 1974, titled Special Federal Programs and Responsibilities under the Comprehensive Employment and Training Act—Indian Manpower Programs. In addition to the items on the Federal Management Circular No. 74–7 preapplication form, eligible Title III applicants may wish to include endorsements from community-based organizations attesting to their capability to run a title III program.

Signed at Washington, D.C., this 25th day of November, 1974.

PETER J. BRENNAN,
Secretary of Labor.

LISTING OF JURISDICTIONS OF 100,000 OR MORE POPULATION FOR COMPREHENSIVE EMPLOYMENT AND TRAINING ACT OF 1973

AREA

ALABAMA

Birmingham	Jefferson County
Huntsville	Mobile County
Mobile	Tuscaloosa County
Montgomery	Balance Alabama
Calhoun County	

ALASKA

Great Anchorage Borough	Balance Alaska

ARIZONA

Phoenix	Maricopa County
Tucson	Balance Arizona

ARKANSAS

Little Rock	Balance Arkansas
Pulaski County	

CALIFORNIA

Anaheim	Torrance
Berkeley	Alameda County
Fremont	Butte County
Fresno	Contra Costa County
Garden Grove	Fresno County
Glendale	Kern County
Huntington Beach	Los Angeles County
Long Beach	Marin County
Los Angelea	Merced County
Oakland	Monterey County
Pasadena	Orange County
Riverside	Riverside County
Sacramento	Sacramento County
San Bernardino	San Bernardino County
San Diego	San Diego County
San Francisco City/County	San Joaquin County
San Jose	San Luis Obispo County
Santa Ana	San Mateo County
Stockton	Santa Barbara County
	Santa Clara County
	Stanislaus County
	Santa Cruz County
	Tulare County
	Solano County
	Ventura County
	Sonoma County
	Balance California

COLORADO

Colorado Springs	El Paso County
Denver City/County	Jefferson County
Adams County	Pueblo County
Arapahoe County	Balance Colorado
Boulder County	

CONNECTICUT

Bridgeport	Stamford City
Hartford City	Waterbury City
New Haven City	Balance Connecticut

DELAWARE

New Castle County	Balance Delaware

DISTRICT OF COLUMBIA

FLORIDA

Ft. Lauderdale	Escambia County
Hialeah	Hillsborough County
Hollywood	Lee County
Jacksonville City/Duval County	Leon County
Miami	Orange County
St. Petersburg	Palm Beach County
Tampa	Pinellas County
Alachua County	Polk County
Brevard County	Sarasota County
Broward County	Valusia County
Dade County	Balance Florida

GEORGIA

Atlanta	De Kalb County
Columbus City/Muscogee County	Fulton County
Macon	Valusia County
Savannah	Balance Georgia
Cobb County	

HAWAII

Honolulu City/Honolulu County	
Balance Hawaii	

IDAHO

Ada County	Balance Idaho

ILLINOIS

Chicago	Madison County
Peoria	McHenry County
Rockford	McLean County
Champaign County	Rock Island County
Cook County	Sangamon County
Du Page County	St. Clair County
Kane County	Tazewell County
La Salle County	Will County
Lake County	Balance Illinois
Macon County	

INDIANA

Evansville	
Ft. Wayne	
Gary	
Hammond	
Indianapolis City/Marion County	
South Bend	
Allen County	
St. Joseph County	
Delaware County	
Elkhart County	
La Porte County	
Lake County	
Madison County	
Tippicanoe County	
Virgo County	
Balance Indiana	

IOWA

Cedar Rapids	Scott County
Des Moines	Woodbury County
Black Hawk County	Balance Iowa

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KANSAS

Kansas City
Topeka
Wichita
Johnson County
Balance Kansas

KENTUCKY

Lexington City/Fayette County
Louisville
Jefferson County
Kenton County
Balance Kentucky

LOUISIANA

Baton Rge. City/E. Baton Rge. Par.
New Orleans City/Parish
Shreveport
Calcasieu Parish
Jefferson Parish
Lafayette Parish
Ouachita Parish
Rapides Parish
Balance Louisiana

MAINE

MARYLAND

Baltimore
Anne Arundel County
Baltimore County
Harford County
Montgomery County
Prince Georges County
Washington County
Balance Maryland

MASSACHUSETTS

Boston City/Suffolk County
Cambridge
New Bedford
Springfield
Worcester
Balance Massachusetts

MICHIGAN

Ann Arbor
Dearborn
Detroit
Flint
Grand Rapids
Lansing
Livonia
Warren
Bay County
Berrien County
Calhoun County
Genesee County
Ingham County
Jackson County
Kalamazoo County
Kent County
Macomb County
Monroe County
Muskegon County
Oakland County
Ottawa County
Saginaw County
St. Clair County
Washtenaw County
Wayne County
Balance Michigan

MINNESOTA

Duluth
Minneapolis
St. Paul
Anoka County
Dakota County
Hennepin County
Ramsey County
St. Louis County
Balance Minnesota

MISSISSIPPI

Jackson
Harrison County
Balance Mississippi

MISSOURI

Independence City
Kansas City
Springfield City
St. Louis City
Jefferson County
St. Louis County
Balance Missouri

MONTANA

NEBRASKA

Lincoln City
Omaha City
Balance Nebraska

NEVADA

Las Vegas City
Clark County
Washoe County
Balance Nevada

NEW HAMPSHIRE

NEW JERSEY

Camden City
Elizabeth City
Jersey City
Newark City
Paterson City
Trenton City
Atlantic County
Bergen County
Burlington County
Camden County
Cumberland County
Essex County
Gloucester County
Hudson County
Mercer County
Middlesex County
Morris County
Ocean County
Passaic County
Somerset County
Union County
Balance New Jersey

NEW MEXICO

Albuquerque City
Balance New Mexico

NEW YORK

Albany City
Buffalo City
New York City
Rochester City
Syracuse City
Town of Cheektowaga
Town of Islip
Town of Smithtown
Town of Hempstead
North Hempstead Twp
Oyster Bay Twp
Town of Tonawanda
Yonkers City
Town of Babylon
Town of Brookhaven
Town of Huntington
Albany County
Broome County
Chautauqua County
Chemung County
Dutchess County
Erie County
Monroe County
Niagara County
Oneida County
Onondaga County
Orange County
Oswego County
Rensselaer County
Rockland County
Saratoga County
Schenectady County
St. Lawrence County
Ulster County
Westchester County
Balance New York

NORTH CAROLINA

Charlotte City
Greensboro City
Raleigh City
Winston-Salem City
Buncombe County
Cumberland County
Durham County
Gaston County
Guilford County
Mecklenburg County
Onslow County
Wake County
Balance North Carolina

NORTH DAKOTA

OHIO

Akron City
Canton City
Cincinnati City
Cleveland City
Columbus City
Dayton City
Parma City
Toledo City
Youngstown City
Allen County
Butler County
Clark County
Columbiana County
Cuyahoga County
Franklin County
Greene County
Hamilton County
Lake County
Licking County
Lorain County
Lucas County
Mahoning County
Montgomery County
Portage County
Richland County
Stark County
Summitt County
Trumbull County
Balance Ohio

OKLAHOMA

Oklahoma City
Tulsa City
Comanche County
Oklahoma County
Balance Oklahoma

OREGON

Portland City
Clackamas County
Lane County
Marion County
Multnomah County
Washington County
Balance Oregon

PENNSYLVANIA

Allentown City
Erie City
Philadelphia City/County
Pittsburgh City
Scranton City
Allegheny County
Beaver County
Berks County
Blair County
Bucks County
Butler County
Cambria County
Chester County
Cumberland County
Dauphin County
Delaware County
Erie County
Fayette County
Franklin County
Lackawanna County
Lancaster County
Lawrence County
Lehigh County
Luzerne County
Lycomins County
Mercer County
Montgomery County
Northampton County
Schuylkill County
Washington County
Westmoreland County
York County
Balance Pennsylvania

PUERTO RICO

Bayamon Mun.
Carolina Mun.
Ponce Municipio
San Juan Mun.
Balance Puerto Rico

RHODE ISLAND

Providence City
Balance Rhode Island

SOUTH CAROLINA

Columbia City
Anderson County
Charleston County
Greenville County
Richland County
Spartanburg County
Balance South Carolina

SOUTH DAKOTA

TENNESSEE

Chattanooga City
Knoxville City
Memphis City
Nashville City/Davidson County
Hamilton County
Knox County
Sullivan County
Balance Tennessee

TEXAS

Amarillo City
Austin City
Beaumont City
Corpus Christi City
Dallas City
El Paso City
Fort Worth City
Houston City
Lubbock City
San Antonio City
Bell County
Bexar County
Brazoria County
Cameron County
Dallas County
Galveston County
Harris County
Hidalgo County
Jefferson County
McLennan County
Tarrant County
Wichita County
Balance Texas

UTAH

Salt Lake City
Salt Lake County
Utah County
Weber County
Balance Utah

VERMONT

VIRGINIA

Alexandria City
Hampton City
Newport News City
Norfolk City
Portsmouth City
Richmond City
Virginia Beach City
Arlington County
Fairfax County
Henrico County
Prince William County
Balance Virginia

WASHINGTON

Seattle City
Spokane City
Tacoma City
Clark County
King County
Kitsap County
Pierce County
Snohomish County
Spokane County
Yakima County
Balance Washington

WEST VIRGINIA

Cabell County
Kanawha
Balance West Virginia

WISCONSIN

Madison City
Milwaukee City
Brown County
Dane County
Kenosha County
Milwaukee County
Outagamie County
Racine County
Rock County
Waukesha County
Winnebago County
Balance Wisconsin

WYOMING

VIRGIN ISLANDS

AMERICAN SAMOA

GUAM

TRUST TERR.

ASSISTANT REGIONAL DIRECTORS FOR MANPOWER

	States in Regions
Region I, Boston: Lawrence W. Rogers, ARDM U.S. Department of Labor J. F. Kennedy Bldg., Room 1703 Boston, Massachusetts 02203	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, Vermont.
Region II, New York: Edward W. Aponte, ARDM U.S. Department of Labor 1515 Broadway, New York, New York 10036	New Jersey, New York, Puerto Rico, the Virgin Islands.
Region III, Philadelphia: J. Terrell Whitsit, ARDM U.S. Department of Labor P.O. Box 8796 Philadelphia, Pennsylvania 19101	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, Washington, D.C.
Region IV, Atlanta: William U. Norwood, Jr., ARDM U.S. Department of Labor 1317 Peachtree Street, NE. Room 405 Atlanta, Georgia 30309	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee.
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Region VIII, Denver: Robert Brown, ARDM U.S. Department of Labor 16015 Federal Office Bldg. 1961 Stout Street Denver, Colorado 80202	Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming.
Region IX, San Francisco: William Haltigan, ARDM U.S. Department of Labor 450 Golden Gate Avenue Box 36084 San Francisco, California 94102	Arizona, California, Nevada, Guam, Hawaii, American Samoa, Trust Territory of the Pacific Islands.
Region X, Seattle: Jess C. Ramaker, ARDM U.S. Department of Labor 2154 Arcade Plaza 1321 Second Avenue Seattle, Washington 98101	Alaska, Idaho, Oregon, Washington.

[FR Doc.74-27911 Filed 11-27-74;8:45 am]

OKLAHOMA PLANT OF ASG INDUSTRIES INC.

Certification of Eligibility To Apply for Adjustment Assistance

Under date of October 8, 1974, a petition requesting certification of eligibility to apply for adjustment assistance was filed with the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, by the United Glass and Ceramic Workers of North America, AFL–CIO, and by the Window Glass Cutters League of America, AFL–CIO, on behalf of workers and former workers of the Okmulgee, Oklahoma sheet glass plant of ASG Industries, Inc., Kingsport, Tennessee. The request for certification was made under Proclamation 3967 (Adjustment of Duties on Certain Sheet Glass) of February 27, 1970. In that Proclamation the President, among other things, acted to provide under section 302(a)(3) with respect to the sheet glass industry that its workers may request the Secretary of Labor for certifications of eligibility to apply for adjustment assistance under Chapter 3, Title III, of the Trade Expansion Act of 1962.

The Act, section 302(b)(2), provides that the Secretary of Labor shall certify as eligible to apply for adjustment assistance under Chapter 3 any group of workers in an industry with respect to which the President has acted under section 302(a)(3), upon a showing by such group of workers to the satisfaction of the Secretary of Labor that the increased imports (which the Tariff Commission has determined to result from concessions granted under trade agreements) have caused or threaten to cause unemployment or underemployment of a significant number or proportion of workers of such workers' firm or subdivision thereof. The same degree of causal connection is applicable here as under the tariff adjustment and other adjustment assistance provisions; that is, the increased imports have been the major factor.

The Director, Office of Foreign Economic Policy, upon receipt of the petition, instituted an investigation (Notice of Delegation of Authority and Notice of Investigation, 34 FR 18342, 37 FR 2472, 39 FR 37550, 29 CFR 90.11). After that, the Director made a recommendation to me relating to the matter of certification. In the recommendation she noted that a significant number or proportion of the workers at the Okmulgee, Oklahoma plant became unemployed or underemployed when the firm began to curtail production at the plant in May 1974. She further noted that imports of sheet glass of the types produced at the Okmulgee plant decreased substantially from prior levels during 1973 and the first six months of 1974. The primary

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factor in the company's decision to curtail production at the plant was the accelerating decline in domestic building construction. Residential housing starts in the United States declined significantly from 1972 to 1973, and declined sharply in the first eight months of 1974 compared to the first eight months of 1973. Nearly all of the sheet glass produced at the Okmulgee plant is used in building construction. Also a factor in the closing of the plant was increasing customer preference for float glass over sheet glass. Float glass is a higher quality glass than sheet glass and can be produced in window glass thickness at a cost equal to or less than the cost of producing sheet glass. Domestic production of float glass increased substantially from 1971 to 1973. ASG itself produced significant quantities of float glass in window glass thicknesses in the first nine months of 1974.

After due consideration, I have concluded that increased imports of sheet glass were not the major factor causing the unemployment or underemployment of the workers at the Okmulgee, Oklahoma plant of ASG Industries, Inc., Kingsport, Tennessee. Accordingly, I make no certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 22nd day of November 1974.

JOEL SEGALL,
Deputy Under Secretary,
International Affairs.

[FR Doc.74-27908 Filed 11-27-74;8:45 am]

RHODE ISLAND

Extended Unemployment Compensation

The Rhode Island Employment Security Act establishes a program of extended unemployment compensation in accordance with the provisions of the Federal-State Extended Unemployment Compensation Act of 1970, 84 Stat. 708. Extended unemployment compensation is payable under the program to unemployed workers who have received all of the regular unemployment compensation to which they are entitled, commencing when unemployment is high (according to indicators set forth in the law) and terminating when unemployment ceases to be high (according to indicators set forth in the law). Pursuant to section 203(b)(2) of the Federal-State Extended Unemployment Compensation Act of 1970 and 20 CFR 615.16(b), notice is hereby given that Mary C. Hackett, Director of the State of Rhode Island Department of Employment Security, has determined that there was a State on indicator in Rhode Island for the week ending October 26, 1974, and that an extended benefit period commenced with the week beginning November 10, 1974.

Signed at Washington, D.C., this 22nd day of November 1974.

WILLIAM H. KOLBERG,
Assistant Secretary
for Manpower.

[FR Doc.74-27909 Filed 11-27-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 642]

ASSIGNMENT OF HEARINGS

NOVEMBER 25, 1974.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 118959 Sub Nos. 108, 109, 110, 111, 112 and 113; Jerry Lipps, Inc., now being assigned hearing January 20, 1975 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-C 8338, Hunt Truck Lines, Inc.—Investigation and Revocation of Certificate, now being assigned January 14, 1975 (1 day), at Kansas City, Mo., in a hearing room to be later designated.

MC-C 7996, Film Transit, Inc., et al. V. Cape Air Freight, Inc., now being assigned January 20, 1975 (1 week), at Kansas City, Mo., in a hearing room to be later designated.

MC 136032 Sub 2, Texas Continental Express, Inc., now being assigned January 20, 1975 (1 day), at New York, N.Y., in a hearing room to be later designated.

MC 134922 Sub 75, B. J. McAdams, Inc., now being assigned January 21, 1975 (2 days), at New York, N.Y., in a hearing room to be later designated.

MC-F-12090, Cedar Rapids Steel Transportation, Inc. — Purchase — The Kinnison Trucking Company, Amd No. MC 114273 Sub 158, Cedar Rapids Steel Transportation, Inc., now being assigned January 15, 1975 (3 Days), at Columbus, Ohio.

MC 139650, Whitley County Concrete and Supply Co., Inc., now assigned December 17, 1974, at Lexington, Ky., cancelled and reassigned December 17, 1974 (3 days), at Frankfort, Ky., in Conference Room, 4th Floor, State Office Building.

MC-F-12175, Roadway Express, Inc.—Control and Merger—Atlas Transit, Inc., and MC 2202 Sub 464, Roadway Express, Inc., now assigned December 3, 1974, at Memphis, Tenn., will be held in Room 1006, Tax Court, Federal Office Bldg., 167 N. Main St.

MC 107515 Sub 892, Refrigerated Transport Co., Inc., now assigned December 4, 1974, at Chicago, Ill., will be held in Room 1725, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 128375 Sub 90, Crete Carrier Corporation Extension—Santa Ana, Calif., now assigned December 3, 1974, at Chicago, Ill., will be held in Room 1725, Everett McKinley Dirksen Bldg., 219 S. Dearborn St.

MC 138259 Sub 3, Northwest Express, Inc., now assigned December 5, 1974, at Billings, Mont., is cancelled and the application is dismissed.

MC 135387 Sub 2, Harbor Transfer, Inc., now assigned December 3, 1974, at Washington, D.C., is cancelled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27945 Filed 11-27-74;8:45 am]

[Notice No. 194]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

NOVEMBER 28, 1974.

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before December 18, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-75273. By order of November 20, 1974, the Motor Carrier Board approved the transfer to Joan C. Sloan, doing business as D & J Transportation, San Francisco, Calif., of Certificate of Registration No. MC 121436 (Sub-No. 1), issued March 23, 1964, to Rossi Freight Lines, Inc., San Francisco, Calif., evidencing a right to engage in transportation in interstate commerce as described in Certificate of Public Convenience and Necessity granted in Decision No. 62555 and transferred to applicant in Decision No. 82950 by the Public Utilities Commission of the State of California. E. H. Griffiths, 1182 Market St., San Francisco, Calif. 94102, representative for applicants.

No. MC-FC-75300. By order of November 15, 1974, the Motor Carrier Board on reconsideration approved the transfer to De Casper Brothers Freight Lines, Inc., 3 River Street, Bradford, Pa. 16701, of the operating rights in Certificates Nos. MC 2470, MC 2470 (Sub-No. 2), and MC 2470 (Sub-No. 3), issued October 16, 1958, May 6, 1958, and August 12, 1964, respectively, to Thomas C. Donahue, doing business as Donahue's Service, 312 East Weber Avenue, Du Bois, Pa. 15801, authorizing the transportation of general commodities, except Class A and B explosives, over regular routes between Punxsutawney, Pa., and Sykesville, Pa., between Punxsutawney and Rossiter, Pa., and between junction Pennsylvania Highways 36 and 236 and junction unnumbered highway and U.S. Highway 119 restricted, among other things, to service which is auxiliary to or supplemental of rail service of the Baltimore & Ohio Railroad Company; general commodities, except Class A and B explosives, from Punxsutawney, Pa., to points in Pennsylvania within 25 miles of Punxsutawney; household goods, between Punxsutawney, Pa., and points within 15 miles thereof, on the one hand, and, on the other, points in New York, New Jersey, Ohio, Maryland, and West Virginia; general commodities, except Class A and B explosives, between Sykesville, Pa., and Du Bois, Pa.; between junction U.S. Highways 119 and 322 and Clearfield, Pa.; between Du Bois, Pa., and Clearfield, Pa.; between Du Bois, Pa., and junction U.S. Highways 219 and 322; between junction U.S. Highway 119 and Pennsylvania Highway 410 and Rockton, Pa.; between Cramer, Pa., and junction Pennsylvania Highways 952 and 410; and between Sykesville, Pa., and junction unnumbered highway and Pennsylvania Highway 410, restricted to service which is auxiliary to or supplemental of rail service; and general commodities, with the usual exceptions, between Du Bois, Pa., on the one hand, and, on the other, points in Pennsylvania within 30 miles of Du Bois, restricted to service auxiliary to or supplemental of rail service.

No. MC-FC-75367. By order entered 11-15-74 the Motor Carrier Board approved the transfer to Leprechaun Lines, Inc., Newburg, N.Y., of the operating rights set forth in Certificate No. MC 112108 (Sub-No. 1), issued April 17, 1957, to Roy V. Knapp, Inc., Poughkeepsie, N.Y., authorizing the transportation of passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in Dutchess County, N.Y. (with specified exceptions), to points in Massachusetts, Connecticut, and the District of Columbia, Clyde E. Herring, 1123 Munsey Building, 1329 E Street NW., Washington, D.C. 20004, attorney for applicants.

ROBERT L. OSWALD,
Secretary.

[FR Doc.74-27946 Filed 11-27-74;8:45 am]

[Notice No. 157]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

NOVEMBER 21, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, by December 16, 1974. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 14702 (Sub-No. 67TA), filed November 14, 1974. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 8 East Broad Street, Ninth Floor, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ingots*, from Centerville, Iowa, to Cleveland, Canton, Massillon, Warren, and Youngstown, Ohio; Sharon and Farrell, Pa.; Kokomo, Ind.; and Peoria, Ill., for 180 days. Supporting shipper: Iowa Steel & Wire Co., Centerville, Iowa 52544. Send protests to: District Supervisor James Johnson, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 19945 (Sub-No. 49TA), filed November 14, 1974. Applicant: BEHNKEN TRUCK SERVICE, INC., Route #13, New Athens, Ill. 62264, Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump vehicles, from the plantsite and storage facilities of Lac-Lede Steel Company at Alton, Ill., to Frit Industries, Inc., at Humboldt, Iowa, for 180 days. Supporting shipper: Carl Schauble, Vice-President, Frit Industries, Inc., P.O. Box 1324, Ozark, Ala. 36360. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 2418, Springfield, Ill. 62705.

No. MC 22278 (Sub-No. 47TA), filed November 14, 1974. Applicant: TAKIN BROS. FREIGHT LINE, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, Iowa 50704. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Lake Mills, Iowa, as an off-route point in connection with carrier's regular route operations, for 180 days.

NOTE.—Applicant indicates its intention to tack with other authority held in Docket MC 22278 at junction of U.S. Highways 18 and 65 in Mason City, Iowa. Interline with any authorized and properly certificated interstate carrier serving the common points held by applicant in Docket MC 22278 at Omaha, Nebr.; Mason City, Charles City, Waverly, Waterloo, Clinton, Cedar Rapids, Marshalltown, Ames, Boone, Carroll, Davenport, Iowa City, Ottumwa, Chariton, Albia, Osceola, Creston, Red Oak, Glenwood, Council Bluffs, and Sioux City Iowa; Chicago, Ill.; and Gary, Hammond, Whiting, and East Chicago, Ind.

Supporting shipper: Deluxe Products, Division of Walker-A Tenneco Co., 311 North Park, Lake Mills, Iowa 50450. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 29886 (Sub-No. 318TA), filed Nocember 13, 1974. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 W. Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles M. Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, initial movements, in driveway service, from the plantsite of International Harvester Co. in San Leandro, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: International Harvester Company, 401 N. Michigan Avenue, Chicago, Ill. 60611. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 30561 (Sub-No. 2TA), filed November 14, 1974. Applicant: JOSEPH RUFFIN, doing business as RUFFIN'S MOTOR FREIGHT, 34 Elder Avenue, Yeadon, Pa. 19050. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19143. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass and glassware*, as described in Appendix IX, to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the ports, warehouses, and storage facilities used by Associated Imports, Inc., at or near Baltimore, Md., Boston, Mass., Chicago, Ill., Detroit, Mich., New York, N.Y., Philadelphia, Pa., Savannah, Ga., Wilmington, Del.; and Portage, Ind., to points in the United States (except Alaska, Hawaii, and those states west of the Mississippi River), under a continuing contract or contracts with Associated Imports, Inc., of Providence, R.I., for 180 days. Supporting shipper: Associated Imports, Inc., 322 Waterman Avenue, Providence, R.I. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Federal Bldg., Room 3238, 600 Arch Street, Philadelphia, Pa. 19106.

No. MC 30837 (Sub-No. 466TA), filed November 13, 1974. Applicant: KENOSHA AUTO TRANSPORT CORPORATION, 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Charles M. Pieroni, 4000 West Sample Street, South Bend, Ind. 46627. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks*, in initial movements, in driveaway service, from the plant site of International Harvester Company in San Leandro, Calif., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: International Harvester Company, 401 N. Michigan Avenue, Chicago, Ill. 60611 (J. M. Gamble). Send

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protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 30887 (Sub-No. 215TA), filed November 15, 1974. Applicant: SHIPLEY TRANSFER, INC., 1550 E. Patapsco Avenue, Baltimore, Md. 21225. Applicant's representative: William B. Eckels (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in special constructed and permitted rear unloading bulk tank trucks capable of maintaining the product at 360–370° F in transit, from Longview, Tex., to St. Mary's Ga., for 180 days. Supporting shipper: Gus Brown, Asst. Division Traffic Manager, Texas Eastman Company, P.O. Box 7444, Longview, Tex. 75601. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 61396 (Sub-No. 275TA), filed November 14, 1974. Applicant: HERMAN BROS., INC., P.O. Box 189, 2565 St. Marys Avenue, Omaha, Nebr. 68101. Applicant's representative: John E. Smith, II (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Omaha, Nebr., to Enid, Okla., Lawrence, Kans., Fort Dodge, Iowa, and Sioux City, Iowa, for 180 days. Supporting shipper: Warren-Douglas Chemical Co., Inc., 3002 "F" Street, Omaha, Nebr. 68107. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 66462 (Sub-No. 17TA), filed November 12, 1974. Applicant: THE WILLETT COMPANY, 700 So. Des Plaines St., Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Acid, muriatic, in bulk, in tank vehicles, from the storage facilities of K. A. Steel Chemical in Lemont, Ill., to points in Lake and Porter Counties, Ind., for 180 days. Supporting shipper: Jack H. Stilzer, Sales Manager of Acids, Thompson-Hayward Chemical Co., 2401 So. Damen Avenue, Chicago, Ill. 60608. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 66462 (Sub-No. 18TA), filed November 12, 1974. Applicant: THE WILLETT COMPANY, 700 So. Des Plaines St., Chicago, Ill. 60607. Applicant's representative: Thomas F. McFarland, Jr., 20 North Wacker Drive, Chicago, Ill. 60606. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acid, muriatic*, in bulk, in tank vehicles, from the plant site of Keil Chemical Company in Hammond, Ind., to points in Illinois, for 180 days. Supporting shipper: Paul Thompson, Vice President, Keil Chemical Company, 3000 Sheffield Avenue, Hammond, Ind. 46320. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Bldg., 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 95304 (Sub-No. 23 TA), filed November 14, 1974. Applicant: NORTHERN NECK TRANSFER INC., P.O. Box 345, Montross, Va. 22520. Applicant's representative: William H. Edwards, Rectory Road, Montross, Va. 22520. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wooden pallets, pallet parts, knocked down or assembled*, from Mineral, Va., to points in Maryland, Delaware, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Rhode Islaind, Ohio, District of Columbia, and West Virginia, for 180 days. Supporting shipper: E. D. B. Yancey, President, Dominion Pallet, Inc., Mineral, Va. Send protests to: District Supervisor C. M. Harmon, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 97310 (Sub-No. 19TA), filed November 13, 1974. Applicant: SHARRON MOTOR LINES, INC., P.O. Box 5636, Meridian, Miss. 39301. Applicant's representative: John P. Carlton, 903 Frank Nelson Building, Birmingham, Ala. 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives and commodities requiring special equipment or injurious to other lading), (1) Between Centre, Ala., and Atlanta, Ga.: From Centre, Ala., over Alabama Highway 9 to the Alabama-Georgia State line, thence over Georgia Highway 20 to Rome, Ga., thence over U.S. Highway 411 to junction of U.S. Highway 41, thence over U.S. Highway 41 to Marietta, Ga., thence over Interstate Highway 75 to Atlanta, Ga., and return over the same route, serving all intermediate points between Centre and Rome, including Rome; (2) Between Centre, Ala., and Birmingham, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278 at or near Gadsden, Ala., thence over U.S. Highway 278 to its junction with U.S. Highway 11 at or near Attalla, Ala., thence over U.S. Highway 11 to Birmingham, Ala., and return over the same route; (3) Between Centre, Ala., and Montgomery, Ala.: (a) From Centre, Ala., over U.S. Highway 411 to its junction with Alabama State Highway 77, at or near Gadsden, Ala., thence over Alabama State Highway 77 to its junction with U.S. Highway Alternate 231 at or near Lincoln, Ala., thence over U.S. Highway Alternate 231 to its junction with U.S. Highway 231 at or near Sylacauga, Ala., thence over U.S. Highway 231 to Montgomery, Ala., and return over the same route and (b) From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278, thence over U.S. Highway 278 to its junction with Interstate Highway 59, thence over Interstate Highway 59 to its junction with Interstate Highway 65, thence over Interstate Highway 65 to Montgomery, Ala., and return over the same route (operating over U.S. Highway 31 between Birmingham and Montgomery for such portions of said route for which Interstate Highway 65 has not yet been completed).

(4) Between Tuscumbia, Ala., and Centre, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with Alabama State Highway 68; thence over Alabama State Highway 68 to its junction with U.S. Highway 11, thence over U.S. Highway 11 to its junction with Alabama State Highway 117 at or near Hammondville, Ala. (Also over Interstate Highway 59 from its junction with Alabama State Highway 68 to its junction with Alabama State Highway 117 at or near Hammondville, Ala.); thence over Alabama State Highway 117 to its junction with Alabama State Highway 40, thence over Alabama State Highway 40 to its junction with Alabama State Highway 35, thence over Alabama State Highway 35 to its junction with U.S. Highway 72 at or near Scottsboro, Ala., thence over U.S. Highway 72 to Tuscumbia, Ala., and return over the same route; (5) Between Centre, Ala., and Florence, Ala.: (a) From Centre, Ala., over U.S. Highway 411 to Gadsden, Ala., thence over U.S. Highway 278 to Cullman, Ala., thence over Interstate Highway 65 to its junction with Alabama State Highway 157, thence over Alabama State Highway 157 to Florence, Ala., and return over the same route, and (b) From Centre, Ala., over U.S. Highway 411 to Gadsden, Ala., thence over U.S. Highway 278 to Cullman, Ala., thence over Interstate Highway 65 to its junction with Alabama State Highway 67, thence over Alabama State Highway 67 to its junction with U.S. Highway Alternate 72, at or near Decatur, Ala., thence over U.S. Highway Alternate 72 to its junction with U.S. Highway 72, thence over U.S. Highway 72 to Florence, Ala., and return over the same route.

(6) Between Centre, Ala., and Huntsville, Ala.: (a) From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278 at or near Gadsden, Ala., thence over U.S. Highway 278 to its junction with Interstate Highway 65 at or near Cullman, Ala., thence over Interstate Highway 65 to its junction with U.S. Highway Alternate 72, thence over U.S. Highway Alternate 72 to Huntsville, Ala., and return over the same route, (b) From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278 at or near Gadsden, Ala., thence over U.S. Highway 278 to its junction with U.S. Highway 231, thence over U.S. Highway 231 to Huntsville, and return over the same route; (7) Between Centre, Ala., and Selma, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with Alabama State Highway 119 at or near Leeds, Ala., thence over Alabama State Highway 119 to its junction with Alabama State Highway 25 at or near Montevallo, Ala., thence over Alabama State Highway 25 to its junction with Alabama State Highway 139, thence over Alabama State Highway 139 to its junction with Alabama State Highway 22 at or near Maplesville, Ala., thence over Alabama State Highway 22 to Selma, Ala., and return over the same route; (8) Between Centre, Ala., and Marion, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with Alabama State Highway 119 at or near Leeds, Ala., thence over Alabama State Highway 119 to its junction with Alabama State Highway 25 at or near Montevallo, Ala., thence over Alabama State Highway 25 to its junction with Alabama State Highway 5, at or near Centreville, Ala., thence over Alabama State Highway 5 to Marion, Ala., and return over the same route;

(9) Between Centre, Ala., and Cuba, Ala.: From Centre, Ala., over U.S. Highway 411 to its junction with U.S. Highway 278 at or near Gadsden, Ala., thence over U.S. Highway 11 and/or Interstate Highway 59 to Cuba, Ala., and return over the same route. In conjunction with Route 1, above, service is authorized to and from all points in the commercial zone of Atlanta, Ga., and in conjunction with Routes 2–9 above, service is authorized to all intermediate points and all off-route points in Alabama on and north of U.S. Highway 80 in the transportation of traffic moving to, from, or through Centre, Ala.; (10) Between Birmingham, Ala., and Huntsville, Ala., as an alternate route for operating convenience only, serving Birmingham and Huntsville for purposes of joinder: From Birmingham over Interstate Highway 65 to junction thereof with U.S. Highway Alternate 72, thence over U.S. Highway Alternate 72 to Huntsville, Ala., and return over the same route, for 180 days.

NOTE.—Applicant seeks authority to tack Routes 2–9 above, inclusively with Route 1 at Centre, Ala. Applicant also seeks authority to tack Routes 2, 3 (a) and (b), 7, 8, and 9 with its existing regular route authority at common service points. Applicant seeks authority to serve the Commercial Zone of Atlanta, Ga., and authority to tack and interchange with existing carriers at Atlanta, Ga.; Birmingham, Gadsden, Florence, Montgomery, Selma, Demopolis, and Tuscaloosa, Ala.; and Jackson, Meridian, and Vicksburg, Miss. Supporting shippers: There are approximately 202 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 103490 (Sub-No. 70TA), filed November 18, 1974. Applicant: PROVAN TRANSPORT CORP., 210 Mill Street, Newburgh, N.Y. 12550. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (except petro chemicals), in bulk, in tank vehicles, from points in New Haven County, Conn., to points in Westchester, Putnam, and Dutchess Counties, N.Y., for 180 days. Supporting shipper: Gulf Oil Company-U.S., J. R. Millikan, Supvr. Fleet/Traffic, City Avenue at Schuylkill Expressway, Philadelphia, Pa. 19101. Send protests to: Robert A. Radler, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 103993 (Sub-No. 841TA), filed November 13, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: Portable bleachers, mounted on wheeled undercarriages, from points in St. Joseph County, Mich., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Herbert Jennings, Inc., Box 308, Litchfield, Mich. 49252. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 103993 (Sub-No. 842TA), filed November 13, 1974. Applicant: MORGAN DRIVE AWAY, INC., 2800 W. Lexington Avenue, Elkhart, Ind. 46514. Applicant's representative: Paul Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings and sections of buildings*, on undercarriages; (2) *equipment, materials, parts, and accessories* used in the erection and completion of buildings and sections of buildings (except commodities in bulk), from the plantsite of Diebold Contract Services, Inc., in Dona Ana County, N. Mex., to points in the United States on and west of the eastern boundaries of Minnesota, Wisconsin, Illinois, Missouri, Arkansas, and Louisiana; and (3) *equipment, materials, parts, and accessories* used in the erection and completion of buildings and sections of buildings (except commodities in bulk), from the destination territory named above, to the plantsite of Diebold Contract Service, Inc., in Dona Ana County, N. Mex., for 180 days. Supporting shipper: Diebold Contract Services, Inc., 12690 60th St. North, Clearwater, Fla. 33520. Send protests to: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 W. Wayne Street, Room 204, Ft. Wayne, Ind. 46802.

No. MC 112520 (Sub-No. 294TA), filed November 12, 1974. Applicant: McKENZIE TANK LINES, INC., P.O. Box 1200, Tallahassee, Fla. 32302. Applicant's representative: Sol H. Proctor, 1107 Blackstone Bldg., Jacksonville, Fla. 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tall oil fatty acids, terpinolene and disproportionated rosin soap*, in bulk, in tank vehicles, from Panama City, Fla., to Chicago, Ill., Addyston, Ohio, Mogadore, Ohio, East St. Louis, Ill., and Enoree, S.C., for 180 days. Supporting shipper: Arizona Chemical Company, Berdan Avenue, Wayne, N.J. 07470. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 113828 (Sub-No. 222TA), filed November 15, 1974. Applicant: O'BOYLE TANK LINES, INC., P.O. Box 30006, Washington, D.C. 20014. Applicant's representative: Michael A. Grimm (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Williamsport, Md., to Riverton, Va., for 180 days. Supporting shipper: Allegheny Power Service Corporation, 1310 Fairmont Avenue, Fairmont, W. Va. 26554. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th & Constitution Avenue NW., Room 317, Washington, D.C. 20423.

November 8, 1974. Applicant: UNITED PARCEL SERVICE, INC., 300 North 2nd Street, St. Charles, Ill. 60174. Applicant's representatives: Irving R. Segal, 1719 Packard Building, Philadelphia, Pa. 19102, and S. Harrison Kahn, 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from points in Arizona, to points in Arizona, traversing the following named routes for operating convenience: (1) Utah, (a) U.S. Highway 89 between Arizona-Utah border (N. of Page, Ariz.) and Jct. Utah Highway 15 at Mt. Carmel Jct., Utah; (b) U.S. Highway 89 Alt. between Arizona-Utah border (N. of Fredonia, Ariz.) and Jct. U.S. Highway 89 at Kanab, Utah; (c) Utah Highway 15 between Jct. U.S. Highway 89 (at Mt. Carmel), Utah) and Jct. 115 (N. of St. George, Utah); (d) Utah Highway 59 between Arizona-Utah border (W. of Fredonia, Ariz.) and Jct. Utah Highway 15 at Hurricane, Utah; (e) 115 (N. of St. George, Utah) from Jct. Utah Highway 15 (N. of St. George, Utah) and to Arizona-Utah border; (f) U.S. Highway 91 between Jct. 115 (E. of St. George, Utah)

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and Arizona-Utah border (N. of Beaver Dam, Ariz.); and (g) Unnamed Utah road between Jct. 115 and Arizona-Utah border (N. of Wolf Hole, Ariz.); (2) California, U.S. Highway 60, 110 between Blythe, Calif., and the Arizona-California border; and (3) New Mexico, (a) Portion of reservation road connection Luckachukai and Ft. Definance, N. Mex. which runs just inside the Western border of New Mexico (N.W. of Gallup, N. Mex.); (b) U.S. Highway 80 between Arizona-New Mexico border (N.E. of Douglas, Ariz.) and Jct. 110 (W. of Lordsburg, N. Mex.); and (c) 110 between Arizona-New Mexico border and Jct. U.S. Highway 80 (W. of Lordsburg, N. Mex.), for 180 days. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment; and (2) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day.

NOTE.—Applicant holds intrastate authority from the Arizona Corporation Commission authorizing service between all points in Arizona. This application is being filed for operating convenience, and to permit service to Littlefield, Ariz., which can only be reached by routes outside of Arizona. Applicant does not intend to tack the authority here applied for to another authority held by it, or to interline with other carriers. Supporting shippers: There are approximately 132 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C. or copies thereof which may be examined at the field office named below. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1086, Chicago, Ill. 60604.

No. MC 115730 (Sub-No. 2TA), filed November 14, 1974. Applicant: THE MICKOW CORP., 1914 East Euclid, P.O. Box 1774, Des Moines, Iowa 50306. Applicant's representative: Cecil L. Goettsch, 1100 Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flattened car bodies and solid waste*, from points in Iowa, to points in Illinois and points in Indiana within the Chicago, Ill., Commercial Zone, for 180 days. Supporting shipper: Beck Auto Parts, West Highway 44, Guthrie Center, Iowa 50115. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 116077 (Sub-No. 359TA), filed November 12, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pepper mash*, in bulk, in tank vehicles, from New Iberia, La., to points in Tennessee, for 180 days. Supporting shipper: Allen Estilette Pepper Co., Inc., P.O. Box 1387, New Iberia, La. 70560. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, Room 8610, Federal Building, Houston, Tex. 77002.

No. MC 116077 (Sub-No. 360TA), filed November 13, 1974. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sulphur trioxide*, in bulk, in tank vehicles, from Houston, Tex., to Lockland, Ohio, for 180 days. Supporting shipper: Stauffer Chemical Company, Product Transportation, Westport, Conn. 06880. Send protests to: District Supervisor John Mensing, Interstate Commerce Commission, Bureau of Operations, 515 Rusk, Room 8610, Federal Building, Houston, Tex. 77002.

No. MC 116645 (Sub-No. 18TA), filed November 13, 1974. Applicant: DAVIS TRANSPORT CO., a Corporation, P.O. Box 56, Gilcrest, Colo. 80623. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center Bldg., 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Shortening*, consisting of a blend of animal and vegetable oils, in bulk, from Denver, Colo., and its commercial zone, to Albuquerque, N. Mex., for 180 days. Supporting shipper: Rust Sales Company, East 61st Avenue and Franklin Street, Denver, Colo. 80216. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 117119 (Sub-No. 517TA), filed November 15, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bags, from Minneapolis, Minn., to plantsite of Morton Foods Company at Russellville, Ark., for 180 days. Supporting shipper: Morton Frozen Foods Company, Warehousing & Distribution, P.O. Box 250, Russellville, Ark. 72801. Send protests to: William H. Land, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119632 (Sub-No. 60TA), filed November 18, 1974. Applicant: REED LINES, INC., 634 Ralston Avenue, Defiance, Ohio. Applicant's representative: Michael L. Reed (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Medina, Ohio, to Owensboro, Ky., for 180 days. Supporting shipper: Menasha Corporation, 211 Commerce Street, Medina, Ohio 44256. Send protests to: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 124078 (Sub-No. 623TA), filed November 13, 1974. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Lima, Ohio, to Charles City and Waterloo, Iowa, for 180 days. Supporting shipper: Vistron Corporation, 313 Midland Building, Cleveland, Ohio 44115 (Leonard W. Petersen). Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 125518 (Sub-No. 7TA), filed November 7, 1974. Applicant: CLETUS RUHLMAN, doing business as C. RUHLMAN TRUCKING COMPANY, 265 South Riverside Drive, New Miami, Ohio 45012. Applicant's representative: Norbert B. Flick, Executive Building, Cincinnati, Ohio 45202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump trucks, from gravel pits of American Materials Corporation at or near Harrison, Ohio, to Magaw Hot Mix Plant at or near Brookville, Ind., for 180 days. Supporting shipper: American Materials Corporation, Hamilton, Ohio 45012. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 128039 (Sub-No. 92TA), filed November 14, 1974. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, Urbana, Ill. 61801. Applicant's representative: R. C. Stout (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning compounds, NOI*, from Champaign, Ill., to points in Alabama, Arkansas, Delaware, Connecticut, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Washington, D.C., and Wisconsin, for 180 days. Supporting shipper: Stanley H. Wallace, President, Agra-Labs, Inc., 716 S. Randolph St., Champaign, Ill. 61801. Send protests to: Robert G.

Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 S. Dearborn St., Room 1086, Chicago, Ill. 60604.

No. MC 128555 (Sub-No. 6TA), filed November 12, 1974. Applicant: MEAT DISPATCH, INC., 2103 17th Street East, Palmetto, Fla. 33561. Applicant's representative: S. Michael Richards, 44 North Avenue, Webster, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except frozen), from Rochester, N.Y., to points in Georgia and Florida, for 180 days. Supporting shipper: Ragu Foods, Inc., 1680 Lyell Avenue, Rochester, N.Y. 14606. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, Palm Coast II Building, Suite 208, 5255 NW. 87th Avenue, Miami, Fla. 33178.

No. MC 128607 (Sub-No. 5TA), filed November 14, 1974. Applicant: BOYD TRUCKING CO., P.O. Box 577, Cottonwood, Calif. 96022. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pencil stock*, from the plant site of the Worden Division of Hudson Lumber Company at Worden, Oreg., to the plant site of Hudson Lumber Company at San Leandro, Calif., for 180 days. Supporting shipper: Hudson Lumber Company, San Leandro Boulevard at Hudson Lane, San Leandro, Calif. 94577. Send protests to: District Supervisor A. J. Rodriguez, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 128607 (Sub-No. 6TA), filed November 14, 1974. Applicant: BOYD TRUCKING CO., P.O. Box 577, Cottonwood, Calif. 96022. Applicant's representative: Marvin Handler, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from the plant site of Kimberly Clark Corp. at Anderson, Calif., to the plant site of Weyerhaeuser Company approximately five miles west of Klamath Falls, Oreg., for 180 days. Supporting shipper, Kimberly Clark Corp., P.O. Box 697, Anderson, Calif. 96007. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, anS Farncisco, Calif. 94102.

No. MC 134022 (Sub-No. 12TA), filed November 15, 1974. Applicant: RICHARD A. ZIMA, doing business as ZIPCO, P.O. Box 115, West Bend, Wis. 53095. Applicant's representative. Nancy J. Johnson, 4506 Regent Street, Suite 100, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products* in less than truckload shipments, in peddle-type movements only, from the plant and warehouse sites of Kaukauna Dairy Products, Little Chute and Kaukauna (Town of Vinland), Wis., to Fargo, N. Dak.; Great Falls, Lewiston, Billings and Bozeman, Mont.; Spokane, Kennewick, Wenatchee, and Seattle, Wash.; Boise, Idaho; Eugene, Salem, Medford, and Portland, Oreg., and *return of damaged and rejected shipments* from above destinations, to points of origin, for 180 days Supporting shipper: Kaukauna Dairy Products, 211 E. Fourth Street, Kaukauna, Wis. (Matthew C. Zima, Traffic Manager) Send protests to: District Supervisor John E Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 134806 (Sub-No. 29TA), filed November 12, 1974. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Bratleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street, NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tanned leather*, from Sheboygan, Wis., to Wilton, Maine, for 180 days. Supporting shipper: G. H. Bass & Co., Wilton, Maine 04294. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 134806 (Sub-No. 30TA), filed November 12, 1974. Applicant: B–D–R TRANSPORT, INC., P.O. Box 813, Bratleboro, Vt. 05301. Applicant's representative: Francis J. Ortman, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints* (except in bulk), *supplies and machinery* for tanning leather, from points in Wisconsin and Illinois, to points in San Francisco, Alameda, Napa, Solano, San Mateo, and Santa Cruz Counties, Calif., for 180 days. Supporting shipper: West Coast Tanners Production Club, 1099 Quesada Avenue, San Francisco, Calif. 94124. Send protests to: District Supervisor Paul D. Collins, Interstate Commerce Commission, Bureau of Operations, P.O. Box 548, Montpelier, Vt. 05602.

No. MC 135052 (Sub-No. 8TA), filed November 12, 1974. Applicant: ASH-CRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool and bulk sealing cement*, from Greenfield, Ind., to Centralia, Ill., for 180 days. Supporting shipper: Insul-Coustic/Birma Corporation, 825 East Main Street, Greenfield, Ind. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 135556 (Sub-No. 5TA) (Correction), filed October 22, 1974, published in the FEDERAL REGISTER issue of November 11, 1974, and republished as corrected this issue. Applicant: RAYMOND R. CARPENTER AND JAMES E. CARPENTER, doing business as CARPENTER BROS. TRUCKING, Route #2, Box 2005, Bucyrus, Ohio 44820. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Columbus, Ohio 43215.

NOTE.—The purpose of this republication is to change the phrase from "in trailers-on-flat-car service and having an immediate prior or subsequent movement by air" to "in trailers-on-flat-car service and having an immediate prior or subsequent movement by rail", which was published in the FEDERAL REGISTER in error. The rest of the application will remain the same.

No. MC 135913 (Sub-No. 6TA), filed November 13, 1974. Applicant: BREEN TRUCKING, INC., 8459 Church Road, Grosse Ile, Mich. 48138. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal castings*, from Waupaca, Wis., to Detroit, Mich., under a continuing contract with Lillibridge Manufacturing, Inc., for 180 days. Supporting shipper: Lillibridge Manufacturing, Inc., Ben McVeigh, Vice President, 6911 E. Lafayette, Detroit, Mich. 48207. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower, 10 Witherell Avenue, Detroit, Mich. 48226.

No. MC 136211 (Sub-No. 26TA), filed November 13, 1974. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., P.O. Box 5067, Oxnard, Calif. 93030. Applicant's representative: T. M. Brown, 600 Leininger Bldg., Oklahoma City, Okla. 73112. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture, furnishings, and appliances* between Nashville, Tenn., on the one hand, and, on the other, points in that part of Kentucky on and within a line beginning at the junction of the Kentucky-Tennessee state border and Kentucky Highway 139, thence along Kentucky Highway 139 to junction U.S. Highway 62, thence along U.S. Highway 62 to junction U.S. Highway 31–E, thence along U.S. Highway 31–E to junction with the Kentucky-Tennessee border, thence along the Kentucky-Tennessee border to point of beginning, for 180 days. Supporting shipper: Morris Furniture Stores, 7119 Centennial Blvd., Nashville, Tenn. 37209. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles St., Los Angeles, Calif. 90012.

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No. MC 136553 (Sub-No. 28TA), filed November 13, 1974. Applicant: ART PAPE TRANSFER, INC., 1080 East 12th Street, Dubuque, Iowa 52001. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Dry fertilizer and dry fertilizer materials*, from Marshall, Minn., to points in Iowa, Illinois, Wisconsin, Nebraska, and South Dakota, and (b) *Agricultural limestone*, from Gilmore City, Iowa, and Irene, S. Dak., to Marshall, Minn., for 180 days. Supporting shipper: Soil Chem, Inc., 311 East College Drive, Marshall, Minn. 56258. Send protests to: Herbert W. Allen, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 139584 (Sub-No. 3 TA), filed November 14, 1974. Applicant: John Busch, Box 211, Conyngham, Pa. 18219. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, commodities in bulk, commodities contaminating to other lading, Class A and B explosives, and commodities requiring special equipment), from the facilities of Northeastern Pennsylvania Shipper's Cooperative Association, Inc., at Wilkes-Barre, Pa., and Horseheads, N.Y., to its distribution centers at Chicago, Ill.; St. Louis, Mo.; Dallas and Houston, Tex.; Los Angeles and San Francisco, Calif.; Portland, Oreg.; Seattle, Wash.; Salt Lake City, Utah; Detroit, Mich.; and Atlanta, Ga., for 150 days. Supporting shipper: Northeastern Pennsylvania Shippers Cooperative Association, Inc., P.O. Box 1034, Wilkes-Barre, Pa. 18703. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 140057 (Sub-No. 3TA), filed November 12, 1974. Applicant: R. L. BERTOLINO REFRIGERATED TRUCKS, INC., 404 South 24th Street, Billings, Mont. 59101. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packing houses*, from Spokane, Wash., to points in Oregon, for 180 days. Supporting shipper: Hygrade Food Products Corporation, 707 North Regal Street, P.O. Box 2567 Terminal Annex, Spokane, Wash. 97220. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 140183 (Sub-No. 1TA), filed November 14, 1974. Applicant: PETER H. ENSMINGER, doing business as E'S TRANSPORT COMPANY, 10211 Kessler, Overland Park, Kans. 66212. Applicant's representative: Peter H. Ensminger (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Repossessed motor vehicles* in driveaway service, between points in Kansas and Missouri, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: General Motors Acceptance Corporation, P.O. Box 8557, Kansas City, Mo. 64114. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 140284 (Sub-No. 2TA), filed November 13, 1974. Applicant: JOSEPH D. HANNAH, doing business as HANNAH TRUCKING, 35 Rathburn Street, West Asheville, N.C. 28806. Applicant's representative: W. C. Mauldin, 417 Old Post Road, Cherryville, N.C. 28021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Junked and/or scrap automobiles* for reclamation of raw materials, from Haywood County, N.C., to Knoxville, Tenn., for 180 days. Supporting shipper: Schulhofer's Inc., Howell Mi Road, Waynesville, N.C. Send protests to: District Supervisor Terrell Price, Interstate Commerce Commission, Bureau of Operations, 800 Briar Creek Road, Suite CC516, Charlotte, N.C. 28205.

No. MC 140340 (Sub-No. 1TA), filed November 14, 1974. Applicant: GARY V. DIXON, doing business as DIXON MOTOR FREIGHT, Old Egg Harbor Road, Lindenwold, N.J. 08021. Applicant's representative: Gary V. Dixon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crackling bone meal (inedible)*, in bulk, in van trailers equipped with roof hatches, from Philadelphia, Pa., to Fayetteville, N.C., for 180 days. Supporting shipper: Cross Brothers Meat Packers, Inc., 3600 N. Front Street, Philadelphia, Pa. 19140. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-27947 Filed 11-27-74;8:45 am]

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Volume 39 ■ Number 231

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

■

CONDITIONS OF PARTICIPATION-HOSPITALS AND NURSING FACILITIES

Utilization Review

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Title 20—Employees' Benefits

CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regulations No. 5]

PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Utilization Review; Conditions of Participation

On January 9, 1974, there was published in the FEDERAL REGISTER (39 FR 1447) a notice of proposed rule making which set forth proposed amendments to regulations relating to utilization review procedures for hospitals and skilled nursing facilities, as conditions for participation in the Medicare program. These proposed amendments were issued pursuant to the provisions of section 1861(k) of the Social Security Act (42 U.S.C. 1395x(k)), as amended by section 237(c) of the Social Security Amendments of 1972 (Pub. L. 92–603). Section 237(c) added authority under which the Secretary may require the use in the Medicare program (title XVIII of the Social Security Act) of utilization review procedures established pursuant to the Medicaid program (title XIX of the Social Security Act), if he determines that such procedures are superior in their effectiveness to the utilization review procedures of the Medicare program. Interested parties were given the opportunity to submit within 30 days data, views, or arguments on the proposed amendments. The comment period was extended by the Secretary for an additional 30 days to March 11, 1974, and notice of this extension appeared in the FEDERAL REGISTER of February 8, 1974.

Final regulations which amend the regulations of the Social and Rehabilitation Service dealing with the utilization review requirements of State plans under the Medicaid program are being published in this edition of the FEDERAL REGISTER. The amendments to the Social and Rehabilitation Service regulations, in part, implement section 1903(g)(1)(C) of the Act, as added by section 207 of Pub. L. 92–603, by requiring States to have in operation an effective program of control over utilization of hospital, mental hospital, skilled nursing facility, and intermediate care facility services, utilizing procedures for concurrent review of the necessity for hospital admission and continued stay of each patient, and retrospective review of the quality and nature of utilization of services in such institutions. Since many providers of services participating in the Medicare program also participate in the Medicaid program, it would generally be inefficient to have differing utilization review requirements applicable to the same facility under each program, especially when compliance with such requirements is a responsibility of the same State agency (in accordance with section 1864 and 1902(a)(9) of the Act (42 U.S.C. 1395aa and 1396a(a)(9)), as amended by section 239 of Pub. L. 92–603).

Pursuant to the Secretary's authority under section 1861(k) of the Social Security Act as added by section 237(c) of Pub. L. 92–603, he has determined that the Medicaid program requirements for: review of all hospital admissions; review of extended hospital stays; composition of the committee or group responsible for utilization review in hospitals and skilled nursing facilities; and the requirement for completion of at least one medical care evaluation study each year in hospitals and skilled nursing facilities, included in the Social and Rehabilitation Service regulations published on this date in this edition of the FEDERAL REGISTER, are superior to the requirements otherwise applicable under section 1861(k) of the Act. Accordingly, these requirements are incorporated as utilization review requirements of the Medicare program.

Other amendments concerning the hospital and skilled nursing facility written plan of utilization review and medical care evaluation studies are set forth by the Secretary under authority of section 1861(k) of the Act. These regulations further set forth the authority of the Secretary to use section 237(c) of Pub. L. 92–603 by providing that, if the Secretary determines that alternative procedures established under a State plan pursuant to title XIX of the Act are superior in effectiveness to the utilization review requirements under title XVIII of the Act, some or all of such procedures may, at the option of the Secretary, be required in hospitals and skilled nursing facilities in that State. The title XIX waivers authorized by 45 CFR 250.19(b) may be granted initially for a period of at least 12 months, but no more than 24 months, from the effective date of these regulations. During this period, title XIX systems which receive waivers shall not be used under title XVIII except where the waivered title XIX system is a PSRO. This time will be used to gather operating experience and data on the effectiveness of the procedures specified by these regulations. Subsequent granting of waivers for the continued operations of an alternative review system established under a State plan pursuant to title XIX of the Act may be sought at the end of that initial period, and shall be made only after a careful review of effectiveness in relation to the procedures specified in this regulation.

Slightly over 1,000 comments were received from many sources (including representatives of national, State and local organizations) concerned with quality assurance of medical care and the appropriate utilization of health care resources. All of the comments received on the proposed regulations have been carefully considered. Specific comments covered the following concerns:

1. *Preadmission certification by the utilization review committee is cumbersome, expensive, and a poor use of limited physician resources.* Requirements for preadmission certification of hospital admissions by the utilization review committee have been deleted. In response to comments received, and pursuant to section 237(c) of P.L. 92–603, a review system for hospitals has been substituted which provides for the inclusion of nonphysician professional personnel in the review committee or group and which allows, where possible, use of such support personnel under the direction of physicians. The review system required by these amendments is based on the concept that the medical profession should assume greater responsibility for high quality medical care and the necessity and appropriateness of care in hospitals and skilled nursing facilities. These regulations require the group or committee responsible for the hospital's utilization review to review elective and emergency admissions within one day following admission, using criteria it has developed; to determine whether the admission is medically necessary. If approved by the group or committee, the case will be assigned an extended stay review date. Prior to or at the time assigned for extended stay review, the group or committee will determine, using criteria it has developed, whether further stay in the hospital is medically necessary. The methods and procedures for using criteria (and, where available, norms) to screen admissions and cases of extended stay must be described in the hospital's written plan of utilization review. Procedures are also set forth for reviewing the quality of care on a retrospective basis by means of medical care evaluation studies. The regulations, in addition, provide, under authority of section 237(c) of Pub. L. 92–603, that the hospital will complete at least one such study each year. These amendments do not preclude a hospital from employing preadmission review of elective admissions, but where such a system of review is used, the regulations require that it be used at least for those categories of elective admissions which produce unusually high costs, or which have been found by the group or committee to be of questionable necessity, or admissions which have been proposed by physicians whose patterns of care have been found to be questionable.

2. *Allowing each institution to apply its own norms for length of stay would permit an inefficient hospital to continue its practices.* The regulations have been revised to provide for use of available regional norms selected by the hospital utilization review committee in determining extended stay review points. Such norms, and the methods for their use, must be included in the hospital's written plan of utilization review.

3. *For title XVIII purposes, hospitals should not be required, in every instance, to use all procedures specified in a waivered title XIX review plan.* Where a State utilization review system, established pursuant to title XIX, is granted a waiver from the otherwise applicable utilization review requirements under title XIX, the regulations set forth herein would not require that they be utilized by hospitals and skilled nursing facilities in that State for title XVIII beneficiaries in all instances. When a waiver of title XVIII

review procedures is granted to a State, in accordance with 45 CFR 250.19(b), a determination will be made in each case by the Secretary as to the applicability of those procedures to title XVIII beneficiaries in the State. Further, the Secretary would publish regulations, initially under notice of proposed rule making with appropriate opportunity for public comment, which set forth the applicability of such waivered procedures to title XVIII beneficiaries in each case where a waiver is granted to a State. In the process of rule making, the Secretary will consider the desirability of having uniform utilization review requirements under title XVIII and title XIX in any given State.

4. *Regulations interfere with PSRO formulation and the development of an effective review program.* The evolution of the Professional Standards Review Organization program pursuant to title XI, Part B of the Act, added by section 249F of Pub. L. 92–603, has been carefully considered in developing these regulations. In developing final regulations to use the authority of and to implement section 237(c) of Pub. L. 92–603, care has been taken to assure that these regulations are supportive of the implementation of the PSRO program and consistent with approaches to be employed for PSRO review of hospital and skilled nursing facility care. Accordingly, these amendments provide that utilization review in hospitals shall employ a system of concurrent review and medical care evaluation studies compatible with that to be used in the PSRO program. The PSRO law provides for PSRO's to rely on the review activities of hospital utilization review committees which the PSRO determines are functioning effectively. Effective operation of the hospital review system required under these regulations should facilitate the development and establishment of PSRO's and enable PSRO's to concentrate their efforts on relatively smaller areas of questionable professional activity.

5. *Professional personnel employed by an institution should not be excluded from utilization review committees.* The prohibition against professional personnel employed by a hospital serving on the hospital's utilization review committee has been eliminated as a result of section 18(v) of Pub. L. 93–233, which amended the title XIX requirements in section 1903(g)(1)(C) pertaining to the composition of the utilization review committee that are being incorporated into the title XVIII regulations by these amendments. However, the regulations retain the prohibition against professional personnel employed by a skilled nursing facility performing utilization review in skilled nursing facilities since section 18(v) of Pub. L. 93–233 did not eliminate this prohibition.

6. *Regulations impose too great a burden on physicians' time to the detriment of patient care.* The regulations have been revised to clarify that nonphysician personnel qualified to perform medical care review may assist physician members of the committee by doing much of the paperwork and performing other functions such as screening, using physician-developed criteria. Physician participation in the utilization review process could thereby concentrate on matters requiring professional medical judgment.

The regulations pertaining to skilled nursing facilities do not adopt the procedures set forth in the proposed regulations published January 9, 1974, for the review of each admission by the utilization review group or committee before, or in the case of an individual admitted within 14 days of discharge from a hospital, no later than one day after admission. Because of concerns voiced over the burden such a requirement would impose on skilled nursing facilities which, unlike hospitals, do not have organized medical staffs, alternative requirements for review of admissions are under consideration. In view of the nature of such alternatives, it will be necessary to prepare additional regulations for republication under notice of proposed rule making, with opportunity for interested persons to comment.

The attached regulations, however, amend the requirements with respect to review of extended stay cases in skilled nursing facilities to provide that, with certain exceptions, the initial extended stay review occurs at a point no later than 30 days after admission. Under the proposed regulations, such reviews would have been required, generally, not later than 21 days after admission, but the period was changed in order to be more in line with existing patterns of care in skilled nursing facilities.

The amendments as announced under the notice of proposed rule making (39 FR 1447) are therefore adopted, with the noted changes. In addition, some parts of the regulations have been redrafted for clarification purposes, in line with the comments received.

(Secs. 1102, 1861(k), and 1871, 49 Stat. 647, as amended; 79 Stat. 331, as amended; 86 Stat. 1421; 42 U.S.C. 1302, 1395x(k), and 1395hh)

Effective date. These amendments shall be effective on February 1, 1975, except that for good cause shown, the Secretary may grant an additional reasonable period of time for hospitals to develop the criteria specified in § 405.1035(e)(6) or for a skilled nursing facility to develop the criteria specified in § 405.1137(d)(2).

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged and Disabled—Hospital Insurance)

Dated: November 20, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: November 25, 1974.

CASPAR W. WEINBERGER,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below:

1. Section 405.1035 is amended by revising paragraphs (a), (b), (d)(4) and (5), (e), (f), and (g), and adding paragraphs (j) and (k) to read as follows:

§ 405.1035 Condition of participation—utilization review plan.

(a) *Condition.* The hospital has in effect a plan for utilization review which applies to the services furnished by the hospital to inpatients who are entitled to benefits under the program. A hospital's utilization review plan must provide at least for the timely review of the medical necessity of admissions, extended duration stays, and professional services rendered, and has as its objectives both high quality patient care and effective and efficient utilization of available health facilities and services.

(b) [Amended]

In paragraph (b) the word "should" is changed to "shall" each place it occurs.

* * * * * *

(d) *Standard: Written description of plan.*

* * * * * *

(4) The method to be used in selecting categories of admissions to be subjected to closer professional scrutiny pursuant to paragraph (f)(3) of this section and methods for selection and conduct of medical care evaluation studies;

(5) The methods and criteria (including norms where available) to be used to assign initial extended stay review dates pursuant to paragraph (f)(6) of this section and used to assign or select subsequent dates for continued stay review.

(e) *Standard: Performance of function; general.* (1) The utilization review function is performed by a staff committee of the hospital composed of two or more physicians with participation of other professional personnel, or by a group outside the hospital which is similarly composed and which is established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or by a group established and organized in a manner approved by the Secretary that is capable of performing such function.

(2) The medical care evaluation studies and educational duties of the review program, and the review of admissions and long-stay cases need not be carried out by the same group or committee; and they need not be performed by a specially established group. In smaller hospitals, all of these functions may be carried out by a committee of the whole or a medical care appraisal committee with other duties as well.

(3) The committee or group is broadly representative of the medical staff. However, the committee's or group's reviews may not be conducted by any person who is financially interested in any hospital or by any person who was professionally involved in the care of the patient whose case is being reviewed.

(4) A final determination of the committee or group that an admission or continued stay is not medically necessary is made by at least two physician members of the committee or group, except that the final determination may be made by one physician member where

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the attending physician, when given an opportunity to present his views pursuant to paragraph (f)(5) or (g)(2) of this section, does not do so, or does not contest the finding that the admission or continued stay is not medically necessary. (See § 405.162 regarding the restriction on payment after an adverse decision by the committee or group.)

(5) Procedures are also established for providing sufficient information to the committee or group to carry out the reviews required by paragraph (f) and (g) of this section. These procedures provide that required information be obtained from medical or other hospital records, and require that the patient's physician provide additional information where necessary.

(6)(i) The physician members of the committee or group, in accordance with guidelines established by the Secretary, select or develop written criteria and standards for reviewing the necessity for admissions and continued stays and conducting medical care evaluation studies. For purposes of this section, medical care criteria are defined as predetermined elements against which aspects of the quality of a medical service may be compared. Standards are defined as professionally developed expressions of the range of acceptable variations from a norm or criterion. Norms are defined as numerical or statistical measures of usually observed performance. More extensive written criteria and standards are applied in the review of admissions and continued stays (as required by paragraphs (f)(3) and (g)(1) of this section) which the committee's or group's experience indicates are associated with high costs or frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable.

(ii) The Secretary may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a hospital to select or develop the written criteria and standards required by this paragraph: (A) where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and (B) where the committee or group establishes a timetable for meeting the requirements which is acceptable to the Secretary.

(7) In addition to the review of individual cases specified in paragraphs (f)(1), (f)(3), and (g)(1) of this section, the committee or group analyzes its findings and takes appropriate action to correct or further investigate any deficiencies that are identified in the process of reviewing admissions and cases of extended duration, and to recommend more effective hospital care procedures. Possible actions might include performing special medical care evaluation studies; undertaking review and revision of the hospital's discharge planning program, where appropriate; and coordinating utilization review with other hospital staff activities.

(f) *Standard: Admission review.* (1) Elective and emergency admissions are reviewed within one working day following admission by a physician member, or by a qualified nonphysician representative of the committee or group responsible for conducting utilization review, who is appropriately trained and otherwise qualified to perform the assigned review functions, using criteria as specified in paragraph (e)(6) of this section, and based on the following information:

(i) Identification of the individual (patient), by appropriate means to assure confidentiality, and identification of the attending physician;

(ii) The date of admission, and where appropriate, date of application for and authorization of title XVIII benefits, if later than the date of admission;

(iii) The diagnosis or symptom(s) indicating the need for the admission;

(iv) The physician's plan of treatment;

(v) Where appropriate, date of operating room reservation;

(vi) Other supporting material (e.g., recent test findings, recent case history, schedule of tests planned, etc.) the group or committee may deem appropriate; and

(vii) In the case of emergency admissions, the justification for such admission.

(2) Where the review pursuant to paragraph (f)(1) of this section indicates that an admission meets the criteria specified in paragraph (e)(6) of this section and falls into a category which the group or committee can demonstrate, based on its experience, is not associated with unnecessary admissions or frequent furnishing of unnecessary services, the admission may be assigned an extended stay review date pursuant to paragraph (f)(6) of this section without further review.

(3) The system of review of admissions by the committee or group provides for closer professional scrutiny, using criteria as provided for in paragraph (e)(6) of this section, of cases involving diagnoses or treatments that are associated with unusually high costs or the frequent furnishing of excessive services, and cases attended by physicians whose patterns of care are frequently found to be questionable, such cases being identified as a result of a medical care evaluation study or the analysis of review findings pursuant to paragraph (e)(7) of this section or other appropriate data. Where the hospital employs preadmission review, it shall be utilized, at least, for those categories of elective admissions which produce unusually high costs, or which have frequently been found to be of questionable necessity, or which have been proposed by physicians whose patterns of care have been found questionable.

(4) If the admission is approved, the committee or group, or its representative, assigns the case an appropriate extended stay review date, as provided in paragraph (f)(6) of this section.

(5) If the committee or group, or its nonphysician representative, where a physician member concurs, has reason to believe that the admission was not medically necessary, the committee or group shall so notify the individual's attending physician and afford him an opportunity to present his views before it makes a final determination. If the final determination of the committee or group is that medical necessity for the admission has not been shown, the committee or group shall give written notification to the hospital, the individual (or, where appropriate, his next of kin), and his attending physician no later than two working days following admission. (Written notice may be preceded by oral notification.) If an elective admission is subject to preadmission review, notification of the final determination to the institution, the individual, and the attending physician shall take place prior to admission.

(6) An initial extended stay review date is assigned to each admission based on the individual's condition and the date by which there is a reasonable likelihood that the patient can be discharged, using criteria developed by the committee or group pursuant to paragraph (e)(6) of this section. Where available, appropriate norms selected by the committee or group from regional norms, such as those developed by abstracting services or third party payors, in accordance with guidelines established by the Secretary, are used to assign the extended stay review date. The regional norms must be based on current and statistically valid data on duration of stays in hospitals for patients whose characteristics (e.g., age, diagnosis, etc.) are similar to those of the individual. Where norms are used, the initial extended stay review date is based on the 50th percentile of such norms except where the committee or group can demonstrate that another review date is more appropriate. With respect to individuals admitted to psychiatric hospitals, the initial extended stay review date is in no case later than 30 days after admission.

(7) The committee or group establishes procedures for identifying, and where appropriate, modifying the initially approved length of stay because of a change in the patient's condition or a change in the treatment schedule.

(g) *Standard: Extended stay review.* (1) Prior to or on the date assigned for extended stay review, the committee or group responsible for conducting utilization review makes a finding as to whether further stay in the hospital by the individual is medically necessary. Such review is based on the attending physician's reasons for and plan for continued stay, and such other documentation as the committee or group considers necessary. For purposes of such review, cases may be screened by a qualified nonphysician representative of the committee or group who uses appropriate criteria established pursuant to paragraph (e)(6) of this section, provided that those cases in which further stay does not appear medically necessary according to such criteria are referred to a physician member of the committee or group for further review. If the individual's further stay is determined to be medically necessary, the duration of the further stay shall be certified for an appropriate period of time based on criteria established by the committee or group. Before the expiration of the new period, the case must be reviewed again in like manner, with such reviews being repeated as long as the stay continues beyond the scheduled review dates and notice has not been given pursuant to paragraph (g)(2) of this section.

(2) If the committee or group, or its nonphysician representative, where a physician member concurs, has reason to believe that further stay is not medically necessary, the committee or group shall so notify the individual's attending physician and afford him an opportunity to present his views before it makes a final determination. If the final determination of the committee or group is that further stay in the hospital is not medically necessary, written notice of such finding is given to the hospital, the attending physician, and the individual (or, where appropriate, his next of kin) not later than two days after such determination is made and, in no event, later than two working days after the end of the certified period.

* * * * *

(j) *Standard: Medical care evaluation studies.* Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and sugest possible changes for maintaining consistently high quality patient care and effective and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility, and the community. Studies on a sample or other basis must include, but need not be limited to: admissions, durations of stay, ancillary services furnished (including drugs and biologicals), and professional services performed on the hospital premises. At least one study must be in progress at any given time, and at least one study must be completed each year. The study will be accomplished by considering and analyzing data obtained from any one or a combination of the following sources:

(1) Medical records or other appropriate hospital data;

(2) External organizations which compile statistics, design profiles, and produce other comparative data; and

(3) By cooperative endeavor with the PSRO, fiscal intermediary(ies), providers of services, or other appropriate agencies.

The group or committee shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(k) *Standard: Applicability under title XVIII of utilization review requirements approved under title XIX.* Notwithstanding the preceding paragraphs of this section, if the Secretary determines that the utilization review procedures established by a State pursuant to title XIX of the Social Security Act are superior in their effectiveness to the procedures required under this section, any provision of the State plan for which the waiver of the requirements set forth in this section for utilization review in hospitals is granted shall, to the extent deemed appropriate by the Secretary, be utilized by hospitals in that State, instead of the procedures specified in this section.

2. Section 405.1137 is amended by deleting the last sentence of the introductory material, by revising paragraphs (a), (b), (c), (d), and (e), and by adding a new paragraph (i) to read as follows:

§ 405.1137 Condition of participation—utilization review.

The skilled nursing facility carries out utilization review of the services provided in the facility at least to inpatients who are entitled to benefits under the program(s). Utilization review has as its overall objectives both the maintenance of high quality patient care and assurance of appropriate and efficient utilization of facility services. There are two elements to utilization review: medical care evaluation studies that identify and examine patterns of care provided in the facility, and review of extended duration cases which is concerned with efficiency, appropriateness, and cost effectiveness of care.

(a) *Standard: Written plan of utilization review activity.* The skilled nursing facility has a currently applicable written description of its utilization review plan. Such description includes:

(1) The organization and composition of the committee or group which will be responsible for the utilization review function;

(2) Frequency of meetings;

(3) The type of records to be kept;

(4) The methods and criteria (including norms where available) to be used to define periods of continuous extended duration and to assign or select subsequent dates for continued stay review;

(5) Methods for selection and conduct of medical care evaluation studies;

(6) The relationship of the utilization review plan to claims administration by a third party;

(7) Arrangements for committee reports and their dissemination;

(8) Responsibilities of the skilled nursing facility's administrative staff.

(b) *Standard: Composition and organization of utilization review committee.* (1) The utilization review function is conducted by a staff committee of the skilled nursing facility composed of two or more physicians, with participation of other professional personnel, or by a group outside the facility which is similarly composed and which is established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or by a group established and organized in a manner approved by the Secretary that is capable of performing such function.

(2) The medical care evaluation studies, as described in paragraph (c) of this section, and educational duties of the review program, and the review of admissions and long-stay cases need not be performed by the same committee or group and they need not be performed by a specially established group.

(3) Review by the committee or group may not be conducted by any person who is employed by or who is financially interested in any skilled nursing facility or by any person who was professionally involved in the care of the patient whose case is being reviewed.

(c) *Standard: Medical care evaluation studies.* Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and suggest, where appropriate, possible changes for maintaining consistently high quality patient care and effective and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility and the community. Studies on a sample or other basis include, but need not be limited to: admissions, durations of stay, ancillary services furnished (including drugs and biologicals), and professional services performed on facility premises. At least one study must be in progress at any given time, and at least one study must be completed each year. The study will be accomplished by considering and analyzing data obtained from any one or a combination of the following sources:

(1) Medical records or other appropriate data;

(2) External organizations which compile statistics, design profiles, and produce other comparative data; and

(3) By cooperative endeavor with the PSRO, fiscal intermediary(ies), providers of services, or appropriate agencies.

The committee or group shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(d) *Standard: Extended stay review.* (1) Periodic review is made of each current inpatient skilled nursing facility beneficiary case of continuous extended duration, the length of which is defined in the utilization review plan, to determine whether further inpatient stay is necessary. The plan may specify a differ-

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ent number of days for different diagnostic classes of cases, or may use the same number of days for all cases. In any event the period(s) specified bears a reasonable relationship to current average length-of-stay statistics and does not exceed 30 days after admission. An exception to this 30-day limit may be made where the extended stay review date is based on:

(i) The average, or some other appropriate point (e.g., median) of current length of stay data for diagnostic classes of cases selected by the committee or group in accordance with guidelines established by the Secretary, when the average (or other length of stay review point) for the individual's specific diagnostic class or category, based on functional capability, exceeds 30 days; or

(ii) a period, established pursuant to section 1814(h)(1) of the Act, which exceeds 30 days.

(2) The initial extended stay review takes place prior to or at the end of the period of extended duration specified pursuant to paragraph (d)(1) of this section. The review is based on the attending physician's reasons for and plan for continued stay and any other documentation the committee or group deems appropriate. Cases may be screened by a qualified nonphysician representative of the committee or group who uses criteria established by the physician members of the committee, provided that cases are referred to a physician member for further review when it appears that the patient no longer requires further inpatient care. Where the committee or group selects a nonphysician representative to screen extended stay review cases, it will select an individual with experience in such screening or appropriate training in the application of the screening criteria used, or both. The Secretary may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a skilled nursing facility to select or develop the written criteria and standards required by this paragraph: (i) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and (ii) where the committee or group establishes a timetable for meeting the requirements which is acceptable to the Secretary.

(3) Where a finding is made that the individual continues to need inpatient skilled nursing care, an additional stay is approved for a period the committee or group deems appropriate, provided that reviews are made at least every 30 days for the first 90 days and at least every 90 days thereafter. Before the expiration of each new period, the case must be reviewed again in like manner, with such reviews being repeated as long as the stay continues beyond the scheduled review dates and notice has not been given pursuant to paragraph (e) of this section.

(e) *Standards: Admission or further stay not medically necessary.* (1) A final determination of the committee or group that an admission or continued stay is not medically necessary is made by at least two physician members of the committee or group, except that the final determination may be made by one physician member where the attending physician, when given an opportunity to express his views, does not do so, or does not contest the finding that the admission or continued stay is not medically necessary. (See § 405.166 regarding the restriction on payment after an adverse decision by the committee or group.)

(2) If the committee or group, or its nonphysician representative where a physician member concurs, has reason to believe from the review of an admission or an extended duration case or a case reviewed as part of a medical care evaluation study that further stay is no longer medically necessary (or that admissions were not medically necessary), the committee or group shall notify the individual's attending physician and afford him an opportunity to present his views before it makes a final determination. If the final determination of the committee or group is that further stay is no longer medically necessary, written notification of the finding is given to the facility, the attending physician, and the individual (or where appropriate, his next of kin) no later than two days after such final determination is made and, in no event in the case of an extended duration case, later than 3 working days after the end of the extended duration period specified pursuant to paragraph (d) of this section.

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(i) *Standard: Applicability of utilization review requirements approved under title XIX.* Notwithstanding the preceding paragraphs of this section, if the Secretary determines that the utilization review procedures established by a State pursuant to title XIX of the Social Security Act are superior in their effectiveness to the procedures required under this section, any provision of the State plan for which the waiver of the requirements set forth in this section for utilization review in skilled nursing facilities is granted shall, to the extent deemed appropriate by the Secretary, be utilized by skilled nursing facilities in that State, instead of the procedures specified in this section.

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PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

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MEDICAID

Utilization Control of Care and Services

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Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Utilization Review

Notice of proposed rulemaking was published on January 9, 1974, (39 FR 1500), to implement sections 207 (in part), 237(a) and 239(b) (in part) of Pub. L. 92-603 amending title XIX of the Social Security Act to provide for a reduction in Federal financial participation unless the State has an effective program of control over the utilization of institutional services; and requiring hospitals, mental hospitals and skilled nursing facilities to use the utilization review procedures required by section 1861(k) of the Social Security Act unless a waiver is granted by the Secretary. Interested parties were given the opportunity to submit within 30 days data, views, or arguments on the proposed amendments. The comment period was extended by the Secretary for an additional 30 days to March 11, 1974, and notice of this extension appeared in the FEDERAL REGISTER of February 8, 1974.

Over 4,700 comments were received from State health and welfare departments, consumer-oriented organizations, providers and provider organizations and other interested individuals. Specific comments covered the following concerns:

1. *Pre-admission certification by the utilization review committee is cumbersome, expensive and a poor use of limited physician resources.* Requirements for preadmission certification by the hospital utilization review committee have been deleted. Instead a concurrent review system which allows use of support personnel under the direction of physicians has been substituted. However, the utilization review committee may require review prior to admission for certain providers or categories of admission where experience indicates such review is warranted. Admission reviews in mental hospitals, skilled nursing facilities and intermediate care facilities are to be carried out by utilizing existing review mechanisms under medical review and independent professional review.

2. *Allowing each institution to apply its own norms for length of stay would permit an inefficient hospital to continue its practices.* The regulations have been revised to provide for use of regional norms where available selected by the hospital review committee. Such regional norms must be based on current and statistically valid data.

3. *Waiver provision disallows the broad scale application of variations that was intended by Congress.* Language has been modified to make it clear that the granting of waivers to the title XVIII utilization review requirements conforms to congressional intent. In addition provisions for periodic review and re-evaluation of waivers have been added. Initial waivers will be in effect for a period of at least 1 year but no longer than 2 years in order to allow for a 1 year period of time during which operational experience and data can be obtained on these revised utilization review regulations for titles XVIII and XIX and for a subsequent year during which to re-evaluate the State systems. State waivered systems will be reassessed against these new utilization review procedures at the end of the initial period based on the data obtained.

The criteria which will be used to evaluate initial waiver requests and to periodically reassess waivers include: effectiveness relative to the title XVIII utilization review procedures in operation at the time of the waiver request or reassessment; compatibility with the PSRO review system; presence of quality controls; capacity of the data system; operational status; and operational cost. During the period of an initial waiver, a State title XIX agency will have the opportunity to summit data concerning the effectiveness of the State system as compared to the new requirements established herein. If a waiver is not granted or is rescinded upon reassessment the State will have to assure that the requirements contained in § 250.19(a) are met. If a waiver is granted, the Secretary may then also require the use of the State Title XIX utilization review system for Title XVIII patients in that State to the extent he deems appropriate. Prior to applying the waivered procedures to title XVIII in any State, the Secretary will publish regulations, following the notice of proposed rulemaking procedures, which set forth the proposed applicability of such procedures to the title XVIII program. In the rulemaking process the Secretary will consider the desirability of having uniform utilization review requirements for the title XVIII and XIX programs in any State. States which have requested waivers for existing systems prior to the effective date of these regulations may continue to use such systems until a determination is made on such waiver requests.

4. *Regulations interfere with PSRO formulation and the development of an effective review program.* Utilization review requirements have been modified to conform to existing regulations and assure compatibility with the development of Professional Standards Review Organizations (PSRO). Legislation requires continuation of State utilization review activities pending assumption of full review responsibilities by PSROs.

5. *Physicians employed by an institution should not be excluded* from utilization review committees. Exclusion has been deleted with respect to hospitals in accordance with Pub. L. 93-233. However, the statutory exclusion remains for personnel performing utilization review in all other facilities.

6. *Notice of utilization review committee decision should be given to the patient as well as his physician.* Regulations have been revised to include notice to the individual, his next of kin or sponsor where possible, the facility administrator, and the single State agency.

7. *Creation of utilization review committees in ICFs is unnecessary.* Regulations have been modified to make it clear that utilization review in ICFs need not be performed through the use of committees and that the State may perform utilization review directly or through other methods provided for under its State plan. Comments also indicated that a quarterly utilization review in ICF's was too frequent because of the conditions of individuals in these facilities and the fact that utilization review is a new requirement for this level of care. Furthermore, many States hope to expand their Independent Professional Review to cover utilization review. Therefore, the requirement has been changed to provide for a review every 6 months.

8. *Regulations as written are confusing.* The regulations have been restructured to distinguish between the requirements for a utilization control program and utilization review in facilities and to distinguish between single State agency and facility requirements.

Other changes are as follows:

1. Responsibility for the utilization control program is now specifically delegated to the medical assistance unit of the single State agency.

2. A section providing for coordination of on-site inspections under medical review and independent professional review has been added to the medical review regulations.

3. Changes have been made in the medical review and independent professional review regulations to conform the plan of care requirements to those in § 250.18.

4. The regulations provide for a phase-in period to implement facility utilization review plans. Since section 207 of Pub. L. 92-603 is self-executing, validation surveys will be conducted during that phase-in period to monitor adherence to the requirements effective since July 1, 1973. Portions of the regulations contained in § 250.18 relate to regulations previously published; they are included here as parts of the utilization control program. States have had notice of these requirements and Federal validation surveys will also monitor whether these requirements are being met.

5. Changes have been made in § 249.10 (b) and 249.33 to reflect that where a waiver has been granted for a title XIX utilization review system, the utilization review requirements under title XVIII need not be met.

The review system required by these changes for hospitals, mental hospitals and skilled nursing facilities under section 1861(k) is based on the concept that the assurance of high quality medical care and the necessity and appropriateness of care in hospitals, mental hospitals and skilled nursing facilities can be accomplished through peer review activities. States are therefore required to assure that institutional committees

supervise the operation of a comprehensive utilization review system, compatible with the PSRO review system, and based upon (a) concurrent review of admissions in hospitals, (b) concurrent review of continued stays, and (c) medical care evaluation studies.

Accordingly, the proposed regulations, as modified, are adopted.

1. Section 249.10 of Part 249 of Title 45 is amended by revising paragraph (b) (1) and (b) (14) (i) (*a*) to read as follows:

§ 249.10 **Amount, duration, and scope of medical assistance.**

* * * * * * *

(b) *Federal financial participation.* * * *

(1) *Inpatient hospital services (other than services in an institution for tuberculosis or mental diseases).* "Inpatient hospital services" are those items and services ordinarily furnished by the hospital for the care and treatment of inpatients provided under the direction of a physician or dentist in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or mental diseases and which is licensed or formally approved as a hospital by an officially designated State standard-setting authority and is qualified to participate under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation; and which has in effect a utilization review plan applicable to all patients who receive medical assistance under title XIX of the Act which meets the requirements of section 1861(k) of the Social Security Act unless a waiver has been granted by the Secretary.

* * * * * * *

(14) *Inpatient hospital services, skilled nursing facility services, and intermediate care facility services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases.* For purposes of this subparagraph:

(i) (*a*) "Inpatient hospital services" in an institution for mental diseases are those items and services which are provided under the direction of a physician for the care and treatment of inpatients in a psychiatric hospital which meets the requirements under title XVIII, section 1861(f) of the Social Security Act, except for 20 CFR 405.1035(f) and where a waiver has been granted pursuant to section 1903(i)(4) of the Social Security Act, the conditions of 20 CFR 405.1035 need not be met.

* * * * * * *

2. Section 249.33 of Part 249 of Title 45 is amended by revising paragraph (a) (1) to read as follows:

§ 249.33 **Standards for payment for skilled nursing facility and intermediate care facility services.**

(a) *State plan requirements.* * * *

(1) * * *

(i) The agency designated pursuant to § 250.100(c) of this chapter that the facility meets the statutory definition contained in section 1861(j) of the Social Security Act and is in full compliance with the standards prescribed by the Secretary in the regulations promulgated thereunder; except that for purposes of 20 CFR 405.1134(e), the agency may waive, or, for purposes of 20 CFR 405.1134(e), the agency may permit, variations in the provisions therein for facilities participating only under title XIX, provided such waiver or variation is authorized under conditions promulgated by the Secretary; and where a waiver has been granted pursuant to section 1903(i)(4) of the Social Security Act, the conditions of 20 CFR 405.1137 need not be met; or

(ii) The Secretary, pursuant to section 1910 of the Act, that the facility has been determined to qualify as a skilled nursing facility under title XVIII of the act and, in the case where a waiver has been granted pursuant to section 1903(i)(4) of the Act, the conditions of 20 CFR 405.1137 need not be met; or

(iii) The Secretary, pursuant to section 1905 of the Act, in the case of a facility located in the State on an Indian reservation that it meets the statutory definition contained in section 1861(j) of the Social Security Act and is in full compliance with the standards prescribed by the Secretary in the regulations promulgated thereunder, except that where a waiver has been granted pursuant to section 1903(i)(4) of the Act, the conditions of 20 CFR 405.1137 need not be met.

* * * * * * *

3. New §§ 250.18 and 250.19 are added to Part 250 of Title 45 and the heading and text of § 250.20 are revised as follows:

§ 250.18 **Utilization control.**

State plan requirements; single State agency. A State plan for medical assistance under title XIX of the Social Security Act must:

(a) Provide that the medical assistance unit of the single State agency will establish and implement a statewide surveillance and utilization control program that safeguards against unnecessary or inappropriate utilization of care and services available under the plan, and excess payments, and that assesses the quality of such services. Such program must include provisions for:

(1) A continuous program of review of the utilization of care and services for which payment is claimed under the State's medical assistanee plan which is described in writing and provides:

(i) For the on-going evaluation, on a sample basis, of the necessity for and the quality and timeliness of the services provided to eligible individuals receiving services under the plan to promote the most effective and appropriate use of available services and facilities;

(ii) For a post-payment review process that allows for the development and review of recipient utilization profiles, provider service profiles, and exceptions criteria; and that identifies exceptions in order to rectify misutilization practices of recipients, providers, and institutions;

(iii) That each participating hospital, mental hospital, skilled nursuing facility, and intermediate care facility has in effect or is covered by a written utilization review plan which meets the requirements specified in paragraphs (a)(1), (2), (3), or (4) of § 250.19, respectively, unless a waiver is granted pursuant to § 250.19(b);

(iv) That in the case of each skilled nursing facility the group performing the utilization review activities shall review each eligible individual's discharge plan, which plan shall be developed in accordance with the provisions of this paragraph (a)(1)(iv). Such plan shall ensure that each eligible individual has a planned program of post-facility continuing care which takes into account such eligible individual's post discharge needs.

(A) The facility shall maintain written discharge planning procedures which describe:

(*1*) Which staff member of the facility or which outside health, social, or welfare agency will have operational responsibility for discharge planning;

(*2*) The manner in, and methods by, which such staff member or agency will function, including its authority and its relationship with the facility's staff;

(*3*) The time period in which each eligible individual's need for discharge planning will be determined (which period may not be later than seven days after the day of admission);

(*4*) The maximum time period after which a reevaluation of each eligible individual's discharge plan will be made;

(*5*) The local resources available to the facility, the individual, and the attending physician to assist in developing and implementing individual discharge plans; and

(*6*) The provisions for periodic review and reevaluation of the facility's discharge planning program.

(B) At the time of the eligible individual's discharge, the facility shall provide to those persons (if any) responsible for the eligible individual's post discharge care such information about such discharged individual as will ensure the optimal continuity of care, such as current information relative to diagnoses, prior treatment, rehabilitation potential, physician advice concerning immediate care, and pertinent social information;

(v) For a periodic review and evaluation of the necessity for admission and the continued stay of each eligible individual receiving inpatient hospital, mental hospital, skilled nursing facility or intermediate care facility services by medical and other appropriate professional personnel who are not themselves directly responsible for the care of the eligible individual or financially interested in any such institution or, except in the case of hospitals, employed by any such institution. Such reviews and evaluations shall be carried out in accordance with the requirements specified in paragraphs (a) (1), (2), (3), and (4) of § 250.19 unless a waiver is granted pursuant to § 250.19(b). In the case of patients in mental hospitals and skilled nursing facilities and residents in inter-

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mediate care facilities, such admission review shall be accomplished by medical and other professional personnel of the medical assistance unit of the single State agency (or its designees) through a review and assessment of the recommendations and evaluations made and submitted pursuant to §§ 250.23(a)(1) and 250.24(a)(1).

(2) Certification at the time admission or, in the case of an individual who makes application for assistance while in an institution, prior to authorization of payment and recertification at least every 60 days thereafter, by a physician for each eligible individual receiving inpatient hospital, mental hospital, skilled nursing facility and intermediate care facility services, that such services are or were required to be given on an inpatient basis.

(3) A written plan of care established and periodically reviewed and evaluated by a physician and other personnel involved in the care of the eligible individual for each such individual receiving inpatient care and services in accordance with the following provisions:

(i) Orders and activities are developed in accordance with physician's instructions and are reviewed and revised as appropriate by all personnel involved in the care of the eligible individual;

(ii) In mental hospitals and intermediate care facilities such plan is reviewed at least every 90 days; in hospitals (including tuberculosis and specialty hospitals) and skilled nursing facilities, at least every 60 days;

(iii) The plan includes diagnosis, symptoms, complaint(s), and/or complications indicating the need for admission; a description of the functional level of the individual; orders (as appropriate) for medications, treatment, restorative and rehabilitative services, activities, social services and diet; and plans for continuing care and discharge as appropriate;

(iv) The plan of care required under § 250.23(a)(1) for patients in skilled nursing facilities and mental hospitals and under § 250.24(a)(1) for residents in intermediate care facilities is deemed to meet this requirement for skilled nursing facilities and mental hospital patients and intermediate care facility residents respectively.

(4) A program of medical review (including medical evaluation and on-site inspection) of the care of patients in mental hospitals and skilled nursing facilities which meet the requirements of § 250.23; and

(5) A program of independent professional review (including medical evaluation and on-site inspection) of the care of residents in intermediate care facilities which meets the requirements of § 250.24.

(b) Provide that the medical assistance unit of the single State agency will be responsible for monitoring the statewide utilization control program established in accordance with paragraph (a) of this section and taking all necessary corrective action to insure the effectiveness of such program. The medical assistance unit shall establish methods and procedures to implement this responsibility and copies of such methods and procedures shall be on file in the single State agency and be disseminated to all staff involved in carrying out the utilization control program.

(c) Provide that the single State agency will establish written criteria to be used, in its implementation of the provisions of this section (except in the case of hospitals, mental hospitals, and skilled nursing facilities under § 250.19(a)(1), (2), and (3)) for evaluating the appropriateness and quality of care and services provided under the State plan.

(d) Provide for an agreement between the single State agency and the State health agency, or other appropriate State medical agency, whereby such health agency or medical agency is responsible for establishing a plan for the review by appropriate professional health personnel of the appropriateness and quality of care and services furnished to eligible individuals under the plan, in order to provide guidance with respect thereto in the administration of the plan to the single State agency described in § 205.100(a)(1)(i) and, where applicable, the State agency responsible for licensing health institutions in accordance with § 250.100(c), of this chapter, and will perform such other functions as may be agreed upon.

(e) Provide that the medical assistance unit of the single State agency shall make such reports as are required by the Social and Rehabilitation Service.

§ 250.19 Utilization review.

(a) *Utilization review of institutional services.* Each hospital, mental hospital, skilled nursing facility and intermediate care facility providing inpatient services under a State's medical assistance plan has in effect a written facility utilization review plan for the review of the need for services provided to eligible individuals under the State's plan which meets the following requirements:

(1) Inpatient hospital services: (Includes services provided by tuberculosis and specialty hospitals but excludes services provided by mental hospitals.) The facility plan:

(i) Provides for the identification of individual patients by appropriate means to assure confidentiality.

(ii) Sets forth the organization, composition, and functions of the group or committee performing utilization review and provides:

(A) For a staff committee of the facility composed of two or more physicians with participation of other professional personnel, or a group outside the facility which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or a similarly composed group established and organized in a manner approved by the Secretary that is capable of performing such function; and

(B) That the group or committee shall not be composed of medical or other professional personnel who are directly responsible for the care of the patient whose care is being reviewed or who are financially interested in any hospital.

(iii) Sets forth the methods and procedures to be used:

(A) In selecting categories of admissions to be subjected to closer professional scrutiny pursuant to paragraph (a)(1)(viii)(B) of this section;

(B) In selecting and conducting medical care evaluation studies pursuant to paragraph (a)(1)(xi) of this section; and

(C) Modifying the initially approved length of stay because of change in the patient's condition or treatment schedule.

(iv) Sets forth the methods and criteria (including norms where applicable) to be used to assign initial continued stay review dates pursuant to paragraph (a)(1)(ix) of this section and used to assign or select subsequent dates for continued stay review.

(v) Sets forth the frequency of meetings of the committee or group.

(vi) Sets forth the records to be kept, and the types of reports to be made, the time frames in which such reports are to be made, and the arrangements for their dissemination to appropriate individuals and agencies.

(vii) Provides that each such eligible individual's record shall include the information necessary for review by the group or committee responsible for conducting the utilization review functions of the hospital. Such information includes but is not limited to the following documentation:

(A) Identification of the eligible individual and physician;

(B) Date of admission, and date of application for and authorization of benefits if later than the date of admission;

(C) The plan of care; (see § 250.18(a)(3))

(D) Where appropriate, date of operating room reservation;

(E) In the case of emergency admissions, the justification for such admission;

(F) Where the attending physician feels that continued stay is necessary, the reasons for and the plan for continued stay; and

(G) Such supporting material as the group or committee may deem appropriate.

(viii) Provides for the review of the admission of each eligible individual within 1 working day (except that in the case where a provider or category of admission has been designated by the group or committee for pre-admission review pursuant to paragraph (a)(1)(xii) of this section a final determination with respect to the necessity for admission is made prior to admission) or, in the case of an individual who makes application for assistance while in such hospital, within 1 working day after the hospital is notified or receives notification of such application, by the committee, a subgroup of the committee, or a designee of the committee in accordance with the following provisions:

(A) Final determination of the necessity for admission and any notification of an adverse decision is made no later than 2 working days after admission or, in the case of an individual who makes criteria is reviewed by the committee or a subgroup which includes at least application for assistance while in such hospital, not later than 2 working days after the hospital is notified or receives notification of such application;

(B) The admission is evaluated against written criteria which have been selected or developed by the committee to assess the necessity for admission. More extensive written criteria and closer professional scrutiny are applied in the review of admissions which the group or committee's experience indicates are associated with high costs, frequent furnishing of excessive services or in cases attended by physicians whose patterns of care are frequently found to be questionable. The single State agency may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a hospital to select or develop the written criteria and standards required by this paragraph:

(*1*) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and

(*2*) Where the committee or group establishes a timetable for meeting the requirements which is acceptable to the single State agency.

Where a facility participates in both the title XVIII and XIX programs, an extension shall be granted by the single State agency pursuant to this section which is limited to the terms and duration of any extension granted by the Secretary under title XVIII for the committee or group to develop written criteria and standards.

(C) Any admission which does not meet the criteria is reviewed by the committee or a subgroup which includes at least one physician, for a determination of the necessity for admission;

(D) Where the committee or subgroup has reason to believe that the admission is not medically necessary, it shall so notify the eligible individual's attending physician following such a decision and afford him an opportunity to present his views before a final determination is made;

(E) If, after opportunity is given, the attending physician does not present additional information or clarification, the decision of the committee or subgroup shall be considered final and written notification thereof shall be sent to:

(*1*) The hospital administrator;

(*2*) The attending physician;

(*3*) The single State agency; and

(*4*) The individual and where possible, the next of kin or sponsor;

(F) If, after opportunity is given and the attending physician has presented additional information or clarification, at least 2 physicians determine that admission is not necessary, written notification thereof shall be sent to:

(*1*) The hospital administrator;

(*2*) The attending physician;

(*3*) The single State agency; and

(*4*) The individual and where possible, the next of kin or sponsor.

(ix) Provides that upon a determination that admission is necessary, a review date shall be assigned and recorded in the patient's record for such eligible individual based on the patient's condition and the projected discharge date, using criteria developed by the committee pursuant to paragraph (a)(1)(iv) of this section. Where available, appropriate norms selected by the group or committee from available regional norms such as those developed by abstracting services or third party payors, are used. The regional norms must be based on current and statistically valid data on duration of stay in hospitals for patients whose characteristics (e.g. age, diagnosis, etc.) are similar to those of the patient. Where norms are used the initial continued stay review date is no longer than the 50th percentile of such norms except where the group or committee can demonstrate that another review date is more appropriate.

(x) Provides for a review on or before the assigned review date of the necessity for continued stay for each eligible individual remaining in the hospital at the time of the review by the group or committee performing the utilization review function, or by a subgroup of such group or committee, or by a designee of such group or committee.

(A) Final determination of the necessity for continued stay and any notification of an adverse decision is made no later than 2 working days after the assigned review date; however if the final determination is made before the assigned review date notification is made not later than 2 days after such final determination;

(B) Such group or committee or its designee shall review the documentation for each continued stay of an eligible individual;

(C) The continued stay of each eligible individual is evaluated against written criteria which have been developed by the committee or group to assess the necessity for continued stay. More extensive written criteria and closer professional scrutiny are applied in the review of continued stay cases which the group or committee's experience indicates are associated with high costs, frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable. The single State agency may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a hospital to select or develop the written criteria and standards required by this paragraph:

(*1*) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and

(*2*) Where the committee or group establishes a timetable for meeting the requirements which is acceptable to the single State agency.

Where a facility participates in both the title XVIII and XIX programs, an extension shall be granted by the single State agency pursuant to this section which is limited to the terms and duration of any extension granted by the Secretary under title XVIII for the committee or group to develop written criteria and standards.

(D) If the eligible individual's continued stay is approved as being medically necessary the duration of such continued stay shall be determined in accordance with the procedures specified in paragraph (a)(1)(iv) and (ix) of this section, for such period of time as is appropriate and recorded in the patient's record. At the expiration of such further stay, such case shall be reviewed in like manner with such review being repeated so long as medical necessity for the stay exists;

(E) Any continued stay case which does not meet the criteria is reviewed by the committee or a subgroup which includes at least one physician, for a determination of the need for continued stay;

(F) In cases where such group or committee has reason to believe that continued stay is not medically necessary, it shall so notify the eligible individual's attending physician of such a decision and afford him an opportunity to present his views before it makes a final determination;

(G) If, after opportunity is given, the attending physician does not present additional information or clarification, the decision of the committee or subgroup shall be considered final and written notification thereof shall be sent to:

(*1*) The hospital administrator;

(*2*) The attending physician;

(*3*) The single State agency; and

(*4*) The individual and where possible, the next of kin or sponsor;

(H) If, after opportunity is given and the eligible individual's attending physician has presented additional information or clarification, at least 2 physicians determine that the continued stay has not been justified, written notification thereof shall be sent to:

(*1*) The hospital administrator;

(*2*) The attending physician;

(*3*) The single State agency; and

(*4*) The individual and where possible, the next of kin or sponsor.

(xi) Provides that:

(A) Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and suggest, where appropriate, possible changes for maintaining consistently high quality patient care and effective and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility, and the community. Studies, on a sample or oth-

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er basis, include but need not be limited to admission, duration of stay, and ancillary services (including drugs and biologicals) furnished and professional services performed on hospital premises. At least one study is in progress at any given time and at least one study must be completed each year. The study will be accomplished by considering data obtained from any one or a combination of the following sources:

(*1*) Medical records or other appropriate hospital data; or

(2) External organizations which compile statistics, design profiles, and produce other comparative data; or

(3) Cooperative endeavor with the PSRO, fiscal intermediary(ies), other providers of services, or other appropriate agency; and

(B) The group or committee shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(xii) Provides that the group or committee will analyze its findings and take appropriate action to correct or further investigate any deficiencies or problems in the review process for admissions or continued stay cases or to recommend more effective hospital care procedures or to designate certain providers or categories of admissions for review prior to admission.

(2) *Inpatient mental hospital services.* The facility plan:

(i) Provides for the identification of individual patients by appropriate means to assure confidentiality.

(ii) Sets forth the organization, composition, and functions of the utilization review group or committee and provides:

(A) For a staff committee of the facility composed of two or more physicians (one of whom is knowledgeable or skilled in the diagnosis and treatment of mental diseases), with participation of other professional personnel, or a group outside the facility which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or a similarly composed group established and organized in a manner approved by the Secretary that is capable of performing such function; and

(B) That the group or committee shall not be composed of medical or other professional personnel who are directly responsible for the care of patients whose care is being reviewed or who are financially interested in any mental hospital.

(iii) Set forth the methods and procedures to be used:

(A) In selecting and conducting medical care evaluation studies pursuant to paragraph (a) (2) (x) of this section; and

(B) In modifying the initially approved length of stay because of change in the patient's condition or treatment schedule.

(iv) Sets forth the methods and criteria (including norms where applicable) to be used to assign initial continued stay review dates pursuant to paragraph (a) (2) (viii) of this section and used to assign or select subsequent dates for continued stay review.

(v) Sets forth the frequency of meetings of the committee or group.

(vi) Sets forth the records to be kept, and the types of reports to be made, the time frames in which such reports are to be made, and the arrangements for their dissemination to appropriate individuals and agencies.

(vii) Provides that each such eligible individual's record shall include the information necessary for the review by the group or committee responsible for conducting the utilization review function of the mental hospital. Such information includes but is not limited to the following documentation:

(A) Identification of the eligible individual and physician;

(B) The date of admission, and the date of application for and authorization of benefits if later than the date of admission;

(C) The plan of care; (see § 250.18 (a) (3))

(D) Where the attending physician feels that continued stay is necessary, the reasons for and the plan for continued stay; and

(E) Such supporting material as the review group or committee may deem appropriate.

(viii) Provides for a review of the necessity of continued stay on or before a specified date either assigned at admission or, in the case of an individual who makes application for assistance while in such mental hospital, within 1 working day after the mental hospital is notified or receives notification of such application. The assignment of the review date is based on the patient's condition and the projected discharge date, using criteria developed by the committee pursuant to paragraph (a) (2) (iv) of this section. Where available, appropriate norms selected by the group or committee from available regional norms such as those developed by abstracting services or third party payors, are used. The regional norms must be based on current and statistically valid data on duration of stay in mental hospitals for patients whose characteristics (e.g. age, diagnosis, etc.) are similar to those of the patient. Where norms are used the initial continued stay review date is no longer than the 50th percentile of such norms except where the group or committee can demonstrate that another review date is more appropriate. In any case the initial review date is not longer than 30 days after admission. Subsequent reviews must occur at least every 90 days thereafter. The assigned review date is recorded in the patient's record.

(ix) Provides that the review of continued stay cases shall be conducted by the committee or group, a subgroup, or a designee of such committee or group in accordance with the following provisions:

(A) Final determination of the necessity for continued stay and notification of an adverse decision is made not later than 2 working days after the assigned review date; however, if the final determination is made before the assigned review date, notification is made no later than 2 days after such final determination;

(B) Such group or committee or its designee shall review the documentation for each continued stay of an eligible individual;

(C) The continued stay of each eligible individual is evaluated against written criteria which have been developed by the group or committee to assess the necessity for continued stay. More extensive written criteria and closer professional scrutiny are applied in the review of continued stay cases which the group or committee's experience indicates are associated with high costs, frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable. The single State agency may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a mental hospital to select or develop the written criteria and standards required by this paragraph:

(*1*) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and

(2) Where the committee or group establishes a timetable for meeting the requirements which is acceptable to the single State agency.

Where a facility participates in both the title XVIII and XIX programs, an extension shall be granted by the single State agency pursuant to this section which is limited to the terms and duration of any extension granted by the Secretary under title XVIII for the committee or group to develop written criteria and standards.

(D) If the eligible individual's continued stay is approved as being medically necessary, the duration of such continued stay shall be determined and a new review date assigned in accordance with paragraphs (a) (2) (iv) and (viii) of this section for such period of time as is appropriate and recorded in the patient's record. At the expiration of such continued stay such case shall be reviewed in like manner with such review being repeated so long as medical necessity for the stay exists;

(E) Any continued stay case which does not meet the criteria is reviewed by the committee or a subgroup which includes at least one physician, for a determination of the necessity for continued stay;

(F) In cases where such group or committee has reason to believe that continued stay is not medically necessary, it shall so notify the eligible individual's attending or staff physician of such a decision and afford him an opportunity to present his views before it makes a final determination;

(G) If, after opportunity is given, the attending or staff physician does not present additional information or clarification, the decision of the committee or subgroup shall be considered final and written notification thereof shall be sent to:

(1) The hospital administrator;

(2) The attending or staff physician;

(3) The single State agency; and

(4) The individual and where possible, the next of kin or sponsor;

(H) If, after opportunity is given, and the eligible individual's attending or staff physician has presented additional information or clarification, at least two physicians (one of whom is knowledgeable or skilled in the treatment of mental diseases) determine that the eligible individual no longer needs inpatient mental hospital services, written notification thereof shall be sent to:

(1) The hospital administrator;

(2) The attending or staff physician;

(3) The single State agency; and

(4) The individual and where possible, the next of kin or sponsor.

(x) Provides that:

(A) Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and suggest, where appropriate, possible changes for maintaining consistently high quality patient care and effective and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility, and the community. Studies, on a sample or other basis, include but need not be limited to admission, duration of stay, and ancillary services (including drugs and biologicals) furnished and professional services performed on hospital premises. At least one study is in progress at any given time and at least one study must be completed each year. The study will be accomplished by considering data obtained from any one or a combination of the following sources:

(*1*) Medical records or other appropriate hospital data; or

(2) External organizations which compile statistics, design profiles, and produce other comparative data; or

(3) Cooperative endeavor with the PSRO, fiscal intermediary(ies), other providers of services, or other appropriate agency; and

(B) The group or committee shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(xi) Provides that the group or committee will analyze its findings and take appropriate action to correct or further investigate any deficiencies or problems in the review process or to recommend more effective hospital care procedures.

(3) *Skilled nursing facility services.* (Includes such services in an institution for mental diseases or tuberculosis but excludes such services in Christian Science sanatoriums.) The facility plan:

(i) Provides for the identification of individual patients by appropriate means to assure confidentiality.

(ii) Sets forth the organization and composition of the utilization review group or committee and provides:

(A) For a staff committee of the facility composed of two or more physicians, with participation of other professional personnel, or a group outside the facility which is similarly composed and established by the local medical or osteopathic society and some or all of the hospitals and skilled nursing facilities in the locality, or a similarly composed group established and organized in a manner approved by the Secretary that is capable of performing such function. In the case of an institution for mental diseases at least one physician is knowledgeable or skilled in the diagnosis and treatment of mental diseases; and

(B) That the group or committee shall not be composed of medical or other professional personnel who are directly responsible for the care of patients whose care is being reviewed or who are employed by or financially interested in any skilled nursing facility.

(iii) Sets forth the methods and procedures to be used:

(A) In selecting and conducing medical care evaluation studies pursuant to paragraph (a) (3) (x); and

(B) In modifying the initially approved length of stay because of change in the patient's condition or treatment schedule.

(iv) Sets forth the methods and criteria to be used to assign initial continued stay review dates pursuant to paragraph (a) (3) (viii) of this section and used to assign or select subsequent dates for continued stay review.

(v) Sets forth the frequency of meetings of the committee or group.

(vi) Sets forth the records to be kept, and the types of reports to be made, the time frames in which such reports are to be made, and the arrangements for their dissemination to appropriate individuals and agencies.

(vii) Provides that each such eligible individual's record shall include the information necessary for the review by the group or committee responsible for conducting the utilization review function of the skilled nursing facility. Such information includes but is not limited to the following documentation:

(A) Identification of the eligible individual and physician;

(B) The date of admission, and the date of application for and authorization of benefits if later than the date of admission;

(C) The plan of care (see § 250.18(a) (3))

(D) Where the attending physician feels that continued stay is necessary, the reasons for and the plan for continued stay; and

(E) Such supporting material as the review group or committee may deem appropriate.

(viii) Provides for a review of the necessity of continued stay on or before a specified date assigned at admission or, in the case of an individual who makes application for assistance while in such skilled nursing facility, within 1 working day after such facility is notified or receives notification of such application. The assigned review date is recorded in the patient's record and is either:

(A) By specific periods for diagnostic categories or categories based on functional capabilities but at least every 90 days, or

(B) Every 30 days for the first 90 days and at least every 90 days thereafter.

(ix) Provides that the review of continued stay cases shall be conducted by the group or committee, a subgroup, or a designee of such group or committee in accordance with the following provisions:

(A) Such group or committee or its designee shall review the documentation for each continued stay of an eligible individual;

(B) The continued stay of each eligible individual is evaluated against written criteria which have been developed by the group or committee to assess the necessity for continued stay. More extensive written criteria and closer professional scrutiny are applied in the review of continued stay cases which the group or committee's experience indicates are associated with high costs, frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable. The single State agency may grant an additional period of time, beyond February 1, 1975, the effective date of this paragraph, for a committee or group of a skilled nursing facility to select or develop the written criteria and standards required by this paragraph:

(*1*) Where the committee or group documents that it made every effort to comply by February 1, 1975 and that it is currently making substantial progress in developing the criteria and standards; and

(2) Where the committee or group establishes a timetable for meeting the requirements which is acceptable to the single State agency.

Where a facility participates in both the title XVIII and XIX programs, an extension shall be granted by the single State agency pursuant to this section which is limited to the terms and duration of any extension granted by the Secretary under title XVIII for the committee or group to develop written criteria and standards.

(C) If the eligible individual's continued stay is approved as being medically necessary, the duration of such continued stay shall be determined and a new review date assigned in accordance with paragraphs (a) (3) (iv) and (viii) of this section for such period of time as is appropriate and recorded in the patient's record. At the expiration of such continued stay such case shall be reviewed in like manner with such review being repeated so long as medical necessity for the stay exists;

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(D) Any continued stay which does not meet the criteria is reviewed by the committee or a subgroup which includes at least one physician, for a determination of the necessity for continued stay;

(E) In cases where such group or committee has reason to believe that continued stay is not medically necessary, it shall notify the eligible individual's attending physician and afford him a reasonable opportunity to present his views before making a final determination:

(F) If, after opportunity is given, the attending physician does not present additional information or clarification, the decision of the committee or subgroup shall be considered final and written notification shall be sent not later than 2 days after such final determination but in no case later than 3 working days after the assigned review date to:

(*1*) The attending physician;

(*2*) The facility administrator;

(*3*) The patient and where possible, the next of kin or the sponsor;

(*4*) The single State agency;

(G) If, after opportunity is given and the eligible individual's attending physician has presented additional information or clarification, at least two physicians (one of whom is knowledgeable or skilled in the treatment of mental diseases in the case of an institution for mental diseases) determine that the eligible individual no longer needs skilled nursing nursing facility services, written notification shall be made not later than 2 days after such final determination but in no case later than 3 working days after the assigned review date to:

(*1*) The attending physician;

(*2*) The facility administrator;

(*3*) The patient and where possible, the next of kin or sponsor; and

(*4*) The single State agency.

(x) Provides that:

(A) Medical care evaluation studies are performed to promote the most effective and efficient use of available health facilities and services consistent with patient needs and professionally recognized standards of health care. Studies emphasize identification and analysis of patterns of patient care, and suggest, where appropriate, possible changes for maintaining consistently high quality patient care and efficient use of services. Each medical care evaluation study (whether medical or administrative in emphasis) identifies and analyzes factors related to the patient care rendered in the facility, and where indicated, results in recommendations for change beneficial to patients, staff, the facility, and the community. Studies, on a sample or other basis, include but need not be limited to admission, duration of stay, and ancillary services (including drugs and biologicals) furnished and professional services performed on facility premises. At least one study is in progress at any given time and at least one study is completed each year. The study will be accomplished by considering data obtained from any one or a combination of the following sources:

(*1*) Medical records or other appropriate data; or

(*2*) External organizations which compile statistics, design profiles, and produce other comparative data; or

(*3*) Cooperative endeavor with the PSRO, fiscal intermediary(ies), other providers of services, or other appropriate agency; and

(B) The group or committee shall document the results of each medical care evaluation study and how such results have, where appropriate, been used to institute changes to improve the quality of care and promote more effective and efficient use of facilities and services.

(xi) Provides that the group or committee will analyze its findings and take appropriate action to correct or further investigate deficiencies or problems in the review process or to recommend more effective procedures.

(4) *Intermediate care facility services.* (Includes such services in an institution for mental diseases or tuberculosis but excludes such services in Christian Science sanatoriums.) The State plan (see § 250.18 may provide for a facility based review or a program of direct review in intermediate care facilities to be performed by personnel of the medical assistance unit of the single State agency, by personnel under contract to such agency, or by such other method as provided for under the State plan. In any case, the facility must have on file a written plan which:

(i) Provides for the identification of individual residents by appropriate means to assure confidentiality.

(ii) Includes a written description of:

(A) How, when, and by whom the utilization review function is to be performed. Utilization review must be carried out by at least one or more physicians and other professional personnel who are not themselves directly responsible for the care of the resident and who are not employed by or financially interested in any intermediary care facility. In the case of an institution for mental diseases or an institution for the mentally retarded at least one individual shall be knowledgeable or skilled in the treatment of mental diseases or mental retardation, respectively;

(B) The responsibilities of the facility's administrative staff in support of utilization review including procedures for taking any necessary corrective action.

(iii) Sets forth the methods and criteria to be used to assign initial and subsequent continued stay review dates pursuant to paragraph (a)(4)(vi).

(iv) Sets forth the records to be kept, and the types of reports to be made, the time frames in which such reports are to be made, and the arrangements for their dissemination to appropriate individuals and agencies.

(v) Provide that each eligible individual's record shall include the information necessary for utilization review. Such information includes but is not limited to the following documentation:

(A) Identification of the eligible individual and physician and qualified Mental Retardation Professional where appropriate;

(B) The date of admission, and the date of application for and authorization of benefits if later than the date of admission;

(C) The plan of care; (see § 250.18 (a)(3))

(D) Where the attending physician or Qualified Mental Retardation Professional feels that continued stay is necessary, the reasons for and the plan for continued stay; and

(E) Such supporting material as is necessary.

(vi) Provides for a review of the necessity for continued stay at least every 6 months or more frequently if indicated at the time of assessment. Reviews which meet the requirements of on-site inspections under independent professional review (see § 250.24) are acceptable as meeting this requirement for the period in which conducted if the composition of such independent professional review team meets the requirements specified in paragraph (a)(4)(ii) of this section.

(vii) Provides that the review of continued stay cases shall be conducted in accordance with the following provisions:

(A) The group performing utilization review or its designee shall review the documentation for each continued stay of an eligible individual;

(B) The continued stay of each eligible individual is evaluated against written criteria which have been developed by the group to assess the necessity for continued stay. More extensive written criteria and closer professional scrutiny are applied in the review of continued stay cases which the group's experience indicates are associated with high costs, frequent furnishing of excessive services, or in cases attended by physicians whose patterns of care are frequently found to be questionable;

(C) If the resident's stay is approved as being necessary the duration of such continued stay shall be determined and a new review date assigned in accordance with paragraph (a)(4)(iii) of this section for such period of time as is appropriate and recorded in the resident's record. At the expiration of such continued stay such case will be reviewed in like manner with such review being repeated so long as necessity for the stay exists;

(D) Any continued stay case which does not meet the criteria is reviewed by the group or a subgroup which includes at least one physician, for a determination of the necessity for continued stay;

(E) In cases where the group carrying out the utilization review function or its designees have reason to believe that continued stay is not necessary, it shall so notify the resident's attending physician (and in the case of an institution for the mentally retarded, the Qualified Mental Retardation Professional responsible for such resident within 1 working day of such a decision and afford him a reasonable opportunity to present his views but not in excess two working days from the date of such notification, before a final determination is made;

(F) If, after opportunity is given, the attending physician (or Qualified Mental Retardation Professional if applicable) does not present additional information or clarification, the decision of the group shall be considered final and written notification thereof shall be sent not later than 2 days after such final determination to:

(*1*) The attending physician;

(*2*) The facility administrator;

(*3*) The resident and where possible, the next of kin or sponsor; and

(*4*) The single State agency.

(G) If, after opportunity is given and the attending physician (or qualified mental retardation professional if applicable) has presented additional information or clarification, the group (or in the case of a medical determination, the physician member(s) of the group) determines that the individual no longer needs intermediate care facility services, written notification shall be made not later than 2 days after such final determination to:

(*1*) The attending physician;

(*2*) The facility administrator;

(*3*) The resident and where possible, the next of kin or sponsor; and

(*4*) The single State agency.

(b) *Waivers.* The requirements set forth in this section under paragraph (a)(1) (except (a)(1)(ii)(B)) for hospitals (including tuberculosis hospitals), paragraph (a)(2) (except (a)(2)(ii)(B)) for mental hospitals, and paragraph (a)(3) (except (a)(3)(ii)(B)) for skilled nursing facilities (excluding Christian Science sanatoriums) may be waived by the Secretary if the single State agency demonstrates to his satisfaction that it has in operation specific utilization review procedures which are superior in their effectiveness to the procedures required under section 1861(k) of the Social Security Act. Such State procedures will be assessed and waivers granted based on criteria established by the Secretary. Such waivers will be reviewed and evaluated at least one year but no longer than 2 years after the effective date of these regulations and will be periodically reviewed and evaluated with similar frequency thereafter. In the event State procedures are no longer determined to be superior in their effectiveness, the waiver will be withdrawn and facilities covered by the waiver will have to meet all the requirements of paragraph (a) of this section. Such utilization review procedures need not be in operation with respect to all hospitals, mental hospitals or skilled nursing facilities under the State's title XIX plan at the time that a waiver is requested from the Secretary. A State may apply for a waiver at any time when it has such procedures in operation, whether on a demonstration basis or otherwise. A waiver may be granted for procedures throughout the State or any part thereof. Any hospital, mental hospital, or skilled nursing facility participating under the State's title XIX plan which is not covered by any such waiver granted by the Secretary must continue to meet all the requirements of paragraph (a) of this section.

§ 250.20 Federal financial participation in State expenditures for control and review of utilization of care and services.

(a) Federal financial participation is available for the costs of utilization control, in accordance with the conditions and at the rates applicable under title XIX.

(b) After an individual has received care as an inpatient in a hospital (including a hospital for tuberculosis), skilled nursing facility or intermediate care facility (excluding Christian Science sanatoriums) for 60 days or in a mental hospital for 90 days (whether or not such days are consecutive, during any fiscal year, which for purposes of this section means the four calendar quarters ending with June 30) the Federal medical assistance percentage with respect to amounts paid for any such care furnished thereafter to such individual in the same fiscal year shall be decreased 33⅓ percentum unless the State agency responsible for the administration of the plan makes a showing satisfactory to the Administrator that, with respect to each calendar quarter for which the State submits a request for payment at the full Federal medical assistance percentage for amounts paid for inpatient hospital services (including tuberculosis hospitals), skilled nursing facility services, or intermediate care facility services furnished beyond 60 days, or for inpatient mental hospital services furnished beyond 90 days, there is in operation in the State an effective program of control over utilization of such services.

(1) A satisfactory showing must be made by the State, in the form prescribed by the Social and Rehabilitation Service, that there is in operation an effective program of control over utilization of institutional services provided under the plan which complies with the requirements of §§ 250.18, 250.19, 250.23, and 250.24. Such a showing must be made for each calendar quarter for which the State requests Federal financial participation at the full Federal medical assistance percentage for payments for institutional services.

(2) The showing must include a description of the methods used for assuring that records are available which show the number of days each individual has received institutional services, and such other information, records or data as may be required by the Administrator. Such records must be available for review by Federal officials. In determining the number of days each individual has received institutional services, there shall not be counted any days with respect to which such individual is entitled to have payments made (in whole or in part) on his behalf under section 1812 of the Social Security Act.

(3) Review of State agencies engaged in the administration of a State plan and sample on-site surveys in private and public institutions in which recipients of medical assistance have received care and services under the State's plan will be conducted to determine if a State has an effective program for controlling the utilization of institutional services as required by §§ 250.18, 250.19, 250.23 and 250.24. The Administrator will make the findings with respect to such surveys (as well as the showings of the State agency required under this paragraph) available for public inspection.

(4) Upon finding that a State does not have an effective program for controlling the utilization of institutional services, the Administrator will so notify the single State agency. The Administrator will estimate the amount of the reduction and direct the single State agency to make proper adjustments for that amount on its next statement of expenditures. This estimate will be established for each quarter in which a reduction is taken. These estimated amounts may later be adjusted if the single State agency determines to the satisfaction of the Administrator the exact amount which was inappropriately claimed.

(5) A reduction will be applied beginning in the quarter for which the Administrator finds that a State did not have an effective program of utilization control. Until the single State agency submits to the Secretary a satisfactory showing that it has an effective program for controlling the utilization of institutional services which meets the requirements specified in §§ 250.18, 250.19, 250.23, 250.24, Federal financial participation will be reduced. When the Administrator verifies that the State has an effective program of control, the single State agency will be notified that as of the quarter for which the satisfactory showing has been verified, the reduction in Federal financial participation is terminated. If the Administrator finds that the State's program of control continues to be deficient the single State agency will be notified and directed to continue to make proper adjustment on all subsequent statements of expenditures until such time as the State submits a satisfactory showing and the Administrator finds that the State has an effective program of control over the utilization of institutional services.

(6) Services furnished pursuant to a contract with a health maintenance organization as defined in section 1876 of the Social Security Act are exempt from the provisions of paragraph (b) of this section.

(c) Effective July 1, 1973, Federal financial participation is not available with respect to any amount expended for care and services furnished under the plan by a hospital, mental hospital or skilled nursing facility (excluding Christian Science sanatoriums) unless such facility has in effect a utilization review plan which meets the requirements of section 1861(k) of the Social Security Act (with the same standards and procedures and the same review committee or group if the hospital or skilled nursing facility participates under title XVIII). The conditions of this paragraph (c) may be waived by the Secretary in accordance with paragraph (b) of § 250.19 of this part if the single State agency

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demonstrates to his satisfaction that it has in operation utilization review procedures which are superior in their effectiveness to the procedures required under section 1861(k) of the Social Security Act. Such utilization review procedures need not be in operation with respect to all skilled nursing facilities, hospitals or mental hospitals under the State's title XIX plan at the time that a waiver is requested from the Secretary. A State may be granted a waiver if it is using such procedures on a demonstration basis. Any hospital, mental hospital and skilled nursing facility participating under the State's title XIX plan which are not covered by any such waiver granted by the Secretary must continue to meet the requirements of section 1861 (k) of the Social Security Act.

4. Section 250.23 of Part 250 of Title 45 is amended as set forth below:

a. Wherever it appears, the word "home" is changed to "facility."

b. Paragraph (a) (1) (ii) is revised as set forth below; paragraph (b) (2) is revoked; paragraph (b) (1) is redesignated as paragraph (b); and a new paragraph (c) is added as follows:

§ 250.23 Periodic medical review and medical inspections in skilled nursing facilities and mental hospitals.

(a) *State plan requirements; medical review.* • • •

(1) • • •

(ii) The plan of care includes diagnosis, symptoms, complaint(s), and/or complications indicating the need for admission, a description of the functional level of the patient; written objectives; orders (as appropriate) for medications, treatment, restorative and rehabilitative services, therapies, activities, social services, diet, and special procedures recommended for the health and safety of the patient; and plans for continuing care (including provisions for review and necessary modification of the plan) and discharge;

• • • • •

(c) *Coordination of independent professional and medical review.* Periodic inspections by medical review teams as required by paragraph (a) of this section may be conducted by independent professional review teams where the composition of such a team meets the requirements of paragraph (a) (2) of this section or is modified or supplemented to meet such requirements for purposes of its medical review activities and where such independent professional review team is willing and able to undertake in addition to its regular independent professional review program the on-site inspection functions required by paragraph (a) (3) of this section.

5. Section 250.24 of Part 250 of Title 45 is amended by revising paragraph (a) (1) (ii) to read as follows:

§ 250.24 Independent professional review in intermediate care facilities.

(a) *State plan requirements.* • • •

(1) • • •

(ii) The individual plan for care includes: diagnosis, symptoms, complaint(s), and/or complications indicating the need for admission, a description of the functional level of the resident; written objectives; orders (as appropriate) for medications, treatments, restorative and rehabilitative services, therapies, diet, activities, social services, and special procedures designed to meet the objectives; plans for continuing care (including provisions for review and necessary modifications of the plan) and discharge; and

• • • • •

(Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302))

Effective date: These regulations shall be effective February 1, 1975.

Dated: November 19, 1974.

JAMES S. DWIGHT, JR.,
Administrator, Social and Rehabilitation Service.

Approved: November 25, 1974.

CASPAR W. WEINBERGER,
Secretary.

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program)

[FR Doc.74-27938 Filed 11-27-74;8:45 am]

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PART IV

DEPARTMENT OF LABOR

Employment Standards Administration

■

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions, Modifications, and Supersedeas Decisions

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DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND FEDERALLY ASSISTED CONSTRUCTION

Modifications and Supersedeas Decisions to General Wage Determination Decisions

General wage determination decisions. General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determinations by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of the Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 12–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR, Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

Modifications and supersedeas decisions to general wage determination decisions. Modifications and Supersedeas Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedeas Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24–70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1, of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138), and of Secretary of Labor's Orders 13–71 and 15–71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall in accordance with the provisions of the foregoing statutes, constitute the minimum wage payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in contract work of the character and in the localities described therein.

Modifications and Supersedeas Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR, Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Maryland	AR–2091
South Carolina	AR–4059
Texas	AR–82

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Alabama:	
AQ–4125	June 14, 1974
AR–4015	Aug. 9, 1974
AR–4043	Oct. 4, 1974
California:	
AR–1044, AR–1045	Nov. 8, 1974
Massachusetts:	
AR–3129	Aug. 29, 1974
AR–3130, AR–3131, AR–3132, AR–3134, AR–3135, AR–3136,	
AR–3138	Aug. 30, 1974
Michigan:	
AR–3111	Aug. 16, 1974
AR–3141	Aug. 23, 1974
Mississippi:	
AR–4030	Sept. 6, 1974
Nebraska:	
AR–13	Aug. 16, 1974
AR–59	Oct. 11, 1974
New Jersey:	
AR–2042	Sept. 13, 1974
AR–2044	Sept. 6, 1974
New Mexico:	
AR–34	Oct. 11, 1974
Pennsylvania:	
AR–2029	Aug. 30, 1974
Rhode Island:	
AR–3078, AR–3079, AR–3077	Aug. 2, 1974
Tennessee:	
AR–4035	Sept. 13, 1974
Texas:	
AR–43	Sept. 20, 1974
AR–47	Sept. 27, 1974
Wisconsin:	
AR–3159	Oct. 11, 1974

SUPERSEDEAS DECISIONS TO GENERAL WAGE DETERMINATIONS DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State. Supersedeas Decision numbers are in parentheses following the number of the decisions being superseded.

Illinois:	
AR–3068, AR–3071 (AR–3174)	Aug. 9, 1974
Kansas:	
AR–503 (AR–83)	Aug. 25, 1972
New Jersey:	
AQ–2090 (AR–2087)	Mar. 29, 1974
AQ–2104 (AR–2088)	Apr. 19, 1974
AQ–2096 (AR–2089)	Apr. 12, 1974
AQ–2106 (AR–2090)	Apr. 26, 1974
Pennsylvania:	
AQ–2092 (AR–2092)	Apr. 12, 1974

Signed at Washington, D.C., this 22d day of November 1974.

RAY J. DOLAN,
Assistant Administrator,
Wage and Hour Division.

AR-2091 P. 2

NEW DECISION

STATE: Maryland
DECISION NO: AR-2091
DESCRIPTION OF WORK: Building Construction (excluding single family houses and garden type apartments up to and including 4-stories).
COUNTIES: Allegany and Garrett
DATE: Date of Publication

BUILDING CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.98	.35	.70		.02
Boilermakers	8.65	.60	.40		
Bricklayers	8.24		.40		.02
Carpenters	8.32	.35	.25		
Cement Masons	8.67	.35			
Electricians:					
Allegany County	8.85	.30	1%		1%
Garrett County	9.25	.30	1%		1%
Elevator Constructors	8.72	.395	.26	2½+6b	.02
Elevator Constructors' Helpers (probationary)	6.10	.395	.26	2½+6b	.02
Ironworkers:	4.36				
Structural, Ornamental and Reinforcing	8.67	.50	.50		
Laborers:	6.61	.40	.50		
Unskilled, landscape worker					
Power tool oper., mason & plasterer tender, mortar mixer (by hand), scaffold builder, hod carrier, concrete puddler, rammer & pipelayer	6.74	.40	.50		
Mortar mixer (machine)	6.79	.40	.50		
Blaster-dynamite, wagon drill (air track)	6.98	.40	.50		.01
Lathers	7.72		.10		
Linemen - Allegany County:					
Linemen	8.85	.30	1%		1%
Equipment Operator	8.45	.30	1%		1%
Truck driver, groundmen (experienced)	5.83	.30	1%		1%
Groundmen (1st year)	3.54	.30	1%		1%
Linemen - Garrett County:					
Linemen	9.25	.30	1%		1%
Equipment Operator	8.65	.30	1%		1%
Truck driver, (experienced) groundmen	6.23	.30	1%		1%
Groundmen (1st year)	3.94	.30	1%		1%
Marble Masons	8.24		.40		
Millwrights	8.85	.35	.25		.02
Painters:					
Brush, rollers, wall covering	$6.70		.25		
hangers	7.20		.25		.02
Spray & Sandblasting	8.60	.35	.25		
Piledirivermen	8.67	.35			
Plasterers	7.80	.35	.20	.65	.05
Plumbers & Steamfitters					
Roofers:					
Composition	7.10	.25	.40		
Kopers - composition (3 yrs. or less)	7.35	.25	.40		
Helpers - composition (over 3 yrs)	5.00	.25	.40		.02
Slaters	6.40	.25	.40		.02
Sheet Metal Workers	7.25	.25	.40		
Sprinkler Fitters	8.15	.50	.25		
Stone Masons	9.40		.70		
Terrazzo Workers	8.24		.40		
Tile Setters	8.24		.40		
	8.24		.40		

PAID HOLIDAYS: A-New Year's Day, B-Memorial Day, C-Independence Day, D-Labor Day, E-Thanksgiving Day, F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F
b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as vacation pay credit.

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BUILDING CONSTRUCTION

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$8.40	.50	.50	a	.07
Hourly additional pay for long boom cranes (including jibs), pile driver machines with leads:					
130' to 169' plus	$ .40				
170' to 209' "	.60				
210' to 249' "	.80				
250' and over "	1.00				
GROUP 2	8.01	.50	.50	a	.07
GROUP 3	7.69	.50	.50	a	.07
GROUP 4	7.47	.50	.50	a	.07
GROUP 5	7.36	.50	.50	a	.07
GROUP 6	7.04	.50	.50	a	.07

FOOTNOTE: a. 7 paid holidays- New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day and Christmas Day

CLASSIFICATIONS

GROUP 1 - Backfiller, backhoe, concrete mixing plants, batching plants, cable way, derrick, derrick boat, dragline, elevating grader, compressors (2 or more), space heaters, hoist (2 active drums or more), pile driving machine, power crane, power shovel, standard gauge locomotive, trenching machine, tunnel mucking machine, whirley rig, certified welders, concrete paver, double concrete pump, front end loader (over 2 yds.), over 4 welders top scale (more than 6, another man), Eimco type overhead loader, wellpoint system, mighty midget with compressor, twin engine scraper (25 yds. and over), mechanic, mechanic's welder, grader
GROUP 2 - Tractor with attachments (2 or more)
GROUP 3 - Concrete mixer, concrete pump, one drum hoist, narrow gauge locomotive, power roller, asphalt spreader, pumps (not exceeding 4), well drill, engine driven welders (not exceeding 4), single compressors (over 210 C.F.M.), steam hammer, pile extractor, conveyor, stone crusher, hi-lift, front end loader (up to and including 2 yds.), bulldozer, excavating scoop
GROUP 4 - Finishing machine, bull float, longitudinal float, screeding machine, concrete spreader, sub grader
GROUP 5 - Fireman, truck crane oiler, wheel tractor, grease truck operator
GROUP 6 - Oiler, greaser, mechanic's helper, single compressor (up to 210 C.F.M.)

BUILDING CONSTRUCTION:

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
GROUP 1	$6.76	.35	.40		
GROUP 2	6.90	.35	.40		
GROUP 3	7.08	.35	.40		
GROUP 4	7.26	.35	.40		
GROUP 5	7.48	.35	.40		

CLASSIFICATIONS

GROUP 1 - Dumpmen and Flagmen
GROUP 2 - Pick-ups, dumps (under 5 yds., capacity), straight trucks
GROUP 3 - Helpers, panel trucks, straight trucks with multiple axle, dumpsters (under 5 yds., capacity), Transit mix, dumps (5 to 9 yd., capacity), flatbody material trucks (straight jobs), greasers, firemen, mechanics' helpers, rubber-tired (towing & pushing flatbody vehicles), form trucks
GROUP 4 - Dump trucks (10 to 15 yd., capacity)
GROUP 5 - Dump trucks (over 15 yd., capacity), bottom and end dump euclids, all other euclid type trucks, turnarockers, rock carriers, ethey wagons, A-frames, mechanics, semi-trailers or tractor-trailers, low boys, asphalt distributors, agitator mixer, dumpcretes or batch trucks, specialized earth moving equipment, off-highway tandem back-dump, twin engine equipment and double hitched equipment (where not self-loaded)

NEW DECISION

STATE: South Carolina — COUNTY: See Below
DECISION NUMBER: AR-4050 — DATE: Date of Publication
DESCRIPTION OF WORK: Residential construction consisting of single family homes and garden type apartments up to and including 4 stories.

23-SC-4-C

*Counties: Anderson, Greenville, Oconee, & Pickens	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Air conditioning mechanic	4.25				
Bricklayers	5.25				
Carpenters	3.65				
Cement masons	4.07				
Drywall finishers	3.75				
Drywall hangers	3.72				
Electricians	4.50				
Glaziers	3.65				
Insulators	5.50				
Ironworkers, structural & ornamental	3.00				
Laborers:					
Laborers	2.37				
Air tool operator	2.50				
Mason tenders	2.75				
Mortar mixers	2.50				
Pipelayers	3.53				
Painters, brush	3.25				
Painters, spray	4.10				
Plumbers & pipefitters	4.17				
Roofers	3.12				
Sheet metal workers	3.40				
Soft floor layers	5.50				
Terrazzo workers	3.25				
Tile setters	4.17				
Truck drivers	3.25				
Welders - rate for craft.					
POWER EQUIPMENT OPERATORS:					
Air compressor	3.00				
Asphalt Raker	2.50				
Asphalt Paver	2.50				
Backhoe	3.56				
Bulldozer	3.25				
Forklift operator	3.05				
Front end loader	3.25				
Mechanic	3.15				
Motor Grader	2.95				
Pan operator	2.92				
Pump operator	3.50				
Rubber tire roller	3.00				

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NEW DECISION

Page 2

STATE: Texas COUNTY: Harrison
DECISION NO.: AR-82 DATE: Date of Publication
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories).

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$7.98	.30	.51		.025
BOILERMAKERS	7.60	.30	.76		.02
BRICKLAYERS & STONEMASONS	7.25		.20		
CARPENTERS	6.00				
CEMENT MASONS	6.00		.20		
ELECTRICIANS:					
Electricians	7.35		1%		1/4%
Cable splicers	7.70		1%		1/4%
GLAZIERS	5.00				
IRONWORKERS	7.65	.30	.35		.04
LABORERS:					
Laborers	3.08				
Mason tenders	3.25				
LATHERS	3.20				
PAINTERS:					
GROUP 1 - Journeymen painters, paperhangers, hand rollers & tools used for cleaning	5.50				
GROUP 2 - Window jack or window sill; Sand tape & floating	5.625				
GROUP 3 - Swing stage; Spray & sand blasting; Sign painting; Steel swing stage, boatswain's chair, brush	6.00				
GROUP 4 - Steam cleaning, buffing, burners and torches	7.25				
GROUP 5 - Steel brush	5.75				
GROUP 6 - Steel swing stage, boatswain's chair, spray & sand-blasting	8.00				
PLASTERERS	7.25		.20		
PLUMBERS & PIPEFITTERS	7.20		.30		.02
POWER EQUIPMENT OPERATORS:					
GROUP 1	6.265	.30	.50		.10
GROUP 2	7.05	.30	.50		.10
GROUP 3	7.45	.30	.50		.10

DECISION NO AR-82

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITIONS

GROUP 1 - Oiler-Fireman

GROUP 2 - Air compressor (1); Pump (1); Pulsometer; Conveyor; Throttle valves; Wagon drill; Elevators building; Form graders; Hoist, single drum; Mixers, less than 14 cu. ft.; Screening plants; Welding machine gas & diesel (2 or more); Crushing plants; Fork lifts (short, under 25 feet); Concrete pumps (all types); Bobcat type equipment

GROUP 3 - Ford tractor or like with any attachments (except backhoe); Drilling machines (all types); Scoopmobile; Hoist, two drums or more; Forklifts (over 25 feet); Winch trucks; Six wheel truck, when used continuously for 5 days; Mixermobile; Locomotives; Mixer, 14 cu. ft. or over; Blade graders, self-propelled; Cableways; Cranes - power operated to 100 feet; Fordson type backhoe; Derrick, power operated (all types); Gradall; Hy-Ho; Hop-To; Paving Mixer (all types); Pile drivers; Mobile concrete mixers over 14 cu. ft.; Bulldozers, loaders, tractovators; Scrapers and pulls; Welders; Trenching machines; Roller, ten tons or over; Air compressors, three; Air compressors & 1 pump; Pump, three or more; Air compressor & air tugger; Boilers, two or more fired by one man; Heavy duty mechanic

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS	$3.25				
SHEET METAL WORKERS	7.245	.35	.25		.03
SPRINKLER FITTERS	9.05	.50	.70		.08
TERRAZZO WORKERS	6.00				
TILE SETTERS	6.00				
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

MODIFICATIONS P. 1

DECISION #AQ-4125 - Mod. #2
(39 FR 20911 - June 14, 1974)
Tuscaloosa County, Alabama

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians	$8.50	.30	1%		½ of 1%

DECISION #AR-4015 - Mod. #2
(39 FR 28772 - August 9, 1974)
Colbert and Lauderdale Counties, Alabama

Change:					
Bricklayers:					
Bricklayers; Blocklayers; Stonemasons	7.935				
Saw operator	8.185				

DECISION #AR-4043 - Mod. #1
(39 FR 35918 - October 4, 1974)
Jefferson County, Alabama

Change:					
Plumbers; Pipefitters	9.25	.25	.25		.07

MODIFICATIONS P. 2

DECISION #AR-1044 - Mod. #1
(39 FR 39677 - November 8, 1974)
Imperial, Inyo, Kern, Los Angeles, Mono, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Bricklayers; Stonemasons					
Imperial County	$ 9.00	.70	.90		.06
Glaziers					
Imperial County	9.69	.55	.60		
Ironworkers					
Fence erectors	8.89	.73	.975	.85	.02
Reinforcing	9.78	.73	.975	.85	.02
Ornamental; Structural	9.78	.73	.975	.85	.02
Irrigation and Lawn Sprinklers					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.00	10%	16%	13%	3/4%
Marble Settera, Terrazzo Workers and Tile Setters					
Imperial County	7.76	.55	.75	.60	
Painters					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excl. Western portion)					
Brush; Paint burners	8.23	.64	.44	.60	.04
Paperhangers; Iron, steel and bridge (swing stage); Sheet rock taper	8.73	.64	.44	.60	.04
Brush (swing stage); Spray	8.48	.64	.44	.60	.04
Steeplejack	9.63	.64	.44	.60	.04
Plumbers; Steamfitters					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.24	10%	16%	13%	3/4%
Soft Floor Layers					
Imperial County	8.33	.45	.90	.60	.06
Kern County (Remaining portion)	8.60	.50	.35	.50	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-1045 - Mod. #1 (39 FR 39687 - November 8, 1974) Imperial, Kern, Los Angeles, Oranga, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties, California					
Change:					
Bricklayers; Stonemasons					
Imperial County	$ 9.00	.70	.90		.06
Glaziers					
Imperial County	9.69	.55	.60		
Ironworkers					
Fence erectors	8.89	.73	.975	.85	.02
Reinforcing	9.78	.73	.975	.85	.02
Ornamental, Structural	9.78	.73	.975	.85	.02
Irrigation and Lawn Sprinklers					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	8.00	10%	16%	13%	3/4%
Marble Setters, Terrazzo Workers and Tile Setters					
Imperial County	7.76	.55	.75	.60	
Painters					
Imperial, Orange, Riverside, Los Angeles (Pomona Area), San Bernardino (excl. Western portion)					
Brush; Painter burners	8.23	.64	.44	.60	.04
Paperhangers; Iron, steel & bridge (swing stage); Sheet rock taper	8.73	.64	.44	.60	.04
Brush (swing stage); Spray	8.48	.64	.44	.60	.04
Steeplejack	9.63	.64	.44	.60	.04
Plumbers; Steamfitters					
Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Luis Obispo, Santa Barbara and Ventura Counties	10.24	10%	16%	13%	3/4%
Soft Floor Layers					
Imperial County	8.33	.45	.90	.60	.06
Kern County (Remaining portion)	8.60	.50	.35	.50	.03

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3129 - Mod. #3 (39 FR 31798 - August 29, 1974) Barnstable County, Massachusetts					
Change:					
Asbestos Workers:					
Barnstable, Bourne, Falmouth, Mashpee & Sandwich	$ 9.32	.71	.83		
Roofers:					
Roofers, Bettlemen & Waterproofers	8.40	.50	.05		
Roofers' helpers, Class A	7.70	.50	.05		
Sprinkler Fitters	9.63	.50	.70		.08
DECISION #AR-3130 - Mod. #3 (39 FR 31802 - August 30, 1974) Berkshire County, Massachusetts					
Change:					
Asbestos Workers	9.50	.44	.45		.01
Plumbers and Steamfitters:					
Becket, Otis, Sandisfield Plumbers	9.29	.45	.75	g	.01
Becket, Otis, Sandisfield, & New Boston Steamfitters	9.38	.57	.70	.08	.02
FOOTNOTE:					
g. July 4th provided worker employed 7 days prior to holiday					
DECISION #AR-3131 - Mod. #4 (39 FR 31806 - August 30, 1974) Bristol County, Massachusetts					
Change:					
Asbestos Workers:					
Remainder of County	$ 9.32	.71	.83		
Glaziers: Easton	9.20	.45	.66		.03
Roofers: Remainder of County					
Roofers; Kettlemen	8.40	.50	.05		
Helpers; Class A	7.70	.50	.05		
Add:					
Electricians:					
Fall River, Freetown, Somerset, Swansea & Westport					

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3132 - Mod. #4 (39 FR 31810 - August 30, 1974) Essex County, Massachusetts					
Change:					
Carpenters, Soft floor layers: Andover, Lawrence, Methuen, N. Andover & W. Andover					
On projects costing over $1,500,000	$ 9.13	.60	.50		.02
From 1 million to 1.5 million	8.68	.60	.50		.02
From $500,000 to 1 million	8.22	.60	.50		.02
From $200,000 to $500,000	7.30	.60	.50		.02
Up to $200,000	6.85	.60	.50		.02
Glaziers	9.20	.45	.56		.03
DECISION #AR-3134 - Mod. #3 (39 FR 31819 - August 30, 1974) Hampden County, Massachusetts					
Change:					
Asbestos Workers	$ 9.50	.44	.45		.01
Plumbers	9.29	.45	.75	g	.01
DECISION #AR-3135 - Mod. #2 (39 FR 31823 - August 30, 1974) Hampshire County, Massachusetts					
Change:					
Asbestos Workers	9.50	.44	.45		.01
Plumbers & Steamfitters: Belchertown, Grandy, Huntington, Middlefield, S. Hadley & Ware:					
Plumbers	9.29	.45	.75	g	.01
Steamfitters	9.38	.57	.70	.08	.02
FOOTNOTE:					
g. Paid holidays - July 4th provided worker is employed 7 days prior to holiday.					

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3136 - Mod. #4 (39 FR 31827 - August 30, 1974) Middlesex County, Massachusetts					
Change:					
Asbestos workers	$ 9.66	.55	.50		.01
Electricians:					
Bedford, Billerica, Boxboro, Burlington, Carlisle, Chelmsford, Dracut, Dunstable, Littleton, Lowell, Tewksbury, Tyngsboro, Westford, & Wilmington	9.44	.30	1%+.20		.02
Glaziers	9.20	.45	.66		.02
DECISION #AR-3138 - Mod. #4 (39 FR 31836 - August 30, 1974) Plymouth County, Massachusetts					
Change:					
Asbestos Workers:					
Lakeville, Mattapoisett, Rochester & Wareham	9.32	.71	.83		
Glaziers:					
Remainder of County	9.20	.45	.56		.02
Roofers:					
Carver, Lakeville, Marion, Mattapoisett, Middleboro, Rochester & Wareham:					
Roofers; Kettlemen	8.40	.50	.05		
Helpers, Class A	7.70	.50	.05		
DECISION #AR-3111 - Mod. #3 (39 FR 29814 - August 16, 1974) Grand Traverse & Leelanau Counties, Michigan					
Change:					
Plumbers	$ 8.87	.40	.40		.06

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DECISION #AR-3141 - Mod. #2
(39 FR 30765 - August 23, 1974)
Statewide Michigan

	Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
			H & W	Pensions	Vacation	App. Tr.
Changes:	Zone 1*	Zone 2**				
Sign Installer						
Class A: (performs all necessary labor and uses all tools and equipment required to construct and set concrete forms required in the installation of highway and street signs)	$ 7.12	6.53	18.00a	17.00a	.15	
Class B: (performs all misc. labor, uses all hand and power tools, and shall operate all other equipment, mobile or otherwise, required for the complete installation of highway and street signs)	6.87	6.28	18.00a	17.00a	.15	

FOOTNOTE:
a. Per week, per employee

*Zone 1: Genesse, Oakland, Macomb, Monroe, Washtenaw and Wayne Counties.
** Zone 2: Remainder of State

DECISION #AR-4030 - Mod. #2
(39 FR 32454 - September 6, 1974)
Hinds County, Mississippi

	Basic Hourly Rates	H & W	Pensions	Vacation	App. Tr.
CHANGE:					
Roofers	6.20		.10		
Roofers helpers	4.40		.10		
Electricians	7.35		1% + .50		.1%
Cable Splicers	7.60		1% + .50		.1%

DECISION NO. AR-13 - Mod. #4
(39 FR 29884 - August 16, 1974)
Douglas and Sarpy Counties, Nebraska

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Electricians	$10.08	.48	1%+.50		1/4%
Plumbers; Steamfitters	9.76	.35	.55		.10

DECISION NO. AR-59 - Mod. #2
(39 FR 36705 - October 11, 1974)
Douglas, Sarpy, Cass, Washington and that portion of Saunders County east of Highway #109, Nebraska.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Carpenters	$7.53	.35	.30	.40	.05
Piledrivermen	7.655	.35	.30	.40	.05

DECISION #AR-2044 - Mod. #2
(39 FR 32464 - September 6, 1974)
Union County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Bricklayers, Cement Masons, Plasterers & Stone Masons: Hillside Twp.	9.85	.70	.60		.02
Electricians: Plainfield	10.83	4%	1%+.30		.02
Ironworkers: Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
Plumbers: Remainder of County	9.55	7%	8%	12%	1%
Roofers: Scotch Plains, Plainfield, Clark & Rahway:					
Composition, Damp & Waterproofing	10.25	.55	.50		
Slate & Tile	10.375	.55	.50		
Slate & Tile Helpers	9.25	.55	.50		
Soft Floor Layers	9.43	6%	5%	.37	
Sprinkler Fitters	10.53	.50	.70		.07
Terrazzo Workers	8.71	.45+.62	1.19		
Tile Setters	8.20	.55	1.75		

FOOTNOTES:
e. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Add:
Tile Setters' Helpers 8.01 6% 7%

DECISION #AR-2042 - Mod. #2
(39 FR 33179 - September 13, 1974)
Passaic County, New Jersey

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
Boilermakers	$9.48	8%	19%	10%	.01
Boilermakers' Helpers	8.95	8%	19%	10%	.01
Electricians	10.45	4%	1%+5%	10%	
Ironworkers: Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
Line Construction:					
Linemen & Equipment Operators	10.45	4%	1%+5%	10%	
Groundmen	7.315	4%	1%+5%	10%	
Cable Splicers	11.40	4%	1%+5%	10%	
Marble Setters	7.80	.78	.94		
Soft Floor Layers	9.43	6%	5%	.37	
Sprinkler Fitters	10.53	.50	.70		.07
Terrazzo Workers	8.71	.45+.62	1.19		
Terrazzo Workers' Machine Operators	7.68	.925	.475		
Tile Setters	8.20	.55	1.75		

FOOTNOTES:
d. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

Add:
Tile Setters' Helpers 8.01 6% 7%

XUM

MODIFICATIONS P. 11

DECISION NO. AR-34 - Mod #3
(39 FR 36762 - October 11, 1974)
Statewide, New Mexico

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Change:					
ZONE I					
Glaziers	$5.47	.24			
ZONE III					
Painters					
Zone 3-A	6.04	.24			.01
Zone 3-B	6.455	.24			.01
Zone 3-C	6.185	.24			.01
Zone 3-D	6.465	.24			.01
Zone 3-E	6.89	.24			.01
Zone 3-F	7.14	.24			.01

MODIFICATIONS P. 12

ision No. AR-2029 - Mod. # 1
9 FR - 31853 - August 30, 1974)
ens, Berks, Bradford, Carbon, Columbia,
berland, Dauphin, Juniata, Lackawanna,
ncaster, Lebanon, Lehigh, Luzerne,
coming, Monroe, Montour, Northampton,
rthumberland, Perry, Pike, Schuylkill,
yder, Sullivan, Susquehanna, Tioga,
ion, Wayne, Wyoming and York Counties,
nsylvania

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
L						
Onworkers:						
mberland & Dauphin Counties, Pennsylvania						
Bridge, Structural, Ornamental & Reinforcing	$9.36	.64	1.06		.05	

MODIFICATIONS P. 13

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3078 - Mod. #3					
(39 FR 29726 - August 2, 1974)					
Newport County, Rhode Island					
Change:					
Bricklayers, Stonemasons (Building)	$ 9.15	.65	.55		.01
Cement Masons (Heavy & Highway & Marine)	7.25	.50	.35		
Electricians:					
Little Compton, Tiverton	8.60	1%	1%+.25	1%	1%
Line Construction:					
Linemen	9.36	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Driver Groundman	7.77				
Painters:					
Remainder of County:					
Brush	8.15	.50	.50		
Spray & Potman	9.15	.50	.50		
Sheet Metal Workers	9.53	.66	.60		.04
Add:					
Electricians:					
Little Compton, Tiverton: Residential	5.25	.38	1%+.50		.02
DECISION #AR-3079 - Mod. #3					
(39 FR 28090 - August 2, 1974)					
Washington County, Rhode Island					
Change:					
Bricklayers & Stonemasons: Exeter, Johnston, North Kingstown, Narragansett (including the Pier of Point Judith)	$ 9.15	.65	.55		.01
Line Construction:					
Linemen	9.63	.30	1%	d	
Driver groundman	7.77	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operator	8.34	.30	1%	d	
Sheet Metal Workers	9.53	.66	.60		.04

MODIFICATIONS P. 14

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-3077 - Mod. #3					
(39 FR 28083 - August 2, 1974)					
Providence, Kent, and Bristol Counties, Rhode Island					
Change:					
Asbestos Workers	$ 9.32	.71	.83		
Bricklayers; cement masons; plasterers, stonemasons; marble, tile & terrazzo workers:					
Bristol and Kent Counties, & Remainder of Providence County:					
Bricklayers & Stonemasons	9.15	.65	.55		.01
Marble, tile & terrazzo workers	8.85	.55	.45		
Cement masons (Heavy & Highway)	7.25	.50	.35		
Line Construction:					
Linemen	9.36	.30	1%	d	
Driver Groundman	7.77	.30	1%	d	
Groundman	6.39	.30	1%	d	
Equipment Operators	8.34	.30	1%	d	
Painters:					
Bristol, Kent & Providence Counties:					
Brush & Roller	8.15	.50	.50		
Spray & Potman	9.15	.50	.50		
Sheet Metal Workers	9.63	.66	.60		.04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4035 - Mod. #4					
(39 FR 33191 - September 13, 1974)					
Hamilton County, Tennessee					
Change:					
Bricklayers:					
Bricklayers, stonemasons, concrete block layers, tile setters, terrazzo workers & marble setters	$8.30	.30	.30		

XUM

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-43 - Mod. #3 (39 FR 34039 - September 20, 1974) Collin, Dallas, Denton, Ellis, Grayson, Hood, Hunt, Johnson, Kaufman, Palo Pinto, Rockwall, Tarrant & Wise Counties, Texas					
Change:					
Electricians:					
Zone 3:					
Area A:					
Electricians	$8.53	4%	1%		7/10%
Cable splicers	9.38	4%	1%		7/10%
Area B:					
Electricians	8.78	4%	1%		7/10%
Cable splicers	9.65	4%	1%		7/10%
Area C:					
Electricians	9.03	4%	1%		7/10%
Cable splicers	9.93	4%	1%		7/10%
Sheet metal workers:					
Zone 2	8.105	.43	.30		.055
DECISION #AR-47 - Mod. #3 (39 FR 35059 - September 27, 1974) Lubbock County, Texas					
Change:					
Bricklayers & stonemasons	7.85				
DECISION #AR-3159 - Mod. #1 (39 FR 36837 - October 11, 1974) Kenosha County, Wisconsin					
Change:					
Electricians	$ 9.80	.34	7%	.25	3/10%

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
DECISION #AR-4045 - Mod. #1 (39 FR 37327 - October 18, 1974) Berkeley and Charleston Counties, South Carolina					
Change:					
Electricians	$7.00	.30	1%		½ of 1%

STATE: Illinois
DECISION NUMBER: AR-3174
Supersedes Decisions AR-3068 dated August 9, 1974, in 39 FR 28809 and AR-3071 dated August 9, 1974, in 39 FR 28819.
DESCRIPTION OF WORK: Building (Including Residential), Construction.

COUNTIES: Madison & St. Clair
DATE: Date of Publication

DECISION NO. AR-3174

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Asbestos Workers	$9.53	.20	.17		
Boilermakers	9.15	.60	1.00		.01
Bricklayers:					
Madison County					
Alton; Wood River & Vicinities Bricklayers; Stonemasons; Tile-Terrazzo-Marble Workers	9.60	.30	.50		
Edwardsville; Marine; Highland; Troy	8.63	.30	.50	1.00	
Granite City & Vicinity Bricklayers; Stonemasons					
Building	8.75		.50	1.00	.05
Residential	8.50		.50	1.00	.05
St. Clair County					
East St. Louis & Vicinity Bricklayers; Marble-Tile-Terrazzo Workers; Stonemasons	8.63	.30	.50	1.00	
Belleville & Vicinity Bricklayers; Stonemasons	9.40		.30	1.00	
Carpenters:					
Madison County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers					
Building	8.785	.45	.30		
Residential	8.385	.45	.30		
St. Clair County					
Carpenters; Millwrights; Piledrivermen; Soft Floor Layers	8.735	.40	.50		
Cement Masons	9.325	.60	.25		
Electricians:					
Alton & Vicinity in Madison Co. St. Clair Co., & the Remainder of Madison County	10.19	.30	1%	6%	½ of 1%
Elevator Constructors	9.38	4%	1%+.65	6%	.25%
Helpers	9.24	.443	.29	2%+a6b	.02
Helpers (Prob.)	70%JR	.445	.29	2%+a6b	.02
Ironworkers	50%JR				
Laborers: Madison County	8.80	.45	.65		
Alton:					
Common Laborer	8.20	.35	.30		.035
Laying Sewer & All Sewer Work	8.30	.35	.30		.035
Well Digging Gunnite Machine & Nozzle Operator on Gunnite; Sandblasting, Rip/Rapping Work	8.45	.35	.30		.035
Wood River:					
Common Laborer	$8.35	.35	.50		.035
Laying Sewer & All Sewer Work	8.45	.35	.50		.035
Well digging, Machine & Nozzle Operator on Gunnite	8.60	.35	.50		.035
Granite City, Madison, Venice, Nameoki & Mitchell:					
Common Laborers	8.15	.35	.35		.035
Open Well	8.65	.35	.35		.035
Cutting, Burning & Welding	8.475	.35	.35		.035
Plasterers' & Brickmasons Tenders	8.65	.35	.35		.035
Dynamite & Powdermen	9.675	.35	.35		.035
Dynamite & Powdermen Helpers	8.675	.35	.35		.035
Collinsville:					
Common Laborers	8.65		.20		.035
Burning & Cutting W/Torch (2-Men) Raking & Luting Asphalt & Power Saw	8.90		.20		.035
Mason & Plasterer Tenders	9.15		.20		.035
Dynamite Men	9.95		.20		.035
Edwardsville:					
Common Laborer	8.60		.25		.035
Men Working in Main Sewer Ditch	8.85		.25		.035
Plaster & Mason Tenders	9.10		.25		.035
Dynamite & Powder Men	10.125		.25		.035
Dynamite & Powder Men Helpers	9.125		.25		.035
Glen Carbon					
Common Laborer	7.70		.35		.035
Mason & Plasterer Tenders	8.20		.35		.035
Dynamite Men	9.30		.35		.035
Highland:					
Common Laborers	7.70		.20		.035
Mason & Plasterers Tenders	8.20		.20		.035
Workmen cutting & burning w/torch	8.00		.20		.035
Livingston:					
Common Laborers	7.70		.20		.035
Working on the Bottom of Sewer	8.00		.20		.035
Mason & Plasterer Tenders	8.20		.20		.035
Marine:					
Common Laborer	7.70		.20		.035
Mason & Plasterer Tenders	8.20		.20		.035
Working on the Bottom of Sewer	8.00		.20		.035

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DECISION NO. AR-3174

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Troy:					
Common Laborer	$7.70		.20		.035
Mason & Plasterer Tenders	8.20		.20		.035
Working on the Bottom of Sewer	8.00		.20		.035
St. Jacob:					
Common Laborer	7.70		.20		.035
Mason & Plasterer Tenders	8.20		.20		.035
Working in Sewer Trenches	8.00		.20		.035
Laborers: St. Clair County					
East St. Louis & Vicinity					
Laborers	8.15	.35	.35		.035
Bottom Men on Sewer Work	8.41	.35	.35		.035
Dynamite Men	9.675	.35	.35		.035
Hod Carriers:					
Plastering	7.75	.25	.35		.035
Masonry	8.15	.20	.20		.035
Belleville & Vicinity					
Laborers	7.70	.25	.20		.035
Bottom Men on Sewer Work	7.95	.25	.20		.035
Dynamite Men & Powder Men	9.20	.25	.20		.035
Hod Carriers	9.25		.20	1.20	
Plasterers' Tenders	9.25		.20	1.20	
O'Fallon, Mascoutah, Scott AFB, Shiloh & Lebannon & Vicinity					
Laborers	8.65		.20		.035
Bottom Men on Sewer Work	8.90		.20		.035
Brickmason Tenders	9.25		.20		.035
Plasterers' Tenders	9.25		.20		.035
Mortar Mixers	9.25		.20		.035
Fraeburg & Vicinity:					
Laborers	7.70		.20		.035
All Sewer Work	8.00		.20		.035
Mason Tenders & Plaster Tenders	8.20		.20		.035
Dynamite Man	9.30		.20		.035
New Athens & Vicinity:					
Laborers	7.45	.25	.20		.035
Bottom Men on Sewer Work	7.70	.25	.20		.035
Mason & Plaster Tenders	7.95	.25	.20		.035
Lathers	8.435			.65	.01
Leadburners	9.25	.35		c	.01

DECISION NO. AR-3174

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Painters:					
Residential; Commercial	$7.85	.35	.15		
Industrial	8.10	.35	.15		
Bridges; Grain Elevators; Water-Radio & TV Towers; Stacks	8.35	.35	.15		
Steges; Boatswain Chairs; Picks; Scaffolds supported by Ropes or Cables; Rollers; Wool or Felt Applicators-Addt'l.-.25 Per Hour					
Rollers; Wool or Felt Applicators on Industrial Work-Addt'l.-.50 Per Hour					
Spray; Sand & Water Blasting; Steam Cleaning-Addt'l.-1.00 Per Hour					
Plasterers	9.725				.01
Plumbers & Steamfitters:					
Alton & Northern Part of Madison County; North of Mitchell	10.25	.41	.82		
Granite City; Southern ½ of Madison County & East St. Louis & Vicinity in St. Clair County	9.25		.75		
Roofers-Composition-Slate-Tile	7.80	.27	.30	.75	.03
Kettlemen	5.60	.27	.30	.75	.03
Sheet Metal Workers	8.18	.20	.25	6%	.01
Sprinkler Fitters	9.40	.50	.70		.08
Welders - receive rate prescribed for craft per performing operation to which welding is incidental.					

PAID HOLIDAYS (WHERE APPLICABLE):
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day;
E-Thanksgiving Day; F-Christmas

FOOTNOTES:

a. Employer contributes 6% of regular hourly rate to vacation Pay Credit for employee who has worked in business more than 5 years and 2% of regular hourly rate for employee who has worked in business more than 5 years.

b. Six paid holidays: A through F.

c. Nine paid holidays, A through F plus Washington's Birthday, Good Friday & Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work day immediately preceding and following the holiday.

POWER EQUIPMENT OPERATORS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$9.43	.42	.85		.05
GROUP II	8.60	.42	.85		.05
GROUP III	7.95	.42	.85		.05
GROUP IV	7.85	.42	.85		.05
GROUP V	7.60	.42	.85		.05
GROUP VI					
a.	11.58	.42	.85		.05
b.	11.88	.42	.85		.05
c.	9.70	.42	.85		.05
d.	10.20	.42	.85		.05

POWER EQUIPMENT OPERATORS

CLASSIFICATIONS

GROUP I: Cranes, draglines, shovels, skimmer scoops, clamshells or derrick boats, pile-drivers, crane-type backhoes, asphalt plant oprs., concrete plant oprs., ditching machines or backfillers (requiring oilers), dredges, asphalt spreading machines, heavy duty mechanic, ass't. master mechanic, all locomotives, cableways or tower machines, hoists-2drum or more (where oiler or fireman is required), hoists-2drum or more (where oiler or firemen is not required) Hydraulic backhoes, ditching machines or backfiller (not requiring oilers) Cherry pickers, overhead cranes, roller (steam or gas) concrete pavers, excavators, concrete breakers, concrete pumps, bulk cement plants, cement pumps, derrick-type drills, mixers (over 3 bags) and boat oprs., (25' & over), Motor graders or pushcats, scoops or tournapulls, Bulldozers, endloaders or fork-lifts, power blade or elevating graders, winch cats, boom tractors, and pipe wrapping or painting machines, Drills (other than derrick type) 1-drum-hoists, mud jacks, mixers (2 or 3 bags), conveyors (2), air compressors (2), water pumps regardless of size (2), welding machines (2) siphons or jets (2), winch heads or apparatuses (2) and light plants (2), Mixers (under 2 bags), all tractors regardless of size (straight tractor only), firemen on stationary boilers, automatic elevators, form grading machines, finishing machines, power sub-grade or ribbon machine, longitudinal floats, boats oprs., (under 25', conveyors (1), distributor pors., on trucks, siphons or jets (1) winch heads or apparatuses (1), light plant (1) mixers (under 2 bags)

GROUP II: Air Compressor (1), water pumps regardless of size (1) welding machines (1)

GROUP III: Firemen and asphalt spreader oilers

GROUP IV: Heavy equipment oilers (truck cranes, dredges, monigans, large cranes, etc.

GROUP V: Oilers

GROUP VI:

a. Engineers operating under air pressure
b. Engineers operating in air over 10 lbs. pressure
c. Oilers operating under air pressure
d. Oilers operating in air over 10 lbs pressure

ILL-2-TD-1-2-3

TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Drivers on 2 axle over the road trucks hauling less than 9 ton, air compressor and welding machine, including those pulled by separate units, truck driver helpers, warehousemen, mechanic helpers, greasers and tiremen, pick-up trucks when hauling material, tools, or men to and from and on the job site:	$7.10	.40	a12.00		
2 or 3 axle over the road trucks hauling less than 16 ton, A-frame winch trucks, hydrolift trucks, or similar equipment when used for transportation purposes:	7.50	.40	a12.00		
2, 3 or 4 axle trucks hauling 16 ton or more, drivers on oil distributors, water pulls, mechanics and working foreman:	7.70	.40	a12.00		

FOOTNOTE: a.-Employer contributes $12.00 per week per employee.

XUM

STATE: Kansas

SUPERSEDEAS DECISION

COUNTIES: Douglas, Jefferson, Leavenworth, Miami & Shawnee

DECISION NO: AR-83

DATE: Date of Publication

Supersedes Decision No. AP-503, dated August 25, 1972, in 37 FR 17349

DESCRIPTION OF WORK: Highway Construction

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CARPENTERS & PILEDRIVERMEN:					
ZONE 1	$7.35	.35	.25		.05
ZONE 2	6.95	.35	.25		.05
ZONE 3	8.62	.33	.30	.25	.05
ZONE 4					
Carpenters	8.37	.33	.30	.25	.05
Piledrivermen	8.62	.33	.30	.25	.05

AREAS COVERED BY CARPENTERS & PILEDRIVERMEN ZONES

ZONE 1 - Douglas & Shawnee Counties (Includes Forbes Air Force Base and within the City of Topeka and the City of Lawrence and with 3 miles of the city limits of these cities)
ZONE 2 - Remainder of Douglas & Shawnee Counties
ZONE 3 - Leavenworth County
ZONE 4 - Miami County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
CEMENT MASONS					
ZONE 1	8.905	.20	.45	.50	.05
ZONE 2	7.15	.35	.25		
ZONE 3	6.85	.35	.25		

AREAS COVERED BY CEMENT MASONS ZONES

ZONE 1 - Leavenworth & Miami Counties
ZONE 2 - Douglas & Shawnee Counties
ZONE 3 - Jefferson County

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ELECTRICIANS					
ZONE 1	9.22	.23	1%+.27	.80	.03
ZONE 2	9.15	.40	1%+.50		.05

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AREAS COVERED BY ELECTRICIANS ZONES

ZONE 1 - Leavenworth County (Delaware, High Prairie, Kickapoo & Leavenworth Townships)
ZONE 2 - Douglas, Jefferson, Miami, Shawnee & the remainder of Leavenworth Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
IRONWORKERS	8.90	.60	.80	1.00	.05
LABORERS:					
GROUP 1					
ZONE 1	5.275	.35	.35		
ZONE 2	5.70	.35	.35		
ZONE 3	5.75	.30	.35		
ZONE 4	4.625	.35	.35		
GROUP 2					
ZONE 1	5.425	.35	.35		
ZONE 2	5.85	.35	.35		
ZONE 3	5.90	.30	.35		
ZONE 4	4.775	.35	.35		
GROUP 3					
ZONE 1	5.525	.35	.35		
ZONE 2	5.95	.35	.35		
ZONE 3	6.00	.30	.35		
ZONE 4	4.875	.35	.35		
GROUP 4					
ZONE 1	5.675	.35	.35		
ZONE 2	6.10	.35	.35		
ZONE 3	6.15	.30	.35		
ZONE 4	5.025	.35	.35		

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LABORERS (CONTD):					
GROUP 5					
ZONE 1	5.775	.35	.35		
ZONE 2	6.20	.35	.35		
ZONE 3	6.25	.30	.35		
ZONE 4	5.275	.35	.35		

CLASSIFICATION DEFINITIONS

LABORERS
GROUP 1 - Board mat weavers & cable tiers; georgia buggy (manually operated); mixerman-no skip lift; nailers; salamander tenders; track men; tractor swamper; truck dumper; wire mesh setter; water pump up to 4 inches; & all other general laborers including flagman
GROUP 2 - Air tool operators; cement handlers (bulk); chain saw; georgia buggy (mechanically operated); grade man; hot mastic kettlemen; crusher feeder; joint man; jute men; mason tender; material batch hopper & scale man; mixer man; pier hole man working 10 feet deep; pipelayer-drainage (concrete and/or corrugated metal); signal man (crane); truck dumper-dry batch; vibrator operator; wagon and churn drill operator
GROUP 3 - Asphalt raker, barco tamper; concrete saw; creosote material- handling & applying; nozzle burner (cutting torch)
GROUP 4 - Conduit pipe; tile & duct line setter; form setter & liner on concrete paving; powderman; sandblasting & gunnite nozzleman; sanitary sewer pipe layer
GROUP 5 - Leadmen or pusher

AREA COVERED BY LABORERS

ZONE 1 - Jefferson County
ZONE 2 - Douglas & Shawnee Counties
ZONE 3 - Leavenworth County
ZONE 4 - Miami County

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
LINE CONSTRUCTION:					
ZONE 1					
Lineman	8.71	.35	1% + .15		4%
Heavy equipment operator	8.10	.35	1% + .15		4%
Groundman powderman	6.04	.35	1% + .15		4%
Groundman	5.73	.35	1% + .15		4%
Groundman (1st year)	4.91	.35	1% + .15		4%
ZONE 2					
Lineman	7.70	.35	1%		4%
Cable splicers	8.085	.35	1%		4%
Groundman, over 1 year	4.81	.35	1%		4%
Groundman, 1st year	3.67	.35	1%		4%
Powderman	6.39	.35	1%		4%
Line Truck & Equipment Operators:					
1st year	4.93	.35	1%		4%
2nd year	5.88	.35	1%		4%
Over 2 years' experience	6.39	.35	1%		4%

AREAS COVERED BY LINE CONSTRUCTION ZONES

ZONE 1 - Leavenworth County
ZONE 2 - Douglas, Jefferson, Miami and Shawnee Counties

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 1- Leavenworth County					
GROUP 1	9.25	.50	.75	.75	.10
GROUP 2	9.00	.50	.75	.75	.10
GROUP 3	8.75	.50	.75	.75	.10
GROUP 4	8.00	.50	.75	.75	.10
GROUP 5	9.50	.50	.75	.75	.10
GROUP 6	9.75	.50	.75	.75	.10
GROUP 7	9.25	.50	.75	.75	.10

XUM

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CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 1

GROUP 1 - Asphalt paver and spreader; asphalt plant console operator; auto grader; back hoe; blade operator, all types; boiler-2; booster pump on dredge; boring machine (truck or crane mounted); bulldozer operator; clamshell operator; compressor maintenance operator-2; concrete plant operator-central mix; concrete mixer paver; crane operator; derrick or derrick trucks; ditching machine; dragline operator; dredge engineman; dredge operator; drillcat with compressor mounted on cat; drilling or boring machine, rotary, self-propelled; high loader-fork lift; locomotive operator, standard gauge; mechanics and welders; maintenance operator; mucking machine; pile driver operator; pitman crane operator; pump-2; quad-trac; scoop operator-all types; scoops in tandem; self-propelled rotary drill (leroy or equal-not air trac); shovel operator; side discharge spreader; sideboom cats; skimmer scoop operator; slip-form paver(CMI, REX, or EQUAL); throttle man; truck crane; welding machine maintenance operator-2; hoisting engine-2 active drums

GROUP 2 - "A" frame truck; asphalt hot mix silo; asphalt plant fireman, drum or boiler; asphalt plant mixer operator; asphalt plant man; asphalt roller backfiller operator; chip spreader; concrete batch plant, dry-power operated; concrete mixer operator, skip loader; concrete pump operator; crusher operator; elevating grader operator; greaser; hoisting engine-1 drum; latourneau rooter; multiple compactor; pavement breaker, self-propelled, of the hydra-hammer or similar type; power shield; pug mill operator; stump cutting machine; towboat operator; tractor operator-over 50 HP

GROUP 3 - Boilers-1; chip spreader (front man); churn drill operator; compressor maintenance operator-1; concrete saws, self-propelled; conveyor operator; distributor operator; finishing machine operator; fireman, rig; float operator; form grader operator; pump; pump maintenance operator, other than dredge; roller operator, other than high type asphalt; screening and washing plant operator; self-propelled street broom or sweeper; siphons and jets; sub-grading machine operator; tank car heater operator-combination boiler and booster; tractor-50 HP or less, without attachments; vibrating machine operator, not hand; welding machine maintenance operator-1

GROUP 4 - Mechanic's helper; oiler

GROUP 5 - Clamshells, 3 yd. capacity or over; crane or rigs, 80 ft. of boom or over (including jib); draglines, 3 yd. capacity or over; pile drivers, 80 ft. of boom or over (including jib); shovels, 3 yd. capacity or over

GROUP 6 - Crane or rigs, over 200 ft. of boom (including jib)

GROUP 7 - Hoists (each additional drum over 1 drum)

Men working in tunnels or shafts (not air shafts or cofer dams) of twenty-five (25) feet or more in length or depth will be paid fifty (50) cents per hour above the regular classification.

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS:					
ZONE 2 - Douglas and Shawnee Counties					
GROUP 1	7.00	.50	.50	.25	.10
GROUP 2	6.75	.50	.50	.25	.10
GROUP 3	6.50	.50	.50	.25	.10
GROUP 4	6.25	.50	.50	.25	.10
GROUP 5	5.90	.50	.50	.25	.10
GROUP 6	6.00	.50	.50	.25	.10

CLASSIFICATION DEFINITIONS

POWER EQUIPMENT OPERATORS ZONE 2

GROUP 1 - Master mechanic

GROUP 2 - Asphalt paver & spreader; backhoe; boring machine; blades, all types; clam shell; concrete mixer paver operator; concrete central plant operator (automatic); crane, truck crane, pitman crane, hydro crane or any machine with power swing; derrick or derrick trucks; dragline operator; dradge operator; dozer; ditching machine; euclid loader; hoist-2 active drums; loader, all types; mechanic or welder; mixermobile; multi-unit scraper; piledriver operator; power shovel operator; quad track; scoop operators, all types; sideboom cat-cherry picker; skimmer scoop operator

GROUP 3 - Asphalt plant operator; elevating grader operator; pushcat operator

GROUP 4 - A-frame truck; asphalt roller operator; asphalt plant boiler fireman; back filler operator; barber-greene loader; boiler-other than asphalt; bull float operator; churn drill operator; compressor operator (1); concrete central plant operator; concrete mixer operator skip; concrete pump operator; crusher operator; distributor operator; finish machine operator-concrete; fireman other than asphalt; flex plane operator; fork lift; form grader operator; greaser; hoist-1 drum; jeep ditching machine; pavement breaker, self-propelled (of the hydra hammer or similar type); pump operator, 4" or over, two; pump operator, other than dredge; screening & wash plant operator; small machine operator; spreader box operator, self-propelled; tractor operator over 50 h.p.; self-propelled roller operator, other than asphalt; siphons & jets; subgrading machine operator; tank car heater operator, combination booster & boilers; towboat operator; vibrating machine operator, not hand

GROUP 5 - Concrete gang saw, self-propelled (con-cut); conveyor operator; harrow, disc seeder; oiler; tractor operator, 50 h.p. or less without attachments

GROUP 6 - Oiler, motor crane

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	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
ZONE 1 - Leavenworth and Miami Counties					
GROUP 1	7.89	.50	.50	.50	
GROUP 2	8.09	.50	.50	.50	
GROUP 3	8.40	.50	.50	.50	
GROUP 4	8.55	.50	.50	.50	
GROUP 5	7.665	.50	.50	.50	

CLASSIFICATION DEFINITIONS

TRUCK DRIVERS ZONE 1

GROUP 1 - One team; station wagons; pickup trucks; material trucks, single axle; tank wagon drivers, single axle

GROUP 2 - Material trucks, tandem; two teams, semi-trailers; winch truck-fork trucks; distributor drivers and operators; agitator and transit mix; tank wagon drivers, single axle; tank wagon drivers; tandem or semi-trailer; inaley wagons; dump trucks, excavation 5 cu. yds. and over; dumpsters; half-tracks; speedace; euclids and other similar excavating equipment

GROUP 3 - A-frame, lowboy, boom truck drivers

GROUP 4 - Mechanics & welders

GROUP 5 - Mechanics" helpers, oilers & greasers

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
ZONE 2 - Douglas and Shawnee Counties					
GROUP 1	5.30	.35	.35		
GROUP 2	5.40	.35	.35		
GROUP 3	5.55	.35	.35		

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CLASSIFICATION DEFINITIONS

TRUCK DRIVERS ZONE 2

GROUP 1 - Pickups; panel trucks; station wagons; flat beds, dump and batch trucks single axle

GROUP 2 - Tandem trucks; warehousemen or partsmen; mechanic helpers and servicemen

GROUP 3 - Lowboys; semi-trailers; all transit mixer trucks (single or tandem axle); a-frame and winch trucks when used as such; euclid, end and bottom dump; tournarockers; atheys, dumpsters and similar off-road equipment and mechanics on such equipment

SUPERSEDEAS DECISION

STATE: NEW JERSEY COUNTY: HUDSON

DECISION NO.: AR-2087 DATE: DATE OF PUBLICATION

DECISION NO. AR-2087

Supersedes Decision No. AQ-2090 dated March 29, 1974, in 39 FR 11822.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.202	.5803	.4974		.02
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONEMASONS, PLASTERERS & CEMENT MASONS:					
West of Hackensack River	9.85	.70	.60		.02
Remainder of County:					
Bricklayers & Stonemasons	9.76	.87	.75		
Cement Masons & Plasterers	8.50	1.00	.50		.05
CARPENTERS, MILLWRIGHTS & INSULATORS:					
West of Hackensack River	9.73	6%	6%		.02
Remainder of County	9.05	8%	8%		.02
ELECTRICIANS & CABLE SPLICERS	11.23	3%	1%+5%+.58		1.5%
ELEVATOR CONSTRUCTORS:					
Mechanics	9.10	.395	a+.26	b+c	.015
Helpers	6.83	.395	a+.26	b+c	.015
Probationary Helpers	4.55				
Modernization	8.33	.395	a+.26	b+c	.015
Modernization Helpers	6.25	.395	a+.26	b+c	.015
Repair	7.48	.395	a+.26	b+c	.015
Repair Helpers	5.61	.395	a+.26	b+c	.015
GLAZIERS	8.70	.70	.65	d	.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
LABORERS, BUILDING:					
Kearny, East Newark & Harrison: Common Laborers, Air Tool Operators, Masons Tenders, Mortar Mixers, Pipe Layers, Concrete & Clay.	7.20	.40	.45		
Remainder of County: Common Laborers, Air Tool Operators, Mason Tenders, Mortar Mixers, Concrete Laborers, Plasterers' Tenders & Hod Carriers.	6.80	.50	.50	.30	
Laborers on structures 176' high or 22 stories from ground level	6.85	.50	.50	.30	
LEAD BURNERS	9.25	.35		e	.01
MARBLE SETTERS	7.80	.78	.94		
MARBLE SETTERS HELPERS	7.33	.74	.88		
PAINTERS:					
Kearny & Harrison:					
Brush	$8.40	.50	.50	.10	
Structural Steel & Tanks under 30'	8.55	.50	.50	.10	
Structural Steel & Tanks 30' & over	9.00	.50	.50	.10	
Bridges, TV, Radio, Water Towers & Stacks	9.00	.50	.50	.10	
Sandblasting, Steam Cleaning	9.00	.50	.50	.10	
Remainder of County:					
Industrial & Commercial	6.75	.70	1.15	.30	
Exterior Scaffold Work	7.25	.70	1.15	.30	
Structural Steel, Tanks, Bridges, Towers, Smoke-stacks, Radio Towers, TV Towers, Flagpoles (steel or wood), & Sandblasting	7.25	.70	1.15	.30	
Hazardous Work	7.25	.70	1.15	.30	
CONTINUOUS PIPE TYPE CABLE:					
Linemen & Cable Splicers	10.23	3%	1%+5%+.58		1.5%
Hole Digging Equipment	10.23	3%	1%+5%+.58		1.5%
PILEDRIVERMEN & DOCK BUILDERS	9.36	.90	1.53	.56	.02
PIPE FITTERS	10.00	.60	.80	1.00	.25
PLUMBERS:					
Bayonne, Hoboken & Jersey City	10.15	.70	.85		.10
Kearny & Harrison	9.525	.40	.90	.85	.10
Remainder of County	9.40	.61	.55	1.00	.02
ROOFERS:					
East of the Hackensack River: Composition, Damp & Waterproofing	8.84	7%+5%	1.00+1.20	.63	
West of the Hackensack River: Composition, Damp & Waterproofing	10.27	.70	.50		
Slate & Tile	9.05	.30	.20		
Slate & Tile Helpers	7.95	.30	.20		
SHEET METAL WORKERS	9.15	.5175	.4575	.4260	.02
SOFT FLOOR LAYERS	9.43	6%	3%	.37	
SPRINKLER FITTERS	10.53	.50	.70		.07
TERRAZZO WORKERS	8.71	.45+.62	1.19		
TERRAZZO WORKERS' HELPERS	7.43	.925	.475		

DECISION NO. AR-2087

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TERRAZZO WORKERS MACHINE OPERATORS	$7.68	.925	.475		
TILE SETTERS	8.20	.55	.65+1.10		
TILE SETTERS HELPERS	8.01	6%	7%		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day.

FOOTNOTES:

a. Employer contributes $8.00 per day to an Annuity Fund.

b. Paid Holidays: A through F; plus Lincoln's Birthday, Washington's Birthday, Columbus Day, Election Day, Armistice Day.

c. Employer contributes 6.4% of the basic hourly rate for 5 years or more of service or 4.2% of the basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

d. One week's vacation after one year's work; two weeks vacation after 4 years work; 3 weeks vacation after 15 years work.

e. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

DECISION NO. AR-2087 P. 4

N.J.-2-LAB-2-3-G 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, powr buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perfora work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments				
		H & W	Pensions	Vacation	App. Tr.	Others
ARBORERS, ASPHALT						
Excets:						
Head rakers	$ 7.20	.51	.54	a		
Rakers	7.05	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.80	.51	.54	a		
Plant:						
Scale mixer and burner men	7.05	.51	.54	a		
Feeders and dust men	6.80	.51	.54	a		

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumprete, squeezecrete & similar types, conveyors (125' & over), econonobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pump-crete (unit type), pumprete machines (squeezecrete & concrete pumping regardless of size), scrapers (letournesu, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, firemah, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

XUM

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.	Others
ASPHALT RAKERS, ASPHALT						
Streets:						
Head rakers	$ 7.20	.51	.54	a		
Rakers	7.05	.51	.54	a		
Tampers and smoothers, kettleman, painters, top shovelers and roller boys	6.80	.51	.54	a		
Plant:						
Scale mixer and burner men	7.05	.51	.54	a		
Feeders and dust men	6.80	.51	.54	a		

AID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F, Washington's Birthday; Armistice Day; Presidential Election Day; providing an employee works or is available for work 3 days in the work week in which the holiday falls.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoe (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loadere (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, punpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pump-crete (unit type), puapcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrior (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

XUM

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base MTL, spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all conbination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shcvels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping systen, pumpcrete, squeezecrete and similar types, conveyors (125' and over), econcmobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Boome), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (toom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.: compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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DECISION NO. AR-2087 P. 13 NJ-4-PEO-2- X

STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO. AR-2087 P. 14 NEW JERSEY-2-TH-1-2-1-P

BUILDING, HEAVY & HIGHWAY CONSTRUCTION

TRUCK DRIVERS	BASIC HOURLY RATES	FRINGE BENEFITS PAYMENTS H & W	PENSIONS	VACATION	APP. TR.	OTHERS
Winch Trailer	$7.25	1.31½		a+b		
Euclids, straight, bottom, rear and side dump, carryall and scrapers: (not self loading-loading over the top), water sprinkler trailers, water pulls, and similar types, flat, floats, I-Beam, low beds, transit-mix, road oil, fuel, asphalt, stringer, seeding fertilizing, bituminous distributor, and similar types of vehicles	7.15	1.31½		a+b		
Straight three-axle materials: trucks and floats	7.05	1.31½		a+b		
Straight dumps, flats, floats, pick-ups, container hauler, fuel, water sprinkler, road oil, winch, A-frame, scissor, nipper, "all dual purpose trucks", trucks with mechanical tail gates", any rubber tired tractor used in pulling and towing farm wagons and trailers of any description, mechanics	7.00	1.31½		a+b		
Mechanics helpers	6.77	1.31½		a+b		

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
a. Holidays: A through F; Washington's Birthday; Lincoln's Birthday; Columbus Day; General Election Day; Veteran's Day; Good Friday; providing has worked or shaped one day of the calendar week in which the holiday occurs.

b. Employees who have worked or have received pay for 80 days shall receive 48 hours vacation pay; 125 days - 96 hours vacation pay; 145 days - 120 hours vacation pay; an employee with 145 days credit and at least 15 years seniority shall receive 160 hours vacation pay.

SUPERSEDEAS DECISION

Page 2 of 3

STATE: NEW JERSEY COUNTY: MERCER

DECISION NO.: AR-2088 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2104 dated April 19, 1974, in 39 FR 14168.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$9.85	.50	.50		.025
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS, PLASTERERS, MARBLE MASONS TERRAZZO WORKERS & TILE SETTERS:					
Princeton Boro. & Princeton Twp.: Bricklayers, Plasterers, Stone Masons & Cement Masons	9.50	.50	.70		.03
Marble Masons	7.80	.78	.94		
Terrazzo Workers	8.71	.45+.62	1.19		
Tile Setters	8.20	.55	1.65		
Remainder of County	9.50	.50	.70		.03
CARPENTERS, MILLWRIGHTS & INSULATORS:					
Lawrenceville, Clarkville, Dutch Neck, Grover's Mill, Princeton Jct., Penns Neck, Princeton & Port Mercer	9.73	6%	6%		.02
Remainder of County	9.85	.50	.55		.02
ELECTRICIANS & CABLE SPLICERS	11.35	.43	1%+.40		.10
ELEVATOR CONSTRUCTORS:					
Mechanics	10.23	.44	.29	2½%+a+b	.02
Helpers	7.16	.44	.29	2½%+a+b	.02
Probationary Helpers	5.115				
GLAZIERS	8.70	.70	.65	c	.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.74	.64	1.06	10%	.05
LABORERS, BUILDING					
Princeton, Lawrence & Windsor Twps., & Princeton Boro.:					
Common Laborers, Hod Carriers, Jackhammer Operators, Tampers & Electric Hammer Operators	6.80	.40	.10		
Washington, Hightstown & East Windsor:					
Laborers, Common	7.10	.50	.45		
Jackhammer Operators	7.35	.50	.45		
Remainder of County:					
Laborers, Mortar Mixers, Mason Tenders, Pneumatic Gas, Electric Tool Operators, Power Buggy, Wreckers & Pipe Layers					

DECISION NO. AR-2088

LABORERS, BUILDING: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
(Concrete & Clay)	$6.35	.30	.40		
Plasterers' Tenders & Hod Carriers	6.45	.30	.40		
LATHERS	7.75	.25	.25		.02
LEAD BURNERS	9.25	.35		d	.01
MARBLE SETTERS' HELPERS	7.33	.74	.88		
PAINTERS:					
Brush	8.40	.50	.50	.10	
Structural Steel & Tanks under 30'	8.55	.50	.50	.10	
Structural Steel & Tanks 30' & over	9.00	.50	.50	.10	
Bridges, TV, Radio, Water Towers & Stacks	9.00	.50	.50	.10	
Sandblasting, Steam Cleaning	9.00	.50	.50	.10	
PLUMBERS & STEAMFITTERS:					
Trenton Area	10.39	.57	.80		.05
Princeton Area	9.15	.64	.77	1.10	.09
ROOFERS:					
Composition, Waterproofing, Slate & Asphalt Shingle	9.70	.40	.50		
SHEET METAL WORKERS	8.93	.30	.50		.02
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
SPRINKLER FITTERS:					
Town of Trenton	9.70	.30	.50		.02
Remainder of County	10.00	.50	.70		.08

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

DECISION NO. AR-2088

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. One week's vacation after one year's work; two weeks vacation after 4 years work; 3 weeks vacation after 15 years work.

d. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
orers:	$7.40	.50	.75	a	
asters					
nishers, rammer, paver & gunnite	7.10	.50	.75	a	
ozzle man and stonecutter	7.05	.50	.75	a	
aberman	7.10	.50	.75	a	
rm setters	7.10	.50	.75	a	
rademan					
wer pipe, laser men, conduit & duct	6.80	.50	.75	a	
.ine layers	6.90	.50	.75	a	
gon drill op., & drill masters					
gon drill op. helper & drill masters					
elper, powder carrier, magazine					
ender	6.55	.50	.75	a	
ckhammer, chipping hammer, pavement					
reaker, power buggy, concrete cutter,					
sphalt cutter, sheet hammer & tree					
utter op., & such other power tools used					
or work previously done manually	6.90	.50	.75	a	
ignal man	6.60	.50	.75	a	
apping and coating of all pipe	6.50	.50	.75	a	
mon laborers, landscape laborers,					
ailroad track man, flagmen, salamander					
tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
sters	8.27	.50	.75	a	
illed men (including miners, drill					
nners, iron men, maintenance men,					
nveyor men, safety miners, riggers,					
lock layers, powder carriers, all other					
killed men)	7.87	.50	.75	a	
si-skilled men (including miners'					
elpers, chuck tenders, track men,					
ippers, brake men, derail men, cable					
en, hose men, grout men, gravel men,					
orm men, bell or signal men (top or					
ottom), form workers and movers,					
oncrete workers, shaft men, tunnel					
aborers, caulkers' helpers, all					
ther semi-skilled men)	7.71	.50	.75	a	
l others (including powder watchmen,					
hange house attendants, top laborers)	7.20	.50	.75	a	

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base MTL spreader & base trimmer (CMI & similar types), autograde placer-trimer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw'n ukes), side booms, squeezecrete, straddle carrier (rose & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, graders and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' consitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, swsepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-line, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn., subgrader, base MTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar typas, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on aite, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, gradcre & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.: compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submereible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the enployee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	.61½	.69	a + b	
Euclid, International Harversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	7.15	.61½	.69	a + b	
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	7.05	.61½	.69	a + b	
Straight three-axle materials: Truck and floats	7.00	.61½	.69	a + b	
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch trucks, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader,					

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (CONT'D)					
nipper, fuel trucks (driver on fuel including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), belcrete trucks, pump-crete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	$7.00	.61½	.69	a + b	
Teamster mechanic	7.00	.61½	.69	a + b	
Mechanic helper	6.77	.61½	.69	a + b	

FOOTNOTES:

a. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (40 hrs.), 125 days receive two weeks vacation (80 hrs.), 145 days receive 15 days (120 hrs.), 15 years seniority and 145 days receive 4 weeks vacation (160 hrs.).

b. Paid Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day, provided the employee has been assigned to work or shapes one day of the calendar week during which the holiday falls.

SUPERSEDEAS DECISION

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STATE: NEW JERSEY COUNTY: MONMOUTH

DECISION NO.: AR-2089 DATE: DATE OF PUBLICATION

Supersedes Decision No. AQ-2096 dated April 12, 1974, in 39 FR 13478.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

DECISION NO. AR-2089

	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Twps., of Allentown, Blansingburg, Brielle, Englishtown, Farmingdale, Freehold, Howell, Manalapan, Masasquan, Millstone, Roosevelt, Sea Girt, South Belmar, Spring Lake, Spring Lake Heights, Upper Freehold, Wall & West Belmar	$9.85	.50	.50		.025
Remainder of County	9.202	.5803	.4974		.02
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS	10.00		.40		
CARPENTERS, MILLWRIGHTS & INSULATORS:					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
ELECTRICIANS & CABLE SPLICERS	10.20	.41	12+.30		.01
ELEVATOR CONSTRUCTORS:					
Mechanics	10.23	.44	.29	2½%+a+b	.02
Helpers	7.16	.44	.29	2½%+a+b	.02
Probationary Helpers	5.115				
GLAZIERS	9.05	.61	.65		.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing	9.62	7%	23%	10%	1%
LABORERS, BUILDING:					
Twps. of Matawan, Union Beach, Raritan, Keansburg, Highland, Holmdel, Middletown, Fair Haven, Red Bank, Matawan Boro. & Marlboro:					
Common Laborers	7.10	.30			
Jackhammer Operators	7.35	.30			
Remainder of County:					
Common Laborers	7.10	.50	.45		
Jackhammer Operators	7.35	.50	.45		
LEAD BURNERS	9.25	.35		c	.01
LINEMEN & CABLE SPLICERS	10.20	.41	12+.30		.01
MARBLE SETTERS	7.80	.78	.94		
MARBLE SETTERS' HELPERS	7.33	.74	.88		
PAINTERS:					
Commercial	$7.80		.45		
Swing Scaffold, Tanks, Stacks, Bridges, Radio Towers, Water Towers, Window Jacks, 3 stories & over, Structural Steel & all Hazardous work	8.40		.45		
PILEDRIVERMEN & DOCK BUILDERS	9.36	.90	1.53	.56	.02
PLUMBERS & STEAMFITTERS:					
Ashbury Park Area	10.45	5%	.75		.05
Red Bank Area	9.56	.41	.60	1.00	.20
ROOFERS:					
Allentown, Arneytown, Hornerstown, Cream Ridge, Imlaystown, New Sharon, Roosevelt, Clerksburg & Perrineville:					
Composition, Waterproofing, Slate & Asphalt Shingle	9.70	.40	.50		
Remainder of County:					
Composition, Damp & Waterproofing	10.25	.55	.50		
Slate & Tile	10.375	.55	.50		
Slate & Tile Helpers	9.25	.55	.50		
SHEET METAL WORKERS	9.49	6%	4%+.10	8%	.02
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
SPRINKLER FITTERS:					
Union Beach, Keyport, Cliffwood, Keansburg, Port Monmouth, Belford, Leonardo, Atlantic Highlands, New Monmouth, Matawan & Middletown	10.53	.50	.70		.07
Remainder of County	10.00	.50	.70		.08
TERRAZZO WORKERS	8.71	.45+.62	1.19		
TERRAZZO WORKERS' HELPERS	7.43	.925	.475		
TERRAZZO WORKERS MACHINE OPERATORS	7.68	.925	.475		
TILE SETTERS	8.20	.55	1.75		
TILE SETTERS' HELPERS	8.01	6%	7%		
WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.					

XUM

DECISION NO. AR-2089

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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N.J.-2-LAB-2-3-C 1 of 2

HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.90	.50	.75	a	
Finisher, rammer, paver, gunite nozzle men and stone cutter	7.75	.50	.75	a	
Timberman	7.50	.50	.75	a	
Form setter	7.45	.50	.75	a	
Sewer pipe, laser men, conduit and duct line layers	7.25	.50	.75	a	
Wagon drill op. and drill master	7.35	.50	.75	a	
Wagon drill op. helper, drill master helper, powder carrier and magazine tender	7.00	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer and tree cutter op. and such other power tools used to perform work usually done manually by laborers	7.35	.50	.75	a	
Signal man	7.05	.50	.75	a	
Wrapping and coating of all pipe	6.85	.50	.75	a	
Common laborers, landscape laborers, railroad track laborers, flagmen, traffic directors, salamander tenders, pitman and dumpmen	6.80	.50	.75	a	
Rakers and tampers on cold patch work	6.80	.50	.75	a	
FREE AIR TUNNEL WORK					
Blaster	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

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N.J.-2-LAB-2-3-C 2 of 2

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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N.J. 4-LAB-5-0

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. subgrader, base NTL spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalle, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull,'hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drum, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary(except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde curb trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, gradere and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' consttitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipeline, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefit Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn., subgrader, base NTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including overhead & straddle travelling type), cranes (gantry), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyster and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, gradere & motor patrols, gunite machine (exoluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.:
compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas or flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic immaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tanping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	.61½	.69	a + b	
Euclid, International Harversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	7.15	.61½	.69	a + b	
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump bopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	7.05	.61½	.69	a + b	
Straight three-axle materials: Truck and floats	7.00	.61½	.69	a + b	
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus, dumpcrete, transit-mixers, agitator mix, half-track, winch trucks, side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader,					

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (CONT'D)					
nipper, fuel trucks (driver on fuel including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), belcrete trucks, pump-crete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol truck master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	$7.00	.61½	.69	a + b	
Teamster mechanic	7.00	.61½	.69	a + b	
Mechanic helper	6.77	.61½	.69	a + b	

FOOTNOTES:

a. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hrs.), 125 days receive two weeks vacation (96 hrs.), 145 days receive 15 days (120 hrs.), 15 years seniority and 145 days receive 4 weeks vacation (160 hrs.).

b. Paid Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day, provided the employee has been assigned to work or shapes one day of the calendar week during which the holiday falls.

SUPERSEDEAS DECISION

STATE: NEW JERSEY — COUNTY: OCEAN

DECISION NO.: AR-2090 — DATE: DATE OF PUBLICATION

Supersedeas Decision No. AQ-2106 dated April 26, 1974, in 39 FR 14880.
DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories), Heavy and Highway Construction.

DECISION NO. AR-2090

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS:					
Twps. of Eaglewood, Lacy, Little Egg Harbor, Long Beach, Ocean, Stafford, Tuckerton & Union	$9.22	.50	.50		
Remainder of County	9.85	.50	.50		.025
BOILERMAKERS	9.48	8%	19%	10%	.01
BOILERMAKERS HELPERS	8.95	8%	19%	10%	.01
BRICKLAYERS, STONE MASONS, CEMENT MASONS & PLASTERERS	10.00		.40		
CARPENTERS, MILLWRIGHTS & INSULATORS:					
Carpenters & Insulators	9.73	6%	6%		.02
Millwrights	9.98	6%	6%		.02
ELECTRICIANS & CABLE SPLICERS	10.20	.41	17+.30		.01
ELEVATOR CONSTRUCTORS:					
Mechanics	10.23	.44	.29	2½+a+b	.02
Helpers	7.16	.44	.29	2½+a+b	.02
Probationary Helpers	5.115				
GLAZIERS	9.05	.61	.65		.02
IRONWORKERS:					
Structural, Ornamental & Reinforcing-nearest towns as listed below:					
Atlantic City	10.10	.64	1.06		.05
Perth Amboy	9.62	7%	23%	10%	1%
Trenton	9.74	.64	1.06	10%	.05
LABORERS, BUILDING:					
Lacey, Ocean, Union, Barnegat City, Stafford, Harvey Cedars, Surf City, Eagleswood, Ship Bottom, Beach Arlington, Little Egg Harbor, Beach Haven & Tuckerton Twps.:					
Laborers, Concrete Workers, Mason Tenders & Plasterers' Tenders	6.35	.55	.15		
Nozzle Gun Operators	6.45	.40	.15		
Air Tool Operators & Gunite Men	6.80	.55	.15		
Remainder of County:					
Laborers, Common	7.10	.50	.45		
Jackhammer Operators	7.35	.50	.45		
LEAD BURNERS	9.25	.35		c	.01
LINEMEN & CABLE SPLICERS	10.20	.41	17+.30		.01
PAINTERS:					
Twps. of Ocean, Union, Stafford, Eagleswood & Little Egg Harbor:					
Brush & Roller	8.25	.45	.45		
Paperhanging, Vinyl-wall Covering	8.25	.45	.45		
Structural Steel, Tanks & Flag Poles	9.25	.45	.45		
Spray	9.25	.45	.45		
Sandblasting & Stripping of Lines by Mechanical Machines	9.25	.45	.45		
Remainder of County:					
Commercial	7.80		.45		
Swing Scaffold, Tanks, Stacks, Bridges, Radio Towers, Water Towers, Window Jacks, 3 stories & over, Structural Steel & all Hazardous work	8.40		.45		
PILEDRIVERMEN & DOCK BUILDERS	9.36	.90	1.53	.56	.02
PLUMBERS & STEAMFITTERS:					
Whiting to Keswick Grove to Bargenat Pines to Bargenat Light and all areas south thereof inclusive	10.58	.42	.42		.025
Remainder of County	10.45	5%	.75		.05
ROOFERS:					
County line southward to Cassville, Lakehurt, Whiting, Wheatland and Cedar Bridge inclusive:					
Composition, Damp & Waterproofing	10.25	.55	.50		
Slate & Tile	10.375	.55	.50		
Slate & Tile Helpers	9.25	.55	.50		
Remainder of County:					
Composition, Waterproofing, Slate & Asphalt Shingle	9.70	.40	.50		
SHEET METAL WORKERS	9.49	6%	4%+.10	8%	.02
SOFT FLOOR LAYERS	9.43	6%	5%	.37	
SPRINKLER FITTERS	10.00	.50	.70		.08

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DECISION NO. AR-2090

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving; F-Christmas Day.

FOOTNOTES:

a. Paid Holidays: A through F

b. Employer contributes 4% of basic hourly rate for 5 years or more of service or 2% of basic hourly rate for 6 months to 5 years of service as Vacation Pay Credit.

c. Paid Holidays: A through F; plus Washington's Birthday, Good Friday and Christmas Eve, providing employee has worked 45 full days during the 120 calendar days prior to the holiday, and the regular scheduled work days immediately preceding and following the holiday.

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HEAVY AND HIGHWAY CONSTRUCTION

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers:					
Blasters	$7.40	.50	.75	a	
Finishers, rammer, paver & gunnite nozzle man and stonecutter	7.10	.50	.75	a	
Timberman	7.05	.50	.75	a	
Form setters	7.10	.50	.75	a	
Grademan	7.10	.50	.75	a	
Sewer pipe, lasor men, conduit & duct line layers	6.80	.50	.75	a	
Wagon drill op., & drill masters	6.90	.50	.75	a	
Wagon drill op. helper & drill masters helper, powder carrier, magazine tender	6.55	.50	.75	a	
Jackhammer, chipping hammer, pavement breaker, power buggy, concrete cutter, asphalt cutter, sheet hammer & tree cutter op., & such other power tools used for work previously done manually	6.90	.50	.75	a	
Signal man	6.60	.50	.75	a	
Wrapping and coating of all pipe	6.50	.50	.75	a	
Common laborers, landscape laborers, railroad track man, flagmen, salamander tenders, pitmen & dumpmen	6.40	.50	.75	a	
FREE AIR TUNNEL WORK					
Blasters	8.27	.50	.75	a	
Skilled men (including miners, drill runners, iron men, maintenance men, conveyor men, safety miners, riggers, block layers, powder carriers, all other skilled men)	7.87	.50	.75	a	
Semi-skilled men (including miners' helpers, chuck tenders, track men, nippers, brake men, derail men, cable men, hose men, grout men, gravel men, form men, bell or signal men (top or bottom), form workers and movers, concrete workers, shaft men, tunnel laborers, caulkers' helpers, all other semi-skilled men)	7.71	.50	.75	a	
All others (including powder watchmen, change house attendants, top laborers)	7.20	.50	.75	a	

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PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:

a. Holidays: A through F; Washington's Birthday; Armistice Day; Presidential Election Day; (providing employee works 3 days for the same employer within a period of 10 working days consisting of 5 working days before and 5 working days after the day upon which the holiday falls).

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N.J. 4-LAB-5-0

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
Laborers, Asphalt					
Street:					
Head raker	$7.05	.50	.75	a	.05
Rakers and screed board man	6.90	.50	.75	a	.05
Tampers, smoothers, kettlemen, painters, top shovelers and roller boys	6.65	.50	.75	a	.05
Plant:					
Scale mixers and burner men	6.90	.50	.75	a	.05
Feeders and dust men	6.65	.50	.75	a	.05

PAID HOLIDAYS:

A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Holidays: A through F, Washington's Birthday; Armistice Day & Presidential Election Day providing employee works on (3) three days for the same employer within a period of ten (10) working days, consisting of five (5) working days before and five (5) working days after the day on which the holidays falls or is observed as such.

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BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS:

GROUP I: Autograde - combn. sulgrader, base NTL spreader & base trimmer (CMI & similar types), autograde placer-trimser-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), derricks (land or floating), drillmaster, quarrymaster (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loaders (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jack (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (largo), mucking machines, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (superhammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel) koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways carryalls, cherry pickers (6 tons & under), concrete pump, concrete pumping system, pumpcrete, squeezecrete & similar types, conveyors (125' & over), economobiles (hilo, lull, hyster similar type equipment), fork lifts, front end loaders (2 yds, but less than 5 yds.), grove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping regardless of size), scrapers (letourneau, dw's ukes), side booms, squeezecrete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Aerial platform (used as hoist), hoist (all type hoists, gas, diesel, electric, air hydraulic, single and double drun, concrete, brick shaft caisson, conveyor, snorkel, roof, tugger, and house cars or any other similar type hoisting machines, portable or stationary, except Chicago boom type), elevators or house cars, roof hoist

GROUP IV: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI & similar), autograde curecrete machine (CMI & similar), autograde crub trimmer & sidewalk, shoulder slipform (CMI & similar types), bar bending machines (power), batchers, batching plant & crusher on site, belt conveyor systems, boilers and steam jennies (irrespective of their use), boom type skimmer machines, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on job site or in conjunction with job site, in loading and unloading of concrete, cement, fly ash, instancrete, or similar type materials), concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders hetzel, rexomatic and similar types, conveyors (under 125'), crushing machines, ditching machines (small, ditch-witch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpsters, fine grade machine (large type), front end loaders (under 2 yds.), generators giraffe grinders, gradera and motor patrols, gunite machines (excluding nozzle), hammer vibrator (in conjunction with generator), hoppers, hopper doors (power operated), ladders (motorized), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt

BUILDING & HEAVY CONSTRUCTION - POWER EQUIPMENT OPERATORS CONT'D.:

curbing machines, concrete finishing machines, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breakers (small, self propelled ride on type, also maintains compressor or hydraulic unit), pipe bending machine (power), pitch pump, plaster pump (regardless of size), post hole digger, rod bending machines (power), scales (power), seaman pulverizing mixer, silas, steam jennies and boilers (irrespective of theiruse), steel cutting machine (service & maintains), vibrating plants (used in conjunction with unloading, welder and repair mechanic

GROUP V: Welding machines (gas or electric converters of any type 2 or 3 in battery), compressors (2 or 3 within a total distance of 100' constitutes a battery), welding system, mutiple (rectifier transformer type)

GROUP VI: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone, spreaders, sweepers & brooms, tractors (D-8 and over), water & sprinkler trucks (used on job site or in conjunction with job site)

GROUP VII: Compressor (single), heaters (nelson or other type including propane, natural gas or flow type units), pumps (4 inch suction & over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), welding machines (gas or electric converters of any type single), wellpoint system (including installation and maintenance), pumps (2 of less than 4 inch suction including submersible pumps)

GROUP VIII: Concrete spreaders (small type), fertilizing equipment and maintenance of), grease, gas, fuel and oil supply trucks, mulching equipment (operation and maintenance of), seeding equipment (operation and maintenance of), tamping machines (vibrating self propelled)

GROUP IX: Assistant engineer/oiler, mechanics helper, tire repair & maintenance

GROUP X: Water Operation: On all power boats used in conjunction with pipe-lino, river crossings and all types of construction: captain (power boats), tug master (power boats)

GROUP XI: Water Operations: Deckhand

GROUP XII: Pump (staging)

GROUP XIII: Rollers (grade fill or stone base), tractors under D-8

GROUP XIV: Helicopters (pilot/engineer)

GROUP XV: Asphalt spreaders, bridge deck finisher, grader finish only

GROUP XVI: Roller blacktop

BUILDING AND HEAVY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
POWER EQUIPMENT OPERATORS					
GROUP I	$11.28	7%	10%+5%	a	3%
GROUP II	10.40	7%	10%+5%	a	3%
GROUP III	10.20	7%	10%+5%	a	3%
GROUP IV	9.51	7%	10%+5%	a	3%
GROUP V	9.36	7%	10%+5%	a	3%
GROUP VI	9.31	7%	10%+5%	a	3%
GROUP VII	8.60	7%	10%+5%	a	3%
GROUP VIII	8.45	7%	10%+5%	a	3%
GROUP IX	8.15	7%	10%+5%	a	3%
GROUP X	9.46	7%	10%+5%	a	3%
GROUP XI	8.05	7%	10%+5%	a	3%
GROUP XII	10.50	7%	10%+5%	a	3%
GROUP XIII	8.96	7%	10%+5%	a	3%
GROUP XIV	12.88	7%	10%+5%	a	3%
GROUP XV	9.76	7%	10%+5%	a	3%
GROUP XVI	10.65	7%	10%+5%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE
a. Holidays, A through F plus Washington's Birthday, Presidential Election and Veterans Day provided the employee works any of the three days in the five work days preceeding the holiday and the first work day after the recognized holiday.

POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION:

GROUP I: Autograde-combn,. subgrader, base NTL. spreader & base trimmer (CMI & similar types), autograde placer-trimmer-spreader-combn. (CMI & similar types), autograde slipform paver (CMI & similar types), backhoes (all types, including all combination hoe loaders), central power plants (all types), concrete paving machines, cranes (all types including over-head & straddle travelling type), cranes (gantry), drillmaster, quarry-master (down the hole drill), draglines, elevator graders, engines (large diesel 1620 HP and staging pump), front end loader (5 yds. and over), gradalls, grader, rago, helicopters (co-pilot), jacks (screw air hydraulic power operated unit or console type (not hand jack or pile load test type), locomotive (large), mucking machine, pavers (21-E and over), paver (resinous, broyhill), pavement & concrete breaker (super-hammer), pavement breaker truck mounted, piledriver, scooper (loader and shovel), koehring, shovels, tree chopper, trench machines

GROUP II: "A" frame, boring & drilling machines, brush chopper, chipper & shredder, cableways, carryalls, cherry pickers (6 tons and under), concrete pump, concrete pumping system, pumpcrete, squeezecrete and similar types, conveyors (125' and over), economobiles (hilo, lull, hyater and similar type equipment), fork lifts, front end loaders 2 yds. but less than 5 yds., groove cutting machine, heater planer, pans (letourneau, dw's ukes), pumpcrete (unit type), pumpcrete machines (squeezecrete & concrete pumping machines regardless of size), hoist (Chicago Booms), scrapers (letourneau, dw's ukes), side booms, squeeze-crete, straddle carrier (ross & similar types), winch trucks (hoisting)

GROUP III: Asphalt curbing machine, asphalt plant engineer, autograde tube finisher & texturing machine (CMI and similar), autograde curecrete machine (CMI and similar types), autograde curb trimmer & sidewalk, shoulder slip form (CMI and similar types), bar bending machines (power), batchers, batching plant and crusher on site, belt conveyor systems, car dumpers (railroad), compressor and blower type units (used independently or mounted on dual purpose trucks, on the job site or in conjunction with job site in loading and unloading of concrete, cement, fly ash, instancrete or similar type materials, concrete breaking machines, concrete finishing machines, concrete saws & cutters (ride on type), concrete spreaders, hetzel, rexomatic & similar types, conveyors (under 125'), crushing machines, ditching machines (small ditchwitch or similar), drill doctor (duties include dust collector, maintenance), dope pots (mechanical with or without pump), dumpster, fine grade machine (large type), concrete vibrator, skimmer machines (boom type), generators, giraffe grinders, graders & motor patrols, gunite machine (excluding nozzle), hammer vibratory (in conjunction with generator), hoppers, hopper doors (power operated), laddervator, lights (portable generating light plants), locomotive (dinky type), maintenance and repair of asphalt curbing machines, concrete finishing machines, concrete vibrators, gas buggies, leveling machines, portable generators, power saws, compressor equipment or compressor units used in connection with cement, paint, insulating and acoustical sprays, plaster, curing and sandblasting (all and similar types), mechanic, mixers (excepting paving mixers), motor patrols and graders, pavers (under 21-E), pavement breaker (small, selfpropelled ride on type, also maintains

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POWER EQUIPMENT OPERATORS - HIGHWAY, ROAD, STREET, & SEWER CONSTRUCTION CONT'D.: compressor or hydraulic unit), pipe bending machine (power), pitch pump, front end loaders (1 yd. and over, but less than 2 yds.), post hole digger, rod bending machine (power), scales (power), seaman pulverizing mixer, silos, steam jennies and boilers (irrespective of their use), steel cutting machine (services and maintains), vibrating plants (used in conjunction with unloading), welder and repair mechanic

GROUP IV: Bulldozer, fireman, sprinkler and water pump trucks (used on job site or in conjunction with job site), stone spreaders, sweepers and brooms, tractors (D-8 and over), water and sprinkler trucks (used on job site in conjunction with job site)

GROUP V: Compressors (single), heaters (nelson or other type including propane, natural gas ot flowtype units), pumps (4 inch suction and over including submersible pumps), temporary heating plant (nelson or other type including propane, natural gas or flow type units), pumps (diesel engine and hydraulic imaaterial of power), wellpoint systems (including installation and maintenance), welding machines (gas or electric converters of any type 2 or 3 in battery), pumps (2 of less than 4 inch suction including submersible pumps

GROUP VI: Front end loaders (under 1 yard)

GROUP VII: Helicopters (pilot/engineer)

GROUP VIII: Pump (staging)

GROUP IX: Rollers (grade fill or stone base), tractors (under D-8)

GROUP X: Tug master (power boats), captain (power boats)

GROUP XI: Compressors (2 or 3 within a total distance of 100' constitutes a battery

GROUP XII: Concrete spreaders (small type), fertilizing equipment (operation & maintenance of) grease, gas, fuel and oil supply trucks, mulching equipment, operation and maintenance of seeding machines, tamping machines (vibrating, self propelled), farm tractors, conveyor loaders (not including elevator graders), fine grade machine (small type), concrete mixers (small), road finishing machines (small type), welding machines (gas or electric converters of any type-single), form line graders (small type)

GROUP XIII: Roof hoists, aerial platform used as hoist

GROUP XIV: Tire repair and maintanence, mechanics helpers & oiler

GROUP XV: Asphalt spreaders, bridge deck finisher, grader (finish only)

GROUP XVI: Roller blacktop

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HIGHWAY, ROAD, STREET & SEWER CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
GROUP I	$11.28	7%	5%+10%	a	3%
GROUP II	10.40	7%	5%+10%	a	3%
GROUP III	9.51	7%	5%+10%	a	3%
GROUP IV	9.31	7%	5%+10%	a	3%
GROUP V	8.60	7%	5%+10%	a	3%
GROUP VI	9.16	7%	5%+10%	a	3%
GROUP VII	12.88	7%	5%+10%	a	3%
GROUP VIII	10.50	7%	5%+10%	a	3%
GROUP IX	8.96	7%	5%+10%	a	3%
GROUP X	9.46	7%	5%+10%	a	3%
GROUP XI	9.21	7%	5%+10%	a	3%
GROUP XII	8.45	7%	5%+10%	a	3%
GROUP XIII	10.20	7%	5%+10%	a	3%
GROUP XIV	8.15	7%	5%+10%	a	3%
GROUP XV	9.76	7%	5%+10%	a	3%
GROUP XVI	10.65	7%	5%+10%	a	3%

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Indenpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays; A through F, Washington's Birthday, Presidential Election Day and Verterans Pay provided the employee works any three days in the five day work week preceding the holiday and the first work day following the holiday.

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STEEL ERECTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
Power Equipment Operators:					
Cranes and derricks (land or floating), with booms (including jib), less than 140'	$12.08	7%	15%	a	3%
Cranes and derricks (land or floating), with booms (including jib), 140' and over	12.88	7%	15%	a	3%
A-frame, cherry pickers, elevators, permanent or temporary or any other hoisting machine regardless of motor power, fork lifts, hoists house cars, side booms, jacks	11.43	7%	15%	a	3%
Air compressors (2 or 3 in battery), generators, welding machines (gasoline or electric) converters of any type, 2 or 3 in battery multiple welders	9.86	7%	15%	a	3%
Air compressors single, welding machines (gasoline electric converter of any type, single) rod bending machines power	9.05	7%	15%	a	3%
Firemen	9.38	7%	15%	a	3%
Oilers, straddle carrier	8.55	7%	15%	a	3%
Water Operations:					
On all power boats used in conjunction with pipe line, river crossings and all types of construction work:					
Captain, tugmaster	9.80	7%	15%	a	3%
Deckhand	8.50	7%	15%	a	3%

PAID HOLIDAYS:
A-New Years' Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTE:
a. Paid holidays: A through F; Washington's Birthday; Veteran's Day and Presidential Election Day.

DECISION NO. AR-2090 P. 14 New Jersey 1-TD-1-2-3-G 1 of 2

BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS:					
Winch Trailers	$7.25	.61½	.69	a + b	
Euclid, International Harversters, Wabcos, caterpiller, koehring, tractors and wagons, dumptors, straight, bottom rear and side dump, carryalls and scrapers (not self-loading), over the top, water sprinkler, trailers, water pulls, and similar types of vehicles	7.15	.61½	.69	a + b	
Tractor and trailer type vehicles, flat floats, I-Beam, low beds, water sprinkler, bituminous, transit-mix, road oil, fuel, bottom dump hopper, rear dump, office shanty, epoxy, asphalt, agitator mix, mulching, stringer, seeding, fertilizing pole, spread, bituminous distributor, water pulls (entire unit) (tractor trailer), reel trailer, and similar types of vehicles	7.05	.61½	.69	a + b	
Straight three-axle materials: Truck and floats	7.00	.61½	.69	a + b	
Straight dumps, flats, floats, pick-ups, container haulers, fuel, water sprinkler, road oil, stringer bead and hot pass, bus; dumpcrete, transit-mixers, agitator mix, half-track, winch truck; side-o-matic, dynamite, powder, X-ray, welding, skid, jeep, station wagon, stringer, A-Frame, all dual purpose trucks, mechanical tail gates, batch, seeding, mulching, fertilizer, air compressor trucks (in transit), escort, scissor, hi-lift, telescope, concrete breaker, gin pole, stone, sand, asphalt-distributor and spreader,					

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BUILDING, HEAVY & HIGHWAY CONSTRUCTION	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
TRUCK DRIVERS (CONT'D)					
Dipper, fuel trucks (driver on fuel including handling of hose and nozzle-entire unit), team drivers, vacuum or vac-all trucks, skid truck (debris container-entire unit), concrete mobile trucks (entire unit), belcrete trucks, pump-crete trucks, line trucks, reel, wreckers or tow trucks, utility, tack trucks, broyhill coal tar epoxy, little ford bituminous distributor, slurry seal truck or vehicle, thiokol track master pick-up (swamp cat pick-up), bucket loader dump, rubber tired tractor used in pulling and towing farm wagon and trailers of any discription	$7.00	.61½	.69	a + b	
Teamster mechanic	7.00	.61½	.69	a + b	
Mechanic helper	6.77	.61½	.69	a + b	

FOOTNOTES:

a. Employees working or receiving pay for 80 days within a year receive one weeks paid vacation (48 hrs.), 125 days receive two weeks vacation (96 hrs.), 145 days receive 15 days (120 hrs.), 15 years seniority and 145 days receive 4 weeks vacation (160 hrs.).

b. Paid Holidays: A through F; Lincoln's Birthday, Washington's Birthday, Good Friday, General Election Day, Columbus Day, Veterans Day, provided the employee has been assigned to work or shapes one day of the calendar week during which the holiday falls.

SUPERSEDEAS DECISION

STATE: Pennsylvania — Counties: Lackawanna, Susquehanna, Wayne, Wyoming

DECISION NO.: AR-2092 — DATE: Date of Publication

Supersedes Decision No. AQ-2092, datrd April 12, 1974, in 39 FR 13499

DESCRIPTION OF WORK: Building Construction, (excluding single family homes and garden type apartments up to and including 4 stories)

	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
ASBESTOS WORKERS	$ 9.00	.50	.35		.01
BOILERMAKERS	10.20	.65	1.00		.01
BRICKLAYERS & STONEMASONS:					
Scranton, Wayne County	9.00	.50	.50		.01
Carbondale	8.85	.30			
Susquehanna & Wyoming Counties	9.15	.35	.50		
CARPENTERS	8.17	.405	.50		.05
CEMENT MASONS:					
Wyoming, Wayne, Susquehanna Counties	8.40	.40	.40		
Scranton	8.40	.40	.40		
Carbondale	8.85	.30			
ELECTRICIANS:					
Lackawanna, Susquehanna and Wayne Counties	8.15	.35	1%+.50	.50	.10
Wyoming County					
East of Susquehanna River	8.15	.35	1%+.50	.50	.10
West of Susquehanna River	9.15	.30	1%+.35		.03
ELEVATOR CONSTRUCTORS:					
Elevator Constructors	8.09	.39	.26	2½%+a+b	.02
Elevator Constructors Helpers	5.66	.39	.26	2½%+a+b	.02
Elevator Constructors Helpers (prob.)	4.045				
GLAZIERS	8.25	.35	.40		
IRONWORKERS:					
Lackawanna, Wayne & Wyoming County					
Structural & Ornamental	9.85	.64	1.06		.10
Reinforcing	9.75	.64	1.06		.10
Susquehanna County	9.00	.41	.43		.04
LABORERS:					
Lackawanna, Wayne, Susquehanna & Northern part of Wyoming County:					
Unskilled and Window Cleaners	6.80	.48	.50		
Semi skilled Laborers: Jackhammer operators, (each man when two required for operation of jackhammer) Vibrator and Buster Men, Wagon Drill and all men handling dynamite. Gas buggies 2" pumps and concrete mixers (up to 2 bags) and all pneumatic tools	6.95	.48	.50		

DECISION NO. AR-2092

LABORERS: (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments: H & W	Pensions	Vacation	App. Tr.
Plaster tenders and Mason tenders and haidling of all material to be used Masons & Scaffold Builders	$ 7.20	.48	.50		
Non-metallic pipe layers and making of joints, clay, terra cotta, ironetone, vitrified concrete handling of burning torches, asphalt or other material	6.95	.48	.50		
Southern part of Wyoming County:					
Unskilled	7.17	.25	.35		
Semi skilled laborers, Pneumatic and other mechanical tool op.; 2" pump or under, handling and mixing of all material used by masons from stock pile to mason, Non-metallic pipelyaer and making of joints, clay, terra cotta, ironstone, vitrified concrete, handling of burning torches asphalt or other hot material, cement finishers and blasters helpers	7.37	.25	.35		
Plasterers tenders, blaster, wagon drill ops.	7.49	.25	.35		
Mason tenders & scaffold builders	7.57	.25	.35		
LATHERS	8.79		.10		.01
LEAD BURNERS	9.25	.35		c	.01
LINE CONSTRUCTION:					
Lineman, dynamite man	9.04	.20	1%		
Groundman truck driver	6.41	.20	1%		
Groundman	6.15	.20	1%		
MARBLE SETTERS	8.82				
MILLWRIGHTS:					
Lackawanna, Susquehanna & Wayne Counties	8.75	.405	.50		.05
Wyoming County	9.18	.25	.35		.02
PAINTERS:					
Lackawanna, Wayne, Susquehanna and Tunkhannock in Wyoming County					

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DECISION NO AR-2092

	Basic Hourly Rates	Fringe Benefits Payments			
PAINTERS: Cont'd)		H & W	Pensions	Vacation	App. Tr.
Brush	$ 7.10		.60		
Spray	8.60		.60		
Steel	8.10		.60		
Carbondale in Lackawanna					
Brush	7.50				
Steel	7.95				
South Eastern part of Wyoming County					
Brush	5.60		.25		
Steel	6.81		.25		
PILEDRIVERMEN	9.92	1.28	.90	d	.07
PLASTERERS	8.55	.40	.40		
PLUMBERS	8.51	.35	.50		
POWER EQUIPMENT OPERATORS					
GROUP 1	10.19	4.6%	9.5%	a	1.2%
GROUP 2	9.90	4.6%	9.5%	a	1.2%
GROUP 3	9.02	4.6%	9.5%	a	1.2%
GROUP 4	8.25	4.6%	9.5%	a	1.2%
GROUP 5	7.77	4.6%	9.5%	a	1.2%
GROUP 6	6.85	4.6%	9.5%	a	1.2%
GROUP 7	10.44	4.6%	9.5%	a	1.2%
GROUP 7-A	10.69	4.6%	9.5%	a	1.2%
GROUP 7-B	10.94	4.6%	9.5%	a	1.2%

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION

GROUP 1: Machines doing hook work, any machine handling machinery, cable spinning machines, helicopters, machines similar to the above

GROUP 2: All types of cranes, all types of backhoes, cableways, dragline, keystones, all types of shovels, derricks, trench shovels, trenching machines, hoist with two towers, pavers 21E and over, all types overhead cranes, building hoists (double drum) gradalls, mucking machines in tunnel, all front end loaders 3½ c.y. and over, tandem scrapers, pippin type backhoes, boat Captains, batch plant operators (concrete) drills, self-contained rotary drills, fork lifts, 20 ft. lift and over machine to the above

GROUP 3: Conveyors, building hoists (single drum) scrapers and tournapulls, spreaders, high or low pressure boilers, concrete pumps, well drillers, bulldozers and tractors, asphalt plant engineers, roller (high grade finishing), ditch witch type trencher, all loaders under 3-½ cu. yds., mechanic-welders, motor patrols, drill helper-self contained rotary drills, core drill operator, forklift trucks under 20 ft. lift, machines similar to the above

POWER EQUIPMENT OPERATORS CLASSIFICATION DEFINITION CONT'D.:

GROUP 4: Welding machines, well points, compressors, pumps, heaters, farm tractors, form line graders, fine grade machines, road finishing machines, concrete breaking machines, rollers, seaman pulverizing mixer, power broom, seeding spreaders, tireman (for power equipment), machines similar to above

GROUP 5: Fireman, grease truck

GROUP 6: Oilers and deck hands (personnel boats), core drill helper

GROUP 7: All machines with booms (including jib, masts, leads, etc.): 100 ft. and over

GROUP 7-B: 200 ft. and over

FOOTNOTE:

a. Paid Holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day, provided the employee works the day before and after the holiday.

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	App. Tr.
ROOFERS:					
Composition & Kettleman	$ 8.21	.42	.47		
Helpers	7.985	.42	.47		
SHEET METAL WORKERS	8.97	.55	.40		.04
SOFT FLOOR LAYERS:					
Lackawanna, Wayne Susquehanna Counties	8.17	.405	.50		.05
Wyoming County	7.79	.25	.35		.02
SPRINKLER FITTERS	9.45	.50	.70		.08
PIPEFITTERS	9.29	.35	.75		.04
TRUCK DRIVERS:					
Class I	6.57				
Class II	6.64				
Class III	7.13				

TRUCK DRIVERS CLASSIFICATION DEFINITION

CLASS I: Helper, stake body truck (single axle), dumpster

CLASS II: Dump trucks, tandem & batch trucks, semi-trailers, agitator mixer trucks, ready mix and dumpcrete type vehicles asphalt distributots, farm tractor when used for transportation, stake body truck (tandem)

CLASS III: Euclid type, off-highway equipment - back or belly dump trucks and doublehitched equipment, straddle (Ross) carrier, low-bed trailers

WELDERS - receive rate prescribed for craft performing operation to which welding is incidental.

PAID HOLIDAYS: (Where Applicable)
A-New Year's Day; B-Memorial Day; C-Indpendence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 4% basic hourly rate for 5 years or more of service or 2% basic hourly rate for 6 months to 5 years of service for vacation pay credit.

b. Paid Holidays: A through F.

c. Paid holidays, A through F and Washington's Birthday, Good Friday, and Christmas Eve, provided the employee has worked 45 days for the employer during the 120 days prior to the holiday and is available for work the days preceding and following the holiday.

d. Paid Holidays: Washington's Birthday; Good Friday; Memorial Day; Labor Day; Presidential Election Day; Veterans Day; Thanksgiving Day.

[FR Doc.74-27733 Filed 11-27-74;8:45 am]

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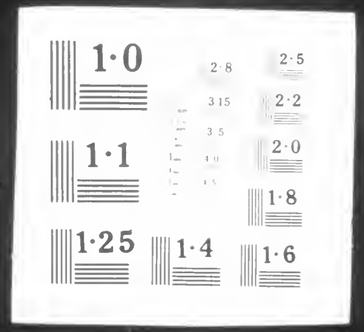
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RESOLUTION CHART



100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "E" shaped groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100 ÷ 20 = 5.

Examine "E" shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.